

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
MARCH 23, 2009
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 23rd day of March, 2009, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:32 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 Todd Klein, Council Member John W. Leonard III, and Council Member Floyd Price.

Absent: Council Member Linda DeLeon

1. CITIZEN COMMENTS

No one appeared.

7:33 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, Risk Management, Parks and Recreation, Utility Regulatory Matters)**
- 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, 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, 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 and the Lubbock Economic Development Alliance Board.

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 W. Leonard III; 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 Justin Osborne, Faith Baptist Church

Invocation was lead by Pastor Justin Osborne, Faith 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 April 2009 as Child Abuse Prevention Month.

Mayor Martin presented a special recognition to Carmen Aguirre and members of the Children's Advocacy Center commemorating April 2009 as Child Abuse Prevention Month.

- 3.4. Presentation of a special recognition to the Lubbock Fire Department for preventing the destruction of homes and grassland, loss of livestock, and injury and loss of human life in Lynn County through the surveillance, apprehension, and arrest of an arsonist and the timely assistance to the Tahoka Volunteer Fire Department.**

Mayor Martin presented a special recognition to Bob Bailey, Garrett Nelson, and Ross Alexander of the Lubbock Fire Department; and Tahoka Fire Chief, Steve Sanders for preventing the destruction of homes and grassland, loss of livestock, and injury and loss of human life in Lynn County.

- 3.5. Presentation of a proclamation to the American Business Club commemorating April 2-4, 2009, as ABC Pro Rodeo Days in Lubbock and for their support of the Lubbock Boys and Girls Clubs.**

Mayor Martin presented a special recognition to Marvin Rodriquez and members of the ABC Pro Rodeo commemorating April 2-4, 2009, as ABC Pro Rodeo Days and recognized them for their support of the Lubbock Boys and Girls Clubs.

- 3.6. Introduction of Douglas W. Eichorst II, the newly appointed Texas Department of Transportation Lubbock District Engineer.**

Mayor Martin introduced Douglas W. Eichorst II, the newly appointed Texas Department of Transportation Lubbock District Engineer.

- 3.7. Presentation of a special recognition to the Estacado High School Boys Matadors Basketball Team for finishing an outstanding 34-3 season as Runner-Up to the Class 3A State Champions.**

Mayor Martin, Council Member DeLeon, and Council Member Price presented a special recognition to Tony Wagner, Head Coach, David Vasquez, Principal, and members of the Estacado High School Boys Matadors Basketball team for finishing an outstanding 34-3 season as Runner-Up to the Class 3A State Champions.

BOARD RECOGNITIONS

- 3.8. Community Development & Services Board:**
Scott Bratcher

Libraries Board:
Laura Heinz

Urban Renewal/Neighborhood Redevelopment Commission:
Dustin Burrows
Renessa Knowles (unable to attend)
Jeffrey Vitale

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

February 18, 2009, Special City Council Meeting

February 19, 2009, Special City Council Meeting

February 26, 2009, Regular City Council Meeting

Motion was made by Council Member Price, seconded by Council Member Beane to approve the minutes of the February 18, 2009 and February 19, 2009 Special City Council Meetings and the February 26, 2009 Regular City Council Meeting. Motion carried: 7 Ayes, 0 Nays.

