

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
March 4, 2010
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 4th day of March 4, 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

- Holly Hester, owner of Incredibounce, a party rental company; Melissa Luna, owner of Mellys Belly Bouncers; and Tony Castle with Spoil me Rotten, all appeared before Council to speak in opposition of the proposed ordinance that would require permitting for the use of inflatable play equipment in City Parks.
- Chad Wheeler gave comments on the homeless situation in Lubbock.

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 Right-of-Way

2.1.2 Street

2.1.3 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 Business Development**
 - 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, 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**

9:00 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 R. 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

Note: *City Council addressed agenda items in the following order:*

- *3.1-3.3; 5.1; 5.3-5.4; 5.6-5.8; 5.10; 5.12-5.19; 5.21-5.24; 4.1; 5.2; 5.5; 5.9; 5.11; 5.20; 6.1; 6.2; 7.1; and 3.4*
- *Items 5.9 and 6.2 were deleted.*
- *Item 5.20 died for lack of second.*

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor John Givens, Community Christian Church

Pastor John Givens, Community Christian 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 2010 as Colon Cancer Prevention and Awareness Year

Dr. Davor Vugrin accepted special recognition from Mayor Martin and gave comments on the importance of Colon Cancer screenings.

5. CONSENT AGENDA

Motion was made by Council Member Klein, seconded by Council Member Leonard to approve items 5.1; 5.3-5.4; 5.6-5.8; 5.10; 5.12-5.19; and 5.21-5.24. Motion carried: 7 Ayes, 0 Nays.

5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance 2010-00016 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.

5.1.1 Contract Resolution- Community Development: Resolution No. 2010-R0096 authorizing the Mayor to execute Contract 9443 with the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program to fund repair or replacement of inefficient appliances and to provide utility assistance to low-income persons.

5.1.2 Contract Resolution - Community Development: Resolution No. 2010-R0097 authorizing the Mayor to execute Community Development Funding Contract 9444 with Lutheran Social Services of the South to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program and the Community Services Block Grant.

5.1.3 Contract Resolution - Community Development: Resolution No. 2010-R0098 authorizing the Mayor to execute Community Development Funding Contract 9445 with Life Run Independent Living Centers to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program and the Community Services Block Grant.

- 5.1.4 Contract Resolution - Community Development: Resolution No. 2010-R0099 authorizing the Mayor to execute Community Development Funding Contract 9446 with Catholic Family Services to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program and the Community Services Block Grant.**
- 5.3. Budget Amendment Ordinance 1st Reading - LP&L: Ordinance No. 2010-O0019 amending the Adopted FY 2009-10 Budget respecting the operating budget in the Lubbock Power and Light Fund as recommended by the Electric Utility Board on February 16, 2010, 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 in the Lubbock Power and Light Fund as recommended by the Electric Utility Board on February 16, 2010 and as approved by the City Council in a meeting conducted pursuant to Section 551.086 of the Texas Government Code.**
- 5.4. Contract Resolution - Human Resources: Resolution No.'s 2010-R0100; 2010-R0101; and 2010-R0102 authorizing the Mayor to execute Contract 9435 with Spherion Staffing, Contract 9436 with Kelly Services, and Contract 9438 with Area Wide Temps for temporary employment services, RFP 10-020-DT.**
- 5.6. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2010-O0020 abandoning and closing a 15-foot underground utility easement in Lot 77A, a 5-foot LP&L underground utility easement in Lot 76, and 10-foot drainage easement in Lots 75 and 76, which all easements are located in Block 7, Furr Wolf Addition.**
- 5.7. Contract Resolution - Right-of-Way: Resolution No. 2010-R0103 authorizing the Mayor to execute Contract 9440 with Dana Smallwood, as her sole and separate property 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-R0104 authorizing the Mayor to execute Contract 9441 with M & M Enterprises, 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 – Water Utility: Resolution No. 2010-R0105 Consider a resolution authorizing the Mayor to execute Contract 7054 with Alan Plummer Associates, Inc., to provide engineering design services associated with improvements at the City's North Water Treatment Plant, RFQ 05-143-BM.**

