

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
FEBRUARY 12, 2009
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 12th day of February, 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

- Cheryl Hickman appeared before Council to discuss a proposed site for the African American History Museum at the Mac Kenzie Park swimming pool lot.

7:36 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, Parks and Recreation, 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, Libraries, Radio Shop, Right-of-Way, 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, internal business operations and collections, 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 Urban Design & Historic Preservation Commission.**

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; 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 J.H. Ford, St. Luke's 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.

3.3. Presentation of a special recognition commemorating February 15-21, 2009, as Engineers Week.

Mayor Martin gave special recognition to Aubrey Spear, Director of Water Utilities and President of Texas Society of Professional Engineers of the South Plains Chapter. Mr. Spear introduced Fred Curnutt and Marcus Borhani, who accompanied him in receiving this recognition commemorating February 15-21, 2009 as Engineers Week.

3.4. Presentation of commemorative Centennial memorabilia to the City Council by the Lubbock Centennial Committee.

Linda Gaither, Chair of the Lubbock Centennial Committee, introduced committee members and presented Centennial memorabilia to each Council Member.

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

- 5.1; 5.2; 5.3; 5.5; 5.6; 5.8-5.13; 5.15; 5.17; 5.19; 5.4; 5.7; 5.14;5.16; 5.18; 4.1; 6.1-6.8; 7.1; 7.3. (7.2 was deleted)

5. REGULAR AGENDA (CONSENT ITEM MOVED TO REGULAR)

5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2009-O0005 budget ordinance 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.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to amend Ordinance No. 2009-O0005 to allocate an additional \$105,000 from Hotel Motel Occupancy Tax revenue to the Lubbock Sports Authority to fund hosting upcoming tournaments. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

- Motion was made by Council Member Leonard, seconded by Council Member DeLeon to approve Items 5.2; 5.3; 5.5; 5.6; 5.8-5.13; 5.15; 5.17; and 5.19 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1.1 Contract Resolution - Community Development: Resolution No. 2009-R0048 authorizing the Mayor to execute a grant contract with Texas Department of Housing and Community Affairs to fund the weatherization of homes for low-income persons for the Southwestern Public Service Low-Income Program.

5.2. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2009-O0007 budget ordinance Amendment No. 8 amending the FY 2008-09 budget respecting the Grant Fund to accept and appropriate grant funding

from the Texas Department of Transportation for vehicle capital replacement; to accept and appropriate grant funding from the Federal Transit Administration for parking lot renovations and a bus wash; to accept and appropriate grant funding from the Texas Commission on Environmental Quality through the South Plains Association of Governments for Regional Solid Waste projects and to transfer from the Solid Waste fund; to accept and appropriate grant funding from the Texas Department of State Health Services for Infectious Disease Control Unit/Flu Lab; amend the operating budget in the Solid Waste Fund with a transfer to the Grant Fund; amend the operating budget and capital program in the Lubbock Power and Light Fund as recommended by the Electric Utility Board on January 27, 2009, and as approved by the City Council in a meeting conducted pursuant to Section 551.086 of the Texas Government Code.

- 5.3. **Resolution - Finance: Resolution No. 2009-R0049 approving the execution and delivery by Lubbock Economic Development Alliance to American State Bank a promissory note for a revolving line of credit.**
- 5.5. **Contract Resolution - Finance: Resolution 2009-R0050 authorizing the Mayor to execute a master lease-purchase agreement with Banc of America Public Capital Corp, for financing the City's general equipment needs, RFP 08-050-MA.**
- 5.6. **Ordinance 2nd Reading - Planning: Ordinance No. 2009-O0006 Zone Case 2933-B (Northeast of 98th Street and Upland Avenue). 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.**
- 5.8. **Contract Resolution - Business Development: Resolution No. 2009-R0051 authorizing the Mayor to execute the Second Amendment to the Foreign Trade Zone Management Agreement with Market Lubbock Economic Development Corporation, dba Market Lubbock Inc., dba Visit Lubbock for management of Foreign Trade Zone 260 adopting a new schedule of rates, fees, and charges.**
- 5.9. **Ordinance 2nd 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-O0008 abandoning and closing two drainage easements located in Lot 2 Commanders Addition to the City of Lubbock, 6605 19th Street.**

