

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**December 1, 2011**  
**7:30 A. M.**

**The City Council of the City of Lubbock, Texas met in regular session on the 1st of December, 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 Jim Gilbreath; Council Member Victor Hernandez; Council Member Todd R. Klein; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

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

- *Citizen Comments; Executive Session; 3.1-3.5; 4.1; 6.3-6.9; 6.1-6.2; 6.12; 6.10; 6.11; Executive Session; 5.1-5.6; 5.8-5.13; 5.15-5.18; 5.7; 5.14; 5.19; and Executive Session.*
- *Items 7.1-7.2 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.** Jason Berryman will appear before the City Council to discuss tattoo and body piercing permits, specifically "no temporary license."

**Jason Berryman did not appear.**

**2. Executive Session**

The meeting was called into a closed public session at 7:36 a.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into open session at 9:26 a.m.

Council recessed into Executive Session again at 12:29 p.m. and reconvened in open session at 1:35 p.m.

Council recessed into Executive Session again at 1:55 p.m. and reconvened in open session at 2:32 p.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. Appoloosa Develoment, LP and Lubbock Water Ranpage, LLC v. City of Lubbock Cause No. 2011-559,102 in the 99th District Court, Lubbock County, Texas
2. 1. 3. Templeton Mortgage, Corporation and Mark T. Brown v. City of Lubbock Cause No. 07-03-06177 in the District Court, 106th Judicial District, Garza County, Texas
2. 1. 4. Police - Willie Williams Matter
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. Public Works Water Utility
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

### 3. **Proclamations and Presentations**

3. 1. Invocation by Pastor Davis Price, Covenant Presbyterian Church

Pastor Davis Price, Covenant Presbyterian Church, led the invocation.

3. 2. Pledges of Allegiance

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

3. 3. Glenda Mathis, Executive Director of the YWCA, will present the City of Lubbock an award for being named one of the nation's 100 Best Communities for Young People for 2011, by the America's Promise Alliance

Glenda Mathis, Executive Director of the YWCA, presented Mayor Martin and the City of Lubbock an award for being named one of the nation's 100 Best Communities for Young People for 2011 by the America's Promise Alliance. Ms. Mathis introduced the Youth Strategic Committee and gave comments on the great qualities of our community. Eric Brown, Youth Strategic Committee Member, gave comments.

3. 4. Presentation of special recognition commemorating the 29th Annual South Plains Food Bank U Can Share Christmas Food Drive December 5th through December 10th

Mayor Martin presented special recognition comemmorating the 29th Annual South Plains Food Bank U Can Share Christmas Food Drive from December 5th - 10th. Receiving the recognition were David Weaver, Chief Executive Officer of the South Plains Food Bank; and Board members: Skip Watson, Lyn Garcia, Rich Cohen, Donna Chandler, Chele McVay, Kyle Rogers, and Karen King. Mr. Weaver spoke about the upcoming food drive, and expressed his gratitude for Skip Watson and his many years of service to the U Can Share Food Drive. Mr. Watson gave thanks to the community for their support.

3. 5. Board Recognitions:

Museum & Arts Standing Sub Committee  
Larry Simmons

Planning & Zoning Commission  
Tony Renteria  
Tommy Turner (Unable to attend)

Reese Redevelopment Authority Board of Directors  
Dewayne Askins (Unable to attend)

#### 4. Minutes

4. 1. November 3, 2011, Regular City Council Meeting

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve the November 3, 2011 City Council minutes.

**Vote:** 7 - 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 Mayor Pro Tem Floyd Price, seconded by Council Member Jim Gilbreath to approve items 5.1-5.6; 5.8-5.13; and 5.15-5.18.