- 5.12. Contract Resolution - Water Utility: Resolution No. 2010-R0106 authorizing the Mayor to execute Contract 9368 with Construction Services for the construction of a new roof on the Southeast Water Reclamation Plant Administration and Laboratory Building, BID 10-048-DD.**
- 5.13. Contract Resolution - Water Utility: Resolution No. 2010-R0107 acknowledging and ratifying the Texas Commission on Environmental Quality Agreed Order, Docket 2009-1973-MLM-E, resolving an enforcement action regarding City of Lubbock under the authority of Texas Water Code, Chapters 7 and 26.**
- 5.14. Ordinance 2nd Reading - Codes: Ordinance 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.**
- 5.15. Ordinance 2nd Reading - Planning: Ordinance 2010-O0018 ZONE CASE NO. 2995-I (south of 72nd Street east of Milwaukee Avenue): 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.**
- 5.16. Resolution - Development Services: Resolution No. 2010-R0108 authorizing the Mayor to execute a Deed Without Warranty from the City of Lubbock to the Urban Renewal Agency for a public railroad loading dock on a vacant tract of land located at 1002 Coronado Drive, a parcel of land located south of Coronado Drive and east of Juniper Avenue in Lot 1, Block 37, Coronado Addition to the City of Lubbock, Lubbock County, Texas.**
- 5.17. Contract Resolution - Airport: Resolution No. 2010-R0109 authorizing the Mayor to execute Job Order Contract 10-026-A-026-NJPA with Talon/LPE for re-roofing Airport Hangar 108.**
- 5.18. Contract Resolution - Citibus: Resolution No. 2010-R0110 authorizing the Mayor to execute Amendment 1 to the Fiscal Year 2010 Regionally Coordinated Transportation Planning Project Grant Agreement 510XXF7005, Section 5304 Grant, with the Texas Department of Transportation for Regional Coordination Planning.**
- 5.19. Contract Resolution - Libraries: Resolution No. 2010-R0111 authorizing the Mayor to execute Operations Project 818 work order with LibLime to include additional libraries for the West Texas Library System online catalog project.**
- 5.21. Contract Resolution - Fleet: Resolution No. 2010-R0112 authorizing the Mayor to execute purchase order Contract 360731 with Lubbock Truck Sales for the purchase of 19 cabs and chassis for the Solid Waste Department, BID 10-033-RH.**

- 5.22. **Contract Resolution - Fleet: Resolution No. 2010-R0113 authorizing the Mayor to execute a purchase order Contract 360912 with Equipment Southwest for 18 side loader refuse compaction bodies.**
- 5.23. **Contract Resolution - Fleet: Resolution No. 2010-R0114 authorizing the Mayor to execute purchase order Contract 361158 with Equipment Southwest for a high dump street sweeper.**
- 5.24. **Contract Resolution - Fire: Resolution No. 2010-R0115 authorizing the Mayor to execute purchase order Contract 361502 with Federal Resources Supply Company for a handheld solid and liquid chemical identifier used by the Fire Department to properly analyze and identify unknown solids and liquids.**

4. MINUTES

- 4.1. **February 9, 2010, Regular City Council Meeting
February 12, 2010, Special City Council Meeting**

Motion was made by Council Member Price, seconded by Council Member Leonard to approve the February 9, 2010 Regular City Council minutes and the February 12, 2010 Special City Council minutes. Motion carried: 7 Ayes, 0 Nays.

6. REGULAR AGENDA

- 5.2. **Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0021 amending the Adopted FY 2009-10 Budget respecting the Grant Fund to amend the Regionally Coordinated Transportation Planning Grant, respecting the Capital Program to establish Capital Improvement Project 92225, Lake Alan Henry – Police Facility Spill Containment and appropriate funds; amend Capital Improvement Project 91103, Slide Road from 4th Street to North Loop 289; and amend Capital Improvement Project 92158, 98th, Frankford, and Milwaukee.**

Dale Holton, Chief of Police; and Marsha Reed, Chief Operating Officer, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein, to approve Ordinance No. 2010-O0021. Motion carried: 7 Ayes, 0 Nays.

