

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
October 11, 2012
3:00 P. M.

The City Council of the City of Lubbock, Texas met in regular session on the 11th of October, 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; 2.1-2.4; Citizen Comments (3.3; 3.2, 3.1); Sign-ups (3.4); 4.1; 5.2-5.3.2; 5.6; 5.8-5.16; 5.18-5.25; 5.27-5.29; 5.1; 5.4-5.5.1; 5.7; 5.17; 5.26; 5.21 (reconsidered); 6.3; 6.1; and 6.4-6.5.*
- *Item 6.1 was continued to the October 25, 2012 Regular City Council Meeting.*
- *Item 6.2 was deleted.*

1. Executive Session

The meeting was called into a closed public session at 3:00 p.m. under the provisions of Section 551, Texas Government Code. City Council reconvened in open 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, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney.
1. 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.
1. 1. 2. Health Benefits-Covenant Hospital, Covenant Health System, University Medical Center, NorthStar Hospital and Heart Hospital.
1. 1. 3. Storm Water - Value and/or purchase of an easement interest.
1. 1. 4. NTS Communications, Inc.
1. 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.
1. 2. 1. Storm Water - Value and/or purchase of an easement interest.
1. 2. 2. Police Department Facilities.

6:15 P.M. CITY COUNCIL RECONVENED

Council Chambers

2. Proclamations and Presentations

2. 1. Invocation by Minister Karl Ihfe, Broadway Church of Christ.

Minister Karl Ihfe, Broadway Church of Christ, led the invocation.

2. 2. Pledges of Allegiance.

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

2. 3. Presentation of a special recognition to designate October 23 as Texas Paralegal Day.

Mayor Robertson, along with Council Member Latrelle Joy, presented special recognition to designate October 23, 2012 as Paralegal Day. Deirdre Trotter, President of the West Texas Paralegal Association and Director of the District 6 Paralegal Division of the State Bar of Texas, appeared with other Paralegals to accept the recognition.

2. 4. Presentation of a special recognition designating October 15-19, 2012 as Imagine Lubbock Together Week and October 18, 2012 as Imagine Lubbock Together Vision Summit Day.

Mayor Robertson, along with Mayor Pro Tem Karen Gibson, presented special recognition designating October 15-19, 2012 as Imagine Lubbock Together Week and October 18, 2012, as Imagine Lubbock Together Vision Summit Day. Tim Collins, Lubbock Chamber of Commerce Chairman; and Eddie McBride, President of the Lubbock Chamber of Commerce, gave thanks to the community and urged the community to participate in the Imagine Lubbock Together Vision Summit Day.

3. **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.**

3. 1. Armando Gonzales will appear before the City Council to discuss fracking.

Armando Gonzales appeared before Council to speak in opposition of fracking.

3. 2. Maurice Stanley will appear before the City Council to discuss funding sources for long-term maintenance of streets and facilities.

Maurice Stanley appeared before Council to discuss street maintenance.

3. 3. Mark Lawson will appear before the City Council to discuss the Health Department.

Mark Lawson appeared before Council to discuss the Health Department lease and the contract for fracking.

3. 4. **Sign-ups:**

- Dan Boggs and Naida Gonzales appeared before Council to speak in opposition of fracking.
- Debbie Bartholomew appeared before Council to discuss issues regarding her deceased mother.
- Mikel Ward appeared before Council to discuss the budget.
- C.E. Harris, Jan Harris, and Gilbert Barrera appeared before Council to discuss concerns with Item No. 5.26 (Zone Case 3188 - 2nd Reading of Ordinance No. 2012-00113).

4. **Minutes**

4. 1. August 7, 2012 Special City Council Meeting (EUB);
August 16, 2012 Special City Council Meeting (LWAC);
August 21, 2012 Special City Council Meeting (LMPO); and
September 13, 2012 Regular City Council Meeting.

Motion by Council Member Todd R. Klein, seconded by Council Member Latrelle Joy to approve the August 7, 2012 Special City Council Meeting (EUB); the August 16, 2012 Special City Council Meeting (LWAC); the August 21, 2012 Special City Council Meeting (LMPO); and the September 13, 2012 Regular City Council Meeting.

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 Karen Gibson, seconded by Council Member Todd R. Klein to approve items 5.2-5.3.2; 5.6; 5.8-5.16; 5.18-5.25; and 5.27-5.29.

Vote: 7 - 0 Motion carried

5. 1. **Budget Ordinance Amendment 2nd Reading - Councilman Victor Hernandez :** Ordinance 2012-00107, Amendment 1, amending the Adopted FY 2012-13 Budget respecting the General Capital Project Fund by amending Capital Improvement Project 92217, 34th Street Reconstruction – Indiana Avenue to Avenue Q, and by amending Capital Improvement Project 92287, Llano Esacado Lake (Lake #2).

