

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
JUNE 26, 2008  
7:30 A. M.**

**The City Council of the City of Lubbock, Texas met in regular session on the 26th day of June, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.**

**7:32 A.M. CITY COUNCIL CONVENED  
City Council Chambers, 1625 13th Street, Lubbock, Texas**

**Present: Mayor Tom Martin, Mayor Pro Tem Jim Gilbreath, Council Member Todd R. Klein, Council Member Linda DeLeon, Council Member Floyd Price, Council Member Paul R. Beane**

**Absent: Council Member John Leonard**

**1. CITIZEN COMMENTS**

**1.1. Clyde James will appear before City Council to discuss tradition related to honoring City Council members and the role of seniority.**

Clyde James did not appear.

- Clifton Burnett appeared before Council to speak about the budget, buying the Tara building and Board appointments.
- Josie Sulaica, West Texas Organizing Strategy, appeared before Council to speak about District 1 and District 2 water line repairs.
- Ruben Guerrero, West Texas Organizing Strategy, appeared before the Council to speak about Lubbock representation.
- Mary Vines, West Texas Organizing Strategy, appeared before the Council to speak about viewing the City improvements as an investment. She encouraged the Council to not cut the budget.
- Lane Powell, West Texas Organizing Strategy, appeared before the Council to speak about the issues that adolescents and families face. She would like to see after school programs, for middle school, that address positive activities.
- Donell Hooper, Bridging Lives Across Culture, appeared before the Council to speak about the economic situation in East Lubbock.

**7:50 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**City Council Conference Room**

**2. EXECUTIVE SESSION**

**Mayor Martin 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.”**

- 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)**
- 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, Right-of-Way, Water Utilities)**
  - 2.2.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light**
- 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, Mayor Pro Tempore) 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 Canadian River Municipal Water Authority, Structural Standards Commission, and Water Board of Appeals.**

**9:10 A.M. CITY COUNCIL REGULAR MEETING RECONVENED  
City Council Chambers**

Regular City Council Meeting  
June 26, 2008

**Present:** Mayor Tom Martin; Mayor Pro Tem Jim Gilbreath; Council Member Linda DeLeon; Council Member Paul R. Beane; Council Member Todd R. Klein; Council Member John Leonard; Council Member Floyd Price; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Thomas Harris, Deputy City Secretary

**Absent:** No one

**Mayor Martin reconvened the meeting at 9:10 A. M.**

- 3. PROCLAMATIONS AND PRESENTATIONS were considered following Item 5.20.**
- 4. MINUTES were considered following item 5.1.**
- 5. CONSENT AGENDA (ITEMS 5.3, 5.4, 5.6, 5.10, 5.11, 5.13, 5.16, 5.18, 5.19)**

Motion was made by Mayor Pro Tem Jim Gilbreath, seconded by Council Member Klein to approve Items 5.3, 5.4, 5.6, 5.10, 5.11, 5.13, 5.18, 5.19 on consent agenda as recommended by staff. Motion carried 6 Ayes, 0 Nays except for Item 5.16 Council Member Price recused, Motion carried 5 Ayes, 0 Nays. Council Member Leonard absent.

**5.1 This item was moved from consent agenda to regular agenda and considered following Item 6.9.**

**5.2 This item was moved from consent agenda to regular agenda and considered following Item 4.1.**

**5.3. Contract Resolution - Water Utilities : Resolution No. 2008-R0218 authorizing the Mayor to execute a pipeline license agreement with BNSF Railway Company allowing the City to place a pipeline across BNSF property near the intersection of 8th Street and the alley between Buddy Holly Avenue and Avenue G for the Downtown Water Line Replacement project.**

The Downtown Water Line Replacement project will replace existing water lines to improve the downtown water supply and water pressure for fire protection. The project is limited to the area bounded by 4th Street on the north, 19th Street on the south, Avenue Q on the west, and Interstate 27 on the east. The license agreement allows the City to place a pipeline across BNSF property near the intersection of 8th Street and the alley between Buddy Holly Avenue and Avenue G.

