

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
JANUARY 10, 2008  
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 10th day of January, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

**7:30 A.M. CITY COUNCIL CONVENED**  
City Council Chambers, 1625 13th Street, Lubbock, Texas

**Present:** Mayor David A. Miller, Mayor Pro Tem Jim Gilbreath, Council Member Linda DeLeon, Council Member Phyllis Jones, Council Member Todd R. Klein, Council Member John Leonard, Council Member Floyd Price

**Absent:** No one

**1. CITIZEN COMMENTS**

**1.1. Gilbert Salinas will appear before the City Council to discuss playgrounds, swimming pools, and street lights.**

Gilbert Salinas appeared before Council to talk about playground and park improvements in east Lubbock.

- Terry Maroste appeared before Council to talk about a citation he received in the mail for running a red light, and the fact that he had loaned his truck to his brother-in-law. He also voiced his opposition for red light cameras.

**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."**

**7:37 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. (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.

**9:20 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 9:20 A. M.**

**3. PROCLAMATIONS AND PRESENTATIONS was considered following Item 5.3, which was moved to Regular Agenda.**

**4. MINUTES**

**4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, December 6, 2007; Regular City Council Meeting, December 14, 2007**

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of December 6, 2007 and the Regular City Council Meeting of December 14, 2007 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5. CONSENT AGENDA (Items 5.2, 5.4-5.5, 5.7-5.14, 5.17, 5.19-5.23)**

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Items 5.2, 5.4-5.5, 5.7-5.14, 5.17, 5.19-5.23 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 5.23.**

**5.2. Acceptance Resolution - Finance: Resolution No. 2008-R0001 approving the execution and delivery by Lubbock Economic Development Alliance to American State Bank a promissory note for a revolving line of credit.**

Lubbock Economic Development Alliance (LEDA) has had a revolving line of credit with American State Bank since 2005. The LEDA board of directors approved the line of credit, but City Council action has never been taken.

The line of credit has never been used and there are no current plans to use the line of credit. LEDA would like to have the funding option available should a short-term need arise.

The City's Bond Council, Vinson & Elkins LLP, has reviewed the documentation and has "no problems with the City approving this."

**FISCAL IMPACT**

If the line of credit is used, LEDA will use operating funds for the principal and interest payments. The principal amount borrowed would be subject to the variable interest rate (currently set at 8.25%). Payments would consist of regular monthly payments of accrued unpaid interest. One payment of all outstanding principal plus accrued unpaid interest is due on the agreement's anniversary.

Staff recommended approval of this resolution.

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

**5.4. Property Insurance Resolution - Finance: Resolution No. 2008-R0002 authorizing the purchase of property insurance coverage for John T. Montford Dam from ACE Fire Underwriters Insurance Company.**

The City is required to maintain an insurance policy for the Montford Dam at Lake Alan Henry. As such, the City's broker of record solicited quotations from Lexington Insurance Company, Axis Insurance, Chubb Custom, and various Bermuda and London markets for coverage. Axis Insurance, Chubb Custom, and the Bermuda markets were not interested in providing a quote because of the specialized nature of the insured item. Lexington and the London markets were not able to meet the requested pricing that matched the renewal pricing from ACE Fire Underwriters Insurance Company. ACE Fire Underwriters Insurance Company quoted a reduced premium even though the total value of the dam with all improvements increased from \$69,120,000 to \$71,677,440. The annual premium decreased \$10,784 from \$144,506 to

\$133,722. Coverage for the dam is limited to \$50 million with a \$2 million deductible, because a total failure of the dam would not include all improvements the above coverage is sufficient to protect the City's assets. Terrorism coverage is also included in the policy.

#### **FISCAL IMPACT**

The \$133,722 annual premium is included in the adopted FY 2007-08 Risk Management Fund operating budget.

Staff recommended approval of this resolution.

#### **5.5. Contract Resolution - Parks and Recreation: Resolution No. 2008-R0003 authorizing the Mayor to execute an agreement with TG Trees Nursery and Garden Center for maintenance of landscaped areas at the intersection of Indiana Avenue and South Loop 289.**

In 1999, The City entered into an agreement with the Texas Department of Transportation (TXDOT) to provide maintenance of landscaped areas along South Loop 289 between University Avenue and Slide Road. At that time, Councilman Max Ince developed a process for the City to contract with local businesses to sponsor portions of the landscape maintenance. Sponsoring businesses agree to perform maintenance in accordance with the terms and conditions imposed by the agreement with TXDOT. Current sponsoring businesses include Atmos Energy, Graco Development, McDougal Properties, TG Trees, and Poka Lambro. The agreement with TXDOT is provided as "Exhibit A".

Maintenance of the landscaped areas protect and preserve public health and safety by preventing growth of noxious weeds and other vegetation that harbors trash and other refuse and presents a visibility problem for motor vehicle traffic. Sponsoring businesses purchase and plant flowers in addition to the level of maintenance required by TXDOT. A minimum of two plantings of seasonal flowers are required per year. "Exhibit B" outlines the maintenance standards that the sponsoring business is required to perform and the City's obligations.

This agreement is with TG Trees Nursery and Garden Center for maintenance of the landscaped areas at the intersection of Indiana Avenue and South Loop 289 on the northwest, southwest, and southeast quadrants.

Summary of the agreement:

- The City agrees to grant an amount not to exceed \$10,494 annually to the sponsoring business for use in performance of its obligations under the agreement.
- The sponsoring business agrees to perform maintenance according to the standards shown on "Exhibit B".
- The term of the agreement is for four years.

- Advertising signs (no more than two per quadrant) will depict the logo of the sponsoring business. The signs shall not exceed 24 inches by 18 inches. The City will be responsible for the purchase and maintenance of the signs.
- The City will provide water for irrigation as well as maintain the irrigation system.

Annual pricing for each quadrant is as follows:

Southeast Quadrant	\$4,803
Northwest Quadrant	\$2,942
Southwest Quadrant	\$2,749

### **FISCAL IMPACT**

The total estimated annual maintenance cost is \$20,988. The City's share is one-half the cost, or \$10,494 annually. Funds are available in the adopted FY 2007-08 Parks Maintenance Operating Budget.

Staff recommended approval of this resolution.

**5.6. This item was moved from consent agenda to regular agenda and considered following Presentations and Proclamations.**

**5.7. Resolution - Cemetery: Resolution No. 2008-R0004 for the filing and dedication of a map and/or depiction of the City of Lubbock mausoleum property in the Official Public Records of Lubbock County, Texas.**

The City has constructed a mausoleum of the City of Lubbock Cemetery. As recommended by City Attorney's Office, filing a map and/or depiction of the mausoleum property in the Official Public Records of Lubbock County is prudent, as the City of Lubbock Cemetery will also dedicate this mausoleum property exclusively for cemetery purposes.

Attached is a document created by Hugo Reed and Associates depicting the location of the mausoleum property, as well as a document created by the City Engineering Department that identifies the individual crypts and niches within the mausoleum structure.

