

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
January 27, 2005
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 27th 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

Two citizens expressed comments to the Council. They were:

Vance Scoggin of 3407 37th expressed his interest in beautifying the City of Lubbock Cemetery after his wife died. He stated he had been informed by Mayor Pro Tem Martin that this project was already underway.

Jimmy May expressed concern in the revitalization of 34th Street. He requested a copy of what the plans are since he has a business on 34th Street. Council Member Boren asked Rob Allison, Business Development Director, to provide Mr. May with a copy of the presentation from Item #57 on today's regular agenda.

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; competitive matters of the public power utility; discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."

**7:33 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 (Police; 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 (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; Deputy City Manager) and take appropriate action.**
- (4) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to:**
 - Building Board of Appeals**
 - Zoning Board of Adjustment**
- (5) 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 discuss and deliberate 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.

- (6.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.087 to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations (Business Development;).**

**9:35 A. M. CITY COUNCIL REGULAR MEETING CONVENED
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 9:35 A. M.

- (7.) **Invocation by Pastor E. L. Bynum, Tabernacle Baptist Fundamental Church.**
- (8.) **Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.**

The next item considered was Item 11.

BOARD APPOINTMENTS RECOGNITION

Lubbock Housing Authority
Receiving: Pat Colby

CITIZEN APPEARANCES

- (9.) **Presentation of a proclamation for the Day of Prayer and Fasting.**

Mayor McDougal and Council Member Boren invited Steve Doles of Pray Lubbock and County Judge Tom Head to join them while the Mayor read a proclamation for the Day of Prayer and Fasting, which he proclaimed January 30, 2005 as that day.

Steve Doles, Council Member Boren, and County Judge Tom Head gave comments.

- (10.) **Presentation of a special recognition to the Texas Tech football team and coaches for their outstanding performance this season.**

Mayor McDougal invited Texas Tech Athletic Director Gerald Myers, Assistant Coach Dave Brown, players Sonny Cumbie and Mike Smith, Associate Athletic Director Craig Wells, and Assistant to the Athletic Department and Media Relations Steve Cook to join him while he read a special recognition to the Texas Tech football team.

- (11.) **Presentation of employee recognitions to the Lubbock Police Department Mounted Unit for their outstanding service to the citizens of Lubbock.**

Board Appointments Recognition and Items 9-10 followed this item.

City Manager Fox invited Corporal Chad Browillette and Sergeant Mark Wimms of the Mounted Unit to join him while he read the recognition from Mayor McDougal. Mayor Pro Tem Martin invited the rest of the Mounted Unit to join him. Chief Mann and Chief Jones also joined them. Council Member Price handed out the recognitions.

CONSENT AGENDA (Items No. 12-28, 30-35)

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve Items 12-28 and 30-35 on consent agenda as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (12.) **Approval of Minutes: January 13, 2005
Regular City Council Meeting**
- (13.) **ORDINANCE NO. 2005-O0001—Repealing Ordinance No. 10208 and amending Chapter 6 of the Code of Ordinances of the City of Lubbock, Texas, by adding new Sections 6-82, 6-100.1, 6-100.2, and 6-100.3 with regard to the addition of local provisions affecting the 2000 International Plumbing and Residential Codes and relating to the backflow prevention device testing program conforming to the requirements of the Texas Commission on Environmental Quality; providing a savings clause; providing a penalty clause; and providing for publication (*Water Utilities*) (*second and final reading*).**
- (14.) **ORDINANCE NO. 2005-O0003—Amending the FY 2004-2005 Budget (Amendment #4) (*second and final reading*).**

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 resolution was on the agenda last City Council meeting 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.

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.

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.

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 second reading of this ordinance.

- (15.) **ORDINANCE NO. 2005-O0005—ZONE CASE NO. 2082-A (2720 and 2722 Auburn Street): 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 (*second and final reading*).**
- (16.) **ORDINANCE NO. 2005-O0006—ZONE CASE NO. 2256-A (south and east of the corner of East Kent Street and North Holly Avenue): 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 (*second and final reading*).**
- (17.) **ORDINANCE NO. 2005-O0007—ZONE CASE NO. 3028 (east of North Martin Luther King, Jr. Boulevard and south of East Regis Street): 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 (*second and final reading*).**

- (18.) **ORDINANCE NO. 2005-O0008—ZONE CASE NO. 2161-I (8910 University Avenue): 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 (*second and final reading*).**
- (19.) **ORDINANCE NO. 2005-O0009—ZONE CASE NO. 2178-I (west of Indiana Avenue and south of 98th Street): 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 (*second and final reading*).**
- (20.) **ORDINANCE NO. 2005-O0010—ZONE CASE NO. 3029 (2938 East Cornell Street): 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 (*second and final reading*).**
- (21.) **ORDINANCE NO. 2005-O0002—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 (*second and final reading*).**

The City of Lubbock is a participating municipality in the Texas Municipal Retirement System, 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 assumptions 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 2004-2005 adopted budget. This ordinance replaces Section 5 of Ordinance #10007 in which the City set the maximum statutory rate recommended by TMRS at 15.50%.

FISCAL IMPACT:

The \$769,000 increase has been included in the FY 2004-2005 adopted budget. In FY 2003-2004 the City spent \$8,409,627 for the TMRS benefit. For FY 2004-2005 \$9,312,791 is budgeted. Of the total 10.73% increase from FY 2003-2004 actual, 9.14% is due to the increased required funding by TMRS, with the remaining 1.59% growth due to normal salary growth.

Staff recommended approval of the second reading of this ordinance.

- (22.) **Ordinance No. 2005-O0011 abandoning and closing a 60-foot wide drainage easement located in Section 25, Block E-2, Lubbock County (5701 104th Street) (*Right-of-Way*) (*first reading*).**

This ordinance abandons and closes a 60-foot wide by 300-foot long drainage easement just south of 104th Street at Elkhart Avenue that was dedicated with the West Lake Estates plat. The area south of this addition is being platted and a street dedicated and the easement is no longer needed.

