

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING**

**July 8, 2010**

**7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 8th day of July, 2010, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

**7:38 A.M. CITY COUNCIL CONVENED**

**City Council Chambers, 1625 13th Street, Lubbock, Texas**

**Present:** Mayor Tom Martin; Mayor Pro Tem Floyd Price; Council Member Paul R. Beane; Council Member Karen Gibson; Council Member Jim Gilbreath; Council Member Victor Hernandez; Council Member Todd R. Klein; Lee Ann Dumbauld, City Manager; Rebecca Garza, City Secretary; and Sam Medina, City Attorney.

**Absent:** No one.

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

- *Citizen Comments; 6.2; 4.1; 3.1-3.2; 5.1-5.7; 5.9; 5.11-5.17; 5.19-5.20; 5.22-5.24; 5.8; 5.10; 5.18; 5.21; 6.1; 6.3; 7.1-7.2*
- *Item 5.8 was deleted.*

**1. CITIZEN COMMENTS**

- Richard Peterson appeared before Council to give comments on the city budget.

**6. REGULAR AGENDA**

**6.2. Ordinance Amendment 1st Reading - Water Utility: Ordinance No. 2010-O0055, Amending Chapter 28 of the Code of Ordinances related to the City's Water Conservation and Drought Contingency Plans.**

Aubrey Spear, Director of Water Utilities, gave a presentation, comments, and answered questions from Council.

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Ordinance No. 2010-O0055. Motion carried: 7 Ayes, 0 nays.

**8:15 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 Right-of-Way**
  - 2.1.2 Risk Management**
  - 2.1.3 Utility Regulatory Matters**
  - 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 Right-of-Way**
  - 2.2.2 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.**

**9: 05 A.M. CITY COUNCIL RECONVENED**  
**Council Chambers**

**Present:** Mayor Tom Martin; Mayor Pro Tem Floyd Price; Council Member Paul R. Beane; Council Member Karen Gibson; Council Member Jim Gilbreath; Council Member Victor Hernandez; Council Member Todd R. Klein; Lee Ann Dumbauld, City Manager; Rebecca Garza, City Secretary; and Sam Medina, City Attorney.

**Absent:** No one.

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

#### **3.1. Invocation by Associate Pastor Randy Bunyard, The Heights Fellowship**

Pastor Randy Bunyard, The Heights Fellowship, 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. June 10, 2010, Regular City Council Meeting**

**June 11, 2010, Special City Council Meeting**

**June 18, 2010, Special City Council Meeting**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve the June 10, 2010 Regular City Council minutes, the June 11, 2010 Special City Council minutes, and the June 18, 2010 Special City Council minutes. Motion carried: 7 Ayes, 0 Nays.

### **5. CONSENT AGENDA**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve items 5.1-5.7; 5.9; 5.11-5.17; 5.19-20; and 5.22-5.24. Motion carried: 7 Ayes, 0 Nays.

**5.1. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0056 Amendment 16 amending the Adopted FY 2009-10 Budget for municipal purposes respecting the grant program to accept and appropriate from the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program; accept and appropriate from the Texas Department of Housing and Community Affairs for the Community Services Block Grant; accept and appropriate from the Texas Department of Transportation for Citibus Operating Assistance Section 5307 Grant; and respecting the Operating Budget to appropriate from the Criminal Investigative Fund for the purchase of software and hardware necessary to support the Tiburon automated computer system services and software applications.**

- 5.2. **Contract Resolution – Purchasing: Resolution No. 2010-R0304 authorizing the Mayor to execute unit price Contract 9516 with UniFirst Corporation for uniforms and uniform rental and laundry services, BID 10-096-MA.**
- 5.3. **Ordinance 2nd Reading – Right-of-Way: Ordinance No. 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.**
- 5.4. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0305 authorizing the Mayor to execute Contract 9617 with Nancy Arenivas for the sale of City-owned property at 3318 Jarvis Street.**
- 5.5. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0306 authorizing the Mayor to execute Contract 9614 with The Savell Family Living Trust, Ina Mae Hardin Savell, Trustee, 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-R0307 authorizing the Mayor to execute Contract 9610 with E. B. Murphy and Murphy Jack “Mike” Grigg, each as their 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.**
- 5.7. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0308 authorizing the Mayor to execute Contract 9615 with Alison Johnston 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. **Resolution - Right-of-Way: Resolution No. 2010-R0309 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.**
- 5.11. **Contract Resolution - Water Utility: Resolution No. 2010-R0310 authorizing the Mayor to execute Contract 9553 with Western Summit Constructors, Inc., for the construction of the Lake Alan Henry Water Supply Project Treated Water Line Phase I, Contract G-1, RFP 10-070-MA.**

- 5.12. **Contract Amendment Resolution – Water Utility: Resolution No. 2010-R0311 authorizing the Mayor to execute Change Order 10 to Contract 8119 with Eagle Contracting, L.P., for the Southeast Water Reclamation Plant Improvements Project; providing for the construction and installation of seeding line, programming modifications, and secondary sludge line piping modifications; and providing for the installation of a temporary blow off valve and the construction of a temporary chlorine line.**
- 5.13. **Contract Resolution - Traffic Engineering: Resolution No. 2010-R0312 authorizing the Mayor to execute purchase order Contract 10000313 with Intuitive Control Systems, L.L.C., d/b/a All Traffic Solutions, for radar speed display signs, BID 10-084-FO.**
- 5.14. **Contract Resolution- Traffic Engineering: Resolution No.'s 2010-R0313, 2010-R0314, and 2010-R0315 authorizing the Mayor to execute unit price Contract 9622 with Interstate Signways, Contract 9621 with Vulcan Signs, and Contract 9620 with Signco for traffic signs, BID 10-079-FO.**
- 5.15. **Ordinance 2nd Reading - Planning: Ordinance No. 2010-O0051, Zone Case 3135 (West of Indiana Avenue and South of 114th Street), 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.**
- 5.16. **Ordinance 2nd Reading - Planning: Ordinance No. 2010-O0052, Zone Case 1085-A (2156 50th Street), 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.**
- 5.17. **Ordinance 2nd Reading - Planning: Ordinance No. 2010-O0050, Zone Case 2927-A (7405 Marsha Sharp Freeway), 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.**
- 5.19. **Ordinance 2nd 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.**

