

City of Lubbock, Texas
Regular City Council Meeting
Thursday, February 28, 2013

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



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.

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.-7.1

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. Civil Action No. 5-13CV0030-C Jerry Williams and Crystal McKinzie as the parents of Jamar Mickinzie, Plaintiffs vs. City of Lubbock Police Department; Jennifer Breazeale in her official capacity, Defendants.
 1. 1. 2. Concerning the bylaws and the articles of incorporation of Lubbock Economic Development Alliance and Market Lubbock Development Corporation and the proposed amendments thereof.
 1. 1. 3. Omni Building located at 1208 14th Street.
 1. 1. 4. City Council's authority concerning City of Lubbock appointees and employees.
 1. 1. 5. Lone Star Dirt & Paving, Inc.
 1. 1. 6. Case No. SA06CA0381 OG, City of San Antonio, Texas.
 1. 1. 7. City Bank Auditorium and City Bank Coliseum.
 1. 1. 8. Appaloosa Development, LP and Lubbock Water Rampage, LLC v. City of Lubbock, Texas, Cause No. 2011-559,102; 99th District Court; Lubbock County, Texas.

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. Real property interests in the vicinity of Slide Road and Marsha Sharp Freeway, Lubbock, Lubbock County, Texas, for the purposes of water development, pumping, and control.
 1. 2. 2. Omni Building located at 1208 14th Street.
 1. 2. 3. City Bank Auditorium and City Bank Coliseum.
1. 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.
 1. 3. 1. City Attorney
 1. 3. 2. City Manager
 1. 3. 3. City Secretary
 1. 3. 4. City Council's authority concerning City of Lubbock appointees and employees.
1. 4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a), to discuss personnel matters regarding the duties, responsibilities, and/or appointments to the Electric Utility Board, North Overton Tax Increment Finance Reinvestment Zone Board of Directors, and Urban Renewal & Neighborhood Redevelopment Commission.
2. **Proclamations and Presentations**
 2. 1. Invocation by Pastor Wesley Bygel, Lubbock Baptist Temple.
 2. 2. Pledges of Allegiance.
 2. 3. **Health & Educational Facilities Development Corporation:**
James Schneider
Urban Design & Historic Preservation Commission:
Scott Schellhase
 2. 4. Presentation of special recognition to John Michael Getz for being chosen to participate in the United States Senate Program in Washington, D.C. in March, 2013.
 2. 5. Presentation by the Lubbock Apartment Association presenting the donation of funds from the Mayor's State of the City Address to the Honor Flight for 2013.
 2. 6. Presentation of special recognition of Shane Bell, City Water Department, for receiving the Texas Water Utilities Association, Outstanding New Professional Award for 2012.
 2. 7. Presentation of special recognition to Randy Henson for his service to the City of Lubbock.

2. 8. Presentation of a special recognition to Scout Master Gary Hanson and Boy Scout Troop 590.
2. 9. Presentation of special recognitions to community organizations and individuals who held events celebrating Black History Month in Lubbock.
2. 10. Presentation of special recognition to Mayor Pro Tem Karen Gibson recognizing her Texas Municipal League achievement.
3. **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.**
3. 1. Maurice Stanley will appear before the City Council to discuss maintenance issues.
3. 2. Mikel Ward will appear before the City Council to discuss the tax implications and options of City facilities.
4. **Minutes**
4. 1. January 31, 2013 Regular City Council Meeting
February 8, 2013 Special City Council Meeting (Fire Pinning Ceremony)
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 41 **Budget Ordinance Amendment 1st Reading - Finance:** Consider Budget Amendment 15, respecting the Grant Fund, to accept and appropriate additional funding from the Dallas Police Department for the Internet Crimes Against Children (ICAC) Task Force Grant; accept and appropriate funding from the Federal Transit Administration (FTA) for the FY 12 Section 5309 State of Good Repair Grant; reduction in the FY 2012-13 Master Lease program; General Fund increase in utilization of net assets; Solid Waste Fund increase in utilization of net assets; Wastewater Fund increase in utilization of net assets; Water Fund increase in utilization of net assets; Cemetery Fund increase in utilization of net assets; Fleet Fund increase in utilization of net assets; Civic Center Fund increase in Utilization of net assets; providing for filing; and providing for a savings clause.

