

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
November 29, 2012
3:00 P. M.

The City Council of the City of Lubbock, Texas met in regular session on the 29th of November, 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 (3.1); Sign-ups (3.2); 6.10; Sign-ups Continued (3.3); 4.1; 6.9; 7.1-7.2; 6.1-6.8; 6.11-6.12; 5.6-5.7; 5.12; 5.14; 5.16; 5.19; 5.1-5.5; 5.8-5.11; 5.13; 5.15; and 5.17-5.18.*
- *Item 7.3 was deleted.*

1. Executive Session

The meeting was called into a closed public session at 3:00 p.m. under the provisions of Section 551, Texas Government Code. City Council reconvened in open session at 6:15 p.m.

- 1. 1.** Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071 (a), to discuss personnel matters, regarding the duties, responsibilities, and/or appointments to the Central Business District Tax Increment Financing Reinvestment Zone Board of Directors, Electric Utility Board, Lubbock Business Park Tax Increment Financing Reinvestment Zone Board of Directors, Lubbock Emergency Communications District Board of Managers, and Urban Renewal & Neighborhood Redevelopment Commission.
- 1. 2.** 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.
 - 1. 2. 1.** Concerning Chapters 380, 501 and 504 of the Texas Local Government Code; Article 3, Sections 52 and 52-a of the Texas Constitution; the contract with Market Lubbock, Inc. and any amendments thereto, the Articles of Incorporation and Bylaws of Market Lubbock, Inc.; the Articles of Incorporation of Lubbock Economic Development Alliance and the Bylaws of Lubbock Economic Development Alliance.
 - 1. 2. 2.** Robert E. Campbell, Maria-Joaquina Womack and Aurora Joy Campbell-Ortega v. Clinton Lewis and Jeffery Steven Simpson, Both in their individual and official Capacities as Police Officers for the City of Lubbock, Texas, and City of Lubbock. Civil No. 5:11-CV-00116-C; United States District Court, Northern District of Texas, Lubbock Division.

1. 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.

1. 3. 1. City Attorney

1. 3. 2. City Manager

1. 3. 3. City Secretary

1. 4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters of Lubbock Power & Light:

1. 4. 1. Discuss and deliberate generation unit specific fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling.

1. 4. 2. Discuss and deliberate agreements, proposals and strategies related to plans, studies, proposals and analyses for system improvements, generation additions, or sales (other than transmission and distribution system improvements inside the service area for which LP&L is the sole certificated retail provider).

1. 4. 3. Discuss and deliberate bidding and pricing information for purchased power, generation and fuel; purchased power agreements; risk management information and related services and strategies.

6:15 P.M. CITY COUNCIL RECONVENED

Council Chambers

2. Proclamations and Presentations

2. 1. Invocation by Dr. Wyatt Fenno, Westmont Christian Church.

Dr. Wyatt Fenno, Westmont Christian 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 for the volunteers who participated in the Veterans Honor Flight.

Mayor Robertson presented special recognition to the volunteers who participated in the Veterans Honor Flight. First Responders of the City of Lubbock and Lubbock County appeared to accept the recognition. Eddie Kirkpatrick, retired from the Lubbock Fire Department, gave thanks to all of the volunteers who participated.

2. 4. Appointments Advisory Board:
Judith Keller (unable to attend)

Citizens Traffic Commission:
Paige Holland (unable to attend)

Health & Educational Facilities Development Corporation:

Dr. Cynthia Dunn (unable to attend)

Marlise Hernandez (unable to attend)

Lubbock Economic Development Alliance Board of Directors:

Jim Gilbreath gave comments and thanked the Council for his appointment.

Market Lubbock, Inc. Board of Directors:

Jim Gilbreath

Planning & Zoning Commission:

Dan Wilson (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. Gina Johnson will appear before the City Council to discuss the availability of synthetic marijuana in local smoke shops.

Gina Johnson appeared before Council to discuss the availability of synthetic marijuana in local smoke shops. Ms. Johnson asked City Council to pass an ordinance banning synthetic marijuana.

