

City of Lubbock, Texas
Regular City Council Meeting
Tuesday, May 31, 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 Frederic J. Popanz will appear before the City Council to discuss construction at the 82nd Street and University Avenue intersection.

- 1.2 Elliott Getz will appear before the City Council to discuss pear trees on municipally maintained lands.

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 Codes: 1208 14th Street

- 2.1.2 Electric Utility
 - 2.1.3 Health Benefits: Cause No. CC-08-01067-B
 - 2.1.4 Right-of-Way
 - 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 Codes: 1208 14th Street
 - 2.2.2 Right-of-Way
 - 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
 - 2.5 Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Canadian Municipal Water Authority and the Junked Vehicle Compliance Board.
3. Proclamations and Presentations
- 3.1 Invocation by Pastor Roger Garrett, Genesis Baptist Church
 - 3.2 Pledges of Allegiance

- 3.3 Presentation of special recognition to Rick Baumgartner, Director and Founder of Rise Academy, and Elliot Eldredge, Assistant Fire Marshall, for their heroic actions at Rise Academy
- 3.4 Presentation of a special recognition commemorating May 2011 as Stroke Awareness Month.
- 3.5 Board Recognitions:

Water Board of Appeals
Alex Scarborough
4. Minutes
 - 4.1 April 27, 2011, Special City Council Meeting
April 28, 2011, Regular City Council Meeting
May 9, 2011, 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 Ordinance Amendment 1st Reading - Finance:** Consider Budget Ordinance Amendment 10 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 Community Services Block Grant (CSBG); reduce funding from the TDHCA for the Texas Neighborhood Stabilization Program (NSP); reduce funding from the Texas State Library and Archives Commission (TSLAC) for the Library System Operation Grant; respecting the Capital Program to amend Capital Improvement Project No. 91181, Fire Station No. 16; establish Capital Improvement Project No. 92259, Fire Station No. 19; and establish Capital Improvement Project No. 92258, Airport Terminal Boiler Replacement; respecting the Criminal Investigation Special Revenue Fund; and respecting the FY 2010-11 Master Lease.
 - 5.2 **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2011-00041 Consider an ordinance abandoning and closing a five-foot LP&L underground utility easement and a six-foot by six-foot switch enclosure easement located in Tract A-1 and Lot 2, Kings Park Addition, 7515 Quaker Avenue.
 - 5.3 **Ordinance 1st Reading – Right-of-Way:** Consider an ordinance abandoning and closing a 30-foot drainage easement located in the Southview Two Addition, Lubbock County, Texas, 1601 74th Street.

- 5.4 **Ordinance 1st Reading – Right-of-Way:** Consider an ordinance abandoning and closing an LP&L 6-foot by 6-foot switching enclosure easement located in Lot 13, Summer Place Addition, Lubbock County, Texas, 2735 Genoa Avenue.
- 5.5 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 10231 with USM Manufacturing, LLC, a Texas LLC, for the purchase of a permanent 45.40-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.
- 5.6 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 10232 with Doris Fortenberry, also known as Mrs. Texas B. Fortenberry, for the purchase of a permanent 54.15-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.
- 5.7 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 10244 with Wallace Seggern, as to an undivided 1/3 interest; Marcat Family Limited Partnership, a Texas limited partnership, as to an undivided 1/3 interest; Roy Seggern, as to an undivided 1/3 interest for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.
- 5.8 **Contract Resolution – Public Works Streets:** Consider two resolutions authorizing the Mayor to execute Contracts 10216 with Fast Concrete d/b/a Commercial Concrete and Contract 10064 with Allen Butler Construction for annual pricing for concrete for street maintenance and repairs, Bid 11-10064-DG.
- 5.9 **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute Contract 9983 for towing services for heavy duty and heavy off road municipal vehicles, Bid 11-9983-DG.
- 5.10 **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order Contract 10002224 with Vermeer Equipment of Texas for a stump grinder and a trencher/backhoe for the Parks Department, Bid 10063-RH.
- 5.11 **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order Contract 24100134 with Equipment Southwest for 18 side loader refuse compaction bodies.

