

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**August 26, 2010**  
**7:30 A. M.**

The City Council of the City of Lubbock, Texas met in special session on the 26th day of August, 2010, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

**7:35 A.M. CITY COUNCIL CONVENED**

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

**Present:** Mayor Tom Martin; Mayor Pro Tem Floyd Price; Council Member Paul R. Beane; Council Member Karen Gibson; Council Member Jim Gilbreath; Council Member Victor Hernandez; Council Member Todd R. Klein; Lee Ann Dumbauld, City Manager; Rebecca Garza, City Secretary; and Sam Medina, City Attorney.

**Absent:** No one.

*Note: City Council addressed agenda items in the following order:*

- *6.1; Citizen Comments; 3.1-3.3; 3.5; 3.4; 3.6; 4.1; 5.1-5.2; 5.4; 5.6; 5.8-5.9; 5.11-5.20; 5.22-5.34; 5.3; 5.5; 5.7; 6.2; 5.10; 6.3-6.5; 5.3; 5.21; 6.6-6.10; and 7.1.*
- *Item 5.3 was tabled and discussed again following item 6.5.*
- *Vote was taken on item 5.10 to postpone indefinitely.*

**6. REGULAR AGENDA**

- 6.1. Public Hearing 7:30 a.m. - Finance: Hold a public hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 6.33% (percentage by which the proposed tax rate exceeds the effective tax rate calculated under Chapter 26, Tax Code).**

Mayor Martin opened the public hearing at 7:37 a.m.

Pete Choban appeared to speak on concerns with his property appraisal.

Mikel Ward and Steven Shelby appeared before Council to speak in opposition of a 2 ½ cent property tax increase and in favor of increasing property tax once the bonds are put in place.

No one appeared to speak in favor of the proposal.

Announcement was made by the Mayor that “The City Council will vote on the tax rate at the September 16, 2010 City Council meeting that will be held in City Council Chambers beginning at 7:30 a.m.”.

Mayor Martin closed the public hearing at 7:44 a.m.

## **1. CITIZEN COMMENTS**

### **1.1. Mickey Jones will appear before the City Council to discuss micro-chipping animals and the spay and neuter program.**

Mickey Jones appeared before Council in favor of the proposed changes to the animal ordinance.

### **1.2. William Morris will appear before the City Council to discuss animal welfare.**

William Morris appeared before Council in favor of the proposed changes to the animal ordinance.

### **1.3. Anne Humphreys will appear before the City Council to discuss animal ordinances.**

Anne Humphreys appeared before Council against the proposed changes to the animal ordinance.

### **1.4. Cheryl Nichols will appear before the City Council to discuss animal ordinances.**

**Ms. Nichols did not appear.**

### **1.5. JoAnn Phillips will appear before the City Council to discuss animal ordinances.**

JoAnn Phillips appeared before Council against the proposed changes to the animal ordinance.

### **1.6. Sherell Thomas will appear before the City Council to discuss pet population concerns in Lubbock.**

Sherell Thomas appeared before Council against the proposed changes to the animal ordinance.

### **1.7. Cori Countryman will appear before the City Council to discuss the spay and neuter program.**

Cori Countryman appeared before Council against the proposed changes to the animal ordinance.

**1.8. Peggy Wilson will appear before the City Council to discuss the spay and neuter program.**

Peggy Wilson appeared before Council against the proposed changes to the animal ordinance.

**1.9. Joann Neal will appear before the City Council to discuss micro-chipping animals and the spay and neuter program.**

Joann Neal appeared before Council against changes to the proposed animal ordinance.

**1.10. Tim Sampson will appear before the City Council to discuss animal ordinances.**

Tim Sampson appeared before Council against proposed changes to the animal ordinance.

**1.11. Lindsey Varughese will appear before the City Council to discuss providing to homeless individuals transitional housing.**

Lindsey Varughese appeared before Council to discuss homelessness and her ideas for a possible solution for housing.

- LeEarl Bryant appeared before Council to give general comments regarding the proposed ordinance and operations of Animal Services.
- Philip Marshall appeared before Council against proposed changes to the animal ordinance.
- Steven Shelby appeared before Council in favor of changes to the proposed animal ordinance.

