

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
August 25, 2011
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 25th of August, 2011, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 a. m.

7:37 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; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

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

- *6.1; Citizen Comments 1.1-1.10 (continued following 7.1); 3.1-3.3; 6.2-6.12; 4.1; 5.3-5.10; 5.12-23; 5.1; 5.11; 7.1; Citizen Comments; and Executive Session.*
- *No action was taken on item 5.2*
- *Item 6.13 was deleted.*

1. Citizen Comments - Any citizen wishing to appear before any regular meeting of the City Council shall advise the City Manager's office of that fact no later than seven calendar days before the meeting at which the citizen wishes to appear. Any citizen wishing to so appear shall inform the City Manager's office, in writing, of the subject of the appearance. The subject matter shall be sufficiently detailed as to inform the City Council and the public of its nature. Such notice shall contain the name and address of the requestor. The appearance of any citizen giving such notice to the City Manager's office shall take precedence in addressing the City Council during the Citizen Comments period. Any citizen failing to advise the City Manager's office of his/her wish to appear before the City Council as hereinabove set forth shall, time permitting, be permitted to address the City Council after those having given notice. In accordance with the Texas Open Meetings Act, the City Council may not take action on public matters during Citizen Comments.

1. 1. Jodie Heilman-Halter will appear before the City Council to discuss food served at parks.

Jodie Heilman-Halter appeared before Council to discuss food served in parks.

1. 2. Cheryn Hargrave will appear before the City Council to discuss the food establishment ordinance amendment.

Cheryn Hargrave appeared before City Council to discuss to food establishment ordinance amendment.

1. 3. Juanema Christensen will appear before the City Council to discuss the City of Lubbock Immunization Clinic and STD Clinic.

Juanema Christensen appeared before Council to discuss the City of Lubbock Immunization Clinic and STD Clinic.

1. 4. Michael Ragain, M.D., will appear before the City Council to discuss the City of Lubbock Immunization Clinic and STD Clinic.

Michael Ragain, M.D., did not appear.

1. 5. E. Steven Robinson, M.D., will appear before the City Council to discuss the City of Lubbock Immunization Clinic and STD Clinic.

E. Steven Robinson, M.D., appeared before Council to discuss the City of Lubbock Immunization Clinic and STD Clinic.

1. 6. Surendra Varma, M.D., will appear before the City Council to discuss the City of Lubbock Immunization Clinic and STD Clinic.

Surendra Varma, M.D., did not appear.

1. 7. Richard E. Winn, M.D., will appear before the City Council to discuss the City of Lubbock Immunization Clinic and STD Clinic.

Richard E. Winn, M.D., appeared before Council to discuss the City of Lubbock Immunization Clinic and STD Clinic.

1. 8. Christy Martinez-Garcia will appear before the City Council to discuss the City of Lubbock Health Department.

Christy Martinez-Garcia appeared before Council to discuss the City of Lubbock Health Department.

1. 9. Sharon Robinson, B.B.A., M.A., will appear before the City Council to discuss the City of Lubbock Immunization Clinic and STD Clinic.

Sharon Robinson, B.B.A., M.A., appeared before Council to discuss the City of Lubbock Immunization Clinic and STD Clinic.

1. 10. Dr. Linda M. Brice will appear before the City Council to discuss the City Health Department.

Dr. Linda M. Brice appeared before Council to discuss the City Health Department.

1. 11. **Citizen Comments sign-ups:**

Lila Jones, Tom Rogers, Grace Rogers, Dr. Roger Wolcott, Michelle McClelland, Roger Settler, Dr. Brian Carr, Tomi Morrell, Donna Walz, Dr. Jack DuBose, Carrie Taylor, Mrs. Holland, and Bill Bates appeared before Council to discuss the Health Department and services.

1. 12. **Citizen Comments sign-ups:**

Teresa Robinson; Bryan Bennett, President of the Public Transit Advisory Board; Mary Guetersloh, Donna Walz, Tomi Morrell, and David Spears appeared before Council to discuss Citibus.

