

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
September 24, 2009
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 24th 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. Rachel Johnson will appear before the City Council to discuss homelessness in Lubbock.

Shane Ancisco appeared on behalf of Ms. Johnson and spoke of homelessness in Lubbock.

Ms. Johnson arrived later and was the last person to appear before Council. She identified herself as a homeless person and spoke of homelessness in Lubbock.

1.2. Mischell Coe and Elroy Carson will appear before the City Council to request the City Council's support in creating the Volunteer Services Council Board.

Mischell Coe was unable to attend.

Mr. Carson appeared before Council and spoke of Council's support in creating the Volunteer Services Council Board which specifically assists the Lubbock State Supported Living Center.

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

Shane Ancisco appeared before Council and spoke of homelessness in Lubbock.

Sharon Bass, Director of the Volunteer Center of Lubbock, appeared before Council and spoke in regard to the services provided by the Volunteer Center.

Dela Esqueda appeared before Council and expressed appreciation to Council for their support of the Guadalupe Neighborhood Center. She also spoke of the projects at the Center.

7:56 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 Citibus

2.1.2 Police

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; and
 - 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 Building Board of Appeals, the Electric Utility Board, and the Planning and Zoning Commission.

9:15 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

Present: Mayor Tom Martin; 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: Mayor Pro Tem Jim Gilbreath.

ANNOUNCEMENT

Mayor Martin recognized Mitchell Satterwhite, Interim City Attorney, for his work and dedication to Council and the City of Lubbock during his interim assignment.

Note: Item 3.5 was addressed after item 3.2 and item 3.7 was addressed following item 6.4.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Senior Pastor Chuck Williams, Live Oak Community Church

Invocation was lead by Senior Pastor Chuck Williams, Live Oak Community 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.

3.5. Presentation of a special recognition commemorating the 2009 South Plains Fair

Mayor Martin presented special recognition to Renee Underwood, President of South Plains Fair Board of Directors; Herb Higgs, General Manager of the South Plains Fair; and Steve Beasley, Board Member; commemorating the 2009 South Plains Fair.

3.3. Presentation of a special recognition commemorating October 2009 as Breast Cancer Awareness Month

Mayor Martin presented special recognition to Julia Childs and Steve Beasley with the Lubbock Avalanche Journal and a member of the Komen of Lubbock Board of Directors, commemorating October 2009 as Breast Cancer Awareness month.

3.4. Presentation of a special recognition to The Alzheimer's Association commemorating September 26, 2009, as Alzheimer's Day

Mayor Martin presented special recognition to Lori Gilman and Stephanie Perkins of The Alzheimer's Association commemorating September 26, 2009 as Alzheimer's Day.

3. BOARD APPOINTMENTS

3.6. Airport Board:

Calvin Davis (unable to attend)

Appointments Advisory Board:

Chanda Allen

Indu Bilimoria

Jay House (unable to attend)

Rudy Rosales (unable to attend)

Dee Jay Wilde (unable to attend)

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

August 27, 2009, Regular City Council Meeting

Motion was made by Council Member Price, seconded by Council Member Beane to approve the August 27, 2009 Regular City Council Meeting minutes. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

Note: Consent Agenda and Regular Agenda items were addressed by Council in the following order:

- *5.1-5.1.8; 5.4; 5.5; 5.7-5.14; 5.16-5.20; 5.22; 5.23; 5.2; 5.3; 5.6; 5.15; 5.21; 6.6; 6.7; 6.8; 6.2; 6.3; 6.1; 6.4; 3.7; 6.4; 6.5; 6.9; 6.10; and 6.11.*
- *Items 6.1; and 6.6 had no action taken.*
- *Items 6.3 and 6.7 were denied.*
- *Item 6.9 failed.*

5. CONSENT AGENDA

- Motion was made by Council Member Price, seconded by Council Member DeLeon to approve items 5.1-5.1.8; 5.4; 5.5; 5.7-5.14; 5.16-5.20; 5.22; 5.23 on consent agenda. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2009-00085 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 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; accept and appropriate funding from the Texas Department of State Health Services for the Public Health Emergency Response Laboratory Grant; accept and appropriate funding from the Texas Department of Transportation for the Driving While Intoxicated Selective Traffic Enforcement Program (STEP) and the Speed STEP Program; and accept and appropriate funding from the Texas State Library and Archives Commission for the Library System Competitive Grant.

