

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
September 27, 2010
7:30 A. M.

The City Council of the City of Lubbock, Texas met in special session on the 27th of September, 2010, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

7:33 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; 3.2; 3.1; 3.3-3.5; 4.1; 5.1-5.11; 5.13-5.17; 5.20; 5.22-5.32; 5.12; 5.18-5.19; 5.21; 5.33; 6.1-6.4; and 7.1*
- *No action was taken on item 5.33.*

1. CITIZEN COMMENTS

1.1. Cathy Butler will appear before the City Council to discuss code enforcement.

Cathy Butler appeared before Council to discuss a code enforcement issue in her neighborhood.

- Cliff Burnett appeared before Council to discuss code enforcement and express other concerns.

7:43 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 Health Benefits**
 - 2.1.2 Risk Management**
 - 2.1.3 Right-of-Way**
 - 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.**
- 2.5. Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A) Government Code, Section 551.076, to discuss the deployment, or specific occasions for implementation, of security personnel or devices.**

- 2.6. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.087 to discuss or deliberate regarding commercial or financial information that the government body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.**

9:07 A.M. CITY COUNCIL RECONVENED

Council Chambers

3. PROCLAMATIONS AND PRESENTATIONS

- 3.2. **Invocation by Pastor John Murdoch, Senior Pastor, Christian Life Assembly of God**

Senior Pastor John Murdoch, Christian Life Assembly of God, 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 to the Personal Financial Planning Association recognizing October 4-10, 2010, as National Financial Planning Week.**

Mayor Martin gave special recognition to the Personal Financial Planning Association recognizing October 4-10, 2010, as National Financial Planning Week. Tom McLean, Professional Liaison, gave comments on the importance of planning financially for the future.

- 3.4. **Presentation of a special recognition commemorating October 2010 as Destination Dignity Month.**

Mayor Martin presented special recognition to Roger Karr, Program Director for Lubbock MHMR, commemorating October 2010 as Destination Dignity Month.

- 3.5. **Board Recognitions:**

Appointments Advisory Board:

Claudia Griffin (unable to attend)

Sammie Prather (unable to attend)

Audit and Investment Committee:

Larry Allen (unable to attend)

Civic Lubbock, Inc., Board of Directors:

Grey Lewis

Community Development and Services Board:

Maurice Stanley

Permit and License Appeal Board:

Jake Montoya

4. MINUTES

4.1. August 26, 2010, Regular City Council Meeting

September 2, 2010, Special City Council Meeting

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve the August 26, 2010 Regular City Council minutes and the September 2, 2010 Special City Council minutes. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve items 5.1-5.11; 5.13-5.17; 5.20; and 5.22-5.32. Motion carried: 7 Ayes, 0 Nays.

5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance 2010-00072 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.

5.1.1 Contract Resolution - Libraries: Resolution No. 2010-R0450 authorizing the Mayor to execute an Interlibrary Loan Center Grant Agreement with the Texas State Library and Archives Commission to fund two full-time positions for the Interlibrary Loan Center.

- 5.1.2 Contract Resolution - Libraries: Resolution No. 2010-R0451 authorizing the Mayor to execute a Library System Grant Agreement with the Texas State Library and Archives Commission to fund three full-time positions for the West Texas Library System.**
- 5.1.3 Contract Resolution - Libraries: Resolution No. 2010-R0452 authorizing the Mayor to execute a Technical Assistance Negotiated Grant Agreement with the Texas State Library and Archives Commission to fund one full-time technical adviser for public libraries in the West Texas Library System service region.**
- 5.1.4 Contract Resolution - Citibus: Resolution No. 2010-R0453 authorizing the Mayor to execute Contract 51105F7050 with the Texas Department of Transportation (TxDOT) for the renovation/expansion of the Downtown Transfer Plaza.**
- 5.1.5 Contract Resolution - Police: Resolution No. 2010-R0454 authorizing the Mayor to execute an agreement with the United States Department of Justice for an Edward Byrne Memorial Justice Assistance Grant to fund the Lubbock County Joint Enforcement Initiative Program.**
- 5.2. Resolution - Finance: Resolution No. 2010-R0455 expressing intent to finance expenditures to be incurred for various projects and equipment approved by the City Council in the Adopted FY 2010-11 Operating Budget and Capital Program and to reimburse the City from the proceeds of tax-exempt obligations to be issued in a subsequent period.**
- 5.3. Resolution - Finance: Resolution No. 2010-R0456 authorizing the Mayor to execute the Certificate of Approval approving Hale Center Education Facilities Corporation to issue revenue improvement and revenue funding bonds in an amount not to exceed \$39 million to refinance the primary campus building of Wayland Baptist University.**
- 5.4. Contract Resolution - Risk Management: Resolution No. 2010-R0457 authorizing the Mayor to execute Contract 9746 with Blue Cross Blue Shield (BCBS) of Texas to provide medical administrative services only (ASO); network utilization review; medical case management; disease management; dental administration; and Health Insurance Portability and Accountability Act (HIPAA), Consolidated Omnibus Budget Reconciliation Act (COBRA), and Flexible Spending Account (FSA) administration, RFP 10-113-DT.**

