

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 3RD DAY OF MAY, 2011**

On the 3rd day of May, 2011, 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
Victor Travis	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Rufus Duncan	Councilmember, Ward No. 5
Phil Medford	Councilmember, Ward No. 6
Paul L. Parker	City Manager
Keith Wright	Deputy City Manager
Bruce Green	City Attorney
Renee Thompson	City Secretary
Rodney Ivy	Human Resource Director
Scott Marcotte	Police Chief
Danny Kistner	Fire Chief
Belinda Southern	Finance Director
Steve Floyd	Public Works Director
Barbara Thompson	Main Street Director
Dale Allred	Inspection Services Director
Chuck Walker	Public Utilities Director

being present, and

Don Langston

Mayor Pro-Tem

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Minister Randall Green, Christ Congregational Church.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of, were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Robert Shankle. A unanimous affirmative vote was recorded.

OLD BUSINESS:

4. **PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY CHANGING THE ZONING DESIGNATION OF CERTAIN TRACTS OR PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS LOCATED AT THE SOUTHEAST CORNER OF ELLIS AVENUE AND GASLIGHT MEDICAL PARKWAY, ALSO KNOWN AS 1514 ELLIS AVENUE AND BEING A PARCEL MEASURING APPROXIMATELY 1.837 ACRES OF LAND OF THE 0005 BONTON J. A. SURVEY, TRACT 92, ANGELINA COUNTY FROM AN "APARTMENT" ZONING DISTRICT TO A "LOCAL BUSINESS" ZONING DISTRICT 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 Second Reading of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation of certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas located at the southeast corner of Ellis Avenue and Gaslight Medical Parkway, also known as 1514 Ellis Avenue and being a parcel measuring approximately 1.837 acres of land of the 0005 Bonton J. A. Survey, Tract 92, Angelina County from an "Apartment" Zoning District to a "Local Business" Zoning District and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that the property was previously the site of an assisted living facility that had been torn down. City Manager Parker added that the current owners desired to build a new doctor's office/clinic on the same property. City Manager Parker stated that this would require approval from the City Council. City Manager Parker added that the Planning Zoning Commission and Planning Staff unanimously recommended that the City Council approve the zone change.

Mayor Gorden opened the Public Hearing at 5:09 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 5:10 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford moved to approve the Second Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation of certain tracts or parcels of land within the corporate limits of the City of Lufkin, Texas located at the southeast corner of Ellis Avenue and Gaslight Medical Parkway, also known as 1514 Ellis Avenue and being a parcel measuring approximately 1.837 acres of land of the 0005 Bonton J. A. Survey, Tract 92, Angelina County from an "Apartment" Zoning District to a "Local Business" Zoning District and authorizing the City Planner to make such changes on the Official Map. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

5. OATH OF OFFICE TO JOSE SANTANA FOR THE CITY OF LUFKIN POLICE DEPARTMENT BY THE HONORABLE MAYOR JACK GORDEN

Mayor Jack Gorden stated that the next item was to administer the Oath of office to Jose Santana for the City of Lufkin Police Department.

Honorable Mayor Jack Gorden administered the Oath of Office to City of Lufkin Police Officer Jose Santana. Mayor Gorden then congratulated Officer Santana and thanked him for his service to the City of Lufkin.

6. RESOLUTION OF THE CITY OF LUFKIN, TEXAS, - APPROVED - ESTABLISHING RENTAL FEES FOR USE OF A RESIDENTIAL DUMPSTER PROGRAM, KNOWN AS THE "LITTER CRITTER"

Mayor Jack Gorden stated that the next item for consideration was a Resolution of the City of Lufkin, Texas establishing rental fees for use of a Residential Dumpster Program, known as the "Litter Critter".

City Manager Paul Parker stated that Public Works Director Steve Floyd recently did an update on Solid Waste and Recycling and discussed that during last year's budget the Council authorized the purchase of a household dumpster called the "Litter Critter". City Manager Parker added that the dumpster had a capacity of up to six (6) cubic yards and that Staff was anticipating using the dumpster primarily for residents that were performing "spring cleaning", cleaning out storage/garage areas, remodeling and other short term uses. City Manager Parker explained that the dumpster was not meant to be used for long periods of time. City Manager Parker stated that by having the dumpster available the Solid Waste Department could actually bring the "Litter Critter" to a residence and put it in the desired location and then it could be rented Monday through Friday or Friday through Monday. City

Manager Parker stated that the purpose of the agenda item before the City Council was to establish a fee for the rent of the "Litter Critter". City Manager Parker added that Staff thought it was a great addition to the City and would allow individuals an opportunity that they hadn't had in the past to be able to clean up their residences in a more orderly fashion.

