

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
May 13, 2010  
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 13th day of May, 2010, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

**7:34 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 ordinances related to pets.**

Mickey Jones appeared before City Council to discuss concerns about dogs riding in the back of pick up trucks and other related enforcement issues.

**7:36 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 Traffic and Zoning**

**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 Airport
  - 2.2.2 Facilities
  - 2.2.3 Right-of-Way
  - 2.2.4 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:*

- 3.1-3.6; 4.1; 5.4-5.13; 5.15-5.20; 5.23; 5.26; 5.1-5.3; 5.14; 5.21-5.22; 5.24; 5.25; 5.27; 6.1-6.2; and 7.1-7.2.
- Item 5.2 failed.

**9:05 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

### **3. PROCLAMATIONS AND PRESENTATIONS**

#### **3.1. Invocation by Pastor Wendell D. Davis, Lyons Chapel Baptist Church**

Wendell D. Davis, Lyons Chapel Baptist 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 the Arthritis Foundation's 2010 Arthritis Walk.**

Brenda Rampy and Trenne Simmons, representatives from the Lubbock Arthritis Walk Committee, accepted special recognition from the Mayor commemorating the Arthritis Foundation's 2010 Arthritis Walk. Brenda Rampy, Assistant to the City Council in Lubbock, gave comments on her battle with Arthritis, and encouraged everyone to donate and participate in the 2010 Arthritis Walk.

#### **3.4. Presentation of a special recognition commemorating May 2010 as Elder Abuse Awareness Month.**

Wendi Edwards and Lori Oakley, with Adult Protective Services, accepted special recognition from the Mayor commemorating May 2010 as Elder Abuse Awareness Month. Ms. Edwards gave comments on the importance of reporting elderly abuse problems.

#### **3.5. Presentation of a special recognition commemorating May 21, 2010, as Lubbock Cares Day.**

Dr. John Thomas, Sandy Turner, and other members of Lubbock Cares, accepted special recognition from the Mayor commemorating May 21, 2010 as Lubbock Cares Day. Dr. Thomas gave comments on the positive impact around the world that Lubbock Cares can provide.

#### **3.6. Board Recognitions:**

##### **Animal Services Advisory Board:**

Mary Hatfield

##### **Audit and Investment Committee:**

Rick Trice (unable to attend)

**Keep Lubbock Advisory Committee:**

Charles Harris  
Alice Lozada  
Alfonso Sanchez (unable to attend)

**Park and Recreation Board:**

Jerry Ramirez

**Public Transit Advisory Board:**

Cindy Finley (unable to attend)

**4. MINUTES**

**4.1. Regular City Council Meeting April 8, 2010**

Motion was made by Council Member Leonard, seconded by Council Member Price, to approve the April 8, 2010 Regular City Council minutes. Motion carried: 7 Ayes, 0 Nays.

**5. CONSENT AGENDA**

Motion was made by Council Member Klein, seconded by Council Member Price, to approve items 5.4-5.13; 5.15-5.20; 5.23; and 5.26. Motion carried: 7 Ayes, 0 Nays.

- 5.4. Contract Resolution - Right-of-Way: Resolution No. 2010-R0209 authorizing the Mayor to execute Contract 9521 with Lidwina Wolf 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-R0210 authorizing the Mayor to execute Contract 9545 with Joseph L. Kitten and Loretta M. Kitten, Trustees of the J & L Kitten Family Trust, 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 - Right-of-Way: Resolution No. 2010-R0211 authorizing the Mayor to execute Contract 9552 with Randall R. Adams and wife, Tammy R. Adams, 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.**
- 5.7. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2010-O0040 abandoning and closing a 20-foot alley located in Block 6, Original Town of Lubbock, 412 Avenue J.**

