

**CITY OF LUBBOCK
SPECIAL CITY COUNCIL MEETING**

April 18, 2006

9:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 18th day of April, 2006, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 9:30 A. M.

9:33 A. M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present: Mayor Marc McDougal, Mayor Pro Tem Tom Martin, Council Member Gary O. Boren, Council Member Linda DeLeon, Council Member Jim Gilbreath, Council Member Phyllis Jones, Council Member Floyd Price

Mayor Pro Tem Martin arrived at 9:40 A.M.

Absent: No one

Invocation was given by Council Member Price.

Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.

1. **EXECUTIVE SESSION** was considered following Item 3.2.

2. **PROCLAMATIONS AND PRESENTATIONS**

2.1 **Presentation to Visit Lubbock (the Lubbock Visitors and Convention Bureau) for winning the State of Texas Tourism Photograph Contest.**

Mayor McDougal made a presentation to Visit Lubbock (Lubbock Visitors and Convention Bureau) for winning the State of Texas Tourism Photograph Contest. Visit Lubbock, the Convention and Visitors Bureau, recognizes the importance of our picturesque West Texas horizon, which is illuminated by our colorful sunrises, sunsets, and are known throughout the world for their beauty and wonder. Visit Lubbock's leadership, coupled with the creative talents of photographer Artie Limmer and The Thomas Agency, produced a beautiful advertisement which showcases our vast skyline and has already appeared in Texas Monthly, Continental Airlines and People Magazines, as well as the current cover of the Lubbock Visitors Guide. Brian Thomas, Marci Jarrett, Belynda Godfrey, Brice Chapman, and Gary Lawrence were present. Marcie Jarrett gave comments.

3. REGULAR AGENDA

3.1 Public Hearing - 9:30 a.m. - Annexation: Hold a public hearing to consider an annexation located in the vicinity of Erskine Avenue and North Milwaukee Avenue 2,514 feet north/south and 1,171 feet east/west (west of the area recently annexed for the senior living community) and known as the Shadow Hills Estates annexation.

Mayor McDougal opened the public hearing at 9:41 a. m. Ron Betenbough appeared on behalf of the annexation. No one appeared in opposition. Mayor McDougal closed the hearing at 9:42 a. m.

The owner of a parcel north of Erskine and west of North Milwaukee has a plat (Shadow Hills Estates) already approved in anticipation of annexation. To comply with annexation policy of the Comprehensive Land Use Plan, staff is asking Council to expand the area considered for annexation to include the unoccupied southwest corner (1,171 feet by 660 feet from the section lines) beyond the current 150 foot dimension that currently exists west of Milwaukee and north of Erskine and a short stretch of North Milwaukee to what will be the east right-of-way line (this request is a little longer north and south than the senior living center annexation to the east).

The requested area and the staff-initiated additional requested area meets the test of an exemption under State annexation law that would normally require Lubbock to have a “rolling annexation plan”. The exemption is one that allows land areas that have fewer than 100 lots with 100 homes to be annexed. All the land is vacant at the present time. Staff is of the opinion that this portion of the community will become populated and the City should have the full ten acre commercial policy area of each of the four corners, as well as the right-of-way, within the City limits.

A color drawing was provided that outlines the area requested by Mr. Betenbough as well as the area requested for inclusion by the staff.

FISCAL IMPACT

No fiscal impact is anticipated.

Planning Department staff plans to recommend annexation of the entire area. This item involves City Council holding the first of two public hearings. The second public hearing will be held on April 26 and the proposed first reading date for the ordinance is May 25, 2006.

Randy Henson, Senior Planner, gave comments and answered questions from Council.

3.2 Public Hearing - 9:30 a.m. - Annexation: Hold a public hearing to consider an annexation located in the vicinity of 98th and Avenue P and known as the Stonebridge Community annexation.

Mayor McDougal opened the public hearing at 9:43 a. m. Ron Betenbough appeared on behalf of the annexation. Karen Wallace, Dale Ramsey, William

Bruce Wallace, Dennis Bruster, Melissa Lindelow, and William Crockett appeared in opposition. Mayor McDougal closed the hearing at 10:00 a. m.

