

**City of Lubbock, Texas**  
**Regular City Council Meeting**  
**March 7, 2023**

Tray Payne, Mayor  
Shelia Patterson Harris, Mayor Pro Tem, District 2  
Christy Martinez-Garcia, Councilwoman, District 1  
Mark W. McBrayer, Councilman, District 3  
Steve Massengale, Councilman, District 4  
Dr. Jennifer Wilson, Councilwoman, District 5  
Latrell Joy, Councilwoman, District 6



W. Jarrett Atkinson, City Manager  
Chad Weaver, City Attorney  
Courtney Paz, Acting City Secretary

<http://www.mylubbock.us>

City Council Chambers, Citizens Tower, 1314 Avenue K, 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 (806)775-2061 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.*

**10:00 a.m. - City Council convenes in City Council Chambers. Upon convening, the City Council recesses into Executive Session.**

**1. Executive Session**

1. 1. Hold an executive session in accordance with Texas Government Code, Section 551.071, with legal counsel for advice about pending or contemplated litigation or settlement agreement and on matters in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct conflicts with Chapter 551.
1. 1. 1. Application of the City of Lubbock, acting by and through Lubbock Power & Light (LP&L), to Change Rates for Wholesale Transmission Service, proceeding before the Public Utility Commission of Texas, PUC Docket No. 54657.
1. 1. 2. Application of the City of Lubbock, acting by and through Lubbock Power & Light, for authority to connect remaining portion of its load with Electric Reliability Council of Texas and for approval of settlement agreement, PUC Docket No. 53529, proceeding before the Public Utility Commission of Texas.
1. 1. 3. Southwestern Public Service Company Revisions to Partial Requirements Agreement to Reflect Settlement Agreement with Lubbock Power & Light, Docket No. ER23-1144-000, proceeding before the Federal Energy Regulatory Commission ("FERC").

1. 2. Hold an executive session in accordance with the Texas Government Code, Section 551.074, to discuss personnel matters, the appointment, employment, evaluation or reassignment of the following.

1. 2. 1. City Secretary

1. 3. Hold an executive session in accordance with Texas Government Code, Section 551.087, to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; and to deliberate the offer of a financial or other incentive to a business prospect described herein above.

1. 3. 1. Project 176

1. 3. 2. Project Evergreen

### **Adjourn from Executive Session**

**1:30 p.m. - City Council reconvenes in Work Session in City Council Chambers.**

2. **Citizen Comments - Any citizen wishing to address the City Council in person, regarding Item 2.2 as posted on the City Council Work Session, shall complete the sign-up form provided at the meeting, no later than 1:30 p.m. on March 7, 2023. Citizen Comments provide an opportunity for citizens to make comments and express a position on agenda items.**

2. 1. Hear and discuss presentations regarding the following and provide guidance to staff as appropriate.

2. 2. Presentation and discussion of the Annual Comprehensive Financial Report

**2:00 p.m. - City Council convenes in Open Session in City Council Chambers.**

3. **Ceremonial Items**

3. 1. Invocation

3. 2. Pledges of Allegiance

## Call to Order

4. **Citizen Comments - According to Lubbock City Council Rules, any citizen wishing to appear in-person before a regular meeting of the City Council, regarding any matter posted on the City Council Agenda below, shall complete the sign-up form provided at the meeting, no later than 2:00 p.m. on March 7, 2023. Citizen Comments provide an opportunity for citizens to make comments and express a position on agenda items.**
  
5. **Minutes**
  5. 1. Minutes - February 14, 2023 Regular City Council Meeting
  
6. **Consent Agenda - Items considered to be routine are 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.**
  6. 1. **Resolution - Finance:** Consider a resolution accepting the City of Lubbock Annual Comprehensive Financial Report (ACFR) for Fiscal Year ended September 30, 2022.
  
  6. 2. **Resolution - Business Development:** Consider a resolution authorizing the Mayor to execute a Memorandum of Understanding, with Lubbock Experience, Inc., for the provision of funding for the construction of a Civic Park that will serve as a civic gathering space in Downtown Lubbock.
  
