

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
March 23, 2006
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 23rd day of March, 2006, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

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

Absent: No one

1. CITIZEN COMMENTS

1.1. Citizen Appearance:

Arnold Martinez – Will appear before City Council to discuss Police Department and Municipal Court.

Citizen was not present.

2. EXECUTIVE SESSION

Mayor McDougal stated: “City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation; the purchase, exchange, lease, or value of real property; personnel matters; and competitive matters of the public power utility, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law.”

7:31 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, Codes Enforcement, City Attorney, Police, Cemetery, Utilities).

2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Water Utilities, Overton).

- 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, Contract Manager) and take appropriate action.**
- 2.4. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 2.4.1 **to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
 - 2.4.2 **to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**
 - 2.4.3 **to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

**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 by Pastor Doug Chapman, Associate Pastor, First United Methodist Church.**
- 3.2. **Pledge of Allegiance to the Flags.**

Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.
- 3.3. **Presentation of a Proclamation to AMBUCS declaring March 30 through April 1, 2006 as "ABC Pro Rodeo Days".**

Mayor McDougal presented a Proclamation to members of AMBUCS, declaring March 30 through April 1, 2006 as "ABC Pro Rodeo Days". Several members of AMBUCS were present to accept the presentation and give comments.
- 3.4. **This item was considered following Item 3.5.**
- 3.5. **This item was considered following Item 3.6.**

3.6. Presentation of a special recognition commemorating the Texas Recreation and Parks Society 2005 Gold Medal Award to the City of Lubbock Parks and Recreation Department.

Mayor McDougal presented a special recognition to the staff of Parks and Recreation, commemorating the Texas Recreation and Parks Society 2005 Gold Medal Award. Randy Truesdell, Director of Civic Services, gave comments.

3.5. Presentation of a Special Recognition to Lubbock High's Future Business Leaders of America for placing first at the FBLA State Competition for their community service project and advancing to the National Competition in Nashville, Tennessee.

Mayor McDougal presented a special recognition to Lubbock High School's Future Business Leaders of America for placing first at the FBLA State Competition for their community service project and advancing to the National Competition in Nashville, Tennessee. Mayor McDougal recognized members of the LISD School Board that were present, which were Vice President Vernita Woods-Holmes and District 1 Representative Mario Ybarra. Rose Llanes, Instructor, and Doyle Vogler, Principal, gave comments.

3.4. Presentation of a special recognition regarding the 7th Annual Cesar E. Chavez day to be held on March 31, 2006.

Council Member DeLeon read a special recognition to members of the Cesar E. Chavez Committee regarding the 7th Annual Cesar E. Chavez day, which was held on March 31, 2006. There was also a PowerPoint presentation on the history of Cesar E. Chavez, narrated by Mario Jesus Flores and Cindy Rodriguez. Christy Martinez gave comments.

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

Regular City Council Meeting, February 24, 2006

Motion was made by Council Member Gilbreath, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of February 24, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1-5.8, 5.10-5.13, 5.19-5.20, 5.25-5.26, 5.28-5.31)

Motion was made by Council Member Gilbreath, seconded by Council Member Price to approve 5.1-5.8, 5.10-5.13, 5.19-5.20, 5.25-5.26, and 5.28-5.31 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1. Budget Ordinance 2nd Reading - Finance: Ordinance No. 2006-O0031 Consider budget ordinance amendment #12 amending the FY 2005-06 budget respecting the General Fund, Donations Fund, and Capital Improvement Program.

The City Council approved the City's participation in the Junior Ambassador Program through the Approved FY 2005-06 Budget on September 8, 2005

(Ordinance 2005-O0106); however no funding was identified at that time. The projected budget for this program is \$28,750. Lubbock Independent School District will contribute \$5,000 to this program, leaving a funding requirement of \$23,750 for program implementation. A transfer of \$23,750 from the General Fund Balance to the Donations Fund will finance the Junior Ambassador Program for 2006.

A transfer of \$25,600 from Capital Improvement Project #90096 - Dip Reconstruction to a new Capital Improvement Project in the Streets Capital Projects Fund is needed for the City's participation in the construction of a concrete railroad crossing at Avenue U and the BNSF Railroad, located just north of Clovis Road. BNSF will be performing work at this location, and with the City's participation in the cost of one-third of a new concrete crossing, the Railroad will install the new crossing.

5.2. Budget Ordinance 2nd Reading - Finance: Ordinance No. 2006-O0032 Consider budget ordinance amendment #13 amending the FY 2005-06 budget respecting the Capital Improvement Program.

Establish a new Capital Improvement Project and appropriate \$250,000 of Certificates of Obligation for the construction of a second cemetery entrance off of Canyon Lakes Drive.

A proposal to move the existing cemetery entrance to a location off of Canyon Lakes Drive was previously considered by the Parks and Recreation Board. At that time, the Parks and Recreation Board asked City staff to visit with adjacent neighborhood associations and obtain their input regarding the proposal to move the cemetery entrance. Quincy White, Assistant City Manager; Randy Truesdell, Director of Civic Services; and Bob Goodwin, Cemetery Supervisor attended these neighborhood meetings. Council member Floyd Price also attended the final neighborhood meeting.

At the April 26th, 2005 Parks and Recreation Board Meeting, the Dunbar Manhattan Heights, Cherry Point, and Chatman Hill neighborhood associations, expressed their opposition to the proposal to move the cemetery entrance. The neighborhood associations' opposition was primarily based on their concerns about traffic safety on Martin Luther King Boulevard, traffic safety and a disruption of recreational and community activities on Canyon Lakes Drive, as well as a concern about negative remarks made about the housing conditions within the neighborhood.

At the May 24, 2005 Parks and Recreation Board meeting, the Board again heard input on the proposal and voted to support a staff recommendation to keep the cemetery's entrance at its current location. This recommendation was forwarded to the City Council, who has taken no subsequent action on the initial proposal.

The new proposal keeps the current entrance of the cemetery in place and proposes to build a second cemetery entrance off of Canyon Lakes Drive. The estimated cost of construction includes the need for demolition, landscaping,

fencing, curb and gutter, retainage wall, new roadway, widening of existing roadway, a new cemetery entrance sign, and as well as architect and engineering fees. Neighborhood associations in proximity to the cemetery have been made aware of the new proposal to construct a second entrance.

FISCAL IMPACT

"Probable Cost of Construction" submitted by Cox/Dirks Architect, P.C. on February 25, 2005, estimated the cost of construction to be \$216,053. Street Engineering has subsequently indicated that the cost of road construction materials has increased over the past year and estimates an additional \$15,000 in roadway costs, based on these increases and the overall inflation in the cost of materials the new project estimate is \$250,000.

- 5.3. Franchise Agreement Ordinance 2nd Reading - City Manager's Office: Ordinance No. 2006-O0023 Consider an ordinance 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 second reading of this ordinance.

5.4. Zone Case No. 1811-E (8301 Indiana Avenue) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0026 Consider request of Bobby McQueen (Xstream Partners) for a zoning change from C-2 to C-3 limited to a drive through car wash and all unconditionally permitted C-2 uses on Lots 17-A and 18-A, Iris Gardens Addition.

The request is to rezone the property, which is the site of the former Mickey's Steak House, from C-2 to C-3 with a limitation to a car wash.

Adjacent land uses:

N – commercial

S – church

E – commercial

W – split between commercial and residential

The request is consistent with the Comprehensive Land Use Plan in that it is within the 660-foot area at the corner of two major thoroughfares. With the proposed layout of the facility (the dryers will be located toward the east, which is existing commercial, vacant property owned by the seller of this parcel), the proposal is consistent with zoning policy.

The proposal should have no effect on the thoroughfare system since the property has been used as commercial for years. One condition is noted below that relates to curb cuts on Indiana and is consistent with the proposed site plan proposed for the redevelopment.

The Planning Commission recommended the request with three conditions:

1. The parcel shall be zoned C-3 limited to a car wash and all permitted C-2 uses.
2. During redevelopment of the property, curb cuts to Indiana will be limited to one.
3. The dryers of the tunnel shall be oriented toward the east.

Staff is in agreement with the recommendation of the Planning Commission.

5.5. Zone Case No. 2126-F (53rd Street and Chicago Avenue) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0027 Consider request of Hugo Reed and Associates, Inc. (for Lubbock Apartment Association) for zoning change from CA to GO on 2.7 acres of unplatted land out of Section 28, Block E-2.

The request is to downzone a portion of a larger lot that is now CA (Commercial Apartment) to Garden Office. The Lubbock Apartment Association intends to locate their office on the property.

Adjacent property:

N – apartments

S – vacant

E - apartments

W – apartments

The proposal is consistent with both the Comprehensive Land Use Plan and zoning policy. The project will have no effect on the thoroughfare system.

The Planning and Zoning Commission recommended approval of the request. The staff supports the recommendation of the Planning Commission.

5.6. Zone Case No. 1357-A (East Kent to East Ursuline, I-27 to MLK) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0028 Consider the request of Lubbock Economic Development Alliance for a zoning change from R-1 and M-1 to Industrial Park (IDP) on 586.097 acres of unplatted land out of Section 7, Block A.

The applicant is requesting that the majority of the square mile between Ursuline, Kent, MLK and Interstate 27 be zoned for an industrial park (IDP). The applicant is Lubbock Economic Development Alliance (LEDA).

