

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**September 16, 2010**  
**7:30 A. M.**

The City Council of the City of Lubbock, Texas met in special session on the 16th of September, 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 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; public hearing pertaining to item 6.8; 3.1-3.3; 4.1; 5.1-5.3; 5.6-5.12; 5.14-5.19; 5.21-5.25; 5.4-5.5; 5.13; 5.20; 6.1-6.3; 6.9-6.11; 6.4-6.8.*
- *Item 6.8 was addressed again following item 6.7.*

**1. CITIZEN COMMENTS**

- Burley Owen appeared before Council to discuss the FY 2010-11 Operating Budget, property taxes, and LP&L funds.

**6. REGULAR AGENDA**

**6.8 Per Legal opinion of City Attorney Sam Medina, proper publication was made and a public hearing was conducted. Mayor Martin announced that “The public hearing was to consider the increases in the storm water fees.”**

Mayor Martin opened the public hearing at 7:39 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 7:40 a.m.

**7:40 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 Airport**
  - 2.1.2 Animal Services**
  - 2.1.3 Health Benefits**
  - 2.1.4 Right-of-Way**
  - 2.1.5 Risk Management**
  - 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 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.**

**9:34 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

**3. PROCLAMATIONS AND PRESENTATIONS**

**3.1. Invocation by Dr. Steve Doles, Cumberland Presbyterian**

Dr. Steve Doles, Cumberland Presbyterian, 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 commemorating the 2010 Fireball Run.**

Mayor Martin presented special recognition to Abby Rampy, Director of Communications for Visit Lubbock, David Weaver and Lynn Garcia, with the Lubbock Food Bank, and representatives with the Lubbock Economic Development Alliance commemorating the 2010 Fireball Run. David Weaver, Executive Director of the South Plains Food Bank, gave thanks to the Mayor for choosing the South Plains Food Bank as the benefiting charity, and encouraged everyone to participate in the 2010 Fireball Run.

**4. MINUTES**

**4.1. August 12, 2010, Regular City Council Meeting  
August 19, 2010, Special City Council Meeting  
August 19, 2010, Special City Council Meeting**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to approve the August 12, 2010 Regular City Council minutes, and both August 19, 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 5.1-5.3; 5.6-5.12; 5.14-5.19; and 5.21-5.25. Motion carried: 7 Ayes, 0 Nays.

**5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance 2010-00064 Budget Ordinance, Amendment 19, amending the Adopted FY 2009-10 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of State Health Services (DSHS) for the Infectious Disease Control Unit Grant.**

- 5.1.1 Contract Resolution - Health: Resolution No. 2010-R0423 authorizing the Mayor to execute Contract 2011-036347 Infectious Disease Control Unit/FLU-LAB with the State of Texas acting by and through its DSHS.**
- 5.2. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance 2010-O0069 Budget Ordinance, Amendment 20, amending the FY 2009-10 Operating Budget respecting the Operating Budget and Capital Program in the Lubbock Power & Light (LP&L) Fund as recommended by the Electric Utility Board on August 12, 2010, and as approved by the City Council in a meeting conducted pursuant to Section 551.086 of the Texas Government Code.**
- 5.3. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0072 Budget Ordinance, Amendment 21, amending the Adopted FY 2009-10 Budget respecting the Grant Fund to accept and appropriate funding from the Texas State Library and Archives Commission for the Interlibrary Loan Center Grant; accept and appropriate funding from the Texas State Library and Archives Commission for the Library System Operation Grant; accept and appropriate funding from the Texas State Library and Archives Commission for the Technical Assistance Negotiated Grant; accept and appropriate funding from the Texas Department of Transportation for the Section 5311 (f) Grant; accept and appropriate from the Department of Justice for the Edward Byrne Memorial Justice Assistance Grant; and respecting the Capital Program to amend Capital Improvement Project No. 92144, Buddy Holly Center.**
- 5.6. Contract Resolution - Human Resources: Resolution No. 2010-R0424 authorizing the Mayor to execute an interlocal cooperative purchasing agreement with North Central Texas Council of Governments Purchasing Cooperative for actuarial shared services.**
- 5.7. Resolution - Risk Management: Resolution No.'s 2010-R0425, 2010-R0426, and 2010-R0427 authorizing the City Manager to purchase from Travelers Lloyds Insurance Company an insurance policy for inland marine insurance, from Travelers Lloyds Insurance Company an insurance policy for crime insurance coverage, and from Federal Insurance Company, a member of the Chubb Group, an insurance policy for pipeline liability insurance coverage.**
- 5.8. Contract Resolution - Right-of-Way: Resolution No. 2010-R0428 authorizing the Mayor to execute Contract 9723 with Willoughby, Ltd, a Texas Limited 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.**

