

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 6th DAY OF FEBRUARY, 2007**

On the 6th day of February, 2007, 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.	Mayor
Rose Faine Boyd	Mayor Pro-Tem
Lynn Torres	Councilmember, Ward No. 3
Don Langston	Councilmember, Ward No. 4
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Asst. City Manager
Robert Flournoy	City Attorney
Vance Hendrix	Asst. City Attorney
Renee Thompson	City Secretary
David Koonce	Human Resource Director
Larry Brazil	Police Chief
Scott Marcotte	Asst. Police Chief
Pete Prewitt	Fire Chief
Duane Freeman	Asst. Fire Chief
Doug Wood	Finance Director
Dorothy Wilson	Planning Director
Barbara Thompson	Main Street Director
Randy Innerarity	Fleet Maintenance Director
Jim Wehmeier	Economic Development Director

being present, and

R. L. Kuykendall	Councilmember, Ward No. 1
Rufus Duncan	Councilmember, Ward No. 5

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Kevin Poage, Clawson Assembly of God.
2. Mayor Jack Gorden welcomed visitors present including the Student Council from the Pineywoods Community Academy. Councilmember Lynn Torres recognized LHS students who were present satisfying their government class requirement.

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting on January 16th, 2007 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Rose Faine Boyd. A unanimous affirmative vote was recorded.

NEW BUSINESS:

4. **FIRST READING OF AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS – APPROVED- BY GRANTING A “SPECIAL USE” PERMIT FOR A DAY CARE WITHIN A “NEIGHBORHOOD RETAIL” ZONING DISTRICT ON CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS BLOCK 1, LOT 1 OF THE SINGLETARY ADDITION AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP**

Mayor Jack Gorden stated that the next item for consideration was to conduct a Public Hearing and consider on First Reading an Ordinance of the City of Lufkin, Texas by granting a "Special Use" Permit for a Day Care within a "Neighborhood Retail" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as Block 1, Lot 1 of the Singletary Addition and authorizing the City Planner to make such changes on the official map.

Mayor Gorden then requested comments from City Manager Paul Parker.

City Manager Parker explained that this was a request from owner Brenda Smith to make renovations as well as additions for the purpose of using the structure as a daycare center and the property was zoned Neighborhood Retail. City Manager stated that both the Planning Commission and Staff recommended approval of this item.

Mayor Gorden opened the Public Hearing at 5:08 p.m. There being no one wishing to speak on this item, Mayor Gorden then closed the Public Hearing at 5:09 p.m.

Mayor Gorden then requested comments and/or motions from the Council.

Councilmember Rose Faine Boyd moved to approve the First Reading an Ordinance of the City of Lufkin, Texas by granting a "Special Use" Permit for a Day Care within a "Neighborhood Retail" Zoning District on certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas, described as Block 1, Lot 1 of the Singletary Addition 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.

5. BID TO BERRY AND CLAY FOR THE CONSTRUCTION OF A NEW FIRE STATION - APPROVED - AT 802 TRAILWOOD BOULEVARD IN THE AMOUNT OF \$1,034,100; CHANGE ORDER NUMBER ONE (1) - APPROVED - REDUCING THE AWARDED BID AMOUNT BY \$55,775; AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 10) - APPROVED -, PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE 1999 CAPITAL IMPROVEMENTS FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item was to consider award of a bid to Berry and Clay for the construction of a new fire station at 802 Trailwood Boulevard in the amount of one million thirty-four thousand one hundred dollars (\$1,034,100); approve Change Order Number One (1) reducing the awarded bid amount by fifty-five thousand seven hundred seventy-five dollars (\$55,775); and approve a Resolution authorizing an Amendment to the 2006/2007 Operating Budget (Budget Amendment No. 10), providing for the supplemental appropriation of funds in the 1999 Capital Improvements Fund; and providing an effective date.

Mayor Gorden requested comments from City Manager Paul Parker.

City Manager Paul Parker explained that the property at 802 Trailwood was purchased more than a year ago for the relocation of the fire station and that plans for construction had been in the works for a number of years. City Manager Parker stated that the new fire station, a total of six thousand six-hundred ninety (6,690) square feet, was designed to house six (6) firemen and would also be able to house the new ladder truck. City Manager Parker reminded Council that the funding for construction of the fire station, purchase of equipment that included a fire pumper truck, gradall for the Street department as well as the land acquisition for the new fire station would be taken from the Bond Debt Construction Fund with a balance of two million three-hundred ninety-four thousand dollars (\$2,394,000) and the total cost of these items was one million eight hundred thousand one-hundred seventy-nine dollars (\$1,800,179). City Manager Parker stated that these funds could only be expended on debt and would be a short term debt and that there were ample funds to cover these expenditures.

