

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
FEBRUARY 14, 2008
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 14th day of February, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:35 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. Clif Burnett will appear before the City Council to discuss Red Light Cameras Citizens Traffic Commission.

Clifton Burnett appeared before Council to speak about the complaint that he filed against the Citizens Traffic Commission regarding conduct at a meeting held on December 1, 2007. He also voiced his concerns with the red light camera issue.

1.2. Susan Radle will appear before the City Council to discuss enforcement of the Health and Safety Code regarding dogs attacking other animals.

Susan Radle appeared before Council to voice her concerns on vicious dogs attacking other animals and how the owners should share in the cost for the damages done. She asked Council to send someone to Austin to lobby, so that owners would be held responsible and pay for the damages done by their animals.

- Citizens who appeared to speak to Council regarding the request to change the street name of portions of North Avenue U, Cornell Street, North Avenue N, Baylor Street, North Avenue K, and 1st Street to Cesar Chavez Drive were: Mary Lou Garcia, Virginia Alamanza, and Grace Garza.
- Ron Pedersen appeared before Council to speak about the red light camera issue. He stated he doesn't believe red light cameras will stop red light runners.

2. EXECUTIVE SESSION was considered following Item 6.12.

3. PRESENTATIONS AND PROCLAMATIONS were considered following Council reconvening at 9:35 a.m.

4. **MINUTES** were considered following Item 3.4.
5. **CONSENT AGENDA** was considered following Item 5.24.
6. **REGULAR AGENDA**

Note: Regular Agenda items, Consent Agenda items moved to Regular Agenda, Proclamations and Presentations, and Minutes are listed in the order they were addressed (6.4, 5.1, 5.13, 5.18, 5.20, 5.24, 5.2-5.12, 5.14-5.17, 5.19, 5.21-5.23, 5.25-5.27, 3.1-3.4, 4.1, 6.13, 6.1-6.3, 6.8, 6.5, 6.11-6.12, 5.1, 6.5-6.7, 6.9-6.10).

- 6.4. **Automated Traffic Signal Enforcement - Traffic Engineering: Consider recommendations from the Citizens Photographic Traffic Signal Enforcement Committee and the Citizens Traffic Commission on continuing or abolishing the automated traffic signal enforcement system and either continue the program or consider an ordinance to repeal Ordinances No. 2006-O0131 and No. 2007-O0084 establishing the program.**

At the January 10, 2008, City Council meeting, staff submitted a six-month report on the Traffic Signal Photo Enforcement Program. The City Council requested the Citizens Photographic Traffic Signal Enforcement Committee and Citizens Traffic Commission review the data and make recommendations on continuing or eliminating the program. Letters of recommendation from each committee are provided for your consideration.

Mr. David Spears, chairman of the Citizens Photographic Traffic Signal Enforcement Committee, is expected to present its recommendation to City Council. Mr. David Miller, chairman of the Citizens Traffic Commission, is expected to present its recommendation to City Council.

Data and presentations furnished to the Citizens Photographic Traffic Signal Enforcement Committee and to the Citizens Traffic Commission are provided. In addition, agenda backup includes the January 2008 report of accidents and red light violations that was not previously available to the committees.

FISCAL IMPACT

The photo enforcement program is operated by a private company. There are internal costs for the Police Department to review and approve issuance of citations based on video and photographic data furnished by the private company. Depending on the number of violations and citations issued, revenues exceeding program costs may be possible. The contract will terminate at no additional cost if the ordinance is repealed.

Staff recommended approval.

David Spears, Chairman of the Citizens Photographic traffic Signal Enforcement Committee, presented the committee's recommendation to Council. David miller, Chairman of the citizens traffic Commission, presented the commission's recommendation to Council. Justin McDole,

representative of American Traffic Solutions, gave comments. Each Council member gave comments on the red light camera issue.

Motion was made by Council Member Leonard, seconded by Council Member Klein to pass on first reading Ordinance No. 2008-O0013 to rescind Ordinances No. 2006-O0131 and 2007-O0084, which established the program.

Mayor Miller allowed citizen John Gabus to give comments regarding the red light camera issue. More discussions were had. Mayor Pro Tem Gilbreath called the question, seconded by Council Member Leonard. Vote was taken, which carried: 7 Ayes, 0 Nays.

Vote was then taken on the original motion, made by Council Member Leonard and seconded by Council Member Klein, to repeal Ordinances No. 2006-O0131 and 2007-O0084. Motion carried: 4 Ayes, 3 Nays. Council Members DeLeon, Jones, and Price voted Nay.

5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2008-O0004 Consider budget ordinance amendment No. 4 for the FY 2007-08 budget respecting the Grant Fund and Hotel/Motel Tax Fund.

The ordinance, originally including items one and two, was approved on the first reading at the January 24, 2008, City Council meeting.

1. Accept and appropriate \$3,200 from the Texas Department of State Health Services for laboratory analysis of milk and dairy products performed by the Lubbock Health Department Regional Laboratory. The initial grant funding was approved in September 2006. During the contract period, more milk samples than anticipated were required to be analyzed. The appropriation funding is necessary to fund the additional analysis. The total grant is \$45,200.
2. Accept and appropriate \$10,000 from the Texas Department of Transportation for Safe Routes to School (SRTS) for non-infrastructure projects. The City partners in the development of Lubbock's SRTS Plan with Lubbock Independent School District, Frenship Independent School District, Lubbock-Cooper Independent School District, Durham School Services, Metropolitan Planning Organization, and the Lubbock Police Department. The \$3,200 participation of in-kind services is available in the adopted FY 2007-08 Traffic Engineering operating budget.
3. Appropriate \$175,000 of Hotel/Motel Tax Fund Balance to Civic Lubbock, Inc. for the administration of the 2008 Lubbock Music Festival.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on second and final reading Ordinance No. 2008-O0004 as recommended by staff.

Council Member Leonard's concern on this item was the funding of the Lubbock Music Festival through Civic Lubbock, Inc. Leonard states he requested a detailed audit that includes checks written.

Motion was made by Council Member Leonard, seconded by Council Member Klein to continue item 3 on agenda item 5.1 to the February 28, 2008 Regular City Council meeting. Motion carried: 5 Ayes, 1 Nay. Council Member DeLeon voted Nay.

Vote was then taken on passing items 1 and 2 on agenda item 5.1 Motion carried: 6 Ayes, 0 Nays.

Council Member Jones recused herself.

This item was reconsidered following Council reconvening at 1:30 p.m.

5.13. Ordinance 1st Reading - Traffic Engineering: Ordinance No. 2008-O0014 amending Section 16, Article VII, of the Code of Ordinances with regard to the establishment of a resident parking only program within specified portions of the City.

In June 1998, the City established a Resident Parking Only Program at the request of Tech Terrace Neighborhood residents. The program is designed to alleviate problems associated with students parking in front of residences. South Overton residents are now experiencing similar problems and have petitioned the City to expand the Resident Parking Only Program. There have also been complaints received from citizens in other neighborhoods.

Staff recommended the City expand the area to include Zone 1 for all of the Tech Terrace neighborhood, Zone 2 for the Heart of Lubbock neighborhood, Zone 4 for the North Overton neighborhood, and Zone 5 for the Arnett Benson neighborhood.

FISCAL IMPACT

Signs cost approximately \$200 each. Residents are required to pay \$52 for each sign. Staff estimates that 20 signs per year may be installed at a cost of \$2,960 (\$4,000 less residents' fee of \$1,040). Funding for the signs will come from the adopted FY 2007-08 Public Works operating budget.

Funds are available in the Traffic Engineering operating budget.

Larry Hertel, City Engineer, and Jere Hart, Traffic Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2008-O0014 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.18. Contract Resolution - Information Technology: Resolution No. 2008-R0045 authorizing the Mayor to execute a contract for renovations of the Municipal Square Information Technology computer room, BID 08-708-BM.

This contract involves renovations of the computer room in the Municipal Square Building. The current computer room has no fire suppression protection. A waterless fire suppressant system will be installed to protect the equipment and protect against loss of City services should a fire occur. The old cooling system for the computer room will be replaced. New offices will be constructed with access along the corridor, eliminating exposure to chemicals when the system is activated.

Bids for this project were obtained using the competitive sealed proposal procedure prescribed by Texas Local Government Code, Section 271.116. Using the competitive sealed proposal procedure is intended to help local governments attract contractors who otherwise may not have an interest in participating on the basis of low bid and gives the City the ability to bring the project in within budget with the contractor who offers the best value. This is compared to a competitive sealed bid that limits the City to basing contract award on the lowest bid, which may be over budget requiring the City either to search for additional funds or re-bid the project after modifying the plans and specifications.

Selection criteria published in the Request for Proposal included price, 40%; contractor qualifications, 40%; safety record, 10%; and construction time, 10%. The following general contractors submitted proposals and were evaluated and ranked as follows:

1. Minnix Commercial Partners of Lubbock, TX	477 points	\$430,700
2. Lubbock Builders of Lubbock, TX	437 points	\$455,000
3. Danny Klein Construction of Lubbock, TX	404 points	\$468,854

Texas Local Government Code Section 271.116(f) requires the City to select the offeror offering the best value based on the published selection criteria and on its ranking evaluation. In determining best value, the City is not restricted to considering price alone, but may consider any other factor stated in the selection criteria. The City and its engineer or architect may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the City is unable to negotiate a contract with the selected offeror, the City must, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

Minnix Commercial Partners received the highest score and scope modification included locating the air conditioning unit at ground level, changing the lighting package, and re-pricing doors, hardware, alarm, and fire suppression system, which reduced the cost \$9,455.

