

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
June 10, 2010
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 10th day of June, 2010, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

7:35 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 Karen Gibson, Council Member Todd R. Klein, and Council Member Floyd Price.

Absent: No one

1. CITIZEN COMMENTS

- 1.1. Richard Mayor will appear before the City Council to discuss Zone Case 3134 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, 9002 Memphis Avenue.**

Richard Mayor did not appear.

- George Clift, Partner in CS Investments, Feleciscma Betts, and Rose Wilson appeared before Council to speak in favor of a Senior Affordable Housing Development project in North/East Lubbock.

7:43 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE

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 Consider providing legal counsel for former City Councilman John Leonard concerning accusations from former Lubbock Police officer Darrin Opaitz.**

This item was addressed in Regular Session, following item 6.2

- 2.1.2 Health Benefits**
- 2.1.3 Right-of-Way**
- 2.1.4 Utility Regulatory Matters**
- 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 Streets**
 - 2.2.3 Water Utility**
 - 2.2.4 Facilities**
- 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:

- *3.1-3.2; 4.1; 5.1-5.23; 5.25; 5.24; 6.3-6.4; 6.1-6.2; 2.1.1; and 7.1*
- *No action was taken on item 6.1.*

9:18 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 Karen Gibson; Council Member Todd R. Klein; Council Member Floyd Price; Lee Ann Dumbald, City Manager; Rebecca Garza, City Secretary; and Mitch Satterwhite, Assistant City Attorney.

Absent: Sam Medina, City Attorney

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Jim Scott, New Hope Foursquare Church

Pastor Jim Scott, New Hope Foursquare 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.

4. MINUTES

**4.1. May 11, 2010, Special City Council Meeting
May 13, 2010, Regular City Council Meeting
May 14, 2010, Special City Council Meeting**

Motion was made by Council Member DeLeon, seconded by Council Member Klein, to approve the May 11, 2010 Special City Council Meeting with a correction to the time of adjournment; the May 13, 2010 Regular City Council Meeting; and the May 14, 2010 Special City Council Meeting. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Council Member Klein, seconded by Council Member DeLeon, to approve items 5.1-5.23 and 5.25. Motion carried: 7 Ayes, 0 Nays.

- 5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance 2010-00041 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 to assist low-income persons and families with weatherizing their homes and installing energy efficiency measures.**
 - 5.1.1 Contract Resolution - Community Development: Resolution No. 2010-R0258 authorizing the Mayor to execute Contract 9582 with the Texas Department of Housing and Community Affairs for the Low-Income Home Energy Assistance Program.**
- 5.2. Ordinance 2nd Reading – Right-of-Way: Ordinance 2010-00042 abandoning and closing a five-foot wide underground utility easement in Lot 80, Orchard Park Addition, 10802 Miami Avenue.**
- 5.3. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2010-00046 abandoning and closing a portion of a 20-foot wide underground utility easement in Lot 1-B, Whisperwood Financial Addition, 220 Slide Road.**
- 5.4. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2010-00047 abandoning and closing a 20-foot wide underground utility easement out of Section 30, Block AK, 7310 Milwaukee Avenue.**
- 5.5. Contract Resolution - Right-of-Way: Resolution No. 2010-R0259 authorizing the Mayor to execute a Contract 9576 with Richard Adams to farm 45.04 acres out of the southwest one-quarter of Section 2, Block B, Lubbock County, Texas.**
- 5.6. Contract Resolution - Right-of-Way: Resolution No. 2010-R0260 authorizing the Mayor to execute Contract of Sale 9556 with Lubbock Mystique Homes, Inc., for the acquisition of Lot 487, Meadows South Addition to the City of Lubbock, Lubbock County, Texas, 9802 Elkhart Avenue.**
- 5.7. Contract Resolution - Right-of-Way: Resolution No. 2010-R0261 authorizing the Mayor to execute Contract 9588 with Robert Langehenning and wife Brenda Langehenning, for the acquisition of Lot 87, Meadows South Addition to the City of Lubbock, Lubbock County, Texas, 9801 Dover Avenue.**
- 5.8. Contract Resolution - Right-of-Way: Resolution No. 2010-R0262 authorizing the Mayor to execute Contract 9549 with Larry D. Allen and Joyce L. Allen, for the acquisition of a 1.58 acre tract of land and improvements out of Block AK, Section 22, AB 749, Tract 1, for the widening of Milwaukee Avenue from 94th Street to 104th Street, 10304 South Milwaukee Avenue.**

