CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
November 16, 2011
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 16th of November, 2011, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

7:31 A.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present: Mayor Tom Martin; 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 Pro Tem Floyd Price

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

- *Citizen Comments (sign-ups) 1.1; Executive Session; 3.1-3.5; 4.1; 5.1-5.8; 5.10-5.15; 5.17-5.23; 5.25-5.28; 5.30-5.33; 5.9; 5.16; 5.24; 5.29; 6.4-6.5; 6.6; and 6.1.*
- *No action was taken on item 6.2.*
- *Items 6.3 and 6.7 were 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. Citizen Comments sign-ups:

Debbie Bartholomew appeared before Council to discuss issues regarding her deceased mother.

2. Executive Session

The meeting was called into a closed public session at 7:34 a.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into open session at 9:00 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. Police - Willie Williams Matter

2. 1. 3. Police - Officer Christopher Hennsley and Lubbock 71 390 569 10

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

2. 5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Structural Standards Commission.

3. Proclamations and Presentations

3. 1. Invocation by Reverend Wendell Horn, Oakwood United Methodist Church

Reverend Wendell Horn, Oakwood United Methodist Church, 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. Presentation of a special recognition honoring Jason Skelton for his heroic efforts in rescuing a woman from a burning house.

Mayor Martin presented special recognition to Jason Skelton for his heroic efforts in rescuing a woman from a burning house. Mr. Skelton appeared to accept the recognition.

3. 4. Presentation of a special recognition commemorating November as Prematurity Awareness Month

Mayor Martin presented special recognition commemorating November as Prematurity Awareness Month. Amy Johnson Rubio, Director of Program Services for March of Dimes, gave comments on the importance of healthy pregnancies.

3. 5. Board Recognitions:

Airport Board:
Jim Burkhart

Appointments Advisory Board:
Eddie Harris

Electric Utility Board:
Carroll McDonald
Marc McDougal
Robert Musselman

Keep Lubbock Beautiful Advisory Committee:
Jim Gatteys (unable to attend)

Permit License and Appeal Board:
Cecile Garcia

Public Transit Advisory Board:
Margie Jefferson

4. Minutes

4. 1. October 25, 2011 Special City Council Meeting
October 27, 2011 Regular City Council Meeting

Motion by Council Member Jim Gilbreath, seconded by Council Member Karen Gibson to approve the October 25, 2011 Special City Council minutes and the October 27, 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 Karen Gibson, seconded by Council Member Todd R. Klein to approve items 5.1-5.8; 5.10-5.15; 5.17-5.23; 5.25-5.28; and 5.30-5.33.

Vote: 6 - 0 Motion carried

5. 1. **Budget Amendment Ordinance 2nd Reading - Finance** : Ordinance 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. 1. 1. **Contract Amendment Resolution - Citibus** : Resolution No. 2011-R0496 authorizing the Mayor to execute Amendment 1 to Contract 51105F7263, a Section 5310 Grant, with TxDOT for preventative maintenance for CitiAccess demand response service.

5. 1. 2. **Contract Amendment Resolution – Community Development:** Resolution No. 2011-R0497 authorizing the Mayor to execute Amendment 1 to Contract 81100000913 with the TDHCA for the LIHEAP Weatherization Assistance Program to weatherize homes and make them more energy efficient.

5. 1. 3. **Contract Resolution - Fire:** Resolution No. 2011-R0498 authorizing the Mayor to accept a PSAP Grant from the LECD for dispatcher consoles for fire dispatchers in the Fire Department Communications Division.

5. 2. **Budget Ordinance Amendment 1st Reading - Finance** : Ordinance No. 2011-O0114, Amendment 5, amending the Adopted FY 2011-12 Budget respecting the Capital Program to amend Capital Improvement Project No. 92002, Wastewater Collection Vehicle Storage Facility, and amend Capital Improvement Project No. 92015, Land Application Office Renovation.

5. 3. **Ordinance 2nd Reading - Risk Management** : Ordinance 2011-O0112, amending Ordinance No. 2007-O0109 updating the Deferred Compensation Plan.

5. 4. **Contract Resolution - Risk Management** : Resolution No. 2011-R0499 authorizing the City Manager to purchase specific stop loss insurance coverage from HM Life Insurance Company for the City's health program.

5. 5. **Contract Resolution - Risk Management** : Resolution No. 2011-R0500 authorizing the City Manager to purchase organ and tissue transplant insurance coverage from Medical Excess.

5. 6. **Amendment Resolution - Risk Management** : Resolution No. 2011-R0501 adopting and approving Amendment 12 to the City of Lubbock Employee Benefit Plan for the City's dental benefit plan allowing married employees who both work for the City to choose to cover their spouse as a dependent or the spouse to choose to be covered as an employee.

5. 7. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2011-O0115 abandoning and closing a 10-foot electrical utility easement located in Block 2, Lot 10, Ratliff Addition, 401 Avenue Q.

