

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
October 13, 2006  
7:30 A. M.**

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

**7:35 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**

**1.1. Norma Jean Morris will appear to discuss particular tactics by the law enforcement community plus certain experiences having lived in Lubbock.**

Ms. Morris addressed Council concerning issues pertaining to certain tactics by the law enforcement community. She also shared some experiences she has had since she has lived in Lubbock.

- Representatives from various healthcare administrators addressed Council regarding their proposal for the City of Lubbock's Health Plan. They were: Cannon Allen, FirstCare; John Farnsley, HealthSmart; Renee Grimes, American Administrative Group; and Neil Horn, Blue Cross-Blue Shield.
- Scott Stephenson addressed Council regarding the noise ordinance. He asked if Council would consider this ordinance as "first-read" again, since there have been minor changes to the wording. City Attorney Anita Burgess gave comments, and Mayor Miller asked Mr. Stephenson to meet with Ms. Burgess to try to get answers to his questions.

**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; appointments to the Reese Redevelopment Authority Board of Directors; and competitive matters of the public power utility, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."**

**7:54 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 (Finance, 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 (Right of Way, Visitors Center).
- 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, Municipal Court Judge) 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 appointments to the Reese Redevelopment Authority Board of Directors.
- 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.

**9:43 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 9:43 a. m.

**3. PROCLAMATIONS AND PRESENTATIONS**

**3.1. Invocation by Pastor Tom Lakey, First Assembly of God.**

**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 recognizing the Lubbock Apartment Association for their work on the Share the Warmth Coat Drive.**

Council Member Leonard presented special recognition to the Lubbock Apartment Association for their dedication and work on the Share the Warmth Coat Drive. Mr. Leonard invited Jeff Lowrey, Lucy Eade, Angela Taylor, other members of the Lubbock Apartment Association, and other partners that were present in the audience to accept this special recognition. Mr. Lowrey gave comments.

**3.4. This item was considered following Item 3.6.**

**3.5. Presentation of a special recognition recognizing Chamber of Commerce Week in Texas, October 16-20, 2006.**

Mayor Miller presented special recognition for Chamber of Commerce Week in Texas, which is the week of October 16-20, 2006. Joining the Mayor were Eddie McBride, CEO, and Steve Verrett, Chairman of the Board, of the Lubbock Chamber of Commerce. Mr. Verrett gave comments.

**3.6. Special recognition commemorating October 15-23, 2006, as YWCA Week without Violence.**

Mayor Miller presented special recognition to commemorate October 15-23, 2006 as YWCA Week without Violence, which is a public awareness campaign. Claudia Griffin, President of the YWCA Board of Directors, was present to accept this recognition. Ms. Griffin gave comments.

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

**3.4. Presentation of the Heart and Stroke Healthy City Recognition Award to the City of Lubbock by Dr. Thomas E. Tenner, Jr., Vice Chair, Texas Council on Cardiovascular Disease and Stroke.**

Dr. Thomas E. Tenner, Jr., Vice-Chair of the Texas Council on Cardiovascular Disease and Stroke, presented the Heart and Stroke Healthy City Recognition Award to the City of Lubbock. Tommy Camden and Chris Rogers of the Lubbock Health Department joined Mayor Miller in accepting this presentation.

**3.7. Board Appointment Recognition:**

**Gary Loden - Urban Design/Historic Preservation Commission**  
(unable to attend)

**4. MINUTES**

**4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, September 13, 2006**

Motion was made by Council Member Price, seconded by Council Member Jones to approve the minutes of the Regular City Council Meeting of September 13, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5. CONSENT AGENDA was considered following Item 6.4.**

**6. REGULAR AGENDA**

**6.1. This item was considered following Item 5.39.**

**6.2-6.4. These items were considered following Item 6.13.**

**6.5-6.6. These items were considered following Item 6.1.**

**6.7. This item was considered following Item 6.6 and reconsidered following Item 6.11.**

**6.8-6.11. These items were considered following Item 6.6.**

**6.12. Pass-Through Financing Application Resolution - Finance: Resolution No. 2006-R0473 authorizing the Mayor to execute a Pass-Through Financing Application with the Texas Department of Transportation.**

Pass-Through Financing is a TxDOT program enabled by House Bill 3588 and is a new financing tool the state created to allow local communities to fund upfront costs for building a state highway project. The state partially reimburses the community over time by paying a fee for each vehicle that drives on the new highway.

This option enables local communities to get transportation projects financed and built more quickly than traditional state programs allow. TxDOT can develop these types of agreements with a regional mobility authority, regional toll way authority, county, city, public, or private entity. The benefit is that the community receives money back from the state as travelers use the new project. If traffic is high, the state will repay at a faster rate. If traffic is lower than projected, repayment will occur over a longer period. Either way, the state still pays for a portion of the project. The community and state will work out the payment arrangements based on the balance of highway usage and bond money used to construct the project.

Benefits of this program include:

- a) Pass-Through Financing speeds up transportation project construction by allowing local communities to fund their own projects, knowing they will be partially reimbursed by TxDOT.
- b) Reimbursements are made based on use of the project. However, if traffic volume is less than projected, the term of the agreement will be extended until reimbursement is made.

- c) Reimbursements can be made for more than the current project estimate if TxDOT determines that there will be a financial benefit to the state by building a project sooner.
- d) If a project comes in under budget, the project developer (in this case, the City) is not required to repay TxDOT the difference between the actual costs and the amount of the designated agreement.

The City is making application to TxDOT for Pass-Through Financing for the state highway system portion of the Northwest Passage. The specific projects that are eligible for the Pass-Through Financing are comprised of the following:

- I. Widen Loop 289 to six lanes from Frankford Avenue to U.S. 84. Lanes will be 12 feet in width and will be divided by a concrete traffic barrier. The project will also include the addition of entrance and exit ramps as well as modification to the existing ramps to better accommodate traffic patterns.
- II. Widen 4th Street (FM 2255) Loop 289 from four lanes to six lanes with left turn lanes, continuing that section on both sides of Loop 289. The project includes the construction of a new bridge on Loop 289 to accommodate the additional lanes.
- III. Construct a new grade separated interchange that will allow Erskine Street to pass under Loop 289 and the traffic patterns in this area to be improved with additional modifications.

This application will formally allow the City to request partial reimbursement from TxDOT upon completion of the proposed on-system Northwest Passage Roadway improvements. Approval will allow the application to be placed on the agenda at either the November or December State Traffic Commission Meetings. If the application is approved, the next step is negotiation. This will take place over a series of meetings with TxDOT's Transportation Commission. The process from application submission through negotiation and final approval typically takes around six months.

#### **FISCAL IMPACT**

The current estimated cost of completing the eligible on-system improvements is approximately \$90 million. This figure includes construction, engineering, construction supervision, and right-of-way costs. All costs are eligible for reimbursement with the exception of right-of-way.

Staff recommends approval of this resolution.

Tom Martin, Vice-Chair of the Metropolitan Planning Organization; Randy Hopmann, Lubbock District Engineer with Texas Department of Transportation (TxDOT); and Jeff Yates, Chief Financial Officer, 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-R0473 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.13. Pass-Through Financing Letter of Support Resolution - Finance: Resolution No. 2006-R0474 authorizing the Mayor to execute a letter of support for a Pass-Through Financing Application with the Texas Department of Transportation.**

Pass-Through Financing is a TxDOT program enabled by House Bill 3588 to allow local communities to fund upfront costs for building a state highway project. The state then partially reimburses the community over time by paying a fee for each vehicle that drives on the new highway.

This option enables local communities to get transportation projects financed and built more quickly than traditional state programs could accomplish. TxDOT can develop these types of agreements with a regional mobility authority, regional toll way authority, county, city, public or private entity. The benefit is that the community receives money back from the state as travelers use the new project. If traffic is high, the state will repay at a faster rate. If traffic is lower than projected, repayment will occur over a longer period. Either way, the state still pays for a portion of the project. The community and state will work out the payment arrangements based on the balance of highway usage and bond money used to construct the project.

Benefits of this program include:

- a) Pass-Through Financing speeds up transportation project construction by allowing local communities to fund their own projects, knowing they will be partially reimbursed by TxDOT.
- b) Reimbursements are made based on use of the project. However, if traffic volume is less than projected, the term of the agreement will be extended until reimbursement is made.
- c) Reimbursements can be for more than the current project estimate if TxDOT determines that there will be a financial benefit to the state by building a project sooner.
- d) If a project comes in under budget, the project developer is not required to repay TxDOT the difference between the actual costs and the amount of the designated agreement.

The City is making application to TxDOT for Pass-Through Financing for the state highway system portion of the Northwest Passage. The specific projects that are eligible for the Pass-Through Financing are comprised of the following:

- I. Widen Loop 289 to six lanes from Frankford Avenue to U.S. 84. Lanes will be 12 feet in width and will be divided by a concrete traffic barrier. The project will also include the addition of entrance and exit ramps as

well as modification to the existing ramps to better accommodate traffic patterns.

- II. Widen 4th Street (FM 2255) Loop 289 from four lanes to six lanes with left turn lanes, continuing that section on both sides of Loop 289. The project includes the construction of a new bridge on Loop 289 to accommodate the additional lanes.
- III. Construct a new grade separated interchange that will allow Erskine Street to pass under Loop 289 and the traffic patterns in this area to be improved with additional modifications.

