

City of Lubbock, Texas
Regular City Council Meeting
Tuesday, September 10, 2019

Daniel M. Pope, Mayor
Jeff Griffith, Mayor Pro Tem, District 3
Juan A. Chadis, Councilman, District 1
Shelia Patterson Harris, Councilwoman, District 2
Steve Massengale, Councilman, District 4
Randy Christian, Councilman, District 5
Latrell Joy, Councilwoman, District 6



W. Jarrett Atkinson, City Manager
Chad Weaver, 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.

2:00 p.m. - City Council convenes in Work Session in Committee Room 103 in City Hall - Items for presentation and discussion on such issues that may require more in-depth consideration by the City Council, than Regular Agenda items.

1. Hear and discuss presentations regarding the following and provide guidance to staff as appropriate.
 1. 1. Police Department Updated Shift Patterns, Strategies, and Patrol Priorities
 1. 2. Presentation and discussion of the Proposed FY 2019-20 Operating Budget and Capital Program; and discuss all funds of the city, including but not limited to General Fund, Debt Service Fund, Internal Services, Enterprise Funds, Special Revenue Funds, Component Units, Related Entities, debt and debt obligations, Capital Improvement Program, and related and associated items.

At the completion of the Work Session, 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. Cause No. 2018-530,656 – *Lynn Frame v. City of Lubbock et. al*
2. 1. 2. Case # 01-17-0006-1645 – *Christopher Hennsley v. City of Lubbock*
2. 1. 3. Discuss Chapters 32 and 40 of the Lubbock Code of Ordinances
2. 1. 4. Discuss legal issues regarding Item 7.18 on the Regular Agenda
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. Texas Department of Transportation (TxDOT) Right-of-Way for Loop 88
2. 2. 2. 108 East Broadway
2. 2. 3. City of Lubbock Parks System
2. 3. 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:
 2. 3. 1. City Manager
 2. 3. 2. City Attorney
 2. 3. 3. City Secretary
2. 4. Hold an executive session in accordance with Texas Government Code 551.074, to discuss personnel matters, regarding the duties, responsibilities, and/or appointments to the Electric Utility Board, Health Facilities / Educational Facilities Development Corporation Board, Lubbock Emergency Communication District (LECD) Board of Managers, Permit and License Appeal Board, Planning & Zoning Commission, and Urban Design/ Historic Preservation Commission.

Adjourn from Executive Session

4:30 p.m. - City Council reconvenes in Open Session in City Hall Council Chambers

3. **Ceremonial Items**

3. 1. Invocation

3. 2. Pledges of Allegiance

3. 3. Proclamations and Presentations

3. 3. 1. Presentation of a Special Recognition in honor of the Fiesta del Llano celebration of El Diez y Sies de Septiembre, the 16th of September, commonly known as Mexican Independence Day in Lubbock

3. 3. 2. Presentation of a Special Recognition honoring Hispanic Heritage Month

3. 3. 3. Presentation of a Special Recognition to Civic Lubbock, Inc., in celebration of the 40th Anniversary of the the West Texas Walk of Fame

3. 4. **Board Recognitions:**

Veterans Advisory Committee

Norman Bearden

Michael Dalby

Benny Guerrero

Steve Oien

Call to Order

4. **Citizen Comments - According to Lubbock City Council Rules, any citizen wishing to appear before a regular meeting of the City Council, regarding any matter posted on the City Council Agenda, shall complete the sign-up form provided at the meeting, no later than 5:00 p.m.**

5. **Minutes**

5. 1. July 25, 2019 Special City Council Meeting - Electric Utility Board
August 13, 2019 Regular City Council Meeting

