

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
January 13, 2005
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 13th day of January, 2005, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:30 A. M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present: Mayor Marc McDougal, Mayor Pro Tem Tom Martin, Council Member Gary O. Boren, Council Member Linda DeLeon, Council Member Jim Gilbreath, Council Member Phyllis Jones, Council Member Floyd Price

Absent: No one

CITIZEN COMMENTS

No one expressed comments to the Council.

EXECUTIVE SESSION

Mayor McDougal stated: "City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation; the purchase, exchange, lease or value of real property; personnel matters; and competitive matters of the public power utility as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."

7:31 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council/City Manager's Conference Room

All council members were present.

- (1) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071(1)(A), to discuss pending or contemplated litigation (Cemetery; Fire; Planning and Transportation; Water Utilities).**
- (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 (North and East Community Development Corporation; Overton Park; Water Utilities).**
- (3) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters (City Attorney; City Manager; City Secretary) and take appropriate action.**

- (4.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**

to deliberate, vote and take final action on electric rates of Lubbock Power and Light;

to deliberate, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;

to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.

**9:44 A. M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers**

Present: Mayor Marc McDougal; Mayor Pro Tem Tom Martin; Council Member Gary O. Boren; Council Member Linda DeLeon; Council Member Jim Gilbreath; Council Member Phyllis Jones; Council Member Floyd Price; Lou Fox, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: No one

Mayor McDougal called the meeting to order at 9:44 A. M.

- (5.) **Invocation by Pastor Jerry Kaskela, Shepherd King Lutheran Church.**

- (6.) **Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.**

BOARD APPOINTMENT RECOGNITION

Central Business District TIF

Receiving: Tony Cardinal (unable to attend)

Lubbock Emergency Communications District

Receiving: George Ewing (unable to attend)

CITIZEN APPEARANCES

- (7.) **Presentation of a special recognition to the Lubbock Hawks Professional Women's Basketball Team for their opening season.**

Mayor McDougal read a special recognition to the Lubbock Hawks Professional Women's Basketball Team. Ricky Romero, co-owner and

ordinance and replaces the same with an updated backflow prevention program and incorporates recommendations from a recent Texas Commission on Environmental Quality inspection.

Changes include updating the plumbing code to reflect the standard plumbing code currently utilized by the City, clarifying the type of backflow devices that will be allowed in the City, and revising the following definitions: “clarity”, “responsibilities of the water purveyor”, and “customer”. This document also gives clarification and direction to backflow testers regarding state required documentation necessary for the water purveyor to maintain on file for state inspections.

Water Utilities staff does not anticipate any significant new impacts resulting from approval of this item.

FISCAL IMPACT:

There are no additional fiscal requirements related to this amendment.

Staff recommended approval of this resolution.

The next item considered was Item 16.

Items 12-15 were moved from consent agenda to regular agenda and considered following Item 36.

- (12.) **Resolution NO. 2005-R0021 authorizing the Mayor to execute the Assignment of Contract, by and between Rick Giardina & Associates, Inc. and Malcolm Pirnie, Inc., as consented to by the City evidencing the City’s consent of the assignment of the contract dated on or about February 19, 2004, by and between the City and Rick Giardina & Associates, Inc., regarding the Water and Sewer Rate Study (*Water Utilities*).**

In order to better serve the needs of their clients, Rick Giardina & Associates, Inc. has joined the national firm of Malcolm Pirnie, Inc.

All RGA staff has transitioned to Malcolm Pirnie and their offices will remain in the Denver area. Rick Giardina, former president of RGA, has become a Malcolm Pirnie Vice President, responsible as National Director of the firm’s Financial Services Practice within the Red Oak Consulting Division. Mr. Giardina will continue to provide the consulting services to the City for Malcolm Pirnie.

FISCAL IMPACT:

There are no additional fiscal requirements related to this amendment.

Staff recommended approval of this resolution.

Sherry Stephens, Water Programs Manger, and Lee Ann Dumbauld, Chief Financial Officer, responded to questions.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2005-R0021 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (13.) **Resolution NO. 2005-R0022 authorizing the Mayor to execute an amendment to a contract, by and between the City and Malcolm Pirnie, dated on or about February 19, 2004, amending the scope of services and associated costs of those services regarding the Water and Sewer Rate Study (*Water Utilities*).**

The purpose of this amendment is to revise the scope of work to include updating the recently completed financial plan and rate analysis (the RGA study) and to evaluate and recommended a rate structure for use during the upcoming 2005 irrigation season. The new rates will be designed to obtain revenues sufficient to support the Utility's five-year financial plan while encouraging efficient water use or conservation. A scope of work has been provided describing the tasks involved in this rate update and the project deliverables. The cost of the rate update will not exceed \$26,000; this includes travel, meals, and all expenses. The rate update will involve three meetings, one of which will be a formal presentation to the City Council.

Under the existing contract, Red Oak (a division of Malcolm Pirnie) will train up to five City staff on the use of the financial models developed by RGA for the water and sewer utilities. This training will involve one trip to Lubbock, tentatively scheduled for January 25 and 26, 2005. Training will include completely updating the financial models for a new fiscal year, developing scenarios with different bond issuance sizes and timing, and modeling different annual rate increases and determining their impact on the various reserves maintained in each fund. The total costs for the training will be \$5,800 including travel, meals, and all expenses. There is currently \$4,300 remaining in the contract.

FISCAL IMPACT:

The current contract amount is \$124,375, of which \$4,300 is remaining. This amendment will increase the contract amount by \$1,500 to complete the training and \$26,000 to fund the tasks outlined in the revised scope of work.

Staff recommended approval of this resolution.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2005-R0022 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (14.) **Resolution NO. 2005-R0023 authorizing the Mayor to execute an agreement for engineering services with Black & Veatch, Inc. to perform preliminary engineering services for improvements to the Southeast Water Reclamation Plant (*Public Works*).**

This project authorizes Black & Veatch, Inc. to perform preliminary engineering services for upgrades to the Southeast Water Reclamation

Plant. Work performed under this phase of the agreement will be:

- Establish treatment requirements,
- Determine improvements necessary to meet treatment requirements,
- Estimate cost of improvements,
- Issue reports on findings, and
- Review results with Water Advisory Commission and City staff.

Results of this work will be used to determine the actual improvements necessary and to provide a preliminary design of the proposed improvements.

FISCAL IMPACT:

The estimated fee for this phase of the work is approximately \$300,000. The source of the funds will be from the Water Fund.

Staff recommended approval of this resolution.

Chester Carthel, Chief Engineer, Water Utilities, gave staff comments

Motion was made by Council Member Jones, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0023 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

(15.) Resolution NO. 2005-R0024 authorizing the Mayor to execute an agreement for engineering services with Parkhill, Smith & Cooper, Inc. for the design of the Pump Station 10 Groundwater Treatment Plant (*Public Works*).

This project is the groundwater supply project for Pump Station No. 10 at 82nd Street and Memphis Avenue. Parkhill, Smith & Cooper, Inc., in conjunction with Black & Veatch, Inc. will provide engineering services to design the Water Treatment Plant to treat groundwater from the area. Preliminary testing indicates that fluoride levels in the groundwater exceed drinking water limits.

FISCAL IMPACT:

The estimated fee for this phase of the work is approximately \$113,000 with a total engineering fee for the full project of approximately \$750,000. The total estimated project cost is \$5,500,000. This project is expected to produce 5 million gallons per day (mgd) of potable water. This project will be funded in the Water Fund.

Staff recommended approval of this resolution.

Chester Carthel, Chief Engineer, Water Utilities, gave staff comments.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2005-R0021 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

The next item considered was Item 32.

Items 16-20 were considered following Item 11.

(16.) Resolution NO. 2005-R0001 approving the Lubbock Police Department Forfeited Fund budget for FY 2005 (*Police Department*).

Prior to the expenditure of forfeited funds, the Texas Code of Criminal Procedure requires a law enforcement agency to submit a budget for these funds to the governing body.

The funds involved are the result of special police investigations in which the Lubbock Police Department has seized assets during an investigation. The appropriate Court then awards these assets to the Lubbock Police Department to be used solely for law enforcement purposes.

Texas Code of Criminal Procedure article 59.06, Section d, reads in part:

A special fund in the municipal treasury is distributed to a municipal law enforcement agency to be used solely for law enforcement purposes, such as salaries and overtime pay for officers, officer training, specialized investigative equipment and supplies, and items used by officers in direct law enforcement duties.

A commissioners' court or governing body of a municipality may not use the existence of an award to offset or decrease total salaries, expenses, and allowances that the agency or the attorney receive from the commissioners' court or governing body at or after the time the proceeds are awarded.

The budget for the funds forfeited to the Lubbock Police Department is outlined in the council backup.

FISCAL IMPACT:

Pursuant to the Texas Criminal Procedure article 59.06, \$320,175 has been received by the City from forfeited funds and seized assets. The usage of these funds is limited specifically to additional law enforcement activities and may not be used otherwise to offset existing police expenses. These funds will be used as needed for Special Investigations (\$44,795), Confidential Information (\$54,990), and Treasury and Justice Asset Management (\$220,390), with no additional expense to the General Fund.

The Lubbock Police Department recommended approval of this resolution.

- (17.) **Resolution No. 2005-R0002 authorizing the Mayor to execute an agreement between the City of Lubbock and Cap Rock Telephone Cooperative, Inc. regarding the granting of an easement over and across lands owned by the City in Garza County, Texas (*Community Services*).**

Cap Rock Telephone Cooperative, Inc. has requested an easement agreement across City of Lubbock owned property in Garza and Kent Counties. The easement is proposed to be placed along the southern boundary of the Wildlife Mitigation Area, below the John T. Montford Dam. The easement will be utilized by Cap Rock Telephone Cooperative to provide communication services to the east side of Lake Alan Henry.

