

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 16<sup>TH</sup> DAY OF FEBRUARY, 2010**

On the 16<sup>th</sup> day of February, 2010, 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.  
Don Langston  
R. L. Kuykendall  
Robert Shankle  
Lynn Torres  
Rufus Duncan  
Phil Medford  
Paul L. Parker  
Bruce Green  
Renee Thompson  
Rodney Ivy  
Scott Marcotte  
Gerald Williamson  
Danny Kistner  
Duane Freeman  
Doug Wood  
Dorothy Wilson  
Jim Wehmeier  
Dale Allred  
Chuck Walker

Mayor  
Mayor Pro-Tem  
Councilmember, Ward No. 1  
Councilmember, Ward No. 2  
Councilmember, Ward No. 3  
Councilmember, Ward No. 5  
Councilmember, Ward No. 6  
City Manager  
City Attorney  
City Secretary  
Human Resource Director  
Police Chief  
Asst. Police Chief  
Fire Chief  
Asst. Fire Chief  
Finance Director  
Planning Director  
Economic Development Director  
Inspection Services Director  
Public Utilities Director

being present, and

Keith Wright

Deputy City Manager

being absent, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Paul Geye, Angel of Joy Lutheran Church.
2. Mayor Jack Gorden welcomed visitors present.

**3. APPROVAL OF MINUTES**

Minutes of the Regular Meeting of February 2, 2010 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 ON LAND DESCRIBED AS BEING LOCATED ON THE SOUTH SIDE OF PAUL AVENUE, BETWEEN DALE AND LUBBOCK STREETS AND BEING A 1.308 ACRE PARCEL OF THE 0040 L. L. QUINALTY SURVEY, TRACT 266, ANGELINA COUNTY, TEXAS, A RESIDENTIAL SMALL SINGLE-FAMILY DWELLING” ZONING DISTRICT TO A “DUPLEX DWELLING” ZONING DISTRICT AND AUTHORIZING THE CITY PLANNER TO MAKE SUCH CHANGES ON THE OFFICIAL MAP AND THE FUTURE LAND USE PLAN OF THE 2001 COMPREHENSIVE PLAN TO THE CLASSIFICATION OF “MEDIUM DENSITY RESIDENTIAL”**

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 on land described as being located on the south side of Paul Avenue, between Dale and Lubbock Streets and being a 1.308 acre parcel of the 0040 L. L. Quinalty Survey, Tract 266, Angelina County, Texas, a Residential Small Single-Family Dwelling” Zoning District to a “Duplex Dwelling” Zoning District and authorizing the City Planner to make such changes on the Official Map and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of “Medium Density Residential”.

City Manager Paul Parker stated that this was a request to allow for three (3) two (2) family duplexes to be constructed. City Manager Parker added that the Planning and Zoning Commission and Staff recommended that the Council approve the zone change from “Residential Small Single-Family Dwelling” to a “Duplex Dwelling” and amend the 2001 Comprehensive Plan to the classification of “Medium Density Residential”.

Mayor Gorden stated that the request passed unanimously at the last Council meeting. Mayor Gorden then opened the Public Hearing 5:07 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 5:08 p.m.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Rufus Duncan moved to approve the Second Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by changing the zoning designation on land described as being located on the south side of Paul Avenue, between Dale and Lubbock Streets and being a 1.308 acre parcel of the 0040 L. L. Quinalty Survey, Tract 266, Angelina County, Texas, a Residential Small Single-Family Dwelling” Zoning District to a “Duplex Dwelling” Zoning District and authorizing the City Planner to make such changes on the Official Map and the Future Land Use Plan of the 2001 Comprehensive Plan to the classification of “Medium Density Residential”. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**5. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BEING ORDINANCE 3368, TO ADD LANDSCAPE AND TREE PRESERVATION REQUIREMENTS; DELETE CURRENT LANDSCAPING; REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE**

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, being Ordinance 3368, to add landscape and tree preservation requirements; delete current landscaping; repealing conflicting provisions; and providing an effective date.

City Manager Paul Parker stated that the Ordinance had been discussed and was in the planning stages for approximately three (3) years. City Manager Parker added that there had been numerous Staff meetings, Council meetings, Planning and Zoning Commission meetings, Public Hearings and meetings of the Landscape Advisory Board concerning the Ordinance. City Manager Parker added that after all of the meetings the Landscape Advisory Board, along with the Planning and Zoning Commission and City Staff recommended that the Council approve the Ordinance. City Manager Parker stated that Staff would answer any questions that the City Council had regarding the Ordinance.