Time for completion is 180 consecutive calendar days with liquidated damages of \$250 per day.

FISCAL IMPACT

\$458,000 was appropriated in three capital improvement projects: \$345,000 in 90389 IT Computer Room Renovation; \$73,000 in 91151 IT Computer Room New HVAC; and \$40,000 in 91159 Telephone Equipment Room New HVAC, with \$421,245 available for this purpose.

Staff recommended contract award to the low bidder, Minnix Commercial Partners of Lubbock, Texas, for \$421,245.

Mark Yearwood, Assistant City Manager, gave comments and answered questions from Council. Mayor Miller asked Mr. Yearwood that, in the future, if he has critical data being threatened by lack of security or fire suppression, to please notify Council so that the issue can be expedited in order to protect the integrity of the data. Council Member Gilbreath asked Mr. Yearwood to look into the possibility of outsourcing.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2008-R0045 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Klein recused himself.

5.20. Contract Resolution - Parks and Recreation: Resolution No. 2008-R0046 authorizing the Mayor to execute a contract with Hub City Pavers, Inc., for Atzlan, Guy, and Rawlings Parks improvements, BID 08-709-DD.

This contract involves site demolition and construction to accommodate new playgrounds at Atzlan, Guy, and Rawlings Parks. The work consists of removal of existing playgrounds and construction of concrete sidewalks, caliche base pads for rubber surfacing, picnic tables, grills, benches, parking, and repairs and modifications to the irrigation systems.

Bids were obtained using the competitive sealed proposal procedure prescribed by Texas Local Government Code, Section 271.116. Using the competitive sealed proposal procedure is intended to help local governments attract contractors who otherwise may not have an interest in participating on the basis of low bid and gives the City the ability to bring the project in within budget with the contractor who offers the best value. This is compared to a competitive sealed bid that limits the City to basing contract award on the lowest bid, which may be over budget requiring the City either to search for additional funds or re-bid the project after modifying the plans and specifications.

Selection criteria published in the Request for Proposal included price, 30%; contractor qualifications, 40%; safety record, 10%; and construction time, 20%. The following general contractors submitted proposals and were evaluated and ranked as follows:

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Hub City Pavers of Lubbock, Texas, proposed a project cost of \$250,158 with completion in 90 days and scored 452.

Specialized Earthwork of Fort Worth, Texas, proposed a project cost of \$265,000 with completion in 50 days and scored 431.

County Mercantile of Lubbock, Texas, proposed a project cost of \$214,367 with completion in 40 days and scored 413.

Brown-McKee of Lubbock, Texas, proposed a project cost of \$299,999 with completion in 100 days and scored 384.

Texas Local Government Code Section 271.116(f) requires the City to select the offeror that offers the best value based on the published selection criteria and on its ranking evaluation. In determining best value, the City is not restricted to considering price alone, but may consider any other factor stated in the selection criteria. The City and its engineer or architect may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the City is unable to negotiate a contract with the selected offeror, the City must, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

Hub City Pavers received the highest score and scope modifications included Parks and Recreation providing layout and staking, which reduced the time for completion to 60 days. Hub City Pavers has completed 16 park projects that are comparable to this project on time and with quality workmanship, which contributed to their high score.

The low bidder included in their proposal four project references, which indicated they do not have significant experience relevant to the project. The references cited construction of several metal buildings and renovation of a funeral home. Two references provided a satisfactory rating, one gave them a non-satisfactory rating, and the fourth reference could not find any documentation supporting the contractor had performed work. The low bidder proposed using an irrigation subcontractor from Amarillo without any commercial or park experience, only residential. Staff is not confident that, based on the low bidder's resources and experience, they can complete the project in amount of time stated. Forty days for completion appeared to indicate a lack of experience.

Time for completion is 60 consecutive calendar days and liquidated damages are \$100 per day.

FISCAL IMPACT

\$750,000 is appropriated in Capital Improvement Project 91170, Park Playground Replacement, with \$250,158 available for this purpose.

Staff recommended contract award to Hub City Pavers of Lubbock, Texas, for \$250,158.

Randy Truesdell, Parks and Recreation Manager, gave comments and answered question from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0046 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.24. Contract Resolution - Water Utilities: Resolution No. 2008-R0047 authorizing the Mayor to execute Change Order No. 3 to the contract with Brown McKee, Inc., for the 500,000 Gallon Ground Storage Tank and Booster Pump Station No. 15 project.

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

Change Order No. 3 includes three items:

- Installation of a SCADA System to allow operation of the facility remotely.
- Addition of a 16" butterfly valve to isolate the tank from the Venturi meter.
- Time extension of 90 days due to lead-time for delivery of SCADA equipment.

The time extension will change the completion date to June 19, 2008. The original contract amount is \$1,486,738. The \$279,443 change order increases the contract to \$1,839,499.

FISCAL IMPACT

\$3,691,081 was appropriated in Capital Improvement Project Number 92115, Airport Industrial Area Water Improvements, with \$1,839,499 available for this purpose. Change order No. 3 adds an additional \$279,443 for a total new contract amount of \$1,839,499.

Staff recommended approval of this resolution.

Tom Adams, Deputy City Manager/Water Utilities Director, gave comments and answered questions from Council. Council Member Leonard asked of City Manager Lee Ann Dumbauld, in the future, if it is known that another item is to be presented or added, to include that information in the original contract.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2008-R0047 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.2-5.12, 5.14-5.17, 5.19, 5.21-5.23, 5.25-5.27)

Motion was made by Council Member Leonard, seconded by Council Member Price to approve Items 5.2-5.12, 5.14-5.17, 5.19, 5.21-5.23, 5.25-5.27 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.2. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2008-O0015 Amendment No. 5 amending the FY 2007-08 budget respecting the Grant Fund and the General Fund.

1. Accept and appropriate \$364,445 from the Texas Department of Housing and Community Affairs for the Community Services Block Grant.

The grant funds programs to assist low-income persons and families with Self-Sufficiency and Information and Referral. The Self-Sufficiency program, operated by Catholic Family Services, is a case management higher education program that assists low income households through direct assistance with tuition, fees, books, and other class requirements and with indirect services such as rent, utilities, child care, and transportation.

The Information and Referral program, operated by South Plains Association of Governments, provides referrals to social service agencies and publishes a directory of social service agencies. The grant contract will expire December 31, 2008.

2. Accept and appropriate \$390,302 from the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program an energy assistance program.

The grant funds programs to assist low-income persons and families with energy utility costs and repair or replacement of old and inefficient heating and cooling systems, water heaters, and refrigerators. The contract expires December 31, 2008.

3. Reclassification of three positions from Police Officer to one Police Sergeant and two Police Lieutenants allows the Police Department to implement their reorganization plan. No additional funding is needed. The cost of reclassification will be absorbed through the adopted FY 2007-08 Police Department operating budget.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the first reading of this ordinance.

5.3. Contract Resolution - Finance: Resolution No. 2008-R0048 authorizing the Mayor to execute a contract with WTG Gas Marketing, Inc., for the sale and purchase of natural gas for municipal facilities, BID 08-016-MA.

This contract is for the purchase of natural gas for all municipal facilities. The annual volume of natural gas used in City facilities is approximately 100,000 MMBtu. WTG Gas Marketing (WTGM) will deliver gas using existing interconnects with Mark West Energy Partners. The monthly price for the gas is 100.07% of the first of month El Paso Natural Gas - Permian Basin index as published in "Inside FERC's" Gas Market Report, Prices of Spot Gas Delivered to Pipelines, plus \$0.35 per MMBtu. This price represents a delivered price to the City and is inclusive of all upstream transportation and

fuel costs. The contract term is 10 years with the right to terminate by 90 days written notice.

The City will continue the current transportation agreement between the City of Lubbock, d/b/a LP&L, and Atmos Energy to transport natural gas from interconnects to the municipal buildings. The City's prorata share for the cost of transportation is \$0.037 per MMBtu. A separate price for Atmos Energy to transport natural gas would be \$0.91 per MMBtu.

West Texas Gas is approved by MuniGas, formerly Texas Municipal Gas Corporation II (TMGCII), to supply natural gas under the current MuniGas cooperative program. When gas becomes available in the future through TMGCII, the City is eligible to participate.

FISCAL IMPACT

The estimated annual purchase cost of natural gas is \$521,000, an estimated savings of \$30,000 annually.

Staff recommended approval of this resolution.

- 5.4. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0008 Zone Case No. 2807-B (10301 Slide Road) Consider an ordinance for zoning change from C-4 with conditions to C-4 Specific Use for a commercial laundry and dry cleaner with reduced front setback on 0.764 acres of unplatted land out of Section 16, Block E-2.**

The first reading of this ordinance was approved at the January 24, 2008, City Council meeting. The request allows for amendment of an existing commercial-4 (C-4) ordinance along Slide Road that excluded a number of uses. The request removes one of the "strikes" from the current permitted use list to allow for a commercial laundry. In one building built to match the quality of construction that has begun in the area, the facility will be the headquarters offices for Master Cleaners, provide a laundry and dry cleaning drop off facility, and have the "plant" where outlying bundle stations will deliver laundry and dry cleaning for processing.

