

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
JANUARY 22, 2009  
7:30 A. M.**

**The City Council of the City of Lubbock, Texas met in regular session on the 22nd 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**

- Lile Quirino and Carlos Quirion, Jr. appeared before Council to discuss concerns regarding the swimming pool at MacKenzie Park.
- Kevin Watson, Larry Lindsey, Ken Duncan, Andrew Turner, Dr. Peter Ho, and Armando Gonzales appeared before Council to discuss support of bond election, 34<sup>th</sup> Street, and street renovations.
- Lorenzo “Bubba” Sedenso appeared before Council and voiced his support of the paving of streets between Idalou and 16<sup>th</sup> Street; also acknowledged members of the St. Patrick’s Parish who were in attendance and in support.
- Wendy Thompson appeared before Council to discuss animal welfare and public safety.
- Cathy Mottet appeared before Council to discuss support of bond election, 34<sup>th</sup> Street, street renovations, and stray animal issues.
- Mary Hatfield appeared before Council to discuss the bond election and the Animal Shelter.

**7:53 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. (Health Benefits, Human Resources, Museums, Parks and Recreation)**
  - 2.1.1 A member of the City's Health Plan seeks an exception to the Health Plan for surgery not covered by the Health Plan and if desired the Council may take appropriate action in open session.**
- 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. (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.**
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.087, to discuss economic development negotiations including commercial or financial information with regard to a business prospect with which the governmental body is conducting economic development negotiations (Business Development) and take appropriate action.**
- 2.6. 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 Urban Design & Historic Preservation Commission and the Zoning Board of Adjustment.**

**9:18 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; Lee Ann Dumbald, City Manager; Rebecca Garza, City Secretary; and Don Vandiver, City Attorney.

**Absent:** No one

### **3. PROCLAMATIONS AND PRESENTATIONS**

**3.1. Invocation by Pastor Danny Willis, Lighthouse Baptist Church**

**3.2. Pledges of Allegiance**

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

### **4. MINUTES**

**4.1. Approval of Prior Meeting Minutes:**

**Regular City Council Meeting, December 17, 2008**

**Special City Council Meeting, December 22, 2008**

Motion was made by Council Member Leonard, seconded by Council Member Klein to approve the minutes of the December 17, 2008 Regular City Council Meeting and the December 22, 2008 Special Meeting. Motion carried: 7 Ayes, 0 Nays.

*Note: Consent Agenda, Regular Agenda, and Work Session items were addressed by Council in the following order:*

- *5.1-5.7; 5.9-5.12; 5.15; 5.16; 5.19-5.22; 5.26; 5.13; 5.14; 5.17; 5.18; 7.4; 5.23-5.25; 5.27-5.29; 6.1; 6.2; 7.3; 7.1; 7.2; 6.3.*

### **5. CONSENT AGENDA**

- Motion was made by Council Member DeLeon, seconded by Council Member Klein to approve Items 5.1-5.7; 5.9-5.12; 5.15; 5.16; 5.19-5.22; and 5.26 on consent agenda as recommended by staff. Motion carried 7 Ayes, 0 Nays.

**5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2009-O0001 Amendment No. 6 amending the FY 2008-09 budget respecting the Capital Program to amend the 50th Street, Slide Road to Loop 289 Project; to create a project for monitoring wells at the municipal landfill;**

to amend the Fire Station No. 16 Project; 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.

**5.1.1 Contract Resolution - Community Development: Resolution No. 2009-R0018 authorizing the Mayor to execute a contract with the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program to fund utility assistance to low-income persons.**

**5.1.2 Contract Resolution - Community Development: Resolution No. 2009-R0019 authorizing the Mayor to execute a contract with the Texas Department of Housing and Community Affairs for the Community Services Block Grant to provide assistance to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient.**

**5.2. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2009-O0005 Amendment No. 7 amending the FY 2008-09 budget respecting the Capital Program to establish a new project for the construction of a 32-foot wide asphalt street with curb and gutter on East 16th Street from Idalou Road to Cherry Avenue, to establish a new project for the construction of North Elm Avenue to provide access to the new Department of Public Safety Regional Headquarters to be located in the Lubbock Business Park; and respecting the Grant Fund to accept and appropriate grant funding from the Texas Department of Housing and Community Affairs for the Southwestern Public Service Low-Income Program.**

**5.3. Notice of Intent Resolution - Finance: Resolution No. 2009-R0020 authorizing publication of notices of intention to issue General Obligation Bonds and Tax and Waterworks System Surplus Revenue Certificates of Obligation.**