Adjacent land uses:

N – residential, targeted as IDP

S – residential

E – mostly vacant, and a mixture of nonconforming commercial and residential, targeted as IDP

W – I-27

The square mile has been targeted as IDP since 1975 on the Comprehensive Land Use Plan. The small neighborhood north of the requested zone case is sparsely developed as residential and is targeted over the long range as an industrial park. The neighborhood was annexed prior to the adoption of the current Comprehensive Land Use Plan and there is no insinuation by the designation on the Plan that the residential disappear. However, the long-term designation is the result of adjacent land uses and particularly the location just south of the airport.

Beyond the fact that much of the industrial development in Lubbock has been to the North and Southeast, one reason for the industrial status is the location of the airport and the orientation of the north/south runway. If a plane happens to land short or flames out and goes down shortly after take-off, the theory in land use is that an industrial area is better than a residential area.

Because of the aircraft noise and potential danger, the entire area around the airport that is in the city limits is targeted as heavy commercial or industrial due to the influence of the aircraft and airport related activities.

Several adjacent owners have indicated, in writing, a concern of diminished property value. Staff disagrees due primarily to the existing conditions in the area. In addition, LEDA does not have an immediate prospect, so the

build-out of the section will be long-term. Unless the resident lived in their home prior to 1975, the Comprehensive Plan has indicated IDP as the proposed land use and should not be a surprise. At least two adjacent residents were at the meeting, but no citizen spoke in opposition. The Planning staff visited with several folks that received notice letters prior to the meeting.

This request complies with the Comprehensive Land Use Plan and future development will comply with IDP development standards. The best location in Lubbock that typifies IDP (although it is zoned M-1) is the former Texas Instruments campus. LEDA has the same objective for this area, that a quality, viable industrial park be available for development as prospects are generated.

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

1. A 50-foot setback for any structure shall be required for lots that are adjacent to Kent or Ursuline.
2. No screening fences adjacent to a street shall be required on the entire perimeter of the project. (Screening of outside storage is already a Code requirement in IDP).

Staff supports the recommendation of the Planning Commission.

5.7. Zone Case No. 2519-D (6015 Spur 327) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0029 Consider the request of Parkhill, Smith & Cooper (for RCS Land Company, Inc.) for a zoning change C-4 to Interstate Highway Commercial (IHC) on 3.39 acres of unplatted land out of Section 36, Block AK.

The applicant is requesting Interstate Commercial in a location surrounded primarily by IHC and C-4. The existing zoning is C-4, limited to new car sales. The zoning on this location is from a remnant zone case from when the area was just developing and patterns of adjacent land uses had yet to be established. Since that time, all of the area to the west between Spur 327 and 66th Street has been zoned IHC, and most of the land to the east is zoned C-4 with a list of uses that are not permitted. IHC does not allow billboards as a permitted use.

Adjacent land uses are commercial in all directions.

The request is compatible with the Comprehensive Land Use Plan, since Spur 327 is a regional highway and eligible for heavier commercial zoning. The applicant has been informed of what is allowed to be displayed outside in the IHC District. The project will not have an impact on the thoroughfare system.

The Planning and Zoning Commission recommended approval of the request. Staff supports the recommendation of the Planning Commission.

5.8. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0033 abandoning and closing a portion of Frankford Avenue located in Section 5, Block E-2, Lubbock County, property located at 2605 Frankford Avenue.

Lubbock Christian University (LCU) is in the process of building a golf course on their property east of Frankford Avenue and north of 34th Street. As part of the construction, they are platting a one acre tract of land on which to construct a golf clubhouse building. A portion of this platted tract, 0.3597 acres, will be located in the old right-of-way of Frankford Avenue. In 1984, Frankford Avenue was realigned and widened to the west of this old portion of Frankford Avenue that is being closed. As it now exists, this portion of Frankford Avenue is just a dirt road that LCU uses to access their property. Part of LCU's long range plan is to close all of this "old" portion of Frankford Avenue. Since LCU was not the original dedicator of the street area being closed, there will be a charge for this 0.3597 acres (15,668.5 square feet). From adjacent property values and a review of existing sales comparables, a value of \$0.23 per square foot is determined for an appraised value of \$3,604. The area being closed will remain as a utility easement so a 50% adjustment will be applied to this \$3,604 for a \$1,802 charge to LCU.

FISCAL IMPACT

The City presently leases a tract of land from LCU at 20th and Elmwood Avenue for a recycle center. City pays \$1,800 annual rent to LCU for this tract of land. LCU is in agreement to waive next year's fee in exchange for this closure cost.

Staff recommended approval of the first reading of this ordinance.

5.9. This item was moved from consent agenda and considered following Item 5.31.

5.10. Authorization Resolution - Water Utilities: Resolution No. 2006-R0122 authorizing acceptance of water and sanitary sewer improvements for Lot 28, Santa Fe Park Addition to the City of Lubbock, Lubbock County, Texas bound by 42nd Street, Huron Avenue, and Ironton Avenue.

This is a routine transfer of ownership of water and sanitary sewer lines installed in new subdivisions from the developer to the City of Lubbock. These improvements will be added to the City of Lubbock system inventory.

The subdivision is located north of 42nd Street between Huron and Ironton Avenues.

FISCAL IMPACT

This system, when accepted, will be maintained by the City of Lubbock Water and Wastewater Departments. The additional water and wastewater customers will generate additional revenue to the City of Lubbock through the sale of services to the public.

Staff recommended approval of this resolution.

- 5.11. Authorization Resolution - Water Utilities: Resolution No. 2006-R0123 authorizing acceptance of water and sanitary sewer improvements for Lots 69-109, Lakeridge Estates of Lubbock Addition to the City of Lubbock, Lubbock County, Texas, bound by 101st Street, 102nd Street, Savannah Avenue, and Toledo 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. These improvements will be added to the City of Lubbock system inventory.

The subdivision is located between 101st and 102nd Streets, and between Savannah and Toledo Avenues.

FISCAL IMPACT

The system, when accepted, will be maintained by the City of Lubbock Water and Wastewater Departments. The additional water and wastewater accounts will generate additional revenue to the City of Lubbock through the sale of services to the public.

Staff recommended approval of this resolution.

- 5.12. Authorization Resolution - Water Utilities: Resolution No. 2006-R0124 authorizing acceptance of water and sanitary sewer improvements for Lots 110-125, Lakeridge Estates of Lubbock Addition to the City of Lubbock, Lubbock County, Texas, bound by 99th Street and Salisbury 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. These improvements will be added to the City of Lubbock system inventory.

The Subdivision is located North of 99th Street on Salisbury Avenue.

FISCAL IMPACT

The system, when accepted, will be maintained by the City of Lubbock Water and Wastewater Department. The additional water and wastewater customers will generate additional revenue to the City of Lubbock through the sale of Services to the public.

Staff recommended approval of this resolution.

- 5.13. Authorization Resolution - Water Utilities: Resolution No. 2006-R0125 authorizing acceptance of water and sanitary sewer improvements for Lots 126-147, Lakeridge Estates of Lubbock Addition to the City of Lubbock, Lubbock County, Texas, bound by 103rd Street, Savannah Avenue and Utica 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. These improvements will be added to the City of Lubbock system inventory.

The subdivision is located south of 103rd Street, and between Savannah and Utica Avenues.

FISCAL IMPACT

The system, when accepted, will be maintained by the City of Lubbock Water and Wastewater Department. The additional water and wastewater customers will generate additional revenue to the City of Lubbock through the sale of services to the public.

Staff recommended approval of this resolution.

- 5.14. Authorization Resolution - Special Events: Consider a resolution authorizing the City Council to approve the recommendation of the Parks and Recreation Advisory Board regarding FY 2005–06 use of in-kind services by City of Lubbock departments for the support of a new special event, the Family Guidance and Outreach Center's Blue Ribbon Rally and Harley Party.**

This item was deleted.

- 5.15. This item was moved from consent agenda to regular agenda and considered following Item 5.9.**

- 5.16. This item was moved from consent agenda to regular agenda and considered following Item 5.15.**

- 5.17. This item was moved from consent agenda to regular agenda and considered following Item 5.16.**

- 5.18. This item was moved from consent agenda to regular agenda and considered following Item 5.17.**

- 5.19. Lease Agreement Resolution - Water Utilities: Resolution No. 2006-R0126 accepting an agreement between the City of Lubbock and WWC Texas RSA Limited Partnership to lease city property located at 74th Street and Genoa Avenue.**

The City of Lubbock has previously allowed cellular communication equipment to be installed on elevated storage towers located within the city limits. Prior to these agreements, the equipment, connection type, and contract conditions are reviewed by the engineering department to verify the installed equipment will not interfere with the operations of the elevated storage tank.

This lease agreement allows WWC Texas RSA Limited Partnership the right to place cellular communication equipment on the City owned elevated water storage tower located at 74th Street and Genoa Avenue for an annual rental fee of \$14,400. The lease agreement is for an initial period of five years beginning on earlier of lessee's commencement of installation of its equipment or 120 days from full execution of this lease by City Council with the option to renew three subsequent five year terms for a total of 20 years.

FISCAL IMPACT

Annual revenue of \$14,440. The lease may be renewed for not more than three subsequent five-year terms under the same obligations, provided that the annual rent shall increase by fifteen percent for each subsequent five-year term. Any extension of the lease shall be in writing and signed by the Lessee and the City of Lubbock.

Staff recommended approval of this resolution.

- 5.20. Lease Agreement Resolution - Police: Resolution No. 2006-R0127 authorizing the Mayor to execute a lease agreement with Wild West Harley-Davidson for the annual lease of police motorcycles for use by the Lubbock Police Department Motorcycle Unit in the enforcement of traffic laws within the City of Lubbock.**

This agreement involves the lease of 12 Harley-Davidson Road King police motorcycles used by the Lubbock Police Department.

