

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
July 28, 2005  
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 28th day of July, 2005, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

**Present: Mayor Marc McDougal, Council Member Gary O. Boren, Council Member Linda DeLeon, Council Member Jim Gilbreath, Council Member Floyd Price**

**Absent: Mayor Pro Tem Tom Martin and Council Member Phyllis Jones**

**CITIZEN COMMENTS**

There were no citizens to express comments to the Council.

**EXECUTIVE SESSION**

**Mayor McDougal stated: "City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation; 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."**

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

**All council members were present.**

**(1) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071(1)(A), to discuss pending or contemplated litigation (Health; 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 (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 551.086, on the following competitive matters (Electric Utilities):**
- to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
- to deliberate, vote and take final action on budgets, improvement plans, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**
- to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**
- (5.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.087 to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations (Business Development).**

**9:01 A. M. CITY COUNCIL REGULAR MEETING RECONVENED  
City Council Chambers**

**Present: Mayor Marc McDougal; Mayor Pro Tem Tom Martin; Council Member Gary O. Boren; Council Member Linda DeLeon; Council Member Jim Gilbreath; Council Member Phyllis Jones; Council Member Floyd Price; Lou Fox, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary**

**Absent: No one**

**Mayor McDougal called the meeting to order at 9:01 A. M.**

**Items 35 and 36 were considered.**

**Items 10-12, 15, 18, 21, 26, 28, 30-34 were considered following Item 36.**

**Items 8, 14, 9, 13, 16, 17, 19, 22 were moved from consent agenda to regular agenda and considered following Item 34.**

**Invocation followed Item 22.**

**9:34 A. M. Invocation by Chaplain Tom World, Salvation Army**

**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**

Electric Utility Board

Receiving: SuzAnn Kirby (unable to attend)

Lubbock Economic Development Alliance, Inc. (LEDA) Board  
and Market Lubbock, Inc. Board of Directors

Receiving: Dr. Jon Whitmore (unable to attend)

**CITIZEN APPEARANCES**

**Items 6-7 were considered following Item 22.**

**( 6.) Presentation of a special recognition to World Changers for the house repair work they are doing in Lubbock.**

Council Members DeLeon and Price joined Mayor McDougal while he presented a special recognition to World Changers Organization, which is a national volunteer mobilization organization that was founded in 1991 as a ministry of the Southern Baptist Convention with a vision of eliminating substandard housing in the United States. The organization works with local cities to repair and refurbish owner homes and, since its inception, has mobilized over 65,000 volunteers and repaired more than 5,000 homes around the country. This year, 92 national projects and 85 different cities are planned, and the city of Lubbock will join the World Changers for the first time in hosting local projects during the week of July 23-30, 2005 and partner with local churches, businesses, the City of Lubbock, and non-profit organizations. Over 275 volunteers have committed to the Lubbock project, including volunteers from Wisconsin, Tennessee, Mississippi, Arkansas, Oklahoma, New Mexico, and various cities in Texas including two groups from Lubbock. The Mayor encouraged all residents of Lubbock to recognize these volunteers for the hard work and dedication they exert in helping Lubbock home-owners in beautifying their homes. Members of the World Changers Organization present to accept the special recognition were, Larry Williams, Project Director, Cory O'Guinn, Nancy Holland, Andrew Flores, Adam Berry, Yummi Rho, and Charles Bryant. Williams and O'Guinn gave comments.

**(7.) Presentation of a resolution passed by the Lubbock Chamber of Commerce commending the City of Lubbock for the audit report.**

Linda Gaither, Lubbock Chamber of Commerce Chairperson, read a resolution, which was passed by the Lubbock Chamber of Commerce commending the City of Lubbock for the recent audit and fiscal report. An independent audit of the City of Lubbock Financial Management and Reporting Practices was recently conducted and found that, in the FY 2004, the City of Lubbock's finances were accurately managed and reported. The financial health and accurate financial management and reporting affects the City of Lubbock's bond rating, in turn affecting the interest rates at which the City can borrow money for projects that improve the infrastructure and quality of life in Lubbock. Those from Lubbock Chamber of Commerce presenting the resolution were Eddie McBride, Linda Gaither, Norma Ritz-Johnson, Pam Parkman, John Elliott, Dr. Charles Henry, Dan Pope, Gordon Wilkerson, Steve Verett, Kevin McMahan, Randy Sanders, Randy Jordan, David George, and Perry Tipton.

**The next items considered were Items 47-49.**

**CONSENT AGENDA (Items 10-12, 15, 18, 21, 26, 28, 30-34)**

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Martin to approve Items 10-12, 15, 18, 21, 26, 28, 30-34 on consent agenda as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**(8.) Approval of Minutes: July 14, 2005  
Regular City Council Meeting**

**This item was moved from consent agenda to regular agenda and considered following Item 36.**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve Item 8 with the amendments that were passed out by the City Secretary this morning that clarified the motions on Item 35 from the last Council meeting.

Motion carried: 7 Yeas, 0 Nays.

**The next item considered was Item 14.**

- ( 9.)           **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, 12) the Facilities Management Operating Fund, and 13) the Hotel/Motel Fund (Amendment #15) (*second and final reading*).**

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

**FISCAL IMPACT:**

- 1)       Increase funding in the Taxiway Lima Project in the Airport Capital Projects Fund from \$10,910,865 to \$11,449,399:

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 \$10,304,459 and 10% PFC \$1,144,940. The total project budget will be \$11,449,399; an increase to the budget of \$538,534.

- 2)       Appropriate fund balance of \$20,000 in the Environmental Compliance Fund and transfer \$40,000 from the UST Testing Remediation project 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 \$60,000 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 the 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 stormwater from the City. 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 about 60% over the original estimate. Materials, as well as labor costs, have increased significantly. The additional \$25,000 to come from the Stormwater Fund fund balance will allow for Andrews to be built. Clapp will need to 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 2005 Certificate of Obligation Bonds:

At the July 14, 2005 City Council meeting, the City Council sold Certificates of Obligation Bonds in the amount of \$45,035,000. Much of this funding was already appropriated by the City Council in the respective projects.

However, the following project budgets need to be revised to include the newly sold bonds:

<b>Fund</b>	<b>Project Name</b>	<b>2005 Certificate of Obligation Bonds</b>	<b>of 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

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Streets	State Federal Match	1,765,000	1,765,000
	Projects		

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 reclassified. The final amended budget for the Airport Parking Lot project is \$4,425,000; funded \$3,000,000 by 2005 Certificate of Obligation Bonds, \$1,300,000 funded by 1998 A/P Bonds, and \$125,000 from 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 July 14, 2005 City Council meeting, the City Council sold General Obligation Bonds in the amount of \$7,075,000. Some of this funding was already appropriated by the City Council in the respective projects.

However, the following project budgets need to be revised to include the newly sold 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	1,568,000
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.

- 9) Appropriate \$175,000 in the Hotel/Motel Fund for the 2005 Lubbock Fall Festival:

City Council approved \$175,000 on February 19, 2004 for the production of the Fall 2004 Music Festival by the Entertainment Lubbock Task Force. The 2004 Fall Festival was postponed until Fall 2005. A separate resolution accepting the proposed budget is being considered.

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

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0077 with amendment to change the State Federal Match Projects in the Street Fund to Municipal Drive-Elder Avenue Rebuilding Project. Motion carried: 7 Yeas, 0 Nays.

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

**Items 10-12 were considered following Item 36.**

- (10.) **ORDINANCE NO. 2005-O0078—Annexation south of 98th Street and east of University Avenue requested by Joe Stettheimer (*second and final reading*).**
- (11.) **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 (*second and final reading*).**
- (12.) **Ordinance No. 2005-O0080 revising Sections 24-156 and 24-158 of the City Code of Ordinances related to acceptance of paving improvements (*Street/Drainage Engineering*) (*first reading*).**

Presently Section 25-156 states that any paving constructed under the article shall become the property of the City upon acceptance by the City Engineer or City Council. This ordinance will revise this section to include drainage improvements as well as paving.

Presently Section 25-158 states that paving improvements shall be accepted by the City Council. This ordinance provides for acceptance of paving improvements by the City Engineer rather than by City Council, except where City costs are related to the acceptance.

**FISCAL IMPACT:**

Revision of these sections of the Code of Ordinances will reduce staff time and expense related to acceptance of paving improvements required for platting new subdivisions.

Staff recommended approval of this ordinance.

The next item considered was Item 15.

- (13.) **Ordinance No. 2005-O0081, and take action, providing for the issuance of General Obligation Bonds, Series 2005; levying a tax in payment thereof; approving the official statement; approving execution of a purchase contract; enacting other provisions relating thereto (*Finance*) (*first and only reading*).**

This item was considered following Item 9.

**FISCAL IMPACT:**

The purpose of this ordinance is to authorize the issuance of bonds that were approved by Lubbock voters on May 15, 2004. The issuance of the general obligation bonds represents the second issuance of debt as approved in an election held on May 15, 2004. The amount of bonds approved in the election was \$30,000,000. The issuance of this debt is not expected to increase the debt tax rate. The total of projects financed with these bonds is \$7.075 million. The projects scheduled to be funded include:

**MLK Little League Complex (3 Fields) - Funded by 2005 GO: \$1,664,000**

This project will be the first phase of the development of a four-plex designed little league baseball field. It will include: irrigation, press box, concession stand, lighting, fencing, and ADA accessible parking. This project will free the existing fields for practice facilities and establish a tournament grade facility. This project responds to the five highest priorities as established in the Lubbock Comprehensive Parks, Recreation, and Open Space Master Plan-Five Year Action Plan. There will be an increase in expenditures to cover the cost of operations, maintenance, personnel, and supplies.