The easement, on the City of Lubbock property, will be 16.5 feet in width and 14,421 feet in length. All communication lines will be buried at least 42 inches below the surface. The agreement requires Cap Rock Telephone to meet the City of Lubbock's insurance requirements.

FISCAL IMPACT:

Cap Rock Telephone Cooperative Inc. will pay, to the City, \$8,740 as surfaces damages in connection with the construction and operation of the easement.

Staff recommended approval of this resolution.

- (18.) **Resolution NO. 2005-R0003 authorizing the Mayor to execute Contract Change No. 09 to a contract with the Texas Department of State Health Services (DSHS Document No. 7560005906 2005), and any associated documents, for Immunization Services (*Health Department*).**

Contract Change No. 09 to TDH Document No. 7560005906 2005 (passed September 28, 2004/Resolution No. 2004-R0454) extends the contract term and increases the contract amount with eight months of funding in order to return to the contract term for the State fiscal year. There is no revision to the number of people served. The contract is increased by an additional \$92,176 to continue services through the end of the contract term. The total amount of the Immunization contract is now \$230,440. The contract term ends August 31, 2005.

This contract provides full salaries and fringe benefits for a Registered Nurse, a Licensed Vocational Nurse and a Secretary to run the program. The City provides an immunization clinic with the fewest barriers to service. Activities include providing immunizations at the Health Department clinic, outreach activities for infants, children and high-risk adults in their homes, correctional facilities, at day care centers, the South Plains Mall, health fairs and senior citizen centers, and investigation and initiation of control measures for vaccine-preventable diseases.

FISCAL IMPACT:

The full contract amount of \$230,440 covers salaries and benefits and there are no contributions to grants or impact to the General Fund.

This program fulfills the Core Missions of Public Health—those of Surveillance and Disease Prevention. Without the funding from the Texas Department of State Health Services contract, our local public health efforts would be greatly impaired and the risk of illness in Lubbock citizens would increase.

Health Department staff recommended approval of this resolution.

- (19.) **Resolution No. 2005-R0004 authorizing the Mayor to execute Contract Change No. 08 to a contract with the Texas Department of State Health Services (DSHS Document No. 7560005906 2005), and any associated documents, for Bioterrorism Preparedness (*Health Department*).**

This Texas Department of State Health Services (formerly TDH) contract is a reallocation of funds to reflect actual expenditures and to purchase equipment. The original contract was approved on October 11, 2004 (Resolution No. 2004-R0482). The total amount of this contract remains the same at \$547,791. The term of this contract remains the same and ends August 31, 2005.

The total amount of \$547,791 covers salaries of \$306,003 and fringes of \$123,964 for eight existing full time positions and one new position - nine total, provides funds for training and travel of \$8,000, equipment of \$48,050, supplies of \$37,397, contractual funding for a pharmacist of \$4,800, and other funds of \$19,577. A copy of the equipment list and the approved FY 05 Local Public Health Preparedness Work Plan is attached.

This program will assist Lubbock's efforts in developing a Bioterrorism Preparedness plan that addresses selected focus areas and the required critical capabilities. The focus areas include preparedness planning and readiness assessment, surveillance and epidemiology capacity, laboratory capacity (biologic agents), communication and information technology/Health Alert Network, communicating health risks and health information dissemination, and assessment of education and training needs for the community.

This is the third funding cycle where federal, state, and local governments have come together with a unified plan to strengthen our public health system and better prepare for a terrorism attack. These plans provide for improvement of our health system by providing greater protection and care for our citizens. The plans being developed across the country will also usher in a new era of cooperation among all levels of government in protecting the public's health.

Bioterrorism Preparedness is one of the essential public health services that no other entity in Lubbock can provide. Essential public health

services are population-based and are geared towards protecting the health of the public as a whole. Bioterrorism Preparedness activities are public health efforts that are not health services for the needy or other select groups of people — they serve everyone and benefit the whole population. Essential public health services, or the lack of them, have the potential to affect every single person in Lubbock and Texas.

FISCAL IMPACT:

Full salary and benefits are covered under this grant and there are no contributions to grants in the General Fund for this contract.

This program fulfills the Core Mission of Public Health as it relates to essential public health services targeting laboratory services, disease outbreaks, prevention and surveillance. Without funding from the Texas Department of State Health Services contract, local public health efforts will be greatly impaired and the risk of illness in Lubbock citizens will increase.

Health Department staff recommended approval of this resolution.

- (20.) **Resolution No. 2005-R0005 authorizing the approval of a lease agreement between the City and Chaparral, Inc. for ground space for fuel tanks (*Airport*).**

Chaparral Inc. has operated as a Fixed Base Operator on the east side of the airport since 1986. Chaparral has requested approval to build a fuel farm on the east side of the airport. They currently utilize fuel trucks to store fuel and to fuel airplanes. The fuel farm is an improvement to their current fueling operations. The ground lease will be for 1,176 square feet at the rate of \$.1345 per square foot per year.

The new agreement will begin February 1, 2005 and will be for a term of ten years with one five-year option to renew. The lease will have an annual rental of \$158.17. The lease also includes an annual Consumer Price Index adjustment.

FISCAL IMPACT:

Annual rental will be increased \$158.17.

The Airport Board and staff recommended approval of this resolution.

The next items considered were Items 22-31.

- (21.) **Resolution No. 2005-R0025 authorizing the Mayor to execute a Letter Agreement by and between Lloyd, Gosselink, Blevins, Rochelle & Townsend, P.C. and the City for legal services regarding the City's water reuse efforts and additional water issues (*Legal*).**

This item was deleted.

The City is presently working with this law firm on water issues, including the state reuse authorizations for the Canyon Lakes and North Fork of the

Double Mountain Fork of the Brazos River discharges. The City's prior agreement with Lloyd, Gosselink, Blevins, Rochelle & Townsend, P.C. was within the authority of the City Manager.

FISCAL IMPACT:

The City will incur legal and administrative expenses in connection with the obtaining State authorization for indirect effluent water reuse.

City staff recommended approval of this resolution.

- (22.) **Resolution No. 2005-R0006 authorizing the Mayor to execute an Agreement by and between Lynn Sherman and the City regarding legislative assistance for the City during the 79th Legislative Session of the State of Texas and through December 31, 2005 (*Legislative*).**

With water issues being the established number one priority for the Council for the upcoming legislative session, it has been determined that all necessary expertise should be utilized during the session and the year ahead to insure that the City and its water needs are well represented.

Specific attention to monitoring, analyzing, and drafting of legislation that impacts the City's initiatives and advisement regarding strategies and positions that the City might pursue are a priority. Overviews of pertinent legislative activity will be provided on a weekly or as needed basis.

FISCAL IMPACT:

The fee will be \$25,000 plus expenses for services through December 31, 2005. Non-travel expenses should not exceed \$500 without authorization from the City.

Staff recommended approval of this resolution.

- (23.) **Resolution No. 2005-R0007 authorizing the Mayor to execute for and on behalf of the City a Loan Agreement, and all related documents, between the City and Ms. Carol S. Nebb d/b/a Well Body Natural Foods, Inc. from the Economic Development Funds Program (*Community Development*).**

The Economic Development Subcommittee of the Community Development Services Board (CDSB) met and approved a packet submitted by Ms. Carol S. Nebb. The Sub-committee approved a loan for \$33,000. Funds will be used to purchase equipment for the business.

The Economic Development Funds Program was established during a previous allocation of Community Development Block Grant (CDBG) funds. The purpose of the program is to provide needed capital for area businesses at a reduced interest rate. By agreeing to the terms of this loan, the business owner accepts his/her responsibility of retaining or creating one job for every \$35,000 borrowed. In this case, Ms. Nebb will be required to create one full-time equivalent position. This job must be made available to persons of low-to-moderate income.

The promissory note was provided in council backup.

FISCAL IMPACT:

There is no fiscal impact on the General Fund involved with the approval or funding of this Economic Development Fund loan. The source of funds is the FY 02-03 and FY 03-04 allocations that have already been approved by City Council. As the loan payments are collected, the funds will be treated as Program Income and will eventually be allocated to another CDBG project.

Community Development recommended approval of this resolution.

- (24.) **Resolution No. 2005-R0008 authorizing the Mayor to execute the necessary SFY 2005 contract documents and subsequent amendments with the Texas State Library and Archives Commission to support the Lubbock Public Library “Loan Star Libraries” Direct Aid Program (Library).**

The 78th Texas State Legislature appropriated \$2.71 million in each year of the 2004-2005 biennium for the Loan Star Libraries Program of direct state aid to Texas public libraries. This grant provides direct grants-in-aid to public libraries that are members of the Texas State Library System. Under this program, the Lubbock Public Library will receive \$18,044 in SFY 2005.

The purpose of the Loan Star Libraries direct aid program (13 TAC Sec. 2.160) is to provide incentive for local communities to extend public library service without charge to those Texans residing outside each library’s local legal service area, to improve library services statewide, and to improve access to public library resources for all Texans.

Primarily because of geographical factors, the Lubbock Public Library has never instituted a non-resident fee. Also, it has historically provided reciprocal borrowing status to anyone living in the 29-county area of the West Texas Library System. With these provisions already in place, the Lubbock library is eligible to receive full funding under the Direct Aid Program.

The Lubbock Public Library will use the Loan Star funds to supplement the local library support for library materials, in order to support the grant purpose of equal access for all Texans at the local level. The Library will purchase audio-visual media for adults and children, including books on tape and CD, videos, and DVDs. The Library will also fund a part time Librarian I, at ten hours per week.

FISCAL IMPACT:

A total of \$18,044 was appropriated by the Texas State Library for the purchase of library multimedia materials and for a part time Librarian I. Personnel costs are \$9,147 and \$8,897 will be spent on materials.

Staff recommended approval of this resolution.

