

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**August 12, 2010**  
**7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 12th day of August, 2010, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

**7:30 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; 3.1-3.3; 4.1; 5.1-5.32; 5.34-5.38; 6.1-6.5; 7.1; and 6.3.*
- *Item 5.33 was deleted.*
- *Item 6.2 was continued to the August 26, 2010 meeting.*
- *Item 6.3 was reconsidered and amended following item 7.1.*
- *No action was taken on item 6.4.*

**1. CITIZEN COMMENTS**

- Charles Dunn appeared before Council to speak about his concerns with street projects in the city.
- Christopher Starcher appeared before Council to speak about the proposed budget and tax rate.
- Rachel Johnson appeared before Council to speak on homelessness.

**7:38 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 Airport**
  - 2.1.2 Civic Services**
  - 2.1.3 Fleet**
  - 2.1.4 Health Benefits**
  - 2.1.5 Right-of-Way**
  - 2.1.6 Utility Regulatory Matters**
  - 2.1.7 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.**

**9:35 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

**3. PROCLAMATIONS AND PRESENTATIONS**

**3.1. Invocation by Pastor Roger Garrett, Genesis Baptist Fellowship**

Roger Garrett, Genesis Baptist 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.

**3.3. Presentation of an award by the U.S. Census Bureau to the City of Lubbock Complete Count Committee.**

Jeff Behler, Deputy Regional Director for the Dallas office of the Census Bureau, along with Shirley McBride and Josh Silva, both Partnership Specialists with the U.S. Census Bureau, appeared before Council to honor the City of Lubbock Complete Count Committee for their efforts in making the 2010 Census a success. Mr. Behler read special comments complimenting Dave Buckberry, and the rest of the Complete Count Committee for their diligence, and presented a special plaque awarding their efforts. John Steinmetz, Co-Chair of the Complete Count Committee, gave comments and thanked the citizens for completing their census forms as well as the committee for all of their hard work. Mayor Martin gave comments on the importance of the Census and also gave thanks to the Complete Count Committee.

**4. MINUTES**

**4.1. July 8, 2010, Regular City Council Meeting  
July 8, 2010, Emergency City Council Meeting**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to approve the July 8, Regular City Council minutes, and the July 8, 2010 Emergency 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 5.1-5.32 and 5.34-5.38. Motion carried: 7 Ayes, 0 Nays.

- 5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance 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 Grant; 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.**
  - 5.1.1 Contract Resolution - Health: Resolution No. 2010-R0344 authorizing the Mayor to execute Contract 2010-035151 with the Texas Department of State Health Services (DSHS) for the Hospital Preparedness Grant.**
  - 5.1.2 Contract Resolution - Health: Resolution No. 2010-R0345 authorizing the Mayor to execute Contract 2011-035269 with the DSHS for the Syphilis Elimination Grant.**
  - 5.1.3 Contract Resolution - Health: Resolution No. 2010-R0346 authorizing the Mayor to execute Contract 2010-035497 with DSHS for funding the CPS-Bioterrorism Preparedness Laboratory Grant.**
- 5.2. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0062, Amendment 18, amending the Adopted FY 2009-10 Budget respecting the Grant Fund to accept and appropriate from the Texas Department of Housing and Community Affairs for the Department of Energy Weatherization Assistance Program; accept and appropriate from the Texas Department of Housing and Community Affairs for the Weatherization ARRA City Grant; accept and appropriate from the Texas Department of Housing and Community Affairs for the Weatherization ARRA County Grant; accept and appropriate from the Texas Department of State Health Services for the Local Public Health Services Grant; accept and appropriate from the Texas Department of State Health Services for the Immunization Branch Grant; accept and appropriate from the Texas Department of State Health Services for the Milk and Dairy Grant; accept and appropriate from the Texas Department of State Health Services for the Community Prevention Section – Bioterrorism Preparedness Grant; and respecting the Capital Program by amending Capital Improvement Project 9754, Sewer Lines Ahead of Sharp Freeway and Capital Improvement Project 8559, 98th Street Sanitary Sewer Remediation.**

