

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
April 26, 2012
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 26th of April, 2012, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

7:33 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 Victor Hernandez; Council Member Todd R. Klein; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

Absent: Council Member Jim Gilbreath

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

- *Citizen Comments; Sign-ups (1.1); Executive Session; 3.1-3.4; 4.1; 5.1; 5.1.2-5.7; 5.9-5.10; 5.12-5.14; 5.1.1; 5.8; 5.11; 6.9; 6.1-6.8; Executive Session; and 6.11.*
- *Item 6.10 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. Citizen Comments (sign-ups):

Holle Humphries appeared before Council to speak in favor of item number 6.10 (memorial fountain for Timothy Cole).

Jason Swofford, VP of Engineering for Hugo, Reed, & Associates, appeared before Council to speak in favor of item number 6.9 (ordinance amending Chapter 38).

2. **Executive Session**

The meeting was called into a closed public session at 7:39 a.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into open session at 9:04 a.m.

Council recessed into Executive Session again at 11:18 a.m. and reconvened in open session at 12:50 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. Statement of Intent filed by Atmos Energy Corporation on February 7, 2012, to increase gas utility rates within the incorporated areas serviced by Atmos Energy Corporation, West Texas
 2. 1. 2. Cause No. 2011-559,814; City of Lubbock v. Christopher Hennisley; 72nd District Court; Lubbock County, Texas
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 Health
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 the duties, responsibilities, and/or appointments to the Junked Vehicles Compliance Board, Lake Alan Henry Board of Appeals, Urban Design & Historic Preservation Commission, and Water Board of Appeals.

3. **Proclamations and Presentations**

3. 1. Invocation by Pastor Robert Field, First Presbyterian Church

Pastor Robert Field did not appear. Mayor Pro Tem Floyd Price 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. Presentation of a special recognition commemorating May 1, 2012, as Law Day

Mayor Martin presented special recognition commemorating May 1, 2012, as Law Day. Bill Franklin, President of the Lubbock County Bar Association, appeared to accept the recognition and gave comments on Law Day activities.

3. 4. Presentation of special recognition commemorating April 29 - May 5, 2012, as Municipal Clerks Week

Mayor Martin presented special recognition commemorating April 29 - May 5, 2012, as Municipal Clerks week. Becky Garza, City Secretary, gave thanks to the Mayor and City Council for their continued support of the Office of the City Secretary, and introduced the following staff members in attendance: Thomas Harris, Linda Hart, and Jennifer Clements.

4. **Minutes**

4. 1. March 29, 2012, Regular City Council Meeting

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve the March 29, 2012 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 Todd R. Klein, seconded by Mayor Pro Tem Floyd Price to approve items 5.1; 5.1.2-5.7; 5.9-5.10; and 5.12-5.14.

Vote: 6 - 0 Motion carried

5. 1. **Budget Ordinance Amendment 2nd Reading - Finance** : Ordinance 2012-O0034, Amendment 13, amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate additional funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Community Services Block Grant (CSBG), Grant No. 82047; accept and appropriate additional funding from the Texas Department of State Health Services (DSHS) for the Public Health Emergency Preparedness (PHEP) - PPCPS/Hazards Grant, Grant No. 81086; respecting the Capital Program to amend Capital Improvement Project (CIP) No. 92156, Indiana Avenue – 103rd Street to FM 1585, and CIP No. 92215, Slide Road from Marshall to US HWY 84; respecting the LP&L Capital Project Fund to amend LP&L CIP No. 92197, Tie Line Transformer Replacement; and respecting the LP&L Operating Fund by increasing the transfer to the Capital Project Fund.

5. 1. 1. **Contract Amendment Resolution – Community Development** : Resolution No. 2012-R0171 authorizing the Mayor to execute Amendment 1 to Contract 61120001291 with TDHCA for the CSBG to provide assistance to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Floyd Price to approve Resolution No. 2012-R0171.