The Lubbock Police Department has determined it is more cost effective to lease police motorcycles on an annual basis than to purchase and maintain them for a five-year period. Most repairs, other than routine maintenance, are covered under factory warranty. The Police Department has leased motorcycles for the last five years from Wild West Harley Davidson, formerly Grave's Harley-Davidson of Lubbock. Wild West is the only Lubbock area provider of new Harley-Davidson motorcycles. Harley-Davidson is the only motorcycle manufacturer that offers a one-year lease program. The current agreement begins March 1, 2006 or the first day of the month after delivery of the new motorcycles.

FISCAL IMPACT

Lease payments total \$41,616 and are funded in account 5735.8704.

Staff recommended approval of this resolution.

- 5.21. This item was moved from consent agenda to regular agenda and considered following Item 5.18.**
- 5.22. This item was moved from consent agenda to regular agenda and considered following Item 5.21.**
- 5.23. This item was moved from consent agenda to regular agenda and considered following Item 5.22.**
- 5.24. Contract Resolution - Business Development: Consider a resolution authorizing the Mayor to execute an Assignment to transfer and assign to Spirit Finance Corporation that certain tax abatement Agreement dated January 25, 1996 between the City of Lubbock and United Supermarkets which was previously assigned to Barnett Lane Investments Inc.**

This item was deleted.

- 5.25. Contract Change Order Resolution - Aviation: Resolution No. 2006-R0128 authorizing the Mayor to execute Contract Change Order No. 2 to a contract with A-1 American Fence, Inc. for security improvements at Lubbock Preston Smith International Airport.**

This change order authorizes additional work associated with the security improvements project currently underway at the airport. The first item involves the removal of two obsolete electrically operated vehicle gates along the perimeter fence in the Eastport area and the installation of one new cantilever slide gate and operator. The second item involves extending the underground fiber cable into the Airport Rescue and Fire Fighting building in the Eastport area providing for the future installation of access control and other security enhancements in and around the ARFF building.

FISCAL IMPACT

A total of \$1,110,823 was appropriated in Capital Improvement Project 90231, Security Improvements. The original contract was \$545,465 and the amount of this change order is \$66,910.

The Airport Board and staff recommended approval of Change Order No. 2 to A-1 American Fence, Texas, Inc. of Orange, Texas for \$66,910.

- 5.26. Contract Resolution - Facilities Management: Resolution No. 2006-R0129 for City Hall drainage improvements - BID #06-011-MA.**

This bid involves modifying the drainage along the south wall of the Municipal Building. This includes the installation of a French drain system across the sidewalk. A five-foot wide concrete apron sloping away from the building will be constructed along the entire south side of the building.

This project is required to prevent the infiltration of water into the lower levels of the Municipal Building.

FISCAL IMPACT

On March 8, 2006, City Council adopted a budget amendment appropriating \$35,000 for this project. The additional \$298 will be transferred from Facilities Management Department FY 2005-06 operating budget without impacting current services.

Staff recommended contract awarded to Minnix Commercial Partners, Ltd of Lubbock, Texas for \$35,298.

- 5.27. This item was moved from consent agenda to regular agenda and considered following Item 5.23.**

- 5.28. Purchase Resolution - Fire Department: Resolution No. 2006-R0130 for the purchase of automated external defibrillators and accessories through the Houston-Galveston Area Council purchasing cooperative.**

This resolution authorizes the purchase of 25 automated external defibrillators (AED's) and accessories to replace old units that have started to exhibit malfunctions in the field and that are un-serviceable. The current AED's are

no longer manufactured and warranties have expired. These units shall be purchased through the Houston-Galveston Area Council, which is a regional planning commission created under the Acts of the 59th Legislature, Regular Session, 1965, re-codified as Texas Local Governments Code, Chapter 391.

FISCAL IMPACT

In the FY 2005-06 Operating Budget \$60,000 was appropriated for the purchase of AED's. The purchase price, \$57,131 is within budget.

Staff recommended purchase from Zoll Medical Corporation of Chelmsford, Massachusetts for \$57,130.98.

5.29. Purchase Resolution - Fleet Services: Resolution No. 2006-R0131; Resolution No. 2006-R0132; Resolution No. 2006-R0133; Resolution No. 2006-R0134; for the purchase of light duty vehicles and truck utility bodies - ITB# 06-005-MA.

This bid is for the purchase of 47 light duty vehicles including automobiles, light trucks, general purpose truck utility bodies and flat beds, and cab and chassis. These vehicles are to be used by Building Inspection, Solid Waste, Street, Wastewater, and Water departments.

FISCAL IMPACT

Fleet replacement vehicles are purchased through the Master Lease Program. The approved list of vehicles is adopted with the Capital Improvement Program. These vehicles were approved as part of the FY 2004-05 and FY 2005-06 Master Lease Programs.

The Master Lease annual payment is budgeted within each fund. Master Lease funds for vehicles that could not be acquired within the last fiscal year were carried over into the new fiscal year. This occurs due to time constraints and availability issues.

Staff recommended bid award to Shamrock Chevrolet of Lubbock, Texas for \$689,696; Gene Messer Ford of Lubbock, Texas for \$26,879; Pick-Up Pals of Lubbock, Texas for \$21,528.79; and J&B Trailer of Lubbock, Texas for \$18,665.

5.30. Purchase Resolution - Purchasing: Resolution No. 2006-R0135; Resolution No. 2006-R0136; Resolution No. 2006-R0137; Resolution No. 2006-R0138; for office furniture annual pricing - BID #06-002-MA.

This bid establishes annual pricing for the purchase of office furniture for City of Lubbock departments. Bids are stated as a discount off the manufacturer's retail price catalog at time of order. The City purchases approximately \$76,000 of contract office furniture annually. Highest discounts for various brands of office furniture were received from the following companies:

Royer & Schutts Commercial Interiors of Lubbock, TX (51 Items)
Baker Office Products of Lubbock, TX (39 Items)
Savon Office Supplies, LTD. of Plainview, TX (16 Items)

Intelligent Interiors, Inc. of Addison, TX (17 Items)

Nineteen local companies were notified of this Invitation to Bid and two responded.

FISCAL IMPACT

Annual pricing allows City Departments to purchase office furniture at the lowest price possible. Purchases of office furniture are appropriated through the Annual Operating Budget and Capital Improvement Program. The estimated purchases for FY 2005-06 are approximately \$76,000.

Staff recommended contract award to Royer & Schutts Commercial Interiors of Lubbock, Texas; Baker Office Products of Lubbock, Texas; Savon Office Supplies, LTD. of Plainview, Texas; and Intelligent Interiors, Inc. of Addison, Texas for the items shown on the bid tabulation.

5.31. Interlocal Agreement Resolution - Purchasing: Resolution No. 2006-R0139 authorizing the Mayor to execute an interlocal agreement for cooperative purchasing with City of Littlefield, Texas.

Cooperative purchasing is one of the ways that local governments can save time and money in their purchasing programs. It occurs when two or more entities coordinate some or all of their purchasing needs so that they can join in purchases to the mutual benefit of all the entities concerned.

VTCA Government Code Chapter 791 – Interlocal Cooperation Act allows local governments to contract with and between each other, to provide governmental functions and services, and to join together in contracting with others to provide goods and services. The City of Lubbock and the City of Littlefield desire to cooperate on select governmental purchases in order to enjoy greater economy of scale and thereby reduced prices for certain commodities used by both governmental entities.

The period of this Interlocal Agreement will be in effect from the date of execution until terminated by either party to the agreement.

FISCAL IMPACT

Local governments benefit in many ways, including developing contacts with other local government officials and developing the habit of cooperating with other entities. Some of the most common benefits are:

1. Lower costs through increased volume.
2. Lower (shared) administrative costs.
3. Improved response from vendors.
4. Shared experience leading to better product specification.
5. Better compliance with state statutes on purchasing.

Staff recommended approval of this resolution.

5.32. This item was moved from consent agenda to regular agenda and considered following Item 5.27.

5.9. Authorization Resolution - Parks and Recreation: Resolution No. 2006-R0140 authorizing a temporary overnight camping area in Mae Simmons Park for the 4th Annual Children's Advocacy Center Bike Race to be held May 20-21, 2006 benefiting the Children's Advocacy Center of the South Plains.

The Children's Advocacy Center of the South Plains has requested permission to allow overnight camping in Mae Simmons Park on May 20, 2006. The bike race will begin on Saturday, May 20, 2006 and run 24 hours until Sunday, May 21, 2006. This will be the fourth year this race has been held but the first year that it will be held as a 24-hour race. The race will be held within the off-road bike trails of Mae Simmons Park. Peace officers in charge of the Lubbock Police Department Explorer Post will be course marshals for the event. Volunteers will be specifically assigned to clean up the site after the event. No campfires will be allowed.

On February 28, 2006, the Parks and Recreation Advisory Board approved recommendation of this request to the City Council. Staff recommended approval of this resolution.

Nancy Haney, Executive Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2006-R0140 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.15. Application Resolution - Business Development: Resolution No. 2006-R0141 authorizing the Mayor to execute an application to the Texas Department of Transportation Enhancement Program for the Regis Street Beautification Project.

