

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
JANUARY 8, 2009
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 8th day of January, 2009, 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

- No one appeared to make comments to the City Council.

7:30 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, Museum, Parks and Recreation, Police, Utility Regulatory Matters, Water Utility)**
- 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. (Animal Services, Business Development, Water Utility)**
- 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.

9:00 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: No one

Mayor Martin reconvened the meeting at 9:00 a.m.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Dr. Randy Rogers, Shadow Hills Baptist 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 flag.

Board Recognitions:

3.3. Reese Redevelopment Authority Board of Directors:

Jerry Bell

Structural Standards Commission:

David Tate

Zoning Board of Adjustment:

Ron McClendon

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

Regular City Council Meeting, December 4, 2008

Motion was made by Council Member Leonard, seconded by Council Member Price to approve the December 4, 2008 Meeting Minutes. Motion carried: 7 Ayes, 0 Nays.

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

- *5.1; 5.3- 5.5; 5.8-5.14; 5.2; 5.6; 5.7; 5.15-5.19; and 6.1-6.3.*

5. CONSENT AGENDA

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Jim Gilbreath to approve Items 5.1; 5.3-5.5; and 5.8-5.14 on the consent agenda as recommended by staff. Motion carried 7 Ayes, 0 Nays.

- 5.1. Budget Amendment Ordinance 1st Reading - Finance : Ordinance No. 2009-O0001 amending the FY 2008-09 budget respecting the Capital Program to amend the 50th Street, Slide Road to Loop 289 Project; to create a new project for monitoring wells at the municipal landfill; to amend the New Fire Station No. 16 Project, 116th and Quaker; to amend the Lubbock Business Park Boulevard Gateway Streets Project; to amend the Ash Avenue, FM 1294 to CR5800 Gateway Streets Project; and respecting the Grant Fund to accept and appropriate grant funding from the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program; and to accept and appropriate grant funding from the Texas Department of Housing and Community Affairs for the Community Services Block Grant.**

Mayor Martin noted that 114th and Quaker is the correct address for the New Fire Station No. 16.

- 5.3. Contract Resolution - Water Utility : Resolution No. 2009-R0001 authorizing the Mayor to execute a contract with Carollo Engineers, Inc. to provide professional engineering services for a solids stream study for the Southeast Water Reclamation Plant, RFQ 08-724-BM.**
- 5.4. Contract Resolution - Water Utility : Resolution 2009-R0002 authorizing the Mayor to execute a contract with HDR Engineering, Inc., to provide professional engineering services for updates to the Region O State Water Plan; final written reports on reservoir yield studies for Lake Alan Henry, Lake No. 7, and the Post Reservoir; and technical assistance with water right permit applications and Brazos River Authority water right subrogation agreement.**

- 5.5. Contract Resolution – Water Utility : Resolution No. 2009-R0003 authorizing the Mayor to execute a professional services contract with Agri-Waste Technology for modeling and reporting of water and nitrogen balances at the Land Application sites as required by the Texas Commission on Environmental Quality wastewater permit.**
- 5.8. Ordinance 1st Reading – Right-of-Way : Ordinance No. 2009-O0002 abandoning and closing a 20-foot underground utility easement located in Tract 4 Niraj Investments LLC Addition, 902 Caprock Drive.**
- 5.9. Ordinance 1st Reading – Right-of-Way : Ordinance No. 2009-O0003 abandoning and closing a portion of Avenue P located in Section 19, Block A, Lubbock County, Texas, 304 Avenue P.**
- 5.10. Ordinance 1st Reading – Right-of-Way : Ordinance No. 2009-O0004 abandoning and closing a temporary garbage collection and underground utility easement located in Vintage Township Addition, 11808 Topeka Avenue.**
- 5.11. Contract Resolution - Right-of-Way : Resolution No. 2009-R0004 authorizing the Mayor to execute a parking lot lease agreement with The Foundation for the use of a city parking lot, 1916 Texas Avenue.**
- 5.12. Contract Resolution - Citibus : Resolution No. 2009-R0005 authorizing the Mayor to execute Contract No. 51905F7091 with the Texas Department of Transportation to fund the purchase of replacement buses and paratransit vans.**
- 5.13. Contract Resolution - Citibus : Resolution No. 2009-R0006 authorizing the Mayor to execute a revised Section 5304 Grant, Contract No. 519XXF7005, with the Texas Department of Transportation, to assist with Regional Coordination Planning.**
- 5.14. Contract Resolution - Fleet Services : Resolution No. 2009-R0007 authorizing the Mayor to execute a purchase order contract with Bee Equipment Sales, LTD for a street sweeper and an asphalt roller for the Street Department.**

6. REGULAR AGENDA

Note: Regular Agenda Items, and Consent Agenda Items moved to the Regular Agenda, are listed in the order they were addressed (5.2; 5.6-5.7; 5.15-5.19; and 6.1-6.3).

