

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

The City Council of the City of Lubbock, Texas met in regular session on the 26th day of June, 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 Todd R. Klein, Council Member John Leonard, Council Member Floyd Price

Absent: No one

1. CITIZEN COMMENTS

1.1. Burley Owen will appear before City Council to discuss the City's budget and red light cameras.

Burley Owen appeared before Council and shared his reasons for opposing the red light cameras. He also asked Council to withdraw their support of the cameras.

- John F. Brown and Jim Watters spoke to Council in favor of red light cameras. Mikel Ward, Rick Bennett, and Leta Reeves addressed Council in opposition to the red light cameras.
- Charles Joplin addressed Council in opposition of the proposed name change of Canyon Lakes Drive to Cesar E. Chavez Drive. Robert Narvaiz, Jaime Garcia, and Julia Carrillo spoke in favor of the proposed name change.
- John Smothers and Johnny Rogers shared their concerns with Council regarding the current waters restrictions.

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."

**8:05 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 (Water Utilities, City Council Staff, Finance, Traffic Engineering, Storm Water, City Secretary, 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 (Right-of-Way, Information Technology, Solid Waste, 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, City Council 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.
- 2.5. 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 Building Board of Appeals, the Junked Vehicle Compliance Board, and the Permit & License Appeal Board.

**9:50 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 Todd R. Klein; Council Member John Leonard; Council Member Floyd Price; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: No one

Mayor Miller reconvened the meeting at 9:50 a. m.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Don Jackson, South Plains Christian Fellowship.

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 from Clifton Wilkinson, Event Chairman for the 2007 "4th on Broadway" celebration.

Clifton Wilkinson, Event Chairman for the 2007 4th on Broadway celebration, and Steering Committee members Tracy Bacon, Brandy Headley, and Gary Mitchell presented Council with a formal invitation to the "4th on Broadway" festivities. Blair Elbert, one of the "Cactus Cuties", sang the invitation to Council.

4. CONSENT AGNEDA Items were addressed following Item 5.18.

5. REGULAR AGENDA

5.18. Appointment Confirmation Resolution - City Manager: Resolution No. 2007-R0255 confirming the appointment of Rhea Cooper as Fire Chief of the City of Lubbock.

Section 143.013 of the Local Government Code requires appointment of the head of a civil service department of a municipality to be made by the municipality's chief executive and confirmed by the municipality's governing body.

The City Manager of the City of Lubbock has appointed a Fire Chief for the City of Lubbock to fill the vacancy created by the retirement of Chief Steve Hailey.

Rhea Cooper has served in the Lubbock Fire Department for more than 28 years. He began his career as a fire fighter in July 1978 before rising through the ranks to become deputy chief of operations in 1996. Chief Cooper was serving in that position when he was named Interim Fire Chief in December 2006. Chief Cooper received a Bachelor of Science in Occupational Education/Fire Science in 1998 from Wayland Baptist University. He has extensive educational experience from the National Fire Academy in

Emmitsburg, Maryland, including completion of the four-year long Executive Fire Program. Chief Cooper has received numerous professional certifications, including Chief Fire Officer for the Center for Public Safety Excellence in Chantilly, Virginia; Fire Service Instructor III Master; and Master Fire Fighter from the Texas Commission on Fire Protection. Chief Cooper was awarded the Medal of Valor after the Wylie Propane Plant Fire in February 2006. Once confirmed by City Council, Rhea Cooper will be the sixth Fire Chief in Lubbock's history.

FISCAL IMPACT

Rhea Cooper's annual salary will be \$120,000.

Those in Council Chambers applauded newly appointed Fire Chief Rhea Cooper.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0255 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

4. CONSENT AGENDA (Items 4.1-4.40)

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Items 4.1-4.40 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

4.1. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0256 authorizing approval and any changes of the proposal for the Citibus Paratransit Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to offset expenses associated with providing Paratransit services for low to moderate income or handicapped individuals.

Grantee: Citibus

Program: Paratransit Program

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to offset expenses associated with providing Paratransit services for low to moderate income, handicapped individuals.

Amount: \$200,000

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$200,000.

Staff recommended approval of this resolution.

- 4.2. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0257 authorizing approval and any changes of the proposal for the Lubbock Boys and Girls Club Summer Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide children with a safe and positive environment during the summer.**

ITEM SUMMARY

Grantee: Boys and Girls Club

Program: Summer Program

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide a safe and positive environment for children during the summer.

Amount: \$14,700

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$14,700.

Staff recommended approval of this resolution.

- 4.3. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0258 authorizing approval and any changes of the proposal for the Communities in Schools Path to Expansion Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide dropout prevention and intervention services for low to moderate income youth at risk.**

Grantee: Communities in Schools

Program: Path to Expansion

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide dropout prevention and intervention services for children from low to moderate income households.

Amount: \$11,830

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$11,830.

Staff recommended approval of this resolution

4.4. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0259 authorizing approval and any changes of the proposal for the City of Lubbock Community Development Housing Barrier Free Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide handicapped accessibility for disabled individuals or low to moderate income households.

Grantee: City of Lubbock Community Development Housing

Program: Barrier Free

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide handicapped accessibility for disabled individuals or low to moderate income households.

Amount: \$125,000

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$125,000.

Staff recommended approval of this resolution.

4.5. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0260 authorizing approval and any changes of the proposal for the City of Lubbock Community Development 108 Loan Payment Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to repay Department of Housing and Urban Development for the 108 Loan Program.

Grantee: COL Community Development

Program: 108 Loan Payment

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to repay Department of Housing and Urban Development for the 108 Loan Program.

Amount: \$150,000

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$150,000.

Staff recommended approval of this resolution.

4.6. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0261 authorizing approval and any changes of the proposal for the City of Lubbock Community Development Street Paving East Lubbock Project to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to pay for the development and street paving for East Lubbock.

Grantee: City of Lubbock Community Development

Program: Street Paving East Lubbock

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to pay for development and street paving for East Lubbock

Amount: \$150,000

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this project is \$150,000.

Staff recommended approval of this resolution.

- 4.7. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-0262 authorizing approval and any changes of the proposal for the WorkSource Direct Childcare Assistance Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide direct childcare services for children from low to moderate income households.**

Grantee: WorkSource

Program: Direct Child Care Assistance

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide direct childcare services for children from low to moderate income households.

Amount: \$23,515

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$23,515.

Staff recommended approval of this resolution.

- 4.8. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0263 authorizing approval and any changes of the proposal for the YWCA Challenger Ed Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide education and recreation for emotionally disturbed children from low to moderate income households.**

Grantee: YWCA

Program: Challenger Ed

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide education and recreation for emotionally disturbed children from low to moderate income households.

Amount: \$18,780

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-2008 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$18,780.

Staff recommended approval of this resolution.

- 4.9. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0264 authorizing approval and any changes of the proposal for the YWCA Childcare Services Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide childcare fee assistance from low to moderate income eligible households.**

Grantee: YWCA

Program: Childcare Services

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide childcare fee assistance for low to moderate income eligible households.

Amount: \$48,080

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-2008 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$48,080.

Staff recommended approval of this resolution.

- 4.10. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0265 authorizing approval and any changes of the proposal for the City of Lubbock Community Development Housing Emergency Repair Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide low to moderate income households with housing repairs that are of an emergency nature.**

Grantee: City of Lubbock Community Development Housing

Program: Emergency Repair

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide for low to moderate income households with housing repairs that are of an emergency nature.

Amount: \$175,000

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$175,000.

Staff recommended approval of this resolution.

- 4.11. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0266 authorizing approval and any changes of the proposal for the City of Lubbock Community Development Housing Home Exterior Energy Efficiency Loan Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide exterior and energy efficient improvements to homes for low to moderate income homeowners.**

Grantee: City of Lubbock Community Development Housing

Program: HEEELP

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide exterior and energy efficient improvements to homes of low to moderate income homeowners.

Amount: \$200,000

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$200,000.

Staff recommended approval of this resolution.

4.12. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0267 authorizing approval and any changes of the proposal for the City of Lubbock Police Department Code Administration Section Property Maintenance Inspection Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide inspection of residential and commercial substandard structures to facilitate repair or removal.

Grantee: City of Lubbock Code Administration

Program: Property Maintenance Inspection

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide for inspection of residential and commercial substandard structures to facilitate repair or removal.

Amount: \$213,793

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$213,793.

Staff recommended approval of this resolution.

- 4.13. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0268 authorizing approval and any changes of the proposal for the City of Lubbock Community Development Housing Direct Delivery Field Services Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide salaries of field services staff.**

Grantee: COL Community Development Housing

Program: Direct Delivery Field Services

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide salaries of field services staff.

Amount: \$635,000

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$635,000.

Staff recommended approval of this resolution.

- 4.14. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0269 authorizing approval and any changes of the proposal for the City of Lubbock Police Department Code Administration Section Substandard Structure Removal-Demo Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide removal and demolition of residential and commercial substandard structures.**

Grantee: City of Lubbock Code Administration

Program: Substandard Structure Removal and Demolition

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide for removal and demolition of residential and commercial substandard structures.

Amount: \$66,786

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG),

Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$66,786.

Staff recommended approval of this resolution.

- 4.15. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0270 authorizing approval and any changes of the proposal for the City of Lubbock Community Development Administration and Indirect Cost Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide salaries of administrative staff and indirect cost.**

Grantee: COL Community Development

Program: Administration and Indirect Cost

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide salaries of administrative staff and indirect cost.

Amount: \$472,947

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$472,947.

Staff recommended approval of this resolution.

