

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

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

7:31 A.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

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

Absent: Mayor Pro Tem Tom Martin

1. CITIZEN COMMENTS PERIOD

1.1. Truett Craft, on behalf of Craft Development Corporation and M&M Homes, appeared before the City Council concerning the Northeast Lubbock Development project.

Truett Craft addressed Council regarding his concerns on the Casa Linda project, which has been in planning for over a year now, and is being forced to compete with the North and East Lubbock Community Development Corporation. Craft stated that he would like to proceed with their project but would like to have some considerations of somehow interfacing with the CDC Project. Craft Development Corporation and M&M Homes have built approximately fifty homes in the Northeast Lubbock area. Plans were made for approximately one hundred homes.

Mark Prickett, on behalf of Ruby Tequila's, 8601 University Avenue, addressed Council on the Touring Vehicle ordinance on today's agenda.

Prickett stated that policies have been implemented regarding the party bus, and he suggested that the rest of the companies in town do the same. He feels that these changes should eliminate any of the problems that have happened before with the party buses and asked Council to consider them when rewriting the ordinance. Effective immediately, the Ruby Tequila party buses will:

- no longer enter neighborhoods,
- no longer allow alcohol on the bus if there is any under the age of 21 on the bus,
- require drivers to check identification of anyone entering the bus. If someone under the age of 21 tries to enter the bus while there is

alcohol on board, they will either not be allowed to enter the bus or the alcohol will have to be removed before that person enters the bus.

- no longer be rented to anyone under the age of 21.

Citizens addressing Council in support of completion of the McAlister Park/Challenger Little League Project were:

- Jeff Gibson, 5712 84th St.
- Jannit Bevers, 3112 2nd Place

Citizens who addressed Council regarding their concerns with funding to projects in the Guadalupe neighborhood were:

- Josie Sulaica, 101 North Avenue M
- Christy Martinez-Garcia, 3015 36th
- Dolores M. Leijas, 317 North Avenue R
- Kay Trevino, 3003 Grinnell
- Epifanio Aguirre, 1016 2nd Street
- Tavita Dorow, 2320 17th Street
- Reverend Martin Pena, Pastor of St. Joseph's Church

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."

**7:56 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, Police, 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 (Police Department).**
- 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, 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 (Electric Utilities):**

- 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;
 - 2.4.3. to deliberate, vote and take final action on executing a Full and Final Proof of Loss for damage to generating assets of Lubbock Power and Light and resulting in a loss;
 - 2.4.4. 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.
- 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).

8:48 A.M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers

Present: Mayor Marc McDougal; 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: Mayor Pro Tem Tom Martin

Mayor McDougal reconvened the meeting at 8:48 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation was given by Council Member Price.

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.

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

Regular City Council Meeting, October 13, 2005

Motion was made by Council Member Boren, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of October 13, 2005, as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA (Item 5.1-5.6, 5.8-5.9, 5.11-5.18, and 5.20)

Motion was made by Council Member Gilbreath, seconded by Council Member Price to approve Items 5.1-5.6, 5.8-5.9, 5.11-5.18, and 5.20 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.1. ZONE CASE NO. 3052 (3618 23rd Street) – 2nd Reading: ORDINANCE NO. 2005-00124—Consider the request of Tommy J. Swann (for Reynolds + Kirk & Dunn, LLC) for a zoning change from R-1 to A-M on Lot 11, Block 1, Eubanks-Fort Addition.

The applicant is requesting A-M zoning in the A-M Policy District.

Adjacent land uses:

- North – residential
- South – medical
- East – residential
- West – residential

The request complies with the Comprehensive Land Use Plan policy and future development will comply with the development standards of the zoning code. The project will have no effect on the thoroughfare system.

The Planning Commission recommended the request.

Staff supports the Planning Commission recommendation.

5.2. ZONE CASE NO. 1826-E (3402 50th Street) – 2nd Reading: ORDINANCE NO. 2005-00125—Consider the request of Paul Phillips (for First Hartford Realty) for a zoning change from C-3, R-3, and R-2 to C-3 on proposed Lot 1-A-1, Fry Addition.

The applicant is “cleaning up” an area adjacent to 50th Street and Indiana Avenue that has a mixture of C-3, R-3, and R-2 zoning, re-platting to relocate an alley, and proposing to build a new commercial structure on the resulting new parcel.

Adjacent land uses:

- North – residential and commercial
- South – commercial
- East – commercial
- West – multifamily

The project is consistent with both the Comprehensive Land Use Plan and zoning policies. The project is consistent with the recent contract report for revitalization of the mid-town area that has not been adopted, but has a number of sound policy suggestions in it. The project should have little or no effect on the thoroughfare system.

The Planning Commission recommended the request with a condition:

Tied to the proposed site plan for ZC 1826E.

Staff supports the Planning Commission recommendation.

- 5.3. ZONE CASE NO. 3049 (south of 98th Street and west of Avenue U) - 2nd Reading: ORDINANCE NO. 2005-O0126—Consider the request of Hugo Reed and Associates, Inc. (for Joe Stettheimer Development) for a zoning change from T to R-1 Specific Use for reduced setbacks, R-1 Specific Use for garden homes, and R-2 Specific use for reduced setbacks on 132.1 acres of unplatted land out of Block E, Section 10.**

The request will accommodate a Specific Use Permit for reduced setback in the R-1 and R-2 areas of the subdivision and a Garden Home section.

Adjacent land uses:

- North – vacant
- South – residential
- East – city limits, partially developed
- West – commercial zoned, vacant

The request is consistent with the current practice of a twenty-foot front setback on standard homes and duplex structures as well as the proposed garden home area. The proposal also is consistent with zoning policy.

The project will have no more impact on the thoroughfare system than anticipated.