The cost for the license is \$2,500 and the cost of flagger services provided by BNSF is \$600 per flagger per 8-hour day, for a total estimate of \$4,700.

#### **FISCAL IMPACT**

\$10,783,630 is appropriated in Capital Improvement Project 90274, Downtown Water System Improvements, with \$4,700 available for this purpose.

Staff and the Lubbock Water Advisory Commission recommend approval.

**5.4. Contract Resolution - Water Utilities : Resolution No. 2008-R0219 authorizing the Mayor to execute a contract with Parkhill, Smith & Cooper for professional engineering services to design the Lake Alan Henry Raw Water Pipeline and Pump Stations, RFQ 06-712-BM.**

The Lake Alan Henry infrastructure project includes contracts with Parkhill, Smith & Cooper for final design of the water treatment plant, raw water pipeline and pump stations, and treated water transmission lines.

On March 27, 2008, City Council approved the contract for design of the water treatment plant. The contract includes the design of approximately 50 miles of 42 to 48-inch raw water pipeline from Lake Alan Henry to the water treatment plant southeast of Lubbock and the design of the first two of three pump stations located near the John T. Montford Dam and the City of Post. Pipeline construction is scheduled to begin in June 2009, with the construction of first segment from Lake Alan Henry to the City of Post. Pump station construction is scheduled to begin in June 2010.

The term of the \$5,548,500 contract is through December 31, 2012. However, the contract specifies that only the preliminary design reports for the pipeline and the pump stations will be performed during the current fiscal year. The cost for performing the task is \$736,000.

**FISCAL IMPACT**

\$5 million is appropriated in Capital Improvement Project 92068, Lake Alan Henry Pipeline Final Design, with \$736,000 available for this purpose.

Staff and the Water Advisory Commission recommend approval.

**5.5 This item was moved from consent agenda to regular agenda and considered following Item 5.2.**

**5.6. Contract Amendment Resolution - Community Development : Resolution No. 2008-R0220 authorizing the Mayor to execute an amendment to the contract with the United States Department of Housing and Urban Development allowing the City to change the use of Section 108 Loan funds from housing rehabilitation to park improvements.**

On July 2, 2002, the City was approved for a \$2 million Section 108 Loan from the United States Department of Housing and Urban Development (HUD). On January 8, 2004, City Council voted to allow the issuance of \$1 million in bonds. On June 30, 2004, trust certificates were sold by HUD. Funding received through the public offering was in the form of a loan to be repaid to HUD. The payback is amortized during an eight-year period. To date, payments have been made with the City's annual Community Development Block Grant (CDBG) allocation, payments from homeowners that received assistance through the 108 Program, and interest earned on the HUD 108 funds. Future payments are from the annual CDBG allocation.

Funds are used for the HUD 108-Housing Rehab Loan Program. Guidelines for the City-wide program are as follows:

- Rehabs range from basic home repair to major rehabs of homes.
- Program follows CDBG regulations.
- Participating homeowners' loan payback is 100%.
- Rehab loan interest rate is 6%.

The program funds have not been spent as originally allocated for the following reasons:

- Lead-based paint requirements set forth by HUD have increased the total cost for the renovations. Such cost is not a cost required of a homeowner if they obtain financing from a private source.
- Rates in the open market are comparable to the program's rates, ranging from 6.75% to 9%. When the program was first discussed, interest rates in the open market were much higher. Under similar loans, clients would have been expected to pay interest rates up to 12%.
- Staff has initiated the application process with 881 homeowners. This initiative has resulted in a total of 14 approved cases (1.7% approval rate).

Change in use for the remaining funds:

\$855,000 is available in the 108 Loan fund for projects. Staff recommends funds be used for City park projects in the CDBG-eligible areas of Lubbock. On June 26, 2007, City Council held a public hearing allowing citizen comments regarding the change. No comments were received during the 30-day public comment period.