(25.) Resolution No. 2005-R0009 accepting paving improvements constructed by Allen Butler Construction Company, Inc. in Fountain Hills Addition, Lots 1-46 (*Street/Drainage Engineering*).

This is a routine acceptance of paving improvements constructed at the time of platting this new subdivision. These improvements consist of street and alley paving and curb and gutter on:

110th Street from the alley west of Genoa Avenue to the west lip-line of Frankford Avenue, known and designated as New Subdivision Subunit Number 47 of Unit Number 2043.

Genoa Avenue from the south lip-line of 110th Street to the cul-de-sac south of 110th Street, known and designated as New Subdivision Subunit Number 48 of Unit Number 2043.

Gardner Avenue from the south lip-line of 110th Street to 380 feet south of the south lip-line of 110th Street, known and designated as New Subdivision Subunit Number 49 of Unit Number 2043.

The west half of Frankford Avenue from seven feet north of the north property line of the alley north of 110th Street to seven feet south of the south property line of the alley south of 110th Street (curb and gutter and asphalt ties), known and designated as New Subdivision Subunit Number 50 of Unit Number 2043.

The east-west alley north of 110th Street from Frankford Avenue to the west property line of Lot 17, known and designated as Subunit Number 97 of Unit Number A-462.

The north-south alley west of Frankford Avenue from 110th Street north to the east-west alley north of 110th Street, known and designated as Subunit Number 98 of Unit Number A-462.

The north-south alley west of Genoa Avenue from 110th Street south to the east-west alley south of 110th Street, known and designated as Subunit Number 99 of Unit Number A-462.

The east-west alley south of 110th Street from the north-south alley west of Genoa Avenue to the north-south alley east of Genoa Avenue, known and designated as Subunit Number 00 of Subunit A-463.

The north-south alley east of Genoa Avenue from 110th Street to the east-west alley south of 110th Street, known and designated as Subunit Number 01 of Unit Number A-463.

The north-south alley east of Gardner Avenue from 110th Street to the south property line of Lot 33, known and designated as Subunit Number 02 of Unit Number A-463.

The east-west alley south of 110th Street from the north-south alley east of Gardner Avenue to Frankford Avenue, known and designated as Subunit Number 03 of Unit Number A-463.

FISCAL IMPACT:

There are no City funds due to the contractor upon acceptance.

Staff recommended approval of this resolution.

(26.) Resolution No. 2005-R0010 accepting paving improvements constructed by Allen Butler Construction Company, Inc. in Lakewood Estates Addition, Lots 1-148 (*Street/Drainage Engineering*).

This is a routine acceptance of paving improvements constructed at the time of platting this new subdivision. These improvements consist of street and alley paving and curb and gutter on:

The east half of Juneau Avenue from the south lip-line of 98th Street to the south end of the alley return south of 100th Street, known and designated as New Subdivision Subunit Number 89 of Unit Number 2044.

The west half of Fulton Avenue from the south lip-line of 98th Street to the south end of the alley return south of 100th Street, known and designated as New Subdivision Subunit Number 90 of Unit Number 2044.

100th Street from the east lip-line of Juneau Avenue to the west lip-line of Fulton Avenue, known and designated as New Subdivision Subunit Number 91 of Unit Number 2044.

Ironton Avenue from the north lip-line of 100th Street to the north end of the cul-de-sac north of 100th Street, known and designated as New Subdivision Subunit Number 92 of Unit Number 2044.

Iola Avenue from the south lip-line of 98th Street to the north lip-line of 100th Street, known and designated as New Subdivision Subunit Number 93 of Unit Number 2044.

Iola Avenue from the south lip-line of 100th Street to the south end of the alley return south of 100th Street, known and designated as New Subdivision Subunit Number 94 of Unit 2044.

Huron Avenue from the north lip-line of 100th Street to the north end of the cul-de-sac north of 100th Street, known and designated as New Subdivision Subunit 95 of Unit 2044.

Hope Avenue from the south lip-line of 98th Street to the north lip-line of 100th Street, known and designated as New Subdivision Subunit Number 96 of Unit Number 2044.

99th Street from the east lip-line of Hope Avenue to the east end of the alley return east of Grover Avenue, known and designated as New Subdivision Subunit Number 97 of Unit Number 2044.

Genoa Avenue from the east end of the alley return east of Grover Avenue to the north end of the cul-de-sac of Genoa Avenue north of 99th Street, known and designated as New Subdivision Subunit Number 98 of Unit Number 2044.

Homestead Avenue from the north lip-line of 99th Street to the north end of the cul-de-sac north of 99th Street, known and designated as New Subdivision Subunit Number 99 of Unit Number 2044.

Grover Avenue from the south lip-line of 98th Street to the north lip-line of 99th Street, known and designated as New Subdivision Subunit Number 00 of Unit Number 2045.

Homestead Avenue from the south lip-line of 100th Street to the south plat limits at lots 125 and 126, known and designated as New Subdivision Subunit Number 01 of Unit Number 2045.

101st Street from the east lip-line of Homestead Avenue to the east plat limits at Lot 134, known and designated as New Subdivision Subunit Number 02 of Unit Number 2045.

101st Street from the west lip-line of Homestead Avenue to the west end of the alley return west of Homestead Avenue, known and designated as New Subdivision Subunit Number 03 of Unit Number 2045.

100th Street from the east lip-line of Fulton Avenue to the west edge of pavement of Frankford Avenue, known and designated as New Subdivision Subunit Number 04 of Unit Number 2045.

The east-west alley south of 100th Street from Iola Avenue to Homestead Avenue, known and designated as Subunit Number 83 of Unit Number A-463.

The north-south alley west of Homestead Avenue from 101st Street to the east-west alley north of 101st Street, known and designated as Subunit Number 84 of Unit Number A-463.

The north-south alley west of Homestead Avenue from 101st Street to the east-west alley south of 101st Place, known and designated as Subunit Number 85 of Unit Number A-463.

The east-west alley south of 100th Street from Homestead Avenue to Fulton Avenue, known and designated as Subunit Number 89 of Unit Number A-463.

The east-west alley south of 101st Street from Homestead Avenue to the east property line of lot 133 east of Homestead Avenue, known and designated as Subunit Number 90 of Unit Number A-463.

The north-south alley east of Homestead Avenue from the east-west alley south of 101st Street to the south property line of Lot 126, known and designated as Subunit Number 91 of Unit Number A-463.

The north-south alley west of Genoa Avenue from 99th Street north to 30 feet north of the south property line of Lot 4, known and designated as Subunit Number 92 of Unit Number A-463.

FISCAL IMPACT:

There are no City funds due to the contractor upon acceptance.

Staff recommended approval of this resolution.

- (27.) **Resolution No. 2005-R0011 accepting paving improvements constructed by Allen Butler Construction Company, Inc. in Lakewood Villas Addition, Lots 1-43 (*Street/Drainage Engineering*).**

This is a routine acceptance of paving improvements constructed at the time of platting this new subdivision. These improvements consist of street and alley paving and curb and gutter on:

101st Street from the west alley return west of Homestead Avenue to the east end of the elbow cul-de-sac at Huron Avenue, known and designated as New Subdivision Subunit Number 05 of Unit Number 2045.

Huron Avenue from the east end of the elbow cul-de-sac at 101st Street to the east end of the elbow cul-de-sac at 101st Place, known and designated as New Subdivision Subunit Number 06 of Unit Number 2045.

101st Place from the east end of the elbow cul-de-sac at Huron Avenue to the west end of the cul-de-sac at Hope Avenue, known and designated as New Subdivision Subunit Number 07 of Unit Number 2045.

Hope Avenue from the south lip-line of 101st Street to the west end of the elbow cul-de-sac at 101st Place, known and designated as New Subdivision Subunit Number 08 of Unit Number 2045.

The north-south alley west of Huron Avenue from the alley south of 100th Street to the alley south of 101st Place, known and designated as Subunit Number 86 of Unit Number A-463.

The east-west alley south of 101st Place from the north-south alley west of Huron Avenue to the north-south alley east of Hope Avenue, known and designated as Subunit Number 87 of Unit Number A-463.

The north-south alley west of Hope Avenue from 101st Street to 101st Place, known and designated as Subunit Number 88 of Unit Number A-463.

FISCAL IMPACT:

There are no City funds due to the contractor upon acceptance.

Staff recommended approval of this resolution.

- (28.) **Resolution No. 2005-R0012 accepting paving improvements constructed by Allen Butler Construction Company, Inc. in Ravenwood Estates Addition, Lots 1-63 (*Street/Drainage Engineering*).**

This is a routine acceptance of paving improvements constructed at the time of platting this new subdivision. These improvements consist of street and alley paving and curb and gutter on:

100th Street from the cul-de-sac west of Nashville Avenue to the west lip-line of Nashville Avenue, known and designated as New Subdivision Subunit Number 11 of Unit Number 2045.

100th Street from the east lip-line of Nashville Avenue to the west lip-line of Miami Avenue, known and designated as New Subdivision Subunit Number 12 of Unit Number 2045.

100th Place from the cul-de-sac west of Norfolk Avenue to the cul-de-sac west of Miami Avenue, known and designated as New Subdivision Subunit Number 13 of Unit Number 2045.

99th Street from the cul-de-sac west of Nashville Avenue to the north end of the radius of the alley return north of 100th Street, known and designated as New Subdivision Subunit Number 14 of Unit Number 2045.

Nashville Avenue from the north end of radius of the alley return north of 100th Street to the north lip-line of 100th Place, known and designated as New Subdivision Subunit Number 15 of Unit Number 2045.

Norfolk Avenue from the south lip-line of 100th Place to the south end of radius of the alley south of 100th Place, known and designated as New Subdivision Subunit Number 16 of Unit Number 2045.

The west half of Miami Avenue from the south lip-line of 98th Street to the north lip-line of 101st Street, known and designated as New Subdivision Subunit Number 17 of Unit Number 2045.