- 5.3. Notice of Intention Resolution - Finance: Resolution No. 2010-R0347 authorizing publication of a Notice of Intention to Issue Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2010C, for projects related to the construction of a raw water transmission line, pump station, and water treatment plant improvements.**
- 5.4. Notice of Intention Resolution - Finance: Resolution No. 2010-R0347A authorizing the publication of Notice of Intention to Issue Electric Light and Power System Revenue Bonds; and take appropriate action.**
- 5.5. Contract Amendment Resolution - Right-of-Way: Resolution No. 2010-R0348 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 Lake Alan Henry raw water pipeline easements.**
- 5.6. Resolution - Right-of-Way: Resolution No. 2010-R0349 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Willoughby, LTD, a Texas Limited Partnership, 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 proceedings for acquisition of property if the purchase for said easement is not secured.**
- 5.7. Resolution - Right-of-Way: Resolution No. 2010-R0350 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to E. C. Smallwood, 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 proceeding for acquisition of property if the purchase for said easement is not secured.**
- 5.8. Resolution - Right-of-Way: Resolution No. 2010-R0351 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Margaret Suzanne Perry, 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 proceeding for acquisition of property if the purchase for said easement is not secured.**

- 5.9. Resolution - Right-of-Way: Resolution No. 2010-R0352 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Lance Inderman and Chad Inderman for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project, and authorizing, in the alternative, the institution of condemnation proceeding for acquisition of property if the purchase for said easement is not secured.**
- 5.10. Contract Resolution - Right-of-Way: Resolution No. 2010-R0353 authorizing the Mayor to execute Contract 9658 with E. R. Bednarz Trust 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-R0354 authorizing the Mayor to execute Contract 9649 with George H. 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.**
- 5.12. Contract Resolution - Right-of-Way: Resolution No. 2010-R0355 authorizing the Mayor to execute Contract 9633 with Jay C. Bird, II 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-R0356 authorizing the Mayor to execute Contract 9668 with H.V. Wheeler Partnership, a Texas general partnership, 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.**
- 5.14. Contract Resolution - Right-of-Way: Resolution No. 2010-R0357 authorizing the Mayor to execute Contract 9672 with Nancy F. Prentiss, Trustee of the Nancy F. Prentiss Revocable Trust, dated July 6, 1999, successor First Financial Trust and Asset Management Company, 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.**
- 5.15. Utility Right-of-Way and Easement Resolution - Right-of-Way: Resolution No. 2010-R0358 authorizing the Mayor to execute a Utility Right-of-Way and Easement with James W. Boren, Jr., for the acquisition of a utility right-of-way and easement for the construction of the Lake Alan Henry Pipeline Project.**

- 5.16. **Utility Right-of-Way and Easement Resolution - Right-of-Way: Resolution No. 2010-R0359 authorizing the Mayor to execute a Utility Right-of-Way and Easement with James W. Boren, Jr., for the acquisition of a utility right-of-way and easement for the construction of the Lake Alan Henry Pipeline Project.**
- 5.17. **Utility Right-of-Way and Easement Resolution - Right-of-Way: Resolution No. 2010-R0360 authorizing the Mayor to execute a Utility Right-of-Way Easement with John C. Boren, for the acquisition of a utility right-of-way and easement for the construction of the Lake Alan Henry Pipeline Project.**
- 5.18. **Utility Right-of-Way and Easement Resolution - Right-of-Way: Resolution No. 2010-R0361 authorizing the Mayor to execute a Utility Right-of-Way and Easement with Sam Bevers Jr., for the acquisition of a utility right-of-way and easement for the construction of the Lake Alan Henry Pipeline Project.**
- 5.19. **Utility Right-of-Way and Easement Resolution - Right-of-Way: Resolution No. 2010-R0362 authorizing the Mayor to execute a Utility Right-of-Way and Easement with Dusti Osborn, for the acquisition of a utility right-of-way and easement for the construction of the Lake Alan Henry Pipeline Project.**
- 5.20. **Utility Right-of-Way and Easement Resolution - Right-of-Way: Resolution No. 2010-R0363 authorizing the Mayor to execute a Utility Right-of-Way and Easement with Clyde Kitten, for the acquisition of a utility right-of-way and easement for the construction of the Lake Alan Henry Pipeline Project.**
- 5.21. **Utility Right-of-Way and Easement Resolution - Right-of-Way: Resolution No. 2010-R0364 authorizing the Mayor to execute a Utility Right-of-Way and Easement with Clyde Kitten, for the acquisition of a utility right-of-way and easement for the construction of the Lake Alan Henry Pipeline Project.**
- 5.22. **Contract Resolution – Water Utility: Resolution No. 2010-R0365 authorizing the Mayor to execute unit price Contract 9553 with Deerwood Construction for the construction of the Municipal Water and Sanitary Sewer Improvements for the Lubbock Animal Shelter, BID 10-097-FO.**
- 5.23. **Contract Amendment Resolution - Airport: Resolution No. 2010-R0366 authorizing the Mayor to execute an amendment to Contract 8403 with Allen Butler Construction Company, Inc., for the Airport Entrance Road Project.**
- 5.24. **Ordinance 2nd Reading - Planning: Ordinance 2010-O0058, amending the Zoning Code to define winery and winery tasting room and the allowable zoning districts for each.**