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

- *5.1-5.11; 5.13-5.20; 5.12; 6.5- 6.9; 6.1-6.4; 6.10; 6.11; 7.1*

5. CONSENT AGENDA

- Motion was made by Council Member Leonard, seconded by Council Member Price to approve Items 5.1-5.11 and 5.13-5.20 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.
- 5.1. Contract Resolutions - Finance: Resolution No. 2009-R0100 authorizing the Mayor to execute Contract No. 8921 with Baker Office Products for office furniture for City departments, BID 09-019-MA.**
- 5.2. Contract Resolution - Planning: Resolution No. 2009-R0101 authorizing the Mayor to execute Contract No. 8916 with the Lubbock Metropolitan Planning Organization for geographic and demographic data collection, analysis, and mapping services.**
- 5.3. Contract Amendment Resolution - Community Development: Resolution No. 2009-R0102 authorizing the Mayor to execute Amendment No. 1 to Contract No. 8798 with Vandelia Church of Christ to fund the Emergency Shelter Grant Homeless Prevention Program to assist low-income families with rent and/or utilities.**
- 5.4. Contract Resolution - Public Works: Resolution No. 2009-R0103 authorizing the Mayor to execute unit price construction Contract No. 8864 with Lone Star Dirt & Paving for the Slide Road Paving Improvement Project from 4th Street to Loop 289, BID 09-710-BM.**
- 5.5. Contract Resolution - Airport: Resolution No. 2009-R0104 authorizing the Mayor to execute Contract No. 8915 with Ports-to-Plains Trade Corridor Coalition for the lease of office space at Lubbock Preston Smith International Airport.**

- 5.6. **Contract Resolution - Citibus: Resolution No. 2009-R0105 authorizing the Mayor to execute Purchase Order Contract No. 2009.3 with Gillig Corporation for three 30-foot low-floor hybrid electric buses for Citibus.**
- 5.7. **Contract Resolution - Citibus: Resolution No. 2009-R0106 authorizing the Mayor to execute Contract No. 8926 with Ronnie Zahn Paving Inc., for construction and expansion of the bus parking yard for Citibus.**
- 5.8. **Contract Resolution - Citibus: Resolution No. 2009-R0107 authorizing the Mayor to execute Purchase Order Contract No. 2009.4 with Lacor Streetscape for ten bus shelters for Citibus.**
- 5.9. **Contract Resolution - Airport: Resolution No. 2009-R0108 authorizing the Mayor to execute Contract No. 8925 with Cutting Edge Companies for landscape maintenance at the Lubbock Preston Smith International Airport, BID 09-023-FO.**
- 5.10. **Resolution - Airport: Resolution No. 2009-R0108 adopting parking rates at Lubbock Preston Smith International Airport.**
- 5.11. **Contract Resolution - Airport: Resolution No. 2009-R110 authorizing the Mayor to execute Job Order No. 09-021-F-021-NJPA and 09-022-F-022-NJPA with Talon/LPE for asbestos containing material abatement, demolition, and removal of a warehouse and an aircraft hangar on the Eastport side of Lubbock Preston Smith International Airport.**
- 5.13. **Ordinance 1st Reading – Right-of-Way: Ordinance No. 2009-O0022 abandoning and closing a portion of a 60-foot drainage and utility easement located in Lot 24-A, Block 7, Lyndale Acres Addition, 401 50th Street.**
- 5.14. **Street Use License Resolution - Right-of-Way: Resolution No. 2009-R0111 authorizing the Mayor to execute a Street Use License renewal with HSMEP Caprock, L.P., for the use of a dedicated street for street encroachments, 2802 52nd Street.**
- 5.15. **Contract Resolution – Parks and Recreation: Resolution No. 2009-R0112 authorizing the Mayor to execute Contract No. 8919 with The Bridge of Lubbock, Inc., dba Seasoned with Love, for meal services for senior citizen centers, RFP 09-032-MA.**
- 5.16. **Contract Resolution - Parks and Recreation: Resolution No. 2009-R0113 authorizing the Mayor to execute Purchase Order Contract No. 344612 with InSite Amenities, L.P., for the procurement of eight park pavilions through the Texas Association of School Boards Local Government Purchasing Cooperative.**
- 5.17. **Contract Resolution - Parks and Recreation: Resolution No. 2009-R114 authorizing the Mayor to execute a contract with JR's Landscape & Sprinkler Systems for concrete flat work at park pavilions, BID 09-712-DD.**

- 5.18. **Lease Agreement Resolution - Water Utility: Resolution No. 2009-R0115** authorizing the Mayor to execute Cash Farm Agreement No. 8892 with Gary Schaffner to lease the west half of Section 72 Block S, Lubbock County, Texas, further referenced as Lubbock County Farm Service Agency Farm No. 1980.
- 5.19. **Contract Amendment Resolution – Water Utility: Resolution No. 2009-R0116** authorizing the Mayor to execute Change Order No. 4 to Contract No. 8119 with Eagle Contracting L.P., Southeast Water Reclamation Plant Improvements Project, for revisions to ferric chloride feed piping and additional work required to support an electrical duct bank.
- 5.20. **Ordinance 2nd 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.

