

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY  
OF LUFKIN, TEXAS HELD ON THE 20<sup>TH</sup> DAY OF APRIL, 2010

On the 20<sup>th</sup> day of April, 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.	Mayor
Don Langston	Mayor Pro-Tem
R. L. Kuykendall	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
Barbara Thompson	Main Street Director
Jim Wehmeier	Economic Development Director
Dale Allred	Inspection Services Director
Chuck Walker	Public Utilities Director

being present, when the following business was transacted:

1. The meeting was opened with prayer by Pastor T. C. Collins, Canaan Missionary Baptist Church.
2. Mayor Jack Gorden welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of April 6, 2010 were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

**OLD BUSINESS:**

4. **SECOND READING OF AN ORDINANCE DECLARING UNOPPOSED CANDIDATE IN THE MAY 8, 2010 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE ELECTION FOR COUNCILMEMBER WARD NUMBER THREE (3); - APPROVED - PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

Mayor Jack Gorden stated that the next item for consideration was the Second Reading of an Ordinance declaring unopposed candidate in the May 8, 2010 General City Election, elected to office; canceling the election for Councilmember Ward Number Three (3); providing a severability clause; and providing an effective date.

Councilmember Don Langston moved to approve the Second Reading of the Ordinance declaring unopposed candidate in the May 8, 2010 General City Election, elected to office; canceling the election for Councilmember Ward Number Three (3); providing a severability clause; and providing an effective date. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

5. **PUBLIC HEARING AND APPLICATION FROM MERCY EMS FOR NON-EMERGENCY AMBULANCE SERVICE - APPROVED - FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and application from Mercy EMS for Non-Emergency Ambulance Service for Certificate of Public Convenience and Necessity.

City Manager Paul Parker stated that the Mayor and Council had an extensive review in their Council packets regarding the request from Mercy EMS. City Manager Parker explained that Mercy EMS of Huntsville, Texas, applied for a Non-Emergency Ambulance Service Certificate for Public Convenience and Necessity, which by City Ordinance came before the City Council, if such application was filed for a Public Hearing. City Manager Parker stated that the non-emergency transports for the City of Lufkin were currently being provided by Americare EMS, whose contract went back to the time when Memorial Health Systems performed the non-emergency transports for patients. City Manager Parker added that when Memorial Health Systems ceased operations the contract was transferred to Goldstar EMS. City Manager Parker stated that whenever Goldstar EMS fell into financial difficulty, resulting in bankruptcy proceedings, the agreement was then transferred to Americare EMS. City Manager Parker furthered that Americare EMS was operating under the original non-transfer service agreement with Memorial Health System. City Manager Parker stated that the Council had the information on Americare EMS and their service area.

City Manager Parker stated that Mercy EMS stated in their application that they anticipated running two (2) ambulances. City Manager Parker explained that Mercy EMS would run one (1) ambulance on a twenty-four (24) hour basis, and one (1) ambulance on a sixteen (16) hour basis in Angelina County to do the non-emergency transfers. City Manager Parker stated that in accordance with the City Ordinance, Fire Chief Danny Kistner reviewed the Mercy EMS application and found them to be a reputable ambulance service. City Manager Parker added that Mercy EMS had a very good reputation as being a provider, but Fire Chief Kistner's recommendation was that a public convenience and necessity did not exist at the present time. City Manager Parker added that Americare EMS stood up for the Fire Department whenever they were out on ambulance calls, or when fighting a major fire. City Manager Parker stated that approximately twenty-five (25) times a month Americare EMS stood up, and that there had been no problems in that regard. City Manager Parker added that as a part of Americare EMS's contract with the City of Lufkin, Americare EMS also did the non-pay transfers when there was no method of payment from the patients. City Manager Parker stated that based on that rationale, the fact that there was no apparent need, and that the City of Lufkin had received no complaints from local hospitals concerning the level of service from Americare EMS, the recommendation from the Fire Department and Staff was that public convenience and necessity did not exist at the present time, and that the application for Mercy EMS should be denied. City Manager Parker added that Fire Chief Kistner was present if the Council had any questions.

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 item was:

Joe Barnes, Chief Executive Officer, Mercy Medical EMS

Mayor Gorden closed the Public Hearing at 5:11 p.m.

Fire Chief Danny Kistner stated that he had received no complaints against Americare EMS, and that Americare EMS had performed to the expectations from the Lufkin Fire Department, especially during the transition period. Chief Kistner added that Americare EMS had supported the Lufkin Fire Department whenever they needed support. Mayor Gorden asked the Council if they had questions from Chief Kistner.

Councilmember Don Langston asked what other support Americare EMS provided to the Lufkin Fire Department, other than running emergency ambulance service during a structure fire. Chief Kistner explained that Americare EMS had also offered to show up at the structure fires and provide rehabilitation service, such as taking blood pressures of the firefighters.

Mayor Gorden asked for questions or comments from the Council. There was discussion among the Council regarding the request from Mercy EMS.

Councilmember R. L. Kuykendall moved to deny the application from Mercy EMS for Non-Emergency Ambulance Service for Certificate of Public Convenience and Necessity.

