MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 17TH DAY OF FEBRUARY, 2009

On the 17th day of February, 2009, the City Council of the City of Lufkin, Texas convened in a Regular Meeting in the Council Chambers of City Hall with the following members, thereof to wit:

Rose Faine Boyd	Mayor Pro Tem
R. L. Kuykendall	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Rufus Duncan	Councilmember, Ward No. 5
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Renee Thompson	City Secretary
Bob Flournoy	City Attorney
Larry Brazil	Police Chief
Scott Marcotte	Asst. Police Chief
Pete Prewitt	Fire Chief
Doug Wood	Finance Director
Rodney Ivy	Human Resource Director
Steve Floyd	Public Works Director
Chuck Walker	Public Utilities Director
Dale Allred	Inspection Services Director
Mike Akridge	
Barbara Thompson	Main Street Director
Belinda Southern	Finance Manager
Bill Cameron	City Webmaster
Victor Bruce	Chairman, Parks & Recreation Advisory Board
Richard Joseph	Parks & Recreation Advisory Board
Roy Reyes	Parks & Recreation Advisory Board
Keith New	Drug Free Business Task Force
Richard Rudel	Alexander, Lankford, & Hiers, Inc.
Mary Henderson	Mary Henderson Associates

being present, and

Jack Gorden, Jr.	Mayor
Keith Wright	Assistant City Manager

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Bob Flournoy, City Attorney.

2. Mayor Pro Tem Rose Faine Boyd welcomed visitors present. Councilmember Lynn Torres stated that there were students in the audience representing the Angelina County Drug Free Allstars and asked them to stand and be recognized. Mayor Pro Tem Boyd welcomed the students to the meeting.

3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of February 3, 2009, were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **SECOND READING OF AN ORDINANCE PROVIDING FOR THE CALLING AND ORDERING OF A GENERAL ELECTION FOR THE CITY OF LUFKIN, TEXAS –**

APPROVED - TO BE HELD AT SIX (6) POLLING PLACES IN LUFKIN, TEXAS ON MAY 9, 2009 BETWEEN HOURS OF 7:00 A.M.-7:00 P.M. FOR THE PURPOSE OF ELECTING A MAYOR AND A COUNCILMEMBER FOR WARD TWO (2) AND A COUNCILMEMBER FOR WARD FOUR (4), FOR THREE (3) YEAR TERMS, AND PROVIDING FOR THE NECESSARY NOTICES AND FIXING THE DATE

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was the Second Reading of an Ordinance providing for the calling and ordering of a General Election for the City of Lufkin, Texas to be held at six (6) polling places in Lufkin, Texas on May 9, 2009 between hours of 7:00 a.m.-7:00 p.m. for the purpose of electing a Mayor and a Councilmember for Ward Two (2) and a Councilmember for Ward Four (4), for three (3) year terms, and providing for the necessary notices and fixing the date.

City Manager Paul Parker stated that the Ordinance was required in order for the City of Lufkin to hold a called General Election for the positions of Mayor and Council Members Wards Number Two (2) and Four (4). City Manager Parker added that Staff recommended that the Council approve the Ordinance providing for the calling and ordering of the General Election to be held on May 9, 2009.

Mayor Pro Tem Boyd asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the Second Reading of the Ordinance providing for the calling and ordering of a General Election for the City of Lufkin, Texas to be held at six (6) polling places in Lufkin, Texas on May 9, 2009 between hours of 7:00 a.m.-7:00 p.m. for the purpose of electing a Mayor and a Councilmember for Ward Two (2) and a Councilmember for Ward Four (4), for three (3) year terms, and providing for the necessary notices and fixing the date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

5. **PRESENTATION BY THE PARKS AND RECREATION ADVISORY BOARD AND LUFKIN COALITION REGARDING TOBACCO FREE ZONES IN PUBLIC PARKS.**

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was a presentation by the Parks and Recreation Advisory Board and Lufkin Coalition regarding tobacco free zones in public parks. Mayor Pro Tem Boyd added that there was a representative from the Parks and Recreation Advisory Board that would speak concerning the agenda item.

