

City of Lubbock, Texas
Regular City Council Meeting
Wednesday, December 15, 2010

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 Randy Miller will appear before the City Council to discuss burial of pets on residential property.
 - 1.2 Robert Wall, Jr., will appear before the City Council to discuss school crosswalks.
 - 1.3 Chad Wheeler will appear before the City Council to discuss the Curfew Ordinance.
 - 1.4 Jim Beck will appear before the City Council to discuss the Curfew Ordinance.

1.5 Barrett Smith will appear before the City Council to discuss the Curfew Ordinance.

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 Animal Services

2.1.2 Citibus

2.1.3 Civic Centers

2.1.4 Libraries

2.1.5 Police

2.1.6 Right-of-Way

2.1.7 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 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

2.3.4 Municipal Court Judge

2.3.5 Fire Chief

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

- 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
 - 2.4.4 to discuss and deliberate wholesale power supply strategies, proposals, and contracts of Lubbock Power and 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 Central Business District TIF Reinvestment Zone Board of Directors, Lubbock Business Park TIF Reinvestment Zone Board of Directors, North Overton TIF Reinvestment Zone Board of Directors, Structural Standards Commission, and the Zoning Board of Adjustment.
- 3. Proclamations and Presentations
 - 3.1 Invocation by Pastor Ron Lindley, St. Matthew's United Methodist Church
 - 3.2 Pledges of Allegiance
 - 3.3 First United Methodist Church Choir will perform classic carols for the holiday season.
- 4. Minutes
 - 4.1 November 15, 2010, 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 2010-00088 Consider Budget Ordinance Amendment 3 amending the Adopted FY 2010-11 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of State Health Services (DSHS) for the Public Health Emergency Response (PHER) Grant; accept and appropriate from the Texas State Library and Archives Commission for the Loan Star Libraries Grant; accept and appropriate from the Dallas Police Department for the investigations of internet crimes against children; respecting the Capital Program to establish Capital Improvement Project No. 8569, Master Thoroughfare Plan update; and establish Capital Improvement Project No. 8570, Traffic Calming Manual.

- 5.1.1 Contract Resolution - Health: Consider a resolution authorizing the Mayor to execute Contract 2011-037483 with the Texas DSHS for Focus Area I and Focus Area II Projects.
- 5.1.2 Contract Resolution - Library: Consider a resolution authorizing the Mayor to execute a grant agreement with the Texas State Library and Archives Commission to maintain, improve, and enhance library services.
- 5.1.3 Contract Resolution - Police: Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with the City of Dallas for the Internet Crimes Against Children Task Force investigations.
- 5.1.4 Contract Resolution – Public Works Engineering: Consider a resolution authorizing the Mayor to execute a Contract with the Lubbock Metropolitan Planning Organization for updating the City’s Master Thoroughfare Plan.
- 5.1.5 Contract Resolution - Traffic Engineering: Consider a resolution authorizing the Mayor to execute Contract 9938 with the Lubbock Metropolitan Planning Organization for professional services to provide Neighborhood Traffic Calming Guideline Manual.

- 5.2 **Resolution - Finance:** Consider a resolution designating authorized representatives on the the City's accounts with the Texas Local Government Investment Pool.

- 5.3 **Resolution - Finance:** Consider a resolution designating authorized representatives on the City's accounts with TexSTAR.

- 5.4 **Contract Resolution – Health Benefits:** Consider a resolution authorizing the Mayor to execute a contract for Medical Services Clinics for City of Lubbock employees, eligible dependents, and retirees, RFP 10-133-DT.

- 5.5 **Resolution - Health Benefits:** Consider a resolution authorizing the City Manager to execute changes to the Master Welfare Benefit Plan and Benefit Plan document.

- 5.6 **Resolution - Health Benefits:** Consider a resolution authorizing the Mayor to execute Amendment 9 to the City of Lubbock Master Welfare Benefit Plan document with regard to procedures for approval of requests related to exceptions to the Plan.

- 5.7 **Contract Resolution - Risk Mangement:** Consider a resolution authorizing the Mayor to execute Contract 9939 for property insurance coverage from ACE Fire Underwriters Insurance Company for the John T. Montford Dam.

