

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

**The City Council of the City of Lubbock, Texas met in regular session on the 8th day of September, 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**

Numerous citizens expressed comments to the Council. They were:

- Tracy Wallace of Wallace Sprinkler System addressed the Council regarding Item 32 on today's agenda. He recently bid the airport irrigation project and was the low bidder. His concern is that, due to lack of funds, the project may require re-bidding and his bid is now exposed.
- Amaris Garcia, Michal Ibarra, Christy Martinez, Colen Ryburn, and Alex Hernandez, Jr. addressed the Council regarding 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.
- Mikel Ward addressed Council regarding the George W. Bush Presidential Library. She stated there should be a public vote, or the public should have an opportunity for involvement or input, since the issue has to do with \$50 million of taxpayers money.
- Johnnie Jones addressed Council regarding the proposed budget and proposed tax rate, Items 42 and 43 on today's agenda. She feels the City should budget adequately to restudy our emergency plan. The citizens need assurance that we have a backup plan if the Federal Aid is timely. As for the proposed budget and the

proposed tax rate, Ms. Jones agrees that the City needs more revenue but disagrees with how the City plans to get it.

- David Siem, Mark Griffin, and David Alderson all addressed Council, speaking in favor of supporting the initiative to bring the George W. Bush Presidential Library to Lubbock.
- Donna Walls addressed Council regarding Items 26-29 on today's agenda. She asked Council to set these items aside until citizens of Lubbock can get a better handle on the impact these items will have in the future. Regarding Item 33 on today's agenda, Ms. Walls feels the City of Lubbock should have the developer of that area provide the streetscape and landscape, instead of taking taxpayers dollars to do it.

### **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."**

**8:02 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**8:03 A.M. Mayor McDougal reconvened the Special City Council Meeting of September 7, 2005.**

**8:25 A.M. Mayor McDougal adjourned the Special City Council Meeting of September 7, 2005.**

**Council convened in Executive Session in 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 (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 (Civic Services; Overton Park; Water Utilities).**

- (3.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters (City Attorney; City Manager; City Secretary) and take appropriate action.**
- (4.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
- to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
- to discuss and deliberate a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**
- to deliberate, vote, and take final action on a competitive matter regarding a budget amendment for capital improvement projects of Lubbock Power and Light;**
- to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**
- (5.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.087 to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations (Business Development).**

**9:51 A. M. CITY COUNCIL REGULAR MEETING RECONVENED  
City Council Chambers**

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

**Absent: Mayor Marc McDougal and Council Member Phyllis Jones**

**Note: Council Member Jones arrived at 9:55 a.m.  
Mayor McDougal arrived at 10:05 a.m.**

**Mayor Pro Tem Martin called the meeting to order at 9:51 A. M.**

**Invocation by Minister Jim Brewer, South Plains Church of Christ.**

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

**The next item considered was Item 6.**

**BOARD APPOINTMENTS RECOGNITION**

Keep Lubbock Beautiful Advisory Committee  
Receiving: Clifton Wilkinson

Structural Standards Commission  
Receiving: John Heagy

**The next item considered was Item 33.**

**CITIZEN APPEARANCES**

- ( 6.) Presentation of a special recognition to Sigma Chi Fraternity commemorating the 50th Anniversary Reunion.**

**This item was considered following the Pledge of Allegiance.**

Mayor Pro Tem Martin presented a special recognition to Sigma Chi Fraternity commemorating the 50th Anniversary Reunion. The alumni of this Chapter include doctors, lawyers, professional athletes, astronauts, military officers, college professors, clergymen, and successful businessmen. Sigma Chi members devote countless hours of community service by participating in blood drives and raising funds for the "Make a Wish Foundation". Most recently they raised funds and gave of their time for local relief efforts of Hurricane Katrina victims. Mayor Pro Tem encouraged all citizens to recognize this organization's members for their honorable mission to build character and prepare talented young leaders to become productive and caring citizens. Bonner Bennett was present to accept the recognition and gave comments.

**The next item considered was Board Appointments Recognition.**

**CONSENT AGENDA (Items 7-23, 30, 34-35)**

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Items 7-23, 30, 34-35 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

**Items 7-23 were considered following Item 46.**

- (7.) **Approval of Minutes: August 17, 2005  
Special City Council Meeting**

**August 25, 2005  
Regular City Council Meeting**

- (8.) **ORDINANCE NO. 2005-O0096—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*) (*second and final reading*).**

- (9.) **ORDINANCE NO. 2005-O0099—Amending Chapter 6 of the Code of Ordinances in regard to building inspection fees (*second and final reading*).**

The increase in the following fees is directly tied to additional staff added to the Building Inspection Department to handle the increased workload that has resulted from increased development and growth:

- Building permits for new construction and additions to buildings:  
\$0.10/square foot, \$30 minimum
- Plumbing, electrical, and mechanical permits for new construction and additions to buildings: \$0.05/square foot, \$30 minimum

**FISCAL IMPACT:**

Fee increases support various services and programs, therefore, if the fee increases are not approved, the budget will be reduced accordingly.

Staff recommended approval.

- (10.) **ORDINANCE NO. 2005-O0100—Amending the FY 2004-2005 budget respecting 1) the General Fund, 2) the Grant Fund, 3) the Risk Management Fund, 4) the Debt Service Fund, and 5) the Airport Fund (Amendment #17) (*second and final reading*).**

**FISCAL IMPACT:**

- 1) Appropriate \$50,000 from the General Fund fund balance for efforts related to locating the George W. Bush Presidential Library to Lubbock, Texas.

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

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. Funding will be reimbursed in an amount up to \$7,554 from the Texas State Library Archives Commission Staying Connected Grant. The required local matching funds are \$3,774, to be paid from already authorized funding in the General Fund.

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

- 3) Transfer \$450,000 from the Risk Management Fund to the Debt Service Fund to call the portion of Tax and Airport Surplus Revenue Certificates of Obligation, Series 1993, used to finance the hangar acquisition at the Lubbock Preston Smith International Airport.
- 4) Transfer \$1,275,000 from the Airport Fund (Passenger Facility Charge) to the Debt Service Fund to call the portion of Tax and Airport Surplus Revenue Certificates of Obligation, Series 1993, used to finance a taxiway and ramp at the Lubbock Preston Smith International Airport.