Adjacent land uses:

- N – commercial zoned
- S – commercial zoned
- E – commercial zoned
- W – vacant property

The Comprehensive Land Use Plan is not an issue in this request in that the property is already zoned C-4. At the time of zoning, the original applicant provided a list of uses to not be included – "commercial laundry" was one of those included on the list. Since the 1960's and 1970's when large steam laundry facilities were included in the C-4 district, the technology involved in the process has become much more regulated with regard to chemical use and the fact that boilers are much smaller and more efficient than the "old days". In addition, Master Cleaners is going to incorporate the offices for their

Lubbock operation in the structure, and the front will give the appearance of a typical bundle laundry drop off, which will be allowed at this location and in lesser zoning districts.

On the day of the hearing, several letters of opposition were placed in the file, it seems that the persons submitting those protests are unaware that the cleaners will occupy an out parcel adjacent to Slide Road and an approximate 140 foot parcel will remain between the new parcel and the alley adjacent to the residences. A copy of the proposed plat is in backup, the cleaners are proposing to build on Tract B.

The applicant will comply with zoning requirements when they design the facility. With Slide Road on the thoroughfare system, the impact of traffic from the facility should have no impact on the overall system. The Planning Commission is recommending that the use "commercial laundry" be added back as a permitted use that is not included in Ordinance 10049, that the zone case be styled as Specific Use to accommodate a minor setback encroachment of a canopy on the north side, tied to the illustrated parking and a condition limiting curb cuts on Slide Road (the current site plan illustrates no curb cuts – as the property is developed the applicant may find the need for one curb cut):

1. A permitted use will be "commercial laundry."
2. Subject to negotiations with Texas Department of Transportation (TxDOT), the parcel shall have a maximum of one curb cut onto Slide Road. The best alternative would be that this parcel and the vacant parcel to the south share one curb cut, but that decision will be based on TxDOT guidelines.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

5.5. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0010 Zone Case No. 3100 (4502 98th Street) Consider an ordinance for zoning change from R-1, T, and C-1 to C-3 zoning on 4.3 acres of unplatted land out of Section 16, Block E-2.

The first reading of this ordinance was approved at the January 24, 2008, City Council meeting. The request is to zone a collection of single family Residential-1 (R-1) Transitional (T), and Commercial-1 (C-1) to Commercial-3 (C-3) at 4502 98th Street, a parcel north of 98th Street and west of Quaker Avenue. The property has been reclaimed (or is eligible for reclamation) from the playa that originally encompassed all four corners of this intersection. The curve in 98th Street was designed to place all of the lake north of 98th Street.

Adjacent land uses:

N – Lakeridge Golf Course

S – Commercial

E – a parcel that is a part of the cut of the lake that allowed the United Supermarkets site to be filled to a level above the lake

W – Lakeridge Golf Course maintenance barns

During the meeting, the advocate for the owner requested that the Planning and Zoning Commission approve C-2 zoning. C-3 was noted on the original application. The staff had expressed a concern for several C-3 uses since the parcel backs to the golf course and a row of townhomes to the east.

As noted, the configuration of this parcel having been formed when 98th Street was “bowed” around the lake, creates this strip of land that is not useful for other than office of commercial development. Commercial development exists across the street to the south and no residential is affected.

The request is a minor amendment for the Comprehensive Land Use Plan, as the Plan was approved prior to the change for the street location. The current Plan maintains policy for the strip as “open space” as if it is part of the playa, but the ownership has never been part of the Lakeridge development. The motion from the Planning Commission for approval includes the recommendation for a minor change to the Comprehensive Land Use Plan.

As in other thoroughfare locations for the last few years, staff is concerned about the number of curb cuts eventually requested. The Planning and Zoning Commission recommended this request to the City Council as C-2 with a condition:

1. Not more than two curb cuts shall be allowed the full length of the parcel.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

5.6. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0009 Zone Case No. 3099 Consider an ordinance for zoning change from R-3 and C-4 to IHC zoning on 1.5 acres of unplatted land out of Section 19, Block A (East of Avenue R between Marsha Sharp Freeway and 3rd Street).

The first reading of this ordinance was approved at the January 24, 2008, City Council meeting. The request is to change a vacant half block on Avenue R between the new Marsha Sharp Freeway service road and 3rd Street that is zoned Residential-3 (R-3) and the commercial half block adjoining Avenue Q between 3rd Street and the Marsha Sharp Freeway service road. This request represents the first zone case that conforms with the amended Comprehensive Land Use Plan for the area between University Avenue and Avenue Q, from the new service road to 3rd Street. The project will occupy the full block.

Adjacent land uses:

- N – commercial
- S – freeway
- E – commercial
- W – partially vacant and single family, zoned R-3

When developed, the new project will be consistent with the development guidelines of Interstate Commercial. The applicant has submitted a generic site plan to illustrate their intentions; the zone case will not adopt the site plan.

One item to clarify, the applicant may choose to place a screening fence on the west boundary; the Code does not require the fence. If a screening fence is constructed, the 25-foot vision cutoff shall be observed at Marsha Sharp Freeway and Avenue R as well as Avenue R and 3rd Street (including the solid waste compound at 3rd Street and Avenue R). The project will have no more than the expected impact on the thoroughfare system.

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

1. The applicant may choose to place a screening fence on the west boundary; the Code does not require the fence. If placement is chosen, the 25-foot vision cutoff shall be observed at Marsha Sharp Freeway and Avenue R as well as Avenue R and 3rd Street (including the solid waste compound at 3rd Street and Avenue R).

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

5.7. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0011 Zone Case No. 3101 (5201 University Avenue) Consider an ordinance for zoning change from R-1 to C-2 Specific Use for a shopping center with a reduced front setback on Lot 1-A, Freeway Addition.

The first reading of this ordinance was approved at the January 24, 2008, City Council meeting. The request is to rezone a lot currently zoned Residential-2 (R-2) and occupied by a church building. The request is filed as Specific Use to accommodate a reduced setback on the south street (53rd Street) which is residential to the east. No adjacent commercial will be blocked from view by the reduced setback.

Adjacent land uses:

- N – commercial
- S – rest home
- E – single family
- W – University Avenue with single family west of the street

The application is in an area that does not meet the current Comprehensive Land Use Plan Policy for commercial. The area is illustrated as “public use”

as the church existed when the Plan was first approved in 1975. Being along University Avenue just south of 50th Street, this zone request is not in an area of town that is designed in a format that accommodates the ten-acre per corner rule, the commercial lots face 50th Street, and single family primarily is south of the commercial to the east and west.

The former hospital south of this site, now a rest home, helps diminish the number of single family homes that would be affected to those just to the east. The applicant would be required to place a screening fence on the east property line if the request is approved.

The project should have little appreciable impact on the thoroughfare system since University Avenue is a large capacity street.

No opposition was expressed during the Commission hearing. The recommendation for approval by the Commission to the City Council includes C-2, and includes the fact that the request is a minor amendment to the Comprehensive Land Use Plan and a condition:

1. Tied to the proposed site plan with the reduced setback from 53rd Street.

The Planning and Zoning Commission recommended approval of this request.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

5.8. Ordinance 2nd Reading - Planning: Ordinance No. 2008-00012 Zone Case No. 3102 (5514 34th Street) Consider an ordinance for zoning change from R-1 to A-2 zoning (limited to church and church related uses) on .3695 acres of unplatted land out of Block E-2, Section 5, and on Lots B, C, and D, Greenlawn Addition.

The first reading of this ordinance was approved at the January 24, 2008, City Council meeting. The applicant, Bellaire Baptist Church is requesting a zone change from the existing Residential-2 (R-2) to Apartment-2 (A-2) limited to church and church related uses. The original church was constructed when churches were a permitted use in R-2. This change allows the church to grow under A-2 development guidelines in the future without having a zone case or another Zoning Board of Adjustment case.

Adjacent land uses:

- N – City park
- S – residential and a nursing home
- E – residential
- W – City park and Lubbock Christian University vacant property

The church has occupied this property for many years and is in the planning stages of growth. The original church was built when church use was a permitted use in R-1, and has now become nonconforming since the “church” permitted use was moved to A-2 in 1975.

The proposal is consistent with the Comprehensive Land Use Plan and zoning policy. The change in zoning will cause no additional impact on the thoroughfare system. The Planning Commission recommended this request to the City Council with a condition:

1. The zoning for this parcel is A-2 limited to church and church related uses.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

5.9. Ordinance 2nd Reading - Business Development: Ordinance No. 2008-O0005 Consider an ordinance amending the Service and Assessment Plan and Assessment Roll for Vintage Township Public Improvement District.

The first reading of this ordinance was approved at the January 24, 2008, City Council meeting. City Council adopted Ordinance 2007-00058 on June 26, 2007, approving a Service and Assessment Plan and Assessment Roll for Vintage Township Public Improvement District (PID). The maps originally included in the Service and Assessment Plan contained an error, making it necessary to amend the ordinance to include corrected maps that conform to the Assessment Roll. In addition, the Attorney General has reviewed the transaction on a preliminary basis and has noted a correction to the text of the Service and Assessment Plan to clarify and conform with the PID statute.

The text to be changed include:

1. Deleting Section VI(F)1.(b) that stipulates a person who prepays an assessment must pay the interest through the call date.
2. Adding a sentence to the definition of "Annual Collection Costs" that clarifies that any over collection of costs will be applied to the next year's costs.

Due to the size of the Vintage PID Service and Assessment Plan, only Exhibits A and C are included with the ordinance in the backup for this item.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

5.10. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2006-O0115 Consider an ordinance abandoning and closing a 1.44 acre tract drainage easement located in Section 16 Block E-2, Lubbock County, Texas, easement located at 103rd and Savannah Avenue.