- 5.25. Ordinance 2nd Reading - Planning: Ordinance 2010-O0059 Zone Case 3136 (9801 Highway 87): 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.**
- 5.26. Ordinance 2nd Reading - Planning: Ordinance 2010-O0060 Zone Case 3065-B (6914 82nd Street): 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.**
- 5.27. Ordinance 2nd Reading - Planning: Ordinance 2010-O0061 Zone Case 3047-A (northeast of Trafalgar Avenue and southeast of 120th Place): 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.**
- 5.28. Resolution - Fleet: Resolution No. 2010-R0367 authorizing the Mayor to execute documents to permit the participation in a Consent Decree in the matter of United States and the State of Oklahoma v. Union Pacific Railroad Company et al, Civil Action No. 06-887C in the U.S. District Court for the District of Western Oklahoma.**
- 5.29. Contract Resolution - Fleet: Resolution No. 2010-R0368 authorizing the Mayor to execute purchase order Contract 23100203 with AMS Inc., for a self-contained well management and monitoring system, BID 10-104-RH.**
- 5.30. Contract Resolution - Fleet: Resolution No. 2010-R0369 ratifying an emergency procurement and authorizing the Mayor to execute purchase order Contract 31000113 with Associated Supply Company for the repair of a Bomag landfill refuse compactor for operations at the West Texas Regional Disposal Facility.**
- 5.31. Contract Resolution - Fleet: Resolution No.'s 2010-R0370 and 2010-R0371 authorizing the Mayor to execute purchase order Contract 23100204 with Abilene New Holland for a 90-foot suspended boom broadcast sprayer and purchase order Contract 31000115 with Cisco Equipment for three 16-foot self-propelled windrowers with rotary disc headers, BID 10-103-RH.**
- 5.32. Contract Resolution - Facilities: Resolution No. 2010-R0372 authorizing the Mayor to execute purchase order Contract 27500002 with Johnson Controls for three water-cooled centrifugal chillers for the Lubbock Memorial Civic Center and Mahon Library Physical Plant Heating and Cooling Project.**

- 5.33. Contract Resolution - Telecommunication: Consider a resolution authorizing the Mayor to execute an addendum to the master agreement with AT&T Global Services for telephone switch maintenance.**

**This item was deleted.**

- 5.34. Contract Resolution - Telecommunication: Resolution No. 2010-R0373 authorizing the Mayor to execute Contract 9663 with AT&T Global Services for phone system upgrades on the City Hall phone switch.**
- 5.35. Contract Resolution - Telecommunication: Resolution No. 2010-R0374 authorizing the Mayor to execute Contract 9648 with Answer Live for after hour call answering service, BID 10-014-DT.**
- 5.36. Contract Resolution - Emergency Management: Resolution No. 2010-R0375 authorizing the Mayor to execute Service Agreement 9677 with Beck Disaster Recovery, Inc., to develop a Continuity of Operations plan to ensure that the City of Lubbock can carry on all essential functions in case of a natural or manmade disaster .**
- 5.37. Ordinance Amendment 1st Reading - Police: Ordinance No. 2010-O0063, amending Section 27-186 of the Code of Ordinances, allowing owners of towed vehicles to designate the location where the vehicle is taken as a result of a nonconsent tow under certain conditions, amending Section 27-187 to clarify the scope of operations of a tow truck business under a nonconsent permit, and amending Section 27-188 to require the display of permits and establishing applicable permit fees.**
- 5.38. Contract Resolution - Police: Resolution No. 2010-R0376 authorizing the Mayor to execute Contract 9128 with the United States Department of Justice, Drug Enforcement Administration, to participate in a Lubbock Resident Office Task Force to combat the trafficking in narcotics and dangerous drugs in the Lubbock area.**