The Planning Commission recommended the request with the following conditions:

1. The front minimum setback in the R-1 designated area shall be twenty feet, except that the setback on a cul-de-sac may be a minimum of five feet with the exception of a front entry garage.
2. The side setback for structures on corner parcels in all portions of the subdivision with a minimum twenty-foot front setback shall be a minimum of five feet, with the provision that no structure will intrude on the twenty-five foot vision triangle at any intersection.
3. For the corner lots, the fence adjacent to side streets shall be set back from the side property line five feet.
4. The front minimum setback in the R-2 designated area shall be twenty feet, except that the setback on a cul-de-sac may be a minimum of five feet with the exception of a front entry garage.

Staff supports the Planning Commission recommendation.

- 5.4. ZONE CASE NO. 1947-F (5816 34th Street) – 2nd Reading: ORDINANCE NO. 2005-O0127—Consider the request of Hugo Reed and Associates, Inc. (for Ana Xiong) for a zoning change from C-3 with conditions to IHC on 4.4 acres of unplatted land out of Block AK, Section 44.**

Adjacent land uses:

- North – multifamily
- East – commercial
- South – commercial, partially vacant
- West – Loop 289

The proposal is consistent with the Comprehensive Plan in that heavier zoning is anticipated along regional roadways, which includes Loop 289.

The request will meet the criteria of the IHC District and is compatible with zoning policy.

The proposed strikes include:

- (1) Lodges, sorority and fraternity houses.
- (2) Coin operated machines as an incidental use (5 or fewer machines).
- (3) Plumbing service, as defined in Section 2.92 [29-3(92)].
- (4) Refrigeration service, as defined in Section 2.95 [29-3(95)].
- (5) Agriculture implement and tractor sales and service (totally within a building).
- (6) Ambulance service.
- (7) Automobile body shops, outside storage limited to customer vehicles only.
- (8) Automobile brake shop.
- (9) Automobile glass shop.
- (10) Automobile seat cover and upholstery shop.
- (11) Automobile transmission shop.
- (12) Automobile and recreational vehicles sales and service (may include body and paint shop, as accessory use).
- (13) Boat and boat trailer sales and service.
- (14) Bus station.
- (15) Candy plant.
- (16) Canvas goods shop, tents and awnings (no manufacturing).
- (17) Dance hall (no mixed alcoholic beverage sales permitted).
- (18) Feed store with no grinding, packaging, or mixing of feed permitted.
- (19) Game room, pool, billiard and/or domino parlor.
- (20) Garage, public, repair. (Outside storage of customer automobiles authorized.) All work and separate parts shall be inside a building
- (21) Lumber yard, with no mill. All materials must be in a building.

- (22) Nightclub, bar or lounge.
- (23) Road machinery sales and service (totally within a building).
- (24) Secondhand or used car sales lot, not including wrecking and repairing, but including minor tuning.
- (25) Trailer and truck sales and service.
- (26) Wholesale house, sales office and storage—No cotton storage.

The project should have little impact on the overall thoroughfare system.

The Planning Commission recommended the request with three conditions:

- 1. That two curb returns be allowed on 34th Street.
- 2. That curb cuts on the proposed Tract A shall be approved by TxDOT.

Since the Planning Commission hearing, the applicant has asked that two more strikes be added to the list above and that City Council consider an amendment to the curb cut condition since the tract is going to be platted as a single tract. Staff will confer with the applicant and propose the two amendments at the hearing. Staff is in support of the project, subject to the changed conditions.

5.5. ZONE CASE NO. 3050 (northeast corner of FM 1585 and Quaker Avenue) – 2nd Reading: ORDINANCE NO. 2005-O0128—Consider the request of Mike Thoma (for Excel Land Development) for a zoning change from T to R-1 Specific Use for reduced setback, GO, R-1 Specific Use for town homes, R-2 Specific Use for reduced setback, and C-3 on 160 acres of unplatted land out of Section 22, Block E-2.

The request in the just annexed area, this parcel is the quarter section north and east of the intersection of FM 1585 and Quaker Avenue.

The dominant land use in all directions is vacant.

The request will meet the policies set out in the yet to be approved Comprehensive Land Use Plan for the two square mile area. One issue being discussed and reviewed as a possible change in land use policy appears to be present on this proposal. The strip parcels along Quaker Avenue are requested as Garden Office, which is a buffer district by definition versus true commercial. The reason staff is making a distinction for this design is that the decision to return to a style of “strip commercial” along thoroughfares with a carefully governed number of curb returns has not been presented to the Planning Commission or City Council as a policy change at this point.

The primary unresolved issue before proposing a Comprehensive Land Use Amendment is the potential for adding too much commercial to the inventory of zoned land in various parts of town, a practice that is not good. The amount of property zoned for various uses should approximate the actual need versus a policy of over-zoning for commercial and being trapped into a situation of

either vacant or substandard development being the result. Although the owners of land would like for all property to be zoned commercial initially, the reality that residential is the greatest consumer of land eventually wins the battle. If land is zoned commercial prematurely, it is very difficult to return it to residential values without an owner losing a large amount of money; having bought at commercial rates and sold at residential rates, or foreclosure of the property because of a loan failure. These types of issues are not entirely a public decision making situation, but the public process of zoning should not intentionally create the situation.

The Planning Department is running land use totals for numerous developed portions of the City to get an “average” of needs per square mile before any change to the current 660-foot by 660-foot policy is proposed for change. But, as noted in several earlier zone cases, the basis for not allowing strip commercial after adoption of the 1975 Comprehensive Land Use Plan was to limit access to the thoroughfares between mile intersections, not to restrain trade or not have strip commercial. A second reason for the 660-foot by 660-foot commercial corners was, and is, to allow development of smaller retail shops in conjunction with a major tenant; but the number of major tenants has not been enough to provide one on each corner. As Lubbock continues to increase in size and move outward, the number of corners becomes geometrically greater in number and major establishments serving as anchors are limited. Reverting to commercial “strip zoning” will not create the concentration of retail that is now advocated, but with strict governance of curb cuts the benefit to the public - being able to negotiate the thoroughfare system with the least competition from side entry - will be the same, and no one will have to live next to a thoroughfare. For years the current style of development has been criticized by some, but all of those lots adjacent to thoroughfares have developed and seem to co-exist quite well. This entire dialog is to say that staff is not ready to make the leap of change for strip commercial at this time, and will advocate making the change very carefully if the acreage numbers prove an additional need.

