

City of Lubbock, Texas
Regular City Council Meeting
Thursday, January 31, 2013

Glen C. Robertson, Mayor
Karen Gibson, Mayor Pro Tem, District 5
Victor Hernandez, Councilman, District 1
Floyd Price, Councilman, District 2
Todd R. Klein, Councilman, District 3
Jim Gerlt, Councilman, District 4
Latrell Joy, Councilwoman, District 6



Lee Ann Dumbauld, City Manager
Sam Medina, City Attorney
Rebecca Garza, City Secretary

<http://www.mylubbock.us>

City Council Chambers, 1625 13th Street, Lubbock, Texas

City of Lubbock City Council Meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at 775-2025 or write to Post Office Box 2000, Lubbock, Texas 79457 at least 48 hours in advance of the meeting.

Note: On occasion the City Council may consider agenda items out of order.

1:30 p.m. -- City Council convenes in open session, and recesses into executive session to consider items 1. - 1.6.

6:15 p.m. -- City Council reconvenes in open session to consider items 2. - 7.4.

1. Executive Session

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 oil and gas production and hydraulic fracturing within the City limits.
1. 1. 2. Mineral interests in connection with the NE/4 of Section 5, Block A, T.T. RR Co. Survey, Lubbock County, Texas.
1. 1. 3. Tax Abatement, Sun-Star Electric, Inc.
1. 1. 4. Tax Abatement, Ozark Automotive Distributors, Inc.
1. 1. 5. City Council's authority concerning City of Lubbock appointees and employees.
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. Mineral interests in connection with the NE/4 of Section 5, Block A, T.T. RR Co. Survey, Lubbock County, Texas.
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. City Council's authority concerning City of Lubbock appointees and employees.
1. 4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters of Lubbock Power & Light:
 1. 4. 1. to discuss and deliberate generation unit specific fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling and related agreements.
 1. 4. 2. to discuss and deliberate agreements, proposals and strategies related to plans, studies, proposals and analysis for system improvements, generation additions, or sales (other than transmission and distribution system improvements inside the service area for which LP&L is the sole certificated retail provider).
 1. 4. 3. to discuss and deliberate bidding and pricing information for purchased power, generation and fuel; purchased power agreements; risk management information and related services and strategies.
 1. 4. 4. to discuss and deliberate customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power market analyses and strategies.
1. 5. Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A.) Government Code, Section 551.087 to discuss or deliberate regarding commercial or financial information from a business prospect that the City of Lubbock seeks to have locate, stay, or expand in or near the City of Lubbock, and with which the City of Lubbock is conducting economic development negotiations, including the offer of financial or other incentives to said business prospect(s).
 1. 5. 1. Concerning the bylaws of Lubbock Economic Development Alliance and the bylaws of Market Lubbock Development Corporation and the proposed amendments thereto.
1. 6. 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 Tax Increment Financing (TIF) Reinvestment Board of Directors, Electric Utility Board, Health & Educational Facilities Development Corporation Board of Directors, Urban Design & Historic Preservation Commission, and Zoning Board of Adjustment.

2. **Proclamations and Presentations**

2. 1. Invocation by Father Martin Piña, St. Joseph's Church
2. 2. Pledges of Allegiance

2. 3. Presentation of a special recognition to John Michael Getz for being chosen to participate in the United States Senate Program in Washington, D.C. in March, 2013.
2. 4. Presentation of Honorary Citizenship to Korean educators visiting Lubbock.
2. 5. Presentation of a special recognition honoring LULAC week in Lubbock.
2. 6. Presentation of a special recognition commemorating Willie McCool and his contributions to the space program.

2. 7. **Lubbock Economic Development Alliance Board of Directors:**
Timothy Collins

Market Lubbock, Inc. Board of Directors:
Timothy Collins

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 marijunana.
3. 2. Neil Sinclair will appear before the City Council to discuss synthetic marijuana.
3. 3. Mikel Ward will appear before the City Council to discuss Imagine Lubbock and related taxes.
3. 4. Deanne Clark will appear before the City Council to discuss Smart Meters and the expenses thereof.
3. 5. Burley Owen will appear before the City Council to discuss Smart Meters.