2. Executive Session

The meeting was called into a closed to the public session at 4:58 p.m. under the provisions of Section 551, Texas Government Code. The meeting was called back in to open session at 6:05 p.m.

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. Health Benefits: Cause No. CC-08-01067-B in the County Court at Law No. 2 of Dallas County, Texas
2. 1. 2. Health Benefits: In the matter of arbitration between the City of Lubbock and HealthSmart Holdings, Inc., et al Case No.71-193-Y-00084-08
2. 1. 3. Icon Benefit Administrators II, L.P. American Administrative Group, Inc., and HealthSmart Perferred Care, II, L.P. v. Greg Abbott, Attorney General of Texas, and the City of Lubbock, Case No. D-1-GN-11-001866 in the 345th District Court, Travis County, Texas
2. 1. 4. Ted Parker v. City of Lubbock Case No. 141 241783 09 in the 141st District Court, Tarrant County
2. 1. 5. City of Dallas v. Stewart: nuisance decisions implications for City's Structural Standards Board
2. 1. 6. Atmos Energy
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. 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 discuss, vote, and take final action on customer billing and electric power pricing
 2. 4. 2. to discuss and deliberate plans, studies, proposals, and analyses for system improvements and risk management information and related strategies
 2. 4. 3. to discuss and deliberate bidding and pricing information for purchased power, generation and fuel, purchased power agreements, and related services and strategies
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 Permit and License Appeal Board, and the Urban Renewal / Neighborhood Redevelopment Commission.

3. Proclamations and Presentations

3. 1. Invocation by Pastor Anthony Brooks, 20th & Birch Church of Christ

Pastor Anthony Brooks, 20th & Birch Church of Christ, 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. Board Recognition:

Appointments Advisory Board
Avis E. Patterson

4. **Minutes**

4. 1. July 27, 2011, Regular City Council Meeting

Motion by Council Member Paul R. Beane, seconded by Mayor Pro Tem Floyd Price to approve the July 27, 2011 Regular City Council minutes.

Vote: 7 - 0 Motion carried

5. **Consent Agenda - Items considered to be routine and enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.**

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Floyd Price to approve items 5.3-5.10; and 5.12-5.23.

Vote: 7 - 0 Motion carried

5. 1. **Budget Ordinance Amendment 1st Reading - Finance:** Ordinance No. 2011-O0078, Amendment 15, amending the Adopted FY 2010-11 Operating Budget respecting the Grant Fund to appropriate additional funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Community Services Block Grant (CSBG); accept and appropriate from the Texas Department of State Health Services (DSHS) for the Hospital Preparedness Grant (HPP); accept and appropriate funding from the Texas DSHS for the Infectious Disease Control Unit Grant; and accept and appropriate funding from the Texas DSHS for the Community Preparedness Section (CPS) - Bio-terrorism Preparedness - Lab Grant.

Motion by Council Member Jim Gilbreath, seconded by Mayor Pro Tem Floyd Price to approve Ordinance No. 2011-O0078 pertaining only to the TDHCA funding for the Community Services Block Grant. Council Member Hernandez recused. Council Member Klein was away from the dias.

Vote: 5 - 0 Motion carried

Motion by Council Member Victor Hernandez, seconded by Council Member Paul R. Beane to approve Ordinance No. 2011-O0078 pertaining to all other items except the TDHCA funding for the Community Services Block Grant.

Vote: 7 - 0 Motion carried

5. 2. **Contract Resolution - Risk Management** : Consider a resolution authorizing the City Manager to purchase workers' compensation coverage through Texas Political Subdivisions (TPS) Workers' Compensation Joint Self-Insurance.

No action was taken on this item.

