

City of Lubbock, Texas
Regular City Council Meeting
Thursday, May 27, 2010

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



<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.

- 1.1 Elliott Getz will appear before the City Council to discuss a plan using metal power lines, tax incentives for new neighborhoods with xeriscape landscaping, and a route for an outer loop.

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 Human Resources
 - 2.1.2 Police
 - 2.1.3 Right-of-Way
 - 2.1.4 Streets

- 2.1.5 Water Utility
- 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 Business Development
 - 2.2.2 Right-of-Way
 - 2.2.3 Streets
 - 2.2.4 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 and 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 and Light; and
 - 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 with and membership in the West Texas Municipal Power Agency.
- 3. Proclamations and Presentations
 - 3.1 Invocation by Pastor Matt Wolfington, St. Luke's Southwest
 - 3.2 Pledges of Allegiance
 - 3.3 Board Recognitions:
 - Public Transit Advisory Board
 - Tyler Patton
- 4. Minutes

- 4.1 April 19, 2010, Regular City Council Meeting
April 26, 2010, Special City Council Meeting
April 27, 2010, Special 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 Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 15 amending the Adopted FY 2009-10 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of Housing and Community Affairs for the Low Income Home Energy Assistance Program.
 - 5.2 **Contract Resolution - Purchasing:** Consider a resolution authorizing the Mayor to execute Professional Services Contract 9551 with The Thomas Agency for advertising and marketing services, RFP 10-047-FO.
 - 5.3 **Contract Resolution - Purchasing:** Consider two resolutions authorizing the Mayor to execute Contract 9500 with Custom Food Group and Contract 9501 with Coca Cola Beverage and Snack Distributors for beverage and snack vending services, RFP 10-005-FO.
 - 5.4 **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2010-O0040 Consider an ordinance abandoning and closing a 20-foot alley located in Block 6, Original Town of Lubbock, 412 Avenue J.
 - 5.5 **Ordinance 1st Reading – Right-of-Way:** Consider an ordinance abandoning and closing a five-foot wide underground utility easement in Lot 80, Orchard Park Addition, 10802 Miami Avenue.
 - 5.6 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract of Sale 9562 with Jean A. Teeter and Dale McJunkin, for the acquisition of Lot 78, Meadows South Addition to the City of Lubbock, Lubbock County, Texas, 9802 Colton Avenue.
 - 5.7 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract of Sale 9572 with Lubbock South Meadows Development, Inc., for the acquisition of Lots 488, 497, and 498, Meadows South Addition to the City of Lubbock, Lubbock County, Texas, 9801 and 9802 Durham Avenue and 9801 Elkhart Avenue.

- 5.8 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9567 with Martha Basinger, individually and as Executrix of the Estate of J. D. Basinger for the acquisition of a permanent 60-foot wide pipeline easement and a 60-foot wide temporary construction easement for the construction of the Lake Alan Henry Pipeline Project.
- 5.9 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9568 with Gloss Oats Davies for the acquisition of a permanent 60-foot wide pipeline easement and a 60-foot wide temporary construction easement for the construction of the Lake Alan Henry Pipeline Project.
- 5.10 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9566 with Cecil Stolle a/k/a Cecil W. Stolle, and wife Carolyn Laverne Stolle, for the acquisition of a permanent 60-foot wide pipeline easement and a 60-foot wide temporary construction easement for the construction of the Lake Alan Henry Pipeline Project.
- 5.11 **Resolution - Right-of-Way:** Consider a resolution authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to H.V. Wheeler Partnership, a Texas general partnership, for the purchase of a permanent 60-foot wide pipeline easement and a 60-foot wide temporary construction easement the construction of the Lake Alan Henry Pipeline Project, and authorizing, in the alternative, the institution of condemnation proceedings for acquisition of property if the purchase for said easement is not secured.
- 5.12 **Contract Resolution - Water Utility:** Consider a resolution authorizing the Mayor to execute purchase order Contract 22100021 with Lubbock Electric Company, Inc., for the purchase of an electric motor, BID 10-080-FO.
- 5.13 **Contract Resolution - Water Utility:** Consider two resolutions authorizing the Mayor to execute Contract 9548 with Circle R Lawn & Sprinkler and Contract 9547 with Jerry Weaver Farms for hay harvesting services at the Lubbock Land Application Site, BID 10-077-RH.
- 5.14 **Contract Resolution - Public Works Engineering:** Consider a resolution authorizing the Mayor to execute Amendment 3 to the agreement with Parkhill, Smith & Cooper, Inc., for the design of pavement improvements on Frankford Avenue from 98th Street to 114th Street; 98th Street from Frankford Avenue to Milwaukee Avenue; and Milwaukee Avenue from 94th Street to 100th Street.

