

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
February 24, 2005
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 24th day of February, 2005, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

**7:32 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

Randy Mills, Turf Maintenance Contractor for the City of Lubbock, expressed his concern regarding a reduction in his contract by \$91,000 and reducing the mowing frequencies on the parks. He has been Turf Maintenance Contractor for the City for the past ten years and a State contractor for the past 20 years. His contract is in the third year of a five-year contract, and his bid for the job was \$125,000 lower than the previous contractor's price for mowing the City parks. The City of Lubbock is now mowing the parks, and that responsibility was included in his contract. Mayor McDougal asked Mr. Mills to talk with Dixon Platt, who will look into the issue and will get back with him and with 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; 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."

**7:35 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; Code Enforcement; Fire; Solid Waste; Streets; 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 (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 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to:**
- Neighborhood Redevelopment Commission
Water Board of Appeals**
- (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.

**9:07 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 Phyllis Jones; Council Member Floyd Price; Lou Fox, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: Council Member Jim Gilbreath

Mayor McDougal called the meeting to order at 9:07 A. M.

- (6.) Invocation by Pastor Ray Hamlin, New Beginnings Family Church.**
- (7.) Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.**

CITIZENS APPEARANCES

- (8.) Presentation of a proclamation for National Social Workers' Month.**

Mayor McDougal read a proclamation acknowledging March 2005 as Professional Social Workers' Month. The members of the National Association of Social Workers who received the presentation were Twila Pickrell who is the Lubbock Branch Chairperson, Chris Gallarneau, Helen Morrow, Kelly Smith, Dana Bearden, and Rex Boyles.

- (9.) Presentation of a special recognition to celebrate the life of Dr. John Gladden.**

Mayor McDougal presented the special recognition in memory of Dr. John Gladden to W.R. Collier, representative of the Gladden family, Jackie Porch, current Superintendent of Lubbock State School, and Steve Lewis, former President of the Parent Association at the Lubbock State School. Dr. Gladden was the founding Superintendent of Lubbock State School, which opened in 1969, and served there for 18 years. He subsequently accepted a position as Chief Psychologist at the Gatesville Unit at the Texas Department of Criminal Justice. On Saturday, February 26, 2005, an Open House and a ceremony to honor the late Dr. Gladden were held at the Lubbock State School.

- (10.) Presentation of the Emergency Shelter Grant check to the City of Lubbock by local Housing and Urban Development officials.**

Miguel Rincon, Field Office Director of HUD gave comments and explained the purpose of the Emergency Shelter Grant. He then introduced Jane Kaiser, representing US Senator John Cornyn's office and Jay Ibarra, representing US Congressman Randy Neugebauer's office. Kaiser and Ibarra both gave comments and presented Mayor McDougal a check for \$101,758 to the City of Lubbock.

- (11.) Presentation of a special recognition to commemorate National Engineers Week.**

President Bush proclaimed the week of February 21-25, 2005 as National Engineers Week in the United States; and Mayor McDougal read a special recognition also designating this "Engineers Week" in Lubbock.

Accepting the presentation was John Hamilton, President of the local Chapter of the Texas Society of Professional Engineers, Aubrey Spear, Randy Hopmann, Marcus Borhani, and Stacey Young.

The next item considered was Item 11B.

- (11A.) Presentation of a special recognition to the Estacado Lady Matador Basketball Team for finishing the season undefeated in the district.**

This item was considered following Item 11B.

Council Member DeLeon handed out pins while Mayor McDougal read a special recognition to the coaches and members of the Estacado Lady Matador Basketball Team for their first undefeated season and for winning the District 4-4A championship. Coach Morgan gave comments.

The next item considered was Item 13.

- (11B.) Presentation of a special recognition to Vicki Key for her 33 years of service to the City of Lubbock.**

This item was considered following Item 11.

Mayor McDougal presented Vicki Key with a special recognition because she served as the Lubbock Memorial Civic Center Manager and dedicated 33 years of her life to the citizens of Lubbock. He encouraged all citizens to join in and wish her a great retirement.

The next item considered was Item 11A.

CONSENT AGENDA (Items No. 13, 15-23, 26, 28-32)

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to approve Items 12-13, 15-23, 26, 27A-32 on consent agenda as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Motion was made by Mayor Pro Tem Martin, seconded by Council member Boren to reconsider consent agenda, approving Items 13, 15-23, 26, 28-32. Motion carried: 6 Yeas, 0 Nays.

- (12.) Approval of Minutes: February 10, 2005
Regular City Council Meeting**

This Item was moved from consent agenda to regular agenda and considered following Item 14.

Council Member Boren requested this item be moved from consent agenda to regular agenda to get an explanation of the Citizen Comments of the

February 10th meeting. Mayor Pro-Tem Martin explained the 2-1-1 Information System to him and also the funding contract between the City of Lubbock and the South Plains Association of Governments.

The next item considered was Item 24.

- (13.) **ORDINANCE NO. 2005-O0021—Amending Chapter 2 of the Code of Ordinances of the City of Lubbock, Texas, with regard to the membership of the City of Lubbock Board of Health; providing a savings clause; and providing for publication (*Health Department*) (*second and final reading*).**

The Lubbock Board of Health approved a motion 6-0 at its January 14, 2005 monthly meeting to recommended to City Council an expansion of the Board of Health membership from seven to nine. This will add diversity to the Board and provide the opportunity to enhance the expertise with the addition of other professions being represented on the Board, such as veterinarians, pharmacists, other allied health professionals, as well as the general public.

The current professional make-up of the Board includes one restaurant entrepreneur, four physicians, one optometrist, and one dentist. In the past the Board has had non-health related business owners, private citizens with an interest in health issues, veterinarians, and school nurses.

Section 2-187 expands the Board of Health to nine members with terms of three years. Section 2-192 changes the concurring vote to five members of the Board for recommendations to City Council, with the majority of the total members of the Board constituting a quorum for the transaction of all matters to be considered.

The first reading of the ordinance by Council passed 5-0 on February 10, 2005.

FISCAL IMPACT:

The impact to the General Fund will be less than \$25 per month.

Health Department staff recommended approval of the second reading of this ordinance.

The next item considered was Item 15.

