

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
NOVEMBER 20, 2007
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 20th day of November, 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 Todd R. Klein, Council Member John Leonard, Council Member Floyd Price

Absent: Council Member Linda DeLeon and Council Member Phyllis Jones

1. CITIZEN COMMENTS

- 1.1. Bernie Gradel, Jr., from West Texas Home Builders Land Use and Developers Council, will appear to speak about adding Article VIII to Chapter 24 of the Code of Ordinances related to permits for construction within public right-of-way.

Citizen was not present.

2. EXECUTIVE SESSION

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

7:31 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, hold a consultation with attorney, and reconvene in open session, as necessary, to declare client representatives. (Finance, Water Utilities)
- 2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property. (Fire Department, 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.
- 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 Central Business District Tax Increment Financing Reinvestment Zone Board, Lubbock Emergency Communications District Board of Directors, Structural Standards Commission, and the Zoning Board of Adjustment.

**9:05 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 9:05 a.m.

3. **PROCLAMATIONS AND PRESENTATIONS** were considered following Item 5.4 on Regular Agenda.
4. **MINUTES** were considered following Proclamations and Presentations during Regular Agenda.
5. **CONSENT AGENDA (Items 5.1, 5.7-5.10, 5.14-5.16, 5.18-5.21, 5.24-5.25)**

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to approve Items 5.1, 5.7-5.10, 5.14-5.16, 5.18-5.21, 5.24-5.25) on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1. Super Freeport Ordinance 2nd Reading - Finance: Ordinance No. 2007-00115 Consider an ordinance maintaining that goods-in-transit as amended by House Bill 621 and enacted by the 80th Texas Legislature shall remain subject to taxation by the City of Lubbock.

On November 8, 2007, City Council approved the first reading of this ordinance. "Super Freeport" is a property tax exemption for goods that reside temporarily in warehouses within a city while awaiting shipment to other locations within or outside of Texas (as contrasted with the current-law freeport exemption, which covers only goods shipped outside of Texas). This exemption was approved by Texas voters in 2001 as an amendment to the Texas Constitution, but only this year did the Texas Legislature enact enabling legislation.

The Super Freeport exemption is best described as a local option property tax exemption of the "opt-out" variety. The exemption automatically applies to a city unless the city does each of the following two things no later than December 31, 2007:

- (1) hold a public hearing at which citizens are allowed to speak for or against the taxation of Super Freeport goods; and
- (2) adopt an ordinance stating the City wishes to continue taxing super freeport goods for tax year 2008. The public hearing must take place prior to the adoption of such an ordinance.

A city that misses the December 31, 2007, deadline may choose to opt-out of the exemption in future tax years.

The exemption applies only to goods that are owned by someone other than the owner of the warehouse where the goods are temporarily stored. Some appraisers in Texas are predicting a large fiscal impact for the exemption based on the theory that retailers who currently own their own warehouses may be tempted by the language of the exemption to sell their warehouses to third-party "shell" corporations. Once ownership is thus separated, the retailer could claim exemption at warehouses that essentially remain under the control of the retailer, which is not in keeping with the economic development spirit of the bill.

To further complicate matters, the bill that passed this year is arguably broader than the constitutional amendment adopted by voters in 2001. The amendment prohibits the exemption where the warehouses are owned or controlled by the owner of the goods, while the 2007 bill omits the language relating to control.

FISCAL IMPACT

Information received from the Lubbock Central Appraisal District shows that, based on the 2007 appraisal roll, approximately \$63,748,401 would qualify for the exemption had it been in effect at that time. Lost taxes on inventories will be approximately \$290,087 if the exemption is authorized.

Staff recommended an ordinance be considered maintaining that goods-in-transit as amended by House Bill 621 remain subject to taxation by the City. A vote in favor of the attached ordinance will continue the current taxation practices. A vote in opposition, or a lack of action, will exempt taxation on these goods.

Andy Burcham, Director of Fiscal Policy and Strategic Planning, and City Manager Lee Ann Dumbauld explained to Council that this item is voted for in order to continue taxing goods in transit.

- 5.2. This item was moved from consent agenda to regular agenda and considered following Item 5.25.**
- 5.3. This item was moved from consent agenda to regular agenda and considered following Item 5.2.**
- 5.4. This item was moved from consent agenda to regular agenda and considered following Item 5.3.**
- 5.5. This item was moved from consent agenda to regular agenda and considered following Item 4.1.**
- 5.6. This item was moved from consent agenda to regular agenda and considered following Item 5.5.**
- 5.7. Contract Resolution - Human Resources: Resolution No. 2007-R0530 authorizing the Mayor to execute an advertising services contract with the Lubbock Avalanche-Journal.**

This one-year contract provides advertising in the Lubbock Avalanche-Journal for employment opportunities at the City.

The term of the contract is for one year beginning December 1, 2007. The Avalanche Journal will publish a minimum of one recruitment advertisement in each Sunday's Classified section. The full-color advertisements are four-columns by eight-inches and include publication in the newspaper, lubbockonline.com, USXpress online, and Hot Jobs online. Each advertisement is billed at the rate of \$1,490. The rate applies to recruitment advertisements only and for the designated size.

The contract rate will save the City \$557 on each full-color advertisement, or \$28,964 annually.

This contract will not be affected by the Avalanche Journal's annual rate increase in March 2008.

FISCAL IMPACT

\$1,490 per advertisement per week, or \$77,480 annually. Funds are appropriated in the operating budgets of the departments requiring recruitment advertisement.

Staff recommended approval of this resolution.

5.8. Grant Contract Resolution - Library: Resolution No. 2007-R0531 authorizing the Mayor to execute a grant agreement with the Texas State Library and Archives Commission to maintain, improve, and enhance local library services.

The 80th Texas State Legislature appropriated \$4.5 million for the FY 2008-09 biennium for the Loan Star Libraries program. The grant provides grants-in-aid to public libraries of the Texas State Library System. The Lubbock Public Library is receiving \$37,888 in State FY 2008. This is the seventh year the City has received Loan Star Libraries Grant funds.

The purpose of the direct aid program (13 TAC Sec. 2.160) is to provide incentive for local communities to extend public library service without charge to Texans residing outside each library's local legal service area; to improve library services statewide; and to improve access to public library resources for all Texans.

Due to geographical factors, the Lubbock Public Library has never instituted a non-resident fee, and has provided reciprocal borrowing status to anyone living in the 29-county area covered by the West Texas Library System. With these provisions, the Lubbock Library is eligible to receive full funding under the direct aid program.

The Library uses Loan Star funds to purchase books and multimedia materials for adults and children. The grant funds a part-time reference librarian to work ten hours per week, enhancing the staffing level at the Mahon Library.

The grant funds one part-time Library Aide I for the Godeke Branch Library. Thirty-two percent, or 312,878, of the total items checked out in the library system during FY 2006-07 were from Godeke, which serves a population of 100,000 within a three-mile radius. Godeke is inundated with returned library materials due to its location and drive-up book return.

The Loan Star Libraries grant application was approved by City Council on September 27, 2007.

FISCAL IMPACT

On November 8, 2007, City Council accepted and appropriated the \$37,888 grant from the Texas State Library and Archives Commission for library materials and two part-time employees.

