

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
August 8, 2005
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 8th day of August, 2005, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

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

Absent: No one

At this time, Item 32 was considered followed by Item 8 (which was moved from consent agenda).

Item 8 was moved from consent agenda and considered following Item 32.

CITIZEN COMMENTS

There were five citizens who expressed comments to the Council. David Opperman, Jacob Opperman, Steven Bergen, Gerardo Garcia, and Johnnie Jones all gave thanks to Council for doing what needed to be done to hire the police officer recruits before February 2006.

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."

7:45 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 (City Attorney; Water Utilities).**
- (2.) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Overton Park; 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 discuss and deliberate a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;

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

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

**9:30 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 Pro Tem Martin called the meeting to order at 9:30 A. M.

Invocation by Reverend Mario Hernandez, Parkway Hispanic Baptist Mission.

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

CITIZEN APPEARANCES

- (6.) Presentation of a special recognition to Dr. Pat Allen for his appointment to the Texas State Board of Veterinary Medical Examiners.**

Mayor McDougal presented a special recognition to Dr. Pat Allen for being appointed to the Texas State Board of Veterinary Medical Examiners. Dr. Allen earned his Bachelor of Science degree in entomology in 1970 and graduated from Texas A&M Veterinary School in 1975. As a result of his love for wildlife, he founded the South Plains Wildlife Rehabilitation Center in Lubbock and the South University Veterinary Hospital. He is a co-President for the South Plains Veterinary Association and a member of the American Board of Veterinary Medical Examiners. Governor Rick Perry vested his trust in Dr. Allen's expertise and integrity and appointed him to serve on the Texas State Board of Veterinary Medical Examiners on May 20, 2005 to continue the tradition of assuring quality veterinary services for all Texas citizens. The Mayor encouraged all citizens to join in congratulating Dr. Allen and thanking him for many years of outstanding commitment and service to our community. Dr. Allen and his wife Kathy accepted the special recognition. He then gave comments.

- (6A.) Presentation of a special recognition to Scott and Becky Egert for the campfire cookout they sponsored for the Junior Ambassador program.**

This item was deleted.

CONSENT AGENDA (Items 7, 9-21, 23, 25-27)

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve Items 7, 9-21, 23, 25-27 on consent agenda as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (7.) **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*) (*second and final reading*).**

The next item considered was Item 9.

- (8.) **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) (*second and final reading*).**

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

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 an 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 28, 2005 City Council meeting.

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

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

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2005-O0082 with the following amendment:

Add 45 full-time police officer positions to the authorized number staffing in the Police Department.

Motion carried: 7 Yeas, 0 Nays.

At this time, Citizen Comments were heard.

Items 9-21 were considered following Item 7.

- (9) **ORDINANCE NO. 2005-O0085—ZONE CASE NO. 3043 (105th Street and Quaker Avenue): 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 (*second and final reading*).**
- (10.) **ORDINANCE NO. 2005-O0086—ZONE CASE NO. 3044 (3419 24th Street): 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 (*second and final reading*).**

- (11.) **ORDINANCE NO. 2005-00087—ZONE CASE NO. 3045 (217 Paris Avenue):** 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 (*second and final reading*).
- (12.) **ORDINANCE NO. 2005-00088—ZONE CASE NO. 2808-A (6409 19th Street):** 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 (*second and final reading*).
- (13.) **ORDINANCE NO. 2005-00089—ZONE CASE NO. 2658-H (3001 50th Street – 50th Street and Elgin Avenue):** 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 (*second and final reading*).
- (14.) **ORDINANCE NO. 2005-00090—ZONE CASE NO. 2984-B (south of 34th Street and west of Milwaukee Avenue):** 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 (*second and final reading*).
- (15.) **ORDINANCE NO. 2005-00091—ZONE CASE NO. 2826-B (87th Street and Avenue P):** 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 (*second and final reading*).
- (16.) **ORDINANCE NO. 2005-00092—ZONE CASE NO. 3047 (114th Street and Quaker Avenue):** 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 (*second and final reading*).
- (17.) **ORDINANCE NO. 2005-00093—ZONE CASE NO. 587-A (2602 Avenue Q):** 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 (*second and final reading*).

