

City of Lubbock, Texas
Regular City Council Meeting
Thursday, April 24, 2014

Glen C. Robertson, Mayor
Karen Gibson, Mayor Pro Tem, District 5
Victor Hernandez, Councilman, District 1
Floyd Price, Councilman, District 2
Todd R. Klein, Councilman, District 3
Jim Gerlt, Councilman, District 4
Latrell Joy, Councilwoman, District 6



James Loomis, City Manager
Mitch Satterwhite, Interim 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 775-2061 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.

3:00 p.m. -- City Council convenes in open session, and recesses into executive session to consider items 1.-1.4.

6:15 p.m. -- City Council reconvenes in open session to consider items 2.-8.

1. **Executive Session**

1. 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.
 1. 1. 1. Discuss legal issues related to the dual governance structure of the City's electric utility.
 1. 1. 2. Cause No. 2013-508,039-City of Lubbock v. Lubbock Omni Office, Inc. et. al.
 1. 1. 3. No. 07-14-00006-CV; City of Lubbock, Texas v. Coyote Lake Ranch, LLC
 1. 1. 4. Hotel occupancy tax audit deficiency collections.
1. 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.
 1. 2. 1. Omni Building
 1. 2. 2. Police Station
1. 3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074, to discuss personnel matters.
 1. 3. 1. City Attorney
 1. 3. 2. City Manager

1.3. 3.

City Secretary

1.4.

Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074, to discuss personnel matters regarding the duties, responsibilities, and/or appointments to Junked Vehicle Compliance Board, Lake Alan Henry Board of Appeals, Urban Renewal & Neighborhood Redevelopment Commission, Water Board of Appeals, and Zoning Board of Adjustment.

2.

Proclamations and Presentations

2.1.

Invocation by Al Martin, Director of the Texas Tech Wesley Foundation

2.2.

Pledges of Allegiance

2.3.

Presentation of a special recognition to Delwin Jones.

2.4.

Presentation of a special recognition to Community Health Center of Lubbock for their efforts within the Lubbock community.

2.5.

Presentation of a special recognition to Avery Maisel, cancer survivor.

2.6.

Presentation of a special recognition for the First Annual Lubbock Lions Club and AMBUCS Kidfish.

2.7.

Board Recognitions:

Animal Services Advisory Board:

Eric Cunningham
Bill Young

Urban Renewal & Neighborhood Redevelopment Commission:

John Ashe

Zoning Board of Adjustment:

Joe McKay

3.

Citizen Comments - Any citizen wishing to appear before any regular meeting of the City Council to speak:

- shall contact the City Manager's Office of that fact to provide the City Manager's Office the subject matter that will be addressed, no later than seventy-five (75) hours before the meeting at which the citizen wishes to appear; or
- shall sign up to speak at the City Council meeting itself in regard to any item posted on the City Council agenda under the "Citizen Comment Period."

Or, a citizen may sign up to speak at the City Council meeting itself on a topic that is not posted on the agenda under the "Open Citizen Comment" period.

REFER TO SUPPLEMENTAL AGENDA: CITIZEN COMMENT

4. **Minutes**
4. 1. February 18, 2014 Special City Council Meeting (EUB)
March 3, 2014 Special City Council Meeting (EUB)
March 27, 2014 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. Page 55 **Budget Ordinance Amendment 1st Reading - Finance:** Consider Budget Ordinance Amendment 20 respecting the Grant Fund to accept and appropriate funding from the Chapman Forestry Foundation for the Tree-Planting Grant; to accept and appropriate funding from the National Recreation and Park Association for the Out-of-School Time Programs Grant; providing for filing; and providing for a savings clause.
5. 2. Page 60 **Budget Ordinance Amendment 1st Reading - Finance:** Consider Budget Ordinance Amendment 21 respecting the General Fund to increase the transfer to the Capital Project Fund; providing for filing; and providing for a savings clause.
5. 3. Page 63 **Budget Ordinance Amendment 1st Reading - Finance:** Consider Budget Ordinance Amendment 25 amending the FY 2013-14 Budget for municipal purposes respecting the General Fund by amending the City Manager budget, increase position control by one position, and increase the utilization of fund balance.
5. 4. Page 66 **Resolution - Public Works Engineering:** Consider a resolution authorizing the Mayor to execute contract 11860, an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for the construction of Phase 2 of the North University Enhancement Project, on North University Avenue between 4th Street and Amherst Street.
5. 5. Page 89 **Resolution – Public Works Engineering:** Consider a resolution authorizing the Mayor to execute Amendment 1 of professional services contract 10505 with Freese and Nichols, Inc. (FNI) for a Time Extension with No Compensation on the Study and Preliminary Design of the Lake Alan Henry Intake Structure Investigation.
5. 6. Page 92 **Resolution – Public Works Engineering:** Consider a resolution authorizing the Mayor to execute contract 11653 with Freese and Nichols Inc. for professional services associated with the Water Distribution System Modeling and Master Plan, RFQ 14-11653-MA.
5. 7. Page 126 **Resolution – Public Works Streets:** Consider a resolution authorizing the Mayor to execute contract 11785 with Viking Construction, Inc. for the 2014 Micro-Surfacing Project, RFP 14-11785-DG.
5. 8. Page 141 **Ordinance 2nd Reading – Right-of-Way:** Consider Ordinance 2014-O0059 abandoning and closing a portion of a 15-foot utility easement located in Lot 2, Hoop Addition, Lubbock County, Texas, 302 North University.
5. 9. Page 146 **Ordinance 1st Reading – Right-of-Way:** An ordinance abandoning and closing a temporary garbage service easement and temporary underground utility easement located in Section 5, Block E, across Avenue J and Lot 147, Cedar Meadows, Lubbock County, Texas, 7707 Avenue J.

