MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 18th DAY OF SEPTEMBER, 2012.

On the 18th day of September, 2012, 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:

Bob Brown Mayor

Don Langston Mayor Pro-Tem

Robert Shankle Councilmember, Ward No. 2
Lynn Torres Councilmember, Ward No. 3
Rufus Duncan Councilmember, Ward No. 5
Sarah Murray Councilmember, Ward No. 6

Paul L. Parker City Manager

Keith Wright Deputy City Manager

Bruce Green City Attorney
Kara Atwood City Secretary

Rodney Ivy Human Resources Director

Scott Marcotte Police Chief

Gerald Williamson Assistant Police Chief

Ted Lovett Fire Chief
Belinda Southern Finance Director
Steve Floyd Public Works Director
Steve Poskey Street Department Director

Chuck Walker City Engineer/Public Utilities Director

Michael AkridgeParks & Recreation DirectorDorothy WilsonPlanning & Zoning DirectorDale AllredInspection Services DirectorJim WehmeierEconomic Development Director

Barbara Thompson Main Street Director
Gordon Henley Ellen Trout Zoo Director

Tara Watkins Lufkin Convention & Visitors Bureau Director

being present; and

Victor Travis Councilmember, Ward No. 1

being absent when the following business was transacted.

- 1. The meeting was opened with prayer by Reverend Vic Bass, Faith Family Church.
- 2. Mayor Bob Brown welcomed visitors present.

APPROVAL OF MINUTES

3. Minutes of the Regular Meeting of September 4th, 2012 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Sarah Murray. A unanimous affirmative vote was recorded to approve the minutes as presented.

OLD BUSINESS:

4. <u>SECOND READING OF AN APPROPRIATIONS ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013 – APPROVED.</u>

Mayor Bob Brown stated that the next agenda item was to consider on second reading an Appropriations Ordinance adopting a Budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013.

City Manager Paul Parker stated that this was the required second reading of the Ordinance that adopted the Fiscal Year 2012 – 2013 Annual Budget for the City of Lufkin. City Manager Parker continued that the budget included a reduction of the tax rate to 0.5038 as well as no increase in

Solid Waste rates. City Manager Parker furthered that the final year of the six percent (6%) increase in water and sewer rates had been postponed as well. City Manager Parker continued that the budget also included a 2.5% Cost of Living Adjustment (COLA) for all City Employees. City Manager Parker stated that the fund balances for both the Hotel/Motel Tax Fund and the Special Recreation Fund were both below the recommended reserve amount. City Manager Parker explained that this was due to the purchase of equipment for the renovated Convention Center and the startup cost of the concessions at the Lufkin parks. City Manager Parker concluded that Staff recommended approval of the Ordinance that adopted the City of Lufkin's 2012 – 2013 Fiscal Year Budget.

Mayor Brown asked for questions or comments from City Council.

Councilmember Rufus Duncan moved to approve the second reading of an Appropriations Ordinance adopting a Budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded. Mayor Brown commended the Staff for their work on the budget.

5. SECOND READING OF AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF LUFKIN AND PROVIDING FOR THE DEBT SERVICE FUND FOR THE FISCAL YEAR 2013 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE – APPROVED.

Mayor Bob Brown stated that the next item was the consideration of an Ordinance on second reading levying taxes for the use and support of the Municipal Government of the City of Lufkin and providing for the Debt Service Fund for the Fiscal Year 2013 and apportioning each levy for the specific purpose.

City Manager Paul Parker stated that as he mentioned during the previous item, the tax rate for the City of Lufkin's Fiscal Year 2013 would be lowered to 0.5038; with 0.3338 designated for maintenance and operations and 0.0017 designated for debt retirement. City Manager Parker stated that the proposed tax rate was also lower than the effective tax rate and Staff recommended adoption of the proposed tax rate of 0.5038.

Councilmember Don Langston moved to approve an Ordinance levying taxes for the use and support of the Municipal Government of the City of Lufkin and providing for the Debt Service Fund for the Fiscal Year 2013 and apportioning each levy for the specific purpose. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

NEW BUSINESS:

6. AWARD OF BID TO LONGVIEW BRIDGE AND ROAD, LTD. IN THE AMOUNT OF ONE MILLION THREE HUNDRED THIRTY-FOUR THOUSAND TWO HUNDRED SIXTY-THREE DOLLARS AND FIFTY CENTS (\$1,334,263.50) FOR THE CONSTRUCTION OF SIDEWALKS IN CONJUNCTION WITH THE 2010 STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM (STEP) – APPROVED.