- 5.11. **Lease Agreement Resolution - Right-of-Way: Resolution No. 2009-R0052** authorizing the Mayor to execute a lease agreement with Sanley, L.L.C., for the use of 45 parking spaces at the Buddy Holly Center to provide additional parking during the evening and night time hours to comply with zoning requirements.
- 5.12. **Contract Resolution - Storm Water Management: Resolution No. 2009-R0053** authorizing the Mayor to execute a lump sum construction contract with Brown McKee, Inc., for the Leroy Elmore Park Drainage and Irrigation Improvements Project, RFP 09-706-BM.
- 5.13. **Contract Resolution - Storm Water Management: Resolution No. 2009-R0054** authorizing the Mayor to execute a unit price construction contract with Utility Contractors of America, Ltd., of Wolfforth, Texas, for the Stumpy Hamilton and Mose Hood Park Drainage Improvements Project, BID 09-707-BM.
- 5.15. **Contract Resolution – Parks and Recreation: Resolution No. 2009-R0055** authorizing the Mayor to execute a unit price contract with Gorman Outdoor for the application of pre-emergent liquid herbicide, post-emergent liquid herbicide, and liquid fertilizer at various parkland properties, BID 09-015-MA.
- 5.17. **Contract Resolution - Fire: Resolution No. 2009-R0056** authorizing the Mayor to execute a purchase order contract with Hall-Mark Fire Apparatus through the Texas Association of School Boards Local Government Purchasing Cooperative, Contract 245-06, for two 900 gallon water capacity brush fire pumper trucks used in wild land fire fighting.
- 5.19. **Contract Resolution - Facilities Management: Resolution No. 2009-R0057** authorizing the Mayor to execute a services agreement with Aftermath, Inc., for remediation services at the Police Academy.

Note: Regular Agenda Items, and Consent Agenda Items, and Minutes moved to Regular Agenda, and are listed in the order they were addressed:

- 5.4; 5.7; 5.14; 5.16; 5.18; 4.1; 6.1-6.8.

6. REGULAR AGENDA

- 5.4. **Contract Resolution - Finance: Resolution No. 2009-R0058** authorizing the Mayor to execute a unit price contract with Berryhill Sewer Services, Inc., for the rental of portable chemical toilets, BID 09-004-FO.

Victor Kilman, Purchasing Director, 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-R0058 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.7. Contract Resolution - Business Development: Resolution No. 2009-R0059 nominating Shearer's Foods Lubbock LLC to the Office of the Governor Economic Development & Tourism Division through the Economic Development Bank as an enterprise zone project and approving the submittal of an Enterprise Zone Project Application.

Paul Dash, General Manager for Shearer's Foods and 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-R0059 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.14. Contract Resolution - Community Services: Resolution No. 2009-R0060 authorizing the Mayor to execute a contract with Lubbock Moonlight Musicals, Inc., for construction of dressing rooms, restroom, storage area, and structural trusses at the Wells Fargo Amphitheatre.

Freddy Chavez, Civic Services Director; Professor Gerald Daltar with Lubbock Moonlight Musical, Inc.; and George McMahan with West Texas Home Builders Association, gave comments and answered questions from Council.

There was consensus from Council to have the City Manager pursue a long term lease arrangement with Lubbock Moonlight Musicals, Inc. for their use of the Wells Fargo Amphitheatre.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0060 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.16. Contract Resolution - Parks and Recreation: Resolution No. 2009-R0061 authorizing the Mayor to execute a purchase order contract with USA Shade & Fabric Structures through the Texas Association of School Boards Local Government Purchasing Cooperative, Contract 269-07, for bleacher shades at Lewis Park Ball Fields.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0061 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.18. Contract Resolution - Police: Resolution No. 2009-R0062 authorizing the Mayor to execute a contract with Wild West Harley-Davidson for the lease of police motorcycles used by the Lubbock Police Department to enforce traffic laws.

Police Chief Dale Holton and Victor Kilman, Purchasing Director, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to approve Resolution No. 2009-R0062 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

Regular City Council Meeting, January 8, 2009

Special City Council Meeting, January 13, 2009

Special City Council Meeting, January 14, 2009

Motion was made by Council Member Leonard, seconded by Council Member Price to approve the minutes of the January 8, 2009 Regular City Council Meeting, and the January 13 and 14, 2009 Special City Council Meetings. Motion carried: 7 Ayes, 0 Nays.

10:06 A.M. CITY COUNCIL RECESSED

10:20 A.M. CITY COUNCIL RECONVENED

City Council Chambers

6. REGULAR AGENDA (CONTINUED)

6.1. Public Hearing 10:00 a.m. - Water Utility: Ordinance No. 2009-O0009, Hold a public hearing to consider an ordinance prohibiting the potable use of groundwater beneath designated property located in the immediate vicinity of Glenna Goodacre Boulevard and Avenue Q, Lubbock, Texas 79415 (described as a 5.205 acre tract of land out of Section 2, Block 0, Lubbock, Texas) and placing specific restrictions on the non-potable use.

Mayor Martin opened the public hearing at 10:25 a.m. No one spoke in favor or in opposition. Mayor Martin closed the public hearing at 10:26 a.m.

Aubrey Spear, Director of Water Utilities, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Council Member DeLeon to approve Ordinance No. 2009-O0009 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.2. Public Hearing 10:00 a.m. - Business Development: Hold a Public Hearing for the City Council to receive public input concerning the adoption of an ordinance designating a reinvestment zone at 7722 34th Street, as authorized by Chapter 312 of the Tax Code.

Mayor Martin opened the public hearing at 10:28 a.m.