The City Attorney's office and the City's bond attorney recommend amending the original ordinance. The second reading of the ordinance amendment proceeds the contract amendment.

#### **FISCAL IMPACT**

Federal funds are from the Section 108 Loan Program. The maximum monetary allocation is \$855,000. The terms of the note and amortization schedule do not change.

Staff recommends approval.

- 5.7 This item was moved from consent agenda to regular agenda and considered following Item 5.5.**
- 5.8 This item was moved from consent agenda to regular agenda and considered following Item 6.8.**
- 5.9 This item was moved from consent agenda to regular agenda and considered following Item 5.8.**

**5.10. Contract Resolution - Public Works Traffic Engineering : Resolution No. 2008-R0221 authorizing the Mayor to execute a purchase order contract with Traffco Product, LLC for traffic signal poles and arms.**

The contract is for the purchase of 11 sets of traffic signal pole and arm assemblies 44 feet in length. Traffic signal heads attach to the assemblies at a signalized intersection.

The signal poles and arms are available for \$45,430 from Traffco Product through the Texas Procurement and Support Services (TPASS) program TxDOT Contract G442006001102. TPASS administers a cooperative purchasing program created by legislation in 1979 in accordance with Sections 271.081-271.083 Local Government Code, V.T.C.A., Section 2155.202 and 2175.001(1) of the Texas Government Code, Title 10, Subtitle D. This legislation provides the legal authority for local governments to participate in the TPASS program and provides State of Texas volume purchasing power to local governments.

The arms replace stock assemblies used at the Iola Avenue at 82nd Street, Indiana Avenue at Indiana Drive, and Frankford Avenue at 98th Street traffic signal intersections.

**FISCAL IMPACT**

\$450,000 is appropriated in Capital Improvement Project 90378, Traffic Signals at New Locations, with \$45,340 available for this purpose.

Staff recommend approval.

**5.11. Contract Resolution - Airport : Resolution No. 2008-R0222 authorizing the Mayor to execute Change Order No. 1 to the contract with Allen Butler Construction for the GA Ramp Expansion Project – Phase II.**

On July 26, 2007, City Council approved a \$2,671,287 contract with Allen Butler Construction for the GA Ramp Expansion – Phase II Project. The GA Ramp Expansion project is the second phase of the rehabilitation and replacement of the general aviation ramp pavement to the east side of Runway 17L/35R. Change Order No. 1 includes final construction quantity adjustments for all contract line items, adding a weight limit sign, and work requested by the Federal Aviation Administration. The line item quantity adjustments reduced the contract \$118,576, and the cost for the weight limit sign increased the contract \$5,000. Change Order No. 1 reduces the contract amount by \$113,576 to \$2,557,712.

**FISCAL IMPACT**

\$4,354,881 is appropriated in Capital Improvement Project, GA Ramp Expansion - Phase II. Funding is 95% entitlement funds from the Federal Aviation Administration and 5% Passenger Facility Charge funds.

Staff and the Airport Board recommend approval.

**5.12 This item was moved from consent agenda to regular agenda and considered following Item 5.9.**

**5.13. Contract Resolution - Right-of-Way : Resolution No. 2008-R0223 authorizing the Mayor to execute a lease with Eleven Entertainment LLC, dba Louie Louie's, for the use of a municipal parking lot at 1916 Texas Avenue.**

The two-year parking lot lease agreement with Eleven Entertainment LLC, dba Louie Louie's, 1703 Texas Avenue, is for 56 Health Department parking spaces. The owner, to comply with zoning requirements, requests additional parking for customers during the evening and night time hours. The lease term is two years. The lease amount is \$280 per month calculated as follows: \$15 per space (the current market rental rate for downtown parking) x 56 spaces = \$840 a month. Parking occurs on these spaces 8 hours per day, for a monthly rental of \$280.

**FISCAL IMPACT**

Revenue to the General Fund of \$280 monthly, or \$3,360 annually.

Staff recommends approval.

