

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
October 14, 2010
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 14th of October, 2010, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

7:34 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; Quincy White, Assistant City Manager; Thomas Harris, Deputy City Secretary; and Sam Medina, City Attorney.

Absent: Lee Ann Dumbauld, City Manager; Rebecca Garza, City Secretary

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

- *Citizen Comments; 3.1-3.4; 4.1; 5.1-5.18; 5.20-5.28; 5.31-5.35; 5.19; 5.29-5.30; and 6.1.*
- *No action was taken on item 5.29.*

1. CITIZEN COMMENTS

1.1. David Carter will appear before the City Council to discuss 4LP&L billing issues and property tax issues.

David Carter appeared before Council to discuss concerns over LP&L and commercial property taxes.

- Chip Peterson appeared before Council to discuss promoting pro-business efforts within the city of Lubbock.

7:45 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 Civic Centers**
 - 2.1.2 Police**
 - 2.1.3 Right-of-Way**
 - 2.1.4 Risk Management**
 - 2.1.5 Streets**
 - 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 Streets**
 - 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 Manager**
 - 2.3.2 City Attorney**
 - 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**
 - 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**

9:20 A.M. CITY COUNCIL RECONVENED

Council Chambers

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Reverend Scott Campbell, Grace Presbyterian Church

Reverend Scott Campbell, Grace Presbyterian Church, 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 October 23-30, 2010, as Drug Awareness Week

Mayor Martin presented special recognition commemorating October 23-30, 2010, as Drug Awareness Week. Lola Coppage, Prevention Resource Center Coordinator, gave thanks to everyone who supports Red Ribbon Week.

3.4. Board Appointments:

Airport Board

Margaret Randle

Board of Health

Dr. Anne Epstein

Civic Lubbock, Inc. Board of Directors

Rafael Guterrez

North Point Public Improvement District Advisory Board

James Groseclose

4. MINUTES

**4.1. September 11, 2010, Special City Council Meeting
September 15, 2010, Special City Council Meeting
September 16, 2010, Regular City Council Meeting**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve the September 11, 2010 Special City Council minutes, the September 15, 2010 Special City Council minutes, and the September 16, 2010 Regular 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 5.1-5.18; 5.20-5.28; and 5.31-5.35. Motion carried: 7 Ayes, 0 Nays.

- 5.1. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0080, Amendment 1, amending the Adopted FY 2010-11 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program (CEAP); accept and appropriate from the Texas Department of Housing and Community Affairs for the Community Services Block Grant (CSBG); respecting the Capital Program to establish Project 92254, North Overton Tax Increment Financing Reinvestment Zone (TIF) Public Improvements; amend Project 92069, Lake Alan Henry (LAH) Raw Water Line/Pump Stations; and amend Project 92067, LAH Pipeline Right-of-Way Acquisition.**
- 5.2. Resolution - Risk Management: Resolution No. 2010-R0491 authorizing the Mayor to approve the purchase of transplant insurance coverage from Medical Excess.**
- 5.3. Contract Resolution - Public Works Storm Water: Resolution No. 2010-R0492 authorizing the Mayor to execute professional services Contract 9786 with Halff Associates, Inc., for Phase 2 of the Video Inspection of Storm Sewers Project, RFQ 10-110-MA.**
- 5.4. Contract Resolution - Public Works Engineering: Resolution No. 2010-R0493 authorizing the Mayor to execute Contract 9738 with M & S Concrete Company for Drainage Improvements at North University Avenue and Purdue Street, Bid 10-135-FO.**
- 5.5. Contract Resolution - Public Works Water Treatment: Resolution No. 2010-R0494 authorizing the Mayor to execute Contract 9785 with South Plains Communications for radio equipment replacement, RFP 10-100-FO.**
- 5.6. Ordinance 2nd Reading – Right-of-Way: Ordinance 2010-O0077 Consider an ordinance abandoning and closing all streets and alleys located in Lot 1, Block 37, Coronado Addition, to the City of Lubbock, 1002 Coronado Drive.**
- 5.7. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2010-O0081 abandoning and closing three temporary drainage easements located in Section 28, Block AK, Lubbock County, Texas, 8610 Iola Avenue.**

- 5.8. Contract Resolution - Right-of-Way: Resolution No. 2010-R0495 authorizing the Mayor to execute Contract 9764 with W. D. Vardeman and wife, Joyce Vardeman, acting by and through her lawful attorney-in-fact, W. D. Vardeman, for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.**
- 5.9. Contract Resolution - Right-of-Way: Resolution No. 2010-R0496 authorizing the Mayor to execute Contract 9765 with Jesse T. Rodriguez 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 - Right-of-Way: Resolution No. 2010-R0497 authorizing the Mayor to execute Contract 9766 with Kenneth J. Ehler and wife, Sandra Lee Ehler, for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.**
- 5.11. Contract Resolution - Right-of-Way: Resolution No. 2010-R0498 authorizing the Mayor to execute Contract 9775 with Malcolm Pate and wife, Dorothy Pate, for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.**
- 5.12. Contract Resolution - Right-of-Way: Resolution No. 2010-R0499 authorizing the Mayor to execute Contract 9799 with Gaylon Buxkemper and wife, Barbara Buxkemper, 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-R0500 authorizing the Mayor to execute Contract 9798 with Johnny Dale Denzer 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-R0501 authorizing the Mayor to execute Contract 9797 with Mildred M. Denzer 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. Contract Resolution - Right-of-Way: Resolution No. 2010-R0502 authorizing the Mayor to execute Contract 9800 with Lorraine C. Piwonka, 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, and Milton Hershall Piwonka 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.**
- 5.16. Contract Resolution - Right-of-Way: Resolution No. 2010-R0503 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to the Estate of Wanda Pinkert, deceased, 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.**
- 5.17. Contract Resolution - Right-of-Way: Resolution No. 2010-R0504 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to John Lowell Merrell, Trustee, under Declaration of Trust dated the 9th day of December, 1961, for Fay Merrell Townsend Robinson, Fern Merrell Bournes, Robert Lois Merrell, and John Merrell 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.**
- 5.18. Contract Resolution - Right-of-Way: Resolution No. 2010-R0505 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Greg Christlieb and/or South Plains Lamesa Railroad, Ltd., and their heirs, successors, and/or assigns 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.**
- 5.20. Contract Resolution - Right-of-Way: Resolution No. 2010-R0506 authorizing the Mayor to execute a Contract 9784 with Lindsey H. Williams for the acquisition of Lot 68, Meadows South Addition, to the City of Lubbock, Lubbock County, Texas, 9802 Clinton Avenue.**
- 5.21. Contract Resolution - Right-of-Way: Resolution No. 2010-R0507 authorizing the Mayor to execute Contract 9758 with Betzabe E. Ibarra for the acquisition of Lot 31, Meadows South Addition, to the City of Lubbock, Lubbock County, Texas, 9801 Bangor Avenue.**