Also as noted in earlier cases, several locations in the southwest part of town have chosen to down zone to duplex or single family from the original ten acre allotment, while several corners have generated a greater amount of need for commercial acres than ten – all of which points to the need to carefully adapt to conditions established by the Comprehensive Plan as market needs are manifested.

The Planning Commission recommended the request with the following conditions:

1. The commercial parcel shall be limited to two curb returns on Quaker Avenue, and two commercial curb returns on FM 1585 (the FM 1585 portions of the plat are subject to approval for all street and curb returns by TxDOT).

2. The two Garden Office tracts adjacent to Quaker Avenue shall be limited to two curb returns each, and provision of a cross-access easement shall be submitted with the platting of any portion of each tract.
3. The Garden Office tract adjacent to FM 1585 shall be allowed only one curb return if approved by TxDOT.
4. A site plan review of the materials, layout, and design of the commercial tract shall be approved by the Planning Commission prior to a construction permit being issued.

Staff supports the Planning Commission recommendation.

5.6. ZONE CASE NO. 3051 (12402 Slide Road) – 2nd Reading: ORDINANCE NO. 2005-O0129—Consider the request of Ken Flagg (for Richard Webb) for a zoning change from T to IHC Specific Use for an office warehouse development on Tract B, Sandy Mariah Estates Addition.

This parcel is within the recently annexed area. The Planning Department is continuing to work on an overall Comprehensive Plan amendment for the area but Mr. Webb would like to get started on a project that mirrors a project built to the south of the County Road adjacent to Slide Road (approximately 124th Street).

Adjacent land uses:

- North – commercial
- South – commercial
- East – vacant
- West – residential

The request is in concert with the Comprehensive Land Use Plan that is in draft form in the Planning Department, but has yet to be presented and approved by the Planning Commission and City Council.

The project is utilizing a Specific Use Permit to address setback from 124th Street (normally a 43 foot dimension would be required), but in this instance residential exists to the west and the setback will match the residential. In addition, the site plan will establish the number of parking spaces since the exact split between office and storage area for each business space has yet to be determined. The project to the north was constructed in a similar manner and the applicant reports that no parking issues have occurred.

The project should not negatively impact the thoroughfare system. TxDOT will have the final say regarding the number of curb cuts allowed to Slide Road.

The Planning Commission recommended the request as Interstate Commercial with several conditions:

1. Tied to the proposed site plan with the ability for minor adjustments for building locations based on final survey and plat requirements.

2. Tied to the number of parking spaces illustrated on the plan as a minimum.
3. Subject to approval by TxDOT for curb cuts to Slide Road.
4. Tied to the proposed building elevation style presented in the application.

Staff supports the Planning Commission recommendation.

- 5.7. This item was considered following Item 5.20.**
- 5.8. Contract Amendment Resolution – Health Department: Resolution No. 2005-R0504 authorizing the Mayor to execute Amendment No. 1, and any associated documents, to a contract with the Texas Department of State Health Services for vital statistics services.**

This contract is an amendment to the contract between the Lubbock Health Department and the Department of State Health Services, DSHS Document No. 501501501C* OEK-01-A, originally approved by City Council on September 11, 1997. The contract requires the Lubbock Health Department to charge the same base search fee for a birth certificate as the Department of State Health Services. The fee is currently \$9 per record search, which is the state's base search fee. Additional fees may only be charged as authorized by Texas Health and Safety Code 191.

The term of this contract will begin upon its execution by both parties and will continue in force and effect until August 31, 2006.

FISCAL IMPACT

The fee remains the same as in the prior year.

Staff recommended approval of this resolution.

- 5.9. Purchase Resolution – Water Reclamation: Resolution No. 2005-R0505 for automatic wastewater sampling and flow monitoring equipment.**

This item involves the sole source purchase of automatic wastewater samplers and flow monitoring equipment designed to measure the flow in sewer and stormwater lines. This equipment is used to collect wastewater samples required by the City of Lubbock's Texas Commission on Environmental Quality permit, the pretreatment program, the wastewater surcharge program, and to enforce the wastewater ordinance limits. The flow meters are used to collect flow weighted composite samples, measure flow in municipal sewer lines and flow from permitted industrial customers, commercial customers, and stormwater drain lines.

The equipment is used year round at various locations to monitor the municipal sewer system and stormwater drainage system. The additional flow meters are needed to address additional monitoring stations. The current 15-year-old samplers and flow meters are no longer supported by the factory and have numerous equipment failures including sampler-housing sections that are cracking.

Teledyne Isco brand equipment is required to communicate with existing sampling and flow metering Teledyne Isco equipment installed at the Water Reclamation Plant and at permitted industrial sewer customers. This brand of equipment is also required to communicate with existing stormwater flow metering and sampling equipment. C. C. Lynch & Associates is the sole source supplier of Teledyne Isco automatic wastewater sampling and flow monitoring equipment in Lubbock County.

FISCAL IMPACT

A total of \$93,860 was appropriated with \$89,255 available in the Stormwater Fund accounts 6417.9226 - Industrial Waste Monitoring and Pretreatment and 6511.8207.

Staff recommended contract award to C. C. Lynch & Associates, Inc. of Pass Christian, Mississippi for \$76,411.

