

**\*\*CORRECTED\*\***  
**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**May 12, 2005**  
**7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 12th day of May, 2005, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

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

**Absent:** No one

**CITIZEN COMMENTS**

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; competitive matters of the public power utility; commercial or financial information that the governmental body has received from a business prospect with which the governmental body is conducting economic development negotiations, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."

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

All council members were present.

- (1.) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071(1)(A), to discuss pending or contemplated litigation (Cemetery; 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 (Business Development; Parks and Recreation).**
- (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 Council Staff; City Manager; City Secretary; Public Information Office Staff) and take appropriate action.**
- (4.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
- to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
- to 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.**
- (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 seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations (Business Development).**

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

**Invocation by Pastor David Savage, Trinity Church.**

**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**

Lubbock Housing Authority  
Receiving: Robert Pratt

Appointments Advisory Board  
Receiving: Clemmie Payne  
Jerry Ramirez

Board of Health  
Receiving: Dr. Susan Bozeman (unable to attend)  
Darnell Dingle

Central Business District Tax Increment Financing Reinvestment  
Zone Board of Directors  
Receiving: Mike Davis (unable to attend)  
Robert Taylor

Community Relations Task Force  
Receiving: Lee Hunter

Junked Vehicle Compliance Board  
Receiving: Bill Ackors  
Mike Brock  
Denise “Charlie” Pinkerton  
Bubba Sedeno  
Bill Townley (unable to attend)

**CITIZEN APPEARANCES**

- ( 6.) **Presentation of a proclamation declaring the month of May as Motorcycle Safety and Awareness Month.**

Because of the increase of motorcycle registrations over the past five years in Texas, the Texas Motorcycle Rights Association has proclaimed the month of May as Motorcycle Safety and Awareness Month.

Mayor McDougal presented a proclamation to declare May 2005 as Motorcycle Safety and Awareness Month, and asked all citizens to join in to help insure that Lubbock streets and roadways are safe for all motorists. Sam Copeland, representing the Texas Motorcycle Rights Association, and

Brad Morris, owner of Wild West Harley-Davidson, were present to accept the proclamation. Copeland and Morris presented the Mayor with a book and t-shirt.

**(7.) Presentation of a special recognition to Fire Chief Steve Hailey for being named the Texas Association of Fire Chiefs' Texas Fire Chief of the Year.**

City Manager Lou Fox assisted Mayor McDougal while he presented Fire Chief Steve Hailey with a special recognition for being named the Texas Association of Fire Chiefs' Texas Fire Chief of the Year. Hailey began his fire-fighting career with the Lubbock Fire Department in 1977, is a recognized leader in the state of Texas for promoting fire safety prevention awareness, greatly contributed to fire-fighter safety in the West Texas region, and among many other accomplishments has made sure that the Lubbock Fire Department adheres to the highest standard.

Chief Haley gave comments, especially thanking his fellow fire fighters, his mom and his wife for their support.

**(8.) Presentation of a special recognition to Matthew Wade, Natural Resource Attorney for the City of Lubbock, for receiving the Outstanding Young Lawyer of the Year award from the Young Lawyers Association.**

City Attorney Anita Burgess joined Mayor McDougal as he presented a special recognition to Natural Resource Attorney Matthew Wade for receiving the Outstanding Young Lawyer of the Year award from the Young Lawyers Association. Wade was selected from a group of nominees by a vote of the five past and current presidents of the Lubbock County Bar Association and the Lubbock County Young Lawyers Association, and has proven through his work at the City of Lubbock Attorney's Office to be an outstanding choice for this award. The Mayor encouraged all citizens to join in recognizing and appreciating the efforts of Mr. Wade.

**(9.) Presentation of a special recognition to the Lubbock Letter Carriers to commemorate Food Drive Day in Lubbock.**

Mayor McDougal presented a special recognition to the Lubbock Letter Carriers, commemorating May 14, 2005 as Food Drive Day in Lubbock. This is the Letter Carriers' 13th Annual Food Drive, which has raised over one-half billion pounds of food and served many citizens. The National Association of Letter Carriers asked Lubbock citizens to place nonperishable food items in bags beside the residential mail boxes any time from May 14 through May 21 as a donation to the South Plains Food

Bank. Accepting the presentation were Ted Tyler, Lubbock Postmaster; Eddie Odle, Lubbock Letter Carrier; and, David Weaver, Executive Director of South Plains Food Bank, Inc.

**CONSENT AGENDA (Items 10-11, 13-26, 28-30, 33-34, and 37)**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve Items 10-11, 13-26, 28-30, 33-34, and 37 on consent agenda as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (10.) **Approval of Minutes: April 25, 2005  
Special City Council Meeting**
- April 28, 2005  
Regular City Council Meeting**
- (11.) **ORDINANCE NO. 2005–O0042—Regarding a cable television franchise renewal for Friendship Cable of Texas, Inc. d/b/a Cebridge Connections (*Purchasing and Contract Management*) (*second and final reading*).**

**The next item considered was Item 13.**

- (12.) **ORDINANCE NO. 2005-O0043—Amending the FY 2004-2005 Budget (Amendment #10) (*Finance*) (*second and final reading*).**

**This item was moved from consent agenda to regular agenda and considered following Item 37.**

**FISCAL IMPACT:**

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

Funding will be received in an amount of up to \$100,000. The grant will fund 1.5 miles of accessible trails, signing, 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 costs 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 the 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 the Hotel/Motel Fund fund balance.

Staff recommended approval of the second reading of the ordinance.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2005-O0043 with the following addition:

- (1) transfer \$30,000 from the MacKenzie Park Fence Capitol Project to the MacKenzie Park Amphitheater for lowering the retaining wall at the top of the amphitheater to a maximum of four feet,
- (2) providing for stuccoing of that wall and compacting the dirt on the west side of that wall so that the hill is restored up to the property owned by the South Plains Fair Association,
- (3) resurveying and placing the survey stakes at City expense, and
- (4) instructing the staff to make it part of Attachment “A” of this ordinance and implementing it.

Debate was closed by Mayor Pro Tem Martin who called the question. The vote for calling the question was 7 Yeas and 0 Nays.

Motion carried: 4 Yeas, 3 Nays. Council Members DeLeon, Jones, and Price voted Nay.

**The next item considered was Item 27.**

**Items 13-26 were considered following Item 11.**

- (13.) **ORDINANCE NO. 2005-O0045—ZONE CASE NO. 2508-E (east of Elgin Avenue and north of 113th Street): Consider the request of Rollo Gurss (for Triax Development, Ltd.) for a zoning change from T to 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 (Zoning) (second and final reading).**

- (14.) **ORDINANCE NO. 2005-O0046—ZONE CASE NO. 3034 (1516, 1518, 1520, 1702, and 1704 East 13th Street and 1519 and 1703 East 14th Street):** Consider the 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 (*Zoning*) (*second and final reading*).
- (15.) **ORDINANCE NO. 2005-O0047—ZONE CASE NO. 2879-B (2314 17th Street):** Consider the 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 (*Zoning*) (*second and final reading*).
- (16.) **ORDINANCE NO. 2005-O0048—ZONE CASE NO. 2879-C (2305 18th Street):** Consider the request of Hana Illner-Canizaro for a zoning change from R-2 to R-2 DH on the west 33 feet of Lot 2 and the east 42 feet of Lot 3, Block 79, Overton Addition (*Zoning*) (*second and final reading*).
- (17.) **ORDINANCE NO. 2005-O0049—ZONE CASE NO. 2879-D (2222 17th Street):** Consider the 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 (*Zoning*) (*second and final reading*).
- (18.) **ORDINANCE NO. 2005-O0050—ZONE CASE NO. 2879-E (2315 16th Street):** Consider the request of Edward J. and Deborah Cosgrove for a zoning change from R-2 to R-2 DH on the west 40.8 feet of Lot 8 and the east 20 feet of Lot 9, Block 122, Overton Addition (*Zoning*) (*second and final reading*).
- (19.) **Ordinance No. 2005-O0051 abandoning and closing a portion of a 20-foot underground utility easement located in Section 1, Block J-S, Lubbock County (5512 4th Street) (*Right-of-Way*) (*first reading*).**

This ordinance abandons and closes a portion of a 20-foot underground utility easement located just north of 4th Street and east of Elkhart Avenue in Section 1, Block J-S. This easement is being closed for re-plat purposes and new easements will be dedicated in the re-plat.

**FISCAL IMPACT:**

None.

