

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING**

**April 13, 2006**

**7:30 A. M.**

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

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

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

**Absent:** No one

**1. CITIZEN COMMENTS**

There were no citizens to express comments to Council.

**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 (Gas Utilities - Atmos Energy, Police, Solid Waste, Stormwater, Water Utilities).
- 2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Civic Center-Coliseum, 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) 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.**

**9:30 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 9:30 A. M.**

### **3. PROCLAMATIONS AND PRESENTATIONS**

- 3.1. Invocation by Pastor Gerald Jackson, Central Lubbock Church of Christ.**
- 3.2. Pledge of Allegiance to the Flags.**  
Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.
- 3.3. This item was considered following Item 3.7.**
- 3.4. This item was considered following Item 3.6.**
- 3.5. This Item was considered following Item 3.3.**
- 3.6. This Item was considered following Item 3.5.**
- 3.7. Presentation of a proclamation declaring the week of April 9 through April 15, 2006 as National Public Safety Telecommunications Week.**

Mayor McDougal presented a proclamation declaring the week of April 9 through April 15, 2006 as National Public Safety Telecommunications Week. Staff members of the City of Lubbock Telecommunication Department and Lubbock Emergency Medical Service were present.

**3.3. Presentation of a special recognition regarding April 2006 as National Landscape Architecture Month.**

Mayor McDougal presented a special recognition regarding April 2006 as National Landscape Architecture Month. Scott Scarborough and Kathy Lust were present to accept the special recognition.

**3.5. Presentation of a special recognition honoring the Lubbock Alumnae Chapter of Delta Sigma Theta Sorority for their dedication to community service.**

Mayor McDougal presented a special recognition honoring the Lubbock Alumnae Chapter of Delta Sigma Theta Sorority for their dedication to community service. Members of the Lubbock Alumnae Chapter present were Jackie Porch and Sherell Guichard-Thomas. Ms. Porch gave comments.

**3.6. Presentation of a special recognition honoring the Lubbock Christian University Lady Chaps for their outstanding efforts at the NAIA National Championship.**

Mayor McDougal presented a special recognition honoring the Lubbock Christian University Lady Chaps for their outstanding efforts at the NAIA National Championship. Coach Steve Gomez and members of the LCU Lady Chaps basketball team were present to accept the special recognition. Gomez gave comments.

**3.4. Presentation of a special recognition naming April 2006 as Parkinson's Disease Awareness Month.**

Mayor McDougal presented a special recognition naming April 2006 as Parkinson's Disease Awareness Month. There were several Parkinson's victims present to accept the special recognition. Lisa McKinnon gave comments.

**3.8. Board Recognition - City Secretary.**

**Animal Shelter Advisory Committee:**

**Annette Castellano-Chavez** (unable to attend)  
**Larry Phillippe**

**Board of Health:**

**Kae Hentges**

**Keep Lubbock Beautiful Advisory Committee:**

**Karen Sims**

**Public Transit Advisory Committee:**

**Susan Poff** (unable to attend)

**4. MINUTES**

**4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, March 8, 2006; Special City Council Meeting, March 9, 2006**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of March 8, 2006 and the Special City Council Meeting of March 9, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5. CONSENT AGENDA (Items 5.1-5.24, 5.29-5.30)**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve Items 5.1-5.24 and 5.29-5.30 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.1. Code of Ordinances Ordinance 2nd Reading - Building Inspection: Ordinance No. 2006-O0039 Consider ordinance 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 should 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.

Subsequent to the first reading of the ordinance, Council members asked staff to compare the proposed fee increases to the fee structures of other Texas cities of similar population and with similar growth pressures. Also, in order to obtain a more accurate picture of the impact of fees upon projects of varying size and valuation, staff was directed to work with the West Texas Homebuilders Association in developing multiple building scenarios for comparison of “average” commercial fees among the various sample cities. The data is presented here as additional back up.

### **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 of the second reading of this ordinance.

- 5.2. Code of Ordinances Ordinance 2nd Reading - Health: Ordinance No. 2006-O0037 Consider an ordinance 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 first reading of this ordinance passed 7-0 at the March 23, 2006 City Council Meeting.

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.

Staff recommended approval of the second reading of this ordinance.

**5.3. Code of Ordinances Ordinance 2nd Reading - Street Drainage Engineering: Ordinance No. 2006-O0038 Consider an ordinance amending Section 24-86, revising curb ramp, roll curb, and various other design and construction changes on sidewalks, curbs, driveways, and curb ramps.**

The first reading of this ordinance was at the March 23, 2006 City Council meeting.

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 the 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.

Staff recommended approval of the second reading of this ordinance.

- 5.4. Zone Case No. 2103-D (2431 S. Loop 289) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0034 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.**

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.

**5.5. Zone Case No. 7084 Amendment Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0035 Consider Ordinance 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, and consider ordinance.**

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."

**FISCAL IMPACT**

No fiscal impact anticipated.

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

**5.6. Interlocal Agreement Resolution - City Manager's Office: Resolution No. 2006-R0157 authorizing the Mayor to execute an interlocal agreement with the Lubbock Housing Authority for administrative services.**

The Lubbock Housing Authority requested guidance from the U.S. Department of Housing and Urban Development (HUD) regarding the use of funds currently held in the account of the Management Development Corporation (MDC). MDC, a non-profit development entity, was created by the Lubbock Housing Authority (LHA) to participate in various development ventures with the intention of creating outside sources of revenue to augment the Housing Authority Low-Rent and Section 8 Programs.

The request from LHA is to access funds previously earmarked for other purposes, to be used to satisfy contractual obligations association with LHA MDC activities.

HUD is granting LHA's request for access to the subject funds on the condition that the LHA address a fundamental management restructuring and pursue a commitment to program improvements as outlined in the attached letter from HUD.

**FISCAL IMPACT**

Assistant City Manager Quincy White will be temporarily assigned as the Executive Director.

Staff recommended approval of this resolution.

