

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
DECEMBER 6, 2007  
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 6th day of December, 2007, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

**7:31 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. Corbin Black will appear to discuss a proposed ordinance prohibiting public exposure in certain attire.**

Corbin Black, a student at Premier High School, addressed Council regarding a proposed ordinance which would prohibit public exposure in certain attire. He spoke against the proposed ordinance.

**1.2. Mike Lewis, Pastor of Friends of God Church, will appear to discuss Community Voices, a program designed to empower parents of special needs kids.**

Mike Lewis, Pastor of Friends of God Church, appeared before Council to discuss Community Voices, which is a program designed to assist the parents of special needs kids.

- Sherry Grubelnik appeared before Council to thank Lubbock for what has been done to assist her special needs child, Amber. She stated that her main interest was to have safe group homes with good caretakers for the special needs children.
- Gilbert Salinas appeared before Council to thank them for their support with the recycling containers. He also addressed the needs for the children in East Lubbock.

2. **EXECUTIVE SESSION** was considered following Item 6.5.
3. **PROCLAMATIONS AND PRESENTATIONS** were considered following Executive Session
4. **MINUTES** were considered following Item 3.3.
5. **CONSENT AGENDA** was considered following Item 4.1.
6. **REGULAR AGENDA**
  - 6.5. **Task Force Resolution - City Council: Consider a resolution creating a task force to make financing recommendations to the City Council regarding the construction of soccer fields.**

**No action was taken on this item.**

The goal of the Lubbock Soccer Field Funding Task Force is to evaluate various options for funding the construction and maintenance of soccer fields within the City, and to make recommendations to the City Council. The Task Force shall consider various funding sources including, but not limited to, public and private donations, bonding sources, including general obligation and certificates of obligation bonds, and any other viable funding source.

Each Council member shall appoint one member to the seven-member Task Force. The Task Force shall submit a final report of recommendations to the City Council within 90 days.

#### **FISCAL IMPACT**

No fiscal impact.

Motion was made by Council Member Leonard, seconded by Council Member Price to pass this Resolution as recommended by staff.

Billy Babcock, Lori Rhodes, Janice Henderson, and Larry Burks appeared to give comments and answered questions from Council regarding funding for the soccer fields, and requesting that there not be any more delays in constructing the fields.

Mayor Pro Tem Gilbreath suggested getting the Finance Department to talk about numbers for the next City Council meeting, so that we can decide which way we should go – whether we should go ahead and talk about trying to move construction of the fields along with Certificates of Obligation, or whether we should hold off and wait until May of 2008 and do it with a general election and with General Obligation bonds.

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

Mayor Miller then explained the difference between Certificates of Obligation and General Obligation bonds and requested that Council bring to the next City Council meeting a proposal to move forward with the construction of the

soccer fields, including the release of request for proposal for bids, as well as the funding method that is recommended.

After further discussion from Council, motion and second was withdrawn by Council Members Leonard and Price, and no action was taken on this item.

## **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."**

### **8:15 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. (Police, Right-of-Way, 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. (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.**

Regular City Council Meeting  
December 6, 2007

**9:36 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 9:36 A. M.

**3. PROCLAMATIONS AND PRESENTATIONS**

**3.1. Invocation by Reverend Clint Stephenson, Westmont Christian Church**

**3.2. Pledge of Allegiance to the Flags**

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

**3.3. Presentation of a special recognition to students from Premier High School's Youth and Democracy class recognizing their involvement in the local government process.**

Mayor Miller presented special recognition to students from Premier High School's Youth and Democracy class, recognizing their involvement in the local government process. Receiving the special recognition were Cheri Isett and her students. Ms. Isett gave comments.

**4. MINUTES**

**4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, November 8, 2007; Emergency City Council Meeting, November 8, 2007**

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve the minutes of the Regular City Council Meeting of November 8, 2007 and the Emergency City Council Meeting of November 8, 2007 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5. CONSENT AGENDA (Items 5.2-5.10, 5.12-5.17, 5.21)**

Motion was made by Council Member Price, seconded by Council Member DeLeon to approve Items 5.2-5.10, 5.12-5.17, and 5.21 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

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

**5.2. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0548 authorizing the Mayor to execute a purchase order contract with KEY Enterprises for spectator bleachers.**

On June 14, 2007, City Council awarded a contract with Lee Lewis Construction to construct 16 ball fields for the Lubbock Youth Sports

Complex. Prior to contract award, the scope of work was modified to exclude the spectator bleachers, which are available at a cost savings through a purchasing cooperative. Steelstadiums by KEY Enterprises is available for \$171,114 through the Texas Association of School Boards Local Government Purchasing Cooperative, known as BuyBoard. This purchasing cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Government Code. Its purpose is to obtain the benefits and efficiencies that can accrue to members of a cooperative, to comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services.

The Steelstadiums spectator bleachers include:

- 32 structures
- 21 feet x 5 rows
- Guard railing
- Access aisle
- ADA compliant wheelchair area
- Sealed engineering drawings
- Shipping and handling

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

The Parks and Recreation Department has purchased and installed Steelstadiums spectator seating at other ball fields. The structures are strong, easy to construct, and easy to maintain.

#### **FISCAL IMPACT**

\$12,730,381 is appropriated in Project 91197, Youth Sports Complex Phase I with \$171,114 available for this purpose.

Staff recommended contract award to KEY Enterprises of Round Rock, Texas for \$171,114.

#### **5.3. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0549 authorizing the Mayor to execute a purchase order contract with CXT Incorporated Precast Products Division for a restroom building.**

This resolution authorizes the purchase of a restroom building. The Hodges Baseball Field Improvements project includes public restrooms, water and sewer lines, fencing, and site work. Hodges Field is used by Trinity Christian Schools as their primary field.

