

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
May 26, 2005
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 26th day of May, 2005, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

**7:32 A. M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas**

Present: Mayor Marc McDougal, Mayor Pro Tem Tom Martin, Council Member Jim Gilbreath, Council Member Phyllis Jones, Council Member Floyd Price

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

CITIZEN COMMENTS

Vance Scoggin gave comments to Council regarding the City of Lubbock Cemetery. He is concerned about changing the entry to the Cemetery, and he was informed that the Park and Recreation Board recommended not relocating the entrance. Mayor McDougal informed him that this is not a posted item on today's agenda and suggested he speak with Randy Truesdell, Director of Community Services, about setting up a meeting with Council Member Price of that district to discuss this issue.

EXECUTIVE SESSION

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

**7:35 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council/City Manager's Conference Room**

All council members were present except Council Member DeLeon.

- (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 (Airport; Cemetery; Overton; 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; Water Utilities).**
- (3.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.087 to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body is conducting economic development negotiations (Business Development).**
- (4.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters (City Attorney; City Manager; City Secretary) and take appropriate action.**
- (5.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to:**
 - Building Board of Appeals**
 - Neighborhood Redevelopment Commission**
 - Permit & License Appeal Board**
- (6.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
 - to discuss and deliberate a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**
 - to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

**9:53 A. M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers**

- (8.) **ORDINANCE NO. 2005-O0052 - amending the FY 2004-05 Budget respecting: 1) Community Development Fund; 2) Parks and Storm Drainage Funds; 3) Hotel Tax and Airport Funds; 4) Solid Waste Fund; and 5) Water Fund (Amendment #11) (Finance) (second and final reading).**

FISCAL IMPACT:

1. Appropriate the reallocation of FY 2003-04 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 \$293,518 from, and close, Capital Improvement Projects #90353 Remington Park Addition and #90354 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 re-appropriate \$9,327 fund balance from the Hotel Tax Fund to the Convention and Visitors Bureau for the marketing of the Airport.

4. Accept and appropriate a grant from the South Plains Association of Governments to fund a Solid Waste Management Project.

Funding will be awarded in the amount of \$53,998. This project is for the purchase of the following equipment that will be used to collect recyclable materials at the City of Lubbock Recycling Drop-off centers, cleanup events and other special events and activities: Four 20-foot trailers with hydraulic dump; six 30-cubic yard roll-off boxes; and one detachable truck body system with hydraulic dump and chipper body. The benefit of this program is increased opportunities for residents to recycle.

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

5. Terminate forward starting synthetic fixed rate Brazos River Authority SWAP.

In 1989 and 1991, the Brazos River Authority (“B.R.A.”) issued bonds to fund the construction and acquisition of the Lake Alan Henry Project. Subsequently, B.R.A. issued \$50,355,000 “Brazos River Authority Special Facilities (Lake Alan Henry) Revenue Refunding Bonds, Series 1995” (“Advance Refunding Bonds”) to refinance the 1989 and 1991 bonds. The 1995 advance refunding was completed in order to achieve a debt service savings on the original 1989 and 1991 issues. For all of the above-mentioned bonds, the City was contractually obligated to make the debt service payments on these bonds on behalf of B.R.A.

In early 2001, the City desired to take ownership of the Lake and take-over the operation and maintenance of the Lake from B.R.A. After reviewing documents related to the original 1989 and 1991 bond issues, and the 1995 advanced refunding, the City found that it could not assume control of the Lake from B.R.A. as long as B.R.A. had debt outstanding on the project.

Because of these findings, the City would be required to issue bonds, to payoff (defease) the debt issued by B.R.A., in order to take ownership of the Lake. Since the 1989 and 1991 bonds had been defeased by the 1995 advance refunding bonds, the City was not able to issue tax-exempt bonds in 2001 (due to Internal Revenue Service rules). The City could not issue tax-exempt bonds until the call date of the 1995 bonds, which would occur in 2005.

As interest rates were at historic lows in 2001, the City chose to enter into a contractual agreement with JPMorgan Chase to lock in an interest rate, and protect the City from possible rising interest rates. This agreement was called a Forward Starting Synthetic Fixed Rate Swap (“Swap”), with JPMorgan Chase being the Swap provider. In connection with the Swap, the City planned to issue variable-rate, tax-exempt debt in 2005 for the purpose of refunding the 1995 Advance Refunding Bonds. The Swap allowed the City to exchange the variable rate on the bonds issued in 2005 for a fixed rate. The intent was to limit the City’s interest rate exposure by contractually fixing the interest rate at 5.26%. The Swap also provided upfront payments of \$280,000 over a three-year period as a premium for the contract the City entered into with JPMorgan. This amount was equivalent to 1% on water rates.

Since interest rates did not escalate as was projected in 2001, the Swap does not provide any financial benefit at this time. The City currently has several options in relation to the outstanding debt held by B.R.A.

1. The City can retain the Swap contract with JPMorgan Chase and issue variable-rate debt, swapping the variable rate for a fixed-rate.
2. The City can terminate the Swap and continue the contractual payments to B.R.A. for the outstanding 1995 Advance Refunding Bonds.
3. The City can terminate the Swap and issue a tax-exempt, fixed-rate current refunding on the 1995 Advance Refunding Bonds.

The most financially attractive option is the third option. The third option will provide a breakeven net present value, which is not financially advantageous or disadvantageous to the City (on a present value basis).

The current recommendation from City management is to terminate the Swap and issue a tax-exempt, fixed-rate current refunding on the 1995 Advance Refunding Bonds. The termination of the Swap contract has a cost of roughly \$5.4 million. The cost of the termination payment will be spread over the term of the newly issued debt, and is included in the breakeven present value calculation. The termination payment will have two components: the first component being taxable and the second, tax-exempt. The taxable portion will be paid out of the Waterworks System fund balance and the tax-exempt portion will be part of the tax-exempt, fixed-rate current refunding. The current estimate for the taxable portion of the termination payment to be paid from the Waterworks System fund balance is between \$0.5 million and \$0.75 million. The budget will be established at \$1,000,000 due to the uncertainty of the payment.

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

- (9.) **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) (second and final 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 ordinance was read for the first time at the May 12th City Council meeting as a routine consent agenda item.

FISCAL IMPACT:

None.