This letter will demonstrate support from the Mayor and City Council for the filing of a Pass-Through Financing Application with the Texas Department of Transportation (TxDOT). If the application is approved, the City and the State will then enter into discussion and negotiation for reimbursement of the project costs from TxDOT for the projects listed above.

#### **FISCAL IMPACT**

The current estimated cost of completing the eligible on-system improvements is approximately \$90 million. This figure includes construction, engineering, construction supervision, and right-of-way costs. All costs are eligible for reimbursement with the exception of right-of-way.

Staff recommends approval of this resolution.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2006-R0474 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.2. Public Hearing 10:00 a.m. - Planning: Conduct a public hearing on the annexation of land described generally as located from one-half mile south of 98th Street, east of Avenue P, to approximately 500 feet east of the Tahoka Highway, two sides of which are adjacent to the existing corporate limits of the City of Lubbock, Texas.**

Mayor Miller opened the public hearing at 10:18 a. m. No one spoke in favor of the annexation. No one spoke in opposition. Mayor Miller closed the hearing at 10:18 a. m.

City Council previously instructed the Planning Department to initiate the process of annexation of an area adjacent to 98th Street and east of Avenue P, to include the area commonly known as “the strip”. A map, service plan and a paper created by the Planning Department with reference to general questions and answers regarding annexation were provided to Council.

#### **FISCAL IMPACT**

No capital expense is recommended in proposed service plan because the area fits the definition in State law allowing annexation to provide services “as in like areas” of the rest of the city. Operational expenses (soft services – police,

fire, etc.) will be absorbed by various departments within current operating budgets.

Staff recommends annexation of the entire area noted as Exhibit A within the proposed service plan.

**6.3. Public Hearing 10:15 a.m. - Business Development: Conduct a public hearing to receive input concerning the adoption of an ordinance to designate a reinvestment zone located north of FM 1294 and east of Interstate 27 to facilitate the transfer of the 301 acre tract of land north of Lubbock Preston Smith International Airport to the Lubbock Economic Development Alliance (LEDA) to assist LEDA in obtaining and developing marketable sites in Lubbock for industrial businesses.**

Mayor Miller opened the public hearing at 10:19 a.m. Cheryl Brock, Business Research Specialist, gave a presentation on the designation of the reinvestment zone. No one spoke in favor of the ordinance. No one spoke in opposition. Mayor Miller closed the hearing at 10:22 a.m.

The City has been approached by the Lubbock Economic Development Alliance (LEDA) to assist them in obtaining and developing marketable sites in Lubbock for industrial businesses. LEDA has asked that the 301 acre tract of land and located north of Lubbock Preston Smith International Airport, owned by the City, be sold to LEDA for development into industrial sites.

In order for the City to assist LEDA, it has been determined that a reinvestment zone will need to be created at the site in order to facilitate the transfer of the land. The first step in the process to create a reinvestment zone is to hold a public hearing to discuss the issue.

As required by Chapter 312 of the Tax Code, Section 312.201 (d) a public hearing is being held to discuss the designation of the LIA North Reinvestment Zone. A governing body may not adopt an ordinance designating an area as a reinvestment zone until after a public hearing has been held and after the governing body has determined that the improvements sought are feasible and practical and will be a benefit to the land and the municipality included in the zone. At the public hearing, interested persons are entitled to speak and present evidence for or against the designation.

**FISCAL IMPACT**

The creation of a reinvestment zone does not have a fiscal impact.

**6.4. Reinvestment Zone Ordinance 1st Reading - Business Development: Ordinance No. 2006-O0108 designating a reinvestment zone within the City of Lubbock as authorized by Chapter 312, Tax Code; describing the boundaries of said zone; describing the eligibility of said zone for commercial-industrial tax abatement; providing a saving clause and providing for publication.**

The City has been approached by the Lubbock Economic Development Alliance (LEDA) to assist them in obtaining and developing marketable sites

in Lubbock for industrial businesses. LEDA has asked that the 301 acre tract of land and located north of Lubbock Preston Smith International Airport owned by the City be sold to LEDA for development into industrial sites.

In order for the City to assist LEDA, it has been determined that a reinvestment zone will need to be created at the site in order to facilitate the transfer of the land. The first step in the process to create a reinvestment zone is to hold a public hearing to discuss the issue. Once the public hearing has been held and it is determined that the improvements are feasible and practical and will benefit the land, the next step involves adopting an ordinance designating the LIA North Reinvestment Zone.

#### **FISCAL IMPACT**

The creation of a reinvestment zone does not have a fiscal impact.

Staff recommends approval of the first reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-O0108 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Boren was away from the dais.

#### **5. CONSENT AGENDA (Items 5.1, 5.5-5.9, 5.11-5.12, 5.15-5.25, 5.27-5.34, 5.40)**

Motion was made by Council Member Leonard, seconded by Council Member Price to approve Items 5.1, 5.5-5.9, 5.11-5.12, 5.15-5.25, 5.27-5.34, and 5.40 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

##### **5.1. Repeal of Ordinance 2nd Reading - City Manager's Office: Ordinance No. 2006-O0102 Consider an ordinance amending Chapter 2 of the Code of Ordinances by repealing Section 2-259(d) and Ordinance 9965 regarding in-kind services for special and community events.**

At the January 9, 1997, City Council meeting, City Council approved Ordinance 9965, which amended Chapter 2 of the Code of Ordinances of the City of Lubbock expanding the duties of the Parks and Recreation Advisory Board to include review of requests for in-kind services for special community events. The Special Events Policy was developed to track special event support and to monitor the increase of requests received from non-profit organizations for special events. The policy allocates up to \$200,000 annually for in-kind services and 90%, or \$180,000 is earmarked for existing events, while the remaining 10%, or \$20,000 is targeted for new events.

This ordinance amendment reassigns the duties of making recommendations on in-kind services from the Parks and Recreation Board to the City Manager and staff of the department providing the in-kind services. The new policy regarding in-kind services is provided.

#### **FISCAL IMPACT**

In-kind services will be provided within the existing budget authority.

The total dollar amount of in-kind services provided annually to special and community event organizers will be determined by executive management and departments providing services and will be reported to City Council monthly by the City Manager.

Staff recommends approval of the second reading of this ordinance.

**5.2.-5.4. These items were moved from consent agenda to regular agenda and considered following Item 5.40.**

**5.5. Zone Case No. 2926-C (east of Savannah and South of 99th Street) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0105 Consider request of Ken Flagg (for Lakeridge Estates) for a zoning change from C-2 and R-1 Specific Use to R-1 Specific Use for Garden Homes on proposed Lots 148-158, 163-193 and R-1 Specific Use for reduced setbacks on proposed Lots 212-222, Lakeridge Estates Addition, and to consider ordinance.**

The applicant is requesting an adjustment zone case for an area now finalized by the design and platting process to allow garden home development in one section and the now favored setbacks on standard single family in the other section.

Adjacent land uses:

- N – commercial
- S – residential
- E – residential
- W – residential

The request is split into two parts, one area will be garden homes with reduced setback on corner lots and cul de sac lots, and the second area will be traditional homes with a reduced front setback along the streets and on the cul de sac, as well as the side set back for the corner lots.

As residential, the request does not rise to the level of a Comprehensive Land Use Plan discussion. The request is consistent with zoning policies. The project will have no more than the expected impact on the thoroughfare system.

The Planning Commission recommends the request with the following conditions:

1. In the Garden Home section, the minimum front setback for cul de sac lots shall be five feet, with the exception that any home with a front entry garage shall provide a 20-foot setback for the garage portion.
2. In the Garden Home section the minimum side setback on corner lots shall be five feet.

3. In the traditional residential section along 101st Street, the minimum front setback for cul de sac lots shall be five feet, with the exception that any home with a front entry garage shall provide a 20-foot setback for the garage portion.
4. In the traditional home section the minimum side setback on corner lots shall be five feet.

#### **FISCAL IMPACT**

No fiscal impact is anticipated.

The staff supports the recommendation of the Planning Commission.

- 5.6. Zone Case No. 3068 (3618 and 3620 34th Street) Ordinance 2nd Reading - Planning: Ordinance No. 2006-00106 Consider request of Allen D. Scott, Jr. (for Paint Doctor, Inc.) for a zoning change from C-2 to C-4 limited to auto repair and muffler shop and all unconditionally permitted C-3 uses on Lots 8 and 9, Block 3, Taylor Heights Addition, and to consider ordinance.**

The applicant previously leased the former service station to a dent removal shop as a nonconforming building (the property is zoned C-2 and service stations currently require C-3). Prior to 1975 when the station was built, service stations were a permitted use in C-2, thus the nonconforming status became effective with the adoption of the current model of the zoning code in 1975.

Mr. Scott recently leased to a tenant that has rehabilitated the property and installed a minor auto repair and muffler shop. Both Mr. Scott and the tenant made the assumption that the former use as a service station would meet the test for the new use. The fact that these two uses are a C-4 permitted use was not understood by Mr. Scott. Mr. Scott is now requesting rezoning that will accommodate only the minor auto repair and muffler business and exclude the balance of C-4 uses, to allow one C-3 use for paintless dent repair (should he relocate from his current 34th and Slide location), and for the parcel to revert to C-2 uses if either or both C-4/C-3 operations are abandoned.