- 4.16. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0271 authorizing approval and any changes of the proposal for the Community Housing Resource Board Community Housing Development Organization Operations Program to the U.S. Department of Housing and Urban Development under the Home Investment Partnership Program for the administration and operation of programs.**

Grantee: Community Housing Resource Board

Program: Community Housing Development Organization Operations

Funding Source: 2007 Home Investment Partnership Program

Use of Funds: Funds will be used for the administration and operation of programs.

Amount: \$50,000

Period of Performance: October 1, 2007, to September 30, 2009

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Home Investment Partnership Program. The maximum to be allocated to this program is \$50,000.

Staff recommended approval of this resolution.

- 4.17. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0272 authorizing approval and any changes of the proposal for the Community Housing Resource Board Lease Purchase Program to the U.S. Department of Housing and Urban Development under the Home Investment Partnership Program for the purchase and rehabilitation of existing homes to be leased to low to moderate income families.**

Grantee: Community Housing Resource Board

Program: Lease Purchase

Funding Source: 2007 Home Investment Partnership Program

Use of Funds: Funds will be used for the purchase and rehabilitation of existing homes to be leased to low to moderate income families.

Amount: \$174,886

Period of Performance: October 1, 2007, to September 30, 2009

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Home Investment Partnership Program. The maximum to be allocated to this program is \$174,886.

Staff recommended approval of this resolution.

- 4.18. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0273 authorizing approval and any changes of the proposal for the City of Lubbock Community Development Housing American Dream Downpayment Initiative Program targeted for East Lubbock to the U.S. Department of Housing and Urban Development under the Home Investment Partnership Program to provide buy down, down payment, and closing costs for eligible low to moderate first time home buyers.**

Grantee: COL Community Development Housing

Program: American Dream Downpayment Initiative Targeted for East Lubbock

Funding Source: 2007 Home Investment Partnership Program

Use of Funds: Funds will be used to provide buy down, downpayment, and closing cost for eligible low to moderate first time homebuyers.

Amount: \$25,110

Period of Performance: October 1, 2007, to September 30, 2009

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Home Investment Partnership Program. The maximum to be allocated to this program is \$25,110.

Staff recommended approval of this resolution.

- 4.19. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0274 authorizing approval and any changes of the proposal for the City of Lubbock Community Development Housing New Construction Program to the U.S. Department of Housing and Urban Development under the Home Investment Partnership Program to build affordable quality housing for eligible first time home buyers.**

Grantee: COL Community Development Housing

Program: New Construction

Funding Source: 2007 Home Investment Partnership Program

Use of Funds: Funds will be used to build affordable quality housing for eligible first time homebuyers.

Amount: \$302,278

Period of Performance: October 1, 2007, to September 30, 2009

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Home Investment Partnership Program. The maximum to be allocated to this program is \$302,278.

Staff recommended approval of this resolution.

4.20. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0275 authorizing approval and any changes of the proposal for the City of Lubbock Community Development Housing Rehab/Recon Program to the U.S. Department of Housing and Urban Development under the Home Investment Partnership Program to rehab or reconstruct homes for eligible low to moderate income homeowners in target areas with a combination payback and forgivable loan.

Grantee: COL Community Development Housing

Program: Rehabilitation/Reconstruction

Funding Source: 2007 Home Investment Partnership Program

Use of Funds: Funds will be used to rehab or reconstruct homes for eligible low to moderate income homeowners in target areas with a combination payback and forgivable loan.

Amount: \$635,000

Period of Performance: October 1, 2007, to September 30, 2009

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Home Investment Partnership Program. The maximum to be allocated to this program is \$635,000.

Staff recommended approval of this resolution.

- 4.21. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0276 authorizing approval and any changes of the proposal for the North and East Lubbock Community Development Corporation Downpayment Closing Cost Kings Dominion New Homes Program to the U.S. Department of Housing and Urban Development under the Home Investment Partnership Program for downpayment and closing costs for new homes in the Kings Dominion neighborhood.**

Grantee: North and East Lubbock Community Development Corporation

Program: Downpayment Closing Cost Kings Dominion New Homes

Funding Source: 2007 Home Investment Partnership Program

Use of Funds: Funds will be used for downpayment and closing cost for new homes in the Kings Dominion neighborhood.

Amount: \$50,000

Period of Performance: October 1, 2007, to September 30, 2009

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Home Investment Partnership Program. The maximum to be allocated to this program is \$50,000.

Staff recommended approval of this resolution.

- 4.22. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0277 authorizing approval and any changes of the proposal for the City of Lubbock Community Development Administration and Direct Delivery Program to the U.S. Department of Housing and Urban Development under the Home Investment Partnership Program to provide salaries of administrative and filed services staff.**

Grantee: COL Community Development

Program: Administration and Direct Delivery

Funding Source: 2007 Home Investment Partnership Program

Use of Funds: Funds will be used to provide salaries of administrative and filed services staff.

Amount: \$116,591

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Home Investment Partnership Program. The maximum to be allocated to this program is \$116,591.

Staff recommended approval of this resolution.

- 4.23. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0278 authorizing approval and any changes of the proposal for the BRIDGE Homeless Prevention Program to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program for assistance in paying rent and utilities to prevent homelessness.**

Grantee: The BRIDGE

Program: Homeless Prevention

Funding Source: 2007 Emergency Shelter Grant

Use of Funds: Funds will be used for assistance in paying rent and utilities to prevent homelessness.

Amount: \$9,711

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Emergency Shelter Grant. The maximum to be allocated to this program is \$9,711.

Staff recommended approval of this resolution.

- 4.24. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0279 authorizing approval and any changes of the proposal for the Family Promise Operations Program to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program for day center facility operations including utilities, insurance, vehicle fuel, and maintenance.**

Grantee: Family Promise

Program: Operations

Funding Source: 2007 Emergency Shelter Grant

Use of Funds: Funds will be used for day center facility operations including utilities, insurance, vehicle fuel, and maintenance.

Amount: \$12,948

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Emergency Shelter Grant. The maximum to be allocated to this program is \$12,948.

Staff recommended approval of this resolution.

4.25. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0280 authorizing approval and any changes of the proposal for the Salvation Army Operations, Essential Services, and Homeless Prevention Programs to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program for facility operations, essential services, and homeless prevention

Grantee: Salvation Army

Program: Operations, Essential Services, Homeless Prevention

Funding Source: 2007 Emergency Shelter Grant

Use of Funds: Funds will be used for facility operations, essential services and homeless prevention.

Amount: \$37,226 (\$12,948 for operations, \$14,567 for essential services and \$9,711 for homeless prevention).

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Emergency Shelter Grant. The maximum to be allocated to these programs is \$37,226.

Staff recommended approval of this resolution.

- 4.26. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0281 authorizing approval and any changes of the proposal for the Vandelia Church of Christ Homeless Prevention Programs to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program for homeless prevention in the form of utility and rent assistance.**

Grantee: Vandelia Church of Christ

Program: Homeless Prevention

Funding Source: 2007 Emergency Shelter Grant

Use of Funds: Funds will be used for homeless prevention in the form of utility and rent assistance.

Amount: \$9,711

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Emergency Shelter Grant. The maximum to be allocated to these programs is \$9,711.

Staff recommended approval of this resolution.

- 4.27. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0282 authorizing approval and any changes of the proposal for the Women's Protective Services Essential Services Programs to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program to provide social services referrals to battered individuals.**

Grantee: Women's Protective Services

Program: Essential Services

Funding Source: 2007 Emergency Shelter Grant

Use of Funds: Funds will be used to provide social services referrals to battered individuals.

Amount: \$14,567

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Emergency Shelter Grant. The maximum to be allocated to these programs is \$14,567.

Staff recommended approval of this resolution.

- 4.28. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0283 authorizing approval and any changes of the proposal for the City of Lubbock Community Development Administration Program to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program to provide salaries of administrative staff.**

Grantee: COL Community Development

Program: Administration

Funding Source: 2007 Emergency Shelter Grant

Use of Funds: Funds will be used to provide salaries of administrative staff.

Amount: \$5,111

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Emergency Shelter Grant. The maximum to be allocated to this program is \$5,111.

Staff recommended approval of this resolution.

- 4.29. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0284 authorizing approval and any changes of the proposal for the Alcoholic Recovery Center Operations Program to the U.S. Department of Housing and Urban Development under the Emergency Shelter Grant Program for operations cost of the facility.**

Grantee: Alcoholic Recovery Center

Program: Operations

Funding Source: 2007 Emergency Shelter Grant

Use of Funds: Funds will be used for operations cost of the facility.

Amount: \$12,953

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Emergency Shelter Grant. The maximum to be allocated to this program is \$12,953.

Staff recommended approval of this resolution.

- 4.30. Grant Funding Recommendation Resolution - Community Development: Resolution No. 2007-R0285 authorizing approval and any changes of the proposal for the City of Lubbock Parks Department Summer Satellite Program to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide low-income families with an affordable, safe, educational and supervised summer camp for youth ages five to twelve.**

Grantee: City of Lubbock Parks Department

Program: Summer Satellite Program

Funding Source: 2007 Community Development Block Grant

Use of Funds: Funds will be used to provide low-income families with an affordable, safe, educational and supervised summer camp for youth ages 5-12.

Amount: \$37,805

Period of Performance: October 1, 2007, to September 30, 2008

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income. The recommendations are provided in the agenda backup.

FISCAL IMPACT

Funds used are federal funds from the Community Development Block Grant. The maximum to be allocated to this program is \$37,805.

Staff recommended approval of this resolution.

- 4.31. Contract Resolution - Community Development: Resolution No. 2007-R0286 authorizing approval and any changes of the proposal for the Community Development Services Board FY 2007-08 funding recommendations to the U.S. Department of Housing and Urban Development under the Community Development Block Grant, Home Investment Partnership Program, and the Emergency Shelter Grant.**

A public hearing was held on June 14, 2007, for consideration of the Community Development Services Board recommendations for the program funding of the FY 2007-08 Community Development Block Grant, Home Investment Partnership, Emergency Shelter Grant, and previously generated program income.

