

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
January 26, 2006
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 26th day of January, 2006, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:34 A.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

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

Absent: No one

1. CITIZEN COMMENTS

There was one citizen who expressed comments to Council. Lamont Meek, one of the owners of the two Holiday Inn's in Lubbock, spoke to Council regarding Item 6.14 on today's agenda. His concern is the City's assistance in the development of a significant hotel and conference center project. He said they learned about the project and the City's involvement, in the newspapers yesterday morning. He stated that there appears to be a potential conflict of interest. He also expressed concern that there was no process that allowed others to participate in a competitive bid situation.

Mayor McDougal was away from the dais.

2. EXECUTIVE SESSION

Mayor Pro Tem Martin 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."

7:40 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, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Cemetery, Water Utilities, Stormwater, Police, and Codes).
- 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 and 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, City Secretary) and take appropriate action.
- 2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Urban Design/Historic Preservation Commission.
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):
 - 2.5.1. to deliberate, vote and take final action on electric rates of Lubbock Power and Light;
 - 2.5.2. 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;
 - 2.5.3. 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.
- 2.6. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.087 to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations (Business Development).

9:37 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 9:37 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Mel Hooten, South Park Baptist 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. Presentation of a proclamation naming Friday, February 3, 2006, as National Wear Red Day to bring awareness to the seriousness of heart disease.

Allison McMillan joined Mayor McDougal as he read a proclamation naming Friday, February 3, 2006 as National Wear Red Day to bring awareness to the seriousness of heart disease in women. Ms. McMillan gave comments

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, December 15, 2005

Motion was made by Council Member Gilbreath, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of December 15, 2005, with an amendment to elaborate on Item 1.5 of Citizen Comments section as recommended by Council Member DeLeon. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1-5.12, 5.14, 5.16-5.17)

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve Items 5.1-5.12, 5.14, 5.16-5.17 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1. School Zones Ordinance 2nd Reading – Traffic Engineering: ORDINANCE NO. 2006-O0001 Amend section 16-175.2 of the Code of Ordinances of the City of Lubbock regarding reduced speed limits for school zones, adding a new school zone on 108th Street, 350 feet either side of Gary Avenue, in front of Cooper North Elementary School.

This ordinance includes adding a new school zone on 108th Street at Gary Avenue for the Cooper North Elementary School. The Citizens Traffic Commission has recommended approval of this school zone upon request by Lubbock Cooper Independent School District.

FISCAL IMPACT

This addition will cost approximately \$500 annually in maintenance with no utility cost anticipated due to the use of solar powered L.E.D. lights. The initial installation cost will be approximately \$15,000 and will be funded by capital project 90378 - Traffic Signals New Locations 2 with \$177,000 available.

The Traffic Engineering Department, Citizens Traffic Commission, and the Legal Department recommended approval.

5.2. ZONE CASE NO. 1643-B (7302 Indiana Avenue) – Ordinance 2nd Reading: ORDINANCE NO. 2006-O0002 Consider the request of Benny Nixon (for 357 Street Properties L.P.) for a zoning change from C-2 to C-3 for a quick oil change facility on Tract P, Melonie Park South Addition.

The request will allow the conversion of a former convenience store location to a quick-change oil facility.

Adjacent land use:

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

The corner at Loop 289 and Indiana Ave would normally be eligible for C-3 zoning. The bay doors are projected to be facing west, which will reduce any impact on the residential to the south. The use will be far less intrusive than the 24-hour convenience store that is being removed.

The property owner to the west supports the request with one condition that is addressed below (repair of the existing fence).

The Planning Commission recommended the request with three conditions:

1. The use of the land shall be limited to one permitted C-3 use (quick tune or quick oil change facility) and all permitted C-2 uses.
2. Replace the wood pickets in the existing fence on the west line.
3. Tied generally to Site Plan 1643-B presented during the meeting. It is an initial plan and the structure may need to move slightly one direction or another.

Staff supports the recommendation with the conditions as proposed by the Commission.

5.3. ZONE CASE NO. 3054 (Indiana Avenue and 122nd Street) – Ordinance 2nd Reading: ORDINANCE NO. 2006-O0003 Consider the request of Nolan Greak for a zoning change from T to IHC on Lots 1-7, 10, 12, the west 225 feet of Lots 8, 9, and 14, the west 35 feet of Lots 11 and 13, and the west 660 feet of Tract A, Huntington Business Park Addition.

The request is property located within the newly annexed area between Indiana Avenue/Slide Road/114th Street/FM 1585. Staff has yet to complete the proposed Comprehensive Land Use Plan amendment for the two square mile area, but during the annexation staff and City Council made a commitment to the developer of this subdivision that a follow-up Interstate Commercial zone case would be supported to compliment the current deed

restrictions and level of commercial development that has occurred in the area.

Adjacent land uses are substantially vacant in all directions with the exception of the rest of this commercial subdivision to the east.

Staff is supportive of the request in that it will be illustrated on the forthcoming Comprehensive Land Use Plan as committed during the annexation. Future development will be consistent with the Interstate Commercial District and the current deed restrictions were modeled from the district when the subdivision was platted in the County.

The Planning Commission recommended approval of the request.

Staff supports the Planning Commission recommendation.

5.4. ZONE CASE NO. 3008-A (5735 19th Street) – Ordinance 2nd Reading: ORDINANCE NO. 2006-O0004 Consider the request of Bradley J. Butcher & Associates (for Mudhen Espresso) for a zoning change from C-3 to C-4 limited to a drive-through restaurant and all unconditionally permitted C-3 uses on a 3,200 square foot portion of Tract U-1-A, Greenlawn Addition.

The applicant is requesting a kiosk style building on the shopping center parcel at 19th Street and Frankford Avenue. Due to the fact that the product is food, coffee or other pick-up drinks, with no inside seating, the zoning ordinance requires that the zoning be C-4 as a drive-through restaurant. Adjacent land uses are commercial in all directions.

The proposal is structured to accommodate only the kiosk from the C-4 District and will allow all the permitted uses currently available in the C-3 zoning if the business is removed or replaced by another tenant. The proposal is consistent with the Comprehensive Land Use Plan in that 19th Street is a regional thoroughfare, and is acceptable particularly since only one use on one small spot is being proposed for zoning as C-4. As noted, if the kiosk ceases to be used for drive through food service, the zoning will remain the current designation of C-3. The proposal should have no effect on parking in the center, particularly since this center is under-utilized. The request meets zoning policy.

The project should have no effect on the thoroughfare plan.

The Planning Commission recommended the request with the following condition:

The single permitted C-4 use is a drive through coffee or other beverage facility. Otherwise the land shall be used for uses permitted within the C-3 District.

Staff supports the recommendation.

5.5. Budget Amendment #8 Ordinance 2nd Reading – Finance: ORDINANCE NO. 2006-O0007 Consider budget ordinance amendment #8 amending the FY 2005-06 budget respecting the Grant Fund and Donations Fund.