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

- John Michael Getz, Quinn Pollard, Jent Burke, Rhonda Craig, Noe Brito, and Dorothy Sapp appeared before Council to speak in support of a city-wide ban of synthetic marijuana.

3. 3. **Sign-ups (Continued):**

- Donna Walz and LeEarl Bryant appeared before Council to speak in opposition to the proposed 50th Street site for the Godeke Library.
- Becky Garcia, Crystal Ysasaga, Anna Ysasaga, Madyson Blanco, and Michael Zane Cuevas appeared before Council to speak about missing teen Mark Anthony Ysasaga.
- Nicholas Muniz, Amaris Garcia, and Alejandro Huerta appeared before Council to speak in support of appointing Christy Martinez Garcia to serve on the Electric Utility Board.
- Debbie Bartholomew appeared before Council to discuss issues regarding her deceased mother.
- Burley Owen and Mikel Ward appeared before Council to discuss Lubbock Economic Development Alliance and Market Lubbock.
- Armando Gonzales, Anna Luera, and Ysidro Gutierrez appeared before Council to speak in support of items 6.1 and 6.2 (Zone Cases 3189 and 3191, Dollar General).
- Naida Gonzales appeared before Council to speak in support of items 6.1 and 6.2 (Zone Cases 3189 and 3191, Dollar General) as well as to speak in support of a city-wide ban of synthetic marijuana and missing teen Mark Anthony Ysasaga.

- Elmer Etgen, Jerry Robinson, Charles Spoon, Robert E. Lee, Robert Fletcher, and Gilbert Salinas appeared before Council to speak in opposition of items 6.1 and 6.2 (Zone Cases 3189 and 3191, Dollar General).

4. Minutes

4. 1. October 9, 2012 Special City Council Meeting (Audit & Investment)
 October 25, 2012 Regular City Council Meeting
 October 31, 2012 Special City Council Meeting (Economic Forecast)
 November 2, 2012 Special City Council Meeting (Pinning Ceremony)

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve the October 9, 2012 Special City Council Meeting (Audit & Investment) minutes; the October 25, 2012 Regular City Council Meeting minutes; the October 31, 2012 Special City Council Meeting (Economic Forecast) minutes; and the November 2, 2012 Special City Council Meeting (Pinning Ceremony) 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 Council Member Floyd Price to approve items 5.6-5.7; 5.12; 5.14; 5.16; and 5.19.

Vote: 7 - 0 Motion carried

5. 1. **Budget Ordinance Amendment 1st Reading - Finance:** Ordinance No. 2012-00136, Amendment 10, amending the Adopted FY 2012-13 Budget respecting the Grant Fund to accept and appropriate funds from the Lubbock Emergency Communication District (LECD) for the Public Safety Answering Points (PSAP) Grant, transfer funds from the General Fund to the Grant Fund for matching funds, and reduce the Police Department Operating Budget accordingly; accept and appropriate funding from the Texas Department of Aging and Disability Services (TDADS) pass-through federal funds from the South Plains Association of Governments (SPAG) for the Area Agency on Aging (AAA) – Direct Purchase of Services Grant; respecting the Criminal Investigation Special Revenue Fund, fund 142.

Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Ordinance No. 2012-00136.

Vote: 7 - 0 Motion carried

5. 2. **Budget Ordinance Amendment 2nd Reading – Finance :** Consider Budget Ordinance 2012-00127, Amendment 9, amending the Adopted FY 2012-13 Budget respecting the General Fund, Fund 100, and respecting the Donations Fund, Fund 148.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2012-00127.

Vote: 7 - 0 Motion carried

5. 3. **Resolution - Finance** : Resolution No. 2012-R0453 authorizing the City Manager to cause publication of the public hearing on the proposed designation of a Reinvestment Zone and to deliver the Notice of Intent.

Cheryl Brock, Budget Director, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2012-R0453.

Vote: 7 - 0 Motion carried

5. 4. **Contract Resolution - Finance** : Resolution No. 2012-R0454 authorizing the Mayor to execute a service agreement between the City of Lubbock and Wells Fargo Merchant Services to provide merchant card services, RFP 12-10949-DT.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2012-R0454.

