

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING**

July 27, 2011

7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 27th of July, 2011, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

7:34 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; 6.2; 3.1-3.2; 3.4; 3.3; 4.1; 5.1; 5.3-5.8; 5.10-5.16; 5.19-5.22; 5.2; 5.9; 5.17-5.18; 6.1;6.3; Executive Session; and 6.4.*

1. CITIZEN COMMENTS

1.1. Melissa Luna will appear before the City Council to discuss inflatable equipment in City parks.

Melissa Luna appeared before Council to discuss inflatable equipment in City parks and to speak in favor of the proposed changes by the Parks and Recreation Board.

1.2. Mary Vines will appear before the City Council to discuss inflatable equipment in City parks.

Mary Vines appeared before Council to discuss inflatable equipment in City parks and to speak in favor of the original ordinance as written.

1.3. Alex McAdoo will appear before the City Council to discuss inflatable equipment in City parks.

Alex McAdoo appeared before Council to discuss inflatable equipment in City parks and to speak in favor of the proposed changes by the Parks and Recreation Board.

- Cyd Seideman, James Mahan, Tony Castle, Marion Livingston, Pete Piña, Holle Humphries, Helen Liggett, Aaron Yoshinobu, Tai Kridler, and Richard Sims appeared before Council to discuss inflatable equipment in City parks.

6. REGULAR AGENDA

6.2. Ordinance 2nd Reading - Parks & Recreation: Ordinance 2011-O0050 Consider an ordinance amending Chapter 16 of the Code of Ordinances with regard to the regulation and use of inflatable play equipment in City parks.

Laura Pratt, Assistant City Attorney; Sam Medina, City Attorney; and Randy Truesdell, Director of Parks and Recreation, gave comments and answered questions from Council.

Motion was made by Council Member Beane, seconded by Council Member Klein, to approve Ordinance No. 2011-O0050.

Motion was made by Council Member Gibson, seconded by Council Member Klein, to make the following amendment:

- Strike the language in Sec. 16.04.004 (2) “A representative from the inflatable play equipment rental company must be present while the equipment is in use on park grounds” to read, “A representative from the inflatable play equipment rental company must be on call while the equipment is in use on park grounds and must be able to immediately respond in-person if necessary. A trained attendant must be on site while the inflatable is in use.”

Motion carried: 5 Ayes, 2 Nays. Mayor Pro Tem Price and Council Member Hernandez voted nay.

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

- To strike the sentence from Sec. 16.04.004 (2) “Not more than twelve (12) inflatables shall operate simultaneously at the Community or Regional park,” and striking from Sec. 16.04.003 all “Neighborhood Parks” with the exception of Guadalupe Park.

Motion carried: 5 Ayes, 2 Nays. Mayor Martin and Council Member Klein voted nay.

Motion was made by Council Member Hernandez, seconded by Council Member Klein, to reconsider the previous amendment:

- To strike the sentence from Sec. 16.04.004 (2) “Not more than twelve (12) inflatables shall operate simultaneously at the Community or Regional park,” and striking from Sec. 16.04.003 all “Neighborhood Parks” with the exception of Guadalupe Park.

Motion carried: 7 Ayes, 0 Nays.

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

- To accept all of the recommendations by the Parks and Recreation Board with the exception of striking from Sec. 16.04.003 “Neighborhood Parks” and deleting Guadalupe Park from that list, and striking twelve (12) from Sec. 16.04.004 “Not more than twelve (12) play equipment structures shall operate simultaneously at a community or regional park,” and inserting the number one (1).

Motion carried: 4 Ayes, 3 Nays. Mayor Martin, and Council Members Beane and Klein voted nay.

Vote was then taken on the main motion to approve Ordinance No. 2011-00050 including both passed amendments. Motion carried: 5 Ayes, 2 Nays. Mayor Martin and Council Member Beane voted nay.