**5.14 This item was moved from consent agenda to regular agenda and considered following Item 5.12.**

**5.15 This item was moved from consent agenda to regular agenda and considered following Item 5.14.**

**5.16. Contract Resolution - Police : Resolution No. 2008-R0224 authorizing the Mayor to execute an interlocal agreement with Lubbock County to allow a joint application for the aggregate of funds allocated from the Bureau of Justice, Office Programs, under the Edward Byrne Memorial Justice Assistance Grant Program.**

The Justice Assistance Grant Program funds local government activities to prevent and control crime. The City and Lubbock County are eligible to receive funding under the grant award, thus creating a funding disparity. Due to the disparity, the City and Lubbock County enters into an Interlocal Agreement under the Lubbock County Joint Enforcement Initiative Program for the purposes of jointly applying and splitting the grant award. The Lubbock Police Department manages the grant.

The City and Lubbock County have jointly applied for and received the Edward Byrne Memorial Justice Assistance Grant each year since 2005.

**FISCAL IMPACT**

Federal Funds from the 2008 Edward Byrne Memorial Justice Assistance Grant do not require local matching funds.

Staff recommends approval.

- 5.17 This item was moved from consent agenda to regular agenda and considered following Item 5.15.**
- 5.18. Contract Resolution - Information Technology : Resolution No. 2008-R0225 authorizing the Mayor to execute a purchase order contract with Hewlett-Packard for a storage area network to store digital in-car video evidence for the Police Patrol Division.**

Due to constant use of the equipment, the in-car VHS video system used by the Police Patrol Division is increasingly problematic, and recordings are difficult to view and difficult to copy. The VHS recorders are expensive, obsolete, and produce inadequate recordings. Upgrading the system to a digital recording system enhances recording, viewing, and copying capabilities for the Patrol Division. Digital Video Recordings (DVR) can be monitored from a remote location such as Police Administration or the Police Desk.

The Police Department received a \$739,982 Community Oriented Policing Services (C.O.P.S.) Technology Grant to replace the aging VHS recorders located in police patrol cars. The storage system meets the requirements for long term storage of video evidence recorded inside police patrol vehicles. Information Technology negotiated a 30% discount below the Hewlett-Packard Texas DIR contract price. The storage system is purchased and installed before the new digital video system is installed in the vehicles.

The video system is required by state law to maintain safety and security, and prevent racial profiling during routine patrol.

The \$538,540 video system is available from Hewlett Packard through the State of Texas Department of Information Resources (DIR) Contract DIR-SDD-223. Texas Local Government Code Chapter 271.083 authorizes local governments to acquire hardware, software, and other Information Technology products through the DIR program. Pursuant to Texas Government Code Chapter 791.025, DIR has met the competitive bid requirements.

#### **FISCAL IMPACT**

\$739,982 is available through the C.O.P.S. Technology Grant. \$538,540 is used to purchase the storage area network and the remaining grant funds will be used to purchase in-car digital video equipment for police patrol vehicles.

Staff recommends approval.

- 5.19. Contract Resolution - Information Technology : Resolution No. 2008-R0226 authorizing the Mayor to execute a purchase order contract with Hewlett-Packard for desktop computers, notebook computers, and professional workstations.**

The purchase order contract involves replacing 390 existing computers with an average age of 5.5 years. Information Technology began a computer

replacement program two years ago, replacing 33% of the City's computers each year.

The \$303,911 purchase is available from Hewlett Packard through the State of Texas Department of Information Resources (DIR) Contract DIR-SDD-223. Texas Local Government Code Chapter 271.083 authorizes local governments to acquire hardware, software, and other Information Technology products through the DIR program. Pursuant to Texas Government Code Chapter 791.025, DIR has met the competitive bid requirements. Information Technology was able to negotiate a discount of \$147,647 from Hewlett-Packard.

#### **FISCAL IMPACT**

Funding is available in the FY 2007-08 Adopted Information Technology operating budget.

Staff recommends approval.