5.1.1 Contract Resolution - Library: Resolution No. 2009-R0384 authorizing the Mayor to execute Contract 9086, a grant agreement with The CH Foundation for a shared integrated catalog for libraries in the West Texas Library System.

- 5.1.2 Contract Resolution - Library: Resolution No. 2009-R0385 authorizing the Mayor to execute Contract 476-10019, a Technical Assistance Negotiated Grant Agreement with the Texas State Library and Archives Commission to fund one full-time technical adviser for public libraries in the West Texas Library System service region.**
- 5.1.3 Contract Resolution - Library: Resolution No. 2009-R0386 authorizing the Mayor to execute Contract 470-10015, a Library System Operation Grant Agreement with the Texas State Library and Archives Commission to fund three full-time positions for the West Texas Library System.**
- 5.1.4 Contract Resolution - Library: Resolution No. 2009-R0387 authorizing the Mayor to execute Contract 771-10031, an Interlibrary Loan Center Grant Agreement with the Texas State Library and Archives Commission to fund two full-time positions for the Interlibrary Loan Center.**
- 5.1.5 Contract Amendment Resolution - Community Development: Resolution No. 2009-R0388 authorizing the Mayor to execute Amendment 3 to Contract 61090000378 with the Texas Department of Housing and Community Affairs for the Community Services Block Grant to reduce poverty, revitalize low-income communities, and assist low-income families and individuals to become self-sufficient.**
- 5.1.6 Contract Resolution – Emergency Management Services: Resolution No. 2009-R0389 authorizing the Mayor to execute Contract 2010-033391 with the Texas Department of State Health Services the Public Health Emergency Response contract for the Focus Area I Project.**
- 5.1.7 Contract Resolution - Health: Resolution No. 2009-R0390 authorizing the Mayor to execute Contract 2010-033399 with the Texas Department of State Health Services for the Public Health Emergency Response contract for the focus area 2 laboratory, epidemiology, surveillance, and associated pandemic preparedness and response activities.**
- 5.1.8 Contract Resolution - Police: Resolution No. 2009-R0391 authorizing the Mayor to execute Contract 2010-Lubbock-S-SYG-0014 a grant agreement with the State of Texas for the Texas Traffic Safety Driving While Intoxicated Selective Traffic Enforcement Program (STEP) Program and the Speed STEP Program.**

- 5.4. Ordinance 2nd Reading - 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.**
- 5.5. Contract Amendment Resolution – Water Utility: Resolution No. 2009-R0392 authorizing the Mayor to execute Amendment 4 to Contract 6067 with HDR Engineering, Inc., for engineering construction phase services for the 34th Street Major Water Line Replacement and the Downtown Water Line Replacement Projects.**
- 5.7. Ordinance 1st Reading - Right-of-Way: Ordinance No. 2009-O0091 abandoning and closing a 20-foot alley located in Block 22, Original Town of Lubbock, 511 Avenue K.**
- 5.8. Contract Resolution – Streets: Resolution No. 2009-R0393 authorizing the Mayor to execute Contract 9163 with Pavement Restoration, Inc., for the application of reclamite preservative seal.**
- 5.9. Contract Resolution - Solid Waste: Resolution No. 2009-R0394 authorizing the Mayor to execute job order Contract 09-075-F-075-NJPA with Talon/LPE for fence repair at the Solid Waste southside location, 1631 84th Street.**
- 5.10. Ordinance 2nd Reading - Business Development: Ordinance No. 2009-O0090 supplementing Ordinance No.'s 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.**
- 5.11. Ordinance 2nd Reading - Business Development: Ordinance No. 2009-O0087 amending Ordinance No. 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.**
- 5.12. Ordinance 2nd 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.**

