

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
March 29, 2012
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 29th of March, 2012, 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; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

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

- *Citizen Comments (1.1); Sign-ups (1.2); Executive Session; 3.1-3.8; 4.1; 6.1-6.3; 6.6-6.8; 5.1-5.6; 5.9-5.10; 5.12-5.16; 5.18-5.19; 5.21-5.34; 5.7-5.8; 5.11; 5.17; 5.20; 6.4; Executive Session; 6.5; and 6.9.*

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. Lewrie Close will appear before the City Council to discuss water and stormwater green issues.

Lewrie Close did not appear.

1. 2. Citizen Comments (sign-ups):

Armando Gonzales appeared before Council to speak in opposition of land fracking.

R.K. Miller appeared before Council to speak on the Drought Contingency Plan.

Sam Harper appeared before Council to discuss the allocation of Community Development Block Grant funds for the Hispanic Cultural Center of Lubbock.

2. Executive Session

The meeting was called into a closed public session at 7:45 a.m. under the provisions of Section 552, Texas Government Code. The meeting was called back into open session at 9:32 a.m.

Council recessed into Executive Session again at 10:53 a.m. and reconvened in open session at 1:37 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. Atmos Shared Services Depreciation Filing with the Railroad Commission, Docket No. GUD 10147
2. 1. 2. Case No. 71 193 Y 00084 08 HealthSmart Holdings, Inc., Formerly The Parker Group, ICON Benefit Administrators II, L.P., HealthSmart Preferred Care II, L.P., and HealthSmart Benefit Solutions, Inc., Formerly American Administrative Group, Inc., v. City of Lubbock, Texas v. Q Elements, LTD., And its General Partner Q-Elements Management Services, LLC; HealthSmart Information Systems, Inc., Formerly CareVu Corporation, Care ARC Texas, L.P. Formerly Care ATC Texas Corp. And its General Partner Parker Group GP, LLC. HealthSmart Holdings, Inc., d/b/a Free First Healthcare Clinics, Parker GP, LLC as general partner of ICON Benefit Administrators, II, L.P., HealthSmart Preferred Care II, L.P., and its General Partner Parker GP, LLC
2. 1. 3. Cause No. 141 241783 09; Ted Parker v. City of Lubbock; In the 141st District Court of Tarrant County, Texas
2. 1. 4. Cause No. D-1GN-11-001866; Travis County – ICON Benefit Administrators II, L.P. v. Greg Abbott, City of Lubbock vs Lubbock Avalanche Journal, Intervenor
2. 1. 5. No 2007-540,024 ICON Benefit Administrators II, L.P., and American Administrative Group, Inc., in the 72nd District Court of Lubbock County, Texas
2. 1. 6. No. 2007-538,383 City of Lubbock, Texas v. The Parker Group, Inc., d/b/a TPG The Parker Group, ICON Benefit Administrators II, L.P.; American Administrative Group, Inc., and HealthSmart Preferred Care, II, L.P., in the 72nd District Court of Lubbock County, Texas
2. 1. 7. CC-08-01067-B ICON Benefit Administrators II, L.P., and American Administrative Group, Inc. v. Joella Mullin, Stanley Self, Andrea Davenport, Lee Ann Dumbauld, Scott Snider, Leisa Hutcheson, and Unknown Others in the County Court at Law No. 2 of Dallas County, Texas
2. 1. 8. Martha Ellerbrook v. City of Lubbock, No. 11-10058, In The United States Court of Appeals For The Fifth Circuit, Appeal from the United States District Court for the Northern District of Texas USDC No. 5:09-CV-144
2. 1. 9. Advice of counsel regarding making an initial determination under Section 2258.052 of the Texas Government Code that good cause exists to believe that Lone Star Dirt & Paving, Inc., paid less than the prevailing wage rates on Contract 10287 and Contract 10288.
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. Public Works
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), to discuss personnel matters regarding the duties, responsibilities, and/or appointments to the Electric Utility Board.

8:45 A.M. CITY COUNCIL RECESSED TO THE LUBBOCK MEMORIAL CIVIC CENTER TO ATTEND THE OPENING CEREMONY OF THE TEXAS COTTON GINNERS' ASSOCIATION. CITY COUNCIL RECONVENED AT 9:32 A.M.