City Manager Parker stated that if an individual disposed of six (6) cubic yards at the Angelina County Landfill, it would cost approximately forty-two dollars (\$42). City Manager Parker added that Staff was recommending a fee of fifty dollars (\$50) to set the dumpster. City Manager Parker explained that the City of Lufkin had the ability to compact the waste, and therefore lower the disposal cost. City Manager Parker stated that the City would obviously have additional cost associated with transporting the dumpster and that Staff thought that fifty dollars (\$50) was a reasonable fee for the usage of the dumpster. City Manager Parker added that Staff was doing this as a service to the citizens of Lufkin and recommended that the City Council establish the rental fee of fifty dollars (\$50) for the rent of the "Litter Critter". City Manager Parker reiterated that the rent would be either Monday through Friday or Friday through Monday and would include only one (1) dump.

Mayor Gorden asked for questions or comments from the Council. There was some discussion regarding the "Litter Critter" among the Mayor, Council and Staff.

Councilmember Victor Travis moved to approve the Resolution of the City of Lufkin, Texas establishing rental fees for use of a Residential Dumpster Program, known as the "Litter Critter". Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

Mayor Gorden then recognized former City Councilmember R. L. Kuykendall, who was present in the audience that evening.

7. DONATION FROM THE E. L. KURTH, JR. CHARITABLE FOUNDATION – ACCEPTED - IN THE AMOUNT OF ONE HUNDRED TWELVE THOUSAND DOLLARS (\$112,000), THAT WILL BE USED TO PURCHASE SEVEN (7) LUCAS 2 CHEST COMPRESSION SYSTEMS FOR THE FIRE DEPARTMENT, AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2010/2011 OPERATING BUDGET (BUDGET AMENDMENT NO. 29), - 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 donation from the E. L. Kurth, Jr. Charitable Foundation in the amount of one hundred twelve thousand dollars (\$112,000), that will be used to purchase seven (7) Lucas 2 Chest Compression Systems for the Fire Department, and a Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 29), providing for the supplemental appropriation of funds in the General Fund, and providing an effective date.

City Manager Paul Parker stated that the Lufkin Fire Department had been very active in seeking grants and had been very successful, which always helped the City. City Manager Parker added that the E. L. Kurth, Jr. Charitable Foundation was providing two (2) grants to the City of Lufkin Fire Department. City Manager Parker stated that the first grant was funds to purchase seven (7) Lucas 2 Chest Compression Systems. City Manager Parker explained that the systems would go in each of the front line ambulances and the two (2) additional backup units. City Manager Parker stated that the systems would allow for uniform treatment of patients in cardiac arrest by providing consistent chest compressions for all patients. City Manager Parker added that many of the City's calls were to such places as Zavalla, Black Forest, or other areas that resulted in long runs which were difficult for the first responders to maintain a steady compression rhythm for an extended period of time. City Manager Parker stated that this would be a great addition to the Lufkin Fire Department and would be another life saving advantage for the patients. City Manager Parker added that the City was thankful to the E. L. Kurth, Jr. Charitable Foundation for their generous gift to the City. City Manager Parker stated that Staff recommended that the Council accept the gift of one hundred twelve thousand dollars (\$112,000) for the purchase of the seven (7) Lucas 2 Chest Compression Systems and furthermore requested that the City Council would express their appreciation for the donation.

Mayor Gorden stated that the Fire Department and all of the City Staff were really good at finding grants, and that the City of Lufkin had the best equipped and most dedicated and well trained employees in Texas. Mayor Gorden asked for questions or comments from the Council.

Councilmember Robert Shankle moved to accept a donation from the E. L. Kurth, Jr. Charitable Foundation in the amount of one hundred twelve thousand dollars (\$112,000), that will be used to purchase seven (7) Lucas 2 Chest Compression Systems for the Fire Department, and approve a Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 29), providing for the supplemental appropriation of funds in the General Fund, and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

