

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
FEBRUARY 26, 2009
7:30 A.M.**

The City Council of the City of Lubbock, Texas met in regular session on the 26th 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

- Jim Watters, Louis Dunn, and Edward Allen appeared before Council to discuss concerns regarding increase in water rates and water conservation.

7:40 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. (Cemetery, Citibus, Codes, Health Benefits, Human Resources, 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. (Business Development, Libraries, Parks and Recreation, 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 North Overton TIF Reinvestment Board of Directors, Urban Design & Historic Preservation Commission, Urban Renewal/Neighborhood Redevelopment Commission; Water Board of Appeals; and the West Texas Power Municipal Agency.**

9:05 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 Dumbauld, City Manager; Don Vandiver, Assistant City Attorney; Becky Garza, City Secretary.

Absent: No one

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1. Invocation by Pastor Matt Wolfington, Saint Luke's United Methodist 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. Keep Lubbock Beautiful Advisory Committee:**
Scott Cheatham and Patsy Sharbutt

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

January 22, 2009, Regular City Council Meeting

January 26, 2009, Special City Council Meeting

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to approve the minutes of the January 22, 2009 Regular City Council Meeting and the January 26, 2009 Special City Council Meeting. Motion carried: 7 Ayes, 0 Nays.

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

- *5.1-5.10; 5.12-5.15; 5.17-5.21; 5.11; 5.16; 6.2; 6.3; 6.6-6.8; 6.11; 7.1; 6.1; 6.9; 6.4; 6.5; 6.10; (7.2 was deleted)*

5. CONSENT AGENDA

- Motion was made by Council Member DeLeon, seconded by Council Member Leonard to approve Items 5.1-5.10; 5.12-5.15; and 5.17-5.21 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dias.

5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2009-00007 Consider 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, and respecting the Capital Program to establish a project for the design development phase of the Youth Sports Complex, Phase II.

- 5.1.1 Contract Resolution - Solid Waste: Resolution No. 2009-R0072 authorizing the Mayor to execute Contract No. 8863 with South Plains Association of Governments for the 2009 Solid Waste Grant Programs.**
- 5.1.2 Contract Resolution - Health: Resolution No. 2009-R0072 authorizing the Mayor to execute Contract No. 2009-030832-001 with the State of Texas, Department of State Health Services.**
- 5.2. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2009-O0011 Amendment No. 9 amending the FY 2008-09 budget respecting the Community Development Fund to accept and appropriate Hope 3 program income to further affordable housing and be used as HOME Match funds, and to accept and appropriate 108 Loan Funds from Housing and Urban Development for Park projects.**
- 5.3. Bond Issuance Ordinance 1st and Only Reading – Finance: Ordinance No. 2009-O0012 providing for the issuance of City of Lubbock, Texas, General Obligation Refunding and Improvement Bonds, Series 2009 in an amount not to exceed \$28 million; levying a tax in payment thereof; approving the official statement; approving execution of a purchase contract, and escrow agreement; and enacting other provisions relating thereto.**
- 5.4. Certificates of Obligation Parameters Ordinance 1st and Only Reading – Finance: Ordinance No. 2009-O0013 providing for the issuance of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2009 in an amount not to exceed \$67 million; levying a tax and pledging surplus Waterworks System revenues in payment thereof; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.**
- 5.5. Ordinance 2nd 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.**
- 5.6. Notice of Intent Resolution - Business Development: Resolution No. 2009-R0073 giving Notice of Intent to enter into a tax abatement agreement with Sun-Star Electric, L.P.**
- 5.7. Notice of Intent Resolution - Business Development: Resolution No. 2009-R0074 giving Notice of Intent to enter into a tax abatement agreement with Parkway Place Lubbock, L.P.**
- 5.8. Ordinance 2nd Reading - Water Utility: Ordinance No. 2009-O0009 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.**

