

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING**

April 28, 2011

7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 28th of April, 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; 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; 5.1-5.6; 5.10; 5.12-5.14; 5.16-5.22; 5.24-5.26; 5.7-5.9; 5.11; 5.15; 5.23; 6.1-6.5; 7.1; 6.6; and 7.2*

1. CITIZEN COMMENTS

1.1. Samer Altabaa will appear before the City Council to discuss Sharia Law.

Samer Altabaa appeared before Council to discuss Sharia Law.

1.2. Dr. Cherif Amor will appear before the City Council to discuss Sharia Law.

Dr. Cherif Amor appeared before Council to discuss Sharia Law.

7:51 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 Personnel Policies - Human Resources**
 - 2.1.3 Right-of-Way**
 - 2.1.4 Water Utility**
 - 2.1.5 Discussion of legal proceedings, options, and procedures concerning the status of Victor Hernandez, District 1 City Councilperson for the City of Lubbock.**
- 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): to deliberate, vote, and take final action on electric rates of Lubbock Power & Light**
 - 2.4.1 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**
 - 2.4.2 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**
 - 2.4.3 to discuss and deliberate wholesale power supply strategies, proposals, and contracts of Lubbock Power & Light**

9:03 A.M. CITY COUNCIL RECONVENED
Council Chambers

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Father Anthony Phelps, Assistant Pastor, Our Lady of Grace Catholic Church

Father Anthony Phelps, Assistant Pastor at Our Lady of Grace Catholic 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 May 14, 2011 as the National Association of Letter Carriers Food Drive Day

Mayor Martin presented special recognition commemorating May 14, 2011 as the National Association of Letter Carriers Food Drive Day. Charles Perryman, from the National Association of Letter Carriers local union, gave comments on how Lubbock citizens can participate in the food drive. Lyn Garcia, Director of Development at South Plains Food Bank, spoke about the importance of donating food and gave special thanks to Campbell Soups for their continued support and donations.

3.4. Check presentation by the Centennial Committee to the City of Lubbock

Linda Gaither, President of the Centennial Committee, Council Member Beane, Treasurer, and other members of the committee presented the City of Lubbock with checks totaling over \$100,000. This money was graciously given back to the City for helping the Centennial Committee prepare for a year's worth of celebrations and events. Ms. Gaither gave comments on the committee's hard work and thanked the City of Lubbock for all of their support.

3.5. Board Recognitions:

Animal Services Advisory Board

Dr. Ronda Clark (unable to attend)

Board of Health

Dr. Donald May

Keep Lubbock Beautiful Advisory Committee

Lynda McBride

Lake Alan Henry Board of Appeals

Ray Duncan (unable to attend)

Dr. Nolan Riley

Park and Recreation Board

Scott Scarborough

9:27 A.M.MAYOR PRO TEM PRICE LEFT THE MEETING

4. MINUTES

4.1. March 22, 2011, Regular City Council Meeting

Motion was made by Council Member Gibson, seconded by Council Member Klein, to approve the March 22, 2011 Regular 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; 5.12-5.14; 5.16-5.22; and 5.24-5.26. Motion carried: 6 Ayes, 0 Nays.

5.1. Budget Ordinance Amendment 2nd Reading - Finance: Ordinance 2011-00037 Budget Ordinance, 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; reduce funding from the Texas Department of Transportation (TxDOT) for the Selective Traffic Enforcement Program (STEP) and Driving While Intoxicated (DWI) STEP; 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 - Digester 8 & 9.

5.1.1 Contract Amendment Resolution - Community Development: Resolution No. 2011-R0164 authorizing the Mayor to execute Amendment 1 to Contract 58110001086 with the TDHCA for the CEAP to fund energy assistance programs.

5.1.2 Contract Resolution - Citibus: Resolution No. 2011-R0165 authorizing the City's Chief Financial Officer to execute a FY 2011 FTA JARC grant to provide public transportation to places of employment.

5.1.3 Contract Resolution - Citibus: Resolution No. 2011-R0166 authorizing the City of Lubbock's Chief Financial Officer to execute a FY 2011 New Freedom Mobility Management Grant.

