

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**May 11, 2006**  
**7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 11th day of May, 2006, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

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

**Absent: No one**

**1. CITIZEN COMMENTS**

- 1.1. Danny L. Ratliff will appear to discuss severance package of a former City Manager, blowing sand from the construction of the Milwaukee Ridge development, and City Council representation.**

Citizen was not present.

- 1.2. Mary Gerlach, Gerald Jackson, Sindee Simon, Greg McKenna, John Gibson, Tod Hardin, and Calvette Haggard will appear to discuss the Burgess Rushing Tennis Center and the possibility of funding for additional projects related to the Tennis Center.**

Mary Gerlach, Sindee Simon, Greg McKenna, John Gibson, Tod Hardin, and Calvette Haggard, all members of the tennis community in Lubbock, addressed Council regarding the Burgess Rushing Tennis Center. Some of their concerns included having all twelve courts at the Burgess Rushing Tennis Center operable. At the present, only ten of the courts are being used. Mr. McKenna pointed out that local winners of each league qualify for sectional play, which in the past has been held at sites that were chosen by the sectional leadership. The host cities were reaping the financial benefits of those 600-700 participants and their spouses, workers, and United States Tennis Association (USTA) members. The current system is now awarding those sites to bids. To place a successful bid, there are certain criteria, and one of those is to have twelve courts that are in excellent playable condition all on one site, plus some indoor or covered courts. There is a concern for upgrading the courts and expanding the master plan for the Center so that National Junior and Texas Adult events can be hosted in Lubbock, which would be a great economic plus. There was also a request for use of bond

money, current and future election, to do the expansion and make the renovations.

Murray Coulter and Jean Lewis Koch also addressed Council about the importance and benefits of upgrading and renovating the Burgess Rushing Tennis Center.

## **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.”**

### **7:47 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, Right-of-Way, 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 Centers, Parks and Recreation, 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 551.086, 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 Jerry Ramirez, Associate Pastor for Student Activities, Oakwood Baptist Church.**

Pastor Ramirez was unable to attend, so invocation was led by Council Member Price.

**3.2. Pledge of Allegiance to the Flags.**

Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.

**3.3. Board Recognition - City Secretary.**

**Building Board of Appeals:**

**George Carpenter**

**Junked Vehicle Compliance Board:**

**Dan Hale – unable to attend**

**3.4. This item was considered following Item 3.5.**

**3.5. This item was considered following Item 3.7.**

**3.6. Presentation of a special recognition to honor the students of Preston Smith Elementary School and Murfee Elementary School who were chosen to participate in the Organization of American Kodaly Educators National Children's Choir.**

Mayor McDougal presented a special recognition to honor the students of Preston Smith Elementary School and Murfee Elementary School who were chosen to participate in the Organization of American Kodaly Educators National Children's Choir. Preston Smith and Murfee Elementary School's 4th, 5th, and 6th grade students auditioned for the choir and out of 100 students chosen for this prestigious choir, eight vocally-endowed students were chosen from Murfee Elementary School, and fifteen elite singers were chosen from Preston Smith Elementary School. Students from both elementary schools were present to accept the special recognition.

By request, Dr. Gerald Coulter from the Texas Tech University Music Theater joined the group and led them in singing “Happy Birthday” to Mayor McDougal.

**3.7. Presentation to Lubbock City Council by Texas Tech University students.**

Dr. Gerald Coulter and several students from Texas Tech University presented the Lubbock City Council with their rendition of ‘O Lord, Look What Thou Hast Done’. The song was written back in 1970 by a senior citizen of Lubbock, Dr. A.E. “Gene” Quest, and is now a part of Southwest Collections at Texas Tech University. Dr. Coulter stated that, at some point down the road, we would like for the City to consider naming this song the official song of the City of Lubbock. Dr. Coulter also gave comments.

**3.5. Presentation of a special recognition to congratulate Dr. Juan Sanchez Munoz for his recent appointment by Governor Rick Perry to serve on the Texas Youth Commission.**

Mayor McDougal presented a special recognition to congratulate Dr. Juan Sanchez Munoz for his recent appointment by Governor Rick Perry to serve on the Texas Youth Commission. The Texas Youth Commission provides a variety of services to delinquent and misguided youth, ages 10 through 21, through programs and facilities that administer constructive training through rehabilitation. Governor Rick Perry appointed Dr. Juan Sanchez Munoz to serve on the Youth Commission Board because of his extensive education, intense work ethic, and community-oriented background. Dr. Munoz’s involvement includes the American Education Research Association, Lubbock Boys and Girls Clubs, and the Boy Scouts of America South Plains Council.

**3.4. Presentation of a special recognition kicking off the 14th Annual Food Drive held by the National Letter Carriers.**

Mayor McDougal presented a special recognition to kick off the 14th Annual Food Drive held by the Lubbock Branch of the National Association of Letter Carriers. On Saturday, May 13, 2006, the National Association of Letter Carriers will kick off the Annual Food Drive, an event which has collected more than one billion pounds of food nationwide since it began 14 years ago. The Lubbock Branch asks Lubbock citizens to place nonperishable food items in bags beside the residential mailboxes any day between May 13 – May 20 as a donation to the South Plains Food Bank. Cities who participate in the Annual Food Drive not only help the Lubbock community, but also enable the Food Bank to help feed children who normally participate in the schools’ free breakfast and lunch programs during the summer months. Charles Peterman, Coordinator, and Ted Tyler, Postmaster, were present to accept the special recognition.

