

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
February 9, 2006
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 9th day of February, 2006, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

Present: Mayor Marc McDougal, Mayor Pro Tem Tom Martin, Council Member Gary O. Boren, Council Member 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. Bill Curnow spoke to Council regarding the Lubbock Cotton Kings Hockey team. He asked that the Council continue to consider the many tangible and intangible contributions the Lubbock Cotton Kings have made to the giant side of Texas.

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."

7:34 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 (Water Utilities, Electric 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 (Civic Centers).**

- 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 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).**

**9:31 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 9:31 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Timothy Radkey, Hope Lutheran 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. Board Recognition - City Secretary.

Housing Authority:

Charles Anderson

Community Development and Services Board:

Ruben Albares
Joe Phea
Debra Edwards
Dr. Mujahid Akram
Veronica Lujan
Jim Gerlt

- 3.4. This item was considered following Item 3.5.**
3.5. Presentation of a Proclamation naming 2006 as Colon Cancer Prevention Year in Lubbock.

Mayor McDougal presented a proclamation that named the year 2006 as Colon Cancer Prevention Year in Lubbock. Dr. Davor Vugrin, members of the Colon Cancer Prevention Task Force, and colon cancer survivors were present to accept the presentation. Dr. Vugrin and one of the survivors gave comments.

- 3.4. Proclamation by the Mayor to declare the week of February 12 through February 18, 2006 as League of United Latin American Citizens (LULAC) Week.**

Mayor McDougal read a proclamation that declared the week of February 12 through February 18, 2006 as League of United Latin American Citizens (LULAC) Week. Ruben Albares was present to accept the proclamation.

4. MINUTES

- 4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, January 12, 2006.**

Motion was made by Council Member Price, seconded by Council Member Boren to approve the minutes of the Regular City Council Meeting, January 12, 2006 with an amendment to correct Item 6.9 and change Lee Ann Dumbauld's title from City Attorney to City Manager. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1, 5.3-5.20)

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve Items 5.1, 5.3-5.20 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.1. Declaration of Appointment - City Secretary: Declare one appointment to the Lubbock Housing Authority.**

The Mayor has appointed one new member to the Lubbock Housing Authority pursuant to Texas Local Government Code, Section 392.0331.

Housing Authority:

Charles Anderson, new appointment

- 5.2. This item was moved from consent agenda and considered following Item 5.20.**
- 5.3. Defense Economic Readjustment Zone Ordinance 2nd 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 to designate 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 second and final reading of this ordinance.

- 5.4. Easement Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2005-O0145 abandoning and closing a 50-foot access easement and a 20-foot utility and garbage collection easement adjacent to Lot 2-B, Alamo Plaza Addition to the City of Lubbock, property located at 906 50th Street.**

This ordinance abandons and closes a 50-foot access easement and a 20-foot utility and garbage collection easement that are located just west of I-27 and north of 50th Street in the Alamo Plaza Addition. These easements are being closed for development purposes and a new utility easement will be dedicated on the re-plat. All utility companies are in agreement with these closures. This ordinance was read for the first time at the December 15, 2005 City Council meeting as a routine consent agenda item.

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

5.5. Zone Case No. 1981-A (E. 34th Street and Southeast Drive) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O00010 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.

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 and 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.

Staff supports the recommendation of the Planning Commission.

5.6. Zone Case No. 3056 (3408 and 3410 22nd Street) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0011 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.

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.

Staff supports the recommendation of the Planning Commission.

5.7. Zone Case No. 1183-A (1201 E. Loop 289) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0012 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.

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.

Staff supports the recommendation of the Planning Commission.

5.8. Zone Case No. 1794-I (96th St. and Joliet Avenue) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0013 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.

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 Joilet.
2. Setback may be five feet on lots adjacent to 96th or Joilet.
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.

Staff supports the recommendation of the Planning Commission.

5.9. Zone Case No. 3057 (98th Street and Gary Avenue) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0014 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.

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.

Staff supports the request.

