

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING**

June 8, 2006

7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 8th day of June, 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, Mayor Pro Tem Jim Gilbreath, Council Member Gary O. Boren, Council Member Linda DeLeon, Council Member Phyllis Jones, Council Member John Leonard, Council Member Floyd Price

Absent: No one

1. CITIZEN COMMENTS

There were no citizens to express comments to Council.

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."

7:31 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room

All council members were present

- 2.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Codes, Electric Utilities, Gas Utilities - Atmos Energy, Overton, Solid Waste, Streets, Water Utilities, Zoning).**
- 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 Services, Overton, Parks, Streets, 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, Chief of Staff) 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 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.

9:30 A.M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers

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

Absent: No one

Mayor Miller reconvened the meeting at 9:30 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1. Invocation by Pastor Jerry Joplin, Bacon Heights 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. Presentation of a special recognition to congratulate Judge Tom Head for being appointed to the Texas Commission on Licensing and Regulation.

Mayor Miller presented a special recognition to congratulate Judge Tom Head for being appointed to the Texas Commission on Licensing and Regulation. Judge Head, a Texas Tech graduate, has shown dedication to this community by devoting himself to public service positions that include serving as a Texas Tech Police Officer, Lubbock County Justice of the Peace, and currently as County Judge. On May 3, 2006, the Texas Commission on Licensing and Regulation unanimously voted to appoint Lubbock County Judge Tom Head to serve on the Licensed Court Interpreter Advisory Board, which will include setting rules and standards for those individuals who provide interpretations in legal proceedings for individuals who do not speak English. The Mayor encouraged all residents to recognize and appreciate Judge Head's exceptional involvement in our community and wish him continued success as he serves with the Texas Department of Licensing and Regulation. Judge Head gave comments.

3.4. Presentation of a special recognition to recognize the contributions made by the World Changers, an organization that works on homes in need of repair across the world.

Mayor Miller presented a special recognition to recognize the contributions made by the World Changers, which is a national volunteer mobilization organization that was founded in 1991 as a ministry of the Southern Baptist Convention with a vision of eliminating substandard housing in the United States. The organization works with local cities to repair and refurbish owner homes and, since its inception, has mobilized over 65,000 volunteers and repaired more than 5,000 homes around the country. For the second year, the City of Lubbock joined World Changers in hosting local projects during the week of June 10-17, 2006 and partner with local churches, businesses, and non-profit organizations. The Mayor encouraged all residents of Lubbock to recognize these volunteers for touching the lives of children, youth, and adults through their hard work and dedication in helping Lubbock home-owners beautify their property. Cory O'Guinn gave comments.

3.5. Presentation of a special recognition to recognize June 19th to 23rd as Emergency Preparedness Week.

Mayor Miller presented a special recognition to the Emergency Operations personnel to recognize June 19-23, 2006 as Emergency Preparedness Week. Each year, June is proclaimed National Safety Month to emphasize the importance of preventing accidental injury and death by educating and influencing the community to develop and maintain safe practices and behavior for emergency situations. This year the Lubbock County Local Planning Committee would like to emphasize the importance of planning ahead for possible life-threatening situations, including tornadoes, lightning, flash floods and fires by declaring June 19-23 as Emergency Preparation week. Having a family emergency plan that includes distributing emergency

contact phone numbers, preparing an emergency kit stocked with food and water, and a home evacuation plan where members can meet after the emergency is an important part of insuring a family's safety. The Mayor asked all citizens to join and help insure that Lubbock citizens take preventative measures by planning ahead and developing their own family emergency plan. Several of the Emergency Operations staff, along with Wally, the mascot, were present to accept the recognition. Lubbock County Judge Tom Head joined the group and gave comments.

3.6. Board Appointment Recognition:

Animal Shelter Advisory Committee:

Mandy Winton

Keep Lubbock Beautiful Advisory Committee:

Flora Arellano

Libraries Board:

Judy Rowdon

Public Transit Advisory Board:

David Quintanilla

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Special City Council Meeting, May 18, 2006.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to approve the minutes of the Special City Council Meeting of May 18, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1-5.6, 5.9, 5.11-5.14, 5.20, 5.22, 5.25)

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Items 5.1-5.6, 5.9, 5.11-5.14, 5.20, 5.22, 5.25 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays, except Item 5.17 – motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath recused himself.

5.1. Zone Case No. 3060 (1516 84th) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0061 Consider the 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, and to consider ordinance.

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.

The staff supports the recommendation of the Planning Commission.

- 5.2. **Zone Case No. 3061 (north of 90th Street and west of Avenue T) Ordinance 2nd Reading – Planning: Ordinance No. 2006-O0062 Consider the 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, and to consider ordinance.**

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.

The staff supports the recommendation of the Planning Commission.