**4. MINUTES**

**4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, April 13, 2006; Special City Council Meeting, April 13, 2006; Special City Council Meeting, April 18, 2006.**

Motion was made by Council Member Price, seconded by Council Member Gilbreath to approve the minutes of the Regular City Council Meeting, April 13, 2006; Special City Council Meeting of April 13, 2006; and the Special City Council Meeting of April 18, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5. CONSENT AGENDA (Items 5.1, 5.4-5.24)**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to approve Items 5.1, 5.4-5.24 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

Council Member Gilbreath recused on Item 5.20. Motion carried: 6 Ayes, 0 Nays.

**5.1. Budget Ordinance 2nd Reading - Finance: Ordinance No. 2006-O0054 Consider budget ordinance amendment #16 amending the FY 2005-06 budget respecting the Airport Fund, Capital Improvement Program, General Fund, Grant Funds, Internal Service Fund, Solid Waste Fund, Stormwater Fund, Wastewater Fund, and Water Fund.**

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 ages 1 through 18. There are no City match funds required. Meals will be served at the following locations:

Rawlings Community Center  
Trejo Supercenter  
Simmons Community Center  
George Woods Center  
Phea Branch of the Boys and Girls Club

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:

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

#### **FISCAL IMPACT**

Included in Item Summary.

Staff recommended approval of the second reading of this ordinance.

- 5.2. **Building Code Ordinance 2nd Reading - Building Inspection: Ordinance No. 2006-O0050 Consider an ordinance amending Chapter 6, Article II of the Code of Ordinances titled "Building Code" to amend the 2003 International Building Code with regard to required fire suppression systems in Group R occupancies.**

**This item was deleted.**

- 5.3. **Fire Code Ordinance 2nd Reading - Fire Department: Ordinance No. 2006-O0051 Consider an ordinance amending Code of Ordinances, Chapter 11, Article III, Section 11-84, Fire Code, to amend the 2003 International Fire Code with regard to required fire suppression systems in certain Group R occupancies.**

**This item was deleted.**

- 5.4. **Repealing of Ordinance Ordinance 2nd Reading - City Secretary: Ordinance No. 2006-O0053 Consider an ordinance 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 second reading of this ordinance.

**5.5. Zone Case No. 2556-C (2520 81st Street) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0055 Consider the 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**

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, 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 is anticipated.

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

**5.6. Zone Case No. 2984-C (south of 39th Street west of Milwaukee Avenue) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0056 Consider the 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).**

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 Street and 43rd Street 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 Street 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 that 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.

**5.7. Grant Application Resolution - Water Utilities: Resolution No. 2006-R0204 approving an application by the City of Lubbock Water Utility for an Environmental Protection Agency grant and ratifying the execution and delivery of the grant application.**

The City of Lubbock received notice on March 30, 2005, that the Environmental Protection Agency (EPA) has approved funding for a comprehensive water and wastewater study. The City has worked with federal legislators during the prior year to secure funding for water related studies and projects.

In 2003, the City created the Lubbock Water Advisory Commission to assist with water issues. In May 2004, Water Texas of Austin, Texas completed an important study for a 100-year water supply plan for the City. By October 2005, the Lubbock Water Advisory Commission and City Council approved a Water Planning Statement that identified the major alternatives and priorities to provide a 100-year water supply plan for Lubbock. By December 2005, the Region O Water Planning Group had approved Lubbock's key strategies as part of their plan. On April 18, 2006, the Texas Water Development Board adopted the Region O water supply plan including Lubbock's proposed strategies.

As a result of these efforts, the City of Lubbock has been able to identify the water planning projects and issues that need to be studied. The development of a water transmission and treatment system for Lake Alan Henry is included in the planning documents. The Lubbock Water Advisory Commission has recommended the completion of this preliminary engineering and the City Council has authorized financing. Since this project is a priority, and since it meets EPA grant requirements, the application for the EPA grant was prepared with this project in mind.

The proposed project will include the following major tasks:

1. Analysis of Regional Capacity Requirements
2. Water Treatment Plant and Raw Water Pump Stations Siting Analysis
3. Transmission Line Route Study
4. Conceptual Design of Lake Alan Henry Water Transmission and Treatment System
5. Preparation of Preliminary Engineering Report

The City was recently notified by an EPA official that the due date for this grant would be May 1, 2006, instead of August 2006 as previously understood. The application was sent to the EPA to meet the deadline and now staff is requesting City Council approval validating that action.

The entire Lake Alan Henry Water Transmission and Treatment System project could take from eight to ten years. In order to reduce this time by half or more, the preliminary engineering for this project needs to be completed and the property and right-of-way for the project needs to be purchased. The remaining steps include final design and construction. Planning estimates

indicate that the entire project may need to be completed sometime between 2013 and 2018, so it is important to complete this preliminary work, which is time consuming but relatively inexpensive. It is anticipated that Lake Alan Henry can provide about 22,500 acre feet of water annually, which is more than half the amount of water Lubbock currently uses. The permit allows water use up to 35,000 acre feet annually.