4. **Minutes**

4. 1. November 6, 2012 Special City Council Meeting (Audit & Investment)
December 6, 2012 Regular City Council Meeting
December 17, 2012 Regular City Council Meeting

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.**

5. 1. **Budget Ordinance Amendment 1st Reading - Finance:** Consider Budget Amendment 14, respecting the Grant Fund, to accept and appropriate additional funding from the Texas Department of Transportation (TxDOT) for the FY 12 Section 5310 Grant and transfer matching funds from the Transit Fund to the Grant Fund; accept and appropriate funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Comprehensive Energy Assistance Program (CEAP) Grant; accept and appropriate funding from TDHCA for the Community Services Block Grant (CSBG); accept and appropriate funding from the Texas Department of State Health Services (DSHS) for the Public Health Preparedness (PHP) Discretionary Program Grant; and, respecting the Capital Program, to amend Capital Improvement Project (CIP) 92221, Northwest Water Reclamation Plant; amend CIP 91039, Sewer Lines Ahead of Street Paving; and accept and appropriate funding from the National Recreation and Parks Society and Darden Restaurants for the Great American Trails Program and amend CIP 92288, Hoel Park Walking Track.
5. 2. **Contract Resolution – Finance:** Consider a resolution authorizing the Mayor to execute Contract 10979 between the City of Lubbock and MuniServices, LLC to provide revenue enhancement services, RFP 12-10979-MA.
5. 3. **Resolution - Finance:** Consider a resolution approving the revised City of Lubbock Investment Policy and Investment Strategy, as reviewed and recommended by the Audit and Investment Committee.
5. 4. **Resolution - Finance:** Consider a resolution authorizing and directing the Mayor to execute for and on behalf of the City of Lubbock the Central Business District (CBD) Tax Increment Financing Reinvestment Zone Annual Report for October 1, 2011, through September 30, 2012, which will be distributed to the chief executive officer of each taxing unit levying taxes within the CBD Tax Increment Financing Reinvestment Zone, and to the Comptroller of the State of Texas.
5. 5. **Resolution - Finance:** Consider a resolution authorizing and directing the Mayor to execute for and on behalf of the City of Lubbock the North Overton Tax Increment Financing Reinvestment Zone Annual Report for October 1, 2011, through September 30, 2012, which will be distributed to the chief executive officer of each taxing unit levying taxes within the North Overton Tax Increment Financing Reinvestment Zone, and to the Comptroller of the State of Texas.
5. 6. **Resolution - Finance:** Consider a resolution authorizing and directing the Mayor to execute for and on behalf of the City of Lubbock the Lubbock Business Park (LBP) Tax Increment Financing Reinvestment Zone Annual Report for October 1, 2011, through September 30, 2012, which will be distributed to the chief executive officer of each taxing unit levying taxes within the LBP Tax Increment Financing Reinvestment Zone, and to the Comptroller of the State of Texas.
5. 7. **Contract Resolution – Public Works Water:** Consider a resolution authorizing the Mayor to execute purchase order Contract 11129 with Master Meter, Inc. and Contract 11161 with K.W. Sharp, Inc. for water meters, ITB 13-11129-DG.
5. 8. **Contract Resolution - Public Works Waste Water:** Consider a resolution authorizing the Mayor to execute purchase order Contract 23101889 with Abilene New Holland for the purchase of a chisel plow and a coil packer, BID 13-11104-RH.
5. 9. **Contract Resolution – Public Works Engineering:** Consider a resolution authorizing the Mayor to execute a professional services contract with JQ Infrastructure, LLC, for engineering services associated with the study of Pump Station No. 10 infiltration, RFQ 12-10524-MA.