The restroom building can be purchased for \$58,019 through the Texas Multiple Awards Schedule (TXMAS) contract TXMAS-5-84090. The TXMAS program adapts existing competitively awarded federal government contracts to the procurement needs of the State of Texas and local governments. As the responsible federal entity, the General Services Administration's (GSA) Federal Supply Service awards Federal Supply Schedule contracts by competitive procurement procedures for more than 50

schedules that cover multiple commodities and services. The prices reflected on GSA schedule contracts are the most favored customer prices and the maximum price allowable. To be considered for the TXMAS Program, an existing contract must be awarded by the federal government or any other governmental entity in any state, awarded using a competitive process, and adaptable to the laws of the State of Texas (Texas Government Code Title 10, Subtitle D, Sections 2155.062, 2155.502, 2155.504).

The CXT Incorporated Dakota restroom building includes:

- Dakota flush toilet
- Simulated shake roof
- Barn wood texture
- Vitreous china fixtures
- Electrical package
- Shipping and handling

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

The Parks and Recreation Department has installed the CXT Incorporated structures at other locations. The structures are attractive, easy to install, and are easy to maintain.

#### **FISCAL IMPACT**

\$109,000 is appropriated in Project 92119, Hodges Baseball Field Improvements with \$58,019 available for this purpose.

Staff recommended contract award to CXT Incorporated of Hillsboro, Texas, for \$58,019.

#### **5.4. Industrial Tax Abatement Resolution - Business Development: Resolution No. 2007-R0550 authorizing the Mayor to execute an industrial tax abatement agreement with WesTx Packaging Company and Standard International LLC.**

The City received an application for industrial tax abatement from WesTx Packaging Company and Standard International LLC. Standard International LLC owns the real property and will build the new facility. WesTx Packaging will contribute to the building improvements, purchase new equipment, and create new jobs. Both companies are owned by Paul Lin.

Lubbock Economic Development Alliance has provided Standard International LLC 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 of \$1 million in real property improvements for a new company. Total investment in the project will be \$3.6 million for real property improvements and \$2.5 million for personal property. WesTx Packaging

Company plans to create 101 jobs during the next five years with an estimated \$2,385,760 annual payroll at the end of five years.

The Notice of Intent was approved by City Council at the City Council meeting on November 20, 2007.

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

**FISCAL IMPACT**

The estimated tax abatement will be \$83,274 over five years.

Staff recommended approval of this resolution.

**5.5. Industrial Tax Abatement Resolution - Business Development: Resolution No. 2007-R0551 authorizing the Mayor to execute an industrial tax abatement agreement with Molinos Anahuac.**

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

The project meets the Industrial Tax Abatement Policy and Guidelines minimum investment of \$1 million in real property improvements for a new company. Total investment in the project will be \$1 million for real property improvements and \$1,658,000 for personal property. Molinos Anahuac plans to create 26 new jobs during the next three years with a total estimated annual payroll of \$942,186. Twelve of the new jobs will be created during the first year.

The Notice of Intent was approved by City Council at the City Council meeting on November 20, 2007.

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

**FISCAL IMPACT**

The estimated tax abatement is \$36,286 over five years.

Staff recommended approval of this resolution.

**5.6. CBD TIF Annual Report - Business Development: Resolution No. 2007-R0552 authorizing the Mayor to execute the Central Business District Tax Increment Financing Reinvestment Zone Annual Report for October 1, 2006, through September 30, 2007, which will be distributed to the chief executive officer of each taxing unit levying taxes within the North Overton Tax Increment Financing Reinvestment Zone, and to the Comptroller of the State of Texas.**

City Council created the Central Business District Tax Increment Finance Reinvestment Zone (CBD TIRZ) and appointed the TIRZ Board on December 3, 2001. According to the Texas Tax Increment Finance Act Section 311.016,

the City must submit an annual report to the chief executive officer of each taxing unit that levies taxes on property within a tax increment finance zone. The report must be provided within 90 days of the end of the City's fiscal year and a copy must be sent to the Texas Comptroller's Office.

The Texas Tax Increment Finance Act specifies that the report must include:

Amount and source of revenue in the tax increment fund established for the zone

Amount and purpose of expenditures from the fund

Amount of principal and interest due on outstanding bonded indebtedness

Tax increment base and current captured appraised value retained by the zone

Captured appraised value shared by the City and other taxing units

Total amount of tax increments received

Any additional information necessary to demonstrate compliance with the tax increment financing plan adopted by the City.

Staff submitted the 2007 annual report, with all required information, to the Central Business District TIRZ Board of Directors for approval. A summary of the information included in the report is as follows:

In May 2007, the CBD TIRZ received \$277,772 in net revenue for value earned in 2006 after the deduction of \$1,625 for collection services. Expenses incurred in 2007 was \$4,064 for administrative costs.

The CBD TIRZ appraised value increased to \$161,582,451 in 2007 with a current captured appraised value of \$55,724,200. The current captured appraised value is the total value after the base year value is subtracted. The total tax increment to be received by the CBD TIRZ in 2008, from 2007 value, if collected at 98% is projected to be \$433,084 from all taxing jurisdictions.

The Central Business District Tax Increment Financing Reinvestment Zone Board of Directors approved the report at their meeting on November 27, 2007.

#### **FISCAL IMPACT**

Expenses for the CBD TIRZ are appropriated in the Adopted FY 2007-08 CBD TIRZ Operating Budget.

Staff recommended approval of this resolution.