The Transportation Enhancement Program is a federally funded program designed for projects that have a relationship to the surface transportation system. These projects are non-traditional transportation related activities that go beyond building or rehabilitating roadways. Projects integrate transportation facilities into the surrounding environment in a sensitive and creative manner that goes beyond standard or routine operations. The funds provided by this program are on a cost reimbursement basis and are capped by the award amount. A minimum match of 20 percent local funding to a maximum 80 percent federal funding is required in each project phase when federal reimbursement is requested.

The Regis Street Beautification project is the streetscape beautification of a one-mile segment of Regis Street (FM 2641) extending east from Interstate Highway 27 to Martin Luther King Boulevard. This project is the second phase of a two-phase landscape and open space development project designed to enhance the visual corridor or primary approach to and from the airport and the city. The project will present an open park-like environment. The

planned trees, along with open space, will provide along the corridor to the airport a positive first impression of our community.

An intent to file an application for this project will be submitted to the local Metropolitan Planning Organization by March 24, 2006. The targeted award of this application will be approximately \$2,029,025. The sponsoring agency for this project is the Lubbock Preston Smith International Airport.

FISCAL IMPACT

This resolution is required as part of the grant application process, with the grant award anticipated in November/December 2006. The twenty percent match can be either cash or in-kind participation/services. At the time of the award matching funds or services will be identified before the grant agreement is executed.

Staff recommended approval of this resolution.

Rob Allison, Executive Director of Development Services, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2006-R0141 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.16. Application Resolution - Business Development: Resolution No. 2006-R0142 authorizing the Mayor to execute an application to the Texas Department of Transportation Enhancement Program for the Visitor Information and Gateway Center – Lubbock’s Front Door Project.

The Transportation Enhancement Program is a federally funded program designed for projects that have a relationship to the surface transportation system. These projects are non-traditional transportation related activities, which go beyond building or rehabilitating roadways. Projects integrate transportation facilities into the surrounding environment in a sensitive and creative manner that goes beyond standard or routine operations. The funds provided by this program are on a cost reimbursement basis and are capped by the award amount. A minimum match of 20 percent local funding to a maximum 80 percent federal funding is required in each project phase when federal reimbursement is requested.

This project involves adding 3,600 square feet to the east side of the Buddy Holly Center for the purpose of opening a Visitor Information Center and creating a gateway into downtown Lubbock. Additional parking and landscaping are also planned.

An intent to file an application for this project will be submitted to the local Metropolitan Planning Organization (MPO) by March 24, 2006. The targeted award of this application will be approximately \$2,873,000. The City of Lubbock is the nominating entity. The sponsoring agency for this project is Visit Lubbock, the Convention and Visitors Bureau.

FISCAL IMPACT

This resolution is required as part of the grant application process, with the grant award anticipated in November/December 2006. The twenty percent match can be either cash or in-kind participation/services. At the time of the award matching funds or services will be identified before the grant agreement is executed.

Staff recommended approval of the resolution.

Rob Allison, Executive Director of Development Services, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2006-R0142 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.17. Application Resolution - Business Development: Resolution No. 2006-R0143 authorizing the Mayor to execute an application to the Texas Department of Transportation Enhancement Program for the Underwood Arts Center Pedestrian and Mass Transit Improvements Project.

The Transportation Enhancement Program is a federally funded program designed for projects that have a relationship to the surface transportation system. These projects are non-traditional transportation related activities, which go beyond building or rehabilitating roadways. Projects integrate transportation facilities into the surrounding environment in a sensitive and creative manner that goes beyond standard or routine operations. This program provides funds on a cost reimbursement basis that are capped by the award amount. A minimum match of 20 percent local funding to a maximum 80 percent federal funding is required in each project phase when federal reimbursement is requested.

The Louise Hopkins Underwood Center for the Arts Pedestrian Facility Improvements and Mass Transit Plaza is a project designed to safely convey visitors to and from the Underwood Center through improved pedestrian walkways, traffic calming, and safe queuing areas and loading zones for mass transit. The project is located at the core campus of the Underwood Center in downtown Lubbock and will include improvements to the immediate campus, Mac Davis Lane from Avenue L to Ave J, Avenue J from Fifth Street to Mac Davis Lane and Fifth Street from Avenue J to the parking lot of the U.S. Post Office on 4th Street and Avenue L. Altogether, the project will provide for improved pedestrian access to the multiple buildings that comprise the Underwood Center's downtown campus and will enhance pedestrian safety and navigability in arriving, departing and moving about the campus as well as their connection throughout the City of Lubbock via mass transit.

An intent to file an application for this project will be submitted to the local Metropolitan Planning Organization by March 24, 2006. The targeted award

of this application will be approximately \$2,750,000. The sponsoring agency for this project is The Louise Hopkins Underwood Center for the Arts.

FISCAL IMPACT

The twenty percent match of \$550,000 will be funded by The Louise Hopkins Underwood Center for the Arts.

Staff recommended approval of this resolution.

Rob Allison, Executive Director of Development Services, gave comments and answered questions from Council. Mayor Pro Tem Martin asked Allison to bring to the April 13, 2006 Council Meeting a resolution for the grant application from the local bicycle enthusiasts, which was favorably recommended by the Parks and Recreation Board, so that it can be presented for review by the Metropolitan Planning Organization (MPO). Allison will notify the MPO that the resolution is in process.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2006-R0143 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.18. Grant Agreement Resolution - Aviation: Resolution No. 2006-R0144 authorizing the Mayor to execute a Grant Agreement between the Federal Aviation Administration and the City of Lubbock to fund the design of the GA Ramp – Phase II.

Lubbock Preston Smith International Airport is eligible to receive annual entitlement funds from the Federal Aviation Administration under the Airport Improvement Program. Funds under this program are restricted to safety and capacity improvements. This year's grant is for \$371,308. The money will be used to fund 95% of the Phase II General Aviation Ramp Project, design only. The remaining 5% of the project, \$19,542 will be funded through the Passenger Facility Charge Program.

FISCAL IMPACT

For FY 2006, the Airport was awarded an additional \$143,854 in cargo entitlements. These funds will be added to the remaining \$429,954 from the 2006 passenger entitlements for a total carryover of \$573,808. Staff anticipates using the carryover and 2007 entitlements to fund the construction phase of the GA Ramp project and a project to renovate the HVAC system in the terminal building during fiscal year 2007.

The Airport Board and staff recommended approval of this resolution.

James Loomis, Director of Aviation, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Gilbreath to pass Resolution No. 2006-R0144 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.21. Contract Resolution - Public Works Engineering: Resolution No. 2006-R0145 authorizing the Mayor to execute a Crossing Surface Installation Agreement with the BNSF Railway Company to improve the grade railroad crossing on Avenue U north of Clovis Road (DOT#014930Y).

Joshua R.L. Collins of TKDA Engineers/Architects/Planners, representing the BNSF Railway, informed City staff of their plans to perform maintenance work on their section of railroad crossing on Avenue U north of Clovis Road. Mr. Collins indicated BNSF's willingness to install a new concrete railroad crossing surface at this crossing if the City would be willing to pay one third of the cost.

The existing crossing is a wood plank crossing and is very rough on vehicular traffic crossing the tracks. Mr. Collins stated they would install the new concrete crossing if the City participates in the cost and, if the City chose not to participate, the maintenance crews would re-install the existing plank crossing.

Mr. Collins indicated the cost to construct this concrete crossing will be \$1,200 per linear foot for the 64 foot long crossing. The City's one third share will be \$400 per linear foot for the 64 foot long crossing, or \$25,600.

The City participation is monetary only. BNSF Railroad will provide for construction, including any asphalt work, striping, and traffic control.

FISCAL IMPACT

The cost to the City for this improved railroad crossing is \$25,600. Budget Amendment No. 12 to the FY 2005-06 budget includes \$25,600 in Capital Improvement Project number 90096, Dip Reconstruction. First reading of this Ordinance was March 8, 2006 and second reading is March 23, 2006.

Staff recommended approval of this resolution.

Larry Hertel, City Engineer, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0145 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.22. Contract Resolution - Community Development: Resolution No. 2006-R0146 authorizing the Mayor to execute a Community Development Funding Contract and all related documents between the City of Lubbock and North and East Lubbock Community Development Corporation from the Community Development Block Grant for a Micro Loan Program.

Grantee: North and East Lubbock Community Development Corporation
Program: Micro Loan Program

Funding Source: 2004-2005 Community Development Block Grant

Use of Funds: The funds for this program will be used to provide a Micro Loan Program. To be eligible for funding, the business must have five (5) or fewer employees and the owner must be of low-to-moderate income.

Amount: \$40,000

Match: 25%

Return of Investment: Not required for this program. Funds received in the form of loan payments will be routed back into the Micro Program for future lending.

Terms: March 23, 2006 through September 30, 2007

Comments: Funding for this Contract was approved by City Council at the January 27, 2004 City Council meeting. The contract is available for review in the City Secretary's Office.

FISCAL IMPACT

Return of Investment: Not required for this program. Funds received in the form of loan payments will be returned back into the North and East Lubbock CDC Micro Program for future lending.

Staff recommended approval of this resolution.

Nancy Haney, Executive Director of Community Development, and John Hall, Director of North and East Lubbock Community Development Corporation, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0146 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Martin was away from the dais.

- 5.23. Contract Resolution - Community Development: Resolution No. 2006-R0147 authorizing the Mayor to execute a Community Development Funding Contract and all related documents between the City of Lubbock and North and East Lubbock Community Development Corporation from the Community Development Block Grant for a Down Payment and Closing Cost Assistance Program.**

Grantee: North and East Lubbock Community Development Corporation

Program: Down Payment and Closing Cost Assistance Program

Funding Source: 2005-2006 Community Development Block Grant

Use of Funds: The funds for this program will be used to provide down payment and closing cost assistance and/or soft seconds to qualified homebuyers. The funds will be awarded as five-year forgivable loans.

