

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
February 24, 2006
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 24th day of February, 2006, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:35 A.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

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

Absent: Mayor Marc McDougal

1. CITIZEN COMMENTS

1.1. Citizen Appearances:

Ruben White - LISD student progress. (Not present)

Rob Meyer, President, Lubbock Hotel Motel Association - Master Development Agreement

Rob Meyer spoke to Council in support of the Overton Park four-diamond hotel. Mayor Pro Tem Martin asked Meyer to let the Hotel Motel Association know that Council is always looking for new ideas and ways to put Lubbock on the map, to show Lubbock to the rest of the world, and provide facilities for people when visiting Lubbock.

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."

7:42 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, Cemetery, Stormwater).**
- 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 (Water Utilities, Right-of-Way).**
- 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 Zoning Board of Adjustment.**

- 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).**

**9:35 A. M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers**

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

Absent: No one

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

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1. **Invocation was given by Council Member Price.**
- 3.2. **Pledge of Allegiance to the Flags.**

Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.
- 3.3. **This item was considered following Item 3.5.**
- 3.4. **This item was considered following Item 6.5.**
- 3.5. **Presentation of a proclamation declaring March 2006 as Wellness in the Workplace Month in Lubbock.**

Mayor McDougal read a presentation, which proclaimed March 2006 as Wellness in the Workplace Month in Lubbock. Cory Newsom with City Bank was present to accept the presentation.
- 3.3. **Present honorary citizenship certificates to the visiting delegates.**

Musashino City, Japan - Adult Citizen Delegation Visit to Lubbock. February 23-25, 2006.

Mayor McDougal presented honorary citizenship certificates to the visiting delegates of Musashino City, Japan. Mr. Izumu Fujii gave comments and thanked Council for making it possible to carry on a relationship with Japan.

4. MINUTES

- 4.1. **Approval of Prior Meeting Minutes: Regular City Council Meeting, January 26, 2006 and Special City Council Meeting, January 31, 2006**

Motion was made by Council Member Gilbreath, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting, January 26, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to approve the minutes of the Special City Council Meeting, January 31, 2006 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member DeLeon voted Nay.

5. CONSENT AGENDA (Items 5.2-5.15, 5.17-5.22)

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to approve Items 5.2-5.15, 5.17-5.22 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1. This item was moved from consent agenda and considered following Item 5.22.

5.2. Loan Agreement Resolution - Community Development: Resolution No. 2006-R0073 authorizing the Mayor to execute a Loan Agreement, and all related documents, between the City of Lubbock and Mr. Michael Anzley d.b.a. Anzley's Family Dining from the Economic Development Fund Program.

The Economic Development Sub-committee of the Community Development Services Board met and approved an \$85,700 loan request submitted by Mr. Michael Anzley.

The Economic Development Fund Program was established during a previous allocation of Community Development Block Grant (CDBG) funds. The purpose of the program is to provide needed capital for area businesses at a reduced interest rate. By agreeing to the terms of this loan, the business owner accepts his responsibility of retaining or creating one job for every \$35,000 borrowed. In this case, Mr. Anzley will be required to create three full-time equivalent positions. This job must be made available to persons of low to moderate income.

The Promissory Note is available for review in the City Secretary's office.

FISCAL IMPACT

The Community Development Services Board has approved the \$85,700 loan from Federal Community Development Block Grant (CDBG) funding. As the loan payments are collected, the funds will be treated as Program Income and will eventually be allocated to another CDBG project.

5.3. Loan Agreement Resolution - Community Development: Resolution No. 2006-R0074 authorizing the Mayor to execute a Loan Agreement, and all related documents, between the City of Lubbock and Mr. Asaad Mousavijam d.b.a. MLK Burger from the Economic Development Fund Program.

The Economic Development Sub-committee of the Community Development Services Board met and approved a \$45,800.82 loan request submitted by Mr. Asaad Mousavijam.

The Economic Development Fund Program was established during a previous allocation of Community Development Block Grant (CDBG) funds. The purpose of the program is to provide needed capital for area businesses at a reduced interest rate. Mr. Mousavijam has been approved for an additional amount of \$28,000 that will be added to his current loan. He has already met the job creation requirements of the program. His contract required him to create three new jobs and make them available to low to moderate income persons. To date, he has created a total of six full-time equivalents. All jobs have gone to persons of low-to-moderate income.

The promissory note is available for review in the City Secretary's office.

FISCAL IMPACT

The Community Development Services Board has approved the \$45,800.82 loan from Federal Community Development Block Grant (CDBG) funding. As the loan payments are collected, the funds will be treated as Program Income and will eventually be allocated to another CDBG project.

5.4. Master Development Agreement Resolution - Business Development: Resolution No. 2006-R0075 authorizing the Mayor to execute an Amended and Restated Master Developer and PID Reimbursement Agreement with Vintage Land Company, Ltd., and associated documents.

Paul Stell, Stellar Land Company, Ltd. (Developer) intends to construct certain public amenities for a new, mixed-use development located within the corporate limits of the City, to be known as "Vintage Township". The City Council approved a Master Development Agreement and a Creation Resolution at the December 15, 2005 Council Meeting. The amenities, defined in the agreement and the Creation Resolution, will be constructed in accordance with the terms, conditions and requirements of certain codes, ordinances, and agreements that are required by the City and that relate to the construction of public and private infrastructure within this development.

Included in the backup is an Amended and Restated Master Development Agreement that includes the increase in the cost of the improvements from \$6 million to \$9 million and includes that the City or the Public Facilities Corporation (PFC) intends to initially issue a note to Paul Stell at the time assessments are levied and that the note will be paid from assessments or refunded with bonds issues by the PFC when Mr. Stell and the underwriter are ready to issue the bonds. The purpose of the temporary note is to enact the assessments until Mr. Stell and the underwriter issue bonds.

FISCAL IMPACT

The Developer is responsible for all costs associated with the establishment of this Public Improvement District and related debt service.

Staff recommended approval of this contract.

5.5. Interlocal Agreement Resolution - Police: Resolution No. 2006-R0076 authorizing the Mayor to execute an Interlocal Agreement by and between the City of Lubbock and the County of Lubbock to allow a joint application for the aggregate of funds allocated to Lubbock County from Bureau of Justice, Office of Justice Programs, under the 2006 Edward Byrne Memorial Justice Assistance Grant program.

The 2006 Edward Byrne Memorial Justice Assistance Program (JAG) will fund local law enforcement and prosecution/court general-purpose initiatives. These local government initiatives will focus on preventing and controlling crime and improving the criminal justice system. According to Bureau of Justice (BJA), Lubbock County is a disparate jurisdiction. A disparity occurs when one local government (City) is scheduled to receive one and one half times more federal funding than another local government (County), while the other unit is responsible for more than 50% of the costs of prosecution or incarceration that arise from violent crimes reported by the individual local governments.

JAG disparities are certified by the Director of BJA based in part on input from the Texas Attorney General. By federal law, disparate jurisdictions must submit a joint application for the aggregate of funds allocated to them.

The City will be the lead grantee for this program.

FISCAL IMPACT

None. The 2006 Edward Byrne Memorial Justice Assistance Grant does not require matching funds.

Staff recommended approval of this resolution.

5.6. Grant Application Resolution - Police: Resolution No. 2006-R0077 authorizing the Police Department to submit for and on the behalf of the City of Lubbock an application with the United States Department of Justice, and any associated documents, for a Edward Byrne Memorial Justice Assistance grant in the amount of \$168,534 to fund the Lubbock County Joint Enforcement Initiative program.

The Edward Byrne Memorial Justice Assistance Grant (JAG) funds local government activities to prevent and control crime and to improve the Criminal Justice System. The City of Lubbock and the County of Lubbock are eligible to receive funding under this grant award, thus creating a funding disparity. Due to this disparity, the JAG application is now for Lubbock County rather than the City and the County separately. However, the City of Lubbock Police Department will manage this grant.

The Lubbock County Joint Enforcement Initiative program will spend funds for radio/data communications infrastructure upgrades, public safety software, and Lubbock County technology purchases. The City will be the primary grantee, with the County as a sub-grantee. The City will be responsible for all financial tracking and reporting to the Department of Justice.

FISCAL IMPACT

None. The 2006 Edward Byrne Memorial Justice Assistance Grant does not require a local cash match.

