

**CITY OF LUBBOCK
SPECIAL CITY COUNCIL MEETING
JANUARY 29, 2007
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in special session on the 29th day of January, 2007, in the Committee Room 103, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:33 A.M. CITY COUNCIL CONVENED
Committee Room 103, 1625 13th Street, Lubbock, Texas

Present: Mayor David A. Miller, Mayor Pro Tem Jim Gilbreath, Council Member Linda DeLeon, Council Member John Leonard, Council Member Floyd Price

Absent: Council Members Gary O. Boren and Phyllis Jones

1. EXECUTIVE SESSION

Mayor Miller stated: "City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to competitive matters of the public power utility, and commercial or financial information that the governmental body has received from a business prospect with which the governmental body is conducting economic development negotiations, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."

7: 36 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room

All council members were present except Council Member Gary O. Boren

- 1.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 1.1.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
 - 1.1.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**
 - 1.1.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

- 1.2. **Hold an executive session in accordance with V.T.C.A. 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 (Business Development).**

**9:17 A.M. CITY COUNCIL REGULAR MEETING RECONVENED
Committee Room 103**

Present: Mayor David A. Miller; Mayor Pro Tem Jim Gilbreath; Council Member Linda DeLeon; Council Member Phyllis Jones; Council Member John Leonard; Council Member Floyd Price; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: Council Member Gary O. Boren

Mayor Miller reconvened the meeting at 9:17 a.m.

2. REGULAR AGENDA

- 2.1. **Settlement Agreement Resolution - Streets: Resolution No. 2007-R0043 authorizing the Mayor to execute a settlement agreement relating to Cause No. 2006-822,388; City of Lubbock v. West 50th Management, Ltd., et. al.**

This Compromise and Settlement Agreement is related to the 50th Street Widening Project. This project involves widening 50th Street to accommodate increased vehicular traffic along 50th Street from Slide Road to West Loop 289.

The particular piece of property subject to this Agreement is located at the southeast corner of the intersection of 50th Street and West Loop 289. In seeking to acquire the necessary property, the City of Lubbock filed a condemnation lawsuit in County Court at Law No. 3. (Cause No. 2006-822,388; City of Lubbock v. West 50th Management, Ltd., et.al.) During the eminent domain process, West 50th Management, Ltd., entered into an "Unimproved Property Contract" for the sale of the entire tract of land to McDougal Companies. The closing for this sale is currently scheduled for January 31, 2007.

Based on this information, the City of Lubbock and West 50th Management, Ltd., agreed to settle the condemnation case whereby West 50th Management, Ltd., will sell to the City that portion of the property sought in condemnation at the same price being paid by McDougal Companies for the remainder. In return, the City will dismiss their condemnation lawsuit and each party will be responsible for their own fees and expenses related to the transaction.

FISCAL IMPACT

The purchase price for this property is \$109,424.

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Staff recommends approval of this resolution.

Motion was made by Council Member Leonard, seconded by Council Member Price to pass Resolution No. 2006-R0043 as recommended by staff.

Motion carried: 6 Ayes, 0 Nays.

9: 18 A. M. COUNCIL ADJOURNED

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