

City of Lubbock, Texas
Regular City Council Meeting
April 23, 2024

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
Mitchell Satterwhite, Interim City Attorney
Courtney Paz, City Secretary

<http://www.mylubbock.us>

City Council Chambers, Citizens Tower, 1314 Avenue K, 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 (806)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.

12:30 p.m. - City Council convenes in City Council Chambers in Work Session regarding items for presentation and discussion on such issues that may require in-depth consideration by the City Council. No action will be taken by the City Council in Work Session.

1. Hear and discuss presentations regarding the following and provide guidance to staff as appropriate.
 1. 1. Police Department Annual Report

At the conclusion of the Work Session, the City Council recesses into Executive Session.

2. **Executive Session**
 2. 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.
 2. 1. 1. City of Lubbock Claim No. 23-C-004B
 2. 1. 2. Chapter 552 of the Texas Government Code

2. 2. Hold an executive session in accordance with the Texas Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property.
2. 2. 1. Chapter 43 of the Texas Local Government Code
2. 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.
2. 3. 1. Project Charger

Adjourn from Executive Session

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

3. Ceremonial Items

3. 1. Invocation
3. 2. Pledges of Allegiance
3. 3. Special Recognition Honoring Lubbock Fire Rescue Chief Shaun Fogerson for His Years of Dedicated Service and Leadership

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 April 23, 2024. Citizen Comments provide an opportunity for citizens to make comments and express a position on agenda items.**
5. **Minutes**

5. 1. February 28, 2024 Special City Council Meeting - Lubbock Economic Development Alliance
March 20, 2024 Special City Council Meeting - Ribbon-Cutting: LPD Headquarters
March 26, 2024 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. **Budget Ordinance Amendment 2nd Reading - Finance:** Consider Budget Ordinance No. 2024-O0054, Amendment 21, amending the FY 2023-24 Budget for municipal purposes respecting the Radio Shop and Information Technology Fund; providing for filing; and providing for a savings clause.
6. 2. **Budget Ordinance Amendment 2nd Reading - Finance:** Consider Budget Ordinance No. 2024-O0055, Amendment 22, amending the FY 2023-24 Budget for municipal purposes respecting the Parks Capital Project Fund; providing for filing; and providing for a savings clause.
6. 3. **Budget Ordinance Amendment 2nd Reading - Finance:** Consider Budget Ordinance No. 2024-O0056, Amendment 24, amending the FY 2023-24 Budget for municipal purposes respecting the Water/Wastewater Operating Fund; providing for filing; and providing for a savings clause.
6. 4. **Budget Ordinance Amendment 2nd Reading - Finance:** Consider Budget Ordinance No. 2024-O0057, Amendment 25, amending the FY 2023-24 Budget for municipal purposes respecting the Public Health Fees; providing for filing; and providing for a savings clause.
6. 5. **Budget Ordinance Amendment 2nd Reading - Finance:** Consider Budget Ordinance No. 2024-O0058, Amendment 27, amending the FY 2023-24 Budget for municipal purposes respecting the Water/Wastewater Operating Fund and Water/Wastewater Capital Project Fund; providing for filing; and providing for a savings clause.
6. 6. **Budget Ordinance Amendment 1st Reading - Finance:** Consider Budget Ordinance Amendment 26, amending the FY 2023-24 Budget for municipal purposes respecting the Airport Capital Project Fund and Customer Facility Charge (CFC) Fund; providing for filing; and providing for a savings clause.
6. 7. **Budget Ordinance Amendment 1st Reading - Finance:** Consider Budget Ordinance Amendment 28, amending the FY 2023-24 Budget for municipal purposes respecting the General Fund and General Capital Projects Fund; providing for filing; and providing for a savings clause.

6. 8. **Resolutions - Finance:** Consider a resolution authorizing the Mayor to execute Contract 17914, with Berryhill Sewer Services, Inc., for chemical toilet rentals for various City departments.

6. 9. **Resolution - Risk Management:** Consider a resolution authorizing the Mayor to execute, for and on behalf of the City of Lubbock, a Compromise Settlement Agreement and Release of All Claims, in a pre-litigation claim involving a motor vehicle collision, by and between the City of Lubbock and Matthew Flores.

