

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
APRIL 9, 2009
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 9th day of April, 2009, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:30 A.M. CITY COUNCIL CONVENED

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

Present: Mayor Tom Martin, Mayor Pro Tem Jim Gilbreath, Council Member Paul R. Beane, Council Member Linda DeLeon, Council Member Todd Klein, Council Member John W. Leonard III, and Council Member Floyd Price.

Absent: No one

1. CITIZEN COMMENTS

1.1. Martina Garcia will appear before the City Council to discuss damages to her residence.

Martina Garcia did not appear.

- Mickey Jones appeared before Council to discuss concerns regarding construction of a new animal shelter.
- Clif Burnett appeared before Council to discuss random drug testing for City of Lubbock employees.

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

**March 5, 2009, Regular City Council Meeting
March 9, 2009, Special City Council Meeting, 12:00 p.m.
March 9, 2009, Special City Council Meeting, 2:00 p.m.
March 11, 2009, Special City Council Meeting
March 16, 2009, Special City Council Meeting**

Motion was made by Council Member Price, seconded by Council Member Klein to approve the minutes of the March 5, 2009 Regular City Council Meeting; the March 9, 2009, 12:00 p.m. and 2:00 p.m. Special City Council

Meeting Minutes; the March 11, 2009 and March 16, 2009 Special City Council Meeting Minutes. Motion carried: 7 Ayes, 0 Nays.

Note: Consent Agenda, Executive Session, Proclamation and Presentations, Regular Agenda, and Work Session items were addressed by Council in the following order:

- 5.5-5.8; 5.13-5.15; 5.17-5.23; 5.25; 5.26; 5.28-5.35; 5.38-5.40; 5.1; 5.2; 5.3; 5.4; 5.9-5.12; 5.16; 5.24; 5.27; 5.36; 5.37; 5.41; 5.42; 5.29; 3.1-3.4; 7.1; 6.1; 6.2; 6.3; 6.5; 6.6; 6.4.
- *Item 5.29 was included in Consent Agenda and was later reconsidered following item 5.42.*
- *Items 7.2 and 7.3 were deleted.*

5. CONSENT AGENDA

- Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Items 5.5-5.8; 5.13-5.15; 5.17-5.23; 5.25; 5.26; 5.28-5.35; and 5.38-5.40 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.
- 5.5. Reinvestment Zone Ordinance 2nd Reading - Business Development: Ordinance No. 2009-O0023 designating a reinvestment zone within the City of Lubbock as authorized by Chapter 312, Tax Code; describing the boundaries of said zone; describing the eligibility of said zone for commercial-industrial tax abatement; and providing a saving clause and providing for publication.**
 - 5.6. Tax Abatement Notice of Intent Resolution - Business Development: Resolution No. 2009-R0121 giving a Notice of Intent to enter into a tax abatement agreement with Thomas Hurley individually, and the Hurley Companies dba Hurley Packaging, Essence Bottling, and Hurley Containers.**
 - 5.7. Ordinance 2nd Reading – Planning: Ordinance No. 2009-O0024 Zone Case No. 1147-A (1610 Northeast Loop 289) request of Lloyd Croslin (for Granger McDonald) for zoning change from Light Manufacturing District (M-1) to High-Rise Apartment District (A-3) for multi-family apartments on 8.133 acres of unplatted land out of Block A, Section 77.**
 - 5.8. Ordinance 2nd Reading – Planning: Ordinance No. 2009-O0025 Zone Case No. 3118 (3425 East Kent Street) request of Shane Byrd for zoning change from Transition (T) to General Retail District (C-3) for strip commercial center on 2.76 acres of unplatted land out of Block A, Section 42.**