City Manager Parker explained that the cost estimate presented to the building committee was a total of eight hundred eighty-two thousand three hundred sixty dollars (\$882,360) and that the lowest bid received was in the amount of one million three hundred eighty-six

thousand dollars (\$1,386,000) which exceeded the estimate by one hundred fifty-six thousand two hundred forty dollars (\$156,240), but originally nine hundred sixty thousand eight hundred dollars (\$960,800) had been budgeted.

City Manager Parker stated that once the lowest bid had been identified, that the engineering firm of Goodwin-Lasiter, Inc. met with the bidder, Berry and Clay, to minimize costs and waste during construction, and several items had been identified to be deducted including the monument sign, a two inch (2") water fill line, trench drains, tapered columns, and landscaping which created a total savings of fifty-five thousand seven hundred seventy-five dollars (\$55,775) in addition to a deduction for light fixtures in the amount of four thousand five hundred dollars (\$4,500). City Manager Parker further explained that the base bid to the contractor would be in the amount of one million three hundred eighty-six thousand dollars (\$1,386,000) less the deductions in the amounts of fifty-five thousand seven hundred seventy-five dollars (\$55,775) and four thousand five hundred dollars (\$4,500) for light fixtures would bring the amount needed to nine hundred seventy-eight thousand three hundred twenty-five dollars (\$978,325) in addition to ten thousand dollars (\$10,000) for landscaping. City Manager Parker assured Council that even though the amount required for construction would be in excess of the amount that was originally budgeted, that there were sufficient funds for construction of the new fire station and that Staff recommended award of the bid to Berry & Clay in the amount of one million thirty-four thousand one hundred dollars (\$1,034,100) for the construction of the new fire station along with the change order number one (1) that reduced the bid amount by fifty-five thousand seven hundred seventy-five dollars (\$55,775), as well as the needed budget amendment.

Mayor Gorden then requested comments or motions from the Council.

Councilmember Don Langston questioned deduction alternate number three (3).

City Manager Parker replied that Staff did not recommend that deduction.

Councilmember Don Langston asked that the plans be changed to reflect the deductions and the change order. Councilmember Langston also questioned whether or not a contingency had been included.

City Manager Parker replied that there was indeed a contingency in the amount of ten thousand dollars (\$10,000) included in the bid.

Assistant City Manager Keith Wright reiterated that a ten thousand dollar (\$10,000) contingency as well as an additional seven thousand (\$7,000) for testing was included in the bid amount.

Mayor Jack Gorden expressed his appreciation to Councilmember Don Langston and Councilmember Lynn Torres for their work on the building committee, as well as the Fire Department Staff that contributed to the effort.

Councilmember Phil Medford asked if a timeline for construction had been established.

City Manager Parker responded that the contract stated two-hundred forty (240) days, or approximately eight (8) months.

Councilmember Don Langston stated that he hoped that on future projects that the bid and budget amounts would be more in line, but that he agreed it was time to move forward on this project.

Mayor Gorden stated that residents in the west area of the City would be glad to have a new facility.

Mayor Gorden then requested motions and any other comments from the Council.

Councilmember Phil Medford moved to approve award of a bid to Berry and Clay for the construction of a new fire station at 802 Trailwood Boulevard in the amount of one

million thirty-four thousand one hundred dollars (\$1,034,100); approve Change Order Number One (1) reducing the awarded bid amount by fifty-five thousand seven hundred seventy-five dollars (\$55,775); and approve Resolution authorizing an Amendment to the 2006/2007 Operating Budget (Budget Amendment No. 10), providing for the supplemental appropriation of funds in the 1999 Capital Improvements Fund; and providing an effective date. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

6. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2006/2007 OPERATING BUDGET (BUDGET AMENDMENT NO. 9), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL AND WATER/WASTEWATER FUNDS; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a Resolution authorizing an Amendment to the 2006/2007 Operating Budget (Budget Amendment No. 9), providing for the supplemental appropriation of funds in the General and Water/Wastewater Funds; and providing an effective date.

Mayor Gorden requested information from City Manager Paul Parker.

City Manager Parker explained that the budget amendment was in relation to the online auction of City equipment that was held in January, and that the proceeds from this auction totaled sixty-six thousand four hundred twenty-seven dollars (\$66,427). City Manager Parker further explained that this Resolution would designate the amount into the Amortization Fund balance.

Mayor Gorden requested comments and /or motions from Council.

Councilmember Lynn Torres expressed her appreciation for the auction and moved to approve the Resolution authorizing an Amendment to the 2006/2007 Operating Budget (Budget Amendment No. 9), providing for the supplemental appropriation of funds in the General and Water/Wastewater Funds; and providing an effective date. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

7. RESOLUTION SUPPORTING THE LOWER NECHES VALLEY AUTHORITY APPLICATION NO. 06-4411E - APPROVED - TO AMEND CERTIFICATE OF ADJUDICATION NO. 06-4411 AND URGES THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO APPROVE THE AMENDMENT OF THE CERTIFICATE

Mayor Jack Gorden stated that the next item for consideration was a Resolution supporting the Lower Neches Valley Authority Application No. 06-4411E to amend Certificate of Adjudication No. 06-4411 and urges the Texas Commission on Environmental Quality to approve the amendment of the certificate.

