

**CITY OF LUBBOCK
SPECIAL CITY COUNCIL MEETING
MARCH 26, 2007
11:30 A. M.**

The City Council of the City of Lubbock, Texas met in special session on the 26th day of March, 2007, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 11:30 A. M.

11:30 A.M. CITY COUNCIL CONVENED

City Council Chambers, 1625 13th Street, Lubbock, Texas

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; Tom Adams, Deputy City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: Council Member Gary O. Boren

1. REGULAR AGENDA

- 1.1. Lease Agreement Resolution - Business Development: Resolution No. 2007-R0128 authorizing the Mayor to execute a Lease by and between the City of Lubbock, as Lessor and BeGo Enterprises, L.L.C. d.b.a. South Beach, as Lessee, regarding Lots 17 - 24, inclusive, Block 231, Original Town of Lubbock, Lubbock County, Texas, according to the map, plat or dedication deed recorded in Volume 5, Page 386, Deed Records, Lubbock County, Texas.**

The lease agreement between BeGo Enterprises, L.L.C. dba South Beach and the City of Lubbock involves the lease of this facility to BeGo Enterprises for 120 days for the consideration of BeGo's release and quitclaim of its rights of first refusal (i.e., no additional monetary consideration).

A copy of the lease by and between BeGo Enterprises, L.L.C. and the City is provided.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommends approval of this resolution.

Motion was made by Leonard, seconded by Council Member Jones to pass Resolution No. 2007-R0128 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

1.2. Resignation Resolution - City Council: Resolution No. 2007-R0129 accepting the resignation of City Councilman Gary Boren and ordering a Special Election to fill the vacancy for City Council member, District 3, to be held May 12, 2007.

The resignation of City Councilman Gary Boren, District 3, occurred on March 22, 2007. This has created a vacancy on the City Council of the City of Lubbock. The City Charter of the City of Lubbock and the Texas Election Code require such vacancy to be filled by a special election called for such purpose.

The next available election date complying with the requirements of City Charter and Sections 3.004, 41.001, 201.023, 201.51, and 201.052 of the Election Code is May 12, 2007.

FISCAL IMPACT

Cost of Special Election.

Council Member Leonard made the following statement:

“Mayor and fellow Lubbock City Council members, the events of the last several days have been very disturbing to me, as I am sure they have been to you. We are now considering a motion to replace one of this community’s outstanding public servants who felt it necessary to resign his position on this body.

With Mr. Boren’s resignation, we have lost an outstanding friend of the citizens and a sincere respecter of our taxpayers’ hard-earned money.

Equally disturbing to me, though, are the mean-spirited and back-stabbing personal attacks on members of this council and loyal employees of our city that we have seen in the media. It is truly heartbreaking to me, as I hope it is to all of you, to see good people ruthlessly attacked without any opportunity to defend their reputations.

When I announced that I would seek election to this body, it was because I respected and believed in the conservative philosophy of the previous holder of my position as well as the philosophy that had been exhibited by the prior council. I had hoped that we could continue to represent the conservative fiscal values of our community.

Over the past few days, scores of my constituents and other Lubbock citizens have contacted me about the recent actions of this council. A few have encouraged me to resign from the Council, saying that it has now been proven that you can’t fight City Hall. Likewise, I have been inundated by others who have understood my angst at being one of the few conservative voices on this panel but have encouraged me to continue on and represent their position as best I can.

Quite honestly, I have felt overwhelmed. On one hand, I don’t see that the conservative fiscal values that others and I have for this community will prevail. On the other hand, I am hopeful that another conservative member

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with the same fiscal values as Mr. Boren will be elected in May and that others might be elected in 2008.

The easy way for me would be to resign my position on this Council. After all, I have a business and personal life that have been neglected since I became a member of this body. However, to resign my position would be a disappointment to my supporters and constituents.

Therefore, I will continue to serve on this Council and hope that the personal attacks on the members and our loyal employees will stop. In the meantime, I will continue to vote my conservative beliefs and will work to elect other citizens to this Council who will return to the conservative fiscal values that have been abandoned by this Council. Thank you.”