- 5.13. Contract Amendment Resolution - Community Development: Resolution No. 2009-R0395 authorizing the Mayor to execute an Amendment to Contract 8830 a Community Development Funding Contract with Catholic Family Services to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program.**
- 5.14. Contract Amendment Resolution - Community Development: Resolution No. 2009-R0396 authorizing the Mayor to execute an Amendment to Contract 8832 a Community Development Funding Contract with Lutheran Social Services of the South to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program.**
- 5.16. Contract Resolution - Community Development: Resolution No. 2009-R0397 authorizing the Mayor to execute Contract 9200 a Community Development Funding Contract with Vandelia Church of Christ to provide assistance to individuals and families with rent, utilities, and case management services through the Homeless Prevention and Rapid Rehousing Program under Title XII of the American Recovery and Reinvestment Act of 2009.**
- 5.17. Contract Resolution - Community Development: Resolution No. 2009-R0398 authorizing the Mayor to execute Contract 9202 a Community Development Funding Contract with Family Promise of Lubbock to provide assistance to individuals and families with rent, utilities, and case management services through the Homeless Prevention and Rapid Rehousing Program under Title XII of the American Recovery and Reinvestment Act of 2009.**
- 5.18. Contract Resolution - Community Development: Resolution No. 2009-R0399 authorizing the Mayor to execute Contract 9201 a Community Development Funding Contract with Women's Protective Services to provide assistance to individuals and families with rent, utilities, and case management services through the Homeless Prevention and Rapid Rehousing Program under Title XII of the American Recovery and Reinvestment Act of 2009.**
- 5.19. Contract Resolution - Community Development: Resolution No. 2009-R0400 authorizing the Mayor to execute Contract 9198 a Community Development Funding Contract with Salvation Army to provide assistance to individuals and families with rent, utilities, and case management services through the Homeless Prevention and Rapid Rehousing Program under Title XII of the American Recovery and Reinvestment Act of 2009.**

- 5.20. **Contract Amendment Resolution - Community Development: Resolution No. 2009-R0401** authorizing the Mayor to execute an Amendment to Contract 8159 a Community Development Funding Contract with the North & East Lubbock Community Development Corporation to extend the Down Payment Closing Cost Program.
- 5.22. **Contract Resolution - Police: Resolution No. 2009-R0402** authorizing the Mayor to execute Contract 9199 with the Child Advocacy Research and Education Center of the Texas Tech University Health Sciences Center School of Medicine Department of Pediatrics for medical examinations of children who are alleged victims of sexual assault.
- 5.23. **Contract Resolution - Police: Resolution No. 2009-R0403** authorizing the Mayor to execute Contract 9204 setting forth duties and responsibilities for the Texas Department of Public Safety and the City of Lubbock Police Department regarding the sharing of law enforcement incident records and other non-intelligence criminal justice information.

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

- 5.2; 5.3; 5.6; 5.15; 5.21; 6.6; 6.7; 6.8; 6.2; 6.3; 6.1; 6.4; 3.7; 6.4; 6.5; 6.9; 6.10; and 6.11.
- *Items 6.1; and 6.6 had no action taken.*
- *Items 6.3 and 6.7 were denied.*
- *Item 6.9 failed.*

6. REGULAR AGENDA

- 5.2. **Budget Ordinance 1st Reading - Finance: Ordinance No. 2009-O0092** amending the Adopted FY 2009-10 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of Housing and Community Affairs for the Weatherization ARRA Grant; respecting the Community Development Fund by adding four full-time grant funded positions; and accept and appropriate from the Department of Energy for the Energy Efficiency and Conservation Block Grant.

Motion was made by Council Member Leonard, seconded by Council Member Price to approve Ordinance No. 2009-O0092. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

- 5.3. **Resolution - Civic Lubbock: Resolution No. 2009-R0404** accepting Civic Lubbock, Inc., FY 2009-10 budget.

Freddy Chavez, Civic Services Director and William Lowell, member of Civic Lubbock Inc., Board, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0404. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

5.6. Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2009-O0084 abandoning and closing a portion of Avenue L (street stub) in Section 5, Block E, south side of 70th Street, 1101 70th Street.

Motion was made by Council Member Klein, seconded by Council Member Price to approve Ordinance No. 2009-O0084. Motion carried: 5 Ayes, 0 Nays. Mayor Martin recused and Mayor Pro Tem Gilbreath was absent.

5.15. Contract Resolution - Community Development: Resolution No. 2009-R0405 authorizing the Mayor to execute Contract 9197 a Community Development Funding Contract with Guadalupe Economic Services Corporation to provide assistance to individuals and families with rent, utilities, and case management services through the Homeless Prevention and Rapid Re-housing Program under Title XII 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 Klein to approve Resolution No. 2009-R0405. Motion carried: 5 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent and Council Member Price was away from the dais.

5.21. Contract Resolution - Fire: Resolution No. 2009-R0406 authorizing the Mayor to execute purchase order Contract 353448 with Nardis, Inc., for protective uniform trousers.

