

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING**

June 9, 2011

7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 9th of June, 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 13th Street, Lubbock, Texas

Present: Mayor Tom Martin (arrived in Executive Session); 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; 3.1-3.2; 3.4; 3.3; 5.1-5.11; 5.13-5.18; 5.20-5.23; 5.25; 4.1; 5.12; 5.19; 5.24; 5.26; and 6.1.*
- *No action was taken on item 5.26..*
- *Item 7.1 was deleted.*

1. CITIZEN COMMENTS

1.1. Holle Humphries will appear before the City Council to discuss the regulation and use of inflatable play equipment in City parks.

Holle Humphries appeared before Council in support of the ordinance regulating the use of inflatable play equipment in City parks.

- Sherman Phillips, Richard Sims, Clinton MacDonald, Tai Kreidler, and Marion Livingston appeared before Council in support of the proposed ordinance regulating the use of inflatable play equipment in City parks.
- Melissa Luna, owner and operator of Melly's Belly Bouncers; Holly Hester, owner of IncrediBounce; and Tony Castle, owner of Spoil me Rotten Party Rentals, appeared before Council in opposition of the proposed ordinance, as written, regulating the use of inflatable play equipment in City parks.

- George MacMahan, Chairman of the Developers Council of the West Texas Homebuilders Association, appeared before Council to speak on the proposed water and sewer ordinances.

8:05 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 City of Lubbock v. Greg Abbott Case No. D-1-GV-09-001569 in the 419th District Court, Travis County**
 - 2.1.2 Health Benefits: Cause No. CC-08-01067-B**
 - 2.1.3 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**
- 2.2. 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.**
- 2.3. 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

9:20 A.M. CITY COUNCIL RECONVENED

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Director of Spiritual Care, Mr. Jim Schneider, Covenant Hospital

Director of Spiritual Care, Mr. Jim Schneider, Covenant Hospital, 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. Board Recognitions:

Junked Vehicle Compliance Board

Melissa Teinert

Keep Lubbock Beautiful Advisory Committee

Kathy Horkey-Wolff

Evon Pearson

Zoning Board of Adjustment (This item was deleted)

Dustin Burrows

3.3. Presentation of special recognition to the American Legion Post 575 Honor Guard for their service

Mayor Martin presented special recognition to the American Legion Post 575 Honor Guard for their continued service. Commander Bob Bland spoke about the importance of the Honor Guard's presence for fallen veterans, and he gave thanks to Mayor Martin and the City Council for the recognition.

5. CONSENT AGENDA

Motion was made by Council Member Klein, seconded by Council Member Beane, to approve items 5.1-5.11; 5.13-5.18; 5.20-5.23; and 5.25. Motion carried: 7 Ayes, 0 Nays.

- 5.1. Budget Ordinance Amendment 2nd Reading - Finance: Ordinance 2011-00046 Budget Ordinance, 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.**
 - 5.1.1 Contract Amendment Resolution - Community Development: Resolution No. 2011-R0240 authorizing the Mayor to execute Amendment 2 to Contract 61110001133 with the TDHCA for the CSBG.**
 - 5.1.2 Contract Amendment Resolution – Community Development: Resolution No. 2011-R0241 authorizing the Mayor to execute Amendment 2 to Contract 77090000160 with the TDHCA for the Texas NSP.**
 - 5.1.3 Contract Amendment Resolution – Libraries: Consider Resolution No. 2011-R0242 authorizing the Mayor to execute Amendment 1 to a Library System Grant Agreement with the TSLAC for the West Texas Library System.**
- 5.2. Budget Ordinance Amendment 2nd Reading - Finance: Ordinance 2011-00049, Budget Ordinance, 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).**
- 5.3. Reimbursement Resolution - Finance: Resolution No. 2011-R0243 expressing intent to finance expenditures to be incurred for the acquisition and installation of the boilers in the Lubbock Preston Smith International Airport Terminal Building and to reimburse the City from proceeds of tax-exempt obligations to be issued in a subsequent period.**
- 5.4. Contract Resolution – Finance: Resolution No. 2011-R0244 authorizing the Mayor to execute Contract 10072 with BKD, LLP, for the audit of financial statements for Fiscal Year ending September 30, 2011, RFQ 10072-DT.**