**5.4. Contract Resolution - Finance: Resolution No. 2009-R0021 authorizing the Mayor to amend the current Prescription Benefit Manager's contract with MaxorPlus, extending the contract term nine months through December 31, 2009.**

**5.5. Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2009-O0002 Consider an ordinance abandoning and closing a 20-foot underground utility easement located in Tract 4, Niraj Investments LLC Addition, 902 Caprock Drive.**

- 5.6. Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2009-O0004**  
Consider an ordinance abandoning and closing a temporary garbage collection and underground utility easement located in Section 23, Block E-2, adjacent to Lot 111 Vintage Township Addition, 11808 Topeka Avenue.
- 5.7. Contract of Sale Resolution - Right-of-Way: Resolution No. 2009-R0022**  
authorizing the Mayor to execute a contract of sale with Orchard Park Investments, LTD for the acquisition of 2.38 acres of land out of Section 17, Block E-2, for a new fire station site in South Lubbock, 4202 114th Street.
- 5.9. Contract Resolution - Public Works: Resolution No. 2009-R0023**  
authorizing the Mayor to execute a contract with Lone Star Dirt & Paving for paving and drainage improvements on Avenue X from Mac Davis Lane to Marsha Sharp Freeway, on Mac Davis Lane from Avenue X to Avenue V, and on Avenue V from the alley north of Glenna Goodacre Boulevard to Marsha Sharp Freeway, BID 09-705-DD.
- 5.10. Contract Resolution - Information Technology: Resolution No. 2009-R0024**  
authorizing the Mayor to execute a license agreement with the ARES Corporation for an electronic syndrome reporting system for the detection of infectious diseases that impact public health.
- 5.11. Contract Resolution - Facilities: Resolution No. 2009-R0025** authorizing the Mayor to execute a job order contract with Talon/LPE for asbestos abatement and demolition of a facility located at 5444 50th Street, Cedar Ridge Apartments, for City right-of-way.
- 5.12. Contract Resolution - Facilities: Resolution No. 2009-R0026** authorizing the Mayor to execute a job order contract with Talon/LPE for the demolition of MacKenzie Swimming Pool.
- 5.15. Contract Resolution - Fleet Services: Resolution No. 2009-R0027**  
authorizing the Mayor to execute a purchase order contract with GT Distributors for consoles, mounting brackets, monitors, and keyboards used to outfit 91 new police patrol and investigation vehicles with mobile data computers.
- 5.16. Contract Resolution - Fleet Services: Resolution No. 2009-R0028**  
authorizing the Mayor to execute a purchase order contract with Fleet Safety Equipment, Inc., for headlight and taillight flashers, speakers, sirens, and duel gunlocks used to outfit 91 new police patrol and investigation vehicles.
- 5.19. Waiver of Allocation of Juvenile Accountability Block Grant Funds Resolution - Police: Resolution No. 2009-R0029** authorizing the Mayor to execute a Waiver of Allocation of Juvenile Accountability Block Grant Funds to Lubbock County.

- 5.20. Contract Resolution - Water Utility: Resolution No. 2009-R0030** authorizing the Mayor to execute a contract with Wunderlich Malec to provide maintenance and repair services to the Supervisory Control and Data Acquisition Systems for the Water Treatment Plant, Water Reclamation Plant, and the Bailey County Well Field.
- 5.21. Contract Amendment Resolution – Water Utility: Resolution No. 2009-R0031** authorizing the Mayor to execute Change Order No. 3 to the construction contract with Eagle Contracting L.P. for the Southeast Water Reclamation Project adding a gate valve in the potable waterline, a fire hydrant at Basin No. 3, a modification to reduce the slope between the Intermediate Lift Station and Electrical Building, additional pipe fittings necessary to re-route the 36-inch wash water drain line, and a modification of the gear boxes to six existing slide gates at the flow distribution box.
- 5.22. Contract Amendment Resolution - Water Utility: Resolution No. 2009-R0032** authorizing the Mayor to execute Change Order No. 2 to the construction contract with SJ Louis Construction of Texas, LTD, for the Downtown Waterline Replacement Project.
- 5.26. Contract Resolution - Community Development: Resolution No. 2009-R0033** authorizing the Mayor to execute a Community Development Funding Contract with the South Plains Association of Governments to fund a 2-1-1 Information and Referral Program to conduct information and referral services for Lubbock County residents, and to produce and update the information and referral guide.

