

City of Lubbock, Texas
Regular City Council Meeting
Thursday, April 28, 2011

Tom Martin, Mayor
Floyd Price, Mayor Pro Tem, District 2
Victor Hernandez, Councilman, District 1
Todd R. Klein, Councilman, District 3
Paul R. Beane, Councilman, District 4
Karen Gibson, Councilwoman, District 5
Jim Gilbreath, Councilman, District 6



<http://www.ci.lubbock.tx.us>

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

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.

7:30 a.m. -- City Council Convenes in Council Chambers

1. 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.

1.1 Samer Altabaa will appear before the City Council to discuss Sharia Law.

1.2 Dr. Cherif Amor will appear before the City Council to discuss Sharia Law.

2. Executive Session

- 2.1 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.

- 2.1.1 Health Benefits

- 2.1.2 Personnel Policies - Human Resources

- 2.1.3 Right-of-Way
- 2.1.4 Water Utility
- 2.1.5 Discussion of legal proceedings, options, and procedures concerning the status of Victor Hernandez, District 1 City Councilperson for the City of Lubbock.
- 2.2 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.
 - 2.2.1 Right-of-Way
 - 2.2.2 Water Utility
- 2.3 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.
 - 2.3.1 City Attorney
 - 2.3.2 City Manager
 - 2.3.3 City Secretary
- 2.4 Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):
 - 2.4.1 to deliberate, vote, and take final action on electric rates of Lubbock Power & Light
 - 2.4.2 to discuss, vote, and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic business plans, agreements, asset purchase agreements, and studies of Lubbock Power & Light
 - 2.4.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship and membership in the West Texas Municipal Power Agency
 - 2.4.4 to discuss and deliberate wholesale power supply strategies, proposals, and contracts of Lubbock Power & Light
- 3. Proclamations and Presentations
 - 3.1 Invocation by Father Anthony Phelps, Assistant Pastor, Our Lady of Grace Catholic Church
 - 3.2 Pledges of Allegiance
 - 3.3 Presentation of special recognition commemorating May 14, 2011 as the National Association of Letter Carriers Food Drive Day
 - 3.4 Check presentation by the Centennial Committee to the City of Lubbock

3.5 Board Recognitions:

Animal Services Advisory Board

Dr. Ronda Clark

Board of Health

Dr. Donald May

Keep Lubbock Beautiful Advisory Committee

Lynda McBride

Lake Alan Herry Board of Appeals

Ray Duncan

Dr. Nolan Riley

Park and Recreation Board

Scott Scarborough

4. Minutes

4.1 March 22, 2011, 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 2nd Reading - Finance:** Ordinance 2011-00037 Consider Budget Ordinance Amendment 9 amending the Adopted FY 2010-11 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Comprehensive Energy Assistance Program (CEAP); accept and appropriate funding from the Federal Transit Administration (FTA) for the FY 2011 Job Access and Reverse Commute Program (JARC); accept and appropriate funding from the FTA for the FY 2011 New Freedom Mobility Management Grant; reduce funding from the Texas Department of Transportation (TxDOT) for the Selective Traffic Enforcement Program (STEP) and Driving While Intoxicated (DWI) STEP; and respecting the Capital Program to amend Capital Improvement Project No. 92178, South Lubbock Sanitary Sewer System Expansion Phase I and Capital Improvement Project No. 92177, Southeast Water Reclamation Plant (SEWRP) Improvements - Digester 8 & 9.

- 5.1.1 Contract Amendment Resolution - Community Development: Consider a resolution authorizing the Mayor to execute Amendment 1 to Contract 58110001086 with the TDHCA for the CEAP to fund energy assistance programs.
- 5.1.2 Contract Resolution - Citibus : Consider a resolution authorizing the City's Chief Financial Officer to execute a FY 2011 FTA JARC grant to provide public transportation to places of employment.
- 5.1.3 Contract Resolution - Citibus: Consider a resolution authorizing the City of Lubbock's Chief Financial Officer to execute a FY 2011 New Freedom Mobility Management Grant.
- 5.1.4 Contract Amendment Resolution - Police: Consider a resolution authorizing the Mayor to execute Amendment 1 to a grant agreement with the TxDOT for the Speed STEP and the DWI STEP.

