

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**August 9, 2012**  
**3:00 P. M.**

**The City Council of the City of Lubbock, Texas met in regular session on the 9th of August, 2012, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 3:00 p. m.**

**3:00 P.M. CITY COUNCIL CONVENED**  
**City Council Chambers, 1625 13th Street, Lubbock, Texas**

Present: Mayor Glen C. Robertson; Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; Council Member Victor Hernandez; Council Member Latrelle Joy; Council Member Todd R. Klein; Council Member Floyd Price; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

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

- *Executive Session; Citizen Comments (2.1-2.5); 3.3-3.5; Citizen Comments Sign-ups (2.6); 3.1-3.2; 4.1; 5.1; 5.8-5.15; 5.17; 5.2-5.6; 5.16; 5.18; 6.1; 6.4 (addressed again following 6.3); and 6.2-6.4.*
- *Items 5.7 and 7.1-7.5 were deleted.*

**1. Executive Session**

**The meeting was called into a closed public session at 3:01 p.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into public session at 6:15 p.m.**

- 1. 1.** Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A),(B) and (2), to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney.
- 1. 1. 1.** Consider a resolution authorizing and directing the Mayor to execute settlement documents in connection with an out-of-court settlement reached between Various State Attorneys General and J.P. Morgan & Chase & Co. ("JPMC") concerning alleged violations of state and federal antitrust and other laws by JPMC and other providers, brokers and advisors, involving the marketing, sale, and placement of Municipal Bond Derivatives.
- 1. 1. 2.** 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 and the City's denial of the intent filed by Atmos Energy Corporation and to consider a settlement.
- 1. 1. 3.** Discussion concerning the City Legal Department's representation of the Lubbock Metropolitan Planning Organization.
- 1. 1. 4.** Property located at 1206 14th Street, Lubbock, Texas, also known as the Omni Building.

1. 2. Hold an executive session in accordance with V.T.C.A. Government Code, §551.071 (1)(A) seeking the advice of its legal counsel about pending or contemplated litigation or settlement agreements and hold a consultation with the attorney (Electric Utility - Cause No. 2012-501,169, Republic Power Partners, L.P. v. WTMPA and the City of Lubbock; and claims related to electric power outages).
1. 3. Hold 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.
  1. 3. 1. Property located at 1206 14th Street, Lubbock, Texas, also known as the Omni Building.
  1. 3. 2. Godeke Library
1. 4. 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.
  1. 4. 1. City Attorney
  1. 4. 2. City Manager
  1. 4. 3. City Secretary
1. 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 Central Business District Tax Increment Financing (TIF) Reinvestment Zone Board of Directors, and Urban Design & Historic Preservation Commission.

**6:15 P.M. CITY COUNCIL RECONVENED**  
**Council Chambers**

2. **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. 1. Maurice Stanley will appear before the City Council to discuss the Gateway Fund.  
 Maurice Stanley appeared before Council to discuss the Gateway Fund.
  2. 2. LeEarl Bryant will appear before the City Council to discuss historic preservation and neighborhoods.  
 LeEarl Bryant appeared before Council to discuss the historic preservation of neighborhoods.
  2. 3. Armando Gonzales will appear before the City Council to discuss Four Sevens Exploration Drilling's fracking method.  
 Armando Gonzales appeared before Council to speak in opposition of fracking.

2. 4. Mark Umstot will appear before the City Council to discuss stormwater issues.

Mark Umstot appeared before Council to discuss stormwater fees.

2. 5. Bill Bass will appear before the City Council to discuss water restrictions.

Bill Bass appeared before Council to discuss water restrictions.

2. 6. **Sign-ups**

- Mikel Ward appeared before Council to discuss the FY 2012-13 Proposed Budget
- Leann Lamb-Vines, Frank Falbo, Karen Porter, Naida Gonzales, Chris Balch, and Daniel Kontoff appeared before Council to speak in opposition of fracking.
- Jay Leeson appeared before Council to express gratitude for night meetings and speak on stormwater fees.
- Roger Settler appeared before Council to express gratitude for night meetings, speak in opposition of fracking, and speak about stormwater rates.
- Fred Howell, Don Workman, and Lance Cansino appeared before Council to speak in favor of fracking.
- Joyce Moore appeared before Council to express gratitude for evening meetings and give concerns about fracking.
- Skeet Workman appeared before Council to speak about jobs in Lubbock and in favor of fracking.
- Burley Owen appeared to discuss the FY 2012-13 Proposed Budget and the Lubbock Economic Development Alliance (LEDA).

3. **Proclamations and Presentations**

3. 1. Invocation by Al Martin, Director of the Wesley Foundation.