Staff recommended approval of this resolution.

- 5.7. Authorization Resolution - Water Utilities: Resolution No. 2006-R0078 authorizing acceptance of water and sanitary sewer improvements for Lots 77 - 141, Bacon Crest Addition to the City of Lubbock, Lubbock County, Texas, bound by 75th Street, 76th Street, Iola Avenue, and Kewanee Avenue.**

This is a routine transfer of ownership of water and sewer lines installed in new subdivisions, from the developer to the City of Lubbock. The system is added to the City inventory, and there are no expenditures involved in accepting the ownership.

This subdivision is located between 75th and 76th Streets, and Iola and Kewanee Avenues.

FISCAL IMPACT

The system, when accepted, will be maintained by the City of Lubbock and will produce revenue to the City of Lubbock through the sale of services to the public.

Staff recommended acceptance of the improvements.

- 5.8. Authorization Resolution - Water Utilities: Resolution No. 2006-R0079 authorizing acceptance of water and sanitary sewer improvements for Tract A, Chisum Travel Center Addition, City of Lubbock, Lubbock County, Texas, bound by US Highway 84 and Zenith Avenue.**

This is a routine transfer of ownership of water and sewer lines installed in new subdivisions, from the Developer to the City of Lubbock. There are no expenditures involved in accepting the ownership.

The Subdivision is located on the North of US Highway 84, and East of Zenith Avenue.

FISCAL IMPACT

The system will be maintained by the City of Lubbock and will produce revenue to the City of Lubbock through the sale of services to the public.

Staff recommended approval of this resolution.

- 5.9. Authorization Resolution - Water Utilities: Resolution No. 2006-R0080 authorizing the acceptance of water and sanitary sewer improvements for Tract A, Moran Addition to the City of Lubbock, Lubbock County, Texas, bound by 82nd Street and Pontiac Avenue.**

This is a routine transfer of ownership of water and sewer lines installed in new subdivisions from the developer to the City of Lubbock. There are no expenditures involved in accepting the ownership.

The Subdivision is located between 82nd and 84th Streets, and East of Pontiac Avenue.

FISCAL IMPACT

The system will be maintained by the City of Lubbock and will produce revenue to the City of Lubbock through the sale of services to the public.

Staff recommended approval of this resolution.

- 5.10. Authorization Resolution - Water Utilities: Resolution No. 2006-R0081 authorizing acceptance of water and sanitary sewer improvements for Lots 47 - 96, Fountain Hill Addition to the City of Lubbock, Lubbock County, Texas, bound by 111th Street, 112th Street, Frankford Avenue, and Gardner Avenue.**

This is a routine transfer of ownership of water and sewer lines installed in new subdivisions, from the developer to the City of Lubbock. There are no expenditures involved in accepting the ownership.

The Subdivision is located between 111th and 112th Streets, and Frankford and Gardner Avenues.

FISCAL IMPACT

The system when accepted will be maintained by the City of Lubbock and will produce revenue to the City of Lubbock through the sale of services to the public.

Staff recommended approval of this resolution.

- 5.11. This item was considered and approved on consent agenda and then reconsidered following Item 5.16.**

- 5.12. Master Lease Resolution - Finance: Resolution No. 2006-R0082 approving equipment to be purchased as part of the Master Lease Program for FY 2005-06.**

On September 21, 2005, the City Council adopted the FY 2005-06 Master Lease List. The Master Lease List is the approved equipment purchase for the FY 2005-06 Budget Year. This equipment will be purchased through the Master Lease agreement with Banc of America. The Master Lease Program allows the City to amortize the cost of the equipment over the life of the equipment at a favorable interest rate. Through this amortization the City can maximize the equipment purchase each year and minimize the cost.

This resolution will update the FY 2005-06 Master Lease List to reflect the following additions:

1. The addition of 1 Fire Tanker, to replace a recently totaled tanker. The purchase price of the tanker will be offset by any insurance payments received. The estimated purchase price is \$148,000.
2. The addition of the Building Inspection Software, this item was previously approved through a budget ordinance on December 1, 2005, but needed to be added to the approved list. The estimated purchase price is \$115,000.
3. The addition of the Automated Mapping and Facilities Management (AM/FM) Project, this item is a joint venture between Lubbock Power & Light, the Water Utility, Wastewater Utility, and Solid Waste. The program includes the purchase of the needed software, installation, and hardware. The Future Master Lease payments will come from the appropriate funds.

FISCAL IMPACT

The lease payment has already been included in the approved FY 2005-06 operating budget.

Staff recommended approval of this resolution.

- 5.13. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0020 abandoning and closing a portion of 19th Street west of Dixie Drive, property located at 1902 Dixie Drive.**

City Ordinance 726 adopted in September 1945 established the building lines for the south side of 19th Street, from University Avenue to Avenue D, in anticipation of the widening of that street. In 1947, Buster Welch conveyed to the City additional right-of-way located at the southwest corner of 19th Street and Dixie Drive, one block east of Avenue Q, for the widening of 19th Street along the north side of Lot 24, Dixie Land Addition. Shortly after, a building was constructed on Lot 24 and building plans indicated that the building was to be built on the south lot line. However, either due to a survey mistake or to human error, the building was constructed approximately six feet north of the south property line putting the north portion of it into the recently dedicated south right-of-way of 19th Street.

Mr. Malcom Womack has owned this property since 1976 and has decided to sell this property and a recent survey shows this building encroachment. In order to convey title to the new owner, Mr. Womack is asking that the City abandon and close this 407 square foot portion of 19th Street under his building. At the next City Council meeting, the second reading of this ordinance will be read along with a resolution and a Quitclaim Deed conveying this street portion. Since Mr. Womack was not the original owner, there will be a charge for these 407 square feet. From adjacent property values and a review of existing sales comparables, a value of three dollars per square foot is determined. Therefore, the value of this street closure area to be charged to Mr. Womack is $\$3.00 \times 407 \text{ sq. ft.} = \$1,221$.

FISCAL IMPACT

Income to the City of \$1,221.

Staff recommended approval of the first reading of this ordinance.

5.14. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0021 abandoning and closing a portion of Albany Avenue just north of 68th street, property located at 6601 Albany Avenue.

This ordinance abandons and closes a 9,234.72 square foot portion of Albany Avenue just north of 68th Street. This portion of Albany Avenue was dedicated by the plat of Lot 2, Sentry Park Addition in 1977. At that time, all that was dedicated was the east one-half of the street. In 1994, the City constructed the 66th Street to 69th Street crossover street from Slide Road westward to Bangor Avenue. This street design made this portion of Albany Avenue no longer needed and also created an unusable remnant between Lot 2 and the new alignment of 66th Street, 69th Street, and Albany Avenue. This unusable 6,959 square foot remnant was sold in 2002 by the City to Benny Nixon for Commercial Property Services for \$2,000 and who is the requestor of this Albany Avenue street closure. The appraised value for this Albany Avenue street area being closed is \$2,770.42 ($\$0.60 \times 9,234.72 \text{ square feet} = \$5,540.83$ less 50% remaining as an easement).

The City of Lubbock's street closure resolution allows for a credit against the charge for this street area being closed, but not in excess thereof, for the dedication of other property to the City in exchange for this portion of Albany Avenue being closed. At 7336 82nd Street, the City of Lubbock installed a water line along the east side of Lot 2-A, A&O Addition, west of Upland Avenue. This was in an area of the subdivision that was originally an alley but was closed when the addition was replatted by the County. Lot 2-A is owned by Mr. Nixon and he is willing to give the City an easement for our water line in exchange for this portion of Albany Avenue being closed. The value of this 10-foot water line easement along the east 10-feet of Lot 2-A is valued at \$2,937.38.

Following the guidelines of the City's street closure resolution, this area of Albany Avenue being closed will be evenly exchanged for the water line easement at 7336 82nd Street with Mr. Nixon.

Staff recommended approval of the first reading of this ordinance.

5.15. Contract Resolution - Health: Resolution No. 2006-R0083 authorizing and directing the Mayor to execute contract Change Notice No. 5 with the

Texas Department of State Health Services (DSHS Document No. 760005906 2006) for STD and HIV prevention and testing activities, and any associated documents by and between the City of Lubbock and the Texas Department of State Health Services.

