

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

The City Council of the City of Lubbock, Texas met in regular session on the 10th of May, 2011, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

**7:32 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; 3.1-3.3; 5.1; 5.3-5.18; 5.2 (reconsidered again following 7.2); 5.19; 6.1-6.2; 4.1; 7.1;6.3; 7.2; and 5.2.*

**1. CITIZEN COMMENTS**

- No one appeared for Citizen Comments.

**7:33 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION**

**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:** In the matter of an arbitration between the City of Lubbock and HealthSmart Holdings, Inc., et al Case No. 71 193 Y 00084 08
  - 2.1.2 **City of Lubbock v. Greg Abbott** Case No. D-1-GV-09-001569 in the 419th District Court, Travis County

- 2.1.3 Electric Utility**
  - 2.1.4 Police**
  - 2.1.5 Right-of-Way**
  - 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 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**
- 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 Junked Vehicle Compliance Board and the Zoning Board of Adjustment.**

**9:20 A.M. CITY COUNCIL RECONVENED**  
**Council Chambers**

### **3. PROCLAMATIONS AND PRESENTATIONS**

#### **3.1. Invocation by Pastor David Haynes, Christ Temple Church in Christ**

Pastor David Haynes, Christ Temple Church in Christ, 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. Board Recognitions:**

##### **Civil Service Commission**

Vickie Bennett

### **5. CONSENT AGENDA**

Motion was made by Council Member Klein, seconded by Council Member Gibson, to approve items 5.1; and 5.3-5.18. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Price was away from the dias.

**5.1. Contract Resolution - Finance: Resolution No. 2011-R0201 authorizing the Mayor to execute Contract 10221 with Utilitech, Inc., for an informal regulatory analysis in connection with Atmos Energy's three-year pilot Rate Review Mechanism.**

**5.3. Contract Resolution - Warehouse: Resolution No.'s 2011-R0202, 2011-R0203, and 2011-R0204 authorizing the Mayor to execute Contract 10205 with K. W. Sharp, Contract 10203 with Western Industrial, and Contract 10033 with Morrison Supply for the purchase of pipe, valves, fittings, and other maintenance and repair items for the day-to-day Water Utility maintenance operations and emergency requirements, Bid 11-10033-DG.**

**5.4. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2011-O0041 abandoning and closing a five-foot LP&L underground utility easement and a six-foot by six-foot switch enclosure easement located in Tract A-1 and Lot 2, Kings Park Addition, 7515 Quaker Avenue.**

**5.5. Resolution - Right-of-Way: Resolution No. 2011-R0205 authorizing the Mayor to execute a street-use license renewal with Lubbock Bail Bonds for the use of a dedicated street for street encroachments, 808 Main Street.**

**5.6. Resolution - Right-of-Way: Resolution No. 2011-R0206 authorizing the Mayor to execute an easement on City owned property with NTS Communications, Inc., for a right-of-way easement regarding the remediation of the 98th Street Sanitary Sewer Line Remediation Project.**

- 5.7. **Contract Resolution - Right-of-Way: Resolution No. 2011-R0207** authorizing the Mayor to execute Contract 10217 with Max J. Hector, for the acquisition of 0.5002 acre tract of land and 0.0793 acre tract of land and improvements out of Block AK, Section 22, Abstract 749, Tracts 7 and 8, for the widening of Milwaukee Avenue from 94th Street to 104th Street, 10204 Milwaukee Avenue.
- 5.8. **Contract Resolution - Public Works Wastewater: Resolution No. 2011-R0208** authorizing the Mayor to execute Contract 10035 with Abernathy Welding and Machine for weed shredding at the Lubbock and Hancock Land Application Sites, Bid 11-10035-DT.
- 5.9. **Contract Amendment Resolution - Public Works Engineering: Resolution No. 2011-R0209** authorizing the Mayor to execute Amendment 2 to the Municipal Maintenance Agreement with the Texas Department of Transportation (TxDOT) for sharing maintenance responsibilities of state highways located within the city limits of the City of Lubbock.
- 5.10. **Ordinance 2nd Reading - Planning: Ordinance 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.
- 5.11. **Ordinance 2nd Reading - Planning: Ordinance 2011-O0039, Zone Case 3019-B (2401 Glenna Goodacre Boulevard):** 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.
- 5.12. **Ordinance 2nd Reading - Planning: Ordinance 2011-O0040, 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.
- 5.13. **Ordinance 1st Reading - Building and Inspections: Ordinance No. 2011-R0042** amending Chapter 28, Building Regulations, 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.
- 5.14. **Contract Resolution - Information Technology: Resolution No. 2011-R0210** authorizing the Mayor to execute purchase order Contract 21400249 with Mythics, Inc., for Oracle Database licenses for the Banner utility billing system.

