

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
August 25, 2005
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 25th day of August, 2005, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:33 A. M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

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

Absent: No one

CITIZEN COMMENTS

Citizens who expressed comments to the Council were:

- Amaris Garcia, Cameron Merritt, Christy Martinez, Gilbert Salinas, Lala Chavez-Salinas, Wanda Merritt, Suzanne Verrett, and Sheila Harris addressed the City Council on the Junior Ambassador Program. They all emphasized how important this program is to the youth of our city and encouraged Council to do their best in keeping this program.
- Robert Taylor addressed Council on the tax reduction issue that will be considered today. He expressed his wishes that, in the future, Council would consider other options before reducing the tax rate.

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."

8:01 A. M. CITY COUNCIL RECESSED

8:08 A. M. CITY COUNCIL REGULAR MEETING RECONVENED

At this time, Item 8 was considered

**8:15 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council/City Manager's Conference Room**

All council members were present.

- (1) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071(1)(A), to discuss pending or contemplated litigation (Cemetery; Planning and Transportation; 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 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to:

 Structural Standards Commission (one appointment)
 Urban Design/Historic Preservation Commission (one appointment)**
- (5) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):

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

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

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

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

**8:44 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 8:44 A. M.

At this time, Item 25 was moved from consent agenda and considered.

Invocation by Pastor Larry D. Brooks, Community Baptist Church, given after Council reconvened at 9:22 a.m.

At 9:05 a.m., the Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.

9:06 A. M. CITY COUNCIL RECESSED

9:22 A. M. CITY COUNCIL REGULAR MEETING RECONVENED

CITIZEN APPEARANCES

- (7.) **Presentation of a special recognition proclaiming September as National Preparedness Month.**

Mayor McDougal presented a special recognition proclaiming September as National Preparedness Month. The coordinated efforts of all governmental entities, private businesses and citizens are critical to the success of Homeland Security and the protection of our nation. The US Department of Homeland Security and the National American Red Cross are leading the nationwide effort to encourage Americans to prepare for emergencies in their homes, businesses and schools. The South Plains Regional Chapter of the Red Cross, the South Plains Citizens Corps, and

the South Plains Association of Governments will plan activities through the month of September to highlight the importance of individual emergency preparedness. The City of Lubbock recognizes the need for our citizens to be prepared, alert, and aware of threats through our communities and through our safety. The Mayor encouraged all citizens to join in helping insure that Lubbock citizens take preventative measures to insure their self-reliance in emergencies.

Ysidro Gutierrez, County Commissioner Precinct 3, gave comments.

The next item considered was Item 10.

- (8.) Presentation of a special recognition to the Western Little League 9 and 10 year olds for winning the First Inaugural Super Regional this year.**

This item was considered after Council reconvened at 8:08 a.m.

Mayor McDougal presented a special recognition to the Western Little League 9 and 10 year olds for winning the Southwest Regional Tournament in Arkansas. The 2005 season of the Lubbock Western Little League team included championships at the area level, District 2 level, and Section I level. The team is the first Lubbock Little League team to win the Texas West State Championship since 1968 and also went on to make history by advancing to and winning the first Southwest Regional tournament, finishing their season with a 17-0 record and out-scoring their opponents 247 to 30. The Mayor encouraged all residents to join in honoring the tremendous accomplishments of this great team. Coach Gerald Arredondo introduced the players. Also present were coaches Chad Williams, Dale Ancell, and Ed Thorne.

City Council recessed to Executive Session.

- (9.) Presentation of a special recognition to the Midwest Little League All-stars for their outstanding post-season performance.**

This item was deleted.

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

This item was considered following Item 7.

Mayor McDougal and Council Member Jones presented Scott and Becky Egert a special recognition for their support of the Japanese Junior Ambassador Program. Mike Arismendez, Assistant to the City council,

intention to issue and sell the certificates of obligation. The resolution also incorporated language to allow the reimbursement of bond-funded construction costs expected to be incurred prior to the bond issuance.

Upon approval of this ordinance, the City will sell these bonds on a negotiated basis. On August 24, 2005, the City and First Southwest, the City's financial advisor, will negotiate a purchase price for the bonds with the City's chosen underwriters (A. G. Edwards, as Senior Manager, and RBC Dain Raucher and M. E. Allison).

The proceeds from the sale of the certificates will be used for improvements to the City's Electric System, Sewer System, Water System, Airport, Tax Increment Finance District, City Streets, and City Parks.

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 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 the 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 and Memphis Avenues 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 will 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, an 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 will be 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 the sewer collection system for development growth.

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

This project funds the replacement of deteriorated or damaged sanitary sewer lines and manholes that are 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 public health and safety.

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 will

be 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 the City's 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 cause a breakdown in the construction materials and the 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 and Memphis Avenues 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, a 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/waste water 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/waste water 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/waste water 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/waste water 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/waste water 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/waste water 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/waste water replacement, and electric utility removal/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/waste water 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/waste water 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/waste water 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/waste water

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/waste water relocation, and electric utility removal/relocation underground for Tract 1A in the North Overton TIF.

Senate Bill 1759 of the 77th Legislative Session amends Subchapter B, Chapter 1201, of the Texas Government Code under Section 1201.028(3) allowing the authorization of a public security with only one reading of the ordinance. Therefore, this will be the only reading of this ordinance that authorizes the issuance of these bonds.

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

Tom Adams, Deputy City Manager, gave comments and answered questions from Council. Council Member Boren asked Adams to bring information back to Council on who will be selected to do the studies on the Sewer Master Collection Plan and the Water Resources Master Plan and what the plan process will be.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass on first and only reading Ordinance No. 2005-00097 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused himself.

The next item considered was Item 16.

Items 13-15 were considered following Item 11.

- (13.) **Ordinance No. 2005-00095 amending 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 of such certificates may be spent (*Finance*) (*first and only reading*).**

FISCAL IMPACT:

On July 28, 2005 the City Council adopted resolution #2005-R0334 that directed the publication of a notice of intent to amend the City's ordinance that authorized the issuance of City of Lubbock, Texas Tax and Airport Surplus Revenue Certificates of Obligation, Series 1998. The amendment to this ordinance is to change the purpose for which the proceeds may be spent.

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 the 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 authorized 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 was 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 ordinance.

- (14.) **Ordinance No. 2005-00096 amending Chapter 7 of the Code of Ordinances of the City of Lubbock with regard to the assignment pay for certain Civil Service members of the Lubbock Fire Department (*Fire Department*) (*first reading*).**

In 1999 assignment pay was added for certain Civil Service members of the Fire Department, who filled a specialized assignment. As a result of

changes in the Fire Department, the original ordinance needs to be modified.

One new category will be added to pay members who are trained in minor asbestos abatement. This training will allow these firefighters to perform minor asbestos abatement when work is being performed on a fire station and there is an asbestos issue. This will provide a cost savings compared to an outside contractor performing the work. There have been two firefighters identified to receive this training and they will receive \$50 per month for maintaining the training and skills to perform this type work.

One revision is being made to an existing area of assignment pay - the Medical Training Coordinator. Due to the increase in workload in this area, additional personnel are needed to assist. As a result, the Fire Department is changing the Medical Training Coordinator to Medical Training Positions. A total of six positions were previously authorized and seven additional positions will be added.

FISCAL IMPACT:

Funds for all of the assignment pay is funded annually through the budget process in account #5619.8003. All of the above proposed changes will result in an overall increase of \$12,000 annually.

Staff recommended approval of this resolution.

- (15.) **Resolution No. 2005-R0366 in support of the Texas Tech Student Government Association's student-led scholarship campaign entitled "Paving the Way to Student Success" (Mayor McDougal requested this item).**

The next items considered were Items 17-20.

- (16.) **Resolution No. 2005-R0385 authorizing the City Council to approve the recommendation of the Parks and Recreation Advisory Board regarding FY 2005-2006 use of in-kind services by City of Lubbock Departments for special event support (Parks and Recreation).**

This item was considered following Item 12.

At the January 9, 1997 City Council meeting, the City Council approved Ordinance #9965, which amended Chapter 2 of the Code of Ordinances of the City of Lubbock. In doing so, the duties of the Parks and Recreation Advisory Board were expanded to include review of requests for in-kind services for special community events. The special events policy was developed in order to track special event support and monitor the increase of requests received from non-profit organizations for special events in the

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city. The policy allocates up to \$200,000 annually for in-kind services. Of that amount 90% (\$180,000) is earmarked for existing events, while the remaining 10% (\$20,000) is targeted for new events.

The Parks and Recreation Advisory Board approved the following recommendation at their June 28, 2005 meeting for applications submitted for FY 2005-2006 in-kind services:

| Departmental Est. In-Kind Service Value | March of Dimes | Juneteenth | 4th on Broadway | American Diabetes Assn. | National Cowboy Symposium | Fiestas Del Llano | Total |
|-----------------------------------------|----------------|----------------|-----------------|-------------------------|---------------------------|-------------------|-----------------|
| Parks | \$695 | \$250 | \$6,645 | \$295 | \$250 | \$350 | \$8,485 |
| Solid Waste | \$250 | \$250 | \$2,000 | | \$250 | \$1,500 | \$4,250 |
| Streets | | \$400 | \$6,500 | | \$200 | \$450 | \$7,550 |
| Police | | \$800 | \$26,350 | | | \$16,700 | \$43,850 |
| Total Est. In-Kind Service Value | \$945 | \$1,700 | \$41,495 | \$295 | \$700 | \$19,000 | \$64,135 |
| Park Board % Recommended | 86% | 91% | 98% | 86% | 88% | 97% | -- |
| In-Kind Value Recommended | \$813 | \$1,547 | \$40,665 | \$254 | \$616 | \$18,430 | \$62,325 |

FISCAL IMPACT:

The total dollar amount of FY 2005-2006 in-kind services recommended is \$62,325. These amounts will be absorbed within the existing departmental budgets. If approved, this will leave \$137,657 for any additional requests that could be submitted for this fiscal year, including \$20,000 for new events.

