

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**February 10, 2011**  
**7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 10th of February, 2011, 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; 3.1-3.3; 4.1; 5.1-5.16; 5.18-5.27; 5.29-5.35; 5.17; 5.28; 6.2; 6.1; and 7.1*
- *Items 6.3-6.4 were deleted.*

**1. CITIZEN COMMENTS**

**1.1. Jonathon Lucero will appear before the City Council to discuss public education.**

Jonathon Lucero appeared before Council to discuss public education.

**1.2. Jo Arthur will appear before the City Council to discuss Sharia Law.**

Jo Arthur appeared before Council to discuss Sharia Law.

**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 Codes**
  - 2.1.2 Health Benefits**
  - 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 Business Development & Civic Facilities**
  - 2.2.2 Right-of-Way**
  - 2.2.3 Solid Waste**
  - 2.2.4 Streets**
  - 2.2.5 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**
  - 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**

**2.4.4 to discuss and deliberate wholesale power supply strategies, proposals, and contracts of Lubbock Power and Light**

**9:09 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

**3. PROCLAMATIONS AND PRESENTATIONS**

**3.1. Invocation by Dr. Marcus Murphy, Oakwood Baptist Church**

Dr. Marcus Murphy, Oakwood Baptist 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 special recognition commemorating February as American Heart Month**

Mayor Martin presented special recognition to Ashley Harder, Corporate Market Director for American Heart Association, commemorating February as American Heart Month. Ms. Harder gave comments on the importance of heart disease prevention and gave thanks to the Council for recognizing American Heart Month.

- After consideration of item 2.3.1 in Executive Session, Mayor Martin made an announcement that the City Council will obtain Attorney Bob Craig's services, to advise the Council and to represent the City for the *quo warranto* process in the interest of Council Member Victor Hernandez.

**4. MINUTES**

**4.1. January 13, 2011, Regular City Council  
January 18, 2011, Special City Council**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve the January 13, 2011 Regular City Council minutes and the January 18, 2011 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 5.1-5.16; 5.18-5.27; and 5.29-5.35. Motion carried: 7 Ayes, 0 Nays.

- 5.1. Budget Ordinance Amendment 2nd Reading - Finance: Ordinance 2011-O0010 Budget Ordinance, Amendment No. 5, amending the Adopted FY 2010-11 Operating Budget, respecting the Capital Program to amend Capital Improvement Project No. 92254, North Overton Tax Increment Financing Reinvestment Zone (TIF) Public Improvements.**
  - 5.1.1 Contract Resolution - Business Development: Resolution No. 2011-R0056 authorizing the Mayor to execute Contract 10047 with LKM Matador Real Estate, L.L.C., regarding the funding of public improvements in Phase One, Project 92254B of the Project Plan, as recommended by the TIF's Board of Directors**
- 5.2. Ordinance 2nd Reading – Right-of-Way: Ordinance 2011-O0011 ordinance abandoning and closing a 20-foot alley located in Block 37, Overton Addition, 2024 Glenna Goodacre.**
- 5.3. Contract Resolution - Right-of-Way: Resolution No. 2011-R0057 authorizing the Mayor to execute Contract 10024 with The Foundation for the use of a City parking lot, 1916 Texas Avenue.**
- 5.4. Contract Resolution - Right-of-Way: Resolution No. 2011-R0058 authorizing the Mayor to execute a Quitclaim Deed in favor of Henry E. Whitney for an excess portion of east 50th street right-of-way, 4900 Block of Avenue C.**
- 5.5. Contract Resolution - Right-of-Way: Resolution No. 2011-R0059 authorizing the Mayor to execute Contract 10025 with Gregory Don Scott, 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. Contract Resolution - Right-of-Way: Resolution No. 2011-R0060 authorizing the Mayor to execute Contract 9834 with Rodney Bednarz, David Bednarz, Oleta Bednarz Danzi, and Ida Lee Bednarz 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.**
- 5.7. Contact Resolution - Right-of-Way: Resolution No. 2011-R0061 authorizing the Mayor to execute Contract 10044 with Idalee Bednarz, Rodney Bednarz, and David Bednarz for an agreement on damages related to the initial construction 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.**
- 5.8. Contract Resolution - Right-of-Way: Resolution No. 2011-R0062 authorizing the Mayor to execute Contract 10045 with Royce Heinrich 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. 2011-R0063 authorizing the Mayor to execute Contract 10046 with Royce Heinrich for an agreement on damages related to the initial construction 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.**
- 5.10. Contract Amendment Resolution – Public Works Engineering: Resolution No. 2011-R0064 authorizing the Mayor to execute Amendment 1 to Contract 9481 with PaveTex Engineering & Testing, Inc., for the Sanitary Sewer Trench Evaluation and Remediation Project on 98th Street from Albany Avenue to Huron Avenue.**
- 5.11. Contract Amendment Resolution - Water Utility: Resolution No. 2011-R0065 authorizing the Mayor to execute Amendment 2 to Contract 10036 with Terracon Consultants, Inc., to provide professional engineering and geosciences services for groundwater monitoring and remediation at the Land Application Sites.**
- 5.12. Contract Resolution - Traffic Engineering: Resolution No. 2011-R0066 authorizing the Mayor to execute purchase order Contract 10001667 with Paradigm Traffic Systems, Inc., for 13 traffic controllers for use at signalized intersections.**
- 5.13. Ordinance 2nd Reading - Planning: Ordinance 2011-O0012 Zone Case 3063-A (southeast corner of 122nd Street and Wayne Avenue): request of Victory Life Baptist Church for a zoning change from High Density Apartment District (A-2) to Garden Office District (GO) on 7.42 acres of unplatted land out of Block E-2, Section 23.**
- 5.14. Ordinance 2nd Reading - Planning: Ordinance 2011-O0013 Zone Case 3147 (3403 32nd Street): request of David and Beverly Rayburn for a zoning change from Single-Family District (R-1) to Garden Office (GO) on Lot 2, Block 2, Ross DC Addition.**
- 5.15. Ordinance 2nd Reading - Planning: Ordinance 2011-O0014 Zone Case 2159-B (north of North Loop 289 between Nashville Avenue and Quaker Avenue): request of AMD Engineering, LLC (for Avalon Partners, LLC) for a zoning change from Industrial Park District (IPD), Heavy Commercial District (C-4), and High Density Apartment District (A-2) to A-2 on 63.906 acres of unplatted land out of Block A, Section 16.**
- 5.16. Ordinance 2nd Reading - Planning: Ordinance 2011-O0015 Zone Case 3090-A (southeast corner of Martin Luther King, Jr. (MLK) Boulevard and East Itasca Street): request of Hugo Reed & Associates, Inc., (for National Church Residences) for a zoning change from Single-Family District (R-1) and Family Apartment District (A-1) to A-1 on 4.8 acres of unplatted land out of Block A, Section 5.**

