

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
May 27, 2010
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 27th 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, Council Member Paul R. Beane, Council Member Karen Gibson, Council Member Todd R. Klein, and Council Member Floyd Price.

Absent: Mayor Pro Tem Jim Gilbreath, Council Member Linda DeLeon (arrived for Executive Session)

1. CITIZEN COMMENTS

1.1. Elliott Getz will appear before the City Council to discuss a plan using metal power lines, tax incentives for new neighborhoods with xeriscape landscaping, and a route for an outer loop.

Elliot Getz appeared before Council to discuss ways to help Lubbock conserve its resources and to discuss a route for an outer loop.

- Charles Shue appeared before Council to discuss water rates.
- Bug Dycus appeared before Council to speak about medical care for veterans.
- George McMahan, Chairman of the Developers' Council of the West Texas Home Builders Association, appeared before Council to speak in favor of item number 6.5.
- Ancile White appeared before Council to speak in favor of a veterans hospital in Lubbock.
- Brandie Longoria appeared before Council to discuss Global Transformation.

7:50 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 Human Resources**
 - 2.1.2 Police**
 - 2.1.3 Right-of-Way**
 - 2.1.4 Streets**
 - 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 Business Development**
 - 2.2.2 Right-of-Way**
 - 2.2.3 Streets**
 - 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:*

- *3.1-3.3; 4.1; 6.1; 5.1; 5.3-5.10; 5.13-5.15; 5.18-5.21; 5.23; 5.2; 5.11; 5.12; 5.16-5.17; 5.22; 6.2-6.4; 6.7; 7.1; 6.5-6.6; and 6.8.*
- *Item 5.11 was deleted.*
- *Items 6.2 and 6.5 were continued to the June 10, 2010 City Council meeting.*

9:16 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

Council Chambers

Present: Mayor Tom Martin; Council Member Paul R. Beane; Council Member Linda DeLeon; Council Member Karen Gibson; Council Member Todd R. Klein; Council Member Floyd Price; Lee Ann Dumbald, City Manager; Rebecca Garza, City Secretary; and Sam Medina, City Attorney.

Absent: Mayor Pro Tem Jim Gilbreath

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Matt Wolfington, St. Luke's Southwest

Pastor Matt Wolfington, St. Luke's Southwest, 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. Board Recognitions:

Public Transit Advisory Board

Tyler Patton

4. MINUTES

4.1. April 19, 2010, Regular City Council Meeting

April 26, 2010, Special City Council Meeting

April 27, 2010, Special City Council Meeting

Motion was made by Council Member DeLeon, seconded by Council Member Klein, to approve the April 19, 2010 Regular City Council minutes; the April 26, 2010 Special City Council minutes; and the April 27, 2010 Special City Council minutes. Motion carried: 6 Ayes, 0 Nays.

6. REGULAR AGENDA

- 6.1. Contract Resolution - Right-of-Way: Resolution No. 2010-R0234 authorizing the Mayor to execute a Deed without Warranty transferring the property at 412 Avenue J to the Louise Hopkins Underwood Center for the Arts, Inc.**

Louise Hopkins Underwood and Carol McWhorter gave comments and special thanks to the Council.

Motion was made by Council Member DeLeon, seconded by Council Member Klein, to approve Resolution No. 2010-R0234.

Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Council Member Klein, seconded by Council Member Price, to approve items 5.1; 5.3-5.10; 5.13-5.15; 5.18-5.21; and 5.23. Motion carried: 6 ayes, 0 nays.