**Subdivision Assessment - Funded by 2005 GO: \$330,000**

This project provides for the City's participation in the paving costs associated with the platting of new subdivisions. Cost includes extra width paving quantities on collector and thoroughfare streets and/or other costs encountered that are not attributable to the developer. These funds are also available for the City's participation in the cost of assessment paving programs. There will be a minimal impact in street maintenance costs.

**N/E Lubbock Infrastructure-New Residential Subdivision - Funded by 2005 GO: \$475,000**

This project will provide the necessary infrastructure to support approximately 75 single family homes in the targeted North and East Lubbock development area. The total project cost includes \$250,000 of

other contributions. The development's estimated value is about \$6.4 million.

**Federally Mandated Curb Ramps - Funded by 2005 GO: \$40,000**

This project will provide for the installation of approximately 200-350 curb ramps and audible pedestrian signal retrofits (A.P.S.) at high priority locations throughout the city. The purpose of the project is to improve pedestrian access for disabled individuals in accordance with the American with Disabilities Act regulations. Although the project will not provide maps and/or A.P.S.s at all intersections, ramp and A.P.S. construction at the high priority locations will result in significant progress toward compliance with the federal mandate. This project coincides with the City ADA transition plan for curb ramps and audible pedestrian signals. There will be a minimal impact on the operating budget.

**Citywide Traffic Signal Communications Upgrade - Funded by 2005 GO: \$114,907**

This project consists of design and construction of new communications equipment and material (fiber) to replace the existing copper communications cable that currently runs to approximately 90 intersections. The copper communications cable is approximately 25 years old and is gradually becoming unusable due to damage, wear, and general failure of individual wires in the cable. This results in few to no spare wires to switch to for communications purposes and periodic communications failures at multiple signals. There will not be an annual operating impact.

**Traffic Signals–New Locations - Funded by 2005 GO: \$50,000**

This project will add traffic signals to locations that warrant 1) a new signal, 2) major modifications to an existing capital and/or, 3) school flashing zone beacons.

**Sidewalk Construction Including Safe Routes to Schools - Funded by 2005 GO: \$400,000**

This project will provide for the installation of approximately 200-350 curb ramps and audible pedestrian signal retrofits (A.P.S.) at high priority locations throughout the city. The purpose of the project is to improve pedestrian access for disabled individuals in accordance with the American with Disabilities Act regulations. Although the project will not provide maps and/or A.P.S.s at all intersections, ramp and A.P.S. construction at the high priority locations will result in significant progress toward compliance with the federal mandate. This project also provides funding for the installation of various sidewalks and the City's participation in the Safe Route to Schools program.

**Midwest Little League Complex (3 Fields) - Funded by 2005 GO: \$1,664,000**

This project will be the first phase of the development for a four-plex designed Little League Baseball Field. It will include: irrigation, press box, concession stand, lighting, fencing, and ADA accessible parking. This project will free the existing fields for practice facilities and establish a tournament grade facility. This project responds to the five highest priorities as established in the Lubbock Comprehensive Parks, Recreation, and Open Space Master Plan - Five Year Action Plan.

**Phase I New Park-Southwest Lubbock/Soccer - Funded by 2005 GO: \$1,130,000**

This project will be the first phase of the development for an 80-acre Soccer Complex. It will include: irrigation, press box, concession stand, lighting, and ADA accessible parking. This project will free the existing fields for a tournament grade Softball facility at Burl Huffman. This project responds to the five highest priorities as established in the Lubbock Comprehensive Parks, Recreation, and Open Space Master Plan - Five Year Action Plan.

City Council passed a resolution at the June 23, 2005 City Council meeting authorizing the publication of a notice of intent to issue the bonds as required in the City's Home-Rule Charter. The notices have been published as required.

These bonds will be sold on a negotiated basis. The team of underwriters for this issuance will include A. G. Edwards & Sons, Inc., RBC Dain Rauscher Inc., and M. E. Allison & Company Inc.

To proceed with the debt issuance process, City management recommends approval.

Lee Ann Dumbauld, Chief Financial Officer, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first and only reading Ordinance No. 2005-O0081 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**The next items considered were Items 16-17.**

- (14.) **Resolution No. 2005-R0345 accepting the budget proposed for the Fall 2005 Music Festival from the Entertainment Lubbock Task Force (*Finance*).**

**This item was moved from consent agenda to regular agenda and considered following Item 8.**

City Council approved \$175,000 on February 19, 2004 for the production of the Fall 2004 Music Festival by the Entertainment Lubbock Task Force. The 2004 Fall Festival was postponed until Fall 2005. This action will re-appropriate those funds from the Hotel Tax Fund fund balance.

**FISCAL IMPACT:**

This is a re-appropriation of funds appropriated but not spent during FY 2003-2004.

Staff recommended approval of the proposed budget.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0345 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Jones recused herself.

**The next item considered was Item 9.**

- (15.) **Resolution No. 2005-R0334, and take action, relating to the giving of notice of intention to amend the City's ordinance authorizing the issuance of its Tax and Airport Surplus Revenue Certificates of Obligation, Series 1998, issued in the aggregate principal amount of \$1,330,000, to change the purpose for which proceeds may be spent (*Finance*).**

**This item was considered following Item 12.**

**FISCAL IMPACT:**

In 1998 the City issued Tax and Airport Surplus Revenue Certificates of Obligation, Series 1998 for the purpose of expanding the north/south runway at Lubbock Preston Smith International Airport. After the issuance of those bonds, the federal funds anticipated and needed to complete the runway became unavailable. Without the federal funds, it was not economically feasible for the City to construct the runway.

Since the bonds were issued for the specific purpose of expanding the north/south runway, the City was unable to use the bond proceeds for any other purpose. Therefore, the funds for that purpose have not been spent, and have been invested since that time.

In order to be able to use these funds and spend them on a project that is needed and necessary, the City Council has been advised to amend the original bond ordinance related to the 1998 bonds. To amend the purpose of the original bond ordinance, the City Council may authorize the

publication of a notice of intent to amend the original ordinance and change the purpose for which the bond proceeds may be spent. The notice shall be published in a newspaper of general circulation in the area of the City of Lubbock, Texas. The purpose of the bonds will be changed to the following project:

- Airport Parking Lot - This project will reconstruct and rehabilitate the existing public parking facilities at the Lubbock Preston Smith International Airport terminal building.

City management recommended the approval of this resolution.

**The next item considered was Item 18.**

**Items 16-17 were moved from consent agenda to regular agenda and considered following Item 13.**

- (16.) **Resolution No. 2005-R0346, and take action, amending the resolution authorizing reimbursement of preliminary expenditures from the proceeds of Tax and Waterworks System Revenue Certificates of Obligation, Series 2005, and authorizing publication of notice of intention to issue and sell such Certificates of Obligation (*Finance*).**

**FISCAL IMPACT:**

On June 23, 2005 City Council adopted a resolution that directed the publication of a notice of intent to issue Tax and Waterworks System Revenue Certificates of Obligation, Series 2005. Subsequent to that action, the City Council determined the need to add two projects to be financed with these certificates. Due to the addition of the two projects, the original notice of intent is no longer valid. Therefore, this resolution is necessary to amend the original notice by revising the description of the projects and changing the date of the sale of the certificates. The resolution also incorporates amended language to allow the reimbursement of bond-funded construction costs that are incurred prior to the bond issuances.

The proceeds from the sale of the certificates will be used for improvements to the City's Electric System, Sewer System, Water System, City Streets, City Parks, Airport, and Tax Increment Finance District. The City expects that the maximum principal amount of the certificates issued to reimburse the City for the costs associated with the certificate projects will not exceed \$49 million. The projects scheduled to be funded with these certificates include:

ELECTRIC

**Canyon West Infrastructure - Funded by 2005 CO: \$2,000,000**

The purpose of this project is to install a high voltage underground electrical system with major underground feeder lines from multiple sources and interconnects for a development of approximately 900,000 square feet of retail, restaurant, and entertainment establishments on approximately 116 acres. This complete underground system will be designed to accommodate future growth around this project.

At the present time a large church and several multi-family dwellings are planned around the project.

**Distribution Transformers - Funded by 2005 CO: \$750,000**

This project will provide funds for the purchase of transformers for electric system growth, maintenance, and improvement. This project is required to meet normal system growth resulting from changeovers to LP&L, new housing subdivisions, and increased needs of existing customers.

SEWER

**Sewer Lines Ahead of Marsha Sharp Freeway - Funded by 2005 CO: \$1,600,000**

This project funds the relocation of existing, and installation of new, sanitary sewer lines ahead of the Marsha Sharp Freeway construction. Phase 1 included Loop 289 to Chicago Avenue and Memphis Avenue to Avenue L. Phase 2 includes Salem Avenue to Avenue L. At least one of these relocation projects will extend beyond these limits. These projects will increase the sewer fund debt level. These projects are considered to have a minimal immediate impact to the operation and maintenance program, however, these projects will remove several thousand feet of the sewer system that is reaching the end of its useful life and have a positive impact on maintenance and operation in future years.

**Major Sewer Line Replacement - Funded by 2005 CO: \$800,000**

This project funds the replacement of large (12 inch and greater) sanitary sewer lines throughout the city that have reached the end of their useful life. Replacing aging sewer lines results in reduced maintenance on the replaced lines, improved level of service, and reduced risks of raw sewage overflows and resulting Texas Commission on Environmental Quality (TCEQ) fines.

**SEWRP Headworks Pump Rehab - Funded by 2005 CO: \$2,000,000**

This project funds the purchase and installation of new equipment, modification, and/or rehabilitation of the existing headworks influent pumps and Plant 4 intermediate station influent pumps. These efforts are necessary to enable the plant to meet permit requirements established by the TCEQ. Annual operating impact – to maintain current operating costs.

**Sewer System Master Plan - Funded by 2005 CO: \$300,000**

This project funds a sewer master collection plan. This master plan will provide a large-scale plan for the expansion of development/growth of the sewer collection system.

