

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
DECEMBER 17, 2008
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 17th day of December, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:30 A.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present: Mayor Tom Martin, Mayor Pro Tem Jim Gilbreath, Council Member Paul R. Beane, Council Member Linda DeLeon, Council Member Todd Klein, Council Member John Leonard, and Council Member Floyd Price

Absent: No one

1. CITIZEN COMMENTS

1.1. Danny Bailey will appear before the City Council to discuss grazing rights at the Hancock Land Application Site.

Danny Bailey appeared before Council to voice his concern regarding his bid proposal that he submitted to the City regarding grazing rights on the Hancock Land Application Site.

7:38 A.M. City Council recessed into Executive Session.

2. EXECUTIVE SESSION

2.1. Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A.) Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney. (Human Resources, Museums, Parks and Recreation, Right-of-Way, Utility Regulatory Matters)

2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property. (Business Development, Water)

- 2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.**

- 2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 2.4.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light**
 - 2.4.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic business plans, agreements and studies of Lubbock Power and Light**
 - 2.4.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Reese Redevelopment Authority and the Zoning Board of Adjustment.**

9:02 A.M. CITY COUNCIL REGULAR MEETING RECONVENED.

City Council Chambers

Present: Mayor Tom Martin; Mayor Pro Tem Jim Gilbreath; Council Member Paul R. Beane; Council Member Linda DeLeon; Council Member Todd Klein; Council Member John Leonard; Council Member Floyd Price; LeeAnn Dumbauld, City Manager; Rebecca Garza, City Secretary; and Don Vandiver, City Attorney

Absent: Council Member Price left the dais at 10:30 a.m. and returned at 1:33 p.m.

Mayor Martin reconvened the meeting at 9:02 a.m.

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1. Invocation by Pastor T.L. Garrett, Trinity Church**

3.2. Pledges of Allegiance

Pledges of Allegiance were given in unison by those in the City Council Chambers to the United States flag and the Texas flags.

3.3. Presentation of a special recognition to Officers of the Lubbock Police Department for their involvement with Santa Cops, a program providing a Christmas to children who would not otherwise have one.

Council Member Price presented a special recognition to Officers of the Police Department for their role in the Santa Cops program.

3.4. Presentation of a special recognition to the Water Utilities Department for receiving the Texas Commission on Environmental Quality Public Drinking Water Recognition Program Award for Exceptional Compliance with the Total Coli-form Rule Requirements.

Mayor Martin presented a special recognition to Aubrey Spear, Director of Water Utilities, and his staff for receiving the Texas Commission on Environmental Quality Public Drinking Water Recognition Program Award for Exceptional Compliance with the Total Coli-form Rule Requirements.

Board Recognitions:

3.5. Lubbock Housing Finance Corporation Board of Directors:

Steve Yandell

Libraries Board:

Nadine McDonald

4. MINUTES

4.1. Approval of Prior Meeting Minutes :

Regular City Council Meeting, November 6, 2008

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve the November 6, 2008 Meeting Minutes with the amendments submitted to the City Secretary. Motion carried: 6 Ayes, 1 Nay. Council Member DeLeon voted nay.

Special City Council Meeting, November 19, 2008

Motion was made by Council Member Leonard, seconded by Council Member Beane to approve the November 19, 2008 Meeting Minutes. Motion carried: 7 Ayes, 0 Nays.

Regular City Council Meeting, November 20, 2008

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve the November 20, 2008 Meeting Minutes. Motion carried: 7 Ayes, 0 Nays.

Note: Consent Agenda and Regular Agenda items were addressed by Council in the following order:

- 5.5; 5.6; 5.8; 5.10; 5.12-5.16; 5.1-5.4; 5.7; 5.9; 5.11; and 6.1-6.10.

5. CONSENT AGENDA

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Items 5.5; 5.6; 5.8; 5.10; and 5.12-5.16 on consent agenda as recommended by staff. Motion carried 7 Ayes, 0 Nays.

- 5.5. Ordinance 2nd Reading - Business Development : Ordinance No. 2008-O0109 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Point Public Improvement District; approving, adopting, and filing with the City Secretary the Assessment Roll; closing the hearing and levying assessments based on the revised Service Plan for the cost of certain services and/or improvements to be provided in the Public Improvement District during 2009.**

- 5.6. Resolution - Business Development : Resolution No. 2008-R0487 authorizing the Mayor to execute the North Overton Tax Increment Financing Reinvestment Zone Annual Report for October 1, 2007, through September 30, 2008, for distribution to the chief executive officer of each taxing unit levying taxes within the North Overton Tax Increment Financing Reinvestment Zone and to the Office of the Texas Comptroller of Public Accounts.**

- 5.8. Contract Amendment Resolution - Water Utility : Resolution No. 2008-R0488 authorizing the Mayor to execute Amendment No. 1 to a professional services agreement with McDougal Realtors for additional project management services related to the acquisition of Lake Alan Henry raw water pipeline easements, and extending the term of the agreement through December 31, 2009.**

