

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
February 25, 2010
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 25th day of February, 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 Tom Martin, Mayor Pro Tem Jim Gilbreath, Council Member Paul R. Beane, Council Member Todd R. Klein, Council Member Linda DeLeon, Council Member John W. Leonard III, and Council Member Floyd Price.

Absent: No one

1. CITIZEN COMMENTS

- Alan Read; Pete Ragus; Dale Milhouser, President of the South Plains Homeless Consortium; Mary Guetersloh, Outreach Director for St Matthew's United Methodist Church; Katie Johnson; Gary Bennett; Darrell Vines; Daniel Echols, Pastor at St. John's United Methodist Church; Deborah Roddy, Executive Committee for Hope Community for Shalom; Nancy Clopton, Executive Director of Hope Community Shalom; and Cathy Mottet all appeared before Council to address the homeless situation in Lubbock and urge Council to pass the Resolution authorizing the creation of the Homelessness Committee (Item 6.3 on the agenda).

7:59 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 Airport
 - 2.1.2 Council Redistricting
 - 2.1.3 Health Benefits - Travelers Insurance
 - 2.1.4 Right-of-Way
 - 2.1.5 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 Attorney
 - 2.3.2 City Manager
 - 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 Urban Renewal / Neighborhood Redevelopment Commission.

9:02 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

Council Chambers

Present: Mayor Tom Martin; Mayor Pro Tem Jim Gilbreath; Council Member Paul R. Beane; Council Member Linda DeLeon; Council Member Todd Klein; Council Member John W. Leonard III; Council Member Floyd Price; Lee Ann Dumbald, City Manager; Rebecca Garza, City Secretary; and Sam Medina, City Attorney.

Absent: No one

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Reverend J. Edson Way, Saint Christopher's Episcopal Church

Reverend J. Edson Way, Saint Christopher's Episcopal 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 to the City of Lubbock Vital Statistics Department for receiving the 2009 Exemplary Five-Star Award by the Texas Department of Health, State Health Services Vital Statistics Unit

Mayor Martin gave special recognition to the City of Lubbock Vital Statistics Department for receiving the 2009 Exemplary Five-Star Award by the Texas Department of Health. Rebecca Garza, City Secretary, accepted this award along with Eva Smith, Supervisor; Norma Longoria; Ida Northcutt; and Percilla Rodriguez, employees of the Vital Statistics Department. Garza gave comments.

3.4. Board Recognitions:

Community Development and Services Board:

Harsha Patel
Michael "Craig" Roberson (unable to attend)
Andrew Tolbert (unable to attend)
Karen Worley (unable to attend)

Urban Design / Historic Preservation Commission:

Charles Adams (unable to attend)
Pamela Brink

Urban Renewal / Neighborhood Redevelopment Commission:

R.J. Givens
Raquel Quigley

Zoning Board of Adjustment:

Lyn Jackson (unable to attend)
Glenn Patton

4. MINUTES

4.1. January 27, 2010, Special City Council Meeting January 28, 2010, Regular City Council Meeting

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve the January 27, 2010 Special City Council Minutes and the January 28, 2010 Regular City Council Minutes. Motion carried: 7 Ayes, 0 Nays.

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

- 5.1-5.7; 5.9; 5.11-5.12; 5.14; 5.8; 5.10; 5.13; 5.15; 6.3; 6.1; 6.4-6.6; 5.15; 6.2
- *Item 5.15 was addressed following item 5.13 and again following item 6.6, and was continued to the March 25, 2010 City Council Meeting.*
- *Item 6.3 failed.*

5. CONSENT AGENDA

Motion was made by Council Member Leonard, seconded by Council Member Klein to approve items 5.1-5.7; 5.9; 5.11-5.12; and 5.14. Motion carried: 7 Ayes, 0 Nays.