This portion of these certificates was financed with Passenger Facility Charges (PFC) as approved by the Federal Aviation Administration (FAA). The FAA has authorized the use of PFCs to pay off (call) these certificates, resulting in the savings of interest expense over the remaining life of these certificates.

Staff recommended approval.

- (11.) **Ordinance No. 2005-O0109 abandoning and closing two 20-foot alleys, a portion of 56th Street, a 100-foot wide drainage easement, four LP&L transformer pad easements, and one 4-foot underground utility easement located in, or adjacent to, Lots 109, 110, 111, 112, 113, 114, 115, Buster Long Addition to the City of Lubbock (5602 Slide Road) (*Right-of-Way*) (*first reading*).**

The area between Slide Road and Aberdeen Avenue, south of 54th Street and north of 57th Street is being replatted from seven lots into two. In the area being closed is the portion of 56th Street from Slide Road to

Aberdeen Avenue, the 20-foot north-south alley between 54th and 56th Streets, the 20-foot alley south of 56th Street and adjacent to Lot 112, the 100-foot wide drainage easement between Slide Road and Aberdeen Avenue, four LP&L transformer pad easements, and one 4-foot LP&L utility easement. A drainage easement will be dedicated in the replat to replace the drainage easement being closed, along with any other required easements. The requestor of these closures is Gerald Long for Buslon, Inc., the original dedicator of these street, alley, and easement areas being closed. There will not be a charge since Buslon, Inc. was the original dedicator.

**FISCAL IMPACT:**

None.

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

- (12.) **Ordinance No. 2005-00110 abandoning and closing a storm water storage easement located on Lot 346, Green Lawn Addition, and two drainage easements located in Section 5, Block E-2, Lubbock County, Texas (2604 Dover Avenue) (*Right-of-Way*) (*first reading*).**

This ordinance abandons and closes a storm water storage easement located on Lot 346, Green Lawn Addition (south of 26th Street, west of Dover Avenue) that was dedicated by plat in Volume 1217, Page 248 of the Deed Records of Lubbock County and closes two 20-foot by 100-foot drainage easements that are located on the west side of Dover Avenue at 28th Street and just north of 29th Drive. These easements were dedicated by separate instrument in Volume 1072, Page 372 of the Deed Records. Lubbock Christian University is developing and replatting this property and new drainage easements will be dedicated with the new plat. The Storm Water Drainage Engineering Department is in agreement with these easement closures.

**FISCAL IMPACT:**

None.

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

- (13.) **Resolution No. 2005-R0412 authorizing the Right-of-Way Department to make an offer to Milwaukee, LTD, a Texas limited partnership, for a 5.444 acre tract of land out of Section 30, Block AK, Lubbock County, and to consider the commencement of eminent domain proceedings in the event such offer is not accepted (7502 Milwaukee Avenue) (*Right-of-Way*).**

The City's Water Utilities Department has located a site at 75th Street and Milwaukee Avenue containing 5.444 acres for a water pump station in southwest Lubbock to serve this area of the city. This resolution authorizes the Right-of-Way Department to make an offer to Milwaukee, LTD for this pump station. Tommy Cantrell, M.A.I., updated his original appraisal that now reflects the current market value of this tract of land at \$1.37 per square foot for a value of \$326,640. 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 \$326,640 from account #9397.9280.30000.

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

- (14.) **Resolution No. 2005-R0413 authorizing the Mayor to execute a sales contract with Sylvin R. Schoppa and wife, Pauline Schoppa, for a tract of land and improvements in Section 73, Block A, Lubbock County (Land Application Site, East 19th Street) (*Right-of-Way*).**

This resolution authorizes the Mayor to execute a sales contract with Sylvin R. Schoppa and wife, Pauline Schoppa, for a three-acre tract of land with improvements on the south side of East 19th Street, approximately one and one-fourth miles east of Loop 289. Improvements include a 2,707 square foot main residence, detached garage, metal barn, and well house. At the present time, the City owns all of the property around the Schoppa tract and by acquiring this tract, the City can avoid any potential liability.

The sales price of the property to the City is \$150,000 with a closing date on or before November 1, 2005. The contract allows the City to inspect the property and ask for repairs if necessary.

**FISCAL IMPACT:**

Expense to the City of \$150,000 in account #6415.9226.

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

- (15.) **Resolution No. 2005-R0414 authorizing the Mayor to execute a runway protection zone easement with the Board of Regents of the Texas A & M University System (Lubbock Preston Smith International Airport) (*Right-of-Way*).**

The Federal Aviation Agency requires the acquisition of certain aviation easements at Lubbock Preston Smith International Airport. One such easement is a runway protection zone easement. This easement is located at the north end of the north-south runway at the airport and is comprised of two easement tracts, each containing 17.433 acres on property owned by Texas A & M which is used as an agricultural experiment farm. This easement grants the City the right to fly aircraft over A & M's property at a certain height level and in exchange, A & M will not erect or permit the construction of any structures, trees, or other objects in this easement area that could enter into the flight pattern of approaching aircraft. The City originally obtained this 10-year term easement in 1974, and renewed it in 1985 and 1995. This easement will renew until the year 2015. Texas A & M is granting this easement to the City at no cost in exchange for the use of a water well on City property adjacent to this easement area.

**FISCAL IMPACT:**

No impact.

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

- (16.) **Resolution No. 2005-R0415 authorizing the Mayor to execute a lease agreement for a water well with the Texas Agricultural Experiment Station (Lubbock Preston Smith International Airport) (*Right-of-Way*).**

In 1973 the City acquired 19.972 acres from Texas A & M for a runway approach zone. This acreage is located on the north end of the north-south runway and contains a water well which the City leases back to A & M for their farming operations. The City leased the water well in 1973 and 1984. This resolution will lease the well for another 10 years, ending in 2015. The City will lease A & M the well in exchange for the runway protection zone easement. In 1995 A & M charged the City \$1,395 for this easement but is waving the charge in exchange for the well lease.

**FISCAL IMPACT:**

No impact.