### **FISCAL IMPACT**

The project budget is planned at \$350,000 with \$198,400 coming from the EPA grant and \$151,600, or 43.3%, coming from City funds. This will meet the required five percent match.

The City Council has previously authorized financing and budget authority for the Lake Alan Henry Preliminary Engineering project and for the EPA grant funds. Adequate funding is in place to complete the planned project. A final project cost will be determined when the City negotiates with the successful engineering firm. The final contract between the City of Lubbock and the engineering firm will be presented for Council approval.

A second EPA grant application is scheduled for your consideration at the second Council meeting in May. That grant is for \$769,800 and requires a 45% match of \$629,837. Financing and budget authority for this project have also been authorized.

The Lubbock Water Advisory Commission has recommended that the Lake Alan Henry preliminary engineering project be completed. They will also consider a recommendation on the EPA grant application on May 4, 2006.

Staff recommended approval of the resolution. Staff recommended the completion of the preliminary engineering for Lake Alan Henry before the purchase of property and right-of-way for the project in order to move this project forward and to help ensure that Lubbock has adequate water to meet its future water supply needs.

**5.8. Authorization Resolution - Parks and Recreation: Resolution No. 2006-R0205 authorizing a temporary overnight camping area in Kastman Park on Saturday, June 24, 2006, for Field Day to be held on June 24-25, 2006, by the Lubbock Amateur Radio Club.**

Lubbock Amateur Radio Club is requesting permission to set up and operate an amateur radio station in Kastman Park on Saturday through Sunday afternoon, June 24-25, 2006. American Radio Relay League (ARRL) sponsors Field Day, which for years has been an annual outing held on the fourth full weekend in June. The purpose of Field Day is to contact as many stations as possible on most amateur bands to learn how to operate in abnormal situations in less than optimal conditions. A premium is placed on developing skills to meet the challenges of emergency preparedness, as well as acquainting the general public with the capabilities of amateur radio.

Lubbock amateurs have participated in Field Day for several years. A tent, tables, antennas, and equipment will be set up during Saturday morning.

Amateurs will begin operating radios around noon on Saturday and operate continuously all Saturday night through Sunday afternoon. A small suitcase-sized motor-driven generator or solar cells and batteries are used for power. The generator and radios are very quiet and should not disturb neighbors.

The public is invited to attend, observe, and operate amateur radios during this event. Amateurs contact a few hundred other amateur radio stations worldwide, exchange information, and enter the exchange in a log that is submitted to ARRL. The exercise provides an opportunity to practice operating an effective amateur radio station under emergency conditions as one would in a weather-related, or other type disaster such as Katrina, when cell phones and other radio communications are unusable. Approximately 25 participants will attend the event on Saturday afternoon with only a few people staying overnight.

#### **FISCAL IMPACT**

No fiscal impact anticipated.

On April 25, 2006, the Parks and Recreation Advisory Board approved recommendation of this request to City Council.

Staff recommended approval of this resolution.

**5.9. Sale of Property Resolution - Community Development: Resolution No. 2006-R0206 approving the sale of two vacant lots by the Urban Renewal Agency to Abraham Thomas for \$800 on Parcels 78990-57-9 and 78990-57-10 at 2632 and 2634 Hickory Avenue, legally described as lots Nine (9) and Ten (10), Sieber Subdivision of Block Fifty Seven (57), Wheelock's Second Addition to the City of Lubbock, Lubbock County, Texas.**

This is a routine sale of two vacant lots by the Urban Renewal Agency to Abraham Thomas for \$800. The property is to be developed with two new 1,144 square foot single family residences valued at approximately \$70,000 each. The lots are properly zoned for residential development.

In 1996, there was an environmental concern by PYCO Industries, Inc., formerly known as the Plains Co-operative Oil Mill, in this area east of Globe Avenue and southwest of Southeast Drive, Coronado Drive, and south of East 26th Street. There were, and still are, 42 Urban Renewal parcels of vacant land in this area with 38 being residential lots. At that time, a previous bidder had proposed to construct 38 single family residences, but later requested that the bid be canceled. The Plains Co-op expressed concern about the wind drift from the Co-op and the possibility of complaints by the new residents regarding air quality. There were rumors that Plains Co-op would relocate to another area outside Lubbock if residential development continued.

Consequently, the recommendation by the Urban Renewal Agency Board in 1996 was that any interested bidder be informed of the environmental concerns and that each bid be reviewed and accepted on a case-by-case basis with final approval of the sale left up to City Council.

In addition, the lots are no longer listed on the Urban Renewal Inventory list that is distributed to the public. However, developers or individuals can still find out the ownership through the Lubbock Central Appraisal District and contact Community Development regarding these lots.

This is the first bid on these lots since 1996. Mr. Thomas has expressed interest in developing additional lots in this area. It is a violation of Urban Renewal Law to refuse to sell or not allow a bid to anyone who meets the current requirements.