**Vote:** 7 - 0 Motion carried

5. 1. **Budget Ordinance Amendment 2nd Reading - Finance** : Ordinance 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 to amend Capital Improvement Project No. 92015, Land Application Office Construction.
5. 1. 1. **Contract Resolution - Facilities** : Resolution No. 2011-R0536 authorizing the Mayor to execute Contract 10150 with Pharr & Company for construction of a Land Application office building located at 4602 East 19th Street, RFP 11-10150-RH.
5. 2. **Budget Ordinance Amendment 1st Reading - Finance** : Ordinance No. 2011-O0123, Amendment 6, amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of Aging and Disability Services (TDADS) pass-through Federal Funds from the South Plains Association of Governments (SPAG) for the Area Agency on Aging (AAA) Direct Purchase of Services Grant.
5. 3. **Budget Amendment Ordinance 1st Reading - LP&L** : Ordinance No. 2011-O0124, Amendment 7, amending the Adopted FY 2011-12 Operating Budget respecting the Lubbock, Power & Light (LP&L) Fund as recommended by the Electric Utility Board on November 15, 2011, and as approved by the City Council in a meeting conducted pursuant to Section 551.086 of the Texas Government Code.
5. 4. **Ordinance 2nd Reading – Right-of-Way** : Ordinance 2011-O0115 abandoning and closing a 10-foot electrical utility easement located in Block 2, Lot 10, Ratliff Addition, 401 Avenue Q.
5. 5. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2011-O0125 abandoning and closing a portion of Avenue F, south of 19th Street, 701 19th Street.
5. 6. **Resolution - Right-of-Way** : Resolution No. 2011-R0537 authorizing the Mayor to execute an Underground Utility Easement on Lots 487, 488, and 497, Meadows South Addition, with Suddenlink Communications for right-of-way easements regarding the 98th Street Sanitary Sewer Line Remediation Project.
5. 7. **Contract Resolution – Public Works Engineering** : Resolution No. 2011-R0549 authorizing the Mayor to execute Contract 10151 with Siemens Industry, Inc., for the Lake Alan Henry Water Supply Project Chlorine Dioxide Procurement Package, RFP 11-10151-MA.

Marsha Reed, Chief Operating Officer; and Wood Franklin, City Engineer, gave comments and answered questions from Council.

Motion by Council Member Jim Gilbreath, seconded by Mayor Pro Tem Floyd Price to approve Resolution No. 2011-R0549.

**Vote:** 7 - 0 Motion carried

5. 8. **Contract Resolution – Public Works Engineering** : Resolution No. 2011-R0538 authorizing the Mayor to execute professional services Contract 10544 with Carollo Engineers, PC, for design of the Southeast Water Reclamation Plant Solids Handling Facility Improvements Project.
5. 9. **Contract Resolution - Public Works Water Utility** : Resolution No. 2011-R0539 authorizing the Mayor to reject all bids for the purchase of a medium voltage motor controller for the Lowhead B water pumping station, Bid 11-10268-DG.

5. 10. **Contract Resolution - Public Works Waste Water Utility** : Resolution No. 2011-R0540 authorizing the Mayor to execute professional services Contract 10549 with Agri-Waste Technology for modeling and reporting water and nitrogen balances at the land application sites as required by the Texas Commission on Environmental Quality (TCEQ) wastewater discharge permit.
5. 11. **Contract Resolution - Community Development** : Resolution No. 2011-R0541 authorizing the Mayor to execute a Community Development Funding Contract with the Salvation Army, a Georgia Corporation, from the Emergency Shelter Grant (ESG) for facility operations, essential services, and homeless prevention.
5. 12. **Ordinance 2nd Reading - Building Inspection** : Ordinance 2011-O0116 adopting the 2009 International Residential Code governing the construction, rehabilitation, and repair of one and two family dwellings.
5. 13. **Contract Amendment Resolution - Citibus** : Resolution No. 2011-R0542 authorizing the Mayor to execute Amendment 1 to Contract 51105F7050, with the Texas Department of Transportation (TxDOT) to extend the time period for a 5311(f) grant for the Downtown Transfer Plaza Renovation/Expansion Project.
5. 14. **Contract Resolution - Citibus** : Resolution No. 2011-R0550 authorizing the Mayor to execute Contract 10154 with L & R Body Shop for bus body and paint repair services, Bid 12-10154-DG.

John Wilson, Citibus General Manager, gave comments and answered questions from Council.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Jim Gilbreath to approve Resolution No. 2011-R0550.