FISCAL IMPACT

Funds are federal funds from the Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME), and the Emergency Shelter Grant (ESG).

Staff recommended approval of this resolution.

- 4.32. Contract Resolution - Health: Resolution No. 2007-R0287 authorizing the Mayor to execute a contract with Applied Biosystems for an Applied Biosystems 7500 Fast Real-Time Protease Chain Reaction System.**

This contract is for the purchase of a Applied Biosystems 7500 Fast Real-Time Protease Chain Reaction system and tower computer. This counter top instrument is used to detect and identify multiple biothreat agents such as anthrax, ricin toxin, plague, and tularemia.

The City of Lubbock Health Department Biosafety Level 3 (BSL3) Lab is one of 220 Laboratory Response Network (LRN) laboratories nationwide. The BSL performs testing on all bioterrorism suspected specimens, both environmental and clinical, for a 150-mile radius area that includes 66 counties. The QST 7500 FAST instrument is used at the Lubbock BSL-3 Laboratory by trained microbiologists with select agent clearance from the FBI.

The QST 7500 FAST will improve the turn around time on reporting biothreat specimens by approximately 50%, which is critical with biothreat specimens. The Center for Disease Control (CDC) has designed specific detection and differentiation testing protocols for biothreat agents using the QST 7500 FAST system. The testing protocols are the only approved protocols for use by the LRN laboratories and must be performed using the QST 7500 FAST system as validated at the CDC in order to maintain LRN membership. All laboratories have signed agreements to perform all testing with approved

equipment and by the approved methods. There is no alternate equipment or protocols. This specific instrumentation is required by Department State Health Services Document No. 7560005906-2006 approved by City Council on September 13, 2006.

FISCAL IMPACT

The full \$53,523 purchase is funded through the previously appropriated Laboratory Public Health Bioterrorism Grant.

Staff recommended approval of this resolution.

4.33. Contract Resolution - Health: Resolution No. 2007-R0288 authorizing the Mayor to execute a Memorandum of Understanding with Texas Tech University for parent education services Early Head Start Program.

Through this memorandum of understanding the City and Texas Tech University will provide parent education services from the Early Head Start program. The program includes nine to ten families per educator and requires one and one-half hours of direct service per family, per week. The program requires the health educators to attend monthly socializations and parent meetings. The program requires three families per educator in the Title V Program with the same parent education services and commitments.

Health educators will assist, when requested, in the development of policies and procedures for health care services. They will also, using the Title V Curriculum, assist in solving health related problems throughout the program year for participants and families by teaching classes at Estacado High School and New Directions. The health educators will provide additional training and education for the staff and Early Head Start families upon request.

FISCAL IMPACT

No fiscal impact.

4.34. Contract Resolution - Fleet Services: Resolution No. 2007-R0289 authorizing the Mayor to execute a purchase order contract for five police sedans.

The purchase of five police package sedans has been authorized in the adopted FY 2006-07 Master Lease Program. The vehicles are available for purchase through the Houston-Galveston Area Council (H-GAC) Purchasing Cooperative, Contract VE03-06. H-GAC is a regional planning commission created under Acts of the 59th Legislature, Regular Session, 1965, re-codified as a Texas Local Government Code, Chapter 391.

Local automobile dealers declined to participate in the competitive sealed bid process.

FISCAL IMPACT

Funds are available through the adopted FY 2006-07 Master Lease Program.

Staff recommended purchase from Dallas Dodge of Dallas, Texas for \$112,835.

4.35. Grant Application Resolution - Citibus: Resolution No. 2007-R0290 authorizing the Mayor to sign the Fiscal Year 2008 Grant Application Part I with the Texas Department of Transportation for Public Transportation Funding.

As part of the grant application program the Texas Department of Transportation (TxDOT) requires potential grant recipients to complete and submit a Grant Application Part 1 document no later than July 19, 2007. The Fiscal Year 2008 Grant Application Part I is used by all entities applying for and/or requesting Public Transportation Funding. By submission of this application, the applicant certifies that the proposed public transportation project is consistent with the continuing, cooperating, and comprehensive regional transportation planning requirements.

The Grant Application Part 1 document contains basic agency information not specific to particular grant programs.

FISCAL IMPACT

No funding will be awarded as a result of the Grant Application Part 1 document. When funds are available from programs administered by TxDOT, application documents specific to the programs will be filed.

The Lubbock Public Transit Advisory Board and Citibus recommended approval of this resolution.

4.36. Contract Resolution - Public Works: Resolution No. 2007-R0291 accepting paving improvements in North Point Addition, Lot 332 through Lot 725, and directing payment of the City's share of the cost of those improvements to the developer.

This resolution is for the acceptance of paving improvements required at the time of platting this new subdivision. The paving improvements include curb and gutter, asphalt paving, and alley paving on streets, avenues, and alleys as indicated on Exhibits A-1 and A-2 attached to the acceptance resolution.

Slide Road is a seven lane thoroughfare with three lanes going each direction and one continuous left turn lane (T-2 street). With the platting of this subdivision, the developer initiated the paving on Slide Road, and City Council agreed to participate in \$129,225 of the cost. Normally, the thoroughfare would have remained unpaved until such time as the City included the paving improvements in the Capital Improvement Program.

FISCAL IMPACT

\$129,225 is appropriated in the Streets Capital Improvement Fund for the City's participation. The \$129,225 is appropriated from the Prepaid paving program funds.

Staff recommended approval of this resolution.

4.37. Ordinance Amendment 2nd Reading - Business Development: Ordinance No. 2007-O0058 Consider an Ordinance Approving the Service and Assessment Plan and Assessment Roll and levying assessment for the Vintage Township Public Improvement District.

This is the second reading of the ordinance setting the assessment for the Vintage Township Public Improvement District (PID). A public hearing was held on June 14, 2007, to allow property owners in the proposed District the opportunity to speak in favor of or in opposition to the assessment to be levied in the Vintage Township Public Improvement District. The Vintage Township PID is a defined assessment area providing specific types of public improvements of a given area.

FISCAL IMPACT

Pursuant to the Master Development Agreement approved by City Council on November 7, 2005, and amended on February 24, 2006, the developer has agreed to pay all the City's cost and expenses relating to the development and establishment of this PID. In addition, construction and expenses identified in the PID Service Plan will be funded through an assessment to the property owners and the improvements will be maintained by the Vintage Township Home Owners Association.

Staff recommended approval of the second reading of this ordinance.

4.38. Contract Resolution - Business Development: Resolution No. 2007-R0292 authorizing the Mayor to execute an agreement with McCanton Woods, Ltd. regarding the funding of public improvements in Phase One, Bond Issue Two, Project Sixty-Eight of the Fourth Amended Project Plan for the North Overton Tax Increment Finance Reinvestment Zone.

Under this agreement, the City agrees to dedicate and pledge the use of revenue in the Tax Increment Fund to participate in the cost of public improvements for Phase One, Bond Issue Two, Project Sixty-Eight of the Amended Project Plan as recommended by the Board of Directors of the North Overton Tax Increment Finance (TIF) Reinvestment Zone. Project Sixty-Eight is Main Street Condominiums II on tract 12 in the North Overton TIF. This agreement delineates the division of funding for the public improvements as represented in Exhibit D (TIF participation) and Exhibit E (Developer participation). The total amount of tax increment financing for public improvements shown in Exhibit D is \$377,948.

FISCAL IMPACT

\$377,948 is appropriated in Capital Improvement Program, Project 91068. Condo No. 3 with \$377,948 is available for this purpose. The funding source for this project is North Overton TIF Revenue funded certificates of obligation.

Staff recommended approval of this resolution.

4.39. Contract Resolution - Business Development: Resolution No. 2007-R0293 authorizing the Mayor to execute an agreement with McCanton Woods, Ltd. regarding the funding of public improvements in Phase One, Bond Issue Two, Project Seventy of the Fourth Amended Project Plan for the North Overton Tax Increment Finance Reinvestment Zone.

In this agreement with McCanton Woods, the City agrees to dedicate and pledge the use of revenue in the Tax Increment Fund to participate in the cost of the public improvements for Phase One, Bond Issue Two, Project Seventy of the Amended Project Plan as recommended by the Board of Directors of the North Overton Tax Increment Finance (TIF) Reinvestment Zone. This project is for the landscaping in the parkway on Single Family Blocks 1 – 4. This Agreement delineates the division of funding for the public improvements as shown in Exhibit D (TIF participation) and Exhibit E (Developer participation). The total amount of tax increment financing for public improvements shown in Exhibit D is \$795,924.

FISCAL IMPACT

These public improvements will be funded from bonds issued and revenues collected by the North Overton Tax Increment Finance Reinvestment Zone. \$6.01 million has been appropriated in Capital Project 91070 with \$795,924 available for this purpose.

Staff recommended approval of this resolution.

4.40. Contract Resolution - Business Development: Resolution No. 2007-R0294 authorizing the Mayor to execute an agreement with Lubbock Economic Development Alliance (LEDA) for LEDA to convey the FAA Hangar, located at 310 East Edinboro Street at the Lubbock Preston Smith Airport, in partial exchange for the cost of the sanitary sewer line to the Rail Port.

The City has been requested by the Lubbock Economic Development Alliance (LEDA), in support of the Lubbock Rail Port to construct a sanitary sewer line. LEDA is funding the total project. As part of their funding LEDA has asked that the personal property, commonly described as the “FAA Hangar” located at 310 East Edinboro Street at the Lubbock Preston Smith International Airport, owned by LEDA, be conveyed and assigned as a credit toward the cost of construction of the sanitary sewer line. LEDA will pay the City all of the costs and expenses related to the Sanitary Sewer Line, less the value of the FAA Hangar. A resolution was approved by the LEDA Board at their June 18, 2007 meeting.