This contract provides funding under the Regional and Local Services Section and Local Public Health System, commonly referred to as "Triple 0" funds. The initial six month funding for "Triple 0" under our FY2006 contract with Department of State Health Services (DSHS) was approved by Council on September 21, 2005, Resolution #2005-R0445. This current request funds the remaining six-month period covering February 28 through August 31, 2006. The funding delay was attributed to federal funding issues.

This FY 2006 annual contract with DSHS, Document No. 7560005906 2006, provides financial assistance to improve or strengthen local public health infrastructure by developing objectives to address public health issues and utilize resources provided through this contract to conduct activities and services that provide or support the delivery of essential public health services. Programs will also assess, monitor, and evaluate the essential public health services, and develop strategies to improve the delivery of essential public health services to identified service areas.

This program supports comprehensive public health services that are consistent with the Health Department Mission Statement. This program supports developing a functional and effective public health system with the specific goal of improving public health capacity to respond to both emerging and continuing public health threats. Program objectives include sexually transmitted disease treatment and education, working with child-care agencies and schools on proper hand-washing procedures, cancer awareness education, and blood pressure screenings. The Sexually Transmitted Disease Program is designed to stop the spread of disease by tracking down the partners of those diagnosed with sexually transmitted diseases and either treating them or referring them to another clinic or physician.

These programs fulfill the core missions of public health — disease prevention and health education. Without funding from the Department of State Health Services contract, our local public health efforts would be greatly impaired and the risk of illness to Lubbock citizens would increase.

FISCAL IMPACT

\$48,927 in financial assistance provides partial funding for salaries and fringe benefits for two STD Program employees, one laboratory employee, and one health education employee for the six-month period from February 28 through August 31, 2006. The amount approved for the entire contract year is \$108,204, the same funding received in FY2005.

Staff recommended approval of this resolution.

- 5.16. This item was moved from consent agenda and considered following Item 5.1.**
- 5.17. Contract Amendment Resolution - Public Works Engineering: Resolution No. 2006-R0084 authorizing the Mayor to execute Amendment No. 5 to an agreement with Parkhill, Smith & Cooper, Inc. for design services on the Milwaukee Avenue Paving Project.**

Parkhill, Smith & Cooper, Inc. (PSC) was the design consultant selected for performing engineering services on the Milwaukee Avenue Paving Project to pave from 34th Street to 92nd Street. Amendment No. 5 to the agreement with PSC includes evaluating alignment alternatives at the 98th Street and Milwaukee Avenue intersection. A playa lake exists on the west side of Milwaukee Avenue on both sides of the 98th Street section line. It may be desirable to align 98th Street around the perimeter of the lake area rather than through the lake.

There is interest by developers on both the east and west side of Milwaukee Avenue to extend the paving southward to at least 94th Street in the near

future. Developers are also working on preliminary plats southward to 98th Street. Determining the alignment of 98th Street and Milwaukee Avenue is necessary for future platting and development. Depending on design decisions, it may also be necessary to realign Milwaukee Avenue somewhat east of the current north-south section line.

Amendment No. 5 includes the following tasks:

- Meet with developers, landowners, and City staff on plans, needs and design criteria
- Evaluate preliminary alignments for 98th Street and Milwaukee Avenue
- Expedite review of Milwaukee Avenue alignment southward to 94th Street because of immediate development needs
- Ongoing coordination with adjacent developers and landowners
- Ongoing project management and coordination, including investigation of utility issues
- Provide final recommended alignment with technical memoranda

Amendment No. 5 will increase the original contract \$61,665.

The agreement and amendments are as follows:

| | |
|---|-------------|
| Original Agreement (Study & Report) = | \$122,830 |
| Amend No. 1 (Detailed Design) = | 967,235 |
| Amend No. 2 (Geotechnical Work) = | 30,488 |
| Amend No. 3 (Revised Stop Order) = | 0 |
| Amend No. 4 (Traffic Signal Design) = | 20,183 |
| Amend No. 4 (Bid & Construction Services) = | 461,307 |
| Amend No. 5 (98th & Milwaukee Alignment)= | 61,665 |
| Total Agreement with Amendments = | \$1,663,708 |

FISCAL IMPACT

There is a total project budget of \$20,500,000 for the Milwaukee Avenue Project involving paving from 34th Street to 98th Street.

Engineering Agreement with Amendments = \$1,663,708

Current Construction Contract with Change Orders = \$17,560,561

TOTAL = \$19,224,269

Staff recommended approval of this resolution.

5.18. Contract Resolution - Aviation: Resolution No. 2006-R0085 for Landscape Maintenance Services at Lubbock Preston Smith International Airport - Annual Pricing, ITB #06-004-BM.

This bid establishes annual pricing for landscape maintenance services for the terminal building area and Martin Luther King Blvd. north of Regis Street.

Forty eight local contractors were notified of this Invitation to Bid and three responded.

FISCAL IMPACT

A total of \$165,085 was appropriated with \$142,751 available in account number 4615.8302 Professional Services.

Staff recommended contract award to Community Lawn Care of Lubbock, Texas for \$55,100.16.

5.19. Purchase Resolution - Fire Department: Resolution No. 2006-R0086 for the purchase of one dive rescue vehicle.

The purpose of this acquisition is to replace a 1978 panel van that was modified by the Fire Department in 1990 to serve as a dive rescue vehicle. This vehicle is becoming increasingly unsafe for Fire Department personnel to

drive within the city limits and to Lake Alan Henry due to the age, mileage and physical condition of this vehicle. In addition, this vehicle cannot carry the required dive equipment without being overloaded and exceeding Texas Department of Transportation weight regulations. The dive rescue vehicle will be purchased through the Houston-Galveston Area Council (H-GAC) purchasing cooperative. H-GAC is a regional planning commission created under the Acts of the 59th Legislature, Regular Session, 1965, re-codified as a Texas Local Government Code, Chapter 391.

FISCAL IMPACT

A total of \$223,350 was appropriated under the City's master lease and is available in the General Fund account 100.9220, Equipment Capital Outlay Vehicles for this purpose.

Staff recommended purchase order to DACO of Lubbock, Texas for \$223,350.

5.20. Purchase Resolution - Fire Department: Resolution No. 2006-R0087 for the purchase of two 1250 GPM pumper fire trucks.

The purpose of this acquisition is to replace two pumper fire trucks scheduled for normal replacement that have approached the end of their service life and that cease to meet the latest NFPA Standard 1901 for Automotive Fire Apparatus. The trucks will be purchased through the BuyBoard purchasing cooperative. The cooperative is administered by the Texas Association of School Boards and is endorsed by the Texas Association of Counties.

FISCAL IMPACT

A total of \$666,050 was appropriated under the City's master lease and is available in the General Fund account 100.9220, Equipment Capital Outlay Vehicles for this purpose.

Staff recommended purchase order to Dooley Tackaberry Inc. of Deer Park, Texas for \$666,050.

5.21. Purchase Resolution – Fire Department: Resolution No. 2006-R0088 for the purchase of one 1800 gallon pumper tanker fire truck.

This purchase is for one Pierce IHC 1800 gallon pumper tanker fire truck to replace a fire truck that was destroyed in a traffic accident in route to an emergency call. The current dry conditions in the region, along with dormant and dead vegetation in the community, have escalated fire hazards requiring immediate replacement of the destroyed fire truck. The new pumper tanker will be purchased through the Houston-Galveston Area Council (H-GAC) purchasing cooperative. H-GAC is a regional planning commission created under Acts of the 59th Legislature, Regular Session, 1965, re-codified as Texas Local Government Code, Chapter 391.

FISCAL IMPACT

A total of \$147,639 was appropriated under the City's master lease and is available in the General Fund account 100.9220, Equipment Capital Outlay Vehicles.

Staff recommended purchase order to Martin Apparatus, Inc. of Denton, Texas for \$147,639.

5.22. Code of Ordinances Ordinance 1st Reading - Finance: Ordinance No. 2006-O0022 making modifications to the Street Lighting Cost Recovery Program.

Currently the City provides the installation of street lighting to developers in new developments for a \$600 per standard/fixture cost recovery fee. The installation work is performed by Lubbock Power and Light for the City at an approximate cost of \$2,500 per standard/fixture. The cost recovery fee has not been reviewed or changed in over ten years. Because of the lack of adjustment to this fee, the City is providing and subsidizing the installation of street lights within new developments at a cost of approximately \$1,900 per street light funded from the General Fund.

The adoption of this ordinance will accomplish the following objectives:

1. Eliminate the cost to the General Fund for the installation of street lights in new developments.
2. Provide an appropriate cost recovery fee of \$70 per standard/fixture for the design of materials, installation and specifications, and the inspection of construction. This will ensure the installation of street lighting is performed in compliance with appropriate City specifications.
3. Provide developers with the freedom to select their contractor for the installation of street lighting in new developments only requiring that they meet the necessary engineering standards and pass a final construction inspection.
4. Allow LP&L to participate as a contractor and provide this service to the development community directly without involvement from the City.
5. Allow developers a means to select non-traditional standards/fixtures within a new development at their cost while meeting engineering and construction standards.

FISCAL IMPACT

The adoption of this ordinance will eliminate the cost to the General Fund of street lighting in new developments. The new cost recovery fee of \$70 per standard/fixture will recover the actual cost to the General Fund for the needed engineering and inspection that must occur before the City will accept the improvements, much like the current practice for street and storm water improvements. Estimated revenue will be based on the planned new developments and the number of standards/fixtures required. The revenue estimate will be included in the FY 2006-07 Operating Budget. Current staff levels should be sufficient to provide this service.

LP&L will provide the service to the development community as a contractor. They will receive all revenues generated by the fee of \$2,500 per traditional standard/fixture for the actual installation work. Non-traditional standard/fixture cost will be negotiated by LP&L. The LP&L Board will make the determination on needed budgetary and operational changes necessary to fulfill the requirements of this ordinance.

- 5.1. Election Ordinance 2nd Reading - City Secretary: Ordinance No. 2006-O0016 Ordinance No. 2006 ordering the 2006 regular municipal election of the City of Lubbock, to be held May 13, 2006. Said City general election shall be held in the voting places designated in Exhibit A. Early voting by personal appearance shall be conducted at the locations, days, and hours indicated on Exhibit B.**

The Lubbock City Council deems it to be in the best interest of the citizens of Lubbock to order a regular city election for the purpose of electing municipal officers to be held on May 13, 2006, pursuant to the Texas Election Code, the Lubbock City Charter, and City ordinances.

Said election shall be for the purpose of electing the following officers of the City of Lubbock:

| | |
|----------------------------|-------------|
| MAYOR (AT LARGE) | 2 YEAR TERM |
| COUNCIL MEMBER, DISTRICT 1 | 4 YEAR TERM |
| COUNCIL MEMBER, DISTRICT 3 | 4 YEAR TERM |
| COUNCIL MEMBER, DISTRICT 5 | 4 YEAR TERM |

FISCAL IMPACT

Based on county and city projections, historical publication costs, voting machine rental cost, and other related miscellaneous expenses, the estimated cost for this election is approximately \$125,000, which has been included in the Adopted FY 2005-06 Operating Budget.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Council Member Jones, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2006-O0016 with the additions to Exhibit "B" handed out at the dais. Motion carried: 7 Ayes, 0 Nays.

5.16. Contract Resolution - Parks & Recreation: Resolution No. 2006-R0089 authorizing the Mayor to execute a contract amendment with Chapman Harvey Architects, Inc. for architectural and engineering services for the development of the Martin Luther King, Northwest, and Southwest Little League complexes.

In December 2005, City Council awarded a professional services contract to Chapman Harvey Architects, Inc. for architectural and engineering services for the development of the Martin Luther King Little League complex. Funding has been approved for the development of Little League complexes for Northwest Little League and Southwest Little League.

The proposed location for the Northwest Little League complex is west of North University, just south of Fiesta Plaza. The fields for Southwest Little League will be located at Maxey Park.

The contract amendment will provide architectural and engineering services for the design and engineering of the three complexes. The amendment also includes subcontract work by Parkhill, Smith and Cooper for a drainage study at Maxey Park and civil engineering services for all three sites. The fee to Chapman Harvey is 6.5% of the final construction cost and is consistent with the original agreement.

The expanded project scope does not extend the project delivery date. The anticipated completion date for the three complexes is Spring 2007.

FISCAL IMPACT

Funding for the construction of Little League complexes has been included in the FY 2005-06 through FY 2010-11 Amended Capital Improvement Program. The estimated cost for civil engineering is \$110,360.

Staff recommended approval of this resolution.

Randy Truesdell, Director of Community Services, gave comments and answered questions from Council. City Attorney Anita Burgess also answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to pass Resolution No. 2006-R0089 with amended documents handed out to Council at the dais. Motion carried: 7 Ayes, 0 Nays.

At this time, Motion was made by Council Member Gilbreath, seconded by Council Member Jones to reconsider Item 5.11. Motion carried: 7 Ayes, 0 Nays.

5.11. Budget Amendment #10 2nd Reading - Finance: Ordinance No. 2006-O0018 Consider budget ordinance 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. 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.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Council Member Gilbreath, seconded by Council Member DeLeon to pass on second and final reading Ordinance No. 2006-O0018 with the following change:

Establish a \$510,000 Capital Improvement Program project for the construction of a mausoleum at the City cemetery. Funding for the cost of construction will come from the issuance of \$255,000 of Certificates of Obligation, payable from the sales proceeds of niches and crypts, and \$255,000 from Community State Bank as per the compromise and settlement agreement resolution with Community State Bank.

Motion carried: 5 Ayes, 2 Nays. Mayor Pro Tem Martin and Council Member Boren voted Nay.

6. REGULAR AGENDA

6.1. Board Appointments – City Secretary: Consider one appointment to the Appointments Advisory Board, three appointments to the North Overton Tax Increment Finance District, one appointment to the Parks & Recreation Board, and five appointments to the Zoning Board of Adjustment.

Motion was made by Council Member DeLeon, seconded by Council Member Boren to reappoint Sue Clary to the Appointments Advisory Board. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

Motion was made by Council Member DeLeon, seconded by Council Member Boren to reappoint Jack Driskill, Patrick Murfee, Richard Trussell to the North Overton Tax Increment Financing Board. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused on this item.

Motion was made by Council Member DeLeon, seconded by Council Member Boren to reappoint Cray Pickering to the Parks & Recreation Board. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

Motion was made by Council Member DeLeon, seconded by Council Member Boren to reappoint Alice Chavez, Jay House, Larry Lowe, Mike Moss, and Maggie Trejo to the Zoning Board of Adjustment. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

6.2. City Council Rules and Procedures Resolution - City Secretary: Resolution No. 2006-R0090 to amend certain policies and procedures as set forth in the City of Lubbock Council Rules, Order of Business and Procedures Manual to change member term to unlimited for the Audit Committee and Lubbock Water Advisory Commission.

The City Council deems it to be in the best interest of the City of Lubbock to have unlimited terms for the Audit Committee and the Lubbock Water Advisory Commission, based on the nature of the missions of those committees.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2006-R0090 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.3. Board and Commissions Resolution - City Secretary: Resolution No. 2006-R0091 to change term limits for members of the Audit Committee to unlimited and to add one member selected by the Electric Utility Board.

Council deems it in the best interest of the City to ensure continuity of experience and expertise on the Audit Committee. This resolution changes the number of terms to unlimited and changes the number of members to six to include a member selected by the Electric Utility Board.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2006-R0091 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Code of Ordinances Ordinance 2nd Reading - City Secretary: Ordinance No. 2006-O0019 Ordinance No. 2006 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.

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

- 6.5. Right-of-Way Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2006-O0017 Consider an ordinance 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 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 second reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on second and final reading Ordinance No. 2006-O0017 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

- 3.4. Board Recognition - City Secretary.**

Cultural Arts Grants Review Standing Sub-Committee:

Ann McDonald (Unable to attend)

Gail Fargason

- 6.6. This item was considered following Item 6.23.**
- 6.7. This item was considered following Item 6.6.**
- 6.8. This item was considered following Item 6.7**
- 6.9. This item was considered following Item 6.8.**
- 6.10. This item was considered following Item 6.9.**
- 6.11. Master Development Agreement Resolution - Business Development: Resolution No. 2006-R0092 authorizing and directing the Mayor Pro Tem to execute for and on behalf of the City of Lubbock a Master Development Agreement between the City of Lubbock, Overton Park Hotel, L.P. 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. The City has expressed a desire to participate in the financing of the conference/civic center.

