

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
September 10, 2009
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 10th day of September, 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

1.1. Helen Crossland will appear before the City Council to discuss LP&L's method of collecting past due bills.

Mrs. Crossland appeared before Council and spoke of concerns related to LP&L's method of collecting past due bills.

▪ **The following signed up to speak before Council.**

Brandy Davis, Cyd Seideman, Stewart Hicks, Elaine Wilson, Deanna Pearson and Marjorie Manning appeared before Council and spoke against granting variances to businesses wanting to sell alcohol for off-premise consumption, but located within the 300-foot buffer zone near schools and churches.

Mark Vinson and Aaron Yoshinobu appeared before Council and spoke in favor of granting variances to certain businesses wanting to sell alcohol for off-premise consumption, but located within the 300-foot buffer zone near schools and churches.

Charles Shue appeared before Council and expressed concern in proposed increase of water and storm water rates.

7:58 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, for the City Council to consult with its attorney to seek his or her advice on legal matters about pending or contemplated litigation or to discuss a settlement offer, or to seek his or her advice on a legal matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.

2.1.1 Alcohol

2.1.2 Environmental

2.1.3 Utility Regulatory Matters

2.1.4 Water Utility

2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, for the City Council to deliberate on certain matters concerning real property, including purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City Council in negotiations with a third person.

2.2.1 Libraries

2.2.2 Right-of-Way

2.2.3 Water Utility

2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), for the City Council to deliberate about officers and employees of the City Council about the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee.

2.3.1 City Manager

2.3.2 City Attorney

2.3.3 City Secretary

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.

- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Lake Alan Henry Board of Appeals.**

9:02 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.

Note: Item 3.4 was addressed after item 6.3 in Regular Agenda:

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Associate Pastor, Johnathan Cliff, Trinity Church.

Invocation was lead by Associate Pastor, Johnathan Cliff, Trinity 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 commemorating September 2009 as Hunger Awareness Month.

Mayor Martin presented special recognition to Karen King, Director of Special Events for the South Plains Food Bank, and David Weaver, Chief Executive Officer for the South Plains Food Bank, commemorating September 2009 as Hunger Awareness Month.

3.5. Presentation of a special recognition to local first responders commemorating September 11, 2009, as First Responders' Day.

Mayor Martin presented special recognition to Rhea Cooper, Fire Chief, and other City of Lubbock first responders, commemorating September 11, 2009, as First Responders' Day.

3.6. Presentation of a special recognition commemorating September 2009 as National Preparedness Month.

Mayor Martin presented special recognition to Judge Tom Head; Rhea Cooper, Fire Chief; Dale Holton, Police Chief, and Lewis Treadwell, Deputy Chief of Emergency Services, commemorating September 2009 as National Preparedness Month.

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

August 13, 2009, Regular City Council Meeting

Motion was made by Council Member Klein, seconded by Council Member Price to approve the August 13, 2009 Regular City Council Meeting minutes. Motion carried: 7 Ayes, 0 Nays.

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

- *7.2; 6.8-6.14; 6.2; 6.3; 3.4; 6.1; 6.4-6.7; 6.15; 6.16; 5.3-5.13; 5.15; 5.16; 5.18-5.22; 5.1; 5.2; 5.14; 5.17; 7.1; and 7.3.*
- *Items 6.11 and 6.14 failed.*
- *Item 7.1 was deleted.*

7.2. Public Works: 2009 Street Maintenance Program progress and update.

Marsha Reed, P.E., Chief Operating Officer, and Kevin Lair, Street Superintendent gave a presentation and answered questions from Council.

6.8. Variance Resolution - Planning: Resolution No. 2009-R0364 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060 at the location of CVS Pharmacy No. 7277, 3401 50th Street, a business requesting an off-premise alcoholic beverage permit.

Randy Henson, Director of Planning, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0364. Motion carried: 5 Ayes, 2 Nays. Council Members Leonard and Beane voted nay.

6.9. Variance Resolution - Planning: Resolution No. 2009-R0365 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060 at the location of CVS Pharmacy No. 8343, 3801 19th Street, a business requesting an off-premise alcoholic beverage permit.

Randy Henson, Director of Planning, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0365. Motion carried: 5 Ayes, 2 Nays. Council Members Leonard and Beane voted nay.

