

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
July 8, 2009  
7:30 A. M.**

**The City Council of the City of Lubbock, Texas met in regular session on the 8th day of July, 2009, in City Council Chambers, 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 R. Klein, Council Member John W. Leonard III, and Council Member Floyd Price.**

**Absent: No one**

**1. CITIZEN COMMENTS**

- Blas Mojica, Jr., Robert Garcia, Epifanio Aguirre, Carlos Quirino, Jr., Cesario C. Perez, Eddie P. Richardson, Frank Gutierrez, Shane Anciso, and Naida Gonzales appeared before Council in opposition to the location of the new animal shelter.
- Mike Whitney, Innovative Equipment Solutions, appeared before Council and requested that Council delay a decision regarding item 5.13 for a wheel washing system.
- Alex Scarborough appeared before Council and spoke in support of the Citizen Advisory Committee and its recommendations.
- Cliff Burnett appeared before Council and spoke regarding the budget and bond election.
- Denis Brown, InterClean Equipment, Inc., appeared before Council and spoke in favor of item 5.13 for a wheel washing system.

**8:11 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. (Animal Services, Fleet Services, Health Benefits, Parks and Recreation, Planning, 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, Right-of-Way, 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 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.**

**9:06 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 R. Klein; Council Member John W. Leonard III; Council Member Floyd Price; Lee Ann Dumbauld, City Manager; Rebecca Garza, City Secretary; and Mitchell Satterwhite, City Attorney.**

**Absent: No one**

### **3. PROCLAMATIONS AND PRESENTATIONS**

#### **3.1. Invocation by Senior Pastor Baron Eliason, Westminster Presbyterian Church.**

Invocation was lead by Senior Pastor Doctor Baron Eliason, Westminster Presbyterian Church.

#### **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 to the Lubbock Chamber of Commerce for receiving a five-star accreditation from the United States Chamber of Commerce.**

Mayor Martin gave special recognition to the Lubbock Chamber of Commerce for receiving a five-star accreditation from the United States Chamber of Commerce. Eddie McBride, Director of Lubbock Chamber of Commerce, and other chamber representatives accepted the recognition.

#### **3.4. Presentation of a special recognition to Lubbock High School for being named by Newsweek magazine as one of the top high schools in the nation.**

Mayor Martin gave special recognition to Lubbock High School for being named by Newsweek magazine as one of the top high schools in the nation. Mayor Martin introduced Doyle Vogler, Principal of Lubbock High School, and members of the administration and school board. Mayor Martin also introduced Dr. Karen Garza, Superintendent of Lubbock Independent School District.

#### **3.5. Presentation of a special recognition to Victor Reta for receiving the Artie Lee Hinds Award for Works Wonders Employee of the Year.**

Mayor Martin gave special recognition to Victor Reta for receiving the Artie Lee Hinds Award for Works Wonders Employee of the Year. Victor Kilman, Director of Puchasing, gave comments regarding TIBH Industries.

#### **3.6. Appointments Advisory Board:**

Pastor David Haynes

##### **Building Board of Appeals:**

Billy Hall

Eddie "Jay" Young

##### **Citizens Traffic Commission:**

Scott Gibson

Russell Madison

Kenneth Sylvester

**Community Development & Services Board:**

Barbara Robertson

**Lake Alan Henry Board of Appeals:**

Nevill Manning (unable to attend)

**Urban Renewal/Neighborhood Redevelopment Commission:**

Christine Covington

**4. MINUTES**

**4.1. Approval of Prior Meeting Minutes:**

June 11, 2009, Regular City Council Meeting

June 15, 2009, Special City Council Meeting

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve the minutes of the June 11, 2009 Regular City Council Meeting and the June 15, 2009 Special City Council Meeting. Motion carried: 7 Ayes, 0 Nays.