FISCAL IMPACT:

None.

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

- (23.) **Ordinance No. 2005-O0012 abandoning and closing a 5-foot LP&L underground utility easement located on Lot 39, Renaissance Park Addition to the City of Lubbock (4821 5th Street) (*Right-of-Way*) (*first reading*).**

This ordinance abandons and closes a 5-foot LP&L underground utility easement located along the west 5 feet of Lot 39, Renaissance Park Addition. This easement was dedicated by plat in Volume 4934 page 83 and is located just east of Vale Avenue on 5th Street. This property is being re-platted for development purposes and LP&L is in agreement with the closure. A new easement will be dedicated in the re-platting process.

FISCAL IMPACT:

None.

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

- (24.) **Ordinance No. 2005-O0013 amending Section 6-19 of the Lubbock Code of Ordinances that amends Section 105.1 of the 1997 Uniform Building Code, establishing a master electrician on the Building Board of Appeals in lieu of a journeyman plumber (*Building Inspection*) (first reading).**

This is a follow-up to the recently approved ordinance that abolished the Board of Electrical Examiners due to assumption of electrician licensing and regulation duties by the State of Texas. Both the Electrical Board and the Building Board of Appeals recommended the inclusion of an electrical trade representative among the membership of the Building Board of Appeals. Since the plumbing trade is currently represented by two positions, it is logical to replace one of them in lieu of adding a 12th member. Experience has also shown that the journeyman plumber, who works for a master plumber and is not a business owner, is rarely able to attend daytime Board meetings.

FISCAL IMPACT:

None.

The Board of Electrical Examiners, the Building Board of Appeals, and staff recommended approval of the first reading of this ordinance.

- (25.) **Ordinance No. 2005-O0014 annexing an area of sparsely occupied land (north of Erskine Street and east of North Milwaukee Avenue) meeting the requirements of the State law for annexation by petition to the City of Lubbock, Texas upon petition of the landowners (*Planning*) (first reading).**

The request is an annexation petition discussed by Council during a previous work session and public hearing. Adoption of this ordinance will complete the process.

FISCAL IMPACT:

Currently this property enjoys the agriculture exemption as provided for in Article 8, Section 1-d-1, Texas Constitution, and Chapter 23, Subchapter D, Tax Code. Due to the nature of this exemption, new revenue to the City will be insignificant.

Staff recommended approval of the first reading of this ordinance.

- (26.) **Resolution No. 2005-R0030 authorizing the Right-of-Way Department to make an offer to Xiwei Chen and Suhua Chen for a 10,094 square foot tract of land in Section 28, Block E-2, Lubbock County for the 50th Street Widening Project, Slide Road to Loop 289 (5311 50th Street) (*Right-of-Way*).**

The City is in the beginning stages of acquiring right-of-way for the 50th Street Widening Project from Slide Road westward to Loop 289. There are 20 parcels to be acquired for this project. The City will be responsible for 100% of the right-of-way costs and the Texas Department of Transportation will pay for 80% of the construction. The resolution authorizes the Right-of-Way Department to make an offer to Xiwei Chen and Suhua Chen for the first parcel. This parcel is located on the south side of 50th Street, just east of Bangor Avenue and is vacant land. Tommy Cantrell, M.A.I. is the appraiser for this project and appraised this 10,094 square foot tract of land at \$8 per square foot for a total of \$80,752 to be offered to the Chens. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

FISCAL IMPACT:

Cost to the City of \$80,752 from Account #915-9146-9280-40000, a Street Capital Projects account.

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

- (27.) **Resolution No. 2005-R0031 for the purchase of paratransit scheduling/dispatch software upgrade (*Citibus*).**

This sole source purchase is for an upgrade to Citibus' paratransit scheduling/dispatch software. The software provides an efficient means of scheduling disabled passengers on the demand response service. The software was purchased from Multisystems in January 2003. Trapeze purchased Multisystems and acquired their client base at the end of 2003. Trapeze will no longer support the Multisystems software program. In order to convert all the Multisystems clients over to the Trapeze software they have offered, for a limited time, to provide the software for free. However, the cost of implementation and training for the schedulers, dispatchers, and supervisors is \$58,850.

Due to the scheduling/dispatch software upgrade, Citibus will also need to upgrade the software for the mobile data terminals that were purchased from Mentor Engineering. The software allows data to be sent between Trapeze and the mobile data terminals. The cost of implementation and training for this upgrade will be \$17,230.

Other manufacturers provide paratransit software, however, due to the fact that Trapeze is offering the software for free it would be cost prohibitive for Citibus to buy this type of software from another company.

FISCAL IMPACT:

The total cost for the upgrade to Citibus' paratransit scheduling/dispatch software is \$76,080. The Federal Transit Administration will cover 80% of this amount and the remaining 20% will come from this year's Citibus budget. No additional funding will be needed from the City. New software would cost \$80,000 plus the cost associated with the implementation and hardware upgrades.

Citibus recommended the approval of a sole source purchase in the amount of \$58,850 to Trapeze and \$17,230 to Mentor Engineering.

- (28.) **Resolution No. 2005-R0032 authorizing the City, the Traffic Engineering Department, and the Traffic Engineer to assist Texas Tech University, in particular Dr. C. W. Letchford, Professor of Civil Engineering, in his study of wind-induced fatigue of traffic control signal structures (*Traffic Engineering*).**

This resolution will authorize the City and the Traffic Engineering Department to provide assistance to Texas Tech University in the study of wind-induced fatigue in traffic control signal structures. The City will loan various equipment to Texas Tech University to use in their study. This research is vital to the Traffic Engineering Department with two significant equipment failures in the last eight years due to wind-induced fatigue. The most recent event occurred on December 21, 2004 at Avenue Q and Clovis Road. Results from their research can save the City thousands of dollars in equipment cost, reduce liability risk, and extend the life of most of the City's traffic signal poles. This is another excellent way to demonstrate the partnership between the City and Texas Tech University.