- 5.7. North Overton TIF Annual Report - Business Development: Resolution No. 2007-R0553 authorizing the Mayor to execute the North Overton Tax Increment Financing Reinvestment Zone Annual Report for October 1, 2006, through September 30, 2007, which will be distributed to the chief executive officer of each taxing unit levying taxes within the North Overton Tax Increment Financing Reinvestment Zone, and to the Comptroller of the State of Texas.**

City Council created the North Overton Tax Increment Finance Reinvestment Zone (TIRZ) and appointed the TIRZ Board on March 14, 2002. According to the Texas Tax Increment Finance Act Section 311.016, the City must submit an annual report to the chief executive officer of each taxing unit that levies taxes on property within a tax increment finance zone. The report must be provided within 90 days of the end of the City's fiscal year and a copy must also be sent to the Texas Comptroller's Office.

The Texas Tax Increment Finance Act specifies that the report must include:

Amount and source of revenue in the tax increment fund established for the zone

Amount and purpose of expenditures from the fund

Amount of principal and interest due on outstanding bonded indebtedness

Tax increment base and current captured appraised value retained by the zone

Captured appraised value shared by the City and other taxing units

Total amount of tax increments received

Any additional information necessary to demonstrate compliance with the tax increment financing plan adopted by the City.

The 2007 annual report was submitted to the North Overton TIRZ Board of Directors for approval. A summary of the information included in the report is as follows:

In May 2007, the North Overton TIRZ received \$1,289,119 in net revenue for value earned in 2006 after the deduction of \$1,168 for collection services. Expenses in 2007 included \$41,870 in administrative costs and \$1,492,624 that was transferred to debt service. Total expenditures life-to-date for public infrastructure capital projects in the North Overton TIRZ was \$14,418,881.

The City has issued bonds for the North Overton TIRZ capital projects in the amount of \$23,504,000. These capital projects include sewer, water, electric, streets, and landscaping in the parkway.

The North Overton TIRZ appraised value increased to \$192,302,370 in 2007 with a current captured appraised value of \$165,361,766. The current captured appraised value is the total value after the base year value is subtracted. The total tax increment to be received by the North Overton TIRZ in 2008, from 2007 value, if collected at 98% is projected to be \$1,434,268 from all taxing jurisdictions.

The North Overton Tax Increment Financing Reinvestment Zone Board of Directors approved the report at their November 27, 2007 meeting.

#### **FISCAL IMPACT**

Expenses for the North Overton TIRZ are appropriated in the Adopted FY 2007-08 North Overton TIRZ Operating Budget.

Staff recommended approval of this resolution.

**5.8. Ordinance 2nd Reading - Zoning: Ordinance No. 2007-00119 Zone Case No. 3065-A (6904, 6906, 6908, and 6918 82nd Street) Consider an ordinance 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.**

On November 20, 2007, City Council approved the first reading of this ordinance. 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. Consequently, 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 be 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. Room for the addition of 44 spaces in the case of a change of building use is shown on the site plan. 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. One of the two parcels that front on 82nd Street, one is developed and one will be developed in the future.

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

Tied to the proposed site plan

Should the building be converted to a commercial use, the remaining land not paved for parking shall be paved and 44 spaces added to the existing proposed 19 spaces.

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.

**5.9. Ordinance 2nd Reading - Zoning: Ordinance No. 2007-00120 Zone Case No. 3095-A (West of North Topeka Avenue at Auburn Street) Consider an ordinance for zoning change from A-1 to A-3 on 0.97 acres of unplatted land located on Section 22, Block A.**

On November 20, 2007, City Council approved the first reading of this ordinance. 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 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.

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

The residential zoning is A-3 limited to three story construction.

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.

**5.10. Ordinance 2nd Reading - Zoning: Ordinance No. 2007-00121 Zone Case No. 3096 (114th Street and Slide Road) Consider an ordinance 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 Section 25, Block E-2.**

On November 20, 2007, City Council approved the first reading of this ordinance. 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 residential (R-1) with a Specific Use Permit to provide for the allowance of a 20-foot setback on the front of the lots and a 5-foot setback on corner and cul-de-sac lots. In addition, areas are requested for Garden Homes, Garden Office, and commercial (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. The request follows a trend to deviate from the ten-acre rule for only the corner being zoned for commercial for two reasons:

A playa isolates the residential to the west of Slide Road preventing the design for residential to continue east to Slide Road.

Slide Road is a Farm to Market serving a large population of residents to the south of Lubbock combined with the fact that the existing commercial development was annexed as nonconforming. A playa lake prevents traditional design of residential along Slide Road.

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 are provided 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.

Staff supported the request with the following conditions:

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.

To reinforce a proposed plat condition, the applicant shall work with the Fire Department for an access point for one of the streets that will allow at least ingress from Chicago Avenue in the northwest quadrant of the subdivision.

In the single family portions of the subdivision, the minimum front setback shall be 20 feet, and 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 of the second reading of this ordinance.

- 5.11. This ordinance was moved from consent agenda to regular agenda and considered following Item 5.1.**
- 5.12. Right-of-Way Ordinance 2nd Reading – Right-of-Way: Ordinance No 2007-O0106 Consider an ordinance abandoning and closing a 20-foot alley adjacent to Lot 2, Del Prado Addition located at 7203 Globe Avenue.**

City Council considered the first reading of this ordinance on October 11, 2007. The ordinance abandons and closes a 20-foot wide alley located adjacent to Lot 2, Del Prado Addition, which is 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 of the closure is not the original dedicator of this alley area being closed, there will be a charge this service. The total area of the alley being closed is 3,630 square feet and will remain a utility easement. The Right-of-Way Department has determined a value of \$0.60 per square foot based on 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 revenue.