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

- (10.) **Resolution No. 2005-R0207 authorizing the Mayor to execute a Maintenance Support Agreement and a Software License Support Agreement with Tiburon, for the licensing and maintenance of the public safety computer system software shared by the Police and Fire Departments (*Police Department*).**

In April 2005, Tiburon completed the Police and Fire Public Safety Computer System upgrade(s). The Tiburon software used by this system requires a license support agreement and a maintenance support agreement.

Tiburon is qualified to provide the license and maintenance support services, as specified in these agreements.

FISCAL IMPACT:

The annual license and maintenance support services fee for this system is \$79,990 and is budgeted in the Information Technology fund (3410.8284).

The Police Department recommended approval of this resolution.

The next items considered were Items 12-17.

- (11.) **Consider a resolution authorizing the Mayor to execute for and on behalf of the City a Community Development Funding Contract from the Community Development Block Grant, and all related documents, between the City and the Lubbock Housing Authority (*Community Development*).**

This item was deleted.

- (12.) **Resolution No. 2005-R0208 authorizing the Mayor to execute for and on behalf of the City of Lubbock a Loan Agreement, and all related documents, between the City of Lubbock and Mr. James Bosley d.b.a. Lubbock Discount Plumbing, Heating and Air, LLC from the Economic Development Fund Program (*Community Development*).**

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 Fund Program was established during a previous allocation of Community Development Block Grant (CDBG) funds. The purpose of the program is to provide needed capital for area businesses at a reduced interest rate. By agreeing to the terms of this loan, the business owner accepts his/her responsibility of retaining or creating one job for every \$35,000 borrowed. In this case, 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 Promissory Note is attached for your review.

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 in question are from the FY 04-05 allocation that has already been approved by City Council. As the loan payments are collected, the funds will be treated as Program Income and will eventually be allocated to another CDBG project.

Community Development recommended the approval of this resolution authorizing the Mayor to execute this Contract.

(13.) Resolution No. 2005-R0209 authorizing the Mayor to execute a service agreement between the City of Lubbock and Trane Service Group (Aviation).

This item is a renewal service agreement with Trane Service Group to inspect, maintain, and repair three aging Trane chillers and Trane controls. The service agreement will be for five years beginning May 22, 2005 in the amount of \$20,784 each year. The scope of services under this contract include routine maintenance inspections, emergency calls, labor, replacement parts and components, annual comprehensive inspections, three periodic inspections, and written reports. Trane Service Group is a sole source vendor for service on this equipment.

FISCAL IMPACT:

The fiscal impact will be an additional \$508.76 per year, netting a \$2,543.80 increase over the 5-year contract and is budgeted in the Aviation Maintenance fund (4615.8228).

The Airport Board and staff recommended approval of this resolution.

- (14.) **Resolution No. 2005-R0210 authorizing the Right-of-Way Department to make an offer to George H. McMahan and Linda M. McMahan for a 1,702.993 square feet tract of land out of Tract A, Wester Park Addition to the City of Lubbock (5730 50th Street) (*Right-of-Way*).**

The City of Lubbock 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 George and Linda McMahan for a parcel for this project. This parcel is located on the northeast corner of 50th Street and West Loop 289. Tommy Cantrell, M.A.I. is the appraiser for this project and appraised this 1,702.993 square feet tract of land for \$10 per square foot for a value of \$17,030, improvements taken on landscaping of \$400, and damages of \$4,570 for a total appraised value of \$22,000, which is the offer to Mr. and Mrs. McMahan. 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 \$22,000 from account #915-9146-9280-40000, a Street Capital Projects account.

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

- (15.) **Resolution No. 2005-R0211 authorizing the Mayor to execute two U.S. Department of Agriculture Farm Service Agency Powers of Attorney with Frank Soliz and Nadia Soliz Micheletti allowing them to apply for farm governmental programs (north of the Lubbock Preston Smith International Airport) (*Right-of-Way*).**

The City of Lubbock has two tenant farmers, Frank Soliz and daughter Nadia Soliz Micheletti, who farm the City owned property north of the Lubbock Preston Smith International Airport. An important factor in a farmer's operations is the ability to qualify for government programs and apply for them. These Farm Service Powers of Attorney allow these two farmers to apply for these programs for themselves and the City. They will receive income from the government for the program(s) in which they enroll. Since the City is a tax-exempt governmental entity, it is placed in a pool with all other tax exempt entities for a yearly drawing in Texas to determine if the City will receive program benefits. The City won this pool one time in the 1980s.

FISCAL IMPACT:

None.

The Right-of-Way Department recommended the approval of these Farm Service Agency Powers of Attorney.

- (16.) **Resolution No. 2005-R0212 authorizing the Mayor to execute agreements with two property owners (Christopher and Benjeline Quirante, 9802 Homestead Avenue; Deryl and Tanita Neal, 9801 Belmont) on the south side of 98th Street from Slide Road to Iola Avenue for the City to perform certain tests related to the construction of 98th Street paving on their property (*Right-of-Way*).**

A portion of the street-widening project of 98th Street from Slide Road to Frankford Avenue will involve excavation and re-compaction of an existing utility ditch. The utility trench will be mitigated from Slide Road to Iola Avenue. This excavation will likely affect private improvements on the south side of 98th Street.

In an effort to protect the abutting homes during construction, and to reconstruct any affected private improvements, staff has requested the property owners to sign an agreement authorizing the City to access their property to perform soil tests, perform a video survey, and reconstruct and/or repair any private improvements damaged during construction.

Similar agreements have been executed with other property owners on the south side of 98th Street. This particular resolution authorizes the Mayor to execute agreements with two of the abutting property owners:

1. Christopher and Benjeline Quirante
2. Deryl and Tanita Neal

The agreement signed by Mr. and Mrs. Quirante was revised by their attorney, but is essentially as requested by City staff.

The agreement signed by Mr. and Mrs. Neal is as requested by City staff, but includes a request for the City not to replace the 16 trees, irrigation, and landscaping that are existing between the curb and the property line. Their preference is for the City to plant 3 trees on their property and fill in the area between the curb and property line with concrete.

Staff believes this is an acceptable proposal because it should be less cost for the City during construction, and would eliminate the 16 trees that could damage the street in the future.

FISCAL IMPACT:

The costs associated with the work described by the subject agreements are included in the capital project no. 90093 for widening 98th Street from Slide Road to Frankford Avenue.

Staff recommended approval of this resolution.

