

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 28, 2008  
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 28th day of February, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

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

**Absent:** Council Member Phyllis Jones, Council Member John Leonard

**1. CITIZEN COMMENTS**

- 1.1. Diana Dowd will appear before the City Council to discuss dogs attacking other animals.**

Citizen did not appear.

**2. EXECUTIVE SESSION**

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

**7:31 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**  
City Council Conference Room

**All council members were present, except Council Members Jones, Price, and Klein**

- 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. (Business Development, Water Utilities)**
- 2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.**

- 2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):
  - 2.4.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light
  - 2.4.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light
  - 2.4.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Lubbock Emergency Communications District Board of Managers, North Overton Tax Increment Financing Reinvestment Zone, Structural Standards Commission, and Urban Renewal/Neighborhood Redevelopment Commission.

**8:50 A.M. CITY COUNCIL REGULAR MEETING RECONVENED**  
City Council Chambers

**Present:** Mayor David A. Miller; Mayor Pro Tem Jim Gilbreath; Council Member Linda DeLeon; Council Member John Leonard; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

**Absent:** Council Member Phyllis Jones; Council Member Todd R. Klein; and Council Member Floyd Price

Mayor Miller reconvened the meeting at 8:50 A. M.

3. **PROCLAMATIONS AND PRESENTATIONS** were considered following Council reconvening at 9:37 a.m.
4. **MINUTES** were considered following Item 5.26.
5. **CONSENT AGENDA (Items 5.1-5.26)**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Items 5.1-5.26 on consent agenda as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

- 5.1. **Budget Ordinance Amendment 1st Reading - Finance: Ordinance No. 2008-O0020 Amendment No. 6 amending the FY 2007-08 budget respecting the Grant Fund, Abandoned Vehicle Fund, General Fund, Information Technology Fund, and Capital Improvement Program.**

Regular City Council Meeting  
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1. Accept and appropriate \$162,398 from the Department of Homeland Security for powered and mechanical extrication tools and equipment used in rescue operations. The equipment includes six new jaws units, four medium pressure rescue air bags, and one low pressure rescue air cushion system. The total cost of the equipment is \$202,998. Eighty percent, or \$162,398, is funded by the federal government on a reimbursement schedule as items are procured. The remaining twenty percent, or \$40,600, match is funded through the Adopted FY 2007-08 Fire Department operating budget.
2. Appropriate \$300,000 of Abandoned Vehicle fund balance for construction of a Simunitions training building. The building, located at the firing range, issued for tactical training by SWAT, in-service training for veteran officers, and new recruits in building searches, tactical entries, forced entries, safety issues while using stairways, and force-on-force training. The design of the building allows officers to use tools for entries without structural damage. Force-on-force training is designed to train officers in shoot/don't shoot scenarios where they use Simunition training cartridges, similar to paint balls.
3. Amend the Fire Fighter Pay Scale as outlined in Exhibit A. On July 10, 2006, City Council approved a resolution stating the goal to place the Lubbock Fire Department within the top ten fire departments in Texas for pay, compensation, and benefits/retirement. On April 1, 2007, all sworn fire fighters received a 2% pay increase. During the FY 2007-08 operating budget discussions, it was determined that implementation would take five years. The FY 2007-08 Adopted Budget includes a 3% pay increase and approval of \$324,229 pay increase for April 1, 2008 implementation of year one of a new pay structure. In Spring 2007, staff was directed to work with the Fire Fighters Association to determine a pay structure. After considerable discussion, an agreement was reached on the definition of "top ten" and on base salary numbers. The pay plan in Attachment A reflects the agreed upon first year of the five-year plan.
4. Authorize two additional full-time equivalent Switchboard Operators in Switchboard Operations. The additional positions allows for implementation of a 311 Call Center to act as the single point of contact for requesting all non-emergency City services. Its mission is to provide access to City services and information with the highest possible levels of customer service. The additional cost of these positions is funded through the Adopted FY 2007-08 Information Technology operating budget.
5. Amend Capital Improvement Project 91216, Terminal Improvement Project by increasing the appropriation from \$5,086,513 to \$5,307,100. Funding is as follows: \$1,923,591 of Airport Improvement Program grant, \$418,100 of Previously Issued Bonds, \$958,244 of Passenger Facility Charge (PFC), and \$2,007,165 of 5-year Certificates of Obligation. Revenues from PFCs are used to pay the debt service.

6. Amend Capital Improvement Project 91109, Roadway & Signage Improvement Project by increasing the appropriation from \$2,125,000 to \$5,633,370. Funding is as follows: \$141,286 of PFCs, and \$5,492,084 of 7-year Certificates of Obligation. Revenues from PFCs are used to pay the debt service.
7. Amend Capital Improvement Project 92022, Airfield Drainage & Safety Mitigation by increasing the appropriation from \$1,940,000 to \$2,134,000. Funding is as follows: \$2,134,000 of 5-year Certificates of Obligation. Revenues from PFC's funds the debt service.
8. Amend Capital Improvement Project 91110, Replace Flight Information Display System by appropriating \$233,975 and increasing the appropriation from \$225,000 to \$458,975. Project is funded with PFC funds.

### **FISCAL IMPACT**

Included in item summary.

Staff recommended approval of the first reading of this ordinance.

**5.2. Budget Ordinance Amendment 2nd Reading - Finance: Ordinance No. 2008-O0015 Consider budget ordinance Amendment No. 5 amending the FY 2007-08 budget respecting the Grant Fund and General Fund.**

The first reading of this ordinance was approved at the February 14, 2008, City Council meeting.

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

The grant funds Self-Sufficiency and Information and Referral programs to assist low-income persons and families. The Self-Sufficiency program, operated by Catholic Family Services, is a case management higher education program assisting low income households through direct assistance such as tuition, fees, books, and other class requirements as well as through 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 social service agency directory. The grant contract expires 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 for low-income persons and families.

The program assists with energy utility costs and the 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 Police Officer positions to one Police Sergeant and two Police Lieutenants allowing the Police Department to implement a reorganization plan. The cost of reclassification is absorbed through the Adopted FY 2007-08 Police Department operating budget.

#### **FISCAL IMPACT**

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

**5.3. Water Rate Ordinance Amendment 2nd Reading - Finance: Ordinance No. 2008-O0018 Consider an ordinance amending Chapter 28 of the Code of Ordinances by amending Sections 28-52 and 28-53 of the Code of Ordinances revising water rates as contained therein.**

The first reading of the ordinance was approved at the February 14, 2008, City Council meeting. Each year, the City reviews water rates to ensure revenues are sufficient to provide for operations, debt service, and capital cost. The recommended rate is sufficient to meet the department's operational needs and to fund the start of the Lake Alan Henry Pipeline Project.