Staff recommended approving the applications for in-kind services as recommended by the Parks and Recreation Advisory Board according to the special events policy adopted by City Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0385 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Jones recused herself.

The next item considered was Item 21.

Items 17-20 were considered following Item 15.

- (17.) **Resolution No. 2005-R0367 authorizing the Mayor to approve an application for a State administered, federally financed Driving While Intoxicated STEP Program, with emphasis on alcohol and drug impaired drivers, targeting reduction in alcohol and drug related crashes, with reduction in death and serious bodily injury (*Police Department*).**

This is a grant program utilizing off duty personnel working overtime to detect and arrest alcohol and drug impaired drivers within targeted areas of the city. City Council previously authorized a grant agreement in the amount of \$25,000. The actual amount of the agreement is \$18,551 instead of \$25,000, requiring a new resolution.

FISCAL IMPACT:

This enforcement program will be conducted during fiscal year 2005. Awards for this grant have been set beginning August 19, 2005, upon approval by City Council. This is a 100% grant in the amount of \$18,551 to be administered during the period August 19-September 5, 2005.

The Police Department recommended approval of this resolution.

- (18.) **Resolution No. 2005-R0368 authorizing the Right-of-Way Department to make an offer to St. Matthew Methodist Church of Lubbock, Texas, Inc. for a 339 square foot tract of land out of Lots 586 and 587, Richland Hills Addition to the City of Lubbock for the 50th Street Widening Project, Slide Road to Loop 289, and to consider the commencement of eminent domain proceedings in the event such offer is not accepted (5320 50th Street) (*Right-of-Way*).**

The City is in the process of acquiring right-of-way for the 50th Street Widening Project from Slide Road westward to Loop 289. This resolution authorizes the Right-of-Way Department to make an offer to the St. Matthew Methodist Church of Lubbock, Texas, Inc. for a parcel for this project. This parcel is located on the north side of 50th Street just east of Bangor Avenue. Tommy Cantrell, M.A.I., is the appraiser for this project and appraised this 339 square foot tract of land at \$3.50 per square foot for a value of \$1,187 and improvements taken of \$343 for a total appraised value of \$1,530 which is the offer to the St. Matthew Methodist Church of Lubbock, Texas, Inc. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

FISCAL IMPACT:

Expense to the City of \$1,530 from account #915-9146-9280-40000, a Street Capital Projects account.

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

(19.) Resolution No. 2005-R0369 authorizing the Mayor to execute a sanitary sewer line easement with the Lubbock Independent School District (*Right-of-Way*).

Chris Harwell School is located south of 40th Street and east of Avenue D. The Lubbock Independent School District (LISD) is leasing a 220-foot by 250-foot tract of land northeast of the school building and south of 40th Street to Texas Tech University Health Sciences Center for a community health and wellness center. The Center will be served by several utilities and immediately north of the Center, a sewer line easement is needed by LISD that will cross City property (Copper Rawlings Park) adjacent to the LISD property on the east side. This sewer line easement will be 10 feet in width and contains 1,253 square feet. Since LISD and the City are governmental entities, they can grant each other easements for the appraised value. The City will need from LISD a 20-foot utility easement containing 7,500 square feet and a 10-foot water line easement containing 4,037 square feet to serve the Center.

From adjacent property values in the immediate area, a value of \$00.16 per square foot is determined as the market value of the fee simple land and since these properties are to be dedicated or acquired as easements, a 50% adjustment will be applied. Therefore, the value of the sewer line easement to be granted to LISD is \$00.08 X 1,253 square feet for a value of \$100 (rounded). The value of the two easements to be granted to the City from LISD is \$00.08 X 11,537 square feet for a value of \$923 (rounded). The City is requesting the proponent of this request, Texas Tech, to pay for these three easements.

FISCAL IMPACT:

No fiscal impact.

The Right-of-Way Department recommended the execution of this sewer line easement.

(20.) Resolution No. 2005-R0370 authorizing the Mayor to execute a lease agreement with Monte L. Bolton for Lots 41 and 42, Block 1, Dupree Addition to the City of Lubbock for a building lease to house the Radio Shop Department (1915 Texas Avenue) (*Right-of-Way*).

This resolution authorizes the Mayor to execute a lease with Monte L. Bolton for a land and building lease for the Radio Shop Department. The Radio Shop has outgrown their present building on Municipal Drive (the old LP&L Meter Shop) and desires to lease this property situated at 1915

Texas Avenue. This building is large enough to service all types of vehicles indoors, including large fire trucks. The existing facility is not large enough and many vehicles must be serviced outside regardless of the weather. This lease is \$1,500 per month beginning September 1, 2005 and will be for five years with two five-year options. This lease requires the building owner to perform an environmental test on the hydraulic lifts and clean out the grit trap and floor drain system before the City will take possession. The lease also requires that the building owner be responsible for major items such as the roof, air conditioning and heating system repairs, and major plumbing repairs including the water heater.

FISCAL IMPACT:

Expense to the City of \$1,500 per month from account #2242.8207.

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

The next items considered were Item 22-24.

- (21.) **Resolution No. 2005-R0386 for Amendment No. 2 to the agreement between the City and Parkhill, Smith & Cooper, Inc., for additional services in association with the 98th Street Roadway Improvements from Slide Road to Juneau Avenue (*Street/Drainage Engineering*).**

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

This resolution will provide the necessary funding for Parkhill, Smith & Cooper, Inc., to perform engineering services additions to the proposed construction as follows:

- a. Expansion to include strip paving west of Frankford to Juneau Avenues.
- b. Expansion of backfill remediation to include the segment west of Frankford to Juneau Avenues.
- c. Drainage analysis for addition roadway design from Frankford to Juneau Avenues.
- d. Geotechnical investigation at residences.
- e. Geotechnical related to traffic signal foundations.
- f. Analysis for maximizing backfill remediation adjacent to vacant properties.

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- g. Analysis for reduced backfill remediation adjacent to existing structures.
- h. Meetings with owner.
- i. Surveying associated with extension of paving west of Frankford to Juneau Avenues.
- j. Geotechnical analysis for remediation of backfill.
- k. Additional coordination with utility companies.
- l. Development of additional plans for extended roadway design, traffic signals, and sanitary sewer backfill remediation.

The original contract amount is \$814,272. This amendment is a not to exceed amount of \$608,916. If this resolution is approved the total amount of this contract will be a not to exceed amount of \$1,423,188.

The original agreement for engineering services on this project with Parkhill, Smith & Cooper, Inc. was executed May 22, 2003. Amendment No. 1 was executed August 16, 2004 and provided an extension to the time of completion, and did not increase the not to exceed amount of the contract.

FISCAL IMPACT:

The services provided for in this amendment will be paid for on a per hour basis as needed, with a not to exceed amount of \$608,916. The proposed additional engineering services will reduce the risk of property damage during construction. Funding will come from the existing capital project for 98th Street widening. Currently there is a budget amount of \$3,765,000 for this capital project. A total of \$591,644 has been spent to date. The project budget will be amended in 2005-2006 to provide for additional construction funding.

Street/Drainage Engineering staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass Resolution No. 2005-R0386 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Gilbreath recused himself.

The next item considered was Item 37.

Items 22-24 were considered following Item 20.

(22.) Resolution No. 2005-R0371 accepting paving improvements constructed by Allen Butler Construction Co., Inc. in the Monterey Addition, Lots 1-305 (*Street/Drainage Engineering*).

This is a routine acceptance of paving improvements constructed at the time of platting this new subdivision. These improvements consist of street paving and curb and gutter on:

The east half of Quincy Avenue from the alley south of 87th to 82nd Streets.

Pontiac Avenue from 87th to 86th Streets.

Pontiac Avenue from 85th to 84th Streets.

Pontiac Avenue from 84th Street to the alley north of 84th Street.

Oak Ridge Avenue from the alley south of 88th to 87th Streets.

Oak Ridge Avenue from 87th to 86th Streets.

Oak Ridge Avenue from 86th Street to the alley north of 86th Street.

Mobile Avenue from the alley south of 88th Street to 88th Street.

Mobile Avenue from 87th to 86th Streets.

Mobile Avenue from 88th to 87th Streets.

Mobile Avenue from 86th Street to the alley north of 86th Street.

84th Street from Quincy Avenue to 45 feet east of Pontiac Avenue.

85th Street from the cul-de-sac east of Quincy Avenue to 425 feet east of Pontiac Avenue.

86th Street from Quincy Avenue to the cul-de-sac west of Milwaukee Avenue.

87th Street from the cul-de-sac east of Quincy to Milwaukee Avenues.

88th Street from Oak Ridge Avenue to the cul-de-sac west of Milwaukee Avenue.

FISCAL IMPACT:

Quincy Avenue is a collector level street, and by paving policy the City is responsible for the extra width of paving over the standard residential street width. The City's share of the cost in the amount of \$20,895.11 will be due the contractor upon this acceptance. The City's cost will be paid from an existing capital project - New Subdivision and Assessment Paving. This capital project was established to provide funding for the City to pay for paving quantities that exceed the developers' paving requirements when platting new subdivisions. The City's portion of this extra width paving cost will be paid out of Project #91051 with a current available balance of \$174,542.

Street/Drainage Engineering staff recommended approval of this resolution.

(23.) Resolution No. 2005-R0372 accepting paving improvements constructed by Allen Butler Construction Co., Inc. in the Shadow Hills Addition, Lots 323-394 (*Street/Drainage Engineering*).

This is a routine acceptance of paving improvements constructed at the time of platting this new subdivision. These improvements consist of street paving and curb and gutter on:

The south half of Erskine Street from North Hyden Avenue to the alley west of North Iola Avenue.