**Sanitary Sewer Line Replacements - Funded by 2005 CO: \$600,000**

This project funds the replacement of deteriorated or damaged sanitary sewer lines and manholes identified by field personnel.

**Sanitary Sewer Lines Ahead of Street Paving - Funded by 2005 CO: \$460,000**

This project funds the installation of sanitary sewer lines ahead of city, county, and state paving projects. Annual operating impact – avoidance of paving repair costs.

**Sewer Tap Replacements - Funded by 2005 CO: \$775,000**

This project funds the replacement of sanitary sewer taps that have failed. Annual operating impact – improved level of customer service and correction of potential threats to the health and safety of the public.

**SEWRP Rehabilitation and Repairs On-going - Funded by 2005 CO: \$425,000**

This project funds the purchase and installation of new equipment, modification and/or rehabilitation of existing equipment, facility and piping systems, and other major maintenance activities. These efforts are necessary to enable the plant's treatment process and effluent to meet permit requirements established by the TCEQ or Environmental Protection Agency (EPA). This project will also enhance our ability to meet contract provisions in the Jones Station effluent delivery contract. Replacement of these systems and facilities will increase overall performance, as well as enable the plant to run more efficiently.

**Lift Station Rehabilitation - Funded by 2005 CO: \$100,000**

This project funds the rehabilitation of the wastewater lift and pump stations located throughout the city. Over time, gases and the nature of the materials located in these lift and pump stations causes a breakdown in the construction materials.

These lift and pump stations become a potential site for fines from the TCEQ.

**Water Resources Master Plan - Funded by 2005 CO: \$635,000**

The purpose of this project is to evaluate various effluent management opportunities and determine the most efficient and effective use of treated effluent.

WATER

**Water Lines Ahead of the Marsha Sharp Freeway - Funded by 2005 CO: \$3,800,000**

This project funds the relocation of existing, and installation of new, water lines ahead of the Marsha Sharp Freeway construction. Phase 1 included Loop 289 to Chicago Avenue and Memphis Avenue to Avenue L. Phase 2 of TxDOT construction will extend from Salem Avenue to Avenue L. This water line relocation effort will extend somewhat beyond these limits. The water line extensions and relocations should be complete by September 2005. This project will increase the water fund debt level. There will be a slight positive impact on the maintenance and operation of the water system. At least one of these relocation projects will remove a line from the system that has a history of major leaks.

GATEWAY

**Milwaukee Avenue 34th-98th Streets - Funded by 2005 CO: \$15,235,000**

This project provides for the construction of a T-2 thoroughfare street (88 feet in width) on Milwaukee Avenue from 34th to 98th Streets. The completed project will provide for three lanes of traffic in each direction, plus a continuous left turn lane.

AIRPORT

**Airport Parking Lot - Funded by 2005 CO: \$3,000,000**

This project will reconstruct and rehabilitate the existing public parking facilities at the Lubbock Preston Smith International Airport terminal building.

PARKS

**Girls Fast Pitch Softball Complex - Funded by 2005 CO: \$4,000,000**

This project will fund the development of a 12-field girls fast pitch softball complex. It will include such amenities as a press box, concession stand, lighting, fencing, and ADA accessible parking.

STREETS

**Industrial Park Street Project - Funded by 2005 CO: \$1,765,000**

This project includes the reconstruction (asphalt, curb, and gutter) of an extension of Elder Avenue from the Loop 289 service road to Municipal Drive. The project also includes the reconstruction (concrete, strip paving) of Municipal Drive from Loop 289 to Guava Avenue.

TAX INCREMENT FINANCE ZONE

**Tract #3 - Funded by 2005 CO: \$229,363**

This project funds street reconstruction/resurfacing, landscaping in the parkway, water/wastewater replacement, and electric utility removal/relocation underground in the North Overton TIF. This tract is planned for retail development.

**Tract #5 - Funded by 2005 CO: \$521,396**

This project funds street reconstruction/resurfacing, 8th Street reconstruction, 8th Street amenities, landscaping in the parkway, water/wastewater replacement, and electric utility removal/relocation underground in the North Overton TIF. The master plan shows Tract 5 to be multi-family.

**Tract #6 - Funded by 2005 CO: \$365,264**

This project funds street reconstruction/resurfacing, 8th Street reconstruction, 8th Street amenities, landscaping in the parkway, water/wastewater replacement, and electric utility removal/relocation underground in the North Overton TIF. The master plan shows Tract 6 to be multi-family.

**Tract #7 - Funded by 2005 CO: \$290,062**

This project funds street reconstruction/resurfacing, landscaping in the parkway, water/wastewater replacement, and electric utility removal/relocation underground in the North Overton TIF. This tract is planned for a hotel and convention center.

**Dinerstein #3 - Funded by 2005 CO: \$1,030,578**

This project funds street reconstruction/resurfacing, landscaping in the parkway, water/wastewater replacement, and electric utility removal/relocation underground for the Dinerstein project in the North Overton TIF. This development targets student housing.

**Wal-Mart - Funded by 2005 CO: \$1,228,500**

This project funds street reconstruction/resurfacing of 7th Street, Avenues T and R and the roundabout, landscaping in the parkway, water/wastewater replacement, underground drainage for 6th Street, and

electric utility removal and relocation underground in the North Overton TIF.

**Condo 1 - Funded by 2005 CO: \$152,224**

This project funds the street reconstruction of Main Street (curb and gutter only) and Avenues V and W, landscaping in the parkway, water/wastewater replacement, and electric utility removal and relocation underground in the North Overton TIF

**Condo 2 - Funded by 2005 CO: \$176,474**

This project funds the street reconstruction/resurfacing on Main Street and Avenue U, landscaping in the parkway, water/wastewater replacement, and electric utility removal/relocation underground in the North Overton TIF.

**Condo 3 - Funded by 2005 CO: \$176,474**

This project funds the street reconstruction/resurfacing on Main Street and Avenue U, landscaping in the parkway, water/wastewater replacement, and electric utility removal/relocation underground in the North Overton TIF.

**Condo 4 - Funded by 2005 CO: \$401,448**

This project funds the street reconstruction/resurfacing on Main Street and Avenue U, landscaping in the parkway, water/wastewater replacement, and electric utility removal/relocation underground in the North Overton TIF.

**Single Family - Funded by 2005 CO: \$4,501,605**

This project funds street reconstruction/resurfacing, rotary amenities, 8th Street reconstruction, landscaping in the parkway, water/wastewater replacement, and electric utility removal/relocation underground in the North Overton TIF.

**Pioneer Park Improvements - Funded by 2005 CO: \$250,000**

This project funds improvements to Pioneer Park in the North Overton TIF. The first year of funding will be used for architectural and engineering services to design the improvements to the park.

**Tract #1A - Funded by 2005 CO: \$212,332**

This project funds street reconstruction/resurfacing, landscaping in the parkway, water/wastewater relocation, and electric utility removal and relocation underground for Tract 1A in the North Overton TIF.

Reimbursement of Preliminary Expenditures

For authorized construction projects there may be design and engineering costs incurred prior to delivery of the bond proceeds in order that the

projects may be completed within prescribed timeframes. The City must declare its intent to reimburse bond-funded construction costs that are incurred prior to the bond issuance for the costs to be eligible for reimbursement with bond proceeds. Therefore, this resolution will also amend the amount of the authorization of reimbursement of previously expended funds from the bond proceeds in an amount not to exceed \$49 million.

These bonds will be sold on a negotiated basis on August 25, 2005. The team of underwriters for this issuance will include A. G. Edwards, as Senior Manager, and RBC Dain Raucher, and M. E. Allison.

To proceed with the debt issuance process, City management recommended approval.

Motion was made by Council Member Boren, seconded by Council Member Price to pass Resolution No. 2005-R0346 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused himself.

- (17.) **Resolution No. 2005-R0347 authorizing the Mayor to execute a consulting agreement with Craig N. Farmer and to retain his services as an experienced consultant with special skills in planning and development on a part time and temporary basis to assist the City Manager, Deputy City Manager, and Chief Financial Officer in various planning, development, and economic development projects of the City (*City Manager*).**

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

Mr. Farmer has recently expressed a desire to return to consulting and staff has determined that it will be in the best interest of the City to retain his services as an experienced consultant on a part time and temporary basis. He will assist the City Manager, Deputy City Manager, and Chief Financial Officer on various planning, development, and economic development projects such as Overton Park, CBD Planning, Tax Increment Reinvestment Zones, and Public Improvement Districts. Mr. Farmer has more than 30 years experience in planning and development working as the Planning Director for various cities, as a consultant, and working for private developers. He has agreed to furnish such services on a part time temporary basis for a period of one year starting October 2005.

The agreement provides for consulting services of 980 hours or 20 hours per week at a rate of \$85 per hour; the same hourly rate of compensation

plus benefits he was receiving as an employee, with additional reimbursement of some overhead expenses such as a cell phone and computer. Any additional hours are at the option of the City at the same rate. This amount will cover all of Mr. Farmer's direct and indirect costs and any overhead. The City will provide workspace as needed. Any travel expenses for City business must be authorized in advance and will be an additional reimbursement. He will be contracting the remaining 20 hours per week to a Dallas planning firm, which will charge their clients a rate of \$125 per hour for his services.

Staff has a proposed reorganization chart with Mr. Farmer's eight departments and related duties divided among City Management staff.

**FISCAL IMPACT:**

There will be an \$83,300 cost offset by a similar reduction in direct and indirect costs to the General Fund.

City Manager staff recommended approval.

Craig Farmer, Managing Director of Planning & Transportation, gave comments and answered questions from Council.

City Manager, Lou Fox, answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0347 with amendment to a 30-day termination clause rather than 90 days, with the term of the agreement beginning Oct. 10, 2005. Motion carried: 7 Yeas, 0 Nays.

