

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
January 28, 2010
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 28th day of January, 2010, 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 Pro Tem Jim Gilbreath, Council Member Paul R. Beane, Council Member Todd R. Klein, Council Member John W. Leonard III, and Council Member Floyd Price.

Absent: Mayor Martin and Council Member DeLeon were away from the dias.

1. CITIZEN COMMENTS

- No one appeared to speak during Citizen Comments.

7:31 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 Police

2.1.3 Right-of-Way

2.1.4 Risk Management

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, asset purchase 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 North Overton TIF Reinvestment Zone Board of Directors; Urban Design and Historic Preservation Commission; Urban Renewal and Neighborhood Redevelopment Commission; and Zoning Board of Adjustment.**

9:05 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 Preaching Minister Wes Crawford, Broadway Church of Christ

Preaching Minister Wes Crawford, Broadway Church of Christ, 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.

4. MINUTES

4.1. December 16, 2009, Regular City Council Meeting

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve the December 16, 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:

- *5.1-5.9; 5.12-5.18; 5.20-5.23; 5.26-5.29; 5.10; 5.11; 5.19; 5.24; 5.25; 6.5, 6.1; 6.2; 6.3; 6.4; and 6.6.*

5. CONSENT AGENDA

- Motion was made by Council Member Klein, seconded by Council Member Price to approve items 5.1-5.9; 5.12-5.18; 5.20-5.23; and 5.26-5.29 on consent agenda. Motion carried: 7 Ayes, 0 Nays.
- 5.1. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0007 amending the Adopted FY 2009-10 Budget respecting the grant fund to accept and appropriate from the Texas Department of Housing and Community Affairs for the Community Services Block Grant; respecting the Capital Program by amending the North Overton Tax Increment Financing Reinvestment Zone Public Facility Capital Project; establish Capital Improvement Project 92223, Animal Shelter Wastewater Extension; establish Capital Improvement Project 92224, Animal Shelter Water Extension; and respecting the General Fund by amending the fee schedule.**
- 5.2. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2010-O0008 abandoning and closing a 56-foot wide drainage easement located in Section 16, Block E-2, Lubbock County, Texas, 103rd Street and Savannah Avenue.**

- 5.3. **Ordinance 1st Reading – Right-of-Way: Ordinance No. 2010-O0009** abandoning an underground utility easement in Lot C, Blankenship No. 2 Addition, to the City, 3rd Street and Boston Avenue.
- 5.4. **Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2010-O0001** abandoning and closing a 2.62 acre tract of a storm water storage and drainage easement located in Section 43, Block AK, Lubbock County, Texas, 1902 Milwaukee Avenue.
- 5.5. **Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2010-O0002** abandoning and closing a portion of a 30-foot underground utility easement located in Block E-2, Section 17, 3801 106th Street.
- 5.6. **Contract Resolution - Right-of-Way: Resolution 2010-R0030** authorizing the Mayor to execute a renewal and extension of the agriculture lease agreement with Ronnie Hamilton leasing Section 1, Block P, E.L. & R.R. R.R. Co. Survey, west of Abernathy, Texas.
- 5.7. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0031** authorizing the Mayor to execute Contract 9392 with John William Bassinger 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. 2010-R0032** authorizing the Mayor to execute Contract 9391 with Robert Lee Mock 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.
- 5.9. **Resolution - Right-of-Way: Resolution No. 2010-R0033** authorizing the Mayor to execute Amendment 1 to Contract 9270 with Pasty J. Day to amend 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.
- 5.12. **Contract Amendment Resolution - Water Utility: Resolution No. 2010-R0034** authorizing the Mayor to execute Amendment 1 to Contract 8572 to the Lake Alan Henry raw water and pump station design contract with Parkhill, Smith & Cooper, Inc., for design and construction phase services associated with the installation of power transmission facilities to the Lake Alan Henry Pump Station located near the Montford Dam.
- 5.13. **Contract Resolution - Water Utility: Resolution No. 2010-R0035** authorizing the Mayor to execute Contract 9395 with Parkhill, Smith & Cooper, Inc., for construction phase services associated with the construction of the Lake Alan Henry raw water pipeline and booster pump stations.