The Parks and Recreation Board has reviewed this request and recommended approval of this resolution.

This filing and dedication involves real property, and therefore the City Council is required to consider this action.

### **FISCAL IMPACT**

The filing fee is \$40 and will be funded through the Adopted FY 2007-08 Cemetery Operating budget.

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

**5.8. Contract Resolution - Citibus: Resolution No. 2008-R0005 authorizing the Mayor to execute State Funds Amendment No. 1 to Contract No. 51805F7054 with the Texas Department of Transportation for operating assistance to maintain the public transportation system.**

The Texas Transportation Commission revised the City of Lubbock and Citibus Section 5307 grant allocation from \$450,031 to \$655,201, an increase of \$205,170. The Section 5307 grant is used for operating assistance to maintain its public transportation system (Citibus). The original TxDOT Section 5307 grant allocation was appropriated by City Council at the meeting on September 13, 2007.

The Citibus budget included State transportation funds in the amount of \$750,000. The amended amount is still \$94,799 under budget for FY 2007-08. Citibus ended FY 2006-07 under budget by \$241,277.68. The \$94,799, if needed at the close of FY 2007-08, will come from the transit fund balance.

**FISCAL IMPACT**

Acceptance of this grant will result in no additional cost to the City.

Citibus recommended the approval of this resolution.

**5.9. Contract Resolution - Street Maintenance: Resolution No. 2008-R0006 authorizing the Mayor to execute a contract for asphalt patching for the 2008 Seal Coat Project, RFP 08-701-DD.**

This asphalt patching contract includes the removal and replacement of failed areas in streets with three, six, or nine inches of black base and one and one-half inches of hot mix. The work locations throughout Lubbock are included in the 2008 Seal Coat Projects.

Proposals were evaluated using the criteria published in the Request for Proposal as required by local Government Code 252.04(a). The evaluation criteria included price, 40%; contractor qualifications, 40%; safety record, 10%; and construction time, 10%.

Thirty-six local contractors were invited to bid.

Proposals were ranked as follows:

	Total Points	Proposal Amount
Lone Star Dirt and Paving of Lubbock, TX	460	\$ 859,885
Ronnie Zahn Paving of Lubbock, TX	422	\$ 895,020
West Texas Paving of Lubbock TX	205	\$1,042,200

In the past, asphalt patching was included in the specifications for the annual seal coat projects. However, this year asphalt patching was separated to provide local contractors an opportunity to work on patching in the winter months and to attract additional contractors to bid on the primary and secondary seal coat projects. This is a unit cost contract with a scheduled time for completion of 120 consecutive days with liquidated damages of \$1,000 per day.

**FISCAL IMPACT**

\$12.6 million is appropriated in Capital Project 92125, Street Maintenance Program with \$859,885 available for this purpose.

Staff recommended contract award to the low bidder, Lone Star Dirt and Paving of Lubbock, Texas, for \$859,885.

**5.10. Contract Resolution - Street Maintenance: Resolution No. 2008-R0007 authorizing the Mayor to execute a contract for concrete repair for the 2008 Seal Coat Project, RFP-08-702-DD.**

This contract is for concrete repairs, as part of the annual Seal Coat Program, consisting of the removal of failed or broken concrete areas (curb and gutter, fillets, and valley gutters) throughout the City, and replacing these areas with eight inches of Class B concrete, and placing new concrete intersections with 8 inches of Class E concrete.

Proposals were evaluated using the criteria published in the Request for Proposal as required by local Government Code 252.04(a). The evaluation criteria included price, 40%; contractor qualifications, 40%; safety record, 10%; and construction time, 10%.

Forty-four local contractors were notified about the project.

Proposals were ranked as follows:

	Total Points	Proposal Amount
Ronnie Zahn Paving of Lubbock, TX	410	\$599,462
M & S Concrete of Levelland, TX	380	\$666,325
Lone Star Dirt and Paving of Lubbock, TX	374	\$615,564
West Texas Paving of Lubbock, TX	160	\$997,050

In the past, concrete repairs have been included in the specifications for the annual seal coat projects. However, this year concrete repairs were separated to provide local contractors an opportunity to work on the concrete repairs in the winter months and to attract additional contractors to bid on the primary and secondary seal coat projects. This is a unit cost contract with a scheduled time for completion of 120 consecutive days with liquidated damages of \$1,000 per day.

**FISCAL IMPACT**

\$12.6 million is appropriated in Capital Project 92125, Street Maintenance Program with \$599,463 available for this purpose.

Staff recommended contract award to Ronnie Zahn Paving of Lubbock, Texas, for \$599,462.

**5.11. Contract Resolution - Solid Waste: Resolution No. 2008-R0008 authorizing the Mayor to execute a purchase order contract for compactor wheel cleats, BID 08-011-MA.**

Cleats on the wheels of a Bomag landfill compactor need to be replaced regularly to ensure the compactor operates efficiently. New cleats will improve compaction allowing for the compaction of more trash into a smaller area and improve the compactors traction on the landfill workface.

The City solicited bids for one complete set of wheel cleats and separate bids for the installation. Caron Compactor Company of Escalon, California, submitted a \$44,844 bid for the wheel cleats and a \$14,250 for the installation. Associated Supply Company of Lubbock, Texas, submitted a \$50,589 bid for the wheel cleats and a \$8,620 bid for the installation.

Staff recommended purchasing the wheel cleats from the low bidder, Caron Compactor Company of Escalon, California, for \$44,844. Staff also recommended purchasing the installation from the low bidder, Associated Supply Company of Lubbock, Texas, for \$8,620. The purchase order contract for the installation is less than \$25,000 and does not require a resolution.

### **FISCAL IMPACT**

Funding is available in Adopted FY 2007-08 Solid Waste Disposal operating budget.

Staff recommended approval of this resolution.

**5.12. Contract Resolution - Solid Waste: Resolution No. 2008-R0009 authorizing the filing of a grant application with the South Plains Association of Governments for a regional solid waste grant programs grant to purchase equipment for the City of Lubbock recycling programs.**

House Bill 3072 mandates that the Texas Commission on Environmental Quality (TCEQ) return to local governments a portion of the state per ton surcharge of \$1.25. The funds are apportioned to the Council of Governments based on a formula that includes, but is not limited to, population, need, and number of counties in the Council of Governments area. The Council of Governments then conducts a competitive grant application process to address the needs of their specific region. This year, South Plains Association of Governments (SPAG) has \$165,000 available for pass-through implementation projects. The SPAG Solid Waste Advisory Committee has chosen to limit each single-jurisdiction award to a maximum of \$58,000. The \$25,035 grant application is for the purchase of equipment that will be used at the recycling drop-off centers and for other recycling programs. The equipment includes:

- \* Two-thousand 14-gallon blue recycle bins. These will be available to residents, businesses, and university students.
- \* Three outdoor message boards that focus and education about local and current recycling efforts. The message boards will be located at three permanent City of Lubbock recycling drop-off centers.