- (14.) **Ordinance No. 2005-O0025 authorizing the issuance of City of Lubbock, Texas, Tax and Electric Light and Power System Surplus Revenue Certificates of Obligation, Series 2005, and all necessary documents related to the issuance (*Finance*) (*first and only reading*).**

This item was moved from consent agenda to regular agenda and considered following Item 32.

On January 13, 2005 City Council approved the first step in the bond issuance process. Resolution #2005-R0014, dated January 13, 2005 was to approve and authorize publication of Notice of Intent to Issue and Notice of Sale with respect to the issuance of the Certificates of Obligation.

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:
\$20,695,000

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: \$1,625,000

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 the electric distribution system growth, maintenance, and improvements.

Upon approval of the ordinance authorizing the issuance of City of Lubbock, Texas, Tax and Electric Light and Power System Surplus Revenue Certificates of Obligation, Series 2005, the City will sell these bonds on a negotiated basis on February 24, 2005. On February 22, 2005 the City and First Southwest, the City's Financial Advisor, will negotiate a

purchase price for the bonds with the City's chosen underwriters (Morgan Stanley & Co., AG Edwards & Sons, Inc. and RBC Dain Rauscher Inc.). The amount of this issuance will not exceed \$25,500,000.

Senate Bill 1759 of the 77th Legislative Session amends Subchapter B, Chapter 1201, of the Texas Government Code under Section 1201.028(3) allowing the authorization of a public security with only one reading of the ordinance. Therefore, this will be the only reading of this ordinance authorizing the issuance of these bonds.

City Council will be asked to award the bonds as well as approve the reading of the ordinance and make final approval of all necessary documents related to the issuance at this meeting.

FISCAL IMPACT:

The annual debt service on these bonds totals approximately \$2.7 million in FY2006 and gradually reduces to \$1.8 million by 2018. Thereafter, the annual debt service will average approximately \$280,000 until maturity in 2025. The first thirteen debt service payments incorporate the purchase of the JRM 8 Generation Station and system improvements to Lubbock Power & Light. The final seven payments incorporate the system improvements only.

Staff recommended approval of the first and only reading of this ordinance.

Mayor Pro Tem Martin requested a presentation from Vince Vialle, City of Lubbock's financial advisor from First Southwest Corporation. Mr. Vialle introduced Jason Hughes from the Dallas office and Jennifer Tapp with Vincent and Elkins, who is Bond Council for the City of Lubbock. Mr. Vialle then gave his presentation and answered questions from Council. Mayor Pro Tem Martin then explained to the public what Mr. Vialle presented.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first and only reading of Ordinance No. 2005-O0025 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

The next item considered was Item 12.

- (15.) **Ordinance No. 2005-O0022 abandoning and closing a 2-foot Lubbock Power & Light underground street cable easement located on Lot 193, Day Estates Addition to the City of Lubbock (9303 Hyden Avenue) (Right-of-Way) (first reading).**

This ordinance abandons and closes a 2-foot wide Lubbock Power & Light underground street light cable easement located along the east 2-feet of Lot 193, Day Estates Addition, located at 94th Street and Hyden Avenue. This easement is being closed for development purposes and a new easement will be dedicated to replace this closure. Lubbock Power & Light is in agreement with this closure.

FISCAL IMPACT:

None.

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

- (16.) **Ordinance No. 2005-O0023 abandoning and closing a portion of North Elder Avenue, located in the northeast quarter of Section 2, Block A, Lubbock County, Texas (2938 East Cornell Street) (*Right-of-Way*) (*first reading*).**

This ordinance abandons and closes an 861-foot long by 28-foot wide portion of North Elder Avenue located just west of Guava Avenue and south of East Erskine Street. This portion of street right-of-way is being closed for platting and development purposes for a new residential subdivision by Truett Craft. There will be no charge for this street closure since the proponent will dedicate new streets and alleys in the plat. This area will remain a temporary underground utility and garbage collection easement. All utilities and City departments are in agreement with this closure.

FISCAL IMPACT:

None.

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

- (17.) **Ordinance No. 2005-O0024 abandoning and closing Raleigh Avenue between the Brownfield Highway and Brownfield Drive, a 20-foot alley west of Raleigh Avenue in Section 17, Block B, Lubbock County, and a 5-foot sanitary sewer line easement located in Lot 5, Allen Addition to the City of Lubbock (4505 Brownfield Highway) (*Right-of-Way*) (*first reading*).**

This ordinance abandons and closes the 17,380 square foot portion of Raleigh Avenue between the Brownfield Highway and Brownfield Drive, the east-west 8,930 square feet of the 20-foot alley just west of the portion of Raleigh Avenue being closed, and a 5-foot sanitary sewer line easement

in Lot 5, Allen Addition for replatting purposes. The closure requestor, Randy Hinkle, was not the original dedicator so there will be a charge for the street and alley portions being closed. The total area of Raleigh Avenue being closed is 17,380 square feet. The Right-of-Way Department has valued this area at \$2 per square foot for a total of \$34,760. The area will remain as a utility easement so the street will be valued at 50% or \$17,380. The alley area being closed contains 8,930 square feet and is valued at \$1.75 per square foot for a total of \$15,627.50. Total amount due for the street and alley closures is \$33,007.50.

FISCAL IMPACT:

Revenue to the City of \$33,007.50.

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

- (18.) **Resolution No. 2005-R0070 authorizing the Mayor to execute a monitor well permit with the Texas Department of Transportation for a street right-of-way monitor well located on the south side of Municipal Drive between Ash Avenue and I-27 (501 Municipal Drive) (Right-of-Way).**

This monitor well permit allows the Texas Department of Transportation (TxDOT) to drill a monitor well on the south side of Municipal Drive. LCA Environmental, Inc. of Fredericksburg, Texas will be drilling this monitor well. TxDOT has a leaking fuel tank on their property on the north side of Municipal Drive east of I-27, and the Texas Commission of Environmental Quality has requested they go off site with a monitor well in addition to what has already been drilled on their property. TxDOT currently allows the City to use their right-of-way for monitor wells at no cost and this license gives TxDOT the right to drill this monitor well on City property at no charge. The permit term is 20 years.

FISCAL IMPACT:

None.

The Right-of-Way Department recommended approval of this monitor well permit.

