

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
May 31, 2011
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 31st of May, 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 Victor Hernandez; Council Member Todd R. Klein; Andy Burcham, Chief Financial Officer; Rebecca Garza, City Secretary; and Sam Medina, City Attorney.

Absent: Council Member Jim Gilbreath; Lee Ann Dumbauld, City Manager

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

- *Citizen Comments; 3.1-3.5; 4.1; 5.2-11; 5.13; 5.15-5.17; 5.22; 5.1; 5.12; 5.14; 5.18; 6.1-6.4; 7.1; 5.19-5.21; 7.2; and 6.5.*
- *Item 6.1 was continued to the June 9th, 2011 meeting.*

1. CITIZEN COMMENTS

1.1. Frederic J. Popanz will appear before the City Council to discuss construction at the 82nd Street and University Avenue intersection.

Frederic J. Popanz appeared before Council to express concerns with the construction at the 82nd Street and University Avenue Intersection.

1.2. Elliott Getz will appear before the City Council to discuss pear trees on municipally maintained lands.

Elliot Getz appeared before Council to discuss pear trees on municipally maintained lands.

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 Codes: 1208 14th Street**
 - 2.1.2 Electric Utility**
 - 2.1.3 Health Benefits: Cause No. CC-08-01067-B**
 - 2.1.4 Right-of-Way**
- 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 Codes: 1208 14th Street**
 - 2.2.2 Right-of-Way**
- 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 Canadian Municipal Water Authority and the Junked Vehicle Compliance Board.**

9:14 A.M. CITY COUNCIL RECONVENED
Council Chambers

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Roger Garrett, Genesis Baptist Church

Pastor Roger Garrett, Genesis 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 to Rick Baumgartner, Director and Founder of Rise Academy, and Elliot Eldredge, Assistant Fire Marshall, for their heroic actions at Rise Academy

Mayor Martin presented special recognition to Rick Baumgartner, Director and Founder of Rise Academy; and Elliot Eldredge, Assistant Fire Marshall, for their heroic actions at Rise Academy.

3.4. Presentation of a special recognition commemorating May 2011 as Stroke Awareness Month.

Mayor Martin, along with Council Member Karen Gibson, presented special recognition commemorating May 2011 as Stroke Awareness Month. Henry and Louise Klein were present to accept the recognition.

3.5. Board Recognitions:

Water Board of Appeals

Alex Scarborough (unable to attend)

4. MINUTES

- 4.1. **April 27, 2011, Special City Council Meeting**
April 28, 2011, Regular City Council Meeting
May 9, 2011, Special City Council Meeting

Motion was made by Council Member Beane, seconded by Mayor Pro Tem Price, to approve the April 27, 2011 Special City Council minutes, the April 28, 2011 Regular City Council minutes, and the May 9, 2011 Special City Council minutes. Motion carried: 5 Ayes, 0 Nays. Council Member Klein was away from the dais.

5. CONSENT AGENDA

Motion was made by Council Member Klein, seconded by Council Member Gibson, to approve items 5.2-5.11; 5.13; 5.15-5.17; and 5.22. Motion carried: 6 Ayes, 0 Nays.

- 5.2. Ordinance 2nd Reading – Right-of-Way: Ordinance 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.**
- 5.3. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2011-O0044 abandoning and closing a 30-foot drainage easement located in the Southview Two Addition, Lubbock County, Texas, 1601 74th Street.**
- 5.4. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2011-O0045 abandoning and closing an LP&L 6-foot by 6-foot switching enclosure easement located in Lot 13, Summer Place Addition, Lubbock County, Texas, 2735 Genoa Avenue.**
- 5.5. Contract Resolution - Right-of-Way: Resolution No. 2011-R0223 authorizing the Mayor to execute Contract 10231 with USM Manufacturing, LLC, a Texas LLC, for the purchase of a permanent 45.40-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.**
- 5.6. Contract Resolution - Right-of-Way: Resolution No. 2011-R0224 authorizing the Mayor to execute Contract 10232 with Doris Fortenberry, also known as Mrs. Texas B. Fortenberry, for the purchase of a permanent 54.15-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.**
- 5.7. Contract Resolution - Right-of-Way: Resolution No. 2011-R0225 authorizing the Mayor to execute Contract 10244 with Wallace Seggern, as to an undivided 1/3 interest; Marcat Family Limited Partnership, a Texas limited partnership, as to an undivided 1/3 interest; Roy Seggern, as to an undivided 1/3 interest for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.**