Vote: 7 - 0 Motion carried

5. 5. **Contract Resolution – Public Works Engineering:** Resolution No. 2012-R0455 authorizing the Mayor to execute unit price contract 10839 with Allen Butler Construction, Inc., of Ransom Canyon, Texas, for repair of the erosion on the dry side of the John T. Montford Dam, RFP 12-10839-MA.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2012-R0455.

Vote: 7 - 0 Motion carried

5. 6. **Contract Resolution - Public Works Engineering:** Resolution No. 2012-R0449 authorizing the Mayor to execute an agreement with S&S Commercial Properties for the paving of the City's unpaved portion of 66th Street East of Iola Avenue.

5. 7. **Contract Resolution - Public Works Engineering:** Resolution No. 2012-R0450 authorizing the Mayor to execute unit price Contract 10964 with Lone Star Dirt and Paving, Ltd., for strip paving of 114th Street between Memphis Avenue and Indiana Avenue, BID 12-10964-CI.

5. 8. **Contract Resolution - Public Works Engineering:** Resolution No. 2012-R0456 authorizing the Mayor to execute Job Order Contract 13-11040-JOC with Talon/LPE of Amarillo, Texas, for the demolition of residential properties on Milwaukee Avenue.

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

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Resolution No. 2012-R0456.

Vote: 7 - 0 Motion carried

5. 9. **Contract Resolution – Public Works Engineering:** Resolution No. 2012-R0457 authorizing the Mayor to execute Change Order No. 2 to Contract 9835 with Archer Western Contractors, Ltd., for the construction of the Southeast Water Reclamation Plant Digesters 8 and 9 Improvements Project.

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

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2012-R0457.

Vote: 7 - 0 Motion carried

5. 10. **Ordinance 1st Reading - Public Works Engineering:** Ordinance No. 2012-O0137 amending Section 30.03.008 of the Code of Ordinances with regard to adopting the latest Federal Emergency Management Agency (FEMA) Flood Insurance Study and Flood Insurance Rate Maps and making associated changes; adding a definition of Base Flood Elevation.

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

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2012-O0137.

Vote: 7 - 0 Motion carried

5. 11. **No Surface Access Geophysical Permit Resolution-Right-of-Way:** Resolution No. 2012-R0458 authorizing the Mayor to execute a no surface access geophysical permit with Santo Petroleum, L.L.C., on City owned property in Lubbock County, Texas, 5114 East F.M. 1585.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2012-R0458.

Vote: 6 - 1 Motion carried

NAY: Council Member Victor Hernandez

5. 12. **Ordinance 1st Reading – Right-of-Way:** Ordinance No. 2012-O0135 abandoning and closing two drainage easements located in Section 36, Block AK, Lubbock County, Texas, 6301 Spur 327.

5. 13. **Ordinance 1st Reading – Right-of-Way :** Ordinance No. 2012-O0138 abandoning and closing a portion of a drainage easement located in Tract A, Tuscany Place, an addition to the City of Lubbock, Texas, 6312 73rd.

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

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gerlt to approve Ordinance No. 2012-O0138.

Vote: 7 - 0 Motion carried

5. 14. **Contract Resolution - Fleet Services** : Resolution No. 2012-R0451 authorizing the Mayor to execute purchase order Contract 31012866 with Randall Reed's Prestige Ford for light duty vehicles per ITB 13-11009-RH.

5. 15. **Contract Resolution - Facilities** : Resolution No. 2012-R0459 authorizing the Mayor to execute Job Order Contract 13-10944-JOC with Minnix Commercial Partners, Ltd., of Lubbock, Texas, for the demolition of the former Health Department located at 1902 Texas Ave.

Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Resolution No. 2012-R0459.

Vote: 7 - 0 Motion carried

5. 16. **Contract Resolution - Information Technology / Police Department** :Resolution No. 2012-R0452 authorizing the Mayor to execute purchase order Contract 94000003 with L-3 Communications Mobile-Vision, Inc. for the purchase of three AlertVu Automatic License Plate Recognition Systems for Parking Control.