Victor Bruce, Chairman for the Parks and Recreation Advisory Board thanked Mayor Pro Tem Boyd and the City Council for their time. Mr. Bruce stated that at the February 2, 2009, meeting of the Parks and Recreation Advisory Board, the Lufkin Coalition did a presentation requesting the City of Lufkin Parks be declared tobacco free zones. Mr. Bruce added that there were a number of visitors present at that meeting who supported the request and that some of them were present in the audience of the Council Meeting that night. Mr. Bruce stated that his first thought concerning the subject was the rights of smokers and did the City have the right to tell them how to live. Mr. Bruce added that his second thought concerned smoke free tobacco. Mr. Bruce stated that the Coalitions presentation showed that there was much more to the subject than he originally thought. Mr. Bruce added that when he was a child there was a saying that was "Your rights end at my nose". Mr. Bruce explained that this was the way it was with tobacco usage. Mr. Bruce stated that instead of considering the rights of the tobacco users, the City should consider the rights of those who were adversely affected by the smoke and reside that was left behind. Mr. Bruce stated that the Coalition, in their presentation, gave the Parks Advisory Board a number of options to consider from "smoke-free" only, to smoke free zones in particular parks, tobacco free zones in particular parks, or time periods when tobacco use would not be allowed in the parks or around children's playgrounds or youth athletic fields. Mr. Bruce stated that after considerable discussion, the six members of the Parks and Recreation Advisory Board, who were present at the meeting, unanimously agreed to recommend to the City Council that the parks be declared "tobacco free" zones. Mr. Bruce added that it would be up to the City Council to enforce the declaration by an Ordinance or a Resolution. Mr. Bruce explained that the Parks Advisory Board felt that primarily, "peer pressure" would be the enforcing agency in keeping the parks tobacco free. Mr. Bruce then yielded the floor to the Coalition. Mr. Bruce then recognized Parks and Recreation Advisory Board Members Richard Joseph and Roy Reyes, who were present at the Council Meeting, and asked them to stand.

Mayor Pro Tem Boyd stated that the Council would entertain other speakers on the subject, but asked speakers to try to not repeat anything that had been previously said and to please limit their time to no more than three (3) minutes.

Keith New, with the Drug Free Business Task Force approached the podium. Mr. New stated that the Task Force was committee of the Angelina Coalition. Mr. New added that the group wanted to reiterate what Mr. Bruce had just said. Mr. New stated that he wanted to present facts, numbers, and figures to the City Council. Mr. New asked if there was a need for the policy in the public parks in Lufkin. Mr. New added that in 2007 the Angelina County/Cities Health District Survey indicated that 81.6% of Angelina County residents wanted more public places to be smoke free. Mr. New stated that the new restaurants that had been coming into Lufkin had been smoke free, with many of the existing restaurants changing their policies and declaring their facilities to be smoke free also. Mr. New stated that the Drug Free Business Task Force had awarded three (3) smoke free awards to IHOP, Cotton Patch, and El Chico.

Mr. New stated that the 2008 TAAF Member Survey reflected many progressive cities adopting this type of policy and that he noticed in the Lufkin Vision 2020, the group stated that they wanted to attract progressive businesses and young families to the Lufkin area. Mr. New explained that cities such as Cleburne, Stephenville, South Lake, Missouri City, Garland, Coppell, Roanoke, Allen, Denton, The Colony, and Plano were some of the progressive cities that had adopted this type of policy.

Mr. New stated that in Angelina County, only 26.8% of residents were smokers, with three-fourths (¾) being non-smokers. Mr. New continued that both of the local hospitals were designated smoke free campuses and this said that there was a desire by the general public to head in that direction. Mr. New asked if this was worthwhile and worth the effort. Mr. New added that everyone knew that second hand smoke could cause death to non-smokers and that second hand smoke was the third most preventable cause of death. Mr. New stated that children who breathed second hand smoke were more likely to suffer from pneumonia, bronchitis, lung diseases, had more ear infections, and were more likely to develop asthma. Mr. New stated that cigarette smoke contained carbon monoxide, and that he couldn't believe that when he read it on the side of a carton of cigarettes.