- 5.1.4 Contract Amendment Resolution - Police: Resolution No. 2011-R0167 authorizing the Mayor to execute Amendment 1 to a grant agreement with the TxDOT for the Speed STEP and the DWI STEP.**
- 5.2. Contract Resolution - Purchasing: Resolution No. 2011-R0168 authorizing the Mayor to execute Contract 9906 with Baker Office Products for office supplies, Bid 11-9906-DT.**
- 5.3. Contract Resolution - Right-of-Way: Resolution No. 2011-R0169 authorizing the Mayor to execute Contract 10184 with Bryan Parr, for the acquisition of a 1.425 acre tract of land and improvements out of Block AK, Section 22, Abstract 749, Tracts Q1 and 1A, for the widening of Milwaukee Avenue from 94th Street to 104th Street, 10204 Milwaukee Avenue.**
- 5.4. Contract Resolution - Right-of-Way: Resolution No. 2011-R0170 authorizing the Mayor to execute Contract 10182 with Kim Sherrod to lease approximately 58 acres of farm land out of Sections 5 and 5½, Stilson and Case Survey, Lubbock County, Texas.**
- 5.5. Contract Resolution - Right-of-Way: Resolution No. 2011-R0171 authorizing the Mayor to execute an agreement with Lyntegar Electric Cooperative, Inc., a cooperative corporation, for an electric right-of-way easement on City property associated with the installation of electrical transformers for the Lake Alan Henry Post Booster Pump Station Project.**
- 5.6. Resolution - Public Works Engineering: Resolution No. 2011-R0172 authorizing the Mayor to execute an agreement contributing funds and designating the Texas Department of Transportation (TxDOT) as the agency responsible for the development of Farm-to-Market (F.M.) 1730 (Slide Road), and appropriating funds.**
- 5.10. Contract Resolution - Traffic Engineering: Resolution No. 2011-R0173 authorizing the Mayor to execute purchase order Contract 10002006 with McCain, Inc., for traffic signal cabinets, Bid 11-9995-DD.**
- 5.12. Contract Amendment Resolution - Animal Services: Resolution No. 2011-R0174 authorizing the Mayor to execute Amendment 1 to Contract 7458 with Minnix for the design and construction of the Animal Shelter facility.**
- 5.13. Contract Amendment Resolution - Community Development: Resolution No. 2011-R175 authorizing the Mayor to execute Amendment 1 to a Community Development Funding Contract with Lutheran Social Services of the South Plains (LSSS) to provide utility assistance to qualified, low-income persons and families through the Comprehensive Energy Assistance Program (CEAP) and the Community Services Block Grant (CSBG).**

- 5.14. Contract Amendment Resolution - Community Development: Resolution No. 2011-R0176 authorizing the Mayor to execute Amendment 1 to a Community Development Funding Contract with Life Run Independent Living Centers (LIFE) to provide utility assistance to qualified, low-income persons and families through the Comprehensive Energy Assistance Program (CEAP) and the Community Services Block Grant (CSBG).**
- 5.16. Contract Resolution - Community Development: Resolution No.'s 2011-R0177, 2011-R0178, and 2011-R0179 authorizing the Mayor to execute Contract 10194 with Thermo Dynamics Insulation, Contract 10193 with Grimes & Associates, and Contract 10065 with Kelly Properties for Weatherization Assistance Program and Comprehensive Energy Assistance Program assessments, audits, and final inspections, RFP-11-10065-MA.**
- 5.17. Contract Resolution - Airport: Resolution No. 2011-R0180 authorizing the Mayor to execute a lease agreement between the City of Lubbock and West Gaines Seed, Inc., for land rental at Lubbock Preston Smith International Airport.**
- 5.18. Contract Resolution - Airport: Resolution No. 2011-R0181 authorizing the Mayor to execute a lease agreement with Marco Steel & Aluminum Company for buildings and land rental at Lubbock Preston Smith International Airport.**
- 5.19. Contract Resolution - Airport: Resolution No. 2011-R0182 authorizing the Mayor to execute Contract 10000 with John B. Walker Roofing Co., Inc., for exterior remedial sealant work at Lubbock Preston Smith International Airport, RFP 11-10000-MA.**
- 5.20. Contract Resolution - Airport: Resolution No.'s 2011-R0183, 2011-R0184, 2011-R0185 authorizing the Mayor to execute Contract 10190 with Coffman Associates, Inc., Contract 10135 with Kutchins & Groh, LLC, and Contract 10191 with Ricondo & Associates, Inc., for on-call planning services for the Lubbock Preston Smith International Airport, 11-026-FO.**
- 5.21. Contract Resolution - Facilities: Resolution No. 2011-R0186 authorizing the Mayor to execute job order Contract 11-10113-JOC with Talon/LPE for the replacement of floor covering.**
- 5.22. Contract Resolution - Facilities: Resolution No. 2011-R0187 authorizing the Mayor to execute job order Contract 11-10111-JOC with Talon/LPE for roof replacements and exterior renovations to the Mae Simmons Community and Senior Centers.**
- 5.24. Contract Resolution - Fleet Services: Resolution No. 2011-R0188 authorizing the Mayor to execute purchase order Contract 10002143 with Holiday Chevrolet for three light duty vehicles for the Fire Department, Bid 11-10026-RH.**

