

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**April 14, 2011**  
**7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 14th of April, 2011, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

**7:38 A.M. CITY COUNCIL CONVENED**

**City Council Chambers, 1625 13<sup>th</sup> 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; 3.1-3.5; 4.1; 5.1-5.7; 5.10-5.21; 5.23-5.39; 5.8-5.9; 5.22; and 7.1-7.2.*
- *Item 6.1 was deleted.*

**1. CITIZEN COMMENTS**

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

Jo Arthur appeared before Council to discuss Sharia Law.

- Latrice Godfrey, representing the new 2011 United Juneteenth Commission of Lubbock, appeared to invite Council to attend their press conference on April 18, 2011, and to inform them of the committee's new members, goals and vision.

**7:50 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 Police**
  - 2.1.3 Right-of-Way**
  - 2.1.4 Water Utility**
  - 2.1.5 Consider billing submitted by Peterson, Farris, Pruitt & Parker, P.C. in connection with services rendered in Cause No. CC-08-01067-B in the County Court at Law #2, Dallas County, Texas.**
- 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, 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**
  - 2.4.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship 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 & Light**

**9:06 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

**3. PROCLAMATIONS AND PRESENTATIONS**

**3.1. Invocation by Pastor Steve Doles, Cumberland Presbyterian Church**

Pastor Steve Doles, Cumberland Presbyterian Church, led the invocation.

- Pledges of Allegiance were given in unison by those in the City Council Chambers to the United States flag and the Texas flag.

**3.2. Presentation of special recognition to the Idalou High School Basketball team for winning the State Championship**

Members of the Idalou Wildcat basketball team, along with coaches and Superintendent, Jim Waller, were in attendance to accept special recognition from the Mayor and City Council Members for claiming the National 2A State Championship title. Head Coach, Tyler Helms, introduced coaches and team members. Mr. Waller gave comments on the team's efforts as well as their accomplishments in baseball and UIL activities. He also thanked the City of Lubbock for their continued support.

**3.3. Presentation of a special recognition commemorating the week of April 10-16, 2011, as National Public Safety Telecommunications Week.**

Mayor Martin presented special recognition commemorating the week of April 10-16, 2011, as National Public Safety Telecommunications Week. Christy Hennesley, Manager of Police Communications for the Lubbock Police Department; Melissa Orosco, Assistant Manager of Police Communications for the Lubbock Police Department; and other members of Police Communications were in attendance to accept the special recognition.

**3.4. Presentation of special recognition commemorating April 25 - 30, as National Community Development Week and April as Fair Housing Month**

Mayor Martin presented special recognition commemorating April 25-30 as National Community Development Week and the month of April as Fair Housing month. Phyllis Brown, Interim Community Development Director, and other members of Community Development were in attendance to accept the special recognition. Ms. Brown gave comments about Community Development and thanked all of the board members.

**3.5. Presentation of special recognition commemorating April 2011 as National Donate Life Month**

Mayor Martin presented special recognition commemorating April 2011 as National Donate Life Month. Schawnte Williams-Taylor, Managing Director, and Sam Holtzman, President and CEO of Life Gift, appeared to accept special recognition. Mr. Holtzman gave comments on the importance of donating organs.

#### **4. MINUTES**

##### **4.1. February 17, 2011, Special City Council Meeting March 2, 2011, Regular City Council Meeting**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Beane, to approve the February 17, 2011 Special City Council minutes and the March 2, 2011 Regular 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 5.1-5.7; 5.10-5.21; and 5.23-5.39. Motion carried: 7 Ayes, 0 Nays.

##### **5.1. Budget Ordinance Amendment 2nd Reading - Finance: Ordinance 2011-O0035 Budget Ordinance, Amendment 7, 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 (TDHCA) for the Low-Income Energy Assistance Program; accept and appropriate from the TDHCA for the Community Services Block Grant (CSBG); respecting the Capital Program to amend Capital Improvement Project No. 91033, Pumping System Improvements; and establish Capital Improvement Project No. 92255, Low Head B and Pump Station No. 9 Rehabilitation.**

**5.1.1 Contract Resolution - Community Development: Resolution No. 2011-R0133 authorizing the Mayor to execute Contract 10175 with the TDHCA for the Low-Income Home Energy Assistance Program to weatherize homes and make them more energy efficient.**

**5.1.2 Contract Amendment Resolution - Community Development: Resolution No. 2011-R0134 authorizing the Mayor to execute Amendment 1 to Contract 10174 with the TDHCA for the CSBG to provide assistance to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient.**