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

- (20.) **Resolution No. 2005-R0189 authorizing the Right-of-Way Department to make an offer to 168 Chicago Limited Partnership, a Texas limited partnership, for a 179 square foot tract of land out of Tract A, Fountains Addition to the City of Lubbock for the 50th Street Widening Project, Slide Road to Loop 289 (5425 50th Street) (*Right-of-Way*).**

The City is in the process of acquiring right-of-way for the 50th Street Widening Project from Slide Road westward to Loop 289. This resolution authorizes the Right-of-Way Department to make an offer to the 168 Chicago Limited Partnership for a parcel for this project. This parcel is located on the southeast corner of 50th street and Chicago Avenue. Tommy Cantrell, M.A.I., is the appraiser for this project and appraised this 179 square foot tract of land at \$2.75 per square foot for a value of \$492 and improvements taken (landscaping, lighting, and irrigation) of \$6,000 for a total appraised value of \$6,500 (rounded), which is the offer to 168 Chicago Limited Partnership. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

**FISCAL IMPACT:**

Expense to the City of \$6,500 from account #915-9146-9280-40000, a Street Capital Projects account.

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

- (21.) **Resolution No. 2005-R0190 authorizing the Right-of-Way Department to make an offer to R L Wash-N-Dry, Inc., a Texas corporation, for a 1,607 square foot tract of land out of Lot 1, R. L. Addition to the City of Lubbock for the 50th Street Widening Project, Slide Road to Loop 289 (5311 50th Street) (*Right-of-Way*).**

The City is in the process of acquiring right-of-way for the 50th Street Widening Project from Slide Road westward to Loop 289. This resolution authorizes the Right-of-Way Department to make an offer to R L Wash-N-Dry, Inc. for a 1,607 square foot tract of land in Lot 1, R. L. Addition for this project. This parcel is located on the south side of 50th Street, east of Bangor Avenue. Tommy Cantrell, M.A.I., is the appraiser for this project and appraised this 1,607 square foot tract of land at \$8.50 per square foot for a value of \$13,660 and improvements taken of \$2,183 for a total appraised value of \$15,850 (rounded), which is the offer to R L Wash-N-Dry, Inc. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

**FISCAL IMPACT:**

Expense to the City of \$15,850 from account #915-9146-9280-40000, a Street Capital Projects account.

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

- (22.) **Resolution No. 2005-R0191 authorizing the Right-of-Way Department to make an offer to West 50th Management, Ltd. for a 6,839 square foot tract of land out of Section 28, Block E-2, Lubbock County for the 50th Street Widening Project, Slide Road to Loop 289 (5721 50th Street) (*Right-of-Way*).**

The City is in the process of acquiring right-of-way for the 50th Street Widening Project from Slide Road westward to Loop 289. This resolution authorizes the Right-of-Way Department to make an offer to West 50th Management, Ltd. for a tract of land for this project. This parcel is located on the southeast corner of 50th Street and West Loop 289. Tommy Cantrell, M.A.I., is the appraiser for this project and appraised this 6,839 square foot tract of land at \$10 per square foot for a value of \$68,400 (rounded), which is the offer to West 50th Management, Ltd. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

**FISCAL IMPACT:**

Expense to the City of \$68,400 from account #915-9146-9280-40000, a Street Capital Projects account.

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

- (23.) **Consider the request of the developer for an island in a public street in the Milwaukee Ridge Addition (*Street/Drainage Engineering*).**

The developer of this subdivision, John Sellers, is requesting approval for a median area in a public street in the new development. The median area is proposed for Quincy Avenue between 34th and 39th Streets. The developer proposes the landscaped median will be maintained by a Homeowners Association in the new development.

The City's Subdivision Regulations require City Council approval of any islands or medians in public streets.

**FISCAL IMPACT:**

The developer states, in his request, that the City will have no responsibility for the maintenance or upkeep of any of the landscaping or other amenities related to this request.

Street/Drainage Engineering staff supports approval of this request.

- (24.) **Resolution No. 2005-R0192 authorizing the Mayor to request the Texas Department of Transportation remove Spur 313 (82nd Street) from FM 1730 (Slide Road) to US 62/82 (Brownfield Highway) from the State highway system (*Street/Drainage Engineering*).**

Beginning about 1995, the City, the County, and the Metropolitan Planning Organization (MPO) began working together to attempt to secure funding for widening of 82nd Street from Frankford Avenue to Brownfield Highway. At that time, the mile from Frankford to Milwaukee Avenues was inside the city limits, and the two miles from Milwaukee Avenue to Brownfield Highway was in Lubbock County.

The existing roadway on 82nd Street at that time was narrow, two-lane strip paving. Several serious accidents had occurred along that stretch of roadway, as well as new development adjacent to 82nd Street.

Several times, delegations from Lubbock, Lubbock County, and the Chamber of Commerce appeared before the Texas Transportation Commission requesting funding assistance for widening this roadway.

On May 29, 1997, the Texas Highway Commission approved a Minute Order providing funding for the three miles of 82nd Street. However, the funding source used required the roadway to be on the State highway system. Therefore, 82nd Street was designated as Spur 313 from Slide Road to Brownfield Highway. The Spur 313 designation had to continue the fourth mile to Slide Road in order to tie into another State designated roadway (FM 1730).

As part of the approval of this Minute Order, it was agreed that the City and County would continue all maintenance responsibility for the roadway when construction was completed.

In recent years, with additional annexation and continuing development, conflicts with the Texas Department of Transportation (TxDOT) over utility extensions and service to developing properties have created some confusion, and issues of responsibility over the requirement to secure permits from TxDOT. The latest indication from TxDOT is that since

82nd Street is on the State highway system, any utilities will require permitting. The State's utility accommodation policy also prohibits the ability to cut into a state highway, which has brought up some recent issues in being able to serve properties along 82nd Street with utilities, and limited area for utilities to co-exist behind the curb (parkway area).

Because of these recent utility conflict issues, discussions have been occurring with local TxDOT officials about the possibility of removing the roadway from the State highway system and they have indicated a willingness to consider support of such a request.

This resolution will provide the request needed by TxDOT to consider the action to remove the roadway from the State highway system.

Another benefit of having the roadway as a city street, and off the State highway system is the ability to add the outside lanes of 82nd Street for additional capacity. When designed and constructed, 82nd Street was built at a width to accommodate three lanes in each direction plus a continuous left turn lane. However, since it was on the State highway system, and certain federal and state guidelines were involved, the speed limit and available horizontal clearance behind the curb prohibited the ability to have the outside lanes striped for traffic use. Today, 82nd Street is striped to allow two lanes of traffic in each direction, plus a continuous left turn lane. Once the street is taken off the State highway system, the City will have the ability to utilize the entire width of roadway and re-stripe to gain use of the outside lanes.

**FISCAL IMPACT:**

There will be no additional costs associated with removing Spur 313 from the State highway system. According to the Minute Order approved in 1997, the City and County (since this was later annexed it is all City cost) are responsible for all maintenance of this roadway.

Street/Drainage Engineering staff supports approval of this resolution.

- (25.) **Consider the price and conditions of sale of Parcel 808850-0-20 at 1812 Spruce Avenue, legally described as Lot B, Spruce Addition to the City of Lubbock, Lubbock County, Texas (*Community Development*).**

This is a routine sale of a vacant lot by the Urban Renewal Agency to Charles E. Key d/b/a Key Construction Company for \$1,901. The property is to be developed with a new 1,300 square foot single-family residence valued at approximately \$80,000. The lot is properly zoned for residential development.

**FISCAL IMPACT:**

The sale and development will enhance the neighborhood, put the property into private ownership, back on the tax roles, and remove the weed mowing expense.

The Urban Renewal Board of Commissioners approved the proposed sale on March 15, 2005. Community Development staff recommended approval.

- (26.) **Resolution No. 2005-R0193 setting a date and time to hold a public hearing for a proposed amendment to Urban Renewal Plan Areas 27 and 10 to revise the existing Urban Renewal land use from R-1, Residential Single-Family to C-2A, Commercial Restricted Local Retail District, on vacant lots in Area 27 at 1702 and 1704 East 13th Street and 1703 East 14th Street on Lots 6, 7, 8, and 9, Block 2, S. W. McGaw Addition and in Area 10 at 1516, 1518, and 1520 East 13th Street and 1519 East 14th Street on vacant Lots 1, 2, 3, and 20, Block 2, Whitehead Addition (*Community Development*).**

On April 7, 2005 the Planning and Zoning Commissioners approved the City's zoning be revised from R-2, Duplex to C-2A, Commercial Restricted Local Retail District on the subject lots. The revision was approved by City Council on April 28, 2005 on first reading of the ordinance.

In accordance with Urban Renewal law, a public hearing must be held by the City Council with the public hearing being advertised three times thirty days prior to the public hearing.

**FISCAL IMPACT:**

While the public hearing will not have an impact fiscally, there will be a positive impact if the amendment to the Urban Renewal Plan is approved. New business development will promote economic development and provide services to area residents and increase property tax revenue.

On April 19, 2005 the Urban Renewal Board of Commissioners voted to submit the proposed change per the caption to the City Council for a public hearing.

The suggested date and time of the public hearing is June 23, 2005 at 10:00 A.M., with Publication of Notices scheduled for May 22, June 5, and June 19, 2005.