Mr. Martin was unable to attend. Council Member Jim Gerlt led the invocation.

3. 2. Pledges of Allegiance.

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

3. 3. Presentation of a special recognition to the Larry Combest Community Health and Wellness Center Board of Directors for National Health Center Week, August 5-11, 2012.

Mayor Robertson presented special recognition to the Larry Combest Community Health and Wellness Center Board of Directors for National Health Center Week. Linda McMurray, Executive Director, gave comments on what their center provides and gave thanks to City Council.

3. 4. Presentation of a special recognition to the City of Lubbock 2012 Junior Ambassadors, who traveled to Lubbock's sister city, Musashino City, Japan, in June.

Mayor Robertson along with Mayor Pro Tem Gibson presented special recognition to the City of Lubbock 2012 Junior Ambassadors who traveled to Lubbock's sister city, Musashino City, Japan. Mayor Pro Tem Gibson gave comments on the trip and recognized Sarah Hensley, Assistant to the City Council, for all of her dedication and hard work for the trip.

The 2012 Junior Ambassadors are: Noah Alonzo, Kendall Lewis-Brakeley, Jeremy L. Delgado, Sarabeth Evans, Jordan Garza, Courtney Gragson, Jerry Hernandez, Abbigail Hines, William L. Langston, Ramsey Leonard, Paul Lie, Darby Long, Pablo E. Martinez-Trejos, Anakarina Millares-Rosiles, Madeline E. Rodriguez, Elaney Tedder.

3. 5. Board Recognitions:

Appointments Advisory Board:  
Grace Graza (unable to attend)

Canadian River Municipal Water Authority:  
Dwight McDonald

#### 4. Minutes

4. 1. July 12, 2012 Regular City Council Meeting  
July 12, 2012 Special City Council Meeting

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Latrelle Joy to approve the July 12, 2012 Regular City Council Meeting and the July 12, 2012 Special City Council Meeting 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 Karen Gibson to approve items 5.1; 5.8-5.15; and 5.17.

**Vote:** 7 - 0 Motion carried

5. 1. **Budget Ordinance Amendment 1st Reading - LP&L:** Ordinance No. 2012-O0079, Amendment 21, amending the Adopted FY 2011-12 Budget respecting the Lubbock Power and Light (LP&L) Capital Project Fund by amending Capital Improvement Project No. 92197, Tie Line Transformer Replacement; and by establishing Capital Improvement Project 92283, MGL 6 & 7 Cooling Tower Replacement; and respecting the LP&L Operating Fund by decreasing the transfer to the Capital Projects Fund.

5. 2. **Budget Ordinance Amendment 1st Reading - Finance:** Ordinance No. 2012-O0083, Amendment 22, amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate funding from the U.S. Department of Justice (DOJ) for the Edward Byrne Memorial Justice Assistance Grant (JAG); and to accept and appropriate additional funding from the U.S. Department of Housing and Urban Development (HUD) for the Emergency Solutions Grant (ESG), Grant No. 80046.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2012-O0083.

**Vote:** 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

5. 3. **Ordinance Willow Bend 2nd Reading - Finance :** Ordinance 2012-O0077 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Willow Bend Public Improvement District (PID); approving, adopting, and filing with the City Secretary, the Assessment Roll; and levying assessments based on the revised Service Plan for the cost of certain services and/or improvements to be provided in the District during FY 2012-13.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2012-O0077.

**Vote:** 6 - 1 Motion carried

NAY: Mayor Glen C. Robertson

5. 4. **Resolution - Finance :** Resolution No. 2012-R0308 authorizing and directing the Mayor to execute settlement documents in connection with an out-of-court settlement reached between Various State Attorneys General and J.P. Morgan & Chase & Co. ("JPMC") concerning alleged violations of state and federal antitrust and other laws by JPMC and other providers, brokers and advisors, involving the marketing, sale, and placement of Municipal Bond Derivatives.

Motion by Council Member Todd R. Klein, seconded by Council Member Latrelle Joy to approve Resolution No. 2012-R0308.

**Vote:** 7 - 0 Motion carried

5. 5. **Ordinance 1st Reading – City Attorney :** Ordinance No. 2012-O0084 amending Chapter 14, Offenses and Other Provisions, of the Code of Ordinances of the City of Lubbock, Texas, with regard to repealing outdated and unnecessary provisions, amending provisions to encompass current practices, and conforming the ordinance to the standards and conventions of the rest of the code of ordinances; providing a penalty clause for the violation thereof; providing a savings clause; and providing for publication.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2012-O0084.

