

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
APRIL 26, 2007
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 26th day of April, 2007, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

Present: Mayor David A. Miller, Mayor Pro Tem Jim Gilbreath, Council Member Linda DeLeon, Council Member Phyllis Jones, Council Member John Leonard, Council Member Floyd Price

Absent: Council Member Gary O. Boren

1. CITIZEN COMMENTS

1.1. The following individuals appeared before the City Council to discuss the proposed name change for Canyon Lakes Drive:

Those speaking in favor of the proposed name change were:

Amaris Garcia, Ysidro Gutierrez, Lubbock County Commissioner; Billy Martinez, Chairman of the Lubbock Central Labor Council; Christy Martinez-Garcia, Chair of the Cesar E. Chavez Commemoration; Pete Garza, Darvis Tacik, Billy Martinez; Lynda McBride, Emelio Abeyta, Calvin Davis, and Louis Gonzales.

Those speaking in opposition of the proposed name change were:

Billie Russell, Sonya Fair, Anesha Majeed, Sanco Nash, Jr., and Butch Avery.

1.2. The following individuals appeared before the City Council to discuss Zone Case 2072-A (Item 6.1):

Lorrie Jarnagin, Mark Mallory, and Gregg Richards appeared in opposition of Zone Case 2072-A (Item 6.1)

1.3. The following individuals appeared before the City Council to discuss the proposed ordinance amendment to Chapter 29 of the Code of Ordinances to permit as an accessory use to an owner occupied structure, the use of an existing secondary living unit in an R-1 or R-2 district (Item 6.8):

Those who spoke in favor of the proposed ordinance amendment to Chapter 29 of the Code of Ordinances were:

Greg Bruce, Cyd Seideman, Peter Laverty, and Marjorie Manning.

Those who spoke in opposition of the proposed ordinance amendment to Chapter 29 of the Code of Ordinances were:

Lloyd Headrick, Paul Garrett, and Kendra Sutherland.

2. EXECUTIVE SESSION

Mayor Miller stated: “City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation; the purchase, exchange, lease, or value of real property; personnel matters; and competitive matters of the public power utility, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law.”

8:41 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, Stormwater, 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, Water Utilities).**
- 2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.**
- 2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Junked Vehicle Compliance Board and the Water Board of Appeals.**
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 2.5.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
 - 2.5.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light.**

Regular City Council Meeting
April 26, 2007

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

Present: Mayor David A. Miller; Mayor Pro Tem Jim Gilbreath; 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: Council Member Gary O. Boren

Mayor Miller reconvened the meeting at 9:45 a.m.

3. PROCLAMATIONS AND PRESENTATIONS

Note: Items are listed in the order they were considered.

3.1. Invocation by Pastor Alice Langley, Unity of Lubbock Church.

3.2. Pledge of Allegiance to the Flags.

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

3.3. This item was considered following Item 3.7.

3.4. Presentation of a Special Recognition honoring Miss Lubbock's Outstanding Teen, Hillary Sproul.

Mayor Miller presented special recognition to honor Hillary Sproul, Miss Lubbock's Outstanding Teen. The Miss Lubbock's Outstanding Teen organization promotes scholastic achievement, creative accomplishment, healthy living, and community involvement among girls ages 13 to 17. Ms Sproul will compete in the Miss Texas Outstanding Teen Pageant, which is held July 2-7, 2007 in Fort Worth, Texas.

3.5. Presentation of a Special Recognition in observance of National Association of Letter Carriers Food Drive Week in Lubbock, May 12-19, 2007.

Mayor Miller presented special recognition in observance of National Association of Letter Carriers Food Drive Week. The second Saturday of May each year, the National Association of Letter Carriers conducts this country's largest one-day drive to collect food for the needy in more than 10,000 communities across the United States. Charles Peterman was present to accept the special recognition, on behalf of the Letter Carriers.

3.6. Presentation of a Special Recognition in support of the Healthy Lubbock initiative.

Mayor Miller invited Nancy Neil, Public Relations/Marketing Manager for Parks and Recreation, Annette Boles, Julie Toland, and Jessica Keeth to join him while he presented special recognition in support of the Healthy Lubbock initiative. The Healthy Lubbock initiative seeks to make Lubbock and surrounding communities a healthier place by supporting and motivating

people to become healthier through physical activity and improved nutrition. This vision of the Healthy Lubbock initiative is for Lubbock to be recognized as one of the healthiest cities in Texas.

3.7. Presentation of a Special Recognition in observance of Sexual Assault Awareness Month in Lubbock.

Mayor Miller presented special recognition in observance of Sexual Assault Awareness Month in Lubbock. Rape and sexual assault impacts women, men, and children of all racial, cultural, and economic backgrounds, and is an intolerable public violent crime with public health implications. Sexual Assault Awareness Month is meant to encourage public education and public discourse, at least full public competence in speaking out against sexual violence, counteracting the reality that many in today's society remain disturbingly uninformed with respect to issues of sexual violence. Accepting the special recognition was Kim Stark, Beth Maeker, and Deaton Rigsby. Mr. Rigsby gave comments.

3.3. Presentation of a Special Recognition to Haynes Elementary fifth-grade students for winning first, second, and third place in the Keep Lubbock Beautiful Arbor Day poster contest.

Mayor Miller presented special recognition to Brooke Barrett, Desiree Soto, and Amber Hemphill, fifth-grade students from Haynes Elementary School, for winning first, second, and third place in the Keep Lubbock Beautiful Arbor Day poster contest.

3.8. Presentation of a Special Recognition honoring Dan Dennison on his retirement from the City of Lubbock after 33 years of service.

Mayor Miller presented special recognition to honor Dan Dennison, Environmental Compliance Manager, on his retirement from the City of Lubbock, after 33 years of service. Mr. Dennison has served in different capacities during his employment with the City. Mr. Dennison gave comments.

10:05 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

11:30 A.M. CITY COUNCIL RECONVENED

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, March 22, 2007; Special City Council Meeting, March 22, 2007; Special City Council Meeting, March 26, 2007.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of March 22, 2007; the Special City Council Meeting of March 22, 2007; and the Special City Council Meeting of March 26, 2007 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA was considered following Item 6.14.

6. REGULAR AGENDA

Note: Regular Agenda items and Consent Agenda items moved to Regular Agenda are listed in the order they were addressed (Items 6.1-6.14, 5.9, 5.14).

- 6.1. Public Hearing 10:00 a.m. - Zoning: Zone Case No. 2072-A Hold a public hearing to consider request of ADC Architects Developers Contractors (for Alberto Chavez) for a zoning change from A-2 limited to a church and church related uses to A-1 Specific Use for apartments with reduced parking on Lot 12, Block 52, Overton Addition (2123 15th Street).**

Action taken on this item was to send back to Planning and Zoning Commission.