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

- *5.1; 5.1.1; 5.3-5.12; 5.14-5.17; 5.21-5.25; 5.2; 5.13; 5.18; 5.19; 5.26-5.30; 6.1-6.6; 7.2; and 7.1.*
- *No action was taken on item 5.20.*

**5. CONSENT AGENDA**

- Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to approve items 5.1; 5.1.1; 5.3-5.12; 5.14-5.17; 5.21-5.25 on consent agenda. Motion carried: 7 Ayes, 0 Nays.

**5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2009-O0052 Amendment No. 13 amending the FY 2008-09 budget respecting the Capital Program by appropriating additional funds to the Lake Alan Henry Pipeline Right-of-Way Acquisition Capital Improvement Project; and establishing a Capital Improvement Project for traffic signals at West Loop 289 - 4th Street to Slide Road.**

**5.1.1 Contract Resolution - Traffic Engineering: Resolution No. 2009-R0250 authorizing the Mayor to execute Contract 9074 with the Texas Department of Transportation for the City to furnish and install traffic signal equipment on Loop 289, Northwest Passage.**

- 5.3. **Contract Resolution - Finance: Resolution No. 2009-R0251 authorizing the Mayor to execute Contract 9053 with BKD, LLP for a franchise fee audit.**
- 5.4. **Contract Resolution - Human Resources: Resolution No. 2009-R0252 authorizing the Mayor to execute Contract 9068 with OccMed Associates, LP for employment physical examination and drug/alcohol screening, RFP 09-055-MA.**
- 5.5. **Ordinance 2nd Reading - Planning: Ordinance No. 2009-O0054, Zone Case 1490-S, (5152 69th Street) request of Faissal Zeitouni (for S & Z Properties LTD) for a zoning change from Heavy Commercial (C-4) to C-4 Specific Use (wholesale house and all unconditionally permitted General Retail District (C-3) uses) on the South 345 feet of the West 100 feet of Lot 3-A Fiesta Autoland CNT and the South 147 feet of Lot 1, GC Addition.**
- 5.6. **Ordinance 2nd Reading - Planning: Ordinance No. 2009-O0055, Zone Case 2134-D, (2605 19th Street) request of J. Edwin Price (for JDG Food & Beverage, Inc.,) for a zoning change from Local Retail District (C-2) Specific Use to Heavy Commercial (C-4) limited to a restaurant with a separate exterior entrance to the bar area and all C-2 permitted uses on the North 234 feet of the East 27 feet of Lot 3, and the North 234 feet of the West 84 feet of Lot 2, Elwood Place Addition.**
- 5.7. **Ordinance 2nd Reading - Planning: Ordinance No. 2009-O0056, Zone Case 2341-B, (1104, 1106, 1108, 1110 North Hartford Avenue and 3211 Clovis Road) request of Hi-Plains Electric/Marty Crouch for a zoning change from General Retail District (C-3) and Multi-Family District (R-3) to Heavy Commercial (C-4) on Lots 18 through 24, Block 3, Riceland Addition.**
- 5.8. **Ordinance Amendment 2nd Reading - Planning: Ordinance No. 2009-O0058 amendments to the Zoning Code as related to the sale of alcohol.**
- 5.9. **Ordinance Amendment 2nd Reading - Planning: Ordinance No. 2009-O0059 amendments to the Zoning Code to regulate the zoning districts where the sale of alcohol for off premise consumption is permitted.**
- 5.10. **Ordinance Amendment 2nd Reading - Planning: Ordinance No. 2009-O0060 amending Chapter 18, "Offenses-Miscellaneous", Article I of the Code of Ordinances of the City of Lubbock, Texas entitled "In General", Section 18-11 entitled "Alcoholic Beverages-Sale Near Church, School or Hospital" to prohibit the sale of alcoholic beverages within 300 feet of a church, public hospital or public or private school; prohibiting sales within 300 feet of a day care center or child care facility, under certain circumstances; providing definitions; providing a penalty; providing a savings clause; and providing for publication.**