9:40 A.M. CITY COUNCIL RECESSED

10:02 A.M. CITY COUNCIL RECONVENED

Council Chambers

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Associate Pastor Chuck Redger, Christian Life Assembly of God

Pastor Chuck Redger, Christian Life Assembly, 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 -

Zoning Board of Adjustment:

Douglas Naegele (unable to attend)

3.3. Presentation of a special recognition to the Musashino Junior Ambassadors

Mayor Martin presented special recognition to the Junior Ambassadors from our sister city, Musashino, Japan. Musashino’s Mayor, Morimasa Murakami, gave special thanks to the Mayor and the City of Lubbock for all of their support after the devastating earthquake and tsunami that hit Japan in March 2011. Mayor Murakami also thanked Lubbock for their continued friendship and presented the City of Lubbock with a traditional Japanese warrior helmet as a gesture of their friendship with the City of Lubbock.

The adult delegates in attendance were: Kazuhiro Kayaba, Delegation Leader & Director of Education Department; Yoji Funaki, Junior Officer, Finance Department; Kaya Saze, Junior Officer, Refuse Management Section; and Yuka Dorsey, Interpreter. The 24th Musashino Junior Friendship Ambassador Program in attendance were: Keisuke Watanabe, Takuya Ichimura, Kaisei Hosokawa, Daisuke Matsuda, Satoshi Aratake, Roku Sunagawa, Saki Ota, Honoka Somada, Miki Himukashi, Erika Asano, Kyoko Sugai, Kyoko Ito, Kana Tominaga, Saki Nakamura, Maho Minato, and Emi Yokokura.

4. MINUTES

4.1. June 23, 2011, Regular City Council Meeting

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve the June 23, 2011 Regular City Council minutes. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve items 5.1; 5.3-5.8; 5.10-5.16; 5.19-5.22. Motion carried: 7 Ayes, 0 Nays.

5.1. Budget Ordinance Amendment 2nd Reading - Finance: Ordinance 2011-00060, Budget Ordinance, Amendment 13, 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).

5.1.1 Contract Amendment Resolution - Community Development: Resolution No. 2011-R0312 authorizing the Mayor to execute Amendment 3 to Contract 61110001133 with the TDHCA for the CSBG.

5.3. Contract Resolution - Human Resources: Resolution No.'s 2011-R0313 and 2011-R0314 authorizing the Mayor to execute Contract 10144 with Health Management Systems dba HMS Employer Solutions for medical and dental claims audit and Contract 10334 with Tiber Creek RX for pharmaceutical claims audit, RFP 11-10144-DT.

5.4. Resolution – Human Resources: Resolution No. 2011-R0315 authorizing the Mayor to approve Amendments 10 and 11 to the City of Lubbock Employee Benefit Plan regarding coverages for prosthetic appliances and for tests for the detection of colorectal cancer, respectively.

