

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING**

April 26, 2006

7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 26th 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 Linda DeLeon, Council Member Jim Gilbreath, Council Member Phyllis Jones, Council Member Floyd Price

Absent: Council Member Gary O. Boren

1. CITIZEN COMMENTS

1.1. Arnold Martinez will appear to discuss school truancy trial.

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 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 (Police, 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 (Water Utilities).

2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.

- 2.4. **Hold an executive session in accordance with V.T.C.A Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Building Board of Appeals, the Junked Vehicle Compliance Board, and the Water Board of Appeals.**
- 2.5. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 2.5.1 **to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
 - 2.5.2 **to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**
 - 2.5.3 **to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

**8:45 A. M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers**

Present: Mayor Marc McDougal; Mayor Pro Tem Tom Martin; 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: Council Member Gary O. Boren

Mayor McDougal reconvened the meeting at 8:45 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1. **This item was considered following Item 6.13.**
- 3.2. **This item was considered following Item 3.1.**
- 3.3. **This item was considered following Item 3.2.**
- 3.4. **This item was considered following Item 3.3.**
- 3.5. **This item was considered following Item 3.4.**
- 3.6. **This item was deleted.**

4. MINUTES

- 4.1. **Approval of Prior Meeting Minutes: Regular City Council Meeting, March 23, 2006**

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to approve the minutes of the Regular City Council Meeting of March 23, 2006 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1-5.10, 5.12-5.13, 5.16-5.20, 5.23-5.25, 5.27)

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve Items 5.1-5.10, 5.12-5.13, 5.16-5.20, 5.23-5.25, and 5.27 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.1. Budget Ordinance 2nd Reading - Finance: Consider budget ordinance amendment #15 Ordinance No. 2006-O0043 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 six months of this fiscal year.
2. Amend the capital improvement project titled "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 completely funded from the City's Master Lease Program.
3. Authorize four 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 titled "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 the South Plains Association of Government 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 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 second reading of this ordinance.

5.2. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2006-O0033 Consider an ordinance abandoning and closing a portion of Frankford Avenue located in Section 5, Block E-2, Lubbock County, property located at 2605 Frankford Avenue.

This ordinance was read for the first time at the March 23, 2006 City Council meeting. Lubbock Christian University (LCU) is in the process of constructing 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 to construct a golf clubhouse building and 0.3597 acres of this platted tract will be located in the old Frankford Avenue right-of-way. In 1984, Frankford Avenue was realigned and widened to the west of this old portion of Frankford Avenue that is being closed. This portion of Frankford Avenue is a dirt street that LCU uses to access their property. Part of Lubbock Christian University's long range plan is to close this entire 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, or 15,668 square feet. From adjacent property values and a review of existing sales comparables, a value of \$0.23 per square foot was used to calculate an appraised value of \$3,603.76. The area being closed will remain as a utility easement so a 50% adjustment will be applied to this \$3,603.76 for a \$1,801.88 charge to LCU.

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

FISCAL IMPACT

No fiscal impact anticipated.

Staff recommended approval of the second reading of this ordinance.

- 5.3. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2006-O0041 Consider an ordinance 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 was read for the first time at the April 13, 2006 City Council meeting. 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 second reading of this ordinance.

- 5.4. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2006-O0042 Consider an ordinance 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 was read for the first time at the April 13, 2006 City Council meeting. 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 one dollar 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 feet north-south alley. Blocks 1 – 11 of Richmond Second Addition was platted in 1909 by S.A. Richmond who in 1911 sold all of Block 1, including the alley, to the railroad who has owned 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 for the street area and the alley area being closed is \$2,406.90.

FISCAL IMPACT

Income to the City of \$2,406.90.

Staff recommended approval of the second reading of this ordinance.

5.5. Support of Super Precincts Resolution - City Secretary: Resolution No. 2006-R0184 indicating City Council support of Lubbock County's application to participate in the Secretary of State's pilot program to establish countywide polling places in lieu of individual voting precinct polling places for the general election of state and county officers as provided by HB-758, 79th Regular Session.

Pursuant to HB-758, 79th Regular Session, Texas counties may submit an application to the Texas Secretary of State to participate in a pilot program to evaluate the use of countywide polling places for the general election for state and county officers as an alternative to having a polling place located in each county election precinct.

The City of Lubbock has been informed that the County Commissioners of Lubbock County desire to participate in the pilot program and desire to have a statement of support from the City of Lubbock for such participation.

Passage indicates its support of Lubbock County's application to participate in the Secretary of State's pilot program to establish countywide polling places in lieu of individual voting precinct polling places for the general election of state and county officers as provided for by HB-758, 79th Regular Session.

FISCAL IMPACT

No fiscal impact anticipated.

Staff recommended approval of this resolution.

5.6. Grant Application Resolution - Police: Resolution No. 2006-R0185 authorizing the Mayor to approve an application for a state administered, federally funded Click It or Ticket Selective Traffic Enforcement Program.

The Click It or Ticket program emphasizes seat belt and child restraint compliance as an effort to reduce death and serious bodily injury that results from traffic collisions.

This enforcement program will be conducted during FY 2005-06. Awards for this grant begin May 22, 2006, following approval of City Council.

FISCAL IMPACT

This is a 100%, \$23,176 grant administered from May 22, 2006 through June 4, 2006.

Staff recommended approval of this resolution.

5.7. Grant Application Resolution - Fire: Resolution No. 2006-R0186 authorizing the Mayor to execute a grant application to the Department of Homeland Security for firefighting funds to acquire a technical rescue vehicle.

For federal fiscal year 2006, Congress reauthorized the Assistance to Firefighters Grant and appropriated a total of \$539,550,000 to the Department of Homeland Security, Office of Grants and Training to carry out these activities. Fire departments may apply for grant funds in one of two categories approved for funding. The Lubbock Fire Department is applying for funding in the Firefighting Vehicle Acquisition Program Area to acquire a technical rescue vehicle. As a result of our population bracket, the grant requires a 20% local match of the federal funds approved. All federal funding must be obligated by September 30, 2007.

FISCAL IMPACT

The \$395,000 grant application will require a 79,000 City match, with \$316,000 from the Department of Homeland Security. If awarded, the City will provide scheduled matching funds from the 2007 Lubbock Fire Department budget.

Staff recommended approval of this resolution.

5.8. Interlocal Agreement Resolution - Fire: Resolution No. 2006-R0187 authorizing the Mayor to execute an interlocal agreement between the City of Lubbock and Texas Engineering Extension Service/Emergency Services Training Institute to hold an Airport Rescue Fire Fighter Academy.

As required by FAR-139, all firefighters assigned to airport fire protection duties are required to be certified as an ARFF (Airport Rescue Fire Fighter). This agreement will allow the academy to be held at the Lubbock Fire Department and Lubbock Preston Smith International Airport training

facilities. Participating fire fighters will complete a 40-hour Basic Airport Rescue Fire Fighter Academy scheduled October 15-19, 2006.