**5.7. Interlocal Agreement Resolution - Citibus: Resolution No. 2006-R0158 authorizing the Mayor to sign an interlocal agreement with Texas Department of Transportation for Citibus to deliver a Regional Coordination Public Transportation Service Plan.**

In an effort to offset costs associated with planning for regionally-coordinated transportation, the Texas Department of Transportation has made planning funds available. Citibus requested, and was approved for \$15,000. According to the scope of services, the work done in exchange for these funds must be completed no later than October 15, 2006.

**FISCAL IMPACT**

No local match will be required for these funds. Acceptance of this grant will result in no additional cost to the City of Lubbock.

Citibus recommended the approval of the interlocal agreement with TxDOT.

**5.8. Grant Resolution - Citibus: Resolution No. 2006-R0159 authorizing the Mayor to execute State and Local Public Transportation Grant Contract 51605F7200 with the Texas Department of Transportation for preventative maintenance for CitiAccess Demand Response Service.**

Texas Department of Transportation is allocating \$45,021 of public transportation funds to the City of Lubbock to be used for preventative maintenance for CitiAccess Demand Response Service. The funds from State and Local Public Transportation 5310 grants are to be used to help provide mass transportation service planning, designed and carried out to meet the special needs of elderly individuals and individuals with disabilities. The contract becomes effective when fully executed by both parties or on March 15, 2006, whichever is later. The contract will terminate on August 31, 2007.

**FISCAL IMPACT**

The match required for this grant has already been included in the Citibus budget. Acceptance of this grant will result in no additional cost to the City of Lubbock.

Staff recommended approval of this resolution.

**5.9. Lease Agreement Resolution - Aviation: Resolution No. 2006-R0160 authorizing the Mayor to execute a lease agreement with Chaparral, Inc. to lease building space on the east side of Lubbock Preston Smith International Airport.**

Chaparral Inc. has leased space on the east side of the airport since January 1991. The current agreement expired on December 14, 2005. The term of the new agreement is from January 1, 2006 to January 31, 2010 with an option to renew up to two additional five-year terms.

The buildings and lease rates included in the agreement are as follows:

Executive Terminal Building: 4,569 square feet at \$9.85 per square foot.

Hangar Building #108: Building 12,159 square feet at \$0.951 per square foot; and Land 26,132 square feet at \$0.1436 per square foot.

Hangar Building #302: Building 12,034 square feet at \$0.951 per square foot; and Land 24,784 square foot at \$0.1436 per square foot.

Land for Lessee-owned T-hangar: 1,170 square feet at \$0.1436 per square foot.

The rates proposed in this agreement are based on an appraisal and will be adjusted annually according to the Bureau of Labor Statistics Consumer Price Index. A credit of \$29,000 amortized at 4.5% for building renovations, and updating the restrooms to be ADA compliant, will be given over a four-year period at \$673.63 per month.

### **FISCAL IMPACT**

The annual rental that will be received from this agreement is \$67,408 paid in monthly payments of \$5,617. The new agreement will result in an additional \$24,080 annually.

The Airport Board and staff recommended approval of this resolution.

**5.10. Authorization Resolution - Special Events: Resolution No. 2006-R0161 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 the Family Guidance and Outreach Center's Blue Ribbon Rally and Harley Party special event.**

Chapter 2 of the Code of Ordinances assigns the duties of reviewing requests for in-kind services for special community events. Tracking and monitoring of these types of requests is done through the Special Events policy.

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

On November 7, 2005, the City Council approved an additional allocation of \$20,000 for the "Miracles on 34th Street" Christmas Parade and \$30,653 to offset the incurred cost related to the Lubbock Music Festival. The remaining \$86,022 is available to be allocated for new events.

The Parks and Recreation Advisory Board approved the following recommendation at their February 28, 2006 meeting for a new event application submitted for FY 2005-06 in-kind services: Family Guidance and Outreach Center of Lubbock's Blue Ribbon Rally.

Total Estimated In-Kind Service Value \$1,085

Park Board recommended 94% of in-kind value - 1,020.

After logistical changes to the event, the organizers were able to secure street barricades from another source, reducing the amount of City in-kind services by \$300 to \$720.

The Family Guidance and Outreach Center of Lubbock will host the Blue Ribbon Rally & Harley Party Saturday, April 29, 2006 from 10:00 a.m. to 10:00 p.m. in the Depot District. The mission of the Center is to foster the prevention of child abuse and neglect in the Lubbock area. April is National Child Abuse Prevention month and, throughout the month, the Center will create awareness by distributing 25,000 blue ribbons that state "It Shouldn't Hurt to be a Child". The Blue Ribbon Rally event climaxes the month and all proceeds benefit Family Guidance and Outreach Center programs.

The event will consist of a classic car and bike show, including five car clubs from Texas and surrounding states, as well as live music, food, a silent auction, a special matinee performance at the Cactus Theater, and a drawing for a motorcycle.

#### **FISCAL IMPACT**

Services are provided for special events by City departments through already appropriated funds.

Staff recommended approval of this resolution.

**5.11. Agreement Resolution - Civic Center: Resolution No. 2006-R0162 authorizing the Mayor to sign an agreement with Civic Lubbock, Inc. to administer the Cultural Arts Grant program.**

On September 21, 2005, the Lubbock City Council approved a License Agreement with Civic Lubbock, Inc. granting Civic Lubbock, Inc. a license for all food, beverage and other concession sales including the Lubbock Municipal Auditorium/Coliseum, Lubbock Memorial Civic Center, Buddy Holly Center, and Silent Wings Museum for a period of eight years. The agreement also specifies that Civic Lubbock, Inc. will create the Cultural Arts Grant Review Standing Sub-Committee, which will manage funding identified for grants. Funding for the grant program is allocated from 5.71429% of the total hotel/motel tax collected during the previous fiscal year.

