

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING**

April 8, 2010

7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 8th day of April, 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 Todd R. Klein, Council Member Floyd Price, Council Member John W. Leonard III, and Council Member Paul R. Beane.

Absent: Council Member Linda DeLeon

1. CITIZEN COMMENTS

1.1. Mickey Jones will appear before the City Council to discuss ordinances related to pets and unrestrained dogs riding in the back of pickup trucks.

Mickey Jones did not appear.

1.2. Fernando Perez will appear before the City Council to discuss East Lubbock.

Fernando Perez did not appear.

1.3 Tom Adams appeared before City Council to extend his gratitude for the opportunity to work for the City of Lubbock.

7:34 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 Health Benefits**
 - 2.1.3 Right-of-Way**
 - 2.1.4 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 Airport**
 - 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 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; and**
 - 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.**

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

- 3.7; 3.1-3.6; 4.1; 5.1-5.6; 5.8-5.12; 5.14-5.17; 5.21; 5.23-5.24; 5.7; 5.13; 5.18; 5.19; 5.20; 5.22; 6.1; 5.24
- 5.24 was reconsidered and amended following item 6.1

**8:41 A.M. CITY COUNCIL REGULAR MEETING RECONVENED AND RECESSED TO ATTEND THE 2010 TEXAS COTTON GINNERS' ASSOCIATION ANNUAL MEETING AND COTTON TRADE SHOW
Council Chambers**

9:00 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

Lubbock Memorial Civic Center

- 3.7. 9:00 a.m. - The Mayor and members of the City Council will recess to the Lubbock Memorial Civic Center to attend the ribbon cutting ceremony for the 2010 Texas Cotton Ginners' Association Annual Meeting and Cotton Trade Show. At 9:30 a.m., the City Council meeting will resume at City Hall.**

The Mayor and City Council Members attended and participated in the Ribbon Cutting Ceremony for the 2010 Texas Cotton Ginners' Association Annual Meeting and Cotton Trade Show.

9:10 A.M. CITY COUNCIL RECESSED

**9:30 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 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: Council Member Linda DeLeon

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Minister Dale Mannon, Green Lawn Church of Christ

Minister Dale Mannon, Green Lawn 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.

3.3. Presentation of a special recognition commemorating April 2010 as Sexual Assault Awareness Month.

Leslie Timmons, with the Rape Crisis Center, gave comments and accepted special recognition from the Mayor commemorating April 2010 as Sexual Assault Awareness Month.

3.4. Presentation of a special recognition commemorating April 15-18, 2010, as Lubbock Arts Festival Weekend.

Elizabeth Regner, President of the Lubbock Arts Alliance, along with Pat Maines and Ben Davidson, accepted special recognition from the Mayor commemorating April 15-18, 2010, as Lubbock Arts Festival Weekend. Mr. Davidson gave comments on the weeks upcoming events.

3.5. Presentation of a special recognition commemorating the week of April 11-17, 2010, as National Public Safety Telecommunications Week.

Christy Hennsley, along with members of the Lubbock Police Department Dispatch group, accepted special recognition from the Mayor commemorating the week of April 11-17, 2010, as National Public Safety Telecommunications Week.

3.6. Presentation of a special recognition commemorating April 15, 2010, as Donate Life Day.

Eliza Juarez and Schawnte Williams, from Life Gift, accepted special recognition from the Mayor commemorating April 15, 2010 as Donate Life Day. Ms. Williams gave comments on the importance of organ donations.

4. MINUTES

4.1. Regular City Council Meeting March 4, 2010

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath, to approve the March 4, 2010 Regular City Council meeting. Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Council Member Leonard, seconded by Council Member Klein, to approve items 5.1-5.6; 5.8-5.12; 5.14-5.17; 5.21; and 5.23-5.24. Motion carried: 6 Ayes, 0 Nays.

5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance 2010-O0026, Budget Ordinance Amendment 13, amending the Adopted FY 2009-10 Budget respecting the Operating Budget by amending the Community Development Block Grant Operating Budget; amending the Vintage Township Public Facilities Corporation Operating Budget as presented in Exhibit A; amending the Vintage Township Public Improvement District Operating Budget as presented in Exhibit B; and respecting the Capital Program by establishing Capital Improvement Project 92226, Vintage Public Improvement District Infrastructure Improvements and appropriate funds.