8. DONATION FROM THE E. L. KURTH, JR. CHARITABLE FOUNDATION - ACCEPT - IN THE AMOUNT OF EIGHTEEN THOUSAND TWO HUNDRED THIRTY-FIVE DOLLARS (\$18,235), THAT WILL BE USED TO PURCHASE FIVE (5) RAD 57 CARBOXYHEMOGLOBIN MONITORS FOR THE FIRE DEPARTMENT, AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2010/2011 OPERATING BUDGET (BUDGET AMENDMENT NO. 30), - 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 donation from the E. L. Kurth, Jr. Charitable Foundation in the amount of eighteen thousand two hundred thirty-five dollars (\$18,235), that will be used to purchase five (5) RAD 57 Carboxyhemoglobin monitors for the Fire Department, and a Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 30), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that the E. L. Kurth, Jr. Charitable Foundation had made another similar donation to the Lufkin Fire Department. City Manager Parker added that the donation was for eighteen thousand two hundred thirty-five dollars (\$18,235) for the purchase of five (5) RAD 57 Carboxyhemoglobin monitors. City Manager Parker stated that the units were used to test the Carbon Monoxide (CO) poisoning. City Manager Parker added that the five (5) units would be placed in the front line unit at each of the fire stations and one (1) in the Fire Command vehicle. City Manager Parker explained that the units would be a great addition to the Fire Department to assist in testing for Carbon Monoxide (CO). City Manager Parker added that if the poison was detected the treatment would start much quicker. City Manager Parker stated that Staff recommended that the City Council accept the donation and express appreciation to the E. L. Kurth, Jr. Charitable Foundation.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Victor Travis moved to accept a donation from the E. L. Kurth, Jr. Charitable Foundation in the amount of eighteen thousand two hundred thirty-five dollars (\$18,235), that will be used to purchase five (5) RAD 57 Carboxyhemoglobin monitors for the Fire Department, and approve a Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 30), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

9. ACQUISITION OF UTILITY EASEMENTS, NEGOTIATION FEES AND CONTINGENCY FOR THE US 59 NORTH UTILITY RELOCATION PROJECT, AND A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2010/2011 OPERATING BUDGET (BUDGET AMENDMENT NO. 31), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE WATER AND WASTEWATER DEPRECIATION FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was the acquisition of utility easements, negotiation fees and contingency for the US 59 North Utility Relocation Project,

and a Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 31), providing for the supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date.

City Manager Paul Parker stated that the Texas Department of Transportation (TxDOT) anticipated that in 2012 the reconstruction of the US 59 North Interchange would begin. City Manager Parker added that the City of Lufkin had water and sewer lines in the existing right-of-ways that would have to be relocated prior to the beginning of the construction project. City Manager Parker stated that the City of Lufkin was in the process of purchasing easements to move the utilities into and needed to establish a fund in the amount of two hundred fifty thousand dollars (\$250,000) for the acquisition of seventeen (17) utility easements and pay the administrative cost related to the program. City Manager Parker stated that the City estimated a cost of one million five hundred thousand dollars (\$1,500,000) would be needed to relocate the lines in the future. City Manager Parker explained that Staff would be returning to the Council once a final bid was received and would have a funding scheme in the budget cycle to discuss with the Council. City Manager Parker added that Staff anticipated asking the Council to fund half of the project through Fund 380 (Water/Wastewater Depreciation Fund) and the other half through a Bond Issue. City Manager Parker stated that Staff would bring the Council other recommendations once the bid for the exact amount of the utility relocations was received.

Mayor Gorden asked if the requested funds were for the easements only, and not for the actual relocations. City Manager Parker confirmed that the funds would purchase the seventeen (17) easements and pay for the agent's fees, filings, and assortment of other fees. Mayor Gorden asked if the total cost of the project would be similar to the cost for the recent construction on US Hwy. 59 South. City Manager Parker stated that it should not be as expensive as the Hwy. 59 South Project. City Manager Parker explained that Staff felt that the estimate of one million five hundred thousand dollars (\$1,500,000) was on the high end. Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres moved to approve the acquisition of utility easements, negotiation fees and contingency for the US 59 North Utility Relocation Project, and a Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 31), providing for the supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date. Councilmember Victor Travis seconded the motion. A unanimous affirmative vote was recorded.

10. RESOLUTION OF THE CITY OF LUFKIN, TEXAS, - APPROVED - TO ESTABLISH CRITERIA TO SERVE AS A FRAMEWORK TO GUIDE THE CITY IN THE CONSIDERATION OF REDISTRICTING PLANS, AND IN THE ADOPTION OF A REDISTRICTING PLAN

Mayor Jack Gorden stated that the next item for consideration was a Resolution of the City of Lufkin, Texas, to establish criteria to serve as a framework to guide the City in the consideration of Redistricting Plans, and in the adoption of a Redistricting Plan.

