

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**August 23, 2012**  
**3:00 P. M.**

**The City Council of the City of Lubbock, Texas met in regular session on the 23rd of August, 2012, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 3:00 p. m.**

**3:00 P.M. CITY COUNCIL CONVENED**  
**City Council Chambers, 1625 13th Street, Lubbock, Texas**

Present: Mayor Glen C. Robertson; Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; Council Member Victor Hernandez; Council Member Latrelle Joy; Council Member Todd R. Klein; Council Member Floyd Price; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

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

- *Executive Session; 2.1-2.4; Citizen Comments; Sign-ups (3.2); 4.1; 5.4-5.7; 5.9-5.14; 5.1-5.3; 5.8; 6.4-6.6; 6.11; 6.13; 6.1-6.3; 6.7-6.10; 6.12; 6.14; 6.15-6.16; and 7.6-7.7.*
- *Items 7.1-7.5 were deleted.*

**1. Executive Session**

**The meeting was called into a closed public session at 3:01 p.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into public session at 6:15 p.m.**

- 1. 1.** 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 Building Board of Appeals, Central Business District Tax Increment Financing Reinvestment Board of Directors, Lake Alan Henry Board of Appeals, Permit and License Appeals Board, Planning and Zoning Commission, StarCare Board of Trustees (formerly know as MHMR), and Urban Renewal and Neighborhood Redevelopment Commission.
- 1. 2.** Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071 (1) (A) and (B) seeking the advice of its legal counsel about pending or contemplated litigation or settlement and hold a consultation with the attorney regarding claims related to electric power outages.
- 1. 3.** Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071 (1) (A) and (B) seeking advice of its legal counsel about pending or contemplated litigation or settlement and hold a consultation with counsel regarding the Statement of Intent filed by Atmos Energy Corporation on February 7, 2012, to increase gas utility rates within the incorporated areas serviced by Atmos Energy Corporation, West Texas and the City's denial of the intent filed by Atmos Energy Corporation and to consider a settlement.
- 1. 4.** Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, lease, or value of real property: Godeke Library, including any and all options available to the City.

1. 5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and take appropriate action.
1. 5. 1. City Attorney
1. 5. 2. City Manager
1. 5. 3. City Secretary

**6:15 P.M. CITY COUNCIL RECONVENED  
Council Chambers**

**2. Proclamations and Presentations**

2. 1. Invocation by Chris Riley, Minister to Students, Monterey Baptist Church.

Chris Riley, Minister to Students at Monterey Baptist Church, led the invocation.

2. 2. Pledges of Allegiance

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

2. 3. Presentation of a special recognition to designate September 11, 2012 as First Responders Day.

Mayor Robertson, along with Council Member Floyd Price, presented special recognition to designate September 11, 2012 as First Responders Day. Greg Jones, Executive Vice President of Business Development for American State Bank, and members of EMS, Lubbock Fire Department, and Lubbock Police Department appeared to accept the recognition. Mr. Jones gave comments on the American Flag tribute that will be displayed in Kastman Park from September 6, 2012 through September 13, 2012.

2. 4. **Appointments Advisory Board:**  
John Bowen  
Phebe Ellis-Roach (unable to attend)

**Building Board of Appeals:**  
Scott Fagin

**Citizen Traffic Commission:**  
Maurice Williams

**Lubbock Water Advisory Commission:**  
Maggie Trejo

**Water Board of Appeals:**  
Harvey McClarty (unable to attend)

**3. 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.**

**3. 1.** David Stewart will appear before the City Council to discuss stormwater fees.

David Stewart appeared before Council to speak in opposition of stormwater fees for small businesses and in support of fracking.

**3. 2. Sign-ups:**

- Charles Shue appeared before Council to discuss water issues.
- Ron Peters, owner of Pressman Printers; Don Parks, owner of Parks Printing Company; and Burley Owen appeared to speak about the printing industry and Lubbock Economic Development Alliance (LEDA).
- Doris Rousseau appeared before Council to speak about property value and Lubbock Power & Light.
- LeEarl Bryant appeared before Council to speak about the Library budget.
- Mikel Ward appeared before Council to speak about the budget and Lubbock Economic Development (LEDA).
- Maurice Stanley appeared before Council to speak about the budget and City maintenance.
- Armando Gonzales appeared before Council to speak in opposition of fracking and to encourage a City operated broadcast system.