In July 2007, the City adopted the Strategic Water Supply Plan. The plan recommended the construction of a water transmission pipeline, pump stations, and a water treatment plant to bring water from Lake Alan Henry to Lubbock by 2012. The City's current water supply is at marginal capacity, 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 the City proceed with land and right-of-way acquisition and the engineering design process, as these steps can take a considerable amount of time to complete. The ordinance amends the water rates by providing sufficient funding to move forward with the design engineering as well as property and right-of-way acquisition.

The ordinance also provides for a wholesale water rate applicable for federal, state or local governments as well as governmental agencies subdivisions that are authorized to purchase water and enter into contracts with the City for wholesale purchases. The rate is 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 water volume rate 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 involves the construction of a water transmission pipeline, pump stations, and a water treatment plant that will cost

an estimated \$240 million with estimated annual debt service of \$20 million. To finance this major water supply project and keep the project on schedule, water rate increases are necessary. The Finance Department projects that a 16% increase is 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 rate increases be spread out over four years to avoid single year major rate increases. The increase amount is due to the estimated cost of the project, but spread out during 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 monthly residential winter water bill will increase \$3.57, while the average summer bill will increase \$6.24. Customers can reduce their bill by conserving and efficiently using water.

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

**5.4. Wastewater Rate Ordinance Amendment 2nd Reading - Finance: Ordinance No. 2008-00019 Consider an ordinance amending Chapter 28 of the Code of Ordinances by amending Sections 28-86(a) and 28-86(b) of the Code of Ordinances revising wastewater rates contained therein.**

The first reading of the ordinance was approved at the February 14, 2008, City Council meeting. Each year, the City evaluates the wastewater rates to ensure wastewater revenues are sufficient to provide for the operations, debt service, and capital needs of the department. The proposed rate increase provides sufficient funding to meet these needs.

In July 2007, the City adopted the Strategic Water Supply Plan. The plan recommended the Southwest Water Reclamation Plant (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 was completed in the fall of 2007, and the construction contract for this phase of the project was awarded at the February 14, 2008, City Council meeting. Phase II is planned for construction in 2010, and Phase III is planned for 2012.

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 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, and incrementally implementing the cost for financing the projects. The proposed sewer rate increases are necessary to fund Phase I.

#### **FISCAL IMPACT**

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

The Lubbock Water Advisory Commission requested wastewater rate increases to be implemented evenly over the next six years to avoid a major single year rate increase. 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 are both shown. In addition, changes in an average monthly residential bill are shown. The proposed rate will increase the average monthly residential wastewater bill \$1.32.

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

**5.5. Resolution - Finance: Resolution No. 2008-R0065 amending designated authorized representatives on the City's accounts with the public funds investment pool known as the Texas Local Government Investment Pool.**

On May 28, 1998, the City entered into a Participation Agreement with the Texas Local Government Investment Pool (TexPool). The resolution updates and designates new authorized representatives. The designation of "Authorized Representatives" provides full power and authority to transmit funds for investment in TexPool, withdraw funds from time to time, issue letters of instruction, and take all other actions deemed necessary or appropriate for the investment of local funds. All transactions require dual signatures for added security and compliance with the City's Investment Policy.

"Authorized Representatives" will include the following individuals:

Lee Ann Dumbauld, City Manager

Jeffrey A. Yates, Chief Financial Officer

Andy Burcham, Director of Fiscal Policy and Strategic Planning

Brandon Inman, Senior Financial Analyst

Chelsea Keck, Financial Analyst

#### **FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of this resolution.

- 5.6. Contract Resolution - Business Development: Resolution No. 2008-R0066 authorizing the Mayor to execute an interlocal agreement with the Lubbock Central Appraisal District to provide services necessary for the collection of the assessments levied by the City Council against property in the Vintage Township Public Improvement District.**

On November 28, 2006, City Council approved a resolution establishing the Vintage Township Public Improvement District (PID). This agreement is with the Lubbock Central Appraisal District to provide collection services, in the Vintage Township PID, for the assessments levied on property owners. The expenses associated with this agreement will be the responsibility of the Vintage Township PID.

**FISCAL IMPACT**

Funding is the responsibility of the Vintage Township PID.

Staff recommended approval of this resolution.

- 5.7. Notice of Intent Resolution - Business Development: Resolution No. 2008-R0067 authorizing the City Secretary to give notice of the intention of the City Council to enter into a tax abatement agreement with Ozark Automotive Distributors, Inc., said notice to be given to the presiding officers of each governing body of each taxing unit having jurisdiction in assessing taxes on property which is further described as Lots 5 and 6, Lubbock Business Park Addition to the City of Lubbock.**

The City received an industrial tax abatement application from Ozark Automotive Distributors for a new facility at 408 E. Yucca Lane, located in the Lubbock Business Park, which is in the Lubbock 2000 North Enterprise Zone.

The project meets the Industrial Tax Abatement Policy and Guidelines for new company real property improvements of \$1 million. Total investment in the project is \$12.9 million for real property improvements and \$7.5 million for personal property. Ozark plans to create 225 jobs by June 2010 with an estimated annual payroll without benefits of \$6.1 million. The total estimated payroll with benefits is approximately \$8.3 million.

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

Staff is recommending a 10-year declining scale tax abatement, beginning with a 100% abatement in year one and declining by 10% annually thereafter.

**FISCAL IMPACT**

The estimated total amount of the City tax abatement during the term of the abatement is \$510,566.

Staff recommended approval of this resolution.

**5.8. Contract Resolution - Water Utilities: Resolution No. 2008-R0068 authorizing the Mayor to execute a purchase order contract for the installation of a closed circuit crawler video camera for sanitary sewer system pipe inspections.**

The video camera is used by the Wastewater Department for inspection of the sanitary sewer system. The equipment provides recorded video of sanitary sewer pipes that need to be replaced or repaired as well as sanitary sewer systems that need to be completely replaced in future capital improvement projects. Inspections prevent sewer overflows and blockages, which are a threat to community health and safety.

The \$119,331 purchase is for a complete closed circuit television camera unit including the camera, video recorders, monitors, 700 feet of power cable, video and lifting cables, and updated software for video storage and playback for the Wastewater Department, and includes the installation and build out an existing vehicle. The equipment replaces a crawler video camera purchased in 1997 that is beyond its useful life and no longer functions properly.

