

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
February 24, 2011
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 24th of February, 2011, 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; 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: Mayor Pro Tem Price arrived at 11:00 a.m. and left at 11:27 a.m.

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

- *Citizen Comments; 3.1-3.2; 3.4; 3.3; 4.1; 5.1; 5.6-5.10; 5.13; 5.15-5.25; 5.2-5.5; 5.11-5.12; 5.14; 6.1; 6.3; 6.8; 6.6; 6.5; and 6.7*
- *Items 6.2 and 6.4 were deleted.*

1. CITIZEN COMMENTS

- Lile Medina De Quirino and Carlos Quirino, Jr., President of the Guadalupe Neighborhood Association, appeared before Council to invite City Council to the Canyon Lake clean up project.

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 Right-of-Way**
 - 2.1.3 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 & Light**
 - 2.4.2 to discuss, deliberate, and take action on wholesale power supply strategies, proposals, contracts, and related nondisclosure agreements of Lubbock Power & Light and the City of Lubbock**
 - 2.4.3 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 & Light**
 - 2.4.4 to discuss, deliberate, and take action on wholesale power supply strategies, proposals, contracts, and related nondisclosure agreements of Lubbock Power & Light and the City of Lubbock**
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Urban Design/ Historical Preservation Commission, Water Board of Appeals, and the Zoning Board of Adjustment.**

9:06 A.M. CITY COUNCIL RECONVENED
Council Chambers

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Edson Way, St. Christopher Episcopal Church

Pastor Edson Way, St. Christopher Episcopal 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.

3.4. Presentation of a special recognition commemorating February 7-14, 2011, as National Marriage Week

Mayor Martin gave special recognition to Jeanette Gist, Program Director for Together in Texas, commemorating February 7-14, 2011, as National Marriage Week. Ms. Gist extended her appreciation to the Council and gave encouraging words on the rewards of marriage.

3.3. Board Recognitions:

Audit and Investment Committee:

Mike Davis (unable to attend)

Libraries Board:

LeEarl Bryant (unable to attend)

Mark Swoboda (unable to attend)

Lubbock Emergency Communications District Board of Managers:

Richard Foster

National Windmill Project, Inc., Board of Directors:

Victor Bobo

Public Transit Advisory Board:

Jay Jacobus (unable to attend)

Urban Renewal / Neighborhood Redevelopment Commission:

Juanita Kiesling

Daniel Morris (unable to attend)

West Texas Municipal Power Agency:

Glen Robertson (unable to attend)

Zoning Board of Adjustment:

David Rogers, Jr. (unable to attend)

4. MINUTES

**4.1. January 27, 2011, Regular City Council Meeting
February 8, 2011, Special City Council Meeting**

Motion was made by Council Member Klein, seconded by Council Member Gilbreath, to approve the January 27, 2011 Regular City Council minutes and the February 8, 2011 Special City Council minutes. Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve items 5.1; 5.6-5.10; 5.13; 5.15-5.25. Motion carried: 6 Ayes, 0 Nays.