5. 2. Page 48 **Budget Ordinance Amendment 1st Reading - Finance:** Consider Budget Ordinance Amendment 16 amending the Adopted FY 2012-13 Budget respecting the Fire Pay Plan to provide for greater separation in pay between Battalion Chief, Division Chief, and Deputy Chief; and position control by increasing Battalion Chiefs by one position, and decreasing Captains by one position.
5. 3. Page 52 **Resolution - Finance:** Consider a resolution authorizing publication of Notices of Intention to Issue Tax and Waterworks System Surplus Revenue Certificates of Obligation, General Obligation Bonds, and Electric Light and Power System revenue bonds.
5. 4. Page 65 **Resolution – Finance:** Consider a resolution expressing intent to finance expenditures to be incurred for projects approved by the City Council in the FY 2012-13 Operating Budget Amendment, Ordinance 2012-00143, and to reimburse itself from the proceeds of obligations that will be issued in a subsequent period.
5. 5. Page 69 **Contract Resolution – Finance:** Consider a resolution authorizing the Mayor to execute contract 11076, a Master Lease Agreement, between the City and Banc of America Public Capital Corp, RFP 13-11076-DT.
5. 6. Page 89 **Ordinance 1st Reading – Right-of-Way:** Consider Ordinance 2013-00016 abandoning and closing portions of 5th Street, Avenue U, and two alleys, within or adjacent to Blocks 34, 35, 62, and 63 Overton Addition, 2104 5th Street.
5. 7. Page 93 **Contract Resolution - Public Works Engineering:** Consider a resolution authorizing the Mayor to execute contract 11134 with Lone Star Dirt and Paving, Ltd., of Lubbock, Texas, for the McAlister Park Master Cut and Fill Project, RFP 13-11134-DG.
5. 8. Page 102 **Contract Resolution - Public Works Engineering:** Consider a resolution authorizing the Mayor to execute contract 11196 with SGS Engineering, LLC, for the design of phase 2 of the downtown utility duct system.
5. 9. Page 126 **Resolution - Civic Center:** Consider a resolution authorizing the Mayor to execute a lump sum price contract 10604 with Centennial Moisture Control, Inc., to provide repairs to the Lubbock Memorial Civic Center Pedestrian Walkway, BID 12-10604-DT.
5. 10. Page 133 **Contract Resolution - Civic Center:** Consider a resolution authorizing the Mayor to execute a job order contract 13-11175-JOC with Minnix Commercial Partners, Ltd., to provide renovations to the Civic Center Plaza area at the Lubbock Memorial Civic Center.
5. 11. Page 145 **Contract Resolution - Solid Waste:** Consider a resolution authorizing the Mayor to execute contract 11159 with BWI Companies, Inc. to provide alternate daily cover material at the landfill, BID 13-11159-RH.
5. 12. Page 155 **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to reject all bids for Refuse Collection Packer Bodies, ITB 13-11106-RH.
6. **Regular Agenda**