City Council considered the first reading of the ordinance November 9, 2006. This ordinance abandons and closes a drainage easement in Section 16, Block E-2, located just east of 103rd Street and Savannah Avenue. This easement was dedicated by separate instrument with the Lakeridge Estates plat. It is

necessary to close this easement to proceed with Phase IV of the development of Lakeridge Estates South. New drainage easements will be dedicated to replace this easement closure. The Storm Water Drainage Engineering Department is in agreement with this drainage easement closure.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

5.11. Right-of-Way Ordinance 1st Reading – Right-of-Way: Ordinance No. 2008-O0016 abandoning and closing a portion of a 20-foot alley located in Block 3, Roberts & McWhorter Addition and between lots 3-4, 2-5, J H Dodson Subdivision located at 303 Avenue R.

This ordinance abandons and closes a portion of a 20-foot wide alley located in Block 3, Roberts and McWhorter Addition and between lots 3-4, 2-5, J H Dodson Subdivision, located east of Avenue R and south of 3rd Street. The alley area is being closed for re-development purposes. The two parcels of land to the north not being closed at this time are owned by the State of Texas and the City. The City purchased this tract of land and deeded a portion to the State of Texas in the 1970s for what was intended to be right-of-way for the East West Freeway. The right-of-way is no longer needed for the freeway and the requestor is in the process of requesting purchase of these two tracts of land and will close the remainder of the alley after he has ownership. All utility companies, Street Engineering, and Storm Water Engineering are in agreement with this alley closure. The requestor is responsible for all cost of relocating utilities. Since the requestor of this closure is not the original dedicator of this alley area being closed there will be a charge. The total area of the alley being closed is 5,582 square feet. The Right-of-Way Department has determined a value of \$1.09 per square foot based on adjacent property land values for a total amount due the City of \$6,084.38.

FISCAL IMPACT

\$6,084.38 of revenue to the General Fund.

Staff recommended approval of the first reading of this ordinance.

5.12. Ordinance 1st Reading - Traffic Engineering: Ordinance No. 2008-O0017 amending Section 16-175.2 of the Code of Ordinances with regard to the establishment of school zones and speed limits.

Following the completion of the new elementary schools, the Lubbock Independent School District requests additional, reduced speed school zones.

Section 16-175.2 of the Code of Ordinances is being revised to include new school zones and add school zones not in the ordinance. The Citizen's Traffic Commission reviewed and recommended approval of the proposed school zones in September and October 2007.

New school zones will be constructed on Avenue P from 79th Street to 81st Street, on North Utica Avenue from Lehigh Street to Jarvis Street, and on Martin Luther King, Jr. Boulevard in the vicinity of East 27th Street.

FISCAL IMPACT

Funds are available in capital project 90378 New Traffic Signals. The new school zones will be solar powered with no additional electric service required. Long-term maintenance is approximately \$500 per year.

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

Staff recommended approval of the first reading of this ordinance.

5.14. Contract Resolution - Public Works: Resolution No. 2008-R0049 authorizing the Mayor to execute a Safe Routes to School Non-Infrastructure Grant Agreement with the Texas Department of Transportation for development of a local Safe Routes to School Program.

The City was awarded a \$10,000 planning grant from the Texas Department of Transportation (TxDOT) for the Safe Routes to School Program.

Grant funds will be used to identify safety issues, establish goals and develop a plan to improve the safety of walking and bicycling routes to elementary and middle schools. Participating school districts include the Lubbock, Frenship, and Lubbock-Cooper Independent School Districts.

FISCAL IMPACT

The expected cost of the program is \$16,040. Available funds for reimbursement from TxDOT are \$10,000. Traffic Engineering estimates \$6,040 participation of in-kind services included in the adopted FY 2007-08 Traffic operating budget.

Staff recommended approval of this resolution.

5.15. Contract Resolution - Street Department: Resolution No. 2008-R0050 authorizing the Mayor to execute a purchase order contract for roll-off containers, BID 08-013-MA.

The purchase order contract is for the purchase of six 30-cubic yard roll-off containers for Public Works Street Maintenance Program. The containers provide additional dumping capacity for the expanded street cleaning operation, reducing the number of required trips to the landfill.

Bids were received from the following companies:

Roll Offs America/USA of Durant, OK	\$28,128
County Mercantile of Lubbock, TX	\$30,780
MWC Enterprises of Atkinson, NE	\$30,830
Steelform of Phoenix, AZ	\$35,982
WasteEquip of Beeville, TX	\$37,332

Blackwater Engineers of Lubbock, TX

\$49,355

FISCAL IMPACT

\$12.6 million is appropriated in Capital Improvement Project Number 92125, Street Maintenance Program, with \$28,128 available for this purpose.

Staff recommended contract award to the low bidder, Roll Offs America/USA of Durant, Oklahoma, for \$28,128.

- 5.16. Contract Resolution - Facilities Management: Resolution No. 2008-R0051 authorizing the Mayor to execute an assignment of the City of Lubbock's contract executed September 28, 2006, with Basic Industries, Inc., of Midland, Texas, for minor construction, repair, rehabilitation and alteration of City facilities to Basic IDIQ, Inc., of Houston, Texas.**

In September 2006, City Council awarded Basic Industries of Midland, Texas, a job order contract for minor construction, repair, rehabilitation, or alteration of City facilities pursuant to Texas Local Government Code, Section 271.120. Basic IDIQ has operated as a division of Basic Industries, Inc., since 2002. In an effort to reorganize and realign operations, the Basic IDIQ Division has been incorporated as an independent entity. Basic IDIQ management and personnel remain unchanged and with no change in day to day operations of the organization. Basic Industries, Inc., desires to assign the contract to Basic IDIQ, Inc., its successor corporation. The contract stipulates that Basic Industries may not assign the contract without the prior written approval of the City.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

- 5.17. Contract Resolution - Fleet: Resolution No. 2008-R0052 authorizing the Mayor to execute a purchase order contract for a cab and chassis for the Fire Department, BID 08-009-FO.**

This contract is for the purchase of a truck cab and chassis for the Fire Department's Fire Safety House, de-con trailer, and hazmat trailer.

A previous bid for this truck purchase was approved by City Council in July 2007. However, due to new emission requirements, the bidder's vehicle no longer meets bid specifications. The specifications for this truck purchase were modified to include the new emission components. There was only one bidder for this item.

FISCAL IMPACT

These vehicles are approved as part of the FY 2006-07 Master Lease Program.

Staff recommended bid award to the only bidder, Lubbock Truck Sales of Lubbock, Texas, for \$36,627.

5.19. Contract Resolution - Libraries: Resolution No. 2008-R0053 authorizing the Mayor to execute a contract for periodical subscriptions for the Lubbock Public Library, BID 08-012-MA.

For more than 30 years, the Lubbock Public Library has utilized a periodical subscription service to manage its magazines, newspapers, and journals. Currently the library's four locations purchase more than 178 titles, totaling 280 subscriptions annually.

The contract provides full-service handling of the library's subscription needs, including online management of the library's account. The subscription agency places the initial orders with publishers, manages the library's claims for missing issues, orders new subscriptions, and renews annual subscriptions. It also furnishes regular reports and notices to the library, and provides a missing copy bank to replace lost or damaged items at no additional cost. In addition, the subscription agency interfaces with the library's online catalog system to include the publications in the library's holdings. The contract term is for three years, with an option for two additional one-year extensions.

The City received proposals from the following companies:

Magazine Subscription Services Agency of New Port Rickey, FL	\$14,321
Popular Subscription Service of Terre Haute, IN	\$15,585
W.T. Cox Subscription of Shallotte, NC	\$15,847
EBSCO of Westminster, CO	\$16,322

The two lowest bidders did not meet the following required and preferred criteria listed in the Invitation to Bid:

- Online management of library's account which includes placing orders, filing claims, and the ability to generate customized reports on-line.
- Provide a "Missing Copy Bank" of at least 1,500 titles as part of its service. This ensures missing and damaged periodicals are replaced within a short period of time.
- Ability to interface with the library's online catalog, so that patrons can locate information about subscriptions available at the different libraries.
- Ensure there are no subscription lapses or missing issues due to a change in periodical vendors.
- Provide reports and lists as requested by the library as part of its basic service.

FISCAL IMPACT

Funding is available in the Adopted FY 2007-08 Library operating budget. Expenditures for similar services during FY 2006-07 totaled \$15,284.

Staff recommended contract award to the lowest responsive bidder W. T. Cox Subscriptions of Shallotte, North Carolina, for \$15,847 annually.

- 5.21. Contract Resolution - Health: Resolution No. 2008-R0054 authorizing the Mayor to execute a contract amendment for Milk and Dairy Products Services, DSHS Document No. 7560005906A 2007, Contract No. 2007-021623.**

The Texas Department of State Health Services reimburses the Lubbock Health Department Regional Laboratory for laboratory analysis of milk and dairy samples at a specified rate, depending on what kind of analysis is performed. This contract amendment increases the original contract amount from \$42,000 to \$45,200, because more milk samples than anticipated were required during the contract period.

FISCAL IMPACT

The total amount of this contract is not to exceed \$45,200 and is appropriated in the Milk and Dairy Grant fund.

Staff recommended approval of this resolution.

- 5.22. Contract Resolution - Environmental Compliance: Resolution No. 2008-R0055 authorizing the Mayor to execute a contract with Aquatrol Inc., for the conveyance of certain chemicals in consideration of avoiding storage and/or disposal costs thereof.**

The City Environmental Management System encourages City departments to minimize the creation of wastes, especially those that are considered hazardous. The Parks and Recreation Department has determined it will not use, nor places any value on, a small quantity of pool chemical products currently in their possession. To avoid these materials from becoming waste and to save the City the cost of disposal, a local swimming pool operator has agreed to use the chemicals for their intended purpose. The list of chemicals is provided in Exhibit "A" of the contract.