Amount: \$50,000

Match: 25%

Return of Investment: Not required for this program.

Terms: March 23, 2006 through September 30, 2007

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

FISCAL IMPACT

Federal funds will be used from the Community Development Block Grant. The maximum to be allocated to this project is \$50,000.

Staff recommended approval of this resolution.

Nancy Haney, Executive 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-R0147 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.27. Contract Change Order Resolution - Street Drainage Engineering: Resolution No. 2006-R0148 authorizing the Mayor to execute Change Order #5 to the Milwaukee Avenue Paving Project from 34th Street to 92nd Street.

The Milwaukee Avenue Paving Project from 34th Street to 92nd Street is being constructed by Granite Construction Company. Change Order No. 5 will add work to be done on this construction project.

Original Contract	= \$17,316,932.50
Change Order No. 1 (7/14/05)	= (\$ 212,840.00)
Change Order No. 2 (10/27/05)	= \$ 416,200.00
Change Order No. 3 (12/15/05)	= \$ 147,268.83
Change Order No. 4 (3/8/06)	= \$ 74,366.50
This Change Order No. 5	= \$ 492,735.85

New Contract Amount = \$18,234,663.68

Change Order No. 1 was a deductive Change Order deleting some items from the construction contract in cooperation with Granite Construction Company, the Contractor.

Change Order No. 2 was adding utility ditch backfill remediation in Milwaukee from 92nd Street south to 98th Street, and on 98th Street from Milwaukee Avenue east to Juneau Avenue.

Change Order No. 3 was the change in the contract for five different items of work:

- (1) A change to use anti-corrosive material for the risers on 72" diameter manholes. This change was requested by the City Water Utilities Division. The change results in a deduction of the existing contract bid

item of \$7,920, and an increase in cost of the new bid item for the anti-corrosive material of \$12,420, for a net contract increase of \$4,500 for this work.

- (2) The addition of work zone pavement markings that was not included in the original contract. These temporary pavement markings will be needed from 34th Street to 43rd Street where traffic will be maintained on Milwaukee Avenue for the school at 43rd Street. These pavement markings are estimated to be \$1,409.40.
- (3) Irrigation sleeves installed in the median between Brownfield Highway and Spur 327. In cooperation and coordination with Texas Parks and Wildlife Department, and the City Parks Department, it was determined to have a median constructed in this portion of Milwaukee Avenue crossing McAlister Park that would have an area for live planting material. These sleeves were added to the contractor's work to provide water lines for irrigation to these planting areas in the median. This cost is estimated at \$5,840.
- (4) Lowering the water line below planned elevation immediately north of 82nd Street. After the original design of the water line was completed, it was discovered there were some three or four utilities in direct conflict with the proposed water line to be constructed in Milwaukee Avenue. Included in the utility conflicts were a high pressure gas line, and fiber optic cables. It was determined to lower the water line in order to miss all the existing utilities. The additional work required to achieve the depth needed will cost \$28,519.43.
- (5) Asphalt stabilized base (black base) between the bottom of the concrete paving, and the top of culverts with less than two feet of cover. There was design concern of stability and waterproofing of dirt backfill in this shallow depth area of the cover over the culverts. There are six culverts, and all six culverts have shallow cover. This asphalt stabilized base over the culverts is estimated to cost \$107,000.

Change Order No. 4 was a change for five different items of work:

- (1) Remove loop detectors from contract resulting in a decrease in the contract amount of \$24,000.
- (2) Add advance detection cameras for traffic signal timing and detection of traffic at an increased cost of \$12,000.
- (3) Reduced cost due to a change in the testing requirements consistent with what was approved in Change Order No. 2. Reduction of \$19,647.
- (4) Add concrete paving for two right turn flares for driveways into the new Wal-Mart store located at the southeast corner of 82nd & Milwaukee. Wal-Mart will reimburse the City the cost to construct these two right turn lanes. This paving will increase the cost of the contract by \$38,161.

(5) Add additional paving to provide dual left turn lanes on US 62/82 for east and west bound traffic to make left turns onto Milwaukee Avenue. This additional work will increase the contract by \$67,852.50.

Change Order No. 5 is for constructing additional paving – extending the concrete paving of Milwaukee Avenue south from 92nd Street to 94th Street. The extension of a 20-foot water line ahead of the paving is part of this change order.

The Developers on both sides of this portion of Milwaukee Avenue (Betenbough on west side and James Pipken representing Day Estates on the east side) approached the City about extending this paving as part of the current construction contract with Granite Construction. A final plat has already been recorded on the subdivision on the west side to 94th Street. A final plat is pending on the east side for development past 93rd Street. Both Developers are prepared to submit their payment to the City for their share of the thoroughfare paving costs.

Betenbough had prepaid their Milwaukee paving at the time they platted their subdivision on the west side of Milwaukee. The prepaid deposit already paid for Milwaukee paving is \$32,178. However, because of construction conflicts on the west side of Milwaukee, the curb and gutter, alley returns, and a street stub were not constructed with their plat or provided for with their prepaid paving deposit. The Betenboughs will owe \$9,509 for this work.

The Day Estates property abutting this portion of Milwaukee to be paved will have a cost share of \$44,234.

Both Developers have agreed to place their money with the City for their share of the paving cost prior to the City Council meeting March 23, 2006 when this Change Order will be considered.

FISCAL IMPACT

The 2005-06 Capital Projects Budget is \$20,500,000 for this purpose.

Construction Contract (including this Change Order)	= \$18,234,663.68
Engineering Agreements to Date:	= \$ 1,663,708.00
Total Estimated Project Cost To Date	\$19,898,371.68
Less Wal-Mart Participation (C.O. #4)	(\$ 38,161.00)*
Less Betenbough Prepaid & Additional Participation	(\$ 41,687.52)
Less Day Estates Participation	(\$ 44,234.00)
Total Estimated Project Funding Need to Date	= \$19,774,289.16
Remaining Available Funding	= \$20,500,000.00
	(\$19,774,289.16)
	<hr/>
	\$ 725,710.84

* Wal-Mart's check to the City was \$44,185 that included additional costs for engineering for Parkhill, Smith & Cooper.

Staff recommended approval of this resolution.

Larry Hertel, City Engineer, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2006-R0148 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.32. Policy Amendment Resolution - Finance: Resolution No. 2006-R0149 approving an amendment to the City's financial policies related to the General Fund unrestricted fund balance and appropriable net assets for all other funds.

The unrestricted fund balance in the General Fund and appropriable net assets in all other funds represent spendable funds that have not been designated or restricted for other purposes. These funds are intended to serve as a measure of the City's financial resources available. Credit rating agencies carefully monitor levels of unrestricted fund balance and appropriable net assets to evaluate a government's continued creditworthiness. The Government Finance Officers Association (GFOA) recommended that governments establish a formal policy on the level of unrestricted fund balance that should be maintained in the General Fund and the adoption of similar policies for other types of governmental funds. This policy will fulfill both of these requirements. The City's Audit Committee approved this policy at their March 13, 2006 meeting.

Staff recommended approval of this resolution.

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

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2006-R0149 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6. REGULAR AGENDA

6.1. Board Appointments – City Secretary: Consider three appointments to the Animal Shelter Advisory Committee, one appointment to the Board of Health, four appointments to Keep Lubbock Beautiful Advisory Committee, three appointments to the Parks & Recreation Board, and one appointment to the Public Transit Advisory Board.

Motion was made by Council Member Jones, seconded by Council Member Price to appoint Annette Castellano-Chavez, Margaret Durham, and Larry Phillippe to the Animal Shelter Advisory Committee. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Jones, seconded by Council Member Price to appoint Kae Hentges to the Board of Health. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Jones, seconded by Council Member Price to appoint Karen Sims and reappoint Lucy Eade, Jeff Kltozman, and Georgianna White to the Keep Lubbock Beautiful Advisory Committee. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Jones, seconded by Council Member Price to reappoint Grey Lewis, J.R. Morales, and Gwen Titus to the Parks & Recreation Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Jones, seconded by Council Member Price to appoint Susan Poff to the Public Transit Advisory Board. Motion carried: 7 Ayes, 0 Nays.

6.2. Code of Ordinances Ordinance 2nd Reading - Zoning: Ordinance No. O0030 Consider ordinance making changes to the Code of Ordinances, Section 29, regarding signs and electronic message signs.

The Planning and Zoning Commission has held three work sessions and three public hearings on the topic of electronic message signs during the past several years. Discussions have focused on the ability to use newer LED lighting technology to replace the old plastic letter reader boards, without creating a hazard to traffic or creating miles of red flashing lights. It was stated during one of the public hearings of the Planning and Zoning Commission, "one of these signs would be neat. However, a whole mile of them changing at different times would definitely create a nuisance to traffic safety."

The primary reason for controlling electronic message signs can be found in the Purpose Statements (29-2) and the objectives of the City of Lubbock Zoning Code and the section of that code that controls signs (29-26).

The overall purpose of the City of Lubbock Zoning Code is to promote and protect the health, safety, comfort, convenience, prosperity, and general welfare of the citizens of Lubbock. Section 29-2(9) states a specific purpose "to promote a safe, effective traffic circulation system."