After the public hearing on June 23, 2005 the City Council will vote on the proposed Urban Renewal Land Use Plan changes.

**The next items considered were Items 28-30.**

- (27.) **Consider a resolution authorizing the Mayor to execute, for and on behalf of the City, a Loan Agreement from the Economic Development Funds Program, and all related documents, between the City of Lubbock and Mr. James Bosley d/b/a Lubbock Discount Plumbing (*Community Development*).**

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

**No action was taken on this item.**

The Economic Development Sub-committee of the Community Development Services Board (CDSB) met and approved a packet submitted by Mr. James Bosley in the amount of \$33,300.

The Economic Development Funds Program was established during a previous allocation of CDBG funds. The purpose of the program is to provide needed capital for area businesses at a reduced interest rate. By agreeing to the terms of this loan, the business owner accepts his/her responsibility of retaining or creating one job for every \$35,000 borrowed. In this case, Mr. Bosley 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 2004-2005 allocation already 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.

Nancy Haney, Community Development Director, gave comments.

Consensus was to delay granting the loan until Mr. Bosley has a building constructed from which to run his business; therefore, no action was taken on this item.

**The next item considered was Item 32.**

**Items 28-30 were considered following Item 26.**

- (28.) Resolution No. 2005-R0194 authorizing the Mayor to approve an application for a State administered, federally financed Click It or Ticket Selective Traffic Enforcement Program, with emphasis on seat belt and child restraint compliance, targeting reduction in death and serious bodily injury resulting from traffic crashes (*Police*).**

This is a grant program utilizing off-duty personnel working overtime to enforce non-compliance of seatbelt and child restraint usage within the city.

**FISCAL IMPACT:**

This enforcement program will be conducted during FY 2005. Awards for this grant have been set beginning May 12, 2005, or the date of final signature, whichever is later, upon approval of City Council. This is a 100% grant in the amount of \$20,000 to be administered during the period May 23, 2005 through June 5, 2005.

The Police Department recommended approval of this resolution.

- (29.) Resolution No. 2005-R0195 authorizing the Mayor to execute a grant application from the Department of Justice – Office of the Community Oriented Policing Services, in the amount of \$738,982 to be used to fund a project to upgrade the City’s mobile data communications infrastructure components (*Police*).**

April 2005 the Police Department completed an upgrade of its Public Safety Dispatch and Records Management System. This new system required a hardware upgrade to the Mobile Data System. The mobile data system upgrade replaced 250+ text-based mobile data terminals with rugged laptop computers. This hardware upgrade did not include any components of the radio-frequency (RF) data communications infrastructure.

Now that the mobile data system is more highly developed, the current data communications infrastructure limits the amount of information that is accessible to the field laptop computer. This limits the officer's ability to utilize all of the current mobile technology. The new records system allows an officer to enter police reports, view previous police reports, and access a variety of databases in the records system. The new dispatch system allows the officer to use graphics, digital mapping, digital photographs, and a variety of Global Positioning (GPS) and Automated Vehicle Locator (AVL) technologies.

Unfortunately, the old RF data communications infrastructure doesn't support these enhanced applications, due to bandwidth restrictions.

**FISCAL IMPACT:**

None. The 2005 Community Oriented Policing Services Technology Grant does not require a local cash match.

The Police Department recommended approval of the resolution.

**(30.) Resolution No. 2005-R0196 amending Resolution No. 2672 by amending the City of Lubbock Statement of Self Insurance Risk Program Coverage.**

The City became self-insured for all liability losses on December 11, 1986. At that time, Council created and established the City of Lubbock Self Insurance Fund and adopted the Texas Municipal League's coverage document. On October 22, 1987 Council repealed the Texas Municipal League's coverage document and adopted the City of Lubbock Statement of Coverage Liability Self Insurance Program.

Since the adoption of the City of Lubbock Statement of Coverage Liability Self Insurance Program, insurance matters have evolved including self-insuring of workers' compensation becoming fully insured with the Texas Municipal League, the purchase of excess liability insurance from commercial insurance, and deductible increases on the City's property insurance to \$250,000. All of these insurance matters are budgeted for and paid from the City of Lubbock Self Insurance Fund but have not been addressed in the Lubbock Statement of Coverage Liability Self Insurance Program.

**FISCAL IMPACT:**

There is no fiscal impact.

Staff recommended amending Resolution No. 2672 by amending and adopting the new Statement of Coverage for the City of Lubbock Self Insurance Risk Program document.

**The next items considered were Items 33-34.**

**(31.) Consider a resolution authorizing the Mayor to execute an amendment to the agreement with Black & Veatch Corporation for the performance of certain engineering services related to the Water Resources Improvements Project (*Water Utilities*).**

**This item was moved from consent agenda to work session and considered following Item 45.**

**No action was taken on this item.**

This resolution amends the existing agreement with Black & Veatch to enable them to perform an Integrated Water Resources Plan (IWRP). The IWRP will evaluate the best utilization of Lubbock's water and wastewater resources. Major components of the study:

- Water Treatment Plant Evaluation
- Long Term Water Supply Evaluation
- Evaluation of Reclaimed Water Uses
- Evaluation of Raw Water Storage Needs
- Develop Water Supply Alternatives and Costs

This work is estimated to take approximately 12 months. This agreement amends the current Black & Veatch agreement for Preliminary Engineering Services for Improvements to the Southeast Water Reclamation Plant (SEWRP).

**FISCAL IMPACT:**

The cost for the Integrated Water Resources Plan is \$830,000. The source of these funds is from the Water and Sewer Funds. The existing agreement for Preliminary Engineering Services for the SEWRP has a fee of \$303,100. Approval of this amendment will increase Black & Veatch's total fee to \$1,133,100.

Staff recommended approval of the resolution.

Consensus was to not take any action until a recommendation from the Lubbock Water Advisory Commission is received.

**The next item considered was Item 49.**

**(32.) Resolution No. 2005-R0200 authorizing Citibus to purchase Accessible Mini-Vans from Scoggin-Dickey Chevrolet-Buick-Hummer (*Citibus*).**

**This item was moved from consent agenda to regular agenda and considered following Item 27.**

Citibus recently accepted proposals for four lowered-floor minivans. The proposal also included diagnostic equipment. These are accessible vehicles and will be used in the paratransit service. Funding for the vehicles was part of our FY 2005 Congressional earmarks for bus purchases.

The estimate for the vehicles was \$34,842 each and an additional \$3,495 for the diagnostic equipment. Scoggin-Dickey’s proposal was \$31,169 for the vehicles and \$3,495 for the equipment. Eighty-three percent of the project cost will be paid for by Federal funds.

Three companies submitted proposals, which included cost information and responses to a questionnaire. The questionnaire responses were 25% of the evaluation and the price proposals were 75%. Each item was ranked from 1 to 3. Lower scores were considered to be better responses. A copy of the ranking sheet is included with this agenda item.

The price proposals follow:

	Scoggin-Dickey Chevrolet- Buick- Hummer	National Bus Sales	Lasseter Bus and Mobility
Total vehicle price  (Price per unit)	\$124,676  (\$31,169)	\$122,736  (\$30,684)	\$135,100  (\$33,775)
Diagnostic Equipment	\$3,495	\$3,995	\$3,695
<b>Total</b>	<b>\$128,171</b>	<b>\$126,731</b>	<b>\$138,795</b>

The scores of the proposals follow:

	Scoggin-Dickey Chevrolet- Buick- Hummer	National Bus Sales	Lasseter Bus and Mobility
Question- naire	5.25	7.75	8.25

responses			
Price proposal	1.50	3.75	3.75
<b>Total score</b>	<b>6.75</b>	<b>11.50</b>	<b>12.00</b>

Based on the ranking, the Lubbock Public Transit Advisory Board recommended that the contract for the vehicles and the diagnostic equipment be awarded to Scoggin-Dickey Chevrolet-Buick-Hummer.

**FISCAL IMPACT:**

The funding for this purchase comes from Federal Section 5309 funds, and local match funds that have already been included in the Citibus budget. The funds are broken down as follows:

Section 5309 funds	\$106,381.93
Local Match	\$ 21,789.07
Total available	\$128,171.00

The local share has been included in the Citibus budget and no additional funds will be required.

Citibus recommended purchase of these vehicles and equipment from Scoggin-Dickey Chevrolet-Buick-Hummer.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0200 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**The next items considered were Items 35-36.**

**Items 33-34 were considered following Item 30.**

- (33.) **Resolution No. 2005-R0197 authorizing Citibus to purchase 35’ Low Floor Buses from the Gillig Corporation (*Citibus*).**

In January 2004 when Citibus went out for procurement for the 35-foot, low-floor buses, options were included in the contract price. This is a common procurement procedure, which eliminates the need to re-procure items, which may be funded over several funding cycles.