- 5.9. Contract Resolution - Right-of-Way: Resolution No. 2010-R0263 authorizing the Mayor to execute Contract 9580 with Billy Charles Lancaster and Jimmy Mack Lancaster 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-R0264 authorizing the Mayor to execute Contract 9578 with Glenda J. Morrow, also known as Glenda Pike Morrow, 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.**
- 5.11. Contract Resolution - Right-of-Way: Resolution No. 2010-R0265 authorizing the Mayor to execute Contract 9579 with John Lowell Merrell, Trustee, under Declaration of Trust dated the 9th day of December, 1961, for Fay Merrell Townsend Robinson, Fern Merrell Bournes, Robert Lois Merrell, and John Merrell 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.**
- 5.12. Contract Resolution - Right-of-Way: Resolution No. 2010-R0266 authorizing the Mayor to execute Contract 9577 with A. Glen Taylor and Janelle P. Taylor as Trustees of the A. Glen and Janelle P. Taylor Family Revocable Trust, and Kimberly Kay Taylor f/k/a James Taylor and Carlene Taylor Bownds f/k/a Carlene Taylor 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 - Right of Way: Resolution No. 2010-R0267 authorizing the Mayor to execute Contract 9596 with Cash Register Services to lease real property at 1601 Mac Davis Lane.**
- 5.14. Contract Resolution – Public Works Streets: Resolution No. 2010-R0268 authorizing the Mayor to execute Change Order 1 to Contract 9451 with Intermountain Slurry Seal for the 2010 Street Micro-Surfacing Project.**
- 5.15. Contract Resolution - Storm Water: Resolution No. 2010-R0269 authorizing the Mayor to execute professional services Contract 9585 with Hugo Reed and Associates, Inc., for the study of Playa Lake 18, including topographic surveys and detailed computer modeling, to determine the causes of localized flooding and to provide design alternatives to help reduce the risk of flooding in the immediate area, RFQ 10-075-MA.**

- 5.16. **Ordinance Amendment 2nd Reading - Water Utility: Ordinance 2010-O0045 Amendment to Chapter 28 of the Code of Ordinances related to the affordability reduction of meter charges for residential customers.**
- 5.17. **Contract Amendment Resolution – Water Utility: Resolution No. 2010-R0270 authorizing the Mayor to execute Change Order 1 to the construction Contract 8942 with Wright Construction Company, Inc., for the Sewers Ahead of Freeway Construction Project; providing additional footage to construct and install a reroute and replacement of the 24-inch sewer line with new pipe and casing for Phase 4 of the Marsha Sharp Freeway.**
- 5.18. **Contract Resolution – Water Utility: Resolution No. 2010-R0271 authorizing the Mayor to execute Contract 9413 with Archer Western Contractors, Ltd., for construction of the Lake Alan Henry Water Supply Project Raw Water Pump Stations, RFP# 10-056-MA.**
- 5.19. **Ordinance 2nd Reading - Planning: Ordinance 2010-O0043 Zone Case 2575-A (2221 Avenue W): 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.**
- 5.20. **Ordinance 2nd Reading - Planning: Ordinance 2010-O0044 Zone Case 1996-I (6524 Slide Road): 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.**
- 5.21. **Contract Resolution - Citibus: Resolution No. 2010-R0272 authorizing the Mayor to execute Contract 9564 between City Transit Management Company, Texas Tech University, and the City of Lubbock for campus bus service.**
- 5.22. **Contract Resolution - Citibus: Resolution No. 2010-R0273 authorizing the City's Chief Financial Officer to execute a FY 2010 Federal Transit Administration (FTA) Section 5307 Grant, to provide preventative maintenance and Americans with Disabilities Act paratransit and planning assistance.**
- 5.23. **Contract Resolution - Citibus: Resolution No. 2010-R0274 authorizing the Mayor to execute a Section 5310 Grant, Contract 51005F7278, with the Texas Department of Transportation (TxDOT) for preventative maintenance for CitiAccess demand response service to meet the special needs of elderly individuals and individuals with disabilities.**
- 5.25. **Resolution - City Secretary: Resolution No. 2010-R0275 indicating City Council support of Lubbock County's application to the Texas Secretary of State to participate in the use of countywide polling places for the general election for state and county officers.**