**8:38 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE**

**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.**

**2.1.1 Right-of-Way**

**2.1.2 Utility Regulatory Matters**

**2.1.3 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.**

- 2.2.1 Business Development**
  - 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), to discuss personnel matters and take appropriate action.**
  - 2.3.1 City Attorney**
  - 2.3.2 City Manager**
  - 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, asset purchase 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 551.087 to discuss or deliberate regarding commercial or financial information that the government body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.**
- 2.6. 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, and Permit and License Appeals Board.**

**9:04 A.M. CITY COUNCIL RECONVENED**  
**Council Chambers**

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

#### **3.1. Invocation by Dr. Gary Hall, Monterey Baptist Church**

Dr. Gary Hall, Monterey Baptist Church, led the invocation.

#### **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 3, 2010, as College Colors Day.**

Mayor Martin presented special recognition to Tommy Tuberville, Texas Tech University Head Football Coach, commemorating September 3, 2010, as College Colors Day. Coach Tuberville gave thanks to the community of Lubbock for their continued support for Texas Tech University, and encouraged everyone to wear red to support the Red Raiders.

#### **3.5. Presentation of special recognitions to the ten and eleven year old Southwest Little League baseball teams for their participation in the state tournament.**

Mayor Martin presented special recognition to the ten and eleven year old Southwest Little League baseball teams for participating in the state tournament. Shannon Hays, coach of the eleven year old team, and Darin Erculiani, coach of the ten year old team, gave comments on their team's accomplishments.

#### **3.4. Presentation of a special recognition commemorating September 11, 2010, as First Responders' Day.**

Mayor Martin presented special recognition commemorating September 11, 2010, as First Responders' Day. Members of the City of Lubbock Fire Department, Police Department, and Emergency Management appeared to accept special recognition along with community partner Greg Jones, Executive Vice President of American State Bank.

#### **3.6. Board Recognitions:**

##### **North Point Public Improvement District Advisory Board**

Stanley Harris

Tyler McDougal (unable to attend)

John Sweeney

Carolyn Thompson-Conwright (unable to attend)

**4. MINUTES**

- 4.1. July 15, 2010, Special City Council  
July 22, 2010, Regular City Council  
July 22, 2010, Special City Council  
August 3, 2010, Special City Council**

Motion was made by Council Member Klein, seconded by Council Member Beane, to approve the July 15, 2010 Special City Council minutes, the July 22, 2010 Regular City Council minutes, the July 22, 2010 Special City Council minutes, and the August 3, 2010 Special City Council minutes. Motion carried: 6 Ayes, 0 Nays. Council Member Gilbreath was away from the dais.

**5. CONSENT AGENDA**

Motion was made by Council Member Klein, seconded by Council Member Beane to approve items 5.1-5.2; 5.4; 5.6; 5.8-5.9; 5.11-5.20; and 5.22-5.34. Motion carried: 6 Ayes, 0 Nays. Council Member Gilbreath was away from the dais.

- 5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance 2010-00062, Amendment 18, amending the Adopted FY 2009-10 Budget respecting the Grant Fund to accept and appropriate from the Texas Department of Housing and Community Affairs (TDHCA) for the Department of Energy Weatherization Assistance Program; accept and appropriate from the TDHCA for the Weatherization American Recovery and Reinvestment Act (ARRA) City Grant; accept and appropriate from the TDHCA for the Weatherization ARRA County Grant; accept and appropriate from the Texas Department of State Health Services (DSHS) for the Local Public Health Services Grant; accept and appropriate from the Texas DSHS for the Immunization Branch Grant; accept and appropriate from the Texas DSHS for the Milk and Dairy Grant; accept and appropriate from the Texas DSHS for the Community Prevention Section – Bioterrorism Preparedness Grant; and respecting the Capital Program by amending Capital Improvement Project 9754, Sewer Lines Ahead of Sharp Freeway and Capital Improvement Project 8559, 98th Street Sanitary Sewer Remediation.**

**5.1.1 Contract Resolution - Community Development: Resolution No. 2010-R0380 authorizing the Mayor to execute Contract 561000000956 with the TDHCA for the Department of Energy Weatherization Assistance Program to weatherize homes and make them more energy efficient. (Page 27)**

