CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
November 3, 2011
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 3rd of November, 2011, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

7:30 A.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present: 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; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

Absent: Mayor Tom Martin

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

- *Citizen Comments; Citizen Comments (sign-ups) 1.2; 3.1-3.3; 5.1-5.10; 5.12-5.28; 5.31-5.32; 4.1; 5.11; 5.29-5.30; 6.2-6.4; 6.1; 7.2; and 7.1*
- *Item 6.1 failed.*
- *Item 7.3 was deleted.*

1. Citizen Comments - Any citizen wishing to appear before any regular meeting of the City Council shall advise the City Manager's office of that fact no later than seven calendar days before the meeting at which the citizen wishes to appear. Any citizen wishing to so appear shall inform the City Manager's office, in writing, of the subject of the appearance. The subject matter shall be sufficiently detailed as to inform the City Council and the public of its nature. Such notice shall contain the name and address of the requestor. The appearance of any citizen giving such notice to the City Manager's office shall take precedence in addressing the City Council during the Citizen Comments period. Any citizen failing to advise the City Manager's office of his/her wish to appear before the City Council as hereinabove set forth shall, time permitting, be permitted to address the City Council after those having given notice. In accordance with the Texas Open Meetings Act, the City Council may not take action on public matters during Citizen Comments.

1. 1. Cliff Nichols will appear before the City Council to discuss LP&L Water Utilities, and suggested that the City implement some method to alert citizens of excess water usage in case of leaks.

Cliff Nichols appeared before Council to discuss LP&L Water Utilities.

Gary Zheng, Chief Executive Officer of Lubbock Power & Light (LP&L), gave comments and answered questions from Council.

1. 2. Citizen Comments sign-ups:

LeEarl Bryant and Brad Clardy, President of South Overton Neighborhood Association, appeared before Council to discuss the closure of Avenue T.

2. Executive Session

The meeting was called into a closed public session at 7:52 a.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into open session at 8:58 a.m.

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 arbitration between the City of Lubbock and HealthSmart Holdings, Inc., et al Case No.71-193-Y-00084-08

2. 1. 2. Facilities

2. 1. 3. Police - Willie Williams Matter

2. 2. 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. 2. 1. City Attorney

2. 2. 2. City Manager

2. 2. 3. City Secretary

2. 3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):

2. 3. 1. to discuss, vote, and take final action on customer billing and electric power pricing

2. 3. 2. to discuss and deliberate plans, studies, proposals, and analyses for system improvements and risk management information and related strategies

2. 3. 3. to discuss and deliberate bidding and pricing information for purchased power, generation and fuel, purchased power agreements, and related services and strategies

3. Proclamations and Presentations

3. 1. Invocation by Lead Minister Monty Pettyjohn, Sunset Church of Christ

Lead Minister Monty Pettyjohn, Sunset Church of Christ, led the invocation.

3. 2. Pledges of Allegiance

Pledges of Allegiance were given in unison by those in City Council Chambers to the United States flag and the Texas flag.

3. 3. Special presentation designating November 10 - 12, 2011, as Wounded Warrior Days honoring our troops with the Porch Light Vigil.

Mayor Pro Tem Price presented a special presentation designating November 10-12, 2011, as Wounded Warrior Days honoring our troops with the Porch Light Vigil. Danny Koch and Phil Price accepted the recognition. Mr. Koch gave comments urging the community to turn on their porch lights in honor of all Soldiers.

4. Minutes

4. 1. October 13, 2011, Regular City Council Meeting

Motion by Council Member Todd R. Klein, seconded by Council Member Karen Gibson to approve the October 13, 2011 Regular City Council minutes.

Vote: 6 - 0 Motion carried

5. Consent Agenda - Items considered to be routine and enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.

Motion by Council Member Jim Gilbreath, seconded by Council Member Todd R. Klein to approve items 5.1-5.10; 5.12-5.28; and 5.31-5.32.

Vote: 6 - 0 Motion carried

5. 1. **Budget Amendment Ordinance 2nd Reading - Finance** : Ordinance 2011-O0108, Ordinance Amendment 3, amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Division of Emergency Management for the Homeland Security Grant Program - Metropolitan Medical Response System (MMRS).

5. 1. 1. **Contract Resolution - Emergency Management** : Resolution No. 2011-R0466 authorizing the Mayor to execute the 2010 Sub-Recipient Grant Agreement, Federal Grant Award 2010-SS-T0-0008, with the Texas Division of Emergency Management for the Homeland Security Grant Program - MMRS.