This agreement provides for a total of \$164,523, which is 5.71429% of the total hotel/motel tax collected during fiscal year ending September 30, 2005. The Cultural Arts Grant Review Standing Sub-Committee has developed guidelines for the Cultural Arts Grant Program funded by the Hotel Occupancy Tax, which are being presented with the agreement to manage the grant program. Once the agreement and guidelines are approved, the committee will be accepting applications and making recommendations to the Civic Lubbock Inc. Board to present to the City Council for grant recipients twice each year. Upon approval by the Lubbock City Council, Civic Lubbock, Inc. will begin using the allocated funds for the approved grantees. Civic Lubbock, Inc. will be responsible for monitoring and administering all aspects of the grant program.

**FISCAL IMPACT**

This agreement will transfer \$164,523 from Hotel Occupancy Taxes in FY 2004 to Civic Lubbock, Inc. for the Cultural Arts Program.

Staff recommended approval of this resolution.

- 5.12. Quitclaim Deed Resolution – Right-of-Way: Resolution No. 2006-R0163 authorizing the Mayor to execute a quitclaim deed to Murphy Addition, L.L.C., a Texas limited liability company for a portion of 19th Street east of Memphis Avenue, property located at 3723 19th Street.**

At the September 21, 2005 City Council meeting, a resolution was approved by the City Council to make an offer to Murphy Place Addition, L.L.C. for a tract of land needed for the northbound Memphis Avenue right-hand turn lane. This resolution discussed the City acquiring additional right-of-way along Memphis Avenue and a utility easement which will cause the business owner to lose four parking spaces that are critical to his business. A portion of this offer discussed the deeding to Murphy Addition L.L.C., through a quitclaim deed, a 645 square foot portion of 19th Street just east of Memphis Avenue that the City recently obtained from the Texas Department of Transportation. This additional land will allow the property owner to regain enough area to revise his parking arrangement. Merle Blosser M.A.I. appraised this 645 square foot portion of 19th Street right-of-way for \$9,675 which the City will receive. Therefore, this resolution authorizes the Mayor to sign a quitclaim deed that conveys this 19th Street right-of-way area to Murphy Addition, L.L.C., a Texas limited liability company.

**FISCAL IMPACT**

The estimated revenue to the General Fund will be \$9,675.

Staff recommended approval of this resolution.

- 5.13. Monitor Well Permit Resolution - Right-of-Way: Resolution No. 2006-R0164 authorizing the Mayor to execute a monitor well permit with Grimes and Associates Consulting Engineers, L.P. for a street right-of-way monitor well located at 3315 Avenue S.**

This monitor well permit allows Grimes and Associates Consulting Engineers, L.P., to drill a ground water monitor well in the east right-of-way of Avenue S, just north of 34th Street. The adjacent property owner, Western Title Company at 1810 34th Street, has given the City written approval to allow the contractor to place the monitor well in the east right-of-way of Avenue S. The former gas station located at 1902 34th Street had an underground leaking fuel tank. TNRCC has requested that they go off site with a monitor well in addition to what they have already drilled on their property. This permit is for 20 years, payable every five years in advance. All utilities are in agreement and the City will receive \$100 per year for this monitor well location.

**FISCAL IMPACT**

The estimated annual revenue is \$100.

Staff recommended approval of this resolution.

- 5.14. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-0041 abandoning and closing a 1.08 acre drainage easement located in Section 27, Block AK, Lubbock County, easement located at 6720 91st Lane.**

This ordinance abandons and closes a 1.08 acre drainage easement that is located on the east side of Quincy Avenue at 91st Lane. This easement was dedicated by the developer when the Monterey Addition was in the early stages of development and is no longer needed due to the street now being dedicated where the easement is located.

**FISCAL IMPACT**

No fiscal impact anticipated.

Staff recommended approval of the first reading of this ordinance.

- 5.15. Street Use License Resolution - Right-of-Way: Resolution No. 2006-R0165 authorizing the Mayor to execute a street use license with Hugo Reed and Associates, Inc. for an aerial communications cable across Avenue N in the 1600 block.**

This license will allow Hugo Reed and Associates to cross Avenue N just south of 16th Street with an aerial communications cable to connect their office with another building they own on the west side of Avenue N. The charge for this license will be \$50 minimum per year and the license will be for 20 years, payable every five years in advance.

**FISCAL IMPACT**

Annual income of \$50.

Staff recommended approval of this resolution.

- 5.16. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0042 abandoning and closing a portion of Avenue M just north of 3rd Street and all of the 20-foot wide north-south alley in Block 1, Richmond Second Addition, properties located at 224 Avenue M.**

This ordinance abandons and closes a 3,224 square foot portion of Avenue M just north of 3rd Street adjacent to Lot A, R.C. Taylor Addition and the 20-foot north-south alley in Block 1, Richmond Second Addition. Robert Taylor of R. C. Taylor Distributing is the requestor of this street closure for replatting purposes. Mr. Taylor recently acquired the acreage on the west side of Avenue M and north of 3rd Street and desires to close this portion of Avenue M to connect his properties. Access northward from 3rd Street across the Burlington Northern and Santa Fe tracks was recently closed by the railroad and the City in exchange for the upgrading of the railroad intersection at Avenue P leaving a section of Avenue M unusable. Since Mr. Taylor was not the original dedicator of the street, there will be a charge for these 3,224 square feet. From adjacent property values and a review of existing sales

comparables, a value of \$1.00 per square foot is determined. Therefore, the value of this street closure area to be charged to Mr. Taylor is \$3,224. The area being closed will remain as a utility easement so the value will be adjusted by 50% for a final closure cost of \$1,612.

In 2005, Mr. Taylor acquired all of Block 1, Richmond Second Addition from the Burlington Northern and Santa Fe Railroad. This property is on the west side of the portion of Avenue M being closed and contains a 3,179.6 square foot north-south alley. Blocks 1 – 11 of Richmond Second Addition were platted in 1909 by S.A. Richmond, who in 1911 sold all of Block 1, including the alley, to the railroad who has owned it until they recently sold it to Mr. Taylor. This 2005 sale included the alley area. In 1911, there was not a City resolution or ordinance in place that addressed street or alley closures.