Adjacent land uses:

- N – residential
- S – commercial
- E – commercial (C-2 zoned)
- W – commercial (C-2 zoned)

The request is slightly in conflict with the policy within the Comprehensive Land Use Plan that recommends C-4 as heavy commercial on streets that are designated as a regional or state highway. 34th Street has no such designation. However, the applicant is requesting only two uses from the C-4 District and one from C-3.

The practical aspect of this request versus the theoretical creates the decision making dilemma. The business is in a location where the current use as auto

repair and muffler repair was legal when the building was constructed. As noted, the service station use became non-conforming when the 1975 Zoning Code was adopted, and if the building had been an auto repair as many other locations close to this facility remain, it would be also legal nonconforming.

Mr. Scott (tenant) has cleaned the property and has attempted to create a viable use. Many nonconforming auto related uses exist along 34th Street for the reason noted above (being built pre-1975). Thus, the decision making process is confronted with either accommodating a viable business that has significantly cleaned up the property or maintain the goal of the street eventually becoming a C-2 conforming strip of businesses and probably have a vacant structure – many of which are becoming more evident on 34th Street west of Avenue Q.

The project will have no effect on the thoroughfare system.

With the request limited to the two C-4 uses, one C-3 use, and a drop back to C-2 if the land is not used for any of the three noted uses, staff is of the opinion that the practical argument trumps the theoretical argument.

The Planning Commission recommends the request with the following conditions:

1. As C-4, the parcels are limited to a minor auto repair (no body work and no paint booth) and muffler repair shop.
2. The property may be used as one permitted C-3 use, paintless dent removal.
3. Should the uses noted in #1 and #2 be discontinued, the permitted uses on the parcels shall conform to C-2 permitted uses.

#### **FISCAL IMPACT**

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

- 5.7. Ordinance Amendment 2nd Reading - Planning: Ordinance No. 2006-00107 Consider amendment of Section 29-3 (105L.1) “sign, primary identification” of the City of Lubbock Code of Ordinances to amend the percentage of a sign that must be dedicated to primary identification of a shopping center, and to consider an ordinance.**

This is a request to change the definition of a primary identification sign to allow more sign area for the individual tenants and less required identification of the shopping center.

The original 1977 sign ordinance required that all freestanding signs identify only the primary shopping center and did not allow for individual tenants to be placed on the freestanding sign.

In 1987 the definition of a “primary identification sign” was added to the code allowing up to 50% of the freestanding sign to be tenant panels and 50% for identification of the center.

This request is to modify that 1987 definition to allow up to 75% of a primary identification sign to be dedicated to the tenants. The code will be amended as follows:

Section 29-3(1051.1) Sign, primary identification: Any sign identifying the name of a shopping center or group of commercial buildings. Such signs shall commit a minimum of 25 percent of the allowable area to the primary identification while the remainder may identify businesses within the shopping center or group of commercial buildings.

In smaller shopping centers with three to five tenants, this change will benefit individual businesses by affording them more exposure on the freestanding sign. In some larger shopping centers where only the largest tenants are allowed by the property owner on the freestanding sign, the small businesses that depend on the shopping center name to identify their location may not be added on the sign, but that process is a landlord/tenant negotiation. The City does not interfere with those negotiations.

This change will also allow the percentage allowed for reader boards, menu boards, and electronic message signs to increase from 50 percent to 75 percent.

After careful consideration, staff supports the request.

#### **FISCAL IMPACT**

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

**5.8. Property Donation Resolution - Business Development: Resolution No. 2006-R0475 accepting the donation of the following properties from H and T Corporation: All of Lots One (1), Two (2), Three (3), Four (4) and Five (5), Block 11, Overton Addition to the City of Lubbock, Lubbock County, Texas, located at 1210 Ave. Q.**

Margaret Talkington desires to donate: All of Lots One (1), Two (2), Three (3), Four (4) and Five (5), Block 11, Overton Addition to the City of Lubbock, Lubbock County, Texas. The properties are currently owned by H & T Corporation. Building Inspection was completed February 2, 2006, with a report of fair-to-good. Environmental inspections were completed March 8, 2006, including soil and groundwater, with negative results for chemicals of concern. The properties are assessed at \$425,404.

**FISCAL IMPACT**

Expense of \$4,705 for environmental inspections, \$2,982 for closing costs and title policy, and approximately \$2,000 per year for building maintenance. There is no fiscal impact for building inspections other than staff time.

Staff recommends acceptance of this property.

**5.9. Right-of-Way Resolution - Right-of-Way: Resolution No. 2006-R0476 authorizing the Mayor to execute a Quitclaim Deed in favor of Windall Taylor and Lynda Taylor for an excess portion of Indiana Avenue right-of-way located at 3402 49th Street.**

This resolution authorizes the Mayor to convey a 37.86-foot wide by 108.33-foot long strip of excess Indiana Avenue right-of-way to the adjacent property owner Windall Taylor and wife Lynda Taylor. The City is selling this 37.86 front foot wide strip of Indiana Avenue right-of-way to the Taylor's for \$5.00 per front foot (City Council approved sales price), or \$189.

**FISCAL IMPACT**

Revenue of \$189 will be deposited into the General Fund.

Staff recommends approval of this resolution.

**5.10. This item was moved from consent agenda to regular agenda and considered following Item 5.4.**

**5.11. Contract Resolution - Water Utilities: Resolution No. 2006-R0477 authorizing the Mayor to execute Assistance Agreement No. #XP-96629501-0 with the United States Environmental Protection Agency for Federal Assistance for the Canyon Lake System Reuse Project.**

The City of Lubbock has developed a long range water supply plan. The top three alternatives in that plan for major water supplies include: (1) Lake Alan Henry, (2) a second pipeline for groundwater through CRMWA, and (3) use of developed waters.

The preliminary engineering for the Lake Alan Henry project was recently approved by the Lubbock Water Advisory Commission and the Lubbock City Council. CRMWA is now initiating a planning effort for its member cities. The Canyon Lake System Reuse Project will consider opportunities to use developed waters. Developed waters are those waters that do not occur naturally in the stream. In this case, the stream is the North Fork of the Double Mountain Fork of the Brazos River.

These developed waters originate from the following sources in order of volume of production: (1) wastewater effluent discharged into the stream, (2) storm water captured and transported through an extensive drainage system, and (3) groundwater pumped to the head of the Canyon Lake System from the Lubbock Land Application Site. As these sources are developed and discharged into the North Fork, the question becomes how to best make use of these waters.

One of the first steps is to permit the water. The City has three water right permits pending that will help secure the City's ability to use the water for beneficial purposes.

The project proposed with federal assistance through the EPA will help complete studies on quality modeling for the developed waters and will ensure the usability of the water after it has had time to naturalize in the Lake System. The Project will also allow the City to take the first step of constructing pipe system connections, and improvements to enable the discharge of wastewater effluent into the Canyon Lake system.

The project will also look at proposed storage and diversion locations and will provide water quality modeling information that will be helpful in understanding the benefits and challenges of using developed water. The Canyon Lake System, for purposes of the grant application, includes all of the existing lakes and lake options on the north and south forks. It is not limited to the lakes within Lubbock. The sites could include the Jim Bertram Lakes, Lakes #7 and #8, Post Reservoir, or the Lake Alan Henry Scalping Operation.

#### **FISCAL IMPACT**

The federal assistance grant is for \$769,800 and requires a 45% match of \$629,837. \$650,000 was appropriated in City funds for the project. The additional amount will help pay for grant administration and reporting services. A capital project has been set up in the total amount of \$1,419,800 which includes both grant and City funds.

On March 30, 2005, the City was notified that funding had been approved by the EPA for water planning purposes. On March 23, 2006, funding for the grant match was included in the Tax & Waterworks System Surplus Revenue Certificates of Obligation, Series 2006 that was presented and approved by City Council. On May 25, 2006, City Council approved an application for the use of the grant and this was sent to the EPA for their approval. On August 18, 2006, the City received notice that the application for the use of the funds on the Canyon Lake Reuse Project was approved. Council finalized budget approval for the grant and the match at their regular meeting on September 28, 2006. The Water Commission considered the grant application for approval at their May 26th meeting.

Staff recommends approval and supports the recommendation from the Lubbock Water Advisory Commission.

- 5.12. Contract Resolution - Fire: Resolution No. 2006-R0478 authorizing the Mayor to execute a contract with Minnix Construction for the construction of a hazardous materials equipment storage facility at Fire Station 4, 2504 Cornell, Lubbock, Texas, RFP 06-708-DD.**

This project involves the installation of a concrete pad and a pre-engineered 1,500 square foot metal storage facility located on the secured property of Fire Station 4 at 2504 Cornell in the northwest corner section of the lot.

This facility is needed to store hazardous material equipment acquired from Homeland Security and other related grants. Many of the equipment items are weather sensitive and need to be stored in an enclosed and secure environment. At this time, the department does not have sufficient space to stock such equipment. As additional equipment is acquired in future years, a centralized storage facility is necessary to preserve this equipment.

Time for completion is 120 calendar days and liquidated damages are \$250 per day. Forty local contractors were notified of this bid.

**FISCAL IMPACT**

A total of \$100,000 was appropriated with \$91,600 available in Capital Improvement Project 91044, Hazmat Storage - Station #4.

Staff recommends contract award to Minnix Construction of Lubbock, Texas for \$86,231.

