

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
October 13, 2005  
7:30 A. M.**

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

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

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

**Absent:** Council Member Linda DeLeon

**1. CITIZENS COMMENTS**

One citizen expressed comments to the Council. Vance Scoggins, 3407 37th Street, addressed Council to congratulate them on what a great job they are doing and he is excited about the possibility of the George W. Bush Library coming to Lubbock.

**2. EXECUTIVE SESSION**

**Mayor McDougal stated: "City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation; the purchase, exchange, lease, or value of real property; personnel matters; competitive matters of the public power utility; and commercial or financial information that the governmental body has received from a business prospect with which the governmental body is conducting economic development negotiations, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."**

**7:32 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**  
City Council/City Manager's Conference Room

**All Council Members were present.**

- 2.1. 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, Fire, Gas Utilities – Atmos Energy, and Water Utilities).**
- 2.2. 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 (Business Development, Water Utilities).**
- 2.3. 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, and City Secretary) and take appropriate action.**

- 2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (LP&L):
  - 2.4.1. to deliberate, vote and take final action on electric rates of Lubbock Power and Light;
  - 2.4.2. to discuss, vote and take final action on 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;
- 2.5. 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).

**9:35 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; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

**Absent:** No one

Mayor McDougal reconvened the meeting at 9:35 A. M.

**3. INVOCATION, PLEDGE, CITIZEN APPEARANCES, AND BOARD APPOINTMENT RECOGNITION**

- 3.1. Invocation by Reverend Margaret Austin, St. Stephen's Episcopal Church.
- 3.2. Pledge of Allegiance to the flags.

Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.
- 3.3. Citizen Appearances
  - 3.3.1. This item was considered following Item 3.4.2.
  - 3.3.2. This item was considered following Item 3.3.1.
  - 3.3.3. Presentation of a special recognition to commemorate October 15, 2005 as White Cane Safety Day.

This item was deleted.
  - 3.3.4. This Item was considered following Item 3.3.2.
- 3.4. Board Appointment Recognition

**3.4.1. This item was considered following Item 3.4.3.**

**3.4.2. This item was considered following Item 3.4.1.**

**3.4.3. Appointments Advisory Board** – Troy Vanderburg, Jay Ibarra, Shaorong Liu (unable to attend), and Alice Lozada arrived late and was recognized after Item 3.3.4.

**3.4.1. Lubbock Housing Authority** – Dr. Juan Munoz

**3.4.2. Airport Board** – Brad Moran

**3.4.4. This item was considered following Item 3.3.4.**

**3.3. Citizen Appearances**

**3.3.1. Presentation of a proclamation commemorating October as Disability Employment Awareness Month.**

Mayor McDougal read a proclamation commemorating October as Disability Employment Awareness Month. Individuals with disabilities make important contributions in the work place, and this month we celebrate and salute the skills, creativity, and dedication of working people with disabilities and take appreciative note of their commitment to our nation and its continued prosperity. Since the Americans with Disabilities Act (ADA) was enacted, people with disabilities have been able to participate more fully in the workforce. President Bush signed into law a legislation that improves the Individuals with Disability Education Act to insure that our young people with disabilities are prepared for the many opportunities are ahead. The United States Congress has designated October of each year as National Disability Employment Awareness Month. The Mayor proclaimed October 19, 2005 as National Disability Employment Awareness Month in Lubbock and urge all citizens to recognize the strength, skills, and abilities of people with disabilities. Vivian Metsgar, Switchboard Operator, was present and gave comments.

**3.3.2. Presentation of a proclamation naming October 19, 2005 as Disability Mentoring Day.**

Anthony Jones, Human Resources Coordinator, joined Mayor McDougal as he presented a proclamation naming October 19, 2005 as Disability Mentoring Day. The Americans with Disabilities Act (ADA) became law on July 26, 1990, guaranteeing equal opportunity for more than 54 million disabled residents including 4 million Texans. Disability Mentoring Day emphasizes the many talents people with disabilities bring to the workforce. Mentoring can be an effective technique for raising awareness of the progress that is being made in the employment of people with disabilities and also showing the great distance to equality that needs to be covered. The Mayor urged all citizens to recognize the strength, skills, and abilities of

people with disabilities who, when given the opportunity, make a difference in their own lives and the lives of others.

**3.3.3. Presentation of a special recognition to commemorate October 15, 2005 as White Cane Safety Day.**

**This item was deleted.**

**3.3.4. Presentation of a proclamation commemorating the YWCA Week Without Violence.**

Representatives from the YWCA, Marie Myer, Joe Love Nelson, and Betty Wheeler, joined Mayor McDougal as he presented a proclamation commemorating October 16 – 21, 2005 as YWCA Week Without Violence. YWCA Week Without Violence is a public awareness campaign led by the YWCA and is a collaborative effort between more than fifty local agencies chaired by Joe Love Nelson and Marie Myer. The YWCA is the oldest women's association in the United States and has a history of empowering women and families fostering racial equality and preventing violence through more than 300 member associations in all fifty states. This organization represents 2 million women, girls, and their families in the U.S. and provides programs ranging from childcare and aquatics to sports and fitness services for the elderly and the handicapped. The campaign focuses on practical and realistic solutions to violence in homes, schools, neighborhoods, and workplaces around the world and provides a series of national and local forums that will inspire communities to work together and challenge all Americans to spend seven days without committing, condoning, or contributing to violence. The Mayor asked all citizens to join in supporting the YWCA and the other participating agencies for their continued efforts to improve the quality of life of those affected by violence in our city, state, and nation. Joe Love Nelson gave comments.

**At this time, Mayor McDougal recognized Alice Lozada for her appointment to the Appointments Advisory Board.**

**3.4.4 Citizens Traffic Commission – Isaac Garnett**

**4. CONSENT AGENDA (Items 4.2-4.4, 4.6, 4.8-4.16, 4.20-4.27, 4.29-4.31, 4.34-4.35)**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve Items 4.2-4.4, 4.6, 4.8-4.16, 4.20-4.27, 4.29-4.31, 4.34-4.35) on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**4.1. This item was considered following Item 4.35.**

**4.2. Zone Case No. 2294-E 2<sup>nd</sup> Reading: ORDINANCE NO. 2005-00117— Consider the request of Craig Wallace Construction (for L. B. F. Properties) for a zoning change from A-2 to GO for general and professional office on Tract 3, All Saints Addition.**

The request will zone a portion of the original All Saints tract to accommodate Garden Office development.

Adjacent land uses:

- North – commercial
- South – garden office and residential
- East – private school
- West - residential

The proposal meets the intent of both the Comprehensive Land Use Plan and zoning policy. GO is considered a buffer district and will work well in conjunction with the location of the school and the adjacent department store. There were no adjacent residents at the hearing to comment regarding the case.

The project will not have a significant impact on the thoroughfare system.

The Planning Commission recommended the request with one traffic-related condition: The parcel will be allowed one curb cut on the Indiana Avenue frontage.

#### **FISCAL IMPACT**

Not applicable.

Staff recommended approval of the second reading of this ordinance.

**4.3. Zone Case No. 2458-H 2<sup>nd</sup> Reading: ORDINANCE NO. 2005-O0118— Consider the request of David Turek – Colonial Communities, Inc. (for OHC/Lubbock, Ltd.) for a change from C-4 and R-1 to C-3 and A-1 Specific Use for a senior apartment community on a 27.252 acre tract of unplatted land out of Section 18, Block A.**

The applicant is proposing a down zone to a portion of C-4 along the service road west of Clovis Highway, to C-3, and the balance of the parcel north of an apartment project as a gated apartment community targeted for senior citizens.

Adjacent land use:

- North – Loop 289
- South – apartment complex
- East – town home project
- West – vacant

The project meets the objectives of both the Comprehensive Land Use Plan and zoning policy. The area is targeted on the Plan as high density and the frontage as commercial. The applicants are intentionally down zoning the frontage to prevent some of the heavier commercial uses adjacent to their residential community.

The request is filed as a Specific Use Permit to accommodate the perimeter fence for the gated community. The vision triangle is protected at the street corners illustrated in their initial plan. Some adjustments will be made in the

final plan for building locations related to drive alignment and drainage solutions. TxDOT will have governance of curb cuts on the Loop 289 service road.

The Planning Commission recommended the project with conditions:

1. The perimeter fence may be installed as proposed with consideration for any vision triangle associated with the project.
2. Tied to the proposed site plan with adjustments allowed for building location due to future platting requirements.