- 5.9. Contract Resolution - Right-of-Way: Resolution No. 2010-R0429 authorizing the Mayor to execute Contract 9730 with the Eugene Sokora and wife, Dorothy Sokora, for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.**
- 5.10. Contract Resolution - Water Utilities: Resolution No. 2010-R0430 authorizing the Mayor to execute unit price Contract 9727 with K.W. Sharp for flow meter repair services, BID 10-129-FO.**
- 5.11. Ordinance 2nd Reading - Planning: Ordinance 2010-O0066 Zone Case 3137 (4000 block of 112th Street): request of Ken Flagg (for Orchard Park) for a zoning change from Transition (T) to Single-Family District (R-1) Specific Use for garden homes on Lots 191 through 203, Orchard Park Addition.**
- 5.12. Ordinance 2nd Reading - Planning: Ordinance 2010-O0067 Zone Case 2341-C (1103, 1105, 1107, 1109, and 1111 North Hartford Avenue): request of Community Health Center of Lubbock for a zoning change from Multi-Family District (R-3) to Apartment-Medical District (AM) on Lots 12, 13, 14, 15, and 16, Block 4, Riceland Addition.**
- 5.14. Contract Resolution - Telecommunication: Resolution No. 2010-R0431 authorizing the Mayor to execute Amendment 3 to the master agreement with AT&T Global Services for telephone switch maintenance.**
- 5.15. Contract Resolution - Radio Shop: Resolution No. 2010-R0432 authorizing the Mayor to execute purchase order contract 32500078 for a Caterpillar Model D80-6 Generator.**
- 5.16. Contract Resolution - Health: Resolution No. 2010-R0433 authorizing the Mayor to execute Contract 10583-0 with Texas Tech University Health Sciences Center (TTUHSC) to provide the professional services of a Medical Director for the City of Lubbock Health Department.**
- 5.17. Contract Resolution - Health: Resolution No. 2010-R0434 authorizing the Mayor to execute Contract 10584-0 with the Texas Tech University Health Sciences Center (TTUHSC) to provide the professional services of a qualified physician to provide early and periodic screening, diagnosis, and treatment of sexually transmitted diseases for the City of Lubbock Health Department Sexually Transmitted Disease Clinic.**
- 5.18. Resolution - Airport: Resolution No. 2010-R0435 authorizing the Mayor to execute Federal Aviation Administration Grant Agreement 3-48-0138-034-2010 to fund Phase II Runway 8/26 Improvements Project.**
- 5.19. Contract Amendment Resolution - Airport: Resolution No. 2010-R0436 authorizing the Mayor to execute Amendment 3 to Contract 9501 with Parkhill, Smith & Cooper, Inc., (PSC) for the construction phase services for Phase II Runway 8/26 Improvements Project.**