#### **FISCAL IMPACT**

The sale and development will place the property back on the tax rolls under private ownership and eliminate the weed mowing expense.

The Urban Renewal Board of Commissioners approved the proposed sale on March 21, 2006.

Staff recommended approval of this resolution.

**5.10. Lease Agreement Resolution - Right-of-Way: Resolution No. 2006-R0207 authorizing the Mayor to execute a lease with South Beach Club and Lounge, a/k/a BEGO Enterprises L.L.C., for the use of a city parking lot located at 1910 Texas Avenue.**

South Beach Club and Lounge, located at 1816 Avenue G, leased 105 parking spaces of the City's Health Department parking lot at the southwest corner of 19th Street and Texas Avenue beginning April 22, 2004, for a period of two years. The owner has requested another lease for the next two years in order for his business to have additional parking for customers of the club. Additional parking is required during the evening and nighttime hours in order for the club to comply with zoning requirements. The City will receive \$157.50 per month, calculated as follows: \$15 per space (typically monthly downtown parking lot space rental rate) x 105 spaces = \$1,575 a month. Parking will occur on these spaces only 12 days of the month (40%) and they will only be leased 6 hours a day (25%) maximum. Therefore, \$1,575 x 40% x 25% = \$157.50 due the City per month.

#### **FISCAL IMPACT**

Monthly revenue of \$157.50 to the General Fund.

Staff recommended approval of this resolution.

**5.11. Lease Agreement Resolution - Water Utilities: Resolution No. 2006-R0208 authorizing the Mayor to execute a lease with the Lake Alan Henry Water District for the right to use raw water from Lake Alan Henry.**

The City of Lubbock has been negotiating a raw water lease with the Lake Alan Henry Water District (LAHWD) for several years. Recently, Senator Duncan met with both groups to help resolve any remaining issues and this item is a result of that effort.

Lease highlights are as follows:

1. Water to be provided is limited to a maximum of 500 acre-feet per annum.
2. Use of water is limited to retail water service and municipal uses only.
3. Term of lease is 20 years.
4. Lease payment is \$567.53 per acre-foot.
5. Once an amount is requested, the contract requires a take or pay arrangement.
6. City of Lubbock will meter water use.
7. The Water District is responsible for their own facilities to draw water from Lake Alan Henry.
8. Compliance with restrictive easement is required for customers.
9. Drought provisions are included.
10. Planned water need is shown in Exhibit C with 5 acre-feet in year one, 10 acre-feet in year two, 15 acre-feet in year three, 20 acre-feet in year four, and 25 acre-feet thereafter.

This lease was provided to LAHWD for their signature. The City received a letter from LAHWD requesting to proceed with the lease.

#### **FISCAL IMPACT**

The City will receive \$567.53 for each acre-foot of water used. During the first year of the lease, revenue is projected to be \$2,838 for 5 acre-feet of water. In year five of the lease, the revenue is projected to be \$14,188 for 25 acre-feet of water. If the total amount of water available under the contract is requested, total revenue could be \$283,765 for 500 acre-feet of water.

Staff recommended approval of this resolution.

- 5.12. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0059 abandoning and closing a portion of a private access, drainage, underground utility, and emergency access easement located in Tract A, Cascada Professional Office Park Addition to the City of Lubbock, easement closure located at 6102 82nd Street.**

This ordinance abandons and closes a 57.50-foot by 35.73-foot portion of a private access, drainage, underground utility, and emergency access easement located north of 82nd Street and west of Iola Avenue that was dedicated in Tract A, Cascada Professional Office Park Addition. The original developer is requesting this closure for building purposes.

#### **FISCAL IMPACT**

No fiscal impact anticipated.

Staff recommended approval of the first reading of this ordinance.

- 5.13. Monitor Well Permit Resolution - Right-of-Way: Resolution No. 2006-R0209 authorizing the Mayor to execute a street use license and/or city public grounds Monitor Well Permit with Daniel B. Stephens and Associates, Inc. for an alley right-of-way monitor well located at 809 University Avenue.**

This Monitor Well Permit will allow Daniel B. Stephens and Associates, Inc. to drill a ground water monitor well just east of University Avenue and south of Glenna Goodacre Boulevard in the east-west alley. The adjacent property owner, Matthew Malouf, has provided the City written approval to allow the contractor to place the monitor well on the south side of his property in the alley. The former gas station property located at 811 University Avenue had a leaking underground fuel tank and the TNRCC requested that the owner 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 annually for this monitor well location.

#### **FISCAL IMPACT**

Annual revenue of \$100 to the General Fund.

Staff recommended approval of this resolution.

- 5.14. Settlement of Claim Resolution - Right-of-Way: Resolution No. 2006-R0210 authorizing the Right-of-Way Department to make an offer to Doug Wuensche and Penny Wuensche for a 2005 crop damage settlement in conjunction with the South Lubbock Drainage Improvement Project on farmland located in Section 5, Block S, Lubbock County, farm located at 82nd Street and Guava Avenue.**

The City of Lubbock acquired a permanent and working easement in 2003 from the Texas Department of Criminal Justice (TDCJ) for the purpose of installing a section of the storm water line for the South Lubbock Drainage Improvement Project. This easement runs north to south along the west edge of TDCJ property. In 2005, the City's contractor installed the stormwater line in the 30-foot easement area and utilized the 100-foot wide working easement for construction. Doug and Penny Wuensche are the tenant farmers for the TDCJ, and their farming operations on this tract of land were interrupted while the storm water line was installed.