Mayor Gorden opened the Public Hearing 5:09 p.m. and asked anyone who wished to speak on the item to please step forward. Speaking concerning the Ordinance was:

Benny Hollis  
Carol Green

Mayor Gorden closed the Public Hearing at 5:14 p.m.

Mayor Gorden asked for questions or comments from the Council.

There was discussion among the Council and Staff concerning the Landscape and Tree Preservation Ordinance.

Councilmember Rufus Duncan moved to approve the Second Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, being Ordinance 3368, to add landscape and tree preservation requirements; delete current landscaping; repealing conflicting provisions; and providing an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**NEW BUSINESS:**

**6. ADMINISTER OATH OF OFFICE TO MICHAEL BRANDON WHITE**

Mayor Jack Gorden stated that the next item for consideration was to administer the Oath of Office to Michael Brandon White. Mayor Gorden added that the City was proud of the Police Force for the City of Lufkin, and had decided to make the swearing in of officers a more official procedure.

Honorable Jack Gorden, Mayor of the City of Lufkin, then administered the Oath of Office to City of Lufkin Police Officer Michael Brandon White.

**7. RESOLUTION FOR THE CITY OF LUFKIN, TEXAS, - APPROVED - DECLARING SUPPORT FOR THE TIMBERLAND TRAILS I, LP 9% TAX CREDIT, HOME INVESTMENT PARTNERSHIP PROGRAM AND/OR HOUSING TRUST FUND APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE YEAR 2010**

Mayor Jack Gorden stated that the next item for consideration was a Resolution for the City of Lufkin, Texas, declaring support for the Timberland Trails I, LP 9% Tax Credit, Home Investment Partnership Program and/or Housing Trust Fund Application to the Texas Department of Housing and Community Affairs for the year 2010.

City Manager Paul Parker stated that Timberland Trails I, L.P., part of Spectrum Housing Corporation of Cedar Hill Texas, was proposing to develop 7.717 acres on North Timberland Drive for apartments. City Manager Parker added that this request was very similar to the request that the Council heard at their last Council meeting. City Manager Parker explained that the representatives of the Spectrum Housing Corporation had worked with City Attorney Bruce Green, and had their papers and information supplied to Attorney Green in order to fulfill the City's concerns about the organization. City Manager Parker stated that in lieu of the financial contributions from the City, as the Local Political Subdivision in which TDHCA funds would be used, the applicant was requesting support from the City for the project and authorization to act on behalf of the City in applying for HOME or Housing Trust Funds from the TDHCA to develop affordable housing in Lufkin, on the North Timberland Drive 7.717 acre parcel. City Manager Parker added that the applicant was proposing an eighty (80) unit apartment complex. City Manager Parker explained that the Staff had inserted the language in the Ordinance that the City Council requested concerning the "hold harmless" clause for the City of Lufkin. City Manager Parker stated that the proposal met all of the intent of the City, and recommended approval of the Resolution supporting the application to TDHCA for the award of the 2010 Housing Tax Credits and HOME Investment Partnership (HOME) Program Funds for Timberland Trails I, to be developed at 2205 North Timberland Drive.

Mayor Gorden stated that Mary Henderson from Timberland Trails I, L.P. was present at the meeting, and asked for questions or comments from the Council. Ms. Henderson then introduced Frederick Schnurr, President of the Board of Directors for Spectrum Housing Corporation, and John Draughton, of the American Capital Group, who was a co-developer for the project.

There was discussion among the Council concerning the request.

Councilmember Rufus Duncan moved to approve the Resolution for the City of Lufkin, Texas, declaring support for the Timberland Trails I, LP 9% Tax Credit, Home Investment

Partnership Program and/or Housing Trust Fund Application to the Texas Department of Housing and Community Affairs for the year 2010. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

8. **CONTRACT WITH THE CITY OF DIBOLL – APPROVED - FOR THE PURCHASE OF WATER FROM THE CITY OF LUFKIN**

Mayor Jack Gorden stated that the next item for consideration was a contract with the City of Diboll for the purchase of water from the City of Lufkin.

