

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
June 24, 2010
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 24th 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 Karen Gibson, Council Member Victor Hernandez, Council Member Todd R. Klein, and Council Member Floyd Price.

Absent: No one.

1. CITIZEN COMMENTS

- 1.1. Russell Perkins will appear before the City Council to discuss police dog handling.**

Russell Perkins appeared before Council to discuss an incident involving a police dog, and to request further investigation.

7:38 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 Animal Services

2.1.2 Health Benefits

2.1.3 Right-of-Way

2.1.4 Risk Management

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 Civic Centers**
 - 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.**
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Building Board of Appeals, Canadian River Municipal Water Authority, Mental Health Mental Retardation Board of Trustees, and Permit and License Appeals Board.**

9:03 A.M. CITY COUNCIL REGULAR MEETING RECONVENED
Council Chambers

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

- *3.1-3.5; 4.1; 5.2-5.6; 5.8-5.12; 5.16-5.17; 5.19-5.21; 5.1; 5.7; 5.13-5.15; 5.18; 5.22; 6.3; 6.1-6.2; 6.4-6.11; 8.1; and 7.1.*
- *Item 5.7 was deleted.*

Present: Mayor Tom Martin; Mayor Pro Tem Jim Gilbreath; Council Member Paul R. Beane; Council Member Karen Gibson; Council Member Victor Hernandez; Council Member Todd R. Klein; 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 Worship Pastor, Allen Weathers, Turning Point Community Church

Worship Pastor Allen Weathers, Turning Point Community 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 to the Boy Scouts of America for 100 years of scouting

Jim Arnold, Katy Tabor, Rodney Carpenter, and the Lubbock Chapter of the Boy Scouts of America, accepted special recognition from the Mayor and City Council for 100 years of scouting. Jim Arnold, Board Member; and Rodney Carpenter, Executive Director of the South Plains Council, gave comments on the Boy Scouts of America.

3.4. Presentation of a special recognition commemorating June 2010 as Homeownership Month

Miguel Rincon and Wanda Merritt of the U.S. Department of Housing and Urban Development; and Vanessa Perez of the North & East Lubbock Community Development Corporation, accepted special recognition from the Mayor and City Council, to commemorate June 2010 as Homeownership Month. Mr. Rincon gave comments on funding for homeownership.

3.5. Broadway Festivals will present an invitation to the City Council and Lubbock citizens to attend the 4th on Broadway festivities

Stephanie Nairn, Executive Director of Broadway Festivals, and Tracy Bacon, Board President, presented an invitation to attend the 20th year of Broadway Festivals. Ms. Bacon gave comments about events planned for this year's festivities.

4. MINUTES

4.1. May 27, 2010, Regular City Council Meeting May 31, 2010, Special City Council Meeting

Motion was made by Council Member Price, seconded by Council Member Klein, to approve minutes from the May 27, 2010 regular meeting, and the May 31, 2010 special meeting. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Council Member Price, seconded by Council Member Klein, to approve items 5.2-5.6; 5.8-5.12; 5.16-5.17; and 5.19-5.21. Motion carried: 7 Ayes, 0 Nays.