FISCAL IMPACT

The estimated cost of the needed sewer infrastructure is \$1.1 million. This project is funded from the sewer fund at \$860,000 and LEDA participation of \$240,000. In exchange for the \$860,000 sewer fund participation LEDA will convey the FAA Hangar (valued at \$860,000) to the City. The City

participation is limited to the \$860,000, LEDA will be responsible to fund any additional cost.

Staff recommended approval of this resolution.

4.41. This item was moved from consent agenda to regular agenda and considered following Item 4.40.

5. REGULAR AGENDA (continued)

Note: Regular Agenda items, and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (Items 4,41, 5.1, 5.6, 5.2-5.5, 5.7-5.16). Item 5.17 was deleted.

4.41. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2007-O0059 Consider budget ordinance Amendment No. 15 amending the FY 2006-07 budget respecting the General Fund, Sewer Fund, Storm Water Fund, Solid Waste Fund, Capital Improvement Program, North Overton Public Improvement District, North Overton Tax Increment Financing Reinvestment Zone, North Overton TIF, and the Master Lease Program.

1. Establish a Capital Improvement Project and appropriate \$109,000 for Hodges Baseball Field improvements funded with \$30,000 of Wastewater Fund fund balance, \$63,500 from General Fund fund balance, and \$15,500 participation from Trinity School. The improvements funded with this project include the installation of a perimeter fence and restroom and all related infrastructure.
2. Establish a Capital Improvement Project and appropriate \$58,981 for Traffic Signals on Spur 327 at Frankford Avenue and Milwaukee Avenue funded with \$58,981 from TxDOT participation. The project will provide for the rehabilitation of two existing signals at the intersections at Spur 327 and Frankford Avenue and at Spur 327 and Milwaukee Avenue.
3. Establish a Capital Improvement Project and appropriate \$114,000 for Traffic Signals at 82nd Street and Avenue P funded with \$114,000 from previously issued unallocated bond proceeds. The project will provide for the construction of one traffic signal at the intersection of 82nd Street and Avenue P near the newly constructed school, Roberts Elementary.
4. Establish a Capital Improvement Project and appropriate \$998,100 for Airport Industrial Area Sewer System Improvements funded from \$860,000 of FY 2007 Wastewater Certificates of Obligation and \$140,000 of revenues from LEDA. This project will provide for improvements to the wastewater system for the Lubbock Rail Port Area.
5. Amend Capital Improvement Project 92115, Airport Industrial Area Water System Improvements, by appropriating an additional \$3.2 million of FY 2007 Water Certificates of Obligation. The project will loop and increase the size of the water line and construct Pump Station No. 13 in an area

previously designated by Water Utility Engineering. The total appropriation for this project, including this amendment, is \$3,691,081.

6. Amend Capital Improvement Project 91040, Sewer Tap Replacements, by transferring \$160,000 from Capital Improvement Project 90346, Lift Station Rehabilitation. The reallocation is necessary to continue repairing and replacing sewer line connections for service in alleys and easements. The total appropriation for this project, including this amendment, is \$1,385,000.
7. Amend Capital Improvement Projects in the North Overton Tax Increment Financing Reinvestment Zone by transferring appropriations between projects as reflected in Exhibit A. The total appropriations for projects in the North Overton Tax Increment Financing Reinvestment Zone will not change.
8. Appropriate \$140,000 of North Overton Public Improvement District fund balance for increased expenses related to landscaping maintenance.
9. Establish a Capital Improvement Project and appropriate \$3.8 million for the Street Maintenance Program funded with \$1.3 million of previously appropriated General Fund revenues and \$2.5 million of unappropriated pre-paid paving funds. The project is for the pavement repair of City streets including seal coat, asphalt milling, asphalt milling and overlay, full or partial depth pavement repair, crack sealing, patching, concrete joint sealing, brick street repair, and other activities necessary for the routine maintenance of the street network. The project includes the development of a new pavement management system. Portions of this project will be performed by City personnel.
10. Transfer six full-time positions from the General Fund to the Storm Water Fund for improved storm sewer maintenance, as part of the new Street Maintenance Program. These positions will be funded with efficiency savings for the remainder of the fiscal year.
11. Appropriate \$175,000 of General Fund Master Lease Program proceeds for the acquisition of one (1) backhoe at \$75,000 and one (1) asphalt zipper. Each of these items will be financed for a period of ten years.
12. Appropriate \$1,225,000 of Solid Waste Fund Master Lease Program proceeds for the acquisition of one roller at \$130,000, one motor grader at \$135,000, one heavy construction loader at \$150,000, two dump trucks at \$160,000, one rock crusher at \$500,000, and one grad-all at \$150,000. Each of these items will be financed for a period of ten years.
13. Appropriate \$808,533 of Storm Water Fund Master Lease Program proceeds for the acquisition of one Vac-Con truck at \$270,000, one roll-off truck at \$166,189, and two street sweepers at 372,344. The Vac-Con truck and roll-off truck will be financed for a period of ten years. The street sweepers will be financed for a period of six years.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2006-O0059 as recommended by staff.

Jeff Yates, Chief Financial Officer, and Marsha Reed, Assistant City Engineer, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to amend the motion and vote on items 1-10 separately from items 11-13. Motion failed: 3 Ayes, 4 Nays. Mayor Miller and Council Members Jones, DeLeon, and Price voted Nay.

Vote was then taken on the original motion, which carried: 4 Ayes, 3 Nays. Mayor Pro Tem Gilbreath and Council Members Leonard and Klein voted Nay.

5.1. Public Hearing 10:00 a.m. - Community Development: Hold a Public Hearing to receive public comment on changing the proposed use of Housing and Urban Development Section 108 Loan funds.

Mayor Miller opened the public hearing at 10:11 a. m. No one appeared on behalf of the Housing and Urban Development Section 108 Loan fund. No one appeared in opposition. Mayor Miller closed the hearing at 10:12 a. m.

The City was approved for a \$2 million Section 108 Loan from the United States Department of Housing and Urban Development (HUD). City Council voted to accept a \$1 million 108 Loan. Trust certificates were then sold by HUD in a public offering on June 30, 2004. The funding received through the public offering was in the form of a loan and must be repaid to HUD. The payback is amortized over an eight-year period. To date, the payments have been made utilizing the City's annual Community Development Board Grant (CDBG) allocation, payments from homeowners, and interest earned on the HUD 108 funds. Future payments will come from the annual CDBG allocation.

The funds were to be used for the HUD 108 Housing Rehab Loan Program. Guidelines for the city-wide program are as follows:

- Rehabs range from basic home repair to major rehabs of homes.
- Program will follow CDBG regulations.
- Loans will be a 100% payback for participating homeowners.
- The interest rate for the rehab loan is 6.0%.

The program funds have not been spent as originally allocated for the following reasons:

- Lead-based paint requirements set forth by HUD have increased the total cost of renovations. This is not a requirement that a homeowner would have if they obtained financing from a private source.
- Rates in the open market are comparable to the Program's rates, ranging from 6.75% to 9.0%. When the program was first discussed, interest rates in the open market were much higher. Under similar loans, clients would have been expected to pay rates up to 12.0%.
- Staff has initiated the application process with 881 homeowners. This has resulted in a total of 15 approved cases (1.7% approval rate).

There is approximately \$863,671 available in the 108 Loan fund to be used for actual projects. Staff is recommending that the funds be used for Parks projects within the CDBG-eligible areas of Lubbock.

These projects include:

- Burns Park, 23rd Street and Avenue K, replacement of the existing playground equipment and ADA accessibility improvements to the park.
- Hollins Park, 1st Street and Vernon, replacement of the existing playground equipment and ADA accessibility improvements to the park.
- Mae Simmons Park/Dunbar Historic Lake Improvements, MLK Boulevard, construction of restroom, accessibility improvements, and a walking track.

To change the proposed use of the funds, staff must submit a change in use plan to the Regional HUD Office in Fort Worth, Texas. Staff will also need to complete environmental requirements as set forth by HUD.

After today's discussion and public hearing, this item will be brought back to Council for a vote on July 26, 2007.

FISCAL IMPACT

Funds used are federal funds from the Section 108 Loan Program. The maximum to be allocated to these projects is \$863,671.

Staff recommended approval.

Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

- 5.6. Public Hearing 10:00 a.m. - Zoning: Zone Case No. 3082 (7903 19th Street) Hold a public hearing in continuation from previous City Council Meeting to consider request of Andy R. Hernandez for a zoning change from R-1 to C-4 on 1 acre of unplatted land out of Section 41, Block AK.**

This item was continued to the next Regular City Council meeting of July 12, 2007.

The applicant purchased a parcel that is the former location of Wrigley's Rentals after the business moved out of the downtown area to this location. The business was on a parcel outside the city limits at the time of the

relocation. The collection of materials on the parcel remains staggering, but it is a legal nonconforming use until it has been vacated for one year. The applicant is the caretaker of Mr. Wrigley who now lives in a rest home. Mr. Hernandez is in the process of clearing the lot and does not intend to continue the rental business. The applicant is requesting C-4 and has not expressed an indication of what the proposed use would be other than the desire of placing a billboard on the lot. After the staff discussed at length the background of the West 19th Street Policy described below and the fact that billboards have traditionally been an excluded use, Mr. Hernandez chose to continue the request. Even without the billboard, the zone change will make the property marketable to a large number of permitted uses once the rental facility is cleared.