The east-west alley south of 100th Place from Miami Avenue to Norfolk Avenue, known and designated as Subunit Number 93 of Unit Number A-463.

The east-west alley south of 100th Place from Norfolk Avenue to the north-south alley west of Norfolk Avenue, known and designated as Subunit Number 94 of Unit Number A-463.

The east-west alley north of 100th Place from Miami Avenue to Nashville Avenue, known and designated as Subunit Number 95 of Unit Number A-463.

The east-west alley north of 100th Place from Nashville Avenue to the north-south alley west of Nashville Avenue, known and designated as Subunit Number 96 of Unit Number A-463.

The east-west alley north of 100th Street from Miami Avenue north to Nashville Avenue, known and designated as Subunit Number 97 of Unit Number A-463.

The east-west alley north of 100th Street from Nashville Avenue to the north-south alley west of Nashville Avenue, known and designated as Subunit Number 98 of Unit Number A-463.

The north-south alley west of Nashville Avenue from the east-west alley south of 100th Street to the east-west alley north of 99th Street, known and designated as Subunit Number 99 of Unit Number A-463.

The east-west alley north of 99th Street from the north-south alley west of Nashville Avenue to the east-west alley north of 100th Street and east of Nashville Avenue, known and designated as Subunit Number 100 of Unit Number A-463.

FISCAL IMPACT:

There are no City funds due to the contractor upon acceptance.

Staff recommended approval of this resolution.

- (29.) **Resolution No. 2005-R0013 authorizing the Mayor to execute a quitclaim deed to G. W. Raines for a portion of 6th Street (915 6th Street) (*Right-of-Way*).**

In January 1994, City Council passed Ordinance #9646 which closed a portion of 6th Street just east of Texas Avenue for the Raines family. The area that was closed also contained a portion of Lots 8, 9, and 10 of Block 24, Original Town Addition, all of which was built into a cul-de-sac street in the early 1970s. The street area was no longer needed and the property owner requested that it be closed for his building expansion. The ordinance was approved and the 12,022.50 square foot street area was sold to the property owner who replatted the property. Typically the City files the approved ordinance in the courthouse deed records and it conveys the property to the landowner. In this case, a title company has requested that the City file a quitclaim deed to go along with this ordinance closure since the Raines family is now selling the property.

FISCAL IMPACT:

None.

The Right-of-Way Department recommended approval of this resolution.

- (30.) **Resolution No. 2005-R0014 approving and authorizing publication of “Notice of Intention to Issue” and “Notice of Sale” of Combination Tax and Electric System Surplus Revenue Certificates of Obligation, Series 2005 in an amount not to exceed \$25,500,000 (*Finance*).**

The proceeds from the sale of this bond issuance will be used for the purchase of a power facility from West Texas Municipal Power Agency, for improvements to the City’s Electric System, and to pay costs associated with issuance of these bonds.

The projects tentatively scheduled to be funded are:

Purchase of JRM 8 Generation Station - Funded by 2005 CO:
\$20,840,000

This project will provide for the acquisition of an electric power co-generation facility including a 40 MW combustion turbine generator and related power generation equipment and facilities located at Lubbock Power & Light Plant No. 2 and owned by the West Texas Municipal Power Agency.

Overhead Distribution Ongoing - Funded by 2005 CO: \$1,250,000

This project will provide for the engineering design, construction, labor and materials to provide service to customers requiring overhead electric service. This project will also provide for the construction of major overhead line infrastructure such as feeder lines and capacitor banks.

Underground Distribution Ongoing - Funded by 2005 CO: \$1,615,000

This project will provide for the engineering design, construction, labor and materials to provide service to customers requiring underground electric service.

Distribution Transformers Ongoing - Funded by 2005 CO: \$800,000

This project will provide for the purchase of distribution transformers for electric distribution system growth, maintenance, and improvements.

FISCAL IMPACT:

This issuance will defease the WTMPA Revenue Bonds, Series 1998 in the original amount of \$28.91 million. \$21.285 million is now outstanding. Once the new bonds are issued, the JRM 8 Power Generation Station will be shown as an asset on the LP&L Enterprise Fund Balance Sheet and the corresponding liability will also be shown for the new debt. The lease obligation now shown will be eliminated. The net financial statement effect will be minimal.

New bonds totaling \$3.665 million are also issued to fund LP&L's FY 2004-2005 approved CIP. A long-term financial model has been developed by LP&L and City financial staff. The model shows that this issuance is financially sustainable.

As this action is the first necessary step to proceed with a bond issuance, staff recommended approval of this resolution. Pricing date is set for February 22, 2005.

- (31.) **Resolution No. 2005-R0015 authorizing the Mayor to execute for and on behalf of the City a Deed transferring the 4.73 acres of land located at 1802 Parkway Drive to the North and East Lubbock Community Development Corporation for economic development purposes (*Business Development*).**

The North and East Lubbock Community Development Corporation would like to acquire 4.73 acres of land located at 1802 Parkway Drive for the development of a 15,000 square foot shopping center that will generate economic development for North and East Lubbock. The location of a

shopping center on this tract will also provide access to convenience goods for citizens located in North and East Lubbock.

This tract of land is located in an Enterprise Zone that is automatically designated as a reinvestment zone upon its creation, and also located in a historically underutilized section of the City. The development of the historically underutilized area of the City will accomplish the public purposes of development and diversification of the economy, will promote, assist, and enhance economic development and will aid in reducing unemployment and underemployment within the City.

This tract of land is a portion of the tract owned by the City upon which the Patterson Library is located. The Library Board has recommended that the property be sold to the North and East Lubbock Community Development Corporation for economic development purposes.

The deed will only be executed upon receipt of the agreed upon value of \$11,352 within 180 days of the approval of this resolution.

FISCAL IMPACT:

None.

City staff recommended approval of this resolution.

The next items considered were Items 33-36.

- (32.) **Resolution No. 2005-R0025 in support of Relay Texas deaf interpreting service in Lubbock for renewal of their contract with the State of Texas (City Council staff).**

This item was moved from consent agenda to regular agenda and was considered following Item 15.

Relay Texas has asked City Council for a letter of support for renewal of their contract, to help show that their services and opportunity for employment are of value to our community.

FISCAL IMPACT:

None.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to pass Resolution No. 2005-R0025 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (33.) **Resolution No. 2005-R0016; Resolution No. 2005-R0017 - BID #04-175/BM—for Water Treatment Chemicals for Water Reclamation Plant – Six Month Pricing (Water Reclamation).**

This bid establishes six-month pricing for the purchase of water treatment chemicals required to ensure compliance with the Texas Commission on Environmental Quality rules and regulations for water treatment. Dry polymer will be used daily at the Southeast Water Reclamation Plant as an

aid to thicken the waste sludge and dewatering of the digested sludge in the solids handling facility. Sodium hypochlorite is a chemical used daily at the Southeast Water Reclamation Plant to control odors from the raw wastewater entering the plant at the headworks and solids-handling facility.

Eight local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$186,787 was appropriated with \$169,201 available in Project 6411 (Wastewater Treatment Process Chemical Supply) for this purpose.

Staff recommended contract award to Ciba Specialty Chemicals Corporation of Suffolk, Virginia for \$76,700 and to DPC Industries of Sweetwater, Texas for \$27,274.69.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to pass Resolution No. 2005-R0025 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

(34.) Resolution No. 2005-R0018 - BID #04-188/BM—for 2005 Primary Streets Maintenance Program (Streets).

The 2005 Primary Streets Maintenance Program involves seal coating on selected primary streets throughout the City; either a single course seal (preventative maintenance) or a two course seal (rehabilitative maintenance). The various patching items will be used to replace failed areas on the selected streets. The patching phase will start in late February 2005 on the streets to be sealed. Seal coat operations will start in May 2005 and will be completed by August 15, 2005.

Thirty-eight local contractors were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$950,000 was appropriated with \$950,000 available in Project 90375 (Permanent Street Maintenance Fund) for this purpose.

Staff recommended contract award to Lone Star Dirt & Paving Contracting, Ltd. of Lubbock, Texas for \$936,401.40.

(35.) Resolution No. 2005-R0019 - BID #04-189/BM—for 2005 Secondary Streets Maintenance Program (Streets).

The 2005 Secondary Streets Maintenance Program involves seal coating on selected secondary streets throughout the City; either a single course seal (preventative maintenance) or a two course seal (rehabilitative maintenance). The various patching items will be used to replace failed areas on the selected streets. The patching phase will start in late February 2005 on the streets to be sealed. Seal coat operations will start in May 2005 and will be completed by September 2005.

Thirty-six local contractors were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$688,000 was appropriated with \$688,000 available in Project 90375 (Permanent Street Maintenance Fund) for this purpose.

Staff recommended contract award to Lone Star Dirt & Paving Contracting, Ltd. of Lubbock, Texas for \$676,797.37.

(36.) Resolution No. 2005-R0020 - RFQ #04-191/VK—for A/E Services for Airport Improvement Projects (*Aviation*).

This Request for Qualifications involves the selection of an engineering firm to design FAA approved capital improvement projects at the Airport. The proposed scope of services will generally extend over the next five years. The projects covered in the previous master engineering agreement of 1997 have been completed and the agreement is terminated. It is necessary to insure continuity of the entitlement grant funded public works type projects and overall planning and development of the Airport. As each of the projects in the next five-year planning period is implemented, a budget will be provided along with a funding source (usually Airport Improvement Project Entitlement Grants, passenger facility charges revenue, or Airport fund balance) and design and engineering contracts will be negotiated.

Two engineering firms submitted proposals to the City's request for A/E services for various airport improvement projects over the next five years and were ranked as follows:

- Parkhill, Smith & Cooper, Inc. located in Lubbock, Texas with expertise in civil engineering, planning, and architecture. (Score 92.8%)
- Delta Airport Consultants, Inc. headquartered in North Carolina with a regional office in Austin, Texas and expertise in civil engineering and planning. (Score 70.6%)

The Evaluation Committee used the basic evaluation methods in the Evaluation Procedures for Competitive Negotiation for Professional and Non-Professional Services of the City Purchasing Department.