5. 17. **Resolution - Risk Management** : Consider a resolution authorizing the City Manager to amend the City's workers' compensation coverage through Texas Political Subdivisions Workers' Compensation Joint Self-Insurance.

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

Motion by Council Member Latrelle Joy, seconded by Mayor Pro Tem Karen Gibson to postpone indefinitely.

Vote: 7 - 0 Motion carried

5. 18. **Resolution - Community Development** :Resolution No. 2012-R0460 granting the waiver of Payment in Lieu of Taxes (PILOT) for FY 2012 for the Lubbock Housing Authority (LHA).

Quincy White, Assistant City Manager, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2012-R0460.

Vote: 7 - 0 Motion carried

5. 19. **Ordinance 2nd Reading - Planning** : Zone Case 3192 Ordinance 2012-O0128 request of Michael Diaz for a zoning change from C-2 & C-3 to C-4 limited to a tattoo studio and all C-2 permitted uses on Lot 9 and the west 48.5 feet of Lot 8, Block 1, Highland Place Addition, 4025 34th Street.

6. **Regular Agenda**

- 6. 1. Continued Public Hearing 6:30 p.m. - Planning :** Zone Case 3189 Hold a public hearing to consider the request of West Texas Engineering, LLC, on behalf of RSBR Investments, LLC, for a zoning change from R-1 to C-3 for a Dollar General store on Lot 1, Block 1, Morning View Addition, 4011 East 4th Street, and to consider an ordinance.

This item failed.

Matt Perkins, Planning and Zoning Manager, gave comments and answered questions from Council.

Mayor Robertson opened the public hearing at 9:45 p.m.

LeEarl Bryant, Jerry Robinson, Gilbert Salinas, and Phyllis Wheeler appeared to speak in opposition.

Mark and Mike Hindman, and Armando Gonzales appeared to speak in favor.

Mayor Robertson closed the public hearing at 10: 08 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Latrelle Joy, to approve item 6.1.

Vote: 5 - 2 Motion failed - "Under Section 211.005(d) of the Texas Local Government Code, if a proposed zone change is protested by at least 20% of the owners of the land within 200 feet of the proposed change, the affirmative vote of at least three-fourths of all members of the governing body is required to enact the change."

NAY: Mayor Glen C. Robertson
Council Member Todd R. Klein

- 6. 2. Continued Public Hearing 6:30 p.m. - Planning :** Zone Case 3191 Hold a public hearing to consider the request of West Texas Engineering, LLC, on behalf of RSBR Investments, LLC, for a zoning change from R-1 to C-3 Specific Use for a Dollar General store on Lot 2, Block 1, Morning View Addition, 4011 East 4th Street, and consider an ordinance.

This item failed.

Matt Perkins, Planning and Zoning Manager, gave comments and answered questions from Council.

Mayor Robertson opened the public hearing at 9:45 p.m.

LeEarl Bryant, Jerry Robinson, Gilbert Salinas, and Phyllis Wheeler appeared to speak in opposition.

Mark and Mike Hindman, and Armando Gonzales appeared to speak in favor.

Mayor Robertson closed the public hearing at 10: 08 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Latrelle Joy, to approve item 6.2.

Vote: 5 - 2 Motion failed - "Under Section 211.005(d) of the Texas Local Government Code, if a proposed zone change is protested by at least 20% of the owners of the land within 200 feet of the proposed change, the affirmative vote of at least three-fourths of all members of the governing body is required to enact the change."

NAY: Mayor Glen C. Robertson
Council Member Todd R. Klein

- 6. 3. Public Hearing 6:30 p.m. - Planning :** Ordinance No. 2012-O0131, Zone Case 1947-G, request of Matt Sefcik for Lubb Inc., for a zoning change from IHC Interstate Commercial to A-2 high density apartments for garden style apartment units on Tract A-1, Ana's Garden Addition, 5820 34th Street, and consider an ordinance.

Mayor Robertson opened the public hearing at 10:14 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 10:14 p.m.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0131.