Mayor Miller opened the public hearing at 11:30 a. m. No one appeared on behalf of Alberto Chavez. Lorrie Jarnagin appeared in opposition. Mayor Miller closed the hearing at 11:35 a. m.

This property was originally a “mom and pop” grocery store or some other small business on the first floor and apartments on the second floor long before the current zoning ordinance was adopted in 1975. In 1976, the First Baptist Church purchased the building and requested zoning that would allow the ground floor as an extended church activity area, and the apartments were either rented or used in some capacity for the church.

Two months ago, the applicant requested Zoning Board of Adjustment (ZBA) approval to expand a nonconforming use to allow conversion of the first floor into a replica of the number of apartments that exist on the second floor. As staff researched the case, the need for the request to be a zone case versus a ZBA request became evident because the first floor has never been used for apartments and the current zone case ties the property to the church and church related uses.

Adjacent land uses:

N – former small business

S – residential

E – residential

W – vacant, zoned residential

The Comprehensive Land Use Plan indicates “single family residential” for this vicinity of Overton South, but it is acknowledged that a number of nonconforming apartments exist in the area. In the case of the current building, with the change of zoning for church and church related use, the ability to claim nonconforming non-church related apartment use for any of the structure was dissolved in the 1976 zone case. If approved as “residential”, although A-1 is a higher density than R-1, it is staff's opinion that a minor amendment to the Comprehensive Land Use Plan will not be necessary.

Regular City Council Meeting
April 26, 2007

The first hearing before the Planning Commission was delayed due to the absence of the owner and the inability of the representative to accurately represent exactly what is being proposed. The applicant started renovation of the second story units with no building permit. Their contention was that they were of the opinion the work does not meet the level of needing a permit. With the first delay, the Planning Commission requested that the applicant acquire an investigative permit from Building Inspection. The applicant complied and the inspection revealed a host of issues that should have been under the guidance of a construction permit and subject to inspections for compliance. Prior to the City Council hearing, the Building Inspection and Planning personnel are going to confirm exactly what exists on the parcel at present and attempt to get a floor plan of what is proposed for installation to the ground floor. There is some concern the correct unit (and bedroom count) is not being provided for the re-zoning discussion.

The primary zoning related issue is parking. According to the applicant, the parcel has 15 "head in" 90 degree parking spaces from both adjacent streets – partially on the private property and partially within the right-of-way (please note the site plan – this is a style that does not meet current standards, but obviously has existed in the current manner for years). After the Planning Commission hearing, a question of how many units and what work has been performed surfaced. Staff has requested corrected information from the applicant and the details will have to be discussed during the second public hearing. Adequate correct information is not available at this time to accurately represent the request. The site plan indicates the presence of 15 parking spaces. The actual number required will depend on the number of units/bedrooms that are provided for the second hearing. The site will be short on parking; how many spaces will be the question (the lack of adequate parking spaces is why the case is filed using a Specific Use Permit).

Zoning policy is that the City move toward the area being a single family subdivision. The apartment element in the interior of the subdivision has not been an asset to maintaining a single family environment. These former apartments built before a zoning ordinance even existed, or during several "lax" years during the 1960s and 1970s for apartment zoning in both Overton North and Overton South, introduced a non-single family component. The dilemma for the owners of these properties and the City is either to have a change of zoning that will allow use of the building, they remain vacant and subject to vandalism, or they must be torn down.

Approval of the request should not have a significant impact on the area. If there is any parking by residents or guests when the 15 spaces are full, and they have to park adjacent on the street, the added traffic will only add to congestion in an area heavily influenced by accessory units, Texas Tech off-campus parking, and Lubbock High School to some extent.

The Planning Commission seemed to find that the nature of continuing the use of the building will not create a negative impact on the area. The amended discussion because of the inadequate discussion may change the nature of the

request. But, the Planning Commission did recommended the request subject to the following four conditions:

1. All of the units, both the new floor level and second floor, meet a level of the construction codes as determined acceptable by the Building Official.
2. That the project will be proposed site and floor plans.
3. That the parking areas be striped with new paint.
4. That the exterior of the building be either painted and/or enhanced with regard to appearance.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff's recommendation is withheld until the amended information is provided to City Council. During the Planning Commission meeting, with the information that was provided, staff supported the request with the proposed conditions.

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

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to send this item back to the Planning and Zoning Commission for further consideration. Motion carried: 6 Ayes, 0 Nays.

6.2. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0038 Zone Case No. 3077: Hold a public hearing to consider request of Ronald F. Key (for Key RV Storage) for a zoning change from T to C-4 Specific Use for a mini-warehouse and RV storage facility on 11.43 acres of unplatted land out of Section 23, Block E2 (4916 130th Street).

Mayor Miller opened the public hearing at 11:30 a. m. No one appeared on behalf of Key RV Storage. No one appeared in opposition. Mayor Miller closed the hearing at 11:35 a. m.

This request is following a commitment by City Council to allow Mr. Key to zone correctly a project started before the area was annexed several years ago.

Adjacent land uses:

N – horse training area at present

S – vacant

E – vacant

W – one or two old farmstead buildings

Mr. Key began a mini-storage and RV storage facility several years prior to the annexation of the area in 2005. During the annexation hearings, City Council indicated that a zone case to accommodate the completion of the overall project would be considered favorably.

The 'addendum' for the Comprehensive Land Use Plan for the two square miles remains in construction, the result of a number of staff vacancies and

other circumstances that have prevented completion. Had that plan amendment been presented prior to this request, the parcel would have been indicated as commercial to honor the commitment of City Council. In addition, much of FM 1585 will either remain as commercial because it is existing nonconforming, or the amount of nonconforming will dictate adoption of official "strip commercial" policy along much of the highway in contrast to the normal ten-acre parcels at the corners of major thoroughfare intersections.

Mr. Key has presented an aerial photograph of the current storage development. The site is very clean and well configured. The proposed site plan anticipates finishing the balance of the site in a manner that will match the current facility. A condition of mini projects is that they be screened. In this instance, a condition will be proposed to allow either a normal screening fence or the back of a row of storage lockers similar to what exists on the site at present to substitute for the required screening fence.

The project will have little or no influence on the thoroughfare system. This is a ten-acre site with only one curb cut on FM 1585. Texas Department of Transportation (TxDOT) governs curb cuts along this road, so any future curb returns will have to be negotiated with TxDOT. The Planning Commission recommended approval of the request with the following conditions:

1. The perimeter of additions will be screened with a fence similar to the existing development or the back of a row of lockers may substitute for the required screening.
2. The parcel will be limited to one drive return on FM 1585.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0038 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.3. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0039 Zone Case No. 3078 Hold a public hearing to consider request of West Texas Residential Developers, LTD. for a zoning change from R-1 and T to R-1 Specific Use for Garden Homes with a reduced front (cul-de-sac) and side (corner lots) setback on Lots 1-20, Prairie Park Addition (2100 block 88th Street).