- 5.5. **Contract Resolution - Print Shop: Resolution No. 2011-R0245 authorizing the Mayor to execute a lease agreement, Contract 10229, with Xerox Corporation for digital reproduction equipment.**
- 5.6. **Ordinance 2nd Reading – Right-of-Way: Ordinance 2011-O0026 abandoning and closing a portion of a 20-foot underground utility easement and a 10 x 20 foot water line easement located in Tract 3A-1, Overton Park Addition, 501 University Avenue.**
- 5.7. **Ordinance 2nd Reading – Right-of-Way: Ordinance 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.**
- 5.8. **Contract Resolution - Right-of-Way: Resolution No. 2011-R0246 authorizing the Mayor to execute Contract 10242 with David Bednarz and Rodney Bednarz for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.**
- 5.9. **Contract Amendment Resolution - Public Works Water Resources: Resolution No. 2011-R0247 authorizing the Mayor to execute Amendment 5 to Contract 8812 with the Canadian River Municipal Water Authority (CRMWA) for the acquisition of water rights, financing, and construction of a conjunctive use groundwater supply project.**
- 5.10. **Resolution - Public Works Engineering: Resolution No. 2011-R0248 to adopt the Public Works Engineering Design Standards and Specifications for the City of Lubbock as the general engineering standards for design work on public infrastructure.**
- 5.11. **Contract Resolution – Public Works Engineering: Resolution No. 2011-R0249 authorizing the Mayor to execute Professional Services Agreement 9904 with Freese and Nichols, Inc., for engineering services associated with the Low Head B Rehabilitation, RFQ 9904-FO.**
- 5.13. **Contract Resolution - Public Works Water Treatment: Resolution No. 2011-R0250 authorizing the Mayor to execute purchase order Contract 22100753 with American Turbine Company for the emergency purchase of a water distribution pump.**
- 5.14. **Contract Resolution - Public Works Traffic Engineering: Resolution No. 2011-R0251 authorizing the Mayor to execute purchase order Contract 10002286 with Traffco Products, LLC, for 20 traffic signal mast arm assemblies, Bid 11-10074-FO.**
- 5.15. **Ordinance 2nd Reading - Planning: Ordinance 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.**

- 5.16. **Ordinance 2nd Reading - Planning: Ordinance 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.**
- 5.17. **Contract Resolution - Business Development: Resolution No. 2011-R0252 authorizing the Mayor to execute an industrial tax abatement agreement with Cymbet Corporation and X-Fab Texas, Inc.**
- 5.18. **Notice of Intent Resolution - Business Development: Resolution No. 2011-R0253 calling for a public hearing to consider the creation of a Public Improvement District (PID) for Valencia, which covers a portion of an area in the City of Lubbock, Lubbock County, Texas, generally bounded by 85th Street on the north, 88th Place on the south, Iola Avenue on the east, and Milwaukee Avenue on the west.**
- 5.20. **Contract Resolution - Fleet Services: Resolution No. 2011-R0254 authorizing the Mayor to execute purchase order Contract 25100169 with John Deere Company for one multi-purpose riding mower and one mowing attachment for Aviation Field Maintenance.**
- 5.21. **Contract Resolution - Fleet Services: Resolution No.'s 2011-R0255 and 2011-R0256 authorizing the Mayor to execute purchase order Contract 23100737 with Hurst Farm Supply for a grain drill and purchase order Contract 23100738 with Abilene New Holland for a disc plow, Bid 11-10079-DG.**
- 5.22. **Contract Resolution - Solid Waste: Resolution No. 2011-R0257 authorizing the Mayor to execute Contract 10084 with L.D. Kemp Excavating for the third expansion phase of Cell VI and the construction of a leachate evaporation pond at the Caliche Canyon Landfill.**
- 5.23. **Contract Resolution - Solid Waste: Resolution No. 2011-R0258 authorizing the Mayor to execute Contract 10083 with NETServices, LLC, for phase 2 in the construction of the outer litter barrier fence at the West Texas Region Disposal facility, 11-10083-MA.**
- 5.25. **Contract Resolution - Airport: Resolution No. 2011-R0259 authorizing the Mayor to execute Contract 10082 with GRG Sanders & Company d/b/a Hub City Plumbing & Mechanical for HVAC and Boiler Replacement Project at the Lubbock Preston Smith International Airport Terminal Building, Bid 11-10082-MA.**

4. MINUTES

4.1. May 10, 2011, Regular City Council Meeting

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve the May 10, 2011 Regular City Council minutes. Motion carried: 7 Ayes, 0 Nays.

