

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**July 14, 2005**  
**7:30 A. M.**

**The City Council of the City of Lubbock, Texas met in regular session on the 14th day of July, 2005, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.**

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

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

**Absent: Council Member Linda DeLeon**

**CITIZEN COMMENTS**

Three citizens expressed comments to the Council.

- Russ Joiner with Kenlock Equipment (formerly STM Equipment) gave comments regarding Item 39 on today's agenda. Kenlock Equipment is competing against Texas Underground for the bid. He presented reasons why Kenlock Equipment should be awarded the bid and requested the decision be postponed to give Council time to reevaluate the proposal offered by Kenlock Equipment for the sewer truck.

**Item 25A was considered.**

**CITIZEN COMMENTS (continued)**

- Henry Allen Bryant gave comments regarding Citibus and gave reasons why he would like to see the buses running every thirty minutes instead of every hour.
- Tommy Stoneman, President of Texas Underground, responded to Russ Joiner's comments regarding Item 39 and the bid for the sewer truck.

**EXECUTIVE SESSION**

**Mayor McDougal stated: “City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation; the purchase, exchange, lease, or value of real property; personnel matters; competitive matters of the public power utility; and 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.”**

**7:40 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION  
City Council/City Manager’s Conference Room**

**All council members were present.**

- (1) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071(1)(A), to discuss pending or contemplated litigation (Cemetery; Code Enforcement; Health Department; Police; Street/Drainage Engineering; 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 (North Overton; Parks and Recreation; Water Utilities).**
- (3) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters (City Attorney; City Manager; City Secretary) and take appropriate action.**
- (4) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to:**

**Electric Utility Board**

- (5) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**

**to deliberate, vote and take final action on executing a Partial Proof of Loss for damage to generating assets of Lubbock Power and Light and resulting in a loss;**

**to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**

**to discuss and deliberate a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**

**to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

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

**9:05 A. M. CITY COUNCIL REGULAR MEETING RECONVENED  
City Council Chambers**

**Present: 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: Mayor Marc McDougal (note: he arrived at 9:25 a.m.)**

**Mayor Pro Tem Martin called the meeting to order at 9:05 A. M.**

**Item 25A was reconsidered.**

**Items 9-16, 20-24, 25B-26, 28. 31-34, 36-38 were considered following reconsideration of Item 25A.**

**Items 17-19 were considered following Item 38.**

**Mayor McDougal arrived at 9:25 A.M.**

**Invocation by Pastor Jerry Ramirez, Associate Pastor for Student Activities, Oakwood Baptist 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**

Building Board of Appeals  
Receiving: Sandra Reasoner

Permit & License Appeal Board  
Receiving: Lloyd Brown

**CITIZENS APPEARANCES**

**(7.) Presentation of a special recognition to commemorate July 2005 as National Recreation and Parks Month in Lubbock.**

The purpose of National Recreation and Parks Month is to showcase our local, state, and national parks and to encourage community participation in quality leisure activities for all segments of the population. The National Recreation and Parks Association has chosen July as the month to highlight the importance of parks and recreation in the lives of our citizens. The City's Parks and Recreation Department has "Something Fun For Everyone" throughout the year and offers the following leisure activities in July as part of National Recreation and Parks Month:

- Wagner Park is home to the West Winds Brass Band Sunday Concerts at 8:00 p.m. on July 3, 10, and 17. Bring your family and friends and enjoy music under the stars.
- July 4th - Mackenzie Park hosted the Evening Concert and Fireworks Celebration for Broadway Festivals.
- July 2005 – Parks and Recreation is hosting the second annual Parks Photography Competition and Exhibition at the Garden and Arts Center, comprised of photos taken in Lubbock parks. Come to the reception and awards presentation on July 11 from 6:00-8:00 p.m.
- Just \$2 admits a family of four into one of the municipal pools for Family Swim Night on Tuesdays throughout the month of July from 7:00-8:30 p.m.
- Summer camps continue at our Community Centers, Garden and Arts Center, and Tennis Center with over 400 kids participating.
- The weather in July is perfect for boating and camping at Lake Alan Henry or for a picnic dinner at one of Lubbock's 70+ parks.
- For a \$2 donation, lunch is served Monday-Friday during July and every month for senior citizens at each of the Senior Centers.

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- Youth softball takes center stage with three tournaments at the Berl Huffman Athletic Complex in July.
- July's Concerts in the Park are on July 28 at Hoel Park with Kenny Maines and Lesley Sawyer at 7:30 p.m. and July 31 at Waters Elementary with Christie Clanton at 6:00 p.m.
- Tennis players and fans will enjoy the Junior Tennis Tournament on July 25-29 and adults the Meals On Wheels Tournament on July 29-31 at the Burgess-Rushing Tennis Center.

Mayor McDougal presented a special recognition to members of the City's Parks and Recreation Board and Parks staff. Accepting the special recognition were Ivette Eads, Recreation Coordinator; Weldon Maples, Assistant Recreation Coordinator; Olivia Solis, Center Supervisor; Johnny McLellan, Recreational Services Manager; Tim Segura, Park Environmental Maintenance Foreman; Craig Wuensche, Parks Operations Manager; Grey Lewis, Chairman, Parks and Recreation Advisory Board; and Randy Truesdell, Community Services Director. Truesdell gave comments.

**( 8.) Presentation of a special recognition proclaiming the month of July as Prevent Don't Provide to Minors Month.**

Mayor McDougal presented a special recognition to proclaim July 2005 as Prevent Don't Provide to Minors Month. The 2003 National Academy of Science Report states that two-thirds of all youths who consume alcoholic beverages report that they get their alcohol from their parents or other adults. Illegal underage drinking is a community responsibility. Community education and awareness is an effective tool in the fight against this dilemma. The Mayor encouraged all citizens to work together to help eliminate illegal underage drinking in our community. Those present accepting the recognition were Karen Peoples, TxDOT Safety Coordinator; Retha Fortenberry, Consumer Awareness & Education Director, Standard Sales Co.; Kim White, Coordinator, Voices Communication Coalition; Denver Carlton, Agent, Texas Alcoholic Beverage Commission; Cpl. Johnny Gonzales, Trooper, Texas Department of Public Safety; Karen Slay, Director, Injury Prevention Coalition; Joe Nemeth, General Manager, Standard Sales; and Sgt. Gene Anderson, Texas Alcoholic Beverage Commission.



- 2) Appropriate fund balance of \$95,683 in the Economic Development Fund to Market Lubbock:

A fund balance in the amount of \$95,683 will be forwarded to Market Lubbock. This will true up this pass-through of their share of the property tax.

- 3) Move \$262,980 from the Condensate Collection Project to the Gas Extraction System Project in the Solid Waste Capital Projects Fund:

Funding from the Condensate Collection Project in the amount of \$262,980 will be moved to the Gas Extraction System Project for a new total budget amount of \$762,980.

Staff recommended approval of the second reading of the second and final reading of this ordinance.