Staff recommended approval of the second reading of this ordinance.

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

City Council approved the first reading of this ordinance on November 20, 2007. The ordinance abandons and closes a drainage easement in Section 11, Block E-2, located 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.

- 5.14. Right-of-Way Ordinance 1st Reading – Right-of-Way: Ordinance No. 2007-O0123 abandoning and closing two drainage easements located in Section 18, Block A, Lubbock County, Texas, easements located at 4320 Princeton Street.**

The ordinance abandons and closes two drainage easements in Section 18, Block A, located east of North Quaker and Princeton Street. The drainage easements were replaced with new easements when Lubbock Medical Center Addition Tract A was platted and these easements are no longer needed. The Storm Water Drainage Engineering Department is in agreement with the drainage easement closures.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of the first reading of this ordinance.

- 5.15. Right-of-Way Ordinance 1st Reading – Right-of-Way: Ordinance No. 2007-O0124 abandoning and closing certain underground utility easements, a sewer line easement, and transformer pad easements, on Tracts C-1, D-1, H-1, Bryan Park Addition, easement located at 3301, 3305, and 3309 63rd Street.**

The ordinance abandons and closes certain underground utility easements, a sewer line easement, and transformer pad easements located on Tracts C-1, D-1, H-1, and Bryan Park Addition, which is located just east of Indiana Avenue on 63rd Street. The closures are needed due to the construction of a new fire station on the lots. All utility companies are in agreement with these easement closures.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of the first reading of this ordinance.

**5.16. Contract Resolution - Solid Waste: Resolution No. 2007-R0554 authorizing the Mayor to execute a contract for the expansion of Cell VI at the Caliche Canyon Landfill, 8425 North Avenue P, BID 07-732-DD.**

The contract is for the expansion and lining of Cell VI at the Caliche Canyon Landfill located at 8425 North Avenue P.

The following companies submitted bids and are ranked as follows:

L.D. Kemp Excavating of Ft. Worth, TX	500 points	\$389,780
Rice Construction of Borger, TX	482 points	\$427,430
Pickett Industries of Bossier City, LA	418 points	\$524,500
Rodman Excavation of Frisco, TX	406 points	\$570,050
DCI Contracting of Mt. Pleasant, TX	240 points	\$553,610

Time for completion is 120 consecutive calendar days with liquidated damages of \$600 per day.

Thirty-nine local vendors were notified of the Request for Proposal

**FISCAL IMPACT**

\$535,000 is appropriated for Project 9105, Development C&D Cell, Phase II with \$389,780 available for this purpose.

Staff recommended contract award to L.D. Kemp Excavating of Ft. Worth, Texas for \$389,780.

**5.17. Contract Resolution - Solid Waste: Resolution No. 2007-R0555 authorizing the Mayor to execute a contract for the construction of lining Cell III at the West Texas Region Disposal Facility, 17304 North FM 2528, BID 07-731-DD.**

The contract is for the second phase of construction of the Cell III geosynthetic lining system at the West Texas Regional Disposal Facility located at 1730 and North FM 2528.

Bids were received from the following companies:

L.D. Kemp Excavating of Ft Worth, TX	\$1,925,531
Rice Construction of Borger, TX	1,996,325
ESI Incorporated of Baton Rouge, LA	2,008,223
DCI Excavation of Denton, TX	2,280,862
Rodman Excavation of Frisco, TX	2,444,000

Time for completion is 150 consecutive calendar days with liquidated damages of \$600 per day.

Forty one local contractors were notified of the Invitation to Bid.

**FISCAL IMPACT**

\$7,327,000 is appropriated in Project 91016, Cell Development, with \$1,925,531 available for this purpose.

Staff recommended contract award to L.D. Kemp Excavating of Ft. Worth, Texas, for \$1,925,531.

- 5.18. This item was moved from consent agenda to regular agenda and considered following Item 5.11.**
- 5.19. This item was moved from consent agenda to regular agenda and considered following Item 5.18.**
- 5.20. This item was moved from consent agenda to regular agenda and considered following item 5.19.**
- 5.21. Contract Resolution - Fire: Resolution No. 2007-R0556 authorizing the Mayor to execute a purchase order contract with Watson Dispatch for communication center dispatch modular consoles.**

The Lubbock Fire Department was awarded a grant from the Lubbock Emergency Communication District (LECD) to purchase communication center equipment for FY 2007-08. Two dispatch modular consoles with accessories will be purchased to assist dispatchers perform their job duties in an organized and efficient manner.

The consoles meet the same standards as the three consoles purchased from Watson Dispatch for the Lubbock Police Department in 2006. Watson Dispatch is the only manufacturer of the Synergy Full Lift Dispatch Console Furniture System. There are no third-party vendors authorized by Watson Dispatch to provide this dispatch console system. No other vendor will be able to reconfigure or add new positions that will match this furniture and meet specifications and colors of this product. Consequently, this is a sole source procurement exempt from competitive bidding pursuant to Texas Local Government Code 252.022(a)(7)(A).

New equipment will improve efficiency of office space by replacing old, outdated modular furniture with consoles designed for public safety dispatching. The current consoles are small and do not allow the equipment to be placed in an organized manner for public safety dispatching. Wiring from all equipment is currently laid on the floor creating maintenance problems. Replacing the current consoles with two identical consoles ensures that employees can perform identical tasks regardless of where they sit. These consoles raise and lower so that dispatchers may stand or sit during their shifts and still perform dispatching duties.