- 5.8 **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2010-O0089 Consider an ordinance abandoning and closing two underground utility and garbage service easements located in Section 28, Block AK, Lubbock County, Texas, 8610 Iola Avenue.
- 5.9 **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2010-O0090 Consider an ordinance abandoning and closing a 30-foot temporary garbage service and underground utility easement located in Section 27, Block AK, (Lots 255 and 256 Quincy Park) Lubbock County, Texas, 7014 95th Street.
- 5.10 **Ordinance 1st Reading – Right-of-Way:** An ordinance abandoning and closing a 75 foot by 300 foot drainage easement located in Section 1, Block E, Lubbock County, Texas, 5831 Elm Avenue.
- 5.11 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9888 with Erika N. Miller and Jana Garrison for the acquisition of Lot 20, Lakewood Estates Addition to the City of Lubbock, Lubbock County, Texas, 9801 Homestead Avenue.
- 5.12 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9889 with Muhammad K. Arain and wife, Maria H. Ghauri, for the acquisition of Lot 11, Meadows South Addition to the City of Lubbock, Lubbock County, Texas, 9801 Belmont Avenue.
- 5.13 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9949 with Milton Wolbrueck, Mamie Ruth Wolbrueck Richter, Albert Wolbrueck, and Anita Wolbrueck Rode, for the purchase 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.
- 5.14 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9948 with Clyde T. Kitten, Edward A. Kitten, and Charlene K. Scott, Co-Trustees of the Kitten Family Living Trust, for the purchase 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.
- 5.15 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9951 with E. C. Smallwood, for the acquisition 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.

- 5.16 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9946 with Baldemar Reyna and Penny Adams for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.
- 5.17 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9944 with Blane Wood and wife, Sandy Wood, for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.
- 5.18 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9945 with Charles E. Prater and wife, Ramona Prater, for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.
- 5.19 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9942 with Marjorie N. Pate, Individually and as Trustee of The Pate Management Trust, for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.
- 5.20 **Contract Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute Contract 9943 with Wade Wood and wife, Kim Wood, for the purchase of a permanent 55-foot wide easement for the construction of the Lake Alan Henry Treated Waterline Project.
- 5.21 **Contract Resolution - Water Utility:** Consider a resolution authorizing the Mayor to execute Contract 9874 with Talon/LPE for water well plugging services.
- 5.22 **Contract Resolution - Water Utility:** Consider a resolution authorizing the Mayor to execute Contract 9891 with Trademark Hoist & Crane to provide and install components for the renovation of overhead lifting systems at various Water Utility facilities, RFP 10-123-FO.
- 5.23 **Contract Resolution - Water Utility:** Consider a resolution authorizing the Mayor to execute Contract 9937 with Lyntegar Electric Cooperative, Inc., for electrical service to the Post Booster Pump Station.
- 5.24 **Contract Resolution - Water Utility:** Consider two resolutions authorizing the Mayor to execute Contract 9392 with Utility Contractors of America, Ltd., for water and sewer service connections and taps, and Contract 9893 with H.D. Weaver Ditching Service, Inc., for potable water and sanitary sewer main construction and equipment, Bid 10-134-FO.

- 5.25 **Contract Resolution – Water Utility:** Consider a resolution authorizing the Mayor to execute Contract 9933 with Alan Plummer Associates, Inc., for engineering services associated with the Northwest Water Reclamation Plant.
- 5.26 **Contract Resolution – Water Utility:** Consider a resolution authorizing the Mayor to execute Change Order 11 to Contract 8119 with Eagle Contracting, L.P., for the Southeast Water Reclamation Plant Improvements Project to increase the quality of treated effluent to stream discharge standards.
- 5.27 **Contract Resolution - Water Utility:** Consider a resolution authorizing the Mayor to execute professional services Contract 9895 with Agri-Waste Technology for modeling and reporting of water and nitrogen balances at the Land Application sites, as required by the Texas Commission on Environmental Quality.
- 5.28 **Ordinance 2nd Reading - Planning:** Ordinance 2010-O0092 Zone Case 3143 (west of Milwaukee Avenue between 26th Street and 34th Street): Consider a request of Hugo Reed & Associates, Inc., for Tigris Development, for a zoning change from Single-Family District (R-1) to High Density Apartment District (A-2) and General Retail District (C-3) on 22.9 acres of unplatted land out of Block AK, Section 43.
- 5.29 **Ordinance 2nd Reading - Planning:** Ordinance 2010-O0093 Zone Case 3144 (3221 Slaton Road): Consider a request of Carroll Estes for a zoning change from Heavy Manufacturing District (M-2) to M-2 Specific Use (auto auction) on 15.56 acres of unplatted land out of Block S, Section 4.
- 5.30 **Ordinance 2nd Reading - Planning:** Ordinance 2010-O0094 Zone Case 1087-B (1811 13th Street): Consider a request of H. Deane Pierce for a zoning change from Family Apartment District (A-1) to Garden Office District (GO) on the west 84 feet of Lots 8-10, Block 13, Overton Addition.
- 5.31 **Ordinance 2nd Reading - Planning:** Ordinance 2010-O0095 Zone Case 2895-D (from 85th Street to 88th Street between Milwaukee Avenue and Iola Avenue): Consider a request of Betenbough Homes for a zoning change from Apartment Medical District (AM), General Retail District (C-3), and Family Apartment District (A-1) Specific Use for garden homes to Single-Family District (R-1) Specific Use (for reduced setbacks) on 39.941 acres of unplatted land out of Block AK, Section 28.