Mayor Jack Gorden requested explanation from City Manager Paul Parker.

City Manager Paul Parker stated that the City of Lufkin and the Lower Neches Valley Authority own the water rights to Sam Rayburn Lake and that the Resolution would protect the City of Lufkin's rights and availability to the water and that Staff recommended approval of the Resolution.

Mayor Jack Gorden requested comments and/or motions from Council.

Councilmember Don Langston moved to approve the Resolution supporting the Lower Neches Valley Authority Application No. 06-4411E to amend Certificate of Adjudication No. 06-4411 and urges the Texas Commission on Environmental Quality to approve the amendment of the certificate. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

8. PURCHASE OF 2007 JOHN DEERE 328 SKID STEER – APPROVED - FOR THE SEWER REHAB DEPARTMENT

Mayor Jack Gorden stated that the next item for consideration was the purchase of a 2007 John Deere 328 Skid Steer for the Sewer Rehab Department.

City Manager Parker stated that the piece of equipment was actually a uni-loader for the Sewer Rehab which would be used for breaking concrete and that the bid cost for the item was in the amount of twenty-seven thousand six hundred dollars (\$27,600) and that only twenty-five thousand dollars (\$25,000) had initially been set aside for the purchase in the Equipment Amortization Fund leaving the remainder of two thousand six hundred (\$2,600) to be used from the fund balance, and Staff recommended approval of the purchase.

Councilmember Langston questioned whether the price included the attachments, such as the concrete breaker.

Assistant City Manager Keith Wright replied that the City already owned the attachments for use with the piece of equipment.

Mayor Gorden requested comments and/ or motions from Council.

Councilmember Lynn Torres moved to approve the purchase of a 2007 John Deere 328 Skid Steer for the Sewer Rehab Department. Councilmember Rose Faine Boyd seconded the motion. A unanimous affirmative vote was recorded.

9. PURCHASE OF 2007 JOHN DEERE 50D COMPACT EXCAVATOR – APPROVED - FOR THE SEWER REHAB DEPARTMENT.

Mayor Jack Gorden stated that the next item for consideration was the approval to purchase a 2007 John Deere 50D Compact Excavator for the Sewer Rehab Department.

City Manager Parker explained that the purchase price of this piece of equipment was in the amount of forty-seven thousand six hundred five dollars (\$47,605) and that initially in the amortization schedule; a ditch witch was scheduled to be replaced at a cost of fifty-five thousand dollars (\$55,000), but that Staff would be better served with the purchase of the compact excavator. City Manager Parker added that this would be a savings of seven thousand three hundred ninety-five dollars (\$7,395) and that the existing ditch witch would be removed from the fleet upon purchase of the compact excavator.

Mayor Gorden then requested comments and/or motions from the Council.

Councilmember Don Langston questioned whether the amortization schedule called for the replacement of this equipment.

City Manager Parker replied that the Fleet Maintenance Director Randy Innerarity reviewed each replacement prior to purchase and that the first several years of utilizing the amortization schedule would bring numerous purchases due to the age of existing equipment.

Mayor Gorden expressed appreciation to Randy Innerarity for his work on the amortization schedule.

Mayor Gorden then entertained a motion from Council.

Councilmember Rose Faine Boyd moved to approve the purchase of a 2007 John Deere 50D Compact Excavator for the Sewer Rehab Department. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

10. PURCHASE OF TWO (2) 2007 JOHN DEERE 310SJ BACKHOES (4 WHEEL DRIVE) – APPROVED - FOR THE SEWER REHAB DEPARTMENT. AND THE

PURCHASE OF ONE (1) 2007 JOHN DEERE 310SJ BACKHOES (2 WHEEL DRIVE) – APPROVED - FOR THE WATER UTILITIES DEPARTMENT

Mayor Jack Gorden stated that the next item for consideration was a bid for the purchase of two (2) 2007 John Deere 310SJ Backhoes (4 Wheel Drive) for the Sewer Rehab Department and the purchase of one (1) 2007 John Deere 310SJ Backhoes (2 Wheel Drive) for the Water Utilities Department.