- (19.) **Resolution No. 2005-R0071 authorizing the Right-of-Way Department to make an offer to Melba Jo Alford, also known as Milbry Jo Alford, for a 120-foot wide drainage easement located in Section 25, Block E-2, Lubbock County, for the South Lubbock (98th Street) Drainage Improvement Project (5301 98th Street) (Right-of-Way).**

This drainage easement is needed for the 98th Street storm water drainage and paving projects. This 120-foot wide and 423.99-foot long easement is located on the south side of 98th Street, approximately 1,041 feet west of Slide Road and contains 1.149 acres. Merle Blosser, M.A.I., appraised this property at \$9,479, which is the offer to Melba Jo Alford. 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 \$9,479 from the South Lubbock Storm Sewer Project account.

The Right-of-Way Department recommended approval of the offer to Mrs. Alford.

- (20.) **Resolution No. 2005-R0072 authorizing the Mayor to execute a Letter of Agreement with Patricia E. Christensen, Executor of the Estate of Ann B. Lee, with regard to the donation of funds to the City of Lubbock Animal Shelter for animal shelter purposes (*Health Department*).**

The Letter of Agreement with Patricia E. Christensen clearly defines the intentions of the Ann B. Lee estate for the monies donated to the City of Lubbock Animal Shelter. Appropriate use of the money will include, 1) providing conditions that insure the health, safety, and comfort to animals temporarily housed in the Lubbock Animal Shelter to include grooming, spaying, neutering, or other activity requiring trained personnel or a veterinarian, and 2) equipment for an operating room. Under no circumstance will the money be used for non-animal related City activities. The City acknowledges the receipt of \$32,884.84. All monies have been deposited into Council-approved specific Donation Fund for Animal Services expenditures and Council will approve all expenditures through the budget process. Lubbock Animal Services will acknowledge this donation with a plaque in honor of Ann B. Lee.

FISCAL IMPACT:

There is no impact to the General Fund; the funds are on deposit in the Donation Fund.

Health Department staff recommended approval of the Letter of Agreement to improve services provided at the Lubbock Animal Shelter.

- (21.) **Resolution No. 2005-R0073 authorizing the City of Lubbock Health Director to execute an Interlocal Agreement, and any associated documents, for vital statistics services with the Texas Department of Criminal Justice (*Health Department*).**

This interlocal agreement is between the City of Lubbock Health Department and the Texas Department of Criminal Justice (TDCJ). The City of Lubbock Health Department will provide death certificates of deceased parolees to TDCJ. TDCJ will pay the Lubbock Health Department \$10 per death certificate. The total amount of this contract will not exceed \$200. The contract term is September 1, 2004 through August 31, 2005.

FISCAL IMPACT:

Funds received will be deposited into the General Fund.

Health Department staff recommended approval of this resolution.

- (22.) **Resolution No. 2005-R0074 authorizing the Mayor to execute a Loan Agreement from the Economic Development Funds Program, and all related documents, between the City and Mr. Johnny James d/b/a JJ's Sparkle Shop (*Community Development*).**

The Economic Development Sub-committee of the Community Development Services Board met and approved a packet submitted by Mr. Johnny James. The Sub-committee approved an additional \$5,000 on Mr. James' existing Economic Development loan for a total note of \$37,104.81.

The Economic Development Funds Program was established during a previous allocation of Community Development Block Grant 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, Mr. James will be required to create one full-time equivalent position. This job must be made available to persons of low-to-moderate income.

The contract is available for review in the City Secretary's Office.

FISCAL IMPACT:

There is no fiscal impact on the General Fund involved with the approval or funding of this Economic Development Fund loan. The funds are from the FY 2003-2004 allocation that has 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.

- (23.) **Resolution No. 2005-R0075 giving notice to the presiding officers of each governing body of each taxing unit having jurisdiction in assessing tax rates on property located at 50th Street and Guava Avenue and 2901 Avenue A of the intent of the City to execute an amendment to the Tax Abatement Agreement with PYCO Industries, Inc.; and authorizing the Mayor to execute an amendment to the Tax Abatement Agreement with PYCO Industries, Inc., and all related documents, seven days after the notice has been delivered by the City Secretary (*Business Development*).**

PYCO Industries has an existing tax abatement agreement with the City that was executed on March 28, 1996. This resolution amends the existing contract to conform to the current tax abatement guidelines as amended on December 16, 2004 by City Council. Copies of the amendment and existing contract have been included in the backup documents.

FISCAL IMPACT:

No change.

Staff recommended approval of this resolution.

The next item considered was Item 26.

- (24.) **Resolution No. 2005-R0088 authorizing the Lubbock Police Department to execute a contract with B. R. Griffin for a storage building for emergency mobile operations vehicles (*Police Department*).**

This item was moved from consent agenda to regular agenda and considered following Item 12.

The Police Department and Emergency Management currently own two tractor/trailer rigs, one motor home, an urban rescue vehicle (URV), two light towers, two Kawasaki Mules, and have ordered another motor home.

All of this equipment is housed in different locations inside the city. During an emergency situation officers have to go to the various areas in the city to deliver these vehicles to the emergency situation.

The motor homes and tractor/trailer rigs all house very sensitive and expensive equipment. The motor homes and one of the tractor/trailer rigs

contain police radios, mobile data computers, fax machines, and other office equipment. The other tractor/trailer rig carries the URV.

The contract is for a five-bay garage building originally designed for work on large commercial vehicles. The building is large enough to provide space for all emergency operations vehicles to be stored in one location - an option not currently available to the City.

FISCAL IMPACT:

The 12-month contract will cost \$18,000 and is renewable for five years for a total cost of \$90,000 over the life of the contract. The Abandoned Vehicles Fund will fund this payment.

The Police Department recommended approval of the resolution.

Chief Claude Jones explained the purpose of the storage.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0088 as recommended by staff, with a condition on the City of Lubbock obtaining an acceptable Environmental Site Assessment. Motion carried: 6 Yeas, 0 Nays.

The next item considered was Item 27.

- (25.) **Resolution No. 2005-R0091 authorizing the Mayor to authorize Hammerman and Gainer, the Third Party Administrator, to settle any and all claims under claim #05-C-120 relating to an automobile collision (*Risk Management*).**

This item was moved from consent agenda to regular agenda and considered after Work Session reconvened at 3:43 p.m.