Council Member Victor Hernandez gave comments and answered questions from Council.

The question was divided as follows:

Motion by Council Member Victor Hernandez, seconded by Council Member Latrelle Joy to approve Ordinance No. 2012-00107 to include the following:

- Amend Capital Improvement Project No. 92217, 34th Street Reconstruction - Indiana Avenue to Avenue Q, by reducing the funding \$765,978 from \$21,490,978 to \$20,725,000, and amend Captial Improvement Project 90095 North University Enhancement, by increasing the

appropriation by \$765,978 from \$484,022 to \$1,250,000.

Vote: 7 - 0 Motion carried

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0107 to include the following:

- Amend Capital Improvement Project NO. 92287 Llano Estacado Lake (Lake #2) Pavillion by changing the name to Llano Estacado Lake Improvements and changing the scope to evaluation and renovation of the existing Landwer House and other improvements as identified in the 2003 Fiesta Master Plan.

Vote: 7 - 0 Motion carried

5. 2. **Budget Ordinance Amendment 2nd Reading - Councilwoman Karen Gibson:** Ordinance 2012-O0118 amending Ordinance No. O0100 regarding the FY 2012-13 Budget as it relates to providing for City Council approval of certain positions; providing for filing of this amendment; and providing for a savings clause.
5. 3. **Budget Ordinance Amendment 1st Reading - Finance:** Ordinance No. 2012-O0119, Amendment 3, amending the FY 2012-13 Budget respecting the Airport Capital Project Fund by amending Capital Improvement Project 92153, Replace Passenger Loading Bridges; Capital Improvement Project 92191, Airport Facilities Improvements; Capital Improvement Project 8552, Airfield Asphalt Repairs; Capital Improvement Project 92285, Runway 17R/35L Rehabilitation Design; and Capital Improvement Project 92284, Runway 17R/35L Rehabilitation Construction; providing for filing; and providing for a savings clause.
5. 3. 1. **Resolution - Aviation :** Resolution No. 2012-R0374 authorizing the Mayor to execute Amendment 11 to the Architectural and Engineering Agreement 9002 between the City of Lubbock and Parkhill Smith & Cooper, Inc., for Airfield Asphalt Repair - Package 2 project.
5. 3. 2. **Resolution - Aviation :** Resolution No. 2012-R0375 authorizing the Mayor to execute unit price Contract 10675 with West Texas Paving, Inc. for the Airfield Asphalt Repair - Package 2, ITB 12-10675-DT.
5. 4. **Budget Ordinance Amendment 1st Reading - Finance:** Ordinance No. 2012-O0120, Amendment 4, amending the adopted FY 2012-13 Budget respecting the Capital Program in the Lubbock Power and Light (LP&L) Enterprise Fund as recommended by the Electric Utility Board on September 18, 2012, by establishing Capital Improvement Project 92319, 230 kV Transmission Loop; and by establishing Capital Improvement Project 92320, Substation Breaker Replacements.

Dale Stephens, Director of Transmission and Distribution for LP&L; and Lee Ann Dumbauld, City Manager, 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-O0120.

Vote: 7 - 0 Motion carried

5. 5. **Budget Ordinance Amendment 2nd Reading - Finance** : Ordinance 2012-O0108, Amendment 25, 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 Comprehensive Energy Assistance Program (CEAP), Grant 82048; and accept and appropriate funding from the Federal Transit Administration (FTA) for the Section 5304 Planning Grant.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2012-O0108.

Vote: 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

5. 5. 1. **Contract Resolution - Community Development:** Resolution No. 2012-R0376 authorizing the Mayor to execute an Amendment to Contract 10871, and all related documents with Texas Department of Housing and Community Affairs (TDHCA) for the Comprehensive Energy Assistance Program (CEAP) to fund energy assistance programs.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Resolution No. 2012-R0376.

Vote: 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

5. 6. **Resolution - Finance** : Resolution No. 2012-R0377 authorizing the Mayor to sign a payment agreement between the City and NTS Communications, Inc.

5. 7. **Resolution - Finance** : Resolution No. 2012-R0389 of the City of Lubbock calling for redemption of certain outstanding obligations and authorizing the payment.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Jim Gerlt to approve Resolution No. 2012-R0389.

Vote: 6 - 1 Motion carried

NAY: Council Member Victor Hernandez

5. 8. **Resolution – City Manager** : Resolution No. 2012-R0378 authorizing the Mayor to execute a service agreement with Tony Privett to provide lobbying consulting services for the City of Lubbock.