Mayor Miller opened the public hearing at 11:30 a. m. No one appeared on behalf of West Texas Residential Developers, LTD. No one appeared in opposition. Mayor Miller closed the hearing at 11:35 a. m.

The applicant is requesting a change from R-1 to R-1 Specific Use for garden homes on a one block area that has already been platted and that will be submitted for replat to resize the lots.

Adjacent land use is residential in all directions.

The request is consistent with both the Comprehensive Land Use Plan and zoning policies. One neighbor did appear concerned about the proposed paved alley with rear access garages. This arrangement in other parts of town has not seemed to create any deficit to the adjacent owner other than traffic in the alley, and they also get a free paved alley.

The project will have no impact on the thoroughfare system.

The Planning Commission recommended the request with the following conditions:

1. The zoning is R-1 Specific Use for garden homes.
2. The side setback on corner lots may be a minimum of five feet. If the homes are built as rear access, the fence on the corner lots shall have a five-foot setback.
3. The minimum setback for homes on the cul de sac shall be five feet, except that any front entry garage shall have a twenty-foot setback.
4. The side setback for the cul de sac lots from the adjacent street shall be a minimum of five feet. If the homes are built as rear access, the fence on the corner lots shall have a five-foot setback.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended the request as outlined by the Planning Commission.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0039 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.4. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0040 Zone Case No. 1893-Z Hold a public hearing to consider request of MWM Architects, Inc. (for Canyon Creek Development, Inc.) for a zoning change from A-2 Specific Use to A-2 Specific Use to amend the site plan (for a personal care facility) on Lots 308 through 314, Tracts G-1-A, G-1-B, I-1 and I-2, Shadow Hills Addition, (100 block Frankford Avenue).

Mayor Miller opened the public hearing at 11:30 a. m. No one appeared on behalf of Canyon Creek Development, Inc. No one appeared in opposition. Mayor Miller closed the hearing at 11:35 a. m.

The applicants for this project are requesting to finish a facility originally built and operated under the name of Atria. The zone case for Atria and the group of cottages (Atria Cottage Village) to the south was approved within a Specific Use Permit. The new owner is planning on a new set of cottage facilities for independent living on the vacant north part of the parcel, and the new owner needs to amend the Specific Use Permit.

Regular City Council Meeting
April 26, 2007

Adjacent land uses:

N – single family

S – single family (actually the current Cottage Village is south of the proposed additional cottage units)

E – Frankford Avenue, with a playa across the street

W – single family

Since the current zoning is Specific Use, the site plan must be changed by a new zone case. The land is zoned A-2, which is the appropriate district for personal care centers.

The application is consistent with both the Comprehensive Land Use Plan and zoning policies. The location and style of the proposed cottages will, in staff's opinion, be an asset to the area and to the City. If any of the residents west of the vacant area have taken "visual ownership" of the property, it is the right of Cottage Village to develop their property in a proper manner.

A side issue has developed regarding the adjacent private drive (Frankford Court) that is neither a City issue nor a zoning issue. When the plat was originally recorded, the private drive in front of the row of garden homes along the golf course was entirely on the property (a portion for each lot) of Lots 284A-307A. A subsequent plat split a portion of the access easement and put part, but not all of it, on the Cottage Village parcel and provided Cottage Village access to the drive. The most disconcerting thing to the lot owners is that maintenance of the drive is at their expense, and all lots but 308-313 on the Cottage Village side were left out of the responsibility of maintenance. However, the City is not a party to the discussion of maintenance of a private drive. That was a decision made by the developer when the drive was designed as an access easement versus a public dedicated street.

Staff has met with both the applicant and the adjacent owners of lots to the west and informed them that the discussion needs to be settled outside of the City being involved. At this point, the two sides have come to an agreement to "fix" the participation on repair issue. Cottage Village has access to the easement through the most recent replat.

With regard to a zone case and land use, the proposal is consistent with the Comprehensive Land Use Plan and zoning policy. As noted, the private drive issue remains to be settled and the neighbors and the applicant have been asked by staff that the easement issue not cloud the discussion regarding land use, which is the responsibility of the Planning Commission and City Council.

The proposal will not impact the thoroughfare plan. Texas Department of Transportation is requiring an on-site private drive for the cottages that face Frankford Avenue, and they must use the existing curb cut for the main complex.

The Planning Commission recommended approval of the request. As an amendment to a Specific Use Permit now in effect, the most recent site plan will become the controlling site plan.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0040 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.5. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0041 Zone Case No. 3079 Hold a public hearing to consider request of Robert Clark (for Dr. Gurdev Gill) for a zoning change from R-1 and T to C-3 on 1.401 acres of unplatted land out of Section 17, Block E2 (9802 Quaker Avenue.

Mayor Miller opened the public hearing at 11:30 a. m. No one appeared on behalf of Dr. Gurdev Gill. No one appeared in opposition. Mayor Miller closed the hearing at 11:35 a. m.

The request is to zone a teardrop shaped parcel left as a remainder after Quaker Avenue was relocated to avoid the playa on the northwest corner.

Adjacent land use:

N – vacant

S – vacant and a former plant nursery

E – the new United Market Street

W – vacant, targeted as commercial

The request is consistent with the Comprehensive Land Use Plan and zoning policies for commercial development at the intersection of two major thoroughfares.

Several land owners adjacent to the parcel have expressed support for the request with the elimination of several permitted C-3 changes. Those strikes are listed in the recommendation below. The applicant has indicated no opposition to the elimination of those uses.

The project should have little impact on the thoroughfare system. Curb cuts are discussed below.

The Planning Commission recommended the request subject to the following conditions:

1. The parcel shall be limited to one curb return on Quaker. Should the need for two curb cuts occur, the applicant shall present a site plan for approval by the Planning and Zoning Commission.
2. The following uses shall not be allowed on the parcel:
 - a car wash
 - a tire, battery and accessory store.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0041 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.6. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0042 Zone Case No. 2543-C Hold a public hearing to consider request of Chris Blaylock and Ron Betenbough for a zoning change from R-1 to C-3 on the east 244 feet of Block 7, Fairview Acres Addition, and 10 acres of unplatted land out of the northeast quadrant of Section 9, Block E (1702 and 1701 98th Street).

Mayor Miller opened the public hearing at 11:30 a. m. No one appeared on behalf of Chris Blaylock and Ron Betenbough. No one appeared in opposition. Mayor Miller closed the hearing at 11:35 a. m.

The request is for C-3 on two lots in Fairview Acres (north of 98th Street) and a ten-acre parcel south of 98th Street that is part of the Stonegate Community Subdivision.

Adjacent land uses:

N – vacant and lots developed in the area locally termed the “horse lots”.

S – for the Fairview Acres lots, this zone request. Of the ten acres, residential.

E – mixed use north of 98th Street and vacant south of 98th Street.

W – of the Fairview Acres lots, mixed commercial and horse operations, of the proposed residential subdivision, vacant residential.