- (18.) **Resolution No. 2005-R0352 authorizing the Mayor to execute a resolution releasing a 0.263-acre portion of the Texas Department of Transportation's Interstate 27 (I-27) right-of-way for TxDOT's sale to the abutting property owner (6025 Avenue A) (*Right-of-Way*).**

TxDOT has been approached by the property owner at 6025 Avenue A to purchase a portion of I-27 right-of-way that was acquired by TxDOT several years ago. This portion of I-27 was acquired for the construction of I-27 at its intersection of US 84 (Slaton Highway). This piece of I-27 right-of-way is not currently in use and TxDOT has agreed to sell this 0.263 acre tract to Shree Dhara, Inc. TxDOT has requested the City agree to this sale.

FISCAL IMPACT:

None.

The Right-of-Way Department recommended approval.

- (19.) **Resolution No. 2005-R0353 authorizing the Mayor to execute a resolution releasing a 0.038-acre portion, a 0.215-acre portion, and a 0.431-acre portion of the Texas Department of Transportation's Interstate 27 (I-27) right-of-way for TxDOT's sale to the abutting property owner (6021 Avenue A) (*Right-of-Way*).**

TxDOT has been approached by the property owner at 6021 Avenue A to purchase three portions of I-27 right-of-way that were acquired by TxDOT several years ago. These portions of I-27 were acquired for the construction of I-27 at its intersection of US 84 (Slaton Highway). These three portions of I-27 right-of-way are not currently in use and TxDOT has agreed to sell them to Prem Supply, Inc. TxDOT has requested the City agree to this sale.

FISCAL IMPACT:

None.

The Right-of-Way Department recommended approval.

- (20.) **Resolution No. 2005-R0354 authorizing the Mayor to execute a lease with Lubbock Blues, Inc. for the use of a City parking lot (1802 Avenue F) (*Right-of-Way*).**

In July of 2003 the City entered into a parking lot lease with Lubbock Blues, Inc. to lease 45 spaces at the northeast corner of the Buddy Holly

Center parking lot that is located south of 18th Street and west of Avenue F. This lease has expired and a new owner, Eric Valdez, has bought the business and would like to renew this lease. This lease satisfies the parking requirements per the zoning ordinance for the customers of the club during the evening and nighttime hours. This lease is for two years and was calculated as follows: \$15 per space (typical monthly downtown parking lot space rental rate) x 45 spaces = \$675. They will be open seven days a week but only need spaces from 6:00 P.M. to 2:00 A.M., or one third of a day, so $\$675 \times \frac{1}{3} = \225 due to the City per month.

FISCAL IMPACT:

Revenue to the City of \$225 per month.

The Right-of-Way Department recommended approval.

- (21.) **Resolution No. 2005-R0355 authorizing the Mayor to execute Contract No. 51605F7054 with the Texas Department of Transportation for operating assistance (*Citibus*).**

TxDOT is allocating \$792,376 of public transportation funds to the City of Lubbock for operating assistance to maintain its public transportation system (*Citibus*) for FY 2005–2006. The \$792,376 is included in the *Citibus* budget for FY 2005-2006, previously reviewed by City Council. The \$792,376 is a reduction from last fiscal year's award of \$819,597 due to a revised TxDOT formula.

The contract is effective September 1, 2005, or when fully executed by both parties, and will terminate on August 31, 2006.

FISCAL IMPACT:

Acceptance of this grant will result in no additional cost to the City.

Citibus recommended approval of Contract No. 51605F7054.

The next item considered was Item 23.

- (22.) **Resolution No. 2005-R0360 authorizing the Mayor to sign a concession agreement between the City of Lubbock and Broadway Festivals, Inc. for planning and implementing the 2005 Lubbock Music Festival on behalf of the Entertainment Task Force (*Civic Services*).**

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

Linda Chamales, Supervising Attorney and Mike Arismendez, City Council Assistant and Staff Liaison to the Entertainment Task Force, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0360 with the following amendments:

Add security to Section 2 of the agreement under Definition of Terms, and under Section 3.2 state that Broadway Festivals, Inc. retains the 85%.
Motion carried: 6 Yeas, 0 Nays.

Council Member Jones recused herself.

The next item considered was Item 24.

(23.) Resolution No. 2005-R0356 for Side Loader Packer Bodies and High Compaction Packer Bodies (*Fleet Services*).

This item was considered following Item 21.

This purchase is for eleven Pak Mor 33 cubic-yard side loader packer bodies and three Pak Mor 29 cubic-yard compaction packer bodies to be used by the Solid Waste Department for residential trash collection.

The 33 cubic-yard side loader packer bodies and 29 cubic-yard compaction packer bodies are available for purchase through the Texas Local Government Purchasing Cooperative Buy Board for Contract #208-04 effective October 1, 2004. The Purchasing and Contract Management Department will solicit bids for the cab and chassis to fit these bodies. Equipment Southwest, Inc. of Irving, Texas is the Buy Board supplier and will have the bodies installed on the cab and chassis before delivering the complete units to the City. Estimated delivery of units after receipt of chassis is 120 days.