Vote: 7 - 0 Motion carried

- 6. 4. Public Hearing 6:30 p.m. - Planning :** Ordinance No. 2012-O0132, Zone Case 2984-H, request of CMS Properties for S&S Commercial Properties, Ltd., for a zoning change from A-1 and C-3 to A-2 for apartments on 17.91 acres of unplatted land out of Block AK, Section 38, south of 34th Street and west of Milwaukee Avenue, and consider an ordinance.

Mayor Robertson opened the public hearing at 10:14 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 10:14 p.m.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0132.

Vote: 7 - 0 Motion carried

- 6. 5. Public Hearing 6:30 p.m. - Planning :** Ordinance No. 2012-O0133, Zone Case 3193, request of Albert Skibell, Inc., for a zoning change from T to C-3 on 13.156 acres of unplatted land out of Block E-2, Section 21, northeast corner of 130th Street and Indiana Avenue, and consider an ordinance.

Mayor Robertson opened the public hearing at 10:14 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 10:14 p.m.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-O0133.

Vote: 7 - 0 Motion carried

- 6. 6. Public Hearing 6:30 p.m. - Planning** : Ordinance No. 2012-00134, Zone Case 3194, request of West Texas Engineering, LLC, for RBA Investments, LLC, for a zoning change from R-1 to C-2 for a Dollar General store on 1.442 acres of unplatted land out of Block E, Section 9, 1611 82nd Street, and consider an ordinance.

Mayor Robertson opened the public hearing at 10:14 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 10:14 p.m.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to approve Ordinance No. 2012-00134.

Vote: 7 - 0 Motion carried

- 6. 7. Ordinance Amendment 2nd Reading- City Council** : Ordinance 2012-00129, amending Chapter 2, of the Code of Ordinances of the City of Lubbock, Texas, with regard to duties of the City Secretary of the City of Lubbock; providing a savings clause; and providing for publication.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Ordinance No. 2012-00129.

Vote: 5 - 2 Motion carried

NAY: Mayor Glen C. Robertson
Mayor Pro Tem Karen Gibson

- 6. 8. Budget Ordinance Amendment 2nd Reading – City Council** :Budget Ordinance 2012-00130, Amendment 8, amending the Adopted FY 2012-13 Budget respecting the General Fund by transferring three positions from City Council Office to City Secretary's Office; amending the payroll and benefits in the City Council Office; and amending the payroll and benefits in the City Secretary's Office.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Ordinance No. 2012-00130.

Vote: 4 - 3 Motion carried

NAY: Mayor Glen C. Robertson
Mayor Pro Tem Karen Gibson
Council Member Jim Gerlt

- 6. 9. Resolution - City Council** : Resolution No. 2012-R0447 authorizing the Mayor and City Council to call upon the Texas Legislature to reexamine the public school accountability system in Texas.

Dr. David Vroonland, Frenship ISD Superintendent, gave comments and answered questions from Council.

Motion by Council Member Latrelle Joy, seconded by Council Member Floyd Price to approve Resolution No. 2012-R0447.

Vote: 7 - 0 Motion carried

- 6. 10. Contract of Sale Resolution-Libraries:** Resolution No. 2012-R0446 authorizing the Mayor to execute a commercial contract of sale between the City of Lubbock and Platinum Bank for the acquisition of Lots 103, 104, and the west 71' of Lot 105, Indian Acres Addition, to the City of Lubbock, for the new Godeke Library site, 3838 50th Street.

Motion by Council Member Victor Hernandez, seconded by Mayor Pro Tem Karen Gibson to approve Resolution No. 2012-R0446.

Motion by Council Member Jim Gerlt, seconded by Council Member Todd R. Klein to amend the main motion by striking the words "execute any and all additional documents necessary to purchase the above-referenced property on behalf of the City" and insert the following:

- "terminate the contract of sale pursuant to the provisions thereof on behalf of the City."

Vote: 6 - 1 Motion carried

NAY: Mayor Glen C. Robertson

Vote was then taken to approve Resolution No. 2012-R0446 as amended.

Vote: 6 - 1 Motion carried

NAY: Mayor Glen C. Robertson

- 6. 11. Resolution - City Attorney :** Resolution No. 2012-R0448 for a Compromise Settlement Agreement and Release of all Claims in Cause No. 2011-558,674, 237th District Court of Lubbock County, Texas, styled Robert S. Heinsch v. City of Lubbock.