5.10. Street-Use License Resolution – Right-of-Way: Resolution No. 2006-R0060 authorizing the Mayor to execute a street use license with Dunavant Enterprises, Inc., for the stacking of storage containers in the street right-of-way of Compress Avenue located at 1301 Compress Avenue.

Louis Dreyfus Transport Logistics is a company located on the west side of Compress Avenue, east of Avenue A and north of east 19th Street, that unloads, stores, and ships 40-foot long storage containers from the adjacent railroad facilities for businesses such as the cotton marketing firm, Dunavant Enterprises, Inc. Due to the large cotton crop this year, Dunavant Enterprises is expecting to load and unload more containers than Louis Dreyfus Transport Logistics has room. A couple of times over the past five to six years, Louis Dreyfus Transport Logistics has inquired about obtaining more land from the City and LEDA. Additional land is limited immediately adjacent to their property for expansion except for Compress Avenue along their east side. Compress Avenue is an unpaved street that is 60 feet in width and Dunavant Enterprises desires to utilize the west 40 feet of it. That will leave a width of 20 feet for emergency vehicles and through traffic. This new license will be for twenty (20) years and the City will receive \$337.50 per year or \$1,687.50 for the first five-year term.

FISCAL IMPACT

The sale and development will put the property into private non-profit ownership and remove the weed mowing expense.

Staff recommended approval.

5.13. Contract Resolution - Business Development: Resolution No. 2006-R0061 authorizing the Mayor to execute a contract with Market Lubbock Economic Development Corporation, d/b/a Market Lubbock, Inc., d/b/a Visit Lubbock for the management of Foreign Trade Zone 260.

The City of Lubbock applied for and was appointed the grantee to establish a Foreign Trade Zone (FTZ) in 2003 to promote international trade and to encourage businesses to locate to Lubbock. This FTZ was designated in January 2004 and the Northport 273 acres location at Lubbock Preston Smith International Airport was activated in January 2005.

Management of an FTZ requires specific knowledge of federal laws, regulations and reporting requirements that impact the FTZ. Market Lubbock, MLI, has hired a director with experience in the operation of an FTZ and desires to operate FTZ-260 on behalf of the City.

This contract will give the responsibility of managing and operating FTZ-260 to MLI and requires that they comply with all applicable laws and provide all necessary services in the foreign trade zone. It also requires that they hire and retain an experienced Director to operate and manage the FTZ. The contract allows MLI to retain any fees collected in the FTZ for use in the operation of the foreign trade zone and to utilize any unused fees for economic development purposes.

FISCAL IMPACT

There will be no impact to the General Fund since the fees from the FTZ will be retained by MLI for the operation and management of the zone.

Staff recommended approval of this contract.

5.14. Contract Resolution - Parks: Resolution No. 2006-R0062 authorizing the Mayor to execute a contract and all related documents with the South Plains Association of Governments, related to pass-through funds from the Texas Department on Aging and Disability Services. These funds are used by the City of Lubbock Senior Citizens Program to provide meals and transportation.

The City of Lubbock has contracted with the South Plains Association of Governments (SPAG) for the past 26 years to provide services for the senior citizens population. SPAG serves as the pass through agency for federal funds from the Texas Department on Aging and Disability Services (TDADS). The City of Lubbock Senior Program targets any citizen 60 years of age or older to provide a hot meal, transportation, recreational and social activities. Meals are currently supplied by ARAMARK Educational Services, Inc., and the contract is scheduled to be re-bid by April 3, 2006. The FY

2005-06 agreement with SPAG provides reimbursement for meals and transportation.

Staff anticipates serving approximately 63,500 meals and approximately 7,000 units of transportation. The reimbursement rates from SPAG are as follows:

Congregate Meals - approximately 25,870 eligible units at \$4.45 per unit for a total of \$115,122.

Transportation – 2,000 eligible units at \$4.64 for a total of \$9,280.

The total estimated revenue to the City of Lubbock from the SPAG contract is:

Congregate Meals:	\$115,122
Transportation:	9,280
Program Income:	69,678
Total:	\$194,080

Monetary donations are accepted from those individuals who utilize meal and transportation services. The recommended donation is two dollars per meal for those seniors 60 years of age and over. Those under age 60 are required to pay four dollars per meal. The recommended donation for transportation is one dollar per trip.