- 5.1. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0041, Amendment 15, 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 Low Income Home Energy Assistance Program.**
- 5.3. Contract Resolution - Purchasing: Resolution No.'s 2010-R0235 and 2010-R0236 authorizing the Mayor to execute Contract 9500 with Custom Food Group and Contract 9501 with Coca Cola Beverage and Snack Distributors for beverage and snack vending services, RFP 10-005-FO.**
- 5.4. Ordinance 2nd Reading – Right-of-Way: Ordinance 2010-O0040 abandoning and closing a 20-foot alley located in Block 6, Original Town of Lubbock, 412 Avenue J.**
- 5.5. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2010-O0042 abandoning and closing a five-foot wide underground utility easement in Lot 80, Orchard Park Addition, 10802 Miami Avenue.**
- 5.6. Contract Resolution - Right-of-Way: Resolution No. 2010-R0237 authorizing the Mayor to execute Contract of Sale 9562 with Jean A. Teeter and Dale McJunkin, for the acquisition of Lot 78, Meadows South Addition to the City of Lubbock, Lubbock County, Texas, 9802 Colton Avenue.**

- 5.7. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0238** authorizing the Mayor to execute Contract of Sale 9572 with Lubbock South Meadows Development, Inc., for the acquisition of Lots 488, 497, and 498, Meadows South Addition to the City of Lubbock, Lubbock County, Texas, 9801 and 9802 Durham Avenue and 9801 Elkhart Avenue.
- 5.8. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0239** authorizing the Mayor to execute Contract 9567 with Martha Basinger, individually and as Executrix of the Estate of J. D. Basinger 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-R0240** authorizing the Mayor to execute Contract 9568 with Gloss Oats Davies 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 - Right-of-Way: Resolution No. 2010-R0241** authorizing the Mayor to execute Contract 9566 with Cecil Stolle a/k/a Cecil W. Stolle, and wife Carolyn Laverne Stolle, 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.
- 5.13. **Contract Resolution - Water Utility: Resolution No.'s 2010-R0242 and 2010-R0243** authorizing the Mayor to execute Contract 9548 with Circle R Lawn & Sprinkler and Contract 9547 with Jerry Weaver Farms for hay harvesting services at the Lubbock Land Application Site, BID 10-077-RH.
- 5.14. **Contract Resolution - Public Works Engineering: Resolution No. 2010-R0244** authorizing the Mayor to execute Amendment 3 to the agreement with Parkhill, Smith & Cooper, Inc., for the design of pavement improvements on Frankford Avenue from 98th Street to 114th Street; 98th Street from Frankford Avenue to Milwaukee Avenue; and Milwaukee Avenue from 94th Street to 100th Street.
- 5.15. **Contract Resolution - Traffic Engineering: Resolution No. 2010-R0245** authorizing the Mayor to execute purchase order Contract 95500001 with Pelco Structural for signal arm assemblies, BID 10-074-FO.
- 5.18. **Contract Resolution - Information Technology: Resolution No. 2010-R0246** authorizing the Mayor to execute a professional services agreement contract with Tiburon, Inc., for Tiburon Property and Evidence Bar Code System software.

- 5.19. **Contract Resolution - Information Technology: Resolution No. 2010-R0247 authorizing the Mayor to execute purchase order Contract 86053001 with Dell Computer Cooperation for 200 rugged laptops and mounting hardware for the Police Patrol Division.**
- 5.20. **Contract Resolution - Facilities: Resolution No. 2010-R0248 authorizing the Mayor to execute job order Contract 10-046-F-046-NJPA with Talon/LPE for roof replacements and roof repairs on buildings at the Water Treatment Plant.**
- 5.21. **Contract Resolution - Fleet: Resolution No. 2010-R0249 authorizing the Mayor to execute purchase order Contract 31000008 with Stewart-Amos Equipment Company for a high dump street sweeper.**
- 5.23. **Resolution - City Secretary: Resolution No. 2010-R0250 granting Limousines of Lubbock approval to operate a 1999 model Lincoln Tiffany Executive Super Stretch car in its limousine business.**

6. REGULAR AGENDA (Continued)

- 5.2. **Contract Resolution - Purchasing: Resolution No. 2010-R0251 authorizing the Mayor to execute Professional Services Contract 9551 with The Thomas Agency for advertising and marketing services, RFP 10-047-FO.**

Lloyd Caballero, Vice President of the Thomas Agency, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Beane, to approve Resolution No. 2010-R0251. Motion carried: 5 Ayes, 0 Nays. Mayor Martin recused.