6. **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.**

6. 1. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 25 amending the FY 2018-19 Budget for municipal purposes respecting the Abandoned Vehicle Fund to amend the Operating Budget; providing for filing; and providing for a savings clause.
6. 2. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 26 amending the FY 2018-19 Budget for municipal purposes respecting the Water/Wastewater Fund to amend the Operating Budget; Amend Capital Improvement Project 92455 – Water Meter Replacement Phase II and appropriate funding; providing for filing; and providing for a savings clause.
6. 3. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 27 amending the FY 2018-19 Budget for municipal purposes respecting the Airport Passenger Facility Charge (PFC) Fund to amend the Operating Budget; Amend Capital Improvement Project 92361 – Terminal Building Remodel and appropriate funding; providing for filing; and providing for a savings clause.
6. 3. 1. **Resolution - Aviation:** Consider a resolution authorizing the Mayor to execute a Federal Grant Acceptance Agreement with the Federal Aviation Administration (FAA) for funding a project to modify the terminal building at Lubbock Preston Smith International Airport.
6. 4. **Ordinance 2nd Reading - Finance:** Consider Ordinance No. 2019-O0116, reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Overton Public Improvement District (PID); approving, adopting, and filing with the City Secretary the assessment roll; levying 2019 assessments for the cost of certain services and improvements to be provided in the district during FY 2019-20; fixing charges and liens against the property in the district and against the owners thereof; and providing for the collection of the assessment.
6. 5. **Ordinance 2nd Reading - Finance:** Consider Ordinance No. 2019-O0117, reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Point Public Improvement District (PID); approving, adopting, and filing with the City Secretary the assessment roll; levying 2019 assessments for the cost of certain services and improvements to be provided in the district during FY 2019-20; fixing charges and liens against the property in the district and against the owners thereof; and providing for the collection of the assessment.
6. 6. **Ordinance 2nd Reading - Finance:** Consider Ordinance No. 2019-O0118, reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Quincy Park Public Improvement District (PID); approving, adopting, and filing with the City Secretary the assessment roll; levying 2019 assessments for the cost of certain services and improvements to be provided in the district during FY 2019-20; fixing charges and liens against the property in the district and against the owners thereof; and providing for the collection of the assessment.

6. 7. **Ordinance 2nd Reading - Finance:** Consider Ordinance No. 2019-O0119, reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Valencia Public Improvement District (PID); approving, adopting, and filing with the City Secretary the assessment roll; levying 2019 assessments for the cost of certain services and improvements to be provided in the district during FY 2019-20; fixing charges and liens against the property in the district and against the owners thereof; and providing for the collection of the assessment.
6. 8. **Ordinance 2nd Reading - Finance:** Consider Ordinance No. 2019-O0120, reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Bell Farms Public Improvement District (PID); approving, adopting, and filing with the City Secretary the assessment roll; levying 2019 assessments for the cost of certain services and improvements to be provided in the district during FY 2019-20; fixing charges and liens against the property in the district and against the owners thereof; and providing for the collection of the assessment.
6. 9. **Ordinance 1st Reading - Finance:** Consider the twelfth Supplemental Ordinance updating the Vintage Township Public Improvement District Service and Assessment Plan and Assessment Roll.
6. 10. **Resolution - Finance:** Consider a resolution authorizing approval of the Lubbock Emergency Communication District (LECD) Budget for Fiscal Year 2019-20.
6. 11. **Ordinance 2nd Reading - Right-of-Way:** Consider Ordinance No. 2019-O0112, abandoning and closing a portion of 3rd Place, that is a 112.5 square foot corner clip, located southeast of, and adjacent to Tract A, Block 1, Paul M. Crouch Addition, Lubbock County, Texas.
6. 12. **Ordinance 2nd Reading - Right-of-Way:** Consider Ordinance No. 2019-O0113, abandoning and closing portions of two storm water storage and drainage easements located in Section 19 Block E-2, Lubbock County, Texas, 3222 103rd Street.
6. 13. **Ordinance 2nd Reading - Right-of-Way:** Consider Ordinance No. 2019-O0114, abandoning and closing an underground utility easement located in Section 19 Block E-2, All Saints Addition, Lubbock County, Texas, 3222 103rd Street.
6. 14. **Ordinance 2nd Reading - Right-of-Way:** Consider Ordinance No. 2019-O0115, abandoning and closing a 20-foot public utility easement and a portion of a 20-foot public utility easement and right-of-way for ingress and egress, located in Tract A-2, Gordon Heights Addition, 4644 50th Street.
6. 15. **Ordinance 1st Reading - Right-of-Way:** Consider an ordinance abandoning and closing a transformer pad easement located at 5508 Lehigh Street on Lot 55, Lincoln 16 Addition, to the City of Lubbock, Lubbock County, Texas.