1. Accept and appropriate a \$600,000 grant from Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program to assist low-income households with energy bills and to repair and/or replace inefficient heating/cooling systems, water heaters, and refrigerators. No matching funds are required.
2. Accept and appropriate a \$26,350 grant from Texas Department of Housing and Community Affairs for the SPS Weatherization Assistance Program an energy conservation program. The grant will fund programs to assist low-income persons and families with energy conservation and energy efficiency. The grant pays up to \$2,672 per case including program delivery costs. The contract will expire December 31, 2006. No matching funds are required.
3. Accept and appropriate a \$380,000 grant from Texas Department of Housing and Community Affairs for the Community Services Block Grant. The grant will fund programs to assist low-income persons and families with Self-Sufficiency, Information and Referral, and energy assistance support. This is accomplished by funding both sub-recipient programs and City programs that address this issue. The grant pays for both programmatic and administration of the funds. The contract will expire December 31, 2006. No matching funds are required.
4. Accept and appropriate a \$17,000 grant in the Donations Fund from the Ruth Wright Endowment, a component of the Lubbock Area Foundation. This is to fund adoption enhancements, kennel repair, microchip implants and the new feral cat trap, neuter and release program. No matching funds are required.

FISCAL IMPACT

Included in the Item Summary.

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

5.6. Agreement Resolution - Traffic Engineering: Resolution No. 2006-R0025 authorizing the Mayor to execute a systems maintenance agreement, and any associated documents, with Econolite Control Products, Inc. for software support of the base Pyramids system software licensed to the City.

The City purchased the Pyramids system software as part of the signal system improvements needed to operate and control the traffic signal systems. This software is currently owned by Econolite Control Products, Inc. and this agreement is for an annual maintenance contract on the Pyramids software with automatic renewal for four additional years.

FISCAL IMPACT

The initial cost for this agreement is \$20,000 annually plus travel expenses, currently budgeted in Traffic Engineering's approved operating budget. Included in the contract is an annual increase of 4%, subject to future appropriations.

The Traffic Engineering, Legal, and Information Technology Departments recommended approval of this agreement.

- 5.7. Agreement Resolution - Legal: Resolution No. 2006-R0026 ratifying the action of the City Manager of the City of Lubbock in executing, for and on behalf of the City of Lubbock, an agreement for professional services by and between the City of Lubbock and Thompson & Kerby, regarding the EGA, Inc. v. City of Lubbock case and further authorizes additional fees at the stated rate as necessary in pending and further litigation.**

The City requires specialized litigation assistance with regard to litigation by and against the City concerning requests for sexually oriented business permits.

FISCAL IMPACT

Charges as agreed upon.

The City Attorney and the Chief of Police recommended approval of this agreement for professional services.

- 5.8. Primary Streets Maintenance Resolution - Streets: Resolution No. 2006-R0027 accepting primary street maintenance improvements constructed by Lone Star Dirt and Paving, LLP under the 2005 Primary Streets Maintenance Program.**

This item is a routine acceptance of the 2005 Primary Streets Maintenance Program, which consisted of various types of patching, widening, and two-course surface treatment on all streets listed in the acceptance resolution.

FISCAL IMPACT

Final payment due the contractor upon acceptance is \$56,280.39. Adequate funds are available in the City's adopted seal coat program.

The Street Department recommended approval of this resolution.

- 5.9. Secondary Street Maintenance Resolution - Streets: Resolution No. 2006-R0028 accepting secondary street maintenance improvements constructed by Lone Star Dirt & Paving, LLP under the 2005 Secondary Streets Maintenance Program.**

This item is a routine acceptance of the 2005 Secondary Streets Maintenance Program, which consisted of various types of patching, single course seal coat, and two-course surface treatment on all streets listed in the acceptance resolution.

FISCAL IMPACT

Final payment due the contractor upon acceptance is \$36,196.70. Adequate funds are available in the City's adopted seal coat program.

The Street Department recommended the approval of this resolution.

5.10. Contract Amendment Resolution - Planning: Resolution No. 2006-R0029 authorizing the Mayor to execute a contract amendment with Pinnacle Mapping Technologies for extension of completion time.

In early 2005, the City contracted with Pinnacle Mapping Technologies for digital orthophotography and contour mapping. Two subsequent contract amendments extended the area of coverage, requiring additional photo processing, scanning, and other activities. Neither of these contract amendments extended the contract time past the original completion date of February 10, 2006. In December 2005, the contractor discovered some issues with the completed digital ortho projects that required original film to be re-scanned. These technical issues, when resolved, will provide superior images for the City. However, they have pushed the original delivery schedule out to the point that the digital ortho images will be delivered the last week of January and the final delivery of hard copy products (mylars for the map vault) will not be until three to four weeks after the City accepts the ortho images. This contract amendment extends the completion date until June 1, 2006, to allow time for quality review by City staff and subsequent correction of any errors or issues by the contractor.

Staff recommended approval of this resolution.

5.11. Contract Amendment Resolution - Finance: Resolution No. 2006-R0030 to amend the City's Bank Depository Contract with Wells Fargo Bank for municipal banking services to include a Commercial Card Agreement.

The current contract with Wells Fargo Bank, N.A. provides a full complement of banking services in coordination with the City's Cash Management Program. The term of the contract is from November 21, 2005 through November 20, 2008, with the provision for two one-year extensions.

This contract amendment adds Purchasing Card Services to the array of services currently offered by Wells Fargo. The WellsOne Commercial Card issued by Wells Fargo Bank, N.A. is provided as a convenience to City employees who need to make small dollar purchases during the ordinary course of business. The Purchasing Card may be used to incur a business expense that would meet the criteria to be authorized for payment via any other method of payment (i.e. a direct pay request, purchase order or petty cash). The City of Lubbock Purchasing Card is not an employee's personal credit card and is not to be used for personal expenses.

FISCAL IMPACT

Wells Fargo has agreed to waive all set-up fees, program maintenance fees, card issuance fees, transaction fees and card artwork fees as long as an annual

purchase volume of \$2.5 million and an average transaction size of \$150 is met. The annual purchase volume for FY 2004-05 was \$7,725,495 and the average transaction size was \$191.36.

The agreement also incorporates rebates to the City based on usage. If the purchase volumes exceed \$5 million, the city will receive a rebate totaling 0.90%. For example, based on the 2005 volume of \$7.7 million, the City would have received a rebate of approximately \$70,000.

5.12. Contract Resolution - Citibus: Resolution No. 2006-R0031 authorizing the Mayor to execute a contract with The Thomas Agency for marketing services for Citibus, RFP #2006.3 – FY 2006-08 Marketing Services.

This proposal is for Citibus' marketing contract. The contract term is February 1, 2006 through September 30, 2008.

The Request for Proposal (RFP) was advertised in the Avalanche-Journal on October 30 and November 6, 2005. The proposals were due in Citibus' offices on December 8, 2005. The Thomas Agency was the only agency that submitted a proposal. The agency correctly submitted all the required paperwork.

The proposal was reviewed by the Lubbock Public Transit Advisory Board at their December 13, 2005 meeting. The Board voted unanimously to recommend to City Council that the contract be awarded to The Thomas Agency.

FISCAL IMPACT

Citibus budgeted \$34,000 for advertising for the FY 2006 period that is included in this contract (February-September). Funds have not yet been budgeted for the remaining years of the contract. Citibus anticipates annual expenditures in the range of \$50,000.

The cost of the advertising contract is included in the Citibus budget. No additional funding will be needed from the City for the marketing services.

The Lubbock Public Transit Advisory Board recommended contract award to The Thomas Agency with a contract term of February 1, 2006 through September 30, 2008.

