

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF LUFKIN, TEXAS HELD ON THE 22ND DAY OF MARCH, 2011**

On the 22nd day of March, 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.
Don Langston
Victor Travis
Robert Shankle
Lynn Torres
Rufus Duncan
Phil Medford
Paul L. Parker
Keith Wright
Bruce Green
Renee Thompson
Rodney Ivy
Scott Marcotte
Gerald Williamson
Duane Freeman
Belinda Southern
Dorothy Wilson
Steve Floyd
Steve Poskey
Mike Akridge
Barbara Thompson
Jim Wehmeier
Dale Allred
Rhonda McLendon
Robbin Crawford

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
Deputy City Manager
City Attorney
City Secretary
Human Resource Director
Police Chief
Asst. Police Chief
Asst. Fire Chief
Finance Director
Planning Director
Public Works Director
Street Department, Superintendent
Parks & Leisure Services Director
Main Street Director
Economic Development Director
Inspection Services Director
Animal Control Director
Senior Accountant

being present, when the following business was transacted:

1. The meeting was opened with prayer by Pastor Mark O'Neill, Covenant Presbyterian Church.
2. Mayor Jack Gorden welcomed visitors present.
3. **RECOGNITION AND COMMENDATION TO LUFKIN POLICE DISPATCHERS
ASHLEY DENBY AND DEE DEE DALBALCON, AND LUFKIN POLICE
OFFICERS MARK ANDERSON, CLAY VANEMAN, TRENT BURFINE AND
SERGEANT DALE JOWELL**

Mayor Jack Gorden stated that the next item was recognition and commendation to Lufkin Police Dispatchers Ashley Denby and Dee Dee Dalbalcon, and Lufkin Police Officers Mark Anderson, Clay VanEman, Trent Burfine and Sergeant Dale Jowell. Mayor Gorden then presented the Police Dispatchers and Police Officers a medal for Meritorious Service for their life saving efforts.

Mayor Gorden stated then introduced the new Director of Finance, Belinda Southern. City Manager Paul Parker stated that the City was pleased that there was someone in the City Organization that could step forward and take over the Director of Finance position without the City losing a step. City Manager Parker added that the City would move forward, and that the City was very excited to have Belinda as the new Director of Finance and looked forward to many years of her service to the City of Lufkin.

4. APPROVAL OF MINUTES

Minutes of the Regular Meeting of March 8, 2011, were approved on a motion by Councilmember Lynn Torres, and seconded by Councilmember Victor Travis. A unanimous affirmative vote was recorded.

OLD BUSINESS:

5. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY GRANTING A "SPECIAL USE PERMIT" FOR A USE OF INSTITUTIONS OF RELIGIOUS, EDUCATIONAL, OR PHILANTHROPIC NATURE WITHIN A "COMMERCIAL ZONING DISTRICT" ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF SOUTH JOHN REDDITT DRIVE AND FEAGIN DRIVE, OTHERWISE KNOWN AS 2305 SOUTH JOHN REDDITT DRIVE AND BEING A PARCEL MEASURING 1.448 ACRES OF THE FEAGIN DRIVE ADDITION, BLOCK 1, LOT 2, ANGELINA COUNTY, TEXAS 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 granting a "Special Use Permit" for a use of Institutions of Religious, Educational, or Philanthropic nature within a "Commercial Zoning District" on property located at the northeast corner of South John Redditt Drive and Feagin Drive, otherwise known as 2305 South John Redditt Drive and being a parcel measuring 1.448 acres of the Feagin Drive Addition, Block 1, Lot 2, Angelina County, Texas and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that this was the Second Reading and that the Council had all of the detail on the item. City Manager Parker added that Staff would be ready to answer any questions that the City Council had regarding the item. City Manager Parker stated that Harmony Hill Baptist Church was requesting a "Special Use Permit" for a community outreach center.

Mayor Gorden opened the Public Hearing at 5:17 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 5:18 p.m.

Mayor Gorden asked for questions or comments from the Council. Councilmember Lynn Torres commented that the information stated that the Ordinance did remove the fence requirement as requested. City Manager Parker added that Planning Director Dorothy Wilson met with the church and the church did not make a commitment whether they would or would not install a fence on the property. City Manager Parker stated that the church was aware that the fence requirement was not in the Ordinance.

Councilmember Don Langston moved to approve the Second Reading of the Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas, by granting a "Special Use Permit" for a use of Institutions of Religious, Educational, or Philanthropic nature within a "Commercial Zoning District" on property located at the northeast corner of South John Redditt Drive and Feagin Drive, otherwise known as 2305 South John Redditt Drive and being a parcel measuring 1.448 acres of the Feagin Drive Addition, Block 1, Lot 2, Angelina County, Texas 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.