**5.1.2 Contract Resolution - Community Development: Resolution No. 2010-R0381 authorizing the Mayor to execute Amendment 2 to Contract 16090000708 with the TDHCA for the ARRA Weatherization Assistance Program. (Page 45)**

- 5.1.3 Contract Resolution - Community Development: Resolution No. 2010-R0382 authorizing the Mayor to execute an amendment to Contract 16090000668 with the TDHCA for the ARRA Weatherization Assistance Program. (Page 77)**
- 5.1.4 Contract Resolution - Health: Resolution No. 2010-R0383 authorizing the Mayor to execute Contract 2011-035549 with the Texas DSHS for a grant to fund services or goods to improve or strengthen the local public health capacity to respond to both emerging and continuing public health threats. (Page 109)**
- 5.1.5 Contract Resolution - Health: Resolution No. 2010-R0384 authorizing the Mayor to execute Contract 2011-035423 with the Texas DSHS for the Immunization Branch Grant. (Page 163)**
- 5.1.6 Contract Resolution - Health: Resolution No. 2010-R0385 authorizing the Mayor to execute Contract 2011-035202 with the Texas DSHS for Milk and Dairy Product Services. (Page 217)**
- 5.1.7 Contract Resolution - Emergency Management: Resolution No. 2010-R0386 authorizing the Mayor to execute Contract 2010-035685 with the Texas DSHS for public health emergency. (Page 251)**
- 5.2. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0064, Amendment 19, amending the Adopted FY 2009-10 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of State Health Services for the Infectious Disease Control Unit Grant.**
- 5.4. Order and Resolution - Finance: Resolution No. 2010-R0387 approving a negotiated settlement between the City and Atmos Energy Corporation, West Texas Division (the Company) regarding the Company's second annual Rate Review Mechanism filing with the City; declaring existing rates to be unreasonable; requiring the Company to reimburse the City's reasonable rate case expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement, and finding the rates to be set to be just and reasonable; approving the Company's proof of revenues; adopting a savings clause; declaring an effective date; and requiring delivery of the resolution to the Company.**
- 5.6. Resolution - Finance: Resolution No. R0388 authorizing the Mayor to execute an engagement letter for Contract 7376 with BKD, LLP for the audit of annual financial statements for Fiscal Year Ending September 30, 2010.**
- 5.8. Resolution - Risk Management: Resolution No. 2010-R0389 authorizing the City Manager to purchase from Ace Property and Casualty Insurance Company an insurance policy for airport and non-owned aircraft liability coverage.**

- 5.9. **Resolution - Risk Management: Resolution No. 2010-R0390 authorizing the City Manager to purchase from Zurich American Insurance Company an insurance policy for boiler and machinery coverage.**
- 5.11. **Resolution - Risk Management: Resolution No. 2010-R0391 authorizing the City Manager to purchase from OneBeacon Insurance an insurance policy for excess liability insurance coverage.**
- 5.12. **Resolution - Risk Management: Resolution No. 2010-R0392 authorizing the City Manager to purchase workers' compensation coverage through Texas Political Subdivisions Workers' Compensation Joint Self-Insurance.**
- 5.13. **Resolution - Risk Management: Resolution No. 2010-R0393 authorizing the City Manager to purchase from Allianz Global Risks US Insurance Company an insurance policy for property insurance coverage.**
- 5.14. **Ordinance 1st Reading – Right-of-Way: Ordinance No. 2010-O0065 abandoning and closing a portion of a 15-foot wide alley, Lot 1A, in Roles Acres Addition, 2400 Quaker Avenue.**
- 5.15. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0394 authorizing the Mayor to execute Contract 9671 with Jeff Lofton and wife Jenni Lofton for the acquisition of Lot 1, Lakewood Estates Addition to the City of Lubbock, Lubbock County, Texas, 9802 Genoa Avenue.**
- 5.16. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0395 authorizing the Mayor to execute Contract 9670 with Timothy Shane Oursbourn and Keri Leigh Pierce-Oursbourn, for the acquisition of Lot 77, Meadows South Addition to the City of Lubbock, Lubbock County, Texas, 9801 Colton Avenue.**
- 5.17. **Contract Resolution - Right-of-Way: Resolution No. 2010-R0396 authorizing the Mayor to execute Contract 9685 with Wanda Pinkert for the acquisition of a permanent 60-foot wide pipeline easement and a 60-foot wide temporary construction easement for the construction of the Lake Alan Henry Pipeline Project.**
- 5.18. **Resolution - Right-of-Way: Resolution No. 2010-R0397 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Gregory Don Scott, for the purchase of a permanent 60-foot wide pipeline easement and a 60-foot wide temporary construction easement the construction of the Lake Alan Henry Pipeline Project, and authorizing, in the alternative, the institution of condemnation proceeding for acquisition of property if the purchase for said easement is not secured.**