- 5.3. Zone Case No. 2995-B (north side of the 6400-6500 blocks of 82nd Street) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0063 Consider the 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, and to consider ordinance.**

The applicant has 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.

The staff supports the recommendation of the Planning Commission.

- 5.4. Zone Case No. 3059 (1617 22nd Street) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0064 Consider the 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, and to consider ordinance.**

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 for 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.

Staff supports the recommendation of the Planning Commission.

- 5.5. Zone Case No. 2939-D (south of 4th and west of Inler Avenue) Ordinance 2nd Reading - Planning: Ordinance No. 2006-00065 Consider the 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, and to consider ordinance.**

The Planning Commission and Council are being asked to approve 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 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 20 by 20 foot parking slab will be provided for a driveway.

FISCAL IMPACT

No fiscal impact.

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

- 5.6. Zone Case No. 3048-B (from 5th Street to 10th Street and from Avenue S to Avenue V) Ordinance - 2nd Reading - Planning: Ordinance No. 2006-00066 Consider the request of Parkhill, Smith & Cooper, Inc. (for McCanton Wood) for a zoning change to amend Ordinance #2006-00036 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, and to consider ordinance.**

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.

The staff supports the recommendation of the Planning Commission.

- 5.7. This item was moved from consent agenda to regular agenda and considered following Item 5.15.**
- 5.8. This item was moved from consent agenda to regular agenda and considered following Item 5.7.**
- 5.9. Annexation Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0068 Consider an ordinance 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 plat approval (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.

The Planning staff recommended annexation of the entire area.

5.10. This item was moved from consent agenda to regular agenda and considered following Item 5.8.

5.11. Budget Ordinance 2nd Reading - Finance: Ordinance No. 2006-O0070 Consider budget ordinance 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 and Lubbock County is 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 three districts. A fourth district is proposed to reduce the supervisor-to-employee ratio and to ensure 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:

PID	Business Dev.	North Overton TIF	North Overton
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 of 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 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 seven 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.

FISCAL IMPACT

Included in Item Summary.

Staff recommended approval of the second reading of this ordinance.

5.12. Tariff Amendment Resolution - LP&L: Resolution No. 2006-R0245 amending Tariff Numbers 1.0, 1.1, 1.2, 1.3, and 1.4, Rates 1-7, Residential Service and Vacant Service, of Lubbock Power & Light by eliminating the early payment and bank draft discounts.

The early payment discount provided by Lubbock Power & Light reduced revenues by approximately \$460,000 last year. This resolution will amend the current rate and tariff structure of LP&L to improve the efficiency and competitiveness of the City’s municipally owned electric utility. The residential service and vacant service rates are amended by eliminating the two percent discount for bills paid within 16 days after the mailing date, effective on June 1, 2006. These rates are also amended by eliminating the one percent discount for bills paid by bank draft, effective on June 1, 2006.

FISCAL IMPACT

\$460,000 annual savings.

5.13. Interlocal Agreement Resolution - Citibus: Resolution No. 2006-R0246 authorizing the Mayor to sign an interlocal agreement with TxDOT for Citibus to deliver a Regional Coordination Public Transportation Service Plan.

In an effort to offset costs associated with planning for regionally coordinated transportation, the Texas Department of Transportation has made planning funds available. The City of Lubbock and Citibus requested \$15,000, which was approved. No local match is required for these funds. According to the scope of services, the work performed in exchange for these funds must be completed no later than December 1, 2006.

FISCAL IMPACT

No fiscal impact anticipated.

Staff recommended approval of this resolution.

5.14. Interlocal Agreement Resolution - Animal Control: Resolution No. 2006-R0247 authorizing the Mayor to execute an Interlocal Agreement with Lynn County for animal control services.

This interlocal agreement will allow the City of Lubbock to furnish Lynn County with services related to the impoundment, quarantine, and euthanization of animals. The Lynn County Judge and Lynn County Commissioners signed and approved the agreement on May 9, 2006.

The City's Animal Services Division has stopped accepting animals from entities outside the city limits unless such entity has entered into an interlocal agreement approved by the City Council. Final passage of the new Animal Ordinance #2006-00025 on March 8, 2006 approved a non-resident release fee for agencies or individuals residing outside the city limits.

All citizens from outside the city limits will be referred back to their respective jurisdictions to handle their unwanted animals unless a fee is paid. Animal Services will verify proof of residency with a driver's license, utility bill, etc. Animal Services will accept unwanted animals if the owner or jurisdiction pays a fee and signs a waiver releasing ownership. This fee is \$50 and covers a litter up to 12 weeks of age. Stray animals will always be referred back to the jurisdiction where they were found.

Animal Services will agree to kennel or quarantine animals at a rate of \$18 per day, provide euthanasia for \$25, and disposal services for \$25. All fees are to be paid at the time of service.