Nevertheless, a title exam indicated that an alley dedication exists on the property (the alley has never been opened on the ground or used by any utility company) and this ordinance will close it. The Right-of-Way Department has valued this 3,179.6 square foot alley at \$0.25 per square foot for a cost to Mr. Taylor of \$794.90. The total closure costs to Mr. Taylor for the street area and the alley area being closed is \$2,406.90.

#### **FISCAL IMPACT**

Income to the City of \$2,407.

Staff recommended approval of the first reading of this ordinance.

**5.17. Contract Resolution - Water Utilities: Resolution No. 2006-R0166; Resolution No. 2006-R0167; Resolution No. 2006-R0168 for contract turf maintenance at Water Treatment Plant facilities, BID #06-006-BM.**

The Water Production and Treatment Department has 18 sites that require mowing, weeding, and edging. The sites are separated into A, B, C, and D class properties depending on frequency of maintenance and type of mowing equipment to be used.

Fifty-four local contractors were invited to bid on this item and two local contractors responded.

#### **FISCAL IMPACT**

\$56,320 was appropriated with \$56,320 available in Pumping and Control and Water Treatment operating budgets.

Staff recommended contract award to Star Landscapes MTC of Lubbock, Texas for \$37,340; Sterling Company of Lubbock, Texas for \$9,980; and West Texas Greenscapes of Spade, Texas for \$9,000.

**5.18. Contract Resolution - Fire Department: Resolution No. 2006-R0169 authorizing the Mayor to execute a contract allowing the Phoenix Fire Department to utilize the Lubbock Fire Department Airport Rescue Fire Fighter Training Facility.**

As required by FAR-139, all firefighters assigned to airport fire protection duties are required to have an annual "hot drill". The "hot drill" consists of extinguishing aircraft fires by both handline and apparatus application of extinguishing agent. The Phoenix Fire Department wishes to contract with the City of Lubbock to utilize the Airport Rescue Fire Fighter (ARFF) Training Facility.

The execution of this contract will allow Phoenix to use City of Lubbock facilities.

#### **FISCAL IMPACT**

This contract will generate revenue in the amount of \$288 per student. The Phoenix Fire Department is expected to train approximately 130 firefighters, over a six day period, generating gross revenues of approximately \$37,000. The net revenues, after fuel, chemical agent and personnel costs are deducted, will be used to offset the cost of maintaining the ARFF training facility.

Staff recommended approval of this resolution.

**5.19. Contract Resolution - Parks and Recreation: Resolution No. 2006-R0170 authorizing the Mayor to execute a contract and all related documents for meal services for senior citizen centers with ARAMARK Educational Services, Inc., BID #06-013-MA.**

This contract establishes food services for the Senior Meal Program providing approximately 63,500 hot meals annually to senior citizens of Lubbock. Meals are served five days each week at five locations. This program provides one-third the recommended daily allowance for seniors 60 years of age or older. Monetary donations are accepted from those individuals who utilize meal services. The recommended donation is two dollars per meal for those citizens 60 years of age and over. Those under age 60 are required to pay four dollars per meal.

Fifty-three local companies were notified of the invitation to bid and one responded.

#### **FISCAL IMPACT**

The Senior Meal Program is funded through a grant from the South Plains Association of Governments. A total of \$161,925 was appropriated and is available in Grant 84012 Program for Aging for this purpose.

Staff recommended approval of this resolution.

**5.20. Contract Resolution - Purchasing: Resolution No. 2006-R0171 for Internet Auction Service.**

The City of Lubbock Purchasing Department is responsible for disposing of surplus city property and abandoned, stolen, or recovered property held in custody by the Police Department and unclaimed for a period of at least 60 days.

This contract is for online Internet auction services on an “as-needed” basis. The formal Request for Proposals (RFP) process was used to solicit competitive proposals from interested firms and individuals to provide this service. An evaluation committee reviewed and ranked the proposals using the following evaluation criteria and relative importance stipulated in the RFP:

- Internet Website and Website Traffic, 25 Points
- Fees, 25 Points
- Services, 15 Points
- Qualifications and Experience, 10 points
- Method of Approach, 5 Points
- Training and Technical Support, 10 points
- Advertising Plan, 10 points

Four auctioneer firms submitted proposals and were ranked as follows:

- |   |             |
|---|-------------|
| • Rene Bates Auctioneers of McKinney, Texas       | 93.3 points |
| •Lone Star Auctioneers, Inc. of Fort Worth, Texas | 93 points   |
| •Shattuck Associates of Austin, Texas             | 75 points   |
| •Property Room.Com, San Clementi, California      | 60 points   |

The contract term is one year with an option to renew annually for up to four additional one-year terms.

Forty-three local firms and individuals were notified of this Request for Proposal and no local companies responded.

#### **FISCAL IMPACT**

The auctioneers will perform these services at the rate of 5% of gross auction revenue exclusive of sales tax. The net proceeds will be realized in the appropriate funds.

Staff recommended contract award to Rene Bates Auctioneers of McKinney, Texas.

- 5.21. Contract Resolution - Community Development: Resolution No. 2006-R0172 authorizing and directing the Mayor to execute an Amendment to the Community Development Funding Contract with Catholic Family Services to fund the Community Services Block Grant (CSBG) Self Sufficiency Program.**

Grantee: Catholic Family Services

Program: CSBG Self-Sufficiency Program

Funding Source: 2006 Community Services Block Grant

Use of Funds: CSBG funds to be used for the Self Sufficiency program that assist low income households to transition out of poverty.

Amount: Additional funds of \$44,612, Council previously approved \$141,854.