- 5.5. **Contract Resolution - Risk Management: Resolution No.'s 2010-R0458 and 2010-R0459 authorizing the Mayor to execute Contract 9720 with Fort Dearborn Life Insurance Company, a/k/a Dearborn National, for term life and accidental death and dismemberment (AD&D) insurance policies for full-time employees, supplemental life insurance for employees and their eligible dependents, and supplemental AD&D insurance for employees and their dependents; and to execute Contract 9721 with The Prudential Life Insurance Company of America for voluntary long-term disability (LTD) insurance, RFP 10-112-DT.**
- 5.6. **Contract Resolution - Risk Management: Resolution No. 2010-R0460 authorizing the Mayor to execute Contract 9748 with MaxorPlus, Ltd., for pharmacy benefit management services, RFP 10-113-DT.**
- 5.7. **Contract Resolution - Risk Management: Resolution No. 2010-R0461 authorizing the Mayor to execute Contract 9760 for flexible spending account (FSA) administration with PayFlex Systems USA, Inc., for the City's health program, RFP 10-113-DT.**
- 5.8. **Resolution - Risk Management: Resolution No.'s 2010-R0462 and 2010-R0463 authorizing approval to offer supplemental critical illness insurance and accident insurance from HM Insurance Group and pre-paid legal services from The LegalEASE Group, RFP 10-111-DT.**
- 5.9. **Resolution - Risk Management: Resolution No. 2010-R0464 authorizing approval to offer supplemental vision insurance from Davis Vision, RFP 10-113-DT.**
- 5.10. **Ordinance 1st Reading – Right-of-Way: Ordinance No. 2010-O0077 abandoning and closing all streets and alleys located in Lot 1, Block 37, Coronado Addition, to the City of Lubbock, 1002 Coronado Dr.**
- 5.11. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0465 authorizing the Mayor to execute Contract 9731 with Mark W. Piercy, Independent Executor of the Estate of Jackie M. Piercy, deceased, for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.**
- 5.13. **Resolution - Right-of-Way: Resolution No. 2010-R0466 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Gaylon Buxkemper and Barbara Buxkemper 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.**

- 5.14. Resolution - Right-of-Way: Resolution No. 2010-R0467 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Rodney Bednarz, David Bednarz, Oleta Bednarz and Ida Lee Bednarz 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.**
- 5.15. Resolution - Right-of-Way: Resolution No. 2010-R0468 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Mildred Denzer 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.**
- 5.16. Resolution - Right-of-Way: Resolution No. 2010-R0469 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to ½ undivided interest: Lorraine C. Piwonka, ½ remainder interest: In and to Mary Catherine Driscoll, Frederick Charles Piwonka, Phyllis Ann Gordon, Norman Louis Piwonka, Martha Jean Simmons, Brenda Gayle Sparks, Judith Marie Gregor, Marvin Gerrard Piwonka, Edward Joseph Piwonka, Wanda Ruth Garza, Paula Susan Whitlock, Milton Hershall Piwonka, Subject to life of Lorraine C. Piwonka 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.**
- 5.17. Resolution - Right-of-Way: Resolution No. 2010-R0470 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Johnny Dale Denzer 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.**
- 5.20. Contract Amendment Resolution- Public Works: Resolution No. 2010-R0471 authorizing the Mayor to execute Supplemental Agreement No. 5 to an interlocal agreement with the Texas Department of Transportation for the installation and reimbursement for the operation and maintenance of traffic signals.**