Staff recommended approval of this resolution.

5.9. Lease Assignment Resolution - Parks and Recreation: Resolution No. 2007-R0532 authorizing the Mayor to execute an assignment of the Joyland Amusement Park lease.

Joyland Amusement Park, located in MacKenzie Park, has an agreement with the City of Lubbock for operations. The original agreement was developed in 1987. Since the original agreement, there have been three amendments, including an amendment in 1996 that enabled the Concessioner to obtain financing for park improvements. The second amendment was approved in

1997 in regard to lease payments. The third amendment was approved in October 2006 to accommodate the installation of the “Greezed Lightnin” roller coaster. The 2006 amendment also included the following:

1. A 15-year lease extension through October 31, 2021.
2. The rental rate was changed to an annual payment of \$38,333 per year, beginning with the 2007 season.
3. An additional 2.24 acres was added to the lease to accommodate new rides.
4. Joyland is responsible for building any new parking lots.
5. Joyland is responsible for any required archeological and environmental testing and reporting.

Joyland proceeded with the archeological and environmental testing for the roller coaster. The site has been approved by the Texas Historical Commission for construction, as no artifacts were found in the construction site. It was determined, due to the height of the water table, installation of the roller coaster would be very expensive. Piers must be installed to compensate for the water table. David Dean, President of Joyland, has determined that Joyland is not capable, at this time, of funding the installation. He plans to install the roller coaster within the next five years.

Instead of installing the roller coaster at this time, Mr. Dean is proposing to purchase and install a new attraction, the Super Shot, a 140-foot tall free-fall ride manufactured by Larson International in Plainview, Texas. Mr. Dean is seeking financing for the ride from American State Bank. The bank is requiring an assignment of the Joyland Lease in order to secure the financing. Section 10 of the Joyland Lease Agreement permits assignment with the written consent of the City.

On October 23, 2007, the Parks and Recreation Advisory Board considered the lease assignment during their meeting and recommended City Council approve assignment of the lease.

FISCAL IMPACT

No fiscal impact.

The Parks and Recreation Advisory Board and staff recommended approval of this resolution.

- 5.10. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0533 authorizing the Mayor to execute a contract with the Texas Department of Transportation from the “Teaching Kids to Be Street Smart” grant for bicycle, car, pedestrian, and other safety related programs at Safety City.**

Since 1983, staff educated 4,500 children across Lubbock and the South Plains on safety issues involving bicycle, car, and pedestrian safety. The following public, parochial, and private schools have attended Safety City classes:

Abernathy Independent School District
All Saints Episcopal School
Home School Students
Lamesa Independent School District
Levelland Independent School District
Littlefield Independent School District
Lubbock Independent School District
New Deal Independent School District
Plainview Independent School District
Seagraves Independent School District
Shallowater Independent School District
Slaton Independent School District
Southland Independent School District
Spur Independent School District
Sundown Independent School District

In addition, Safety City serves as a culminating activity for traffic safety courses as a part of the Lubbock Independent School District second and fourth grade curriculum. At Safety City, children practice the lessons learned in the classroom in a realistic setting. The hands-on experience results in better understanding of the traffic environment and its dangers.

In addition to the core topics taught at Safety City, staff expanded the safety topics to include water, electrical, animal, and skate boarding safety. Safety City hosts safety fairs and summer safety camps.

Grant funding allows staff to further the cause of "Teaching Kids to Be Street Smart," and reduce the number of accidents involving children ages four through fourteen.

FISCAL IMPACT

\$41,408 grant with a required in-kind match of \$27,839, appropriated in the Outdoor Recreation budget.

Staff recommended approval of this resolution.

- 5.11. This item was moved from consent agenda to regular agenda and considered following Item 5.6.**
- 5.12. This item was moved from consent agenda to regular agenda and considered following item 5.11.**
- 5.13. This item was moved from consent agenda to regular agenda and considered following Item 5.12.**

5.14. Ordinance 2nd Reading - Business Development: Ordinance No. 2007-O0116 Consider an ordinance approving the City's participation in the Texas Enterprise Zone Program pursuant to Texas Government Code Chapter 2303, providing tax incentives, designating a liaison for communication with interested parties and nominating WesTx Packaging Company to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an enterprise project.

On November 8, 2007, City Council approved the first reading of this ordinance. The City received a request from Lubbock Economic Development Alliance and WesTx Packaging Company to nominate WesTx Packaging to the State of Texas for consideration as an Enterprise Zone Project. The Enterprise Zone statute requires the City to hold a public hearing to receive input prior to the adoption of the ordinance. The required public hearing was held at the November 8, 2007 City Council meeting.

Below is a summary of the Enterprise Zone Project Nomination Ordinance and the incentives that are proposed to be offered in Enterprise Zones in the City of Lubbock.

General Purpose: To nominate WesTx Packaging Company as an Enterprise Zone Project to the State, which allows WesTx to compete for an Enterprise Zone Project designation that would give them access to State sales tax rebates and franchise tax fee refunds. The City of Lubbock can only nominate the project. It is a competitive process, so the application competes with any other applications submitted to the State in the December 1, 2007 round. Only the State can designate an enterprise zone project.

Requirements: After the law on enterprise zones changed in 2003, the City must now activate the new zones that are enterprise zone eligible, based on poverty rates. This means that the new zones must be a block group, as defined by the most recent federal decennial census available at the time of designation. At least 20 percent of the residents of the block group must have an income of, at, or below 100 percent of the federal poverty level. Activation is accomplished when a city passes an ordinance to nominate the first enterprise zone project.

The new requirements provide that the first time a city nominates an Enterprise Zone project, it must be authorized with an ordinance and must specify what incentives the City may offer in the new enterprise zone that is activated when approved by the City Council.

Options: Under the ordinance, the City can activate any of the areas that qualify under the new rules. This activation makes those areas reinvestment zones. Based on the new rules, there were a total of 74 block groups in the City of Lubbock that were enterprise zone eligible. After reviewing, staff recommended that 30 of the block groups be activated. All of these block groups are located in North and East Lubbock. The draft ordinance reflects this recommendation. Those block groups are as follows:

EZ Block Groups:

Census Tract 1.0 Block Group 1 and 4
Census Tract 2.01 Block Group 1
Census Tract 2.02 Block Groups 1 and 2
Census Tract 3.01 Block Groups 1, 2 and 3
Census Tract 3.02 Block Groups 1, 2, 5, 7, and 9
Census Tract 6.07 Block Groups 1 and 2
Census Tract 9.00 Block Groups 1, 4 and 5
Census Tract 10.00 Block Groups 1, 2, and 4
Census Tract 12.00 Block Groups 1 and 7
Census Tract 13.00 Block Group 1
Census Tract 14.00 Block Groups 1 and 2
Census Tract 24.00 Block Groups 1, 2, and 3
Census Tract 25.00 Block Group 1

Incentives: The statute requires that the City list the incentives that at the election of the governing body are, or will be, offered in the enterprise zones and any incentives that at the election of the governing body are or will be offered outside the enterprise zones. Of the incentives listed, one has to be offered in the enterprise zone only, per the statute. The incentives listed that may be offered by the City in the draft ordinance are: Industrial Tax Abatement – jurisdiction wide, commercial tax abatement and building permit fee rebates only in the enterprise zones.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

5.15. Tax Abatement Resolution - Business Development: Resolution No. 2007-R0534 giving Notice of Intent to enter into a tax abatement agreement with WesTx Packaging Company and Standard International.