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 the purchase order to Equipment Southwest, Inc. of Irving, Texas for \$945,007.98 through the Texas Local Government Purchasing Cooperative Buy Board and financing said

purchase price through the City's master lease-purchase program.

The next items considered were Item 25-27.

- (24.) **Resolution No. 2005-R0361; Resolution No. 2005-R0362 authorizing the Mayor to execute purchase orders to Hewlett-Packard Company for Servers and Server Storage Equipment (*Information Technology*).**

This item was moved from consent agenda to regular agenda and considered following Item 22.

During the 2004-2005 budget process, City Council approved funding to improve Information Technology's server infrastructure. Staff researched the possibility of separating the server devices from the storage devices and determined the best solution was to invest in two technologies. Blade Server and Storage Area Network technologies will allow Information Technology to consolidate four servers into one enclosure and will provide four additional terabytes of storage available for data. Both systems are expandable to accommodate more blade servers and more disk drives, which make this solution sufficient for many years.

Servers and server storage equipment include a three-year warranty and will be purchased from the Hewlett-Packard Company through the State of Texas Department of Information Resources Contract #DIR-VPC-03-006.

FISCAL IMPACT:

A total of \$348,912 was appropriated with \$214,716 available in account #3410.8204 (Information Technology Equipment Maintenance) for this purpose.

Staff recommended approval of purchase orders to Hewlett-Packard Company of Roseville, California for \$78,975.42 and to Hewlett-Packard Company of Atlanta, Georgia for \$21,695.00.

Mark Yearwood, Director of Information Technology and Victor Kilman, Purchasing Manager, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0361 and Resolution No. 2005-R0362 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

The next items considered were Items 28-30.

Items 25-27 were considered following Item 23.

(25.) Resolution No. 2005-R0357 - BID #05-051/RW—Consider one resolution for Traffic Signal Cabinets and Controllers (*Traffic Engineering*).

This bid is for the purchase of traffic controllers, controller cabinets, and spare cabinet components to signalize intersections along Milwaukee Avenue, Texas Tech Parkway, and various new locations within the city.

Commander's Palace and 19th Street (1 unit)

Frankford and 98th Street (1 unit)

Milwaukee Avenue from 43rd to 82nd Streets (6 units)

Quaker Avenue and 31st Street (1 unit)

Slide Road and 93rd Street (1 unit)

Texas Tech Parkway (4 units)

One unit will be installed at a location to be determined by the Traffic Engineering Department and the Citizen's Traffic Commission and one unit is being purchased to replace a unit that was damaged in a vehicular crash at Avenue Q and 4th Street. Spare cabinet components are being purchased to replace damaged or broken parts at various locations.

This bid provides that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the City. In determining the best value for the City, the City may consider the extent to which the goods or services meet the City's needs. The bid specifications also include a provision that City Council may award the bid either item-by-item or on an all-or-none basis for any item or group of items shown on the Bid Form. Staff recommended bid award for Bid Items 1-13 to Phillips Sisson Industries, Inc. of Salem, Oregon on an all-or-none basis to supply traffic signal cabinets, controllers, and spare components of the same manufacturer. The Traffic Engineering Department has found it advantageous that computer circuit boards in traffic control equipment stay consistent with respect to manufacturer.

Manufacturers of traffic control equipment do not warranty equipment that combines circuit boards from different manufacturers in a controller unit.

Two local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$23,370,707 was appropriated with \$18,314,102 available in projects #90355, 90378, 9296, 90093 (Milwaukee Avenue, Traffic Signal Location New Computer System Design, 98th Street and Frankford Avenue to Slide Road) for this purpose.

Staff recommended bid award to Phillips Sisson Industries, Inc. of Salem Oregon for \$100,845.82.

(26.) Resolution No. 2005-R0358 - BID #05-080/MA—for Municipal Building Renovations (*Facilities Management*).

This project involves the renovation of approximately 700 square feet of unoccupied office space on the south side of the City Manager's suite on the second floor into a conference room with a serving area. The conference room will consist of approximately 550 square feet and the serving space will account for approximately 150 square feet. As part of this renovation, the second floor restrooms will be required to be brought into ADA compliance.

In order to keep the budget of this project at a minimum, the Facilities Management Department elected to pre-purchase the majority of the furnishings and appliances directly and have the contractor and/or supplier install the items. These items include, but are not limited to kitchen appliances, executive conference table and seating, video/media equipment, and other related items.

