

CITY OF LUBBOCK
SPECIAL CITY COUNCIL MEETING
November 12, 2009
8:00 A. M.

The City Council of the City of Lubbock, Texas met in Special session on the 12th day of November, 2009, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 8:00 A. M.

8:00 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 Floyd Price; Lee Ann Dumbald, City Manager; Rebecca Garza, City Secretary; and Sam Medina, City Attorney.

Absent: Council Member John W. Leonard III (Council Member Leonard arrived at 8:25 during Executive Session.)

Note: Executive Session Items were addressed after Regular Agenda items.

2. REGULAR AGENDA

2.1. Contract Resolution - Right-of-Way: Resolution No. 2009-R0500 authorizing the Mayor to execute a contract with Giles W. Dalby Trust #2, Elizabeth Dalby Elliott, Rebecca Dalby Whitmire, Charlcie Dalby Mosser and Giles W. Dalby, Jr., for the acquisition of a permanent 60-foot wide pipe line easement and a 60-foot wide temporary construction easement for the construction of the Lake Alan Henry Pipe Line Project.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Resolution No. 2009-R0500. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard was absent.

2.2. Contract Resolution - Right-of-Way: Resolution No. 2009-R0501 authorizing the Mayor to execute a contract with Kirkpatrick Land & Cattle, Ltd, a Texas Limited Partnership for the acquisition of a permanent 60-foot wide pipe line easement and a 60-foot wide temporary construction easement for the construction of the Lake Alan Henry Pipe Line Project.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Resolution No. 2009-R0501. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard was absent.

- 2.3. Contract Resolution - Right-of-Way: Resolution No. 2009-R0502 authorizing the Mayor to execute a contract with OS Ranch Management, LLC a Texas Limited Liability Company for the acquisition of a permanent 60-foot wide pipe line easement and a 60-foot wide temporary construction easement for the construction of the Lake Alan Henry Pipe Line Project.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Resolution No. 2009-R0502. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard was absent.

- 2.4. Contract Resolution - Right-of-Way: Resolution No. 2009-R0503 authorizing the Mayor to execute a contract with Suntrust Bank of Alexandria Virginia 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 collectively by and through their attorney-in-fact, Dan Hook, for the acquisition of a permanent 60-foot wide pipe line easement and a 60-foot wide temporary construction easement for the construction of the Lake Alan Henry Pipe Line Project.**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Resolution No. 2009-R0503. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard was absent.

- 2.5. Election Resolution - City Secretary: Resolution No. 2009-R0504 to canvass the vote and declare the results of the November 3, 2009, City of Lubbock Bond Election.**

Rebecca Garza, City Secretary, read the votes received for each proposition. Proposition 1 (Street Improvements) and Proposition 2 (Fire Fighting Facilities and Equipment) passed. Proposition 3 (Water Recreation and Related Park Facilities) and Proposition 4 (Youth Sports Complex) failed.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Resolution No. 2009-R0504. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard was absent.

8:04 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE SESSION

1. EXECUTIVE SESSION

1.1. 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.

1.1.1 Animal Services

1.2. 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.

1.2.1 Right-of-Way

1.2.2 Water Utility

1.3. 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.

1.3.1 City Manager

1.3.2 City Attorney

1.3.3 City Secretary

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

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

1.4.2 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, asset purchase agreements, and studies of Lubbock Power and Light

1.4.3 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

8:52 P.M. CITY COUNCIL ADJOURNED

There being no further business to come before Council, Council Member DeLeon adjourned the meeting.