As part of the FY 2005 Congressional earmarks, Citibus received funding to purchase additional buses and Citibus intends to use a portion of this

funding to purchase an additional seven buses on the Gillig procurement contract. The original procurement contract included a provision for the bid price to be adjusted according to the Producer Price Index. The adjusted cost for the buses is \$266,380 each, for a total price of \$1,864,660. Of this, 83% - or \$1,547,667 – will be provided by Federal funds.

The Lubbock Public Transit Advisory Board recommended Citibus exercise the options and purchase an additional seven vehicles from the Gillig Corporation.

**FISCAL IMPACT:**

The funding for these buses comes from Federal Section 5309 funds and local match funds that have already been included in the Citibus budget. The funds are broken down as follows:

Section 5309 funds	\$1,547,667
Local Match	\$ 316,993
Total available	\$1,864,660

The local share has been included in the Citibus budget and no additional funds will be required.

Citibus recommended purchase of these buses from the Gillig Corporation.

- (34.) **Resolution No. 2005-R0198 adopting, confirming, and ratifying the City Manager’s execution and delivery of certain drafts on letters of credit having been issued pursuant to those development agreements previously entered into by the City in connection with Milwaukee Avenue from 34<sup>th</sup> to 92<sup>nd</sup> Streets (*Street/Drainage Engineering*).**

Certain Letters of Credit were submitted to the City from Developers in September and October of 2004 to assure their funding participation for the proposed Milwaukee Project paving improvements from 34<sup>th</sup> to 92<sup>nd</sup> Streets. An Escrow Agreement was approved by City Council on April 25, 2005 (Special City Council meeting) that established an Escrow Fund at American State Bank for the Developers of the Milwaukee Project to deposit their share of the project costs.

Several of the Letters of Credit were set up at the Developers’ banks, contrary to the express terms of the Development Agreements and Escrow Agreement, that required the City to issue a draft on those funds secured by the Letters of Credit. Although the Development Agreements provide

the implied authority to the City Manager to execute the drafts on the Letters of Credit, this resolution, for the sake of certainty, ratifies such action.

**FISCAL IMPACT:**

There is no fiscal impact with the passage of this resolution.

Staff recommended approval of this resolution.

**The next item considered was Item 37.**

- (34A.) **Consider the approval of an Interlocal Agreement between the City of Lubbock and the Brazos River Authority (BRA) concerning BRA's filing a System Operation Permit (Application No. 5851) which application includes a request to appropriate certain waters in the Brazos River system and agreeing by and between the parties regarding Bed and Banks Projects, waiving notice requirements as to the reassignment of Permit 4146, agreeing to cooperate in water planning processes and agreeing that BRA will not object to any City reuse project (*Water Utilities*).**

**This item was deleted.**

- (35.) **Resolution No. 2005-R0201 - BID #05-010/MA—Consider one resolution for 60,000-Pound Cab and Chassis (*Fleet Services*).**

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

This bid is for the purchase of four 60,000-pound gross vehicle weight truck cabs and chassis. These trucks will be used by the Waste Water Collection Department to pull hydro cleaning and vacuum equipment for the cleaning and maintenance of sewer lines and drainage systems.

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

**FISCAL IMPACT:**

A total of \$216,000 was appropriated with \$216,000 available in Project 6413.8701 (Waste Water Collection – Rent Lease Machine) for principal and interest payments during FY 2004-2005. This equipment will be financed using the City's master lease purchase agreement.

Staff recommended contract be awarded to Lubbock Truck Sales, Inc. for a total cost of \$269,700.

Victor Kilman, Purchasing Manager, gave comments and answered questions from Council.

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0201 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (36.) **Resolution No. 2005-R0202 - BID #05-026/BM—Consider one resolution for Contract Turf Maintenance for Southeast Water Reclamation Plant – Annual Pricing (*Water Reclamation*).**

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

This bid establishes annual pricing for mowing the grounds at the Southeast Water Reclamation Plant. Class C areas and properties consist of mowing near the office building, shop, and digesters. Approximately one acre is located outside the fenced area on the southeast side of Guava Avenue. The approximate acreage is three acres. Class E areas and properties include outlying grounds at the Water Reclamation Plant. This includes approximately twenty-two acres.

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

**FISCAL IMPACT:**

A total of \$23,003 was appropriated with \$21,690 available in Project Number 6411.8293 (Wastewater Treatment – Trees & Shrubs) for this purpose.

Staff recommended contract be awarded to GKC, Inc. of Lubbock, Texas for an annual cost of \$21,690.

Victor Kilman, Purchasing Manager, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0202 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**The next item considered was Item 38.**

- (37.) **Resolution No. 2005-R0199 - BID #05-043/MA—Consider one resolution to reject all bids for Remediation of Former Police Firing Range – 615 Municipal Drive (*Environmental Compliance*).**

**This item was considered following Item 34.**

This bid is for Phase II of capital project #945-8502 to assess and remediate the former Police Firing Range located at 615 Municipal Drive. State and Federal environmental regulations require that lead and other chemicals of concern be removed from the closed site with proper disposal. Capital funds were appropriated for this project in the FY 2004-2005 budget.

Phase I was for the property assessment, remediation design, and project monitoring. The Phase I contract was awarded to Shaw Environmental, Inc. on October 28, 2004 in the amount of \$95,000. Project dates are October 2004 through July 2005. Phase II is for the construction and remediation portion. Project dates are June 2005 through July 2005.

MT2, LLC of Wheat Ridge, Colorado submitted the lowest bid of \$132,920 and subsequently withdrew their bid. Caldwell Environmental Associates, Inc. of Noble, Oklahoma submitted the second lowest bid of \$205,000. The second lowest bid is not within budget for this project. Consequently, staff recommended City Council reject all bids and direct staff to re-bid this project at a later date.

Seventy-nine local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$250,000 was appropriated with \$155,000 available in Project Number 8502 (Police Firing Range Remediation) for this purpose.

Staff recommended City Council reject all bids.

**The next item considered was Item 12.**

- (38.) **Resolution No. 2005-R0203 - RFP #04-143/RW—Consider one resolution for Network Copiers and Printers (*Information Technology*).**

**This item was considered following Item 36.**

This high technology Request for Proposal (RFP) seeks a solution to accomplish the following objectives:

- preservation and/or enhancement of employee productivity through the reduction in number of personal desktop printers throughout the organization,
- reduction of current equipment maintenance and operating costs; and

- reduction of Information Technology Department stock inventory of maintenance desktop printer parts.

The City currently has 83 copiers in place representing 23 different models of Xerox, Canon, and Minolta brand machines that are serviced by Benchmark Business Solutions, Tascosa Office Machines, and South Plains Equipment. Most of these copiers have different looking user interfaces. This means that users may often be confused when using a copier other than their “own”. In addition, most of these copiers require supply items that are unique to that individual model.

During a routine review of ways to improve fiscal performance, City management considered many potential opportunities. One such review resulted in a request to consider an alternative that would provide a financial savings to the current situation described above. Based on the above stated situation, the RFP objective focused on correcting three key weaknesses identified by the Project Team commissioned to identify the vendor to resolve those issues. The identified areas needing improved performance include:

- From a financial perspective, a more cost-effective utilization of funds for multi-functional devices,
- From an operational perspective, a more strategic placement of networked and local multi-functional devices, and
- From a service management perspective, a more firm foundation for negotiating service performance issues.

Criteria used for the evaluation included:

1. Price – How well does cost balance with added value (20%),
2. Equipment Functionality – How well does solution satisfy requirements (25%)
3. Technical Support/Service – How reasonable is the support plan (15%)
4. Corporate Experience – How successful with corporate institutions (15%)
5. Network Functionality – How compatible is solution to the network (15%)
6. Implementation Plan – How reasonable is implementation plan (10%)

Eighteen local businesses were notified of the RFP. Seven firms submitted proposals and were ranked as follows:

Benchmark Business Solutions, Inc./Xerox Corporation of Lubbock, TX	97
Tascosa Office Machines of Lubbock, TX	86
Imagistics International, Inc. of North Richland Hills, TX	79
Print Assist of Mesquite, TX	70
Hogland Office Equipment of Lubbock, TX	62
Toner Express of Lubbock, TX	60
Ikon Office Solutions, Inc. of Lubbock, TX	58

By resolving the stated performance issues with the proposed technology solution, the RFP Project Team believes the City is in a more favorable strategic position to satisfy the RFP objectives through a planned implementation process.

**FISCAL IMPACT:**

Total cost for this printer/copier solution is \$1,103,640 for a 60-month lease and will be funded from the operating budgets of various departments. Replacement of 74 non-networked copiers with state of the art multi-functional digital devices will result in an immediate 7% or \$15,000 annual savings compared to the cost of our current copiers. The City's option to migrate any desktop printers to networked multi-functional devices during the term of the contract may result in additional savings.

Staff recommended contract be awarded to Xerox Corporation of Lubbock, Texas.