- 5.14. **Contract Resolution - Water Utility: Resolution No. 2010-R0036** authorizing the Mayor to execute a professional services agreement with Hugo Reed and Associates, Inc., for platting services and the design of sanitary sewer and water utilities associated with the proposed Animal Shelter improvements.
- 5.15. **Contract Amendment Resolution - Water Utility: Resolution No. 2010-R0037** authorizing the Mayor to execute Amendment 1 to Contract 8773 with Terracon Consultants, Inc., to provide professional engineering and geosciences services for groundwater monitoring and remediation at the Land Application Sites.
- 5.16. **Contract Resolution – Public Works Streets: Resolution No. 2010-R0038** authorizing the Mayor to execute unit price Contract 9351 with Lone Star Dirt & Paving, Ltd., for the 2010 Concrete Repairs and Replacement Project, BID 10-034-FO.
- 5.17. **Contract Resolution – Public Works Streets: Resolution No. 2010-R0039** authorizing the Mayor to execute unit price Contract 9352 with Lone Star Dirt and Paving, Ltd., for the 2010 Asphalt Patching Project, BID 10-035-FO.
- 5.18. **Contract Resolution - Public Works Engineering: Resolution No. 2010-R0040** authorizing the Mayor to execute Change Order 1 to Contract 9168 with Allen Butler Construction, Inc., for Project 92125 Rebuilding Martin Luther King, Junior Boulevard from East Broadway Avenue to East 4th Street.
- 5.20. **Ordinance 2nd Reading - Planning: Ordinance No. 2010-O0004, ZONE CASE NO. 1943-D** (north of Erskine Street and west of North Memphis Avenue), request of Hugo Reed and Associates, Inc. (for Williams & Associates) for zoning change from Single-Family District and High-Density Apartment District (A-2) to A-2 Specific Use (for reduced setbacks) on 31.5 acres of unplatted land out of Block A, Section 18, and to consider an ordinance.
- 5.21. **Ordinance 2nd Reading - Planning: Ordinance No. 2010-O0003 ZONE CASE NO. 2262-A** (5202 4th Street), request of City of Lubbock for zoning change from Restricted Local Retail District (C-2A) Design Historical to C-2A on Tract A, Whisperwood Addition, and to consider an ordinance.
- 5.22. **Ordinance 2nd Reading - Planning: Ordinance No. 2010-O0005 ZONE CASE NO. 2206-A** (2412 98th Street), request of Teinert Commercial Building Services (for Stripes Store 2253) for zoning change from Local Retail District to General Retail District on Tract A, Bicentennial Estates Addition, and to consider an ordinance.
- 5.23. **Ordinance 2nd Reading - Planning: Ordinance No. 2010-O0006 ZONE CASE NO. 2406-F** (7515 Quaker Avenue), request of Sunwest Construction, Inc., (for Chadwick Sargent, D.D.S. for zoning change from

Apartment-Medical Specific Use District to Apartment-Medical District on Tract A, Family Apartment District, and Lot 2, King's Park Addition, and to consider an ordinance.

- 5.26. Contract Resolution - Cemetery: Resolution No. 2010-R0041 authorizing the Mayor to execute Contract 9383 with Precision Fence & Landscape for turf maintenance at the City of Lubbock Cemetery, BID 10-029-DD.**
- 5.27. Contract Resolutions - Parks and Recreation: Resolution No. 2010-R0042; Resolution No. 2010-R0043; Resolution No. 2010-R0044; Resolution No. 2010-R0045; and Resolution No. 2010-R0046 authorizing the Mayor to execute Contract 9337 with Gorman Outdoor; Contract 9380 with West Texas Maintenance; Contract 9379 with 53 Design; Contract 9382 with Pevey Lawn & Landscape, Inc.; and Contract 9381 with Precision Fence & Landscape for turf maintenance of various right-of-ways and municipal parklands, BID-10-029-DD**
- 5.28. Resolution - Airport: Resolution No. 2010-R0047 authorizing the Mayor to execute an easement for ONEOK Westex Transmission, LLC, for a gas pipeline at Lubbock Preston Smith International Airport.**
- 5.29. Resolution - Police: Resolution No. 2010-R0048 authorizing the Mayor to execute a Waiver of Allocation of Juvenile Accountability Block Grant Funds to Lubbock County.**

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

- *5.10; 5.11; 5.19; 5.24; 5.25; 6.5; 6.1-6.4; and 6.6.*

6. REGULAR AGENDA

- 5.10. Contract Resolution – Water Utility: Resolution No. 2010-R0049 and Resolution 2010-R0050 authorizing the Mayor to execute Contract 9358 with Master Meter and Contract 9361 with K.W. Sharp, Inc., for water meters.**

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No.2010-R0049 and Resolution No. 2010-R0050. Motion carried: 7 Ayes, 0 Nays.

