

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
December 2, 2009
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 2nd day of December, 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 house movers in Lubbock.

Mike Haggard was unable to attend.

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

Debbie Bartholomew appeared before Council and expressed concerns regarding her mother's burial at the Lubbock City Cemetery.

Mickey Jones appeared before Council and expressed concerns regarding the construction of a new animal shelter.

Karylen Walker appeared before Council and expressed concerns regarding convenience stores that sell alcohol beverages and are understaffed.

Alice Lozada appeared before Council and expressed concerns regarding the noise disturbance of trains to residents in the Guadalupe neighborhood.

7:43 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 Animal Services**
 - 2.1.2 Health Benefits**
 - 2.1.3 Police**
 - 2.1.4 Water**
- 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 Electric Utility**
 - 2.2.2 Right-of-Way**
 - 2.2.3 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, the Lake Alan Henry Board of Appeals, and the North Overton TIF Reinvestment Zone Board of Directors.**

9:11 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

Note: Item 3.3 was addressed following item 3.4.

3.1. Invocation by Pastor Terry Kirkpatrick, Wayne Avenue Baptist Church

Pastor Terry Kirkpatrick, Wayne Avenue Baptist Church, 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.

3.4. Presentation of special recognitions to Representative Delwin Jones, Sylvia Chapa, Susan Colegio, Diana Salazar, and Carl Knott for their efforts to properly recognize veterans' graves at the City of Lubbock Cemetery

Mayor Martin presented special recognition to Representative Delwin Jones, Sylvia Chapa, Diana Salazar, and Carl Knott for their efforts to properly recognize veterans' graves at the City of Lubbock Cemetery. Susan Colegio was unable to attend.

3.3. BOARD RECONGNITIONS

Animal Shelter Advisory Committee:

Jamie Whittenburg (unable to attend)

Electric Utility Board:

Rodney "Gail" Kring

Structural Standards Commission:

Natalie Harvill

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

- *5.2; 5.4-5.8; 5.10; 5.11; 5.15-5.20; 4.1; 5.1; 5.3; 5.9; 5.12-5.14; 6.3-6.11; 6.1 and 6.2.*
- *Item 6.4 had no action taken.*

5. CONSENT AGENDA

- Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve items 5.2; 5.4-5.8; 5.10; 5.11; and 5.15-5.20 on consent agenda. Motion carried: 7 Ayes, 0 Nays.
- 5.2. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2009-O0108 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.**
- 5.4. Resolution - Finance: Resolution No. 2009-R0534 expressing intent to finance expenditures to be incurred and to reimburse the City from the proceeds of tax-exempt obligations that will be issued in a subsequent period.**
- 5.5. Contract Resolution – Water Utilities: Resolution No. 2009-R0535 authorizing the Mayor to execute a second extension and amendment to a lease agreement with WWC Texas RSA Limited Partnership d/b/a Verizon Wireless for the right to construct and maintain radio antennas and appurtenances on an elevated water storage tank at 50th Street and Joliet Avenue.**
- 5.6. Ordinance 2nd 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.**
- 5.7. Contract Resolution - Right-of-Way: Resolution No. 2009-R0536 authorizing the Mayor to execute Contract 9330 with Lee Ann Hodges for the acquisition 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.**
- 5.8. Contract Resolution - Right-of-Way: Resolution No. 2009-R0537 authorizing the Mayor to execute Contract 9336 with Hearne Steel Company, Inc., a Texas corporation, for the acquisition 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.**

- 5.10. Contract Resolution - Public Works Engineering: Resolution No. 2009-R0538 authorizing the Mayor to execute a development agreement with Northwest Passage Joint Venture associated with the paving improvements on Slide Road from Marshall Street to U.S. Highway 84.**
- 5.11. Contract Resolution – Public Works Engineering: Resolution No. 2009-R0539 authorizing the Mayor to execute Contract 0905-06-901, an advanced funding agreement, with the Texas Department of Transportation for the design and construction of Slide Road from Marshall Street to U.S. Highway 84.**
- 5.15. Petition Annexation Ordinance 2nd Reading - 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.**
- 5.16. Resolution - Business Development: Resolution No. 2009-R0540 approving the Central Business District (CBD) Tax Increment Financing Reinvestment Zone (Zone) annual report for October 1, 2008, through September 30, 2009, which will be distributed to the chief executive officer of each taxing unit levying taxes within the CBD Zone, and to the Texas Comptroller's Office.**
- 5.17. Resolution - Business Development: Resolution No. 2009-R0541 approving the North Overton Tax Increment Financing Reinvestment Zone Annual Report for October 1, 2008, through September 30, 2009, which will be distributed to the chief executive officer of each taxing unit levying taxes within the North Overton Tax Increment Financing Reinvestment Zone, and to the Texas Comptroller's Office.**
- 5.18. Minuted Action - Community Development: Consider scheduling on January 14, 2009, a public hearing to receive public input on adopting a resolution amending the Urban Renewal Plan and amending the Comprehensive Land Use Plan to allow reversion of Lot 1, Block 37, Coronado Addition, (1002 Coronado Drive), a parcel of land located south of Coronado Drive and east of Juniper Avenue, from Park designation to Light Industrial for a railroad spur and dock.**
- 5.19. Contract Resolution - Animal Services: Resolution No. 2009-R0542 authorizing the Mayor to execute Contract 9096 with Hill's Pet Nutrition, Inc., to provide pet food free of charge to the animal shelter.**
- 5.20. Contract Resolution - Police: Resolution No. 2009-R0543 authorizing the Mayor to execute a Memorandum of Understanding with Lubbock County regarding the division of the local allocation of the Fiscal Year 2009 Justice Assistance Grant Program from the United States Department of Justice.**