- 5.8. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0212** authorizing the Mayor to execute an alley use license with Lone Star Oyster Bar to use a portion of a dedicated alley for a temporary outdoor evening patio, 609 18th Street.
- 5.9. **Contract Resolution - Public Works Traffic Engineering: Resolution No. 2010-R0213** authorizing the Mayor to execute Inter-local Agreement 050XXF6001 with the Texas Department of Transportation (TxDOT) for the City to furnish and install traffic signal equipment as part of the TxDOT Construction Project at West Loop 289 and State Highway 114 (19th Street).
- 5.10. **Amendment Resolution - Public Works Traffic Engineering: Resolution No. 2010-R0214** authorizing the Mayor to execute Amendment 2 to a contract with HVJ Associates, Inc., for a street pavement management system and a Traffic Engineering work order system to add sign and signal inventory and retro reflectivity testing services.
- 5.11. **Ordinance 2nd Reading - Building Inspection: Ordinance 2010-O0032** amending Article II of Chapter 6 of the Code of Ordinances of the City of Lubbock, Texas, with regard to providing for special locking arrangements in Group 1-2 occupancy; moved structures; providing for moving contractor registration and permit requirements; establishing responsibilities of the parties; providing for certain exemptions; providing minimum standards for relocated buildings; providing a penalty; providing a savings clause; providing for publication; and providing an effective date.
- 5.12. **Ordinance 2nd Reading - Planning: Ordinance 2010-O0033 Zone Case 2904-D** (north of Marsha Sharp Freeway access road west of University Avenue): 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 IHC Specific Use on 2.814 acres of land out of Block A, Section 20.
- 5.13. **Ordinance 2nd Reading - Planning: Ordinance 2010-O0034 Zone Case 3019-A** (2401 Glenna Goodacre Boulevard): request of McDougal Companies for a zoning change from Multi-Family District R-3 to Central Business District CB-2 Specific Use on the west half of Tract 1-C, Overton Park.
- 5.15. **Ordinance 2nd Reading - Planning: Ordinance 2010-0036 Zone Case 3043-A** (west of Memphis Avenue and north of 107th Street): request of Hugo Reed and Associates, Inc. (for James Morgan, Ltd.) for a zoning change from Single Family District R-1 Specific Use to R-1 Specific Use to amend conditions on Lots 138-194, Ravenwood Addition.

- 5.16. Ordinance 2nd Reading - Planning: Ordinance 2010-0037 Zone Case 2437-H (north of 82nd Street and east of Milwaukee Avenue): request of Hugo Reed and Associates, Inc. (for Kwik Industries) for a zoning change from Local Retail District C-2 to General Retail District C-3 on 0.8 acres of unplatted land out of Block AK, Section 29.**
- 5.17. Ordinance 2nd Reading - Planning: Ordinance 2010-0038 Zone Case 1996-H (6524 Slide Road): request of Ron Childress (for 68th & Slide, L.L.C.) for a zoning change from General Retail District C-3 to Commercial District C-4 limited to a fitness center including an indoor pool and indoor laser tag and unconditionally permitted C-3 uses on Tract D-2, Sentry Park Addition.**
- 5.18. Ordinance 2nd Reading - Planning: Ordinance 2010-O0039 Zone Case 2173-F (5402 4th Street): request of Ron Childress (for Lubbock BW Properties #4, LLC) for a zoning change from General Retail District C-3 to Commercial District C-4 limited to a family fitness center (including an indoor pool, indoor water park, and indoor laser tag and unconditionally permitted C-3 uses) on Tract G, Whisperwood Addition.**
- 5.19. Contract Resolution - Business Development: Resolution No. 2010-R0215 Interlocal Agreement with the Lubbock Central Appraisal District for the collection of assessments levied by the City Council against property within the Quincy Park Public Improvement District.**
- 5.20. Contract Resolution - Airport: Resolution No. 2010-R0216 authorizing the Mayor to execute Contract 9555 with the Federal Aviation Administration for lease of the Outer Marker Site of the Instrument Landing System serving Runway 26.**
- 5.23. Resolution - Airport: Resolution No. 2010-R0217 authorizing the Mayor to execute Amendment 12C to the agreement with Parkhill, Smith & Cooper for engineering and design services related to Runway 08/26 and Taxiway Improvements.**
- 5.26. Contract Resolution - Facilities: Resolution No. 2010-R0218 authorizing the Mayor to execute Job Order Contract 10-039-F-039-NJPA with Talon/LPE for City Hall Basement Restroom Renovations.**