5. 2. **Budget Amendment Ordinance 1st Reading - Finance** : Ordinance No. 2011-O0111, Amendment 4, amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate additional funds from the Texas Department of Transportation (TxDOT) for a Section 5310 Grant and transfer funds from the Transit Fund to the Grant fund for matching funds; accept and appropriate additional funds from the Texas Department of Housing and Community Affairs (TDHCA) for the Low-Income Home Energy Assistance Program (LIHEAP); and accept and appropriate funds from the Lubbock Emergency Communication District (LECD) for the Public Safety Answering Points (PSAP) Grant, transfer funds from the General Fund to the Grant Fund for matching funds, and reduce the Fire Department Operating Budget accordingly.

5. 3. **Contract Resolution - Finance** : Resolution No. 2011-R0467 authorizing the Mayor to execute a Notice of Acknowledgment of Assignment and Sale with Banc of America Public Capital Corp for rights, title, and interest into and under Appendix 8872-229, Part 1 Equipment List in the amount of $1,881,761.19 and Part 2 Payment Schedule to the Master Lease Agreement to Capital One Public Funding, LLC.

5. 4. **Rate Application Resolution - Finance** : Resolution No. 2011-R0468 approving a negotiated resolution between the City and West Texas Gas, Inc. (WTG) regarding the company's statement of intent to increase gas rates; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable.

5. 5. **Resolution - Finance** : Resolution No. 2011-R0469 adopting the Guidelines and Criteria Governing the Refund of Building Permit Fees for Eligible Businesses located in Designated Enterprise Zones.

5. 6. **Resolution - Finance** : Resolution No. 2011-R0470 adopting the Guidelines and Criteria Governing Tax Abatement for Commercial Projects in Designated Enterprise Zones in accordance with the Property Redevelopment and Tax Abatement Act.

5. 7. **Resolution - Finance** : Resolution No. 2011-R0471 of the City Council of the City of Lubbock to adopt Guidelines and Criteria for Industrial Projects in the City of Lubbock in accordance with the Property Redevelopment and Tax Abatement Act.

5. 8. **Ordinance 1st Reading - Risk Management** : Ordinance No. 2011-O0112 amending Ordinance No. 2007-O0109 updating the Deferred Compensation Plan.

5. 9. **Ordinance 2nd Reading – Right-of-Way** : Ordinance 2011-O0044 abandoning and closing a 30-foot drainage easement located in the Southview Two Addition, Lubbock County, Texas, 1601 74th Street.

5. 10. **Ordinance 2nd Reading – Right-of-Way** : Ordinance 2011-O0109 abandoning and closing a portion of Vicksburg Avenue between 31st Street and 34th Street, 3307 Vicksburg Avenue.

5. 11. **Ordinance 2nd Reading – Right-of-Way** : Ordinance 2011-O0110 abandoning and closing a portion of Avenue T and a portion of the alley in Block 19, Robinson Addition, 2004 19th Street.

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

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein to postpone until the November 16, 2011 meeting.

Vote: 2 - 4 Failed

NAY: Mayor Pro Tem Floyd Price
Council Member Paul R. Beane
Council Member Karen Gibson
Council Member Jim Gilbreath

Motion by Council Member Jim Gilbreath, seconded by Council Member Karen Gibson to approve Ordinance No. 2011-O0110.

Vote: 5 - 1 Motion carried

NAY: Council Member Victor Hernandez

5. 12. **Alley Use License Resolution - Right-of-Way** : Resolution No. 2011-R0472 authorizing the Mayor to execute an alley use license with Holly Hop Ice Cream Shoppe to use a portion of a dedicated alley for a grease trap and stairwell, 3404 34th Street.

5. 13. **Contract Amendment Resolution – Public Works Water Utility** : Resolution No. 2011-R0473 authorizing the Mayor to execute Change Order 1 to Contract 10004 with BL Technology, Inc., for Supervisory Control and Data Acquisition (SCADA) System Improvements at the North Water Treatment Plant.

5. 14. **Contract Resolution - Public Works Wastewater** : Resolution No. 2011-R0474 authorizing the Mayor to execute purchase order Contract 23101067 with Ashbrook Corporation for the repair of a belt filter press at the Southeast Water Reclamation Plant (SEWRP).

5. 15. **Contract Amendment Reoslution - Public Works Engineering** : Resolution No. 2011-R0475 authorizing the Mayor to execute Amendment 2 to professional services Contract 9786 with Halff Associates, Inc., for video inspection of storm sewers.

5. 16. **Contract Resolution - Public Works Traffic Engineering** : Resolution No. 2011-R0476 authorizing the Mayor to execute purchase order Contract 10004052 with Pelco Structural, LLC, for traffic signal mast arm assemblies.