Duke Street from North Hyden Avenue to the alley west of North Iola Avenue.

North Iola Avenue from Erskine to Duke Streets.

North Inverness from the cul-de-sac south of Erskine to Duke Streets.

The west half of North Hyden Avenue from Duke Street to the alley north of Duke Street.

FISCAL IMPACT:

North Iola Avenue is a collector level street, and by paving policy the City is responsible for the extra width of paving over the standard residential street width. The City's share of the cost in the amount of \$9,835.72 will be due the contractor, upon this acceptance. The City's cost will be paid from an existing capital project - New Subdivision and Assessment Paving. This capital project was established to provide funding for the City to pay for paving quantities that exceed the developers' paving

requirements when platting new subdivisions. The City's portion of this extra width paving cost will be paid out of Project #91051 with a current balance of \$174,542.

Street/Drainage Engineering staff recommended approval of this resolution.

- (24.) **Resolution No. 2005-R0373 authorizing the City Manager, or his designee, to execute such short term and temporary leases of the classroom facilities located at the Lubbock Land Application Site as he may deem appropriate under substantially the same terms and conditions as the agreement with Warren Caterpillar, Inc. of Midland, Texas (*Land Application*).**

The purpose of this agreement is to allow Warren Caterpillar, Inc. temporary use of the Morton Building located at the Lubbock Land Application Site to demonstrate and educate persons regarding agricultural equipment. This activity will not only benefit the City, but will also provide a public purpose with the attendees of the educational activities purchasing lodging and meals in the city and being educated on the City's Land Application activities.

FISCAL IMPACT:

Advertising for this event was conducted through the Dealers and Leadership Program and is expected to draw an estimated 150 farmers and dealers from surrounding areas in Texas, as well as City staff. Attendees will be utilizing amenities provided by our community for food and lodging during this five-day event.

Staff recommended approval of this resolution.

The next items considered were Items 30-36.

- (25.) **Resolution No. 2005-R0365 for the City Council to express its approval and support for a proposed special ceremony on September 11, 2005, at Kastman Park to honor and remember the 3,412 victims of the September 11, 2001 terrorist attack against the United States, and to honor the First Responders of Lubbock and the surrounding area (*City Attorney*).**

This item was moved from consent agenda to regular agenda and considered when Council reconvened at 8:44 a.m.

American State Bank, partnering with the Lubbock Independent School District and the City of Lubbock, desires to honor and remember the 3,412 lives that were lost in the September 11, 2001 terrorist attack on the

United States with appropriate ceremonies on the evening of September 11, 2005 at Kastman Park.

Also, September 11th is Texas First Responders' Day, and the City desires to commemorate and honor the outstanding contributions of the First Responders of the City and surrounding areas.

The following departments are planning to provide assistance for this event: the Emergency Operations Center, Fire Department, Police Department, City Attorney, City Manager, LP&L, and Parks and Recreation.

Since the events will be held at a neighborhood park, miscellaneous Parks Department, Fire Department, Police Department, and LP&L equipment may be used to facilitate the ceremony.

FISCAL IMPACT:

Unknown at this time.

Staff recommended approval of the resolution.

W.R. Collier and Greg Jones representing American State Bank, and Jack Booe and Larry Mullican representing Lubbock Independent School District joined Mayor McDougal and Mayor Pro Tem Martin as those in the Council Chambers watched a video presentation. The Mayor reiterated that First Responders' Day would be held in Kastman Park on Sunday, September 11, 2005 from 3:00 – 5:00 p.m. The afternoon will start with a free concert and then continue at 4:00 p.m. with a ceremony honoring the 911 victims and local First Responders. This year's event is called "An American Tribute", sponsored by American State Bank, Lubbock Independent School District, and the City of Lubbock and will honor the first Responders of 911 who perished at the Twin Towers, the Pentagon, and the plane crash in Pennsylvania. All local and regional First Responders, including Fire Department, Police Department, Emergency Operation Center, Emergency Medical Services, Texas Rangers, and the Department of Public Safety were also honored. The Texas Legislature recognized the importance of First Responders by passing legislation in 2003, dedicating September 11 as First Responders' Day in the state of Texas.

Mayor Pro Tem Martin and Greg Jones, American State Bank gave comments. Mayor McDougal asked Michael Boyd to lead those in the Council Chambers in the Pledge of Allegiance to the American and Texas Flags.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0365 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

At this time, Council recessed.

- (26.) **Consider a resolution approving recommendations from the Lubbock Arts Alliance, Inc., for the first of two grant periods for 2005-2006 (*Buddy Holly Center*).**

This item was deleted.

- (27.) **Consider a resolution expanding the purpose and mission of the Culture and Arts Commission and changing its name to the “Lubbock Museum and Arts Commission” (*Civic Services*).**

This item was deleted.

- (28.) **Consider a resolution authorizing the Mayor to sign an agreement between the City of Lubbock and Civic Lubbock, Inc. (*Civic Services*).**

This item was deleted.

- (29.) **Consider a resolution adjusting the current allocation of Hotel Occupancy Tax Revenue (*Finance*).**

This item was deleted.

Items 30-36 were considered following Item 24.

- (30.) **Resolution No. 2005-R0374 authorizing the Mayor to execute Amendment No. 4 to the agreement between the City and Parkhill, Smith & Cooper for engineering services for the GA Ramp Expansion Phase II, and all related documents (*Aviation*).**

This item amends the City’s master engineering agreement approved January 13, 2005 with Parkhill, Smith & Cooper for engineering services on Phase II of the GA Ramp Expansion Project. City Council will recall that Phase I, on the west side of the airfield, has been engineered and is in the construction phase now.

The improvements scheduled in both phases are designed to improve access to all Fixed Base Operators on the airfield and enhance overall safety and capacity for general aviation users.

The amendment for Phase II will only authorize the engineering services to design Phase II which is located on the east side of the airfield in the

vicinity of the Executive Terminal Building. The project contemplates re-building approximately 16,000 square yards of asphalt adjacent to Runway 35R/17L and the apron that serves all the hangars on the east side. Approximately 90,000 square yards of existing asphalt tarmac in the same general area will also be rejuvenated. The concrete apron adjacent to and west of the Executive Terminal will be enlarged by about 4,600 square yards. Additional crack sealing will be accomplished and an existing drainage structure will be extended.

The amendment includes compensation for preliminary and final engineering design through the bidding phase at \$177,350. Reimbursable expenses associated with surveying and testing are scheduled at \$75,900 and construction phase services are set at \$132,600. The total agreement is not to exceed \$385,850. The design engineering services described in the agreement are 7.2% of the engineer's estimate of probable cost at \$2,463,862.

FISCAL IMPACT:

There will be no fiscal impact. The Federal Aviation Administration AIP grant will fund 95% of the total project and Passenger Facility Charge funds will fund the remaining 5%.

The Airport Board and staff recommended approval of this resolution.

- (31.) **Resolution No. 2005-R0375 authorizing the Mayor to execute Amendment No. 5 to the agreement between the City and Parkhill, Smith & Cooper for engineering services to rehabilitate airfield guidance signage panels and upgrade the electrical vault, and all related documents (*Aviation*).**

This item amends the City's master engineering agreement approved January 13, 2005 with Parkhill, Smith & Cooper. The amendment provides for engineering services to rehabilitate airfield guidance signage panels and upgrade the electrical vault project.

This project will replace faded sign panels that are badly deteriorated due to years of exposure to the elements and will rebuild certain electrical circuits and provide some new ones. Clear and readable signs are extremely important to pilots for the safe movement of aircraft around the airfield. This project will also satisfy a recommendation made by the FAA Certification Inspector to replace sign panels to improve their visibility and decrease the potential of runway incursions thereby enhancing the safety of the airport. This project will also replace the emergency generator located in the electrical vault, which has reached the end of its useful life.

This generator is necessary to keep the airfield lights operating when commercial power is lost.

The amendment includes compensation for the preliminary and final engineering design through the bid phase at \$68,400. Reimbursable expenses associated with surveying and testing are scheduled at \$6,325 and construction phase services are set at \$52,600. The total agreement is not to exceed \$127,325. The design engineering services described in the agreement are 7.5% of the staff's estimated construction cost of \$915,000.

FISCAL IMPACT:

There will be no fiscal impact. Passenger Facility Charge funds will fund 100% of the project.

The Airport Board and staff recommended approval of this resolution.

- (32.) **Resolution No. 2005-R0376 authorizing the Mayor to execute Amendment No. 6 to the agreement between the City and Parkhill, Smith & Cooper for engineering services to rehabilitate airside asphalt pavement, and all related documents (*Aviation*).**

This item amends the City's master engineering agreement approved January 13, 2005 with Parkhill, Smith & Cooper. The amendment provides for engineering services to rehabilitate airside asphalt pavements on all movement areas in the airside operations area.

This project will provide the application of asphalt pavement seal, crack sealing, limited pavement repair, and appropriate markings and reflectors on all aprons, taxiways, runways, and shoulders that have begun to oxidize and crack due to age. The purpose of the project is to extend the useful life of the various pavements on the airfield before replacement becomes necessary. The result will reduce the potential for debris from deteriorating pavements damaging aircraft and enhance overall safety of the airport.

The amendment includes compensation for the preliminary and final engineering design through the bid phase at \$78,000. Reimbursable expenses associated with surveying and testing are scheduled at \$14,600 and construction phase services are set at \$81,300. The total agreement is not to exceed \$173,900. The design engineering services described in the agreement are 8.6% of the staff's estimated construction cost of \$900,000.

FISCAL IMPACT:

There will be no fiscal impact. Passenger Facility Charge funds will fund 100% of the project.

The Airport Board and staff recommended approval of this resolution.