City Manager Paul Parker stated the City of Lufkin had been working with the City of Diboll to consider a proposal that would benefit both cities by making more affordable water for the residents of Diboll, and allow the City of Lufkin another sale point that should hold the cost down for the citizens of Lufkin. City Manager Parker added that it was an opportunity for both cities to partner in serving the citizens better with lower cost utilities. City Manager Parker stated that the contract was based on the City of Lufkin extending a line to the Lufkin city limits, to allow Diboll the opportunity to build infrastructure to treat water to disperse in the City of Diboll. City Manager Parker explained that this would be a twenty (20) year contract, or the financial period of the mechanism that Diboll uses to finance their portion. City Manager Parker stated that the City of Lufkin hoped that this would be a long term agreement, because the City of Lufkin was blessed to have water and wanted to serve all of the surrounding neighbors. City Manager Parker explained that the contract called for up to six hundred thirty-two million (632,000,000) gallons of water per year or an average of 52.7 million gallons per month. City Manager Parker stated that initially Diboll would use the water to supplement the water they could produce. City Manager Parker added that the City of Lufkin tried to promote all of Angelina County for industrial development and commercial purposes. City Manager Parker stated that the City of Lufkin would love to assist any industrial service if they needed additional water.

City Manager Parker stated that the contract had a built in cost of living increase annually, that was base on seventy-five percent (75%) of the Houston/Galveston Consumer Price Index. City Manager Parker added that this would go into effect once the City of Diboll began taking water from the City of Lufkin. City Manager Parker explained that if this occurred in three (3) years from the current date, the rate would be whatever the Lufkin rate was at that point. City Manager Parker stated that no inflation would be added until Diboll actually began taking water from the City of Lufkin. City Manager Parker stated that Staff recommended that the Council approve entering into an agreement with City of Diboll, and that it was his understanding that the City of Diboll had already approved the agreement before it was brought to the City of Lufkin.

Mayor Gorden asked for questions or comments from the Council. There was discussion among the Council concerning the agreement.

Councilmember Don Langston moved to approve the contract with the City of Diboll for the purchase of water from the City of Lufkin. Councilmember R. L. Kuykendall seconded the motion. A unanimous affirmative vote was recorded.

9. **FIRST READING OF AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - AMENDING ORDINANCE 3548 OF THE CITY OF LUFKIN, TEXAS, REPEALING CONFLICTING AND INCONSISTENT PROVISIONS, ADOPTING THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE AND ALL AMENDMENTS, SCHEDULES AND APPENDICES LISTED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Jack Gorden stated that the next item for consideration was the First Reading of an Ordinance of the City of Lufkin, Texas, amending Ordinance 3548 of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions, adopting the 2006 Edition of the International Residential Code and all amendments, schedules and appendices listed herein; and providing for an effective date. Mayor Gorden added that this was the first of several Ordinances pertaining to construction codes for the City of Lufkin.

City Manager Paul Parker stated that he would give an overall view that was inclusive of all of the seven Ordinances pertaining to the updating of the construction codes. City Manager Parker explained that at a previous Council Meeting, the City Council looked at the different Ordinances presented to update the construction codes for the City of Lufkin. City Manager Parker added that there were some recommendations for modifications to the Ordinances as they were proposed. City Manager Parker stated that the City of Lufkin was currently under the 2003 Construction Codes, and that a requirement of the ISO, which was an insurance rating, was that the City of Lufkin should operate under either the 2006 or 2009 Construction Codes. City Manager Parker added that the respective departments were already reviewing the codes for adoption and recommendation to the City Council. City Manager Parker stated that the City was informed in January that the City would be audited by the Community Mitigation Field Representative for the Insurance Services Organization (ISO), to see if the City of Lufkin was in compliance with the ISO standards. City Manager Parker stated that the Council initially looked at the Ordinances and asked to table them and have a committee of the Council to review the Ordinances and the recommendations of the Staff. City Manager Parker stated that in the mean time the City was audited by Mr. Kellner and he stated that he would not negatively report the City of Lufkin, but would come back and check at a later time on the City's adoption. City Manager Parker added that Mr. Kellner said that under the building portion of ISO, the failure to adopt the current Ordinances could lead to an ISO rating increase up to an eight (8), and the City's current rating was four (4). City Manager Parker explained that the higher rating would increase insurance for both individuals and businesses, if that occurred. City Manager Parker stated that Staff was looking at the Ordinances for the safety and updating of the codes, even prior to the rating review. City Manager Parker stated that Staff met with the Committee, which was composed of Councilmember Don Langston, Councilmember Rufus Duncan and Mayor Jack Gorden. City Manager Parker added that the Committee sat with Staff and reviewed all of the proposed codes and proposed changes. City Manager Parker explained that some of the codes, such as the Fire Code, had requests for additions beyond the 2006 code requirements. City Manager Parker stated that there was a consensus of the Committee to recommend adoption, but only the adoption of the codes as they stood. City Manager Parker stated that the Energy Code was one (1) of the codes that was originally recommended, but was not included in the codes before the Council that night. City Manager Parker explained that the Committee looked at this code and suggested that Staff do additional work on ways to incentivize builders to meet those standards, without actually codifying the code. City Manager Parker added that Staff would look at alternate methods to bring back to the Council in the future, to encourage people to meet the Energy Code standards. City Manager Parker stated that the recommendation of the Review Committee and Staff was that Council adopt all of the codes included in the packet that evening. City Manager Parker added that the item currently before the Council was the International Residential Code. City Manager Parker stated that Staff would answer any questions the Council had, regarding the Residential Code or any of the codes included in the packet. Mayor Gorden asked for questions or comments from the Council. There was discussion among the Mayor, Council and Staff regarding the construction codes.