5. 17. **Ordinance 2nd Reading - Planning** : Ordinance 2011-O0099, Zone Case 2573-L (north of North Loop 289 and east of Slide Road): request of Hugo Reed and Associates, Inc. (for North Park Lubbock Development, Ltd.) for a zoning change from C-3 (General Retail District) to IHC (Interstate Highway Commercial District) on 8.1 acres of unplatted land out of Block A, Section 22.

5. 18. **Ordinance 2nd Reading - Planning** : Ordinance 2011-O0100, Zone Case 3167 (8301 University Avenue): request of Ron Childress (for Graco Real Estate Development) for a zoning change from R-1 (Single-Family District, when annexed) to C-3 (General Retail District) with conditions on 3.64 acres of unplatted land out of block E, Section 9.

5. 19. **Ordinance 2nd Reading - Planning** : Ordinance 2011-O0101, Zone Case 2543-D (1702 98th Street): request of Bobby Beale (for Jacob Goertzen) for a zoning change from C-3 (General Retail District) to C-4 (Commercial District) on Lots 4 and 5, Block 7, Fairview Acres Addition.

5. 20. **Ordinance 2nd Reading - Planning** : Ordinance 2011-O0102, Zone Case 2995-L (between 71st Street and 72nd Place and northeast of Kewanee Avenue): request of AMD Engineering, LLC (for Bacon Crest, Ltd.) for a zoning change from A-2 (apartments) to GO (Garden Office) and C-2A (light commercial) limited to a health club on 5.853 acres of unplatted land out of Block AK, Section 29.

5. 21. **Ordinance 2nd Reading - Planning** : Ordinance 2011-O0103, Zone Case 1542-T (4701 South Loop 289): request of Alfonso Arreola (for South Plains Electric Coop) for a zoning change from C-2 (local retail) to C-2 Specific Use for communication tower on Lot 1-B, Block 6, Furr Wolf Addition.

5. 22. **Ordinance 2nd Reading - Planning** : Ordinance 2011-O0098, Zone Case 3166: appeal of denial by the Planning and Zoning Commission a request of Les Burrus (for Link Ministries) for a zoning change from C-4 (Commercial District) and M-2 (Heavy Manufacturing District) to M-2 Specific Use for a homeless shelter or transient housing on Block 174, a portion of Lots 1-4 and a closed alley: Block 158, part of Lots 1-10 less the west 42.5 feet, Original Town Addition, and Lot 1, Lubbock Gin Addition (1301 Avenue A and 1301 Birch Avenue).

5. 23. **Ordinance 2nd Reading - Building Inspection** : Ordinance 2011-O0104, amending Chapter 28 of the City of Lubbock Code of Ordinances with regard to the adoption of the 2009 International Plumbing Code governing the installation, maintenance, and repair of plumbing systems.

5. 24. **Ordinance 2nd Reading - Building Inspection** : Ordinance 2011-O0105, amending Chapter 28 of the City of Lubbock Code of Ordinances with regard to the adoption of the 2009 International Fuel Gas Code governing the installation, maintenance, and repair of fuel gas systems.

5. 25. **Ordinance 2nd Reading - Building Inspection** : Ordinance - 2011-O0106, amending Chapter 28 of the City of Lubbock Code of Ordinances with regard to the adoption of the 2009 International Mechanical Code governing the installation, maintenance, and repair of heating, ventilation, and air conditioning systems.

5. 26. **Ordinance 2nd Reading - Building Inspection** : Ordinance 2011-O0107, amending Chapter 28 of the City of Lubbock Code of Ordinances with regard to the adoption of the 2009 International Energy Conservation Code governing the energy efficiency features of various building elements and systems.

5. 27. **Contract Amendment Resolution - Community Development** : Resolution No. 2011-R0477 authorizing the Mayor to execute Amendment 2 to a Community Development Funding Contract with Lutheran Social Services of the South (LSSS) to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program (CEAP).

5. 28. **Contract Amendment Resolution - Community Development** : Resolution No. 2011-R0478 authorizing the Mayor to execute Amendment 2 to a Community Development Funding Contract with LIFE Run Independent Living Centers to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program (CEAP).

5. 29. **Contract Amendment Resolution - Community Development** : Resolution No. 2011-R0492 authorizing the Mayor to execute Amendment 2 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).

Motion by Council Member Todd R. Klein, seconded by Council Member Karen Gibson to approve Resolution No. 2011-R0492.

Vote: 5 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

5. 30. **Contract Resolution - Community Development** : Resolution No. 2011-R0493 authorizing the Mayor to execute a Community Development Funding Contract with Catholic Family Services (CFS) to provide assistance to families to transition them out of poverty through the Community Service Block Grant (CSBG) for the Self-Sufficiency Program.

