

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**July 22, 2010**  
**7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 22nd day of July, 2010, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

**7:36 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 Todd R. Klein; Lee Ann Dumbauld, City Manager; Rebecca Garza, City Secretary; and Sam Medina, City Attorney.

**Absent:** Council Member Victor Hernandez

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

- *Citizen Comments; 3.2; 3.1; 3.3-3.5; 4.1; 5.1; 5.3-5.9; 5.11-5.16; 5.18-5.21; 5.2; 5.10; 5.17; 6.1-6.3 (item 6.3 was addressed again following item 7.2); 6.4; 6.6; 6.7; 6.5; 7.2; 6.3; and 7.1.*
- *Item 6.5 was continued to the August 12, 2010 meeting.*

**1. CITIZEN COMMENTS**

- Burley Owen appeared before Council to discuss funds coming from LP&L.
- Christopher Starcher and Mikel Ward both appeared before Council to speak on changes proposed by the Charter Review Committee.

**7:45 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 Business Development**
  - 2.1.2 Cemetery**
  - 2.1.3 Right-of-Way**
  - 2.1.4 Streets**
  - 2.1.5 Utility Regulatory Matters**
  - 2.1.6 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 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.**

**9:15 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 Todd R. Klein; Lee Ann Dumbauld, City Manager; Rebecca Garza, City Secretary; and Sam Medina, City Attorney.

**Absent:** Council Member Victor Hernandez

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

#### **3.2. Invocation by Ava Burdine Berry, Director of Missions & Admissions, Northwest Texas Conference**

Ava Burdine Berry, Northwest Texas Conference, led the invocation.

#### **3.1. 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 2010 Season of Lubbock Moonlight Musicals.**

Gerald Dolter and members of the Lubbock Moonlight Musicals accepted special recognition from the Mayor commemorating the 2010 Season of Lubbock Moonlight Musicals. Mr. Dolter gave remarks on the hard work and dedication of those involved and encouraged everyone to come watch the musicals. Council Member Beane gave comments and urged everyone to take advantage of the entertainment as well as the great facility.

#### **3.4. Presentation of special recognitions to City of Lubbock employees that responded to the flooding issues that occurred over the July 4 weekend.**

Special recognition was given by the Mayor to all of the City of Lubbock employees who responded during the July 4, 2010 weekend when Lubbock received over twelve inches of rain.

#### **3.5. Board Recognitions:**

##### **Appointments Advisory Board**

Tyler Patton (unable to attend)

##### **Building Board of Appeals**

Monty Bradshaw (unable to attend)

Ron Chambless

Andrea Rushing

C.V. Surendran

##### **Citizens Traffic Commission**

Dennis Kelley

Tom Nichols

**Keep Lubbock Beautiful Advisory Committee**

Eric Molina

**Lubbock Water Advisory Commission**

Clayton Isom (unable to attend)

**Museum & Art Standing Sub-Committee**

Bonnie Aycock

**Permit & License Appeals Board**

Lee Hunter

**4. MINUTES**

**4.1. June 24, 2010, Regular City Council Meeting  
June 24, 2010, Special City Council Meeting**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to approve the June 24, 2010 Regular City Council minutes and the June 24, 2010 Special City Council minutes. Motion carried: 6 Ayes, 0 Nays.

**5. CONSENT AGENDA**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve items 5.1; 5.3-5.9; 5.11-5.16; and 5.18-5.21. Motion carried: 6 Ayes, 0 Nays.

**5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance 2010-00056, 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.**

**5.1.1 Contract Resolution - Community Development: Resolution No. 2010-R0322 authorizing the Mayor to execute Amendment 1 to Contract 58100000835 with the Texas Department of Housing and Community Affairs (TDHCA) for the Comprehensive Energy Assistance Program (CEAP) to fund energy assistance programs.**