The equipment is available from Green Equipment of Fort Worth, Texas, through Houston-Galveston Area Council (H-GAC), contract No. SC01-08. H-GAC is a regional planning commission created under Acts of the 59th Legislature, Regular Session, 1965, recodified as Texas Local Government Code, Chapter 391. The H-GAC program was established pursuant to the Texas Interlocal Cooperation Act that allows governmental and qualifying non-profit entities to obtain commonly needed products and services. H-GAC purchases conform to the requirements of Texas competitive bid statutes.

**FISCAL IMPACT**

\$1.22 million is appropriated in Capital Improvement Project 91038, Sewer Line Replacement, with \$119,331 available for this purpose.

Staff recommended approval of this resolution.

**5.9. Contract Resolution - Water Utilities: Resolution No. 2008-R0069 authorizing the Mayor to execute a contract with Wolf Irrigation for well maintenance and repair at the Lubbock and Hancock Land Application sites, BID 08-019-FO.**

The City operates irrigation and monitoring wells at the Lubbock and Hancock Land Application Sites to meet Texas Commission on Environmental Quality wastewater permit requirements. This five-year contract includes routine maintenance, repair and replacement of irrigation type remediation and monitoring well equipment.

Bids were received from the following contractors:

Wolf Irrigation of Abernathy, TX	\$22,540
Acosta Drilling of Lamesa, TX	\$46,557

**FISCAL IMPACT**

The contract will not exceed \$48,000 per year. Funding is available in the Adopted FY 2007-08 Wastewater Operating Budget. The contract is awarded by unit price. The total amount of the award is estimated based on estimated quantities and actual expenditures may be more or less depending on actual needs. The price per unit will not change and expenditures will not exceed appropriated funds.

Lubbock Water Advisory Commission and staff recommended contract award to the low bidder, Wolf Irrigation of Abernathy, Texas, for \$22,540.

- 5.10. Contract Resolution - Community Development: Resolution No. 2008-R0070 authorizing the Mayor to execute a contract with Texas Department of Housing and Community Affairs for the Community Services Block Grant to provide assistance to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient.**

The Texas Department of Housing and Community Affairs (TDHCA) grant provides assistance to local communities to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient. The amount allocated to the City of Lubbock is \$364,445. At this time TDHCA has released approximately 20%, or \$73,754, and will notify the City of Lubbock as it makes additional funds available.

The period for performance of this contract is January 1, 2008, through December 31, 2008.

**FISCAL IMPACT**

The maximum amount allocated from the Community Services Block Grant for this program is \$364,445.

Staff recommended approval of this resolution.

- 5.11. Contract Resolution - Community Development: Resolution No. 2008-R0071 authorizing the Mayor to execute a contract with Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program to fund utility assistance to low-income persons.**

The Texas Department of Housing and Community Affairs grant funds utility assistance to low-income persons and the repair or replacement of inefficient appliances, including heating and cooling systems, water heaters, and refrigerators. The grant is \$390,302. The period for performance of the contract is January 1, 2008, through December 31, 2008.

**FISCAL IMPACT**

The funds used are State funds from the Comprehensive Energy Assistance Program. The maximum allocated to this grant is \$390,302.

Staff recommended approval of this resolution.

**5.12. Contract Resolution - Community Development: Resolution No. 2008-R0072 authorizing the Mayor to execute a Community Development Funding Contract with the South Plains Association of Governments from the Community Services Block Grant to fund a 2-1-1 Information and Referral Program.**

South Plains Association of Governments is receiving funding to operate the 2-1-1 Information and Referral Program. The funds are from the Community Services Block Grant (CSBG) which is administered by the Texas Department of Housing and Community Affairs (TDHCA). Funds are used to conduct information and referral services for Lubbock County residents and for the production and update of the information and referral guide. The total allocation for this program is \$63,800. TDHCA has released 20% of the total CSBG allocation, so the City is releasing \$12,760 and will notify subrecipient as more funds are made available. The period of performance is January 1, 2008, through December 31, 2008. The Community Development and Services Board approved this project.

**FISCAL IMPACT**

The maximum amount to be allocated from the Community Services Block Grant for this program is \$63,800.

Staff recommended approval of this resolution.

**5.13. Contract Resolution - Community Development: Resolution No. 2008-R0073 authorizing the Mayor to execute a Community Development Funding Contract with Lutheran Social Services of the South to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program and the Community Services Block Grant.**

Lutheran Social Services of the South is receiving funding to operate the Elderly/Disabled and Energy Crisis Utility Assistance Programs. The funds are from the Comprehensive Energy Assistance Program (CEAP) and the Community Services Block Grant (CSBG), administered by the Texas Department of Housing and Community Affairs (TDHCA). Funds are used to provide utility assistance to qualified low-income persons and families. The total allocation under CEAP is \$151,036 and the allocation from CSBG is \$22,500. TDHCA has released 20% of the total CSBG allocation, so the City is releasing \$4,500 in CSBG funding and will notify subrecipient as more funds are made available. The period of performance is January 1, 2008, through December 31, 2008. The Community Development and Services Board approved this project.

**FISCAL IMPACT**

The maximum amount to be allocated from the Comprehensive Energy Assistance Program and the Community Services Block Grant for the program is \$173,536.

Staff recommended approval of this resolution.

- 5.14. Contract Resolution - Community Development: Resolution No. 2008-R0074 authorizing the Mayor to execute a contract with Life Run Independent Living Centers from the Comprehensive Energy Assistance Program to provide utility assistance to qualified low-income persons and families for the Elderly/Disabled Utility Assistance Program.**

Life Run Independent Living is receiving funding to operate the Elderly/Disabled Utility Assistance Program. The funds are from both the Comprehensive Energy Assistance Program (CEAP) and the Community Services Block Grant (CSBG), administered by the Texas Department of Housing and Community Affairs (TDHCA). Funds are used to provide utility assistance to qualified low-income persons and families. The allocation under CEAP is \$47,500 and the allocation from CSBG is \$2,500. TDHCA has released 20% of the total CSBG allocation, so the City is releasing \$500 in CSBG funding and will notify subrecipient as more funds are made available. The period of performance is January 1, 2008, through December 31, 2008. The Community Development and Services Board approved this project.

**FISCAL IMPACT**

The maximum amount to be allocated from the Comprehensive Energy Assistance Program and the Community Services Block Grant for this program is \$50,000.

Staff recommended approval of this resolution.