City Manager Paul Parker stated that the amortization fund had been set up based upon existing equipment, but that as purchases were made, the focus of purchasing equipment also included the need of the department, not just replacing existing equipment and that there were four (4) backhoes scheduled to be removed from service, but that the purchase amount of the three (3) new backhoes would be greater than the four (4) existing backhoes. City Manager Parker explained that each backhoe had been funded in the amount of forty-eight thousand dollars (\$48,000) for a total of one hundred ninety-two thousand dollars (\$192,000) and that the two (2) four wheel drive backhoes would be purchased at a cost of seventy thousand six hundred fifty-one dollars and fifty-six cents (\$70,651.56) each for a total of one hundred forty-one thousand three hundred three dollars and twelve cents (\$141,303.12) and one (1) two wheel drive backhoe in the amount of sixty-one thousand eight hundred eighty-seven dollars and ninety-nine cents (\$61,887.99) which brought the total cost for the three (3) pieces of equipment to two hundred three thousand one hundred ninety-one dollars (\$203,191). City Manager Parker further explained that an additional eleven thousand one hundred ninety-one dollars (\$11,191) would be taken from the fund balance and that the four (4) smaller backhoes would be removed from service and replaced with the three (3) larger units and that along with the purchase of the compact excavator that these three (3) units would be better suited for the need of the departments and that staff recommended approval of the purchase.

Councilmember Don Langston questioned how many backhoes the City currently had in service and how they were moved around the City.

Assistant City Manager Keith Wright replied that currently nine (9) were in service, including two (2) in the Fleet Maintenance Pool and that the City owned an 18-wheeler haul truck for moving the equipment, as well as equipment trailers, and that if the location was close enough, the equipment would be driven to the work area.

Mayor Gorden then requested comments or motions from the Council.

Councilmember Lynn Torres moved to approve the bid for the purchase of two (2) 2007 John Deere 310SJ Backhoes (4 Wheel Drive) for the Sewer Rehab Department. and the purchase of one (1) 2007 John Deere 310SJ Backhoes (2 Wheel Drive) for the Water Utilities Department. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

11. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, DECLARING A PUBLIC NEED AND THE NECESSITY FOR ACQUIRING BY CONDEMNATION REAL PROPERTY FOR THE CONSTRUCTION OF WATERLINES – APPROVED - FROM LUFKIN TO SAM RAYBURN LAKE; AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED

Mayor Jack Gorden stated that the next for consideration was a Resolution of the City Council of the City of Lufkin, Texas, declaring a public need and the necessity for acquiring by condemnation real property for the construction of waterlines from Lufkin to Sam Rayburn Lake; and ordering the condemnation of said property to proceed.

City Manager Paul Parker requested that this item be tabled due to the fact the City Attorney, Robert Flournoy had reached an agreement with the property owners for the acquisition of this property, and that the Condemnation Resolution would no longer be needed.

Councilmember Don Langston moved to table the Resolution of the City Council of the City of Lufkin, Texas, declaring a public need and the necessity for acquiring by condemnation real property for the construction of waterlines from Lufkin to Sam Rayburn Lake; and ordering the condemnation of said property to proceed. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

12. Mayor Jack Gorden recessed the Regular Session at 5:35 p.m. to enter into Executive Session.

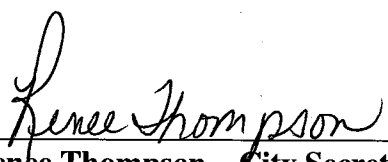
EXECUTIVE SESSION: In accordance with the Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Regular Session Agenda item requiring confidential, attorney/client advices necessitated by the deliberation or discussion of said items (as needed), and real estate, demolition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

Mayor Jack Gorden reconvened the Regular Session at 6:15 p.m.

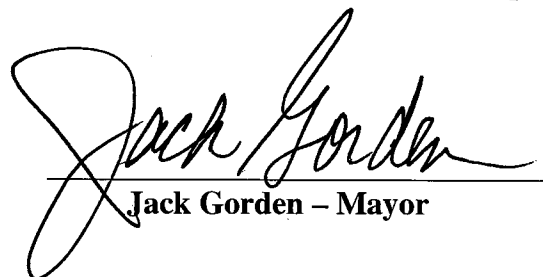
13. **CALENDAR NOTATIONS FROM MAYOR, COUNCIL MEMBERS, AND CITY MANAGER.**

City Manager Paul Parker reminded the Mayor and Council about the upcoming Arbor Day Ceremony that would be held on Thursday, February 8, 2007 at St. Cyprian's Episcopal School at 9:00 a.m. City Manager Parker also reminded those Council Members that were on the "HOT" Committee that there would be a meeting held on Tuesday, February 13, 2007 at the Lufkin City Hall, Room 202, at 12:00 noon. City Manager Parker then reminded the Council Members that served on the 4-B Economic Development Board that there would be a meeting on Monday, February 19, 2007 at the Lufkin City Hall, Room 102, at 4:00 p.m.

14. There being no further business for consideration, the meeting adjourned at 6:20 p.m.



Renee Thompson – City Secretary



Jack Gorden – Mayor