5. 10. **Contract Resolution – Public Works Engineering:** Consider a resolution authorizing the Mayor to execute Change Order 3 to Contract 9835 with Archer Western Construction, LLC, for the construction of the Southeast Water Reclamation Plant Digester 8 and 9 Improvements Project.
5. 11. **Contract Resolution – Public Works Engineering:** Consider a resolution authorizing the Mayor to execute Amendment 3 to Contract 9433 with Carollo Engineers, Inc., for extending construction phase services for the Southeast Water Reclamation Plant Digester 8 and 9 Improvements Project.
5. 12. **Contract Amendment Resolution - Public Works Wastewater:** Consider a resolution authorizing the Mayor to execute Amendment 4 to Contract 8773 with Terracon Consultants, Inc., for professional engineering and geosciences services for groundwater monitoring and remediation at the Land Application Sites.
5. 13. **Resolution - Oil and Gas Lease:** Consider a resolution authorizing the Mayor to execute the Ratification of Pooled Unit – Lubheirs Coop #20 Unit, ratifying an agreement entitled First Amendment of Pooled Unit – Lubheirs Coop #20 Unit, as a mineral owner under that certain Oil and Gas Lease, dated December 13, 1984, by and between the City of Lubbock, Lessor, and Texland Petroleum, Inc., Lessee, covering lands in Section 5 and 6, Block A, Lubbock County, Texas.
5. 14. **Resolution - Police:** Consider a resolution authorizing the Mayor to execute a Memorandum of Understanding (MOU) with Lubbock Independent School District regarding law enforcement services.
5. 15. **Contract Resolution - Fleet:** Consider a resolution authorizing the Mayor to execute purchase order Contract 31013427 with Gene Messer Chevrolet for sport utility vehicles, BID 13-11119-RH.
5. 16. **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order contract 31013574 with Gene Messer Chevrolet for sedans and pickups, BID 13-11112-RH.
5. 17. **Resolution - Community Development:** Consider a resolution authorizing the Community Development Director or his/her designee to review and approve reports on the Texas Department of Housing and Community Affairs (TDHCA) electronic contract and reporting system. The resolution will allow Community Development staff to manually sign off on the electronic system once City Council has approved contracts and amendments.
5. 18. **Contract Resolution - Citibus:** Consider a resolution authorizing the Mayor to execute Contract 10983 with SRF Consulting Group for a Citibus Fixed Route Study, RFP 13-10983-TL.
5. 19. **Ordinance 1st Reading - Animal Services:** Consider an Ordinance amending Chapter 4 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; providing a savings clause, and providing for publication.
5. 20. **Ordinance 2nd Reading - Planning:** Zone Case 2909-C. Ordinance 2013-O0001. Consider the request of CMS Properties, on behalf of S&S Commercial Properties, Ltd., for a zoning change from IHC to A-2 for apartments on 12.195 acres of unplatted land out of Block AK, Section 36, west of Justice Avenue and north of 66th Street.
5. 21. **Ordinance 2nd Reading - Planning:** Zone Case 3195. Ordinance 2013-O0002. Consider the request of Barbara Beck for a zoning change from T to C-3 for an office/retail center on 8.42 acres of unplatted land out of Block AK, Section 9, 5815 and 5911 130th Street.

5. 22. **Ordinance 2nd Reading - Planning:** Zone Case 3197. Ordinance 2013-O0003. Consider the request of Shannon Vyff for a zoning change from R-1 to R-1 Design Historical for the east 40 feet of Lot 17 and Lot 18, Block 46, Overton Addition (2014 17th Street).
5. 23. **Ordinance 2nd Reading - Planning:** Zone Case 2895-I. Ordinance 2013-O0004. Consider the request of Betenbough Homes for a zoning change from R-1 Specific Use to GO on 1.7429 acres of unplatted land out of Block AK, Section 28 (east of Milwaukee Avenue at 88th Street).
5. 24. **Ordinance 2nd Reading - Planning:** Zone Case 2904-F. Ordinance 2013-O0006. Consider the request of the City of Lubbock for a zoning change from M-2, C-4, and C-4 Specific Use to IHC on Lots 1 – 15, and the east part of Lots 16 – 21, Block 31, Easley Addition; Lots 1 – 15 and Lots 26 - 30, Low & McNabb Addition; Lots 1 – 9, Block 2, Lots 1 – 4, Block 7 and Lot 8, Block 10, Richmond Second Addition and adjacent Railroad Right-of-Way; Tract B, R.C. Taylor Addition and adjacent Railroad Right-of-Way; Lots 12 – 21, Block 7, William Tubbs Addition (east of North Avenue Q Drive, north of 3rd Street, west of Avenue M, and south of 2nd Street).
5. 25. **Ordinance 2nd Reading - Planning:** Zone Case 3196. Ordinance 2013-O0005. Consider a request from Lubbock County Hospital District for a zoning change from R-2 to IHC for a medical clinic on the east 127.5 feet of Lots 11 through 13, Block 2, Smith Collier Addition (4101 and 4105 Interstate 27 and 546 42nd Street).
5. 26. **Contract Resolution - Facilities Management:** Consider a resolution authorizing the Mayor to execute Amendment No. 1 to a Professional Services Contract with Wiginton Hooker Jeffrey Architects (WHJA) of Plano, Texas for the design of new Fire Station 19, 5826 98th Street, Lubbock, Texas, RFQ 12-10513-MA.
5. 27. **Contract Resolution- Radio Shop:** Consider a resolution authorizing the Mayor to execute contract 11004 with Dailey & Wells Communications, Inc., for a two-way radio system upgrade.
5. 28. **Contract Resolution - Information Technology:** Consider a resolution authorizing the Mayor to execute purchase order Contract 10007518 with Dell Marketing LP, for rugged laptops and mounting hardware for the Lubbock Police Department.
5. 29. **Contract Resolution - Aviation:** Consider a resolution authorizing the Mayor to execute contract 11160, a Ramp Area Use Agreement, between the City of Lubbock and United Parcel Service, Co.
5. 30. **Contract Resolution - Aviation:** Consider a resolution authorizing the Mayor to execute a supplement to Amendment 5 to Contract 9002 with Parkhill, Smith & Cooper, Inc., (PSC) for construction phase services for Phase III of the Runway 8/26 and Taxiway Improvements Project at the Lubbock Preston Smith International Airport (LPSIA).
5. 31. **Contract Resolution - Aviation:** Consider a resolution authorizing the Mayor to execute change order 3 to Contract 10031 with J.D. Abrams, L.P. for the construction for Phase III of the Runway 8/26 and Taxiway Improvements Project at the Lubbock Preston Smith International Airport (LPSIA).
6. **Regular Agenda**