- 5.2. Contract Resolution - Right-of-Way: Resolution No. 2010-R0283 authorizing the Mayor to execute Contract 9607 with Ronnie Dunn, as his 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.**
- 5.3. Contract Resolution - Right-of-Way: Resolution No. 2010-R0284 authorizing the Mayor to execute Contract 9608 with Richard Brosch, as his 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.**
- 5.4. Contract Resolution - Right-of-Way: Resolution No. 2010-R0285 authorizing the Mayor to execute Contract 9600 with George Harlan, Individually, and Jerry Smith Harlan and Bobby Joe Harlan, Co-Trustees of Testamentary Trust B of the Last Will and Testament of Bernice Jane Smith Harlan, 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-R0286 authorizing the Mayor to execute Contract 9605 with Charles B. Schniers and wife, Dorothy M. Schniers, 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-R0287** authorizing the Mayor to execute Contract 9599 with Peggy Susan Thaxton, Individually, and as Independent Executrix of the Estate of Joe Bailey Thaxton, Jr., deceased, 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. **Ordinance 2nd Reading – Right-of-Way: Ordinance 2010-O0047** abandoning and closing a 20-foot wide underground utility easement out of Section 30, Block AK, 7310 Milwaukee Avenue.
- 5.9. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0288** authorizing the Mayor to execute Contract 9603 with Eleven Entertainment, LLC, d/b/a Louie Louie’s, for the use of a City parking lot at 1916 Texas Avenue.
- 5.10. **Dedication Deed Resolution - Right-of-Way: Resolution No. 2010-R0289** authorizing the Mayor to execute a Street Dedication Deed in connection with a 8.499-acre tract of land in the southwest quarter of Section 20, Block AK, Lubbock County, for street right-of-way along a portion of Iola Avenue, Milwaukee Avenue, and FM 1585.
- 5.11. **Dedication Deed Resolution - Right-of-Way: Resolution No. 2010-R0290** authorizing the Mayor to execute a Dedicatory Certificate in connection with the platting by the City of Tract “OO” Orchard Park Addition to the City of Lubbock, Lubbock County, 4202 114th Street.
- 5.12. **Dedication Deed Resolution - Right-of-Way: Resolution No. 2010-R0291** authorizing the Mayor to execute a Dedication Deed and four easements in connection with the platting by the City of Tracts “A” and “B” Lubbock Animal Shelter Addition to the City of Lubbock, Lubbock County, 3511 Southeast Loop 289.
- 5.16. **Contract Resolution - Airport: Resolution No. 2010-R0292** authorizing the Mayor to execute a ground lease agreement with Executive Hangars of Lubbock, Inc., for the ground area for lessee-owned T-hanger units.
- 5.17. **Resolution - Civic Lubbock: Resolution No. 2010-R0293** approving amended Bylaws of Civic Lubbock, Inc., providing for Directors appointed to an unexpired term are eligible to serve two additional full terms upon expiration of the original unexpired term; and providing for Directors elected to serve as President during their second full term may serve a third full term.
- 5.19. **Contract Resolution - Facilities: Resolution No. 2010-R0294** authorizing the Mayor to execute job order Contract 10-056-F with Talon/LPE for removing and replacing the existing built-up roofing system at Mahon Library with a new thermoplastic polyolefin roofing system.
- 5.20. **Contract Resolution - Fleet: Resolution No. 2010-R0295** authorizing the Mayor to execute purchase order Contract 15700001 with Nilfisk-Advance, Inc., for a compact sidewalk sweeper, BID 10-081-RH.

- 5.21. Contract Resolution - Information Technology: Resolution No. 2010-R0296 authorizing the Mayor to execute purchase order Contract 22300001 with Hewlett Packard Company for data storage and server hardware for Lubbock Power & Light and the City of Lubbock.**

6. REGULAR AGENDA

- 5.1. Ordinance 2nd Reading - Water Utility: Ordinance 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.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein, to approve Ordinance No. 2010-O0049. Motion carried: 6 Ayes, 1 Nay. Council Member Hernandez voted nay.

- 5.7. Ordinance 2nd Reading – Right-of-Way: Ordinance 2010-O0046 abandoning and closing a portion of a 20-foot wide underground utility easement in Lot 1-B, Whisperwood Financial Addition, 220 Slide Road.**

This item was deleted.

- 5.13. Contract Amendment Resolution - Public Works Engineering: Resolution No. 2010-R0297 authorizing the Mayor to execute Change Order No. 1 to Contract 9439 with Allen Butler Construction, Inc., for the reconstruction of University Avenue from South Loop 289 to 82nd Street, and the reconstruction of 82nd Street from University Avenue to Elgin Avenue.**

Keith Smith, Assistant City Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Beane, to approve Resolution No. 2010-R0297. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath recused.

- 5.14. Ordinance 2nd Reading - Planning: Ordinance 2010-O0048 Zone Case 3134 (9002 Memphis Avenue) 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.**

Motion was made by Council Member Price, seconded by Council Member Gibson, to approve Ordinance No. 2010-O0048. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

- 5.15. Resolution - Business Development: Resolution No. 2010-R0298 accepting a \$1.5 million grant from the United States Department of Commerce Economic Development Administration to upgrade and relocate Downtown Lubbock utilities underground.**

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-R0298. Motion carried: 7 Ayes, 0 Nays.