- \* One utility vehicle with a cargo bed for the safe and efficient transfer of items dropped-off at the recycling centers.

**FISCAL IMPACT**

Operating and maintenance cost of the equipment is included in adopted FY 2007-08 Solid Waste operating budget.

Staff recommended approval of this resolution.

**5.13. Contract Resolution - Water Utilities: Resolution No. 2008-R0010 authorizing the Mayor to execute a purchase order contract for a flame atomic absorption spectrometer for the Water Treatment Plant, BID 08-003-FO.**

This item is for the purchase of a flame atomic absorption spectrometer with cold vapor/hydride generator used in the laboratory at the Water Treatment Plant. This equipment is for the analysis of calcium, magnesium, potassium, sodium, iron, and mercury in drinking water and ground water from the Bailey County well field and the City land application sites. The atomic absorption spectrometer with cold vapor/hydride generator enables staff to provide timely, reliable, and accurate analysis results for drinking water and ground water samples. The spectrometer will replace the existing obsolete inductively coupled plasma analyzer that was purchased in 1995.

**FISCAL IMPACT**

The spectrometer is included in the adopted master lease program. The annual payment is included in the adopted FY 2007-08 annual Water Fund operating budget.

Staff recommended bid award to the sole bidder, Varian of Walnut Creek, California, for \$43,626.

**5.14. Contract Resolution - Water Utilities: Resolution No. 2008-R0011 authorizing the Mayor to execute a purchase order contract for liquid chlorine for the Water Reclamation and Water Treatment plants, BID 08-005-FO.**

This contract establishes annual pricing for liquid chlorine for a one-year term with the option to renew for two additional one-year terms. Liquid chlorine is a chemical used daily at the Southeast Water Reclamation Plant, Water Treatment Plant, and Bailey County's Pump Station for disinfection. The City uses approximately 877 tons of liquid chlorine annually.

Bids were received from the following companies:

- DPC Industries of Sweetwater, TX \$538 per ton
- Brenntag Southwest of Borger, TX \$580 per ton

**FISCAL IMPACT**

Funding is available in adopted FY 2007-08 Water Fund operating budget.

Staff recommended award to the lowest bidder, DPC Industries of Sweetwater, Texas, for \$538 per ton, or approximately \$471,826 annually.

- 5.15. This item was moved from consent agenda to regular agenda and considered following Item 6.5.**
- 5.16. This item was moved from consent agenda to regular agenda and considered following Item 5.18.**
- 5.17. Contract Resolution - Information Technology: Resolution No. 2008-R0012 authorizing the Mayor to execute a license agreement with Intergraph Corporation for Geographic Information Systems software.**

The City Geographic Information System (GIS) operates on software supplied by Intergraph Corporation. The City currently has 21 licenses for GeoMedia Pro, the software used for GIS data creation and maintenance, and 19 for GeoMedia, which is available for more limited viewing and analysis. These are concurrent user licenses that are available to users on a first-come, first-served basis until the maximum number of copies is expended. The GeoMedia Pro license pool is generally in full use every day by mid-morning, and many who need the system are unable to gain access.

This subscription based agreement with Intergraph Corporation provides for annual upgrades and modifications allowing the software to change as needs change. Under the agreement, the City may review the software included at the end of each year and modify the software quantities and/or products as long as the annual maintenance commitment is maintained at the contract level.

The contract will increase the number of licenses available to the City as shown in the following table. The purchase price for this additional software through a conventional purchase is \$314,000 for software alone with a maintenance agreement for an additional fee. Under this agreement, the only cost to the City is for maintenance.

Software	Existing	New	Total
GeoMedia	19	11	30
GeoMedia Pro	21	19	40
GeoMedia Fusion	0	2	2
GeoMedia Grid	0	2	2
GeoMedia Web Map	0	1	1

In addition to the additional software, the new maintenance agreement will include two weeks each of onsite consultation and/or training by Intergraph personnel, or subcontractors approved by the City. In 2007-08, one week of this service will be devoted to design and implementation of the Planning Department Zoning and Zoning Board of Adjustment case file GIS project, which will ultimately enable citizens to look for property zoning on the City's website.

**FISCAL IMPACT**

The three year agreement will retroactively begin January 1, 2008, and end December 31, 2010. The annual cost is \$111,288. This cost is based on a 3-year cost of \$361,872 less credit for our existing contracts of \$28,008. The agreement will replace the three existing maintenance contracts that the City has on previously purchased software. The 2007 annual maintenance contracts cost \$41,520. If the City chooses not to continue the new maintenance contract in the future, it will still retain ownership and use of the licenses for the software purchased before October 1, 2007.

Funding for the contract is included in the adopted FY 2007-08 Information Technology operating budget.

Staff recommended approval of this resolution.

- 5.18. This item was moved from consent agenda to regular agenda and considered following Item 5.15.**
- 5.19. Contract Resolution - Fire: Resolution No. 2008-R0013 authorizing the Mayor to execute a purchase order contract for protective bunker gear – annual pricing, BID 08-010-FO.**

This contract establishes annual pricing for the purchase of protective bunker gear for new recruits and the replacement of bunker gear that either fails National Fire Protection Agency testing or becomes unserviceable due to damage that occurs during the course of emergency responses. The contract term is one year with an option to renew annually for up to two additional one-year terms.

The following companies submitted bids:

Daco Fire Equipment of Lubbock, TX	\$93,548
NAFECO of Decatur, AL	\$97,760

Ferrara Fire Apparatus of Holden, Louisiana, submitted a bid that did not meet specifications.

**FISCAL IMPACT**

\$130,070 is appropriated in the adopted FY 2007-08 Fire Department budget for this purpose with \$93,548 available.

Staff recommended contract award to the lowest bidder meeting specifications, Daco Fire Equipment of Lubbock, Texas, for \$93,548.

- 5.20. Contract Resolution - Police: Resolution No. 2008-R0014 authorizing the Mayor to execute a purchase order contract for ergonomic 9-1-1 dispatch consoles.**

The Lubbock Police Department was awarded a grant from the Lubbock Emergency Communication District to purchase communication center equipment for FY 2007-08. Four dispatch modular consoles with accessories will be purchased.

The consoles meet the same standards as the six consoles installed in 2006 and 2007 by Watson Dispatch for the Lubbock Police Department. Watson Dispatch is the only manufacturer of the Synergy Full Lift Dispatch Console Furniture System. No other vendor will be able to reconfigure or add new positions that will match this furniture and meet specifications. 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. Replacing the current consoles with four identical consoles ensures that employees can perform identical tasks regardless of where they sit. These consoles rise and lower so that dispatchers may stand or sit during their shifts and still perform dispatching duties.

#### **FISCAL IMPACT**

\$54,776 is appropriated in the Adopted FY 2007-08 Police Department budget for this purpose. A \$49,298 grant is being provided by the Lubbock Emergency Communication District.

Staff recommended the purchase order contract to Watson Furniture Group of Poulsbo, Washington for \$37,312.