Mark Yearwood, Director of Information Technology, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0203 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**The next item considered was Item 41.**

**10:49 A. M. PUBLIC HEARINGS**

**Special**

- (39.) **Hold a public hearing to consider annexation of land adjacent to the existing corporate limits of the City of Lubbock, Texas, generally described as approximately 1,440 acres within an area 660 feet west of the centerline of Slide Road, 660 feet south of the centerline of FM 1585, and 660 feet east of the centerline of Indiana Avenue (*Planning*).**

**This item was considered following Item 50.**

Mayor McDougal opened the public hearing at 10:50 a. m. Persons appearing on behalf of the annexation were Paul Stell, Nolan Greak, and Byron Cowling. Persons appearing in opposition were Tony Bliss, Cecil Bean, Charles Elms, Cynthia Dunlap, Billy Muerer, Ronald Key, Charles Hipp, and Jimmy May. Mayor McDougal closed the hearing at 11:36 a. m.

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

City Council approved consideration of an area for annexation in Resolution # 2005-R0114 on March 4, 2005. The area proposed by staff and approved within the resolution for advertisement included the land area from the city limits south of 114<sup>th</sup> Street between 660 feet west of Slide Road and 660 feet east of Indiana Avenue, to 660 feet south of FM 1585 (130<sup>th</sup> Street). The discussion was stimulated by a request of the owners of the half-mile south of 114<sup>th</sup> Street between Slide Road and Quaker Avenue, as well as the owners of the full square mile south of 114<sup>th</sup> Street from Quaker to Indiana Avenues. The areas including the south half mile of the section between Slide Road and Quaker Avenue (the half section north of FM 1585) as well as the 660 foot perimeter buffer were recommended by Planning staff for inclusion to meet the goal of extending the city limits in a manner to exclude strips or pockets that may be prone to blight, as well as using the 660 foot dimension to provide that development adjacent to existing or future thoroughfares be governed by the regulations of the City.

Staff has prepared a service plan for the area that addresses State of Texas mandated service issues as follows:

**EXHIBIT B**

**ANNEXATION OF APPROXIMATELY 1,440 ACRES 660-FEET WEST OF THE CENTERLINE OF SLIDE ROAD, 660-FEET SOUTH OF THE CENTERLINE OF FM 1585 AND 660-FEET EAST OF THE CENTER LINE OF INDIANA AVENUE SOUTH OF THE EXISTING**

CITY LIMITS (660-FEET SOUTH OF THE CENTERLINE OF 114<sup>TH</sup> STREET).

SERVICE PLAN

1. Police:

- a. Any area annexed will be added to an existing Patrol District on the effective date of annexation.
- b. Patrol, radio response to calls, and other routine police services, using assigned personnel and equipment, will be provided on the effective date of annexation.
- c. When population and/or frequency of calls in the area demands, additional personnel and equipment will be added to continue the present level of police services throughout the city.

2. Fire:

- a. Fire protection by the present personnel and the equipment of the fire fighting force (primary response from Station #12 – 79<sup>th</sup> Street and Slide Road), Station #15 (80<sup>th</sup> Street and Venita Avenue), and Station #14 (96<sup>th</sup> Street and Avenue X), within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation. One of the City-owned tankers is proposed to be parked at Station #15. The officer in charge of the incident would decide to activate the tanker versus other methods to get water to the event.
- b. Within the constraints of existing or future bond approvals, fire stations and personnel to serve the annexed area will be considered.
- c. All existing and future businesses in the proposed area will be included for fire inspections under the business inspection program.

3. Sanitation (Solid Waste Disposal):

Refuse collection service now provided city-wide will be extended to the annexed area within ten working days for all residential units and those commercial customers who desire City services.

4. Traffic Engineering and Streets:

- a. Routine maintenance of existing dedicated public streets (excluding State Highways) will begin on the effective date of the annexation.
  - b. All new streets, subject to platting, dedication requirements, and existing City Code and policies, will be constructed and dedicated without City cost with the exception of the thoroughfare and collector paving policies or paving, curb, and gutter may be accomplished through a pre-paid or assessment program.
  - c. Subject to platting and street dedication or existing needs as determined by Traffic Engineering, the Traffic Engineering Department will install and maintain traffic control devices.
  - d. Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need is established by appropriate study and traffic standards, and within the guidelines of applicable City policies and ordinances.
5. Water and Sewer:
- a. Water and sewer are not readily available in portions of the proposed area at present.
  - b. Major main extensions to the area will be considered in future capital improvement programs.
  - c. Availability of water and sewer beyond the extension of mains within a capital expense program is at the request and expense of the user, and shall be provided within current policies and ordinances of the City (note below for an explanation of pro-rata charges).
  - d. Water and sewer for domestic and commercial use, when installed, will be available at approved City rates.
  - e. Water for fire protection will be available through lines only after service lines are installed. Water in pumpers or in relay from existing sources will be used for fire suppression until that time.

6. Pro-Rata Charges:

Chapter 28 of the City Code establishes the charges or the actual cost of construction due on all property to which water and/or sewer lines are extended. The charge is generally known as “pro-rata” and is due

and payable before service is provided. The pro-rata charge represents a portion of the costs of providing water and/or sewer facilities to serve the property on which the pro-rata is paid.

When a person desires water and/or sewer service to property that requires an extension of existing facilities to provide service adjacent to the property or when the service connection will be made to a line constructed after April 1, 1952, the person desiring service shall pay a non-refundable charge called pro-rata. 2005 pro-rata charges include \$10 per front foot of lot or tract to be serviced for sewer and \$11 for water, unless the actual extension cost is greater, then the charge is per actual cost.

When an extension of water/sewer facilities exceeds the above costs, the person(s) desiring service shall pay the entire cost and later be refunded that amount above pro-rata when other persons tie onto service and pay their pro-rata. Ordinance 8017 specifies other items including:

- a. pro-rata on property already platted, and extension of services,
- b. pro-rata and extensions to property being platted,
- c. sizes of lines and meter sizes,
- d. location for service connection,
- e. deposits, charges, refunds,
- f. cost of large mains may be partially paid by the City, and other considerations, and
- g. when the City Council can declare a health hazard and install mains at public expense.

7. Parks and Recreation:

The Parks and Recreation Department has no facilities in the proposed annexation area. Future parks or open space will be acquired through the dedication of property during development or purchase with appropriate City funds.

8. Building Inspection, Planning, Inspection Services:

Any inspection service or code enforcement now provided by the City (zoning, environmental control, health, animal control, building inspection) will begin in the annexed area on the effective date of

annexation. Any inspection or enforcement services and vector control (mosquitoes, flies, rodents) now provided by City personnel will begin in the annexed area on the effective date of annexation. The planning and zoning jurisdiction (of the City), including the platting process, will extend to the annexed area on the effective date of annexation. City planning policy will encompass the annexed area. The annexed area will be zoned a “T” (transition) pending platting and zone case requirements.

9. Emergency Medical Service.

The City shall notify the Lubbock County Hospital District of this annexation on the effective date of annexation with regard to provision of emergency medical services.

Several of the most misunderstood issues that arise during annexation hearings follow:

- Annexation is the process by which cities extend their municipal services, regulations, voting privileges, and taxing authority to new territory. Because annexation is essential to the efficient extension of urban services and the well being of cities in general, Texas annexation law allows home rule cities to annex territory on a non-consensual basis. The law also establishes procedural and service requirements to keep cities from misusing their annexation authority.
- As part of the annexation public hearing process, the law requires a city to present a service plan for an area proposed for annexation. The service plan must provide for the extension of the following services:
  - a. Police protection,
  - b. Fire protection,
  - c. Solid waste collection,
  - d. Maintenance of existing public water and wastewater facilities,
  - e. Maintenance of public roads and streets, including road and street lighting,
  - f. Maintenance of public parks, playgrounds, and swimming pools, and
  - g. Maintenance of any other publicly owned facility, building, or service.
- The service plan may provide for different levels of service based on topography, land use, and population density.

However, the service plan may not propose fewer services or lower levels of service than were in existence prior to annexation or that are available in other parts of the city with similar characteristics.

Q. Why do cities annex?

A. Annexation is the most common process to ensure the efficient extension of services and to promote the well being of cities and their citizens. Provision of an adequate growth base is critical to the future of every city.

As urban areas grow, police, fire, water, sewer, and other services must be extended and maintained in an efficient manner to protect the health and safety of the public. This process applies to both existing and future land areas of the city.

Q. How does annexation affect my school district?

A. It will have no effect. School districts are separate from City or County government and have boundaries that do not change because of annexation.

Q. What services would be provided immediately if my property were annexed?

A. State law requires provision of “soft” services within 60 days after the annexation is official. Examples include: police, fire, solid waste collection, animal control, environmental inspections (substandard housing, junk vehicles, weeds, and eventually zoning), and all administrative city services.

Longer-term “hard” or capital services including water, sewer, and thoroughfare paving have a longer time frame and different rules before being extended into an annexed area. See water/sewer pro-rata and paving assessment section.