- 5.9. Contract Resolution - Water Utility: Resolution No. 2009-R0075 authorizing the Mayor to execute Emergency Purchase Order Contract No. 343427 with American Turbine for replacement of a water distribution pump necessary to maintain compliant water pressures as defined by Texas Commission on Environmental Quality Chapter 290 Rules and Regulations.**
- 5.10. Contract Resolution - Airport: Resolution No. 2009-R0076 authorizing the Mayor to execute Contract No. 8841 with Advanced Enterprises Incorporated for window cleaning services at Lubbock Preston Smith International Airport, BID 09-009-FO.**
- 5.12. Contract Amendment Resolution - Parks and Recreation: Resolution No. 2009-R0077 authorizing the Mayor to execute Amendment No. 2 to Contract No. 7593 of the Athletic Facility License Agreement, releasing the Maxey Junior Field and Connie Mack Field, and adding Hub City Baseball League as an additional user group.**
- 5.13. Contract Resolution - Parks and Recreation: Resolution No. 2009-R0078 authorizing the Mayor to execute Amendment No. 2 to Contract No. 7306 with MWM Architects for architectural design services for the development of the Youth Sports Complex, Farm to Market 1585 and Milwaukee Avenue, adding Phase Two for the design of 18 senior soccer fields, 9 junior soccer fields, 13 intermediate soccer fields, and 16 pee wee soccer fields, along with 1 freestanding public toilet/office building, 1 free standing public toilet/maintenance building, and 1 free standing public toilet/large meeting room.**
- 5.14. Contract Resolution - Fire: Resolution No. 2009-R0079 authorizing the Mayor to execute a Memorandum of Understanding Contract No. 8898 with the Texas Forest Service and the Regional Incident Management Team to maintain emergency operational readiness and mobilization of eligible responders to designated incidents.**
- 5.15. Contract Resolution - Fleet Services: Resolution No. 2009-R0080 authorizing the Mayor to execute Contract No. 8894 with Gene Messer Ford for upfitting police vehicles with lightbars, sirens, speakers, headlight and rearlight flashers, front pushguards, fire extinguishers, trunk release kill switches, and auxiliary fuse blocks, BID 09-011-MA.**
- 5.17. Contract Resolutions - Fleet Services: Resolution No. 2009-R0081 and Resolution No. 2009-R0082 authorizing the Mayor to execute Purchase Order Contract No. 343509 with Roberts Truck Center and Purchase Order Contract No. 343510 with Lubbock Truck Sales for side loader and roll-off cabs and chassis for the Solid Waste Department, BID 09-018-MA.**

- 5.18. Contract Resolutions - Fleet Services: Resolution No. 2009-R0083 and Resolution No. 2009-R0084 authorizing the Mayor to execute Purchase Order Contract No. 343505 with Scoggin Dickey Chevrolet and Purchase Order Contract 343477 with Dallas Dodge for vehicles for the Fire Department, BID 09-016-MA.**
- 5.19. Contract Resolution - Fleet Services: Resolution No. 2009-R0085 authorizing the Mayor to execute Purchase Order Contract No. 341520 with Heritage Equipment for a backhoe for the Street Department.**
- 5.20. Contract Resolution - Fleet Services: Resolution No. 2009-R0086 authorizing the Mayor to execute Purchase Order Contract No. 343432 with Bergkamp Pavement Preservation Solutions for a pothole patcher for the Street Department.**
- 5.21. Contract Resolution - Fleet Services: Resolution No. 2009-R0087 authorizing the Mayor to execute Purchase Order Contract No. 341521 with Bee Equipment Sales for a force feed loader for the Street Department.**

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

- *5.11; 5.16; 6.2; 6.3; 6.6-6.8; 6.11; 7.1; 6.1; 6.9; 6.4; 6.5; and 6.10*

6. REGULAR AGENDA

- 5.11. Contract Amendment Resolution - Public Works Engineering: Resolution No. 2009-R0088 authorizing the Mayor to execute Amendment No. 1 to Contract No. 8664 with Kimley-Horn and Associates, Inc., for the Indiana Avenue from 103rd Street to FM 1585 (130th Street) Project adding the design of additional water and sanitary sewer lines from 114th Street south to FM 1585.**

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 Beane to approve Resolution No. 2009-R0088 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dias.

- 5.16. Contract Resolution - Fleet Services: Resolution No. 2009-R0089 authorizing the Mayor to execute Purchase Order Contract No. 343506 with Shamrock Chevrolet for pickup trucks for the Codes and Building Inspection Departments, BID 09-014-MA.**

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Resolution No. 2009-R0089; with an amendment to only execute the purchase of pickup trucks for Building Inspection as

recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dias.