The request presents a somewhat peculiar circumstance on both sides of 98th Street in this location:

- The lots on the north side of 98th Street are not within the ten-acre normal policy area for commercial. They are immediately west of the ten-acre “policy” corner. Many of the lots along 98th Street from Avenue P to Avenue U are occupied by nonconforming commercial, so the probability of that area eventually being requested for commercial zoning is high.
- For the ten acres on the south of 98th Street in the Stonebridge Community Subdivision, the parcel is west of an already zoned ten acres, but that entire ten acres is a playa and cannot be developed. Thus, the peculiarity. Zoning this ten-acre tract will allow the developer to “move” the hole to this location if it is technically feasible, and develop commercial on the corner or develop his ten-acre allotment on the area governed by this zone case request.

In any instance, the two lots that started the discussion will be across the street from either commercial or a reconfigured playa and will not disrupt the concept of like uses across the thoroughfare from each other.

This background is the basis of noting that the zone case does not meet the current criteria established as policy for zoning within the Comprehensive Land Use Plan. The Plan is built to be flexible and to change with the

changing demands of development patterns and specific issues at particular locations. This request meets that challenge in the opinion of Planning staff. The Planning Commission recommendation for approval contains a motion including the comment that the change is a minor change to the Comprehensive Land Use Plan.

The projects should not have more than an expected impact on the Thoroughfare Plan. Both 98th Street and Avenue P are targeted as either five or seven lane streets for the future.

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

1. A site plan review for materials and design be reviewed by the Planning Commission prior to development on either of the two lots on the north or the ten-acre tract.
2. A total of one curb cut is allowed per lot on the north two lots on 98th Street.
3. The developer of the ten-acre tract shall submit a curb cut plan for approval by the Planning Commission prior to any subdivision and development on the ten acre tract.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0042 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.7. Public Hearing 10:00 a.m. - Public Works: Ordinance No. 2007-O0043 Hold a public hearing to consider adopting a revised Thoroughfare Plan Map of the City of Lubbock.

Mayor Miller opened the public hearing at 11:30 a. m. No one appeared on behalf of the revised Thoroughfare Plan Map. No one appeared in opposition. Mayor Miller closed the hearing at 11:35 a. m.

This is the first of two readings of an ordinance to adopt an updated Lubbock Thoroughfare Plan. The Lubbock Thoroughfare Plan is an element of Lubbock's Comprehensive Plan.

The Thoroughfare Plan delineates the existing and proposed major streets, including freeways, thoroughfares, and collector streets. It is a graphical representation of the street system needed to maintain the transportation needs of the City. The Plan is used to determine right-of-way needs and requirements of new subdivisions.

Periodically, the Thoroughfare Plan is revisited by staff and revised to address changing community and traffic needs, expanded city limits and extra-

territorial jurisdiction limits, and other update issues. In recent history, the Thoroughfare Plan was updated and adopted in 1986 and 1998. This revision will be an update to the 1998 Lubbock Thoroughfare Plan (officially approved and adopted in 2000).

Updates to the 2007 City of Lubbock Thoroughfare Plan Map include a number of road reclassifications, including removing the E1 (Expressway) road type from the classification scheme and reassigning roads to F (Freeway) or T2 (7 lane thoroughfare). Reassignments to F were Parkway Drive from Marsha Sharp Freeway east to Idalou Road and Idalou Road at East Loop 289. Reassignments to T2 are Clovis Highway outside of North Loop 289, Slaton Highway east of I-27, North Avenue Q Drive and Idalou Road west of East Erskine and North Olive.

In addition, Slide Road from north of West Loop 289 to Clovis Highway is reclassified from T1 (5 lane thoroughfare) to T2 (7 lane thoroughfare). Reclassifications from T2 to T1 are made for East Municipal Drive outside of East Loop 289, for Martin Luther King Jr. Boulevard and North Martin Luther King Jr. Boulevard inside Loop 289, for Idalou Road from East 19th Street to East 4th Street, for Avenue A from I-27 to Marsha Sharp Freeway, for Southeast Drive, for 19th Street and East 19th Street from University east to Idalou Road, and for Frankford Avenue from Spur 327 to 50th Street. In addition, all major roads (C-1 (4 lane collector) and larger) outside the City limits but within City of Lubbock five-mile Extraterritorial Jurisdiction (ETJ) were classified.

The map display is improved by expanding the map to include entire City of Lubbock five-mile ETJ area and showing surrounding towns' city limits and ETJ areas, county boundaries, the proposed "Outer Loop" route, and playa lakes and stream/river/lake system features. The map was created using Geographic Information System (GIS) mapping and data already included in the City of Lubbock digital GIS databases. Therefore the map is to scale and the features are properly related to other City data for use in the future.

The Planning and Zoning Commission reviewed this update to the Lubbock Thoroughfare Plan at their April 4, 2007, meeting and recommended approval of the new Thoroughfare Plan.

The full sized Plan is available for review in the Engineering and Planning Department offices.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this Thoroughfare Plan update.

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 first reading Ordinance No. 2007-O0043 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.8. Ordinance Amendment 2nd Reading - Planning: Ordinance No. 2007-O0034 Consider an ordinance amending Chapter 29 of the Code of Ordinances, City of Lubbock, Texas, entitled "Zoning," by amending subsection (f) "Special Exception," by permitting as an accessory use to an owner occupied structure, the use of an existing secondary living unit in an "R-1" or "R-2" district.

The proposed change will allow owner occupied properties with an existing secondary living unit in the "R-1" and "R-2" zoning districts to be approved by the Zoning Board of Adjustment (ZBA) as a conditional use. The secondary living unit must have been converted prior to November 20, 1980, but will not be required to have been occupied every year since 1980. The term secondary living unit may refer to an accessory building in the rear yard or the subdivision of the main house into two living units.

The proposed amendment to the zoning code will limit approval to:

- Properties where one of the living units on the parcel is owner occupied.

This is to encourage owner occupation of property in neighborhoods where an increase in rental property that is owned and managed by absentee landlords resulted in a greater number of nuisance and occupancy complaints. This ordinance will also help reduce the negative effect of properties with multiple rental units managed by absentee landlords.

- Locations where the accessory living unit was in existence prior to November 20, 1980, but not eligible for registration as a legal nonconforming "grandfathered" use.

This is to allow the legal occupation of existing secondary living units without the proliferation of new rental units.

- One primary living unit and one accessory living unit per development lot.

The proposed amendment to the zoning code will:

- Provide for an approval by the ZBA for a secondary living unit be filed of record in the Lubbock County Deed Records. Any subsequent title search during a sale would acquaint a potential new owner of the condition, and hopefully prevent an absentee landlord from buying the property and finding out the conditional use after the sale.
- Approval of a secondary living unit by the ZBA will allow the special exception to be transferred with the sale of the property as long as all the conditions of the approval are adhered to, including the requirement that one of the living units be owner occupied.