- 5.13. Contract Amendment Resolution - Community Development: Resolution No. 2009-R0122 authorizing the Mayor to execute Amendment No. 1 to Contract No. 8828 with the Texas Department of Housing and Community Affairs for the Community Services Block Grant to provide assistance to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient.**
- 5.14. Contract Resolution - Health: Resolution No. 2009-R0123 authorizing the Mayor to execute Contract No. 8939 with Texas Tech University Health Sciences Center Anita Thigpen Perry School of Nursing for continuation of the joint student clinical experience program.**
- 5.15. Contract Resolution - Health: Resolution No. 2009-R0124 authorizing the Mayor to execute Contract No. 8955, a Memorandum of Agreement, with the City of Amarillo Department of Public Health, the South Plains Public Health District, and the Texas Department of State Health Services Region 1 to provide mutual aid and assistance between the named parties and to make equipment, personnel, and other resources available to other parties of the agreement when resources normally available to a party are not sufficient to cope with a situation which requires public health action.**
- 5.17. Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2009-O0022 abandoning and closing a portion of a 60-foot drainage and utility easement located in Lot 24-A, Block 7, Lyndale Acres Addition, 401 50th Street.**
- 5.18. Ordinance 1st Reading - Right-of-Way: Ordinance No. 2009-O0028 abandoning and closing two street stubs located on the south side of 37th Street in Section 38, Block AK, Lubbock County, Texas, 6517 37th Street.**
- 5.19. Ordinance 1st Reading - Right-of-Way: Ordinance No. 2009-O0029 abandoning and closing a portion of 8th Street and two alleys located in Blocks 56 and 72, Original Town of Lubbock, 819 Texas Avenue.**
- 5.20. Property Offer Resolution - Right-of-Way: Resolution No. 2009-R0125 authorizing the Right-of-Way Department to make an offer to Field Land and Cattle, a Texas limited partnership, as to an undivided ½ interest; and Quick Quack, No. 4 on Georgia, a Texas limited partnership, as to an undivided ½ interest for the acquisition of 27,827 square foot tract of land out of Tract M-3, Whisperwood Addition for the widening of Slide Road north of 4th Street, 103 West Loop 289.**
- 5.21. Property Offer Resolution - Right-of-Way: Resolution No. 2009-R0126 authorizing the Right-of-Way Department to make an offer to Field Land and Cattle, a Texas limited partnership, as to an undivided ½ interest; and Quick Quack, No. 4 on Georgia, a Texas limited partnership, as to an undivided ½ interest for the acquisition of 1,828 square foot tract of land out of Tract 1-B, Whisperwood Financial Addition for the widening of Slide Road north of 4th Street, 220 Slide Road.**

- 5.22. **Property Offer Resolution - Right-of-Way: Resolution No. 2009-R0127** authorizing the Right-of-Way Department to make an offer to The Location, Location, Location, a Texas limited partnership, for the acquisition of 725 square foot tract of land out of Tract M-2 Whisperwood Addition for the widening of Slide Road north of 4th Street, 119 West Loop 289.
- 5.23. **Contract Resolution - Solid Waste: Resolution No. 2009-R0128** authorizing the Mayor to execute purchase order Contract No. 344937 with CES for a fire-rated hazardous material storage building to store hazardous household waste.
- 5.25. **Contract Resolution - Airport: Resolution No. 2009-R0129** authorizing the Mayor to execute Contract No. 8033, Supplemental Lease Agreement No. 1, with General Services Administration for the Transportation Security Administration at Lubbock Preston Smith International Airport.
- 5.26. **Contract Resolution - Public Works Street Department: Resolution No. 2009-R0130** authorizing the Mayor to execute Contract No. 8947, a lease agreement, with Bee Equipment Sales for lease of an asphalt paver.
- 5.28. **Contract Resolution - Public Works Street Department: Resolution No. 2009-R0131** authorizing the Mayor to execute Contract No. 8949 with Pavement Restoration for the application of a Reclamite Preservative Seal.
- 5.29. **Contract Amendment Resolution - Public Works: Resolution No. 2009-R0148** authorizing the Mayor to execute Amendment No. 1 to engineering services Contract No. 8388 with Parkhill, Smith & Cooper for Slide Road from 4th Street to Loop 289 Paving Improvement Project.

This item was reconsidered following Item 5.42.
- 5.30. **Resolution - Citibus: Resolution No. 2009-R0132** authorizing the Citibus General Manager to execute a Federal Transit Administration American Recovery and Reinvestment Act Grant, TX-96-X002-00 for the replacement of 30-foot hybrid electric buses, replacement paratransit vehicles, preventative maintenance, bus shelters, and partial funding for the bus yard expansion.
- 5.31. **Resolution - Citibus: Resolution No. 2009-R0133** authorizing the Mayor to execute a Section 5310 Grant, Contract No. 51905F7226, with the Texas Department of Transportation for the allocation of public transportation funds.
- 5.32. **Contract Resolution - Citibus: Resolution No. 2009-R0134** authorizing the Mayor to execute purchase order Contract No. 2009.5 with National Bus Sales for sixteen Spirit Mobility vans for Citibus paratransit service.