- 5.21. Resolution - Police: Resolution No. 2008-R0015 authorizing the Mayor to execute a purchase order contract with Nardis, Inc., for police duty uniforms for the Lubbock Police Department pursuant to an existing interlocal purchasing agreement with Lubbock County.**

This purchase order contract is for "off-the-rack" policy duty uniforms using an existing purchasing contract between Lubbock County and Nardis, Inc. The current renewal term of the current agreement is June 1, 2007, through May 31, 2008. This contract has an option to renew annually for up to three additional one-year terms. The Police Department currently utilizes policy duty uniforms manufactured by Blauer and distributed by Nardis. Both have proven to be above standards. The Blauer "off-the-rack" police duty uniform has been excellent in terms of appearance, comfort, and durability.

The City of Lubbock Police Department has 380 uniformed officers. This number is due to increase to approximately 422 officers.

#### **FISCAL IMPACT**

Funding is included in the Adopted FY 2007-08 Police Department operating budget.

Staff recommended approval of this resolution.

- 5.22. Resolution - Municipal Court: Resolution No. 2008-R0016 providing for payment of Municipal Court of Record fines, fees, and other costs by Internet access and credit card payments pursuant to the City's existing agreement for computer software services with Tyler Technologies, Inc. (INCODE).**

Municipal Court desires to resume "on-line" payments of citizen fines/court costs. To accomplish this, INCODE must provide citizen access to information in the City's court management system related to the citation itself, the amounts involved, etc. The fee to be charged by INCODE to provide this access and information is \$1.50 per transaction. Municipal Court recommended passing this cost along to the citizen who chooses this option for payment. In addition to the access fee, the Court also pays a fee to the credit card company and a fee to an entity that provides instant verification of the credit card. Both of these fees, being "credit card" fees cannot be charged to the citizen without violating the City's existing credit card agreement. Those fees are being absorbed by the Court and included in its annual budget. The access fee can be charged to the citizen without violating our credit card agreement.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of this resolution.

- 5.23. Contract Resolution - Municipal Court: Resolution No. 2008-R0017 authorizing the Municipal Judge of the City of Lubbock Municipal Court of Record to execute an agreement with Authorize.Net for professional services with regard to paying Municipal Court fines, fees and charges by credit card payment.**

Authorize.Net is a partner with Tyler Technologies (INCODE). INCODE will be providing internet access to the Municipal Court software system for online payment of fines and fees. Authorize.Net will provide companion services (credit card verification) for online transactions.

**FISCAL IMPACT**

Credit card verification services will cost \$20 per month plus \$0.10 per transaction. Estimated cost for the service based on 1,000 transactions per month is \$120 per month, or \$1,440 annually. There is a one-time \$99 set-up fee. Funding is included in the Adopted FY 2007-08 Municipal Court Technology Fund budget.

Staff recommended approval of this resolution.

**6. REGULAR AGENDA**

**Note: Regular Agenda items, Consent Agenda items, and Proclamations and Presentations moved to Regular Agenda, are listed in the order they were addressed (5.1, 5.3, Proclamations and Presentations, 5.6, 6.5, 5.15, 5.18, 5.16, 6.1-6.8).**

**5.1. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2008-O0001 Amendment No. 3 amending the FY 2007-08 budget respecting the Grant, Central Business District Tax Increment Finance Fund, and LP&L Funds.**

1. Accept and appropriate \$49,298 from the Lubbock Emergency Communications District for enhancement to the Emergency Communications System. The grant assists Communication Center personnel in providing a higher level of service, and assists in maintaining public facilities. The grant will be used to purchase consoles and flat panel monitors allowing telecommunicators the option of standing or sitting during their shift without leaving their stations. The consoles will free up space for two additional positions in the room. Ten percent of the grant match is budgeted in the adopted FY 2007-08 Police Department operating budget.
2. Accept and appropriate \$247,703 from the United States Department of Justice's 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) for the Lubbock County Joint Enforcement Initiative Program. The JAG program funds local government activities to prevent and control crime and improve the Criminal Justice System. The City and Lubbock County are both eligible to receive funding through the grant and have committed to a Joint Enforcement Initiative Program. This years JAG funding will be used to purchase radio/data infrastructure and software upgrades the records management system and the purchase of automated vehicle locator transmitters, monitors, and video cards.
3. Accept and appropriate \$6,993 of additional grant funding from Texas Department of Housing and Community Affairs for the Low Income Home Energy Assistance Program (LIHEAP).  
  
Initial funding was granted in April 2007. The grant funds programs to assist low-income persons and families with weatherizing homes and installing energy efficiency measures.
4. Accept and appropriate \$15,325 of additional grant funding from Texas Department of Housing and Community Affairs for the Department of Energy Weatherization Assistance Program.  
  
Initial funding was granted in April 2007. The grant funds programs to assist low-income persons and families with weatherizing homes and installing energy efficiency measures.

5. Accept and appropriate \$150,872 of additional grant funding from Texas Department of State Health Services for Community Preparedness Section - Bioterrorism Preparedness.

Initial funding was granted in August 2007. The total funding is \$386,114. The program is designed to upgrade and integrate state and local public health jurisdictions' preparedness for and response to terrorism and other public health threats and emergencies.

6. Accept and appropriate \$125,000 of additional grant funding from Texas Department of State Health Services for Community Preparedness Section - Bioterrorism Preparedness-Lab.

Initial funding was granted August 2007. The total funding is \$250,000. The program facilitates Lubbock's efforts in developing laboratory-specific bioterrorism preparedness plans that addresses selected focus areas and required critical capabilities.

7. Appropriate and transfer \$50,000 from Central Business District Tax Increment Financing (CBD TIF) Fund balance to LP&L Fund for the relocation of power lines. Power lines were relocated to allow the Pioneer Hotel project to move forward with construction and to encourage redevelopment of the entire downtown area. The CBD TIF Board of Directors approved the expenditure at the November 27, 2007, Board meeting.

### **FISCAL IMPACT**

Provided in item summary.

Staff recommended approval of the first and only reading of this ordinance.

Jeff Yates, Chief Financial Officer; Nancy Haney, Executive Director of Community Services; Sandy Fortenberry, Public Health Preparedness Coordinator; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council. City Manager Dumbauld told Council that a line item budget on appropriation of funds received from Texas Department of State Health Services for Community Preparedness Section – Bioterrorism Preparedness would be provided to them on second reading.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on first reading Ordinance No. 2008-O0001 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

### **5.3. Contract Resolution - Finance: Resolution No. 2008-R0018 authorizing the Mayor to execute a contract for security guard service, BID 08-002-FO.**

This contract provides security guard services for City facilities and special events. The contract term is one year with an option to renew for up to two additional one-year terms. The \$32,800 bid from 1st Alarm of Lubbock of Lubbock, Texas, is within 5% (\$568 or 1.7%) of the \$32,232 low bid from Paragon Security & Investigations Agency of Arlington, Texas.

