

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
November 19, 2009
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 19th 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

Melanie Tatum and Mickey Jones appeared before Council and expressed concerns regarding dangerous dog cases and enforcement of owners' responsibilities.

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.

2.1.1 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.

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**

- 2.4. 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 Central Business TIF Reinvestment Zone Board of Directors, Health/Educational Facilities Development Corporation Board of Directors, Lake Alan Henry Board of Appeals and the Lubbock Emergency Communications District Board of Managers.**

8:44 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 3.1-3.4 were addressed following item 5.22.

4. MINUTES

- 4.1. October 20, 2009, Regular City Council Meeting**
October 29, 2009, Special City Council Meeting

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve the October 20, 2009 Regular City Council Meeting Minutes and the October 29, 2009 Special 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:

- *5.1-5.10; 5.12-5.18; 5.20; 5.21; 5.23-5.26; 5.11; 5.19; 5.22; 3.1-3.4; 6.2-6.4; and 6.1.*

5. CONSENT AGENDA

- Motion was made by Council Member Klein, seconded by Council Member DeLeon to approve items 5.1-5.10; 5.12-5.18; 5.20; 5.21; and 5.23-5.26 on consent agenda. Motion carried: 7 Ayes, 0 Nays.

5.1. Budget Amendment Ordinance 2nd 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/FLU-LAB; accept and appropriate from the Texas Department of Transportation for Regionally Coordinated Transportation Planning; respecting the Capital Program to amend Capital Improvement Project 8551, Geographic Information System Orthophotos and Contours; amend Capital Improvement Project 90141, South Lubbock Storm Sewer Project, and Capital Improvement Project 92174, Northwest Lubbock and Maxey Park Project; and amend the North Overton Tax Increment Financing Reinvestment Zone Capital Improvement Project Fund.

5.1.1 Resolution - Police: Resolution No. 2009-R0505 accepting the Lubbock Emergency Communication District Public Safety Answering Points Grant from the Lubbock Communication District.

5.1.2 Contract Resolution - Health: Resolution No. 2009-R0506 authorizing the Mayor to execute Contract 2010-031538 with the Texas Department of State Health Services for Infectious Disease Control Unit/FLU-LAB.

5.1.3 Contract Resolution - Citibus: Resolution No. 2009-R0507 authorizing the Mayor to execute Section 5304 Grant Contract 510XXF7005 with the Texas Department of Transportation to assist with regional coordination planning.

- 5.1.4 Contract Resolution - Planning: Resolution No. 2009-R0508 authorizing the Mayor to execute Contract 9259 with the Lubbock Metropolitan Planning Organization for geographic and demographic data collection, analysis, and mapping services.**
- 5.1.5 Contract Resolution - Storm Water: Resolution No. 2009-R0509 authorizing the Mayor to execute Contract 6759 with Parkhill, Smith & Cooper for engineering services to the Northwest Lubbock Drainage Improvements Project.**
- 5.2. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2009-O0106 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 Weatherization Assistance Program; accept and appropriate from the Texas State Library and Archives Commission for the Loan Star Libraries Grant; accept and appropriate from the Brown Foundation for a web-based catalog system; respecting the capital program to amend the Public Safety Capital Program to include the capital projects approved in the 2009 bond election as detailed in Exhibit A; and amend the Streets Capital Program by adding the capital projects approved in the 2009 Bond Election as detailed in Exhibit B.**
- 5.3. Notice of Assignment Resolution - Finance: Resolution No. 2009-R0510 authorizing the Mayor to execute a Notice and Acknowledgement of Assignment and Sale with Banc of America Public Capital Corp for rights, title, and interest into and under Appendix 8872-220, Part 1 Equipment List in the amount of \$507,994 and Part 2 Payment Schedule to the Master Lease Agreement to Wells Fargo Equipment Finance.**
- 5.4. Notice of Assignment Resolution - Finance: Resolution No. 2009-R0511 authorizing the Mayor to execute a Notice and Acknowledgement of Assignment and Sale with Banc of America Public Capital Corp for rights, title, and interest into and under Appendix 8872-219, Part 1 Equipment List in the amount of \$7,593,118 and Part 2 Payment Schedule to the Master Lease Agreement to Capital One Public Funding LLC.**
- 5.5. Contract Amendment Resolution - Risk Management: Resolution No. 2009-R0512 authorizing the Mayor to execute Amendment 1 to Contract 7185 with Blue Cross Blue Shield of Texas for medical administrative services.**
- 5.6. Contract Resolution - Risk Management: Resolution No. 2009-R0513 authorizing the Mayor to execute Contract 9265 with MaxorPlus, Ltd., for pharmacy benefit management services, RFP 10-002-MA.**