FISCAL IMPACT

The chemicals were originally donated by Home Depot. Aquatrol Inc.'s use of these chemicals will save the City the \$600 disposal costs.

Staff recommended approval of this resolution.

- 5.23. Contract Resolution - Water Utilities: Resolution No. 2008-R0056 authorizing the Mayor to execute a professional services agreement with Parkhill, Smith & Cooper, Inc. to perform a supplementary water supply evaluation.**

The City of Wilson needs to provide supplemental water to its existing well field to solve current and projected water quality problems. Future water quality issues may arise from elevated nitrates in the groundwater migrating from areas near the Hancock Land Application Site.

The City, in cooperation with area water supply entities such as the White River Municipal Water District, desires preliminary cost information on related projects that could benefit these entities and the City of Wilson to help

avoid water quality problems. The engineering evaluation by Parkhill, Smith & Cooper will include:

1. Evaluating City of Wilson's existing water supply needs
2. Evaluating Wilson's current and projected water quality issues
3. Evaluating supplemental water supply alternatives
4. Comparing water supply alternatives
5. Recommending selected alternative and funding opportunities

The Water Advisory Commission concurred with staff's recommendations to negotiate a contract with Parkhill, Smith & Cooper, Inc. to perform this evaluation.

FISCAL IMPACT

\$1.5 million is appropriated in Capital Improvement Project 92147, Regional Water Supply Project, with \$40,000 available for this contract.

Lubbock Water Advisory Commission and staff recommended approval of this resolution.

5.25. Contract Resolution - Police: Resolution No. 2008-R0057 authorizing the Mayor to execute a contract with Red the Uniform Tailor, Inc., for police uniforms, BID 08-015-MA.

The contract establishes annual pricing for made-to-measure police uniforms for a period of up to three years with the option to renew for two additional one-year periods. Tailored uniforms are worn as dress uniforms for special events/occasions when formal uniform attire is required and/or as normal duty uniform.

Scrub Shop, Inc., d/b/a A-1 Uniforms, of Lubbock, Texas, submitted a bid for off-the-rack modified uniforms that do not meet specifications. The City has an interlocal agreement with Lubbock County for off-the-rack uniforms.

FISCAL IMPACT

Funding is available in the adopted FY 2007-08 Police Department operating budget.

Staff recommended contract award to the lowest responsive bidder, Red the Uniform Tailor of Lakewood, New Jersey, for \$81,857.

5.26. Waiver of Allocation of Juvenile Accountability Block Grant Funds Resolution - Police: Resolution No. 2008-R0058 authorizing the Mayor to execute a Waiver of Allocation of Juvenile Accountability Block Grant Funds to Lubbock County.

The U. S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention provides the Juvenile Accountability Block Grant to the Criminal Justice Division of the Governor's Office to reduce juvenile offending through accountability-based programs focused on juvenile offender and the juvenile justice system. The City is eligible to apply for \$11,461.49 with a 10% cash match for state fiscal year 2009. The City may waive its ability to apply for

funds and choose instead to waive the allocation to Lubbock County. Lubbock County requests to apply for these funds, as it has in the past several years, for use by the Lubbock County Dispute Resolution Center.

The resolution authorizes the Mayor to sign the Juvenile Accountability Block Grant Waiver of Funds Form.

FISCAL IMPACT

Federal funds are authorized under the Omnibus Crime Control and Safe Streets Act of 2002. Lubbock County will be responsible for providing the 10% cash match.

Staff recommended approval of this resolution.

- 5.27. Election Ordinance 2nd Reading - City Secretary: Ordinance No. 2008-O0007 Consider an ordinance ordering the City of Lubbock 2008 regular municipal election to be conducted on May 10, 2008, indicating those officers to be elected, providing for an accessible electronic voting system to be used, establishing polling places, appointing election judges, establishing hours for voting, adopting the sealed ballot box procedures, providing for early voting, directing the City Secretary to give notice of the regular municipal election of the City of Lubbock, and providing an effective date.**

The first reading of the ordinance was approved at the January 24, 2008, City Council meeting. The Lubbock City Council deems it in the best interest of the citizens of Lubbock to order a Regular City Election for the purpose of electing municipal officers. This election is to be held May 10, 2008, pursuant to the Texas Election Code, the Lubbock City Charter, and City ordinances.

Said election shall be for the purpose of electing the following officers of the City of Lubbock:

Mayor (At Large)	2 Year Term
Council Member, District 2	4 Year Term
Council Member, District 4	4 Year Term
Council Member, District 6	4 Year Term
Municipal Court Judge	4 Year Term

FISCAL IMPACT

Estimated cost of election is \$125,000. Funding is available in Adopted FY 2007-08 Non-Departmental Operating Budget.

Staff recommended approval of the second reading of this ordinance.

9:10 A. M. CITY COUNCIL RECESSED

9:35 A. M. CITY COUNCIL RECONVENED

3. PROCLAMATIONS AND PRESENTATIONS

Mayor Miller read a special recognition to the City of Kirkwood for the loss of two police officers, the Public Works Director, two City Council Members, and continued recovery of the Mayor and a reporter. Those in Council chambers offered a moment of silence.

3.1. Invocation by Pastor David Haynes, Christ Temple Church of God in Christ.

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 Community Development Department staff for being awarded the 2008 Terrence R. Duvernay HOME Program Award of Excellence for the ICF Residential Construction Program.

Mayor Miller presented special recognition to the Community Development Department staff for being awarded the 2008 Terrence R. Duvernay HOME Program Award of Excellence for the ICF Residential Construction Program. Those present to accept the Mayor's special recognition were: Bill Howerton, Nancy Haney, Phyllis Brown, Brad Reed, Rey Arias, Terri Sanders, Sharon Patillo, Carol Forrester, and Carolyn Shamblin. Bill Howerton gave comments.

3.4. Board Recognition:

Urban Design/Historic Preservation Commission:

Dr. Brett Houk (not present)
David Chapa

West Texas Municipal Power Agency Board of Directors:

Loyd Rinehart

Zoning Board of Adjustment:

Jose Valenciano
Daniel Sanchez (not present)

3.5. This item was considered following Item 6.11.

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, January 10, 2008

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to approve the minutes of the Regular City Council Meeting of January 10, 2008 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was away from the dais.

6. REGULAR AGENDA (continued, Items 6.13, 6.1-6.3, 6.8, 6.5, 6.11)

6.13. Resolution - Business Development: Resolution No. 2008-0059 adopting the Downtown Revitalization Action Plan.

The Downtown Redevelopment Commission (DRC) requests the City Council adopt the Downtown Revitalization Action Plan. In a public meeting held at the Lubbock Memorial Civic Center Banquet Hall on February 5, 2008, the DRC presented the Downtown Revitalization Action Plan to the City Council. The meeting was attended by approximately 550 citizens. As part of the presentation, the DRC made recommendations to City Council, including adopting the plan.

City staff will use the Downtown Revitalization Action Plan as a guideline when working with developers. In addition, the plan will assist City departments in planning and prioritizing future downtown public improvements and projects.

A draft of the Downtown Revitalization Action Plan may be viewed in the City Secretary's office.

FISCAL IMPACT

The adoption of the Downtown Revitalization Action Plan does not commit resources, however, future projects arising from the plan will require funding. City staff will make financing recommendations as projects are approved.

The Downtown Redevelopment Commission and staff recommended approval of this resolution.

Steve Beasley, Co-Chairman of the Downtown Redevelopment Commission, gave a presentation and asked Council to adopt the Downtown Redevelopment Action Plan. As part of the plan, he also requested that 1) City assign a senior staff person for downtown redevelopment; 2) City Manager charge the staff to start the evaluation process, goals, objectives, and action steps outlined in the plan, the first of which would be to develop a plan of action that would deal with the source of burying the downtown utilities; 3) City Manager work with the Downtown Redevelopment Commission to analyze the two leadership options as presented in the plan, with the first one being an oversight organization versus a master developer; 4) City Council consider the Visitors Center and the Depot Entertainment District shown as an "on the board project", and this be the first public project built in downtown. It would be a project built in a manner that would set the tone for future projects in downtown; 5) the City of Lubbock place a priority on the design and construction of a major renovation of the Lubbock Memorial Civic Center, and this be the first catalytic project.

Rob Allison, Assistant City Manager, explained to Council that, by adopting the Downtown Redevelopment Plan, would show Council's support for this initiative, and it would allow this initiative to go to the next level of evaluation and analysis. Allison went on to say that this plan does not commit Council to public funding. He then answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass Resolution No. 2008-R0059 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.1. Public Hearing 10:00 a.m. - Community Development: Hold a public hearing to discuss the recommendations of the Community Development and Services Board for the reallocation of unspent funds from the Community Development Block Grant.

Mayor Miller opened the public hearing at 10:00 a. m. No one appeared in favor or opposition of reallocating unspent funds from the Community Development Block Grant. Mayor Miller closed the hearing at 10:01 a. m.

On January 16, 2008, the Community Development and Services Board discussed reallocation of \$202,795 in unspent federal funds. All of the funds available for reallocation were originally allocated to other Community Development Block Grant (CDBG) projects. Upon completion of those projects, a \$202,795 balance remains. The Board approved the following funding recommendations.

