

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

The City Council of the City of Lubbock, Texas met in regular session on the 5th day of November, 2009, in City Council Chambers, 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 R. Klein, Council Member John W. Leonard III, and Council Member Floyd Price.

Absent: No one.

1. CITIZEN COMMENTS

1.1. Mike Haggard will appear before the City Council to discuss moving the Tara House.

Mike Haggard was unable to attend.

▪ **The following signed up to speak before Council.**

Melanie Tatum appeared before Council and expressed concerns of dangerous dog cases and the enforcement of pet owners' responsibility.

Mickey Jones appeared before Council and expressed concerns regarding public service announcements about city ordinances.

Dewitt Pritty appeared before Council and expressed concerns regarding enforcement of the noise ordinances.

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.

- 2.1.1 Police**
- 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.**
 - 2.2.1 Right-of-Way**
 - 2.2.2 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 and take appropriate action.**
 - 2.3.1 City Manager**
 - 2.3.2 City Attorney**
 - 2.3.3 City Secretary**
 - 2.3.4 Health Benefits**
- 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, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic business plans, asset purchase agreements and studies of Lubbock Power and Light**
- 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 Electric Utility Board, Structural Standards Commission, and the West Texas Municipal Power Agency Board of Directors.**

8:45 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 R. Klein; Council Member John W. Leonard III; Council Member Floyd Price; Lee Ann Dumbauld, City Manager; Rebecca Garza, City Secretary; and Sam Medina, City Attorney.

Absent: No one.

3. PROCLAMATIONS AND PRESENTATIONS

Items 3.1-3.5 were addressed following item 5.17.

4. MINUTES

4.1. October 6, 2009, Special City Council Meeting October 8, 2009, Regular City Council Meeting

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve the October 6, 2009 Special City Council Meeting Minutes and the October 8, 2009 Regular City Council Meeting minutes. Motion carried: 7 Ayes, 0 Nays.

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

- *5.1-5.1.2; 5.3-5.6; 5.8-5.16; 5.19; 5.22-5.39; 5.41; 5.2; 5.7; 5.17; 3.1-3.5; 5.18; 5.20; 5.21; 5.40; 6.2-6.7; and 6.1.*
- *Item 5.21 had no action taken.*

5. CONSENT AGENDA

- Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to approve items 5.1-5.1.2; 5.3-5.6; 5.8-5.16; 5.19; 5.22-5.39; and 5.41 on consent agenda. Motion carried: 7 Ayes, 0 Nays.

5.1. Budget Ordinance Amendment 2nd Reading - Finance: Ordinance No. 2009-O0102 amending the Adopted FY 2009-10 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of Housing and Community Affairs for the Texas Neighborhood Stabilization Program; accept and appropriate from the Division of Emergency Management for the Homeland Security - Metropolitan Medical Response System Grant; respecting the Capital Program by establishing a capital project for the North Overton Tax Increment Financing Reinvestment Zone (TIF) for parkway landscaping; establish a capital project for construction of Slide Road from Marshall Street to United States Highway 84; and establish a capital project for the Central Business District TIF public utility engineering and coordination.

5.1.1 Contract Resolution - Community Development: Resolution No. 2009-R0456 authorizing the Mayor to execute Contract 77090000160 with the Texas Department of Housing and Community Affairs for the Texas Neighborhood Stabilization Program.