Typically, the City pays crop damages to a tenant farmer when utility installations are involved and damages to their crop occur. When this project began, the Right-of-Way Department contacted the farmers involved and let them know that crop damage issues would be addressed.

A few weeks ago, the Wuensches submitted a \$55,665 claim for crop damages caused by the installation of the City's storm water line. The claim included \$4,448 for actual loss to the peanuts they had planted on one circular system tract; \$20,256 for damages on the same peanut crop tract due to loss of irrigation capability, damaged pipe line, and electricity; \$4,857 for actual cotton crop loss on the circular system south of the peanut crop tract; \$19,504 for damages on the cotton crop tract due to lack of water, electricity, and damaged pipeline; and \$6,600 for damages to another peanut circular irrigation tract east of the cotton tract due to the lack of water and electricity.

The Right-of-Way Department questioned the majority of these damages and proceeded to conduct their own damage study to determine a reasonable crop damage payment offer. The Right-of-Way Department visited with representatives from Lubbock Power & Light and South Plains Electric Coop (SPEC) who stated that they quickly repaired any electrical outages to the Wuensches and SPEC even brought out a portable electrical generator to serve as an irrigation system. Staff visited with the contractor who installed the line and he said that they immediately repaired any line damages and remembered that the farmer was able to keep farming operation intact. Staff also visited with the Farm Service Agency regarding yields and prices and with two peanut harvesting warehouses regarding prices and production.

Considering all of this research, the Right-of-Way Department recommended the following counter offer:

Actual production costs:

Pivot #1 - 5.321 acres in working easement and permanent easement. 5.321 acres multiplied by 4,203 lbs per acre (FSA figure) = 22,364.16 lbs, divided by 2,000 lbs = 11.18 tons, multiplied by \$376 (peanut price per pound, from warehouse for 2005 crop year) = \$4,203.68

Pivot #2 - 7.861 acres multiplied by 882 lbs per acre production (FSA figure) = 6,933 lbs, multiplied by \$0.60 per pound (top of range figure) = \$4,160.04

Damages to production:

It is possible that a reduction in crop production on the two pivots may have occurred because, during the construction, the pivot could not have made a complete circle and some of the crop acreage area may not have been watered enough. It is also possible that the end sections of the sprinkler could have been taken off and that probably was not done. Nevertheless, some payment must be made for the crop loss.

Therefore:

Pivot # 1 - 12.88 acres had a 25% loss (probably a worse case scenario). Crop production was 4,203 lbs per acre and a loss of 25% would be 1,051 lbs. Payment for that would be: 1,051 lbs multiplied by 12.88 acres = 13,536.88 lbs, divided by 2,000 lbs = 6.77 tons, multiplied by \$376 = \$2,545.52

Pivot # 2 - 18.29 acres had a 25% loss, same as above. Crop production was 882 lbs per acre and a loss of 25% would be 220.5 lbs per acre. Payment for that would be 220.5 lbs multiplied by 18.29 acres = 4,032.95 lbs, multiplied by \$0.60 per pound = \$2,419.77

Therefore, the total proposed counteroffer to the Wuensches is \$13,329.

#### **FISCAL IMPACT**

\$13,329 funded from the South Lubbock Drainage Improvement Project.

Staff recommended approval of this resolution.

- 5.15. Property Offer Resolution - Right-of-Way: Resolution No. 2006-R0211 authorizing the Right-of-Way Department to make an offer to the State of Texas for a 0.92 acre tract of land in Section 36, Block A-K, Lubbock County, Texas for park conversion property in conjunction with the Milwaukee Avenue Widening Project, 34th Street to 92nd Street, property located at 6002 Spur 327.**

McAlister Park was acquired around 1984 using State funds. Any change or use of park property purchased with State funds must be approved by Texas Parks and Wildlife Department (TP&W). This often requires the acquisition of additional property to offset the change in use in what is known as a conversion process. In 2003, the City of Lubbock acquired 5.82 acres of land at the southeast corner of McAlister Park from a private landowner as part of the conversion of the land needed to dedicate Milwaukee Avenue across McAlister Park from the Brownfield Highway (US 62-82) southward to Spur 327.

In the engineering and planning stages for the construction of Milwaukee Avenue from 34th Street to 92nd Street, 0.26 acres of additional park land was needed for a southbound Milwaukee Avenue at Spur 327 right-hand turn lane and a small portion of land along the east side of Milwaukee Avenue. This change of use from park property to street dedication requires another conversion process. An excess street stub for Iola Avenue east of Milwaukee Avenue along the north side of Spur 327 is not needed by Texas Department of Transportation (TXDOT) and TP&W has agreed to accept this 0.92 acre tract of land as the land needed for conversion. TXDOT requires the City to pay the appraised value for this tract and Tommy Cantrell, M.A.I. appraised this property at \$0.50 per square foot for a total of \$20,000, which is the City's offer to the State of Texas.

