

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
June 11, 2009
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 11th day of June, 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 W. Leonard III, and Council Member Floyd Price.

Absent: No one.

1. CITIZEN COMMENTS

- Ysidro Gutierrez appeared before Council and expressed concerns of the proposed location of construction of the new animal shelter.

7:34 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. (Animal Services, City Secretary, Health Benefits, Parks and Recreation, Planning, 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, Civic Facilities, 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, generation, transmission and production strategies, 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 418.183(f), to deliberate information protected by V.T.C.A., Chapter 418, relating to Emergency Management and Homeland Security and to make a tape recording of said deliberations as required by V.T.C.A. Government Code, Section 418.183 (Health Department).
- 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 Building Board of Appeals , Canadian River Municipal Water Authority, Lake Alan Henry Board of Appeals, and the Urban Renewal/Neighborhood Redevelopment 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 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 Reverend Jim Gerlt, Bacon Heights Baptist Church.

Invocation was led by Reverend Jim Gerlt, Bacon Heights 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.

- Mayor Martin introduced B. J. Wilde, President of Texas Tech University Student Government Association.

3.3. Presentation of a special recognition commemorating June 2009 as Homeownership Month.

Mayor Martin introduced and gave recognition to Quincy White, Assistant City Manager; and Bill Howerton, Director of Community Development; Jim Gerlt, CDSB Chairperson; Erma Parra, Program Coordinator at Lubbock Homeowner Association; and Bill Walton, Executive Director of Lubbock Homeowner Association, for their commitment and assistance to encourage homeownership in Lubbock. Mr. White introduced a new homeowner, Irma Rodriguez, to Mayor Martin and Council Members.

3.4. Presentation of a special recognition to the Lubbock Lions Club for officially setting the Guinness World Record for the most pancakes served in an eight-hour period.

Mayor Martin introduced Peggy White, President of the Lubbock Lions Club; and Glenn Patton, Lions Club Member and Organizer of the Pancake Festival, gave recognition to the Lubbock Lions Club for officially setting the Guinness World Record for the most pancakes served in an eight-hour period.

3.5. Presentation of a special recognition to the Lubbock Tarheels Basketball Team and encouraging them as they represent Lubbock at the Amateur Athletic Union Boys National Tournament.

Mayor Martin and Council Member Price introduced and gave special recognition to Coach Renae Johns and members of the Lubbock Tarheels Basketball Team and encouraged them as they represent Lubbock at the Amateur Athletic Union Boys National Tournament.

3.6. Presentation of a special recognition commemorating June 14, 2009, as the 234th Birthday of the United States Army.

Mayor Martin introduced Captain Williams, United States Army, and gave special recognition commemorating June 14, 2009, as the 234th Birthday of the United States Army.

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

May 14, 2009, Regular City Council Meeting

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve the minutes of the May 14, 2009, Regular City Council Meeting Minutes. Motion carried: 7 Ayes, 0 Nays.

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

- *5.1-5.3; 5.5-5.7; 5.9; 5.12; 5.14-5.18; 5.4; 5.8; 5.10; 5.13; 6.1; 6.2; 6.3; 6.4; 6.5; 6.6; 6.4.*
- *No action was taken on item 5.11.*
- *Item 6.4 was considered following item 6.3 and reconsidered following item 6.6.*