6. 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, DESCRIBED AS LOT 83.2 OF THE 4175 FULLER SPRINGS FARM ACRES SUBDIVISION, BLOCK 1 AND BEING APPROXIMATELY ONE (1) ACRE OF LAND FROM AN "AGRICULTURAL ZONING DISTRICT" TO A "RESIDENTIAL LARGE SINGLE FAMILY DWELLING 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, described as Lot 83.2 of the 4175 Fuller Springs Farm Acres Subdivision, Block 1 and being approximately one (1) acre of land from an "Agricultural Zoning District" to a "Residential Large Single Family Dwelling Zoning District" and authorizing the City Planner to make such changes on the Official Map

City Manager Paul Parker stated that the item had been before the Council seven (7) times throughout the zoning process. City Manager Parker added that he would answer any questions that the Council had regarding the item.

Mayor Gorden opened the Public Hearing at 5:18 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 5:19 p.m.

Mayor Gorden asked for questions or comments from the Council. There were none.

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, described as Lot 83.2 of the 4175 Fuller Springs Farm Acres Subdivision, Block 1 and being approximately one (1) acre of land from an “Agricultural Zoning District” to a “Residential Large Single Family Dwelling 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.

7. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE OF THE CITY OF LUFKIN, TEXAS, - APPROVED - BY CHANGING THE ZONING DESIGNATION ON LAND DESCRIBED AS BEING LOCATED THREE HUNDRED THIRTY (330) FEET NORTHWEST OF THE INTERSECTION OF ATKINSON DRIVE/STATE HIGHWAY 103 AND MCHALE STREET/FM 842, AND BEING LOT 2 OF THE BUSINESS PARK EAST SUBDIVISION, ANGELINA COUNTY, TEXAS, AN “AGRICULTURAL ZONING DISTRICT” TO A “HEAVY MANUFACTURING 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 of the City of Lufkin, Texas, by changing the zoning designation on land described as being located three hundred thirty (330) feet northwest of the intersection of Atkinson Drive/State Highway 103 and McHale Street/FM 842, and being Lot 2 of the Business Park East Subdivision, Angelina County, Texas, an “Agricultural Zoning District” to a “Heavy Manufacturing Zoning District” and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that the Zone Change would bring the remnants of the property into the City zoning classification of “Heavy Manufacturing” to be consistent with the remainder of the Industrial Park. City Manager Parker then recommended that the Council approve the item.

Mayor Gorden opened the Public Hearing at 5:20 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 5:21 p.m.

Mayor Gorden asked for questions or comments from the Council. There were none.

Councilmember Rufus Duncan moved to approve the Second Reading of the Ordinance of the City of Lufkin, Texas, by changing the zoning designation on land described as being located three hundred thirty (330) feet northwest of the intersection of Atkinson Drive/State Highway 103 and McHale Street/FM 842, and being Lot 2 of the Business Park East Subdivision, Angelina County, Texas, an “Agricultural Zoning District” to a “Heavy Manufacturing Zoning District” and authorizing the City Planner to make such changes on the Official Map. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

8. 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 A CERTAIN PARCEL OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LUFKIN, TEXAS, DESCRIBED AS LOTS 9.1 AND 9.2, BLOCK 10 OF THE MONTROSE SOUTH SUBDIVISION AND TRACT 144 OF THE 0040 J. L. QUINALTY SURVEY, ANGELINA COUNTY OTHERWISE KNOWN AS 1001 AND 1005 SOUTH FIRST STREET AS WELL AS 105 EAST MENELEE AVENUE FROM A "RESIDENTIAL LARGE SINGLE FAMILY DWELLING ZONING DISTRICT" TO A "NEIGHBORHOOD RETAIL 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 a certain parcel of land within the corporate limits of the City of Lufkin, Texas, described as Lots 9.1 and 9.2, Block 10 of the Montrose South Subdivision and Tract 144 of the 0040 J. L. Quinalty Survey, Angelina County otherwise known as 1001 and 1005 South First Street as well as 105 East Menefee Avenue from a "Residential Large Single Family Dwelling Zoning District" to a "Neighborhood Retail Zoning District" and authorizing the City Planner to make such changes on the Official Map.

City Manager Paul Parker stated that it was the Second Reading on the item and that the property was better known as "Morales Restaurant", and the vacant lot and home that were adjacent to it. City Manager Parker added that the Planning and Zoning Department and Planning and Zoning Commission recommended that the Council approve the item.