- 5.1.2 Contract Resolution - Emergency Management: Resolution No. 2009-R0457 authorizing the Mayor to execute the 2009 Sub-recipient Grant Agreement, Federal Grant Award 2009-SS-T9-0064, with the Texas Division of Emergency Management.**
- 5.3. Notice of Intention Resolution - Finance: Resolution No. 2009-R0458 authorizing publication of Notice of Intention to issue Combination Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2010, for projects related to construction of a raw water transmission line, pump station, and water treatment plant improvements.**
- 5.4. Notice of Intention Resolution - Finance: Resolution No. 2009-R0459 authorizing publication of notices of intention to issue General Obligation Bonds and Tax and Waterworks System Surplus Revenue Certificates of Obligation.**
- 5.5. Resolution - Finance: Resolution No. 2009-R0460 authorizing the refunding of Canadian River Municipal Water Authority Contract Revenue and Refunding Bonds, Series 1999 (Conjunctive Use Groundwater Supply Project).**
- 5.6. Resolution - Finance: Resolution No. 2009-R0461 authorizing the refunding of Canadian River Municipal Water Authority Contract Revenue and Refunding Bonds, Series 1999 (Bureau of Reclamation Prepayment Project).**
- 5.8. Contract Resolution - Water Utility: Resolution No. 2009-R0462 authorizing the mayor to execute purchase order Contract 355818 to Brandon & Clark for the purchase of two induction motors.**
- 5.9. Contract Resolution – Water Utility: Resolution No. 2009-R0463 authorizing the Mayor to execute Change Order 8 to Contract 8119 with Eagle Contracting L.P. for the Southeast Water Reclamation Plant Improvement Project.**
- 5.10. Contract – Wastewater Utility: Resolution No. 2009-R0464 authorizing the Mayor to execute an Amended and Restated Contract for the Sale and Purchase of Treated Sewage Effluent Water with Southwestern Public Service Company.**
- 5.11. Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2009-O0103 abandoning and closing a 20-foot wide underground easement in A W Blankenship 1 Addition to the City of Lubbock, 330 University Avenue.**
- 5.12. Contract Resolution - Traffic Engineering: Resolution No. 2009-R0465 authorizing the Mayor to execute Contract 9217 with the Lubbock Metropolitan Planning Organization (LMPO) for professional services to provide information and crash data to update the LMPO's Congestion Management Plan.**

- 5.13. **Contract Resolution- Traffic Engineering: Resolution No. 2009-R0466** authorizing the Mayor to execute purchase order Contract 355857 with Osburn Associates for sign blanks used for street name markers, BID 09-087-RH.
- 5.14. **Contract Amendment Resolution - Public Works: Resolution No. 2009-R0467** authorizing the Mayor to execute Amendment 2 to professional services Contract 8664 with Kimley-Horn and Associates for Indiana Avenue Paving Improvements from 103rd Street to Farm-to-Market 1585 (130th Street), RFQ 08-732-BM.
- 5.15. **Contract Resolution – Public Works Engineering: Resolution No. 2009-R0468** authorizing the Mayor to execute Contract 0783-02-065 an advanced funding agreement with the Texas Department of Transportation for the widening of West Loop 289 and the reconstruction of the West Loop 289 and State Highway 114 (19th Street) interchange.
- 5.16. **Ordinance 2nd Reading - Planning: Ordinance No. 2009-O0104, Zone Case 2931-B (5502 Auburn Street), request of KLR Properties, L.L.C., (for First Pentecostal Church) for a zoning change from High Density Apartment District (A-2) to Garden Office District (GO) for a medical office on 5.82 acres out of Tract A, Light of the World Addition.**
- 5.19. **Contract Resolution - Airport: Resolution No. 2009-R0469** authorizing the Mayor to execute Contact 9002 with Parkhill Smith & Cooper, Inc., for architectural/engineering services for Lubbock Preston Smith International Airport Improvement Projects, RFQ-09-720-DD.
- 5.22. **Contract Amendment Resolution - Community Development: Resolution No. 2009-R0470** authorizing the Mayor to execute an Amendment to Contract 9293 with the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program to fund energy assistance programs.
- 5.23. **Contract Resolution - Community Development: Resolution No. 2009-R0471** authorizing the Mayor to execute Contract 9291 with the United States Department of Housing and Urban Development for the HOME Investment Partnerships Grant.
- 5.24. **Contract Resolution - Community Development: Resolution No. 2009-R0472** authorizing the Mayor to execute Community Development Funding Contract 9262 with the Community Housing Resource Board from the HOME Partnership Grant for the Lease Purchase Program.
- 5.25. **Contract Resolution - Community Development: Resolution No. 2009-R0473** authorizing the Mayor to execute Community Development Funding Contract 9263 with the Community Housing Resource Board from the HOME Partnership Grant for operations and administration.