Mayor Bob Brown stated that the next agenda item was the consideration of an award of bid to Longview Bridge and Road, Ltd. in the amount of one million three hundred thirty-four thousand two hundred sixty-three dollars and fifty cents (\$1,334,263.50) for the construction of sidewalks in conjunction with the 2010 Statewide Transportation Enhancement Program (STEP).

City Manager Paul Parker stated that as Council was aware, in 2009 City Council authorized Staff to apply for the 2010 Statewide Transportation Enhancement Program (STEP). City Manager Parker continued that this grant program had an eighty percent (80%) (Federal) / twenty percent (20%) (Local) match. City Manager Parker stated that the City was awarded the 2010 STEP grant for sidewalk improvements on Feagin, York and Kurth Drive and the project was approved for a maximum, including City match, of \$2,000,000. City Manager Parker stated that the City's match portion was funded through the 2010 Capital Improvement Bond Program. City Manager Parker highlighted the budget for the project and stated that the project was currently two hundred twenty thousand eight hundred sixty-six dollars and fifty cents (\$220,866.50) below budget. City Manager Parker stated that Longview Bridge and Road had completed considerable work for the City of Lufkin in the past and the City had a good working relationship with the company. City Manager Parker explained the location and dimensions of the sidewalk. City Manager Parker continued that

KSA Engineers also recommended the award of bid to Longview Bridge and Road. City Manager Parker stated that should Council approve the award of bid, the bid would then be submitted to the Texas Department of Transportation for final approval prior to construction beginning. City Manager Parker concluded that Staff recommended approval of the award of bid to Longview Bridge and Road in the amount of one million three hundred thirty-four thousand two hundred sixty-three dollars and fifty cents (\$1,334,263.50) for the construction of seventeen thousand (17,000) linear feet of sidewalks on Feagin, York and Kurth Drive in conjunction with the 2010 Statewide Transportation Enhancement Program (STEP).

Mayor Brown then asked for comments or questions from the City Council.

Councilmember Murray stated that she wished to state her reasons for voting against this item. Councilmember Murray continued that she had reviewed the costs of each sidewalk as well as driven the route of the proposed sidewalks. Councilmember Murray stated that the Kurth Drive portion of the project cost was slightly over two-hundred fifteen thousand dollars (\$215,000) and that the York Drive portion was approximately five hundred nineteen thousand (\$519,000). Councilmember Murray asked the route of the York Drive Portion. Deputy City Manager Keith Wright explained the location of the York portion of the sidewalk and stated it would tie into the Azalea Drive. Councilmember Murray expressed her displeasure that the York Drive portion of the project would lead to Kiwanis Park. Councilmember Murray stated that in her opinion Kiwanis Park was not a safe area. Councilmember Murray stated she also had a problem with the Feagin Drive portion of the project because it was being perceived as "the sidewalk to nowhere" and it was a large portion of the project cost.

Councilmember Lynn Torres moved to approve an award of bid to Longview Bridge and Road, Ltd. in the amount of one million three hundred thirty-four thousand two hundred sixty-three dollars and fifty cents (\$1,334,263.50) for the construction of sidewalks in conjunction with the 2010 Statewide Transportation Enhancement Program (STEP). Councilmember Robert Shankle seconded the motion. The motion passed on a five (5) to one (1) vote with Mayor Bob Brown, Councilmember Lynn Torres, Councilmember Robert Shankle, Councilmember Rufus Duncan, and Councilmember Don Langston voting to approve and Councilmember Sarah Murray voting against the motion.

7. MEET AND CONFER AGREEMENT BETWEEN THE CITY OF LUFKIN AND THE LUFKIN POLICE ASSOCIATION – APPROVED.

Mayor Bob Brown stated that the next item on the agenda was to consider approval of a Meet and Confer Agreement between the City of Lufkin and the Lufkin Police Association.