**5.13.-5.14. These items were moved from consent agenda to regular agenda and considered following Item 5.10.**

**5.15. Contract Resolution - Community Development: Resolution No. 2006-R0479 authorizing the Mayor to execute a contract with the United States Department of Housing and Urban Development for the Community Development Block Grant for public service activities, non-public service activities, housing direct delivery, and administration.**

This is a renewal contract for the Community Development Block Grant from United States Department of Housing and Urban Development.

The funds will be used for Public Service Activities, Non-Public Service Activities, Housing Direct Delivery, and Administration.

City Council approved the use of these funds at the regularly scheduled meeting on June 6, 2006.

**FISCAL IMPACT**

There is no fiscal impact to the General Fund. The funds are from the United States Department of Housing and Urban Development. The maximum to be allocated to this grant is \$2,370,340.

Staff recommends approval of this resolution.

**5.16. Contract Resolution - Community Development: Resolution No. 2006-R0480 authorizing the Mayor to execute a contract with the United States Department of Housing and Urban Development for the Emergency Shelter Grant for shelter operations, homeless prevention, essential services, and administration.**

This is a renewal contract for the Emergency Shelter Grant from the United States Department of Housing and Urban Development.

The funds will be used for shelter operations, homeless prevention, essential services, and administration.

City Council approved the use of these funds at the regularly scheduled meeting on June 6, 2006.

**FISCAL IMPACT**

There is no fiscal impact to the General Fund. The funds are from the United States Department of Housing and Urban Development. The maximum to be allocated to this grant is \$101,458.

Staff recommends approval of this resolution.

**5.17. Contract Resolution - Community Development: Resolution No. 2006-R0481 authorizing the Mayor to execute a contract with the United States Department of Housing and Urban Development for the Home Investment Partnerships Grant.**

This is a renewal contract for the Home Investment Partnerships Grant from U. S. Department of Housing and Urban Development.

The funds will be used for operations, lease purchase, new construction, rehab/recon, direct delivery and administration.

The City Council approved the use of these funds at the regularly scheduled meeting on June 6, 2006.

**FISCAL IMPACT**

There is no fiscal impact to the General Fund. The funds are from the U. S. Department of Housing and Urban Development. The maximum to be allocated to this grant is \$1,203,385.

Staff recommends approval of this resolution.

**5.18. Contract Resolution - Community Development: Resolution No. 2006-R0482 authorizing the Mayor to execute a contract with the South Plains Community Action Association for the renovations of their building located at 1611 Avenue M.**

Grantee: South Plains Community Action Association

Program: Shapes Head Start Renovation Project

Funding Source: 2005-06 Community Development Block Grant

Use of Funds: The funds for this program will be used to renovate the Shapes location at 1611 Avenue M.

Amount: \$60,000

Match: 25%

Return of Investment: 25% of the total amount used

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this contract was approved by City Council at their regularly scheduled meeting held on June 23, 2005.

**FISCAL IMPACT**

Federal funds will be used from the Community Development Block Grant. The maximum to be allocated to this project is \$60,000.

Staff recommends approval of this resolution.

- 5.19. Contract Resolution - Community Development: Resolution No. 2006-R0483 authorizing the Mayor to execute a contract with the Lubbock Boys and Girls Clubs to fund the Youth Summer Program to allow income eligible youth to participate in summer camps providing safe supervised activities at two boys and girls club branches (Optimist, Phea).**

Grantee: Lubbock Boys and Girls Clubs

Program: Summer Day Camps

Funding Source: 2006-07 Community Development Block Grant

Use of Funds: The funds for this program will be used to allow income eligible youth to participate in summer camps providing safe supervised activities at two boys and girls club branches (Optimist, Phea).

Amount: \$16,520

Match: 25%

Return of Investment: Not required for Community Development Public Service.

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this contract was approved by City Council at the June 6, 2006 City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Community Development Block Grant. The maximum to be allocated to this project is \$16,520.

Staff recommends approval of this resolution.

- 5.20. Contract Resolution - Community Development: Resolution No. 2006-R0484 authorizing the Mayor to execute a contract with McDonald Transit Associates, Inc. d.b.a. Citibus for paratransit service that provides ADA certified passengers with regular fixed route services.**

Grantee: McDonald Transit Associates, Inc. d.b.a Citibus

Program: Paratransit Services

Funding Source: 2006-07 Community Development Block Grant

Use of Funds: The funds for this program will be used to provide partial funding for Citibus Paratransit Service. This program provides ADA certified passengers with regular fixed route services. Clients are of low-to-moderate income.

Amount: \$183,604

Match: 25%

Return of Investment: Not required for Community Development Public Service

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this contract was approved by City Council at the June 6, 2006 City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Community Development Block Grant. The maximum to be allocated to this project is \$183,604.

Staff recommends approval of this resolution.

- 5.21. Contract Resolution - Community Development: Resolution No. 2006-R0485 authorizing the Mayor to execute a contract with the Communities In Schools for administrative personnel and promotion of the year-round, in-school prevention and intervention program to help at-risk students with academics, behavior, and attendance.**

Grantee: Communities In Schools

Program: Path to Expansion

Funding Source: 2006-07 Community Development Block Grant

Use of Funds: The funds for this program will be used for administrative personnel and promotion of the year-round, in-school prevention and intervention program to help at-risk students with academics, behavior, and attendance.

Amount: \$13,446

Match: 25%

Return of Investment: Not required for Community Development Public Service

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this Contract was approved by City Council at the June 6, 2006 City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Community Development Block Grant. The maximum to be allocated to this project is \$13,446.

Staff recommends approval of this resolution.

- 5.22. Contract Resolution - Community Development: Resolution No. 2006-R0486 authorizing the Mayor to execute a contract with the YWCA for an educational and recreational program to provide educational and recreational activities for emotionally disturbed children and children who have severe behavior problems.**

Grantee: YWCA

Program: Challenger-ED Program

Funding Source: 2006-2007 Community Development Block Grant

Use of Funds: The funds for this program will be used to provide educational and recreational activities for emotionally disturbed children and children who have severe behavior problems.

Amount: \$21,344

Match: 25%

Return of Investment: Not required for Community Development Public Service

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this Contract was approved by City Council at the June 6, 2006, City Council meeting.

#### **FISCAL IMPACT**

Federal funds will be used from the Community Development Block Grant. The maximum to be allocated to this project is \$21,344.

Staff recommends approval of this resolution.

- 5.23. Contract Resolution - Community Development: Resolution No. 2006-R0487 authorizing the Mayor to execute a contract with YWCA for partial funding scholarships for child care and after school care for CDBG-eligible low-to-moderate income families so they can pursue work, school, or job training.**

Grantee: YWCA

Program: Child Care Services

Funding Source: 2006-07 Community Development Block Grant

Use of Funds: The funds for this program will be used to provide partial funding scholarships for child care and after school care for CDBG-eligible, low-to-moderate income families so they can pursue work, school, or job training.

Amount: \$51,226

Match: 25%

Return of Investment: Not required for Community Development Public Service

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this Contract was approved by City Council at the June 6, 2006 City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Community Development Block Grant. The maximum to be allocated to this project is \$51,226.

Staff recommends approval of this resolution.

**5.24. Contract Resolution - Community Development: Resolution No. 2006-R0488 authorizing the Mayor to execute a contract with Family Promise of Lubbock for facility renovation of the day center.**

Grantee: Family Promise of Lubbock

Program: Facility Renovation

Funding Source: 2006-07 Community Development Block Grant

Use of Funds: The funds for this program will be used for the facility renovation of the day center.

Amount: \$30,000

Match: 25%

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

Terms: October 1, 2006 through September 30, 2007

Comments: Funding for this contract was approved by City Council at the June 6, 2006, City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Community Development Block Grant. The maximum to be allocated to this project is \$30,000.

Staff recommends approval of this resolution.

**5.25. Contract Resolution - Community Development: Resolution No. 2006-R0489 authorizing the Mayor to execute a contract with Community Housing Resource Board from the HOME Partnership Grant for operations and administration.**

Grantee: Community Housing Resource Board

Program: Community Housing Development Organization Operations

Funding Source: 2006-07 Home Partnership Grant

Use of Funds: The funds will be used to partially pay for operations associated with the administration of programs currently being offered by the Community Housing Resource Board.

Amount: \$50,000

Match: Not required for Community Housing Development Organization Operations.

Return of Investment: Not required for Community Housing Development Organization Operations.

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this contract was approved by City Council at the June 6, 2006, City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Home Partnership Grant. The maximum to be allocated to this project is \$50,000.

Staff recommends approval of this resolution.

**5.26. This item was moved from consent agenda to regular agenda and considered following Item 5.14.**

**5.27. Contract Resolution - Community Development: Resolution No. 2006-R0490 authorizing the Mayor to execute a contract with Habitat for Humanity for the Building Homes Building Hope Project to build two new homes.**

Grantee: Habitat for Humanity

Program: Building Homes Building Hope

Funding Source: 2006-07 HOME Partnership Grant

Use of Funds: These funds will be used to build two new homes

Amount: \$100,000

Match: 25%

Return of Investment: Grantee has the option of reinvesting program funds back into the Building Homes Building Hope Program or can repay 25% of the grant amount used for the completion of the project as outlined in the 2006 Citizens' Guide.