- 6.10. Variance Resolution - Planning: Resolution No. 2009-R0366 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060 at the location of Valero Corner Store No. 1446, 1415 University Avenue, a business requesting an off-premise alcoholic beverage permit.**

Motion was made by Council Member Beane, seconded by Council Member Leonard to deny a variance. Motion failed: 2 Ayes, 5 Nays. Mayor Martin, Mayor Pro Tem Gilbreath, Council Members DeLeon, Price, and Klein voted nay.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0366. Motion carried: 5 Ayes, 2 Nays. Council Members Leonard and Beane voted nay.

- 6.11. Variance Resolution - Planning: Consider a resolution approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060 at the location of Valero No. 1450, 3311 Avenue Q, a business requesting an off-premise alcoholic beverage permit.**

This item failed.

Motion was made by Council Member Price, seconded by Council Member DeLeon to grant a variance. Motion failed: 2 Ayes, 5 Nays. Mayor Martin, Mayor Pro Tem Gilbreath, and Council Members Leonard, Beane and Klein voted nay.

- 6.12. Variance Resolution - Planning: Resolution No. 2009-R0367 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060 at the location of Walmart No. 3826, 1911 Marsha Sharp Freeway, a business requesting an off-premise alcoholic beverage permit.**

Randy Henson, Director of Planning, 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-R0367. Motion carried: 5 Ayes, 2 Nays. Council Members Leonard and Beane voted nay.

- 6.13. Variance Resolution - Planning: Resolution No. 2009-R0368 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060 at the location of Lowes No. 85, 2706 26th Street, a business requesting an off-premise alcoholic beverage permit.**

Randy Henson, Director of Planning, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2009-R0368. Motion carried: 4 Ayes, 3 Nays. Council Members Leonard, Beane, and Klein voted nay.

- 6.14. Variance Resolution - Planning: Consider a resolution approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060 at the location of One Stop, 301 North University Avenue, a business requesting an off-premise alcoholic beverage permit.**

This item failed.

Motion was made by Council Member DeLeon, seconded by Council Member Price to grant a variance. Motion failed: 2 Ayes, 5 Nays. Mayor Martin, Mayor Pro Tem Gilbreath, and Council Members Leonard, Beane and Klein voted nay.

10:00 A.M. CITY COUNCIL RECESSED

10:08 A.M. CITY COUNCIL RECONVENED

Council Chambers

6. REGULAR AGENDA (CONTINUED)

- 6.2. Public Hearing 10:00 a.m. - Finance: Public Hearing to consider a rate increase of \$3.00 per month per water meter for residential customers and \$19.92 per month per water meter for commercial customers to be charged by the Storm Water Utility; with a proposed monthly storm water fee of \$9.00 per water meter for residential customers and \$59.74 per water meter for commercial customers.**

Mayor Martin opened the public hearing at 10:09 a.m.

Mikel Ward appeared before Council and spoke against the proposed increase fees. No one appeared in favor.

Mayor Martin closed the public hearing at 10:18 a.m.

- 6.3. Resolution - Finance: Resolution No. 2009-R0369 adopting a Storm Water Utility fee of \$9.00 per water meter for residential customers and \$59.74 per water meter for commercial customers.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Resolution No. 2009-R0369. Motion carried: 4 Ayes, 3 Nays. Council Members Klein, Price and DeLeon voted nay.

Mayor Pro Tem Gilbreath left the dias at 10:28.

3. PROCLAMATIONS AND PRESENTATIONS (CONTINUED)

3.4. Presentation of a special recognition commemorating September 15 through October 15, 2009, as Hispanic Heritage Month.

Mayor Martin presented special recognition to Christy Martinez-Garcia, Publisher of Latino Lubbock Magazine; Rey Torres, Manager of Resthaven; Frank Garcia, Sales Consultant with Ausco Textile Company; Mario Ybarra, Lubbock Independent School District Trustee; Amanda Salazar, member of the Hispanic Student Society of Texas Tech University; Mark Rosales, President of the Hispanic Student Society of Texas Tech University; Liliana Guerrero, Miss Hispanic Lubbock Pageant Representative, Melissa Garcia, Miss Hispanic Lubbock Pageant Contestant; Laura Martinez, Miss Hispanic Lubbock Pageant Contestant; Tammy Brown, Miss Hispanic Lubbock Pageant Organizer; Andrea Rangel, Dean of Admissions and Records for South Plain College; Sam Harper, Chair of Fiestas Del Llano; Maria Lopez-Strong, Diversity Coordinator at South Plains College; Gabriel Vitela, Southwest Financial Group and on the Board of Directors for Lubbock Chamber of Commerce; Tavita Hernandez-Dorow, Hispanic Agenda member, commemorating September 15 through October 15, 2009, as Hispanic Heritage Month.

