

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
May 25, 2006
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 25th 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 David A. Miller; Council Member Linda DeLeon; Council Member Gary O. Boren; Council Member Phyllis Jones; Council Member John Leonard; Council Member Jim Gilbreath

Absent: Council Member Floyd Price

1. CITIZEN COMMENTS

1.1. Kenneth Williams and Robert Williams will appear to discuss Police and Codes Enforcement.

Kenneth Williams addressed Council regarding an issue with his property and right-of-way trespass. Robert Williams was not present. To get back and forth to his property, his neighbor has continually destroyed his fence. He states that he can't get any kind of relief from the police.

Police Chief Claude Jones gave comments and answered questions from Council. Chief Jones is aware of the situation. Mayor Miller asked Mr. Williams to meet with Chief Jones to try and resolve his concerns.

1.2. Kevin D. Stone will appear to discuss code and zoning issues.

Kevin D. Stone, owner of Master Tech Automotive, addressed Council regarding vehicles awaiting repair at his shop that are being tagged by the Codes department.

Police Chief Claude Jones gave comments and answered questions from Council. Mr. Stone was asked by Mayor Miller to speak with Chief Jones and Stuart Walker, Codes Supervisor, to try and resolve the issues.

- William B. Wallace addressed Council regarding Item 6.10 on today's agenda, which involves the annexation of an area located in the vicinity of 98th Street and Avenue P.
- Robert Rocha, a business owner on 50th Street in the vicinity of Master Tech Automotive, addressed Council in response to Kevin D. Stone's issue of vehicles that are awaiting repairs and are being tagged.

2. EXECUTIVE SESSION

Mayor Miller 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.”

**8:00 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room**

All council members were present, except Council Member Price.

- 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 (Codes, Gas Utilities - Atmos Energy, Police, Solid Waste, Water Utilities).**
- 2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Civic Center, 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, Mayor Pro-Tem) and take appropriate action.**
- 2.4. Hold an executive session in accordance with V.T.C.A Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Zoning Board of Adjustment, North Overton Tax Increment Financing Reinvestment Board of Directors, and Transportation Policy Committee for the Lubbock Metropolitan Planning Organization.**
- 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.**

9:45 A. M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers

Present: Mayor David A. Miller; Council Member Linda DeLeon; Council Member Gary O. Boren; Council Member Phyllis Jones; Council Member John Leonard; Council Member Jim Gilbreath; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: Council Member Floyd Price

Mayor Miller reconvened the meeting at 9:45 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Terry Kirkpatrick, Wayne Avenue Baptist 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. This item was considered following Item 3.5.

3.4. Presentation of a special recognition to congratulate the Embassy Suites of Lubbock for receiving the prestigious Connie Award.

Mayor Miller presented a special recognition to Kenneth Schell, General Manager, and Jamie Schell, Director of Sales, for the Embassy Suites of Lubbock. Conrad Hilton was the founder of the Hilton Hotel chain and the Embassy Suites Hotel is part of that organization. The Embassy Suites in Lubbock exemplifies West Texas hospitality, as their friendly staff members greet the many visitors to our community with complimentary breakfast, warm-hearted receptions each evening, and with many other amenities they provide the visitors and guests to Lubbock. The Embassy Suites hotel in Lubbock was awarded the Connie Award, the highest acknowledgment in the Hilton family of hotels throughout the nation, based on the high scores given them by their own customers for their immaculate rooms, welcoming staff members, and valuable guest accommodations. The Mayor encouraged all citizens to appreciate the entire staff for living up to the belief of Conrad N. Hilton by taking “responsibility to fill the earth with the light and warmth of hospitality”.

3.5. Presentation of a special recognition to congratulate Lisa Ramirez, Principal at Ramirez Charter Elementary School, for being appointed to Supervisory Education Program Specialist for the Office of Elementary and Secondary Education Programs in the Office of Migrant Programs at the United States Department of Education.

Mayor Miller presented a special recognition to congratulate Lisa Ramirez, Principal at Ramirez Charter Elementary School. Ms. Ramirez was appointed to Supervisory Education Program Specialist for the Office of Elementary and

Secondary Education Programs in the Office of Migrant Programs at the United States Department of Education. As a young child watching her parents struggle, Ms. Ramirez realized the importance of pursuing a higher education and consequently spent eight years in the Army as means to finance her college education. She has shown dedication to the field of education by pursuing her undergraduate degree, Masters Degree, Principal Certificate, and Superintendent Certificate from Texas Tech University, and is currently pursuing a Doctorate Degree. Ms. Ramirez traveled the migrant circuit, while growing up as the child of migrant farm workers. The Mayor encouraged all citizens to recognize and appreciate her exceptional efforts in education and to wish her continued success as she serves in the Department of Education. Ms. Ramirez was joined by her husband and two children, sisters, colleagues, and friends.

Other members of Lubbock Independent School District Administration were recognized. Also, the Mayor recognized Rachel Ramirez, daughter of Jose Ramirez, for whom Ramirez Elementary is named.

3.3. Presentation of a special recognition to recognize Mr. Roy Grimes for his valuable services as a member of the Lubbock Independent School District School Board.

Mayor Miller asked Council Members Gilbreath, Jones, and Boren to join him while he presented a special recognition to Mr. Roy Grimes for his valuable service as a member of the Lubbock Independent School District School Board. The four were, at one time, students of Mr. Grimes at J.T. Hutcheson Junior High. Mr. Roy Grimes is a 1944 graduate of Lubbock High School and a distinguished contributor to the education experience to the children of Lubbock since 1953. Mr. Grimes has so graciously served LISD for the last 53 years as a Coach, Teacher, Assistant Principal, Board of Trustees Member-at Large, Secretary, Vice President, and President. Grimes continues to insure that children will have great educators for years to come through the Roy T. Grimes Scholarship, which provides funding for undergraduate students enrolled in the College of Education. The Mayor encouraged the City of Lubbock to recognize Roy T. Grimes for his generosity and commitment to education and community, and for his relentless determination to invest in the future of people of all ages. Council Members Gilbreath, Jones, and Boren gave comments. Mr. Grimes was joined by his family, and he gave comments.

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, April 26, 2006; Regular City Council Meeting, May 11, 2006.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to approve the minutes of the Regular City Council Meeting of April 26, 2006 and Regular City Council Meeting of May 11, 2006 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

At this time, Items from the Regular Agenda were considered.

6.3. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0061 Zone Case No. 3060 (1516 84th) Hold a public hearing to consider request of Darrel W. Jones for a zoning change from T to C-4 zoning limited to automobile repair, service and used vehicle sales, and all unconditional permitted C-3 uses, on Lot 9, Block 5, Rhoades Heights Addition.

Mayor Miller opened the public hearing at 10:03 a. m. No one appeared on behalf of Darrel W. Jones. No one appeared in opposition. Mayor Miller closed the hearing at 10:05 a. m.

The proposal is in an area developed in an awkward manner adjacent to the City of Lubbock. The area was annexed in 1984, with a number of existing “heavy” business locations along the east side of Avenue P. The annexation was 150 feet east of the center line of Avenue P, thus only about 110 feet of the adjacent private property is in the City, and eventually the right of way will be expanded to accommodate a thoroughfare so even less of the adjacent parcels will be in the City.

Adjacent Land Uses:

N – commercial

S - commercial

E – commercial or vacant

W – industrial

When the area was annexed, the property east of Avenue P was illustrated as “residential” even though it is already noted that a number of businesses existed along the route. In addition, at 82nd and Avenue P, Bell Telephone has an office and a work yard, which is an M-1 use. Prior to annexation, the City developed the Southeast storage, solid waste satellite facility and fuel site west of the frontage along Avenue P, which is also an M-1 use. Since 1984, from 84th Street to 86th Street, the parcels facing Avenue P have been zoned as M-1 with some conditions on outside screening. This parcel is directly across Avenue P. A “policy” versus reality is the issue in this case. The introduction of a commercial enterprise on this small lot should not have a negative impact on the thoroughfare system. The applicant lives next door and would like to open a mechanics shop and be able to sell a limited number of vehicles at the location.