- 5.32 **Ordinance 2nd Reading - Planning:** Ordinance 2010-O0096 Zone Case 3145 (generally located south of 7th Street, north of 25th Street between Interstate 27 and Avenue R): Consider a request of Delbert McDougal (for the City of Lubbock) for a zoning change from Heavy Commercial District (C-4), General Retail District (C-3), Multi-Family District (R-3), and Two-Family District (R-2) to Local Retail District (CB-2), Central Business District, General (CB-3), and Depot District (CB-4) on approximately 400 acres of platted and unplatted land as follows: Lots 1, 2, Block 3, Knight Addition; Block 2, Robinson Addition; Lots 1, 2, 23, and 24, Block 2, Dixie Land Addition; Lots 1-3, Block 1, Summers Cockrell Addition; Lots 8-10 of Block 8, Block 1, McCrummen 1st Addition; Lots 1-6 of Block 1, Lots 1-3 of Block 2, Myrick's Addition; Lots 1-5, and the north half of Lot 6, Penney Addition; Lots 1-5 and Lots 17-20, Pickett & Penney Addition; Lots 3-11 and the north half of Lot 12, and closed alley, JV Roy Addition; Lots 1-6 and Lot 13, Mrs. IA Boyd Addition; north 166 feet of Kuykendall Tract Addition; Tract 27, Overton Park Addition; Lots 13-17, Block 2, McCrummen 2nd Addition; Lots 1-22, Garland Addition; Lots 1-3, Block 7, Heim Addition; Blocks 1, 3, 4, and the east half of Blocks 5-10, Blocks 11, 121, 134, and Tract A, Overton Addition; Block 1, Dupree Addition; Blocks 1, 2, and 43, Merrill Addition; Block 2, Bowles Addition; all of Neal and Alexander Addition; all of LPK Addition; all of American State Bank Addition; all of GA Rush Addition; all of Depot District Addition; all of JT Hart Addition; Blocks 54, 55, 70, 71, 86, 87, 97 – 106, 113 - 123, 127 – 138, 143 – 150, 160 – 166, 176 – 182, 191 – 201, 207 – 217, 223 – 233 and the Public Square Lubbock Original Town Addition; and 4.275 acres of unplatted land out of Block O, Sections 1 and 2, and Block B, Sections 7 and 9, a portion of railroad right of way, and all closed streets and alleys; and all adjacent right of way (generally located south of 7th Street, north of 25th Street between Interstate 27 and Avenue R).
- 5.33 **Resolution - Business Development:** Consider a resolution approving the agreement between Lubbock Central Appraisal District, City of Lubbock, and the Lubbock Business Park Tax Increment Financing Reinvestment Zone for collection of the tax increment.
- 5.34 **Resolution - Business Development:** Consider a resolution authorizing the Mayor to execute the Lubbock Business Park Tax Increment Financing Reinvestment Zone (Zone) Annual Report for October 1, 2009, through September 30, 2010, 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.

