

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

The City Council of the City of Lubbock, Texas met in regular session on the 11th day of October, 2007, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

**7:32 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. The following people will appear to speak about Cesar E. Chavez Drive:

Robert Taylor
Blas Mojica
Nicholas Garza
Tavita Dorow
Richard Lopez
Amaris Garcia
Alice Chavez Lozada
Emilio Abeyta (unable to attend)
Christy Martinez-Garcia
Porfirio DeLeon
Linda DeLeon gave a PowerPoint presentation.

Of the above names, Robert Taylor spoke against the proposed name change. Other citizens appearing before Council to speak against the proposed name change were: Herbert Williams, Jr., Billie Caviel, Linda Strong, Dianna Thomas, Billie Russell, Joyce Childer, Coy Harris, David Haynes, Tonya Johnson, Larry Brooks, and Margie Jefferson.

Other citizens who spoke in favor of the proposed name change were: Richard Lopez, Louis Constancio, Lovella Lee, Joe Lee, Dr. Juliann Scholl, Jesse Lopez, Grace Garza, Virginia Alamanza, Josh Nunez, Doug Chapman, Josie Sulaica, Anthony Flunder, and Amy Morales.

County Commissioner Ysidro Gutierrez and Bidal Aguero appeared before Council to speak in favor of the proposal by Council Member Klein (Item 6.2, to establish a Cesar E. Chavez Task Force), and in opposition of the proposed name change.

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.”

**8:53 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room**

All council members were present.

- 2.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Finance, Police, Storm Water).**
- 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 (Business Development, Fire, Water Utilities).**
- 2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.**
- 2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 2.4.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light**
 - 2.4.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light**
 - 2.4.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

**9:35 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 9:35 a.m.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Shon Wagner, Redbud Baptist Church

3.2. Pledge of Allegiance to the Flags

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

3.3. Presentation of a commemorative item from Russ Murphy in honor of the City of Lubbock's 100-year anniversary.

Russ Murphy, along with David Spears and Glenda Gurnea, performed a new song that Murphy wrote, called "Lubbock Texas". Murphy gave comments and then presented Council with commemorative copies of the song, along with the words.

3.4. Presentation of special recognitions to members of the Lubbock Western All Star baseball team for claiming the third place title in the 2007 Little League World Series.

Mayor Miller presented special recognition to the Lubbock Western All Star baseball team for winning third place in the 2007 Little League World Series. Present to receive special recognition were Garrett Williams, Tyler Thorne, Gregory Hewett, Jay Pendergrass, Max Randolph, Bryndan Arredondo, Taylor Bridges, Zane Ancell, Stephen Smith, and Bo Ricks. Brock Lilley was unable to attend. Mayor Miller also recognized Coach Chad Williams and Coach Gerald Arredondo.

3.5. Presentation of a special recognition to the American Society for Quality Lubbock Sub-section 1412 commemorating October as "Quality Month" and acknowledging the valuable contributions of local industries in producing quality goods and services crucial to the continued economic growth of the country.

Mayor Miller presented special recognition to the American Society for Quality Lubbock Sub-section 1412 commemorating October as "Quality Month". He also acknowledged the valuable contributions of local industries in producing quality goods and services that are crucial to the continued economic growth of the country. Accepting the special recognition was Robert Johnson of Tyco Fire & Building Products.

3.6. Presentation of a special recognition to the Lubbock Independent School District's At-Risk and Drop Out Prevention program proclaiming October 2007 as Drop Out Prevention Month.

Mayor Miller presented special recognition to the Lubbock Independent School District's At-Risk and Drop Out Prevention program to proclaim October 2007 as Drop Out Prevention Month. Those present to accept the special recognition were Wayne Havens, LISD Superintendent; Fred Hardin,

Deputy Superintendent for Secondary Education; and Paul Frazier, LISD At-Risk & Drop Out Prevention Program. Mr. Frazier gave comments.

3.7. Presentation of a National Fire Academy Executive Fire Officer certificate to Deputy Chief Chris Angerer.

Mayor Miller presented Deputy Chief Chris Angerer with the National Fire Academy Executive Fire Officer certificate. The Executive Fire Officer Program is designed to provide senior fire officers with a broad perspective on various and challenging facets of fire administration. Deputy Chief Angerer completed the program this summer.

3.8. Board Recognition:

Airport Board - Gilbert Flores

Building Board of Appeals - Terry Drum (unable to attend)

Permit & License Appeal Board - Steve Warren

Urban Design/Historic Preservation Commission - Clifton Ellis

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, September 13, 2007

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

5. CONSENT AGENDA was considered following Item 6.1.

6. REGULAR AGENDA

6.1. Code of Ordinances 1st Reading - Street Renaming: Ordinance No. 2007-O0105 amending Chapter 24 of the Code of Ordinances of the City of Lubbock with regard to changing the name of portions of Canyon Lake Drive (including that portion known as Park Road 18), Hillside Drive and North Boston Avenue to Cesar E. Chavez Drive.

The amendment redesignates the following named streets as Cesar E. Chavez Drive:

Section 1: Canyon Lake Drive from the intersection of the south access road of North Loop 289 generally southeast to the intersection of Rice Street, then generally south along Hillside Drive and North Boston to the intersection of Marshall Street, then along Canyon Lake Drive generally southeast across University Avenue to the intersection with North Avenue U.

Section 2: Canyon Lake Drive (also known as Park Road 18) and an unnamed park road from the intersection of 1st Street and North Avenue K around Atzlan Park and under Interstate 27 to Mackenzie Park, then through Mackenzie Park under Parkway Drive to East Broadway at the west (old) entrance to Mackenzie Park, such named road to include the portion in north Mackenzie Park to Prairie Dog Town and to the intersection of Municipal Drive.

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The portion of Canyon Lake Drive from East Broadway to Martin Luther King Jr. Boulevard shall have symbolic signs placed above the current street name sign with the name "Cesar E. Chavez Drive".

FISCAL IMPACT

The cost of new street signs is estimated to be \$3,400. The expense will be absorbed in the Traffic Engineering budget.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0105 with a change in Section 3, changing the word "above" to "with".

Council Member DeLeon gave comments and a presentation on Cesar E. Chavez, and DeLeon's family history.

Randy Henson, Director of Planning, gave a presentation, which provided Council with graphic materials regarding the location of the drive through the Canyon Lakes. Henson also answered questions from Council.

Mayor Miller asked Dr. Ray Brown with Canyon Lakes Residential Treatment Center to come forward and give comments regarding the name change. Mayor Miller then asked Coy Harris, Executive Director of the American Wind Power Center to also share his thoughts regarding the name change.

Marsha Reed, Director of Public Works, and Jere Hart, Traffic Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to amend the original motion to include dedication of the north part of the road that goes to the Canyon Lakes Residential Treatment Center as Canyon Lake Drive, and omit the honorary name from the street signs.

Council Member Klein stated that it should be pointed out for the record that he is still hearing from people throughout the African-American community and the larger Hispanic community that that is just not acceptable. One of the arguments is that it's not prominent enough, and it starts out from a position of selecting a road that is obscure and most people oppose it.

Vote was taken on whether to accept the amendment to include the dedication of the north part of the road that leads to the Canyon Lakes Residential Treatment Center as Canyon Lake Drive and omit the honorary name from the street signs, which carried: 4 Ayes, 3 Nays. Council Members Price, Leonard, and Klein voted Nay.