- 5.22. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0508** authorizing the Mayor to execute Contract 9767 with Kim R. Craig, d/b/a Kim Craig Construction, for the acquisition of Lot 50, Lakewood Estates Addition, to the City of Lubbock, Lubbock County, Texas, 9801 Huron Avenue.
- 5.23. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0509** authorizing the Mayor to execute Contract 9769 with Lynn Bolton and wife, Christi Bolton, for the acquisition of Lot 10, Meadows South Addition, to the City of Lubbock, Lubbock County, Texas, 9802 Belmont Avenue.
- 5.24. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0510** authorizing the Mayor to execute Contract 9774 with Russell Michael DeWaters for the acquisition of Lot 20, Meadows South Addition, to the City of Lubbock, Lubbock County, Texas, 9802 Beaufort Avenue.
- 5.25. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0511** authorizing the Mayor to execute Contract 9780 with Bonnie E. Jackson for the acquisition of Lot 21, Meadows South Addition, to the City of Lubbock, Lubbock County, Texas, 9801 Beaufort Avenue.
- 5.26. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0512** authorizing the Mayor to execute Contract 9779 with William C. Lowrie and wife, Judy Lowrie, for the acquisition of Lot 67, Meadows South Addition, to the City of Lubbock, Lubbock County, Texas, 9801 Clinton Avenue.
- 5.27. **Ordinance 2nd Reading - Planning: Ordinance 2010-O0079 Zone Case 3139 (2212 and 2216 Erskine Street): 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.**
- 5.28. **Ordinance 2nd Reading - Planning: Ordinance 2010-O0078 Zone Case 2173-G (220 Slide Road): 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.**
- 5.31. **Contract Resolution - Fleet: Resolution NO. 2010-R0513** authorizing the Mayor to execute firm fixed price fuel Contract 9737 for bulk unleaded gasoline and bulk diesel fuel to be delivered to the City of Lubbock and Citibus for a two year period, RFP 10-108-MA.
- 5.32. **Resolution - Information Technology: Resolution No. 2010-R0514** authorizing the Mayor to execute purchase order Contract 33000043 with ASAP Software (Dell) to provide licenses and Software Assurance for Microsoft products.

- 5.33. Contract Resolution - Information Technology: Resolution No. 2010-R0515 authorizing the Mayor to execute purchase order Contract 14200007 with CDW Government, Inc., for remote data access for the Police Patrol Division.**
- 5.34. Resolution - Risk Management: Resolution No. 2010-R0516 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").**
- 5.35. Board Appointment - City Manager: Resolution No. 2010-R0517 confirming the City Manager's reappointment of Adrienne Cozart to the Civil Service Commission.**

6. REGULAR AGENDA

- 5.19. Contract Resolution - Right-of-Way: Resolution No. 2010-R0518 authorizing the Mayor to execute a Contract 9795 with Christopher Gray and Kap Pun Gray for the acquisition of Lot 30, Meadows South Addition, to the City of Lubbock, Lubbock County, Texas, 9802 Bangor Avenue.**

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

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to approve Resolution No. 2010-R0518. Motion carried: 7 Ayes, 0 Nays.

- 5.29. Contract Resolution - Business Development: Consider a resolution authorizing the Mayor to execute a commercial tax abatement agreement with TAO-320PS1, LP, and R & N Investments II, LLC.**

No action was taken on this item.

- 5.30. Contract Resolution - Parks and Recreation: Resolution No. 2010-R0519 authorizing the Mayor to execute an Interlocal Cooperation Agreement with Lubbock County for cleaning and maintaining rights-of-way and other City-owned property.**

Randy Truesdell, Director of Parks and Recreation; Wes Everett, Director of Facilities Management; and Quincy White, Assistant City Manager, 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-R0519. Motion carried: 7 Ayes, 0 Nays.

- 6.1. Contract Resolution – Public Works Water Engineering: Resolution No. 2010-R0520 authorizing the Mayor to execute unit price Contract 9453 with HCP Constructors, Inc., for the construction of the Phase 2 of the Lake Alan Henry Raw Water Pipeline, RFP 10-069-MA.**

Marsha Reed, Chief Operating Officer, and Wood Franklin, Chief Water Utilities Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Beane, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0520. Motion carried: 7 Ayes, 0 Nays.

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

1:38 P.M. CITY COUNCIL ADJOURNED