5. CONSENT AGENDA

- Motion was made by Council Member Leonard, seconded by Council Member Price to approve items 5.1-5.3; 5.5-5.7; 5.9; 5.12; 5.14-5.18 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.
- 5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance 2009 - O0042, Amendment 12, amending the FY 2008-09 Operating Budget respecting the Abandoned Motor Vehicle Fund by appropriating fund balance to cover expenses related to professional services charges for towing and storage of abandoned vehicles; amend the Operating Budget and Capital Improvement Program in the Lubbock Power & Light Fund as recommended by the Electric Utility Board on May 6, 2009, and as approved by the City Council in a meeting conducted pursuant to Section 551.086 of the Texas Government Code; respecting the Grant Fund by accepting and appropriating \$5,726 from the Texas Department of State Health Services for Community Preparedness Section - Bioterrorism Discretionary Fund Projects; and respecting the Capital Improvement Program to create a new project for a permanent traffic count station, and to amend the 50th Street – Slide Road/Loop 289 Project.**
- 5.1.1 Contract Resolution - Health: Resolution No. 2009-R0222 authorizing the Mayor to execute Contract 2009-031214 with the Texas Department of State Health Services for the Community Preparedness Section and Bioterrorism Discretionary Fund Phase II Projects.**
- 5.2. Ordinance Amendment 2nd Reading - Building Inspection: Ordinance 2009-O0043 amending Chapter 6, Article V, Division 6, Section 6-242 of the Lubbock Code of Ordinances, 2008 National Electrical Code, to meet certain local conditions.**
- 5.3. Ordinance 2nd Reading - Planning: Ordinance 2009-O0044, Zone Case 1640-A, (South of East Lehigh Street and East of North Globe Avenue) request of Lloyd Croslin, for Jim Hogan, for zoning change from Light Manufacturing District (M-1) to Heavy Manufacturing District (M-2) on six acres of unplatted land out of Section 77, Block A.**

- 5.5. Ordinance 2nd Reading - Planning: Ordinance 2009-O0046, Zone Case 3003-A, (South of 98th Street and East of Kline Avenue) request of Hugo Reed and Associates, for Fountain Hills, L.P., for zoning change from Single-Family District (R-1) Specific Use to Garden Office District (GO) on 6 acres of unplatted land located in Section 21, Block AK.**
- 5.6. Ordinance 2nd Reading - Planning: Ordinance 2009-O0047, Zone Case 3120, (3102, 3106, 3108, 3110, and 3119 Erskine Street) request of Our Lady of Grace Catholic Church for a zoning change from Single-Family District (R-1) to High-Density Apartment District (A-2) limited to church and church related uses on Lots 1-9 Block 34 Eva M. Rice Addition and Lots 1-5, Block 9, Tech Gardens Addition.**
- 5.7. Ordinance 2nd Reading - Planning: Ordinance 2009-O0048, Zone Case 3121, (Southwest corner of Frankford Avenue and 130th Street) request of Hugo Reed and Associates, for Ford Development, for a zoning change from Transition (T) to General Retail District (C-3) on ten acres of unplatted land out of Section 8, Block AK.**
- 5.9. Resolution and Order - Business Development: Resolution No. 2009-R0223 and order, approving the method of assessment classification for the Quincy Park Public Improvement District and calling for a public hearing on July 8, 2009.**
- 5.12. Resolution Amendment – Water Utility: Resolution No. 2009-R0230 authorizing the Mayor to execute Amendment 2 to the Llano Estacado (Region O) 2006 Regional Water Plan to provide for changes and additions to the City of Lubbock’s water supply management strategies related to the North Fork Diversion Operation, the Lake Alan Henry Water Supply to Lubbock, and the Post Reservoir water supply alternatives.**
- 5.14. Resolution - Right-of-Way: Resolution No. 2009-R0225 authorizing the Mayor to release a 0.431 acre tract portion of Texas Department of Transportation Interstate-27 surplus right-of-way for sale to the abutting property owner, 6021 Avenue A.**
- 5.15. Alley Use License Resolution - Right-of-Way: Resolution No. 2009-R0226 authorizing the Mayor to execute an alley use license with South Plains Community Action Association, Inc., to use a portion of a dedicated alley to install six bollards, located at 1946 Avenue Q.**
- 5.16. Ordinance 1st Reading - Right-of-Way: Ordinance No. 2009-O0050 abandoning and closing three Lubbock Power & Light switch enclosure easements located in K Mart Plaza Addition, 5835 16th Street.**
- 5.17. Contract Resolution - Airport: Resolution No. 2009-R0227 and Resolution No. 2009-R0228 authorizing the Mayor to execute Contracts 9029 and 9032 with ThyssenKrupp Elevator for the modernization of the Airport Terminal Building administration and host passenger elevators.**

- 5.18. Contract Resolution - Fire: Resolution No. 2009-R0229 authorizing the Mayor to execute purchase order Contract 347986 with DACO Fire Equipment for self contained breathing apparatus units and related accessories, BID 09-050-FO.**

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

- 5.4; 5.8; 5.10; 5.13; 6.1; 6.2; 6.3; 6.4; 6.5; 6.6; 6.4.
- No action was taken on item 5.11.
- Item 6.4 was considered following item 6.3 and reconsidered following item 6.6.