5. 8. **Contract Resolution - Public Works Water Utility** : Resolution No. 2011-R0502 authorizing the Mayor to execute a contract with the City of Lamesa for the transfer and sale of a portion of Lubbock's Canadian River Municipal Water Authority (CRMWA) allocation to Lamesa during the month of December 2011.

5. 9. **Contract Resolution – Public Works Engineering** : Resolution No. 2011-R0528 authorizing the Mayor to execute Contract 10280 with Utility Contractors of America, Inc., for the construction of the downtown utility duct system, Bid 12-10280-MA.

Marsha Reed, Chief Operating Officer; and Andy Burcham, Chief Financial Officer, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Victor Hernandez to approve Resolution No. 2011-R0528.

Vote: 6 - 0 Motion carried

5. 10. **Contract Resolution – Public Works Engineering** : Resolution No. 2011-R0503 authorizing the Mayor to execute job order Contract 10471 with Talon/LPE for the demolition of residential structures located at 9802, 10202, and 10204 Milwaukee Avenue.

5. 11. **Contract Resolution – Public Works Engineering** : Resolution No. 2011-R0504 authorizing the Mayor to execute job order Contract 10470 Talon/LPE for the asbestos abatement and demolition of a residential structure located at 9902 Milwaukee Avenue.

5. 12. **Contract Resolution – Public Works Streets** : Resolution No. 2011-R0505 authorizing the Mayor to execute unit price Contract 10288 with Lone Star Dirt & Paving, Ltd, for the 2012 Asphalt Patching Project, Bid 12-10288-CI.

5. 13. **Contract Resolution - Public Works Streets** : Resolution No. 2011-R0506 authorizing the Mayor to execute unit price Contract 10287 with Lone Star Dirt & Paving, Ltd., for the 2012 Concrete Repairs and Replacement Project, Bid 12-10287-CI.

5. 14. **Contract Resolution - Fleet Services** : Resolution No.'s 2011-R0507, 2011-R0508, 2011-R0509, 2011-R0510, 2011-R0511, and 2011-R0512 authorizing the Mayor to execute Contract 10279-1 with American Equipment and Trailer, Inc., Contract 10279-2 with Altec Industries, Inc., Contract 10279-3 with Yellowhouse Machinery Company, 10279-4 with Cisco Equipment, 10279-5 with Associated Supply Company, Inc., and Contract 10279-6 with Warren CAT for heavy duty vehicles and equipment preventive maintenance and repair services, Bid 12-10279-CI.

5. 15. **Ordinance 1st Reading - Building Inspection** : Ordinance No. 2011-O0116 adopting the 2009 International Residential Code governing the construction, rehabiliation, and repair of one and two family dwellings.

5. 16. **Contract Resolution – Community Development** : Resolution No. 2011-R0529 authorizing the Mayor to execute Contract 10527 with the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) for public service activities, non-public service activities, housing direct delivery, and administration.

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gilbreath to approve Resolution No. 2011-R0529.

Vote: 5 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

5. 17. **Contract Resolution – Community Development** : Resolution No. 2011-R0513 authorizing the Mayor to execute Contract 10529 with the U.S. Department of Housing and Urban Development (HUD) for the Home Investment Partnerships (HOME) Grant for operations, lease purchase, new construction, rehab/recon, and direct delivery.

5. 18. **Contract Resolution – Community Development** : Resolution No. 2011-R0514 authorizing the Mayor to execute Contract 10528 with the U.S. Department of Housing and Urban Development (HUD) for the Emergency Shelter Grant (ESG) for shelter operations, homeless prevention, essential services, and administration.

5. 19. **Contract Resolution – Community Development** : Resolution No. 2011-R0515 authorizing the Mayor to execute Community Development Funding Contract 10530 with the Lubbock Boys and Girls Clubs from the Community Development Block Grant (CDBG) to fund the Youth Summer Program.

5. 20. **Contract Resolution – Community Development** : Resolution No. 2011-R0516 authorizing the Mayor to execute Community Development Funding Contract 10531 with McDonald Transit Associates, Inc., dba Citibus from the Community Development Block Grant (CDBG) for paratransit services.

5. 21. **Contract Resolution – Community Development** : Resolution No. 2011-R0517 authorizing the Mayor to execute Community Development Funding Contract 10532 with Communities In Schools on the South Plains from the Community Development Block Grant (CDBG) to fund the Champions Program, an in-school program to help youth stay in school.

5. 22. **Contract Resolution – Community Development** : Resolution No. 2011-R0518 authorizing the Mayor to execute Community Development Funding Contract 10533 with the Community Health Center of Lubbock from the Community Development Block Grant (CDBG) for dental care services.

5. 23. **Contract Resolution – Community Development** : Resolution No. 2011-R0519 authorizing the Mayor to execute Community Development Funding Contract 10534 with Texas Tech University (TTU) Early Head Start from the Community Development Block Grant (CDBG) for supplement to child care services.