6. 16. **Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute a parking lot lease agreement between the City of Lubbock and Cast Iron Grill, for the use of a City-owned parking lot at 1801 Crickets Avenue.
6. 17. **Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute an Alley Use License to 2Sparks and Company LLC, to use a portion of a dedicated alley for a grease trap at 1109 Broadway.
6. 18. **Ordinance 1st Reading - Engineering:** Consider an ordinance amending Article 36.04 "Construction, Alteration and Repair of Sidewalks, Curbing, Driveways and Gutters" by amending Section 36.04.126(5) "Driveways into private property," in order to establish a fee for commercial driveway inspections; providing a savings clause; and providing for publication.
6. 19. **Resolution - Engineering:** Consider a resolution authorizing the City Council to approve the installation of medians in a new subdivision, Sedona Addition, Lots 1-122 and Tracts A-R, in accordance with the City of Lubbock Code of Ordinances 38.05.001(17).
6. 20. **Resolution - Public Transit Services:** Consider a resolution authorizing the Mayor to execute a consultant contract between the City of Lubbock and Lubbock Metropolitan Planning Organization (LMPO), for transit services related to the LMPO's Unified Planning Work Program for FY 2019-20.
6. 21. **Resolution - Civic Centers:** Consider a resolution authorizing the Mayor to execute a contract with Speedcrete, Inc., for the renovation of the Avenue O sidewalks at the Lubbock Memorial Civic Center.
6. 22. **Resolution - GIS and Data Services:** Consider a resolution authorizing the Mayor to execute a consultant contract with the Lubbock Metropolitan Planning Organization (LMPO), for GIS data and demographic services.
6. 23. **Resolution - Facilities Management:** Consider a resolution authorizing the Mayor to execute Contract 14811 with Johnson General Contractors Group, LLC, for renovations at the Mae Simmons Senior Center located at 2004 Oak Avenue.
6. 24. **Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute Purchase Order 31047329 with Jim Bass Ford, for the purchase of 4 mid-size SUV's for Police Patrol.
6. 25. **Resolution - Police:** Consider a resolution authorizing the Mayor to execute an agreement with the United States Department of Justice for an Edward Byrne Memorial Justice Assistance Grant to fund the Lubbock County Joint Enforcement Initiative Program.

6. 26. **Resolution - Police:** Consider a resolution authorizing the Mayor to execute Purchase Order 10022210 with The Arcanum Group, Inc., for the purchase of Talent Science Modules as per ITB GS-35F-0029Y.
6. 27. **Resolution - Lubbock Power & Light:** Consider a resolution revoking City Council Resolution No. 2017-R0333; approving the form of Mutual Aid Agreements; and further authorizing the Mayor of the City of Lubbock and the Director of Electric Utilities, or his designee, to execute Mutual Aid Agreements on behalf of the City of Lubbock, acting by and through Lubbock Power & Light, with Requesting Parties, as defined in the form Mutual Aid Agreement, attached to the resolution.
6. 28. **Resolution - Lubbock Power & Light:** Consider a resolution authorizing the Director of Electric Utilities, or his designee, to execute an amendment to the Professional Services Agreement between the City of Lubbock, acting by and through Lubbock Power & Light (“LP&L”), and TMG Utility Advisory Services, Inc. (“TMG”), amending the Professional Services Agreement dated effective June 14, 2018.
6. 29. **Resolution - Lubbock Power & Light:** Consider a resolution adopting the Electric Rate/Tariff Schedule (Tariff) of Lubbock Power & Light (LP&L), the City of Lubbock's municipally owned electric utility, applicable to all rate classes, effective October 1, 2019.
6. 30. **Resolution - City Secretary:** Consider a resolution approving amendments to the Articles of Incorporation of the Lubbock Housing Finance Corporation (LHFC).