#### **FISCAL IMPACT**

An expense of \$20,000 from the Milwaukee Avenue Widening Project is budgeted and available for the offer.

Staff recommended approval of this resolution.

- 5.16. Property Offer Resolution - Right-of-Way: Resolution No. 2006-R0212 authorizing the Right-of-Way Department to make an offer to Giles Dalby, The Arno R. Dalby Trust, and Northwood Institute, Midland Michigan for a residential lot in the Phyllis Wheatley Addition to the City of Lubbock, property located at 3605 Ute Avenue.**

The City of Lubbock is in the initial stages of acquiring properties as they become available for the purpose of economic development in the Phyllis Wheatley Addition. This addition has been vacant for nearly 20 years and is located south of the City of Lubbock Cemetery, east of Martin Luther King, Jr. Boulevard, north of East 37th Street, and bounded on the east by the City of Lubbock's waste water treatment plant. This resolution authorizes the Right-of-Way Department to make an offer to Giles Dalby, The Arno R.

Dalby Trust and Northwood Institute, Midland Michigan for Lot 3, Block 6 of the Phyllis Wheatley Addition. Shaw Wofford appraised this property for a value of \$500 which is the City's offer to Giles Dalby, The Arno R. Dalby Trust, and Northwood Institute, Midland Michigan.

**FISCAL IMPACT**

\$500 from Economic Development and Acquisition of Property account. Lubbock Economic Development Alliance will reimburse the City for these costs.

Staff recommended approval of this resolution.

- 5.17. Street Use License Resolution - Right-of-Way: Resolution No. 2006-R0213 authorizing the Mayor to execute a street use license with Texland Petroleum, L.P. for the use of a dedicated street to construct and maintain underground flow lines for secondary recovery operations for oil production, license to be located at 4020 Mesa Road.**

This license was originally issued to Texland Petroleum, Inc. on May 14, 1981, to construct and maintain petroleum flow lines that cross Mesa Road approximately 590 feet north of the intersection of Kent Street and Mesa Road in the Lubbock Country Club Addition area. The licensee has requested to renew this license for an additional 20 years. The payment for this license is \$50 annually for twenty years, payable every five years in advance, or \$250 for each five-year period.

**FISCAL IMPACT**

Annual revenue of \$50 to the General Fund.

Staff recommended approval of this resolution.

- 5.18. Purchase of Property Resolution - Right-of-Way: Resolution No. 2006-R0214 authorizing the Mayor to execute a contract of sale with the Most Reverend Placido Rodriguez, Bishop of the Roman Catholic Diocese of Lubbock, Texas, for the purchase of Lots 12-16, Block 5, Richmond Second Addition, property located at 123 North Avenue S.**

This resolution authorizes the Mayor to sign a contract of sale for the acquisition of the Catholic Family Services building located at 123 North Avenue S from the Most Reverend Placido Rodriguez, Bishop of the Roman Catholic Diocese of Lubbock, Texas. This contract of sale is for the purchase of the land, which includes Lots 12-16, Block 5 of the Richmond Second Addition and the improvements, which include a 7,010 square foot building. The purchase price and appraised value of the property is \$140,000.

**FISCAL IMPACT**

Acquisition cost of \$140,000 is budgeted and available in the Guadalupe Neighborhood Center Capital Improvement Project.

Staff recommended approval of this resolution.

**5.19. Contract Change Resolution - Health: Resolution No. 2006-R0215 authorizing the Mayor to execute Change No. 6 to the FY2006 Contract for General Provisions for Subrecipient Grant Contracts and associated sub-grant contracts (Regional and Local Services Section contract, CPS-Bioterrorism Preparedness contracts, HIV Surveillance contract, and Immunization Branch-Locals contract) (DSHS Document No. 7560005906 2006) with the Texas Department of State Health Services.**

The Community Preparedness Section (CPS) Bioterrorism Preparedness Lab contract was originally approved by City Council on September 21, 2005, Resolution #2005-RO445.

Contract Change No. 06 with the Texas Department of State Health Services (DSHS) increases the contracted amount by \$100,190 from the current approved amount of \$199,760. The increased contract amount is necessary for the purchase of new equipment. A copy of the equipment list is provided.

The bioMerieux Vitek 2 Compact 30 System will replace the existing Vitek Junior System that is no longer supported by bioMerieux. This system will be used for the identification and drug susceptibilities of microorganisms and will aid in the treatment of patients.

The Bio-Rad BioPlex Protein Array 200 System is an additional piece of equipment and a multi-platform instrument used for bioterrorism response. The BioPlex will allow the screening for identification of several organisms on a single sample with only one extraction and one set-up.

This program assists Lubbock's efforts in developing laboratory-specific bioterrorism preparedness plans that address selected focus areas and the required critical capabilities. The focus areas and major outcomes being addressed in FY 2006 include all-hazards planning, information collection and threat recognition, laboratory testing, emergency response communications, economic and community recovery, and linking hospital laboratory programs with local health departments efforts to respond during public health emergencies.

