

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
MARCH 5, 2009
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 5th day of March, 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

- Cile Redus, Mickey Jones, Garrett G. Joyce, and Mary Hatfield appeared before Council to discuss concerns regarding construction of a new animal shelter.
- David Bayouth, representing Jarvis Metals, appeared before Council to discuss concerns with increase in citywide theft of air conditioning units.
- Mikel Ward and Richard Beal appeared before Council to discuss concerns regarding the increase in the water rate.
- Robert Ferguson, Detective with LPD, appeared before Council to express support of Ordinance No. 2009-00015, regarding "Pawnbrokers and Other Businesses".

7:55 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. (Police, Right-of-Way, 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, Library, Parks and Recreation, 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.**

9:04 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 Tom Lakey, First Assembly of God

Invocation was lead by Youth Pastor, Jeff Watson, First Assembly of God, on behalf of Pastor Tom Lakey.

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 to the South Plains TRiO Programs for their integral role in providing educational assistance to area residents.

Esmeralda Benitez, and members of the South Plains TRiO Programs, accepted the special recognition.

3.4. Presentation of a special recognition to commemorate 2009 as Colorectal Cancer Prevention and Awareness Year.

Dr. Davor Vugrin, Center for Cancer Control, accepted special recognition for his work in regard to Colorectal Cancer Prevention and Awareness and gave a certificate to Mayor Martin in recognition of City Council's support of the program.

BOARD RECOGNITIONS

3.5. Housing Authority Board of Directors:

Shaswallia Dawson

Ron Dingle

Urban Design & Historic Preservation Commission:

Scott White

ANNOUNCEMENT

Mayor Martin requested Council Member Klein to make an announcement on behalf of City Council's decision made in Executive Session earlier this morning. Mr. Klein stated that Council shares concerns with the community for the need of a new animal shelter. Council will move forward with the selection of a site and begin archeological studies. Council will announce the selected site location in the near future.

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

Regular City Council Meeting, February 12, 2009

Motion was made by Council Member Price, seconded by Council Member Beane to approve the minutes of the February 12, 2009 Regular City Council Meeting. Motion carried: 7 Ayes, 0 Nays.

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

- 5.1-5.9; 5.11-5.12; 5.10; 5.5; 5.2; 5.13; 6.1-6.4; 7.1.

- *Items 5.5 and 5.2 are included in Consent Agenda and were later reconsidered following item 5.10.*

5. CONSENT AGENDA

- Motion was made by Council Member Leonard, seconded by Council Member Klein to approve Items 5.1-5.9; 5.11, and 5.12 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2009-O0011; budget ordinance Amendment No. 9 amending the FY 2008-09 budget respecting the Community Development Fund to accept and appropriate Hope 3 program income for 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.**
- 5.2. Resolution - City Secretary: Resolution No. 2009-R0099 authorizing the City Secretary to transfer the permanent records of the City of Lubbock Cemetery to the Texas State Library and Archives Commission for permanent retention at Texas Tech University as part of the Southwest Collection/Special Collections Library.**

This item was reconsidered following item 5.10.

- 5.3. Ordinance 1st Reading - City Secretary: Ordinance No. 2009-O0020 amending Chapter 2 of the Code of Ordinances of the City of Lubbock by deleting Sections 2-308, 2-309, 2-310, and 2-311 of the Code dissolving the Community Relations Task Force.**
- 5.4. Resolution - Community Development: Resolution No. 2009-R0093 approving the Community Development and Service Board recommendations for the reallocation of unspent grant funds from the Community Development Block Grant, HOME Investment Partnership Grant, HOPE 3 Program Income to be used as HOME match, Emergency Shelter Grant.**
- 5.5. Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2009-O0008 Consider an ordinance abandoning and closing two drainage easements located in Lot 2 Commanders Addition to the City of Lubbock, 6605 19th Street.**

This item was reconsidered following item 5.10, and no action was taken.