#### **FISCAL IMPACT**

The LECD Grant is a 90% reimbursable grant program. City Council approved the grant award at the City Council meeting on November 20, 2007. The total project budget is \$41,699. This \$30,768 purchase will be the first of several purchases. Ninety percent of this cost, or \$27,691, will be funded by LECD. The remaining \$3,077 is the 10% match and will be funded in the Adopted FY 2007-08 Fire Department Operating Budget.

Staff recommended approval of this resolution.

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

**6. REGULAR AGENDA (continued)**

**Note: Regular Agenda items, and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (Items 5.1, 5.11, 5.18-5.20, 5.22, 6.1-6.6).**

**5.1. Contract Resolution - Library: Resolution No. 2007-R0557 authorizing the Mayor to execute a contract with Digital Library Reserve for a web-based digital media platform enabling library patrons to download popular digital audio books, eBooks, music, and video from the Lubbock Public Library website.**

Digital Library Reserve is a provider of OverDrive digital book technology and services including those related to the management and copyright protection of content in eBook, audio book, and multimedia in digital formats. OverDrive Digital Library Reserve is a web-based digital media platform enabling library patrons to download popular digital audio books, eBooks, music, and video from the Lubbock Public Library website. More than 5,000 libraries subscribe to OverDrive and a wide selection of titles are available.

Library patrons install free digital media software such as Adobe Reader, Mobipocket Reader, or the OverDrive Media Console. They then choose digital content from an inventory of titles that may include fiction, nonfiction, best-sellers, test preparation, children's, foreign language, classical music, movie classics, and other popular materials.

Patrons download the digital titles at their convenience. Digital media can be transferred to compatible devices such as MP3 (MPEG-1 Audio Layer-3) players, laptops, Pocket PCs, and Palm OS devices. Many audio titles may be burned to compact discs (permissions vary by title). The library will determine loan periods and checkout maximums. Items are automatically "returned," so there is no damage, late fees, or replacement costs.

The annual application license and hosting fee is \$21,000 per year for the first four years. After the fourth year, the annual fee is \$12,000. The Lubbock Public Library will develop a digital media collection by purchasing individual units from a selection of thousands of titles from leading publishers. The Library will receive a one-time Opening Collection Credit of \$7,500 total for all years that can be used to purchase titles. Additional titles may be purchased at the following rates

Videos	\$29.99
Audio Books	29.99
Music Albums	19.99
eBooks	12.00

There is no hardware or software to buy to launch or maintain the platform. The digital collection will be integrated with the Lubbock Public Library website, enhancing patron access and selection.

### **FISCAL IMPACT**

Funds are appropriated in the Adopted FY 2007-08 Library Operating Budget.  
Staff recommended approval of this resolution.

Jane Clausen, Director of Library Services, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2007-R0557 as recommended by staff.  
Motion carried: 7 Ayes, 0 Nays.

**5.11. Streets and Sidewalks Ordinance Amendment 2nd Reading – Public Works Engineering: Ordinance No. 2007-O0122 Consider an ordinance adding Article VIII to Chapter 24 of the Code of Ordinances related to permits for construction within public rights-of-way.**

On November 20, 2007, City Council approved the first reading of the ordinance. 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 detailed in the ordinance include:

Permit Application Fee – A \$30 application fee is required by the ordinance. However, many applicants are exempted 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 paying franchise fees, other fees, or are exempt from fees for use of the 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.

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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 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:

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, traffic interruption 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 the ordinance and does not require a permit.

Clarify that if an original excavator damages a second utility, the original excavator is the responsible party for making repairs and backfill of the cut. The 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.

Following a meeting with representatives of the Land Use and Developers Council of the West Texas Homebuilders Association on November 14, 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 50 linear feet of a new street for utility tie-ins needed from an existing subdivision to a new subdivision during development.

Following the first reading of the ordinance, several changes were made to Sections 24-189 and 24-190 at the request of the Water Utilities Department. These changes are suggested to help clarify which improvements located in the right-of-way would require repair, restoration, or replacement if damaged during utility construction. A page indicating deletions and additions to these two sections is provided in the backup.

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. 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. These increases will be based on the amount of work needed at each project.

Marsha Reed, Director of Public Works, gave comments and answered questions from Council.

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

Mayor Pro Tem Gilbreath recused himself.

**5.18. Contract Resolution - Storm Water: Resolution No. 2007-R0558 authorizing the Mayor to execute a professional services contract with Parkhill, Smith & Cooper for the Master Drainage Plan Update, RFQ 07-727-BM.**

The current Master Drainage Plan (MDP) was completed and adopted by City Council in December 1997. The results of that study are 10 years old and it is time to update the plan. Many of the outlying areas have experienced new development and the plan needs to be extended to the south and west to include newly developing areas outside of the original MDP. The project limits are approximately from FM 2378 on the west to Olive Avenue on the east and 114th Street on the north to one mile south of Woodrow Road on the south. A map with a detailed definition of the study area is provided. The MDP covers the areas outside the FEMA flood study area to predict playa lake levels and overflow routes to assist for future development. The north and northwest portions of the City are already under contract for the development or update of the MDP in those areas.

A consultant will review the existing MDP and modify the models as necessary due to development and datum changes and to extend the process south and west to incorporate other developing areas. This project will incorporate future development, historic rainfall data and existing topography into the models. The MDP is relied upon daily by staff, developers and consultants as a planning tool for future development in order to determine everything from possible property values to detailed design.