5.13. This item was moved from consent agenda and considered following Item 5.17.

5.14. Purchase Resolution - Risk Management: Resolution No. 2006-R0032 ratifying the purchase of property insurance coverage for Montford Dam in the amount of \$50M from ACE Fire Underwriters Insurance Company.

On May 26, 2005 the City's management contract with Brazos River Authority ended. At that time, the City took over all operations of the Montford Dam.

The City's Broker of Record solicited quotations from Lexington Insurance Company, Lloyds Insurance, and ACE for coverage. Lloyds was not interested because of the specialized nature of the insured item. Lexington submitted a quote that was more than double the quotes from ACE Fire Underwriters Insurance. ACE did provide eight alternative quotes that are provided in the back-up.

The total value of the dam with all improvements is \$69,120,000. After consideration of all factors, it was determined that total failure of the dam would not include all improvements, so a \$50 million limit with a \$2 million deductible should be sufficient to protect the City's assets.

In addition, on January, 1, 2006, the definition for terrorism insurance changed to include domestic as well as foreign terrorism. Therefore, it was determined that purchase of terrorism coverage should be included in the policy.

The total premium cost is \$139,350.

FISCAL IMPACT

Cost of the premium will be paid from the Water Reservoir cost center - #6349.

- 5.15. This item was moved from consent agenda and considered following Item 5.13.**
- 5.16. Public Hearing Resolution - Community Development: Resolution No. 2006-R0033 setting a date and time to hold a public hearing for a proposed amendment to Urban Renewal Plan Area 17 to revise the existing Urban Renewal land use from Public to Industrial - on vacant lots situated on Blocks 1, 2, 3, 4, 5, 6, and 7 in the Phyllis Wheatley Addition to the City of Lubbock, Lubbock County, Texas at the corner of 1734 East 34th Street on the west end, the 3400 block of Railroad Avenue, and the 3500 and 3600 blocks of Teak, Ute, and Vanda Avenues to the west side of Walnut Avenue, all between East 35th Street and East 37th Street.**

The Urban Renewal Board of Commissioners voted on December 20, 2005 to revise the Urban Renewal Land Use from Public to Industrial and to approve a bid for the 85 vacant Urban Renewal owned parcels in the Phyllis Wheatley Addition for future development of manufacturing/industrial use for economic development purposes.

In accordance with Urban Renewal Law, a Public Hearing must be held by the City Council with the public hearing being advertised three times, thirty days prior to the public hearing.

FISCAL IMPACT

While the public hearing will not have an impact fiscally, new industrial business developments will promote economic development and positive impact if the amendment to the Urban Renewal Plan is approved. Increased

property tax revenue and the savings realized from not having to mow the lots are additional benefits to the City.

The suggested date and time of the public hearing is March 9, 2006, at 10:15 A.M., with Publication of Notices scheduled for February 12, February 19, and March 5, 2006.

After the public hearing on March 9, 2006, City Council will vote on the proposed Urban Renewal Land Use Plan change.

- 5.17. Public Hearing Resolution - Business Development: Resolution No. 2006-R0034 calling for a public hearing to be held at 10:15 A.M. on February 24, 2006 to consider amending the creation resolution of the Vintage Township Public Improvement District (PID) (2005-R0590) which covers the north one-half of Section 23, Block E-2, City of Lubbock, Lubbock County, Texas, generally bounded by 114th Street on the North, Quaker Avenue on the East, 122nd Street on the South, and Slide Road on the West.**

The City of Lubbock has received a petition from Stellar Land Company, Ltd. and Vintage Land Company, Ltd. requesting that the City of Lubbock amend the creation resolution of the Vintage Township PID. The Council approved the PID Resolution on December 15, 2005. The PID District covers approximately 276 acres. As the owner, Paul Stell submitted a new petition representing amending the original creation resolution. The justification requiring the amendment is the total amount of amenities planned for construction increased from \$6 million to \$9 million. The petition has been examined, verified, and found to meet the requirements of Section 372.005(b) of the Texas Local Government Code and to be sufficient for consideration by the City of Lubbock.

The Public Hearing is to consider the increase in the planned Service Plan and to allow property owners in the PID District to speak in favor of or in opposition to the proposed amendment.

FISCAL IMPACT

As per the Master Development Agreement approved by the Council on November 7, 2005, the developer has agreed to pay all the City's cost and expenses relating to the development and establishment of this PID. In addition, the construction and maintenance expensed that will be identified in the PID Service Plan will be funded through an assessment to the property owners; therefore, not an impact on the City's budget.

- 5.18. This item was moved from consent agenda and considered following Item 5.15.**

- 5.19. Code of Ordinances Ordinance - Finance: Consider a resolution making modifications to the Street Lighting Cost Recovery Program.**

This item was deleted.

5.20. This item was moved from consent agenda and considered following Item 5.18.

5.13. Contract Resolution - Park Development: Resolution No. 2006-R0035 for Fiesta Plaza irrigation and slope improvements, BID #05-138/MA.

This project will provide irrigation for Fiesta Plaza at Buddy Holly Recreational Area and connections to the centralized irrigation control system. Centralized control will allow rapid adjustment due to changes in the weather and will save time by allowing for system adjustment from a central location rather than sending an employee to the park. In addition, the system will automatically halt operation of damaged systems, saving water. The project will also provide slope stabilization for areas where erosion is likely to occur.

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

FISCAL IMPACT

A total of \$4,097,000 was appropriated with \$1,616,038 available in capital projects 90008 and 90015 - Fiesta Plaza at Buddy Holly Recreational Area and Irrigation Automation and Control System.

Staff recommended contract award to Turfmaster Irrigation & Landscaping, Inc. of Wolfforth, Texas for \$607,877.

Randy Truesdell, Director of Community Services, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2006-R0035 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.15. Purchase Resolution - Park & Recreation: Resolution No. 2006-R0036; Resolution No. 2006-R0037; Resolution No. 2006-R0038; Resolution No. 2006-R0039; Resolution No. 2006-R0040; Resolution No. 2006-R0041; Resolution No. 2006-R0042; Resolution No. 2006-R0043; Resolution No. 2006-R0044; Resolution No. 2006-R0045 for pesticides and herbicides, BID #05-134/MA.

This bid is for the purchase of pesticides and herbicides to be applied at various park sites, street medians, and City facilities by the Park Maintenance Department.

Pursuant to Texas Local Government Code 271.905(b), in purchasing real property or personal property that is not affixed to real property, if the City receives one or more bids from a bidder whose principal place of business is in the City of Lubbock and whose bid is within 5% of the lowest bid price received by the City from a bidder who is not a resident of the City of Lubbock, the City may enter into a contract with:

(1) the lowest bidder; or

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

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

The bid from Estes, Inc. of Lubbock, Texas for items #1, 2, 3, 4, 24, 28, 31, and 34 on the bid tabulation is within 5% of the low bid from a non-resident bidder. Pursuant to the abovementioned statute, City Council has the authority to award this bid to the local bidder "if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues to the local government". To facilitate the determination, a completed and signed Affidavit of Eligibility from the local bidder is provided.

FISCAL IMPACT

A total of \$154,440 was appropriated with \$153,544 available in account number 5221.8113 - Park Maintenance Pesticide Supplies.

