

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
December 6, 2012
3:00 P. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 6th of December, 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; 2.1-2.3; Citizen Comments (3.1-3.2); Sign-ups (3.3); 4.1; 5.2-5.4; 5.7-5.11; 5.13; 5.15-5.24; 5.1; 5.5-5.6; 5.12; 5.14; 7.1-7.2; and 6.2-6.3.*
- *No action was taken on items 6.1-6.1.1.*

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. The 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. Robert E. Campbell, Maria-Joaquina Womack and Aurora Joy Campbell-Ortega v. Clinton Lewis and Jeffery Steven Simpson, Both in their individual and official capacities as Police Officers for the City of Lubbock, Texas, and City of Lubbock. Civil Action 5:11-CV-00116-C; United States District Court, Northern District of Texas, Lubbock Division.
 1. 1. 2. Contract resolution 2012-R0336 concerning the purchase of workers' compensation coverage through Texas Political Subdivisions (TPS) Workers' Compensation Joint Self Insurance and any related documents or issues.
 1. 2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074, to discuss personnel matters and take appropriate action.
 1. 2. 1. City Attorney
 1. 2. 2. City Manager
 1. 2. 3. City Secretary

1. 3. Hold an executive session in accordance with V.T.C.A. Government Code Section 551.074, to discuss personnel matters regarding the duties, responsibilities, and/or appointments to the Central Business District Tax Increment Financing Reinvestment Zone Board of Directors, Electric Utility Board, Lubbock Business Park Tax Increment Financing Reinvestment Zone Board of Directors, Lubbock Emergency Communications District Board of Managers, Urban Renewal & Neighborhood Redevelopment Commission, and West Texas Municipal Power Agency.

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

2. Proclamations and Presentations

2. 1. Invocation by Dr. Jerry Joplin, Senior Pastor at Bacon Heights Baptist Church.

Dr. Jerry Joplin, Senior Pastor at Bacon Heights Baptist Church, 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 recognizing December 3-8, 2012, as the 30th Anniversary of the U Can Share Food Drive.

Mayor Robertson presented a special recognition recognizing December 3-8, 2012, as the 30th Anniversary of the U Can Share Food Drive. David Weaver, Chief Executive Officer of the South Plains Food Bank, along with staff and Board Members appeared to accept the recognition. Donna Chandler, South Plains Food Bank Board member, gave thanks to the Lubbock community for their continued support.

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. Becky Garcia will appear before the City Council regarding Mark Ysasaga.

Becky Garcia appeared before Council to give an update regarding the disappearance of Mark Ysasaga.

3. 2. Lynne Strickland will appear before the City Council to discuss the library master plan.

Lynne Strickland, President of Friends of the Library, appeared before Council to speak in support of items 6.1 - 6.1.1 for Library Facilities Master Planning.

3. 3.
 - Laura Heinz, Library Board member, appeared before Council to speak in support of items 6.1 - 6.1.1 for Library Facilities Master Planning.
 - Julian Hernandez appeared before Council to speak in favor of the usage of synthetic marijuana.
 - Maurice Stanley appeared before Council to discuss various City issues.

4. **Minutes**

4. 1. October 23, 2012 Special City Council Meeting (Electric Utility Board)
November 8, 2012 Regular City Council Meeting

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve the October 23, 2012 Special City Council Meeting minutes (Electric Utility Board), and the November 8, 2012 Regular 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 Floyd Price, seconded by Council Member Latrelle Joy to approve items 5.2-5.4; 5.7-5.11; 5.13; and 5.15-5.24.

Vote: 7 - 0 Motion carried

5. 1. **Resolution – Finance** : Resolution No. 2012-R0472 expressing intent to finance expenditures to be incurred for projects approved by the City Council in the FY 2012-13 Operating Budget Amendment, Ordinance No. 2012-00120, and to reimburse itself from the proceeds of obligations that will be issued in a subsequent period.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Resolution No. 2012-R0472.

Vote: 6 - 1 Motion carried

NAY: Council Member Victor Hernandez

5. 2. **Budget Ordinance Amendment 2nd Reading - Finance:** Ordinance 2012-00136, Amendment 10, amending the Adopted FY 2012-13 Budget respecting the Grant Fund to accept and appropriate funds from the Lubbock Emergency Communication District (LECD) for the Public Safety Answering Points (PSAP) Grant, transfer funds from the General Fund to the Grant Fund for matching funds, and reduce the Police Department Operating Budget accordingly; 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; respecting the Criminal Investigation Special Revenue Fund, fund 142.