- 5.33. **Ordinance 1st Reading - Traffic Engineering: Ordinance No. 2009-O0030 amending Section 16-175.2 of the Code of Ordinances with regard to the establishment of school zones and speed limits.**
- 5.34. **Contract Resolutions - Fleet Services: Resolution No. 2009-R0135 authorizing the Mayor to execute purchase order Contract No. 345058 with Roberts Truck Center for heavy equipment, BID 09-028-FO.**
- 5.35. **Contract Resolution - Fleet Services: Resolution No. 2009-R0136 authorizing the Mayor to execute Contract No. 343998 with Utmost Design & Print for police vehicle striping services, BID 09-026-RH.**
- 5.38. **Ordinance 2nd Reading – Water Utility: Ordinance No. 2009-O0026 amending Section 4 of Ordinance No. 2009-O0018 with regard to implementation of water rates within the City of Lubbock; providing a savings clause and providing for publication.**
- 5.39. **Ordinance 2nd Reading - Water Utility: Ordinance No. 2009-O0027 amending Section 2 of Ordinance No. 2009-O0019 with regard to implementation of wastewater rates within the City of Lubbock; providing a savings clause and providing for publication.**
- 5.40. **Contract Resolution - Water Utility: Resolution No. 2009-R0137 authorizing the Mayor to execute Contract No. 8462, a professional services agreement, with Alan Plummer & Associates for preliminary engineering, design, and construction management services associated with the Canyon Lakes Wastewater Reuse Project, RFQ 08-718-BM.**

Note: Regular Agenda items, and Consent Agenda items moved to Regular, Executive Session, and Work Session items were addressed by Council in the following order:

- *5.1; 5.2; 5.3; 5.4; 5.9-5.12; 5.16; 5.24; 5.27; 5.36; 5.37; 5.41; 5.42; 5.29; 2.1-2.4; 3.1-3.4; 2.2; 7.1; 6.1; 6.2; 6.3; 6.5; 6.6; 6.4.*
- *Item 5.29 was included in Consent Agenda and was later reconsidered following item 5.42.*
- *Items 7.2 and 7.3 were deleted.*
- *Item 2.2 (animal services) was considered in Executive Session, and an announcement was made following item 3.4.*

6. REGULAR AGENDA

- 5.1. **Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2009-O0031 Amendment No. 10 amending the FY 2008-09 Budget respecting the Community Development Fund to accept and appropriate funding from the Texas Department of Housing and Community Affairs for the Community Services Block Grant Self-Sufficiency program;**

respecting the Transit Fund to accept and appropriate funding from the Federal Transit Administration for capital items as part of the American Recovery and Reinvestment Act; respecting the Solid Waste Fund, General Fund, Cemetery Fund and Civic Centers Fund by appropriating funding from the Solid Waste Fund Balance to the General, Cemetery and Civic Centers Fund balances to meet fund balance policy requirements; respecting the Capital Improvement Program by reducing the total appropriation in the Capital Improvement Project titled "Overpass, Loop 289 at Slide Road" and establishing a Capital Improvement Project titled "West Loop 289 from Frankford Avenue to 34th Street".

The various appropriations were voted on separately.

- I. Accept and appropriate additional grant funds totaling \$3,827 from the Texas Department of Housing and Community Affairs for the Community Services Block Grant. This amendment increases the total grant funding from \$378,264 to \$382,091. This grant assists low-income persons and families in achieving self-sufficiency. The grant expires on December 31, 2009.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Item 5.1, I. Motion carried: 7 Ayes, 0 Nays.

- II. Accept and appropriate grant funds totaling \$3,905,453 from the Federal Transit Administration for capital items as part of the American Recovery and Reinvestment Act (ARRA).

Items to be funded with these grant funds include ten bus shelters, three hybrid electric replacement buses, nine replacement paratransit vans, rehabilitation and renovation of the bus parking yard, and preventative fleet maintenance.

Citibus had pre-award authority on this grant and procurement has begun on most of these items. There is a "use it or lose it" provision in the ARRA that states systems have 180 days to obligate 50% of funds or they will be redistributed to recipients who have successfully obligated their apportionment. All economic recovery stimulus funds must be spent by September 30, 2010. ARRA funds can only be used for capital items, and cannot be used for operating expenses. ARRA funds can be used at 100% allocation, meaning there is no local match required, and therefore no additional funds are required from the City.