3. Proclamations and Presentations

3. 1. Invocation by Dr. Richard Rush, Calvary Baptist Church

Dr. Richard Rush, Calvary Baptist Church, led the invocation.

3. 2. Pledges of Allegiance

Pledges of allegiance were given by those in City Council Chambers to the United States flag and the Texas flag.

3. 3. Presentation of a special recognition commemorating March 29 - 31, 2012, as ABC Pro Rodeo Days

Mayor Martin presented special recognition commemorating March 29 - 31, 2012, as ABC Pro Rodeo Days. Leslie Cox, 2012 Rodeo Chair, invited the community to join in the festivities and gave thanks for continued support. Tom Vermillion, Executive Director of the Boys and Girls Club, gave comments on the usage of funds for the Boys and Girls Club.

3. 4. Presentation of special recognition commemorating April 13 - 15, 2012, as the 34th Annual Lubbock Arts Festival Weekend

Mayor Martin presented special recognition commemorating April 13 - 15, 2012, as the 34th Annual Lubbock Arts Festival Weekend. Elizabeth Regner, Executive Director of the Arts Alliance, gave thanks to the Mayor, City Council, and City staff for their support and efforts, and invited the community to participate in the Arts Festival. Ms. Regner was also joined by Janis Hubble, local artist and business owner; Cathy Bodenstedt, owner of Caprock Winery; and Vanessa Jehangiri, Program Coordinator for Lubbock Arts Alliance.

3. 5. Presentation of a special recognition commemorating March 2012 as Youth Art Month

Mayor Martin presented special recognition commemorating March 2012 as Youth Art Month. Will Burks, Director of Fine Arts, Lubbock ISD, gave comments on the importance of the arts in the school system.

3. 6. Presentation of a special recognition commemorating April 2012 as Sexual Assault Awareness Month

Mayor Martin presented special recognition commemorating April 2012 as Sexual Assault Awareness Month. Leslie Timmons, Community Educator, Lubbock Rape Crisis Center, invited the community to their upcoming event, "Walk a Mile in Her Shoes," to help raise awareness for sexual assault victims.

3. 7. Presentation of a special recognition commemorating 2012 as Colon Cancer Prevention and Awareness Year

Mayor Martin presented special recognition commemorating 2012 as Colon Cancer Prevention and Awareness Year. Dr. Davor Vugrin, Chairman of the Lubbock South Plains Colon Prevention Task Force, gave comments on the importance of awareness and screenings.

3. 8. Board Recognitions:

Community Development & Services Board

Brice Foster (unable to attend)
Roger Karr

Housing Finance Corporation

Tom Couture

North Overton Tax Increment Finance Reinvestment Zone Board of Directors

Kent Moore (unable to attend)

Urban Design & Historic Preservation Commission

Jeanette Nathan

4. Minutes

- 4. 1.** January 24, 2012 Special City Council Meeting
February 22, 2012 Special City Council Meeting
February 23, 2012 Special City Council Meeting
February 23, 2012 Regular City Council Meeting

Motion by Council Member Todd R. Klein, seconded by Council Member Karen Gibson to approve the minutes for the January 24, 2012 Special City Council Meeting, the February 22, 2012 Special City Council Meeting, the February 23, 2012 Special City Council Meeting, and the February 23, 2012 Regular City Council Meeting.

Vote: 6 - 0 Motion carried

Other: Mayor Pro Tem Floyd Price (AWAY)

- 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 Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve items 5.1-5.6; 5.9-5.10; 5.12-5.16; 5.18-5.19; and 5.21-5.34.

