

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 7th DAY OF OCTOBER, 2008**

On the 7th day of October, 2008, 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:

Jack Gorden, Jr.
Rose Faine Boyd
R. L. Kuykendall
Lynn Torres
Don Langston
Rufus Duncan
Phil Medford
Paul L. Parker
Keith Wright
Renee Thompson
Bob Flournoy
Larry Brazil
Scott Marcotte
Doug Wood
Steve Floyd
Chuck Walker
Barbara Thompson
Jim Wehmeier
Lance Moore
Bill Cameron

Mayor
Mayor Pro Tem
Councilmember, Ward No. 1
Councilmember, Ward No. 3
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Assistant City Manager
City Secretary
City Attorney
Police Chief
Asst. Police Chief
Finance Director
Solid Waste and Recycling Director
City Engineer
Main Street Director
Economic Development Director
Civic Center Director
City Webmaster

being present, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Mark O'Neill, Covenant Presbyterian Church.
2. Mayor Jack Gorden welcomed visitors present. City Manager Paul Parker then introduced the new Civic Center Director Lance Moore. City Manager Parker added that Mr. Moore was the previous Civic Center Director at the City of Diboll, and that the City of Lufkin was lucky to have him. Mayor Gorden then welcomed the current Leadership Lufkin Class and asked the class leader Roger Sanders to introduce the group. Mr. Roger Sanders stated that he was the elected class President. Mr. Sanders then introduced the Leadership Lufkin Class to the Mayor and Council. Mayor Gorden thanked the Class for the time that they each were putting into the Leadership Lufkin Program and added that the Program was great for the Lufkin community.

Mayor Gorden then wished Councilmember Rose Faine Boyd a belated Happy Birthday.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting of September 16, 2008 were approved on a motion by Councilmember R. L. Kuykendall, and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **SECOND READING OF AN ORDINANCE AMENDING ORDINANCE 4061; ADDING SECTION 707.717 OF THE TEXAS TRANSPORTATION CODE; - APPROVED - PROVIDING FOR AUTHORIZATION OF THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE SCOFFLAW SERVICES; REPEALING ALL ORDINANCES IN CONFLICT HERewith, AND PROVIDING AN EFFECTIVE DATE**

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance amending Ordinance 4061; adding Section 707.717 of the Texas Transportation Code; providing for authorization of the Texas Department of Transportation to provide Scofflaw Services; repealing all ordinances in conflict herewith, and providing an effective date.

City Manager Parker stated that since the last Council Meeting, Assistant Police Chief Scott Marcotte met with the County and that the County agreed to follow through with the Scofflaw Services provisions at the County level. City Manager Parker added that the process would be started as soon as everything was in place.

Councilmember Don Langston moved to approve the Second Reading of the Ordinance amending Ordinance 4061; adding Section 707.717 of the Texas Transportation Code; providing for authorization of the Texas Department of Transportation to provide Scofflaw Services; repealing all ordinances in conflict herewith, and providing an effective date. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

5. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY GRANTING A ZONE CHANGE ON A CERTAIN TRACT OR PARCEL OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS LOT 1 KILN STREET ADDITION NO. 1, LOCATED AT 1112 AND 1114 KILN STREET FROM THE ZONING CLASSIFICATION OF “RESIDENTIAL MEDIUM SINGLE FAMILY DWELLING” TO A “LOCAL BUSINESS ZONING DISTRICT” AND AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM “OFFICE” TO “COMMERCIAL” AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a zone change on a certain tract or parcel of land within the corporate limits of the City of Lufkin, Texas, described as Lot 1, Kiln Street Addition No. 1, located at 1112 and 1114 Kiln Street, from the zoning classification of “Residential Medium Single Family Dwelling” to a “Local Business Zoning District” and amending the Future Land Use Plan Designation from “Office” to “Commercial” and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that the zone change would basically allow for additional parking for the nearby medical facility. City Manager Parker added that the property was in an area that was in transition and slowly becoming an extension of the medical complex centered on Frank Street. City Manager Parker stated that there was no one at the Planning and Zoning Commission Meeting in opposition of the zone change. City Manager Parker added that the Planning Staff along with the Planning and Zoning Commission unanimously recommended the zone change to “Local Business” and the Future Land Use change to “Commercial” to allow for construction of the parking lot.

Mayor Gorden opened the Public Hearing at 5:12 p.m. and asked anyone who wished to speak on the item to please step forward. There appearing to be no one who wished to speak, Mayor Gorden closed the Public Hearing at 5:13 p.m.

Councilmember Lynn Torres moved to approve the First Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a zone change on a certain tract or parcel of land within the corporate limits of the City of Lufkin, Texas, described as Lot 1 Kiln Street Addition No. 1, located at 1112 and 1114 Kiln Street from the zoning classification of “Residential Medium Single Family Dwelling” to a “Local Business Zoning District” and amending the Future Land Use Plan Designation from “Office” to “Commercial” and authorizing the city Planner to make such changes on the Official Map. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

6. **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY GRANTING A ZONE CHANGE ON A CERTAIN TRACT OR PARCEL OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS DESCRIBED AS TRACT 61 OF THE J. L. QUINALTY SURVEY, OTHERWISE KNOWN AS 1610 ATKINSON DRIVE FROM THE ZONING CLASSIFICATION OF “COMMERCIAL” AND “RESIDENTIAL LARGE SINGLE FAMILY DWELLING” TO “COMMERCIAL” ONLY AND AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM “LOW DENSITY RESIDENTIAL” TO “COMMERCIAL” AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance amending the Zoning Ordinance of the city of Lufkin, Texas, by granting a zone change on a certain tract or parcel of land within the corporate limits of the City of Lufkin, Texas described as Tract 61 of the J. L. Quinalty Survey, otherwise known as 1610 Atkinson Drive from the zoning classification of “Commercial” and “Residential Large Single Family Dwelling” to “Commercial” only and amending the Future Land Use Plan designation from “Low Density Residential” to “Commercial” and authorizing the city Planner to make such changes on the Official Map.

City Manager Paul Parker stated that Mr. Robert Massingill was requesting a zone change for the property. City Manager Parker added that there was no intended use for the property at that time and primarily the applicant wanted the zone change to enhance the sale of the property for other commercial uses. City Manager Parker stated that the area was in transition and that the Planning Staff and the Planning and Zoning Commission unanimously voted to recommend approval of the zone change and Future Land Use Change to “Commercial”.

Mayor Gorden opened the Public Hearing at 5:15 p.m. and asked anyone who wished to speak on the item to please step forward. Speaking on the Zone Change was:

Mr. Robert Massingill

Mayor Gorden closed the Public Hearing at 5:16 p.m.

Councilmember Rufus Duncan moved to approve the First Reading of the Ordinance amending the Zoning Ordinance of the city of Lufkin, Texas, by granting a zone change on a certain tract or parcel of land within the corporate limits of the City of Lufkin, Texas described as Tract 61 of the J. L. Quinalty Survey, otherwise known as 1610 Atkinson Drive from the zoning classification of “Commercial” and “Residential Large Single Family Dwelling” to “Commercial” only and amending the Future Land Use Plan designation from “Low Density Residential” to “Commercial” and authorizing the city Planner to make such changes on the Official Map. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

7. **AUTHORIZE THE CITY MANAGER TO ENTER INTO CONTRACTS - APPROVED - FOR DEBRIS REMOVAL AND HURRICANE IKE RELATED ACTIVITIES**

Mayor Jack Gorden stated that the next item for consideration was to authorize the City Manager to enter into contracts for debris removal and Hurricane Ike related activities.

City Manager Paul Parker stated that at the last Council Meeting on September 16, 2008, the Council authorized the City Manager to enter into an emergency contract for debris removal related to Hurricane Ike. City Manager Parker reminded the Council that there was a fourteen (14) day window of opportunity for FEMA to reimburse the City of Lufkin for one hundred percent (100%) of cost. City Manager Parker stated that the City Staff prepared a “Request for Proposal” (RFP) and had three (3) local companies to review the request. City Manager Parker added that those companies were: Allen Loggins and Sons, Angelina Fuels, LLC and Triple “T” Contractors. City Manager Parker stated that the City received only one (1) proposal and the proposal was from Angelina Fuels, LLC. City Manager Parker explained that the other two (2) companies sub-contracted with Angelina Fuels, LLC. City

Manager Parker stated that the one (1) bid for the contract was fifteen dollars (\$15) per cubic yard. City Manager Parker explained that the bid was in line with the bids in Nacogdoches and bids provided through HGAC, out of Houston. City Manager Parker stated that the City of Lufkin also had a caveat in the contract that any amount not approved by FEMA would not be paid by the City of Lufkin. City Manager Parker explained that the contract initially reimbursed the City for any work that FEMA allowed within the fourteen (14) day period. City Manager Parker added that he would also explain where the City of Lufkin was in the overall process of debris removal, but did not want to confuse the explanation with the initial contract. City Manager Parker stated that after fourteen (14) days of debris removal the City had between twenty-seven thousand (27,000) and forty-three thousand (43,000) cubic yards of debris (depending on whose estimate was being looked at). City Manager Parker added that the Federal Government had not made a final decision on the percentage that the City would be reimbursed. City Manager Parker explained that currently FEMA was reimbursing seventy-five percent (75%) of the total cost, but could possibly reimburse the City of Lufkin at one hundred percent (100%). City Manager Parker stated that the City was currently in the process of working with FEMA and the Corp of Engineers on a "pilot project" where City of Lufkin Staff and the Corp of Engineers actually looked at every pile of debris within the City. City Manager Parker added that Public Works Director Steve Floyd and Public Utility Director Chuck Walker had spent many hours with the Corp of Engineers looking at each pile of debris and putting a code on it. City Manager Parker stated that the group had finished five (5) of the seven (7) districts and were starting the sixth (6th) district that day. City Manager Parker added that by the end of the workday on Wednesday, October 8, 2008, the City would have a number from FEMA on how much debris remained. City Manager Parker explained that none of that debris was associated with the contract with Angelina Fuels, LLC and that there was a separate site for this debris behind Grace Dunne Richardson Park that had already been approved by TCEQ. City Manager Parker stated that once the debris process was complete the City would negotiate a price with FEMA for the balance. City Manager Parker added that FEMA would pay the City a lump sum based on the agreement. City Manager Parker explained that if it cost more than agreed to pick up the debris then the City would bear the brunt of the cost and if it cost less than the agreed price, the City could reserve the money to use for future FEMA eligible projects, such as the Emergency Operations Center (EOC). City Manager Parker stated that the City Crews had been running ten (10) hour days for six (6) days a week and that the balance of the debris would be picked up using City Staff. City Manager Parker stated that FEMA had been good to work with, but there was just a complicated system that was being used. City Manager Parker stated that the City employees were doing a better job than the contractors because the City employees would take the time to clean up the debris piles.