Adjacent property and across the street is already in commercial or industrial use. As a precaution to some of the C-4 uses that may not be advisable in the area, the applicant requested in his application that approval be limited to the “public garage” and “used vehicle” entries in C-4, otherwise permitted uses would be C-3. The Planning Commission was comfortable with the request to accommodate Mr. Jones, but felt that a maximum number of vehicles should be attached to the request regarding the number of used automobile that could be displayed on the parcel.

The Planning Commission recommended approval of the request with two conditions:

1. The Permitted Uses from C-4 shall be limited to “Garage, public repair” and “Second hand or used car sales” with the total number of vehicles displayed not to exceed ten.”
2. That the property otherwise be eligible for development as C-3.

FISCAL IMPACT

No fiscal impact anticipated.

The staff supports the recommendation of the Planning Commission.

Randy Henson, Director of Planning, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-O0061 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.4. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0062 Zone Case No. 3061 (north of 90th Street and west of Avenue T) Hold a public hearing to consider request of AMD Engineering, L.P. (for Carl Mortensen) for a zoning change from T to R-1 Specific Use and R-2 Specific Use for a reduced front and side setback on 12.006 acres of unsubdivided land out of section 9, Block E.

Mayor Miller opened the public hearing at 10:03 a. m. No one appeared on behalf of Carl Mortensen. No one appeared in opposition. Mayor Miller closed the hearing at 10:05 a. m.

The request is for this subdivision to be allowed the setbacks that have become popular in all the new developments in Lubbock. The subdivision is already in a preliminary approved plat and has been zoned for the basic R-1 and R-2 Districts.

Adjacent land uses:

- N – Residential
- S – Residential
- E – Residential
- W – Residential

As noted, the developer is requesting setback for the units in the same manner that most of the new subdivisions in Lubbock have done. The request is consistent with the Comprehensive Land Use Plan and zoning policy.

The request should have no negative effect on the thoroughfare plan.

The Planning Commission recommended the request with the following conditions:

1. A minimum front setback of 20 feet for normal mid-block lots.
2. A minimum front setback of five feet for cul-de-sac lots with the exception of a front entry garage, which shall have a 20-foot setback.
3. A minimum side setback of five feet for corner lots, with the exception that a garage portion must have a 20-foot setback if the opening faces the street.
4. If the homes are built with access to the garage from a paved alley, the fences on the corner lot will be set back five feet to match the setback of the home.

FISCAL IMPACT

No fiscal impact anticipated.

The staff supports the recommendation of the Planning Commission.

Randy Henson, Director of Planning, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-O0062 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.5. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0063 Zone Case No. 2995-B (north side of the 6400-6500 blocks of 82nd Street) Hold a public hearing to consider request of Scott Collier (for CTC Real Estate) for a zoning change from C-2A to C-2 zoning on 6.6 acres of unsubdivided land out of Section 29 Block AK.

Mayor Miller opened the public hearing at 10:03 a. m. No one appeared on behalf of CTC Real Estate. No one appeared in opposition. Mayor Miller closed the hearing at 10:05 a. m.

The applicant has one or several business prospects that need a C-2 district versus the current C2A. Now that the area north of the strip along 82nd is zoned for duplex development (and a portion of it may be petitioned for garden office development), transitioning to the C-2 does not create an issue. The original decision for the area to be commercial was the first critical discussion, not being located at the mile intersection. With that decision out of the way, the change by one level of commercial zoning is not an issue.

Adjacent land uses:

N – zoned for duplex, a portion of it is being contemplated as rezoned for Garden Office

S – commercial

E – Garden Office zoning

W – commercial

The fact that it is commercial at this point, with a condition that the total number of curb cuts on 82nd be limited to six, addresses the Comprehensive Land Use Plan discussion. C-2 uses will not be deleterious to the area. With the curb cut plan approved by the Planning Commission on April 27, 2005, the change will have no effect on the thoroughfare system.

The Planning Commission recommended the request with one condition:

1. Tied to the condition in Ordinance 2004-O0011 for this tract (a Planning Commission review of locations for proposed curb returns). The total number is approved at six.

FISCAL IMPACT

No fiscal impact anticipated.

The staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Gilbreath, seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-O0063 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.6. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0064 Zone Case No. 3059 (1617 22nd Street) Hold a public hearing to consider request of Terry Echols (for Tagle Homes) for a zoning change from C-3 and R-2 to M-1 limited to storage and display of trees and all permitted C-3 uses, on west 11 feet of Lot 8, all of Lot 9 and east half of Lot 10, Block 15, McCrummen Second Addition.

Mayor Miller opened the public hearing at 10:03 a. m. No one appeared on behalf of Tagle Homes. No one appeared in opposition. Mayor Miller closed the hearing at 10:05 a. m.

Similar to the request considered in Zone Case 3060 at 84th and Avenue P, this request represents a difficult procedural versus practical dilemma. The applicant bought the property for a reasonable price and operates a business of importing trees and storing the trees until they are sold to individuals or landscape companies. He proposes to operate with a small frame building (not a ready built metal building) and some required vehicles or machinery. The dilemma within the zoning ordinance is that this operation requires an M-1 zoning designation because of the outside storage.

Adjacent land use:

- N – Commercial (C-3)
- S – Commercial and residential
- E – Residential
- W – Commercial (C-3)

The application does not meet the current Comprehensive Land Use Plan. The area east of the strip commercial along Avenue Q is targeted as residential. It certainly has not been a hotbed of residential activity for the last several decades. A number of commercial zone cases have encroached a little further

into the adjacent neighborhoods, from 19th Street to 50th Street along Avenue Q, creating a very jagged edge of the line between commercial and residential on both sides of the street. The proposed use is certainly not suggested as a cause for disruption of the few existing residences in the area, the fact that the lot would be cleared and have a collection of trees may be an asset to some. As noted, it is the technical issue of M-1 that creates the discussion.

For the same reasons noted above and related to the Comprehensive Plan, the request also does not meet zoning policy. Should the Council want to follow the lead of the Planning Commission and accommodate this one use, the good news is that the applicant followed advice from staff to request that the zoning for M-1 be limited to one use (storage and display of trees), that the request be tied to the proposed site plan so long as the use is for the tree operation, and that any other use be limited to C-3 – which is zoning consistent with the lots to the north, south, and west.

For policy reasons, staff did not provide unequivocal support the request. Given that the use would not cause a serious disruption in the vicinity as many other M-1 uses and even a number of C-3 uses, staff provided a proposed list of conditions for the Planning Commission to consider. The Planning Commission recommended that the request be approved with the following conditions:

1. The single M-1 use would be the storage and display of trees with attendant activities necessary to operate the business. Retail sales would be included on the parcel.
2. Any other permitted use would be in the C-3 district.
3. A solid screening fence would be installed when a residential structure is built on the lot adjoining to the east. A chain link fence for the perimeter of the storage area is made a part of the site plan.
4. Tied to the proposed site plan, with the stipulation that the front 25 feet of the lot be landscaped and not fenced. The proposed office is located within the fenced area.

FISCAL IMPACT

No fiscal impact anticipated.

Staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Gilbreath, seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-O0064 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- 6.7. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0065 Zone Case No. 2939-D (south of 4th and west of Inler Avenue) Hold a public hearing to consider request of Hugo Reed and Associates, Inc. (for Cactus Pointe, Ltd.) for a zoning change from R-1 Specific Use, C-3, R-2, A-2, AM to C-3 and R-1 Specific Use for amended setback on 133.5 acres of unsubdivided land out of Section 3, Block D-6.**

Mayor Miller opened the public hearing at 10:03 a. m. No one appeared on behalf of Cactus Pointe, Ltd. No one appeared in opposition. Mayor Miller closed the hearing at 10:05 a. m.

The Planning Commission and Council are being asked to provide a plat and zoning for a subdivision that will have no alleys. The plat was approved by the Commission. The transition to service and access only from the street is a challenge to the sometimes Lubbock traditional “this is always the way staff have done it” stance and some of the current regulations in the Code of Ordinances.

In this case, the applicant is using Specific Use to validate the changes normally required by the Zoning Code and a variance by the Planning Commission for plat related items allowed by the Subdivision Regulations.

The staff and utilities have met extensively on the issues for zoning and particularly utility installation issues with members of both the development and builder teams. The staff is recommending both the zone case and the plat as a “test” the developer is willing to construct. The City can benefit from the results as to what will work and what may not and eventually change the various Codes if the product becomes a marketable commodity in Lubbock. The practice of not having alleys is common in many other cities.

Adjacent land uses – The subdivision is a new addition in a substantially undeveloped area of town. The area of the entire subdivision is west of Alcove one-half mile between 4th and 19th Streets. A new school is being constructed within the subdivision. The area of discussion for this plat and zone case is that portion of the addition west of the railroad track that was relocated to make way for the Marsha Sharp Freeway. Both sides of the tracks will be buffered by either a street or a drainage facility, and trees have already been planted on the south side.

The request is consistent with the Comprehensive land Use Plan, in that residential is residential – alleys or no. The proposal differs somewhat with zoning policy in two aspects:

1. The applicants would like to achieve the setbacks that have become popular elsewhere in town for fronts of regular and cul de sac and sides on corner lots.
2. The applicant would like the property line and measurements to be made from the back of curb (which will be the property line), versus the traditional location of the property line. The “dry” utilities will be in an easement behind the curb, on private property, which is normally the parkway in traditional Lubbock rights of way.

The proposal should not affect the thoroughfare system any more than expected.

Again, the requested set backs are essentially the same as current popular set back requirements in new subdivisions, they are just measured from a non-traditional location (back of curb where the property line is proposed). The

Planning Commission recommended the request with the following conditions:

1. 25 feet of front setback from the front property line for non-garage portions of homes not on cul de sac lots (this equates to approximately 15 feet in our traditional property line method).
2. 30 feet of front setback from the front property line for the garage portion of homes (equal to approximately 20.5 feet in our traditional property line method), unless the garage opening is parallel with the street, in which case the setback will be directed by #1 above.
3. 15 feet of front setback for any non garage portion of a home on a cul de sac lot homes (equal to approximately 5.5 feet in our traditional property line method). Any garage facing the street shall have a 30 foot setback from the front property line.
4. 30 feet of side setback for any garage facing a side street (equal to approximately 20.5 feet in our traditional property line method). If the garage entrance is at a ninety (90) degree angle to the side street, this condition will not apply subject to #5 below.
5. 15 feet of side setback for any corner lot homes (equal to approximately 5.5 feet in our traditional property line method).
6. Either on the front or the side of each parcel, a minimum twenty by twenty foot parking slab will be provided for a driveway.

FISCAL IMPACT

No fiscal impact anticipated.

The staff supports the recommendation of the request. The Planning Commission approved the “test” for the area.

Motion was made by Council Member Gilbreath, seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-O0065 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- 6.8. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0066 Zone Case No. 3048-B (from 5th Street to 10th Street and from Avenue S to Avenue V) Hold a public hearing consider request of Parkhill, Smith & Cooper, Inc. (for McCanton Wood) for a zoning change to amend Ordinance #2006-O0036 to revise a setback condition for zoning on Blocks 28, 29, 35, 38, 39, 61 and 62; Lots 13-24, Block 30; Lots 18-24 and the east ½ of Lot 17, Block 34; Lots 13-24, Block 63; Lots 1-12, Block 27; Lots 1-12, Block 40; Overton Addition and Blocks 1, 2, 3, and 4, Overton Park Addition.**

Mayor Miller opened the public hearing at 10:03 a. m. No one appeared on behalf of McCanton Wood. No one appeared in opposition. Mayor Miller closed the hearing at 10:05 a. m.

The application is the second of two “clean up” cases filed on the redevelopment area in the former Overton North.

Adjacent land use:

N – commercial

S – residential

E – residential

W – multi-family residential

The request is consistent with the Comprehensive Land Use Plan and zoning policy. As noted, this request is simply an adjustment that provides some additional flexibility to some of the residential units within the front yard setback area. Given the complexity built into the guidelines of the proposed Residential portion of the subdivision adopted in Zone Case 3048, this third minor revision is a testament to the thought and thoroughness provided in the original draft of the document.

There will be no impact on the thoroughfare system.

The Planning Commission recommended approval of the request as submitted subject to the following condition:

1. For single family, cottages and town homes – “A wing or extension less than half the building width (or the unit width for town homes) may extend six feet into the required front yard.”

FISCAL IMPACT

No fiscal impact anticipated.

The staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Gilbreath seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-00066 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.9. Public Hearing 10:00 a.m. - Community Development: Hold a Public Hearing at 10:00 a.m. for consideration of the Community Development and Services Board recommendations for the program funding of the FY 2006-07 Community Development Block Grant, Home Investment Partnership Program, Emergency Shelter Grant Program, and previously generated program income.

Mayor Miller opened the public hearing at 10:06 a. m. Karen Worley appeared on behalf of the Community Development and Services Board. John Hall, Nathan Cage, Monica Allen, Christi Severy, Gwen Titus on behalf of Darlene Durham, Rev. Wendell Davis, Pastor Eddie Everline, Jr., and JaBroderick Hawkins appeared in opposition. Mayor Miller closed the hearing at 10:35 a. m.

The U.S. Department of Housing and Urban Development informed the City of Lubbock that it is eligible to receive a FY 2006-07 consolidated formula allocation. The total of these funds, plus previously generated program income

is \$4,091,568. This year, the City received 38 applications for Community Development Block Grant, Home Investment Partnership Program, and Emergency Shelter Grant funds with requested amounts totaling over \$6.5 million dollars.

Lubbock citizens participated in this year's funding process through the activities of the Community Development and Services Board. In making recommendations, the Community Development and Services Board (CDSB) kept in mind the goals of the City Council and the Consolidated Plan priorities.

The recommendation of the CDSB for spending federal dollars has been published since May 7, 2006. This Public Hearing will allow citizens to directly participate by addressing the City Council with comments. The recommendations from the CDSB are provided.

FISCAL IMPACT

Federal funds will be used from the Community Development Block Grant, Home Investment Partnership Program, and Emergency Shelter Grant. The maximum to be allocated to these projects and activities is \$4,091,568.

Staff recommended approval.

Bill Howerton, Director of Community Development introduced Karen Worley, Chairperson for the Community Development and Services Board, and she gave a presentation on the 2006-07 funding recommendation. Mr. Howerton, Nancy Haney, Executive Director of Community Development, and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Nathan Cage was asked to come up, and he gave comments and answered questions from Council.

6.1. Mayor Pro Tempore Resolution - City Secretary: Resolution No. 2006-R0225 designating Mayor Pro Tempore.

The City Charter, Chapter 1, Article IX, Section 12, requires City Council members to elect a Mayor Pro Tempore from their members at the first regular City Council meeting after newly elected members have qualified and taken their seats on the City Council following a regular municipal election. The canvass of the returns and declaration of the results occurred at the May 18, 2006, City Council Meeting and the newly elected officials are now seated.