The proposed amendment does not remove or diminish a person's right to go to the Zoning Board of Adjustment to register an existing property as a legal

nonconforming use, but will be “customer friendly” to those properties that fail the test required by current code and increase the “pride of ownership” concept by having an owner on site.

The current City of Lubbock Code of Ordinances requires any conditional use to be subject to a public hearing and approval by the ZBA.

Before the public hearing, the request will be advertised in a local newspaper and a notice will be sent to the property owners within 200 feet of the proposed use informing them of the request. During the public hearing, the Board will look at the following:

- Will the granting of the exception be injurious or other wise detrimental to the public health, safety, morals, and general welfare of the general public?
- Will the granting of the exception be substantially or permanently injurious to the property or improvements in such zone or neighborhood in which the property is located?
- Will the granting of the exception be in harmony with the general purpose and intent of the ordinance?
- How does the request fit the character and use of the surrounding buildings?
- What effect will the granting of the exception have on the traffic in the vicinity?

The proposed amendment has gained written support from the UNIT Neighborhood Association and LUNA (Lubbock United Neighborhood Association). The proposal has also gained verbal support from Billie Russell with the Dunbar Manhattan Height Association, Linda Hogan with the Overton South Neighborhood, and Greg Bruce with the Heart of Lubbock Neighborhood Association.

FISCAL IMPACT

No fiscal impact is anticipated.

Bill Boon, Planner, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on second and final reading Ordinance No. 2006-O0034 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.9. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0163 authorizing the Mayor to execute a purchase order contract with Exerplay Inc. for a playground system at Miller Park.

On Thursday, March 22, 2007, the City Council awarded a contract to Craig Wallace Construction for Miller Park Improvements. After evaluating playground equipment and components from several manufacturers, staff recommended purchasing an Evos playground system with poured in place rubber surfacing. This playground system will be a companion project to the Miller Park Improvements project with Craig Wallace Construction.

The purchase and installation of the Evos playground system with associated equipment and poured in place rubber surfacing are available from Exerplay, Inc. through the U.S. Communities Public Services Alliance Purchasing Cooperative. U.S. Communities manages a national cooperative purchasing program co-sponsored by National Institute of Governmental Purchasing, the Association of School Business Officials, International, the National Association of Counties, the National League of Cities, and the U.S. Conference of Mayors. The program provides public agencies across the United States access to a variety of contracts competitively bid. This purchasing cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Government Code. Its purpose is to obtain the benefits and efficiencies that can accrue to members of a cooperative, to comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services.

Time for completion of this project is 60 consecutive calendar days and liquidated damages are \$100 per day.

FISCAL IMPACT

Funding in the amount of \$926,000 was appropriated for the construction of the Miller Park Improvements. \$275,000 is available in Project Number 91165, Miller Park Redevelopment.

Staff recommended contract award to Exerplay Inc. of Cedar Crest, New Mexico for \$208,038.

Randy Truesdell, Parks and Recreation Manager, and Scott Snider, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass Resolution No. 2007-R0163 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.10. Contract Resolution - Fire: Resolution No. 2007-R0164 authorizing the Mayor to execute a purchase order contract for a dive, search and rescue boat and all associated equipment, BID 07-028-FO.

This bid is for the purchase of a dive, search and rescue boat and all associated equipment including a chart plotter, a chart card, and a fish finder.

The Lubbock Fire Department Dive Team at Lake Alan Henry has access to a small boat that is not adequate for use on large bodies of water. This small boat has hampered rescue and recovery operations on the lake. The purpose of this acquisition is to obtain a large pontoon-type boat customized to accommodate an assortment of dive equipment and the necessary number of dive team personnel to safely and effectively perform search and rescue efforts at Lake Alan Henry.

FISCAL IMPACT

A total of \$77,600 was appropriated and \$77,600 is available in Lake Alan Henry operating budget for this purpose.

Staff recommended bid award to I-27 Marine & Powersports of Lubbock, Texas for \$33,909.

Rhea Cooper, Interim Fire Chief, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2007-R0164 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.11. Contract Resolution - Information Technology: Resolution No. 2007-R0165 authorizing the Mayor to execute a purchase agreement for automatic vehicle location equipment and software, RFP 07-009-RW.

A capital project was approved in the FY 2004-05 Capital Improvement Program to purchase an automated mapping, facilities management, and outage management (AM/FM) system for LP&L, Water Utilities, and Solid Waste. Part of the AM/FM project allows for automatic vehicle location (AVL), which will provide staff the ability to track the location of vehicles equipped with Global Positioning System devices.

Several vehicles with this equipment will be integrated directly with the AM/FM software, and the AVL system provided by Location Technologies is flexible enough to provide information to other software.

Evaluation factors published in the RFP included price (50%), functionality and vendor qualifications (25%), and ability to deliver 200 units (25%).

Respondents to the RFP were ranked as follows:

Location Technologies, Inc. of Parkville, MO - 100 points (\$78,465)

IDA Corporation of Fargo, ND - 90 points (\$93,434)

Radio Satellite Integrators of Torrance, CA - 75 points (\$179,850)

Sprint Nextel of Reston, VA - 40 points (\$1473,000) Did not meet specifications requiring compatibility with the City's 800MHz radio system.

The total cost of the devices is \$78,465 and includes a one-year warranty.

FISCAL IMPACT

Funds are budgeted in Capital Project 91118, AM/FM Automated Mapping.

Staff recommended contract award to Location Technologies, Inc. of Parkville, Missouri for \$78,465.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2007-R0165 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.12. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2007-O0044 Amendment No. 13 amending the FY 2006-07 budget respecting the Donations Fund, LP&L Fund, and Capital Improvement Program.

1. Appropriate \$10,000 in the Donations Fund for the Buddy Holly Center Summer Showcase Concert Series. The series will take place on Thursdays beginning May 31 through September 6, 2007. Projected attendance for 15 concerts during Summer 2007 is 10,000. Funding is available in the Donations Fund for this purpose.
2. Establish a new Capital Improvement Project titled "TTU Signals" and appropriate \$68,124. The new project will provide for the construction at three signalized intersections on Texas Tech Parkway. These will remain the ownership of Texas Tech University. The City will continue to operate and maintain the signalized intersection per an agreement placed on this City Council Meeting agenda. This project will be reimbursed 100% by Texas Tech University.
3. Amend the operating budget and Capital Improvement Program in the LP&L Fund. Specific information regarding these budgets is competitive information protected under Chapter 552.133 of the Texas Government Code.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the first reading of this ordinance.

Chief Financial Officer Jeff Yates and City Manager Lee Ann Dumbauld gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0044 with an amendment to adopt the budget amendment ordinance with omission of Item #3 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.13. Rate and Tariff Structure Amendment Resolution - Lubbock Power & Light: Consider a resolution amending the rate and tariff structure of Lubbock Power & Light, the City of Lubbock's municipally owned electric utility, by restructuring and defining new rates and tariffs for all rate and tariff classes, defining charges for ancillary services and amending the general terms and conditions of the rate and tariff schedules for all customers within the certificated territory of Lubbock Power & Light.