Mayor Gorden stated that some of the citizens were a little frustrated because there were still piles of debris in their yards, but added that he assured the citizens of Lufkin that the City was way ahead of the curve in getting the debris removed. Mayor Gorden added that there would be places in the State of Texas where the debris would not be removed for months. Mayor Gorden explained that the process may seem slow, but in reality the City Staff had worked hard to make a huge dent in the debris removal.

Councilmember Don Langston stated that he appreciated City Manager Parker's efforts and the Council giving the City Manager the authority to negotiate the contract for the debris removal. Councilmember Langston added that the people who already had their debris removed were appreciative also. Mayor Gorden stated that there would essentially be three (3) runs by each piece of property in Lufkin and if citizens had other debris to be picked up this would provide them an opportunity to do so. City Manager Parker stated that once the first round was completed the City would continue to make rounds throughout the City. Mayor Gorden asked if there would be some type of final notice given to the citizens. City Manager Parker explained that since the City had curbside pickup, the debris would eventually be removed through normal processes. Mayor Gorden stated that outside of the hurricane problem the process for curbside collection was to call in a work order to the City if there was debris that needed to be picked up. Mayor Gorden added that the City of Lufkin was one (1) of the few cities who still had the collection service for no charge.

Assistant City Manager Keith Wright reminded the Council that Staff would be returning with a bid for the grinding and disposal of the debris at a later date. City Manager Parker pointed out that Assistant City Manager Wright was referring to the debris that the City Staff collected.

Councilmember Don Langston moved to approve to authorize the City Manager to enter into contracts for debris removal and Hurricane Ike related activities. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

8. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2007/2008 OPERATING BUDGET (BUDGET AMENDMENT NO. 38), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a Resolution authorizing an amendment to the 2007/2008 Operating Budget (Budget Amendment No. 38), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that the budget amendment allowed the City to book the anticipated revenue in the current fiscal year.

Councilmember Lynn Torres moved to approve the Resolution authorizing an amendment to the 2007/2008 Operating Budget (Budget Amendment No. 38), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

9. MODIFICATIONS - APPROVED - TO THE CITY OF LUFKIN PURCHASING POLICY

Mayor Jack Gorden stated that the next item for consideration was modifications to the City of Lufkin Purchasing Policy.

City Manager Paul Parker stated that in the year 2007 the State Legislature allowed the Council to authorize the City Manager to enter into contracts up to fifty thousand dollars (\$50,000) without the formal bid and Council approval process. City Manager Parker added that in the past the City of Lufkin had a limit of twenty-five thousand dollars (\$25,000) and Staff had not been back to the Council to raise the amount since the State Law was modified. City Manager Parker stated that with the addition of the fuel farms that were being added to the City of Lufkin in the near future, the price of a tanker of fuel would exceed the twenty-five thousand dollar (\$25,000) limit. City Manager Parker stated that raising the limit would also allow the City Manager to enter into a contract up to fifty thousand dollars (\$50,000), whenever necessary, to expedite the process. City Manager Parker stated that in most cases, the projects would be bid in order to get the most competitive bid. City Manager Parker explained that the policy would still require three (3) written sealed quotes, even if the limit were raised. City Manager Parker stated that the change in the Purchasing Policy gave the City Manager the authority to enter into contracts up to fifty thousand dollars (\$50,000), and added that most of the projects the Council would see through the budget process. City Manager Parker stated that he would answer any questions that the Council concerning the modification of the Purchasing Policy.

Councilmember Don Langston stated that he agreed that the Purchasing Policy needed the modification, but that he wanted to see a report of some type concerning major purchases over and above normal budgetary expenditures.

Councilmember Rose Faine Boyd moved to approve the modifications to the City of Lufkin Purchasing Policy. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

10. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS - APPROVED - TO ADOPT A WATER CONSERVATION PLAN

Mayor Jack Gorden stated that the next item for consideration was a Resolution of the City Council of the City of Lufkin, Texas to adopt a Water Conservation Plan.

City Manager Paul Parker stated that the City of Lufkin had an existing Water Conservation Plan that was adopted in 1992. City Manager Parker added that the water rights that the City of Lufkin had on Lake Sam Rayburn required an updated Water Conservation Plan. City Manager Parker stated that the updated plan was included in the Council packet and was very similar to the existing plan. City Manager Parker stated that the updated plan was brought up to the current standards and recommended that the Council approve the updated Water Conservation Plan. City Manager Parker added that the approval of the Updated Water Conservation Plan would allow the Water Rights Certificate request to go forward.

Councilmember Rufus Duncan asked how the City did on the earlier plan. City Manager Parker stated that the plan established when the City would begin certain conservation measures, water rationing, and things of that nature. Councilmember Duncan stated that he thought the City set goals in the plan. City Manager Parker stated that the City did set goals and were kicked off when the City did education. Assistant City Manager Keith Wright stated that the City of Lufkin had a ten percent (10%) reduction over a ten (10) year period and was mainly due to weather related issues. Assistant City Manager Wright added that one (1) of the largest problems was water loss or “unaccounted-for” water. Assistant City Manager Wright stated that City facilities, that were metered but not read, needed to be added into the computer system to be monitored. Assistant City Manager Wright added that water leaks were another problem. Assistant City Manager Wright added that all of another large part of water conservation. Assistant City Manager Wright added that all of those things added up when trying to promote water conservation. Assistant City Manager Wright stated that water conservation information was often included in the City’s Water Report. Assistant City Manager Wright stated that the City’s Plumbing Code required reduced volume fixtures for water conserve, and added that as a City grew in size the reduction became more difficult to measure. Councilmember Duncan stated that the City of Lufkin was budgeting a five percent (5%) decrease per capita in five (5) years, and that this was a pretty aggressive amount. Assistant City Manager Wright stated that this was only a goal that the City was trying to meet and encourage. Assistant City Manager Wright added that part of the State Water Plan was water conservation for the next fifty (50) years. Assistant City Manager Wright stated that the plan included that cities educate the public about water conservation. City Manager Parker stated that one (1) of the dilemmas was that this was a requirement throughout the State. City Manager Parker added that there was an abundance of water in Lufkin and East Texas versus West Texas, yet the State required similar goals within the state regardless of the needs. City Manager Parker stated that the City of Lufkin was in great shape for the future in regards to water, yet must conserve water to preserve water throughout the State. Mayor Gorden asked who was responsible for the education portion of the Water Conservation Plan. City Manager Parker stated that the City of Lufkin was responsible and that Assistant City Manager Keith Wright was the responsible party within the City of Lufkin to see that the public was educated. City Manager Parker stated that Staff recommended that the Council approve the updated Water Conservation Plan.

Councilmember Rose Faine Boyd moved to approve the Resolution of the City Council of the City of Lufkin, Texas to adopt a Water Conservation Plan. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

11. PRESENTATION ON “MEET AND CONFER” – APPROVED - BY J. B. SMITH, PRESIDENT OF THE LUFKIN POLICE ASSOCIATION

Mayor Jack Gorden stated that the next item for consideration was a presentation on “Meet and Confer” by J. B. Smith, President of the Lufkin Police Association.

City Manager Paul Parker stated that the Lufkin Police Association was requesting that the City Council adopt House Bill 304, also known as the “Municipal Meet and Confer”. City Manager Parker added that the Council had in their packets the law related to “Meet and Confer”. City Manager Parker stated that the City Management and the Police Officers of the City of Lufkin had a great working relationship. City Manager Parker explained that the request in no way indicated that management and the officers were not working together or had not worked together in the past. City Manager Parker stated that he and J. B. Smith differed on the need for the “Meet and Confer” Legislation. City Manager Parker added that he would expand on his opinion and would let Mr. Smith have the last word on the subject. City Manager Parker stated that there were a number of the Police Officers present at the

meeting and that the City of Lufkin was blessed to have an outstanding Police Department. City Manager Parker explained that the item before the Council in no way reflected anything but a difference in opinion and concept. City Manager Parker stated that the City Council was very well aware that he would put the Lufkin Police Department up against any department in the State. City Manager Parker added that the Lufkin Police Department was the best trained, well equipped, and professional organization in the area. City Manager Parker stated that "Meet and Confer" basically was a formal method that the Police Association could sit down with the City Manager to discuss mutual needs and concerns for the Police Department and the staff. City Manager Parker added that the discussion could include salaries, benefits, modifications, and even could allow for some changes to Civil Service, if mutually agreed upon. City Manager Parker stated that when he and Mr. Smith had talked about Civil Service, Mr. Smith talked about one (1) individual that was older than Civil Service would allow and couldn't be put back on the Police Force. City Manager Parker stated that the dilemma that he had with "Meet and Confer" was two-fold. City Manager Parker stated that one (1) dilemma was that the Legislature had a tendency to put items on the City's plate just because the City might be a "Meet and Confer City". City Manager Parker explained that the only reason that the City of Lufkin could do "Meet and Confer" was because the City of Lufkin was a Civil Service City. City Manager Parker stated that if the City of Lufkin was not a Civil Service City the City could not have "Meet and Confer". City Manager Parker stated that this was how the Legislature could always come back, and added that he had no qualms with meeting with any of the officers. City Manager Parker added that Mr. Smith could testify that there was nobody in the Police Department that had trouble visiting with the City Manager or Police Chief Larry Brazil in the past, or would anytime in the future. City Manager Parker stated that the second concern that he had with "Meet and Confer" was it would have to follow the Open Meeting Act and would have to be recorded. City Manager Parker explained that speaking in a formal meeting was quite different that speaking in private chambers. City Manager Parker added that you would not say anything different, but would talk in a different demeanor in a less formal setting. City Manager Parker stated that he did not see the need for "Meet and Confer" and had expressed that to Mr. Smith. City Manager Parker stated that Mr. Smith made reference to City Manager Parker getting older and that Chief Brazil might retire, but that his concern was that if there was a problem in the future, the Police Department always had the right to go back and ask the Council for "Meet and Confer" and that at this time it was premature. City Manager Parker added that he thought it would hinder relationships because the discussions would have to be held in formal meetings and might not be as advantageous as setting down and talking out needs.