City Manager Parker stated that each year the City of Lufkin and the Lufkin Police Association conducted a formal meeting under the "Meet and Confer" agreement. City Manager Paul Parker stated that in 2008 City Council approved a Resolution that recognized the Lufkin Police Association as the sole bargaining agent for officers of the Lufkin Police Department in regard to "Meet and Confer" regulations. City Manager Parker continued that this proposed agreement simply reiterates the current agreement which puts in writing the current conditions and agreements with the Lufkin Police Association. City Manager Parker concluded that Staff recommended approval of the agreement.

Mayor Bob Brown asked for questions or comments from the City Council.

Councilmember Robert Shankle moved to approve a Meet and Confer Agreement between the City of Lufkin and the Lufkin Police Association. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

8. RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, ADOPTING THE CITY OF LUFKIN'S HAZARD MITIGATION ACTION PLAN; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated that Item No. eight (8) on the agenda was the consideration of a Resolution by the City Council of the City of Lufkin, Texas, adopting the City of Lufkin's Hazard Mitigation Action Plan; and providing an effective date.

City Manager Paul Parker stated that periodically this plan had to be updated and the proposed updated plan was located in the City Secretary's office for review since the document was very large

in size. City Manager Parker continued that this plan designated the Hazard Mitigation Action Plan for the City of Lufkin and the plan covered all of Angelina County and the cities located within. City Manager Parker stated that City Council had to consider and approve the plan. City Manager Parker stated that the plan contained recommendations and procedures that reduced the City's vulnerability to natural or man-made hazards, such as floods. City Manager Parker stated that Staff recommended approval of the Resolution that adopted the Plan.

Councilmember Robert Shankle moved to approve a Resolution by the City Council of the City of Lufkin, Texas, adopting the City of Lufkin's Hazard Mitigation Action Plan; and providing an effective date.

9. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 35), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE SEWER SYSTEM CONSTRUCTION FUND AND THE WATER AND WASTEWATER FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated that the next item was consideration of a Resolution authorizing an Amendment to the 2011/2012 operating budget (Budget Amendment No. 35), providing for the supplemental appropriation of funds in the Sewer System Construction Fund and the Water and Wastewater Fund; and providing an effective date.

City Manager Paul Parker stated that each quarter, the City's Investment Committee met with Mr. Dick Long, the Investment Counselor for the City of Lufkin. City Manager Parker stated that during this meeting all investments and funds were reviewed. City Manager Parker stated that this fund has had no activity for numerous quarters and the Investment Committee recommended that the funds in Fund 382 be returned to the fund they originated from, Fund 501. City Manager Parker stated that this Budget Amendment simply closed Fund 382 and returned the funds in the amount of thirty-nine thousand eight hundred fifty-three dollars (\$39,853) to Fund 501. City Manager Parker concluded that Staff recommended approval of the Resolution that authorized Budget Amendment No. 35.

Councilmember Rufus Duncan moved to approve a Resolution authorizing an Amendment to the 2011/2012 operating budget (Budget Amendment No. 35), providing for the supplemental appropriation of funds in the Sewer System Construction Fund and the Water and Wastewater Fund; and providing an effective date. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

10. RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE 2012 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NO. 712210 FOR THE LUBBOCK STREET IMPROVEMENT PROJECT – APPROVED.

Mayor Bob Brown stated that the next item was the consideration of a Resolution by the City Council of the City of Lufkin, Texas, designating authorized signatories for contractual documents and documents for requesting funds pertaining to the 2012 Texas Community Development Block Grant Program (TxCDBG) Contract No. 712210 for the Lubbock Street Improvement Project.

City Manager Paul Parker stated that the next three (3) items on the agenda were related to the same Grant program. City Manager Parker stated that the City had applied for and received a two hundred seventy-five thousand dollar (\$275,000) 2012 Texas Community Development Block Grant for street improvements on Lubbock Street. City Manager Parker continued that the improvements would be between Paul Avenue and Knight Street and would include three thousand nine hundred sixty-nine (3,969) yards of pavement, new asphalt paving, graded ditches and other improvements as needed. City Manager Parker furthered that the grant amount was for two hundred seventy-five thousand dollars (\$275,000) and the original budget designated thirty-one thousand five hundred ninety dollars (\$31,590) for grant administration costs; thirty-seven thousand four hundred dollars (\$37,400) for engineering costs and two hundred six thousand and ten dollars (\$206,010) for construction. City Manager Parker stated that as in the past, should the construction cost exceed the grant amount, the City would be responsible for the added expense. City Manager Parker stated that the first agenda item in conjunction with this grant was to approve a Resolution that would authorize the Mayor, City Manager and City Secretary to sign and execute necessary documents for the grant.