Motion was by Council Member DeLeon, seconded by Council Member Klein to approve Item 5.1, II. Motion carried: 7 Ayes, 0 Nays.

- III. Transfer \$1,520,696 from the Solid Waste Fund Balance to the General Fund Balance, \$454,896 from the Solid Waste Fund Balance to the Cemetery Fund Balance, and \$200,192 from the Solid Waste Fund Balance to the Civic Centers Fund Balance. These transfers bring the General, Cemetery and Civic Center Funds in compliance with the approved fund balance policy. The total transfer out from the Solid Waste Fund is \$2,175,784. Each of the funds

receiving the transfer from Solid Waste has a fund balance policy that requires reserves to be equal to 20% of regular operating revenues.

Based on current projections, these transfers will require larger increases in Solid Waste rates in FY 2010-11 and FY 2011-12 than were originally projected in the FY 2008-09 Operating Budget. Estimates in the FY 2008-09 Operating Budget stated that tipping fees would increase \$1.00 per ton and that residential fees would increase \$1.00 per month in FY 2010-11. It was also estimated that similar increases in tipping fees and residential rates would be required in FY 2011-12. With this one-time transfer, totaling \$2,175,784, it is estimated that an approximate \$2.00 per ton increase in tipping fees and an approximate \$2.00 per month increase in residential fees will be required in FY 2010-11 and again in 2011-12.

Andy Burcham, Chief Financial Officer, gave comments and answered questions from Council.

Motion was by Council Member Klein, seconded by Council Member Beane to approve Item 5.1, III. Motion failed: 0 Ayes, 7 Nays.

- IV. Amend Capital Improvement Project No. 8533, "Overpass, Loop 289 at Slide Road", by reducing the total appropriation from \$25,000,000 to \$13,546,325, a reduction of \$11,453,675. The Texas Department of Transportation has chosen this project as one of the projects for funding from the American Recovery and Reinvestment Act and has requested that the City participation in the Slide Road Overpass be reduced to \$13,546,325 and that the City move the difference to the West Loop 289 project, identified in item V, as follows.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Beane to approve Item 5.1, IV. Motion carried: 7 Ayes, 0 Nays.

- V. Establish a Capital Improvement Project and appropriate \$11,453,675 for the widening of West Loop 289 from Frankford Avenue south to 34th Street as requested by the Texas Department of Transportation. The Texas Department of Transportation has chosen this project as one of the projects for funding from the American Recovery and Reinvestment Act. The funding source for the project will be FY 2009 Gateway Streets Revenue Certificates of Obligation moved from Capital Improvement Project No. 8533, "Overpass, Loop 289 at Slide Road".

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Beane to approve Item 5.1, V. Motion carried: 7 Ayes, 0 Nays.

- 5.2. Resolution - Finance: Resolution No. 2009-R0138 approving the revised City of Lubbock Investment Policy and Investment Strategy as reviewed and recommended by the Audit and Investment Committee.**

Andy Burcham, Chief Financial Officer, gave comments and answered questions from Council.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Beane to approve Resolution No. 2009-R0138 as recommended by staff and the Audit Committee. Motion carried: 7 Ayes, 0 Nays.

5.3. Contract Resolution - Finance: Resolution No. 2009-R0139 authorizing the Mayor to execute Contract No. 8940, an interlocal cooperative purchasing agreement, with the City of Amarillo pursuant to the Interlocal Cooperation Act, Chapter 791, Government Code, and Cooperative Purchasing Program Participation, Chapter 271, Local Government Code.

Victor Kilman, Director of Purchasing, gave comments and answered questions from Council.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0139 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.4. Contract Amendment Resolution - Finance: Resolution No. 2009-R0140 authorizing the Mayor to execute Amendment No. 1 to a Letter Agreement with Rip Griffin Truck Service Center establishing firm pricing for gasoline and diesel bulk fuel delivered to City fueling sites and to Citibus.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0140 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.9. Ordinance Amendment 1st Reading - Building Inspection: Ordinance No. 2009-O0032 amending Chapter 6, Article VI of the Lubbock Code of Ordinances, adopting the 2006 International Residential Code and certain amendments to meet local conditions.