Vote: 7 - 0 Motion carried

- 5. 1. Budget Ordinance Amendment 1st Reading - Finance :** Ordinance No. 2012-O0028, Amendment 12, amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Comprehensive Energy Assistance Program (CEAP) Grant, Grant No. 82048; accept and appropriate funding from the Federal Transit Administration (FTA) for the Section 5308 - Clean Fuels Grant, Grant No. 88027; respecting the Donations Fund to accept and appropriate funding from Atmos Energy for the Atmos Energy Conservation Customer Value Plan; respecting the FY 2011-12 Master Lease; respecting the Lubbock Power & Light (LP&L) Capital Program to establish Capital Improvement Project No. 92282, Downtown Redevelopment Underground; and respecting the LP&L Operating Fund to increase transfers to the Capital Project Fund and increase utilization of net assets.
- 5. 1. 1. Contract Resolution - Community Development :** Resolution No. 2012-R0110 authorizing the Mayor to execute Contract 58120001362 with the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program to fund utility assistance programs to low-income families and individuals.
- 5. 2. Ordinance 1st Reading – Right-of-Way :** Ordinance No. 2012-O0029 abandoning and closing a five-foot LP&L underground utility easement, located in Lot 534, North Pointe Addition, 4934 Marshall Street.
- 5. 3. Ordinance 1st Reading – Right-of-Way :** Ordinance No. 2012-O0030 abandoning and closing a 52-foot drainage easement in Section 289, Block AK, Bacon Crest Addition, 75th Place and Ironton Avenue.
- 5. 4. Ordinance 1st Reading – Right-of-Way :** Ordinance No. 2012-O0031 abandoning and closing an underground utility easement, located in Tract A, Cuevas Family Partnership Addition, 6401 Frankford Avenue.
- 5. 5. Contract Resolution - Right-of-Way :** Resolution No. 2012-R0111 authorizing the Mayor to execute Contract 10698 with Travis Lancaster to farm 4.82 acres out of Section 1259, J. H. Gibson Survey, Garza County, Texas.
- 5. 6. Contract Resolution - Right-of-Way :** Resolution No. 2012-R0112 authorizing the Mayor to execute Contract 10520 with 7 B Building and Development for the sale of a portion of East 50th Street right-of-way, located at 304 50th Street, BID 12-10520-RH.

5. 7. **Contract Resolution – Public Works Engineering** : Resolution No. 2012-R0140 authorizing the Mayor to execute Contract 0783-02-084, an Advanced Funding Agreement, with the Texas Department of Transportation (TxDOT) for the reconstruction of the interchange on North Loop 289 at Quaker Avenue and Erskine Street.

Marsha Reed, Chief Operating Officer, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gilbreath to approve Resolution No. 2012-R0140.

Vote: 7 - 0 Motion carried

5. 8. **Contract Resolution - Public Works Engineering** : Resolution No. 2012-R0141 authorizing the Mayor to execute unit price Contract 10509 with Allen Butler Construction, Inc., for strip paving 114th Street from Indiana Avenue to University Avenue, BID 12-10509-RH.

Marsha Reed, Chief Operating Officer, gave comments and answered questions from Council.

It was the consensus of the Council to have staff bring forth a resolution on the next agenda to authorize the design work for the next phase of the project.

Motion by Council Member Todd R. Klein, seconded by Council Member Paul R. Beane to approve Resolution No. 2012-R0141.

Vote: 7 - 0 Motion carried

5. 9. **Contract Resolution - Public Works Water Utility** : Resolution No. 2012-R0113 authorizing the Mayor to execute Contract 10289 with Gary McDaniel for cattle grazing rights to portions of the wildlife mitigation area at Lake Alan Henry, BID 12-10289-CI.

5. 10. **Contract Resolution - Public Works Water Utility** : Resolution No. 2012-R0114 authorizing the Mayor to execute purchase order Contract 23101338 with AGH2O Holdings for Sorghum Sudangrass Hybrid for land application sites, BID 12-10516-TL.

5. 11. **Contract Resolution - Public Works Water Utility** : Resolution No. 2012-R0142 authorizing the Mayor to execute unit price Contract 10518 with Complete Power Pole Inspections for annual power pole maintenance at the Bailey County Well Field, BID 12-10518-DG.

Marsha Reed, Chief Operating Officer, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gilbreath to approve Resolution No. 2012-R0142.

Vote: 7 - 0 Motion carried

5. 12. **Contract Resolution - Public Works Water Utility:** Resolution No. 2012-R0115 authorizing the mayor to execute purchase order Contract 22101378 with IDEXX Distribution Corporation for water testing supplies.