- 5.15. Contract Resolution - Community Development: Resolution No. 2008-R0075 authorizing the Mayor to execute a contract with Catholic Family Services from the Community Services Block Grant for the Self Sufficiency Program to provide assistance to transition families out of poverty.**

Catholic Family Services is receiving funding to operate the Self-Sufficiency Program. The funds are from the Community Services Block Grant (CSBG) administered by the Texas Department of Housing and Community Affairs (TDHCA). Funds are used to provide assistance to transition families out of poverty. The total allocation for this program is \$195,145. TDHCA has released 20% of the total CSBG allocation, so the City is releasing \$39,029 and will notify subrecipient as more funds are made available. The period of performance is January 1, 2008, through December 31, 2008. The Community Development and Services Board approved this project.

**FISCAL IMPACT**

The maximum amount to be allocated from the Community Services Block Grant for this program is \$195,145.

Staff recommended approval of this resolution.

**5.16. Contract Resolution - Community Development: Resolution No. 2008-R0076 authorizing the Mayor to execute a contract with Catholic Family Services from the Comprehensive Energy Assistance Program to provide utility assistance to qualified low-income persons and families for the Co-Pay Utility Assistance Program.**

Catholic Family Services is receiving funding to operate the Co-Pay Utility Assistance Program. The funds are from the Comprehensive Energy Assistance Program (CEAP) administered by the Texas Department of Housing and Community Affairs. Funds are used to provide utility assistance to qualified low-income persons and families. The total allocation under CEAP is \$56,374. The period of performance is January 1, 2008, through December 31, 2008. The Community Development and Services Board approved this project.

**FISCAL IMPACT**

The maximum amount to be allocated from the Comprehensive Energy Assistance Program for this local program is \$56,374.

Staff recommended approval of this resolution.

**5.17. Resolution - Community Development: Resolution No. 2008-R0077 approving the Community Development and Service Board recommendations for the reallocation of unspent funds from the Community Development Block Grant.**

On January 16, 2008, the Community Development Services Board (CDSB) met to discuss the reallocation of unspent funds. The Board voted to approve the following funding recommendations. On February 14, 2008, the City Council held a Public Hearing concerning the proposed projects.

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 Reallocation:		\$202,795

On June 26, 2007, City Council directed staff to target the unpaved streets in East Lubbock. The boundaries for the area are East 4th Street, East Loop 289, and Idalou Road. The allocation of \$152,795 will increase the total funding to \$467,916. This includes Community Development Block Grant (CDBG) funds of \$302,795 and \$165,121 of oil royalties previously allocated to the project.

On February 22, 2006, City Council allocated \$20,000 to the program for miscellaneous costs associated with the department's housing programs. Housing and Urban Development (HUD) has recently ruled that establishing escrow accounts for taxes and insurance for reconstruction projects is not an eligible expense for HOME. However, it remains an eligible expense under CDBG. The additional \$12,000 will be used to establish escrow accounts for

homeowners in the Reconstruction Program, and increases the total amount of funding to \$32,000.

On June 26, 2007, City Council allocated \$125,000 to the project. The additional \$38,000 will provide additional low-to-moderate income households with emergency housing repairs, and increases the total amount of funding for FY 2007-08 to \$163,000.

#### **FISCAL IMPACT**

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

Staff recommended approval of this resolution.

- 5.18. Resolution - Health: Resolution No. 2008-R0078 authorizing the City Manager to transfer funds from the City of Lubbock Animal Donations Account to the Lubbock Area Foundation in order to meet the Animal Services Endowment target goal and receive matching funds from the Community Endowment Challenge.**

On April 12, 2007, City Council approved the creation of an Animal Services Endowment with the Lubbock Area Foundation. If the endowment reaches \$100,000 by March 1, 2008, the Community Endowment Challenge will contribute an additional \$50,000 to the fund.

As of February 5, 2008, the Lubbock Area Foundation Animal Services Endowment balance was \$78,437. To meet the \$100,000 goal by March 1, 2008, staff proposes transferring \$21,563 from the City's Animal Donation Fund to the Lubbock Area Foundation Animal Services Endowment, qualifying the Endowment to receive the additional \$50,000. All assets of the fund will remain with the foundation in a permanent endowment for the benefit of Lubbock Animal Services.

#### **FISCAL IMPACT**

\$21,563 will be transferred to the Lubbock Area Foundation Animal Services Endowment from the Animal Services Donation Fund. The remaining funds of \$106,869 in the City Animal Services Donation Fund will be used by the Animal Services Programs to support short-term program improvements.

Staff recommended approval of this resolution.

- 5.19. Ordinance 2nd Reading - Traffic Engineering: Ordinance No. 2008-O0017 Consider an ordinance amending Section 16-175.2 of the Code of Ordinances with regard to the establishment of school zones and speed limits.**

The first reading of the ordinance was approved at the February 14, 2008, City Council meeting. Following the completion of new elementary schools, the Lubbock Independent School District requested additional reduced speed school zones.

Section 16-175.2 of the Code of Ordinances is revised to include new school zones and add school zones. The Citizen's Traffic Commission reviewed and recommended approval of the proposed school zones.

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 Improvement 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 and will be funded through the Annual Public Works operating budget.

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

**5.20. Ordinance 2nd Reading Automated Traffic Signal Enforcement - Traffic Engineering: Ordinance No. 2008-O0013 Consider an ordinance repealing Ordinances No. 2006-O0131 and No. 2007-O0084, establishing an automated photographic traffic signal enforcement system.**

The first reading of the ordinance was approved at the February 14, 2008, City Council meeting. Ordinances No. 2006-O0131 and 2007-O0084 established an automated traffic signal enforcement program utilizing cameras for certain intersections. A study of the automated traffic signal enforcement program was presented to the Red Light Traffic Signal Enforcement Committee and Citizens Traffic Commission. Both committees submitted independent reports concerning the automated traffic signal enforcement system. At the February 14, 2008, City Council meeting, after receiving said reports, City Council determined it is in the best interest of the health, safety, and welfare of Lubbock citizens to terminate the automated traffic signal enforcement program.

This ordinance repeals Ordinances No. 2006-O0131 and 2007-O0084 and directs the City Manager and City staff to take such actions as may be necessary to terminate the automated traffic signal enforcement program and to remove the cameras and other equipment appurtenant to said program. The ordinance shall be effective immediately upon passage by the City Council.

#### **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. Following the approval of the ordinance on first reading, American Traffic Solutions discontinued image capture at photo enforced intersections.

Staff recommended approval of the second reading of this ordinance.