6. REGULAR AGENDA(CONTINUED)

6.1. Public Hearing 10:00 a.m. - Water Utility: Ordinance No. 2009-O0086 prohibiting the potable use of groundwater beneath adjacent properties located at 308 Municipal Drive in Lubbock, Texas, a 2.55 acre tract of land in Section 80, Block A, and 306 Municipal Drive (City owned property) a 1.09 acre tract of land in Section 80, Block A, City of Lubbock, Lubbock County, Texas, and placing specific restrictions on the non-potable use, and to consider an ordinance.

Aubrey Spear, Director of Water Utilities, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:42 a.m.

No one appeared in favor or in opposition.

Mayor Martin closed the public hearing at 10:42 a.m.

Motion was made by Council Member Leonard, seconded by Council Member Klein to approve Ordinance No. 2009-O0086. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was away from the dias.

6.4. Public Hearing 10:00 a.m. - Business Development: Public Hearing for the City Council to receive public comment on the proposed 20-year extension of the termination date of the Central Business District Tax Increment Financing Reinvestment Zone.

Mayor Martin opened the public hearing at 10:44 a.m.

Mikel Ward appeared before Council and spoke against the proposed extension. No one appeared in favor.

Mayor Martin closed the public hearing at 10:46 a.m.

6.5. Ordinance 1st Reading - Business Development: Ordinance No. 2009-O0087 amending Ordinance 2001-0091 establishing the Central Business District Tax Increment Financing Reinvestment Zone by extending the duration of the Zone 20 years to December 31, 2040.

Motion was made by Council Member Price, seconded by Council Member DeLeon to approve Ordinance No. 2009-O0087. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was away from the dias.

6.6. Public Hearing 10:00 a.m. - Business Development: Public Hearing for the City Council to receive public comment on the proposed amendments to the Central Business District Tax Increment Financing Reinvestment Zone Third Amended Project Plan and Third Amended Finance Plan.

Rob Allison, Assistant City Manager for Development Services, and Cheryl Brock, Business Research Specialist, gave a presentation and answered questions from Council.

Mayor Martin opened the public hearing at 10:53 a.m.

No one appeared in favor or in opposition.

Mayor Martin closed the public hearing at 10:54 a.m.

6.7. Ordinance 1st Reading - Business Development: Ordinance No. 2009-O0088 approving the Fourth Amended Central Business District Tax Increment Finance Reinvestment Zone Project Plan and Finance Plan, as adopted by the Board of Directors of the Central Business District Tax Increment Financing Reinvestment Zone.

Motion was made by Council Member Deleon, seconded by Council Member Price to approve Ordinance No. 2009-O0088. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was away from the dias.

6.15. Board Appointments - City Secretary: three appointments to the Lake Alan Henry Board of Appeals.

Motion was made by Council Member Leonard, seconded by Council Member Klein to appoint Connie Wharton and reappoint Patsy Day and Odie Hood to the Lake Alan Henry Board of Appeals. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was away from the dias.

6.16. Council Rules Amendment - City Secretary: Resolution No. 2009-R0370 approving an amendment to Council Rules and Order of Business to change the term limits of the Lubbock Water Advisory Commission Chairperson to three full terms.

Motion was made by Council Member Leonard, seconded by Council Member Klein to approve Resolution No. 2009-R0370. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was away from the dias.