The term of the agreement shall be for one year from the date of execution of the agreement and can be renewed for successive one-year terms under the same terms and conditions, except for rate change, by mutual agreement of the parties.

FISCAL IMPACT

\$3,200 increase in annual revenue.

Staff recommended approval of this resolution.

- 5.15. This item was moved from consent agenda to regular agenda and considered following Item 5.25.**
- 5.16. This item was moved from consent agenda to regular agenda and considered following Item 5.10.**
- 5.17. Contract Amendment Resolution - Public Works Engineering: Resolution No. 2006-R0248 authorizing the Mayor to execute Change Order No. 2 to a contract with Allen Butler Construction, Inc. for 98th Street paving and drainage improvements from Slide Road to Juneau Avenue.**

This contract is for the construction of paving and drainage improvements on 98th Street and includes the construction of full width thoroughfare pavement from Slide Road to Frankford Avenue, temporary strip paving improvements from Frankford Avenue to Juneau Avenue, the portion of the South Lubbock storm sewer system that extends from Slide Road to Juneau Avenue, and another storm sewer line to drain two retention basins west of Frankford Avenue eastward to Lake No. 93 located southwest of the Slide Road and 98th Street intersection. This contract also includes remediation of backfill of a utility line installed some years ago.

The original contract amount is \$14,748,004.

Change Order # 1 was executed to add work associated with water line relocation needed to continue water service to certain businesses at the Slide Road and 98th Street intersection. Change Order # 1 was \$23,863.

This Change Order # 2 increases work associated with the relocation of a sewer line that was found to be in a location that conflicts with the work being done. This sewer line was not shown on previous plans to be in conflict with the work proposed on this project. However, when excavation for the utility ditch remediation was underway, this sewer line was discovered to be in a location that does conflict with removal of the existing sanitary sewer line, removal of a manhole, plugging the line, and temporary pumping of the sanitary sewer to a manhole until the sewer line can be replaced after completion of the utility ditch remediation. The amount of Change Order # 2 is \$73,918.

FISCAL IMPACT

A three percent contingency of \$45,000 is included in the project budget in anticipation of possible problems that come up during the construction of this project. To date, change orders total \$97,781, or 0.7% of this original contract amount.

\$18.7 million has been budgeted for this project and includes the amount needed for the original contract design and construction engineering services, and \$450,000 for contingencies.

Staff recommended approval of this resolution.

Mayor Pro Tem Gilbreath recused himself.

5.18. Contract Resolution - Public Works Engineering: Resolution No. 2006-R0249 authorizing the Mayor to execute a contract with Allen Butler Construction, Inc. for West End Place Phase II Paving and Drainage Improvements, RFP 06-702-BM.

This project involves the construction and improvement of paved streets, handicapped ramps, and drainage systems. The improvements are at the following locations:

1. 20th Street from Juneau Avenue to Iola Avenue
2. 21st Street from La Salle Avenue to Juneau Avenue
3. 23rd Street from La Salle Avenue to Juneau Avenue
4. 25th Street from La Salle Avenue to Iola Avenue
5. 26th Street from Kewanee Avenue to Iola Avenue

The low proposal is from Allen Butler Construction, Inc. in the amount of \$820,535. The funding sources are from federal HUD street paving funds in the amount of \$868,251.

FISCAL IMPACT

Paving and drainage improvements in this area will eliminate annual Street Department maintenance of dirt streets and ditches.

Staff recommended approval of this resolution.

5.19. Contract Resolution - Buddy Holly Center: Resolution No. 2006-R0250 for the construction of a visitor information center at Buddy Holly Center, RFP 06-701-BM.

The Tourism Research, Strategic Organization and Marketing Plan, conducted for the Lubbock Convention & Visitors Bureau in 2004, recommended the establishment of a staffed visitor center at a gateway leading into town to greet visitors and market the many activities and venues available for visitors in Lubbock. The intersection of Interstate Highway 27 and 19th Street meets the criteria as a gateway to Lubbock and placement of a Visitor Information Center in this general vicinity will better serve visitors to Lubbock and provide a resource center for Lubbock citizens. Various locations were evaluated and it was determined that utilizing space within the existing Buddy Holly Center best meets the direction recommended by the study. In the summer of 2005, the Silent Wings Museum and the Buddy Holly Center were merged under one management team. This has allowed for the sharing of similar resources, which includes staff and equipment. The Silent Wings

Museum is fortunate to have a large space in which museum displays can be prepared for exhibition. These situations will allow for renovation of storage area and display preparation space at the Buddy Holly Center for the purpose of housing the Visitor Information Center. The items currently stored in these spaces will be relocated to the Silent Wings Museum and/or exterior storage buildings and preparation of displays will be conducted at the Silent Wings Museum. The Visitor Information Center will provide the latest information on attractions, events, shopping, lodging, etc. to visitors. It will also provide Internet access, weather information, and an opportunity for travelers to relax. As part of the Buddy Holly Center facility, the Visitor Information Center will provide the opportunity for visitors to experience fine art exhibits and memorabilia associated with Buddy Holly.