FISCAL IMPACT

This contract will provide senior citizens with approximately \$194,080 of meal service, transportation, and administration costs. The required match of the contract is \$12,164, which is the City's in-kind contribution for personnel costs.

Parks and Recreation staff recommended approval of these agreements as funding aids in meeting the needs of the senior population and enhancing services offered by the City of Lubbock.

5.15. Contract Resolution - Community Development: Resolution No. 2006-R0063 authorizing the Mayor to execute a contract, and all related documents, with Community Health Center of Lubbock to administer a Community Development Block Grant FY 2004-05 East Lubbock Dental Center Project eligible under the Community Development Block Grant Program.

Community Health Center of Lubbock will administer the East Lubbock Dental Center Project, a dental program that provides assistance with the purchase of dental instruments to benefit low income children and adults at the East Lubbock Dental Center.

FISCAL IMPACT

There is no fiscal impact on the General Fund involved with this project or contract. The project is funded with federal funds from the Community Development Block Grant. The maximum to be allocated to this project is

\$15,000. If the project runs over budget, neither federal funds nor funds from the General Fund will be impacted.

Funding for this Contract was approved by City Council at the June 9, 2004 City Council meeting.

Staff recommended approval of this resolution.

5.16. Contract Resolution - Purchasing: Resolution No. 2006-R0064 for master lease - purchase agreement - BID #05-132-VK.

This bid establishes a master lease-purchase agreement to provide financing for the City's general equipment needs. Lease-purchase financing represents a way for municipalities to conserve cash while acquiring the equipment and facilities necessary for the government to function. A municipal lease-purchase agreement is a financial instrument that enables a municipality to use annual tax revenue streams to make payments for essential use equipment at lower tax-exempt interest rates. This type of installment purchase is also referred to as "municipal lease-purchase". Because the lessor does not pay federal tax on the interest earned, a tax-exempt lease provides a very low interest rate to the municipality.

As described in the attached Master Lease Agreement, the City will finance various equipment items acquired during the acquisition period at different times over the term of the agreement. Staff expects to finance up to \$20 million of equipment in the first year and up to \$10 million in each of the second and third years during the acquisition period. Each item of equipment acquired under the agreement has been, or will be, approved by Council prior to funding.

FISCAL IMPACT

A municipal lease-purchase represents a year-to-year commitment on the part of a municipality to make lease payments, not a commitment to pay debt service. In other words, lease-purchases are not considered debt and therefore, are not subject to the limitations placed on debt by state and local laws. Staff expects to finance the costs of acquiring equipment in an amount not to exceed \$20 million through September 30, 2006 plus an extension of the agreement at the City's option for two one-year periods of amounts not to exceed \$10 million for each one-year extension. The term of the acquisition period will not extend beyond September 2008 and will not exceed \$40 million, unless mutually agreed by the City and the selected firm. Annual lease payments are budgeted as part of the annual operating budget.

Staff recommended contract award to Bank of America Leasing & Capital LLC.

5.17. Contract Resolution – Aviation: Resolution No. 2006-R0065 for Silent Wings Museum roof system - BID #05-145-BM.

This contract involves demolishing the existing roof, adjusting utilities, and installing a new thermoplastic membrane roof system with associated

appurtenances. This project is necessary because the existing roof leaks in a number of places throughout the museum. Many artifacts and exhibits, some of which are priceless and could never be replaced, are exposed to water damage every time it rains or snows.

Bids were solicited for a mechanically fastened thermoplastic roof system and alternate bids were solicited for a fully adhered thermoplastic roof system. Staff recommended the installation of the fully adhered system, which costs \$37,218, or 12%, more than the mechanically fastened system.

Time for completion of this project is 120 consecutive calendar days and liquidated damages are \$280 per day. Thirty-nine local contractors were notified of this Invitation to Bid and three responded.

FISCAL IMPACT

A total of \$400,000 was appropriated with \$381,261 available in account number 90398, Silent Wings Museum New Roof.