- 5.5. Ordinance 2nd Reading - Business Development: Ordinance 2011-O0063 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Point Public Improvement District (PID); approving, adopting, and filing with the City Secretary the Assessment Roll; closing the hearing; and levying assessments based on the revised Service Plan for the cost of certain services and/or improvements to be provided in the PID during FY 2011-12.**
- 5.6. Ordinance 2nd Reading – Right-of-Way: Ordinance 2011-O0061 abandoning and closing a 10-foot underground waterline easement located in the Southview Two Addition, Lubbock County, Texas, 1601 74th Street.**
- 5.7. Contract Resolution - Right-of-Way: Resolution No. 2011-R0316 authorizing the Mayor to execute Contract 10344 with Marshall L. Fox, for the acquisition of 2.064 acre tract of land and improvements out of Block AK, Section 22, for the widening of Milwaukee Avenue from 94th Street to 104th Street, 10108 Milwaukee Avenue.**
- 5.8. Contract Resolution – Public Works Engineering: Resolution No. 2011-R0317 authorizing the Mayor to execute Change Order 1 to Contract 9355 with Archer Western Contractors, Ltd., for the construction of the Lake Alan Henry Water Supply Project South Water Treatment Plant, Contract F.**
- 5.10. Contract Resolution - Public Works Water Utility: Resolution No. 2011-R0318 authorizing the Mayor to execute purchase order Contract 23300006 with Ashbrook Simon-Hartley Operations, LP, for belt filter press repair.**
- 5.11. Contract Resolution - Airport: Resolution No. 2011-R0319 authorizing the Mayor to execute Contract 10343 with SWCA Environmental Consultants for a Wildlife Hazard Assessment at Lubbock Preston Smith International Airport, RFP 10-126-MA.**
- 5.12. Contract Resolution - Civic Centers: Resolution No. 2011-R0320 authorizing the Mayor to execute Contract 10234 with ThyssenKrupp Elevator to replacement the hydraulic piston in the exhibit hall freight elevator at the Lubbock Memorial Civic Center.**
- 5.13. Contract Resolution - Facilities: Resolution No. 2011-R0321 authorizing the Mayor to execute job order Contract 10260 with Minnix Commercial Partners, Ltd., for renovations at nine fire stations and the Fire Administration Office.**
- 5.14. Contract Resolution - Facilities: Resolution No. 2011-R0322 authorizing the Mayor to execute job order Contract 100350 with Talon/LPE for renovations at four fire stations.**

- 5.15. **Contract Resolution - Facilities: Resolution No. 2011-R0323 authorizing the Mayor to execute job order Contract 100351 with Minnix Commercial Partners, Ltd., for exterior renovations at the Silent Wings Museum.**
- 5.16. **Contract Resolution - Facilities: Resolution No. 2011-R0324 authorizing the Mayor to execute job order Contract 10259 with Minnix Commercial Partners, Ltd., for overhead door replacement at the Fleet Services Building, 302 Municipal Drive.**
- 5.19. **Contract Resolution - Emergency Management: Resolution No. 2011-R0325 authorizing the Mayor to execute a Memorandum of Agreement (MOA) with the Department of State Health Services (DSHS) to establish a mechanism for the utilization of local Health Department assets in the event of an emergency or disaster or for training purposes.**
- 5.20. **Contract Resolution - Police Department: Resolution No. 2011-R0326 authorizing the Mayor to execute purchase order Contract 14200009 with Mentalix, Inc., for fingerprint software.**
- 5.21. **Contract Amendment Resolution - LP&L: Resolution No. 2011-R0327 approving Change Request No. COL-09001-SUP-1 to the Software License and Service Agreement with Ventyx, Inc., upgrading the current version of Banner Software to process and store utility billing and payment information.**
- 5.22. **Ordinance 1st Reading – Codes: Ordinance No. 2011-O0064 amending Chapter 32, Mobile Homes and Travel Trailers, of the Code of Ordinances, providing for the amendment of such code; providing a savings clause; providing a penalty for the violation thereof; providing for publication; and providing when such code and this ordinance shall become effective.**

6. REGULAR AGENDA

- 5.2. **Contract Resolution - Human Resources: Resolution No.'s 2011-R0328, 2011-R0329, 2011-R0330, and 2011-R0331 authorizing the Mayor to execute Contract 10034 with itsQuest, Inc.; Contract 10036 with Goodwill Industries of Lubbock, Inc.; Contract 10337 with A.L. Staffing dba Spherion Staffing; and Contract 10338 with Labor Ready Central, Inc., for temporary employment services, RFP 11-10034-DT.**

Motion was made by Council Member Gilbreath, seconded by Council Member Klein, to approve Resolution No.'s 2011-R0328, 2011-R0329, 2011-R0330, and 2011-R0331. Motion carried: 6 Ayes, 1 Nay. Council Member Beane voted nay.