Officer J. B. Smith stated that he had been serving the Lufkin Police Department since January 1995 and was currently the President of the Lufkin Police Association. Mr. Smith stated that the Lufkin Police Association was a free and voluntary organization comprised mainly of the Civil Service Municipal Police Officers employed by the City of Lufkin. Mr. Smith stated that the Association was formed with two (2) expressed purposes. Mr. Smith stated that one (1) purpose was to continue the level of professionalism that had been created in great part due to the current Council and current and past Administrations, and had made Lufkin the preeminent law enforcement association in East Texas. Mr. Smith added that one could go anywhere around East Texas and people knew of the Lufkin Police Department. Mr. Smith stated that the Lufkin Police Association wanted to continue and maintain that, but also improve upon that reputation to become the preeminent law enforcement agency in the State of Texas for a city of the size of Lufkin. Mr. Smith added that the Lufkin Police Department was not quite there, but could get there. Mr. Smith stated that Charlie Wilkerson was present in the audience, and that Mr. Wilkerson had spent twenty-five (25) years serving in different capacities for different political candidates and for different political offices. Mr. Smith added that Mr. Wilkerson was currently the Political and Government Affairs Director for the Combined Law Enforcement Associations of Texas (CLEAT) and the Police Officer Memorial Foundation. Mr. Smith stated that the Lufkin Police Association asked Mr. Wilkerson to come to the Council Meeting because he was the foremost expert on "Municipal Meet and Confer". Mr. Smith added that if the Council had questions he might have to defer to Mr. Wilkerson for the answers. Mr. Smith stated that he would first address City Manager Parker's concerns about "Meet and Confer". Mr. Smith first addressed the question, "Why now?" or "Why did the Lufkin Police Association feel that they needed that now?" Mr. Smith stated that the Lufkin Police Department did have a very positive and open relationship within the Police Officers, the Chief of Police, and the City Manager. Mr. Smith stated that this open relationship was also between the City Manager and Council and the

Police Chief and Council. Mr. Smith added that he did think that the City Manager and the Chief of Police shared the goals that the Lufkin Police Department becomes the preeminent law enforcement association in East Texas, as well as throughout the State. Mr. Smith stated that the effects of future change were however unknown. Mr. Smith added that Chief Brazil would retire; City Manager Parker would not stay the City Manager of the City of Lufkin forever; and the City Council Members would decide to not run again, and things would change. Mr. Smith added that the economy would change, healthcare costs would continue to go up, and the Police Department see that this would be the opportunity to take advantage of "Meet and Confer". Mr. Smith stated that "Meet and Confer" had been available to the department since 2005, but the officers had not been organized as a group in order to take advantage of "Meet and Confer" process until one (1) year earlier. Mr. Smith stated that the Lufkin Police Department had a good relationship with the City and wanted to take advantage of the process before a new Administration or City Council that did not see the need for the same type of law enforcement measures, staff levels and training budgets that were currently in place. Mr. Smith stated that this was one (1) of the reasons for "Why Now?" Mr. Smith stated that the Lufkin Police Association did not see "Meet and Confer" as an issue for what the Legislature might do. Mr. Smith explained that under "Meet and Confer", the City Council had three (3) options. Mr. Smith stated that the Council could send the proposition to the citizens for a vote, or require a certified election to determine whether a police officers association represented a majority of the covered police officers, or simply approve "Meet and Confer". Mr. Smith discussed the prospect of the Legislature coming back to the City of Lufkin and imposing more regulations and explained the process by which the "Meet and Confer" could be repealed. Mr. Smith stated that if the Council approved "Meet and Confer", it would give the Lufkin Police Department the formal authority to sit down and discuss. Mr. Smith added that City Manager Parker was correct that he could simply walk into Mr. Parker's office almost anytime and discuss almost any matter with him. Mr. Smith added that the same thing was true with Police Chief Larry Brazil, and that an officer could walk into the Police Chief's office and discuss almost any matter. Mr. Smith stated that the only difficulty was that laws dating back to 1947, under the Texas Civil Statutes, the public employers and public employees could not enter into any contracts together. Mr. Smith added that this had been changed several times over the years and had been amended, but had not been repealed. Mr. Smith stated that employees could not enter into any type of contract and could not change Civil Service in any way. Mr. Smith added that Civil Service could be voted out by citizens of Lufkin but could not be changed. Mr. Smith explained that Barry Vance retired from the Lufkin Police Department when he was approximately forty-five (45) years of age and with approximately twenty-five (25) years of service. Mr. Smith stated that Mr. Vance had a lot of training and experience and left on good terms. Mr. Smith added that Mr. Vance decided after about one (1) year that he wanted to return to the Lufkin Police Department and Mr. Vance couldn't be re-hired due to Civil Service Laws. Mr. Smith stated that Civil Service had done a lot of great things and that Civil Service was the foundation that most of the success that the Lufkin Police Department had been built on. Mr. Smith stated that many of the officers in the Lufkin Police Department would not have come to work for the City of Lufkin had the City not had Civil Service. Mr. Smith stated that he was one of those officers and that he considered himself to be a good employee. Mr. Smith stated that one of the reasons he came to work under Civil Service was that he knew that the Lufkin Police Department would uphold certain standards. Mr. Smith added that he was offered a job in the City of Nacogdoches and lived in Nacogdoches and would have been paid similar at that time, but the City of Nacogdoches was not Civil Service. Mr. Smith added that he did not know what the City of Nacogdoches would do with hiring standards and did not know what Nacogdoches would do over the years, so he chose to come to work for the City of Lufkin. Mr. Smith stated that those were his reasons for thinking that this was the time for "Meet and Confer". Mr. Smith added that he thought because the Lufkin Police Department had a good working relationship, and because of this it was the time to begin the "Meet and Confer" process. Mr. Smith explained that his thoughts were that one did not wait until a crisis before one decided the need to do something. Mr. Smith added that the Lufkin Police Department should not wait until an entirely new City Council was elected that decided that public safety was not a primary concern. Mr. Smith stated that the Lufkin Police Department should not wait until they lost everything that the current Administration, City Council and Police Department had worked so hard to build and the citizens deserved. Mr. Smith stated that the Lufkin Police Department did not need to wait until two (2) years down the road and would see an average of a ten percent (10%) healthcare cost increase. Mr. Smith added that the Lufkin Police Department did not need to wait until that happened before they decided how to offset that

cost increase. Mr. Smith stated that the shortage that the City had seen in the last few years of qualified law enforcement officers was still present. Mr. Smith added that many people think that as soon as the United States starts pulling troops out of the Middle East that cities would see people come back into law enforcement. Mr. Smith stated that he and most of the experts did not believe that would be true. Mr. Smith stated that the people that would go into law enforcement, and chose to go into military service instead, had acquired new skills and new experiences. Mr. Smith stated that those people came out of the service with a greater knowledge base they when they went in and had the option of not only coming to Lufkin, but also the option of going into Federal or State law enforcement. Mr. Smith stated that Lufkin was in the same competition for the same employees as Houston, Dallas, Austin and San Antonio. Mr. Smith added that it was more difficult for Lufkin to compete on the level of salaries than any other issue. Mr. Smith stated that Lufkin had the standards of living, quality of life, smaller communities, a department that would not require specialization, had cross training, a better training and most of the things that would draw people in, and needed to build on those things. Mr. Smith stated that Lufkin did not need to try to compete with Houston or Dallas. Mr. Smith added that the City of Dallas was offering a seven thousand dollar (\$7,000) sign on bonus and that he did not see Lufkin being able to compete with that. Mr. Smith added that Lufkin still had to compete for that employee and asked how Lufkin would fill those positions. Mr. Smith stated that Lufkin recently lost two (2) of its officers that would fall into minority categories. Mr. Smith explained that Ray Williams was going to work for the Department of Public Safety. Mr. Smith added that Mr. Williams went to DPS because it was a lifelong goal, but also for money. Mr. Smith stated that Lufkin also lost Ben Vaughn. Mr. Smith explained that Mr. Vaughn retired from the City of Lufkin, but was still doing the same job that he was doing before he retired. Mr. Smith stated that Mr. Vaughn was drawing his retirement and was being paid by the Lufkin School system to do the same job as he did before he retired. Mr. Smith added that it was a money issue with Mr. Vaughn also. Mr. Smith stated that the City of Lufkin needed to find some way to draw and retain people to fill those positions. Mr. Smith added that the City of Lufkin should begin working now to do that by sitting down and negotiating issues, negotiate Civil Service, and negotiate benefits. Mr. Smith explained that there were only three (3) things that could be negotiated under "Meet and Confer". Mr. Smith stated that those three (3) things were compensation, hours of work and other conditions of employment. Mr. Smith stated that the City of Lufkin could find ways to continue the successes of the department without having to immediately say the problem was money. Mr. Smith stated that the Lufkin Police Department was paid well in his opinion. Mr. Smith added that he would love to see the Police Department paid better and paid par to some cities the size of Lufkin, but that the City of Lufkin Police Department was paid well for what they did, and that the Lufkin Police Officers did well for the pay they made. Mr. Smith stated that the City of Lufkin could find ways around the issues that would come in the near future such as officer shortages, down turn in the economy, and healthcare costs. Mr. Smith added that "Meet and Confer" was the way handle these issues, in his opinion. Mr. Smith stated that there were three (3) options available to the City Council. Mr. Smith stated that the first the option was to simply approve "Meet and Confer", and added that if the Council agreed to "Meet and Confer" the process was completely permissive and not compulsory. Mr. Smith stated that Council was not required to form a bargaining unit, and that the Police Association was not required to form a bargaining unit. Mr. Smith added that it was simply in effect until it was needed. Mr. Smith stated that if a bargaining unit was formed the City was not required to sit down and bargain in "good faith" and was not required to ever meet with the bargaining unit. Mr. Smith added that a bargaining unit could be formed and sit down and explain what they needed, and the City could explain their needs, and if an agreement was not reached that would be the end of it. Mr. Smith stated that if the process was what was referred to as "Collective Bargaining", the City would be looking at a different situation where it was compulsory and was required to negotiate in "good faith". Mr. Smith added that in "Collective Bargaining" if the two groups came to an impasse, there would be different options for remediation. Mr. Smith stated that the Police Department was not talking about those types of things. Mr. Smith added that the Police Department was talking about "Meet and Confer" and was talking about completely permissive. Mr. Smith stated that if the Council chose to send the proposal to a vote of the citizens, the vote would occur in the next City election which would take place in May 2009. Mr. Smith added that the citizens would have to vote whether to allow the Police Department to have the "Meet and Confer" process. Mr. Smith added that he believed that City Manager Parker's concerns were that the Legislature would come back and add regulations that would be detrimental to the City of Lufkin. Mr. Smith explained that the City would not be able to do away with "Meet and Confer", even if the Police Department

agreed to do away with it for at least a two (2) year period and then the proposition would still have to go back to a vote of citizens to change the process. Mr. Smith stated that the third option was a certification election. Mr. Smith added that the Lufkin Police Department had a petition that had signatures of over eighty percent (80%) of the Lufkin Police Officers that asked the Lufkin Lufkin Police Association to be their sole and exclusive bargaining agent in matters of "Meet and Confer" with the City of Lufkin. Mr. Smith stated that the language that was put into the law for the certification election was intended for cities where there was more than one (1) association. Mr. Smith added that a little over eighty percent (80%) of the officers of the Lufkin Police Department signed the petition, and that there was no other association, and that in his opinion a certification election was not needed. Mr. Smith explained that it would drag out the issue and wasted the officers and the City's time. Mr. Smith stated that this left the Council with the decision to approve "Meet and Confer" or to send the proposition to the citizens of Lufkin. Mr. Smith stated that he wanted to echo City Manager Parker's statement that the issue had nothing to do with a lack of cooperation between the City and the employees and had nothing to do with there being an existence of a problem. Mr. Smith added that it was the exact opposite of that and that there was a great relationship and that the Lufkin Police Department wanted to take advantage of that fact while they could. Mr. Smith explained that the Lufkin Police Department did not want to wait until there was a problem and would have to fight for a resolution.