City Manager Parker concluded that Staff recommended Council approve the Resolution as presented.

Councilmember Lynn Torres moved to approve a Resolution by the City Council of the City of Lufkin, Texas, designating authorized signatories for contractual documents and documents for requesting funds pertaining to the 2012 Texas Community Development Block Grant Program (TxCDBG) Contract No. 712210 for the Lubbock Street Improvement Project. Councilmember Robert Shankle seconded the motion and a unanimous vote was recorded.

11. SELECTION OF RAYMOND K. VANN AND ASSOCIATES FOR GRANT ADMINISTRATION AND MANAGEMENT SERVICES FOR THE 2012 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NO. 712210 FOR THE LUBBOCK STREET IMPROVEMENT PROJECT – APPROVED.

Mayor Bob Brown stated that the next item was the consideration of approval of the selection of Raymond K. Vann and Associates for Grant Administration and Management Services for the 2012 Texas Community Development Block Grant Program (TxCDBG) Contract No. 712210 for the Lubbock Street Improvement Project.

City Manager Paul Parker stated that as with most grants, the grant administrator would prepare the application on the contingency that should the grant be approved, they would be selected as the grant administrator for the remainder of the project. City Manager Parker stated that Raymond K. Vann and Associates had prepared the application for the 2012 Texas Community Development Block Grant. City Manager Parker continued that a formal selection process and approval was required to select Raymond K. Vann and Associates as the grant administrator. City Manager Parker stated that proposals were requested and Raymond K. Vann was the only firm that submitted a proposal. City Manager Parker continued that Staff recommended approval of the selection of Raymond K. Vann and Associates for grant administration and management services for the 2012 Texas Community Development Block Grant.

Mayor Bob Brown asked for questions or comments from the City Council.

Councilmember Robert Shankle moved to approve the selection of Raymond K. Vann and Associates for Grant Administration and Management Services for the 2012 Texas Community Development Block Grant Program (TxCDBG) Contract No. 712210 for the Lubbock Street Improvement Project. Councilmember Rufus Duncan seconded the motion and a unanimous vote to approve was recorded.

12. <u>SELECTION OF GOODWIN-LASITER, INC. FOR ENGINEERING SERVICES FOR THE 2012 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NO. 712210 FOR THE LUBBOCK STREET IMPROVEMENT PROJECT – APPROVED.</u>

Mayor Bob Brown stated that Item No. twelve (1) was the consideration of approval of the selection of Goodwin-Lasiter, Inc. for Engineering Services for the 2012 Texas Community Development Block Grant Program (TxCDBG) Contract No. 712210 for the Lubbock Street Improvement Project.

City Manager Paul Parker stated this was the final item related to the 2012 Texas Community Development Block Grant and was the selection of the Engineer for the program. City Manager Parker stated that Goodwin-Lasiter had performed the preliminary engineering for this grant. City Manager Parker continued that the formal request for proposals was completed and only two (2) submittals were received; Goodwin-Lasiter and KSA Engineering. City Manager Parker stated that due to the previous work on the project by Goodwin-Lasiter, Staff recommended City Council approve the selection of Goodwin-Lasiter, Inc. for engineering services for the 2012 Texas Community Development Block Grant.

Mayor Bob Brown asked for questions or comments from the City Council.

Councilmember Robert Shankle moved to approve the selection of Goodwin-Lasiter, Inc. for Engineering Services for the 2012 Texas Community Development Block Grant Program (TxCDBG) Contract No. 712210 for the Lubbock Street Improvement Project. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

13. AWARD OF BID TO INSITUFORM TECHNOLOGIES, LLC, IN THE AMOUNT OF ONE HUNDRED THIRTY-TWO THOUSAND ONE HUNDRED EIGHTEEN DOLLARS AND SEVENTY-FIVE CENTS (\$132,118.75) FOR THE RAGUET STREET AREA OF PROJECT I – APPROVED.

Mayor Bob Brown stated that the next item was to consider an award of bid to Insituform Technologies, LLC, in the amount of one hundred thirty-two thousand one hundred eighteen dollars and seventy-five cents (\$132,118.75) for the Raguet Street area of Project I.