**The next item considered was Item 19.**

- (18.) **Resolution No. 2005-R0335 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 of Lubbock Community Development Department for the Comprehensive Energy Assistance Program (*Community Development*).**

**This item was considered following Item 15.**

The proposed amendment will allocate additional funds, \$52,500, to an existing program being offered by Lutheran Social Services (LSS). The City and LSS originally entered into a contract to allow the agency to offer the Elderly, Disabled and Energy Crisis Program to the citizens of Lubbock on February 5, 2004. That contract was amended on February 10, 2005 to extend the term of the agreement through December 31, 2005.

The amendment is in the backup documentation for your review.

**FISCAL IMPACT:**

This amendment will add funds to assist low-income families in making their homes more energy efficient and assist them with their energy bills. There is no fiscal impact on the General Fund involved with this project or amendment. The source for these funds is a pass through grant from the Texas Department of Housing and Community Affairs. Funding became available after the release of additional funds for the Comprehensive Energy Assistance Program by the State of Texas. If the project goes over budget, there will be no impact on State funds, Federal funds, or the City's General Fund.

The Community Development Service Board and staff recommended approval of this amendment.

**The next item considered was Item 21.**

- (19.) Resolution No. 2005-R0348 authorizing the Mayor to execute a contract with Texas Tech University for campus bus service (*Citibus*).**

**This item was moved from consent agenda to regular agenda and considered following Item 17.**

The contract with Texas Tech University (TTU) for transit services is for a one-year period beginning September 1, 2005 and ending on August 31, 2006. The contract cost will be \$41 per bus per hour. This will include a fuel cost adjustment above or below \$1.80 per gallon. The price per hour covers full cost recovery for the City. The current contract cost is \$39.22 per bus per hour with a fuel cost adjustment above or below \$1.30. Citibus has had a contract with TTU since 1968, with the fuel cost adjustment being added to the contract in 1981. In accordance with the TTU contract, Citibus does not collect fares from its passengers.

The TTU Board of Regents will consider approval of the contract at their August meeting and requests that City Council execute the contract first.

**FISCAL IMPACT:**

The Federal Transit Administration reimburses any funds spent on maintenance at 80% since the Texas Tech University service is on a breakeven option. The additional funds are used to pay for system expenses which otherwise would have to be paid by the City. Citibus anticipates receiving \$2,125,000 from TTU in FY 2006. The approval of this contract will result in no additional cost to the City.

Citibus recommended approval of the TTU contract.

Richard Casner, First Assistant City Attorney, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0348 with an amendment to change "Assistant City Manager for Development" to "City Manager of the City of Lubbock". Motion carried: 7 Yeas, 0 Nays.

**The next item considered was Item 22.**

- (20.) **Consider a resolution authorizing the Mayor to execute a quitclaim deed in favor of 802 Main, Inc. for three abandoned alley dedications and one abandoned street dedication (1620 36th Street) (*Right-of-Way*).**

**This item was deleted.**

- (21.) **Resolution No. 2005-R0336 authorizing the Right-of-Way Department to make an offer to Murphy Addition, LLC for a 1,023 square foot tract of land out of Lot 5, Murphy Place Addition to the City of Lubbock for the Memphis Avenue and 19th Street Northbound Right-Hand Turn Lane Project (3723 19th Street) (*Right-of-Way*).**

**This item was considered following Item 18.**

The City is in the process of acquiring right-of-way for a northbound right-hand turn land for Memphis Avenue at its intersection with 19th Street. The Texas Department of Transportation (TxDOT) has agreed to construct this right-hand turn lane when they are constructing the East-West freeway if the City will acquire the right-of-way. This resolution authorizes the Right-of-Way Department to make an offer to Murphy Addition, LLC for a 1,023 square foot parcel for this project. This parcel is located on the south side of 19th Street, on the east side of Memphis Avenue, and is a commercial business and parking lot. Merle Blosser, M.A.I., is the appraiser for this project and appraised this 1,023 square foot tract of land at \$15 per square foot for a value of \$15,345 and damage to the remainder of \$15,240 for a total appraised value of \$30,585 which is the offer to Murphy Addition, LLC. In this acquisition, the property owner will lose four parking spaces that are critical to his business. To solve this loss, the City will sell an excess portion (645 square feet) of 19th Street right-of-way to the property owner at a later date that will allow him to gain his four parking spaces back through a revised parking lot space arrangement. The City obtained this tract of 19th Street excess right-of-way from TxDOT as part of the Memphis Avenue-19th Street turn lane project.

Murphy Addition LLC will utilize approximately one-half (503 square feet) of this new right-of-way being sold by the City for parking lot and driveway area for their business and a street-use license will be required for this usage. The damage to the remainder is the cost of the property owner obtaining this street-use license. This resolution does not authorize the City to institute condemnation proceedings to acquire this property at this time since the owners have been agreeable with this project.

**FISCAL IMPACT:**

Expense to the City of \$30,585 from account #9513-8302-40000, the East-West Freeway Capital Projects account.

The Right-of-Way Department recommended approval.

**The next item considered was Item 26.**

- (22.) **Resolution No. 2005-R0349 authorizing the Right-of-Way Department to make an offer to Melba Jo Alford, AKA Milbry Jo Alford, for a 120-foot wide drainage easement located in Section 25, Block E-2, Lubbock County for the South Lubbock (98th Street) Drainage Improvement Project and to consider the commencement of eminent domain proceedings in the event such offer is not accepted (5301 98th Street) (*Right-of-Way*).**

**This item was considered following Item 19.**

This drainage easement is needed for the 98th Street Storm Water Drainage project and the 98th Street Paving Project. This 120-foot wide and 423.99-foot long easement is located on the south side of 98th Street, approximately 1,041 feet west of Slide Road and contains 1.149 acres (50,050 square feet). Merle Blosser, M.A.I., appraised this easement at \$75,075, which is the offer to Melba Jo Alford. This easement was originally appraised at \$9,479 and approved through Resolution No. 2005-R0071 at the February 24, 2005 City Council meeting. The offer was made to the property owner and shortly after that was not accepted. The Right-of-Way Department then met with the owner and her representatives who pointed out that the property on which the easement will be located is part of a smaller acreage tract of land (5.04 acres) than originally appraised (318.26 acres) and will be zoned for commercial use instead of residential use. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

**FISCAL IMPACT:**

A cost of \$75,075 from the South Lubbock Storm Sewer Project account.

The Right-of-Way Department recommended approval.

Ed Bucy, Right-of-Way Agent, and Marsha Reed, Civil Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Boren, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0349 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Gilbreath recused himself.

**At this time, the Invocation, Pledge of Allegiance, and Board Recognitions were conducted.**

**The next items considered were Items 6-7.**

- (23.) **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 deleted.**

- (24.) **Consider a resolution authorizing the Mayor to direct City staff to engage an engineering consultant to prepare a preliminary engineering study to evaluate one route for the Lake Alan Henry Transmission and Treatment System (*Water Utilities*).**

**This item was deleted.**

- (25.) **Consider a resolution authorizing the Mayor to direct City staff to engage an engineering consultant to prepare a preliminary engineering study on alternate route evaluations for the Lake Alan Henry Transmission and Treatment System (*Water Utilities*).**

**This item was deleted.**

- (26.) **Resolution No. 2005-R0337; Resolution No. 2005-R0338 for Rear Loader Packer Body Unit (*Fleet Services*).**

**This item was considered following Item 21.**

This purchase is for one 2005 Sterling Acterra cab and chassis and one Heil 5000 25 cubic yard rear packer body used by the Solid Waste Department. The rear loader will have a 25 cubic yard high compaction body with 3.94 cubic yards available for the pick up of bulky items such as old mattresses, furniture, tree limbs, and other items that do not fit into the

dumpster, but are left in the alley. Many times these bulky items are placed in the alley in such a manner that it requires the Solid Waste driver to get out of the vehicle and move the item before being able to empty the dumpster. The rear loading packer body also is used for manual trash pick-up using cart type trash containers in areas where the alley is inaccessible for various reasons.

The rear loader packer body unit is available for purchase through the Houston-Galveston Area Council purchasing cooperative with a 21-day delivery. Grande Truck Center of San Antonio, Texas supplies the cab and chassis and Heil of Texas of Irving, Texas supplies the rear loader packer body. Heil of Texas installs the body on the cab and chassis before delivering the complete unit to the City.

**FISCAL IMPACT:**

A total of \$216,000 was appropriated with \$216,000 available in Project # 6413.8701 (Solid Waste Department) for the principal and interest payments during FY 2004-2005. This equipment will be financed using the City's master lease-purchase program.

Staff recommended approval of purchase orders to Grande Truck Center of San Antonio, Texas for \$62,540 and to Heil of Texas of Irving, Texas for \$48,681 through the Houston-Galveston Area Council purchasing cooperative and financing said purchase price through the City's master lease-purchase program.

- (27.) **Consider two resolutions for Runway Surface Sensor System Upgrade (*Aviation*).**

**This item was deleted.**

- (28.) **Resolution No. 2005-R0339 - BID #05-047/BM—Consider one resolution for Drainage Improvements at Andrews Park (*Storm Water Management*).**

This bid involves a base bid for drainage improvements at Andrews Park and alternate bids for drainage improvements at Clapp Park. The project involves demolition of existing broken structures, grading, new concrete flatwork, and sod. The base bid includes extending the existing concrete drainage channel at Andrews Park to Playa Lake #25, which will prevent erosion and ponding that occurs within the existing natural grass channel. Alternate bids include repairing four concrete drainage channels at Clapp Park.

The low bid for the base bid plus the alternate bids is \$266,453.13 and far exceeds the original construction estimate. Staff recommended awarding

the base bid for Andrews Park and re-bidding the Clapp Park portion of the project at a later date.