- (17.) **Resolution No. 2005-R0213 authorizing acceptance of water and sanitary sewer improvements for Lots 1-65, Lynnwood Addition to the City of Lubbock, Lubbock County, Texas, bound by Erskine Avenue, Harvard Street, North Bangor, and North Brentwood Avenue (*Water Utilities*).**

This is a routine acceptance of sanitary sewer improvements constructed in accordance with subdivision regulations. The total cost of the improvements is \$420,330.92, which includes the cost of construction totaling \$399,018.80, as determined by the unit prices established by said Chapter 28.

Cash paid to the City of Lubbock for these improvements is \$21,312.12 that includes \$8,731.75 as adjacent mains and \$12,580.37 in plan review, inspection, and testing fees. The developer, Wisian Properties, will receive a refund of \$175,967.27 in accordance with Chapter 28, of the Code of Ordinances of the City of Lubbock as development utilizes these improvements.

The subdivision is located between Erskine and Harvard Streets, and between North Bangor and North Brentwood Avenues.

FISCAL IMPACT:

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

The system, when accepted, will produce revenue to the City through sale of water and sewer services to the public.

Staff recommended acceptance of the improvements.

The next item considered was Item 19.

- (18.) Consider a resolution authorizing the Mayor to execute an amendment to the agreement with Daniel B. Stephens and Associates, Inc. for the performance of certain groundwater investigation services related to the Pump Station No. 10 Groundwater Supply Project (*Water Utilities*).

This item was deleted.

- (18A.) 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.

- (19.) Resolution No. 2005-R0226 amending the rate and tariff structure of Lubbock Power & Light, the City of Lubbock's municipally owned electric utility, by amending Tariff 3.5, Rate 16S, Large General Service, a tariff for certain retail commercial customers within the certificated territory of Lubbock Power & Light (*Electric Utilities*).

This item was initially considered as part of consent agenda, and then was moved from consent agenda to regular agenda and reconsidered following Item 31.

FISCAL IMPACT:

None

LP&L requests Council approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to reconsider Item 19. Motion carried: 6 Yeas, 0 Nays.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0226 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Council Member Boren recused on this item.

The next item considered was Item 23.

Items 19A-21 were considered following Item 17.

(19A.) Resolution No. 2005-R0214 creating the Downtown Redevelopment Commission.

The City Council and City manager desire to promote an initiative focusing on the goal of revitalizing downtown Lubbock. The purpose of this Resolution is to create a Downtown Redevelopment Commission. The charge will be to facilitate an action plan for the redevelopment of downtown. The intent is to appoint stakeholders from the downtown area to serve as members of the Commission. In addition, the Resolution identifies the size, duties and other performance criteria of the Commission.

FISCAL IMPACT:

Funding for this project will be raised outside of the General Fund.

Staff recommended approval of this resolution.

(20.) Resolution No. 2005-R0215 - ITB #05-037-MA - Consider one resolution for Water Department Roof Replacement & Building E Roof Repairs (*Facilities Maintenance*).

This project involves replacing the existing roof system at the offices of Water Utilities located at 402 Municipal Drive and replacing the interior gutter system at Building E with an exterior drainage system.

Thirty-seven local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$70,000 was appropriated with \$57,516 available in Project 90356 (Water Department Reroof & Building E Repairs) for this purpose.

Award contract to Clay's General Contractors of Terrell, Texas for \$47,320.

(21.) Resolution No. 2005-R0216; Resolution No. 2005-R0217; Resolution No. 2005-R0218; Resolution No. 2005-R0219; Resolution No. 2005-0220; Resolution No. 2005-0221 - ITB #05-050-MA - Consider six resolutions for Community Development Repair or Replacement of Energy Units (*Community Development*).

This bid involves the repair, replacement, or retrofit of inefficient heating and cooling systems, water heaters, and refrigerators for the state-funded Comprehensive Energy Assistance Program (CEAP) to reduce energy

usage and utility costs for low-income families. This bid also provides for the replacement of gas stoves for the state-funded weatherization programs.

The work for this grant must be completed by December 31, 2005. Categories of items include Heating/Cooling and Water Heaters, Refrigerators, and Stoves as shown on the bid tabulation. Primary and Secondary contractors are recommended for each category in order to assist in meeting the deadline of the grant. Selection of the Primary and Secondary contractors is based on the total bid for all items in each category.

The prices are good for one year from the execution date of the contract, which will allow the City to continue the program in 2006 should the City receive the CEAP grant next year.

Eighty local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$360,072 was appropriated with \$360,072 available in Project 82012 (CEAP Grant) for this purpose. Up to \$155,000 is available for this component of the CEAP grant and up to \$14,000 is available for the stoves from the weatherization grants. All three categories of items shown on the bid tabulation are 100% grant funded. The actual amount of money for each item will be determined by the priority need identified in an energy audit of the house and the available grant dollars.

Award bids to Cool Breeze of Lubbock, Texas; Bruce Thornton Air Conditioning, Inc. of Lubbock, Texas; and Arguijo Heating and Air Conditioning of Whiteface, Texas.

The next item considered was Item 7.

PUBLIC HEARINGS

10:10 A. M. Zoning

- (22.) **Ordinance No. 2005-O0061 - ZONE CASE NO. 3030 (west side of Slide Road, south of 100th Street): Hold a public hearing to consider the request of Hugo Reed and Associates, Inc. (for Ninety-Eight Joint Venture) for a zoning change from T to IHC on 12.6 acres of unplatted land out of Block E-2, Section 25. (first reading).**

This item was considered following Item 28.

Mayor McDougal opened the public hearing at 10:12 a. m. Terry Holman appeared on behalf of Ninety-Eight Joint Venture. No one appeared in opposition. Mayor McDougal closed the hearing at 10:14 a. m.