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

Jim Rice, Chief Executive Officer of Sun Star, gave a presentation and spoke in favor of the reinvestment zone.

Mayor Martin closed the public hearing at 10:58 a.m.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve the adoption of an ordinance designating a reinvestment zone being that “the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone,” and “that the zone will contribute to the retention or expansion of primary employment and would contribute to the economic development of the City of Lubbock” as authorized by Chapter 312 of the Tax Code. Motion carried: 7 Ayes, 0 Nays.

6.3. Ordinance 1st Reading – Business Development: Ordinance No. 2009-O0010 designating a reinvestment zone within the City of Lubbock as authorized by Chapter 312, Tax Code; describing the boundaries of said zone; describing the eligibility of said zone for commercial-industrial tax abatement; and providing a saving clause and providing for publication.

Motion was made by Council Member Leonard, seconded by Council Member Klein to approve Ordinance No. 2009-O0010 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Public Hearing 10:00 a.m. - Community Development: Hold a Public Hearing for the City Council to receive public input concerning the recommendations of the Community Development and Services Board for the reallocation of unspent funds from the Community Development Block Grant, HOME Partnership Program, HOME Match/HOPE 3, and the Emergency Shelter Grant.

Mayor Martin opened the public hearing at 11:01 a.m. No one spoke in favor or in opposition. Mayor Martin closed the public hearing at 11:02 a.m.

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

6.5. Resolution - Community Development: Resolution No. 2009-R0063 approving the proposed target areas and spending priorities under the Consolidated Plan 2009-2013.

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

Motion was made by Council Member Price, seconded by Council Member Klein to approve Resolution No. 2009-R0063 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.6. Contract Resolution – Parks and Recreation: Resolution No.’s 2009-R0064; 2009-R0065; 2009-R0066; 2009-R0067; 2009-R0068 authorizing the Mayor to execute unit price contracts with T.G. Trees Nursery and Garden Center, Best Horticultural Solutions, Southwest Wholesale Nursery, Fannin Tree Farm, and Tom’s Tree Place for 12 varieties of trees to be planted on various parkland properties during 2009 and 2010, BID 09-013-FO.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Resolution No.’s. 2009-R0064; 2009-R0065; 2009-R0066;

2009-R0067; and 2009-R0068 awarding contracts to “T.G. Trees for Items 1 and 3; to Best Horticultural Solutions for Item 2; to Southwest Wholesale Nursery for Items 4, 5, and 11; to Fannin Tree Farm for Items 6, 8 through 10, and 12; and to Tom’s Tree Place for Item 7” as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.7. Board Appointments - City Secretary: Consider one appointment to the Urban Design & Historic Preservation Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to appoint Scott White to the Urban Design & Historic Preservation Commission. Motion carried: 7 Ayes, 0 Nays.

6.8. Board Appointments - City Secretary: Declare four appointments by the Mayor to the Housing Authority Board of Directors: Ron Dingle, Shaswallia Dawson, Dan Alderson, and John Richardson.

Mayor Martin declared the appointments of Ron Dingle, Shaswallia Dawson, Dan Alderson, and John Richardson to the Housing Authority board of directors.

11:11 A.M. CITY COUNCIL RECESSED

2:05 P.M. CITY COUNCIL RECONVENED

Committee Room 103

7. WORK SESSION/BUSINESS AGENDA

7.1. City Council: Discussion of capital projects and their funding through a bond election, creation of a Citizens Advisory Committee and its membership, and take appropriate action.

Council discussed creating a Citizens Advisory Committee and setting a cap of \$65 Million for the bond package.

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

7.2. City Council: Consider a resolution committing the City Council to name a citizens advisory committee and take necessary steps to call for and effect an election for presentation to the voters certain eligible projects within the City of Lubbock for bond funding, and take appropriate action.

This item was deleted.

7.3. City Council: Resolution No. 2009-R0069 creating the Citizen Advisory Committee to study capital improvement needs of the City of Lubbock for a proposed November 2009 bond election, and take appropriate action.

Motion was made by Council Member Klein, seconded by Council Member Leonard to approve Resolution No. 2009-R0069 with the following amendments as recommended by staff:

- Section 2:
Strike from the first sentence “not later than the second regular scheduled City Council meeting in February, 2009”;
- Section 3:
Add the word “and” after facilities; delete “and recreation needs” after the word “parks”; delete the word “any” after the phrase “as well as”; delete the words “to their mission” and replace with “in the maximum amount of \$65 million.”; add “and recommend no election if conditions warrant.” to the last sentence in this section; and
- Add Section 9:
“The committee shall make its final report by June 30, 2009.”

Motion carried: 7 Ayes, 0 Nays.

3:16 P.M. CITY COUNCIL ADJOURNED.

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

The February 12, 2009 Regular City Council Meeting Minutes were approved by the City Council on the _____ day of _____, 2009.

TOM MARTIN, MAYOR

ATTEST:

Rebecca Garza, City Secretary