5.1.1 Resolution - Community Development: Resolution No. 2010-R0158 approving the Community Development and Services Board recommendations for the reallocation of unspent federal funds from the Community Development Block Grant available through the U.S. Department of Housing and Urban Development.

5.2. Resolution - Finance: Resolution No. 2010-R0159 approving the revised City of Lubbock Investment Policy and Investment Strategy as recommended by the Audit and Investment Committee.

- 5.3. **Contract Resolution - Finance: Resolution No. 2010-R0160 authorizing the Mayor to execute a contract with Wells Fargo Bank for bank depository services, RFA 10-063-MA.**
- 5.4. **Ordinance 2nd Reading – Right-of-Way: Ordinance 2010-O0022 abandoning and closing a two-foot wide LP&L underground street light cable easement on Lot 192, Day Estates Addition to the City, 9305 Hyden Avenue.**
- 5.5. **Ordinance 2nd Reading – Right-of-Way: Ordinance 2010-O0023 abandoning and closing a 20-foot wide underground utility easement on Lot 12, Wedgewood South Addition, 9825 Vinton Avenue.**
- 5.6. **Ordinance 2nd Reading – Right-of-Way: Ordinance 2010-O0024 abandoning and closing a 20-foot by 360-foot electrical power line easement in Tract A, Crawford Industrial Addition, Second Installment, 5824 Elm Avenue.**
- 5.8. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0161 authorizing the Mayor to execute Contract 9506 with Wade H. Wimmer 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. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0162 authorizing the Mayor to execute Contract 9505 with A. A. Wimmer 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-R0163 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.**
- 5.11. **Ordinance 2nd Reading - Public Works: Ordinance 2010-O0029 amending Code of Ordinances Section 24-101, Driveways into Private Property, and Section 24-86, Design; layouts; plans.**
- 5.12. **Contract Resolution - Public Works Traffic Engineering: Resolution No. 2010-R0164 authorizing the Mayor to execute unit price Contract 9374 with Centerline Supply, LTD, for traffic paint, BID 10-044-DD.**
- 5.14. **Contract Resolution - Public Works Street Department: Resolution No. 2010-R0165 authorizing the Mayor to execute Contract 9502 with Bee Equipment Sales for the lease of an asphalt paver.**

- 5.15. Ordinance 2nd Reading - Planning: Ordinance 2010-O0027 Zone Case 3132 (west of Upland Avenue north of 66th Street): to consider request of AMD Engineering, LP (for Family Harvest Church) for a zoning change from Transition to High-Density Apartment District limited to church and church related uses on 65 acres of unplatted land out of Block AK, Section 34.**
- 5.16. Ordinance 2nd Reading - Planning: Ordinance 2010-O0028 Zone Case 2173-E (west of Slide Road north of 4th Street): to consider request of Hugo Reed and Associates, Inc. (for Chicken Express) for a zoning change from General Retail District Specific Use, Local Retail District, and Restricted Local Retail District to Local Retail District (Neighborhood Commercial) on a portion of Tract A, Whisperwood Addition, a portion of Lot 1-B, Whisperwood Financial Addition, and a portion of Slide Road.**
- 5.17. Ordinance 2nd Reading - Building Inspection: Ordinance 2010-O0030 revising Sections 6-69 and 6-80VV of the Lubbock Code of Ordinances regarding the movement of buildings and structures within the corporate limits of Lubbock.**
- 5.21. Contract Resolutions - Fleet: Resolution No. 2010-R0166 and 2010-R0167 authorizing the Mayor to execute purchase order Contract 362554 with Abilene New Holland for one front-end loader for Lake Alan Henry and purchase order Contract 362553 with Heritage Equipment for one backhoe for Park Maintenance, BID 10-051-RH.**
- 5.23. Ordinance 2nd Reading - City Secretary: Ordinance 2010-O0025 amending Chapter 8 of the Code of Ordinances by amending the location of the polling places for Voting Precinct 78, Voting Precinct 113, and Voting Precinct 127.**
- 5.24. Contract Resolution - City Attorney: Resolution No. 2010-R0184 authorizing the Mayor to execute a professional services agreement with Guinn and Morrison to provide legal and other services to assist the City with redistricting in connection with the 2010 National Census.**

Note: This item was reconsidered following item 6.1, and was amended.