FISCAL IMPACT

No fiscal impact.

Staff recommended designating a Mayor Pro Tempore.

Motion was made by Council Member Boren, seconded by Council Member Leonard to pass Resolution No. 2006-R0225, designating Council Member Jim Gilbreath as Mayor Pro Tempore. Motion carried: 6 Ayes, 0 Nays.

6.2. Board Appointments - City Secretary: Consider one appointment to Animal Shelter Advisory Committee; two appointments to Audit Committee; one appointment to Keep Lubbock Beautiful Advisory Committee; one appointment to Libraries Board; one appointment to North Overton Tax Increment Financing Reinvestment Zone Board of Directors, two appointments to Public Transit Advisory Board; two appointments to Zoning Board of Adjustment; one appointment to Lubbock Economic Development Alliance Inc., one appointment to Market Lubbock Inc. Board of Directors; and three appointments to the Transportation Policy Committee of the Lubbock Metropolitan Planning Organization.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to appoint Mandy Winton to the Animal Shelter Advisory Committee. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to reappoint Mike Epps and Kim Turner to the Audit Committee. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to appoint Flora Arellano to the Keep Lubbock Beautiful Advisory Committee. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to appoint Judy Rowdon to the Libraries Board. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to hold on the appointment to the North Overton Tax Increment Financing Reinvestment Zone Board of Directors. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to appoint David Quintanilla and reappoint Cindy Finley to the Public Transit Advisory Board. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to appoint Mike Moss from alternate to member and appoint Jose Valenciano as alternate to the Zoning Board of Adjustment. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to hold on the appointment to the Lubbock Economic Development Alliance, Inc. Board and Market Lubbock Inc. Board of Directors. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to hold on the appointment to the Transportation Policy Committee of the Lubbock Metropolitan Planning Organization. Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1-5.4, 5.6, 5.8-5.10, 5.12-5.19)

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Items 5.1-5.4, 5.6, 5.8-5.10, 5.12-5.19 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.1. Authorization Resolution - City Manager: Resolution No. 2006-R0226 authorizing D. Elegance Limousine approval to operate a 1993 and a 1995 model Lincoln Towne Car in its limousine business.

Section 27-1 of the Code of Ordinances of the City of Lubbock defines a limousine as being a late-model luxury vehicle which shall not be more than 10 years old unless special permission for the use of such vehicle is granted by the City Council. D. Elegance is requesting approval to operate a 1993 and a 1995 Lincoln Towne Car vehicle in its limousine business for one year.

If the City Council approves this resolution, D. Elegance will be required to obtain a City of Lubbock Ordinance 8167 Inspection from the City Fleet Services Department and must provide proof of liability insurance for the vehicle.

FISCAL IMPACT

\$75 fee per vehicle paid to City.

Staff recommended approval of this resolution.

5.2. License Agreement Resolution - Parks and Recreation: Resolution No. 2006-R0227 authorizing the Mayor to execute an Athletic Facility License Agreement with Dixie Little League for youth sports programs at Lewis Park located at 54th and Avenue L.

The City of Lubbock has a long-standing relationship with Dixie Little League. The approval of the annual agreement will allow the youth league formal permission to conduct baseball games and practice sessions at the Dixie Little League Complex, which is located on City park property. The sports agreement defines responsibilities for the respective organization and the City of Lubbock.

The League will provide services relating to the operation of the League including the development of roster lists, the payment of league fees, the scheduling of all games and tournaments, the assignment, training and payment of referees and score keepers, and other services which may be necessary for the administration of the league.

FISCAL IMPACT

The City of Lubbock will receive sports user fees in the amount of \$2 per participant. There are approximately 330 participants in the league, which will generate \$660 in league fees paid to the City.

Staff recommended approval of this resolution.

5.3. Grant Application Resolution - Water Utilities: Resolution No. 2006-R0228 authorizing the Mayor to execute for and on behalf of the City of Lubbock, an application for the FY 2005 EPA Special Projects Grant for the Canyon System Reuse Project to be submitted to the Environmental Protection Agency to help fund engineering services and project construction.

On March 30, 2005, the City of Lubbock was notified that the Environmental Protection Agency (EPA) approved funding for engineering services and project construction of the Canyon Lake System Reuse Project for the discharge, storage, diversion, and reuse wastewater effluent.

The City created the Lubbock Water Advisory Commission in 2003 to assist with water issues. In May 2004, the City completed a study to develop a 100-year water supply plan with the help of Water Texas of Austin, Texas. In October 2005, the Lubbock Water Advisory Commission and City Council approved the Water Planning Statement that identified the major alternatives and priorities to provide a 100-year water supply plan for Lubbock. In December 2005, the Region O Water Planning Group approved Lubbock's key strategies as part of their Region O 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 recycling of wastewater is included as an alternative in the long-range planning documents. The Lubbock Water Advisory Commission has recommended that the EPA grant funds be used for the purposes of this study and related construction. The study will identify how the City can discharge and then reuse water resources, and will also help fund the construction of diversion facilities. The project is a priority in Lubbock's water plan and is eligible for EPA grant funding.

The proposed project will include the following phases:

Phase I – Preliminary Engineering and Conceptual Design

This phase will include review of completed river modeling and the development of any additional modeling necessary to evaluate and make recommendations on water quality and quantity issues for the reuse alternatives. The phase will include an analysis of the alternatives and a preliminary design for the most cost effective project or projects.

Phase II – Engineering Design and Bid Phase Services

This phase will include the construction engineering design. Two likely projects include funding for discharge facilities at the Southeast Wastewater Reclamation Plant and funding for the pipe connections to pump treated effluent to the head of the Canyon system instead of groundwater from the Lubbock Land Application Site.

Phase III – Construction and Construction Phase Services

This phase will include the construction of projects for which design services were completed.

The City was recently notified by an EPA official that the due date for this grant will be early this summer. Staff would like to submit the grant application prior to June 1, 2006, in order to proceed in a timely manner.

The City has set a number of major water related goals. One of these goals is to ensure a long-term future water supply. The proposed project moves this goal forward by allowing high quality effluent to naturalize in the Canyon Lake system where it will then be available for indirect reuse. A second goal is to address environmental issues. The project will move this goal forward by helping to improve water quality in the North Fork and Canyon Lake system, by improving groundwater quality and by conserving water resources.

Due to the high level of treatment that is proposed for the wastewater, it is proposed that the City begin taking steps for wastewater reuse by using the EPA grant and matching funds to develop reuse plans and to construct the necessary facilities to increase effluent discharge into the tributaries of the Brazos River. This is a valuable resource and this study will assist the City in preparing a long-range plan for use of the water.

FISCAL IMPACT

The total proposed budget for the Lake Alan Henry Water Transmission and Treatment System Preliminary Engineering Study is \$1,399,637. This project will be partially funded through an EPA Special Projects grant, which the City was awarded under the Consolidation Appropriations Act, 2005. The EPA Special Projects grant has a value of \$769,800 and was awarded for the Canyon Lake Water Reuse Project for construction-related costs associated with water system infrastructure. The EPA Special Projects grant requires the grant recipient to provide a 45% match of the total project cost. The City is committed to meeting this 45% match requirement of \$629,837.

The City Council has previously authorized financing and budget authority for the Canyon Lake System and Reuse Project by approving matching funds for the EPA grant. Based upon the plan, adequate funding is in place to complete the project.

This is the second EPA grant. The first application was approved for the Lake Alan Henry Preliminary Engineering project at the May 11, 2006, City Council meeting. That grant was for \$198,400.

The Lubbock Water Advisory Commission has recommended that the second EPA grant be used to assist with the engineering and construction related to the Canyon Lake System Reuse Plans and Projects.