Staff recommended approval of the second reading of this ordinance.

**4.4. Zone Case No. 2936-B 2<sup>nd</sup> Reading: ORDINANCE No. 2005-O0119— Consider the request of Mark G. Anderson/ADC, Inc. (for Dr. Randall Billings) for a zoning change from R-1 Specific Use to GO for general and professional offices on Lots 16 and 17, Tivoli Estates Addition.**

The request will rezone two residential lots adjacent to a Garden Office tract that abuts Quaker Avenue. The final design of the project has not been finished, so the ultimate use of the two lots (building or parking) has yet to be determined.

Adjacent land uses:

- North – residential
- South – residential
- East – garden office zoning, vacant
- West – residential

The Garden Office District is considered a buffer district, so the proposed zoning is consistent with policy as stated by the Comprehensive Land Use Plan. Two proposed conditions below should make the proposal acceptable to the adjacent residential in terms of zoning policy; the homes to the west and south will be protected with a screening fence that is already required by the Zoning Code. In addition, a low fence along 110th Street with a fifteen-foot setback from the property line will preserve the “look” of the remaining garden homes to be constructed to the west.

One couple was in attendance - the letter of opposition from an owner on 110th Street. After visiting with the applicant, they left with no comment and presumably are not in opposition to the project.

The project will not have a negative effect on the thoroughfare system.

The Planning Commission recommended the request with the following conditions:

1. A minimum six-foot screening fence shall be installed on the west and south boundaries of the lots.
2. A three-foot screening fence of masonry construction shall be installed on the north of the lot with a fifteen-foot setback from the property line of

110th Street. No curb access will be allowed to 110th Street from the two lots.

Staff recommended approval of the second reading of this ordinance.

**4.5. This item was considered following Item 4.1.**

**4.6. Ordinance Amendment 2<sup>nd</sup> Reading - Finance: ORDINANCE NO. 2005-O0114—Amending Chapter 28 of the Code of Ordinances in regard to sewer rates.**

With the FY 2002-03 budget, City Council approved a 5% increase in sewer rates for four consecutive years, including FY 2005-06. It has been determined that no rate increase is necessary for FY 2005-06 and the ordinance has been amended to reflect this change.

**FISCAL IMPACT**

The adopted FY 2005-06 operating budget for the Waste Water Fund does not require the previously scheduled increase.

Staff recommended approval of the second reading of this ordinance.

**4.7. This item was considered following Item 4.5.**

**4.8. Ordinance 1<sup>st</sup> Reading – Right-of-Way: Ordinance No. 2005-O0120 abandoning and closing a 20-foot underground utility easement and a 10-foot underground utility easement located on Tract B, Mr. Postman Addition to the City of Lubbock, located at 6524 19<sup>th</sup> Street.**

This ordinance abandons and closes a 20-foot wide east-west underground utility easement and a 10-foot wide north-south underground utility easement, located just west of Milwaukee Avenue and north of 19<sup>th</sup> Street. These easements were dedicated by the Mr. Postman, Tract B plat, and are being closed for development purposes. A new underground utility easement will be dedicated with the re-plat of this tract to replace these easements. All utility companies are in agreement with these closures.

Staff recommended approval of the first reading of this ordinance.

**4.9. Ordinance 1<sup>st</sup> Reading – Right-of-Way: Ordinance No. 2005-O0121 abandoning and closing a portion of a 20-foot alley, adjacent to Lot 1, Fry Addition to the City of Lubbock, located at 3408 50<sup>th</sup> Street.**

CVS Pharmacy is acquiring three properties at the northwest corner of 50th Street and Indiana Avenue. They plan to replat these three properties and a north-south 20-foot wide by 200-foot long alley into a single tract of land for a new pharmacy. Since the requestor of this closure is not the original dedicator of the alley area being closed, they will be charged for the closure. The total alley area being closed is 3,998.80 square feet. The Right-of-Way Department has determined a value of \$4.70 per square foot for the alley area being closed, for a total value of \$18,794.36. The replat will have a new 20-foot dedicated underground utility and drainage easement along the west side of the replat containing a total of 4,280 square feet, with a valued credit of

\$10,058 (4,280 square feet x \$4.70 = \$20,116 x 50% easement valuation). The total amount due to the City for this alley closure is \$8,736.36.

#### **FISCAL IMPACT**

An additional \$8,736.36 revenue to the General Fund.

Staff recommended approval of the first reading of this ordinance.

- 4.10. Street and Alley Use License Resolution – Right-of-Way: Resolution No. 2005-R0465A authorizing the Mayor to execute a street and alley use license with Covenant Health System, Inc. to use a portion of street and alley right-of-ways for an aerial and underground communications cable, located at 3615 19<sup>th</sup> Street.**

Covenant Hospital, located at 19<sup>th</sup> Street and Louisville Avenue, has requested a street and alley use license to install communication cables to two of their nearby facilities. The first cable will be aerial and cross Louisville Avenue just north of 21<sup>st</sup> Street to serve a Covenant facility at that location. The second cable will be underground and will travel southward from the Covenant Hospital west parking garage on the south side of 21<sup>st</sup> Street, east of Louisville Avenue across 22<sup>nd</sup> Street, an east-west alley, and 22<sup>nd</sup> Place to another Covenant facility.

The Right-of-Way Department has determined the license value from adjacent land values in the area at \$7 per linear foot. Using the street use license formula for aerial and sub-surface encroachments, a value of \$85.47 per year has been determined (70 feet x \$7 x 75% x 10% = \$36.75 per year for the aerial crossing and 116 feet x \$7 x 60% x 10% = \$48.72 per year for the three underground crossings). The license is for twenty years, payable every five years in advance, or \$427.35 for each five-year period.

#### **FISCAL IMPACT**

An additional \$85.47 revenue to the General Fund.

Staff recommended approval of this resolution.

- 4.11. Street Use License Resolution – Right-of-Way: Resolution No. 2005-R0466 authorizing the Mayor to execute a street use license with Mercedes-Benz of Lubbock to utilize a portion of Texas Avenue and a portion of 18<sup>th</sup> Street for additional vehicle parking, located at 1702 Texas Avenue.**

Due to the size of their property and showroom, space is limited at the Mercedes-Benz of Lubbock dealership located at 1702 Texas Avenue. Owner Michael Britt has requested this street-use license to use a portion of Texas Avenue to park seven new vehicles and to use a portion of 18<sup>th</sup> Street just west of Texas Avenue to park eight new vehicles for sales display purposes. The vehicles will be parked in existing street parking spaces and a sidewalk area will remain for pedestrian traffic. The dealership has spoken with several of the abutting property owners and sent the City six property owners' written approval for this use. Pursuant to Ordinance No. 8568, it is unlawful for any

person to display any goods for sale on any parkway in the City without a street-use license. The total right-of-way area to be utilized by the vehicles is 2,025 square feet (9' x 15' x 15' spaces). The Right-of-Way Department has calculated the land value at \$2 per square foot and applied this to the street-use license formula for a yearly charge of \$405 (2,025 square feet x \$2 x 10% = \$405). The 20-year license is payable in advance every five years, or \$2,025.

**FISCAL IMPACT**

An additional \$405 annual revenue to the General Fund.

Staff recommended approval of this resolution.

- 4.12. Street Use License Resolution – Right-of-Way: Resolution No. 2005-R0467 authorizing the Mayor to execute a street use license with the Lubbock Independent School District to use a portion of a street right-of-way for a private underground sewer line, located at 3307 Vicksburg Avenue.**

Coronado High School, located at the southeast corner of 31st Street and Vicksburg Avenue, has requested a street use license to bore under Vicksburg Avenue just south of 31<sup>st</sup> Street for a private underground sewer line. The sewer line is needed for the additional new buildings at Coronado High School. The charge for the license is a minimum of \$50 per year and the license is for 20 years, payable every five years in advance, with \$250 due now. All utility companies are in agreement with the license.

**FISCAL IMPACT**

An additional \$50 annual revenue to the City General Fund.

Staff recommended approval of this resolution.

- 4.13. Contract Resolution – Citibus: Resolution No. 2005-R0468 authorizing the Mayor to execute Amendment #1 to Contract No. 0505F7193, with the Texas Department of Transportation.**

The Texas Department of Transportation has issued an amendment to Contract No. 0505F7193, a FY 2006 5310 grant. The funds from 5310 grants are used to help provide mass transportation service planning to meet the special needs of elderly individuals and individuals with disabilities.