6. 1. **Public Hearing 6:30 p.m. - Planning:** - Consider a request for Zone Case 3198, a request of Brumley Properties (for Hwy 179, Ltd.) for a zoning change from R-1 to C-4 for retail sales of commercial tires on 1.455 acres of unplatted land out of Block D6, Section 2 (8602 19th Street) and consider an ordinance.
6. 2. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3199, a request of Hugo Reed and Associates, Inc. (for Steve Pitts) for a zoning change from T to C-3 on 18.4 acres of unplatted land out of Block E-2, Section 22 (southeast corner of 114th Street and Quaker Avenue) and consider an ordinance.
6. 3. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 2508-G, a request of AMD Engineering, LLC (for Norton Baker) for a zoning change from A-1, C-3, and R-2 to A-1, C-2, and C-3 for apartment and commercial tracts on 23.93 acres of unplatted land out of Block E-2, Section 19 (northeast corner of 114th Street and Indiana Avenue) and consider an ordinance.
6. 4. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 2508-H, a request of AMD Engineering, LLC (for Norton Baker and Lubbock Land Company, LLC) for a zoning change from R-1, R-1 Specific Use, R-2 and A-1 to IHI with conditions for office warehouse and storage unit facilities on 25.33 acres of unplatted land out of Block E-2, Section 19 (114th Street between Indiana Avenue and University Avenue). Conduct a public hearing and consider an ordinance.
6. 5. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 2278-B, a request of M.L. Smith, RA (for W.W. Butler, Junior Senior Inc.) for a zoning change from C-2 to C-2 Specific Use for a vet clinic on a portion of Lot 1, Butler 98th and Slide Addition (5214 98th Street) and consider an ordinance.
6. 6. **Ordinance 1st Reading - Environmental Health:** Consider an ordinance amending Chapter 8 of the Code of Ordinances of the City of Lubbock, Texas, with regard to tattoo and body piercing establishments within the city limits of Lubbock; providing a penalty; providing a savings clause; and providing for publication.
6. 7. **Ordinance 1st Reading - City Council:** Consider an Ordinance amending Chapter 14 of the Code of Ordinances of the City of Lubbock, Texas, with regard to adding section 14.01.009 relating to illicit synthetic drugs, to prohibit the sale, public display for sale, attempted sale, gift, barter, delivery, possession, or use of illicit synthetic drugs and misbranded drugs; providing for exceptions; providing a penalty clause; providing a savings clause; and providing for publication.
6. 8. **Resolution - Economic Development:** Consider a resolution approving the amended and restated bylaws of the Lubbock Economic Development Alliance and Market Lubbock Economic Development Corporation.
6. 9. **Board Appointments - City Secretary:** Consider one appointment to the Central Business TIF Reinvestment Zone Board of Directors, one appointment to the Electric Utility Board, one appointment to the Health & Educational Facilities Development Corporation Board of Directors, three appointments to the Urban Design & Historic Preservation Commission, and three appointments to the Zoning Board of Adjustment.
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. Discussion of the North Overton Tax Increment Finance Reinvestment Zone to include any budgetary implications.
7. 2. The Electric Utility Board and LP&L staff will present to the City Council current and future electric generation power supply options, strategies and related proposals including recent developments.
7. 3. Presentation by the North & East Lubbock Community Development Corporation regarding its accomplishments, current status, and future needs.