- 5.26. Contract Resolution - Community Development: Resolution No. 2009-R0474 authorizing the Mayor to execute Community Development Funding Contract 9264 with the North and East Lubbock Community Development Corporation from the HOME Partnership Grant for the Home Buyer Down Payment Assistance Program.**
- 5.27. Contract Resolution - Community Development: Resolution No. 2009-R0475 authorizing the Mayor to execute Contract 9292 with the United States Department of Housing and Urban Development for the Community Development Block Grant.**
- 5.28. Contract Resolution - Community Development: Resolution No. 2009-R0476 authorizing the Mayor to execute Community Development Funding Contract 9288 with the McDonald Transit Associates, Inc., d.b.a. Citibus, from the Community Development Block Grant for paratransit service.**
- 5.29. Contract Resolution - Community Development: Resolution No. 2009-R0477 authorizing the Mayor to execute Community Development Funding Contract 9285 with WorkForce Solutions of the South Plains from the Community Development Block Grant for child care services.**
- 5.30. Contract Resolution - Community Development: Resolution No. 2009-R0478 authorizing the Mayor to execute Community Development Funding Contract 9289 with the Lubbock Boys and Girls Clubs from the Community Development Block Grant to fund the Youth Summer Program.**
- 5.31. Contract Resolution - Community Development: Resolution No. 2009-R0479 authorizing the Mayor to execute Community Development Funding Contract 9286 with the Communities In Schools on the South Plains from the Community Development Block Grant for an in-school prevention and intervention program.**
- 5.32. Contract Resolution - Community Development: Resolution No. 2009-R0480 authorizing the Mayor to execute Community Development Funding Contract 9284 with the YWCA from the Community Development Block Grant for an educational and recreational program.**
- 5.33. Contract Resolution - Community Development: Resolution No. 2009-R0481 authorizing the Mayor to execute Community Development Funding Contract 9283 with YWCA from the Community Development Block Grant for child care services.**
- 5.34. Contract Resolution - Community Development: Resolution No. 2009-R0482 authorizing the Mayor to execute Contract 9290 with the United States Department of Housing and Urban Development for the Emergency Shelter Grant.**

- 5.35. **Contract Resolution - Community Development: Resolution No. 2009-R0483 authorizing the Mayor to execute Community Development Funding Contract 9282 with the Alcoholic Recovery Center from the Emergency Shelter Grant for facility operations.**
- 5.36. **Contract Resolution - Community Development: Resolution No. 2009-R0484 authorizing the Mayor to execute Community Development Funding Contract 9281 with the Family Promise of Lubbock from the Emergency Shelter Grant for facility operations.**
- 5.37. **Contract Resolution - Community Development: Resolution No. 2009-R0485 authorizing the Mayor to execute Community Development Funding Contract 9280 with Vandelia Church of Christ from the Emergency Shelter Grant for homeless prevention.**
- 5.38. **Contract Resolution - Community Development: Resolution No. 2009-R0486 authorizing the Mayor to execute Community Development Funding Contract 9279 with the Women's Protective Services from the Emergency Shelter Grant for essential services.**
- 5.39. **Contract Resolution - Information Technology: Resolution No. 2009-R0487 authorizing the Mayor to execute professional services Contract 9278 with Denovo Ventures, L.L.C., for the purchase of professional consulting services for the migration and training of an updated JD Edwards Financial System.**
- 5.41. **Contract Resolution - Emergency Management: Resolution No. 2009-R0488 authorizing the Mayor to execute Contract 355731 for the purchase of a rapidly deployable air shelter system for the Regional Incident Management Team on forward deployments and for local catastrophic events.**

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

- *5.2; 5.7; 5.17; 3.1-3.5; 5.18; 5.20; 5.21; 5.40; 6.2-6.7; and 6.1.*
- *Item 5.21 had no action taken.*

6. REGULAR AGENDA

- 5.2. **Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2009-O0105 amending the Adopted FY 2009-10 Budget respecting the Grant Fund to accept and appropriate funding from the Lubbock Emergency Communication District for the Public Safety Answering Points Grant; accept and appropriate from the Texas Department of State Health Services for the Infectious Disease Control Unit; accept and appropriate from the Texas Department of Transportation for Regionally**

Coordinated Transportation Planning; respecting the capital program to amend the North Overton Tax Increment Financing Reinvestment Zone Capital Improvement Project Fund; and amend Capital Improvement Project 8551, Geographic Information System Orthophotos and Contours.