The City solicited a competitive sealed proposals process for this project. Following evaluation of the proposals, the evaluation committee recommended Pharr and Company of Lubbock, Texas as the contractor. The cost of the renovations is \$221,000.

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

Pharr and Company of Lubbock, Tx 94.7

Minnix Construction of Lubbock, Tx 85.5

Proposals were evaluated based on relevant company information and experience, 30%; personnel, 30%; and cost, 40%.

FISCAL IMPACT

A total of \$250,000 was appropriated with \$225,000 available from Hotel Occupancy Tax revenue for this project. An additional \$60,000 is requested in budget amendment #18.

Staff recommended contract award to Pharr and Company of Lubbock, Texas for \$221,000.

5.20. Contract Resolution - Parks and Recreation: Resolution No. 2006-R0251 awarding contract for fertilizer application for various parks, Cemetery, and Alex "Ty" Cooke LP&L Plant, BID # 06-039-MA.

This project involves two applications of fertilizer on various parks and properties, two applications on the Alex "Ty" Cooke LP&L plant, and one application on the City of Lubbock Cemetery during the 2006 season. The City of Lubbock Cemetery application will cover 160 acres and the LP&L plant application will cover 15 acres per application.

FISCAL IMPACT

Funding for two fertilizer applications for the Parks and Recreation Department will include \$70,928 funded from the Park Maintenance Operation Budget. Funding for one fertilizer application for the cemetery will include \$5,606 funded from the Cemetery Operation Budget. Funding for two

fertilizer applications for the Cooke LP&L Plant will include \$1,051 funded from funds allocated from the LP&L Operation Budget.

Staff recommended bid award to Kitten Fertilizer and Supply of Slaton, Texas for \$77,084.

- 5.21. Contract Resolution - City Attorney's Office: Consider a resolution extending a professional services contract with Don Vandiver, former First Assistant City Attorney, for “of counsel” legal services.**

This item was deleted.

- 5.22. Contract Resolution - City Manager's Office: Resolution No. 2006-R0252 authorizing the Mayor to approve a joint gas purchase contract between the City of Lubbock and Texas Municipal Gas Corporation II (TMGC II) and the City of La Grange for the purchase of natural gas for use in municipal buildings and facilities.**

This 20-year gas swap contract will allow the City of Lubbock to purchase gas for municipal building use from TMGC II at competitive market rates, and receive a discount on the price of gas. This contract is very similar to the current 20-year contract executed with TMGC I in 1998. The TMGC II contract supplements the TMGC I contract and provides more flexibility for gas acquisition and ensures a reliable gas supply for the term of the agreement. Execution of the TMGC II purchase contract by June 30, 2006 will “grandfather” the City of Lubbock as an “Other Charter Buyer”, which guarantees Lubbock the same priority allocation status as in TMGC I and increases Lubbock’s participation if any future rebates by TMGC II should rebates occur. It is anticipated that no more natural gas will be purchased by TMGC I, and current gas supplies will be exhausted by 2007. Executing an agreement with TMGC II will ensure an uninterrupted municipal gas supply and no changes in operation or delivery.

The discount received by the City of Lubbock under TMGC II is not guaranteed and may be reduced or discontinued in its entirety.

TMGC II does not actually deliver any gas physically to the City of Lubbock. Instead, an exchange occurs with other gas suppliers and the City of Lubbock is credited against those other suppliers with the amount of gas exchanged with TMGC.

Finally, it is arguable that this contract could be read as a full requirements gas contract. Representatives from TMGC have stated and continue to state that the contract is not a full requirements contract and that the City of Lubbock could change their nomination to zero but they have refused to change the language clarifying this issue.

FISCAL IMPACT

The City's municipal facilities' cost of gas is reduced.

Staff recommended approval of this resolution.

- 5.23. This item was moved from consent agenda to regular agenda and considered following Item 5.16.
- 5.24. This item was moved from consent agenda to regular agenda and considered following Item 5.23.
- 5.25. **Purchase Resolution - Fleet Services: Resolution No. 2006-R0253; Resolution No. 2006-R0254; Resolution No. 2006-R0255; Resolution No. 2006-R0256; Resolution No. 2006-R0257; Resolution No. 2006-R0258; Resolution No. 2006-R0259; Resolution No. 2006-R0260; Resolution No. 2006-R0261; Resolution No. 2006-R0262; Resolution No. 2006-R0263; for the purchase of heavy duty vehicles and equipment, BID # 06-016-MA.**

This bid is for the purchase of heavy duty vehicles and equipment for Solid Waste Disposal (1 right hand drive cab and chassis and 11 cab and chassis for trash compactor bodies); Street Department Unpaved Streets (1 motor grader and 2 bottom dump trailers); Solid Waste Landfill (1 water tanker truck, 1 cab and chassis for a dump body, 1 dump body, 1 slurry spray unit, 1 push-pull scraper, 1 rotary mower, and 1 utility vehicle); Water Utilities Pipeline Maintenance (4 crew cab and chassis and 3 tractor backhoes); Water Utilities Water Production (1 cab and chassis and 1 dump body); Water Utilities Water Reclamation (1 fifth-wheel tractor truck and 4 bottom dump trailers); and Street Department Street Cleaning (1 street sweeper and 1 utility trailer).