FISCAL IMPACT:

The initial cost will be approximately \$2,000-\$4,000 in equipment with the City retaining ownership. This initial equipment can be funded out of the City's reserve for repairs, so no budget increase is needed. Long term, this research may save \$1,000-\$3,000/year or greater.

Staff recommended approval of this resolution.

- (29.) **Acknowledge two appointments to the Board of Commissioners of the Housing Authority (*City Secretary*).**

This item was moved from consent agenda to regular agenda and considered following Item 35.

The Housing Authority is a legal entity, with seven board members, two of whom are residents. Board members serve 2-year terms. All members are appointed by the Mayor without confirmation of the Council.

New appointee: Pat Colby

Reappointee: Chuck Key

FISCAL IMPACT:

Not applicable.

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Martin to acknowledge the Mayor's appointment of Pat Colby to the Board of Commissioners of the Housing Authority. Motion carried: 7 Yeas, 0 Nays.

The next items considered were Item 44-56.

This item was reconsidered following Work Session reconvening at 1:07 P.M.

Motion was made by Council Member Gilbreath, seconded by Council Member DeLeon to acknowledge the Mayor's reappointment of Chuck Key to the Board of Commissioners of the Housing Authority. Motion carried: 7 Yeas, 0 Nays.

- (30.) **Acknowledge four reappointments to the Student – Community Task Force (*City Secretary*).**

The Student – Community Task Force consists of eight members, four of whom are representatives of the community and are selected by the Mayor, without confirmation of the Council. The following members have been reappointed to serve additional 2-year terms:

Ronnie McClendon
Ruth Schiermeyer
Cyd Seideman
Jack Thompson

FISCAL IMPACT:

Not applicable.

- (31.) **Resolution No. 2005-R0033 – RFP #04-159/RW—Consider one resolution for Central Control Irrigation System (*Parks and Recreation*).**

The 1999 general obligation bond election included approximately \$2.985 million to automate irrigation and lighting in the park system. Over the past several years, staff has researched centralized irrigation control systems as a means to better manage water resources. In August 2004, a high-tech Request for Proposal (RFP) was issued for a central control irrigation system. Respondents were asked to provide a proposal for a computerized irrigation control system as well as an implementation plan. The implementation plan includes soliciting bids for installation of the system at a later date.

Six firms responded to the RFP and their written proposals were ranked as follows:

Watermaster Irrigation Supply, Inc. of Lubbock, TX	77.3
Ewing Irrigation Products, Inc. of Carlsbad, CA	77.0
Interspec, LLC of Aubrey, TX	47.0
Wickham Supply, Inc. of Richardson, TX	35.7
Professional Turf Products of DFW Airport, TX	22.0
Equipment Supply Company of Lubbock, TX	19.7

The Parks and Recreation Director appointed a selection committee to review and rank the proposals submitted by the firms listed above. Criteria used for the evaluation included:

1. Price (20%) - How well does the cost balance added value? What are the short term and long term costs of the system operation?
2. Equipment Functionality (25%) - How well does the solution satisfy requirements?
3. Technical Support/Service (15%) - How reasonable is the support plan?

4. Corporate Experience (15%) - How successful is the firm/product with cities, counties, school districts or other corporate institutions?
5. Network/Functionality (15%) - How compatible is the solution to the City's network?
6. Implementation Plan (10%) - How reasonable is the implementation plan?

After individually scoring the written proposals, the three highest ranked firms were selected for interviews and oral presentations. The final rankings of these firms are as follows:

Watermaster Irrigation Supply, Inc. of Lubbock, TX	85
Interspec, LLC of Aubrey, TX	65
Ewing Irrigation Products, Inc. of Carlsbad, CA	57

Watermaster Irrigation Supply has an excellent working relationship with the Parks and Recreation Department and their Rainmaster Control System has been successfully implemented in other cities as well as at Texas Tech University.

Sixty-five local businesses were notified of the Request for Proposal.

FISCAL IMPACT:

A total of \$2,847,000 was appropriated with \$1,450,000 available in Project 90015 (Irrigation/Lighting Automation) for this purpose.

Staff recommended contract award to Watermaster Irrigation Supply, Inc. of Lubbock, Texas for \$764,286.61.

- (32.) **Resolution No. 2005-R0034; Resolution No. 2005-R0035; Resolution No. 2005-R0036 – BID #04-182/BM—Consider three resolutions for Water Treatment Chemicals for Water Treatment Plant – Annual Pricing (*Water Treatment*).**

The purpose of this bid is to establish annual pricing for the purchase of anhydrous ammonia, powdered activated carbon, and salt pellets for the carbon water softening system. These chemicals are used to ensure compliance with the Texas Commission on Environmental Quality rules and regulations on water treatment.

Twenty local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$462,411 was appropriated with \$462,411 available in Project 6345.8111 and 6347.8111 (Water Treatment Chemical Supplies and Water Production Chemical Supplies) for this purpose.

Staff recommended contract award to DPC Industries, Inc. of Sweetwater, Texas for \$31,596, Norit Americas, Inc. of Marshall, Texas for \$67,200, and Lubbock Imports, Inc. of Lubbock, Texas for \$984.90.

- (33.) **Resolution No. 2005-R0037 – BID #04-192/MA—Consider one resolution for Contract Turf Maintenance for Various Parks and Properties (*Parks and Recreation*).**

This item was deleted on the posting agenda, but Council was not notified and took action; therefore, action is null and void and this item will be considered at a later date.

In 2004 seven new parks were completed consisting of forty-eight acres of irrigated turf. This contract includes the mowing and trimming of these parks and is for the 2005 and 2006 mowing seasons.

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

FISCAL IMPACT:

A total of \$1,012,362 was appropriated with \$967,085 available in Project 5221.8314 (Park Maintenance–Professional Privatization) for this purpose.

Staff recommended contract award to Star Landscape Maintenance of Lubbock, Texas for \$38,692.