Councilmember Don Langston stated that he was sure that there was a legal precedent concerning approving the construction codes individually, but that one (1) code built on another, and to pass one (1) code and not pass another code would be a conflict. Councilmember Langston asked if it would be possible to consider items nine (9) through fifteen (15) together.

City Attorney Bruce Green stated that there was no legal impediment to that, provided that the Council had the information concerning the individual Ordinances in advance of the meeting.

Councilmember Don Langston moved to approve the First Reading of the Ordinance of the City of Lufkin, Texas, amending Ordinance 3548 of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions, adopting the 2006 Edition of the International Residential Code and all amendments, schedules and appendices listed herein; and providing for an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**10. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 3676 AND AMENDED ORDINANCE 3680 OF THE CITY OF LUFKIN, TEXAS, - APPROVED - REPEALING CONFLICTING AND INCONSISTENT PROVISIONS, ADOPTING THE 2006 INTERNATIONAL BUILDING CODE AND ALL AMENDMENTS, SCHEDULES AND APPENDICES LISTED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE**

Councilmember Don Langston moved to approve the First Reading of the Ordinance amending Ordinance 3676 and amended Ordinance 3680 of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions, adopting the 2006 International Building Code and all amendments, schedules and appendices listed herein; and providing for an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**11. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 2680 OF THE CITY OF LUFKIN, TEXAS, - APPROVED - REPEALING CONFLICTING AND INCONSISTENT PROVISIONS, ADOPTING THE 2006 INTERNATIONAL EXISTING BUILDING CODE AND ALL AMENDMENTS, SCHEDULES AND APPENDICES LISTED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE**

Councilmember Don Langston moved to approve the First Reading of the Ordinance amending Ordinance 2680 of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions, adopting the 2006 International Existing Building Code and all amendments, schedules and appendices listed herein; and providing for an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**12. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 3674 OF THE CITY OF LUFKIN, TEXAS, - APPROVED - REPEALING CONFLICTING AND INCONSISTENT PROVISIONS, ADOPTING THE 2006 INTERNATIONAL FIRE CODE AND ALL AMENDMENTS, SCHEDULES AND APPENDICES LISTED HEREIN, AND PROVIDING FOR AN EFFECTIVE DATE**

Councilmember Don Langston moved to approve the First Reading of the Ordinance amending Ordinance 3674 of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions, adopting the 2006 International Fire Code and all amendments, schedules and appendices listed herein, and providing for an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**13. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 3678 OF THE CITY OF LUFKIN, TEXAS, - APPROVED - REPEALING CONFLICTING AND INCONSISTENT PROVISIONS, ADOPTING THE 2006 INTERNATIONAL FUEL GAS CODE AND ALL AMENDMENTS, SCHEDULES AND APPENDICES LISTED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE**

Councilmember Don Langston moved to approve the First Reading of the Ordinance amending Ordinance 3678 of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions, adopting the 2006 International Fuel Gas Code and all amendments, schedules and appendices listed herein; and providing for an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**14. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 3679 OF THE CITY OF LUFKIN, TEXAS, - APPROVED - REPEALING CONFLICTING AND INCONSISTENT PROVISIONS, ADOPTING THE 2006 INTERNATIONAL MECHANICAL CODE AND ALL AMENDMENTS, SCHEDULES AND APPENDICES LISTED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE**

Councilmember Don Langston moved to approve the First Reading of the Ordinance amending Ordinance 3679 of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions, adopting the 2006 International Mechanical Code and all amendments, schedules and appendices listed herein; and providing for an effective date.

Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**15. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 3677 OF THE CITY OF LUFKIN, TEXAS, - APPROVED - REPEALING CONFLICTING AND INCONSISTENT PROVISIONS, ADOPTING THE 2006 INTERNATIONAL PLUMBING CODE AND ALL AMENDMENTS, SCHEDULES AND APPENDICES LISTED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE**

Councilmember Don Langston moved to approve the First Reading of the Ordinance amending Ordinance 3677 of the City of Lufkin, Texas, repealing conflicting and inconsistent provisions, adopting the 2006 International Plumbing Code and all amendments, schedules and appendices listed herein; and providing for an effective date. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**16. BID TO QUESTAR CONSTRUCTION L. P. – APPROVED - IN THE AMOUNT OF ONE HUNDRED TWENTY- THOUSAND THREE HUNDRED THIRTY-ONE DOLLARS AND FIFTY-SIX CENTS (\$120,331.56) FOR THE ELLEN TROUT ZOO BUILDING MAINTENANCE PROJECT**

Mayor Jack Gorden stated that the next item for consideration was a bid to Questar Construction L. P. in the amount of one hundred twenty- thousand three hundred thirty-one dollars and fifty-six cents (\$120,331.56), for the Ellen Trout Zoo Building Maintenance Project.

City Manager Paul Parker stated that the budget for the construction of the new Zoo Maintenance Facility was two hundred fourteen thousand five hundred forty dollars (\$214,540). City Manager Parker added that there were several bidders on the project with a large range of bid amounts. City Manager Parker stated that the low bidder was Questar Construction, L.P., in the amount of one hundred twenty thousand three hundred thirty-one dollars and fifty-six cents (\$120,331.56). City Manager Parker explained that because of the difference in the bid amounts, City Engineer Chuck Walker was requested to call several references and individuals that had worked with Questar Construction, L. P. City Manager Parker stated that the responses were very positive. City Manager Parker added that Staff felt good about recommending Questar to the Council, based on their history in working with other cities. City Manager Parker stated that Staff recommended that the Council award the alternate bid, along with the base bid. City Manager Parker added that the base bid for the construction of the maintenance building was ninety-seven thousand four hundred seventy-one dollars and fifty-six cents (\$97,471.56), and the alternate bid number one (1) was twenty-two thousand eight hundred sixty dollars (\$22,860), for the fencing and perimeter. City Manager Parker recommended that the bids be approved in the total amount of one hundred twenty thousand three hundred thirty-one dollars and fifty-six cents (\$120,331.56).

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford moved to approve the bid to Questar Construction L. P. in the amount of one hundred twenty- thousand three hundred thirty-one dollars and fifty-six cents (\$120,331.56), for the Ellen Trout Zoo Building Maintenance Project. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

City Manager Parker stated that the base budget for the Zoo Maintenance Facility was two hundred fourteen thousand five hundred forty dollars (\$214,540), and the bid on the project was one hundred twenty thousand three hundred thirty-one dollars and fifty-six cents (\$120,331.56). City Manager Parker stated that another project that had been submitted, but had not been funded by the Zoo, was a hay or feed barn. City Manager Parker added that Staff had gotten estimates for the barn at approximately fifty to fifty-five thousand dollars (\$50,000 - \$55,000), for a similar building. City Manager Parker explained that Staff wanted to get bids on the facility and bring them back to Council to be approved or denied. City Manager Parker added that this was not in the initial budget, but Staff wanted the Council to consider the project and maximize the funds.

**17. BID TO PETERS CONTRACTING SERVICES – APPROVED - IN THE AMOUNT OF FORTY-FIVE THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$45,850),**

**FOR SANDBLASTING AND PAINTING OF CLARIFIERS AND SLUDGE THICKENER AT THE WASTEWATER TREATMENT PLANT**

Mayor Jack Gorden stated that the next item for consideration was a bid to Peters Contracting Services in the amount of forty-five thousand eight hundred fifty dollars (\$45,850), for sandblasting and painting of clarifiers and sludge thickener at the Wastewater Treatment Plant.

