

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
May 3, 2012
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 3rd day of May, 2012, 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; 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

- Council Member Todd R. Klein arrived at 7:35 a.m.

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

- *Citizen Comments; Executive Session; 3.1-3.5; 4.1; 5.1-5.10; 5.12-5.17; 5.20-5.22; 5.24-5.25; 5.11; 5.19; 5.23; and 6.1-6.4.*
- *Item 5.18 was deleted.*
- *Item 6.2 was continued to the next City Council Meeting.*

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.

2. Executive Session

The meeting was called into a closed public session at 7:32 a.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into open session at 9:03 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. 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

3. **Proclamations and Presentations**

3. 1. Invocation by Pastor Doug Hale, Vandelia Church of Christ

Pastor Doug Hale, Vandelia Church of Christ, 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 special recognition commemorating May 25, 2012, as National Missing Children's Day

Mayor Martin presented special recognition commemorating May 25, 2012, as National Missing Children's Day. Nelda Laney and Susie Hance appeared to receive the recognition, and Ms. Hance gave thanks and encouraged parents to speak with their children about safety tips.
3. 4. Proclamation of special recognition commemorating May 2012 as Asthma Awareness Month

Mayor Martin presented special recognition commemorating May 2012 as Asthma Awareness Month. Dr. Robert Mamlock gave comments on the seriousness of asthma and gave thanks to the Council and community. Also in attendance were Dr. Suzanne Beck, Dr. James Herman, and Dr. Eileen Talusan-Garcia.
3. 5. Presentation of special recognition commemorating May 12, 2012 as National Association of Letter Carriers Food Drive Day

Mayor Martin presented special recognition commemorating May 12, 2012 as National Association of Letter Carriers Food Drive Day. David Weaver, CEO of the South Plains Food Bank; Lyn Garcia, Director of Development for South Plains Food Bank; Mitch Terrell, National Association of Letter Carriers; and Cruz Rivas, Postmaster, all appeared to receive the recognition. Mr. Rivas gave comments and encouraged citizens to leave non-perishable food by their mailboxes on May 12, 2012.

4. Minutes

4. 1. April 10, 2012 Regular City Council Meeting
March 20, 2012 Special City Council Meeting (EUB)

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve the April 10, 2012 Regular City Council minutes and the March 20, 2012 Special City Council (EUB) 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 Todd R. Klein, seconded by Mayor Pro Tem Floyd Price to approve items 5.1-5.10; 5.12-5.17; 5.20-5.22; and 5.24-5.25.

Vote: 7 - 0 Motion carried

5. 1. **Budget Ordinance Amendment 1st Reading - Finance** : Ordinance No. 2012-O0048, Amendment 15, amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of Transportation (TxDOT) for the Click-It or Ticket Selective Traffic Enforcement Program (STEP).
5. 2. **Contract Resolution – Finance:** Resolution No. 2012-R0175 authorizing the Mayor to execute a Notice and Acknowledgment of Assignment of the Master Lease Agreement dated as of February 9, 2006, with Banc of America Public Capital Corp (BAPCC).
5. 3. **Contract Resolution – Finance:** Resolution No. 2012-R0176 authorizing the Mayor to execute a Notice and Acknowledgment of Assignment of the Master Lease Agreement dated as of February 9, 2006, with Banc of America Public Capital Corp (BAPCC).
5. 4. **Contract Resolution – Finance:** Resolution No. 2012-R0177 authorizing the Mayor to execute a Notice and Acknowledgment of Assignment of the Master Lease Agreement dated as of February 12, 2009, with Banc of America Public Capital Corp (BAPCC).
5. 5. **Contract Resolution - Finance** : Resolution No. 2012-R0178 authorizing the Mayor to execute Contract 10769, an agreement with ACC OP (Tract 6), LLC, to fund public improvements in Phase One, Project 92254D, of the North Overton Tax Increment Finance Reinvestment Zone (TIF) Project Plan.
5. 6. **Ordinance 2nd Reading – Right-of-Way** : Ordinance No. 2012-O0018 abandoning and closing two LP&L underground utility easements, a portion of an underground utility easement, and an LP&L electrical transmission line manhole easement located in Fiesta Autoland Addition, 4801 South Loop 289.

5. 7. **Ordinance 2nd 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. 8. **Ordinance 2nd 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. 9. **Ordinance 2nd 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. 10. **Ordinance 2nd 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. 11. **Contract Resolution - Public Works Engineering** : Resolution No. 2012-R0185 authorizing the Mayor to execute Contract 10764 for with Parkhill, Smith & Cooper, Inc., for design services for the expansion of the Bailey County Well Field.

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

Motion by Council Member Jim Gilbreath, seconded by Council Member Paul R. Beane to approve Resolution No. 2012-R0185.