- 5.25. **Contract Resolution - Fleet Services: Resolution No.'s 2011-R0189, 2011-R0190, 2011-R0191 authorizing the Mayor to execute Contract 10189 with Bill Williams Tire, Contract 9911 with Southern Tiremart, and Contract 10188 with A to Z Tires for tire acquisition, tire installation, and flat repair for municipal vehicles, Bid 11-9911-DG.**
- 5.26. **Contract Amendment Resolution - Police: Resolution No. 2011-R0192 authorizing the Mayor to execute a grant agreement with the Texas Department of Transportation for the Click-It or Ticket Selective Traffic Enforcement Program (STEP).**

6. REGULAR AGENDA

- 5.7. **Resolution - Public Works Engineering: Resolution No. 2011-R0193 authorizing the Mayor to reject all proposals for the North Water Treatment Plant Improvement Project No. 1, RFP 11-10003-FO.**

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Resolution No. 2011-R0193. Motion carried: 6 Ayes, 0 Nays.

- 5.8. **Contract Amendment Resolution – Public Works Engineering: Resolution No. 2011-R0194 authorizing the Mayor to execute Amendment 1 to Contract 9433 with Carollo Engineers, P.C., for construction phase services related to the Southeast Water Reclamation Plant (SEWRP) Digester 8 & 9 Improvements 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-R0194. Motion carried: 6 Ayes, 0 Nays.

- 5.9. **Contract Resolution – Public Works Engineering: Resolution No. 2011-R0195 authorizing the Mayor to execute Contract 9835 with Archer Western Contractors, Ltd., for the construction of the Southeast Water Reclamation Plant (SEWRP) Digester 8 & 9 Improvements, RFP 11-9835-MA.**

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

Motion was made by Council Member Klein, seconded by Council Member Beane, to approve Resolution No. 2011-R0195. Motion carried: 6 Ayes, 0 Nays.

- 5.11. **Resolution - Business Development: Resolution No. 2011-R0196 giving Notice of Intent to consider the designation of a Reinvestment Zone on the property located at 2301 North University.**

Rob Allison, Assistant City Manager, and Cheryl Brock, Capital Program Manager, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Hernandez, to approve Resolution No. 2011-R0196. Motion carried: 6 Ayes, 0 Nays.

- 5.15. Contract Amendment Resolution - Community Development: Resolution No. 2011-R0197 authorizing the Mayor to execute Amendment 1 to a Community Development Funding Contract with Catholic Family Services (CFS) to provide utility assistance to qualified, low-income persons and families through the Comprehensive Energy Assistance Program (CEAP) and the Community Services Block Grant (CSBG).**

Motion was made by Council Member Klein, seconded by Council Member Gilbreath, to approve Resolution No. 2011-R0197. Motion carried: 5 Ayes, 0 nays. Council Member Hernandez recused.

- 5.23. Contract Resolution - Radio Shop: Resolution No. 2011-R0198 authorizing the Mayor to execute Contract 9909 with Houston's Tower Service, Inc., for radio tower services, RFP 11-9909-DT.**

Mark Yearwood, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Gilbreath, to approve Resolution No. 2011-R0198. Motion carried: 6 Ayes, 0 Nays.

9:38 A.M. CITY COUNCIL RECESSED

9:45 A.M. CITY COUNCIL RECONVENED

Council Chambers

6. REGULAR AGENDA (Continued)

- 6.1. Public Hearing 9:30 a.m. - Planning: Ordinance No. 2011-O0038, Zone Case 1511-K (4903 Chicago Avenue): request of McDougal Construction (for McDougal Land) for a zoning change from Family Apartment District (A-1) Specific Use and Local Retail District (C-2) Specific Use to General Retail District (C-3) limited to a convenience store and all unconditionally permitted C-2 uses on Lots 1 and 7, The Village Addition, 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 9:50 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 9:50 a.m.