- (34.) **Resolution No. 2005-R0038 – BID #04-211/BM—Consider one resolution for West End Place Paving improvements – Phase I (*Street Drainage Engineering*).**

This project consists of improving a dirt road in a Community Development target area with hot mix asphaltic concrete. The proposed paving improvement will connect several paved streets including an arterial street and a collector street. The improvement will eliminate site drainage problems caused by drainage from improved areas outfalling to earthen ditches along this road. Paving 22nd Street between Milwaukee and Iola Avenues will help eliminate many continuous dust complaints and decrease Street Department maintenance requirements.

Time for substantial completion of this project is 60 working days with liquidated damages of \$200 per day. Sixty-three local contractors were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$290,000 was appropriated with \$266,132 available in Project numbers 80013.9259, 80016.9259, and 6347.8111 (CDBG 02-03 Street Capital/CDBG 03-04 Street Capital) for this purpose.

Staff recommended contract award to West Texas Paving, Inc. of Lubbock, Texas for \$170,995.

- (35.) **Resolution No. 2005-R0039 – BID #04-214/BM—Consider one resolution for Liquid Chlorine – Annual Pricing (*Water Treatment and Water Reclamation*).**

This bid establishes annual pricing for the purchase of liquid chlorine to be used at the Water Reclamation Plant, Water Treatment Plant, and the Bailey County Pump Station. Liquid chlorine is required for the disinfection process in water treatment. Disinfection of water supplies for public consumption is required for compliance with Texas Commission on Environmental Quality rules and regulations. Liquid chlorine gas will be used as a disinfectant to treat effluent sold to Excel Energy and for stream discharge from the Southeast Water Reclamation Plant. The chlorine is used daily and is a requirement of our State Permit #10353-002. The plant's Texas Pollutant Discharge Elimination System Wastewater Permit #10353-002 requires that chlorine residual be maintained for Outfalls 001 and 004. Failure to do so is a violation of the plant's permit and possible fines may occur.

Ten local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$248,973 was appropriated with \$226,298 available in Project number 6411.8111 (Wastewater Treatment Chemical Supplies) for this purpose. A total of \$462,411 was appropriated with \$413,748 available in Accounts number 6345/6347.8111 (Water Treatment Chemical Supplies and Water Production Chemical Supplies) for this purpose.

Staff recommended contract award to DPC Industries, Inc. of Sweetwater, Texas for \$425,124.

- (36.) **Resolution No. 2005-R___RFP #04-217/RW—Consider one resolution for Aerial Photography and Digital Orthophotography 2005 (*Planning*).**

This item was deleted.

ORDINANCES FOR PASSAGE

Second Reading

- (37.) **ORDINANCE NO. 2004-O147—ZONE CASE NO. 3026 (southwest corner of Slide Road and 103rd Street): Consider the request of N. Cinc Development (for Slide Road–98th Joint Venture) for a zoning change from T to C-4 for a retail store and shops on an unplatted Tract out of Section 25, Block E-2 (*Jim Gilbreath recused*) (*second and final reading*).**

This item was deleted.

PUBLIC HEARINGS

10:42 A. M. Zoning

Items 38-43 were considered following Item 56.

- (38.) **Ordinance No. 2005-O0017 – ZONE CASE NO. 1943-B (east of North Quaker Avenue and north of Erskine Street): Hold a public hearing to consider the request of David Holland (for Foundation Development for PRS/Anderson Lubbock, LLC) for a zoning change from R-1 to A-2 for apartments on a 22.025 acre tract of unplatted land out of Block A, Section 18. (*first reading*).**

Mayor McDougal opened the public hearing at 10:42 a. m. No one appeared on behalf of Foundation Development for PRS/Anderson Lubbock, LLC. No one appeared in opposition. Mayor McDougal closed the hearing at 10:55 a. m.

The applicant is proposing zoning for apartments immediately west of a site under construction as apartments on Erskine Street between North Quaker and North Indiana Avenues (north of the Tech golf course).

Adjacent land uses:

- North – Loop 289
- South – Texas Tech University property
- East – Zoned and under construction as apartments
- West – vacant, zoned commercial

The proposal is consistent with the Comprehensive Land Use Plan. The triangle between North Quaker Avenue, Erskine Street and Indiana Avenue is contemplated as commercial and high-density land use. The mile south of Erskine Street is occupied by the new golf course built by

Texas Tech and little or no other development is expected in that square mile for a long while.

The project meets zoning policy.

The project will not have any greater impact on the thoroughfare system than anticipated. With access to Loop 289 and the new Red Raider Parkway (North Quaker Avenue) to the west and Indiana Avenue to the east, the parcel is well situated. The need to improve Erskine Street to full collector status will increase.

The Planning Commission recommended approval of the request.

FISCAL IMPACT:

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2005-O0017 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (39.) **Ordinance No. 2005-O0018 – ZONE CASE NO. 3031 (south of 83rd Street and east of Upland Avenue): Hold a public hearing to consider the request of Bobby McQueen (for Russ Autry) for a zoning change from T to GO on lots 1 through 7, Westwood Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:42 a. m. No one appeared on behalf of Russ Autry. No one appeared in opposition. Mayor McDougal closed the hearing at 10:55 a. m.

The request will rezone a strip of lots developed as a part of the Westwood Subdivision, facing Upland Avenue, south of 82nd Street.

Adjacent land use:

- North – commercially zoned, vacant
- South – residential
- East – residential
- West – commercial

The prospect of the lots not being residential has always been anticipated since they face a major thoroughfare. When the area was annexed in 1999, the Comprehensive Land Use Plan was approved with the lots designated as T and continued to be anticipated as residential because of their platted status. That allowed the Planning Commission and City Council to adopt a wait and see policy versus designation of the lots as commercial. Approval

of this request would contain a minor amendment for the Comprehensive Land Use Plan.