Vote: 5 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

5. 1. 2. **Contract Amendment Resolution - Emergency Management** : Resolution No. 2012-R0164 authorizing the Mayor to execute Amendment 1 to Contract 2011-038944 with the Texas DSHS for public health emergency preparedness.
5. 2. **Budget Ordinance Amendment 2nd Reading - Finance** : Ordinance 2012-O0033, Amendment 14, amending the Adopted FY 2011-12 Budget respecting the Capital Program to amend Capital Improvement Project No. 92217.
5. 3. **Resolution - Finance:** Resolution No. 2012-R0165 authorizing the Mayor to execute an Interlocal Agreement with the Lubbock Central Appraisal District (LCAD) to provide services necessary for the collection of the assessments levied by the City Council against property in the Valencia Public Improvement District (PID).
5. 4. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2012-O0035 abandoning and closing a 20-foot wide ingress-egress easement located in Section 2, Block J-S, Lubbock County, Texas, 6024 3rd Street.
5. 5. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2012-O0036 abandoning and closing a drainage easement located out of tract 2-A-1, Niraj Investments, LLC Addition, 903 65th Street.
5. 6. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2012-O0037 abandoning and closing two right-of-way street stubs located on the south side of 96th Street in Section 27, Block AK, Lubbock County, Texas.
5. 7. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2012-O0038 abandoning and closing a portion of 7th Street and the alley in Block 61, Overton Addition, and certain easements located in Lots 1-16, Block 4, Overton Park, 2124 7th Street.
5. 8. **Contract Amendment Resolution – Public Works Wastewater** : Resolution No. 2012-R0172 authorizing the Mayor to execute a Wholesale Wastewater Interlocal Contract with Lubbock Reese Redevelopment Authority (LRRRA) for wastewater discharge.

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

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Floyd Price to approve Resolution No. 2012-R0172.

Vote: 5 - 1 Motion carried

NAY: Council Member Paul R. Beane

5. 9. **Contract Resolution - Public Works Traffic Engineering:** Resolution No. 2012-R0166 authorizing the Mayor to execute purchase order Contract 10005035 with Paradigm Traffic Systems, Inc., for video detection equipment.

5. 10. **Contact Resolution - Information Technology** : Resolution No. 2012-R0167 authorizing the Mayor to execute purchase order Contract 33000232 with CDW Government, Inc., for a three-phase Uninterruptible Power System (UPS) for the Data Center.
5. 11. **Contact Resolution - Human Resources** : Resolution No.'s 2012-R0173 and 2012-R0174 authorizing the Mayor to execute Contract 10752 with Mc & H Life Agency dba McQueary Henry Bowles Troy, LLP, (MHBT) to obtain competitive proposals and coverages from a broad health insurance and services market; and Contract 10753 with Milliman Inc. and McQueary Henry Bowles Troy, LLP, (MHBT) to provide actuarial services for recommending adequate limits of coverage and funding methodologies.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Floyd Price to approve Resolution No.'s 2012-R0173 and 2012-R0174.

Vote: 6 - 0 Motion carried

5. 12. **Contract Amendment Resolution - Airport** : Resolution No. 2012-R0168 authorizing the Mayor to execute Amendment 1 to Contract 6849 with Chaparral Aviation for the lease of land to construct a storage building at Lubbock Preston Smith International Airport.
5. 13. **Contract Resolution - Airport** : Resolution No. 2012-R0196 authorizing the Mayor to execute Contract 10599 with CEC Services, Inc., dba Cutting Edge Lawn Service, for landscape maintenance services at Lubbock Preston Smith International Airport (LPSIA) , BID 12-10599-DG.
5. 14. **Contract Resolution - Fire** : Resolution No. 2012-R0170 authorizing the Mayor to execute purchase order Contract 10005344 with DACO Fire Safety Equipment for self contained breathing apparatus (SCBA) equipment, BID 12-10609-DG.