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

- 5.12; 6.5- 6.9; 6.1-6.4; 6.10; 6.11

6. REGULAR AGENDA

- 5.12. **Resolution - Right-of-Way: Resolution No. 2009-R0117** authorizing the Mayor to execute a resolution releasing 0.345 acres of Texas Department of Transportation surplus right-of-way for sale to the abutting landowner, Retail West One L.P., 6002 Marsha Sharp Freeway.

Dave Booher gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to approve Resolution No. 2009-R0117 as recommended by staff. Motion carried 7 Ayes, 0 Nays.

- 6.5. **Resolution - Planning: Resolution No. 2009-R0118** creating a Complete Count Committee responsible for supporting and supplementing the mass communication effort of the Census Bureau by attempting to reach all segments of Lubbock's total population for the 2010 United States Census of Population and Housing.

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

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Gilbreath to approve Resolution No. 2009-R0118 as recommended by staff. Motion carried 7 Ayes, 0 Nays.

- 6.6. Resolution - Planning: Consider a resolution appointing members to the Lubbock Complete Count Committee responsible for supporting and supplementing the mass communication effort of the Census Bureau by attempting to reach all segments of Lubbock's total population for the 2010 United States Census of Population and Housing.**

This item was continued to the April 9, 2009 Regular City Council Meeting.

- 6.7. 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.**

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

Gina Tubbs, Jarvis Metal Recycling, spoke in support of Council's willingness to work with them.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Ordinance No. 2009-O0015 as recommended by staff. Motion carried 7 Ayes, 0 Nays.

- 6.8. Ordinance 2nd 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.**

Motion was made by Council Member Klein, seconded by Council Member Leonard to approve Ordinance No. 2009-O0021 as recommended by staff. Motion carried 7 Ayes, 0 Nays.

- 6.9. Contract Amendment Resolution - City Council: Resolution No. 2009-R0119 authorizing the Mayor to execute Amendment No. 1 to Contract No. 8929 with Maria Elena Holly, a license agreement with regard to intellectual property rights, amending the remittance address of said license agreement.**

Motion was by Council Member Klein, seconded by Council Member Beane to approve Resolution No. 2009-R0119. Motion carried 7 Ayes, 0 Nays.

9:49 A.M. CITY COUNCIL RECESSED

10:02 A.M. CITY COUNCIL RECONVENED

City Council Chambers

6. REGULAR AGENDA(CONTINUED)

- 6.1. 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 2902 Municipal Drive, as authorized by Chapter 312 of the Tax Code.**

Mayor Martin opened the public hearing at 10:03 a.m.

Cheryl Brock, Business Research Specialist, gave a power point presentation, gave comments, and answered questions from Council.

Tom Hurley, Hurley Packaging, spoke in favor of the Ordinance. No one spoke in opposition.

Motion was made by Council Member Leonard, seconded by Council

Member Beane to approve the following findings:

- a. the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone
- b. 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.

Motion carried: 7 Ayes, 0 Nays.

Mayor Martin closed the public hearing at 10:20 a.m.

- 6.2. Reinvestment Zone Ordinance 1st Reading - Business Development: Ordinance No. 2009-O0023 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 Beane, seconded by Council Member Leonard to approve the Ordinance No. 2009-O0023 as recommended by staff.

Motion carried: 7 Ayes, 0 Nays.

- 6.3. Public Hearing 10:00 a.m. - Planning: Zone Case No. 1147-A (1610 Northeast Loop 289) Hold a public hearing to consider request of Lloyd Croslin (for Granger McDonald) for zoning change from Light Manufacturing District (M-1) to High-Rise Apartment District (A-3) for multi-family apartments on 8.133 acres of unplatted land out of Block A, Section 77, and to consider an ordinance.**

Mayor Martin opened the public hearing at 10:20 a.m.

Lloyd Croslin, Granger McDonald, spoke in favor of the zone change.

Randy Henson, Director of Planning, gave comments and answered questions from Council. No one spoke in opposition.