Vote was then taken on the original motion with amendments of changing the name of portions of Canyon Lake Drive (including that portion known as Park Road 18), Hillside Drive and North Boston Avenue to Cesar E. Chavez Drive, with changing the word "above" to "with" in Section 3. Motion carried: 4 Ayes, 3 Nays. Council Members Price, Leonard, and Klein voted Nay.

11:05 A. M. CITY COUNCIL RECESSED

11:17 A. M. CITY COUNCIL RECONVENED

5. CONSENT AGENDA (Items 5.1, 5.3, 5.5-5.20, 5.22-5.23, 5.25-5.27)

Motion was made by Council Member Leonard, seconded by Council Member Klein to approve Items 5.1, 5.3, 5.5-5.20, 5.22-5.23, 5.25-5.27 on consent agenda as recommended by staff. Motion carried: 5 Ayes, 0 Nays. Council Members DeLeon and Price were away from the dais.

5.1. Contract Resolution - Finance: Resolution No. 2007-R0463 authorizing the Mayor to execute an agreement with BKD for the audit of the City's annual financial statements.

In 2005, City Council requested statements of qualifications and price proposals from certified public accounting firms to provide professional auditing services. These services include the City's audit of annual financial statements, preparation of federal and state single audits, and the Passenger Facilities Charge audit, in addition to other accompanying reports.

The term of the contract is for six years and includes audits for fiscal years ending September 30, 2005 through September 30, 2010. City Council, at the recommendation of the Audit Committee, selected BKD of Little Rock, Arkansas.

Each contract year, a letter of engagement is executed and includes terms of the engagement and the stipulated fees.

Fees include \$172,000 for the City of Lubbock, \$13,000 for Lubbock Power and Light, and \$15,000 for out-of-pocket expenses.

FISCAL IMPACT

Funding is appropriated in the Finance Department Adopted FY 2007-08 Operating Budget.

Staff recommended approval of this resolution.

5.2. This item was moved from consent agenda to regular agenda and considered following Item 5.21.

5.3. Bond Issuance Resolution - Lubbock Educational Facilities Authority: Resolution No. 2007-R0464 approving the issuance of bonds in an amount not to exceed \$25 million for Lubbock Educational Facilities Authority.

The resolution constitutes approval of the issuance of less than \$25 million of private activity bonds for the benefit of Lubbock Christian University. The actual amount of bonds issued is expected to be approximately \$23 million. In order to obtain favorable tax treatment of the interest paid on private activity bonds, Section 147(f) of the Internal Revenue Code of 1986 requires the approval of the governing body or chief elected representative of the state or local government jurisdiction in which the financed facilities are to be located. The required public hearing is scheduled for October 4, 2007, and the minutes will be presented to City Council.

Section 1.3. Approval of Issuance of Obligations. No issue of bonds, including refunding bonds, shall be sold and delivered by the Corporation

without a written ordinance or resolution of the governing body (the "Governing Body") of the City of Lubbock (the "City") approving the issuance of the bonds.

The Corporation, at least fourteen (14) days prior to the issuance of any bonds, notes or other obligations, shall provide to the City a full and complete description of any educational or housing facilities, or facilities which are incidental, subordinate or related thereto or appropriate in connection therewith, the cost of which is to be paid in whole or in part from the proceeds of such obligations of the Corporation, together with a full and complete description of the obligations issued in connection therewith and an explanation of the projected costs of and the necessity for such proposed facility. All of the information deposited or required to be deposited by this Section shall be public information open to public inspection.

The City has no liability with respect to the issuance of the bonds or the repayment of any debt service relating to the bonds. The City is not a party to any of the financing documents relating to the issuance of the bonds. The disclosure documents describing the bonds affirmatively state that the City is not in any way liable. The due diligence memorandum from the City's financial advisor, RBC Capital Markets, is provided.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

- 5.4. This item was moved from consent agenda to regular agenda and considered following Item 5.24.**
- 5.5. Ordinance Amendment 2nd Reading - Zoning: Ordinance No. 2007-O0098 Zone Case No. 2709-C (1718 Avenue E) Consider request by Ross McCuiston (for Beckway Investments) for zoning change from IHC to IHC Specific Use on Lots 11-13, less triangle in southeast portion, Block 217, Original Town Addition, and to consider an ordinance.**

On September 27, 2007, City Council held a public hearing and considered the first reading of the ordinance amendment. The applicant is requesting a zone change from Interstate Highway Commercial (IHC) to IHC Specific Use with the conditions on the property to meet the same allowances that are allowed within the original Depot District zone case. The Depot District has a common area description, but the original Phase 1 of the property owners is on specific property located between Interstate 27, north to 18th Street for one portion and 17th Street for the other portion, extending west to one-half block east of Texas Avenue. A strip along Buddy Holly Avenue also is included in the original case from 19th Street south of the former W.D. Wilkins building at I-27.

Adjacent land uses are commercial in all directions.

The request does not rise to the level of a discussion of the Comprehensive Land Use Plan since the entire surrounding area is already zoned commercial. In terms of zoning policy, many of the business locations that are part of the “generic” Depot District that needed a variance for separation for a bar or for parking have been approved with the same conditions that exist in the current Specific Use area around the original Depot Building by the Zoning Board of Adjustment – which was Phase 1 of the property owners plan. The group never filed Phase 2, which would include this property. The applicant has not stated his specific intent for the use of the property.

The Planning Commission and City Council have adopted four new Control Business District (CBD) districts, and had the City already filed the master case for Commercial Business (CB) 4, this request would not be needed. The Planning Department has not filed the master case on the entire downtown because the current Downtown Redevelopment Plan is in the final stages of completion and one of the tasks of the contractor is to recommend both boundary changes to the original suggested boundaries and some adjustments may be proposed to the specifics of each of the four districts.

The change should have no overall impact to the traffic patterns or volumes in the vicinity.

The Planning Commission recommended the request with the following conditions:

1. Parking shall be obtained within 1,100 feet at a rate of one space for each 100 square feet in the structure should the structure be used for a bar or a dance hall.
2. The Building Inspection Department and the Fire Department shall determine that the building meets the Building and Fire Codes for the proposed occupancy.
3. Any event using the facility that includes a BYOB (alcohol) shall have private security provided by the owner of the structure or the lessee.
4. Should the owner ever seek to obtain a liquor permit, the separation standards of IHC for bars shall not apply.
5. Any new development on the lot shall meet IHC development standards.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

- 5.6. Ordinance Amendment 2nd Reading - Zoning: Ordinance No. 2007-O0099 Zone Case No. 2984-E (34th Street and Quincy Avenue) Consider request by Betenbough Homes for zoning change from A-1 and R-1 Specific Use to R-1 Specific Use on 78.750 acres in Section 38, Block AK, and to consider an ordinance.**

On September 27, 2007, City Council held a public hearing and considered the first reading of the ordinance amendment. The applicant is requesting what has become the “norm” for single family in the Residential-1 (R-1) District. Staff is finally making some progress with incorporating the requested aspects of the case into the Code so a new zone case that is essentially typical single family will not be required in each instance.

Existing adjacent land uses:

N – residential

S – zoned “T” backs up to the area where the railroad was relocated for the Marsha Sharp Freeway.

E – residential and pending mini warehouse zoning

W – Upland, and "T" zoning – some scattered older residential exists west of Upland Avenue

There is no conflict with the Comprehensive Land Use Plan and zoning policy.