- (13.) Ordinance No. 2005-O0075 abandoning and closing two alley portions located in Tracts 9 and 10, Stubbs Addition to the City (1621 36th Street) (Right-of-Way) (first reading).**

These two north-south alley portions located just north of 36th Street and east of Avenue Q, adjacent to Tracts 9 and 10 of the Stubbs Addition, are being closed for replat purposes by the requestor, 802 Main, Inc. Since the requestor of these closures is not the original dedicator of these alley areas being closed, there will be a charge. The total area of the two alleys being closed is 1,950 square feet and the Right-of-Way Department has appraised the total alley area at \$2 per square foot for an appraised value of \$3,900. The area being closed will remain as a utility easement so it is valued at 50% of \$3,900 or \$1,950. A credit will be given for the dedication in the replat for a street corner cutoff of 112.5 square feet which is valued at \$2 X 112.5 square feet = \$225. Therefore, \$1,950 minus the credit of \$225 = \$1,725 due to the City.

**FISCAL IMPACT:**

Revenue to the City of \$1,725.

The Right-of-Way Department recommended approval.

- (14.) Ordinance No. 2005-O0076 abandoning and closing a storm water drainage and impoundment easement located in Lot 98, Terra Estates II Addition to the City, Lubbock County, Texas (6524 19th Street) (Right-of-Way) (first reading).**

This ordinance abandons and closes a storm water drainage and impoundment easement that is located just west of Milwaukee Avenue and

north of 19th Street. This easement was dedicated by plat in the dedication of Terra Estates II, Lot 98, and is being closed for development purposes. The Stormwater Drainage Engineering Department and the Texas Department of Transportation are in agreement with this easement closure.

**FISCAL IMPACT:**

None.

The Right-of-Way Department recommended approval.

- (15.) **Resolution No. 2005-R0305 authorizing the Mayor to execute a lease with Bleacher's Sports Café for use of a City parking lot (1902 Texas Avenue) (Right-of-Way).**

In July of 2003 the City issued to Bleacher's Sports Café a parking lease agreement to lease approximately 100 spaces in the City's Health Department parking lot located at the southwest corner of 19th Street and Texas Avenue. This lease satisfies the parking requirements per the zoning ordinance for the customers of the club during the evening and nighttime hours. The lease was for two years and will expire in July and this is the renewal of the two-year lease. The City will receive \$375 per month for this parking lease. This has been calculated as follows: \$15 per space (typical monthly downtown parking lot space rental rate) x 100 spaces = \$1500 a month. Spaces will be leased for 12 hours per day, 15 days per month. Therefore, \$1500 x 1/2 day x 1/2 month = \$375 due to the City per month.

**FISCAL IMPACT:**

Revenue to the City of \$375 per month.

The Right-of-Way Department recommended approval.

- (16.) **Resolution No. 2005-R0306 authorizing the Mayor to execute a parking lot lease with American International Management, LLC d/b/a Hub City Brewery for the use of a City parking lot (1801 Avenue G) (Right-of-Way).**

This parking lot lease agreement is for American International Management LLC, d/b/a Hub City Brewery, at 1801 Buddy Holly Avenue to lease approximately 26 parking spaces in the Buddy Holly Center parking lot located north of 19th Street and east of Avenue G. Additional parking per zoning requirements is needed for customers of the newly constructed outdoor lounge at 1801 Buddy Holly Avenue during the evening and nighttime hours. This lease is for two years and the City will receive \$130 per month for this lease. This has been calculated as follows:

\$15 per space (typical monthly downtown parking lot space rental rate) x 26 spaces = \$390 a month. Spaces will be leased for 8 hours per day. Therefore, \$390 x 1/3 day = \$130 due to the City per month.

**FISCAL IMPACT:**

Revenue to the City of \$130 per month.

The Right-of-Way Department recommended approval.

**Items 17-19 were moved from consent agenda to regular agenda and considered following Item 38.**

- (17.) **Resolution No. 2005-R0325 authorizing the Right-of-Way Department to make an offer to Texas Jumping Jack, LLC, Star Associates, LLC, and Pine Ridge Associates, LLC for a 5,196 square foot tract of land out of Lot 614, Richland Hills Addition to the City for the 50th Street Widening Project, Slide Road to Loop 289 and to consider the commencement of eminent domain proceedings in the event such offer is not accepted (5416 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 Texas Jumping Jack, LLC, Star Associates, LLC, and Pine Ridge Associates, LLC for a tract of land for this project. This parcel is located on the north side of 50th Street just west of Bangor Avenue, and the whole property is an apartment complex. Tommy Cantrell, M.A.I., is the appraiser for this project and appraised this 5,196 square foot tract of land at \$2.75 per square foot for a value of \$14,289, improvements taken of \$8,997, and damages to the remainder of \$162,714 for a total appraised value of \$186,000, which is the offer to Texas Jumping Jack, LLC, Star Associates, LLC, and Pine Ridge Associates, LLC. Damages to the remainder are a result of the proximity of the new right-of-way line to the front of the apartment complex that damages four apartment units and takes three parking spaces. 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 \$186,000 from account #915-9146-9280-40000, a Street Capital Projects account.

The Right-of-Way Department recommended approval of the Resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0325 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

- (18.) **Resolution No. 2005-R0326 authorizing the Right-of-Way Department to make an offer to Aaron Wechter, Irvin Skibell a/k/a Irvin Alfred Skibell, Bernard Frank Skibell, David Lubin Skibell, Richard Balk Skibell, and Norma Elaine Skibell for a 5,000 square foot tract of land out of Lot 1, Meadows Addition to the City for the 50th Street Widening Project, Slide Road to Loop 289 and to consider the commencement of eminent domain proceedings in the event such offer is not accepted (5401 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 Aaron Wechter, Irvin Skibell a/k/a Irvin Alfred Skibell, Bernard Frank Skibell, David Lubin Skibell, Richard Balk Skibell, and Norma Elaine Skibell for a parcel for this project. This parcel is located on the south side of 50th Street, just west of Bangor Avenue and the whole property is an apartment complex. Tommy Cantrell, M.A.I., is the appraiser for this project and appraised this 5,000 square foot tract of land at \$2.75 per square foot for a value of \$13,750, improvements taken of \$8,541, and damages to the remainder of \$177,709 for a total appraised value of \$200,000, which is the offer to Aaron Wechter, Irvin Skibell a/k/a Irvin Alfred Skibell, Bernard Frank Skibell, David Lubin Skibell, Richard Balk Skibell, and Norma Elaine Skibell. The damages to the remainder are a result of the proximity of the new right-of-way line to the front of the apartment complex that damages six apartment units and takes thirteen parking spaces. 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 \$200,000 from account #915-9146-9280-40000, a Street Capital Projects account.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0326 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

- (19.) **Resolution No. 2005-R0327 authorizing the Mayor to execute a street use license with Town & Country Food Stores, Inc. to use a portion of University Avenue for a private sewer line and a 2-foot by 2-foot lift station (6519 University Avenue) (*Right-of-Way*).**

The Town & Country Food Store located at the northeast corner of 66th Street and University Avenue has been having problems for several years with their sanitary sewer line that crosses the private parking lot to the north of the store. Since Town & Country Food Store does not have an easement across the property to the north, this license will allow the business to move the sewer line off the private property and install a 3 inch sewer line and a 2-foot by 2-foot lift station in the grassy area of the parkway on the east side of University Avenue north of 66th Street. This license is for 20 years, payable every 5 years in advance. All utilities are in agreement and the City will receive \$164.38 a year for the license.

