

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING**

April 28, 2005

7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 28th day of April, 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 Jim Gilbreath, Council Member Phyllis Jones

Absent: Council Member Gary O. Boren, Council Member Linda DeLeon, Council Member Floyd Price

CITIZEN COMMENTS

There were no citizens to express comments to the Council.

EXECUTIVE SESSION

Mayor McDougal stated: "City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation; purchase, exchange, lease, or value of real property; personnel matters; consultation with attorney; commercial or financial information that the governmental body has received from a business prospect that the governmental body is conducting economic development negotiations; competitive matters of the public power utility as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."

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

All council members were present except Council Member DeLeon. (Ms. DeLeon arrived at 8:00 a.m.)

- (1.) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071(a)(1), to discuss pending or contemplated litigation (Codes; Environmental Inspection; Stormwater; 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).**

- (3.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters (Chief of Staff, Assistant to City Council; 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:**
- Junked Vehicle Compliance Board
Neighborhood Redevelopment Commission**
- (4A.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071(b), consultation with attorney (Planning and Transportation).**
- (5.) **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 is conducting economic development negotiations (Economic Development).**
- (6.) **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;

to deliberate, vote and take final action on a competitive matter regarding retail energy sales/contracts by the City of Lubbock and its municipally owned electric utility, Lubbock Power & Light.

**9:40 A. M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers**

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

Member Floyd Price; Lou Fox, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: No one

Mayor McDougal called the meeting to order at 9:40 A. M.

Invocation by Pastor Gerald Jackson, Central Lubbock Church of Christ

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

BOARD APPOINTMENTS RECOGNITION

This item was considered following Item 11.

Housing Authority Board of Directors
Receiving: Calvin Jackson-Davis

The next item considered was Item 9.

CITIZEN APPEARANCES

- (7.) Presentation of Special Recognition to the Trinity High School Girls' Basketball team for winning the State tournament this year.**

This item was considered following Item 9.

Council Member Boren joined Mayor McDougal as he presented special recognition to the Trinity Christian High School "Lady Lions" Girls' Basketball team for winning the State tournament this year. Tory Brian, Coach, and members of the team accepted the presentation. The team is the Class 4-A State champion of the Texas Association of Private and Parochial Schools (TAPPS), and this championship is the third in the history of the "Lady Lions" basketball team. Their overall record this year was 31-6, and they were undefeated in the TAPPS District 1-4A. The Mayor encouraged Lubbock citizens to honor and commend the team for earning their place among the best teams in Lubbock history, for creating a season to remember, and for bringing pride and honor to their families, schools, and West Texas for bring home a State championship.

The next item considered was Item 10.

- (8.) Presentation of a Special Recognition to the Trinity High School Girls' Volleyball team for winning the State tournament this school year.**

This item was deleted.

- (9.) Presentation of a Special Recognition to the Trinity High School Boys' Basketball team for their performance at the State tournament this year.**

This item was considered following Board Appointment Recognition.

Council Member Boren joined Mayor McDougal as he presented special recognition to the Trinity Christian High School Boys' Basketball team for their performance at the State tournament this year. Todd Duncan, Coach, and members of the team accepted the presentation. The team is a Class 4-A State runner up of the Texas Association of Private and Parochial Schools (TAPPS), and this year marks the third consecutive time that the Trinity Christian High School "Running Lions" Basketball team has been a TAPPS 4-A State finalist. Their talent, courage, and dedication enabled the team to forge their way to the top of the District 4-A, finishing the year with an overall record of 28-9 and winning the District Championship for the 7th consecutive year. The Mayor encouraged Lubbock citizens to acknowledge and commend the team for earning their place among the best teams in Lubbock.

The next item considered was Item 7.

(10.) Presentation of a Special Recognition to Delta Sigma Theta Sorority for Delta Day at City Hall.

This item was considered following Item 7.

Council Member Price joined Mayor McDougal as he presented a special recognition to Delta Sigma Theta Sorority for Delta Day at City Hall. In 1952, nine proud and concerned African-American women stepped forward and dedicated themselves to serve the citizens of Lubbock and improve the quality of life for all. The sisters of the Lubbock Alumni Chapter have been invaluable servants to the Lubbock community since November 15, 1952. Delta Day at City Hall is a program that promotes educating Lubbock citizens about the services rendered by the City of Lubbock. The City of Lubbock appreciates Delta Sigma Theta's commitment to Lubbock and their public service and educational mission. Those present for recognition were Ruby White, Lubbock Alumni Chapter Secretary; Pharoh Francis, Alicia Coleman, Jannibah Coleman, Hester Raven, Regina Culver, Lubbock Alumni Chapter Vice President; Helen Fitzgerald, Gladys Diggs, Sherell Guichard-Thomas, and Dorothy Phea-Norville. The Mayor encouraged all residents of Lubbock to recognize this organization's dedication to community service.

Mrs. White gave comments.

The next items considered were Items 12-13.

(11.) Presentation of Special Recognition to Skip Watson to commemorate his retirement from the Lubbock Independent School District.

This was the first item considered following the Pledge of Allegiance.

All Council Members joined Mayor McDougal as he presented a special recognition to Skip Watson to commemorate his retirement from the Lubbock Independent School District where he has served as Director of Public Information for twelve years. Watson is also the founder of the U-

Can-Share Food Drive, as well as a supporter and Media Coordinator for all the 21 years of this event's existence. Watson has been honored with numerous awards from teacher organizations such as the Texas State Teacher's Association and the Lubbock Classroom Teacher's Association. He has served on the Associated Press Board of Directors for 30 years, News Director of KCBD Channel 11 for over 20 years, and United Way Campaign Volunteer of the Year 2004. The Mayor asked the citizens of Lubbock to recognize Mr. Watson for his great contributions to our community, his family, and friends.

Council Member Boren recognized Cindy, Watson's wife of 34 years; Wayne Havens, LISD Superintendent; Dr. Fred Hardin, Deputy Superintendent for Secondary Education; Ann Graves, Deputy Superintendent for Elementary Education; Roy T. Grimes, LISD Board of Trustee member; Nancy Sharp, replacement for Watson as Director of Public Information; Brian Morris, Communications Coordinator; Anita Phillips, Director of LISD TV; Sandra Hester, Program Specialist; and Kristy Johns, Public Information Secretary.

Mr. Watson gave comments and thanked the Mayor and Council Members for this great recognition.

The next item considered was Board Appointment Recognition.

CONSENT AGENDA (Items 12-13, 15, 17-22A, 24-26)

Items 12-13 were considered following Item 10.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve Items 12-13, 15, 17-22A, and 24-26) on consent agenda as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (12.) **Approval of Minutes: April 14, 2005
Regular City Council Meeting**
- (13.) **Declare one appointment to Lubbock Housing Authority Board of Directors.**

Lubbock Housing Authority has 7 members. All are appointed directly by the Mayor, per Texas Housing Authority Law (Texas Local Government Code 392.0331) without confirmation from City Council. The Mayor has appointed one new member.

Housing Authority:
Calvin Jackson-Davis, new appointee

The next item considered was Item 15.

(14.) ORDINANCE NO. 2004-00041-Amending the FY 2004 – 05 Budget (Amendment #9) (Finance) (second and final reading).

The item was moved from consent agenda to regular agenda and considered following Item 26.

FISCAL IMPACT:

1. Adopt the North Overton PID budget:

This is the first year that funds are being received for the North Overton PID. Total revenue received is \$38,210. Projected expenditures for the year total \$37,000, with the remaining \$1,210 going to fund balance. The breakout of the expenditures is as follows: \$27,000 for security, \$5,000 for lighting and \$5,000 for landscaping.

2. Adopt the re-evaluated Capital Improvement Program budget:

At the March 24th City Council Meeting, Jeff Yates, Director of Fiscal Policy and Strategic Planning, presented the re-evaluated Capital Improvement Program budgets for several funds. Input from the City Council was received and incorporated into this CIP budget.

3. Establish a capital project for Terminal Parking Lot Improvements at the Airport:

A capital project is necessary for parking lot improvement at the airport terminal. The cost of the project is \$125,000 and will be funded from Airport Operations Fund – Parking/Professional Services. This will partially fund design services.