- 5.11. **Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2009-O0053** abandoning and closing a portion of Slide Road located in Tract A, Whisperwood Addition, Lubbock County, Texas, 5402 4th Street.
- 5.12. **Street Use License Resolution - Right-of-Way: Resolution No. 2009-R0253** authorizing the Mayor to execute a street use license with Marshall L. Fox to use a portion of a dedicated street for a two-inch water and electrical line across Milwaukee Avenue, 10108 Milwaukee Avenue.
- 5.14. **Contract Resolution - Solid Waste: Resolution No. 2009-R0254** authorizing the Mayor to execute Contract 9012 with Net Connection LLC for the construction of a litter fence along the east boundary of the West Texas Regional Disposal Facility, BID 09-721-DD.
- 5.15. **Contract Resolution - Public Works: Resolution No. 2009-R0255** authorizing the Mayor to execute Contract 9031 with Lone Star Dirt and Paving for the construction of various drainage projects and the 98th Street drainage channel to reduce maintenance issues associated with asphalt dip sections and to bring curb ramps up to current design standards, BID 09-723-BM.
- 5.16. **Contract Resolution - Public Works Engineering: Resolution No. 2009-R0256** authorizing the Mayor to execute unit price construction Contract 9023 with West Texas Paving, Inc., for Erskine Street Drainage Improvements, BID 09-722-BM.
- 5.17. **Ordinance Amendment 1st Reading - Traffic Engineering: Ordinance No. 2009-O0061** amending Section 16-175.1 of the Code of Ordinances of the City of Lubbock, with regard to the establishment of speed limits.
- 5.21. **Contract Resolution – Water Utility: Resolution No. 2009-R0257** authorizing the Mayor to execute unit price Contract 9016 with EnviroSolve, Inc., for hazardous waste disposal.
- 5.22. **Contract Resolution - Water Utility: Resolution No. 2009-R0258** approving the Water Service Policy for Other Governmental Entities as a policy guideline for ensuring that Lubbock has an adequate water supply and for evaluating and considering the provision of water sales and services to other governmental entities located outside the corporate boundaries of Lubbock.
- 5.23. **Contract Resolution - Water Utility: Resolution No. 2009-R0259** authorizing the Mayor to execute Contract 9075 with the City of Shallowater for the five-year supply of 250 acre feet of water annually.
- 5.24. **Contract Resolution - Water Utility: Resolution No. 2009-R0260** authorizing the Mayor to execute Contract 9070 with the Texas Water Development Board to fund the Lake Alan Henry Pipeline Construction Project.

- 5.25. Contract Resolution - Water Utility: Resolution No. 2009-R0261 authorizing the Mayor to execute Job Order Contract 09-050-F-050-NJPA and 09-051-F-051-NJPA with Talon/LPE to permanently plug 20 abandoned water wells within the City of Lubbock.**

*Note: Regular Agenda Items, Consent Agenda Items moved to Regular Agenda, and Work Session Items are listed in the order they were addressed:*

- 5.2; 5.13; 5.18; 5.19; 5.26-5.30; 6.1-6.6; 7.2; and 7.1.
- No action was taken on item 5.20.

## **6. REGULAR AGENDA**

- 5.2. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2009-O0062 Amendment No. 14 amending the FY 2008-09 budget respecting the Grant Fund to accept and appropriate grant funding from the Texas Department of Housing and Community Affairs funds for the Community Services Block Grant; and Component Units - Market Lubbock Inc. and Lubbock Economic Development Alliance.**

Jana Johnston, Chief Financial Officer, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to approve Ordinance No. 2009-O0062. Motion carried: 7 Ayes, 0 Nays.

- 5.13. Contract Resolution - Solid Waste: Resolution No. 2009-R0262 authorizing the Mayor to execute purchase order Contract 348261 with InterClean Equipment, Inc., for a wheel washing system for Solid Waste, RFP 09-039-FO.**

Victor Kilman, Director of Purchasing, and Debra Frankhouser, Manager of Solid Waste Collections, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to approve Resolution No. 2009-R0262. Motion carried: 7 Ayes, 0 Nays.