- 5.22. Ordinance 2nd Reading - Business Development: Ordinance 2010-O0075 Supplemental Ordinance updating and amending the Vintage Township Public Improvement District Service and Assessment Plan and Assessment Roll.**
- 5.23. Resolution - Business Development: Resolution No. 2010-R0472 giving Notice of Intent to enter into a Tax Abatement Agreement with TAO-320PS1, LP, and R&N Investments II, LLC.**
- 5.24. Resolution - Community Development: Resolution No. 2010-R0473 granting the waiver of Payment in Lieu of Taxes for FY 2010 for the Lubbock Housing Authority.**
- 5.25. Contract Amendment Resolution - Community Development: Resolution No. 2010-R0474 authorizing the Mayor to execute an Amendment to Community Development Funding Contract with Lutheran Social Services of the South to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program.**
- 5.26. Contract Amendment Resolution - Airport: Resolution No. 2010-R0475 authorizing the Mayor to execute Amendment 4 to an engineering services agreement with Parkhill, Smith & Cooper for design, bidding, and construction phase services for boiler replacement at Lubbock Preston Smith International Airport.**
- 5.27. Contract Resolution - Airport: Resolution No. 2010-R0476 authorizing the Mayor to execute Agreement 9763 with Trane U.S., Inc., for maintenance services to Trane equipment at Lubbock Preston Smith International Airport.**
- 5.28. Contract Resolution - Airport: Resolution No. 2010-R0477 authorizing the Mayor to execute a lease agreement with Chaparral, Inc., for the lease of Hangar T-310 and associated land at Lubbock Preston Smith International Airport.**
- 5.29. Contract Resolution - Airport: Resolution No. 2010-R0478 authorizing the Mayor to execute a Consent to the Assignment of the Airline Operating Agreement and Terminal Building Lease from ExpressJet Airlines, Inc., to Continental Airlines, Inc.**
- 5.30. Contract Resolution - Fire: Resolution No. 2010-R0479 authorizing the Mayor to execute purchase order Contract 10000770 with Metro Fire Apparatus Specialists, Inc., for three pumper trucks.**
- 5.31. Contract Resolution - Police: Resolution No. 2010-R0480 authorizing the Mayor to execute a grant agreement for a state administered and federally financed Comprehensive STEP Program combining the Driving While Intoxicated STEP Program and the SPEED STEP Program.**

- 5.32. Ordinance 2nd Reading - City Secretary: Ordinance 2010-O0076 an ordinance 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.**

6. REGULAR AGENDA

- 5.12. Contract Resolution - Right-of-Way: Resolution No. 2010-R0481 authorizing the Mayor to execute Contract of Sale 9700 with Fred A. Hubbard, III, for the acquisition of Lot 36, Lakewood Estates Addition, to the City of Lubbock, Lubbock County, Texas, 9802 Hope Avenue.**

Marsha Reed, Chief Operating Officer, gave comments and answered questions from Council. Sam Medina, City Attorney, recused from discussion.

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Resolution No. 2010-R0481. Motion carried: 7 Ayes, 0 Nays. .

- 5.18. Resolution - Public Works Engineering: Resolution No. 2010-R0482 authorizing the City Council to reject all bids for Storm Water Vault Improvements, BID 10-124-DD.**

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

Motion was made by Council Member Klein, seconded by Council Member Gibson, to approve Resolution No. 2010-R0482. Motion carried: 7 Ayes, 0 Nays.

- 5.19. Contract Resolution - Public Works: Resolution No. 2010-R0483 authorizing the Mayor to execute a purchase order to ratify the emergency purchase of Class "B" concrete poured on 109th Street east of Quaker Avenue.**

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-R0483. Motion carried: 7 Ayes, 0 Nays.

- 5.21. Contract Resolution - Water Utility: Resolution No.'s 2010-R0484 and 2010-R0485 authorizing the Mayor to execute Contract 9744 with Aqua One Water Company for the purchase and delivery of bottled water and Contract 9745 with Tadlock Water Solutions for water treatment systems, BID 10-121-DD.**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve Resolution No.'s 2010-R0484 and 2010-R0485. Motion carried: 6 Ayes, 0 Nays. Council Member Gilbreath recused.

