

**City of Lubbock, Texas**  
**Regular City Council Meeting**  
**Thursday, May 3, 2012**

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

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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.

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*Note: On occasion the City Council may consider agenda items out of order.  
The City Council will recess at 11:30 a.m. and reconvene at 1:30 p.m.*

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.**
  
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. 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. Public Health
  
  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

### 3. **Proclamations and Presentations**

3. 1. Invocation by Pastor Doug Hale, Church of Christ Vandelia
3. 2. Pledges of Allegiance
3. 3. Presentation of special recognition commemorating May 25, 2012, as National Missing Children's Day
3. 4. Proclamation of special recognition commenorating May 2012 as Asthma Awareness Month
3. 5. Presentation of special recognition commemorating May 12, 2012 as National Association of Letter Carriers Food Drive Day

### 4. **Minutes**

4. 1. April 10, 2012 Regular City Council Meeting  
March 20, 2012 Special City Council Meeting (EUB)

### 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 15 amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of Transportation (TxDOT) for the Click-It or Ticket Selective Traffic Enforcement Program (STEP).
5. 2. **Contract Resolution – Finance:** Consider a resolution authorizing the Mayor to execute a Notice and Acknowledgment of Assignment of the Master Lease Agreement dated as of February 9, 2006, with Banc of America Public Capital Corp (BAPCC).
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5. 4. **Contract Resolution – Finance:** Consider a resolution authorizing the Mayor to execute a Notice and Acknowledgment of Assignment of the Master Lease Agreement dated as of February 12, 2009, with Banc of America Public Capital Corp (BAPCC).
5. 5. **Contract Resolution - Finance:** Consider a resolution authorizing the Mayor to execute an agreement with ACC OP (Tract 6), LLC, to fund public improvements in Phase One, Project 92254D, of the North Overton Tax Increment Finance Reinvestment Zone (TIF) Project Plan.

5. 6. **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2012-O0018 Consider an ordinance abandoning and closing two LP&L underground utility easements, a portion of an underground utility easement, and an LP&L electrical transmission line manhole easement located in Fiesta Autoland Addition, 4801 South Loop 289.
5. 7. **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2012-O0035 Consider an ordinance abandoning and closing a 20-foot wide ingress-egress easement located in Section 2, Block J-S, Lubbock County, Texas, 6024 3rd Street.
5. 8. **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2012-O0036 Consider an ordinance abandoning and closing a drainage easement located out of tract 2-A-1, Niraj Investments, LLC, Addition, 903 65th Street.
5. 9. **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2012-O0037 Consider an ordinance abandoning and closing two right-of-way street stubs located on the south side of 96th Street in Section 27, Block AK, Lubbock County, Texas.
5. 10. **Ordinance 2nd Reading – Right-of-Way:** Ordinance 2012-O0038 Consider an ordinance abandoning and closing a portion of 7th Street and the alley in Block 61, Overton Addition, and certain easements located in Lots 1-16, Block 4, Overton Park, 2124 7th Street.
5. 11. **Contract Resolution - Public Works Engineering:** Consider a resolution authorizing the Mayor to execute Contract 10764 for with Parkhill, Smith & Cooper, Inc., for design services for the expansion of the Bailey County Well Field.
5. 12. **Contract Resolution – Public Works Streets:** Consider a resolution authorizing the Mayor to execute Contract 10765, a lease agreement, with Bee Equipment Sales for lease of an asphalt paving machine.
5. 13. **Contract Resolution - Public Works Traffic Engineering:** Consider a resolution authorizing the Mayor to execute purchase order Contract 93000022 with Texas Highway Products, LTD, for advanced traffic controllers (ATCs), BID 12-10507-RH.
5. 14. **Ordinance 2nd Reading – Planning:** Zone Case 3048-D: Ordinance 2012-O0041 (between Mac Davis Lane and Glenna Goodacre Boulevard between Avenue U and Avenue V): Consider request of McDougal Construction (for McCanton Woods) for a zoning change from R-1 (Single-Family District) Specific Use to A-3 (High-Rise Apartment District) Specific Use for a student apartment complex on 6.185 acres, including Lots 1-24, Block 61, Overton Addition; Lots 1-16, Block 4, Overton Park Addition; and a portion of the adjacent right-of-way.
5. 15. **Ordinance 2nd Reading – Planning:** Zone Case 1647-E: Ordinance 2012-O0043 Consider request of Cedar Ridge Consulting (for Lubbock Wrecker) for zoning change from M-2 (Heavy Manufacturing District) to M-2 Specific Use for auto auction and salvage yard on 9.46 acres of unplatted land out of Block S, Sections 3 and 4, and the north portion of Tract A, Cover-All Addition (3215 Slaton Highway).
5. 16. **Ordinance 2nd Reading – Planning:** Zone Case 1061-J: Ordinance 2012-O0044 Consider request of CMS Properties (for Equity Commercial Properties, Ltd.) to amend Ordinance 2011-O0055 to add automobile rentals as an approved restrictions to the current IHC (Interstate Highway Commercial District) with restrictions zoning on Tract D, Wal-Mart Addition (602 West Loop 289).
5. 17. **Ordinance 2nd Reading – Planning:** Zone Case 3174 (north of East 66th Street and east of Martin Luther King Boulevard): Ordinance 2012-O0045 Consider request of Bionitrogen Corporation for a zoning change from M-2 (Heavy Manufacturing District) to M-2 Specific Use for a fertilizer production facility on 49.52 acres of unplatted land out of Block S, Section 2.