- 5.11. **Resolution - Right-of-Way: Consider a resolution authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to H.V. Wheeler Partnership, a Texas general partnership, for the purchase of a permanent 60-foot wide pipeline easement and a 60-foot wide temporary construction easement the construction of the Lake Alan Henry Pipeline Project, and authorizing, in the alternative, the institution of condemnation proceedings for acquisition of property if the purchase for said easement is not secured.**

This item was deleted.

- 5.12. **Contract Resolution - Water Utility: Resolution No. 2010-R0252 authorizing the Mayor to execute purchase order Contract 22100021 with Lubbock Electric Company, Inc., for the purchase of an electric motor, BID 10-080-FO.**

Marsha Reed, Chief Operating Officer, and Curtis McDole, Water Supply Supervisor, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Klein, to approve Resolution No. 2010-R0252. Motion carried: 6 Ayes, 0 Nays.

5.16. Contract Resolution - Citibus: Resolution No. 2010-R0253 authorizing the Mayor to execute purchase order Contract 2010.1 with Gillig Corporation for a 35-foot low-floor hybrid electric bus, RFP 09-076-MA.

John Wilson, Executive Director of Citibus, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon, to approve Resolution No. 2010-R0253. Motion carried: 6 Ayes, 0 Nays.

5.17. Contract Resolution - Solid Waste: Resolution No.'s 2010-R0254 and 2010-R0255 authorizing the Mayor to execute Contract 9571 with Jarvis Metals, Inc., and Contract 9570 with Commercial Metals for the sale of scrap metal generated at various municipal facilities, RFP 10-041-FO.

Motion was by Council Member DeLeon, seconded by Council Member Price, to approve Resolution No.'s 2010-R0254 and 2010-R0255. Motion carried: 6 Ayes, 0 Nays.

5.22. Contract Resolution - Community Development: Resolution No. 2010-R0256 authorizing the Mayor to execute an Agreement with Lubbock Housing Finance Corporation (LHFC) to facilitate utilization of federal grant funds under the Neighborhood Stabilization Program (NSP) and to further the common goal of providing decent housing at affordable prices for low-income and moderate income residents of the City.

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

Motion was made by Council Member Klein, seconded by Council Member DeLeon, to approve Resolution No. 2010-R0256. Motion carried: 6 Ayes, 0 Nays.

6.2. Public Hearing 9:30 a.m. - Planning: Zone Case 3134 (9002 Memphis Avenue): Hold a public hearing to consider request of Carthel Engineering (for Premier Sports Complex) for a zoning change from General Retail District (C-3) Specific Use to C-3 Specific Use to amend conditions on Tract E, Raintree Addition, and to consider an ordinance.

This item was continued to the June 10, 2010 meeting.

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

Mayor Martin opened the public hearing at 9:56 a.m.

Curry Blackwell, Owner and Operator of Premier Sports Complex, was present to speak in favor of the zoning change.

No one appeared to speak in opposition.

Mayor Martin closed the hearing at 10:14 a.m.

Motion was made by Council Member Beane, seconded by Council Member Price, to continue this item to the June 10, 2010 meeting. Motion carried: 6 Ayes, 0 Nays.

6.3. Public Hearing 9:30 a.m. - Planning: Zone Case 2575-A (2221 Avenue W): Ordinance No. 2010-O0043 request of Redeemer Lutheran Church for a zoning change from High-Density Apartment District (A-2) to A-2 Design Historic District(DH) on Tract A, Block 58, McCrummen 2nd Addition, and to consider an ordinance.

Mayor Martin opened the public hearing at 10:30 a.m.

No one appeared to speak in favor or in opposition.

Mayor Martin closed the public hearing at 10:30 a.m.

Motion was made by Council Member Klein, seconded by Council Member Price, to approve Ordinance No. 2010-O0043. Motion carried: 6 Ayes, 0 Nays.

6.4. Public Hearing 9:30 a.m. - Planning: Zone Case 1996-I (6524 Slide Road): Ordinance No. 2010-O0044request of Ron Childress (for 68th Street and Slide Road, L.L.C.) for a zoning change from General Retail District (C-3) to Commercial District (C-4) on Tract D-2, Sentry Park Addition, and to consider an ordinance.