- 5.7. **Contract Resolution - Risk Management: Resolution No. 2009-R0514** authorizing the Mayor to execute Contract 9266 with HM Life Insurance Company for the purchase of specific and aggregate stop loss insurance coverage.
- 5.8. **Contract Resolution - Risk Management: Resolution No. 2009-R0515** authorizing the Mayor to execute Contract 9267 with AIG for the purchase of transplant insurance coverage.
- 5.9. **Contract Amendment Resolution - Risk Management: Resolution No. 2009-R0516** authorizing the Mayor to execute Amendment 1 to Contract 8312 with Standard Insurance Company for basic life, accidental death, and dismemberment insurance coverage.
- 5.10. **Contract Amendment Resolution - Risk Management: Resolution No. 2009-R0517** authorizing the Mayor to execute Amendment 1 to Contract 8314 with ING Employee Benefits for group long term disability insurance coverage.
- 5.12. **Contract Resolution - Water Utility: Resolution No. 2009-R0518** authorizing the mayor to execute purchase order Contract 356399 with South Plains Communications for data radio equipment.
- 5.13. **Ordinance 1st Reading – Right-of-Way: Ordinance No. 2009-O0107** abandoning and closing a portion of a storm water storage and drainage easement located in Tract A, Lubbock Christian Schools Addition, 5601 26th Street.
- 5.14. **Contract Resolution - Right-of-Way: Resolution No. 2009-R0519** authorizing the Mayor to execute Contract 9324 with Elvira Sanchez for the acquisition of a permanent 60-foot wide pipe line easement and a 60-foot wide temporary construction easement for the construction of the Lake Alan Henry Pipeline Project.
- 5.15. **Contract Resolution - Right-of-Way: Resolution No. 2009-R0520** authorizing the Mayor to execute Contract 9325 with Homer J. Mason for the acquisition of a permanent 60-foot wide pipe line easement and a 60-foot wide temporary construction easement for the construction of the Lake Alan Henry Pipeline Project.
- 5.16. **Contract Resolution - Right-of-Way: Resolution No. 2009-R0521** authorizing the Mayor to execute Amendment 1 to Contract 9328 with Clifford and Clyde Kitten for a water line easement for the final re-alignment of a permanent 60-foot wide pipeline easement and a 60-foot wide temporary construction easement for the construction of the Lake Alan Henry Pipeline Project.
- 5.17. **Contract Resolution - Public Works Engineering: Resolution No. 2009-R0522** authorizing the Mayor to execute unit price construction Contract 9210 with Ronnie Zhan Paving for construction of East 3rd Street from

Idalou Highway to Keel Avenue and Kapok Avenue connecting two portions of East 3rd Street, BID 10-007-MA.

- 5.18. Contract Resolution - Traffic Engineering: Resolution No. 2009-R0523 authorizing the Mayor to execute purchase order Contract 356466 with McCain, Inc., for traffic signal cabinets, BID 10-003-FO.**
- 5.20. Contract Resolution - Business Development: Resolution No. 2009-R0524 authorizing the Mayor to execute Contract 9258 with Peter Defries Corporation, dba Dions Pizza, regarding the funding of public improvements in Phase One, Project 214 of the Project Plan for the North Overton Tax Increment Reinvestment Zone.**
- 5.21. Contract Resolution - Parks and Recreation: Resolution No. 2009-R0525 authorizing the Mayor to execute unit price Contract 9214 with Craig Wallace Construction, LLC for improvements at Mae Simmons Park, BID 10-009-DD.**
- 5.23. Contract Resolution - Fleet: Resolution No. 2009-R0526 authorizing the Mayor to execute purchase order Contract 356490 with Fleet Safety Equipment, Inc., for lightbars for Code Enforcement pickup trucks.**
- 5.24. Contract Resolution - Community Development: Resolution No. 2009-R0527 authorizing the Mayor to execute Contract 9257 Community Development Emergency Shelter Funding Grant with the Salvation Army for operations, essential services, and homeless prevention.**
- 5.25. Contract Resolution - Police: Resolution No. 2009-R0528 authorizing the Mayor to execute purchase order Contract 356414 with Miller Uniforms & Emblems, Inc., for replacement tactical body armor.**
- 5.26. Contract Resolution - Right-of-Way: Resolution No. 2009-R0529 authorizing the Mayor to execute a contract for the purchase of an easement by and between the City of Lubbock, Texas, and Billy Huddleston in connection with certain real property located in Garza County, Texas.**

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

- *5.11; 5.19; 5.22; 3.1-3.4; 6.2-6.4; and 6.1.*

6. REGULAR AGENDA

- 5.11. Contract Resolution – Water Utility: Resolution No. 2009-R0530 authorizing the Mayor to execute Contract 9298 with EGL Construction,**

Inc., to repair and refurbish hydraulic cylinders for the Lake Alan Henry Project, BID 10-010-FO.