Dale Holton, Chief of Police; Christy Hennesley, Communications Manager; and Marsha Reed, Chief Operations Manager, 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-O0105. Motion carried: 7 Ayes, 0 Nays.

5.7. Contract Resolution – Finance: Resolution No. 2009-R0489 authorizing the Mayor to execute Contract 9250 with Collectech Diversified for financial collection services, RFP 09-092-DT.

Pam Moon, Director of Accounting, 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-R0489. Motion carried: 7 Ayes, 0 Nays.

5.17. Contract Resolution - Planning: Resolution No. 2009-R0490 authorizing the Mayor to execute Contract 9254 with the Sanborn Map Company for aerial photography and digital orthophotography and other Geographic Information System data, RFP 09-089-MA.

Sally Abbe, Geographic Information Systems Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0490. Motion carried: 7 Ayes, 0 Nays.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Dale Bell, Central Lubbock Church of Christ

Pastor Dale Bell was unable to attend. Council Member Price led the invocation.

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 Alzheimer's Association commemorating November 2009 as National Alzheimer's Disease Awareness Month

Mayor Pro Tem Gilbreath presented special recognition to Lori Gillman, Stephanie Parkins, and other representatives of the Alzheimer's Association commemorating November 2009 as National Alzheimer's Disease Awareness Month.

3.4. Presentation of a special recognition to Lubbock Police Department dispatchers/telecommunicators for handling 9-1-1 calls.

Mayor Pro Tem Gilbreath presented special recognition to Lubbock Police Department dispatchers/telecommunicators for handling 9-1-1 calls and recognized the following for awards and nominations.

Telecommunicator of the Year:

JoAnna Garza

Team Merit Award nominees:

Jacob Ashdown

Valentino Barela

Melissa Budensiek (unable to attend)

Chris Eledge

Jacy Goolsby (unable to attend)

Staci Gray (unable to attend)

Jackie Hamby (unable to attend)

Patrick Luz (unable to attend)

Patricia Ramsey

Troy Shelton (unable to attend)

Cynthia Stoker (unable to attend)

Ashlee Ware (unable to attend)

Silent Hero Award:

Patricia Ramsey

3. BOARD RECOGNITIONS

3.5. Civil Service Commission:

Dawn Moore (unable to attend)

Model Codes & Construction Advisory Board:

Dr. Berhl Robertson (unable to attend)

6. REGULAR AGENDA (CONTINUED)

5.18. Contract Resolution - Business Development: Resolution No. 2009-R0491 authorizing the Mayor to execute Contract 9260 with Tom's Tree Place for maintenance of the public right-of-way and replacement of grass between Avenue S and Avenue U.

Rob Allison, Assistant City Manager of Development Services, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member DeLeon to approve Resolution No. 2009-R0491. Motion carried: 7 Ayes, 0 Nays.

- 5.20. Contract Resolution - Solid Waste: Resolution No. 2009-R0492 authorizing the Mayor to execute Contract 9249 with T.F.R. Enterprises for grinding 87,500 cubic yards of wood waste located at the Municipal Solid Waste 69 Landfill at 8425 North Avenue P and 5,800 cubic yards of tree waste located at Meadowbrook Golf Course, BID 09-084-FO.**

James W. Loomis, Assistant City Manager of Transportation, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0492. Motion carried: 7 Ayes, 0 Nays.

- 5.21. Contract Resolution - Animal Services: Consider a resolution authorizing the Mayor to execute Contract 9096 with Hill's Pet Nutrition, Inc., to provide pet food free of charge to the animal shelter.**

No action was taken.