Rhea Cooper, Fire Chief, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Klein to approve Resolution No. 2009-R0406. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

6.6. Petition Annexation Ordinance - Planning: Consider an ordinance annexing to the City of Lubbock, Texas, upon petition of area landowners, an area of sparsely occupied land less than one-half mile in width, containing fewer than three qualified voters, and contiguous to the existing city limits; providing for correction of the city map to include the annexed area; providing an effective date; providing a savings clause; and providing for publication.

No action taken on this item.

- 6.7. Variance Resolution - Planning: Consider a resolution approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance No. 2009-O0060 at the location of Sonik Mart convenience store, 3908 Avenue Q, a business requesting an off-premise alcoholic beverage permit.**

This item was denied.

Randy Henson, Director of Planning, and Alejandro Ruiz, Jr., Executive Director of South Plains Academy, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Klein to deny this resolution. Motion to deny carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

- 6.8. Variance Resolution - Planning: Resolution No. 2009-R0407 amending Resolution No. 2009-R0364 to correct the address of CVS No. 7277 to read 3402 50th Street in regards to the granting of a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance No. 2009-O0060.**

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2009-R0407. Motion carried: 4 Ayes, 2 Nays. Mayor Pro Tem Gilbreath was absent. Council Members Leonard and Beane voted nay.

9:56 A.M. CITY COUNCIL RECESSED

10:06 A.M. CITY COUNCIL RECONVENED

Council Chambers

6. REGULAR AGENDA (CONTINUED)

- 6.2. Public Hearing 10:00 a.m. - Planning: Ordinance No. 2009-O0093, Zone Case 3128 (3227 Slaton Road), request of the City of Lubbock for a zoning change from Heavy Manufacturing District (M-2) to M-2 Specific use (for an animal shelter) on 15.327 acres of platted and unplatted land including a portion of Tract 7, S.I. Johnson Subdivision of a part of Section 4, Block B, Sections 1, 2, 3, and 4, Block S and Section 23, Block E, and to consider an ordinance.**

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

Mayor Martin opened the public hearing at 10:07 a.m.

No one appeared to speak in favor or in opposition.

Mayor Martin closed the public hearing at 10:07 a.m.

Motion was made by Council Member Leonard, seconded by Council Member Klein to approve Ordinance No. 2009-O0093. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

- 6.3. Public Hearing 10:00 a.m. - Planning: Zone Case 3129 (6502 Marsha Sharp Freeway): request of Appaloosa Development LP for a zoning change from Transition (T) to Interstate Highway Commercial District (IHC) (for a water park, hotel, retail, and apartments) on 13.09 acres of unplatted land out of Sections 35, 36, 37, and 38, Block AK, and Section 28, Block E-2, part of Tract 8, Lowery Subdivision, and to consider an ordinance.**

This item was denied.

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

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

Kristi Egenbacher, Don Goodpasture, Dean Northcutt, Jerry Reyna, Diana Brink, and Wylie Kimbell, appeared to speak in opposition.

Mike Freyburger, Appaloosa Development, appeared to speak in favor.

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

Motion was made by Council Member Leonard, seconded by Council Member Klein to deny the request for a zoning change. Motion to deny carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

- 6.1. Public Hearing 10:00 a.m. - Planning: Hold a public hearing to consider amendments to the Lubbock City Zoning Code Section 29-23.2, Interstate Highway Commercial (IHC) District to allow apartments and swimming pools, commercial no sales as permitted uses, and to consider amendments to the Lubbock City Zoning Code Section 29.23.3, Interstate Highway Industrial (IHI) District to allow any use unconditionally permitted in the IHC zoning district except apartments; and to consider an ordinance.**

No action was taken on this item.

Bill Boone, Planning Director, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:50 a.m.

No one appeared to speak in favor or in opposition.

Mayor Martin closed the public hearing at 10:50 a.m.

- 6.4. Public Hearing 10:00 a.m. - Planning: Zone Case 1647-D (4402 and 4404 Magnolia Avenue): Hold a public hearing to consider request of Simple Acts Ministry for a zoning change from Light Manufacturing District (M-1) to M-1 Specific Use (for transitional housing) on Lot 1, Block 35 and Lot 1, Block 36, Nelson Brown Addition, and to consider an ordinance.**

Randy Henson, Director of Planning, and Dale Holton, Police Chief, gave comments and answered questions from Council.

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

Bob Hawes, Simple Acts Ministry, and Randy Cannon appeared to speak in favor.

Mayor Martin recessed the public hearing at 11:18 a.m.; the hearing was continued following City Council reconvening at 1:32 p.m.