The following firms submitted Statements of Qualifications and were ranked as follows:

Parkhill, Smith & Cooper of Lubbock, Texas	421
Carter & Burgess of Dallas, Texas	361
HDR Engineering of Austin, Texas	354
Wilson & Company of Fort Worth, Texas	310

Statements of Qualifications were evaluated based on the criteria listed in the RFQ:

- Project Team Organization and Qualifications (30%).
- Past Project Experience (30%).
- Project Approach (30%).
- Overall Responsiveness to the RFQ (10%).

#### **FISCAL IMPACT**

The contract amount is \$599,737. \$600,000 is appropriated in Project 8063, Master Plan Update – West and South, with \$599,737 available for this purpose.

Staff recommended approval of this resolution.

Mike Keenum, Storm Water Engineer, 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-R0558 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.19. Contract Resolution - Transportation and Public Works: Resolution No. 2007-R0559 authorizing the Mayor to execute a contract for the construction of Municipal Drive from Loop 289 to Guava Avenue, and the extension of North Elder Drive from the end of the current pavement to the intersection of Municipal Drive, BID 07-735-BM.**

This contract involves the construction of Municipal Drive from Loop 289 to Guava Avenue and the extension of North Elder Drive from the end of the current pavement to the intersection of Municipal Drive. Municipal Drive construction includes concrete street pavement, replacement of asphalt driveways, and installation of metal beam guard fence. North Elder Drive construction includes asphalt paving, concrete driveways, riprap end treatment, and curb and gutter.

The following bids were received:

Allen Butler Construction of Ransom Canyon, TX	\$1,508,158
Duininck Brothers of Roanoke, TX	1,726,197
Lone Star Dirt and Paving of Lubbock, TX	1,938,291
West Texas Paving of Lubbock, TX	2,433,095

Time for completion of this project is 120 working days with liquidated damages of \$150 per day. Ninety-five local businesses were notified of the Invitation to Bid.

#### **FISCAL IMPACT**

\$1,765,000 is appropriated in Project 91198, Elder Drive Street Project with \$1,508,158 available for this purpose.

Staff recommended contract award to Allen Butler Construction of Ransom Canyon, Texas, for \$1,508,158.

Marsha Reed, Director of Public Works; Rob Allison, Assistant City Manager; Lee Ann Dumbauld, City Manager; and Jeff Yates, Chief Financial Officer, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2007-R0559 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.20. Contract Resolution - Fleet: Resolution No. 2007-R0560 authorizing the Mayor to execute purchase order contracts for heavy equipment for the Street Department and Water Department, BID 07-086-FO.**

On June 26, 2007, City Council appropriated \$175,000 from the General Fund Master Lease Program, \$1,225,000 from the Solid Waste Fund Master Lease Program, and \$808,533 from the Storm Water Fund Master Lease Program for the purchase of 13 new pieces of equipment as part of the Street Maintenance Improvement Plan. The purchase order contracts include the following equipment for the Street Department as a part of the Plan. A bid tabulation is provided in backup.

General Fund Master Lease Program:

Item 7: Spec 982 ST Backhoe - Front End Loader; 1 for \$70,490 from Heritage Equipment of Lubbock, Texas

Cisco Equipment did not meet the following specifications:

Front End Loader - 5000 LBS. minimum capacity through full travel with a minimum breakout force of 10,200 LBS.

Transportation Dimensions - Dimensions must enable transport on normal low level equipment transport trailers, overall width shall not exceed 82" from rear wheel outside to outside overall, and transport height from tip of boom stowed to ground shall not exceed 11'-10".

Cisco bid a New Holland B95 with a minimum break of 7,176 lbs and the dimension of transport of 89", which will not allow for transport on current trailers.

Solid Waste Master Lease Program:

Item 1: Spec 608 UPS Cab & Chassis 62000 LB GVWR; 2 for \$68,802 each from Roberts Trucks Center of Lubbock, Texas

Item 4: Spec 917UPS Articulated Steer Wheeled Loader; 1 for \$161,200 from Heritage Equipment of Lubbock, Texas

Cisco Equipment did not meet the following specification:

Bucket – The 4-cubic yard 4-in-1 Bucket Shall come with bolt on teeth and quick coupler hydraulic mounts.

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Item 5: Spec 920 UPS Gradall; 1 for \$262,860 from Continental Equipment of Dallas, Texas

Yellowhouse Machinery bid a rubber tire excavator, which did not meet specifications.

Item 6: Spec 922UPS Portable Crusher; 1 for \$393,358 from Screen Machine Industries of Pataskala, Ohio

Item 8: Spec 983UPS Motor Grader Blade; 1 for \$93,150 from Bee Equipment Sales of Lubbock, Texas

Item 9: Spec 984UPS Roller Sheepfoot Compactor; 1 for \$104,500 from Associated Supply Company of Lubbock, Texas

Item 10: Spec NV-722UPS 12-Yard Dump Body (for Item 1) with Hydraulic Hoist; 2 for \$22,283 each from Equipment Southwest of Irving, Texas

Storm Water Master Lease Program:

Item 2: Spec 726-646PD Cab & Chassis 66000 LB GVWR with Hydro-Cleaner; 1 for \$290,017 from Lubbock Truck Sales of Lubbock, Texas

Item 3: Spec 799-1 Sweeper High Dump; 2 for \$171,555 each from Kinlock Equipment and Supply of Arlington, Texas

Item 11: Spec 808ST Cab & Chassis 66000 LB GVWR with Roll-Off Container Frame; 1 for \$131,285 from Roberts Truck Center of Lubbock, Texas

The purchase of Items 1 through 11 will complete the equipment purchases for the Street Maintenance Improvement Plan with the exception of six roll-off containers. The specifications and purchase request for the roll-off containers have been submitted to the Purchasing Department. The purchase of an asphalt zipper was approved by City Council on August 9, 2007.