- 5.40. Contract Resolution - Emergency Management: Resolution No. 2009-R0493 authorizing the Mayor to execute Contract 9251 with Angel Staffing to provide nursing personnel to administer vaccine during health department-sponsored clinics in conjunction with the public school districts in Lubbock County.**

Rhea Cooper, Fire Chief, and Bridgett Faulkenberry, Environmental Specialist, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member DeLeon to approve Resolution No. 2009-R0493. Motion carried: 7 Ayes, 0 Nays.

- 6.2. Variance Resolution - Planning: Resolution No. 2009-R0494 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance No. 2009-O0060 at the location of 2403 9th Street, Suite 200 (9th Street and Avenue X) for LKM Matador Holdings, LLC, a business requesting an off-premise alcoholic beverage permit.**

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 Resolution No. 2009-R0494. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

- 6.3. Variance Resolution - Planning: Resolution No. 2009-R0495 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance No. 2009-O0060 at the location of 2403 9th Street, Suite 100 (9th Street and Avenue X) for LKM Holdings, LLC, a business requesting an on-premise alcoholic beverage permit.**

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 Resolution No. 2009-R0495. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

- 6.4. Variance Resolution - Planning: Resolution No. 2009-R0496 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance No. 2009-O0060 at the location of the Smokehead Shop located at 1619 University Avenue, a business requesting an off-premise alcoholic beverage permit.**

Randy Henson, Director of Planning, and Rhonda Hamilton, owner of Smokehead Shop, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Resolution No. 2009-R0496. Motion carried: 4 Ayes, 3 Nays. Mayor Martin and Council Members Beane and Leonard voted nay.

- 6.5. Resolution - Public Works Engineering: Resolution No. 2009-R0497 allowing islands in public streets in the Orchard Park Addition, between Quaker Avenue and Memphis Avenue and between 107th Street and 114th Street.**

Marsha Reed, P.E., Chief Operating Officer, gave a presentation. Corey Dulin, Engineer for the Orchard Park Addition, 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-R0497. Motion carried: 5 Ayes, 2 Nays. Council Members Klein and Price voted nay.

- 6.6. Minuted Action - Health Benefits: Consider a request by a City of Lubbock retired employee for an exception to the City Employee Benefits Plan, and take appropriate action.**

Motion was made by Council Member Leonard, seconded by Council Member Beane to approve Item 6.6. Motion carried: 7 Ayes, 0 Nays.

- 6.7. Board Appointments - City Secretary: Consider one appointment to the Animal Shelter Advisory Committee, five appointments to the Electric Utility Board, three appointments to the Structural Standards Commission, and one appointment to the West Texas Municipal Power Agency Board of Directors.**

- Motion was made by Council Member Leonard, seconded by Council Member Klein to make the following appointments:

Animal Shelter Advisory Committee: Appoint Jamie Whittenburg

Electric Utility Board: Reappoint W.R. Collier, Mike Davis, Loyd Rhinehart, Craig Wells, and appoint Gail Kring.

Structural Standards Commission: Reappoint James Valles, Robert Rodriguez, and appoint Natalie Harvill.

West Texas Municipal Power Agency Board of Directors: Reappoint Gary Zheng.

10:31 A.M. CITY COUNCIL RECESSED

10:42 A.M. CITY COUNCIL RECONVENED

Council Chambers

- 6.1. Petition Annexation Public Hearing 10:00 a.m. - Planning: Conduct a public hearing and review a petition by the Family Harvest Church to annex a 50-acre parcel of land, north of the Brownfield Highway and west of Upland Avenue, adjacent to the existing City limits; and consider a resolution granting the Petition for Annexation and directing the City of Lubbock Planning Department to prepare an annexation ordinance for consideration by the City Council at a future City Council Meeting.**

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

Mayor Martin opened the public hearing at 10:43 a.m.

Corey Dulin, representative of Family Harvest Church appeared and spoke in favor. No one appeared to speak in opposition.

Mayor Martin closed the public hearing at 10:44 a.m.

Motion was made by Council Member Klein, seconded by Council Member DeLeon to approve the petition. Motion carried: 7 Ayes, 0 Nays.

10:44 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

11:50 A.M. CITY COUNCIL ADJOURNED

There being no further business to come before Council, Council Member Leonard adjourned the meeting.