Adjacent land uses:

N – 19th Street and vacant

S – the horse arena of the homeowner to the south

E – commercial

W – commercial

The proposed zoning is within a geographic area that has developed over the years as being subject to an informal “West 19th Street Corridor” zoning policy. The conditions that will be proposed for this parcel have been attached to a majority of zone cases by the Planning Commission and City Council for C-4 zoning requests along 19th Street west of Loop 289. Following the informal policy, the recommendations exclude a number of C4 permitted uses that have been eliminated during zone cases on the four miles west of the Loop inside the City. The policy evolved since the 1960s on land outside the Loop adjacent to 19th Street because the street is a State Highway and many heavy commercial uses and industrial uses were inherited as the area was annexed (as well as the fact that the Comprehensive Land Use Plan recommended that C-4 be limited to major highways and expressways). However, several C-4 uses were identified during the evolution of numerous zone cases as not the most compatible with the major entry portal to Lubbock represented by 19th Street. Thus, the request with conditions meets both the Comprehensive Land Use Plan and zoning policies. The project will have no additional impact on the thoroughfare system. TxDOT governs driveways to 19th Street.

The Planning Commission recommended the request which includes the following “strikes” as permitted uses:

Prohibited uses:

- Automobile body shops
- Billboards
- Commercial private clubs and teenage clubs
- Dancehall
- Used furniture store
- Game room except as an incidental use, pool, billiard and/or domino parlor

- Motorcycle shop
- Second hand goods store or pawn shop
- Used car lot
- Nightclubs

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

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

After discussions were had, consensus from Council was to continue this item until the next City Council meeting of July 12, 2007, so more information could be gathered and Council would have the opportunity to visit the area.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to continue this item until the July 12, 2007 Regular City Council meeting. Motion carried: 7 Ayes, 0 Nays.

5.2. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0060 Zone Case No. 2072-A (2123 15th Street) 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.

Mayor Miller opened the public hearing at 10:13 a. m. Ted Hogan and Lorrie Jarnagin appeared in favor of the zoning change. No one appeared in opposition. Mayor Miller closed the hearing at 10:20 a. m.

The City Council considered this case with a recommendation for approval from the Planning Commission on April 26, 2007. In the week prior to the City Council hearing, amended information on the number of units actually in existence on the second floor (six versus five) and an amended number of units proposed on the ground floor (four one bedroom units versus three two bedroom and one single bedroom unit on the ground floor) was provided to staff and included in the discussion with City Council.

City Council was concerned that there was no discussion of the changes when the Planning Commission reviewed the case. In addition, public testimony of activities at the facility were not described to the Planning Commission, and the applicant or his agent was not present to address questions and issues. The applicant obtained the assistance of a local real estate agent the day before the Planning Commission hearing who made a compelling but unacceptable proposal (for the neighbors) that the ground floor be allowed to remain as an open space for social functions for the residents, or a coin operated laundry, and to not have to reinstate the curb line and landscaping along Avenue V as will be noted in the recommendations of the Planning Commission below.

Staff “started from scratch” with regard to comments and recommendations for the case.

Presented in the first case, background for this property was speculated as possibly a “mom and pop” grocery store or some other small business on the first floor and apartments on the second floor prior to the current zoning ordinance that was adopted in 1975. Since then, the original use has been determined as a structure with six upstairs apartments, with the ground floor being primarily a laundry for the residents and the public, as well as a small area where a pool table was located and used by the residents.

In 1976, the First Baptist Church bought the building and requested zoning that would allow the ground floor as extended church activity area (Sunday school and other church gatherings), and the apartments were either rented or used in some capacity for the church.

Several months ago, the applicant requested Zoning Board of Adjustment approval to expand a nonconforming use to allow conversion of the bottom floor into the three two-bedroom and one single-bedroom apartments. As staff researched the case the need for the request to be a zone case versus a ZBA request became clear because the bottom 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 – a small business now zoned C-1
- S – residential
- E – residential
- W – vacant, zoned residential

The structure has been a fixture at this location for years. While the Comprehensive Land Use Plan indicates “single family residential” for this vicinity of Overton South, it is fact that a number of parcels were zoned for apartments that exist in the area, as well as one Apartment Medical (AM) (office) and several commercial parcels.

In the case of the current building, with the change of zoning for church and church related use in 1976, the ability to claim the apartments as nonconforming apartments for rent to the general public was dissolved. If approved as “residential”, although A-1 is a higher density than R-1, it is the opinion of staff that a minor amendment to the Comprehensive Land Use Plan will not be necessary.

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 also started renovation of the second story units with no building permit. Their opinion was that the work did not meet the level of needing a permit. With the first delay, the Planning Commission requested the applicant to acquire an investigative permit from Building Inspection. They did that, and the

inspection revealed a host of issues that should have been completed under a construction permit and subject to inspections for compliance.

The inspection report from Building Inspection and the Fire Marshall's report are provided in agenda backup.

Even before the lack of communication, permits, and attendance by the owner, one aspect of the zone case not clear in the original filing is related to the number of parking spaces available. The parcel has 15 "head in" 90 degree parking spaces from both adjacent streets. As the neighborhood has indicated in discussion with staff since the City Council meeting, 12 of the spaces are "head in" from Avenue V and are the result of someone breaking off the curb to allow parking. The result created two violations of City law – the first is parking across the sidewalk and parkway (the area between the original curb and sidewalk) and the fact that parking for apartments is supposed to be located entirely on the parcel with no backing into the adjacent street. When that process (breaking the curb) happened is not known, but the length of time does not alter the fact that it is not legal. The apartments were constructed prior to the date that the zoning code required any on-site parking.

A discussion between staff and some neighborhood residents creates a proposal significantly different from the stated objective of the applicant. As noted, it is verified that when the complex was constructed the side along Avenue V was landscaped with a sidewalk in place and no curb cuts. The actual parcel has only the three spaces on 15th Street that are semi-legal in that they are on-site but still back into the street. A list of conditions noted as recommendations below will illustrate what staff and at least most of the adjacent property owners indicate will allow an appropriate measure of use by the owner and not be a "step back" for the neighborhood as quoted by one Council member. The case will continue to need to be titled as Specific Use because the six one-bedroom units would normally require eleven spaces (nine for the apartments and two for guests). The final result will be short eight spaces.

Reconstruction of the adjacent curb on Avenue V will provide at least six spaces on street spaces that are not usually considered in a zone case but that are the preference of the neighborhood. Also, the neighbors are adamant that the numbers of units or bedrooms not be increased. The recommended conditions will speak to that issue. Many of the apartments in Overton were built before a zoning ordinance even existed, this particular unit was constructed during several "lax" years during the 1960s and 70s. As noted in the last two hearings, the dilemma for the owners of this property and the City is to either have a change of zoning that will allow use of the building, or the building will remain vacant and subject to vandalism until it is referred to the Substandard Housing Commission and an order issued that it must be brought into compliance or torn down.

Approval of the request with the amended conditions should not have a significant impact on the area. This entire area is subject to congestion

because of a significant number of accessory units, Texas Tech off-campus parking, and Lubbock High School to some extent.

The Planning and Zoning commission, after a lengthy discussion and some difference of opinion on which options to recommended to City Council, submits the following as a positive recommendation that has the support of at least a majority of the neighborhood (the immediate neighbor to the east actually supported the additional units and expressed appreciation to the improvements made to the property by the new owner):

1. All of the units on the second floor shall meet a level of the construction and fire codes as determined acceptable by the Building Official and Fire Marshall.
2. The bottom floor shall be used only in the following manner: The area may be partitioned with a door installed in each partitioned space as storage for the unit above.
3. The exterior of the building be either painted and/or enhanced with regard to appearance.
4. The curb on Avenue V shall be replaced, the parkway and private portion of the parcel adjacent to Avenue V shall be landscaped, and the sidewalk shall be approved by the Building Official as acceptable or repaired to an acceptable condition.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Randy Henson, Director of Planning, gave comments and answered questions from Council. Mr. Henson requested an amendment to the Ordinance by adding another bulleted item to #2, which states that the area shall be enclosed and used for functions related to maintenance of the property only.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0060 with an amendment to add another bulleted item to #2, which states that the first floor shall remain unused, and the area shall be enclosed and used for functions related to maintenance of the property only. The area shall not be used for any public or social gathering. Motion carried: 7 Ayes, 0 Nays.

5.3. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0061 Zone Case No. 2499-A (2411 20th Street) Hold a public hearing to consider request of Robin Sittre for zoning change from R-2 to AM on Lot 6, Block 2, Ellwood Place.

Mayor Miller opened the public hearing at 10:13 a. m. No one appeared on behalf of Robin Sittre. No one appeared in opposition. Mayor Miller closed the hearing at 10:20 a. m.

The applicant originally filled out the wrong form (for the Zoning Board of Adjustment) the staff corrected the application as a zone case. Zoning required for a daycare with more than six children requires Apartment (A-2), Apartment Medical (AM) or commercial zoning.

Adjacent land uses:

N – commercial

S – residential

E – residential

W – office development

This block face is currently subject to a policy for conversion to offices within the Comprehensive Land Use Plan. Before development of the bank building and restaurants between 19th Street and 20th Street, the full block face was developed as upscale single family dwellings. While the original trend on the block was for offices, childcare is a permitted use in the AM District. The offices on the block are zoned AM limited to offices since the requests were made before the development of the Garden Office District. A number of homes remain on the block and will not be rezoned as a matter of policy until requested by the owner; presumably their appraisal is not affected until the land is actually rezoned. As a matter of policy, the request is consistent with the Comprehensive Land Use Plan.

The applicant will be expected to meet the requirements for parking and building code issues for childcare occupancy with the exceptions that a circle drive is normally dictated, the width of the parcel will not allow construction of that requirement. The building will be part of an existing childcare operation across the street in the commercial area.

The project will have no impact on the thoroughfare system.