There should be little more than anticipated impact on the thoroughfare system. Development of the subdivision will increase the pressure to widen 34th Street and Upland Avenue in the area to full thoroughfare status from the current two lane strip paved streets. Staff supports the request with the following conditions:

1. The minimum front setback shall be 20 feet.
2. The minimum side setback for corner lots and the minimum for non-garage portions of structures on cul-de-sac streets shall be five feet.
3. Should the subdivision be developed with access to the garages from the alley, the fence on the corner lots facing the side street shall be set back five feet to match the setback of the home.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

5.7. Ordinance Amendment 2nd Reading - Zoning: Ordinance No. 2007-O0100 Zone Case No. 2984-F (Milwaukee Avenue and 37th Street) Consider request by Michael Postar for zoning change from C-3 and R-1 Specific Use to C-4 Specific Use on 6.5 acres of unplatted land out of Block AK, Section 38, and to consider an ordinance.

On September 27, 2007, City Council held a public hearing and considered the first reading of the ordinance amendment. The request is to zone a parcel 120 feet south of 37th Street and north of the developing Raider Ranch as a mini-warehouse development. Originally the case boundary was to 37th Street, and may be the reason there is a letter of opposition from a resident on 37th Street. The proposed project leaves a row of lots along 37th Street for

future development of residential homes that will back up to the project and buffer the homeowners north of 37th Street.

Adjacent land uses:

N – proposed single family

S – proposed Raider Ranch, across a 60-foot electric line easement. The owners of the land of Raider Ranch are involved in the process of selling a portion of this land to Mr. Postar – a fact that would indicate no issue with the request.

E – commercial on Milwaukee Avenue

W – proposed residential

The request is not consistent with the current Comprehensive Land Use Plan. The installation of Milwaukee Avenue from 4th Street to 92nd Street as a full seven lane thoroughfare has caused a number of normal market anomalies along Milwaukee Avenue that have pushed the limits of the traditional "commercial locations at the corner of thoroughfares." A major factor in the immediate area regarding installation of non-residential is the presence of the railroad that was relocated to make way for the Marsh Sharp Freeway. The recommendation from the Planning Commission indicates that the zone change is a minor amendment to the Comprehensive Land Use Plan.

In the past, mini-warehouse projects that have occupied awkward parcels of property to the rear of commercial that faces a thoroughfare have not proved to be detrimental to the area nor have they, to the knowledge of staff, drawn the unsavory or disruptive occupants that is a common complaint when a case is proposed. For this project, the entire perimeter will be surrounded with a split face wall (decorative cinder block) versus the typical metal walls of other locations developed by this applicant. A small frontage to Milwaukee Avenue will provide the only access. No access to 37th Street or yet to be determined streets on the west is proposed. The project is phased, and a temporary metal wall will face the north as noted on the site plan. Eventually, the north fence will be split face block when Phase II is installed.

The project should have little impact on the thoroughfare system as Milwaukee Avenue is a seven lane thoroughfare at this location.

The Planning Commission recommended the request to the City Council. As Specific Use the applicant is tied to the proposed site plan, materials, and building elevation presented in the zone case.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

5.8. Ordinance Amendment 2nd Reading - Zoning: Ordinance No. 2007-O0101 Zone Case No. 3091 (3723 34th Street) Continue request by Dave Kirk (for T-Mobile Texas, LP) for zoning change from C-2 to C-2 Specific Use for a 100 foot tall telecommunications tower on 630 square feet out of Lot D, Block 1, Hobgood Addition, and to consider an ordinance.

On September 27, 2007, City Council held a public hearing and considered the first reading of the ordinance amendment. The request is for a 100-foot tall Personal Communications Services (PCS) or cell tower located in an unused portion of property owned by the Sunset Church of Christ located west of former Knoxville Avenue (the street has been closed) on the south side of the street. The proposed tower will be located on the far eastern edge in an area of unused land approximately mid-lot, east of the new activities building built by the Sunset Church of Christ.

To help minimize the visual impact, monopole construction is proposed using what the industry terms a “stealth pole” where the antennae are in a shroud of fiberglass with the antennae “up and down” versus the perpendicular or 90 degrees to the tower old style TV looking antennae. This is the first proposed stealth tower in Lubbock. In many locations, the tower is used as a flagpole or other use that attempts to disguise the use for cellular. The tower is designed for a minimum of two users as required by the Code.

A written report must be made to the Planning Commission and City Council to meet the requirements of the Federal Communications Act. That report is provided and followed by additional staff comments to the guidelines in the Lubbock Zoning Code.

No Comprehensive Land Use Plan policy is under discussion since the area is already zoned commercial. The Zoning Policies are provided in backup. There should be no impact on the thoroughfare system.

The Planning and Zoning Commission recommended approval of this request.

No citizen appeared at the meeting to comment on the request, and to date there are no letters of objection. Staff supports the recommendation of the Planning Commission. By being Specific Use, the applicant is tied to the proposed site plan.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

5.9. Ordinance Amendment 2nd Reading - Zoning: Ordinance No. 2007-O0102 Zone Case No. 3093 (2207 34th Street and 2217 34th Street) Consider request by David Bloodworth (for DCI Biologicals) for zoning change from C-2 to C-2 Specific Use for a plasma center on west 50 feet of Lot 3, Lot 4, McGee Addition, and to consider an ordinance.

On September 27, 2007, City Council held a public hearing and considered the first reading of the ordinance amendment. The applicant is requesting the use of a portion of a shopping center at 2207 34th Street to be used by a company that gathers plasma from donors for the medical community.

Adjacent land uses:

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

The request has no discussion with regard to the Comprehensive Land Use Plan because it is currently zoned commercial. The typical objection to the use, which is why it is in the Specific Use Section of the Code (and triggers a public hearing regardless of location), is expressed in the letter from BGR architects. BGR is located across 34th Street from the proposed site.

In the past, for the business location now operated by the applicant on Main Street east of University Avenue but previously under the ownership of another company, some of the allegations were true. In approximately the last ten years, since the change in ownership, staff is not aware of the “hanging out” or unsavory element that accompanied the original business. At any of the current locations that are zoned in the community, staff is not aware of any complaints.

The companies that operate the centers are fully aware of the history of poor relations with neighbors and go to great lengths to prevent the activities described in the letter. Other than the medical necessity for the product, and the atmosphere of the current office vicinity, staff had no other vital information to offer to the Planning Commission.

The Planning Commission discussed the presentation and responses from the applicant, the letter from BGR, as well as the maturation of other business locations and the value to the community that the industry provides in terms of the plasma collection (not the same but similar to the blood bank). The Planning Commission approved the request with one condition:

1. If the use is abandoned, the zoning will revert to C-2 with no restrictions.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

- 5.10. Ordinance Amendment 2nd Reading - Zoning: Ordinance No. 2007-O0103 Zone Case No. 3094 (North Cypress and Wabash Streets) Consider request by Betenbough Homes for zoning change from R-1 to R-1 Specific Use on 42.43 acres of unplatted land out of Block A, Sections 15 and 78 and Lots 16-25, Block 1, A. L. King Addition, and to consider an ordinance.**

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On September 27, 2007, City Council held a public hearing and considered the first reading of the ordinance amendment. The request is identical to the case requested in Case No. 2984-E.