Councilmember Rose Faine Boyd stated that Mr. Smith said that eighty percent (80%) of the officers signed the petition. Mr. Smith agreed that was correct. Councilmember Boyd asked if all of those officers were members of the Lufkin Police Association or what percentage of those officers were members of the Association. Mr. Smith stated that there were seventy-five (75) officers eligible to sign the petition and there were sixty-one (61) officers that signed the petition. Mr. Smith added that of the sixty-one (61) signatures there were five (5) that were not members of the Association. Mr. Smith stated that there were fifty-eight (58) members in the Association and that two (2) of those members were not able to sign the petition by the time it was turned in. Mr. Smith explained that seventy-five to seventy-eight percent (75%-78%) were members of the Association and five (5) or six (6) were not members of the Association. Mr. Smith added that there were two (2) basic groups in Texas that represented Police Officers in legal matters. Mr. Smith stated that one of the groups was the Combined Law Enforcement Association of Texas (CLEAT) and the other group was the Texas Municipal Police Association (TMPA). Mr. Smith stated that some of the officers with the TMPA memberships did not join the Lufkin Police Association. Mr. Smith added that many of those officers had since come forward and stated that if the need arose for them to do a certification election that they would do so, and was all for the Lufkin Police Association representing them.

Councilmember Don Langston stated that he was struggling to see the need for "Meet and Confer" because Civil Service afforded the employees under Civil Service a lot more freedom than any other employee in the City, or even in private business. Councilmember Langston added that he was struggling to understand why Civil Service in itself didn't provide or afford the protection that the Lufkin Police Officers felt they may need in the future. Councilmember Langston also asked why the City could not change any standards now, if there were any that were flawed within the Civil Service Act. Councilmember Langston asked if the only means of changing Civil Service was through a lobbying organization for the Police Department. Mr. Smith stated that "Meet and Confer" did not do away with Civil Service. Mr. Smith added that the only way that Civil Service could go away was through a vote of the citizens. Mr. Smith stated that "Meet and Confer" and "Collective Bargaining" were the only two (2) ways to amend any of the statutes within Civil Service. Mr. Smith added that the City could not pick and choose what it did, and that "Meet and Confer" was the only way to make changes to Civil Service. Mr. Smith stated that "Meet and Confer" was not being looked at in any way as a means of protection. Mr. Smith added that "Meet and Confer" was a way for police officers to get actively involved and say "We want to do this and this is the way we want to move forward". "We want to make this change in the Police Department because we think it will benefit this way". Councilmember Langston stated that he did not think there was any way that Mr. Smith could say that "Meet and Confer" was anything other than additional afforded protection. Councilmember Langston added that was what any organization was formed for, and that there was nothing wrong with it, but that the question in his mind was "Why now?" Councilmember Langston stated that the current Council had worked extremely hard to build and financially provide the money needed to build a strong Police Department. Councilmember Langston added that

the Council had the highest respect and regard for the police officers, and for the job that Police Chief Brazil had done. Councilmember Langston stated that he realized that things changed, but that the citizens of Lufkin were not going to put up with a City Council that did not afford proper public safety for them. Councilmember Langston added that this also went for the Lufkin Fire Department. Councilmember Langston stated that the only thing that he could boil the issue down to was that this was just a means by which the police officers could afford themselves more protection and that he could not see any more protection available other than "Collective Bargaining", and that was really what the issue boiled down to in his mind. Councilmember Langston stated that when one was talking about insurance cost, etc. the entire city was burdened with increasing cost and being able to pay for the costs. Councilmember Langston added that the City had been very fortunate in times past. Councilmember Langston stated that he sat on the Insurance Committee and that it was gut wrenching to have to determine what could be done and what couldn't be done. Councilmember Langston added that the City spent over three million dollars (+\$3,000,000) on insurance out of the pockets of citizens of Lufkin, and that figure continued to rise. Councilmember Langston asked what good would it do for the Police Department to sit down to try to negotiate insurance, and asked if the Police Department would negotiate on behalf of all of the employees of the City of Lufkin or just the Police Department. Councilmember Langston added that he did not see the purpose and that he was struggling with the issue. Councilmember Langston stated that this was a lobbying group obviously at the state level, and that they did a good job of providing a means that they could lobby the Legislature for more changes, and that this was the scary part. Councilmember Langston stated that sitting down and talking was something that the City and the police officers should be able to do anytime. Mr. Smith stated that they could. Mr. Smith added that he would first have to go back and address the protection question from Councilmember Langston because he was missing the protection that this afforded. Mr. Smith stated that "Meet and Confer" did not give the police officers any more protection than before. Mr. Smith added that he could not say that Chief Brazil had disciplined him and that he would like Councilmember Langston to change that. Councilmember Langston stated that Civil Service took care of that and that he understood that. Mr. Smith stated that "Meet and Confer" would not give the officers any of that, and that the only thing that "Meet and Confer" allowed the officers to do was to sit down and bargain on a mutually agreeable matter. Councilmember Langston asked Mr. Smith if the City was not doing that now. Mr. Smith stated that the City was offering that, and then stated that Mr. Charlie Wilkerson could explain the difference much better than he could, but that "Meet and Confer" did not afford the police officers more protection.

Mayor Gorden stated the Mr. Smith was on the agenda to speak and did not know if it were permissible for Mr. Wilkerson to also address the Council. Mr. Wilkerson stated that he would only try to answer the question from Councilmember Langston. Mr. Wilkerson added that there seemed to be a disconnect between Mr. Smith and Councilmember Langston. Mayor Gorden stated that Mr. Wilkerson could answer the question.

Mr. Charlie Wilkerson, Public Affairs Director for Combined Law Enforcement Associations of Texas, stated that there was a misunderstanding that could possibly be clarified. Mr. Wilkerson explained that when the State banned talking, they banned any type of communication with the workers that could result in a contract or agreement. Mr. Wilkerson added that the State thought that there was a "red scare" and that the worker's associations were going to be the tool of Communist Russia. Mr. Wilkerson stated that this was a legitimate feeling around the State of Texas and throughout the South. Mr. Wilkerson added that this did not pan out. Mr. Wilkerson stated that the only other way for the City to have savings and costs related to changing arbitration rules was to enter into negotiations with the association. Mr. Wilkerson added that "Meet and Confer" was the third way. Mr. Wilkerson stated that the Texas Municipal League endorsed the bill and that it passed in the "House" by one hundred forty-seven (147) to three (3). Mr. Wilkerson stated that the Bill was authored by a Republican, co-authored by a Democrat, sponsored in the Senate by a Republican, co-sponsored by a Democrat, and signed by a Republican Governor, Republican Speaker and a Republican Lieutenant Governor.

Councilmember Don Langston stated that it was not what had been done that bothered him. Councilmember Langston explained that it was what would be done in the future that had been proven time and time again.

Mayor Gorden stated that Mr. Wilkerson had not answered the question and that if something else came up the Council would call on him again. Mr. Wilkerson stated that the Council could not fix the local prototype and weakening the officer's Civil Service rights. Mr. Wilkerson added that some things in Civil Service cost the City a lot of money. Mr. Wilkerson stated that the Council could only do that through the "Meet and Confer" process that Mr. Smith was offering the Council. Councilmember Langston stated that perhaps that would be a good thing for the next Legislature to change. Mr. Wilkerson stated that it was there now.

Mayor Gorden stated that under full disclosure, he and Mr. Smith had a conversation about "Meet and Confer" and that there was some good "give and take" on the subject. Mayor Gorden added that he would suggest to Mr. Smith that every point that Mr. Smith had just made as the possible reasons for having the "Meet and Confer" process was addressed by the Council, the Police Chief, and the management of the City years earlier. Mayor Gorden explained that the above named people had addressed nearly every issue that the police officers had. Mayor Gorden added that the instance with Officer Vance was a different situation, and that the City did not have a way to address the problem, but that every other issue that Mr. Smith brought to the Council had been dealt with by the Council, the Police Chief and the management of the City of Lufkin. Mayor Gorden stated that the Council had heard directly or indirectly about the issues through the City Manager's own volition and also through the Police Chief. Mayor Gorden added that the Council had encouraged the resolution of the problems, and was what had gotten the group to where they currently were. Mayor Gorden stated that it was a given on both sides, and that the Council appreciated the Police Department and its officers. Mayor Gorden stated that he had lived in Lufkin all of his life and that bar none the Lufkin Police Department was the best police department that the City of Lufkin ever had. Mayor Gorden added that it was almost like the proposition that was being brought before the Council had hurt the feelings of the Council and that he could not quite grasp the argument and the need for "Meet and Confer". Mayor Gorden stated that he did not know how the Council would address the issue, and if there was a problem and the City and Council had not met the problem, then a new Council should be elected. Mayor Gorden stated that the thought that there could be elected representatives on the Council in the future that would not meet the needs of the Police Department was incomprehensible to him. Mayor Gorden added that those new Council Members would not be in the City's Government very long. Mayor Gorden stated that the Police and Fire Departments were the heart of the City. Mayor Gorden added that the Council thought that they had worked hard to help the Police Department have the tools such as the replacement of the vehicles every two (2) years, twenty-eight to forty-two percent (28%-42%) increase in pay (depending on the position in the Police Department), and more monetary gain to encourage officers to go into the Detective area in the department. Mayor Gorden stated that he could not speak for the rest of the City Council, but that it was hard for him to grasp the need for "Meet and Confer".