The City received an application for industrial tax abatement from WesTx Packaging Company and Standard International. Standard International owns the real property and is building the new facility. WesTx Packaging is contributing to the building improvements and creating new jobs. Both companies are owned by Paul Lin.

Lubbock Economic Development Alliance has provided Standard International with land located at Lubbock Business Park, south of the Lubbock Preston Smith International Airport. The site is located in the Lubbock 2000 North Enterprise Zone.

The project meets the Industrial Tax Abatement Policy and Guidelines minimum investment for a new company of \$1 million in real property improvements. Total investment in the project is \$3.6 million for real property improvements and \$2.5 million for personal property. WesTx plans to create 27 jobs in year one, 19 jobs in year two, 12 jobs in year three, 26 jobs in year

4, and 17 jobs in year five. The total annual payroll at the end of five years is estimated at \$2,385,760.

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

FISCAL IMPACT

The estimated total tax abatement is \$83,274 over a five year period.

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

5.16. Tax Abatement Resolution - Business Development: Resolution No. 2007-R0535 giving Notice of Intent to enter into a tax abatement agreement with Molinos Anahuac.

The City received an application for industrial tax abatement from Molinos Anahuac. Lubbock Economic Development Alliance provided Molinos Anahuac with land located at Lubbock Rail Park, north of the Lubbock Preston Smith International Airport (LIA). Molinos Anahuac plans to build a new facility on the property. The site is located in the LIA North Reinvestment Zone created on October 26, 2006, by City Council.

The project meets the Industrial Tax Abatement Policy and Guidelines minimum investment for a new company of \$1 million in real property improvements. Total investment in the project will be \$1 million for real property improvements and \$1.658 million for personal property. Molinos Anahuac plan to create 12 new jobs in the first year (\$472,056 payroll), 13 new jobs in the second year (\$438,486 payroll), and one additional job in year three (\$31,644 payroll).

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

FISCAL IMPACT

The estimated tax abatement is \$36,286 over a five year period.

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

5.17. This item was moved from consent agenda to regular agenda and considered following Item 5.13.

5.18. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0112 Consider an ordinance abandoning and closing a portion of a 15-foot wide water line easement located in Block AK, Section 21, easement closure located in the 5800 to 6500 block of 114th Street.

On November 8, 2007, City Council approved the first reading of the ordinance. The ordinance abandons and closes the north 4.5-foot portion of a 15-foot wide water line easement located in Block AK, Section 21, along the north side of 114th Street between Frankford Avenue and Milwaukee Avenue.

The developer has requested the closure due to the proposed construction of a new fence. The Water Utilities Engineering Department is in agreement with closing the north 4.5-foot portion of the easement.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

- 5.19. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0111 Consider an ordinance abandoning and closing an 8-foot by 8-foot switch enclosure easement and a 2-foot underground street light cable easement for Lubbock Power & Light located on Tract FF, Physician's Surgicenter of Lubbock, Texas, easement located at 208 North Utica Avenue.**

On November 8, 2007, City Council approved the first reading of the ordinance. The ordinance abandons and closes an 8-foot by 8-foot switching enclosure easement and a 2-foot underground street light cable easement for Lubbock Power & Light (LP&L) located in the north and northwest corner of Tract FF, Physician's Surgicenter of Lubbock, which is north of North Loop 289 and east of North Utica Avenue. The easements were dedicated by plat, and due to re-platting are no longer needed. New easements are dedicated to replace the easement closures. LP&L is in agreement with these closures.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

- 5.20. Right-of-Way Ordinance 1st Reading – Right-of-Way: Ordinance No. 2007-O0117 abandoning and closing a 56-foot drainage easement located in Section 11 Block E-2, Lubbock County, Texas, easement located at 7802 Orlando Avenue.**

The ordinance abandons and closes a drainage easement in Section 11, Block E-2, which is located just west of Orlando Avenue and south of 78th Street. The drainage easement is no longer needed due to new development on the property. The Storm Water Drainage Engineering Department is in agreement with the drainage easement closure.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

- 5.21. Contract Amendment Resolution - Water Utilities: Resolution No. 2007-R0536 authorizing the Mayor to execute an amendment with Parkhill, Smith & Cooper for engineering services related to the development of the Lake Alan Henry Water Transmission Pipeline, Pump Stations, Water Treatment Facility, and related projects.**

On August 24, 2006, the City contracted with Parkhill, Smith & Cooper for Preliminary Engineering Services for the Lake Alan Henry water transmission pipeline, water pump stations, water treatment facility, and related projects. The project was to be funded in part by an Environmental Protection Agency (EPA) Grant in the amount of \$198,400 as well as City funding of \$350,000.

EPA Officials have requested that the City adopt the model EPA contract provisions as part of the contract for services in order to qualify for reimbursement. The First Amendment of the Professional Services Agreement with Parkhill, Smith & Cooper, Inc. provides for the model EPA contract provisions to be incorporated into the agreement.

FISCAL IMPACT

No fiscal impact. Approval is necessary for reimbursement of project expenditures through the grant. Reimbursement could total \$198,400.

Staff recommended approval of this resolution.

- 5.22. This item was moved from consent agenda to regular agenda and considered following Item 5.17.**
- 5.23. This item was moved from consent agenda to regular agenda and considered following Item 5.22.**
- 5.24. Contract Resolution - Police: Resolution No. 2007-R0537 authorizing the Mayor to execute a purchase order contract with Motorola for embedded global position satellite kits for in-car mobile data computers.**

This \$125,762 purchase order contract is for the purchase of 221 embedded global position satellite (GPS) kits for in-car Mobile Data Computers (MDC's). The Police Department uses Tiburon's Computer Aided Dispatch System (CAD) to electronically track and log police calls and activity in a real-time environment. The City recently purchased and installed Tiburon's Automatic Vehicle Location (AVL) product to track each police car outfitted with an MDC and GPS antenna. The tracking displays each police car on a mapping system in Police Communications, and shows where each car is physically located at any time. The tracking display color codes each car on the map showing the status available, en-route, or on-scene.

The primary purpose of AVL technology is for officer safety. The Police Department must purchase 221 Motorola embedded GPS kits to outfit each patrol car with the needed GPS technology to allow AVL to function properly.

The Motorola embedded GPS kits are sole source items because they are proprietary in nature and specialized for the Police Department's Motorola MW-800 MDCs. The Motorola embedded kits consist of embedded GPS modules, firmware, software, hardware, cabling, ancillary parts, and external GPS antennas.

FISCAL IMPACT

The contract cost of \$125,762 will be funded from the Edward Byrne Memorial Justice Assistance Grant.

Staff recommended approval of this resolution.

5.25. Animals Ordinance Amendment 2nd Reading - City Council: Ordinance No. 2007-O0114 Consider an ordinance amending Chapter 4 of the Code of Ordinances with regard to the Animal Shelter Advisory Committee.

On November 8, 2007, City Council considered first reading of the ordinance. Section 4-27 of the Code of Ordinances is amended to add one at-large position and one animal welfare organization representative to the Animal Shelter Advisory Committee.

FISCAL IMPACT

No fiscal impact.

6. REGULAR AGENDA

Note: Regular Agenda items, Consent Agenda items moved to Regular Agenda, Proclamations & Presentations, and Minutes are listed in the order they were addressed (5.2-5.4, 3.1-3.3, 4.1, 5.5-5.6, 5.11-5.13, 5.17, 5.22, 5.23, 6.1-6.7).

5.2. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2007-O0113 Consider budget ordinance Amendment No. 2 amending the FY 2007-08 budget respecting the Grant Fund and Capital Improvement Program.

On November 8, 2007, City Council approved the first reading of this ordinance.

1. Accept and appropriate \$41,408 from the Texas Department of Transportation for the Traffic Safety Program. The "Teaching Kids to be Street Smart Program" allows staff at Safety City to educate children about bicycle, car, and pedestrian safety, reducing the number of accidents involving children ages four to fourteen.

The grant period is through September 30, 2008. The grant funds part-time employee salaries, supplies, and equipment related to bicycle, pedestrian, and car safety.

The \$27,839 in-kind match is budgeted in the adopted FY 2007-08 Parks and Recreation Operating Budget.

2. Accept and appropriate \$37,888 from the Texas State Library and Archives Commission for the Loan Star Libraries grant. The grant provides funds to maintain, improve, and enhance local library services and provides Texas residents access to and services from participating public libraries. The grant funds library materials, one part-time Reference Librarian, and one part-time Library Aide I.

3. Accept and appropriate \$501,145 from the Governor's Division of Emergency Management for the Homeland Security Grant Program. The grant provides funds to carry out homeland security projects, improving local and regional terrorism prevention, preparedness, and response capabilities. The funding of this grant is broken down into two parts:
 - A. Law Enforcement Terrorism Protection Program (LETPP) - \$243,000
 - B. Metropolitan Medical Response System (MMRS) - \$258,145

The funding for the Law Enforcement Terrorism Protection Program will be used to cover the cost of the equipment that will be placed in the Incident Management Team's trailers for rapid deployment. This project was submitted to SPAG for the 2007 LETPP award on September 17th, and approved at that time. Exhibit A contains a summary of the Texas Incident Management Team Equipment Cache.

MMRS is a program of FEMA, under the Department of Homeland Security. MMRS supports the enhancement and sustainment of an integrated, systematic mass casualty incident preparedness program. This 2007 investment will continue fostering coordination and integration of public health and medical community capabilities in multi-agency and multi-jurisdictional response and recovery efforts for all-hazards incidents. Efforts will expand to include school districts in planning efforts. MMRS funding will assist in maintaining plans, delivering training, purchasing equipment and pharmaceuticals, and conducting exercises to develop and sustain the capabilities necessary to respond to a mass casualty event, whether caused by a terrorist act, epidemic disease outbreak, natural disaster, or HazMat accident, during the crucial first hours of a response until significant external assistance can arrive and become operational.

This project was submitted to SPAG for award on September 19th, and approved at that time. Exhibit B contains a summary of the projects to be funded through this program.

4. Amend Capital Improvement Project 91182, New Fire Station No. 17, by appropriating an additional \$2.25 million of FY 2008 Certificates of Obligation for land acquisition, design, engineering, construction, and furnishings for a fire station located in the vicinity of 63rd Street and Indiana Avenue, and renaming the project "Fire Station No. 17 – 63rd Street and Indiana" (see Exhibit C). With the amendment, the total appropriation amount is \$2.4 million (see Exhibit C). The location of Fire Station No. 17 was originally 67th Street and Oakridge, but was changed due to recommendations related to the Insurance Services Office (ISO) fire study. If both Fire Stations 16 and 17 are completed concurrently, there will be a two-year tax rate impact of \$0.00172. The estimated tax rate impact on a \$100,000 home will be \$1.72 annually. The tax rate impact occurs due to the advancement of Fire Station No. 17 from FY 2008-09 to FY 2007-08.

5. Amend Capital Improvement Project 91214, New Fire Station No. 18, by changing the title of the project to "Fire Station No. 18 – 67th Street and Oakridge." The location of Fire Station No. 18 was originally 104th Street and Milwaukee Avenue, but has changed due to recommendations related to the ISO fire study. There is no fiscal impact related to this amendment.
6. Accept and appropriate \$43,830 from the Lubbock Emergency Communications Grant for enhancement to the Emergency Communications System. The grant assists Communication Center personnel in providing a higher level of effective quality service, and assists in maintaining public facilities. The grant will be used to purchase consoles designed for public safety dispatching to replace office modular furniture. Ten percent of the grant match is budgeted in the adopted FY 2007-08 Fire Department operating budget.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass on second and final reading Ordinance No. 2007-00113 as recommended by staff.

Andy Burcham, Director of Fiscal Policy and Strategic Planning; Rhea Cooper, Fire Chief; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Mayor Pro Tem Gilbreath offered a friendly amendment to suggest that we build one station in the current fiscal year, and that station be the one off 63rd Street and Indiana Avenue (Fire Station 17). The second fire station (Fire Station 16 at 114th and Quaker) would be built in FY2008-09. This would avoid a tax increase.

Mayor Pro Tem Gilbreath's friendly amendment was accepted. Vote was taken on the amended motion, which carried: 7 Ayes, 0 Nays.

5.3. Resolution - Risk Management: Resolution No. 2007-R0538 authorizing the Mayor to approve purchase of transplant insurance from AIG.

The City purchases transplant insurance coverage from AIG Insurance Company with first dollar coverage. The renewal rates for this coverage are increasing due to increases in physician, hospital, and pharmaceutical expenses related to transplants. Accordingly, the rate increase to the City is 21.5%.

FISCAL IMPACT

\$234,882 is budgeted in the FY 2007-08 Health Benefits budget.

Staff recommended approval of this resolution.

Leisa Hutcheson, Risk Management Coordinator, and City Manager Lee Ann Dumbauld gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0538 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.4. Resolution - Risk Management: Resolution No. 2007-R0539 authorizing the Mayor to execute a renewal of specific and aggregate stop loss insurance from HM Life Insurance for the City's health program.

The City purchases specific and aggregate stop loss insurance with a \$175,000 specific stop loss limit and \$18,181,945 aggregate stop loss limit. Recognizing the strong performance of the City's self-funded health plan, HM presented renewal premiums with an overall increase of 9.25%. By contrast, HM's average 2008 renewals, and the industry in general, are currently trending above 12%. Even more notable is HM's decision not to increase the medical aggregate stop-loss attachment factor. This compares to overall medical inflation of 12%.

