

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
December 17, 2012
3:00 P. M.

The City Council of the City of Lubbock, Texas met in regular session on the 17th 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; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

Absent: Council Member Floyd Price

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

- *Executive Session; 2.1-2.4; Citizen Comments (3.1-3.2); Sign-ups (3.3); 4.1; 5.1-5.13; 6.1-6.5; 6.7-6.10; and 7.1.*
- *Item 6.6 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. Consider regulatory options available to the City of Lubbock in connection with the availability, sale, use, and criminalization of synthetic psychoactive designer drugs, including synthetic marijuana.
1. 1. 2. GS Lubbock 1, LP request for City support of its application/approval process for the HOME funding and the 2012 Housing Tax Credits as administered by Texas Department of Housing and Community Affairs.
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. Police Department Facilities.
1. 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.
1. 3. 1. City Attorney

- 1. 3. 2. City Manager
- 1. 3. 3. City Secretary
- 1. 3. 4. Chief of Police
- 1. 3. 5. Fire Chief
- 1. 3. 6. Chief Operations Officer
- 1. 3. 7. Assistant City Managers
- 1. 3. 8. Executive Director of the Airport
- 1. 4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Central Business District TIF Reinvestment Zone Board of Directors, Lubbock Business Park TIF Reinvestment Zone Board of Directors, and the North Overton TIF Reinvestment Zone Board of Directors.

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

2. Proclamations and Presentations

- 2. 1. Invocation by Minister of Missions and Buckner Initiatives Jerry Ramirez, First Baptist Church.

Minister Jerry Ramirez, First 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. Heritage Middle School Choir, under the direction of Chris Jarvis, will perform three Christmas songs.

The Heritage Middle School Choir, led by Chris Jarvis, appeared before Council to perform Christmas carols to those in attendance.

- 2. 4. **Board of Health:**
Ollie Thomas

Model Codes & Construction Advisory Board:
Jarrod Hall

- 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. Gina Johnson will appear before the City Council to discuss synthetic marijuana.

Gina Johnson appeared before Council to urge the Council to ban synthetic marijuana in Lubbock.

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

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

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

- Debbie Bartholomew appeared before Council to discuss issues regarding her deceased mother.
- Mary Vines and Naida Gonzales appeared before Council to speak in opposition of fracking.
- Roger Settler appeared before Council to discuss the Connecticut tragedy, gun control, synthetic marijuana, and City debt.
- Kenneth Sanders appeared before Council to speak in support of fracking.
- Maurice Stanley appeared before Council to discuss the Legislative Agenda.
- LeEarl Bryant appeared before Council to discuss structural standards and code violations.
- Bill Curnow appeared before Council to speak in favor of a ban on synthetic marijuana.
- Julian Hernandez appeared before Council to discuss issues regarding a recent arrest and cannabis prohibition.

4. **Minutes**

4. 1. November 27, 2012 Special City Council Meeting (Imagine Lubbock Together)
December 4, 2012 Special City Council Meeting

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gerlt to approve the November 27, 2012 Special City Council Meeting minutes (Imagine Lubbock Together); and the December 4, 2012 Special City Council Meeting minutes.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

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 Victor Hernandez, seconded by Council Member Todd R. Klein to approve items 5.1-5.13.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