Claim # 05-C-120 relates to an automobile collision on January 20, 2005.

FISCAL IMPACT:

The settlement of this claim will come from the Risk Fund.

Staff recommended approval of this resolution.

Motion was made by Council Member Boren, seconded by Council Member Price to pass Resolution No. 2005-R0091 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Mayor McDougal was away.

The next item considered was Item 48.

- (26.) **Resolution No. 2005-R0076 authorizing the Mayor to execute an agreement between the Cities of Pampa and Lubbock, with approval by the Canadian River Municipal Water Authority, for the purchase of excess water allocation from the City of Pampa (*Water Utilities*).**

This item was considered following Item 23.

This is a five-year agreement for the annual purchase of 250,000,000-400,000,000 gallons of water from the City of Pampa. The agreement may be renewed for one additional five-year term upon mutual agreement. The initial delivery quantity is 400,000,000 gallons of Pampa's excess CRMWA allocation. Pampa will set the allocation amount annually and it will never be less than 250,000,000 gallons.

The 400,000,000 gallons is approximately a 10-day supply for Lubbock. It is intended that this water will be used in off peak times to either refill the Terminal Storage Reservoir or supplement existing water supplies.

FISCAL IMPACT:

Lubbock will pay Pampa \$0.41/1000 gallons the first year, which covers Pampa's cost to CRMWA. The cost will vary annually to cover Pampa's actual cost of water to CRMWA. The cost of this water will be absorbed by the Water Treatment operating budget. The annual expenditure will range from \$102,500 to \$164,000 for the first year and will be offset by the sale of water.

Staff recommended approval of this resolution.

The next item considered was Item 28.

- (27.) **Resolution No. 2005-R0089 authorizing the Mayor to execute an Interlocal Agreement between the City and Lubbock County to allow a joint application for the aggregate funds allocated to Lubbock County from the Bureau of Justice, Office of Justice Programs, under the Edward Byrne Memorial Justice Assistance Grant Program to fund Law Enforcement and Prosecution/Court general-purpose initiatives (*Police Department*).**

Item 27 was moved from consent agenda to regular agenda and considered following Item 24.

The Justice Assistance Grant (JAG) Program allows local governments to support activities to prevent and control crime and to improve the Criminal Justice System. For FY2005, JAG replaces the Local Law Enforcement Block Grant (LLEBG). According to JAG, Lubbock County is considered a disparate jurisdiction. A disparity occurs when a unit of local

government (City) is scheduled to receive one and one half times more federal funding than another unit (County), while the other unit is responsible for more than 50% of the costs of prosecution or incarceration that arise from violent crimes reported by the local unit(s).

Disparate jurisdictions must submit a joint application for the aggregate of funds allocated to them. JAG disparate jurisdictions are certified by the Director of BJA, based in part on input from the Texas Attorney General.

FISCAL IMPACT:

None. The Edward Byrne Memorial Justice Assistance Grant does not require matching funds from the City. The \$145,869 is being appropriated in a companion ordinance.

The Police Department recommended approval of this resolution.

Mayor Pro Tem Martin asked this item be moved from consent agenda to regular agenda to get a better understanding of the Justice Assistant Grant. Chief Claude Jones explained.

Motion was made by Council Member DeLeon, seconded by Council Member Martin to pass Resolution No. 2005-R0089 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Council Member Price recused.

The next item considered was Item 35.

- (27A.) **Resolution No. 2005-R___ granting the waiver of Payment in Lieu of Taxes for FY 2004-2005 for the Lubbock Housing Authority (Community Development).**

This item was deleted.

- (28.) **Resolution No. 2005-R0077 for Radio Network Controller (Police Administration).**

This item was considered following Item 26.

This is an emergency purchase to replace a Motorola radio network controller. Recently, the existing radio network controller has experienced failures and mission-critical errors causing numerous mobile data computer failures to send or receive data.

The Lubbock Police Department uses mobile laptop computers, called Mobile Data Computers, to receive their officer safety and call sheet

information, check wanted subjects, check vehicle registrations, and conduct other basic patrol functions. The Mobile Data Computers transmit and receive data from dispatch through a middle-ware central computer terminal called the Radio Network Controller. The Radio Network Controller is a Motorola product. This is an intricate middle-ware computer system. Motorola is the sole source provider for this product, as it is proprietary to their mobile system.

The existing Radio Network Controller computer is about ten years old. The last software upgrade it received was in 1998. According to Motorola, they can no longer properly service the Radio Network Controller software due to its age. According to City of Lubbock Information Technology personnel, the Radio Network Controller and software needs replacing as well.

To resolve these errors and to ensure connectivity between the Mobile Data Computers and Police dispatch, as well as the intricacy of the Radio Network Controller software, Motorola is the sole source used to install the needed hardware and software upgrade.

FISCAL IMPACT:

A total of \$63,339 was appropriated with \$63,339 available in Project Number 3410.8204 (Data Processing Services) and 90345.9226 (Data Channels) for this purpose.

Staff recommended contract award to Motorola, Inc. of Dallas, Texas for \$63,339.

(29.) Resolution No. 2005-R0078 - BID #04-210/BM—for Anthracite Filter Media (*Water Treatment*).

This bid is for the purchase of 700,000 pounds of anthracite filter media for use in the twenty water treatment plant filters. This material will replace the anthracite that has been lost through backwashing and filter maintenance over the past eight to nine years. Anthracite is the top layer of media used in the plant's multi-media filters. Replacement of lost anthracite is critical to optimum performance of the filtration process.

Six local businesses were notified of this Invitation to Bid.

FISCAL IMPACT:

A total of \$73,000 was allocated and is available in Capital Project #9799 (Water Treatment Plant Optimization) for this purchase. A budget change request was requested and approved to transfer \$30,000 from CIP 90275

(Laboratory Equipment Replacement) to CIP 9799 bringing the total funds available for this purchase to \$103,000.

Staff recommended contract award to Spartan Filtration Company of Redondo Beach, California for \$96,180.