Match: None

Return of Investment: None

Term: January 1, 2006 through December 31, 2006

Comments: Funding for this Contract was approved by the Community Development and Services Board (CDSB) during their regularly scheduled meeting held on December 7, 2005. City Council approved the contract at the January 31, 2006 meeting. Additional funding approved by CDSB during their regularly scheduled meeting held on February 8, 2006.

Funds were accepted and appropriated in the amount of \$380,000 by Council on January 12, 2006.

### **FISCAL IMPACT**

State funds will be used from the Community Services Block Grant. The maximum to be allocated to this project is \$186,466.

Staff recommended approval of this resolution.

- 5.22. Contract Resolution - Community Development: Resolution No. 2006-R0173 authorizing and directing the Mayor to execute an Amendment to the Community Development Funding Contract with Lutheran Social Services Neighborhood House to fund the Comprehensive Energy Assistance (CEAP) Elderly/Disabled and Energy Crisis Components.**

Grantee: Lutheran Social Services

Program: CEAP Elderly/Disabled & Energy Crisis

Funding Source: 2006 Community Services Block Grant (CSBG)

Use of Funds: CSBG Funds are to be used to operate the CEAP Elderly/Disabled and Energy Crisis Program that provides utility assistance to qualified low-income families and individuals.

Amount: Additional funds of \$20,000, Council previously approved \$10,000 from CSBG and \$160,685 from CEAP.

Match: None

Return of Investment: None

Term: January 1, 2006 through December 31, 2006

Comments: Funding for this Contract was approved by the Community Development and Services Board (CDSB) during their regularly scheduled meeting held on December 7, 2005. City Council approved the contract at the January 31, 2006 meeting. Additional funding approved by CDSB during their regularly scheduled meeting held on February 8, 2006.

Funds were accepted and appropriated in the amount of \$380,000 by Council on January 12, 2006.

**FISCAL IMPACT**

State funds will be used from the Community Services Block Grant and Comprehensive Energy Assistance Program. The maximum to be allocated to this project is \$190,685.

Staff recommended approval of this resolution.

- 5.23. Contract Resolution - Community Development: Resolution No. 2006-R0174 authorizing and directing the Mayor to execute an amendment to the Community Development Funding Contract with Life Run Independent Living to fund the Comprehensive Energy Assistance (CEAP) Elderly/Disabled Component.**

Grantee: LIFE Run Independent Living

Program: CEAP Elderly/Disabled Component

Funding Source: 2006 Community Services Block Grant (CSBG)

Use of Funds: CSBG funds are to be used to operate the CEAP Elderly/Disabled Program that provides utility assistance to qualified low-income families and individuals.

Amount: Additional funds of \$2,500. Council previously approved \$2,500 from CSBG and \$40,000 from CEAP.

Match: None

Return of Investment: None

Term: January 1, 2006 through December 31, 2006

Comments: Funding for this Contract was approved by the Community Development and Services Board (CDSB) during their regularly scheduled meeting held on December 7, 2005. City Council approved the contract at the January 31, 2006 meeting. Additional funding approved by CDSB during their regularly scheduled meeting held on February 8, 2006.

Funds were accepted and appropriated in the amount of \$380,000 by Council on January 12, 2006.

**FISCAL IMPACT**

State funds will be used from the Community Services Block Grant and Comprehensive Energy Assistance Program. The maximum to be allocated to this project is \$45,000.

Staff recommended approval of this resolution.

- 5.24. Contract Resolution - Solid Waste: Resolution No. 2006-R0175 authorizing the Mayor to execute a contract with South Plains Association of Governments related to the 2006 Solid Waste Grant Programs.**

The City of Lubbock has been awarded \$39,300 in grant funding for recycling projects under the 2006 Solid Waste Grant Program. Council approved this grant application at the January 12, 2006 City Council meeting. The funding agency split the grant application into two separate grants as follows:

Grant 06-02-G05 in the amount of \$16,800 is for the purchase of a 12-foot by 14-foot prefabricated metal building at an estimated cost of \$7,500 and the purchase of three 400-gallon used oil collection containers at an estimated cost of \$9,300.

Grant 06-02-G06 in the amount of \$22,500 will be used to purchase a multi-purpose skid loader.

#### **FISCAL IMPACT**

The impact on the operating budget will be the operating and maintenance cost of the equipment, which will be minimal.

Staff recommended approval of this resolution.

- 5.25. This item was moved from consent agenda to regular agenda and considered following Item 5.30.**
- 5.26. This item was moved from consent agenda to regular agenda and considered following Item 5.25.**
- 5.27. This item was moved from consent agenda to regular agenda and considered following Item 5.26.**
- 5.28. This item was moved from consent agenda to regular agenda and considered following Item 5.27.**
- 5.29. Purchase Resolution - Radio Shop: Resolution No. 2006-R0176 for purchase of Radar and Video Systems.**

This item is for the purchase of ten radar and video systems through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program. The equipment will be installed in police vehicles for rookie patrol officers. H-GAC is a regional planning commission created under Acts of the 59th Legislature, Regular Session, 1965, re-codified as Texas Local Government Code, Chapter 391.

#### **FISCAL IMPACT**

A total of \$41,340 was appropriated with \$41,340 available in the Rent Lease Equipment Account in the General Fund.

Staff recommended approval of purchase from Kustom Signals of Lenexa, Kansas for \$41,340.

- 5.30. Contract Amendment Resolution - Human Resources: Resolution No. 2006-R0177 authorizing the Mayor to execute an Amendment and all related documents to the City of Lubbock Employee Benefit Plan.**

The City changed their prescription plan from Medco to Maxor Pharmacy Benefits Management Corporation effective April 1, 2006. The definition of

Hospital under the current City of Lubbock Employee Benefit Plan does not include a rehabilitation facility. This change will increase benefits to employees and retirees. In addition the definition of a skilled nursing facility is being changed to clarify where rehabilitation facility costs will be covered under the plan.

**FISCAL IMPACT**

No fiscal impact anticipated.

Staff recommended approval of this resolution.