Mr. New asked if there was an issue with tobacco use in Angelina County. Mr. New stated that fifty-seven percent (57%) of Angelina County high school student seniors reported using tobacco in the past thirty (30) days, compared to twenty-five percent (25%) of high school seniors nationally. Mr. New added that this brought everyone to the other side of the tobacco issue.

Mr. New stated that everyone was familiar with the smoke free tobacco, but what about the spit tobacco. Mr. New stated that chewing tobacco and snuff contained twenty-eight (28) carcinogens. Mr. New explained that they contained formaldehyde and arsenic and could be broadcast through spitting. Mr. New added that SARS (Severe Acute Respiratory Syndrome) in China, or any type of respiratory disease could be broadcast by spitting. Mr. New stated that the tobacco ended up on tables and on the ground and people walked on it and went home and took off their shoes and got it on their hands. Mr. New explained that there were adverse health effects that were encountered with the use of tobacco.

Mr. New asked what everyone would get out of having this policy. Mr. New stated that the City would get healthier public park areas for the residents, and that it would complement the current City of Lufkin "Smoke Free" Policy and LISD's tobacco free buildings and grounds. Mr. New added that some of the school grounds and facilities were used for recreation and sports facilities. Mr. New asked what kind of message would be sent to the children if the City continued to allow tobacco in areas where they were being encouraged to participate in activities that were supposed to be health oriented. Mr. New stated that if children saw adults and other individuals participating in that type of activity, was there a conflict there?

Mr. New stated that the Coalition and the Drug Free Business Task Force wanted the City of Lufkin to consider these questions and that he wanted to read from Lufkin Vision 2020 in the Quality of Life Section, in closing. Mr. New read, "A major focus should be on the recreational opportunities required to attract and retain young people and young families in Angelina County." Mr. New then thanked the City Council for their time and stated that he appreciated the Council's indulgence for extra time.

Mr. New then passed out pamphlets with talking points and letters of endorsement.

Mayor Pro Tem Boyd thanked Mr. New for his presentation and asked if there was anyone else in the audience that wanted to speak on the subject. There were none.

6. **PRESENTATION BY RICHARD RUDEL, CPA, ALEXANDER, LANKFORD AND HIERS, INC. – APPROVED - CONCERNING THE 2008 AUDIT SERVICES AND FINANCIAL REPORT PROVIDED TO THE CITY OF LUFKIN**

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was a presentation by Richard Rudel, CPA, Alexander, Lankford and Hiers, Inc. concerning the 2008 Audit Services and Financial Report provided to the City of Lufkin .

Richard Rudel, CPA for Alexander, Lankford and Hiers, Inc. stated that at the Finance Committee Meeting held earlier that day the Audit Report was covered in detail and that he would give the City Council a short summary of that report. Mr. Rudel added that Alexander, Lankford and Hiers, Inc. performed an audit for the City of Lufkin for the fiscal year ending September 30, 2008. Mr. Rudel explained that as a summary of the audit they issued a unqualified opinion on the City's financial statements in regards to the City's internal controller financial reporting. Mr. Rudel stated that there were no material weaknesses identified. Mr. Rudel added that they were not reporting any significant deficiencies that were not considered to be material weaknesses. Mr. Rudel added that in regards to noncompliance versus material noncompliance with the City's financial statements there was none reported. Mr. Rudel stated that in regards to the City's financial awards there were no material weaknesses identified and no significant deficiencies that were reported. Mr. Rudel stated that in regards to the City's Federal Awards in the major programs they issued an unqualified opinion. Mr. Rudel stated that in regards to audit finding that were required to be reported, in accordance with circular A-1 33, there were none reported on that, as well. Mr. Rudel stated that the City of Lufkin had a good Financial Report and issues were discussed relating to the City's retirement plans. Mr. Rudel requested that the Council look at the City's Firemen's Fund and for the Council to consider working with the Firemen and the problems that the Firemen's Fund had with funding and any other issues related to that fund. Mr. Rudel then asked for questions or comments from the Council regarding his report on the audit.