Staff recommended contract award for a fully adhered thermoplastic roof system to GKS Commercial, Inc. of Lubbock, Texas for \$344,339.

5.18. Purchase Resolution – Fire Department: Resolution No. 2006-R0066 for the purchase of fire hose - BID #05-142-BM.

This bid is for the purchase of various sizes of fire hose used to equip three new engines and replenish stock inventory.

Four local companies were notified of this Invitation to Bid and one responded.

FISCAL IMPACT

A total of \$9,000 was appropriated and \$9,000 is available in 5619.8163 – Fire Suppression Other Machine and Equipment Supply and a total of \$1,178,588 was appropriated in a rent lease agreement as part of the Master Lease Program for equipping the three new engines.

Staff recommended bid award to DACO Fire Equipment of Lubbock, Texas for \$38,062.

5.19. Purchase Resolution – Police Communication Center: Resolution No. 2006-R0067 for the purchase of ergonomic 9-1-1 dispatch consoles - RFP #05-130-BM.

This purchase involves three ergonomic consoles that will give telecommunicators the option of standing or sitting during their shift without leaving their stations and will provide the necessary comforts for each individual telecommunicator. Each proposed console has the necessary environmental controls to allow a telecommunicator to adjust their individual temperature controls.

The following manufacturers submitted proposals for the dispatch consoles:

Watson Furniture Group of Boulders, Washington.

Evans Consoles, Inc. of Calgary, Alberta, Canada.

Wrightline of San Antonio, Texas

A selection committee was appointed by the Assistant Chief of Police to review and rate the proposals submitted by the firms listed above. The committee used the basic evaluation methods in the "Evaluation Procedures for Competitive Negotiation for Professional & Non-Professional Services of the City Purchasing Department".

The evaluation criteria in the RFP included: 1) Substantial successful experience in completing similar projects; 2) Demonstrated knowledge and understanding of the project; 3) Product warranty and durability; 4) Design, reconfiguration capabilities, and aesthetics; 5) Record of performance based on previous work with the City and/or other client references; and 6) Cost. Each committee member reviewed and rated each proposal. Each member submitted rating outlines after studying each proposal.

The selection committee recommended bid award to Watson Furniture Group. Wrightline submitted the lowest cost proposal. However, the committee concluded that their design was not functional.

Thirty-nine local companies were notified of this Request for Proposal and none responded.

FISCAL IMPACT

A total of \$49,450 was appropriated with \$49,450 available in account number 5717.9147, Communication Equipment. There will be a balance of \$11,060 for the purchase of flat panel monitors and any other equipment needs that may arise during the installation phase of the project.

Staff recommended bid award to Watson Furniture Group of Poulsbo, Washington for \$38,390.

5.20. Purchase Resolution - Information Technology: Resolution No. 2006-R0068 authorizing the Mayor to execute a purchase agreement with Dell Computer Corporation for the purchase of desktop computer hardware.

During the FY 2005-06 budget process, Information Technology was granted funding to replace approximately 33% of the City's desktop computers.

Dell Computers is offering additional discounts over its normal State of Texas Department of Information Resources contract pricing because of their fiscal year-end. Unit pricing through this promotion is \$918 per computer for the small desktop form factor, and \$932 for the ultra-small form factor. IT would like to take advantage of this special price promotion and purchase 300 units.

FISCAL IMPACT

The cost of 300 computers purchased from Dell through State of Texas Department of Information Resources contract DIR-SDD-192 is \$277,644, which includes a three-year warranty. Funding is available in Information

Technology capital budget for the payment of this portion of the Master Lease program.

Staff recommended approval of this resolution.

5.2. Realignment of Board Term Expiration Dates - City Secretary: Resolution No. 2006-R0069 Realignment of board term expiration dates to facilitate the ease in appointment of volunteer citizens to the City's boards and commissions.

In the best interest of the City and its citizen volunteers, staff recommended restructuring the expiration dates of the terms for certain boards and commission in order to expedite the recordkeeping and the certainty of each respective term. The term expiration dates for a board will be adjusted to the first day of the same month for all members of each board. A list of affected boards and commissions is provided in Exhibit A.