**Vote:** 7 - 0 Motion carried

5. 15. **Contract Amendment Resolution - Airport** : Resolution No. 2011-R0543 authorizing the Mayor to execute Amendment 7 to Contract 9002 with Parkhill, Smith & Cooper, Inc. (PSC), for concrete analysis on Runway 17R/35L.
5. 16. **Contract Resolution – Parks and Recreation** :Resolution No.'s 2011-R0544, 2011-R0545, and 2011-R0546 authorizing the Mayor to execute Contract 10276-1 with Ewing Irrigation, Contract 10276-2 with Watermaster Irrigation Supply Inc., and Contract 10276-3 with O'Tool Plastic Pipe Inc., for irrigation parts and PVC supplies, Bid 11-10276-CI.
5. 17. **Contract Resolution - Information Technology** : Resolution No. 2011-R0547 authorizing the Mayor to execute purchase order Contract 22101081 with Dell Marketing, LP, for rugged laptops and mounting hardware for the Public Works Field Force Automation System.
5. 18. **Contract Resolution - Fleet** : Resolution No. 2011-R0548 ratifying an emergency procurement and authorizing the Mayor to execute purchase order Contract 31008251 with Robert's Truck Center for repairs to a Street Department dump truck.
5. 19. **Ordinance 1st Reading - Police** : Ordinance No. 2011-O0126 amending Chapter 36 of the Code of Ordinances, City of Lubbock, Texas, regulating the display of public merchandise, to prohibit the display or sale of food, goods, wares, merchandise, or other commodity on any right-of-way, street, street parking space, sidewalk, sidewalk area, or parkway; providing a penalty; providing a savings clause; and providing for publication.

Roger Ellis, Police Chief; Becky Garza, City Secretary; Stuart Walker, Code Administration Director; and Sam Medina, City Attorney, gave comments and answered questions from Council.

Motion by Council Member Jim Gilbreath, seconded by Mayor Pro Tem Floyd Price to approve Ordinance No. 2011-O0126.

**Vote:** 7 - 0 Motion carried

**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, gave a presentation and answered questions from Council. John Osborne, Chief Executive Officer of Lubbock Economic Development Alliance (LEDA), gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 11:43 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 11:43 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.

Motion by Council Member Jim Gilbreath, seconded by Council Member Paul R. Beane to take no action in which the tax exemption will go into effect.

**Vote:** 4 - 3 Motion carried

NAY: Mayor Pro Tem Floyd Price  
Council Member Karen Gibson  
Council Member Victor Hernandez

- 6. 3. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2011-O0117, Zone Case 2720-C (802 and 810 Frankford Avenue): request of Brannon/Crawford Architecture (for Synernet, Inc.) for a zoning change from C-2 (Local Retail District) and A-2 (High-Density Apartment District) to C-2A (Restricted Local Retail District) limited to a physical therapy facility and C-2 on a separate portion of Lot A, Travis Tubbs Addition, and a portion of Tract 9A, Tubbs Isham Addition, and to consider an ordinance.

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

Mayor Martin opened the public hearing at 9:53 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 9:53 a.m.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Floyd Price to approve Ordinance No. 2011-O0117.

**Vote:** 7 - 0 Motion carried

- 6. 4. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2011-O0118, Zone Case 2603-B (2014 Main Street): request of McDougal Construction for a zoning change from A-3 (High-Rise Apartment District) Specific Use to A-1 (Family Apartment District) Specific Use for townhomes on Tract B, Overton Park Addition, and to consider an ordinance.

Andrew Paxton, Senior Planner, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 9:55 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 9:55 a.m.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2011-O0118.

**Vote:** 7 - 0 Motion carried

- 6. 5. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2011-O0119, Zone Case 1090-A (2508 Auburn Street): request of ABWD Properties, LLC, (for Flamingo Ink) for a zoning change from C-2 (Local Retail District) to C-4 (Commercial District) limited to a tattoo shop and all unconditionally C-2 uses permitted on the south half of Block 67, Arnett & Benson Addition, and to consider an ordinance.

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

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

No one appeared to speak in favor or opposition.