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

- (17.) **Resolution No. 2005-R0416 authorizing the Mayor to execute, for and on behalf of the City of Lubbock, Change No. 11 to a contract with the Texas Department of State Health Services (DSHS Document No. 7560005906 2005) for CHS-Population Based Services for public health preventive services, and any associated documents (*Health Department*).**

This contract change amends the initial FY 2004-2005 contract approved by City Council on August 16, 2004 with Resolution No. 2004-R-0393. This contract with the Department of State Health Services (formerly the Texas Department of Health), Document No. 7560005906 2005, provides financial assistance for maternal and child health education. The amendment extends the current contract by an additional three months from September 1, 2004 through December 31, 2005. In 2006 the State will award the contract through a competitive process, creating the need for the extension.

The contract for \$61,303 in financial assistance provides salary and fringe benefits for 1.5 full time equivalent employees. The two employees are currently assigned to the Health Education section. For the past seven years, the City Health Department has been a facilitator for the Texas Department of Health's Title V Program. The activities planned for the 2004-2005 grant include Motherhood and Prenatal Education in underserved neighborhoods, parenting classes, immunizations, and child safety seat education.

**FISCAL IMPACT:**

The \$61,303 total represents an increase of \$15,326 from the initial contract of \$45,977 approved by City Council on August 16, 2004.

Health Department staff recommended approval of the resolution.

- (18.) **Resolution No. 2005-R0417 authorizing the Mayor to execute a contract change order with Kleen-Tech Services Corporation for the City custodial services contract (*Facilities Management*).**

This custodial services contract change order will provide cleaning services for the Mahon Library by Kleen-Tech Services Corporation, who currently services the City contract. This addition of service for Mahon Library will include a full time day porter and a full facility cleaning each night. This change order will replace the current service that is being performed by the Civic Center using staffing from a temporary agency.

**FISCAL IMPACT:**

This change order is for \$88,656 and will bring the new custodial contract amount to \$753,953.52 per year from Account #2510.8314.

Facilities Management staff recommended approval of this resolution.

- (19.) **Resolution No. 2005-R0418 authorizing the Mayor to execute an interlocal cooperation agreement between the Texas Department of Safety and the City of Lubbock Police Department for the purchase of DWI forms, manuals, and testing supplies to use in the Breath Testing and Laboratory Alcohol and Drug Testing Program (Police Department).**

The Police Department is required by State law to purchase certain supplies from the Texas Department of Public Safety (DPS). The Texas Department of Public Safety General Services Bureau will provide certain forms, manuals, and supplies for the Police Department to use in the Breath Testing and Laboratory Alcohol and Drug Testing Program.

The Texas Department of Public Safety requires that there be an interlocal cooperation agreement between the Texas DPS and the local governmental agency, the Police Department, in order to purchase these supplies.

The interlocal cooperation agreement is effective September 1, 2005 and will terminate on August 31, 2007.

**FISCAL IMPACT:**

Cost of supply items are in accordance with the Texas Department of Public Safety Non-DPS price sheet. These items are purchased on an as-needed basis. The cost of the supply items is budgeted in Account #5735.8163.

The Police Department recommended approval of this resolution.

- (20.) **Resolution No. 2005-R0419 calling for the redemption of the City's outstanding Tax and Airport Surplus Revenue Certificates of Obligation, Series 1993, and authorizing the payment thereof (Finance).**

**FISCAL IMPACT:**

On October 15, 1993 the City issued \$3,625,000 in Tax and Airport Surplus Revenue Certificates of Obligation, Series 1993, for the following purposes:

1. Acquisition of a hangar
2. Taxiway and ramp for the freight development area

Approximately 25% of the bond issue funded the hangar, and the remaining 75% funded the taxiway and ramp. Currently, there remains \$1,645,000 of outstanding principal on these certificates. This resolution approves the call of the entire outstanding amount.

At this time, Market Lubbock Inc. intends to sell the hangar that was financed with these certificates. In order to comply with the bond covenants associated with these certificates, the City must pay off (call) the certificates before a sale of the property may occur. The amount necessary to call this portion of the certificates will not exceed \$450,000. The funds to be provided for the call of these certificates will come from the Risk Management Fund, and will be transferred to the Debt Service Fund in a budget amendment.

Additionally, the FAA has authorized the use of Passenger Facility Charges (PFC) to pay off (call) the remaining portion of the certificates that were attributable to the taxiway and ramp in the freight development area. The amount necessary to call this portion of the certificates will not exceed \$1,275,000. The funds to be provided for the call of these certificates will come from the Passenger Facility Charge Fund, and will be transferred to the Debt Service Fund in a budget amendment.

City management recommended approval of this resolution.

**(21.) Resolution No. 2005-R0420 of the City of Lubbock City Council and the Lubbock County Commissioners to adopt guidelines and criteria for commercial tax abatement agreements in accordance with the Property Redevelopment and Tax Abatement Act (*Business Development*).**

The criteria and guidelines for commercial tax abatement, by law, must be readopted every two years. The current guidelines were adopted by City Council on September 18, 2003 and amended on December 16, 2004.

City staff recommended the following changes to the guidelines:

1. Section II(5): Addition of definition for commercial - "Retail, service, or office".
2. Section IV(9): Lower minimum investment from \$250,000 to \$100,000.

3. Section IV(10)(e): Delete the following - "That the applicant for tax abatement has demonstrated that if tax abatement is granted to his Facility, even though his Facility will not employ additional personnel that, nevertheless, due to the existence of said Facility, new jobs will be created as a direct result of his Facility in other facilities located within the affected Jurisdiction".

**FISCAL IMPACT:**

There will be no fiscal impact from the guidelines themselves. The fiscal impact will be from any tax abatements that are approved under these guidelines.

Staff recommended approval of this joint resolution.

- (22.) **Resolution No. 2005-R0421 of the City of Lubbock City Council and the Lubbock County Commissioners to adopt guidelines and criteria for industrial tax abatement agreements in accordance with the Property Redevelopment and Tax Abatement Act (*Business Development*).**

The criteria and guidelines for industrial tax abatement, by law, must be readopted every two years. The current guidelines were adopted by City Council on September 18, 2003 and amended on December 16, 2004.