The original grant awarded \$21,003 to the City/Citibus. The amendment increases the grant amount to \$31,943 and extends the grant four months to August 31, 2006.

**FISCAL IMPACT**

A budget amendment increase of \$10,940 will be presented for first reading at this City Council meeting.

Staff recommended approval of this resolution.

**4.14. Contract Resolution – Library: Resolution No. 2005-R0469 authorizing the Mayor to execute one Library System Operation Grant Agreement, one Technical Assistance Negotiated Grant Agreement, and one Interlibrary Loan Center Grant by and between the City of Lubbock and Texas State Library and Archives Commission.**

The West Texas State Library System (WTLS) is a state funded grant program designed to improve library service programs in a 29-county area. WTLS is one of ten systems established under the Library Systems Act of 1969 and is administered by the Texas State Library and Archives Commission. WTLS is comprised of various elements designed to improve and expand the service programs of member libraries and encourages the establishment of public libraries in communities that do not have library services. At the end of State Fiscal Year 2005, 34 libraries qualified for membership.

The Lubbock Public Library was designated as the Major Resource Center for the WTLS program as of September 1, 1974. This year is the 32nd annual contract renewal.

As the Major Resource Center, the Lubbock Public Library also serves as the headquarters for the Interlibrary Loan Grant (ILL) program and the Technical Assistance program. The ILL Center locates and requests materials for all public libraries, community college libraries, and special libraries within the 29-county area served by WTLS.

The Technical Assistance program funds the hiring of a full-time Technical Advisor for public libraries in the WTLS service region. The Technical Advisor provides training and technological assistance to all of these area libraries.

These three programs are fully funded by the State of Texas and the City has no responsibility or obligation in the event that funds are not appropriated or provided. The Texas State Library and Archives Commission contracts with the Lubbock Public Library for housing of staff and implementation of the service program components.

**FISCAL IMPACT**

The City will receive compensation of 9.03% of direct charges to reimburse the cost of fiscal administration of the grant.

The West Texas Library System Grant Contract #470-06009 totals \$373,151.

The Interlibrary Loan Grant Contract #771-06044 totals \$77,605.

The Technical Assistance Negotiated Grant Contract #476-06019 totals \$80,000.

The required budget amendment is included on Agenda Item 4.5 – second reading.

Staff recommended approval of this resolution.

**4.15. Contract Resolution – Community Development: Resolution No. 2005-R0470 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant, and all related documents, between the City and Communities in Schools.**

Grantee: Communities in Schools

Program: Path to Expansion

Funding Source: FY 2005-06 Community Development Block Grant

Use of Funds: The funds for this program will be used for administrative personnel and promotion of the year-round, in-school prevention and intervention program to help at-risk students with academics, behavior, and attendance.

Amount: \$14,962

Match: 25%

Return of Investment: Not required for Community Development Public Service

Term: October 1, 2005 through September 30, 2006

Comments: Funding for this contract was approved by City Council at the June 23, 2005 City Council meeting. The contract is available for review in the City Secretary's Office.

**FISCAL IMPACT**

No impact to general fund; 100% grant funded.

Staff recommended approval of this resolution.

**4.16. Contract Resolution – Community Development: Resolution No. 2005-R0471 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant, and all related documents, between the City and the Lubbock Boys and Girls Clubs for Summer Day Camps Program.**

Grantee: Lubbock Boys and Girls Clubs

Program: Summer Day Camps

Funding Source: FY 2005-06 Community Development Block Grant

Use of Funds: The funds for this program will be used to allow income eligible youth to participate in summer camps, providing safe and supervised activities at two branches (Optimist, Phea).

Amount: \$18,382

Match: 25%

Return of Investment: Not required for Community Development Public Service

Term: October 1, 2005 through September 30, 2006

Comments: Funding for this contract was approved by City Council at the June 23, 2005 City Council meeting. The contract is available for review in the City Secretary's Office.

**FISCAL IMPACT**

No impact to general fund; 100% grant funded.

Staff recommended approval of this resolution.

- 4.17. This item was considered following Item 4.7.**
- 4.18. This item was considered following Item 4.17.**
- 4.19. This item was considered following Item 4.18.**
- 4.20. Contract Resolution – Community Development: Resolution No. 2005-R0472 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant, and all related documents, between the City and McDonald Transit Associates, Inc. d/b/a Citibus.**

Grantee: McDonald Transit Associates, Inc. d/b/a Citibus

Program: Paratransit Services

Funding Source: FY 2005-06 Community Development Block Grant

Use of Funds: The funds for this program will be used to provide partial funding for Citibus' Paratransit Service. The program provides ADA certified passengers with regular fixed route services. Clients are of low-to-moderate income.

Amount: \$204,300

Match: 25%

Return of Investment: Not required for Community Development Public Service

Term: October 1, 2005 through September 30, 2006

Comments: Funding for this contract was approved by City Council at the June 23, 2005 City Council meeting. The contract is available for review in the City Secretary's Office.

**FISCAL IMPACT**

No impact to general fund; 100% grant funded.

Staff recommended approval of this resolution.

- 4.21. Contract Resolution – Community Development: Resolution No. 2005-R0473 authorizing the Mayor to execute a Community Development Funding Contract from the Emergency Shelter Grant, and all related documents, between the City and the Alcoholic Recovery Center.**

Grantee: Alcoholic Recovery Center

Program: Operations

Funding Source: FY 2005-06 Emergency Shelter Grant

Use of Funds: Funds will be used to assist in operation of the Shelter with the facility's utilities and telephone bill.

Amount: \$12,000

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant (100% match)

Term: October 1, 2005 through September 30, 2006

Comments: Funding for this contract was approved by City Council at the June 23, 2005 City Council meeting. The contract is available for review in the City Secretary's Office.

**FISCAL IMPACT**

No impact to general fund; 100% grant funded.

Staff recommended approval of this resolution.

**4.22. Contract Resolution – Community Development: Resolution No. 2005-R0474 authorizing the Mayor to execute a Community Development Funding Contract from the Emergency Shelter Grant, and all related documents, between the City and the Lubbock Interfaith Hospitality Network.**

Grantee: Lubbock Interfaith Hospitality Network

Program: Operations

Funding Source: FY 2005-06 Emergency Shelter Grant

Use of Funds: The funds for this program will pay for the daily operations of the Center, which provides shelter for homeless families and their children.

Amount: \$10,000

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant (100% match)

Term: October 1, 2005 through September 30, 2006

Comments: Funding for this contract was approved by City Council at the June 23, 2005 City Council meeting. The contract is available for review in the City Secretary's Office.

**FISCAL IMPACT**

No impact to general fund; 100% grant funded.

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Staff recommended approval of this resolution.

**4.23. Contract Resolution – Community Development: Resolution No. 2005-R0475 authorizing the Mayor to execute a Community Development Funding Contract from the Emergency Shelter Grant, and all related documents, between the City and the Salvation Army.**

Grantee: Salvation Army

Program: Essential Services, Homeless Prevention, and Operations

Funding Source: FY 2005-06 Emergency Shelter Grant

Use of Funds: The funds for this program will be used to provide services to clients involving Homeless Prevention and Essential Services type activities. Funds will also be used to supplement the cost of the overall operation of the facility.

Amount: \$44,671

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant (100% match).

Term: October 1, 2005 through September 30, 2006

Comments: Funding for the contract was approved by City Council at the June 23, 2005 City Council meeting. The contract is available for review in the City Secretary's Office.

**FISCAL IMPACT**

No impact to general fund; 100% grant funded.

Staff recommended approval of this resolution.

**4.24. Contract Resolution – Community Development: Resolution No. 2005-R0476 authorizing the Mayor to execute a Community Development Funding Contract from the Emergency Shelter Grant, and all related documents, between the City and Vandelia Church.**

Grantee: Vandelia Church

Program: Utility/Rent Assistance

Funding Source: FY 2005-06 Emergency Shelter Grant

Use of Funds: The funds for this program will be used to prevent homeless situations by providing utility and rent assistance to individuals and families who have experienced a sudden increase in expenses or decrease in income.

Amount: \$15,000

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant (100% match).

Term: October 1, 2005 through September 30, 2006

Comments: Funding for the contract was approved by City Council at the June 23, 2005 City Council meeting. The contract is available for review in the City Secretary's Office.