Aubrey Spear, Director of Water Utility, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to approve Resolution No. 2009-R0530. Motion carried: 7 Ayes, 0 Nays.

5.19. Contract Resolution - Business Development: Resolution No. 2009-R0531 authorizing the Mayor to execute unit price Contract 9302 with West Texas Services, dba Tom's Tree Place, for landscape maintenance in the North Overton Public Improvement District, RFP 09-082-MA.

Victor Kilman, Director of Purchasing; Larry Sargee, representative for TIBH Industries, Inc.; Mike McDaniel, representative for Marian Moss Enterprises; and Cheryl Brock, Business Research Specialist, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Resolution No. 2009-R0531. Motion carried: 4 Ayes, 3 Nays. Council Members DeLeon, Klein, and Price voted nay.

5.22. Contract Resolution - Radio Shop: Resolution No. 2009-R0532 authorizing the Mayor to execute Contract 9223 with Brown McKee, for a radio communications tower, BID 10-012-DD.

Mark Yearwood, Assistant City Manager, and Jack Morrison, Lead Technician of Radio 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-R0532, awarded to Brown McKee. Motion carried: 7 Ayes, 0 Nays.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Gary Kirksey, City View Christian Fellowship.

Pastor Gary Kirksey, City View Christian Fellowship, 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 commemorating November 2009 as National Hospice Month.

Mayor Martin presented special recognition to Anah Kral, and other representatives of the Vista Care Hospice commemorating November 2009 as National Hospice Month.

3.4. Presentation of a special recognition to the Water and Wastewater Department for being awarded Outstanding Operation of Wastewater Treatment Facilities by the Texas Commission on Environmental Quality.

Mayor Martin presented special recognition to Marsh Reed, P.E., Chief Operating Officer; Aubrey Spear, Director of Water Utilities; Mary Gonzales, Water Program Coordinator, and water and wastewater staff for being awarded Outstanding Operation of Wastewater Treatment Facilities by the Texas Commission on Environmental Quality.

6. REGULAR AGENDA

6.2. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2009-O0108 Amendment 6 amending the Adopted FY 2009-10 Budget respecting the Capital Program to amend the Water Capital Program as detailed in Exhibit A; and amend the Wastewater Capital Program as detailed in Exhibit B.

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 Resolution No. 2009-O0108. Motion carried: 7 Ayes, 0 Nays.

6.3. Appointment Confirmation Resolution - City Manager: Resolution No. 2009-R0533 confirming the appointment of Mike Kemp as Interim Fire Chief of the City of Lubbock.

Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Mike Kemp gave comments of acceptance to the Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0533. Motion carried: 7 Ayes, 0 Nays.

6.4. Board Appointments - City Secretary: Consider three appointments to the Central Business TIF Reinvestment Zone Board of Directors; one appointment to the Health/Educational Facilities Development

Corporation Board of Directors; one appointment to the Keep Lubbock Beautiful Advisory Committee; one appointment to the Lake Alan Henry Board of Appeals; two appointments to the Libraries Board; and one appointment to the Lubbock Emergency Communications District Board of Managers.

- Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to make the following appointments:

Central Business TIF Reinvestment Board of Directors: Reappoint Latrelle Joy, Brent Noble, and Robert Taylor.

Health/Educational Facilities Development Corporation Board of Directors: Reappoint Carolyn Thompson.

Keep Lubbock Beautiful Advisory Committee: Appoint Roger Karr.

Lake Alan Henry Board of Appeals: No action was taken.

Libraries Board: Appoint Austin Agnew and Adela Esqueda.

Lubbock Emergency Communications District Board of Managers: Reappoint Steve Hailey.

9:35 A.M. CITY COUNCIL RECESSED

10:00 A.M. CITY COUNCIL RECONVENED

Council Chambers

6. REGULAR AGENDA (CONTINUED)

- 6.1. Petition Annexation Public Hearing 10:00 a.m. - Planning: Ordinance No. 2009-O0109 to annex a 50-acre parcel of land belonging to Family Harvest Church, north of the Brownfield Highway and west of Upland Avenue, adjacent to the existing City limits.**

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

Mayor Martin opened the public hearing at 10:01 a.m.

No one appeared to speak in favor or in opposition.

Mayor Martin closed the public hearing at 10:01 a.m.

Motion was made by Council Member Leonard, seconded by Council Member Price to approve Ordinance No. 2009-O0109. Motion carried: 6 Ayes, 0 Nays. Council Member DeLeon was away from the dias.

10:02 A.M. CITY COUNCIL ADJOURNED

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