Terms: October 1, 2006, through September 30, 2008

Comments: Funding for this contract was approved by City Council at the June 6, 2006, City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Home Partnership Grant. The maximum to be allocated to this project is \$100,000.

Staff recommends approval of this resolution.

- 5.28. Contract Resolution - Community Development: Resolution No. 2006-R0491 authorizing the Mayor to execute a contract with the Alcoholic Recovery Center to assist in the operation of the shelter, specifically with the facility's utilities and telephone bill.**

Grantee: Alcoholic Recovery Center

Program: Operations

Funding Source: 2006-07 Emergency Shelter Grant

Use of Funds: Funds will be used to assist in the operation of the shelter, specifically with the facility's utilities and telephone bill.

Amount: \$12,000

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this contract was approved by City Council at the June 6, 2006, City Council meeting.

#### **FISCAL IMPACT**

Federal funds will be used from the Emergency Shelter Grant. The maximum to be allocated to this project is \$12,000.

Staff recommends approval of this resolution.

- 5.29. Contract Resolution - Community Development: Resolution No. 2006-R0492 authorizing the Mayor to execute a contract with the Family Promise of Lubbock for the daily operations of the center, which provides shelter for homeless families and their children.**

Grantee: Family Promise

Program: Operations

Funding Source: 2006-07 Emergency Shelter Grant

Use of Funds: The funds for this program will pay for the daily operations of the center, which provides shelter for homeless families and their children.

Amount: \$10,000

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this contract was approved by City Council at the June 6, 2006, City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Emergency Shelter Grant. The maximum to be allocated to this project is \$10,000.

Staff recommends approval of this resolution.

- 5.30. Contract Resolution - Community Development: Resolution No. 2006-R0493 authorizing the Mayor to execute a contract with the Salvation Army for facility operations, essential services, and homeless prevention.**

Grantee: Salvation Army

Program: Operations, Essential Services and Homeless Prevention

Funding Source: 2006-07 Emergency Shelter Grant

Use of Funds: The funds for this program will be used to fund services provided to clients involving Homeless Prevention and Essential Services activities. Funds will also be used to supplement the cost of the overall operation of the facility.

Amount: \$39,386

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant.

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for the contract was approved by City Council at the June 6, 2006, City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Emergency Shelter Grant. The maximum to be allocated to this project is \$39,386.

Staff recommends approval of this resolution.

- 5.31. Contract Resolution - Community Development: Resolution No. 2006-R0494 authorizing the Mayor to execute a contract with Vandelia Church of Christ for utility and rent assistance to individuals and families who have experienced a sudden decrease in income in order to prevent a homeless situation.**

Grantee: Vandelia Church of Christ

Program: Homeless Prevention

Funding Source: 2006-07 Emergency Shelter Grant

Use of Funds: The funds for this program will be used to provide utility and rent assistance to individuals and families who have experienced a sudden decrease in income in order to prevent a homeless situation.

Amount: \$10,000

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant.

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for the contract was approved by City Council at the June 6, 2006, City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Emergency Shelter Grant. The maximum to be allocated to this project is \$10,000.

Staff recommends approval of this resolution.

- 5.32. Contract Resolution - Community Development: Resolution No. 2006-R0495 authorizing the Mayor to execute a contract with the Women's Protective Services for support services and referrals for the purpose of assisting women, children, and families of domestic violence to become and remain self-sufficient and free from violence.**

Grantee: WPS

Program: Essential Services

Funding Source: 2006-07 Emergency Shelter Grant

Use of Funds: The funds for this program will be used to provide support services and referrals for the purpose of assisting women, children, and families of domestic violence to become and remain self-sufficient and free from violence.

Amount: \$15,000

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant.

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this contract was approved by City Council at the June 6, 2006, City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Emergency Shelter Grant. The maximum to be allocated to this project is \$15,000.

Staff recommends approval of this resolution.

- 5.33. Contract Resolution - Community Development: Resolution No. 2006-R0496 authorizing the Mayor to execute a contract with the U.S. Department of Housing and Urban Development for utility and rent assistance to individuals and families who have experienced a sudden decrease in income in order to prevent a homeless situation (BRIDGE Program).**

Grantee: The BRIDGE

Program: Homeless Prevention

Funding Source: 2006-07 Emergency Shelter Grant

Use of Funds: The funds for this program will be used to provide utility and rent assistance to individuals and families who have experienced a sudden decrease in income in order to prevent a homeless situation.

Amount: \$10,000

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this contract was approved by City Council at the June 6, 2006, City Council meeting.

#### **FISCAL IMPACT**

Federal funds will be used from the Emergency Shelter Grant. The maximum to be allocated to this project is \$10,000.

Staff recommends approval of this resolution.

**5.34. Contract Resolution - Civic Centers: Resolution No. 2006-R0497 authorizing the Mayor to terminate a contract with Pharr & Company for Construction of Visitors Information Center at Buddy Holly Center.**

The City entered into a contract with Pharr & Co. for the purpose of constructing a Visitors Center at the Buddy Holly Center. The original contract totaled \$221,000 and was awarded by City Council on June 8, 2006. Shortly after work began, concerns arose about the impact to the fine art gallery. To fully evaluate and address these concerns, construction was halted.

To properly address the concerns, the decision was made to terminate the project. A pay request of \$35,747 for initial deployment cost and equipment already stored at the Buddy Holly Center has been approved. An additional invoice of \$1,529 will cover all other associated costs to close the project.

#### **FISCAL IMPACT**

The final invoice of \$1,529 is available in Capital Improvement Project 90406, Visitors Information Center. \$249,442 of the original \$310,000 remains in the project.

Staff recommends approval of this resolution.

**5.35.-5.39. These items were moved from consent agenda to regular agenda and considered following Item 5.26.**

- 5.40. Repeal of Resolution - City Manager's Office: Resolution No. 2006-R0498 repealing Resolution No. 112266A passed in 1966 providing that the retirement date for all employees shall be December 31 of the calendar year in which the employee reaches age sixty-five, and further providing that in no event shall an employee whose age is sixty-five years or over remain in the employment of the City of Lubbock after December 31, 1969.**

Resolution No. 112266A passed by City Council on November 22, 1966, provided that the retirement date for all employees shall be December 31 of the calendar year in which the employee reaches age sixty-five, and further provided that in no event shall an employee whose age is sixty-five years or over remain in the employment of the City of Lubbock after December 31, 1969.

**FISCAL IMPACT**

No fiscal impact.

Staff recommends approval of this resolution.

**6. REGULAR AGENDA (continued)**

- 5.2. Ordinance Amendment 2nd Reading - Police: Ordinance No. 2006-O0103 Consider an ordinance amending Chapter 18, Article I of the Code of Ordinances by repealing Sections 18-4 and 18-4.1, adopting new Sections 18-4 through 18-4.7 establishing comprehensive regulations regarding noise in the City of Lubbock.**

The Police Department requests that City Council consider amending Chapter 18, Article I of the Code of Ordinances. This amended ordinance repeals sections 18-4 and 18-4.1 and adopts new sections 18-4 through 18-4.7. These new sections establish comprehensive regulations regarding noise in the City, adopt a savings clause, adopt a penalty clause, and provide for publication.

Section 18-4.1 of this amended ordinance states, "It is the policy of the City to minimize the exposure of citizens to excessive noise and to protect, promote and preserve the public health, comfort, convenience, safety and welfare. It is the express intent of the City to control the level of noise in a manner which promotes commerce; protects the sleep and repose of citizens; promotes the use, value and enjoyment of property; and preserves the quality of the environment."

The Police Department is charged with the duties of enforcing such policies. To assist in these duties, the amended ordinance provides updated noise definitions, administration and noise measurements, environmental sound levels, and places limits on prohibited noises and exemptions necessary to preserve the public quality of life, property, and peace in accordance with Section 18-4.1 as quoted above.

**FISCAL IMPACT**

No fiscal impact is anticipated.

Staff recommends approval of the second reading of this ordinance.

Police Chief Claude Jones, Assistant City Attorney John Knight, and City Attorney Anita Burgess 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. 2006-00103 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Boren was away from the dais.

**5.3. Zone Case No. 3058 (50th Street east of Upland Avenue) Ordinance 2nd Reading - Planning: Ordinance No. 2006-00057 Consider request of Lester Shaver, for Estates Trust, Inc., for a zoning change from T to R-1 Specific Use for residential estates on 212.763 acres of unsubdivided land located in Sections 35 and 38, Block AK, and to consider ordinance.**

The request of Mr. Lester Shaver for Residential Estates zoning on a tract east of Upland and north/south of what will eventually be 50th Street was approved as a first reading on April 26, 2006. Discussion during the second reading on May 11, 2006, regarding the possibility of dedication of a portion of 50th Street resulted in no action being taken by City Council. Since that time, Mr. Shaver has met with the homeowners association and all have agreed to dedicate the portion of 50th Street currently developed as a private road west of Upland. With this resolution of the discussion, the request is placed again on the Council agenda for second reading.

**FISCAL IMPACT**

No fiscal impact is anticipated.

City Council approved this item on first reading. Staff recommends approval of the second reading of this ordinance.

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

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2006-00057 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Boren was away from the dais.