City Manager Paul Parker stated that the bids on this project were one (1) of the largest ranges that Staff had ever seen on a project. City Manager Parker added that some bids were from out of state, and the City had received a bid for the painting of the clarifiers and sludge thickener at the Wastewater Treatment Plant in the amount of forty-five thousand eight hundred fifty dollars (\$45,850). City Manager Parker stated that the highest bid on the project was four hundred thirty thousand dollars (\$430,000), and that there were several other bids between the lowest and highest bids. City Manager Parker explained that the variance in bids raised the concern of Staff. City Manager Parker stated that Staff, through KSA Engineers, contacted numerous references concerning Peters Contracting Service, and all responses were extremely positive. City Manager Parker added that Peters Contracting Service even said that they would complete the job first, and then bill the City. City Manager Parker stated that Staff recommended that the Council approve the bid in the amount of forty-five thousand eight hundred fifty dollars (\$45,850), for sandblasting and painting clarifiers and sludge thickener at the Wastewater Treatment Plant to Peters Contracting Service.

There was discussion among the Council concerning the bid and the project.

Councilmember Don Langston moved to approve the bid to Peters Contracting Services in the amount of forty-five thousand eight hundred fifty dollars (\$45,850), for sandblasting and painting of clarifiers and sludge thickener at the Wastewater Treatment Plant. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

**18. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2009/2010 OPERATING BUDGET (BUDGET AMENDMENT NO. 12), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE EQUIPMENT ACQUISITION AND REPLACEMENT FUND; AND PROVIDING AND EFFECTIVE DATE AND APPROVAL OF THE PURCHASE OF FIRE PUMPER IN THE AMOUNT OF FOUR HUNDRED SEVENTY-ONE THOUSAND TWO HUNDRED SEVENTY-THREE DOLLARS AND EIGHTY-FIVE CENTS (\$471,273.85)**

Mayor Jack Gorden stated that the next item for consideration was a Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 12), providing for the supplemental appropriation of funds in the Equipment Acquisition and Replacement Fund; and providing and effective date and approval of the purchase of Fire Pumper in the amount of four hundred seventy-one thousand two hundred seventy-three dollars and eighty-five cents (\$471,273.85).

City Manager Paul Parker stated that when the City set up the Amortization Fund, the heavy equipment in the Fire Department and Street Department was not included, because the costs were so high that they were normally funded through alternate methods. City Manager Parker added that due to the excellent cooperation between the departments and the review of each piece of equipment, the purchase of equipment was often postponed. City Manager Parker explained that the Amortization Fund had grown, and the resale of equipment was better than was anticipated. City Manager Parker stated that the Amortization Fund now had the capability to fund a new fire pumper truck through the amortization program, in lieu of bonds or other methods. City Manager Parker added that the Fire Department had a dire need to replace Fire Engine No. 5, which was a 1990 FMC Pumper. City Manager Parker explained that repair and maintenance costs from 2006 to 2009 for the vehicle were approximately forty-four thousand five hundred dollars (\$44,500), and the vehicle was still in fairly bad shape. City Manager Parker stated that Staff was requesting to purchase a Pierce 1250 gpm triple combination pumper with a compressed air foam system. City Manager Parker added that the apparatus was similar to the model that was recently acquired. City



Manager Parker stated that Staff recommended that the Council amend the budget, and appropriate funds to the Amortization Fund in the amount of four hundred seventy-one thousand two hundred seventy-three dollars and eighty-five cents (\$471,273.85), for the purchase of the fire pumper.

Councilmember Lynn Torres moved to approve the Resolution authorizing an amendment to the 2009/2010 Operating Budget (Budget Amendment No. 12), providing for the supplemental appropriation of funds in the Equipment Acquisition and Replacement Fund; and providing and effective date and approval of the purchase of Fire Pumper in the amount of four hundred seventy-one thousand two hundred seventy-three dollars and eighty-five cents (\$471,273.85). Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

**19. WATER SERVICE DISCONNECTION AGREEMENT – APPROVED - BETWEEN THE CITY OF LUFKIN AND THE ANGELINA COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4**

Mayor Jack Gorden stated that the next item for consideration was a Water Service Disconnection Agreement between the City of Lufkin and the Angelina County Water Control and Improvement District No. 4.