4. Change existing capital project in the Airport fund into two projects and revise funding accordingly:

The GA Ramp Improvements project currently has a budget of \$5,808,000. This project will be divided into two phases with phase one consisting of ramp expansion in the Westport district. The budget will be reduced by \$4,437,758 to \$1,370,242. It will remain funded with 95% AIP Entitlements and 5% PFC revenue.

The Phase II GA Ramp Improvements will include ramp refurbishment in the Eastport district. The refurbishment will allow for parking of heavier aircraft and will preserve this Airport asset. The project budget will be \$4,354,881 and will be funded with 95% AIP Entitlements and 5% PFC revenue.

5. Add \$4,726,177 to capital project Extend Taxiway Lima:

This project was originally set up to be complete in phases due to funding limitations. The CIP has currently been revised to fund this project with a multi-year AIP grant allowing the completion of the entire project in FY 05. The budget is currently \$6,184,688 with an additional \$4,726,177 to be added for a total new budget of \$10,910,865.

6. Add \$25,000 to the Airport Capital Projects Fund to cover expenses associated with the Passenger Facility Charge (PFC) administration costs:

In the most recent PFC application, the Airport received approval to use PFC funds to reimburse expenses associated with the PFC administration costs. The costs will be charged to in the Airport Capital Projects Fund with reimbursement from the PFC Fund.

7. Accept and appropriate grant from Texas Department of Housing and Community Affairs for the DOE/EXXON Weatherization Assistance Program (WAP), an energy conservation program.

Funding will be received in the amount of \$61,393. The grant will fund programs to assist low-income individuals and families with energy conservation and energy efficiency. The grant pays up to \$2,672 per case including program delivery costs. The contract will expire March 31, 2006.

8. Accept and appropriate grant from Texas Department of Housing and Community Affairs for the LIHEAP Weatherization Assistance Program (WAP), an energy conservation program.

Funding will be received in the amount of \$98,220. The grant will fund programs to assist low-income individuals and families with energy conservation and energy efficiency. The grant pays up to \$2,672 per case including program delivery costs. The contract will expire March 31, 2006.

9. Add \$15,300 to the General Fund from the Lubbock Area Foundation for animal adoption enhancements program.

Funding will be received in the amount of \$15,300. This will not be handled as a grant as originally presented, instead this funding will be recognized as General Fund revenue. The \$15,300 will be added to the Animal Services budget. This revenue will fund enhancement to the adoption program. Enhancements include repair of dog pens to make kennels safer, advertising to highlight animal adoption and care and equipment for animals with special needs.

10. Accept and appropriate additional grant amount from Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program (CEAP) – an energy assistance program.

Funding was approved in the amount of \$360,072 on February 6, 2005 by the City Council. An additional \$239,928 is to be added to this grant, bringing the total amount to \$600,000. The grant will fund programs to assist low-income individuals and families with energy assistance, and energy efficiency. The grant pays for both programmatic and administration of the funds. The contract will expire December 31, 2005.

This item was not originally on the first reading of this budget amendment, however it was discussed with the City Council on April 14, 2005, the day of the last City Council meeting.

This grant provides citizens services without negatively impacting the General Fund.

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

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2005-O0041 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused on this item.

The next item considered was Item 16.

- (15.) **Resolution No. 2005-R0172 authorizing the Mayor to execute an easement use license with My Lubbock Bank for the use of an underground utility easement for two garage building encroachments (5231 21st Street) (*Street Drainage*).**

This item was considered following Item 13.

My Lubbock Bank owns the property at 5231 21st Street, known as Lot 7, Lewis Estates Addition. Constructed on this property are a single-family residence and two garage buildings. The builder of these structures built the two garages over a portion of the north-south 10-foot underground easement that runs along the west side of this property. Both garage building encroachments are approximately 4.5-feet by 23-feet. Before construction was completed, the builder moved from Lubbock. The requestor of this license, My Lubbock Bank, now owns the property and is requesting this license.

The Bank's contractor is finishing completing of the property and has a potential buyer. Located in this 10-foot easement is a water line that could be abandoned in the future. This license will allow the garage buildings to remain on the easement at a cost of \$50 per year for this 20-year license.

FISCAL IMPACT:

Income to the City of \$50 per year.

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

The next item considered was Item 17.

- (16.) **Resolution No. 2005-R0183 directing the City Engineer to prepare and file estimates and assessment rolls for paving improvements to be included in an assessment program for 98th Street from FM 1730 (Slide Road) to Frankford Avenue (*Street Drainage*).**

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

This resolution is the fourth of five resolutions required to initiate an assessment paving program. The proposed paving improvements are as follows:

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

This resolution directs the City Engineer to prepare assessment rolls to include affected property descriptions, owners and proposed assessment rates.

FISCAL IMPACT:

None.

Street/Drainage Engineering staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass Resolution No. 2005-R0183 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Gilbreath recused on this item.

The next item considered was Item 23.

Items 17-22A were considered following Item 15.

- (17.) **Resolution No. 2005-R0173 authorizing acceptance of sanitary sewer improvements for Lots 1-76, Bacon Crest Addition to the City of Lubbock, Lubbock County, Texas, between 77th and 79th Streets, and between Iola and Kewanee Avenues (*Public Works*).**

This is a routine acceptance of sanitary sewer improvements constructed in accordance with the subdivision regulations. The total cost of the improvements is \$286,756.99. The construction cost by Utility Contractors of America is \$264,411.70, as determined by the unit prices established by Chapter 28, of the Code of Ordinances of the City of Lubbock.

Cash paid to the City of Lubbock is \$22,345.29. That amount includes \$13,446.90 as adjacent mains. The developer, George McMahan Development LLC, will receive a refund of \$122,284.65 in accordance with Chapter 28, referenced above. There is no refund deposit.

The subdivision is located between 77th and 79th Streets, and between Iola and Kewanee Avenues.

FISCAL IMPACT:

This a routine transfer of ownership of water & sewer lines installed in new subdivisions, from the Developer to the City of Lubbock. The value of the system is added to the City of Lubbock, and there are no

expenditures involved in accepting the ownership.

The system when accepted will produce revenue for the City of Lubbock by sale of water and sewer services to the public.

Staff recommended approval of this resolution.

- (18.) **Resolution No. 2005-R0174 authorizing the approval of Amendment No. 1 to the agreement between the City of Lubbock and Parkhill Smith & Cooper for architecture/engineer services for the General Aviation Ramp project (*Aviation*).**

This item is an amendment to the contract dated January 13, 2005 with Parkhill Smith & Cooper for Architecture/Engineer services for Phase I of the GA Ramp Expansion. The amendment includes compensation for the Architecture/Engineer services: Task 1 - Fee for Professional Services in the amount of \$87,600; Task 2 - Construction Phase Services in the amount of \$65,200; and Task 3 - Surveying and Testing Services in the amount of \$24,000; totaling \$176,800 for the project.

FISCAL IMPACT:

There will be no fiscal impact. Federal Aviation Administration Grant will fund 95% and Passenger Facility Charge Fund will fund the remaining 5%.

The Airport Board and staff recommended approval of this resolution.

- (19.) **Resolution No. 2005-R0175 authorizing the approval of Amendment No. 1 to the agreement between the City of Lubbock and Parkhill Smith & Cooper for engineering services for the Taxiway Lima project (*Aviation*).**

This item is an amendment to the contract dated August 16, 2004 with Parkhill Smith & Cooper for Engineering Services for the Construction/Extension of Taxiway Lima for \$912,800. This amendment changes the scope of the project to include Taxiway Lima Shoulders, Extension of Taxiway B to Taxiway L, and demolition and regarding of Taxiway C. The amendment adds: \$62,300 to Task 1 - Fee for Professional Services to total \$437,700; \$34,300 to Task 2 - Construction Phase Services to total \$450,100; and \$38,000 to Task 3 - Surveying and Testing Services to total \$159,500. This will change the total engineering services to \$1,047,300.