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

#### **6. REGULAR AGENDA**

**Note: Regular Agenda items, and Consent Agenda items moved to Regular Agenda, Proclamations and Presentations, and Minutes are listed in the order they were addressed (6.9, 5.1, 3.1-3.5, 4.1, 5.2, 5.5, 5.7, 6.8, 5.8, 5.9, 5.12, 5.14, 5.15, 5.17, 5.20, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.10, 6.11, 6.12)**

**6.9. Contract Resolution - Fleet : Resolution No. 2008-R0227 authorizing the Mayor to execute a contract with Syn-Tech Systems, Inc., for a fuel management system for municipal vehicles and fueling sites.**

The City uses more than 1.68 million gallons of unleaded and diesel fuel at five Municipal fueling sites annually. More than 1,000 municipal vehicles acquire fuel using fuel keys. The current system does not provide appropriate management analysis of usage nor does it provide appropriate internal controls.

The Fleet Department recommends replacing the existing fueling system with a modern system that eliminates keys and provides increased accountability for fuel retrieval and monitoring. The new system consists of a ring device attached to the vehicle fuel tank and an information module attached to the fuel pump for fuel to be accessed by City personnel.

Vehicle mileage is retrieved and recorded wirelessly as the vehicle enters the fuel site. Accurate mileage readings provide better tracking and are used to generate management reports to determine preventative maintenance schedules and to calculate miles per gallon for each vehicle.

Pricing includes site preparation at Municipal Hill, Southside, Land Application, City of Lubbock Landfill, and Lubbock International Airport fuel sites.

The contract is for one two-year term with an option to renew annually for up to three additional one-year terms.

The \$320,880 purchase of the fuel management system and vehicle information modules is available through the Texas Association of School Boards Local Government Purchasing Cooperative using the BuyBoard. The purchasing cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Government Code and used to obtain the benefits and efficiencies that can accrue to members of a cooperative, to comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services.

### **FISCAL IMPACT**

Funding of the fuel system is included in Budget Amendment Ordinance No. 11 appropriating \$320,880 from the Information Technology Fund Balance. The 2nd reading of the budget amendment ordinance will be placed on the July 10, 2008, agenda.

Staff recommends approval.

Leslie Cox, Director of Telecom and Fleet Operations, gave comments and answered questions.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution 2008-R0227, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

#### **5.1. Budget Amendment Ordinance 1st Reading - Finance : Ordinance No. 2008-O0060 Amendment No. 11 amending the Adopted FY 2007-08 Budget respecting the Grant Fund, Information Technology Fund, and Fleet Maintenance Fund.**

1. Amend the Comprehensive Energy Assistance Program grant contract with the Texas Department of Housing and Community Affairs by appropriating an additional \$158,007 for an energy assistance program.

The grant will fund programs to assist low-income persons and families with energy assistance, and energy efficiency. This is accomplished by funding both sub-recipient programs, and city programs that address this issue. The grant pays for both programmatic and administration of the funds. The contract expires December 31, 2008.

2. Appropriate \$88,949 from the Information Technology Fund balance for the purchase of video equipment for Public Information Technology.

SDI Upgrade to Server - \$13,525. Upgrade to automated playback server that allows City News Channel to improve image quality sent to Suddenlink.

Audio for City Council Chambers and Committee Room 103 - \$32,043. Replacing equipment in Council Chambers, Committee Room 103, and the Audio/Visual Room to improve audio for monitoring and recording.

AVID editing system - \$38,307. AVID editing system including software, software support, computer accessories, and video editing collaboration equipment for compiling and putting together City News Channel video projects.

On-air audio and video monitoring - \$5,074. Audio and video monitoring systems that include speakers, audio meters, and video screens to allow staff to visually measure and ensure consistent audio levels and quality images are sent between City News Channel and Suddenlink.