The proposal in this case is for Garden Office zoning, and is considered within the conceptual guidelines of the Comprehensive Land Use Plan as an excellent buffer between either commercial and residential, or in this instance, between residential and a major thoroughfare.

The project will not have any appreciable impact on the thoroughfare system that is not expected. Staff recommended a condition with regard to curb cuts on Upland Avenue because, under the current code, the strip is eligible for fourteen curb cuts on Upland Avenue (seven lots with two curb cuts each).

Experience on 19th and 34th Streets has taught us that that too many curb cuts is not an asset to the purpose of the thoroughfare, and not really an asset to the individual businesses since the curb cuts consume a lot of property that could be used for building square footage or parking.

The Planning Commission recommended approval of the request with the following conditions (which will give the developer some flexibility as they market the land):

- 1(a). That a twenty-foot public access easement be dedicated across the entire frontage and that a maximum of four curb returns be allowed on to the development area from Upland Avenue, or
- 1(b). Prior to a construction permit on any parcel, the Planning Commission shall review and approve a traffic management plan expressly with regard to the number of curb cuts and access easements across the property.
2. A fence compatible with the fence on the north side of 83rd Street shall be installed on the east and south line of the parcel.
3. Construction shall be limited to single story construction.

FISCAL IMPACT:

Not applicable.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2005-O0018 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (40.) **Ordinance No. 2005-00019 – ZONE CASE NO. 2189-B (north of 87th Street and east of University Avenue): Hold a public hearing to consider the request of Jan Thomas (for Mylyn Inc. d/b/a Greenwood Cove Apartments) for a zoning change from C-2 to A-1 for apartments on 1.78 acres of unplatted land out of Block E, Section 9. (first reading).**

Mayor McDougal opened the public hearing at 10:42 a. m. No one appeared on behalf of Mylyn Inc. d/b/a Greenwood Cove Apartments. Curtis Kraus, a concerned citizen, appeared in opposition. Mayor McDougal closed the hearing at 10:55 a. m.

The request is to rezone the property from the current C-2 to an A-1 district.

Adjacent land uses:

- North – mini-warehouse development
- South – duplex construction
- East – across an alley, existing garden homes
- West – commercial

The proposal is consistent with the basics of policy created by the Comprehensive Land Use Plan. This area is not developed within the current guidelines of the Plan because of the amount of commercial that was in place when the mile south of 82nd Street was annexed. The lumberyard established the excessive lot depth of commercial from University Avenue, and finding users for the back portions of these lots has been difficult. The area to the north developed as a mini-warehouse project that exists behind the commercial on 82nd Street and University Avenue. Establishment of A-1 by this case, versus the existing C-2, is more in line with the theory of buffering the residential to the east (that faces Avenue X) from commercial. In this instance, the applicant has requested single story apartment construction, which should pacify the owners of garden homes on Avenue X versus the numerous uses that can be constructed on the existing C-2.

The project is consistent with zoning policy and should have no greater impact on the thoroughfare system than anticipated.

The Planning Commission recommended the request with one condition posed by the applicant:

1. Construction of the apartment units shall not exceed one story.

FISCAL IMPACT:

Not applicable.

Staff recommended approval of the first reading of this ordinance.

Randy Henson gave staff comments.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2005-O0019 as recommended by staff. Motion carried: 5 Yeas, 2 Nays.

Mayor Pro Tem Martin and Council Member Price voted Nay.

- (41.) **Ordinance No. 2005-O0020 – ZONE CASE NO. 2508-D (proposed Cooper Creek Addition Phase II, 111th Street between Canton and University Avenues): Hold a public hearing to consider the request of Rollo Gurss (for Triax Development) for a zoning change from T to R-1 and R-1 Specific Use for reduced front setbacks on a 10 acre tract of unplatted land out of Block E-2, Section 20. (first reading).**

Mayor McDougal opened the public hearing at 10:42 a. m. No one appeared on behalf of Triax Development. No one appeared in opposition. Mayor McDougal closed the hearing at 10:55 a. m.

The applicant developed the residential area to the west and is requesting a section of new residential lots along 111th Street be provided front and side setback within a Specific Use Permit. The request would allow a front setback of fifteen feet, but would prohibit any curb returns or parking pads in front of the homes.

Adjacent land uses:

- North – residential
- South – residential
- East – residential
- West – residential

The request is consistent with the Comprehensive Land Use Plan and zoning policies. Although most zone cases in the recent past have requested twenty feet of front setback, Mr. Gurss is requesting fifteen feet along with a stipulation that no curb ramps or front driveways be a condition of the case. The setback is the same as in the Specific Use District for garden and town homes when for portions of the home except a garage.

The project is consistent with the concepts of less setback that has become the norm during the last five years. The project will not have a negative effect on the thoroughfare system.

The Planning Commission recommended the request subject to the following conditions:

1. The homes will have a minimum fifteen-foot front setback.
2. The development is required to provide rear access garages with paved alleys.
3. No curb breaks for driveways or parking pads will be allowed on the front of any lot.
4. Side setback for corner lots shall be a minimum of five feet except that a garage must have twenty feet of setback.

FISCAL IMPACT:

Not applicable.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2005-O0020 as recommended by staff. Motion carried: 7 Yeas, 0 Nays

Other

- (42.) **Hold a public hearing on the Community Development Service Board's recommendations for the reallocation of Community Development Block Grant and Emergency Shelter Grant funds (*Community Development*).**

Mayor McDougal opened the public hearing at 10:56 a.m. No one appeared on behalf of Community Development Service Board. No one appeared in opposition. Mayor McDougal closed the hearing at 10:57 a.m.

On January 12, 2005, the Community Development Services Board (CDSB) met to discuss the reallocation of \$290,000 in unexpended 2004 CDBG funds and \$10,000 in unallocated ESG funds. After reviewing the Council's priorities, the Board voted unanimously to approve the following funding recommendations.

