

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
December 16, 2009
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 16th day of December, 2009, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

7:35 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. Mickey Jones will appear before the City Council to discuss Animal Services.

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

▪ **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.

Clif Burnett appeared before Council and expressed thanks to the Lubbock Fire Department and spoke of concerns regarding the City Charter and City Ordinances.

7:41 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
- 2.1.2 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 Libraries
 - 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 Lake Alan Henry Board of Appeals.

9:10 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

3.1. Invocation by Pastor Bracken Christian, Family Harvest Church

Pastor Bracken Christian, Family Harvest 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.

3.3. Presentation of a special recognition commemorating Rhea Cooper's 31 years of service to Lubbock

Mayor Martin presented special recognition to retiring Fire Chief, Rhea Cooper, commemorating 31 years of service to Lubbock.

Chief Cooper gave comments.

3.4. Presentation of special recognitions to the Lubbock Fire Department Combat Challenge Team for their participation and success in international competition

Mayor Martin presented special recognition to Justin Rhodes; Travis Austin; Jason Bobo; Phillip Grandon; Nathan Klatt; J.W. Ray; Nick Wilson; and Matt Hixson for their participation and success in international competition for the Lubbock Fire Department Combat Challenge Team.

3.5. BOARD RECOGNITIONS

Keep Lubbock Beautiful Advisory Committee:

Roger Karr

Libraries Board:

Austin Agnew

Dela Esqueda

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

- *6.6-6.8; 4.1; 5.1; 5.2; 5.4-5.9; 5.11; 5.12; 5.15; 5.16; 5.19-5.21; 5.23; 5.3; 5.10; 5.13; 5.14; 5.17; 5.18; 5.22; and 6.1-6.5.*
- *Items 5.10 and 6.9 had no action taken.*
- *Item 6.5 was denied.*

6. REGULAR AGENDA

6.6. Resolution - City Council: Resolution No. 2009-R0554 to begin designing The Buddy Holly and Maria Elena Holly Plaza, and to begin construction by March 31, 2010.

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

Motion was made by Council Member Leonard, seconded by Council Member Beane to approve Resolution No. 2009-R0554. Motion carried: 7 Ayes, 0 Nays.

6.7. Resolution - City Council: Resolution No. 2009-R0555 authorizing the Mayor to expand eligibility for membership on the Lubbock Bond Advisory Committee and to ratify and confirm the nominations made to the Lubbock Bond Advisory Committee on December 2, 2009.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Resolution No. 2009-R0555. Motion carried: 7 Ayes, 0 Nays.

6.8. Citizen Advisory Committee Resolution - City Council: Resolution No. 2009-R0556 authorizing the Mayor to appoint a five member citizen advisory committee to review and make recommendations regarding the City of Lubbock Charter.

Motion was made by Council Member Leonard, seconded by Council Member Beane to approve Resolution No. 2009-R0556.

Motion to amend the Resolution was made by Council Member Klein, seconded by Mayor Pro Tem Gilbreath to include the following changes:

1. Committee will consist of 7 members with the Mayor appointing the Chair.
2. Members will be announced by Council Members at the next Regular City Council Meeting.
3. Committee will hold two public hearings, one of which will be in the evening.
4. Committee will report findings and decide how long the review process should take.

Vote was taken on the motion to amend. Motion carried: 7 Ayes, 0 Nays.

Vote was then taken on the main motion with the amendment included. Motion carried: 7 Ayes, 0 Nays.

Council Member Beane left the dias at 10:20.

10:21 A.M. CITY COUNCIL RECESSED

10:31 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

4. MINUTES

4.1. November 12, 2009, Special City Council Meeting November 19, 2009, Regular City Council Meeting

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve the November 12, 2009, Special City Council Meeting Minutes and the November 19, 2009, Regular City Council Meeting Minutes. Motion carried: 5 Ayes, 0 Nays. Council Members Beane and Leonard were away from the dias.