6. 10. **Ordinance 2nd Reading - Right-of-Way:** Consider Ordinance No. 2024-O0059, abandoning and closing portions of an alley right-of-way apron on the west side of Elgin Avenue, south of 138th Place, located in Section 1, Block AK, Lubbock County, Texas.

6. 11. **Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to accept, for and on behalf of the City of Lubbock, one (1) street, public use, and right-of-way deed, and all related documents, in connection with certain real property located in Section 35, Block AK, of the GC & SF R.R. Co. Survey Lubbock County, Texas, on the west side of Upland Avenue, between 34th Street and 50th Street.

6. 12. **Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to accept, for and on behalf of the City of Lubbock, one (1) street, public use, and right-of-way deed, and all related documents, in connection with certain real property located in Section 34, Block AK, of the GC R.R. Co. Survey, Lubbock County, Texas, on the west side of Upland Avenue, to be utilized for the Upland Avenue Project.

6. 13. **Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to accept, for and on behalf of the City of Lubbock, one (1) street, public use, and right-of-way deed, and all related documents, in connection with certain real property located in Section 35, Block AK, of the GC & SF R.R. Co. Survey, Lubbock County, Texas, on the east side of Upland Avenue, south of 50th Street.

6. 14. **Resolution – Right-of-Way:** Consider a resolution authorizing the Mayor to accept, for and on behalf of the City of Lubbock, one (1) street, public use, and right-of-way deed in connection with certain real property (Parcel 8) located in Section 39, Block AK, of the GC R.R. Co. Survey, Lubbock County, Texas, to be utilized for the Upland Avenue Project and all related documents.

6. 15. **Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to accept, for and on behalf of the City of Lubbock, one (1) street, public use, and right-of-way deed, and all related documents, in connection with certain real property (Parcel 9) located in Section 39, Block AK, of the GC R.R. Co. Survey, Lubbock County, Texas, to be utilized for the Upland Avenue Project, on the west side of Upland Avenue, south of 37th Street.

6. 16. **Resolution - Planning:** Consider a resolution, pursuant to Chapter 42, Subchapter D, of the Texas Local Government Code, releasing the area described as Property I.D. R46672 by the Lubbock County Appraisal District, otherwise known as 12006 Highway 87, from the Extra-Territorial Jurisdiction (ETJ) of the City of Lubbock.
6. 17. **Resolution - Planning:** Consider a resolution, pursuant to Chapter 42, Subchapter D, of the Texas Local Government Code, releasing the area described as Property I.D. R310468 by the Lubbock County Appraisal District, otherwise known as 3420 Woodrow Road, from the Extra-Territorial Jurisdiction (ETJ) of the City of Lubbock.
6. 18. **Resolution - Wastewater Utilities:** Consider a resolution authorizing the Mayor to execute Contract 17939, with Chameleon Industries, Inc., for the purchase of Aluminum Sulfate for the Northwest Water Reclamation Plant.
6. 19. **Resolution - Public Works Streets:** Consider a resolution authorizing the Mayor to execute Contract 17907, with West Texas Paving, Inc., for Mill and Relay at Various Locations on Memphis Avenue, 98th Street, Avenue A, 82nd Street, and North Holly Avenue.
6. 20. **Ordinance 1st Reading - Traffic Operations:** Consider an ordinance amending Section 20.05.103 of the City of Lubbock Code of Ordinances, with regard to the establishment of school zones and speed limits.
6. 21. **Resolution - Solid Waste Management:** Consider a resolution authorizing the Mayor to execute Contract 18033, with Parkhill, for Miscellaneous Engineering Services related to regulatory compliance for all Solid Waste Department facilities.
6. 22. **Resolution - Public Health Services:** Consider a resolution authorizing the Mayor to execute Sub-award Agreement 4134-2024-005, and all related documents, by and between the City of Lubbock and the Institute for Intergovernmental Research, for the Reaching Rural 2023 Implementation Project.
6. 23. **Resolution - Public Health Services:** Consider a resolution authorizing the Mayor to execute Contract No. HHS001439500038, and all related documents, under the Center for Health Emergency Preparedness and Response Grant Program, by and between the City of Lubbock and the State of Texas, acting by and through its Department of State Health Services to advance public health emergency preparedness.
6. 24. **Resolution - Public Health Services:** Consider a resolution authorizing the Mayor to execute Amendment No. 4 to the Department of State Health Services (DSHS) Contract No. HHS001019500024, and all related documents, under the Vaccination Capacity Grant Program, by and between the City of Lubbock and the State of Texas, acting by and through DSHS.