- 5.1.2 Contract Amendment Resolution - Community Development: Resolution No. 2010-R0323 authorizing the Mayor to execute an Amendment to the CEAP Agreement with LIFE Run Independent Living Centers to provide utility assistance to qualified low-income persons and families.**
- 5.1.3 Contract Amendment Resolution - Community Services: Resolution No. 2010-R0324 authorizing the Mayor to execute an Amendment to the CEAP Agreement with Lutheran Social Services of the South to provide utility assistance to qualified low-income persons and families.**
- 5.1.4 Contract Resolution - Community Development: Resolution No. 2010-R0325 authorizing the Mayor to execute Amendment 2 to Contract 61100000869 with the TDHCA for the Community Services Block Grant (CSBG) to provide assistance to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient.**
- 5.3. Resolution - Human Resources: Resolution No. 2010-R0326 designating the City Manager as the City's authorized representative for the United States Department of Health and Human Services' Early Retiree Reinsurance Program; and acknowledging and ratifying the Early Retiree Reinsurance Program Application and all related documents signed on behalf of the City of Lubbock by the City Manager.**
- 5.4. Contract Resolution - Right-of-Way: Resolution No. 2010-R0327 authorizing the Mayor to execute Contract 9546 with Douglas Eugene Joel Neugebauer, Jr., a/k/a Joel Neugebauer, 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-R0328 authorizing the Mayor to execute Contract 9628 with Edgar L. Dunn and Jackie Bruce Dunn 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. Resolution - Right-of-Way: Resolution No. 2010-R0329 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Royce Heinrich, for the purchase 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; and authorizing, in the alternative, the institution of condemnation proceeding for acquisition of property if the purchase for said easement is not secured.**

- 5.7. **Resolution - Right-of-Way: Resolution No. 2010-R0330 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to E. R. Bednarz Trust, for the purchase 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, and authorizing, in the alternative, the institution of condemnation proceeding for acquisition of property if the purchase for said easement is not secured.**
- 5.8. **Resolution - Right-of-Way: Resolution No. 2010-R0331 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Nancy F. Prentiss, Trustee of the Nancy F. Prentiss Revocable Trust, dated July 6, 1999, for the purchase 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; and authorizing, in the alternative, the institution of condemnation proceeding for acquisition of property if the purchase for said easement is not secured.**
- 5.9. **Ordinance Amendment 2nd Reading - Water Utility: Ordinance 2010-00055, amending Chapter 28 of the Code of Ordinances, related to the City's Water Conservation and Drought Contingency Plans.**
- 5.11. **Contract Resolution- Water Utility: Resolution No. 2010-R0332 authorizing the Mayor to execute unit price Contract 9595 with Utility Contractors of America for the Sewer Lines Ahead of Street Paving Project, BID 10-089-FO.**
- 5.12. **Contract Resolution- Water Utility: Resolution No. 2010-R0333 authorizing the Mayor to execute unit price Contract 9594 with Wright Construction Company for the Water Lines Ahead of Street Paving Project, BID 10-098-FO.**
- 5.13. **Contract Resolution - Traffic Engineering: Resolution No. 2010-R0334 authorizing the Mayor to execute an inter-local agreement with Texas Tech University for part-time staffing of the Traffic Engineering's Traffic Management Center.**
- 5.14. **Contract Resolution – Public Works Engineering: Resolution No. 2010-R0335 authorizing the Mayor to execute a Reimbursement Agreement with Bacon Crest, Ltd., CTC Real Estate, L.P., and Western Title Company regarding the drainage easement on a strip of land along 82nd Street (formerly Spur 313).**
- 5.15. **Contract Resolution – Public Works Engineering: Resolution No. 2010-R0336 authorizing the Mayor to request the purchase of surplus property from the Texas Department of Transportation (TxDOT) regarding a drainage easement on a strip of land along 82nd Street (formerly Spur 313).**

- 5.16. **Contract Resolution - Health: Resolution No. 2010-R0337 authorizing the Mayor to execute an inter-local agreement with Texas Tech University Health Science Center (TTUHSC) for a qualified physician to provide epidemiological and surveillance consultation services for the Health Department.**
- 5.18. **Minuted Action - Planning: Approval of a permit for Tamarack Petroleum for an Oil Drilling Permit in 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).**
- 5.19. **Contract Resolution - Fleet: Resolution No. 2010-R0338 authorizing the Mayor to execute purchase order Contract 362606 with Associated Supply Company Inc., for a motor grader, BID 10-102-DD.**
- 5.20. **Contract Resolution - Fleet: Resolution No. 2010-R0339 authorizing the Mayor to execute purchase order Contract 10000354 with Altec Industries for a two-man aerial truck.**
- 5.21. **Contract Resolution - Information Technology: Resolution No. 2010-R0340 authorizing the Mayor to execute purchase order Contract 10000423 with InsightSoftware.com, Inc., for the purchase of report-writing software to supplement the City's Enterprise One Financial System.**