FISCAL IMPACT

The estimated tuition revenue is approximately \$21,000 plus \$2,000 in other sponsorships, resulting in total estimated revenue of \$23,000. The estimated cost of fuel, chemicals, and personnel is approximately \$11,400. The remaining profit of \$11,600 will be split equally between the City and the Texas Engineering Extension Service/Emergency Services Training Institute. The City's portion of this funding, approximately \$5,800, will be used for maintenance at the ARFF training facility.

Staff recommended approval of this resolution.

- 5.9. Authorization Resolution - Citibus: Resolution No. 2006-R0188 authorizing the Mayor to execute applications with the Federal Transit Administration for federal transportation assistance authorized by 49 U.S.C. Chapter 53, Title 23 United States Code and other federal statutes administered by the Federal Transit Administration.**

The Federal Transit Administration (FTA) will be purging their website on May 15, 2006. Therefore, it is necessary for transit systems to file applications designating who will have access to the FTA's Transportation Electronic Award Management System (TEAM) website. The website is used to apply for, manage and execute all federal grants. All federal grants have to be electronically executed. Citibus only executes the grants after City Council has approved them. The application process does require approval by the Council and a signed letter from City officials. Citibus is filing TEAM applications for the General Manager, CFO/Assistant General Manager, Director of Planning, and the Manager of Finance. All above mentioned positions work with federal grants on a regular basis. As part of the application, the applicants are required to sign an acknowledgement of rules of conduct for system use.

FISCAL IMPACT

No fiscal impact anticipated.

Staff recommended approval of this resolution.

- 5.10. Authorization Resolution - Aviation: Resolution No. 2006-R0189 authorizing the Mayor to execute authorization for the Director of Aviation to submit an application to impose and use a Passenger Facility Charge to fund capital projects at Lubbock Preston Smith International Airport.**

Pursuant to Federal Regulation 14CFR158, the City may apply to the Federal Aviation Administration (FAA) to impose a Passenger Facility Charge (PFC) on FAA-approved projects and use the collections to fund those projects. The law allows PFC's to be used for projects that enhance or preserve the safety,

security and capacity of the airport or to enhance competition between air carriers or to mitigate noise impacts from aircraft operations.

The new PFC application will fund the following 10 projects and extend the funding authority to January 2013. The PFC charge will be increased from two dollars to three dollars in order to accommodate the capital funding and cash flow needs at the airport.

1. PFC Administration Fees
2. GA Ramp Improvements Phase II
3. Terminal Building Improvements
4. Upgrade Flight Information Display Systems
5. Airfield Pavement Analysis
6. HVAC & Roof Renovation
7. Airfield Drainage and Safety Mitigation Improvements
8. Entrance Road Repaving and Informational Signage Improvements
9. Environmental Assessment for Extension of Runway 8/26
10. Acquire ARFF Vehicle

FISCAL IMPACT

The application request of \$9,731,125 will fund 10 airport projects.

The Airport Board and staff recommended approval of this resolution.

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

5.12. Bond Issuance Ordinance 1st and only Reading - Finance: Ordinance No. 2006-O0047 providing for the issuance of City of Lubbock, Texas, General Obligation Refunding Bonds, Series 2006 in an amount not to exceed \$20 million; levying a tax in payment thereof; approving execution and delivery of an escrow agreement and a bond purchase contract; approving the official statement; and enacting other provisions relating thereto.

Presently, there are outstanding bonds issued by the City in prior years that carry an interest rate that is higher than current interest rates. The City desires to refund all or a portion of those outstanding bonds in order to achieve an interest rate savings to the City. The bonds that could potentially be refunded in this financing include:

- Tax & Municipal Drainage Utility System Surplus Revenue Certificates of Obligation, Series 2001

The ordinance states that the refunding bonds will not exceed \$20 million. However, there is a possibility that the amount of the refunding issuance will be less than that figure. The factor that will dictate how much refunding bonds are issued will be the current interest rates at the time of the refunding transaction. If interest rates fall, a higher level of bonds could be refunded at an attractive savings. Conversely, if interest rates rise, refunding the outstanding bonds may not provide a savings level that warrants the refunding

of all of the bonds. Therefore, a maximum amount of issuance has been provided that gives the City adequate flexibility in obtaining the greatest amount of savings possible.

The bond ordinance is a “parameters ordinance”, which delegates authority to the City’s Chief Financial Officer (CFO) to authorize the timing, terms, and interest rates of the bond issuance. The ordinance designates certain parameters that the CFO must conform to while executing the bond sale, and expires after a 60 day period. This will allow the City to attain the most attractive rates or terms by timing the issuance under the best market conditions. In accordance with Section 7.1(a) of the Ordinance, the following conditions with respect to the bonds must be satisfied in order for the Chief Financial Officer to act on behalf of the City in selling and delivering the bonds to the Underwriter:

- (a) the price to be paid for the bonds shall be not less than 100% of the aggregate principal amount of the bonds;
- (b) the bonds shall not bear interest at a rate greater than the maximum rate allowed by Chapter 1204, Texas Government Code, as amended;
- (c) the aggregate principal amount of the bonds authorized to be issued for the purposes described in Ordinance Section 3.1 shall not exceed the maximum amount authorized in Section 3.1 and shall equal an amount sufficient to (i) provide for the refunding of the Refunded Obligations and (ii) pay the costs of issuing the bonds;
- (d) the maximum maturity for the bonds shall not exceed 20 years;
- (e) the refunding of the Refunded Obligations shall result in a net present value savings of at least 2%; and
- (f) the bonds to be issued, prior to delivery, must have been rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long term obligations.

On the date of execution, the City and First Southwest, the City’s Financial Advisor, will negotiate a purchase price for the bonds with the City’s chosen underwriter, A.G. Edwards & Sons, Inc.

Senate Bill 1759 of the 77th Legislative Session amends Subchapter B, Chapter 1201, of the Texas Government Code under Section 1201.028(3) allowing the authorization of a public security with only one reading of the ordinance. Therefore, this will be the only reading of this ordinance that authorizes the issuance of these bonds.

Staff recommended approval of the first and only reading of this ordinance.

- 5.13. Bond Issuance Ordinance 1st and only Reading - Finance: Ordinance No. 2006-O0048 providing for the issuance of City of Lubbock, Texas, General Obligation Bonds, Series 2006; levying a tax in payment thereof; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.**

The purpose of this ordinance is to authorize the issuance of General Obligation bonds for projects approved by Lubbock voters on May 15, 2004. This is the third issuance of the \$30 million total that was approved. The issuance of this debt is not anticipated to increase the debt tax rate.