5. 13. **Ordinance 1st Reading – Public Works Traffic Engineering** : Ordinance No. 2012-O0032 amending Chapter 20 - Traffic, of the Lubbock Code of Ordinances, providing for the amendment of such code; providing a savings clause; providing a penalty for the violation thereof; providing for publication; and providing when such code and this ordinance shall become effective.
5. 14. **Contract Amendment Resolution - Airport** : Resolution No. 2012-R0116 authorizing the Mayor to execute Supplement 1 to Amendment 3 to Contract 9501 with Parkhill, Smith & Cooper, Inc., (PSC) for construction phase services for Phase II Runway 08/26 and Taxiway Improvements.
5. 15. **Contract Resolution - Airport** : Resolution No. 2012-R0117 authorizing the Mayor to execute Contract GS-07B-17079 with General Services Administration (GSA) for the lease of airport terminal space for the Transportation Security Administration (TSA).
5. 16. **Contract Resolution - Parks and Recreation:** Resolution No. 2012-R0118 authorizing the Mayor to execute unit price Contract 10514 with Circle R Lawn and Sprinkler for three applications of pre-emergent and post-emergent herbicide for various parkland properties, BID 12-10514-CI.
5. 17. **Contract Resolution - Parks and Recreation** : Resolution No. 2012-R0143 authorizing the Mayor to execute purchase order Contract 10005091 with InSite Amenities for park improvements at park properties.

Lee Ann Dumbauld, City Manager; Cheryl Brock, Project Manager; and Scott Snider, Assistant City Manager, gave comments and answered questions from Council.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve Resolution No. 2012-R0143.

Vote: 7 - 0 Motion carried

5. 18. **Contract Resolution - Parks and Recreation** : Resolution No. 2012-R0119 authorizing the Mayor to execute Contract 10506 with the South Plains Food Bank for meal services for Senior Citizen Centers, RFP 12-10506-TL.
5. 19. **Contract Resolution - Information Technology** : Resolution No. 2012-R0120 authorizing the Mayor to execute Contract 10700, a software maintenance agreement, and Amendment 1 to Contract 10700 with Bentley Systems, Inc., for design and infrastructure software.
5. 20. **Resolution - Community Development** : Resolution No. 2012-R0144 approving the Community Development and Services Board (CDSB) recommendations for the reallocation of unspent FY 2010-11 federal funds from the Community Development Block Grant (CDBG).

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve Resolution No. 2012-R0144.

Vote: 7 - 0 Motion carried

5. 21. **Contract Amendment Resolution - Community Development** : Resolution No. 2012-R0121 authorizing the Mayor to execute Amendment 1 to Community Development Funding Contract 9175 with the North and East Lubbock Community Development Corporation (NELCDC) for the Community Development Block Grant - Recovery Program (CDBG-R) to complete the construction of Phase II of the Parkway Place Strip Center with funds from the American Recovery and Reinvestment Act (ARRA).