5. 2. 1. **Resolution - Lubbock Emergency Communication District** : Resolution No. 2012-R0461 authorizing the Mayor to execute contract 11080 with the Lubbock Emergency Communications District for a Public Safety Answering Points (PSAP) Grant from the FY 2012-13 funding program.

5. 2. 2. **Resolution - Community Services** : Resolution No. 2012-R0462 authorizing the Mayor to execute a contract 11098 and all related documents with the South Plains Association of Governments (SPAG), related to funds passed through the U.S. Department of Health and Human Services to the Texas Department on Aging and Disability Services for an Area Agency on Aging (AAA) Direct Purchase of Services Program to provide meals and transportation services for the City of Lubbock's Senior Citizens Program.
5. 3. **Resolution - Risk Management** : Resolution No. 2012-R0463 authorizing the City Manager to amend the City's workers' compensation coverage through Texas Political Subdivisions Workers' Compensation Joint Self-Insurance.
5. 4. **Ordinance 2nd Reading - Public Works Engineering:** Ordinance 2012-O0137 amending Section 30.03.008 of the Code of Ordinances with regard to adopting the latest Federal Emergency Management Agency (FEMA) Flood Insurance Study and Flood Insurance Rate Maps and making associated changes; adding a definition of Base Flood Elevation.
5. 5. **Contract Resolution – Public Works Engineering** : Resolution No. 2012-R0473 authorizing the Mayor to execute Contract 10605 for professional services with Freese & Nichols, Inc., for engineering services associated with the study of pump station emergency electric generators, RFQ 12-10605-CI.

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

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2012-R0473.

Vote: 7 - 0 Motion carried

5. 6. **Contract Resolution - Public Works Engineering** : Resolution No. 2012-R0474 authorizing the Mayor to execute Amendment No. 3 to a Professional Services Contract with Half Associates, Inc., of Richardson, Texas, for the video inspection of storm sewers – phase 2, RFQ 10-110-MA.

Marsha Reed, Chief Operating Officer; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to approve Resolution No. 2012-R0474.

Vote: 7 - 0 Motion carried

5. 7. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2012-O0139 abandoning and closing a portion of 66th west of Justice Avenue, located at Justice Avenue and 66th Street.
5. 8. **Ordinance 1st Reading – Right-of-Way** : Ordinance No. 2012-O0140 abandoning and closing a transformer pad easement in Lot 6, Portofino Cove Addition, located at 9605 Ithaca Avenue.
5. 9. **Resolution - Right-of-Way** : Resolution No. 2012-R0464 authorizing the Mayor to execute a street use license with Gatewood Apartments L.L.C., to use portions of street right-of-way for private underground water lines, 4300 Canton Avenue.
5. 10. **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2012-O0135 abandoning and closing two drainage easements located in Section 36, Block AK, Lubbock County, Texas, 6301 Spur 327.

5. 11. **Ordinance 2nd Reading – Right-of-Way** : Ordinance 2012-00138 abandoning and closing a portion of a drainage easement located in Tract A, Tuscany Place, an addition to the City of Lubbock, Texas, 6312 73rd.
5. 12. **Contract Resolution - Facilities** : Resolution No. 2012-R0475 authorizing the Mayor to execute Job Order Contract 13-11052-JOC with Minnix Commercial Partners, Ltd., of Lubbock, Texas, for the Garden and Arts Center Texas Accessible Standards (T.A.S.) and interior upgrades.

Mark Yearwood, Assistant 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-R0475.

Vote: 7 - 0 Motion carried

5. 13. **Resolution - Community Services** : Resolution No. 2012-R0465 to re-appoint Dr. Ronald Cook, D.O., M.S., for a two-year term as the Local Health Authority for the City of Lubbock.

5. 14. **Resolution - Parks & Recreation** :Resolution No.'s 2012-R0476, 2012-R0477, 2012-R0478, 2012-R0479, and 2012-R0480 authorizing the Mayor to execute contracts #10981 with All Seasons Property Care Inc., #11094 with Star Landscapes, #11095 with Gorman Outdoor, Inc., #11096 with MDM Mowing, and #11097 with Lubbock Tree Sales for parks turf maintenance, BID 13-10981-CI.