Art Cuevas, Model Codes & Construction Advisory Board Member; Aubrey Long, Assistant Building Official; and Rhea Cooper, Fire Chief, gave comments and answered questions from Council.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Ordinance No. 2009-O0032 as recommended by staff and the Model Code and Construction Advisory Board. Motion carried: 7 Ayes, 0 Nays.

5.10. Ordinance Amendment 1st Reading - Building Inspection: Ordinance No. 2009-O0033 amending Chapter 6, Article III of the Lubbock Code of Ordinances, adopting the 2006 International Plumbing Code and certain amendments to meet local conditions.

Art Cuevas, Model Codes & Construction Advisory Board Member; Aubrey Long, Assistant Building Official; and Rhea Cooper, Fire Chief, gave comments and answered questions from Council.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Ordinance No. 2009-O0033 as recommended by staff and the Model Code and Construction Advisory Board. Motion carried: 7 Ayes, 0 Nays.

5.11. Ordinance Amendment 1st Reading - Building Inspection: Ordinance No. 2009-O0034 amending Chapter 6, Article IV of the Lubbock Code of Ordinances, adopting the 2006 International Mechanical Code and certain amendments to meet local conditions.

Art Cuevas, Model Codes & Construction Advisory Board Member; Aubrey Long, Assistant Building Official; and Rhea Cooper, Fire Chief, gave comments and answered questions from Council.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Ordinance No. 2009-O0034 as recommended by staff and the Model Code and Construction Advisory Board. Motion carried: 7 Ayes, 0 Nays.

5.12. Ordinance Amendment 1st Reading - Building Inspection: Ordinance No. 2009-O0035 amending Chapter 6, Article VII of the Lubbock Code of Ordinances, adopting the 2006 International Fuel Gas Code and certain amendments to meet local conditions.

Art Cuevas, Model Codes & Construction Advisory Board Member; Aubrey Long, Assistant Building Official; and Rhea Cooper, Fire Chief, gave comments and answered questions from Council.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Ordinance No. 2009-O0035 as recommended by staff and the Model Code and Construction Advisory Board. Motion carried: 7 Ayes, 0 Nays.

5.16. Contract Resolution - Parks and Recreation: Resolution No. 2009-R0141 authorizing the Mayor to execute Contract No. 8825, a professional engineering services agreement, with Parkhill, Smith & Cooper for the design of architectural and engineering services for McAlister Park, Marsha Sharp Freeway and Milwaukee Avenue, and the Fiesta Plaza Improvements, Caesar E. Chavez Drive and North University Avenue, BID 09-708-DD.

Randy Truesdell, Parks and Recreation Manager, gave comments and answered questions from Council.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to approve Resolution No. 2009-R0141 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.24. Contract Resolution - Airport: Resolution No. 2009-R0142 authorizing the Mayor to execute Contract No. 8936 with Delta Air Lines for a Certified Passenger Airline Operating Agreement and Terminal Building Lease at Lubbock Preston Smith International Airport.

James W. Loomis, Assistant City Manager, gave comments and answered questions from Council.

Motion was by Council Member Price, seconded by Council Member DeLeon to approve Resolution No. 2009-R0142 as recommended by staff and the Airport Board. Motion carried: 7 Ayes, 0 Nays.

5.27. Contract Resolution - Public Works Street Department: Resolution No. 2009-R0143 authorizing the Mayor to execute purchase order Contract No. 345049 with Granite Construction for Texas Department of Transportation Type D hot mix and black base.

Victor Kilman, Director of Purchasing, gave comments and answered questions from Council.

Motion was by Council Member Beane, seconded by Council Member Price to approve Resolution No. 2009-R0143 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member DeLeon recused.

5.36. Contract Resolution - Fleet Services: Resolution No. 2009-R0144 authorizing the Mayor to execute purchase order Contract No. 345114 with Kinloch Equipment & Supply for a mechanical broom sweeper.

Kevin Lair, Streets Superintendent, gave comments and answered questions from Council.

Motion was by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0144 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.37. Contract Resolution - Fleet Services: Resolution No. 2009-R0145 authorizing the Mayor to execute purchase order Contract No. 345075 with Equipment Southwest for trash refuse bodies.

Motion was by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0145 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.41. Contract Resolution - Water Utility: Resolution No. 2009-R0146 authorizing the Mayor to execute two lease agreements, Contract No.'s 8950 and 8951 with Alamosa for placement of telecommunications equipment upon two City water towers, one at 50th Avenue and Joliet Avenue and one at 74th Street and Genoa Avenue.