- 5.2 **Contract Resolution - Purchasing:** Consider a resolution authorizing the Mayor to execute Contract 9906 with Baker Office Products for office supplies, Bid 11-9906-DT.

- 5.3 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 10184 with Bryan Parr, for the acquisition of a 1.425 acre tract of land and improvements out of Block AK, Section 22, Abstract 749, Tracts Q1 and 1A, for the widening of Milwaukee Avenue from 94th Street to 104th Street, 10204 Milwaukee Avenue.

- 5.4 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 10182 with Kim Sherrod to lease approximately 58 acres of farm land out of Sections 5 and 5½, Stilson and Case Survey, Lubbock County, Texas.

- 5.5 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute an agreement with Lyntegar Electric Cooperative, Inc., a cooperative corporation, for an electric right-of-way easement on City property associated with the installation of electrical transformers for the Lake Alan Henry Post Booster Pump Station Project.

- 5.6 **Resolution - Public Works Engineering:** Consider a resolution authorizing the the Mayor to execute an agreement contributing funds and designating the Texas Department of Transportation (TxDOT) as the agency responsible for the development of Farm-to-Market (F.M.) 1730 (Slide Road), and appropriating funds.

- 5.7 **Resolution - Public Works Engineering:** Consider a resolution authorizing the Mayor to reject all proposals for the North Water Treatment Plant Improvement Project No. 1, RFP 11-10003-FO.

- 5.8 **Contract Amendment Resolution – Public Works Engineering:** Consider a resolution authorizing the Mayor to execute Amendment 1 to Contract 9433 with Carollo Engineers, P.C., for construction phase services related to the Southeast Water Reclamation Plant (SEWRP) Digester 8 & 9 Improvements Project.
- 5.9 **Contract Resolution – Public Works Engineering:** Consider a resolution authorizing the Mayor to execute Contract 9835 with Archer Western Contractors, Ltd., for the construction of the Southeast Water Reclamation Plant (SEWRP) Digester 8 & 9 Improvements, RFP 11-9835-MA.
- 5.10 **Contract Resolution - Traffic Engineering:** Consider a resolution authorizing the Mayor to execute purchase order Contract 10002006 with McCain, Inc., for traffic signal cabinets, Bid 11-9995-DD.
- 5.11 **Resolution - Business Development:** Consider a resolution giving Notice of Intent to consider the designation of a Reinvestment Zone on the property located at 2301 North University.
- 5.12 **Contract Amendment Resolution - Animal Services:** Consider a resolution authorizing the Mayor to execute Amendment 1 to Contract 7458 with Minnix for the design and construction of the Animal Shelter facility.
- 5.13 **Contract Amendment Resolution - Community Development:** Consider a resolution authorizing the Mayor to execute Amendment 1 to a Community Development Funding Contract with Lutheran Social Services of the South Plains (LSSS) to provide utility assistance to qualified, low-income persons and families through the Comprehensive Energy Assistance Program (CEAP) and the Community Services Block Grant (CSBG).
- 5.14 **Contract Amendment Resolution - Community Development:** Consider a resolution authorizing the Mayor to execute Amendment 1 to a Community Development Funding Contract with Life Run Independent Living Centers (LIFE) to provide utility assistance to qualified, low-income persons and families through the Comprehensive Energy Assistance Program (CEAP) and the Community Services Block Grant (CSBG).