5. 1. **Budget Ordinance Amendment 1st Reading – Finance** : Ordinance 2012-00141, Amendment 12, amending the Adopted FY 2012-13 Budget respecting the Grant Fund to accept and appropriate additional funding from the Federal Transit Administration (FTA) for the Federal Job Access Reverse Commute (JARC) 5316 Grant and the Federal New Freedom Mobility Management 5317 Grant.
5. 2. **Contract Resolution – Public Works Engineering:** Resolution No. 2012-R0482 authorizing the Mayor to execute contract 9483, an Amendment 1 to the Professional Services Agreement, dated March 25, 2010, with Parkhill, Smith & Cooper, Inc.
5. 3. **Contract Resolution – Public Works** : Resolution No. 2012-R0483 authorizing the Mayor to execute unit price contract 11017 with Lone Star Dirt & Paving, Ltd., for the 2013 Asphalt Patching Project, BID 13-11017-CI.
5. 4. **Contract Resolution – Public Works:** Resolution No. 2012-R0484 authorizing the Mayor to execute unit price contract 11018 with Lone Star Dirt & Paving, Ltd., for the 2013 Concrete Repairs at Various Locations Project, BID 13-11018-CI.
5. 5. **Contract Resolution - Public Works Water Resources:** Resolution No. 2012-R0485 authorizing the Mayor to execute contract 8806, an Amendment 2, to the Professional Services Agreement entered into between the City of Lubbock and HDR Engineering, Inc., to perform activities related to the planning and evaluation of future reservoirs.
5. 6. **Contract Resolution - Public Works Water Resources** - Resolution No. 2012-R0486 authorizing the Mayor to execute contract 11116 with Alan Plummer & Associates, Inc., (APAI) to conduct water research and to develop a guidance document for potable reuse of reclaimed water.
5. 7. **Contract Resolution - Public Works Water Reclamation:** Resolution No. 2012-R0487 authorizing the Mayor to execute contract 11114, a Professional Services Agreement, with Agri-Waste Technology for modeling and reporting of water and nitrogen balances at the City of Lubbock Land Application Sites, as required by the City of Lubbock’s Texas Commission on Environmental Quality (TCEQ) wastewater discharge permit.
5. 8. **Ordinance 2nd Reading – Right-of-Way** : Ordinance 2012-00139 abandoning and closing a portion of 66th west of Justice Avenue, located at Justice Avenue and 66th Street.
5. 9. **Ordinance 2nd Reading – Right-of-Way** : Ordinance 2012-00140 abandoning and closing a transformer pad easement in Lot 6, Portofino Cove Addition, located at 9605 Ithaca Avenue.
5. 10. **Contract Resolution-Technology** : Resolution No. 2012-R0488 authorizing the Mayor to execute Contract 10956 a Service Agreement with EnerGov Solutions, LLC for Integrated Permit, License and Land Management Solutions, High Technology RFP 13-10956-DT.
5. 11. **Contract Resolution - Technology** : Resolution No. 2012-R0489 authorizing the Mayor to execute contract 11105 an Enterprise License Agreement (ELA) with Environmental Systems Research Institute, Inc. (Esri), for Geographic Information Systems (GIS) software and services.
5. 12. **Contract Resolution - Aviation** : Resolution No. 2012-R0490 authorizing the Mayor to execute Change Order 2 to contract 10031 an agreement between the City of Lubbock and J.D. Abrams, L. P. for the Runway 8/26 and Taxiway Improvements - Phase 3 Project.
5. 13. **Contract Resolution - Aviation** : Resolution No. 2012-R0491 authorizing the Mayor to execute contract 10031, a Memorandum of Understanding (MOU) between the City of Lubbock and J.D. Abrams, LP, on the reconstruction of Runway 8/26.

6. Regular Agenda

- 6. 1. Public Hearing 6:30 p.m.** Hold a public hearing to receive input concerning the adoption of an ordinance to designate a Reinvestment Zone for an area located south of East 14th Street at Elm Avenue.

Cheryl Brock, Budget Director, gave comments and answered questions from Council.

Mayor Robertson opened the public hearing at 7:25 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:25 p.m.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to accept the following findings:

- "The improvements planned by LEDA for this area are feasible and practical and can be carried out by LEDA. These improvements will be a benefit to the municipality and to the land included in the zone."
- "The area proposed for this Reinvestment Zone will be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment and would contribute to the economic development of the City of Lubbock by increasing the tax base and creating jobs."