Parkhill, Smith & Cooper (PSC) prepared the plans and specifications for this project and three local contractors submitted bids for the construction. Bids ranged from \$178,984 to \$185,337 with Minnix Commercial Partners, Ltd. of Lubbock, Texas submitting the low bid. Minnix Commercial has successfully completed many projects of similar size for the City and PSC.

The cost of furnishings and equipment will be approximately \$60,000. The combined project amount including construction, estimated furnishings and equipment, design, and other related fees remain within the proposed budget of \$340,000 for this project.

Time for completion of this project is 150 consecutive calendar days and liquidated damages are \$250 per day. Seventy-nine local businesses were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$340,000 was appropriated with \$270,000 available in Project #90394 (Executive Conference Room) for this purpose.

Staff recommended contract award to Minnix Commercial Partners, Ltd. of Lubbock, Texas for \$178,984.

- (27.) **Resolution No. 2005-R0359 - BID #05-083/MA—for Portable Building Installation and Roof Material Replacement (*Facilities Management*).**

All bids were rejected.

This bid is for the installation of a City supplied portable building at the Police Academy Firing Range.

Minnix Commercial Partners, Ltd. of Lubbock, Texas was the only bidder and their bid is \$98,509, which is not within budget for this project. Consequently, staff recommended City Council reject all bids and direct staff to re-bid this project at a later date.

Time for completion of this project is 120 consecutive calendar days and liquidated damages are \$250 per day. Fifty-nine local contractors were notified of the Invitation to Bid.

FISCAL IMPACT:

A total of \$90,000 was appropriated with \$86,895 available in project #903885 (Police Academy Firing Range Re-roof) for this purpose.

Staff recommended City Council **reject all bids.**

The next item considered was Item 22.

ORDINANCES FOR PASSAGE

Second Reading

Items 28-30 were considered following Item 24.

- (28.) **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*) (*Mayor McDougal recused*) (*second and final 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, Avenue X, and 9th and 10th Streets. This ordinance was read for the first time as a regular agenda item at the July 28, 2005 City Council meeting.

FISCAL IMPACT:

Revenue to the City of \$11,550.

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

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

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass on second and final reading Ordinance No. 2005-O0084 with amending the property value to \$1 per square foot. Motion carried: 4 Yeas, 2 Nays. Mayor Pro Tem Martin and Council Member Jones voted Nay.

Mayor McDougal recused himself.

(29.) ORDINANCE NO. 2005-O0083—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*) (*Mayor McDougal recused*) (*second and final 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. This ordinance was read for the first time as a regular agenda item at the July 28, 2005 City Council meeting.

FISCAL IMPACT:

Revenue to the City of \$3,275.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass on second and final reading Ordinance No. 2005-O0083 with amending the property value to \$1 per square foot. Motion carried: 4 Yeas, 2 Nays. Mayor Pro Tem Martin and Council Member Jones voted Nay.

Mayor McDougal recused himself.

- (30.) **ORDINANCE NO. 2005-O0094—ZONE CASE NO. 3046 (west of Slide Road and south of 98th Street): 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 (Councilman Gilbreath recused) (second and final reading).**

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0094 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Gilbreath recused himself.

The next item considered was Item 33.

FINANCE

- (31.) **Discuss the proposed tax rate for the FY 2005-2006 budget, and take appropriate action.**

This item was deleted.

- (32.) **Resolution No. 2005-R0351 setting the date for a public hearing on the proposed FY 2005-2006 Operating Budget and Capital Improvement Program.**

This was the first item considered when City Council convened at 7:30 A. M.

A public hearing will be scheduled as required by State and Local Government Code corresponding to the filing of the budget with the City Secretary's Office August 8, 2005. A notice announcing the public hearing will be published in the Lubbock Avalanche-Journal in accordance with State and Local Government Code. The budget hearing and the first reading of the budget ordinance are scheduled to take place on Thursday, August 25, 2005. The second reading of the budget ordinance is scheduled for September 8, 2005.

FISCAL IMPACT:

Not applicable.

Staff recommended the budget public hearing take place August 8, 2005 at a time to be determined.

Regular City Council Meeting
August 8, 2005

Lee Ann Dumbauld, Chief Financial Officer, gave comments and answered questions from Council. She stated that on August 25, 2005 there would be a budget hearing and the first reading of the budget ordinance. Also on this date, there will be a second tax levy hearing and the first reading of the tax levy ordinance. On September 8, 2005, the second reading of the budget ordinance and the second reading of the tax levy ordinance will be conducted.