- 5.15 **Contract Amendment Resolution - Community Development:** Consider a resolution authorizing the Mayor to execute Amendment 1 to a Community Development Funding Contract with Catholic Family Services (CFS) to provide utility assistance to qualified, low-income persons and families through the Comprehensive Energy Assistance Program (CEAP) and the Community Services Block Grant (CSBG).
- 5.16 **Contract Resolution - Community Development:** Consider 3 resolutions authorizing the Mayor to execute Contract 10194 with Thermo Dynamics Insulation, Contract 10193 with Grimes & Associates, and Contract 10065 with Kelly Properties for Weatherization Assistance Program and Comprehensive Energy Assistance Program assessments, audits, and final inspections, RFP-11-10065-MA.
- 5.17 **Contract Resolution - Airport:** Consider a resolution authorizing the Mayor to execute a lease agreement between the City of Lubbock and West Gaines Seed, Inc., for land rental at Lubbock Preston Smith International Airport.
- 5.18 **Contract Resolution - Airport:** Consider a resolution authorizing the Mayor to execute a lease agreement with Marco Steel & Aluminum Company for buildings and land rental at Lubbock Preston Smith International Airport.
- 5.19 **Contract Resolution - Airport:** Consider a resolution authorizing the Mayor to execute Contract 10000 with John B. Walker Roofing Co., Inc., for exterior remedial sealant work at Lubbock Preston Smith International Airport, RFP 11-10000-MA.
- 5.20 **Contract Resolution - Airport:** Consider three resolutions authorizing the Mayor to execute Contract 10190 with Coffman Associates, Inc., Contract 10135 with Kutchins & Groh, LLC, and Contract 10191 with Ricondo & Associates, Inc., for on-call planning services for the Lubbock Preston Smith International Airport, 11-026-FO.
- 5.21 **Contract Resolution - Facilities:** Consider a resolution authorizing the Mayor to execute job order Contract 11-10113-JOC with Talon/LPE for the replacement of floor covering.
- 5.22 **Contract Resolution - Facilities:** Consider a resolution authorizing the Mayor to execute job order Contract 11-10111-JOC with Talon/LPE for roof replacements and exterior renovations to the Mae Simmons Community and Senior Centers.

- 5.23 **Contract Resolution - Radio Shop:** Consider a resolution authorizing the Mayor to execute Contract 9909 with Houston's Tower Service, Inc., for radio tower services, RFP 11-9909-DT.
 - 5.24 **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order Contract 10002143 with Holiday Chevrolet for three light duty vehicles for the Fire Department, Bid 11-10026-RH.
 - 5.25 **Contract Resolution - Fleet Services:** Consider three resolutions authorizing the Mayor to execute Contract 10189 with Bill Williams Tire, Contract 9911 with Southern Tiremart, and Contract 10188 with A to Z Tires for tire acquisition, tire installation, and flat repair for municipal vehicles, Bid 11-9911-DG.
 - 5.26 **Contract Amendment Resolution - Police:** Consider a resolution authorizing the Mayor to execute a grant agreement with the Texas Department of Transportation for the Click-It or Ticket Selective Traffic Enforcement Program (STEP).
6. Regular Agenda
- 6.1 **Public Hearing 9:30 a.m. - Planning:** Zone Case 1511-K (4903 Chicago Avenue): Hold a public hearing to consider a request of McDougal Construction (for McDougal Land) for a zoning change from Family Apartment District (A-1) Specific Use and Local Retail District (C-2) Specific Use to General Retail District (C-3) limited to a convenience store and all unconditionally permitted C-2 uses on Lots 1 and 7, The Village Addition, and to consider an ordinance.
 - 6.2 **Public Hearing 9:30 a.m. - Planning:** Zone Case 3019-B (2401 Glenna Goodacre Boulevard): Hold a public hearing to consider a request of McDougal Construction (for McCanton Wood L.C.) for a zoning change from Multifamily District (R-3) to Local Retail District (C-2) Specific Use on Tract 1-C-3, Overton Park Addition, and to consider an ordinance.
 - 6.3 **Public Hearing 9:30 a.m. - Planning:** Zone Case 2895-F (6211 82nd Street): Hold a public hearing to consider a request of Christian Brothers Automotive (for 87th Street Partners, LLC) for a zoning change from General Retail District (C-3) to Interstate Highway Commercial District (IHC) on Tract A-1-B, Monterey Church of Christ Addition, and to consider an ordinance.

- 6.4 **Resolution - City Council:** Consider a resolution requesting the City Manager and the Model Codes and Construction Advisory Board study the schedule of storm water drainage charges presently in effect, the schedule's equitable application among properties in the City, and report findings.
 - 6.5 **Resolution - City Council:** Consider a resolution approving the FY 2011-12 Operating Budget and Capital Program Calendar to include an evening meeting on August 29, 2011, at 6:00 p.m.
 - 6.6 Take appropriate action as to the status of legal proceedings concerning the dismissal or continuation of any claims involving the City Council Seat District 1, held by Victor Hernandez.
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 provided posting of the item indicates to the public the action to be taken.
- 7.1 Presentation updating the City Council on water supply
 - 7.2 Master plan presentations by the Community Development and Parks and Recreation Departments