This item was deleted.

6.14. Board Appointments - City Secretary: Consider three appointments to Junked Vehicle Compliance Board, three appointments to Water Board of Appeals, four appointments to Park and Recreation Board, and three appointments to Public Transit Advisory Board.

Motion was made by Council Member DeLeon, seconded by Council Member Price to reappoint Charlene Olson, Brent Stewart, and Bill Townley to the Junked Vehicle Compliance Board. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Price to reappoint Andy Cates and appoint Jesus Arenas and Tami Swoboda to the Water Board of Appeals. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Price to reappoint Olga Aguero and Randy Carman, and appoint Kate Hamilton and Christy Martinez-Garcia to the Park & Recreation Board. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Price to reappoint Jay Jacobus and appoint Mary Gerlach and Robert McKenzie to the Public Transit Advisory Board. Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Items 5.1-5.7, 5.10, 5.12-5.13, 5.15-5.20 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.1. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0023 Consider an ordinance abandoning and closing a portion of a 20-foot alley located in Section 6, Block E, Lubbock County, Texas, alley closure located at 717 East 73rd Street.

This ordinance was read for the first time at the February 5, 2007, City Council meeting. The ordinance abandons and closes a portion of a 20-foot alley located just east of Globe Avenue and north of East 73rd Street. The requestor owns property on both sides of the alley and wants to access both properties from the alley. The east/west alley closure will remain as a drainage and utility easement and will be credited 50% for easement purposes. Because the requestor of this closure is not the original dedicator of the alley area being closed, there will be a charge for this alley closure. The total alley area being closed is 5,749.81 square feet and the Right-of-Way Department has calculated two values due to commercial property on one side of the alley and residential lots on the other side of the alley. The commercial property was valued at \$0.75 per square foot, and the residential lots valued at \$0.17 per square foot for a combined value of \$2,056.50 for the alley closure. In the re-plat, the requestor is dedicating 3,000 square foot of new alley x \$0.17 = \$510. Therefore, the amount due the City is \$1,546.50 (\$2056.50 - \$510). All utility companies are in agreement with this alley closure.

FISCAL IMPACT

Revenue of \$1,546.50

Staff recommended approval.

5.2. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0036 Consider an ordinance abandoning and closing a portion of a 20-foot alley located in Block 38, Overton Addition, alley closure located at 2001 Glenna Goodacre Blvd.

This ordinance was read for the first time at the April 12, 2007, City Council meeting. The ordinance abandons and closes the north 12.5-foot area of an east/west 20-foot alley located in Block 38 Overton Addition just south of Glenna Goodacre Boulevard between Avenue T and Avenue U. The requestor is re-platting this block with the alley moving south and the requestor has dedicated 12.5-feet off the north side of Lots 13-24 for the new alley location. Because the requestor of this closure has dedicated the new alley, there will not be a charge for this closure. All utility companies are in agreement with this alley closure.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval.

5.3. Ordinance Amendment 2nd Reading - City Secretary: Ordinance No. 2007-O0035 Consider an ordinance amending Chapter 8 of the Code of Ordinances by amending the location of the polling place for Voting Precinct 119.

The voting location for Precinct No. 119 used in previous elections is not available for use in the upcoming special election to fill a vacancy on the City Council. An alternate voting location has been found within Voting Precinct No. 119 at Homeplate Diner, 7615 University Avenue.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval.

5.4. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2007-O0037 Consider budget ordinance Amendment No. 12 amending the FY 2006-07 budget respecting the Capital Improvement Program, Grant Fund, and Streets Capital Project Fund.

1. Establish a new Capital Improvement Project "Airport Industrial Area Water System Improvements" funded with a \$341,081 transfer from Capital Improvement Project 9195, Airport Industrial Area Booster Station, and \$150,000 from Capital Improvement Project 91082, Eastport Water Renovation. The total project appropriation will be \$491,081.

This project will fund engineering services to design improvements to the Airport Industrial Area, which includes the Lubbock Preston Smith International Airport and surrounding industrial and commercial areas. The proposed engineering services involve preparation of specifications to loop and increase the size of the water line in the area. The project will

also locate Pump Station #13 in an area previously designated by Water Utility Engineering to serve the area, and will also serve future LEDA developments.

2. Appropriate \$129,225 of prepaid paving funds in the Streets Capital Project Fund for the City's participation in the cost of paving Slide Road from 1,500 feet north of Erskine Street north 1,200 feet to the alley north of Marshall Street. The developer is initiating the thoroughfare paving with the development of his subdivision, with \$164,910 of developer participation.
3. Accept and appropriate a \$24,716 grant from Texas Department of Transportation for the Click It or Ticket Selective Traffic Enforcement Program. This grant will fund off-duty personnel working overtime to enforce laws requiring seatbelt and child restraint usage. The program will target a reduction in death and serious bodily injury resulting from automobile crashes.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

- 5.5. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2007-O0045 abandoning and closing a five-foot underground utility easement and two switching enclosure easements for LP&L located on Tract A, Rice Addition, easements located at 4401 98th Street.**

This ordinance abandons and closes a 5-foot LP&L underground utility easement and two switching enclosure easements located in the southwest corner of 98th and Quaker Avenue on the east side of Tract A, Rice Addition. These easements were dedicated by plat and, due to development of the property, the easements are no longer needed. New easements will be dedicated with an amending plat to replace these easement closures. LP&L is in agreement with these closures.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the first reading of this ordinance.

- 5.6. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2007-O0046 abandoning and closing a five-foot LP&L underground utility easement located on Lot 7, Westac Addition, easement located at 5702 58th Street.**

This ordinance abandons and closes a 5-foot LP&L underground utility easement just west of Englewood Avenue and north of 58th Street on the north side of Lot 7, Westac Addition, save and accept the 6-foot by 6-foot SEE-LP&L easement in the northwest corner of Lot 7, Westac Addition. This easement was dedicated by plat and, due to the expansion of the business, the

easement is no longer needed. A new easement will be dedicated to replace this easement closure. LP&L is in agreement with this closure.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the first reading of this ordinance.

- 5.7. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2007-O0047 abandoning and closing four five-foot underground utility easements and two 4-foot by 6-foot transformer pad easements for LP&L located on Lots 3, 8,13,18, Prairie Park Addition, easements located at 2106, 2116, 2115, and 2105 88th Street.**

This ordinance abandons and closes four 5-foot underground utility easements and two 4-feet by 6-foot transformer pad easements for LP&L just west of Avenue U and north and south of 88th Street. These easements were dedicated by plat and, due to the developer changing the lot sizes, these easements are no longer needed at these locations. New easements will be dedicated in the re-plat to replace these easement closures. LP&L is in agreement with these easement closures.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

- 5.8. Interlocal Agreement Resolution - Traffic: Consider a resolution authorizing the Mayor to execute an interlocal agreement with Texas Tech University for installation and maintenance of signalized intersections on the Texas Tech University campus.**

This item was deleted.