The overall purpose of the City of Lubbock Sign Code is to provide uniform sign standards that promote a positive city image reflecting order, harmony, and pride in an effort to help strengthen the economic stability of Lubbock's business, cultural, and residential areas. Again, under the purpose section in 29-26 the following is stated:

(1) To identify individual business, residential, and public uses without creating confusion, unsightliness, or visual obscurity of adjacent businesses.

The City of Lubbock Code does not outlaw signs with flashing, blinking or traveling lights. As a way of reducing the confusion these signs can create and promote a safe traffic system, the City of Lubbock Code requires signs

with flashing, blinking or traveling lights to be located at least 1,000 feet from a street intersection.

This section was not put in the sign code to specifically control electronic message signs. This section of the code was designed predominately to control flashing arrow signs, rotating beacons, emergency flashers and other types of signs with flashing or traveling lights. However, this section also controls the location of electronic message signs.

During their work sessions, the Planning and Zoning Commission indicated they would like to hold a public hearing on an ordinance that allowed the utilization of the newer LED lighting technology of electronic message displays, and not discriminate against a businesses ability to have an electronic message display based on its proximity to an intersection. The Commission remains adamant about not allowing signs that create confusion, operate in an unsafe fashion, or detract from a positive city image.

With the sign code purpose statement as a guide, the Planning Commission adopted changes that:

- (1) Makes billboards with electronic message displays operate in the same fashion as other electronic message display signs.
- (2) Eliminates rotating signs.
- (3) Outlines general provisions for “time and temperature signs” and their operation.
- (4) Outlines general provisions for gasoline price signs and their operation.
- (5) Defines electronic message display signs, their placement, and their operation.

The recommendation is that the sign be displayed with one message for one day, and that a change may be made between midnight and 6:00 a.m.

During the first reading, the Lubbock City Council asked for several modifications to the original ordinance proposed by the Planning and Zoning Commission.

These changes include:

- (1) Eliminating the reference to time and temperature signs and allow these type signs to have the ability to operate as electronic message display signs.
- (2) Allow each message/page to be changed at a rate of once every 10 seconds.
- (3) Allow electronic message display signs only on freestanding signs.

Attached is a copy of the City of Lubbock Sign Code with the proposed changes that were approved by the Planning Commission with modifications by the Lubbock City Council integrated into it. The section numbers

referenced in this memo correspond to the section numbers in the attached document where the proposed change appears.

Section 29-3(14) changes the term "multi-prism sign" to the new term "electronic message display". The definition of electronic message display covers multi-prism signs and other types of changeable signs. This also adds the same operational controls to billboards with electronic message displays as with on premise signs with electronic message displays.

Section 29-3(105h.1) adds a definition of an electronic gasoline price sign. This definition is based on the definition of an electronic message display and was added so these type signs can be installed on wall, canopy, and freestanding signs.

Section 29-3 (105h.2) is the proposed definition for an electronic message display. This definition is based on a sign that is electronically or mechanically changed in some form or fashion. This definition is not limited to the red LED signs but includes multi prism signs, signs where the message is changed by reorienting cards of contrasting color, LCD signs, LED signs, any sign that is electronically or mechanically changed by remote or automatic means. Time and temperature signs have been added to the definition.

Section 29-26(b)(12) time and temperature signs have been removed from the general provisions of the sign code and added to the definition of electronic message display signs.

Section 29-26(b)(13) gasoline price signs have been moved to the definition section as electronic gasoline price signs.

Section 29-26(c)(2) takes electronic message displays, and electronic gasoline price signs out of the realm of flashing, blinking, or traveling lights. However, it still requires other types of signs with flashing, blinking, or traveling lights to be at least 1,000 feet from any street intersection and have at least 43 feet of setback from any street right-of-way. Time and temperature signs are now covered under the definition of electronic message display signs.

Section 29-26(f)(1)(a) coordinates the nonconforming sign abatement section with the rest of the sign code.

Section 29-26(f)(1)(j) gives electronic message display signs, and electronic gasoline price signs in newly annexed areas six months to come into compliance with the City Of Lubbock sign code. If this section were left out, the signs in a newly annexed area would have six and one-half years to come into compliance with the operational requirements. Time and temperature signs are now included in electronic message display signs.

Section 29-26 (h)(5)(b)(5) takes rotating freestanding signs out of the apartment, garden office and medical districts.

Section 29-26 (i)(7)(b)(5) and Section 29-26(i)(8) takes rotating free-standing and rotating roof signs out of the commercial districts.

Section 29-26(i)(7)(b)(7) Places operational requirements on all electronic message display signs. This limits electronic message displays to freestanding signs.

(a) Controls the way the page/message is displayed on the sign. This section requires the page/message to be static with no movement or even the appearance of movement.

(b) Limits each message to one page. This prevents the old "Burma Shave" type signs that kept your attention by only giving you a portion of the message. This old technique keeps you looking at the sign in anticipation of what the sign is going say next.

(c) Requires the sign to change in the equivalent of a blink of the eye.

(d) Requires each message/page to be displayed a minimum of 10 seconds.

The operational requirements have been moved to Section 29-26(i)(7), freestanding signs. This limits electronic message displays to freestanding signs.

Section 29-26(i)(10) allows electronic gasoline prices signs to be installed as wall signs, canopy signs, and on freestanding signs.

Section 29-26(o)(10) adds the same operational controls to billboards with electronic message displays as with on-premise signs with electronic message displays.

A copy of the code with marked revisions is provided.

The staff supports the unanimous recommendation of the Planning and Zoning Commission with the modifications approved by the City Council.

Bill Boone, Planner, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2006-O0030 with the changes that were done by the Planning and Zoning staff. Motion carried: 7 Ayes, 0 Nays.

6.3. Public Hearing - 10:00 AM - Zoning: Ordinance No. 2006-O0034 Zone Case No. 2103-D (2431 S. Loop 289): Hold a public hearing to consider request of Chana Damron, for Damron Wheels-N-Waves, Inc. dba Damron Motorcycle Co., to amend Ordinance 7371 (C-4 with a current list of uses) to add: 1) motorcycle sales rental and service, and 2) trailer sales and service on Tract D less the west part of Sportsman Addition.

Mayor McDougal opened the public hearing at 10:31 a. m. No one appeared on behalf of Damron Motorcycle Co. No one appeared in opposition. Mayor McDougal closed the hearing at 10:31 a. m.

The applicant is requesting an amendment to the conditions placed on a C-4 zoned parcel. The original case in 1976 had a list of 12 permitted C-4 uses that included automotive and boat sales but did not include either motorcycle sales or trailer sales. The family has a successful motorcycle business at 49th Street and Avenue Q and is running out of space. They feel this location will give them the space and exposure they need to continue to expand their business.

The use of land in all directions is commercial.

The request meets the guidelines of the Comprehensive Land Use Plan and Zoning Policy. Much of the land in the immediate vicinity is zoned open C-4. The amendment to allow the two additional uses should not create an issue.

The Planning Commission recommended the request with the following conditions:

1. The existing list of permitted uses within Ordinance 7371 will be increased by adding:
 - a. Motor cycle shops, including sales, rentals and service
 - b. Trailer and truck rental utility
2. If trailers are sold or rented, one demonstration unit of each brand may be displayed in the front of the store and the balance of the inventory will be parked on the side or in the back of the building.

The staff supports the recommendation of the Planning and Zoning Commission.

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

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0034 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. This item was considered following Item 6.5.

6.5. Public Hearing - 10:00 AM - Zoning: Ordinance No. 2006-O0035 Hold a public hearing to amend Zoning Ordinance No. 7084 amending Section 29-24 (c) (2) to set standards for a temporary finish on common walls of townhouse units.

Mayor McDougal opened the public hearing at 10:33 a. m. No one appeared to speak in favor of changes to the Code of Ordinance, Section 29-24 (c)(2). No one appeared in opposition. Mayor McDougal closed the hearing at 10:33 a. m.

Section 29-24(c)(2)p of the proposed amendment reads as follows: "Temporary finish on common walls. Any wall intended to be a common wall with adjacent townhouse unit must be finished with stucco or an

approved variant unless the adjacent unit is under construction at the time of building final inspection."

The staff supports the recommendation of the Planning and Zoning Commission.

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

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0035 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Public Hearing - 10:00 AM - Zoning: Ordinance No. 2006-O0036 Zone Case No. 3048-A (from 5th Street to 10th Street and from Avenue S to Avenue V): Hold a public hearing to consider request of Mary Crites, Parkhill Smith Cooper, for McCanton Woods, Ltd., for a zoning change from R-1 Specific Use to R-1 Specific Use for Town homes, Garden Homes and detached single family homes (amending conditions of Zone Case 3048) on Blocks 28, 29, 35, 38, 39, 61, and 62; Lots 13-24, Block 30; Lots 18-24 and the east ½ of Lot 17, Block 34; Lots 13-24, Block 63; Lots 1-12, Block 27; Lots 1-12, Block 40; Overton Addition and, Blocks 1, 2, 3, and 4 Overton Park Addition.

Mayor Pro Tem Martin opened the public hearing at 10:35 a. m. No one appeared on behalf of McCanton Woods, Ltd. No one appeared in opposition. Mayor Pro Tem Martin closed the hearing at 10:35 a. m.

Several months ago, the applicant presented a somewhat complex zone case inclusive of a booklet that describes the architectural styles and details that will be required of new single family in the initial phase of the residential component in the Overton redevelopment area. Since that case was approved, reviews by several design firms, City staff, and several builders have discovered a number of minor issues that need to be amended. The case represents a clarification or clean-up of the initial case.