- 5.18. Ordinance 2nd Reading - Planning: Ordinance 2011-O0017 Zone Case 3139-A (3315 East Broadway): Appeal of Beth Lawson (for Lubbock Regional Mental Health Mental Retardation Center) for zoning change from Single-Family District (R-1) to R-1 Specific Use (for a residential substance abuse treatment facility, including living facilities) on Block O, Section 5.**
- 5.19. Contract Resolution - Community Development: Resolution No. 2011-R0067 authorizing the Mayor to execute Community Development Funding Contract 10041 with Catholic Family Services to provide assistance to families to transition them out of poverty through the Community Service Block Grant for the Self-Sufficiency Program.**
- 5.20. Contract Resolution - Community Development: Resolution No. 2011-R0068 authorizing the Mayor to execute Community Development Funding Contract 10042 with Project Quest Lubbock to provide assistance to families to transition them out of poverty through the Community Service Block Grant for the Quality Employment through Skills Training Program.**
- 5.21. Contract Resolution - Community Development: Resolution No. 2011-R0069 authorizing the Mayor to execute Community Development Funding Contract 10037 with the South Plains Association of Governments to fund the 2-1-1 Information and Referral Program, to conduct information and referral services for Lubbock County residents, and to produce and update the information and referral guide.**
- 5.22. Contract Resolution - Community Development: Resolution No. 2011-R0070 authorizing the Mayor to execute Community Development Funding Contract 10038 with Lutheran Social Services of the South to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program and the Community Services Block Grant.**
- 5.23. Contract Resolution - Community Development: Resolution No. 2011-R0071 authorizing the Mayor to execute Community Development Funding Contract 10039 with Life Run Independent Living Centers to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program and the Community Services Block Grant.**
- 5.24. Contract Resolution - Community Development: Resolution No. 2011-R0072 authorizing the Mayor to execute Community Development Funding Contract 10040 with Catholic Family Services to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program and the Community Services Block Grant.**