Bids from Robert's Truck Center for items 3 and 5 shown on the Bid Tabulation Analysis did not meet the maximum 32 foot turning radius specified by the Solid Waste Department. The cab and chassis from Robert's Truck Center has a 35 foot turning radius.

FISCAL IMPACT

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

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

Staff recommended bid award to American Equipment and Trailer of Lubbock, Texas for \$198,300; Bee Equipment Sales of Lubbock, Texas for \$99,330; Finishline Supply of Colleyville, Texas for \$39,139; Hall Manufacturing of Little Rock, Arkansas for \$12,800; J&B Trailers and Equipment of Lubbock, Texas for \$43,850; Jones Equipment & Turf of Fort Worth, Texas for \$12,179; Kinloch Equipment & Supply of Arlington, Texas for \$157,479; Lubbock Truck Sales of Lubbock, Texas for \$777,340; Roberts Truck Center of Lubbock, Texas for \$484,413; Scott Tractor & Equipment of Lubbock, Texas for \$215,850; and Warren Cat of Lubbock, Texas for \$946,152.

6. REGULAR AGENDA

5.15. Contract Amendment Resolution - Water Utilities: Consider a resolution authorizing the Mayor to execute a contract amendment with Malcolm Pirnie amending the Scope of Services for the Water and Sewer Rate Study.

The purpose of this amendment is to revise the scope of work to include recently completed financial plan and rate analysis, known as the RGA study. The new rates will be designed to obtain revenues sufficient to support the Utility's five-year financial plan while encouraging efficient water use or conservation. A scope of work has been provided describing the tasks involved in this rate update and project deliverables. The rate update will involve five meetings, one of which will be a formal presentation to the City Council.

FISCAL IMPACT

The current contract amount is \$151,875. The cost of the rate update will not exceed \$53,000; this includes travel, meals, and all expenses. This amendment will increase the contract amount by \$53,000 to complete the tasks outlined in the revised scope of work.

Staff recommended approval of this resolution.

Deputy City Manager Tom Adams and Chief Financial Officer Jeff Yates gave comments and answered questions from Council. After further discussion, consensus from Council was to refer this item back to the Water Commission for their input and recommendation, and then bring it back to Council.

No action was taken on this item.

5.7. Contract Resolution - Planning: Resolution No. 2006-R0264 authorizing the Mayor to sign a contract with property owners located north and east of 98th Street and Avenue P with regard to not being annexed for a ten year period.

The Council has approved the annexation (Item 5.8 on this agenda) on first reading. The staff recommended approval of annexing the entire area with the understanding that a portion north of 98th Street and east of Avenue P will be excluded from the proposed annexation if the residents successfully accomplished the creation of a contract allowed by state law, and presented the document with the signatures of all of the parties. The staff is researching the possibility of having the City Council approve the second reading, however that will not be effective until the completed document is presented for recording at the County Courthouse. At present, the opinion is that the document will be ready by June 6.

FISCAL IMPACT

No fiscal impact.

The staff recommended adoption of the annexation ordinance exclusive of the property north of 98th Street and east of Avenue P subject to a signed contract in hand or an acceptable alternative. Should neither be available, the staff recommended continuance to the second June Council meeting.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2006-R0264 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.8. Annexation Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0067 Consider an ordinance for annexation of an area located in the vicinity of 98th Street 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.

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.

The Planning Department staff recommended annexation of the entire area.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass on second and final reading Ordinance No. 2006-O0067 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.10. Amendment Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0069 Consider an ordinance 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

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.

Salle Abbe, Geographic Information Systems Manager, and City Manager Lee Ann Dumbauld gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Boren to pass on second and final reading Ordinance No. 2006-00069 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.16. Contract Amendment Resolution - Public Works Engineering: Resolution No. 2006-R0265 authorizing the Mayor to execute Amendment No. 2 to an agreement with HNTB Corporation for engineering services related to environmental documents for the Northwest Passage Project.