- 5.10. This item was considered following Item 5.7.**
- 5.11. Purchase Resolution – Police Department: Resolution No. 2005-R0506 for a domestic law enforcement robot.**

This item involves the purchase of a domestic law enforcement robot to be used by the Police Department Bomb Squad and SWAT Team to remotely approach, examine, and mitigate hazardous situations. This purchase will be made through Houston-Galveston Area Council (H-GAC) contract number R006-05. 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. The H-GAC program was established pursuant to the Texas Interlocal Cooperation Act that allows governmental and qualifying non-profit entities to use the Act to obtain commonly needed products and services. H-GAC purchases conform to the requirements of Texas competitive bid statutes. Funding for this item comes through a 2004 State Homeland Security grant.

FISCAL IMPACT

A total of \$204,210 was appropriated with \$131,335 available in account 87024.9220 - State Homeland Security 2004.

Staff recommended contract award to Foster-Miller, Inc. of Waltham, Massachusetts for \$131,201.

- 5.12. Purchase Resolution – Aviation: Resolution No. 2005-R0507 for two snowplows – BID #05-112/BM.**

This bid is for the purchase of two dedicated high-speed 4 x 4 53,000-pound snow plow vehicles with a 24-foot plow, material spreader, and associated equipment designed for airport use. Large snowplow vehicles are used at the airport to clear runways, taxiways, and aprons during winter snow events. Both of the airport's existing snow plow vehicles are in excess of 20 years old and have reached the end of their useful life. Funding for this item comes through Passenger Facility Charges.

The low bid from Masters International Truck, Inc. of Arlington, Texas did not meet design specifications that helps minimize the time required to clear a 150-foot wide by 11,500-foot long runway. Their plow also does not have folding wings and is too wide to fit through the airport's shop doors.

Twenty local companies were notified of this Invitation to Bid. No local companies submitted a bid for this item.

FISCAL IMPACT

A total of \$900,000 was appropriated with \$900,000 available in account 90401.9221.40000 - Acquired Airside Equipment.

Staff recommended contract award to Kodiak Northwest, Inc. of Paul, Idaho for \$561,000.

5.13. Purchase Resolution – Water Treatment: Resolution No. 2005-R0508 for aluminum sulfate polymer blend – BID #05-120/BM.

This bid establishes annual pricing for the purchase of aluminum sulfate polymer blend used as the primary coagulant in the treatment process of drinking water required by the Texas Commission on Environmental Quality. This is a one-year contract with the option to renew annually for up to two additional one-year periods.

Fifteen local companies were notified of this Invitation to Bid. No local companies submitted a bid for this item.

FISCAL IMPACT

A total of \$439,035 was appropriated with \$120,000 available in account 8111 - Water Treatment/Chemical Supplies.

Staff recommended contract award to Chameleon Industries, Inc. of Mesquite, Texas for \$105,948.

5.14. Purchase Resolution – Aviation: Resolution No. 2005-R0509 for granulated urea – BID #05-121/BM.

This bid establishes annual pricing for the purchase of granulated urea used by the Airfield Maintenance Department during winter operations to mitigate the formation of ice on runways, taxiways, and ramps. Purchases will be made as winter conditions warrant. This contract is for two years with an option to renew for one additional one-year period.

Twenty-one local companies were notified of this Invitation to Bid.

FISCAL IMPACT

A total of \$32,690 was appropriated with \$32,690 available in account 4613.8111 - Aviation Operations/Chemical Supplies.

Staff recommended contract award to Kitten Fertilizer & Supply of Slaton, Texas for \$20,580.

5.15. Contract Resolution – Water Treatment: Resolution No. 2005-R0510 to furnish and install turbidimeters at the Water Treatment Plant – BID #05-087/BM.

This bid involves the purchase and installation of turbidimeters to replace obsolete equipment at the Water Treatment Plant. Turbidimeters are necessary to monitor water quality of the potable water system and are an essential tool used to determine chemical dosages and treatment practices in the water production process.

Although the bid closing date was extended twice, only one bid was received for this item.

Three local companies were notified of this Invitation to Bid. No local companies submitted a bid for this item.

FISCAL IMPACT

A total of \$390,000 was appropriated with \$289,452 available in account 91032 - Water Treatment Replacement CIP.

Staff recommended contract award to Prime Controls, LP of Lewisville, Texas for \$102,989.

5.16. Contract Resolution – Aviation: Resolution No. 2005-R0511 for window cleaning services at Lubbock Preston Smith International Airport – BID #05-110/BM.

This bid establishes annual pricing for cleaning first and second floor exterior terminal windows at Lubbock Preston Smith International Airport. The contract term is one year with an option to renew annually for two additional one-year periods.

Twenty-two local companies were notified of this Invitation to Bid. Five local companies submitted bids for this item.

FISCAL IMPACT

A total of \$145,085 was appropriated with \$62,143 available in account 4615.8302 - Professional Services.

Staff recommended contract award to Windows by Chad, LLC of Lubbock, Texas for \$22,789.

5.17. Flexible Benefit Plan Amendment Resolution – Human Resources: Resolution No. 2005-R0512 authorizing the Mayor to execute an amendment to the City of Lubbock Flexible Benefit Plan for changes to the rules of administration of the Flexible Benefit Plan - Flexible Spending Account and Dependent Care Account.

The Internal Revenue Service has changed the regulations governing the rules for reimbursement of Section 125 Cafeteria Plan for Eligible Expenses from our Flexible Spending and Dependent Care Accounts. The new regulation is dated June 6, 2005. The changes allow for two new dates to be used and an

extension of filing time for filing eligible receipts for reimbursement to the Flexible Spending and Dependent Care Accounts.

- 1) An additional 75 days will be allowed into the next calendar year (2006), for eligible expenses for reimbursement of money set aside in 2005 in order for each participant to receive all money deposited through payroll deduction for expenses to the Flexible Spending or Dependent Care Accounts. Eligible expenses can now be dated through March 15, 2006.
- 2) Amend the original plan document to allow for reimbursement of expenses for Flexible Spending and Dependent Care Accounts from 60 days to 90 days for each year. The deadline for filing for reimbursement of 2005 funds is June 15, 2006.