City Manager Paul Parker stated that the City of Lufkin was required by the Texas Commission of Environmental Quality (TCEQ) to enter into an agreement with Angelina County Water Control and Improvement District No. 4, which would require the City to disconnect water utility services to water customers who failed to pay their sewer bill. City Manager Parker added that the agreement would also set up a thirty dollar (\$30) re-connect fee.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Phil Medford moved to approve the Water Service Disconnection Agreement between the City of Lufkin and the Angelina County Water Control and Improvement District No. 4. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

**20. RESOLUTION OF SUPPORT OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, – APPROVED - AUTHORIZING SUBMISSION OF A STATEMENT OF INTEREST ON BEHALF OF THE CITY OF LUFKIN TO THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING OF A PROJECT ASSOCIATED WITH IMPROVEMENTS TO THE CITY OF LUFKIN WATER SYSTEM**

Mayor Jack Gorden stated that the next item for consideration was a Resolution of support of the City Council of the City of Lufkin, Texas, authorizing submission of a statement of interest on behalf of the City of Lufkin to the Texas Water Development Board for funding of a project associated with improvements to the City of Lufkin Water System.

City Manager Paul Parker stated that this was a request that Staff was hoping to get, but understood that the likelihood might not be great. City Manager Parker added that this was a 75%-25% grant program, of which the City was requesting funding to build a water treatment plant for the Abitibi water resources, as well as provide a twenty-four inch (24”) treated water transmission main, which would allow the City to disperse the treated Abitibi water into the City water system. City Manager Parker stated that the total cost of the project was twelve million six hundred fifty-six thousand dollars (\$12,656,000). City Manager Parker added that the first initial request would be to allow the City to apply for a grant of sixteen million eight hundred seventy-five thousand dollars (\$16,875,000), which would be the one hundred percent (100%) grant money, with the City using the Abitibi purchase as the City’s match. City Manager Parker explained that this would leave the federal share at twelve million six hundred fifty-six thousand dollars (\$12,656,000). City Manager Parker stated that if the City was unable to use the Abitibi purchase as the City’s match, the City would apply for the total cost to complete the project, with the understanding that the City’s match would be twenty-five percent (25%).

Mayor Gorden asked for questions or comments from the Council. There was discussion among the Council.

Councilmember Phil Medford moved to approve the Resolution of support of the City Council of the City of Lufkin, Texas authorizing submission of a statement of interest on behalf of the City of Lufkin to the Texas Water Development Board for funding of a project associated with improvements to the City of Lufkin Water System. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**21. RESOLUTION REQUESTING ADJUSTMENTS OR REVISIONS OF RULES DEFINING LOW AND MODERATE INCOME AND AMENDMENTS OR WAIVERS FOR MITIGATION 7 DISASTER PREPAREDNESS PROJECTS IN THE CITY OF LUFKIN, TEXAS, - APPROVED - AND OTHER HURRICANE IKE DISASTER JURISDICTIONS IN THE DETCOG REGION**

Mayor Jack Gorden stated that the next item for consideration was a Resolution requesting adjustments or revisions of rules defining low and moderate income and amendments or waivers for mitigation 7 disaster Preparedness Projects in the City of Lufkin, Texas, and other Hurricane Ike Disaster jurisdictions in the DETCOG Region.

City Manager Paul Parker stated that several of the Council Members sit on the Deep East Texas Council of Governments (DETCOG) Board, and were familiar with the ongoing dilemma with the Ike Funding in the East Texas Area. City Manager Parker explained that specifically, this Resolution would indicate the City of Lufkin's support for utilizing the Ike Funds in accordance with low to moderate income national objectives, as defined by the Department of Housing and Urban Development (HUD). City Manager Parker added that presently the City of Lufkin's low to moderate income level was thirty-three thousand nine hundred dollars (\$33,900) per household. City Manager Parker stated that Angelina County's low to moderate income level was thirty-three thousand eight hundred six dollars (\$33,806). City Manager Parker explained that to be able to qualify in the local area, an individual family's income could not exceed thirty-three thousand eight hundred six dollars (\$33,806). City Manager Parker added that Houston had a lot higher per capita income and could qualify under the same rules, even if they had an income of more than forty-four thousand dollars (\$44,000) per year. City Manager Parker stated that the Resolution was trying to spell out that the City of Lufkin would like HUD to use the state average low to moderate income standards, and let everyone apply based on the state's average. City Manager Parker added that this would allow the City to also apply for mitigation and other programs that were not currently in the disaster declaration at the current time. City Manager Parker stated that several jurisdictions in Angelina County had already passed a similar Resolution, along with many other counties in the area. City Manager Parker stated that Staff recommended that the Council approve the Resolution.

There was discussion among the Mayor and Council concerning the Resolution.

Councilmember Robert Shankle moved to approve the Resolution requesting adjustments or revisions of rules defining low and moderate income and amendments or waivers for mitigation 7 disaster Preparedness Projects in the City of Lufkin, Texas, and other Hurricane Ike Disaster jurisdictions in the DETCOG Region. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

**22. CITY MANAGER'S REPORT**

Mayor Jack Gorden stated that the next item for consideration was a report from City Manager Paul Parker.