FISCAL IMPACT:

There will be no fiscal impact. Federal Aviation Administration Grant will fund 95% and Passenger Facility Charge Fund will fund the remaining 5%.

The Airport Board and staff recommended approval of this resolution.

- (20.) **Resolution No. 2005-R0176 authorizing the Mayor to execute the contract between Texas Department of Housing and Community Affairs and the City of Lubbock Community Development Department for the LIHEAP Weatherization Assistance Program and all related documents (*Community Development*).**

This is a renewal of a program that funds the testing of low-income individuals homes to determine the feasibility that some minor rehabilitation such as insulation, calking, replacing doors or windows would increase the energy efficiency of the home. The Weatherization Program consists of several different sources. The source for this contract is through TDHCA in the amount of \$98,220.00.

This is an electronic contract and can be viewed online in the Community Development office. A copy of the grant summary is attached for your review.

FISCAL IMPACT:

This grant will add funds to assist low-income families in making their homes more energy efficient. There will be no impact to the general fund as the program is 100% grant funded, and there is no matching requirement.

The Community Development Service Board and Staff recommended approval of this resolution.

- (21.) **Resolution No. 2005-R0177 authorizing the Mayor to execute the contract between Texas Department of Housing and Community Affairs and the City of Lubbock Community Development Department for the DOE Weatherization Assistance Program and all related documents (*Community Development*).**

This is a renewal of a program that funds the testing of low-income individuals homes to determine the feasibility that some minor rehabilitation such as insulation, calking, replacing doors or windows would increase the energy efficiency of the home. The Weatherization Program consists of several different sources. The source for this contract is through TDHCA in the amount of \$61,393.00.

This is an electronic contract and can be viewed online in the Community Development office. A copy of the grant summary is attached for your review.

FISCAL IMPACT:

This grant will add funds to assist low-income families in making their homes more energy efficient. There will be no impact to the general fund as the program is 100% grant funded, and there is no matching requirement.

The Community Development Service Board and Staff recommended approval of this resolution.

- (22.) **Resolution No. 2005-R0178 authorizing the Mayor to execute a lease with Trancas Capital d/b/a Putt-Putt Golf & Games for property situated at 5110 29th Drive for customer parking (*Facilities*).**

This lease provides for Trancas Capital d/b/a Putt-Putt to lease property at 5110 29th Drive from the City of Lubbock for a period of five years. This Property has been leased to Putt-Putt of America since June 1988. The lease agreement stipulates that Trancas Capital d/b/a Putt-Putt will pay the City the sum of \$125.00 per month for the term of the lease or until the section of the Marsha Sharp freeway in the immediate area is completed. Once freeway construction is finished the lease rate will be adjusted annually according to changes in the CPI. At the end of the lease in 2010, there is a provision for a five-year extension. The previous operator (Jim Evans) of Putt-Putt operated the facility until March 1, 2005 and at that time Mr. Evans returned the business to Trancas Capital, a subsidiary of Putt-Putt Golf & Games. Due to the wet weather and the freeway construction, he could not afford to continue in business.

FISCAL IMPACT:

Revenue to the City is \$1,500.00 per year.

Staff recommended approval of this resolution.

- (22A.) **Resolution No. 2005-R0179 for Specialized Response Equipment for first responders as authorized under the State Homeland Security Grant Program (*Emergency Management*).**

This resolution authorizes the purchase of special HAZMAT equipment and personal protective equipment for the Fire and Police Departments under the State Homeland Security Grant Program. The purchase of this equipment is from Fisher Scientific through the Houston-Galveston Area Council cooperative purchase agreement and is in support of the Regional Mutual Aid Agreement authorized by Resolution No. 2004-R0214 dated May 25, 2005.

The South Plains Association of Governments and the Texas Engineering Extension Service has approved the purchase of this equipment as required by the State Homeland Security Program.

FISCAL IMPACT:

Resolution No. 2003-R0295 dated July 24, 2003 authorized a total of \$1,314,685 in grant funds. There will be no additional operations cost associated with this equipment. However, any maintenance cost after the warranty period will be paid by the City of Lubbock.

Staff recommended purchase of equipment from Fisher Scientific Company, LLC of Houston, Texas for \$128,585.58.

The next items considered were Items 24-26.

- (23.) **Resolution No. 2005-R0184 - ITB #05-017-BM - Consider one resolution for Lubbock Preston Smith International Airport Security Improvements (*Aviation*).**

This item was moved from consent agenda to regular agenda and was considered following Item 16.

This project will address new security initiatives mandated by the Federal Aviation Administration (FAA) and the new Transportation Security Administration as a result of the events of September 11, 2001. The effect will be tighter and higher profile security at the airport. The cost of the project is funded with FAA Airport Improvement Program grant money and Passenger Facility Charges from the airport.

This bid is for the installation of nine automatic vehicle gates at strategic locations at the airport. A complete fiber optic loop is included along with exit monitoring technology at the screening checkpoint. This bid also includes the purchase of two portable guard shelters to be used around the airport for emergency situations.

Time for completion on this project is 150 days and liquidated damages is \$500 per day. Forty-five local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$1,734,515 was appropriated with \$1,639,195 available in Project Number 90231 (Undesignated Security Project) for this purpose.

Staff recommended Council reject all bids as shown on the bid tabulation.

James Loomis, Director of Aviation, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2005-R0184 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

The next items considered were Item 35-36.

Items 24-26 were considered following Item 22A

- (24.) **Resolution No. 2005-R0180 - ITB #05-029-VK - for Milwaukee Avenue Paving Improvements – 34th Street to 92nd Street (Street/Drainage Engineering).**

This bid is for the construction of street paving improvements on Milwaukee Avenue from 34th Street to 92nd Street. This project will provide thoroughfare paving in this developing area and will allow travel during freeway construction.

Fifty-three local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

As part of budget amendment #9, on the agenda to be adopted by the City Council on April 28, 2005, this project has an appropriation of \$9,000,000 in FY 2004-05 and is planned for \$9,500,000. This project is part of the Gateway Streets Project fund and is funded through a combination of previous year General Obligation bonds, Developer Participation, and Certificates of Obligation funded through the Gateway Streets Project fund. The latest estimates for this project is \$20.5 million, this estimate includes components not covered in this contract. The additional funding needed will be requested through the FY 2005-06 Capital Improvement process.

Award contract to Granite Construction Company of Watsonville, California for \$17,316,932.50.

(25.) Resolution No. 2005-R0181 - ITB #05-032-BM - for Stainless Steel Animal Cages (*Animal Services*).

This bid is for the purchase of stainless steel cages used for housing small animals for Animal Services. Stainless steel cages are the most sanitary in the industry and will last more than 20 years in the high humidity environment of the animal shelter. Cages provide protection and room for animals recovering from spay-neuter medical procedures and small animals held in quarantine allowing animals that are in our custody for weeks to remain healthier. These cages will be mobile and used in our clinic, cattery and small animal adoption area.

Makeshift cages are presently being used and because of cross contamination it is difficult to keep animals healthy. With our current use of wire cages, upper respiratory ailments can rapidly infect an entire room of animals. Weld-wire type cages are also difficult to disinfect. This purchase will provide housing to ensure the health, safety, and comfort of animals that are temporarily at Lubbock Animal Services. If necessary, these cages can easily be incorporated into any new shelter design.

Eight local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$90,013 was appropriated with \$90,013 available in Account Number 148.9201.09545 (Animal Services Donations – General Capital) for this purpose.

Award bid to Atlas Medical Supply, Inc. of Houston, Texas for \$30,500.

(26.) Resolution No. 2005-R0182 - ITB #05-036-MA - for Summer Lunch Program (*Parks and Recreation*).

This bid establishes pricing for the Summer Food Service Program that provides a nutritional noon meal each weekday for children ages one through 18. The program begins May 31, 2005 and ends August 5, 2005.

All children are eligible to participate in the Summer Food Program and receive a free meal at Trejo, Mae Simmons, and Rawlings Community Centers. The Summer Food Service Program will serve approximately 20,050 meals.