Tom Adams, Deputy City Manager, gave comments and answered questions from Council.

Motion was by Council Member DeLeon, seconded by Council Member Beane to approve Resolution No. 2009-R0146 as recommended by staff and the Lubbock Water Advisory Commission. Motion carried: 7 Ayes, 0 Nays.

5.42. Contract Resolution - Water Utility: Resolution No. 2009-R0147 authorizing the Mayor to execute Contract No. 8952, a lease agreement, with AT&T Mobility Texas for placement of telecommunications equipment upon City property at 82nd Street and Memphis Avenue.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0147 as recommended by staff and the Lubbock Water Advisory Commission. Motion carried: 7 Ayes, 0 Nays.

5.29. Contract Amendment Resolution - Public Works: Resolution No. 2009-R0148 authorizing the Mayor to execute Amendment No. 1 to engineering services Contract No. 8388 with Parkhill, Smith & Cooper for Slide Road from 4th Street to Loop 289 Paving Improvement Project.

This item was approved under Consent Agenda, but reconsidered at this time.

Marsha Reed, Director of Public Works, gave comments and answered questions from Council.

Motion was by Council Member Beane, seconded by Council Member Leonard to approve Resolution No. 2009-R0148 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

8:37 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION.

2. EXECUTIVE SESSION

2.1. Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A.) Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney. (Citibus, Parks and Recreation, Planning, Public Works, Storm Water, Utility Regulatory Matters, Water Utility)

2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property. (Animal Services, Business Development, Libraries, Water Utility)

2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.

2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):

2.4.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light

2.4.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic business plans, agreements, non-disclosure agreements, and studies of Lubbock Power and Light

2.4.3 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.

9:22 A.M. CITY COUNCIL REGULAR MEETING RECONVENED.

City Council Chambers

Present: Mayor Tom Martin; Mayor Pro Tem Jim Gilbreath; Council Member Paul R. Beane; Council Member Linda DeLeon; Council Member Todd Klein; Council Member John W. Leonard III; Council Member Floyd Price; Lee Ann Dumbald, City Manager; Rebecca Garza, City Secretary; and Don Vandiver, City Attorney.

Absent: No one

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Paul Lively, Focal Point Fellowship Church

Pastor Paul Lively was unable to attend. Invocation was lead by Council Member Price.

3.2. Pledges of Allegiance

Pledges of Allegiance were given in unison by those in the City Council Chambers to the United States flag and the Texas flag.

3.3. Presentation of a special recognition commemorating April 12-18, 2009, as Architecture Week.

Mayor Martin introduced and gave recognition to the members of the Lubbock Chapter of the American Institute of Architects; Laura Bennett, Andy Chandler, Ben Shacklette, Jim White, Lenora Clardy, Andy Gutierrez, and Yolanda Gaytan.

3.4. Presentation of a special recognition commemorating the week of April 12-18, 2009, as National Public Safety Telecommunications Week.

Christy Hennsley, Communications Manager; Melissa Orosco, Communications Supervisor; Roger Ellis, Assistant Police Chief; and Lynn Smith, Fire Marshall accepted recognition on behalf of the Lubbock Police Department, Lubbock Fire Department and Lubbock Emergency Medical Services telecommunication staff members.

ANNOUNCEMENT

Mayor Martin announced that as a result of discussion during Executive Session (Item 2.2, Animal Services), Council was ready to announce the location of the new Animal Shelter.

Council Member Klein made a motion, seconded by Mayor Pro Tem Gilbreath, to select McKenzie Park as the location for the new animal shelter, contingent on the finalization of all necessary surveys. Motion carried: 5 Ayes, 2 Nays. Mayor Martin and Council Member Leonard voted Nay.

7. WORK SESSION/BUSINESS AGENDA

7.1. Report from the Legal Service's Office Study Committee.

Judge J. Q. Warnick, Chair of the committee, gave comments and answered questions from Council.

6. REGULAR AGENDA (CONTINUED)

6.1. Ordinance 1st Reading - Right-of-Way: Ordinance No. 2009-O0036 abandoning and closing a 15-foot alley located in Block 2, McMillan Heights 3301 Cornell Street.

Don Vandiver, Assistant City Attorney, gave comments and answered questions from Council.