Council Member DeLeon stated, “I think that this Council has done a very good job of addressing the needs of this community. I don’t know where the allegations come that we’re not conservative. We followed the policy on Truth in Taxation that Mr. Boren advocated, and we did that this year. We also tried to, at least those that were still on the Council before the new ones came on, to follow the letter of the law and follow the Charter and understand what our authority is as Council people. I have listened to some of the talk shows and things that are being said – we need healing in this community and of this entire city, because we are going in the right direction. We need to embrace the Council that is here and the member that will be elected in May, and to go through classes so every member on this Council knows what our authority is and where the limits are, and not go past that. I also want to say that the statement that was read by Anita Burgess, our City Attorney, on Friday, was because Gary Boren requested that that statement be read. So, that way, this case would cease, and that there wouldn’t be any criminal charges filed. So, what we need is healing in this community, that we’ve done the best that we can in bringing out things that were going very bad, and that is out in the public now, and now we need to work as a team and work as a city to do what is in the best interest of the entire community and the city.”

Council Member Price stated, “I am privileged to serve the City Council my last three years and serve with the prior Council member, and the Council members that I have served with in this new election. I just think that the city of Lubbock is so blessed to have a direction that it is going. It is not all according to the city government, because you’ve got strong citizens and business people that is partnership up with the city and gave a lot of insight on what is the future for the city of Lubbock, Texas. I am just as conservative as anybody. I truly believe that conservative attitudes is the way to go, but you’ve got to understand that in order to have a lifestyle that this great city has, and the people who require good parks, good law enforcement, public service, good streets, infrastructure, and in order to have that, we are going to have to come up with a way to pay for that. We need to understand that government operates on taxes, fees, and grants, and those grants are just taxes also. And, I don’t care how conservative you are, if you continue to cut – cut away, cut away, cut away, cut away, you’re not going to have the lifestyle that

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this great city of Lubbock is used to having. So, sometime you've got to make sacrifices, and the sacrifices calls everybody. The thing that I want the public to understand is that when there is a fee increase, just like we had to increase our water fees this year, each person on this dais have to pay for that increase also. If there is anything going on in the city that costs more, the Council is not exempt from that. We have to pay taxes. We pay the same taxes as anyone else. Myself, I don't like paying taxes, but it's a necessity in order for this great city to continue to grow. I think it is time for us as a Council to work as a team, and as you work as a team, it is not saying that you are not going to have some spats. That's fine, but when you come out to present the program to the great city of Lubbock and the people who put you here, we should come out as a team. I think it is time for us to get that monster back in it's cage, seal him up, and start to doing what this great city of Lubbock expects us to do, and that is to function as a government body. There has been enough finger-pointing going on. It's enough of that. It is time to get back to what you got elected to do, and that is to govern this great city. Floyd Price is going to do his best. My thing, when I was running for this position, I made one promise – I would be your servant. By being a servant, I mean I will work with whoever's here. The newly elected person, I am going to work with that person, whoever they are, to make this city continue to grow. Lubbock is not in a bad position at all. Lubbock is growing, it's thriving, and it's ok. So, to all those out there that is beating the bush and talking about Lubbock is going to be behind. No, Lubbock is going to continue to grow. I thank the citizens of this great city, this 200+ thousand people for allowing me to be here in this time to function as a government agency for this city. Council persons, my colleagues, let's cool our lips, let's open our hearts, let's continue to work, and I think we have thrown enough gasoline on the burning fire. Let's go to work."

Council Member Jones added one comment, stating "I have to take at face value Councilman Boren's resignation, which he said he made the best decision for he and his family, and I have to take that as that's what he said and that's what he meant. I ran on accountability, and that's about being transparent. We all have, as elected officials up here, the public has the right to know how elected officials are conducting the public's business. I think that is a good thing, because there are consequences for actions, and there are good consequences and there are bad consequences. But that is what accountability is all about, and transparency."

Mayor Pro Tem Gilbreath stated, "It's time to move on and go to the next chapter."

Motion was made by DeLeon, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2007-R0129 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

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- 1.3. Joint Election Resolution - City Council: Resolution No. 2007-R0130 authorizing the May 12 Special Election to fill a vacancy in Council District 3 to be conducted as a joint election with Lubbock County and other eligible governmental units in Lubbock County and authorizing the Mayor to execute a Contract for Services with Lubbock County and the other eligible governmental units for said joint election.**

Consider a resolution authorizing the May 12 Special Election to fill a vacancy in Council District 3 to be conducted as a joint election with Lubbock County and other eligible governmental units in Lubbock County and authorizing the Mayor to execute a Contract for Services with Lubbock County and the other eligible governmental units for said joint election.

FISCAL IMPACT

Joint election with Lubbock County will save taxpayer funds.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0130 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

11:40 A. M. COUNCIL ADJOURNED

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