Pursuant to Texas Local Government Code 271.9051(b), in purchasing under this title any real property, personal property that is not affixed to real property, or services, if a municipality receives one or more competitive sealed bids from a bidder whose principal place of business is in the municipality and whose bid is within five percent of the lowest bid price received by the municipality from a bidder who is not a resident of the municipality, the municipality may enter into a contract with:

- (1) the lowest bidder; or
- (2) the bidder whose principal place of business is in the municipality if the governing body of the municipality determines, in writing, that the local bidder offers the municipality the best combination of contract price and additional economic development opportunities for the municipality created by the contract award, including the employment of residents of the municipality and increased tax revenues to the municipality.

An Affidavit of Eligibility from 1st Alarm of Lubbock is provided to assist City Council in determining the local bidder's eligibility for contract award pursuant to Local Government Code 271.9051(b)(2).

A bid tabulation is provided.

#### **FISCAL IMPACT**

Funds are appropriated in the adopted FY 2007-08 operating budgets of the department requiring security guard services.

Staff recommended bid award to the low bidder, Paragon Security & Investigations Agency of Arlington, Texas, for \$32,232.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2008-R0018 as recommended by staff.

Jeff Yates, Chief Financial Officer; Lee Ann Dumbauld, City Manager; Claude Jones, Police Chief; Victor Kilman, Director of Purchasing and Contract Management; and Anita Burgess, City Attorney, gave comments and answered questions from Council. After further discussions, consensus from Council was to award the bid to 1st Alarm of Lubbock. City Attorney Anita Burgess informed Council that certain language had to be incorporated into the motion if the choice was not the low bidder.

Council Members Price and Jones withdrew their motion, and motion was then made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2008-R0018 with an amendment to award the bid to 1st Alarm of Lubbock, due to the fact that City Council finds that 1st Alarm of Lubbock offers the city of Lubbock the best combination of contract price and additional economic development opportunities for the city of Lubbock, created by the contract award, including the employment of residents of the city of Lubbock and increased tax revenues to the city of Lubbock. Motion carried: 7 Ayes, 0 Nays.

**3. PROCLAMATIONS AND PRESENTATIONS**

**3.1. Invocation by Dr. Stan Blevins, Highland Baptist Church**

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

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

**3.3. Presentation of a special recognition to United Supermarkets, City Bank, and UMC Health System for being named among the 75 Best Companies to Work for in Texas.**

Mayor Miller presented special recognition to Matt Bumstead with United Supermarkets, Cory Newsom with City Bank, and Greg Bruce with UMC Health System for their respective companies being named among the 75 best companies to work for in Texas.

**3.4. Presentation of a special recognition to Jim Meiers recognizing his efforts to clean up his neighborhood.**

Mayor Miller presented special recognition to Jim Meiers for his efforts to clean up his neighborhood, and be a good neighbor and citizen.

**3.5. Board Recognition:**

**Central Business District Tax Increment Financing:**

**Latrell Joy**

**Community Development & Services Board:**

**Jerry Hudson**

**Kevin McConic** (unable to attend)

**Housing Finance Corporation Board of Directors:**

**Jeff Lowry**

**Keep Lubbock Beautiful Advisory Committee:**

**Kelly Marble** (unable to attend)

**Lubbock Street Naming Task Force:**

**Bonner Bennett** (unable to attend)

**Jim Bertram**

**Dr. John Bowen**

**Joan Ervin** (unable to attend)

**Frank Garcia** (unable to attend)

**Grace Garza**

**Mary Hatfield**

**Dr. Judi Henry**

**Tom Johnson**

**Cathy Mottet**

**George Tucker**

**Mikel Ward**

**Fred White**

**Richard Whittenburg** (unable to attend)

**Martha York**

**Model Codes & Construction Advisory Board:**

**Karinda Terry** (unable to attend)

**Park & Recreation Board:**

**Alex McAdoo**

**Structural Standards Commission:**

**Robert Rodriguez** (unable to attend) **William McDonald**

**Zoning Board of Adjustment:**

**Alice Chavez**

**Allen Teinert** (unable to attend)

**6. REGULAR AGENDA (continued)**

**5.6. Contract Resolution - Parks and Recreation: Resolution No. 2008-R0019 authorizing the Mayor to execute a purchase order contract for playground equipment at Atzlan Park, Guy Park, and Rawlings Park.**

The contract is for the purchase of playground equipment for the renovations at Atzlan Park at 1st Street and Avenue K, Guy Park at 93rd Street and Memphis Avenue, and Rawlings Park at 40th Street and Avenue B. The contract for the purchase of playground equipment includes the rubber surfacing poured in place.

Other renovations include grading, earth work, concrete, irrigation, and turf installation. Bids for this work are due January 22, 2008, and the construction contract will be considered at a February City Council meeting.

The \$282,236 purchase and installation of the Evos structures with associated equipment and poured in place rubber surfacing, is available through the Texas Association of School Boards Local Government Purchasing Cooperative, known as Buy Board, from Exerplay of Albuquerque, New Mexico.

Estimated time for the completion of this project is 30 consecutive calendar days and liquidated damages are \$25 per day.

**FISCAL IMPACT**

\$750,000 is appropriated in Capital Project 91170, Park Playground Replacement with \$283,000 available for this purpose.

Staff recommended approval of this resolution.

Randy Truesdell, Parks and Recreation Manager; Nancy Haney, Executive Director of Community Services; and Bill Howerton, Director of Community Development, gave comments and answered questions from Council. Mr. Truesdell will provide Council with a list of Parks that have walking tracks in the city of Lubbock. He was also asked to come back to Council with a presentation on walking tracks at a later date.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2008-R0019 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.5. Grant Agreement Resolution - Parks and Recreation: Resolution No. 2008-R0020 accepting recommendations from the Cultural Arts Grant Review Committee and the Civic Lubbock, Inc. Board of Directors for the 2007-08 Cultural Arts Grant Program using Hotel Occupancy Tax funds collected at the end of FY 2005-06.**

On February 6, 2007, City Council approved an agreement with Civic Lubbock, Inc. to administer the City's Cultural Arts Grant program. The agreement allocates \$194,909 to Civic Lubbock, Inc. for the grant programs. The term of the agreement is through March 31, 2008. The agreement also stipulates that the funds are to be used in making grant awards to cultural arts organizations for the encouragement, promotion, improvement, and application of the arts and the promotion of tourism in the Lubbock community. The funds represent 5.7% of the hotel and motel tax collected during FY 2005-06. In addition, interest earned on prior year funding was \$4,536, making a total of \$199,445 available for the 2007 Cultural Arts Grant Program. Civic Lubbock, Inc. elected to absorb any administrative expense in administering this program.

