

**City of Lubbock, Texas
Regular City Council Meeting
Thursday, October 27, 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



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.

The City Council will recess at 11:15 a.m. and reconvene at the Overton Hotel and Conference Center located at 2322 Mac Davis Lane to attend the opening of the Life of Dr. M.C. Overton Exhibit and luncheon. The City Council will recess following the luncheon and reconvene in Council Chambers.

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. Will Phillips will appear before the City Council to discuss ordinances related to animal leash laws and to discuss a dog park.
1. 2. Dr. Brodtkin will appear before the City Council to discuss the proposed closure of Avenue T.
1. 3. Brad Clardy will appear before the City Council to discuss the proposed closure of Avenue T.
1. 4. Captain Morton will appear before the City Council to discuss Tent City.
1. 5. David Allison will appear before the City Council to discuss Tent City.
1. 6. Gary Light will appear before the City Council to discuss Tent City.
1. 7. Lynn McClendon will appear before the City Council to discuss Tent City.
1. 8. Les Burrus will appear before the City Council to discuss Tent City.

1. 9. Frank Morrison will appear before the City Council to discuss Tent City.
1. 10. Linda Gaither will appear before the City Council to discuss Tent City.
1. 11. Linda Brice will appear before the City Council to discuss the Health Department.
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: In the matter of arbitration between the City of Lubbock and HealthSmart Holdings, Inc., et al Case No.71-193-Y-00084-08
 2. 1. 2. 07-10-00466-CV in the Seventh Judicial District Court of Appeals of Texas, appealed from Cause No. 2008-542,012-A, 237th District Court.
 2. 1. 3. City of Lubbock v. Lubbock 2 Student Housing, et al Cause No. 2010-555, 363
 2. 1. 4. City of Lubbock v. Lubbock Student Housing, et al Cause No. 2010-555, 362
 2. 1. 5. Atmos Energy
 2. 1. 6. West Texas Gas
 2. 1. 7. Omni Center
 2. 1. 8. Public Works
 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. Oil and Gas Leases
 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 discuss, vote, and take final action on customer billing and electric power pricing
 2. 4. 2. to discuss and deliberate plans, studies, proposals, and analyses for system improvements and risk management information and related strategies

2. 4. 3. to discuss and deliberate bidding and pricing information for purchased power, generation and fuel, purchased power agreements, and related services and strategies
2. 5. 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 Electric Utility Board, Lubbock Housing Finance Corporation Board, Planning & Zoning Commission, and Reese Redevelopment Authority Board.

3. **Proclamations and Presentations**

3. 1. Invocation by Father Nahum Lopez, St. Joseph's Catholic Church

3. 2. Pledges of Allegiance

3. 3. **Board Recognitions:**

Permit and License Appeal Board
Bill Bates

3. 4. Presentation of a special recognition designating the week of November 2 - 9, 2011, as Distracted Driving Awareness Week

4. **Minutes**

4. 1. September 27, 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 Amendment Ordinance 2nd Reading - Finance:** Ordinance 2011-O0094 Consider Budget Ordinance Amendment 2 amending the Adopted FY 2011-12 Budget respecting the Grant Fund to appropriate additional funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Comprehensive Energy Assistance Program (CEAP).

5. 1. 1. **Contract Amendment Resolution - Community Development :** Consider a resolution authorizing the Mayor to execute Amendment 2 to Contract 58110001086 with the TDHCA for the CEAP to fund energy assistance programs.

5. 2. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 3 amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Division of Emergency Management for the Homeland Security Grant Program - Metropolitan Medical Response System (MMRS).

5. 3. **Ordinance 2nd Reading - Finance:** Ordinance 2011-O0096 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; providing a savings clause; and providing for publication.

5. 4. **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2011-O0061 Consider an ordinance abandoning and closing a 10-foot underground waterline easement located in the Southview Two Addition, Lubbock County, Texas, 1601 74th Street.