City Manager Paul Parker stated that he would turn the meeting over to City Attorney Bruce Green after he said a few words regarding the redistricting plans. City Manager Parker added that City Attorney Green would explain the next three (3) agenda items and that the items would be voted on independently. City Manager Parker stated that Staff anticipated doing the Redistricting Program "in house" and without hiring any outside consultants. City Manager Parker added that Staff was more in tune with the City of Lufkin's needs were and how Staff could develop a good redistricting map that would affect all entities. City Manager Parker explained that the first step in the process was to lay out the time tables, citizen participation and the framework. City Manager Parker added that all citizens had the right to participate. City Manager Parker stated that there were certain criteria that the City was governed by and needed to make the City Council fully aware of the criteria that governed them in the process. City Manager Parker stated that the ultimate authority in adopting a redistricting map was the City Council for the City of Lufkin. City Manager Parker added that Staff and advisory committees would work on the redistricting, but the City Council had the final say, with one (1) caveat, which was the plan was subject to the approval of the

Department of Justice. City Manager Parker then asked City Attorney Bruce Green go over the process of redistricting and then the Council could vote on the Resolutions before them.

City Attorney Bruce Green explained that he would take the Council through the redistricting process so that the Council would understand each of the Resolutions. City Attorney Green stated that the redistricting process was a process that was under the control and direction of the City Council. City Attorney Green added that Staff and Public input was necessary to assist the Council and to provide as much information as possible so that the Council would be able to make a decision with respect to what needed to take place in redistricting.

City Attorney Green stated that because the redistricting was being done “in house” for the first time it was necessary that an overview be given to preface the Resolutions that the Council would be addressing. City Attorney Green added that most, if not all, of the Council probably had not been involved in the last redistricting, which was in 2000. City Attorney Green explained that several were probably unfamiliar with the process. City Attorney Green stated that he would give an overview of the process. City Attorney Green explained that he would move pretty quickly, but that in the future there would be Public Hearings and the Council would take individual segments that would make a lot more sense. City Attorney Green stated that there were a number of different legal principles that guided the process. City Attorney Green added that the process looked fairly simple, but was a pretty complex legal process.

City Attorney Green explained that there were four (4) basic legal principles that governed the redistricting process. City Attorney Green added that the four principles were the “one (1) person-one (1) vote” (equal population) principle; Section 5 of the Voting Rights Act, requiring preclearance and applying a “retrogression” standard to minority group populations in specific districts; the non-discrimination standard of Section 2 of the Voting Rights Act; and the 14th Amendment: the *Shaw v. Reno* limitations on the use of race as a factor in redistricting.

City Attorney Green stated that the U.S. Constitution required that election districts for governmental officials who acted in a representative capacity (e.g., legislators, council members, county commissioners, and school trustees) had approximately equal populations. City Attorney Green added that if a new federal census indicated population changes, governmental entities – states and local governments – must determine whether existing districts still satisfied this requirement. City Attorney Green explained that if they did not, they must rebalance the population by re-drawing district boundaries. City Attorney Green stated that exact equality of population was not required for local political subdivisions. City Attorney Green added that they should, however, strive to create districts that had a total population deviation of no more than ten percent (10%) between their most heavily populated district and the least populated district. City Attorney Green stated that deviation exceeding ten percent (10%) was prima facie invalid and must be justified. City Attorney Green added that this ten percent (10%) deviation was usually referred to as the “total maximum deviation.” City Attorney Green furthered that it was measured against the “ideal” or target population for the governmental entity based on the most recent census.

City Attorney Green then gave a first view of preliminary numbers on a graph which showed the 2000 Lufkin population by wards and the 2010 population by wards. City Attorney Green explained how the different wards had some growth in population while others had a decline in population. City Attorney Green explained that Staff did not have all of the data needed for a more detailed analysis. City Attorney Green stated that Staff could however make the preliminary determination that redistricting was probably necessary. City Attorney Green reiterated that the maximum deviation standard was between the largest population and the lowest population, which would be Ward 4 and Ward 1.

City Attorney Green then explained how the deviation numbers were obtained. City Attorney Green stated that the population of Lufkin for 2010 was thirty-five thousand sixty-seven (35,067). City Attorney Green added that the determination of what the ideal ward would be would have to be made. City Attorney Green explained that this was done by taking the population number and divide by the number of wards, which would come out to five thousand eight hundred forty-four (5,844). City Attorney Green stated that Lufkin’s ideal district number would then be approximately five thousand eight hundred forty-four

(5,844) people. City Attorney Green then compared the ideal district number to the current population in all of Lufkin's wards and their deviations from the ideal number. City Attorney Green explained that the difference of each ward was then divided from the ideal ward to get the percentages of how much below or above the wards were from the ideal number. City Attorney Green stated that the overall deviation was approximately thirty-one percent (31%). City Attorney Green explained that Staff could then look at the percentage and come to the determination that Lufkin would have to redistrict.