- (30.) **Resolution No. 2005-R0079; Resolution No. 2005-R0080; Resolution No. 2005-R0081; Resolution No. 2005-R0082; Resolution No. 2005-R0083; Resolution No. 2005-R0084; Resolution No. 2005-R0085 - BID #04-213/MA—for Oil and Lube Services (*Fleet Services*).**

This bid establishes annual pricing for lube and oil services for the City's fleet of light duty vehicles. In order to ensure adequate coverage for remote locations throughout the city, staff recommended contract award to seven bidders based on the number of service locations and cost of services. Services will be performed on City of Lubbock vehicles that have a gross vehicle weight rating of one-ton or less according to established schedules of Fleet Services and the vehicle manufacturers. The purpose of this bid is to obtain enough vendors to adequately service the City's fleet of vehicles in a timely and cost efficient manner.

Forty-one local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$25,000 was appropriated with \$25,000 available in Account Number 8221 (Across Various Funds) for this purpose.

Staff recommended bid award to Bolton Oil Company, Logan Automotive, Lube Zone, Scott's Complete Car Care, Rapid Oil Change, Woody Tire Company, and Express Car Care.

- (31.) **Resolution No. 2005-R0086 - BID #04-218/BM—for Self-Contained Breathing Apparatus Units, Equipment, and Parts (*Fire Department*).**

This bid is for the purchase of self-contained breathing apparatus (SCBA) equipment and related repair parts for inventory. All new respiratory equipment used for fire fighting/hazmat applications and associated computer software technology will replace current Fire Department inventories.

Specifications were developed by Fire Department personnel for the purposes of attaining compliance with the National Fire Protection Association 2002 Standard, which modified SCBA configurations to improve firefighter safety as a result of the 2001 New York terrorism attack and to replace obsolete repair parts that are no longer manufactured.

Twelve local businesses were notified of this Invitation to Bid.

FISCAL IMPACT:

A total of \$1,129,450 was appropriated with \$1,129,450 available in Project Number 900-8499 (SCBA Replacement 04-05) for this purpose.

Staff recommended bid award to DACO Fire Equipment of Lubbock, Texas for \$987,346.15.

(32.) Resolution No. 2005-R0087 - BID #04-209/BM—for Airport Passenger Terminal Seat Slings (*Aviation*).

This bid is for the manufacture and purchase of seat slings to replace worn and/or torn seats in all terminal seating areas used by passengers at the Lubbock Preston Smith International Airport. The existing public seating in both the public side of the terminal and the sterile side (arrival and departure corridor) consists of a chrome metal frame with a synthetic seat sling that snaps onto the metal frame, creating a suspension-type seat sling. Existing seat slings in the Airport Terminal Building are estimated to be 25-30 years old and are reaching the end of their useful life. Many of the seat slings are torn and many have already been removed from service due to their poor condition.

The Invitation to Bid (ITB) was structured around obtaining competitive bids on three different quantities of seat slings - 200, 400, and 650. Staff recommended bid award to the third lowest bidder using best value criteria listed in the ITB:

- The quality of the bidder's goods or services;
- The extent to which the goods or services meet the City's needs;
- The total long-term cost to the City to acquire said goods or services;
- Any relevant criteria specifically listed in the Invitation to Bid.

The bid specifications stated, "The City will assess warranty offered, and utilize life-cycle costing and/or performance factors as the evaluation method and basis for award". Specifications also required bidders to submit a sample seat sling with their bid. After evaluating samples provided by the bidders, the following negative items were noted with the two lowest bidders' samples:

- Comfort – the samples do not hang correctly on the frame and do not sit correctly;
- Aesthetic appearance – sample looks sloppy and wrinkled compared to the other samples;
- The color of the sample does not match the existing seat sling color as well as the other samples;
- Workmanship of stitching is poor;
- Folds over the frame of the chair appear to be much larger than other samples.

The sample supplied by the recommended bidder features superior double stitching and is of a heavier weight material, which will provide a longer seat sling life.

Twenty-two local businesses were notified of this Invitation to Bid.

FISCAL IMPACT:

A total of \$159,808 was appropriated with \$135,800 available in Project Number 9163 and 4615.8221 (New Terminal Public Seating/Aviation Maintenance – Building Maintenance) for this purpose.

Staff recommended contract award to Fisher Auto Glass & Auto Trim, Inc. of Lubbock, Texas for \$76,050.

The next item considered was Item 14.

PUBLIC HEARINGS

10:40 A.M. Zoning

- (33.) **Ordinance No. 2005-O0027 - ZONE CASE NO. 2944-A (west of Frankford Avenue and south of 112th Street): Hold a public hearing to consider the request of Hugo Reed and Associates, Inc. (for Carl Mortenson) for a zoning change from T and R-1 Specific Use to R-2 and C-3 on 4.6 acres of unplatted land out of Section 21, Block AK. (*first reading*).**

This item was considered following Item 35.

Mayor McDougal opened the public hearing at 10:40 a. m. No one appeared on behalf of Carl Mortenson. No one appeared in opposition. Mayor McDougal closed the hearing at 10:41 a. m.

The request is to rezone a block currently zoned for garden homes to C-3 and one sliver of what will be a closed street to R-2 to match the adjacent duplex-zoned lots.

Adjacent land uses:

North – zoned residential, undeveloped

South – zoned T mixed uses

East – vacant, zoned commercial

West – zoned residential, vacant

The request represents a policy request with regard to the Comprehensive Land Use Plan and zoning policy. The first zone case on this $\frac{3}{4}$ section did not claim the full ten-acre allotment of commercial on the northwest corner of 114th Street and Frankford Avenue. This addition of C-3 will create an eleven acre gross commercial corner; nine net acres after dedication of streets and alleys.

The proposal should not affect the thoroughfare system to an extent any greater than anticipated.

The Planning Commission recommended the request with the following condition:

1. Prior to a construction permit on any portion of this 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.

FISCAL IMPACT:

Not applicable.

Staff supported the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0027 as recommended by staff. Motion carried: 4 Yeas, 0 Nays.

Council Members Boren and DeLeon were away from the dais.

- (34.) **Ordinance. 2005-O0028 - ZONE CASE NO. 2832-D (north of 82nd Street and east of Avenue U): Hold a public hearing to consider the request of Hugo Reed and Associates, Inc. (for Lubbock Land Company) for a zoning change from R-1 Specific Use to GO on 3.2 acres of unplatted land out of Block E, Section 4. (first reading).**

Mayor McDougal opened the public hearing at 10:40 a. m. No one appeared on behalf of Lubbock Land Company. No one appeared in opposition. Mayor McDougal closed the hearing at 10:41 a. m.