5. 22. **Contract Amendment Resolution - Community Development** : Resolution No. 2012-R0122 authorizing the Mayor to execute Amendment 1 to Community Development Funding Contract 9198 with the Salvation Army, a Georgia Corporation, to provide assistance to prevent homelessness and to re-house homeless individuals and families through the Homeless Prevention and Rapid Re-Housing Program (HPRP) under Title XII of the American Recovery and Reinvestment Act (ARRA).
5. 23. **Contract Resolution - Community Development** : Resolution No. 2012-R0123 authorizing the Mayor to execute Community Development Funding Contract 10718 with LIFE Run Independent Living Centers to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program (CEAP) Grant and the Community Services Block Grant (CSBG).
5. 24. **Contract Resolution - Community Development** : Resolution No. 2012-R0124 authorizing the Mayor to execute Community Development Funding Contract 10719 with Lutheran Social Services of the South (LSSS) to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program (CEAP) Grant and the Community Services Block Grant (CSBG).
5. 25. **Contract Resolution - Citibus** : Resolution No. 2012-R0125 authorizing the Mayor to execute a Section 5310 Grant, Contract 51205F7170, with the Texas Department of Transportation (TxDOT) for preventative maintenance for vehicles used in the CitiAccess demand response service to meet the special needs of elderly individuals and individuals with disabilities.
5. 26. **Contract Resolution - Citibus** : Resolution No. 2012-R0126 authorizing the Mayor to execute Contract 10706 a Transportation Development Credit Agreement, with the Texas Department of Transportation (TxDOT) for a local match for the 2012 Section 5308 Clean Fuels Grant.
5. 27. **Contract Resolution - Citibus** : Resolution No. 2012-R0127 authorizing the Mayor to execute a Section 5307 Grant, Contract 10703, with the Federal Transit Administration (FTA) for operating assistance for fixed route and demand response services.
5. 28. **Contract Resolution - Citibus** : Resolution No. 2012-R0128 authorizing the Director of Fiscal Policy to execute a 2012 Job Access and Reverse Commute Program (JARC) Grant with the Federal Transit Administration (FTA) to provide public transportation to places of employment.
5. 29. **Contract Resolution - Citibus** : Resolution No. 2012-R0129 authorizing the Director of Fiscal Policy to execute a 2011 New Freedom Mobility Management (New Freedom) Grant with the Federal Transit Administration (FTA) to assist in informing the community of opportunities that public transit provides.
5. 30. **Contract Resolution - Emergency Management** : Resolution No.'s 2012-R0130, 2012-R0131, 2012-R0132, 2012-R0133, 2012-R0134, and 2012-R0135 authorizing the Mayor to execute Interlocal Agreements with Idalou Independent School District, Lubbock Independent School District, New Deal Independent School District, Roosevelt Independent School District, Shallowater Independent School District, and Slaton Independent School District allowing use of school facilities for mass immunizations or prophylaxis during public health emergencies.
5. 31. **Contract Resolution - Emergency Management** : Resolution No.'s 2012-R0136 and 2012-R0137 authorizing the Mayor to execute Interlocal Agreements with Frenship Independent School District (FISD) and Lubbock-Cooper Independent School District (LCISD) allowing use of school facilities for mass immunization or prophylaxis during public health emergencies and designating the sites as Alternate Care Sites.

5. 32. **Contract Resolution - Police** : Resolution No. 2012-R0138 authorizing the Mayor to execute Contract 10713 with the Lubbock County Sheriff's Office for submission of electronically reportable arrest and fingerprints to the Texas Department of Public Safety for the LiveScan Fingerprinting System.
5. 33. **Contract Resolution - Police** : Resolution No. 2012-R0139 authorizing the Chief of Police to execute Supplement 1 to Contract 9027, a service agreement, with West Government Services (West) as a vendor for public records.
5. 34. **Ordinance Amendment 2nd Reading – City Council** : Ordinance 2012-0022 amending Chapter 22 of the City of Lubbock Code of Ordinances with regard to the Drought and Emergency Contingency Plan.

6. **Regular Agenda**

6. 1. **Public Hearing 9:30 a.m. - Planning** : Ordinance No. 2012-O0023, Zone Case 3159 (2001 60th Street): request of Cori Davis (for Across the Street Ministries) for a zoning change from R-1 (Single-Family District) to A-2 (High-Density Apartment District) limited to church and church related uses on Lot 1, Block 5, Vandelia Village Addition, and to consider an ordinance.

Dennis Carrizales, Planner, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:06 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:06 a.m.

Motion by Council Member Todd R. Klein, seconded by Council Member Paul R. Beane to approve Ordinance No. 2012-O0023.

Vote: 7 - 0 Motion carried

6. 2. **Public Hearing 9:30 a.m. – Planning** : Ordinance No. 2012-O0024, Zone Case 1845-J (4819 Utica Avenue): request of Billy Rizzo (for Enterprise Rent-A-Car) for a zoning change from C-2 (Local Retail District) to C-4 (Commercial District) limited to automobile rentals and all C-2 permitted uses on parts of Tracts A and B, Gordon Heights Addition, and to consider an ordinance.

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

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

No one appeared to speak in favor or opposition.

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

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0024.