**5.21. Ordinance 2nd Reading - Traffic Engineering: Ordinance No. 2008-O0014 Consider an ordinance 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.**

The first reading of the ordinance was approved at the February 14, 2008, City Council meeting. 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 parking problems and have petitioned the City to expand the Resident Parking Only Program. There have also been parking complaints received from citizens in other neighborhoods.

Staff recommended the City expand the Resident Parking Only Program area to include Zone 1 for all of the Tech Terrace neighborhood, Zone 2 for the Heart of Lubbock neighborhood, Zone 3 for the South Overton neighborhood, Zone 4 for the North Overton neighborhood, Zone 5 for the Arnett Benson neighborhood, and Zone 6 for the area around Monterey High School.

**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 annual Public Works operating budget.

Staff recommended approval of the second reading of this ordinance.

**5.22. Contract Resolution - Public Works Engineering: Resolution No. 2008-R0079 authorizing the Mayor to execute a public works unit price construction contract for drainage improvements on North University Avenue at Marlboro Street and on Erskine Street at North University Avenue, BID 08-710-DD.**

The project includes in two areas drainage improvements. The first area is on the west side of North University Avenue. The intersections of Marlboro, Madison, Kent, and Loyola Streets were constructed 40 years ago in such a way that water stands across the paving. Water also stands in the ditch for extended periods. The standing water has damaged the asphalt street paving and constitutes a health hazard.

The proposal is to reconstruct the intersections to include curb and gutter, allowing the water to drain south to Kent Street. The area between the existing strip paving and the new curb and gutter will be paved with asphalt to eliminate the ineffective ditches.

The second area of the project is on Erskine Street east of North University Avenue. The ditch on the south side of Erskine Street is flat from North University Avenue to 1,400 feet east. Water stands in driveways in the area for extended periods of time because there is inadequate grade for the dirt ditch to drain.

The construction of a concrete flow line in the existing south ditch will provide a positive, more permanent drainage path. The concrete flow line will extend from North University Avenue to North Vernon where the natural slope increases significantly.

The following contractors submitted bids:

M & S Concrete of Levelland, Texas	\$182,836
Utility Contractors of America of Wolfforth, Texas	\$264,514

The time for completion is 50 working days and liquidated damages for the project are \$200 per day.

#### **FISCAL IMPACT**

\$1.136 million was appropriated in Capital Improvement Project 90025, Drainage Improvements, and \$484,000 was appropriated in Capital Improvement 91187, Erskine Street at University Avenue & Drainage, with \$182,836 available for this purpose. This contract is awarded by unit price. The total amount of the award is estimated based on estimated quantities and actual expenditures may be more or less depending on actual needs. The price per unit will not change and expenditures will not exceed appropriated funds.

Staff recommended contract award to the lowest responsible bidder, M & S Concrete of Levelland, Texas, for \$182,836.

**5.23. Contract Resolution - Airport: Resolution No. 2008-R0080 authorizing the Mayor to execute Amendment No. 2 to the lease agreement with Federal Express Corporation to include additional ramp space at Lubbock Preston Smith International Airport.**

Federal Express Corporation has operated at its current location since March 1995. In September 2003, Federal Express' agreement was amended to add 92,800 square feet additional ramp space south of the original ramp area.

With the recent expansion of the freight service and addition of larger equipment, Federal Express is requesting an additional 92,800 square feet of ramp space adjacent to the current leasehold.

#### **FISCAL IMPACT**

The additional ramp area of 92,800 square feet will be leased at \$0.301 per square foot per year. The rental will generate \$27,933 annually to the Airport fund.

The Airport Board and staff recommended approval of this resolution.

**5.24. Resolution - Airport: Resolution No. 2008-R0081 authorizing the Director of Aviation to amend Passenger Facility Charge Application 06-06-C-00-LBB to the Federal Aviation Administration increasing the Impose and Use Authority and increasing the collection level to \$4.50.**

For the past several years, the Lubbock Preston Smith International Airport has experienced unprecedented construction inflation due to the rising cost of

steel, electronic components, concrete, and oil. The original opinions of the cost for projects on Passenger Facility Charge (PFC) application 06-06-C-00-LBB could not, and did not, anticipate these factors. As a result, the project budgets need to be adjusted to reflect the current market value of construction. All PFC projects are programmed prior to executing design contracts with airport engineering consultants. Occasionally, items are discovered in the design phase that could not have been anticipated. As a result of unprecedented inflation, the existing \$3 PFC is no longer sufficient to keep up with inflated construction costs.

In order to protect the cash flow of the PFC fund, the financing plan has been amended to provide short term financing for three projects, using PFC revenue to pay the debt service. The increased budget for these projects reflects the additional cost to finance the project.

Amendment No. 1 will revise the budget amount for seven of the ten projects included on the application and increase the PFC collection level from \$3 to \$4.50. Table B-1 provides detailed information for each individual project budget.

#### **FISCAL IMPACT**

The financial impact of the amendment will be a \$5,243,014 increase to the PFC Application. The charge expiration date (estimated date when air carriers cease to collect on the application) will be amended from March 2013, to June 2013.

The Airport Board and staff recommended the approval of this resolution.

**5.25. Ordinance 1st Reading - Right-of-Way: Ordinance No. 2008-O0021 abandoning and closing a portion of a 40-foot drainage easement located in Lot 2, CMR Industrial Park Addition to the City of Lubbock, easement closure located at 1001 East 74th Street.**

The ordinance abandons and closes a portion of a 40-foot drainage easement located in Lot 2, CMR Industrial Park Addition, located north of East 74th Street and west of King Avenue. The owner of the property is requesting to build over a portion of the east-west 40-foot drainage easement. In the new drainage analysis some of the flow will be diverted to the north (via new paved alley) and the remainder of the flow will continue to the east. The Street Drainage and Storm Water Management Engineering Departments are in agreement with the drainage easement closure.

#### **FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of the first reading of this ordinance.

**5.26. Contract Resolution - Police: Resolution No. 2008-R0082 authorizing the Mayor to execute an agreement with Wild West Harley-Davidson for the lease of police motorcycles.**

This agreement leases 12 Harley-Davidson Road King Motorcycles used by the Lubbock Police Department. The Lubbock Police Department has determined it is more cost efficient to lease than to purchase and maintain police motorcycles over a five-year period. Most repairs, other than routine maintenance, are covered under factory warranty. For the last seven years, the Police Department has leased motorcycles from Wild West Harley-Davidson, formerly Grave's Harley-Davidson of Lubbock. Wild West is the only Lubbock area provider of new Harley-Davidson motorcycles. Harley-Davidson is the only motorcycle manufacturer that offers a one-year lease program. Consequently, this is a sole source procurement exempt from competitive bidding pursuant to Texas Local Government Code Chapter 252.022(a)(7)(A). The agreement begins March 1, 2008, or the first day of the month after delivery of the new motorcycles, whichever may come first.