5. 24. **Contract Resolution – Community Development** : Resolution No. 2011-R0530 authorizing the Mayor to execute Community Development Funding Contract 10535 with WorkForce Solutions South Plains from the Community Development Block Grant (CDBG) for child care services.

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gilbreath to approve Resolution No. 2011-R0530.

Vote: 5 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

5. 25. **Contract Resolution – Community Development** : Resolution No. 2011-R0520 authorizing the Mayor to execute Community Development Funding Contract 10536 with the YWCA from the Community Development Block Grant (CDBG) for an educational and recreational program.

5. 26. **Contract Resolution – Community Development** : Resolution No. 2011-R0521 authorizing the Mayor to execute Community Development Funding Contract 10537 with the YWCA from the Community Development Block Grant (CDBG) for child care services.

5. 27. **Contract Resolution – Community Development** : Resolution No. 2011-R0522 authorizing the Mayor to execute Community Development Funding Contract 10543 with the Community Housing Resource Board from the Home Investment Partnership Program (HOME) for facility operations and the Lease Purchase Program.

5. 28. **Contract Resolution – Community Development** : Resolution No. 2011-R0523 authorizing the Mayor to execute Community Development Funding Contract 10539 with the Alcoholic Recovery Center from the Emergency Shelter Grant (ESG) for facility operations.

5. 29. **Contract Resolution – Community Development** : Resolution No. 2011-R0531 authorizing the Mayor to execute Community Development Funding Contract 10540 with Catholic War Veterans from the Emergency Shelter Grant (ESG) for homeless prevention and essential services.

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gilbreath to approve Resolution No. 2011-R0531.

Vote: 5 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

5. 30. **Contract Resolution – Community Development** : Resolution No. 2011-R0524 authorizing the Mayor to execute Community Development Funding Contract 10541 with Family Promise of Lubbock from the Emergency Shelter Grant (ESG) for facility operations.

5. 31. **Contract Resolution – Community Development** : Resolution No. 2011-R0525 authorizing the Mayor to execute for Community Development Funding Contract 10542 with Women's Protective Services (WPS) from the Emergency Shelter Grant (ESG) for essential services.

5. 32. **Contract Resolution – Fire** : Resolution No. 2011-R0526 authorizing the Mayor to accept a Texas Intrastate Fire Mutual Aid System (TIFMA) Grant Assistance Program from the Texas Forest Service (TFS) for a Type 3 fire engine apparatus.

5. 33. **Contract Resolution - Finance** : Resolution No. 2011-R0527 approving the issuance of promissory notes by the Red River Health Facilities Development Corporation, in an amount not to exceed $10 million, to refinance obligations and to finance and refinance renovations, furnishings and equipping of the Garrison Geriatric Education and Care Center.

6. **Regular Agenda**

6. 1. **Public Hearing 9:30 a.m. - Finance** : Hold a public hearing to discuss whether to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253.

Public Hearing only. No action was taken on this item.

Andy Burcham, Chief Financial Officer; and Linda Chamales, Assistant City Attorney, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 9:47 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 9:48 a.m.

6. 2. **Ordinance 1st Reading - Finance** : Consider an ordinance to tax tangible personal property in transit, which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253.

No action was taken on this item.

6. 3. **Variance Resolution - Planning** : Consider a resolution approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060 at the location of 2524 Parkway Drive, a Southwest Convenience Store (7-11) requesting an off-premise alcoholic beverage permit.

This item was deleted.

6. 4. **Variance Resolution - Planning** : Resolution No. 2011-R0532 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060 at the location of 1113 University Avenue for The Arrogant Texan, a business requesting an on premise alcoholic beverage permit.

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

Motion by Council Member Jim Gilbreath, seconded by Council Member Karen Gibson to approve Resolution No. 2011-R0532.

Vote: 5 - 1 Motion carried

NAY: Council Member Paul R. Beane

6. 5. **Ordinance 2nd Reading - City Secretary** : Ordinance 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.

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. 6. **Board Appointments - City Secretary** : Consider one appointment to the Structural Standards Commission, one appointment to the Community Development Services Board, and one appointment to the Keep Lubbock Beautiful Advisory Committee.

Motion by Council Member Todd R. Klein, second by Council Member Jim Gilbreath, to make the following appointments and reappointments:

Structural Standards Comission: Appoint James Dirks.

Community Development & Services Board: No action was taken on this item.

Keep Lubbock Beautiful Advisory Committee: Appoint Vicki Hicks.

Vote: 6 - 0 Motion carried

6. 7. **Ordinance 1st Reading - City Council** : Consider an ordinance amending Chapter 38 of the Code of Ordinances by amending Subsection 38.01.004(g) by adding a requirement for a public hearing and notification of certain property owners of proposed street closures.

This item was deleted.

9:50 A.M. CITY COUNCIL ADJOURNED

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

_____
TOM MARTIN, MAYOR

ATTEST:

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Rebecca Garza, City Secretary