City Manager Paul Parker stated that the February Sales Tax was down again approximately three percent (3%). City Manager Parker added that this reflected the Christmas sales. City explained that Lufkin's Sales Tax was better than many of the surrounding cities, even though it didn't help the situation.

Councilmember Don Langston asked if the State's Sales Tax was down approximately eleven to twelve percent (11%-12%). City Manager Parker stated that the State was down approximately six to seven percent (6-7%).

City Manager Parker stated that the City of Lufkin was down a little over five hundred thousand dollars (\$500,000) from the budgeted amount. City Manager Parker added that this was causing an accumulative effect, but the City was still on sound financial ground due to the Council's past history of being conservative in the funding of projects. City Manager Parker stated that even though it hurt, at this time there was no immediate panic. City Manager Parker explained that over the last few months, Staff had curtailed how quickly positions were filled for the City. City Manager Parker added that the City was waiting two (2) months before filling a position, unless there was a critical need. City Manager Parker stated that Staff was also taking a strong look at travel, and other areas where expenditures could be postponed. City Manager Parker stated that the Water Fund was below projections, but it wasn't unusual at the current time of year, because water sales were typically driven by the heat in the summer. City Manager Parker added that the City also had an extremely wet winter. City Manager Parker stated Solid Waste was also running a little below projections, but was close due to the City booking two (2) weeks into the year. City Manager Parker stated that the Hotel/Motel Tax Fund was down quite a bit, and was somewhat reflective of the industry. City Manager Parker stated that he would answer questions from the Council on any of the City's funds. City Manager Parker added that there were some concerns, but the City did have the reserve that helped through areas with a decline in sales tax.

City Manager Parker stated that the Council had the Project Status Report and that he would answer any questions the Council had concerning the report.

23. Mayor Jack Gorden recessed the Regular Session at 6:12 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 6:45 p.m.

**24. 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**

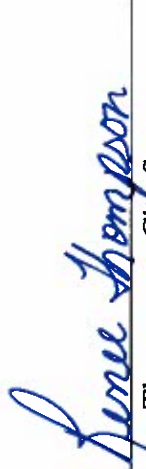
Mayor Gorden stated that the next item for consideration was the discussion of items of community interest, including expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary recognitions of City officials, employees or other citizens; reminders about upcoming 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.

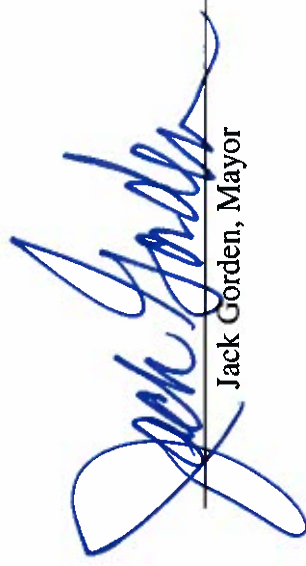
Mayor Gorden reminded the Council that the Angelina County Youth Fair would be going until Friday, February 19, 2010 at the George H. Henderson, Jr. Exposition Center.

City Manager Paul Parker stated that it was almost time for budget preparations and discussions of the Capital Improvements Program. City Manager Parker asked the Council to look at their calendars to determine a good date to hold the meetings. City Manager Parker asked the Council to look at the latter part of March or early part of April 2010. Councilmember Lynn Torres stated that she would be at a conference from March 30<sup>th</sup> through April 2<sup>nd</sup>. City Manager Parker suggested having the meeting the second week of April 2010. City Manager Parker added that this would allow the Council to watch a couple more months of Sales Tax, and also start the preparation on the budget. City Manager Parker

stated that the conversation at that meeting would be geared around the Fund Balance and how the City should approach projects. City Manager Parker added that Staff would show the Council numerous options, and the Council could direct the Staff on other options to look at. City Manager Parker stated that Staff was considering holding the meeting at Kurth Lake. City Manager Parker asked if there was a day in the week that worked better for the Council. City Manager Parker suggested the possibility of holding the meeting on Wednesday, April 14, 2010, and added that Staff would contact the Council to have them check their calendars concerning that date.

**25.** There being no further business for consideration, the meeting adjourned at 6:51 p.m.

  
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Renee Thompson – City Secretary

  
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Jack Gorden, Mayor