City staff recommended the following changes to the guidelines:

1. Section IV(2)(a)(i): Changed from Electronics/Electrical/Assembly: Semiconductor Fabrication to "Manufacturing".
2. Section IV(2)(a)(iii): Changed from Med Tech Research/Manufacturing/Assembly to "Research and Development".
3. Section IV(3)(a): Changed to "The project will add at least \$1 million in real property improvements or \$2 million in new personal property, or 25 new permanent jobs if the facility is a new company to Lubbock".
4. Section IV(3)(b): Changed to "The project will add at least \$500,000 in real property improvements, or \$1 million in new personal property, or 15 (previously 20) new permanent jobs if the facility is an existing company". (For an existing company the requirement that the company be in operation in Lubbock for five years was also deleted).

5. Section IV(10)(e): Delete the following - “That the applicant for tax abatement has demonstrated that if tax abatement is granted to his Facility, even though his Facility will not employ additional personnel that, nevertheless, due to the existence of said Facility, new jobs will be created as a direct result of his Facility in other facilities located within the affected Jurisdiction”.

**FISCAL IMPACT:**

There will be no fiscal impact from the guidelines themselves. The fiscal impact will be from any tax abatements that are approved under these guidelines.

Staff recommended approval of this joint resolution.

**(23.) Resolution No. 2005-R0422 authorizing the Mayor to execute a commercial tax abatement agreement with Allen T’s Shopping Center, LLC (*Business Development*).**

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 recommended 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 recommended approval of the tax abatement for a term of five years with a declining schedule beginning with 100% and declining by 20% each year, and approval of this resolution.

- (24.) **Resolution No. 2005-R0427 accepting a petition for annexation by the owner of a tract of land located at an area bounded approximately by the short north/south runway on the west, the east/west runway on the north, a line west of the water treatment facility on the east, and Bluefield Avenue on the south, and ordering the Planning Department to begin annexation procedures (*Planning Department*).**

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

In 1983 portions of the Lubbock Preston Smith International Airport (LPSIA) were annexed, as well as the property owned by the Texas A & M Extension Service, to allow extension of water to the A & M facility. Annexation of parts of the airport was necessary to provide a contiguous landmass to get to the A & M office complex on FM 1294. At the time, the proposal was to annex all of the airport property. The areas referred to as “east port” and “west port” where private aviation activities, as well as numerous other industrial activities were in place, created a contentious hearing by those individuals not wanting to be annexed and subject to City taxes. Since the initial objective was to provide water to the A & M facility, the annexation area was reduced to include only the landing strips, vacant areas, and the new airport building.

Recently, both the Planning and Aviation Departments have discussed the fact that the tenants of the Airport are receiving City services since they are tenants on City owned land. The services include water, sewer, fire protection, and police. The tenants are not tax paying entities of the City. Since the discussion has been resurrected, a number of the fixed wing base operators have submitted a letter in opposition suggesting that the fact they are paying rent as tenants should allow them to remain outside the city limits but be served with services paid by the tax base. No other businesses within the City have the same privilege and each has to pay either rent or a mortgage on their building and land.

**FISCAL IMPACT:**

Not applicable.

Planning and Aviation Departments staffs are requesting that the areas of City owned property on the LPSIA grounds, but not within the city be annexed. The process is a petition annexation, with the single and majority landowner, the City, submitting the annexation request.

**Mayor McDougal arrived at 10:05 a.m.**

Randy Henson, Senior Planner; Anita Burgess, City Attorney; and, James Loomis, Director of Aviation, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to deny this item. Motion failed: 3 Ayes, 4 Nays. Council Members DeLeon, Gilbreath, Jones, and Price voted Nay.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2005-R0427 as recommended by staff. Motion carried: 4 Ayes, 3 Nays. Mayor McDougal, Mayor Pro Tem Martin, and Council Member Boren voted Nay.

**The next item considered was Item 32.**

**Items 25-29 were moved from consent agenda to regular agenda and considered following the Emergency City Council Meeting.**

- (25.) **Resolution No. 2005-R0429 accepting a petition for annexation by the owner of a tract of land located at an area bounded by I-27 on the west, the current city limits south of the Tyco installation on the north, the center of the north/south runway on the east, and Bluefield Avenue on the south, and ordering the Planning Department to begin annexation procedures (*Planning Department*).**

In 1983 portions of the Lubbock Preston Smith International Airport (LPSIA) were annexed, as well as the property owned by the Texas A & M Extension Service, to allow extension of water to the A & M facility. Annexation of parts of the airport was necessary to provide a contiguous landmass to get to the A & M office complex on FM 1294. At the time, the proposal was to annex all of the airport property. The areas referred to as “east port” and “west port” where private aviation activities, as well as numerous other industrial activities were in place, created a contentious hearing by those individuals not wanting to be annexed and subject to City taxes. Since the initial objective was to provide water to the A & M facility, the annexation area was reduced to include only the landing strips, vacant areas, and the new airport building.

Recently, both the Planning and Aviation Departments have discussed the fact that the tenants of the Airport are receiving City services since they are tenants on City owned land. The services include water, sewer, fire protection, and police. The tenants are not tax paying entities of the City. Since the discussion has been resurrected, a number of the fixed wing base operators have submitted a letter in opposition suggesting that the fact they are paying rent as tenants should allow them to remain outside the city limits but be served with services paid by the tax base. No other businesses

within the City have the same privilege and each has to pay either rent or a mortgage on their building and land.

**FISCAL IMPACT:**

Not applicable.

Planning and Aviation Departments staffs are requesting that the areas of City owned property on the LPSIA grounds, but not within the city be annexed. The process is a petition annexation, with the single and majority landowner, the City, submitting the annexation request.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2005-R0429 as recommended by staff. Motion carried: 4 Ayes, 3 Nays. Mayor McDougal, Mayor Pro Tem Martin, and Council Member Boren voted Nay.