- (33.) **Resolution No. 2005-R0377 authorizing the Mayor to execute Amendment No. 8 to the agreement between the City and Parkhill, Smith & Cooper for engineering services for the 2005 Terminal Building Parking Lot (*Aviation*).**

This item amends the City's previous master engineering agreement dated June 12, 1997 with Parkhill, Smith & Cooper. The amendment provides for engineering services to re-build, rehabilitate, and reconfigure the main passenger terminal building parking lot. This amendment also completes the portfolio of projects proposed in the 1997 agreement and will expire on its own terms.

This project will provide for the demolition of approximately 50,000 square yards of concrete, asphalt, and base course. New construction includes approximately 97,000 square yards of asphalt pavement and base, 44,000 square yards of seal coat, 6,000 square yards of concrete, new bollards, fencing, signage, and associated electrical. Generally the project will re-build the asphalt parking lot, add concrete at the entrance drives and exit booth lanes, reconfigure the lot for easier access, and increase the number of overall parking spaces.

The amendment includes compensation for the preliminary and final engineering design through the bid phase at \$228,000. Reimbursable expenses associated with surveying and testing are scheduled at \$58,000 and construction phase services are set at \$185,750. The total agreement is not to exceed \$471,750. The design engineering services described in the agreement are 6.6% of the engineer's estimate of probable cost of \$3.4 million.

FISCAL IMPACT:

City Council recently approved the use of approximately \$4 million in Certificates of Obligation to fund 100% of the project. Debt service on the bonds will be paid from the City's Debt Service Fund Account.

The Airport Board and staff recommended approval of this resolution.

(34.) Resolution No. 2005-R0378 authorizing the Mayor to execute an agreement between Pharr and Company and the City to repair wind damage at the Silent Wings Museum (*Aviation*).

A section of soffit and fascia was damaged by high winds during a rainstorm at the airport. The damage occurred on the southeast corner of the new exhibit gallery that is attached to the old passenger terminal building, which houses the museum. The proposed agreement authorizes Pharr Construction Company, who was the original general contractor, to complete the repairs in accordance with the original plans and specifications. The cost for the repairs will not exceed \$34,521 as set out in the agreement.

FISCAL IMPACT:

Funding will come from two sources: \$10,952 will come from the airport operating budget and \$23,569 will come from the City's insurance risk fund as deductible according to the new City Council approved deductible policy approved May 12, 2005.

The Airport Board and staff recommended approval.

(35.) Resolution No. 2005-R0379; Resolution No. 2005-R0380 for Runway Surface Sensor System Upgrade (*Aviation*).

This is a sole source purchase of equipment and service from Surface Systems, Inc. of St. Louis, Missouri to upgrade the existing runway surface sensor system at Lubbock Preston Smith International Airport.

The runway surface sensor system provides important information on the conditions of the runway surfaces during winter snow/ice events. A network of sensors embedded in the runway detects surface temperature, moisture, ice, and the presence of de-icing materials. The sensors feed the information to remote processing units (RPU) in the field and that data, along with atmospheric data captured by a set of instruments at one of the RPUs is transmitted via radio signal to the airfield maintenance building where airport staff make decisions regarding what measures are to be used in a snow/ice event.

Surface Systems, Inc. (SSI) installed the original system and this purchase will provide for the upgrade of associated software, a server to network with existing airport desktop computers, and new radio communications equipment. A one-year service agreement will be effective after the end of the initial one-year warranty.

The existing surface sensor system became inoperative during the 2004-2005 winter season. The upgrade will be installed and become effective

prior to the start of the 2005-2006 winter season. The dedicated network server included in this upgrade will allow airport staff to pull up SSI data from our existing networked desktop computers rather than having a separate set of dedicated work stations to retrieve the information.

FISCAL IMPACT:

A total of \$55,000 was appropriated with \$55,000 available in Passenger Facility Charges for this purpose.

Staff recommended approval of the purchase order and service agreement to Surface Systems, Inc. of St. Louis, Missouri for \$52,150.83.

(36.) Resolution No. 2005-R0381 - BID #05-076/MA—for Police Vehicle (Fleet Services).

This bid is for the purchase of one fully equipped police sedan for the Police Academy. This vehicle will replace a vehicle with high mileage and high maintenance costs.

Twenty-two local vendors were notified of the invitation to bid.

FISCAL IMPACT:

A total of \$7,665,285 was appropriated with \$7,665,285 available in Project #100.2606 (General Fund).

Staff recommended bid award to Philpott Motors, Ltd. of Port Neches, Texas, for \$28,284.

The next items considered were Items 39-41.

Items 37-38 were moved from consent agenda to regular agenda and considered following Item 21.

(37.) Resolution No. 2005-R0387; Resolution No. 2005-R0388; Resolution No. 2005-R0389; Resolution No. 2005-R0390; Resolution No. 2005-R0391; Resolution No. 2005-R0392; Resolution No. 2005-R0393; - BID #05-086/MA—for Light Duty Vehicles (Fleet Services).

This bid is for the purchase of two pickup trucks for Police Administration, two full size four-door sedans for Police Administration, two full size four-door sedans for Police Training, two pickup trucks for Police Training, 14 full size four-door sedans for Police Investigations, three pickup trucks for Police Investigations, two three-wheeled parking control vehicles for Police Patrol, one sport utility vehicle for Pumping and Control, one pickup truck for Water Reservoir, four pickup trucks for

Pipeline Maintenance, one pickup truck for Meter and Customer Service, one pickup truck for Meter and Customer Service, three cab and chassis with utility body for Meter and Customer Service, one pickup truck for Water Reclamation, one cab and chassis with utility body for Water Reclamation, one sport utility vehicle for Storm Drainage, two pickup trucks for Storm Drainage, two sport utility vehicles for Water-Conservation and Education, two raised roof vans for Wastewater Management, one cab and chassis with utility body for Wastewater Management, one cab and chassis with utility body for Pumping and Control, one cab and chassis with utility body for Land Application, three cab and chassis with flatbed for Land Application, one pickup truck for Building Services, and two pickup trucks for Solid Waste Collection. These vehicles will replace vehicles with high mileage and high maintenance costs.

Pursuant to Texas Local Government Code 271.905(b), in purchasing real property or personal property that is not affixed to real property, if the City receives one or more bids from a bidder whose principal place of business is in the City of Lubbock and whose bid is within 3% of the lowest bid price received by the City from a bidder who is not a resident of the City of Lubbock, the City may enter into a contract with:

- (1) the lowest bidder, or
- (2) the bidder whose principal place of business is in the City of Lubbock if the City Council determines, in writing, that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City of Lubbock created by the contract award, including the employment of residents of the City of Lubbock, and increased tax revenues to the City of Lubbock.

In order to receive consideration of the location of the bidder's principal place of business for bid award, bidders are required to submit an Affidavit of Eligibility.

The bids from Gene Messer Ford of Lubbock, Texas and Shamrock Chevrolet of Lubbock, Texas for items 2, 3, 8, 11, 18, and 19 on the bid tabulation are within 3% of the low bid from a non-resident bidder. Pursuant to the abovementioned statute, City Council has the authority to award the bids for these items to the local bidder "if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues to the local government". To facilitate the determination, completed and signed Affidavits of Eligibility

from the abovementioned local bidders are included in City Council backup documents.

Two identical bids were received for item 5 shown on the bid tabulation. Texas Local Government Code Chapter 271.901 requires that “if only one of the bidders submitting identical bids is a resident of the municipality or district, the municipality or district must select that bidder”. Staff recommended bid award to Shamrock Chevrolet of Lubbock, Texas for this bid item.

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

FISCAL IMPACT:

A total of \$7,665,285 was appropriated with \$1,614,300 available in Project #100.2606 (General Fund) for this purpose.

Staff recommended bid award for each item shown on the bid tabulation to bidders indicated in **bold type** including Gene Messer Ford of Lubbock, Texas for \$600,881, Shamrock Chevrolet of Lubbock, Texas for \$279,980, Philpott Motors of Port Neches, Texas for \$199,457, Tyler Motor Company, Inc. of Tyler, Texas for \$56,157.54 and J & B Trailers and Equipment of Lubbock, Texas for \$30,770.

Police Chief Claude Jones and Victor Kilman, Purchasing Manager, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2005-R0387, Resolution No. 2005-R0388, Resolution No. 2005-R0389, Resolution No. 2005-R0390, Resolution No. 2005-R0391, Resolution No. 2005-R0392, Resolution No. 2005-R0393 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

(38.) Resolution No. 2005-R0394 - BID #05-092/BM—for Irrigation Wells for Various Parks (*Water Utilities*).

This project involves the installation of 22 irrigation wells in ten municipal parks. The wells will vary in depth and will have eight-inch diameter casing with a 14-inch diameter bore hole. These wells will be used to irrigate parks with groundwater, saving an estimated 1.5 million gallons per day of potable water. Irrigation wells will be installed in the following parks:

- | | |
|-----------------------|--------------------------------|
| Duran Park (2) | 26th Street and Kewanee Avenue |
| George Mahon Park (1) | 3208 Chicago Avenue |

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| | |
|------------------------|-------------------------------|
| Jack Stevens Park (2) | 5203 75th Street |
| Kastman Park (3) | 3401 South Loop 289 |
| Leroy Elmore Park (3) | 66th Street and Quaker Avenue |
| O.W. Ribble Park (2) | 6003 Avenue U |
| Phil Hoel Park (3) | 9002 Chicago Avenue |
| Preston Smith Park (1) | 1504 Chicago Avenue |
| Remington Park (3) | 70th Place and Bangor Avenue |
| Rodgers Park (2) | 3202 Amherst Street |

Time for completion of this project is 90 consecutive calendar days and liquidated damages are \$100 per day.

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

FISCAL IMPACT:

A total of \$350,000 was appropriated with \$323,696 available in Project #90357 (Parks Irrigation Well Conversion) for this purpose. The balance required to fund this project is available in the Water Utilities Operating Budget.