**5.25. Contract Resolution - Municipal Court: Resolution No. 2006-R0178 authorizing the Mayor to execute an agreement with Tyler Technologies, Inc., INCODE Division, for purchase and installation of computer software system and licenses for court management program.**

The City solicited competitive sealed bids for the purchase and installation of a new court management software system. Following evaluation of the proposals, the evaluation committee selected Tyler Technologies, Inc., INCODE Division of Lubbock, Texas as the recommended vendor to provide the system. The new software will permit Municipal Court to improve its operations in terms of both scope and efficiency.

Respondents to the RFP were ranked as follows:

Tyler Technologies, Inc., INCODE Division of Lubbock, TX	370
MMI Internetworking of Fort Worth, TX	361
Sungard H.T.E., Inc. of Lake Mary, FL	349
Professional Computer of Spartanburg, SC	319
Compudyne of Fremont, CA	311
Maximus Justice Solutions of North Canton, OH	306
EdocTec of Waco, TX	271
Premier Data Services of Englewood, CO	268
GBSD Technologies, Inc. of Lubbock, TX	41

Twenty local firms were notified of this RFP and one local firm responded.

**FISCAL IMPACT**

Initial cost of the system is \$229,941. Annual cost for maintenance and upgrades will be \$35,288. Those amounts will be paid from the Municipal Court Technology Fund and there will be no impact on the General Fund.

Staff recommended contract award to Tyler Technologies, Inc., INCODE Division of Lubbock, Texas, for \$229,941.

Gary Lawrence, CEO, Lubbock Economic Development Alliance (LEDA), 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-R0179 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.26. Contract Resolution – Utilities: Consider a resolution for City of Lubbock Utility Software System, RFP #05-104-RW.**

**This item was held until the April 26, 2006 Regular City Council Meeting.**

The Automated Mapping and Facilities Management (AM/FM), Work Order Management (WMS), and Automated Vehicle Tracking and Locating (AVL) systems will provide participating departments with enhanced customer service and a reduction of labor costs by eliminating most manual processes. This system provides the technology to facilitate outage management, make efficient work assignments, manage and automate warehouse inventory, mapping and routing functions. The software will interconnect with the Customer Information System (Banner), financial system (JDE), and the Supervisory Control and Data Acquisition system (SCADA) and will allow for real time engineering analysis of the entire electrical, water, wastewater and solid waste systems including short circuit analysis, load flow analysis, and forecasting analysis. This system provides a means to identify and monitor safety hazardous and risks. This system will also assist Water Utilities in meeting recommendations of a recent state mandated audit.

Lubbock Power & Light, City of Lubbock Water and Sewer Department, and City of Lubbock Solid Waste Department were assisted by Information Technology and the Purchasing Department in conducting a competitive sealed proposal process for the acquisition of the utility software system. Following evaluation of the proposals, the evaluation committee selected GE Energy of Denver, Colorado as the recommended vendor. The proposed contract is provided. The new software system will permit the participating departments to improve their respective operations in terms of both scope and efficiency.

The initial cost of the system is \$1,760,721. The cost of the software is \$324,585 and the implementation cost is \$1,436,136. An initial change order in the amount of \$40,000 has been included in the implementation to write an interface with the City's centerline file in field force automation in lieu of Mapquest used in GE Energy's current software. The annual costs for maintenance and upgrades are \$69,279 to be divided equally among the four departments. Additional costs of approximately \$485,000 will be needed for additional hardware servers (\$250,000), Travel and Lodging (not to exceed \$135,000), and a contingency for possible change orders (\$100,000). GPS units and Mobile Data Terminals (\$544,500) will be purchased in the future in conjunction with the utility software system.

The evaluation committee ranked the respondents to the RFP as follows:

G E Energy of Denver, Colorado	531
UAI, Inc. of Huntsville, Alabama	450

Origin Geosystems of Smyrna, Georgia	409
Miner & Miner of Fort Collins, Colorado	316
Enspira Solutions of Littleton, Colorado	243
Alliance Data of Atlanta, Georgia	236
Onegis, Inc. of Atlanta, Georgia	236
NMT Corporation of Lacrosse, Wisconsin	25

Proposals were evaluated based on the following criteria:

- Price, 5 points - Price
- Software functionality, 50 points
- Technical Support/Service, 10 points
- Corporate experience, 5 points
- Network Functionality, 5 points
- Implementation Plan, 25 points

#### **FISCAL IMPACT**

A total of \$2,790,221 was appropriated by Lubbock Power & Light-\$1,321,307; Water-\$732,218; Solid Waste-\$429,098; and Sewer-\$307,598. \$2,790,221 will be available by departmental transfers to account number 91118, AM/FM Automated Mapping and Facilities Management, for the City of Lubbock Utility Software System. This software and hardware will be financed using the City's master lease-purchase program.

Staff recommended contract award to GE Energy of Denver, Colorado for \$1,760,721.

Dale Stevens with Lubbock Power and Light gave comments.

Council Member Gilbreath requested staff bring back a Return on Investment (ROI) analysis.

**5.27. Contract Resolution - Water Utilities: Resolution No. 2006-R0179 for construction of a security fence for Pump Station #10 located at 82nd and Memphis Avenue - BID #06-015-BM.**

This project involves constructing a brick security fence and associated landscaping for the newly constructed ground storage tank and existing Pump Station #10 located at 82nd Street and Memphis Avenue. TCEQ requires a minimum eight-foot high security fence surrounding any water distribution center. A neighborhood and citizens committee was formed to recommend the appropriate fencing type and material. This plan meets the requests from the neighborhood committee while providing the appropriate security infrastructure for the pump station and ground storage tank.

Eleven local contractors were notified of this bid and four local contractors responded. Time for completion is 125 calendar days and liquidated damages are \$500 per day.

**FISCAL IMPACT**

\$750,000 was appropriated with \$743,588 available in Pump Station #10 Fencing project.