Motion by Council Member Todd R. Klein, seconded by Council Member Karen Gibson to approve Resolution No. 2011-R0493.

Vote: 5 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

5. 31. **Contract Resolution - Community Development** : Resolution No.'s 2011-R0479, 2011-R0480, 2011-R0481, 2011-R0482, 2011-R0483, 2011-R0484, 2011-R0485, 2011-R0486, 2011-R0487, 2011-R0488, 2011-R0489, and 2011-R0490 authorizing the Mayor to execute Contract 10436 with Planks A/C and Heating, Contract 10437 with Star Construction, Contract 10439 with Faulkner Electric, Contract 10440 ith Best Value Plumbing, Contract 10442 with Arguijo Heating and Air Conditioning, Contract 10443 with Lone Star Contracting, Contract 10444

with Trevino Construction, Contract 10445 with Cook Construction, Contract 10446 with Barajas Construction, Contract 10447 with P&W Environmental, Contract 10448 with Lee's Home Improvements, Contract 10450 with Kelly Properties for weatherization measures and repairs, RFP-11-10269-MA.

5. 32. **Contract Resolution - Facilities** : Resolution No. 2011-R0491 authorizing the Mayor to execute job order Contract 12-10463-JOC with Minnix Commercial Partners for the demolition of a municipal building located at 916 Texas Avenue.

6. **Regular Agenda**

6. 1. **Resolution - City Manager** : Consider a resolution supporting Proposition 2, a constitutional amendment authorizing the issuance of additional general obligation bonds by the Texas Water Development Board (TWDB).

Motion by Council Member Jim Gilbreath, seconded by Council Member Karen Gibson

Vote: 3 - 3 Failed

NAY: Council Member Paul R. Beane
Council Member Victor Hernandez
Council Member Todd R. Klein

6. 2. **Resolution - City Council** : Resolution No. 2011-R0494 directing the Lubbock Board of Health to communicate with representatives of Lubbock County, Texas, to explore the feasibility of a City/County Health Department.

Motion by Council Member Jim Gilbreath, seconded by Council Member Karen Gibson to approve Resolution No. 2011-R0494.

Vote: 6 - 0 Motion carried

6. 3. **Ordinance 1st Reading - City Secretary** : Ordinance No. 2011-O0113 amending Chapter 24 of the Code of Ordinances, City of Lubbock, Texas, regulating vehicles for hire, including taxicabs, limousines, airport shuttles, buses, touring vehicles and non-motorized vehicles; establishing an operator's permit; amending Chapter 24 with regard to repealing outdated and unnecessary provisions; amending provisions to encompass current practices; providing definitions; providing a penalty; providing a savings clause; providing for publication.

Chad Weaver, Assistant City Attorney; Becky Garza, City Secretary; James Loomis, Director of Aviation; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Karen Gibson to approve Ordinance No. 2011-O0113.

Vote: 5 - 1 Motion carried

NAY: Council Member Victor Hernandez

6. 4. **Board Appointments - City Secretary** : Resolution No. 2011-R0495 for the City Council to cast votes for candidates to the Lubbock Central Appraisal District Board of Directors.

Motion by Council Member Victor Hernandez, seconded by Council Member Karen Gibson to approve Resolution No. 2011-R0495.

Vote: 6 - 0 Motion carried

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein to reconsider item 6.4.

Vote: 6 - 0 Motion carried

Motion by Council Member Victor Hernandez, seconded by Council Member Paul R. Beane to approve Resolution No. 2011-R0495, allocating 50% of the votes to Bobby McQueen and 50% to Greg Jones.

Vote: 6 - 0 Motion carried

7. Work Session/Business Agenda - Items for presentations and discussions on such issues that may require more in-depth consideration of the City Council than Regular Agenda items. Action may be taken on a Work Session/Business Agenda item posting of the item indicates to the public the action to be taken.

7. 1. Michael Molina, Vice Chancellor of Facilities, Planning, and Construction at Texas Tech University will appear before the City Council to give a updated presentation of projects at Texas Tech University.

Michael Molina, Vice Chancellor of Facilities, Planning, and Construction at Texas Tech University, appeared before Council to give a presentation of Texas Tech University projects, and answered questions from Council.

7. 2. Status update of the 2011 Bond Advisory Committee Report on 2009 Bond Projects.

Marsha Reed, Chief Operating Officer, gave a status update of the 2011 Bond Advisory Committee on 2009 Bond Projects and answered questions from Council.

7. 3. **Lubbock Power & Light** : Presentation updating the City Council on LP&L.

This item was deleted.

10:32 A.M. CITY COUNCIL ADJOURNED

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

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TOM MARTIN, MAYOR

ATTEST:

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Rebecca Garza, City Secretary