3. Appropriate \$320,880 from the Information Technology Fund balance for a fuel management system.

The Fleet Department is recommending a fueling system to provide accountability for the fueling of city vehicles. The system includes a ring device attached to the fuel tank of each vehicle as well as a component attached to each fuel pump. Without these two devices, fuel cannot be accessed. The mileage of the vehicle will be wirelessly retrieved as the vehicle enters the City's fuel site. Accurate mileage readings will provide tracking reports used for preventive maintenance scheduling and miles per gallon measurements.

#### **FISCAL IMPACT**

Included in item summary.

Leslie Cox, Director of Telecom and Fleet Operations, gave comments and answered questions.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Ordinance 2008-00060, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

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

**3.1. Invocation by Pastor Matthew Killough, South Plains Church of Christ.**

**3.2. Pledge of Allegiance**

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. Gary Mitchel, Tracy Bacon, and Stephanie Nairn will present an invitation from Broadway Festivals to the City Council and Lubbock citizens to attend the 4th on Broadway festivities.**

Gary Mitchel, Tracy Bacon, and Stephanie Nairn presented an invitation from the Broadway Festivals to the City Council and Lubbock citizens to attend the 4<sup>th</sup> on Broadway festivities.

**3.4. Presentation of a special recognition commemorating the 25th Anniversary of the Roman Catholic Diocese of Lubbock.**

Council Member DeLeon presented special recognition commemorating the 25<sup>th</sup> Anniversary of the Roman Catholic Diocese Lubbock. Bishop Placido Rodriquez was present to accept the special recognition.

**3.5. Presentation of a special recognition to the Public Works Engineering Department for receiving the 2008 Texas Public Works Association Project of the Year in Transportation Award at the 2008 TPWA Awards Banquet in Galveston, Texas, on June 13, 2008, for the 98th Street Paving from Slide Road to Frankford Avenue Project.**

Council Member DeLeon presented special recognition to the Public Works Engineering Department for receiving the 2008 Texas Public Works Association Project of the Year in Transportation Award. Marsha Reed, Director of Public Works, was present to accept the special recognition.

**4. MINUTES**

**4.1. Approval of Prior Meeting Minutes:**

**Regular City Council Meeting, May 22, 2008**

**Special City Council Meeting, June 12, 2008**

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to approve prior meeting minutes, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**6. REGULAR AGENDA (Continued)**

**5.2. Contract Resolution - Water Utilities : Resolution No. 2008-R0228 authorizing the Mayor to execute a pipeline license agreement with BNSF Railway Company allowing the City to place a pipeline across BNSF property near the intersection of 6th Street and the alley between Avenue J and Texas Avenue for the Downtown Water Line Replacement project.**

The Downtown Water Line Replacement project replaces existing water lines to improve the downtown water supply and water pressure for fire protection. The project is limited to the area bounded by 4th Street on the north, 19th Street on the south, Avenue Q on the west, and Interstate 27 on the east. The license agreement allows the City to place a pipeline across BNSF property near the intersection of 6th Street and the alley between Avenue J and Texas Avenue.

The cost for the license is \$2,500 and the cost of flagger services provided by BNSF is \$600 per flagger per 8-hour day, for a total estimate of \$4,700.

**FISCAL IMPACT**

\$10,783,630 is appropriated in Capital Improvement Project 90274, Downtown Water System Improvements, with \$4,700 available for this purpose.

Staff and the Lubbock Water Advisory Commission recommend approval.

Tom Adams, Deputy City Manager, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Jim Gilbreath, seconded by Council Member Price to pass Resolution 2008-R0228, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**5.5. Ordinance Amendment 2nd Reading - Community Development : Ordinance No. 2008-00059 Consider amending Ordinance No. 2003-00136 that authorized promissory notes in the aggregate principal amount of \$1 million, together with the Contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act allowing the City to change the use of Section 108 Loan funds from housing rehabilitation to park improvements.**

On June 13, 2008, the City Council approved the first reading of the ordinance. On July 2, 2002, the City was approved for a \$2 million Section 108 Loan from the United States Department of Housing and Urban Development (HUD). On January 8, 2004, the City Council voted to allow the issuance for \$1 million in bonds. On June 30, 2004, trust certificates were sold by HUD. The funding received through the public offering was in the form of a loan to be repaid to HUD. The payback is amortized during an eight-year period. To date, payments have been made with the City's annual Community Development Block Grant (CDBG) allocation, payments from homeowners that received assistance through the 108 Program, and interest earned on the HUD 108 funds. Future payments will come from the annual CDBG allocation.