- 6.2. Ordinance Amendment 1st Reading – Planning: Ordinance No. 2009-O0014 amending Chapter 8 of the Code of Ordinances of the City of Lubbock, Texas, by amending the language of Section 8-4 with regard to Voting Precincts and voting places as a result of annexations; assignment of new Voting Precincts to City Council Districts to reflect the changes made by said annexations; providing new voting places where necessary due to annexations; providing a map of the Voting Precincts and Districts of the City of Lubbock; providing a savings clause; providing that all portions of Chapter 8 not amended shall remain the same; providing for publication; and providing an effective date.**

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to approve Ordinance No. 2009-O0014 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dias.

- 6.3. Resolution - Finance: Resolution No. 2009-R0090 accepting the City of Lubbock Comprehensive Annual Financial Report for fiscal year ended September 30, 2008.**

Andy Burcham, Chief Financial Officer, introduced the accounting department, gave comments, and answered questions from Council.

Pam Moon, Director of Accounting, and David Coleman, audit manager for BKD, gave comments regarding the Comprehensive Annual Financial Report.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Beane to approve Resolution No. 2009-R0090 as recommended by staff and with commendation to the finance and accounting departments for their work. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dias.

- 6.6. Ordinance 1st Reading - Police: Ordinance No. 2009-O0015 adding Article XIII to Chapter 14 of the City of Lubbock Code of Ordinances, entitled “Pawnbrokers and Other Businesses,” requiring electronic recordkeeping by owners or operators of pawnshops and certain other businesses in the City; providing additional provisions to prevent or curtail transactions in stolen property; providing a penalty; providing a savings clause; and providing for publication.**

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

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to approve Ordinance No. 2009-O0015 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dias.

- 6.7. Contract Resolution - Police: Resolution No. 2009-R0091 authorizing the Mayor to execute Contract No. 8890 with LeadsOnline LLC to provide access to a confidential electronic nationwide database for use by authorized law enforcement personnel to identify property and/or persons suspected in crimes against property, or in crimes against persons, in which crimes involve property.**

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

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to approve Resolution No. 2009-R0091 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dias.

- 6.8. Ordinance 1st Reading - LP&L: Ordinance No. 2009-O0016 amending Chapter 9 of the Code of Ordinances of the City of Lubbock, Texas, by adding Article V, Sections 9-50 to 9-52 providing for the imposition of a municipal utility lien on real property for delinquent municipal utility bills as provided for in Texas Local Government Code Section 402.0025.**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Gilbreath to approve Ordinance No. 2009-O0016 as recommended by staff, the Electric Utility Board, and the Lubbock Water Advisory Committee. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dias.

- 6.11. Board Appointments - City Secretary: Consider fifteen appointments to the Citizen Advisory Committee.**

Mayor Martin appointed Kevin McMahan, Chair; Burle Pettit, and Charlie Hamilton; Mayor Pro Tem Gilbreath appointed Clayton Isom and Randy Eggenbacher; Council Member Leonard appointed Ken Corbin and Todd McKee; Council Member Beane appointed Frank Morrison and Dan Burns; Council Member Klein appointed Maurice Stanley and Kevin Watson; Council Member DeLeon appointed Alice Lozada and Christy Martinez-Garcia; and Council Member Price appointed Dwight Pierce and John Cervantez to the Citizens Advisory Committee.

7. WORK SESSION/BUSINESS AGENDA

- 7.1. City Council: Presentation on Lubbock Power & Light programs for people who need assistance paying their utility bills.**

Chris Sims, LP&L Environmental Specialist, gave a presentation and answered questions from Council.

Bill Howerton, Director of Community Development, and Gary Zheng, LP&L Chief Executive Officer, gave comments and answered questions from Council.

10:14 A.M. COUNCIL MEMBER PRICE RETURNED TO THE DIAS.

6. REGULAR AGENDA (CONTINUED)

- 6.1. Public Hearing 10:00 a.m. - Planning: Ordinance No. 2009-O0017 Zone Case No. 3115 (1510 and 1512 East 15th Street). Hold a public hearing to consider request of Pastor J. T. Cotton (for one way COGIC) for a zoning change from Two-Family District (R-2) to High-Density Apartment District (A-2) limited to church and church related uses on Lots 5, 6, and east 15 feet of Lot 7, Block 6, Whitehead Addition, and to consider an ordinance.**

Mayor Martin opened the public hearing at 10:24 a.m. No one spoke in favor or in opposition. Mayor Martin closed the public hearing at 10:24 a.m.