Staff recommended contract award to Estes, Inc. of Lubbock, Texas for \$115,824.06; UAP Timberland, LLC of Houston, Texas for \$4,950.00; LESCO, Inc. of Cleveland, Ohio for \$1,205.16; Univar of Dallas, Texas for \$84.00; BWI Companies, Inc. of Carrollton, Texas for \$1,324.47; Townsend Chemical Division of Townsend Tree of Selma, Indiana for \$4,016.00; Alenza of Camargo, Illinois for \$2,700.00; Red River Specialties, Inc. of Tyler, Texas for \$2,200; and Ewing Irrigation Products, Inc. of Lubbock, Texas for \$741.60.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass Resolution No. 2006-R0036; Resolution No. 2006-R0037; Resolution No. 2006-R0038; Resolution No. 2006-R0039; Resolution No. 2006-R0040; Resolution No. 2006-R0041; Resolution No. 2006-R0042; Resolution No. 2006-R0043; Resolution No. 2006-R0044; Resolution No. 2006-R0045, as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.18. Authorization Resolution - Civic Center: Resolution No. 2006-R0046 approving recommendations from the Lubbock Arts Alliance, Inc. for the second of two grant periods for Hotel/Motel Occupancy Tax funds collected at the end of FY 2003-04.**

On January 27, 2005, City Council approved \$158,744 for the Lubbock Arts Alliance, Inc. grant award to cultural arts organizations for the

encouragement, promotion, improvement, and application of the arts and the promotion of tourism in the Lubbock community. The Cultural Arts Grants Award Program is funded through 5.71429% of the hotel/motel occupancy tax collected during the fiscal year ended September 30, 2004. The Grants Review Committee followed guidelines that were approved as part of the January 27, 2005 agreement. The Grants Review Committee, composed of City Council appointees and representatives of the Lubbock Arts Alliance, evaluates applications and submits their recommendations to City Council for approval.

City Council is asked to approve \$68,724 in grant awards for the second grant period for FY 2005-06. Fifteen applications were received by the December 1, 2005 deadline and 15 are recommended for full or partial funding. A listing of the recommendations and panel comments from the Lubbock Arts Alliance Grants Review Committee is provided. Approved grants will be issued during FY 2005-06. Page 170

Lubbock Arts Alliance, Inc. recommended approval of the grants award.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Martin to pass Resolution No. 2006-R0046 with the following amendments:

- Fourth on Broadway Celebration to receive \$16,000;
- 28th Annual Lubbock Arts Festival to receive \$13,500;
- Viva Atzlan Festival to received \$7,500; and,
- Summer Theater Workshop for High School Students and Teachers to receive \$1,000

Motion carried: 6 Ayes, 0 Nays.

Council Member Jones recused herself.

5.20. Disbursement Resolution - Business Development: Resolution No. 2006-R0047 approving the method of disbursement of the remaining balance of the Grant Management Agreement between the City of Lubbock and the North & East Lubbock Community Development Corporation for FY 2005-06.

The North & East Lubbock Community Development Corporation (CDC) is developing a residential tract across from Estacado High School called King's Dominion. Last October, construction was suspended due to a proposed new drilling site requested by Texland Petroleum. Due to this potential conflict, some concern was raised about the viability of the project. Therefore, at their October 27, 2005 meeting, the City Council amended the agreement stating that the City of Lubbock will fund the North & East Lubbock CDC the amount of \$62,500 for the first fiscal quarter. The remainder of the grant amount will be released to the Corporation, upon approval of the City Council, in the amounts and increments as deemed appropriate in the sole discretion of the City Council. The North and East Lubbock CDC successfully negotiated a surface agreement with Texland Petroleum and the agreement has

been ratified. The balance of the grant is \$187,500. The payments will be made quarterly in equal amounts on January 2006, April 2006, and July 2006. A copy of the ratified agreement with Texland is included in the backup.

FISCAL IMPACT

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

John Hall, Executive Director of the North and East Lubbock Community Development Corporation, gave comments on progress made and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0047 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6. REGULAR AGENDA

- 6.1. This item was considered following Item 6.14.**
- 6.2. This item was considered following Item 6.1.**
- 6.3. This item was considered following Item 6.2.**
- 6.4. This item was considered following Item 6.3.**
- 6.5. This item was considered following Item 6.4.**
- 6.6. This item was considered following Item 6.5.**
- 6.7. This item was considered following Item 6.6.**
- 6.8. This item was considered following Item 6.15.**
- 6.9. Group/Personal Care Homes Ordinance 2nd Reading - Planning: ORDINANCE NO. 2006-O0006 amending the requirements for group/personal care homes in the single and duplex-zoned areas of Lubbock for construction and life/safety issues for all group/personal homes in Lubbock.**

During the past year, staff has worked with several state and local agencies, as well as reviewing a recently enacted legislative act to incorporate both changes deemed desirable by a number of neighborhood groups, as well as those required by recent legislation and regulation. Linda Chamales has developed a "side by side" comparison, which is part of the back up, of the proposed ordinance versus the current ordinance discussed during a public hearing before the Planning Commission. The Commission recommended against change of some of the proposals as being too prohibitive, and supports several that are mandated by State law or a litigated case. The Legal Department will have to answer the issue created by the Code of Ordinances that requires a measure to be approved by the Planning Commission before it can be considered for change by City Council.

A local representative of a coalition of Personal Care Homes also introduced new terminology that is enforced by the State that is not addressed in the

proposed ordinance. Some of these issues may be discussed and decided in the hearing and subsequent consideration of an ordinance. In addition, the definitions established by the Fire Code, State Codes, and the Building Code differ for different types of establishments and an attempt has been made to reconcile those differences.

The primary local issues that neighborhoods have criticized have been the introduction of a “business” into neighborhoods, parking, and other single-family rules. The problem with most of the complaints at the public hearings before the Zoning Board of Adjustment (ZBA) is that the Federal Legislature, during the construction of the Federal Fair Housing Act, indicated that the ability of a disabled person to live in the least restrictive environment is a right of handicapped Americans in spite of the fact that this might require a business in the neighborhood.

Currently, under state law, a person may establish a personal care home as outlined by the Federal Fair Housing Act and the Americans with Disabilities Act, governed by a barrage of state guidelines, for six or fewer persons, in a single family district. The original Lubbock Ordinance 9489 allowed four or fewer clients to be in a residential neighborhood with no ZBA hearing. Five or more clients required a Zoning Board of Adjustment decision to approve the case and voids the violation of the two or more unrelated persons in one home. That ordinance was litigated in Federal Court, appealed to the Fifth Circuit Court in New Orleans, and the City prevailed. As noted, recent legislation increased the number not requiring a ZBA hearing to six as included in the proposed ordinance. The distance between group homes has been increased to 1000 feet in accordance with recent case law, and a concurrent increase in the notice area is also included.

Staff supports the Planning Commission recommendation to amend the new numbers required by State Law and recent litigation. Other parts are not supported for change by the staff because of the complexity of State law. The Lubbock ordinance should address basics and follow the State of Texas standards.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2006-O0006 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Mayor Pro Tem Martin and Council Member Boren voted Nay.

- 6.10. This item was considered following Item 6.7.**
- 6.11. This item was considered following Item 6.10.**
- 6.12. Budget Amendment #9 1st Reading - Finance: Ordinance No. 2006-O0008 amendment #9 amending the FY 2005-06 budget respecting the General Fund, Parks Capital Projects Fund, Hotel/Motel Tax Fund, and LP&L Fund and receiving budget for Civic Lubbock, Inc.**
 - 1. Reclassify six police officer positions in the Patrol Division to three sergeants and three corporals. Additional command staff will address the

additional supervisory needs related to the increase in patrol officers over the last two years. This is a reclassification of existing positions; no additional positions are added at this time.