Vote: 7 - 0 Motion carried

- 6. 3. Public Hearing 9:30 a.m. - Planning :** Ordinance No. 2012-O0025, Zone Case 3065-C (6914 82nd Street): request of David Bloodworth for a zoning change from C-3 (General Retail District) to C-3 Specific Use for a veterinary clinic or hospital and all permitted C-3 uses on 1.032 acres of unplatted land out of Block AK, Section 30, and to consider an ordinance.

Matthew Perkins, Planning and Zoning Manager; and Randy Henson, Planning Director, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:14 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:14 a.m.

Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0025.

Vote: 7 - 0 Motion carried

- 6. 4. Contract Resolution - Community Development :** Resolution No. 2012-R0145 authorizing the Mayor to execute Community Development Funding Contract 10717 with Catholic Charities Diocese of Lubbock (CCD) to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program (CEAP) Grant and the Community Services Block Grant (CSBG).

Motion by Council Member Karen Gibson, seconded by Council Member Todd R. Klein to approve Resolution No. 2012-R0145.

Vote: 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

- 6. 5. Resolution - City Attorney :** Resolution No. 2012-R0146 making an initial determination under Section 2258.052 of the Texas Government Code that good cause exists to believe that Lone Star Dirt & Paving, Inc., paid less than the prevailing wage rates on Contract 10287 and Contract 10288.

Motion by Council Member Karen Gibson, seconded by Mayor Pro Tem Floyd Price to approve Resolution No. 2012-R0146.

Vote: 5 - 0 Motion carried

Other: Council Member Jim Gilbreath (RECUSE)

Council Member Todd R. Klein (AWAY)

- 6. 6. Public Hearing 9:30 a.m. - Lubbock Power & Light :** Hold a public hearing to discuss proposed changes to Chapter 2, Article 2.03, Division 12, of the City of Lubbock Code of Ordinances relating to the authority, duties, and responsibilities of the Electric Utility Board and the disbursement of net revenues of Lubbock Power & Light as required by Section 2.03.418 of the City of Lubbock Code of Ordinances.

Matt Wade, Legal Chief Counsel for Lubbock, Power, & Light, gave comments and answered questions from Council.

Mayor Martin opened the public hearing at 10:20 a.m.

No one appeared to speak in favor or opposition.

Mayor Martin closed the public hearing at 10:20 a.m.

Public hearing only. No action was taken on this item.

- 6. 7. Ordinance 1st Reading - Lubbock Power & Light :** Ordinance No. 2012-O0026 amending Chapter 2, Article 2.03, Division 12, of the City of Lubbock Code of Ordinances relating to the authority, duties, and responsibilities of the Electric Utility Board and the disbursement of net revenues of Lubbock Power & Light.

Motion by Council Member Victor Hernandez, seconded by Council Member Karen Gibson to approve Ordinance No. 2012-O0026.

Vote: 7 - 0 Motion carried

- 6. 8. Ordinance 1st Reading - Lubbock Power & Light:** Ordinance No. 2012-O0027 amending Chapter 22, Article 22.02, to relating to the electric utilities division of the City, reflecting related changes in federal and state law and the City Charter, and other changes as recommended by the Electric Utility Board (EUB).

Motion by Council Member Victor Hernandez, seconded by Council Member Karen Gibson to approve Ordinance No. 2012-O0027.

Vote: 7 - 0 Motion carried

- 6. 9. Board Appointments - City Secretary :** Consider one appointment to the Electric Utility Board, six appointments to the Animal Services Advisory Committee, three appointments to the Board of Health, two appointments to the Community Development & Services Board, and four appointments to the Keep Lubbock Beautiful Advisory Committee.

Animal Services Advisory Committee: This item was deleted.

Board of Health: This item was deleted.

Community Development & Services Board: This item was deleted.

Electric Utility Board: Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Karen Gibson, to appoint Carroll McDonald.

Vote: 7 - 0 Motion carried

Keep Lubbock Beautiful Advisory Committee: Motion by Mayor Pro Tem Floyd Price, seconded by Council Member Todd R. Klein, to reappoint Jim Gatteys, Charles Harris, and Alice Lozada, and to appoint Lisa Stratton.

Vote: 7 - 0 Motion carried

1:38 P.M. CITY COUNCIL ADJOURNED

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

TOM MARTIN, MAYOR

ATTEST:

Rebecca Garza, City Secretary