5. 3. **Contract Resolution - Risk Management** : Resolution No. 2011-R0359 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. 4. **Contract Resolution - Risk Management** : Resolution No.'s 2011-R0360, 2011-R0361, and 2011-R0362 authorizing the City Manager, to purchase from Travelers Lloyds Insurance Company an insurance policy for inland marine insurance; from Travelers Casualty & Surety Company of America 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.
5. 5. **Contract Resolution - Risk Management** : Resolution No. 2011-R0363 authorizing the City Manager to purchase from Texas Municipal League (TML) a policy for property insurance coverage.
5. 6. **Contract Resolution - Risk Management** : Resolution No. 2011-R0364 authorizing the City Manager to purchase from Hartford Steam & Boiler Inspection and Insurance Company an insurance policy for boiler and machinery coverage.
5. 7. **Contract Resolution - Risk Management** : Resolution No. 2011-R0365 authorizing the City Manager or designee, to purchase from OneBeacon Insurance an insurance policy for excess liability insurance coverage.
5. 8. **Ordinance 1st Reading - Right-of-Way**: Ordinance No. 2011-O077 abandoning and closing a portion of 20th Street and 21st Street and all utility and drainage easements located in lots 5-34, 35, 37, and 38, Alexander Land Addition.
5. 9. **Contract Resolution - Right-of-Way** : Resolution No. 2011-R0366 authorizing the Mayor to execute Contract 10343 with the Estate of Darrell Levi Stine, Deceased, Catherine Lachesha Stine Rives and Susan Rochelle Stine, for the acquisition of a 0.871 acre tract of land and improvements out of Block AK, Section 22, for the widening of Milwaukee Avenue from 94th Street to 104th Street, 10202 Milwaukee Avenue.
5. 10. **Contract Resolution - Right-of-Way** : Resolution No. 2011-R0367 authorizing the Mayor to execute Contract 10345 with Sharon E. Mandrell, for the acquisition of a 2.392 acre tract of land and improvements out of Block AK, Section 22, for the widening of Milwaukee Avenue from 94th Street to 104th Street, 10002 Milwaukee Avenue.
5. 11. **Ordinance Amendment 2nd Reading - Public Works Traffic Engineering** : Ordinance 2011-O0066 amending Section 20.05.102 of the Code of Ordinances of the City of Lubbock, with regard to the establishment of speed limits.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Karen Gibson to approve Ordinance No. 2011-O0066.

Vote: 7 - 0 Motion carried

5. 12. **Contract Resolution - Public Works Street Engineering** : Resolution No. 2011-R0368 authorizing the Mayor to execute professional services Contract 10380 with Kimley-Horn and Associates, Inc., for construction phase services on the 98th Street remediation and paving improvement project from Albany Avenue to Huron Avenue.
5. 13. **Contract Amendment Resolution - Community Development** : Resolution No. 2011-R0369 authorizing the Mayor to execute an amendment to a Community Development Funding Contract with the North & East Lubbock Community Development Corporation (NELCDC) to extend the Down Payment Closing Cost Program.
5. 14. **Contract Resolution - Community Development** : Resolution No. 2011-R0370 authorizing the Mayor to execute a Community Development Funding Contract with the North & East Lubbock Community Development Corporation (NELCDC) for operations and administration and for the Residential Construction Program to provide housing for low to moderate income homebuyers.
5. 15. **Contract Resolution - Community Development** : Resolution No. 2011-R0371 authorizing the Mayor to execute a Community Development Funding Contract with the Community Health Center of Lubbock (CHCL) for the Public Facility Demolition Project.
5. 16. **Contract Resolution - Community Development** : Resolution No. 2011-R0372 authorizing the Mayor to execute a Community Development Funding Contract with the Community Housing Resource Board (CHRB) for operations and administration and for the Lease Purchase Program to provide housing for low-income individuals.
5. 17. **Contract Resolution - Citibus** : Resolution No. 2011-R0373 authorizing the Mayor to execute a Section 5310 Grant, Contract 51105F7263, with the Texas Department of Transportation (TxDOT) for preventative maintenance for CitiAccess demand response service to meet the special needs of elderly individuals and individuals with disabilities.
5. 18. **Ordinance 2nd Reading - Planning** : Ordinance No. 2011-O0067, Zone Case 3156 (1502 East 52nd Street): request of Steve Fuller for a zoning change from Light Manufacturing District (M-1) to Single-Family District (R-1) on Lot 36 and the western 140 feet of Lot 35, James Addition.
5. 19. **Ordinance 2nd Reading - Planning** : Ordinance No. 2011-O0068, Zone Case 3157 (3425 118th Street): request of Thom Vines for zoning change from Single-Family District (R-1) to R-1 Specific Use for a communications tower on a portion of Tract A, Second Cooper Middle School Addition.
5. 20. **Ordinance 2nd Reading - Planning** : Ordinance No. 2011-O0069, Zone Case 2269-P (8210 and 8214 Memphis Avenue): request of Dan Wilson Construction for zoning change from Apartment-Medical District (AM) Specific Use to Neighborhood Service District (C-1) limited to a beauty salon and garden office uses on Tracts E-2 and B-4, Kings Gate Addition.
5. 21. **Contract Resolution - Fleet Services** : Resolution No. 2011-R0374 authorizing the Mayor to execute purchase order Contract 10003500 with Altec for an aerial truck with utility bed for Traffic Operations.
5. 22. **Contract Resolution - Police** : Resolution No. 2011-R0375 authorizing the Mayor to execute Interlocal Cooperation Contract 10376 with the Texas Department of Public Safety (DPS) for the purchase of certain forms, manuals, and supplies used in breath testing and in the Laboratory Alcohol and Drug Testing Program.