## **6. REGULAR AGENDA**

**Note: Regular Agenda Items, Consent Agenda Items moved to Regular Agenda, and Work Session Items are listed in the order they were addressed (5.8; 5.13; 5.14; 5.17; 5.18; Work Session Item 7.4; 5.23 – 5.25; 5.27 - 5.29; 6.1; 6.2; Work Session Items 7.3, 7.1, 7.2; 6.3)**

- 5.8. Contract Resolution – Public Works: Consider a resolution authorizing the Mayor to execute a contract with Mike L. Haggard for the sale of the City owned "Tara West" building located at 5202 4th Street, RFP 09-008-MA.**

**This item was deleted.**

- 5.13. Contract Resolutions - Fleet Services: Resolution No. 2009-R0034 and Resolution No. 2009-R0035** authorizing the Mayor to execute one purchase order contract with Scoggin Dickey Buick Chevrolet for a crew cab pickup and one purchase order contract with J&B Trailers and Equipment for two service bodies and a dump bed, BID 09-010-MA.

Leslie Cox, Director of Telecom and Fleet Operations, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0034 and Resolution No. 2009-R0035 as recommended by staff. Motion carried 7 Ayes, 0 Nays.

**5.14. Contract Resolution - Fleet Services: Resolution No. 2009-R0036 authorizing the Mayor to execute a purchase order contract with Lenco Industries Inc, for a specialty vehicle.**

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-R0036 as recommended by staff. Motion carried 7 Ayes, 0 Nays.

**5.17. Contract Resolution - Police: Resolution No. 2009-R0037 authorizing the Chief of Police to execute a Memorandum of Understanding with Lubbock Victims Assistance Services, Inc., to assist crime victims during the investigation and prosecution process.**

Police Chief Dale Holton gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Klein to approve Resolution No. 2009-R0037 as recommended by staff. Motion carried 7 Ayes, 0 Nays.

**5.18. Resolution - Police: Resolution No. 2009-R0038 authorizing the Chief of Police to execute a Community Protocol with the Lubbock County Sexual Assault Response Team to establish a community-wide approach to the problem of sexual assault; to promulgate guidelines for assisting victims of sexual assault with continuous care and needed services through combined efforts of professionals from law enforcement, medical personnel, victim advocacy, and the judicial system; and to enhance public safety by facilitating investigation and successful prosecution to ensure offenders are held accountable for their actions.**

Police Chief Dale Holton gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Klein to approve Resolution No. 2009-R0038 as recommended by staff. Motion carried 7 Ayes, 0 Nays.

**7. WORK SESSION/BUSINESS AGENDA**

**7.4. Presentation on the Texas Commission on Environmental Quality Municipal Settings Designation program and related policies and procedures for the City of Lubbock.**

Aubrey Spear, Director of Water Utilities, gave a presentation and answered questions from Council regarding the TCEQ's Municipal Settings Designation Program and its procedures for the City of Lubbock.

## **6. REGULAR AGENDA (CONTINUED)**

**5.23. Resolution - Business Development: Resolution No. 2009-R0039 giving Notice of Intent to consider the designation of a Reinvestment Zone on property located at 7722 West 34th Street, Tract A Rolling Plains.**

Cheryl Brock, Business Research Specialist, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0039 as recommended by staff. Motion carried 7 Ayes, 0 Nays.

**5.24. Contract Resolution – Business Development: Resolution No. 2009-R0040 authorizing the Mayor to execute an agreement with Southwester Public Service Company, dba Xcel Energy, for the relocation of utility equipment on Avenue X between Mac Davis Lane and Marsha Sharp Freeway and adjacent to the Overton Conference Center in Overton Park.**

Motion was made by Council Member Leonard, seconded by Council Member Price to approve Resolution No. 2009-R0040 as recommended by staff. Motion carried 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath recused.

**5.25. Contract Resolution - Community Development: Resolution No. 2009-R0041 authorizing the Mayor to execute a Community Development Funding Contract with the Catholic Family Services to provide assistance to transition families out of poverty through the Community Service Block Grant for the Self-Sufficiency Program.**

Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Price to approve Resolution No. 2009-R0041 as recommended by staff and the Community Development Services Board. Motion carried 7 Ayes, 0 Nays.

**5.27. Contract Resolution - Community Development: Resolution No. 2009-R0042 authorizing the Mayor to execute a Community Development Funding Contract with the Lutheran Social Services of the South to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program.**

Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Price to approve Resolution No. 2009-R0042 as recommended by staff and the Community Development Services Board. Motion carried 7 Ayes, 0 Nays.