Staff recommended bid award to A-1 American Fence of Orange, Texas for \$654,611.66.

Wood Franklin, Interim Chief Engineer for Water Utilities, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2006-R0180 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.28. Purchase Resolution - Parks and Recreation: Resolution No. 2006-R0180 for the purchase of a restroom facility for the Mackenzie Park Amphitheater.**

A site plan of the Mackenzie Park Amphitheater and surrounding area is provided. The site plan indicates restroom facilities to be located just south of the seating bowl. Staff also considered a location at the entrance to the amphitheater just off Broadway. The location at the entrance was eliminated due to concerns including archeology (see attached area on site plan), expense to connect to utilities, and very limited access for buses. That location also could prove to be inconvenient for Amphitheater patrons due to the distance and elevation change from the bottom of the seating bowl. The site south of the seating bowl is easily accessible from the seating area, bus turnaround is nearby, sewer and water lines are nearby, and the site is clear of archeological concerns.

After evaluating several options, staff is recommending the purchase of two precast concrete restrooms from CXT Precast Products. CXT produces the buildings at their plant in Hillsboro, Texas. The restrooms can be purchased through the Texas Multiple Award Schedules (TXMAS) State of Texas Contract. The total cost for the restrooms, including delivery and placement, is \$172,691. The two restrooms will face each other with a common area between the two. On large events both buildings will be utilized, while one building will be utilized for the smaller events. The availability to isolate the buildings will result in reduced maintenance efforts. The cost per square foot is \$166. The estimated cost for a site built facility is \$249 per square foot. A site built building of the same size as the pre-cast is estimated to cost \$259,000. Estimated project completion is 90 days from purchase.

The occupant load for the Amphitheater is estimated to be 1,235 people in the terraced seating. Based on the Plumbing Code for theaters, the fixture count for the men's restroom would be three urinals, two toilets and four lavatories. The fixture count for the women's restroom would be 10 toilets and four

lavatories. The proposed restroom facilities will provide two urinals, one toilet and two lavatories in the men's restroom. The women's restroom will consist of nine toilets and six lavatories. Staff was very concerned with the "potty-parity" requirements, which will be exceeded with this facility. If additional facilities are needed for very large events, portable toilets can be utilized.

#### **FISCAL IMPACT**

Funding of \$250,000 was appropriated for restrooms at the Mackenzie Park Amphitheater. The estimated project costs are as follows: buildings \$172,691, utilities (water, electrical, sewer lift station) \$45,000 and site development (grading, elevations, compaction) \$25,000 for a total cost of \$242,691.

Staff recommended approval of this resolution.

Victor Kilman, Director of General Services, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2006-R0181 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

#### **6. REGULAR AGENDA**

- 6.1. This item was considered following Item 6.3.**
- 6.2. This item was considered following Item 6.1.**
- 6.3. This item was considered following Item 6.7.**
- 6.4. Contract Resolution - Parks and Recreation: Resolution No. 2006-R0181 authorizing the Mayor to execute a contract amendment with MWM Architects, Inc. for architectural design services for the development of the Youth Sports Complex to be located at FM 1585 and Milwaukee.**

On July 14, 2005, the City Council approved an agreement with MWM Architects, Inc. for design services for the new 160-acre youth sports complex. The agreement with MWM includes schematic design, design development, construction documents, bidding, and construction inspection. Since approval of the agreement, the scope of the project has changed to include additional property.

This contract amendment revises the scope of the design services for the Youth Sports Complex. The project will be divided into three phases. Phase One includes the design of 12 softball fields in three four-field clusters, each with a common concession and a public restroom building, and a fourth cluster with three Little League fields and one Junior League field. The field clusters will have amenities similar to those on the Cavazos Complex in McAlister Park. The site development will include parking lot design for approximately 2,500 vehicles.

Phase Two includes designs for approximately 18 senior soccer fields, nine junior soccer fields, 13 intermediate soccer fields, and 16 pee wee soccer fields along with one freestanding public restroom/office building, one free

standing public restroom/maintenance building, one free standing public restroom/large meeting room, and parking. Eight of the senior soccer fields will be illuminated for evening games.

Phase Three includes the design of a freestanding championship softball field with seating capacity yet to be determined.

The fee for Phase One services is a lump sum of \$650,000 plus reimbursable expenses and any owner authorized additional services. Fees for Phase Two and Phase Three shall be negotiated at a later date when the City of Lubbock authorizes staff to proceed with those projects. All other terms of the original agreement will remain in force.

Parks and Recreation staff is negotiating the engineering services for Phase One of the project. It is anticipated the engineering services will include topographic survey, final plat submittal, site plan review, site grading, parking lot paving design, site utilities plan, storm water pollution prevention plans, water distribution plan, paving plans, drainage analysis report and irrigation plans.

#### **FISCAL IMPACT**

Funding is available from the 2004 Bond projects for the development of a Little League complex and soccer fields in southwest Lubbock.

Staff recommended approval of this resolution.

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

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to pass Resolution No. 2006-R0182 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.5. This item was considered following Item 6.2.**
- 6.6. This item was considered following Item 6.5.**
- 6.7. Budget Ordinance 1st Reading - Finance: Ordinance No. 2006-0043 amendment #15 amending the FY 2005-06 budget respecting the Capital Improvement Program FY 2005-06 to FY 2010-11, General, Lubbock Power & Light, and Grant Funds.**
  - 1. Authorize an additional 20 police officers and establish the next recruit class size as 45. The funding for these positions will come from savings achieved through vacancies for the first 6 months of this fiscal year.
  - 2. Amend the capital improvement project entitled "Municipal Building Generator Installation" by increasing the budget from \$198,000 to \$372,000 due to an upsizing of the unit to power the entire Municipal Building and all systems in the event of a power outage. The project will be entirely funded from the City's Master Lease Program.