- 5.19. Resolution - Right-of-Way: Resolution No. 2010-R0398 authorizing the City of Lubbock, through its Right-of-Way Department, to present an offer to Milton Wolbrueck, Mamie Ruth Wolbrueck Richter, Albert Wolbrueck, and Anita Wolbrueck Rode, for the purchase of a permanent 60-foot wide pipeline easement and a 60-foot wide temporary construction easement the construction of the Lake Alan Henry Pipeline Project; and authorizing, in the alternative, the institution of condemnation proceeding for acquisition of property if the purchase for said easement is not secured.**
- 5.20. Contract Resolution – Public Works Engineering: Resolution NO. 2010-R0399 authorizing the Mayor to execute unit price Contract 9646 with Pevey Lawn and Landscape, Inc., for the sodding of the 98th Street drainage channel, BID 10-0119-FO.**
- 5.22. Contract Resolution - Citibus: Resolution No. 2010-R0400 authorizing the City of Lubbock’s Chief Financial Officer to execute Project Grant Agreement URB 1101(05) with the Texas Department of Transportation to provide state financial assistance to be used to provide transportation services to the citizens of Lubbock.**
- 5.23. Contract Resolution - Citibus: Resolution No. 2010-R0401 authorizing the City of Lubbock’s Chief Financial Officer to execute a FY 2010 Federal Transit Administration Job Access and Reverse Commute Program Grant to provide public transportation to places of employment.**
- 5.24. Contract Amendment Resolution - Citibus: Resolution No. 2010-R0402 authorizing the Chief Financial Officer to execute Amendment 2 to Regionally Coordinated Transportation Planning Project Grant Agreement 510XX7005 with the Texas Department of Transportation for establishing and maintaining public and mass transportation projects and to administer funds appropriated for public transportation under Transportation Code, Chapter 456; extending the termination date of the agreement from August 31, 2010, to December 31, 2010.**
- 5.25. Contract Resolution - Airport: Resolution No. 2010-R0403 authorizing the Mayor to execute Contract 9573 with ThyssenKrupp Elevator for the modernization of the Lubbock Preston Smith International Airport terminal building food court passenger elevator.**
- 5.26. Contract Resolution - Parks and Recreation: Resolution No. 2010-R0404 authorizing the Mayor to execute Contract 9563 with Turfmaster Irrigation and Landscaping, Inc., for the installation of an irrigation system at Clapp Park, RFP 10-085-DD.**