- 5.12 **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order Contract 29100004 with Kinloch Equipment and Supply, Inc., for a street sweeper for the Street Department.
- 5.13 **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order Contract 10002283 with Texas Municipal Equipment for a dump body for the Street Department.
- 5.14 **Contract Resolution - Facilities:** Consider a resolution authorizing the Mayor to execute Change Order 1 to Contract 9770 with Lee Lewis Construction, Inc., for the construction of Fire Station 16 located near 114th Street and Quaker Avenue.
- 5.15 **Ordinance 2nd Reading - Building Inspection:** Ordinance 2011-O0042 Consider an ordinance amending Chapter 28, Building Regulations, of the Code of Ordinances, providing for the amendment of such code; providing a savings clause; providing a penalty for the violation thereof; and providing when such code and this ordinance shall become effective.
- 5.16 **Ordinance 2nd Reading - Business Development:** Ordinance 2011-O0043 Consider an ordinance 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; and providing a saving clause and providing for publication.
- 5.17 **Resolution - Business Development:** Consider a resolution giving Notice of Intent to enter into a tax abatement agreement with Cymbet Corporation and X-Fab Texas, Inc.
- 5.18 **Resolution - Parks & Recreation:** Consider a resolution authorizing the Mayor to execute a License Agreement with Keep it Good in the Hood, LLC, (KIGH) to build a memorial in Tech Terrace Park.
- 5.19 **Resolution - Parks & Recreation:** Consider a resolution adopting the 2011 Parks, Recreation, and Open Space Master Plan.
- 5.20 **Resolution – Civic Centers:** Consider a resolution authorizing the Mayor to reject all bids for the replacement of the Civic Center theater stage floor, Bid 11-10080-MA.
- 5.21 **Contract Resolution - Civic Centers:** Consider a resolution authorizing the Mayor to execute Contract 10120 with Minnix Commercial Partners, LTD, for stage floor replacement at the Lubbock Memorial Civic Center Theater.

- 5.22 **Contract Resolution - Police:** Consider a resolution authorizing the Mayor to execute Contract 10142 with Red the Uniform Tailor, Inc., for police custom made-to-measure uniforms, Bid 11-10142-RH.
6. Regular Agenda
- 6.1 **Public Hearing 9:30 a.m. - Planning:** Zone Case 3047-B (northwest corner of 122nd Street and Quaker Avenue): Hold a public hearing to consider request of Stellar Land Company, Ltd., for zoning change from Single-Family District (R-1) Specific Use and Central Business District (CB-2) Specific Use to High-Density Apartment District (A-2) on 8.7 acres (two tracts) of unplatted land out of Block E-2, Section 23, and to consider an ordinance.
- 6.2 **Public Hearing 9:30 a.m. - Planning:** Zone Case 3153 (northwest corner of 130th Street and Indiana Avenue): Hold a public hearing to consider request of AMD Engineering, LLC, (for Baxter Trusts) for zoning change from Transition District (T) to General Retail District (C-3) on 10 acres of unplatted land out of Block E-2, Section 22, and to consider an ordinance.
- 6.3 **Public Hearing 9:30 a.m. - Planning:** Zone Case 3154 (11703 Indiana Avenue and 3311 116th Street): Hold a public hearing to consider request of Hub City Fieldhouse Properties, LLC, for zoning change from Transition District (T) to General Retail District (C-3) Specific Use for an indoor/outdoor sports center on Lots 1 and 2, Speedy Acres Addition, and to consider an ordinance.
- 6.4 **Budget Ordinance Amendment 1st Reading - Finance:** Consider Budget Ordinance Amendment 11 amending the Adopted FY 2010-11 Budget respecting the Operating Budget for Market Lubbock, Inc. (MLI) - Lubbock Convention and Visitors Bureau (Visit Lubbock), MLI - Lubbock Sports Authority, and Lubbock Economic Development Alliance (LEDA).
- 6.5 **Board Appointments - City Secretary:** Consider one appointment to the Canadian River Municipal Water Authority, three appointments to the Citizens Traffic Commission, one appointment to the Junked Vehicle Compliance Board, and one appointment to the Public Transit 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 10:00 a.m. - Discuss report of the Homeless Committee
- 7.2 Master Plan presentations by Fleet Services