6. REGULAR AGENDA

- 5.12. Contract Resolution - Public Works Engineering: Resolution No. 2011-R0260 authorizing the Mayor to execute Contract 10139 with Four Way House Movers, Inc., for the purchase of two City-owned houses located at 9802 Grover Avenue and 9801 Chicago Avenue, Bid 11-10139-FO.**

Dave Booher, Right-of-Way Agent; and 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. 2011-R0260. Motion carried: 7 Ayes, 0 Nays.

- 5.19. Contract Amendment Resolution – Citibus: Resolution No. 2011-R0261 authorizing the Mayor to execute Amendment 1 to Contract 8781 with McDonald Transit Associates, Inc., to identify McDonald as an agent operating and managing the City’s public transit system.**

Bill Howerton, Community Development Director/Citibus Liaison, gave comments and answered questions from Council.

Motion was made by Councilman Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2011-R0261. Motion carried: 7 Ayes, 0 Nays.

- 5.24. Ordinance 1st Reading - Parks & Recreation: Ordinance No. 2011-O0050 amending Chapter 16 of the Code of Ordinances with regard to the regulation and use of inflatable play equipment in City parks.**

Randy Truesdell, Director of Parks and Recreation; Marsha Reed, Chief Operating Officer; and Roger Ellis, Chief of Police, gave comments and answered questions from Council.

Melissa Luna, owner and operator of Melly’s Belly Bouncers, and Holly Hester, owner of IncrediBounce, 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-O0050.

Motion was made by Council Member Gilbreath, seconded by Council Member Beane, to amend the language from Section 16.04.005, item (2), of the Ordinance with the following changes:

- To strike the sentence, “The use of stakes of any length is not permitted to secure the inflatable play equipment or any other item to the ground.”

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Price, to move the previous question on the amendment. Motion carried: 7 Ayes, 0 Nays.

Motion on the amendment carried: 7 Ayes, 0 Nays.

Vote was then taken on the main motion as amended. Motion carried: 6 Ayes, 1 Nay. Council Member Hernandez voted nay.

- 5.26. Contract Resolution - Police Department: Consider a resolution authorizing the Mayor to execute Contract 10263 with Parkhill, Smith & Cooper, Inc., for architectural services to survey existing conditions of the Municipal Square building and assist in determining facility needs of the Police Department.**

No action was taken on this item. It will be back on the June 23, 2011 agenda.

10:31 A.M. CITY COUNCIL RECESSED

10:44 A.M. CITY COUNCIL RECONVENED

Council Chambers

- 6.1. Continued 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) Specific Use on 8.7 acres (two tracts) of unplatted land out of Block E-2, Section 23, and to consider an ordinance.**

This item failed.

Mayor Martin opened the public hearing that was continued from the May 31, 2011 meeting at 10:45 a.m.

Randy Henson, Director of Planning; and Mike Kemp, Fire Chief, gave comments and answered questions from Council.

Paul Stell, Owner of Stell Development Company, appeared before Council in favor of this zone case.

Jay Young, Dave Crockett, and Marlene Crockett appeared before Council to speak in opposition.

Council Member Beane read into the record a letter from Sarah Collins in opposition of the zone case.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gilbreath, to approve the zone case with an amendment to modify with a 30 month specific use and a fencing requirement. Motion failed: 3 Ayes, 4 Nays. (Mayor Martin, and Council Members Beane, Gibson, and Klein voted nay.)

11:58 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

7. WORK SESSION/BUSINESS AGENDA

- 7.1. Presentation, discussion, and recommendations by the Outside Counsel Guidelines Committee concerning the City Council's directive on formulating guidelines when hiring outside counsel to represent the City and/or its employees. The Committee will make the presentation and its recommendations.**

This item was deleted.

1:40 P.M. CITY COUNCIL ADJOURNED

There being no further business to come before Council, Mayor Pro Tem Price adjourned the meeting.