5. 9. **Resolution - Public Works Engineering** : Resolution No. 2012-R0379 authorizing the Mayor to execute contract 10840 with Artex Electric, Inc., for construction of roadway lighting along Quaker Avenue from North Loop 289 to US 84, ITB 12-10840-RH.

5. 10. **Resolution - Public Works Engineering** : Resolution No. 2012-R0380 authorizing the Mayor to execute unit price contract 10837 with Advanced Communications USA, Inc., for the rehabilitation of existing sanitary sewer pipeline, BID 12-10837-CI.

5. 11. **Contract Resolution – Public Works Engineering** : Resolution No. 2012-R0381 authorizing the Mayor to execute Professional Services Agreement 10961 with Alan Plummer & Associates, Inc., for engineering services associated with the North Water Treatment Plant (NWTP) Improvements.

5. 12. **Ordinance 2nd Reading – Right-of-Way** : Ordinance 2012-00106 abandoning and closing four portions of a 10-foot water line easement located in Tract A, Q19 Addition to the City of Lubbock, located at 4401 19th Street.
5. 13. **Ordinance 2nd Reading – Right-of-Way** : Consider Ordinance 2012-00109 abandoning and closing an alley in Block 213, Original Town of Lubbock, 1702 Texas Avenue.
5. 14. **Resolution - Community Services** : Resolution No. 2012-R0382 authorizing the Mayor to execute Contract 10962 a construction and improvements agreement between the City of Lubbock and Lubbock Moonlight Musicals, Inc.
5. 15. **Resolution - Solid Waste** : Resolution No. 2012-R0383 authorizing the Mayor to execute Contract 10834 with West Texas Paving, Inc., for drainage improvements at the Caliche Canyon Landfill, ITB 12-10834-RH.
5. 16. **Resolution - Transit** : Resolution No. 2012-R0384 authorizing the Mayor to execute a Contract for FY 2012-13 and all related documents with the Lubbock Metropolitan Planning Organization (LMPO).
5. 17. **Resolution - Transit** : Resolution No. 2012-R0390 authorizing the Mayor to execute a Section 5304 Grant, Contract 51305F7134, with the Texas Department of Transportation (TxDOT), for Citibus fixed route system analysis.

Quincy White, Assistant City Manager, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Victor Hernandez to approve Resolution No. 2012-R0390.

Vote: 7 - 0 Motion carried

5. 18. **Resolution - Transit** : Resolution No. 2012-R0385 authorizing the Mayor to execute Citibus Contract 51305F7052 with the Texas Department of Transportation (TxDOT) for operating assistance.
5. 19. **Contract Resolution - Community Development:** Resolution No. 2012-R0386 authorizing the Mayor to execute an Amendment to Contract 10719 for a Community Development Funding Contract with Lutheran Social Services of the South (LSSS) to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program (CEAP).
5. 20. **Contract Resolution - Community Development:** Resolution No. 2012-R0387 authorizing the Mayor to execute an Amendment to Contract 10718 for a Community Development Funding Contract with LIFE Run Centers to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program (CEAP).
5. 21. **Resolution - Police** : Resolution No. 2012-R0391 authorizing the Mayor to execute Contract 10975 with the United States Air Force, 367RCS Enlisted Recruiting Division to use the Lubbock Police Department pistol/rifle range and obstacle course.

Roger Ellis, Chief of Police, gave comments and answered questions from Council.

Motion by Council Member Latrelle Joy, seconded by Mayor Pro Tem Karen Gibson to reconsider item 5.21.

Vote: 7 - 0 Motion carried

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2012-R0391.

Vote: 7 - 0 Motion carried

5. 22. **Contract Resolution - Police** : Resolution No. 2012-R0388 authorizing the Mayor to execute Contract 10963 with the Child Advocacy Research and Education Center of the Texas Tech University Health Sciences Center (TTUHSC) School of Medicine Department of Pediatrics for medical examinations of children who are alleged victims of sexual assault.
5. 23. **Ordinance 2nd Reading - Planning:** Ordinance 2012-00110, Zone Case 3185 request of AMD Engineering, LLC, on behalf of XNO, LLC, for a zoning change from R-1 to C-3 Specific Use for a wholesale/retail store on 20.21 acres of land located in Block AK, Section 44, Northwest corner of West Loop 289 and 34th Street.
5. 24. **Ordinance 2nd Reading - Planning** : Ordinance 2012-00111, Zone Case 3186 request of Bobby Dalton Jr., for a zoning change from T to IHC for an auto repair shop on .491 acres of unplatted land out of Block E2, Section 24, 11908 Slide Road.
5. 25. **Ordinance 2nd Reading - Planning** : Ordinance 2011-00112, Zone Case 3187 request of Hugo Reed and Associates, Inc., on behalf of Happy State Bank, for a zoning change from R-1 and T to C-3 for commercial development on 5.384 acres of land out of Block E2, Section 16, South of 98th Street and West of Quaker Avenue.
5. 26. **Ordinance 2nd Reading - Planning** : Ordinance 2012-00113, Zone Case 3188 request of Joseph Reed, on behalf of Church on the Rock, for a zoning change from T to A-2 limited to a church and church-related uses on Tract A, Church on the Rock Addition and approximately .9 acres of unplatted land, 10503 Slide Road.