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

- 6. 2. Ordinance 1st Reading - Business Development:** Ordinance No. 2012-O0142 designating a reinvestment zone within the City of Lubbock as authorized by Chapter 312, Tax Code; describing the boundaries of said zone; describing the eligibility of said zone for commercial-industrial tax abatement; providing a saving clause and providing for publication.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0142.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

- 6. 3. Budget Ordinance Amendment 1st Reading - Finance:** Ordinance No. 2012-O0143, Amendment 13, amending the FY 2012-13 Budget respecting the Capital Program in the Lubbock Power and Light (LP&L) Enterprise Fund per recommendation by the Electric Utility Board on November 20, 2012, by amending Capital Improvement Project 92203, High Line Truck Covered Parking, and amending Capital Improvement Project 92283, Massengale (MGL) 6 and 7 Cooling Tower Replacement.

Motion by Council Member Todd R. Klein, seconded by Council Member Latrelle Joy to approve Ordinance No. 2012-O0143.

Vote: 5 - 1 Motion carried

NAY: Council Member Victor Hernandez

Other: Council Member Floyd Price (ABSENT)

- 6. 4. Contract Resolution - Business Development :** Resolution No. 2012-R0492 approving the projects, programs, and activities of Lubbock Economic Development Alliance, Inc., (LEDA), and Market Lubbock, Inc., Economic Development Corporation (MLI), including the 2012 Project Summary brochure.

John Osborne, LEDA Chief Executive Officer; and Mike McDougal, Chair of the LEDA board, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Resolution No. 2012-R0492.

Vote: 5 - 1 Motion carried

NAY: Council Member Victor Hernandez

Other: Council Member Floyd Price (ABSENT)

- 6. 5. Resolution - City Manager:** Resolution No. 2012-R0493 accepting the 2013 Legislative Package for the City of Lubbock.

Tony Privett gave comments and answered questions from Council.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Jim Gerlt to approve Resolution No. 2012-R0493.

1. Motion by Council Member Latrelle Joy, seconded by Mayor Pro Tem Karen Gibson to amend the main motion by adding the wording "and two Council Members" to the following statement:

- "The City of Lubbock recognizes the speed with which the bills move through the legislative process. In order to respond appropriately, the City Council designates the Mayor 'and two Council Members' to direct lobbying efforts and affirm to all necessary persons and parties the City's position on behalf of the City Council, based on the following principals."

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

2. Motion by Council Member Victor Hernandez, seconded by Council Member Jim Gerlt to amend the main motion by adding the following items:

- "The City will support legislation:
 - Support of the State Library legislative appropriations request, including:
 - Shared Digital Content - \$9.25 million over the biennium for digital (electronic) materials for all types of libraries. Resources include online homework help, college preparation, research, job searching, career and test preparation, and other assistance in helping people reach their economic goals.
 - Innovation Partnership Grants - \$3.4 million/biennium for training and programming built on local partnerships and innovative practices to advance educational attainment, workforce development, and written and digital literacy.
 - The City will monitor:
 - Oppose legislation that threatens the City's ability to maintain ownership, control, and delivery of its water supplies.
 - Oppose legislation that imposes additional regulatory burdens on water and sewer utilities without sound technical justification."

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

3. Motion by Council Member Todd R. Klein, seconded by Council Member Latrelle Joy to strike the following:

- The City will support legislation creating statewide laws regarding the use of mobile devices while driving.

Vote: 2 - 4 Motion failed

NAY: Mayor Glen C. Robertson

Mayor Pro Tem Karen Gibson

Council Member Jim Gerlt

Council Member Victor Hernandez

Other: Council Member Floyd Price (ABSENT)

Vote was then taken to approve Resolution No. 2012-R0493 (with amendments 1 & 2)

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

- 6. 6. Resolution - City Council:** Consider a resolution supporting an application for funding from the HOME Investment Partnership Program that GS Lubbock, LLP will submit to the Texas Department of Housing and Community Affairs (TDHCA).