- 5.11. Contract Resolution – Water Utility: Resolution No. 2010-R0051 authorizing the Mayor to execute unit price Contract 9311 with Wright Construction Company for construction of Phase One of the Lake Alan Henry Raw Water Pipeline, RFP 10-025-MA.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2010-R0051. Motion carried: 7 Ayes, 0 Nays.

5.19. Contract Resolution - Public Works Engineering: Resolution No. 2010-R0052 authorizing the Mayor to execute an agreement with SGS Engineering, LLC, to provide engineering services for the relocation of utilities in Downtown Lubbock.

Rob Allison, 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. 2010-R0052. Motion carried: 7 Ayes, 0 Nays.

5.24. Contract Resolution - Facility Maintenance: Resolution No. 2010-R0053 authorizing the Mayor to execute Contract 9388 with Parkhill, Smith & Cooper, Inc., for Mahon Library renovations.

Mark Yearwood, Assistant City Manager, and Mary Crites, with Parkhill, Smith, & Cooper, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to approve Resolution No. 2010-R0053. Motion carried: 7 Ayes, 0 Nays.

5.25. Contract Resolution - City Manager: Resolution No. 2010-R0054 authorizing the Mayor to execute a license agreement with the Lubbock Regional Public Safety Memorial Organization to construct the Public Safety Memorial at Leroy Elmore Park.

Mike Kemp, Fire Chief, and Sam Medina, City Attorney, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Leonard, to approve Resolution No. 2010-R0054. Motion carried: 7 Ayes, 0 Nays.

6.5. Resolution - Business Development: Resolution No. 2010-R0055 approving the Lubbock Economic Development Alliance, Inc., and Market Lubbock Economic Development Corporation 2009 Annual Report, which includes projects, programs, and activities.

Kenny McKay, Interim Director of LEDA & Market Lubbock Economic Development Corporation, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Resolution No. 2010-R0055. Motion carried: 7 Ayes, 0 Nays.

9:35 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

10:40 A.M. CITY COUNCIL RECONVENED

Council Chambers

- 6.1. Public Hearing 10:00 a.m. - Planning: ZONE CASE NO. 2573-J (north of North Loop 289 west of Slide Road): Ordinance No. 2010-O0010 consider request of Hugo Reed and Associates, Inc., (for North Park Lubbock Development) for a zoning change from General Retail District and High-Density Apartment District to Interstate Highway Zoning District on 41.5 acres of unplatted land out of Block JS, Section 1, and to consider an ordinance.**

Mayor Martin opened the public hearing at 10:41 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:42 a.m.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein, to approve Ordinance No. 2010-O0010. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard recused.

- 6.2. Public Hearing 10:00 a.m. - Planning: ZONE CASE NO. 3131 (north of 106th Street west of Upland Avenue): Ordinance No. 2010-O0011 consider request of Hugo Reed and Associates, Inc., (for Experience Life Church) for a zoning change from Transitional to High-Density Apartment District on 20 acres of unplatted land out of Block AK, Section 23, and to consider an ordinance.**

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

No one appeared to speak in favor or opposition.

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

Motion was made by Council Member Klein, seconded by Council Member Price to approve Ordinance No. 2010-O00011 with the following amendment, as recommended by Randy Henson, Director of Planning.

1. The amount of curb cuts is changed from 2 to 4 in the Upland thoroughfare.

Motion carried: 7 Ayes, 0 Nays.

- 6.3. Public Hearing 10:00 a.m. - Planning: ZONE CASE 2904-B (Marsha Sharp Freeway access road and Boston Avenue): Ordinance No. 2010-O0012 consider request of TAO Development Group, LLC, (for R&N Investments II, LLC) for a zoning change from Central Business District CB-2 Specific Use to Interstate Highway Commercial District Specific Use on 2.148 acres of unplatted land out of Block A, Section 20 and to amend a site plan, and to consider an ordinance.**

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

No one appeared to speak in favor or opposition.