Adjacent land uses:

- N – commercial
- S – residential
- E – residential
- W – high density residential

The request is consistent with the Comprehensive Land Use Plan as amended, and accommodates technical amendments that are an accumulation of City staff and contractors employed by the applicant to create the guidelines. The redevelopment project is not envisioned to make Overton North a replica of the original subdivision, but to provide for styles and amenities typical of architecture of the area when it was in its prime, and a sense of "place".

A side-by-side of the current ordinance compared with the proposed changes has been prepared for the Commission and City Council, and is included in

the package provided to the Council. In addition, an amended copy of the design booklet that will be adopted by the ordinance is provided.

The proposals are consistent with zoning policy for the area.

The Planning Commission recommended acceptance of the proposed Code and Design Guidelines.

Staff supports the recommendation of the Planning Commission.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0036 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.6. This item was considered following Item 6.7.

6.7. Purchase Resolution - Business Development: Resolution No. 2006-R0150 to purchase street furniture using State of Texas TXMAS Contract #3-7111020 for the North Overton TIF.

This resolution authorizes the purchase of street furniture for the landscaping in the right-of-way for the Wal-Mart tract and Tract 2A in the North Overton TIF. These items can be purchased using State of Texas TXMAS Contract #3-7111020 at a reduced cost from Landscapeforms of Kalamazoo, Michigan. Items include 13 park benches, 10 litter receptacles, and six bike racks.

FISCAL IMPACT

\$55,000 is available for this purpose in Capital Improvement Project number 91065, Wal-Mart and Capital Improvement Project number 90300, The Centre Phase I.

Staff recommended purchase from Landscapeforms of Kalamazoo, Michigan for \$33,864.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0150 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.6. Contract Resolution - Water Utilities: Resolution No. 2006-R0151 authorizing the Mayor to execute a contract with Winstead Consulting Group, L.L.C. and Winstead Sechrest & Minick P.C. for legal, legislative, and other consulting services for the protection of the City of Lubbock's current and future water supplies.

This contract involves the services of Winstead Consulting Group, L.L.C. and Winstead Sechrest & Minick P.C. for legal, legislative, and other consulting services to the City regarding the strategic implementation of directives and recommendations of the Lubbock City Council, the City's Water Advisory

Board, and other advisory board or board of trustees with authority or jurisdiction over the City's water and wastewater systems, the City's Strategic Water Plan, and subsequent master plans and engineering studies, including without limitation: legislative and regulatory matters pertaining to water, wastewater, and other such issues which could impact the City; negotiations with the Brazos River Authority; negotiations with other water users and purveyors (wholesale and retail) in the region; negotiations regarding water supplies and their development; the development, financing, construction, and operation of water and wastewater infrastructure; and the transfer of any water supply related permits.

FISCAL IMPACT

\$5,250 per month in 2006 and \$5,500 per month in 2007 for legislative and other consulting services rendered. Separate fees for legal services rendered will be calculated and billed on an hourly basis under separate Law Firm Engagement Letter.

Tom Adams, Deputy City Manager, and Lee Ann Dumbauld, City 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-R0151 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.8. Code of Ordinances Ordinance 1st Reading - Health: Ordinance No. 2006-O0037 amending Chapter 12 of the Code of Ordinances with regard to definitions related to public swimming pools and spas, adoption of standards for public swimming pools and spas, issuance of permits and fees for public swimming pools and spas, plans and specifications for public swimming pools and spas, providing a savings clause, providing a penalty, and providing for publication.

The City of Lubbock permits approximately 300 public and semi-public swimming pools and spas annually. They are inspected for health and safety issues according to the Texas Rules for Swimming Pools and Spas, adopted into City Ordinance in 2001. In 2004 and 2005, the Texas Department of State Health Services updated the Swimming Pool and Spa Rules. The City of Lubbock submits the updated Rules with minor changes so that consistency may be maintained between regulatory agencies. These rules address minimum standards for design and construction of pools and spas including minimum operating standards to ensure proper filtration, chemical content, general maintenance of water, and safety to users.

The most significant change to the rules involves suction outlets and return inlets designed to protect against a suction entrapment, evisceration, or hair entrapment/entanglement hazard by requiring approved suction outlet covers and grates, upgrades to suction outlet systems, anti-vacuum systems or safety vacuum release systems, and closure of those pools with defective suction outlet systems.

Other changes to the rules include a requirement that all new pools and spas must have properly stamped and engineered plans from a professional engineer or registered architect showing that the pool or spa is designed and built in compliance with federal, state, and local regulatory requirements. This will help ensure that all pools and spas are properly constructed before use.

The City of Lubbock Board of Health has approved the updates to the ordinance and the Lubbock Apartment Association has already implemented the rules.

Section 1 of the ordinance provides for definitions. Section 2 of the ordinance adopts standards for public swimming pools and spas. Section 3 discusses permits and fees. Section 4 specifies that all pools and spas must have properly stamped engineered plans from a registered professional engine or registered architect showing that the pool or spa is designed and built in compliance with standards. Section 5 discusses punishable fines. Section 6 provides for continuance of the remainder of the ordinance if any section is declared invalid for any reason and Section 7 allows for publication.

FISCAL IMPACT

Recommended changes are only technical in nature and have no anticipated fiscal impact.

The Lubbock Health Board and Health Department staff recommended approval.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0037 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.9. Code of Ordinances Ordinance 1st Reading - Street Drainage Engineering: Ordinance No. 2006-O0038 amending Chapter 24 of the Code of Ordinances Section 24-86, revising curb ramp, roll curb, and various other design and construction changes on sidewalks, curbs, driveways, and curb ramps.

Section 24-86 of the Code of Ordinances relates to the design, layout and plans for the construction, reconstruction, alteration, or replacement of sidewalks, curbs, driveways, curb ramps, street curbs, and gutters. Chapter 24 of the Code of Ordinances is titled "Street and Sidewalk".

Section 24-86 refers to a number of design detail sheets that detail the specific design of the above listed improvements. The revision to this Section will change and update these detail sheets.

There were a number of minor revisions to lengths, widths, thickness, etc. to the design details. The major changes include:

1. Curb ramps: Changing to four-foot wide ramp and landing widths, as well as requiring concrete pavers with red truncated dome surfaces on the ramp area.

2. Roll Curb: A detailed design section for roll curb was added to the curb and gutter plate.

FISCAL IMPACT

Under current policy, the builder is responsible for the installation of curb ramps. The requirement to use truncated domes will increase initial construction cost to the builder but will reduce the long-term cost of maintenance and will satisfy requirements of the Americans with Disabilities Act.

The developer is currently responsible for the installation of the curb. It is anticipated that the change in policy will reduce the required amount of concrete and, as a result, will reduce the cost of construction.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0038 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.10. Paving Policy Resolution - Street Drainage Engineering: Resolution No. 2006-R0152 revising the City of Lubbock Paving Policy to allow the use of roll curbs on certain streets and to require the use of concrete for paving thoroughfare streets.

This resolution replaces the previous paving policy resolution dated August 28, 2003.

The two primary revisions to the City of Lubbock paving policy include:

- (1) Reference is made to roll or mountable curbs in Section III – Typical Design Standards. During a City Council Work Session on April 14, 2005, City Council discussed a request by a local developer to allow roll curbs. The request was granted subject to adherence to additional engineering requirements and methods. With this new Paving Policy, roll curbs may be allowed on certain residential streets depending on traffic and drainage considerations.
- (2) Continuously reinforced eight-inch thick concrete streets are now defined as the standard design for T-1 and T-2 designated thoroughfare streets. This change is based on several Work Session and briefing discussions with the City Council. Changes were made in Sections III. and VI.G. of the policy to indicate concrete paving as the standard design for thoroughfare streets.

These proposed changes were discussed with the developers at the developer council meetings of the West Texas Homebuilders Association. They were very supportive of the change allowing roll curbs in the policy. They seemed understanding of the reasons for having concrete paved thoroughfares and did not indicate opposition to this design change at their meeting.

FISCAL IMPACT

There are no immediate up front costs associated with adoption of this paving policy. However, the City's initial thoroughfare paving cost will be greater with concrete paving than asphalt paving with nine-inch asphalt stabilized base, currently used as the standard design. The use of concrete is anticipated to reduce long-term maintenance costs.

Staff recommended approval.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2006-R0152 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.11. Code of Ordinances Ordinance 1st Reading - Building Inspection: Ordinance No. 2006-O0039 amending Article I of Chapter 6 of the City of Lubbock Code of Ordinances for the purpose of adjusting commercial building permit fees.

At the January 12, 2006 City Council Work Session, staff proposed a strategic improvements plan for the Building Inspection Department and the Fire Marshal's Office involving increased expenditures for additional staffing and resources through FY 2009-10. The plan identified growth induced challenges and various action steps designed to improve public safety, retain and improve the City of Lubbock's rating under the Insurance Services Office Building Code Effectiveness Grading Schedule, and to provide for service level enhancements and efficiency improvements. The multi-year fiscal impact of the expanded programs was also discussed, as well as the status of current revenues generated from fees. With residential fees at maximum levels, Council directed staff to explore options for adjustments to commercial permit fees in order to offset proposed program costs. During the January 26, 2006 City Council Work Session, staff proposed commercial permit fee adjustments that increase new construction permit fees from \$0.10 to \$0.20 per square foot and increase commercial remodeling fees from \$1.50 to \$2.25 per \$1,000 valuation. Council then directed staff to meet with local commercial contractors concerning the increases prior to placement of the item on a Regular Agenda and authorized the City Manager to begin advertising for positions associated with the program proposals for the current fiscal year.