4. MINUTES

- 4.1.** November 4, 2009, Special City Council Meeting Minutes
November 5, 2009, Regular City Council Meeting Minutes

Motion was made by Council Member Klein, seconded by Council Member DeLeon to approve the November 4, 2009 Special City Council Meeting Minutes and the November 5, 2009 Regular City Council Meeting minutes. Motion carried: 7 Ayes, 0 Nays.

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

- 5.1; 5.3; 5.9; 5.12-5.14; 6.3-6.11; 6.1 and 6.2.
- Item 6.4 had no action taken.

6. REGULAR AGENDA

- 5.1. Budget Amendment Ordinance 2nd 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 capital projects approved in the 2009 Bond Election and to appropriate funding for firefighting facilities and equipment; and to amend the Streets Capital Program to include capital projects approved in the 2009 Bond Election and to appropriate funding for street improvements.**

5.1.1 Contract Resolution - Community Development: Resolution No. 2009-R0544 authorizing the Mayor to execute Contract 16090000708 with the Texas Department of Housing and Community Affairs for the American Recovery and Reinvestment Act Weatherization Assistance Program. The resolution is for a grant that funds weatherization of homes for low-income persons. Repairs include sealing, caulking of windows and doors, air infiltration, insulation, replacement of energy inefficient stoves and refrigerators, and repair or replacement of inefficient heating/cooling appliances.

5.1.2 Contract Agreement - Libraries: Resolution No. 2009-R0545 authorizing the Mayor to execute Loan Star Libraries Grant Agreement 442-10095 with the Texas State Library and Archives Commission to maintain, improve, and enhance local library services. The Lubbock Public Library System uses Loan Star funds to purchase additional titles for the Overdrive downloadable audio book program.

5.1.3 Contract Resolution - Libraries: Resolution No. 2009-R0546 authorizing the Mayor to execute an agreement with The Brown Foundation to fund the West Texas Library System Collaborative Shared Regional Catalog.

Marsha Reed, Chief Operations Officer, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Ordinance No. 2009-O0106, Resolution No. 2009-R0544, Resolution No. 2009-R0545, and Resolution No. 2009-R0546. Motion carried: 7 Ayes, 0 Nays.

5.3. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2009-O0110 amending the Adopted FY 2009-10 Budget respecting the operating budget in the Lubbock Power & Light Fund as recommended by the Electric Utility Board on November 12, 2009, and as approved by the City Council in a meeting conducted pursuant to section 551.086 of the Texas Government Code and respecting the Capital Program to establish Capital Improvement Project 92221, Buddy Holly Park Restroom Replacement.

Chris Sims, Public Information Officer for Lubbock Power & Light, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Ordinance No. 2009-O0110. Motion carried: 7 Ayes, 0 Nays.

5.9. Resolution - Traffic Engineering: Resolution No. 2009-R0547 authorizing the Mayor to execute an application with the Texas Department of Transportation for a Transportation Enhancement Program to upgrade signalized intersections.

Marsha Reed, Chief Operations Officer, 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-R0547. Motion carried: 7 Ayes, 0 Nays.

- 5.12. Contract Resolution - Citibus: Resolution No. 2009-R0548 authorizing the Citibus General Manager to execute a Federal Transit Administration Job Access and Reverse Commute Program Grant, Project TX-37-X056-02, to provide public transportation to places of employment.**

John Wilson, Executive Director of Citibus, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Resolution No. 2009-R0548. Motion carried: 7 Ayes, 0 Nays.

- 5.13. Contract Resolution - Citibus: Resolution No. 2009-R0549 authorizing the Citibus General Manager to execute a New Freedom Mobility Management Grant, Project TX-57-X005-02.**

John Wilson, Executive Director of Citibus, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Resolution No. 2009-R0549. Motion carried: 7 Ayes, 0 Nays.

- 5.14. Contract Resolution - Airport: Resolution No. 2009-R0550 authorizing the Mayor to execute a lease agreement with Berry's Enterprises for T-hangars at Lubbock Preston Smith International Airport.**

James W. Loomis, Assistant 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-R0550. Motion carried: 7 Ayes, 0 Nays.