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

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Resolution No. 2012-R0448.

Vote: 7 - 0 Motion carried

- 6. 12. Board Appointments - City Secretary :** Consider one appointment to the Board of Health, one appointment to the Central Business District Tax Increment Financing Reinvestment Zone Board of Directors, four appointments to the Electric Utility Board, two appointments to the Libraries Board, three appointments to the Lubbock Business Park Tax Increment Financing Reinvestment Zone Board of Directors, two appointments to the Lubbock Economic Development Alliance, Inc. Board of Directors, one appointment to the Lubbock Emergency Communications Board of Managers, two appointments to Market Lubbock, Inc. Board of Directors, one appointment to the Model Codes & Construction Advisory Board, and one appointment to the Urban Renewal & Neighborhood Redevelopment Commission.

Board of Health: Motion by Council Member Latrelle Joy, seconded by Council Member Floyd Price, to appoint Ollie Thomas.

Vote: 7 - 0 Motion carried

Central Business District TIF Reinvestment Zone Board of Directors: This item was deleted.

Electric Utility Board: This item was deleted.

Libraries Board: Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein, to reappoint Adela Esqueda.

Vote: 7 - 0 Motion carried

Motion by Council Member Jim Gerlt, seconded by Council Member Latrelle Joy, to reappoint David King.

Vote: 7 - 0 Motion carried

Lubbock Business Park TIF Reinvestment Board of Directors: This item was deleted.

Lubbock Economic Development Alliance: Motion by Council Member Todd R. Klein, seconded by Council Member Latrelle Joy, to postpone this item to the next Regular City Council Meeting.

Vote: 7 - 0 Motion carried

Lubbock Emergency Communications District Board of Directors: This item was deleted.

Market Lubbock, Inc. Board of Directors: Motion by Council Member Todd R. Klein, seconded by Council Member Latrelle Joy, to postpone this item to the next Regular City Council Meeting.

Vote: 7 - 0 Motion carried

Model Codes & Construction Advisory Board: Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Latrelle Joy, to appoint Jarrod Hall.

Vote: 7 - 0 Motion carried

Urban Renewal & Neighborhood Redevelopment Commission: This item was deleted.

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. Hear and discuss a presentation by the Ad Hoc Storm Water Rate Review Committee regarding their recommendations.

Cyril Reasoner, Chair of the Ad Hoc Storm Water Rate Review Committee, gave a presentation regarding the Committee's recommendation for storm water rates.

7. 2. Hear and discuss a presentation by the Lubbock Economic Development Alliance (LEDA) and Market Lubbock, Inc., on proposals in regard to communication, reporting, involvement and oversight by the City Council on economic development activities, programs and projects, including related statutory, contractual and budgetary issues.

Mike McDougal, Board Chair for LEDA and Market Lubbock, Inc., gave a presentation on proposals in regard to communication, reporting, involvement, and oversight by the City Council on economic development activities, programs, and projects, including related statutory, contractual and budgetary issues. Mr. McDougal introduced LEDA and Market Lubbock, Inc. Board Members Jim Gilbreath, Les Eubank, and Sandy Henry. Mr. McDougal also introduced John Osborne, LEDA Chief Executive Officer; Jana Johnston, LEDA Chief Financial Officer; Mike Hatley, LEDA Director of Business Recruitment; and Kenny McKay, Director of Business Retention. Mr.

Gilbreath gave comments and answered questions from Council.

7. 3. Discuss and deliberate customer service and business center procedures, policies, billing procedures, staffing and performance.

This item was deleted.

Discuss and deliberate electric transmission and distribution system performance, operations, staffing levels and related policies, projects and work management including information related to system reliability and continuity of service (to the extent not security-sensitive).

This item was deleted.

Discuss and deliberate financial and capital statements, financing options, financial policies of Lubbock Power & Light relating to debt issuance issues, reserve account funding, cost allocation, revenue and expense projections of Lubbock Power & Light.

This item was deleted.

10:45 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