Staff recommended bid award to Hi Plains Drilling, Inc. of Abernathy, Texas, for \$372,196.10.

Ches Carthel, Chief Engineer of Water Utilities, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0394 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

The next item considered was Item 42.

Items 39-41 were considered following Item 36.

(39.) Resolution No. 2005-R0382 - BID #05-093/BM—for Furnish and Install Counterflo Indirect Gas Fired Equipment (*Water Reclamation*).

This project involves the purchase and installation of replacement counterflo indirect gas fired equipment for the Headworks Building at the Southeast Water Reclamation Plant. This equipment will provide air

exchange as well as heating and cooling for the building to maintain a constant environment and help reduce corrosive gases that damage equipment and limit access to the building. The equipment will allow wastewater treatment personnel to operate within the building and maintain equipment required for wastewater treatment.

Time for completion of this project is 60 consecutive calendar days and liquidated damages are \$100 per day.

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

FISCAL IMPACT:

A total of \$525,000 was appropriated with \$525,000 available in Project #91042 (SEWRP Replace System) for this purpose.

Staff recommended bid award to Hub City Plumbing and Mechanical of Lubbock, Texas, for \$57,884.

(40.) Resolution No. 2005-R0383 - RFQ #05-016/VK—for Engineering Services for Water Treatment Plant Sludge Handling Improvements (Water Treatment).

This contract is for professional engineering services for design and oversight of construction of a decanting process for used filter backwash water at the Water Treatment Plant. It will also include services for determining amount and removal of sludge buildup in the Terminal Storage Reservoir.

Proposals to provide engineering services for sludge handling improvements at the City of Lubbock Water Treatment Plant were received from five firms and were ranked as follows:

| <u>Firm</u> | <u>Location</u> | <u>Score</u> |
|-----------------------------------|-------------------|--------------|
| Alan Plummer and Associates, Inc. | Fort Worth, Texas | 434 points |
| Lockwood, Andrews & Newnam, Inc. | Austin, Texas | 421 points |
| HDR Engineering, Inc. | Austin, Texas | 380 points |
| Turner Collie & Braden, Inc. | Houston, Texas | 369 points |
| Parkhill, Smith & Cooper, Inc. | Lubbock, Texas | 355 points |

An evaluation committee evaluated and scored the proposals submitted by the firms listed above using the evaluation method prescribed in the Evaluation Procedures for Competitive Negotiation for Professional & Non-Professional Services of the City Purchasing Department.

The evaluation criteria in the RFQ included Project Team Organizations and Qualifications (40%), Past Project Experience (25%), Project Approach (30%), and Overall Responsiveness to the RFQ (5%).

FISCAL IMPACT:

A total of \$500,000 was appropriated with \$500,000 available in Project #90303 (Terminal Storage Solids Handling).

Staff recommended bid award to Alan Plummer Associates, Inc. of Fort Worth, Texas, for \$85,499.

(41.) Resolution No. 2005-R0384 - RFQ #05-075/VK—for Water System Loss Analysis (*Water Utilities*).

This contract involves the review and analysis of maintenance and operational processes related to the City's public water supply as it relates to water loss, as well as the analysis of historical water loss data, data related to fire hydrant use, and data relating to apparent loss. Additionally, the consultant will determine areas of concern that relate to the largest apparent water loss; split water and loss categories into current International Water Association categories of water loss as defined by real loss and apparent loss; authorized consumption as defined by billed metered, billed unmetered, unbilled metered, unbilled unmetered, revenue water including exports and wholesale, where applicable, and non-revenue water. This will eliminate the previously used and poorly defined term "unaccounted-for water", which the Texas Water Development Board will not accept from 2006 and into the future.

The information produced by analysis of water demand will assist in planning and targeting of leak detection programs and system maintenance programs to achieve their greatest impact. Using existing water supplies efficiently can extend the life of distribution systems, defer construction of new treatment plants, put off the need for system upgrades, and reduce customer water bills. The work product of this contract will be: a written report and a presentation describing the results of the analysis and the prospects for increased water-use efficiency in the City, a model for future audits by Water Utility staff, educational presentations for staff on the model, and water loss methodologies.

Each water utility within the State of Texas is required to provide information regarding water loss through leaks, billing, fire protection, etc. As of 2005, the legislature is requiring utilities to conduct a more formal audit every five years with the first audit due March 1, 2006.

Proposals to provide a water system loss analysis for Water Utilities were received from the following firms:

| <u>Firm</u> | <u>Location</u> | <u>Score</u> |
|------------------------|-----------------------|--------------|
| Chris Brown Consulting | San Antonio, Texas | 88 points |
| Black & Veatch | Overland Park, Kansas | 70 points |

An evaluation committee evaluated and scored the proposals submitted by the firms listed above using the evaluation method prescribed in the Evaluation Procedures for Competitive Negotiation for Professional & Non-Professional Services of the City Purchasing Department.

The evaluation criteria in the RFQ included Experience and Expertise (50%), Audit Approach (25%), and Price Proposal (25%).

FISCAL IMPACT:

A total of \$104,338 was appropriated with \$50,000 available in Project #6111.8302 (Water Administration Professional Services).

Staff recommended bid award to Chris Brown Consulting, of San Antonio, Texas for \$31,450.

The next item considered was Item 12.

- (42.) **Resolution No. 2005-R0395 - RFQ #05-082/VK—for Audit of Annual Financial Statements (*Audit Committee*).**

This item was moved from consent agenda to regular agenda and considered following Item 38.

The City of Lubbock requested statements of qualifications and price proposals from certified public accounting firms to provide professional auditing services for the City's financial statements, perform the federal and state single audits, perform the Passenger Facilities Charge audit, and prepare accompanying reports.

Staff evaluated the proposals based on criteria including mandatory elements, technical qualifications, and price proposal. The following

represent principal selection criteria considered during the evaluation process.

- Mandatory elements required that the firm be independent, able to complete the audit and submit the financial statements within statutory requirements, provide a professional education program to members of their staff, be licensed to practice in Texas, and that the firm has no conflict of interest with regard to other work performed for the City or its component units.
- Qualifications and Experience (15%),
- Partner, Supervisory, and Staff Qualifications and Experience (10%)
- Thorough Knowledge of Municipal Operations and Specific Knowledge of the City of Lubbock (10%)
- Similar Engagements with Other Government Entities (10%)
- Equal Opportunity and Utilization of Local Resources (5%)
- Specific Audit Approach (25%)
- Price Proposal (25%)

The firms were ranked as follows:

| | |
|---------------------------------------------------------|------------|
| BKD of Little Rock, Arkansas | 450 Points |
| Wiener Strickler, LLP of El Paso, Texas | 367 Points |
| Robinson Burdette Martin & Seright of Lubbock, Texas | 310 Points |

The Audit Committee reviewed the proposals and recommended contract award to BKD of Little Rock, Arkansas. Significant terms of the contract presented for City Council approval are:

- Agreement for FY 2004-2005 with services that may be renewed annually up to four additional one-year periods.
- Estimated hours for each of the three fiscal years will be 1,350
- Estimated out-of-pocket expenses for first year: \$15,000

FISCAL IMPACT:

Funding will be appropriated in the FY 2005-2006 operating budget.

Award bid to BKD, LLP of Little Rock, Arkansas for \$172,000 (first year) plus out-of-pocket expenses.

Lee Ann Dumbauld, Chief Financial Officer and Jeff Snyder, Director of Fiscal Operations, gave comments and answered questions from Council. Anita Burgess, City Attorney, also gave comments.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0395 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal was away from the dais.

The next items considered were Items 58-62.

10:00 A. M. PUBLIC HEARINGS

Special

- (43.) **Hold a public hearing on the proposed FY 2005-2006 Operating Budget and Capital Improvement Program (*Finance*).**

This item was considered following Item 50.

Mayor McDougal opened the public hearing at 10:05 a. m. Mike Ward appeared on behalf of the FY 2005-2006 Operating Budget and Capital Improvement Program. Johnnie Jones appeared in opposition. Mayor McDougal closed the hearing at 10:20 a. m.

There were several citizens from West Texas Organizing Strategy (WTOS) who spoke regarding the tax levy during this public hearing. They were:

- Darrell Vines
- Josie Sulaica of 101 North Avenue N
- David Price of 3523 92nd Street
- Vicky Hernandez of 1611 43rd Street

A public hearing has been posted and notices published as required by state law to allow taxpayers an opportunity to comment on the proposed FY 2005-2006 budget.

A budget was filed with the City Secretary's Office as required by state law.

The proposed budget complies with all legal requirements and all mandatory notices have been published.

FISCAL IMPACT:

Not applicable.

The next item considered was Item 45.

- (44.) **Ordinance No. 2005-00106 adopting the FY 2005-2006 Operating Budget and Capital Improvement Program (*Finance*) (*first reading*).**

This item was considered following Item 56.

This is the first reading of the ordinance adopting the budget for the City of Lubbock for FY 2005-2006. The budget ordinance must be considered first, followed by the ordinance on the tax rate.

The ordinance will be placed on the Thursday, September 8, 2005 City Council agenda for the second reading and adoption of the budget.

FISCAL IMPACT:

Not applicable.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-00106 as recommended by staff. Motion carried: 6 Yeas, 1 Nay.

Council Member DeLeon voted Nay.

The next item considered was Item 46.

- (45.) **Hold a public hearing on the proposed tax levy for the FY 2005-2006 budget (*Finance*).**

This item was considered following Item 43.

Mayor McDougal opened the public hearing at 10:20 a. m. William Pesetski and Mikel Ward appeared on behalf of the proposed tax levy for the FY 2005-2006 budget. No one appeared in opposition. Mayor McDougal closed the hearing at 10:30 a. m.

A public hearing has been posted and notices published as required by state law to allow taxpayers an opportunity to comment on the proposed FY 2005-2006 tax rate.