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

**FISCAL IMPACT:**

A total of \$175,000 was appropriated with \$172,063 available in Project number 293.90344 (Concrete Drainage Channel) for this purpose. The original budgeted amount for design and construction for this project was \$175,000 dollars. Another \$25,000 was approved through a budget amendment by City Council for this project for a total of \$200,000 with \$197,063 available.

Staff recommended bid award for the base bid to Brown-McKee, Inc. of Lubbock, Texas, for \$192,196.17.

- (29.) **BID #05-051/RW—Consider one resolution for Traffic Signal Cabinets and Controllers (*Traffic Engineering*).**

**This item was deleted.**

- (30.) **Resolution No. 2005-R0340 - BID #05-054/BM—Consider one resolution for Wood Grinding at Caliche Canyon Landfill (*Solid Waste Disposal*).**

This bid involves grinding approximately 100,000 cubic yards of wood waste at the Caliche Canyon Landfill located at 8425 North Avenue P. The resulting mulch may be used for composting projects and landscaping.

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

**FISCAL IMPACT:**

A total of \$200,000 was appropriated with \$200,000 available in account number 5515.8302 (Solid Waste Disposal – Professional Services) for this purpose.

Staff recommended bid award to MTD Environmental, L.P. of Odessa, Texas for \$112,000,

- (31.) **Resolution No. 2005-R0341 - BID #05-061/BM—Consider one resolution for Lubbock Preston Smith International Airport Construction/ Expansion of Taxiway Lima (*Aviation*).**

This bid is for the rehabilitation of Taxiway Lima and the extension of this taxiway northbound to Taxiway Sierra. This new section of taxiway will

replace Taxiway Alpha, which no longer meets Federal Aviation Administration runway separation standards and has exceeded its useful life.

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

**FISCAL IMPACT:**

A total of \$10,910,865 was appropriated with \$10,910,865 available in Project 90351 (Extend Taxiway Lima) for this purpose. This project is funded with \$9,370,387 in federal funds.

Staff recommended bid award to Duininck Bros., Inc. of Roanoke, Texas for \$10,056,506.40.

- (32.) **Resolution No. 2005-R0342 - BID #05-062/MA—Consider one resolution for Remediation of Former Police Firing Range – 615 Municipal Drive (*Environmental Compliance*).**

This bid is for the remediation of the former police firing range located at 615 Municipal Drive. State and federal environmental regulations require that lead, and other chemicals of concern, be removed from the closed site with proper disposal.

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

**FISCAL IMPACT:**

A total of \$210,000 was appropriated with \$155,000 available for this purpose. The original budget amount for this project was \$210,000. Another \$20,000 was approved through a budget amendment by City Council for a total of \$230,000, with \$175,000 available.

Staff recommended bid award to MT<sup>2</sup>, LLC of Wheat Ridge, Colorado for \$172,640.

- (33.) **Resolution No. 2005-R0343 - BID #05-077/MA—Consider one resolution for Sale of Recyclable Scrap Paper and Plastics – Annual Pricing (*Solid Waste Recycling*).**

This bid establishes annual pricing to process, bale, store, market, and sell recyclable scrap paper, cardboard, and plastics collected for the City of Lubbock Recycling Programs. Solid Waste Recycling employees collect recyclable materials from drop-off centers and other programs and transport the materials to the recycler.

Pricing for each category of scrap paper is based on the weekly publication of the Official Board Markets. The price for each delivery will be calculated by multiplying the percentage shown on the bid tabulation by the Southwest Market High Base Price per ton on the day of the scrap delivery.

Pricing for each category of scrap plastics is based on the current mill price for scrap plastic. The price paid for each delivery will be calculated by multiplying the percentage shown on the bid tabulation by the current mill price per ton on the day of the scrap delivery.

Sixteen local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

The estimated revenue is \$16,000 annually and is budgeted in account number 241.7201 (Recycled Products).

Staff recommended bid award to Jarvis Metals Recycling of Lubbock, Texas.

**(34.) Resolution No. 2005-R0344 - RFP #05-067/VK—Consider one resolution for Airline Lease Negotiation Assistance (*Aviation*).**

The purpose of this contract is to successfully negotiate a new airline lease agreement prior to the expiration of the current agreement that expires April 4, 2006. A successful negotiation could result in increased revenue to the airport.

The following firms submitted proposals to the City for airline lease negotiations assistance at Lubbock Preston Smith International Airport and were ranked as follows:

Ricondo & Associates, Inc. of Chicago, Illinois	90
Leigh Fisher Associates of Burlingame, California	77
PB Aviation, Inc. of Cincinnati, Ohio	70

The evaluation criteria in the RFP included experience in airline negotiations at similar airports since 2001 (20%), qualifications and demonstrated skill (20%), quality and record of performance of airline negotiations completed (20%), time proposed to complete the project (30%), and fee proposal (10%).

While all three proposals were found to be prepared in a professional manner with significant experience in the industry, Ricondo & Associates

had more experience in negotiations at airports similar to Lubbock. Additionally, Ricondo & Associates is currently a subcontractor to the Airport Master Plan project and the firm is more knowledgeable regarding the airport's financial information. Finally, Ricondo & Associates submitted the fee proposal.

**FISCAL IMPACT:**

Staff is anticipating a project start date of August 2005 with completion prior to the airline lease expiration date of April 30, 2006. The contract will span fiscal years 2004-2005 and 2005-2006. \$21,000 is available in account number 4611.8302 (Aviation Administration – Professional Service) in the FY 2004-2005 budget for this purpose. The remaining \$50,000 has been designated in the FY 2005-2006 budget for completion of the project.

A total of \$35,340 was appropriated with \$13,396 available in account number 4611.8302 (Aviation Administration – Professional Service) for this purpose.

Staff recommended bid award to Ricondo & Associates, Inc. of Chicago, Illinois for an amount not to exceed \$71,000.

**ORDINANCES FOR PASSAGE**

**Second Reading**

**Items 35-36 were considered after Mayor McDougal called the meeting to order at 9:01 A. M.**

- (35.) **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) (Mayor Marc McDougal away from the dais) (second and final reading).**

**This item failed.**

Ed Bucy, Right-of-Way Agent; Randy Henson, Senior Planner; and Anita Burgess, City Attorney, all gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0075 as recommended by staff. Motion failed: 3 Yeas, 4 Nays.

Mayor Pro Tem Martin and Council Members DeLeon, Boren, and Jones voted Nay.

- (36.) **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) (Mayor Marc McDougal away from the dais) (second and final reading).**

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0076 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**10:00 A. M. PUBLIC HEARINGS**

**Items 37-42 were considered following Council reconvening at 10:00 a.m.**

- (37.) **Ordinance No. 2005-O0085 - ZONE CASE NO. 3043 (105th Street and Quaker Avenue): Hold a public hearing to consider the continued request of Hugo Reed and Associates, Inc. (for Carl Russell and Larry Elliot) for a zoning change from T to C-2A, R-2, and R-1 Specific Use for reduced setbacks on 53.5 acres of unplatted land out of Section 17, Block E-2. (first reading).**

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of Carl Russell and Larry Elliot. No one appeared in opposition. Mayor McDougal closed the hearing at 10:02 a. m.

The request is for single family with a Specific Use Permit allowing the now common setbacks of 20 feet on the front, and five feet on cul-de-sac lots and side setback for corner lots and areas as R-2 with the same setback minimums. The applicant is requesting two tracts as C-2 on the west end of the remaining portion of the Ravenwood Subdivision.

Adjacent land use:

- North – commercial, residential, and vacant
- South – vacant and residential
- East – residential
- West – residential and a power substation

The R-2 area is targeted to be developed as quality garden homes or the R-2 would allow for duplex construction if that market is viable in this vicinity.

Staff is supportive of both the R-1 and R-2 proposed areas with the Specific Use Permits allowing for the proposed setback on fronts, cul-de-sac lots and side setback adjacent to streets.

The proposed C-2 adjacent to Quaker Avenue does not meet the concept of the current Comprehensive Land Use Plan. Prior to the last meeting of the Planning Commission when the case was continued, staff had indicated to Mr. Russell that either church tracts or Garden Office would be considered for recommendation, but that the dimension of commercial south from 98th Street along Quaker Avenue has already been stretched considerably more than the policy 660-foot length because of the nursery that is in place on the west side. Commercial zoning on the east side has previously been approved to match the west side.

Since before the last meeting, staff (the Senior Planner) was drafting a proposal for the Planning Commission and the City Council to consider as a change in policy within the Comprehensive Land Use Plan. A copy was hand delivered to the Commission. Combining policy discussion and an actual zone case may not be the best way to approach change, but this case and several others create the same situation.

Staff has asked Mr. Russell and Mr. Elliott to consider alternatives for both zoning and design of the west end of the subdivision if City Council is not in agreement with moving forward with the concept of the proposed change, or if the proposed C-2 is approved. The Position Paper is included in the back-up materials with a reply by Mr. Farmer indicating both the pros and the cons side of a policy change. Staff has visited with several individual Commission members and at least one City Council member, and has not had a negative reaction. Staff is continuing an analysis of how much commercial land staff has in existing developed square miles as well as potential alternatives for design that will benefit both the public and developers.

The Planning Commission recommended approval of the R-2 and R-1 areas with conditions:

1. The front setback shall be a minimum of 20 feet.
2. The side setback adjacent to streets shall be a minimum of 5 feet.
3. If the homes in that block are constructed with rear access, the fence setback adjacent to the side street shall also be 5 feet.
4. The front setback for lots on cul-de-sacs shall be a minimum of 5 feet except that any front entry garage shall have a minimum setback of 20 feet.