City Attorney Green then showed the total census numbers and the voting age population numbers. City Attorney Green then gave the breakdown of the various wards by the total census population, Hispanic percentage of the total voting age population, non-Hispanic Anglo percentage of the total voting age population and non-Hispanic Black percentage of the total voting age population. City Attorney Green explained that Lufkin had two (2) substantially minority districts, which were Ward 1 and Ward 2, and that in both of these wards there was a larger percentage of minorities who were voting age population than there were total voting age. City Attorney Green pointed out that this was just a preliminary assessment.

City Attorney Green stated that the kind of census data that would be used to develop the plan was the block level, total population, voting age population, racial statistics and Hispanic origin data. City Attorney Green added that total population would be used to determine "one (1) person, one (1) vote" and the voting age population would be used to measure voting rights issues. City Attorney Green stated that when balancing the legal issues the total population number would be looked at to determine that one (1) person had one (1) vote. City Attorney Green added that when measuring the voting rights issues the voting age population would be looked at. City Attorney Green stated that one (1) departure or change that would be a challenge was how to determine the question of race. City Attorney Green explained that individuals under the 2010 census were able to identify themselves as belonging to more than one (1) race. City Attorney Green added that this was complicated further because all respondents were asked to identify themselves as either Hispanic or non-Hispanic. City Attorney Green furthered that on the 2010 Census respondents could have more than one (1) race and the issue could be further complicated because all respondents were asked to identify themselves as either being Hispanic or Non-Hispanic. City Attorney Green stated that the total population could be looked at and when the numbers and percentages were added up the total came out to one hundred eight percent (108%). City Attorney Green stated that this would cause problems until the process had been worked through.

City Attorney Green stated that the Department of Justice indicated that it would follow certain procedures in identifying race for redistricting purposes. City Attorney Green added the procedures indicated that persons designating themselves as Hispanic would be categorized as such no matter what race they designated (e.g., Hispanic-White). City Attorney Green stated that procedures also indicated persons designating themselves with a single race designation would be designated as such (e.g., Black/African American).

City Attorney Green stated that Section 5 of the Voting Rights Act, 42 U.S.C. §1973c, required all "covered jurisdictions" identified in the applicable Department of Justice (DOJ) regulations to "pre-clear" any changes to voting standard, practices, or procedure before they could become legally effective. City Attorney Green explained that the City was required to pre-clear its Redistricting Plan which included changes to any City Council ward lines. City Attorney Green added that the Preclearance Standard used by the DOJ must show that the proposed election change "did not have the purpose and would not have the effect of denying or abridging the right to vote." City Attorney Green stated that this Section 5 standard had been called the "retrogression" standard and that in effect, it considered whether a minority group had been made worse off by a proposed change in voting standards or practices or procedures, such as a redistricting plan. City Attorney Green explained that the City would look at where any minority group was in 2000 and then would look at 2010 and would make a determination that whatever was done in redistricting 2010 would not make any minority group worse off than they were in 2000.

City Attorney Green stated that to determine if retrogression existed, it was necessary to compare it with a benchmark. City Attorney Green added that typically the benchmark was

the local subdivision's prior district boundary plan. City Attorney Green explained that the City would look at the 2000 plan and how it was broken out and what minority voting was in what ward and then look at the 2010 proposed plan and measure it against the 2000 benchmark. City Attorney Green added that the retrogression standard looked at the totality of the plan and not one (1) particular thing. City Attorney Green stated that the burden was on the City to assure the DOJ that as little retrogression had occurred, as was reasonably feasible considering all the circumstances.

City Attorney Green stated that Section 2 of the Voting Rights Act was the discrimination standard. City Attorney Green explained that the plan could not have the purpose or effect to reduce the opportunity of a protected racial or ethnic minority group to participate in the electoral process and to elect candidates of their choice. City Attorney Green stated that in effect, a non-discrimination standard was not a guarantee of electoral success. City Attorney Green explained that Section 2 did not say that the City had to have minority wards that guaranteed that a minority would always be elected, but meant that there could be no discrimination. City Attorney Green stated that the City could not "pack" (placing minorities into a single ward in an effort to limit their voting strength) or "fracture" minority voting strength (breaking minority populations into small groups in a number of wards, so that their overall voting strength is diminished).

City Attorney Green stated that while satisfying Section 5 and Section 2 standards of the Voting Rights Act required a local government to explicitly consider race to comply with these standards, *Shaw v. Reno*, a case decided by the U.S. Supreme Court in 1993, placed strict limits on the manner and degree in which race could be a factor. City Attorney Green added that in effect, therefore, local governments must walk a legal tightrope, where the competing legal standards must all be met. City Attorney Green stated that race could not be the predominant factor in the redistricting process to the subordination of traditional districting principles. City Attorney Green added that bizarrely shaped districts were not unconstitutional per se, but the bizarre shape could be evidence that race was the predominant consideration in the districting process.