Agency/Organization	Project/Program	Proposed Funding
City of Lubbock, CD Dept.	East Lubbock, Street Paving	\$152,795
City of Lubbock, CD Dept.	CDBG Rehab HOME Cost	12,000
City of Lubbock, CD Dept.	Emergency Repair Program	38,000
Total to be Reallocated:		\$202,795

East Lubbock, Street Paving

City Council originally voted to allocate money to this project during the regular allocation process for FY 2007-08. On June 26, 2007, a vote allowing staff to target the unpaved streets in this area was taken. The boundaries for the area are East 4th Street, East Loop 289, and Idalou Road. If this amount is approved for the project the total funding will be \$467,916. This includes CDBG funds totaling \$302,795 and \$165,121 in oil royalties previously allocated to the project.

Residential Rehab-HOME Cost

On February 22, 2006, City Council voted to allocate \$20,000 to this program during the reallocation process. The funds were to be used for miscellaneous costs associated with the department's housing programs. Housing and Urban Development (HUD) has recently ruled that setting up escrow accounts for taxes and insurance for reconstruction projects is not an eligible expense for HOME. This activity remains an eligible expense under CDBG. The additional \$12,000 will be used to set up escrow accounts for homeowners in the Reconstruction Program. This will bring the total amount of funding allocated to this program to \$32,000.

Emergency Repair Program

On June 26, 2007, City Council voted to allocate \$125,000 to this project during the regular allocation process for FY 2007-08. All of the funds allocated have been assigned to individual projects. The additional funds will be used to provide more low-to-moderate income households with housing repairs of an emergency nature. This will bring the total amount of funding for FY 2007-08 to \$163,000.

The public hearing is being held to meet the Citizen Participation guidelines as required by the U.S. Department of Housing and Urban Development. On February 28, 2008, City Council will then vote on these recommendations during the regularly scheduled meeting.

FISCAL IMPACT

The unspent funds are from the Community Development Block Grant. The maximum to be allocated to these projects is \$202,795.

Staff recommended approval of the reallocation of unspent funds from the Community Development Block Grant.

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

6.2. Public Hearing 10:00 a.m. – Public Works Engineering: Hold a public hearing to consider the request to change the street name of certain portions of North Avenue U, Cornell Street, North Avenue N, Baylor Street, North Avenue K, and 1st Street to Cesar E. Chavez Drive.

This item died for lack of a second to the motion.

Mayor Miller opened the public hearing at 10:01 a. m. Christy Martinez-Garcia, Natalia Salazar, Tavita Dorrow, and Carlos Quintanilla appeared in favor of the proposed street name change. No one appeared in opposition of the proposed street name change. Mayor Miller closed the hearing at 10:14 a. m.

An application has been received from Christy Martinez, on behalf of the Cesar E. Chavez Commemoration Committee, to change the name of certain portions of North Avenue U, Cornell Street, North Avenue N, Baylor Street, North Avenue K, and 1st Street, along a route from generally the Erskine Street and North Avenue U area to Atzlan Park. The request is to change the names of these certain portions of streets to Cesar E. Chavez Drive. The proponents submitted the required applications, petitions, and application fee.

Lubbock street naming was primarily established to bring consistency and ease of locating streets and addresses in our street grid system. In general, east-west streets are numerical, and north-south avenues are alphabetical. The existing street names follow that naming procedure. The proposed name change will vary from that naming procedure.

However, City Council provided for a procedure for requests to change the name of existing streets. The procedure for changing a street name is described in Section 24-38 of the Code of Ordinances.

City Council has recently enacted a moratorium on changing the street names. However, this request was filed prior to this Council action, and this request is therefore being processed accordingly.

City Council had recently approved a street name change of certain portions of Canyon Lakes Drive to Cesar E. Chavez Drive.

This street name change proposal was requested to link those previously named portions of Cesar E. Chavez Drive together to have a continuous, connected named street from the previously named portions of Cesar E. Chavez Drive.

It appears that changing the name of this street will require ten properties to change their addresses.

On the petition for the street name change, 22 of 35 (63%) of the owners of abutting property signed in favor of the name change. This count does not include properties owned by the City, state, railroad, or Lubbock Independent School District. The signatures in favor of the name change represent 72.5% of the abutting footage.

Letters were mailed to abutting property owners, as their names and addresses appear on the current tax rolls, informing them of the January 8, 2008, Planning & Zoning Commission public hearing. There were no responses to the mailed notice. Comments favoring the street name change were made at the Planning and Zoning Commission public hearing, with no comments in opposition.

Following the public hearing, the Planning and Zoning Commission voted unanimously to recommended approval of the street name change.

FISCAL IMPACT

There will be direct costs for the making and installation of new street name markers. Traffic Engineering has estimated a total of 20 signs at \$285 per sign, for a total cost of \$5,700. The original portions of Cesar E. Chavez Drive were named at the direction of the City Council and the cost of the signage is at the City's expense. Staff is preparing to construct and install these signs for this street name change using funds from the adopted FY 2007-08 Traffic Department operating budget.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member DeLeon to pass this resolution as recommended by staff. There was no second to the motion; therefore, motion died for lack of a second.

6.3. Public Hearing 10:00 a.m. - Planning: Hold a public hearing to discuss the history of billboards in Lubbock and invite public comments regarding the zoning code applicable to billboards.

Mayor Miller opened the public hearing at 10:15 a. m. Shirley Schleuse, Mike Webster, and Kristin Murray appeared in favor of billboards. Jim

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Bertram, Paul Goeble, Steve Hester, Mary Vines, and Clifton Burnett appeared in opposition. Mayor Miller closed the hearing at 10:49 a. m.

The public hearing is being held at the request of the Planning and Zoning Commission to allow the City Council the opportunity to gain knowledge about the history of billboards in Lubbock and how the billboard industry operates.

In 1985, the Municipal Board of Sign Control determined the useful life in Lubbock, of all the billboards. They identified the billboards that are in complete compliance with the zoning ordinance and the billboards not in compliance with the zoning ordinance but eligible to remain as nonconforming uses.

The Municipal Board of Sign Control established an amortization period for when all remaining billboards will be required to comply with the zoning code or removed. As part of the amortization period, 27 billboards are scheduled to either comply with the zoning code or be removed this year. In an effort to keep as many of these signs as possible, Lamar Outdoor, or their leases, have filed zone cases on five parcels of property along West 19th Street.

During the public hearings on these zone cases, the Planning and Zoning Commission determined that they do not have enough history or knowledge as it pertains to billboards. Consequently, the Planning and Zoning Commission requested that staff hold a work session or public hearing on the current code as it pertains to billboards and the stipulations agreed to between the Municipal Board of Sign Control and Lubbock Poster (the predecessor of Lamar Outdoor). The public hearing is intended to provide Lamar Outdoor the opportunity to publicly share knowledge about the billboard industry and to give others with historic knowledge of billboards in Lubbock the opportunity to speak and share their knowledge.

In their motion to continue the West 19th Street zone cases, the Planning and Zoning Commission requested the City Council hold a similar work session or public hearing.

In 1975, a revised Zoning code was adopted applying regulations to signs in Lubbock, including billboards. A series of court cases followed especially targeting billboards, and the result was an agreement between Lubbock Poster (the predecessor once removed from Lamar Outdoor).

The Lubbock Municipal Board of Sign Control (established as a result of state law) determined which billboards Lubbock Poster would keep as conforming uses, as nonconforming uses, and dates by which specific billboards should be removed or brought into compliance with the City of Lubbock Code of Ordinances.

The following is a breakdown of the stipulations as agreed to in 1986, by the Lubbock Municipal Board of Sign Control and Lubbock Outdoor, Inc.:

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Entitled to keep as conforming uses	40
Entitled to keep as nonconforming uses	39
Total allowed to keep as conforming or nonconforming	79

Required to be removed or brought into compliance by:

July 1, 1986	12	
July 1, 1987	13	
July 1, 1988	13	
	38	(32 removed, 6 brought into compliance)
August 31, 1995	2	(2 removed, 0 brought into compliance)
November 30, 1998	3	(3 removed, 0 brought into compliance)
February 28, 2002	25	(16 removed, 9 brought into compliance)
		Of the 9 signs brought into compliance
		5 properties were rezoned, 3 were granted
		variances and 1 was modified to meet code.
March 31, 2002	1	(1 removed, 0 brought into compliance)
Total through 2002	69	(54 removed, 15 brought into compliance)
August 31, 2008	11	
September 30, 2008	16	
March 31, 2015	3	

These numbers reflect only those billboards described in the stipulations as agreed to by the Lubbock Municipal Board of Sign Control and Lubbock Outdoor, Inc. These numbers do not reflect any new billboards permitted since the agreed to stipulations. Some people in Lubbock think that new billboards are not allowed, which is not true. Billboards are a permitted use in the “C-4”, “M-1” and “M-2” zoning districts subject to the following conditions:

1. Billboards shall be constructed to meet the construction standards as established in the City of Lubbock Building Code.
2. Billboards located in the “C-4” District shall be a minimum of eighty (80) feet from any residentially zoned property line.
3. The maximum area of any billboard located in a “C-4” District shall be three hundred (300) square feet.
4. The maximum area of any billboard located in the “M-1”, “M-2” Districts shall be seven hundred and fifty (750) square feet.
5. There shall be a minimum separation of two hundred (200) feet between all billboards on the same side of the street, provided however, this shall be increased to five hundred (500) feet on expressways.
6. Billboards shall have a front setback of not less than the greater of (1) forty-three (43) feet, or (2) the greatest setback of all the front buildings on the lot on which the billboard is located, or if none, then that of the lots contiguous to the lot upon which the billboard is located.