7. **Regular Agenda**

7. 1. **Public Hearing - Finance:** Hold a public hearing on the proposed Storm Water Drainage Charges for the City of Lubbock.
7. 2. **Resolution - Finance:** Consider a resolution amending the schedule of drainage charges by decreasing the rates.
7. 3. **Ordinance 2nd Reading - Finance:** Consider Ordinance No. 2019-O0129, approving and adopting a budget for Fiscal Year 2019-20; approving summary of estimated and forecasted revenues, appropriations, and use of excess reserves for all funds of the City; providing for necessary transfers of funds between accounts and departments, if required; authorizing reduction of spending by City Manager if necessary; re-appropriation of balances which support authorized obligations or encumbered; providing for filing of Adopted Budget; establishing civil classifications and positions; appropriating funds for the Fiscal Year 2019-20 Operating Budget and Capital Program of the City of Lubbock; approving all permit, license, fees, and charges for service recommended to be adjusted; approving the pay plan and positions; approving personnel; amending Section 22.03.090(a) and Section 22.03.090(b) of the Code of Ordinances of the City of Lubbock by revising the water service (water tap) connection fees as contained therein; amending Section 22.04.045(a) of the Code of Ordinances of the City of Lubbock by revising the fee for sewer service

connections fees as contained therein; amending Section 22.04.133(a) of the Code of Ordinances of the City of Lubbock by revising the fee for sewage disposal permits as contained therein; amending Section 22.04.175 Regulation 8 of the Code of Ordinances of the City of Lubbock by revising the septic load fees as contained therein; accepting the budgets for Lubbock Economic Development Alliance, Market Lubbock, Inc., Civic Lubbock, Inc., and Vintage Township Public Facilities Corporation; finding that proper notice of meeting provided by law and ratifying such; providing for publication; and providing for a savings clause.

7. 4. **Resolution - Finance:** Consider a resolution ratifying the adoption of the FY 2019-20 Budget that raises more tax revenue than was generated in the previous year.
7. 5. **Ordinance 2nd Reading - Finance:** Consider Ordinance No. 2019-O0130; setting the tax rate and levying a tax upon all property subject to taxation within the City of Lubbock for 2019; apportioning said levy among the various funds and items for which revenue must be raised; fixing the times in which said taxes shall be paid and assessing penalty and interest for nonpayment of such taxes within the time provided.
7. 6. **Resolution - Finance:** Consider a resolution amending the allocation of the Hotel Occupancy Tax (HOT) Revenues for FY 2019-20 and distributing receipts, net collection expenses, as authorized in Subsection 18.03.001(b)(2) of the Code of Ordinances of the City of Lubbock.
7. 7. **Resolution - Finance:** Consider a resolution making findings that the Upland Crossing Petition meets the requirements of Chapter 372 of the Texas Local Government Code (the "Code"); accepting the Upland Crossings Public Improvement District Petition, which covers a portion of an area in the City of Lubbock, Lubbock County, Texas, generally bounded by Yuma Avenue, 26th Street, Upland Avenue, and 34th Street; and calling for a public hearing to receive public comment on the formation of a public improvement district for the area depicted and described.
7. 8. **Resolution - Finance:** Consider a resolution approving a Memorandum of Understanding between the Central Business District Tax Increment Financing (TIF) Reinvestment Zone and Lubbock Experience, Inc., for the provision of funding to build the Downtown Lubbock Tornado Memorial.
7. 9. **Ordinance 2nd Reading - Planning:** Consider Ordinance No. 2019-O0121, for Zone Case 788-A, a request of Carlos Zubeate, for a zone change to Commercial District (C-4), from General Retail District (C-3) at 3907 and 3909 Idalou Road, located approximately 980 feet northeast of Northeast Loop 289 on the north side of Idalou Road, Gordon Bozeman Addition, Block 5, Lots 1 and 2.