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

Mayor Martin opened the public hearing at 10:32 a.m.

No one appeared to speak in favor or in opposition.

Mayor Martin closed the public hearing at 10:32 a.m.

Motion was made by Council Member Klein, seconded by Council Member Beane, to approve Ordinance No. 2010-O0044. Motion carried: 5 Ayes, 0 Nays. Council Member Price was away from the dias.

10:33 A.M. CITY COUNCIL RECESSED

10:45 A.M. CITY COUNCIL RECONVENED

Council Chambers

6. REGULAR AGENDA (Continued)

- 6.7. Resolution - City Council: Resolution No. 2010-R0257 recommending and supporting the location of a full service, in-patient veterans hospital in Lubbock, Texas, to be established and opened as soon as practicable; and in the alternative, recommending and supporting the designation of an existing hospital facility or facilities in Lubbock, Texas, to offer any and all hospitalization services to veterans at an out-of-pocket cost the same as similar services could be obtained by veterans at the existing veterans hospitals in Amarillo and/or Big Spring, Texas; and in the alternative, recommending and supporting the institution of a voucher or other program whereby City of Lubbock veterans may avail themselves of local facilities to receive in-patient healthcare at the same out-of-pocket cost as a veteran's hospital would charge; and authorizing and directing the City Manager to send an official copy of this resolution to the aforementioned persons and entities.**

Council Member Klein gave comments on the importance of providing medical assistance to Veterans.

Motion was made by Council Member Klein, seconded by Council Member DeLeon, to approve Resolution No. 2010-R0257. Motion carried: 6 Ayes, 0 Nays.

7. WORK SESSION/BUSINESS AGENDA

- 7.1. Presentation on Frenship Independent School District expansion plans. Dr. David Vroonland, Superintendent**

Dr. David Vroonland, Superintendent of Frenship ISD, gave a presentation on future Frenship ISD expansions and the importance of the education system.

11:54 A.M. CITY COUNCIL RECESSED

**1:37 P.M. CITY COUNCIL RECONVENED
Council Chambers**

6. REGULAR AGENDA (Continued)

- 6.5. Ordinance 1st Reading - Water Utility: To consider and take action on an ordinance amending Chapter 28 of the Code of Ordinances of the City of Lubbock, Texas, regarding water and sewer system installation, maintenance, and connection; water meter ownership and reading; water and sewer services, including discontinuance, restoration, fees, notices, volume rates and billing, size of lines and meters, and deposits; diversion of water; variances and appeals regarding rates and consumption; domestic fire lines and hydrants; check valves on steam boiler service pipes; accidental discharge of prohibited material; pro rata charges, unit prices, and refunds for water and sewer services; pro rata charges for property already platted; costs of and fees associated with water and sewer mains and extensions; authority to make service taps; and sanitary control related to public water.**

This item was continued to the June 10, 2010 meeting.

Marsha Reed, Chief Operating Officer, gave comments and answered questions from the Council. Ms. Reed also suggested some changes to include in the Code for second reading.

Motion was made by Council Member Klein, seconded by Council Member Price, to continue the item until the June 10, 2010 meeting. Motion carried: 5 Ayes, 1 Nay. Mayor Martin voted nay.

- 6.6. Ordinance Amendment 1st Reading - Water Utility: Ordinance No. 2010-O0045 Amendment to Chapter 28 of the Code of Ordinances related to the affordability reduction of meter charges for residential customers.**

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

Motion was made by Council Member Klein, seconded by Council Member Price, to approve Ordinance No. 2010-O0045 with the following amendment:

- To extend the Affordability Program expiration date until June 16, 2011

Motion carried: 6 Ayes, 0 Nays.

- 6.8. Board Appointments - City Secretary: Consider one appointment to the Model Codes and Construction Advisory Board.**

Motion was made by Council Member Price, seconded by Council Member Klein, to appoint Jeremy Hill to the **Model Codes and Construction Advisory Board**. Motion carried: 6 Ayes, 0 Nays.

1:57 P.M. CITY COUNCIL ADJOURNED

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