REGULAR AGENDA

- 5.4. Ordinance 2nd Reading - Planning: Ordinance 2009-O0045, Zone Case 2565-B, (West of Ash Avenue, South of East Lehigh Street, and North of Erskine Street). Consider request of the City of Lubbock for zoning change from Interstate Highway Industrial District (IHI) to Light Manufacturing District (M-1) on Lots 5-7 and the south 60-feet of Lot 4, Block 5 Riverlawn Addition, Tract A PK Addition, Lot 2 Double R Addition, Lot 1 D-W Addition, and 5.61 acres of unplatted land out of Block A Section 15.**

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Ordinance No. 2009-O0045 as recommended by staff and the Planning and Zoning Commission. Motion carried: 6 Ayes, 1 Nay. Council Member Leonard voted nay.

- 5.8. Ordinance 2nd Reading - Planning: Ordinance 2009-O0049, Zone Case 3122, (302 Interstate-27). Consider request of Thomas L. Adams, for the City of Lubbock, for zoning change from Single-Family District (R-1) to R-1 Specific Use for an animal shelter in Section 79, Block A.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Ordinance No. 2009-O0049 as recommended by staff and the Planning and Zoning Commission. Motion carried: 6 Ayes, 1 Nay. Council Member Leonard voted nay.

- 5.10. Contract Resolution – Health: Resolution No. 2009-R0230 authorizing the Mayor to execute Contract 9034, an interlocal agreement with Lubbock County, for the City of Lubbock to provide vector control services outside the Lubbock city limits.**

Lee Ann Dumbauld, City Manager; and Nancy Haney, Health Department 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-R0230 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.11. Contract Resolution - Civic Facilities: Consider a resolution authorizing the Mayor to execute Contract 8905 with Kirkpatrick Architecture Studio for professional design and engineering services for renovations and improvements to the City Bank Auditorium, RFQ 09-713-DD.**

No action was taken.

- 5.13. Contract Resolution - Water Utility: Resolution No. 2009-R0231 authorizing the Mayor to execute a professional engineering Contract 8806 with HDR, Inc., for evaluating the feasibility of the proposed locations of Lake 7 and Post Reservoir, RFQ 09-704-BM.**

Thomas L. Adams, Deputy City Manager, 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-R0231 as recommended by staff and the Lubbock Water Advisory Commission. Motion carried: 7 Ayes, 0 Nays.

9:47 A.M. CITY COUNCIL RECESSED.

10:04 P.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 consider an ordinance to levy the assessment for the North Overton Public Improvement District, which boundary includes a portion of an area between Fourth Street on the North, Avenue Q to the East, Broadway Street on the South, and University Avenue to the West.**

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

Mayor Martin opened the public hearing at 10:06 a.m.

No one spoke in favor or in opposition.

Mayor Martin closed the public hearing at 10:07 a.m.

- 6.2. Ordinance 1st Reading - Business Development: Ordinance No. 2009-O0051 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Overton Public Improvement District; approving, adopting and filing with the City Secretary the Assessment Roll; closing the hearing and levying assessments based on the revised Service Plan for the cost of certain services and/or improvements to be provided in the Public Improvement District during 2009.**

Rob Allison, Development Services Assistance City Manager; and Cheryl Brock, Business Research Specialist, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Ordinance No. 2009-O0051 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.3. Contract Resolution - Finance: Resolution No. 2009-R0232 and Resolution No. 2009-R0233 authorizing the Mayor to execute Contract 8975 with Mc & H Life Agency, McQueary Henry Bowles Troy, LLP, to obtain competitive proposals and coverages from a broad health insurance and services market, and Contract 8976 with Milliman Actuarial Services, McQueary Henry Bowles Troy, LLP, to provide actuarial services for recommending adequate limits of coverage and funding methodologies.**

Doug Sanford, Sanford and Tatum Insurance Agency; and Travis Sarden, McQueary Henry Bowles Troy, LLP, appeared before Council and answered questions.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0232 and Resolution No. 2009-R0233 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Member Beane and Council Member Leonard voted nay.