CDBG Funds:

North & East Lubbock Economic Development Loan	\$ 40,000
Community Development Emergency Repair	\$ 30,000
Lubbock Interfaith Hospitality Network Rehab	\$ 75,000
Street Paving	\$130,000

(Guava Avenue from Cornell to Erskine Streets)

Community Health Center of Lubbock Adult Dental \$ 15,000

ESG Funds:

Salvation Army Shelter Operations \$ 5,000

Lubbock Interfaith Hospitality Network Operations \$ 5,000

FISCAL IMPACT:

There will be no impact on the General Fund by approving the re-allocation of these CDBG and ESG funds. Funds identified for reallocation are from past HUD grant projects that were under budget, and from program income generated from Community Development projects. Should Federal funds be cut or reduced, projects will be revised as needed.

Community Development staff supports the Board's recommendations.

- (43.) **Resolution No. 2005-R0045 approving the Community Development Service Board's recommendations for reallocation of unexpended 2004 funds from the Community Development Block Grant and Emergency Shelter Grant (*Community Development*).**

On January 12, 2005, the Community Development Services Board (CDSB) met to discuss the reallocation of \$290,000 in unexpended 2004 CDBG funds and \$10,000 in unallocated ESG funds. After reviewing the Council's priorities, the Board voted unanimously to approve the following funding recommendations.

CDBG Funds:

North & East Lubbock Economic Development Loan \$ 40,000

Community Development Emergency Repair \$ 30,000

Lubbock Interfaith Hospitality Network Rehab \$ 75,000

Street Paving \$130,000

(Guava Avenue from Cornell to Erskine Streets)

Community Health Center of Lubbock Adult Dental \$ 15,000

ESG Funds:

Salvation Army Shelter Operations \$ 5,000

Lubbock Interfaith Hospitality Network Operations \$ 5,000

FISCAL IMPACT:

There will be no impact on the General Fund by approving the re-allocation of these CDBG and ESG funds. Funds identified for reallocation are from past HUD grant projects that were under budget, and from program income generated from Community Development projects. Should Federal funds be cut or reduced, projects would be revised as needed.

Community Development staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2005-R0045 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

ADMINISTRATIVE SERVICES

Buddy Holly Center

Items 44-56 were considered following Item 29.

- (44.) **Resolution No. 2005-R0040 authorizing the Mayor to sign an agreement with the Lubbock Arts Alliance to administer the art grant program.**

For the past 22 years, the City Council has partnered with Lubbock Arts Alliance, Inc., with the Arts Alliance managing a grant program designed to encourage and promote all forms of art in the Lubbock community. Funding for the grant program is allocated from 5.71429% of the total hotel/motel tax collected during the previous fiscal year.

The 2005/2006 agreement provides for a total of \$164,523 that is 5.71429% of the total hotel/motel tax collected during the fiscal year ended September 30, 2004. The agreement provides that a Joint Review Committee, represented by Lubbock Arts Alliance, Inc. and City Council appointees, evaluate applications from community arts organizations for the arts grants. The Grants Review Committee then makes recommendations to the City Council for awarding of the grant funds. Upon approval by City Council, Lubbock Arts Alliance, Inc., using funds received from the City, then allocates funds for the approved programs. Lubbock Arts Alliance, Inc. is responsible for monitoring and administering all aspects of the grant program.

FISCAL IMPACT:

The funding is budgeted in the FY 2004-2005 hotel/motel tax fund and no additional City funding is required.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass Resolution No. 2005-R0040 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

(45.) Resolution No. 2005-R0041 approving recommendations from the Lubbock Arts Alliance, Inc. for the first two grant periods for 2004/2005.

On February 19, 2004 the City Council approved an agreement to provide \$157,120 to Lubbock Arts Alliance, Inc. The agreement stipulated that the funds be used to make grant awards to cultural arts organizations for the encouragement, promotion, improvement, and application of the arts and the promotion of tourism in the Lubbock community. The funds represent 5.71429% of the hotel/motel tax collected during the fiscal year ended September 30, 2003. In reviewing requests and developing funding recommendations for each application, the Grants Review Committee follows guidelines that were approved as part of the February 19, 2004 agreement. The Grants Review Committee, composed of City Council appointees and representatives of Lubbock Arts Alliance, Inc. evaluated applications and submit their recommendations to the City Council for approval.

City Council is asked to approve \$62,704 in grant awards for the second grant period for 2004/2005. Thirteen applications were received by the December 1, 2004 deadline and eleven are recommended for full or partial funding. A listing of the recommendations and panel comments from the Lubbock Arts Alliance Grants Review Committee are included as an attachment.

FISCAL IMPACT:

The funding is budgeted in the FY 2004-2005 hotel/motel tax fund and no additional City funding is required.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass Resolution No. 2005-R0041 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Jones recused on this item.

FINANCE

(46.) Ordinance No. 2005-O0015 amending the FY 2004-2005 budget (Amendment #5) (first reading).

1. Establish a capital project for a new roof at the Silent Wings Museum:

The Silent Wings Museum current roof needs to be replaced. The Museum currently holds the largest single collection of World War II military glider items in the world. The City cannot risk the loss of these historic items. The Museum Manager estimates that the collection contains over 10,000 individual photographs and documents alone. The number of artifacts is estimated to be over 10,000 items as well.

The roof is projected to cost \$400,000 and will be funded from the General Fund fund balance.

The General Fund fund balance will be reduced by \$400,000. However the \$3.8 million transfer made earlier in the year from the Risk Management Internal Service Fund offsets this.

2. Transfer funding from Solid Waste fund balance to the Information Technology Internal Service Fund for aerial photography:

At the last City Council meeting City Council received a report from the Planning staff about the urgent need for new aerial photography. In order for the contract to be awarded and implemented prior to the leaf season, a \$200,000 transfer from the Solid Waste fund balance to the Information Technology Internal Service Fund Budget is recommended.

September 30, 2004 net assets in the Solid Waste fund are \$23,567,786 (unaudited) with more than \$6 million in unrestricted cash and investments. This \$200,000 transfer will not impact the Solid Waste operating budget or rates.