On March 23, 2006, the City Council approved the first step in the issuance process of City of Lubbock, Texas, General Obligation Bonds, Series 2006. Resolution #2006-R0154, dated March 23, 2006, authorized publication of a notice of intention to sell the bonds. The resolution also incorporated language to allow the reimbursement of bond-funded construction costs expected to be incurred prior to the bond issuance.

Upon approval of this ordinance, the City will sell these bonds on a negotiated basis. On April 25, 2006, the City and First Southwest, the City's Financial Advisor, will negotiate a purchase price for the bonds with the City's chosen underwriters (Merrill Lynch & Co., as senior manager, A.G. Edwards & Sons, Inc., M. E. Allison & Co., Inc., and Morgan Stanley).

The proceeds from the sale of the bonds will be used for improvements to the City's streets and parks. The projects scheduled to be funded with these bonds are included in Schedule 1 and total \$2.74 million in project costs.

Senate Bill 1759 of the 77th Legislative Session amends Subchapter B, Chapter 1201, of the Texas Government Code under Section 1201.028(3) allowing the authorization of a public security with only one reading of the ordinance. Therefore, this will be the only reading of this ordinance. The ordinance provided in the agenda backup excludes certain information that is unknown as of the printing of the backup material. Examples of this information include annual principal & interest amounts and maturity dates. Once the negotiations have concluded, the information will be completed and a revised ordinance will be provided to City Council.

Staff recommended approval of the first and only reading of this ordinance.

- 5.14. This item was moved from consent agenda to regular agenda and considered following Item 5.11.**
- 5.15. This item was moved from consent agenda to regular agenda and considered following Item 5.14.**
- 5.16. Alley Use License Resolution - Right-of-Way: Resolution No. 2006-R0190 authorizing the Mayor to execute an alley use license with Covenant Health System, Inc. to use a portion of a dedicated alley for an aerial communications cable located at 3623 22nd Place.**

Covenant Hospital owns the property at 3623 22nd Place and has recently purchased the property at 3604 23rd Street. They have requested an alley use license to install an aerial communications cable between the two properties in the alley south of 22nd Place between Knoxville Avenue and Louisville Avenue. The Right-of-Way Department has valued this license at six dollars per square foot from adjacent land values in this area. Using the alley use license formula for aerial encroachments, a value is determined of: 455 feet x

\$6 square foot x 75% x 10% = \$191.10 per year. This license will be for 20 years payable every five years in advance, or \$955.50 for each five-year period.

FISCAL IMPACT

Anticipated revenue to the General Fund is \$191 per year.

Staff recommended approval of this resolution.

- 5.17. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0049 abandoning and closing a transformer pad easement in Lot 2-C Aberdeen Place, a Townhouse Subdivision to the City of Lubbock located at 1805 Albany Avenue.**

This ordinance abandons and closes a transformer pad easement located in the northeast corner of Lot 2-C, Aberdeen Place Addition that was previously dedicated to LP&L by plat. This easement is located just north of 19th Street on the east side of Albany Avenue and is being closed for development purposes and is no longer needed by LP&L.

Staff recommended approval of the first reading of this ordinance.

- 5.18. Contract Amendment Resolution - Street Drainage Engineering: Resolution No. 2006-R0191 for street drainage improvements at various locations, BID #06-010-BM.**

This project involves replacing and improving failed drainage conveyance systems. The project includes curb and gutter replacement and berm construction at 3805 and 3807 96th Street, 5907 85th Street, 4901 and 4903 94th Street, along the alley between Topeka Avenue and Toledo Avenue at 81st Place, and 6201 Martin Luther King Blvd.

Time for completion is 30 business days and liquidated damages is \$100 per day. Twenty-five local contractors were invited to bid on this item and two local contractors responded.

FISCAL IMPACT

A total of \$500,000 was appropriated with \$122,119 available in Dip Reconstruction Capital Improvement Project for this purpose.

Staff recommended bid award to M & S Concrete Company of Levelland, Texas for \$45,600.

- 5.19. Contract Amendment Resolution - Aviation: Resolution No. 2006-R0192 authorizing the Mayor to execute Amendment No. 7 to the Agreement with Parkhill Smith & Cooper for A/E services for Airport Improvement Projects - Terminal Building Improvements.**

This item is an amendment to the January 13, 2005 contract with Parkhill Smith & Cooper for architecture and engineer services for Airport Improvement Projects. The amendment is for the design of HVAC improvements, carpet replacement, and restroom ADA modifications.

HVAC Improvements Fee Proposal:

Design Services	\$ 274,000
Construction Phase Services	92,000
Total HVAC Improvements	\$ 366,000

Carpet Replacement Fee Proposal:

Design Services	\$ 26,000
Construction Phase Services	17,900
Total Carpet Replacement	\$ 43,900

Restroom ADA Fee Proposal:

Design Services	\$ 62,100
Construction Phase Services	33,500
Total ADA Improvements	\$ 95,600

FISCAL IMPACT

The total cost of the design and construction phase services for the building improvements is estimated at \$505,500. The project will be funded by Passenger Facility Charge revenue, future Airport Improvement Project Grant, and local funds. The design and construction phase services were approved as part of a budget amendment, to be included in the Adopted Capital Improvement Program.

The Airport Board and staff recommended approval of this resolution.

- 5.20. Contract Resolution - Police: Resolution No. 2006-R0193 authorizing the Mayor to extend the term of the contract with Physicians Network Association for one year to provide medical services at the City of Lubbock Temporary Holding Facility.**

Physicians Network Association provides medical services including intake and screening forms, on-call licensed vocational nurse, access to physician, nurse practitioner or physician assistant, suicide assessment, etc. for the Police Department Temporary Holding Facility.

FISCAL IMPACT

Funding for this contract was included in the Police Department FY 2005-06 Operating Budget.

Staff recommended approval of this resolution.

- 5.21. This item was moved from consent agenda to regular agenda and considered following Item 5.15.**
- 5.22. This item was moved from consent agenda to regular agenda and considered following Item 5.21.**
- 5.23. Contract Resolution - Water Utilities: Resolution No. 2006-R0194 authorizing the Mayor to execute an agreement with Terry Crofoot for the grazing of beef type cattle on the Lubbock Land Application Site.**

The City of Lubbock has received approval from the Texas Commission on Environmental Quality to continue the grazing program on the Lubbock Land Application Site (LLAS). The contract allows for the right to graze one to two head beef type cattle per acre per day during periods of grazing. No dairy or dairy type cattle are permitted. The contract specifically states that the purpose and the use of the LLAS is effluent disposal and due to a number of other issues makes the site less than optimum for crop growth. The contract includes the prescribed parameters approved by the State of Texas for grazing cattle on the site. The contract may be terminated with 60 days notice by the City or the Contractor.

FISCAL IMPACT

This contract is expected to generate \$100,000 annual revenue for the Sewer Fund.

Staff recommended approval of this resolution.