Fifty-six local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$49,724 was appropriated with \$49,724 available in Project Number 84008.8302 (Summer Lunch Program) for this purpose. The cost of meals is reimbursed through the Department of Human Services.

Award bid to ARAMARK Educational Services, Inc. of Lubbock, Texas for \$42,506.

The next item considered was Item 14.

PUBLIC HEARINGS

10:25 A. M. Special

Items 27-34 were considered following Item 46 in Work Session.

(27.) Hold a public hearing regarding a drill permit for Lubheirs #23, and consider the award of a drilling permit.

Mayor McDougal opened the public hearing at 10:25 a. m. Doug Bratcher appeared on behalf of Lubheirs #23. No one appeared in opposition. Mayor McDougal closed the hearing at 10:32 a. m.

Randy Henson, Senior Planner, gave comments and answered questions from Council.

The application is in order. The request is for an additional well as part of a pooled unit. Texland proposes earth sludge pits and no landscaping at the well site. The blowout protector has a minimum rating of 3,000 psi. Disposal of waste materials is proposed at a Railroad Commission approved dump in Lubbock County. Access to the drill site is proposed from East Erskine on private property. The storage site is an existing facility on Guava north of Loop 289

SHORT TERM IMPACTS: The area is currently uninhabited and used for agricultural and oil production. The well and storage site are remote from any existing residential development.

POTENTIAL LONG TERM IMPACTS: The land area surrounding and including this lease is designated as “Residential” on the Comprehensive Land Use Plan. A number of existing wells are in the immediate area. The North and East Commission have acquired the parcel in anticipation of new development. The well site is at the east end of the draft plan commissioned by John Hall.

Several subdivisions in north and east Lubbock (the Crest Hill Addition - next to Hillcrest Country Club, the Northridge Addition – next

to the Lubbock Country Club, and the Lucille Addition – north of the Lubbock Country Club), all have active wells on lots within the subdivisions. Since the new subdivision is still in the design stage, the well site can be coordinated with the development of the subdivision. The well site is at the far east end of the proposed addition. Development can occur on the west end with no conflict.

The staff recommended approval subject to the following Conditions:

RECOMMENDED PERMIT CONDITIONS:

1. No hydrocarbon lubricant (waste oil) shall be used to free-up the hole during drilling until after the first series of surface casing has been set to 400 feet or greater.
2. The permittee shall require that a first series of casing be set when drilling reaches a depth of 400 feet. The permittee shall notify the Lubbock office of the Texas Railroad Commission for the intended dates for casing the well.
3. The first, and if used, the second series of casing of the well shall be in compliance with applicable portions of Rule 13 of the Texas Railroad Commission.
4. The permittee shall meet all other conditions of Section 14, Article VI of the Lubbock Code and those specifications indicated within the application of Texland Petroleum for Lubheirs #23.

FISCAL IMPACT

The City of Lubbock is a partial owner of the mineral interest on this parcel of land.

The staff recommended approval of the permit.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to approve the permit as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

10:34 A. M. Zoning

- (28.) Ordinance No. 2005-O0044 - ZONE CASE NO. 2538-B (west of Upland Avenue and south of 26th Street): Hold a public hearing to consider request of JKST Elm Grove Seniors, L.P. for a zoning change from R-1 to A-2 for an apartment complex on 11.374 acres of unplatted land out of Section 42, Block AK (*first reading*).**

Mayor McDougal opened the public hearing at 10:34 a. m. No one appeared on behalf of JKST Elm Grove Seniors, L.P. No one appeared in opposition. Mayor McDougal closed the hearing at 10:35 a. m.

The request is to zone an eleven-acre tract for an apartment complex.

Adjacent land uses:

N – single family
S – vacant, zoned single family
E – single family and vacant
W – vacant, single family

The request is consistent with the policy within the Comprehensive Land Use Plan to locate apartments and churches on the perimeter of neighborhood areas. This location is at the intersection of a designated thoroughfare (Upland) and a collector or half section line street (26th Street). The request is also consistent with zoning policy.

The project will have an impact on the thoroughfare system, but negligible at a future point when Upland is upgraded to a five or seven lane thoroughfare.

The Planning Commission recommended the request for approval

FISCAL IMPACT:

N/A

The staff supported the recommendation of the Planning Commission

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-00044 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

(29.) Ordinance No. 2005-00045 - ZONE CASE NO. 2508-E (east of Elgin Avenue and north of 113th Street): Hold a public hearing to consider request of Rollo Gurs (for Triax Development, Ltd.) for a zoning change from T and R-1 Specific Use to T, R-1 Specific Use for reduced front setback and reduced side setback adjacent to a street on 18 acres of unplatted land out of Section 20, Block E-2 (first reading).

Mayor McDougal opened the public hearing at 10:34 a. m. No one appeared on behalf of Triax Development. No one appeared in opposition. Mayor McDougal closed the hearing at 10:35 a. m.

The request is an adjustment from a recent Residential zone case for front and side setback. The subdivision has been redesigned and portions separated with regard to proposed setback.

Adjacent land use is residential in all directions.

The request is consistent with the Comprehensive Land Use Plan and zoning policy. The Specific Use permit is being used to address setback in various phases of the development.

In conjunction with the site plan in the backup, the applicant requests the following for the single family proposed lots:

- Lots 49 – 79, front drive access with a minimum twenty-foot front setback for the garage, fifteen feet of setback for a non-garage portion of the structure and a five-foot side setback for corner lots.

- Lots 80 – 96, front or rear entry garage access with a minimum twenty-foot setback for a garage (on both the front and rear), fifteen feet of setback for a non-garage portion of the structure and a five-foot side setback for both the structure and fence on corner lots. Rear access corner lots shall also have a setback of five feet for the back and side yard fence. Rear access alleys shall be paved.
- Lots 97 – 118, rear garage access only, the front minimum setback shall be fifteen feet and the minimum side setback on corner lots shall be five feet except that any side entry garage shall have a minimum of twenty feet for setback. Rear access corner lots shall also have a setback of five feet for the back and side yard fence.

One parcel currently zoned R-1 Specific use within Zone Case 2508-D is requested to revert back to Transitional “T” zoning. The current owner will re-establish zoning at a future date.

The Planning Commission recommended the request with the following conditions:

1. Lots 49 – 79, front drive access with a minimum twenty-foot front setback for the garage, fifteen feet of setback for a non-garage portion of the structure and a five-foot side setback for corner lots.
2. Lots 80 – 96, front or rear entry garage access with a minimum twenty-foot setback for a garage (on both the front and rear), fifteen feet of setback for a non-garage portion of the structure and a five-foot side setback for both the structure and fence on corner lots. Rear access corner lots shall also have a setback of five feet for the back and side yard fence. Rear access alleys shall be paved.
3. Lots 97 – 118, rear garage access only, the front minimum setback shall be fifteen feet and the minimum side setback on corner lots shall be five feet except that any side entry garage shall have a minimum of twenty feet for setback. Rear access corner lots shall also have a setback of five feet for the back and side yard fence.
4. The east parcel is rezoned to Transitional “T” zoning.

FISCAL IMPACT:

N/A

The staff supported the recommendation of the Planning Commission.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-00045 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (30.) **Ordinance No. 2005-O0046 - ZONE CASE NO. 3034 (1516, 1518, 1520, 1702, and 1704 East 13th Street, and 1519, and 1703 East 14th Street): Hold a public hearing to consider request of Harold B. Yearwood for a zoning change from R-2 to C-2A on Lots 6,7,8 and 9, Block 2 S.W. McGaw Addition and on Lots 1, 2, 3 and 20, Block 2, Whitehead Addition (*first reading*).**

Mayor McDougal opened the public hearing at 10:34 a. m. No one appeared on behalf of Harold B. Yearwood. No one appeared in opposition. Mayor McDougal closed the hearing at 10:35 a. m.

The request is for light commercial zoning on current residential lots adjacent to MLK Blvd. at 13th and 14th Streets.

Adjacent land uses:

- N – commercial
- S – vacant residential
- E – vacant residential
- W – vacant residential

The request is not consistent with the current Comprehensive Land Use Plan. The Planning Commission motion for approval included language that approval of the request includes a minor change to the Comprehensive Plan.