Motion was by Council Member Price, seconded by Klein, to approve Ordinance No. 2009-O0036, but amending it to waive fees for closing a 15-foot alley located in Block 2, McMillan Heights 3301 Cornell Street. Motion carried: 7 Ayes, 0 Nays.

6.2. Resolution - Planning: Resolution No. 2009-R0148 appointing members to the Lubbock Complete Count Committee responsible for supporting and supplementing the mass communication effort of the Census Bureau by attempting to reach all segments of Lubbock's total population for the 2010 United States Census of Population and Housing.

Mayor Martin nominated Dr. Brian Nicholson as Chair and John Steinmetz as Vice Chair for appointment to the Lubbock Complete Count Committee. Mayor Pro Tem Gilbreath nominated Bill Maloy and Vicki Nixon. Council Member Price nominated Tina Betts and R.J. Givens. Council Member Klein nominated Victor Hernandez and Susan Barrick. Council Member DeLeon nominated Christy Martinez-Garcia and Josie Sulaica. Council Member Beane nominated Gregory Ricks and Andy Turner. Council Member Leonard nominated Hilton McLaurin and Ruth Schiermeyer.

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Resolution No. 2009-R0148 with the above mentioned names. Motion carried: 7 Ayes, 0 Nays.

- 6.3. Contract Resolution - Fleet Services: Resolution No. 2009-R0149 authorizing the Mayor to execute purchase order Contract No. 345063 with J&B Trailer for a paver asphalt trailer for the Street Department, BID 09-029-FO.**

Victor Kilman, Director of Purchasing, gave comments and answered questions from Council.

Motion was by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0149 with an amendment to award it to Lubbock Truck Sales. Motion carried: 7 Ayes, 0 Nays.

- 6.5. Contract Resolution - City Council: Resolution No. 2009-R0150 authorizing the Mayor to execute Contract No. 8954, a license agreement, with Agriculture Heritage Museum, Inc., dba American Museum of Agriculture.**

Motion was by Council Member Beane, seconded by Council Member Leonard to approve Resolution No. 2009-R0150 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.6. Board Appointments - City Secretary: Consider one appointment to the Lubbock Economic Development Alliance; and one appointment to Market Lubbock, Inc.**

Mayor Pro Tem Gilbreath nominated David Sharbutt and Council Member Klein nominated Andy Turner for the appointments to Lubbock Economic Development Alliance Board and Market Lubbock, Inc. Board.

Votes were taken for each, as follows:

David Sharbutt – 5 Ayes (Mayor Martin, Mayor Pro Tem Gilbreath, Council Member Leonard, Council Member DeLeon, and Council Member Beane)

Andy Turner – 2 Ayes (Council Member Klein and Council Member Price)

Mayor Martin declared that David Sharbutt is appointed to Lubbock Economic Development Alliance Board and Market Lubbock, Inc. Board.

9:45 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION.

10:19 A.M. CITY COUNCIL REGULAR MEETING RECONVENED.

City Council Chambers

Present: Mayor Tom Martin; Mayor Pro Tem Jim Gilbreath; Council Member Paul R. Beane; Council Member Linda DeLeon; Council Member Todd Klein; Council Member John W. Leonard III; Council Member Floyd Price; Lee Ann Dumbald, City Manager; Rebecca Garza, City Secretary; and Don Vandiver, City Attorney.

Absent: No one

6. REGULAR AGENDA (CONTINUED)

- 6.4. Order and Resolution - City Council: Order and Resolution No. 2009-R0151 of the City Council sitting as the utility regulatory authority pursuant to Sec. 103.001 of the Texas Utilities Code, with regard to a Statement of Intent filed by the West Texas Division of Atmos Energy and authorizing the Mayor to execute an associated Letter Agreement with Atmos Energy pertaining to the Statement of Intent.**

Motion was by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Resolution No. 2009-R0151 as recommended by staff. Motion carried 5 Ayes, 0 Nays. Council Member DeLeon and Council Member Price were away from the dias.

- 7.2. Presentation on Truth in Taxation.**

This item was deleted.

- 7.3. Presentation by Lubbock Economic Development Alliance on the feasibility study of kiosks, flat panel displays, and zipper/ticker displays to provide information to Lubbock visitors, and the effectiveness of differing types of kiosks in delivering such information to visitors.**

This item was deleted.

10:20 A.M. CITY COUNCIL ADJOURNED.

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