The Planning and Zoning Commission recommended the request with the following conditions:

1. An attempt for appropriate on site parking shall be made, and the normally required circle drive will not be a requirement.
2. Should the business that is north of 20th Street that is the primary facility for the daycare be abandoned as a daycare facility, this structure will be required to submit a new zone case with site plan to prove up as a free standing facility.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2007-00061 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.4. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0062 Zone Case No. 2658-I (3103 50th Street) Hold a public hearing to consider request of Hugo Reed and Associates, Inc. (for U-Stor of America) for a zoning change from A-2 to C-4 Specific Use (for mini-warehouses) and C-2 on a 3.5 acre portion of Tract E Boardwalk Addition.

Mayor Miller opened the public hearing at 10:13 a. m. No one appeared on behalf of U-Stor of America. No one appeared in opposition. Mayor Miller closed the hearing at 10:20 a. m.

The applicant is requesting new zoning for the site at 50th Street and Elgin Avenue behind W.D. Wilkins Furniture and Rosa's Restaurant. The east portion is requested as C-4 Specific Use to expand the current mini-warehouse project. The west portion is requested as C-2 to enable development with a light commercial use. A gate or entry to the mini warehouse project is indicated as a part of the site plan through the C-2 area. The entire block, except for the former Second Baptist Church, was the location of the former Monterey Shopping Center.

The applicant is requesting C-2 zoning from the west edge of the proposed mini-warehouse expansion to Gary Avenue. Several years ago, a case for this same parcel was proposed except that the area desired as C-2 within this request was targeted as C-4 for a general contractor office and shop compound that was heavily screened from Gary Avenue. That case was denied by City Council based on the recently completed but yet to be adopted Central Lubbock Study that discouraged heavy commercial zoning along the 50th Street corridor. This proposal is much closer to the intent of the study than the last request.

A portion of the proposed C-2 parcel in this case (south of Rosa's Restaurant and W.D. Wilkins Furniture) is across from residential on 53rd Street and it backs up to the senior living center to the south. The staff and the owner have explored a number of uses for this out of the way parcel to be redeveloped and become an asset as an infill project while not a detriment to the adjacent property owners. It is important to note that a majority of this zone case is north of the single level portion (cottages) of the senior living center, not the multi-story portion. Screening of the development from the senior living parcel and a small portion along Gary Avenue will be required either by the Zoning Code or the recommended staff conditions.

Adjacent land use:

N - commercial

S - senior care facility

E - commercial and a small portion of residential

W - commercial (C-4 Specific Use for a mini-warehouse project)

The project is reasonably consistent with the intent of the Comprehensive Land Use Plan. Approval of the expansion of the adjacent mini-warehouse project is screened from Gary Avenue and should have no impact on the area

with the existence of the current project in the interior area of the old Monterrey Shopping Center tract. The proposed C-2 is across Gary Avenue from existing C-3 except the approximate south 50 to 75 feet.

The project should have less impact on overall traffic in the area since the occupants should not attract a customer base like general retail.

The Planning Commission recommended the request to the City Council with conditions:

1. The C-4 Specific use development shall be in substantial compliance with the site plan proposed in Zone Case 2658-G for the expansion of the mini-warehouse project (see item 3).
2. A steel post wood picket fence is in place on the south side of the C-2 property, the same shall be constructed along for 75 feet north from the southwest corner on the tract adjacent to Gary Avenue.
3. The screening fence on the mini-warehouse portion of the request shall comply with the SD1 site plan from the file from ZC 2858-G. A gated opening shall be allowed in the fence.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2007-00062 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.5. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-00063 Zone Case No. 3055-A (Avenue R and Glenna Goodacre Boulevard) Hold a public hearing to consider request of Hugo Reed & Associates (for McCanton Woods, Ltd) for zoning change from R-3 to C-3 on Lots 6-10, Block 113, Overton Addition.

Mayor Miller opened the public hearing at 10:13 a. m. No one appeared on behalf of McCanton Woods, Ltd. No one appeared in opposition. Mayor Miller closed the hearing at 10:20 a. m.

The applicant is requesting C-3 on lots along Avenue R between 7th Street and Glenna Goodacre (8th Street) to join with already commercially zoned lots that face Avenue Q. A proposed plat will close the alley and the entire block will be eligible for redevelopment.

Adjacent Land Uses:

N – commercial

S – high density residential eligible for redevelopment as commercial

E – commercial

W – commercial

The request is consistent with the amendment made to the Comprehensive Land Use Plan for the redevelopment of the Overton North area. When developed, the eventual use will comply with commercial development guidelines.

The project will have little impact on the thoroughfare system; Texas Department of Transportation will govern curb cuts allowed on Avenue Q.

The Planning and Zoning Commission supports the request as submitted.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2007-00063 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.6. This item was considered following Item 5.1.

5.7. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-00064 Zone Case No. 3083 (6302 114th Street) Hold a public hearing to consider request of Hugo Reed and Associates, Inc. (for Carl Mortensen) for a zoning change from R-1 to C-2 on 74.42 acres of unplatted land out of Block AK, Section 21.

Mayor Miller opened the public hearing at 10:13 a. m. No one appeared on behalf of Carl Mortensen. No one appeared in opposition. Mayor Miller closed the hearing at 10:20 a. m.

The applicant originally requested that the entire boundary of the playa that abuts 114th Street and is surrounded by the proposed Fountain Hills development be zoned C-2. During the meeting, the applicant amended the request from C-2 to C-2A with a limited number of uses on a 450 deep parcel adjacent to 114th Street and as R-1 on the balance. The applicant may, at a later date, submit a request to the ZBA for a golf course on the R-1 portion, which is a conditional use in R-1.

Adjacent land use is vacant to the north, east and west, and several older homes on large lots exist to the south across 114th Street. The proposal does not meet the criteria established for the Comprehensive Land Use Plan. The location is not at the corner of two major intersections. Development would be recovered land from the playa along 114th Street and would constitute strip development along 114th Street contrary to current policy.

The applicant has developed a C-2A case on a reclaimed portion of the playa that will limit uses to several that they believe will benefit the neighborhood and limitations created by the configuration of the playa. The question to the Commission was presented by staff as whether the proposal is an asset to the development and fits the "lay of the land" better than any other proposal.

For the non-policy location proposed in this request the following is a theoretical discussion – that the amount of “strip commercial” along major thoroughfares in addition to the traditional 40 acres at each thoroughfare intersection is fostering the circumstances of the City of Lubbock zoning process becoming involved in an undesirable situation of providing too much commercial property than the market will sustain. While it is not the specific responsibility of the City to dictate the market, when zoning becomes a factor in the appraisal and creates zoning for which there is a lack of the ability of the owner to develop someone loses. If the current or new owner pays retail values for property and then cannot find a buyer or tenants, he or she is highly likely to become the financial loser.

In the alternative, several well known examples of the viability of off-corner locations exist on the ground. The Falls Subdivision to the east on 114th Street between Quaker and Slide Road is one example. When the community responds to too many requests for commercial outside the bounds of established policy and there are not extenuating circumstances, the process is not, in the opinion of the staff, good business. While Lubbock has a number of very successful strip locations – 82nd Street west of Frankford is a hot market. South Slide Road is proving viable. But, both these streets represent more than the “normal” thoroughfare, with 82nd Street generating traffic from the Brownfield Highway and Slide Road being a major connection to many developed areas south of Lubbock, as well as a TxDOT facility (a Farm to Market Road). The other miles and miles of thoroughfares that are developed as Lubbock grows will not have the luxury of having enough roof tops to sustain both the ten-acre corner commercial groupings as well as the strips in between.

In the past, a number of locations that have been illustrated to prove up the “too much commercial” include:

- 98th Street and Slide Road, the northeast corner has a ten acre allotment in the original zone case for the Lakeridge Public Utility Department, but nine acres were rezoned to residential since that market is stronger in the long run for the consumption of land.
- 82nd Street and Frankford Avenue, the southeast corner was zoned as a ten acre commercial site. All of the land except the 82nd Street frontage was rezoned to residential and has been built out for a number of years.

The corner forty acre allocation of commercial at major intersections is intended to allow residential to occur between mile intersections, normally with every other street developed with a cul-de-sac – allowing the thoroughfare to function as designed with the least amount of interference from side streets or curb cuts. The original thinking behind the massing of commercial at intersections was to allow the development of major shopping areas for consumers to park in one location and visit a number of shops, and to not have to travel along the major street to visit each shop while exiting and entering from a thoroughfare. With this style of development, both the

traveling public and the business community enjoyed access and a safer street system.

All this additional discussion is to indicate that the process of allocating commercial, apartment and residential areas is a vital asset and responsibility to the community that is accomplished through the Comprehensive Land Use Plan. Changes should be contemplated with forethought and reason.

The drawing and preliminary plat for Fountain Hills will show that a street could be connected in the vicinity of 112th Street or 113th Street, and with a cut and fill a series of single family cul-de-sac lots could be introduced on north/south streets as are the lots to the east. The applicant is of the opinion that the cut and fill costs for residential square footage would not create a return on investment.

Staff is very cautious with regard to requests as represented by this zone case due to concern about over-abundance of commercial away from the corners of major thoroughfares. Mr. Mortenson has three such corners in this 416-acre development. Also, as noted at the beginning of this discussion, the applicant has asked that the number of uses be limited and perhaps even designed to take advantage of the rest of the playa.

The motion by the Planning Commission reflects that the action is a minor amendment to the Comprehensive Land Use Plan and recommended the request to the City Council with the following conditions:

1. The uses permitted in the C-2A District shall be limited to:
 - restaurants with no drive thru (no window service fast food)
 - professional and medical offices
 - health or athletic clubs
 - church
 - daycare
2. The approximate 1,432 length of the property would be limited to a curb cut plan approved by the Planning Commission before any portion of the property is developed.