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

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Jim Gerlt to approve Ordinance No. 2012-O0113 and adding the following:

- THAT a gate is required along with a “private access” sign, to limit access to a curb cut for the church parcel from 106th Street to Slide Road. The gate shall be open on Sunday only. The gate and adjacent fence shall be constructed within thirty (30) days of October 11, 2012.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (RECUSE)

5. 27. **Ordinance 2nd Reading - Planning** : Ordinance 2012-00114, Zone Case 3047-D request of Stellar Development Company, on behalf of Stellar Land Company, for a zoning change from R-1 Specific Use to GO for a garden office park and one tract to AM Specific Use for a bank on 7.8 acres of land out of Block E2, Section 23, Northwest corner of 122nd Street and Quaker Avenue.
5. 28. **Ordinance 2nd Reading - Planning** : Ordinance 2012-00115, Zone Case 3190 request of Bobby Beale, P.E., on behalf of Lubbock Windmill Real Estate, LLC, for a zoning change from R-1 to IHC on 4.437 acres of unplatted land out of Block AK, Section 30 (6542 82nd Street).

5. 29. **Ordinance 2nd Reading - Planning** : Ordinance 2012-00116, Zone Case 3145-C request of the City of Lubbock for a zoning change from M-1 to IHI on Lots 11 through 20, Block 73, Original Town Addition, West of Avenue G, between 8th Street and 9th Street.

6. **Regular Agenda**

6. 1. **Public Hearing 6:30 p.m. - Finance:** Hold a public hearing for the City Council to consider the creation of a Public Improvement District (PID) for Kelsey Park; generally bounded by FM 1585 on the north, Indiana Avenue on the east, the Lubbock city limits on the south, and Quaker Avenue on the west.

Mayor Robertson opened the public hearing at 8:53 p.m.

It was the consensus of Council to continue the public hearing to the October 25, 2012 Regular City Council Meeting.

Motion by Council Member Latrelle Joy, seconded by Mayor Pro Tem Karen Gibson to continue this item to the October 25, 2012 Regular City Council Meeting.

Vote: 7 - 0 Motion carried

6. 2. **Resolution - Finance:** Consider a Resolution making findings and authorizing establishment of the Kelsey Park Public Improvement District generally bounded by FM 1585 on the north, Indiana Avenue on the east, the Lubbock city limits on the south, and Quaker Avenue on the west.

This item was deleted.

6. 3. **Budget Ordinance Amendment 2nd Reading - Councilwoman Latrelle Joy** : Consider Budget Ordinance 2012-00117 Amendment 2 amending the Adopted FY 2012-13 budget respecting General Fund by adding three positions to position control, appropriation of additional sales tax revenue, and amending the payroll and benefits in Internal Audit and City Council offices.

Lee Ann Dumbauld, City Manager; Quincy White, Assistant City Manager; Rick Trice, CPA and Chairman of the Audit Committee; and Larry Allen, Chairman/CEO of People's Bank and Audit Committee Board Member, gave comments and answered questions from Council.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-00117.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Jim Gerlt to approve Ordinance No. 2012-00117 with the following amendment:

- to delete the City Council Assistant position.

Vote: 2 - 5 Failed

NAY: Mayor Glen C. Robertson
Council Member Victor Hernandez
Council Member Latrelle Joy
Council Member Todd R. Klein
Council Member Floyd Price

Main Motion

Vote: 5 - 2 Motion carried

NAY: Mayor Glen C. Robertson
Mayor Pro Tem Karen Gibson

- 6. 4. Board Appointments - City Secretary :** Declare one appointment by the Mayor to the Housing Authority Board of Directors, "James Watson."

Mayor Robertson appointed James Watson to the Housing Authority Board of Directors.

- 6. 5. Board Appointments - City Secretary :** Consider one appointment to the Appointments Advisory Board and one appointment of the City Council members to the South Plains Association of Governments (SPAG) Board of Directors..

Appointments Advisory Board: This item was postponed to the October 25, 2012 Regular City Council Meeting.

South Plains Association of Governments (SPAG): Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to appoint Jim Gerlt.

Vote: Motion carried 7 - 0

8:56 P.M. CITY COUNCIL ADJOURNED

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

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary