

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
MAY 11, 2007
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 11th day of May, 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:

Dominic Gonzales, Isaac Perez, Erica Valles, Josie Sulaica, and Natalia Salazar.

Those speaking in opposition of the proposed name change were:

Roseanna Henderson, Charles Joplin, Billie Russell, and Joyce Childers.

2. EXECUTIVE SESSION

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

7:55 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room

All council members were present, except Council Member Boren.

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 (City Council Staff, Police, Right-of-Way, Water Utilities, consultation with attorney regarding V.T.C.A. Government Code, Chapter 551).

- 2.2. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Civic Centers, Community Services, Water Utilities).**
- 2.3. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary, Chief of Staff) and take appropriate action.**
- 2.4. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 2.4.1 **to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
 - 2.4.2 **to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**
 - 2.4.3 **to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

**9:40 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 9:40 a.m.

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1. **Invocation by Pastor Solomon Fields, St. John Baptist Church.**
- 3.2. **Pledge of Allegiance to the Flags.**

Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.
- 3.3. **Presentation of a special recognition to the Texas Tech University Institute of Environmental and Human Health in honor of its 10th anniversary.**

Mayor Miller presented special recognition to the Texas Tech University Institute of Environmental and Human Health in honor of its 10th anniversary.

Present to accept the special recognition were Dr. Ron Kendall, Dr. Phil Smith, Dr. Stephen Cox, Dr. Celine Godard-Codding, Dr. George Cobb, Dr. Mike Hooper, Dr. Ernest Smith, Dr. Steven Presley, Dr. Todd Anderson, Jonathan Maul, Dr. Jia-Sheng Wang, Weimin Gao, Dr. Jane Winer, Dr. Seshadri Ramkumar, Dr. Scott McMurray, and Russell Thomas, Assistant to the Chancellor. Dr. Ron Kendall introduced everyone and gave comments. Russell Thomas, Assistant to the Chancellor, also gave comments.

3.4. Presentation of a special recognition in memory of Michael J. Samek, National Chairman of the National World War II Glider Pilots Association.

Mayor Miller presented special recognition in memory of Michael J. Samek, National Chairman of the National World War II Glider Pilots Association. Present to accept the special recognition were Colonel Katie Garland of the Silent Wings Museum Foundation and former Glider Pilot Doug Flynn. Both gave comments.

3.5. Board Recognition

Water Board of Appeals:

Jesus Arenas, Jr.

Tami Swoboda (unable to attend)

Park & Recreation Board:

Kate Hamilton

Christy Martinez-Garcia

Public Transit Advisory Board:

Mary Gerlach (unable to attend)

Robert McKenzie

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, April 12, 2007; Special City Council Meeting, April 18, 2007

Motion was made by Council Member DeLeon, seconded by Council Member Jones to approve the minutes of the Regular City Council Meeting of April 12, 2007, and the Special City Council Meeting of April 18, 2007 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1-5.5, 5.7-5.12, 5.16, 5.18-5.19, 5.21, 5.23, 5.27-5.29)

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to approve Items 5.1-5.5, 5.7-5.12, 5.16, 5.18-5.19, 5.21, 5.23, 5.27-5.29 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.1. Zone Case No. 3077 Ordinance 2nd Reading - Zoning: Ordinance No. 2007-O0038 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 E-2 (4916 130th Street).

This request follows a commitment by City Council allowing Mr. Key to correctly zone 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 2005 annexation of the area. 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' to 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.

Staff supports the recommendation of the Planning Commission.

- 5.2. Zone Case No. 3078 Ordinance 2nd Reading - Zoning: Ordinance No. 2007-O0039 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 setback on Lots 1-20, Prairie Park Addition (2100 block 88th Street).**

The applicant is requesting a change from R-1 to R-1 Specific Use for garden homes with a reduced front (cul-de-sac) and side (corner lots) on a one block area that is already platted and 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 appeared concerned about the proposed paved alley with rear access garages. This arrangement in other parts of town has not created any deficit other than traffic to the adjacent owner.

The project has 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.

Staff supports the recommendation of the Planning Commission.

- 5.3. Zone Case No. 1893-Z Ordinance 2nd Reading - Zoning: Ordinance No. 2007-O0040 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).**

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 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.

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.

Staff supports the recommendation of the Planning Commission.

5.4. Zone Case No. 3079 Ordinance 2nd Reading - Zoning: Ordinance No. 2007-00041 Consider request of Robert Clark (for Dr. Gurdev Gill) for a zoning change from R-1 and T to C-3 zoning on 1.401 acres of unplatted land out of Section 17, Block E2 (9802 Quaker Avenue).

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.

Staff supports the recommendation of the Planning Commission.

5.5. Zone Case No. 2543-C Ordinance 2nd Reading - Zoning: Ordinance No. 2007-O0042 Consider request of Chris Blaylock and Ron Betenbough for a zoning change from R-1 to C-3 zoning 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).

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 at 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.

Staff supports the recommendation of the Planning Commission.

5.6. This item was moved from consent agenda to regular agenda and considered following Item 5.29.

5.7. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2007-O0044 Consider budget ordinance Amendment No. 13 amending the FY 2006-07 budget respecting the Donations 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 each Thursday 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 of revenue from Texas Tech University. The new project provides 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 the adopted agreement. This project will be fully funded by Texas Tech University.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

- 5.8. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0045 Consider an ordinance 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 was read for the first time at the April 26, 2007, City Council meeting. This ordinance abandons and closes a five-foot underground utility easement and two switching enclosure easements for LP&L in the southwest corner of 98th and Quaker Avenue on the east side of Tract A, Rice Addition. These easements are dedicated by plat and due to development of the property the easements are no longer needed. New easements will be dedicated along with an amended plat. LP&L is in agreement with these closures.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

- 5.9. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0046 Consider an ordinance abandoning and closing a five-foot LP&L underground utility easement located on Lot 7, Westac Addition (5702 58th Street).**

This ordinance was read for the first time at the April 26, 2007, City Council meeting. This ordinance abandons and closes a five-foot LP&L underground utility easement west of Englewood Avenue and north of 58th Street on the north side of Lot 7, Westac Addition, save and accept the six-foot by six-foot SEE-LP&L easement in the northwest corner of Lot 7, Westac Addition. This easement is dedicated by plat and due to the expansion of the business the easement is no longer needed. A new easement will be dedicated. LP&L is in agreement with this closure.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

- 5.10. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0047 Consider an ordinance abandoning and closing four five-foot underground utility easements and two 4' x 6' transformer pad easements for LP&L located on Lots 3,8,13,18, Prairie Park Addition (2106, 2116, 2115, 2105, 88th Street).**

This ordinance was read for the first time at the April 26, 2007, City Council meeting. This ordinance abandons and closes four five-foot underground utility easements and two 4' x 6' transformer pad easements for LP&L just west of Avenue U and north and south of 88th Street. These easements are dedicated by plat and due to the developer changing the lot sizes, easements are no longer needed at these locations. New easements will be dedicated in the re-plat. LP&L is in agreement with these easement closures.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

5.11. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2007-OO0048 abandoning and closing a portion of a 20-foot alley located in Block 113, Overton Addition (1707 7th Street).

This ordinance abandons and closes the north 165-foot portion of the 20-foot alley located in Block 113, Overton Addition south of 7th Street between Avenue Q and Avenue R. The alley is closing for development purposes and will remain a temporary utility easement. In the re-platting process a new utility and public access easement will be dedicated.

All utility companies are in agreement with this alley portion closure.

FISCAL IMPACT

As the property owner is no longer the original dedicator of the 3,300 square foot easement, there is a charge for the closure. However, the current owner intends to re-plat the area by dedicating 4,826 square feet of street and a 4,777 square foot utility easement, eliminating the need for the closure charge.

Staff recommended approval of the first reading of this ordinance.

5.12. Quitclaim Resolution - City Attorney: Resolution No. 2007-R0177 authorizing and directing the Mayor to execute a quitclaim in favor of Jesus H. and Maria D. Cavazos for a certain .339 acre tract of real property, more or less, located on 82nd Street between University Avenue and U.S. Highway 87, Lubbock County, Texas.

This quitclaim is a curative action to return certain real property to the rightful owner after a 1999 condemnation action inadvertently granted the excess property to the City in connection with the widening of 82nd Street.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

5.13. Notice of Intent to Cancel a Tax Abatement Agreement Resolution - Business Development: Consider a resolution authorizing the Mayor to execute a notice of intent to terminate a tax abatement agreement with X-Fab Texas and approved February 24, 2000, and amended on April 27, 2000.

This item was deleted.

- 5.14. Notice of Intent to Enter Into a Tax Abatement Agreement Resolution - Business Development: Consider a resolution authorizing the Mayor to execute a Notice of Intent to enter into a tax abatement agreement with X-Fab Texas.**

This item was deleted.

- 5.15. This item was moved from consent agenda to regular agenda and considered following Item 5.6.**

- 5.16. Interlocal Agreement Resolution - Police: Resolution No. 2007-R0178 authorizing the Mayor to execute an interlocal agreement with the United States Marine Corps, 8th Marine Corps District, Officer Selection Station Lubbock, Texas for use of the Lubbock Police Department Obstacle Course.**

This interlocal agreement with the United States Marine Corps, 8th Marine Corps District, Officer Selection Station Lubbock, Texas is for use of the Lubbock Police Department Obstacle Course at 11602 West 19th Street.

This agreement allows current members of the 8th Marine Corps District, Officer Selection Station, Lubbock to enter the facility for training purposes.

The term of the agreement is six years, beginning May 11, 2007.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

- 5.17. This item was moved from consent agenda to regular agenda and considered following Item 5.15.**

- 5.18. Donation of an Urban Renewal Vacant Lot Resolution - Community Development: Resolution No. 2007-R0179 to donate a vacant Urban Renewal lot valued at \$400 to the New Construction Program as HOME Match to further affordable housing for a new single-family residence to be constructed at 2302 Hickory Avenue, designated as Parcel 15760-21-70, legally described as Lot 7, Block 21, Coronado Addition to the City of Lubbock, Lubbock County, Texas.**

This donation of a vacant lot by the Urban Renewal Agency is to the HOME program as match to further affordable housing in the Chatman Hill Area. The vacant residential lot is valued at \$400 and is the HOME match value.

This lot will be developed for an approved family in conjunction with Community Development's New Construction Program. This program assists low to moderate income first-time home buyers with home ownership.

The Urban Renewal Board of Commissioners approved the donation of the lot on February 20, 2007.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

- 5.19. Agreement Resolution - Parks and Recreation: Resolution No. 2007-R0180 authorizing the Mayor to execute an agreement with the Texas Department of Transportation to enter McAlister Park for the construction of erosion control devices and other related purposes.**

The Texas Department of Transportation (TXDOT) is making improvements on Spur 327, adjacent to McAlister Park. A portion of the project includes constructing erosion control devices near the drainage outfall in McAlister Park (Playa Lake 37) along Spur 327. The agreement grants TXDOT and its contractors permission to enter the lands owned by the City for construction. The agreement defines the required insurance coverage for the contractors performing the work. The agreement expires on May 31, 2009. TXDOT anticipates completing this portion of the project by that date.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

- 5.20. This item was moved from consent agenda to regular agenda and considered following Item 5.17.**

- 5.21. Grant Contract Resolution - Citibus: Resolution No. 2007-R0181 authorizing the Mayor to execute a State and Local Public Transportation (Section 5310) Grant Agreement (Contract No. 51705F7148), with the Texas Department of Transportation.**

The Texas Department of Transportation is allocating \$52,280 of public transportation funds to the City for preventative maintenance for CitiAccess Demand Response Service. The funds from Section 5310 grants must be used to provide mass transportation service planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities. The agreement is effective when fully executed by both parties, or on April 11, 2007, whichever is later. The contract terminates on August 31, 2008.

FISCAL IMPACT

The match required for this grant is included in the FY 2006-07 Citibus operating budget.

Citibus recommended approval of this resolution.

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

- 5.23. Contract Resolution - Streets: Resolution No. 2007-R0182 authorizing the Mayor to execute a contract for ice control salt, BID 07-31-FO.**

This bid is for the purchase of ice control salt used during the winter months by the Street Department to control the accumulation of ice and snow on City streets.

FISCAL IMPACT

\$48,000 is available in account the Adopted FY 2006-07 Public Works operating budget for this purpose.

Staff recommended bid award to Lubbock Imports of Lubbock, Texas for the lowest bid of \$23,800.

- 5.24. This item was moved from consent agenda to regular agenda and considered following Item 5.22.**
- 5.25. This item was moved from consent agenda to regular agenda and considered following Item 5.24.**
- 5.26. This item was moved from consent agenda to regular agenda and considered following Item 5.25.**
- 5.27. Contract Amendment Resolution - Water Utilities: Resolution No. 2007-R0183 authorizing the Mayor to execute an amendment to the Wholesale Wastewater Interlocal Contract with Lubbock Reese Redevelopment Authority for an extended term.**

The City currently has an interlocal contract with Lubbock Reese Redevelopment Authority (LRRA) for the development of adequate systems of sewage collection and disposal, the elimination of water pollution, and the preservation of the water resources of the State of Texas. This interlocal contract for wholesale wastewater service is necessary for the City's Texas Pollutant Discharge Elimination System wastewater discharge permit. This will ensure federal and state pretreatment rules and regulations are followed by the agency discharging wastewater into the City's publicly owned treatment works.

LRRA agrees to the original contract and amendments. The proposed amendment will extend the life of the contract for five years with the option of ten years at the City's option.

FISCAL IMPACT

In FY2005-06, the Lubbock Reese Redevelopment Authority paid \$1,511 for wastewater services.

Staff recommended approval of this resolution.

- 5.28. Contract Amendment Resolution - Community Development: Resolution No. 2007-R0184 authorizing the Mayor to execute an amendment to a Community Development funding contract with Catholic Family Services for the Community Services Block Grant Self Sufficiency Program to provide assistance to families to transition them out of poverty through the Community Services Block Grant for the Self-Sufficiency Program.**

Grantee: Catholic Family Services

Program: Self-Sufficiency

Funding Source: 2007 Community Services Block Grant

Use of Funds: Self-Sufficiency Program- Provide assistance to families to transition them out of poverty.

Amount: Additional funds in the amount of \$22,800, Council previously approved \$72,200, for a total of \$95,000.

Period of Performance: January 1, 2007, through December 31, 2007.

The Texas Department of Housing and Community Affairs made available an additional 12% of allocated funds in addition to the 38% previously released.

Funding was approved by the Community Development and Services Board during their regularly scheduled meeting on January 31, 2007. City Council approved the contract at the February 22, 2007, City Council meeting. \$390,000 was appropriated on February 6, 2007.

FISCAL IMPACT

\$95,000 is the maximum amount to be allocated from the State Community Services Block Grant for this program.

Staff recommended approval of this resolution.

- 5.29. Settlement Agreement - City Attorney: Resolution No. 2007-R0185 approving the Settlement Agreement by and between the City of Lubbock and Texas Jumpin Jack, L.L.C., Star Associates, L.L.C. and Pine Ridge Associates, the owners of Aspen Village West Apartments, 5416 50th Street, relating to the property acquisition for the West 50th Street widening project.**

Aspen Village has accepted the City's offer on the condemnation on 50th Street. This is a resolution approving the Settlement Agreement by and between the City of Lubbock and Texas Jumpin Jack, L.L.C., Star Associates, L.L.C. and Pine Ridge Associates, the owners of Aspen Village West Apartments, 5416 50th Street, relating to the property acquisition for the West 50th Street widening project.

FISCAL IMPACT

Purchase cost of property is \$480,000.

Staff recommended approval of this resolution.

6. REGULAR AGENDA

Note: Regular Agenda items, and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (Items 5.6, 5.15, 5.17, 5.20, 5.22, 5.24-5.26, 6.2, 6.4, 6.1, 6.5-6.6). Item 6.3 was deleted.

- 5.6. Thoroughfare Plan Map Adoption Ordinance 2nd Reading - Public Works: Ordinance No. 2007-O0043 Consider an ordinance adopting a revised City of Lubbock Thoroughfare Plan Map.**

This is a second of two readings of an ordinance to adopt the updated Lubbock Thoroughfare Plan. A public hearing and first reading of the

ordinance was held April 26, 2007. 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 issues. The Thoroughfare Plan was updated and adopted in 1986 and 1998. This revision is 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 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 are 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 including the 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 uses the Geographic Information System (GIS) mapping and data included in the City of Lubbock digital GIS databases, making the map to scale and the features 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.

Staff recommended approval of this Thoroughfare Plan update.

Larry Hertel, City Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Council Member Price to pass on second and final reading Ordinance No. 2006-00043 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- 5.15. Interlocal Agreement Resolution - Traffic: Consider a resolution authorizing the Mayor to execute an interlocal agreement with Texas Department of Transportation (TxDOT) for the City to operate a Traffic Management Center at the City of Lubbock Traffic Engineering office for the operation of TxDOT's Intelligent Transportation System within Lubbock city limits.**

This item was continued to the May 24, 2007 City Council meeting.

This agreement represents the final phase of the Intelligent Transportation System implementation, which was previously approved by City Council as ITS Project Phase 1 & 2 (November 4, 2004, and January 25, 2007) and Fiber Optic Network Interconnection Agreement (November 21, 2006). This agreement allows the Fire Department, Police Department, and Traffic Engineering Department to access the Freeway Management system to improve responses to traffic incidents on all Lubbock freeways and intersecting major streets.

FISCAL IMPACT

Funds are appropriated in the Adopted FY 2006-07 Public Works operating budget. Scheduled operation of the Traffic Management Center is anticipated to begin in September 2007, operating funds will be included in the FY 2007-08 Public Works Operating Budget.

Staff recommended approval of this resolution.

Marsha Reed, Assistant City Engineer, and Jere Hart, Traffic Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass this item as recommended by staff. After further discussion, Council Member Leonard suggested getting more information on the agreement before moving forward.

Motion was then made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to continue this item until the May 24, 2007 Regular City Council Meeting. Motion carried: 6 Ayes, 0 Nays.

5.17. Interlocal Agreement - Purchasing: Resolution No. 2007-R0186 authorizing the Mayor to execute an interlocal participation agreement with The Local Government Purchasing Cooperative.

The Local Government Purchasing Cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Local Government Code. Its purpose is to centralize the purchasing activity and increase the purchasing power of local governments throughout Texas using a customized electronic purchasing system. The Cooperative is administered by the Texas Association of School Boards and is endorsed by the Texas Municipal League and the Texas Association of Counties. The Bid Administrator is the Region II Education Service Center.

Many products are available through The Local Government Purchasing Cooperative including athletic equipment and scoreboards, audiovisual equipment, automobile tires, technology software and equipment, medical equipment, library books and supplies, modular buildings, playground equipment, and water treatment supplies.

All items and catalogs posted on the BuyBoard are competitively bid, based on Texas statutes, and awarded by the Cooperative's Board of Trustees. This eliminates the need for members to go through the bidding process on their own. The benefit is a reduction in administrative efforts and compliance with competitive bidding requirements.

FISCAL IMPACT

This cooperative purchasing agreement provides benefits to the City including compliance with state bid requirements, qualified vendors for goods and services, reduced administrative costs, reduced cost of goods and services with economies of scale, and increased efficiency through Internet purchasing. Savings to the City is based on usage.

Staff recommended approval of this resolution.

Victor Kilman, Director of Purchasing and Contract Management, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gibleath to pass Resolution No. 2007-R0186 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.20. Grant Application Resolution - Fire: Resolution No. 2007-R0187 authorizing the Mayor to execute a Public Safety Answering Point Reimbursable Grant Program application to the Lubbock Emergency Communication District for Communication Center funds.

For FY 2007-08, Lubbock Emergency Communication District (LECD) will appropriate up to \$100,000 for the Public Safety Answering Point (PSAP) Reimbursable Grant Program. This grant requires a 10% match. The Lubbock Fire Department grant application is for enhancements to the 911 call taker/dispatcher environment.

Increasing Fire Department call volume requires scheduling two dispatchers per shift. New equipment improves the efficiency of Fire Department operations. Replacing office modular furniture with consoles designed for public safety dispatching immediately improves the organization of resources for the dispatchers. Two identical consoles ensure that employees can perform identical tasks. An additional EMS computer for the second console is required to dispatch First Responder calls. These consoles raise and lower allowing dispatchers to stand or sit during their shifts and still perform dispatching duties. The flooring provides better acoustics and create a more attractive environment.

All approved LECD grant funds will be available October 1, 2007.

FISCAL IMPACT

The \$48,670 grant requires a 10% City match. The \$4,870 matching funds will be included in the FY 2007-08 Fire Department operating budget should the City be awarded the grant.

Staff recommended approval of this resolution.

Rhea Cooper, Interim Fire Chief, and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0187 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.22. Contract Resolution - Citibus: Resolution No. 2007-R0188 authorizing the Mayor to execute a purchase order contract for transit schedule holders on all bus stop signs for Citibus.

This bid is for the purchase of 900 transit schedule holders. To make Citibus bus stops more passenger friendly, Citibus will place transit schedule holders on all bus stop signs. The transit schedule holders contain information that specifies when the bus will arrive at that particular stop and what routes stop there. Citibus will include the phone number for route information and the Citibus website address. Citibus feels that it will be helpful to passengers and potential passengers to know exactly what time the bus stops at the place where they need to board the bus.

The bid was advertised two times in Passenger Transport, the national transit weekly publication. Two companies submitted bids:

Karima, Inc. of Commerce City, Colorado

Unit Price Bid: \$125

Extended Cost: \$122,500

Delivery (days) after receipt of order: 45

Transit Information Products, of Concord, California

Unit Price Bid: \$69.72

Extended Cost: \$62,748

Delivery (days) after receipt of order: 45

This information was presented at the April 24, 2007 Lubbock Public Transit Advisory Board meeting.

FISCAL IMPACT

Grant funds are available for this purpose. One percent of grant funds must be used for passenger amenities.

The required local match is included in the FY 2006-07 Citibus operating budget. Acceptance of this grant will result in no additional cost to the City.

Advisory Board and staff recommended bid award to Transit Information Products of Concord, California for \$62,748.

Melinda Harvey, Director of Planning for Citibus, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0188 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.24. Contract Amendment Resolution - Water Utilities: Resolution No. 2007-R0189 authorizing the Mayor to execute an amendment to the contract for the provision of water and wastewater services to the Lubbock Cooper Independent School District and for the necessary infrastructure to enable service delivery.

In 2005, representatives of Lubbock Cooper Independent School District (LCISD) requested the City provide water service to their Woodrow Campus, located four miles south of the city limits along Woodrow Road and east of Avenue P. The request is for potable water for the school facilities, and not for fields and open space irrigation. Ever increasing water quality standards make it difficult for schools that focus on education to focus on the business of water treatment.

In 2006, City Council and LCISD agreed to a contract. The agreement provides for the sale of water to LCISD and for LCISD to participate in the extension of the City's water mains. LCISD agreed to fund and install the water line necessary to connect the school to the City's distribution system. LCISD also agreed to financially participate with the City in the installation of two miles of 16" water distribution line. This project will benefit the City and LCISD.

In the contract, the estimated cost of LCISD participation is \$232,320. By contract, LCISD agreed that the actual amount of participation would be based on the bid for their own 6" line, or the bid given to the City for a 6" line. Based on the low bid LCISD received, LCISD would contribute approximately \$190,000 for participation in the project. Based on the low bid the City received, they would contribute \$398,671. The disparity between the two bid amounts is in part related to the different types of materials used and

the different method of installation in a rural area compared to an urbanized area. LCISD has agreed to contribute \$315,496.

FISCAL IMPACT

The bid award for the project is \$739,962, with \$880,000 appropriated in Capital Improvement Project 91210 Water Main Extension South for this purpose.

Lubbock Water Advisory Commission and staff recommended approval of this resolution.

Tom Adams, Deputy City Manager/Water Utilities Director, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass Resolution No. 2007-R0189 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.25. Contract Resolution - Water Utilities: Resolution No. 2007-R0190 authorizing the Mayor to execute a contract for the rehabilitation of the influent lift station at Southeast Water Reclamation Plant, BID 07-711-BM.

The headworks at the Southeast Water Reclamation Plant consists of a lift station, screens, and grit removal system. The lift station consists of four screw pumps that have the capacity to pump 68 million gallons of sewage. During the past two years, two of these screw pumps experienced catastrophic failure and were replaced with temporary submersible pumps.

This bid includes the construction and installation of submersible pumps for the Influent Pump Station at the Southeast Water Reclamation Plant. The project includes the construction of a pump building, the installation of eight previously purchased submersible pumps, pipe work, fittings, and the replacement of all the electrical components. Submersible pumps are more efficient, economical, and easier to maintain than screw pumps. City Council approved the \$315,872 purchase of eight submersible pumps on December 19, 2006. These pumps are being used on a temporary basis and will be installed permanently with this construction contract. The estimated time for completion is 180 calendar days.

Bids were received from Red River Construction Company for \$2,329,900; Archer Western Contractors, Ltd. for \$2,422,000; and Brown-McKee, Inc. for \$2,319,666. Staff recommended contract award to the low bidder.

FISCAL IMPACT

A total of \$3,010,073 is appropriated with \$2,326,335 available in Capital Improvement Project 90359, Headworks Rehabilitation, for this purpose.

Staff recommended contract award to Brown-McKee of Lubbock, Texas for \$2,319,666.

Tom Adams, Deputy City Manager/Water Utilities Director, and Wood Franklin, Interim Chief Engineer, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0190 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.26. Contract Resolution - Water Utilities: Resolution No. 2007-R0191 authorizing the Mayor to execute a contract for construction of water distribution improvements along Avenue P south of 98th Street, RFP 07-712-DD.

This water system improvement project will construct a 16-inch water supply main approximately two miles long along Avenue P from 98th Street to FM 1585. City Council approved a contract with Lubbock-Cooper Independent School District (LCISD) to provide a dependable potable water supply to the LCISD Woodrow Campus in Woodrow, Texas. The campus is served with a network of water wells that no longer have adequate capacity to meet current and future water demand. Under the contract, LCISD will pay for the equivalent size of a six-inch line and the City will pay for the increased line size warranted by City water system design requirements.

Selection criteria published in the Request for Proposal included price (60%), resume and references of proposed job superintendent (15%), list of potential cost reduction items (10%), insurance claims and litigations (5%), and proposed construction time (10%).

General contractors were evaluated and ranked based on the published selection criteria. Triple L Utilities of Dumas, Texas proposed a base bid of \$739,962 with 120 days for completion; Utility Contractors of America of Wolfforth, Texas proposed a base bid of \$921,655 with 120 days for completion, and Craig Wallace Construction of Lubbock, Texas proposed a base bid of \$1,040,868 with 90 days for completion. Committee scores were 423 for Triple L, 374 for UCA and 348 for Craig Wallace Construction.

FISCAL IMPACT

A total of \$882,320 was appropriated with \$880,105 available in Capital Improvement Project 91210, Water Main Extension South, for this purpose. Lubbock Cooper Independent School District will reimburse the City \$315,496 for the equivalent pipeline size of a six-inch line as agreed upon in the contract adopted on June 26, 2006 (Resolution No. 2006-R0308).

Staff recommended contract award to Triple L Utilities of Dumas, Texas for \$739,962 with 120 days for completion.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass Resolution No. 2007-R0191 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

6.2. Grant Application Resolution - Business Development: Resolution No. 2007-R0192 authorizing the Mayor to execute a CH Foundation grant application to fund design, engineering, and construction for the Overton Park Conference Center.

This resolution authorizes the Mayor to execute a grant application to the CH Foundation for additional funding for the Overton Park Conference Center. The additional funding increases the size and scope of the project. The amount of the grant is \$6 million over four years.

The Overton Park Conference Center is 47,603 square feet costing \$21.7 million. The funding for the project includes \$11.4 million from the North Overton TIF Fund in Capital Project 91074, \$6 million from the CH Foundation, with the remaining funds from naming rights and other sources.

The grant application will be provided prior to the City Council meeting.

FISCAL IMPACT

This grant, over a four-year period, will provide \$6 million of funding for the Overton Park Conference Center.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0192 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

6.3. Agreement Resolution - Business Development: Consider a resolution authorizing the Mayor to execute a design-build agreement with Garfield Traub Development and Turner Lee Lewis to design and construct an upscale conference center adjacent to a separately-owned upscale hotel located on Tract 7, Overton Park.

This item was deleted.

6.4. Notice of Intent Resolution for Public Conference/Civic Center - Finance: Resolution No. 2007-R0193 authorizing publication of notice of intent to issue City of Lubbock, Texas Tax and Waterworks System Surplus Revenue Certificates of Obligation.

This resolution authorizes publication of notice of intent to issue City of Lubbock, Texas Tax and Waterworks System Surplus Revenue Certificates of Obligation (Certificates). The Certificates will provide funding for the development, acquisition, furnishing, equipping, and construction of a conference/civic center adjoining an upscale hotel in Overton Park, and related public infrastructure.

FISCAL IMPACT

The notice of intent states that the bonds will not exceed \$12 million. The amount of the debt issuance will be approximately \$11.7 million, which

provides \$11.4 in construction proceeds and approximately \$0.3 million in associated bond issuance costs.

The debt service payments on these obligations are funded from hotel/motel tax collections related to the hotel, contractual payments from the owners of the Hotel, and North Overton Tax Increment Financing Reinvestment Zone revenues.

The annual debt service payments will be approximately \$1 million.

Staff recommended approval of this resolution.

Jeff Yates, Chief Financial Officer, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0193 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

- 6.1. Ordinance Amendment - Parks and Recreation: Consider an ordinance amending Chapter 19 of the Code of Ordinances by amending Section 19-1 of the Code of Ordinances regarding the regulation of taking fish and removal or damage of artifacts in public parks, amending Section 19-2 of the Code of Ordinances regarding sale and/or consumption of alcohol at the Wells Fargo Amphitheatre, and adding Section 19-8 of the Code of Ordinances regarding the description of specific unlawful activities with park playgrounds.**

This item was continued until the Park and Recreation Board can review the entire ordinance and bring it back to Council.

This ordinance will amend Sections 19-1 and 19-2 of the Code of Ordinances and will add Section 19-8.

Amendment of Section 19-1 adds regulations regarding the taking of game fish and non-game fish by means of fishing poles and lines only. It prohibits taking fish by such methods as bow-fishing and spear guns. A permit will be required to take fish by any other method. Examples of taking fish by other methods, except pole and lines, are traps or seines. The Parks and Recreation Department has received requests from Texas Tech University and Texas Parks and Wildlife to capture fish for research or population studies.

Amendment of Section 19-1 includes prohibiting the removal of and searching for artifacts in parks, except as permitted by all entities having jurisdiction over such activities, such as the Texas Historical Commission.

Amendment of Section 19-2 includes adding the Wells Fargo Amphitheatre as a park facility where the sale and consumption of alcohol could be permitted. Other park locations where the sale and consumption of alcohol can be permitted include the Meadowbrook Golf Course, Mackenzie Outdoor Center, Wind Power Center, Landwer House, and surrounding fenced area at Llano

Estacado Lake during specific events. The ordinance currently requires the sale of alcoholic beverages to be conducted by a licensed and approved concessionaire or caterer only, and security must be appropriate.

The addition of Section 19-8 establishes unlawful activities within park playgrounds. The unlawful activities will include entering the playground between 10:00 p.m. and 7:00 a.m., building fires, smoking, bringing pets onto the playground, bringing bicycles, skateboards, scooters and roller skates onto the playground, and bringing glass containers onto the playgrounds. The ordinance also defines park playgrounds. Approval of Section 19-8 will apply to park playgrounds only.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on this item as recommended by staff.

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

After further discussion, Mayor Pro Tem Gilbreath suggested a complete review of the entire ordinance by the Park and Recreation Board.

Motion was then made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to continue this item until further review of the ordinance by the Parks and Recreation Board. Motion carried: 6 Ayes, 0 Nays.

6.5. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2007-O0049 Amendment No. 14 amending the FY 2006-07 budget respecting the Grant Fund, General Fund, Capital Improvement Program, Stormwater Fund, LP&L Fund; Establishing Civil Service classifications and positions.

1. Accept and appropriate a \$110,717 grant from Texas Department of Housing and Community Affairs for the Low Income Home Energy Assistance Program to assist low-income persons and families with weatherizing their homes and installing energy efficiency measures. This is accomplished by funding City programs that address this issue. The grant pays for both programmatic and administrative costs. The grant period is April 1, 2007, through March 31, 2008.
2. Accept and appropriate a \$63,977 grant from Texas Department of Housing and Community Affairs for the Department of Energy Weatherization Assistance Program. The grant funds programs to assist low-income persons and families with weatherizing their homes and installing energy efficiency measures. This is accomplished by funding City programs that address this issue. The grant pays for both programmatic and administrative costs. The grant period is April 1, 2007, through March 31, 2008.

3. Appropriate \$165,121 from General fund balance to Capital Improvement Project 91189, Strip Paving Unpaved Streets to fund the low-to-moderate infrastructure program.
4. Establish a new Capital Improvement Project titled "Electronic Security Gates - Municipal Hill" and transfer \$40,000 from Capital Improvement Project #8525 "Water Backflow Devices" and appropriate \$40,000 from LP&L Fund Balance. The security fence provides controlled access to the storage yard at Municipal Hill, securing City assets maintained by the Water and Streets Departments and LP&L.
5. Establish a new Capital Improvement Project titled "Storm Water Department Remodel" and transfer \$250,000 from Storm Water Fund Balance. The remodel is necessary to provide adequate space for six additional personnel that were approved in the FY 2006-07 Adopted Stormwater Operating Budget to address federal inspection mandates.
6. Approve the required Civil Service positions as referenced in Attachment A as required by Civil Service Code and as originally adopted in the FY 2006-07 Operating Budget and as amended in Budget Amendment Ordinance #2007-O0009. Included in this table for the Police Department is the reclassification of one position from the rank of Police Officer to Police Sergeant. This will allow the Police Department to add a Juvenile Division Supervisor to accommodate the growth within the Police Department.
7. 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.

Jeff Yates, Chief Financial Officer; Marsha Reed, Assistant City Engineer; Lee Ann Dumbauld, City Manager; and Bill Howerton, 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 on first reading Ordinance No. 2007-O0049 with an amendment to remove Item #7 regarding the LP&L Fund. Motion carried: 6 Ayes, 0 Nays.

- 6.6. Contract Amendment Resolution - Public Works: Resolution No. 2007-R0194 authorizing the Mayor to execute Contract Amendment No. 1 with Hugo Reed & Associates for the restudy of FEMA flood maps, Systems C1&E.**

The contract for the Restudy of Federal Emergency Management Agency (FEMA) flood maps, Systems C1 & E was awarded to Hugo Reed & Associates, Inc. (HRA) on March 4, 2005. The purpose of this project is to restudy the FEMA flood maps that were issued in September 2002 with an emphasis on Systems C1 and E. These systems were chosen because they showed the most substantial contour and drainage changes from the 1982 FEMA maps. Since the 2002 maps were issued, the City received new contour information and the South Central Lubbock Drainage Project was completed. With the new information and better modeling techniques, significant areas shown previously to be in the 100-year floodplain can be removed in the 2002 maps. This was determined by remodeling some of the areas. The modeling results show the areas that can be removed from the floodplain with a formal request to FEMA for map changes. Now that the modeling has been completed, there are some significant improvements in System C1 and System E, including significant changes to the base flood elevations in the downtown area. Staff has reviewed the overall results of the restudy and recommended that Letters of Map Revision be pursued with FEMA.

FISCAL IMPACT

Amendment No. 1 includes the costs of completing the paperwork, submittals, and discussions with FEMA staff. The original contract is for a not to exceed amount of \$382,547. Amendment No. 1 is for \$48,279 with a revised not to exceed amount of \$430,826. \$600,000 is appropriated with \$169,174 remaining in capital project 8491, FEMA Restudy – System C1 and System E.

Staff recommended approval of this resolution.

Mike Keenum, Storm Water Engineer, gave a presentation on the flood insurance restudy for the city of Lubbock. Jason Swofford, Consultant with Hugo Reed & Associates; and Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0194 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

11:25 A.M. CITY COUNCIL RECESSED

11:35 A.M. CITY COUNCIL RECONVENED

7. WORK SESSION

7.1. Small Business Development Center Update: Presentation on jobs created in Lubbock. Steve Anderson, Executive Director of Small Business Development Center.

Steve Anderson, Executive Director of Texas Tech University's Small Business Development Center (SBDC), gave a presentation on the many services that the Center brings to the Lubbock community. The SBDC is celebrating 20 years of service to the small businesses of Northwest Texas. The geographic domain consists of 95 counties, 89,714 square miles, and a

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population (2005 census estimates) of 1,968,788. Programs and services offered by the SBDC are business consulting, training workshops, technical assistance, research services, and referral services. The SBDC's areas of assistance include facility design/production planning, international quality control systems, food safety programs, productivity training and implementation, and energy usage studies. Mr. Anderson then answered questions from Council.

7.2. Department Presentation - Police: Presentation of Police Department operations. Claude Jones, Police Chief.

Claude Jones, Police Chief, gave a presentation on the Police Department operations, which include the Codes Administration section, the fleet car program, law enforcement personnel data, and crime statistics. Chief Jones then answered questions from Council.

12:48 P.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

4:25 P. M. COUNCIL ADJOURNED

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