- 5.2. Budget Amendment Ordinance 2nd Reading - LP&L: Ordinance 2011-O0027 Budget Ordinance, Amendment 8, amending the FY 2010-11 Adopted LP&L Operating Budget and Capital Program as recommended by the Electric Utility Board on March 16, 2011, and as approved by the City Council in a meeting conducted pursuant to Section 551.086 of the Texas Government Code. Amend the Operating Budget by adding 10 full-time positions; amend the Operating Budget by increasing revenues, expenditures, and transfers out; respecting the Capital Program by establishing Capital Improvement Project No. 92256, SPS Distribution Asset Purchase and appropriate funds; amend Capital Improvement Project No. 8562, Laptop Computer Replacement; amend Capital Improvement Project No. 8565, Massengale 6 Turbine Overhaul; amend Capital Improvement Project No. 8567, Cooke Boiler Feed Pump Overhaul; amend Capital Improvement Project No. 91130, Massengale Cooling Tower Renovations/Deck Covers; amend Capital Improvement Project No. 92167, LBC Various Renovations; amend Capital Improvement Project No. 92197, Tie Line Transformer Replacement; amend Capital Improvement Project No. 92232, Overhead Distribution; amend Capital Improvement Project No. 92234, Distribution Transformers; and amend Capital Improvement Project No. 92243, Replace Cooke 2 Generator Hydrogen Coolers.**
- 5.3. Budget Ordinance Amendment 1st Reading - Finance: Ordinance No. 2011-O0037, Amendment 9, 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 (TDHCA) for the Comprehensive Energy Assistance Program (CEAP); accept and appropriate funding from the Federal Transit Administration (FTA) for the FY 2011 Job Access and Reverse Commute Program (JARC); accept and appropriate funding from the FTA for the FY 2011 New Freedom Mobility Management Grant; and respecting the Capital Program to amend Capital Improvement Project No. 92178, South Lubbock Sanitary Sewer System Expansion Phase I and Capital Improvement Project No. 92177, Southeast Water Reclamation Plant (SEWRP) Improvements - Di**
- 5.4. Resolution - Finance: Resolution No. 2011-R0135 approving the revised City of Lubbock Investment Policy and Investment Strategy as recommended by the Audit and Investment Committee.**
- 5.5. Street Use License Resolution - Right-of-Way: Resolution No. 2011-R0136 authorizing the Mayor to execute a street use license renewal with Covenant Health System, for the use of dedicated streets for street encroachments, 3615 19th Street.**
- 5.6. Contract Resolution - Right-of-Way: Resolution No. 2011-R0137 authorizing the Mayor to execute Contract 10171 with Shirley Greene, Jamethy Greene, and Gregory Greene for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Water Line Project.**

- 5.7. Contract Resolution - Right-of-Way: Resolution No. 2011-R0138 authorizing the Mayor to execute Contract 10176 with James A. Harding, and wife Connie R. Harding, for the acquisition of a 3.88 acre tract of land and improvements out of Block AK, Section 22, Abstract 749, Tracts 2, 5, and 6 for the widening of Milwaukee Avenue from 94th Street to 104th Street, 9902 Milwaukee Avenue.**
- 5.10. Contract Resolution - Water Utility: Resolution No. 2011-R0139 authorizing the Mayor to execute purchase order Contract 23100636 with J & L Equipment for submersible pumps and repair kits for Lift Station 49 and Lift Station 38.**
- 5.11. Contract Resolution - Water Utility: Resolution No. 2011-R0140 authorizing the Mayor to execute purchase order Contract 9900 with Airgas Specialty Products for anhydrous ammonia used at for the Water Treatment Plant and Bailey County Pump Station, Bid 11-9990-DT.**
- 5.12. Ordinance 2nd Reading - Planning: Ordinance 2011-O0028, Zone Case 1897-B (northwest corner of Mac Davis Lane and Avenue X): a request of Hugo Reed and Associates, Inc., (for ACC OP Development, LLC) for a zoning change from Central Business District, Broadway/13th/Main (CB-2) Specific Use to High-Rise Apartment District (A-3) Specific Use on a 4.3 acre tract of land out of Tract 3A-1, Overton Park Addition.**
- 5.13. Ordinance 2nd Reading - Planning: Ordinance 2011-O0029, Zone Case 3151 (north of 122nd Street and East of Milwaukee Avenue): a request of Hugo Reed and Associates, Inc., (for Dean and Kevin Foerster) for a zoning change from Transitional District (T) to Industrial Park District (IPD) and Local Retail District (C-2) on 33.3 acres of unplatted land out of Block AK, Section 20.**
- 5.14. Ordinance 2nd Reading - Planning: Ordinance 2011-O0030, Zone Case 3150 (southeast corner of East 5th Street and Martin Luther King, Jr. Boulevard): a request of Hugo Reed and Associates, Inc., (for GBP Lubbock, Ltd.) for a zoning change from Single-Family District (R-1) and Commercial District (C-4) to Apartment-Medical District (AM) on 9.38 acres of unplatted land out of Block O, Section 4.**
- 5.15. Ordinance 2nd Reading - Planning: Ordinance 2011-O0031, Zone Case 934-G: (5605 Villa Drive): a request of Jose Saucedo (for Villa Office Park) for a zoning change from Commercial District (C-4) with conditions to C-4 on Tracts E-30 thru E-42, Hodges CN Resub Addition.**
- 5.16. Ordinance 2nd Reading - Planning: Ordinance 2011-O0032, Zone Case 3005-A (southeast corner of 4th Street and Guava Avenue): a request of Tejas Housing & Development, LP, (for James S. Seymour Family Trust) for a zoning change from Single Family District (R-1) and High-Density Apartment District (A-2) to Family Apartment District (A-1) on 26.2 acres of unplatted land out of Block O, Section 5.**