- 5.25. Contract Resolution - Parks and Recreation: Resolution No. 2011-R0073 authorizing the Mayor to execute purchase order Contract 10001664 and purchase order Contract 10001666 with Exerplay for playground surfacing at Miller and Maxey Park, respectively.**
- 5.26. Contract Resolution - Solid Waste: Resolution No. 2011-R0074 authorizing the Mayor to execute Contract 9898 with Jarvis Metals Recycling for the sale of scrap recyclable paper and plastics, Bid 11-9898-DD.**
- 5.27. Contract Amendment Resolution - Radio Shop: Resolution No. 2011-R0075 authorizing the Mayor to execute Amendment 1 to an Interlocal Agreement with Lubbock Emergency Communications District for the installation of equipment on a radio tower located at 1300 West 4th Street.**
- 5.29. Contract Resolution - Fleet: Resolution No. 2011-R0076 authorizing the Mayor to execute a purchase order Contract 10001561 with GT Distributors for storage vaults to be installed on police patrol Chevrolet Tahoe Defenders.**
- 5.30. Contract Resolution - Fleet: Resolution No. 2011-R0077 authorizing the Mayor to execute Contract 9913 with Pollard Friendly Ford for police equipment intallation service, Bid 11-9913-RH.**
- 5.31. Contract Resolution - Fleet: Resolution No. 2011-R0078 authorizing the Mayor to execute purchase order Contract 10001562 with Fleet Safety Equipment, Inc., for headlight and taillight flashers, partitions, gun racks, and lightbars used to outfit new police patrol Chevrolet Tahoe Defenders.**
- 5.32. Ordinance 1st Reading - Health and Sanitation: Ordinance No. 2011-O0018, amending Chapter 12, Health and Sanitation, of the Code of Ordinances, providing for the amendment of such code; providing a savings clause; providing a penalty for the violation thereof; and providing when such code and this ordinance shall become effective.**
- 5.33. Contract Resolution - Fire: Resolution No. 2011-R0079 authorizing the Mayor to execute purchase order Contract 10001669 with Draeger Safety, Inc., for a flashover container.**
- 5.34. Contract Resolution - Police: Resolution No. 2011-R0080 authorizing the Mayor to execute Contract 9976 with Wild West Harley-Davidson for the lease of police motorcycles.**
- 5.35. Contract Resolution - Police: Resolution No. 2011-R0081 authorizing the Mayor to execute a Memorandum of Understanding with Lubbock Regional Mental Health Mental Retardation Center, for Mental Health and Mental Retardation Commitment Procedures.**

**6. REGULAR AGENDA**

- 5.17. Ordinance 2nd Reading - Planning: Ordinance 2011-O0016 Zone Case 1794-J (96th Street and Ithaca Avenue): request of Hugo Reed and Associates, Inc., (for Dan Wilson Homes) for a zoning change from Single-Family District (R-1) Specific Use to Two-Family District (R-2) Specific Use for reduced setbacks on Lots 1-7, Portofino Cove Addition.**

Motion was made by Council Member Klein, seconded by Council Member Gibson, to approve Ordinance No. 2011-O0016. Motion carried: 6 Ayes, 0 Nays. Council Member Beane recused.

- 5.28. Contract Resolution - Fleet: Resolution No. 2011-R0082 authorizing the Mayor to execute purchase order Contract 10001471 with Scoggin Dickey Chevrolet-Buick for police patrol Chevrolet Tahoe Defenders, Bid 11-017-RH.**

Dale Holton, Chief of Police, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Gilbreath, to approve Resolution No. 2011-R0082. Motion carried: 7 Ayes, 0 Nays.

- 6.2. Resolution - City Council: Resolution No. 2011-R0083 repealing findings of competitiveness as set forth in Resolution 1999-R6559 pursuant to Texas Government Code Sections 551.086 and 552.133.**

Motion was made by Council Member Gibson, seconded by Council Member Klein, to approve Resolution No. 2011-R0083. Motion carried: 7 Ayes, 0 Nays.

**9:25 A.M. CITY COUNCIL RECESSED**

**9:32 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

- 6.1. Public Hearing 9:30 a.m - Planning: Zone Case 3146 (2020 50th Street): Ordinance No. 2011-O0019, public hearing opened on January 27, 2011, a request of Carl H. Tepper (for Directors Choice, LLP) for a zoning change from Restricted Local Retail District (C-2A) to General Retail District (C-3), amended to C-2 (Local Retail District) on Lot 11, Block 7, Ridge Crest Addition, and consider an ordinance.**

Bill Boone, Planning and Zoning Manager, gave comments and answered questions from Council.

Mayor Martin continued the public hearing, opened at 9:58 a.m. on January 27, 2011.

Carl Tepper, Real Estate Agent, 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 9:43 a.m.

Motion was made by Council Member Klein, seconded by Council Member Gibson, to approve Ordinance No. 2011-O0019 with an amendment to include a masonry fence. Motion carried: 7 Ayes, 0 Nays.

**6.3. Board Appointments - City Secretary: Consider one appointment to the Audit and Investment Committee.**

**This item was deleted.**

**6.4. Board Appointments - City Secretary: Appoint the Chairperson of the Audit and Investment Committee.**

**This item was deleted.**

**7. WORK SESSION/BUSINESS AGENDA**

**7.1. Presentation of Wastewater Treatment Plant Improvements and Land Application Sites**

Marsha Reed, Chief Operating Officer, gave a presentation on Wastewater Treatment Plant Improvements and Land Application Sites.

Wood Franklin, City Engineer; Mary Gonzales, Waste Water Treatment Plant Superintendent; and Brad Welch, Land Application Site Supervisor, gave comments and answered questions from Council.

**10:20 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE**

**1:27 P.M. CITY COUNCIL ADJOURNED**

There being no further business to come before Council, Mayor Pro Tem Price adjourned the meeting.