7. Billboards shall have a maximum height of thirty-five (35) feet.
8. All lighting of billboards shall be so shielded as not to produce intensive or excessive light or glare on adjacent property.
9. Billboards shall be prohibited from being placed within the Canyon Lakes Policy Zone and Memorial Civic Center area.
10. Billboards with electronic message displays shall be subject to all operational requirements for electronic message display signs.

In 2001 Lamar Outdoor Advertising requested and received permits to construct 26 billboards. The majority of the billboards permitted in 2001 were billboards relocated due to the construction of the Marsha Sharp Freeway. In 2007, Lamar filed for and received permits to construct 3 new billboards and had a hand in the requested rezoning on 5 parcels specifically to construct billboards. In late 2007 and early 2008 Choice Outdoor Advertising has filed 5 permit applications to construct new billboards and they have received permits on 4 of those locations.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval.

Bill Boon, Planner, gave a presentation and answered questions from Council.

6.8. Contract Resolution - Water Utilities: Resolution No. 2008-R0060 authorizing the Mayor to execute a contract for the construction of Southeast Water Reclamation Plant No. 4 improvements, BID 07-730-BM.

The City's wastewater treatment plant treats an average of 22 million gallons of sewage per day. Over several decades, the plant has expanded and upgraded. Technological advances make it possible to cost effectively treat the wastewater to stream quality discharge.

The plant is permitted to discharge up to 9 million gallons per day into the North Fork of the Brazos River. The proposed Southeast Water Reclamation Plant (SEWRP) improvements will upgrade the plant allowing the total amount of discharge treated meets or exceeds stream discharge quality standards.

The value of this project is turning the City's wastewater from a liability to an asset. The majority of treated wastewater must be disposed of at the City's land application sites. Higher quality treated wastewater will be used for a variety of purposes including recycling projects. The reuse of our water will assist us in our water conservation efforts.

This contract is for the construction of Southeast Water Reclamation Plant No. 4 Improvements:

1. Headworks modifications - new screen, grit and parshall flume

2. Intermediate lift station with 6 new submersible pumps to replace existing damaged screw pumps.
3. Biological treatment process using biological nutrient removal technology which includes new clarifiers, aeration basins, new junction boxes to manage flow diversion to new and existing facilities
4. Chemical phosphorus removal facility as required by the TCEQ for a 100% back up to the biological nutrient removal process.
5. Secondary sludge pumping station modifications – new waste activated sludge pumps, new return activated sludge pumps and replacement of sludge suction line.
6. Blower building modification – new energy efficient single stage blowers to replace the existing deteriorated multi stage blowers and also new large diameter to deliver additional capacity for the biological process.
7. Disinfection facility – The old chlorine facility will be demolished and replaced with disinfection using ultraviolet rays and it includes new Parshall Flume facility to measure effluent flow.
8. Effluent filters – Existing filters and backwash system will be replaced with new filters using the latest technology to produce a higher quality effluent.
9. Yard piping – New large diameter mains for the new facilities and also the replacement of existing deteriorated large diameter mains.

The following contractors submitted bids:

1. Eagle Contracting of Keller, TX	\$43,520,000
2. Archer Western of Arlington, TX	\$49,534,000
3. Western Summit Construction of Houston, TX	\$57,390,901

The engineers estimate for construction was \$60 million. With contingencies, onsite construction management representative and engineering fees, the estimated cost for the completion of this phase of the plant improvements is now \$55 million.

Time for completion is 1,185 consecutive calendar days and liquidated damages are \$1,400 per day. There is a strict sequence of construction to be followed to maintain the operation and also meet existing permit requirements as set forth by Texas Commission on Environmental Quality (TCEQ).

References of comparable sized projects confirmed the low bidder is qualified for this project.

FISCAL IMPACT

\$66 million was appropriated in Capital Improvement Project 92126, Southeast Water Reclamation Plant Improvements, with \$43.52 million available for this purpose.

Staff and the Lubbock Water Advisory Committee recommended contract award to the low bidder, Eagle Contracting of Keller, Texas, for \$43.52 million.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2008-R0060 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member DeLeon was away.

6.5. Contract Resolution - Civic Center: Resolution No. 2008-R0062 authorizing the Mayor to execute an agreement with Civic Lubbock, Inc., to administer hotel occupancy tax funds for the 2008 Lubbock Music Festival.

Pursuant to the current agreement dated September 21, 2005, Civic Lubbock, Inc. (CLI) created an Entertainment Task Force Standing Sub-Committee. The Committee is responsible for the development, organization, coordination, and funding of events that take advantage of the various talent and venues associated with Lubbock's entertainment industry. The Committee works collectively with entertainment entities throughout the region to have a positive impact on tourism.

Budget Amendment No. 5 appropriates \$175,000 from Hotel/Motel Tax Fund Balance for the Lubbock Music Festival. CLI's Entertainment Task Force Sub-Committee oversees and coordinates the expenditure of the funds. Any profits realized by the 2008 Lubbock Music Festival will be retained by CLI for future funding of the Festival and the Arts and Entertainment Grant Program. The funds are deposited in an interest bearing account and Civic Lubbock, Inc. is required to comply with all laws and provisions of Chapter 351 of the Texas Tax Code. Civic Lubbock, Inc. will make quarterly detailed expenditure reports to the City Secretary.

FISCAL IMPACT

The \$175,000 of funding will come from the Hotel Occupancy Tax Fund balance and does not reduce the allocation to any other entity.

Staff recommended approval of this resolution.

After discussions on the funding for the Lubbock Music Festival, Mayor Miller suggested they defer any action on this item until after Executive Session, to allow Council Members opportunity to review the material.

Note: This item was taken up again following Item 5.1

6.11. Resolution - City Manager: Resolution No. 2008-R0061 confirming the appointment of Dale Holton as Police Chief of the City of Lubbock.

After more than 33 years of service, Police Chief Claude Jones is retiring February 15, 2008, effective February 15, 2008. The City Manager appointed

Dale Holton as the new Police Chief. The Texas Local Government code requires the municipality's chief executive officer to appoint the head of a Civil Service department and the governing body confirm the appointment. A 34-year veteran of the Lubbock Police Department, Dale has served as the Assistant Chief of the Patrol Division for six years. He served as Assistant Chief of the Administration Division from 1996 to 2002 and was Commander of the Special Weapons and Tactics Team for 17 years. His experience includes training and special investigations, including narcotics, vice and internal affairs. Dale attended Monterey High School and the Texas Tech School of Business before joining the Lubbock Police Department in November, 1973. He graduated from Wayland Baptist College with a Bachelor of Science in Law Enforcement. He is a graduate of the Leadership and Command College through the Law Enforcement Management Institute of Texas and the Police Executive Research Forum's Senior Management Institute for Police.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass Resolution No. 2008-R0061 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member DeLeon was absent.

At this time, Mayor Miller asked Council members to join the audience for the special presentation to Police Chief Claude Jones.

3.5. Presentation of a special recognition to Police Chief Claude Jones honoring his 33 years of service to the citizens of Lubbock.

Mayor Miller presented special recognition to Police Chief Claude Jones to honor his 33 years of service to the citizens of Lubbock. Chief Jones gave comments and introduced his family.

Judge J.Q. Warnick gave comments and shared funny stories about Chief Claude Jones.

Oscar Rosales, resident agent in charge of the Lubbock office of the United States Secret Service, gave recognition to and thanked Chief Jones for his support of their office

6.12. Oath of Office 11:30 a.m. - Police: Administer the Oath of Office to Police Chief Dale Holton (reception immediately following).

Judge J.Q. Warnick joined Police Chief Dale Holton and his wife Judy, as he administered the Oath of Office to Chief Holton. Chief Holton gave comments and introduced his family.

11:16 A. M. COUNCIL RECESSED TO RECEPTION, THEN EXECUTIVE SESSION

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.”

**11:16 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room**

All council members were present.

- 2.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney. (Finance, Police, 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. (Solid Waste, Water Utilities)**
- 2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) 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.**

**1:32 P.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 1:32 P.M.

6. REGULAR AGENDA

At this time, Item 5.1 was reconsidered.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to reconsider #3 on Item 5.1, instead of bringing it back to the next City Council meeting. Motion carried: 6 Ayes, 0 Nays.

Council Member Jones recused herself.

5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2008-O0004 Consider budget ordinance amendment No. 4 for the FY 2007-08 budget respecting the Grant Fund and Hotel/Motel Tax Fund.

The ordinance, originally including items one and two, was approved on the first reading at the January 24, 2008, City Council meeting.

1. Accept and appropriate \$3,200 from the Texas Department of State Health Services for laboratory analysis of milk and dairy products performed by the Lubbock Health Department Regional Laboratory. The initial grant funding was approved in September 2006. During the contract period, more milk samples than anticipated were required to be analyzed. The appropriation funding is necessary to fund the additional analysis. The total grant is \$45,200.
2. Accept and appropriate \$10,000 from the Texas Department of Transportation for Safe Routes to School (SRTS) for non-infrastructure projects. The City partners in the development of Lubbock's SRTS Plan with Lubbock Independent School District, Frenship Independent School District, Lubbock-Cooper Independent School District, Durham School Services, Metropolitan Planning Organization, and the Lubbock Police Department. The \$3,200 participation of in-kind services is available in the adopted FY 2007-08 Traffic Engineering operating budget.
3. Appropriate \$175,000 of Hotel/Motel Tax Fund Balance to Civic Lubbock, Inc. for the administration of the 2008 Lubbock Music Festival.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

Council Member Leonard thanked staff for providing him with the information needed to be able to vote on this item today. He asked that, in the future, this information be provided to Council at least one month before placing it on the agenda. City Manager Lee Ann Dumbauld said she would notify Civic Lubbock of what is needed. Leonard also suggested, in the future, taking a look at Civic Lubbock being self-funded. Mayor Miller agreed.