Staff recommended approval to enable the City submit the EPA grant application in a timely manner. Staff recommended the completion of the study and construction in order to develop our long-range water supply plans and in order to complete construction necessary to enable additional stream discharge and future reuse.

Once the City receives notice to proceed, City staff will be back to ask Council for authorization to proceed with engineering and related projects.

5.4. Regional Mitigation Action Plan Resolution - Emergency Management: Resolution No. 2006-R0229 approving the South Plains Hazard Mitigation Action Plan as required by the Federal Emergency Management Agency and the Governor's Division of Emergency Management.

The South Plains Hazard Mitigation Action Plan was completed as required by the Governor's Division of Emergency Management and the Federal Emergency Management Agency. The plan addresses actions taken to prevent or lessen the effect of all types of hazards that may occur within the South Plains region as well as the City of Lubbock and Lubbock County. The plan has been approved by the Federal Emergency Management Agency Region 6 and the Governor's Division of Emergency Management.

The South Plains Hazard Mitigation Action Plan document is on file in the City Secretary's Office.

FISCAL IMPACT

No fiscal impact anticipated.

Staff recommended approval of this resolution.

5.5. This item was moved from consent agenda to regular agenda and considered following Item 5.19.

5.6. Paving Improvements Resolution - Street Drainage Engineering: Resolution No. 2006-R0230 accepting paving improvements constructed by Armor Asphalt Construction Company in Lynnwood Addition Lots, 191-290.

This is a routine acceptance of paving improvements constructed at the time of platting this new subdivision. These improvements consist of street paving and curb and gutter at the following locations:

The east half of North Chicago Avenue from Fordham Street to the alley north of Marshall Street.

North Bangor Avenue from Kemper Street to Marshall Street.

North Belmont Avenue from the alley south of Lehigh Street to Marshall Street.

North Belmont Avenue from Marshall Street to the alley north of Marshall Street.

Lehigh Street from the cul-de-sac west of North Belmont Avenue to North Belmont Avenue.

Kemper Street from North Chicago Avenue to the alley east of North Chicago Avenue.

Harvard Street from North Chicago Avenue to the alley east of North Chicago Avenue.

Marshall Street from the cul-de-sac west of North Belmont Avenue to the alley east of North Bangor Avenue.

The west half of North Chicago Avenue from Fordham to Harvard Street.

The north-south alley east of North Chicago Avenue from the alley south of Lehigh Street to the alley north of Marshall Street.

The east-west alley north of Marshall Street from North Chicago Avenue to the alley east of North Bangor Avenue.

The north-south alley between North Bangor Avenue and North Belmont Avenue from Kemper Street to Marshall Street.

The north-south alley east of North Bangor Avenue from Kemper Street to Marshall Street.

FISCAL IMPACT

North Chicago Avenue is a collector level street and, pursuant to the Paving Policy, the City is responsible for additional paving width that is greater than the standard residential street width. The City's share of the cost is \$3,222 and will be due to the developer upon this acceptance. The City's cost will be paid from the existing New Subdivision and Assessment Paving capital project with a current available balance of \$174,542. This capital project was established to provide funding for the City to pay for paving quantities that exceed the developers' paving requirements when platting new subdivisions.

Staff recommended approval of this resolution.

5.7. This item was moved from consent agenda to regular agenda and considered following Item 5.5.

5.8. Dedication Deed Resolution - Right-of-Way: Resolution No. 2006-R0231 authorizing the Mayor to execute a dedication deed in connection with the platting by the City of Tract A Milwaukee Avenue Pump Station Addition to the City of Lubbock, property located at 7310 Milwaukee Avenue.

This land was acquired in October 2005 from Milwaukee, LTD for a water reservoir site and the area being platted contains 5.444 acres. The

Right-of-Way Department initiated this plat for the Water Utilities Engineering Department and it has been approved by the Planning and Zoning Commission.

FISCAL IMPACT

No fiscal impact anticipated.

Staff recommended approval of this resolution.

5.9. Contract Resolution - Aviation: Resolution No. 2006-R0232 authorizing the Mayor to execute a contract with ANCO A Division of Chem-Aqua, Inc. for HVAC water treatment services at Lubbock Preston Smith International Airport, BID #06-027-BM.

Lubbock Preston Smith International Airport requires chemical additions to be maintained at a constant level in the HVAC system. The contract term is one year with an option to renew annually for up to four additional one-year terms.

The agreement includes:

1. Cooling tower/ open loop system: \$665 monthly
2. Chill water/ closed loop system: \$75 monthly
3. Hot water/ closed loop system: \$75 monthly

Several types of chemicals are required and must be maintained at specified levels to prevent corrosion, scale, and algae in the systems.

Two bids were received. ANCO was the lowest bidder at \$9,786 annually compared to Delta Water Laboratories bid of \$13,068 annually.

FISCAL IMPACT

A total of \$11,000 is appropriated with \$11,000 available in Aviation Maintenance - Chemical Supplies for this purpose.

Staff recommended contract award to ANCO A Division of Chem-Aqua, Inc. of Macon, Georgia for \$9,786 annually.

5.10. Contract Resolution - Aviation: Resolution No. 2006-R0233 authorizing the Mayor to execute a contract with Matthews Backhoe for the demolition of two warehouse buildings on the Eastport section of Lubbock Preston Smith International Airport, Bid # 06-026-BM.

ITB 06-026-BM was issued for the demolition and removal of warehouse buildings in the Eastport section of the Lubbock Preston Smith International Airport (LPSIA). The base bid is for the demolition of the northern warehouse, located at 5614 North Beech Avenue. An alternate was included in the ITB for the demolition of the southern warehouse, located at 2807 E. Dubuque. Both buildings are in an unsafe condition and have suffered extensive wind damage.

Two sealed bids were opened on April 27, 2006.

Matthews Backhoe: Base Bid \$33,200; Alternate \$33,200 = \$66,400

Pride Underground: Base Bid \$43,200; Alternate \$43,200 = \$86,400

FISCAL IMPACT

Funds for this project will come from Account No. 8477.9212.30000.

Airport staff has reviewed these bids and are recommending award of the base bid and alternate to Matthews Backhoe in the amount of \$66,400.

5.11. This item was moved from consent agenda to regular agenda and considered following item 5.7.

5.12. Contract Resolution - Parks and Recreation: Resolution No. 2006-R0234 authorizing the Mayor to execute a contract with ARAMARK Educational Services, Inc for meals services for the 2006 Summer Lunch Program, Bid #06-031-MA.

This bid establishes a contract for food services for the Summer Lunch Program that provides a nutritional noon meal each weekday for children ages 1 through 18, beginning May 30 and ending on August 4, 2006. The City of Lubbock has participated in the Summer Food Service Program for the past fifteen years with positive results. Any child meeting the age requirement is able to participate in the Summer Food Program and receive a free meal at the Maggie Trejo Supercenter, Mae Simmons Community Center and Copper Rawlings Community Center. Other participating locations include Bean Elementary, Harwell Elementary, Ramirez Elementary, George Woods Center and the PHEA Branch of the Boys & Girls Club. Staff anticipates serving approximately 18,460 lunches this summer

Both direct and indirect costs for the Summer Lunch program are reimbursed through a Summer Food Service Program grant from the Texas Health and Human Services Commission, formerly the Department of Human Services. Direct costs include the contract with the food vendor, consumable supplies and salaries for food service personnel. Indirect costs include program administration, personnel training and supplies.

This program is offered in conjunction with the Summer Satellite Program offered by the Parks and Recreation Department through Community Development funding. The 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 the children.

There were 57 local vendors contacted for the summer lunch program.

FISCAL IMPACT

A total of \$52,842 was appropriated with \$52,842 available in Grant Number 84008, Summer Lunch Program for this purpose.