In reviewing requests and developing funding recommendations for each application, the Cultural Arts Grants Review Committee followed the guidelines approved as part of the agreement. A Grant Workshop was held on October 30, 2007, for all organizations wanting to apply for a Cultural Arts Grant. Workshop presenters included representatives from the Lubbock Convention and Visitors Bureau, the Lubbock Hotel Motel Association and the City Attorney's office. Nine applications were received by the November 30, 2007, deadline. After a thorough review and evaluation of the applications by the Cultural Arts Grant Review Committee, all nine applications were recommended for full funding since the total amount of the requests was lower than the funds available.

At the December 12, 2007, Civic Lubbock, Inc. meeting, the Cultural Arts Grant Review Committee, comprised of appointees of City Council and representatives of the Civic Lubbock, Inc. Board of Directors, submitted their recommendations to the full Civic Lubbock, Inc. The Cultural Arts Grant Review Committee and the Civic Lubbock, Inc. Board of Directors request City Council approval of \$97,700 of grant awards for the second granting period of the 2007 Cultural Arts Grant Program. The amount recommended is 49.5% of the Hotel Occupancy Tax and earned interest allocated for both granting cycles. A listing of the recommendations and comments from the Cultural Arts Grants Review Committee is provided.

**FISCAL IMPACT**

The Cultural Arts Grant Program is fully funded through the Hotel/Motel Occupancy Tax Fund.

Civic Lubbock, Inc. The Cultural Arts Grant Review Committee and the Civic Lubbock, Inc. Board of Directors recommended approval of this resolution.

Kay Sanford of the Cultural Arts Grants Review Standard Sub-Committee gave comments to Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2008-R0020 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Jones recused herself.

**5.15. Contract Resolution – Water Utilities: Resolution No. 2008-R0021 authorizing the Mayor to execute Change Order No. 1 to the contract with Craig Wallace Construction for construction of the Youth Sports Complex water main.**

This water main project involves providing water supply for the consumption and irrigation needs of the Youth Sports Complex. The existing irrigation main was constructed by the City as part of the Youth Sports Complex and provides a source of water for the central irrigation pump station for the entire facility. This change order is for the construction of an additional 530 feet of 10-inch water main to tie in to the existing irrigation main and to the 10-inch main line on the north border of the Youth Sports Complex. This additional water main will create a necessary water loop, which will increase the supply of water to the irrigation pump station allowing for future expansion to the irrigation system. An additional 30 days will be granted to the contract time for the construction of this portion of the water main. The \$29,709 change order increases the contract amount to \$503,422.

**FISCAL IMPACT**

\$1 million is appropriated in Capital Project 92070, Water Extension to Youth Sports Complex with \$503,422 available for this purpose.

Staff recommended the approval of this resolution. A 30-day time extension is necessary for the construction of the water main. The new contract completion date will be March 10, 2008.

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. 2008-R0021 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.18. Contract Resolution - Fleet: Consider a resolution authorizing the Mayor to execute a contract for auto body repair and paint services – annual pricing, BID 08-001-MA.**

**This Item was continued to the January 24, 2008 Regular City Council Meeting.**

The bid establishes annual pricing for auto body repair and paint services used for City vehicles and equipment. The contract term is for one year with an option to renew annually for up to two additional one-year terms.

Thirty-two local companies were invited to bid and seven responded. A bid tabulation is provided. Bids for parts are expressed as a percentage discount of the Mitchell's crash Guide and bids for labor are an hourly rate.

Based on visual inspection of the facilities and interviews with the bidders, all bidders meet the criteria for paint booths, machinery requirements, inside storage within a secured storage area, experience, 24-hour estimates, and the ability to perform body repairs and paint services.

Gene Messer Ford and Scoggin Dickey did not meet the following specification:

Bidder must include free pickup and delivery of vehicles, including flat bedding when required.

Scoggin Dickey did not meet the following specifications:

Bidders must agree to give the City of Lubbock Police Department vehicles first priority over other City of Lubbock vehicles in the shop. In addition, Contractor must make every effort to give priority to Police Department vehicles over other non-emergency type vehicles in the shop.

Contractor must be able to provide decal services when necessary/required. These decals can consist of unit numbers, department logos, etc. and will be supplied to the Contactor by the City of Lubbock.

#### **FISCAL IMPACT**

Funding is provided in various departments adopted FY 2007-08 operating budgets.

Staff recommended bid award to the lowest bidder meeting specifications, L & R Body Shop of Wolfforth, Texas. The contract includes a 25% discount on passenger vehicle and truck parts, a 15% discount on specialty vehicle parts, a \$32 labor rate for passenger vehicles and trucks, and a \$34 labor rate for specialty vehicles.

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

Leslie Cox, Director of Telecom and Fleet Operations; Victor Kilman, Director of Purchasing and Contract Management; and Anita Burgess, City Attorney, gave comments and answered questions from Council.

After further discussions, consensus from Council was to continue this item until the January 24, 2008 Regular City Council Meeting, since the bids are still live and so that staff can complete an analysis on cost savings on certain specifications.

Motion was made by Council Member Jones, seconded by Council Member Price to continue this item until the January 24, 2008 Regular City Council Meeting. Motion carried: 7 Ayes, 0 Nays.

**5.16. Contract Resolution - Water Utilities: Resolution No. 2008-R0022 authorizing the Mayor to execute Change Order No. 2 to the contract with Brown McKee for the construction of the 500,000 gallon ground storage tank and Booster Pump Station No. 15.**

This contract is for the construction of a 500,000 gallon ground storage tank and booster pump station for Pump Station No. 15 located just north of FM 1294 and east of Interstate 27 along North Ivory Avenue. This contract provides the utilities and infrastructure for the first phase of the Rail Port Industrial Development.

Change Order No. 2 adds the following items:

1. Instillation of additional valves for the operation of the pump station.
2. Additional cost of upsizing valves on the downstream side of the pumps needed for the proper maintenance and operation of the facility.
3. Additional time extension of 35 days to address Federal Aviation Administration and Texas Commission on Environmental Quality issues with the ground storage tank.

The time extension will change the substantial completion date to March 21, 2008. The original contract amount is \$1,486,736. This \$36,960 change order increases the contract to \$1,560,055.

**FISCAL IMPACT**

\$3,691,081 is appropriated in Capital Improvement Project 92115, Airport Industrial Area Water Improvements with \$1,560,055 available for this purpose.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2008-R0022 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

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

**This item was continued to the March 27, 2008 Regular City Council Meeting.**

Mayor Miller opened the public hearing at 10:21 a. m. No one appeared on behalf of Andy R. Hernandez. No one appeared in opposition. Mayor Miller closed the hearing at 10:24 a. m.