- 5.10. Contract Amendment Resolution - Water Utility : Resolution No. 2008-R0489 authorizing the Mayor to execute Change Order No. 1 to the contract with Deerwood Construction for construction associated with an electric power line and distribution/collection piping to public water supply wells for the Bailey County Well Field Improvements Phase II Project.**

- 5.12. Ordinance 2nd Reading – Right-of-Way : Ordinance No. 2008-O0094 abandoning and closing a 20-foot alley located in Block 118, Overton Addition, 1709 10th Street.**

- 5.13. Ordinance 2nd Reading - Right-of-Way : Ordinance 2008-O0107 abandoning and closing three underground utility, pedestal, and meter easements located in lots 2, 3, and 4, Castellina Addition, 4501 19th Street.**

- 5.14. Contract Resolution - Airport : Resolution No. 2008-R0490 authorizing the Mayor to execute a contract with LVR Carpet Center for the Lubbock Preston Smith International Airport Terminal Building Carpet Improvements Project, BID 09-700-DD.**

- 5.15. Ordinance 2nd Reading - Municipal Court : Ordinance 2008-O0106 authorizing a collection fee to be added to fines and or fees when turned over to private attorneys for collection.**

- 5.16. Contract Resolution - Municipal Court : Resolution No. 2008-R0491 authorizing the Mayor to execute a contract with Perdue, Brandon, Fielder, Collins & Mott, LLP, for collecting delinquent Municipal Court fees and fines.**

6. REGULAR AGENDA

Note: Regular Agenda Items and Consent Agenda Items moved to Regular Agenda, are listed in the order they were addressed (5.1-5.4; 5.7; 5.9; 5.11; and 6.1-6.10).

- 5.1. Budget Amendment Ordinance 2nd Reading - Finance : Ordinance No. 2008-O0108 authorizing the establishment of a second appointed position as Deputy Fire Chief of the City of Lubbock Fire Department pursuant to Section 143.014, Local Government Code; and amending the FY 2008-09 Budget for municipal purposes with respect to the Fire Department manning table (sworn job grade summary).**

Fire Chief Rhea Cooper and LeeAnn Dumbauld, City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Ordinance No. 2008-O0108 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Member DeLeon and Council Member Price voted nay.

5.2. Budget Amendment Ordinance 1st Reading - Finance : Ordinance No. 2008-O0110, Amendment No. 5, amending the FY 2008-09 budget respecting the Grant Fund for homeland security projects to improve local and regional prevention, preparedness, and response capabilities.

Andy Burcham, Chief Financial Officer; Fire Chief Rhea Cooper, and Nancy Haney, Health Department Director, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Council Member Klein to approve Ordinance No. 2008-O0110 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.3. Resolution - Finance : Resolution No. 2008-R0492 accepting the final audit report of Gabriel Roeder Smith & Company for the actuarial audit of the Lubbock Fire Pension Fund; and accepting the response to the audit report from the Lubbock Fire Pension Fund Board of Trustees.

Andy Burcham, Chief Financial Officer, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Leonard to approve Resolution 2008-R0492 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.4. Health Benefits Plan Resolution – Finance : Resolution No. 2008-R0493 and Resolution No. 2008-R0494 authorizing the Mayor to approve stop loss insurance with HM Life Insurance Company and organ and tissue transplant insurance with AIG Medical Excess for the City’s health benefit program.

Andy Burcham, Chief Financial Officer and Leisa Hutcheson, Director of Risk Management, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2008-R0493 and Resolution No. 2008-R0494 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.7. Resolution - Parks and Recreation : Resolution No. 2008-R0495 requesting members of the 81st Legislative Session of the State of Texas support legislation to increase Texas Recreation and Parks Account Local Park Grant Program and the Texas State Park System funding for parks and recreation facilities and programs.**

Scott Snider, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to approve Resolution No. 2008-R0495 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.9. Contract Resolution - Water Utility : Resolution No. 2008-R0496 authorizing the Mayor to execute a contract with Terry Crofoot for cattle grazing rights at the Hancock Land Application Site.**

Tom Adams, Deputy City Manager, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2008-R0496 as recommended by staff and the Lubbock Water Advisory Commission. Motion carried: 7 Ayes, 0 Nays.

- 5.11. Contract Resolution - Public Works : Consider a resolution authorizing the Mayor to execute a unit price construction contract with J.D. Ramming Paving for asphalt patching for the 2009 Seal Coat Project, RFP 09-703-DD.**

No action was taken.

10:40 A.M. CITY COUNCIL RECESSED

10:52 A.M. CITY COUNCIL RECONVENED

Council Member Price was away from the dais and returned at 1:33 p.m.

- 6.1. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0111, Zone Case No. 1509-A. Hold a public hearing to consider request of Wally Al-Souki (for Thomas Stern) for zoning change from Multi-Family District (R-3) to Heavy Commercial (C-4) on the North 280 feet of Lot 4, East Side Addition (801 Spruce Avenue, 802 and 808 Martin Luther King, Jr. Boulevard, and 1707 East 9th Street), and to consider an ordinance.**

Mayor Martin opened the public hearing at 10:55 a.m. No one appeared in favor or opposition. Mayor Martin closed the public hearing at 10:55 a.m.