**FISCAL IMPACT:**

Revenue to the City of \$164.38 per year.

The Right-of-Way Department recommended approval.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2005-R0327 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Council Member Boren recused on this item.

**Items 20-24 were considered following Item 16.**

- (20.) **Resolution No. 2005-R0307 authorizing the Mayor to execute a resolution releasing a 0.99-acre portion of the Texas Department of Transportation Loop 289 right-of-way for the Texas Department of Transportation's sale to the abutting property owner (5803 Brownfield Highway) (*Right-of-Way*).**

The Texas Department of Transportation (TxDOT) has been approached by the property owner at 5803 Brownfield Highway to purchase a portion of Loop 289 that was acquired by TxDOT several years ago. This portion of Loop 289 was acquired for the west side of Loop 289, just south of Brownfield Highway. This piece of Loop 289 right-of-way is currently in use, but will change after the construction of the Marsha Sharp Freeway. TxDOT has agreed to sell this 0.99-acre tract to Nunn Electric Supply Corporation. TxDOT has asked that the City formally agree to the sale of this right-of-way through the execution of this resolution.

**FISCAL IMPACT:**

None.

The Right-of-Way Department recommended approval.

- (21.) **Resolution No. 2005-R0308 authorizing the Mayor to approve the Lubbock Emergency Communication District budget for FY 2005-2006 (*Police/Fire Departments*).**

The Lubbock Emergency Communication District (LECD) is required to submit its annual budget for approval to governing bodies within the boundaries of the District. For this reason, the LECD Board of Managers is submitting its FY 2005-2006 budget. It is the opinion of the LECD Board of Managers that the proposed budget represents a fair and prudent financial plan to accomplish the LECD mission of providing enhanced 9-1-1 service to the citizens of Lubbock County. It was further ordered by the Board of Managers that the service fee, as authorized by Texas Health and Safety Code Sections 772.301 through 772.329, be continued at 5% of the base telephone rate on all service users in the District.

**FISCAL IMPACT:**

None.

The Lubbock Police and Fire Departments recommended acceptance of the LECD's FY 2005-2006 proposed budget.

- (22.) **Resolution No. 2005-R0309 authorizing the Mayor to approve an application for a State administered, federally financed driving while intoxicated STEP Program, with emphasis on alcohol and drug impaired drivers, targeting a reduction in alcohol and drug related crashes, with a reduction in death and serious bodily injury (*Police Department*).**

This is a grant program utilizing off duty personnel working overtime to detect and arrest alcohol and drug impaired drivers within targeted areas of the city.

**FISCAL IMPACT:**

This enforcement program will be conducted during FY 2005. Awards for this grant have been set beginning August 19, 2005, upon approval of the City Council. This is a 100% federally funded grant in the amount of \$25,000 for the period August 19, 2005-September 5, 2005.

The Police Department recommended approval of this resolution.

- (23.) **Resolution No. 2005-R0310 authorizing the Mayor to execute Supplemental Agreement SA-3 to the professional services agreement (RFP #118-02/BM) with Turner Collie & Braden, Inc. for additional services with regard to design and implementation of security enhancements identified in the Water Facilities Vulnerability Assessment performed under the Bioterrorism Response Act (*Water Production and Treatment Department*).**

On September 26, 2002 the City entered into a professional services agreement with Turner Collie & Braden, Inc. for the purpose of performing a federally mandated Vulnerability Assessment regarding security of the City's drinking water system. The initial agreement provided for the Vulnerability Assessment to be completed as the first of three phases of work. The second phase (review and revision of the emergency response plan) and the third phase (design and implementation of recommended security improvements) were to be authorized by separate supplemental amendments to the initial agreement. The Vulnerability Assessment was completed and verified to the Environmental Protection Agency (EPA) on March 25, 2003. Supplemental Agreement SA-1, related to Phase 2 of the professional services agreement (RFP #118-02/BM), was authorized on July 19, 2003. Phase 2 (review and revision of the emergency response plan) was completed and verified to the EPA in September 2003. Supplemental Agreement SA-2 authorizing Phase 3 (the design and implementation of security enhancements identified in the Water Facilities Vulnerability Assessment) was approved on May 25, 2004. This resolution will authorize additional services for Phase 3 related to surveying and detailed site investigations on the sites identified for security improvements.

Supplemental Agreement SA-3 in the amount of \$36,441 has been negotiated with Turner Collie & Braden, Inc. for surveying services to perform necessary topographic surveys of the sites to locate major facilities and develop background drawings for the sites. Turner Collie & Braden, Inc. has teamed with Smith Surveying of Lubbock for the surveying services.

Also included in the additional services are detailed site investigations to document specific details and gather site specific information affecting the design of physical and cyber security improvements. These services will be performed by Parkhill, Smith & Cooper, Inc. and DMJM System Solutions, in conjunction with Turner Collie & Braden, Inc.

**FISCAL IMPACT:**

The fee for these services is \$36,441. This amount is available in the design phase of the Water Facilities Security Improvements Capital Project #90055.

Surveys and site investigations on selected water facilities are needed to proceed with the security improvements outlined in the vulnerability assessment. Staff recommended approval of this resolution.

**(24.) Resolution No. 2005-R0311 authorizing the Mayor to execute an agreement for vector control services, and related documents, between the City of Lubbock and Lubbock County (*Health Department*).**

This interlocal agreement between Lubbock County and the City of Lubbock will provide vector control services. Vector is a term used broadly to refer to any animal (e.g. mosquitoes or rats) that transmits human disease or plays an essential role in the parasite's life cycle. Vector borne diseases (e.g. West Nile virus, St. Louis encephalitis) are defined as the diseases commonly transmitted through vectors. The flight range for the most efficient disease-carrying vector (*Culex tarsalis* mosquito) in Lubbock County is approximately 10 miles. Keeping the mosquito population under control outside the city limits helps prevent large numbers of potentially disease-carrying mosquitoes from being attracted to the lights within the city limits. Mosquitoes cause more human suffering than any other organism—over one million people around the world die from mosquito-borne diseases every year. Not only do mosquitoes carry diseases that afflict humans, they also transmit several diseases and parasites to which dogs and horses are very susceptible. A combination of a more efficient mosquito for transmitting viral disease coupled with hundreds of playa lakes throughout Lubbock County creates considerable challenges for City Vector personnel.

The City agrees to provide vector control services for the entire area of Lubbock County lying outside the city limits, including incorporated areas within the county. In providing this service the City will pay all necessary expenses of the personnel involved in this service, including salaries, administration expense, fringe benefits, transportation vehicles, and the maintenance and operation of transportation vehicles. Similar contracts with the County have been in place for well over 10 years for these vector services.