- 5.20. **Ordinance 2nd Reading - Business Development: Ordinance No. 2010-00054, 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.**
- 5.22. **Contract Resolution - Fleet: Resolution No. 2010-R0316 authorizing the Mayor to execute unit price Contract 9625 with Clear-Vu Auto Glass for windshield replacement and repair, Bid 10-086-DD.**
- 5.23. **Contract Resolution - Information Technology: Resolution No. 2010-R0317 authorizing the Mayor to execute Contract 9623 with Tiburon, Inc., for automated computer system services and software applications for the Police Department, Fire Department, Emergency Communications Center, and automated records systems.**
- 5.24. **Resolution - Fire: Resolution No. 2010-R0318 accepting funding for the 2010 Emergency Management Performance Grant administered through the Texas Division of Emergency Management.**

**6. REGULAR AGENDA (Continued)**

- 5.8. **Contract Amendment Resolution - Right-of-Way: Consider a resolution authorizing the Mayor to execute Amendment 5 to Contract 8386 with McDougal Realtors, Inc., for additional legal and negotiation services related to the acquisition of the Lake Alan Henry raw water pipeline easements.**

**This item was deleted.**

- 5.10. **Contract Resolution - Water Utility: Resolution No. 2010-R0319 authorizing the Mayor to execute a Special Warranty Deed transferring to the Lubbock Regional Mental Health and Mental Retardation (MHMR) Center 79.052 acres of City-owned property.**

Roger Karr, MHMR Director of Planning and Evaluation; Marsha Reed, Chief Operating Officer; Sam Medina, City Attorney; and Amy Sims, Assistant City Attorney, gave comments and answered questions from Council.

Motion was made by Council Member Gibson, seconded by Council Member Klein, to approve Resolution No. 2010-R0319. Motion carried: 7 Ayes, 0 Nays.

- 5.18. Contract Amendment Resolution - Planning: Resolution No. 2010-R0320 authorizing the Mayor to execute Change Order 2 to Contract 9254 with the Sanborn Map Company for aerial photography, digital orthophotography, and other Geographic Information System data; providing for compilation of additional geographic information system data, and extending the completion date to February 28, 2011.**

Sally Abbe, GIS Manager; and Rob Allison, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0320. Motion carried: 7 Ayes, 0 Nays.

- 5.21. Contract Amendment Resolution - Airport: Resolution No. 2010-R0321 authorizing the Mayor to execute Amendment 1 to Contact 9002 with Parkhill Smith & Cooper, Inc., for architectural and engineering services for Lubbock Preston Smith International Airport Improvement Projects; amending the contract to include airfield asphalt repair.**

James Loomis, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0321. Motion carried: 7 Ayes, 0 Nays.

**9: 27 A.M. CITY COUNCIL RECESSED**

**9:38 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

- 6.1. Public Hearing 9:30 a.m. - Planning: Hold a public hearing to consider the request of Tamarack Petroleum for an Oil Drilling Permit for the West Lee Harrison Unit 38 on a tract of land located approximately 600 feet south and 330 feet east of the northwest corner of Section 4, Block A, Lubbock County, Texas (south of East Erskine and east of North Olive).**

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

Mayor Martin opened the public hearing at 9:39 a.m.

Dorothy Williams appeared and spoke in opposition, suggesting a wall be put up between her home and the wells.

No one appeared to speak in favor of the ordinance.

Mayor Martin closed the public hearing at 9:49 a.m.

Mayor Martin re-opened the public hearing at 9:52 a.m.

Dorothy Williams gave comments and answered questions from Council.

Mayor Martin closed the public hearing at 9:54 a.m.

**6.3. Board Appointments - City Secretary: Consider two appointments to the Citizens Traffic Commission.**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to reappoint Xavier Vela. Motion carried: 7 Ayes, 0 Nays.

Nominations for the second position were: Dennis Kelly, Jordan Strebeck, and Reymundo Torres.

Votes were taken as follows:

Reymundo Torres: 2 Ayes (Council Members Hernandez and Klein)

Dennis Kelly: 4 Ayes (Mayor Martin, Mayor Pro Tem Price, Council Member Beane, and Council Member Gibson)

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to appoint Dennis Kelly to the **Citizens Traffic Commission**. Motion carried: 7 Ayes, 0 Nays.

**7. WORK SESSION/BUSINESS AGENDA**

**7.1. Presentation by David Moses, D Moses Consulting, regarding electronic high frequency anti-loitering device.**

David Moses, D Moses Consulting, appeared before Council to give a presentation on an electronic high frequency anti-loitering device.

**10:18 A.M. CITY COUNCIL RECESSED**

**10:32 A.M. CITY COUNCIL RECONVENED**

**Committee Room 103**

**7.2. Finance: FY 2010-11 Operating Budget and Capital Program discussion to include all funds and operations of the City.**

The City Council discussed budget philosophies and gave policy direction for the upcoming FY 2010-11 Operating Budget and Capital Program.

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

**12:55 P.M. CITY COUNCIL ADJOURNED**

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