The evaluation criteria in the RFQ included 1) Professional Background 35%, 2) Quality of Projects Completed 20%, 3) Recent Experience 15%, and 4) Project Approach and Other Procedures 30%.

The Evaluation Committee recommended Parkhill, Smith & Cooper (PSC) be engaged to perform the A/E services as required for the various Airport improvement projects as set out in the RFQ. As the funding for each project is appropriated through the entitlement grant process, a separate engineering contract will be negotiated and brought back to Council for approval. Both proposals were prepared in a professional manner and Airport staff has had previous experience with both firms. Parkhill, Smith & Cooper's experience of over 40 years with technical expertise with

projects of similar scope for the City, as well as the Airport, equip them with the background to operate as the Airport's engineer. Personnel qualifications of PSC are extensive and diverse. They are a full service multi-discipline firm with a good understanding of the work to be performed. Because of their long and successful relationship with the Airport, the Evaluation Committee believes that PSC displays the best understanding of the need for all the projects, how all the projects are interrelated, and how all the issues can be studied so that the best solution for the available funding can be achieved.

Forty-eight local businesses were notified of the Request for Qualifications.

FISCAL IMPACT:

Funds shall be made available from FAA Airport Grant projects for this purpose.

Staff recommended contract award to Parkhill, Smith & Cooper, Inc. of Lubbock, Texas.

The next item considered was Item 38.

- (37.) **Resolution No. 2005-R____ - RFP #04-159/RW—for Central Control Irrigation System (*Parks and Recreation*).**

This item was deleted.

ORDINANCES FOR PASSAGE

Second Reading

- (38.) **ORDINANCE NO. 2004-O0148—Ordinance granting NTS Communications, Inc. a cable television franchise (*Mayor nay*) (*second and final reading*).**

This item was considered following Item 32.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2005-O0148 as recommended by staff. Motion carried: 6 Yeas, 1 Nay. Mayor McDougal voted nay.

The next items considered were Items 45-52

PUBLIC HEARING

- 10:30 A. M. Zoning**

Items 39-44 were considered following Item 52.

- (39.) **Ordinance No. 2005-O0005 - ZONE CASE NO. 2082-A (2720 and 2722 Auburn Street): Hold a public hearing to consider the request of Maggie Trejo (for the Community Housing Resource Board of Lubbock) for a zoning change from R-1 to R-2 with a condition on the east 50 feet and the center 50 feet of the south 132.5 feet of Block 57, Arnett and Benson Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:30 a.m. No one appeared on behalf of Community Housing Resource Board of Lubbock. No one appeared in opposition. Mayor McDougal closed the hearing at 10:34 a.m.

The request is to rezone two vacant lots in the Arnett neighborhood as R-2 for two small duplex units that will provide affordable housing for handicapped and senior citizens. While this one block is zoned R-1, approximately 30% of the Arnett Addition is zoned R-2 and has a mixture of single family and duplex construction. Many of the structures were built before the City adopted zoning in the early 1940s. The applicant is the Community Housing Resource Board, a group that has previously completed several projects of this nature in the vicinity.

Adjacent land use is residential in all directions. To the east on Auburn Street, one single family home separates these two lots from an existing church.

As a style of residential, the project does not rise to the level of a Comprehensive Land Use Plan discussion. There were no negative comments at the Planning Commission from the adjacent property owners.

Density would normally be an issue for duplex development on a block with other single-family units. The depth of the lots in Arnett (132.5 feet) and the width of 50 feet each create a lot size of 6,625 square feet (minimum is 6,000 square feet for a duplex) – well over the density requirement for duplex. In addition, the proposal is for both sides of each duplex to contain a total of three bedrooms on both sides, far fewer than could be accommodated in a new single family home on each lot.

The project will have no appreciable effect on the thoroughfare system. The site plan indicates four parking spaces for both duplex units. At another project constructed the same, the number has worked well since several of the occupants have no vehicle. The balance of what would normally be paved is committed to grass in the front yard.

The Planning Commission recommended the request with the following condition:

1. The two duplex units shall be constructed as described in Site Plan #2082A.

FISCAL IMPACT:

Not applicable.

Staff supported the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-O0005 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (40.) **Ordinance No. 2005-O0006 - ZONE CASE NO. 2256-A (south and east of the corner of East Kent Street and North Holly Avenue): Hold a public hearing to consider the request of James Kitten (for Lubbock County) for a zoning change from M-2 to M-2 Specific Use for a corrections facility on a 50.56 acre tract of unplatted land out of Block A, Section 41. (first reading).**

Mayor McDougal opened the public hearing at 10:30 a.m. No one appeared on behalf of Lubbock County. No one appeared in opposition. Mayor McDougal closed the hearing at 10:34 a.m.

The request will accommodate construction of the new Lubbock County jail.

Land use in the area is agriculture or the existing detention facility operated by Lubbock County. The County owns a majority of the square mile where the jail is proposed.

The area is targeted as industrial on the Comprehensive Land Use Plan, and the proposal is consistent with zoning policy.

The project will not have a significant effect on the thoroughfare system.

The Planning Commission recommended approval of the request.

FISCAL IMPACT:

Not applicable.

Staff supported the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-O0006 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (41.) **Ordinance No. 2005-O0007 - ZONE CASE NO. 3028 (east of North Martin Luther King, Jr. Boulevard and south of East Regis Street): Hold a public hearing to consider the request of Hugo Reed and Associates, Inc. (for Hub of the Plains Partners VI, Ltd.) for a zoning change from R-1 to IDP (Industrial Park) on the south half of Block D-3, Section 1. (first reading).**

Mayor McDougal opened the public hearing at 10:30 a.m. Truett Craft appeared on behalf of Craft Construction Company. No one appeared in opposition. Mayor McDougal closed the hearing at 10:34 a.m.

The parcel proposed for rezoning from T or R-1 is south of Regis Street (the half section line, to East Kent Street), between North MLK Boulevard and Guava Avenue; a half square mile. It is the half section that Regis Street curves south from the intersection at MLK Boulevard back to being on the section line of Kent Street (east-west) at North Guava Avenue (north-south).

Adjacent land use is substantially vacant (agricultural) in all directions. Exceptions include several homes to the west across North MLK Boulevard. All the phone inquiries to staff about the request have expressed favor for the proposal.

The request is consistent with the Comprehensive Land Use Plan and zoning policy. The rezoning has been a policy objective for years because of the location of the area being south of the Airport. The proposed future development should not dramatically affect the thoroughfare system.

The Planning Commission recommended approval of the request.

FISCAL IMPACT:

Not applicable.

Staff supported the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-00007 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (42.) **Ordinance No. 2005-00008 - ZONE CASE NO. 2161-I (8910 University Avenue): Hold a public hearing to consider the request of G. Greenstreet, Inc. for a zoning change from A-1 to GO for professional offices on a 0.66 acre portion of land out of the northwest corner of Tract E, Summerfield Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:30 a.m. No one appeared on behalf of G. Greenstreet, Inc. No one appeared in opposition. Mayor McDougal closed the hearing at 10:34 a.m.

The request will rezone a 119-foot strip of undeveloped apartment zoning to Garden Office.

Adjacent land use:

North – professional office

South – institutional

East – University Avenue

West – playa lake

The project is consistent with both the Comprehensive Land Use Plan and zoning policy. This project will complete a series of development along Slide Road and will probably be more attractive and less intense than the

current apartment zoning. The project will have no impact on the thoroughfare system.

The Planning Commission supports the request with one condition:

1. The development will be limited to one curb return to University Avenue.

FISCAL IMPACT:

Not applicable.

Staff supported the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-00008 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (43.) **Ordinance No. 2005-00009 - ZONE CASE NO. 2178-I (west of Indiana Avenue and south of 98th Street): Hold a public hearing to consider the request of Hugo Reed and Associates, Inc. (for Danbe Partners, Ltd.) for a zoning change from A-1 to C-2 for a shopping center on an unplatted 0.6 acre tract of land out of Block E-2, Section 18. (first reading).**

Mayor McDougal opened the public hearing at 10:30 a.m. No one appeared on behalf of Danbe Partners, Ltd. No one appeared in opposition. Mayor McDougal closed the hearing at 10:34 a.m.

The proposed rezoning will amend the current A-1 zoning to allow for C-2 development. The parcel is approximately one-half of the current A-1 parcel that is already approved within a Zoning Board of Adjustment case that allows the property to be used as parking for the shopping center being constructed to the north. One letter of opposition noted a change of policy from A-1 to C-2. It is important to note a strip of A-1 that will be either parking and/or a drive to the future development of the west from Indiana Avenue.

Adjacent land uses:

North – commercial

South – zoned A-1, approved for commercial parking, vacant

East – commercial

West – apartment zoned, vacant

The request is consistent with the Comprehensive Land Use Plan and zoning policy. As noted, an approximate 50-foot strip of A-1 will remain south of the commercial and north of the existing residential on 101st Street.

The project will have no effect on the thoroughfare plan.

The Planning Commission supports the request.

FISCAL IMPACT:

Not applicable.

Staff supported the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-O0009 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (44.) **Ordinance No. 2005-O0010 - ZONE CASE NO. 3029 (2938 East Cornell Street): Hold a public hearing to consider the request of Hugo Reed and Associates, Inc. (for Tierra Unida Development) for a zoning change from R-1 to R-1 Specific Use for reduced setbacks, Block 1, Donlon Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:30 a.m. No one appeared on behalf of Tierra Unida Development. No one appeared in opposition. Mayor McDougal closed the hearing at 10:34 a.m.