**FISCAL IMPACT**

The annual \$47,376 lease payment is included in the Adopted FY 2007-08 Police Department operating budget.

Staff recommended approval of this resolution.

**4. MINUTES**

**4.1. Approval of Prior Meeting Minutes: Special City Council Meeting, January 15, 2008; Regular City Council Meeting, January 24, 2008; Special City Council Meeting, February 5, 2008**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve the minutes of the Special City Council Meeting of January 15, 2008, the Regular City Council meeting of January 24, 2008, and the Special City Council Meeting of February 5, 2008 as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

**6. REGULAR AGENDA**

**Note: Regular Agenda items, and Proclamation and Presentation items moved to Regular Agenda, are listed in the order they were addressed (6.6, 3.1-3.6, 6.1-6.4).**

**6.6. Board Appointments - City Secretary: Consider one appointment to Lubbock Emergency Communications District Board of Managers, three appointments to North Overton Tax Increment Financing Reinvestment Zone, one appointment to Structural Standards Commission, four appointments to Urban Renewal/Neighborhood Redevelopment Commission, one appointment to Keep Lubbock Beautiful, and one appointment to National Windmill Project, Inc. Board of Directors.**

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to appoint Steve Hailey to the Lubbock Emergency Communications District Board of Managers. Motion carried: 4 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to reappoint Jack Driskill, Carolyn McDougal, and Patrick Murfee to the North Overton Tax Increment Financing Reinvestment Zone Board. Motion carried: 4 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to hold on the appointment to the Structural Standards Commission until the next Regular City Council meeting. Motion carried: 4 Ayes, 0 Nays.

**Note: This item was addressed again following Item 3.6, and Gaylon Kerr was appointed.**

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to reappoint Susan Comer and Pepe Lucio, and appoint Gary Ferguson and Cassandra Mojica to the Urban Renewal/Neighborhood Redevelopment Commission. Motion carried: 4 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to reappoint Cynthia Martin to the National Windmill Project, Inc. Board of Directors. Motion carried: 4 Ayes, 0 Nays.

Council Member DeLeon nominated Margarita Alvarez to the Keep Lubbock Beautiful Board. Mayor Pro Tem Gilbreath nominated Kay Brown to this board. City Attorney Anita Burgess informed Council that it would take a quorum of four votes to pass any item. Consensus from Council was to hold on this appointment until another Council Member was present.

**8:55 A.M. CITY COUNCIL RECESSED**

**9:37 A.M. CITY COUNCIL RECONVENED**

### **3. PROCLAMATIONS AND PRESENTATIONS**

#### **3.1. Invocation by Pastor Gary Kirksey, City View Christian Fellowship**

#### **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 special recognition to Bryan Chapa and Felipe Nunez, from the City of Lubbock Solid Waste Department, for providing aid to a stranded motorist.**

Mayor Miller presented special recognition to City of Lubbock employees Bryan Chapa and Felipe Nunez of the Solid Waste Department for helping a stranded motorist.

**3.4. Presentation of a special recognition to Guadalupe Neighborhood Association Board of Directors for organizing local groups to clean the arroyo.**

Council Member DeLeon joined Mayor Miller as he presented special recognition to the Guadalupe Neighborhood Association Board of Directors for organizing local groups to clean to arroyo. Members of the Guadalupe Neighborhood Association Board of Directors present to accept special recognition were Lile Quirino, Carlos Quirino, Sr., and Alma Lujan. Council Member DeLeon gave comments.

**3.5. Presentation of a special recognition to City Secretary Becky Garza for completing her professional education for recertification as a Certified Texas Municipal Clerk.**

Mayor Miller presented special recognition to City Secretary Becky Garza for completing her professional education for recertification as a Certified Texas Municipal Clerk. The Mayor and Council thanked Ms. Garza for her commitment to the City of Lubbock and the office of City Secretary. Ms. Garza thanked Council.

**3.6. Presentation of a proclamation honoring the beginning of the Lubbock Centennial Celebration on March 2, 2008.**

Mayor Miller presented a proclamation to honor the beginning of the Lubbock Centennial Celebration on March 2, 2008. Members of the Centennial Committee present were Linda Gaither, Laura DeLeon, Peter Laverty, Shelby Shaw, Sandy Henry, and Beverly McBeath. Ms Gaither gave comments.

**9:50 A.M. CITY COUNCIL RECESSED**

**10:01 A.M. CITY COUNCIL RECONVENED**

**6. REGULAR AGENDA**

**At this time, Council reconsidered Item 6.6 to make an appointment to the Structural Standards Commission.**

**6.6. Board Appointments - City Secretary: Consider one appointment to Lubbock Emergency Communications District Board of Managers, three appointments to North Overton Tax Increment Financing Reinvestment Zone, one appointment to Structural Standards Commission, four appointments to Urban Renewal/Neighborhood Redevelopment Commission, one appointment to Keep Lubbock Beautiful, and one appointment to National Windmill Project, Inc. Board of Directors.**

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to appoint Gaylon Kerr to the Structural Standards Commission. Motion carried: 4 Ayes, 0 Nays.

**6.1. Public Hearing 10:00 A.M. - Planning: Ordinance No. 2008-O0022 Zone Case No. 2895-C (6211 82nd Street) Hold a public hearing to consider request of Betenbough Homes for zoning change from A-2 limited to church and church related uses, to C-3 on Tract A-1-B, Monterrey Church of Christ Addition.**

Mayor Miller opened the public hearing at 10:03 a. m. No one appeared on behalf of Betenbough Homes. No one appeared in opposition. Mayor Miller closed the hearing at 10:04 a. m.

The parcel is a portion of the original zone case for land that was in contract to the Monterrey Church of Christ, leaving this strip Apartment-2 (A-2) limited to church and church related between the church and adjacent commercial. The area is too small for another church.

Adjacent land uses:

- N – commercial, across 82nd Street
- S – existing vacant remnant of this A-2 limited to church parcel
- E – Monterrey Church of Christ
- W – commercial

Commerical-3 (C-3) is the dominant zoning district on all of the adjacent commercial. If approved, the proposed ordinance recommended by the Planning and Zoning Commission includes the recommendation for a minor amendment to the Comprehensive Land Use Plan. The installation of the Wal-Mart and accompanying retail have already significantly altered the current plan on this corner, and an amendment for this case should not be out of reason.