**5.4. Zone Case No. 1897-A (north of Mac Davis Lane and east of University Avenue) Ordinance 2nd Reading - Planning: Ordinance No. 2006-00104 Consider request of Parkhill, Smith & Cooper, Inc. (for McCanton Woods Ltd. and/or Assigns) for a zoning change from C-2 and R-3 to CB-2 Specific Use for mixed use development (retail and office) with reduced setback on Tracts 3A and 3B, Overton Park Addition, and to consider ordinance.**

Continuing the redevelopment of the Overton area, this request is the commercial component of the area adjacent to Mac Davis Lane (6th Street)

and University Avenue. This retail area is being built in conjunction with a planned hotel and public meeting center to the east. A parking garage will be illustrated on the site plan. A portion of the parking garage on this property will be committed to the motel and public meeting facility.

Adjacent land uses:

N – commercial  
S – vacant commercial  
E – vacant commercial  
W – Texas Tech

CB 2 Specific Use will provide a residential component as well as retail and will have a mix of commercial and residential, as well as a parking building. The applicant requested that the zoning continue to City Council with a site plan available at that time, or the project will require Planning Commission approval as an “other business” review as an alternative.

The request will be consistent with the Comprehensive Land Use Plan adopted for the redevelopment area. As in the other parcels, the principles of “new urbanism” are being utilized. Most of the buildings are pulled closer to the street, having less visible parking. Staff continues to work with the new property owner on the site plan. The proposed “shared parking” on the parcel is based on the premise that the tenant mix in an area allows for less overall pavement, adding to the aesthetic appeal of the shopping area and allowing for a greater density of development – but not with a negative context.

The project will have no more than the anticipated effect on the thoroughfare system. It is obvious that traffic is going to be heavy in the area, but “walkability” and less emphasis on the vehicle is one of the basic tenants of new urbanism. In addition, the numbers of residents that live within walking distance of this project area, at least 3,500 new beds have been added within one-half mile.

The Planning Commission recommends approval of the request with the following conditions:

1. The project is tied to a site plan and building elevation approved at the City Council first reading with some ability to move one or several of the buildings as the details of the project mature; or
2. The applicant will provide the Commission a site plan and building elevation for other business approval when the plans are complete.

### **FISCAL IMPACT**

No fiscal impact is 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 Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass on second and final reading Ordinance No. 2006-O0104 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.10. Deed Without Warranty Resolution - Facilities Management: Resolution No. 2006-R0499 authorizing the Mayor to execute a Deed Without Warranty in favor of SemMaterials, L.P. for property located at 1619 Marshall Street.**

This item is a Deed Without Warranty in favor of SemMaterials for the property located at 1619 Marshall Street (Lot 2 tract 3 Marnels Industrial Addition, 4.57 acres). This property is located in a reinvestment zone as defined by law. The development in this underutilized section of the City will promote local economic development and stimulate business and commercial activity within the City of Lubbock.

This property was originally leased in 1995 to Koch Industries for an initial five-year term with the option for three additional five-year terms. The lease has been in effect since 1995. SemMaterials acquired Koch Industries in 2006.

**FISCAL IMPACT**

Revenue of \$39,814 will be deposited into the General Fund.

Staff recommends approval of this resolution.

Mark Yearwood, Assistant City Manager, 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-R0499 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.13. Contract Resolution - Library: Consider a resolution authorizing the Mayor to execute a contract with Baker and Taylor, Inc. for the lease of library books for the Lubbock Public Library System.**

**After discussion, no action was taken on this item.**

The City has leased library books for the Lubbock Public Library System since the 1970s providing new books for citizens in an economical and efficient way. Library patrons demand new titles quickly and this program provides that service by providing an inventory of current hardcover titles that are selected by professional book buyers based on reviews and anticipated general public demand. Monthly publication title lists are prepared with annotations to assist the Library staff with selections. The Library may also order titles not on the selections lists. The Library currently has a base collection of 2,640 volumes located in the four library facilities. Each month, the Library will receive 220 new titles and will return books that have been circulating for at least six months. For every five books returned to Baker and Taylor, the Library is allowed to keep one book at no charge. During FY 2005-06, there was a total of almost 48,000 leased books checked out. Library

patrons rely on the Baker and Taylor leasing plan to provide current and popular titles, both fiction and non-fiction.

**FISCAL IMPACT**

The cost of renewal for FY 2006-07 will be \$42,615. The leased book plan is budgeted in the FY 2006-07 Library operating budget.

Staff recommends approval of this resolution.

Nancy Haney, Executive Director of Community Development; Jane Clausen, Director of Library Services; and Scott Snider, Assistant City Manager, gave comments and answered questions from Council. Questions came from Council regarding possible resale of the leased library books. Staff was directed to look into the possible options and bring that information back to Council at a later date. Consensus was to take no action at this time.

**5.14. Contract Resolution - Police: Resolution No. 2006-R0500; Resolution No. 2006-R0501 authorizing the Mayor to execute purchase order contracts with G.T. Distributors and Barneys Police Supplies for firearm ammunition - BID 06-057-RW.**

Police ammunition is necessary to equip and maintain officer proficiency with firearms. These proficiency requirements are mandated by the Texas Commission on Law Enforcement Officer Standards and Education.

Police officers are required to qualify two times each year to demonstrate firearms proficiency. Officers are provided training ammunition for qualifications and duty ammunition is used and replaced once per year. New police recruits must go through a 40-hour course of firearms training. SWAT trains twice each month, incorporating firearms training each time. The Mobile Field Force trains once each month, also incorporating firearms training. Rifle training for Patrol Officers assigned "patrol rifles" require quarterly proficiency training and qualification.

The ammunition is of "original manufacture". Reloaded or re-manufactured ammunition is not acceptable due to reliability and liability issues.

No local companies submitted bids.

**FISCAL IMPACT**

A total of \$75,311 is budgeted in the FY 2006-07 Police Training operating budget.

Staff recommends bid award to Louisiana Barneys Police Supply of Lafayette, Louisiana for \$42,096; and GT Distributors, Inc. of Austin, Texas for \$36,399.

Police Chief Claude Jones gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass Resolution No. 2006-R0500 and Resolution No. 2006-R0501 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.26. Contract Resolution - Community Development: Resolution No. 2006-R0502 authorizing the Mayor to execute a contract with Community Housing Resource Board for the Lease Purchase Program to purchase and rehab houses to be made available for lease purchase to low-to-moderate income families.**

Grantee: Community Housing Resource Board

Program: Lease/Purchase XII Program

Funding Source: 2006-2007 HOME Partnership Grant

Use of Funds: These funds will be used to purchase and rehab houses to be made available for lease purchase to low-to-moderate income families

Amount: \$176,741

Match: Not required for Community Housing Development Organization projects.

Return of Investment: Grantee has the option of reinvesting program funds back into the Lease Purchase Program or can repay 25% of the grant amount used for the completion of the project as outlined in the 2006 Citizens' Guide.

Terms: October 1, 2006, through September 30, 2008

Comments: Funding for this contract was approved by City Council at the June 6, 2006, City Council meeting.

**FISCAL IMPACT**

Federal funds will be used from the Home Partnership Grant. The maximum to be allocated to this project is \$176,741.

Staff recommends approval of this resolution.

Nancy Haney, Executive Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0502 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.35. Contract Resolution - Civic Centers: Resolution No. 2006-R0503 authorizing the Mayor to execute a contract amendment to the professional services contract with BGR Architects, Inc. for increased work associated with the Visitor Center project.**

The City of Lubbock entered into a professional services agreement with BGR Architects, Inc. for the development of written specifications and drawings for the conversion of space at the Buddy Holly Center into a Visitor Center. The total amount of the agreement was \$23,829. The project was developed and

City staff accepted proposals from local vendors and a recommendation was approved by the City Council on June 8, 2006. Shortly after construction began, BGR Architects were asked to provide additional specifications and drawings for modifications to their original design.

These requests generated additional costs. The dollar amount for the additional professional services has exceeded the City Manager's contracting authority and requires approval by the City Council. City staff is requesting approval to submit payment to BGR Architects, Inc. for the additional service provided.

#### **FISCAL IMPACT**

The additional \$6,385 will bring the total contract amount to \$30,214. The \$30,214 is available in Capital Improvement Project 90406, Visitors Information Center, with a current balance of \$249,448 of the original \$310,000.

Staff recommends approval of this resolution.

Nancy Haney, Executive Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0503 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.36. Contract Resolution - Business Development: Resolution No. 2006-R0504 authorizing the Mayor to execute a contract with Marion Moss Enterprises and TIBH Industries for landscape maintenance in the North Overton Development.**

In 1978, the Texas State Use Works Wonders Program (Program) was implemented by TIBH Industries, Inc. to increase employment and wages, and ultimately enhance the lives of Texans with disabilities. This initiative resulted from the efforts of the Texas Legislature, who created the Program under Chapter 122 of the Human Resources Code. The Governor of the State of Texas appoints the Texas Council, which contains representatives from 150 Community Rehabilitation Programs, political subdivisions, private citizens, and selected agencies. The Council determines a fair market price for goods and services produced through the Program. Although political subdivisions are bound by law to get competitive bids, this restriction is waived when purchases are made through TIBH Industries.

Benefits of the program for the City include:

- Quality products and services.
- Competitive price.

For Texans with disabilities, benefits include:

- Vocational rehabilitation.
- Promotion of self-sufficiency.

- Encouragement of efforts to de-institutionalize people with disabilities.
- Training, Employment and Wages.