Q. Will my taxes go up?

A. Yes. On January 1 of the year after the annexation is official, your property and improvements will be added to the city tax roll. The current tax rate for the City is approximately \$ .46 per \$100 valuation. Example: the tax for a \$50,000 appraisal – home and land – would be approximately \$230.

Q. What about my electric service?

A. Your electric provider will not change. Three companies, Southwestern Public Service, Lubbock Power and Light, and the South Plains Electric Co-op provide service in various portions of Lubbock and the surrounding area. Their service areas do not change with the city limits.

Q. Do I have to connect to the City water or sewer system when my property is annexed?

A. No. First, extension of mains into the annexed area may take from 2 to 4.5 years or longer, depending on the density of development in your area. Then, the process of extending service lines into a subdivision depends on a minimum number of lot owners paying a fee called pro-rata (see water/sewer pro-rata section). This process may take even longer.

Q. I have a septic system that works well. Do I have to connect to sewer lines when they are extended into my subdivision?

A. Not automatically. If your septic system continues to work well, you may not be required to connect to the sewer. However, if the system is defective and a city sewer line is in place, the Health Department may require a connection.

Also, to protect public health the Lubbock Code contains Section 28-73 that can require connection to sanitary sewer lines within 90 days after the line is within 100 feet of the property line. Section 28-73 requires the property owner to receive “official notice” from the City, a practice that has rarely been required in the past.

Q. After I am annexed, who is responsible if my septic system fails before City sewer service is available or before I decide to connect to the City system?

A. As long as the property is using a septic system, the property owner remains responsible for the proper operation and maintenance of the septic system.

If the septic systems fail before City sewer service is extended to the property, the property owner must repair the system.

If the septic system fails and City sewer service is available, then the property owner may choose to pay the necessary fees and connect to the City sewer system. See the water/sewer pro rata section.

Q. I have a good water well. If my property is annexed, will I have to use City water?

A. Not automatically. Again, the extension of water and sewer lines into subdivisions may take years. Even if the lines are placed adjacent to your lot, you may continue to use the well unless a health or pollution problem occurs.

Many residents in Lubbock use their wells to water landscape areas after tying their home to the water system. The water from private well lines may not be mixed with the Lubbock water system lines.

Q. I hear the term “water and sewer pro-rata”. What does that term mean?

A. Chapter 28 – City Code establishes the amount that each property owner must pay when water and sewer lines are extended. When water and/or sewer service is requested for property that requires an extension of facilities to provide lines adjacent to the property, or when a service connection is made to a line constructed after April 1, 1952, the person desiring service must pay a non-refundable charge for connection. This charge is generally known as “pro-rata” and must be paid before service is provided.

The pro-rata charge for each property is a portion of the cost of construction and maintenance of the entire water and/or sewer system, which serves the property. Pro-rata charges are usually calculated on the front footage of the lot or tract to be serviced.

2005 pro-rata rates are \$11 per front foot for sewer and \$10 for water. For example, the current pro-rata charges for a 100-foot lot would be \$1100 for sewer and \$1000 for water.

These figures can change if the lot is an awkward shape, if adjacent main costs are due, or lines have to be extended to get to the site.

When an extension of water/sewer facilities exceeds the front foot pro-rata costs, the person(s) desiring service shall pay the entire cost and later be refunded that amount above pro-rata when other persons tie onto service and pay their pro-rata. Chapter 28 of the Code specifies other items including:

- a. pro-rata for property already platted, and extension of services,
- b. pro-rata and extensions to property being platted,
- c. sizes of lines and meter sizes,

- d. location for service connection,
- e. deposits, charges, refunds,
- f. cost of large mains may be partially paid by the City, and other considerations, and
- g. when the City Council can declare a health hazard and install mains at public expense.

Q. My street is unpaved. If my property is annexed, when will the City come pave the street?

A. The City has no on-going program to pave streets in residential areas. For most subdivisions developed inside the city, the developer paves the streets and includes the cost in the price of the lot.

If a subdivision or group of homes either already in the City or annexed to the City has dirt streets, the residents have the right to petition the City Council for an assessment paving program where each lot owner pays a fair cost for the paved street adjacent to his or her lot.

Q. My subdivision has “strip paved” streets. Will the City make our subdivision put in curb and gutter?

A. No. Routine maintenance will begin within 60 days of the annexation being official. Routine maintenance cannot make a good street from a street in poor repair, and the City will not normally rebuild strip-paved streets.

The residents of a subdivision desiring better paved streets with curb and gutter may petition the City Council for an assessment paving program where each adjacent owner pays a fair share of the cost.

Q. Some of the major streets in my area are in terrible shape. If those thoroughfares are annexed, when will they be improved to five or seven lane facilities?

A. The City will provide routine maintenance within 60 days. The thoroughfare system in Lubbock is constructed by funds approved generally by voters for capital improvements. At times, a portion of costs is paid with state or federal funds administered by the Texas Department of Transportation.

Paving projects are prioritized within a document called the Transportation Improvement Plan (TIP). The newly annexed thoroughfares will compete with other existing roads that are not five or seven lane facilities for funding. The TIP priority list is reviewed on a regular basis to identify those sections of streets in greatest need for upgrade due to demand and development patterns.

Q. If my property is annexed, why will the City not provide me the entire infrastructure available in developed areas of Lubbock?

A. How cities grow and how various services are paid is complex. In most subdivisions developed inside the city, all the costs for sewer, water, streets, street lights, and street signs is paid for by the developer. The developer then places a share of those costs in the price for each lot. The city taxpayer does not help build new subdivisions.

In newly annexed areas, the current taxpayers of the city are not asked to fund improvements except for a portion of the thoroughfares and water and sewer mains that benefit all city residents.

In general each resident or subdivision is asked to pay for the infrastructure that directly benefits his or her home or business through payment of pro-rata and other fee systems.

Q. My subdivision has some serious drainage problems. Will the City fix those problems?

A. Probably not, at least not immediately. Staff believe several areas within the proposed annexation area may not be properly designed to provide adequate drainage, and being within the city will not cure the problem. Solutions will be expensive and time consuming and are subject to funding by the City Council through the Storm Water Drainage fee or other sources of revenue.

Please note that any new development in the area will be engineered for proper drainage. Much of the area proposed for annexation is in the Master Drainage Plan for Lubbock. The Plan identifies a number of flood prone areas and major drainage ways. By using proper drainage design, the risk of flooding will be reduced as new developments are built.

Q. When an area becomes part of the city, what is the zoning for different parcels of land?

A. All land area within the city is zoned within a particular district described in the zoning code. Major groups of districts include

residential, commercial and industrial. The Comprehensive Land Use Plan and policies within the zoning code describe how and where these districts should be located relative to other districts.

Any area annexed to the city is zoned as “T” Transition District in the annexation ordinance. All activities and land uses existing at the time of annexation other than “R-1” Single Family permitted uses become non-conforming when the ordinance is official.

Non-conforming uses may continue indefinitely unless the activity ceases for one year, after which the former use loses non-conforming status. Non-conforming is often referred to as “grandfathered”.

In the “T” Transition District, the uses permitted in the R-1 District become legal, conforming uses. These uses include single-family dwelling units, public parks and City recreational facilities, garage sales, defined accessory buildings, day nurseries with six or fewer children, and public schools.

No future zone change requests are required for these uses. Other proposed activities or land uses would be subject to a zone change request.

An amendment for the Comprehensive Land Use Plan will be presented during consideration of any area to be annexed. As noted, the Plan then becomes a policy guideline for future zone change requests.

Q. If I have a building under construction, but not finished, will I have to get a construction permit to complete it?

A. No, unless special circumstances indicate the need for discussion about a permit. Since the completed portion of the building cannot be inspected, a final inspection (for homes) or a certificate of occupancy (for businesses) certifying that the structure meets the building code cannot be issued.

Permits will be required for new construction, remodeling, plumbing, mechanical, and electrical work after the official effective date of annexation.

The Planning Commission will not meet until May 5, after these comments are due for backup. Staff will provide a review of the Commission recommendation during the public hearing.

With the circumstances of the nearly three quarters of the area being asked to be annexed, along with the growth rate and pattern to the south and southwest, staff recommended approval of the entire area for annexation.

In the backup materials there is a letter from the owners of six lots in a small subdivision named Sandy Mariah inclusive of CR 7340, 7350, and 7360 that requests that the annexation be limited to a distance of five hundred feet west of the centerline of Slide Road. That would allow all of the lots in their subdivision to remain outside the city limits, as well as the east street. The City would not be responsible for any services to the six lots or maintenance of the streets. The 500-foot dimension is consistent with a common line between 114th Street and FM 1585 and will work as well at the traditional 660 foot dimension if City Council finds the request reasonable.