As noted in Case No. 2984-E, the applicant is requesting what has become the “norm” for single family in the Residential-1 (R-1) District. Staff is finally making some progress with incorporating the requested aspects of this case into the Code so a new zone case that is essentially typical single family will not be required in each instance.

Existing adjacent land uses:

N – residential

S – zoned “T” backs up to the area where the railroad was relocated for the Marsha Sharp Freeway.

E – residential and pending mini warehouse zoning

W – Upland, and "T" zoning – some scattered older residential exists west of Upland Avenue

There is no conflict with the Comprehensive Land Use Plan and zoning policy.

There are two letters of opposition on file for the request (at the time these comments were produced). The person on Cypress is already single family zoned and may simply want to retain the open spaces to the west, the letter of opposition made no comment.

There should be little more than anticipated impact on the thoroughfare system.

Development of the subdivision increases the pressure to widen 34th Street and Upland Avenue in the area to full thoroughfare status from the current two lane strip paved streets.

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

1. The minimum front setback shall be twenty feet.
2. The minimum side setback for corner lots and the minimum for non-garage portions of structures on cul-de-sac streets shall be five feet.
3. Should the subdivision be developed with access to the garages from the alley, the fence on the corner lots facing the side street shall be set back five feet to match the setback of the home.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

5.11. Ordinance Amendment 2nd Reading - Zoning: Ordinance No. 2007-00104 Zone Case No. 3095 (North Loop 289 & North Utica Drive) Consider request by Campus Crest Communities (for Maurice Risley) for zoning change from A-1 to A-3 and IHC on 23.137 acres of unplatted land out of Block A, Section 22, and to consider an ordinance.

On September 27, 2007, City Council held a public hearing and considered the first reading of the ordinance amendment. The applicant is seeking Apartment-3 (A-3) zoning to accommodate a student oriented apartment complex that will contain approximately 512 single-person bedrooms in 3 and 4 bedroom apartments. The A-3 is requested to ensure the height of the structures will not be hindered by the standard A-2 40-foot maximum, although the project is requested by the applicant to be limited to three story buildings. A small portion of the peak of the roof on the buildings exceeds the 40-foot dimension.

In addition, a parcel on the northeast bounded by North Utica on the east, the mobile home subdivision on the south and a part of the Texas Tech Experimental farm on the east is requested as Interstate Commercial (IHC).

Adjacent land uses:

N- Loop 289

S – Mobile home subdivision, zoned Residential (R-3)

Specific Use for lots that are purchased and the owners are allowed and a portion of a mobile home park also zoned R-3 Specific Use.

E – A part of the land owned by Texas Tech University, now under cultivation

W – A-1 zoning, constructed as quadraplex units.

The property is currently zoned A-1 with conditions that the property be developed as Phase 2 of the mobile home subdivision. That expansion never occurred. A copy of the original proposed preliminary plat is provided for reference. To the west is a row of A-1 quadraplex units. Zoned A-1 already, the proposed student housing project does not rise to a level for a Comprehensive Land Use Plan discussion. The current Plan illustrates the area as eligible for multifamily zoning. Zoning policy for the viability of the project as a neighbor should be the primary focus of the discussion.

The Interstate Commercial segment east of North Utica does not meet the current Comprehensive Land Use Plan. Being surrounded by the apartment complex, Tech property, the mobile home subdivision and the Loop (across the Loop at this location the zoning is commercial), the request for Interstate Commercial should not create an issue. As forwarded by the Planning Commission for approval, the motion includes the fact that the IHC portion is a minor amendment to the Comprehensive Land Use Plan.

The presence of the project was not contested by the residents of the mobile home subdivision, but several of the residents did discuss the possibility that the developer of the project provide an area of land on the south end of the

project for a street or gravel drive to connect the stub that exists in the mobile home park to the stub of Amherst that intersects Troy Avenue on the west. The residents have cut across the dirt lot for years to get to Troy Avenue and back south to 4th Street since they have access only to the east bound service road of Loop 289 on North Utica. As noted above, the residents have had the expectation that formal access to Troy would eventually occur because of the now out of date plat to build Phase 2 of the mobile home subdivision. The developer of the project did not anticipate the connecting drive (and does not want to dedicate and pave a street at his cost that has no value to his project), but the applicant and his engineers are meeting with the neighbors at the request of the Planning Commission to see if a solution exists that will not interrupt the development of the apartment complex. City Engineering Department is suggesting either paving an existing alley on the south and/or building a street. An unimproved surface would not last long. The results of the private meeting should be available for the public hearing. The complex will be gated, and the use of the stub of Bates will be a dead end with a cul-de-sac or other turnaround device with curb cuts into the apartments through a gate. Screening fence locations will be required.

As noted, the primary frontage of the project is on the one-way service road of Loop 289. Also as noted above, North Utica through Whisperwood was designed with two street stubs from Troy Avenue to specifically serve the land. With the scenario noted above, the residents of the apartments will have an indirect connection back to 4th Street along Troy Avenue to Whisperwood Boulevard. All of Troy Avenue is zoned A-1 and developed as quadraplex units. Overall traffic will certainly increase, but the street was designed to handle the increased load. It is staff's opinion that a large number of the residents will continue to choose the Loop access from 4th Street and Loop 289 or from the apartments to Quaker Avenue versus the time it takes to maneuver through Whisperwood to 4th Street. But, the back way was designed into the Whisperwood plat to create the ability to get back to 4th Street from this parcel of land since no street or private drive connection exists through the mobile home park to the south.

The Planning Commission recommended the project with the following conditions:

1. The residential zoning shall be A-3 limited to three story construction (because the total height slightly exceeds A-2).
2. The area adjacent to Loop 289 east of North Utica to the applicant's south property line shall be zoned Interstate Commercial.
3. A seven-foot masonry or stone fence, or a seven-foot masonry base with piers and wood inserts shall be built on the south and east boundary of the IHC and on the south boundary of the A-3 (the property line adjacent to the mobile home subdivision and the portion adjacent to the mobile home park) parcel. Should a public access easement on the south portion of the applicant's property be made for the residents of the mobile home

subdivision, this fencing style shall be optional for the applicant, chain link may be a choice.

4. A chain link security fence shall be allowed with no setback along the west alley and a decorative fence shall be allowed with no setback shall be allowed along the Loop service road and North Utica with a provision of a vision cut off at the intersection of North Utica and the Loop service road.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

5.12. Code of Ordinances 2nd Reading - Traffic Engineering: Ordinance No. 2007-O0097 Amending section 16-175.1 of the Code of Ordinances of the City of Lubbock changing speed limits on state roadways and city streets.

On September 27, 2007, City Council held a public hearing and considered the first reading of the ordinance amendment. The amendment to the Code of Ordinances changes speed limits on State roadways and City streets and adds roadways that are not in the current ordinance. The Texas Department of Transportation (TxDOT) conducted speed limit studies on FM 2255 (4th Street), FM 1730 (Slide Road), FM 1585 (130th Street), Marsha Sharp Freeway and Spur 327. Speed limits are adjusted in the amended ordinance pursuant to state guidelines. The Citizen's Traffic Commission (CTC) reviewed and recommended approval of these proposed speed limits in November 2006.

Two citizen requests prompted speed limit studies on Milwaukee Avenue from 4th Street to Erskine Street and on Avenue P from 82nd Street to 84th Street. Speed limit studies were conducted by the Traffic Engineering Department to determine the lower speed limits that were presented to and approved by the CTC in August 2007 and September 2007.