Mayor Pro Tem Boyd asked for questions or comments from the Council.

Councilmember Don Langston stated that the Finance Committee met earlier that day and that the audit report was issued to that group. Councilmember Langston added that there should be recognition given to the Staff for the excellent job they did and the excellent clean audit report that was received. Councilmember Langston stated that he commended the Staff for the work they did in maintaining a high standard that had been set over the years of good quality financial reporting for the City of Lufkin.

Mayor Pro Tem then thanked Councilmember Langston for his remarks and added that the entire Council agreed with Councilmember Langston's commendation.

7. **AUTHORIZE THE EXTENSION OF THE AUDIT SERVICE CONTRACT WITH ALEXANDER, LANKFORD AND HIERS, INC. – APPROVED - FOR AN ADDITIONAL TWO (2) YEARS**

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was authorizing the extension of the Audit Service Contract with Alexander, Lankford and Hiers, Inc. for an additional two (2) years.

City Manager Paul Parker stated that when the City of Lufkin entered into a contract three (3) years earlier with Alexander, Lankford and Hiers, Inc., there were options to renew the contract for two (2) additional years. City Manager Parker added that the City of Lufkin had excellent results with the auditors, and that any time auditors were changed there was a difficult period of time for the staff learning to work with new auditors. City Manager Parker stated that Staff and Finance Committee recommended that the Council authorize the extension of the Audit Service Contract for an additional two (2) years. City Manager Parker explained that the extension for the fiscal year ending September 30, 2009, would be in the amount of fifty-seven thousand eight hundred dollars ($57,800) and the fiscal year ending September 30, 2010, would be in the amount of fifty-nine thousand nine hundred fifty dollars ($59,950). City Manager Parker added that this would include a slight increase each year. City Manager Parker stated that the fee for the fiscal year ending September 30, 2008, was approximately fifty-five thousand dollars ($55,000). City Manager Parker added that this was a modest increase over the next two (2) years and that Staff recommended that the Council authorize the extension of the contract for an additional two (2) years.

Mayor Pro Tem Boyd asked for questions or comments from the Council.

Councilmember Phil Medford moved to authorize the extension of the Audit Service Contract with Alexander, Lankford and Hiers, Inc. for an additional two (2) years. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

8. **RESOLUTION BY THE CITY OF LUFKIN, TEXAS DECLARING SUPPORT FOR THE TIMBERLAND TRAILS I, L.P. TAX CREDIT AND HOME INVESTMENT PARTNERSHIP PROGRAM APPLICATION – APPROVED - TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE YEAR 2009**

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was a Resolution by the City of Lufkin, Texas declaring support for the Timberland Trails I, L.P. Tax Credit and Home Investment Partnership Program application to the Texas Department of Housing and Community Affairs for the year 2009.

Mary Henderson, consultant for the project stated that the Executive Director of the non-profit Spectrum Housing Corporation sent his regrets that he was unable to attend the Council Meeting due to being in the hospital. Ms. Henderson then showed a representation of the types of structures that would be used in the proposed development to the City Council. Ms. Henderson stated that there were eighty (80) units of multi-family housing and would be comprised of two (2) and three (3) story buildings. Ms. Henderson added that the two (2) story buildings were "town house" style, which would contain three (3) bedroom and two (2) bath units of approximately one thousand one hundred (1,100) square feet each. Ms. Henderson stated that the three (3) story buildings were to be stacked flats, and were one (1) and two (3) bedroom units. Ms. Henderson added that the one (1) bedroom unit would be approximately seven hundred (700) square feet and the two (2) bedroom unit would have two (2) baths and consist of approximately nine hundred fifty (950) square feet. Ms. Henderson stated that the site was located at 2510 North Timberland Drive in Lufkin, which was the site of the old mobile home park and was directly across the street from the Head Start Program. Ms. Henderson added that the location was an easy drive to both Brookshire Brothers and H.E. B.