5. 10. Page 152 **Ordinance 1st Reading – Right-of-Way:** Consider an ordinance abandoning and closing a drainage easement located in Section 38, Block AK, Lubbock County, Texas, Milwaukee and 43rd Street.
5. 11. Page 159 **Resolution - Right-of-Way:** Consider a resolution authorizing the City Council to accept on behalf of the City an easement from Kui Young Chen, Chen Sonia Fong and Carmen Fu-Yu, regarding the acquisition of right-of-way for the Bailey County Well Field Supply Line/Pumping System, easement located out of Section 33, Block JS, Lubbock County, Texas.
5. 12. Page 178 **Resolution - Community Development:** Consider a resolution approving the Community Development and Services Board (CDSB) recommendations for the reallocation of unspent FY 2012-13 Federal funds from the Community Development Block Grant (CDBG).
5. 13. Page 181 **Resolution - Community Development:** Consider a resolution authorizing and directing the Mayor to execute for and on behalf of the City a Community Development Funding contract 11858 and all related documents between the City and Fiestas Del Llano from the FY 2012-13 Reallocation Funds for the culture center renovation.
5. 14. Page 204 **Resolution - Community Development:** Consider a resolution authorizing and directing the Mayor to execute for and on behalf of the City a Community Development Funding contract 11859 and all related documents between the City and Roots Historical Arts Council from the FY 2012-13 Reallocation Funds for the East Lubbock Gateway.
5. 15. Page 227 **Resolution - Transit:** Consider a resolution authorizing the Mayor to execute contract 11692 with Henthorn Commercial Construction for renovations to Citibus Depot Facilities, RFP 14-11692-DG.
5. 16. Page 232 **Resolution - Solid Waste:** Consider a resolution authorizing the Mayor to execute contract 11768 with Caprock Waste for renovation, refurbishment and repair of metal side-loading refuse dumpsters, and repair and modification of roll-offs and dumpsters used in the City Drop-off Recycling Stations, ITB 14-11768-DG.
5. 17. Page 252 **Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order contract 31018899 with Scoggin-Dickey Chevrolet-Buick for a Cutaway Van and SUVs, ITB 14-11758-DT.
5. 18. Page 262 **Resolution - Fleet Services:** Consider the resolutions authorizing the Mayor to execute purchase order contract 31018900 with Lubbock Truck Sales; purchase order contract 31018905 with Associated Supply Company, Inc.; purchase order contract 31018901 with Cisco Equipment; and purchase order contract 31018902 with Warren CAT for the purchase of Group 7 Heavy Duty Equipment, ITB 14-11787-DT.
5. 19. Page 288 **Resolution - Aviation:** Consider a resolution authorizing the Mayor to execute contract 11864 a lease agreement between the City of Lubbock and Ports-to-Plains Trade Corridor Coalition for office space at Lubbock Preston Smith International Airport.
5. 20. Page 308 **Resolution - Economic Development:** Consider a resolution approving a program or expenditure by the Lubbock Economic Development Alliance to be provided to Kiromic LLC, for economic development purposes.