Mayor Gorden opened the Public Hearing at 5:21 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 5:22 p.m.

Mayor Gorden asked for questions or comments from the Council. There were none.

Councilmember Lynn Torres 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 a certain parcel of land within the corporate limits of the City of Lufkin, Texas, described as Lots 9.1 and 9.2, Block 10 of the Montrose South Subdivision and Tract 144 of the 0040 J. L. Quinalty Survey, Angelina County otherwise known as 1001 and 1005 South First Street as well as 105 East Menefee Avenue from a "Residential Large Single Family Dwelling Zoning District" to a "Neighborhood Retail Zoning District" and authorizing the City Planner to make such changes on the Official Map. Councilmember Don Langston seconded the motion. A unanimous affirmative vote was recorded.

9. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE PROVIDING FOR THE CLOSURE OF THE FOLLOWING STREET SEGMENT, TO WIT: A CERTAIN PORTION OF A STREET CALLED NORTH SECOND STREET

**BOUNDED BY PAUL AVENUE AND EAST RHODES AVENUE – APPROVED - IN
THE CITY OF LUFKIN**

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and Second Reading of an Ordinance providing for the closure of the following street segment, to wit: a certain portion of a street called North Second Street bounded by Paul Avenue and East Rhodes Avenue in the City of Lufkin.

City Manager Paul Parker stated that the Council was aware that this was a portion of Second Street that would be a plaza area between the Museum of East Texas and the Lufkin Pitser Garrison Civic Center. City Manager Parker added that City Staff had met several times with J. P. McDonald and the Museum Board, and that they were fully in agreement and understood what the City planned to do. City Manager Parker then recommended the closure of North Second Street between Paul Avenue and East Rhodes Avenue.

Mayor Gorden opened the Public Hearing at 5:23 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 5:24 p.m.

Mayor Gorden asked for questions or comments from the Council. There were none.

Councilmember Victor Travis moved to approve the Second Reading of the Ordinance providing for the closure of the following street segment, to wit: a certain portion of a street called North Second Street bounded by Paul Avenue and East Rhodes Avenue in the City of Lufkin. Councilmember Lynn Torres seconded the motion. A unanimous affirmative vote was recorded.

NEW BUSINESS:

**10. PRESENTATION BY RICHARD RUDEL, CPA, ALEXANDER, LANKFORD &
HEIRS, INC. CONCERNING THE 2010 COMPREHENSIVE ANNUAL FINANCIAL
REPORT PROVIDED TO THE CITY OF LUFKIN**

Mayor Jack Gorden stated that the next item for consideration was a Presentation by Richard Rudel, CPA, Alexander, Lankford & Heirs, Inc. concerning the 2010 Comprehensive Annual Financial Report provided to the City of Lufkin. Mayor Gorden added that the City's Finance Committee had met earlier that afternoon with Mr. Rudel and went over the Financial Report in some detail.

Richard Rudel, CPA, with Alexander, Lankford and Heirs, Inc. stated that the Finance Committee met earlier that afternoon and went over the Audit Report in detail. Mr. Rudel stated that he would cover the Summary of Auditor's Results that was located in the Comprehensive Annual Financial Report for the City of Lufkin. Mr. Rudel added that the Summary explained the auditor's findings in a nice summarized fashion. Mr. Rudel stated that regarding the Financial Statement, the type of auditor's report that was issued was an unqualified opinion, which was the highest that could be received. Mr. Rudel added that in regards to the report over internal control over financial reporting there were no material weaknesses identified. Mr. Rudel continued that in regards to significant deficiencies

identified that were not considered to be material weaknesses, there were none reported. Mr. Rudel furthered that in regards to noncompliance material to the financial statements noted, there were none. Mr. Rudel stated that in regards to the City's financial awards on internal control over major programs, there were no material weaknesses identified. Mr. Rudel added that in regards to significant deficiencies identified that were not considered to be material weaknesses, there were none reported. Mr. Rudel stated that the type of the auditor's report issued on compliance for major programs was an unqualified opinion. Mr. Rudel added that there was no audit findings disclosed that were required to be reported in accordance with section 510(a) of Circular A-133. Mr. Rudel stated that the major program that was tested for compliance was the Community Development Block Grant and the threshold for determining between type A and type B programs was three hundred thousand dollars (\$300,000). Mr. Rudel added that the City did qualify as a low-risk auditee, which meant that twenty-five percent (25%) of the City's Federal Awards for Compliance had to be tested, as opposed to fifty percent (50%) if the City had not qualified.