- 5.21. **Contract Resolution – Airport: Resolution No. 2010-R0437 authorizing the Mayor to execute a settlement agreement with Centurion Pipeline, L.P., for relocating an eight inch petroleum pipeline to accommodate the Runway 8/26 relocation/reconstruction project at Lubbock Preston Smith International Airport.**
- 5.22. **Resolution - Citibus: Resolution No. 2010-R0438 authorizing the Mayor to execute a Section 5310 Grant amendment, with the Texas Department of Transportation (TxDOT).**
- 5.23. **Contract Resolution - Police: Resolution No.'s 2010-R0439 and 2010-R0440 authorizing the Mayor to execute contract 9718 with Bailey's House of Guns, and contract 9716 with G.T. Distributors, Inc., for police firearms ammunition, BID 10-127-DT.**
- 5.24. **Contract Resolution - Police: Resolution No. 2010-R0441 authorizing the Mayor to execute a Memorandum of Understanding with Lubbock County regarding the division of the local allocation from the United States Department of Justice for the Fiscal Year 2010 Justice Assistance Grant Program.**
- 5.25. **Contract Resolution - Police: Resolution No. 2010-R0442 authorizing the Mayor to execute Contract 9739 with the Child Advocacy Research and Education Center of the Texas Tech University Health Sciences Center School of Medicine, Department of Pediatrics, for medical examinations of children who are alleged victims of sexual assault.**

**6. REGULAR AGENDA (Continued)**

- 5.4. **Ordinance 1st and Only Reading - Finance: Ordinance No. 2010-O0073 providing for the issuance of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2010C; approving a paying agent/registrar agreement; prescribing the form of said certificates; levying a tax and pledging surplus waterworks system revenues in payment thereof and enacting other provisions relating thereto.**

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

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Ordinance No. 2010-O0073. Motion carried: 7 Ayes, 0 Nays.

- 5.5. Ordinance 1st and Only Reading - Finance: Ordinance No. 2010-O0074 providing for the issuance of City of Lubbock, Texas, Electric Light and Power System Revenue Bonds, in an aggregate principal amount not to exceed \$90 million; providing for the award of the sale thereof in accordance with specified parameters; authorizing the execution and delivery of a paying agent/registrars agreement; approving the official statement; approving execution of a bond purchase contract; and enacting other provisions relating thereto.**

Motion was made by Council Member Klein, seconded by Council Member Gilbreath, to approve Ordinance No. 2010-O0074. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

- 5.13. Ordinance 2nd Reading - Planning: Ordinance 2010-O0068 Zone Case 3138 (2321 50th Street, Suite K): request of Crafton Communications (for American Tower Corporation) for a zoning change from Restricted Local Retail District (C-2A) to C-2A Specific Use for a 65-foot communications tower on part of Lot 4, and all of Lots 5 and 6, Llano Vista Heights Addition.**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Ordinance No. 2010-O0068. Motion carried: 5 Ayes, 2 Nays. Council Members Beane and Hernandez voted nay.

- 5.20. Contract Resolution - Airport: Resolution No. 2010-R0443 authorizing the Mayor to execute Contract 9593 with Duininck, Inc., for construction services for Phase II Runway 8/26 Improvements Project, BID 10-099-DD.**

James Loomis, Director of Aviation, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve Resolution No. 2010-R0443. Motion carried: 7 Ayes, 0 Nays.

- 6.1. Public Hearing 9:30 a.m. - Business Development: Hold a public hearing for the City Council to consider proposed amendments to the Service and Assessment Plan that provided for the levy of assessments against the assessable property in the Vintage Township Public Improvement District, the boundary of which is generally bounded by 114th Street on the north, Quaker Avenue on the east, 122nd Street on the south, and Slide Road on the west.**

Mayor Martin opened the public hearing at 10:08 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:08 a.m.

**6.2. Ordinance 1st Reading - Business Development: Ordinance No. 2010-O0075 updating and amending the Vintage Township Public Improvement District Service and Assessment Plan and Assessment Roll.**

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Ordinance No. 2010-O0075. Motion carried: 7 Ayes, 0 nays.

**6.3. Variance Resolution - Planning: Resolution No. 2010-R0444 approving an application from Pinkie's Liquor Store 44 at 412 Quaker Avenue, for a variance to the 300-foot minimum distance between the property line of a public school and the property line of a business having an off premises alcoholic beverage permit, and to consider a resolution.**

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

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0444. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

**6.9. Contract Resolution - Parks and Recreation: Resolution No. 2010-R0445 authorizing the Mayor to execute Contract 9703 for the Buddy and Maria Elena Holly Plaza Improvements, RFP 10-128-DD.**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gilbreath, to approve Resolution No. 2010-R0445. Motion carried: 6 Ayes, 0 Nays. Council Member Klein recused.