- 5.9. This item was moved from consent agenda to regular agenda and considered following Item 5.20.**

- 5.10. Development Agreement Resolution - Business Development: Resolution No. 2007-R0166 authorizing the Mayor to execute an agreement with Northfork Creek, to participate in the cost of public improvements located between 9th and 10th Street and between University Avenue and Avenue X, for Phase One Bond, Issue Four, Project 1148 of the Project Plan for the North Overton Tax Increment Finance Reinvestment Zone.**

This agreement with Northfork Creek (Raising Cane Chicken) provides for the City to dedicate and pledge the use of revenue in the Tax Increment Fund and participate in the cost of public improvements for Phase One, Bond Issue Four, Project 1148 of the Project Plan as recommended by the Board of Directors of the North Overton Tax Increment Finance Reinvestment Zone (TIRZ). This agreement delineates the division of funding for the public improvements as represented in Exhibit D (TIRZ participation) and Exhibit E

(Developer participation). The total amount of tax increment financing for public improvements for this tract shown in Exhibit D is \$335,281.

FISCAL IMPACT

These public improvements will be paid for out of bonds issued and revenues collected by the North Overton Tax Increment Finance Reinvestment Zone. \$335,281 is budgeted in capital project # 91148, Tract 1B.

Staff recommended approval of this resolution.

- 5.11. Grant Agreement Resolution - Business Development: Consider a resolution authorizing the Mayor to execute an agreement with North and East Lubbock Community Development for promoting, assisting, and enhancing economic development in the north area of the City, including housing development.**

This item was deleted.

- 5.12. Grant Application Resolution - Library: Resolution No. 2007-R0167 authorizing the Mayor to execute a grant application with the Texas State Library and Archives Commission for an Interlibrary Loan Grant to support the Interlibrary Loan program and services.**

As the Major Resource Center for the West Texas Library System, the Lubbock Public Library serves as the headquarters for the Interlibrary Loan (ILL) grant program. The ILL Center locates and requests materials for all public libraries, community college libraries, and special libraries within a 29-county area. The grant funds two full-time employees. This program is fully funded by the State of Texas, and the City has no responsibility or obligation in the event that funds are not appropriated or provided. The Texas State Library and Archives Commission contracts with the City for housing of staff and implementation of the service program components.

FISCAL IMPACT

The \$106,435 Interlibrary Loan Center Grant will provide for the full cost of the program.

Staff recommended approval of this resolution.

- 5.13. Grant Contract Resolution - Police: Resolution No. 2007-R0168 authorizing the Mayor to execute an application for a state administered and federally financed Click It Or Ticket Selective Traffic Enforcement Program, with emphasis on seat belt and child restraint compliance to reduce death and serious bodily injury resulting from traffic accidents.**

The Click It or Ticket Selective Traffic Enforcement grant program utilizes off-duty personnel working overtime to enforce laws requiring seatbelt and child restraint usage. This grant funds the overtime expense.

FISCAL IMPACT

This enforcement program will be conducted during FY 2006-07 beginning May 21, 2007. This is a 100% grant for \$23,176 to be administered beginning May 21, 2007, and ending June 3, 2007.

Staff recommended approval of this resolution.

5.14. This item was moved from consent agenda to regular agenda and considered following Item 5.9.

5.15. Contract Resolution - Public Works: Resolution No. 2007-R0169 authorizing the Mayor to execute a contract with McDougal Construction for the City's participation in the cost to pave Slide Road from approximately 1,500 feet north of Erskine Street north 1,200 feet to the alley north of Marshall Street in North Pointe Addition.

The developers of North Pointe Addition have requested that the City participate in the cost of paving Slide Road from approximately 1,500 feet north of Erskine Street north 1,200 feet to the alley north of Marshall Street.

Slide Road is a designated thoroughfare street in the City's Master Thoroughfare Plan. Before the change in the City's Paving Policy in July 2006, the developers of new subdivisions were responsible for certain participation in the cost of thoroughfare paving, with the City paying the balance of the thoroughfare paving cost. The revised Paving Policy does not require developer participation in the cost of thoroughfare street paving. However, the revised Paving Policy does provide for a procedure to accelerate the paving of a thoroughfare street should the developer choose to participate in the cost and provided the City has funding available for its share.

Typically, the full width paving of a thoroughfare is initiated by the City. In this case, the developer is initiating the thoroughfare paving with the development of his subdivision and is platting property on both sides of Slide Road. The developer believes the paving of Slide Road is critical to the success of the development. The developer's request also complies with the minimum length of 1,000 feet for thoroughfare paving allowed by the Paving Policy. The developer, in this case, is participating in the cost of the thoroughfare paving as was required by the Paving Policy before July 2006.

This is the second phase of development of North Pointe Addition related to the paving of Slide Road. On October 9, 2003, City Council approved a similar contract approving City participation in the cost of Slide Road in the first phase of the North Pointe Addition. The City's participation in that contract for the first phase of Slide Road paving was \$109,833.

FISCAL IMPACT

The City's participation in the cost of this second phase of paving Slide Road is \$129,225. The developer's participation in the cost of paving this portion of Slide Road is estimated at \$164,910. The total contract for paving improvements of this current property being platted is \$2,301,787, which

includes the City's portion of the Slide Road paving. The City's share of the cost for this paving on Slide Road is proposed to come from the Prepaid Paving Fund, which consists of deposits Developer's prepaid for their thoroughfare paving costs at the time of platting their property (before the July 2006 change to the Paving Policy).

Staff recommended approval of this resolution.

5.16. Contract Resolution - Facilities Management: Resolution No. 2007-R0170 authorizing the Mayor to execute a purchase order contract for heating, ventilating, and air conditioning filters, BID 07-016-MA.

The City of Lubbock maintains heating, ventilating, and air conditioning (HVAC) units in more than 30 buildings including City Hall, Municipal Square, four branch libraries, Lubbock Business Center, Parks Administration, Fleet Services, Solid Waste, Traffic Signs, Animal Shelter, and Health Department. This bid establishes annual pricing for filters used in these HVAC units.

Specifications require the contractor to order, receive, arrange, package, and label filters for each individual HVAC unit with delivery to a central location.

Pricing is firm for one year with an option to renew annually for up to three additional one-year terms.

FISCAL IMPACT

\$13,500 is appropriated in Facilities Management operating budget.

Staff recommended contract award to Filtration Concepts of Lubbock, Texas for \$13,480.

5.17. Contract Resolution - Public Information: Resolution No. 2007-R0171 authorizing the Mayor to execute a contract for full service advertising and marketing services, RFP 07-015-RW.