**FISCAL IMPACT**

No impact to general fund; 100% grant funded.

Staff recommended approval of this resolution.

**4.25. Contract Resolution – Community Development: Resolution No. 2005-R0477 authorizing the Mayor to execute a Community Development Funding Contract from the Emergency Shelter Grant, and all related documents, between the City and Women's Protective Services.**

Grantee: Women's Protective Services

Program: Essential Services

Funding Source: FY 2005-06 Emergency Shelter Grant

Use of Funds: The funds for this program will be used to provide support services and referrals for the purpose of assisting women, children, and families of domestic violence become, and remain, self-sufficient and free from violence.

Amount: \$15,000

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant (100% match)

Term: October 1, 2005 through September 30, 2006

Comments: Funding for this contract was approved by City Council at the June 23, 2005 City Council meeting. The contract is available for review in the City Secretary's Office.

**FISCAL IMPACT**

No impact to general fund; 100% grant funded.

Staff recommended approval of this resolution.

**4.26. Investment Policy/Strategy Resolution – Finance: Resolution No. 2005-R0478 approving a revised Investment Policy and Investment Strategy.**

An annual review by City Council of the City's Investment Policy and Investment Strategy is required by the Public Funds Investment Act (Government Code 2256.005(e)). The Investment Policy and Investment Strategy have been updated to reflect changes as recommended by the City's Investment Review Committee. The agenda back-up information includes a "red-lined" version of the Policy/Strategy to highlight all changes that have been made at this time.

The significant changes are explained as follows:

1. Change in job titles or responsibilities have been made to reflect the current situation:

Existing Title:

Managing Director of Finance

Cash & Debt Manager

Replaced with:

Chief Financial Officer

Director of Fiscal Policy and  
Strategic Planning

2. The responsibilities of the Investment Review Committee have been shifted to the City's Audit Committee.
3. The funds included in the scope of the investment policy have been updated to reflect the changes made in the Comprehensive Annual Financial Report.
4. Diversification has been added as a principal investment objective. This should ensure diversity in market sectors and in maturity limits to minimize market risks.
5. The Government Finance Officers Association has prepared 16 recommended practices related to the investment of public funds. Staff have incorporated these recommended practices within the policy and have identified the sections that correspond to those practices.
6. Additional reporting requirements have been added that more comprehensively outline the reporting requirements of the Public Funds Investment Act.
7. The policy has been revised in an effort to make it more reader friendly and consistent with current terminology. The recommended changes throughout the policy are identified in the "red-lined" version of the policy.

The changes to the policy are recommended by the City's Finance Department and the City's Audit Committee.

**4.27. Temporary Overnight Camping Resolution – Parks and Recreation: Resolution No. 2005-R0479 authorizing a temporary overnight camping area in Mackenzie Park on Saturday, April 22, 2006, for the 5<sup>th</sup> Annual Lubbock Grand Prix, to be held by the Montford Unit volunteer employees on Sunday, April 23, 2006.**

The Montford Unit volunteer employees have asked for permission to allow over-night camping in Mackenzie Park on April 22, 2006, the night before their motorcycle race benefiting Special Olympics on Sunday, April 23, 2006. This will be the fifth year this race has been held in the undeveloped portion of Mackenzie Park south of Parkway Drive and west of Oak Avenue. No campfires will be allowed, and porta-potties, extra trash cans, and security will be provided by the Montford Unit employees.

Chapter 19-1(5) of the Code of Ordinances allows for the designation of camping areas. If approved by City Council, camping will be allowed on April 22-23, 2006 at a location as indicated on the map.

On September 27, 2005, the Parks and Recreation Advisory Board approved forwarding this request to the City Council. Staff supports the approval of temporary overnight camping in Mackenzie Park by participants in the 5<sup>th</sup> Annual Lubbock Grand Prix on April 22-23, 2006.

**4.28. This item was considered following Item 4.19.**

**4.29. Appointment Ratification Resolution – Human Resources: Resolution No. 2005-R0480 ratifying the appointment of Debra Shepherd to the Civil Service Commission.**

Debra Shepherd is the Assistant Director of Human Resources for Lubbock Regional MHMR and is very knowledgeable of municipal civil service statutes. Ms. Shepherd served as a Civil Service Commissioner from March 27, 1997 through October 1997 and served as Civil Service Chairperson from October 1997 through October 2004. With this appointment, her term of office will begin on October 13, 2005. She will serve a three-year term as outlined in Local Government Code Chapter 143.

Commission members ratify rules and standards applicable to classified civil service positions in the Fire and Police Departments and the enforcement and effect of the Civil Service statutes. Members are appointed by the City Manager pursuant to Texas Local Government Code 143.006 and ratified by the governing body.

The term for these appointments is three years and the meetings are held as needed. There are three members of the Commission as required by statute. Scott Snider is the Commission Director.

Ratify City Manager's appointment to this position.

**4.30. Appointment Declaration – City Secretary: Declare one appointment to the Lubbock Housing Authority.**

The Lubbock Housing Authority has seven members. All are appointed directly by the Mayor, pursuant to Texas Housing Authority Law (Texas Local Government Code 392.0331) without confirmation from City Council. The Mayor has appointed one new member.

Housing Authority: Dr. Juan Munoz, new appointee

**4.31. Cooperative Purchase Resolution – Traffic Engineering: Resolution No. 2005-R0481 for Electronic Traffic Detection Equipment.**

This item is for the purchase of electronic traffic detection equipment through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program for signalized intersections along Milwaukee Avenue at the Canyon West entrance, Marsha Sharp Freeway, and Spur 327. This equipment will detect vehicles in all lanes, which will improve safety to the driving public

and provide for smooth traffic flow on Milwaukee Avenue.

H-GAC is a regional planning commission created under Acts of the 59<sup>th</sup> Legislature, Regular Session, 1965, re-codified as Texas Local Government Code, Chapter 391.

**FISCAL IMPACT**

A total of \$9,000,000 was appropriated with \$5,422,259 available in Project Number 90405 (Milwaukee Avenue) for this purpose.

Staff recommended purchase from Paradigm Traffic Systems of Fort Worth, Texas for \$37,188 through the Houston-Galveston Area Council Purchasing Cooperative authorized by City Council Resolution No. 4864.

**4.32. This item was considered after Council reconvened at 10: 37 A.M. in Work Session**

**4.33. This item was considered following Item 4.28.**

**4.34. Resolution No. 2005-R0482 - BID #05-085/BM – Health Department: for HIV Test Kits – Annual Pricing.**

This bid establishes annual pricing for Human Immunodeficiency Virus (HIV) test kits for detection of HIV one-half plus O antibodies used to screen sexually transmitted disease patients for HIV infection. Testing for the HIV one-half plus O antibody is necessary to stop the spread of the deadly sexually transmitted disease in the community. By testing for HIV infection and informing and educating the public, decreased cost of long-term patient care should result. This annual pricing contract will establish firm pricing for a period of two years.

**FISCAL IMPACT**

A total of \$16,500 was appropriated with \$16,500 available in Account Number 5417.8304, Health Chemical Supplies, for this purpose.

Staff recommended bid award to Bio-Rad Laboratories, Inc. of Redwood, Washington for \$15,120.

**4.35. Resolution No. 2005-R0483 - BID #05-111/BM – Police Patrol: for Police Body Armor – Annual Pricing.**

This bid establishes annual pricing for replacing worn or damaged body armor to ensure the safety of Lubbock police officers. Pricing is firm for a period of up to three years with an option to renew for two additional one-year periods.

Fifteen local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT**

A total of \$322,894 was appropriated with \$85,499 available in Account Number 5735.8123, Police Patrol Uniforms, for this purpose.

Staff recommended bid award to Galls of Lexington, Kentucky for \$21,119.36.

**4.1. Approval of Prior Meetings Minutes:**

Regular – September 8, 2005

Regular – September 21, 2005

Emergency – September 21, 2005

Emergency – September 25, 2005

Council Member DeLeon requested this item be pulled to address Item 36 and Item 42 of the September 8, 2005 Regular City Council Meeting. Mayor Pro Tem Martin pointed out that the minutes accurately reflected Council's actions on Item 36.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve the revised version of Item 4.1 as presented to Council. Motion carried: 7 Ayes, 0 Nays.