It is important that the line chosen is consistent from the centerline of the adjacent section so a survey is not required to create the legal description. The 500-foot dimension will pick up all of the strip commercial parcels on Slide Road.

**FISCAL IMPACT:**

Not applicable.

Staff does not recommended consideration of any contractual agreements for annexation in this area. With the significant growth rates to the west and south, the lane area needs to be within the city.

Mayor Pro Tem Martin explained to the citizens that there would not be any action taken on this item until the June 9, 2005 Regular City Council Meeting.

**11:37 A. M. CITY COUNCIL RECESSED**

**1:08 P. M. CITY COUNCIL RECONVENED**

**(40.) Hold a public hearing to consider the annexation of land adjacent to the existing corporate limits of the City of Lubbock, Texas, generally described as approximately 307 acres north of FM 1294 and east of Interstate 27 (*Planning*).**

Mayor McDougal opened the public hearing at 1:09 p. m. No one appeared on behalf of the annexation. No one appeared in opposition. Mayor McDougal closed the hearing at 1:10 p. m.

Randy Henson, Senior Planner, gave comments.

During a work session on March 4, 2005 City Council directed staff to initiate annexation proceedings on an approximate 300-acre area east of I-27 and north of FM 1294. The property belongs to the City and the request is initiated by the Lubbock Economic Development Association with regard to development potential on the site. There are no residents on the site and the annexation includes only City property and the dedicated road on the west side.

Because New Deal was incorporated after the extension of the Lubbock ETJ to the north boundary of this site, New Deal does not have the normal overlapping ETJ jurisdiction on the property that would require approval by their City Council for Lubbock to annex the area.

No City utility service exists at the site currently. Future development will have to pay for extension costs. All “soft” services outlined in the proposed service plan will be available immediately, but there is no one there to serve. No fiscal impact should occur until development is proposed.

The Planning Commission heard the proposal on May 5 and staff will provide their recommendation at the hearing.

Following is the proposed service plan for the area:

EXHIBIT B

ANNEXATION OF APPROXIMATELY 307 ACRES NORTH OF  
FM 1294 AND EAST OF INTERSTATE 27

SERVICE PLAN

1. Police:
  - a. Any area annexed will be added to an existing Patrol District on the effective date of annexation.
  - b. Patrol, radio response to calls, and other routine police services, using assigned personnel and equipment, will be provided on the effective date of annexation.
  - c. When population and/or frequency of calls in the area demands, additional personnel and equipment will be added to continue the present level of police services throughout the city.
2. Fire:

- a. Fire protection by the present personnel and the equipment of the fire fighting force (primary response from Station #2 at MLK Boulevard and Ursuline Street with backup Stations #1 and #4) within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation. The City will activate the mutual aid agreement with the City of New Deal if a tanker is needed at the site.
  - b. Within the constraints of existing or future bond approvals, fire stations and personnel to serve the annexed area will be considered.
  - c. All existing and future businesses in the proposed area will be included for fire inspections under the business inspection program.
3. Sanitation (Solid Waste Disposal):
- Refuse collection service now provided city-wide will be extended to the annexed area within 10 working days for all residential units and those commercial customers who desire City services.
4. Traffic Engineering and Streets:
- a. Routine maintenance of existing dedicated public streets (excluding State Highways) will begin on the effective date of the annexation.
  - b. All new streets, subject to platting, dedication requirements, and existing City Code and policies, will be constructed and dedicated without City cost with the exception of the thoroughfare and collector paving policies or paving, curb, and gutter may be accomplished through a pre-paid or assessment program.
  - c. Subject to platting and street dedication or existing needs as determined by Traffic Engineering, the Traffic Engineering Department will install and maintain traffic control devices.
  - d. Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need is established by appropriate study and traffic standards, and within the guidelines of applicable City policies and ordinances.
5. Water and Sewer:

- a. Water and sewer are not readily available in portions of the proposed area at present.
- b. Major main extensions to the area will be considered in future capital improvement programs.
- c. Availability of water and sewer beyond the extension of mains within a capital expense program is at the request and expense of the user, and shall be provided within current policies and ordinances of the City. Note below an explanation of pro-rata charges.
- d. Water and sewer for domestic and commercial use, when installed, will be available at approved City rates.
- e. Water for fire protection will be available through lines only after service lines are installed. Water in pumpers or in relay from existing sources will be used for fire suppression until that time.

#### 6. Pro-Rata Charges

Chapter 28, City Code establishes the charges or the actual cost of construction due on all property to which water and/or sewer lines are extended. The charge is generally known as “pro-rata” and is due and payable before service is provided.

The pro-rata charge represents a portion of the costs of providing water and/or sewer facilities to serve the property on which the pro-rata is paid.

When a person desires water and/or sewer service to property that requires an extension of existing facilities to provide service adjacent to the property or when the service connection will be made to a line constructed after April 1, 1952, the person desiring service shall pay a non-refundable charge called pro-rata. 2005 pro-rata charges include \$10 per front foot of lot or tract to be serviced for sewer and \$11 for water, unless the actual extension cost is greater, then the charge is per actual cost.

When an extension of water/sewer facilities exceeds the above costs, the person(s) desiring service shall pay the entire cost and later be refunded that amount above pro-rata when other persons tie onto service and pay their pro-rata. Ordinance 8017 specifies other items including:

- a. pro-rata on property already platted, and extension of services,

- b. pro-rata and extensions to property being platted,
- c. sizes of lines and meter sizes,
- d. location for service connection,
- e. deposits, charges, refunds,
- f. cost of large mains may be partially paid by City, and other considerations, and
- g. when City Council can declare a health hazard and install mains at public expense.

7. Parks and Recreation

The Parks and Recreation Department has no facilities in the proposed annexation area. Future parks or open space will be acquired through the dedication of property during development or purchase with appropriate City funds.

8. Building Inspection, Planning, Inspection Services:

Any inspection service or code enforcement now provided by the City (zoning, environmental control, health, animal control, building inspection) will begin in the annexed area on the effective date of annexation. Any inspection or enforcement services and vector control (mosquitoes, flies, rodents) now provided by City personnel will begin in the annexed area on the effective date of annexation. The planning and zoning jurisdiction (of the City), including the platting process, will extend to the annexed area on the effective date of annexation. City planning policy will encompass the annexed area. The annexed area will be zoned a “T” (transition) pending platting and zone case requirements.

9. Emergency Medical Service:

The City shall notify the Lubbock County Hospital District of this annexation on the effective date of annexation with regard to provision of emergency medical services.

**FISCAL IMPACT:**

Not applicable.

Staff supports the request to annex the area.

**The next item considered was Item 43A.**

**ADMINISTRATIVE SERVICES**

- (41.) **Resolution No. 2005-R0204 naming the open space in the area of First Street and Avenue L as Pallotine Park.**

**This item was considered following Item 38.**

During the Parks and Recreation Advisory Board meeting held on April 26, 2005 the Parks Naming Subcommittee recommended the Board consider naming the open space sometimes referred to as Guadalupe Annex, located in the area of First Street and Avenue L, Pallotine Park. This open space is located about five blocks east of Guadalupe Park.

The community surrounding the open space consists of Guadalupe Elementary, the Guadalupe Center, and St. Joseph's Catholic Church. The Pallotine Priests arrived at St. Joseph's Catholic Church in 1950 and have continued serving since then. The Priests were instrumental in helping rebuild the neighborhood after the 1970 tornado. The community would like to recognize all Pallotine Priests who have served at St. Joseph's Catholic Church and all of the services that they have provided throughout the years.

**FISCAL IMPACT:**

Parks and Recreation currently maintains this area so additional funding is not required for general maintenance. Parks and Recreation will install a sign and some benches in the park for an estimated cost of \$500.

The Parks and Recreation Advisory Board recommended naming the area Pallotine Park.

Council Member DeLeon gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2005-R0204 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**The next item considered was Item 43.**

**CITY SECRETARY**

- (42.) **Declare one appointment to the Lubbock Housing Authority.**

**This item was deleted.**

**FINANCE**

- (43.) **Ordinance No. 2005-O0052 amending the FY 2004-2005 Budget (Amendment #11) (first reading).**

**FISCAL IMPACT:**

1. Appropriate the Reallocation of FY 2003-2004 Community Development Block Grant and Emergency Shelter Grant Funding:

On January 12, 2005 the Community Development Services Board requested the reallocation of FY 2003-2004 Community Development Block Grant and Emergency Shelter Grant funding, which was subsequently approved by City Council at the January 27, 2005 Council meeting. Since that time, the department of Housing and Urban Development (HUD) has approved the requested reallocation. With the formal HUD approval the reallocation must be formally appropriated.

2. Transfer \$296,715 from, and Close, Capital Improvement Projects #90353 Remington Park Addition and #90353 Remington Park Drainage Improvements to #90343 Playa Lake Turf Maintenance:

To provide sufficient funding for the ongoing turf projects around playa lakes, including Remington Park, existing playa lake turf maintenance projects are being combined. The turf project at Remington Park will be done through this project.