This contract will provide full-service advertising and marketing services for all City departments. These services include, but are not limited to, preparing print and/or video presentations, advising on concept and design, and placing the buy through the appropriate media. The contract term is five months with a two-year extension in order to provide for the renewal date at the beginning of the fiscal year.

Evaluation criteria published in the RFP includes examples of advertising or marketing campaigns that show creative direction in advertising and marketing (40%), hourly rate for services (40%), billing method and schedule (10%), and examples of print publications and videos (10%).

Respondents to the RFP were ranked as follows:

The Thomas Agency of Lubbock, Texas	1,210
The Price Group of Lubbock Texas	1,150
TKO Advertising Inc. of Austin, Texas	1,060
Boone-Deleon Communications, Inc. of Houston, Texas	900

Davis Kinard & Company of Abilene, Texas	810
Strausberg Advertising Design of Culver City, California	760
On Message of Richardson, Texas	680
Hartwell Agency of Dallas, Texas	500

Best and final offers were requested from the two highest ranked firms.

FISCAL IMPACT

Funding appropriated as part of Adopted FY 2006-07 various department operating budgets.

Staff recommended approval of this resolution.

5.18. Contract Resolution - Police: Resolution No. 2007-R0172 authorizing the Mayor to execute a purchase order contract with GT Distributors for light bar packages and related equipment for police patrol vehicles.

This bid is for the purchase of light bar packages for 55 new police patrol vehicles. These items are necessary to prepare those vehicles for service. In order to maximize available funds, some existing equipment items will be transferred from older vehicles. The new equipment replaces other older equipment not suitable for transfer.

FISCAL IMPACT

Funding for these items is included in the approved FY 2006-07 Master Lease Program.

Staff recommended approval of this resolution.

5.19. Contract Resolution - Water Utilities: Resolution No. 2007-R0173 authorizing the Mayor to execute a contract with South Western Environmental Equipment Technicians for the purchase and installation of a double disc pump.

The Southeast Water Reclamation Plant uses a double disc pump and gravity belt thickeners in its solids handling process. The double disc pump will be used to pump supernatant and secondary sludge from the gravity belt thickeners into the digesters. This new six-inch double disc pump will better handle the volume and thickness of the sludge that needs to be treated. The double disc pump is the pump that is recommended in the Southeast Water Reclamation Plant facility upgrade project. Penn Valley Pump Company is the sole manufacturer for the pump and the South Western Environmental Equipment Technicians of Dallas, Texas is the authorized distributor. Gravity belt thickeners are used daily and the ability to pump sludge to the digester ensures good solids handling practices and also ensures that the City meets state regulations and permit requirements.

FISCAL IMPACT

\$850,000 was appropriated with \$248,404 available in Capital Improvement Project 91042, SEWRP Replacement System and Facilities, for this purpose.

Staff recommended contract award to South Western Environmental Equipment Technicians of Dallas, Texas for \$34,950.

5.20. Contract Resolution - Water Utilities: Resolution No. 2007-R0174 authorizing the Mayor to execute an agreement for engineering services with Parkhill, Smith & Cooper for water line distribution system improvements of Lubbock Preston Smith International Airport and Lubbock Rail Port.

The Water Department recommended water system improvements at Lubbock Preston Smith International Airport a number of years ago. With the Rail Port development initiatives and LEDA's success in recruiting Macsa to Lubbock, the water system improvements are now a priority. Macsa of Chihuahua, Mexico, is planning to construct a new facility at the Lubbock Rail Port Park located north of Lubbock Preston Smith International Airport. In order to provide the water to support the project, the infrastructure at the airport needs to be upgraded. The existing infrastructure cannot meet the water demand for Macsa. Macsa is planning to open in November 2007 and, in order to meet this time line, staff need to proceed as quickly as possible with the engineering and construction of the water line.

This contract is for the design of a new 500,000 gallon ground storage tank and booster pump station (Pump Station No. 15), and design of approximately 7 miles of 16-inch water line and miscellaneous appurtenances. Services will include design, bidding, and construction phase of the project. The project will benefit economic development in the City by meeting the water demands of Macsa and other developments at the Lubbock Rail Port, promoting the economic development opportunities for Lubbock Preston Smith International Airport and enhancing the water supply for TYCO.

FISCAL IMPACT

The estimated total budget for the water extension project, including engineering cost, is \$3.5 million. The amount of the engineering contract is \$401,200. Funding is available for the engineering contract in the amount of \$401,200. The funding source for this agreement will be the Water/Sewer Fund.

The Water Board supports this project. Staff recommended approval of this resolution.

6. REGULAR AGENDA (continued)

5.9. Reimbursement Resolution - Finance: Resolution No. 2007-R0175 expressing intent to finance expenditures to be incurred for Conference and Civic Center improvements in Overton Park.

It is expected that the City will issue bonds in Spring 2007 to fund the cost of Conference/Civic Center improvements located in Overton Park. These improvements were approved by City Council in the FY 2006-07 Capital Improvement Program Budget and amended in Budget Ordinance Amendment No. 6 on February 6, 2007.

For authorized construction projects, there may be design and engineering costs incurred prior to delivery of the bond proceeds in order that the projects are completed within prescribed timeframes. The City must declare its intent to reimburse bond-funded construction costs incurred prior to the bond issuance for the costs to be eligible for reimbursement with bond proceeds.

FISCAL IMPACT

This resolution allows reimbursement of authorized costs incurred in advance of the bond issuance in order that the project is completed within prescribed timeframes. The total amount of the project to be funded by taxable certificates of obligation is \$11.4 million.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0175 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

5.14. Contract Resolution - Business Development: Resolution No. 2007-R0176 authorizing the Mayor to execute an agreement with Parkhill, Smith & Cooper for architectural and engineering services for landscaping of the parkway around the Hotel and Conference Center, Project No. 91063, Tract 7 in the Overton Park redevelopment area.

This agreement involves the design and preparation of construction plans and specifications for the landscaping of the parkway around the Hotel/Conference Center. This contract is consistent with the Master Development Agreement approved at the February 24, 2006, Council meeting and amended on May 11, 2006, and January 12, 2007.

This proposed contract with Parkhill, Smith, & Cooper (PSC) includes engineering design services for the hardscape and softscape as defined in the Developer's Agreement. The adjacent streets in this project are Mac Davis Lane and Avenue X.

PSC, working with Hugo Reed, has provided this service for all City contracts in North Overton. PSC is qualified to perform these types of services, and the City has used them a number of times in the past. PSC has extensive

Regular City Council Meeting
April 26, 2007

knowledge of the Overton Park area through recent design projects from the developer and the City. They also assisted in the preparation of the Overton Park Public Improvement Guidelines.

FISCAL IMPACT

The not-to-exceed amount of the contract is \$52,536. These public improvements will be funded with bonds issued and revenues collected by the North Overton Tax Increment Finance Reinvestment Zone, Project 91063.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0176 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

12:17 P.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

1:10 P.M. COUNCIL ADJOURNED

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