- 5.9. Contract Amendment - Public Works Water Utility: Resolution No.'s 2011-R0332, 2011-R0333, 2011-R0334, 2011-R0335, 2011-R0336, and 2011-R0337 authorizing the Mayor to execute Amendment 1 to Contract 10354 with the City of Brownfield, Contract 10355 with the City of Lamesa, Contract 10357 with the City of Levelland, Contract 10356 with the City of O'Donnell, Contract 10353 with the City of Slaton, and Contract 10352 with the City of Tahoka for the treatment of water supplied by the Canadian River Municipal Water Authority (CRMWA).**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No.'s 2011-R0332, 2011-R0333, 2011-R0334, 2011-R0335, 2011-R0336, and 2011-R0337. Motion carried: 7 Ayes, 0 Nays.

- 5.17. Contract Resolution - Fleet Services: Resolution No. 2011-R0338 authorizing the Mayor to execute purchase order Contract 31006602 with Associated Supply Company for a compact track loader for the Streets Department.**

Leslie Cox, Director of Telecom and Fleet Operations Information Technology, 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-R0338. Motion carried: 7 Ayes, 0 Nays.

- 5.18. Contract Resolution - Citibus: Resolution No. 2011-R0339 authorizing the Mayor to execute a contract with Texas Tech University for campus bus service.**

John Wilson, Citibus General Manager, 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-R0339. Motion carried: 7 Ayes, 0 Nays.

- 6.1. Resolution - City Attorney: Resolution No. 2011-R0340 amending certain policies and procedures as set forth in the City of Lubbock Council Rules, Order of Business, and Procedures manual to include "Guidelines for the Retention and Hiring of Outside Legal Counsel."**

Motion was made by Council Member Gibson, seconded by Council Member Klein, to approve Resolution No. 2011-R0340. Motion carried: 7 Ayes, 0 Nays.

- 6.3. Board Appointments - City Secretary: Consider one appointment to the Appointments Advisory Board.**

Appointments Advisory Board: Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to appoint Avis Patterson to the Appointments Advisory Board. Motion carried: 7 Ayes, 0 Nays.

10:37 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 Icon Benefit Administrators II, L.P. American Administrative Group, Inc., and HealthSmart Preferred Care, II, L.P. v. Greg Abbott, Attorney General of Texas, and the City of Lubbock, Case No. D-1-GN-11-001866 in the 345th District Court, Travis County, Texas**
 - 2.1.2 Health Benefits: Cause No. CC-08-01067-B in the County Court at Law No. 2 of Dallas County, Texas**
 - 2.1.3 Health Benefits: In the matter of arbitration between the City of Lubbock and HealthSmart Holdings, Inc., et al Case No.71-193-Y-00084-08**
 - 2.1.4 Ted Parker v. City of Lubbock Case No. 141 241783 09 in the 141st District Court, Tarrant County**
 - 2.1.5 Robert E. Campbell, Maria-Joaquina Womack, and Aurora Joy Campbell-Ortega v. Clinton Lewis and Jeffery Steven Simpson, both in their individual and official capacities as Police Officers for the City of Lubbock, Texas, and City of Lubbock, Case No. 5:11-cv-00116-C**
- 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 discuss, vote, and take final action on customer billing and electric power pricing**

- 2.4.2 to discuss and deliberate plans, studies, proposals, and analyses for system improvements and risk management information and related strategies**
- 2.4.3 to discuss and deliberate bidding and pricing information for purchased power, generation and fuel, purchased power agreements, and related services and strategies**

11:55 A.M. CITY COUNCIL RECONVENED

Council Chambers

6.4. Resolution - City Attorney: Resolution No. 2011-R0341 adopting a redistricting plan and providing direction to the City Attorney.

Discussion ensued on adopting a redistricting plan and providing direction to the City Attorney.

Motion was made by Council Member Beane, seconded by Council Member Gibson, to approve Resolution No. 2011-R0341. Motion carried: 6 Ayes, 1 Nay. Council Member Hernandez voted nay.

12:10 P.M. CITY COUNCIL ADJOURNED

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