For the taxpayer, benefits include:

- Reduction in cost of care for Texans with disabilities.
- Savings of tax dollars.
- Increased tax base.
- Stimulation of growth to local economy.

TIBH provides employment through the Program for Texans with blindness and other disabilities. Texans with disabilities employed through TIBH are able to work within their communities. With their wages, these workers purchase food, clothing, and other items from the community and some become self-sufficient enough to live alone. Consequently tax money is freed for use elsewhere. TIBH markets excellent products and services of these exceptional Texans and serves as the interface between vocational rehabilitation centers and the purchasing systems of the state, cities, school districts, counties, and all other political subdivisions.

Under this contract, Marion Moss Enterprises of Lubbock will provide landscape maintenance services to amenities in the North Overton Public Improvement District right-of-way. Services will include seasonal color installation of planting beds, shrubs, ground cover plants, pruning, and pesticide application. It will also include maintenance of turf and landscape, mowing, edging, trimming, sweeping of hard surfaced mediums and right of ways and curb areas, maintenance of trees, watering and operation and maintenance of the irrigation systems, and emptying of all curbside litter receptacles.

This contract is for three years and properties will be added to the contract as the landscaping is completed.

#### **FISCAL IMPACT**

The North Overton Public Improvement District will fully fund the cost of these maintenance agreements.

Staff recommends approval of this resolution.

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass Resolution No. 2006-R0504 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Miller recused himself.

- 5.37. Contract Resolution - Finance: Consider a resolution authorizing the Mayor to execute an agreement for financial advisory services with RBC Capital Markets, RFP 06-069-MA.**

**This item was deleted.**

**5.38. Contract Amendment Resolution - Parks: Resolution No. 2006-R0505 authorizing the Mayor to execute an amendment to the Joyland Lease Agreement.**

Joyland Amusement Park, located in Mackenzie Park, has an operations agreement with the City of Lubbock that originated in May, 1954. Since the current agreement in 1987, there have been two amendments including an amendment in 1996 to enable the concessionaire to obtain financing for improvements to the park facility. The second amendment was approved in 1997 regarding lease payments.

Joyland Amusement Park plans an additional investment of \$1.3 million, by adding an additional attraction (“Greezed Lightnin” roller coaster). To secure funding, they have requested an amendment to the agreement that includes the following: 1) 15-year extension with the agreement to expire October 31, 2021. The existing agreement expires in 2011. 2) The existing rental rate based on a percentage of gross receipts will be changed to an annual payment of \$38,333 per year, beginning with the 2007 season. Joyland will make four payments per year of 9,583 each. Payments will due on June 1, July 1, August 1 and September 1. For the past five years the average annual lease amount paid to the city has been \$34,576. 3) The new ride will require additional land for Joyland as depicted in the attached property description. The property description will be replaced with a metes and bounds survey. A park playground is located in the area of the Joyland expansion. The Parks and Recreation Department will remove any playground items that can be reused. The estimated cost to relocate the existing playground would be \$50,000. The cost to relocate the playground is included in the annual amount to be paid by Joyland (\$3,333 per year for 15 years). Joyland will be responsible for the remaining demolition. 4) Joyland will build any new parking lots that are needed for the Joyland expansion. 5) Joyland will be responsible for any required or necessary archeological and environmental testing and reporting.

On March 28, 2006, the Parks and Recreation Advisory Board considered a request from David Dean, President of Joyland Amusement Park, to make improvements/additions to Joyland Amusement Park. The Board approved a motion that staff proceed with arranging details and developing more detailed information in regards to the proposed Joyland expansion.

**FISCAL IMPACT**

Annual lease payments will be \$38,333 through 2021.

Staff recommends approval of this resolution.

Scott Snider, Assistant City Manager, and Randy Truesdell, Parks and Recreation Manager, gave comments and answered questions from Council. David Dean, President of Joyland Amusement Park, also answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0505 as recommended by staff. Motion carried: 4 Ayes, 3 Nays. Mayor Miller, Mayor Pro Tem Gilbreath, and Council Member Leonard voted Nay.

**5.39. Contract Resolution - Emergency Management: Resolution No. 2006-R0506 authorizing the Mayor to accept funding of \$503,454 through the Governor's Division of Emergency Management Homeland Security Grant Program.**

Consider a resolution authorizing the Mayor to accept funding of \$503,454 through the Governor's Division of Emergency Management Homeland Security Grant Program. The City has previously participated in the Homeland Security Grant Program. This grant is administered through the Governor's Division of Emergency Management and allows the City to ask for reimbursements of funds used for development, and improvement of the City's emergency management capabilities for disasters and emergencies that may result from natural disasters, accidental or man-caused events.

**FISCAL IMPACT**

This agreement will provide for EOC equipment, radio interoperability, LiveScan, and TDEx. Equipment will be maintained through the grant fund.

Staff recommends approval of this resolution.

Kevin Overstreet, Emergency Operations Center Director, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2006-R0506 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Price was away from the dais.

**6.1. Contract Resolution - Community Development: Resolution No. 2006-R0507 authorizing the Mayor to execute a contract with WorkSource for child care for CDBG-eligible low-to-moderate income families seeking job training, employment, or education.**

Grantee: WorkSource

Program: Direct Child Care Assistance

Funding Source: 2006-2007 Community Development Block Grant

Use of Funds: The funds for this program will be used for child care for CDBG-eligible low-to-moderate income families seeking job training, employment, or education. Funds will be used by Early Learning Centers, Catholic Family Services, and Christian Women's Job Corps.

Amount: \$26,723

Match: 25%

Return of Investment: Not required for Community Development Public Service

Terms: October 1, 2006, through September 30, 2007

Comments: Funding for this Contract was approved by City Council at the June 6, 2006, City Council meeting.

### **FISCAL IMPACT**

Federal funds will be used from the Community Development Block Grant. The maximum to be allocated to this project is \$26,723.

Staff recommends approval of this resolution.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0507 as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

Council Members Boren and DeLeon recused themselves. Council Member Price was away from the dais.

**6.5. Tax Abatement Notice of Intent Resolution - Business Development: Resolution No. 2006-R0508 giving Notice of Intent to enter into a commercial tax abatement agreement with Vendville, LLC (Red Chair) involving real property located at 1419 Buddy Holly Avenue.**

The City has received an application for commercial tax abatement from Vendville, LLC (Red Chair). They have purchased land located at 1419 Buddy Holly Avenue and formerly owned by Lubbock County. Vendville plans to renovate an existing building on the property, which is located in the Lubbock 2000 South Enterprise Zone.

The project meets the Commercial Tax Abatement Policy and Guidelines minimum investment of \$100,000 in real property improvements for an existing company. Total investment in the project will be approximately \$575,516. Six to eight new jobs will be created with the project. Red Chair is an existing company and has a six to eight employees at the current location.

This location is within the boundaries of the Central Business District TIF, so the agreement must also be approved by the CBD TIF Board. The CBD TIF Board considered and approved the agreement with Vendville at their October 3, 2006, Board Meeting. The resolution approving the agreement is provided.

In order to contract with a company for tax abatement, the municipality must first deliver a notice of intent to enter into a tax abatement agreement to the other taxing jurisdictions. This action fulfills that requirement.

Staff is recommending a five-year declining scale tax abatement.

### **FISCAL IMPACT**

The estimated total amount of the City tax abatement will be \$7,714 over five years.

Staff recommends approval of this resolution.

Cheryl Brock, Business Research Specialist, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0508 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.6. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2006-O0109 amendment #1 amending the FY 2006-07 budget respecting the General Fund, Grant Fund, and Capital Improvement Program.**

1. Establish a new Capital Improvement Project entitled "Marsha Sharp Freeway Phase 3B - Contribution" for the City's \$25 million participation in Phase 3B of the Marsha Sharp Freeway. This project will expedite the completion of Phase 3B of the Marsha Sharp Freeway by providing TxDOT the remaining funds needed to bid this phase of the project. The City's contribution will be funded using Certificates of Obligation to be repaid with franchise fees from the Gateway Fund. Without this contribution, TxDOT anticipates that the Marsha Sharp Freeway will not be completed until 2026. The City's contribution will allow the project to be completed 12 years sooner than anticipated, and allow economic development to accelerate, which in turn will lead to growth in the City's tax base. An advance funding agreement with TxDOT will be brought to the Council to solidify the details regarding this contribution at the first council meeting in November.
2. Establish a new Capital Improvement Project within in the North Overton TIF entitled "River Smith's Area Improvements" and transfer \$55,095 from Capital Improvement Project 91065, "Wal-Mart" to the new project. These funds will be used for landscaping in the parkway behind the River Smith's Restaurant. A developer agreement will be provided to the City Council at the second reading of the budget ordinance to solidify the details regarding this project.
3. Authorize one additional FTE in the Health Department. A full time Pet Adoption Clerk position will replace two part-time customer service representatives at the Animal Shelter. The expense for this position was included in the FY 2006-07 Operating Budget, but the authorized FTE was not increased as a result.
4. Accept and appropriate a \$503,454 grant through the Governor's Division of Emergency Management Homeland Security Grant Program for the purchase of EOC equipment, radio interoperability and other related homeland security items.

**FISCAL IMPACT**

Included in Item Summary.