- 5.6. Contract Resolution - Public Works: Resolution No. 2009-R0094 authorizing the Mayor to execute Contract No. 8848 with West Texas Services, Inc., dba Tom's Tree Place, for the North Overton Park Lubbock Hotel Streetscape and Landscape Project, RFP 09-711-DD.**
- 5.7. Contract Resolution - Citibus: Resolution No. 2009-R0095 authorizing the Mayor to execute Purchase Order Contract No. 2009.2 with N/S Corporation for bus wash equipment for Citibus.**

- 5.8. Notice of Intent Resolution - Business Development: Resolution No. 2009-R0096 giving Notice of Intent to consider the designation of a Reinvestment Zone on the property located at 2902 Municipal Drive further described as Lubbock Industrial Park Lot 5.**
- 5.9. Tax Abatement Agreement Resolution - Business Development: Resolution No. 2009-R0097 authorizing the Mayor to execute an industrial tax abatement agreement with Sun-Star Electric, L.P., for the renovation and expansion of a manufacturing facility in the Sun-Star Reinvestment Zone.**
- 5.11. Ordinance 2nd Reading - Planning: Ordinance No. 2009-O0017 Zone Case No. 3115 (1510 and 1512 East 15th Street) request of Pastor J. T. Cotton (for One Way Church of God in Christ) 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.**
- 5.12. Ordinance Amendment 2nd 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.**

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

- 5.10; 5.5; 5.2; 5.13; 6.1-6.4.

6. REGULAR AGENDA

- 5.10. Tax Abatement Agreement Resolution - Business Development: Resolution No. 2009-R0098 authorizing the Mayor to execute a commercial tax abatement agreement with Parkway Place Lubbock, L.P., for a new commercial retail facility at 1802 Parkway Drive in Enterprise Zone 10-1.**

Motion was by Council Member DeLeon, seconded by Council Member Beane to approve Resolution No. 2009-R0098 as recommended by staff. Motion carried 7 Ayes, 0 Nays.

- 5.5. Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2009-O0008. Consider an ordinance abandoning and closing two drainage easements located in Lot 2 Commanders Addition to the City of Lubbock, 6605 19th Street.**

No action was taken on this item.

Motion was by Council Member Beane, seconded by Council Member Klein to reconsider Ordinance No. 2009-O0008. Motion carried 7 Ayes, 0 Nays.

After further discussion, no action was taken on this item.

5.2. Resolution - City Secretary: Resolution No. 2009-R0099 authorizing the City Secretary to transfer the permanent records of the City of Lubbock Cemetery to the Texas State Library and Archives Commission for permanent retention at Texas Tech University as part of the Southwest Collection/Special Collections Library.

Motion was by Council Member Beane, seconded by Council Member Price to reconsider this item. Motion carried 7 Ayes, 0 Nays.

Becky Garza, City secretary, and Monte Monroe, Texas Tech University Southwest Collection/Special Collections Library, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Resolution No. 2009-R0099 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.13. Ordinance 2nd 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.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Price to continue Ordinance No. 2009-O0015 until the March 23, 2009 Regular City Council Meeting. Motion carried 7 Ayes, 0 Nays.

6.1. Ordinance Amendment 2nd 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.

Motion was by Council Member Leonard, seconded by Council Member Klein to continue Ordinance No. 2009-O0018 until the March 9, 2009 Special City Council Meeting. Motion carried 7 Ayes, 0 Nays.

6.2. Ordinance Amendment 2nd 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.

Motion was by Council Member Leonard, seconded by Council Member Klein to continue Ordinance No. 2009-O0019 until the March 9, 2009 Special City Council Meeting. Motion carried 7 Ayes, 0 Nays.

- 6.3. Ordinance 2nd 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 Council Member Beane to approve Ordinance No. 2009-O0016 as recommended by the Electric Utility Board, Lubbock Water Advisory Commission, and staff. Motion carried: 7 Ayes, 0 Nays.

- 6.4. Ordinance 1st Reading - City Council: Ordinance No. 2009-O0021 amending Chapter 12 of the Code of Ordinances of the City of Lubbock, Texas, with regard to the general regulations of nuisances and the regulation of weeds within the City and providing of penalties and liens for failure to comply with demand for compliance with the general regulation of nuisances; providing a penalty; providing a savings clause; and providing for publication.**

Council Member Klein and Stuart Walker, Environmental Specialist, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Leonard to approve Ordinance No. 2009-O0021 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Mayor Pro Tem Gilbreath and Council Member Beane voted Nay.

7. WORK SESSION/BUSINESS AGENDA

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

Marsha Reed, Director of Public Works; Kevin Lair, Streets Superintendent; and Bobby Atteberry, Vice President of HVJ Associates, gave a presentation on the new Pavement Management System and the proposed 2009 Street Maintenance Program and answered questions from Council.

11:08 A.M. CITY COUNCIL ADJOURNED.

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