This engineering services agreement was originally for the advanced planning needed for the Northwest Passage project, including the environmental document. Items such as public participation, traffic studies, schematic preparation, historic site investigation, etc. are included in the preparation of the environmental document. The environmental document is required if there are state or federal funding that would be used on the project or if the project included any state or federal designated highways. The Northwest Passage project includes proposed improvements on Loop 289 and on 4th Street, both State designated roadways.

Amendment No. 1 extended the time of the Agreement for advanced planning services from October 11, 2005 to April 19, 2006, based on the anticipated timelines of receiving approval of the environmental document. Amendment No. 1 also authorized HNTB to perform detailed design work for Slide Road from Loop 289 north to Erskine, and for Erskine from Frankford east to Salem Avenue.

Amendment No. 2 extends the time of the agreement from April 18, 2006 to December 31, 2006. Amendment No. 1 had an expiration date of April 19, 2006.

The extension of time on this Agreement is necessary because the environmental document review has still not been completed by the Texas Department of Transportation and the Federal Highway Administration. A final public hearing will be scheduled once this final review is completed. Additional revisions may be required to the document following the public hearing as a result of the public input. Indications are that the public hearing may be ready to be scheduled during July or August of this year.

FISCAL IMPACT

No fiscal impact anticipated.

Staff recommended approval of this resolution.

Civil Engineer Keith Smith and City Manager Lee Ann Dumbauld gave comments and answered questions from Council. Council Member Gilbreath suggested this item be put on the next Transportation Policy meeting agenda to assist in expediting the process.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0265 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.23. Purchase Resolution - Parks and Recreation: Resolution No. 2006-R0266 authorizing the purchase of a lift station to serve the new restroom facility at Mackenzie Park Amphitheater.

One prepackaged sewer lift station is required to provide sewer service for the restrooms at the new Mackenzie Park Amphitheater. The lift station is scheduled to be installed prior to the grand opening scheduled for August 11, 2006.

The lift station will be purchased using a sole source justification to ensure Flygt brand pumps, controllers, and accessories are used and assembled into a system that meets the design specifications. The Flygt brand pumps and controllers are reliable and economical to maintain and have become the standard equipment that are specified and purchased for the lift stations maintained by the City's Water Department. Other brand pumps and controllers do not meet the City's mechanical and electrical maintenance requirements.

The lift station will contain two Flygt grinder pumps, an electrical control panel and a fiberglass wet well. Flygt sells their products through authorized dealers within protected territories. J&L Equipment from Plainview, Texas is the assigned authorized dealer for Lubbock. J&L Equipment will assemble the Flygt pumps and components within the fiberglass wet well to ensure a lift station that meets the design specifications.

FISCAL IMPACT

Wastewater will fund within appropriated budget.

Staff recommended purchase from J&L Equipment of Canyon, Texas for \$40,235.

Scott Snider, Director of Human Resources; Randy Truesdell, Director of Community Services; Wood Franklin, Interim Chief Engineer for Water Utilities; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2006-R0266 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.24. Purchase Resolution - Police: Resolution No. 2006-R0267 for the purchase of Lubbock Police Department motorcycles.

The Police Department has leased Harley-Davidson FLHPI, Road King Police motorcycles from the locale Harley-Davidson dealer for the past six years. These motorcycles must be taken out of service periodically for routine maintenance. Occasionally, they must be out of service for extended periods for extensive repair. During this time, officers assigned to these motorcycles are also out of service themselves or must use spare cars.

The Police Department has determined it will be more efficient to purchase two used motorcycles to use as spares. This will enable officers to stay in

service while their assigned motorcycles are in for repair. It is important that the spare motorcycles be the same make and model and be equipped the same as the leased motorcycles. This will allow standardization so that officers continue riding motorcycles that operate and respond identically to the motorcycles they ride daily. This will preclude any safety issues associated with changing from one make and model of motorcycle to another, unfamiliar, and make and model.

Wild West Harley-Davidson is the only regional Harley-Davidson motorcycle dealer and is the only vendor that can provide used motorcycles equipped and marked identically to the ones Lubbock Police motorcycles officers ride daily.

FISCAL IMPACT

A total of \$26,528 is available in account 5735.9220

Staff recommended purchase of used motorcycles from Wild West Harley-Davidson of Lubbock, Texas for \$26,528.

Council Member Boren recognized all public safety officers for the great job they do.

Motion was made by Council Member Boren, seconded by Council Member Jones to pass Resolution No. 2006-R0267 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.1. Board Appointments - City Secretary: Consider one appointment to North Overton Tax Increment Financing Reinvestment Zone Board of Directors, 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 Mayor Pro Tem Gilbreath to appoint Carolyn McDougal to the North Overton Tax Increment financing Reinvestment Zone Board of Directors. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Jones, seconded by Council Member Boren to appoint Tom Martin, John Leonard, III, and Jim Gilbreath to the Transportation Policy Committee of the Lubbock Metropolitan Planning Organization. Motion carried: 7 Ayes, 0 Nays.