- 5.27. **Contract Resolution - Health: Resolution No. 2010-R0405** authorizing the Mayor to execute Contract 9662 with the Texas Tech University Health Sciences Center (TTUHSC) to provide the professional services of a qualified laboratory director and clinical consultant for the City of Lubbock Health Department as required by the Clinical Laboratory Improvement Amendments (CLIA) regulating agency to ensure the clinical laboratory operates according to CLIA guidelines.
- 5.28. **Contract Resolution - Fleet: Resolution No. 2010-R0406** authorizing the Mayor to execute purchase order Contract 31000156 with Acme Auto Leasing for the lease of motor vehicles.
- 5.29. **Contract Resolution - Fleet: Resolution No. 2010-R0407** authorizing the Mayor to execute unit price Contract 9694 with Continental Battery for automotive batteries, BID 10-117-DT.
- 5.30. **Contract Resolution - Municipal Court: Resolution No. 2010-R0408** authorizing the Mayor to execute an Interlocal Agreement with Lubbock Independent School District (LISD) and Lubbock County for the Specialized Treatment and Rehabilitation Program (STAR) that addresses the needs of school children, ages 11 to 16, who have committed Class C misdemeanor offenses, and whom the Lubbock County Juvenile Justice Center and/or the Court has determined would benefit from placement in a program that combines education with a regimented discipline.
- 5.31. **Resolution - Emergency Management: Resolution No. 2010-R0409** authorizing the Mayor to execute a Memorandum of Agreement (MOA) with the Texas Department of State Health Services (DSHS) regarding the utilization of local assets in the event of an emergency, disaster, or for training purposes.
- 5.32. **Contract Resolution - Fire: Resolution No. 2010-R0410** authorizing the Mayor to execute purchase order contract 10000563 with Nardis, Inc., for personal protective fire fighting apparel.
- 5.33. **Ordinance Amendment 2nd Reading - Police: Ordinance 2010-O0063** amending Section 27-186 of the Code of Ordinances, allowing owners of towed vehicles to designate the location where the vehicle is taken as a result of a nonconsent tow under certain conditions, amending Section 27-187 to clarify the scope of operations of a tow truck business under a nonconsent permit, and amending Section 27-188 to require the display of permits and establishing applicable permit fees.
- 5.34. **Contract Resolution - City Secretary: Resolution No. 2010-R0411** authorizing the Mayor to execute a contract with the Department of State Health Services (DSHS) for on-line vital statistic services.

**6. REGULAR AGENDA (Continued)**

- 5.3. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0069, Amendment No. 20, amending the FY 2009-10 Operating Budget respecting the Operating Budget and Capital Program in the Lubbock Power & Light (LP&L) Fund as recommended by the Electric Utility Board on August 12, 2010, and as approved by the City Council in a meeting conducted pursuant to Section 551.086 of the Texas Government Code.**

Discussion was had, and this item was addressed again following item 6.5.

- 5.5. Contract Resolution - Finance: Resolution No. 2010-R0412 authorizing the Mayor to execute an interlocal cooperative purchasing agreement with Smith County, Texas, pursuant to the Interlocal Cooperation Act, Chapter 791, Government Code, and Cooperative Purchasing Program, Chapter 271, Local Government Code, to allow the City and Smith County to cooperate on the purchase of goods and services that are used by both entities.**

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

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0412. Motion carried: 6 Ayes, 0 Nays. Council Member Gilbreath was away from the dais.

- 5.7. Minuted Action - Risk Management: Consider a request by a City of Lubbock employee for an exception to the City Employee Benefits Plan; and take appropriate action.**

Leisa Hutcheson, Director of Human Resources and Risk Management, and Sam Medina, City Attorney, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Beane, to approve an exception to the City Employee Benefits Plan for a City of Lubbock employee. Motion carried: 5 Ayes, 2 Nays. Mayor Martin and Council Member Gibson voted Nay.

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

**10:20 A.M. CITY COUNCIL RECONVENED**

**Council Chambers**

**6. REGULAR AGENDA (Continued)**

- 6.2. Public Hearing 9:30 a.m. - Police: Resolution No. 2010-R0413, to review the City of Lubbock Juvenile Curfew Ordinance, codified as No. 9814, Division 3, Article II, Chapter 18 of the Code of Ordinances of the City of Lubbock, Texas; and consider a resolution to continue, abolish or modify the juvenile curfew program.**

Mayor Martin opened the public hearing at 10:21 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:21 a.m.

Motion was made by Council Member Klein, seconded by Council Member Gibson, to approve Resolution No. 2010-R0413 to continue the juvenile curfew program. Motion carried: 7 Ayes, 0 Nays.

- 5.10. Resolution - Risk Management: Consider three resolutions authorizing the City Manager to purchase from Travelers Lloyds Insurance Company an insurance policy for inland marine insurance, from Travelers Lloyds Insurance Company an insurance policy for crime insurance coverage, and from Federal Insurance Company, a member of the Chubb Group, an insurance policy for pipeline liability insurance coverage.**

**This item was postponed indefinitely.**

Motion was made by Council Member Gilbreath, seconded by Council Member Beane, to postpone this item indefinitely. Motion carried: 7 Ayes, 0 Nays.