**5.28. Contract Resolution - Community Development: Resolution No. 2009-R0043 authorizing the Mayor to execute a Community Development Funding Contract with the Life Run Independent Living Centers to**

**provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program.**

Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Price to approve Resolution No. 2009-R0043 as recommended by staff and the Community Development Services Board. Motion carried 7 Ayes, 0 Nays.

**5.29. Contract Resolution - Community Development: Resolution No. 2009-R0044 authorizing the Mayor to execute a Community Development Funding Contract with the Catholic Family Services to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program.**

Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Price to approve Resolution No. 2009-R0044 as recommended by staff and the Community Development Services Board. Motion carried 7 Ayes, 0 Nays.

**6.1. Public Hearing 10:00 a.m. - Planning: Ordinance No. 2009-O0006, Zone Case 2933-B (Northeast of 98th Street and Upland Avenue) Hold a public hearing to consider request of Betenbough Homes for zoning change from Transitional Zoning (T), General Retail District (C-3), and High-Density Apartment District (A-2) to General Retail District (C-3), High-Density Apartment District (A-2), and Single-Family District (R-1) Specific Use on 181.51 acres of unplatted land out of Block AK, Section 27, and to consider an ordinance.**

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

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

Motion was made by Council Member Price, seconded by Council Member DeLeon to approve Ordinance No. 2009-O0006 as recommended by staff and the Planning and Zoning Commission. Motion carried: 7 Ayes, 0 Nays.

**6.2. Contract Amendment Resolution - Public Works: Resolution No. 2009-R0045 authorizing the Mayor to execute Amendment No. 1 to an engineering service for pavement evaluation system contract with HVJ Associates, Inc., adding a Work Order System.**

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

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0045 as recommended by staff. Motion carried 7 Ayes, 0 Nays.

## **7. WORK SESSION/BUSINESS AGENDA (CONTINUED)**

### **7.3. City insurance update and discussion of all lines/types of insurance and service related agreements, including property, casualty, liability and employee benefits.**

Doug Sanford, Sanford Insurance, gave a presentation to Council regarding the City's insurance and services related to the insurance including property, casualty, liability, and employee benefits. Mr. Sanford also answered questions from Council.

**10:41 A.M. CITY COUNCIL RECESSED**

**12:31 P.M. CITY COUNCIL RECONVENED**

**Committee Room 103**

## **7. WORK SESSION/BUSINESS AGENDA (CONTINUED)**

### **7.1. Presentation of the City's Traffic Engineering Department's plan to coordinate the Traffic Signal System in preparation of re-timing traffic signals in the southwest portion of Lubbock.**

Marsha Reed, Director of Public Works and Sharmon Owens, Interim Traffic Engineering Associate, introduced David Brack and Justin Stevens, Traffic Engineers, and gave a presentation on the Traffic Signal System in preparation of re-timing traffic signals in the southwest portion of Lubbock. They also answered questions from Council.

### **7.2. Capital Projects update and discussion of a potential bond election.**

Lee Ann Dumbauld, City Manager and Andy Burcham, Chief Financial Officer, discussed capital projects to be included in a potential bond election for 2009. Council discussed possible items to include in the bond election in addition to those presented by the City Manager and the Chief Financial Officer. Council consensus was to not hold a bond election in May 2009.

## **6. REGULAR AGENDA (CONTINUED)**

### **6.3. Board Appointments - City Secretary : Consider two appointments to the Cultural Arts Grants Review Standing Sub-Committee; two appointments to the Keep Lubbock Beautiful Advisory Committee; three appointments to the Urban Design & Historic Preservation Commission; and four appointments to the Zoning Board of Adjustment.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to reappoint Gail Fargason and Ann McDonald to the Cultural Arts Grants Review Standing Sub-Committee; appoint Scott Cheatham and Patsy Sharbutt to the Keep Lubbock Beautiful Advisory Committee; reappoint Evelyn Davis and Tamra Walter, and appoint Mary Lou Turner to the Urban Design

and Historic Preservation Commission; and reappoint Kevin Bass, reappoint Billie Jean Caviel, reappoint Alice Chavez, and reappoint Glen Robertson to the Zoning Board of Adjustment. Motion carried: 7 Ayes, 0 Nays.

**2:27 P.M. CITY COUNCIL ADJOURNED.**

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