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

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

Motion was made by Council Member Klein, seconded by Council Member Price to approve Ordinance No. 2010-O0012. Motion carried: 7 Ayes, 0 Nays.

6.4. Public Hearing 10:00 a.m. - Planning: ZONE CASE NO. 2904-C (east of Boston Avenue on Marsha Sharp Freeway access road): Ordinance No. 2010-O0013 consider a request of TAO Development Group, LLC (for R&N Investments II, LLC) for a zoning change from Central Business District CB-2 Specific Use to High-Rise Apartment District Specific Use on 3.65 acres of unplatted land out of Block A, Section 20, and to consider an ordinance.

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

No one appeared to speak in favor or opposition.

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

Randy Henson, Director of Planning, and Clayton Isom of the TAO Development Group, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Price to approve Ordinance No. 2010-O0013. Motion carried: 7 Ayes, 0 Nays.

6.6. Board Appointments - Regular Session: Consider seven appointments to the Community Development and Services Board; three appointments to the North Overton TIF Reinvestment Zone Board of Directors; six appointments to the Urban Design and Historic Preservation Commission; three appointments to the Urban Renewal and Neighborhood Redevelopment Commission; and five appointments to the Zoning Board of Adjustment.

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

Community Development and Services Board: Reappoint Grace Garza and Billie Russell, and appoint Craig Roberson, Karen Worley, Harsha Patel, Francisco Gutierrez and Andrew Tolbert.

North Overton TIF Reinvestment Zone Board: Reappoint Jack Driskill, Carolyn McDougal, and Patrick Murfee.

Zoning Board of Adjustment: Appoint Ron McClendon and Kevin Bass to member position, reappoint Alan Teinert and Jose Valenciano, and appoint Glen Patton.

- **Urban Design/ Historic Preservation Commission:** Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to reappoint David Chapa, Clifton Ellis, Brett Houk, and Briana Ingram. Motion carried: 7 Ayes, 0 Nays.
- Nominations for the two at large positions for the **Urban Design/ Historic Preservation Commission** were: Pam Brink, Charles Adams, and Timothy Clark.

Votes were taken as follows:

Pam Brink – 4 Ayes (Council Members DeLeon, Klein, Leonard, and Price)

Charles Adams – 7 Ayes (Mayor Martin, Mayor Pro Tem Gilbreath, Council Members Beane, DeLeon, Klein, and Price)

Timothy Clark – 3 Ayes (Mayor Martin, Mayor Pro Tem Gilbreath, and Council Member Beane)

Motion was made by Council Member DeLeon, seconded by Council Member Klein to appoint Pam Brink and Charles Adams to the **Urban Design/ Historic Preservation Commission**. Motion carried: 7 Ayes, 0 Nays.

- **Urban Renewal/ Neighborhood Redevelopment Commission:** Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to reappoint Gary Ferguson. Motion carried: 7 Ayes, 0 Nays.
- **Urban Renewal/ Neighborhood Redevelopment Commission:** Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to appoint R.J. Givens to the real estate position. Motion carried: 7 Ayes, 0 Nays.
- Nominations to appoint Raquel Quigley, Maurice Stanley, or Reymundo Torres were made for the **Urban Renewal/ Neighborhood Redevelopment Commission**.

Votes were taken for each as follows:

Raquel Quigley – 3 Ayes (Mayor Martin, Mayor Pro Tem Gilbreath, and Council Member DeLeon)

Maurice Stanley – 3 Ayes (Council Member Klein, Council Member Price, and Council Member Leonard)

Reymundo Torres – 1 Aye (Council Member Beane)

Votes resulted in a tie between Quigley and Stanley.

Raquel Quigley – 4 Ayes (Mayor Martin, Mayor Pro Tem Gilbreath, Council Member DeLeon, and Council Member Beane)

Maurice Stanley – 3 Ayes (Council Member Klein, Council Member Price, and Council Member Leonard)

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to appoint Raquel Quigley to the Urban Renewal/ Neighborhood Redevelopment Commission. Motion carried: 7 Ayes, 0 Nays.

11:03 A.M. COUNCIL RECESSED INTO EXECUTIVE SESSION.

11:25 A.M. COUNCIL ADJOURNED

There being no further business to come before Council, Mayor Pro Tem Gilbreath adjourned the meeting.