**4. Minutes**

**4. 1.** July 24, 2012 Special City Council Meeting (Budget Work Session)  
July 24, 2012 Special City Council Meeting (Marsha Sharp Freeway Ribbon Cutting)  
July 26, 2012 Regular City Council Meeting  
July 31, 2012 Special City Council Meeting (Budget Work Session)  
August 1, 2012 Special City Council Meeting (South Water Treatment Plant Ribbon Cutting)

Motion by Council Member Floyd Price, seconded by Mayor Pro Tem Karen Gibson to approve the July 24, 2012 Special City Council Meeting (Budget Work Session); the July 24, 2012 Special City Council Meeting (Marsha Sharp Freeway Ribbon Cutting); the July 26, 2012 Regular City Council Meeting; the July 31, 2012 Special City Council Meeting (Budget Work Session); and the August 1, 2012 special City Council Meeting (South Water Treatment Plant Ribbon Cutting) minutes.

**Vote:** 6 - 0 Motion carried

Other: Council Member Todd R. Klein (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 Karen Gibson, seconded by Council Member Latrelle Joy to approve items 5.4-5.7, and 5.9-5.14.

**Vote:** 6 - 0 Motion carried

Other: Council Member Todd R. Klein (AWAY)

- 5. 1. Budget Ordinance Amendment 2nd Reading - LP&L :** Budget Ordinance 2012-O0079, Amendment 21, amending the Adopted FY 2011-12 Budget respecting the Lubbock Power and Light (LP&L) Capital Project Fund by amending Capital Improvement Project No. 92197, Tie Line Transformer Replacement; and by establishing Capital Improvement Project 92283, MGL 6 & 7 Cooling Tower Replacement; and respecting the LP&L Operating Fund by decreasing the transfer to the Capital Projects Fund.

Motion by Council Member Floyd Price, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2012-O0079.

**Vote:** 6 - 1 Motion carried

NAY: Council Member Victor Hernandez

- 5. 2. Ordinance 2nd Reading – City Attorney :** Ordinance 2012-O0084, amending Chapter 14, Offenses and Other Provisions, of the Code of Ordinances of the City of Lubbock, Texas, with regard to repealing outdated and unnecessary provisions, amending provisions to encompass current practices, and conforming the ordinance to the standards and conventions of the rest of the code of ordinances; providing a penalty clause for the violation thereof; providing a savings clause; and providing for publication.

Sam Medina, City Attorney, gave comments and answered questions from Council.

Motion by Council Member Jim Gerlt, seconded by Council Member Todd R. Klein to make the following amendment to Ordinance 2012-O0084 that reads as follows:

- Section 14.04.003(1)(b) Any governmental entity using its owned or leased property.
- Section 14.04.009 Nothing herein shall be construed as prohibiting, limiting, or restricting the activities of any governmental entity holding events on its owned or leased property or any public utility.

**Vote:** 7 - 0 Motion carried

Motion by Council Member Jim Gerlt, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0084 as amended.

**Vote:** 7 - 0 Motion carried

- 5. 3. Ordinance 2nd Reading – Traffic :** Ordinance 2012-O0085 amending Chapter 20, Traffic, of the City of Lubbock Code of Ordinances, to amend Article 20.05, Division 1, to create a Section 20.05.010, Impounding Uninsured Vehicles, to authorize a Police Officer to impound a motor vehicle stopped for a traffic law violation if the vehicle's owner or operator fails to show evidence of financial responsibility; providing a savings clause; providing a penalty for the violation thereof; and providing for publication.

Sam Medina, City Attorney, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Ordinance No. 2012-O0085.