- 5.15 **Contract Resolution - Traffic Engineering:** Consider a resolution authorizing the Mayor to execute purchase order Contract 95500001 with Pelco Structural for signal arm assemblies, BID 10-074-FO.
- 5.16 **Contract Resolution - Citibus:** Consider a resolution authorizing the Mayor to execute purchase order Contract 2010.1 with Gillig Corporation for a 35-foot low-floor hybrid electric bus, RFP 09-076-MA.
- 5.17 **Contract Resolution - Solid Waste:** Consider two resolutions authorizing the Mayor to execute Contract 9571 with Jarvis Metals, Inc., and Contract 9570 with Commercial Metals for the sale of scrap metal generated at various municipal facilities, RFP 10-041-FO.
- 5.18 **Contract Resolution - Information Technology:** Consider a resolution authorizing the Mayor to execute a professional services agreement contract with Tiburon, Inc., for Tiburon Property and Evidence Bar Code System software.
- 5.19 **Contract Resolution - Information Technology:** Consider a resolution authorizing the Mayor to execute purchase order Contract 86053001 with Dell Computer Cooperation for 200 rugged laptops and mounting hardware for the Police Patrol Division.
- 5.20 **Contract Resolution - Facilities:** Consider a resolution authorizing the Mayor to execute job order Contract 10-046-F-046-NJPA with Talon/LPE for roof replacements and roof repairs on buildings at the Water Treatment Plant.
- 5.21 **Contract Resolution - Fleet:** Consider a resolution authorizing the Mayor to execute purchase order Contract 31000008 with Stewart-Amos Equipment Company for a high dump street sweeper.
- 5.22 **Contract Resolution - Community Development:** Consider a resolution authorizing the Mayor to execute an Agreement with Lubbock Housing Finance Corporation (LHFC) to facilitate utilization of federal grant funds under the Neighborhood Stabilization Program (NSP) and to further the common goal of providing decent housing at affordable prices for low-income and moderate income residents of the City.
- 5.23 **Resolution - City Secretary:** Consider a resolution granting Limousines of Lubbock approval to operate a 1999 model Lincoln Tiffany Executive Super Stretch car in its limousine business.

6. Regular Agenda

- 6.1 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute a Deed without Warranty transferring the property at 412 Avenue J to the Louise Hopkins Underwood Center for the Arts, Inc.
- 6.2 **Public Hearing 9:30 a.m. - Planning:** Zone Case 3134 (9002 Memphis Avenue): Hold a public hearing to consider request of Carthel Engineering (for Premier Sports Complex) for a zoning change from General Retail District (C-3) Specific Use to C-3 Specific Use to amend conditions on Tract E, Raintree Addition, and to consider an ordinance.
- 6.3 **Public Hearing 9:30 a.m. - Planning:** Zone Case 2575-A (2221 Avenue W): Hold a public hearing to consider request of Redeemer Lutheran Church for a zoning change from High-Density Apartment District (A-2) to A-2 Design Historic District(DH) on Tract A, Block 58, McCrummen 2nd Addition, and to consider an ordinance.
- 6.4 **Public Hearing 9:30 a.m. - Planning:** Zone Case 1996-I (6524 Slide Road): Hold a public hearing to consider request of Ron Childress (for 68th Street and Slide Road, L.L.C.) for a zoning change from General Retail District (C-3) to Commercial District (C-4) on Tract D-2, Sentry Park Addition, and to consider an ordinance.
- 6.5 **Ordinance 1st Reading - Water Utility:** To consider and take action on an ordinance amending Chapter 28 of the Code of Ordinances of the City of Lubbock, Texas, regarding water and sewer system installation, maintenance, and connection; water meter ownership and reading; water and sewer services, including discontinuance, restoration, fees, notices, volume rates and billing, size of lines and meters, and deposits; diversion of water; variances and appeals regarding rates and consumption; domestic fire lines and hydrants; check valves on steam boiler service pipes; accidental discharge of prohibited material; pro rata charges, unit prices, and refunds for water and sewer services; pro rata charges for property already platted; costs of and fees associated with water and sewer mains and extensions; authority to make service taps; and sanitary control related to public water.
- 6.6 **Ordinance Amendment 1st Reading - Water Utility:** Consider an Ordinance Amendment to Chapter 28 of the Code of Ordinances related to the affordability reduction of meter charges for residential customers.

- 6.7 **Resolution - City Council:** Consider a resolution recommending and supporting the location of a full service, in-patient veterans hospital in Lubbock, Texas, to be established and opened as soon as practicable; and in the alternative, recommending and supporting the designation of an existing hospital facility or facilities in Lubbock, Texas, to offer any and all hospitalization services to veterans at an out-of-pocket cost the same as similar services could be obtained by veterans at the existing veterans hospitals in Amarillo and/or Big Spring, Texas; and in the alternative, recommending and supporting the institution of a voucher or other program whereby City of Lubbock veterans may avail themselves of local facilities to receive in-patient healthcare at the same out-of-pocket cost as a veteran's hospital would charge; and authorizing and directing the City Manager to send an official copy of this resolution to the aforementioned persons and entities.
- 6.8 **Board Appointments - City Secretary:** Consider one appointment to the Model Codes and Construction Advisory Board.
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 on Frenship Independent School District expansion plans. Dr. David Vroonland, Superintendent