3. Establish a capital project for the Renovation of Station 13 located in northwest Lubbock:

At the last City Council meeting, Chief Steve Hailey described the need to reopen Station 13. City Council approved this proposal. As was presented, this station is in need of upgrades in the amount of \$85,000. The funding source for this renovation is unspent Series

1995 Certificate of Obligation bond proceeds originally allocated to the New Fire Station #6 project that is now closed with over \$87,000 remaining.

4. Establish a capital project for the acquisition of property related to economic development:

A new project will be established in the General Capital Projects Fund in the amount of \$200,000 to be funded from revenue from the sale of property.

5. Authorize an additional fifteen full-time positions for the staffing of reopened Fire Station 13:

Reopening of Fire Station 13 requires the addition of fifteen full-time positions. This will bring the number of authorized fire personnel to 290. The funding for the additional fifteen full-time positions will be requested if needed through the course of the fiscal year. Any savings identified within the existing budget will be used first.

6. Authorize one additional full-time position in the City Attorney's Office:

The City Attorney's Office will staff a Legal Assistant position that was eliminated at the start of this fiscal year. Due to turnover and the loss of part-time staff, this position is needed. The funding for the additional position will be requested if needed through the course of the fiscal year. Any savings identified within the existing budget will be used first.

7. Transfer funding from the Solid Waste fund balance to the North and East Lubbock Development Commission and eliminate transfer from the Economic Development Fund to the North and East Lubbock Development Commission:

The transfer of \$250,000 from the Solid Waste fund balance to the North and East Lubbock Development Commission is for the 2nd payment of a four-year agreement totaling \$1 million.

The Adopted FY 2005 Economic Development Fund budget approved an allocation of \$250,000 to North and East Lubbock Development, which is now eliminated.

This \$250,000 transfer will not impact the Solid Waste operating budget or rates.

8. Transfer funding from the Solid Waste fund balance to the Silent Wings Fund and eliminate the transfer from the Airport Operating budget to the Silent Wings Fund:

The transfer from the Solid Waste fund balance to the Silent Wings Fund totals \$51,106. This transfer into the Silent Wings Fund will eliminate the need for a transfer from the Airport Operating budget. The newly available funding in the Airport Fund will be distributed as follows:

\$10,000 – Aviation Maintenance, HVAC System

\$15,800 – Aviation Maintenance,
Capital System Improvements for
purchase of trash compactor

\$15,306 – Airport Parking, Professional Services

\$10,000 – Capital Project, Industrial Buildings project

This \$51,105 transfer will not impact the Solid Waste operating budget or rates.

9. Transfer funding from the Solid Waste fund balance to the Sewer Fund:

A \$5,000,000 transfer will be made from the Solid Waste fund balance to the Sewer Operating Reserve and Sewer Rate Stabilization Reserve fund balance. This eliminates the need for rate increases specifically related to funding prudent reserve levels.

This \$5,000,000 transfer will not impact the Solid Waste operating budget or rates.

10. Establish a capital project for Water Rights acquisition:

A new \$1,327,714 project will be established in the Water Capital Fund for the purpose of water rights acquisition (Duncan property) in participation with the Canadian River Municipal Water Authority. The funding for the project comes from unspent proceeds of the Series 1999 Certificate of Obligation bonds totaling \$1,538,447.

Staff recommended approval of the first reading of this ordinance.

Lee Ann Dumbauld, Chief Financial Officer, responded to questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2005-00015 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

MISCELLANEOUS

Business Development

- (47.) **Resolution No. 2005-R0042 authorizing the execution of an agreement between the City and Lubbock 3 Student Housing, L.P. (Dinerstein/developer) regarding the funding of public improvements in Phase One, Bond Issue Two, Project Four of the Project Plan for the North Overton Tax Increment Finance Reinvestment Zone.**

This agreement is between the City and Lubbock 3 Student Housing, L.P. (Dinerstein/developer). With the contract, the City agrees to dedicate and pledge the use of revenue in the Tax Increment Fund to participate in the cost of the public improvements for Phase One, Bond Issue Two, Project Four of the Project Plan as recommended by the Board of Directors of the North Overton Tax Increment Finance (TIF) Reinvestment Zone. This agreement delineates the division of funding for the public improvements as represented in Exhibit D (TIF participation) and Exhibit E (developer participation). The total amount of tax increment financing for public improvements shown in Exhibit D is \$1,030,577. The clause pertaining to electric utilities has been added to the contract.

FISCAL IMPACT:

Funding identified in Exhibit D, \$1,030,577 will be provided through the sale of debt related to the North Overton TIF public improvements.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member DeLeon to pass Resolution No. 2005-R0042 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused on this item.

Water Utilities

- (48.) **Ordinance No. 2005-O0016 adding Article XIX of Chapter 2 of the Code of Ordinances with regard to the creation, duties, terms and responsibilities of the Water Utilities Board; amending Article I, Section 2-3 of Chapter 2 of the Code of Ordinances to conform to changes made to the duties and responsibilities of the Director of Water Utilities; reserving specific powers to the City Council; providing a savings clause and providing for publication (*first reading*).**

Mayor McDougal asked that the Lubbock Water Advisory Commission be given opportunity to look at it.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0016 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (48A.) **Resolution No. 2005-R0043 authorizing the City to participate with the member cities of the Canadian River Municipal Water Authority to finance the purchase of water rights in the northern panhandle as part of the Conjunctive Use Groundwater Supply Project.**

This resolution funds the City's share of funds remaining from the Canadian River Municipal Water Authority (CRMWA) bond issues in 1996 and 1999. The majority of the funds will be used to purchase the Duncan water rights for approximately \$2,200,000. A portion of the funds may also be used to purchase additional groundwater rights, investigate potential groundwater rights purchases, fund other activities related to securing groundwater rights, or fund activities related to developing or maintaining existing or future groundwater rights.