**Vote:** 6 - 1 Motion carried

NAY: Council Member Victor Hernandez

5. 4. **Ordinance 2nd Reading – Right-of-Way** : Ordinance 2012-O0080 abandoning and closing two water line easements located in Block 6, Suburban Homes Addition, to the City of Lubbock, Lubbock County, Texas, 304 50th Street.
5. 5. **Ordinance 2nd Reading – Right-of-Way** : Ordinance 2012-O0081 abandoning and closing a portion of a 20 foot drainage easement located on Lot 9, Northridge Addition, Lubbock, Texas, 3005 Mesa Road.
5. 6. **Resolution - Right-of-Way** : Resolution No. 2012-R0315 authorizing the Mayor to execute a right-of-way easement agreement with the Texas A & M University System regarding a Lubbock Power and Light easement located on the Texas A & M University Agricultural Research and Extension Center, 1102 East F.M. 1294.
5. 7. **Contract Resolution – Public Works Engineering** : Resolution No. 2012-R0316 authorizing the Mayor to execute unit price Contract 10643 with Advanced Communications USA, Inc., for an 8 inch water line change out under Buddy Holly Avenue from 18th Street to 23rd Street, BID 12-10643-CI.
5. 8. **Contract Resolution - Public Works Water Resources** : Resolution No. 2012-R0322 authorizing the Mayor to execute an amendment to the U.S. Environmental Protection Agency, grant 96629501, associated with the Canyon Lakes Water Reuse project.

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

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to approve Resolution No. 2012-R0322.

**Vote:** 7 - 0 Motion carried

5. 9. **Contract Resolution - Airport** : Resolution No. 2012-R0317 authorizing the Mayor to execute Contract 10853, an agreement between the City of Lubbock and Lee Lewis Construction, Inc., for a ground lease at Lubbock Preston Smith International Airport.
5. 10. **Contract Resolution - Airport** : Resolution No. 2012-R0318 authorizing the Mayor to execute Contract 10884, an agreement between the City of Lubbock and Echo Hangar, LLC, for a ground lease at Lubbock Preston Smith International Airport.
5. 11. **Resolution - Transit** : Resolution No. 2012-R0319 authorizing the Mayor to execute an amendment to ICB 1101 (05) 33, a Texas Department of Transportation Section 5311 f grant for renovation/expansion of the Downtown Transfer Plaza (DTP).
5. 12. **Contract Resolution - Transit** : Resolution No. 2012-R0320 authorizing the Mayor to execute Change Order 3 to Contract 9916 with DM Construction, LLC., for the Citibus Downtown Transfer Plaza Renovations and Additions Project.

5. 13. **Contract Resolution - Transit** : Resolution No. 2012-R0321 authorizing the Mayor to execute Contract 10886 and all related documents with the Lubbock Metropolitan Planning Organization (LMPO).
5. 14. **Budget Ordinance Amendment 1st Reading - Finance** : Ordinance No. 2012-O0086, Amendment 23, amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate funding from the Texas Department of State Health Services (DSHS) for the Regional and Local Services Section/Local Public Health System (RLSS/LPHS) Grant, the Immunization Branch - Locals (Immunization) Grant, the Syphilis Elimination Texas - Lubbock County (STD) Grant, and the Public Health Emergency Preparedness (PHEP) Grant.

6. **Regular Agenda**

6. 1. **Public Hearing 6:30 p.m. - Planning** : Ordinance No. 2012-O0092, ZONE CASE 3145-B: request of City of Lubbock for a zoning change from IHC, IHI, C-4, and M-1 to CB-2 and CB-6 on 36.51 acres including Original Town Lubbock Block 6, 7, 22, 23, 24, 38, 39, 40, 57, 88, 89, Lots 1-10 Block 73, Lots 1-10 Block 90, Lots 11-15 Block 72, Citibus Tr A, and JB Moskins L 1 (east of Avenue K, south of Marsha Sharp Freeway, north of 10th Street, and west of the railroad Right of Way) and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:28 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:29 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0092.

**Vote:** 7 - 0 Motion carried

6. 2. **Public Hearing 6:30 p.m. - Planning** : Ordinance No. 2012-O0093, ZONE CASE 2946-A: request of Gerald Hudson for a zoning change from R-1 to GO for a garden office on Lots 88 and 89, Lakeview Heights Addition (3402 and 3404 110th Street) and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:28 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:29 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0093.

**Vote:** 7 - 0 Motion carried

6. 3. **Public Hearing - 6:30 p.m. - Planning** : Ordinance No. 2012-O0094, ZONE CASE 2189-C: request of McLiney Lumber and Supply for a zoning change from C-2 to C-4 Specific Use limited to a home improvement center and all unconditionally permitted C-3 uses on 3.648 acres of unplatted land out of Block E, Section 9 and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:28 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:29 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0094.