A property tax rate decrease is proposed. A decrease of .0125 is proposed decreasing the property tax from 0.4597 to 0.4472 per \$100 valuation. The tax rate is distributed as follows:

| | |
|----------------------|-----------|
| Debt Service | \$0.06094 |
| General Fund M&O | \$0.35626 |
| Economic Development | \$0.03000 |

FISCAL IMPACT:

Not applicable.

At this time, Council Member DeLeon gave comments regarding the FY 2005-2006 Operating Budget and Capital Improvement Program, the proposed tax levy, and her views on the Junior Ambassador Program.

The next item considered was Item 56.

- (46.) **Ordinance No. 2005-O0107 setting the tax levy for the FY 2005-2006 budget (*Finance*) (*first reading*).**

This item was considered following Item 44.

This is the first reading of the ordinance adopting and levying the tax rate for the City of Lubbock for FY 2005-2006. The budget ordinance must be considered first, followed by the ordinance adopting the levying of a tax rate. The ordinance will be placed on the Thursday, September 8, 2005 City Council agenda for the second reading and adoption of the budget.

A property tax rate decrease is proposed. A decrease of .0125 is proposed decreasing the property tax from 0.4597 to 0.4472 per \$100 valuation. The tax rate is distributed as follows:

| | |
|----------------------|-----------|
| Debt Service | \$0.06094 |
| General Fund M&O | \$0.35626 |
| Economic Development | \$0.03000 |

FISCAL IMPACT:

Not applicable.

Staff recommended approval of the first reading of this ordinance.

Council Member Boren returned to the dais.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-00107 as recommended by staff. Motion carried: 4 Yeas, 3 Nays.

Council Members DeLeon, Price, and Jones votes Nay.

The next item considered was Work Session Item 68.

Zoning

Items 47-49 were considered following Item 57.

- (47.) **Ordinance No. 2005-00101 - ZONE CASE NO. 1788-D (5001 50th Street): Hold a public hearing to consider the request of Erick N. Jenkins (for Western Wireless Corporation) for a zoning change from C-2 to C-2 Specific Use for an 80-foot monopole wireless communications tower on a portion of Lot 1-B-2, Greenbrier Addition. (first reading).**

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of Western Wireless Corporation. No one appeared in opposition. Mayor McDougal closed the hearing at 10:00 a. m.

With regard to Zone Case No. 1788-D, 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. IE: 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.

One guideline for towers is that the setback from adjacent off-site residential structures be greater than the height of the pole. As the site plan and the aerial for this case indicates, the tower is proposed in a notch behind the bookstore and pizza building at 5001 50th Street, the site of the former Best Buy store. The tower location is on a parcel that is across an alley from single family residential. The tower setback from single-family structures on 52nd Street does exceed the height of the proposed tower. The tower is proposed with an 80-foot height.

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

A letter from the applicant indicates no available adjacent sites that meet the need for the service ring outlined by the technicians associated with Western Wireless. Discussion with the applicant indicates that the tower will be able to serve one or two more users along with the current applicant represented by Western Wireless.

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 toughest aspect of tower requests. Except in remote areas of the community, adjacent owners always express considerable objection for 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 the 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 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.
- Various power poles in alleys are from 30 to 50 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 and City Council, opinions from citizens that are not substantiated with data or expert verification is suspect if a denial is challenged in court.

The alley in this location is an overhead service alley meaning that two sets of power poles are already located in the alley behind the homes and the business.

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

By locating the tower in an inset of the building on the backside, a majority of the view from 50th Street will be diminished. The view from the backyards of the residential will be unrestricted with the exception that they already have two sets of power poles in the alley.

An industry discussion of cell towers is included in the backup documents to help City Council understand, at least from the cell industry perspective, what can be done to help alleviate concerns and situations associated with cell towers.

Several adjacent property owners submitted a letter of opposition related to aesthetics and property value. With the two sets of power poles in the current alley, and the tower in the inset of the building, the Planning Commission recommended the request with the following condition:

The tower shall be a monopole and limited to 80 feet in height.

FISCAL IMPACT:

Not applicable.

Staff supports the Planning Commission recommendation. The applicant did not discuss any application of a “stealth” flagpole type location in front of the business. It is staff’s understanding that the stealth towers are not able to hold as many users as the traditional triangular shaped antennae.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-00101 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Boren was away from the dais.

(48.) Ordinance No. 2005-00102 - ZONE CASE NO. 2851-A (9821 Frankford Avenue): Hold a public hearing to consider the request of Erick N. Jenkins (for Western Wireless Corporation) for a zoning change from A-2 to A-2 Specific Use for a 100-foot monopole wireless communications tower on a portion of Tract A, Holy Spirit Parish Addition. (first reading).

Mayor McDougal opened the public hearing at 10:00 a. m. No one appeared on behalf of Western Wireless Corporation. No one appeared in opposition. Mayor McDougal closed the hearing at 10:00 a. m.

With regard to Zone Case No. 2851-A, 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 nor 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. IE: 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.

One guideline for towers is that the setback from adjacent off-site residential structures be greater than the height of the pole. The graphic shown for the notification area indicates that, although the lots are vacant at this time, the fall distance criteria will not be met. The church and tower company have agreed to discuss alternate locations, but the corner of 101st Street and the adjacent alley is the preference of the church for keeping the tower out of the way of future expansion and also providing one of the light standards for the church ball field. The fall distance is not a requirement within the Specific Use case if the proposed location is agreed upon by adjacent owners and approved by the Planning Commission and City Council; it is a requirement for administratively approved towers in industrial zoned areas. The tower is proposed with a 100-foot height and will provide badly needed additional tower space for other cell/PCS companies in this area of Lubbock.

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

A letter from the applicant indicates no available adjacent sites that meet the need for the service ring outlined by the technicians associated with Western Wireless. Discussion with the applicant indicates that the tower will be able to serve one or two more users along with the current applicant represented by Western Wireless.

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 toughest aspect of tower requests. Except in remote areas of the community, adjacent owners always express considerable objection for 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 the 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 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.

The alley in this location is an underground service alley, so no power poles are located in the adjacent alley.

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

The proposed location is at the back of a church lot adjacent to Frankford Avenue, across the street and alley from proposed residential lots.

As noted above, the Planning Commission and City Council may question the proposed location and the church and tower representative will be available to discuss any alternate sites on the church property that are more advantageous. Staff proposed moving the location north and west to be in the left outfield of the baseball diamond versus the right field so the fall distance would be satisfied. The alternate location would get the tower away from immediately abutting 101st Street. The tower will still be abutting an alley with undeveloped residential but the homes have not been built at this time and future owners can make their decisions about

purchase with the tower in place. Numerous other locations in town back up to residential and staff has had no negative feedback after the initial discussion during the zone cases.

Based on the fact that the tower will meet fall distance requirements, that the construction to the south is duplex construction, and that the single family to the east is yet to be constructed (so those purchasers can make a decision with the tower in place), the Planning Commission recommended the request to City Council with one condition:

The tower site shall be relocated north and west far enough to meet the fall distance requirement from existing and future residential units to the east and south.

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-O0102 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Boren was away from the dais.

- (49.) **Ordinance No. 2005-O0103 - ZONE CASE NO. 2816-C (1802 82nd Street): Hold a public hearing to consider the request of Joe Stettheimer for a zoning change from R-2 to R-1 Specific Use for townhouses on 0.803 acres of unplatted land out of Section 4, Block E. (first reading).**

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

The request is to rezone an existing R-2 tract that has conditions to a tract for townhome development.

Adjacent land uses:

- North – single family
- South – 82nd Street
- East – vacant, zoned commercial
- West – vacant, zoned Garden Office

The request is consistent with the Comprehensive Land Use Plan and, with the condition noted below, the zoning policy.

In addition, with the proposed site plan and restriction to one curb cut on 82nd Street, the proposal will have no effect on the thoroughfare system.

The Planning Commission supports the request with the following condition:

Tied to the site plan indicating one 40-foot curb return on 82nd Street for the nine-unit complex.

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. 2005-00103 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Boren was away from the dais.

The next item considered was Item 51.

- (50). **Ordinance No. 2005-00105 - ZONE CASE NO. 3048 (5th to 10th Streets, Avenues S to V): Hold a public hearing to consider the request of Hugo Reed and Associates, Inc. (for McCanton Woods, Ltd.) for a zoning change from R-2, R-3, A-2, and C-1 to R-1 Specific Use on the south half of Blocks 30, 34, and 63; the north half of Blocks 27, 40, and 51; all of blocks 35, 38, 39, 58, 59, 60, 61, and 62; and adjacent right-of-ways. (*first reading*).**

This item was considered following Item 51.

Mayor Pro Tem Martin opened the public hearing at 10:04 a. m. No one appeared on behalf of McCanton Woods. No one appeared in opposition. Mayor Pro Tem Martin closed the hearing at 10:04 a. m.

The Planning Commission and City Council have been schooled on the concept of Traditional Neighborhood Development (TND), and this proposal is the application of that principle to The Centre at Overton Park single-family residential component.

Adjacent land use:

- North – commercial
- South – residential
- East – residential
- West – residential (high density)

The applicant has supplied an extensive side by side review of the current requirements of the Specific Use District for garden homes and town homes, as well as a proposal that the Overton Park Residential Guidelines be adopted as an exhibit for the City ordinance to benefit future generations of staff, builders, and property owners regarding the perspective and intent of the development.

The Guidelines include:

- An introduction.
- A plan review process.
- Site design guidelines.
- Site design guidelines for parcel information.
- Site design templates for town homes.
- Site design templates for cottage homes (garden homes).
- Style drawings, narrative description, and photos of the styles of homes proposed for the subdivision.
- An appendix of terms and landscape materials.