Scott Snider, Assistant City Manager, gave comments and answered questions from Council.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Jim Gerlt to approve Resolution No.'s 2012-R0476, 2012-R0477, 2012-R0478, 2012-R0479, and 2012-R0480.

Vote: 6 - 0 Motion carried

Other: Council Member Latrelle Joy (RECUSE)

5. 15. **Contract Resolution - Police** :Resolution No. 2012-R0466 authorizing the Mayor to execute Contract 11074, an Agreement for Services, between the City and the Texas Tech University Health Science Center (TTUHSC) School of Nursing (SON) authorizing the collection and immediate turn over of biological evidence, pursuant to search warrants or consents for searches of criminal cases being investigated by the Lubbock Police Department.
5. 16. **Resolution - Municipal Court** : Resolution No. 2012-R0467 authorizing the Mayor to execute Contract 11102 an Interlocal Agreement between the City of Lubbock, Lubbock Independent School District, and Lubbock County to approve continued funding of the Specialized Treatment and Rehabilitation (S.T.A.R.) Program for FY 2012-13.
5. 17. **Contract Resolution - Fire**: Resolution No. 2012-R0468 to ratify Contract 11101 and approve the City Manager's signature on three Memorandums of Understanding between the City of Lubbock, Texas A&M Forest Service, and the Regional Incident Management Team (RIMT) for members Stuart Walker, George Torres, and Sid Beach.
5. 18. **Contract Resolution - Fire**: Resolution No. 2012-R0469 authorizing the City Manager to enter into Memorandums of Understanding between the City of Lubbock, the Texas A&M Forest Service, and members of the Regional Incident Management Team (RIMT).

- 5. 19. **Contract Resolution - Fire:** Resolution No. 2012-R0470 for Contract 11099 entering into a Texas Emergency Medical Task Force Resource Memorandum of Agreement between Department of State Health Services, Trauma Service Area B Regional Advisory Council, Inc. and the City of Lubbock Fire Department.
- 5. 20. **Ordinance 2nd Reading - Planning :** Ordinance 2012-00131, Zone Case 1947-G: request of Matt Sefcik for Lubb Inc., for a zoning change from IHC Interstate Commercial to A-2 high density apartments for garden style apartment units on Tract A-1, Ana's Garden Addition, 5820 34th Street.
- 5. 21. **Ordinance 2nd Reading - Planning :** Ordinance 2012-00132, Zone Case 2984-H: request of CMS Properties for S&S Commercial Properties, Ltd., for a zoning change from A-1 and C-3 to A-2 for apartments on 17.91 acres of unplatted land out of Block AK, Section 38, south of 34th Street and west of Milwaukee Avenue.
- 5. 22. **Ordinance 2nd Reading - Planning :** Ordinance 2012-00133, Zone Case 3193: request of Albert Skibell, Inc., for a zoning change from T to C-3 on 13.156 acres of unplatted land out of Block E-2, Section 21, northeast corner of 130th Street and Indiana Avenue.
- 5. 23. **Ordinance 2nd Reading - Planning :** Ordinance 2012-00134, Zone Case 3194: request of West Texas Engineering, LLC, for RBA Investments, LLC, for a zoning change from R-1 to C-2 for a Dollar General store on 1.442 acres of unplatted land out of Block E, Section 9, 1611 82nd Street.
- 5. 24. **Resolution - City Attorney :** Resolution No. 2012-R0471 for a settlement of Campbell v. City of Lubbock, Civil Action 5:11-CV-00116-C.

6. **Regular Agenda**

- 6. 1. **Budget Ordinance Amendment 1st Reading – Finance :** Consider Budget Ordinance Amendment 11 amending the Adopted FY 2012-13 Budget respecting the General Fund, Fund 100, by increasing expenditures in the Lubbock Public Library Department for Library Facilities Master Planning Services.

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

No action was taken.

- 6. 1. 1. **Contract Resolution - Library:** Consider a resolution authorizing the Mayor to execute contract 10836 with Dewberry Architects, Inc. for Library Facilities Master Planning Services, RFP 12-10836-TL.

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

No action was taken.