2. Amend the adopted FY 2005-06 through FY 2010-11 Capital Improvement Program (CIP) with the following changes:
 - a. Close CIP Project #91166 “New Park – South West Lubbock/Soccer Phase I”, and transfer the \$1,104,270 remaining appropriation to CIP Project #91197 “Girls Fastpitch Softball Complex”;
 - b. Close CIP Project #91164 “Midwest Little League”, and transfer the \$1,626,111 remaining appropriation to CIP Project #91197 “Girls Fastpitch Softball Complex”;
 - c. Amend the Scope of CIP Project #91197 “Girls Fastpitch Softball Complex” to reflect the construction of three girls fastpitch softball quads and one little league baseball quad, with related amenities as funding allows;
 - d. Establish a new CIP Project for the construction of a three field complex for the Southwest Little League and related amenities as funding allows and to appropriate \$2.5 million of FY 2006 Certificates of Obligation for this purpose; and
 - e. Establish a new CIP Project for the construction of a three field complex for the Northwest Little League and related amenities as funding allows and to appropriate \$2.5 million of FY 2006 Certificates of Obligation for this purpose. To included in the scope of the project necessary infrastructure improvements as part of the land acquisition.
3. Transfer \$175,000 to the Hotel/Motel Fund from General Fund balance and to appropriate and designate in the Hotel/Motel Fund \$175,000 for the 2006 Lubbock Music Festival.
4. Receive the FY 2005-06 Civic Lubbock Budget as adopted by the Civic Lubbock Inc. Board of Directors and to adjust General Fund revenue estimates accordingly, and appropriate \$182,605 of General Fund Balance to offset reduced revenue estimates.
5. Revise full-time staffing in the LP&L Fund Budget. Specific information regarding this amendment is competitive information protected under 552.133 of the Texas Government Code.

FISCAL IMPACT

Included in the Item Summary.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2006-O0008 with an amendment to appropriate and designate \$175,000 from the Hotel/Motel Fund Balance for the 2006 Lubbock Music Festival in the Hotel/Motel Fund,

instead of transferring this amount from the General Fund Balance. Motion carried: 7 Ayes, 0 Nays.

At this time, Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to reconsider Item 6.9 to allow the Chair of the Zoning Board of Adjustments to speak to Council. Motion failed: 3 Ayes, 4 Nays. Council Members DeLeon, Gilbreath, Jones, and Price voted Nay.

6.13. Regulatory Decision Resolution: Resolution No. 2006-R0048 granting or denying extension of the deadline for filing the documents and records by Atmos Energy outlined in Resolution No. 2006-RO024.

On January 12, 2006 the City Council passed Resolution No. 2006-O024 requiring Atmos Energy to provide to the City of Lubbock certain documents and records relating to the rates, operations and services of the West Texas Division of Atmos Energy within thirty days of the passage of the resolution. Atmos Energy has requested in writing that the deadline for filing the documents and records be extended from February 11, 2006 to February 18, 2006. After considering the request to extend the deadline, the City Council will find sufficient and just cause to either grant or deny the request and further authorizes the Mayor to take such further action as necessary consistent with this resolution.

Matt Wade, Assistant City Attorney, informed Council that the resolution passed at the prior Council meeting includes language to cover the information they are requesting.

Quincy White, Assistant City Manager, gave comments and answered questions from Council. He stated that staff is considering getting all the agencies, that assist low-income families with utilities, together for a press conference so that the citizens in our community will know what resources are available.

Mayor Pro Tem Martin suggested setting aside a “windfall” Franchise from the natural gas payments this year above what we budgeted, and make some additional funding available through our contract with Catholic Family Services, so that when the other entities have the community-wide awareness program on low-income energy assistance, we can put more money into that. Martin also suggested challenging Atmos Energy to contribute some of their corporate monies to match the contribution of the City.

City Manager Dumbauld gave comments and answered questions from Council.

Mayor McDougal asked Council Members DeLeon and Price to work with the City Manager on the additional funding. He then asked the City Manager and Assistant City Manager to find out what assistance is still available, since funding may be exhausted. If that is the case, as quickly as we can move forward, he asked that posting for an Emergency City Council Meeting be done to pass a resolution to designate funds.

Motion was made by Council Member Boren, seconded by Mayor Pro Tem Martin to pass Resolution No. 2006-R0048 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.14. Master Development Agreement Resolution - Business Development: Resolution No. 2006-R0049 authorizing and directing the Mayor Pro Tem to execute for and on behalf of the City of Lubbock a Preliminary Master Development Agreement between the City of Lubbock and Garfield Traub Development, LLC regarding the design and construction of a full service hotel and conference/civic center to be located in Overton Park.

Garfield Traub Development (GTD) desires to design and construct an upscale full service hotel and conference/civic center on tract #7 in Overton Park. Tract #7 is shown on the Overton Park map provided in the back up. The City has expressed a desire to participate in the financing of the conference/civic center.

Staff and GTD have agreed to the terms outlined in the Preliminary Master Development Agreement. Staff believes that this project will further the growth of the City, facilitate the redevelopment of the TIF District, increase the tax base, foster increased economic activity and employment opportunities within the City, and otherwise be in the best interests of the City by providing additional facilities for the promotion of tourism and conventions.

The next step will be to negotiate the Master Development Agreement, which will describe the scope of this project in more detail.

FISCAL IMPACT

The financial details will be finalized in the Master Development Agreement.

Staff recommended the approval of this resolution.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2006-R0049 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.15. This item was considered following Item 6.11.

6.1. Public Hearing - 10:00 AM - Zoning: Ordinance No. 2006-O0009 ZONE CASE NO. 3055 (7th Street and Avenue R): Hold a public hearing to consider request of Hugo Reed and Associates, Inc. (for McCanton Wood, Ltd.) for a zoning change from R-2, R-3 to C-3 Specific Use for a retail center on Lots 1-10, Block 112.

Mayor Pro Tem Martin opened the public hearing at 10:24 a. m. No one appeared on behalf of McCanton Woods. No one appeared in opposition. Mayor Pro Tem Martin closed the hearing at 10:25 a. m.

The application is for a block that faces due south of the new Wal-Mart location at Marsha Sharp Freeway between Ave T and Ave R. At the beginning of the meeting the applicant requested a reduction of the zoning

from the original C-3 Specific Use to C-2 Specific Use since C-2 permitted uses will accommodate their needs.

Adjacent land uses:

N – commercial

S – residential

E – commercial

W – residential, although the expectation is that the lots facing 7th Street will be requested for a zone change to a light retail or a heavier residential as the impact of the new Wal-Mart matures.

The request is not entirely consistent with the objectives of the amended Comprehensive Land Use Plan for the Overton Redevelopment Project, although staff originally understood that the east end was going to be in a state of fluctuation, and Wal-Mart confirmed that. The motion includes a recommendation for a minor amendment to the Comprehensive Land Use Plan. Staff expectations are that the development of the property will maintain the “vision” of Overton Centre being a special place within the community.