The County agrees to pay the City \$13,363.14 in monthly payments for this service. In the event additional mosquito applications are necessary due to heavier than normal rains, or an encephalitis outbreak, the County will pay the direct cost for such additional applications beyond six per

year. The detailed cost of this program is shown in the estimated cost exhibit (Exhibit A).

The County Commissioners approved this contract at their June 27, 2005 Commissioner's Court meeting.

The term of this agreement is July 14, 2005-July 14, 2009. The agreement may be terminated by either party upon thirty days written notice to the other party.

**FISCAL IMPACT:**

This will provide an average of \$160,357.68 in annual revenue to the general fund through July 14, 2009 at a monthly rate of \$13,263.14. An annual 3% increase for three years has been figured into the rate. No increase to the general fund expenditures is anticipated unless the County receives above average rainfall or experiences unusual disease outbreaks.

Health Department staff recommended approval of the resolution.

- (25.) **Consider a resolution authorizing the Mayor to execute an amendment to the agreement with the 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 regular agenda and considered following Item 19.**

**This item was continued to July 28, 2005 meeting.**

This resolution amends the existing agreement with Black & Veatch so they may 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 are:

- Long Term Water Supply Evaluation,
- Prepare a water quantity and quality balance,
- Evaluate current water conservation strategies and recommended changes,
- Develop conceptual costs for brine disposal,
- Perform a Reclaimed Water Market Study,
- Evaluation of Raw Water Storage Needs, and

- Develop Water Supply and Reuse 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 \$674,000. 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 \$977,100.

Staff recommended approval of the resolution.

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

Council Members Boren and Gilbreath suggested Adams revisit with Black & Veatch to see if there are areas that might be overlapping or efforts duplicated and see if there would be a lesser cost than what is presented here.

Consensus from Council was to hold this item until the July 28, 2005 City Council meeting. Mayor Pro Tem Martin asked that Bo Brown, Chairman of the Water Commission, make the presentation at that time.

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

- (25A.) **Resolution No. 2005-R0303 authorizing the Mayor to execute a transfer agreement by and between the Brazos River Authority and the City of Lubbock regarding the transfer of assets from the Brazos River Authority to the City related to Lake Alan Henry (*Water Utilities*).**

**This item was moved from consent agenda and considered during Citizens Appearances and reconsidered in Regular Session.**

The agreement to transfer Lake Alan Henry sets forth the terms of transfer from the Brazos River Authority to the City of Lubbock of the Lake Alan Henry Project. Per the Agreement, the City will own, operate, and maintain, from August 16, 2005, the Lake Alan Henry dam, lake, and all other related property. The City releases the Brazos River Authority from liability arising out of the Brazos River Authority's maintenance and/or operation of the project prior to August 16, 2005, and further agrees to

indemnify the Brazos River Authority to the extent the Brazos River Authority has indemnified any third party grantors in real estate acquisitions. The Brazos River Authority will convey all real property interests to the City in a Deed Without Warranty.

The City has conducted an engineering due diligence on the condition of the Lake Alan Henry dam, and per the engineering report, has not discovered any substantial problem in the condition of the dam. The Brazos River Authority will initiate with the Texas Commission on Environmental Quality the reassignment of the water permits to the City of Lubbock.

**FISCAL IMPACT:**

On June 20, 2005, the City priced its \$43.08 million in Certificates of Obligation Bonds as the refunding of the existing Brazos River Authority bonds. The existing bonds will be called by the Brazos River Authority at their meeting July 11, 2005 with a closing date of August 16, 2005. Including estimated annual O&M savings of approximately \$160,000 per year, the City will recognize net present value cashflow savings of \$624,903 or 1.254% of the refunded principal.

Staff recommended approval of the agreement.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0303 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

**At this time, Item 25A was reconsidered.**

Motion was made by Council Member Gilbreath, seconded by Council Member Price to reconsider Item 25A. Motion carried: 6 Yeas, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0303, amending the Agreement on page 3 of 10, Item #5, stating a personal property inventory list has already been prepared and submitted: 6 Yeas, 0 Nays.

**The next items considered were Items 9-16.**

**Items 25B-26 were considered following Item 24.**

- (25B.) **Resolution No. 2005-R0312 authorizing the Mayor to execute the first amendment to a contract of sale for groundwater rights, by and between the City of Lubbock and Frank Tidwell and Shane H. Hone, regarding the purchase of groundwater rights in Bailey County, Texas (*Water Utilities*).**

The City of Lubbock entered into that certain Contract of Sale for Groundwater Rights, on or about February 10, 2005 (Resolution No. 2005-R0067), with Frank Tidwell and Shane H. Hone (collectively, the "Seller"), regarding the purchase of groundwater rights in Bailey County, Texas. The contract price for such purchase is \$30,013.

The Seller has experienced numerous difficulties in curing certain title defects related to the City's objections to the Title Commitment for the Property. The First Amendment (i) provides that the entire purchase price is to be paid to Frank Tidwell, (ii) extends the period of time for Seller to cure the title defects, and (iii) extends the date of the closing to accommodate the extended title defect cure period.

**FISCAL IMPACT:**

The First Amendment has no additional fiscal impact. The purchase price of the Property is as stated above.

Staff recommended City Council execute the First Amendment to the Contract of Sale for Groundwater Rights.

- (25C.) **Resolution No. 2005-R0313 authorizing the Mayor to execute the first amendment to a contract of sale for groundwater rights, by and between the City of Lubbock and Frank Tidwell and Robert Lepard and wife, Kay Lepard, regarding the purchase of groundwater rights in Bailey County, Texas (*Water Utilities*).**

The City of Lubbock entered into that certain Contract of Sale for Groundwater Rights, on or about February 10, 2005 (Resolution No. 2005-R0066), with Frank Tidwell and Robert Lepard and wife, Kay Lepard (collectively, the "Seller"), regarding the purchase of groundwater rights in Bailey County, Texas. The contract price for such purchase is \$9,987.

The Seller has experienced numerous difficulties in curing certain title defects related to the City's objections to the Title Commitment for the Property. The First Amendment (i) provides that the entire purchase price is to be paid to Frank Tidwell, (ii) extends the period of time for Seller to cure the title defects, and (iii) extends the date of the closing to accommodate the extended title defect cure period.

**FISCAL IMPACT:**

The First Amendment has no additional fiscal impact. The purchase price of the Property is as stated above.

Staff recommended City Council execute the First Amendment to the Contract of Sale for Groundwater Rights.

- (26.) **Resolution No. 2005-R0314 authorizing the Mayor to execute a grant agreement, and any associated documents, for federal assistance from the Federal Aviation Administration to fund the extension of Taxiway Lima (Phase 2) and the rehabilitation of the General Aviation Apron (Phase 1) at Lubbock Preston Smith International Airport (Aviation).**

Each year Lubbock Preston Smith International Airport is eligible to receive entitlement funding from the Federal Airport Improvement Program (AIP) based on the annual number of passenger enplanements.