**Vote:** 7 - 0 Motion carried

- 6. 4. Public Hearing 6:30 p.m. - Planning :** Ordinance No. 2012-O0087, ZONE CASE NO 3177: request of James Daniel (for The Landscape Gallery) for a zoning change from R-1 to C-4 limited to a greenhouse, plant nursery and all unconditionally permitted C-3 uses on 8.54 acres of unplatted land out of Block AK, Section 42 (2801 Alcove Avenue) and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:22 p.m.

Kay Daniel appeared to speak in favor.

No one appeared to speak in opposition.

Mayor Robertson closed the public hearing at 7:24 p.m.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Ordinance No. 2012-O0087.

**Vote:** 7 - 0 Motion carried

- 6. 5. Public Hearing 6:30 p.m. - Planning :** Ordinance No. 2012-O0088, ZONE CASE 3178: request of Tigris Development, LLC (for Joyce Craft) for a zoning change from R-1 to A-2 on 24 acres of unplatted land out of Block AK, Section 43 (north of 34th Street and west of Milwaukee Avenue) and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:24 p.m.

No one appeared to speak in opposition.

Mayor Robertson closed the public hearing at 7:24 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0088.

**Vote:** 7 - 0 Motion carried

- 6. 6. Public Hearing - 6:30 p.m. - Planning :** Ordinance No. 2012-O0089, ZONE CASE 3179: request of Tigris Development, LLC (for Joyce Craft) for a zoning change from R-1 to AM on 61.6 acres of unplatted land out of Block AK, Section 43 and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:25 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:25 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0089.

**Vote:** 7 - 0 Motion carried

- 6. 7. Public Hearing - 6:30 p.m. - Planning :** Ordinance No. 2012-O0095, ZONE CASE 3180: request of Hurt and Stell Investments for a zoning change from A-2 to A-3 for a multi-family development limited to four stories on the north part of the west 369.69 feet of Lot A, less the south 9,191 square feet, Blankenship #2 Addition (2819 3rd Street) and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:28 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:29 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0095.

**Vote:** 7 - 0 Motion carried

- 6. 8. Public Hearing - 6:30 p.m. - Planning :** Ordinance No. 2012-O0096, ZONE CASE 2995-P: request of James Rasmussen (for Rasmussen Development, Inc.) for a zoning change from C-2 to A-1 Specific Use for an apartment complex on 1.2 acres of Tract A, Woodbury Office Park (7021 Kewanee Avenue) and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:28 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:29 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0096.

**Vote:** 7 - 0 Motion carried

- 6. 9. Public Hearing - 6:30 p.m. - Planning :** Ordinance No. 2012-O0097, ZONE CASE 3181: request of Hugo Reed and Associates, Inc. (for Michael Strickland) for a zoning change from R-1 and T to C-3 and GO on 22.9 acres of unplatted land (north of Erskine Street and west of Frankford Avenue) and consider an ordinance.

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

Mayor Robertson opened the public hearing at 7:28 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:29 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0097 with an amendment to strike the following:

- THAT for the C-3 tract, a maximum of two curb returns shall be allowed.

**Vote:** 7 - 0 Motion carried

- 6. 10. Public Hearing - 6:30 p.m. - Planning :** Ordinance No. 2012-O0098, ZONE CASE 3182: request of Hugo Reed and Associates, Inc (for Nathan Gilmore) for a zoning change from T to R-1 Specific Use for Residential Estates to allow horses on Lots 100 and 125, Rancho Verde Estates Addition (7317 and 7318 80th Street) and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:28 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:29 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0098.

**Vote:** 7 - 0 Motion carried

- 6. 11. Public Hearing - 6:30 p.m. - Planning :** Ordinance No. 2012-O0090, ZONE CASE 3183: request of David Bloodworth (for Juan Gaudara) for a zoning change from C-3 to C-4 for a custom motorcycle shop on Lots 11, 12, and 13, Block 1, Burlison Osborne Heights Addition (2833 Clovis Road) and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:26 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:26 p.m.

Motion by Council Member Jim Gerlt, seconded by Council Member Latrelle Joy to approve Ordinance No. 2012-O0090.