FISCAL IMPACT

No fiscal impact.

Citizen's Traffic Commission and staff recommended approval of the second reading of this ordinance.

5.13. Right-of-Way Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2007-O0096 Abandoning and closing an 8-foot by 8-foot switching enclosure easement for Lubbock Power & Light located on Tract GG, Physician's Surgicenter of Lubbock, easement located at 202 N Utica Avenue.

On September 27, 2007, City Council held a public hearing and considered the first reading of the ordinance amendment. The ordinance abandons and closes an 8-foot by 8-foot switching enclosure easement for Lubbock Power & Light (LP&L) located in the northeast corner of Tract GG Physician's Surgicenter, which is north of North Loop 289 and east of North Utica

Avenue. The easement was dedicated by plat and, due to development of the property, is no longer needed. A new easement will be dedicated to replace this easement. LP&L is in agreement with the closure.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

5.14. Right-of-Way Ordinance 1st Reading – Right-of-Way: Ordinance No. 2007-O0106 abandoning and closing a 20-foot alley adjacent to Lot 2, Del Prado Addition located at 7203 Globe Avenue.

The ordinance abandons and closes a 20-foot wide alley located adjacent to Lot 2, Del Prado addition, located east of Globe Avenue, south of Loop 289 and north of East 73rd Street. The alley area is being closed for re-platting purposes and the requestor owns both sides of the alley. All utility companies are in agreement with the alley closure. Since the requestor is not the original dedicator of the alley area being closed, there will be a charge. The total area of the alley being closed is 3,630 square feet and it will remain a utility easement. The Right of Way Department has determined a value of \$0.60 per square foot based on an adjacent property land values.

The total amount due to the City is \$1,089 based on an assessment of \$2,178 x 50% easement valuation.

FISCAL IMPACT

\$1,089 of revenue to the General Fund.

Staff recommended approval of the first reading of this ordinance.

5.15. Right-of-Way Ordinance 1st Reading – Right-of-Way: Ordinance No. 2007-O0107 abandoning and closing a 20-foot wide temporary utility easement and a 20-foot wide temporary garbage collection and public access easement located in tract 19, Overton Park Addition, easement closure located at 1707 7th Street.

The ordinance abandons and closes a 20-foot wide temporary utility easement and 20-foot wide temporary garbage collection and public access easement located in Block 19, Overton Park Addition just south of 7th Street between Avenue Q and Avenue R. The easements are being closed for development purposes. A new public access easement will be dedicated to replace the one closed. All utility companies are in agreement with the easement closures.

FISCAL IMPACT

No fiscal impact.

The Right-of-Way Department and staff recommended approval of the first reading of this ordinance.

5.16. Contract Amendment Resolution - Airport: Resolution No. 2007-R0465 authorizing the Mayor to execute Amendment No. 11 to the A/E Service Agreement with Parkhill Smith & Cooper for the Lubbock Airfield Drainage Project.

Amendment No. 11 modifies the original engineering agreement with Parkhill, Smith & Cooper approved January 13, 2005. The amendment provides for engineering services for airfield drainage.

The project improves the overall drainage of an area located north of Runway 8/26 by installing pump stations at two locations. During periods when the basin contains storm water, the basin attracts birds. Aircraft using Runway 8/26 cause the birds to take flight which occasionally leads to bird strikes. Drainage improvements will mitigate the issues.

The total agreement is not to exceed \$300,700 itemized as follows:

\$172,400 Professional service fees (study and report, preliminary design, final design and bidding/negotiating, lump sum).

\$86,400 Construction phase services (including RPR and construction related engineering services, lump sum).

\$41,900 Surveying and testing services (reimbursable expense).

FISCAL IMPACT

\$1.94 million is budgeted and \$300,700 available in Capital Improvement Project 92022, Airfield Drainage and Safety Mitigation Improvements.

Airport Board and staff recommended approval of this resolution.

5.17. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0466 authorizing the Mayor to execute a contract with South Plains Association of Governments for pass-through funds from the Texas Department on Aging and Disability Services to provide meals and transportation services for the Senior Citizens Program.

The City has contracted with the South Plains Association of Governments (SPAG) for 28 years to provide services for senior citizens. SPAG serves as the pass through agency for federal funds from the Texas Department on Aging and Disability Services (TDADS). The City's Senior Program provides a hot meal, transportation, recreation, and social activities to citizens 60 years of age and older. Meals are currently supplied by ARAMARK Educational Services and are due to be re-bid by April 3, 2008. The FY 2007-08 agreement with SPAG provides reimbursement for meals and transportation.

Staff anticipates the need to serve approximately 45,000 meals and approximately 7,400 units of transportation. The reimbursement rates from SPAG are as follows:

Congregate Meals - 23,592 units at \$5.01, or \$118,196.

Transportation - 2,985 units at \$3.82, or \$11,403.

The total estimated revenue to the City of Lubbock from the SPAG contract is:

\$118,196	Grant-Congregate Meals
11,403	Grant-Transportation
73,000	Program Income
\$202,599	Total

Monetary donations are accepted from individuals who utilize meal and transportation services. The recommended donation is \$2 per meal for people 60 years of age and older. Those under age 60 are required to pay \$4 per meal. The recommended donation for transportation is \$1 per one-way trip.

FISCAL IMPACT

The contract provides senior citizens with approximately \$202,599 of meal service, transportation, and administration costs. The required match for the contract is \$15,351, which is the City's in-kind contribution of personnel costs. The revenues and expenditures for this program were appropriated by the City Council on September 27, 2007 as part of Budget Amendment Ordinance No. 18.

Staff recommended approval of this resolution.

5.18. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0467 authorizing the Mayor to execute a purchase order contract with Musco Sports Lighting for a sports lighting system using the Texas Association of School Boards Local Government Purchasing Cooperative.

On Thursday, July 26, 2007, City Council approved a contract with Denton-Renfroe to construct the Northwest Little League Baseball Complex. On Thursday, September 13, 2007, City Council approved a contract with WR Construction to construct the Southwest Little League Baseball Complex. Prior to contract award, the scope of work was modified to exclude the sports lighting systems, which are available through a purchasing cooperative at a \$120,000 savings.

The Musco Light Structure Green™ System is available for \$411,785 through the Texas Association of School Boards Local Government Purchasing Cooperative using an electronic purchasing system known as BuyBoard. This purchasing cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Government Code. The purpose is to obtain the benefits and efficiencies that can accrue to members of a cooperative, to comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services.

The Musco Light Structure Green System includes:

- Pre-cast concrete bases,
- Galvanized steel poles,
- UL listed remote electrical component enclosures,

- Pole length wire harness,
- Factory-aimed and assembled luminaries,
- 2P auxiliary mounting brackets,
- Energy savings of more than 50% over a standard lighting system,
- Less spill and glare light,
- Musco 25-year warranty and maintenance program eliminates 100% of maintenance costs, including labor and materials,
- Guaranteed a light level of 50 foot candles on the infield and 30 foot candles on the outfield for 25 years, +/- 10% per IESNA RP-06-01,
- One group re-lamp at the end of the lamps' rated life of 5000 hours,
- Reduced energy consumption with an average of 56.3 kilowatts per hour,
- Control link and monitoring system for flexible control and solid management of the lighting system,
- Lighting contactors sized for 480 Volt 3 phase, and
- Installation of equipment including unloading, drilling and installation of concrete bases, pole assembling, standing, and electric to poles.