The Planning Commission also recommended approval of the two parcels adjacent to Quaker Avenue with the following conditions, recognizing that

this list of conditions will become more formal or standardized if the actual policy for commercial away from the intersections is approved:

1. Each C-2 parcel is allotted a maximum of two curb returns to Quaker Avenue or a master plan for curb cuts on Quaker Avenue approved as other business by the Planning Commission at a later date.
2. A screening fence of masonry or a combination of masonry with wood inserts is required on the east boundary of the two tracts concurrent with the first construction permit on each parcel.
3. Approval of the request will not be considered as a stepping-stone to heavier zoning in the future, recognizing that this ordinance cannot bind any future Commission or City Council.
4. The owner of the parcel is responsible for an alternate use more restrictive than C-2, should the market not prove to be available for either parcel.

**FISCAL IMPACT:**

Not applicable.

Staff supports the Planning Commission recommendation. Staff indicated a more refined discussion of any official change of the Comprehensive Plan will be held in the near future.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0085 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (38.) **Ordinance No. 2005-O0086 - ZONE CASE NO. 3044 (3419 24th Street): Hold a public hearing to consider the request of David Syn, M. D., (for the Advanced Bariatric Surgery Center, P. A.) for a zoning change from R-1 to A-M for a medical office building on Lots 9 and 10, Block 1, Tyler Square Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of Advanced Bariatric Surgery Center, P. A. No one appeared in opposition. Mayor McDougal closed the hearing at 10:02 a. m.

The applicant is proposing a zone change to AM within the area in the medical district designated by the Comprehensive Land Use Plan as an AM Policy district.

Although adjacent land use is currently residential in most directions, some AM development exists on 23rd Street to the north as the medical district grows.

The south end of the AM District remains largely residential, but is all subject to change with a zone case.

The applicant has not submitted any plans for the proposed business; the new structure (or if the current structure is recycled) will have to meet the development standards of AM.

The Planning Commission recommended approval of the request.

**FISCAL IMPACT:**

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-00086 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (39.) **Ordinance No. 2005-00087 - ZONE CASE NO. 3045 (217 Paris Avenue): Hold a public hearing to consider the request of Faulk and Foster (for WWC Texas RSA Limited Partnership) for a zoning change from C-4 to C-4 Specific Use for a 100 foot monopole wireless communications tower on a portion of land out of Lots 8 and 9, Block 32, Low and McNabb Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of WWC Texas RSA Limited Partnership. No one appeared in opposition. Mayor McDougal closed the hearing at 10:02 a. m.

With regard to Zone Case 3045, the Federal Communications Act specifies five provisions be addressed during consideration of a request to install a PCS or cellular tower:

- Reasonableness – local governments may not discriminate between carriers or use zoning provisions that effectively prohibit the provision of service.

The intent of Congress is not to deny localities the flexibility to treat similar service providers differently on the basis of varying setback, height, or safety requirements when proposals are in different zoning

districts – i.e. A request in residential can be considered with a different perspective than one in commercial or industrial.

- Timeliness – The hearing process must occur within a reasonable time frame.
- **Documentation – A denial by the Planning Commission or City Council must be in writing and substantiated by evidence contained in written records.** The application should be detailed in writing and a written staff evaluation of the application should be presented. The minutes should reflect in detail any opposition or support for the request.
- Siting Criteria – The effect of the electromagnetic field created by cellular or PCS may not be a factor in the consideration of a tower. Presumably, FCC guidelines are in effect which provide a safe electromagnetic atmosphere in the immediate vicinity of towers.
- Court jurisdiction – Challenges to denied zone cases must be filed in state or federal court.

Staff review of stated purpose/goals for towers [Section 29-30(b)(8)]:

1. Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community.

The area surrounding this site is all commercial and some of the uses are nonconforming industrial. One guideline for towers is that the setback from adjacent off-site residential structures be greater than the height of the pole. This site does not create an issue adjacent to residential.

2. Encourage strongly the joint use of new and existing tower sites.

There are no existing towers. The applicant has provided an extensive review of the fact that adjacent co-location sites are not available.

3. Require users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.

This is the most difficult aspect of tower requests. Except in remote areas of the community, adjacent owners often express objection to new tower locations. Contrast this to the demand by the overall public for consistent, clear, phone communications and the situation is diametric. Citizens want clear phone signals but do not want the towers.

One aspect illustrated in past cases is the number of tall items in our community that seem to not create great concern, although general reference to them may be as “ugly” in the same context as cell towers.

- The light standards on 19th Street and University Avenue are 90 feet tall.
- The typical major electrical transmission towers along Flint Avenue and 34th Street are approximately 90 feet tall.
- The light standards of Loop 289 and major intersections are approximately 100 feet tall.
- The television tower south of Loop 289 at University Avenue is in excess of 1400 feet tall.

These all illustrate that citizens overlook many tall items because they recognize their necessity, although they may not care for their aesthetic appeal. The same applies to cell towers when alternate structures do not exist. Citizens have to live with their presence if they demand the phone service.

Two aspects that may constitute the primary opposition for the request are property values and aesthetics. While these are viable discussion items for determination by the Planning Commission, opinions from citizens that are not substantiated with data or expert verification is suspect if a denial is challenged in court.

1. Require users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

The proposal is for a monopole that will allow at least two carriers. This proposal is the least intrusive if a structure is allowed in the area.

The Planning Commission recommended approval of the request with one condition:

1. Construction of the tower shall be a monopole style with no exterior wiring.

**FISCAL IMPACT:**

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0087 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (40.) **Ordinance No. 2005- O0088 - ZONE CASE NO. 2808-A (6409 19th Street): Hold a public hearing to consider the request of Keith A. Leano d/b/a Master Lube Express (for Pegasus Broadband Communications, LLC) for a zoning change from C-3/C-3 Specific Use to C-3 Specific Use for a 60 foot three-legged communications tower on a portion of Tract A-4-A, Milwaukee Place Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of Pegasus Broadband Communications, LLC. No one appeared in opposition. Mayor McDougal closed the hearing at 10:02 a. m.

With regard to Zone Case 2808-A, the Federal Communications Act specifies five provisions be addressed during consideration of a request to install a PCS, cellular tower, or as in this case, a microwave transmission tower:

- Reasonableness – local governments may not discriminate between carriers or use zoning provisions that effectively prohibit the provision of service.
- The intent of Congress is not to deny localities the flexibility to treat similar service providers differently on the basis of varying setback, height, or safety requirements when proposals are in different zoning districts – i.e. A request in residential can be considered with a different perspective than one in commercial or industrial.
- Timeliness – The hearing process must occur within a reasonable time frame.
- **Documentation – A denial by the Planning Commission or City Council must be in writing and substantiated by evidence contained in written records.** The application should be detailed in writing and a written staff evaluation of the application should be presented. The minutes should reflect in detail any opposition or support for the request.
- Siting Criteria – The effect of the electromagnetic field created by cellular or PCS may not be a factor in the consideration of a tower.

Presumably, FCC guidelines are in effect which provide a safe electromagnetic atmosphere in the immediate vicinity of towers.

- Court jurisdiction – Challenges to denied zone cases must be filed in state or federal court.

Staff review of stated purpose/goals for towers [Section 29-30(b)(8)]:

Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community.

The area proposed as the site of this tower is behind a commercial business on West 19th Street, and the land area behind the location is vacant commercial. The tower proposed by Mr. Leal and Pegasus Communications originally was a 60 foot self-supporting (meaning a tri-legged with lattice reinforcements) versus our normal request for a monopole. According to the agent for Pegasus, the self-supporting style is simple to construct. In the past, the contention has been made that self-supporting is needed for the extra load that microwave dishes place on the towers. City Bank had a monopole approved that is used for microwave, so the technical issue of support does not seem to hold true at face value. The self-supporting towers are much less expensive and easier to install.

One guideline for towers is that the setback from adjacent off-site residential structures be greater than the height of the pole. Mr. Leano did not provide any distance from the home that is to the east but the area is all zoned commercial. The aerial would seem to indicate that he meets the 60-foot fall distance requirement.

1. Encourage strongly the joint use of new and existing tower sites.

Cell towers already exist on 19th Street. Mr. Leano did not provide any documentation that a viable alternative does or does not exist. The agent for Pegasus did point out that the product on this tower is different - broadband microwave for internet versus PCA or cell phone technology.

2. Require users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.

This is the most difficult aspect of tower requests. Except in remote areas of the community, adjacent owners normally express considerable objection for new tower locations. Contrast this to the need of this microwave user to have a direct line of sight to the source of communication. The tower is shorter (60 feet) than others that have been approved in the area as monopole construction.

Two aspects that may constitute the primary opposition for the request are property values and aesthetics. While these are viable discussion items for determination by the Planning Commission, opinions from citizens that are not substantiated with data or expert verification is suspect if a denial is challenged in court.

3. Require users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

The self-supporting style is far less aesthetic than the monopole. The reduced height is the only positive aspect of the original request.

Staff requested the Commission approve the choice for construction of a 120-foot monopole if a structure is to be located on the lot, and that the style is monopole regardless of height. If the broadband company or Mr. Leano want to have the taller tower and have room for one or several additional users, the new tower will help reduce future requests in the area. The Commission did approve the increased height at the discretion of the owner with the following condition:

1. Construction of the tower shall be a monopole style with no exterior wiring.

**FISCAL IMPACT:**

Not applicable.

Subject to the condition, staff supports the recommendation of the Planning Commission.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0088 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (41.) **Ordinance No. 2005-O0089 – ZONE CASE NO. 2658-H (3001 50th Street – 50th Street and Elgin Avenue): Hold a public hearing to consider the request of CMS Properties (for Peach Sky Capital, Ltd.) for a zoning change from C-3 to C-4 Specific Use for office warehouses on a portion of Lot 4 of Tract A, Monterey Center Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of Peach Sky Capital, Ltd. No one appeared in opposition. Mayor McDougal closed the hearing at 10:02 a. m.