5. 5. **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2011-O0093 Consider an ordinance abandoning and closing a portion of certain utility easements located in Blocks 1 & 2, Ratliff Addition, 401 Avenue Q.
5. 6. **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2011-O0091 Consider an ordinance abandoning and closing a 30-foot temporary garbage collection easement, utility easement, and an access easement located in Section 5, Block A, Lubbock County, Texas, 1703 Erskine Street.
5. 7. **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2011-O0092 Consider an ordinance abandoning and closing two 56-foot drainage easements and a street stub located in Section 29, Block AK, Lubbock County, Texas, 6335 66th Street.
5. 8. **Contract Amendment Resolution - Public Works Traffic Engineering:** Consider a resolution authorizing the Mayor to execute Supplemental Agreement 6 to the Type R Agreement with the Texas Department of Transportation (TxDOT) for the installation of, and reimbursement for, the operation and maintenance of traffic signals on State highways within the City.
5. 9. **Contract Resolution - Public Works Traffic Engineering:** Consider a resolution authorizing the Mayor to execute Contract 10486 with the Lubbock Metropolitan Planning Organization (LMPO) for traffic monitoring and reporting services to provide information and crash data to update the LMPO's Congestion Management Plan.
5. 10. **Contract Resolution - Parks and Recreation:** Consider a resolution authorizing the Mayor to execute a lease agreement with Camp Fire USA (CFUSA) Panhandle Plains Council for a building located at Marshall Avenue and North University.
5. 11. **Ordinance 2nd Reading - Codes:** Ordinance 2011-O0095 Consider an ordinance amending Chapter 34 of the Code of Ordinances of the City of Lubbock, Texas, by amending Section 34.01.001 by adopting the 2011 Property Maintenance Code providing a penalty; providing a savings clause; and providing for publication.
5. 12. **Ordinance 1st Reading - Building Inspection:** Consider an ordinance amending Chapter 28 of the City of Lubbock Code of Ordinances with regard to the adoption of the 2009 International Plumbing Code governing the installation, maintenance, and repair of plumbing systems.
5. 13. **Ordinance 1st Reading - Building Inspection:** Consider an ordinance amending Chapter 28 of the City of Lubbock Code of Ordinances with regard to the adoption of the 2009 International Fuel Gas Code governing the installation, maintenance, and repair of fuel gas systems.
5. 14. **Ordinance 1st Reading - Building Inspection:** Consider an ordinance amending Chapter 28 of the City of Lubbock Code of Ordinances with regard to the adoption of the 2009 International Mechanical Code governing the installation, maintenance, and repair of heating, ventilation, and air conditioning systems.
5. 15. **Ordinance 1st Reading - Building Inspection:** Consider an ordinance amending Chapter 28 of the City of Lubbock Code of Ordinances with regard to the adoption of the 2009 International Energy Conservation Code governing the energy efficiency features of various building elements and systems.
5. 16. **Contract Resolution - Community Development:** Consider two resolutions authorizing the Mayor to execute Contract 10273 with Sears Commercial, and Contract 10273-1 with JG & KG, Inc., dba Radio Lab for the replacement of inefficient refrigerators in homes of low-income households through the Comprehensive Energy Assistance Program (CEAP) Refrigerator Replacement Program, Bid 11-10273-TL.