5. 23. **Resolution - City Council** : Resolution No. 2011-R0376 expressing a desire and intent on the part of the City Council of the City of Lubbock to accept donation of certain real property presently held in the receivership estate in connection with the Securities and Exchange Commission v. Benny L. Judah and Excel Lease Fund, Inc., Case No. 5:09-CV-87-C in the United States District Court for the Northern District of Texas, Lubbock Division, and authorizing the Mayor to perform all necessary actions to that end.

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 3.56% (percentage by which the proposed tax rate exceeds the effective tax rate calculated under Chapter 26, Tax Code).

Andy Burcham, Chief Financial Officer, gave a presentation, comments, and answered questions from Council.

Mayor Martin opened the public hearing at 8:15 a.m.

Mikel Ward appeared to speak in opposition.

No one appeared to speak in favor.

Mayor Martin closed the public hearing at 8:30 a.m.

6. 2. **Public Hearing 9:30 a.m. - Finance** : Hold a public hearing to consider the 2012 assessment rate for the Valencia Public Improvement District (PID), generally bounded by 85th Street on the north, 88th Place on the south, Iola Avenue on the east, and Milwaukee Avenue on the west.

Cheryl Brock, Capital Project Manager, gave comments and answered questions from Council.

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

No one appeared to speak in favor or opposition.

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

6. 3. **Ordinance 1st Reading - Finance** : Ordinance No. 2011-O0071 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Valencia Public Improvement District; approving, adopting, and filing with the City Secretary the Assessment Roll; closing the hearing and levying assessments based on the Service Plan for the cost of certain services and/or improvements to be provided in the PID during FY 2012-13.

Motion by Council Member Jim Gilbreath, seconded by Mayor Pro Tem Floyd Price to approve Ordinance No. 2011-O0071.

Vote: 7 - 0 Motion carried

6. 4. **Resolution - Finance** : Resolution No. 2011-R0357 authorizing the City Council to create the Willow Bend Public Improvement District (PID) Advisory Board for the Willow Bend PID.

Motion by Council Member Jim Gilbreath, seconded by Mayor Pro Tem Floyd Price to approve Resolution No. 2011-R0357.