- (26.) **Resolution No. 2005-R0430 approving recommendations from the Lubbock Arts Alliance, Inc., for the first of two grant periods for Hotel Occupancy Tax funds collected at the end of FY 2003-2004, to be issued during FY 2004-2005 (*Civic Services*).**

On January 27, 2005 the City Council approved an agreement to provide \$158,744 to Lubbock Arts Alliance, Inc. The term of the agreement commenced on the effective date and continues without interruption until February 28, 2006. The agreement also stipulates that the funds are to be used in making grant awards to cultural arts organizations for the encouragement, promotion, improvement, and application of the arts and the promotion of tourism in the Lubbock community. The funds represent 5.71429% of the hotel/motel tax collected during the fiscal year ended September 30, 2004. In reviewing requests and developing funding recommendations for each application, the Grants Review Committee follows guidelines approved as part of the January 27, 2005 agreement. The Grants Review Committee, composed of City Council appointees and representatives of the Lubbock Arts Alliance, evaluate applications and submit their recommendations to the City Council for approval.

The City Council is asked to approve \$70,146 in grant awards for the first grant period for 2005/2006. Twenty applications were received by the June 1, 2005 deadline and 18 are recommended for full or partial funding. Included in backup documentation is a listing of the recommendations and panel comments from the Lubbock Arts Alliance Grants Review Committee.

**FISCAL IMPACT:**

These funds have already been budgeted by the City and disbursed to the Lubbock Arts Alliance.

Lubbock Arts Alliance, Inc. recommended approval of this resolution.

Council was provided a revised Cultural Grant Score Sheet.

Motion was made by Council Member Boren, seconded by Council Member Jones to pass Resolution No. 2005-R0430 according to the revised Cultural Grant Score Sheet. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Martin was away from the dais.

- (27.) **Consider a resolution authorizing the Mayor to execute an amendment to the agreement between the City and Civic Lubbock, Inc. with regard to adjusting concession commissions and salary reimbursements, collection of catering and merchandise fees, and the creation of three standing subcommittees (*Civic Services*).**

**No action was taken on this item.**

- (28.) **Consider a resolution approving changes to the Civic Lubbock, Inc. by-laws providing for the appointment of additional Board members, defining the frequency of meetings to be held, and addition of language related to the indemnification of directors (*Civic Services*).**

**No action was taken on this item.**

- (29.) **Resolution No. 2005-R0432 approving reallocation of the Hotel Occupancy Tax (*Civic Services*).**

**This item failed initially for lack of action; however, following Item 43A it was reconsidered and approved.**

The current Hotel Occupancy Tax rate is 13%. The City receives 7% and the state of Texas receives 6%. The current allocation was passed by the City Council in 2004.

Revenue from the municipal hotel occupancy tax may only be used to promote tourism and the convention and hotel industry, and use is limited to 1) the acquisition of sites for, and the construction, improvement, and maintenance of convention center facilities or visitor information centers, or both, 2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants 3) advertising and conducting solicitations and promotional programs to attract tourists and

Regular City Council Meeting  
September 8, 2005

convention delegates or registrants, 4) the encouragement, promotion, improvement, and application of the arts 5) historical restoration and preservation projects or activities or advertising to encourage tourists to visit preserved historic sites or museums, and 6) expenses, including promotion expenses, directly related to sporting events in which the majority of participants are tourists.

Under the statute, not more than 15% of the hotel occupancy tax revenue collected by a municipality may be used for the encouragement, promotion, improvement and application of the arts and not more than 15% may be used for historical restoration and preservation projects or advertising.

The following new distribution is recommended:

	FY 04-05	FY 05-06
	<u>Current Allocation</u>	<u>Proposed Allocation</u>
Civic Services Facility Renovation and Debt	17.58571%	17.58571%
Civic Center Operations/Mkt.	8.18571%	8.18571%
Convention & Tourism Bureau	42.85714%	45.50000%
Lubbock Arts Alliance	5.71429%	0%
Civic Lubbock, Inc. for Cultural Arts Grants	0%	5.71429%
Municipal Arts Administration	5.71429%	5.71429%
Visitor Information Center Depot	2.87143%	2.87143%
Inbound Tourist Travel-Airport	1.07143%	0%
Visiting Participatory & Spectator Sports	14.42857%	14.42857%
Tourism Reserve Fund	1.57143%	0%

It is recommended that actual revenue received in excess of the FY 2005-2006 budgeted amounts attributed to each recipient be distributed to that recipient using the percentages indicated. Formerly, each of the recipients, except the Convention and Tourism Bureau and the Visiting Participatory & Spectator Sports, received only the budgeted funds at the percentage indicated. All other revenue received in excess of the budgeted amounts for other recipients went into the Tourism Reserve Fund for distribution by

the City Council in accordance with the Statute regarding the use of Hotel Occupancy Tax.

It is further recommended that administration of the Cultural Arts Grants be transferred from the Lubbock Arts Alliance to Civic Lubbock, Inc. at the end of Lubbock Arts Alliance's current contract period.

A third recommendation is that the funds currently allocated to the Tourism Reserve Fund and the funds currently allocated to the Inbound Tourist Travel-Airport be administered by the Convention and Tourism Bureau. Airport staff is in agreement with this recommendation regarding administration of the Inbound Tourist Travel funds.

**FISCAL IMPACT:**

This distribution will be reflected in the FY 2005-2006 Operating Budget for the Hotel Occupancy Tax Fund.

Staff recommended approval of the recommendation.

**This item initially failed due to lack of motion but was reconsidered following Item 43A.**

**The next item considered was Item 31.**

Motion was made by Council Member Jones, seconded by Council Member Boren to reconsider Item 29. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass Resolution No. 2005-R0432 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**The next item considered was Item 36.**

**(30.) Resolution No. 2005-R0423 for Police K-9 Vehicles (*Fleet Services*).**

**This item was considered following Item 23.**

This purchase is for two fully equipped police 4x4 utility vehicles for the Police Department K-9 patrol section. The vehicles are special service package units with all emergency equipment including wiring for the radio, mobile data terminal, and radar and eyewitness camera. The delivery time for these units is 120 days after receipt of the purchase order. These vehicles will replace vehicles with high mileage and high maintenance costs.

The 4x4 utility vehicles are available for purchase through the Texas Local

Government Purchasing Cooperative Houston-Galveston Area Council (H-GAC) Contract #VE10-3. The H-GAC contractor is Classic Chevrolet of Beaumont, Texas. H-GAC is a regional planning commission created under Acts of the 59th Legislature, Regular Session, 1965, re-codified as Texas Local Government Code, Chapter 391.

**FISCAL IMPACT:**

This equipment will be financed using the City's master lease-purchase program.