Staff recommended approval.

Motion was made by Council Member Boren, seconded by Council Member Price to pass Resolution No. 2006-R0069 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6. REGULAR AGENDA

6.1. Board Appointments - City Secretary: Consider two appointments to Cultural Arts Grants Review Standing Subcommittee.

Consider two appointments to Cultural Arts Grants Review Standing Subcommittee.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to appoint Gail Fargason and Ann McDonald to the Cultural Arts Grants Review Standing Subcommittee. Motion carried: 7 Ayes, 0 Nays.

6.2. Council Rules Amendment - City Secretary: Reading into record a proposed amendment to Council Rules, Order of Business and Procedures to change Audit Committee member terms to unlimited.

The Mayor and City Council deem it to be in the best interest of the City of Lubbock to have unlimited terms for the Audit Committee, based on the nature of that committee's mission.

This reading into record is the first step in the procedure for making this type of change to Council Rules, Order of Business and Procedures. At the next meeting, a resolution will be brought forward for Council to vote on.

Staff recommended approval.

Council Member Boren asked that it be read into the record that:

“The City Council intends to change subparagraph XI(B) of the City Council Rules, Order of Business and Procedures as set forth in Volume I of the Policies and Procedures Manual, as follows:

B. Board and Commission Terms – Except for the Planning and Zoning Commission, the Lubbock Water Advisory Commission, and the Audit Committee, appointment of members to City Council appointed advisory boards and commissions shall be as follows:

- Members appointed to a full term may be reappointed to one (1) additional full term upon expiration of the original term.
- Members appointed to an unexpired term may be reappointed to two (2) additional full terms upon expiration of the original unexpired term.
- Members elected to serve as Chair during their second full term may serve a third full term.
- Members who are serving as alternate may be reappointed indefinitely. Upon promotion to full-member status, the preceding policies apply.

Appointment of members to the Planning and Zoning Commission shall be as follows:

- Members appointed to a full term may be reappointed to two (2) additional full terms upon expiration of the original term.
- Members appointed to an unexpired term may be reappointed to three (3) additional full terms upon expiration of the original unexpired term.
- Members elected to serve as Chair during their third full term may serve a fourth full term.

Appointment of members to the Lubbock Water Advisory Commission and the Audit Committee shall be as follows:

- Members appointed to serve on the Lubbock Water Advisory Commission and the Audit Committee may be reappointed indefinitely.
- Members elected to serve as Chair may serve in that capacity only for two (2) full terms.”

Boren also stated, “additionally, under the third subcategory of Appointment of Members to the Lubbock Water Advisory and the Audit Committee, that we also place a member from the Lubbock Power & Light Board of Trustees or Directors on the Audit Committee.”

Becky Garza, City Secretary, and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to approve the proposed amendment to Council Rules, Order of Business and Procedures with an amendment to place a member from Lubbock Power & Light Board of Directors on the Audit Committee. Motion carried: 7 Ayes, 0 Nays.

6.3. Zone Case No. 3055 (7th Street and Avenue R) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0009 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.

The application is for a block between Ave T and Ave R that faces due south of the new Wal-Mart location at Marsha Sharp Freeway. 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.

Staff supports the recommendation of the Planning Commission.

Randy Henson, Senior Planner, stated that the design issues talked about in the first meeting were clarified.

Motion was made by Council Member Price, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2006-O0009 with the amended plan included in the ordinance. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.4. Right-of-Way Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2005-O0116 abandoning and closing two 20-foot alleys east of Avenue V between 7th Street, Glenna Goodacre Boulevard, and 9th Street in Block 59 and Block 60, Overton Addition to the City, 2101 Glenna Goodacre Boulevard.

These alley portions in the Overton Addition are being closed as part of the North Overton redevelopment project. These two 20-foot by 600-foot alleys being closed will be replatted into Tract 1-B and Tract, Overton Park Addition and are located between Avenue V and Avenue U, 7th Street, Glenna

Goodacre Boulevard, and 9th Street. Through the replat process the alleys being closed will be replaced. This ordinance was read for the first time at the September 21, 2005 City Council meeting.