- 5.15. **Contract Resolution - Telecommunications: Resolution No. 2011-R0211 authorizing the Mayor to execute Contract 9996 with Shared Technologies for call records reporting software and maintenance, RFP 11-9966-DT.**
- 5.16. **Contract Resolution - Fleet Services: Resolution No.'s 2011-R0212, 2011-R0213, 2011-R0214 authorizing the Mayor to execute purchase order Contract 31005772 with Robert's Truck Center, purchase order Contract 24100125 with Lubbock Truck Sales, and purchase order Contract 31005774 with Forman's Pick Up Pals, Inc., for medium and heavy duty trucks, Bid 11-9994-RH.**
- 5.17. **Contract Resolution - Fleet Services: Resolution No.'s 2011-R0215, 2011-R0216, 2011-R0217, 2011-R0218, 2011-R0219 authorizing the Mayor to execute purchase order Contract 31005775 with Heritage Equipment Company, purchase order Contract 31005776 with Warren Cat, purchase order Contract 31005777 with Cisco Equipment, purchase order Contract 31005778 with Associated Supply Company, and purchase order Contract 31005779 with Kirby-Smith Machinery Incorporated for off road equipment, Bid 11-10063-RH.**
- 5.18. **Contract Resolution - Airport: Resolution No. 2011-R0220 authorizing the Mayor to execute Contract 10060 with ANCO, A Division of Chem-Aqua, Inc., for HVAC water treatment services at Lubbock Preston Smith International Airport, Bid 11-10060-DD.**

## **6. REGULAR AGENDA**

- 5.2. **Contract Resolution - Finance: Consider a resolution authorizing the Mayor to execute Contract 10222 with Vinson & Elkins, LLP, for legal services.**

No action was taken at this time, but was reconsidered following item 7.2.

- 5.19. **Contract Amendment Resolution - Civic Centers: Resolution No. 2011-R0221 authorizing the Mayor to execute Amendment 1 to Contract 10186 with Trane U. S. Inc., to extend the length of time for rental of a temporary chiller for use at the Lubbock Memorial Civic Center Physical Plant.**

Mark Yearwood, Assistant City Manager; and Freddy Chavez, Civic Services Director, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Resolution No. 2011-R0221. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Price was away from the dias.

- 6.1. **Public Hearing 9:30 a.m. - Business Development: Hold a public hearing for the City Council to receive public input concerning the adoption of an ordinance designating a reinvestment zone at 2301 North University Avenue, as authorized by Chapter 312 of the Tax Code.**

Cheryl Brock, Capital Program Manager, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 9:31 a.m.

Ed Pascasio, Chief Financial Officer of X-Fab; and Kenny McKay, Business Retention Director of Lubbock Economic Development Alliance, appeared to speak in favor of the proposed ordinance designating the reinvestment zone and answered questions from Council.

Mayor Martin closed the public hearing at 9:58 a.m.

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to move forward with the adoption of the ordinance. Motion carried: 7 Ayes, 0 Nays.

**6.2. Ordinance 1st Reading - Business Development: Ordinance No. 2011-00043 designating a reinvestment zone within the City of Lubbock as authorized by Chapter 312, Tax Code; describing the boundaries of said zone; describing the eligibility of said zone for commercial-industrial tax abatement; and providing a saving clause and providing for publication.**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Ordinance No. 00043. Motion carried: 7 Ayes, 0 Nays.

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

**10:15 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

**4. MINUTES**

**4.1. March 16, 2011, Special City Council  
April 14, 2011, Regular City Council**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Beane, to approve the March 16, 2011 Special City Council minutes and the April 14, 2011 Regular City Council minutes. Motion carried: 5 Ayes, 0 Nays. Council Members Gilbreath and Hernandez were away from the dias.

**7. WORK SESSION/BUSINESS AGENDA**

**7.1. Presentation by the Outside Counsel Guidelines Committee**

Byrn Bass appeared before Council to make a presentation on behalf of the Outside Counsel Guidelines Committee. Mr. Bass answered questions and received direction from the Council. The committee will present a report on May 31st.

**6. REGULAR AGENDA (Continued)**

- 6.3. Board Appointments - City Secretary: Consider three appointments to the Audit and Investment Committee, one appointment to the Junked Vehicle Compliance Board, two appointments to the Keep Lubbock Beautiful Advisory Committee, and two appointments to the Zoning Board of Adjustment.**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to make the following appointments and reappointments:

**Junked Vehicle Compliance Board:** Appoint Melissa Teinert.

**Zoning Board of Adjustment:** Promote Billie Jean Caviel to Member status, and appoint Dustin Burrows to Alternate.

**Audit & Investment Committee:** Reappoint Mike Davis, R.J. Givens, and Melisa Roberts.

**Keep Lubbock Beautiful Advisory Committee:** Appoint Evon Pearson and Kathy Horkey-Wolff.

Motion carried: 6 Ayes, 0 Nays. Council Member Gilbreath was away from the dias.

**7. WORK SESSION/BUSINESS AGENDA**

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

Roger Ellis, Chief of Police, presented the Police Department master plan presentation and answered questions from Council.

Community Development will present at a later date.

**6. REGULAR AGENDA (Continued)**

- 5.2. Contract Resolution - Finance: Resolution No. 2011-R0222 authorizing the Mayor to execute Contract 10222 with Vinson & Elkins, LLP, for legal services.**

Matt Wade, Legal Chief Counsel for LP&L, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Gibson, to approve Resolution No. 2011-R0222 with the following amendment:

- To strike the words “without advance notice” within the **Fees and Other Charges** section of the contract.

Motion carried: 4 Ayes, 1 Nay. Council Member Beane voted nay. Council Members Gilbreath and Hernandez were away from the dias.

**11:55 A.M. CITY COUNCIL ADJOURNED**

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