- 5.8. **Contract Resolution – Public Works Streets: Resolution No.’s 2011-R0226 and 2011-R0227 authorizing the Mayor to execute Contracts 10216 with Fast Concrete d/b/a Commercial Concrete and Contract 10064 with Allen Butler Construction for annual pricing for concrete for street maintenance and repairs, Bid 11-10064-DG.**
- 5.9. **Contract Resolution - Fleet Services: Resolution No. 2011-R0228 authorizing the Mayor to execute Contract 9983 for towing services for heavy duty and heavy off road municipal vehicles, Bid 11-9983-DG.**
- 5.10. **Contract Resolution - Fleet Services: Resolution No. 2011-R0229 authorizing the Mayor to execute purchase order Contract 10002224 with Vermeer Equipment of Texas for a stump grinder and a trencher/backhoe for the Parks Department, Bid 10063-RH.**
- 5.11. **Contract Resolution - Fleet Services: Resolution No. 2011-R230 authorizing the Mayor to execute purchase order Contract 24100134 with Equipment Southwest for 18 side loader refuse compaction bodies.**
- 5.13. **Contract Resolution - Fleet Services: Resolution No. 2011-R0231 authorizing the Mayor to execute purchase order Contract 10002283 with Texas Municipal Equipment for a dump body for the Street Department.**
- 5.15. **Ordinance 2nd Reading - Building Inspection: Ordinance 2011-O0042 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.**
- 5.16. **Ordinance 2nd Reading - Business Development: Ordinance 2011-O0043 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.**
- 5.17. **Resolution - Business Development: Resolution No. 2011-R0232 giving Notice of Intent to enter into a tax abatement agreement with Cymbet Corporation and X-Fab Texas, Inc.**
- 5.22. **Contract Resolution - Police: Resolution No. 2011-R0233 authorizing the Mayor to execute Contract 10142 with Red the Uniform Tailor, Inc., for police custom made-to-measure uniforms, Bid 11-10142-RH.**

6. REGULAR AGENDA

- 5.1. Budget Ordinance Amendment 1st Reading - Finance: Ordinance No. 2011-O0046, Amendment 10, 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 Community Services Block Grant (CSBG); reduce funding from the TDHCA for the Texas Neighborhood Stabilization Program (NSP); reduce funding from the Texas State Library and Archives Commission (TSLAC) for the Library System Operation Grant; respecting the Capital Program to amend Capital Improvement Project No. 91181, Fire Station No. 16; establish Capital Improvement Project No. 92259, Fire Station No. 19; and establish Capital Improvement Project No. 92258, Airport Terminal Boiler Replacement; respecting the Criminal Investigation Special Revenue Fund; and respecting the FY 2010-11 Master Lease.**

Jane Clausen, Library Director, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Ordinance No. 2011-O0046. Motion carried: 6 Ayes, 0 Nays.

- 5.12. Contract Resolution - Fleet Services: Resolution No. 2011-R0234 authorizing the Mayor to execute purchase order Contract 29100004 with Kinloch Equipment and Supply, Inc., for a street sweeper for the Street Department.**

Leslie Cox, Director of Telecom and Fleet Operations Information Technology, and Kevin Lair, Streets Superintendent, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Beane, to approve Resolution No. 2011-R0234. Motion carried: 6 Ayes, 0 Nays.