5.2. Resolution - Finance : Resolution No. 2009-R0008 authorizing the purchase of property insurance coverage from ACE Fire Underwriters Insurance Company for the John T. Montford Dam.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0008 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.6. Appointment Resolution - Health : Resolution No. 2009-R0009 authorizing the appointment of Ronald L. Cook, DO, MBA to the position of Health Authority for the City of Lubbock pursuant to Chapter 121 of the Texas Health and Safety Code.

Nancy Haney, Health Department Director, and Dr. Ronald Cook gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Resolution No. 2009-R0009 as recommended by staff and the Board of Health. Motion carried: 7 Ayes, 0 Nays.

5.7. Contract Resolution - Public Works Engineering : Resolution No. 2009-R0010 authorizing the Mayor to execute a unit price contract with West Texas Paving, Inc., for 103rd Street Paving and Drainage Improvements Project, BID 09-701-BM.

Motion was made by Council Member DeLeon, seconded by Council Member Klein to approve Resolution 2009-R0010 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.15. Contract Resolution - Radio Shop : Resolution No. 2009-R0011 authorizing the Mayor to execute a purchase order contract with Motorola Inc., for mobile data computers and digital video systems for police patrol motor vehicles.

Mark Yearwood, Assistant City Manager, and Police Chief Dale Holton gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0011 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.16. Contract Resolution - Radio Shop : Resolution No. 2009-R0012 authorizing the Mayor to execute a purchase order contract with Kustom Signals for radar units for police patrol motor vehicles.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0013 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.17. Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0112 Zone Case No. 3114 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).

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Ordinance No. 2008-O0112 as recommended by staff and the Planning and Zoning Commission. Motion carried: 7 Ayes, 0 Nays.

5.18. Contract Resolution - Business Development : Resolution No. 2009-R0013 authorizing the Mayor to execute a Contract of Sale with Ishvarpemi Foundation for the purchase of a tract of land at the northeast corner of Avenue X and the Marsha Sharp Freeway including Lots 8-12, Block 124, Overton Addition to the City of Lubbock, Lubbock County, Texas, and a portion of unplatted property adjacent to the north line of said Lots 8-12.

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to approve Resolution No. 2009-R0013 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath recused.

5.19. Contract Resolution - Business Development : Resolution No. 2009-R0014 authorizing the Mayor to execute an Agreement for Assignment of Contract of Sale and Conveyance of Right of Way Easement with 1859 Management Partners, L.P., for the assignment of the contract to purchase a tract of land located at the northeast corner of Avenue X and the Marsha Sharp Freeway including Lots 8-12, Block 124, Overton Addition to the City of Lubbock, Lubbock County, Texas, and a portion of unplatted property adjacent to the north line of said Lots 8-12 and for the conveyance of right of way easements to the City.

Mayor Martin read into the record, "1859 Management Partners, L.P., has determined that the contract should instead be assigned to its general partner, 1859 Management Partners, GP LLC. When this motion or contract is approved, it will be shown as 1859 Management Partners, GP LLC."

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to approve Resolution No. 2009-R0014 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath recused.

- 6.1. Resolution - Civic Facilities : Resolution No. 2009-R0015 accepting recommendations from the Cultural Arts Grant Review Committee and the Civic Lubbock, Inc. Board of Directors for the 2007-08 Cultural Arts Grant Program using Hotel and Motel Occupancy Tax Funds collected at the end of FY 2006-07.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0015 as recommended by staff, the Cultural Arts Grant Review Standing Sub-Committee, and Civic Lubbock Inc. Board of Directors. Motion carried: 7 Ayes, 0 Nays.

- 6.2. Contract Resolution - Public Works Street Department : Resolution No. 2009-R0016 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.**

Marsha Reed, Public Works Director, gave a presentation and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0016 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

- 6.3. Contract Amendment Resolution - Airport : Resolution No. 2009-R0017 authorizing the Mayor to execute Amendment No. 13 to the engineering services agreement with Parkhill, Smith & Cooper for the Passenger Loading Bridge Replacement Project.**

Motion was made Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0017 as recommended by staff and the Airport Board. Motion carried: 7 Ayes, 0 Nays.

7. WORK SESSION/BUSINESS AGENDA

- 7.1. Capital Projects update and discussion of a potential bond election.
This item was deleted.**

9:45 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

10:45 A.M. CITY COUNCIL ADJOURNED.

There being no further business to come before Council, Council Member Beane adjourned the meeting.