When plan design changes were taken into consideration, HM made minor increases to both the aggregate and the specific policies. A slight 1% increase in the pharmacy factor was required due to the reduction in the generic co-pay for employees from \$15 to \$5. The total increase to fund medical and pharmacy is less than \$42,000 for the entire year, or 0.23%. Increasing to the aggregate pharmacy factor is offset by the decrease in annual prescription costs for the clinic. Average annual clinic prescription cost is \$235,000. Increasing the specific stop-loss policy maximum to accommodate the increase in lifetime maximum benefit from \$1 million to \$2 million will increase the premium by 3%, or \$12,000 annually. This adds \$1 million of coverage for lifetime claims expenses on any individual, while not impacting the aggregate.

FISCAL IMPACT

\$480,993 is budgeted in the FY 2007-08 Health Benefits Fund budget.

Staff recommended approval of this resolution.

Leisa Hutcheson, Risk Management Coordinator, and City Manager Lee Ann Dumbauld gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0539 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Father David L. Veal, St. Christopher's Episcopal 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. Board Recognition:

Planning and Zoning Commission

Clay Condra

Gregory Ricks

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, October 25, 2007

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of October 25, 2007 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6. REGULAR AGENDA (continued)

5.5. Notice of Intent Resolution - Finance: Resolution No. 2007-R0540 authorizing publication of notice of intention to issue Tax and Sewer System Surplus Revenue Certificates of Obligation for plant improvements to the Southeast Water Reclamation Plant.

The purpose of the resolution is to authorize the publication of a notice of intent to issue Certificates of Obligation.

The proceeds from the sale of the Tax and Sewer System Surplus Revenue Certificates of Obligation, Series 2008 is for plant improvements to the Southeast Water Reclamation Plant (SEWRP). These improvements will be constructed in three phases. Phase I includes the design and construction of improvements associated to upgrade Plant 4 for biological nutrient removal, filtration, and UV disinfection. Phase II includes design and construction for improvements to solids handling. Phase III includes upgrades to Plant 3 for biological nutrient removal. These improvements will produce stream quality effluent to be discharged into the North Fork of the Double Mountain Fork of the Brazos River for potential reuse. The total amount of the projects financed with the certificates is not to exceed \$70 million.

FISCAL IMPACT

Annual debt service payments are budgeted through the annual operating budget process and are included in long-term financial planning and rate models. The annual payments will be made from Wastewater fund revenues and not from property tax revenues.

Staff recommended approval of this resolution.

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

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0540 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.6. Reimbursement Resolution - Finance: Resolution No. 2007-R0541 expressing intent to finance expenditures to be incurred for various projects approved by City Council in the FY 2007-08 Capital Program Budget.

It is anticipated that the City will issue bonds in mid/late summer 2008 to fund various projects that were identified by the Citizens Advisory Committee in association with the bond election that was approved by Lubbock voters in May 2004. The projects that will be included in this bond issuance have been approved by the City Council in the FY 2007-08 Capital Program Budget. These projects are identified on Exhibit A.

It is also anticipated that the City will issue bonds in mid/late summer 2008 to fund various projects that were approved by the City Council in the FY 2007-08 Capital Program Budget. These projects are also listed on Exhibit A.

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

FISCAL IMPACT

This resolution allows reimbursement of authorized costs incurred in advance of the bond issuance in order that the projects may be completed within prescribed timeframes. The total amount of projects funded by general obligation bonds is \$8.02 million, and the total amount of projects funded by certificates of obligation is \$187,266,814.

Staff recommended approval of this resolution.

Andy Burcham, Director of Fiscal Policy and Strategic Planning, and City Manager Lee Ann Dumbauld gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2007-R0541 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.11. Contract Resolution - Community Development: Resolution No. 2007-R0542 authorizing the Mayor to execute a Community Development Funding Contract with The Bridge of Lubbock from the Emergency Shelter Grant for homeless prevention.

Grantee: The Bridge of Lubbock

Program: Homeless Prevention

Funding Source: 2007-08 Emergency Shelter Grant

Use of Funds: Provide utility and rent assistance to individuals and families who have experienced a sudden decrease in income to prevent a homeless situation. The BRIDGE of Lubbock, Inc. is a faith-based non-profit organization located in the former Posey Elementary School at 1301 Redbud Avenue. Incorporated in 1999, the Internal Revenue Service granted the BRIDGE its 501 c 3 status in 2003. The BRIDGE serves East Lubbock with multiple programs including Kids Cafe, clothing closet, and utility assistance. The Executive Director is Lisa Green. This is the second year of funding to The BRIDGE from the City's Emergency Shelter Grant.

Amount: \$9,711

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant

Terms: October 1, 2007, through September 30, 2008

Comments: On June 26, 2007, funding was approved by City Council.

FISCAL IMPACT

\$9,711 Emergency Shelter Grant. The maximum to be allocated to this project is \$9,711.

Staff recommended approval of this resolution.

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

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2007-R0542 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.12. Contract Resolution - Community Development: Resolution No. 2007-R0543 authorizing the Mayor to execute a Community Development Funding Contract with the Salvation Army from the Emergency Shelter Grant for facility operations, essential services, and homeless prevention.

Grantee: Salvation Army

Program: Operations, Essential Services, and Homeless Prevention

Funding Source: 2007-08 Emergency Shelter Grant

Use of Funds: Provide clients involving homeless prevention and essential service type activities, and to supplement the cost of the overall operation of the facility.

Amount: \$37,226

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant.

Term: October 1, 2007, through September 30, 2008

Comments: Funding was approved by City Council on June 26, 2007.

FISCAL IMPACT

\$37,226 Emergency Shelter Grant. The maximum to be allocated to this project is \$37,226.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0543 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.13. Contract of Sale Resolution - Community Development: Resolution No. 2007-R0544 approving the price and conditions of sale by the Urban Renewal Agency of a vacant lot to Raul Garcia and Monica Salas for \$450 at 2632 Fir Avenue, designated as Parcel 15760-17-220 and legally described as Lot 22, Block 17, Coronado Addition to the City of Lubbock, Lubbock County, Texas.**

This is a routine sale of a residential vacant lot by the Urban Renewal Agency to Raul Garcia and Monica Salas for \$450 to enlarge the yard on their adjoining residential property at 2630 Fir Avenue.

On May 15, 2007, the Urban Renewal Board of Commissioners approved the proposed sale.

FISCAL IMPACT

The development puts the property into private ownership, back on the tax roles, and removes the weed mowing expense.

Staff recommended approval of this resolution.

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

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0544 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.17. Contract Resolution - Business Development: Resolution No. 2007-R0545 authorizing the Mayor to execute a grant management agreement with the North and East Lubbock Community Development Corporation to promote economic development within North and East Lubbock.**

The City has contracted with the North and East Lubbock Community Development Corporation (CDC) for the past four fiscal years to oversee and promote economic development in North and East Lubbock. This is the fifth

year of the grant to the CDC. The term of the agreement is one year beginning October 1, 2007.

FISCAL IMPACT

\$100,000 is appropriated in the adopted FY 2007-08 budget.

Staff recommended approval of this resolution.

Rob Allison, Assistant City Manager; Lee Ann Dumbauld, City Manager; Isaac Garnett, Director of North and East Lubbock Community Development Corporation; and Andy Burcham, Director of Fiscal Policy and Strategic Planning, gave comments and answered questions from Council.