The request would zone a parcel currently proposed as single family with a Specific Use permit for twenty-foot front setbacks.

Adjacent land use:

North – City park
South – 82nd Street
East – residential
West– residential

The approved preliminary plat illustrates this parcel as Tract A, with the assumption during the platting process that a use other than residential would eventually be proposed. The applicant was made aware during the plat approval process that the parcel is not eligible for commercial zoning on the Comprehensive Land Use Plan.

The thought process at the time was to see if a buffer use could be considered; either a church or an office. The proposed GO is not an unacceptable proposal on this corner of a collector and thoroughfare, and using it as a single tract solves an issue in platting in that a row of homes will not have to face Avenue U as on the west side.

Several adjacent owners on Avenue U (across Avenue U from the parcel) were present and objected. After a lengthy discussion about the parcel being developed as residential with an alley adjacent to Avenue U, and the fact that approximately 16-18 more lots would be added to the traffic mix on 81st Street, the neighbors offered to reserve judgment until a site plan is proposed. The neighbors were most concerned about traffic on 81st Street adjacent to the park, as well as the use across from their homes being “not residential”.

Several of the owners were more satisfied when made aware of the fact that Garden Office allows only professional offices and no retail sales. The Planning Commission then recommended the request with three conditions:

1. The parcel may be developed with a maximum of one curb cut on 82nd Street and one curb cut on Avenue U. No curb cuts will be allowed to 81st Street.
2. A screening fence will be provided on the east line; none will be required on north, south, or west.

3. A site plan review including building elevation and materials shall be approved by the Planning Commission prior to a construction permit being issued. Notice of the review shall be mailed to the owners of the four homes facing the site on Avenue U.

FISCAL IMPACT:

Not applicable.

Staff supported the Planning Commission recommendation.

Council Members Boren and DeLeon were away from the dais.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0028 as recommended by staff. Motion carried: 4 Yeas, 0 Nays.

The next item considered was Item 37.

ADMINISTRATIVE SERVICES

Health Department

- (35.) **Ordinance No. 2005-O0026 amending Chapter 12 of the Code of Ordinances of the City of Lubbock, Texas, with regard to the sale of methamphetamine precursor drugs within the City of Lubbock; providing a penalty; providing a savings clause; and providing for publication (*first reading*).**

This item was considered following Item 27.

This new ordinance will regulate the sale of precursor drugs used in the manufacture of an illegal drug called methamphetamine.

Methamphetamine, a derivative of amphetamine, is a powerful stimulant that affects the central nervous system. Amphetamines were originally intended for use in nasal decongestants and bronchial inhalers and have limited medical applications. Methamphetamine can be smoked, snorted, orally ingested, and injected.

Methamphetamine can be easily manufactured in clandestine laboratories (meth labs) using ingredients purchased in local stores. Over-the-counter cold medicines containing ephedrine or pseudoephedrine and other materials are "cooked" in meth labs to make methamphetamine. The manufacture of methamphetamine has a severe impact on the environment. The production of methamphetamine releases poisonous gas into the atmosphere and creates toxic waste. Many laboratory operators dump the

toxic waste down household drains, in fields and yards, or on rural roads. Meth labs can be portable and are easily dismantled, stored, or moved. This portability helps methamphetamine manufacturers avoid law enforcement authorities. Meth labs have been found in many different types of locations, including apartments, hotel rooms, rented storage spaces, and trucks.

Due to the creation of toxic waste at methamphetamine production sites, many first response personnel are injured when dealing with the hazardous substances. The most common symptoms suffered by first responders when they raid meth labs are respiratory and eye irritations, headaches, dizziness, nausea, and shortness of breath.

Major highlights of the ordinance include the following:

Section 12-262 defines methamphetamine precursor drugs as a drug or product containing as its sole active ingredient ephedrine, pseudoephedrine, phenylpropanolamine, or any of the salts of optical isomers. This term will not include any compounds, mixtures, or preparations that are in liquid, liquid capsule, or gel capsule form and in which pseudoephedrine is not the only active ingredient. "Over-the-counter sales" means a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

Section 12-263 describes prohibited acts. For example, it shall be unlawful within the incorporated limits of the city for any retailer or employee thereof knowingly to sell, transfer, or to otherwise furnish in single transaction: (a) more than three packages of one or more products that he or she knows to contain methamphetamine precursor drugs, (b) a single package of any product that he or she knows to contain more than three grams of methamphetamine precursor drugs, or (c) a methamphetamine precursor drug to a person under the age of 18 years. It shall be unlawful for any retailer to furnish in any 30-day period more than nine grams of methamphetamine precursor drug to a single individual. The limits established shall not apply to any quantity of methamphetamine precursor drugs dispensed pursuant to a valid prescription.

Section 12-264 discusses accessibility of methamphetamine precursor drugs. Basically, all precursor drugs for sale will have to be behind a checkout counter where the public is not permitted or inside a locked display case.

Section 12-265 details the registration of purchases. Any establishment selling any product containing methamphetamine precursor drugs shall require the showing of proper identification and signing a register. Proper

identification means a valid motor vehicle operator's license or other official and valid state-issued identification of the purchaser that contains a photograph of the purchaser. The retail establishment shall retain each original register for three years and present the register upon demand by any law enforcement officer or authorized representative of the Lubbock Health Department.

Section 12-266 establishes a methamphetamine watch program to inform retailers of the problems associated with the illicit manufacture and use of methamphetamine in this state; establish procedures and develop forms for retailers and other persons to use in reporting to the department any incidents of theft, suspicious purchases, or other transactions involving products used in the illicit manufacture of methamphetamine; increase community awareness of methamphetamine; and assist local communities in addressing problems created by the illicit manufacture and use of methamphetamine. Retailer participation in the methamphetamine watch program is voluntary.

FISCAL IMPACT:

General Fund Health Department supply costs may increase by \$500. There could be substantial decreases in General Fund clean-up costs associated with police investigations of clandestine laboratories.

Health Department staff recommended adoption of the ordinance.