- 5.1. Budget Ordinance Amendment 1st Reading - Finance: Ordinance No. 2011-O0020, Amendment 6, amending the Adopted FY 2010-11 Budget respecting the Grant Fund to accept and appropriate from the Department of State Health Services for the Milk and Dairy Grant; accept and appropriate from the Federal Transit Administration for the FY 2011 Section 5309 Discretionary Grant; and amend Citibus Grant Fund No. 88001, FY 2008-09 Section 5307 Grant.**
- 5.6. Contract Resolution - Purchasing: Resolution No. 2011-R0084 authorizing the Mayor to execute Contract No. 9910 with Allegiance Security Group for annual pricing for security guard services to serve City events, Bid 11-9910-DG.**
- 5.7. Contract Resolution - Right-of-Way: Resolution No. 2011-R0085 authorizing the Mayor to execute Contract 10051 with Richard Adams to farm approximately 60.08 acres out of the southwest one-quarter of Section 2, Block B, and the east half of Section 3, Block B, Lubbock County, Texas.**
- 5.8. Street Use License Resolution - Right-of-Way: Resolution No. 2011-R0086 authorizing the Mayor to execute a street use license with Premier Lubbock Sportsplex to use a portion of a dedicated street to install a 3" private underground force main, 9002 Memphis Avenue**
- 5.9. Contract Resolution - Right-of-Way: Resolution No. 2011-R0087 authorizing the Mayor to execute Contract 10052 with I-40 East Partnership, a Texas general partnership composed of Ross A. Flowers and Jeffrey Brent Slaten, for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.**
- 5.10. Contract Amendment Resolution - Water Utility: Resolution No. 2011-R0088 authorizing the Mayor to execute Amendment 1 of professional services Contract 8822 with HDR Engineering, Inc., for water planning and water rights/permit negotiations support.**

- 5.13. **Contract Resolution - Public Works Engineering: Resolution No. 2011-R0089 authorizing the Mayor to execute Unit Price Construction Contract 9917 with Lone Start Dirt and Paving, LTD, for Construction of the 82nd Street and University Avenue Intersection Paving Improvement Project, Bid 11-9917-FO.**
- 5.15. **Ordinance 2nd Reading - Planning: Ordinance 2011-O0019 Zone Case 3146 (2020 50th Street): 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.**
- 5.16. **Contract Resolution - Radio Shop: Resolution No. 2011-R0090 authorizing the Mayor to execute Contract 9865 with Emerging Power for annual pricing for batteries for hand held radios, Bid 11-020-DT.**
- 5.17. **Contract Resolution - Facilities: Resolution No. 2011-R0091 authorizing the Mayor to execute unit price Contract 9899 with Stewart & Stevenson Power Products, LLC, for generator maintenance and repair services, Bid 11-9899-DD.**
- 5.18. **Resolution - Citibus: Resolution No. 2011-R0092 authorizing the Chief Financial Officer to execute a Federal Transit Administration FY 2010 Section 5309 Discretionary Grant, TX-04-0069-00.**
- 5.19. **Contract Resolution - Citibus: Resolution No. 2011-R0093 authorizing the Mayor to execute purchase order Contract 2010.1 with Gillig Corporation for a 35-foot low-floor hybrid electric bus, RFP 09-076-MA.**
- 5.20. **Contract Resolution - Health: Resolution No. 2011-R0094 ratifying an emergency procurement and authorizing the Mayor to execute purchase order Contract 81076004 with PerkinElmer Las, Inc., for the purchase of a Victor X4 Time Resolved Fluorescence instrument for use at the Health Department Bioterrorism Laboratory.**
- 5.21. **Contract Resolution – Parks and Recreation & Fire: Resolution No. 2011-R0095 authorizing the Mayor to execute Contract 9915 with Neat Control Company for the application of pre-emergent and post-emergent liquid herbicide at various City properties, Bid 11-9915-DD.**
- 5.22. **Contract Resolution - Fire: Resolution No. 2011-R0096 authorizing the Mayor to execute purchase order Contract 10049 with DACO Fire Equipment for annual pricing for protective bunker gear, Bid 11-018-RH.**
- 5.23. **Contract Resolution - Emergency Management: Resolution No. 2011-R0097 authorizing the Mayor to execute purchase order Contract 364013 with Fisher Scientific Company, LLC, for a medical surge shelter system/field hospital for use during severe, catastrophic, or prolonged emergencies.**

- 5.24. **Ordinance 2nd Reading - Health and Sanitation: Ordinance 2011-O0018** an ordinance 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.
- 5.25. **Ordinance 1st Reading – Parks and Other Public Places: Ordinance No. 2011-0021** amending Chapter 16, Parks and Other Public Places, 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.