Staff requested a condition on curb returns to reduce congestion on 82nd Street. Otherwise the development should not impact the overall thoroughfare system.

The Planning and Zoning Commission recommended approval of the request that also includes a minor amendment statement to the Comprehensive Land Use Plan with the following condition:

1. The tract shall be limited to one curb return on 82nd Street.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2008-O0022 as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

**6.2. Public Hearing 10:00 A.M. - Planning: Ordinance No. 2008-O0023 Zone Case No. 2995-E (6602 82nd Street) Hold a public hearing to consider request of Hugo Reed and Associates, Inc. (for 98th Street and Quaker Avenue, Ltd.) to change zoning from C-3 and T to IHC on 5.3 acres of unplatted land out of Section 30, Block AK.**

Mayor Miller opened the public hearing at 10:03 a. m. No one appeared on behalf of 98th Street and Quaker Avenue, Ltd.. No one appeared in opposition. Mayor Miller closed the hearing at 10:04 a. m.

The applicant has an interested car dealership (a second location of an existing dealership in Lubbock) for this parcel west of Milwaukee Avenue, which requires either Commercial-4 (C-4) or Interstate Highway Commercial (IHC) zoning.

Adjacent land uses:

- N – a playa
- S – partially apartment developed, partly commercially yet to be developed
- E – commercial
- W – commercial

Being isolated by the lake and adjacent commercial development, staff asked the owner to consider requesting IHC limited to a car dealership and all permitted Commercial-3 (C-3) uses. This vicinity has no other zoning heavier than C-3, and while the car dealership may be a good fit for the parcel, there are a number of heavier uses in IHC that would not be compatible with the current and future planned development in the area.

The commercial project is compatible with the Comprehensive Land Use Plan adopted for this area. The parcel is zoned C-3 currently with a limitation of three curb cuts. That limitation will be repeated in recommendations of the Planning and Zoning Commission.

The project meets the guidelines of the IHC Zoning District, and should have no more than the expected impact on the thoroughfare system. If developed as one car dealership, the total traffic impact will be significantly less than a strip shopping center.

The Planning and Zoning Commission recommended approval of the request with two conditions:

1. The Interstate Zoning District shall be limited to one car dealership and all permitted C-3 uses.
2. The entire parcel shall remain tied to three curb returns as previously approved by the Planning and Zoning Commission in a review included in the current zoning on the parcel.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2008-00023 as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

**6.3. Public Hearing 10:00 A.M. - Planning: Ordinance No. 2008-O0024 Zone Case No. 3048-C (between Main Street to Glenna Goodacre Boulevard from Avenue U to Avenue S) Hold a public hearing to consider request of Capstone Development Corporation for zoning change from R-1 Specific Use, R-2, and A-2 to A-2 Specific Use for multifamily housing and townhome units on Block 28, 29, 38, 39 and the north half (Lots 1 - 12) of Block 27 and 40 and 30 feet of the adjacent dedicated street right-of-way on the entire perimeter and the 20-foot alley to the south of Blocks 27 and 40.**

Mayor Miller opened the public hearing at 10:03 a. m. No one appeared on behalf of Capstone Development Corporation. No one appeared in opposition. Mayor Miller closed the hearing at 10:04 a. m.

The concept presented by Capstone Development Corporation is novel to Lubbock. Capstone is a company that specializes in apartment complex development catering to student populations at large universities. Their portfolio includes various types of properties from gated "compound" communities to 18-story structures in a downtown setting. In this case, to be in concert with the Residential Design Guidelines for Overton Park and to maintain the current street configuration the arrangement of the units has been designed to follow the existing streets and to face the street with structures that will have a varied appearance and design. The facility will occupy four-and-one-half City blocks in the southeast corner of the area being redeveloped in North Overton. Parking will be located in the interior of each block where there are normally backyards and alleys in single family developments. The objective of Capstone is to construct an apartment complex project, but achieve a mix of structure size and designs such that the outward appearance is similar to a residential neighborhood. The request is structured as Apartment-2 (A-2) with a Specific Use Permit since several "lodge" room units are three stories, which require A-2, and the proposed roof pitch makes the structures a few feet taller than allowed in A-2. The central office and activities center is also taller than 40-feet, but will be in the very center of the project.

As some background, staff scanned three land use plans for comparison of the growth of an idea. In 1975, staff, Planning and Zoning Commission, and City Council fostered an "A-2 Policy" for the Overton North area, a decision that in hind sight was ill-fated because it was an entire half square mile with no "plan." The result was deterioration of the remaining housing units and the introduction of random apartment complex communities varying from four to one hundred units.

The benefit of the current redevelopment is a “bigger picture” look has been involved from the start and no zoning has occurred at random. The three studies/reviewed by the Commission include:

1. A study and recommended land use proposal made in 1986 entitled “Overton North – 2005” was presented to City Council after an extensive planning project funded by downtown businesses and produced by the late Dr. George Peng, a professor in the Texas Tech University Architecture Department. Dr. Peng has an extensive background in urban development. He proposed a subdivision with much greater density than normal in Lubbock for the Overton North area.
2. The Comprehensive Land Use Plan was amended in 1986 stemming from the results of the Peng Plan. As redevelopment has progressed, the proposal of the 1986 Peng Plan and plan amendment are remarkably similar to how the subdivision is taking shape.
3. The current plan amendment not illustrating the changes that have been made, such as Wal-Mart and several other projects, has been established. This original site plan has been amended by zoning projects as minor amendments as the redevelopment unfolds.

The use of contrasting these three plans is to illustrate how “thinking big” and daring to step out can come to fruition. The current Interstate 27 and under construction cross town freeway are similar examples.

Adjacent Land Use:

- N – vacant, targeted for residential
- S – townhomes along Main Street
- E – mixed single and multi family uses
- W – targeted as single family

As noted, the proposal is not consistent with the Comprehensive Land Use Plan as amended for the redevelopment of Overton North. These four and one half blocks are noted as single family residential on the current Plan and are currently zoned with the Residential Design Guidelines for Overton Park attached as a part of the ordinance.

The motion for approval by the Planning and Zoning Commission includes the fact that the rezoning is preceded with a minor change to the Comprehensive Land Use Plan. As in a number of zone cases in the last two years, when the current Land Use Plan was adopted for the redevelopment of North Overton, it was made clear that Plan would need to remain fluid as development potentials materialized.