5.24. Contract Resolution - Parks and Recreation: Resolution No. 2006-R0195 for the construction of Challenger Little League Baseball Field at McAlister Park, BID #06-014-MA.

The Challenger Little League Baseball Field will be an accessible baseball field for the physically and mentally challenged. This facility will complete the four field complex at Coronado and Lala Cavazos Baseball Complex at Bill McAlister Park located at Milwaukee Avenue and Brownfield Highway.

This project is a joint endeavor between the City of Lubbock, Lubbock Challenger Little League Inc., and Texas Parks and Wildlife Department. The baseball field will be constructed to meet the needs of children and adults with physical limitations in order to make play easier for individuals using wheelchairs, crutches, or walkers. The base bid for the project includes construction of a press-box, shade shelters, and installation of concrete flatwork, fencing, artificial infield turf, irrigation, and establishment of turf in the outfield.

Time for completion of this project is 240 consecutive calendar days and liquidated damages are \$250 per day. Two local contractors submitted bids.

FISCAL IMPACT

A total of \$648,000 is appropriated with \$464,697 available in Capital Improvement Project 90384, Lubbock Challenger Little League Sports, with additional fund contribution from Lubbock Challenger Little League Inc. of \$85,000 and from Texas Parks and Wildlife Department matching grant funding of \$95,000 for this purpose.

Staff recommended bid award to Hunter Construction Company of Lubbock, Texas for \$547,727.

5.25. Contract Resolution - Facilities Management: Resolution No. 2006-R0196 for the purchase and installation of an emergency generator to supply the Municipal Building with temporary power in the event primary power is lost to the facility.

This project involves the purchase and installation of an emergency generator sized to handle the entire Municipal Building if primary power is lost. The generator and automatic transfer switch will be located on the north-east section of the north parking lot.

The base bid for this project includes a 750 KW generator sized for minimum power requirements. The alternate bid includes a 1,000 KW generator sized to handle all Municipal Building power requirements.

FISCAL IMPACT

Capital Improvement Project 91152, Municipal Building Generator, was amended in Budget Amendment #15 to increase the appropriation to \$372,000 to accommodate the alternate bid. The funding for this project will be through the City's FY 2005-06 Master Lease-Purchase Program.

Staff recommended bid award for the alternate bid to Acme Electric of Lubbock, Texas for \$372,000.

5.26. This item was moved from consent agenda to regular agenda and considered following Item 5.22.

5.27. Purchase Resolution - Water Utilities: Resolution No. 2006-R0197 for the sole source purchase of point-to-point licensed data radios.

The communication link between the Water Utilities Control Room in Lubbock, Texas and the Bailey County Wellfield consists of a point-to-point licensed radio system. This system provides the capability to monitor and control the Bailey County Wellfield, Sudan pumping station, and three valve control stations located at Amherst, Littlefield, and Shallowater. The integrity of this communications link is vital to the operation of this system because it allows remote monitoring and control of water flow, water quality, and key system components.

A manufacturer's service bulletin from Microwave Data Systems indicates that the existing point-to-point radios serving the Bailey County system are no longer serviceable.

Water Utilities staff has been successful repairing existing units with replacement circuit boards from stock and sending the defective units back to the manufacturer for repair. Unfortunately, this is no longer an option because repair parts are now obsolete.

Water Utilities staff has been in contact with the manufacturer to determine what solutions may be available for staff to continue monitoring the Bailey County system.

The solution offered by the manufacturer is to replace the existing 960D radios with a new product called LEDR II. The manufacturer has assured Water Utilities staff that the new radios are compatible with our existing equipment. In addition, the manufacturer has offered discount pricing and trade-in allowances until June 2006.

The current replacement cost for each radio is \$14,200. The discounted price \$10,650 each plus a trade-in credit of \$1,500 per radio, resulting in a net cost of \$9,150 per radio. If the radios are purchased June 2006, the City saves \$5,050 per unit, or \$50,500 for the replacement of all ten radios.

Continued communication over the existing link cannot be guaranteed due to the unavailability of repair parts. Replacing the radios now will allow Water Utilities staff to control the downtime required for component change out, rather than experiencing critical downtime spent waiting on replacements to arrive after catastrophic component failure.

FISCAL IMPACT

A total of \$106,500 is available in account 6347.8261.

Staff recommended purchase from Microwave Data Systems of Rochester, New York for \$106,500.

5.11. Amendment Change Resolution - Aviation: Resolution No. 2006-R0198 authorizing the Mayor to execute an amendment to the Passenger Facility Charge Application 04-05-C-00-LBB.

This amendment to Passenger Facility Charge (PFC) Application 04-05-C-00-LBB will fund 10% of the Extend Taxiway Lima Project. During the design of the project, it was determined that the extent of excavation and embankment to provide proper grades and drainage was more than initially anticipated. Several factors such as the relocation of the existing playa lake, modifying the drainage structures to accommodate the extension, and construction inflation resulted in higher than anticipated project cost. This action will increase the PFC match on the project from \$309,234 to \$1,144,940, an increase of \$835,706.

FISCAL IMPACT

The PFC application total will be increased by \$835,706.

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 Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2006-R0198 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- 5.14. Code of Ordinances Ordinance 1st Reading - Building Inspection: Ordinance No. 2006-O0050 amending City of Lubbock Code of Ordinances, Article II, Chapter 6, Building Code, further amending the 2003 International Building Code with regard to required fire suppression systems in Group R occupancies.**

This amendment, as well as the companion amendment to the International Fire Code, exempts R-1 and R-2 buildings of less than three stories in height from the installation of automatic fire sprinkler systems.

FISCAL IMPACT

No fiscal impact anticipated.

Steve O'Neal, Building Official, 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-O0050 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- 5.15. Code of Ordinances Ordinance 1st Reading - Fire Department: Ordinance No. 2006-O0051 amending Code of Ordinances, Chapter 11, Article III, Section 11-84, Fire Code, with regard to required fire suppression systems in Group R occupancies and exempting R-1 and R-2 buildings of less than three stories in height from the installation of automatic fire sprinkler systems.**

This amendment, as well as the companion amendment to the International Building Code, exempts R-1 and R-2 buildings of less than three stories in height from the installation of automatic fire sprinkler systems.

FISCAL IMPACT

No fiscal impact anticipated.

Steve O'Neal, Building Official, 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-O0051 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Boren arrived at 9:05 a.m.

- 5.21. Contract Resolution - Utilities: Resolution No. 2006-R0199 for City of Lubbock Utility Software System, RFP #05-104-RW.**

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 an anticipated reduction of labor costs through efficiencies. 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 Banner Customer Information System, J.D. Edwards financial system, and the Supervisory Control and Data Acquisition system. This 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 will provide a means to identify and monitor safety hazards and risks and will assist Water Utilities in meeting recent state mandated audit recommendations.