City Attorney Green stated that in the 2011 preclearance process a plan could not be retrogressive and could not reduce minority voting strength nor have the purpose of retrogressing. City Attorney Green added that retrogression was measured against the benchmark, which was the last legally enforceable plan – generally the last pre-cleared plan. City Attorney Green stated that the benchmark was determined by looking at the benchmark plan using the 2011 census data. City Attorney Green added that it also meant that the DOJ could object if a proposed plan reduced minority voting strength and a fairly drawn alternative plan could ameliorate or prevent that retrogression. City Attorney Green stated that the burden was on the City to show a less retrogressive plan could not be drawn.

City Attorney Green stated that at that point he had a few slides that would introduce the Resolutions that were before the Council. City Attorney Green explained that the first was a plan schedule that would give the Council an idea about how the process of redistricting must proceed over a period of time in order to get everything done and in its proper place. City Attorney Green added that the City Staff looked for direction from the City Council concerning whether or not the plan schedule was a workable plan. City Attorney Green stated that the plan schedule was for the City Council to set or either alter or accept the target dates for presentation of proposed plans for Council consideration or public discussion. City Attorney Green stated that public input and discussion would be during June 2011 through August 2011. City Attorney Green added that during April 2011 through May 2011 the City was going through the assessment process. City Attorney Green explained that Staff did not have all of the data and details yet, but once that was done the plan was to do the public input and public discussion June 2011 through August 2011. City Attorney Green stated that the plan for Council consideration for adoption would then be in August 2011. City Attorney Green added that the target date for the adoption of the Redistricting Plan was set for September 6, 2011. City Attorney Green stated that hopefully the districts would be drawn, there would be public input, a plan would be adopted and everything would be before the City Council. City Attorney Green added that the Council would have had several working and public sessions to determine the direction that they wanted to go, and then on September 6th the plan should be ready for Council vote.

City Attorney Green stated that the Council would set a target date for submission of a preclearance request to the Department of Justice. City Attorney Green added that the proposed target date was October 1, 2011. City Attorney Green then went through the redistricting timeline. City Attorney Green explained that the assessment phase, which included an analysis of census population and demographic information, would be completed during April and May 2011. City Attorney Green stated that during this time a comparison of the population of existing wards to the population of the "ideal" ward would take place. City Attorney Green explained that the ward boundaries would also need to be redrawn. City Attorney Green added that whenever the data and software were available preliminary redrawing of ward boundaries would occur. City Attorney Green reiterated that this would all occur during April and May 2011.

City Attorney Green stated that at the end of May and the first of June 2011 through August 2011 the City would be in the process of drawing proposed plans, consideration of plans through the public hearing process and then revising plans. City Attorney Green added that during August 2011, the Staff hoped to be able to send an adoption of the plan to the Council. City Attorney Green stated that September 2011 would be the time period used to prepare the preclearance packet for the Department of Justice and submit it on October 1, 2011 to the DOJ. City Attorney Green added that the preclearance window was October 2011 through December 2011. City Attorney Green explained that the reason that the preclearance window existed was that everything needed to be done before the time for the City elections and for applicants to declare their intent. City Attorney Green stated that applications normally came in by the end of January or the first of February. City Attorney Green stated that once the Department of Justice received the submission they had sixty (60) days to respond, but because the DOJ was so busy with the submissions they could get additional time by doing something as simple as asking a question.

City Attorney Green stated that once the redistricting plan began the City would develop plans suitable for preclearance submission that took into account the applicable legal requirements and the various practical and political considerations that Council determined were relevant. City Attorney Green added that the public hearings would then take place and there would be a public presentation of proposed plans. City Attorney Green explained that public comments would then be summarized for the benefit of the Department of Justice and the Council. City Attorney Green stated that the plan would then be adopted and prepared for submission. City Attorney Green explained that oral and written responses to the questions from the Department of Justice would then be prepared.