The agreement defines the responsibilities of GTD, hotel owners, and the City. In addition, this agreement identifies the scope of the hotel and conference/civic center, the intended reciprocal leases between both parties, and the term of the leases. Staff believes that this project will further the growth of the City, facilitate the redevelopment of the Tax Increment Finance (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 a management agreement with the hotel owners for the conference/civic center.

FISCAL IMPACT

The financial commitment by the City will be \$8.4 million for the conference/civic center public facility. The intent is to issue municipal bonds with debt service recovered through revenues received from the TIF and a portion of Hotel Motel Tax generated by the hotel property.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Gilbreath to pass Resolution No. 2006-R0092 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.12. Participation Resolution - Water Utilities: Resolution No. 2006-R0093 authorizing the Mayor to execute documents evidencing the City of Lubbock's intent to participate in the 2006 Canadian River Municipal Water Authority Bond Issue for approximately \$50 million for groundwater interests and rights and related well field development projects.

The Canadian River Municipal Water Authority (CRMWA) is ready to move forward with their 2006 \$50 million bond issue for ground water right purchases and well field development projects. These purchases and projects are beneficial in the short range because they increase the annual volume of water that can be delivered by CRMWA from the Roberts County well field. They are also beneficial in the long range because they provide for a long-range water supply.

CRMWA has asked that the City of Lubbock and the other 10 member cities to indicate their interest in participating. A resolution has been prepared for the purpose of authorizing the City of Lubbock to complete the letter that indicates the City's intent to participate in the 2006 CRMWA Bond Issue.

CRMWA is progressing forward with their water right purchases and well field development plans and projects as a result of the 2005 Bond Issue. To date the following was reported at a February 1, 2006 meeting:

CRMWA has purchased or contracted for \$55 million worth of additional water rights.

CRMWA now has over 220,000 acres of water rights that are owned or under contract. This includes the original well field in Roberts County.

CRMWA roughly estimates that it has 15 million acre feet of water that it owns or has under contract.

CRMWA projects that the groundwater purchased could meet member city water needs for almost 100 years (various scenarios and assumptions).

In 1998 the Canadian Municipal River Authority (CRMWA) initiated an \$83 million well field project to supplement water supplies from Lake Meredith. The amount of water available from Lake Meredith has decreased due to drought and due to reservoirs in New Mexico that now capture almost all water flows from mountain watersheds. At present Lake Meredith is at 13.75% full. Lake Meredith reached its lowest point in 2004 at 11.98%. Water began to flow from the well field project in December of 2001. The well field is located in Roberts County, and is called the John C. Williams well field.

On December 15, 2004 the Panhandle Groundwater Conservation District adopted rules and regulations for the conservation of groundwater. These regulations adopted the 50/50 Standard, which means that water use will be restricted to ensure that 50% of the water will still be available in 50 years. The new rules would restrict CRMWA's well field production unless additional water rights were purchased.

In April of 2005, CRMWA issued \$50 million in bonds for the purchase of additional water rights and for additional well field development. \$30 million was designated for the purchase of water rights and \$20 million for well field development. The opportunity for the purchase of water rights was excellent, and CRMWA has been able, as of this date, to sign contracts for about \$55 million worth of water rights.

With an estimated 15 million acre feet of water in place, CRMWA can meet the needs of member cities for about 90 years before the groundwater use

restrictions would begin to impact the amount of water that can be produced. This also assumes a CRMWA II project in about 2050.

It is proposed now that CRMWA issue an additional \$50 million in bonds in 2006. These funds will be used to replenish \$20 million in the 2005 Bond issue so that the well field development can take place, and designate an additional \$30 million for water right purchases.

The 2006 CRMWA well field water allocation was 40,000 AF for all cities and 14,823 AF for Lubbock. When all necessary improvements are in place, CRMWA will be able to allocate about 69,000 AF from the well field for member cities, and Lubbock's share is estimated at 26,000 AF. In order for this to happen, the well field development project must be completed and the well field pump stations must be expanded to increase pumping capacity. Well field development limits production to 40,000 AF, pump station capacity limits production to 50,400 AF, and pipeline capacity limits production to 69,000 AF annually.

Completion of all necessary improvements will increase Lubbock's allocation from 14,823 AF to 27,003 AF. This amounts to an additional 12,180 AF annually. The project will also allow the Lubbock's daily allocation increase from 13.2 mgd to 24.1 mgd from the well field source. The additional 12,180 AF annually and the additional 10.9 mgd will be a significant benefit during times of drought when Lake Meredith allocations are reduced.

City staff members have already a preliminary notice to CRMWA of their intent to participate or not. Additional steps for the City of Lubbock to participate include: (1) approving by resolution authorizing the completion of the participation intent letter; and (2) approving by resolution Amendment #3, which Amendment serves as an agreement to participate in the project.

The resolution to authorize the City to complete the participation intent letter is included with this agenda for your consideration. The participation intent letter allows the City of Lubbock to indicate that the City will participate at its prior commitment level in the groundwater project (37.058%), that the City will participate at a higher proportionate rate should any other community decide to not participate, and finally, that the City will participate solely through the CRMWA's revenue bonds.

The Amendment #3 (participation agreement) is included for your information. The agreement will be presented for your approval in its final form on March 9, 2006 if all of the member cities have completed their participation intent letter.

The original groundwater agreement was approved in 1996 and is called "Agreement for the purchase and Acquisition of Conjunctive Use Groundwater Supply." This original agreement has been amended as additional and new projects have been approved. The first amendment came in 1999 and is related to the original well field project, the second amendment came in 2005 and is related to the 2005 CRMWA Bond Issue, and the third amendment will now be considered and is related to the 2006 CRMWA Bond Issue. The proposed amendment #3 will require a unanimous vote of the CRMWA Board for approval.

FISCAL IMPACT

Lubbock's share in the well field project, based upon the most recent indication of cities to participate or not, is about 37.936%. This percent of participation may change once all cities have made a final decision on their level of participation. Lubbock's annual debt service, based upon a 4.75% interest rate and a \$51 million issue amount is estimated to be about \$1.51 million. This may require a 3.8% increase in revenues to finance Lubbock's portion of the project. The debt service for the 2005 CRMWA Bond Issue is approximately \$1.46 million annually for 20 years.

CRMWA anticipates that a surety bond will be obtained for the 2006 Bond Issue. If for some reason this is not possible, additional funding of about \$4 million would be necessary for a debt service reserve, and Lubbock would

bear its proportionate share. These debt service reserve funds plus any interest earnings would be used by CRMWA to make pay debt service payments as the debt service reserve requirements are met thereby reducing some future debt service payments.

Staff recommended approval of the resolution and full participation in the 2006 CRMWA Bond Issue and related projects. This includes the City of Lubbock's participation in any additional allocations that may become available due to the decision of some member cities to not participate. Approval of Amendment #3 is also recommended.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0093 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

6.13. Franchise Agreement Ordinance 1st Reading - City Manager's Office: Ordinance No. 2006-O0023 granting to South Plains Electric Cooperative a nonexclusive franchise for a term of twenty (20) years for the use of the public right of ways of the City of Lubbock for the purpose of conducting an electrical lighting and power business including all rights and privileges associated therewith and as specifically outlined in the franchise, and providing for compensation to the City for the use of the City's public right of ways and containing other miscellaneous provisions associated with the use of the City's public right of ways and the granting of this franchise.

This ordinance grants to South Plains Electric Cooperative, Inc. (SPEC) the right, privilege and franchise to conduct within the City of Lubbock, Texas, an electrical lighting and power business and to enter upon, erect, construct, maintain, extend, repair, replace and remove in, under, upon, within, over, above, across and along any and all of the present and future public roads, highways, streets, lanes, and alleys of the City of Lubbock, a system of poles, pole lines, towers, distribution lines, transmission lines, wires, guys, cables, conduits, transformers, and other distribution and transmission equipment, facilities and appurtenances necessary or proper for the transmission and distribution of electricity within the City of Lubbock, and any other particular requirements set forth in the ordinance.

As compensation and rental for the use of the streets, alleys and public ways of City in the conduct of its business under this franchise, SPEC shall pay the City each year of the life of this franchise, beginning March 1, 2006, a sum of money equal to five percent (5%) of the annual gross receipts of SPEC derived from its retail electric lighting and power sales for consumption within the corporate limits of the City. The term of the franchise is for 20 years.