Lubbock Power & Light, City of Lubbock Water and Sewer Department, and City of Lubbock Solid Waste Department were assisted by Department of 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 recommended GE Energy of Denver, Colorado as the system provider. The new software system will permit the participating departments to improve their respective operations in terms of both scope and efficiency.

The initial implementation cost of the system is \$1,760,721 with software cost \$324,585 and the installation cost of \$1,436,136. An initial change order in the amount of \$40,000 has been included in the implementation to prepare 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 will be \$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
- Software functionality, 50 points
- Technical Support/Service, 10 points
- Corporate experience, 5 points
- Network Functionality, 5 points
- Implementation Plan, 25 points

FISCAL IMPACT

The total appropriation in Capital Improvement Project #91118 "AM/FM Automate Mapping" for this project is \$2,790,221. Funded through \$1,321,307 from LP&L, \$732,218 from the Water Utility, \$429,098 from Solid Waste and \$307,598 from Sewer Utility. This project is funded through the City's Master Lease Program and the annual lease payment will be paid proportionally by the participating funds.

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

Mark Yearwood, Chief Information Officer; Jeff Yates, Chief Financial Officer; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Council Member Gilbreath expressed his concern regarding a "Return of Investment" analysis on this project and asked that, in the future, Council be provided this information with these types of projects.

After further discussion, Council Member DeLeon called for the question. Mayor McDougal called for a vote, which carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0199 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.22. Contract Resolution - Water Utilities: Resolution No. 2006-R0200 for municipal water softener system replacement at the Water Treatment Plant, BID #06-009-BM.

This project involves the purchase and installation of a water softener system for the treatment of carbon slurry to control taste and odor problems that may occur in drinking water. Softened water is required to avoid calcium scale buildup in the system components such as piping, tanks, and feeders.

Time for completion is 30 calendar days and liquidated damages are \$25 per day. Two local contractors were invited to bid on this item and one local contractor responded.

FISCAL IMPACT

A total of \$330,000 is appropriated with \$258,213 available in Capital Improvement Project 91032, Water Treatment Plant Upgrades.

Staff recommended bid award to Anthony Mechanical of Lubbock, Texas for \$65,449.

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

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2006-R0200 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

5.26. Contract Resolution - Water Utilities: Resolution No. 2006-R0201 for irrigation well development at Lubbock Land Application Site, BID #06-018-BM.

This project involves drilling and developing three irrigation wells at the Lubbock Land Application Site, including the installation of a submersible pump and associated equipment for each well. The installation of these production wells satisfy TCEQ nitrite level requirements for groundwater and is required by the Groundwater Remediation Plan.

Time for completion of this project is 30 consecutive days and liquidated damages are \$150 per day.

FISCAL IMPACT

A total of \$270,000 is appropriated in Capital Improvement Project 91083, Lubbock Land Application Remediation Wells, with \$270,000 available for this purpose.

Staff recommended bid award to Acosta Drilling of Lamesa, Texas for \$72,040.

Tom Adams, Deputy City Manager, and Anita Burgess, City Attorney, 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-R0201 with an amendment to award the bid to Hi Plains Drilling, Inc., which is the lowest responsible bidder. Motion carried: 7 Ayes, 0 Nays.

6. REGULAR AGENDA

6.1. Board Appointments - City Secretary: Consider one appointment to Building Board of Appeals, two appointments to Junked Vehicle Compliance Board, and four appointments to Water Board of Appeals.

Motion was made by Council Member DeLeon, seconded by Council Member Gilbreath to appoint George Carpenter to the Building Board of Appeals. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Gilbreath to appoint Dan Hale and reappoint Bill Ackors to the Junked Vehicle Compliance Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Gilbreath to reappoint Bo Jackson, Ronnie Bales, Russ Plowman, and Robert Rodgers to the Water Board of Appeals. Motion carried: 7 Ayes, 0 Nays.

6.2. This item was considered following Item 3.6.

6.3. This item was considered following Item 6.2.

6.4. This item was considered following Item 6.3.

- 6.5. **This item was considered following Item 6.4.**
- 6.6. **This item was considered following Item 6.5.**
- 6.7. **This item was considered following Item 6.6.**
- 6.8. **Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2006-O0044 Consider an ordinance abandoning and closing a 20-foot wide drainage easement located in Tract 2A, Overton Park Addition to the City of Lubbock located at 605 University Avenue.**

This ordinance was read for the first time at the April 13, 2006 City Council meeting. The 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 second reading of this ordinance.

Motion was made by Council Member Price, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2006-O0044 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

- 6.9. **Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2006-O0045 Consider an ordinance 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, property located at 910 North Slide Road.**

This ordinance was read for the first time at the April 13, 2006 City Council meeting. 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 1390 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 second reading of this ordinance.

Motion was made by Council Member Price, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2006-00045 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

- 6.10. This item was considered following Item 6.12.**
- 6.11. This item was considered following Item 6.10.**
- 6.12. Bond Issuance Ordinance 1st and only Reading - Finance : Ordinance No. 2006-00052 providing for the issuance of Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2006; Levying a tax and pledging surplus Waterworks System revenues in payment thereof; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.**

On March 23, 2006 the City Council approved the first step in the issuance process of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2006. Resolution #2006-R0154 dated March 23, 2006 approved and authorized publication of a notice of intention to issue the certificates of obligation. The resolution also incorporated language to allow the reimbursement of bond-funded construction costs expected to be incurred prior to the bond issuance.

Upon approval of this ordinance, the City will sell these certificates on a negotiated basis. On April 25, 2006 the City and First Southwest, the City's Financial Advisor, will negotiate a purchase price for the certificates with the City's chosen underwriters (Merrill Lynch & Co., as senior manager, and A.G. Edwards & Sons, Inc., M. E. Allison & Co., Inc., and Morgan Stanley).

The proceeds from the sale of the certificates will be used for improvements to the City's Electric System, Wastewater System, Water System, Solid Waste System, Storm Drainage System, Airport, North Overton Tax Increment Finance District, Gateway Streets, City Facilities, City Cemetery, City Streets, and City Parks. The projects scheduled to be funded with these certificates are included in Schedule 1 and total \$78,985,000 in project costs.

Senate Bill 1759 of the 77th Legislative Session amends Subchapter B, Chapter 1201, of the Texas Government Code under Section 1201.028(3) allowing the authorization of a public security with only one reading of the ordinance. Therefore, this will be the only reading of this ordinance that authorizes the issuance of these certificates. The ordinance provided in the agenda backup excludes certain information that is unknown as of the printing of the backup material. Examples of this information include annual principal and interest amounts and maturity dates. Once the negotiations have concluded, the information will be completed and a revised ordinance will be made available to the Council.

Staff recommended approval of the first and only reading of this ordinance.