Mr. Rudel reiterated that the Finance Committee had covered the report earlier that day, and that he realized that the presentation was short, but that he had also realized that there was a lot on the agenda that evening. Mr. Rudel then asked the City Council if there were any questions that he could answer.

Mayor Gorden asked for questions or comments from the Council. There were comments from the Mayor and Council regarding the report.

11. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE PROVIDING FOR THE CLOSURE OF A CERTAIN PORTION OF A STREET LYING AND SITUATED IN LUFKIN, ANGELINA COUNTY, - APPROVED - OUT OF THE A. VARILLA SURVEY, ABSTRACT NO. 49 OF THE REAL PROPERTY RECORDS OF THE CITY OF LUFKIN, AND HEREINAFTER DESCRIBED AS BEING A PRESCRIPTIVE EASEMENT FOR THE RIGHT-OF-WAY OF OLD MOFFETT ROAD

Mayor Jack Gorden stated that the next item for consideration was a Public Hearing and First Reading of an Ordinance providing for the closure of a certain portion of a street lying and situated in Lufkin, Angelina County, out of the A. Varilla Survey, Abstract No. 49 of the Real Property Records of the City of Lufkin, and hereinafter described as being a prescriptive easement for the right-of-way of Old Moffett Road.

City Manager Paul Parker stated that the City Council had recently awarded a contract for the reconstruction of Old Moffett Road. City Manager Parker added that a portion of Old Moffett Road would extend down to where the new Highway 59 Interchange would be built by Texas Department of Transportation (TxDOT) next year. City Manager Parker stated that the alignment would not go across the railroad track, but would be more a straight line to the frontage road on the Highway 59 Interchange, once it was completed. City Manager Parker added that to build that Interchange the City of Lufkin had to enter into an agreement with the railroad. City Manager Parker explained that the railroad would deed the City of Lufkin land through their property to extend Moffett Road. City Manager Parker furthered that in return the City would close the portion of the Old Moffett Road, which was the railroad crossing. City Manager Parker stated that once the new street was constructed and Highway

59 was rebuilt, the City would then physically remove the asphalt on both sides of the track and the railroad would remove the asphalt between the tracks. City Manager Parker stated that the City would then install drainage and a turnaround on the City's portion of land. City Manager Parker added that the City owned both sides of the property up to the railroad track, and would still use it for the Industrial Park or other City property. City Manager Parker explained that the new alignment of Old Moffett Road would tie straight in and there would not be a railroad crossing in the future at that location. City Manager Parker stated that Staff was holding the deed, and if the Council approved the closure of a portion of Moffett Road, the City Attorney Bruce Green would hold the deed that had been provided and not file it at the current time, as the road was closed and the final improvements were made.

Mayor Gorden opened the Public Hearing at 5:29 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 5:30 p.m.

Mayor Gorden asked for questions or comments from the Council. There were comments from the City Council regarding the closure of a portion of Moffett Road.

Councilmember Don Langston moved to approve the First Reading of the Ordinance providing for the closure of a certain portion of a street lying and situated in Lufkin, Angelina County, out of the A. Varilla Survey, Abstract No. 49 of the Real Property Records of the City of Lufkin, and hereinafter described as being a prescriptive easement for the right-of-way of Old Moffett Road. Councilmember Robert Shankle seconded the motion. A unanimous affirmative vote was recorded.

12. INTERLOCAL WATER USE AGREEMENT AND A WATER DISTRIBUTION AGREEMENT – APPROVED - BETWEEN THE CITY OF LUFKIN AND THE ANGELINA NECHES RIVER AUTHORITY (ANRA)

Mayor Jack Gorden stated that the next item for consideration was an Interlocal Water Use Agreement and a Water Distribution Agreement between the City of Lufkin and the Angelina Neches River Authority (ANRA).

City Manager Paul Parker stated that recently the City was approached by the Lower Neches Valley Authority (LNVA) concerning the City's water rights at Sam Rayburn Lake. City Manager Parker stated that the City of Lufkin had approximately twenty-five million (25,000,000) gallons a day in water rights at Sam Rayburn Lake. City Manager Parker added that the City entered into an agreement with LNVA to market a portion of the City's water rights for resale, with the stipulation that they would cover all of the cost, and that the City would receive twenty-five percent (25%) of the net proceeds.