Mr. Smith stated that if Mayor Gorden didn't understand the need then he was not being clear enough. Mr. Smith stated that he would go back to Councilmember Langston's question on insurance. Mr. Smith explained that he was not saying that the Police Department would negotiate for all of the City employees in regards to insurance. Mr. Smith added that he was trying to point out that the police officers knew the cost of insurance would go up. Mr. Smith added that they knew the City could not afford to pay to increasing costs. Mr. Smith stated that the Police Association still wanted to be able to persuade the officer that could be making the same money in another city and might have better insurance benefits, or has the same insurance benefits and making more money in another city, to come to Lufkin to work. Mayor Gorden stated that it boiled down to whether Mr. Smith had confidence in the management of the City of Lufkin and the City Council to assist in trying to address those issues, along with the Police Department, or whether Mr. Smith and the Lufkin Police Association wanted to try to address the situation on their own. Mayor Gorden added that perhaps the Lufkin Police Association thought that they had better judgment than the City Manager and Council. Mr. Smith stated that the Lufkin Police Association was not asking to anything on their own. Mr. Smith added that the Lufkin Police Association was asking for the ability to do what the Mayor said, which was to sit down with the City Council. Mayor Gorden asked if that was not currently happening. Mr. Smith stated that the Lufkin Police Association could not enter into any type of agreement with the City Council. Mayor Gorden asked Mr. Smith if the Police Association or Lufkin Police Officers had asked for something that had been denied. Mr. Smith stated that they had not. Mr. Smith added that he had not asked for anything that had not been addressed. Mr. Smith stated that again

he must not be clear, because he began the discussion by stating that the Lufkin Police Department Officers appreciated how much the City Council had done and that he credited the City Council for getting the Lufkin Police Department to where they currently were. Mr. Smith added that he also credited the current and previous Administrations of the City of Lufkin. Mr. Smith stated that the Council and Administration had created a department of well educated, well intentioned, career officers that Lufkin had never seen before. Mr. Smith added that Lufkin would have more officers retiring from the Police Department than ever before. Mr. Smith stated that the employees wanted to be engaged, employees wanted to be part of the process, and didn't want to wait to find out what was going to happen and where the Police Department would end up in five (5) years. Mr. Smith stated that the employees wanted to be a part of the planning process. Mr. Smith stated that the employees wanted to be able to offer something to the Council in way of money savings by foregoing some statute under Civil Service that would save money. Mr. Smith stated that the employees wanted to forego some benefits under Civil Service that would allow the offset of cost of health insurance, so that the City could continue to offer benefits to all employees and to continue to pull in officers that have been pulled in up until now. Mr. Smith stated that he was having a hard time understanding why that would be a challenge to authority or a concern. Mr. Smith added that it was completely permissive.

Councilmember Don Langston stated that he wanted to quote part of the statute that gave him concerns. Councilmember Langston stated that the statute said that the Police Officers Association meant an employee organization in which police officers employed by a municipality participate that exists for the purpose, in whole or in part, of dealing with the municipality or public employer concerning grievances (which the officers currently have under Civil Service), labor disputes (which would be very difficult to make any changes under Civil Service of any officer unless that officer has committed a serious offense), wages, rates of pay, hours of work, or conditions of work affecting police officers. Councilmember Langston stated that conditions of work affecting police officers could mean working over 20 hours a week or could mean working over 50 hours a week to others. Councilmember Langston stated that this was an open door and that he did not see the need for it. Councilmember Langston explained that this was his concern. Councilmember Langston added that you either look at what has happened or you look at what you think is going to happen. Councilmember Langston stated that Mr. Smith was telling him that everything was rosy today and that the Council had done a good job in the past, but all of a sudden the officers were concerned with what the Council was going to do in the future. Councilmember Langston added that he did not buy that. Councilmember Langston stated that it was his concern that the city was opening a door that the city would not be able to close. Councilmember Langston added that he meant that not only from the Council and the citizens of Lufkin's standpoint, but that he meant it for the officers also. Councilmember Langston added that right now the Police Department's greatest bargaining tool with the Council is the officer's professionalism as a group of officers. Councilmember Langston stated that the Council wanted to keep that, because that gave the Council great pride. Councilmember Langston added that if the officers get to the point where they do not discuss a decision with the Council until they have "Meet and Confer", then the officers were taking a lot of motivation away from the Council. Councilmember Langston added that this would affect how the Council would handle those situations, how the Council would reward the officers, and how the Council would reward the department. Councilmember Langston stated that even though he had only been on the Council for six (6) years, he prided himself in being extremely proud of every aspect of the Law Enforcement Agency and also the Fire Department. Councilmember Langston stated that quite frankly he was a little taken aback by the thought that the City of Lufkin needed a bargaining organization. Councilmember Langston stated that the Council and the Police Department could sit and talk all night long about what the Legislature had done to the City of Lufkin and other cities that continued to grow over time and become more burdensome and more cumbersome.

Mr. Smith stated that he understood that concern, and that this was also a concern of City Manager Parker. Mr. Smith added that this was a concern that he hadn't fully considered before the meeting. Mr. Smith stated that "Meet and Confer" was permissive. Councilmember Langston stated that he should explain his position a little further. Councilmember Langston asked why the Council should sit and labor over what they think that they are able to do as a Council. Mayor Gorden stated that Mr. Smith did not say that the Council should decide among themselves before they went to the "Meet and Confer". Mr. Smith agreed. Councilmember Langston stated that it de-incentivized the Council's

desire to make sure that the police officers got what they needed to do their jobs and to do them safely. Mayor Gorden added that the police officers had the best equipment that could be had.

Mr. Smith stated that he thought the Police Department did have the best equipment. Mr. Smith reiterated that "Meet and Confer" was permissive. Mr. Smith stated that "Meet and Confer" was buying the screw driver that was not needed that day, but might be needed in the future. Mr. Smith added that "Meet and Confer" was like preventive maintenance on a car. Mr. Smith stated that the Council could approve "Meet and Confer" or could send it to the citizens and let them approve it, and then let it sit in the drawer. Mr. Smith explained that the Council was never required to talk to the police officers.

Councilmember Rufus Duncan stated that the issue that was important was that the police officers asking for "Meet and Confer" was a little offensive to the City Council. Councilmember Duncan added that the Council had gone to great degrees, and for the officers to have the lack of faith in the Council and the citizens that follow the Council, was just a little offensive to the Council. Councilmember Duncan stated that this was his opinion.

Mr. Smith stated that this was disheartening to him. Mr. Smith added that this was not his intention. Mr. Smith stated that it wasn't that the officers didn't appreciate or have confidence in what had been done by the Council. Mr. Smith added that if the officers didn't have confidence in the Council's ability they wouldn't be offering to work with the Council. Mr. Smith stated that the officers would look elsewhere for other means. Mr. Smith stated that the officers were asking for the Council to voluntarily to sit down and talk with the police officers, and then if the officers and Council could find something that was mutually beneficial to agree on, then both would agree on it.

Councilmember Duncan stated that the Council had sat down and talked to the police officers. Councilmember Duncan added that this was not something that had not already happened. Councilmember Duncan stated that the Council did not need a rule to be able to talk to the police officers. Mr. Smith stated that the Council did need that rule. Mr. Smith added that the Council had not talked with the employees as a group and that the Council had talked with individual employees to discuss individual needs but that had not happened with employees as a group. Mr. Smith stated that the Council could not enter into an agreement with the employees. Mr. Smith added that the Council could enter into an agreement with the City to say that they would do what needed to be done, and that this had been proven over and over again. Mr. Smith stated that it was not permissive for the police officers to sit down and talk to the Council. Mr. Smith added that statutory, the officers were not allowed to.

Councilmember Langston stated that there was a gentleman sitting at the back of the Council Chambers who was one of the best advocates for the Police Department. Councilmember Langston added that he guaranteed that this gentleman did not mince words and whenever he felt that there was a need, he came to the City Manager, and the City Manager came to the City Council, and the City Council met the need. Councilmember Langston stated that he did not see the difference between what Mr. Smith was asking for, other than Mr. Smith would become the spokesperson, and then there would be no incentive for him to be the spokesperson. Councilmember Langston stated that this was the way he viewed it and that he was not saying that "Meet and Confer" was not going to happen, but as far as he was concerned it de-incentivized the process that the Council currently had in place. Councilmember Langston added that the current process had worked very well by Mr. Smith's own admission. Councilmember Langston stated that the options of the Council that he understood were that the Council could approve "Meet and Confer" or the Council could send the matter to the public for a vote. Councilmember Langston added that in his opinion the entire Police Department needed the opportunity to vote on allowing the Lufkin Police Association to represent them for "Meet and Confer, not by a petition but by a secret ballot. Councilmember Langston stated that this should be the officer's right, just like any citizen. if that were possible. City Manager Parker stated that this was the third option that the Council had to choose from concerning "Meet and Confer". City Manager Parker stated that the Council could require a certified election of the officers. City Manager Parker added that he would get with Mr. Smith to find a date that was most conducive to get the most officers available for the election, if the Council chose that option. City Manager Parker stated that the election would most likely be held in the City Secretary's office, and that a format would

be chosen that everyone could agree with to make it as convenient as possible for the officers.

City Attorney Bob Flournoy stated that a certification election was the means by which the Lufkin Police Association, which was a union, would be entitled to represent all of the Police Department. City Attorney Flournoy added that it needed to be clear that the issue that was being discussed was really a step toward “collective bargaining”. City Attorney Flournoy stated that the Lufkin Police Department wanted to have enough “stroke” as a group to be able to put that pressure on the City Council to do whatever the group wanted to do. Mr. Smith stated that this was incorrect. City Attorney Flournoy stated that this was the fact and was what the Lufkin Police Association wanted to do. City Attorney Flournoy stated that it would be a charade to suggest that the process was all about just doing things to increase safety. City Attorney Flournoy added that the issue was about wages and conditions of work and that he did not think that the group needed to skip around that. City Attorney Flournoy stated that the issue was about the Lufkin Police Association trying to put themselves in a position to be the authority to “Meet and Confer”. City Attorney Flournoy added that the Lufkin Police Association was trying to represent all of the Police Department in an effort at “collective bargaining”. City Attorney Flournoy added that this was why the certification election was an option. City Attorney Flournoy stated that the certification election was to determine what the majority of the police officers wanted to do, and then the City Council could decide to adopt “Meet and Confer”, or send it to the public for a vote.