Tommy Camden, Health Director for the City of Lubbock Health Department, gave comments and a presentation. He stated that even at the national level there has been a Senate Bill introduced, which is called the S103IS "Combat Meth Act of 2005". He then answered questions that council members had.

Mayor Pro Tem Martin acknowledged Bonner Bennett, Chairman of the Community Relations Task Force. He also commended Mr. Bennett for being the driving spirit who brought this issue to the attention of the Lubbock community.

Lieutenant Greg Stevens of the Lubbock Police Department gave comments and a presentation on the impact of methamphetamine sales without its sole active ingredient ephedrine, pseudoephedrine, phenylpropanolamine, or any of the salts of optical isomers. He then answered questions from council members.

Council Member Price and City Manager Fox commended Lt. Stevens and the Lubbock Police Department for being on top of this issue.

Council Member DeLeon asked Lt. Stevens how to promote what we are doing (passing an ordinance) to other communities and the suburbs of Lubbock. Mayor McDougal suggested sending a copy of the ordinance and asked Dixon Platt, Chief of Staff, to put together a letter to send to all 15 outlying county regions.

Motion was made by Council Member Jones, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0026 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

10:26 A. M. CITY COUNCIL RECESSED

10:40 A. M. CITY COUNCIL REGULAR MEETING RECONVENED

The next item considered was Item 33.

Human Resources

(36.) Item deleted

FINANCE

(37.) Ordinance No. 2005-O0029 amending the FY 2004-2005 Budget (Amendment #6) (first reading).

This item was considered following Item 34.

1. Establish a new fund to accommodate Lake Alan Henry (LAH) recreation:

A new special fund will be created for Lake Alan Henry. Currently the expenditures and revenues for LAH recreation are budgeted for in the General Fund. Both the General Fund and new LAH budgets will be adjusted appropriately for this change. The transfer to the Water Fund for debt service related to LAH recreation will be recorded in this new special fund.

2. Funding from a completed public safety capital project will be moved to a Fire Department cost center in the General Fund:

Funding from the Bunker Gear Project (#8500) will be moved to the Fire Suppression operating budget in the General Fund. This \$43,710 will be used by the Fire Department for the same purpose. This is only an accounting change.

3. Establish a capital project for Solid Waste venting at the Landfill:

A capital project is necessary for venting at the Landfill. The cost of the project is \$500,000 and will be funded from Solid Waste Capital Projects Fund. The original source of funding for this item is 2001 bond proceeds.

4. Add funding to a capital project for Municipal Building renovation:

The City Council Conference Room project will be changed to include an ADA compliant restroom renovation and furniture/fixtures in the various department relocations of the municipal building. The total to be added is \$90,000 to be funded from the Facilities Management Internal Service fund balance.

5. Establish five capital projects in the Airport Capital Projects Fund to be funded by the Passenger Facility Charge:

The Passenger Facility Charge (PFC) Program authorizes the collection of PFC fees up to \$4.50 for every enplaned passenger at commercial airports controlled by public agencies. The fees are used by the airports to fund FAA-approved projects that enhance safety, security, or capacity, reduce noise, or increase air carrier competition. The Lubbock Preston Smith International Airport will charge \$2 for every enplaned passenger for these projects. Establishment of these projects will not impact the Airport Operating Fund.

The projects are as follows: 1) Replace Airfield Guidance Signage and Upgrade Electrical Vault, 2) Acquire Airside Equipment, 3) Upgrade Access Control/CCTV, 4) Rehabilitate Airside Asphalt Pavement; and 5) Replace Airfield Pavement Surface Condition Sensor. More detailed information on projects is found on project sheets included in backup.

6. Add \$70,000 to the Human Resources operating budget in the General Fund for a Classification and Compensation Study:

The current classification and compensation plan was last updated in-house in 1996 and created in 1978. The pay plan structure has been consistently modified for changed or new job requirements or by annual market studies. The Classification and Compensation Study is projected to be complete by the end of this fiscal year. Funding is to come from the General Fund fund balance.

7. Accept and appropriate grant from the Bureau of Justice, Office of Justice Programs through Lubbock County under the Edward

Byrne Memorial Justice Assistance Grant Program to fund Law Enforcement and Prosecution/Court general-purpose initiatives:

Funding will be received in the amount of \$145,869. The grant allows local governments to support activities to prevent and control crime and to improve the Criminal Justice System. A separate item (Item #27) is on this same agenda requesting approval of the contract.

Grant provides citizens services without negatively impacting the General Fund.

8. Accept and appropriate grant from Texas Department on Aging and Disability Services through South Plains Association of Governments for City Senior Program:

Funding will be received in the amount of \$112,001.92. The grant will fund the City Senior Program, which targets any citizen 60 years of age or older to provide hot meals, transportation, recreational, and social activities. Staff anticipates serving approximately 66,500 meals and approximately 6,250 units of transportation. The required match from the City is \$11,078.98, which is covered by budgeted personnel costs in the Indoor Recreation budget in the General Fund. Program income in the amount of \$47,598 also supplements the program. The total budget for this grant program is \$159,600. A separate item approving the contract amendment was previously approved on December 7, 2004.

Grant provides citizens services without negatively impacting the General Fund.

9. Accept and appropriate grant from Texas Parks and Wildlife Commission for Lubbock Indoor Recreation Center:

Funding will be received in the amount of \$750,000. The grant will partially fund a 20,000–square foot exhibit/nature education center in leased space within the Science Spectrum facility to include nine themed exhibits based upon the Brazos River ecosystem. A separate item approving the contract amendment was previously approved.

Grant provides citizens services without negatively impacting the General Fund.

10. Accept and appropriate grant from Texas Parks and Wildlife Commission for development of Bill McAlister Park:

Funding will be received in the amount of \$500,000. The grant will partially fund the development of the park that will include lighted special needs baseball/T-ball field, skate park, 18 basket disc golf course, and fishing pier. The local match consists of private donations of cash, labor, equipment, and materials. A separate item approving the contract amendment was previously approved.

Grant provides citizens services without negatively impacting the General Fund.

11. Accept and appropriate grant from Texas Parks and Wildlife Commission for National Recreational Trails Grant:

Funding will be received in the amount of \$175,000. The grant will fund the development of the Lubbock Motorized Trail project. A separate item approving the contract amendment was previously approved.