Motion was made by Council Member Leonard, seconded by Council Member Price to pass second reading Ordinance 2008-O0004, Item #3, as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Jones recused herself.

6.5. Contract Resolution - Civic Center: Resolution No. 2008-R0062 authorizing the Mayor to execute an agreement with Civic Lubbock, Inc., to administer hotel occupancy tax funds for the 2008 Lubbock Music Festival.

Pursuant to the current agreement dated September 21, 2005, Civic Lubbock, Inc. (CLI) created an Entertainment Task Force Standing Sub-Committee. The Committee is responsible for the development, organization, coordination, and funding of events that take advantage of the various talent and venues associated with Lubbock's entertainment industry. The Committee works collectively with entertainment entities throughout the region to have a positive impact on tourism.

Budget Amendment No. 5 appropriates \$175,000 from Hotel/Motel Tax Fund Balance for the Lubbock Music Festival. CLI's Entertainment Task Force Sub-Committee oversees and coordinates the expenditure of the funds. Any profits realized by the 2008 Lubbock Music Festival will be retained by CLI for future funding of the Festival and the Arts and Entertainment Grant Program. The funds are deposited in an interest bearing account and Civic Lubbock, Inc. is required to comply with all laws and provisions of Chapter 351 of the Texas Tax Code. Civic Lubbock, Inc. will make quarterly detailed expenditure reports to the City Secretary.

FISCAL IMPACT

The \$175,000 of funding will come from the Hotel Occupancy Tax Fund balance and does not reduce the allocation to any other entity.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0062 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Jones recused herself.

6.6. Contract Resolution - Civic Center: Resolution No. 2008-R0063 approving changes to the by-laws of Civic Lubbock, Inc., providing for term limits for directors, frequency of meetings, and month of election of officers.

Changes in the Civic Lubbock, Inc. by-laws reflect new term limits and address the transition of current members in order for all members to meet the new term limits. The frequency of meetings is changed from "at least quarterly" to "at least monthly, unless cancelled." The month for conducting an election of officers is changed from August to September to allow more

time following City Council appointments or reappointments to select a nominating committee and election of officers.

Language is added to include “events, attractions and/or” to Article XII as CLI is participating in grant programs, participating financially in events, and handling the Walk of Fame inductions and public art projects.

Key provisions of the amended by-laws include:

1. Add language related to term limits for board members
2. Change frequency of meetings
3. Change the month that election of officers is conducted

The changes are effective February 14, 2008.

Changes in the bylaws require City Council approval.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

Jim White, Civic Lubbock, Inc. Board member was available to answer questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2008-R0063 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.7. Contract Resolution – Civic Center: Resolution No. 2008-R0064 authorizing the Mayor to execute an agreement with Civic Lubbock, Inc., to administer the Cultural Arts Grant Program.

On September 21, 2005, City Council approved a License Agreement with Civic Lubbock, Inc. (CLI) granting CLI a license for all food, beverage and other concession sales at the City Bank Auditorium/Coliseum, Lubbock Memorial Civic Center, Buddy Holly Center, and Silent Wings Museum for a period of eight years. The agreement also specifies CLI create a Cultural Arts Grant Review Committee to manage funding identified for grants. Funding for the grant program is allocated from 5.71429% of the total Hotel Occupancy tax collected during the previous fiscal year.

The agreement provides a total of \$220,578, which is 5.71429% of the total Hotel Occupancy tax collected during FY 2006-07. The Cultural Arts Review Committee developed guidelines for the Cultural Arts Grant Program. Once the agreement and guidelines are approved, the committee will accept grant applications and make recommendations to the CLI Board. Twice each year, the CLI Board will present grant application recommendations to the City Council. Upon approval by City Council, CLI will begin using the allocated funds for the approved grantees. CLI will be responsible for monitoring and administering all aspects of the grant program.

FISCAL IMPACT

The agreement transfers \$220,578 from Hotel Occupancy Tax to Civic Lubbock, Inc.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2008-R0064 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.9. Ordinance Amendment 1st Reading – Finance: Ordinance No. 2008-O0018 Chapter 28 of the Code of Ordinances by amending Sections 28-52 and 28-53 of the Code of Ordinances by revising water rates as contained therein.

Each year, the City reviews water rates to ensure revenues are sufficient to cover operating debt, service, and capital cost. The recommended rate is sufficient to meet the operational needs, as well as, funding the start of the Lake Alan Henry Pipeline Project.

The City adopted in July 2007, the Strategic Water Supply Plan. The plan recommended the construction of a water transmission pipeline, the necessary pump stations and water treatment plant by 2012 bringing water from Lake Alan Henry to Lubbock. The City's current water supply capacity is at the margin, and additional water supplies are necessary. In addition, the gradual depletion of groundwater supplies in Bailey County requires the development of alternative water supplies.

The Lubbock Water Advisory Commission and Water Utilities staff recommended that the City proceed with the land and right-of-way acquisition and engineering as these steps can take a considerable amount of time to complete. With the completion of these steps, the time line for project completion is reduced substantially. The ordinance amends the water rates providing sufficient funding to move forward and begin the design engineering and property and right-of-way acquisition.

The ordinance also provides for a wholesale water rate that may be adopted by contract. The rate shall be a commercial rate for wholesale customers unless a wholesale rate is approved by contract. The wholesale rate recommended by the Lubbock Water Advisory Commission, is 1.3 times the volume rates for other commercial customers, and the block 2 volume is 3 times the average winter consumption. For Lubbock residential customers, the block 2 volume is almost 6 times the average winter consumption. Wholesale customers are primarily residential.

FISCAL IMPACT

The Lake Alan Henry project will involve a water transmission pipeline, pump stations, and a water treatment plant that will cost an estimated \$240 million with an estimated annual debt service of \$20 million. To finance this major water supply project and keep the project schedule, water rate increases

are necessary. The Finance Department has projected that a 16% increase will be necessary in 2008 and again in 2009, 2010, and 2011 to finance the project and maintain operations. Efforts are under way to obtain financial assistance from the Texas Water Development Board to assist in reducing the cost of financing the project.

The Lubbock Water Advisory Commission has requested that rate increases are spread out evenly over four years to avoid any major rate increases in a single year. The increase amount is due to the cost of the project, but spread out over a four-year period.

The proposed rate changes are outlined in the backup attachments. In addition, changes in an average residential bill are shown for both winter and summer months. The average residential winter water bill will increase \$3.57, while the average summer bill will increase \$6.24. Customers will have the option of reducing their bill by conservation and efficient water use.

The Lubbock Water Advisory Commission and staff recommended approval of the first reading of this ordinance.

Jeff Yates, Chief Financial Officer; Nancy Haney, Executive Director of Community Services; and Bill Howerton, Director of Community Development, gave comments and answered questions from Council. Council Member Price asked staff if they could get the information to the citizens on how to request assistance. Mayor Pro Tem Gilbreath thanked Tom Adams and his staff for their work.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass on first reading Ordinance No. 2008-00018 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.10. Ordinance Amendment 1st Reading - Finance: Ordinance No. 2008-00019 amending Chapter 28 of the Code of Ordinances by amending Sections 28-86(a) and 28-86(b) of the Code of Ordinances by revising wastewater rates contained therein.

Each year, the City evaluates the wastewater rates to ensure wastewater revenues are sufficient to provide for the operations, debt service, and capital needs. The proposed rate increase provides sufficient funding to meet these needs.

The City adopted, in July 2007, the Strategic Water Supply Plan. The plan recommended the SEWRP be improved to treat all wastewater to stream discharge quality standards eliminating environmental concerns and enabling future reuse opportunities. Final design for Phase I of the improvements were completed in the fall of 2007 and bids on the construction for this phase of the project will be considered at the February 14, 2008, City Council Meeting. Phase II is planned for construction in 2010, and 2012 for Phase III.

Phase I will enable Plant No. 4 at the SEWRP to treat 75% of the wastewater to stream quality discharge levels with nutrient removal and enable discharge at the SEWRP. Additional improvements will enable Plant No. 3 to treat the

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remaining 25% of the wastewater to meet stream quality discharge levels for discharge at the existing outfall located east of Ransom Canyon.

The Lubbock Water Advisory Commission and Water Utilities staff recommended the City proceed with the SEWRP improvements in a phased manner to make the necessary improvements while spreading out the cost for financing the projects. The proposed sewer rate increases are necessary to fund the first phase.

FISCAL IMPACT

The SEWRP improvement projects involve expansion and improvement to the wastewater treatment facilities. The total project is estimated to cost \$120 million, and the construction and engineering for Phase I is to cost \$55 million.

The Lubbock Water Advisory Commission requested wastewater rate increases distributed evenly through six years to avoid single year major increases. The 8% sewer rate increase over a six-year period accomplishes this goal.

The proposed changes are outlined in the attached backup with changes in base rates and use rates both shown. In addition, changes in an average monthly residential bill are shown. The proposed rate will increase the average residential wastewater bill \$1.32.

The Lubbock Water Advisory Commission and Water Utilities recommended approval of the first reading of this ordinance.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass on first reading Ordinance No. 2008-00019 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

1:50 P. M. COUNCIL ADJOURNED

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