- 5.1. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0016 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 Comprehensive Energy Assistance Program.**
- 5.2. Contract Resolution - Right-of-Way: Resolution No. 2010-R0082 authorizing the Mayor to execute Contract 9432 with Billy G. Criswell, also known Billy Gene Criswell, and the Estate of Thelma T. Criswell, deceased 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.**
- 5.3. Contract Resolution - Right-of-Way: Resolution No. 2010-R0083 authorizing the Mayor to execute Contract 9428 with Doyle Charles Buxkemper, and wife Cynthia Gail Buxkemper, 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.**
- 5.4. Contract Resolution - Right-of-Way: Resolution No. 2010-R0084 authorizing the Mayor to execute Contract 9430 with Glen A. Brosch, and wife Sherri L. Brosch, 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.**

- 5.5. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0085** authorizing the Mayor to execute Contract 9431 with Glen A. Brosch, and wife Sherri L. Brosch, and Richard E. Brosch 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.
- 5.6. **Contract Resolution – Water Utility: Resolution No. 2010-0086** authorizing the Mayor to execute Professional Services Agreement 9065 with Kimley-Horn and Associates, Inc., for professional engineering services for the South Lubbock Sewer System Expansion Project, RFQ 09-729-BM.
- 5.7. **Contract Resolution – Water Utility: Resolution No. 2010-R0087** authorizing the Mayor to execute Professional Services Agreement 9433 with Carollo Engineers, P.C., to provide professional engineering services for the Southeast Water Reclamation Plant Digester 8 and 9 Improvements.
- 5.9. **Ordinance 2nd Reading - Business Development: Ordinance 2010-O0014** approving the Fifth Amended North Overton Tax Increment Finance Reinvestment Zone Project Plan and Finance Plan as adopted by the Board of Directors of the North Overton Tax Increment Financing Reinvestment Zone.
- 5.11. **Ordinance 1st Reading - Codes: Ordinance No. 2010-O0017** amending Articles I and II of Chapter 6 of the Code of Ordinances with regard to adoption of the 2006 International Building Code and providing for certain amendments to meet local conditions.
- 5.12. **Contract Resolution - Parks and Recreation: Resolution No. 2010-R0088** authorizing the Mayor to execute Amendment 1 to Athletic Facility License Agreement 9354 adding Lubbock Cooper Little League as an additional user group.
- 5.14. **Contract Resolution - Fleet: Resolution No. 2010-R0089** ratifying an emergency procurement and authorizing the Mayor to execute purchase order Contract 360474 with Associated Supply Company for the repair of a Volvo A25 dump truck for operations at the West Texas Regional Disposal Facility.

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

- 5.8; 5.10; 5.13; 5.15; 6.3; 6.1; 6.4; 6.5-6.6; 5.15 and 6.2.
- Item 5.15 was addressed following item 5.13 and again following item 6.6, and was continued to the March 25, 2010 City Council Meeting.
- Item 6.3 failed

6. REGULAR AGENDA

- 5.8. Contract Resolution – Water Utility: Resolution No. 2010-R0090 authorizing the Mayor to execute Amendment 6 to Contract 8081 with Black & Veatch Corporation for additional professional engineering services for the Southeast Water Reclamation Plant Improvements Project.**

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

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Resolution No. 2010-R0090. Motion carried: 7 Ayes, 0 Nays.

- 5.10. Resolution - Business Development: Resolution No. 2010-R0091 nominating 1859 Management Partners, LP, to the Office of the Governor, Economic Development & Tourism, through the Economic Development Bank as an enterprise zone project and approving the submittal of an Enterprise Zone Project Application.**

Motion was made by Council Member Klein, seconded Council Member DeLeon to approve Resolution No. 2010-R0091. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath recused.

- 5.13. Contract Resolution - Health: Resolution No. 2010-R0092 authorizing and directing the Mayor to execute License Agreement 9429 with the ARES Corporation for an electronic syndrome reporting system for the detection of infectious diseases that impact public health.**

Motion was made by Council Member DeLeon, seconded by Council Member Klein to approve Resolution No. 2010-R0092. Motion carried: 7 Ayes, 0 Nays.

- 5.15. Contract Resolution - Police : Consider a resolution authorizing the Mayor to execute Contract 9434 with the Texas Tech University Army Reserve Officer Training Corps for the use of the Lubbock Police Department pistol and rifle range, obstacle course, and tactical training building located at 11602 West 19th Street.**

This item was continued.

Dale Holton, Chief of Police, gave comments and answered questions from Council.³

This item was then continued to the March 25, 2010 City Council Meeting.