**Vote:** 7 - 0 Motion carried

- 6. 12. Public Hearing - 6:30 p.m. - Planning :** Ordinance No. 2012-O0099, ZONE CASE 3184: request of City of Lubbock Community Development Department (for the City of Lubbock Urban Renewal Agency) for a zoning change from R-3 to R-1 for new single family home construction for an applicant in the new construction program on the east 122.8 feet of the south 30 feet of Lot 5 and the north 30 feet of Lot 6, Block 28, Beck Addition (210 and 212 Avenue S) and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:28 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:29 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0099.

**Vote:** 7 - 0 Motion carried

- 6. 13. Public Hearing - 6:30 p.m. - Planning :** Ordinance No. 2012-O0091, ZONE CASE 2151-B: request of Paul Johnson (for Samuel and Chandler Investments) for a zoning change from C-4 to M-1 for an office warehouse on Lots 1 through 6, Del Prado Addition (805 Southeast Loop 289 and 7203, 7205, 7207, 7209, and 7211 Globe Avenue) and to consider an ordinance.

Mayor Robertson opened the public hearing at 7:27 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:27 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Latrelle Joy to approve Ordinance No. 2012-O0091.

**Vote:** 7 - 0 Motion carried

- 6. 14. Budget Ordinance Amendment 2nd Reading - Finance :** Budget Ordinance 2012-O0083, Amendment 22, amending the Adopted FY 2011-12 Budget respecting the Grant Fund to accept and appropriate funding from the U.S. Department of Justice (DOJ) for the Edward Byrne Memorial Justice Assistance Grant (JAG); and to accept and appropriate additional funding from the U.S. Department of Housing and Urban Development (HUD) for the Emergency Solutions Grant (ESG), Grant No. 80046.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Ordinance No. 2012-O0083.

**Vote:** 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

- 6. 14. 1. Contract Resolution - Police :** Resolution No. 2012-R0323 authorizing the City Manager to execute an agreement with the United States Department of Justice for an Edward Byrne Memorial Justice Assistance Grant to fund the Lubbock County Joint Enforcement Initiative Program.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2012-R0323.

**Vote:** 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

- 6. 14. 2. Contract Resolution - Community Development -** Resolution No. 2012-R0324 authorizing the Mayor to execute an Amendment to a contract and all related documents with U. S. Department of Housing and Urban Development for the Emergency Solutions Grant to provide assistance to homeless individuals and families through the Rapid Re-housing Program in the form of rent and utility assistance.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2012-R0324.

**Vote:** 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

- 6. 15. Board Appointments - City Secretary :** Consider three appointments to the Appointments Advisory Board, one appointment to the Board of Health, two appointments to the Building Board of Appeals, one appointment to the Central Business Tax Increment Financing Reinvestment Zone Board of Directors, one appointment to the Keep Lubbock Beautiful Advisory Committee, two appointments to the Lake Alan Henry Board of Appeals, four appointments to the Permit and License Appeals Board, one appointment to the Planning and Zoning Commission, two appointments to the StarCare Board of Trustees (formerly know as MHMR), and one appointment to the Urban Renewal and Neighborhood Redevelopment Commission.

**Appointments Advisory Board:** Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Latrelle Joy, to appoint Michael Calvillo to the District 2 position.

**Vote:** 7 - 0 Motion carried

Motion by Council Member Latrelle Joy, seconded by Council Member Floyd Price, to reappoint Ann Horkey to the District 6 position.

**Vote:** 7 - 0 Motion carried

Motion by Council Member Jim Gerlt, seconded by Council Member Todd R. Klein, to appoint Norma Johnson to the District 4 position.

**Vote:** 7 - 0 Motion carried

**Board of Health:** Motion by Council Member Jim Gerlt, seconded by Council Member Todd R. Klein, to appoint Cathy Allen.

**Vote:** 7 - 0 Motion carried

**Building Board of Appeals:** Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to reappoint Ron Chamberless and Michael Landress.

**Vote:** 7 - 0 Motion carried

**Central Business TIF Reinvestment Zone Board of Directors:** Motion by Council Member Todd R. Klein, seconded by Council Member Latrelle Joy, to appoint Dan Pope.