- 5.18. Contract Resolution - Facilities: Resolution No. 2010-R0299 authorizing the Mayor to execute job order Contract 10-055-F with Talon/LPE for the demolition of concrete flatwork, reinforced concrete building foundation, pit and tunnel walls, and planters and fountain structure located along 7th Street between Avenue P and Avenue Q.**

Scott Snider, Assistant City Manager, and Randy Truesdell, Director of Parks and Recreation, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Hernandez, to approve Resolution No. 2010-R0299. Motion carried: 7 Ayes, 0 Nays.

- 5.22. Contract Resolution – City Council: Resolution No. 2010-R0300 authorizing the Mayor to execute a Commitment Agreement concerning a request for land by The College Baseball Foundation for the purpose of constructing The National College Baseball Hall of Fame Museum.**

Linda Chamales, Economic Development Attorney, gave comments and answered questions from Council. Sam Medina, City Attorney, recused from discussion.

Motion was made by Council Member Klein, seconded by Council Member Price, to approve Resolution No. 2010-R0300. Motion carried: 7 Ayes, 0 Nays.

10:07 A.M. CITY COUNCIL RECESSED

10:27 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

- 6.3. Public Hearing 9:30 a.m. - Planning: Zone Case 2927-A (7405 Marsha Sharp Freeway) Ordinance No. 2010-O0050 request of Tom M. Scarborough (for Tom R. Scarborough) for a zoning change from Interstate Highway Commercial District (IHC) to Interstate Highway Industrial District (IHI) on 9.74 acres of unplatted land out of Block AK, Section 31, 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 opposition.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein, to approve Ordinance No. 2010-O0050 with the following conditions set by the Planning and Zoning Commission:

- THAT the stone and rock sales facility shall be constructed as illustrated on the site plan as an IHI Specific Use Permit.
- THAT the area planned for the display equipment in a yard style setting shall be tied to the proposed site plan and operate as an IHI Specific Use Permit.

Motion carried: 7 Ayes, 0 Nays.

- 6.1. Public Hearing 9:30 a.m. - Planning: Zone Case 3135 (West of Indiana Avenue and South of 114th Street) Ordinance No. 2010-O0051 request of AMD Engineering, LLC, (for Baxter Trust) for zoning change from Transition (T) to General Retail District (C-3) on 34.8 acres of unplatted land out of Block E-2, Section 22, and to consider an ordinance.**

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

Mayor Martin opened the public hearing at 10:53 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:53 a.m.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein, to approve Ordinance No. 2010-O0051. Motion carried: 7 Ayes, 0 Nays.

- 6.2. Public Hearing 9:30 a.m. - Planning: Zone Case 1085-A (2156 50th Street) Ordinance No. 2010-O0052 request of Barrett's Automotive for a zoning change from Restricted Local Retail District (C-2A) to General Retail District (C-3) on Lot 19, Williford 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 10:56 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:56 a.m.

Motion was made by Council Member Price, seconded by Council Member Beane, to approve Ordinance No. 2010-O0052. Motion carried: 7 Ayes, 0 Nays.

- 6.4. Public Hearing 9:30 a.m. - Business Development: Hold a public hearing for the City Council to consider an Ordinance to levy the assessment for the North Overton Public Improvement District, the boundary of which includes a portion of the area between 4th Street on the North, Avenue Q to the East, Broadway Street on the South, and University Avenue to the West.**

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

Cheryl Brock, Capital Project Manager, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:57 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:57 a.m.

- 6.5. Ordinance 1st Reading - Business Development: Ordinance No. 2010-O0053 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Overton Public Improvement District; approving, adopting and filing with the City Secretary the Assessment Roll; closing the hearing and levying 2010 assessments, based on the revised Service Plan, for the cost of certain services and/or improvements to be provided in the District during Fiscal Year 2010-11.**

Cheryl Brock, Capital Project Manager; and Rob Allison, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Klein, to approve Ordinance No. 2010-O0053. Motion carried: 7 Ayes, 0 Nays.

- 6.6. Public Hearing 9:30 a.m. - Business Development: Hold a public hearing for the City Council to consider an Ordinance to levy the assessment for the North Point Public Improvement District, the boundary of which includes the area between Erskine Street and Ursuline Street, and between North Quaker Avenue to a line east of Frankford Avenue.**

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

Cheryl Brock, Capital Project Manager, gave comments and answered questions from Council.

Mayor Pro Tem Gilbreath opened the public hearing at 11:05 a.m.