6. 25. **Resolution - Community Development:** Consider a resolution authorizing the Mayor to execute the Community Development Department 2024-2028 Consolidated Plan and 2024-2025 Annual Action Plan, to be submitted to the U.S. Department of Housing and Urban Development.
6. 26. **Resolution - Aviation:** Consider a Memorandum of Understanding (MOU) by and between the United States Department of Homeland Security, the United States Department of Transportation, and the City of Lubbock, in connection with the Blue Light Campaign to promote coordinated anti-human trafficking efforts at Lubbock Preston Smith International Airport.
6. 27. **Resolution - Public Transit Services:** Consider a resolution authorizing the Mayor to execute a Second Amendment to the Ticket Reseller Agreement between the City of Lubbock and FlixBus, Inc., for Greyhound operations services to be rendered by Citibus.
6. 28. **Resolution - Public Transit Services:** Consider a resolution authorizing the Mayor to execute a Third Amendment to the Ticket Reseller Agreement between the City of Lubbock and FlixBus, Inc., for Greyhound operations services to be rendered by Citibus.
6. 29. **Resolution - Public Transit Services:** Consider a resolution authorizing the Mayor of the City of Lubbock, or his designee, to execute a FY 2022 and FY 2023 Federal Transit Administration Section 5310 Grant (TX-2024-038-00), to enhance the mobility of elderly individuals and individuals with disabilities.
6. 30. **Resolutions - Parks and Recreation:** Consider two resolutions authorizing the Mayor to execute Contract 17959, with Gorman Outdoor, Inc., for Group 6, Class D, and Contract 18037 with Incircle Management, Inc., for Group 7, Classes C and E, for turf management and mowing.
6. 31. **Resolution - Fleet:** Consider a resolution authorizing the Mayor to execute Purchase Order 31081473, with Grapevine Dodge Chrysler Jeep, for the purchase of twenty-four sedans, and Purchase Order 31081403 with Dana Safety Supply, Inc., for purchase and installation of up-fitting and lighting equipment for the vehicles, for the Lubbock Police Department Special Operations.
6. 32. **Resolution - Information Technology:** Consider a resolution authorizing the Mayor to execute Purchase Order 33001840, with Dell Marketing LP, for the purchase of two Palo Alto Networks appliances with Threat Prevention Subscription and Support.
6. 33. **Resolution - Police:** Consider a resolution authorizing the Mayor to execute Purchase Order 1027327, with Angel Armor, LLC, for the purchase of ballistic vests for the Lubbock Police Department.

6. 34. **Resolution - Lubbock Fire Rescue:** Consider a resolution authorizing the Mayor to execute an inter-local license agreement between the City of Lubbock and South Plains College, for the use of Lubbock Fire Rescue training facilities, for instruction of students seeking basic fire suppression certification.
6. 35. **Resolution - City Manager:** Consider a resolution ratifying and confirming the appointment of Robert Keinast as Interim Fire Chief of the City of Lubbock.

7. **Regular Agenda**

7. 1. **Board Appointments:** Consider appointments to the Community Development and Services Board and to the Metropolitan Planning Organization's Transportation Policy Committee.
7. 2. **Resolution - Business Development:** Consider a resolution to adopt the proposed Guidelines and Criteria for Industrial Tax Abatement Agreements, in accordance with the Property Redevelopment and Tax Abatement Act.
7. 3. **Resolution - Business Development:** Consider a resolution to adopt the proposed Guidelines and Criteria for Commercial Tax Abatement Agreements, in accordance with the Property Redevelopment and Tax Abatement Act.
7. 4. **Public Hearing - Planning (District 1):** Consider a request for Zone Case 3499, a request of Autrey Engineering, LLC for Alliance Credit Union, for a zone change from Neighborhood Commercial District (NC) to Auto-Urban Commercial District (AC), at 2202 and 2206 34th Street, located north of 34th Street and west of Avenue V, Highland Park Addition, Block 12, Lots 18, 19, and 20, and consider an ordinance.
7. 5. **Public Hearing - Planning (District 1):** Consider a request for Zone Case 3500, a request of Hugo Reed and Associates, Inc. for PLANT-AS-DNPS-003-1, LLC, for a zone change from Low Density Single-Family District (SF-2) to Residential Estates District (RE), at 4901, 5002, 5004, and 5401 East Erskine Street, located southeast of East Highway 62, north and south of East Erskine Street, and north of Acuff Road, on 693.3 acres of unplatted land out of Block A, Sections 23 and 26, and consider an ordinance.
7. 6. **Public Hearing - Planning (District 2):** Consider a request for Zone Case 0769-B, a request of 3R & P Holdings, LLC, for a zone change from Low Density Single-Family District (SF-2) to Heavy Commercial District (HC), at 1611 82nd Street, located south of 82nd Street and west of Avenue P, on 3.053 acres of unplatted land out of Block E, Section 9, and consider an ordinance.