Both the Comprehensive Land Use Plan and the Urban Renewal Plan contemplate residential on the parcels that face 13th and 14th Streets on each side of MLK. That has been a target of both plans for forty years. The problem is, that target is yet to be realized and chances are good that the area will remain vacant for residential for a long while with the influence of commercial immediately to the north and MLK being a heavily traveled thoroughfare.

The applicant is aware of the philosophical stance of the Comprehensive Plan, but wants to provide one or several areas for new light commercial service. He is requesting C2-A, the most restrictive commercial district. He and his wife have not been able to negotiate successfully for any of the immediately adjacent commercially zoned property. He has solicited and received a letter of support from the Urban Renewal Board. He has also talked to other property owners in the area who are excited to see any type of activity.

Normally, because of the adjacent residential, the staff would not support the style of commercial being proposed. In the interest of the efforts of the North and East Commission and a general interest by all for increased opportunities in this area, the staff supports the request and the Planning Commission recommended the case for approval by the City Council with the following conditions:

1. Each lot adjacent to MLK shall be allowed only one curb cut to MLK (excluding use of alley returns for access to the development).
2. As lots are developed as commercial, a screening fence shall be constructed on any lot line adjacent to or across the alley from a remaining R-1 or R-2 zoned parcel.

FISCAL IMPACT:

N/A

The staff supported the recommendation of the Planning Commission.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-00046 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (31.) **Ordinance No. 2005-00047 - ZONE CASE NO. 2879-B (2314 17th Street): Hold a public hearing to consider request of Edward J. and Deborah Cosgrove for a zoning change from R-2 to R-2 DH on Lots 18 and 19, Block 122, Overton Addition (first reading).**

Mayor McDougal opened the public hearing at 10:34 a. m. No one appeared on behalf of Edward J. and Deborah Cosgrove. No one appeared in opposition. Mayor McDougal closed the hearing at 10:35 a. m.

The zoning code has a process for consideration of an overlay in any zoning district for historic designation. The owner of the property is requesting the zone change. The process allows the “base” zoning to determine how the building can be used, and the historic overlay is an attempt to maintain structures or locations in the community in a manner that protects the exterior as part of the historic fabric of the community. The process does impose regulation on how the exterior of the structure can be changed from the historic architectural “look”, but the Code has a process that allows the Urban Design Commission and the property owner to work out those details. The important issues for this request include:

CRITERIA FOR HISTORIC LANDMARK DESIGNATION

2341 17TH STREET

“In making historic landmark designations...the City Council shall consider, but not be limited to, one or more of the following criteria.” (Section 29-25, City of Lubbock Zoning Ordinance)

- (1) Character, interest or value as part of the development, heritage or cultural characteristics of the City of Lubbock, State of Texas, or the United States.

The South Overton addition was platted in 1907 as the first residential subdivision in Lubbock. This subdivision was named for Dr. M.C. Overton, who was an early Lubbock physician and developer of the Overton Addition. This area was platted two years before Lubbock was

incorporated as a city. The Overton area, at one time stood adjacent to the Central Business District, with Overton residences supporting functions such as the core government, finance, cultural and retail trade.

(2) Recognition as a Recorded Texas Historic Landmark, a National Historic Landmark, or entry into the National Register of Historic Places.

In 1996, the South Overton Residential Historic District was listed on the National Register of Historic Places. This home is identified as a contributing property to the district.

(3) Embodiment of distinguishing characteristics of an architectural type or style.

This home reflects the features of Georgian Revival style with a large paneled door, sidelights on either side and porticos on the front and side of the house. There are also features representing Tudor Revival style, including cut stone details on the column supports of the front porch and side portico, a steep roof with cross-gables, and a chimney in a prominent place on the side of the house. The roof is original (1929), made of square tiles laid in a diagonal pattern.

(4) Identification as the work of an architect, landscape architect, or master builder whose individual work has influenced the development of the city.

This home was built in 1929 by Jerry J. Clements who was listed as a contractor in the 1929 Lubbock City Directory, residing at 1810 16th Street. Mr. Clements resided at a number of addresses in the South Overton area for several years. A block of wood supporting a clothes-hanging pole was found in 1996 inside a hall closet and contains the words "Built by J.J. Clements for Mr. and Mrs. Geo. Dupree; Bedford Shearer, foreman; July 16, 1929. No exterior modifications have been made to the structure of the house since 1929.

(6) Relationship to other distinctive buildings, sites or areas, which are eligible for preservation based on architectural, landscape architectural, historic or cultural motif.

This home is located on 17th Street in the South Overton Residential Historic District and is among other historic and architecturally significant homes some that are designated landmarks. This residence, combined with others in the area, contributes to the fabric of this historic neighborhood.

(9) Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state, or the United States.

(See attached historical summary of George W. Dupree)

(11) Identification with a person or persons who significantly contributed to the culture and development of the city, state or the United States.

(See attached historical summary of George W. Dupree)

The Urban Design and Historic Preservation Commission recommended the request for approval to the Planning commission. The Planning Commission recommended to the City Council that the request be approved.

FISCAL IMPACT:

N/A

The staff supported approval of the parcel as R-2 DH regarding historic status.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-00047 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

(32.) **Ordinance No. 2005-00048 - ZONE CASE NO. 2879-C (2305 18th Street): Hold a public hearing to consider request of Hana Illner-Canizaro for a zoning change from R-2 to R-2 DH on west 33 feet of Lot 2 and the east 42 feet of Lot 3, Block 79, Overton Addition (first reading).**

Mayor McDougal opened the public hearing at 10:34 a. m. No one appeared on behalf of Hana Illner-Canizaro. No one appeared in opposition. Mayor McDougal closed the hearing at 10:35 a. m.

The zoning code has a process for consideration of an overlay in any zoning district for historic designation. The owner of the property is requesting the zone change. The process allows the “base” zoning to determine how the building can be used, and the historic overlay is an attempt to maintain structures or locations in the community in a manner that protects the exterior as part of the historic fabric of the community. The process does impose regulation on how the exterior of the structure can be changed from the historic architectural “look”, but the Code has a process that allows the Urban Design Commission and the property owner to work out those details. The important issues for this request include:

1. The property owner is requesting the designation; and,
2. The following is a review of the criteria established by the ordinance for consideration of designation.

CRITERIA FOR HISTORIC LANDMARK DESIGNATION

2305 18TH STREET

“In making historic landmark designations...the City Council shall consider, but not be limited to, one or more of the following criteria.”
(Section 29-25, City of Lubbock Zoning Ordinance)

(1) Character, interest or value as part of the development, heritage or cultural characteristics of the City of Lubbock, State of Texas, or the United States.

The South Overton addition was platted in 1907 as the first residential subdivision in Lubbock. This subdivision was named for Dr. M.C. Overton, who was an early Lubbock physician and developer of the Overton Addition. This area was platted two years before Lubbock was incorporated as a city. The Overton area, at one time stood adjacent to the Central Business District, with Overton residences supporting functions such as the core government, finance, cultural and retail trade.

(2) Recognition as a Recorded Texas Historic Landmark, a National Historic Landmark, or entry into the National Register of Historic Places.

In 1996, the South Overton Residential Historic District was listed on the National Register of Historic Places. This home is identified as a contributing property to the district.

(3) Embodiment of distinguishing characteristics of an architectural type or style.

This house is a fine example of the Spanish Eclectic style of architecture. This style was a popular revival style of the 1920s and 1930s. Stylistic detailing includes the stucco walls and red clay tile roof, arched entryway with battered walls and many fine details.

(10) Location as the site of a significant historic event.

Neighborhood information indicates that President Eisenhower was a guest here in the 1950s when Durwood Mahon, brother of Congressman George Mahon was the owner.

(11) Identification with a person or persons who significantly contributed to the culture and development of the city, state or the United States.

The house was built in 1926, and then remodeled to its current style in 1932 by Dr. Olan Key. Key was a prominent early physician and involved in the founding of St. Mary's Hospital. Key lived in the home until about 1950, when Durwood Mahon, brother of Congressman George Mahon, became the owner. After the mid-1960s the house had a series of owners.