**6. REGULAR AGENDA**

**5.1. Budget Amendment 2nd Reading - Finance: Ordinance 2010-O00031, Amendment 14, amending the Adopted FY 2009-10 Budget respecting the Grant Program to accept and appropriate from the Texas Department of Transportation for the Click It or Ticket Grant; accept and appropriate from the Texas Department of Housing and Community Affairs for the Community Services Block Grant; respecting the Capital Program by amending Capital Improvement Project No. 92130, Runway 8/26 Extension; amend Capital Improvement Project No. 92069, Lake Alan Henry (LAH) Raw Water Line/Pump Stations; establish Capital Improvement Project No. 92187, LAH Treated Water Pipeline; establish Capital Improvement Project No. 8558, West Loop 289 and State Highway 114 Traffic Signals; amend Capital Improvement Project No. 92126, Southeast Water Reclamation Plant Improvements Phase II Plant 4; establish Capital Improvement Project No. 8559, 98th Street Sanitary Sewer Remediation and appropriate funds; and respecting the Operating Budget in the Central Business District (CDB) Tax Increment Financing Reinvestment Zone (TIF) Special Revenue Fund by appropriating funds; and amend the Cemetery Perpetual Care Account by appropriating funds.**

**5.1.1 Resolution - Police: Resolution No. 2010-R0219 authorizing the Mayor to execute a grant agreement for the Click It or Ticket Selective Traffic Enforcement Program grant.**

Thomas Esparza, Assistant Police Chief, gave comments and answered questions from Council.

**5.1.2 Resolution - Community Development: Resolution No. 2010-R0220 authorizing the Mayor to execute Amendment 1 to Contract 61100000869 with Texas Department of Housing and Community Affairs for the Community Services Block Grant to provide assistance to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein, to approve Ordinance No. 2010-O0031, and Resolutions 2010-R0219 and 2010-R0220. Motion carried: 7 Ayes, 0 Nays.

**5.2. Contract Resolution - Purchasing: Consider a resolution authorizing the Mayor to execute Professional Services Contract 9551 with The Thomas Agency for advertising and marketing services, RFP 10-047-FO.**

**This item failed.**

Victor Kilman, Director of Purchasing and Contract Management, and Mike Keenum, Storm Water Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Klein and seconded by Mayor Pro Tem Gilbreath.

Motion was made by Council Member Price, seconded by Council Member Beane, to amend the main motion to use the Price Group. Motion failed: 1 Aye, 4 Nays. Council Members Klein, Beane, Leonard, and DeLeon voted nay. Mayor Martin and Mayor Pro Tem Gilbreath recused.

Votes were then taken on the original motion made by Council Member Klein and seconded by Mayor Pro Tem Gilbreath to execute a Professional Services Contract with the Thomas Agency. Motion failed: 3 Ayes, 2 Nays. Council Members Beane and Price voted Nay. Mayor Martin and Mayor Pro Tem Gilbreath recused.

- 5.3. Contract Resolution – Water Utility: Resolution No. 2010-R0221 ratifying the Application for Installation of Pipelines in connection with the Lake Alan Henry Water System Project - Raw Water Pipeline, providing for eight Garza County roadway crossings and the payment to Garza County, Texas, of \$25,216 in associated permits, maintenance and damages to the roadways, and engineering, inspection, and legal fees.**

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

Motion was made by Council Member Price, seconded by Council Member DeLeon, to approve Resolution No. 2010-R0221. Motion carried: 5 Ayes, 2 Nays. Council Members Leonard and Beane voted nay.

- 5.14. Ordinance 2nd Reading - Planning: Ordinance 2010-O0035 Zone Case 2573-K (west of Slide Road and north of Auburn Street): request of Hugo Reed and Associates, Inc. (for Northpark 289 Apartments, LLC) for a zoning change from General Retail District C-3 and High-Density Apartment District A-2 to A-2 Specific Use and C-3 on 20.5 acres of unplatted land out of Block J-S, Section 1.**

Randy Henson, Director of Planning, gave comments.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price, to approve Ordinance No. 2010-O0035. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard recused.

- 5.21. Resolution - Airport: Resolution No. 2010-R0222 authorizing the Mayor to execute a Pipeline Right-of-Way Agreement with Centurion Pipeline, L.P., for an oil pipeline easement at Lubbock Preston Smith International Airport.**

Chad Weaver, Assistant City Attorney, 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-R0222. Motion carried 7 Ayes, 0 Nays.

**5.22. Resolution - Airport: Resolution No. 2010-R0223 authorizing the Mayor to execute the Reservation of Right to Seek Compensation and Agreement to Relocate Pipeline to Avoid Delay with Centurion Pipeline, L.P.**

Chad Weaver, Assistant City Attorney, gave comments and answered questions from Council. For the record, it was stated that Centurion has retained their right to seek compensation, but the City has not agreed to any compensation at this time. Both parties preserve their rights.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath, to approve Resolution No. 2010-R0223. Motion carried: 7 Ayes, 0 Nays.