This zone case has been postponed several times by the City Council after it was originally approved by the Planning Commission. The reason for the delay has been an ongoing discussion with Lamar Outdoor Advertising regarding a possible amendment related to billboards on 19th Street west of

Loop 289. Previous zone cases for C-4 have been approved on west 19th Street that have traditionally excluded ten C-4 uses, one of which was billboards. Mr. Bill Boon and Lamar Outdoor have subsequently developed a formula to allow billboards that will provide orderly placement, separation, and materials. That agreement is illustrated in No. 2 and 3 in the conditions noted below. The applicant, Mr. Hernandez, was the caretaker of Mr. Wigley at the time the original zone case was filed. Mr. Wigley has since passed away. The parcel on 19th Street was the most recent location of Wigley's Rentals after the business moved from the downtown area. Since gaining control of the property, Mr. Hernandez has removed the staggering collection of "stuff" Mr. Wigley had collected. The applicant is requesting Commercial C-4 and has indicated a desire to place a billboard on the lot. During the original zone case, staff discussed at length the background of the West 19th Street Corridor zoning policy described below and that billboards have traditionally been an excluded use. Mr. Hernandez chose to continue the request. Even without the billboard, the zone change will make the property marketable to a permitted use. Because of the agreement between Planning staff and Lamar Outdoor, staff's recommendation is approval of the amended request.

Adjacent land uses:

- N – 19th Street and vacant
- S – the horse arena of the homeowner to the south
- E – commercial
- W – commercial

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

The recommendation of the Planning Commission includes the following "strikes" from the C-4 permitted uses:

1. Prohibited uses:
  - Automobile body shops
  - Billboards
  - Commercial private clubs and teenage clubs
  - Dancehall
  - Used furniture store
  - Game room except as an incidental use, pool, billiard and/or domino parlor
  - Motorcycle shop
  - Second hand goods store or pawn shop
  - Used car lot
  - Nightclubs

As noted above, during the original discussion, staff supported a request by the proponent to continue the case while staff worked with Lamar Outdoor Advertising to evaluate changes to the West 19th Street “policy”.

### **FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning Commission for a zone change to C-4, however, as a result of the work between staff and Lamar Outdoor, staff recommended the following prohibited uses with billboards deleted, plus two additional conditions as an amendment.

1. Prohibited uses:
  - Automobile body shops
  - Commercial private clubs and teenage clubs
  - Dancehall
  - Used furniture store
  - Game room except as an incidental use, pool, billiard and/or domino parlor
  - Motorcycle shop
  - Second hand goods store or pawn shop
  - Used car lot
  - Nightclubs

These comments will be considered for all future rezoning requests and new zoning requests for C-4 outside Loop 289 on West 19th Street. This condition and staff support will apply only to C-4 request on 19th Street west of Loop 289.

Proposed condition No. 2 is the work produced by discussions between Bill Boon and Lamar Outdoor which defines a separation requirement. Some original advocates of a reduction of billboards in Lubbock will be opposed to the introduction of the new condition, viewing it as a concession in a long hard fought issue. The opinion of staff is that it will reduce the number of attempts to amend zoning along 19th Street outside Loop 289 and provide a

guideline for future cases. Several cases are already in the works for the February process.

If City Council is comfortable with the new billboard condition and the basis for the spacing rule, please consider approval of condition No. 2: "Billboard shall have a minimum of two thousand six hundred forty (2,640) feet between all billboards regardless of which side of 19th street they are located on" and condition No. 3: "new or reconstructed billboards shall be modern steel structures". Staff is very careful to point out that the new spacing rule is related only to West 19th Street and does not get into the overall requirements of the sign ordinance provisions for billboards in any other locations within the City. Again, with these three conditions, staff recommended approval of this request.

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

Since recommendation from staff was to continue this item, Council consensus was to continue this item until the March 2, 2008 Regular City Council Meeting, so that there could be an education session on the history of the billboards here in Lubbock, along with the reason the policies that are in place today were put into place and how they may or may not need to be changed in the future.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to continue this item until the March 27, 2008 Regular City Council Meeting. Motion carried: 7 Ayes, 0 Nays.

**6.2. Public Hearing 10:00 a.m. - Planning: Ordinance No. 2008-O0002 Zone Case No. 3097 (North and South of 109th Street and East of Quaker Avenue) Hold a public hearing to consider request by AMD Engineering (for Frank Sorelle) for zoning change from T to GO on 7.451 acres of unplatted land out of Section 17, Block E2.**

Mayor Miller opened the public hearing at 10:24 a. m. No one appeared on behalf of Frank Sorelle. No one appeared in opposition. Mayor Miller closed the hearing at 10:25 a. m.

The request is to complete a row of tracts originally designed in the Orchard Park subdivision to provide garden office tracts along Quaker Avenue as a buffer to the interior residential.

Adjacent land uses:

N – vacant - residential

S – vacant - commercial

E – residential

W – mixed uses - public use, residential and garden office

As noted the case will complete the Garden Office zoning district from the half section line on the north that would normally be 107th Street to a line that will align with the alley south of 111th Street west across Quaker Avenue.

The subdivision was originally designed with this row of Garden Office tracts; one has been zoned and is in the process of being constructed.

As Garden Office, the project meets the intent of the Comprehensive Land Use Plan – in that the district is considered a buffer versus true commercial. Notes below regarding curb cuts address the normal concern for too many curb cuts along any thoroughfare.

The concept of concentrating true commercial at the corners of major thoroughfares accomplishes the three major objectives that deserve review during zone cases of this nature:

1. The ten acres per corner, with a forty acre total per intersection allows a concentration of commercial enterprises with a common parking lot. Customers can shop various establishments and not have to travel from store to store in their car, creating a convenience for the consumer.
2. The aggregation of commercial at corners of major intersections provides a safe and practical reduction of vehicles entering and leaving the thoroughfare for the trip between stores, making the thoroughfare system safer and more efficient.
3. The amount of commercial provided with the forty acre policy satisfies, or at many locations, more than satisfies the need for commercial land. Residential use is the greatest consumer of land, and rooftops are critical to the success of the future commercial. When the City is too aggressive with zoning for commercial, the price of that land is increased – and often remains undeveloped or sold at a loss to an unsuspecting buyer. Neither is a service to the public.

The example of non residential use of land between the mile grid (including churches, sub station for power, apartments and garden office) is not considered a breach to the “corner” concept so long as a proliferation of curb cuts does not occur that will disrupt the major thoroughfare.

This project meets the definition of “buffer” as noted within the comments regarding the Comprehensive Land Use Plan and meets zoning policies as long as the number of curb cuts is held in check to protect the thoroughfare system.

With two conditions approved by the Planning Commission, the provision of this row of Garden Office should not create any increased load on the thoroughfare system that the same amount of land would have if Orchard Park had been designed to extend to Quaker Avenue.

The staff supports the recommendation of the Planning Commission to the City Council with the two proposed conditions:

1. For each of the two parcels, a master curb cut plan is illustrated on a plat located in the file for the two parcels. A shared curb cut will occur splitting the lot line between each pair of the tentative number of lots. Fewer may occur as actual development proceeds.

2. A screening fence on the east side of the Garden Office tracts, stepped down at the entry street for visual purposes, shall be constructed with a brick base, brick columns and wood picket inserts. Gates are allowed to the alley for solid waste purposes. No vehicular access is allowed to the adjacent alley from any parcel.

#### **FISCAL IMPACT**

No fiscal impact.

The staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Price, seconded by Council Member Jones to pass on first reading Ordinance No. 2008-O0002 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.3. Bond Issuance Ordinance 1st and Only Reading – Finance: Ordinance No. 2008-O0003 providing for the issuance of City of Lubbock, Texas, Tax and Wastewater System Surplus Revenue Certificates of Obligation, Series 2008 in an amount not to exceed \$70 million; levying a tax and pledging surplus Wastewater System revenues in payment thereof; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.**

On November 20, 2007, City Council approved the first step in the issuance process of City of Lubbock, Texas, Tax and Wastewater System Surplus Revenue Certificates of Obligation, Series 2008. Resolution No. 2007-R0540, dated November 20, 2007, authorized publication of a notice of intention to issue the certificates of obligation.

Upon approval of this ordinance, the City will sell these certificates on a negotiated basis. On January 16, 2008, the City and RBC Capital Markets, the City's Financial Advisor, will negotiate a purchase price for the certificates with the City's chosen underwriters (Morgan Keegan as senior manager, Merrill Lynch, Southwest Securities, and Morgan Stanley).

The proceeds from the sale of the certificates will be used for improvements and extensions to the City's Wastewater System, including improvements to the Southeast Water Reclamation Plant.

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

#### **FISCAL IMPACT**

Included in item summary.

Staff recommended approval of the first and only reading of this ordinance.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass on first and only reading Ordinance No. 2008-O0003 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.4. Resolution - Finance: Resolution No. 2008-R0023 suspending for 45 days the implementation of Atmos Energy's application for an interim rate adjustment filed with the City of Lubbock on November 15, 2007, as provided for by Texas Utilities Code Section 104.301.**

Section 104.301 of the Texas Utilities Code authorizes a gas utility, within two years of their last filed rate case, to file with the regulatory authority a tariff or rate schedule that provides for an interim adjustment in the utility's monthly customer charge to recover the cost of changes in the investment in service for gas utility services, also known as the Gas Reliability Infrastructure Program ("GRIP") or an Interim Rate Adjustment ("IRA"). Pursuant to Section 103.001 of the Texas Utilities Code, the City Council of the City of Lubbock is the regulatory authority that has exclusive original jurisdiction over the rates, operation, and service of a gas utility operating within the municipality. The West Texas Division of Atmos Energy, on November 15, 2007, filed simultaneously with the City of Lubbock and the Railroad Commission of the State of Texas a GRIP tariff filing containing the proposed tariff, tariff calculation, earnings monitoring report and detail project reports.

In their GRIP tariff filing, Atmos Energy is requesting an increase of \$0.70 per customer per month for Residential Gas Service, \$2.01 for Commercial Gas Service, \$22.33 for Small Industrial Gas Service, \$9.95 for Public Authority Gas Service, and \$8.73 for State Institution Gas Service. The GRIP tariff increases will go into effect 60 days after filing on January 14, 2008, unless further action is taken by the regulatory authority. The City of Lubbock, as the regulatory authority, may, pursuant to Section 104.301(a) of the Texas Utilities Code, suspend the implementation of the GRIP tariff increases for a period of up to 45 days.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2008-R0023 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.5. This item was considered earlier in the day, following Item 5.6.**

**6.6. Board Appointments - City Secretary: Consider two appointments to Animal Shelter Advisory Committee.**

Motion was made by Council Member Klein, seconded by Council Member Price to appoint Lucile Redus and Robyn Katz to the Animal Shelter Advisory Committee.

After discussions were had, Council Members Klein and Price amended the motion and second to appoint Lucile Redus and Jack Thompson to the Animal Shelter Advisory Committee. Motion carried: 7 Ayes, 0 Nays.

**6.7. Chair Appointment - City Secretary: Appoint Chair for Central Business District Tax Increment Financing Reinvestment Zone for calendar year 2008, with term ending January 1, 2009.**

By state statute and City ordinance creating the Central Business District Tax Increment Financing, the governing body of the municipality will appoint one member of the board to serve as chair for a term of one year.

Board and staff recommended Robert Taylor be appointed as chair.

**FISCAL IMPACT**

No fiscal impact.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to appoint Robert Taylor as Chairman to the Central Business District Tax Increment Financing Reinvestment Zone Board. Motion carried: 7 Ayes, 0 Nays.

**6.8. Chair Appointment - City Secretary: Appoint Chair for North Overton Tax Increment Financing Reinvestment Zone Board for calendar year 2008, with term ending January 1, 2009.**

By state statute and City ordinance creating the North Overton Tax Increment Financing (TIF), the governing body of the municipality will appoint one member of the board to serve as chair for a term of one year. Jack Driskill is currently serving as chair and has agreed to serve this year. Board and staff recommended reappointing Jack Driskill as chair of North Overton TIF.

**FISCAL IMPACT**

No fiscal impact.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to appoint Jack Driskill as Chairman of the North Overton Tax Increment Financing Reinvestment zone Board. Motion carried: 7 Ayes, 0 Nays.

**10:35 A. M. CITY COUNCIL RECESSED**

**10:47 A. M. CITY COUNCIL RECONVENED.**

**7. WORK SESSION**

**7.1. This item was considered following Item 7.2.**

**7.2. Public works update.**

Marsha Reed, Director of Public Works, gave a presentation and update to Council on the Street Department's FY 07-08 street maintenance plan. The plan includes the 98th Street project update (Slide Road to Juneau Avenue), the 50th Street widening from Slide Road to West Loop 289, storm water management, FEMA flood maps update, traffic signals, and the "It's Red for a Reason – Please Pay Attention" safety campaign second quarter report. City-wide collision data was provided to Council on the red light cameras, and City Manager Lee Ann Dumbauld stated that a presentation would be made to both the Citizens Traffic Commission and the Citizens Photographic Traffic Signal Enforcement Committee. She said staff would bring the recommendations back to Council on whether the cameras should stay up or not. Ms. Reed also answered questions from Council.

**7.1. Presentation on proposed projects for bond election.**

Marsha Reed, Director of Public Works, and Andy Burcham, Director of Fiscal Policy and Strategic Planning, gave a presentation and answered questions on the proposed May 2008 bond election projects. These projects include street improvement, growth, signal communication upgrades, and park improvement. Mr. Burcham presented the financial impact of the bond package, which included the financial assumptions and the financial source/tax rate impact. Burcham gave a 2004 bond election project update, and also covered issues not addressed from the 2004 bond election, and then answered questions from Council. Larry Hertel, City Engineer, gave comments and answered questions from Council regarding street issues. Mayor Miller asked Ms. Reed to bring back to Council information on additional costs to reconstruct 34th Street from I.H. 27 to Avenue A. The Mayor asked Mr. Burcham to get a 20-year history of the I&S rate and how the city of Lubbock compares to other cities, and also how a six-month delay on the bond package from May 2008 to December 2008 would affect the tax rate.

Eddie McBride, Executive Director of the Lubbock Chamber of Commerce, gave comments.

**12:30 P. M. COUNCIL ADJOURNED**

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