Staff recommended approval of the second and final 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-O0116 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.5. Right-of-Way Ordinance 1st Reading – Right-of-Way: Ordinance No. 2006-O0017 abandoning and closing a 20-foot alley east of Avenue X and west of Avenue W south of 4th Street in Block 124, Overton Addition to the City, property located at 411 Avenue X.

This alley portion in the Overton Addition is being closed as part of the North Overton Redevelopment Project. This 20-foot by 600-foot alley being closed will be replatted into Tract 5, Overton Park Addition and is located between Avenue X and Avenue W just south of 4th Street. The requestor of this alley closure will dedicate in the replat of this property, and a replat of an adjacent property, additional right-of-way to replace the alley area being closed.

Staff recommended approval of the first reading of this ordinance.

Ed Bucy, Right-of-Way Agent, gave comments.

Motion was made by Council Member Price, seconded by Council Member Jones to pass on first reading Ordinance No. 2006-0017 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.6. Budget Amendment #10 1st Reading - Finance: Ordinance No. 2006-O0018 amendment #10 amending the FY 2005-06 budget respecting the Grant Fund, Custodial Fund, General Fund, Central Warehouse Fund, Water Fund, LP&L Fund and Capital Improvement Program.

Accept and appropriate a \$194,080 grant from the South Plains Association of Governments (SPAG) to provide meals, transportation, and other services to the senior population. SPAG provides funding via a pass through from the Texas Department on Aging and Disability Services. The required in-kind match was approved as part of the FY 2005-06 Parks and Recreation Operating Budget.

Establish a new Capital Improvement Project and appropriate \$35,000 from the Custodial Fund, fund balance for drainage corrections on the south side of City Hall to alleviate water intrusion into the building. Appropriate \$50,000 for the abatement of asbestos ceiling coverings in the foyer of the Police Department Headquarters. While other repairs were being made to the facility the need to abate asbestos in the ceiling covering was discovered. This will complete the abatement of the ceiling in this area. This project will be funded

with \$79,000 from Custodial Fund balance and \$6,000 from General Fund balance.

Appropriate \$20,000 of Central Warehouse Fund balance for the resurfacing and patching of the storage yard at the City's Warehouse Facility. Resurfacing is part of preventive maintenance of the storage yard.

Amend Capital Improvement Program project #9397 – “Southwest Pump Station (West Pressure Zone)” by appropriating an additional \$3.5 million of Certificate of Obligation Bonds for the construction and improvements necessary to establish a third pressure zone in southwest Lubbock. These improvements consist of a 14 million gallons per day pump station, a 5 million gallons per day ground storage tank, and the necessary distribution infrastructure. Additional funding is required to award the construction contract. Construction cost inflation associated with the increased price of fuel, increased demand of supplies, and the limited availability of local contractors have driven up the cost of this project.

Amend Capital Improvement Program project # 91031 – “Pump Station #10 Fencing” by appropriating an additional \$250,000 of Certificate of Obligation Bonds for the construction of a brick fence and associated landscaping for the newly constructed ground storage tank located at Pump Station #10, at 82nd Street and Memphis Ave. TCEQ requires a minimum of an eight-foot high security fence surrounding any water distribution center. A neighborhood and citizens committee was formed to recommend the appropriate fencing, Chapman Harvey Architects, Inc. is working to minimize cost, while achieving the committee's desires. Construction cost inflation associated with the increased price of fuel, increased demand of supplies, and the limited availability of local contractors have driven up the cost of this project.

Establish a new Capital Improvement Project and appropriate \$650,000 Certificate of Obligation Bonds for the installation of a water main extension for Lubbock-Cooper Independent School District. The school district is presently served by a private water well system.

Establish capital project in the LP&L Fund budget and revise operating budget accordingly. Specific information regarding this project is competitive information protected under Chapter 552.133 of the Texas Government Code.