  6. 3. **Resolution - Business Development:** Consider a resolution authorizing the Mayor to execute Contract 17169, with NWP EB-5 Project, LLC, for the purchase of three parcels of land north of the alley, north of Marshall Street, between Slide Road and North Abbeville Avenue.
  
  6. 4. **Resolution - Business Development:** Consider a resolution authorizing a Downtown Grant Program (Facade) expenditure of Market Lubbock, Inc., to be provided to Cavendar Real Estate of Lubbock III, LLC, pursuant to Article IV, Section 5 of the Amended and Restated Bylaws of the Market Lubbock Development Corporation.
  
  6. 5. **Resolution - Business Development:** Consider a resolution authorizing a Downtown Grant Program (Permittable) expenditure of Market Lubbock, Inc., to be provided to Cavender Real Estate of Lubbock III, LLC, pursuant to Article IV, Section 5 of the Amended and Restated Bylaws of the Market Lubbock Development Corporation.

6. 6. **Resolutions - Risk Management:** Consider a resolution authorizing and directing the City Manager to purchase, for and on behalf of the City of Lubbock, inland marine insurance coverage from Travelers Lloyd's Insurance Company, for which the premium amount shall not exceed \$17,065; pipeline liability insurance coverage from Federal Insurance Company, for which the premium amount shall not exceed \$5,150; crime insurance coverage from Travelers Casualty & Surety Company of America, for which the premium amount shall not exceed \$7,577; and drones, hull, and liability coverage from Westchester Fire Insurance Company, for which the premium amount shall not exceed \$10,305.
6. 7. **Resolution - Risk Management:** : Consider a resolution authorizing and directing the City Manager to purchase for and on behalf of the City of Lubbock, layered excess liability insurance coverage (the Program) from Texas Insurance Company (35.7% of the Program) and Upland Specialty Insurance Company (64.3% of the Program), for which the premium amount shall not exceed \$376,591 and \$677,872, respectively.
6. 8. **Resolution - Risk Management:** Consider a resolution authorizing and directing the City Manager to purchase, for and on behalf of the City of Lubbock, airport and non-owned aircraft liability insurance coverage from Ace Property and Casualty Insurance Company, for which the premium amount shall not exceed \$37,537.
6. 9. **Resolution - Risk Management:** Consider a resolution authorizing and directing the City Manager to purchase, for and on behalf of the City of Lubbock, property insurance from Zurich American Insurance Company in the amount of \$50,000,000 coverage limit for Montford Dam, for which the premium amount shall not exceed \$198,834.
6. 10. **Resolution - Risk Management:** Consider a resolution authorizing and directing the City Manager to purchase, for and on behalf of the City of Lubbock, Medical Professional Liability coverage from Landmark Insurance Company, for which the premium amount shall not exceed \$14,846.89.
6. 11. **Resolution - Risk Management:** Consider a resolution authorizing and directing the City Manager to purchase, for and on behalf of the City of Lubbock, workers' compensation coverage from Texas Municipal League Intergovernmental Risk Pool (TMLIRP), for which the total amount shall not exceed \$2,171,579.
6. 12. **Resolution - Risk Management:** Consider a resolution authorizing and directing the City Manager to purchase, for and on behalf of the City of Lubbock, package liability insurance coverage from Gemini Insurance Company, for which the premium amount shall not exceed \$842,024.
6. 13. **Ordinance 2nd Reading - Right-of-Way:** Consider Ordinance No. 2023-O0015, abandoning and closing all remaining easements and right-of-way located in Block 130, Original Town of Lubbock, Lubbock County, Texas.