The purchase order contracts include the following equipment as authorized by the FY 2007 Master Lease Program for the Storm Water Fund and the Water Fund respectfully:

Item 12: Spec 906SSM Skid Steer Loader (Storm Water Fund); 1 for \$81,646 from Associated Supply Company of Lubbock, Texas

Yellowhouse Machinery could not provide the concrete pump as specified.

Item 13: Spec 917WU - Articulated Steer Wheeled Loader (Water Fund); 1 for \$115,230 from Associated Supply Company of Lubbock, Texas

### **FISCAL IMPACT**

This equipment is authorized as part of the approved FY 2006-07 Master Lease Program.

Staff recommended bid award to Roberts Truck Center of Lubbock, Texas, for \$267,449; Lubbock Truck Sales of Lubbock, Texas, for \$290,017; Kinloch Equipment & Supply of Arlington, Texas, for \$343,110; Heritage Equipment

of Lubbock, Texas, for \$231,690; Continental Equipment Company of Dallas, Texas, for \$262,860; Screen Machine Industries of Pataskala, Ohio, for \$393,358.50; Bee Equipment Sales of Lubbock, Texas, for \$93,150;

Associated Supply Company of Lubbock, Texas, for \$301,376; and Equipment Southwest of Irving, Texas, for \$44,566.

Kevin Lair, Street Superintendent, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0560 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.22. Declaration of Commitment Resolution - Environmental Compliance: Resolution No. 2007-R0561 authorizing the Mayor to execute a Declaration of Commitment to implement an Environmental Management System through participation in coached training and assistance provided by the Texas Commission on Environmental Quality's EMS training contractor.**

As required by the City's Environmental Management Policy, City departments are developing and implementing Environmental Management Systems (EMS) in order to:

- strengthen compliance with environmental rules and regulations,
- mitigate adverse impacts their operations may have on the environment, and
- facilitate a culture of environmental stewardship within the City organization.

Significant progress has been made towards accomplishing the above goals. With the exception of LP&L and Solid Waste, all applicable City departments have implemented EMS.

The Environmental Protection Agency (EPA) and Texas Commission on Environmental Quality (TCEQ) sponsored EMS implementation program provides an excellent opportunity to lead Solid Waste, one of the most heavily environmentally regulated departments in the City, through the EMS development process. LP&L has agreed to participate in the program. The program entails:

Using funds from an EPA grant, the TCEQ will assist participating Texas cities in implementing an EMS.

Coaching and mentoring by EMS experts through development and implementation process will occur through October 2008 at no cost to the City.

The Declaration of Commitment obligates the City to participate fully in training and apply for membership in the TCEQ Clean Texas program.

Benefits of participation include:

Expert assistance and guidance in development of an EMS for the Solid Waste Department.

State-wide recognition for the City of Lubbock through the TCEQ Clean Texas program.

Qualification for other potential tangible benefits, such as reduced inspection frequency by EPA and TCEQ, expedited permitting procedures, and improved compliance history ratings.

Environmental stewardship by the City of Lubbock organization.

### **FISCAL IMPACT**

The \$12,500 program cost are as follows:

The \$7,000 cost for the training and travel to the eight training sessions for two employees is budgeted in the Adopted FY 2007-08 Solid Waste and Environmental Operating Budget.

The \$3,500 readiness assessment, which will be conducted in October 2008, is required for admittance to the Clean Texas Program. As well as the \$2,000 independent audit, also to be conducted in October 2008, will be included in the Proposed FY 2008-09 Solid Waste Operating Budget.

Total expenditures - \$12,500.

Staff recommended approval of this resolution.

Steve Claybrook, Director of Environmental Compliance, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2007-R0561 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.1. Public Hearing 10:00 A.M. - Business Development: Hold a public hearing to consider an ordinance to levy the assessment for the North Overton Public Improvement District, the boundary of which includes a portion of the area between 4th Street on the North Avenue Q to the East, Broadway Street on the South, and University Avenue to the West.**

Mayor Miller opened the public hearing at 10:03 a. m. No one appeared in favor of the North Overton Public Improvement District assessment. No one appeared in opposition. Mayor Miller closed the hearing at 10:07 a. m.

The public hearing provides an opportunity for property owners in the North Overton Public Improvement District (PID) to speak in favor of, or in opposition to, the assessment to be levied in the North Overton PID for 2008. The City of Lubbock is required to hold a public hearing annually to levy the assessment. A Notice of Public Hearing was published in the Avalanche Journal on Friday, November 23, 2007, and notices were mailed to the property owners on Wednesday, November 21, 2007, as required by statute.

**FISCAL IMPACT**

No fiscal impact.

Cheryl Brock, Senior Financial Analyst, gave a presentation on the North Overton Public Improvement District.

**6.2. Public Improvement District Ordinance - Business Development: Ordinance No. 2007-O0125 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Overton Public Improvement District; approving, adopting and filing with the City Secretary the Assessment Roll; and levying 2008 assessments for the cost of certain services and/or improvements to be provided in the District during FY 2008-09.**

Each year, the City is required to review classifications for the methods of assessing special benefits for the services and improvements of property in the North Overton Public Improvement District (PID); approve, adopt and file the assessment roll with the City Secretary; and levy the assessment for the North Overton Public Improvement District. This item is preceded by a public hearing, which allows property owners in the District to speak in favor of, or in opposition to, the assessment rate pursuant to Chapter 372 of the Texas Local Government Code.