6. REGULAR AGENDA

- 5.2. **Ordinance 1st and Only Reading – Finance: Ordinance No. 2011-O0022** providing for the issuance of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2011 in an amount not to exceed \$129,500,000; levying a tax and pledging surplus Waterworks System revenues in payment thereof; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Ordinance No. 2011-O0022. Motion carried: 6 Ayes, 0 Nays.

- 5.3. **Ordinance 1st and Only Reading – Finance: Ordinance No. 2011-O0023** providing for the issuance of City of Lubbock, Texas, General Obligation Bonds, Series 2011 in an amount not to exceed \$14,500,000; levying a tax in payment thereof; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Ordinance No. 2011-O0023. Motion carried: 6 Ayes, 0 Nays.

- 5.4. **Ordinance 1st and Only Reading – Finance: Ordinance No. 2011-O0024** providing for the issuance of City of Lubbock, Texas, General Obligation Refunding Bonds, Series 2011 in an amount not to exceed \$26,000,000; levying a tax in payment thereof; approving the official statement; approving execution of a purchase contract and escrow agreement; and enacting other provisions relating thereto.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Ordinance No. 2011-O0024. Motion carried: 6 Ayes, 0 Nays.

5.5. Resolution - Finance: Resolution No. 2011-R0098 accepting the City of Lubbock Comprehensive Annual Financial Report for fiscal year ended September 30, 2010.

Andy Burcham, Chief Financial Officer; Pam Moon, Director of Accounting; and Kevin Kemp, Partner of BKD, LLP, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Resolution No. 2011-R0098. Motion carried: 6 Ayes, 0 Nays.

5.11. Contract Resolution - Water Utility: Resolution No. 2011-R0099 authorizing the Mayor to execute professional services Contract 10054 with Enprotec/Hibbs & Todd, Inc., to perform environmental engineering services at the Former Fire Training Academy located at 102 Municipal Drive.

Aubrey Spear, Director of Water Utilities, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Resolution No. 2011-R0099. Motion carried: 6 Ayes, 0 Nays.

5.12. Contract Resolution – Water Utility: Resolution No. 2011-R0100 authorizing the Mayor to execute Amendment 1 to Contract 9065 with Kimley-Horn and Associates, Inc., for providing additional professional services associated with the final design of Bid Package 1 for the South Lubbock Sewer System Expansion Project.

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. 2011-R0100. Motion carried: 6 Ayes, 0 Nays.

5.14. Resolution - Public Works Engineering: Resolution No. 2011-R0101 approving the inclusion of islands in streets within Valencia Addition Lots 1-85.

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

Motion was made by Council Member Klein, seconded by Council Member Beane, to approve Resolution No. 2011-R0101. Motion carried: 6 Ayes, 0 Nays.

6.1. Public Hearing 9:30 a.m. - Planning: Zone Case 3148 (6830 Marsha Sharp Freeway): Ordinance No. 2011-O0025 request of Jay House (for B. Gail House) for zoning change from Transitional (T) to Interstate Highway Commercial (IHC) on 3.33 acres of unplatted land out of Block AK, Section 35, and to consider an ordinance.

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

Mayor Martin opened the public hearing at 9:44 a.m.

Jay House appeared to speak in favor of the zone change.

No one appeared to speak in opposition.

Mayor Martin closed the public hearing at 9:45 a.m.

Motion was made by Council Member Beane, seconded by Council Member Klein, to approve Ordinance No. 2011-O0025. Motion carried: 6 Ayes, 0 Nays.

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

This item was deleted.

6.3. Board Appointments - City Secretary: Consider three appointments to the Animal Services Advisory Board, two appointments to the Appointments Advisory Board, one appointment to the Audit and Investment Committee, four appointments to the Keep Lubbock Beautiful Advisory Committee, one appointment to the Urban Design / Historic Preservation Commission, one appointment to the Water Board of Appeals, and one appointment to the Zoning Board of Adjustment.