Motion was made by Council Member Gilbreath, seconded by Council Member Beane, to approve Ordinance No. 2011-O0038 with an amendment to include the following conditions:

- A detailed building elevation and site plan showing landscape, parking and placement of all structures, including any gasoline pumps/canopy shall be approved by the Planning and Zoning Commission prior to the issuance of any building permits.
- That the uses shall be limited to a grocery store with gasoline pumps and all unconditionally permitted "C-2" uses.
- That the request shall be tied to the site plan as presented.

Motion carried: 6 Ayes, 0 Nays.

6.2. Public Hearing 9:30 a.m. - Planning: Ordinance No. 2011-O0039, Zone Case 3019-B (2401 Glenna Goodacre Boulevard): Ordinance No. 2011-O0038, a request of McDougal Construction (for McCanton Wood L.C.) for a zoning change from Multifamily District (R-3) to Local Retail District (C-2) Specific Use on Tract 1-C-3, Overton Park Addition, 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 9:52 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 9:52 a.m.

Motion was made by Council Member Klein, seconded by Council Member Hernandez, to approve Ordinance No. 2011-O0039. Motion carried: 6 Ayes, 0 Nays.

6.3. Public Hearing 9:30 a.m. - Planning: Ordinance No. 2011-0040, Zone Case 2895-F (6211 82nd Street): request of Christian Brothers Automotive (for 87th Street Partners, LLC) for a zoning change from General Retail District (C-3) to Interstate Highway Commercial District (IHC) on Tract A-1-B, Monterey Church of Christ Addition, and to consider an ordinance.

Andrew Paxton, Senior Planner, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 9:54 a.m.

Jonathan Wakefield, with Christian Brothers Automotive in Houston, Texas, appeared before Council to speak in favor.

No one appeared to speak in opposition.

Mayor Martin closed the public hearing at 9:55 a.m.

Motion was made by Council Member Klein, seconded by Council Member Gibson, to approve Ordinance No. 2011-O0040. Motion carried: 6 Ayes, 0 Nays.

- 6.4. Resolution - City Council: Resolution No. 2011-R0199 requesting the City Manager and the Model Codes and Construction Advisory Board study the schedule of storm water drainage charges presently in effect, the schedule's equitable application among properties in the City, and report findings.**

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

Motion was made by Council Member Klein, seconded by Council Member Gilbreath, to approve Resolution No. 2011-R0199. Motion carried: 6 Ayes, 0 Nays.

- 6.5. Resolution - City Council: Resolution No. 2011-R0200 approving the FY 2011-12 Operating Budget and Capital Program Calendar to include an evening meeting on August 29, 2011, at 6:00 p.m.**

Motion was made by Council Member Hernandez, seconded by Council Member Klein, to approve Resolution No. 2011-R0200. Motion carried: 5 Ayes, 1 Nay. Mayor Martin voted nay.

10:04 A.M. CITY COUNCIL RECESSED

10:10 A.M. CITY COUNCIL RECONVENED

Council Chambers

7. WORK SESSION/BUSINESS AGENDA

- 7.1. Presentation updating the City Council on water supply**

Marsha Reed, Chief Operating Officer; and Aubrey Spear, Director of Water Resources, gave a presentation on the City's water supply and demand and on the Drought Contingency Plans. They also answered questions from Council.

Roger Ellis, Chief of Police, gave comments and answered questions from Council.

10:23 A.M. MAYOR PRO TEM PRICE RETURNED TO THE MEETING

Wood Franklin, City Engineer, gave a presentation over the Lake Alan Henry pipeline project and answered questions from Council.

6. REGULAR AGENDA (Continued)

- 6.6. Take appropriate action as to the status of legal proceedings concerning the dismissal or continuation of any claims involving the City Council Seat District 1, held by Victor Hernandez.**

It was the consensus of the Council not to take any further action as to the status of the legal proceedings concerning Council Member Hernandez. Mayor Martin also announced that Bob Craig, with Craig, Terrill, Hale, & Grantham, LLP, will study possible City Charter amendments as well as possible policy changes.

11:15 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE

1:37 P.M. CITY COUNCIL RECONVENED

Council Chambers

7. WORK SESSION/BUSINESS AGENDA (Continued)

- 7.2. Master plan presentations by the Community Development and Parks and Recreation Departments**

Randy Truesdell, Parks and Recreation Director, presented the Parks and Recreation master plan presentation and answered questions from Council.

Community Development will present at a later date.

2:19 P.M. CITY COUNCIL RECESSED INTO EXECUTIVE

3:25 P.M. CITY COUNCIL ADJOURNED

There being no further business to come before Council, Council Member Beane adjourned the meeting.