The proposed assessment rate for 2008 is \$0.17 per \$100 of valuation through year 2009, decreasing to \$0.10 per \$100 of valuation in 2010. This is a change from the original Service Plan which reflected \$0.15 per \$100 valuation through 2010 and then decreasing to \$0.10 in 2011. The revision to the Service Plan was required because of flat revenues expected in the next two years and the expected increase in cost of maintenance of the public improvements.

All property zoned commercial and high-density residential under the City of Lubbock Zoning Ordinance will be assessed for 2008. All single-family and duplex-zoned property will be assessed on a block-by-block basis as public improvements maintained by PID funds are completed in that block.

City Council is required to review the Service Plan annually and adopt an ordinance setting the assessment rate for the PID. The revised Service Plan is provided in the backup.

**FISCAL IMPACT**

The assessments will go into a separate North Overton Public Improvement District Fund. The funds raised by the assessment will be used to provide security service, landscape maintenance, street and pedestrian lighting, maintenance on projects in the District, and a portion of the costs of administering the PID. The estimated total assessment that will be collected for 2007 is \$224,250 (97% collection).

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-O0125 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.3. Public Hearing 10:00 A.M. - Business Development: Hold a public hearing to consider an ordinance to levy the assessment for the North Point Public Improvement District, the boundary of which includes the area between Erskine Street and Ursuline Avenue, and between North Quaker Avenue to a line east of Frankford Avenue.**

Mayor Miller opened the public hearing at 10:07 a.m. Todd Swenson appeared to ask questions regarding the North Point Public Improvement District. No one appeared in opposition. Mayor Miller closed the hearing at 10:25 a.m.

The public hearing provides an opportunity for property owners in the North Point Public Improvement District (PID) to speak in favor of, or in opposition to, the assessment to be levied in the North Point PID. The City is required to hold a public hearing annually to levy the assessment. A Notice of Public Hearing was published in the Avalanche Journal on Friday, November 23, 2007, and notices were mailed to the property owners on Wednesday, November 21, 2007, as required by statute.

**FISCAL IMPACT**

No fiscal impact.

Lisa Sylvester addressed Council with her concerns regarding the lack of speed limit signs or stop signs in the school zones of North Point. City Manager Lee Ann Dumbauld suggested Ms. Sylvester meet with Marsha Reed to work on the traffic issues, and she would also refer the issue to the Chief of Police for additional patrolling.

Cheryl Brock, Senior Financial Analyst, and Assistant City Manager Rob Allison gave a presentation on the North Point Public Improvement District and answered questions from Council and from citizens.

**6.4. Public Improvement District Ordinance - Business Development: Ordinance No. 2007-O0126 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Point Public Improvement District; approving, adopting and filing with the City Secretary the Assessment Roll; and levying 2008 assessments for the cost of certain services and/or improvements to be provided in the District during FY 2008-09.**

Each year the City of Lubbock is required to review classifications for the methods of assessing special benefits for the services and improvements of property in the North Point Public Improvement District (PID); approve, adopt and file the assessment role with the City Secretary; and levy the assessment for the North Point Public Improvement District. This item is preceded by a public hearing, which allows property owners in the District to speak in favor of, or in opposition to, the assessment rate pursuant to Chapter

372 of the Texas Local Government Code. The proposed assessment rate for 2008 is \$0.14 per \$100 of valuation through year 2012, decreasing to \$0.08 per \$100 of valuation in 2013. All property will be assessed for 2008.

The development in the North Point PID has been slower than originally projected. Therefore, the Service Plan was revised to reflect the change in projected investment. The slower rate of development also impacted the assessment rate over the long term. In the revised Service Plan attached to the ordinance, the annual assessment rate is changed as follows:

\$0.14 per \$100 valuation extended through 2012

Beginning 2013, the assessment rate will be \$0.08 per \$100 valuation instead of \$0.04 as originally projected.

City Council is required to review the Service Plan annually and adopt an ordinance setting the assessment rate for the PID. The revised Service Plan is provided in the backup.

### **FISCAL IMPACT**

The assessments will go into a separate North Point Public Improvement District Fund. The funds raised by the assessment in the District will be used to provide maintenance on the commons areas on North Slide Road and adjacent right-of-way, creating and maintaining a green space located under a utility easement, and enhancing and maintaining amenities in the entry stations on North Slide Road, and a portion of the costs of administering the PID. The estimated total assessment that will be collected for 2007 is \$59,058 (97% collection).

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member Price, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-00126 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

#### **6.5. This item was considered following Citizens Comments**

#### **6.6. Board Appointment - City Secretary: Declare one appointment to the Lubbock Centennial Committee.**

Marie Hanza resigned from the Lubbock Centennial Committee after accepting an out-of-state employment position. The Mayor shall declare one appointment to fill the vacancy.

Mayor Miller appointed Shelby Shaw to the Lubbock Centennial Committee.

**7. WORK SESSION**

**7.1. Presentation on the progress in the Overton Park development and its impact on the Central Business District. Delbert McDougal, CEO of McDougal Companies (15 minutes)**

Delbert McDougal, CEO of McDougal Companies gave a presentation on the progress in the Overton Park development and its impact on the Central Business District. The presentation included the Overton Park Master Plan. Council thanked McDougal for what Overton Park has brought to the City of Lubbock.

**7.2. Presentation and update on the FY 2007-08 Street Maintenance Program. Kevin Lair, Street Superintendent (20 minutes)**

Kevin Lair, Street Superintendent gave a presentation and update on the FY 2007-20 Street Maintenance Program and Plan, which included the primary seal coat project, the secondary seal coat project, the asphalt patching project, the concrete replacement project, and the five year parking lot plan. Lair then answered questions from Council.

**10:55 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**11:55 A.M. COUNCIL ADJOURNED**

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