5. 18. **Ordinance 2nd Reading – Planning:** Zone Case 3043-B (east of Quaker Avenue and south of 103rd Street): Ordinance 2012-O0046 Consider request of Hugo Reed and Associates, Inc., (for James Morgan, Ltd.) for a zoning change from R-1 (Single-Family District) Specific Use and R-2 (Two-Family District) to R-1 Specific Use for reduced setbacks and R-1 Specific Use for garden homes on 28.4 acres of unplatted land out of Block E-2, Section 17.
5. 19. **Ordinance 2nd Reading - Planning:** Ordinance 2012-O0039 Consider an ordinance amending Chapter 38, Subdivisions, of the Code of Ordinances, providing for the amendment of such code; providing a savings clause; providing a penalty for the violation thereof; providing for publication; and providing an effective date.
5. 20. **Ordinance 2nd Reading - Planning:** Ordinance 2012-O0038 Consider amending Ordinance 2011-00072 (South Overton Design and Development Regulations) regarding the requirement for a maximum of 20 percent floor space above the block face average with a recommendation to the City Council.
5. 21. **Contract Resolution - Information Technology:** Consider a resolution authorizing the Mayor to execute Contract 33000224 with AT&T Mobility for wireless Internet access service for Public Safety, Public Works, and Lubbock Power & Light.
5. 22. **Contract Resolution - Information Technology:** Consider a resolution authorizing the Mayor to execute purchase order Contract 33000235 with Dell Marketing, LP, for rugged laptops and mounting hardware for police vehicles.
5. 23. **Contract Resolution - Parks and Recreation:** Consider a resolution authorizing the Mayor to execute purchase order Contract 90500009 with Exerplay, Inc., for park playground structures.
5. 24. **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order Contract 10005398 with LDV, Inc., for one fully equipped crime scenes investigation van.
5. 25. **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order Contract 23101477 with J & B Trailers and Equipment for one-ton pickups and service bodies, BID 12-10606-CI.
6. **Regular Agenda**
  6. 1. **Ordinance 2nd Reading – Planning:** Zone Case 3152: Ordinance 2012-O0040 Consider the continued request of Gary McKinney (for Corey Haggard and Gary McKinney) for a zoning change from R-1 (Single-Family District) to R-1 Specific Use on a portion of Lots 1-13 and 34 less the Marsha Sharp Freeway, Block 6, Cain Terrace Addition (east of Toledo Avenue between Marsha Sharp Freeway and 22nd Place).
  6. 2. **Ordinance 2nd Reading – Planning:** Zone Case 3003-B: Ordinance 2012-O0042 (south of 98th Street and west of Justice Avenue): Consider request of Hugo Reed and Associates, Inc., (for Carl Mortensen) for zoning change from R-1 (Single-Family District) to GO (Garden Office District) on 2.6 acres of unplatted land out of Block AK, Section 21.
  6. 3. **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order Contract 23101476 with Sam Pack's Five Star Ford for one-ton pickups and service bodies, BID 12-10606-CI.
  6. 4. **Board Appointments - City Secretary:** Consider on appointment to the Libraries Board.