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0351 with the following amendments:

City Council set the date for the public hearing for the proposed FY 2005-06 budget for August 25, 2005 at 9 a.m. in City Council Chambers.

Additionally, make the following changes to that proposed budget:

- Additional revenue to add \$170,451 to reflect current certified values on the tax row; for expenditure reductions of \$200,000 as an adjustment of the Classification and Compensation Study; \$259,679 to adjust the electricity cost for streetlighting; \$44,339 to adjust the contribution to Community Services; \$213,000 to change the voting machine rental amount to \$200,000.
- As expenditure additions, add 1% to the sworn firefighters' raises in attempt to get to parity with the police officers - \$177,469; \$710,000 to move the scheduled start date for the balance of police officers to August 23, 2005 from February 2006.
- Additionally, the motion would include transferring the cut in the Clerical position in the City Secretary's office to the PIO; to direct that the organizational chart reflect that Human Resources and Risk Management report directly to the CFO; and, finally that the CFO is directed to conduct operational audits of Solid Waste, Fleet Services, and Parks and recreation.

Motion carried: 7 Yeas, 0 Nays.

The next item considered was Item 8.

(33.) Resolution No. 2005-R0363 setting dates for public hearings on the proposed tax levy for the FY 2005-2006 budget.

This item was considered following Item 30.

Two public hearings will be scheduled as required by State and Local Government Code corresponding to the tax levy. The notice announcing the public hearings will be published in the Lubbock Avalanche-Journal in

accordance with State and Local Government Code. The first tax rate hearing is scheduled to take place at a Special Council Meeting August 17, 2005 at 8:00 a.m. The second tax rate hearing and the first reading of the tax levy ordinance are scheduled for August 25, 2005. The second reading of the tax levy ordinance is scheduled for September 8, 2005.

FISCAL IMPACT:

Not applicable.

Staff recommended the tax levy public hearings take place on August 17, 2005 and August 25, 2005 at a time to be determined.

Lee Ann Dumbauld, Chief Financial Officer, gave comments and answered questions from Council. She stated there would be a Special City Council Meeting on August 17, 2005 for the first tax levy hearing and to announce the date, time, and place of the final vote on the tax levy ordinance.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass Resolution No. 2005-R0363 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

At this time, Item 32 was discussed again. No action was taken, but Mayor McDougal pointed out that the proposed budget reflects a 1.25-cent reduction in property tax rate.

10:02 A. M. CITY COUNCIL RECESSED

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

(34.) Presentation of the Classification and Compensation Study.

This item was deleted.

(35.) Capital Improvements Program presentation.

Jeff Yates, Director of Fiscal Policy and Strategic Planning, gave a presentation on the Capital Improvements Program for FY 2005-06 to FY 2010-11, which included a breakdown by classification. He then answered questions from Council. Council Member Price asked Yates to bring back to him a written report on projects from other City Council districts that are included in the Gateway Project. Yates explained that, as part of the Public Works package, there is a \$450,000 project to start paving unpaved streets in other parts of the city. Mayor Pro Tem Martin explained the status of the Metropolitan Planning Organization's list of future projects.

As soon as the MPO puts other projects on their plan, the City will include those projects in the Gateway Streets project.

Claude Jones, Police Chief, gave comments and answered questions from Council. Council Member Boren suggested there be Police Substations set up in other key areas of the city to convenience all citizens.

Quincy White, Assistant City Manager; Steve Haley, Fire Chief; and Larry Hertel, City Engineer, all gave comments and answered questions from Council.

10:45 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

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

Council reassembled to consider Item 36 before recessing to Executive Session.

(36.) FY 2005-2006 Operating Budget discussions.

Council discussed FY 2005-2006 Operating Budget. Some of the areas of concern were city parks maintenance, management analysis, health cost, and the cost of living adjustment. Lee Ann Dumbauld, Chief Financial Officer, gave comments and answered questions from Council. Randy Truesdell, Director of Community Services and Claude Jones, Police Chief, assisted in answering questions from Council. Mayor McDougal initiated discussion to hear council members' thoughts on cutting the tax rate by 1.25 cent. Council Member DeLeon is not in favor of cutting the tax rate. She expressed concern that the cut will affect city services in terms of quality and quantity that can be provided. Mayor McDougal, Mayor Pro Tem Martin, Council Members Boren and Gilbreath are in favor of cutting the tax rate. Council Members Jones and Price chose not comment at this time.

11:47 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

12:35 P. M. COUNCIL ADJOURNED

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