6. REGULAR AGENDA

- 5.24. Contract Resolution - Fire: Resolution No. 2010-R0276 authorizing the Mayor to execute purchase order Contract 10000073 with CASCO Industries for thermal imaging cameras used by firefighters and emergency response personnel for search and rescue operations and other emergency response applications.**

Mike Kemp, Fire Chief, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Price, to approve Resolution No. 2010-R0276. Motion carried: 7 Ayes, 0 nays.

- 6.3. Ordinance 1st Reading - Planning: Zone Case 3134 (9002 Memphis Avenue): Ordinance No. 2010-O0048 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.**

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon, to approve Ordinance No. 2010-O0048 with the following amendment:

- to drop condition #3 that states: "THAT the applicant shall petition the Traffic Engineering Department to install no parking signs along the entire ownership frontage of the applicant."

Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

- 6.4. Resolution - City Manager: Resolution No. 2010-R0277 and Order denying, approving or suspending Southwestern Public Service Company's Statement of Intent and Application for Authority to Change Rates pursuant to Texas Utility Code Chapter 36.**

Motion was made by May Pro Tem Gilbreath, seconded by Council Member Price, to approve Resolution No. 2010-R0277 to suspend Southwestern Public Service Company's Statement of Intent and Application for 90 days. Motion carried: 7 Ayes, 0 Nays.

9:29 A.M. CITY COUNCIL RECESSED

9:37 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

Council Chambers

- 6.1. Public Hearing 9:30 a.m. - Community Development: Hold a Public Hearing for consideration of the Community Development and Services Board (CDSB) recommendations for the program funding of the FY 2010-11 Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME), Emergency Shelter Grant Program (ESG), and previously generated program income.**

Public hearing only. No action was taken on this item.

Bill Howerton, Community Development Director; and Jim Gerlt, Chairman of the Community Development Board, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 9:47 a.m.

Donna Rickenbacker appeared before Council to speak on behalf of a Senior Affordable Housing Development project in North/East Lubbock, and the opportunity to be considered for HOME funding.

LeEarl Bryant appeared before Council to speak about using funds to help the deterioration of neighborhoods.

T.J. Patterson appeared before Council to speak in favor of youth development as well as the Senior Affordable Housing Development in North/East Lubbock.

George Clift, Partner in CS Investments, appeared before Council to speak on behalf of a Senior Affordable Housing Development project in North/East Lubbock, and the opportunity to be considered for HOME funding.

Mayor Martin closed the public hearing at 10:35 a.m.

- 6.2. Ordinance 1st Reading - Water Utility: Ordinance No. 2010-O0049 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.**

Marsha Reed, Chief Operating Officer; and Bill Howerton, Community Development Director, 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-O0049. Motion carried: 5 Ayes, 1 Nay. Council Member DeLeon voted nay. Council Member Price was away from the dias.

11:07 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE

1:17 P.M. CITY COUNCIL REGULAR MEETING RECONVENED

Council Chambers

MINUTED ACTION

As a result of discussion in Executive Session, the following action was taken:

- 2.1.1 Consider providing legal counsel for former City Councilman John Leonard concerning accusations from former Lubbock Police Officer Darrin Opaitz.**

Motion was made by Council Member Klein, seconded by Council Member Price, to provide legal counsel for former Council Member John Leonard. Motion carried: 7 Ayes, 0 Nays.

7. WORK SESSION/BUSINESS AGENDA

- 7.1. Presentation on the progress of the re-timing of traffic signals in Lubbock for the three Time of Day coordination plans.**

Sharmon Owen, Chief Traffic Engineer, gave a presentation on the traffic signal system in Lubbock.

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

1:38 P.M. CITY COUNCIL ADJOURNED

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