- 6.3. Resolution - City Council: Consider a resolution authorizing the creation of the Homelessness Committee to evaluate and oversee homelessness issues within Lubbock, and to report to the Lubbock City Council its findings and recommendations.**

This item failed.

Motion was made by Council member Klein, seconded by Council Member Price, to approve this resolution with an amendment that members shall serve not more than two consecutive terms unless that member serves as chair; that member would then be eligible for a third consecutive term.

Bill Howerton, Community Development Director, gave comments and answered questions from Council.

Discussion was had, and Council Member Klein read the following into the record from Captain Mike Morton, Head of the Local Salvation Army:

“We consider it an honor to support this resolution. Further, we consider it a mandate. We would be negligent in our mission if we were not part of your effort. Please call on us for help and support.”

Motion was made by Council Member DeLeon, seconded by Council Member Klein to entertain comments from the public. Motion failed: 3 Ayes, 4 Nays. Mayor Martin, Mayor Pro Tem Gilbreath, and Council Members Leonard and Beane voted Nay.

Vote was then taken on the main motion. Motion failed: 3 Ayes, 4 Nays. Mayor Martin, Mayor Pro Tem Gilbreath, and Council Member’s Leonard and Beane voted Nay.

6.1. Public Hearing 9:30 a.m. - Planning: Ordinance No. 2010-O0018 ZONE CASE NO. 2995-I (south of 72nd Street east of Milwaukee Avenue): Hold a public hearing to consider request of Hugo Reed and Associates, Inc., (for Bacon Crest Ltd.) for a zoning change from R-1 Single-Family District Specific Use to C-2 Local Retail District on 8.4 acres of unplatted land out of Block AK, Section 29, and to consider an ordinance.

Mayor Martin opened the Public Hearing at 9:43 a.m.

No one appeared in favor or in opposition.

Mayor Martin closed the Public Hearing at 9:43 a.m.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Ordinance No. 2010-O0018. Motion carried: 7 Ayes, 0 Nays.

6.4. Resolution - Finance: Resolution No. 2010-R0093 accepting the City of Lubbock Comprehensive Annual Financial Report for fiscal year ended September 30, 2009.

Andy Burcham, Chief Financial Officer, and Kevin Kemp, Partner with BKD, 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-R0093. Motion carried: 7 Ayes, 0 Nays.

- 6.5. **Contract Resolution - Information Technology: Resolution No. 2010-R0094 authorizing the Mayor to execute Amendment 1 to Contract 9278 with Denovo Ventures, LLC, for additional project hours and contingency hours for the JD Edwards software upgrade.**

Mark Yearwood, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Leonard, to approve Resolution No. 2010-R0094. Motion carried: 7 Ayes, 0 Nays.

- 6.6. **Resolution - City Council: Resolution No. 2010-R0095 requiring the City of Lubbock to provide online access to its check register, to include the listing of line item expenses showing the date, amount, payee, account type, and purchase order number.**

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath, to approve Resolution No. 2010-R0095. Motion carried: 7 Ayes, 0 Nays.

9: 55 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

10:34 A.M. CITY COUNCIL RECONVENED

Council Chambers

- 6.2. **Board Appointments - City Secretary: Consider six appointments to the Animal Services Advisory Board, five appointments to the Board of Health, four appointments to the Keep Lubbock Beautiful Advisory Committee, and one appointment to the Urban Renewal/ Neighborhood Redevelopment Commission.**

Animal Services Advisory Board: Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to reappoint the following: Kaylene Brown; Joyce Dahlbeck; Lucile Redus; Jack Thompson; Mary Whistler; and Jamie Whittenburg. Motion carried: 7 Ayes, 0 Nays.

Keep Lubbock Beautiful Advisory Committee: Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to reappoint the following: Roger Karr and Margarita Olivarez; and appoint Margaret Randle and Becky McPherson. Motion carried; 7 Ayes, 0 Nays.

Urban Renewal/Neighborhood Redevelopment Commission: Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to appoint Sheri Nugent. Motion carried: 7 Ayes, 0 Nays.

Board of Health: This item was continued to the March 25, 2010 meeting.

10:36 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

2:07 P.M. CITY COUNCIL ADJORNED

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