Council Member Leonard told Mr. Garnett that the North & East Lubbock Community Development Corporation needs to be ready to be on its own next year. Council Member Klein said he doesn't plan to fund it next year.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0545 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.22. Contract Resolution - Water Utilities: Resolution No. 2007-R0546 authorizing the Mayor to execute a grazing rights lease with Gary McDaniel Livestock Company for cattle grazing rights at Lake Alan Henry, BID 07-085-MA.

This contract is for grazing rights on a portion of the Wildlife Mitigation Area at Lake Alan Henry (LAH). Grassland maintenance within the Wildlife Mitigation Area is a requirement provided in the Strategic Plan under the creation of the lake. Phase I of the Fencing Project at LAH has been completed, providing three out of the proposed seven grazing areas. The contractor shall pay to the City \$8.00 per animal per month for grazing. The contract term is two years with an option to renew for one additional two-year terms.

FISCAL IMPACT

\$3,000 annual revenue.

Staff recommended contract award to the one and only bidder, Gary McDaniel Livestock Company of Southland, Texas, for \$8.00 per animal per month.

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

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2007-R0546 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.23. Contract Resolution - Telecommunications: Resolution No. 2007-R0547 authorizing the Mayor to execute a contract with Sprint Nextel Corporation and Shamrock Wireless for cellular and two-way telephone service, RFP 07-080-FO.

The City staff uses cellular and two-way phone services to increase response time to citizens and enhance efficiency in daily operations. The contract term is for one year with option to renew for two additional one year terms.

Respondents to the Request for Proposal were ranked as follows:

1. Shamrock Wireless/Sprint Nextel of Lubbock, Texas	181.2
2. Cingular of Lubbock, Texas	168.0
3. Alltel of Lubbock, Texas	165.0
4. Sprint Nextel of Lubbock, Texas	66.5

Evaluation criteria included:

Quality of references received and financial information (20%),

Ease of access to customer care center or service facility, and coverage areas (0%),

Adequacy of reporting or invoicing to enable the City to allocate charges by employee, i.e. electronic billing. Including the ability to show incoming phone numbers on the bill (20%),

Net monthly cost to the City for cellular/2-way services (30%), and

Disaster plan for cellular/2-way services (10%).

The monthly cost using Shamrock Wireless, including service, insurance, and equipment, averages \$37 a month for each phone during the 3-year contract period.

The City has 220 cell phones used by public safety and emergency response staff.

FISCAL IMPACT

Funds are appropriated in the Telecommunications Department Operating Budget.

Staff recommended approval of this resolution.

Mark Yearwood, Assistant City Manager, and Leslie Cox, Communications Analyst, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2007-R0547 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.1. Public Hearing 10:00 A.M. - Zoning: Ordinance No. 2007-O0118 Zone Case No. 1943-C (3802 Erskine Street) Hold a public hearing to consider request by Capstone Development for zoning change from A-2 and R-1 to A-2 for an apartment complex on thirty acres of unplatted land located on Block A, Section 18.

Mayor Miller opened the public hearing at 10:10 a. m. No one appeared on behalf of Capstone Development. No one appeared in opposition. Mayor Miller closed the hearing at 10:11 a. m.

The applicant is requesting zoning that will accommodate a student oriented apartment community that features a mixture of styles and numbers of bedrooms in one structure, but the entire complex is simply an “apartment complex” in terms of the zoning code.

Adjacent land use:

N – vacant commercial

S – Texas Tech University (Rawls Golf Course)

E – two apartment complex developments

W – vacant

As noted, the style, placement, and number of bedrooms proposed by this applicant are not the typical rows or boxes of units with the same architectural design. The buildings have different styles and numbers of units with a mix that creates an “atmosphere” and the company caters to the university community with amenities that benefit the student with both study and relaxation activities.

The proposal is consistent with the Comprehensive Land Use Plan as high density residential for this area, and the eventual site design with parking will adhere to A-2 development standards.

The project should have little impact on the overall thoroughfare system. The apartments will have access to Erskine Street, which will be developed to a five or seven lane width road, and to the service road of Loop 289 back to the Indiana Avenue intersection. The applicant will be dealing with TxDOT if any access is granted to the service road. With Tech on the south side, when Erskine Street will become a priority will be an issue for the City Council to decide when determining when and where bond funds for street improvements are made.

FISCAL IMPACT

No fiscal impact.

The Planning and Zoning Commission and staff recommended approval of the first reading of this ordinance.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0118 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.2. Public Hearing 10:00 A.M. - Zoning: Ordinance No. 2007-O0119 Zone Case No. 3065-A (6904, 6906, 6908, and 6918 82nd Street) Hold a public hearing to consider request by Scott A. Henry (for Elizabeth Camp) for zoning change from C-2 and T to C-2 Specific Use for a mobile telephone switch office on 1.64 acres of unplatted land located on Section 30, Block AB.

Mayor Miller opened the public hearing at 10:11 a. m. No one appeared on behalf of Elizabeth Camp. No one appeared in opposition. Mayor Miller closed the hearing at 10:12 a. m.

The request enables the applicant to plat and build a facility that supports equipment for an existing cell tower and houses a mobile telephone switch office. The office has a few employees and no customers, so the request is made as Specific Use to allow a reduction in paved parking spaces with a reservation of land for future parking should the building is converted to a typical commercial use.

Adjacent land uses:

N – existing residential

S – commercial that fronts 82nd Street

E – future commercial

W – single family in a multiuse subdivision that was annexed.

The property is already the site of a nonconforming cell tower. Bringing the zoning up to par with a commercial zone change for installation of the building is consistent for the Comprehensive Land Use Plan amendment adopted for the ten square mile annexation in 2000.

As noted, the applicant is requesting that the total building space be 20,900 square feet for both near and future expansion of the switch station, and to provide 19 parking spaces to accommodate the approximate 15 employees that are in the building on a daily basis. The site plan illustrates room for the addition of 44 spaces in the case of a change of building use. The future total of 61 spaces would be short of the 119 required as the generic total for C-2, thus the Specific Use request. The chances of a change for the building use for the distant future are remote once the investment is made in the switching equipment on the property.

Being adjacent to 82nd Street, the proposal should have little or no impact on the thoroughfare system. The proposed development has a “flag” of land that connects the main lot to 82nd Street, and of the two parcels that front on 82nd Street, one is developed and one will be developed at a future date.

The staff recommended the request and the special circumstances that exist at switching facilities with the following conditions:

1. Tied to the proposed site plan
2. Should the building be converted to a commercial use, the remaining land not paved for parking shall be paved and forty-four spaces added to the existing proposed nineteen spaces.
3. Any freestanding signage for the parcel shall be subject to Zoning Board of Adjustment consideration since the only connection to 82nd Street is a twenty-foot “flag”.

The Planning and Zoning Commission recommended approval of this request with the noted conditions.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0119 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.3. Public Hearing 10:00 A.M. - Zoning: Ordinance No. 2007-O0120 Zone Case No. 3095-A (West of North Topeka Avenue at Auburn Street) Hold a public hearing to consider request by Campus Crest Communities for Maurice Risley for zoning change from A-1 to A-3 on .97 acres of unplatted land located on Section 22, Block A.