(12) A building, structure, or landscape development that because of its location has become of value to a neighborhood, community area, or the city.

The building is an unusual and outstanding example of 1930s period revival architecture that contributes to the South Overton neighborhood's historic integrity.

(13) Value as an aspect of community sentiment or public pride.

In 1996, the South Overton Residential Historic District was listed on the National Register of Historic Places. It is the only Residential National Register District in the city. This home is identified as a contributing property to the district.

The Urban Design and Historic Preservation Commission recommended the request for approval to the Planning commission. The Planning Commission recommended to the City Council that the request be approved.

FISCAL IMPACT:

N/A

The staff supported approval of the parcel as R-2 DH regarding historic status.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-00048 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

(33.) **Ordinance No. 2005-00049 - ZONE CASE NO. 2879-D (2222 17th Street): Hold a public hearing to consider request of Larry Philippe for a zoning change from R-2 to R-2 DH on Lot 14 and the west half of Lot 15, Block 76, Overton Addition (first reading).**

Mayor McDougal opened the public hearing at 10:34 a. m. No one appeared on behalf of Larry Philippe. No one appeared in opposition. Mayor McDougal closed the hearing at 10:35 a. m.

The zoning code has a process for consideration of an overlay in any zoning district for historic designation. The owner is requesting the zoning change. The process allows the "base" zoning to determine how the building can be used, and the historic overlay is an attempt to maintain structures or locations in the community in a manner that protects the exterior as part of the historic fabric of the community. The process does impose regulation on how the exterior of the structure can be changed from the historic architectural "look", but the Code has a process that allows the Urban Design Commission and the property owner to work out those details. The important information for this request includes:

CRITERIA FOR HISTORIC LANDMARK DESIGNATION

LUBBOCK HISTORIC LANDMARK PROGRAM

“In making historic landmark designations...the City Council shall consider, but not be limited to, one or more of the following criteria.”
(Section 29-25, City of Lubbock Zoning Ordinance)

(1) Character, interest or value as part of the development, heritage or cultural characteristics of the City of Lubbock, State of Texas, or the United States.

The Alderson home is located in Lubbock’s South Overton neighborhood. Not only is South Overton recognized as a National Historical District, but also it will turn 100 years old in 2007, making it the oldest standing neighborhood in the city.

(2) Recognition as a Recorded Texas Historic Landmark, a National Historic Landmark, or entry into the National Register of Historic Places.

The Alderson House was listed as a contributing property in the designation of South Overton as a National Historic District.

(3) Embodiment of distinguishing characteristics of an architectural type or style.

The original structure was a one story brick veneer home, but a second story was added sometime between 1929 and 1931. City plats of the neighborhood block from 1931 indicated the second story was present at that time, but no building permit has been found indicating the exact year the second story was added on. The house was built in the Tutor Revival style with two high rising gables in the front, accented by a dormer window directly above the living room area. The classic arched doorway entrance in the front of the house is also evident and was a trademark of the builder.

(4) Identification as the work of an architect, landscape architect, or master builder whose individual work has influenced the development of the city.

T. W. Jackson was the contractor, as he was for many of the homes constructed in the South Overton area during the time period.

Two other houses on the same block built within a two year period of the Alderson house have the same arched doorway for the main entrance, but also have arched doorways in the living area that lead into other parts of the house. All other doorways in the home are the traditional oblong shape. This seems to be a signature style of the builder, T.W. Jackson.

(5) Embodiment of elements of design, detail, materials or craftsmanship, which represent a significant architectural or landscape architectural innovation.

(6) Relationship to other distinctive buildings, sites or areas which are eligible for preservation based on architectural,

The Alderson Home is located in the South Overton Historical District and was a contributing property to the district's designation.

(7) Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural or landscape architectural style.

(8) Archeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

(9) Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state, or the United States.

The Alderson House was typical of homes built in the South Overton neighborhood during the late 1920's and early 1930's in that they were built for two purposes. First, they needed to meet the housing needs of the family, but secondly, they often added second story additions for extra rooms to help meet the housing needs of the many new college students coming to Lubbock to attend the newly created Texas Technological College.

(10) Location as the site of a significant historic event.

(11) Identification with a person or persons who significantly contributed to the culture and development of the city, state or the United States.

The Alderson Home was built by W.G. Alderson, who was an active member of the Lubbock business community from the time he arrived in the city in September of 1927, until his death April 7, 1960. Mr. Alderson came to Lubbock as a district manager for Galbraith Steel and Supply Company. In 1935, he entered the automobile business joining Kuykendall Chevrolet Company. He continued his association until September 1949 when he opened Alderson Cadillac Company, a business that is still operated by his grandson David Alderson in its original location on 19th street. W.G. Alderson took part in many business and civic activities throughout the Lubbock community. He served as President of the Texas Automobile Dealers Association in 1949, and then in 1952, he served as President of the Lubbock Chamber of Commerce. Besides his accomplishments as a businessman, Mr. Alderson was also dedicated to civic work within the Lubbock community. He was a member of the First Methodist Church and served on its official board for many years. He was Chairman of the building committee that oversaw the building of the current sanctuary. One of his most notable services to the community was his service as a member of the Lubbock Independent School District board of trustees from 1934 to 1946. In recognition of his 12 years of service to the school system, the LISD administration opened a new junior high school in 1961 and named it in his honor. The school opened less than one year after his death, but W. G. Alderson Junior High School (now known

as Alderson Academy) is still a vital part of LISD. His children and his grandchildren remain active in the community to this day.

(12) A building, structure, or landscape development that because of its location has become of value to a neighborhood, community area, or the city.

With the restoration work now going on with the Alderson home, it will become a vital part of the effort to stabilize and revitalize the South Overton neighborhood. The current owner is an active member in the South Overton Residence & Commercial Association and is working with other property owners in the neighborhood to get historical designation and restoration work done on all the contributing properties.

(13) Value as an aspect of community sentiment or public pride.

The Urban Design and Historic Preservation Commission recommended the request for approval to the Planning commission. The Planning Commission recommended to the City Council that the request be approved.

FISCAL IMPACT:

N/A

The staff supported approval of the parcel as R-2 DH regarding historic status.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Deleon to pass on first reading Ordinance No. 2005-O0049 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

(34.) **Ordinance No. 2005-O0050 - ZONE CASE NO. 2879-E (2315 16th Street): Hold a public hearing to consider request of Edward J. and Deborah Cosgrove for a zoning change from R-2 to R-2 DH on west 40.8 feet of Lot 8 and the east 20 feet of Lot 9, Block 122, Overton Addition (*first reading*).**

Mayor McDougal opened the public hearing at 10:34 a. m. No one appeared on behalf of Edward J. and Deborah Cosgrove. No one appeared in opposition. Mayor McDougal closed the hearing at 10:35 a. m.

The zoning code has a process for consideration of an overlay in any zoning district for historic designation. The owner of the property is requesting the change in zoning. The process allows the “base” zoning to determine how the building can be used, and the historic overlay is an attempt to maintain structures or locations in the community in a manner that protects the exterior as part of the historic fabric of the community. The process does impose regulation on how the exterior of the structure can be changed from the historic architectural “look”, but the Code has a process that allows the Urban Design Commission and the property owner

to work out those details. The important background information for this case includes:

CRITERIA FOR HISTORIC LANDMARK DESIGNATION

2315 16TH STREET

“In making historic landmark designations...the City Council shall consider, but not be limited to, one or more of the following criteria.” (Section 29-25, City of Lubbock Zoning Ordinance)

(1) Character, interest or value as part of the development, heritage or cultural characteristics of the City of Lubbock, State of Texas, or the United States.

The South Overton addition was platted in 1907 as the first residential subdivision in Lubbock. This subdivision was named for Dr. M.C. Overton, who was an early Lubbock physician and developer of the Overton Addition. This area was platted two years before Lubbock was incorporated as a city. The Overton area, at one time stood adjacent to the Central Business District, with Overton residences supporting functions such as the core government, finance, cultural and retail trade.