Staff recommended approval of a purchase order to Classic Chevrolet of Beaumont, Texas for \$87,287.40 through the Houston-Galveston Area Council purchasing cooperative authorized by City Council Resolution No. 4864 and financing said purchase price through the City's master lease-purchase program.

**The next items considered were Items 34-35**

- (31.) **Resolution No. 2005-R0431 - BID #05-088/BM—for Lubbock Preston Smith International Airport Security Improvements (*Aviation*).**

**This item was moved from consent agenda to regular agenda and considered following Item 29.**

This project involves upgrading four automatic vehicle gates at strategic locations at Lubbock Preston Smith International Airport. Installation of an underground fiber optic cable will provide the foundation for enhanced communications, security, and video capabilities. In addition, a portable guard shelter will be provided for use around the airport in emergency situations. The project will address new security initiatives mandated by the Federal Aviation Administration (FAA) and the Transportation Security Administration as a result of the events of September 11, 2001. The effect will be tighter and higher profile security at the airport.

Time for completion of this project is 150 consecutive calendar days and liquidated damages are \$500 per day.

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

**FISCAL IMPACT:**

A total of \$1,734,515 was appropriated with \$1,596,014 available in Project #90231 (Undesignated Security Project) for this purpose. The cost of the project is funded with FAA, Airport Improvement Project grant money, and Passenger Facility Charges from the airport.

Staff recommended bid award to A-1 American Fence, Inc. of Orange, Texas for \$545,465.08.

James Loomis, Director of Aviation, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2005-R0431 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**The next items considered were Items 37-40.**

- (32.) **Resolution No. 2005-R0428 - BID #05-089/BM—for Lubbock Preston Smith International Airport Martin L. King, Jr. Boulevard Irrigation Improvement Project (*Aviation*).**

**This item was moved from consent agenda to regular agenda and considered following Item 24.**

This contract involves the completion of Phase 1 on the Regis Corridor Enhancement capital project that has been in a state of partial completion for two years. Phase 1 involved installation of plant material and partial installation of an irrigation system along the east and west side of Martin L. King, Jr. Boulevard north of East Regis Street toward the airport terminal building. This portion of the project will complete the construction of the irrigation improvements. The impact on the budget will be the cost of additional water necessary for irrigation. This additional cost should be far less than what the City is currently paying to irrigate the plant material by hand from a water truck.

Time for completion of this project is 120 consecutive calendar days and liquidated damages are \$100 per day.

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

**FISCAL IMPACT:**

A total of \$679,569 was appropriated with \$126,204 available in Project #905.9117 (Airport Sprinkler System Rehab) and #253.90140 (Regis Corridor Projects) for this purpose. The low bid for this project exceeds the amount available.

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

Victor Kilman, Purchasing Manager; Tracy Wallace, Wallace Sprinklers, Inc.; David Jones, Airport Project Manager; Anita Burgess, City Attorney; Jeff Yates, Director of Fiscal Policy and Strategic Planning; and, Lee Ann

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

Mayor Pro Tem Martin recommended amending Item 44 on this agenda to get money from the General Fund reserve so that this item may be awarded.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0428 with amendment to award the project to the low bidder, which is Wallace Sprinkler, Inc. Motion carried: 7 Ayes, 0 Nays.

**The next item considered was Item 44.**

**(33.) Resolution No. 2005-R0408 - BID #05-094/BM—for Overton Park Streetscape and Landscape (*Street/Drainage Engineering*).**

**This item was considered following Board Appointments Recognition.**

This project involves the enhancement of use and aesthetic development of the newly constructed streetscape paving and drainage improvements in North Overton.

The newly constructed pavement improvements in North Overton will be supplemented by the addition of site pedestrian and street lighting. Site furnishings such as gateway monuments, concrete walks, brick pavers, screen walls, planters, trees, shrubs, groundcover, irrigation systems, tree grates, and decorative mulches will be constructed and/or installed.

Time for completion of this project is 250 working days and liquidated damages are \$50 per day.

Sixty-one local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$3,900,000 was appropriated with \$3,688,166 available in Project/Account #90300 (The Centre - \$1,073,336), #90301 (Dinerstein #2 - \$869,750), #91060 (Tract #3 - \$364,310), #91061 (Tract #5 - \$262,760) #91062 (Tract #6 - \$262,760), #91063 (Tract #7 - \$137,730), #91064 (Dinerstein #3 - \$192,000), and #91070 (Single Family - \$525,520) for this purpose.

Staff recommended bid award to Tom's Tree Place of Lubbock, Texas, for \$2,794,412.

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

Motion was made by Council Member Price, seconded by Council Member Boren to pass Resolution No. 2005-R0408 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

**The next item considered was Item 41.**

**Items 34-35 were considered following Item 30.**

**(34.) Resolution No. 2005-R0424 - BID #05-095/MA—Engine Oil and Lubricants (*Fleet Services*).**

This bid establishes annual pricing for the purchase of bulk motor oil, transmission fluid, hydraulic fluid, grease, and gear lubricant for the Fleet Services Department oil and lubricant dispensing system. These products are used to service the City's vehicles and equipment during routine and preventive maintenance. Pricing is good for one year with the option to renew annually for up to four additional years under the same terms and conditions.

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

**FISCAL IMPACT:**

A total of \$1,799,288 was appropriated with \$341,174 available in Account #8202 (Equipment Maintenance) for this purpose.

Staff recommended bid award to Western Marketing, Inc. of Lubbock, Texas for \$61,004.04.

**(35.) Resolution No. 2005-R0425; Resolution No. 2005-R0426 - BID #05-100/MA—for Cab and Chassis, Hydro Unit and Service Bodies (*Fleet Services*).**

This bid is for the purchase of three 46,000-pound GVWR truck cabs and chassis to accommodate high compaction packer bodies, 11 56,000-pound GVWR truck cabs and chassis to accommodate side loader compactor bodies for the Solid Waste Department, two 28,000-pound GVWR truck cabs and chassis for Water Utilities Department, one 35,000-pound GVWR truck cab and chassis and high pressure water jetting hydro unit for Water Utilities Wastewater Collections, two 56,000-pound GVWR truck cabs and chassis for Landfill and for Water Utilities.