## **6. REGULAR AGENDA**

- 5.2. **Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0057, Amendment 17, amending the Adopted FY 2009-10 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of State Health Services for the Hospital Preparedness Grant; accept and appropriate funding from the Texas Department of State Health Services for the Syphilis Elimination Texas Grant; accept and appropriate funding from the Texas Department of State Health Services for the Community Preparedness Section-Bioterrorism Preparedness-Lab; and respecting the Operating Budget by amending the Adopted FY 2009-10 Operating Budget for Market Lubbock, Inc; amending the Adopted 2009-10 Operating Budget for Lubbock Economic Development Alliance; respecting the Capital Program by amending Capital Improvement Project No. 90281, Major Sewer Line Replacement; and amending Capital Improvement Project No. 92223, Animal Shelter Wastewater Extensions.**

Andy Burcham, Chief Financial Officer, and Jana Johnston, Chief Financial Officer of Market Lubbock, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Price, to approve Ordinance No. 2010-O0057. Motion carried: 6 Ayes, 0 Nays.

- 5.10. Contract Resolution - Water Utility: Resolution No. 2010-R0341 authorizing the Mayor to execute Contract 9637 with Parkhill, Smith & Cooper, Inc., for construction phase services related to the construction of the Treated Water Line portion of the Lake Alan Henry Water Supply Project.**

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

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Resolution No. 2010-R0341. Motion carried: 6 Ayes, 0 Nays.

- 5.17. Resolution - Civic Centers: Resolution No. 2010-R0342 approving the recommendation from the Cultural Arts Grant Review Committee and the Civic Lubbock, Inc., Board of Directors for the first of two granting periods for the 2010 Cultural Arts Grant Program using Hotel Occupancy Tax funds collected at the end of Fiscal Year 2008-09.**

Mark Bass, Secretary/Treasurer for Civic Lubbock, Inc., answered questions from Council.

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0342. Motion carried: 6 Ayes, 0 Nays.

- 6.1. Public Hearing 9:30 a.m. - Planning: Ordinance No. 2010-O0058 amending the Zoning Code to define winery and winery tasting room and the allowable zoning districts for each, and to consider an ordinance.**

Mayor Martin opened the public hearing at 9:55 a.m.

Bill Boon, Planning and Zoning Manager, appeared as the proponent on behalf of the Zoning Board of Adjustment to speak in favor of the ordinance.

Josh McDonald, part owner of D'Vine Wine Lubbock, appeared before Council to speak in favor of the Ordinance. Bob Besgrove, Master Franchise Owner for D'Vine Wine, appeared before Council to speak in favor of the ordinance.

No one appeared to speak in opposition of the ordinance.

Mayor Martin closed the public hearing at 10:09 a.m.

Sam Medina, City Attorney, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Beane, to approve Ordinance No. 2010-O0058. Motion carried: 5 Ayes, 1 Nay. Mayor Martin voted nay.

- 6.2. Public Hearing 9:30 a.m. - Planning: Zone Case 3136 (9801 Highway 87): Ordinance No. 2010-O0059 request of Paul Campbell (for Quotro Partners) for a zoning change from Transition (T) to Interstate Highway Commercial District (IHC) on 2.59 acres of unplatted land out of Block E, Section 11, and to consider an ordinance.**

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

Mayor Martin opened the public hearing at 10:16 a.m.

Paul Campbell, partner with Forest Tire Company, appeared to speak in favor of the ordinance.

No one appeared to speak in opposition of the ordinance.

Mayor Martin closed the public hearing at 10:23 a.m.

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Ordinance No. 2010-O0059. Motion carried: 6 Ayes, 0 Nays.