5. CONSENT AGENDA

- Motion was made by Council Member DeLeon, seconded by Council Member Price to approve items 5.1; 5.2; 5.4-5.9; 5.11; 5.12; 5.15; 5.16; 5.19-5.21; and 5.23 on consent agenda. Motion carried: 5 Ayes, 0 Nays. Council Members Beane and Leonard were away from the dias.
- 5.1. Budget Amendment Ordinance 2nd 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; amend the Lubbock Power & Light fund by adding nine full-time positions; and respecting the Capital Program to establish Capital Improvement Project 92222, Buddy Holly Park Restroom Replacement.**
- 5.2. Bond Issuance Ordinance 1st and Only Reading – Finance: Ordinance No. 2009-O0114 providing for the issuance of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2010A and City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Taxable Series 2010B (Build America Bonds – Direct Payment); in an aggregate principal amount not to exceed \$168,000,000; levying a tax and pledging surplus Waterworks System revenues in payment thereof; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.**
- 5.4. Ordinance 1st and Only Reading – Finance: Ordinance No. 2009-O0115 providing for the issuance of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2010; approving a paying agent/registrar agreement; prescribing the form of said certificates; levying a tax and pledging surplus waterworks system revenues in payment thereof and enacting other provisions relating thereto.**

- 5.5. Budget Amendment Ordinance 2nd 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.**
- 5.5.1 Contract Resolution – Public Works: Resolution No. 2009-R0557 authorizing the Mayor to execute Contract 9319 with Burlington North Santa Fe Railway Company (BNSF) for the installation of an automated horn system at the intersection of Avenue P and BNSF Railway.**
- 5.5.2 Contract Resolution – Public Works: Resolution No. 2009-R0558 authorizing the Mayor to execute Contract 9342 with Railroad Controls Limited for the installation of an automated horn system at the intersection of 2nd Drive and Avenue P, RFP 09-702-BM.**
- 5.6. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2009-O0116 abandoning and closing a portion of Santa Fe Drive south of 3rd Street and east of Boston Avenue in Section 20, Block A, 2717 3rd Street.**
- 5.7. Contract Resolution - Water Utility: Resolution No. 2009-R0559 authorizing the Mayor to execute Contract 9056 with SunTrust Bank of Alexandria Virginia, and Donald E. Handelman, Testamentary Trustees under Paragraph Eight of the Last Will and Testament of Marjorie M. Post, Deceased; HGM Properties, L.P., Henrietta M. Heydon, The Mosaic Foundation; Kenneth H. Montgomery Trust, Kenneth H. Montgomery Foundation, and the G. Harold and Leila Y. Mathers Charitable Foundation collectively by and through their attorney-in-fact, Dan Hook, for the acquisition of 9.31 acres of land out of Section 1224, W.C. Young Survey, Garza County, Texas, for a pump station site near Post, Texas.**
- 5.8. Contract Resolution- Water Utility: Resolution No. 2009-R0560 authorizing the Mayor to execute Contract 9301 with Wright Construction Company, Inc., for the construction of water lines ahead of the 19th Street and West Loop 289 interchange construction, BID 10-023-FO.**
- 5.9. Contract Amendment Resolution – Water Utility: Resolution No. 2009-R0561 authorizing the Mayor to execute Change Order 1 to Contract 8968 with Siemens Water Technologies Corporation, deleting the independent maintenance wash system specified as part of the membrane filtration system provided for the Lake Alan Henry Water Treatment Plant.**
- 5.11. Contract Resolution - Storm Water: Resolution No. 2009-R0562 authorizing the Mayor to execute a services agreement with Utility Contractors of America, Ltd., for storm sewer pipeline repair and replacement, RFP 10-026-MA.**