This item was deleted.

- 6. 7. Board Appointments - City Secretary:** Consider 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, and two appointments to the Market Lubbock, Inc. Board of Directors.

Lubbock Business Park TIF Reinvestment Board of Directors: Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gerlt, to reappoint Les Gillit and Sandy Henry.

Vote: 6 - 0 Motion carried

Nominations for the Lubbock Business Park TIF Reinvestment Board of Directors to replace Kenny McKay are as follows: Calvin Davis and John Osborne.

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

Vote: 6 - 0 Motion carried

Votes were taken as follows:

Calvin Davis: 3 Ayes (Council Members Jim Gerlt, Victor Hernandez, and Todd R. Klein)

John Osborne: 3 Ayes (Mayor Robertson, Mayor Pro Tem Gibson; and Council Member Latrelle Joy)

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein, to postpone this item to the January 10, 2013 Regular City Council Meeting due to resulting in a tie.

Vote: 6 - 0 Motion carried

Lubbock Economic Development Alliance Board of Directors: Nominations to replace Taylor Eighmy are as follows: Sonny Garza and Chris Sneed.

Motion by Mayor Pro Tem Gibson, seconded by Council Member Joy, to cease nominations.

Vote: 6 - 0 Motion carried

Votes were taken as follows:

Sonny Garza: 3 Ayes (Mayor Glen Robertson; Mayor Pro Tem Karen Gibson; and Council Member Victor Hernandez)

Chris Sneed: 3 Ayes (Council Members Jim Gerlt, Latrelle Joy, and Todd R. Klein)

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gerlt, to postpone this item to the January 10, 2013 Regular City Council Meeting due to resulting in a tie.

Vote: 5 - 1 Motion carried

NAY: Mayor Pro Tem Karen Gibson

Nominations for the Lubbock Economic Development Alliance Board of Directors to replace Van May are as follows: Gilbert Flores and Tim Collins.

Motion by Mayor Pro Tem Gibson, seconded by Council Member Jim Gerlt, to cease nominations.

Vote: 6 - 0 Motion carried

Gilbert Flores: 1 Aye (Council Member Victor Hernandez)

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

Tim Collins was appointed to the Lubbock Economic Development Alliance Board of Directors.

Market Lubbock, Inc. Board of Directors: Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson, to appoint Tim Collins to Market Lubbock, Inc. Board of Directors and postpone the second appointment to the January 10, 2013 Regular City Council Meeting.

Vote: 6 - 0 Motion carried

- 6. 8. Board Appointments - City Secretary:** Appoint the Chairperson of the Lubbock Business Park TIF Reinvestment Zone Board of Directors for calendar year 2013, with the term ending on December 31, 2013.

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein to appoint Sandy Henry as Chairperson of the Lubbock Business Park TIF Reinvestment Zone Board of Directors.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

- 6. 9. Board Appointments - City Secretary:** Appoint the Chairperson of the Central Business TIF Reinvestment Zone Board of Directors for calendar year 2013, with the term ending on December 31, 2013.

Motion by Council Member Victor Hernandez, seconded by Council Member Latrelle Joy to appoint Robert Taylor as the Chairperson of the Central Business TIF Reinvestment Zone Board of Directors.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

- 6. 10. Board Appointments - City Secretary:** Appoint the Chairperson of the North Overton TIF Reinvestment Zone Board of Directors for calendar year 2013, with the term ending on December 31, 2013.

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein to appoint Jack Driskill as the Chairperson of the North Overton TIF Reinvestment Zone Board of Directors.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

- 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.** Consider regulatory options available to the City of Lubbock in connection with the availability, sale, use, and criminalization of synthetic psychoactive designer drugs, including synthetic marijuana; and give direction regarding the development of local ordinances.

Sam Medina, City Attorney, asked that City Council allow staff to work with this and bring it back to City Council the first meeting in January.

8:21 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