City Manager Parker stated that recently Angelina Neches River Authority (ANRA) approached the City with a similar request for a portion of the newly acquired water wells and water rights obtained in the Abitibi water purchase. City Manager Parker added that the City of Lufkin had approximately nineteen million (19,000,000) gallons of "run of the river" water rights on the Angelina River, and an additional thirteen million (13,000,000) gallons of water well capacity through the Abitibi purchase. City Manager Parker stated that fortunately, due to the foresight of the City Council, Lufkin was in a good position for water

for the foreseeable future, and also has excess water available for market. City Manager Parker stated that ANRA approached the City with a similar contract to LNVA. City Manager Parker explained that the contract mirrored the two (2) contracts, with the exception that the groundwater portion of the ANRA contract would have a seventy-five cents (\$0.75) per thousand gallon pumping and maintenance cost, due to the fact that pumping groundwater was more expensive. City Manager Parker stated that the cost was a part of the Freese and Nichols study that was done whenever the City bought the Abitibi water rights. City Manager Parker added that Staff felt that was a very fair number for the cost. City Manager Parker stated that the contract was for five (5) years, with a five (5) year renewable option. City Manager Parker stated that the City anticipated that ANRA and LNVA could market the City's water from two (2) sources to the same clientele. City Manager Parker explained that was between the entities that could provide the best deal, and that the City just wanted to be able to market its water and let the entities determine whose area they chose to deal with. City Manager Parker added that Staff wanted to let the Council know that there was a possibility that ANRA or LNVA could market the water also. City Manager Parker then recommended that the City enter into an agreement with ANRA to allow for the market and sell of the City of Lufkin's surface and groundwater in accordance to the agreement provided in the Council packet. City Manager Parker stated that Kelly Holcombe was in the audience if the Council had any questions.

Mayor Gorden asked for questions or comments from the Council. There were comments among the Council regarding the marketing of the City of Lufkin's water.

Councilmember Don Langston moved to approve the Interlocal Water Use Agreement and a Water Distribution Agreement between the City of Lufkin and the Angelina Neches River Authority (ANRA). Councilmember Rufus Duncan seconded the motion. A unanimous affirmative vote was recorded.

13. RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2010/2011 OPERATING BUDGET (BUDGET AMENDMENT NO. 22), - APPROVED - PROVIDING FOR THE SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND CONSTRUCTION FUND; AND PROVIDING AN EFFECTIVE DATE

Mayor Jack Gorden stated that the next item for consideration was a Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 22), providing for the supplemental appropriation of funds in the General Fund Construction Fund; and providing an effective date.

City Manager Paul Parker stated that whenever the City had the bond issue in the previous year one (1) of the projects included was the base repair and overlay of Morris Frank Park. City Manager Parker explained that whenever the City got to the final preparation for the sale of bonds, it was determined that the project would not be eligible through the bond proceeds, because it would not have a life expectancy of twenty (20) years, and was classified as maintenance in lieu of capital improvements. City Manager Parker stated that at that time the City Council removed the project from the bond proceeds and discussed funding the project through the General Fund Construction Fund. City Manager Parker explained that even though this was discussed and approved by the Council, Staff never brought an official

budget amendment to appropriate the money. City Manager Parker stated that recently Staff was notified that the asphalt would soon increase in cost by approximately five dollars (\$5.00) per ton. City Manager Parker stated that Street Superintendent Steve Poskey was instructed to overlay as much of the project as possible before the April 1st increase. City Manager Parker stated that the Morris Frank Park Project was completed, and the requested budget amendment would appropriate the funding for the project. City Manager Parker explained that the project was actually done before the funding had been approved. City Manager Parker added that the Council had discussed the project; however Staff had failed to bring back the official documents.

Mayor Gorden asked for questions or comments from the Council. There were comments from the Council regarding the request.

Councilmember Rufus Duncan moved to approve the Resolution authorizing an amendment to the 2010/2011 Operating Budget (Budget Amendment No. 22), providing for the supplemental appropriation of funds in the General Fund Construction Fund; and providing an effective date. Councilmember Phil Medford seconded the motion. A unanimous affirmative vote was recorded.

14. ACCEPTANCE OF A PARKS USAGE AGREEMENT – APPROVED - BETWEEN THE CITY OF LUFKIN AND THE LUFKIN YOUTH BASEBALL ASSOCIATION

Mayor Jack Gorden stated that the next item for consideration was the acceptance of a Parks Usage Agreement between the City of Lufkin and the Lufkin Youth Baseball Association.