ANNOUNCEMENT

- 3.7. 11:15 a.m. - The City Council plans to recess to the Lubbock Memorial Civic Center for a presentation of a proclamation to Speaker of the Texas House of Representatives Joseph R. Straus, III, proclaiming September 24, 2009, as Joe Straus Day in Lubbock, Texas, and a presentation of Honorary Citizenship to Joseph R. Straus, III.**

City Council recessed to the Lubbock Memorial Civic Center.

11:18 A.M. CITY COUNCIL RECESSED

1:32 P.M. CITY COUNCIL RECONVENED

Council Chambers

6. REGULAR AGENDA (CONTINUED)

- 6.4. Public Hearing 10:00 a.m. - Planning: Ordinance No. 2009-O0094, Zone Case 1647-D (4402 and 4404 Magnolia Avenue), request of Simple Acts Ministry for a zoning change from Light Manufacturing District (M-1) to M-1 Specific Use (for transitional housing) on Lot 1, Block 35 and Lot 1, Block 36, Nelson Brown Addition, and to consider an ordinance.**

Mayor Martin reopened the public hearing at 1:32 p.m.

Bob Hawes, Simple Acts Ministry, continued to speak in favor.

No one appeared to speak in opposition.

Mayor Martin closed the public hearing at 1:47 p.m.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Ordinance No. 2009-O0094 with an amendment to include that the deadline to begin construction will be at the end of two years from today's date. Motion carried: 5 Ayes, 1 Nay. Mayor Pro Tem Gilbreath was absent and Council Member Beane voted nay.

- 6.5. Public Hearing 10:00 a.m. - Planning: Ordinance No. 2009-O0095, Zone Case 2456-A (7720 University Avenue), request of John Frullo (for Good News Book Store, Inc.) for a zoning change from Local Retail District (C-2) to Commercial District (C-4) limited to a printing shop and all unconditional C-2 uses on Tract B, Reid Myrtie Addition, and to consider an ordinance.**

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

Mayor Martin opened the public hearing at 1:58 p.m.

No one appeared to speak in favor or in opposition.

Mayor Martin closed the public hearing at 1:58 p.m.

Motion was made by Council Member Leonard, seconded by Council Member Klein to approve Ordinance No. 2009-O0095. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

- 6.9. Resolution - City Council: Consider a resolution authorizing the City Council to create and appoint members to the Lubbock Bond Advisory Committee.**

This item failed.

Motion was made by Council Member Klein, seconded by Council Member Price to approve the resolution. Motion failed: 3 Ayes, 3 Nays. Mayor Pro Tem Gilbreath was absent. Council Members Leonard, DeLeon and Beane voted nay.

2:37 P.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

2:55 P.M. CITY COUNCIL RECONVENED

Council Chambers

6. REGULAR AGENDA (CONTINUED)

- 6.10. Resolution - City Council: Resolution No. 2009-R0408 authorizing changes to the attendance policy for City boards and commissions.**

Motion was made by Council Member Klein, seconded by Council Member DeLeon to approve Resolution No. 2009-R0408 with the changes presented to Council at the dais. Motion carried: 5 Ayes, 1 Nay. Mayor Martin voted nay. Mayor Pro Tem Gilbreath was absent.

6.11. Board Appointments - City Secretary: Consider one appointment to the Animal Shelter Advisory Committee; one appointment to the Appointments Advisory Board; one appointment to the Building Board of Appeals; five appointments to the Electric Utility Board; one appointment to Lubbock Economic Development Alliance; two appointments to the Market Lubbock Inc, Board of Directors; five appointments to the Model Codes and Construction Advisory Board; and five appointments to the Planning & Zoning Commission.

- Motion was made by Council Member Leonard, seconded by Council Member Klein to make the following appointments:

Animal Shelter Advisory Committee: Appoint Quincy White.

Appointments Advisory Board: Appoint Don Armstead.

Building Board of Appeals: Appoint Jimmy Henderson.

Lubbock Economic Development Alliance, Board of Directors: Appoint Taylor Eighmy.

Market Lubbock, Inc. Board of Directors: Appoint Taylor Eighmy, and Sandy Henry.

Model Codes & Construction: Reappoint Timothy Conrad, Art Cuevas, Joseph Rapier, and Cyril Reasoner.

Planning & Zoning Commission: Reappoint Thomas Condra and Jeffery Lowry, and appoint Ruben Young, Ryan Curry, and Rice Horkey.

Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

3:00 P.M. CITY COUNCIL ADJOURNED

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