**Vote:** 7 - 0 Motion carried

5. 6. **Ordinance 1st Reading – Traffic** : Ordinance No. 2012-O0085 amending Chapter 20, Traffic, of the City of Lubbock Code of Ordinances, to amend Article 20.05, Division 1, to create a Section 20.05.010, Impounding Uninsured Vehicles, to authorize a Police Officer to impound a motor vehicle stopped for a traffic law violation if the vehicle's owner or operator fails to show evidence of financial responsibility; providing a savings clause; providing a penalty for the violation thereof; and providing for publication.

Sam Medina, City Attorney, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2012-O0085.

**Vote:** 6 - 1 Motion carried

NAY: Council Member Victor Hernandez

5. 7. **Contract Resolution – Public Works Streets** : Consider a resolution authorizing the Mayor to execute Change Order 1 to Contract 10500 with Ballou Pavements Solutions, Inc., for the 2012 Micro-Surfacing Project.

**This item was deleted.**

5. 8. **Contract Resolution – Public Works Engineering** : Resolution No. 2012-R0302 authorizing the Mayor to execute Change Order Number 3 to Contract 9355 with Archer Western Contractors, Ltd., of Arlington, Texas, for the construction of the Lake Alan Henry Water Supply Project South Water Treatment Plant, Contract F, RFP#10-039-MA.
5. 9. **Contract Resolution – Public Works Engineering** : Resolution No. 2012-R0303 authorizing the Mayor to execute a lump sum price Contract #10569 with Brown-McKee, Inc., for Southeast Water Reclamation Plant 4, Blower Building Ventilation Modifications, BID 12-10569-CI.
5. 10. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2012-O0080 abandoning and closing two water line easements located in Block 6, Suburban Homes Addition, to the City of Lubbock, Lubbock County, Texas, 304 50th Street.
5. 11. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2012-O0081 abandoning and closing a portion of a 20 foot drainage easement located on Lot 9, Northridge Addition, Lubbock, Texas, 3005 Mesa Road.
5. 12. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2012-O0082 abandoning and closing a 60 foot wide drainage easement located in Tract 32, Overton Park Addition, Lubbock County, Texas, Mac Davis Lane and Avenue U.
5. 13. **Contract Resolution - Airport** : Resolution No. 2012-R0304 authorizing the Mayor to award Contract # 10663 to Tony Kay Construction, LLC for annual pricing on Airport Terminal Glass Replacement, ITB # 12-10663-DG.
5. 14. **Contract Resolution - Airport** : Resolution No. 2012-R0305 authorizing the Mayor to execute a unit price Contract #10666, to Hi-Lite Markings Inc. for Airfield Pavement Markings at Lubbock Preston Smith International Airport, BID 12-10666-DT.
5. 15. **Contract Resolution - Parks and Recreation** : Resolution No. 2012-R0306 authorizing the Mayor to execute Contract #10667 with Ground Effects for mowing services for Group 7 Class D Parks Properties, BID 12-10667-CI.

5. 16. **Resolution - Parks & Recreation** : Resolution No. 2012-R0309 authorizing the Mayor to accept deed transfer of certain real property, belonging to Lubbock I.S.D., and known as the former Tubbs Elementary School property.

Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Latrelle Joy to approve Resolution No. 2012-R0309.

**Vote:** 7 - 0 Motion carried

5. 17. **Contract Resolution - Solid Waste** : Resolution No. 2012-R0307 authorizing the Mayor to execute unit price Contract #10664 with Lanco Turf and Seeding, Inc., for the Caliche Canyon Landfill and West Texas Region Disposal Facility Vegetative Seeding, BID 12-10664-CI.

5. 18. **Contract Resolution - Transit** : Resolution No. 2012-R0310 authorizing the Mayor to execute a contract between the City of Lubbock and Texas Tech University (TTU) for campus bus service.

Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gerlt to approve Resolution No. 2012-R0310.

**Vote:** 7 - 0 Motion carried

## 6. **Regular Agenda**

6. 1. **Resolution - Finance** : Resolution No. 2012-R0311 concerning property tax rates and any impact it may have on City Operations, the Fiscal Year 2012-13 Operating Budget and Capital Program and adopting a proposed property tax rate that will result in additional revenues as outlined in Section 26.05 (d) of the Tax Code of the State of Texas, and setting the dates for public hearings to discuss the proposed tax rate.

Cheryl Brock, Budget Director; and Lee Ann Dumbauld, City Manager, gave a presentation and answered questions from Council.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Jim Gerlt to approve Resolution No. 2012-R0311 setting the proposed tax rate as 49.211 cents.