In a case that follows the zoning request to the south of this land for Dollar General, the applicant has amended this request to allow Interstate Commercial. The area east across Slide Road was zoned C-4 with a number of permitted uses eliminated. The strip zoning as heavy commercial on the east side was the result of having annexed the area after a large portion of the frontage was developed with heavy commercial uses. To balance the development, the Comprehensive Land Use Plan adopted for the annexed area illustrates strip development on the west side at least to the half section line south of 82nd Street. Because of the limitation created by the lake to the west, residential development would not be a viable situation. Use of the IHC adds the review of construction materials, and the applicant is requesting to use the same permitted use list as contained in Ordinance 10049 (the C-4 on the east side of Slide Road). Those permitted uses include:

- Any use conditionally or unconditionally permitted in the C-2A, C-2 or C-3 District
- Ambulance service
- Automotive body shops, outside storage limited to customer vehicles only
- Automotive brake shop
- Automotive glass shop
- Automotive seat cover and upholstery shop
- Automobile and recreational vehicles sales and service (may include body and paint shop as accessory uses)
- Barber and beauty shop supply dealer
- Boat and boat trailer sales and service
- Candy plant
- Canvas goods shop, tents and awnings (no manufacturing)
- Commercial private clubs and teenage clubs
- Electrical equipment repairs

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- Feed store with no grinding, packaging or mixing of feed permitted
- Frozen food lockers
- Furniture store, used (all merchandise must be in a building)
- Garage, public repair (all work and parts shall be inside a building)
- Garden center
- Gasoline service station
- Greenhouse and plant nursery
- Hotel or motel
- Hot tamale plant
- Janitorial or cleaning service. Job printing and lithographing
- Magazine agency
- Motorcycle shop, including sales, rentals and service
- Muffler shop
- Nonprofit training centers with retail sales
- Pest control services
- Print shop
- Produce market (inside a building)
- Rental store
- Rental store, heavy equipment and trailers only
- Restaurants (business permitted outside of building)
- Restaurants, with the sale of alcoholic beverages as an incidental use
- Secondhand goods store or pawn shop
- Swimming pool, commercial or sales (Business permitted outside building)
- Upholstery shop – furniture.

- Veterinary hospital (totally within a building)
- Wholesale house, sales office and storage – no cotton storage

As noted, the area to the west of this strip is a playa lake that will buffer the residential in Meadows south by the lake.

Adjacent land use:

- N – vacant, zoned commercial
- S – vacant, zoned commercial
- E – commercial
- W – zoned T and is a playa lake

The proposal is consistent with the amended Comprehensive Land Use Plan that was adopted in conjunction with the 1999 annexation of the area. The request is also consistent with zoning policy.

The Interstate Commercial, like the C-4 across the thoroughfare is heavier than normally anticipated by the Land Use Plan, but with the businesses that were inherited by the annexation the thought process for both this mile of Slide Road and at least one-half mile of University Avenue between 98th and 114th streets has been that an area on the west and east end of the South Lubbock growth corridor needs to be zoned in a manner that allows some of the heavier commercial uses, particularly automotive.

The project will not have any greater than anticipated impact on the thoroughfare system. Slide Road is targeted as a seven-lane thoroughfare in the future.

The Planning Commission recommended the request as IHC with the same Permitted Use list as Ordinance 10049.

FISCAL IMPACT:

Not Applicable.

Staff supports the request as submitted.

Motion was made by Council Member Boren, seconded by Council Member Price to pass on first reading Ordinance No. 2005-00061 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Council Member Gilbreath recused on this item.

The next item considered was Item 29.

- (23.) **Ordinance No. 2005-O0055 - ZONE CASE NO. 3036 (southeast corner of Glenna Goodacre Boulevard and University Avenue): Hold a public hearing to consider the request of Hugo Reed and Associates, Inc. (for Malouf Interests) for a zoning change from C-3 and R-3 to CB-2 Specific Use on a 1 acre tract of land out of Section 2, Block O (including Lots 8, 9, 10, 11, and 12, Block 129 Overton Addition). (*first reading*).**

Mayor McDougal opened the public hearing at 10:10 a. m. No one appeared on behalf of Malouf Interests. No one appeared in opposition. Mayor McDougal closed the hearing at 10:11 a. m.

The request is a portion of the area being redeveloped as Overton Park. The parcel is the south corner of Glenna Goodacre Boulevard (formerly 8th Street) and University Avenue – a primary entryway into the redevelopment area.

Adjacent land uses:

- N – commercial
- S – commercial
- E – commercial (future)
- W – Texas Tech University

The project is in concert with the vision of the redevelopment process for Overton Park. The proposed buildings are pulled toward the adjacent streets and the parking is to the rear. The original site plan had two spaces oriented from the alley. Staff is recommending deletion of those two spaces and substitution of the land for the solid waste container area, or finding a way to make the spaces meet the 22-foot depth requirement. An amended site plan indicates that either one or the other will occur. Parking exceeds the ratio needed for a two-occupant shopping center, but with the proposed uses the extra parking will be an asset. Staff is impressed with the site plan and building elevation as submitted. The tower will compliment the tower constructed by City Bank as an announcement of entry to Glenna Goodacre Boulevard and the redevelopment area.

The Planning Commission recommended the request with the following conditions:

1. Tied to the proposed site plan (with the alley parking fixed or eliminated) and building elevation.
2. That the developer will comply with the Overton Park Public Improvement Guidelines.

FISCAL IMPACT:

Not applicable.

Staff supports the recommendation of the Planning Commission.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-O0055 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

- (24.) **Ordinance No. 2005-O0056 - ZONE CASE NO. 3037 (7440 19th Street): Hold a public hearing to consider the request of Celeste Patterson for a zoning change from R-1 to IHI for a plumbing, heating, refrigeration, or air-conditioning business on Lot 1, Block 2, Brown Crest Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:10 a. m. No one appeared on behalf of Celeste Patterson. No one appeared in opposition. Mayor McDougal closed the hearing at 10:11 a. m.

The request is for a plumbing business that does not have a shop or on-site repair or duct manufacturing. The C-3 District allows for this business including the office, retail sales, and storage of materials for home service. Staff recommended that the applicant use the C-4 with conditions that have been adopted for a majority of the zone cases along this portion of 19th Street adjacent to the area formerly known as Carlisle.

Adjacent land uses:

- N – vacant, zoned T
- S – commercial
- E – commercial
- W – commercial

The request is consistent with the Comprehensive Land Use Plan and zoning policy.

Staff supports the request in the same manner that ZC 2675 was adopted in 1991 for most of the adjacent property, which includes the following conditions:

- a. The uses shall be limited to all permitted uses in the C-4 District with the exception of:
 - Automotive body shops
 - Billboards

- Commercial private clubs and teenage clubs
 - Dancehall
 - Feed store
 - Used furniture store
 - Game room (except in conjunction with a restaurant, pool, billiard and/or domino parlor)
 - Motorcycle shop
 - Secondhand goods store or pawn shop
 - Used car lot
 - Nightclubs
- b. A site plan including building elevations showing materials shall be submitted to the Planning Commission prior to issuance of a construction permit.

The Planning Commission recommended approval of the case with the conditions noted above.

FISCAL IMPACT:

Not applicable.