**4.5. Budget Amendment #1 2<sup>nd</sup> Reading - Finance: ORDINANCE NO. 2005-O0112—Amending the FY 2005-06 budget respecting 1) the General Fund, 2) the Electric Fund, 3) the Water Fund, and 4) the Transit Fund.**

1) Transfer \$160,000 from the Water Fund to the Electric Fund for modifications to the Banner billing system associated with an average winter consumption water rate structure.

2) Accept and appropriate a \$373,151 grant from the Texas State Library and Archives Commission to provide for operation of the offices and personnel of the West Texas Library System.

Funding in the amount of \$373,151 will be received. This grant funds operation of the West Texas Library System, including personnel and benefits, travel, supplies, and indirect costs.

No City matching funds are required.

3) Accept and appropriate an \$80,000 grant from the Texas State Library and Archives Commission to provide technical assistance to area libraries.

Funding in the amount of \$80,000 will be received. This grant funds personnel, benefits, travel, supplies, and indirect costs.

No City matching funds are required.

4) Accept and appropriate a \$77,605 grant from the Texas State Library and Archives Commission to provide for operation of the offices of the Interlibrary Loan Office.

Funding in the amount of \$77,605 will be received. This grant funds the interlibrary loan office, including personnel, benefits, travel, supplies, and indirect costs.

No City matching funds are required.

- 5) Accept and appropriate a \$50,251 grant from the Texas Department of State Health Services to provide for HIV/AIDS Surveillance.  
  
Funding in the amount of \$50,251 will be received. This grant funds the active surveillance and reporting activities for Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) – includes personnel, benefits, travel, and supply costs.  
  
No City matching funds are required.
- 6) Accept and appropriate a \$349,318 grant from the Texas Department of State Health Services to provide for CPS Bioterrorism Preparedness.  
  
Funding will be received in the amount of \$349,318. The program is designed to upgrade and integrate state and local public health jurisdictions' preparedness for, and response to, terrorism and other public health threats and emergencies – includes personnel, benefits, travel, equipment, supplies, and contractual costs.  
  
No City matching funds are required.
- 7) Accept and appropriate a \$199,760 grant from the Texas Department of State Health Services to provide for CPS Bioterrorism Preparedness Lab.  
  
Funding will be received in the amount of \$199,760. The program will provide assistance in upgrading state and local public health jurisdictions' preparedness for, and response to, terrorism and other public health threats and emergencies. This will also enhance the ability of hospitals and health care systems to prepare for, and respond to, bioterrorism and other public health emergencies – includes personnel, benefits, travel, equipment, and supplies.  
  
No City matching funds are required.
- 8) Accept and appropriate a \$3,050 grant from the Texas Department of State Health Services to provide for Milk and Dairy Product Services Equipment.  
  
Funding will be received in the amount of \$3,050 for the purchase of equipment and supplies to further enhance the laboratory analyses of milk samples.  
  
No City matching funds are required.
- 9) Accept and appropriate a \$59,277 grant from the Texas Department of State Health Services to provide for the Regional and Local Services Section.  
  
Funding will be received in the amount of \$59,277. The program will improve or strengthen local public health infrastructure by utilizing resources provided to conduct activities and services that provide or

support the delivery of essential public health services – includes funding for personnel and benefits.

No City matching funds are required.

- 10) Accept and appropriate a \$138,264 grant from the Texas Department of State Health Services to provide immunizations.

Funding will be received in the amount of \$138,264. The program will prevent, control, and eliminate vaccine-preventable diseases by providing and administering biologicals, promoting immunizations, conducting vaccine-preventable disease surveillance, assessing vaccine coverage levels, and applying principles of epidemiology and outbreak control measures within budgetary constraints – includes funding for personnel and benefits.

No City matching funds are required.

- 11) Accept and appropriate a grant from the Texas Department of State Health Services in an amount not to exceed \$14,000 to provide for Milk and Dairy Products Services.

Funding will be reimbursed in an amount not to exceed \$14,000. The program provides laboratory analysis of milk samples and is reimbursed per test.

No City matching funds are required.

- 12) Accept and appropriate a \$200,000 grant from the Texas Department of Transportation to provide for the STEP Program and transfer \$100,000 from the General Fund to fund the City's portion and \$100,000 being reimbursed from the granting agency.

Funding for this grant is made up of a \$100,000 match from the General Fund and a \$100,000 reimbursement from the granting agency. The program combines the Driving While Intoxicated STEP Program and the SPEED STEP Program. 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.

The City's portion for FY 2005-06 was funded in the Police Department's operating budget. This funding will be moved to the grant fund for the City's match.

Staff recommended approval of the second reading of this ordinance.

Jeff Yates, Chief Financial Officer, and City Manager Dumbauld explained to Council the reason for the amendment.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0112 with the following addition:

- Appropriate a \$280,000 grant from the Office of Justice programs for the purchase of specialized training equipment to be used to improve the City's capability to respond to all hazards, including acts of terrorism, and
- Staff is directed to request reimbursement from previous purchases made under this program with estimated revenues increased accordingly.

Motion carried: 7 Ayes, 0 Nays.

**4.7. Ordinance Amendment 2<sup>nd</sup> Reading - Finance: ORDINANCE NO. 2005-O0115—Amending Chapter 23 of the Code of Ordinances in regard to solid waste rates.**

A surcharge of \$2 per ton for all waste generated outside the city limits and disposed of at the designated City landfill is included in the current ordinance. This surcharge has not been collected at the landfill for many years. Therefore, the surcharge is eliminated from the ordinance.

**FISCAL IMPACT**

The surcharge is not currently collected. Anticipated revenue was not budgeted in the adopted FY 2005-06 Solid Waste Fund Budget.

Staff recommended approval of the second reading of this ordinance.

City Manager Dumbauld and Jeff Yates, Chief Financial Officer, gave comments and answered questions from Council.

Motion was made by Council Member Boren, seconded by Mayor Pro Tem Martin to pass on second and final reading Ordinance No. 2005-O115 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**4.17. Contract Resolution – Community Development: Resolution No. 2005-R0484 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant, and all related documents, between the City and WorkSource.**

Grantee: WorkSource

Program: Direct Child Care Assistance

Funding Source: FY 2005-06 Community Development Block Grant

Use of Funds: The funds for this program will be used for childcare for CDBG-eligible low-to-moderate income families seeking job training, employment, or education. Funds will be used to provide childcare for such agencies as Early Learning Centers, Catholic Family Services, and Christian Women's Services.

Amount: \$29,735

Match: 25%

Return of Investment: Not required for Community Development Public Service

Term: October 1, 2005 through September 30, 2006

Comments: Funding for this contract was approved by City Council at the June 23, 2005 City Council meeting. The contract is available for review in the City Secretary's Office.

**FISCAL IMPACT**

No impact to general fund; 100% grant funded.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2005-R0484 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Boren recused himself.

**4.18. Contract Resolution – Community Development: Resolution No. 2005-R0485 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant, and all related documents, between the City and the YWCA for Youth Challenger-ED Program.**

Grantee: YWCA

Program: Youth Challenger-ED Program

Funding Source: FY 2005-06 Community Development Block Grant

Use of Funds: The funds for this program will be used to provide educational and recreational activities for emotionally disturbed children and children who have severe behavior problems.

Amount: \$23,750

Match: 25%

Return of Investment: Not required for Community Development Public Service

Term: October 1, 2005 through September 30, 2006

Comments: Funding for this contract was approved by City Council at the June 23, 2005 City Council meeting. The contract is available for review in the City Secretary's Office.

**FISCAL IMPACT**

No impact to general fund; 100% grant funded.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2005-R0485 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Martin recused himself.

**4.19. Contract Resolution – Community Development: Resolution No. 2005-R0486 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant, and all related documents, between the City and the YWCA for Child Care Program.**

Grantee: YWCA

Program: Child Care Services

Funding Source: FY 2005-06 Community Development Block Grant

Use of Funds: The funds for this program will be used to provide partial funding scholarships for childcare and after school care for CDBG-eligible low-to-moderate income families so they can pursue work, school, or job training.

Amount: \$57,000

Match: 25%

Return of Investment: Not required for Community Development Public Service

Term: October 1, 2005 through September 30, 2006

Comments: Funding for this contract was approved by City Council at the June 23, 2005 City Council meeting. The contract is available for review in the City Secretary's Office.

**FISCAL IMPACT**

No impact to general fund; 100% grant funded.