Animal Services Advisory Board: Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to reappoint Martha Ellerbrook and Quincy White. Motion carried: 6 Ayes, 0 Nays.

Appointments Advisory Board: Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to appoint Robert Ramirez and Jennifer Sutton. Motion carried: 6 Ayes, 0 Nays.

Audit & Investment Committee: Nominations for the Audit & Investment Committee were: Melissa Roberts and Dickie Hudgens.

Votes were taken as follows:

Melissa Roberts: 5 Ayes (Mayor Martin, and Council Members Beane, Gibson, Gilbreath, and Hernandez)

Dickie Hudgens: 1 Aye (Council Member Klein)

Motion was made by Council Member Gilbreath, seconded by Council Member Gibson, to appoint Melissa Roberts to the Audit & Investment Committee. Motion carried: 6 Ayes, 0 Nays.

Keep Lubbock Beautiful Advisory Committee: Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to appoint Kelly Marble and reappoint Scott Cheatham, Catherine Mottet, and Alfonso Sanchez. Motion carried: 6 Ayes, 0 Nays.

Urban Design/Historic Preservation Commission: Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to appoint Stance Hurst. Motion carried: 6 Ayes, 0 Nays.

Water Board of Appeals: Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to appoint Tim Oliver. Motion carried: 6 Ayes, 0 Nays.

Zoning Board of Adjustment: Motion was made by Council Member Gilbreath, seconded by Council Member Gibson, to appoint Douglas Naegele. Motion carried: 6 Ayes, 0 Nays.

- 6.4. Presentation: Michael Molina will appear on behalf of Texas Tech University to make a presentation regarding a new residence hall and possible parking garage.**

This item was deleted.

- 6.8. Council discussion and direction to staff regarding acquisition of translation services and equipment to assist hearing impaired and Spanish speaking citizens during redistricting public hearings.**

Mayor Martin led discussion regarding translation services and equipment for Spanish speaking citizens and to assist the hearing impaired during redistricting public hearings. Council Member Hernandez expressed a possible lead, for providing services, and will report back to Council at a later date.

9:54 A.M. CITY COUNCIL RECESSED

11:05 A.M. CITY COUNCIL RECONVENED

Council Chambers

6.6. Resolution - City Manager: Resolution No. 2011-R0102 confirming the appointment of Roger Ellis as Police Chief of the City of Lubbock.

Motion was made by Council Member Gilbreath, seconded by Council Member Beane, to approve Resolution No. 2011-R0102. Motion carried: 7 Ayes, 0 Nays.

6.5. Presentation - 11:00 a.m.: Presentation of a special recognition commemorating Chief Dale Holton's 37 years of service to Lubbock.

Mayor Martin presented special recognition to Chief Dale Holton for his 37 years of service. Chief Holton extended his appreciation and gave thanks to everyone for their continued support. Robert Casey, Special Agent in Charge of the Federal Bureau of Investigation, Dallas Division, gave comments on the participation of the City of Lubbock Police Department and presented Chief Holton with an FBI Challenge Coin and a Congratulatory Certificate acknowledging Chief Holton's 37 years of service. Commander Billy Fulton, Regional Commander of the Department of Public Safety, Region 5, presented Chief Holton with a plaque and the Texas Flag recognizing his 37 years of service.

6.7. Oath of Office 11:00 a.m. - Police: Administer the Oath of Office to Police Chief Roger Ellis (reception immediately following).

Chief Roger Ellis was sworn in as the 21st Chief of Police of the City of Lubbock by outgoing Police Chief, Dale Holton. Chief Ellis gave thanks for everyone's support and introduced his family to those in attendance.

11:27 A.M. CITY COUNCIL RECESSED FOR A RECEPTION HONORING CHIEF ROGER ELLIS AND THEN BACK IN TO EXECUTIVE SESSION

1:10 P.M. CITY COUNCIL ADJOURNED

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