

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**December 14, 2011**  
**7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 14th of December, 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 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 (1.1); Sign-ups (1.2); Executive Session; 3.1-3.3; 5.1; 5.3-5.18; 5.20-5.21; 5.2; 5.19; 6.1-6.3; 5.18; 4.1; 6.4-6.6; and 7.1*
- *Item 5.18 was reconsidered following item 6.3.*
- *Item 5.22 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.** Tommy Parker will appear before the City Council to discuss the homeless.

Rabbi Tommy Parker appeared before Council to discuss the homeless.

**1. 2.** Citizen Comments sign-ups:

Pete Gotsis, Jr. appeared before Council to discuss the ordinance amending Chapter 36 of the Code of Ordinances as it relates to street use permits.

**2. Executive Session**

**The meeting was called into a closed public session at 7:53 a.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into open session at 9:02 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. Public Utilities
2. 1. 3. Public Works
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)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the West Texas Municipal Power Agency Board.

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

3. 1. Invocation by Reverend Jerry Krueger, Lakeridge United Methodist Church  
  
Reverend Jerry Krueger, Lakeridge 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. The Lubbock High School Westerner Chorale will perform classic carols for the holiday season  
  
Due to a scheduling conflict, the Lubbock High School Westerner Chorale did not appear.

4. **Minutes**

4. 1. November 16, 2011, Regular City Council Meeting

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve the November 16, 2011 Regular 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 Council Member Victor Hernandez, seconded by Council Member Paul R. Beane to approve items 5.1; 5.3-5.18; and 5.20-5.21. (Item 5.18 was reconsidered following item 6.3.)

**Vote:** 7 - 0 Motion carried

5. 1. **Budget Ordinance Amendment 2nd Reading - Finance** : Ordinance 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.

Gary Zheng, Chief Executive Officer for Lubbock, Power, & Light, gave comments and answered questions from Council.

5. 1. 1. **Contract Resolution - Parks and Recreation** : Resolution No. 2011-R0551 authorizing the Mayor to execute a contract with TDADS pass through Federal Funds from SPAG for a AAA Direct Purchase of Services Program Grant.

5. 2. **Budget Amendment Ordinance 2nd Reading - LP&L** : Ordinance 2011-O0124, Amendment 7, amending the Adopted FY 2011-12 Budget respecting the Lubbock, Power & Light (LP&L) Operating Fund by increasing expenses for emergency repairs to a generator as recommended by the Electric Utility Board on November 15, 2011, and respecting the LP&L Operating Fund by clarifying that pay raises for "linesmen" includes all LP&L personnel directly related to the generation and distribution of electricity.

Gary Zheng, Chief Executive Officer for Lubbock, Power, and Light (LP&L), 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-O0124 with the following amendment:

- Amend the operating budget in the LP&L Fund by increasing the operating fund expenses in Cost Center 7313.9226 by \$900,000, from \$30,000 to \$930,000 for the emergency repair of Generator GT1 that failed unexpectedly.
- On September 8, 2011, the City Council adopted the FY 2011-12 Operating Budget with the following amendment: "to remove any pay raises for all LP&L employees with the exception of the linesmen." For the purposes of administratively processing the approved pay raises, the definition of "linesmen" will include all LP&L personnel directly related to the generation and distribution of electricity, as set forth by "Exhibit A."