This item involves the acceptance of a \$5,620,082 multi-year grant composed of the Airport's FY 2005 entitlements and a portion of the Airport's FY 2006 entitlements.

The \$5,620,082 grant will fund Phase 2 of the Taxiway Lima extension and Phase I of the General Aviation Ramp Expansion Project. The extension of Taxiway Lima includes approximately 38,000 square yards of new 14 inch PCC pavement that will serve air carrier aircraft for Runway 17R/35L. The project will also include the removal of existing asphalt and concrete pavement, removal and installation of taxiway lighting, modifications to the existing electrical vault, new asphalt pavement, drainage improvements, excavation, and embankment.

Phase I of the General Aviation Ramp Expansion Project includes the expansion and reconfiguration of the general aviation ramp adjacent to the old passenger terminal on the west side of the airport. The project involves approximately 25,000 square yards of new concrete General Aviation apron with incidental markings, edge lighting, site grading and drainage, and geotechnical investigation.

**FISCAL IMPACT:**

The \$5,620,082 grant will fund 90% of the Taxiway Lima Project (Phase 2) and the General Aviation Ramp Expansion (Phase 1). The other 10% will be funded through the FAA Passenger Facility Charge Program. There will be no impact to the Airport operating budget.

The Airport Board and staff recommended approval.

**The next item considered was Item 28.**

- (27.) **Resolution No. 2005-R0329 authorizing the Mayor to execute a license agreement with the West End Neighborhood Association for the construction of park improvements at Duran Park (*Parks and Recreation*).**

**This item was moved from consent agenda to regular agenda and considered following Item 39.**

Approval of this resolution will allow the West End Neighborhood Association (WENA) to construct improvements in Duran Park (26th Street and Kewanee Ave). The improvements include a sidewalk connecting the accessible parking on the south side of the park to the playground. A patio area will be included along the sidewalk with benches and recognition plaques. The plaques will honor Dr. Duran, whom the park is named after and Arch Lamb, whom the park property was purchased from.

**FISCAL IMPACT:**

Parks and Recreation will provide two benches for this project at an estimated cost of \$1,100. WENA is planning to provide the labor and materials for the project.

The Parks and Recreation Advisory Board recommended approval of the park improvements in Duran Park.

Randy Truesdell, Community Services Director, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0329 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal was away from the dais.

**The next item considered was Item 35.**

**Items 28-34 were considered following Item 26.**

- (28.) **Resolution No. 2005-R0315 authorizing the Mayor to execute a professional services contract with MWM Architects, Inc. for architectural/engineering services for the development of an athletic facility (*Parks and Recreation*).**

The development of an athletic facility has been proposed on 160 acres at the northeast corner of the intersection of FM 1585 and Milwaukee Avenue. The planned complex will consist of twelve youth softball fields, four youth baseball fields, and soccer fields. Approval of this agreement will provide for design services, development of construction plans, and job observation.

**FISCAL IMPACT:**

Funding is available from the 2004 Bond Projects approved for issuance by City Council at the June 23, 2005 Council meeting and included as a part of budget Amendment #15 for the development of a little league complex and soccer fields in southwest Lubbock.

Staff recommended approval.

- (29.) **Consider a resolution authorizing a temporary overnight camping area in the park area north of Mac Davis Lane and across from the Lubbock Memorial Civic Center on Friday, August 26, 2005, for the first annual ChowDown for Charity to be held on Saturday, August 27, 2005 by Plains Capital Bank (*Parks and Recreation*).**

**This item was deleted.**

- (30.) **Consider a resolution authorizing the Mayor to execute an amendment, and all related documents, to the contract between Lutheran Social Services of the South Neighborhood House and the City's Community Development Department for the Comprehensive Energy Assistance Program (*Community Development*).**

**This item was deleted.**

**Items 31-34 were considered following Item 28.**

- (31.) **Resolution No. 2005-R0316 authorizing the Mayor to execute Change Order #1 on the Milwaukee Avenue from 34th to 92nd Streets Paving Improvement construction contract with Granite Construction Company (Contract ID #05-029-VK) (*Street/Drainage Engineering*).**

Michael Oliver, the Project Manager for Granite Construction on this project, had requested the City and Parkhill, Smith and Cooper (PSC), as the City's design engineer on this project, consider several changes to the plans and specifications that could result in an overall savings in the cost of the project.

The City Staff, and PSC, reviewed the items requested, and recommended the following changes be accepted:

Concrete Paving – change 6 sack to 5.25 sack plus 20% flyash (same design as Freeway) (\$163,000.00)

Trench Remediation – density testing frequency and procedure (\$ 31,000.00)

Quality Control Testing of Densities and Concrete Cylinder – Allow Granite to perform these tests with their QC certified personnel

(\$ 46,000.00)

Water and Sewer Staking – Shared cost of providing construction staking on curb and gutter and water and sewer \$ 6,000.00

RFI #1 12 x 10 Tapping Sleeves (3) \$ 14,835.00

Field Clarification Memo #2 16 x 8 Tapping Sleeve (1) \$ 6,325.00

Total Adjustment to Contract (\$212,840.00)

The first four items listed above are described in more detail in the letter from Michael Oliver of Granite Construction to Gary Dawson of PSC, dated June 14, 2005. This letter is included in the backup materials.

RFI#1 tapping sleeves are being added because they were not shown in the bid proposal. However, these tapping sleeves were shown in the plans.

The 16 x 8 tapping sleeve was added because the City View Church changed their service location for water to their site.

**FISCAL IMPACT:**

Change Order #1 will result in an estimated cost savings of \$212,840 to the City on this \$17,316,932.50 construction contract (1.23%).

The Street/Drainage Engineering Department recommended approval of this Change Order #1 to the construction contract, and believes the requested changes will not result in any significant reduction in the overall quality of the completed project.

- (32.) **Consider the price and conditions of sale by the Urban Renewal Agency of Parcel 582000-2-7 at 1702 East 13th Street, legally described as Lot Seven, Block 2, S. W. McGaw Addition of the City of Lubbock, Lubbock County, Texas to Harold B. Yearwood and wife, Wonderful M. Yearwood for \$300 (*Community Development*).**

This is a routine sale of a vacant lot by the Urban Renewal Agency to Harold B. Yearwood and wife, Wonderful M. Yearwood for \$300. The property is to be developed with a parking lot for Nail Tech Salon. The lot is properly zoned C-2A, Commercial Restricted Local Retail District.

**FISCAL IMPACT**

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

The Urban Renewal Board of Commissioners approved the proposed sale on April 19, 2005, subject to the City of Lubbock zoning of R-2, Duplex and Urban Renewal Land Use of R-1, Single-Family Residential being revised to C-2A, Commercial Restricted Local Retail District. City Council approved the zoning change on May 12, 2005 and the Urban Renewal Land Use Plan change on June 23, 2005. Community Development staff recommended approval.