These modifications will allow participants added opportunity to apply for reimbursements.

FISCAL IMPACT

There will be no fiscal impact to the City.

Staff recommended approval of this resolution.

- 5.18. Offer Resolution – Right-of-Way: Resolution No. 2005-R0513 authorizing the Right-of-Way Department to make an offer to the Trustees of the Faith Assembly of God Church, Lubbock, Texas, jointly with the West Texas District Council of the Assemblies of God, for a 3,750 square foot tract of land located in Lot 615, Richland Hills Addition to the City of Lubbock, 5426 50th Street, for the 50th Street Widening Project, Slide Road to Loop 289, and to consider the commencement of eminent domain proceedings in the event such offer is not accepted.**

The City is in the stages of acquiring right-of-way for the 50th Street Widening Project from Slide Road westward to Loop 289. Twenty parcels will be acquired for this project. This resolution authorizes the Right-of-Way Department to make an offer to the Trustees of the Faith Assembly of God Church, Lubbock, Texas, jointly with the West Texas District Council of the Assemblies of God, for one of these parcels. This parcel is located on the north side of 50th Street, just east of Belmont Avenue. At the February 10, 2005 City Council meeting, City Council approved through Resolution #2005-R0046 an offer of \$200,000 to the Church, the amount appraised by Tommy Cantrell, MAI. Since this acquisition appears to be going to condemnation, Mr. Cantrell has updated his appraisal that indicates a new value of \$14,907 for the land and improvements being taken with an additional \$235,093 as damages to the remainder for a total offer to the Church of \$250,000. The damages are due since the new right-of-way line intersects the very south end of the Church building and leaves it with zero setback from 50th Street. The updated total appraised value of the taking is \$250,000, which is the recommended offer to the Trustees of the Faith Assembly of God Church, Lubbock, Texas, jointly with the West Texas District Council of the Assemblies of God. 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 \$250,000 from account 915-9146-9280-40000 - Street Capital Projects.

Staff recommended approval of this resolution.

- 5.19. This item was considered following Item 5.10.**
- 5.20. Contract Amendment Resolution – Environmental Compliance: Resolution No. 2005-R0514 authorizing the Mayor to execute an amendment to the contract between the City and Enprotec, Inc. for environmental engineering services related to assessment of environmental matters.**

For 15 years the state environmental agency, presently the Texas Commission on Environmental Quality (TCEQ), assumed responsibility for management of, and financing for, assessment and remediation activities related to a large plume of groundwater contamination in the vicinity of LP&L Plant 1. The plume includes contaminant contributions from multiple sites including LP&L, the former Fleet Services Garage, and Fire Administration Maintenance. In September, TCEQ formally directed the City to assume that responsibility because the site no longer meets State Lead Program or Brownfields Site Assessment eligibility criteria. Program eligibility was withdrawn because one or more non-petroleum contaminants located in the soil at LP&L (possibly chromium, barium, naphthalene, and/or PCBs) were found to have secondarily leached into the petroleum-contaminated groundwater plume. The City is required to complete assessment of the nature and extent of all contamination and to remove contaminants in both soil and ground water to the degree required by law. Noncompliance can result in significant penalties.

In November 1995, the City entered into an agreement with Enprotec, Inc. for provision of engineering services and remediation of fuel spills related to leaking underground storage tanks at various City facilities. This local firm has successfully brought multiple City leaking underground storage tank sites to the desired closure status with TCEQ, at reasonable cost, and has the additional advantage of having done some of the original assessment on this specific location for the state environmental agency. The requested amendment will allow Enprotec, Inc. to assist the City with assessment activities required by law at this site.

FISCAL IMPACT

The amount of \$50,000 was approved by City Council for this phase of the project.

Staff recommended approval of this resolution.

The additional appropriation for CIP project 90384 - Challenger Little League Sports changes the total appropriation to \$648,000, funded through a \$95,000 grant from Texas Parks and Wildlife, an \$86,000 private donation, \$192,000 from already approved City funds, and \$275,000 from 1999 GO Bonds.

To establish a new CIP project for the replacement and installation of backflow devices on city-owned facilities, an appropriation of \$100,000 for this project is proposed from the Water Fund balance. This project is in response to City Council direction to ensure all facilities are in compliance with the ordinance. Facilities Management is assisting with the inspection of all city-owned facilities.

FISCAL IMPACT

There will be a \$25,000 impact to the General Fund balance and a \$25,000 impact to the Electric Fund balance.

The reallocation of General Obligation Bonds has no impact to the operating budget, and as the bonds have already been issued, no additional debt will be issued for these projects.

There is a \$100,000 impact to the Water Fund balance.

Staff recommended approval of the second reading of this ordinance.

City Manager Lee Ann Dumbauld answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass on second and final reading Ordinance No. 2005-O0131 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.10. Purchase Resolution – Fleet Services: Resolution No. 2005-R0515 for police vehicles.

This item involves the purchase of 79 full size police sedans. The vehicles are fully upfitted and equipped with light bars, siren, speakers, headlight and rear light flashers, bumper grill guard, and shotgun mount and lock. These are pre-wired for the mobile data terminal, radar, radio, and eyewitness camera. Purchasing fully equipped police sedans will shorten the make-ready time and allow units to be placed in active service five to six months earlier than normal.

Twenty-eight local companies were notified of this Invitation to Bid. No local companies submitted a bid for this item due to the upfitting requirements.

FISCAL IMPACT

A total of \$3,960,000 was appropriated with \$3,960,000 available in various fund level accounts. This equipment will be financed using the City's master lease-purchase program.

Staff recommended purchase from Philpott Motors, Ltd. of Nederland, Texas for \$2,124,808.

Purchasing Manger Victor Kilman and Fleet Services Manager Robert Robinson gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0515 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.19. Easement Agreement Resolution – Facilities Management: Resolution No. 2005-R0516 for an easement agreement between the City of Lubbock and American State Bank.