Councilmember Langston stated that it was important to the Council to know that every police officer in the department had the opportunity to privately vote on whether to allow the Lufkin Police Association to represent them. Councilmember Langston added that this would give the Council a guide to go by, because another association could walk into City Hall tomorrow that represented the Police Department in some shape, form or fashion, and ask for the same opportunity. Councilmember Langston stated that he did not know if the Police Department could only approve one (1) or if the Police Department could have half a dozen associations, but that he wanted to know that the Lufkin Police Association was the one (1) association that the Police Department, by a majority vote, decided to be the one (1).

Councilmember Rose Faine Boyd asked if an officer had to belong to the Lufkin Police Association to vote in the certification election. Mr. Smith stated that the officers did not have to belong to the Lufkin Police Association to be eligible to vote in the certification election.

Mr. Smith stated that City Attorney Flournoy was incorrect about the issue being about “collective bargaining”. Mr. Smith stated that if that was the intent of the police officers, then they would not have taken that route. Mr. Smith stated that the police officers did not want to see anyone forced to the table. Mr. Smith added that under “collective bargaining” the City would have to sit down and would have to bargain in good faith to attempt to reach an agreement. Mr. Smith stated that this was not required under “Meet and Confer”. Mr. Smith explained that if “Meet and Confer” was approved, the officers would be banned from going after “collective bargaining” for at least two (2) years. Mr. Smith added that the officers would have no cause to go after “collective bargaining”. Mr. Smith stated that “collective bargaining” would result in the City and the Association both having the hardship of being forced to come to the table. Mr. Smith stated that the Association wanted the ability to say that they did not want to move forward with anything this year and that they did not want to come to the table. Mr. Smith added that if the officers had “collective bargaining” the group could not do that, that the group could not choose not to go to the table. Mr. Smith reiterated that the officers were banned for two (2) years from asking for “collective bargaining” and that if the officers had “Meet and Confer” they would not need “collective bargaining”. Mr. Smith stated that the only difference was the officers would not have to go into binding arbitration if they had “Meet and Confer”. Mr. Smith stated that if the Association and the Council got to an impasse, both groups could say that nothing could be done and both groups walk away. Mr. Smith added that if the officers had “collective bargaining”, the groups would be required to go into binding arbitration. Mr. Smith stated that the groups would go to federal mediation and then binding arbitration or State District Court.

City Attorney Flournoy stated that what he said was that “Meet and Confer” was the next step toward “collective bargaining”. City Attorney Flournoy added that “CLEAT”

(Combined Law Enforcement Association of Texas) had been promoting “collective bargaining” and that type of thing for years. City Attorney Flournoy stated that this was what “CLEAT” did and was their primary goal. City Attorney Flournoy added that he thought that this was the primary concern of the current City Council. City Attorney Flournoy stated that the Council was concerned that this would be the next step of the Legislature by mandating it or by just the fact that the Association had gotten this far. City Attorney Flournoy stated that he had been representing the City of Lufkin in the coming year for forty (40) years and during that time the City of Lufkin had Civil Service. City Attorney Flournoy added that Civil Service had been good for police officers. City Attorney Flournoy stated that under Civil Service officers could hardly be fired and that Civil Service determined who could be hired. City Attorney Flournoy stated that Civil Service controlled most of the conditions of work, and that there was not anything that the City Council could do about it. City Attorney Flournoy added that Mr. Smith was not really talking about having the opportunity to change anything significant in the Civil Service Law. City Attorney stated that perhaps “Meet and Confer” could let someone over the age that Civil Service allowed be able to be hired, but that was not really the intent of “Meet and Confer”. City Attorney Flournoy added that he had been witness to it for forty (40) years and that he knew how it worked and that he had seen over and over again “CLEAT” coming forward and trying to form unions and do exactly what Mr. Smith was trying to do.

Mr. Smith stated that City Attorney Flournoy’s point was well taken on Civil Service. Mr. Smith added that it was obvious that City Attorney Flournoy had issues with some of the statutes within Civil Service. Mr. Smith added that he thought that many of the City Administration had issues with Civil Service. Mr. Smith stated that “Meet and Confer” was the only way that Civil Service could be changed. Mr. Smith added that “Meet and Confer” would allow the City to change any of the statutes within Civil Service. Mr. Smith added that “Meet and Confer” would supersede all statutes within Civil Service if agreed to, and was truly beneficial to the City and to the police officers. Mr. Smith stated that City Attorney Flournoy was ultimately correct that ultimately “Meet and Confer” would be about pay. Mr. Smith added that the officers did not want to stick their hands out and say that they were ungrateful for everything that had been given to them, although they thought that it was much deserved. Mr. Smith said that it was about everything that the police officers had earned over the years. Mr. Smith added that it came across many times like it wasn’t deserved, but was given to the officers. Mr. Smith stated that what was important was for the Council to see that the officers were not trying to stick their hands out and say they wanted a one hundred percent (100%) pay increase this year. Mr. Smith added that the officers were trying to say that by making sure that they continued to have the professional standards that they had, by making sure that the Police Department could continue to hire the officers that they hired, by making sure that the Police Department continued to be the best department that they could be, the Police Department provided benefits to the City of Lufkin, provided benefits to the citizens and ultimately benefitted the officers.

Councilmember Langston stated that he would go so far as to say that the most limiting factor that the City had in providing more needs for the Police Department was Civil Service. Councilmember Langston added that if the police officers wanted to do something that would be good for citizens of Lufkin and potentially good for the police officers, they would call for a vote to do away with Civil Service. Councilmember Langston stated that in his opinion, Civil Service was the most limiting factor that the Police Department had in hiring and keeping good people in the right positions at the right pay. Councilmember Langston added that this was his personal opinion and not a legal opinion. Mr. Smith stated that the Council should use “Meet and Confer” as a way to do that. Councilmember Langston stated that he did not think that Civil Service could not be done away with through “Meet and Confer”. Councilmember Langston added that he thought it would take a vote of the citizens, since it had taken a vote of the citizens to bring in Civil Service. Mr. Smith stated that the statute in front of the Council said that “Meet and Confer” would supersede any statute within Civil Service. Councilmember Langston stated that would require a legal opinion.

Mayor Gorden asked if the Council could agree that the Council and Mr. Smith were going to respectfully disagree. Mayor Gorden stated that there was no question that everyone had one goal, and that goal was to have the best Police Department that the City of Lufkin could possibly have. Mayor Gorden added that everyone was “chewing on it” and not agreeing on the way to accomplish that. Mayor Gorden stated that he was hearing it said that the Council

wanted to ask for a certification election. Mayor Gorden added that the Council would have other opportunities to carry the discussion forward.

Councilmember Don Langston stated that he found the clause that allowed for the certification election and would be happy to read it as a motion, if that was acceptable at that time.

Councilmember Phil Medford stated that he wanted to make one (1) comment before the motion. Councilmember Medford stated that he wanted to commend Mr. Smith, and that he meant that with all sincerity. Councilmember Medford added that he could see why Mr. Smith was the President of the Lufkin Police Association, and that Mr. Smith did an excellent job of standing before the Council and presenting his side of the issue. Councilmember Medford reiterated that Mr. Smith had done a nice job and should be commended for that because it was very easy to let emotions get in the way of having an intellectual discussion about the points, and that Mr. Smith had done an excellent job. Councilmember Medford stated that the Council and Mr. Smith had a philosophical difference. Councilmember Medford added that he felt that the Council felt like “it ain’t broke and we don’t need to fix it”, and that the Council thought they had a good situation and have had a good situation. Councilmember Medford stated that the last thing that he believed that a lot of people, even those that were in government, wanted was more government. Councilmember Medford added that the Council did not want to open the door for the Legislature to come in and start telling the City of Lufkin that they would make more demands. Councilmember Medford stated that was part of the Council’s concern about “Meet and Confer”. Councilmember Medford stated that with “Meet and Confer” the Council would be saddled with whatever the future Legislatures do. Councilmember Medford added that the Council did not really want to open that door. Councilmember Medford stated that this was part of it, and that overriding all of it was that the Council believed, collectively felt, like they were doing all that they could do and really did not feel the need for the change. Councilmember Medford stated that Mr. Smith did an excellent job in presenting the case for the police officers but that the Council was at the point for Councilmember Langston to make the motion to ask for the officers to have an election and let the Council know if they all concurred with Mr. Smith’s position.

Mr. Smith stated that in order to be clear for the Council, the certification election did not ask the officers if they wanted “Meet and Confer”. Councilmember Medford stated that he understood that, and that the election was for Mr. Smith and the Lufkin Police Association to represent them. Mayor Gorden agreed that this was the Council’s understanding.

Mayor Gorden stated that he echoed Councilmember Medford, and that Mr. Smith did a great job and that the Council appreciated him. Mr. Smith stated that his only regret was if it came across as challenging to the Council. Mr. Smith added that the ultimate intent was to improve work conditions and pay, which was a long term goal for any employee. Mr. Smith added that his hope was that this was the right way to go about this. Mr. Smith added that the goal was to improve the department and to build to that. Councilmember Langston stated that the best way that he could sum it up was the Council was not concerned about Mr. Smith or his dedication, nor was Mr. Smith concerned about the Council and their dedication, but that Mr. Smith was concerned about who might be sitting on the Council in the future and that was also a concern about who might be in the position that Mr. Smith currently was in. Councilmember Langston added that Mr. Smith should take that into consideration.

Mayor Gorden stated that if Councilmember Langston was ready to make a motion that he would like to offer Police Chief Larry Brazil the opportunity to speak, because the Council would be remiss by not recognizing Chief Brazil’s efforts to bring the Police Department to the standards that the department currently was at. Mayor Gorden added that Chief Brazil had done a great job with the management of the Police Department, and that the Police Department had worked hard to make itself a professional group. Mayor Gorden stated that the Council would love to hear from Chief Brazil.

Chief Larry Brazil stated that he did not have anything prepared, but that he did want to echo what everyone had previously said. Chief Brazil added that the Police Department did have a good department with good officers, and that he did not have any strong feelings either way on the “Meet and Confer” issue. Chief Brazil stated that he could not see the necessity that the department needed to have someone to talk to the Council, because he had always been

willing to do that. Chief Brazil added that he thought that the Police Department and the Council had always had a good relationship.

Mayor Gorden stated that this was also the perception of the Council, and that the relationship between the Council and Chief Brazil and the Police Department had always been excellent. Mayor Gorden added that the Council appreciated Chief Brazil's efforts and that hopefully it was hearsay that Chief Brazil might be retiring.