- 5.12. **Contract Resolution - Storm Water: Resolution No. 2009-R0563** authorizing the Mayor to execute an agreement with Parkhill, Smith & Cooper for design and engineering services to replace storm water vaults, RFQ 09-736DD.
- 5.15. **Contract Resolution - Solid Waste: Resolution No. 2009-R00564** authorizing the Mayor to execute Contract 9297 with Finishline Supply, a Division of Conley Lott Nichols, for daily cover slurry material at the Abernathy Landfill, BID 10-019-DD.
- 5.16. **Ordinance 2nd Reading - Business Development: Ordinance No. 2009-O0113** designating and describing the boundaries of 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.
- 5.19. **Contract Resolution - Facilities Maintenance: Resolution No. 2009-R0565** authorizing the Mayor to execute Amendment 1 to Contract 8098 with Parkhill, Smith & Cooper for design and engineering services for the construction of Fire Stations 16 and 18.
- 5.20. **Contract Resolution – Facilities Management: Resolution No. 2009-R0566** authorizing the Mayor to execute Contract 9353 with Parkhill, Smith & Cooper for design and engineering services to construct the heating and chilling plant for Lubbock Memorial Civic Center and Mahon Library. The \$229,000 contract provides design and engineering services to develop specifications for the replacement of the equipment.
- 5.21. **Contract Resolution - Fleet: Resolution No. 2009-R0567** authorizing the Mayor to execute a purchase order contract with Texas Underground, Inc., for high pressure jet sewer line cleaning equipment, BID 10-001-RH.
- 5.23. **Contract Resolution - Police: Resolution No. 2009-R0568** authorizing the Mayor to execute Contract 9269 with R. P.'s Heavy Duty Towing, Inc., for towing junk vehicles in violation of City ordinances, RFP 10-011-RH.

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

- 5.3; 5.10; 5.13; 5.14; 5.17; 5.18; 5.22; 6.1-6.4; and 6.5.
- *Items 5.10 and 6.9 had no action taken.*
- *Item 6.5 was denied.*

6. REGULAR AGENDA

- 5.3. Bond Issuance Ordinance 1st and Only Reading – Finance: Ordinance No. 2009-O0117 providing for the issuance of City of Lubbock, Texas, General Obligation Bonds, Series 2010A and City of Lubbock, Texas, General Obligation Bonds, Taxable Series 2010B (Build America Bonds – Direct Payment) in an aggregate principal amount not to exceed \$24,600,000; levying a tax in payment thereof; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.**

Andy Burcham, Chief Financial 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-O0117. Motion carried: 6 Ayes, 0 Nays. Council Member Beane was away from the dias.

- 5.10. Contract Resolution – Water Utility: Consider a resolution authorizing the Mayor to execute a services agreement with Big Country Electric Cooperative, Inc., to establish responsibilities for the construction, operations, and maintenance of electric facilities necessary to provide power to the proposed Lake Alan Henry Pump Station to be located near the Montford Dam.**

No action was taken on this item.

- 5.13. Resolution - Public Works Engineering: Resolution No. 2009-R0569 accepting the conversion of Business United States (US) 87 (Avenue A), from the east right-of-way line of Interstate Highway (IH) 27 proceeding north to the south right-of-way line of US 82 (Marsha Sharp Freeway), to a City street; the conversion of Farm to Market (FM) 835 from the northern terminus of Spur 331 proceeding north and west to the east right-of-way line of Business US 87 (Avenue A) to a City street; and the conversion of 50th Street (FM 835), from the east right-of-way line of IH 27 proceeding east to the junction of Spur 331 and FM 835 to a State Highway.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0569. Motion carried: 6 Ayes, 0 Nays. Council Member Beane was away from the dias.

- 5.14. Ordinance 1st Reading - Traffic Engineering: Ordinance No. 2009-O0118 amending Section 16-175.1 of the Code of Ordinances with regard to the establishment of speed limits within Lubbock.**

Sharmon Owens, Traffic Engineering Associate, and Marsha Reed, Chief Operations Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Klein to approve Ordinance No. 2009-O0118. Motion carried: 6 Ayes, 0 Nays. Council Member Beane was away from the dias.

5.17. Contract Resolution - Business Development: Resolution No. 2009-R0570 authorizing the Mayor to execute a developer participation agreement with Heartwood 91-1 for the City to participate in the cost of public improvements in Phase One, Project 2103 of the Project Plan for the North Overton Tax Increment Reinvestment Zone, Bond Issue Four.

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

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to approve Resolution No. 2009-R0570. Motion carried: 6 Ayes, 0 Nays. Council Member Beane was away from the dias.