The objective is to maintain the feel of the original styles in Overton Park, as well as a consistency throughout the area once lots begin to sell. The developer will have deed restriction control over the builders and homeowners, but the applicant wants the City inserted into the process to the point that the zoning ordinance will also enforce the vision statement for the project.

The project is entirely consistent for the Comprehensive Plan adopted for the Overton Park project and should have no greater than anticipated impact on the thoroughfare system.

The Planning Commission recommended the request with two conditions:

- The Overton Park Development standards (the right column of the side by side) incorporated into the ordinance.
- Incorporation of the Overton Park Residential Design Guidelines incorporated into the ordinance as an exhibit.

FISCAL IMPACT:

Not applicable.

Staff supports the Planning Commission recommendation.

Motion was made by Council Member Gilbreath, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2005-00105 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Mayor McDougal recused himself.

Council Member Boren was away from the dais.

The next item considered was Item 43.

- (51.) **Ordinance No. 2005-00104 - ZONE CASE NO. 2895-B (southeast corner of 82nd Street and Milwaukee Avenue): Hold a public hearing to consider the request of John Cornelsen (for Ron Betenbough) for a zoning change from C-3, A-2, G-O, R-2 Specific Use, and R-1 Specific Use to A-M, C-3, and C-3 Specific Use for a Super Wal-Mart on 64.389 acres of unplatted land out of Section 28, Block A-K. (*first reading*).**

This item was considered following Item 49.

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

The request is for approval of an approximate 60-acre site for a Super Wal-Mart, a C-3 strip for stores that follow Wal-Mart, and a buffer of AM requesting a limitation on the A part to be A-1 only. The same developer is developing the adjacent subdivisions on both sides of Milwaukee Avenue from Iola to Quincy Avenues, south to at least 92nd Street.

Adjacent land uses:

- North – commercial zoning, vacant
- South – residential zoning, vacant
- East – an existing church and residential zoning
- West – vacant commercial and two block ends of residential

The request is consistent with the policy of commercial at the corner of major thoroughfares, although the site is larger than the standard 10-acre allotment because of the size of the user, related uses, and the buffer. The standard approximate 10 acres is already zoned C-3 on this corner and the opposite corner to the west.

The greatest single concern policy-wise for this request is the existing and proposed residential to the west across Milwaukee Avenue. Staff requested, and the applicant has arranged with the developer - in addition to the screening fence on the south with a landscaped area south of the fence with the fence continuing north on Milwaukee Avenue to the proposed entrance for trucks to the back of the store, a fence of substantial construction be built for the homeowners across Milwaukee Avenue from the alley south of 87th Street north to the existing location of the commercial zoning on the west side.

This concession will provide the homeowners on the west side a better fence and will allow Wal-Mart better exposure from Milwaukee Avenue.

With 82nd Street in place as a seven-lane thoroughfare and Milwaukee Avenue in the planning stages, the proposed development should not be a detriment to the thoroughfare system. Several recommendations related to curb cuts are proposed by the site plan and the proposed conditions within the ordinance.

The Planning Commission recommended the request with the following conditions:

A. The C-3 Specific Use Permit on the Wal-Mart site:

1. An outdoor display area may be constructed in the parking lot as illustrated on the site plan. The compound is a drive-through with construction materials that are a product that has the appearance of wrought iron; it is actually aluminum. The height of the fence will be six feet. The stack of any material or object within the compound will not be taller than six feet above the grade of the parking lot surface.
2. Outdoor display located at specific areas on the front of the store shall be limited to the areas indicated on the site plan.

3. An outdoor display and pick-up area constructed adjacent to the garden center will allow a drive-through for pick up of bagged goods. The construction materials of the fencing on the Milwaukee Avenue side of the drive-through shall match the style of construction of the parking lot compound with the addition of brick columns. The materials or product within the compound shall not be allowed to be stacked above the top of the fence.
 4. The project shall be tied to the site plan and building/garden center/outdoor storage compounds elevations and materials as presented in Zone Case No. 2895-B.
 5. The screening fence shall be as depicted for materials and location on the site plan and elevation drawings.
- B. The C-3 site to the east of the Wal-Mart site is zoned C-3 with the following condition:

The parcel shall be limited to one curb cut on 82nd Street. The developer shall coordinate access to the various retail parcels on the site.

- C. The parcel to the south and east is zoned AM with the apartment portion of the district limited to A-1 construction. This zoning will allow professional offices, low-density apartments, or duplex and single family construction. The parcel will have one condition:

The parcel shall be limited to one street or one curb return on Milwaukee Avenue. If the access is a curb cut and not a public street, the developer shall coordinate access to the various owners and/or lots on the site.

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. 2005-00104 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Boren was away from the dais.

The next item considered was Item 50.

Items 52-55A were considered following Item 63.

CITY SECRETARY

(52.) To discuss a request for a rate increase and addition of a Zone 6, submitted by Leonard and Helen Sallee of Royal Coach Towne Car Service, and to take appropriate action.

Leonard and Helen Sallee have submitted a request to increase Royal Coach's fare rates due to increased costs. They are requesting an increase of \$2 per zone, excluding Zone One. They cite the following reasons for the request:

1. Gas prices have increased.
2. Repair costs have doubled.
3. Cost for oil changes have increased.
4. Cost for auto parts has doubled.
5. Cost for tires has increased.

They are also requesting a Zone 6 due to expansion of the city limits and rapid growth in the city.

The current fare schedule is:

- Zone 1 - \$8
- Zone 2 - \$14
- Zone 3 - \$18
- Zone 4 - \$24
- Zone 5 - \$28
- \$2 extra for each additional passenger
- \$15 minimum per hour in the city

If City Council determines that there is a question as to the reasonableness of the rate increase request and the request for addition of another Zone, and does not accept the requests, City Council will set a public hearing date on the matter. At the public hearing, the permit holder, Leonard and Helen Sallee, would have to show cause why such rates are not unreasonable and why an additional Zone is needed. If, at the conclusion of the public hearing, City Council determines that the rates are not justified, City Council shall, by resolution, establish reasonable rates for Royal Coach Towne Car Service.

FISCAL IMPACT:

Not applicable.

City Council can accept the rate increase and add another Zone if they deem it to be reasonable; or if it is determined that additional information is needed, City Council can call a public hearing, and Leonard and Helen Sallee would have to show cause why such rates are not unreasonable.

Mayor McDougal returned to the dais.

Becky Garza, City Secretary, gave comments.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve a rate increase and addition of a Zone 6 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

FINANCE

- (53.) **Ordinance No. 2005-O0098 amending Chapter 23 of the Code of Ordinances with regard to solid waste rates (*first reading*).**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0098 as recommended by staff. Motion carried: 6 Yeas, 1 Nay.

Council Member DeLeon voted Nay.

- (54.) **Ordinance No. 2005-O0099 amending Chapter 6 of the Code of Ordinances in regard to building inspection fees (*first reading*).**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0099 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (55.) **Consider an ordinance amending Chapter 21 of the Code of Ordinances in regard to platting fees (*first reading*).**

This item was deleted.

- (55A.) **Ordinance No. 2005-O0100 amending the FY 2004-2005 budget respecting 1) the Environmental Compliance Fund, 2) the General Fund, and 3) the Grant Fund (Amendment #17) (*first reading*).**

FISCAL IMPACT:

- 1) Transfer \$50,000 from the Environmental Compliance Fund to the General Fund for efforts related to locating the George W. Bush Presidential Library to Lubbock, Texas. The Environmental Compliance Fund had unrestricted net assets of \$506,618 at September 30, 2004.

- 2) Accept and appropriate the grant from the Texas State Library and Archives Commission (TSLAC) to upgrade part of the library computer system.

Funding will be received in an amount up to \$7,554 from the Texas State Library Archives Commission "Staying Connected" Grant. The required local matching funds of \$3,774 will be paid from already authorized funding in the General Fund. The Bill and Melinda Gates Foundation, through the Texas State Library and Archives Commission, is providing funds to designated libraries in Texas to purchase and install upgraded computer systems as replacements for systems originally provided by the Foundation.

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

Staff recommended approval of the first reading of the ordinance.

Jeff Yates, Director of Fiscal Policy and Strategic Planning, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-00100 with amending it by removing \$50,000 from General Fund Balance instead of Environmental Compliance Fund, as recommended by Mayor Pro Tem Martin. Motion carried: 7 Yeas, 0 Nays.

The next item considered was Item 57.

- (56.) **Resolution No. 2005-R0403 announcing the date, time, and place that the City Council will vote on the proposed tax rate and ordering publication of notice as required by law (*Finance*).**

This item was considered following Item 45.

The Tax Code of the State of Texas requires the governing body of a municipality to announce the date, time, and place of the meeting at which it will vote on the proposed tax rate, even if the actual property tax rate will decrease, at each of two required public hearings on the proposed tax rate; and the governing body is required at each required public hearing to order that notice of the meeting at which the proposed tax rate is to be finally voted upon be given as required by law in a local newspaper of general circulation in a section other than that in which legal notices or classified advertisements appear in 18 point or larger type; on the City of Lubbock website from the time of first publication of this notice until the second public hearing on the proposed tax rate is concluded; and a 60-second notice of the public hearing on the City of Lubbock's television

channel at least five times per day between 7:00 a.m. and 9:00 p.m. for at least seven days prior to the meeting at which the vote will be taken.

FISCAL IMPACT:

Not applicable.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0403 which established the public vote on the tax rate on September 8, 2005 at 9:00 a.m. in City Council Chambers at 1625 13th Street, Lubbock, Texas. Motion carried: 7 Yeas, 0 Nays.

The next item considered was Item 44.

MISCELLANEOUS

Business Development

- (57.) **Resolution No. 2005-R0402 giving Notice of Intent to enter into a tax abatement agreement with Allen T's Shopping Center, LLC.**

This item was considered following Item 55A.