5. CONSENT AGENDA

- Motion was made by Council Member Leonard, seconded by Council Member Price to approve items 5.3-5.13; 5.15; 5.16; 5.18-5.22 on consent agenda. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was away from the dias.
- 5.3. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2009-O0089 amending the Adopted FY 2008-09 Budget respecting the Grant Fund to accept and appropriate funding from the CH Foundation for a shared web-based catalog; accept and appropriate funding from the Texas State Library and Archives Commission for the Technical Assistance Negotiated Grant; accept and appropriate funding from the Texas State Library and Archives Commission for the Library System Operation Grant; accept and appropriate funding from the Texas State Library and Archives Commission for the Library System Competitive Grant; accept and appropriate funding from the Texas State Library and Archives Commission for the Inter-library Loan Center; accept and appropriate funding from the Texas Department of Housing and Community Affairs for the Community Services Block Grant; accept and appropriate funding from the Texas Department of State Health Services for the Public Health Emergency Response Grant; and accept and appropriate funding from the Texas Department of State Health Services for the Public Health Emergency Response Laboratory Grant.**
- 5.4. Contract Resolution - Water Utility: Resolution No. 2009-R0371 authorizing the Mayor to execute a letter of engagement with Zachary S. Brady, P.C., for professional services for Lake Alan Henry water line project.**
- 5.5. Resolution - Public Works Engineering: Resolution No. 2009-R0372 authorizing the Mayor to execute an application for Transportation Investment Generating Economic Recovery Grant Funding for the Northwest Passage Project interchange at Loop 289 and Texas Tech Parkway and Quaker Avenue and Erskine Street.**
- 5.6. Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2009-O0081 abandoning and closing a temporary garbage collection/drainage easement and a temporary drainage easement in Section 20, Block E-2, 11109 Akron Avenue.**
- 5.7. Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2009-O0082 abandoning and closing a 20-foot wide drainage easement located in Tract 2-A, Niraj Investment LLC Addition, 903 65th Street.**

- 5.8. Alley Use License Resolution - Right-of-Way: Resolution No. 2009-R0373 authorizing the Mayor to execute an Alley Use License with the Lubbock Women's Club to use a portion of a dedicated alley for a private sanitary sewer line and grease interceptor, 2020 Broadway Street.**
- 5.9. Ordinance Amendment 2nd Reading - Citibus: Ordinance No. 2009-O0080 amending Chapter 2 of the Code of Ordinances of the City of Lubbock appointing to the membership of the Lubbock Public Transit Advisory Board one ex officio representative from the Texas Tech University Government Association.**
- 5.10. Contract Resolution - Citibus: Resolution No. 2009-R0374 authorizing the Mayor to execute Contract 9138 with Chapman Harvey Architects for architectural and engineering services for the addition to the Downtown Transfer Plaza Project, BID 09-065-MA.**
- 5.11. Contract Amendment Resolution - Citibus: Resolution No. 2009-R0375 authorizing the Mayor to execute a Section 5310 Grant Agreement Amendment to Contract 51905F7226 with the Texas Department of Transportation to allocate public transportation funds to provide mass transportation service planned, designed, and carried out to meet the social needs of elderly individuals and individuals with disabilities.**
- 5.12. Contract Resolution - Solid Waste: Resolution No. 2009-R0376 authorizing the Mayor to execute Job Order Contract 09-069-F-069-NJPA with Talon/LPE for installation of the Moby Dick Duo 950 GPM Wheel Washing System at the Solid Waste Facility, 1631 84th Street.**
- 5.13. Ordinance 2nd Reading - Planning: Ordinance No. 2009-O0076, Zone Case 3127 (West of Wassau Avenue and South of 84th Street), request of Jason Sharkey for a zoning change from Transition (T) to Single-Family District (R-1) Specific Use on 80.99 acres of Phase II Cambridge Way, unplatted land out of Block AK, Section 26.**
- 5.15. Ordinance 2nd Reading - Planning: Ordinance No. 2009-O0078, Zone Case 3067-A (902 Avenue X), request of David R. Miller, for McCanton Woods LC for a zoning change from Multi-Family District (R-3) to General Retail District (C-3) Specific Use for food store retail sales and restaurant on 2.09 acres on Tract 1B2, Overton Park Addition.**
- 5.16. Ordinance 1st Reading - Business Development: Ordinance No. 2009-O0090 supplementing Ordinances 2007-O0058 and 2008-O0079 pursuant to which assessments were levied on property within Vintage Township Public Improvement District to provide public improvements for the District; approving and adopting the Annual Service Plan Update and the updated Assessment Roll in conformity with requirements of the Public Improvement District Assessment Act.**