**Vote:** 7 - 0 Motion carried

5. 3. **Budget Ordinance Amendment 1st Reading - Finance** : Ordinance No. 2011-O0127, Amendment 8, amending the Adopted FY 2011-12 Budget respecting the Grant Fund to reduce funding from the Texas Department of Housing and Community Affairs (TDHCA) for the American Recovery and Reinvestment Act (ARRA) - Weatherization Assistance Program (WAP); and respecting the Gateway Capital Project Fund to amend Capital Improvement Project (CIP) No. 8533, Overpass - Loop 289 at Slide Road and establish CIP No. 8571, Quaker/Erskine/Loop 289 Interchange.
5. 4. **Contract Resolution - Risk Management** : Resolution No. 2011-R0552 authorizing the City Manager, or designee, to purchase property insurance coverage from ACE Fire Underwriters Insurance Company for the John T. Montford Dam.
5. 5. **Ordinance 2nd Reading – Right-of-Way** : Ordinance 2011-O0125 abandoning and closing a portion of Avenue F, south of 19th Street, 701 19th Street.
5. 6. **Contract Resolution - Right-of-Way** : Resolution No. 2011-R0553 authorizing the Mayor to execute a Quitclaim Deed to the State of Texas for the east of half of Avenue F from 19th Street south to the Interstate Highway 27 access road.
5. 7. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2011-O0128 abandoning and closing three five-foot Lubbock Power & Light (LP&L) underground utility easements, one LP&L transformer pad easement, and one LP&L switching enclosure easement located in Sunridge Addition, 10006 Vicksburg Avenue.
5. 8. **Contract Amendment Resolution – Public Works Engineering** : Resolution No. 2011-R0554 authorizing the Mayor to execute Amendment 2 to the Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for the design and construction of the Slide Road and North Loop 289 Interchange Project.
5. 9. **Contract Resolution - Fleet** : Resolution No. 2011-R0555 authorizing the Mayor to execute Contract 10286 with Lubbock Truck Sales for repair of an International Dump Truck, BID 12-10286-CI.
5. 10. **Contract Amendment Resolution - Telecommunications** : Resolution No. 2011-R0556 authorizing the Mayor to execute Amendment 4 to Contract 9089 with AT&T Global Services for telephone switch maintenance.
5. 11. **Contract Resolution - Facilities** : Resolution No. 2011-R0557 authorizing the Mayor to execute Contract 10550 with ThyssenKrupp Elevator Corporation for elevator and escalator service and maintenance at various municipal facilities.
5. 12. **Contract Resolution - Radio Shop** : Resolution No. 2011-R0558 authorizing the Mayor to sign a lease agreement with Walker Broadcasting & Communications for lease of space on the City's communications tower at 27th Street and Alcove Avenue.
5. 13. **Contract Resolution - Parks and Recreation** : Resolution No. 2011-R0559 authorizing the Mayor to execute a License Agreement with Michael Conkling for the construction of a disc golf course in Mae Simmons Park.
5. 14. **Ordinance 2nd Reading - Planning** : Ordinance 2011-O0017, 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.

5. 15. **Ordinance 2nd Reading - Planning** : Ordinance 2011-00118, 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.
5. 16. **Ordinance 2nd Reading - Planning** : Ordinance 2011-00120, 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.
5. 17. **Ordinance 2nd Reading - Planning** : Ordinance 2011-00121, 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.
5. 18. **Ordinance 2nd Reading - Police** : Ordinance 2011-00126 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.

Lee Ann Dumbauld, City Manager; Randy Henson, Planning Director; Roger Ellis, Police Chief; Chad Weaver, Assistant City Attorney; Pete Gotsis, Jr.; and Ted Rushing, owner of Lubbock Commercial Buildings, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Victor Hernandez to reconsider item 5.18.

**Vote:** 7 - 0 Motion carried

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gilbreath to approve Ordinance No. 2011-00126.

**Vote:** 6 - 1 Motion carried

NAY: Council Member Todd R. Klein

5. 19. **Contract Resolution - City Attorney** : Resolution No. 2011-R0562 authorizing the Mayor to execute a Full and Final Release, Indemnity, and Hold Harmless Agreement with Grimes & Associates, Consulting Engineers, LP, and Nautilus Insurance Company.

Mitch Satterwhite, Assistant City Attorney, gave comments and answered questions from Council.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Paul R. Beane to approve Resolution No. 2011-R0562.