**Vote:** 7 - 0 Motion carried

**Keep Lubbock Beautiful Advisory Committee:** Motion by Council Member Latrelle Joy, seconded by Todd R. Klein, to appoint Marie Meyer.

**Vote:** 7 - 0 Motion carried

**Lake Alan Henry Board of Appeals:** Motion by Council Member Jim Gerlt, seconded by Council Member Council Member Todd R. Klein, to appoint Ronald Moose.

**Vote:** 7 - 0 Motion carried

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein, to appoint Trey Strong.

**Vote:** 7 - 0 Motion carried

**Permit & License Appeals Board:** Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to reappoint Cecile Garcia, Lee Hunter, and Jake Montoya.

**Vote:** 7 - 0 Motion carried

Motion by Council Member Jim Gerlt, seconded by Council Member Todd R. Klein, to appoint Jeff Lowry.

**Vote:** 7 - 0 Motion carried

**Planning & Zoning Commission:** Motion by Council Member Latrelle Joy, seconded by Council Member Todd R. Klein, to appoint Michael Hicks.

**Vote:** 7 - 0 Motion carried

**StarCare Board of Trustees:** Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price, to reappoint Robert Kazee and Brian Shannon.

**Vote:** 7 - 0 Motion carried

**Urban Renewal & Neighborhood Redevelopment Commission:** Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson, to appoint Pat Hunter.

**Vote:** 7 - 0 Motion carried

- 6. 16. Public Hearing 6:30 p.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 3.95% (percentage by which the proposed tax rate exceeds the effective tax rate calculated under Chapter 26, Tax Code).

Mayor Robertson opened the public hearing at 7:38 p.m.

LeEarl Bryant, Mikel Ward, Stephanie Tishler, Janie Calvillo, and Maurice Stanley appeared before Council to speak on the proposed tax rate.

Mayor Robertson closed the public hearing at 8:20 p.m.

- 7. Work Session/Business Agenda - Items for presentations and discussions 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/Business Agenda item posting if the item indicates to the public the action to be taken.**

- 7. 1.** Councilman Todd Klein - Central Business District Tax Increment Financing presentation and discussion: FY 2012-13 Proposed Budget and related activities.

**This item was deleted.**

7. 2. Councilman Todd Klein - Lubbock Economic Development Alliance presentation and discussion: FY 2012-13 Proposed Budget and related activities.

**This item was deleted.**

7. 3. Councilman Todd Klein - Lubbock Water Advisory Commission presentation and discussion: FY 2012-13 Proposed Budget and related activities.

**This item was deleted.**

7. 4. Councilman Todd Klein - Lubbock Power & Light presentation and discussion: FY 2012-13 Proposed Budget and related activities.

**This item was deleted.**

7. 5. Councilman Todd Klein - Lubbock Metropolitan Planning Organization presentation and discussion: FY 2013-13 Proposed Budget and related activities.

**This item was deleted.**

7. 6. Mayor Pro Tem Karen Gibson - City Policies & Procedures presentation and discussion.

Sam Medina, City Attorney; and Amy Sims, Assistant City Attorney, distributed a draft of the revised City Council Policy and Procedures, gave comments, and answered questions from Council.

7. 7. Councilman Victor Hernandez - Consider hiring outside counsel that would render an opinion as concerns the 2004 City Charter election on LP&L as it relates to LP&L's management of their financial affairs and what legal authority the City has concerning the LP&L management of those financial affairs, including budgeting, long term capital planning, and all other budget matters. The legal opinion would include other areas that may be in question, other than financial, that would be incident to the 2004 City Charter election on LP&L.

Council Member Victor Hernandez gave a presentation on the City Charter as it relates to LP&L's management of their financial affairs.

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein to have the City of Lubbock Legal Counsel bring forward an opinion on the Charter as it relates to LP&L's management of their financial affairs and what legal authority the City has concerning the LP&L management of those financial affairs including budgeting, long term capital planning, and all other budget matters.

**Vote:** 5 - 2 Motion carried

NAY: Mayor Glen C. Robertson  
Council Member Latrelle Joy

## **8:56 P.M. CITY COUNCIL ADJOURNED**

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

---

GLEN C. ROBERTSON, MAYOR

ATTEST:

---

Rebecca Garza, City Secretary