5.18. Contract Resolution - Parks and Recreation: Resolution No. 2009-R0571 authorizing the Mayor to execute an Athletic Facility License Agreement with various baseball, softball, and soccer league user groups.

Randy Truesdell, Parks and Recreation 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-R0571. Motion carried: 6 Ayes, 0 Nays. Council Member Beane was away from the dias.

5.22. Ordinance Amendment 2nd 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.

Quincy White, Assistant City Manager, and Bill Howerton, Director of Community Development, 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-O0111. Motion carried: 6 Ayes, 0 Nays. Council Member Beane was away from the dias.

6.1. Public Hearing 10:00 a.m. - Planning: ZONE CASE NO. 2995-H, (6302, 6304, 6306, 6308, and 6310 79th Street), request of George H. McMahan (for Bacon Crest, Ltd.) for a zoning change from Two-Family District (R-2) Specific Use to R-2 Specific Use with amended conditions on Lots 154-158, Bacon Crest Addition, and to consider an ordinance.

Mayor Martin opened the public hearing at 10:58 a.m.

No one appeared to speak in favor or in opposition.

Mayor Martin closed the public hearing at 10:58 a.m.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Zone Case No. 2995-H. Motion carried: 6 Ayes, 0 Nays. Council Member Beane was away from the dias.

- 6.2. Public Hearing 10:00 a.m. - Planning: ZONE CASE NO. 2508-F, (South of 111th Street, North of 114th Street, from Hartford Avenue to Akron Avenue), request of AMD Engineering, LP (for Lubbock Land Company) for a zoning change from Transition (T), Two-Family District (R-2), and Family Apartment District (A-1) to Single-Family District (R-1) Specific Use on 58.5 acres of platted and unplatted land out of Block E2, Sections 19 and 20, and to consider an ordinance.**

Mayor Martin opened the public hearing at 10:58 a.m.

No one appeared to speak in favor or in opposition.

Mayor Martin closed the public hearing at 10:58 a.m.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Zone Case No. 2508-F. Motion carried: 6 Ayes, 0 Nays. Council Member Beane was away from the dias.

- 6.3. Public Hearing 10:00 a.m. - Planning: ZONE CASE NO. 3130, (1602 Avenue O), request of Beth Lawson (for Lubbock Regional Mental Health Mental Retardation Center) for a zoning change from General Retail District (C-3) to Central Business District (CB-3) on Lots 1 through 7 and the north half of Lot 8, Block 191, Original Town of Lubbock, and to consider an ordinance.**

Mayor Martin opened the public hearing at 10:58 a.m.

No one appeared to speak in favor or in opposition.

Mayor Martin closed the public hearing at 10:58 a.m.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Zone Case No. 3130. Motion carried: 6 Ayes, 0 Nays. Council Member Beane was away from the dias.

- 6.4. Public Hearing 10:00 a.m. - Planning: ZONE CASE NO. 1190-B, (4320 and 4322 50th Street), request of Salvatore Mazzamuto for a zoning change from Restricted Local Retail District (C-2A) to Local Retail District (C-2) on Lot 4 less the east 10 feet, Lot 5, and the east 42.06 feet of Lot 6, Commercial Addition, and to consider an ordinance.**

Mayor Martin opened the public hearing at 10:58 a.m.

No one appeared to speak in favor or in opposition.

Mayor Martin closed the public hearing at 10:58 a.m.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Zone Case No. 1190-B. Motion carried: 6 Ayes, 0 Nays. Council Member Beane was away from the dias.

- 6.5. Tariff Resolution - Finance: Order and Resolution No. 2009-R0572 of the City Council of the City of Lubbock sitting as a regulatory authority under § 33.001 of the Texas Utilities Code, with regard to an application to revise its miscellaneous service charges tariff filed by Southwestern Public Service Company with the City."**

This item was denied.

Motion to deny was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath. Motion carried: 6 Ayes, 0 Nays. Council Member Beane was away from the dias.

- 6.9. Board Appointments - City Secretary: Consider one appointment to the Lake Alan Henry Board of Appeals.**

No action was taken on this item.

11:00 A.M. CITY COUNCIL ADJOURNED

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