Parks and Recreation staff recommended that ARAMARK Educational Services, Inc. receive the bid award for the 2006 Summer Lunch program with a unit price of \$2.22 for a total of \$40,981.

5.13. Contract Resolution - Water Utilities: Resolution No. 2006-R0235 executing a contract with Archer Western Contractors, Inc. for construction of the Southwest Pump Station transmission main located near 73rd Street and Milwaukee Avenue, Bid #06-032-BM.

This project involves constructing the improvements necessary to supply water to the Southwest Pump Station and establishing a third pressure zone in southwest Lubbock. The transmission main will connect the existing elevated storage tank at 74th Street and Genoa Avenue to the new pump station currently under construction. This new transmission main is a required improvement to the Southwest Pump Station. The transmission main will provide the water necessary for the operation of the pump station. An additional water main that will supply water to the pump station from the Bailey County well field is scheduled for construction during FY 2007-08.

FISCAL IMPACT

A total of \$10,890,000 was appropriated with \$7,866,664 available in South Lubbock Water Extension Project for this purpose.

Staff recommended contract award to Archer Western Contractors, Ltd. of Arlington, Texas for \$953,900.

5.14. Contract Resolution - Water Utilities: Resolution No. 2006-R0236 authorizing the Mayor to execute a contract with Parkhill, Smith & Cooper for professional engineering services for Bailey County Sandhills Well Field supply wells, RFQ #05-118-VK.

During the past 20 years, water production from existing wells in the Bailey County Sandhills Well Field has declined due to a reduced water table caused by periods of extended drought. This agreement provides professional services to design and oversee construction of additional public water supply wells in the City of Lubbock Bailey County Sandhills Well Field. It includes services to determine the quantity and optimum placement of the wells along with electric service, well collection system connections. It also includes other items needed to increase the water production capacity of the well field and to maintain an adequate supply buffer to be able to produce the pipeline supply capacity when a portion of the wells is inoperable due to normal interruptions such as mechanical or electrical malfunctions, lightning strikes or other causes.

FISCAL IMPACT

Three engineering firms responded to the Request For Qualifications (RFQ) for engineering services for public water supply wells. After reviewing the statements of qualifications and hearing oral presentations, the unanimous choice of the selection committee was Parkhill, Smith & Cooper, Inc. The committee determined that the proposal by Parkhill, Smith & Cooper, Inc. best meets the needs and requirements of the project. It contained excellent preliminary analysis of the existing public water supply wells and a project approach designed to conserve City funds.

An agreement has been negotiated with Parkhill, Smith & Cooper, Inc. in the amount of \$265,000 for engineering services plus reimbursable expenses up to \$130,000 for surveying, geotechnical investigations and a resident project representative. Funding for this work was approved in capital project #91003, Increase Sandhills Production.

The selection committee recommended Parkhill, Smith & Cooper, Inc. be engaged to perform the professional engineering services for the public water supply wells; or such alternative action as City Council may deem appropriate.

5.15. Contract Modification Resolution - Health: Resolution No. 2006-R0237 authorizing the Mayor to execute Contract Modification No. M-001 to an interlocal contract for provision of death certificates of parolees to the Texas Department of Criminal Justice by the City Health Department and any associated documents by and between the City of Lubbock and the Texas Department of Criminal Justice.

This modification of contract is between the City of Lubbock Health Department and the Texas Department of Criminal Justice (TDCJ). The City of Lubbock Health Department will provide death certificates of deceased parolees to TDCJ. TDCJ will pay the Lubbock Health Department \$21 per death certificate. The total amount of this contract shall not exceed three hundred fifteen dollars. The contract ends August 31, 2006.

FISCAL IMPACT

No fiscal impact anticipated.

Health Department staff recommended approval of the interlocal contract.

5.16. Purchase Resolution - Street Maintenance: Resolution No. 2006-R0238 for concrete - annual pricing, Bid #06-023-BM.

This contract will establish annual pricing for the purchase of concrete by all city departments for one year with an option to renew annually for up to two additional years. The contract includes a variety of concrete classes for various types of work including repair of curb and gutter, valley gutter repair, concrete curb ramp repair, concrete alley repair, and other miscellaneous concrete projects.

Street Department is a user of this contract but other City Departments will also use this contract as they need to purchase concrete for their miscellaneous projects.

FISCAL IMPACT

A total of \$564,286 was budgeted in Street Maintenance account 4531-8260 with \$130,130 estimated for the purchase of concrete. The remainder of the contract will be used by other City Departments.

Staff recommended contract award to Commercial Concrete as the primary contractor for \$587,060 and contract award to Pelones Concrete as the secondary contractor for \$684,970.

5.17. Purchase Resolution - Street Maintenance: Resolution No. 2006-R0239 for asphalt - annual pricing, Bid # 06-022-BM.

This contract establishes the annual pricing for the purchase of emulsion for the internal seal coat program by the Streets Department.

Only one bid was received for our emulsion from Sem Material. They are the only local dealer and have been the only bidder for this product for the past 20 years. They have been a good supplier and have supplied the needed product in a timely manner.

The contract is a unit price contract for one year.

FISCAL IMPACT

A total of \$564,286 is budgeted in Street Maintenance for the purchase of emulsion. The square yards of seal coat area covered will be limited to the budgeted amount.

Staff recommended awarding the bid to Sem materials at an estimated bid price of \$241,150.

5.18. Purchase Resolution - Fleet Services: Resolution No. 2006-R0240 for the purchase of upfitted police vehicles through the Interlocal Cooperative Purchasing Agreement with Tarrant County, Texas.

This item involves the purchase of twelve upfitted police vehicles through the Interlocal Cooperative Purchasing Agreement with Tarrant County authorized by Resolution No. 2004-R0509 on October 12, 2004. These vehicles will be equipped with all police emergency equipment including the wiring for two-way radio, mobile data computer, and eye-witness video system per Police Department Specification 306-PD. The vehicles will replace older vehicles that have excessive mileage and are experiencing increased maintenance cost and down-time.

FISCAL IMPACT

These police vehicles are funded with the Master Lease Program. The approved list of vehicles is adopted as part of the Capital Improvement Program. These vehicles were approved as part of the FY 2005-06 Master Lease Purchase Program. The Master Lease annual payment is budgeted within each fund.

Staff recommended purchase from Columbus Country Fleet Dealerships through the Interlocal Cooperative Purchasing Agreement with Tarrant County, Texas for \$471,256.

5.19. Purchase Resolution - Municipal Court: Resolution No. 2006-R0241 authorizing the purchase of new computers for Municipal Court from Dell Marketing LP of Round Rock, Texas through the State of Texas Department of Information Resources.

Municipal Court needs new computers to run the court software recently purchased from INCODE. Municipal Court has a few old computers and numerous dumb terminals that cannot handle the new INCODE software. This equipment will be purchased from Dell Marketing LP of Round Rock, Texas through the State of Texas Department of Information Resources DIR-SDD-192 Contract 9913578.

FISCAL IMPACT

This project is entirely funded through the Municipal Court Technology Fund. Staff recommended purchase of equipment from Dell Marketing LP of Round Rock, Texas for \$27,041.92.

5.5. Tariff Amendment Resolution - City Secretary: Resolution No. 2006-R0242 granting Southwestern Public Service Company's (d/b/a Xcel Energy) request to eliminate the 2% prompt payment discount rider for Residential Class customers in Lubbock, Texas effective June 1, 2006.

Southwestern Public Service Company d/b/a Xcel Energy has filed an application to terminate and change electric service tariffs for service within the City of Lubbock, Texas in compliance with Section 36.102 of the Texas Utilities Code. Application and Statement of Intent to terminate the Residential Prompt Payment Discount Rider is provided.