City Manager Paul Parker stated that in the previous year the City had updated agreements with all of the associations. City Manager Parker added that during the current year all of the agreements had been renewed, with the exception of the Lufkin Youth Baseball Association (LYBA). City Manager Parker stated that Staff was bringing forth a different proposal for the agreement with the LYBA. City Manager Parker explained that with the recent hiring of Mike Akridge as the Director of Parks and Recreation, he was taking a closer look at the expenses and operation of the department. City Manager Parker stated that one (1) thing that was discovered was that the electrical bill for the LYBA in 2010 was thirty-six thousand two hundred eighty-one dollars and sixty-four cents (\$36,281.64), in comparison to seven thousand nine hundred eighty-two dollars and fifteen cents (\$7,982.15) for the Morris Frank Softball Complex. City Manager Parker stated that the Softball Complex only had the fields lighted for six (6) of the twelve (12) months so it was not fair to compare the expense with that of a full year. City Manager Parker explained that Staff then looked at the cost for field lighting for the highest period of usage, which was May 3 through June 30, 2010, and the total for the Softball Complex was one thousand four hundred sixteen dollars and thirteen cents (\$1,416.13), compared to LYBA which was seven thousand eight hundred eighty dollars and sixty-four cents (\$7,880.64) for the same period, with both having five (5) lighted fields. City Manager Parker stated that another comparison was the lighting at Kit McConnico Park. City Manager Parker explained that Kit McConnico Park had seven (7) lighted softball fields and one (1) lighted soccer field, and the electric bill totaled forty-four thousand thirty-three dollars and fifty-eight cents (\$44,033.58) for the entire year. City Manager Parker added that the softball leagues at Kit McConnico ran for eight (8) months. City Manager Parker stated that Staff had talked with representatives with youth baseball and

it was determined that each field had a different individual over it. City Manager Parker added that there was not a real incentive to control the cost for the electrical usage. City Manager Parker stated that even after the problem was discussed Mr. Akridge was at the softball complex and noticed lights on at the baseball fields, and that there was only one (1) individual in the concession stand area and the lights were on at all five (5) fields. City Manager Parker stated that the City Staff was not trying to penalize LYBA, but wanted to put a twenty thousand dollar (\$20,000) cap on the electrical usage. City Manager Parker added that if the LYBA stayed below the twenty thousand dollar (\$20,000) cap on electrical usage there would be no expense for the league. City Manager Parker stated that the City received no proceeds from the concession operation and no proceeds from the registration fees as many other cities did. City Manager Parker added that the City also received a portion of the concession revenue from the other fields. City Manager Parker explained that the City was not asking the LYBA to amend the past agreements regarding their revenue, but was only requesting to put a twenty thousand dollar (\$20,000) cap on the electrical usage. City Manager Parker stated that Staff was requesting that any electrical cost over the twenty thousand dollar (\$20,000) cap would be borne by the league. City Manager Parker stated that Staff recommended that the City Council approve the Parks Usage Agreement with the LYBA, which established a ceiling of twenty thousand dollars (\$20,000) for electrical usage at Morris Frank Baseball Complex, and stipulated that any electrical charges in excess of that amount would be the responsibility of the LYBA.

Mayor Gorden asked for questions or comments from the Council. There were none.

Councilmember Lynn Torres moved to accept the Parks Usage Agreement between the City of Lufkin and the Lufkin Youth Baseball Association. Councilmember Victor seconded the motion. A unanimous affirmative vote was recorded.

15. ACCEPTANCE OF A GRANT FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO THE CITY OF LUFKIN ANIMAL CONTROL – APPROVED - IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000) PROVIDE FOR LOW/NO COST SPAY AND NEUTER SERVICES AND APPROVAL OF A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2010/2011 OPERATING BUDGET (BUDGET AMENDMENT NO. 23), 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 the acceptance of a grant from the Texas Department of State Health Services to the City of Lufkin Animal Control in the amount of fifty thousand dollars (\$50,000) provide for low/no cost spay and neuter services and approval of a Resolution authorizing an Amendment to the 2010/2011 Operating Budget (Budget Amendment No. 23), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date.