6. **Regular Agenda**

6. 1. **Public Hearing 9:30 a.m. – Planning** : Ordinance No. 2012-O0040, Zone Case 3152: request of Gary McKinney (for Corey Haggard and Gary McKinney) for a zoning change from R-1 (Single-Family District) to R-1 Specific Use on a portion of Lots 1-13 and 34 less the Marsha Sharp Freeway, Block 6, Cain Terrace Addition (east of Toledo Avenue between Marsha Sharp Freeway and 22nd Place), and to consider an ordinance.

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

Mayor Martin opened the public hearing at 9:50 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 9:50 a.m.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Paul R. Beane to approve Ordinance No. 2012-O0040.

Vote: 6 - 0 Motion carried

- 6. 2. Public Hearing 9:30 a.m. – Planning :** Ordinance No. 2012-O0041, Zone Case 3048-D (between Mac Davis Lane and Glenna Goodacre Boulevard between Avenue U and Avenue V): request of McDougal Construction (for McCanton Woods) for a zoning change from R-1 (Single-Family District) Specific Use to A-3 (High-Rise Apartment District) Specific Use for a student apartment complex on 6.185 acres, including Lots 1-24, Block 61, Overton Addition; Lots 1-16, Block 4, Overton Park Addition; and a portion of the adjacent right-of-way, and to consider an ordinance.

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

Mayor Martin opened the public hearing at 9:57 a.m.

Delbert McDougal appeared to speak in favor.

No one appeared to speak in opposition.

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

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0041 with the following amendment to Condition No. 3:

- a six foot (6') masonry fence

Vote: 6 - 0 Motion carried

- 6. 3. Public Hearing 9:30 a.m. – Planning :** Ordinance No. 2012-O0042, Zone Case 3003-B (south of 98th Street and west of Justice Avenue): request of Hugo Reed and Associates, Inc., (for Carl Mortensen) for zoning change from R-1 (Single-Family District) to GO (Garden Office District) on 2.6 acres of unplatted land out of Block AK, Section 21, and to consider an ordinance.

Matthew Perkins, Planning and Zoning Manager; and Jake Seideman, with Hugo, Reed, & Associates, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:13 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:13 a.m.

Motion by Council Member Paul R. Beane, seconded by Mayor Pro Tem Floyd Price to approve Ordinance No. 2012-O0042.

Vote: 6 - 0 Motion carried

- 6. 4. Public Hearing 9:30 a.m. – Planning :** Ordinance No. 2012-O0043, Zone Case 1647-E: request of Cedar Ridge Consulting (for Lubbock Wrecker) for zoning change from M-2 (Heavy Manufacturing District) to M-2 Specific Use for auto auction and salvage yard on 9.46 acres of unplatted land out of Block S, Sections 3 and 4, and the north portion of Tract A, Cover-All Addition (3215 Slaton Highway), and to consider an ordinance.

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

Mayor Martin opened the public hearing at 10:19 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:19 a.m.

Motion by Council Member Todd R. Klein, seconded by Council Member Paul R. Beane to approve Ordinance No. 2012-O0043.

Vote: 6 - 0 Motion carried

- 6. 5. Public Hearing 9:30 a.m. – Planning :** Ordinance No. 2012-O0044, Zone Case 1061-J: request of CMS Properties (for Equity Commercial Properties, Ltd.) to amend Ordinance 2011-O0055 to add automobile rentals as an approved restrictions to the current IHC (Interstate Highway Commercial District) with restrictions zoning on Tract D, Wal-Mart Addition (602 West Loop 289), and to consider an ordinance.

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

Mayor Martin opened the public hearing at 10:25 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:25 a.m.

Motion by Council Member Todd R. Klein, seconded by Council Member Paul R. Beane to approve Ordinance No. 2012-O0044.