City Attorney Green stated that there were three (3) Resolutions proposed for the Council's consideration. City Attorney Green added that the first Resolution was a Resolution to adopt redistricting criteria. City Attorney Green explained that the Resolution indicated that the Council was responsible for the redistricting process and its overall guidance. City Attorney Green added that the Council gave guidance to the Staff and the public by setting the criteria to follow in the process of looking and developing the redistricting plans. City Attorney Green stated that the first Resolution was a Resolution proposed for the Council's adoption was to direct the City to implement plans that followed certain criteria. City Attorney Green added that the criteria was set forth in the Resolution, and was all traditional criteria that the Department of Justice looked to. City Attorney Green stated that this redistricting criteria was to follow identifiable geographic boundaries where possible; base new districts (wards) to the extent possible on existing districts; maintain communities of interest in a single district and avoid splitting districts where possible; configure districts so that they were relatively equal in total population according to the 2010 federal census, and avoid population deviations between the largest and the smallest district that exceeded ten percent (10%); create compact districts composed of contiguous territory; preserve incumbent-constituency relations by recognition of the residence of incumbents and their history of representing certain areas wherever reasonable in view of other factors; avoid retrogression in the position of racial minorities and language minorities; and avoid fragmenting geographically compact minority voters or communities or packing minority voters in the presence of polarized voting. City Attorney Green explained that this was the first Resolution and that he could go through all three (3) Resolutions or that the Council could take the Resolutions one (1) at a time. Mayor Gorden asked if the Council had questions related to the first Resolution. There was some discussion among the Mayor, Council and City Attorney concerning the first Resolution.

Mayor Gorden asked if there were any other questions or comments from the Council.

Councilmember Rufus Duncan moved to approve the Resolution of the City of Lufkin, Texas, to establish criteria to serve as a framework to guide the City in the consideration of Redistricting Plans, and in the adoption of a Redistricting Plan. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

11. RESOLUTION OF THE CITY OF LUFKIN, TEXAS, - APPROVED - TO ESTABLISH GUIDELINES THAT GOVERN THE PUBLIC INPUT PROCESS REGARDING THE ADOPTION BY THE CITY COUNCIL OF A REDISTRICTING PLAN

Mayor Jack Gorden stated that the next item for consideration was a Resolution of the City of Lufkin, Texas, to establish guidelines that govern the public input process regarding the adoption by the City Council of a Redistricting Plan.

City Attorney Bruce Green stated that he would give a brief overview of the second Resolution and what it addressed. City Attorney Green explained that during the process of drawing the redistricting plans, beginning in June 2011 through August 2011, the public input was very important. City Attorney Green added that the public must be invited to submit their own plans. City Attorney Green explained that the public's plans could differ with the City's plan and/or may offer alternative plans for the Council to consider. City Attorney Green stated that the public could and should be encouraged to submit plans. City Attorney Green added that the public's plans had to follow certain guidelines in order to be helpful and give the Council all of the information that may be needed. City Attorney Green stated that the second Resolution was to give guidance to the public if they wished to submit their own plan. City Attorney Green added that some of the principles were that the plan must be a written plan; the plan must show total population and VAP (voting age population) for minorities per district; the plan must redistrict entire city; and that the plan must conform to criteria that the Council had just adopted.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Victor Travis moved to approve the Resolution of the City of Lufkin, Texas, to establish guidelines that govern the public input process regarding the adoption by the City Council of a Redistricting Plan. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

12. RESOLUTION OF THE CITY OF LUFKIN, TEXAS, - APPROVED - TO ESTABLISH A REDISTRICTING REVIEW COMMITTEE TO ASSIST WITH PROVIDING REPRESENTATIVE PUBLIC INPUT ON THE DEVELOPMENT OF A COUNCIL WARD REDISTRICTING PLAN

Mayor Jack Gorden stated that the next item for consideration was a Resolution of the City of Lufkin, Texas, to establish a Redistricting Review Committee to assist with providing representative public input on the development of a Council Ward Redistricting Plan.

City Attorney Bruce Green stated that the third and last Resolution was the forming of a Redistricting Review Committee. City Attorney Green added that this Resolution was to ensure the maximum public input possible in the development of a redistricting plan. City Attorney Green explained that the public was to have a voice in the redistricting process and meant that public meetings would be held and that the public could present whatever view they had regarding the plans that were presented. City Attorney Green stated that the City would have those meetings and would invite individual plans. City Attorney Green explained that to ensure maximum public input possible in the development of a redistricting plan, a Redistricting Review Committee, made up of citizens, would be formed. City Attorney Green stated that the third Resolution authorized and directed that a Redistricting Review Committee be formed and that Committee would meet with the Staff to discuss the plan, have input, review the plan and would have a "hands on" input that would go above and beyond the process of having "Open Meetings". City Attorney Green added that the

Resolution asked the Council to consider forming the Redistricting Review Committee, with the Council's direction as to who was on the committee and how it was formed.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Robert Shankle moved to approve the Resolution of the City of Lufkin, Texas, to establish a Redistricting Review Committee to assist with providing representative public input on the development of a Council Ward Redistricting Plan. Councilmember Victor Travis seconded the motion. A unanimous affirmative vote was recorded.