(2) Recognition as a Recorded Texas Historic Landmark, a National Historic Landmark, or entry into the National Register of Historic Places.

In 1996, the South Overton Residential Historic District was listed on the National Register of Historic Places. This home is identified as a contributing property to the district.

(3) Embodiment of distinguishing characteristics of an architectural type or style.

This home reflects the features of the American Foursquare style with its simple box shape, low-hipped roof with deep overhang and full-width porch. Craftsman architecture is reflected in the wide eaves with exposed roof rafters, the large square columns across the porch, and the centered door surrounded by a decorative cornice and pilasters. The American Foursquare was a post-Victorian style that shared many features with the “Prairie” architecture pioneered by Frank Lloyd Wright. Many other architects produced “Prairie” homes throughout the American Midwest. Pattern books popularized this style and a subtype of the style; the American Foursquare became one of the most common housing forms in the United States. Its boxy shape provided roomy interiors for homes on small city lots.

(4) Identification as the work of an architect, landscape architect, or master builder whose individual work has influenced the development of the city.

According to information obtained from the original abstract, George W. Butler built this home in 1928 for S.R. Stout and his wife. Mr. Butler

owned George W. Butler Construction and was a partner in Butler-Bacon Lumber and Hardware.

(6) Relationship to other distinctive buildings, sites or areas, which are eligible for preservation based on architectural, landscape architectural, historic or cultural motif.

This home is located on 16th Street in the South Overton Residential Historic District and is among other historic and architecturally significant homes some that are designated landmarks. This residence, combined with others in the area, contributes to the fabric of this historic neighborhood.

(9) Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state, or the United States.

In Texas Tech's 1934 edition of the La Ventana, a photo references this house as "the College Club House." The College Club, Tech's oldest male social fraternity founded in 1928, was one of five first fraternities established at Texas Tech. In 1953, the club received a charter from the National Interfraternity Conference and was established as Kappa Sigma.

(11) Identification with a person or persons who significantly contributed to the culture and development of the city, state or the United States.

From 1935-1947 this was the private residence of W.C. Pryor, who was a partner in the Quicksall-Pryor Company, which specialized in auto parts, supplies and equipment. The home was the private residence of David O. and Muriel Dawkins from 1952 to 1997. Mr. Dawkins was Vice-President of Luther Transfer and Storage. He was an active member of the Lubbock Optimist Club and Vice-President of the Lubbock Boys Club in 1970. Mr. and Mrs. Dawkins had two children, Duane and Janice, who both lived in the home while attending Texas Tech. Duane was a graduate of Texas Tech. Two granddaughters were born in 1954 and 1955 during periods when Duane and Janice returned home for brief periods of time. Janice's husband, Jim, served active duty in the U.S. Navy, and upon his discharge in 1957 was employed by Hughes Aircraft until retiring in 1992. The family members have shared many memories of the home. The current owners vowed to pay tribute to the Dawkins family for valuing the home's historical significance and retaining its interior and exterior originality during their 45 years of ownership.

Note: this house is now the Dawkins House Bed and Breakfast, operated by Ed and Debbie Cosgrove.

The Urban Design and Historic Preservation Commission recommended the request for approval to the Planning commission. The Planning Commission recommended to the City Council that the request be approved.

FISCAL IMPACT:

N/A

The staff supported the approval of the parcel as R-2 DH regarding historic status.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Deleon to pass on first reading Ordinance No. 2005-O0050 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

The next item considered was Item 47 after Work Session reconvened at 11:00 a.m.

10:35 A. M. CITY COUNCIL RECESSED

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

FINANCE

(35.) Ordinance No. 2005-O0043 amending the FY 2004-05 Budget (Amendment #10) (first reading).

This item was considered following Item 23.

FISCAL IMPACT:

1. Accept and appropriate grant from Texas Parks and Wildlife, Recreational Trails Program for construction of recreational trail improvements in Garza County.

Funding will be received in the amount of up to \$100,000. The grant will fund 1.5 miles of accessible trail, signage, benches and trash receptacles in accordance with the approved project. The project is estimated at \$125,000, with Texas Parks and Wildlife paying 80% of total project cost up to \$100,000. The contract has been extended and will expire August 31, 2005.

2. Add \$175,000 to the Hotel/Motel Fund for Civic Lubbock tourism development.

Funding will be added in the amount of \$175,000 for tourism development headed by Civic Lubbock Inc. This funding will come from Hotel/Motel Fund fund balance.

3. Add \$250,000 to the Hotel/Motel Fund for the Convention and Visitors Bureau to assist in the development of a Visitor Information Center.

Funding will be added in the amount of \$250,000 for a visitor information center project headed by the Convention and Visitors Bureau. This funding will come from Hotel/Motel Fund fund balance.

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

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-00043 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

PLANNING AND TRANSPORTATION

Business Development

- (36.) **Resolution No. 2005-R0185 authorizing the Mayor Pro Tem to execute an agreement between the City of Lubbock and McCanton Woods, Ltd. regarding the funding of acquisition of additional property in the North Overton Tax Increment Finance Reinvestment Zone.**

This Agreement, in accordance with City TIF and Redevelopment policies, sets out the responsibilities of the Developer (McCanton Woods Ltd.) to pay all costs, expenses, liabilities and damages, which are incurred by the City of Lubbock, related to the acquisition by condemnation or conveyance of the property authorized for condemnation in Resolution No. 2004-R596. Since the City Council voted to dismiss this condemnation, these expenses will be limited to attorney fees, appraisal fees and other costs of the condemnation process incurred prior to the dismissal.

FISCAL IMPACT:

There is no fiscal impact, as the Developer will reimburse all costs.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2005-R0185 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused on this item.

The next items considered were Items 39-44.

Street Drainage

Items 37-38 were considered following Item 48.

- (37.) **Resolution No. 2005-R0187 authorizing the Mayor to execute a Development Agreement with Christian City View Fellowship providing for their payment of their share of the paving, drainage, and utility installation costs, and for an extended time to pay their share of these costs, on the Milwaukee Project from 34th Street to 92nd Street.**

This Church has acquired some of the footage abutting the proposed Milwaukee Project. The property is located North of 50th Street and East of Milwaukee Avenue. The property is still vacant and undeveloped at this time, but the Church has plans to plat and build on a portion of the property in the near future.

The Church had indicated in past meetings on the Milwaukee Project that they wish to participate in their share of the costs. However, their available funding is limited.

The Church has requested that they have the same type of participation in the costs of the Project as the other Developers/Landowners abutting the Milwaukee Project, but are requesting an extended payout instead of the cash participation the other Developers have committed to.

This Agreement, as written, allows the Church to pay their share of the cost in seven payments, over six years, beginning with a payment in April of 2006. An interest rate of 6.75% will be charged on the balance. This interest rate is consistent with the City's Paving Policy on assessment paving (One per cent over Wall Street Prime Rate).

The other Developers/Landowners abutting the Milwaukee Project are aware of the Church's request and have indicated no opposition to their request for extended payout of their costs.

FISCAL IMPACT:

The estimated cost participation of the Church in the Milwaukee Project is \$324,345. However, their cost participation will be re-calculated following receiving bids on the Milwaukee Project on April 21, 2005, and their costs will be adjusted based on actual bids received. Also, to be consistent with the other Developers/Landowners cost participation, their share will not exceed 5% over this estimated cost, unless an agreement is made to pay more. The total estimated construction cost of the Milwaukee Project is \$16.5 million.

The staff recommended approval of this Development Agreement with the Church allowing for an extended payout of their share of the cost for the Milwaukee Project.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0187 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Gilbreath was away.

- (38.) **Resolution No. 2005-R0188 authorizing the Mayor to execute a Deed of Trust with Christian City View Fellowship assuring the payment of their share of the project cost associated with the paving, drainage, and utility installation costs on the Milwaukee Project from 34th Street to 92nd Street.**

This Deed of Trust will establish a lien on the Church property to assure payment of their share of the Milwaukee Project costs. The Church has requested an extended payout for their share of the costs – 7 payments over 6 years, beginning with April, 2006.