Staff recommended approval of this resolution.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass Resolution No. 2005-R0486 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Martin recused himself.

**4.28. Lease Agreement Resolution – Civic Centers: Resolution No. 2005-R0487 authorizing the Mayor to execute a lease agreement between the City and South Plains Professional Hockey Club, Ltd. to use the Municipal Coliseum for the presentation of professional hockey games and other ice skating related activities.**

In November 1998, the City entered into a five-year Coliseum lease agreement with the South Plains Professional Hockey Club to present professional ice hockey in Lubbock. The expiration date of the lease was

April 30, 2004. The agreement gave the Hockey Club an option to renew and extend the term of the agreement for an additional five seasons, contingent on the re-negotiation of certain terms of the agreement, such as building rent, novelties, and ticketing. The lease agreement has been revised, incorporating the re-negotiated terms. Key components of the Coliseum lease agreement are:

1. The term of the lease agreement will be from September 1, 2005 through April 30, 2006 with an option to renew annually for up to three additional seasons with written notice to the City by April 1<sup>st</sup> each year.
2. The Hockey Club will pay building rent in the amount of \$1,950 per game. The initial lease provided for rent credits during the term of the agreement in order for the hockey franchise to recoup the major capital improvements they made to the Coliseum, i.e. the installation of the ice floor, ice plant, and equipment required to present ice hockey. This rental fee is consistent with what other teams are paying, given that the hockey franchise will continue to provide the Rink Manager and personnel to maintain the ice surface during all of their ice activities, including construction of the ice at the beginning of the season. There will be no charge for practice or ancillary skating activities and usage is subject to building availability.
3. The Hockey Club will continue to retain 100% of their merchandising and novelty sales.
4. The Hockey Club will continue to retain 100% of the parking revenue and will be responsible for expenses to administer paid parking on the Coliseum lot during their events.
5. The Hockey Club will continue to retain 100% of their temporary advertising signage and will share any permanent or year round advertising revenue on a 50/50 basis with the City.
6. Regarding concessions sales from the hockey games, the City will retain the first \$55,000 in commissions received from the concessionaire. Any commissions received by the City over and above the \$55,000 shall be paid to the hockey franchise. Under the initial agreement, the City retained 100% of the commissions. The \$55,000 in commissions to be retained by the City would be consistent with the sales generated for the 2003/2004 Season.
7. The City will pay the electric utilities on the ice plant up to \$50,000, and will maintain the ice plant. The hockey franchise shall be responsible for any utility cost over and above the \$50,000. The initial lease agreement provided for the hockey franchise to pay the utilities on the ice plant. With the expiration of the initial lease agreement, the ice plant now belongs to the City. The building rent should offset the cost of the ice plant utilities and maintenance of the ice plant.

8. The hockey franchise will use Select-a-Seat for the sale of their tickets, the terms of which will be outlined under a separate agreement with Civic Lubbock, Inc.

**FISCAL IMPACT**

The estimated per game operational cost to the City is approximately \$3,500, with the rental fee of \$1,950 per game, the loss to the City will be approximately \$1,550 per game or \$51,150 annually. The \$32,802 previously owed by the South Plains Professional Hockey Club, Ltd. has been paid.

Staff recommended approval of the revised Coliseum lease agreement.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0487 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Boren recused himself.

**4.33. Resolution No. 2005-R0488 - BID #05-114/MA – Facilities Management: for Construction of Fire Station Number 8.**

This project involves the construction of Fire Station Number 8. The old station is out-dated and cannot accommodate new fire engine models. The old station will be demolished through another contract and the new station will be constructed at the same location. Due to the larger size of the new station, a vacant lot next to the existing site will be used to accommodate the new fire station.

Time for completion of this project is 240 consecutive calendar days and liquidated damages are \$350 per day.

Sixty local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT**

A total of \$1,485,000 was appropriated with \$1,279,266 available in Capital Improvement Project #90372, New Fire Station #8, for this purpose.

Staff recommended bid award to Minnix Commercial Partners, Ltd. of Lubbock, Texas for \$1,141,440.

Steve Haley, Fire Chief, 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-R0488 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**4.36. RFQ #05-068/VK – Water Engineering: for Engineering Services for Major Water Line Replacement.**

**This item was deleted.**

**4.37. RFQ #05-099/VK – Finance: for Investment Advisory Services.**

**This item was deleted.**

## **5. REGULAR AGENDA**

### **5.1. Public Hearing (Second Hearing) - 10:00 AM – Planning: Consider annexation of a tract of land within the current limits of the Lubbock Preston Smith International Airport, 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 (East Port).**

Mayor McDougal opened the public hearing at 10:02 a. m. No one appeared on behalf of the annexation. No one appeared in opposition. Mayor McDougal closed the hearing at 10:03 a. m.

Anita Burgess, City Attorney, answered questions from Council.

In 1983, portions of the Lubbock Preston Smith International Airport (LPSIA) and property owned by the Texas A&M Extension Service north of the Airport were annexed to allow extension of water to the A&M facility. Annexation of parts of the Airport was necessary to provide a contiguous landmass to access the A&M office complex on FM 1294. At the time, the proposal to annex all of the Airport property, and the areas referred to as East Port and West Port where private aviation activities and 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 runways, vacant areas, and the new airline passenger terminal building.

Recently, both the Planning and Aviation Departments have discussed the fact that Airport tenants are receiving city services as tenants on city-owned land (the services include water, sewer, fire protection, and police), but they are not tax paying entities of the city. Airport tenants are responsible for paying for their own water and sewer bills, but the items provided from the general fund (City police and the Fire Department) are not paid for in their contracts as additional rent and are not available to any other business locations outside the city due to City Council policy. The Airport provides crash/rescue service and security.

Since the discussion has been resurrected, a number of the fixed-wing aircraft owners with airplanes based at the Airport have submitted an opposition letter suggesting that since they are rent paying tenants, they should be allowed to remain outside the city limits and receive services paid by the tax base. As noted during the discussion during adoption of the resolution, no other businesses within the city have the same privilege and each of them pays either rent or a mortgage on their building and land. Not discussed at the meeting, when the resolution was adopted, is the fact that if an airplane is based at LPSIA and is personal property, or is owned by a tax exempt organization, no additional taxes will apply to the plane. The City portion of taxes included as sales tax in fuel would apply to all fuel sales. The only affected aircraft are those owned by businesses that are subject to the business

personal tax, as they are now by the other taxing entities within Lubbock County. Whether the additional taxable property will cause planes or businesses to leave or remain will be a moving target since many other factors are involved in an owner's choice of where to hangar – cost of fuel, taxable basis at alternative sites, current charges by fixed based operations for rent, and other considerations.

In addition, the Lubbock Police Department has no jurisdiction in the areas known as East Port and West Port. The Airport Police do have jurisdiction and respond to calls in these areas. If a major crime were to occur in the areas under discussion, the responsibility for handling the crime scene and investigation would be the Airport Police and the Sheriff's Department.

One additional item that has been discussed since the process began is the potential impact of the additional city tax rate for either businesses or taxable aircraft on the revenue stream of the Idalou School District. The Superintendent has been provided with all of the available information, and the School Board will meet on October 12, 2005. Whether they will choose to make a public comment is yet to be determined.

#### **FISCAL IMPACT**

The public hearing does not have a fiscal impact. The possible impact for revenue from taxable business personal items to the City, if both areas are annexed, is approximately \$93,000.

The Airport Advisory Board has discussed the issue of annexation and does not object, should City Council take action to annex.

The process is a petition annexation, with the single and majority landowner being the City submitting the annexation request. The City's petition supports the concept of tax equity between the airport tenants and other city business operators. Staff is recommending the area be annexed.

- 5.2. Public Hearing (2nd Hearing) - 10:00 AM – Planning: Consider annexation of a tract of land within the current limits of the Lubbock Preston Smith International Airport, 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 (West Port).**

Mayor McDougal opened the public hearing at 10:05 a. m. No one appeared on behalf of the annexation. No one appeared in opposition. Mayor McDougal closed the hearing at 10:06 a. m.

Anita Burgess, City Attorney, answered questions from Council.

In 1983, portions of the Lubbock Preston Smith International Airport (LPSIA) and property owned by the Texas A&M Extension Service north of the Airport were annexed to allow extension of water to the A&M facility. Annexation of parts of the Airport was necessary to provide a contiguous landmass to access the A&M office complex on FM 1294. At the time, the

proposal to annex all of the Airport property, and the areas referred to as East Port and West Port where private aviation activities and 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 runways, vacant areas, and the new airline passenger terminal building.