Ms. Henderson stated that as a new proposed infill development, they felt it would lend a very positive influence on the neighborhood and provide some economic stimulus to the area. Ms. Henderson stated that the Resolution that they had requested that the Council authorize on behalf of Timberland Trails was one in which there was a requirement by the Texas Department of Housing and Community Affairs for the competitive ninety percent (90%)

City Manager Paul Parker stated

Mayor Pro Tem Boyd asked for questions or comments from the Council.

Councilmember Don Langston moved to approve the Resolution by the City of Lufkin, Texas declaring support for the Timberland Trails I, L.P. Tax Credit and Home Investment Partnership Program application to the Texas Department of Housing and Community Affairs for the year 2009. Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

9. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2008/2009 OPERATING BUDGET (BUDGET AMENDMENT NO. 12), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL, SOLID WASTE/RECYCLING AND WATER/WASTEWATER FUNDS; AND PROVIDING AN EFFECTIVE DATE

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was a Resolution authorizing an amendment to the 2008/2009 Operating Budget (Budget Amendment No. 12), providing for the supplemental appropriation of funds in the General, Solid Waste/Recycling and Water/Wastewater Funds; and providing an effective date.

City Manager Paul Parker stated

Mayor Pro Tem Boyd asked for questions or comments from the Council.

Councilmember Lynn Torres moved to approve the Resolution authorizing an amendment to the 2008/2009 Operating Budget (Budget Amendment No. 12), providing for the supplemental appropriation of funds in the General, Solid Waste/Recycling and Water/Wastewater Funds; and providing an effective date. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

10. ACCEPT THE 2008 FIREACT GRANT FOR $320,000 TO BE USED TO PURCHASE A FIRE SIMULATOR BURN TRAILER FOR LIVE FIRE TRAINING EVOLUTIONS AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2008/2009 OPERATING BUDGET (BUDGET AMENDMENT NO. 13), - LUFKIN - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL AND FIRE GRANTS FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was to accept the 2008 FireAct Grant for $320,000 to be used to purchase a fire simulator burn trailer for live fire training evolutions and a Resolution authorizing an amendment to the 2008/2009 Operating Budget (Budget Amendment No. 13), providing for the supplemental appropriation of funds in the General and Fire Grants Fund; and providing an effective date.

City Manager Paul Parker stated

Mayor Pro Tem Boyd asked for questions or comments from the Council.

Councilmember Lynn Torres moved to accept the 2008 FireAct Grant for $320,000 to be used to purchase a fire simulator burn trailer for live fire training evolutions and approve the Resolution authorizing an amendment to the 2008/2009 Operating Budget (Budget Amendment No. 13), providing for the supplemental appropriation of funds in the General and Fire Grants Fund; and providing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

11. PURCHASE OF A 2009 CHEVROLET C3500 CHASSIS - APPROVED

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was to approve the purchase of a 2009 Chevrolet C3500 Chassis.

City Manager Paul Parker stated

Mayor Pro Tem Boyd asked for questions or comments from the Council.

Councilmember R. L. Kuykendall moved to approve the purchase of a 2009 Chevrolet C3500 Chassis. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

12. CITY MANAGER'S REPORT

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was a report from City Manager Paul Parker.

City Manager Paul Parker stated

13. Mayor Pro Tem Rose Faine Boyd stated that there was no need for an Executive Session that evening.

14. CALENDAR NOTATIONS FROM MAYOR, COUNCIL MEMBERS, AND CITY MANAGER

Mayor Pro Tem Rose Faine Boyd stated that the next item for consideration was the calendar notations from the Mayor, Council Members, and City Manager.

18. There being no further business for consideration, the meeting adjourned at 5:39 p.m.

Rose Faine Boyd

Rose Faine Boyd, Mayor Pro Tem

Renee Thompson

Renee Thompson – City Secretary