The request is for a new residential development proposed south of East Erskine Street and west of North Guava Avenue. The project has the full support of the North and East Lubbock Community Development Corporation and represents an excellent project following the long-time efforts of City Council to encourage development of underdeveloped areas of Lubbock.

Adjacent land use:

North – vacant, City property

South – vacant

East – vacant

West – residential, commonly referred to as the Cherry Point Addition.

The project represents a policy request in terms of both the Comprehensive Land Use Plan and zoning policy. The applicant has filed the request as Specific Use to provide for reduced setback common in most new subdivisions.

The project will not have a negative effect on the thoroughfare system. The applicant may be on a future Council agenda to discuss rollover curbs, but that process is not within the jurisdiction of this zone case.

The Planning Commission recommended the request with the following setback minimum:

1. Twenty-foot front setback.
2. Five-foot side setback on corner lots.

3. Five foot front setback for homes on a cul-de-sac, with the exception that any garage or the required parking shall meet a twenty-foot setback.

FISCAL IMPACT:

Not applicable.

Staff supported the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-00010 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

ADMINISTRATIVE SERVICES

Human Resources

Items 45-52 were considered following Item 38.

- (45.) **Ordinance No. 2005-00002 amending Ordinance No. 10007, Section 5 authorizing and allowing, under the act governing the Texas Municipal Retirement System, so as to make current service and prior service contributions to the City of Lubbock's account in the municipal accumulation fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation (*first reading*).**

The City of Lubbock is a participating municipality in the Texas Municipal Retirement System (TMRS), which provides retirement and disability benefits. Annually an actuarial study of the City of Lubbock's account is performed to determine the rate necessary to fund the costs of all benefits, which are or may become chargeable or are to be paid out of the City's account. The actuarial experience investigation study has revealed the necessity by the Board of Trustees to reduce the actuarial interest rate and payroll growth assumptions utilized in calculating City contribution rates. These assumption changes ensure that the City's TMRS Plan continues to be funded on an actuarially sound basis.

Based on these new assumptions and the City's present benefit plan, the new contribution rate effective January 1, 2005 will be 15.85%. This is an increase of 1.31% above the 2004 rate of 14.54%. This represents an increase of \$769,000 over the principle period. This new amount has been included in the FY 2004-05 adopted budget. This ordinance replaces Section 5 of Ordinance No. 10007 in which the City set the maximum statutory rate recommended by TMRS at 15.50%.

FISCAL IMPACT:

The increase has been included in the FY 2004-05 adopted budget.

Staff recommended Council approval of the first reading of this ordinance.

Motion was made by Mayor Pro Tem, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0002 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

(46.) Ordinance No. 2005-O0003 amending the FY 2004-2005 Budget (Amendment #4).

1. Revising Electric, Water, Sewer, Solid Waste and Storm Drainage Funds:

LP&L management has determined that wages need to be adjusted for various industry, business and competitive matters in order to best serve the needs of the Lubbock community. The specific details are outlined in the Executive Session item. Changes are necessary for the other Enterprise Funds because of their reimbursement of Utility Billing to the Electric Fund.

2. Revising Streets Capital Projects:

The budget will be revised to cover the City's participation in the cost of the Slide Road widening north of Erskine Street associated with the platting of the North Point Addition. The request is to move \$85,185 from two streets projects to the Subdivision and Assessment Paving Project.

A separate item is on the agenda recommending City Council accept the paving improvements and authorize payment to the developer of \$120,714.30.

3. Adding a new Capital Project – City Council Conference Room:

The City Council is in need of a new conference room to better accommodate the needs of the Council. The new conference room will be located on the 2nd floor of the Municipal Building and will be equipped for teleconference and media meetings.

4. Moving \$10,000 from General Fund to Investment Fund:

A \$10,000 appropriation from the General Fund fund balance will be made to the Investment Fund. A deficit is always maintained at fiscal year end in the Investment Fund because of timing differences in fund reimbursements. This transfer will eliminate the minimal structural deficit.

5. Accept and appropriate grant from Texas Department of State Health Services for Immunization Services:

Funding will be received in the amount of \$230,440. The grant will fund salaries and benefits for a Registered Nurse, Licensed Vocational Nurse and Secretary to provide Immunization Services. The contract will expire August 31, 2005. A separate item (Item #18) is on this same agenda requesting approval of a contract change to the grant.

6. Accept and appropriate grant from Texas Department of State Health Services for Bioterrorism Preparedness:

Funding will be received in the amount of \$547,791. The grant will cover Salaries and Benefits of \$429,967, Supplies of \$37,397, Equipment of \$48,050, Professional Services for a Pharmacist of \$4,800, Other Miscellaneous Expenses of \$19,577, and Training and Travel Costs of \$8,000. The contract will expire August 31, 2005. A separate item (Item #19) is on this same agenda requesting approval of a contract change to the grant.

7. Accept and appropriate grant from Texas State Library and Archives Commission for Loan Star Libraries Direct Aid Program:

Funding will be received in the amount of \$18,044. The grant will cover Payroll of \$9,147 and Materials of \$8,897. A separate item (Item #24) is on this same agenda, requesting acceptance of the grant for 2005.

FISCAL IMPACT:

1. Revising Electric, Water, Sewer, Solid Waste and Storm Drainage Funds:

The Electric Fund is budgeted to expend an additional \$479,511 with this increase for the Electric Fund, the Water, Sewer, Solid Waste and Storm Water Funds will increase by the following amounts to pay for their utility billing allocation.

•	Water	\$110,352
•	Sewer	\$ 63,374
•	Solid Waste	\$ 13,563
•	Storm Water	<u>\$ 26,361</u>
	Total	\$213,650

The Water, Sewer, and Solid Waste funds are each reducing transfers into their capital project funds to fund the increase in billing charges. The Storm Water Fund is increasing its use of fund balance.

The remaining difference of \$265,861 is to be funded from Electric Fund operating revenues.

2. Revising Streets Capital Projects:

It is recommended that \$42,051 be used from the Subdivision and Assessment Paving Project, \$50,185 be used from State and Federal Match, and \$35,000 be used from the Frankford Avenue from 82nd to 98th Streets Project. This amounts to a total transfer of \$85,185 into the Subdivision and Assessment Paving project,

bringing the total available in this project to \$127,236. The total needed for North Point Addition is \$120,714.

3. Adding new Capital Project – City Council Conference Room:
The funding for the City Council Conference Room is to come from the Radio Shop Capital Projects Fund #326 retained earnings.
4. Moving \$10,000 from General Fund to Investment Fund:
There is no major impact associated with this transfer from the General Fund fund balance.
5. Accept and appropriate grant from Texas Department of State Health Services for Immunization Services:
Grant provides citizens services without negatively impacting the General Fund.
6. Accept and appropriate grant from Texas Department of State Health Services for Bioterrorism Preparedness:
Grant provides citizens services without negatively impacting the General Fund.
7. Accept and appropriate grant from Texas State Library and Archives Commission for Loan Star Libraries Direct Aid Program:
Grant provides citizens services without negatively impacting the General Fund.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-00003 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

(47.) Resolution No. 2005-R____ - BID #04-207/BM—for Municipal Irrigation Wells – Phase I (*Public Works*).

This item was rejected.

This project involves the drilling and development of 12 irrigation wells located within 11 municipal parks for the purpose of using ground water rather than drinking water for landscape irrigation.

Time for completion of this project is 60 consecutive calendar days and liquidated damages are \$500 per day. Sixty-two Lubbock contractors were notified of this Invitation to Bid.

FISCAL IMPACT:

A total of \$350,000 was appropriated with \$349,316 available in Project 90357 (Parks Conversion to Ground Water) for this purpose.

Staff recommended contract award to Turfmaster Irrigation and Landscaping, Inc. of Wolfforth, Texas for \$317,228.40.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass this item, since this was a unit price and the City could stop if they wanted. Motion carried: 7 Yeas, 0 Nays.

This item was reconsidered following Item 54.

Information was presented by the City Attorney that this bid could not be broken down into units.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to reject all bids. Motion carried: 7 Yeas, 0 Nays.

(48.) Resolution No. 2005-R0029 - BID #04-193/MA—for Light Duty Trucks (*Fleet Services*).

This bid is for the purchase of three pickup trucks for inspectors in the Street Engineering Department to enable them to get to locations throughout the City to inspect and test utility work being done in the right-of-ways. These trucks will also be used in getting to sites of inspections and tests needed for new street and alley construction within the City limits.

Pursuant to Texas Local Government Code 271.905(b), in purchasing real property or personal property that is not affixed to real property, if the City receives one or more bids from a bidder whose principal place of business is in the City of Lubbock and whose bid is within 3% of the lowest bid price received by the City from a bidder who is not a City of Lubbock resident, the City may enter into a contract with:

1. The lowest bidder, or
2. The bidder whose principal place of business is in the City of Lubbock if the City Council determines, in writing, that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City of Lubbock created by the contract award, including the employment of residents of the City of Lubbock and increased tax revenue to the City of Lubbock.

In order to receive consideration of the location of the bidder's principal place of business for bid award, bidders are required to submit an Affidavit of Eligibility.

The bid from Gene Messer Ford of Lubbock, Texas for items 2 through 2b on the bid tabulation is within 3% of the low bid from a non-resident bidder. Staff's recommendation is to award the bid to the lowest bidder meeting specifications.

However, pursuant to the abovementioned statute, City Council has the authority to award this bid to the local bidder "if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by

the contract award, including the employment of residents of the local government and increased tax revenues to the local government”. To facilitate the determination by City Council, a completed and signed Affidavit of Eligibility from the local bidder is included in agenda backup.

Fifteen local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$23,364 was appropriated with \$23,364 available in Project 90382 and 4311.8704 (Right-of-Way Management and Building Inspection – Rent/Lease) for principal and interest payments during FY 2004-2005. This equipment will be financed using the City’s master lease purchase agreement.