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

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Victor Hernandez to approve Ordinance No. 2011-O0119.

**Vote:** 6 - 1 Motion carried

NAY: Mayor Tom Martin

- 6. 6. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2011-O0120, Zone Case 2995-M (southwest corner of 73rd Street and Iola Avenue): request of AMD Engineering (for George McMahan) for a zoning change from R-1 (Single-Family District) to R-2 (Two-Family District) Specific Use for reduced front and side setbacks on corner lots on 1.4 acres of unplatted land out of Block AK, Section 29, and to consider an ordinance.

Dennis Carrizales, City Planner, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:04 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:04 a.m.

Motion by Council Member Karen Gibson, seconded by Council Member Paul R. Beane to approve Ordinance No. 2011-O0120.

**Vote:** 7 - 0 Motion carried

- 6. 7. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2011-O0121, Zone Case 1923-I (5550 56th Street): request of Tigris IV, Ltd., for a zoning change from C-2 (Local Retail District) and A-1 (Family Apartment District) to A-2 (High-Density Apartment District) Specific Use for three story apartments on Tract H, CC Knott Addition, and to consider an ordinance.

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

Mayor Martin opened the public hearing at 10:07 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:07 a.m.

Motion by Council Member Jim Gilbreath, seconded by Council Member Karen Gibson to approve Ordinance No. 2011-O0121.

**Vote:** 7 - 0 Motion carried

- 6. 8. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2011-O0122, amending Chapter 40 of the Code of Ordinances, City of Lubbock, Texas, modifying the definition of a kennel; amending conditional uses to allow residents, on a conditional use, to maintain more than four dogs on a residential lot; providing a penalty; providing a savings clause; and providing for publication.

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

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

No one appeared to speak in favor or opposition.

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

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2011-O0122.

**Vote:** 6 - 1 Motion carried

NAY: Council Member Paul R. Beane

- 6. 9. Variance Resolution - Planning :** Resolution No. 2011-R0533 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.

Randy Henson, Planning Director; and Ryan Suttles, Regional Manager of Operations for Southwest Convenience Store (7-11), gave comments and answered questions from Council.

Motion by Council Member Karen Gibson, seconded by Mayor Pro Tem Floyd Price to approve Resolution No. 2011-R0533.

**Vote:** 4 - 3 Motion carried

NAY: Mayor Tom Martin  
Council Member Paul R. Beane  
Council Member Todd R. Klein

- 6. 10. Board Appointments - City Manager :** Resolution No. 2011-R0535 confirming the City Manager's appointment of Jimmy Castillo to the Civil Service Commission.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Floyd Price to approve Resolution No. 2011-R0535.

**Vote:** 7 - 0 Motion carried

- 6. 11. Board Appointments - City Secretary :** Consider one appointment to the Community Development and Services Board.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Karen Gibson to make the following appointment:

**Community Development and Services Board:** appoint Don Boatman.

**Vote:** 7 - 0 Motion carried

- 6. 12. Contract Resolution - Health :** Resolution No. 2011-R0534 authorizing the Mayor to execute a Letter of Agreement with the Texas Tech University Health Sciences Center (TTUHSC), Department of Internal Medicine Residency Program, to provide TTUHSC Infectious Disease (ID) residents learning opportunities in the treatment of sexually transmitted diseases (STD) at the City of Lubbock Health Department STD Clinic.

Dr. Steven Presley, Board of Health Chairman; Dr. Cynthia Jumper, Texas Tech Health Sciences Center; and Dr. Donald May, Board of Health member, gave comments and answered questions from Council.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve Resolution No. 2011-R0534.

**Vote:** 7 - 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. Board of Health:** Chairman, Dr. Presley will present a report from the November 18, 2011, Board of Health meeting regarding discussions with representatives of Lubbock County, Texas, exploring the feasibility of a City/County Health Department.

**This item was deleted.**

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

**This item was deleted.**

**2:32 P.M. CITY COUNCIL ADJOURNED**

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

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TOM MARTIN, MAYOR

ATTEST:

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Rebecca Garza, City Secretary