This easement agreement will allow the City to construct a retaining wall and sidewalk along the south wall of the Municipal Building on American State Bank (ASB) property. This installation is required to minimize the infiltration of rainwater into the first floor and basement areas. An easement is required since the City property line is the south wall of the Municipal Building. ASB is granting the property easement, but construction and maintenance costs of the retaining wall and sidewalk are the sole responsibility of the City.

FISCAL IMPACT

ASB agreed to provide the requested easement if the City will construct a foundation for an emergency generator being installed to insure continuous operation of the data processing center, and to correct the deterioration of their driveway. The City agreed to pay ASB \$2,250 for the emergency generator vendor to construct the foundation. In addition the City Street Engineering Department designed and provided construction documents for a solution to the water retention being experienced in the ASB driveway during rainfall periods. A capital project has not been established to construct the retaining wall. A budget amendment will be forthcoming when cost estimates are completed to establish and recommended funding for a retaining wall project.

Based on the need for correcting the water infiltration problems into the Municipal Building, staff recommended approval of the easement agreement.

Assistant City Manager Quincy White gave comments and answered questions from Council. City Manager Lee Ann Dumbauld and Facilities Manager Harlan Stauffer also answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2005-R0516 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.21. Resolution – Finance: Resolution No. 2005-R0517 allocating support of in-kind services for FY 2005-06.

At the August 25, 2005 City Council meeting, the City Council adopted a resolution authorizing approval of the Parks and Recreation Advisory Board's recommendation regarding the FY 2005-06 use of in-kind services by City departments for special event support. This resolution allocated a total of \$63,325 to existing projects.

Chapter 2 of the Code of Ordinances assigns the duties of reviewing requests for in-kind services for special community events. Tracking and monitoring of these types of requests is done through the special events policy. The policy allocates \$200,000 annually for these types of services, which includes Police, Solid Waste, Fire, and other required public services. The remaining \$136,675 is available for other events.

The remaining support will be partially allocated as follows:

1. \$20,000 for the “Miracles on 34th Street” Christmas Parade.
2. \$30,653 to offset the incurred cost related to the Lubbock Music Festival.

The remaining \$86,022 is available to be reallocated in the future.

FISCAL IMPACT

No direct impact to the approved budget. Services are provided for special events by City departments through already appropriated funds.

Staff recommended approval of this resolution.

Motion was made by Council Member Boren, seconded by Council Member Price to pass Resolution No. 2005-R0517 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Council Member Jones recused herself.

6. REGULAR AGENDA

- 6.1. North Overton Public Improvement District Ordinance 2nd Reading – Business Development: ORDINANCE NO. 2005-O0132—Reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Overton Public Improvement District; approving, adopting and filing with the City Secretary the Assessment Roll; closing the hearing and levying assessments based on the Revised Service Plan for the cost of certain services and/or improvements to be provided in the District during.**

Each year the City is required to review classifications for the methods of assessing; approve, adopt and file the assessment roll with the City Secretary; and levy the assessment for the North Overton Public Improvement District (PID). This item is preceded by a public hearing, which allows property owners in the District to speak in favor of, or in opposition to, the assessment rate pursuant to Chapter 372 of the Texas Local Government Code. The proposed assessment rate for 2006 is \$0.15 per \$100 of valuation through year 2010, decreasing to \$0.10 per \$100 of valuation in 2011. All property zoned commercial and high-density residential under the City’s Zoning Ordinance will be assessed for 2006. All single-family and duplex-zoned property will be assessed on a block-by-block basis as public improvements to be maintained by PID funds are completed in that block. Staff is anticipating assessments on single-family and duplex-zoned properties in 2006. City Council is also

required to review the service plan annually. The revised service plan is included in the backup documents.

FISCAL IMPACT

The assessments will go into a separate North Overton Public Improvement District Fund. The funds raised by the assessment will be used to provide security service, landscape maintenance, and street and pedestrian lighting maintenance on projects in the District, as well as cover a portion of the costs of administering the PID. The total assessment that will be collected for 2005 is \$161,228.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2005-O0132 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.2. North Point Public Improvement District Ordinance 2nd Reading – Business Development: ORDINANCE NO. 2005-O0133—Reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Point Public Improvement District; approving, adopting and filing with the City Secretary the Assessment Roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2006.

Each year the City is required to review classifications for the methods of assessing; approve, adopt and file the assessment roll with the City Secretary; and levy the assessment for the North Point Public Improvement District. This item is preceded by a public hearing, which allows property owners in the District to speak in favor of, or in opposition to, the assessment rate pursuant to Chapter 372 of the Texas Local Government Code. The proposed assessment rate for 2006 is \$0.14 per \$100 of valuation through year 2010, decreasing to \$0.04 per \$100 of valuation in 2011. All property will be assessed for 2006.

FISCAL IMPACT

The assessments will go into a separate North Point Public Improvement District Fund. The funds raised by the assessment in the District will be used to provide maintenance on the common areas on North Slide Road and adjacent right-of-way, creating and maintaining a green space located under a utility easement, and enhancing and maintaining amenities in the entry stations on North Slide Road, as well as cover a portion of the costs of administering the PID. The total assessment that will be collected for 2005 is \$14,038.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Council Member Price, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2005-O0133 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal recused himself.

- 6.3. This item was considered following Item 6.6.**
- 6.4. This item was considered following Item 6.3.**
- 6.5. Willow Bend Public Improvement District Resolution and Order – Business Development: Resolution No. 2005-R0518 and order approving the method of assessment classification for the Willow Bend Public Improvement District and calling for a public hearing on December 1, 2005.**

After a public hearing, City Council approved the creation resolution establishing the Willow Bend Public Improvement District during the October 27, 2005 Council meeting. The creation resolution was published in the Avalanche Journal on October 31, 2005, per the requirement of the statute.