Councilmember Don Langston moved to ask for a certification election, to determine whether the Lufkin Police Association represented a majority of the covered police officers, and that it be conducted according to the procedures agreeable to the parties as stated in the Legislature's law that was given to the City to go by. Councilmember Phil Medford seconded the motion. Councilmember Rose Faine Boyd asked if the certification election passed, would it mean that the City of Lufkin would have to have "Meet and Confer". City Manager Parker stated that was not true, and that if the certification election passed then the Council would have the option to either vote in "Meet and Confer" or refer it to the citizens of Lufkin for an election in May 2009 for "Meet and Confer". Mayor Gorden then called for the vote and a unanimous affirmative vote was recorded.

Mayor Gorden stated that everyone did not totally agree, but that he wanted everyone to think about the fact that there was way more that tied everyone together than may seem to be separating everyone. Mayor Gorden added that the Council appreciated the Police Department.

12. PURCHASE OF A GRAPPLE TRUCK – APPROVED - FOR THE SOLID WASTE DEPARTMENT

Mayor Jack Gorden stated that the next item for consideration was the purchase of a grapple truck for the Solid Waste Department.

City Manager Paul Parker stated the City was in the process of collecting debris. City Manager Parker added that the unit was authorized to be replaced last year, but that Staff went through and looked at each piece of equipment annually and that just because it was on the amortization schedule did not mean that the City would automatically replace it. City Manager Parker stated that this was a good example of that. City Manager Parker stated that with all of the need of debris collection and the wear and tear on the old unit, the Staff recommended that Council approve the purchase of the new grapple truck. City Manager Parker stated that the truck was immediately available and could be used on the debris collection. City Manager Parker added that the truck was a Peterbilt 335 chassis with a loader and dump body from Rush Peterbilt of Lufkin through the HGAC bid in the amount of one hundred twenty-nine thousand nine hundred ninety-nine dollars (\$129,999). City Manager Parker stated that the budgeted amount for the piece of equipment was one hundred forty-six thousand eight hundred thirty-one dollars (\$146,831), and was below the amount budgeted in the amortization schedule. City Manager Parker stated that Staff recommended that Council approve the purchase the truck immediately to help in the Hurricane Ike debris collection. City Manager Parker added that as soon as the City had completed that project, the City would retire the old grapple truck.

Councilmember Rose Faine Boyd moved to approve the purchase of a grapple truck for the Solid Waste Department. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

13. CITY MANAGER'S REPORT

Mayor Jack Gorden stated that the next item for consideration was the City Manager's Report, which would be a discussion of the Capital Improvement Program and a discussion of the City's Organizational Structure.

City Manager Paul Parker stated that he would be brief. City Manager Parker stated that on the Capital Improvement Program, the Council had gone through the process of identifying numerous projects within the City. City Manager Parker added that the process needed to be brought to the next stage, which was to look at the list of projects and make a final recommendation. City Manager Parker stated that Staff had provided the Council the list in

their packets, and that he would suggest that the Council look at the list and how the final rankings came out, and the authorization that the Council gave the Staff to drop the highest and lowest scores. City Manager Parker stated that that the list was broken down as the Council requested by functions such as Parks, Streets, and so forth. City Manager Parker requested that the Council look at the list and give him some direction. City Manager Parker added that he did not think that the Council or Staff wanted to look at the bonds or would know what to sell until it was determined what the economy was going to do. City Manager Parker stated that Citation's announcement that they were closing added another question about the economy, and that even though the Council might prioritize a final list did not mean that the City would go forward until Staff and the Council had the opportunity to see how the economy would do. City Manager Parker added that it was however imperative that the Staff and Council get the final priority list in order and allow the Staff to bring some refined numbers and engineering on the first few projects that the Council authorized. City Manager Parker stated that there were also options to do some of the smaller projects out of the "Fund Balance". City Manager Parker stated that Staff did not know whether the Council wanted to go through each project again in detail or have a chart at the next meeting where the Council could go through and give their anticipated ranking. City Manager Parker commented that if the current ranking sheet met all of the Council's goals that was fine, but at the last meeting the Council discussed having one last look at the rankings and make adjustments. Mayor Gorden asked City Manager Parker if he was asking the Council to look again at how the items were ranked. City Manager Parker stated that he was asking the Council for the final blessing of the rankings. City Manager Parker explained that the current list was the preliminary list to get the Council's goals and opinions. Mayor Gorden suggested that the Council take the ranking list and have a brief discussion on how they felt about the items at the next meeting, and then if there were questions about particular projects, the Council could ask them and the Staff could expound on them then. Mayor Gorden then asked the Council if that was agreeable to all of them. Councilmember Langston stated that he agreed, but would go further to say that it was wonderful that the Staff had broken the projects down by departments. Councilmember Langston added that one of the Council may love one particular area of the City and would like to see that everything be done in that area, but that would not exactly be fair to other departments that needed things done. Councilmember Langston stated that the first three (3) items in each department had actually ranked pretty high, and that this could be a decision that the Council came to, and that by discussions over time the Council had ranked the projects pretty well. Mayor Gorden agreed and added that the list might need a little tweaking. Mayor Gorden asked the Council to come to the next meeting ready discuss the projects and make suggestions. City Manager Parker stated that if any of the Council needed any details or breakdowns on a particular project they could contact Assistant City Manager Keith Wright or himself to get information. City Manager Parker stated that as the Council and Staff got into more detail the numbers would be refined. City Manager Parker added that this would give the Staff some leeway, and that the City would have to proceed on the Water and Sewer projects because of the TCEQ requirements. City Manager Parker stated that the City knew that there would be some type of issue in that area to meet the federal and state mandates. Mayor Gorden requested that the Staff come prepared to tell the Council what those mandates might be.

City Manager Parker stated that he wanted to briefly go over the Organizational Structure. City Manager Parker added that the Council had talked about the structure before, but that he wanted to put it in the Council's hands since the City had made changes on the Public Works aspect of the structure. City Manager Parker stated that the City now had the Public Works Division that Steve Floyd was handling. City Manager Parker added that along with Solid Waste and Fleet that Mr. Floyd had been in charge of in the past, Mr. Floyd would also supervise the Street Department, Parks Department and the Civic Center. City Manager Parker stated that this put a lot of the labor force under one (1) manager and that the City of Lufkin was very good with sharing of equipment across lines and between people. City Manager Parker stated that nothing could show that more than Hurricane Ike, where the Street Department, Parks Department and Solid Waste all worked together in the debris collection. City Manager Parker added that the change helped the City to coordinate areas. City Manager Parker stated that the Public Utilities Division was being supervised by Chuck Walker. City Manager Parker added that Mr. Walker was supervising the Water Treatment Department along with Water Distribution, Engineering, Sewer Collection, Water Production and Building Maintenance. City Manager Parker stated that Assistant City Manager Keith Wright was supervising most of these department and that this would put a layer between

Assistant City Manager Wright and the departments so that he could utilize Assistant City Manager Wright for more management issues that were associated with not only the Public Works and Public Utilities Divisions, but also other functions within the City Manager's area. City Manager Parker explained that Assistant City Manager Wright was also taking more of a role in the Emergency Management coordination. City Manager Parker stated that the Council knew from the past that Assistant City Manager Wright did an outstanding job in the last emergency, which was Hurricane Ike, along with many of the other City Staff. City Manager Parker stated that Assistant City Manager Wright would also maintain the IT Department, Main Street and Municipal Court. City Manager Parker explained that Municipal Court was under the Police Department, but that Chief Brazil and himself were always concerned that having the Municipal Court under the Police Department put the officers in a precarious position when they wrote traffic citations and also overseeing the Court. City Manager Parker explained that the misconception could be that the citations were being written for monetary gain and that there was no relationship to that, and that Staff thought that this would be a better separation of those duties. City Manager Parker added that those were the major changes in the Organizational Structure of the City of Lufkin. City Manager Parker stated that the remainder of the areas remained the same. City Manager Parker added that obviously the one (1) area that currently had a big hole in it was the Human Resource Director's position. City Manager Parker stated that he anticipated maintaining the Risk Management, Purchasing, and Insurance Management under the Human Resource Director's position, and would be advertising the position beginning that week to replace David Koonce. City Manager Parker stated that he wanted to take a moment to say how the City of Lufkin missed David and how much he meant to the City. City Manager Parker added that with the untimely passing of David Koonce there was a huge void to try to fill and that David was a good friend to everyone, was an excellent Human Resource Director, someone who knew how to keep the rules and regulations, but also knew the human aspect, and that was a hard blend and was what made it hard to fill the position. City Manager Parker added that the City would have to have someone who could keep the City out of trouble legally, and at the same time have the understanding and compassion to make good decisions when the City was dealing with human lives. City Manager Parker added that the Human Resource Director's position was a major void in the City's Administrative Team. City Manager Parker stated that this was the new Organizational Structure and that it had been in place for a couple of months, but that he wanted the Council to formally see how it came together on paper. City Manager Parker added that the Departments that weren't mentioned reported directly to the City Manager and were the Finance Department which supervised the Utility Collections Department, Economic Development Department, Library, Zoo, Planning Department, Assistant City Manager and his areas, Inspection Services Department, Fire Department, City Secretary, Police Department, and Human Resources Department. City Manager Parker stated that this would be the Organizational Chart for the year and that he would be happy to answer any questions from the Council.

Mayor Gorden asked if the Council had any questions or comments about the Organizational Structure. Councilmember Rufus Duncan asked if it would be acceptable to discuss appointments to the Library Board of Trustees. City Manager Parker stated that if the Council was looking at the Organizational Structure and function, he did not think that the Council could discuss the actual appointments of anyone unless it was listed on the agenda. City Manager Parker added that the Council could talk about the Library as it related to the Organizational Structure and interaction of the Library Board of Trustees. City Manager Parker explained that the Council could not make an appointment to the Library Board of Trustees but could discuss any relationship in the City's Organizational Structure. City Manager Parker asked City Attorney Bob Flournoy if he agreed with that statement. City Attorney Flournoy stated that he agreed with the City Manager's statement.

Councilmember Duncan stated that he thought that at one of the last Council Meetings the Council voted on the appointments to the Library Board of Trustees, and that he understood that the Council did not approve the recommendations that the Library Board of Trustees presented. Councilmember Duncan asked if the Council could get an update on that subject and discuss it. City Manager Parker stated that his understanding was that Councilmember Torres was present at the last Library Board of Trustees Meeting and could probably best explain it, but that the Library Board of Trustees saw a technicality that they thought existed in the Council's motion. City Manager Parker said that the motion said officers instead of Board of Directors, but that the intent of the Council was truly meant as the appointment to the Library Board of Trustees, and that the Library Board of Trustees looked at that

technicality as saying that the sixty (60) days had passed, and that the time had elapsed in the agreement, and that the slate of officers was seated. City Manager Parker stated that in essence, one (1) of the individuals was even appointed to fill an unexpired term. City Manager Parker then asked Councilmember Torres if he had stated that correctly.