Recently, both the Planning and Aviation Departments have discussed the fact that Airport tenants are receiving city services as tenants on city-owned land (the services include water, sewer, fire protection, and police), but they are not tax paying entities of the city. Airport tenants are responsible for paying for their own water and sewer bills, but the items provided from the general fund (City police and the Fire Department) are not paid for in their contracts as additional rent and are not available to any other business locations outside the city due to City Council policy. The Airport provides crash/rescue service and security.

Since the discussion has been resurrected, a number of the fixed-wing aircraft owners with airplanes based at the Airport have submitted an opposition letter suggesting that since they are rent paying tenants, they should be allowed to remain outside the city limits and receive services paid by the tax base. As noted during the discussion during adoption of the resolution, no other businesses within the city have the same privilege and each of them pays either rent or a mortgage on their building and land. Not discussed at the meeting, when the resolution was adopted, is the fact that if an airplane is based at LPSIA and is personal property, or is owned by a tax exempt organization, no additional taxes will apply to the plane. The City portion of taxes included as sales tax in fuel would apply to all fuel sales. The only affected aircraft are those owned by businesses that are subject to the business personal tax, as they are now by the other taxing entities within Lubbock County. Whether the additional taxable property will cause planes or businesses to leave or remain will be a moving target since many other factors are involved in an owner's choice of where to hangar – cost of fuel, taxable basis at alternative sites, current charges by fixed based operations for rent, and other considerations.

In addition, the Lubbock Police Department has no jurisdiction in the areas known as East Port and West Port. The Airport Police do have jurisdiction and respond to calls in these areas. If a major crime were to occur in the areas under discussion, the responsibility for handling the crime scene and investigation would be the Airport Police and the Sheriff's Department.

One additional item that has been discussed since the process began is the potential impact of the additional city tax rate for either businesses or taxable aircraft on the revenue stream of the Idalou School District. The Superintendent has been provided with all of the available information, and the School Board will meet on October 12, 2005. Whether they will choose to make a public comment is yet to be determined.

**FISCAL IMPACT**

The public hearing does not have a fiscal impact. The possible impact for revenue from taxable business personal items to the City, if both areas are annexed, is approximately \$93,000.

The Airport Advisory Board has discussed the issue of annexation and does not object, should City Council take action to annex.

The process is a petition annexation, with the single and majority landowner being the City submitting the annexation request. The City's petition supports the concept of tax equity between the airport tenants and other city business operators. Staff is recommending the area be annexed.

**5.3. This item was considered following Item 5.8.**

**5.4. Ordinance 2<sup>nd</sup> Reading - Finance: ORDINANCE NO. 2005-O0113—Amending Chapter 28 of the Code of Ordinances in regard to water rates.**

In September 2002 the City Council approved a 3% rate increase for four years through October 1, 2005. This is the last year of the approved rate increase for the Water Fund. This rate increase is necessary and was included in the Water Rate Model presented to City Council during the FY 2005-06 proposed budget process.

**FISCAL IMPACT**

The adopted FY2005-06 Water Fund budget plans for the scheduled 3% rate increase.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Martin to pass on second and final reading Ordinance No. 2005-O0113 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.5. Ordinance 2<sup>nd</sup> Reading – Right-of-Way: ORDINANCE NO. 2005-O0110—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 located at 2604 Dover Avenue.**

This ordinance abandons and closes a storm water storage easement located on Lot 346, Green Lawn Addition, south of 26<sup>th</sup> street, west of Dover Avenue, that was dedicated by plat in Volume 1217, Page 248 of the Lubbock County Deed Records and closes two 20 x 100 foot drainage easements that are located on the west side of Dover Avenue at 28<sup>th</sup> Street and just north of 29<sup>th</sup> Drive. This ordinance was read for the first time at the September 8, 2005 City Council meeting as a routine consent agenda item.

**FISCAL IMPACT**

None.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0110 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.6. Ordinance 1<sup>st</sup> Reading – Right-of-Way: Ordinance No. 2005-O0122 abandoning and closing a 20-foot alley located in Block 112, Overton Addition to the City of Lubbock located at 1801 7<sup>th</sup> Street.**

This alley portion in the Overton Addition is being closed as part of the McDougal North Overton redevelopment project. The one-block area that includes the alley closure, located between 7<sup>th</sup> Street, Glenna Goodacre Boulevard, and Avenues R and S, is being replatted into Tract 18, Overton Park Addition. Since McDougal Construction was not the original dedicator of the alley area being closed, they will be charged for the closure. The total area of alley being closed is 5,000 square feet. The adjacent properties are zoned R-2 residential and the Right-of-Way Department has determined a value of \$1 per square foot for the closed alley area. The amount due to the City for this alley closure is \$5,000 (\$1 x 5,000 square feet).

**FISCAL IMPACT**

\$5,000 revenue to the City.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0122 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

**5.7. Budget Amendment #2 1<sup>st</sup> Reading – Finance: Ordinance No. 2005-O0123 amendment #2 amending the FY 2005-06 budget respecting the Transit Fund.**

Accept a \$31,943 grant from the Texas Department of Transportation to provide for mass transportation services to elderly individuals with disabilities, and appropriate the additional \$10,940.

The original grant was for \$21,003; however, TxDOT has increased the funding of this grant to \$31,943. The original grant funds were approved with the FY 2005-06 budget.

**FISCAL IMPACT**

No City matching funds are required.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0123 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.8. Grant Management Agreement Resolution – Business Development: Resolution No. 2005-R0489 authorizing the Mayor to execute a grant management agreement with the North and East Lubbock Community Development Corporation.**

The City has contracted with the North and East Lubbock Community Development Corporation (CDC) for the past two fiscal years to oversee and promote economic development in North and East Lubbock. This is the third year of the grant to the CDC. The term of the agreement is one year, beginning October 1, 2005 and ending on September 30, 2006.

**FISCAL IMPACT**

The grant amount is \$250,000 and is included in the FY 2005-06 budget.

Staff recommended approval of this resolution.

Concerns were expressed from Council regarding funding this project before mineral rights issues on the land are resolved. Nancy Haney, Executive Director of Community Development, stated her concerns were that the project has to be completed by building fifteen homes on the land or the Department of Housing and Urban Development (HUD) would require the City of Lubbock to refund the grant money.

John Hall, Executive Director of the North and East Lubbock Community Development Corporation gave comments and answered questions from Council. Assisting Hall in answering questions were Richard Casner, Assistant City Attorney, and Rob Allison, Manager of Business and Neighborhood Development.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2005-R0489 with an amendment to not fund the project until the Memorandum of Understanding and/or Surface Agreement is complete. Motion carried: 7 Ayes, 0 Nays.

**5.3. Public Hearing – 10:15 AM – Business Development: Hold a public hearing to consider the creation of a Public Improvement District for Willow Bend that includes the east half of Section 3, Block D6, Lubbock County, Texas generally bounded by 4<sup>th</sup> Street, Inler Avenue, 19<sup>th</sup> Street and the west line of the east half of Section 3, Block D6, Lubbock County, Texas.**

**This item was continued to October 27, 2005 at 10:30 a.m.**

Mayor Pro Tem Martin opened the public hearing at 10:23 a. m. No one appeared on behalf of a Public Improvement District for Willow Bend. No one appeared in opposition.

Rob Allison, Manager of Business and Neighborhood Development, recommended that Council continue this public hearing until 10:30 a.m. on October 27, 2005. The notices that were mailed out for this public hearing had an incorrect address of the property/boundary description, which has been

corrected. New notices were mailed out October 7, 2005, which met the statute of requirements for the public hearing.

Mayor Pro Tem Martin agreed to continue the public hearing and closed the hearing at 10:25 a. m.

The purpose of this hearing is to present information to the City Council regarding the advisability of establishing a Public Improvement District (PID) pursuant to Chapter 372 of the Texas Local Government Code. The hearing also allows property owners in the proposed district the opportunity to speak in favor of, or opposition to, the creation of a PID. The Willow Bend PID District is a defined assessment area providing specific types of services for a given area. City Council approved the calling of a public hearing at their September 8, 2005 meeting. A Notice of Public Hearing was published in the Lubbock Avalanche Journal on Friday, September 23, 2005 and notices were mailed to the property owners on September 23, 2005 as required by statute. The general boundaries stated in the notices published in the Avalanche Journal and mailed to the property owners had an error; therefore, the corrected notice was published in the Avalanche Journal on October 7, 2005 and corrected notices were mailed to the property owners on October 7, 2005.