Motion was made by Council Member Klein, seconded by Council Member Price to approve Ordinance No. 2009-O0017 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

10:25 A.M. CITY COUNCIL RECESSED

10:36 P.M. CITY COUNCIL RECONVENED

City Council Chambers

6. REGULAR AGENDA (CONTINUED)

- 6.9. Rate Amendment Resolution - LP&L: Resolution No. 2009-R0092 amending the current electric rate structure for Lubbock Power & Light as originally passed via Resolution No. 2007-R0227, as amended, applicable to all rate classes except Rate 16U and amending the Guard Lighting Service rate and the Miscellaneous Service Charges to be effective March 1, 2009.**

Don Cullon, LP&L Associate System Planning Engineer, gave a presentation explaining the net effect of the rates and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Price to approve Resolution No. 2009-R0092 as recommended by staff and the LP&L Electric Utility Board. Motion carried: 7 Ayes, 0 Nays.

- 6.4. Ordinance Amendment 1st Reading – Finance: Ordinance No. 2009-O0018 amending Chapter 28 of the Code of Ordinances by amending Sections 28-52 and 28-53 of the Code of Ordinances by revising water rates as contained therein.**

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

Tom Adams, Deputy City Manager, and Bo Brown, Chairman of the Lubbock Water Advisory Commission, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Beane to approve Ordinance No. 2009-O0018 as recommended by staff and the Lubbock Water Advisory Commission. Motion carried: 7 Ayes, 0 Nays.

6.5. Ordinance Amendment 1st Reading – Finance: Ordinance No. 2009-O0019 amending Chapter 28 of the Code of Ordinances by amending Sections 28-86(a) and 28-86(b) of the Code of Ordinances by revising wastewater rates contained therein.

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

Tom Adams, Deputy City Manager, and Bo Brown, Chairman of the Lubbock Water Advisory Commission, gave comments and answered questions from Council.

Mayor Martin appointed Council Member DeLeon, Chair; Council Member Leonard, and Council Member Klein to a City Council Sub Committee to research and review with Lubbock Water Advisory Commission the affordability and the possibility of creating an oversight board for water utilities.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Beane to approve Ordinance No. 2009-O0019 as recommended by staff and the Lubbock Water Advisory Commission. Motion carried: 7 Ayes, 0 Nays.

12:26 P.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

2:10 P.M. CITY COUNCIL RECONVENED

City Council Chambers

6. REGULAR AGENDA (CONTINUED)

6.10. Board Appointments - City Secretary: Consider one appointment to the Animal Shelter Advisory Committee; nine appointments to the Community Development & Services Board; one appointment to the Libraries Board; two appointments to the North Overton TIF Reinvestment Board of Directors; one appointment to the Urban Design & Historic Preservation Commission; five appointments to the Urban Renewal/Neighborhood Redevelopment Commission; one appointment to the Water Board of Appeals; and one appointment to the West Texas Municipal Power Agency.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to appoint Tom Adams, Deputy City Manager to the Animal Shelter Advisory Committee; reappoint Ruben Albares, Jerry Hudson, James Gerlt, Julio Gonzales, Peter Laverty, Veronica Lujan, Joe Phea and appoint Scott Bratcher, and Sharon Bass to the Community Development and Services Board; to appoint Laura Heinz to the Libraries Board; to reappoint Don Rushing and Stan Mayfield to the North Overton TIF Reinvestment Board of

Directors; to appoint Danny Espinosa to the Urban Design & Historic Preservation Commission; to reappoint Steven Bustos and Cory Dulin and appoint Renessa Knowles, Dustin Burrows, and Jeffrey Vitale to the Urban Renewal/Neighborhood Redevelopment Commission; to reappoint Bo Jackson to the Water Board of Appeals; and to reappoint Loyd Rinehart to the West Texas Municipal Power Agency. Motion carried: 7 Ayes, 0 Nays.

7. WORK SESSION/BUSINESS AGENDA (CONTINUED)

7.2 Public Works Street Department: Presentation on the new Pavement Management System and the proposed 2009 Street Maintenance Program.

This item was deleted.

2:15 P.M. CITY COUNCIL ADJOURNED.

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