The City has received an application for commercial tax abatement from Allen T's Shopping Center, LLC. This company has purchased property at 114 University Avenue and 2507 1st Place, located in the Lubbock 2000 North Enterprise Zone. Allen T's Shopping Center plans to build a retail shopping center that will lease to tenants involved in banking and national sales.

The project meets the Commercial Tax Abatement Policy and Guidelines minimum investment of \$250,000 in real property improvements. The total investment in the project will be approximately \$300,000 in real property improvements.

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

FISCAL IMPACT:

The estimated total amount of the City tax abatement will be \$2,873 over five years.

Under the current guidelines, Allen T's Shopping Center, LLC is eligible and meets the criteria for tax abatement. Staff is recommending approval of the tax abatement for a term of five years with a declining schedule

beginning with 100% and declining by 20% each year. Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2005-R0402 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

The next items considered were Item 47-49.

PLANNING AND TRANSPORTATION

Right-of-Way

Items 58-63 were considered following Item 42.

- (58.) **Resolution No. 2005-R0396 authorizing the Right-of-Way Department to make an offer to McWindy Ridge, LC, a Texas limited liability company, for an 8,214 square foot tract of land out of Lot 616, Richland Hills Addition to the City of Lubbock for the 50th Street Widening Project, Slide Road to Loop 289, and to consider the commencement of eminent domain proceedings in the event such offer is not accepted (5430 50th Street).**

The City is in the process of acquiring right-of-way for the 50th Street Widening Project from Slide Road westward to Loop 289. This resolution authorizes the Right-of-Way Department to make an offer to McWindy Ridge, LC for a tract of land for this project. This parcel is located on the north side of 50th Street between Elkhart and Englewood Avenues and the whole property is an apartment complex. Tommy Cantrell, M.A.I., is the appraiser for this project and appraised this 8,214 square foot tract of land at \$3 per square foot for a value of \$24,642, improvements taken of \$92,231, and damages to the remainder of \$482,127 for a total appraised value of \$599,000, which is the offer to McWindy Ridge, LC. Damages to the remainder are as a result of the new right-of-way line bisecting two of the apartment units and taking 21 parking spaces. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

FISCAL IMPACT:

Expense to the City of \$599,000 from account #915-9146-9280-40000, a Street Capital Projects account.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0396 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused himself.

- (59.) **Resolution No. 2005-R0397 authorizing the Right-of-Way Department to make an offer to McWindmill Hill, LC, a Texas limited liability company, for a 6,202 square foot tract of land out of Tract D, Wester Park Addition to the City of Lubbock for the 50th Street Widening Project, Slide Road to Loop 289, and to consider the commencement of eminent domain proceedings in the event such offer is not accepted (5702 50th Street).**

The City is in the process of acquiring right-of-way for the 50th Street Widening Project from Slide Road westward to Loop 289. This resolution authorizes the Right-of-Way Department to make an offer to McWindmill Hill, LC for a tract of land for this project. This parcel is located on the north side of 50th Street between Elkhart and Englewood Avenues and the whole property is an apartment complex. Tommy Cantrell, M.A.I., is the appraiser for this project and appraised this 6,202 square foot tract of land at \$2.75 per square foot for a value of \$17,056, improvements taken of \$18,720, and damages to the remainder of \$564,224 for a total appraised value of \$600,000, which is the offer to McWindmill Hill, LC. Damages to the remainder are as a result of the proximity of the new right-of-way line to the front of the apartment complex that damages four apartment units and takes 26 parking spaces. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

FISCAL IMPACT:

Expense to the City of \$600,000 from account #915-9146-9280-40000, a Street Capital Projects account.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0397 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused himself.

- (60.) **Resolution No. 2005-R0398 authorizing the Right-of-Way Department to make an offer to McDougal Construction LTD, a Texas limited partnership f/k/a McDougal Construction, LC, a Texas limited liability company for a 5,156 square foot tract of land out of Section 28, Block E-2, Lubbock County for the 50th Street Widening Project, Slide Road to Loop 289, and to consider the commencement of eminent domain proceedings in the event such offer is not accepted (5615 50th Street).**

The City is in the process of acquiring right-of-way for the 50th Street Widening Project from Slide Road westward to Loop 289. This resolution authorizes the Right-of-Way Department to make an offer to McDougal Construction, LTD for a tract of land for this project. This parcel is located on the south side of 50th Street, west of Chicago Avenue and the whole property is an unplatted tract of vacant land. Tommy Cantrell, M.A.I., is the appraiser for this project and appraised this 5,156 square foot tract of land at \$7 per square foot for a value of \$36,100 (rounded), which is the offer to McDougal Construction, LTD. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

FISCAL IMPACT:

Expense to the City of \$36,100 from account #915-9146-9280-40000, a Street Capital Projects account.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0398 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused himself.

- (61.) **Resolution No. 2005-R0399 authorizing the Right-of-Way Department to make an offer to McDominion, LC, a Texas limited liability company, a/k/a McDominion, LC for a 150 square foot tract of land out of Tract A, The Dominion, an Addition to the City of Lubbock for the 50th Street Widening Project, Slide Road to Loop 289, and to consider the commencement of eminent domain proceedings in the event such offer is not accepted (5601 50th Street).**

The City is in the process of acquiring right-of-way for the 50th Street Widening Project from Slide Road westward to Loop 289. This resolution authorizes the Right-of-Way Department to make an offer to McDominion, LC for a tract of land for this project. This parcel is located

at the southwest corner of 50th Street and Chicago Avenue and the whole property is an apartment complex. Tommy Cantrell, M.A.I., is the appraiser for this project and appraised this 150 square foot tract of land at \$2.75 per square foot for a value of \$412.50, and improvements taken of \$187.50 for a total appraised value of \$600, which is the offer to McDominion, LC. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

FISCAL IMPACT:

Expense to the City of \$600 from account #915-9146-9280-40000, a Street Capital Projects account.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0399 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused himself.

- (62.) **Resolution No. 2005-R0400 authorizing the Right-of-Way Department to make an offer to McCedar Ridge, LC, a Texas limited liability company, for a 10,674 square foot tract of land out of Lots 1 and 7, The Village, an Addition to the City of Lubbock for the 50th Street Widening Project, Slide Road to Loop 289, and to consider the commencement of eminent domain proceedings in the event such offer is not accepted (5444 50th Street).**

The City is in the process of acquiring right-of-way for the 50th Street Widening Project from Slide Road westward to Loop 289. This resolution authorizes the Right-of-Way Department to make an offer to McCedar Ridge, LC for a tract of land for this project. This parcel is located on the north side of 50th Street, just east of Chicago Avenue and the whole property is an apartment complex and commercial center. Tommy Cantrell, M.A.I., is the appraiser for this project and appraised 4,307 square feet of the apartment land to be acquired at \$2.75 per square foot for a value of \$11,844, 6,367 square feet of the commercial land to be acquired at \$7 per square foot for a value of \$44,569, improvements taken of \$63,344, and damages to the remainder of \$680,243 for a total appraised value of \$800,000, which is the offer to McCedar Ridge, LC. Damages to the remainder are as a result of the new right-of-way line bisecting one apartment building, the proximity of the new right-of-way line to the front of the commercial spaces, and the taking of 24 parking spaces. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if our offer is refused.

FISCAL IMPACT:

Expense to the City of \$800,000 from account #915-9146-9280-40000, a Street Capital Projects account.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0400 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused himself.

Street/Drainage Engineering

- (63.) **Resolution No. 2005-R0401 approving estimates of the cost of paving improvements to be included in an assessment for program for 98th Street from FM 1730 (Slide Road) to Frankford Avenue, and setting the date and time for a public hearing for the owners of the abutting property.**

This resolution is the fifth of five resolutions associated with an assessment program for the construction of paving improvements. The proposed paving improvements are as follows:

98th Street from FM 1730 (Slide Road) to Frankford Avenue

A date and time need to be established so that the required notification can take place. The September 22, 2005 City Council meeting is proposed for the date. A time of 10:00 A.M. is being suggested for the public hearing.

FISCAL IMPACT:

None.

Street/Drainage Engineering staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2005-R0401 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Council Member Gilbreath recused himself.

Mayor McDougal was away from the dais.

The next items considered were Items 52-55A.

BOARD APPOINTMENTS

Items 64-67 were considered following Council reconvening at 12:00 noon.

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

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to appoint Clifton Wilkinson to the Keep Lubbock Beautiful Advisory Committee. Motion carried: 5 Yeas, 0 Nays.

Council Members Boren and Gilbreath were away from the dais.

- (65.) Consider five appointments to the Lubbock Water Advisory Board.**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to reappoint L.E. Anderson, Suzanne Baker, James Collins, Mike Liner, and Ronald Phillips to the Lubbock Water Advisory Board. Motion carried: 5 Yeas, 0 Nays.

Council Members Boren and Gilbreath were away from the dais.

- (66.) Consider one appointment to the Structural Standards Commission.**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to appoint John Heagy to the Structural Standards Commission. Motion carried: 5 Yeas, 0 Nays.

Council Members Boren and Gilbreath were away from the dais.

- (67.) Consider one appointment to the Urban Design/Historic Preservation Commission.**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to reappoint Gary Smith to the Urban Design/Historic Preservation Commission. Motion carried: 5 Yeas, 0 Nays.

Council Members Boren and Gilbreath were away from the dais.

**10:40 A. M. CITY COUNCIL WORK SESSION CONVENED
Committee Room 103**

- (68.) Capital Improvements Program discussion.**

This item was placed on the agenda for follow-up from the August 8, 2005 Work Session. Jeff Yates, Director of Fiscal Policy and Strategic

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Planning, was available to answer question from Council, but there were no questions asked.

10:41 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

12:00 NOON CITY COUNCIL REGULAR MEETING RECONVENED

At this time, Items 64-67 were considered.

12:02 P. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

1:13 P. M. COUNCIL ADJOURNED

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