Councilmember Don Langston seconded the motion. The following vote was recorded:

Aye: Mayor Jack Gorden, Council Members R.L. Kuykendall, Lynn Torres, Don Langston, Robert Shankle, and Phil Medford

Nay: Councilmember Rufus Duncan

The motion carried with six (6) affirmative votes and one (1) negative vote.

Mayor Gorden then thanked Mercy EMS for their interest in the City of Lufkin.

**6. AWARD OF BID FOR SANDBLASTING AND PAINTING CLARIFIERS AND SLUDGE THICKENER AT THE WASTE WATER TREATMENT PLANT - APPROVED - TO TRI-STATE COATING IN THE AMOUNT OF NINETY-FIVE THOUSAND DOLLARS (\$95,000)**

Mayor Jack Gorden stated that the next item for consideration was the award of bid for sandblasting and painting clarifiers and sludge thickener at the Waste Water Treatment Plant to Tri-State Coating in the amount of ninety-five thousand dollars (\$95,000).

City Manager Paul Parker stated that this item was discussed briefly at the Budget Retreat. City Manager Parker added that the City had a contract with Peters Contracting Service, who was the original low bidder, in the amount of forty-five thousand eight hundred fifty dollars (\$45,850) to sandblast and paint the clarifiers and sludge thickener at the Waste Water Treatment Plant. City Manager Parker explained that Peters Contracting Service was the same company that had sandblasted and painted the locomotive at Ellen Trout Zoo. City Manager Parker stated that the first day on the job Peters Contracting Service spent an entire day sandblasting one (1) manhole cover, and then decided that their bid was not cost effective and pulled off of the job. City Manager Parker added that the second low bidder for the work at the Waste Water Treatment Plant was Tri-State Coating, in the amount of ninety-five thousand dollars (\$95,000), which was still below the original estimate of one hundred thirty-five thousand dollars (\$135,000). City Manager Parker stated that KSA Engineering, the engineers for the project, contacted Tri-State Coating and confirmed that Tri-State Coating would still honor their original bid. City Manager Parker added that KSA Engineering also verified the references for Tri-State Coating. City Manager Parker stated that Staff recommended that the City Council award a contract to Tri-State Coating, in the amount of ninety-five thousand dollars (\$95,000), to complete the sandblasting and painting of the clarifiers and sludge thickener at the Waste Water Treatment Plant.

Mayor Gorden asked for questions or comments from the Council.

Councilmember Lynn Torres moved to award of bid for sandblasting and painting clarifiers and sludge thickener at the Waste Water Treatment Plant to Tri-State Coating, in the amount of ninety-five thousand dollars (\$95,000). Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

**7. 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 this was the same Financial Report and Project Status Report that the City Council went through in great detail at the Budget Retreat. City Manager Parker added that unless the Council had requests for more information he would report that the Fund Balance put the City in relatively good financial position. City Manager Parker stated that the Sales Tax was down approximately eight percent (8%) for the year. City Manager Parker added that he would answer any questions the Council had regarding the reports. There were none

8. Mayor Jack Gorden recessed the Regular Session at 5:20 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 6:08 p.m.

**9. INCENTIVES FOR PROJECT CITIZEN - APPROVED**

Mayor Jack Gorden stated that the next item for consideration was incentives for Project Citizen.

City Manager Paul Parker stated that Staff recommended that the City Council authorize the incentives as discussed during Executive Session.

Councilmember Rufus Duncan moved to approve the incentives for Project Citizen. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

**10. INCENTIVES FOR PROJECT INBOUND – APPROVED**

Mayor Jack Gorden stated that the next item for consideration was incentives for Project Inbound.

City Manager Paul Parker stated that Staff recommended that the City Council authorize the incentives as discussed during Executive Session.

Councilmember Phil Medford moved to approve the incentives for Project Inbound. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

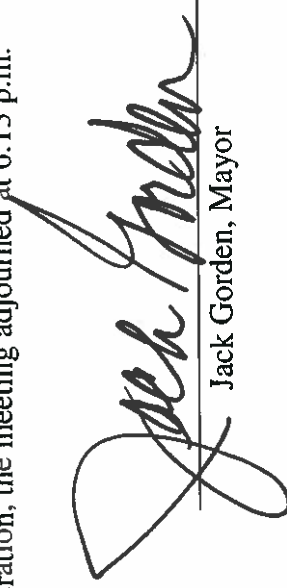
**11. DISCUSSION OF ITEMS OF COMMUNITY INTEREST, INCLUDING EXPRESSIONS OF THANKS, CONGRATULATIONS OR CONDOLENCE; INFORMATION REGARDING HOLIDAY SCHEDULES; HONORARY RECOGNITIONS OF CITY OFFICIALS, EMPLOYEES OR OTHER CITIZENS; REMINDERS ABOUT UPCOMING EVENTS SPONSORED BY THE CITY OR OTHER ENTITY THAT IS 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 reminded the City Council of the upcoming 27<sup>th</sup> Annual Anniversary Party at the George H. Henderson, Jr. Expo Center on Wednesday, May 12, 2010. City Manager Parker asked the City Council to please RSVP to City Secretary Renee Thompson as soon as possible. City Manager Parker added that the Texas Forest Country Partnership Luncheon would be on Tuesday, May 4, 2010.

**12.** There being no further business for consideration, the meeting adjourned at 6:13 p.m.

  
Renee Thompson – City Secretary

  
Jack Gorden, Mayor