#### **FISCAL IMPACT**

Not applicable.

Mayor McDougal recused himself.

#### **5.9. Nomination Resolution – City Secretary: Resolution No. 2005-R0490 to nominate Board Members to serve as Appraisal District Directors for the Lubbock Central Appraisal District.**

Before October 15, 2005, the City, along with other governing bodies, is entitled to nominate by resolution one candidate for each position to be filled on the Board of Directors. The current Board members are: W.B. Criswell, Arlee Jackson, Greg Jones, Scott MacKenzie, and LeRoy Montoya. All Board members are eligible for, and willing to accept, reappointment.

The names of the nominees will be submitted to the Chief Appraiser. The City is entitled to vote for one candidate for each position to be filled on the Board of Directors.

Directors will serve two-year terms beginning January 1, 2006. Section 6.03, Property Tax Code, establishes the selection process for Appraisal District Directors. According to this section of the Code, the City is entitled to 913 votes of the total 5,000 votes.

Before October 30, 2005, the Chief Appraiser shall prepare a ballot listing the candidates and deliver the ballot to the governing bodies that are entitled to vote, including the City.

Before December 15, 2005, each governing body shall determine its vote by resolution and submit to the Chief Appraiser.

The Chief Appraiser will count the votes before December 31, 2005 and declare the five candidates who receive the largest cumulative vote totals elected. The results will be submitted to the governing bodies and to the candidates. The Chief Appraiser will resolve a tie vote.

**FISCAL IMPACT**

Not applicable.

Staff recommended approval of this resolution.

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0490 and utilize all 913 votes by nominating Greg Jones and Scott MacKenzie. Motion carried: 7 Ayes, 0 Nays.

**5.10. Board Appointments – City Secretary: Consider one appointment to the Appointments Advisory Board and four appointments to Civic Lubbock, Inc.**

Mayor McDougal asked Council to hold on the appointment to the Appointments Advisory Board.

Motion was made by Council Member Boren, seconded by Council Member DeLeon to appoint Don Harigan, Don Caldwell, Kerry Sessions-Griffith, and Louis Kelly to Civic Lubbock, Inc. Motion carried: 7 Ayes, 0 Nays.

**10:27 A.M. CITY COUNCIL RECESSED AT 10:27 A.M.**

**10:37 A.M. CITY COUNCIL RECONVENED IN WORK SESSION**  
**All Council member were present.**

**4.32. State Program Purchase Resolution – Print Shop: Resolution No. 2005-R0491 for Color Copier/ Printer.**

This item is for the 48-month lease of a Xerox DocuColor Model 250 color copier/printer through the Texas Building and Procurement Commission Catalog Information Systems Vendor (CISV) Purchasing Program. The DocuColor 250 copies 50 pages per minute, scans 65 pages per minute, staples, folds, hole punches, and booklet binds. This equipment will replace a five year old 12-copy per minute Xerox DocuColor Model 12 copier that is deteriorating and experiencing increased down time for repairs.

The CISV Purchasing Program allows state agencies and political subdivisions to purchase automated information systems products and services in an efficient, cost effective, and competitive procurement method.

Three CISV vendors submitted proposals:

Benchmark Business Solutions, Inc. of Lubbock, TX	\$1,635 per month
Quality Document Solutions, Inc. of Midland, TX	\$1,704 per month

Innovative Business Systems of West Texas  
of Abilene, TX

\$1,708 per month

### **FISCAL IMPACT**

A total of \$26,512 was appropriated with \$26,512 available in Account Number 3524.8704 (Maintenance – Other Equipment) for this purpose. The cost per copy of the new equipment is \$0.0731, compared with \$0.0935 for the current equipment. Total copy costs are estimated to be \$8,323 less over the 48-month lease period.

Staff recommended contract award to Benchmark Business Solutions, Inc. of Lubbock, Texas for \$1,635 per month.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0491 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

## **6. WORK SESSION**

### **6.1. Discussion – City Engineer: Regarding the construction of sidewalk improvements along the east side of Indiana Avenue from 19<sup>th</sup> to 23<sup>rd</sup> Streets.**

Larry Hertel, City Engineer, gave a presentation regarding the construction of sidewalk improvements along the east side of Indiana Avenue from 19th to 23rd Streets. The estimated cost for the east side was \$123,000 and the west side \$75,000. Council voiced several concerns of other areas of Lubbock that are in need of sidewalk improvements. There was not a consensus to move forward with this project. Consensus from Council was to assess all sidewalk needs in the City of Lubbock and prepare a list of the top six projects using criteria such as major thoroughfare areas and heavy pedestrian use. The Mayor suggested that Mr. Hertel e-mail Council when he is ready to present that information.

### **6.2. Presentation and Demonstration – City Secretary: Regarding the new electronic voting equipment for Lubbock County and the City.**

To comply with a Help America Vote Act (HAVA) mandate that goes into effect January 1, 2006, Lubbock County has now purchased the electronic voting equipment that will be used in Lubbock County.

City Secretary Becky Garza has asked the County Elections Administrator, Dorothy Kennedy, to appear before City Council to demonstrate the use of the voting equipment. Ms. Kennedy will conduct a mock election with City Council members voting during work session. After work session, Ms. Kennedy will have election workers stationed at City Hall to assist any employees or citizens wishing to learn how to use the electronic voting equipment by voting in the mock election.

Instead of using the practice election software designed by the vendor, Mayor Pro Tem Martin suggested staff recreate the first City of Lubbock General Election. The City Secretary has submitted the information to Ms. Kennedy so the County Elections' staff can program the names of the candidates from the first City of Lubbock General Election held in April 1909.

City Secretary Becky Garza gave comments and introduced County Elections Administrator Dorothy Kennedy, who demonstrated the new voting equipment (Hart Intercivic eSlate). Ms. Kennedy explained that there would be at least one booth that is in compliance with the Americans with Disabilities Act (ADA) at every polling precinct. The Disabled Accessible Unit (DAU) will always be the last unit in a chain so that you can removed parts that can be carried to curb sites for voters that are unable to go inside to vote. She then explained the procedures that each voter will go through before voting. Ms. Garza explained to Council that as soon as the November elections are over, she, Ms. Kennedy, and Tracey Gregory of LISD would sit down with their superiors and take a look at requested sites for early voting. The goal is to make sure that the same places are used for every election during early voting. Sandy Salazar from the elections office assisted Ms. Kennedy. Opportunity was given to those who wanted to test the machines. Machines were set up in the hallway for other employees to practice voting.

**6.3. Presentation: Miracles on 34<sup>th</sup> Street: Christmas Parade 2005, presentation by Jason Davis, Producer.**

Jason Davis, Event Architect with IdeaCentrics, gave a video presentation on the Miracles on 34th Street: Christmas Parade 2005. The parade will be held on December 10, 2005 at 7:00 p.m. It will start where 29th Drive intersects with 34th Street and end at Avenue Q and 34th Street in the parking lot of the Byron Martin Advanced Technology Center. This is the first year the parade will be held, and Davis explained that he is coordinating with Police Chief Claude Jones and Fire Chief Steve Haley to make this event a safe and successful event. The merchants on 34th Street are very excited about the event. Some of the participants would include ten local area high school bands and the Texas Tech Lady Raiders basketball team. This would be a great opportunity for charitable organizations to be involved and for surrounding communities to come to Lubbock and spend some time on 34th Street. Davis went on to say that there will be approximately 120 lighted floats with Christmas themes. The Toys for Tots program and the United States Marines will also be a part of this parade. Everyone who attends will be asked to bring a toy and the Marines will line the street and walk along the parade route and collect toys from individuals bringing toys for the Christmas Parade. Proceeds from this parade would help various charitable organizations such as Meals on Wheels, various Band Boosters, Neighborhood Associations, Children's Home of Lubbock, and the Boy's Ranch. After the parade, the Toys for Tots, U.S. Marines, and Santa Claus would meet with children of the Children's Home and Boy's Ranch. The parade would be prerecorded and broadcast the following week.

Regular City Council Meeting  
October 13, 2005

**12:07 P.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**1:15 P.M. COUNCIL ADJOURNED**

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