City Manager Paul Parker stated that Lufkin was chosen as one (1) of eight (8) sights in the entire state to receive some of the funding that came from the sale of spay and neuter license plates. City Manager Parker added that the money would be put in a fund to be used for spaying and neutering animals. City Manager Parker stated that there was no income requirement on the program, but that the concept was to assist those who could not afford to

have this done on their own. City Manager Parker explained that the City of Lufkin was not going to require any proof of income as part of the agreement. City Manager Parker stated that Animal Control Director Rhoda McLendon was recently contacted by the State and that the State indicated that if the City was successful in the fifty thousand dollar (\$50,000) no matching fund grant, there might be a second (2nd) grant to follow. City Manager Parker explained that the Council could see another application before them before the summer was over if the City was successful in administering the first (1st) grant. City Manager Parker stated that the program would be utilized in the entire Angelina County area, and not just the City of Lufkin. City Manager Parker added that the City received funding from the Kurth Foundation for animal control in the entire county. City Manager Parker stated that Staff thought the City should mimic that same agreement in the administration of the grant. City Manager Parker stated that Staff recommended that the City Council make the program available to anyone in Angelina County. City Manager Parker added that those wanting to participate could go to the Animal Control Facility and receive a voucher to take to the veterinarian of their choice, and the veterinarian would bill the City monthly and the City would in turn bill the State electronically. City Manager Parker stated that the City would then reimburse the veterinarians for their services. City Manager Parker stated that Staff recommended that the City Council accept a grant in the amount of fifty thousand dollars (\$50,000) from the Texas Department of State Health Services Animal Friendly Fund for low/no cost spay and neuter of owned pets within Angelina County, and approve Budget Amendment No. 23, establishing the program. City Manager Parker stated that the program would go a long way with the problem of unwanted animals and would encourage people to contact the staff at Animal Control, and that the project would begin as soon as the Council gave their approval.

Mayor Gorden asked for questions or comments from the Council. There was discussion among the Council, City Manager and Staff regarding the spaying and neutering of pets.

Councilmember Lynn Torres moved to accept a grant from the Texas Department of State Health Services to the City of Lufkin Animal Control in the amount of fifty thousand dollars (\$50,000) provide for low/no cost spay and neuter services and approval of a Resolution authorizing an Amendment to the 2010/2011 Operating Budget (Budget Amendment No. 23), providing for the supplemental appropriation of funds in the General Fund; and providing an effective date. Councilmember Victor Travis seconded the motion. A unanimous affirmative vote was recorded.

16. 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 Council had the Financial Report before them. City Manager Parker added that there were no concerns at the current time regarding the financials for the City. City Manager Parker stated that the Sales Tax for the previous month was down slightly, that the City was still up for the budget year. City Manager Parker added that Staff had budgeted flat, and were still in a good position regarding the Sales Tax. City Manager Parker stated that the City was still receiving Ad Valorem Taxes, and that most of them came in early in the year and then trickled in a little at a time for the balance of the year. City Manager Parker

stated that with the lack of rain, water sales were up during the winter and early spring months. City Manager Parker stated that he would answer any questions that the Council had regarding the Financial Report.

City Manager Parker stated that the Zoo Circle was basically completed and that the Street Department would try to stripe it during the coming week. City Manager Parker stated that work on Sayers Street was underway, and Staff was getting ready to begin work on Fuller Springs Drive. City Manager Parker stated that Capital Projects were moving along. City Manager Parker added that the work on Old Moffett Road had started and that the traditional entrance to Kit McConnico Park was unavailable. City Manager Parker explained that individuals wanted to go to Kit McConnico Park would have to go by way of FM 842 to enter the park. City Manager Parker added that he would answer any questions that the Council had regarding the Project Status Report.

17. PRESENTATION BY POLICE CHIEF SCOTT MARCOTTE

Mayor Jack Gorden stated that the next item for consideration was a presentation by Police Chief Scott Marcotte.

Police Chief Scott Marcotte then thanked the Mayor and Council for the opportunity to speak on behalf of the Police Department. Chief Marcotte stated that he had previously visited with Fire Chief Danny Kistner about having to go before the City Council, and that Chief Kistner was apprehensive about having to go first. Chief Marcotte added that he had assured Chief Kistner that he would do okay and that Chief Kistner had really done a great job in his presentation.

Chief Marcotte then thanked the men and women of the Lufkin Police Department and commented that they did a fabulous job. Chief Marcotte added that he was not just talking about the Police Officers, but was including the people in records, communications, and everyone at the department that kept them going. Chief Marcotte then gave the mission statement for the department which was “The Lufkin Police Department was committed to the reduction of crime and the fear of crime by working with the community to preserve life, protect property, maintain human rights and promote individual responsibility. We are dedicated to safeguarding public confidence and providing a safe place to live, work and raise families”. Chief Marcotte added that the Police Department Motto was “Do the right thing, for the right reason, all of the time”.

Chief Marcotte then went through a rundown of the Police Department’s manpower and organizational chart. Chief Marcotte explained that he had studied the Police Department’s Call Load Survey, and explained to the Council the peak hours for calls and service. Chief Marcotte stated that the Lufkin Police Department was the Public Service Answering Point for Angelina County, which basically said that if a person dialed 911 in Angelina County, the call would go to the Lufkin Police Department. Chief Marcotte then played a sample emergency called to the Police Department dispatch. Chief Marcotte then went over the statistics regarding 911 calls.