6. 14. **Ordinance 2nd Reading - Right-of-Way:** Consider Ordinance No. 2023-O0018, abandoning and closing a portion of right-of-way along 98th Street and a portion of right-of-way along Avenue P, located in Section 11, Block E, Lubbock County, Texas.
6. 15. **Ordinance 2nd Reading - Right-of-Way:** Consider Ordinance No. 2023-O0016, abandoning and closing a street stub right-of-way dedicated with the plat of Bell Farms, Lots 1004 through 1057, an Addition to the City of Lubbock, Lubbock County, Texas.
6. 16. **Ordinance 2nd Reading - Right-of-Way:** Consider Ordinance No. 2023-O0017, abandoning and closing a portion of street right-of-way (Troy Avenue) located between Lots 43 through 49, Section 16, Block E-2, The Falls at Suncrest Addition to the City of Lubbock, Lubbock County, Texas.
6. 17. **Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute a Street Use License and related documents, by and between the City of Lubbock, and the W.E. Medlock Jr. Estate d/b/a Broadway Plaza.
6. 18. **Resolution - Engineering:** Consider a resolution authorizing the Mayor to execute Professional Services Agreement Contract No. 17188, with Freese and Nichols, Inc., for the Detroit Lift Station No. 34 Rehabilitation Project.
6. 19. **Resolution - Engineering:** Consider a resolution authorizing the Mayor to execute Public Works Contract 17001, with Utility Contractors of America, Inc., for Detroit Avenue Lift Station No. 34 replacement.
6. 20. **Resolution - Engineering:** Consider a resolution authorizing the Mayor to execute Amendment No. 1 to Public Services Agreement, Contract 16180, with HDR Engineering, Inc., for Construction Phase Services associated with the Erskine Street Reconstruction Project.
6. 21. **Resolution - Public Works Streets:** Consider a resolution authorizing the Mayor to execute Contract 17054, with Intermountain Slurry Seal, Inc., for the 2023 Micro-Surfacing Project.
6. 22. **Resolution - Public Health Services:** Consider a resolution authorizing the Mayor to execute Amendment No. 1 to the Interlocal Cooperation Contract, Department of State Health Services Contract No. HHS001083000001, for activities to establish, expand, train and sustain the public health workforce in support of Coronavirus 2019 (COVID-19) Response, and in alignment with the Public Health Crisis Response Cooperative Agreement for Emergency Response (Funding Opportunity Number CDC-RFA-TP19-1802), from the Centers for Disease Control and Prevention (CDC), by and between the City of Lubbock, and the State of Texas Department of State Health Services (DSHS), and all related documents.

6. 23. **Resolution - Public Health Services:** Consider a resolution ratifying the acts of the Mayor in executing, on behalf of the City of Lubbock, Award Number 1 NU58DP007289-01-00, "A collaborative approach to addressing the social determinants of health in west Texas", by and between the City of Lubbock, and the United States Department of Health and Human Services acting by and through the Center for Disease Control and Prevention, and all related documents.
6. 24. **Resolution - Aviation:** Consider a resolution authorizing the Mayor to execute Amendment 2A to Contract 15200, with RS&H, Inc., for the Information Technology and Security Revisions at the Customs and Border Location at Lubbock Preston Smith International Airport.
6. 25. **Resolution - Civic Centers:** Consider a resolution authorizing the Mayor to execute Purchase Order 27500116, with Mitylite, Inc., for a Magnattach dance floor kit for the Lubbock Memorial Civic Center.
6. 26. **Resolution - Civic Centers:** Consider a resolution authorizing the Mayor to execute Purchase Order 27500114, with Knight Sound & Lighting, Inc., to provide replacement theatrical lighting for the Lubbock Memorial Civic Center Theatre.
6. 27. **Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute Purchase Order 31072205, with Kustom Signals, Inc., for the purchase of thirty-eight Raptor Radar Units for Police Department Patrol Vehicles.
6. 28. **Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute Purchase Order 31072194, with GTS Technology Solutions, for the purchase of thirty-eight video processing units for Police Department Patrol Vehicles.
6. 29. **Resolutions - Fleet Services:** Consider three resolutions authorizing the Mayor to execute Contract 16987, with Xplosive Kutomz, Contract 17120, with Precision Body Works, and Contract 17119, with Hub City Body Shop Auto Body & Collision Repair Services, for repair of City vehicles and equipment.
6. 30. **Resolution - Information Technology:** Consider a resolution authorizing the Mayor to execute, Purchase Order 21403866, with Waterfield Technologies, for Interactive Voice Response (IVR) applications and managed services program for the City of Lubbock Utilities Department.
6. 31. **Ordinance 2nd Reading - Planning (District 1):** Consider Consider Ordinance No. 2023-O0019, for Zone Case 809-B, a request of AMD Engineering, LLC for Shanghai Development Company, LLC, for a zone change from General Retail District (C-3), Reduced Setback Single-Family District (R-1A), and Industrial Park District (IDP) to High-Density Apartment District (A-2), generally located east of North University Avenue and south of Kent Street, on 11.79 acres of unplatted land out of Section 11, Block A.