Tom Adams, Deputy City Manager; Jeff Yates, Chief Financial Officer; and, Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Council Member Boren asked City Manager Dumbauld to get with Carroll McDonald of Lubbock Power & Light or W.R. Collier and let them know to have their board member there for the Monday meeting.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0018 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.7. Code of Ordinances Ordinance 1st Reading - City Secretary: Ordinance No. 2006-O0019 revising the duties of the City Secretary and deleting Section 2-15 from the Code of Ordinances, City of Lubbock, Texas.

The City Council of the City of Lubbock deems it to be in the best interest of the citizens of the City of Lubbock to repeal and delete Section 2-15 pertaining to the duties of the City Secretary from the Code of Ordinances.

Section 2-15 of the City Code will be repealed, which assigned the department of public information to the City Secretary. By operation of the City Charter, upon repeal of Section 2-15, supervision of that department will revert to the City Manager without further action.

Council Member Gilbreath called for the question. Mayor McDougal called for a vote, which carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0019 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member DeLeon voted Nay.

6.8. Contract Resolution – Water Engineering: Resolution No. 2006-R0070 for southwest pumping station and ground storage tank - BID #05-127-BM.

This contract involves construction of improvements necessary to establish a third pressure zone in southwest Lubbock. The improvements consist of a 14 million gallon per day pumping station, a 5 million gallon ground storage tank, and the necessary distribution infrastructure. The City of Lubbock has acquired land located near 73rd Street and Milwaukee Avenue for this purpose. This project is necessary in order to maintain minimum system pressure requirements for southwest Lubbock.

Time for completion of this project is 365 consecutive calendar days and liquidated damages are \$1,000 per day. Ninety-nine local contractors were notified of this Invitation to Bid and none responded.

FISCAL IMPACT

A total of \$7,849,000 was appropriated with \$5,884,000 available in Capital Improvement Program project number 9197, Southwest Lubbock Water Extension.

An additional \$2.5 million is appropriated in Budget Amendment #10, which is contingent on passage of second reading.

Staff recommended contract award to Archer Western Contractors, Ltd. of Arlington, Texas for \$7,626,525.

Victor Kilman, Purchasing and Contract Manager, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2006-R0070 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.9. Contract Resolution - Water Utilities: Resolution No. 2006-R0071 extending the contract of Chris Brown Consulting for the Water Utilities Audit from February 1, 2006 to April 1, 2006.

After hearing preliminary findings of the Water Audit, staff feels that a presentation to the Lubbock Water Advisory Commission is appropriate. Extending the contract with Chris Brown Consulting of San Antonio, Texas will allow their representative to attend upcoming meetings and make presentations.

FISCAL IMPACT

There are no additional fiscal requirements related to this amendment.

Staff recommended approval of this resolution.

Tom Adams, Deputy City Manager, gave comments and answered questions from Council. Council Member Boren asked Adams to bring back to Council the results of the audit on the leakage in our water system. City Manager Dumbauld added that the results will also be taken to the Audit Committee.

Council Member DeLeon expressed her concern about the “water/pressure towers” located throughout the city, specifically the one at 38th Street and University Avenue, which loses water and floods the street. Deputy City Manager Adams stated that he would get a report on that and bring back to Council.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2006-R0071 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.10. Contract Resolution - City Attorney: Consider a resolution authorizing and directing the Mayor to execute a Compromise Settlement Agreement for Ashley and Fagan, et al v. City of Lubbock, in the 39th District Court of Kent County, Texas, Cause No. 1501.

This item was deleted.

7. WORK SESSION

7.1. Presentation - North and East Lubbock Community Development Corporation: Presentation of North and East Lubbock Community Development Corporation quarterly report (John Hall, Director of North and East Lubbock CDC)

John Hall, Director of North and East Lubbock Community Development Corporation gave a presentation of North and East Lubbock CDC quarterly report, which included an update on the progress of King’s Dominion, plans for economic development, and a look ahead for the North and East Lubbock CDC.

Regular City Council Meeting
February 9, 2006

10:20 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

1:50 P. M. COUNCIL ADJOURNED

There being no further business to come before Council, Council Member Jones adjourned the meeting.