Staff supports the request as recommended by the Planning Commission.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-00056 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

- (25.) **Ordinance No. 2005-00057 - ZONE CASE NO. 1758-F (west of Slide Road, south of 54th Street): Hold a public hearing to consider the request of Gerald Long (for Buslon, Inc.) for a zoning change from C-2 and C-3 to C-3 for a shopping center on Lots 109-115, Buster Long Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:10 a. m. No one appeared on behalf of Buslon, Inc. No one appeared in opposition. Mayor McDougal closed the hearing at 10:11 a. m.

The applicant is requesting that the entire area between 54th and 57th streets and Aberdeen Avenue to Slide Road be zoned a common district. The objective is to redevelop the current shopping centers into a more upscale property.

Adjacent land uses:

- N – commercial
- S – commercial
- E – commercial
- W – playalake and commercial

The application meets the current Comprehensive Land Use Plan and zoning policies for the area. Staff recommended two conditions that will benefit the public. The applicant has a plat in progress that will close 56th Street and unify the two blocks. The project will not have any greater than anticipated impact on the thoroughfare system.

The Planning Commission recommended the request with two conditions:

1. Prior to major reconstruction or new construction, the Planning Commission shall review a traffic management plan (curb cuts) as they relate to Slide Road.
2. Prior to major reconstruction or new construction, the Planning Commission shall review a site plan with proposed building locations, landscape areas and building facade materials.

FISCAL IMPACT:

Not applicable.

Staff supports the request as recommended by the Planning Commission.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-00057 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

- (26.) **Ordinance No. 2005-00058 - ZONE CASE NO. 2126-E (5402 54th Street): Hold a public hearing to consider the request of CMS Property for a zoning change from A-2 to C-A on 14.357 acres of unplatted land out of Section 28, Block E-2. (first reading).**

Mayor McDougal opened the public hearing at 10:10 a.m. No one appeared on behalf of CMS Property. No one appeared in opposition. Mayor McDougal closed the hearing at 10:11 a.m.

The applicant is requesting a seldom used district that allows development of apartments under the A-2 District guidelines and light commercial within the complex. The only example in the area is the apartment complex at 50th street and Chicago Avenue that has a convenience store and several offices that face 50th Street in conjunction with the apartments.

Adjacent land uses:

- N – apartments
- S – apartments
- E – vacant
- W – vacant

The guidelines for the commercial portion allow up to 40% of the total gross floor area to be dedicated to the following uses:

- (1) Any use unconditionally permitted in the A-1 and A-2 Districts, except for single and two-family units
- (2) Antique shop
- (3) Art galleries, commercial
- (4) Arts and crafts store
- (5) Bake shop, candy store, delicatessen, donut shop, and pie shop
- (6) Banks and savings and loan companies
- (7) Beauty or barber shops
- (8) Book or stationery shops or newsstand
- (9) Camera shop
- (10) Churches
- (11) Coin and stamp shops
- (11a) Coin-operated machines, five or less skill or pleasure coin-operated machines as an incidental use to any permitted use in this district
- (12) Commercial parking lot or building - no gasoline sales permitted
- (13) Day nurseries
- (14) Dress shop

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- (15) Drug store
- (16) Florist shop
- (17) Gift shop
- (18) Grocery store with not over 3,000 square feet of total floor area - no gasoline sales permitted
- (19) Hat shop
- (20) Health or athletic club
- (21) Hobby shop
- (22) Household appliance sales and repair shop, small appliances
- (23) Music or record shop - no cabinet finishing or refinishing
- (24) Offices
- (25) Office supply - no printing operation permitted
- (26) Radio and television repair shops
- (27) Radio studio, with no tower or antenna
- (28) Reducing studio
- (29) Restaurants, when designed for service and consumption of food inside the building only
- (30) Restaurants with sales of mixed alcoholic beverages as an incidental use
- (31) Self-service laundry or washateria and dry cleaning pick-up stations
- (32) Shoe or boot repair shop
- (33) Shoe store
- (34) Studios - art, teaching, dance, music, drama, photographic, interior decorating
- (35) Tailor shop
- (36) Toy store

The use list is very similar to C2-A, which is named Restricted Local Retail. The objective is to allow a residential and business mixture that benefits both types of uses. In the recent past, the retail market has not indicated much of a desire for the combination, although some of the redevelopment in the Overton Park area and a future subdivision planned south of 114th street have components not exactly the CA style but have the same objective – to live and work in a common area with less driving.

The proposal meets the Comprehensive Land Use Plan proposed within this area. The Plan at various times has illustrated both commercial and high density residential for the vicinity. CA meets both tests.

The Planning Commission recommended the request with one condition:

1. Prior to construction the Planning Commission shall review a site plan along with proposed construction materials and landscape plans.

FISCAL IMPACT:

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-O0058 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

- (27.) **Ordinance No. 2005-O0059 - ZONE CASE NO. 2573-H (west of North Winston Avenue, north of North Loop 289): Hold a public hearing to consider the request of Ken Flagg and Sid Shavor (for I & S Investment Group LLP) for a zoning change from C-3 to A-M Specific for a hotel on 1.849 acres of unplatted land out of Section 22, Block A. (first reading).**

Mayor McDougal opened the public hearing at 10:10 a. m. No one appeared on behalf of I & S Investment Group LLP. No one appeared in opposition. Mayor McDougal closed the hearing at 10:11 a. m.

The applicant is proposing a site adjacent to a recent zone case for a motel that was withdrawn. The positioning of the site was in question. This proposal is the new site.

Adjacent land uses:

- N – a student oriented apartment complex
- S – vacant, zoned commercial
- E – Loop 289
- W – vacant

The proposal meets the intent of both the Comprehensive Land Use Plan and zoning policy for the area. The project should not have a negative effect on the thoroughfare plan.

The Planning Commission recommended approval of the request as submitted.

FISCAL IMPACT:

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-O0059 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

- (28.) **Ordinance No. 2005-O0060 - ZONE CASE NO. 3038 (7902 Oak Ridge Avenue): Hold a public hearing to consider the request of John David Nelson (for Lubbock Heating & Air Conditioning) for a zoning change from T to IHI limited to plumbing, heating, refrigeration, or air conditioning business (including manufacturing of duct insulation applicator) and all unconditionally permitted IHC uses on Tract 2A, Southwest Acres Addition (not recorded). (first reading).**

Mayor McDougal opened the public hearing at 10:10 a.m. No one appeared on behalf of Lubbock Heating & Air Conditioning. No one appeared in opposition. Mayor McDougal closed the hearing at 10:11 a.m.