Staff recommends approval of the first reading of this ordinance.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2006-00109 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**Discussion was had on Item 6.7 and addressed again following Item 6.11.**

**11:11 A.M. CITY COUNCIL RECESSED**

**11:25 A.M. CITY COUNCIL RECONVENED**

**Discussion was had on Items 6.8 – 6.11.**

**11:28 A.M. CITY COUNCIL RECESSED**

**11:32 A.M. CITY COUNCIL RECONVENED**

**Discussion was had on Items 6.8 – 6.11.**

**12:50 P.M. CITY COUNCIL RECESSED**

**1:03 P.M. CITY COUNCIL RECONVENED**

**6.8. Contract Resolution - Risk Management: Resolution No. 2006-R0509 authorizing the Mayor to approve purchase of transplant insurance coverage from AIG.**

The City currently purchases transplant insurance coverage from AIG Insurance Company with first dollar coverage.

The City solicited proposals for the health insurance program on August 22, 2006. AIG was the only proposal submitted for transplant insurance with an anticipated premium of \$173,305.80. The renewal quote was offered on the same first dollar terms.

**FISCAL IMPACT**

The \$173,305.80 is budgeted in the FY 2006-07 Health Benefits Fund.

Staff recommends approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0509 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member Leonard voted Nay.

**6.9. Contract Resolution - Risk Management: Resolution No. 2006-R0510 authorizing the Mayor to approve the purchase of personal accident insurance with AIG on a voluntary basis to employees.**

The City currently offers to employees and their dependents personal accident insurance with AIG Insurance at the employee rate of \$0.03/\$1000 payroll and at the family rate of \$0.04/\$1000 payroll with a minimum coverage of \$25,000 and a maximum coverage of \$100,000. Employees may obtain

coverage in increments of \$25,000, not to exceed three times (3X) annual salary.

The City received six (6) proposals. The proposers are AIG (Incumbent), CIGNA, MetLife, Southwest Life and Health, and Standard Life Insurance.

Douglas Sanford of Sanford Insurance and Stan Self of Wachovia Insurance Services, the City's consultants, reviewed the proposals and recommended continuing coverage with AIG Insurance at lower rates and with increased coverage.

AIG quote is for employee rate of \$.025/\$1000 payroll and at the family rate of \$.038/\$1000 payroll with a minimum coverage of \$25,000 and a maximum coverage of \$300,000. Coverage may be obtained in increments of \$25,000, not to exceed three times (3X) annual salary. These rates are guaranteed for 36 months and will become effective immediately.

#### **FISCAL IMPACT**

This is a voluntary employee benefit which is paid entirely by the employee.

Staff recommends approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0510 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member Leonard voted Nay.

**6.10. Contract Resolution - Risk Management: Resolution No. 2006-R0511 authorizing the Mayor to execute a contract with Blue Cross Blue Shield of Texas to provide medical administrative services (ASO); network services; utilization review; medical case management; disease management; dental administration; and Health Insurance Portability and Accountability Act (HIPAA), Consolidated Omnibus Budget Reconciliation Act (COBRA), and Flexible Spending Account (FSA) administration, RFP-06-067.**

The City provides medical and dental coverage for all full-time City employees. Employees have the option to purchase medical and dental coverage for eligible dependents. Retired City employees are allowed to retain medical and dental coverage for themselves and eligible dependents. The current medical and dental coverage is administered by American Administrative Group (AAG) as an ASO.

The City also offers two flexible spending accounts for all eligible employees. The medical reimbursement account and dependent care accounts are currently administered by AAG.

The City issued a Request for Proposal (RFP) for the health benefits program and flex administration on August 22, 2006. The proposal requested pricing for an ASO plan and any other alternatives that the proposer wanted to recommend. The RFP also requested reinsurance coverage with an individual claims cap of \$175,000 annually.

Proposals were received from 11 companies. The respondents submitting a package for the medical, dental, and flex administration were: American Administrative Group (AAG), Blue Cross Blue Shield of Texas (BCBS), CIGNA, Entrust, Fringe Benefit Management Company (FBMC), First Care, and TML.

The City received three dental only proposals from Ameritas, Delta Dental, and Met Life.

In addition, the City received one reinsurance only quote from High Mark Life Insurance Company.

The City's health consultants, Douglas Sanford of Sanford Insurance and Stan Self of Wachovia Insurance Services, reviewed the proposals and recommended three finalists for the medical, dental, and flex administration; one finalist for dental insurance only; and attaching the reinsurance only quote to one of the three finalists above. The finalists were AAG/Canada Life, BCBS/High Mark Life, and First Care/Companion Life.

On September 29, 2006, the finalists were asked to participate in a teleconference with the consultants and City staff. The teleconference was to answer any remaining questions from the consultants and staff.

After evaluating the responses to the RFP, Sanford Insurance and Wachovia Insurance Services recommend BCBS as the best option for health benefits.

#### **FISCAL IMPACT**

The selection of BCBS will allow the City to maintain the current level of coverage for the employees and their dependents, including dental coverage, and the continuation of the clinic at the FY06 premium level for employees. The cost to the City is as approved in the FY 2006-07 budget adopted by City Council.

Staff recommends approval of this resolution.

Stan Self of Wachovia Insurance Services, consultant for the City of Lubbock, made a presentation recommending Blue Cross/Blue Shield, and answered questions from Council. City Manager Lee Ann Dumbauld, Assistant City Manager Scott Snider, and City Attorney Anita Burgess gave comments and answered questions from Council. The Mayor then gave the three finalists an opportunity to present to Council and answer questions. Representatives for the three finalists were Canon Allen with FirstCare; Neil Horn, Janet Pennington, and Tony Hester with Blue Cross/Blue Shield; and Ted Parker, Renee Grimes, and John Farnsley with American Administrative Group/HealthSmart.

During the discussions on the City of Lubbock's Health Plan, several calls for the question were made and seconded, including Council Member DeLeon, seconded by Council Member Price, which the vote failed: 3 Ayes, 4 Nays (Mayor Miller, Mayor Pro Tem Gilbreath, Council Members Leonard and Boren voted Nay); Council Member Price, seconded by Council Member

DeLeon, which the vote failed: 3 Ayes, 4 Nays (Mayor Miller, Mayor Pro Tem Gilbreath, Council Members Leonard and Boren voted Nay); and Council Member Price, seconded by Council Member DeLeon, which the vote passed: 7 Ayes, 0 Nays.

City Attorney Anita Burgess stated to Council that the award should be made since the proposal had been opened and exposed to the other offerors, and that the proper approach was to, in fact, go ahead and make the award. The best and final offer had been had and it was time to make the award.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0511 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member Leonard voted Nay.

**6.11. Contract Resolution - Risk Management: Resolution No. 2006-R0512 authorizing the Mayor to approve purchase of specific and aggregate stop loss insurance coverage from High Mark Life Insurance Company for the City's health program.**

The City currently purchases specific and aggregate stop loss insurance with a \$175,000 specific stop loss limit and \$18,845,757 aggregate stop loss limit. The aggregate stop loss represents 120% of anticipated claims according to High Mark Life Insurance Company estimates.

The City solicited proposals for stop loss insurance on August 22, 2006. All but one stop loss policy was submitted in connection with the Third Party Administrator (TPA). High Mark submitted a quote with a \$175,000 specific stop loss limit and \$20,617,566 aggregate stop loss limit that anticipated AAG as the continuing TPA and a quote with Blue Cross Blue Shield of Texas as the TPA with a \$175,000 specific stop loss limit and a \$18,181,945 aggregate.

**FISCAL IMPACT**

\$437,271 is budgeted in the FY 2006-07 Health Benefits Fund.

Staff recommends approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0512 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member Leonard voted Nay.

**6.7. Board Appointments - City Secretary: Consider one appointment to the Audit Committee, twelve appointments to the Model Codes & Construction Advisory Board, and two appointments to the Reese Redevelopment Authority Board of Directors.**

Based on the Audit Committee's recommendation, Consensus was to hold on the appointment to the Audit Committee so that staff can come back with a revision to the ordinance.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to appoint Joe McKay, Jimmy Pharr, Rudy Rushing, Bill Malloy, Cyril Reasoner, Joe Rapier, Scott Fanning, Tim Conrad, Tom

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Mandry, Chris Carpenter, Charlie Hamilton, and Art Cuevas to the Model Codes & Construction Advisory Board. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dais.

Consensus was to hold on the appointments to the Reese Redevelopment Authority Board of Directors.

**1:15 P.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**2:40 P.M. CITY COUNCIL RECONVENED**

**7. WORK SESSION**

**7.1. Hotel/Motel Tax - Lubbock Economic Development Alliance: Presentation on the attributes and benefits of a Visitors Center. Gary Lawrence, CEO of Lubbock Economic Development Alliance (30 minutes)**

**This item was deleted.**

**7.2. Strategic Plan Wrap-up - Development Services: Discuss and prioritize the draft goals and strategies for the City of Lubbock Strategic Plan. Jim Bertram, Consultant**

Jim Bertram, Consultant, facilitated the discussion and prioritization by the City Council of the goals and strategies reflected in the latest draft of the City of Lubbock Strategic Plan. The latest draft takes into account all comments from staff and from Council Members.

**3:34 P. M. COUNCIL RECESSED**

**3:41 P. M. COUNCIL RECONVENED**

Based on today's discussion, Mr. Bertram will come back at a later date with a summary of the Council's final prioritization.

**3:45 P. M. COUNCIL ADJOURNED**

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