Vote: 7 - 0 Motion carried

5. 12. **Contract Resolution – Public Works Streets** : Resolution No. 2012-R0179 authorizing the Mayor to execute Contract 10765, a lease agreement, with Bee Equipment Sales for lease of an asphalt paving machine.
5. 13. **Contract Resolution - Public Works Traffic Engineering** : Resolution No. 2012-R0180 authorizing the Mayor to execute purchase order Contract 93000022 with Texas Highway Products, LTD, for advanced traffic controllers (ATCs), BID 12-10507-RH.
5. 14. **Ordinance 2nd Reading – 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.
5. 15. **Ordinance 2nd Reading – 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).
5. 16. **Ordinance 2nd Reading – 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).

5. 17. **Ordinance 2nd Reading – 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.

5. 18. **Ordinance 2nd Reading - Planning:** Zone Case 3043-B (east of Quaker Avenue and south of 103rd Street): Ordinance 2012-O0046 Consider 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.

This item was deleted.

5. 19. **Ordinance 2nd 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.

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

Motion by Council Member Todd R. Klein, seconded by Council Member Victor Hernandez to approve Ordinance No. 2012-O0039.

Vote: 7 - 0 Motion carried

5. 20. **Ordinance 2nd Reading - Planning** : Ordinance No. 2012-O0047 amending Ordinance No. 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.

5. 21. **Contract Resolution - Information Technology** : Resolution No. 2012-R0181 authorizing the Mayor to execute Contract 33000224 with AT&T Mobility for wireless Internet access service for Public Safety, Public Works, and Lubbock Power & Light.

5. 22. **Contract Resolution - Information Technology** : Resolution No. 2012-R0182 authorizing the Mayor to execute purchase order Contract 33000235 with Dell Marketing, LP, for rugged laptops and mounting hardware for police vehicles.

5. 23. **Contract Resolution - Parks and Recreation** : Resolution No. 2012-R0186 authorizing the Mayor to execute purchase order Contract 90500009 with Exerplay, Inc., for park playground structures.

Motion by Council Member Victor Hernandez, seconded by Mayor Pro Tem Floyd Price to approve Resolution No. 2012-R0186.

Vote: 6 - 0 Motion carried

Other: Council Member Todd R. Klein (RECUSE)

5. 24. **Contract Resolution - Fleet Services** : Resolution No. 2012-R0183 authorizing the Mayor to execute purchase order Contract 10005398 with LDV, Inc., for one fully equipped crime scenes investigation van.

5. 25. **Contract Resolution - Fleet Services** : Resolution No. 2012-R0184 authorizing the Mayor to execute purchase order Contract 23101477 with J & B Trailers and Equipment for one-ton pickups and service bodies, BID 12-10606-CI.

6. **Regular Agenda**

6. 1. **Ordinance 2nd Reading – Planning** : Ordinance No. 2012-O0040, Zone Case 3152: continued 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).

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

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Karen Gibson to approve Ordinance No. 2012-O0040.

Vote: 7 - 0 Motion carried

6. 2. **Ordinance 2nd Reading - Planning:** Zone Case 3003-B: Ordinance No. 2012-O0042 (south of 98th Street and west of Justice Avenue): Consider request of Hugo Reed and Associates, Inc., (for Carl Mortensen) for a 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.

Randy Henson, Planning Director; Jake Seideman, with Hugo, Reed, & Associates; and Terry Holeman, Director of Development Services with Hugo, Reed, & Associates, gave comments and answered questions from Council.

This item was continued to the May 30, 2012 Regular City Council Meeting.

Motion by Council Member Todd R. Klein, seconded by Council Member Victor Hernandez to continue the item to the May 30, 2012 Regular City Council Meeting.

Vote: 7 - 0 Motion carried

6. 3. **Contract Resolution - Fleet Services** : Resolution No. 2012-R0187 authorizing the Mayor to execute purchase order Contract 23101476 with Sam Pack's Five Star Ford for one-ton pickups and service bodies, BID 12-10606-CI.

Leslie Cox, Director of Telecom and Fleet Operations Information Technology, gave comments and answered questions from Council.

Motion by Council Member Jim Gilbreath, seconded by Council Member Paul R. Beane to approve Resolution No. 2012-R0187 with the following amendment:

- Pursuant to Texas Local Government Code 271.905(b), selecting Items 1, 2, 5, and 6 to be awarded to Scoggin-Dickey Chevrolet, and the balance of 5% goes to Sam Pack's Five Star Ford.

Vote: 7 - 0 Motion carried

6. 4. **Board Appointments - City Secretary** : Consider on appointment to the Libraries Board.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Floyd Price to appoint Lynne Strickland as President of the Friends of the Library Board.

Vote: 7 - 0 Motion carried

10:13 A.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