FISCAL IMPACT

No fiscal impact.

With only the generic reservations described above and during several recent “strip” annexation cases, staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2007-00064 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.8. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0065 Zone Case No. 3085 (6502, 6504, 6506, 6508, 6510, and 6512 21st Street) Hold a public hearing to consider request of Drue Gault (for Cameron Communities, L.L.C.) for zoning change from R-2 to GO on Lots 85-A-1 through 90-B-1, Ridgewood II Addition.

Mayor Miller opened the public hearing at 10:13 a. m. No one appeared on behalf of Cameron Communities, L.L.C. No one appeared in opposition. Mayor Miller closed the hearing at 10:20 a. m.

The applicant is requesting Garden Office as the zoning on a series of lots along 21st Street west of Milwaukee Avenue. The lots are currently zoned for garden homes, and four of the lots on the west end have actually been built as residential.

Adjacent land uses:

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

The request is different than most locations for Garden Office (although an area west of University Avenue on 81st Street has the same type of designation requested in this case). The row of lots across the street are developed as duplex lots and within the policy guidelines of the Comprehensive Land Use Plan – Garden Office zoning is considered a buffer in the same manner as the duplex zoning, or the current garden home zoning.

Regarding zoning policy, this case should depend a lot on what the owners of the duplex units (since they are the established use) think about the change. The only letter of protest is in the file.

As the property is now platted for Garden Homes, the number of curb returns and actual traffic associated with off thoroughfare offices may be less than average for garden home use, plus the office users normally are not present at night.

The Planning and Zoning Commission recommended the request to the City Council as presented.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning Commission. The Garden Office use will back up to true commercial that fronts on 19th Street and help buffer the existing duplex units to the south.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2007-O0065 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.9. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-00066 Zone Case No. 3087 (5801 Erskine Street) Hold a public hearing to consider request of Randy Brooks (for Town & Country Food Stores) for zoning change from Commercial (C-2) to Commercial (C-3) on Tract B-1, Shadow Hills Addition.

Mayor Miller opened the public hearing at 10:13 a. m. No one appeared on behalf of Town & Country Food Stores. No one appeared in opposition. Mayor Miller closed the hearing at 10:20 a. m.

The applicant is requesting a parcel located at Erskine and Frankford be amended from C-2 to C-3 to enable construction of a convenience store with gasoline sales. The shape of the C-2 parcel is a fat “L”, and the applicant withdrew the “L” portion on the west from the zone case leaving a rectangular parcel that fronts Erskine and North Frankford Avenue.

Adjacent land uses:

N – undeveloped, subject of approval of a commercial zone request

S – existing C-2, originally developed as a garden center and now used as a child care facility

E – across Frankford, the town home project described below

W – a City of Lubbock fire station and several homes

The parcel is eligible for C-3 within the policies of the Comprehensive Land Use Plan. Why C-2 was requested originally probably had to do with the smaller than ten acre allotment the developer chose for the corner when Shadow Hills was master planned. The property to the east was originally zoned commercially.

Until this case was filed there has been no market for commercial in this vicinity. The owner of the southeast corner down zoned the entire original commercial parcel to build a two cul-de-sac subdivision of townhomes. A similar down zone was done on a portion of the northeast corner, although a strip adjacent to Frankford and Erskine remains commercial.

One resident did object during the meeting, concerned about noise, trash, and lighting resulting from the convenience store. When informed that the store portion is eligible on the C-2 tract, the C-3 adds the sales of gasoline; the resident remained unsatisfied. The applicant withdrew the “L” portion of the parcel noted above and agreed to the fencing along the west property line as noted in the Commission recommendations below to attempt to satisfy the resident's concerns. The parcel will be isolated from the main development lot but still zoned C-2. The resident's garden home backs up to the child care facility (originally constructed as a garden center) rather than the tract in question.

The project will have little impact on the thoroughfare plan. A limitation of one curb cut on Erskine, located as far west as feasible from the intersection will be requested as a condition. Curb cuts on Frankford Avenue are within the jurisdiction of TxDOT.

The Planning and Zoning Commission recommended the request with the following condition:

The parcel shall be limited to one drive return on Erskine, as far west of the intersection with Frankford Avenue as feasible.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

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

Motion was made by Council Member Jones, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2007-00066 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.10. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-00067 Zone Case No. 3088 (East of Quaker Avenue at 108th Street) Hold a public hearing to consider request of AMD Engineering, LP (for Dr. Jewell Davis) for zoning change from T to R-1 Specific Use (for Garden Homes) on 1.12 acres of unplatted land out of Section 17, Block E2.

Mayor Miller opened the public hearing at 10:13 a. m. No one appeared on behalf of Dr. Jewell Davis. No one appeared in opposition. Mayor Miller closed the hearing at 10:20 a. m.

The request is to rezone an R-1 area for development as garden homes.

Adjacent land uses:

N – vacant, zoned R-1

S – vacant, zoned R-1

E – vacant, zoned R-1

W – vacant, zoned Garden Office

The request is consistent with the Lubbock Comprehensive Land Use Plan and with zoning policy. The change is simply one style of residential construction to another (free standing single family to garden home single family).

The project will have no impact on the thoroughfare system.

The Planning and Zoning Commission recommended the request to the City Council as submitted.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2007-00067 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.11. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-00068 Zone Case No. 3089 (Frankford Avenue and 102nd Street) Hold a public hearing to consider request of Truett Craft (for CLCL Development) for zoning change from T to Apartment Medical (AM) Garden Office on 16.416 acres located in Section 21, Block AK.

Mayor Miller opened the public hearing at 10:13 a. m. No one appeared on behalf of CLCL Development. No one appeared in opposition. Mayor Miller closed the hearing at 10:20 a. m.

The applicant is requesting a ten-acre parcel south of 98th Street on the west side of Frankford Avenue to be zoned to allow development of a convalescent/nursing home and offices that are allowed in the AM District.

Adjacent land uses:

N – vacant

S – school under construction

E – single family across Frankford Avenue

W – vacant, zoned single family

The parcel is between a parcel being developed currently by Cooper Independent School District as a school and a ten-acre parcel on the corner of 98th Street and Frankford Avenue that is owned by a church. The applicant is developing the subdivision to the west (Lakewood Estates). Originally, this ten-acre tract was under contract by Lubbock-Cooper to build a secondary school, that agreement has since been abandoned.

The request is consistent with the Comprehensive Land Use Plan with regard to facilities such as a convalescent home, church or and/or offices be developed on the perimeter of subdivisions, adjacent to the thoroughfares. One of the neighbors in the large lot subdivision across Frankford Avenue questioned the proposed land use as “strip commercial”, although AM and Garden Office are not officially included in commercial, they do not constitute single family. A discussion may exist as to whether the addition of a convalescent home and garden offices is less or more of a neighbor than the originally planned junior high school.

The project will develop within the guidelines of AM when actual construction is proposed. A proposed condition will eliminate the Apartment-2 (A-2) development that is included in AM, and the intention of the developer does not include apartments. The project will have little additional impact on the thoroughfare system, particularly after Frankford Avenue is developed to full width. As noted, at one time Lubbock-Cooper had an option to build a junior high school on the parcel that would have created a significantly greater amount of traffic than this request.

The Planning and Zoning Commission recommended the request with one condition:

The A-2 permitted use listing in AM is prohibited on this parcel.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2007-00068 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.12. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-00069 Zone Case No. 3086 (South of 39th Street between Elgin Avenue and Flint Avenue) Hold a public hearing to consider request of the City of Lubbock Planning Department for zoning change from R-1 and R-2 to R-2 and A-2 (limited to a church and church related uses) on Lots 1-8, Block 1, McMath Addition and Lot 1, Block 1, New Home Addition.

Mayor Miller opened the public hearing at 10:13 a. m. No one appeared on behalf of, or in opposition of this zone case. Mayor Miller closed the hearing at 10:20 a. m.

The current Zoning Code requires that accessory living units or homes that were subdivided into more than one living unit in Residential-1 (R-1) and Residential-2 (R-2) be registered, a condition of a 1979 ordinance designed to bring a halt to the continued conversion of multiple units on R-1 and R-2 zoned lots, yet let owners keep what they had as “grandfathered”. Recently, the City Council enacted a new exception subject to a hearing by the Zoning Board of Adjustment to allow owners of properties with unregistered units that cannot meet the criteria for registration as a “grandfathered” unit provided in the 1979 ordinance to have approval to use both the front and back units, but a provision is that the owner must live in one of the units. The pride of ownership and maintenance of older neighborhoods is the emphasis of that approval.

Staff and several neighborhood associations initiated the new exception to allow the small units in back of a home or a main unit conversion constructed prior to 1980 to be approved for use with a stipulation that the owner of the property must live in one of the units. As noted, this exception is new, and does not interfere with the ability of an owner of a property that was not registered in 1980 to “prove up” the nonconforming status and have the property registered as nonconforming without the on-site residential requirement.

During investigation of this new ZBA conditional use, it was discovered that a row of duplex units exist on the south side of 39th Street between Elgin Avenue and Flint Avenue. They were built in the R-1 or single family district, how and why are lost to history. With the new ordinance in effect, staff filed this zone case to “clean up” that block (because the two units on one lot violate the current ordinance) and also to enable a long existing church to have updated zoning. When built, the church was a permitted use in R-1, in 1975 church use was relocated to the Apartment-2 (A-2) district.

Adjacent land uses:

N – residential
S – park
E – residential
W – residential

As noted, the nature of the current land use will not change; the request is just making the zoning conform to what has existed on the property for years.

The proposal will have no impact on the thoroughfare system.