On February 16, 2006 staff met with 11 contractors of the 49 who had been invited to meet and presented the program proposal as well as the proposed fee adjustments. The vast majority of those in attendance did not disagree with either the program proposals or the proposed fee adjustments.

Enhancement of these programs will result in increased levels of public safety, improved customer service delivery, and improvement of City of Lubbock scores under the Insurance Services Office's Building Code Effectiveness Grading Schedule.

FISCAL IMPACT

Mid-year program implementation is anticipated to cost \$175,051, while the mid-year fee adjustment is anticipated to generate an additional \$180,938.

Combined operating budgets will be approximately \$2.8 million in FY 2006-07, increasing to approximately \$3.9 million by FY 2009-10, including a 3.15% annual inflation factor. Construction driven revenue growth, based on historical data, is conservatively estimated at 11% overall and 30% for the commercial sector. With no further fee adjustments, revenues are estimated to be sufficient to cover the cost of these programs through FY 2009-10, while also reducing the annual shortfall presently absorbed by the General Fund.

The fee structure and operating budgets will be reviewed annually during the budget development process to ensure program goals are being met and the fees are generating sufficient funding.

Staff recommended approval.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0039 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.12. Acceptance Resolution - Finance: Resolution No. 2006-R0153 accepting the City of Lubbock Comprehensive Annual Financial Report, the Single Audit Report, the State Award Audit, and the Management Letter for FY 2004-05.

Each year, the Accounting Department prepares a Comprehensive Annual Financial Report (CAFR) that is designed to provide the City Council, citizens, representatives of financial institutions, and others with detailed information concerning the financial condition and performance of the City of Lubbock. As a significant component of the preparation of the CAFR, an independent audit firm of certified public accountants performs an audit of the City's general-purpose financial statements and notes.

Kevin Kemp, partner of BKD, LLP will present the Audit opinion to the City Council and address any questions the City Council members have about the audit or audit opinion.

Staff recommended approval of this resolution.

Mike Epps, Audit Committee Chairman and Executive Vice President of American State Bank; Kevin Kemp, partner of BKD, LLP; Lee Ann Dumbauld, City Manager; and, Anita Burgess, City Attorney, gave comments and answered questions from Council.

Council Member Boren requested the following corrections to the CAFR: 1) add Rebecca Garza, City Secretary, to the list of appointed officials, and 2) add into the MD&A under Development Initiatives, the Central Lubbock Master Plan.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Martin to pass Resolution No. 2006-R0153 as amended. Motion carried: 7 Ayes, 0 Nays.

6.13. Authorization Resolution - Finance: Resolution No. 2006-R0154 authorizing publication of notices of intention to issue General Obligation Bonds and Tax and Waterworks System Surplus Revenue Certificates of Obligation.

The purpose of this resolution is to publish a notice of intent to issue the certificates, and to publish a notice of sale for the general obligation bonds. The resolution also incorporates language to allow the reimbursement of bond-funded construction costs that are incurred prior to the issuance of the bonds and certificates. Exhibit A provides a listing of projects that are expected to be financed with the certificates and bonds.

Certificates of Obligation:

The proceeds from the sale of the Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2006 will be used for improvements in the following areas: Airport, Solid Waste, Storm Water, Wastewater, Water, City Facilities, Parks, Streets, Gateway Streets, North Overton Tax Increment Finance District, Lubbock Power & Light and the City Cemetery. The total amount of the projects financed with the certificates is not to exceed \$85 million. The projects scheduled to be funded are included in Schedule 1.

General Obligation Bonds:

The issuance of the General Obligation Bonds represents the third issuance of debt as approved in an election held on May 15, 2004. The amount of bonds approved in the election was \$30,000,000. The issuance of this debt is not expected to increase the debt tax rate. The total of projects financed with these bonds is not to exceed \$3.5 million. The projects scheduled to be funded are included in Schedule 2.

Reimbursement of Preliminary Expenditures:

For authorized construction projects there may be design and engineering costs incurred prior to delivery of the bond proceeds in order that the projects may be completed within prescribed timeframes. The City must declare its intent to reimburse bond-funded construction costs that are incurred prior to the bond issuance for the costs to be eligible for reimbursement with bond proceeds. Therefore, this resolution will also authorize the reimbursement of previously expended funds from the bond proceeds.

FISCAL IMPACT

Annual debt service payments will be budgeted through the annual operating budget process and are included in long-term financial planning and rate models.

To proceed with the debt issuance process, city management recommended the approval of this resolution.

Jeff Yates, Chief Financial Officer; Larry Hertel, City Engineer; and, Vince Vialle, City of Lubbock's financial advisor from First Southwest Corporation, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0154 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal recused himself.

Council Member Price was away from the dais.

6.14. Budget Ordinance 1st Reading - Finance: Ordinance No. 2006-O0040 amendment #14 amending the FY 2005-06 budget respecting the Capital Improvement Program, Master Lease Program, General Fund, and Solid Waste Fund.

Amend Capital Improvement projects in the Airport, Storm Water, Wastewater, Water, Parks, Streets, and North Overton Tax Increment Finance Reinvestment Zone by appropriating an additional \$2,545,777 of Certificates of Obligation. An itemized listing of projects with amended amounts is included in Exhibit A.

Close Capital Improvement Projects #90295 – Station #12 Dormitory and #91023 – Fire Academy Field Development and to establish a new Capital Improvement Project and appropriate \$31,566 of unallocated Tax & Waterworks System Certificates of Obligation, Series 1995 and to transfer the remaining \$78,434 from the aforementioned projects for new fire station land acquisition. The total budget for land acquisition will be \$110,000.

Appropriate \$6,210,000 of Master Lease Program proceeds for the acquisition of equipment and vehicles approved as part of the FY 2004-05 and FY 2005-06 Master Lease Program. The net result of this budget amendment is \$0, yet provides the budget authorization for the inflow and outflow of funds related to the purchase and reimbursement of Master Lease funds.

Appropriate additional revenue of \$180,643 from increased building inspections fees and to authorize four additional full-time positions in the General Fund, for the addition of two building inspectors, a Fire Equipment Operator, and a Fire Protection Engineer. These additional positions will provide upgraded building inspection services to the local builders and are fully funded through the previously adopted fee increases.

Appropriate \$48,500 from the Solid Waste Fund balance and authorize an additional full-time position in the Solid Waste Fund for the addition of a Code Enforcement Inspector to enforce the City's illegal dumping codes. This position will report to the Code Enforcement Manager.

Staff recommended approval.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on first reading Ordinance No. 2006-O0040 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal recused himself.

Council Member Price was away from the dais.

6.15. Annexation Resolution - Planning: Resolution No. 2006-R0155 to proceed with the Stonebridge Community annexation located within the area south of the present boundaries of the City of Lubbock in the vicinity of 98th Street and Avenue P.

The owner of a parcel south of 98th Street (at 100th Street) and west of Avenue P already approved as a plat (Stonebridge Community) in anticipation of annexation is requesting the area be annexed. To comply with annexation policy of the Comprehensive Land Use Plan, staff is asking the Council to expand the area considered for annexation to include the unoccupied southeast corner (660 feet by 660 feet from the section line) and the northeast corner to be increased up to the 660 foot east dimension (from the current 150 foot) and north to an existing road (715 feet) to create a natural division line. The requested area and the staff initiated additional requested area meet the test of an exemption under State annexation law that would normally require Lubbock to have a "rolling annexation plan". The exemption is one that includes land areas that have fewer than 100 lots with 100 homes to be annexed with no formal "Plan". At present, all the land is vacant except the businesses that are in the extended northeast corner, who will remain nonconforming. However, staff is of the opinion that this portion of the community will be developing and the City should have the full ten acre commercial policy area of each of the four corners, as well as the right of way, within the City limits.

A color drawing is provided that outlines the area requested by Mr. Betenbough as well as the area requested for inclusion by staff.

Staff recommended approval of this resolution.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0155 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

6.16. Annexation Resolution - Planning: Resolution No. 2006-R0156 to proceed with the Shadow Hills Estates annexation located in the vicinity of Erskine Avenue and North Milwaukee Avenue, 2,514 feet north/south and 1,171 feet east/west (west of the area recently annexed for the senior living community).

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The owner of a parcel north of Erskine and west of North Milwaukee already has approved as a plat (Shadow Hills Estates) in anticipation of annexation. To comply with annexation policy of the Comprehensive Land Use Plan, staff is asking the Council to expand the area considered for annexation to include the unoccupied southwest corner (1,171 feet by 660 feet from the section lines) beyond the current 150 foot dimension that currently exists west of Milwaukee and north of Erskine and a short stretch of North Milwaukee to what will be the east right-of-way line (this request is a little longer north and south than the senior living center annexation to the east).

The requested area, and the staff initiated additional requested area, meets the test of an exemption under State annexation law that would normally require Lubbock to have a “rolling annexation plan”. The exemption is one that allows land areas that have fewer than 100 lots with 100 homes to be annexed. At present, all the land is vacant. Staff is of the opinion that this portion of the community will be developing and the City should have the full 10 acre commercial policy area of each of the four corners, as well as the right of way, within the City limits.

A color drawing is provided that outlines the area requested by Mr. Betenbough as well as the area requested for inclusion by staff.

Staff recommended approval.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0156 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

11:25 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

12:10 P. M. COUNCIL ADJOURNED

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