**6.10. Ordinance 1st Reading - City Secretary: Ordinance No. 2010-O0076, of the City of Lubbock, Texas, adopting and enacting a new code of ordinances; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the amendment of such code; and providing when such code and this ordinance shall become effective.**

Rebecca Garza, City Secretary, gave comments on the recodification project, and introduced Kirk Franklin, owner of Franklin Legal Publishing. Mr. Franklin gave a presentation on the new code of ordinances, and answered questions from Council.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to approve Ordinance No. 2010-O0076. Motion carried: 7 Ayes, 0 Nays.

**6.11. Board Appointments - City Secretary: Consider two appointments to the Appointments Advisory Board.**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to appoint Alex McCammon and to hold on one the other appointment to the **Appointments Advisory Board**. Motion carried: 7 Ayes, 0 Nays.

**10:29 A.M. CITY COUNCIL RECESSED**

**10:43 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

**6. REGULAR AGENDA (Continued)**

- 6.4. Budget Adoption Ordinance 2nd Reading - Finance: Ordinance 2010-O0070 Consider an ordinance approving and adopting a budget for Fiscal Year 2010-11; providing for necessary transfers of funds between accounts and departments, if required; appropriating funds for the Fiscal Year 2010-11 Operating Budget and Capital Program of the City of Lubbock; establishing civil service classifications and positions; by amending Section 28-52 of the Code of Ordinances of the City of Lubbock by revising water rates as contained therein; by amending Subsection 28-86(a) of the Code of Ordinances of the City of Lubbock by revising rates as contained therein; by amending Subsections 23-21(b) and 23-66(a) of the Code of Ordinances of the City of Lubbock by revising solid waste collection rates as contained therein; providing for publication; and providing for a savings clause.**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Ordinance No. 2010-O0070 with the following changes to the Fiscal Year 2010-11 Proposed Operating Budget and Capital Program:

- Increase expenditures in the General Fund by implementing the Fire Pay Plan, the Police Chief's pay plan recommendation, a 3% merit increase for other employees of the City and LP&L, and a 4% merit increase for lineman employees of LP&L, effective January 1, 2011. The increased expenditures in the General Fund for these pay increases total \$2,896,486.
- Further, the Proposed Budget for Fiscal Year 2010-11 for the Lubbock Emergency Communication District and the continuation of the service fee, as defined by Texas Health and Safety Code Section 772.301 through 772.329, is approved.

Motion carried: 5 Ayes, 2 Nays. Mayor Martin and Council Member Beane voted nay.

- 6.5. Tax Levy Ordinance 2nd Reading - Finance: Ordinance 2010-O0071 setting the tax rate and levying a tax upon all property subject to taxation within the City of Lubbock for 2010.**

Motion was made by Council Member Klein, seconded by Council Member Gilbreath, to approve Ordinance No. 2010-O0071 increasing the property tax rate by the adoption of a tax rate of 45.617 cents which is a 0.91% increase in tax rate. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

- 6.6. Resolution - Finance: Resolution No. 2010-R0446 ratifying the adoption of FY 2010-11 budget that raises more property tax revenue than was generated in the previous year.**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0446. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

- 6.7. Resolution - Finance: Resolution No. 2010-R0447 amending the allocation of the Hotel Occupancy Tax Revenues for FY 2010-11 and distributing receipts as authorized in Chapter 351 of the Texas Tax Code.**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0447. Motion carried: 7 Ayes, 0 Nays.

- 6.8. Resolution - Finance: Resolution No. 2010-R0448 adopting a Storm Water Utility fee of \$12.00 per water meter for residential customers and \$79.65 per water meter for commercial customers.**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0448. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

**10:56 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE**

**12:35 P.M. CITY COUNCIL ADJOURNED**

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