Major goals include:

- Maintain a confirmatory bioterrorism testing laboratory with staff trained and proficient in CDC's Laboratory Response Network (LRN) biothreat protocols;
- Test samples from identified service area for biothreat agents and toxins;
- Test food samples for pathogenic microbes;
- Maintain extensive collaboration with all hospitals located in the identified service area to plan for response activities for biothreats;
- Maintain extensive collaboration with local law enforcement, hazardous material, and other emergency responder;

- Present laboratory-oriented training to hospitals and reference laboratories in the identified service area on the LRN sentinel protocols; and
- Provide LRN sure capability plan.

**FISCAL IMPACT**

Fiscal impact will be minimal for both revenue and general fund activities.

The service agreement for the Vitek 2 Compact 30 System is provided in the initial cost of this equipment during the first three years. The Vitek 2 service agreement will need to be funded through the General Fund once the initial agreement expires.

The service agreement for the Bio-Rad BioPlex Protein Array 200 System is provided in the initial cost of this equipment for the first two years. This service agreement for the Bio-Rad BioPlex will continue to be funded through grant funds once the initial agreement expires.

Staff recommended approval of this resolution.

**5.20. Contract Change Resolution - Street Drainage Engineering: Resolution No. 2006-R0216 authorizing the Mayor to execute Amendment No. 3 to the engineering services agreement with Parkhill, Smith & Cooper, Inc. for paving improvements on 98th Street from Slide to Juneau.**

The original engineering services agreement dated May 22, 2003, with Parkhill, Smith & Cooper (PSC) provided for design and preparation of plans and bid documents for paving improvements and widening on 98th Street from Slide Road to Juneau Avenue. Amendment No. 3 establishes basic services and compensation for PSC to perform construction management, testing, and inspection during the construction phase of this project.

The original contract was for engineering services related to paving improvements on 98th Street from Slide Road to Frankford Avenue. Amendment No. 1 adjusted the work schedule and did not change the contract amount. Amendment No. 2 included geotechnical engineering services for the entire project and additional design services to extend the paving improvements on 98th Street to include strip paving from Frankford Avenue to Juneau Avenue.

The contract and amendments include various personnel classifications and hourly rates to be charged for each classification. Payment will be made only for the number of hours worked for each classification.

The contract and amendment not to exceed amounts are as follows:

Original Basic Services Agreement	\$814,272
Amendment No. 1(schedule only)	0
Amendment No. 2	608,916
Amendment No. 3(design, bid phase)	(300,000)
Amendment No. 3(construction phase)	1,896,797

Total not to exceed amount of original  
contract plus amendments to date \$3,019,985

The \$300,000 deduction above reflects the completion of the design and bid phase at a cost less than the not to exceed amount.

### **FISCAL IMPACT**

Construction of the project includes three phases: street paving improvements on 98th Street, a portion of the South Lubbock Storm Sewer to drain detention basins west of Frankford, and re-compaction of the unstable utility ditch backfill. The funding for this amendment is available in the existing project budget amount from three funds:

1. 98th Street from Slide Road to Frankford Avenue Project 90093
2. South Lubbock Storm Sewer Project 90141
3. 98th Street Compaction Repair Project 91081

Project 90093 had an original budget of \$6,643,000 and has an available balance of \$5,444,087. The total estimated cost against this capital project is \$5,065,000.

Project 91081 has a budget and available balance of \$8.5 million. The total estimated cost against this capital project for this 98th Street project is \$5,558,000.

Project 90141 has a current budget of \$43.6 million. Of this current budget \$8.1 million has been set aside for the 98th Street construction between Slide Road and Juneau Avenue. The remainder is for work already under contract or planned for future phases of the storm sewer.

The engineering services included in Amendment No. 3 will be charged from each account as appropriate to each phase.

Staff recommended approval of this resolution.

Council Member Gilbreath recused on this item.

**5.21. Contract Resolution - Parks and Recreation: Resolution No. 2006-R0217 authorizing the Mayor to execute a contract with the Texas Health and Human Services Commission for the 2006 Summer Food Service Program for children.**

The City of Lubbock Parks and Recreation Department is requesting pass-through grant funds, which flow through Texas Health and Human Services Commission from the United States Department of Agriculture. The City of Lubbock has participated in the Summer Food Service Program for the past 15 years with positive results. Both direct and indirect costs for the Summer Food Service Program are reimbursed through the grant.

The program provides a nutritional noon meal for children ages one through 18 each weekday beginning May 30 and ending August 4, 2006. All children are eligible to participate in the Summer Food Program and receive a free

meal at Maggie Trejo, Mae Simmons, and Copper Rawlings Community Centers. Other locations include Bean Elementary, Ramirez Elementary, George Woods Center, and the Phea Branch of the Boys & Girls Club.

This program is offered in conjunction with the Summer Satellite Program offered by the Parks and Recreation Department utilizing Community Development funding. The Summer Lunch program provides a service for the community by providing a nutritious meal for children who would normally participate in a meal program at their school or for those whose parents are unable to prepare a meal for their children.