- 5.18. Ordinance Amendment 1st Reading - Traffic Engineering: Ordinance No. 2009-O0063 amending Section 16-175.2 of the Code of Ordinances of the City of Lubbock, with regard to the establishment of school zones.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Ordinance No. 2009-O0063. Motion carried: 7 Ayes, 0 Nays.

**5.19. Ordinance Amendment 2nd Reading - Water Utility: Ordinance No. 2008-O0070 amending Chapter 19 of the Code of Ordinances of the City of Lubbock with regard to the adoption of regulations for Lake Alan Henry; penalty for violation of regulations, Lake Alan Henry; filing complaints for violation of regulations, Lake Alan Henry; providing a penalty; providing a savings clause; and providing for publication.**

Motion was made by Council Member Beane, seconded by Mayor Pro Tem Gilbreath to approve Ordinance No. 2008-O0070 with the amendments listed below. Motion carried: 7 Ayes, 0 Nays.

Amendments to the “Regulations for Governance of Lake Alan Henry” are as follows:

▪ **1. Applicability**

*Inserting into the last sentence following “City,” and preceding “(the “Easements”):*

“...excluding the real property encumbered by easements on or above the Lake owned or in favor of the City owned by those persons or parties, and their successors and assigns, that have joined in that certain Compromise Settlement Agreement (the “Settlement Agreement”), in *Cause No. 07-03-06178, styled Templeton Mortgage Corporation, Plaintiff v. City of Lubbock, Defendant and North Ridge Homeowners Association, Inc. et al., Intervenor*, or *Cause No. 07-05-06194, styled North Ridge Homeowners Association, Inc. et al. v. City of Lubbock, Texas*, 106<sup>th</sup> District Court of Garza County, Texas (the “Subject Action”), Resolution No. 2008-R0161, on or before the effective date of this Ordinance No. 2008-O0038 by executing either (i) the Settlement Agreement; or (ii) an Acceptance of Comprehensive Settlement Agreement (CSA) With City of Lubbock, Texas and Acknowledgment of Becoming a Party to CAS...”

▪ **4. b. (4), Operating Regulations**

*Deleting: “... and the engine must be capable of being operated so as not to exceed the noise level standard of 86 db at any speed measured at 50 or more feet from the engine. Motorboats shall not be operated on the waters of the Lake in such a manner as to cause this noise level standard to be exceeded...”*

▪ **4. b. (5), Operating Regulations**

*Inserting into the last sentence between “enforcement” and “must”:*  
“...and/or lake personnel...”

▪ **4. b. (6), Operating Regulations**

*Inserting between the words “damage” and “or”:*  
“...to property owned by a third party or the City...”

▪ **4. c. (2) d. (1), Mooring or Berthing on the Lake**

*Deleting: “..., not to exceed six (6) hours,...”*

- **8. k. Prohibited Acts and Activities**

*Inserting in the first sentence between the words “The” and “possession”:*  
“...unlicensed...”

*Inserting between “except as” and “permitted”:*  
“...(i)...”

*Deleting the period at the end of the sentence and inserting:*  
“...; and (ii) those persons carrying a concealed handgun who are properly licensed under the authority of Subchapter H, Chapter 411, of the Texas Government Code, to the extent said person is in compliance with all laws and regulations related to the carrying of the concealed handgun.”

- **8. z. Prohibited Acts and Activities**

*Deleting:* “...the place and manner as designated by the City Manager, or his or her designee, in writing...”

*Inserting:* “...compliance with State laws and Texas Parks and Wildlife regulations...”

- **9. e. Sanitation**

*Delete this section*

- **11. a. Public Recreational Area**

*Inserting a second sentence:* “At those times wherein the capacity of the designated areas is full, users of the Recreational Area shall park in areas and in a manner so as not to interfere with traffic, ingress or egress of others to and from the Recreational Area and otherwise create a safety hazard.