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

**FISCAL IMPACT:**

This equipment will be financed using the City's master lease-purchase program.

Staff recommended bid award to Lubbock Truck Sales, Inc. of Lubbock, Texas for \$1,122,195, and Master International Trucks, Inc. of Arlington, Texas for \$122,258.

**The next item considered was Item 24.**

**ORDINANCES FOR PASSAGE**

**Second Reading**

**Items 36-40 were considered following Item 31.**

- (36.) **ORDINANCE NO. 2005-00098—Amending Chapter 23 of the Code of Ordinances with regard to solid waste rates (*second and final reading*).**

**This item was considered following Item 31; however, no action was initially taken, but it was considered again following Item 29.**

In development of the Solid Waste Utility Rate Model, it has been determined that a rate increase is necessary in the Solid Waste Fund for FY 2005-2006. The proposed fee increases are:

- Monthly collection rates increasing by \$0.85 to \$11.75.
- The tipping fee per ton increasing by \$0.75 to \$25.75.

**FISCAL IMPACT:**

Fee increases support various services and programs, therefore, if the fee increases are not approved the budget will be reduced accordingly.

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

Jeff Yates, Director of Fiscal Planning and Strategic Planning, and Lee Ann Dumbauld, Chief Financial Officer, gave comments and answered questions from Council. Mayor McDougal asked Ms. Dumbauld to bring back to Council after 1:00 p.m. numbers on what has been transferred from the Solid Waste Fund to other accounts.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0098. After further discussion, Mayor Pro Tem Martin and Council Member Price withdrew their motions.

**This item was considered again following Item 29.**

Jeff Yates gave comments and answered questions from Council regarding the Solid Waste Fund. As requested from Council, Yates and his staff will be doing a management audit of the Solid Waste operations within the next six months.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2005-O0098 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Members DeLeon and Price voted Nay.

**The next items considered were Items 42-43.**

- (37.) **ORDINANCE NO. 2005-O0101—ZONE CASE NO. 1788-D (5001 50th Street): 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 (*second and final reading*).**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2005-O0101 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- (38.) **ORDINANCE NO. 2005-O0102—ZONE CASE NO. 2851-A (9821 Frankford Avenue): 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 (*second and final reading*).**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2005-O0102 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- (39.) **ORDINANCE NO. 2005-O0103—ZONE CASE NO. 2816-C (1802 82nd Street): 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 (*second and final reading*).**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2005-O0103 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- (40.) **ORDINANCE NO. 2005-O0104—ZONE CASE NO. 2895-B (southeast corner of 82nd Street and Milwaukee Avenue): 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 (*second and final reading*).**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2005-O0104 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

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

- (41.) **ORDINANCE NO. 2005-O0105—ZONE CASE NO. 3048 (5th to 10th Streets, Avenues S to V): 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 (*second and final reading*).**

**This item was considered following Item 33.**

Motion was made by Council Member Price, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2005-O0105 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

**The next items considered were Items 45-46.**

**Items 42-43 were considered following Item 36.**

- (42.) **ORDINANCE NO. 2005-O0106—Adopting the FY 2005-2006 Operating Budget and Capital Improvement Program (*Finance*) (*second and final reading*).**

This is the final reading of the ordinance adopting the Operating Budget and Capital Improvement Program for the City of Lubbock for FY 2005-2006.

**FISCAL IMPACT:**

Not applicable.

Staff recommended approval.

Motion was made by Council Member Jones, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0106 with the following amendments:

- Add one full-time position to the City Council Staff,
- Continue the Junior Ambassador Program, and include the development of new guidelines for the trip to Japan. The guidelines would include policy/procedures addressing the appropriateness of City personnel who attend, and reimbursement policies. These guidelines should be in place by the time the program is funded.
- Amend Section 12 of the Ordinance adopting the budget by changing it to read that “the City Manager shall get prior approval from the City Council of all raises, salary allowances, or compensation for the Deputy City Manager, Assistant City Managers, Fire Chief, and Police Chief “.

At this time, Council Member DeLeon requested discussion of the budget.

Mayor Pro Tem Martin called the question. Question failed: 3 Ayes, 4 Nays. Mayor McDougal, Council Members DeLeon, Jones, and Price voted Nay.

Discussion on the budget was had, and then the Mayor called for the vote.

Motion carried: 7 Ayes, 0 Nays.

**(43.) ORDINANCE NO. 2005-O0107—Setting the tax levy for the FY 2005-2006 budget (Finance) (Councilwoman DeLeon, Councilwoman Jones, and Councilman Price nay) (second and final reading).**

This is the final reading of the ordinance adopting and levying the tax rate for the City of Lubbock for FY 2005-2006.

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.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2005-O0107 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member DeLeon voted Nay.

**3:16 P. M. CITY COUNCIL RECESSED BACK TO EXECUTIVE SESSION**

**4:20 P. M. CITY COUNCIL RECONVENED**

At this time, Council Member Gilbreath made a motion to accept the resignation of City Manager Lou Fox and exercise the Severance Agreement pursuant to Resolution No. 2004-R0229. This motion was seconded by Mayor Pro Tem Martin. Motion carried: 7 Ayes, 0 Nays.

City Manager Lou Fox stated that it is with deep regret that he is not only resigning from the duties of City Manager but also leaving Lubbock to return to San Antonio. After having a discussion with his wife over the weekend in regards to family matters, it was decided that he should return home. He also stated that it has been a great honor to work with City Council and for the City of Lubbock. He commended the strength of the executive team and spoke on other accomplishments that were made. Mayor McDougal thanked Fox for his contributions to the organization and to the City of Lubbock.

Council Member Boren made a motion to offer the position of City Manager for the City of Lubbock to Lee Ann Dumbauld, Chief Financial Officer and Assistant City Manager, and that her total compensation package be \$225,000. This motion was seconded by Council Member Gilbreath. Motion carried: 7 Ayes, 0 Nays.

Lee Ann Dumbauld accepted the offer.