FISCAL IMPACT

An increase in franchise fee from 2% to 5% will provide additional revenue into the Gateway Streets Fund. It is estimated that this franchise will produce approximately \$393,750 in revenues for the City during FY 2005-06 and will increase annually thereafter.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0023 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

6.14. Franchise Assignment Resolution - City Manager's Office: Resolution No. 2006-R0094 approving the assignment of the Cox Communications, Inc., cable television franchise to Cebridge Connections upon the closing of an appropriate transaction and receipt of certain notices and acceptances by the City of Lubbock, Texas.

Cox Southwest Holdings, L.P. (Cox) owns, operates and maintains a cable television system (System) within the City of Lubbock, Texas, pursuant to City of Lubbock Ordinance No. 10141 (Franchise). Cox and other legal entities controlled by Cox Communications, Inc. have entered into an Asset Purchase Agreement dated October 31, 2005, with Cebridge Acquisition Co., LLC, in which, among other things, Cox proposes to sell and assign to Cebridge Acquisition Co., LLC, certain of the assets, including the Franchise, used by Cox in operation of the System. Under the agreement, Cebridge Acquisitions, LLC, will assign said Franchise and System under the Agreement to Cebridge Acquisition, L.P., dba Cebridge Connections ("Cebridge") prior to closing of the Transaction.

Cox and Cebridge requested in writing on December 12, 2005, the consent of the Franchise Authority to the assignment of the Franchise and sale of the System in accordance with the requirements of the Franchise and applicable laws and have filed with the City a franchise assignment application that includes relevant information concerning the transaction and the technical, financial and legal qualifications of Cebridge to operate the system. Pursuant to Section 12 of City of Lubbock Cable Television Regulatory Ordinance, the City has reviewed the application and other documents, and has examined the technical, financial and legal qualifications of Cebridge to operate the System.

The City has followed all required procedures and consider and act upon the application and has considered comments of all interested parties. This resolution authorizes the approval of the application and the assignment of the Franchise and sale of the System to Cebridge in accordance with the terms of the Franchise, Cable Television Regulatory Ordinance, and other applicable laws, as described in the application. The franchise assignment application is available for review in the Purchasing and Contract Management Department.

FISCAL IMPACT

It is estimated that this franchise will produce approximately \$1.5 million in revenues for the City during FY 2005-06 and will increase annually thereafter.

Staff recommended approval for this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2006-R0094 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

6.15. Budget Amendment #11 1st Reading - Finance: Ordinance No. 2006-O0024 amendment #11 amending the FY 2005-06 Capital Improvement Program and Grant Fund.

Amend Capital Improvement Project 91048 City Hall HVAC Renovations by appropriating an additional \$200,000 of 2006 Certificate of Obligation Bonds for the renovation of the City Hall HVAC system, with estimated revenues increased accordingly.

Amend Capital Improvement Project 91207 New Northwest Little League Complex by transferring \$98,000 of 2003 General Obligation Bonds from Capital Improvement Project 91205 Northwest Little League Improvements for the construction of the Northwest Little League.

Accept and appropriate a \$50,251 grant from the Texas Department of State Health Services to provide for HIV/AIDS Surveillance.

Funding in the amount of \$50,251 will be received. This grant funds the active surveillance and reporting activities for Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) – includes personnel, benefits, travel, and supply costs.

No City matching funds are required.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0024 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

- 6.16. This item was considered following Item 6.10.**
- 6.17. This item was considered following Item 6.16.**
- 6.18. This item was considered following Item 6.17.**
- 6.19. Contract Resolution – Public Works Engineering: Resolution No. 2006-R0095 for Mac Davis Lane and Avenue V Extension Paving and Drainage Improvements - BID #05-148-BM**

This contract involves the removal and replacement of failed curb and gutter, street paving, utility adjustments, and irrigation installation on 10th Street from Avenue V to Avenue U. This is one phase of a project to stabilize, revitalize, and reinvest in a distressed target Tax Incentive Funds district neighborhood and is part of a larger plan of overall construction in Overton Park. The area is being redeveloped and improved to enhance personal and economic development for the citizens of Lubbock.

Time for completion of this project is 165 working days and liquidated damages are \$25 per day. Twenty-three local contractors were notified of this Invitation to Bid and two responded.

FISCAL IMPACT

A total of \$700,000 was appropriated with \$700,000 available in Capital Improvement Project number 91064, Dinerstein III, 91062, Tract 6 and 91070, Single Family.

Staff recommended contract award to West Texas Paving, Inc. of Lubbock, Texas for \$609,569.

Motion was made by Council Member Price, seconded by Council Member Gilbreath to pass Resolution No. 2006-R0095 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

- 6.20. Contract Resolution - Business Development: Resolution No. 2006-R0096 authorizing the Mayor Pro Tem to execute Change Order No. 3 for Tom's Tree Place Contract #6171 for Project #91065 in the Overton Park redevelopment area.**

Tom's Tree Place Contract #6171 is the second phase of construction of the Overton Park Streetscape and Landscape. The contract includes construction and/or installation of site electrical utilities, monuments, screen walls, planters, concrete paving, brick pavers, tree grates, site furnishings, concrete curbs, bicycle racks, irrigation systems, trees, shrubs, perennials, ground covers and decorative mulches with weed barriers.

This change order increases the scope of the contract to add landscaping in the public right-of-way for the project. This landscaping utilizes the same type of materials included in the original contract and adding this landscaping to the existing contract allows the project to be completed in a timely manner. The change order adds 120 days working days to the original contract time.

FISCAL IMPACT

The original contract amount was 2,794,412. Change Orders #1 and #2 added \$5,175.50 to the contract. The amount of Change Order #3 is \$259,004.17. The total contract amount with this change order is \$3,058,591.67. Funding for the change order is budgeted in CIP Project 91065 – Wal-Mart in the amount of \$448,400. This project is funded out of the North Overton TIF Fund.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0096 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.21. Contract Resolution – Public Works Engineering: Resolution No. 2006-R0097 for Overton Park Paving and Drainage Improvements - BID #06-003-BM.

This contract involves the replacement of existing pavement to increase structural integrity of the pavement with a stronger paving section to accommodate increased wheel loadings without causing pavement distress and failure. In addition, storm sewer will be constructed to accommodate increased flow capacity and drainage on the heavily traveled and loaded pavement. Construction is scheduled to begin during March 2006 and scheduled to be completed during October 2006.

Time for completion of this project is 160 working days and liquidated damages are \$100 per day. Twenty-four local contractors were notified of this Invitation to Bid and two responded.

FISCAL IMPACT

\$1,000,000 was appropriated in Capital Improvement Project 91065 Wal-Mart and \$497,892 in Capital Improvement Project 91070 Single Family for this purpose.

Staff recommended contract award to West Texas Paving, Inc. of Lubbock, Texas for \$1,497,892.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0097 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.22. Contract Resolution - City Secretary: Resolution No. 2006-R0098 authorizing the Mayor to execute a contract between the City of Lubbock and Lubbock County, Texas, for the conduct and supervision of the City's General Election to be held on May 13, 2006.

The County of Lubbock owns a direct recording electronic voting system that has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended, and the City desires to use the County's electronic voting system in its election and to compensate the County for such use.

This resolution authorizes the City to pay Lubbock County for equipment, supplies, services, and administrative costs as provided in the contract. The Lubbock County Elections Administrator shall serve as the administrator for the election. The City shall remain responsible for the lawful conduct of its election including, without limitation, those functions reserved to the City, and any functions which cannot be lawfully delegated to the Lubbock County Elections Administrator. The Elections Administrator shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the City; however it shall be the responsibility of the City to obtain whatever legal opinions it deems necessary from the City's chosen legal counsel and at the City's sole cost and expense. The Lubbock County Elections Administrator will not provide legal advice to the City.

FISCAL IMPACT

\$100,000 currently included in approved FY 2005-06 operating budget.

Staff recommended approval for this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0098 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

6.23. Contract Resolution - City Attorney: Resolution No. 2006-R0099 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 involves the presented compromise settlement agreement of the above referenced case.