- **15. a. Abandoned Property**

*Inserting a third sentence:* The term “abandoned” does not include watercraft, facility or other personal property that is damaged or disabled in such a manner that the owner, through no fault of his or her own, is unable to remove it within the twenty-four (24) hour time period, so long as the owner promptly notifies Lake law enforcement and/or Lake personnel and clearly flags or otherwise marks the watercraft, facility or other personal property.

- 5.20. Contract of Sale Resolution - Water Utility: Consider a resolution authorizing the Mayor to execute Contract 9056 with SunTrust Bank and Donald E. Handelman, Testamentary Trustees under Paragraph Eight of the Last Will and Testament of Marjorie M. Post, Deceased, HGM Properties, L.P. Henrietta M. Heydon, The Mosaic Foundation, Kenneth H. Montgomery Trust, Kenneth H. Montgomery Foundation, and the G. Harold and Leila Y. Mathers Charitable Foundation, for the acquisition of 9.03 acres of land on Section 1224, W.C. Young Survey, Garza County, Texas, for a pump station site near Post, Texas.**

No action taken on this item.

- 5.26. Resolution - Civic Center: Resolution No. 2009-R0263 approving the recommendation from the Cultural Arts Grant Review Committee and the Civic Lubbock, Inc. Board of Directors for the first of two granting periods for the 2009 Cultural Arts Grant Program using Hotel Occupancy Tax funds collected at the end of FY 2007-08.**

Mark Bass, Cultural Arts Grant Review Committee, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Price to approve Resolution No. 2009-R0263. Motion carried: 7 Ayes, 0 Nays.

- 5.27. Contract Resolution - Facilities: Resolution No. 2009-R0264 authorizing the Mayor to execute job order Contract 09-047-F-047-NJPA with Talon/LPE for the demolition of the George Woods Swimming Pool.**

Mark Yearwood, Chief Information Officer Assistant City Manager, and Scott Snider, Assistant City Manager for Community Services, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Resolution No. 2009-R0264. Motion carried: 7 Ayes, 0 Nays.

- 5.28. Contract Resolution - Community Development: Resolution No. 2009-R0265 authorizing and directing the staff of the Community Development Department to submit an application to the Texas Department of Housing and Community Affairs for the Texas Neighborhood Stabilization Program as part of the American Recovery and Reinvestment Act of 2009.**

Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0265. Motion carried: 7 Ayes, 0 Nays.

- 5.29. Contract Resolution - Police: Resolution No. 2009-R0266 authorizing the Mayor to execute a Memorandum of Understanding with Lubbock County regarding the division of the local allocation under the American Recovery and Reinvestment Act of 2009 Justice Assistance Grant Program from the United States Department of Justice.**

Dale Holton, Chief of Police, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Price to approve Resolution No. 2009-R0266. Motion carried: 7 Ayes, 0 Nays.

- 5.30. Ordinance Amendment 1st Reading - Municipal Court: Ordinance No. 2009-O0064 amending Chapter 17 of the Code of Ordinances to establish the juvenile case manager fee; providing a savings clause; providing a penalty; and providing for publication.**

Motion was made by Council Member Klein, seconded by Council Member Price to approve Ordinance No. 2009-O0064. Motion carried: 7 Ayes, 0 Nays.

**10:00 A.M. CITY COUNCIL RECESSED**

**10:10 A.M. CITY COUNCIL RECONVENED**

**City Council Chambers**

**6. REGULAR AGENDA (CONTINUED)**

- 6.1. Public Hearing 10:00 a.m. - Business Development: Hold a public hearing for the City Council to consider an ordinance to levy the assessment for the Quincy Park Public Improvement District, generally bounded by portions of 88th and 89th Street on the north, Upland Avenue on the west, 98th Street on the south, and Quincy Avenue on the east.**

Cheryl Brock, Business Research Specialist, gave a presentation and answered questions from Council.