The next step in the PID establishment process is to consider a resolution approving the classifications regarding the method of assessment and to call a public hearing to consider an ordinance to levy the assessment. The resolution and classifications for the method of assessment are included in the backup documents. All properties are identified as one classification with the method of assessment being based on assessed values. A proposed list of property owners, addresses, valuations, assessment rates, and assessments will be available for review by the public in the Business Development Office, City Hall, 1625 13th Street, Room 201, by October 31, 2005.

FISCAL IMPACT

Staff time is required to facilitate the PID process. The intent of this PID is to provide additional services to the residents. The additional expense is funded by an assessment on District residents.

Staff recommended approval of the resolution and that a public hearing be called for December 1, 2005 at 10:00 A.M.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2005-R0518 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal recused himself.

- 6.6. Contract Amendment No. 3 Resolution – City Engineer: Resolution No. 2005-R0519 authorizing the Mayor to execute Amendment No. 3 to the contract for engineering services with Hugo Reed and Associates, Inc. on Glenna Goodacre Boulevard and other streets in the Overton Park development.**

Hugo Reed and Associates, Inc. (HRA) was the consultant selected to perform engineering services related to street improvements and certain construction of amenities within the rights-of-way of the Overton Park project.

The original contract with HRA was dated December 8, 2003 and included the design of Glenna Goodacre Boulevard from University Avenue to Avenue U, 6th Street from University Avenue to Avenue X, Avenue X from 6th to 10th Streets, certain right-of-way amenities, schematics, and an overall Overton Park parking study. The original contract was in the amount of \$277,089.

Amendment No. 1 to the engineering services contract, dated August 26, 2004, included the design of 6th Street from Avenue X to Avenue V, Avenue V from Marsha Sharp Freeway to Glenna Goodacre Boulevard, and certain right-of-way amenities. Amendment No. 1 was in the amount of \$165,915.

Amendment No. 2, dated November 4, 2004, included design and construction services for public lighting and University Avenue curb and gutter reconstruction adjacent to the City Bank tract. Amendment No. 2 was in the amount of \$7,500.

Amendment No. 3 will include:

Phase 1 –Wal-Mart Streets

Design of Avenue T from Marsha Sharp Freeway to 7th Street, 7th Street from Avenues T to R, Avenue R from Marsha Sharp Freeway to 7th Street, storm sewer from the intersection of 6th Street and Avenue T to the 120” storm sewer main line in Avenue R, and surveys and preparation of right-of-way parcels for Glenna Goodacre Boulevard from Avenues Q to S, along with the design for the construction of certain amenities within the rights-of-way. In addition, services include construction supervision for amenities being constructed in the original contract and Amendment No. 3.

Phase 2 –Residential Streets

Design of 7th Street from Avenues V to U, 9th Street from Avenues V to R, 10th Street from Avenues V to S, Avenue U from 7th Street to Main Street, Avenue T from 9th to 10th Streets, and reconstruction of certain storm sewers at 9th Street and Avenue R, and at 10th Street and Avenue S, along with the design for the construction of certain amenities within the rights-of-way.

For this added scope of work to be included with Amendment No. 3, the contract amount will be increased by \$406,306, for a new not to exceed contract amount of \$856,810 for the original contract plus the three amendments.

This amendment also includes a new table of hourly compensation rates for the different classification of personnel the consultant will have working on the project. A letter of explanation from HRA, dated October 19, 2005, is included in the backup materials describing inflationary

factors, including labor costs, fuel costs, insurance, and materials, as the reasons it is necessary to increase the hourly rates from the original rates included in the December 2003 original contract.

FISCAL IMPACT

The funding necessary for this amendment, as well as the original contract and previous two amendments, will come from the North Overton Tax Increment Finance Fund.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2005-R0519 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal recused himself.

- 6.3. Voting Precincts Amendment Ordinance 1st Reading – City Secretary: Ordinance No. 2005-00134 amending Chapter 8, Section 8-4 of the Code of Ordinances, with regard to Voting Precincts and Voting Places as a result of annexations; assignment of new voting precincts to City Council Districts to reflect the changes made by said annexations; providing a map of the voting precincts and districts of the City of Lubbock; providing a savings clause; providing that portions of Chapter 8 not amended shall remain the same; providing for publication; and providing an effective date.**

The City has completed five annexations during the past year and such annexations, including the corresponding changes to the voting precincts and voting districts and establishment of polling places have been submitted to and approved by the U.S. Department of Justice. Lubbock County has adjusted its voting precincts to reflect said annexations by the City of Lubbock. The City is required by Section 42.061 of the Texas Election Code to establish changes to voting precincts within the City in response to the changes made by Lubbock County.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-00134 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- 6.4 Budget Amendment #4 Ordinance 1st Reading - Finance: Ordinance No. 2005-O135 amendment #4 amending the FY 2005-06 budget respecting the General Fund.**

Add one full-time position to the City Engineer's Office. The Capital Project Manager will oversee management of capital projects funded by General Obligation Bonds approved by the voters. Funding for this position will come from already appropriated bond funded projects. As the Project Manager works on various projects, the Manager's time will be charged to the appropriate capital project.

FISCAL IMPACT

No additional funds are required. The position will be funded within existing appropriation.

Staff recommended approval of the first reading of this ordinance.

City Manager Lee Ann Dumbauld answered questions from Council.

Council Member Boren asked City Manager Lee Ann Dumbauld to bring back information on current "head count" to make sure everything is under control.

Motion was made by Council Member Jones, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0135 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.7. Master Developer Agreement/Public Improvement District Reimbursement Agreement Resolution – Business Development: Resolution No. 2005-R0520 authorizing the Mayor to execute a Master Developer Agreement and Public Improvement District Reimbursement Agreement with Vintage Land Company, Ltd. and the City to construct certain public amenities for a new mixed-use development, to be known as Vintage Township.