CRMWA sold \$13,505,000 in bonds in 1996 and \$52,825,000 in bonds in 1999 to purchase and develop the groundwater rights for the current John C. Williams well field and transmission system. Lubbock provided its \$31,700,000 share of the total project by issuing the Series 1999 Waterworks CO's. Remaining funds from the construction and interest of the two CRMWA bond issuances totals \$2,207,482. It is CRMWA's intent to use these funds along with Lubbock's separate contribution of \$1,327,714 to purchase the Duncan groundwater rights, purchase additional groundwater rights, investigate potential groundwater rights purchases, fund other activities related to securing groundwater rights, or fund activities related to developing or maintaining existing or future groundwater rights.

The CRMWA Board has approved the purchase of approximately 8,777

acres of water rights from the Duncan Ranch in Hutchinson and Roberts County. CRMWA plans to use remaining principal and interest on the bonds from the original purchase of water rights for the John C. Williams Well Field to effect the purchase of the water rights. Since the City did not participate with CRMWA on the financing of the JCW Well Field the remaining bond funds and interest do not contain Lubbock funds.

Consequently, the City needs to fund its share of the Duncan Ranch project to participate in the water allocation.

FISCAL IMPACT:

The City's share of this project is \$1,327,714. This covers the cost of Lubbock's share of the project (i.e., 37.277%) but also, O'Donnell's share (0.28%) that Lubbock purchased in the JCW project. The funds will come from \$1,538,447 in unspent series 1999 Waterworks CO's proceeds, which were issued for this purpose.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Gilbreath to pass Resolution No. 2004-R0043 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

PLANNING AND TRANSPORTATION

Streets and Paving

- (49.) **Resolution No. 2005-R0044 approving the plans or schematics for paving improvements on 98th Street from FM 1730 (Slide Road) to Frankford Avenue.**

This resolution is the second of five resolutions associated with an assessment program for the construction of paving improvements approved by the City Engineer. The improvements are as follows:

98th Street from FM 1730 (Slide Road) to Frankford Avenue

The plans or schematics for the paving improvements have been prepared by Parkhill, Smith & Cooper, Inc. and City staff and are available for inspection in the City Engineer's office.

FISCAL IMPACT:

None.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2004-R0044 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

BOARD APPOINTMENTS

(50.) Consider two appointments to the Building Board of Appeals.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to appoint John Sweeney and Doug Biles to the Building Board of Appeals. Motion carried: 7 Yeas, 0 Nays.

(51.) Consider one appointment to the Citizens Traffic Commission.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to appoint Donald Baker to the Citizens Traffic Commission. Motion carried: 7 Yeas, 0 Nays.

(52.) Consider one appointment to the Community Development & Services Board.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to appoint Peter Laverty to the Community Development & Services Board. Motion carried: 7 Yeas, 0 Nays.

(53.) Consider two appointments to the Joint Airport Zoning Board.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to appoint Dudley Favor and Paul Johnson to the Joint Airport Zoning Board. Motion carried: 7 Yeas, 0 Nays.

(54.) Consider one appointment to the Libraries Board.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to appoint Karen Savage to the Libraries Board. Motion carried: 7 Yeas, 0 Nays.

(55.) Consider one appointment to the National Windmill Project, Inc.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to appoint Cynthia Martin to the National Windmill Project, Inc. Motion carried: 7 Yeas, 0 Nays.

(56.) Consider five appointments to the Zoning Board of Adjustment.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to appoint Elizabeth Lonngren to member position from alternate, to reappoint Darrell Hill and Mike Moss as alternates, to

reappoint J.Q. Warnick as member, and to appoint Glen Robertson as an alternate to the Zoning Board of Adjustment. Motion carried: 7 Yeas, 0 Nays.

10:25 A.M. CITY COUNCIL RECESSED

**10:42 A.M. CITY COUNCIL RECONVENED IN REGULAR SESSION
Council Chambers**

The next items considered were Items 38-43.

11:00 A.M. CITY COUNCIL WORK SESSION CONVENED

The next items considered were Items 58-59.

11:29 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

1:07 P.M. CITY COUNCIL RECONVENED IN WORK SESSION

At this time, Item 29 was reconsidered

Mayor McDougal was away from the dais.

(57.) The final presentation of the Central Lubbock Stabilization and Revitalization Master Plan by Gould Evans.

This item was considered following reconsideration of Item 29.

Council Member Boren gave comments on the Stabilization and Revitalization Master Plan concept and reasons for doing the study. He also thanked the Mayor for his development foresight, Mayor Pro Tem Martin and Council Member Gilbreath for their input, and Rob Allison, Business Development Director.

Mayor Pro Tem Martin gave comments on ideas and concepts of the plan and recognized the interest and effort the council members have given on implementing the first steps.

Rob Allison, Business Development Director, expressed appreciation to the Council and the staff for their support in this project. He expressed how the citizens of Lubbock have been the driving force through this process.

Glen LeRoy of Gould Evans (consulting firm) gave a presentation on different aspects of the Central Lubbock Stabilization and Revitalization Master Plan. He then answered questions from Council Members.

(58.) Presentation of the North and East Lubbock Development Corporation quarterly reports.

John Hall, Executive Director, gave a briefing on the past quarter of activities that the organization has been performing. He also give comments on upcoming events in the next quarter.

Mayor McDougal advised that John Hall would be working with Rob Allison, Business Development Director, so that if he needs something from City Hall, he will have a source to go to. The Mayor also stated that anything coming before the Council is to go to the Northeast Development Corporation Board first and then be brought back as a recommendation to Council.

(59.) Presentation of the “Giant Side of Texas” marketing video.

Brad Moran with Lubbock Chamber of Commerce presented the marketing video, “Lubbock, The Giant Side of Texas”. He then gave comments on some of the reasons Lubbock is considered the “Giant Side of Texas”. On a lighter note, he asked members of City Council and the audience to stand and take the “Bragging Rights” oath (from a brochure handed out).

1:57 P. M. COUNCIL ADJOURNED

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