- 5.14. Contract Resolution - Facilities: Resolution No. 2011-R0235 authorizing the Mayor to execute Change Order 1 to Contract 9770 with Lee Lewis Construction, Inc., for the construction of Fire Station 16 located near 114th Street and Quaker Avenue.**

Mike Kemp, Fire Chief, 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-R0235. Motion carried: 6 Ayes, 0 Nays.

- 5.18. Resolution - Parks & Recreation: Resolution No. 2011-R0236 authorizing the Mayor to execute a License Agreement with Keep it Good in the Hood, LLC, (KIGH) to build a memorial in Tech Terrace Park.**

Laurin Prather, resident of Tech Terrace; and Randy Truesdell, Director of Parks and Recreation, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve Resolution No. 2011-R0236. Motion carried: 5 Ayes, 0 Nays. Council Member Hernandez was away from the dias.

- 6.1. Public Hearing 9:30 a.m. - Planning: Zone Case 3047-B (northwest corner of 122nd Street and Quaker Avenue): Hold a public hearing to consider request of Stellar Land Company, Ltd., for zoning change from Single-Family District (R-1) Specific Use and Central Business District (CB-2) Specific Use to High-Density Apartment District (A-2) on 8.7 acres (two tracts) of unplatted land out of Block E-2, Section 23, and to consider an ordinance.**

This item was continued to the June 9, 2011 City Council meeting.

Randy Henson, Director of Planning, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:00 a.m.

Paul Stell, CEO of Stellar Development Company, appeared to speak in favor.

No one appeared to speak in opposition.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to continue the public hearing to the June 9, 2011 meeting. Motion carried: 6 Ayes, 0 Nays.

- 6.2. Public Hearing 9:30 a.m. - Planning: Ordinance No. 2011-O0047, Zone Case 3153 (northwest corner of 130th Street and Indiana Avenue): request of AMD Engineering, LLC, (for Baxter Trusts) for zoning change from Transition District (T) to General Retail District (C-3) on 10 acres of unplatted land out of Block E-2, Section 22, and to consider an ordinance.**

Randy Henson, Director of Planning, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:37 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:37 a.m.

Motion was made by Council Member Gibson, seconded by Council Member Beane, to approve Ordinance No. 2011-O0047. Motion carried: 4 Ayes, 0 Nays. Mayor Pro Tem Price and Council Member Klein were away from the dias.

- 6.3. Public Hearing 9:30 a.m. - Planning: Ordinance No. 2011-O0048, Zone Case 3154 (11703 Indiana Avenue and 3311 116th Street): request of Hub City Fieldhouse Properties, LLC, for zoning change from Transition District (T) to General Retail District (C-3) Specific Use for an indoor/outdoor sports center on Lots 1 and 2, Speedy Acres Addition, and to consider an ordinance.**

Randy Henson, Director of Planning, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:39 a.m.

Kyle Gayler, Hub City Baseball League, appeared to speak in favor.

No one appeared to speak in opposition.

Mayor Martin closed the public hearing at 10:44 a.m.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to approve Ordinance No. 2011-O0048. Motion carried: 5 Ayes, 0 Nays. Council Member Klein was away from the dias.

10:45 A.M. CITY COUNCIL RECESSED

10:52 A.M. CITY COUNCIL RECONVENED

Council Chambers

6. REGULAR AGENDA (Continued)

- 6.4. Budget Ordinance Amendment 1st Reading - Finance: Ordinance No. 2011-O0049, Amendment 11, amending the Adopted FY 2010-11 Budget respecting the Operating Budget for Market Lubbock, Inc. (MLI) - Lubbock Convention and Visitors Bureau (Visit Lubbock), MLI - Lubbock Sports Authority, and Lubbock Economic Development Alliance (LEDA).**

Motion was made by Mayor Pro Tem Price, seconded by Council Member Beane, to approve Ordinance No. 2011-O0049. Motion carried: 5 Ayes, 0 Nays. Council Member Hernandez was away from the dias.