Musco Lighting solicited bids from local electrical contractors to install the conduit, wire and lighting systems. Larcon Electric will be responsible for the installation.

Time for completion of this project is 90 consecutive calendar days and liquidated damages are \$500 per day.

References were obtained for Musco Lighting for comparable construction and all references were favorable.

FISCAL IMPACT

\$3,028,000 is appropriated with \$207,328 available in Project 91207, Northwest Little League Complex and \$2.5 million is appropriated with \$234,627 available in Project 91208, Southwest Little League Complex, for the lighting at both fields.

Staff recommended approval of this resolution.

5.19. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0468 authorizing the Mayor to execute a purchase order contract with USA Shade & Fabric Structures for bleacher shades using the Texas Association of School Boards Local Government Purchasing Cooperative.

On Thursday, June 14, 2007, City Council approved a contract with Lee Lewis Construction to construct 16 ball fields for the Lubbock Youth Sports Complex located at 12405 Milwaukee Avenue. The USA Shade & Fabric Structures product is available for \$173,468 through the Texas Association of School Boards Local Government Purchasing Cooperative using an electronic purchasing system, known as BuyBoard. Prior to contract award, the scope of work was modified to exclude the bleacher shades available through the BuyBoard purchasing cooperative. The purchasing cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Government Code to obtain benefits and efficiencies that can accrue to

members of a cooperative, comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services.

The purchase includes 32 Sun Port "Hip" structures:

- 20-feet by 40-feet
- 1 top
- 4 posts
- 14-feet entry height
- 120 mph wind load (fabric to be removed if winds exceeds 90 mph)
- shadesure fabric
- sealed engineering drawings
- shipping and handling

Time for completion is 60 consecutive calendar days and liquidated damages are \$500 per day.

The Parks Department has purchased and installed the Sun Port structures at other ball fields. The structures are attractive, easily constructed, and maintained without difficulty.

FISCAL IMPACT

\$12,730,381 was appropriated with \$177,159 available in Project 91197, Youth Sports Complex Phase I, for bleacher shades.

Staff recommended approval of this resolution.

5.20. Temporary Overnight Camping Resolution - Parks and Recreation: Resolution No. 2007-R0469 authorizing a temporary overnight camping area in Mackenzie Park on Saturday, April 19, 2008, for the 7th Annual Lubbock Grand Prix on Sunday, April 20, 2008, hosted by the Montford Unit volunteer employees.

The Montford Unit volunteer employees request for permission for over-night camping on April 19, 2008, at Mackenzie Park. On Sunday, April 20, 2008, a motorcycle race is being held benefiting the Special Olympics. This is the seventh year the race has been held in the undeveloped portion of Mackenzie Park located south of Parkway Drive and west of Oak Avenue. Campfires and porta-potties are not allowed. Extra trash cans and security is provided by Montford Unit employees.

Chapter 19-1 (5) of the Code Ordinances allows for designation of camping areas. If approved by City Council, camping will be allowed April 19, 2008 through April 20, 2008, at a location as indicated on the map.

On September 25, 2007, the Parks and Recreation Advisory Board approved recommendation of this request to City Council.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

- 5.21. This item was moved from consent agenda to regular agenda and considered following Item 5.27.**
- 5.22. Emergency Purchase Resolution - Radio Shop: Resolution No. 2007-R0470 authorizing the Mayor to execute an emergency purchase order contract with Warren Cat for a 125 kilowatt generator to provide emergency power to the City's radio site.**

The emergency generator for the City's primary radio site is approximately 27 years old. Radio Shop personnel have maintained the generator, but during a recent thunderstorm, the automatic switch was damaged, and the generator had to be started manually, causing a 30-minute radio outage. It is critical for the organization to have constant communications, and therefore critical to have uninterrupted power to the radio site.

Texas Local Government Code Chapter 252.022(3) exempts a municipality from soliciting competitive bids for a procurement necessary because of unforeseen damage to public machinery, equipment, or other property.

FISCAL IMPACT

The \$32,225 purchase will come from the Adopted FY 2007-08 Radio Shop Operating Budget.

Staff recommended approval of this resolution.

- 5.23. Contract Amendment Resolution - Water Utilities: Resolution No. 2007-R0471 authorizing the Mayor to execute Change Order No. 1 to the contract with Brown McKee for a 500,000 gallon ground storage tank and booster pump station.**

The contract involves the construction of a 500,000-gallon ground storage tank and booster pump station (Pump Station No. 15) located north of FM 1294 and east of Interstate 27 along North Ivory Avenue.

Change Order No. 1 includes changing the manufacture of the proposed on-site generator because of local service availability and standardization with existing generators, increasing the width of the roll up door from 10 feet to 12 feet, removal from the project several valve vaults, lowering the existing pad constructed for the proposed tank, and lowering the profile of the proposed tank to meet Federal Aviation Administration elevation requirements.

FISCAL IMPACT

\$3,691,081 was appropriated with \$3,502,602 available in Capital Improvement Project 92115 Airport Industrial Area Water Improvements. The original contract was for \$1,486,728. The Change Order No. 1 is for an additional \$36,357 making the new contract total \$1,523,085.

Staff recommended approval of this resolution.

- 5.24. This item was moved from consent agenda to regular agenda and considered following Item 5.2.**

5.25. Contract Resolution - Police: Resolution No. 2007-R0472; Resolution No. 2007-R0473 authorizing the Mayor to execute purchase order contracts with Bailey's House of Guns and G.T. Distributor's for police firearm ammunition, BID 07-074-MA.

Police ammunition is necessary to equip, train, and maintain officer proficiency with firearms. The proficiency requirements are mandated by the Texas Commission on Law Enforcement Officer Standards and Education. Police officers are required to qualify twice a year to demonstrate firearm proficiency. Officers are provided training ammunition for qualifications, and duty ammunition is used and replaced once a year. New police recruits must go through a 40-hour firearm training course while in the academy. SWAT trains twice each month and incorporates firearms training in each session. The Mobile Field Force trains once a month and also incorporates firearms training in each session. Officers issued patrol rifles require quarterly proficiency training and qualification. Re-loaded or re-manufactured ammunition is not acceptable due to reliability and liability issues. No local companies submitted bids.

Staff recommended bids be awarded to Bailey's House of Guns of Houston, Texas for \$29,113 and G.T. Distributor's of Austin, Texas, for \$46,198.

FISCAL IMPACT

\$75,311 is appropriated in the Adopted FY 2007-08 Police Department operating budget.

Staff recommended approval of these resolutions.

5.26. Contract Amendment Resolution - Emergency Management: Resolution No. 2007-R0474 authorizing the Mayor to execute an amendment to the Memorandum of Understanding dated January 25, 2007, between the City of Lubbock and Lubbock County to hire a consultant to study the feasibility of combining dispatch centers.

On January 25, 2007, City Council approved a Memorandum of Understanding (MOU) authorizing the City to explore options of combining resources in order to establish and maintain a combined communications center for greater efficiency, elimination of duplication of services, and utilization of new technology. The MOU was between the City of Lubbock, Lubbock County, and the Hospital District. The Hospital District does not oppose the hiring of a consultant by the City or Lubbock County. Due to financial constraints, the Hospital District chose not to participate in sharing the cost of the consultant as outlined in the MOU and, therefore, failed to approve and execute the MOU.