6. **Regular Agenda**

6. 1. Page 311 **Public Hearing 6:30 p.m. – Planning:** Consider a request for Zone Case 3047-K, a request of AMD Engineering, LLC, for Oakmont Estates Investments of Lubbock, LLC, for a zoning change from R-1 to Garden Office (GO) on 3.937 acres of unplatted land out of Block E-2, Section 23, north of 122nd Street and east of Slide Road, and consider an ordinance.
6. 2. Page 320 **Public Hearing 6:30 p.m. – Planning:** Consider a request for Zone Case 3047-L, a request of AMD Engineering, LLC, for Oakmont Estates Investments of Lubbock, LLC, for a zoning change from R-1 Specific Use to R-1 Specific Use for garden homes and reduced setbacks on 1.187 acres of unplatted land out of Block E-2, Section 23, south of 114th Street and east of Vicksburg Avenue, and consider an ordinance.
6. 3. Page 328 **Public Hearing 6:30 p.m. – Planning:** Consider a request for Zone Case 3089-D, a request of Jeff Braselton for a zoning change from Apartment Medical (AM) to C-3 on 0.884 acres of unplatted land out of Block AK, Section 21, 10202 Frankford Avenue, and consider an ordinance.
6. 4. Page 341 **Public Hearing 6:30 p.m. – Planning:** Consider a request for Zone Case 2789-A, a request of Marie Hanza, for Lubbock Habitat for Humanity, for a zoning change to amend the conditions of Ordinance 9968 to allow outside storage behind a screening fence on Lots 16 through 18, Block 8, Jim Robinson Addition, 2910 Avenue N and 1506 29th Place, and consider an ordinance.
6. 5. Page 356 **Public Hearing 6:30 p.m. – Planning:** Consider a request for Zone Case 2278-C, a request of James Dirks, for W. W. Butler Jr. Trust No. 1, for a zoning change from C-2 to C-4 limited to a public kennel and all unconditionally permitted C-2 uses on a portion of Lot 1, Butler, 98th & Slide Addition, 5214 98th Street, Suite 101, and consider an ordinance.
6. 6. Page 366 **Public Hearing 6:30 p.m. – Planning:** Consider a request for Zone Case 2871-B, a request of Hugo Reed and Associates, Inc., for Dan Day, for a zoning change from A-2, C-3, and R-2 Specific Use to C-3 and R-1 Specific Use for reduced setbacks on 33.8 acres of unplatted land out of Block AK, Section 28, northeast corner of Milwaukee Avenue and 98th Street, and consider an ordinance.
6. 7. Page 384 **Public Hearing 6:30 p.m. – Planning:** Consider a request for Zone Case 2871-C, a request of Hugo Reed and Associates, Inc., for Dan Day, for a zoning change from R-1 Specific Use to R-2 Specific Use for reduced setbacks on 3.2 acres of unplatted land out of Block AK, Section 28, Iola Avenue, north of 98th Street, and consider an ordinance.
6. 8. Page 397 **Public Hearing 6:30 p.m. – Planning:** Consider a request for Zone Case 3096-B, a request of Hugo Reed and Associates, Inc., for Abbey Glen Partners, LLC, for a zoning change from R-1 Specific Use, Garden Office (GO), and C-3 to R-1 Specific Use for reduced setbacks, R-1 Specific Use for GO, and A-2 on 124 acres of unplatted land out of Block E-2, Section 25, north of 114th Street and west of Slide Road, and consider an ordinance.

6. 9. Page 411 **Public Hearing 6:30 p.m. – Planning:** Consider a request for Zone Case 3072-B, a request of Martin Shrader, for Solon Management Strategies, for a zoning change from C-2A to C-3 on the north 152 feet of the east 96 feet of Tract 2 and the north 130.33 feet of Tract 3, 9812 Slide Road, and consider an ordinance.
6. 10. Page 420 Dedicated Public Comment for Item 6.11.
6. 11. Page 421 **Ordinance 2nd Reading – Planning:** Consider Ordinance 2014-O0050 Zone Case 2824-A, a request of Hugo Reed and Associates, Inc., for Love’s Travel Stops & Country Stores, for a zoning change from R-1 to Interstate Highway Industrial (IHI) on 16.6 acres of unplatted land out of Block A, Section 9, west of Interstate 27 and south of Regis Street.
6. 12. Page 430 **Ordinance 2nd Reading - Mayor Pro Tem Karen Gibson:** Consider Ordinance 2014-O0055 amending Chapter 14 of the City of Lubbock Code of Ordinances with regard to Section 14.01.010 (Sale, public display for sale, attempted sale, gift, barter, delivery, possession, or use of illicit synthetic drugs and misbranded drugs.) to include new chemical structures found in illicit synthetic drug products, conforming the ordinance to state law, providing for publication, providing a penalty, and providing a savings clause.
6. 13. Page 439 **Resolution - Councilman Todd Klein:** Consider a resolution establishing and charging a Citizens Task Force to Study Payday Lending, and making recommendations to State of Texas officials to mitigate predatory lending in Texas.
6. 14. Page 442 **Budget Amendment 1st Reading - Councilman Todd Klein:** Consider Budget Ordinance Amendment 23 amending the FY 2013-14 budget for municipal purposes respecting position control by adding one position to the Risk Management Fund and amending expenditures in the Self Insurance Risk Administration Cost Center.
6. 15. Page 445 **Board Appointments - City Secretary:** Consider one appointment to the Animal Services Advisory Board, one appointment to the Board of Health, one appointment to the Community Development & Services Board, two appointments to the Junked Vehicle Compliance Board, two appointments to the Keep Lubbock Beautiful Advisory Committee, three appointments to the Lake Alan Henry Board of Appeals, four appointments to the Park & Recreation Board, one appointment to the Public Transit Advisory Board, one appointment to the Urban Renewal & Neighborhood Redevelopment Commission, four appointments to the Water Board of Appeals, and one appointment to the Zoning Board of Adjustment.
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 if the item indicates to the public the action to be taken.**
7. 1. Presentation by the North and East Lubbock Community Development Corporation.
7. 2. Update and presentation by Cory Session and Council member Todd Klein regarding the Timothy Cole memorial statue.
8. **Open Citizen Comment**