#### **FISCAL IMPACT**

Reimbursements from Texas Health and Human Services Commission are based on total number of meals served. The reimbursement rate per meal includes \$2.56 for operating costs, \$0.2225 for administrative costs, and \$0.08 from the State for any additional program costs. Parks and Recreation expects to serve approximately 18,460 lunches for a total cost of \$52,842.

Staff recommended approval of this resolution.

**5.22. Contract Resolution - Community Development: Resolution No. 2006-R0218 authorizing the Mayor to execute a Community Development Funding Contract with Family Promise of Lubbock Inc. to fund the Facility Rehab Project with Community Development Block Grant (CDBG) funds.**

Grantee: Family Promise of Lubbock Inc., formerly Lubbock Interfaith Hospitality Network

Program: Facility Rehab Project

Funding Source: 2004 CDBG and 2005 CDBG

Use of Funds: CDBG funds to be used to rehab/renovate donated house into a day activity center to be used by homeless families with children during daytime hours only.

Amount: \$75,000 from 2004 CDBG funds and \$52,951 from 2005 CDBG funds.

Match: 25 %

Return of Investment: 25% of grant funds used will be paid back. Grantee will have the option of paying back in one lump sum 30 days after completion of the project or equal payments for up to 10 years with no interest charged.

Term: May 11, 2006, through September 30, 2007

Comments: The \$75,000 for this contract was approved by the Community Development and Services Board (CDSB) during their regularly scheduled meeting held on January 12, 2005. City Council approved the funding at the January 27, 2005, meeting. The \$52,951 for this contract was approved by

CDSB during their regularly scheduled meeting held May 11, 2005. City Council approved funding at the June 26, 2005, meeting.

**FISCAL IMPACT**

Federal funds will be used from the Community Development Block Grant. The maximum to be allocated to this project is \$127,951.

Staff recommended approval of this resolution.

**5.23. Contract Resolution - Parks and Recreation: Resolution No. 2006-R0219 authorizing the Mayor to execute a professional services agreement with Hugo Reed and Associates, Inc. for engineering services involving the new youth sports complex to be located at FM 1585 and Milwaukee Ave.**

On July 14, 2005, City Council approved an agreement with MWM Architects, Inc. for design services for the new 160-acre youth sports complex. The agreement with MWM included schematic design, design development, construction documents, bidding, and construction inspection. MWM has developed the Master Plan for the complex.

The attached agreement with Hugo Reed and Associates, Inc. includes 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 for 122nd Street, Iola Avenue, and Milwaukee Avenue, drainage analysis report, and irrigation plans.

**FISCAL IMPACT**

The maximum amount payable under this contract is not to exceed \$426,387. Funding is available from 2004 bond projects for the development of a Little League complex and soccer fields in southwest Lubbock.

Staff recommended approval of this resolution.

**5.24. Purchase Resolution - Information Technology: Resolution No. 2006-R0220 for a midrange computer, RFP #05-149-RW.**

**ITEM SUMMARY**

The City's JD Edwards financial system runs on an AS/400 computer that is almost eight years old and needs to be replaced for two reasons:

- 1) The IBM OS/400 version 5.2 operating system was withdrawn from the market in October 2005 and will have support withdrawn in April 2007.
- 2) The latest version of the JD Edwards World financial system will be released later this year and will not run on our current equipment.

Three firms responded to the City's high-tech RFP and were ranked and scored as follows: Pinnacle Business Systems of Edmond, OK (business office in Midland, Texas - score 510; Data Systems International of Overland Park, Kansas - score 495; and Mainline Information Systems of Dallas, Texas - score 490.

### **FISCAL IMPACT**

The initial cost of the computer with the necessary operating system components is \$151,580. Annual maintenance costs are approximately \$4,500 and approximately 27% less than the maintenance on our current AS/400 equipment.

Funding is available in Information Technology's operating budget for the Master Lease payment as approved by the City Council in the FY 2005-06 Budget Amendment #5.

Staff recommended purchase of an AS/400 midrange computer system from Pinnacle Business Systems of Edmond, Oklahoma for \$151,580.

## **6. REGULAR AGENDA**

- 6.1. Zone Case No. 3058 (50th Street east of Upland Avenue) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0057 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.**

**This item was deleted.**

- 6.2. Zone Case No. 922-D (5001 Avenue Q) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0058 Consider the 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).**

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 Gilbreath, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2006-O0058 as recommended by staff. Motion carried: 6 Ayes, 1 Nays. Mayor Pro Tem Martin voted Nay.

**6.3. Amendment Change Resolution - Business Development: Resolution No. 2006-R0221 authorizing the Mayor Pro Tem to execute an amendment to the Master Development Agreement with Overton Park Hotel, LP and Garfield Traub Development LLC for the purpose of extending the Pre-Development Feasibility Period.**

Staff received a request from Overton Park Hotel, LP and Garfield Traub Development LLC to extend the Pre-Development Feasibility Period for the Hotel/Conference Center Project until June 30, 2006.

This amendment will extend the Pre-Development Feasibility Period from May 25, 2006, to June 30, 2006.

**FISCAL IMPACT**

This extension will have no fiscal impact on the project.

Staff recommended approval.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2006-R0221 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

**9:56 A. M. COUNCIL ADJOURNED**

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