The January 25, 2007, MOU stipulates that 25% of the cost will be paid by the Hospital District, 25% will be paid by Lubbock County, and 50% will be paid by the City. The MOU is amended for Lubbock County and the City to share equally the cost of \$54,610.

FISCAL IMPACT

The City's participation is unchanged as a result of this amendment. The City's portion will total \$27,305 from available funds in the Medical Metropolitan Response System Grant.

Staff recommended approval of this resolution.

5.27. Contract Resolution - Emergency Management: Resolution No. 2007-R0475 authorizing the Mayor to execute a contract with GeoComm to provide professional services as it relates to the feasibility study for public safety communications, RFQ 07-013-MA.

In October 2006, the City of Lubbock, Lubbock County, and Emergency Medical Services (EMS) met concerning the possibility of enhancing public safety communications.

On January 25, 2007, City Council approved a resolution authorizing the City to partner with the County and the Hospital District to hire a consultant to explore options of combining resources in order to establish and maintain a combined communications center for greater efficiency, elimination of service duplications, and utilization of new technology.

On July 31, 2007, the public safety committee met to discuss and evaluate competitive proposals.

On August 28, 2007, the committee heard presentations from finalists L. Robert Kimball & Associates, Emergency Services Consulting, and GeoComm. The committee unanimously recommended GeoComm to conduct the feasibility study for public safety communications.

The feasibility study involves two primary and two secondary public safety answering points/dispatch centers. Calls placed within the City of Lubbock corporate limits are answered by the Lubbock Police Department. Calls placed within the unincorporated areas of Lubbock County are answered by the Lubbock County Sheriff's Office. These two public safety answering points then transfer the calls to the secondary public safety answering points of Lubbock EMS for medical/ambulance related calls, or to the Lubbock Fire Department for fire related calls. The Lubbock County Sheriff's Office dispatches fire response in all of the unincorporated areas of Lubbock County for nine volunteer fire departments, which are forwarded to EMS.

The Lubbock County Commissioners Court will consider this item at their October 9 meeting.

FISCAL IMPACT

The City's participation totals \$27,305 from available funds in the Medical Metropolitan Response System Grant.

Staff recommended approval of this resolution.

6. REGULAR AGENDA (continued)

Note: Regular Agenda items, and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (5.21, 5.2, 5.24, 5.4, 6.2-6.4). Item 6.1 was addressed earlier in the day following Item 4.1.

- 5.21. Contract Resolution - Information Technology: Consider a resolution authorizing the Mayor to execute a contract with ClearWire Communications for 110 Wireless Data cards and communication service plans for Lubbock Power & Light, Water Utilities, and Solid Waste asset management and work automation project.**

This item was continued until the Regular City Council Meeting of October 25, 2007.

A capital project was approved in the FY 2004-05 budget to purchase an automated Mapping/Facilities Management/Outage Management system for Lubbock Power & Light, Water Utilities, and Solid Waste. The contract for utility software and implementation for the project was awarded to GE Energy in 2006 Resolution No. 2006-R0199. During the hardware analysis phase of the project, it was determined that 100 laptop computers were needed to provide field personnel with access to the work management component of the system.

This contract is for the purchase of 100 laptop wireless devices used by LP&L, Water Utilities, and Solid Waste to access job order information in the field. Services include wireless channel bandwidth 2.x Ghz, orthogonal frequency division multiplexing modulation, 1.5 Mbps Internet download and 256 Kbps upload speed, data interfaces for a laptop card bus slot, external antenna, and service inside the city limits. Ten additional wireless cards will be purchased for the wireless project for Building Inspection.

Proposals were evaluated and scored based on Internet speed 40%, experience 20%, cost 30%, and local support 10%. The following firms submitted proposals and were ranked as follows:

ClearWire Communications of Lubbock, Texas (\$82,486) 75 points

Xanadoo of Lubbock, Texas (\$46,200) 55 points

Raptor Controls of Carrollton, Texas (\$32,450) 45 points

AT&T of Lubbock, Texas (\$5,456) 30 points

The wireless card/services from ClearWire Communications were tested and connected at speeds of 1.5Mbps while providing the necessary connection speeds for personnel in the field. The Information Technology Department tested the Xanadoo wireless card/services and the wireless devices connected below 100Kbps and had limited coverage with no service north of the airport. The proposal from Raptor Controls did not meet the mandatory specification for local support and Raptor Controls does not have the necessary infrastructure in place to support the wireless device. The proposal from

AT&T with Internet speed of 400-700Kbps did not meet the mandatory specification for 1.0 Mbps minimum Internet speed.

FISCAL IMPACT

The two-year contract with ClearWire Communications is priced as follows:

\$16,499 PC card one-time purchase in year one will be funded in Capital Improvement Project 91118. \$65,987 will be funded in the operating budget per year over the two-year period.

Staff recommended approval of this resolution.

Mark Yearwood, Assistant City Manager; Victor Kilman, Director of Purchasing and Contract Management; and City Manager Lee Ann Dumbauld, gave comments and answered questions from Council.

After discussions were had, consensus from Council was to continue this item to the next Regular City Council Meeting of October 25, 2007.

5.2. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2007-O0108 Amendment No. 1 amending the FY 2007-08 budget respecting the Grant Fund and Capital Improvement Program.

1. Accept and appropriate \$108,204 from the Texas Department of State Health Services for the Regional and Local Services Section/Local Public Health System. The program provides financial assistance to improve or strengthen local public health infrastructure by developing objectives to address public health issues and utilize resources to conduct activities and services that provide or support the delivery of essential public health services.

This grant was not placed on a budget amendment last fiscal year due to a delay in the award letter being received from the State. The City received the letter on September 19, 2007.

This grant provides funding for four full-time employees. These positions are authorized in the Adopted FY 2007-08 Operating Budget. The four positions are a Registered Nurse and a Licensed Vocational Nurse in the Sexually Transmitted Disease Program; a Lab Technician in the laboratory; and a Licensed Vocational Nurse in the Health Education Program.

The grant period is through August 31, 2008.

2. Amend Capital Improvement Project 91074, "North Overton TIF Public Facilities", by appropriating a \$5 million grant from the Moody Foundation and \$1.5 million grant from the CH Foundation. It is anticipated that \$1.5 million will be funded annually until 2010-11 from the CH Foundation Grant.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass on first reading Ordinance No. 2007-O0108 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

5.24. Contract Resolution - Water Utilities: Resolution No. 2007-R0476; Resolution No. 2007-R0477 authorizing the Mayor to execute contracts with Aqua One Water for bottled water delivery, and Culligan of Lubbock for water purification systems, BID 07-072-FO.

The City is supplying bottled drinking water to residences and supplying water treatment systems to businesses adjacent to the Lubbock and Hancock Land Application Sites. The residences' and businesses' drinking water wells have tested for nitrate nitrogen at a level greater than 10 mg/l, and are generally in rural areas of east central Lubbock County and northeast Lynn County.

The City is providing the service to specific areas that may be affected by groundwater and associated concentration moving from under the Hancock and Lubbock Land Application Sites. Participation in the program requires that a residence or business meet several specific conditions:

- 1) The physical location of the business or residence must be within specific areas that have been designated to be part of this program;
- 2) Drinking water for the business or residence must be supplied by a private well; and
- 3) The well supplying drinking water to the residence or business must have a nitrate nitrogen concentration greater than 10 milligrams per liter with samples collected approximately on an annual basis.