The proposal is an attempt to salvage a building used as a skating rink for many years, prior to annexation. The proposal as Interstate Industrial is limited to one use, with the reversion being to Interstate Commercial that will be more compatible with the nursery nonconforming (C-4) to the south and the mini-warehouse project (C-4 Specific Use) to the west.

Adjacent land uses:

- N – a nonconforming nursery
- S – residential
- E – vacant
- W – a mini storage facility under construction

The proposal is not consistent with the current Comprehensive Land Use Plan for the vicinity. The motion for approval from the Planning Commission includes a recommendation to City Council that the case represents a minor amendment to the Plan. Discussion of this case is based on a practical issue for the proposed use of the building versus

theoretical or future land uses. The building was constructed and used as a skating facility for many years, most of those outside the city limit. Should City Council agree with the Commission that the request of the applicant and building owner to salvage the structure in its current state (a heavy commercial or industrial use is the most practical), the request should be approved. Should the theoretical objective for this area to revert to residential be chosen, then the case should not be approved since official zoning would cement the use, or at least a commercial use, for years to come.

The owner of the business that faces 82nd street (the nursery) has visited with the proposed occupant and is not in opposition to the initial use of the building as Interstate Industrial with a condition that the use revert to an Interstate Commercial or lesser use if the plumbing business ceases. Mr. and Mrs. Lee withdrew their letter of objection to a part of the operation for application of insulation that they did not understand.

The proposal will not have a negative impact on the thoroughfare system.

With a practical solution in mind, the Planning Commission agreed to recommend the request with the following conditions:

1. The one use permitted plumbing, heating, refrigeration and air conditioning business, including manufacturing of duct with the insulation applicator, be the sole permitted IHI use.
2. Should the plumbing business vacate the property, only Interstate Commercial or lesser uses be permitted.
3. Any outside stack of materials shall be screened (excludes parking of vehicles).
4. A screening fence with a step down toward Oak Ridge shall be constructed on the north property line.

FISCAL IMPACT:

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-00060 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

The next item considered was Item 22.

- (29.) **Ordinance No. 2005-O0062 - ZONE CASE NO 3039 (6204 Elgin Avenue): Hold a public hearing to consider the request of Betty E. Wheeler (for YWCA of Lubbock) for a zoning change from R-1 Specific Use to A-2 Specific Use for a YWCA facility and child development center on the north 300 feet of the east 354 feet of Lot 1, Swim Club Addition. (first reading).**

This item was considered following Item 29.

Mayor McDougal opened the public hearing at 10:14 a. m. No one appeared on behalf of YWCA of Lubbock. No one appeared in opposition. Mayor McDougal closed the hearing at 10:15 a. m.

The YWCA bought the former Boys and Girls Club pool at 6204 Elgin Avenue for use as a pool. With the addition of other YWCA programs, Ms. Wheeler was asked to submit a zone case to bring the facility in line with the proposed uses.

One neighbor expressed concern about increased parking and kids walking from Parsons Elementary. When the new addition is made, additional parking will be provided and the YWCA will not use the gym at the elementary school any longer, which will cut down on the pedestrian traffic along Elgin Avenue. The neighbor seemed satisfied with the response.

Adjacent land uses:

- N – vacant
- S – apartments
- E – residential
- W – City park

The proposed use should be an asset for the building and the YWCA operation. The added activity should not be a detriment to anyone in the area, and the building is semi-isolated by the park.

The Planning Commission recommended approval of the request.

FISCAL IMPACT:

Not applicable.

Staff is supportive of the Planning Commission recommendation.

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0062 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Mayor Pro Tem Martin recused on this item.

The next items considered were Items 37-44.

FINANCE

- (30.) **Ordinance No. 2005-00053 amending the FY 2004-05 Budget respecting 1) North Overton Tax Increment Finance Fund and 2) Abandoned Motor Vehicle Fund. (Amendment #12) (first reading).**

This item was considered following Item 7.

FISCAL IMPACT:

1. Establish a capital project for Tract 1A in the North Overton TIF.

Development in the North Overton TIF is happening faster than anticipated. Tract 1A will be developed in the next year and this capital project will fund the public improvements for this Tract in the North Overton TIF. The City's participation in the public improvements will be \$212,332.

Funding will come from FY 2005 Certificate of Obligation Bonds.

2. Increase budget by \$50,000 to Abandoned Motor Vehicle Fund.

A budget for this fund was established by the City Council October 2004. The Police Department has requested a portable classroom for training. Revenue to fund this expenditure is available for this purchase within this fund.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass on first reading Ordinance No. 2005-00053 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Mayor McDougal recused on this item.

The next item considered was Item 32.

- (31.) **Ordinance No. 2005-O0054 - Consider and take action on an ordinance authorizing the issuance of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Refunding Bonds, Series 2005, in an amount not to exceed \$47,000,000; providing for the award and sale thereof in accordance with specified parameters; levying a tax and pledging surplus waterworks system revenues in payment thereof; prescribing the form of said bonds; approving execution and delivery of an escrow agreement and a bond purchase agreement; approving the official statement; enacting other provisions relating to the subject; and declaring an effective date.**

This item was considered following Item 35.

FISCAL IMPACT:

In 1989 and 1991, the Brazos River Authority (“B.R.A.”) issued bonds to fund the construction and acquisition of the Lake Alan Henry Project. Subsequently, B.R.A. issued \$50,355,000 “Brazos River Authority Special Facilities (Lake Alan Henry) Revenue Refunding Bonds, Series 1995” (“Advance Refunding Bonds”) to refinance the 1989 and 1991 bonds. The 1995 advance refunding was completed in order to achieve a debt service savings on the original 1989 and 1991 issues. For all of the above-mentioned bonds, the City was contractually obligated to make the debt service payments on these bonds on behalf of B.R.A.

In early 2001, the City desired to take ownership of the Lake and take-over the operation and maintenance of the Lake from B.R.A. After reviewing documents related to the original 1989 and 1991 bond issues, and the 1995 advanced refunding, the City found that it could not assume control of the Lake from B.R.A. as long a B.R.A. had debt outstanding on the project.

Because of these findings, the City would be required to issue bonds, to payoff (defease) the debt issued by B.R.A., in order to take ownership of the Lake. Since the 1989 and 1991 bonds had been defeased by the 1995 advance refunding bonds, the City was not able to issue tax-exempt bonds in 2001 (due to Internal Revenue Service rules). The City could not issue tax-exempt bonds until the call date of the 1995 bonds, which would occur in 2005.