Mayor Martin closed the public hearing at 10:25 a.m.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Beane to approve the zone change with the deletion of the following Condition:

“THAT the apartment owner and Texland Petroleum will work together to create a complete “cage” over the pump jack, including the sides and top.”

Motion carried: 7 Ayes, 0 Nays.

6.4. Public Hearing 10:00 a.m. - Planning: Ordinance No. 2009-O0025 Zone Case No. 3118 (3425 East Kent Street) Hold a public hearing to consider request of Shane Byrd for zoning change from Transition (T) to General Retail District (C-3) for strip commercial center on 2.76 acres of unplatted land out of Block A, Section 42, and to consider an ordinance.

Mayor Martin opened the public hearing at 10:34 a.m. No one spoke in favor or in opposition. Mayor Martin closed the public hearing at 10:34 a.m.

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

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to approve Ordinance No. 2009-O0025 as recommended by staff and the Planning and Zoning Commission. Motion carried: 7 Ayes, 0 Nays.

6.10. Order and Resolution - City Council: Consider an order and resolution of the City of Lubbock, sitting as the regulatory authority pursuant to Section 103.001 of the Texas Utilities Code, setting and approving the retail gas utility rates of the West Texas Division of Atmos Energy.

This item was continued to the April 9, 2009 Regular City Council Meeting.

10:44 A.M. CITY COUNCIL RECESSED

1:00 P.M. CITY COUNCIL RECONVENED

Committee Room 103

6. REGULAR AGENDA(CONTINUED)

- 6.11. Board Appointment - City Secretary: Consider three appointments to the Animal Shelter Advisory Committee; three appointments to the Board of Health; one appointment to the Citizens Traffic Commission; three appointments to the Community Development & Services Board; seven appointments to the Keep Lubbock Beautiful Advisory Committee; and one appointment to the Urban Design & Historic Preservation Commission.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to reappoint Tom Adams, Carl Clary, and Kevin Overstreet to the Animal Shelter Advisory Committee; reappoint Kae Hentges and appoint Dr. Steven Presley and Dr. Ted Reid to the Board of Health; appoint Xavier Vela to the Citizens Traffic Commission; to appoint Abbe Quinn, Bill Curnow, and Nettie Edwards to the Community Development & Services Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to reappoint Maria Arciniega, Scott Cheatham, James Leatherwood, and Patsy Sharbutt to the Keep Lubbock Beautiful Advisory Committee; and to appoint John White to the Urban Design and Historic Preservation Commission. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Klein, seconded by Council Member Leonard to appoint Cathy Mottet, Donna Zartman, and Norma Pike to the Keep Lubbock Beautiful Advisory Committee. Motion carried: 7 Ayes, 0 Nays.

7. WORK SESSION/BUSINESS AGENDA

- 7.1. FY 2008-09 Budget Review and Discussion, including preliminary discussion topics relating to the development of the FY 2009-10 Budget.**

Andy Burcham, Chief Financial Officer, gave a presentation regarding mid-year review of the FY 2008-09 Budget and of preliminary discussion topics relating to the development of the FY 2009-10 Budget.

There was City Council consensus to appoint Council Member Leonard, Council Member Price and Council Member Klein to work with Andy Burcham, Chief Financial Officer and Lee Ann Dumbauld, City Manager, for recommendations to present to the Council regarding the possibility of a stipend for city employees, not to exceed \$500.

2:00 P.M. CITY COUNCIL RECESSED

2:12 P.M. CITY COUNCIL RECONVENED

Committee Room 103

7. WORK SESSION/BUSINESS AGENDA(CONTINUED)

7.1. FY 2008-09 Budget Review and Discussion, including preliminary discussion topics relating to the development of the FY 2009-10 Budget. (Continued)

The Mayor and City Council discussed budget philosophies and tax rates for FY 2009-10.

Lt. Lane McClanahan, representing both the Lubbock Police Department and the Police Association, gave a presentation regarding police staffing. Dale Holton, Chief of Police, and Corey Nunley, Recruiter for Lubbock Police Department gave comments and answered questions from Council.

3:17 P.M. CITY COUNCIL ADJOURNED.

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