At this point, the developer proposes to isolate the business locations with a masonry fence to the south (Glenna Goodacre) and on south portions of Ave R and Ave T. The size of the block does create some design challenges with the “new urbanism” concept envisioned of Overton North. The proposal is that the project will be walled off from Goodacre and only impact of the commercial to the north, which is the unfenced side of Wal-Mart. The eventual developers agreement will accent landscape and hardscape on the Goodacre, Ave R and Ave T sides to tie back into the larger scheme.

As all of the projects focused on the redevelopment of this half square mile, staff expect major traffic generation, but this project will not add any confusion or dangers not anticipated. Respecting the vision triangles will be addressed in the proposed conditions if the request is approved.

The applicant has requested the application be reduced to C-2 with a Specific Use Permit. The Specific Use permit will accommodate the reduction in setback and a moderate reduction in the required parking for the square footage proposed. With the volume of parking directly to the north on the Wal-Mart tract, this concession should be no issue. Another aspect of Specific Use is a proposed elevation, the applicant has not prepared those yet, and the solution will be proposed in the conditions.

The Planning Commission recommended the request with the following conditions:

1. The request is approved as C-2 Specific Use,
2. Tied to site plan #3055 inclusive of:
3. Minimum building setback shall be five feet along Glenna Goodacre Blvd, Ave R and Ave S.

4. No curb cuts will be allowed on Glenna Goodacre Blvd.
5. Minimum six foot screening wall shall be installed inside the property line on Avenue R from south side of drive entrance south to Glenna Goodacre, respecting the vision triangle at GGB, all along Glenna Goodacre Blvd., and inside the property line on Ave S from Glenna Goodacre Blvd. to the south side of the drive entrance. Wall shall be constructed of masonry and/or stucco similar to building facades. No wood fences shall be permitted. If CMU is utilized, the exterior side shall be split face or as approved by P and Z. Again, no improvements more than two feet tall may encroach on the standard visibility triangles.
6. Building elevations and screening wall elevations and location shall be approved by P and Z prior to obtaining a building permit. In lieu, building elevations and screen fences may be approved by City Council as part of this zone case should they be prepared by that hearing date.

Randy Henson, Senior Planner, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Boren to pass on first reading Ordinance No. 2006-O0009 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.2. Public Hearing - 10:00 AM - Zoning: Ordinance No. 2006-O0010 ZONE CASE NO. 1981-A (E. 34th Street and Southeast Drive): Hold a public hearing to consider request of Lubbock Economic Development Alliance for a zoning change from C-4, R-1 and, R-2 to M-2 on Blocks 1-13, Lots 1-4, Block 14, and all street, alley and railroad rights-of-way Phyllis Wheatley Addition.

Mayor McDougal opened the public hearing at 10:30 a. m. No one appeared on behalf of Phyllis Wheatley Addition. No one appeared in opposition. Mayor McDougal closed the hearing at 10:30 a. m.

The applicant is requesting both a change from the existing R-2 zoning for the area to M-2 and a minor change to the Comprehensive Land Use Plan.

Adjacent land uses:

- N – Lubbock Cemetery
- S – Industrial
- E – Lubbock Sewage Treatment Center
- W – Rail line and the Old Slaton Highway

As noted, the proposal represents a minor change to the Comprehensive Land Use Plan. The Urban Renewal Board has already voted to amend their plan for the land to be designated “industrial”. Their decision has no bearing on the responsibility of the Planning Commission, but a little background includes the fact that, in the early 1970’s when Urban Renewal was operating extensively within this area, the parcel was envisioned as a quiet

neighborhood across the tracks from the City Cemetery. The vision did not materialize, and no structures were ever built. The probable reasons included an active rail line on the north (that has been deactivated but still serves as a spur), and an active grain storage business to the south, along with another rail spur, as well as the City sewage treatment facility on the north end of the parcel. Access to the site is also difficult with the main lines of the Santa Fe rail line to the west still in place.

Several residents of Manhattan Heights were in attendance and inquired what was proposed. They were informed that no immediate uses were under contract and seemed to be in agreement with the proposal. The Urban Renewal Board agreement to sell the land is requiring a buffer for the lots on Teak, which is the only adjacent residential.

The Lubbock Economic Development Alliance (LEDA - formerly Market Lubbock) is in the process of acquiring all of the lots not already owned by the City, and has plans to market the property for industrial activity. No contracts are in place at this time, there is hope that the silos and the former feed business can be incorporated into the overall development picture.

The project will have no impact on the thoroughfare system. Current access is from 50th Street via Guava, or LEDA may be able to negotiate a crossing to the Old Slaton Road with the rail line.

With the cemetery to the north to buffer the residential further north, and industrial to the south, the change would seem to be a better fit for the property and certainly an asset to the City Of Lubbock if LEDA is successful in the redevelopment process. As noted, if the proposal is approved, the motion needs to include the fact that the zone change is preceded by a minor change to the Comprehensive Land Use Plan.

The Planning Commission recommended approval of the request subject to the following condition:

1. Development south of Teak shall buffer (screening fence or landscaping) the north line of lots.

Motion was made by Council Member Boren, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0010 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.3. Public Hearing - 10:00 AM - Zoning: Ordinance No. 2006-O0011 ZONE CASE NO. 3056 (3408 and 3410 22nd Street): Hold a public hearing to consider request of James H. Dirks (for Field Manning Stone Hawthorne & Aycock, P.C.) for a zoning change from R-1 to GO Specific Use for reduced parking and no screening fence on Lots 16 and 17, Block 1, Squyres Addition.

Mayor McDougal opened the public hearing at 10:30 a. m. No one appeared on behalf of Field Manning Stone Hawthorne & Aycock, P.C. No one appeared in opposition. Mayor McDougal closed the hearing at 10:30 a. m.

The request is for rezoning from the existing single family to AM (Apartment Medical).

Adjacent land uses:

- N – residential
- S – AM Specific Use
- E – Garden Office
- W – one R-1 lot and the balance of the block is AM

The proposal is consistent with the Comprehensive Land Use Plan, except that the Garden Office District is requested versus the AM District. The parcel is in the AM Policy area. Garden Office is requested to allow a starting parking ratio of 1/200 (versus 1/150 in AM) with a Specific Use Permit to accommodate a lack of five overall parking spaces. The rationale for the reduction in parking is that a basement of 1,073 square feet is proposed that will not generate the need for as much parking, and at 1/200 the basement would require five spaces. The applicant has provided a site plan and is asking to be tied to that plan. The plan also indicates no screening of the north property line since parking is proposed from the alley. In this case, the lots to the south will eventually be zoned AM or GO and no screening would be required.

The Planning Commission recommended the request with the following condition:

1. Tied to Site Plan #3056 including the proposed parking and no screening fence to the north and west.

Motion was made by Council Member Boren, seconded by Council Member Price to pass on first reading Ordinance No. 2006-00011 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Public Hearing - 10:00 AM - Zoning: Ordinance No. 2006-00012 ZONE CASE NO. 1183-A (1201 E. Loop 289): Hold a public hearing to consider request of Joni Yardley (for RP's Towing Service) for zoning change from M-2 to M-2 Specific Use for automobile towing yard on a 12.92 acre tract out of Section 5, Block O.

Mayor McDougal opened the public hearing at 10:30 a. m. No one appeared on behalf of RP's Towing Service. No one appeared in opposition. Mayor McDougal closed the hearing at 10:30 a. m.