Mayor Miller opened the public hearing at 10:11 a. m. No one appeared on behalf of Maurice Risley. No one appeared in opposition. Mayor Miller closed the hearing at 10:12 a. m.

The request is a follow up from a case heard last month for an apartment complex at North Utica and North Loop 289, inside the Loop. The case has been approved on first reading by City Council. The applicant failed to include a small area of property in the first case, thus this follow-up.

Adjacent land uses:

N – the current zoning for the apartment complex

S – the current zoning for the apartment complex

E – a portion of the mobile home subdivision that has been in place for years

W - the current zoning for the apartment complex

The request is consistent with Comprehensive Land Use Plan policy. The Plan anticipates this area as high density, and the current mobile home subdivision and the mobile home subdivision to the south are zoned with a high density district.

The additional land will be incorporated into the apartment complex and will comply with the development standards of the A-3 that is requested.

The staff recommended the request with the same conditions (relevant to this parcel) that were included in the request on the larger tract:

1. The residential zoning is A-3 limited to three story construction.
2. A 7-foot masonry or stone fence, or a 7-foot masonry base with piers and wood inserts shall be built on the east boundary (the property line adjacent to the mobile home subdivision and North Colgate Drive) parcel.

The Planning and Zoning Commission recommended the request with the noted conditions.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0120 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Public Hearing 10:00 A.M. - Zoning: Ordinance No. 2007-O0121 Zone Case No. 3096 (114th Street and Slide Road) Hold a public hearing to consider request by Hugo Reed and Associates, Inc. (for Ford Development) for zoning change from T to C-3, GO, and R-1 Specific Use for reduced setbacks on 160.5 acres of unplatted land located on Block E-2, Section 25.

Mayor Miller opened the public hearing at 10:11 a. m. No one appeared on behalf of Ford Development. No one appeared in opposition. Mayor Miller closed the hearing at 10:12 a. m.

The applicant is proposing a gated community with adjacent commercial in the southeast quarter section at 114th Street and Slide Road.

Adjacent land uses:

N – playa lake

S – undeveloped

E – undeveloped

W –partially vacant, the start of a new subdivision is in progress

The request includes single family R-1 with a Specific Use Permit to provide for the allowance of a twenty foot setback on the front of the lots and a five foot setback on corner and cul de sac lots. In addition, areas are requested for Garden Homes, Garden Office and C-3 along the Slide Road side with C-3 at the corner of 114th Street and Slide Road.

The residential portion of the project will be a gated community with private streets. The request varies in a minor fashion from the Comprehensive Land Use Plan only for the area along Slide Road north of the intersection of 114th Street and Slide Road. That request follows a trend to deviate from the ten acre rule for only the corner being zoned for commercial for two reasons:

1. A playa isolates the residential to the west of Slide Road preventing the design for residential to continue east to Slide Road.
2. In addition, Slide Road is a Farm to Market serving a large population of residents to the south of Lubbock, and a combination of the amount of existing commercial annexed as nonconforming, the playa preventing traditional design, and the segment of Slide Road south of Loop 289 being predominately commercial as what has been described as a “bookend” for the south end of West Lubbock with University Avenue as the east “bookend” has worked to date.

Should the proposal be recommended, please consider a portion of the motion to reflect that the strip of commercial along Slide Road is a minor change to the Comprehensive Land Use Plan.

A 200-foot strip along 114th Street is proposed as Garden Office (GO) to buffer the residential on the interior. With the ongoing comment that Garden Office should not be a “foot in the door” for future conversion to commercial, the GO provides a good buffer to the residential. Comments with regard to overall curb cuts will be reviewed below.

The developer desires a gated community, which will require the construction of private streets. The plat speaks to a concern from the emergency services group (Police, Fire and EMS) for a second ingress from Chicago Avenue, and the developer will be in discussion with them should the plat be approved as presented.

Regarding the proposed residential, both the Garden Homes as a buffer on the east and the reduced setback request are consistent with the zoning code.

The staff supported the request with the following conditions:

1. A curb cut (access management) plan shall be approved by the Planning Commission prior to the sale of any of the tracts adjacent to Slide Road and 114th Street, all in one instrument. The curb returns on Slide Road are governed by Texas Department of Transportation and will be included in the proposal to the Planning Commission.
2. To reinforce a proposed plat condition, the applicant shall work with the Fire Department for and access point for one of the streets that will allow at least ingress from Chicago Avenue in the northwest quadrant of the subdivision.
3. In the single family portions of the subdivision, the minimum front setback shall be 20-feet, the minimum side setback on corner lots and front setback on cul-de-sac private streets shall be 5-feet. The exception shall be that the setback for the structure for any driveway to a front or rear facing garage shall be 20-feet.

FISCAL IMPACT

No fiscal impact.

The Planning and Zoning Commission and staff recommended approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0121 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.5. Streets and Sidewalks Ordinance Amendment 1st Reading – Public Works Engineering: Ordinance No. 2007-O0122 adding Article VIII to Chapter 24 of the Code of Ordinances related to permits for construction within public rights-of-way.

The proposed ordinance adds Article VIII to Chapter 24, Streets and Sidewalks, of the Code of Ordinances. In general, the new ordinance addresses excavations in the City right-of-way (ROW), primarily due to utility cuts.

The new ordinance includes requirements for registration as a ROW User; permit application; notices to the City, emergency response agencies, and abutting property owners; insurance; denial, revocation, or suspension of a permit, and appeal processes; emergency excavations; standard details for excavations, backfill, compaction, and paving repairs; barricade and traffic control; and penalties.

Some specific items included in the ordinance include:

Permit Application Fee – A \$30 application fee is required by the ordinance. However, many applicants may be exempt by this ordinance from paying a fee. Exempt applicants include franchised utility companies, telecommunication companies, City owned utilities, and contractors working for these utilities. These utilities are already either paying franchise fees, other fees, or are exempt from fees for their use of the public ROW.

Notice to Property Owner – The permit holder must notify property owners affected by utility work, emergency response agencies, and the Solid Waste Department when an alley is closed.

Display of Permit – The permit is required to be posted at the job site.

Restoration of Improvements – The permit holder is responsible for repairing and restoring the right-of-way to as good, or better, condition as before the start of construction.

Conformance with Master Thoroughfare Plan (MTP) – The ROW User is responsible for conformance with the City's MTP with their installation or relocation of utility service to conform with future locations and standards for thoroughfare and collector streets.

Signs – The ROW User is required to post company name and contact information on signs at the construction site, if the site is left unattended.

Excavation of New Streets or Streets in Good Condition – No cuts are allowed in a new street (less than 5 years old), or in streets in good condition (a pavement condition index of 92 or greater) without prior approval of the City Engineer. If more than 25% of a block of asphalt street (50% if a designated thoroughfare street) is disturbed, the complete block will be resurfaced, or an approved surface treatment will be required for the block of street.

ROW User Responsible for Cut for the Life of the Street – The ROW User performing the cut, backfill, and repair of the street or alley is responsible for the maintenance of any needed repairs for the life of the street. The life of the street is defined as until such time as the street is reconstructed, or the Pavement Condition Index falls below a value of 50.