- 5.5. **Contract Resolution - Public Works Engineering: Resolution No. 2010-R0116 authorizing the Mayor to execute Agreement 9447 for Professional Engineering Services with Parkhill, Smith & Cooper for the reconstruction of 34th Street from Indiana Avenue to Avenue Q, RFQ 10-028-FO.**

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

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2010-R0016. Motion carried: 7 Ayes, 0 Nays.

- 5.9. Contract Resolution - Water Utility: Consider a resolution authorizing the Mayor to execute a pipeline easement Joint Use Agreement with Red Hollow Wind, LLC, associated with the Lake Alan Henry raw water pipeline.**

This item was deleted.

- 5.11. Contract Resolution - Water Utility: Resolution No. 2010-R0117 authorizing the Mayor to execute purchase order Contract 361144 with Massey Irrigation for the installation of two center pivots at the Lubbock Land Application Site, BID 10-042-RH.**

Marsha Reed, Chief Operating Officer; and Mary Gonzales, Waste Water Systems Superintendent, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price, to approve Resolution No. 2010-R0117. Motion carried: 7 Ayes, 0 Nays.

- 5.20. Ordinance 1st Reading - Parks and Recreation: Consider an ordinance amending Chapter 19 of the Code of Ordinances with regard to the regulation and use of inflatable play equipment in City parks.**

Randy Truesdell, Director of Parks and Recreation, gave a brief presentation. He then gave comments and answered questions from Council.

This item died due to lack of a second to the motion.

- 6.1. Contract Resolution - Community Development: Resolution No.'s 2010-R0118; 2010-R0119; 2010-R0120; 2010-R0121; 2010-R0122; 2010-R0123; 2010-R0124; 2010-R0125; 2010-R0126; 2010-R0127; 2010-R0128; 2010-R0129; 2010-R0130; and 2010-R0131 authorizing the Mayor to execute Contract 8094 with Arguijo Heating & A/C, Contract 8106 with Barajas Construction, Contract 8095 with Best Value Plumbing, Contract 8097 with Cook Construction, Contract 8098 with Efficient Attic Systems, Contract 8100 with Kelly Properties, Contract 8104 with Lee's Home Improvement, Contract 8103 with Lone Star construction, Contract 8099 with Mills Efficiency Home, Contract 8105 with P & W Environmental, Contract 8093 with P. Trevino Construction, Contract 8102 with Planks A/C & Heating, Contract 8096 with Star Construction, and Contract 8101 with Tommy Klein Construction for weatherization measures and repairs, RFP-10-013-MA.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price, to approve Resolution No.'s 2010-R0118; 2010-R0119; 2010-R0120; 2010-R0121; 2010-R0122; 2010-R0123; 2010-R0124; 2010-R0125; 2010-R0126; 2010-R0127; 2010-R0128; 2010-R0129; 2010-R0130; and 2010-R0131. Motion carried: 6 Ayes, 0 Nays. Council Member Klein recused.

- 6.2. Contract Resolution - Traffic Engineering: Consider a resolution authorizing the Mayor to execute purchase order Contract 356466 with Paradigm Traffic System for traffic signal cabinets, BID 10-003-FO.**

This Item was deleted.

9:44 A.M. CITY COUNCIL RECESSED

9: 2 A.M. CITY COUNCIL RECONVENED

Council Chambers

7. WORK SESSION/BUSINESS AGENDA

7.1. City Council: Discussion about utilizing Internet social media

Patrick Aten, Assistant to the City Council, and Mark Yearwood, Assistant City Manager, gave comments and answered questions from Council. Discussion was had on the benefits of social media improving City of Lubbock communications.

City Council consensus was to have staff move forward with a plan to implement and use social media

3. PROCLAMATIONS AND PRESENTATIONS CONTINUED

3.4. Presentation of a special recognition commemorating March 2010 as Red Cross Month

Mayor Martin presented special recognition to Bill Curnow, Member of the American Red Cross Board of Directors, in commemoration of March 2010 as Red Cross Month.

10:15 A.M. CITY COUNCIL ADJORNED

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