The applicant is requesting zoning to relocate RP's towing service from their current location east of I-27 and north of Municipal Hill. By having wrecked vehicles on the parcel, by definition the applicant is required to obtain a Specific Use Permit in the M-2 District on a five acre or larger parcel.

The property is already zoned M-2.

Adjacent land uses:

- N – vacant, zoned M-2

- S – industrial
- E – out side of the city limits
- W – Loop 289

Towing services always face opposition when requesting zoning because of the very nature of the business. In this instance, the current lot north of Municipal Hill, RP's is non-conforming for towing and salvage. They have out grown the lot and need more room. At this new site, the applicant is requesting to be tied to a towing service only with no salvage. The towed vehicles will be maintained on the lot until they can be legally disposed to a salvage (crushing or wrecking) facility. In addition, the applicant is proposing a nice building on the Loop with an eight-foot metal fence on the perimeter, with access from only East 16th. This condition will eliminate an open gate facing the Loop.

One adjacent landowner, Wayne Holland, objected to the visual issues presented by the use. As noted, while vehicle storage always generates concern, this area of Lubbock is not a hot spot for growth and the applicant is offering (please see conditions) to make the operation the least obtrusive as possible. The Codes Department has expressed support for the new location because of the ease of access and the "cleaned up" operation. RP's has the City contract for towing vehicles for Codes.

The Planning Commission discussed the Loop location with some concern, but agreed with the asset of growth in the area and recommended the case with the proposed conditions as follows:

1. Only towed vehicles will be allowed within the storage area. No salvage will occur on the parcel. Crushed vehicles shall immediately be removed. Vehicles may be stored until the owner is legally eligible to sell the carcass as scrap, which will be removed from the parcel as soon as practical. No build up of useless or abandoned vehicles shall occur.
2. An eight-foot metal perimeter fence shall surround the storage lot.
3. Access to the storage yard shall be only from East 16th, with no gates or openings of the fence on the west line (the Loop frontage).
4. That the fence be allowed on the property line on East 16th and that the building have a minimum of twenty-five feet of setback from Loop 289 and East 16th (per existing Code).
5. The applicant shall have a landscape plan approved on "other business: by the Planning Commission for the Loop frontage portion of the project prior to a construction permit. The plan should include the front and "wrapping" the landscape around the northwest and southwest corners of the parcel to help buffer the view from the Loop.

Motion was made by Council Member Boren, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0012 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.5. Public Hearing - 10:00 AM - Zoning: Ordinance No. 2006-00013 ZONE CASE NO. 1794-I (96th St. and Joliet Avenue): Hold a public hearing to consider request of Hugo Reed and Associates, Inc. (for Dan Wilson Homes) for a zoning change from A-2 to R-1 Specific Use for Garden Homes on a portion of Tract F (proposed Lots F-2 through F-10), Raintree Addition.

Mayor McDougal opened the public hearing at 10:30 a. m. No one appeared on behalf of Dan Wilson Homes. No one appeared in opposition. Mayor McDougal closed the hearing at 10:30 a. m.

The applicant is proposing a portion of a city block now zoned for church use be rezoned to allow a small Garden Home community with a circle street. The proposed island in the street and special garbage handling is subject to City Council approval. An infill project very similar to this proposal exists to the south.

Adjacent land uses:

- N – residential
- S – residential
- E – church
- W – residential

The proposal meets both the objectives of the Lubbock Comprehensive Land Use Plan and zoning policy. The number of units proposed should create no impact on the thoroughfare system. Several neighbors were at the meeting and seemed to have no concern for the project. No citizen spoke.

The Planning Commission recommended approval of the request with the following conditions:

1. Provide a suitable step down in any fencing on proposed Lots F-9 and F-2 shall occur as the fence approached Joliet.
2. Setback may be five feet on lots adjacent to 96th or Joliet.
3. Lots F-9 and F-10 and shall be maintained as open space by a neighborhood association. No structures other than play equipment, a gazebo and hardscape (benches etc.) or parking shall be constructed on the two lots.
4. Minimum front setback for lots F-2 through F-8 shall be five feet with the exception of a front drive entry garage, shall be set back to a minimum of twenty-feet.
5. No screening fence shall be required on the east side of the east alley.

Motion was made by Council Member Boren, seconded by Council Member Price to pass on first reading Ordinance No. 2006-00013 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.6. Public Hearing - 10:00 AM - Zoning: Ordinance No. 2006-00014 ZONE CASE NO. 3057 (98th Street and Gary Avenue): Hold a public hearing to consider request of Hugo Reed and Associates, Inc. (for Terry Key, et al.) for a zoning change from R-1 to GO on 6.4 acres of unplatted land out of Section 19, Block E-2.

Mayor McDougal opened the public hearing at 10:30 a. m. No one appeared on behalf of Terry Key, et al. No one appeared in opposition. Mayor McDougal closed the hearing at 10:30 a. m.

This parcel is the remaining area east of the lake that is east of Kohls and the All Saints School. The land uses and relationships in this area have been made more awkward than unusual by the realignment of both 98th Street and Quaker Avenue.

Adjacent land uses:

- N – residential and vacant commercial
- S – residential
- E – church tract
- W – commercial

The proposal meets the Comprehensive Land Use Plan objective of buffering residential from commercial.

The staff supported the request.

Motion was made by Council Member Boren, seconded by Council Member Price to pass on first reading Ordinance No. 2006-00014 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.7. Public Hearing - 10:15 AM - Business Development: Hold a public hearing to receive public comment concerning the adoption of an ordinance to nominate the area of the former Reese Air Force Base as a state designated Defense Economic Readjustment Zone and Reinvestment Zone.

Mayor McDougal opened the public hearing at 10:35 a. m. No one appeared on behalf of the adoption of this ordinance. No one appeared in opposition. Mayor McDougal closed the hearing at 10:35 a. m.

The City and Lubbock County nominated the former Reese Air Force Base for designation as a Defense Economic Readjustment Zone (DERZ) in 1998. The base was designated on August 31, 1998. The zone recently expired on September 30, 2005.

The purpose of the Texas Defense Economic Readjustment Zone Program is to encourage job creation and capital investment in communities adversely impacted by decreased defense spending. The program was created by the 75th Legislature to identify areas that were adversely affected by defense downsizing and to provide regulatory and tax incentives to encourage businesses to locate or expand in those areas.

The City received a request from Dale Gannaway at Lubbock Economic Development Alliance and Eric Williams of Lubbock Reese Redevelopment Authority to nominate Reese for designation again so that it would allow companies that locate at Reese Technology Center access to CAPCO funding. CAPCOs, state-regulated, privately owned and operated venture capital entities that invest funds in small and emerging businesses located in Texas must invest 30% of the capital it invests in the first five years in “strategic investment businesses”. A strategic investment business is classified as any company that meets the characteristics of a “qualified investment” and is located in a strategic investment area. The 2004 Strategic Investment Area Map listed Reese Technology Center as a “strategic investment area” (SIA) due to the fact that it was located within the boundaries of a defense economic readjustment zone. However, the 2005 map does not list Reese as an SIA because it is no longer a defense economic readjustment zone.

Staff is again planning on filing a joint application from the City and Lubbock County to the state requesting designation of Reese as a DERZ. This public hearing is the first step in the process. The County public hearing will be held by Lubbock County Commissioners on February 13, 2006 at 10:15 a.m.