Council Member Leonard nominated Mike McDougal, and Council Member Gilbreath nominated Dan Pope for the Lubbock Economic Development Alliance, Inc. Board and the Market Lubbock Inc. Board of Directors. Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to close the nominations. Motion carried: 7 Ayes, 0 Nays.

Votes were taken for each, as follows:

Mike McDougal – 4 Ayes (Council Members Price, DeLeon, Jones, and Leonard)

Dan Pope – 3 Ayes (Mayor Miller, Mayor Pro Tem Gilbreath, and Council Member Boren)

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to appoint Mike McDougal to the Lubbock Economic Development Alliance, Inc Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to appoint Mike McDougal to the Market Lubbock Inc. board of Directors. Motion carried: 7 Ayes, 0 Nays.

6.2. Funding Recommendation Resolutions - Community Development: Consider 31 resolutions on the Community Development and Services Board funding recommendations for the Community Development Block Grant, HOME Investment Partnership Program, and the Emergency Shelter Grant for FY 2006-07.

A Public Hearing was held on May 25, 2006, for consideration of the Community Development Service Board recommendations for the program funding of the FY 2006-07 Community Development Block Grant, Home Investment Partnership, Emergency Shelter Grant, and previously generated program income.

The U.S. Department of Housing and Urban Development has informed the City that it is eligible to receive a FY 2006-07 consolidated formula allocation. These funds, plus previously generated program income, bring the total available for allocation to \$4,091,568. This year the City received 38 applications for CDBG, HOME, and ESG 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 kept in mind the goals of the City Council and the Consolidated Plan priorities.

The recommendations of the Community Development Service Board for spending federal dollars have been published since May 7, 2006. The Public Hearing held on May 25, 2006 allowed citizens to directly participate by addressing the City Council with comments.

Consider approval of the proposal for the Lubbock Boys & Girls Clubs Summer Program and all related documents to the U.S. Department of Housing and Urban Development under the Community Development Block Grant (CDBG) Program. **Resolution No. 2006-R0268**

Consider approval of the proposal for the Citibus Paratransit Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0269**

Consider approval of the proposal for the City of Lubbock Parks Summer Satellite Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0270**

Consider approval of the proposal for the Communities in Schools Path to Expansion Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0271**

Consider approval of the proposal for the Work Source Child Care Assistance Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0272**

Council Member Boren recused himself on this proposal.

Consider approval of the proposal for the Young Women's Christian Association Child Care Services Program and the Young Women's Christian Association Challenger ED Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0273**

Consider approval of the proposal for the Family Promise Facility Rehab Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0274**

Consider approval of the proposal for the City of Lubbock Community Development Economic Development Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0275**

Consider approval of the proposal for the City of Lubbock Community Development Barrier Free Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0276**

Consider approval of the proposal for the City of Lubbock Community Development Emergency Repair Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0277**

Consider approval of the proposal for the City of Lubbock Community Development Housing Homeowner Exterior Energy Efficiency Loan Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0278**

Consider approval of the proposal for the City of Lubbock Codes Property Maintenance Inspection Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0279**

Consider approval of the proposal for the City of Lubbock Codes Substandard Structure Removal-Demolition Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Resolution No. 2006-R0280

Consider approval of the proposal for the City of Lubbock Parks Department Playground and ADA Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Resolution No. 2006-R0281

Consider approval of the proposal for the City of Lubbock Community Development Housing Delivery program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Resolution No. 2006-R0282

Consider approval of the proposal for the City Of Lubbock Community Development CDBG Administration program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program. **Resolution No. 2006-R0283**

Consider approval of the proposal for the Community Housing Resource Board Operations Program and the Community Housing Resource Board Lease/Purchase Program and all related documents to the U.S. Department of Housing and Urban Development under the Home Investment Partnerships Program. **Resolution No. 2006-R0284**

Consider approval of the proposal for the Habitat for Humanity Building Houses Program and all related documents to the U.S. Department of Housing and Urban Development under the Home Investment Partnerships Program.

Resolution No. 2006-R0285

Consider approval of the proposal for the City of Lubbock Community Development American Dream Down Payment Initiative Program and all related documents to the U.S. Department of Housing and Urban Development under the American Down Payment Dream Initiative Program.