The Planning and Zoning Commission recommended approval of this request with one condition:

The A-2 portion of the request shall be limited to church and church related use.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

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

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2007-00069 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.13. Grant Application Resolution - Business Development: Resolution No. 2007-R0295 authorizing the Mayor to execute a grant application with the Moody Foundation for additional funding of design, engineering, and construction of the Overton Park Conference Center.

This resolution authorizes the Mayor to execute a grant application to the Moody Foundation for additional funding for the 47,603 square foot Overton Park Conference Center. The additional funding will increase the size and scope of the project. The amount of the grant requested is \$6 million.

The Overton Park Conference Center will be 47,603 square feet at a cost of \$23.4 million. Funding for the project includes \$11.4 million from the North Overton TIF Fund in Capital Project 91074, \$6 million from the CH Foundation, and \$6 million from the Moody Foundation.

The grant application will be provided before the City Council Meeting.

FISCAL IMPACT

The \$6 million grant provides additional funding for the Overton Park Conference Center. The total funding for the conference center is \$23.4 with \$6 million from the Moody Foundation, \$6 million from CH Foundation, and \$11.4 from the North Overton TIF revenue funded certificates of obligation.

Staff recommended approval of this resolution.

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass Resolution No. 2007-R0295 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

5.14. Certificates of Obligation Issuance Ordinance - Finance: Ordinance No. 2007-O0070 providing for the issuance of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Taxable Series 2007 in an amount not to exceed \$12 million; levying a tax and pledging surplus waterworks system revenues in payment thereof; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.

On April 26, 2007, the City Council approved the first step in the issuance process of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Taxable Series 2007. Resolution No. 2007-R0175 was approved for the purpose of allowing the reimbursement of bond-funded construction costs expected to be incurred prior to the issuance of bonds. On May 11, 2007, City Council approved and authorized the publication of a notice of intention to issue the certificates of obligation. The notices were published on May 16, 2007, and again on May 23, 2007.

Staff is requesting that City Council approve the bond ordinance as a “parameters ordinance”, which delegates authority to the City’s Chief Financial Officer (CFO) to authorize the timing, terms, and interest rates of the bond issuance. The ordinance designates certain parameters to which the CFO must conform while executing the bond sale, and expires after a 60 day period. This designated authority will allow the City to attain the most attractive rates or terms by timing the issuance under the best market conditions. In accordance with Section 7.1(a) of the Ordinance, the following conditions with respect to the Bonds must be satisfied in order for the Authorized Officer to act on behalf of the City in selling and delivering the Bonds to the Underwriter:

- (a) the price to be paid for the Bonds shall be not less than 95% of the aggregate principal amount of the Bonds;
- (b) the Bonds shall not bear interest at a rate greater than the maximum rate allowed by Chapter 1204, Texas Government Code, as amended;
- (c) the aggregate principal amount of the Bonds authorized to be issued for the purposes described in Section 3.1 shall not exceed the maximum amount authorized in Section 3.1;
- (d) the maximum maturity for the Bonds shall not exceed forty years; and
- (e) the Bonds to be issued, prior to delivery, must have been rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long term obligations.

At a future City Council meeting, City Council will be asked to approve a resolution which authorizes the Mayor to execute a Design-Build Agreement between Garfield Traub Development, LLC., Turner Lee Lewis, and the City of Lubbock to design and construct a conference/civic center adjacent to a separately-owned upscale hotel located on Tract 7, Overton Park. The proceeds of this issue will provide the City's participation in the conference/civic center. These certificates will not be sold until that contract has been executed and approved by City Council.

On the date of execution, the City will sell these certificates on a negotiated basis. The City and RBC Capital Markets, the City's Financial Advisor, will negotiate a purchase price for the certificates with the City's chosen underwriter, Morgan Stanley.

Senate Bill 1759 of the 77th Legislative Session amends Subchapter B, Chapter 1201, of the Texas Government Code under Section 1201.028(3) allowing the authorization of a public security with only one reading of the ordinance. Therefore, this will be the only reading of this ordinance that authorizes the issuance of these certificates. The ordinance provided in the agenda backup excludes certain information that is unknown as of the printing of the backup material. Examples of this information include: annual principal & interest amounts and maturity dates. Once the negotiations have concluded, the information will be completed and a revised ordinance will be made available to City Council.

FISCAL IMPACT

The ordinance authorizes the bonds not to exceed \$12 million. The amount of the debt issuance will be approximately \$11.7 million, which provides \$11.4 million 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 the first reading of this ordinance.

Motion was made by Council Member Price, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0070 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.15. Contract Resolution - Public Works: Resolution No. 2007-R0296 authorizing the Mayor to execute a contract change order with Lone Star Dirt and Paving to add three streets to the 2007 Primary Streets Maintenance Program.

This change order includes seal coating three additional streets during the 2007 season. Lone Star Dirt and Paving has agreed to add the following streets to the contract:

58th Street – University Avenue to Avenue U

58th Street – Avenue P to Avenue Q

50th Street – Quaker Avenue to Slide Road

The change order increases the total lane miles from 34 to 43. The seal coat program uses latex asphalt and crushed stone.

FISCAL IMPACT

The contract increases \$239,658 from \$1,198,558 to \$1,438,216.

\$770,000 is appropriated in Capital Improvement Project 92101, Seal Coat Program, and \$2,928,396 is appropriated in Capital Improvement Project, Street Maintenance Program, as approved on Item 5.15 of this agenda.

Staff recommended approval of this resolution.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass Resolution No. 2007-R0296 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.16. Contract Resolution - City Council: Consider a resolution terminating the Red Light Camera contract with American Traffic Solutions (ATS) for convenience pursuant to Section 6.1 of the contract between the City and ATS in light of the action of the Texas Legislature in Senate Bill 1119.

John W. Leonard, III, Councilman, presented this item.

Each Council Member gave comments and participated in discussion on the red light cameras.

After further discussion, Council Member Jones called for the question, seconded by Council Member DeLeon. Vote was taken, which carried: 4 Ayes, 3 Nays. Mayor Pro Tem Gilbreath, and Council Members Leonard and Klein voted Nay.

Motion was made by Council Member Leonard, seconded by Council Member Klein to pass this resolution as recommended. Motion failed: 2 Ayes, 5 Nays. Mayor Miller, Mayor Pro Tem Gilbreath, and Council Members DeLeon, Jones, and Price voted Nay.

- 5.17. Board Appointments - City Secretary: Consider five appointments to Building Board of Appeals, one appointment to Junked Vehicle Compliance Board, one appointment to Permit & License Appeal Board, one appointment to Animal Shelter Advisory Committee, one appointment to Canadian River Municipal Water Authority, four appointments to Citizens Traffic Commission, four appointments to Civic Lubbock, Inc. Board of Directors, one appointment to Community Development and Services Board, and five appointments to Lubbock Water Advisory Board.**

Motion was made by Council Member DeLeon, seconded by Council Member Price to continue this item until the July 12, 2007 Regular City Council meeting. Motion carried: 7 Ayes, 0 Nays.

- 5.18. This item was moved from regular agenda and considered following Item 3.3.**

12:08 P.M. CITY COUNCIL RECESSED

12:50 P.M. CITY COUNCIL RECONVENED

6. WORK SESSION

- 6.1. Presentation - Business Development: Presentation of Lubbock Economic Development Alliance and Visit Lubbock projects and activities. Gary Lawrence, CEO (30 minutes)**

Gary Lawrence, CEO of Lubbock Economic Development Alliance (LEDA), gave a presentation of the LEDA and Visit Lubbock projects and activities. Lawrence started off by introducing Jana Johnston, new CFO for LEDA, who he says adds a great deal of strength. He then gave an update on Shearer's Foods LLC, the new kettle chip company in Lubbock. He thanked City staff for their efforts in helping to make this possible. Lawrence, his staff, and the LEDA Board also thanked the City for all that was done to help with the airport hanger. He then gave an update on several upcoming projects to Lubbock, including projected costs and new capital investment over the next two years. Lawrence stated that the move to the new Wells Fargo Center has helped LEDA tremendously. He asked Council to take a very positive look at building a first-class visitors center, which would be a huge contribution to economic development in Lubbock. Lawrence also commented on the Hotel/Motel tax and its intended use, and how it comes with no expense to the citizens of Lubbock, unless you spend the night at a hotel. Council thanked him for a job well done.

- 6.2. Department Presentation - Water Utilities: Discuss construction, plans, progress and schedule for completion of the relocation of water lines ahead of construction on Marsha Sharp Freeway and discuss plans for the transition from Stage 4 Emergency Water Shortage Conditions back to Stage 1 Mild Water Shortage Conditions. Thomas L. Adams, Water Utilities Deputy City Manager**

Thomas L. Adams, Water Utilities Deputy City Manager discussed construction, plans, progress and schedule for completion of the relocation of water lines ahead of construction on Marsha Sharp Freeway. He also discussed plans for the transition from Stage 4 Emergency Water Shortage Conditions back to Stage 1 Mild Water Shortage Conditions. Adams stated that for over eight years now, the City has been moving water and sewer lines ahead of the Marsha Sharp Freeway. These lines have to either be relocated or lowered to make way for the new highway infrastructure, including drainage systems, the low and high highways, and whatever is required. Adams thanked the citizens for being so responsive and cooperating at staying below the 35 million gallons that the system could move through. Adams also thanked the media for helping get the word out and helping in this process. He then thanked City staff and TxDOT for keeping this project on track. Adams then introduced Aubrey Spear, Assistant Director of Water Utilities, who gave an update on the construction, where it stands now, and the “phasing in” of the different zones here in town to help get back to Stage II. Wood Franklin, Interim Chief Engineer, gave comments and answered questions from Council. Lee Ann Dumbauld, City Manager, also answered questions from Council.

1:55 P. M. COUNCIL ADJOURNED

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