FISCAL IMPACT

SPS proposes to terminate the Residential Prompt Payment Discount rider, which will eliminate the 2 percent prompt payment discount for residential customers. This change only affects the Residential Class of customers, which includes approximately 25,850 customers. The effect of this change would be an increase in SPS's revenue. During calendar year 2005, 18,970 residential customers in Lubbock received a total of \$266,396 in prompt payment discounts.

Steve Deaton, representative of Southwestern Public Service Company d/b/a Xcel Energy, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Boren to pass Resolution No. 2006-R0242 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.7. Lease Agreement Resolution - Right-of-Way: Resolution No. 2006-R0243 authorizing the Mayor to execute a lease agreement with Bleacher's Sports Cafe for the use of a City parking lot located at 1801 Avenue G.

Bleachers Sports Cafe at 1719 Buddy Holly Avenue leased 42 parking spaces of the Buddy Holly Center parking lot at the northwest corner of 19th Street

and Avenue F beginning May 6, 2004, for a period of two years. The owner has requested another lease for the next two years in order for this business to have additional parking for customers. Additional parking is required during the evening and nighttime hours in order for the business to comply with zoning requirements. The City will receive \$210 per month, calculated as follows: \$15 per space (typically monthly downtown parking lot space rental rate) x 42 spaces = \$630 a month. Spaces will be leased for eight hours per day. Therefore, \$630 x 1/3 day = \$210 due to the City per month.

FISCAL IMPACT

Monthly revenue of \$210 to the General Fund.

Staff recommended approval of this resolution.

Dave Booher, Assistant Right-of-Way Agent, and Larry Hertel, City Engineer, gave comments and answered questions from Council

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2006-R0243 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.11. Contract Resolution - Parks and Recreation: Resolution No. 2006-R0244 authorizing the Mayor to execute a contract with D&D Lawn Services of Shallowater for turf maintenance for various parks and property.

In 2006 Big Red Enterprises terminated their contract with the City of Lubbock for turf maintenance of Group 1 Class A & B Parks and Properties. The Department considered the next lowest bidder who is currently contracted with the City for turf maintenance. The additional property would exceed the twenty-five percent of the total contract amount which, the contract states is not allowed. The Department then considered the next lowest bidder. The business was no longer in operation. Therefore, the Department requested that the maintenance of Group 1 Class A & B Parks and Properties be put out to bid.

This project will provide for the mowing of Gateway Plaza (.25 acres), Walk of Fame Plaza & Fountain (.50 acres), Garden & Arts Tea Terrace (.25 acres), University Corner (.50 acres), Broadway Medians (.25 acres), Indiana Medians (.80 acres), University Medians (6.0 acres), Groves Library (1.0 acres), Mackenzie Amphitheater (1.95 acres), Maxey Swimming Pool (.25 acres), Montelongo Swimming Pool (.25 acres), Clapp Swimming Pool (.25 acres), Patterson Library (6.0 acres), Quincy Medians (6.5 acres), N Ave Q Strip (.40 acres), 69th & Slide (1.93 acres), McAlister Baseball Fields (5.4 acres). Mowing properties are classified as Group 1 Class A & B Parks and Properties. The project has a total of 32.48 acres. The contract term will be for one year and will be valid through December 31, 2006. Until the contract is effective, the Parks Department will maintain the properties.

FISCAL IMPACT

Funding of \$46,645 from General Fund, Parks and Recreation Privatization account.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0244 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6. REGULAR AGENDA

6.1. This item was considered following Item 6.9

6.2. This item was considered following Item 6.1.

6.3 – 6.9 were considered following Item 4.1.

6.10. Annexation Ordinance 1st Reading - Planning: Ordinance No. 2006-O0067 for annexation of an area located in the vicinity of 98th and Avenue P. A common name for this annexation is the Stonebridge Community annexation.

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

Several owners in the area northeast of 98th Street and Avenue P have requested a contract in lieu of annexation. At the time this item was prepared, the Planning and Legal Departments have received a draft agreement with no response back from the lawyer representing Mr. and Mrs. Wallace. By e-mail, staff understands staff will have one prior to the meeting, but staff do not know the contents.

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.

The Planning Department staff recommended annexation of the entire area.

City Attorney Anita Burgess and Randy Henson, Director of Planning, gave comments and answered questions from Council. Council was advised that, since they are in the process of considering a contract in lieu of annexation, they could still approve this ordinance on first reading and change it on second reading.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2006-O0067 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.11. Annexation Ordinance 1st Reading - Planning: Ordinance No. 2006-O0068 for annexation of an area 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). A common name for this annexation is the Shadow Hills Estates annexation.

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

The requested area and the staff initiated additional requested area meets the test of an exemption under State annexation law that would normally require Lubbock to have a “rolling annexation plan”. The exemption is one that allows land areas that have fewer than 100 lots with 100 homes to be annexed. At present, all the land is vacant. The staff is of the opinion that this portion of the community will be filling out 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.

The Planning staff recommended annexation of the entire area.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2006-00068 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.12. Amendment Ordinance 1st Reading - Planning: Ordinance No. 2006-00069 amending Chapter 24 at Articles IV, VI, and VII of the Code of Ordinances entitled Streets and Sidewalks regarding the repair and protection of brick streets and alleys; Amending Chapter 29, Section 25 entitled Historical Preservation and Urban Design District to protect brick streets and alleys and to set up a review process for their removal; providing a penalty; providing a savings clause and providing for publication.

More than 12 miles of Lubbock's 997 miles of paved streets are historic remnants of the City's earliest paving projects. These streets, primarily in downtown Lubbock, are surfaced with paving brick installed between 1920 and 1930. The projects were initiated by the Lubbock City Commission during a period of rapid growth in Lubbock's history, and were part of the City government's effort to modernize the community and encourage economic growth.

The brick streets are lined with paving brick manufactured by the Thurber Brick Company of Thurber, Texas. Panhandle Construction Company of Lubbock installed all of Lubbock's brick streets, as well as many miles of asphalt paving, during the company's history.

The streets are exceptionally durable, as most consist of a four to six inch thick concrete base, a sand cushion, and a layer of two and one-half inch thick vitrified, or hard fired, paving brick with joints sealed by hot tar. Vitrified brick is an extremely dense product and each brick weighs several pounds.

Brick streets have provided a durable and long lasting pavement for downtown Lubbock. Many segments have carried heavy traffic for more than 85 years with little required maintenance. Unfortunately, improper repairs to utility cuts and other disturbances caused most of the damage on Lubbock's brick streets. From 1930 to 1980, filling areas with hot mix or asphalt instead of proper repair of the concrete base led to subsidence and failure.

In the mid-1970s, Lubbock citizens began to recognize historic preservation as an aspect of community pride and downtown stabilization. Broadway and its brick street surface was the centerpiece of preservation efforts. The City Council authorized the repair of several blocks of Broadway, including the bricking of the former esplanade west of Avenue Q. At the same time, the City's remaining brick streets were becoming a quilt of asphalt and concrete patches.

In February 1982, City Council passed Resolution 1024 protecting brick streets on the recommendation of the Urban Design and Historic Preservation Commission and the Planning and Zoning Commission. Recognizing that brick streets are a part of the heritage of Lubbock and that preservation of this

heritage will benefit existing and future generations of Lubbock citizens, City Council directed that any portion of any brick street surface disturbed by any public or private agency for whatever reason be replaced in a manner consistent with original construction.

Street Engineering prepared brick repair details for use by utility companies and their contractors, and utility cuts and other disturbances since that time have been repaired in a manner that maintains the integrity of the brick surface and subsurface. Over the years, as funding and brick supplies allow, the Street Department has repaired some of the damage from previous years.