FISCAL IMPACT:

The estimated cost of the Church's share of the Milwaukee Project is \$324,345. However, this amount will be re-calculated following receiving bids on April 21, 2005 to reflect the Church's actual cost participation. Their participation will be limited to a maximum of 5% over their estimated cost, unless otherwise agreed upon to exceed this limit.

The staff recommended approval of this Deed of Trust with the Church to allow an extended payout time for their share of the Milwaukee Project

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0188 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Gilbreath was away.

The next item considered was Item 45.

BOARD APPOINTMENTS

(39.) Consider five appointments to Junked Vehicle Compliance Board.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to appoint Bill Ackors, Michael Brock, Charlene Pinkerton, Bubba Sedeño, and Bill Townley to the Junked Vehicle Compliance Board. Motion carried: 7 Yeas, 0 Nays.

(40.) Consider one appointment to Neighborhood Redevelopment Commission.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to reappoint Billie Russell to the Neighborhood Redevelopment Commission. Motion carried: 7 Yeas, 0 Nays.

(41.) Consider two appointments to Appointments Advisory Board.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to appoint Clemmie Payne and Jerry Ramirez to the Appointments Advisory Board. Motion carried: 7 Yeas, 0 Nays.

(42.) Consider two appointments to Board of Health.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to appoint Susan Bozeman and Darnell Dingle to the Board of Health. Motion carried: 7 Yeas, 0 Nays.

(43.) Consider two appointments to Central Business District TIF Reinvestment Zone Board of Directors.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to appoint Mike Davis and Robert Taylor to the Central Business District TIF Reinvestment Zone Board of Directors. Motion carried: 7 Yeas, 0 Nays.

(44.) Consider one appointment to Community Relations Task Force.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to appoint Lee Hunter to the Community Relations Task Force. Motion carried: 7 Yeas, 0 Nays.

WORK SESSION

10:08 A. M. CITY COUNCIL WORK SESSION CONVENED

The first item considered was Item 49.

(45.) Presentation of a Lubbock Economic Development Alliance updates.

Gary Lawrence, Lubbock Economic Development Alliance CEO, gave an overview on the different contributions of the Lubbock Economic Development Alliance (LEDA). He then introduced his colleagues, who spoke on different areas of the Alliance.

Kenny McKay, Director of Business Retention, gave an overview of Business Retention. McKay spoke on job creation incentives, projects to date, and upcoming projects.

Marc Farmer, Director of Business Recruitment, gave comments. Some of the topics Farmer spoke on were recent site visits, site selection events, and networking with site selectors.

Next, Terri Patterson, Director of Workforce Development, spoke on surveys, career pathways, and community workforce partnership.

Dale Gannaway, Director of Lubbock Regional BioScience Initiative, gave an update on the progress of WesTech Ventures I. He also explained Technology Accelerator and BSI's involvement in The State Strategy on Advanced Technology and Emerging Technology Fund.

Warren Warner, Director of the Foreign Trade Zone, gave a presentation of projects that he took part in, such as formation activation of Foreign Trade Zone, designing and publishing of FTZ-260 marketing brochure and acquiring a resident US Customs Port Director, who will relocate to Lubbock from DFW as soon as Homeland Security (DC) funds the move.

Susan Snead, Chief Financial Officer, gave an update on her role as CFO and also the accomplishments of the financial office.

Marcy Jarrett, Executive Director Convention & Visitors Bureau, gave an overview of personnel, communications, marketing, and sales.

Gena Godinez, Director of Convention and Travel Industry Sales, presented a sales and Servicing Report, which included rooms, services for Fiscal Year 2003-04 and upcoming events.

Brian Thomas, Director of Communications, gave comments on web-site activities, advertisements, and public relations. He stated that since October 2004, 18 articles have been written about Lubbock in regional, state, and national publications.

Jeff Chase, Lubbock Sports Authority Director, gave a presentation on upcoming events and the positive impact it will make on the Lubbock economy.

At this time, Council adjourned.

(46.) North and East Lubbock Community Development Corporation Quarterly briefing.

This item was considered following Item 49.

Executive Director John Hall gave comments on the organizational values, theory of change, activities, and upcoming projects of the North and East Lubbock Community Development Corporation.

The next items considered were Items 27-34.

(47.) Presentation of draft Transportation Funding Plan for the Lubbock Metropolitan Area.

This was the first item considered after Council reconvened in Work Session at 11:00 a.m.

This presentation was requested by Mayor Pro Tem Martin, Chairman of the Transportation Policy Committee of the MPO. It will include a discussion of various funding options including tolling the Marsha Sharp Freeway, local financing with state pay back, and using a portion of the Gateway Streets Fund for state highways and/or freeways.

FISCAL IMPACT:

Various options presented will each have a different fiscal impact on the City Of Lubbock and may require changes in policy to get the Marsha Sharp Freeway constructed in less than 15+ years.

Staff is seeking Council's direction.

Randy Hopmann, Lubbock District Engineer with TxDOT, gave comments on limited Federal and State funding that is available for Texas Department of Transportation, explained how TxDOT's needs are not being met, and answered questions from Council. He then introduced Steve Warren, Director of Transportation Planning, TxDOT Lubbock District.

Warren commented on the population traffic trend history over the past 20 years and what some of the needs are in Lubbock, including how inflation has taken over the cost of construction. He also introduced problem identification and the different options that are available for funding in specifically the Lubbock area to meet the needs of TxDOT. Warren stated that the projects could either be funded through traditional methods, such as Federal and State revenue streams, or through streams that will compress the time frame on completing the projects quicker, such as tolling. Several public forums are upcoming to get the citizens input on

the different options available, which will include the city of Wolfforth. Input from the public will be taken back to the MPO Policy committee in June 2005. The goal is to try and provide transportation facilities in a quicker fashion and make the best use of whatever tools are available to complete the projects quicker. He then answered questions from Council.

Council Member Price was away.

11:55 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

**1:10 P. M. CITY COUNCIL RECONVENED IN WORK SESSION
Committee Room 103**

(48.) Presentation regarding the status of electronic voting equipment for Lubbock County and the City of Lubbock and efforts to comply with HAVA (Help America Vote Act) mandates.

This was the first item considered when Council reconvened in Work Session at 1:10 p.m.

Becky Garza, City Secretary, introduced representatives from Lubbock County and from the Republican and Democratic Parties. They were Bill McCay, County Commissioner Precinct 1; Patty Jones, County Commissioner Precinct 4; Mark Johnston, President of KiCorp; Robert Pratt, County Chair of the Republican Party; Johnnie Jones, County Chair of the Democratic Party; Ruth Martinez and Roxzine Stinson of the Office of Elections; Dorothy Kennedy, Elections Administrator; and Stephen Chandler, Department Head for Purchasing. Ms. Garza went on to explain the voting equipment and the "Super Precincts". By January 1, 2006, compliance with one of the mandates is required. A committee was set up to receive public input on Direct Record Electronic (DRE) voting machines which will be required at every voting location. The committee was made up of representatives from the City of Lubbock, City of Wolfforth, LISD, Frenship ISD, Party Chairs, Lubbock County Officials, and Lubbock County staff. There have been five public hearings and the citizens are mainly concerned about having a voter-verified paper trail with the electronic equipment. The system that has been used for voting will not be certified any longer. The State of Texas has a process in place where they have set standards for four certified electronic equipment vendors.

Pratt and Jones assisted Ms. Garza in explaining the voting equipment and answering questions from Council.

Consensus from Council was to go forward with the "Super Precincts", to keep the voting locations at the supermarkets, and to support a voter-verified paper system for elections.

The next items considered were Item 37-38.

(49.) Presentation of the Contract Management Program.

This was the first item considered when Work Session convened at 10:08 a.m.

Victor Kilman, Purchasing Manager, gave a presentation on the Contract Management Program, explaining the program, its advantages, and who is involved. He also emphasized how the demand for automated tools to manage the contracting processes will increase. He then answered questions from Council.

The next item considered was Item 46.

2:42 P. M. COUNCIL ADJOURNED

There being no further business to come before Council, Council Member Price adjourned the meeting.