7. 10. **Ordinance 2nd Reading - Planning:** Consider Ordinance No. 2019-O0122, for Zone Case 2543-G, a request of the City of Lubbock, for a zone change to Reduced Setback Single Family Residential District (R-1A), from General Retail (C-3) at 9801, 9803, and 9805 Avenue S, 9801 – 9806 Avenue R, 9802, 9804, and 9806 Avenue Q, 1701, 1703, 1705, 1707, 1709, 1711, 1713, 1715, 1717, 1719, 1721 99th Street, and 1701 – 1723 99th Place, located at the southeast corner of 98th Street and Avenue S, Stonebridge Community Addition, Lots 203 – 248.
7. 11. **Ordinance 2nd Reading - Planning:** Consider Ordinance No. 2019-O0123, a request for Zone Case 3175-E, a request of Hugo Reed and Associates, for City of Lubbock, for a Specific Use to allow a Police Station on land zoned High Density Apartment District (A-2) at 5906 Erskine Street, located approximately 1,055 feet west of North Frankford Avenue on the north side of Erskine Street, on 3.1 acres of unplatted land out of Block JS, Section 7.
7. 12. **Ordinance 2nd Reading - Planning:** Consider Ordinance No. 2019-O0124, for Zone Case 3257-I, a request of Hugo Reed and Associates, Inc, for 1585 Development, LLC, for a zone change to Interstate Highway Commercial District (IHC), Two Family Residential District (R-2), General Retail District (C-3), and Family Apartment District (A-1), from General Retail District (C-3), Two Family Residential District (R-2), and High Density Apartment District (A-2) at 3021 130th Street, 13002 and 13206 University Avenue, located at the southwest corner of University Avenue and 130th Street, on 56.96 acres of unplatted land out of Block AK Section 1.
7. 13. **Ordinance 2nd Reading - Planning:** Consider Ordinance No. 2019-O0125, for Zone Case 3389, a request of Kevin Watt, for Texas Plains Federal Credit Union, for a zone change to Commercial District (C-4), from Single-Family Residential District (R-1) at 9425 4th Street, located at the southeast corner of Research Boulevard and 4th Street, on 1.71 acres of unplatted land out of Block D-6, Section 3.
7. 14. **Ordinance 2nd Reading - Planning:** Consider Ordinance No. 2019-O0126, for Zone Case 3390, a request of Hugo Reed and Associates, for Martin Gill's Heating and Air, LLC, for a zone change to Light Manufacturing District (M-1), from Transition District (T) at 5623 132nd Street, located approximately 990 feet west of Chicago Avenue on the south side of 132nd Street, Huffines Business Park Addition, Tract G, and consider an ordinance.
7. 15. **Ordinance 2nd Reading - Planning:** Consider Ordinance No. 2019-O0127, amending Chapter 40 "Zoning" of the Code of Ordinances to adopt a new registration process for the operation of Short Term Rentals, including the requirement to pay hotel occupancy fees to the City of Lubbock.
7. 16. **Ordinance 2nd Reading - Planning:** Consider Ordinance No. 2019-O0128, amending Article 18.03 "Hotel Occupancy Tax" with regard to the levy and collection of hotel occupancy taxes for short term rentals; providing a savings clause; providing a penalty; and providing for publication.

7. 17. **Ordinance 1st Reading - Planning:** Consider an ordinance amending Chapter 38 "Subdivisions," Articles 38.03 and 38.04 "Preliminary Plats and Final Plats" of the Code of Ordinances in order to define when a plat is deemed as filed.
7. 18. **Ordinance 1st Reading - Lubbock Power & Light:** Consider an ordinance re-creating the West Texas Municipal Power Agency ("Agency"), through passage of this ordinance concurrently with the cities of Brownfield, Floydada, and Tulia, being the other member public entities of the Agency, by deletion of the membership of the City of Lubbock as a member public entity of the Agency; finding that no Agency obligation will be impaired by the re-creation of the Agency in the manner provided by this ordinance; providing for an effective date; defining the boundaries of the re-created Agency; providing for a board of directors; and designating the number, place, terms and manner of appointment of directors.