- 6.3. Public Hearing 9:30 a.m. - Planning: Zone Case 3047-A (northeast of Trafalgar Avenue and southeast of 120th Place): Hold a public hearing to consider request of Vintage Land Company for a zoning change from Single-Family District (R-1) Specific Use to Family Apartment District (A-1) Specific Use on Lot 185, Vintage Township Addition, and to consider an ordinance.**

Randy Henson, Director of Planning; and Mike Kemp, Fire Chief, gave comments and answered questions from Council.

**Point of clarification was made by the Mayor and addressed again following item 7.2**

**10:35 A.M. CITY COUNCIL RECESSED**

**10:50 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

- 6.4. Public Hearing 9:30 a.m. - Planning: Zone Case 3065-B (6914 82nd Street): Ordinance No. 2010-O0060 request of Jahan Rasty and Joe Soltani for a zoning change from Transition District (T) to General Retail District (C-3) on 1.032 acres of unplatted land out of Block AK, Section 30, Tract K6 and K6C, and to consider an ordinance.**

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

Mayor Martin opened the public hearing at 10:52 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:52 a.m.

Motion was made by Council Member Klein, seconded by Council Member Gilbreath, to approve Ordinance No. 2010-00060. Motion carried: 6 Ayes, 0 Nays.

**6.6. Resolution - City Secretary: Resolution No. 2010-R0343 authorizing the City Council to create the North Point Public Improvement District Advisory Board for the North Point Improvement District.**

Motion was made by Council Member Gilbreath, seconded by Council Member Gibson, to approve Resolution No. 2010-R0343. Motion carried: 6 Ayes, 0 Nays.

**6.7. Board Appointments - Regular Session: Consider appointments to the North Point Public Improvement District Advisory Board.**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to appoint the following to the **North Point Public Improvement District Advisory Board**: Tyler McDougal, John Sweeny, Joe Torres, Stanly Harris, and Carolyn Thompson Conwright. Motion carried: 6 Ayes, 0 Nays.

**6.5. Resolution - City Council: Consider a resolution amending Section III(B)(11)(c) of the City Council Rules, Order of Business and Procedures as set forth in the Policies and Procedures Manual adding Subsection (5) requiring that the City Council consider no contract, agreement, or other such instrument unless it has been presented in completed form not later than 72 hours prior to the meeting at which the item is posted for consideration.**

Sam Medina, City Attorney, gave comments and answered questions from Council.

**This item was continued to the August 12, 2010 meeting.**

**7. WORK SESSION/BUSINESS AGENDA**

**7.2. 2011 Legislative Agenda, Robert Floyd with the firm Hance Scarborough**

Robert Floyd, with the Hance Scarborough Firm, appeared before Council to give a briefing on the upcoming 2011 Legislative Session.

**6. REGULAR AGENDA (continued)**

- 6.3. Public Hearing 9:30 a.m. - Planning: Zone Case 3047-A (northeast of Trafalgar Avenue and southeast of 120th Place): Ordinance No. 2010-O0061 to consider request of Vintage Land Company for a zoning change from Single-Family District (R-1) Specific Use to Family Apartment District (A-1) Specific Use on Lot 185, Vintage Township Addition, and to consider an ordinance.**

Randy Henson, Director of Planning; and Mike Kemp, Fire Chief, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 12:03 p.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 12:03 p.m.

Motion was made by Council Member Gilbreath, seconded by Council Member Gibson, to approve Ordinance No. 2010-O0061. Motion carried: 6 Ayes, 0 Nays.

**12:07 P.M. CITY COUNCIL RECESSED INTO EXECUTIVE**

**2:44 P.M. CITY COUNCIL RECONVENED**

**Committee Room 103**

**7. WORK SESSION/BUSINESS AGENDA (continued)**

- 7.1. Finance: FY 2010-11 Operating Budget and Capital Program discussion to include the General Fund; Debt Service Fund; Enterprise Funds; Internal Service Fund; Special Revenue Funds; Component Units; and related operations and activities. Lee Ann Dumbauld, City Manager; Andy Burcham, Chief Financial Officer.**

Lee Ann Dumbauld, City Manager; and Andy Burcham, Chief Financial Officer, gave a presentation on the FY 2010-11 budget.

**3:05 P.M. CITY COUNCIL ADJOURNED**

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