5. 17. **Contract Resolution – Animal Services:** Consider a resolution authorizing the Mayor to execute an Application for Eligibility to Receive City Surplus Property for the transfer of one portable cat pen to the City of Idalou to increase its stray feline capacity.
5. 18. **Contract Resolution - Emergency Management:** Consider a resolution authorizing the Mayor to execute Sub-Recipient Grant Agreement 11 TX-EMPG-0944 with the Texas Division of Emergency Management for emergency management services.
5. 19. **Contract Resolution - City Secretary:** Consider a resolution authorizing the Mayor to execute Contract 10378 with HOV Services, Inc., for microfilming and scanning services.
5. 20. **Contract Resolution - City Secretary:** Consider a resolution authorizing the Mayor to execute purchase order Contract 10004093 with Spacesaver Corporation C/O Improve Group for construction and installation of a storage system at City Hall for vital statistics.
6. **Regular Agenda**
 6. 1. **Public Hearing 9:30 a.m. - Planning:** Zone Case 2573-L (north of North Loop 289 and east of Slide Road): Hold a public hearing to consider request of Hugo Reed and Associates, Inc. (for North Park Lubbock Development, Ltd.) for a zoning change from C-3 (General Retail District) to IHC (Interstate Highway Commercial District) on 8.1 acres of unplatted land out of Block A, Section 22, and to consider an ordinance.
 6. 2. **Public Hearing 9:30 a.m. - Planning:** Zone Case 3167 (8301 University Avenue): Hold a public hearing to consider request of Ron Childress (for Graco Real Estate Development) for a zoning change from R-1 (Single-Family District, when annexed) to C-3 (General Retail District) with conditions on 3.64 acres of unplatted land out of block E, Section 9, and to consider an ordinance.
 6. 3. **Public Hearing 9:30 a.m. - Planning:** Zone Case 2543-D (1702 98th Street): Hold a public hearing to consider request of Bobby Beale (for Jacob Goertzen) for a zoning change from C-3 (General Retail District) to C-4 (Commercial District) on Lots 4 and 5, Block 7, Fairview Acres Addition, and to consider an ordinance.
 6. 4. **Public Hearing 9:30 a.m. - Planning:** Zone Case 2995-L (between 71st Street and 72nd Place and northeast of Kewanee Avenue): Hold a public hearing to consider request of AMD Engineering, LLC (for Bacon Crest, Ltd.) for a zoning change from A-2 (apartments) to GO (Garden Office) and C-2A (light commercial) limited to a health club on 5.853 acres of unplatted land out of Block AK, Section 29, and to consider an ordinance.
 6. 5. **Public Hearing 9:30 a.m. - Planning:** Zone Case 1542-T (4701 South Loop 289): Hold a public hearing to consider request of Alfonso Arreola (for South Plains Electric Coop) for a zoning change from C-2 (local retail) to C-2 Specific Use for communication tower on Lot 1-B, Block 6, Furr Wolf Addition, and to consider an ordinance.
 6. 6. **Public Hearing 9:30 a.m. - Planning:** Zone Case 3166: Conduct a public hearing to consider an appeal of denial by the Planning and Zoning Commission a request of Les Burrus (for Link Ministries) for a zoning change from C-4 (Commercial District) and M-2 (Heavy Manufacturing District) to M-2 Specific Use for a homeless shelter on Block 174, a portion of Lots 1-4 and a closed alley: Block 158, part of Lots 1-10 less the west 42.5 feet, Original Town Addition, and Lot 1, Lubbock Gin Addition (1301 Avenue A and 1301 Birch Avenue), and consider an ordinance.
 6. 7. **Petition Annexation Ordinance 2nd Reading - Planning:** Consider an ordinance annexing a 120.4 acre parcel west of Research Boulevard and north of 19th Street to include the Reese Golf Course clubhouse.

6. 8. **Ordinance 1st Reading – Right-of-Way:** Consider an ordinance abandoning and closing a portion of Vicksburg Avenue between 31st Street and 34th Street, 3307 Vicksburg Avenue.
6. 9. **Ordinance 1st Reading – Right-of-Way:** Consider an ordinance abandoning and closing a portion of Avenue T and a portion of the alley in Block 19, Robinson Addition, 2004 19th Street.
6. 10. **Ordinance 1st Reading - City Secretary:** Consider an ordinance amending Chapter 24 of the Code of Ordinances, City of Lubbock, Texas, regulating vehicles for hire, including taxicabs, limousines, airport shuttles, buses, touring vehicles and non-motorized vehicles; establishing an operator's permit; amending Chapter 24 with regard to repealing outdated and unnecessary provisions; amending provisions to encompass current practices; providing definitions; providing a penalty; providing a savings clause; providing for publication.
6. 11. **Board Appointments - City Secretary:** Consider five appointments to the Electric Utility Board, one appointment to the Lubbock Housing Finance Corporation Board, five appointments to the Planning & Zoning Commission, one appointment to the Reese Redevelopment Authority Board, three appointments to the Appointments Advisory Board, one appointment to the Community Development & Services Board, and three appointments to the Museum & Arts Standing Sub- Committee.
6. 12. **Resolution - Health:** Discuss and take appropriate action as to the Board of Health's recommendations regarding City of Lubbock Health Services.
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 of the item indicates to the public the action to be taken.**
 7. 1. Status update of the 2011 Bond Advisory Committee Report on 2009 Bond Projects.
 7. 2. **Lubbock Power & Light:** Presentation updating the City Council on LP&L.