3. Authorize 4 additional positions at the Municipal Court and adjust the General Fund budget for Municipal Court accordingly. The new positions will be comprised of a Marshal and a Collection Specialist in the Collections Office to address the state mandated collection plan, an Assistant Court Administrator, and a Customer Service Representative to address concerns identified through the recently completed audit. The budget will be increased \$70,833 for salary and benefits and \$14,400 for one time costs associated with the addition of these positions (computers/printers, telephones, software). Revenues related to Municipal Court Fines will be adjusted to compensate for the additional costs. The estimated annual salary and benefit costs for these four positions will be \$170,000.
4. Amend the Adopted FY 2005-06 through FY 2010-11 Capital Improvement Program by creating a capital improvement project entitled "Terminal Building Improvements" and appropriate \$352,450 of Airport Improvement Program Entitlements and \$158,050 of Passenger Facility Charge revenue for the bid and design of a) repair and replacement of HVAC equipment; b) replacement of carpet in the passenger area of the concourse; and, c) modifications to existing restrooms to meet ADA requirements at the Lubbock Preston Smith International Airport. The total budget for bid/design of this project will be \$510,500.
5. Accept and appropriate a \$39,300 grant from South Plains Association of Government's 2006 Solid Waste Grant Program to purchase a 12' x 14' prefabricated metal building and to purchase three 400-gallon used-oil collection containers. No City matching funds are required.
6. Accept and appropriate a \$22,500 grant from South Plains Association of Government's 2006 Solid Waste Grant Program to purchase a multi-purpose skid loader. No City matching funds are required.
7. Revise full-time staffing in the Electric Utility. Specific information regarding this amendment is competitive information protected under Chapter 552.133 of the Texas Government Code.
8. Amend the Adopted FY 2005-06 through FY 2010-11 Capital Improvement Program by creating a capital improvement project in the Electric Utilities. Specific information regarding this amendment is competitive information protected under Chapter 552.133 of the Texas Government Code.
9. In Budget Amendment #10, an item was approved to accept and appropriate a \$194,080 grant from the South Plains Association of Governments (SPAG) to provide meals, transportation, and other services to the senior population. The actual amount of the grant is \$124,402, with \$69,678 of revenue coming from program income, for a grand total of \$194,080. Therefore, the budget needs to be amended to reflect the decrease in the grant from \$194,080 to \$124,402 and an increase in the budget for program income by \$69,678.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0042 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.3. Lease Agreement Change Resolution - Civic Center: Resolution No. 2006-R0182 Consider an amendment to the existing agreement with the South Plains Professional Hockey Club, Ltd. as it relates to the term of the agreement and the option to renew the agreement.**

On October 13, 2005 the City of Lubbock entered into a lease agreement with the South Plains Professional Hockey Club, Ltd. for use of the Lubbock Municipal Coliseum to conduct professional ice hockey games, practices, recreational ice programs, camps and other related ice events. The term of the agreement was for a period beginning September 1, 2005 and ending April 30, 2006. The agreement also provided the hockey club with an option to renew and extend the term of the agreement under the established terms and conditions of the lease agreement in effect at the time of the exercise of such option. The due date for written notice to exercise this option was identified as April 1, 2006.

The hockey club is currently in discussion with City of Lubbock staff regarding the terms of the lease agreement and will not be able to meet the deadlines identified in the agreement. Therefore, the hockey club has requested an extension of 45 days as it relates to the term of the agreement and to amend the due date for the written notice of renewal. This request will establish the end of the term and the due date for the written notice of renewal to be May 15, 2006.

**FISCAL IMPACT**

No fiscal impact anticipated.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Gilbreath to pass Resolution No. 2006-R0183 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Council Member Boren recused himself.

Council Member Price was away from the dais.

**6.1. Budget Ordinance 2nd Reading - Finance: Ordinance No. 2006-O0040 Consider budget ordinance 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 of the second reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2006-O0040 as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

Mayor McDougal recused himself.

Council Members Boren and Price were away from the dais.

- 6.2. Zone Case No. 3048-A (from 5th Street to 10th Street and from Avenue S to Avenue V) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0036 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.**

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 and 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.

#### **FISCAL IMPACT**

No fiscal impact anticipated.

Staff supports the recommendation of the Planning Commission.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2006-O0036 as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

Mayor McDougal recused himself.

Council Members Boren and Price were away from the dais.

#### **6.5. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0044 abandoning and closing a 20-foot wide drainage easement located in Tract 2A, Overton Park Addition at 605 University Avenue.**

This ordinance abandons and closes a 20-foot wide by 210-foot long drainage easement just south of 6th Street on the east side of University Avenue that was dedicated with the platting of Tract 2A, Overton Park Addition. A new 20-foot drainage easement will be dedicated in the replat just to the south of this easement being closed.

#### **FISCAL IMPACT**

No fiscal impact anticipated.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on first reading Ordinance No. 2006-O0043 as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

Mayor McDougal recused himself.

Council Members Boren and Price were away from the dais.

**6.6. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0045 abandoning and closing a portion of Slide Road and a portion of an underground water line easement located in Section 5, Block J-S Lubbock County at 910 North Slide Road.**

This ordinance abandons and closes a 1,150 square foot portion of Slide Road at its intersection with Marshall Street. This portion of street right-of-way is being closed for platting and development purposes for a new residential subdivision by McDougal Properties and there will be no charge for this street closure since the proponent was the original dedicator of the street. The second closure is for a portion of an underground water line easement that was dedicated in 1981 in Section 5, Block J-S, which is now part of the new North Slide Road right-of-way. The north 1,390 feet of this easement is being closed for platting and development purposes and the water line in this easement has been re-routed in the new Slide Road right-of-way and is no longer needed.

**FISCAL IMPACT**

No fiscal impact anticipated.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on first reading Ordinance No. 2006-O0044 as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

Mayor McDougal recused himself.

Council Members Boren and Price were away from the dais.

**10:08 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**1:50 P. M. COUNCIL ADJOURNED**

There being no further business to come before Council, Mayor McDougal adjourned the meeting.