Randy Henson, Director of Planning, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Ordinance No. 2008-00111 as recommended by staff and the Planning and Zoning Commission. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dais.

6.2. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-00112, Zone Case No. 3114. Hold a public hearing to consider request of Allen Butler Construction for zoning change from Light Manufacturing District (M-1) to Heavy Manufacturing District (M-2) on 44.4 acres of unplatted land out of Block A, Section 16 (2201 North Loop 289), and to consider an ordinance.

Mayor Martin opened the public hearing at 11:01 a.m. No one appeared in favor or opposition. Mayor Martin closed the public hearing at 11:03 a.m.

Randy Henson, Director of Planning, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Ordinance No. 2008-00112 as recommended by staff and the Planning and Zoning Commission. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dais.

6.3. Public Hearing 10:00 a.m. - Water Utility : Hold a public hearing to consider approval for the submission of a United States Department of Agriculture (Rural Development) Pre-Application for costs associated to improve the Lubbock Water Treatment Plant for the treatment of Canadian River Municipal Water Authority water allocations for the cities of Lamesa, Brownfield, Slaton, Tahoka, and O'Donnell.

Mayor Martin opened the public hearing at 11:08 a.m. No one appeared in favor or opposition. Mayor Martin closed the public hearing at 11:08a.m.

6.4. Resolution - Water Utility : Resolution 2008-R0497 authorizing the submission of a United States Department of Agriculture (Rural Development) Pre-Application for costs associated to refurbish, update, and reconstruct the Lubbock Water Treatment Plant for the treatment of Canadian River Municipal Water Authority water allocations for the cities of Lamesa, Brownfield, Slaton, Tahoka, and O'Donnell.

Tom Adams, Deputy City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Leonard to approve Resolution No. 2008-R0497 as recommended by staff and the Lubbock Water Advisory Commission. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dais.

- 6.5. Resolution - Water Utility : Resolution No. 2008-R0498 authorizing participation in project construction costs for the Canadian River Municipal Water Authority and the approval of an amendment to the City's Conjunctive Use Groundwater Supply Agreement with the Canadian River Municipal Water Authority.**

Tom Adams, Deputy City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Klein to approve Resolution No. 2008-R0498 as recommended by staff and the Lubbock Water Advisory Commission. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dais.

- 6.6. Contract Resolution - Public Works Engineering : Resolution No. 2008-R0499 authorizing the Mayor to execute a Local Transportation Project Non-Construction Advance Funding Agreement with the Texas Department of Transportation for a feasibility study for an outer loop around Lubbock, Texas.**

Marsha Reed, Director of Public Works, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Resolution No. 2008-R0499 as recommended by staff. Motion carried: 5 Ayes, 0 Nays. Council Member DeLeon recused and Council Member Price was away from the dais.

- 6.7. Budget Amendment Ordinance 1st Reading - City Council : Consider budget ordinance Amendment No. 6 amending the FY 2008-09 budget respecting the Solid Waste Fund accepting and appropriating funds for six bus shelters.**

This item failed.

Andy Burcham, Chief Financial Officer, and John Wilson, Executive Director of Citibus, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Beane to approve the budget amendment ordinance as recommended. Motion failed: 2 Ayes, 4 Nays. Mayor Martin, Mayor Pro Tem Gilbreath, Council Member DeLeon, and Council Member Leonard voted nay. Council Member Price was away from the dais.

- 6.8. Resolution - City Council : Resolution No. 2008-R0500 directing City of Lubbock staff to coordinate with Lubbock Economic Development Alliance**

in conducting a study to establish the feasibility of kiosks, flat panel displays, and zipper/ticker displays to provide information about the points of interest and hospitality available in the City of Lubbock to visitors of the City, and to establish the effectiveness of differing types of kiosks in delivering such information to visitors.

Motion was made Council Member Klein, seconded by Council Member Leonard to approve Resolution No. 2008-R0500 as recommended. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dais.

6.9. Board Appointments - City Secretary : Consider one appointment to the Reese Redevelopment Authority and one appointment to the Zoning Board of Adjustment.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to appoint Jerry Bell to the Reese Redevelopment Authority Board; and Ron McClendon to the Zoning Board of Adjustment. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dais.

11:38 A.M. CITY COUNCIL RECESSED

1:33 P.M. CITY COUNCIL RECONVENED

All Council Members were present.

6.10. Resolution 1:00 p.m. - Business Development : Resolution No. 2008-R0501 approving the Annual Report of Lubbock Economic Development Alliance and Market Lubbock Economic Development Corporation including the projects, programs and activities reported within the report.

Gary Lawrence, Executive Director of the Lubbock Economic Development Alliance, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2008-R0501 as recommended by staff, the Lubbock Economic Development Alliance and Market Lubbock Economic Development Corporation. Motion carried: 7 Ayes, 0 Nays.

7. WORK SESSION/BUSINESS AGENDA

7.1. Capital Projects update and discussion of a potential bond election.

There was a capital projects update from the City Manager and discussion of a potential bond election.

2:52 P.M. CITY COUNCIL ADJOURNED.

There being no further business to come before Council, Mayor Martin adjourned the meeting.