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 Gilbreath, seconded by Council Member Jones to pass on first and only reading Ordinance No. 2006-O0052 as recommended by the revised document furnished at the dais. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

- 6.13. This item was considered following Item 6.11.**
- 6.14. This item was considered following Item 6.7.**
- 6.10. Adoption Resolution - Human Resources: Resolution No. 2006-R0202 adopting new job classification and pay plan recommended by Waters Consulting Group, Inc.**

The Waters Consulting Group, Inc. (WCG) of Dallas, Texas conducted a comprehensive job classification and pay study for the City of Lubbock in 2005. Employees in non-Civil Service job classifications completed a Job Description Questionnaire to provide comprehensive information on each position. These questionnaires were reviewed by supervisors and department heads. Each department also completed a Job Evaluation Manual on every job title within their respective departments. Non-Civil Service classifications were evaluated using a point-factor job evaluation method to develop a hierarchy of positions and to determine the internal value of each classification to the City organization. Civil Service ranks in Fire and Police are established by ordinance and were not included in the job evaluation review.

WCG conducted a salary survey among seven local employers, and 14 Texas municipalities with populations of similar size to Lubbock. Job evaluation scores for each classification and salary survey data for benchmark classifications were used by WCG to develop pay structures for non-Civil Service jobs. WCG recommended replacing the five current non-Civil Service pay schedules including Management, Professional, Technical, Clerical, and Trades with two pay schedules that include Exempt and Non-exempt. WCG recommended that employees be placed within the new pay ranges at their current salaries. Any employee whose current salary is below the new minimum salary for their classification would be paid the minimum salary, resulting in 117 employees receiving increases to the new minimum salary rates. The three percent pay adjustment, which City Council approved for October 2005, accomplished a portion of the adjustment that WCG recommended.

WCG recommended adjusting pay rates for Police ranks of Police Officer and Probationary Police Officer. The recommended pay adjustments were essentially accomplished when all Police pay rates were increased by three percent in October 2005. The remaining adjustments to be implemented are small. A new entry-level pay step, Entry Level II, is included in the proposal

to accommodate implementation of an 18-month probationary period for Police Department personnel.

WCG also recommended adjusting pay rates for the entire Fire Civil Service pay schedule. Again, the recommended pay adjustments were essentially accomplished when all Fire Department pay rates were increased by four percent in October 2005. The remaining adjustments to the Probationary Fire Fighter and Fire Fighter ranks are small.

Under the new plan, Police and Fire Civil Service employees will move to the new pay rate established for their rank and step. If the rate of pay for a step has increased, the employee will receive a pay increase to match the new step rate.

FISCAL IMPACT

The estimated increase in cost for the mid-year implementation is \$206,348 itemization by fund is provided. The additional cost will be funded through the use of fund balance in FY 2005-06 and will be funded through operating revenues in FY 2006-07.

Staff recommended adopting the new classification and pay plan.

Motion was made by Council Member Price, seconded by Council Member Gilbreath to pass Resolution No. 2006-R0202 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.11. Repealing of Ordinance 1st Reading - City Secretary: Ordinance No. 2006-O0053 repealing City of Lubbock Ordinance No. 225 purported to have been passed in 1923 requiring persons of African descent to live in a particular district of the City of Lubbock.

Volume 3, Page 132, of the Minute Book of the minutes of the City Council of the City of Lubbock contains a copy of an Ordinance No. 225, which does not indicate a date of passage by the City Council and which may or may not have been passed in 1923.

Due to the offensive and improper nature of this ordinance, which purports to require persons of African descent to reside in a particular district of the City of Lubbock and not elsewhere, the City Council of the City of Lubbock deems it to be in the best interest of the citizens of the City of Lubbock to make it abundantly clear that this Ordinance, if it was ever passed by the City Council of the City of Lubbock, is not the policy of the City of Lubbock, and is therefore repealed.

FISCAL IMPACT

No fiscal impact anticipated

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member Price, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2006-O0053 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.13. Budget Ordinance 1st Reading - Finance: Ordinance No. 2006-O0054 amendment #16 amending the FY 2005-06 budget respecting the General Fund, Airport Fund, Capital Improvement Program, Internal Service Fund, Wastewater Fund, Solid Waste Fund, Stormwater Fund, Water Fund and Grant Funds.

1. Accept and appropriate \$52,842 of funding from the Texas Health and Human Services Commission to provide for the 2006 Summer Food Service Program for children. This grant program will begin on May 30, 2006, and will end August 4, 2006. The Summer Food Services Program provides a nourishing noon meal to youngsters age 1 through 18. There are no City match funds required. Meals will be served at the following locations:

Rawlings Community Center - Harwell Gym
Trejo Supercenter - 3200 Amherst
Simmons Community Center - 23rd and Oak
George Woods Center - Erskine and Zenith
Phea Branch of the Boys and Girls Club - 1801 E. 24th

2. Accept and appropriate \$100,190 of funding from the Texas Department of State Health Services to provide for the purchase of bioterrorism testing laboratory equipment. The current approved amount of \$199,760 will increase to \$299,950. The Vitek 2 Compact 30 System will replace an outdated piece of equipment. The new equipment will be used for the identification and drug susceptibility testing of microorganisms and aid in the treatment of patients. No City matching funds are required.
3. Transfer the appropriated funds of \$30,000 and the current expenditures of \$21,753 from the Airport Sprinkler System Rehab Project to the Regis Corridor Enhancement Project. During the later part of 2005, a decision was made to use the funds in the Airport Sprinkler System project to fund a contract with Parkhill, Smith & Cooper for the re-design of the Regis project. As the funds in the Airport Sprinkler project are 100% associated with the Regis project, it is more appropriate to move these funds to the Regis project from an accounting and budgetary standpoint.
4. Appropriate \$206,348 from the fund balances list below for a mid-year implementation of the compensation study that was completed by Waters Consulting in 2005. The funds affected by the compensation study are listed below:

General Fund	\$150,818
Airport Fund	10,162
Internal Service Fund	3,568
Wastewater Fund	11,202
Solid Waste Fund	2,302
Stormwater Fund	2,637
Water Fund	25,659

Staff recommended approval of the first reading of this ordinance.

Jeff Yates, Chief Financial Officer, 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. 2006-00054 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

9:35 A. M. CITY COUNCIL RECESSED

9:45 A. M. CITY COUNCIL RECONVENED

3.1. Invocation by Pastor Eddie Marcum, Oakwood 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 special recognition for Lubbock Christian School on their victory at the 2006 Girl's 3A State Championship basketball game.

Mayor McDougal presented a special recognition to Lubbock Christian High School Lady Eagles on their victory at the 2006 Girl's 3A State Basketball Championship. The performance of the Lubbock Christian High School Lady Eagles in the Texas Association of Private and Parochial Schools (TAPPS) 3A State Championship proved again that Lubbock and West Texas are leaders in the world of women's basketball. The Lady Eagles advanced to the State Championship by defeating the number one ranked team and defending State Champions, Fort Worth Lake Country. Coach Hutch Haley, his staff, and the Lady Eagles were present. Coach Haley gave comments and presented Mayor McDougal with a basketball signed by the Lady Eagles.