Resolution No. 2006-R0286

Consider approval of the proposal for the City of Lubbock Community Development Housing New Construction Program and all related documents to the U.S. Department of Housing and Urban Development under the Home Investment Partnerships Program. **Resolution No. 2006-R0287**

Consider approval of the proposal for the City of Lubbock Community Development Housing Rehab/Reconstruction program and all related documents to the U.S. Department of Housing and Urban Development under the Home Investment Partnerships Program. **Resolution No. 2006-R0288**

Consider approval of the proposal for the City of Lubbock Community Development HOME Administration Program and all related documents to the U.S. Department of Housing and Urban Development under the Home Investment Partnerships Program. **Resolution No. 2006-R0289**

Consider approval of the proposal for the Alcohol Recovery Center Operations Program and all related documents to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program. **Resolution No. 2006-R0290**

Consider approval of the proposal for the BRIDGE Homeless Program and all related documents to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program. **Resolution No. 2006-R0291**

Consider approval of the proposal for the Family Promise Operations Program and all related documents to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program. **Resolution No. 2006-R0292**

Consider approval of the proposal for the Salvation Army Essential Services, Homeless Prevention, and Operations programs and all related documents to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program. **Resolution No. 2006-R0293**

Consider approval of the proposal for the Vandelia Church of Christ Homeless Prevention Program and all related documents to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program. **Resolution No. 2006-R0294**

Consider approval of the proposal for the Women's Protective Services Essential Services Program and all related documents to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program. **Resolution No. 2006-R0295**

Consider approval of the proposal for the City of Lubbock Community Development Emergency Shelter Grant Administration program and all related documents to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant (ESG) Program. **Resolution No. 2006-R0296**

Consider approval authorizing the attached changes to the Community Development Service Board 2006-07 funding recommendations. **Resolution No. 2006-R0297**

Consider a resolution authorizing the Mayor to sign all related documents for the 2006-07 CDBG, HOME, and ESG funding. **Resolution No. 2006-R0298.**

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 of all resolution.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2006-R0268 – 2006-R0271, and 2006-R0273 – 2006-R0298 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

On Resolution 2006-R0272 (Work Source Child Care Assistance), motion carried: 6 Ayes, 0 Nays. Council Member Boren recused himself.

6.3. Budget Ordinance 1st Reading - Finance: Ordinance No. 2006-O0071 amendment #18 amending the FY 2005-06 budget respecting the Storm Water Fund; Capital Improvement Program; Master Lease Program; Grant Fund and Hotel/Motel Tax Fund.

1. Establish a new capital improvement project and appropriate \$234,500 of Storm Water Fund fund balance for irrigation improvements at Elmore Park. The improvements include the addition of irrigation and turf down to the water's edge, rebuilding the drain inlets on the west side of the lake, and re-grading soil to rehabilitate the damage caused by storm water drainage issues.
2. Transfer the appropriated funds of \$65,000 from Project #90092 - "Frankford from 82nd to 98th" to Project #9618 - "98th Street from University to Indiana". The City is required to pay 20% of engineering and construction costs incurred by TxDOT on the 98th Street project. The final costs on the project were \$342,160 over TxDOT's original estimates, which resulted in an increased cost to the City of \$68,432 (20% of \$342,160). Funds remaining in the 98th Street project of \$59,892 plus the \$65,000 from this request transfer will provide the needed funding to pay TxDOT the remaining amount due on this project.
3. Amend the capital improvement project titled "Municipal Building Generator Installation" by increasing the budget from \$372,000 to \$400,000 due to design and engineering costs related to the installation of the unit. The project will be funded from the City's Master Lease Program.
4. Accept and appropriate an additional \$235,562 of grant funds from the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program to assist low-income households with energy bills and to repair and/or replace inefficient heating/cooling systems, water heaters, and refrigerators. On January 26, 2006, the City Council accepted and appropriated \$600,000 for this purpose. The City received word in May that additional funds for this grant have been awarded. No matching funds are required.
5. Accept and appropriate a \$95,537 grant from the Texas Department of Housing and Community Affairs for the DOE/EXXON Weatherization Assistance Program (WAP), an energy conservation program. The grant will fund programs to assist low-income persons and families with energy conservation and energy efficiency. No matching funds are required.

6. Accept and appropriate a \$151,186 grant from the Texas Department of Housing and Community Affairs for the LIHEAP Weatherization Assistance Program (WAP), an energy conservation program. The grant will fund programs to assist low-income persons and families with energy conservation and energy efficiency. No matching funds are required.
7. Amend the capital improvement project titled "Visitor's Information Center" by increasing the budget from \$250,000 to \$310,000 due to increased construction costs. The increase in project costs will be funded from \$30,000 of existing Hotel/Motel Taxes allocated for this purpose and \$30,000 of remaining fund balance in the Hotel/Motel Tax Fund.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the first reading of this ordinance.

Jeff Yates, Chief Financial Officer; Randy Truesdell, Director of Community Services; Victor Kilman, Director of General Services; and, Wood Franklin, Interim Chief Engineer for Water Utilities, gave comments and answered questions from Council. Council Member Leonard requested a time schedule on the new wells that are to be drilled. There was consensus from Council to have staff provide a time schedule.

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-00071 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

10:42 A. M. COUNCIL RECESSED TO EXECUTIVE SESSION

1:57 P. M. COUNCIL ADJOURNED

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