Councilmember Lynn Torres stated that at the Library Board of Trustees Meeting the statement was that the Library Board of Trustees did not recognize that the City Council acted legally in the disproving their appointments to the Library Board of Trustees. Councilmember Torres added that because the Library Board of Trustees did not recognize that the Council followed the correct procedure, the Library Board of Trustees declared their group of nominees to be appointed to the Library Board of Trustees. Councilmember Torres stated that the Library Board of Trustees appointees were willing and ready to serve and with the exception of the one (1), who was immediately welcomed to the Library Board of Trustees to fill out the unexpired term for someone who resigned from the Library Board of Trustees. The remainder of the appointees were prepared to take positions on the Library Board of Trustees in January 2009. Mayor Gorden stated that the Council and the Library Board of Trustees' agreement stated that the Council did not name the appointees, but that the Council either approved or disapproved the nominees. Councilmember Torres stated that she thought that the problem was that one (1) member of the organization felt like it was not the pleasure of the City Council to approve or disprove any nominee, but was the City Council's duty to approve the process by which they identified the correct nominees were and who they wanted. Councilmember Torres added that the member thought the City Council was to simply rubber stamp their process, agree that the Board of Trustees followed their process, and approve their slate of nominees. Councilmember Torres stated that the City Council and the Library Board of Trustees differed in that opinion. Councilmember Torres added that she thought the agreement with the Library stated that the City Council did have the ability to disprove individual nominees, and the City Council did disprove that slate of nominees for a variety of reasons. Councilmember Torres stated that this was not to say that any of those people who were nominated to serve as Trustees of the Library Board were not worthy, but that they had certain criteria that the City Council felt needed to be met in order to be viable candidates to be nominees to the Library Board of Trustees. Councilmember Torres added that the City Council proceeded correctly, and the Library Board of Trustees disavowed that the City Council proceeded correctly and had basically chosen to ignore the City Council's direction.

City Attorney Bob Flourney stated that the City Council could make a report as Councilmember Torres just did, and that the City Council could receive information. City Attorney Flourney added that because of the way the agenda was set up the City Council would not be able to discuss it as a Council at that point and time. Councilmember Langston asked if it would be possible to inquire of the City Attorney if the City Council acted in a timely manner. City Attorney Flourney stated that the City Council did act in a timely manner and the City Council did receive the recommendation from the Library Board of Trustees for their slate of nominees. City Attorney Flourney added that the City Council had the appointment on the Council Agenda for consideration, and that the City Council rejected that slate of nominees or proposed board members. City Attorney Flourney stated that the actions were done appropriately and timely, and the next step would be for the Library Board of Trustees to submit other nominees for those positions or else there would not be anyone to fill the positions. Mayor Gorden asked if the Library Board of Trustees constituted a "full" Board at the current time. Councilmember Torres stated that the Library Board of Trustees would end in December, 2008, and on January 1, 2009, or at the first meeting of the month, which would occur on the fourth Tuesday of the month, the Library Board of Trustees would have vacancies if the positions were not filled. Mayor Gorden asked if the Board had a resignation that had already taken place. Councilmember Torres stated that the Library Board of Trustees did have a resignation that was effective in September 2008, and the Library Board of Trustees did appoint someone to serve out that person's term that would end in December 2008. Councilmember Torres added that four (4) members would go off of the Library Board of Trustees in December, 2008, and four (4) members were presented for approval by the City Council, and the four (4) nominees were disapproved, so the Library Board of Trustees would be four (4) members short on an eleven (11) member board. City Attorney Flourney stated that the City of Lufkin had done exactly what it should have done in the process, and that there was nothing else that needed to be done at the current time.

Councilmember Duncan stated that basically the City Council could not discuss the subject of the Kurth Memorial Library Board of Trustees further during the current meeting. City Attorney Flournoy stated that this was correct, and that the City Council could always receive reports and information, but could not discuss the subject as a City Council and exchange ideas. Councilmember Langston asked what the City of Lufkin was currently spending on the Kurth Memorial Library. City Manager Parker stated that he estimated the amount to be approximately six hundred fifty thousand dollars (\$650,000). Mayor Gorden stated that he thought the amount was closer to eight hundred thousand dollars (\$800,000). Councilmember Langston asked if the City had seats on the Library Board of Trustees. City Manager Parker stated that the only position that the City of Lufkin had on the Board of Trustees was the City Manager, or his designee. City Manager Parker added that Councilmember Lynn Torres was currently on the Library Board of Trustees, but Councilmember Torres was on the Board as an appointee of the Trustees and not as a Councilmember. City Manager Parker stated that he had never voted as a member of the Library Board of Trustees, even though he had a voting right. City Manager Parker added that at the beginning of 2009, he would appoint Councilmember Torres to serve on the Library Board of Trustees, if she was willing to serve. City Manager Parker stated that he would still attend the meetings as Staff support, but that Councilmember Torres would roll off of the Library Board of Trustees as a member appointed by the Board and would assume her new position on the Library Board of Trustees as the designee of City Manager Parker. City Manager Parker added that his position never expired or had term limits and that the position was an "Ex-Officio Voting Member". Councilmember Lynn Torres stated that her term would end in December 2008, and that she was not one (1) of the four (4) nominees that were presented to the City Council for appointment to the Library Board of Trustees. Councilmember Rufus Duncan asked the permission of the City Council to put the Kurth Memorial Library Board of Trustees on the agenda for the next regularly scheduled City Council Meeting. The City Council concurred.

Mayor Gorden asked the Council if there was anything else to discuss under the agenda item "City's Organizational Structure". There was none.

Mayor Jack Gorden recessed the Regular Session at 6:55 p.m. to enter into Executive Session.

- 14. EXECUTIVE SESSION:** In accordance with the Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Regular Session Agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), and real estate, demolition of buildings, or appointments to boards and personnel may be discussed.

Mayor Jack Gorden reconvened the Regular Session at 7:13 p.m.

15. APPOINTMENTS - APPROVED - TO THE PLANNING AND ZONING COMMISSION AND THE APPRAISAL DISTRICT REVIEW BOARD

Mayor Jack Gorden stated that the next item for consideration was appointments to the Planning and Zoning Commission and the Appraisal District Review Board.

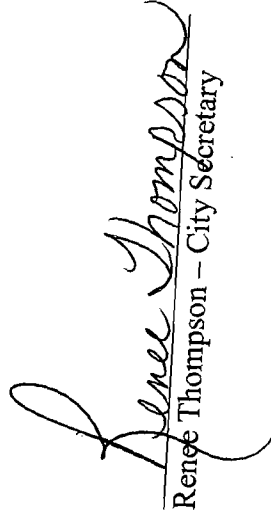
Councilmember Lynn Torres moved that the City Council appoint Rocky Thigpen to the Planning and Zoning Commission and Terry Morgan to the Appraisal District Review Board. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

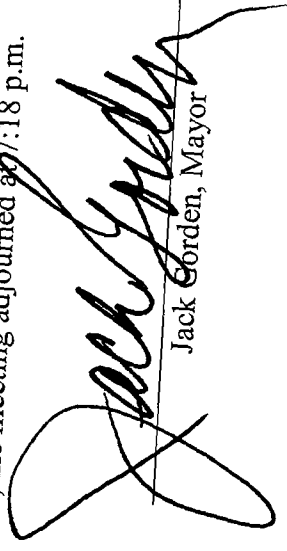
16. CALENDAR NOTATIONS FROM MAYOR, COUNCIL MEMBERS, AND CITY MANAGER

Mayor Jack Gorden stated that the next item for consideration was the calendar notations. Mayor Gorden added that the Council had the copy of the calendar. Mayor Gorden stated that the DETCOG Board Meeting would be held Thursday, October 16, 2008. Mayor Gorden added that the Heritage Festival would be held on Saturday, October 18, 2008. City Manager Parker stated that the Council had their packets for the Special Called City Council Meeting that would be held on Tuesday, October 14, 2008, at 12:00 noon, with lunch being served at 11:30 in Room 202 at the Lufkin City Hall. City Manager Parker added that the

procedure for the proposed Ordinances would be if the Council wanted to go forward with any of the Ordinances, they would have to go before the Planning and Zoning Committee to be approved before they would be brought to the City Council for the First and Second Readings. City Manager Parker stated that the Council would not be voting on the proposed Ordinances at the October 14, 2008, Council Meeting. City Manager Parker added that City Staff had worked on the Ordinances since the Council had seen the first version earlier in the year. City Manager Parker stated that City Staff had worked hard to refine the Ordinances and that there probably wasn't a member of the Staff that agreed with everything in every one of them, so the Staff did not feel that there was anything sacred in the Ordinances and were open for all suggestions and criticisms. City Manager Parker stated that one (1) additional Ordinance that the Staff was trying to get ready for the meeting, but didn't have the time to complete was the Redevelopment Zone Ordinance. City Manager Parker added that Staff was also looking at how to add and promote Kurth Drive as part of the Redevelopment Zone. City Manager Parker stated that the Redevelopment Zone Ordinance fell short of meeting the deadline because Staff was working to try to recreate the history on that Ordinance and that the City had a Resolution that said one (1) thing and an Ordinance that said another thing and that neither one (1) matched the City's existing policy. Mayor Gorden asked if the City Council was to review the Ordinances for possible suggested changes, but would take no action. City Manager Parker stated that the Council could suggest that the Staff go forward with the Ordinances to the Planning and Zoning Commission or that Staff would need to bring the Ordinances back to an additional work session. City Manager Parker added that there was nothing that mandated that the City Council had to do anything. City Manager Parker stated that the Council may look at the Ordinances and question if they really wanted to go forth with certain Ordinances. City Manager Parker added that the City Council might not want to go forth with all five (5) Ordinances. City Manager Parker stated that most of the Ordinances actually came from City Council's suggestions. City Manager Parker added that this was why the Staff wanted to get the Ordinances to the City Council early. City Manager Parker stated that there was a tremendous amount of reading and review for the Council to do. Mayor Gorden encouraged the Council to take time to read the Ordinances because the Council and Staff had been discussing them for quite some time. City Manager Parker stated that the Ordinance that was written concerning tree preservation was the one (1) that could be the hardest to enforce. Mayor Gorden then suggested that the Council and Staff wait to discuss the Ordinances at the next meeting.

17. There being no further business for consideration, the meeting adjourned at 7:18 p.m.


Renee Thompson – City Secretary


Jack Gorden, Mayor