- 5.33. Resolution - Risk Management: Consider a resolution authorizing the Mayor to execute a Settlement, Compromise, Release and Indemnity Agreement with St. Paul Fire and Marine Insurance Company ("St. Paul Travelers") and Travelers Lloyds of Texas Insurance Company ("Travelers Lloyds").**

No action was taken on this item.

9:45 A.M. CITY COUNCIL RECESSED

9:58 A.M. CITY COUNCIL RECONVENED

Council Chambers

- 6.1. Public Hearing 9:30 a.m. - Planning: Zone Case 2173-G (220 Slide Road): Ordinance No. 2010-O0078 a request of Fields Land & Cattle, Ltd., for zoning change from Local Retail District (C-2) with conditions to Heavy Commercial District (C-4) Specific Use (mini warehouses) on Lot 1-B-2, Whisperwood Financial 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 10:01 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:01 a.m.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gilbreath, to approve Ordinance No. 2010-O0078. Motion carried: 7 Ayes, 0 Nays.

- 6.2. Public Hearing 9:30 - Planning: Zone Case 3139 (2212, 2216 Erskine Street): Ordinance No. 2010-O0079 a request of Michael Postar for zoning change from Light Manufacturing District (M-1) and Heavy Commercial District (C-4) to C-4 Specific Use (mini warehouses) on Lots 7 and 9, Erskine Industrial Addition.**

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

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

Michael Postar appeared before Council to speak in favor of the zone change.

No one appeared to speak in opposition.

Mayor Martin closed the public hearing at 10:19 a.m.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to approve Ordinance No. 2010-O0079. Motion carried: 7 Ayes, 0 Nays.

- 6.3. Contract Resolution – Parks and Recreation: Resolution No.’s 2010-R0486, 2010-R0487, 2010-R0488, 2010-R0489, and 2010-R0490 authorizing the Mayor to execute unit price Contract 9741 with Best Horticulture, unit price Contract 9740 with Hawkins Tree Farm, unit price Contract 9743 with LMI Landscapes, Inc., unit price Contract 9742 with West Texas Services dba Tom's Tree Place, and unit price contract 9759 with John Deere Landscapes for trees at various parkland properties, BID 10-115-DD.**

Randy Truesdell, Director of Parks and Recreation, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Resolution No.’s 2010-R0486, 2010-R0487, 2010-R0488, 2010-R0489, and 2010-R0490. Motion carried: 7 Ayes, 0 Nays.

- 6.4. Board Appointments - City Secretary: Consider five appointments to the Airport Board, one appointment to the Appointments Advisory Board, one appointment to the Board of Health, one appointment to Civic Lubbock, Inc., Board of Directors, two appointments to the Model Codes and Construction Advisory Board, and one appointment to the North Point PID Advisory Board.**

Airport Board: Motion was made by Mayor Pro Tem Price, seconded by Council Member Gilbreath, to reappoint Greg Garrison, Mark Piercy, Bill Tarbox, and Bill Young; and appoint Margaret Randle. Motion carried: 7 Ayes, 0 nays.

Appointments Advisory Board: No action was taken on this item.

Board of Health: Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to appoint Anne Epstein, M.D. Motion carried: 7 Ayes, 0 Nays.

Civic Lubbock, Inc. Board of Directors: Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to appoint Rafael Gutierrez. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

Model Codes & Construction Advisory Board: Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to reappoint Chris Carpenter and Jeremy Hill. Motion carried: 7 Ayes, 0 Nays.

North Point PID Advisory Board: Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to appoint James Groseclose. Motion carried: 7 Ayes, 0 Nays.

7. WORK SESSION/BUSINESS AGENDA

7.1. Discuss 2011 Legislative Agenda, and take appropriate action. Robert Floyd with the firm Hance Scarborough.

Robert Floyd, with the firm Hance Scarborough, appeared before Council to discuss the 2011 Legislative Agenda. Mr. Floyd gave comments and answered questions from Council. Lee Ann Dumbauld, City Manager, presented Lubbock's core legislative principles and its legislative initiatives including:

1. Allow cities to contract with appraisal districts for collection of assessments imposed by PIDs.
2. Eliminate waiver of sovereign immunity when two governmental entities engage in a "joint enterprise."
3. Allow use of facsimile signature on environmental weed lien documents.

It was the consensus of the City Council to proceed with the Legislative Agenda that was presented.

10:58 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE

12:40 P.M. CITY COUNCIL ADJOURNED

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