Staff recommended contract award to Philpott Motors of Nederland, Texas for \$41,969.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass Resolution No. 2004-R0029 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

This item was reconsidered following Item 54.

Mayor Pro Tem Martin stated “having received an affidavit of eligibility from the low local bidder and it is within 3% of the low bid, under section 271.905 of the Texas Local Government Code provides that the local government and municipality with a population of 200,000 or less, which we meet officially since the last census (we were at 199,000), receives one or more bids from bidder whose principal place of businesses is in the local government. This bid is within 3% of the lowest bid price received by the local government from a bidder who is not a resident of the local government. The local government may enter into a contract with either the lowest bidder or the bidder whose principal place of business is the local government, and conditioned upon appropriate findings of the governing body, and we have made those findings and they are presented here in this resolution, and I so move we award the bid to Gene Messer Ford of Lubbock.”

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0029 and to award the contract to Gene Messer Ford of Lubbock. Motion carried: 7 Yeas, 0 Nays.

The next items considered were Items 55-56.

**12:02 P.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council/City Manager’s Conference Room**

All council members were present.

**1:15 P. M. CITY COUNCIL RECONVENED IN WORK SESSION
City Council Chambers**

All council members were present.

The next items considered were Items 55-56.

- (49.) Resolution No. 2005-R0026 authorizing the Mayor to execute a statement of intent for the City to participate with the other member cities of the Canadian River Municipal Water Authority to finance revenue bonds for the Conjunctive Use Groundwater Supply Project.**

This item was considered following the first consideration of Item 48.

The Canadian River Municipal Water Authority (CRMWA) Board has approved the expenditure of up to \$50,000,000 for the purchase and development of groundwater rights. The costs break down as follows:

Estimated Water Rights Costs	\$15,000,000
Estimated Development Costs	\$28,000,000
Contingencies	<u>\$ 7,000,000</u>
TOTAL:	\$50,000,000

Note that the actual expenditures for each item may vary depending upon the final project. For example, more water rights may be purchased or the cost of the water rights may be more than anticipated. Furthermore, the development costs may be more than anticipated.

The resolution allows \$7 million in financing costs. This amount provides for a bond proceeds funded debt service reserve. In reality, CRMWA's financial advisor believes they will obtain a surety policy from a bond insurer in lieu of the cash funded debt service reserve. This will lower the actual size of the issuance. CRMWA has also agreed, and will confirm in writing, that the City's portion of the debt will be amortized on a level debt service basis.

This resolution commits the City of Lubbock to participate with CRMWA for the issuance and financing of these bonds.

FISCAL IMPACT:

The City's share of debt service will be added to the annual costs paid to CRMWA. Based on a 20-year debt service schedule run in mid-December, with an assumed true interest cost of 4.25%, annual debt service will approximate \$1.45 million. In FY 2004-2005 and FY 2005-2006, the debt service will be \$285,000 and \$766,000, respectively. Current rates for FY 2004-2005 can absorb the increase. A 2.39% increase will be required in FY 2005-2006 and an additional 2.15% will be required for FY 2006-2007. These increases will need to remain in place until the bonds are paid in FY 2024-2025.

Under this scenario, the current residential water rate (\$1.78/1000 gallons) would increase as follows:

Second year (2.39%): \$0.04/1000 gals. (\$1.82/1000 gals.)

Third year (2.15%): \$0.04/1000 gals. (\$1.86/1000 gals.)

This does not include any costs associated with pumping the water from the well field, transportation, or treatment costs.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass Resolution No. 2005-R0026 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

(50.) Resolution No. 2005-R0027 authorizing the Mayor to execute an amendment to the existing Conjunctive Use Groundwater Supply agreement between the City and the Canadian River Municipal Water Authority to finance revenue bonds for the Conjunctive Use Groundwater Supply Project.

The Canadian River Municipal Water Authority (CRMWA) Board has approved the expenditure of up to \$50,000,000 for the purchase and development of groundwater rights. The costs break down as follows:

Estimated Water Rights Costs	\$15,000,000
Estimated Development Costs	\$28,000,000
Contingencies	<u>\$ 7,000,000</u>
TOTAL:	\$50,000,000

Note that the actual expenditures for each item may vary depending upon the final project. For example, more water rights may be purchased or the cost of the water rights may be more than anticipated. Furthermore, the development costs may be more than anticipated.

The resolution allows \$7 million in financing costs. This amount provides for a bond proceeds funded debt service reserve. In reality, CRMWA's financial advisor believes they will obtain a surety policy from a bond insurer in lieu of the cash funded debt service reserve. This will lower the actual size of the issuance. CRMWA has also agreed, and will confirm in writing, that the City's portion of the debt will be amortized on a level debt service basis.

This resolution commits the City of Lubbock to participate with CRMWA for the issuance and financing of these bonds.

FISCHAL IMPACT:

The City's share of debt service will be added to the annual costs paid to CRMWA. Based on a 20-year debt service schedule run in mid-December, with an assumed true interest cost of 4.25%, annual debt service will approximate \$1.45 million. In FY 2004-2005 and FY 2005-2006, the debt

service will be \$285,000 and \$766,000, respectively. Current rates for FY 2004-2005 can absorb the increase. A 2.39% increase will be required in FY 2005-2006 and an additional 2.15% will be required for FY 2006-2007. These increases will need to remain in place until the bonds are paid in FY 2024-2025.

Under this scenario, the current residential water rate (\$1.78/1000 gallons) would increase as follows:

Second year (2.39%): \$0.04/1000 gals. (\$1.82/1000 gals.)

Third year (2.15%): \$0.04/1000 gals. (\$1.86/1000 gals.)

This does not include any costs associated with pumping the water from the well field, transportation, or treatment costs.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0027 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

PLANNING AND TRANSPORTATION

Right-of-Way

- (51.) **Ordinance No. 2005-O0004 abandoning and closing a portion of a 20-foot alley located in Block 33, Overton Addition to the City of Lubbock (409 Avenue T) (first reading).**

This 20-foot by 300-foot alley portion in the Overton Addition is being closed as part of the McDougal North Overton redevelopment project for the new Wal-Mart. This alley area is located just east of Avenue T, between 4th and 5th Streets. Since McDougal was not the original dedicator of the alley area being closed, there is a charge for it. The total alley area being closed is 6,000 square feet and the Right-of-Way Department has determined a value of \$1.50 per square foot for this alley area, or \$9,000. As the alley will remain as an easement, the value is discounted by 50% for a total amount due to the City of \$4,500.

FISCAL IMPACT:

Revenue of \$4,500.

The Right-of-Way Department recommended approval of the first reading of this ordinance.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-O0004 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused on this item.

Streets/Paving

- (52.) **Resolution No. 2005-R0028 accepting paving improvements constructed by Allen Butler Construction Company, Inc. in North Point Addition, Lots 1-331.**

This is a routine acceptance of paving improvements constructed at the time of platting this new subdivision. This resolution will authorize payment of the City's extra width cost in the amount of \$120,714.30 to the developer. These improvements consist of street and alley paving and curb and gutter on:

North Slide Road from the north lip-line of Erskine Street to the north end of radius of future Jarvis Street, known and designated as New Subdivision Subunit Number 51 of Unit Number 2043.

North half of Erskine Street from the west end of radius of the alley west of North Winston Avenue to the west end of radius of North Utica Avenue (curb and gutter and asphalt ties), known and designated as New Subdivision Subunit Number 52 of Unit Number 2043.

West half of North Utica Avenue from the north lip-line of Erskine Street to the north end of radius of Kemper Street, known and designated as New Subdivision Subunit Number 53 of Unit Number 2043.

Kemper Street from the west end of radius of North Vale Avenue to the west lip-line of North Utica Avenue, known and designated as New Subdivision Subunit Number 54 of Unit Number 2043.

Jarvis Street from the West end of radius of North Vale Avenue to the West lip-line of North Utica Avenue, known and designated as New Subdivision Subunit Number 55 of Unit Number 2043.

Itasca Street from the east lip-line of North Vale Avenue to the cul-de-sac east of North Vale Avenue, known and designated as New Subdivision Subunit Number 56 of Unit Number 2043.

North Wayne Avenue/Harvard Drive/Harvard Street from the cul-de-sac north of Erskine Street to the west lip-line of North Utica Avenue, known and designated as New Subdivision Subunit Number 57 of Unit Number 2043.

North Vinton Avenue/Grinnell Street from the cul-de-sac north of Erskine Street to the cul-de-sac east of North Vale Avenue, known and designated as New Subdivision Subunit Number 58 of Unit Number 2043.

Fordham Street from the east lip-line of North Vale Avenue to the cul-de-sac east of North Vale Avenue, known and designated as New Subdivision Subunit Number 59 of Unit Number 2043.

North Vale Avenue from the north lip-line of Erskine Street to the south lip-line of Grinnell Street, known and designated as New Subdivision Subunit Number 60 of Unit Number 2043.

North Vale Avenue from the north lip-line of Grinnell Street to the south lip-line of Harvard Street, known and designated as New Subdivision Subunit Number 61 of Unit Number 2043.

Itasca Street from the west end of radius of Hanover Drive to the west lip-line of North Vale Avenue, known and designated as New Subdivision Subunit Number 62 of Unit Number 2043.

North Vale Avenue from the north lip-line of Harvard Street to the south lip-line of Jarvis Street, known and designated as New Subdivision Subunit Number 63 of Unit Number 2043.

North Vale Avenue from the north lip-line of Jarvis Street to the south lip-line of Kemper Street, known and designated as New Subdivision Subunit Number 64 of Unit Number 2043.

North Vicksburg Avenue from the north lip-line of Erskine Street to the south lip-line of Grinnell Street, known and designated as New Subdivision Subunit Number 65 of Unit Number 2043.

North Vicksburg Avenue from the north lip-line of Grinnell Street to the south lip-line of Harvard Drive, known and designated as New Subdivision Subunit Number 66 of Unit Number 2043.