Paul Stell, Vintage Land Company, Ltd. (Developer) intends to construct certain public amenities for a new, mixed-use development located within the corporate limits of the City, to be known as Vintage Township. The amenities will be constructed in accordance with the terms, conditions, and requirements of certain codes, ordinances, and agreements required by the City and that relate to the construction of public and private infrastructure within this development. The Developer owns 100% of the land for this development.

With this agreement, the City agrees to exercise its powers under Chapter 372, Local Government Code (the Improvement Districts in Municipalities and Counties Act, also known as the Public Improvement District Act), and to provide alternative financing arrangements that will enable the Developer to be reimbursed for the costs of the amenities from the proceeds of Bonds. The proceeds of the Bonds will be payable solely and exclusively from the receipts collected from assessments levied against the land inside the boundaries of the Public Improvement District (PID) that is to be acquired and owned by the Developer. The assessments, which will be pledged to the payment of debt service requirements on the Bonds (Bond Security), are in accordance with the procedures and requirements of the PID Act.

In order to permit the Developer to proceed immediately with the commencement of the construction and development of the amenities in accordance with pertinent City ordinances and agreements, and to further evidence the City's intent, subject to the public hearings required by the Act, the City agrees to: (1) create the PID, (2) adopt an assessment ordinance and levy the assessments required by that ordinance, (3) create a Public Facility

Corporation (PFC), and authorize the PFC to issue the Bonds secured by the Bond Security, and (4) to reimburse the Developer for all or a portion of the out-of-pocket costs of the amenities solely and exclusively from the proceeds of the Bonds. Any remaining costs, if any, will be paid from other funds of the Developer.

FISCAL IMPACT

The Developer is responsible for all costs associated with the establishment of this PID.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0520 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.8. Board Members Resolution – City Secretary: Resolution No. 2005-R0521 to cast votes for Board Members to serve as Appraisal District Directors for the Lubbock Central Appraisal District.

Before December 15, 2005 the City of Lubbock, along with other governing bodies, is entitled to cast votes by resolution to elect five directors to the Lubbock Central Appraisal District Board of Directors. The five nominees are: W.B. Criswell, Arlee Jackson, Greg Jones, Scott MacKenzie, and LeRoy Montoya.

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.

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.

Staff recommended Council pass a resolution voting for the nominees to the five positions on the Board of Directors for the Lubbock Central Appraisal District.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0521 by allocating their votes to Greg Jones and Scott MacKenzie to the Lubbock Central Appraisal District Board of Directors. Motion carried: 6 Ayes, 0 Nays.

6.9. Board Appointments – City Secretary: Consider one appointment to Lubbock Economic Development Alliance, one appointment to Market Lubbock, Inc., six appointments to the Entertainment Lubbock Task Force Standing Sub-committee, three appointments to the Museum & Arts Standing Sub-committee, and five appointments to the Reese Redevelopment Authority Board of Directors.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to appoint Van May to the Lubbock Economic Development Alliance Board. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to appoint Van May to Market Lubbock, Inc Board. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member Jones, seconded by Council Member Boren to appoint Jim Bertram, Virgil Johnson, Velma Medina, Dick Milam, Phil Price, and James Douglass to the Entertainment Lubbock Task Force Standing Sub-committee. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member Jones, seconded by Council Member Boren to hold on one appointment, and to appoint Beena Variyam and Sammie Prather to the Museum & Arts Standing Sub-committee. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to hold on the appointments to the Reese Redevelopment Authority Board of Directors. Motion carried: 6 Ayes, 0 Nays.

6.10. Neighborhood Infrastructure Program Resolution – Finance: Resolution No. 2005-R0522 establishing a Low to Moderate Income Neighborhood Infrastructure Program.

The establishment of the Low to Moderate Income Neighborhood Infrastructure Program will provide low to moderate-income neighborhoods with needed infrastructure such as sidewalks, paving in unpaved areas, park improvements, and possible grant match funding as approved by City Council.

This program will be funded through a dedication of revenue from the City’s gas and oil lease. The City is a participant with TexLand and others in the recovery of natural resources in the northeast part of Lubbock. As a participant, the City receives annual revenues from the mining operations. In FY 2004-05 this amount is estimated to be \$397,500. The actual unaudited revenue for FY 2004-05 was \$538,633. The amount received from this program changes with market conditions.

Budget to Actual Comparison for Gas and Oil Leases			
	Actual Revenue	Previous Year Actual	Program Funding
FY 1998	161,424	262,507	-
FY 1999	121,316	161,424	-
FY 2000	206,711	121,316	42,698
FY 2001	207,125	206,711	207
FY 2002	179,025	207,125	-
FY 2003	269,791	179,025	45,383
FY 2004	382,173	269,791	56,191
FY 2005	538,633	382,173	78,230
FY 2006	-	538,633	-

When the actual revenue exceeds the previous year's actual, 50% of the overage between the previous year actual and the current year's actual, would be dedicated for use in this program. At the close of each year the amount of overage will be determined, at which time City Council will appropriate the available funding for a specific project or grant match.

Providing this additional funding will allow for minor neighborhood improvements throughout low and moderate-income areas. It will also provide funding that could be used as a grant match to obtain additional funds that would not have otherwise been received.

FISCAL IMPACT

The additional funding dedicated to this program would otherwise go to the General Fund Balance. The annual amount will vary based on the market price of oil.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member Boren to pass Resolution No. 2005-R0522 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- 6.11. Touring Vehicle Ordinance 1st Reading - Police Department:** Consider an ordinance amending Chapter 27 of the City of Lubbock by promulgating grounds for the issuance, suspension, revocation, or denial of renewal of a permit to operate limousine services and touring vehicles on public streets within the City, modifying Chapter 27 of the Code to include a procedure for appealing all such actions, modifying Chapter 27 to require drivers of touring vehicles to obtain chauffeur's licenses and establishing a penalty.

Consensus from Council was to hold on this item until the November 18, 2005 City Council Meeting.

9:12 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

10:12 A. M. COUNCIL ADJOURNED

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