3.4. Presentation of a special recognition for Trinity Christian School on their victory at the 2006 Girl's 4A State Championship basketball game.

Mayor McDougal presented a special recognition to Trinity Christian High School Lady Lions for the victory at the 2006 Girl's 4A State Basketball Championship. The Trinity Christian High School Lady Lions are the Class 4A State Champions of the Texas Association of Private and Parochial Schools (TAPPS), and this victory is the second consecutive state title blow-out in the history of the Trinity Christian High School Lady Lions basketball team. The Lady Lions memorable season also included defeating the seventh ranked team in the nation, Fort Worth Dunbar, to win the championship trophy at the prestigious Flower Mound Tournament for the second year in a row. Coach Tory Bryant, his staff, and the Lady Lions were present. Coach Bryant gave comments.

3.5. Presentation of a special recognition honoring the Friends of the Library organization and their contribution to City of Lubbock libraries.

Mayor McDougal presented a special recognition to honor the Friends of the Library organization for the contribution to City of Lubbock libraries. The mission of the Friends of the Library is to focus attention on our libraries and to encourage the community to utilize as well as support the development of library services and facilities. In 2005, Friends of the Library made a significant contribution to the library system by holding a fund-raising event that produced over \$100,000 in funds for the Lubbock public libraries. Friends of the Library were awarded the Louise Cummings Outstanding Organization Award from the Volunteer Center of Lubbock as a result of volunteering 7,000 hours of preparation for the 2005 book sale fundraiser. Judy Rowdon, Beth George, and Library Director Jane Clausen were present. Ms. George gave comments.

3.6. Presentation of a special recognition celebrating May 1st as "Law Day" to promote the importance of liberty, justice, and equality.

This item was deleted.

6.2. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0055 Zone Case No. 2556-C (2520 81st Street): Hold a public hearing to consider request of David B. Winston for a zoning change from R-2 to CA Specific Use for a Garden Office with a loft apartment on Lot 51 Gatewood Addition, and to consider ordinance.

Mayor McDougal opened the public hearing at 10:02 a. m. No one appeared on behalf of David B. Winston. No one appeared in opposition. Mayor McDougal closed the hearing at 10:03 a. m.

The applicant is requesting a zone case that will be the end lot along 81st Street at Akron on the northeast corner of the intersection. The balance of the block to the east is zoned for duplex construction and a business is to the south across 81st Street.

Adjacent land uses:

N – residential

S – commercial

E – vacant, zoned R-2

W – duplex construction

The applicant is requesting a seldom used district, the Commercial Apartment District (CA), to accommodate an upstairs one-bedroom apartment for the use of the business owner when he is in town. The applicant commutes between Lubbock and Dallas and is in each city approximately 50% of each month on business days.

Due to the apartment, the Specific Use permit is requested with the CA to allow what would otherwise be a Garden Office request. The use of the property would be tied to the site plan and the office/single small apartment use.

Due to the fact that garden office is considered a buffer district, the same as duplex zoning, the staff considers the request a "wash" with regard to land use policy. The amount of traffic generated by a small office environment is normally significantly less than a row of duplex development.

The proposed office should not create any more traffic than a duplex with six bedrooms and guests. All of the adjacent property owners retracted their original letters of opposition.

The Planning Commission recommended that the request be approved by the City Council.

FISCAL IMPACT

No fiscal impact anticipated.

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 Council Member Price, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2006-00055 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.3. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-00056 Zone Case No. 2984-C: Hold a public hearing to consider request of John A. Sellers for a zoning change from R-1 and R-1 Specific Use to A-3 Limited to a Retirement Community on 26.5 acres of unsubdivided property out of Section 38, Block AK (south of 39th Street west of Milwaukee Avenue).

Mayor McDougal opened the public hearing at 10:02 a. m. No one appeared on behalf of John A. Sellers. No one appeared in opposition. Mayor McDougal closed the hearing at 10:03 a. m.

The applicant is requesting zoning to accommodate a senior living community, including cottage complex areas, garden type homes, an assisted living center, and a nursing home to make the area a complete cycle for aging in place.

Adjacent land uses:

N – residential, vacant

S – railroad

E – industrial zoning and a public school

W – residential, vacant

The 26 acre parcel is located between 39th and 43rd in the planned Milwaukee Ridge subdivision west of Milwaukee Avenue. Because of the influence of the railroad, which has little traffic, the original plan was to back a row of large lots eligible for horses to the railroad right of way. This proposed use will create a landscape berm south of 43rd to help eliminate some of the sight and noise of the railroad and create a campus style complex for seniors. As a buffer for the single family residential to the north and the awkward shape of the parcel created by the relocated railroad, this proposal will create an asset for the aging population in our City and will be located to potential large shopping areas.

The center will certainly not create any traffic related issues since Milwaukee Avenue is in place as a thoroughfare.

The Planning and Zoning Commission approved the request subject to the following condition:

The A-3 zoning will be utilized in conjunction with a senior living center including cottage/duplex style homes, a transitional living center, an assisted living center, and a nursing home.

FISCAL IMPACT

No fiscal impact anticipated.

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

Motion was made by Council Member Price, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2006-O0056 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0057 Zone Case No. 3058: Hold a public hearing to consider request of Lester Shaver, for Estates Trust, Inc., for a zoning change from T to R-1 Specific Use for residential estates on 212.763 acres of unsubdivided land located in Sections 35 and 38, Block AK (50th Street east of Upland Avenue).

Mayor McDougal opened the public hearing at 10:03 a. m. No one appeared on behalf of Estate Trust, Inc. No one appeared in opposition. Mayor McDougal closed the hearing at 10:03 a. m.

The applicant is requesting Residential Estates zoning, which allows stock on the property when a home exists on the property.

Adjacent land uses:

- N – vacant, zoned “T”
- S – vacant, zoned “T”
- E – vacant, zoned “T”
- W – vacant, zoned “T”

The owner developed 12 lots, along what will eventually be 50th Street, years before the property was annexed into the City. In addition, he owns acreage to the north and east of the parcels that have been subdivided by metes and bounds into minimum five acre lots. Several owners have bought two parcels for a total of ten acres. Deed restrictions allow stock on the lots. The City of Lubbock annexed the area in 2000. The owner is requesting that the zoning be made compatible with the private deed restrictions that apply to the property. The RE District was developed for exactly this style subdivision, which includes large lots with the ability to have a maximum of four head of stock (cows and/ or horses, with sheep and female goats counting as one-half a head of stock) on a five acre tract.