6. 32. **Ordinance 2nd Reading - Planning (District 1):** Consider Ordinance No. 2023-O0020, for Zone Case 3145-J, a request of SK Architecture Group for Shift Automotive, for a zone change from Central Business District, Broadway/13th/Main (CB-2) to Central Business District, General (CB-3), at 1111 and 1121 19th Street, located south of 19th Street and east of Avenue K, Mrs. I. A. Boyd Subdivision, Block 1, Lots 3 through 6.
6. 33. **Ordinance 2nd Reading - Planning (District 6):** Consider Ordinance No. 2023-O0021, for Zone Case 2538-FF, a request of Sanjuan Rodriguez for Roseanne Rodriguez, for a zone change from Single-Family District (R-1) to Commercial District (C-4), at 7425 19th Street, located south of 19th Street and east of Wausau Avenue, on 2.5 acres of unplatted land out of Block AK, Section 42.
6. 34. **Resolution - City Manager:** Consider a resolution to suspend for forty-five (45) days, the effective date proposed by West Texas Gas Utility, LLC, to increase rates under the Gas Reliability Infrastructure Program (GRIP).
6. 35. **Resolution - City Manager:** Consider a resolution authorizing the Mayor to execute a Donation Agreement for real property associated with the future Texas State Veterans Cemetery, and delegating to the City Manager, the authority to execute necessary or related documents associated with this conveyance.

## 7. **Regular Agenda**

7. 1. **Public Hearing - City Manager:** Hold a public hearing and consider a resolution denying the application of Southwestern Public Service Company's Statement of Intent and Application for Authority to Change Rates.
7. 2. **Public Hearing - Business Development:** Hold a public hearing for the City Council to consider the creation of a Public Improvement District for Upland Crossing 2, which covers a portion of an area in the City of Lubbock, Lubbock County, Texas, generally bounded by 34th Street to the north, Upland Avenue to the east, and railroad tracks to the south and west.
7. 3. **Resolution - Business Development:** Consider a resolution making findings and authorizing establishment of the Upland Crossing 2 Public Improvement District (PID), which covers a portion of area in the City of Lubbock, Lubbock County, Texas, generally bounded by 34th Street to the north, Upland Avenue to the east, and railroad tracks to the south and west.
7. 4. **Public Hearing - Business Development:** Hold a public hearing for the City Council to consider the creation of a Public Improvement District for Upland Crossing 3, which covers a portion of an area in the City of Lubbock, Lubbock County, Texas, generally bounded by 26th Street to the north, Pine Hills Estates to the east, 34th Street to the south, and Upland Avenue to the west.

7. 5.       **Resolution - Business Development:** Consider a resolution making findings and authorizing establishment of the Upland Crossing 3 Public Improvement District (PID), which covers a portion of an area in the City of Lubbock, Lubbock County, Texas, generally bounded by 26th Street to the north, Pine Hills Estates to the east, 34th Street to the south, and Upland Avenue to the west.
7. 6.       **Public Hearing - Planning (District 4):** Hold a public hearing and consider an ordinance for a request for annexation, from ARRB, LLC and 14 Texas Real Estate, LLC, to annex an area of approximately 7.46 acres, adjacent to the southern city limits of the City of Lubbock, north of Loop 88 and east of University Avenue, into Lubbock’s corporate limits, along with the adjacent right-of-way.
7. 7.       **Public Hearing - Planning (District 6):** Hold a public hearing and consider an ordinance for a request for annexation, from Loop 88, LLC, West Lubbock Land, LLC, and Larry J. Elliot, to annex an area of approximately 185.378 acres, adjacent to the western city limits of the City of Lubbock, north of 50th Street, east and west of Inler Avenue, into Lubbock’s corporate limits, along with the adjacent right-of-way.