6. REGULAR AGENDA

- 5.7. Contract Resolution - Right-of-Way: Resolution No. 2010-R0168 authorizing the Mayor to execute a parking lot lease agreement with Bourne Enterprises, LLC, dba Tequila Jungle, for the use of a City parking lot at 1801 Crickets Avenue.**

Dave Booher, Right-of-Way Agent, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Klein, to approve Resolution No. 2010-R0168. Motion carried: 6 Ayes, 0 Nays.

5.13. Contract Resolution - Public Works Street Department: Resolution No. 2010-R0169 authorizing the Mayor to execute unit price Contract 9451 with Intermountain Slurry Seal for the 2010 Street Micro-Surfacing Project, BID 10-064-FO.

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 Resolution No. 2010-R0169. Motion carried: 6 Ayes, 0 Nays.

5.18. Contract Resolution - Business Development: Resolution No. 2010-R0170 authorizing the Mayor to execute a commercial tax abatement agreement with Raider Park, L.P.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price, to approve Resolution No. 2010-R0170. Motion carried: 5 Ayes, 1 Nay. Council Member Beane voted nay.

5.19. Resolution - Business Development: Resolution No. 2010-R0171 adopting Public Improvement District Policies and Guidelines.

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-R0171. Motion carried: 6 Ayes, 0 Nays.

5.20. Contract Resolution - Fleet: Resolution No.'s 2010-R0172; 2010-R0173; and 2010-R0174 authorizing the Mayor to execute purchase order Contract 362563 with Scoggin Dickey Chevrolet Buick; purchase order Contract 362566 with Sam Packs Five Star Ford; and purchase order Contract 362573 with Philpott Motors for light duty vehicles, BID 10-058-RH.

Leslie Cox, Director of Telecom and Fleet Operations, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price, to approve Resolution No.'s 2010-R0172; 2010-R0173; and 2010-0174. Motion carried: 6 Ayes, 0 Nays.

5.22. Contract Resolution - Community Development: Resolution No.'s 2010-R-0175; 2010-R0176; 2010-R0177; 2010-R0178; 2010-R0179; 2010-R0180; 2010-R0181; and 2010-R0182 authorizing the Mayor to execute Contract 9489 with Planks Air Conditioning & Heating, Contract 9493 with Dan's Appliance Heating and Air Conditioning, Contract 9492 with Duncan Heating and Air Conditioning, Contract 9491 with Best Value Plumbing, Contract 9490 with Kelly Properties, Contract 9488 with Arguijo Heating & Air Conditioning, Contract 9494 with Thrifty Plumbing and Air Conditioning, and Contract 9495 with Extreme Heating and Air Conditioning, RFP-10-013-MA.

Phyllis Brown, Interim Community Development Director, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath, to approve Resolution No.'s 2010-R0175; 2010-R0176; 2010-R0177; 2010-R0178; 2010-R0179; 2010-R0180; 2010-R0181; and 2010-R0182. Motion carried: 6 Ayes, 0 Nays.

6.1. Resolution - City Manager: Resolution No. 2010-R0183 confirming the appointment of Mike Kemp as Fire Chief of the City of Lubbock.

Motion was made by Council Member Klein, seconded by Council Member Leonard, to approve Resolution No. 2010-R0183. Motion carried: 6 Ayes, 0 Nays.

Mike Kemp was sworn in as the 8th Fire Chief in the City of Lubbock by Judge Bill Sowder. Chief Kemp accepted the duties as Fire Chief and gave comments to those in attendance.

5.24. Contract Resolution - City Attorney: Resolution No. 2010-R0184 authorizing the Mayor to execute a professional services agreement with Guinn and Morrison to provide legal and other services to assist the City with redistricting in connection with the 2010 National Census.

Motion was made by Council Member Klein, seconded by Council Member Price to reconsider item 5.24. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price, to approve Resolution No. 2010-R0184 with the following amendment:

- To include language in the contract that two public hearings will be held in the evenings.

Motion carried: 6 Ayes, 0 Nays.

10:31 A.M. CITY COUNCIL RECESSED TO ATTENDED THE RECEPTION FOR CHIEF KEMP THEN BACK INTO EXECUTIVE SESSION

11:26 A.M. CITY COUNCIL ADJOURNED

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