Funds are used for the HUD 108-Housing Rehab Loan Program. Guidelines for the City-wide program are as follows:

- Rehabs range from basic home repair to major rehabs of homes.
- Program follows CDBG regulations.
- Participating homeowners' loan payback is 100%.
- Rehab loan interest rate is 6%.

The program funds have not been spent as originally allocated for the following reasons:

- Lead-based paint requirements set forth by HUD have increased the total cost for the renovations. Such cost is not a cost required of a homeowner if they obtain financing from a private source.
- Rates in the open market are comparable to the program's rates, ranging from 6.75% to 9%. When the program was first discussed, interest rates in the open market were much higher. Under similar loans, clients would have been expected to pay interest rates up to 12%.

- Staff has initiated the application process with 881 homeowners. This initiative has resulted in a total of 15 approved cases (1.7% approval rate).

Change in use for the remaining funds:

\$865,000 is available in the 108 Loan fund for projects. Staff recommends the funds be used for City park projects in the CDBG-eligible areas of Lubbock. On June 26, 2007, City Council held a public hearing allowing citizen comments regarding the change. No comments were received during the 30-day public comment period.

The City Attorney's office and the City's bond attorney recommend amending the original ordinance. The amendment to the contract with HUD follows the second reading of the ordinance amendment.

### **FISCAL IMPACT**

Federal funds are from the Section 108 Loan Program. The maximum monetary allocation is \$865,000. The terms of the note and amortization schedule do not change.

Staff recommends approval.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass Resolution 2008-00059, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**5.7. Resolution - Community Development : Resolution No. 2008-R0229 authorizing the approval and any changes of the proposal for the Community Development Services Board FY 2008-09 funding recommendations and all related documents to the U.S. Department of Housing and Urban Development under the Community Development Block Grant, Home Investment Partnership Program, and the Emergency Shelter Grant.**

On June 13, 2008, a Public Hearing was held for the Community Development Service Board recommendations for program funding of the FY 2008-09 Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and previously generated program income.

The U.S. Department of Housing and Urban Development informed the City that it is eligible to receive a FY 2008-09 consolidated formula allocation. The funds, plus previously generated program income, increase the total available for allocation to \$3,868,318. The City received 43 applications for CDBG, HOME, and ESG funds with requested amounts totaling more than \$5.2 million.

Lubbock citizens participated in the funding process through the activities of the Community Development and Services Board. In making

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recommendations, the Community Development and Services Board kept in mind City Council goals and the Consolidated Plan priorities.

The recommendations of the Community Development Services Board for spending federal dollars have been published since May 26, 2008. The Public Hearing held on June 13, 2008, allowed citizens to directly participate by addressing the City Council with comments.

Consider \$13,500 of the proposal for the Lubbock Boys & Girls Clubs Summer Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider \$200,000 of the proposal for the Citibus Paratransit Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider \$34,757 of the proposal for the City of Lubbock Parks Summer Satellite Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider \$10,860 of the proposal for the Communities in Schools Path to Expansion Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider \$100,000 of the proposal for the City of Lubbock Community Development 108 Loan Payment Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider \$150,000 of the proposal for the City of Lubbock Community Development Street Paving Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider \$25,000 of the proposal for the City of Lubbock Community Development Barrier Free Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider \$192,024 of the proposal for the City of Lubbock Community Development Emergency Repair Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider \$152,017 of the proposal for the City of Lubbock Community Development Housing Homeowner Exterior Energy Efficiency Loan Program and all related documents to the U.S. Department of Housing and Urban Development under CDBG Program.