Recent developments in North Overton, including consolidation of former residential areas into “super blocks” led to a new drainage plan for the area. The plan requires such a radical change of grade on 10th Street that most of the street will have to be removed and reconstructed. A re-examination of the policy set by resolution generated this effort to determine more specific procedures and to adopt the results by ordinance.

The Planning Department staff, with consultation from the City Engineer, developed several general concepts based on the belief that the City should maintain existing brick streets in most cases. The Urban Design and Historic Preservation Commission reviewed and modified these recommendations at its May 11, 2006, meeting. The Commission recommended that the appropriate ordinances be amended to:

1. Provide continued protection of brick streets and alleys by requiring appropriate repairs as outlined in the 1982 resolution and the repair details prepared by Streets Engineering. The continued structural integrity of brick streets depends on proper maintenance.
2. Specify that all bricks salvaged from any removal or repair will remain the property of the City of Lubbock.
3. Specify a review process for removal that allows the Urban Design and Historic Preservation Commission determination with appeal to the City Council using the same concept of review and appeal that currently governs Lubbock Historic Landmark Certificates of Appropriateness.

To meet these objectives, four sections of the Code of Ordinances must be amended. A section concerning preservation of brick streets as a historic preservation issue is to be added to Section 29-25: Historical Preservation and Urban Design District. Three sections of Section 24: Streets and Sidewalks will be affected. Article IV: Installation of Utility Mains, Feeders and Conduits will be revised to include the brick street repair details, and Article VI: Paving Streets, and Article VII: Paving Alleys, will also be amended to include brick paving issues. All three will refer to Section 29-25. Every existing brick street or alley surface will be governed by the standards for appropriate repair unless circumstances warrant that a section of street be removed or replaced.

The Urban Design Commission also recognizes that occasionally conditions may indicate a need for removal of a designated brick street surface, and that the Commission would review such circumstances under the procedures proposed in Section 29-25. Any ruling of the Urban Design Commission could be appealed to the City Council.

The Commission indicated an understanding that circumstances leading to a need for removal might include a major reconstruction of the street due to drainage issues or a reconfiguration of streets due to aggregation of property for redevelopment. In making a determination concerning removal of brick streets, the Commission agreed to consider one or more of the following factors, plus any other information presented at the time of the request:

1. Adjacent to historic or potentially historic buildings,
2. Majority of the brick surface intact,
3. Importance to neighborhood history,
4. Importance to downtown redevelopment efforts, and
5. Structural condition/indications for long-term stability.

At the staff's request, the Commission used the above criteria to review the proposed removal of 10th Street from Avenue V to Avenue Q. After discussion of the above factors, the Commission recommended that 10th Street be removed and replaced with a new asphalt or concrete street so the bricks can be salvaged and reused for repairs in other areas. Discussion included increasing the present program of repair of previously patched areas, bricking areas along Buddy Holly Avenue, and providing historic brick in the areas disturbed for new water lines downtown.

FISCAL IMPACT

No fiscal impact anticipated. This is merely a codification and expansion of an existing policy, moving it from resolution to ordinance. Broadway Brick Repairs Capital Project includes \$900,000 for repairs on Broadway. Expansion of that program into other areas of downtown Lubbock as suggested by the Urban Design and Historic Preservation Commission will require additional funding.

Staff supports the recommendation of the Urban Design and Historic Preservation Commission.

Sally Abbe, Geographic Information Systems Manager; Larry Hertel, City Engineer; and, Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2006-00069 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.13. Budget Ordinance 1st Reading - Finance: Ordinance No. 2006-O0070 amendment #17 amending the FY 2005-06 budget respecting the Grant Fund, Solid Waste Fund, General Fund, North Overton TIF Fund, North Overton PID Fund, and LP&L Fund.

1. Accept and appropriate \$168,534 of funding from the Department of Justice for the Edward Byrne Memorial Justice Assistance Grant to provide radio/data communications infrastructure upgrades, public safety software, and Lubbock County technology purchases. The City is the primary grantee, with the County as a sub-grantee. The City is responsible for all financial tracking and reporting to the Department of Justice. This grant does not require a local cash match.
2. Accept and appropriate \$118,628 of funding from the Public Health Preparedness Grant to provide pandemic flu preparedness activities in 13 counties, including Lubbock. The City Health Department will be responsible for Pandemic Flu planning in Lubbock, Bailey, Cochran, Crosby, Dickens, Floyd, Garza, Hale, Hockley, King, Lamb, Lynn and Motley counties. The funding allocation was set at a rate of \$3,515 per county plus an additional per capita rate of slightly over 20 cents. This grant does not require a local cash match.
3. Authorize one full-time position in the Solid Waste Fund and adjust the Solid Waste Fund Budget accordingly. The new position will be a Solid Waste Foreman to supervise field equipment operators. The collection division of the Solid Waste Fund is currently divided into 3 districts. A fourth district is proposed to reduce the supervisor-to-employee ratio and to insure the most efficient and effective operations and to provide better customer service and achieve higher levels of safety and productivity. The payroll/benefit costs for FY 2005-06 are estimated at \$11,029 and vehicle/equipment costs are estimated at \$3,971. The total annual impact of this position is estimated at \$48,089.
4. Authorize one full-time position in the Business Development Department and adjust the General Fund, North Overton Tax Increment Finance Reinvestment Zone and North Overton Public Improvement District budgets accordingly. The new position will be a Business Development Specialist to address the continued growth of business development in the city, in the tax increment finance reinvestment zones (TIFs), and in the public improvement districts (PIDs). The position will be funded 40% from the General Fund, 40% from the North Overton TIF and 20% from the North Overton PID. The budget will be increased as follows for salary, benefits and one-time costs, with estimated revenues increased accordingly:

Business Dev.	North Overton TIF	North Overton PID	
Salary and benefits	\$16,045	16,045	8,023
One-time items	3,220	0	0

5. Appropriate additional realized revenue of \$118,554 from increased assessments in the North Overton Public Improvement District and to authorize increased expenses related to the addition of a portion of the payroll/benefits of \$8,023 for the Business Development Specialist assigned to the PID (see item #4), \$57,000 for security, \$5,000 for lighting and \$48,531 for landscaping.
6. Appropriate additional realized revenue of \$757,268 from increased property tax revenues in the North Overton Tax Increment Finance Reinvestment Zone and to authorize increased expenses related to the addition a portion of the payroll/benefits totaling \$16,045 for the Business Development Specialist (see item #4) and \$19,362 for the Senior Financial Analyst. The Senior Financial Analyst (Cheryl Brock) is currently funded 100% from the General Fund. A portion of her time is spent working on TIF related items, therefore a portion of her salary and benefits are being shifted to the TIF. The remaining revenues will be used to reduce the transfer from the Solid Waste Fund from \$1,012,449 to \$290,588.
7. Amend 7 capital projects in the LP&L Fund budget for a net increase of \$1,855,624. Specific information regarding these projects is competitive information protected under Chapter 552.133 of the Texas Government Code.

Staff recommended approval of the first reading of this ordinance.

Tommy Camden, Director of Health Services; Jeff Yates, Chief Financial Officer; Mark Yearwood, Chief Information Officer; and, Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Regarding Item 2 above, Council Member Boren expressed to staff that we need to be proactive and provide more public awareness.

Motion was made by Council Member DeLeon, seconded by Council Member Boren to pass on first reading Ordinance No. 2006-O0070 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- 6.14. Ordinance 2nd Reading - Councilman Gary Boren: Ordinance No. v2006-O0046 Consider an ordinance amending Chapter 1 of the Code of Ordinances with regard to City Council oversight and governance issues; providing a savings clause; and providing for publication.**

This item was deleted.

11:37 A. M. COUNCIL RECESSED TO EXECUTIVE SESSION

2:55 P. M. COUNCIL ADJOURNED

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