The owner of a parcel of land south of Avenue 98th at 100th Street and west of Avenue P has a plat (Stonebridge Community) already approved in anticipation of annexation. To comply with annexation policy of the Comprehensive Land Use Plan, staff is asking Council to expand the area considered for annexation to include the unoccupied southeast corner (660 feet by 660 feet from the section line) and the northeast corner to be increased up to the 660 foot east dimension (from the current 150 foot) and north to an existing road (715 feet) to create a natural division line. The requested area and the staff-initiated additional requested area meet the test of an exemption under State annexation law that would normally require Lubbock to have a “rolling annexation plan”. The exemption is one that includes land areas that have fewer than 100 lots with 100 homes to be annexed with no formal plan. All the land is vacant at the present time except the businesses that are in the extended northeast corner, who will remain nonconforming. Staff is of the opinion that this portion of the community will become populated and the City should have the full ten acre commercial policy area of each of the four corners, as well as the right of way, within the City limits.

A color drawing was provided that outlines the area requested by Mr. Betenbough as well as the area requested for inclusion by the staff.

FISCAL IMPACT

No fiscal impact is anticipated.

Planning Department staff plans to recommend annexation of the entire area. This item involves City Council holding the first of two public hearings. The second public hearing will be held on April 26 and the proposed first reading date for the ordinance is May 25, 2006.

Randy Henson, Senior Planner, gave comments and answered questions from Council.

1. EXECUTIVE SESSION

Mayor McDougal stated: “City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law.”

10:15 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION City Council Conference Room

All council members were present.

- 1.1 Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Solid Waste).**

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**11:05 A. M. CITY COUNCIL SPECIAL MEETING RECONVENED
City Council Chambers**

Present: Mayor Pro Tem Tom Martin; Council Member Gary O. Boren; Council Member Linda DeLeon; Council Member Jim Gilbreath; and Rebecca Garza, City Secretary

Absent: Mayor Marc McDougal; Council Members Jones and Price

Mayor Pro Tem Martin reconvened the meeting at 11:05 A. M.

At this time, Mayor Pro Tem Martin stated that the Special City Council meeting would be continued until 7:00 a.m. on April 19, 2006.

April 19, 2006

**7:01 A. M. CITY COUNCIL SPECIAL MEETING RECONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas**

Present: Mayor Marc McDougal; Council Member Linda DeLeon; Council Member Jim Gilbreath; Council Member Phyllis Jones; Council Member Floyd Price; Richard Casner, First Assistant City Attorney; and Rebecca Garza, City Secretary

Absent: Mayor Pro Tem Tom Martin; Council Member Boren; Lee Ann Dumbauld, City Manager; and Anita Burgess, City Attorney

Mayor McDougal reconvened the meeting at 7:01 A. M.

1. EXECUTIVE SESSION

Mayor McDougal stated: "City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."

**7:02 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room**

All council members were present.

1.1 Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Solid Waste).

**7:45 A. M. CITY COUNCIL SPECIAL MEETING RECONVENED
City Council Chambers**

Present: Mayor Marc McDougal; Mayor Pro Tem Tom Martin; Council Member Gary O. Boren; Council Member Linda DeLeon; Council Member Jim Gilbreath; Council Member Phyllis Jones; Council Member Floyd Price; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: No one

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Mayor McDougal reconvened the meeting at 7:45 A. M.

3. REGULAR AGENDA

- 3.3 Compromise Settlement Agreement Resolution - City Attorney:
Consider a resolution authorizing the Mayor to sign a Compromise
Settlement Agreement and release of all claims between the City of
Lubbock and Terry Ellerbrook.**

Mayor McDougal called for a motion on this item. This item failed due to lack of motion.

7:47 A. M. COUNCIL ADJOURNED

There being no further business to come before Council, Mayor McDougal adjourned the meeting.