**Vote:** 4 - 3 Motion carried

NAY: Council Member Victor Hernandez  
Council Member Todd R. Klein  
Council Member Floyd Price

Motion by Council Member Jim Gerlt, seconded by Council Member Todd R. Klein to approve Resolution No. 2012-O0311 setting the dates for the public hearings to discuss the proposed tax rate as Thursday, August 23, 2012, at 6:30 p.m. and Thursday, August 30, 2012 at 6:30 p.m.

**Vote:** 7 - 0 Motion carried

6. 2. **Budget Ordinance Amendment 2nd Reading - Finance** : Budget Ordinance 2012-O0078, Amendment 20, amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Community Services Block Grant (CSBG).

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2012-O0078.

**Vote:** 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

6. 2. 1. **Contract Resolution - Community Development** : Resolution No. 2012-R0312 authorizing the Mayor to execute a contract and all related documents with Texas Department of Housing and Community Affairs (TDHCA) for the Community Services Block Grant (CSBG) Contract #61000001426 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 Karen Gibson to approve Resolution No. 2012-R0312.

**Vote:** 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

6. 2. 2. **Contract Resolution - Community Development** : Resolution No. 2012-R0313 authorizing the Mayor to execute Contract 10878 for a Community Development Funding Contract and all related documents with Catholic Charities Diocese of Lubbock (CCDL) to provide assistance to families to transition them out of poverty through the Community Service Block Grant (CSBG) for the Parent Empowerment Program.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Resolution No. 2012-R0313.

**Vote:** 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

6. 3. **Resolution - City Council** : Resolution No. 2012-R0314 to form, and appoint persons as members to, an ad hoc committee to study stormwater fees, and report its findings and policy recommendations back to the City Council.

Motion by Council Member Latrelle Joy, seconded by Council Member Todd R. Klein to approve Resolution No. 2012-R0314.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to amend the main motion by striking the language "three (3) members representative of the Lubbock business community at-large, and one (1) member representative of the Lubbock small business community" and inserting the following:

- "two (2) members representative of the Lubbock large business community, and two (2) members representative of the Lubbock small business community"

**Vote:** 6 - 1 Motion carried

NAY: Mayor Glen C. Robertson

Main Motion (with amendment)

**Vote:** 7 - 0 Motion carried

**Stormwater Committee:** Motion by Council Member Jim Gerlt, seconded by Mayor Pro Tem Karen Gibson, to make the following appointments:

**Large business representatives** - Brian Irlbeck and Pete Ruiz

**Small business representatives** - Mark Umstot and Patricia Grimstead

**Model Codes** - Cyril Reasoner, Bill Maloy, and Joe Rapier

**City Council** - Mayor Pro Tem Karen Gibson and Council Member Latrelle Joy

**Vote:** 6 - 0 Motion carried

Other: Council Member Todd R. Klein (RECUSE)

6. 4. **Board Appointments - City Secretary** : Consider one appointment to the Central Business District TIF Reinvestment Zone Board of Directors, one appointment to the Lubbock Water Advisory Commission, and one appointment to the Urban Design & Historic Preservation Commission.

**Central Business District TIF Reinvestment Zone Board of Directors:** Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to postpone the appointment to the next regular City Council Meeting.

**Vote:** 5 - 2 Motion carried

NAY: Mayor Glen Robertson and Council Member Latrelle Joy

**Lubbock Water Advisory Commission:** Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Latrelle Joy, to appoint Ken Rainwater.

**Vote:** 7 - 0 Motion carried

**Urban Design & Historic Preservation Commission:** Motion by Council Member Todd R. Klein, seconded by Council Member Latrelle Joy, to appoint Jane Henry.

**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.**

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to postpone items 7.1-7.5 to the next Regular City Council Meeting.

**Vote:** 6 - 1 Motion carried

NAY: Mayor Glen C. Robertson

7. 1. Central Business District Tax Increment Financing presentation and discussion: FY 2012-13 Proposed Budget and related activities.
7. 2. Lubbock Economic Development Alliance presentation and discussion: FY 2012-13 Proposed Budget and related activities.
7. 3. Lubbock Water Advisory Commission presentation and discussion: FY 2012-13 Proposed Budget and related activities.
7. 4. Lubbock Power & Light presentation and discussion: FY 2012-13 Proposed Budget and related activities.
7. 5. Lubbock Metropolitan Planning Organization presentation and discussion: FY 2012-13 Proposed Budget and related activities.

**9:40 P.M. CITY COUNCIL ADJOURNED**

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

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GLEN C. ROBERTSON, MAYOR

ATTEST:

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Rebecca Garza, City Secretary