Chief Marcotte then gave statistics regarding traffic crashes and fatality crashes in the City of Lufkin during 2009 and 2010. Chief Marcotte explained that the information prompted the Police Department to begin a “Traffic Crash Reduction Initiative” in Lufkin. Chief Marcotte added that due to the initiative, overall accidents were reduced by seven percent (7%) and fatality accidents by sixty percent (60%). Chief Marcotte then showed a video that one (1) of the City’s Red Light Cameras captured. Chief Marcotte then gave statistics regarding photo enforced red light citations. Chief Marcotte then showed slides of a serious vehicle crash that occurred at one

(1) of the City's Red Light Enforced locations. Chief Marcotte then showed a video of another serious crash that occurred at one (1) of the Red Light Enforced locations.

Chief Marcotte then gave statistics regarding the City's "No Insurance Tow Program". Chief Marcotte explained that the figures showed that the program was working, and that the number of tows had been reduced.

Chief Marcotte gave statistics regarding arrests in the City of Lufkin. Chief Marcotte explained the type of people that were being dealt with by the Police Department, including parolees from the penitentiary. Chief Marcotte then showed a video regarding an investigation of a theft of a bicycle tire. Chief Marcotte explained that the person being investigated had warrants for no driver's license and no seatbelt. Chief Marcotte then showed the video where the person being investigated became very volatile, and gouged the officer in the eye. Chief Marcotte explained that not all arrest were as they first appeared.

Chief Marcotte then gave information regarding the Police Department's use of tasers. Chief Marcotte explained that currently only the supervisor's had tasers. Chief Marcotte added that statistics showed a decrease in the number of officer and suspect injuries with departments that had tasers. Chief Marcotte explained that all supervisor's carrying tasers had been voluntarily tased, so that they would know what it was like to tase someone. Chief Marcotte then showed a video of a taser being used on a suspect.

Chief Marcotte then gave information regarding high speed pursuits. Chief Marcotte then showed a video of a high speed pursuit. Chief Marcotte gave statistics regarding response and use of force.

Chief Marcotte gave statistics and information regarding officer on the job injuries, exposure to communicable diseases and line of duty deaths. Chief Marcotte also gave information and statistics regarding the amount of miles driven, number of crashes and internal affairs investigations.

Chief Marcotte then gave information regarding programs in the Lufkin Police Department which included security surveys, crimereports.com, sex offender accountability, Traffic Crash Reduction Initiative and GPS offender tracking.

Chief Marcotte gave information regarding the Special Response Team. Chief Marcotte added that the Police Department had tactical plans in place for the schools, Courthouse and City Hall. Chief Marcotte gave information on fire arms training and classroom training, which ranged from legal updates, computer and cell phone forensics, cultural diversity, special investigative topics and handling the mentally ill. Chief Marcotte then went through goals for the Police Department, which were Lexipol and Best Practices Recognition Program through the Texas Police Chiefs Association.

Chief Marcotte gave information regarding adding a polygraph operator to the Lufkin Police Department. Chief Marcotte then gave a proposal regarding computer operator dispatch. Chief Marcotte stated that the Police Department was currently using HTE Sungard and wanted to change products. Chief Marcotte explained that the Lufkin Police Department wanted to change providers and begin using CRIMES, a non-profit organization from Sam Houston State University. Chief Marcotte gave information concerning the software. Chief Marcotte then explained that he also proposed to add two (2) more communication operators, with the

justification being that the department could utilize the savings by converting to the CRIMES System. Chief Marcotte then stated that he would answer any questions that the Council had regarding the presentation.

18. Mayor Jack Gorden stated that there was no need for an Executive Session that evening.

19. 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 Parker stated that there would be a Firemen's Pension Board Meeting on Friday, March 25, 2011. City Manager Parker added that the Angelina Alliance for Children was hosting a BBQ Cook-Off on Saturday, March 26, 2011. City Manager Parker then stated that Innovative Metal Components were having an Open House on Friday, April 1, 2011, at 4:30 p.m. and that the Lufkin Convention and Visitors Bureau was putting on Summer Fest Texas on May 6 and 7, 2011, at the George H. Henderson, Jr. Exposition Center.

20. There being no further business for consideration, the meeting adjourned at 6:41p.m.

Jack Gorden, Mayor

Renee Thompson – City Secretary