10:25 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

(Mayor Martin announced that Council would reconvene in Regular Session at 6:00 p.m.)

6:00 P.M. CITY COUNCIL RECONVENED

City Council Chambers

Present: Mayor Tom Martin; Mayor Pro Tem Jim Gilbreath; Council Member Linda DeLeon; Council Member Floyd Price; Lee Ann Dumbald, City Manager; Rebecca Garza, City Secretary; and Don Vandiver, City Attorney.

Absent: Council Member Paul R. Beane; Council Member Todd Klein; Council Member John W. Leonard III.

(Council Member Klein arrived at 6:06 p.m. during discussion of item 6.5)

6. REGULAR AGENDA (CONTINUED)

- 6.4. Board Appointments - City Secretary: Consider one appointment to the Appointments Advisory Board; four appointments to the Building Board of Appeals; one appointment to the Canadian River Municipal Water Authority; four appointments to the Citizens Traffic Commission; three appointments to Civic Lubbock, Inc. Board of Directors; one appointment to the Community Development and Services Board; one appointment to the Lake Alan Henry Board of Appeals; four appointments to the Lubbock Water Advisory Commission; and one appointment to the Urban Renewal/Neighborhood Redevelopment Commission.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to appoint David Haynes to the Appointments Advisory Board; to reappoint Terry Drum and Rodney Roberts, and appoint Billy Hall and Jay Young to the Building Board of Appeals; to reappoint Jim Collins to the Canadian River Municipal Water Authority; to reappoint Sarah Barfield and appoint Scott Gibson, Russell Madison and Kenneth Sylvester to the Citizens Traffic Commission; to appoint Barbara Robertson to the Community Development & Services Board; to reappoint Jim Collins, Mike Liner, Ronald Phillips and Ted Willis to the Lubbock Water Advisory Commission; and to appoint Christine Covington to the Urban Renewal/Neighborhood Redevelopment Commission. Motion carried: 4 Ayes, 0 Nays.

No action was taken on appointments to the Civic Lubbock, Inc. Board of Directors and the Lake Alan Henry Board of Appeals.

Note: Motion to reconsider appointments to Lubbock Water Advisory Commission was taken following item 6.6; however motion failed.

- 6.5. Public Hearing 6:00 p.m. - Community Development: Hold a public hearing for consideration of the 2009-13 Consolidated Plan as recommended by the Community Development and Services Board.**

Council Member Klein arrived at the dais at 6:06 p.m.

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

Mayor Martin opened the public hearing at 6:07 p.m.

No one spoke in favor or in opposition.

Mayor Martin closed the public hearing at 6:08 p.m.

- 6.6. Public Hearing 6:00 p.m. - Community Development: Hold a public hearing for consideration of the Community Development and Services Board's recommendations for the program funding of the FY 2009-10 Community Development Block Grant, Home Investment Partnership Program, Emergency Shelter Grant Program, and previously generated program income.**

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

Mayor Martin opened the public hearing at 6:08 p.m.

No one spoke in favor or in opposition.

Mayor Martin closed the public hearing at 6:08 p.m.

- 6.4. Board Appointments - City Secretary: Consider one appointment to the Appointments Advisory Board; four appointments to the Building Board of Appeals; one appointment to the Canadian River Municipal Water Authority; four appointments to the Citizens Traffic Commission; three appointments to Civic Lubbock, Inc. Board of Directors; one appointment to the Community Development and Services Board; one appointment to the Lake Alan Henry Board of Appeals; four appointments to the Lubbock Water Advisory Commission; and one appointment to the Urban Renewal/Neighborhood Redevelopment Commission.**

Motion was made by Council Member Klein, seconded by Council Member Price to reconsider appointments to the Lubbock Water Advisory Commission. Motion failed: 3 Ayes, 2 Nays. Mayor Martin and Mayor Pro Tem Gilbreath voted Nay.

6:15 P.M. CITY COUNCIL ADJOURNED.

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