- 5.35 **Resolution - Business Development:** Consider a resolution authorizing the Mayor to execute the North Overton Tax Increment Financing Reinvestment Zone (Zone) Annual Report for October 1, 2009, through September 30, 2010, which will be distributed to the chief executive officer of each taxing unit levying taxes within the Zone, and to the Comptroller of the State of Texas.
- 5.36 **Resolution - Business Development:** Consider a resolution authorizing the Mayor to execute the Central Business District (CBD) Tax Increment Financing Reinvestment Zone (Zone) Annual Report for October 1, 2009, through September 30, 2010, which will be distributed to the chief executive officer of each taxing unit levying taxes within the Zone, and to the Comptroller of the State of Texas.
- 5.37 **Ordinance 2nd Reading - Airport:** Ordinance 2010-O0091 Consider an ordinance amending Chapter 6, Aviation and Airports, of the Code of Ordinances, providing for the amendment of such code; providing a penalty for the violation thereof; and providing when such code and this ordinance shall become effective.
- 5.38 **Contract Resolution - Airport:** Consider a resolution authorizing the Mayor to execute Contract 9936 with Med Trans Corporation d/b/a AeroCare, for a hangar and ground lease at 6006 North Cedar Avenue.
- 5.39 **Contract Resolution - Information Technology:** Consider a resolution authorizing the Mayor to execute purchase order Contract 3300061 with SHI Government Solutions for upgrades and software maintenance for Novell ZENworks Desktop Management Software.
- 5.40 **Resolution - Health:** Consider a resolution authorizing the appointment of Ronald L. Cook, DO, MBA, to the position of Health Authority for the City of Lubbock.
- 5.41 **Contract Resolution - Solid Waste:** Consider a resolution authorizing the Mayor to execute Contract 9894 with Parkhill, Smith & Cooper, Inc., for engineering services for maintaining compliance with environmental regulations and reporting requirements.
- 5.42 **Contract Resolution - Civic Centers:** Consider a resolution authorizing the Mayor to execute Contract 9756 with GRG Sanders & Company d/b/a Hub City Plumbing, for renovations to the existing central plant equipment which provides cooling and heating to the Lubbock Memorial Civic Center and Mahon Library, Bid 11-004-FO.

- 5.43 **Ordinance 2nd Reading - City Manager:** Ordinance 2010-O0097 Consider adding Section 14.01.008 to the Code of Ordinances, regulating and prohibiting the presence of any person on the premises of the Lubbock Memorial Civic Center, Mahon Public Library, City Hall, or Lubbock Business Center between the hours of 12:00 midnight and 5:00 a.m.
- 5.44 **Contract Resolution - Fire:** Consider a resolution authorizing the Mayor to execute an Application of Eligibility for the transfer of two brush trucks to Garza County for wildland fire protection at Lake Alan Henry.
- 5.45 **Contract Resolution - Police:** Consider a resolution authorizing the Mayor to execute a Memorandum of Understanding with the Texas Department of Health and Human Services Commission, Office of the Inspector General, regarding the cooperation and allocation of investigatory resources.
- 5.46 **Contract Resolution - Legal:** Consider a resolution authorizing the Mayor to execute purchase order Contract 1001364 with Westlaw for the purchase of legal software that will assist the legal department in the research of the multiple areas of law required by the needs of City departments, administration and Council.

6. Regular Agenda

- 6.1 **Resolution - Municipal Court:** Consider a resolution establishing a salary for the Presiding Judge of the Municipal Court following an annual review by City Council.
- 6.2 **Ordinance 1st Reading - City Council:** Consider amending Chapter 20 of the Code of Ordinances to amend Article 20.05, Division 1, to create a Section 20.05.010, Impounding Uninsured Vehicles, authorizing a Police Officer to impound a motor vehicle stopped for a traffic law violation if the vehicle's owner or operator fails to show evidence of financial responsibility.
- 6.3 **Board Appointments - City Secretary:** Consider one appointment to the Civic Lubbock, Inc., Board of Directors, one appointment to the Parks and Recreation Board, two appointments to the Structural Standards Commission, and one appointment to the Zoning Board of Adjustment.
- 6.4 **Board Appointments - City Secretary:** Appoint the Chairperson of the Central Business Tax Increment Financing Reinvestment Zone Board of Directors for calendar year 2011, with the term ending on December 31, 2011.

- 6.5 **Board Appointments - City Secretary:** Appoint the Chairperson of the North Overton Tax Increment Financing Reinvestment Zone Board of Directors for calendar year 2011, with the term ending on December 31, 2011.
- 6.6 **Board Appointments - City Secretary:** Appoint the Chairperson of the Lubbock Business Park Tax Increment Financing Reinvestment Zone Board of Directors for calendar year 2011, with the term ending on December 31, 2011.