No one appeared to speak in favor or opposition.

Mayor Pro Tem Gilbreath closed the public hearing at 11:05 a.m.

- 6.7. Ordinance 1st Reading - Business Development: Ordinance No. 2010-O0054 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Point Public Improvement District; approving, adopting and filing with the City Secretary the Assessment Roll; closing the public hearing and levying 2010 assessments, based on the revised Service Plan, for the cost of certain services and/or improvements to be provided in the District during FY 2010-11.**

Motion was made by Council Member Beane, seconded by Council Member Price, to approve Ordinance No. 2010-O0054. Motion carried: 6 Ayes, 0 Nays. Mayor Martin was away from the dias.

- 6.8. Resolution - Community Development: Resolution No. 2010-R0301 authorizing the approval and any changes of the proposal for the Community Development and Services Board FY 2010-11 funding recommendations to the United States Department of Housing and Urban Development under the Community Development Block Grant, Home Investment Partnership Program, and the Emergency Shelter Grant.**

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

Motion was made by Council Member Price, seconded by Council Member Klein, to approve Resolution No. 2010-R0301. Motion carried: 6 Ayes, 0 Nays. Mayor Martin was away from the dias.

- 6.9. Resolution - City Secretary: Resolution No. 2010-R0302 designating a Mayor Pro Tempore.**

Motion was made by Council Member Klein, seconded by Council Member Beane, to approve Resolution No. 2010-R0302 designating Council Member Price as the Mayor Pro Tempore. Motion carried: 7 Ayes, 0 Nays.

- 6.10. Board Appointments - City Secretary: Consider one appointment to the Appointments Advisory Board, one appointment to the Audit and Investment Committee, five appointments to the Building Board of Appeals, one appointment to the Canadian River Municipal Water Authority, one appointment to the Citizens Traffic Commission, one appointment to the Keep Lubbock Beautiful Advisory Committee, three appointments to the Lubbock Water Advisory Commission, three appointments to the Mental Health Mental Retardation Board of Trustees, three appointments to the Museum and Art Standing Sub-Committee, and one appointment to the Permit and License Appeals Board.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Gibson, to make the following appointments:

Building Board of Appeals: appoint Ron Chambless, C.V. Surendran, Monty Bradshaw, and Andrea Rushing; and reappoint Pat Ham.

Motion carried: 6 Ayes, 0 Nays. Council Member Klein recused.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein, to make the following appointments:

Appointments Advisory Board: appoint Tyler Patton.

Audit and Investment Committee: appoint Blake Carpenter.

Canadian River Municipal Water Authority: reappoint Robert Rodgers.

Citizens Traffic Commission: appoint Tom Nichols

Keep Lubbock Beautiful Advisory Committee: appoint Eric Molina.

Lubbock Water Advisory Commission: appoint Clayton Isom, and reappoint Bo Brown and Bruce Maunder.

MHMR Board of Trustees: reappoint Robert Kazee, Harvey Morton, and Brian Shannon.

Museum & Art Standing Sub-Committee: reappoint John Buessler and Sammie Prather, and appoint Bonnie Aycock.

Permit License Appeals Board: appoint Lee Hunter.

Motion carried: 7 Ayes, 0 Nays.

- 6.11. Board Appointments - City Secretary: Consider four appointments of the City Council members to the South Plains Association of Governments Board of Directors.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Beane, to appoint the following:

South Plains Association of Governments: Karen Gibson, Victor Hernandez, Todd Klein, and Floyd Price.

Motion carried: 7 Ayes, 0 Nays.

11:10 A.M. CITY COUNCIL RECESSED

11:23 A.M. CITY COUNCIL RECONVENED

Council Chambers

8. WORK SESSION/BUSINESS AGENDA

8.1. Presentation by Delbert McDougal, Master Developer Consultant, regarding new developments and projects with the Lubbock Downtown Redevelopment Initiative.

Delbert McDougal, Master Developer Consultant, gave a presentation on the Lubbock Downtown Redevelopment Project.

Marc McDougal appeared before Council to give additional comments on this project.

Rob Allison, Assistant City Manager, gave comments and answered questions from Council.

12:21 P.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

7. 1:30 P.M.

A reception was held for incoming District 1 City Council Member, Victor Hernandez.

2:09 P.M. CITY COUNCIL REGULAR MEETING ADJOURNED

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