## **6. REGULAR AGENDA**

- 6.1. Property Tax Rate Resolution - Finance: Resolution No. 2010-R0377 adopting a proposed property tax rate that will result in additional revenues as outlined in Section 26.05(d) of the Tax Code of the State of Texas, and setting the dates for public hearings to discuss the proposed tax rate.**

Andy Burcham, Chief Financial Officer, gave a presentation on the Effective/Rollback Rates for the Proposed Operating Budget and answered questions from Council.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Beane, to approve Resolution No. 2010-R0377 adopting a proposed property tax rate of 48.065 cents. Motion carried: 7 Ayes, 0 Nays.

- 6.2. Resolution - City Council: Consider a resolution authorizing the Mayor to execute an Amendment of Volume 1 of the City of Lubbock Policies and Procedures Manual entitled "Board and Commissions-Replacement of Members" to provide for modifying absences to include only unexcused absences, defining meeting for purposes of the policy, and defining unexcused absences.**

**Discussion was had, and no action was taken on this item.**

This item will come before City Council on August 26, 2010.

- 6.3. Resolution - City Council: Consider a resolution requiring for the purposes of calculating the Allowable Growth on Existing Taxable Property component of the Lubbock "Truth in Taxation" revenue cap calculation, an Operations and Maintenance cost factor for new capital projects shall be included.**

Andy Burcham, Chief Financial Officer, gave comments and answered questions from Council.

**Note: Vote was taken on this item following item 7.1**

- 6.4. Resolution - City Council: Consider a resolution requiring, except in emergency circumstances, or where there is an urgent public necessity where a meeting of the Lubbock City Council has been called pursuant to applicable state law, City Council shall consider no contract, agreement, or other such instrument unless it shall be presented in completed form, subject to amendment by City Council consistent with City Council policy and procedure, not later than seventy-two hours prior to the meeting at which the item is posted for consideration.**

**No action was taken on this item.**

Councilman Klein gave comments and answered questions from Council.

This item was discussed and addressed again following the recess.

**10:28 A.M. CITY COUNCIL RECESSED**

**10:37 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

- 6.4. Further discussion was had on this item, and no action was taken.**
- 6.5. Board Appointments - City Secretary: Consider one appointment to the Lubbock Water Advisory Board.**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to appoint Suzanne Baker to the **Lubbock Water Advisory Board**. Motion carried: 7 Ayes, 0 Nays.

**7. WORK SESSION/BUSINESS AGENDA**

**7.1. Discussion on Lubbock redistricting process. Professor David Guinn, Guinn & Morrison Law Firm**

Professors Mike Morrison and David Guinn, from the Guinn and Morrison Law Firm, appeared before Council to discuss the redistricting process for the City of Lubbock.

**11:33 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE**

**3:03 P.M. CITY COUNCIL RECONVENED**  
**Council Chambers**

**6. REGULAR AGENDA (Continued)**

**6.3. Resolution - City Council: Resolution No. 2010-R0378 requiring for the purposes of calculating the Allowable Growth on Existing Taxable Property component of the Lubbock "Truth in Taxation" revenue cap calculation, an Operations and Maintenance cost factor for new capital projects shall be included.**

Motion was made by Council Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0378 with an amendment to include the following language:

- In passing this resolution, it is the City Council's intent to add transparency to the taxation process and there is no intent to conceal a tax increase by virtue of including Operations and Maintenance for voter approved bond projects into the revenue cap.

Motion carried: 7 Ayes, 0 Nays.

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

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