- 6.3. Public Hearing 9:30 a.m. - Planning: Zone Case 3137 (4000 block of 112th Street): Ordinance No. 2010-O0066, request of Ken Flagg (for Orchard Park) for a zoning change from Transition (T) to Single-Family District (R-1) Specific Use for garden homes on Lots 191 through 203, Orchard Park Addition, and to consider an ordinance.**

Randy Henson, Director of Planning, and Marsha Reed, Chief Operating Officer, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:24 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:24 a.m.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve Ordinance No. 2010-O0066. Motion carried: 7 Ayes, 0 Nays.

- 6.4. Public Hearing 9:30 a.m. - Planning: Zone Case 2341-C (1103, 1105, 1107, 1109, and 1111 North Hartford Avenue): Ordinance No. 2010-O0067, request of Community Health Center of Lubbock for a zoning change from Multi-Family District (R-3) to Apartment-Medical District (AM) on Lots 12, 13, 14, 15, and 16, Block 4, Riceland 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 10:30 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:30 a.m.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Hernandez, to approve Ordinance No. 2010-O0067. Motion carried: 7 Ayes, 0 nays.

- 6.5. Public Hearing 9:30 a.m. - Planning: Zone Case 3138 (2321 50th Street, Suite K): Ordinance No. 2010-O0068, request of Crafton Communications (for American Tower Corporation) for a zoning change from Restricted Local Retail District (C-2A) to C-2A Specific Use for a 65-foot communications tower on part of Lot 4, and all of Lots 5 and 6, Llano Vista Heights 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 10:34 a.m.

David Prejean, Chief Operating Officer of Crafton Communications, appeared to speak in favor of the Ordinance.

No one appeared to speak in opposition.

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

Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to approve Ordinance 2010-O0068. Motion carried: 4 Ayes, 3 Nays. Council Members Hernandez, Beane, and Klein voted nay.

**10:56 A.M. CITY COUNCIL RECESSED INTO EXECUTIVE AND TO ATTEND THE 11:30 a.m. UNITED WAY KICKOFF LUNCHEON**

**1:24 P.M. CITY COUNCIL RECONVENED  
Council Chambers**

**6. REGULAR AGENDA (Continued)**

- 5.3. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2010-O0069, Amendment No. 20, amending the FY 2009-10 Operating Budget respecting the Operating Budget and Capital Program in the Lubbock Power & Light (LP&L) Fund as recommended by the Electric Utility Board on August 12, 2010, and as approved by the City Council in a meeting conducted pursuant to Section 551.086 of the Texas Government Code.**

Motion was made by Council Member Gilbreath, seconded by Council Member Gibson, to approve Ordinance No. 2010-O0069. Motion carried: 7 Ayes, 0 Nays.

- 5.21. Contract Resolution - Citibus: Resolution No. 2010-R0414 authorizing the City of Lubbock's Chief Financial Officer to execute the FY 2010 New Freedom Mobility Management Grant with the Federal Transit Administration to fund a Mobility Manager position, Director of Transportation at Citibus; paratransit trips outside of the ADA three-quarter mile service area; and the Citibus Nite Ride Program.**

Motion was made by Council member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0414. Motion carried: 7 Ayes, 0 Nays.

- 6.6. Resolution - Business Development: Resolution No. 2010-R0415 authorizing accepting the deed for Lot 10, Lubbock Business Park, from Market Lubbock Economic Development Corporation (MLI) for the purpose of relocating the Texas Department of Public Safety (DPS) Regional Office and Crime Lab Facility to the Lubbock Business Park.**

Rob Allison, Assistant City Manager, and Commander Bill Fulton, Texas Department of Public Safety, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Price, seconded by Council member Klein, to approve Resolution No. 2010-R0415. Motion carried: 7 Ayes, 0 Nays.