The contracts are for a period of one year with an option to renew for up to two additional one year periods.

Aqua One Water of Lubbock, Texas was the sole bidder for bottle water delivery and Culligan, of Lubbock, Texas, was the sole bidder for the water treatment systems.

FISCAL IMPACT

\$50,000 is available in Adopted FY 2007-08 Water Utilities operating budget. Funding for the remaining term of the pricing agreement is contingent upon available funding in future operating budgets.

Lubbock Water Advisory Commission and staff recommended approval of these resolutions.

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass Resolution No. 2007-R0476 and Resolution No. 2007-R0477 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

5.4. Contract Resolution - Business Development: Resolution No. 2007-R0478 authorizing the Mayor to execute a contract amendment with Marion Moss Enterprises and TIBH Industries for landscape maintenance in the North Overton Public Improvement District.

On October 1, 2006, a contract with Marion Moss Enterprises and Texas Industries for the Blind and Handicapped (TIBH Industries) was executed for the maintenance of the landscaping in the North Overton Public Improvement District (PID). After a year of maintenance in the North Overton PID, the scope of services needs revision to better reflect the landscape maintenance needs of the area. The contract revisions reduce the cost of the contract.

The amendment revises the following specifications:

- 1.2.2 Removes the requirement for hand watering;
- 1.4 Changes litter removal to "as needed" within planting beds;
- 2.2.1 Changes requirement for pruning to "as needed" to promote growth;
- 2.2.2 Removes the requirement for hand watering;
- 4.5 Reflects the contractor will pay for the replacement of trees only if the tree dies due to negligence of the contractor; and
- 6.0.2 Changes the requirement for emptying litter cans every Monday and Thursday to "as needed".

The monthly unit costs in the contract are reduced as follows:

Planting bed maintenance is reduced from \$34 to \$20 per 100 square feet;

Turf and hardscape maintenance is reduced from \$10.50 to \$5.25 per 1,000 square feet;

Tree maintenance is reduced from \$2.50 to \$1.50 per tree; and

Curbside receptacle maintenance is reduced from \$46 to \$23 per receptacle.

FISCAL IMPACT

The maximum amount of the contract increased due to the completion of the landscaping in the right-of-way on additional properties to be maintained, but the unit cost decreased in the amendment. The estimated total monthly cost for the maintenance in the right-of-way in the North Overton PID for August 2007 was \$25,654 and with the new pricing in this amendment the cost for maintenance in September will be approximately \$16,749.

North Overton Public Improvement District fully funds, through a special assessment, the cost of the maintenance agreement.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2007-R0478 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Miller recused himself.

- 6.1. **This item was considered following Item 4.1.**
- 6.2. **Task Force Resolution - City Council: Consider a resolution establishing the Cesar E. Chavez Task Force to study the possibility of naming a street or other alternative activity to honor Cesar E. Chavez.**

This item was continued until the Regular City Council Meeting of October 25, 2007.

The task force will study the possibility of naming a street or other alternative activity to honor Cesar E. Chavez. A minimum of two public meetings shall be held to solicit input. The task force will present its recommendations to the City Council within 45 days.

The task force will consist of 12 members. Council members from Districts 1 through 6 will appoint two members each; and one member, who shall serve as Chairperson, will be appointed by the Mayor.

FISCAL IMPACT

No fiscal impact.

Motion was made by Council Member Price, seconded by Council Member Leonard to consider a resolution establishing the Cesar E. Chavez Task Force to study the possibility of naming a street or other alternative activity to honor Cesar E. Chavez.

Mayor Pro Tem Gilbreath pointed out to Council that the City needs a policy for naming and/or renaming any and all of its assets, including streets, pathways, buildings, power stations, etc. Gilbreath suggested offering a friendly amendment to create a task force to study a comprehensive policy for the naming of City assets.

After discussions on whether the item should be tabled or continued, City Attorney Anita Burgess informed Council that the item should be continued and not tabled.

Motion was then made by Council Member Price, seconded by Council Member DeLeon to continue this item until the Regular City Council Meeting of October 25, 2007. Motion carried: 7 Ayes, 0 Nays.

- 6.3. **Board Nomination Resolution - City Secretary: Resolution No. 2007-R0479 to nominate Board Members to serve as Appraisal District Directors for the Lubbock Central Appraisal District.**

Before October 15, 2007, the City, along with other governing bodies, is entitled to nominate by resolution one candidate for each position to be filled on the Appraisal District board of directors. The current board members include:

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Arlee Jackson
Greg Jones
Brady Goen
LeRoy Montoya
Bobby McQueen.

All board members are eligible and willing to accept reappointment.

Names of the nominees will be submitted to the Chief Appraiser. The City is entitled to vote for one candidate for each position to be filled on the board of directors.

On January 1, 2008, directors begin serving a two-year term. Section 6.03, Property Tax Code, establishes the selection process for Appraisal District directors. According to this section of the Code, the City is entitled to 905 votes of the available 5,000 votes.

Before October 30, 2007, the Chief Appraiser prepares a ballot listing the candidates and deliver the ballot to the governing bodies, including the City, that are entitled to vote.

Before December 15, 2007, each governing body shall determine its vote by resolution and submit to the Chief Appraiser.

The Chief Appraiser counts the votes before December 31, 2007, and declare five candidates with the largest vote as elected. The results are submitted to the governing bodies and to the candidates. The Chief Appraiser resolves in the event of a tie vote.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2007-R0479 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Board Appointments - City Secretary: Consider appointment of seven members to the Citizens' Photographic Traffic Signal Enforcement Committee.

No motion was needed on this item. Each Council member declared an appointment.

Mayor Miller appointed David Spears;
Linda DeLeon, District 1, appointed Porfirio DeLeon;
Floyd Price, District 2, appointed L.V. Andrews;
Todd Klein, District 3, appointed Richard Jollay;
Phyllis Jones, District 4, appointed Larry Lowe;
John Leonard, District 5, appointed Ken Corbin;
Jim Gilbreath, District 6, appointed Randy Sanders.

7. WORK SESSION

7.1. Presentation - Drainage Structure Repairs and Storm Sewer Infrastructure: Presentation on drainage structure repairs and storm sewer infrastructure. Marsha Reed P.E., Director of Public Works (30 minutes)

Marsha Reed, P.E., Director of Public Works, gave a presentation on drainage structure repairs and storm sewer infrastructure. The presentation included plans for repairing drainage structures with spalled or broken concrete. Approval for new personnel has been approved, but not all positions have been filled. Funding for the repairs is part of the overall Street Maintenance Program capital project. The overall plan for the repair of the drainage structures include working to fill needed positions, implement full inlet cleaning program as required, implement a standard channel maintenance program, implement a structure repair program as funding permits, and work toward preparing a full implementation and management program for all storm sewer infrastructure.

The presentation on storm sewer infrastructure included a video inspection of the downtown storm sewers and the costs for pipe-cleaning.

The summary and recommendations for the drainage structure repairs and storm sewer infrastructure includes: continuing to move toward full implementation of a street maintenance program which includes repairs to inlet structures; bringing back a budget amendment for the cleaning of the downtown storm sewers to complete the video inspection project in the downtown area; and, completing the analysis on the best option for cleaning and bringing back a contract amendment or bidding out the cleaning services separately.

Ms. Reed then answered questions from Council.

11:50 A. M. CITY COUNCIL RECESSED

1:25 P. M. COUNCIL ADJOURNED

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