**5.24. Contract Resolution - Fleet: Resolution No.'s 2010-R0224; 2010-R0225; 2010-R0226; 2010-R0226A; 2010-R0226B; 2010-R0227; and 2010-R0228 authorizing the Mayor to execute purchase order Contract 363473 with Pick-Up Pals for medium and heavy duty vehicles; purchase order Contract 363474 with Sam Packs Five Star Ford; purchase order Contract 363475 with Roberts Truck Center; purchase order Contract 363476 with Lubbock Truck Sales; purchase order Contract 363477 with Texas Municipal Equipment; and purchase order Contract 363481 with Altec Industries, BID 10-059-RH.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Beane, to approve Resolution No.'s 2010-R0224; 2010-R0225; 2010-R0226; 2010-R0226A; 2010-R0226B; 2010-R0227; and 2010-R0228 awarding "one contract to Roberts Truck Center for Items 1, 3, and 5; three contracts to Lubbock Truck Sales for Items 2, 9, and 11; one contract to Texas Municipal Equipment for Items 4 and 6; one contract to Altec Industries for Items 7 and 8; and one contract to Pickup Pals for Items 10 and 12."

Motion carried: 7 Ayes, 0 Nays.

**5.25. Contract Resolution - Radio Shop: Resolution No.'s 2010-R0229 and 2010-R0230 authorizing the Mayor to execute two Interlocal Cooperative Agreements with Lubbock Emergency Communications District allowing space on two radio towers.**

Jack Morrison, Radio Shop Lead Technician, 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-R0229 and 2010-R0230. Motion carried: 7 Ayes, 0 Nays.

**5.27. Board Appointment - City Secretary: Appoint Martha Ellerbrook, Animal Services Manager, to replace Bill Howterton as the "Animal Shelter Employee" on the Animal Services Advisory Board.**

Motion was made by Council Member DeLeon, seconded by Council Member Price, to appoint Martha Ellerbrook to the Animal Shelter employee position on the Animal Services Advisory Board. Motion carried: 6 Ayes, 1 Nay. Council Member Leonard voted Nay.

**6.1. Contract Resolution - Parks and Recreation: Resolution No. 2010-R0231 authorizing the Mayor to execute Contract 9511 with Tommy Klein Construction for Berry, Guadalupe, and Maxey Park Improvements, BID 10-078-FO.**

Victor Kilman, Director of Purchasing and Contract Management, answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Leonard, to approve Resolution No. 2010-R0231. Motion carried: 6 Ayes, 0 Nays. Council Member Klein recused.

**6.2. Contract Resolution - Parks and Recreation: Resolution No. 2010-R0232 authorizing the Mayor to execute Purchase Order Contract 90500001 with Exerplay for playground equipment at Berry, Guadalupe, and Maxey Parks.**

Motion was made by Council Member DeLeon, seconded by Council Member Leonard, to approve Resolution No. 2010-R0232. Motion carried: 7 Ayes, 0 Nays.

**10:14 A.M. CITY COUNCIL RECESSED**

**10:29 A.M. CITY COUNCIL REGULAR MEETING RECONVENED**  
**Committee Room 103**

**7. WORK SESSION/BUSINESS AGENDA**

**7.1. Report from Lubbock Economic Development Alliance on projects and programs. John Osborne, Chief Executive Officer**

John Osborne, Chief Executive Officer of the Lubbock Economic Development Alliance, gave a presentation on economic development activity and outlook.

**11:10 A.M. CITY COUNCIL RECESSED**

**11:15 A.M. CITY COUNCIL REGULAR MEETING RECONVENED**

**7.2. Presentation of the National College Baseball Hall of Fame Museum. Dr. Mike Gustafson, Director of the College Baseball Foundation**

Dr. Mike Gustafson, Director of the College Baseball Foundation, gave a presentation on plans to make Lubbock the new home for the National College Baseball Hall of Fame Museum. Dr. Gustafson introduced Jana Howser, Executive Vice President of Development.

**11:58 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE**

**2:24 P.M. CITY COUNCIL ADJOURNED**

There being no further business to come before Council, Council Member DeLeon adjourned the meeting.

The May 13, 2010 Regular City Council Meeting minutes were approved by the City Council on the 10<sup>th</sup> day of June, 2010.

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TOM MARTIN, MAYOR

ATTEST:

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Rebecca Garza, City Secretary