Motion was made by Council Member DeLeon, seconded by Council Member Boren to pass Resolution No. 2006-R0099 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

6.24. This item was considered following Item 6.18.

10:10 A. M. CITY COUNCIL RECESSED

10:15 A. M. CITY COUNCIL RECONVENED

6.6. Public Hearing - 10:15 AM - Business Development: Hold a public hearing to consider an increase in the cost of public improvements in the Vintage Township Public Improvement District from \$6 million to \$9 million.

Mayor McDougal opened the public hearing at 10:16 a. m. No one appeared on behalf of Vintage Township Public Improvement District. No one appeared in opposition. Mayor McDougal closed the hearing at 10:17 a. m.

The City Council approved a Creation Resolution establishing the Vintage Township Public Improvement District (PID) at their December 15, 2005 meeting. This Public Hearing is to consider amending the Creation Resolution to include the increase in the cost of the public improvements, and amenities from \$6 million to \$9 million.

FISCAL IMPACT

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 expenses that will be identified in the PID Service Plan will be funded through an assessment to the property owners.

6.7. Public Improvement District Resolution - Business Development: Resolution No. 2006-R0100 amending Resolution No. 2005-R0590 to increase the cost of public improvements for the Vintage Township Public Improvement District from \$6 million to \$9 million.

The City Council approved a Creation Resolution establishing the Vintage Township Public Improvement District at their December 15, 2005 meeting. This resolution changes the original Creation Resolution to increase the cost of the improvements from \$6 million to \$9 million.

FISCAL IMPACT

No fiscal impact to the City. Any ongoing administration costs will be payable by the developer or by assessments on property owners within the Vintage Township Public Improvement District.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0100 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Martin was away from the dais.

6.8. Public Hearing - 10:15 AM - Community Development: Hold a Public Hearing to discuss the recommendations of the Community Development and Services Board for the reallocation of unspent 2005 funds from the Community Development Block Grant.

Mayor McDougal opened the public hearing at 10:18 a. m. Jeremy Haggard and Joe Martinez appeared in favor of the recommended reallocations. No one appeared in opposition. Mayor McDougal closed the hearing at 10:24 a. m.

On January 11, 2006, the Community Development Services Board (CDSB) met to discuss the reallocation of \$481,952 in unspent 2005 Community

Development Block Grant (CDBG) funds. After reviewing the spending priorities as presented by Council, the CDSB voted unanimously to approve the following funding recommendations.

| Agency | Project | Amount |
|---------------------|------------------------------------|-----------|
| COL-CD Department | Sidewalks, Habitat for Humanity | \$ 10,000 |
| YWCA of Lubbock | Sun 'n Fun Phase II | 96,952 |
| COL-CD Department | Street Paving, W. End Neighborhood | 250,000 |
| Inside Out Ministry | Facility Renovation | 45,000 |
| COL-CD Department | Emergency Repair Program | 70,000 |
| Total | | \$481,952 |

FISCAL IMPACT

The \$481,952 of unspent 2005 CDBG funds will be reallocated according to established City Council priorities.

6.9. Public Hearing - 10:15 AM - Community Development: Hold a Public Hearing to discuss the recommendations of the Community Development and Services Board to identify the streets to be paved under the West End Paving Project with funds from the Community Development Block Grant.

Mayor McDougal opened the public hearing at 10:25 a. m. No one appeared on behalf of the West End Paving Project. No one appeared in opposition. Mayor McDougal closed the hearing at 10:25 a. m.

On January 11, 2006, the Community Development Services Board (CDSB) met and discussed the identification of streets for the West End Paving Project. The CDSB is recommending that all available street paving money be used to complete the paving of the unpaved streets located within the boundaries of the West End Neighborhood Association. There are a total of 10 blocks that have been identified. They are on 20th, 21st, 23rd, 24th, and 26th Streets between Iola and LaSalle Avenues.

6.10. Street Paving Resolution - Community Development: Resolution No. 2006-R0101 identifying the streets that will be paved under the West End Street Paving Project which is funded through the Community Development Block Grant.

On January 11, 2006, the Community Development Services Board (CDSB) met and discussed the identification of streets for the West End Paving Project. The CDSB is recommending that all available street paving money be used to complete the paving of the streets located within the boundaries of the West End Neighborhood Association. There are a total of 10 blocks that have been identified. They are on 20th, 21st, 23rd, 24th, and 26th Streets between Iola and LaSalle Avenues.

FISCAL IMPACT

There is no fiscal impact on the General Fund involved with the vote to identify the streets to be paved under the West End Paving Project. The funds used are federal funds from the Community Development Block Grant. If the project runs over budget, neither federal funds nor funds from the General Fund will be impacted.

Staff recommended approval of this resolution.

Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0101 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.16. Contract Resolution – Facilities Management: Resolution No. 2006-R0102 for Design/Build for Municipal Building HVAC Replacement - RFQ #05-105-VK.

Major components of the City Hall heating and air conditioning system (HVAC) are old, worn out, inefficient, and in need of replacement. Some of the components are no longer dependable, and could fail during critical summer months when the system is needed most. Replacement of the major components takes time, and if a failure should occur, the City Hall building could be without air conditioning for a number of months.

As allowed by state law for design/build proposals, the City invited contractors to submit qualifications to be considered for this project. Five contractors were recommended in accordance with state law that limits the number of final participants that can submit a proposal. Out of the five contractors recommended, three submitted proposals for design/build services.

The contractor recommended, which is Siemens Building Technologies, proposes a base bid with additional alternates. The base proposal includes the following major system improvements:

- Replacement of the chiller with a new air-cooled 250 ton chiller.
- Replacement of two chiller water pumps with Bell & Gossett pumps with premium efficient invert duty motors.
- Implement a variable chilled-water distribution.
- Replace air handling units #1 and #2.
- Refurbish 63 existing air terminals.
- Other supporting controls, parts and equipment as outlined in the detailed proposal.

The proposal also includes additional alternates. The alternates to the base bid would provide for the replacement of air handling units #3, #4 and #5 as well as the boiler, along with supporting controls, parts and equipment as outlined in the detailed proposal.

The base proposal addresses the major components that keep the City Hall HVAC system operational. If the City waits on these items until they fail, the replacement time could be a number of months for equipment procurement and installation. The replacement on an emergency basis may not be as well thought out and part of a plan to upgrade the entire system for energy efficiency and system effectiveness. Failure of any item in the alternate proposals might impact a portion of the City Hall building for a month or more until replacement parts are procured and installed.

Eighty-six local contractors were notified of this Invitation to Bid and four responded.

FISCAL IMPACT

A total of \$609,673 was appropriated with \$607,693 available in Capital Improvement Project number 91048, City Hall HVAC Renovation.

The base proposal from Siemens is \$795,273. With the alternates, the proposal is for \$1,268,214. Staff had requested up to \$800,000 to help with the replacement of the chiller and pumps. An additional \$200,000 is necessary to proceed with the base proposal and an additional \$670,000 to proceed with the base proposal and the alternates.

Staff recommended contract award to Siemens Building Technologies of Irving, Texas for \$795,273 subject to appropriation of funds.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0102 with an amendment to award the contract to Bruce Thornton Air Conditioning. Motion carried: 7 Ayes, 0 Nays.

6.17. Contract Resolution – Cemetery: Resolution No. 2006-R0103 authorizing the Mayor to execute a change order to the contract previously executed between the City of Lubbock and Cold Spring Granite Company for construction of a mausoleum at the City Cemetery.

The proposed change order to the contract will modify the terms of the previously executed contract with Cold Spring Granite Company approved by the City Council on December 3, 2001, Resolution 2001-R0505. The modified contract terms provide for the construction of a 588 crypt and 100 niche mausoleum at the City Cemetery. The original contract provided for the construction of an 1176 crypt and 200 niche mausoleum. Construction is to begin after acceptance of the change order by City Council.

The City of Lubbock has reached a compromise and settlement agreement with Community State Bank of Austin to settle on-going litigation between parties and to construct a mausoleum at the City of Lubbock Cemetery. A separate resolution authorizing the compromise and settlement agreement with Community State Bank is on the agenda.

FISCAL IMPACT

Cold Spring Granite Company will be paid an amount not to exceed \$510,000 to construct the mausoleum. As part of the agreement with Community State Bank of Austin to construct the mausoleum at the City of Lubbock Cemetery, the City's portion of the cost is an amount not to exceed \$255,000.