**Vote:** 7 - 0 Motion carried

5. 20. **Contract Resolution - City Attorney** : Resolution No. 2011-R0560 authorizing the Mayor to execute Contract 10570 with West Payment Center; Thomson Reuters, West Government Division, Eagan, MN, for online legal research services.

**5. 21. Contract Resolution - City Attorney** : Resolution No. 2011-R0561 authorizing the Mayor to execute a Compromise Settlement Agreement and Release of All Claims with Lubbock 2 Student Housing, LP; DC Student Apartments – Lubbock 2, LP; DC Developers – Lubbock 2, Inc.; DC Developers, Inc.; Lubbock 3 Student Housing, LP; DC Student Apartments – Lubbock 3, LP; and DC Developers – Lubbock 3, Inc.

**5. 22. Contract Resolution - Municipal Court** : Consider a resolution authorizing the Mayor to execute an Interlocal Agreement with Lubbock County, Texas, Office of Dispute Resolution, for the Juvenile Case Management Program.

This item was deleted.

**6. Regular Agenda**

**6. 1. Ordinance 2nd Reading - Planning** : Ordinance 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.

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

**Vote:** 6 - 1 Motion carried

NAY: Mayor Tom Martin

**6. 2. Ordinance 2nd Reading - Planning** : Ordinance 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.

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

**Vote:** 7 - 0 Motion carried

**6. 3. Ordinance 1st Reading - City Council** : Ordinance No. 2011-O0129 amending Chapter 16 of the Code of Ordinances, City of Lubbock, Texas, regulating parks and other public places; amending Chapter 16 with the regard to facilites permitting the consumption and/or sale of alcohol; providing a savings clause; and providing for publication.

Victor Hernandez, Council Member; Scott Snider, Assistant City Manager; and Mitch Satterwhite, Assistant City Attorney, gave comments and answered questions from Council.

Motion by Council Member Victor Hernandez, seconded by Council Member Jim Gilbreath to approve Ordinance No. 2011-O0129 with the following amendment for 2nd Reading:

- To include wording and descriptions for metes and bounds, and security requirements for events taking place in the Buddy Holly Recreational Area.

**Vote:** 4 - 3 Motion carried

NAY: Mayor Tom Martin

Mayor Pro Tem Floyd Price

Council Member Paul R. Beane

6. 4. **Board Appointments - City Secretary** : Declare one appointment by the Electric Utility Board to the Audit & Investment Committee: **George Carpenter**.

Mayor Martin declared the appointment of George Carpenter to the Audit & Investment Committee.

6. 5. **Board Appointments - City Secretary** : Consider the Electric Utility Board's nomination of Gary Zheng to the West Texas Municipal Power Agency.

**West Texas Municipal Power Agency:** reappoint Gary Zheng.

Motion by Council Member Klein, seconded by Mayor Pro Tem Price.

**Vote:** 7 - 0 Motion carried

6. 6. **Board Appointments - City Secretary** : Declare two appointments by the Mayor to the Lubbock Housing Authority Board: **Elena Quintanilla and Mamie Young**.

Mayor Martin declared the reappointments of Elena Quintanilla and Mamie Young to the Lubbock Housing Authority Board.

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.

Dr. Presley appeared before Council and presented a report from the Board of Health regarding discussions with representatives of Lubbock County, Texas, in efforts to explore the feasibility of a City/County Health Department and answered questions from Council.

It was the consensus of the Council for the Health Board Chairman to appoint a sub-committee made up of both Board of Health Members and citizens, to move forward in discussions with the County in creating a City/County Health Department.

**City Council recessed at 10:52 A.M.**

**2:00 P.M. City Council Christmas Open House in Committee Room 103**

**2:54 P.M. CITY COUNCIL ADJOURNED**

There being no further business to come before Council, Council Member Victor Hernandez adjourned the meeting.

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TOM MARTIN, MAYOR

ATTEST:

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Rebecca Garza, City Secretary