Mayor Gorden stated that Jim Waters, former Mayor of Lufkin, passed away and that the Mayor, Council and City wanted to publicly show their respect for Mr. Waters. Mayor Gorden stated that Mr. Waters was involved in several significant items related to the City when he was Mayor, not the least of which was the convention center.

Mayor Gorden then stated that the City of Lufkin Fire Chief Danny Kistner had been named to a very elite group, which was a Harvard University Fellowship for Senior Executives in State and Local Government. Mayor Gorden added that the City should be extremely proud of the fact that Lufkin's Fire Chief was named in that group. Mayor Gorden stated that not only was the group small and select, but that Lufkin was the smallest city with a representative in the group. Mayor Gorden stated that on behalf of the Council and the City of Lufkin that he wanted to congratulate Fire Chief Kistner and added that it made everyone very proud.

City Manager Paul Parker stated that in regards to Fire Chief Kistner, there was very fierce and intense competition for the scholarships, which included a written segment and an oral review. City Manager Parker explained that Chief Kistner was then selected and spoke highly of the City of Lufkin and Chief Kistner and the Lufkin Fire Department. City Manager Parker added that the City was proud of Chief Kistner and that Chief Kistner would come back with a lot of good information that would help the Lufkin Fire Department.

City Manager Parker stated that before the Council went into Executive Session he wanted to remind everyone that SummerFest would be on Friday and Saturday, May 6th and 7th. City Manager Parker added that tickets were available at the door or at the Lufkin Convention and Tourist Bureau prior to the event.

13. Mayor Jack Gorden recessed the Regular Session at 6:20 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.

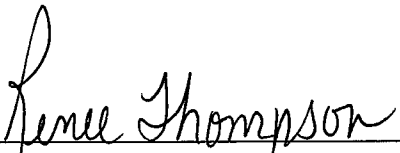
Mayor Jack Gorden reconvened the Regular Session at 7:10 p.m.

13. **DISCUSSION OF ITEMS OF COMMUNITY INTEREST, INCLUDING EXPRESSIONS OF THANKS, CONGRATULATIONS OR CONDOLENCE; INFORMATION REGARDING HOLIDAY SCHEDULES; HONORARY RECOGNITIONS OF CITY OFFICIALS, EMPLOYEES OR OTHER CITIZENS; REMINDERS ABOUT UPCOMING EVENTS SPONSORED BY THE CITY OR OTHER ENTITY THAT IS SCHEDULED TO BE ATTENDED BY CITY OFFICIALS OR EMPLOYEES; AND ANNOUNCEMENTS INVOLVING IMMINENT THREATS TO THE PUBLIC HEALTH AND SAFETY OF THE CITY**

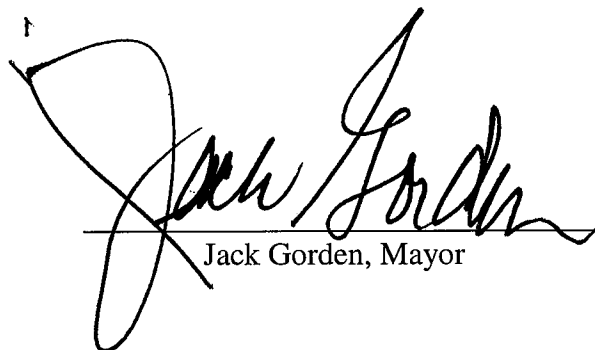
Mayor Gorden stated that the next item for consideration was the discussion of items of community interest, including expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary recognitions of City officials, employees or other citizens; reminders about upcoming events sponsored by the City or other entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of the City.

City Manager Paul Parker stated that SummerFest Texas would be Friday, May 6th and Saturday, May 7th. City Manager Parker added that the First Friday Luncheon would also be held on Friday, May 6th, at 12:00 Noon at Crown Colony. City Manager Parker stated that the 28th Annual Expo Anniversary Party would be held on Wednesday, May 11, 2011 at the George H. Henderson, Jr. Exposition Center, with the reception and silent auction beginning at 6:30 p.m. and the steak dinner beginning at 7:30 p.m. City Manager Parker added that the National Day of Prayer would be held on Thursday, May 5, 2011, at 12:00 Noon at the Lufkin City Hall Atrium. City Manager Parker stated that Early Voting for the City of Lufkin General Election was currently taking place at the Lufkin City Hall Atrium through Tuesday, May 10, 2011. City Manager Parker pointed out that the Election was for a Councilmember for Ward Six (6), and urged any registered voter living in Ward Six (6) to come out and vote.

14. There being no further business for consideration, the meeting adjourned at 7:16 p.m.



Renee Thompson – City Secretary



Jack Gorden, Mayor