Vote: 7 - 0 Motion carried

- 6. 5. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2011-O0072, Zone Case 2243-B (generally located south of Broadway Street, North of 19th Street, east of University Avenue, and west of Avenue Q): request of Robert M. Brodtkin (for SORCA, INC.) for a zoning change from Two-Family District (R-2) and R-2 Design Historical, Family Apartment District (A-1) and A-1 Specific Use, High-Density Apartment District (A-2), Apartment-Medical District (AM) and AM Specific Use, Garden Office District (GO), and Neighborhood Service District (C-1), to R-2 Specific Use, A-1 Specific Use, A-2 Specific Use, AM Specific Use, GO Specific Use, and C-1 Specific Use to adopt a design guideline for South Overton Addition on approximately 160 acres as follows: Lots 1-16, Block 1, and Lots 1-13, Block 2, Hankins Addition; Block 9, Blocks 13-17, 20-24, 45-46, 51-53, 74-77, 80-83, and 122; Lots 1-4 and Lots 13-16, Block 18; the north 20 feet of Lot 12 and Lots 13-16, Block 5; of Lots 6-10, Block 6; Lots 6-10, Block 7; Lots 6-10, Block 8; Lots 6-10, Block 10; Lots 13-24, Block 42; Block 43 and closed streets and alleys, Lots 13-22, Block 44; Lots 1-12, Block 47; Lots 1-12, Block 50; Lots 8-14 and Lots 20-24, Block 54; Lots 4-6, Lot 16, and the west 7 feet of Lot 17, Block 73; Lots 1-12, Block 78; Lots 1-12, Block 79; the east 15 feet of Lot 17, Lots 18-24, Block 100; Lots 1-8, and Lots 17-24, Block 101; Lots 1-8, and Lots 17-24, Block 102; the north 123 feet of Lots 1-2 and the north 123 feet of the east half of Lot 3, Block 103; and Lots 1-15, Block 104, Overton Addition, and to consider an ordinance.

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

Mayor Martin opened the public hearing at 11:21 a.m.

Dr. Robert Brodtkin, Tavita Dorow, Brad Clardy, Linda Hogan, EZ "Ted" Hogan, and Roger Settler appeared to speak in favor of the zone change.

No one appeared to speak in opposition.

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gilbreath to approve Ordinance No. 2011-O0072.

Vote: 7 - 0 Motion carried

- 6. 6. Public Hearing 9:30 a.m. - Planning:** Zone Case 2995-K (6201 79th Street): request of Bart Thomas (for Zach's Club Properties) for a zoning change from Garden Office District (GO) to Commercial-Apartment District (CA) limited to offices and a health or athletic club on 5.273 acres of unplatted land out of Block AK, Section 29, and to consider an ordinance.

This zone change was denied.

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

Mayor Martin opened the public hearing at 1:30 p.m.

No one appeared to speak in favor.

Kyle Bometh appeared to speak in opposition.

Mayor Martin closed the public hearing at 1:33 p.m.

Motion by Council Member Paul R. Beane, seconded by Council Member Jim Gilbreath to deny the zone change request.

Vote: 7 - 0 Motion carried

- 6. 7. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2011-O0073, Zone Case 3160 (north of 66th Street and west of East Loop 289): request of ABP, LLC (for Farmers Co-Op Compress) for a zoning change from Heavy Manufacturing District (M-2) to M-2 Specific Use and all unconditionally permitted M-2 uses (for a fertilizer plant) on 25 acres of unplatted land out of Block S, Sections 1 and 2, and to consider an ordinance.

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

Mayor Martin opened the public hearing at 1:39 p.m.

Dr. Terry Collins, Chief Executive Officer of Bio S&G, appeared to speak in favor of the zone change.

No one appeared to speak in opposition.

Mayor Martin closed the public hearing at 1:53 p.m.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2011-O0073.

Vote: 7 - 0 Motion carried

- 6. 8. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2011-O0074, Zone Case 3161 (north of 114th Street and east of Quaker Avenue): request of Hugo Reed and Associates, Inc., (for Lubbock Commercial Buildings) for a zoning change from Transition District (T) to General Retail District (C-3) on 5.6 acres of unplatted land out of Block E-2, Section 17, and to consider an ordinance.

Andrew Paxton, Senior Planner, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 1:55 p.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 1:55 p.m.

Motion by Council Member Todd R. Klein, seconded by Council Member Paul R. Beane to approve Ordinance No. 2011-O0074.