As interest rates were at historic lows in 2001, the City chose to enter into a contractual agreement with JPMorgan Chase to lock in an interest rate, and protect the City from possible rising interest rates. This agreement was called a Forward Starting Synthetic Fixed Rate Swap (“Swap”), with JPMorgan Chase being the Swap provider. In connection with the Swap, the City planned to issue variable-rate, tax-exempt debt in 2005 for the purpose of refunding the 1995 Advance Refunding Bonds. The Swap

allowed the City to exchange the variable rate on the bonds issued in 2005 for a fixed rate. The intent was to limit the City's interest rate exposure by contractually fixing the interest rate at 5.26%. The Swap also provided upfront payments of \$280,000 over a three-year period as a premium for the contract the City entered into with JPMorgan. This amount was equivalent to 1% on water rates.

Since interest rates did not escalate as was projected in 2001, the Swap does not provide any financial benefit at this time. The City currently has several options in relation to the outstanding debt held by B.R.A.

1. The City can retain the Swap contract with JPMorgan Chase and issue variable-rate debt, swapping the variable rate for a fixed-rate.
2. The City can terminate the Swap and continue the contractual payments to B.R.A. for the outstanding 1995 Advance Refunding Bonds.
3. The City can terminate the Swap and issue a tax-exempt, fixed-rate current refunding on the 1995 Advance Refunding Bonds.

The most financially attractive option is the third option. The third option will provide a breakeven net present value, which is not financially advantageous or disadvantageous to the City (on a present value basis).

The current recommendation from City management is to terminate the Swap and issue a tax-exempt, fixed-rate current refunding on the 1995 Advance Refunding Bonds. The termination of the Swap contract has a cost of roughly \$5.4 million. The cost of the termination payment will be spread over the term of the newly issued debt, and is included in the breakeven present value calculation. The termination payment will have two components: the first component being taxable and the second, tax-exempt. The taxable portion will be paid out of the Waterworks System fund balance and the tax-exempt portion will be part of the tax-exempt, fixed-rate current refunding. The current estimate for the taxable portion of the termination payment to be paid from the Waterworks System fund balance is between \$0.5 million and \$0.75 million.

The tax-exempt, fixed-rated current refunding bonds that will be issued upon the termination of the Swap will be approved through one reading of the bond ordinance. Senate Bill 1759 of the 77th Legislative Session amends Subchapter B, Chapter 1201, of the Texas Government Code under Section 1201.028(3) allowing the authorization of a public security with only one reading of the ordinance. Therefore, this will be the only reading of this ordinance that authorizes the issuance of these bonds.

The bond ordinance will be a “parameters ordinance”, which will delegate authority to the CFO to authorize the timing, terms and interest rates of the bond issuance. The ordinance will designate certain parameters that the CFO must conform to while executing the bond sale. This will allow the City to attain the most attractive rates or terms by timing the issuance under the best market conditions. The parameters within this ordinance include:

- (a) the price to be paid for the Bonds shall be not less than 100% of the aggregate principal amount of the Bonds;
- (b) the Bonds shall not bear interest at a rate greater than the maximum rate allowed by Chapter 1204, Texas Government Code, as amended;
- (c) the aggregate principal amount of the Bonds authorized to be issued for the purposes described in Section 3.1 shall not exceed the maximum amount authorized in Section 3.1 and shall equal an amount sufficient to provide for the refunding of the Refunded Obligations and to pay the costs of issuing the Bonds;
- (d) the maximum maturity for the Bonds shall not exceed twenty years;
- (e) the refunding of the Refunded Obligations shall not result in a net present value loss; and
- (f) the Bonds to be issued, prior to delivery, must have been rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long-term obligations.

City management recommended the approval of the ordinance.

Lee Ann Dumbauld, Chief Financial Office, 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-O0054 upon changing the bond amount from \$47,000,000 to \$48,000,000. Motion carried: 6 Yeas, 0 Nays.

MISCELLANEOUS

Business Development

Items 32-35 were considered following Item 30.

- (32.) **Resolution No. 2005-R0222 authorizing the Mayor Pro Tem to execute an Interlocal Agreement with the Lubbock Central Appraisal District for the collection of assessments levied on property within the North Point Public Improvement District.**

This agreement is between the City of Lubbock and the Lubbock Central Appraisal District (LCAD). It will allow the LCAD to collect the assessments levied by the City Council on property in the North Point Public Improvement District.

FISCAL IMPACT:

The cost of the collection services will be the cost per parcel, for all parcels within the North Point PID, for all other cities and independent school districts as calculated in the agreement for Assessment and Collection of Taxes between the City of Lubbock and the Appraisal District or $\frac{1}{4}$ of 1% of the annual collection budget of the Appraisal District, whichever is greater. The estimated cost to the North Point PID for collections annually is approximately \$2189.50. The compensation will be deducted from the total annual North Point PID assessments collected prior to the funds being forwarded to the City. This agreement is the same as the agreement for the North Overton PID.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2005-R0222 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Mayor McDougal recused on this item.

- (33.) **Resolution No. 2005-R0223 authorizing the Mayor Pro Tem to execute an agreement for Architectural and Engineering Services with Parkhill, Smith and Cooper for Project #91065 (Wal-Mart) in the Overton Park redevelopment area.**

This agreement is for Parkhill, Smith and Cooper (PSC) to design and prepare construction plans and specifications for the landscaping of the parkway around Wal-Mart. This contract will be consistent with the Developer's Agreement approved at the May 12, 2005 City Council meeting.

This proposed contract with PSC includes engineering design services for the hardscape and softscape as defined in the Developer's Agreement. The adjacent streets in this project are Avenue R, Avenue T, and 7th Street.

PSC, working with Hugo Reed, has provided this service for all of the City contracts in North Overton. PSC is qualified to perform these types of services and the City has used them a number of times in the past. PSC has extensive knowledge of the Overton Park area through recent design projects from the developer and the City. They also assisted in the preparation of the Overton Park Public Improvement Guidelines.

FISCAL IMPACT:

A total of \$1,228,500 was appropriated, and is available from the Overton Park TIF funding for this design contract. This design contract is in an amount not to exceed \$79,625.

Staff recommended approval.

Rob Allison, Manager of Business and Neighborhood Development, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0223 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Mayor McDougal recused on this item.