- 5.17. Ordinance 2nd Reading - Planning: Ordinance 2011-O0033, Zone Case 2995-J: (north east corner of 72nd Street and Kewanee Avenue): a request of AMD Engineering, LLC (For George McMahan) for a zoning change from Single-Family District (R-1) Specific Use to High-Density Apartment District (A-2) and Two-Family District (R-2) Specific Use for reduced setback on 34.539 acres of unplatted land out of Block AK, Section 29.**
- 5.18. Ordinance 2nd Reading - Planning: Ordinance 2011-O0034, Zone Case 2909-B: (north of 66th Street and west of Justice Avenue) a request of CMS Properties (for S & S Commercial Properties, Ltd.) for a zoning change from Interstate Highway Commercial District (IHC) to High-Density Apartment District (A-2) on 13.98 acres of unplatted land out of Block AK, Section 36.**
- 5.19. Contract Resolution - Fleet: Resolution No. 2011-R0141 authorizing the Mayor to execute purchase order Contract 31005433 with Heritage Equipment Company, Inc., for seven trailers, Bid 11-10028-RH.**
- 5.20. Contract Resolution - Fleet: Resolution No. 2011-R0142 authorizing the Mayor to execute purchase order Contract 93000007 with Fiber Optic Market Place, LLC, for a fiber optic splicing trailer, Bid 11-10027-RH.**
- 5.21. Contract Resolution - Civic Centers: Resolution No. 2011-R0143 authorizing the Mayor to execute Contract 9907 with Empire Paper Company for custodial supplies utilized by the Lubbock Memorial Civic Center and City Bank Auditorium/Coliseum, Bid 11-9907-DT.**
- 5.23. Contract Resolution - Parks and Recreation & Fire: Resolution No. R0144 authorizing the Mayor to execute Contract 9914 with Neat Control Company for the application of fertilizer at various City properties, Bid 11-9914-DD.**
- 5.24. Contract Amendment Resolution - Parks and Recreation: Resolution No. 0145 authorizing the Mayor to execute Amendment 1 to a Lease Agreement with Lubbock Regional Mental Health Mental Retardation Center.**
- 5.25. Contract Resolution - Airport: Resolution No. 2011-R0146 authorizing the Mayor to execute Contract 9991 with Invisible Windows for window cleaning services at Lubbock Preston Smith International Airport, Bid 11-9991-DD.**
- 5.26. Contract Resolution - Airport: Resolution No. 2011-R0147 authorizing the Mayor to execute TCPN Contract R4669 with Trane U.S., Inc., for the overhaul of centrifugal chiller equipment at Lubbock Preston Smith International Airport.**
- 5.27. Contract Resolution - Airport: Resolution No. 2011-R0148 authorizing the Mayor to execute job order Contract 11-10109 with Talon LPE for a remodel of a hangar at the Westport section of Lubbock Preston Smith International Airport.**