Vote: 7 - 0 Motion carried

- 6. 9. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2011-O0075, Zone Case 2413-A (7401 University Avenue): request of Big Man Development, Inc. (Racer Real Estate Holdings, LLC) for a zoning change from C-3 to C-3 Specific Use and all unconditionally C-3 permitted uses (for a carwash) on Lot 4, KLBK Addition to amend the carwash site plan and to consider an ordinance.

Andrew Paxton, Senior Planner, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 1:57 p.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 1:57 p.m.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Paul R. Beane to approve Ordinance No. 2011-O0075.

Vote: 7 - 0 Motion carried

- 6. 10. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2011-O0076, Zone Case 3162 (north of Mac Davis Lane and east of Avenue R): request of McDougal Construction (for McCanton Wood) for a zoning change from Two-Family District (R-2) to General Retail District (C-3) Specific Use and all unconditionally C-3 permitted uses (for a carwash) on Lots 6-10, Overton Addition, and to consider an ordinance.

Andrew Paxton, Senior Planner, gave comments and answered questions from Council.

Mayor Marin opened the public hearing at 1:59 p.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 1:59 p.m.

Motion by Council Member Todd R. Klein, seconded by Council Member Victor Hernandez to approve Ordinance No. 2011-O0076.

Vote: 7 - 0 Motion carried

- 6. 11. Variance Resolution - Planning :** Resolution No. 2011-O0358 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060 at the location of 1205 University Avenue for Sazon Fajitas and Salsa, a business requesting an on premise alcoholic beverage permit.

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

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein to approve Resolution No. 2011-R0358.

Vote: 6 - 1 Motion carried

NAY: Council Member Paul R. Beane

- 6. 12. Ordinance Amendment 2nd Reading - City Council :** Ordinance 2011-O0070 amending the definition of food establishment in Section 8.16.001 of the City of Lubbock Code of Ordinances to exempt kitchens in private homes and adding Section 8.16.006, "Kitchens in private homes; feeding the public."

Motion by Council Member Karen Gibson, seconded by Mayor Pro Tem Floyd Price to approve Ordinance No. 2011-O0070 with an amendment striking the sentence in Section 2, Letter d:

- "A copy of these regulations shall be provided to the individual by the Environmental Health Department."

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gilbreath to approve the original version of Ordinance No. 2011-O0070 without the amendment.

Vote: 3 - 4 Failed

AYE: Council Member Jim Gilbreath
Council Member Todd R. Klein
Council Member Victor Hernandez

Motion by Council Member Karen Gibson, seconded by Mayor Pro Tem Floyd Price to approve Ordinance No. 2011-O0070 with an amendment striking the sentence in Section 2, Letter d:

- "A copy of these regulations shall be provided to the individual by the Environmental Health Department."

Vote: 5 - 2 Motion carried

NAY: Council Member Paul R. Beane
Council Member Todd R. Klein

- 6. 13. Board Appointments - City Secretary :** Consider six appointments to the Appointments Advisory Board, two appointments to the Animal Services Advisory Board, three appointments to the Permit and License Appeal Board, two appointments to the Urban Renewal / Neighborhood Redevelopment Commission, and five appointments to the Willow Bend Public Improvement Advisory Board.

This item was deleted.

- 7. Work Session/Business Agenda - Items for presentation and discussion on such issues that may require more in-depth consideration of the City Council than Regular Agenda items. Action may be taken on a Work Session item posting of the item provided indicates to the public the action to be taken.**

- 7. 1.** Discuss and give direction to the City Manager on the status of the City's Health Department.

Lee Ann Dumbauld, City Manager, gave a presentation on the status of the City's Health Department and answered questions from Council.

Motion by Council Member Jim Gilbreath, seconded by Council Member Karen Gibson to adopt the Resolution of the Board of Health to study all health issues, have Council representation, and give the City Manager direction on how to proceed with the Public Health Services.

Vote: 7 - 0 Motion carried

6:05 P.M. CITY COUNCIL ADJOURNED

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

TOM MARTIN, MAYOR

ATTEST:

Rebecca Garza, City Secretary