7. WORK SESSION/BUSINESS AGENDA

- 7.1. 10:00 a.m. - Discuss report of the Homeless Committee**

Lynn McClendon, Chair, presented a report on behalf of the Homelessness Committee. She presented the following recommendations from the Committee:

1. That the City of Lubbock endorse the South Plains Homeless Consortium (the Consortium) as the networking vehicle for all interested parties who wish to help those who are homeless or at risk of homelessness.
2. That the City of Lubbock endorse the Homeless Oversight Committee (HOC) of the United Way as a volunteer group of local leadership with a primary interest in analyzing the needs (both met and unmet) of that portion of our population who are homeless or at risk of homelessness.
3. That the City of Lubbock endorse the Continuum of Care produced by the South Plains Homeless Consortium and the annual process of grading of the Continuum of Care, identifying those things that are done well and what gaps exist in Lubbock in meeting the needs of those who are homeless or at risk of homelessness. Further, we recommend to the South Plains Homeless Consortium that they share the Report of the Continuum of Care with the Homeless Oversight Committee of the United Way on an annual basis.
4. That the City of Lubbock maintain and enforce the ordinances now in effect; i.e., the laws concerning the curfew, loitering, public intoxication, etc.
5. That the City of Lubbock and its citizens recognize that people who are homeless are no less citizens than the rest of us, and that they deserve the same protection that the city provides to everyone; i.e., fire and police protection, access to public utilities, emergency services, etc.
6. That the City of Lubbock adopts the use of “People-First language” in all future City communications.

Janice Potette, Mary Guetersloh, and Susan Moeller, also participated in discussion and gave updates on the progress of the Homeless Committee. With the committee’s work being complete, the committee was inactivated.

11:50 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE

1:13 P.M. CITY COUNCIL RECONVENED

Council Chambers

6. REGULAR AGENDA (Continued)

5.19. Resolution - Parks & Recreation: Resolution No. 2011-00237 adopting the 2011 Parks, Recreation, and Open Space Master Plan.

Randy Truesdell, Director of Parks and Recreation, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2011-00237. Motion carried: 6 Ayes, 0 Nays.

5.20. Resolution – Civic Centers: Resolution No. 2011-R0238 authorizing the Mayor to reject all bids for the replacement of the Civic Center theater stage floor, Bid 11-10080-MA.

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

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve Resolution No. 2011-R0238. Motion carried: 6 Ayes, 0 Nays.

5.21. Contract Resolution - Civic Centers: Resolution No. 2011-R0239 authorizing the Mayor to execute Contract 10120 with Minnix Commercial Partners, LTD, for stage floor replacement at the Lubbock Memorial Civic Center Theater.

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

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to approve Resolution No. 2011-R0239. Motion carried: 6 Ayes, 0 Nays.

7. WORK SESSION/BUSINESS AGENDA (Continued)

7.2. Master Plan presentations by Fleet Services

Leslie Cox, Director of Telecom and Fleet Operations Information Technology, presented the Fleet Services master plan presentation and answered questions from Council.

6. REGULAR AGENDA (Continued)

6.5. Board Appointments - City Secretary: Consider one appointment to the Canadian River Municipal Water Authority, three appointments to the Citizens Traffic Commission, one appointment to the Junked Vehicle Compliance Board, and one appointment to the Public Transit Advisory Board.

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

Canadian River Municipal Water Authority: reappoint James Collins.

Junked Vehicle Compliance Board: appoint David Howard.

Citizens Traffic Commission: reappoint Ronnie Sowell and appoint Danny Barrett and Reymundo Torres.

Public Transit Advisory Board: appoint David Spears.

Motion carried: 6 Ayes, 0 Nays.

1:42 P.M. CITY COUNCIL RECESSED INTO EXECUTIVE

2:27 P.M. CITY COUNCIL ADJOURNED

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