- 5.28. Contract Resolution - Airport: Resolution No. 2011-R0149 authorizing the Mayor to execute job order Contract 11-10108 with Talon LPE for demolition services at the Eastport section of Lubbock Preston Smith International Airport, 6019 North Walnut.**
- 5.29. Contract Resolution - Airport: Resolution No. 2011-R0150 authorizing the Mayor to execute Contract 10029 with Ennis Traffic Solutions for Runway/Taxiway Marking Paint at Lubbock Preston Smith International Airport, Bid 11-10029-DG.**
- 5.30. Contract Resolution - Airport: Resolution No. 2011-R0151 authorizing the Mayor to execute purchase order Contract 25100157 with SimplexGrinnell for an upgrade to the fire alarm panel at Lubbock Preston Smith International Airport.**
- 5.31. Contract Amendment Resolution - Airport: Resolution No. 2011-R0152 authorizing the Mayor to execute Amendment 1 to Contract 8912 with BGR Architects, Inc., for construction phase services for exterior remedial sealant work at Lubbock Preston Smith International Airport.**
- 5.32. Contract Resolution - Community Development: Resolution No. 2011-R0153 authorizing the Mayor to approve the price and conditions of sale of a three acre vacant tract of land in Block 36, less Lot 1 and Tract A, Coronado Addition to the City of Lubbock, Lubbock County, Texas, by the Urban Renewal Agency to Market Lubbock Economic Development Corporation, a Texas Nonprofit Corporation, 802-912 Coronado Drive.**
- 5.33. Contract Resolution - Citibus: Resolution No. 2011-R0154 authorizing the City's Chief Financial Officer to execute a Federal Transit Administration Section 5307 Grant for preventative maintenance and ADA paratransit and planning assistance for FY 2010-11.**
- 5.34. Ordinance 2nd Reading – Fire Prevention: Ordinance 2011-O0036 amending Chapter 10, Fire Prevention, 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.**
- 5.35. Contract Resolution - Fire: Resolution No. 2011-R0155 authorizing the Mayor to execute purchase order Contract 10002014 with Hall-Mark Fire Apparatus for the refurbishment of a 1997 E-One, 105-foot platform aerial apparatus.**
- 5.36. Contract Resolution - Fire: Resolution No. 2011-R0156 authorizing the Mayor to execute purchase order Contract 10001852 with Casco Industries, Inc., for thermal imaging cameras.**
- 5.37. Contract Resolution - Police: Resolution No. 2011-R0157 authorizing the Mayor to execute Contract 10134 with Tiburon, Inc., for CopLogic DeskOfficer Online Reporting System.**

- 5.38. Contract Resolution - Police: Resolution No. 2011-R0158 authorizing the Mayor to execute purchase order Contract 10002011 from Advanced Interactive Systems for equipment and software upgrades to the Police Department's Professional Range Instruction Simulator Suite (PRISim) system.**
- 5.39. Board Appointments - City Manager: Resolution No. 2011-R0159 confirming the City Manager's appointment of Vickie Bennett to the Civil Service Commission.**

**6. REGULAR AGENDA.**

- 5.8. Contract Resolution - Public Works Engineering: Resolution No.'s 2011-R0160 and 2011-R0161 authorizing the Mayor to execute Contract 10133 with McDowell House & Structural Movers for the purchase of four City owned houses (9801 Belmont Avenue, 9802 Belmont Avenue, 9801 Homestead Avenue, and 9801 Grover Avenue), and Contract 10032 with Four Way House Movers Incorporated for the purchase of three City owned houses (9802 Clinton Avenue, 9802 Chicago Avenue, 9802 Homestead Avenue), Bid 11-10032-FO.**

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

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No.'s 2011-R0160 and 2011-R0161. Motion carried: 7 Ayes, 0 Nays.

- 5.9. Contract Resolution - Public Works: Resolution No. 2011-R0162 authorizing the Mayor to execute Contract 10066 with Bee Equipment Sales for the lease of an asphalt paver.**

Marsha Reed, Chief Operating Officer; and Kevin Lair, Street Superintendent, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2011-R0162. Motion carried: 7 Ayes, 0 Nays.

- 5.22. Resolution – Civic Centers: Resolution No. 2011-R0163 authorizing the Mayor to reject all bids for the replacement of the Civic Center theater stage floor, Bid 11-9984-FO.**

Freddy Chavez, Civic Services Director, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2011-R0163. Motion carried: 7 Ayes, 0 Nays.

- 6.1. Consider and take action on billing submitted by Peterson, Farris, Pruitt & Parker, P.C. in connection with services rendered in Cause No. CC-08-01067-B in the County Court at Law #2, Dallas County, Texas.**

**This item was deleted.**

**9:44 A.M. CITY COUNCIL RECESSED**

**10:00 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

**7. WORK SESSION/BUSINESS AGENDA**

- 7.1. Discussion on Lubbock redistricting process. Professor David Guinn, Guinn & Morrison Law Firm**

Professors David Guinn and Mike Morrison appeared before Council to discuss the redistricting process. Both gave a presentation based upon the 2010 Census numbers and possible new boundary lines within the city of Lubbock.

**11:11 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE**

**1:39 P.M. CITY COUNCIL RECONVENED**

**City Council Conference Room 103**

- 7.2. Master plan presentations by the Airport and Fire Departments**

James Loomis, Assistant City Manager, Director of Aviation, gave a presentation on the master plan and upcoming improvements for the Lubbock International Airport and answered questions from Council.

**2:20 P.M. CITY COUNCIL RECESSED**

**2:30 P.M. CITY COUNCIL RECONVENED**

**City Council Conference Room 103**

- 7.2. Master plan presentations by the Airport and Fire Departments (Continued)**

Mike Kemp, Fire Chief, gave a presentation on the Fire Department's master plan and answered questions from Council.

**3:18 P.M. CITY COUNCIL ADJOURNED**