- 6. 2. **Resolution - City Council :** Resolution No. 2012-R0481 directing the City of Lubbock Board of Health to study the availability, sale, recreational use, hazards, and possible criminalization of synthetic psychoactive designer drugs, including synthetic marijuana and bath salts, in the City of Lubbock, and report back findings and recommendations to the City Council.

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

Motion by Council Member Victor Hernandez, seconded by Council Member Latrelle Joy to approve Resolution No. 2012-R0481.

Motion by Council Member Jim Gerlt, seconded by Council Member Latrelle Joy to amend the main motion by striking the language:

- "THAT the City Council of the City of Lubbock directs that the City of Lubbock Board of Health promptly study the several issues in connection with synthetic psychoactive designer drugs in the City of Lubbock, including synthetic marijuana and bath salts, with particular attention given to the availability, sale, recreational use, hazards, and possible criminalization thereof, and report back to the City Council its related findings and recommendations,"

and inserting the following:

- "THAT the City Council of the City of Lubbock directs the Board of Health to study and recommend to Council methods of educating the public about the availability, sale, recreational use, hazards, and potential criminal consequences of synthetic marijuana, bath salts, and any of their derivatives."

Vote: 7 - 0 Motion carried

Vote was then taken on Resolution No. 2012-R0481 as amended.

Vote: 7 - 0 Motion carried

- 6. 3. Board Appointments - City Secretary :** Consider one appointment to the Central Business District Tax Increment Financing Reinvestment Zone Board of Directors, four appointments to the Electric Utility Board, three appointments to the Lubbock Business Park Tax Increment Financing Reinvestment Zone Board of Directors, two appointments to the Lubbock Economic Development Alliance, Inc. Board of Directors, one appointment to the Lubbock Emergency Communications District Board of Managers, two appointments to the Market Lubbock, Inc. Board of Directors, one appointment to the Urban Renewal & Neighborhood Redevelopment Commission, and one appointment to the West Texas Municipal Power Agency.

Central Business District Tax Increment Financing Reinvestment Zone Board of Directors: Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to reappoint Mike Davis.

Vote: 7 - 0 Motion carried

Electric Utility Board: Motion by Todd R. Klein, seconded by Council Member Latrelle Joy, to reappoint Emilio Abeyta, George Carpenter, and Clayton Isom.

Vote: 7 - 0 Motion carried

Nominations for the Electric Utility Board to replace Virgil Johnson are as follows: Susan Blake, Christy Martinez Garcia, and Gilbert Flores.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to cease nominations.

Vote: 7 - 0 Motion carried

Votes were taken as follows:

Suzanne Blake: 5 Ayes (Mayor Glen C. Robertson, Mayor Pro Tem Karen Gibson, and Council Members Latrelle Joy, Todd R. Klein, and Jim Gerlt)

Suzanne Blake was appointed to the Electric Utility Board by majority vote. Therefore, no vote was taken on the other nominations.

Lubbock Business Park TIF Reinvestment Board of Directors: Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to postpone this item to the next Regular City Council Meeting.

Vote: 6 - 1 Motion carried

Nay: Mayor Pro Tem Karen Gibson

Lubbock Economic Development Alliance Board of Directors: Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to postpone this item to the next Regular City Council Meeting.

Vote: 6 - 1 Motion carried

Nay: Mayor Pro Tem Karen Gibson

Lubbock Emergency Communications District Board of Directors: Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to reappoint Richard Foster.

Vote: 7 - 0 Motion carried

Market Lubbock, Inc. Board of Directors: Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to postpone this item to the next Regular City Council Meeting.

Vote: 6 - 1 Motion carried

Nay: Mayor Pro Tem Karen Gibson

Urban Renewal & Neighborhood Redevelopment Commission: Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to appoint Marcus Borhani.

Vote: 7 - 0 Motion carried

West Texas Municipal Power Agency: Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to reappoint Mayor Glen Robertson.

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 if the item indicates to the public the action to be taken.

7. 1. Presentation by Dr. Robert Forbis regarding Hydraulic Fracturing.

Dr. Robert Forbis appeared before Council to give a presentation regarding Hydraulic Fracturing and answered questions from Council.

7. 2. Presentation by Tony Privett regarding the City of Lubbock's 2013 Legislative Agenda.

Tony Privett appeared before Council to discuss the City of Lubbock's 2013 Legislative Agenda and answered questions from Council.

9:02 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