The developer, applicant, and staff have discussed the proposed zone change at length. Designed with the structures facing the street and meeting the Overton Park Residential Guidelines (a design booklet with very specific exterior design guidelines adopted for the residential portion of the redevelopment area) will maintain most of the single family “look” of this area originally destined for single family, but the residents will be primarily

students. Proximity to the Texas Tech University campus is what is driving this proposal. Because the “look” closely resembles single family from the street, the developer is convinced the proposed project will not negatively affect the sale of the remaining adjacent lots zoned for single family.

Because of the location of this subdivision adjacent to Texas Tech University, and the fact that much of the area was developed with older apartment complex units and homes with rear units, the impact of the entire redevelopment will not create as much change to the overall traffic issue in the area as it would if located in a more traditional subdivision elsewhere in Lubbock. With redevelopment, traffic will be congested. Traffic patterns and parking have long been congested in this area and the redevelopment will not dramatically change that fact. Now that the area is leveled, one tends to forget the density and number of units (approximately 1,700 apartment units and many multi-tenanted lots) in the project site prior to starting the redevelopment. New development west of Avenue U and the Wal-Mart area has provided a level of parking that meets the Zoning Code, while many of the former multi-family and multi-unit lots did not. This project meets off-street parking requirements while maintaining an appearance that should fit into the overall fabric of the subdivision. The Planning and Zoning Commission recommended approval of the request, including a minor change to the Comprehensive Land Use Plan with the following:

Adherence to A-2 development standards with exceptions noted below as well as the design and materials and review process contained in the Overton Park Residential Design Guidelines with following conditions and amendments:

1. The Overton Park Residential Design Guidelines are adopted within this ordinance with the following amendments:
  - a. The front porches may be 6 feet 8 inches deep versus the 8 feet outlined in the Overton Park Residential Design Guidelines.
  - b. The mix of structures shall be arranged such that no three story buildings face Glenna Goodacre Boulevard. Otherwise, the developer may arrange the building mix that best suits the available square footage on each block face. The rear style of each structure shall be as designed by the developer.
  - c. The townhome structures shall be constructed in a different style than “bungalow” since that style is not acceptable in row housing.
  - d. Propose an approved style other than “bungalow” for units that have a second story porch.
  - e. Structures including porches shall maintain a minimum of 12 feet of front setback and 5 feet side street setback, and the corner structures will be designed to meet the 25-foot vision triangle.
  - f. No sheet materials will be allowed unless finished as box and strip construction. Vertical 12-inch or less box and strip style “smartside”

will be allowed. No masonite panels or shiplap materials will be allowed.

- g. As noted in the Overton Park Residential Design Guidelines, exterior window shutters are permitted only in the Colonial Revival style.
  - h. For horizontal lap siding, the reveal may not be greater than six inches.
  - i. Roof slopes may be increased to as much as 14 in 12 versus the maximum of 6 in 12 in the Craftsman Bungalow portion of the Overton Park Residential Design Guidelines. The developer is working on a number of the unit designs to have less roof pitch in some of the structures.
  - j. Standing seam metal shall be allowed on porches, all main roof forms will have composite shingle roofs.
- 2. A screening fence shall not be required on any portion of the perimeter of the 4 1/2 block development.
  - 3. Total height from slab on several of the three-story structures and the clubhouse may be 56 feet tall with a 70-foot cupola versus the development standard of a 40-foot maximum in A-2. (The tall roof pitch noted in i. above is causing the increased height. No usable floor space is created by the increased height).

Examples of structure types, not all diagrams/elevations included in backup.

#### **FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Randy Henson, Director of Planning, gave comments and answered questions from Council. A video from Capstone Development Corporation was presented for Council and those in the chambers to view. Mr. Henson requested Council to approve the following changes:

In section 3(f), change the vertical 12 inch or less box and strip style “smartside” to 16 inch or less box and strip style “smartside; and in section 3(h), change “for horizontal lap siding, the reveal may not be greater than six inches (6”)” to seven inches (7”).

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2008-O0024 with amendments as requested. Motion carried: 4 Ayes, 0 Nays.

- 6.4. Public Hearing 10:00 A.M. - Planning: Ordinance No. 2008-O0025 Zone Case No. 3103 (10108 Quaker Avenue) Hold a public hearing to consider request of AMD Engineering (for Texas Mutual Insurance Company) for zoning change from T to C-2 on 4.16 acres of unplatted land out of Section 16, Block E-2.**

Regular City Council Meeting  
February 28, 2008

Mayor Miller opened the public hearing at 10:03 a. m. No one appeared on behalf of Texas Mutual Insurance Company. No one appeared in opposition. Mayor Miller closed the hearing at 10:04 a. m.

The applicant is requesting Commercial-2 (C-2) zoning on an area that is a portion of the former plant nursery south of 98th Street on the west side of Quaker Avenue.

Adjacent land uses:

- N – commercial
- S – zoned Transitional, destined for commercial
- E – commercial across Quaker Avenue
- W – residential

The parcel is within an area considered proposed as commercial within the policies of the Comprehensive Land Use Plan. This particular intersection is impacted by the curves in 98th Street and Quaker Avenue to place all of a playa on the northwest corner (in the Lakeridge Golf Course) and the fact that the land in the vicinity of this parcel has been used as commercial for years prior to annexation.

When developed the parcel will meet C-2 development standards.

With the southwest corner of this intersection fractured into multiple parcels, and particularly since the project is on the curve in Quaker Avenue, staff proposed that the Commission consider limiting the parcel to two curb returns, and be aware that the owner is working on making each of the two a shared drive for the parcels to the north and south. If they are successful the overall number of driveway returns will be reduced. The traffic generated by the project should have no more than the anticipated impact on the thoroughfare system.

The Planning and Zoning Commission recommended the request with one condition:

1. The tract shall be limited to two curb returns on Quaker Avenue.

#### **FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2008-00025 as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

Regular City Council Meeting  
February 28, 2008

- 6.5. Resolution - Finance: Consider a resolution accepting the City of Lubbock Comprehensive Annual Financial Report for fiscal year ended September 30, 2007.**

**This item was deleted.**

Mayor Pro Tem Gilbreath requested that, when the Comprehensive Annual Financial Report is considered, the chairman of the Audit Committee should appear and make any comments that he would like to make on this item.

**10:15 A. M. CITY COUNCIL RECESSED**

**10:48 A. M. COUNCIL ADJOURNED**

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