7. 7. **Public Hearing - Planning (District 2):** Consider a request for Zone Case 3501, a request of VIA Real Estate, LLC, for the Estate of Charles E. Prater, for a zone change from Low Density Single-Family District (SF-2) to Heavy Commercial District (HC), at 11311 University Avenue, located east of University Avenue and north of 114th Street, on 7.145 acres of unplatted land out of Block E, Section 10, and consider an ordinance.
7. 8. **Public Hearing - Planning (District 6):** Consider a request for Zone Case 3181-C, a request of Delta Land Surveying and Engineering for Juan Miguel Hernandez, for a zone change from Office District (OF) to Neighborhood Commercial District (NC), generally located west of North Frankford Avenue and south of Kemper Street, on 3.572 acres of unplatted land out of Block JS, Section 7, and consider an ordinance.
7. 9. **Public Hearing - Engineering:** Hold a public hearing regarding a proposed update to the Impact Fee Ordinance pursuant to City of Lubbock Ordinance 2020-00136, Section 41.06.003, and consider an ordinance amending the City of Lubbock Code of Ordinances, Chapter 41, "IMPACT FEES," Article 41.01 to add a definition and Article 41.05 to clarify a provision for certain projects exempt from impact fees.
7. 10. **Resolution - Right-of-Way:** Consider a resolution authorizing the Condemnation of a Property by Eminent Domain; Determining the public necessity for the project; Authorizing the acquisition of real property rights necessary for the project; Authorizing all other acts to complete condemnation proceedings; and establishing an effective date. Said properties being a 0.11-acre tract of land located in Section 39, Block AK, Lubbock County Texas, being a portion of a called 2.72-acre tract described in County Clerk File Number 2018047791, Official Public Records, Lubbock County, Texas, deeded to D&M Myers Trust, and being a 242 square foot Temporary Construction Easement located in Section 39, Block AK, Lubbock County Texas, being a portion of a called 2.72-acre tract described in County Clerk File Number 2018047791, Official Public Records, Lubbock County, Texas, deeded to D&M Myers Trust, and being a 0.21-acre tract of land located in Section 38, Block AK, Lubbock County Texas, being a portion of a called 41.291-acre tract described in County Clerk File Number 2018010270 Official Public Records, Lubbock County, Texas, deeded to Pat Murden, and being a 0.07-acre tract of land located in Section 38, Block AK, Lubbock County Texas, being a portion of a called 41.291-acre tract described in County Clerk File Number 2018010270 Official Public Records, Lubbock County, Texas, deeded to Pat Murden.
7. 11. **Resolution - Right of Way:** Consider a resolution authorizing Condemnation of Property by Eminent Domain; Determining the Public Necessity for the Project; Authorizing the Acquisition of Real Property Rights Necessary for the Project; Authorizing All Other Acts to Complete Condemnation Proceedings; and Establishing an Effective Date. Said property being a 0.8215-acre parcel, located in Section 2, Block JS, Lubbock County, Texas, being portions of a 27.42-acre tract described in the Official Public Records, Lubbock County, Texas as Milwaukee Four North South, Instrument 1992-14768, Volume 4188, Page 174.
7. 12. **Board Appointment - City Council:** Appoint membership to the Ad Hoc Committee on sanitary sewer lateral lines, per Resolution No. 2024-R0203.