Vote: 6 - 0 Motion carried

- 6. 6. Public Hearing 9:30 a.m. – Planning :** Ordinance No. 2012-O0045 Zone Case 3174 (north of East 66th Street and east of Martin Luther King Boulevard): request of Bionitrogen Corporation for a zoning change from M-2 (Heavy Manufacturing District) to M-2 Specific Use for a fertilizer production facility on 49.52 acres of unplatted land out of Block S, Section 2, and to consider an ordinance.

Matthew Perkins, Planning and Zoning Manager, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:30 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:30 a.m.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0045.

Vote: 6 - 0 Motion carried

- 6. 7. Public Hearing 9:30 a.m. – Planning :** Ordinance No. 2012-O0046, Zone Case 3043-B (east of Quaker Avenue and south of 103rd Street):request of Hugo Reed and Associates, Inc., (for James Morgan, Ltd.) for a zoning change from R-1 (Single-Family District) Specific Use and R-2 (Two-Family District) to R-1 Specific Use for reduced setbacks and R-1 Specific Use for garden homes on 28.4 acres of unplatted land out of Block E-2, Section 17, and to consider an ordinance.

Dennis Carrizales, Planner; and Randy Henson, Planning Director, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:38 a.m.

Terry Holeman, with Hugo, Reed, & Associates, appeared to speak in favor.

No one appeared to speak in opposition.

Mayor Martin closed the public hearing at 10:50 a.m.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Paul R. Beane to approve Ordinance No. 2012-O0046.

Vote: 6 - 0 Motion carried

- 6. 8. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2012-O0047 amending Ordinance 2011-00072 (South Overton Design and Development Regulations) regarding the requirement for a maximum of 20 percent floor space above the block face average with a recommendation to the City Council.

Andrew Paxton, Senior Planner; and Randy Henson, Planning Director, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 11:15 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 11:15 a.m.

Motion by Council Member Victor Hernandez, seconded by Mayor Pro Tem Floyd Price to approve Ordinance No. 2012-O0047.

Vote: 6 - 0 Motion carried

- 6. 9. Ordinance 1st Reading - Planning :** Ordinance No. 2012-O0039 amending Chapter 38, Subdivisions, 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 an effective date.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Floyd Price to approve Ordinance No. 2012-O0039.

Vote: 6 - 0 Motion carried

- 6. 10. Resolution - City Council :** Consider a resolution directing the City Manager to take all necessary steps to plan and design a water-type fountain in Mackenzie Park to honor the memory of Timothy Cole and to include said fountain construction and installation in the Proposed FY 2012-13 Capital Budget.

This item was deleted.

- 6. 11. Board Appointments - City Secretary :** Consider two appointments to the Junked Vehicles Compliance Board, four appointments to the Lake Alan Henry Board of Appeals, one appointment to the Urban Design & Historic Preservation Commission, two appointments to the Water Board of Appeals, six appointments to the Animal Services Advisory Committee, three appointments to the Board of Health, two appointments to the Community Development & Services Board, and four appointments to the Park & Recreation Board.

Motion by Mayor Pro Tem Floyd Price, seconded by Councilman Todd R. Klein, to make the following appointments and reappointments:

Animal Services Advisory Board: Reappoint Lane Preston; appoint Brenda Bobo, Jane Brewer, Brett Preston, Diane Dowd, and Kathy Crouch.

Board of Health: This item was deleted.

Community Development & Services Board: Appoint Jaime Garcia and Bill McNamara.

Junked Vehicle Compliance Board: Appoint Jimmy Cantrell and reappoint Melissa Teinert.

Lake Alan Henry Board of Appeals: Appoint Robert Taylor and Vivian Murphey; reappoint Melanie Barnes and Nolan Riley.

Park & Recreation Board: Appoint Karen Pitcock, John Cervantez, and David Vasquez; reappoint Jerry Ramirez.

Urban Design & Historic Preservation Commission: Appoint Bill Mueller.

Water Board of Appeals: Reappoint William Basom and Tim Oliver.

Vote: 6 - 0 Motion carried

12:53 P.M. CITY COUNCIL ADJOURNED

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

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