Staff recommended that the City Council hold a public hearing at 10:15 A.M. on January 26, 2006.

Cheryl Brock, Business Research Specialist, gave a presentation

6.10. Area Nominating Ordinance 1st Reading - Business Development: Ordinance No. 2006-O0015 nominating an area as a Defense Economic Readjustment Zone pursuant to the Texas Defense Economic Readjustment Zone Act, Texas Government Code, Chapter 2310, designating an authorized representative to act in all matters pertaining to the nomination and designation of the area described as a Defense Economic Readjustment Zone and Reinvestment Zone, and further designating a liaison to act on all matters pertaining to the Defense Economic Readjustment Zone once designated by the Texas Economic Development Bank.

This ordinance formally nominates the area of the former Reese Air Force Base as a Defense Economic Readjustment Zone (DERZ). The ordinance also lists the local incentives that could be available in the DERZ if it's designated. Since Reese is outside the city limits, City tax incentives are not applicable. The local incentives in the attachment to the ordinance that could be made available are the same as in the previous ordinance - county tax abatement, city and county platting fee rebates, and fair market rental value. The ordinance also designates the Mayor as the authorized representative to act in all matters pertaining to the DERZ and designates the Executive Director of Reese Technology Center as the City's liaison to the state.

Designation of Reese Technology Center as a Defense Economic Readjustment Zone (DERZ) will allow the companies that locate there better access to CAPCO funding as well as any local incentives that will be

available. Lubbock Economic Development Alliance and the Lubbock Reese Redevelopment Authority support this nomination.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member Boren, seconded by Council Member Jones to pass on first reading Ordinance No. 2006-O0015 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.11. Interlocal Agreement Resolution - Business Development: Resolution No. 2006-R0050 authorizing the Mayor to execute an interlocal agreement and all related documents, with Lubbock County, Texas, regarding joint administration of the Reese Technology Center Defense Economic Readjustment Zone.

In order to submit a joint City and County application to the state for a Defense Economic Readjustment Zone at Reese Technology Center, the law requires the taxing jurisdictions approve an interlocal agreement for joint administration of the zone.

This interlocal agreement allows the City and County to jointly administer the Reese Technology Center Defense Economic Readjustment Zone if it is designated by the state.

Staff recommended approval of this resolution.

Motion was made by Council Member Boren, seconded by Council Member Jones to pass Resolution No. 2006-R0050 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.15. Board Appointments – City Secretary: Consider one appointment to the Appointments Advisory Board, nine appointments to the Community Development & Services Board, two appointments to the Cultural Arts Grants Review Standing Sub-Committee, one appointment to the Park & Recreation Board, and five appointments to the Urban Design/Historic Preservation Commission.

Motion was made by Council Member DeLeon, seconded by Council Member Price to reappoint Carla Moran to the Appointments Advisory Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint Veronica Lujan, Joe Phea, Debra Edwards, Jim Gerlt, Ruben Albares, Mujahid Akram, and reappoint Peter Laverty, Ronnie McClendon, and Angela Taylor to the Community Development & Services Board. Motion carried: 7 Ayes, 0 Nays.

Consensus from Council was to hold on the appointments to the Cultural Arts Grants Review Standing Sub-Committee.

Motion was made by Council Member DeLeon, seconded by Council Member Price to reappoint Bruce Bunn to the Park & Recreation Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Price to reappoint Sankar Chatterjee, Jason Hodges, Chris Ritter, Charles Hardy, and Kenneth Pierce to the Urban Design/Historic Preservation Commission. Motion carried: 7 Ayes, 0 Nays.

6.8. ZONE CASE NO. 2939-C (17th Street and Inler Avenue) – Ordinance 2nd Reading: ORDINANCE NO. 2006-O0005—Consider request of Hugo Reed and Associates, Inc. (for Cactus Pointe, Ltd.) for a zoning change from R-1 Specific Use to R-1 Specific Use for 15 foot front setbacks, 5 foot front setbacks for cul-de-sac lots, 5 foot side setbacks on corner lots, 5 foot side setback for fences on corner lots, and 20 foot setback for garages.

The request follows the recent trend to reduce front setback in residential subdivisions. Traditional setback has been 25 feet; the latest request in residential has been 20 feet. The request in this case is for 15 feet for the non-garage portion of the homes. Fifteen feet is standard in town home and garden home developments, so there is a precedent and there should be no effect on public safety and welfare. The front yards will simply be smaller. If the setback creates a sales issue, that is not a public issue but a developer issue.

Adjacent land uses and zoning in all directions is single family with the exception of some inherited non-conforming commercial east of Inler Avenue.

The request is limited to the row of short cul-de-sac lots adjacent to Inler Avenue where the State of Texas, through the Texas Department of Transportation, has restricted the number of streets intersecting with FM 179 (Inler Avenue). The length of the blocks with the reduced setback will only be 344 feet.

The project, as residential, does not rise to the level of a Comprehensive Land Use Plan issue, and is consistent with zoning policy as long as any garage or front yard parking has a 20-foot setback.

The Planning Commission recommended the request with one condition regarding setback:

The minimum front setback for non cul-de-sac lots shall be 15 feet, with the exception that any parking pad or garage entering from the street shall be 20 feet. The minimum side setback for corner lots and front setback for cul-de-sac lots shall be five feet (subject to the same 20-foot rule for garage and parking pads).

Staff supported the Planning Commission recommendation.

Motion was made by Council Member DeLeon, seconded by Council Member Boren to pass on second and final reading Ordinance No. 2006-O0005 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

10:38 A. M. CITY COUNCIL RECESSED

1:03 A. M. CITY COUNCIL RECONVENED

7. WORK SESSION

7.1. Presentation - Youth Corp: Presentation by the Youth Corp asking the City and other businesses to hire youth for after school and summer time jobs.

Benji Sneed, representative of the Board of Youth Corp, gave comments on the origin and mission of Youth Corp. Those present in Committee Room 103 watched a video presentation. Sneed then introduced Janet Jackson, Executive Director, who spoke more about the Youth Corp and how it is a long-term, citywide mentoring program. She stated that it is a challenge to find employment for the youth. She asked the City and other businesses to hire youth for after school and summer time jobs.

Assistant City Manager Quincy White gave comments and answered questions from Council.

7.2. Presentation - Building Inspection: Review Commercial Construction Permit Fees

Steve O'Neal, Building Official, gave a presentation on ways and reasons for adjusting commercial construction permit fees. He stated that by increasing the fees, this would put the City of Lubbock in line with the region, since Lubbock's fees are lower than other cities. These adjustments will help improve customer service and also help cover the cost of Building Inspection and the Fire Marshall's office. Consensus from Council was for O'Neal to meet with the commercial contractors and the associated general contractors about the proposal and get feedback before implementing the fee adjustments. O'Neal stated that he would get this information to Council by the end of February or early March.

City Manager Dumbauld stated that, since a budget amendment would not be submitted until approval of the fee adjustments, she would like Council's permission to go ahead and advertise these positions. Candidates would be informed that employment would be dependent upon the approval of fee adjustments. Consensus from Council was to go ahead and advertise.

At this time, Assistant City Manager Quincy White asked Council if the Special Meeting that the Mayor requested (to discuss funding for energy assistance) could be held on Tuesday, January 31, 2006. Consensus from Council was to hold the meeting at 8:30 a.m.

1:40 P. M. COUNCIL ADJOURNED

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