3. Reallocate \$30,848 of existing appropriation and reappropriate \$9,327 fund balance from the Hotel Tax Fund to the Convention and Visitors Bureau for the marketing of the Airport.

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

Jeff Yates, Director of Fiscal Policy and Strategic Planning; Lee Ann Dumbauld, Chief Financial Officer; Randy Truesdell, Director of Community Services; and, James Loomis, Director of Aviation, all gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0052 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**The next item considered was Item 46.**

**MISCELLANEOUS**

**Items 43A-45 were considered following Item 40.**

- (43A.) Resolution No. 2005-R0205 authorizing the execution of an agreement between the City of Lubbock and Wal-Mart Stores Texas, L.P. (Developer) regarding the funding of public improvements in Phase One, Bond Issue Two, Project Sixty-five of the Project Plan for the North Overton Tax Increment Finance Reinvestment Zone.**

This agreement is between the City of Lubbock and Wal-Mart Stores Texas, L.P. (Developer). With the contract, the City agrees to dedicate and pledge the use of revenue in the Tax Increment Fund to participate in the cost of the public improvements for Phase One, Bond Issue Two, Project Sixty-five of the Project Plan as recommended by the Board of Directors of the North Overton Tax Increment Finance (TIF) Reinvestment Zone. This Agreement delineates the division of funding for the public improvements as represented in Exhibit D (TIF participation) and Exhibit E (Developer participation). The total amount of tax increment financing for public improvements shown in Exhibit D is \$2,291,207.

**FISCAL IMPACT:**

The City will issue bonds to fund this commitment.

Staff recommended approval of this resolution.

Rob Allison, Manager of Business and Neighborhood Development, gave comments.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2004-R0205 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused on this Item.

**1:30 P. M. CITY COUNCIL RECESSED**

**1:35 P. M. CITY COUNCIL RECONVENED IN WORK SESSION**

**PUBLIC WORKS**

**Water Utilities**

**Items 44-45 were moved from regular session to work session and considered following Item 43A.**

- (44.) **Consider an ordinance amending Chapter 28 of the Code of Ordinances of the City of Lubbock by amending Sections 28-52 and 228-53 of the Code by revising water rates (*first reading*).**

**No action was taken on this item.**

Prior to 1991, the City had a descending block rate structure. Under this rate structure customers were charged less per thousand gallons the more water they used (descending block rate). In the late 1980s, the City applied for a State Revolving Fund loan for the renovation and rehabilitation of the Southeast Water Reclamation Plant. Two of the conditions of receiving this funding were to conduct a rate study and to implement a conservation-oriented rate structure that equitably charged customers for water service. In 1991 the City hired a consultant to conduct the study. As a result of that study, the current rate structure, the uniform rate, was implemented.

Today's water rate structure includes a base charge by meter size and a uniform flow rate for each thousand gallons of water used. The descending block rate no longer existed.

Many changes have occurred during the last 14 years that necessitate another rate study, including changes in expenditures, two large debt issuances in water, southwest growth and development affecting both water and sewer, implementing stream discharge as a method of effluent disposal affecting sewer, and most recently, and ultimately the most costly, is the directive to secure a 100-year water supply.

The Lubbock Water Advisory Commission was assigned the task of securing a 100-year water supply as well as making sure that the Sewer Fund was financially sound. In their report, Water Texas emphasized the importance of implementing a rate structure that will generate sufficient revenue for current and future expenditures while effectively promoting wise use of water.

As recommended by Water Texas and supported by the Lubbock Water Advisory Commission, staff contracted with Red Oak Consulting to conduct a water and sewer rate structure and model study.

Components of this study include developing a 10-year financial plan, conducting a cost of service study, evaluating alternate conservation rate structure, and conducting a public involvement process.

Based on the current limitations of the billing system software, the rate consultant recommended a phase approach to implementing a water conservation rate structure. Phase I is a uniform rate but with a lower base charge and higher flow charge. The benefits of lowering the base rate

include minimal impact on the average water customer, offers greater opportunity to impact one's water bill by changing water use patterns, and can be implemented immediately.

Phase 2 is an increasing block rate that prices water based on three water use categories: base, peak, and excessive use, with the base use tailored to each customer.

**FISCAL IMPACT:**

Revenue generated through September 30, 2005 under this rate structure is expected to be \$14,400,000. Projected revenue will change as water use patterns change.

Staff recommended approval of this item.

Tom Adams, Deputy City Manager, gave comments and a presentation on the water conservation rate structure. He explained the history of the rate structure, talked about the specific proposal and the revised plan for conservation. Adams also answered questions from Council.

Mark Yearwood, Director of Information Technology and Sherry Stephens, Water Programs Manager, assisted Mr. Adams in answering questions from Council.

Consensus was to not take any action on this item until the Lubbock Water Advisory Commission brings back a recommendation.

- (45.) **Consider an ordinance amending Chapter 28 of the Code of Ordinances of the City of Lubbock by amending Section 28-86, 28-86(a), and 28-86(b) of the Code by revising sewer rates (*first reading*).**

**No action was taken on this item.**

In the late 1980s, the City applied for a State Revolving Fund loan for the renovation and rehabilitation of the Southeast Water Reclamation Plant. Two of the conditions of receiving this funding were to conduct a rate study and to implement a rate structure that equitably charged customers for sewer service. In 1991 the City hired a consultant to conduct the study. As a result of that study, the current rate structure was implemented.

Today's sewer rate structure includes a base charge by meter size and a uniform flow rate for each thousand gallons of water used. The flow is based on metered water consumption.

Many changes have occurred during the last 14 years that necessitate another rate study, including changes in expenditures, two large debt

issuances in water, southwest growth and development affecting both water and sewer, implementing stream discharge as a method of effluent disposal affecting sewer, and most recently, and ultimately the most costly, is the directive to secure a 100-year water supply.

The Lubbock Water Advisory Commission was assigned the task of securing a 100-year water supply as well as making sure that the Sewer Fund was sound financially.

As recommended by Water Texas and supported by the Lubbock Water Advisory Commission, staff contracted with Red Oak Consulting to conduct a water and sewer rate structure and model study. Components of this study include developing a 10-year financial plan, conducting a cost of service study, evaluating alternate conservation rate structure, and conducting a public involvement process.

**FISCAL IMPACT:**

Revenue generated through September 30, 2005 under this rate structure is expected to be \$6,300,000. Projected revenue will change as water use patterns change.

Staff recommended approval of this item.

Tom Adams, Deputy City Manager, gave comments and answered questions from Council.

Consensus was to not take any action on this item until the Lubbock Water Advisory Commission brings back a recommendation.

**The next item considered was Item 31.**

**BOARD APPOINTMENTS**

**Items 46-47 were considered following Item 43.**

- (46.) Consider removal of the Chair of the Appointments Advisory Board and consider one appointment.**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to appoint Carla Moran to the Appointments Advisory Board. Motion carried: 7 Yeas, 0 Nays.

- (47.) Consider one appointment to the Keep Lubbock Beautiful Advisory Committee.**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to reappoint Judy Helm to the Keep Lubbock Beautiful Advisory Committee. Motion carried: 7 Yeas, 0 Nays.

**10:24 A. M. CITY COUNCIL WORK SESSION CONVENED  
Committee Room 103**

**The first item considered was Item 50.**

**(48.) Wireless Technology and Public Infrastructure presentation.**

**This item was deleted.**

**(49.) Presentation by, and request from, the White River Municipal Water District project to use the City of Lubbock's treated wastewater as part of their proposed water supply alternatives and to consider issues related to the inclusion of this proposed project in the region's water plan.**

**This item was considered following Item 31.**

Ches Carthel, Chief Engineer of Water Engineering gave brief comments and introduced Mickey Rodgers, General Manager of the White River Municipal Water District, who gave comments and a presentation on a reuse augmentation study done on White River reservoir and answered questions from Council. Rodgers then introduced Charles Morris, President of the White River Municipal Water District, who further elaborated on the issue of recycled water from the White River reservoir and answered questions from Council.

**(50.) Presentation on the College Baseball Hall of Fame.**

**This item was considered following Item 47.**

Item requested by Councilman Gilbreath.

Brad Walker and John Askins of the College Baseball Foundation gave a presentation on the College Baseball Hall of Fame. Mr. Walker gave a brief history of the Foundation and its mission. Mr. Askins gave comments on the Foundation's part in the Hall of Fame. Tai Kreidler, Administrative Department Head and Dr. Monte Monroe, Assistant Archivist with Texas Tech University Southwest Collections both gave comments on what their role would be with the Hall of Fame. Jorge Iber, Chairman of the Texas Tech University's History Department also gave comments.

**The next item considered was Item 39.**

Regular City Council Meeting – Corrected Minutes  
May 12, 2005

**2:49 P. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**4:40 P. M. COUNCIL ADJOURNED**

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