The applicant is requesting that the back portion of a site at 50th and Elgin Avenue be zoned as C-4 limited to contractor's warehouse/office uses and all permitted C-3 uses. The Planning Commission reminded staff that the City Council rejected a similar case after approval by the Commission at the west end of this parcel. While a portion of that case (south of Rosa's Restaurant) was a little larger than the proposal in this case, and a portion of it is across from residential, staff explained the then recent review of the midtown revitalization report was the primary basis for denial of the other case. The west project was north of the single story bungalow level portion of the senior living center. The possibility of a review of that case was discussed, since that parcel of land is remote from 50th Street similar to this spot and the likelihood of upscale or less dense land use is unlikely. The west parcel is blocked from 50th Street by the structures to the north and will be difficult to develop as a destination location.

Adjacent land use:

North – commercial

South – senior care facility

East – commercial

West – commercial (C-4 Specific Use for a mini-warehouse project)

The project is not consistent with the intent of the Comprehensive Land Use Plan in that C-4 is proposed for location on State and U.S. Highways as regional thoroughfares.

Three issues exist that represent an alternative in this instance: 1) With the underpass of 50th Street under West Loop 289, one could argue that 50th Street is at the level of a regional thoroughfare although no official designation exists, 2) the project is well designed, buffered from 50th Street by light retail, and is occupying the back portion of an exceptionally deep tract (off 50<sup>th</sup> Street), and 3) the C-4 is limited to only one of the C-4 District uses versus the full range of permitted uses. The approval of the adjacent mini-warehouse project was based on the fact that the interior area of the old Monterrey Shopping Center tract was not going to be viable for general retail because of the lack of visibility from 50th Street.

The project should have less impact on overall traffic in the area since the occupants would not attract a customer base like general retail.

The Commission seemed comfortable with a minor amendment of the Comprehensive Land Use Plan, and recommended the request with three conditions:

1. The development shall be in substantial compliance with the proposed site plan and specifically with the one curb cut proposed.

2. The south wall of the building shall be stucco with no ingress or egress.
3. If any dumpsters are located between the building and Elgin Avenue, adjacent to the south property line, dumpsters shall be screened on the east, south, and west.

**FISCAL IMPACT:**

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0089 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (42.) **Ordinance No. 2005-O0090 - ZONE CASE NO. 2984-B (south of 34th Street and west of Milwaukee Avenue): Hold a public hearing to consider the request of CMS Properties (for S & S Commercial Properties, Ltd.) for a zoning change from A-2/C-2A to C-3 on 18.4 acres of unplatted land out of Sections 37 and 38, Block AK. (first reading).**

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of S & S Commercial Properties, Ltd. No one appeared in opposition. Mayor McDougal closed the hearing at 10:02 a. m.

The applicant is requesting a change of C2-A and A-2 zoning along Milwaukee Avenue to C-2 and C-3.

Adjacent land use:

North – vacant, zoned commercial

South – railroad

East – residential and industrial (vacant)

West – single family (vacant)

In a recent zone case, the subject property was zoned light commercial on the north end with a larger tract for apartments to the south. The demand for apartments has diminished for the near term with an abundance of units being added to the market.

The request is the second of the cases that will test the viability of the amendment proposed for the Comprehensive Land Use Plan on north/south thoroughfares. The applicant agreed to amend the case to request C-2 on the portion across from the existing residential subdivision,

and the C-3 portion will be across the street from existing industrially zoned property.

Compared to the current zoning, the amendment should not add any additional traffic to the thoroughfare system.

The Planning Commission approved the recommendation as a minor amendment to the Comprehensive Land Use Plan with two conditions:

1. The entire tract is subject to approval of a curb cut master plan prior to the recording of any individual tract.
2. An access easement on the tract will ensure that retail establishments not adjacent to a curb cut will have access to Milwaukee Avenue.

**FISCAL IMPACT:**

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0090 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**The next items considered were Items 44-46.**

- (43.) **Ordinance No. 2005-O0094 - ZONE CASE NO. 3046 (west of Slide Road and south of 98th Street): Hold a public hearing to consider the request of Bobby McQueen (for Dr. Charles H. Gilliam) for a zoning change from T to GO on 4.5 acres of unplatted land out of Section 25, Block E-2. (first reading).**

**This item was considered following Item 46.**

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of Dr. Charles H. Gilliam. No one appeared in opposition. Mayor McDougal closed the hearing at 10:02 a. m.

The parcel is an area forced into an odd shape because of the location of the playa lake to the south and an existing residential subdivision on the west north. The area to the east has already been zoned into a large C-3 tract for a shopping center.

Adjacent land uses:  
North – residential  
South – playa lake

East – commercial (vacant)  
West – residential

As noted, the parcel is awkward in that it is surrounded on two sides by residential and on the south by a playa lake. The proposal will meet the criteria for buffering within the policy for Garden Office to act as an acceptable buffer.

The project is consistent with zoning policy and should have little impact on the thoroughfare system.

The Planning Commission recommended approval of the request.

**FISCAL IMPACT:**

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-00094 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Gilbreath recused himself.

**10:05 A. M. CITY COUNCIL RECESSED**

**10:15 A. M. CITY COUNCIL RECONVENED IN WORK SESSION**

**The next item considered was Item 50 in Work Session.**

**Items 44-46 were considered following Item 42.**

**(44.) Ordinance No. 2005-00091 - ZONE CASE NO. 2826-B (87th Street and Avenue P): Hold a public hearing to consider the request of Tysen Mortensen (for Carl Mortensen) for a zoning change from C-4 to M-1 with conditions on 3.95 acres of unplatted land out of Section 9, Block E. (first reading).**

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of Carl Mortensen. No one appeared in opposition. Mayor McDougal closed the hearing at 10:02 a. m.

The applicant is requesting the same zoning as the parcels to the north on Avenue P. The M-1 zoning to the north is a practical result from the location of the City fuel storage facility and storage area just to the west and the telephone stack lot and exchange at 82nd Street and Avenue P. That facility was installed when the land was outside the city limits.

Adjacent land uses:  
North – industrial  
South – commercial (vacant)  
East – commercial  
West – commercial (vacant)

With the adjacent land uses, staff is of the opinion that the proposed zoning will not create a detriment that does not exist in the area at present. The row of lots to the north has developed with various businesses that need a shop and a small office, and most are listed M-1 uses. In addition, the same applicant owns commercial lots to the west and north so he is buffering himself.

The zone cases to the north have two conditions that staff indicated would be repeated if the Commission considers approval of the request, and the Planning Commission recommended approval of the request with the following conditions:

1. A seven-foot solid screening fence shall be installed completely around any outside stack of materials.
2. That 5% of the parcel(s) shall be landscaped.

**FISCAL IMPACT:**

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0091 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**(45.) Ordinance No. 2005-O0092 - ZONE CASE NO. 3047 (114th Street and Quaker Avenue): Hold a public hearing to consider the request of Hugo Reed and Associates, Inc. (for Stellar Development) for a zoning change from T to R-1 Specific Use, CB-2 Specific Use, and CB-3 Specific Use on the north half of Section 23, Block E-2. (first reading).**

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of Stellar Development. No one appeared in opposition. Mayor McDougal closed the hearing at 10:02 a. m.

The applicant is proposing a development termed in the current planning vernacular as a “traditional neighborhood development” (TND). This concept reinforces the fact that nothing is new, and the circle of styles or

attitudes about development have come full circle. When Lubbock was a community of 3,000 folks in the early part of the century, it was an original TND.

As the population expanded, Texas Tech was established, and staff have become a city versus village or town – Lubbock has seen the complete cycle of types of development. The original central town/county courthouse was surrounded by commerce that was surrounded by housing – thus the original TND. At one time the original square mile of Lubbock, 4th to 19th Streets and Avenues A to P was, so the story is told, fenced with a barbed wire fence with a gate on the west and east. The story continues that it was a serious offense to leave the gate open. Whether or not that story is true or not, it makes a good story.

The UNIT neighborhood was one of the first square miles developed away from the core area or the Original Town and Overton plats - between Avenue A and University Avenue (College Avenue if you please) - to develop in the growing community. It was designed under the TND style of thinking wherein the commercial is located at the center of the mile (26th Street and Boston Avenue). Regrettably, that style of marketing or volume of business required for success in the 21st century does not normally support the interior commercial atmosphere. The Lubbock Comprehensive Land Use Plan addresses that ability and staff have a C-1 District in the Zoning Code to provide those interior uses but they typically fail to thrive in today's business environment.

Regarding the zone case, if the issue seems too detailed please consider the change in mindset proposed for this subdivision. It is a style of living built around a walking environment versus the automobile environment and that is difficult for folks in West Texas to get their arms around. The Planning staff recommendation will be in favor of the request with a set of conditions that will benefit future generations of residents of the subdivision, the citizens of Lubbock, and future staff members. The mindset is very different from much of the current Code for both subdivision of land (platting) and zoning. Staff is using a combination of an Ordinance that will be crafted for the half square mile including adoption of some of the exhibits in the Village Township Master Plan to avoid making the instrument more complex than necessary.

In many communities the City Council simply adopts the entire Master Plan for the TND as the zoning ordinance. In this case, staff is interested in Mr. Stell having as much flexibility within the case as the market responds to his product, while achieving the protection of the public that is the basic reason the City has development codes. Mr. Stell provided an abbreviated Master Plan and the matrix sheets for land uses, parts of which are recommended as a part of the ordinance and parts of which will be

attached to the Ordinance or by Resolution at the City Council level simply as instructive to future generations.

The project is generally in compliance with the policies of the Comprehensive Land Use Plan for the proposed commercial areas with the exception of the extension of the CB2 along the Slide Road frontage. That extension of commercial beyond the 660-foot policy is the topic of the change to policy discussed earlier, and more importantly for this case is that much of the area on the west side of Slide Road is already substantially commercial.