- 6.7. Contract Resolution - Business Development: Resolution No. 2010-R0416 authorizing the Mayor to execute an agreement with the Texas Department of Public Safety (DPS) for the exchange of Lot 10, Lubbock Business Park, for DPS property at 1302 Mac Davis Lane.**

Rob Allison, Assistant City Manager, and Commander Bill Fulton, Texas Department of Public Safety, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to approve Resolution No. 2010-R0416. Motion carried: 7 Ayes, 0 Nays.

- 6.8. Resolution - Stormwater: Resolution No. 2010-R0417 adopting the Master Drainage Plan: 2010 Update for the purposes of regulating playa lake elevations and playa lake overflow routes.**

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Price, to approve Resolution No. 2010-R0417. Motion carried: 7 Ayes, 0 Nays.

- 6.9. Resolution - City Council: Resolution No. 2010-R0418 authorizing the Mayor to execute an Amendment of Volume 1 of the City of Lubbock Policies and Procedures Manual entitled "Board and Commissions- Replacement of Members" to provide for modifying absences to include only unexcused absences, defining meeting for purposes of the policy, and defining unexcused absences.**

Motion was made by Council Member Gilbreath, seconded by Council Member Gibson, to approve Resolution No. 2010-R0418. Motion carried: 7 Ayes, 0 Nays.

- 6.10. Board Appointments - City Secretary: Consider six appointments to the Appointments Advisory Board, one appointment to the Audit and Investment Committee, one appointment to the Building Board of Appeals, three appointments to the Civic Lubbock, Inc., Board of Directors, one appointment to the Community Development and Services Board, two appointments to the Lubbock Water Advisory Commission, and four appointments to the Permit and License Appeals Board.**

**Appointments Advisory Board:** Motion was made by Mayor Pro Tem Price, seconded by Council Member Gibson, to reappoint David Haynes, District 2; Bruce Satterfield, District 3; and Richard Whittenburg, District 4; appoint Claudia Griffin and Sammie Prather, District 6; and to hold on the Mayor's position. Motion carried: 7 Ayes, 0 Nays.

**Audit and Investment Committee:** Motion was made by Mayor Pro Tem Price, seconded by Council Member Gilbreath to appoint Larry Allen. Motion carried: 7 Ayes, 0 Nays.

**Building Board of Appeals:** Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to reappoint Michael Landress. Motion carried: 7 Ayes, 0 Nays.

**Civic Lubbock, Inc. Board of Directors:** Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to reappoint Mark Bass and William Lowell, and appoint Grey Lewis. Motion carried: 7 Ayes, 0 Nays.

**Community Development & Services Board:** Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to appoint Maurice Stanley. Motion carried: 7 Ayes, 0 Nays.

**Lubbock Water Advisory Commission:** Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to reappoint Jim Conkwright, and appoint Zachary Brady. Motion carried: 7 Ayes, 0 Nays.

**Permit & License Appeals Board:** Motion was made by Mayor Pro Tem Price, seconded by Council Member Klein, to appoint Jake Montoya; and reappoint Lee Hunter, Terry Hines, and Deressa Reid. Motion carried: 7 Ayes, 0 Nays.

**7. WORK SESSION/BUSINESS AGENDA**

**7.1. 1:00 p.m. - Discussion of proposed changes to the animal control ordinance.**

Quincy White, Assistant City Manager, gave a presentation and answered questions from Council on the Animal Services Advisory Board's proposed changes to the animal ordinance.

**2:32 P.M. CITY COUNCIL RECESSED**

**2:44 P.M. CITY COUNCIL RECONVENED**

**Council Chambers**

**7.1. 1:00 p.m. - Discussion of proposed changes to the animal control ordinance (Continued).**

Animal Services Advisory Board Members Dr. Jamie Whittenburg, Dr. Carl Clary, Jack Thompson, and Joyce Dahlbeck gave comments and answered questions from Council. Martha Ellerbrook, Animal Services Director, also gave comments and answered questions from Council.

- It was the consensus of the Council not to move forward with the Animal Services Advisory Board's recommendations.
- It was the consensus of the Council to look at a voluntary program and education measures.
- It was the consensus of the Council to have the Animals Services Board review and make a recommendation on whether or not Animals Services should be placed under the direction of the Police Department.

**3:45 P.M. CITY COUNCIL ADJOURNED**

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