City Manager Paul Parker stated that in previous years, HDR/Claunch and Miller had performed an inflow and infiltration study (I&I) on the City of Lufkin's sewer system. City Manager Parker stated that one of the major areas with problems was located in the area of Raguet Street and Frank Avenue and referred to as Project I. City Manager Parker stated there was currently seven thousand six hundred thirty-two (7,632) linear feet of six inch (6"), eight inch (8") and ten inch (10") sanitary sewer lines located under Raguet Street and Frank Avenue. City Manager Parker stated that this process performed by Insituform had been used in the past. City Manager Parker explained that a chemical material would be placed into the pipes and would form an inner lining, effectively sealing the pipes. City Manager Parker stated that since the majority of these pipes were under major streets, this process was more economical that conventional repairs. City Manager Parker furthered that the balance of the project would be completed through the traditional method of trenching and replacing pipes. City Manager Parker stated that Staff recommended City Council award a bid to Insituform Technologies, LLC, in the amount of one hundred thirty-two thousand one hundred eighteen dollars and seventy-five cents (\$132,118.75) for the Raguet Street area of Project I.

Mayor Bob Brown asked for questions or comments from the City Council. Councilmember Rufus Duncan asked if it was common for sewer lines to be located under streets in Lufkin. City Manager Parker stated that it was common, especially in the older areas.

Councilmember Rufus Duncan moved to approve the award of bid to Insituform Technologies, LLC, in the amount of one hundred thirty-two thousand one hundred eighteen dollars and seventy-five cents (\$132,118.75) for the Raguet Street area of Project I. Councilmember Don Langston seconded the motion and a unanimous vote to approve was recorded.

14. AWARD OF BID TO INSITUFORM TECHNOLOGIES, LLC, IN THE AMOUNT OF ONE HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$112,500) FOR THE RECONSTRUCTION OF THE HURRICANE CREEK WWTP CLARIFIER LINE AND APPROVAL OF A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2011/2012 OPERATING BUDGET (BUDGET AMENDMENT NO. 36), PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE WATER AND WASTEWATER DEPRECIATION FUND; AND PROVIDING AN EFFECTIVE DATE – APPROVED.

Mayor Bob Brown stated that the next item was the consideration of an award to Insituform Technologies, LLC, in the amount of one hundred twelve thousand five hundred dollars (\$112,500) for the reconstruction of the Hurricane Creek WWTP Clarifier Line and approval of a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 36), providing for the supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date.

City Manager Paul Parker stated this project included the same technology as described in the previous item. City Manager Parker stated that there were currently two (2) thirty-six inch (36") and approximately one hundred foot (100') long sections of concrete reinforced pipes that transferred raw sewage from the pre-treatment basin to the primary clarifier. City Manager Parker stated that these lines were leaking and needed to be replaced. City Manager Parker stated that due to the lines being located under the clarifier, a chemical material would be placed into the pipes and would form an inner lining, effectively sealing the pipes. City Manager Parker stated that Staff recommended approval of an award of bid to Insituform Technologies, LLC, in the amount of one hundred twelve thousand five hundred dollars (\$112,500) for the reconstruction of the Hurricane Creek WWTP Clarifier Line.

Councilmember Rufus Duncan moved to approve the award of bid to Insituform Technologies, LLC, in the amount of one hundred twelve thousand five hundred dollars (\$112,500) for the reconstruction of the Hurricane Creek WWTP Clarifier Line and approval of a Resolution authorizing an amendment to the 2011/2012 Operating Budget (Budget Amendment No. 36), providing for the

supplemental appropriation of funds in the Water and Wastewater Depreciation Fund; and providing an effective date. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

15. CITY MANAGER REPORT

Mayor Bob Brown stated that the next item on the agenda was the City Manager Report.

City Manager Paul Parker highlighted the financial reports and updated Council on projects that included the Pines Theater, Convention Center and Fire Station No. 3. City Manager Parker stated he would be glad to answer any questions City Council might have in regard to any of the reports.

Mayor Bob Brown recessed the Regular Session at 5:35 p.m.

16. 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 Bob Brown reconvened the Regular Session at 5:55 p.m.

17. 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 highlighted upcoming meeting and events on the calendar.

18. There being no further business for consideration, the meeting adjourned at 8:15 p.m.

Bob F. Brown, Mayor

Kua Atwove Kara Atwood, City Secretary

SEAL