- 6.3. Ordinance Amendment 1st Reading - Animal Services: Ordinance No. 2009-O0111 amending Chapter 4 of the Code of Ordinances with regard to the Animal Shelter Advisory Committee, providing for criminal penalties; providing a savings clause; and providing for publication.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Ordinance No. 2009-O0111. Motion carried: 7 Ayes, 0 Nays.

- 6.4. Resolution - Right-of-Way: Consider a resolution authorizing the Mayor to execute Contract 9270 with Patsy J. Day for the purchase of a permanent 60-foot wide pipeline easement and a 60-foot wide temporary construction easement in connection with the construction of the Lake Alan Henry Pipeline Project.**

No action was taken on this item.

- 6.5. Resolution - Right-of-Way: Resolution No. 2009-R0551 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Patsy J. Day for the purchase of a permanent 60-foot wide pipeline easement and a 60-foot wide temporary construction easement in connection with the construction of the Lake Alan Henry Pipeline Project, and authorizing, in the alternative, the institution of condemnation proceedings for acquisition of the property if the purchase for said easement is not secured.**

Motion was made by Council Member DeLeon, seconded by Council Member Klein to approve Resolution No. 2009-R0551. Motion carried: 7 Ayes, 0 Nays.

- 6.6. Budget Amendment Ordinance 1st Reading - City Council: Ordinance No. 2009-O0112 amending the Adopted FY 2009-10 Budget respecting the Capital Program to amend Capital Improvement Project 92181, Wayside Horns at Avenue P and 2nd Drive.**

Motion was made by Council Member DeLeon, seconded by Council Member Klein to approve Ordinance No. 2009-O0112. Motion carried: 7 Ayes, 0 Nays.

- 6.7. Resolution - City Secretary: Resolution No. 2009-R0552 to cast votes for candidates to the Lubbock Central Appraisal District Board of Directors.**

Motion was made by Mayor Pro Tem Gilbreath, and seconded by Council Member Klein to approve Resolution No. 2009-R0552 casting votes for Bobby McQueen and Greg Jones. Motion carried: 7 Ayes, 0 Nays.

- 6.8. Board Appointments - City Secretary: Consider three appointments to the Animal Shelter Advisory Committee, one appointment to the Lake Alan Henry Board of Appeals, and one appointment to the Lubbock Housing Finance Corporation Board of Directors.**

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

Animal Shelter Advisory Committee: Appoint Kaylene Brown, Bill Howerton, and Mary L. Whistler.

Lake Alan Henry Board of Appeals: No action taken on this item.

Lubbock Housing Finance Corporation Board of Directors: Reappoint Debora Lopez.

Motion carried: 7 Ayes, 0 Nays.

- 6.9. Board Appointments - City Secretary: Consider seven appointments to the Lubbock Bond Advisory Committee.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to make the following appointments to the **Lubbock Bond Advisory Committee:** Kevin McMahan, Chairman; Randy Egenbacher; John

Cervantez; Maurice Stanley, Mikel Ward; Ken Corbin; and Alice Lozada. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

6.10. Board Appointments - City Secretary: Appoint the Chair of the North Overton Tax Increment Financing Reinvestment Zone Board of Directors for calendar year 2010, with the term ending in January 2011.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to appoint Jack Driskill as the Chair of **the North Overton Tax Increment Financing Reinvestment Zone Board of Directors**. Motion carried: 7 Ayes, 0 Nays.

6.11. Board Appointments - City Secretary: Appoint the Chair of the Central Business Tax Increment Financing Reinvestment Zone Board of Directors for calendar year 2010, with the term ending in January 2011.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to appoint Robert Taylor as the Chair of the **Central Business Tax Increment Financing Reinvestment Zone Board of Directors**. Motion carried: 7 Ayes, 0 Nays.

6.1. Public Hearing 10:00 a.m. - Business Development: Conduct a public hearing for the City Council to receive public comments on the creation of a Tax Increment Financing Reinvestment Zone for the Lubbock Business Park area pursuant to the Tax Increment Financing Act.

Mayor Martin opened the public hearing at 10:02 a.m.

Curtis Griffith, on behalf of Lubbock Economic Development Alliance, appeared and spoke in favor of a tax increment financing reinvestment zone. No one appeared to speak in opposition.

Mayor Martin closed the public hearing at 10:04 a.m.

6.2. Ordinance 1st Reading - Business Development: Ordinance No. 2009-O0113 designating and describing the boundaries of a Tax Increment Financing Reinvestment Zone No. 3 (Zone) for the Lubbock Business Park of Lubbock, Texas, establishing the duration of the Zone, establishing a Tax Increment Fund, and establishing a Board of Directors for the Tax Increment Financing Reinvestment Zone.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to approve Ordinance No. 2009-O0113. Motion carried: 7 Ayes, 0 Nays.

10:05 A.M. CITY COUNCIL ADJOURNED

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