This will be funded through the issuance of certificates of obligation in Spring 2006.

Staff recommended approval of this resolution.

Quincy White, Assistant City Manager; George Lisenbee, Building Energy Management Administrator; and, Victor Kilman, Purchasing and Contract Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0103 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Mayor Pro Tem Martin and Council Member Boren voted Nay.

6.18. Compromise and Settlement Agreement Resolution – Cemetery: Resolution No. 2006-R0104 authorizing the Mayor to execute a Compromise and Settlement Agreement between the City of Lubbock and Community State Bank of Austin finally settling the dispute in the matter of City of Lubbock v. Crouch & Associates, Ltd. and Community State Bank, Cause No. 2004-528,092 in the 72nd District Court of Lubbock County, Texas, and financing the mausoleum's construction, and allocating the proceeds from crypt and niche sales in the proposed mausoleum.

This resolution authorizes a compromise and settlement agreement with Community State Bank of Austin to settle ongoing litigation by financing the construction of a mausoleum at the City of Lubbock Cemetery. Community State Bank owns, or has been pledged, 93 contracts with individuals who have purchased crypt or niche space at the mausoleum pursuant to the original contract with Crouch & Associates, Ltd. Under this compromise and settlement agreement, Community State Bank will immediately provide matching funds, as invoiced, toward the construction of the mausoleum at the City of Lubbock Cemetery, with the total cost of the construction project not to exceed \$510,000.00. In return, Community State Bank of Austin will receive a percentage of the proceeds from the sale of every other crypt or niche space from the mausoleum. The agreement also provides that the lawsuit instituted by the City of Lubbock against Community State Bank dismissed and finally settled.

FISCAL IMPACT

Cold Spring Granite Company will be paid an amount not to exceed \$510,000 to construct the mausoleum. As part of the agreement with Community State

Bank of Austin to construct the mausoleum at the City of Lubbock Cemetery, the City's portion of the cost is an amount not to exceed \$255,000.

This will be funded through the issuance of certificates of obligation in Spring 2006.

Staff recommended approval of this resolution.

Assistant City Manager Quincy White gave comments and answered questions from Council. City Manager Lee Ann Dumbauld and City Attorney Anita Burgess also answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0104 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Mayor Pro Tem Martin and Council Member Boren voted Nay.

Motion was made by Council Member Boren, seconded by Mayor Pro Tem Martin to reconsider Item 6.18. Motion carried: 4 Ayes, 3 Nays. Council Members DeLeon, Jones, and Price voted Nay.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2006-R0104 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Mayor Pro Tem Martin and Council Member Boren voted Nay.

6.24. Code of Ordinances Ordinance 1st Reading - Health: Ordinance No. 2006-O0025 amending Chapter 4 of the Code of Ordinances of the City of Lubbock, Texas with regard to regulating the keeping of animals within the City of Lubbock; providing for criminal penalties; providing a savings clause; and providing for publication.

The proposed ordinance is the result of significant collaborative efforts between two city appointed advisory boards, citizen comments, staff input, and public hearings. The Animal Shelter Advisory Board, under the leadership of Dr. Larry Farley, and the Lubbock Board of Health, under the leadership of Immediate Past-Chair Dr. John Selby, participated in the development of this ordinance.

A comprehensive ordinance is essential for establishing a successful animal care and services program and for helping ensure immediate, as well as long-term, results. Effective animal control ordinances and state statutes typically evolve over a period of years. The proposed animal ordinance provides for the following:

- protects public safety through mechanisms for preventing animal bites, attacks, and accidents caused by free-roaming animals;
- protects public health through mechanisms for preventing the spread of zoonotic diseases, especially rabies;
- discourages the breeding of cats and dogs and encourages their spaying and neutering;
- ensures that every pet is traceable to its owner in order to foster responsible pet-owner accountability and increase the numbers of lost pets reunited with their owners;
- regulates all persons selling, boarding, displaying, harboring, or otherwise using animals;
- deals with the protection as well as the control of animals;
- treats dogs and cats as the primary concern, but also provide for the control and protection of other species;
- attempts to anticipate and provide remedies for animal-related problems likely to occur within the community;
- places penalties on irresponsible animal owners; and
- includes strong implementation and enforcement procedures.

A public hearing was conducted on January 10, 2006, with approximately 100 citizens in attendance and 23 people signed up to speak. Many of the citizens' recommendations were incorporated into the final version of the ordinance. The Animal Shelter Advisory Committee gave its final review and approval on February 7, 2006, followed by similar action by the Lubbock Board of Health on February 10, 2006.

The approximately 30-page ordinance is divided into 5 major Articles with 41 Sections. Many of these sections have been in our existing ordinance are receiving minor changes whereas other sections are entirely new.

SIGNIFICANT NEW CHANGES BY ARTICLE AND SECTION

Article 1—In General

- At-Large definition—Cats are not confined and must be identified/spayed/neutered and properly vaccinated if running loose.
- Feral Cats—new definitions are now included.
- Dangerous Wild Animals—outlawed except for existing animals that are grand fathered.
- Section 4-7 Tethering of Animals—prohibits prolonged tethering unless properly fenced.
- Section 4-9 Defecation of Dogs on Public and Private Property—this is a new section prohibiting the defecation of dogs on public or private property and requires the dog owner to have materials in possession to immediately remove any excreta the dog may have deposited.
- Section 4-10 Unabated Nuisances—new section and new tool to address recurring animal related problems.
- Section 4-14 Number of Dogs and Cats at Residences / Multi-Pet Permit—This section places a limit on the number of adult dogs a single resident can possess at four and the number of adult cats at four. There is a provision to exceed that number by obtaining a multi-pet permit. These changes are being coordinated with the Zoning Board and there may be a slight period of conflict between adoption of the Animal Ordinance and adoption of zoning requirements.
- Section 4-15 Feral Cat Management—This is a new section dealing with managed feral cat colonies within the city limits. Considerable input was received from concerned citizens to establish this section and to have a managed feral cat program.

Article II-Rabies and Zoonosis Control

- Section 4-20 Identification/Registration Tag and/or Microchip Required—This re-establishes the registration tag program for cats and dogs. Microchipping is new technology that is being addressed in the ordinance.
- Section 4-24 Animal Population Control Program—This is a new section to promote a sterilization program to eventually reduce the number of unwanted animals having to be euthanized on an annual basis. Only those fees generated from the registration tags would be used for this new program.

Article III-Animal Establishments

- Section 4-30 Private Animal Sales—No owner or person shall display for commercial purpose, offer, sell, trade, barter, lease, rent, or give away, any live animal, on any roadside, public right-of-way, commercial parking lot, or any flea market. This provision does not prohibit the sale or purchase of animals from a person's private residence.

Article IV—Other Animals

- Section 4-33 Keeping of Dangerous Wild Animals—This section outlaws the keeping of dangerous wild animals unless existing permit holders

make written application to the Animal Services Manager per requirements under state law.

Article V—Fees

- Section 4-40 Fees for Registrations—Several new fees have been proposed and several others adjusted. Revenue from the dog and cat fee registration would be used in an animal population control program to promote sterilization of animals. A rabies quarantine fee would be implemented to address 10 day quarantine periods for biting animals. Adoption fees have been standardized. A non-resident fee is established.

FISCAL IMPACT

Total annual revenue is expected to increase by \$100,000. Approximately \$60,000 of that total revenue would be attributed to registration fees and re-establishing that program.

The Lubbock Health Board, Animal Shelter Advisory Committee, Health Department, and Animal Services staff recommended approval of the ordinance.

Tommy Camden, Health Director, gave a presentation and answered questions from Council on the amendments to the Code of Ordinance pertaining to the keeping of animals within the city limits. Fred Sanderson, Animal Services Manager, gave comments and answered questions from Council. City Manager Lee Ann Dumbauld also answered questions from Council.

Mayor Pro Tem Martin stated that he would like to see a proposal in the budget for more cat traps and wild animal traps, since the traps are made available to the citizens that request them.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0025 as amended by Animal Services staff. Motion carried: 7 Ayes, 0 Nays.

11:50 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

4:45 P. M. COUNCIL ADJOURNED

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

Read and approved this _____ day of _____, 2006.

MARC MCDOUGAL, MAYOR

ATTEST:

Rebecca Garza, City Secretary