The project will have no effect on the thoroughfare system. Mr. Shaver has reserved a tract 110 feet wide down the middle of the development that is in a trust, and will be available for dedication as 50th Street when the street is installed to the east and this portion is needed to connect to Upland. Until that point, he previously asked that the parcel remain as a private drive for use of the residents only. At the present time, the public has no need of the dedication of the right-of-way.

The Planning Commission recommended approval of the request by the City Council.

FISCAL IMPACT

No fiscal impact anticipated.

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

Randy Henson, Senior Planner, gave comments and answered questions from Council. City Attorney Anita Burgess also answered questions from Council.

Mayor McDougal directed Mr. Henson and Rob Allison, Executive Director of Development Services, to meet with the individual(s) in this zone case, between first and second reading of this ordinance, and let them know what the City's concern is. Council asked staff to ask Mr. Shaver if he would be willing to move forward with dedicating the right-of-way. If he is, Council can then address the pro rata.

Motion was made by Council Member Price, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2006-00057 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.5. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0058 Zone Case No. 922-D: Hold a public hearing to consider request of Joe Menaldi to amend the current list of permitted uses by Ordinances 9298 and 10048 (both C-4 with conditions) to allow game rooms as a permitted use on Lot 2B, Huneke Addition (5001 Avenue Q).**

Mayor McDougal opened the public hearing at 10:02 a. m. No one appeared on behalf of Joe Menaldi. No one appeared in opposition. Mayor McDougal closed the hearing at 10:03 a. m.

The applicant is requesting that the current C-4 zoning be amended by adding “game room” to the list of permitted uses.

Adjacent land uses:

N – commercial

S – commercial

E – public school, although the shopping center faces 50th and Avenue Q, the portion allowed as a game room, if approved, would not be across the street from the school.

W – commercial

When the prior zone case was presented as C-4, the former applicant presented a list of strikes from the permitted use list of C-4. “Game room” was one of those strikes. The current applicant is asking the use be added to the approved list of uses in a shopping center already zoned C-4.

Since the advent of PS2, Gameboy, and other personal gaming systems, juvenile game rooms have become substantially a thing of the past. In the last five to ten years, the Planning Department is not aware of any complaints about loitering and noise previously associated with game rooms. Most new operations are now oriented for adult style video game participation.

The Planning and Zoning Commission approved the request subject to the following condition:

1. The list of uses limited by Ordinance 9298 is amended by adding “game room” and all other conditions in that ordinance shall continue.

FISCAL IMPACT

No fiscal impact anticipated.

No returns indicate any public opposition. One adjacent business owner indicates the fact that the KoKo Center is trying to expand the tenant base and is in favor of this request.

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

Motion was made by Council Member Price, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2006-00058 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Mayor Pro Tem Martin voted Nay.

- 6.6. Public Hearing 10:00 a.m. - Annexation: Hold a public hearing to consider an 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) and known as the Shadow Hills Estates annexation.**

Mayor McDougal opened the public hearing at 10:16 a. m. No one appeared on behalf of the annexation. No one appeared in opposition. Mayor McDougal closed the hearing at 10:17 a. m.

The owner of a parcel north of Erskine and west of North Milwaukee has a plat (Shadow Hills Estates) already approved in anticipation of annexation. To comply with annexation policy of the Comprehensive Land Use Plan, staff is asking 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. All the land is vacant at the present time. Staff is of the opinion that this portion of the community will become populated 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 the staff.

FISCAL IMPACT

No fiscal impact is anticipated.

Planning Department staff plans to recommended annexation of the entire area. This item involves City Council holding the second of two public hearings. The first public hearing was held on April 18 and the proposed first reading date for the ordinance is May 25, 2006.

6.7. Public Hearing - 10:00 a.m. - Annexation: Hold a public hearing to consider an annexation located in the vicinity of 98th and Avenue P and known as the Stonebridge Community annexation.

Mayor McDougal opened the public hearing at 10:18 a. m. No one appeared on behalf of the annexation. William Bruce Wallace, Dale Ramsey, Chad Ramsey, Ronnie Medley, Juanita Lara, and Karen Wallace appeared in opposition. Mayor McDougal closed the hearing at 10:34 a. m.

The owner of a parcel of land south of Avenue 98th at 100th Street and west of Avenue P has a plat (Stonebridge Community) already approved in anticipation of annexation. To comply with annexation policy of the Comprehensive Land Use Plan, staff is asking 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. All the land is vacant at the present time except the businesses that are in the extended northeast corner, who will remain nonconforming. Staff is of the opinion that this portion of the community will become populated 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 the staff.

FISCAL IMPACT

No fiscal impact is anticipated.

Planning Department staff plans to recommended annexation of the entire area. This item involves City Council holding the second of two public hearings. The first public hearing was held on April 18 and the proposed first reading date for the ordinance is May 25, 2006.

Randy Henson, Senior Planner, and Anita Burgess, City Attorney, gave comments and answered questions from Council.

10:35 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

1:02 P. M. CITY COUNCIL RECONVENED

Mayor McDougal and Council Members Boren and Price were absent.

6.14. Transfer of Surplus Property Resolution - Fire Department/Emergency Management: Resolution No. 2006-R0203 authorizing the transfer of a surplus 1987 Mack fire truck to Garza County for fire protection at Lake Alan Henry.

Pursuant to City policy, City Council may authorize the transfer of surplus and salvage property to other governmental agencies and to charitable and civic organizations provided the organization provides public services that will benefit all or a significant part of City of Lubbock.

This item involves the transfer of a surplus 1987 Mack fire truck, VIN#1M2H144C4HM001257, to Garza County. The fire truck will be used for fire protection primarily for the area in and around Lake Alan Henry, which includes all public and private property adjacent to the lake. The truck will be stored at a fire station currently under construction near the entrance to the lake and will be operated by the Garza County Volunteer Fire Department.

FISCAL IMPACT

No fiscal impact anticipated.

Staff recommended approval of this resolution.

Mayor Pro Tem Martin gave a history of the Lake Alan Henry “Working Group” and how the discussion came up on the fire situation in West Texas. There was a lot of concern about potential fire damage, particularly the vegetation that protects the watershed at the lake. The City of Lubbock was about to surplus the 1987 Mack fire truck, which would have been put in an auction and sold to a volunteer fire department. It was suggested that Garza County should receive the fire truck through a provision of state law that allows the City to transfer state property from one governmental entity to another. This fire truck will be used at Lake Alan Henry. Garza County Judge Giles Dalby was contacted, and he graciously accepted the offer. Judge Dalby gave comments. Also present was Constable Daniel Yarbrow, from Post, Texas.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0203 as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

At this time, City Council members stepped outside to the front of the building and presented the mock keys to Judge Dalby. Constable Yarbrow then drove the fire truck to Garza County.

1:15 P. M. COUNCIL ADJOURNED

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