**At this time, City Council adjourned.**

- (43A.) **Ordinance No. 2005-O0108 amending Chapter 27 of the Code of Ordinances of the City of Lubbock, Section 27-59, regarding the time for filing applications and the time for public hearings for rate increases as such concerns taxicabs (*second and final reading*).**

**This item was considered following Item 40.**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2005-O0108 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**11:20 A. M. Mayor McDougal convened the Special City Council Meeting.**

**11:21 A. M. Mayor McDougal adjourned the Special City Council Meeting.**

**11:21 A. M. CITY COUNCIL RECESSED**

**2:40 P. M. CITY COUNCIL RECONVENED**

**At this time, Item 29 was reconsidered.**

#### **FINANCE**

- (44.) **Ordinance No. 2005-O0111 amending the FY 2004-2005 budget respecting 1) the Grant Fund, 2) the Donations Fund, 3) the Facilities Management Fund, 4) the Environmental Compliance Fund, 5) the Radio Shop Fund, 6) the Electric Utilities Fund, and 7) the General Fund (Amendment #18) (*first reading*).**

**This item was considered following Item 32.**

#### **FISCAL IMPACT:**

- 1) Accept and appropriate a grant from the Texas Engineering Extension Service in the amount of \$530,169 to fund homeland security items as part of the State Homeland Security Grant Program:

Funding will be received in the amount of \$530,169. The items to be purchased include an XRS-3 X-ray machine with digital imaging to be used by the police bomb squad to examine packages suspected to house explosive devices. A domestic law enforcement TALON robot is also to be used by the police bomb squad and SWAT team in hazardous situations to remotely approach, examine, and mitigate those situations.

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

- 2) Accept and appropriate a grant in the amount of \$61,303 from the Department of State Health Services:

The grant provides CHS-population based services such as public health preventive programs.

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

- 3) Transfer \$30,000 from the General Fund fund balance to the Donations Fund for Keep Lubbock Beautiful:

Keep Lubbock Beautiful Board members raised this funding to assist in their efforts.

- 4) Two Internal Service funds will be closed and eliminated and the net assets (including inventory, equipment, etc.) will be moved to the General Fund effective September 30, 2005:

These two funds are the Environmental Compliance Fund and the Facilities Management Fund.

- 5) The Radio Shop fund will be closed and eliminated and the net assets (including inventory, equipment, etc.) will be moved to the Information Technology Fund effective September 30, 2005.

- 6) Transfer \$25,000 from the Facilities Management Fund balance to the City Hall Renovations project:

Funding will be moved in the amount of \$25,000 from the Facilities Management Fund into the General Fund for necessary drainage repairs at City Hall.

- 7) Amending the Electric Fund Budget:

Revise the Electric Fund Budget for overages in capital projects. Specific information regarding this project is competitive information protected under 552.133 of the Texas Government Code.

Staff recommended approval of the first reading of this ordinance.

Anita Burgess, City Attorney, gave comments and answered questions from Council.

Regular City Council Meeting  
September 8, 2005

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass on second and final reading Ordinance No. 2005-O0111 with an amendment to the General Fund reserves. Motion carried: 7 Ayes, 0 Nays.

**10:41 A. M. City Council convened in Emergency City Council Meeting in Council Chambers**

**10:55 A. M. Mayor McDougal adjourned the Emergency City Council Meeting.**

**The next item considered was Item 25.**

**MISCELLANEOUS**

**Business Development**

**Items 45 and 46 were considered following Item 41.**

**(45.) Resolution No. 2005-R0409 calling for a public hearing to consider the creation of a Public Improvement District for Willow Bend, which covers the east half of Section 3, Block D6, and bounded by 4th Street, Inler Avenue, 19th Street, and the west line of the east half of Section 3, Block D6 (*Business Development*).**

The City has received a petition from a group of property owners requesting that the City establish a Public Improvement District (PID) for the proposed Willow Bend development area. The area covers approximately 313.03 acres. PID establishment can only be initiated by a petition of property owners meeting two tests outlined in the statute – a petition signed by: 1) more than 50% of the appraised value of the taxable real property liable for assessment and, 2) the record owners of property that constitute more than 50% of the number of record owners or the record owners of more than 50% of the area within the PID. The petition received by the City was signed by Cactus Point, Ltd., owners of 95% of the total appraised value (\$508,896) for the area and more than 50% of the total land area (299.17 acres) contained by the proposed PID. The petition has been examined, verified, and found to meet the requirements of Section 372.005(b) of the Texas Local Government Code and to be sufficient for consideration by the City.

The public hearing is to consider the formation of a Public Improvement District in this area pursuant to the Public Improvement District Assessment Act for the purpose of maintaining the common areas on each side of the railroad, the entry stations into the development, the area around the playa lake, and the neighborhood park.

**FISCAL IMPACT:**

No fiscal impact.

Staff recommended approval of calling the public hearing on October 13, 2005 at 10:15 a.m.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2005-R0409 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself

- (46.) **Resolution No. 2005-R0410 authorizing the execution of an agreement between the City and McCanton Woods, LTD regarding the funding of public improvements in Phase One, Bond Issue Two, Project Sixty-seven of the Second Amended Project Plan for the North Overton Tax Increment Finance Reinvestment Zone (*Business Development*).**

This agreement is between the City and McCanton Woods, Ltd. With the contract, the City agrees to dedicate and pledge the use of revenue in the Tax Increment Fund to participate in the cost of the public improvements for Phase One, Bond Issue Two, Project Sixty-seven of the Amended Project Plan as recommended by the Board of Directors of the North Overton Tax Increment Finance (TIF) Reinvestment Zone. This agreement delineates the division of funding for the public improvements as represented in Exhibit D (TIF participation) and Exhibit E (Developer participation). The total amount of tax increment financing for public improvements shown in Exhibit D is \$352,948.

**FISCAL IMPACT:**

The City will issue bonds to fund this commitment.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2005-R0410 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

**The next items considered were Items 7-23.**

**CITY COUNCIL WORK SESSION**

- (47.) Presentation of the North and East Lubbock Community Development Corporation quarterly report.**

**This item was deleted.**

- (48.) Presentation regarding the new youth sports complex to be located at FM 1585 and Milwaukee Avenue.**

**This item was deleted.**

- (49.) Discussion of the City's health plan.**

**This item was deleted.**

**4:26 P. M. COUNCIL ADJOURNED**

There being no further business to come before Council, Mayor McDougal adjourned the meeting.