- (33.) **Resolution No. 2005-R0317 - BID #05-078/MA—Consider one resolution for Building Materials to Rehabilitate Residential Houses (*Community Development*).**

This bid is for the purchase of roofing materials, paint, and building materials to repair 15 residential homes. The labor will be provided by a non-profit organization called World Changers. An estimated \$75,000 of labor savings is anticipated. The materials will be delivered the third week of July and the project will be complete by July 30, 2005.

Ninety local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$150,000 was appropriated through Federal/State funding with \$50,000 available for this purpose.

Staff recommended bid award to Home Depot of Lubbock, TX for \$33,494.67.

- (34.) **Resolution No. 2005-R0318 - BID #05-023/BM—Consider one resolution for Protective Bunker Gear (*Fire Department*).**

With the extreme conditions to which fire gear is normally subjected, the protective performance of these sets begins to diminish, failing at various rates in time depending upon the activity of the firefighter. As a result, efforts are focused on annually replacing failing sets of gear in inventory in order to prevent compromising the safety of the firefighter and to alleviate the financial burden of a large single acquisition of all gear in a given year. Accordingly, this purchase will furnish sets of protective pants and coats for the purpose of retiring old gear currently in service and for outfitting new recruits hired during the year.

A total of six vendors responding to the invitation to bid were examined based on price and adherence to specifications.

Five local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$43,710 was appropriated with \$43,560 available in Project 5619.8124 (Fire Suppression) for this purpose.

Staff recommended bid award to Bacou-Dalloz Protective Apparel LTD of Montreal, Canada for \$30,357.90.

**The next items considered were Items 36-38.**

- (35.) **Resolution No. 2005-R0330; Resolution No. 2005-0330A; Resolution No. 2005-0330B - BID #05-039/BM—for Police Patrol and SWAT Weapons and Equipment (*Police Administration*).**

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

The Lubbock Police Department has determined that it is advantageous to equip patrol officers with rifles. Rifles are inherently more accurate at longer ranges and are more suitable for long-range, armed engagements than shotguns. Rifle ammunition is ballistically superior to shotgun ammunition. The Police Department currently issues rifles to certain officers and this purchase expands the Patrol Rifle Program.

The SWAT Team is currently issued a variety of weapons, all of which have been in service at least 10 years and several for much longer. Extensive training with these weapons has resulted in considerable wear and many are beginning to require repairs other than routine maintenance. This purchase replaces those weapons before serious degradation in accuracy occurs.

Both patrol rifles and SWAT weapons require additional equipment such as cases, scopes, slings, etc. This purchase includes those items. This purchase also includes trade-in allowances for current weapons that will reduce the overall cost of this acquisition.

Three local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$384,680 was appropriated with \$166,460 available in Project 86004.8163 (Seized Funds) for this purpose. The cost of this project will be \$133,189.74 less the trade-in allowance of \$21,542.

Staff recommended bid award to GT Distributors, Inc. of Austin, TX for \$129,169.74 and Law Enforcement Sales, USA of Lamesa, TX for \$4,020.

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-R0330 with amendment to award all bids to GT Distributors except items 6 and 10. Motion carried: 7 Yeas, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0330A to award item 6 to Law Enforcement Sales. Motion carried: 7 Yeas, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0330B to award item 10 to GT Distributors because of best value. Motion carried: 7 Yeas, 0 Nays.

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

**Items 36-38 were considered following Item 34.**

- (36.) **Resolution No. 2005-R0319; Resolution No. 2005-R0320; Resolution No. 2005-R0321; Resolution No. 2005-R0322 - BID #05-049/MA— Consider four resolutions for Primary Contract for Water Inventory Items – Annual Pricing (*Central Warehouse*).**

This bid is for the purchase of water items to be used by the Water Department for maintenance and for use on various projects.

Twenty-eight local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$425,854.95 was appropriated with \$425,854.95 available in Project 221 (Water Operating Fund – Water Inventory Items) for this purpose.

Staff recommended bid award to Morrison Supply, of Lubbock, TX for \$203,719.78; Western Industrial Supply, LLC of Lubbock, TX for \$199,735.92; MS Techline Pipe, LLP of Austin, TX for \$10,006.20; Ferguson Enterprises of Lubbock, TX for \$9,454.05; and O'Tool of Lubbock, TX for \$2,939.

**(37.) Resolution No. 2005-R0323 - BID #05-060/BM—Consider one resolution for Lubbock Preston Smith International Airport GA Ramp Expansion – Phase 1 (*Aviation*).**

This bid is for improvements to the general aviation parking apron located near a fixed base operation to provide additional ramp space at the west side of the Airport.

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

**FISCAL IMPACT:**

A total of \$1,370,242 was appropriated with \$1,370,242 available in Project 90391 (GA Ramp – Phase 1) for this purpose.

Staff recommended bid award to Duininck Bros., Inc. of Roanoke, TX for \$1,144,610.

**(38.) Resolution No. 2005-R0324 - BID #05-073/MA—Consider one resolution for Steel Cabinet and Base for Irrigation Controller (*Park Development*).**

This bid is for the centralized automation and operation of automatic irrigation systems and lighting throughout the City's park system. The steel cabinets and bases will house the irrigation controllers. A few of the cabinets will be installed by City personnel; the remainder will be installed by a contractor. The cabinets will be used from present through October 2006.

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

**FISCAL IMPACT:**

A total of \$2,847,000 was appropriated with \$54,750 available in Project 90015 (Irrigation/Lighting) for this purpose.

Staff recommended bid award to Watermaster Irrigation Supply, Inc. of Lubbock, TX for \$31,037.50.

**The next items considered were Items 17-19.**

**(39.) Resolution No. 2005-R0328 - BID #05-010/MA—Consider one resolution for Positive Displacement Vacuum Units (*Fleet Services*).**

**This item was moved from consent agenda to regular agenda and considered following Item 25.**

This bid is for the lease-purchase of two combination positive displacement vacuum units. The combination units are specialized machines for use in the cleaning and maintenance of the City's 950 miles of wastewater collection lines and when needed, assist with the cleaning and maintenance of the storm drainage system.

Bids were received from four companies:

Equipment Southwest, Inc. of Irving, Texas

STM Equipment of Arlington, Texas

Super Products of Irving, Texas

Texas Underground of Pearland, Texas

Equipment Southwest, Inc.'s bid did not meet specifications on the debris body capacity nor the debris body design. Super Products' bid did not meet specifications on the water tank capacity

Twenty-seven 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 program.

Staff recommended purchase of the equipment through the Houston-Galveston Area Council purchasing cooperative from Texas Underground of Pearland, Texas for \$320,800 and financing said purchase price through the City's master lease-purchase program.

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

Mayor Pro Tem Martin requested Council to reconvene in front of City Hall to view a demonstration of two vacuum units. After the demonstration, Council returned to Council Chambers.

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0328 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal was away from the dais.