The commercial in the interior, while not C-1, is intended strictly as neighborhood friendly and is within the concept of neighborhood service as anticipated in the Comprehensive Land Use Plan. Original discussion with Mr. Stell included using the Planned Use District section of the Specific Use Section of the Zoning Code. Staff opinion was to use the Specific Use Sections for both the residential and commercial areas, as the individual areas could be tailored better for the proposal. The PUD section has some provisions that would not benefit the current proposal. The following is a list of what the difference will be in the Village Township ordinance versus a typical adjacent subdivision not using Specific Use:

- The CB base districts are used for the commercial because the CB District allows a residential component not found in other C Districts.
- The development will allow for a significant reduction of setback related to the various types of commercial buildings and residential units.
- The development will allow for a significant increase in lot coverage than found in the current commercial, R-1, and standard R-1 Specific Use Districts.
- In the R-1 Specific Use area, the current master plan targets specific blocks for specific housing styles and one open space area in the center that may be converted for a school site or to additional residential. The staff recommendation for the R-1 Specific Use area is to allow the plat to determine which housing style will be located on the lots, which will allow the developer to amend the housing mix as the market reacts to the subdivision, without an additional zone case.

Other issues that will be addressed by the City Council or the Zoning Board of Adjustment to make the village plan complete:

- The proposed street section plates and master designation sheet will be proposed for adoption by the City Council as an amendment to the Streets and Sidewalk section of the Code of Ordinances. If approved by City Council, the plates will be specific to this subdivision and not applicable to any other development unless a similar master planned area is proposed; then the City Council would address the proposed street sections for that subdivision.
- The Board of Adjustment will be asked to allow accessory living units on certain lots subject to a condition that the property owner must live in one of the units.
- The Board of Adjustment will be asked to allow customary home occupations in all of the R-1 Specific homes in the addition. CB District already allows the live/work environment.

The Planning Commission recommended approval of the request to the City Council with the following conditions:

1. The abbreviated Master Plan and Codes for the Vintage Township shall be adopted as an exhibit within the final ordinance or adopted by the City Council by separate resolution as policy for the Vintage Township, with only portions adopted as actual conditions.
2. The exhibit titled "Zoning Comparison/Proposal for Vintage Township" and the column labeled "Vintage Standard" shall be the approved amendments for development standards to the R-1 Specific Use section, the CB-2 section, and the CB-3 section of the current zoning code.
3. The exhibit titled "Zoning Matrix" shall be the approved zoning and permitted uses for the R-1 Specific Use, CB-2 Specific Use, and CB-3 Specific Use and administrative sections noted for Tract 1-7.
4. The proposed zoning map will be an attachment to the final ordinance to illustrate the seven tracts.
5. The R-1 Specific area illustrated as Tract 1 will allow all of the residential components and urban regulation instructions listed on page III-1 of the Master Plan. The developer may amend the plat in stages for the various home-style locations to respond to the market for the various styles of home sites.

6. The CB-2 Specific Use and CB-3 Specific Use areas noted as Tracts 2-7 will allow the urban regulation instructions as outlined on page III-1.
7. The space designated at the center of the project may be used as open space, a school site, or for additional residential units corresponding with the guidelines outlined on page III-1.

**FISCAL IMPACT:**

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-00092 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (46.) **Ordinance No. 2005-00093 - ZONE CASE NO. 587-A (2602 Avenue Q): Hold a public hearing to consider the request of Condray Design Group, Inc. (for University Medical Center) for a zoning change from R-3 to A-M for a medical clinic on Lots 1, 2, and 3, and the east half of 4, Block 16, O'Neill Terrace Annex Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of University Medical Center. No one appeared in opposition. Mayor McDougal closed the hearing at 10:02 a. m.

The applicant is requesting that the current medical facility located in an R-3 District be rezoned to AM, which is the correct district for a clinic within today's code. The building is proposed for demolition and reconstruction of another clinic. The current building is dated.

Adjacent land uses:

North – apartments

South – commercial

East – public park and Avenue Q

West – LCAD

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

The project will not have any additional impact on the thoroughfare system.

The Planning Commission recommended the request.

**FISCAL IMPACT:**

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-00093 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

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

**PLANNING AND TRANSPORTATION**

**Right-of-Way**

**Items 47-49 were considered following Item 7.**

- (47.) **Ordinance No. 2005-O0082 amending the FY 2004-2005 budget respecting 1) the Public Safety Capital Projects Fund, 2) the General Facilities and System Improvement Capital Projects Fund, 3) the Environmental Compliance Fund, 4) the General Fund, 5) the Electric Capital Projects Fund, and 6) the Grant Fund (Amendment #16) (*first reading*).**

**FISCAL IMPACT:**

- 1) Increase funding in Fire Station #8 project in the Public Safety Capital Projects Fund by \$38,766:

The Fire Station #8 project budget is currently \$121,234, with \$1,325,000 to come from 2005 General Obligation Bonds. The additional \$38,766 will be funded from unappropriated 1995 Certificates of Obligation Bonds. The new budget, after adjustment for the 2005 GO bonds will be \$1,485,000.

- 2) Increase funding in the City Hall Renovations project by \$90,000 in the General Facilities and System Improvement Capital Projects Fund:

The City Hall Renovations project will be increased by \$90,000 to be funded from the Environmental Compliance fund balance. The project was formerly named the City Council Conference Room (#90394), however, the scope of the project has changed to include space modifications to the entire Municipal Building.

- 3) Add \$60,000 in the City Attorney's Office in the General Fund for additional staff person and training approved earlier this fiscal year:

Earlier this fiscal year, the City Council approved an additional staff person in the City Attorney's Office. No funding was approved at that time. Since no savings is possible through the remainder of this year, funding is being requested from the General Fund fund balance.

- 4) Amending the Electric Fund Budget:

Increase the Electric Fund Budget for capital projects by \$2,750,000. Specific information regarding this project is competitive information protected under 552.133 of the Texas Government Code.

- 5) Accept and appropriate a grant from the Texas Department of Transportation to fund the impaired driving (DWI) mobilization program:

Funding will be received in an amount up to \$25,000. This enforcement program will target reduction in alcohol and drug related crashes. A separate item approving the contract was approved at the July 14, 2005 City Council meeting.

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

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

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2005-00082 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (48.) **Ordinance No. 2005-00083 abandoning and closing a portion of a 20-foot alley west of Avenue X in Block 129, Overton Addition to the City (2402 9th Street) (Right-of-Way) (first reading).**

This alley portion in the Overton Addition is being closed as part of the McDougal North Overton redevelopment project. This 20-foot by 350-foot alley closure area will be replatted into Tract 1-C, Overton Park Addition and is located just west of Avenue X between Glenna Goodacre Boulevard and 9th Street. Since McDougal was not the original dedicator of this alley area being closed, there will be a charge for it. The total area of the alley being closed is 7,000 square feet. The Right-of-Way Department has determined a value of \$1 per square foot for the alley area being closed for a total value of \$7,000. The area being closed will remain as a utility

easement for a value adjustment of 50% or \$3,500. In the replat, two corner cutoffs will be dedicated containing a total of 225 square feet and these will be valued as a credit of \$225. Therefore, the total amount due to the City for this alley closure will be \$3,275.

**FISCAL IMPACT:**

Revenue to the City of \$3,275.

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

Motion was made by Council Member Jones, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0083 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused himself.

**(49.) Ordinance No. 2005-O0084 abandoning and closing a 20-foot alley between University Avenue and Avenue X in Block 97, Overton Addition to the City (2402 10th Street) (Right-of-Way) (first reading).**

This alley portion in the Overton Addition is being closed as part of the McDougal North Overton redevelopment project. This 20-foot by 600-foot alley closure area will be replatted into Tract 1-B, Overton Park Addition and is located between University Avenue and Avenue X and 9th and 10th Streets. Since McDougal was not the original dedicator of this alley area being closed, there will be a charge for it. The total area of the alley being closed is 12,000 square feet. The Right-of-Way Department has determined a value of \$1 per square foot for the alley area being closed for a total value of \$12,000. In the replat, four corner cutoffs will be dedicated containing a total of 450 square feet and these will be valued as a credit of \$450. Therefore, the total amount due to the City for this alley closure will be \$11,550.

**FISCAL IMPACT:**

Revenue to the City of \$11,550.

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

Motion was made by Council Member Jones, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0084 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused himself.

Regular City Council Meeting  
July 28, 2005

**9:50 A. M. CITY COUNCIL RECESSED**

**10:00 A. M. CITY COUNCIL RECONVENED IN PUBLIC HEARINGS**

**The next items considered were Items 37-42.**

**10:15 A. M. WORK SESSION**

**(50.) Presentation of the City of Lubbock FY 2005-2006 proposed operating budget and five-year financial forecast.**

City Manager Lou Fox gave introductory comments, after which Jeff Yates, Director of Fiscal Policy and Strategic Planning gave an overview of the fiscal year 2005-2006 operating budget and five-year forecast. Areas discussed included achieving Council's vision of an efficient and effective government, a safe city, a well-maintained city, a well-managed water supply, an economically growing city, an achievable capital improvement program, and a quality government workforce. Yates then answered questions from Council.

Consensus from Council was for staff to bring back, on the August 8th City Council meeting, the Lubbock Central Appraisal District's revenue forecast for the City of Lubbock for next year. Two areas are not resolved in getting a reliable computation for setting tax rates, which are "over 65 and disabled" and "value of protested property". Once the City gets those statistics, it will be known if there is an additional million, half-million, or \$200,000 available to work with. City Manager Fox was instructed to file the budget on August 8, 2005, after which three different public hearings will be set. Anita Burgess, City Attorney, gave comments and answered questions from Council.

Council Member Gilbreath asked that on August 8th, staff also present the depreciation expense per enterprise fund.

Lee Ann Dumbauld, Chief Financial Officer, and Tom Adams, Deputy City Manager, also gave comments and answered questions from Council.

**10:52 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION.**

**1:55 P. M. COUNCIL ADJOURNED**

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