Grant provides citizens services without negatively impacting the General Fund.

12. Accept and appropriate grant from Texas Parks and Wildlife Commission for development of Lubbock Jim Bertram Lakes System:

Funding will be received in the amount of \$500,000. The grant will further develop the 14.5-acre Fiesta Plaza of the Jim Bertram Lakes System to include a 0.73 mile multi-purpose trail renovation, amphitheater, pavilion, non-motorized boat dock, multi-purpose court, and picnic stations. A separate item approving the contract amendment was previously approved.

Grant provides citizens services without negatively impacting the General Fund.

Staff recommended approval of the first reading of the ordinance amending the budget for FY 2004-2005.

Lee Ann Dumbauld, Chief Financial Officer, introduced Ray Hutchison with Vincent and Elkins. Mr. Hutchison is a new bond council for the City of Lubbock, and this was his first bond issue with City of Lubbock. Mr. Hutchison answered questions from council members. Ms. Dumbauld explained to Council why there have been so many budget revisions.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2005-00029 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

MISCELLANEOUS

Community Development

- (38.) **Resolution No. 2005-R0090 authorizing the staff of the Community Development Department to submit a Request for Exception for a possible conflict of interest to the U. S. Department of Housing and Urban Development.**

Councilman Floyd Price's in-laws, Alfred and Viola McKelvey, have applied to the Community Development Department for a low-interest loan from the Section 108 Housing Program. The McKelveys do meet the department's guidelines for the home repair program. They are income eligible and their home is suitable for rehabilitation. The Section 108 Housing Program is a citywide program that requires recipients to repay over time 100% of the amount borrowed plus applicable interest. A public disclosure of the potential conflict of interest was made at a public hearing held during the February 10, 2005 City Council meeting. A two-week public comment period followed the hearing.

Assistant City Attorney Amy Sims issued the attached letter stating that participation by the McKelveys will violate no local or state laws.

FISCAL IMPACT:

There is no fiscal impact on the General Fund involved with the submission of this Request for Exception. If the Exception is granted, the funds in question would come from the Section 108 Loan Program that has been previously approved by City Council. As the loan payments are collected, the funds will be treated as Program Income and will be used to repay the Section 108 Loan that the City of Lubbock received from HUD.

Community Development recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0090 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Council Member Price recused.

BOARD APPOINTMENTS

- (39.) Consider two appointments to the Neighborhood Redevelopment Commission.**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to reappoint Phebe Ellis and Fred Wagner to the Neighborhood Redevelopment Commission. Motion carried: 6 Yeas, 0 Nays.

- (40.) Consider five appointments to the Water Board of Appeals.**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to reappoint Art Martin and Cecil White to the Water Board of Appeals. Motion carried: 6 Yeas, 0 Nays.

Consensus was to consider the other three appointments at a later date.

- (41.) Consider one appointment to the Board of Health.**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to reappoint Dr. John Selby to the Board of Health. Motion carried: 6 Yeas, 0 Nays.

The next item considered was Item 43.

- (42.) Consider three appointments to North Overton Tax Increment Financing Board.**

This item was considered following Item 43.

Mayor McDougal recused.

Motion was made by Council Member Boren, seconded by Council Member Jones to reappoint Steve Krier and Don Rushing, and appoint Stan Mayfield to North Overton Tax Increment Financing Board. Motion carried: 5 Yeas, 0 Nays.

The next item considered was Item 44.

- (43.) Consider one appointment to the Park & Recreation Board.**

This item was considered following Item 41.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to appoint Olga Riojas-Aguero to the Park & Recreation Board. Motion carried: 6 Yeas, 0 Nays.

The next item considered was Item 42.

10:55 A.M. CITY COUNCIL WORK SESSION CONVENED

- (44.) Review a 300 plus acre annexation of City-owned land (north of FM 2641 and east of I-27).**

This item was considered following Item 42.

Randy Henson, Senior Planner, explained the annexation near the Lubbock International Airport. There were no questions, and Council instructed Mr. Henson to proceed with statutory requirements of the proposed annexation.

- (45.) Review annexation of a two square mile plus area (between Slide Road and Indiana Avenue, from 660 feet south of 114th Street to 660 feet south of FM 1585/130th Street).**

Randy Henson, Senior Planner, presented recommendations to City Council regarding the annexation process. Larry Hertel, Engineer, also gave comments. Council consensus was to move forward.

11:20 A. M. CITY COUNCIL RECESSED

**1:15 P. M. CITY COUNCIL RECONVENED TO EXECUTIVE SESSION
City Council/City Manager's Conference Room**

**2:27 P. M. CITY COUNCIL WORK SESSION RECONVENED
Committee Room 103**

The first item considered was Item 47.

- (46.) Discussion of Codes Enforcement.**

This item was considered following Item 47.

Police Chief Claude Jones brought back to Council a presentation on the process, status, and recommendations of different areas of Code Enforcement, which includes training, equipment, activities, and personnel. He also answered questions from Council. Council commended the Codes Department and Chief Jones on a job well done.

Council Member Jones asked if the citizen would be informed that the conversation might be recorded for quality assurance purposes. Council Member Boren suggested that when a citizen complaint comes into the Codes Department via telephone it be announced that the conversation might be recorded.

Mayor McDougal stated that consensus is to move forward with bringing back an ordinance to create a Junk Vehicle Review Committee.

3:30 P. M. CITY COUNCIL RECESSED

3:43 P. M. CITY COUNCIL WORK SESSION RECONVENED

The first item considered was Item 25.

(47.) Discussion of False Alarms.

This item was considered following Item 45.

Police Chief Claude Jones gave a presentation on how the number of false alarms has declined from 2000 to 2004, especially after the ordinance was passed in 2001. Mayor McDougal commended Chief Jones on a job well done.

The next item considered was Item 46.

(48.) Presentation of the revised Capital Improvement Program.

This item was considered following Item 25.

Jeff Yates, Director of Fiscal Policy and Strategic Planning, gave a presentation on the proposed Capital Improvement Program for the Water and Sewer Utilities, Solid Waste, and North Overton Tax Increment Financing Funds. The presentation included the long-term financial models for each fund.

4:13 P. M. COUNCIL ADJOURNED

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