- 5.18. **Contract Resolution - Community Development: Resolution No. 2009-R0377 authorizing the Mayor to execute Contract 9176 with the Texas Department of Housing and Community Affairs for the Community Services Block Grant American Recovery and Reinvestment Act for providing assistance to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient.**
- 5.19. **Contract Resolution - Community Development: Resolution No. 2009-R0378 authorizing the Mayor to execute Community Development Funding Contract 9111 with the WorkForce Solutions of the South Plains for providing assistance to individuals for training and education to obtain and/or retain employment through the Community Services Block Grant American Recovery and Reinvestment Act Training Program.**
- 5.20. **Contract Resolution - Community Development: Resolution No. 2009-R0379 granting the waiver of Payment in Lieu of Taxes for FY 2009 for Lubbock Housing Authority.**
- 5.21. **Ordinance Amendment 2nd Reading - Police: Ordinance No. 2009-O0083 amending Chapter 17 of the City of Lubbock Code of Ordinance by adding Section 17-10, Additional Court Costs, requiring criminal defendants who are either convicted or plead no contest to certain parking violations to pay a fee as a court cost used to help defray the cost of the City's School Crossing Guard Program.**
- 5.22. **Resolution - Police: Resolution No. 2009-R0380 approving submission of a grant application to the office of the Governor, Criminal Justice Division, for patrol vehicle digital video recording systems of the South Plains Association of Governments (SPAG) Recovery Act Grant Project.**

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

- *5.1; 5.2; 5.14; 5.17; 7.1; and 7.3.*
- *Item 7.1 was deleted.*

6. REGULAR AGENDA (CONTINUED)

- 5.1. **Budget Ordinance Amendment 2nd Reading - Finance: Ordinance No. 2009-O0079 amending the Adopted FY 2008-09 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of State Health Services for Environmental Health; to accept and appropriate from the Texas Department of State and Health Services for the Immunization Branch Grant; and respecting the Capital Program by appropriating additional funds to the Animal Shelter Facility Capital Improvement Project.**

5.1.1 Contract Resolution - Health: Resolution No. 2009-R0381 authorizing the Mayor to execute Contract 2010-032759 with the Texas Department of State Health Services for environmental health inspections and health education.

5.1.2 Contract Resolution - Health: Resolution No. 2009-R0382 authorizing the Mayor to execute Contract 2010-031802, Program Attachment No. 001 Immunization Branch-Locals, with the Texas Department of State Health Services to implement an immunization program for children, adolescents, and adults.

Motion was made by Council Member Klein, seconded by Council Member Price to approve Ordinance No. 2009-O0079; Resolution No. 2009-R0381; and Resolution No. 2009-R0382. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was away from the dias.

5.2. Budget Amendment Ordinance 2nd Reading - City Council: Ordinance No. 2009-O0085 amending the Adopted FY 2008-09 Capital Program by appropriating additional funds to the Library Renovations capital improvements project.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Ordinance No. 2009-O0085. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was away from the dias.

5.14. Ordinance 2nd Reading - Planning: Ordinance No. 2009-O0077, Zone Case 2904-A (330 University Avenue), request of TAO Development Group, LLC, for Weingarten Realty for a zoning change from Interstate Highway Commercial District (IHC) to Central Business District, Broadway/13th Main (CB-2) Specific Use on A W Blankenship Addition 1.

Randy Henson, Director of Planning, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Council Member Price to approve Ordinance No. 2009-O0077. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was away from the dias.

5.17. Contract Resolution - Community Development: Resolution No. 2009-R0383 authorizing the Mayor to execute Contract 9175 with the North and East Lubbock Community Development Corporation for the Community Development Block Grant-Recovery Program to complete the construction of Phase II of the Parkway Place Strip Center with funds from the American Recovery and Reinvestment Act of 2009.

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

Motion was made by Council Member Leonard, seconded by Council Member Price to approve Resolution No. 2009-R0383. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was away from the dias.

11:00 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

1:00 P.M. CITY COUNCIL REGULAR MEETING RECONVENED

Committee Room 103

Mayor Pro Tem Gilbreath called the meeting to order, Mayor Martin was absent.

7. WORK SESSION/BUSINESS AGENDA

7.1. Municipal Court: Presentation to the City Council on the Office of Court Administration audit.

This item was deleted.

7.3. Emergency Services: 2009 Novel H1N1 Influenza response plan update.

Lewis Treadwell, Deputy Chief of Emergency Services gave a presentation and answered questions from Council.

Rhea Cooper, Fire Chief; Sandy Fortenberry, Public Health Preparedness Coordinator; Rebecca Brawley, Supervising Health Nurse; and Bridget Faulkenberry, Environmental Specialist gave comments and answered questions from Council.

1:35 P.M. CITY COUNCIL ADJOURNED

There being no further business to come before Council, Mayor Pro Tem Gilbreath adjourned the meeting.