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

**(39A.) Resolution No. 2005-R0331 - BID #05-069/MA—Consider one resolution for Remington Park Drainage & Irrigation Improvements (*Parks and Recreation*).**

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

This project involves drainage and irrigation improvements at Remington Park located in the vicinity of 73rd Street and Albany Avenue. The base bid for the project includes reshaping the slopes to gentler grades, repairing and reinforcing the drainage inlets, installation of irrigation, and establishment of turf. Bid Alternate 1 consists of the delivery and spreading of 6 inches of City supplied topsoil. Bid Alternate 2 consists of the delivery and spreading of 6 inches of contractor supplied topsoil. Existing soil at Remington Park is very shallow and additional topsoil is required for turf establishment. Alternate 3 includes the installation of conduit and junction boxes for future security lighting.

Time for completion of this project is 120 consecutive calendar days and liquidated damages are \$150 per day.

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

**FISCAL IMPACT:**

A total of \$643,518 was appropriated with \$638,963 available in Project Number 90343 (Playa Lake Turf Project) for this purpose.

Staff recommends contract award to Turfmaster Irrigation and Landscaping, Inc. of Wolfforth, Texas for \$479,720.60, or such alternative action as City Council may deem appropriate.

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

Motion was made by Council Member DeLeon, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0328 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**ORDINANCES FOR PASSAGE**

**Second Reading**

- (40.) **ORDINANCE NO. 2005-O0024—Abandoning and closing Raleigh Avenue between Brownfield Highway and Brownfield Drive, a 20-foot alley west of Raleigh Avenue in Section 17, Block B, Lubbock County, and a 5-foot sanitary sewer line easement located in Lot 5, Allen Addition to the City of Lubbock (4505 Brownfield Highway) (*Right-of-Way*) (*Councilman Gilbreath absent*) (*second and final reading*).**

This ordinance abandons and closes the 17,380 square foot portion of Raleigh Avenue between Brownfield Highway and Brownfield Drive, the east-west 8,930 square feet of a 20-foot alley just west of the portion of Raleigh Avenue being closed, and a 5-foot sanitary sewer line easement in Lot 5, Allen Addition for replatting purposes. The first reading of this ordinance was during the February 24, 2005 City Council meeting.

**FISCAL IMPACT:**

Revenue to the City of \$33,007.50.

The Right-of-Way Department recommended approval.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0024 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (41.) **ORDINANCE NO. 2005-O0071—ZONE CASE NO. 2460-N (7515 Quaker Avenue and 4010 76th Street): Consider the continued request of Duane McQueen (for West Texas Bank) for a zoning change from GO and R-1 to AM Specific Use for a bank on Lots A, A-1, and Lot 2, King's Park Addition (*Councilman Price away from the dais*) (*second and final reading*).**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0071 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (42.) **ORDINANCE NO. 2005-O0072—ZONE CASE NO. 3040 (3701 Upland Avenue): Consider the request of West Texas of Lubbock Realty for a zoning change from T to M-2 for a railroad yard on 6.74 acres of unplatted land out of Section 38, Block A-K (*Councilman Price away from the dais*) (*second and final reading*).**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0072 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (43.) **ORDINANCE NO. 2005-O0073—ZONE CASE NO. 3041 (7202 66th Street): Consider the request of Bobby Jarnagan (for Brunson Brick & Stone) for a zoning change from T to IHI on Tract A, less the west 150 feet, Pine Grove Estates Addition (Councilman Price away from the dais) (second and final reading).**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0073 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

### **FINANCE**

- (44.) **Ordinance No. 2005-O0077 amending the FY 2004-2005 budget respecting 1) the Airport Capital Projects Fund, 2) the Environmental Compliance Fund, 3) the General Facilities and System Improvement Capital Projects Fund, 4) the Abandoned Motor Vehicle Fund, 5) the Water Capital Projects Fund, 6) the Stormwater Operating Fund, 7) the Stormwater Capital Projects Fund, 8) the Sewer Capital Projects Fund, 9) the Parks Capital Projects Fund, 10) the Streets Capital Projects Fund, 11) the Public Safety Capital Projects Fund, and 12) the Facilities Management Operating Fund (Amendment #15) (first reading).**

### **FISCAL IMPACT:**

- 1) Increase funding in the Taxiway Lima Project in the Airport Capital Projects Fund from \$10,910,865 to \$11,449,299:

Bids on the Taxiway Lima Project came in higher than the Engineer's Estimate of Probable Costs. In order to award the bid, the project funding needs to be revised. The project will be funded with 90% Airport Improvement Program (AIP) funds and 10% Passenger Facility Charges (PFC); original project funding showed 95% AIP funds and 5% PFC. The project funding will be revised as follows: 90% AIP (\$10,304,370) and 10% PFC (\$1,144,929). The total project budget will be \$11,449,299, an increase to the budget of \$538,434.

- 2) Appropriate fund balance of \$20,000 in the Environmental Compliance Fund to the Police Firing Range Remediation Project in the General Facilities and System Improvement Capital Projects Fund:

The Police Firing Range Remediation project currently has a budget of \$210,000. The additional \$20,000 from the Environmental Compliance Fund will allow for completion of the firing range remediation.

- 3) Increase the Abandoned Motor Vehicle Fund budget by \$250,000 to accommodate cost of towing services:

The Abandoned Motor Vehicle Fund currently has a budget of \$300,000 to fund equipment for police enforcement. The cost of towing services is also currently being expended out of this fund. In order to accommodate for this expense, the budget will be increased by \$250,000. The \$250,000 in revenue will come from the sale of vehicles.

- 4) Transfer \$60,000 from the Water Treatment Plant Upgrade Project in the Water Capital Projects Fund to a new project, Stormwater Study and Water Supply Needs/Permit Application, in the same fund:

The Water Treatment Plant Upgrade Project currently has a budget of \$390,000. A new project needs to be established in the Water Capital Projects Fund for a Stormwater Study and Water Supply Needs and Permit Application. The project will fund run off estimates, stream modeling, and other consulting work related to preparation and submission of the permit application to the Texas Commission on Environmental Quality for storm water from the City of Lubbock. The estimate for this project is \$60,000. A transfer of \$60,000 from the Water Treatment Plant Upgrade Project to this new project is recommended.

- 5) Appropriate fund balance of \$25,000 in the Stormwater Operating Fund to the Concrete Drainage Channel Project in the Stormwater Capital Projects Fund:

The Andrews/Clapp project came in at approximately 60% over the original estimate. Materials and labor costs have increased significantly. The additional \$25,000 will be funded from the Stormwater Fund appropriable net assets and will provide for the completion of the Andrews project. The Clapp project will be rebid at a later date.

- 6) Establish or revise budgets in the Sewer, Parks, Airport, and Streets Capital Project funds associated with the sale of the 2005 Certificate of Obligation Bonds:

At the June 23, 2005 City Council meeting, City Council approved the issuance of \$45,035,000 in Certificates of Obligation Bonds. Many of the projects were already appropriated by City Council. However, the following project budgets need to be revised to include the newly authorized bonds.