6. 1. Page 157 **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3047-E, a request of AMD Engineering, LLC, for George McMahan for a zoning change from R-1 Specific Use to R-1 Specific Use for garden homes with reduced rear setback for third car garage units, reduced side setback on corner lots on 1.42 acres, R-1 Specific Use for reduced front and side setbacks, and reduced rear setbacks for third car garage units from the alley on 29.08 acres of unplatted land out of Block E-2, Section 23 (north of 122nd Street between Slide Road and Quaker Avenue) and consider an ordinance.
6. 2. Page 174 **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3048-E, a request of McDougal Land for a zoning change from R-2 and A-1 to A-3 Specific Use for apartments on Lots 13 through 24 of Block 63, Lots 13 through 24 of Block 34, Blocks 35, and 62 and half of the adjacent right-of-way, Overton Addition (5th Street between Avenue T and Avenue V) and consider an ordinance.
6. 3. Page 184 **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3118-A, a request of Hugo Reed and Associates, Inc., for FP Investors I, LLC for a zoning change from R-1 Specific Use to R-2 Specific Use for reduced setbacks for duplexes on 17.5 acres of unplatted land out of Block AK, Section 4 (133rd Street between Norfolk Avenue and Knoxville Avenue) and consider an ordinance.
6. 4. Page 197 **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3083-A, a request of Hugo Reed and Associates, Inc., for Carl Mortensen for a zoning change from R-1 to R-1 Specific Use for riding stables with a reduced setback for the stables on 5.5 acres of unplatted land out of Block AK, Section 21 (109th Street and Ironton Avenue) and consider an ordinance.
6. 5. Page 212 **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 2785-A, a request of Texico Conference Association of Seventh-day Adventists, for Tigris Development, LLC for a zoning change from A-2 limited to church use to A-2 on 9 acres of unplatted land out of Block E, Section 10 (2005 98th Street) and consider an ordinance.
6. 6. Page 228 **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3096-A, a request of Justin Houston, P.E., for Rex Robertson for a zoning change from C-3, GO, and R-1 to C-3 Specific Use on 24.763 acres of unplatted land out of Block E-2, Section 25 (114th Street and Slide Road) and consider an ordinance.
6. 7. Page 248 **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3202, a request of Scott Collier, for 1585 Partners, LLC for a zoning change from T Transitional to C-3 for retail stores on 10.833 acres of unplatted land out of Block AK, Section 5 (Southwest corner of 130th Street and Quaker Avenue) and consider an ordinance.
6. 8. Page 257 **Public Hearing 6:30 p.m. - Planning:** Consider a request to amend the zoning code to allow “apartments” in the CB-2 district, rather than “A-2 apartments” as currently permitted, and amend the CB-2 parking requirements to add standards for apartments and consider an ordinance.
6. 9. Page 260 **Resolution - City Council:** Consider a resolution formally directing the City Manager to schedule quarterly appearances and presentations to the City Council by a representative of each of the following entities, or by the City Manager: All Tax Increment Finance (TIF) District activity in the City of Lubbock, Lubbock Power & Light, Lubbock Economic Development Alliance, Market Lubbock, Inc., Lubbock Convention & Tourism Bureau, Lubbock Sports Authority, Civic Lubbock, Inc., Lubbock Bond Advisory Committee, and

City of Lubbock Audit Committee.

- 6. 10. Page 263 **Resolution - Public Works Water Resources:** Consider a resolution authorizing the Mayor to approve and adopt the 2013 Strategic Water Supply Plan for the City of Lubbock.
- 6. 11. Page 265 **Ordinance Amendment 1st Reading - Public Works Water Resources:** Consider an amendment to the Code of Ordinances, Section 22.03.085 (6)(A), that increases the water volume rate multiplier from 1.3 to 1.5 for “wholesale” water customers located outside of the City’s corporate limits.
- 6. 12. Page 268 **Board Appointment - City Secretary:** Appoint the Vice Chairperson of the Lubbock Water Advisory Commission.
- 6. 13. Page 271 **Board Appointments - City Secretary:** Consider seven appointments to the Community Development & Services Board, one appointment to the Electric Utility Board, nine appointments to the Keep Lubbock Beautiful Advisory Committee, three appointments to the North Overton TIF Reinvestment Zone Board of Directors, and three appointments to the Urban Renewal & Neighborhood Redevelopment Commission.
- 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 and update regarding North and East Lubbock Community Development Corporation regarding accomplishments, current status, and future needs.