(34.) Resolution No. 2005-R0224 giving Notice of Intent to enter into a tax abatement agreement with Module Truck Systems, Inc. and BMOVE, Ltd.

The City of Lubbock has received an application for industrial tax abatement from Module Truck Systems, Inc. (MTS). MTS is one of the companies planning to move into the Eagle Picher Facility. They will be leasing the east building of the Eagle Picher facility that is located on the east 500 feet of the Breedlove Addition Tract C (2010 East 50th Street). BMOVE, a partnership of several different companies including MTS, is the owner of the facility. This facility is located in the Lubbock 2000 South Enterprise Zone.

The project meets the Industrial Tax Abatement Policy and Guidelines minimum investment for an existing company of \$500,000 in real property improvements. Total investment in the project will be approximately \$793,000 (\$500,000 in real property improvements by MTS, \$243,000 in real property improvements by BMOVE, and \$50,000 in personal property by MTS). MTS will create up to 10 new jobs over the next 24 months. MTS has a 180-month (15 year) lease on the facility that satisfies the requirement for at least a five-year lease to be eligible for tax abatement.

MTS is an existing company and has 35 employees at the Lubbock plant with an estimated payroll of \$874,619.

Staff is recommending a five-year declining scale tax abatement for this project.

FISCAL IMPACT:

If the value of the real property and tangible personal property is raised by the total investment amount, the estimated total amount of the City tax abatement will be \$10,936 over five years.

Under the current guidelines, MTS is eligible and meets the criteria for tax abatement. Staff is recommending approval of the tax abatement for a term of five years with a declining schedule beginning with 100% and declining by 20% each year. Staff recommended approval of this resolution.

Rob Allison, Manager of Business and Neighborhood Development, and Gary Lawrence, Lubbock Economic Development Alliance CEO, both gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0224 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

(35.) Resolution No. 2005-R0225 giving Notice of Intent to enter into a tax abatement agreement with Vertical Turbine Specialists, Inc. and BMOVE, Ltd.

The City of Lubbock has received an application for industrial tax abatement from Vertical Turbine Specialists, Inc. (VTS). VTS is one of the companies planning to move into the Eagle Picher Facility. They will be leasing the west building of the Eagle Picher facility that is located on the west 440 feet of the Breedlove Addition Tract C (1802 East 50th Street). BMOVE, a partnership of several different companies including the owner of VTS, is the owner of the facility. This facility is located in the Lubbock 2000 South Enterprise Zone.

The project meets the Industrial Tax Abatement Policy and Guidelines minimum job creation of 25 new jobs for a new company. Total jobs created by the project will be 65 jobs immediately and up to 85 jobs within three years. Total investment in the project will be approximately \$1,697,470 (\$410,000 in real property improvements by VTS, \$241,000 in real property improvements by BMOVE, and \$1,046,470 in personal property value added by VTS). VTS has a 180-month (15 year) lease on

the facility that satisfies the requirement for at least a five-year lease to be eligible for tax abatement.

Staff is recommending a five-year declining scale tax abatement for this project.

FISCAL IMPACT:

If the value of the real property and tangible personal property is raised by the total investment amount, the estimated total amount of the City tax abatement will be \$23,410 over five years.

Under the current guidelines, VTS is eligible and meets the criteria for tax abatement. Staff is recommending approval of the tax abatement for a term of five years with a declining schedule beginning with 100% and declining by 20% each year.

Staff recommended approval of this resolution.

Rob Allison, Manager of Business and Neighborhood Development, and Gary Lawrence, Lubbock Economic Development Alliance CEO, both gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0225 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

The next item considered was Item 31.

- (36.) **Consider a resolution authorizing the Mayor Pro Tem to execute approval of the Overton Park Public Improvement Guidelines - the guidelines booklet related to public improvements in Overton Park.**

This item was deleted.

BOARD APPOINTMENTS

Items 37-44 were considered following Item 29.

- (37.) **Consider two appointments to the Building Board of Appeals.**

Motion was made by Council Member Gilbreath, seconded by Council Member Price to appoint Kelby Sue and Phil Kerr to the Building Board of Appeals.. Motion carried: 6 Yeas, 0 Nays.

- (38.) **Consider one appointment to the Neighborhood Redevelopment Commission.**

Motion was made by Council Member Gilbreath, seconded by Council Member Price to appoint Stewart Townsen to the Neighborhood Redevelopment Commission. Motion carried: 6 Yeas, 0 Nays.

(39.) Consider two appointments to the Permit & License Appeal Board.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to appoint John Hart and reappoint Ken Sylvester to the Permit & License Appeal Board. Motion carried: 6 Yeas, 0 Nays.

(40.) Consider three appointments to the Audit Committee.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to reappoint Daniel Benson, Jim Brunjes, and R.J. Givens to the Audit Committee. Motion carried: 6 Yeas, 0 Nays.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Price to appoint Ronnie Sowell to the Citizens Traffic Commission. Motion carried: 6 Yeas, 0 Nays.

(42.) Consider five appointments to the Culture & Arts Commission.

This item was deleted.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Price to appoint Ralph Shelton to the Libraries Board. Motion carried: 6 Yeas, 0 Nays.

(44.) Consider three appointments to the Park & Recreation Board.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to appoint Randy Carman, Sandy Baker, and reappoint Patricia Austin to the Park & Recreation Board. Motion carried: 6 Yeas, 0 Nays.

**10:17 A. M. CITY COUNCIL WORK SESSION CONVENED
Committee Room 103**

(45.) Wireless Technology and Public Infrastructure presentation.

Mark Yearwood, Director of Information Technology, gave a presentation and update on Wireless Infrastructure, which included current tower inventory, additional tower proposal, and information on the need for a Mobile Data Network. The Mobile Data Network would enable Public

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Safety to view, from a central command post, real-time video from patrol cars and Fire trucks; Water and Electric utilities to issue and update work orders from the field, as well as build an automated meter reading system; Building Inspections to issue permits from the field; and, Codes Enforcement to issue violations from the field and have central records updated immediately.

Jack Morrison, Radio Shop Manager, gave comments on the request for an additional 700-foot tower to be built at FM 1585 and Milwaukee Ave. He also answered questions from Council.

Consensus was to instruct staff to put together an interdepartmental working group from the major stakeholders such as Police, Fire, LP&L, Building Inspections, Codes Enforcement, along with Information Technology and Finance to come up with a coordinated plan to present to Council.

10:51 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

12:55 P. M. COUNCIL ADJOURNED

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