Following a meeting with invited utility companies, their contractors, representatives of the Developers Council of the West Texas Homebuilders Association, and the Water Utilities Department, additional changes were made to the proposed ordinance. These changes include:

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Clarification that permits are required for utility installations in new subdivisions.

Clarification that no permit is required for service connections, or routine repairs or maintenance of utilities, unless the work requires a breaking of pavement, boring, or excavation with equipment beyond the use of hand tools or a vibrating plow.

Allowance for the issuance of a General Permit for routine maintenance or repair of existing utilities, service line installation for excavations greater than 12-inches, interrupting traffic for more than one hour, or at locations where pavement is cut, or boring work.

Provision that self insurance, satisfactory to the City, is allowed.

The City issues the permit within five business days if the application is in order. Five day permit issuance can be exceeded on “major” projects greater than one mile in length.

Clarification of when emergency response agencies are required to be notified by the ROW User.

Statement that pruning or trimming of trees necessary for public safety or for protection of overhead utility lines, does not fall within any landscaping requirements of this Article, and does not require a permit.

Clarification that the original excavator is responsible for the cut, backfill and repairs, should a second utility be damaged, and have to make repairs to their damaged utility. The secondary, damaged utility is not required to take out a permit.

White lining requirement of a 60-foot maximum area was deleted to require white lining of the entire proposed construction area.

Paving damages due to equipment, construction methods, or traffic detours is repaired by the ROW User.

The ROW User is allowed 15 business days to repair defective work in their repair of an excavation or paving.

The amount of the disturbed surface of an asphalt street was revised to 25% (50% on a thoroughfare designated street) requiring resurfacing of the full block of street.

Also, following a meeting with representatives of the Land Use and Developers Council of the West Texas Homebuilders Association on November 14th, the following revisions were made:

Clarification that the utility permit issuance in new subdivisions does not grant access rights to private property, and the contractor excavating a joint trench for multiple utilities is the responsible party to secure the permit.

A provision was added allowing excavations of up to fifty linear feet of a new street for utility tie-ins needed from an existing subdivision to a new subdivision during development.

A letter from the Land Use and Developers Council and Larry Hertel's response are provided in the agenda backup.

FISCAL IMPACT

There are no additional budget requests associated with the ordinance. City Council authorized several personnel positions in anticipation of the new permit requirements. Personnel will be assigned for the administrative duties necessary for the review of applications and permit issuance. Inspectors will have job duties reassigned to cover inspections of these construction permits, as well as the paving and drainage improvement construction inspections currently being performed. In the long term, it is anticipated that the Street Maintenance expenses associated with utility cuts, trench compaction, and paving repairs can be reduced and savings diverted toward other street maintenance needs.

Costs to the City owned utilities (Water, Sanitary Sewer, LP&L, Storm Sewer and Traffic) will increase due to compaction and paving repair requirements of the new ordinance.

Staff recommended approval of the first reading of this ordinance.

Bernie Gradel, Jr. of West Texas Home Builders Land Use and Developers Council spoke to Council about adding Article VIII to Chapter 24 of the Code of Ordinances, related to permits for construction within public right-of-way. Larry Hertel, City Engineer, gave a presentation on the right-of-way management ordinance. He said this would allow better control of work that is going on in the public right-of-way.

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass on first reading Ordinance No. 2007-O0122 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

- 6.6. Board Appointment - City Secretary: Consider three appointments to Central Business District Tax Increment Financing Reinvestment Zone Board, one appointment to Lubbock Emergency Communications District Board of Directors, three appointments to Structural Standards Commission, one appointment to Zoning Board of Adjustment, two appointments to Community Development and Services Board, two appointments to Housing Finance Corporation Board of Directors, one appointment to Keep Lubbock Beautiful, three appointments to Libraries Board, one appointment to Model Codes and Construction Advisory Board, and one appointment to Park and Recreation Board.**

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to reappoint Brent Noble and Robert Taylor, and appoint Carrie

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Kennerly to the Central Business District Tax Increment Financing Reinvestment Zone. Motion failed: 2 Ayes, 5 Nays. Mayor Miller and Council Members Jones, DeLeon, Price, and Klein voted Nay.

Motion was then made by Council Member DeLeon, seconded by Council Member Price to reappoint Robert Taylor and Brent Noble, and appoint Latrell Joy to the Central Business District Tax Increment Financing Reinvestment Zone. Motion carried: 6 Ayes, 1 Nay. Council Member Leonard voted Nay.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to reappoint Bob Wood to the Lubbock Emergency Communications District Board of Directors. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Price to move Robert Rodriguez from alternate to member position, appoint William McDonald as alternate, and reappoint Thomas Harris and John Heagy to the Structural Standards Commission. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Price to move Alice Chavez from alternate to member position, and appoint Allen Teinert as alternate to the Zoning Board of Adjustment. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to appoint Jerry Hudson and Kevin McConic to the Community Development and Services Board. Mayor Pro Tem Gilbreath called for the question. Vote was taken on calling the question, which carried: 5 Ayes, 2 Nays. Council Members DeLeon and Price voted Nay. Motion on the appointment carried: 5 Ayes, 2 Nays. Council Members DeLeon and Price voted Nay.

Motion was made by Council Member DeLeon, seconded by Council Member Price to reappoint Carolyn Crowson and appoint Jeff Lowrey to the Housing Finance Corporation Board of Directors. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to appoint Kelly Marble to Keep Lubbock Beautiful. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to reappoint Anita Harrison, Luis Huerta, and Karen Savage to the Libraries Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Leonard, seconded by Council Member Gilbreath to appoint Lyle Fetterly to the Model Codes and Construction Advisory Board. Motion failed: 3 Ayes, 4 Nays. Council Members DeLeon, Jones, Price, and Klein voted Nay.

Motion was then made by Council Member DeLeon, seconded by Council Member Price to appoint Karinda Terry to the Model Codes and Construction Advisory Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to appoint Brent Pharris to the Park and Recreation Board. Motion failed: 3 Ayes, 4 Nays. Council Members DeLeon, Jones, Price, and Klein voted Nay.

Motion was then made by Council Member DeLeon, seconded by Council Member Price to appoint Alex McAdoo to the Park and Recreation Board. Motion carried: 7 Ayes, 0 Nays.

6.7. Board Appointment - City Secretary: Declare 15 appointments to the Lubbock Street Naming Task Force.

On October 25, 2007, the Lubbock Street Naming Task Force was created to review and make recommendations to City Council regarding the naming and renaming of City streets and facilities.

Each Council member shall declare two appointments to the Task force. In addition, the Mayor shall declare a chairperson.

FISCAL IMPACT

No fiscal impact.

Each Council member declared two appointments to the Lubbock Street Naming Task Force, and the Mayor declared a chairperson as follows:

Mayor Miller	Bonner Bennett John Bowen Martha York, Chairperson
Jim Gilbreath	George Tucker Tom Johnson
Linda DeLeon	Frank Garcia Grace Garza
Phyllis Jones	Jim Bertram Dr. Judi Henry
Todd Klein	Mary Hatfield Mikel Ward
John Leonard	Cathy Mottet Richard Whittenburg
Floyd Price	Fred White Joan Ervin

10:56 A. M. COUNCIL ADJOURNED

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