Mayor Martin opened the public hearing at 10:11 a.m.

No one spoke in favor or in opposition.

Mayor Martin closed the public hearing at 10:11 a.m.

- 6.2. Ordinance 1st Reading - Business Development: Ordinance No. 2009-O0065 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Quincy Park Public Improvement District; approving, adopting, and filing the Assessment Roll with the City Secretary; closing the hearing and levying assessments based on the Service Plan for the cost of certain services and/or improvements to be provided in the District during 2010.**

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Ordinance No. 2009-O0065. Motion carried: 7 Ayes, 0 Nays.

- 6.3. Ordinance 2nd Reading - Planning: Ordinance No. 2009-O0057 Zone Case 2706-B (1101 70th Street) request of Burl Masters (for C J Development) for a zoning change from Interstate Highway Commercial District (IHC) to IHC Specific Use for a recreational vehicle park on 7.562 acres of unplatted land out of Section 5, Block E.**

Burl Masters, C J Development; Andy Wines, General Secretary of the Scottish Rite; and Randy Henson, Director of Planning, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Ordinance No. 2009-O0057. Motion carried: 4 Ayes, 2 Nays. Council Member Beane and Council Member Leonard voted nay. Mayor Martin recused.

**6.4. Resolution - Finance: Resolution No. 2009-R0267 supporting new areas of business endeavors with TIBH Industries, Inc., for the purpose of determining how best to utilize the products and services of exceptional Texans who are blind and/or severely disabled.**

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

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Gilbreath to approve Resolution No. 2009-R0267. Motion carried: 7 Ayes, 0 Nays.

**6.5. Resolution - City Council: Resolution No. 2009-R0268 recognizing the green building technologies of Lubbock Christian University and expressing the encouragement for the use of energy efficient materials within Lubbock.**

Warren McNeill and Kelli Childre with Lubbock Christian University, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Gilbreath to approve Resolution No. 2009-R0268. Motion carried: 7 Ayes, 0 Nays.

**6.6. Ordinance 1st Reading - City Council: Ordinance No. 2009-O0066 amending Chapter 23 of the Code of Ordinances with regard to the intentional release of balloons filled with lighter than air gas within the City of Lubbock.**

Council Member Beane gave comments and answered questions from Council.

Motion was made by Council Member Beane, seconded by Council Member Klein to approve Ordinance No. 2009-O0066 with the following amendments:

- Revise Section 1. (a), (3) to read: more than 30 balloons made of a biodegradable material filled with lighter than air gas at one time.
- Delete Section 1. (c).

Motion carried: 4 Ayes, 3 Nays. Mayor Pro Tem Gilbreath, Council Member DeLeon, and Council Member Price voted nay.

**10:55 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION.**

**1:03 P.M. CITY COUNCIL REGULAR MEETING RECONVENED.**

**City Council Chambers**

**7. WORK SESSION/BUSINESS AGENDA**

- 7.2. Finance: FY 2009-10 Operating Budget and Capital Improvement Program discussion to include the General Fund; Debt Service Fund; Enterprise Funds; Internal Service Funds; Special Revenue Funds; and related operations and activities. Lee Ann Dumbauld, City Manager; Andy Burcham, Chief Financial Officer.**

Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

- 7.1. Citizens Advisory Committee 1:30 p.m.: Presentation on the Citizen Advisory Committee's recommendation for Capital Projects to be voted on by Lubbock citizens. Kevin McMahan, Chairman of the Citizen Advisory Committee.**

Kevin McMahan, Citizens Advisory Committee Chair, gave a presentation and answered questions from Council.

Rob Allison, Assistant City Manager, and Linda Chamales, Assistant City Attorney, gave comments and answered questions from Council.

**2:19 P.M. CITY COUNCIL ADJOURNED.**

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