Grinnell Street from the east lip-line of North Winston Avenue to the north lip-line of Harvard Drive, known and designated as New Subdivision Subunit Number 67 of Unit Number 2043.

North Winston Avenue from the north lip-line of Erskine Street to the south lip-line of Hanover Street, known and designated as New Subdivision Subunit Number 68 of Unit Number 2043.

Hanover Street/Hanover Drive from the cul-de-sac east of Slide Road to the south lip-line of Itasca Street, known and designated as New Subdivision Subunit Number 69 of Unit Number 2043.

Itasca Street from the east lip-line of Slide Road to the north lip-line of Hanover Drive, known and designated as New Subdivision Subunit Number 70 of Unit Number 2043.

North Winston Avenue from the north lip-line of Itasca Street to the alley north of Itasca Street, known and designated as New Subdivision Subunit Number 71 of Unit Number 2043.

North York Avenue from the north lip-line of Hanover Street to the south lip-line of Itasca Street, known and designated as New Subdivision Subunit Number 72 of Unit Number 2043.

Itasca Street from the cul-de-sac west of North Aberdeen Avenue to the cul-de-sac west of North Slide Road, known and designated as New Subdivision Subunit Number 73 of Unit Number 2043.

North Aberdeen Avenue from the north lip-line of Itasca Street to the alley north of Itasca Street, known and designated as New Subdivision Subunit Number 74 of Unit Number 2043.

North Abbeville Avenue from the north lip-line of Itasca Street to the alley north of Itasca Street, known and designated as New Subdivision Subunit Number 75 of Unit Number 2043.

North Aberdeen Avenue from the north lip-line of Harvard Street to the south lip-line of Itasca Street, known and designated as New Subdivision Subunit Number 76 of Unit Number 2043.

Harvard Street from the west lip-line of Slide Road to the west end of alley return west of Aberdeen Avenue, known and designated as New Subdivision Subunit Number 77 of Unit Number 2043.

The east-west alley north of Itasca Street from North Slide Road to North Abbeville Avenue, known and designated as Subunit Number 09 of Unit Number A-463.

The east-west alley north of Itasca Street from North Abbeville Avenue to North Aberdeen Avenue, known and designated as Subunit Number 10 of Unit Number A-463.

The east-west alley north of Itasca Street from North Aberdeen Avenue to the north-south alley west of North Aberdeen Avenue, known and designated as Subunit Number 11 of Unit Number A-463.

The north-south alley west of North Aberdeen Avenue from Harvard Street to the east-west alley north of Itasca Street, known and designated as Subunit Number 12 of Unit Number A-463.

The east-west alley north of Harvard Street from North Slide Road to North Aberdeen Avenue, known and designated as Subunit Number 13 of Unit Number A-463.

The east-west alley north of Harvard Street from North Aberdeen Avenue to the north-south alley west of North Aberdeen Avenue, known and designated as Subunit Number 14 of Unit Number A-463.

The north-south alley west of Slide Road from Harvard Street to Erskine Street, known and designated as Subunit Number 15 of Unit Number A-463.

The east-west alley south of Harvard Street from Slide Road to the north-south alley west of Slide Road, known and designated as Subunit Number 16 of Unit Number A-463.

The east-west alley north of Itasca Street from North Winston Avenue to North Slide Road, known and designated as Subunit Number 17 of Unit Number A-463.

The north-south, east-west alley north of Itasca Street from North Winston Avenue to Hanover Drive, known and designated as Subunit Number 18 of Unit Number A-463.

The east-west alley north of Hanover Street from North York Avenue to North Slide Road, known and designated as Subunit Number 19 of Unit Number A-463.

The east-west alley north of Hanover Street from North York Avenue to Itasca Street, known and designated as Subunit Number 20 of Unit Number A-463.

The east-west alley south of Hanover Street to North Winston Avenue to North Slide Road, known and designated as Subunit Number 21 of Unit Number A-463.

The north-south alley east of North Slide Road from Erskine Street to the east-west alley south of Hanover Street, known and designated as Subunit Number 22 of Unit Number A-463.

The north-south alley east of North Winston Avenue from Erskine Street to Grinnell Street, known and designated as Subunit Number 23 of Unit Number A-463.

The north-south, east-west alley south of Hanover Drive from North Winston Avenue to North Vale Avenue, known and designated as Subunit Number 24 of Unit Number A-463.

The east-west alley south of Itasca Street from North Vale Avenue to North Utica Avenue, known and designated as Subunit Number 25 of Unit Number A-463.

The north-south, east-west alley east of North Winston Avenue from Harvard Drive to the east-west alley south of Hanover Street, known and designated as Subunit Number 26 of Unit Number A-463.

The north-south, east-west alley northwest of North Vinton Avenue from Erskine Street to North Vicksburg Avenue, known and designated as Subunit Number 27 of Unit Number A-463.

The north-south, east-west alley north of Grinnell Street from North Vale Avenue to North Vicksburg Avenue, known and designated as Subunit Number 28 of Unit Number A-463.

The east-west alley south of Harvard Street from North Utica Avenue to North Vale Avenue, known and designated as Subunit Number 29 of Unit Number A-463.

The north-south, east-west alley southeast of North Vinton Avenue from Erskine Street to North Vicksburg Avenue, known and designated as Subunit Number 30 of Unit Number A-463.

The north-south, east-west alley south of Grinnell Street from North Vale Avenue to North Vicksburg Avenue, known and designated as Subunit Number 31 of Unit Number A-463.

The east-west alley south of Grinnell Street from North Utica Avenue to North Vale Avenue, known and designated as Subunit Number 32 of Unit Number A-463.

The north-south alley east of North Vicksburg Avenue from Erskine Street to the alley south of Grinnell Street, known and designated as Subunit Number 33 of Unit Number A-463.

The north-south alley east of North Vale Avenue from Erskine Street to the east-west alley south of Fordham Street, known and designated as Subunit Number 34 of Unit Number A-463.

The east-west alley south of Fordham Street from North Utica Avenue to North Vale Avenue, known and designated as Subunit Number 35 of Unit Number A-463.

The east-west alley south of Jarvis Street from North Utica Avenue to North Vale Avenue, known and designated as Subunit Number 36 of Unit Number A-463.

The east-west alley south of Kemper Street from North Utica Avenue to North Vale Avenue, known and designated as Subunit Number 37 of Unit Number A-463.

FISCAL IMPACT:

On October 9, 2003 City Council approved a contract with the developer, Sierra Plateau, Ltd., for the City's extra width cost of paving on North Slide Road. The contract limits the City's cost for North Slide Road to \$109,833.30.

Also associated with this acceptance is the City's extra width paving on North Utica in the amount of \$10,881. This amount is in accordance with the City's paving policy.

Upon acceptance, the City's extra width costs totaling \$120,714.30 will be due to the developer. This amount will be paid from the Streets Capital Project (Subdivision and Assessment Paving, Project No. 9516). A related item is included on this agenda to transfer funds into this project for this payment.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0028 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

The next items considered were Items 39-44.

10:37 A.M. CITY COUNCIL RECESSED

11:00 A.M. CITY COUNCIL WORK SESSION CONVENED
City Council Chambers

All council members were present.

The first item considered was Item 57.

(53.) Presentation of the hotel occupancy tax survey.

Scott Joslove, Texas Hotel & Lodging Association Executive Director, gave a presentation.

This item was deleted.

(54.) Discussion of the Maxey Park Feasibility Study.

This item was considered following Item 57.

Cory Dulin, P.E., Engineer with Hugo Reed and Associates, Inc. and Marsha Reed, P.E., Senior Civil Engineer, gave a presentation on flooding and storm sewers in the Maxey Park area.

Mayor Pro Tem Martin suggested harvesting at least 4,000-5,000 gallons per day from Maxey Park.

By consensus, utilization of the remaining funds of the study is a good idea.

At this time, motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to reconsider Items 47 and 48. Motion carried: 7 Yeas, 0 Nays.

Items 55-56 were considered following reconsideration of Item 48.

(55.) Staff report on aerial photography cost, timing, and alternatives.

Craig Farmer introduced Sally Abbe and she gave a presentation on the usefulness of aerial photography. Randy Henson assisted in answering questions.

Mayor McDougal suggested bringing this item back to the next council meeting on January 27, 2005.

(56.) Discuss the Sewer Surcharge Program and new EPA/TCEQ regulations and fines for sewer overflows.

This item was requested by Council Member DeLeon.

Celeste Hoehne, Texas Commission on Environmental Quality and Craig Henderson, Interim Wastewater System Manager, gave a presentation.

The next item considered was Item 58.

(57.) Presentation on the status of Fire Station #13 (located in the northwest portion of the City).

This was the first item considered in Work Session.

Chief Steve Hailey gave a presentation.

Consensus from Council was to move forward with Station #13, getting firemen hired and trained. City Manager Fox was asked to come back with a plan for funding options.

The next item considered was Item 54.

- (58.) **Presentation and discussion regarding the City's decision-making process in regards to selecting whether or not to support an applicant in the State's competition for Housing Tax Credits.**

This item was considered following Item 56.

Nancy Haney, Community Development Director, gave a presentation and requested City Council's guidance on how to respond to applicants for Housing Tax Credits.

At this time, Mayor Pro Tem Martin addressed the issue of shortening the agenda and back-up material, trying to save a little money and time. On today's agenda, there were about ten (10) items that had routine acceptance of paving and subdivisions. The City Code says that the Council or the City Engineer can accept those items. Mayor Pro Tem Martin suggested the staff be directed to have the City Attorney approve them and let that be the final step. He then asked Lou Fox to inform the City Engineer after approval, to file the items.

Mayor Pro-Tem Martin reminded council of the Special Council Meeting on January 18, 2005 at 1:00 p.m.

2:15 P. M. COUNCIL ADJOURNED

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