<b>Fund</b>	<b>Project Name</b>	<b>2005 Certificate of Obligation Bonds</b>	<b>Amended Budget</b>
Sewer	SEWRP Rehab	\$425,000	\$425,000
Sewer	Lift Station Replacement	100,000	300,000
Parks	Girls Softball Complex	4,000,000	4,000,000
Airport	Airport Parking Lot	3,000,000	4,425,000
Streets	State Federal Match Projects	1,765,000	1,765,000

The Airport Parking Lot project budget also needs to be revised to include an additional \$1,300,000 appropriation from 1998 A/P Bonds that are being reallocated. The final amended budget for the Airport Parking Lot project is \$4,425,000; funded \$3,000,000 by 2005 Certificate of Obligation Bonds and \$1,300,000 funded by 1998 A/P Bonds, and \$125,000 from the Passenger Facility Charge.

- 7) Establish or revise budgets in the Public Safety, Parks, and Streets Capital Project funds associated with the sale of 2005 General Obligation Bonds:

At the June 23, 2005 City Council meeting, City Council approved the issuance of \$7,075,000 in General Obligation Bonds. Some of the projects were already appropriated by City Council. However, the following project budgets need to be revised to include the newly authorized bonds.

<b>Fund</b>	<b>Project Name</b>	<b>2005 General Obligation Bonds</b>	<b>Amended Budget</b>
Public Safety	Fire Station #8	1,325,000	\$1,446,234
Parks	MLK Little League Complex	1,548,000	1,664,000
Parks	Midwest Little League	1,664,000	1,664,000
Parks	Southwest Lubbock Soccer	1,130,000	1,130,000
Streets	N/E Lubbock Infrastructure	475,000	475,000

- 8) Appropriate fund balance of \$14,000 in the Facilities Management Fund to the Facilities Management Operating Cost Center for the purchase of a used aerial device:

Facilities Management is in need of an aerial device to assist them in maintaining all facilities. The appropriation of \$14,000 in the Facilities Operating budget is needed for the acquisition of this equipment.

Staff recommended approval of the first reading of the ordinance.

Jeff Yates, Director of Fiscal Policy and Strategic Planning; Marsha Reed, Civil Engineer; and Lee Ann Dumbauld, Chief Financial Officer, all gave comments and answered questions from Council.

Motion was made by Council Member Boren, seconded by Council Member Price to amend Ordinance No. 2005-O0077 to change the State Federal Match Projects in the Street Fund to Municipal Drive-Elder Avenue Rebuilding Project. Motion carried: 7 Yeas, 0 Nays.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to pass on first reading Ordinance No. 2005-O0077 as amended. Motion carried: 7 Yeas, 0 Nays.

**The next items considered were Items 46-49.**

**MISCELLANEOUS**

- (45.) **Resolution No. 2005-R-0333 regarding support for state and/or national legislation limiting government's use of the power of eminent domain (*Councilmen Boren and Gilbreath requested this item*).**

**This item was considered following Item 49.**

In response to a recent decision by the United States Supreme Court in the case *Kelo v. City of New London* where the Supreme Court held by a 5-4 decision, that government may seize the home, small business, or other private property of one owner and transfer that same property to another private owner, simply by concluding that such a transfer would benefit the community through increased economic development, Council members Gary Boren and Jim Gilbreath have drafted a resolution urging state and national legislatures to pass legislation that would clarify government's exercise of its power of eminent domain to be limited only for public use, rather than for economic development, and this standard of protection would apply to all exercises of eminent domain power by the local and state governments.

**FISCAL IMPACT:**

None.

Not applicable.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0333 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**The next items considered were Items 50-52.**

- (46.) **Consider a resolution regarding opposition of the possible move of the Texas Tech University versus Texas A&M University football games to any other city besides Lubbock or College Station, Texas (Councilman Martin requested this item).**

**This item failed.**

In response to the preliminary discussions between athletic department officials of Texas Tech University (TTU) and Texas A&M University (A&M), regarding moving the TTU versus A&M football games to Dallas, Texas or another Texas neutral site, Mayor Pro Tem Tom Martin has drafted a resolution urging TTU and A&M not to move the games away from Lubbock and College Station. Changing the location would have a significant negative impact on each community's moral and economic well-being.

**FISCAL IMPACT:**

None.

Not applicable.

Council Member Boren recused on this item.

Motion was made by Mayor Pro Tem Martin, but this item failed for lack of a second.

**PLANNING AND TRANSPORTATION**

**Planning**

- (47.) **Resolution No. 2005-R0332 regarding the petition by Joe Stettheimer for annexation south of 98th Street and east of University Avenue.**

State law enables the owner of a vacant parcel of land adjacent to a home rule city to petition for annexation and for the City Council to adopt the annexation simply with an ordinance. This petition is a precursor for the

proposed ordinance that is on this same agenda. None of the public hearings and notices, as experienced with recent annexations, is required.

The proponent of the annexation has a plat approved on the quarter section for a subdivision to be called Fox Ridge.

**FISCAL IMPACT:**

Not applicable.

Staff supports the request.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0332 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (48.) **Ordinance No. 2005-O0078 for annexation south of 98th Street and east of University Avenue requested by Joe Stettheimer, and take appropriate action to grant or deny said ordinance (*first reading*).**

As noted, this is a request of the property owner to be annexed. The process will have no effect on anyone but the owner and staff is of the opinion that the action will be an asset for the City.

**FISCAL IMPACT:**

Not applicable.

Staff supports the request.

Motion was made by Council Member Jones, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-O0078 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (49.) **Ordinance No. 2005-O0079 amending the zoning codes to allow automobile glass replacement as a permitted C-3 use versus the current C-4 requirement (*first reading*).**

Several months ago staff proposed a change to the Planning Commission and approval was recommended to the City Council. City Council denied the amendment after the public hearing with concerns of the impact on adjacent areas. Subsequent discussion indicated that with certain safeguards for new construction, the item should be reconsidered for approval. Staff and the Planning Commission continue to support the change. The wording from the proposed ordinance that will benefit the use when installed in new or substantially renovated facilities states:

When construction of the facility is new or a major reconstruction occurs to an existing building, the bay doors of the facility shall not face a designated thoroughfare.

No change would be required for a building already constructed for maintenance of vehicles; the use would simply become a permitted C-3 use versus the current C-4 designation.

**FISCAL IMPACT:**

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0079 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**The next item considered was Item 45.**

**Items 50-52 were considered following Item 45.**

**BOARD APPOINTMENTS**

**(50.) Consider one appointment to the Electric Utility Board.**

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to appoint SuzAnn Kirby to the Electric Utility Board. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal was away from the dais.

**(51.) Consider one appointment to the Lubbock Economic Development Alliance, Inc. (LEDA) Board.**

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to appoint Jon Whitmore to the Lubbock Economic Development Alliance, Inc. (LEDA) Board. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused on this item.

**(52.) Consider one appointment to the Market Lubbock, Inc. Board of Directors.**

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to appoint Jon Whitmore to the Market Lubbock, Inc. Board of Directors. Motion carried: 6 Yeas, 0 Nays.

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Mayor McDougal recused on this item.

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**10:20 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**12:45 P. M. COUNCIL ADJOURNED**

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