Consider \$125,000 of the proposal for the City of Lubbock Community Development Housing Rehab Revolving Loan Program and all related documents to the U.S. Department of Housing and Urban Development under CDBG Program.

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Consider \$213,793 of the proposal for the City of Lubbock Codes Property Maintenance Inspection Program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider \$650,002 of the proposal for the City Of Lubbock Community Development Housing Delivery program and all related documents to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider \$456,256 of the proposal for the City Of Lubbock Community Development CDBG Administration program and all related documents to the U.S. Department of Housing and Urban Development under CDBG Program.

Consider \$50,000 of the proposal for the Community Housing Resource Board Operations Program and all related documents to the U.S. Department of Housing and Urban Development under the HOME Program.

Consider \$169,807 of the proposal for the Community Housing Resource Board Lease-Purchase Program and all related documents to the U.S. Department of Housing and Urban Development under the HOME Program.

Consider \$10,146 of the proposal for the City of Lubbock Community Development American Dream Down Payment Initiative Program and all related documents to the U.S. Department of Housing and Urban Development under the American Dream Down Payment Initiative Program.

Consider \$50,000 of the proposal for the City of Lubbock Community Development Homeownership Assistance Program and all related documents to the U.S. Department of Housing and Urban Development under the HOME Program.

Consider \$696,988 of the proposal for the City of Lubbock Community Development Housing Rehab/Reconstruction program and all related documents to the U.S. Department of Housing and Urban Development under the HOME Program.

Consider \$180,000 of the proposal for the City of Lubbock Community Development Housing New Construction Program and all related documents to the U.S. Department of Housing and Urban Development under the HOME Program.

Consider \$90,000 of the proposal for the Habitat for Humanity New Homes Program and all related documents to the U.S. Department of Housing and Urban Development under the HOME Program.

Consider \$113,205 of the proposal for the City of Lubbock Community Development HOME Administration Program and all related documents to the U.S. Department of Housing and Urban Development under the HOME Program.

Consider \$12,265 of the proposal for the Alcoholic Recovery Center Operations Program and all related documents to the U.S. Department of Housing and Urban Development under the ESG Program.

Consider \$12,265 of the proposal for the Family Promise Operations Program and all related documents to the U.S. Department of Housing and Urban Development under the ESG Program.

Consider \$42,264 of the proposal for the Salvation Army Essential Services, Homeless Prevention, and Operations Programs and all related documents to the U.S. Department of Housing and Urban Development under the ESG Program.

Consider \$15,000 of the proposal for the Vandelia Church of Christ Homeless Prevention Program and all related documents to the U.S. Department of Housing and Urban Development under the ESG Program.

Consider \$15,000 of the proposal for the Women's Protective Services Essential Services Program and all related documents to the U.S. Department of Housing and Urban Development under the ESG Program.

Consider \$5,094 of the proposal for the City of Lubbock Community Development ESG Administration program and all related documents to the U.S. Department of Housing and Urban Development under the ESG Program.

Consider \$17,255 of the proposal for the YWCA Challenger Emotionally Disturbed Program, and all related documents, to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider \$44,210 of the proposal for the YWCA Child Care Services Program, and all related documents, to the U.S. Department of Housing and Urban Development under the CDBG Program.

Consider approval authorizing the attached changes to the Community Development Service Board FY 2008-09 funding recommendations.

#### **FISCAL IMPACT**

Federal funds are used from the Community Development Block Grant, HOME Investment Partnership Program and Emergency Shelter Grant. The maximum amount to be allocated to the projects and activities is \$3,868,318.

Staff recommends approval.

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

Motion was made by Council Member Klein, seconded by Council Member Price to pass Resolution 2008-R0229, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**6.8. Resolution - Community Development : Resolution No. 2008-R0230 authorizing the approval and any changes of the proposal for the WorkForce Solutions South Plains Direct Child Care Assistance Program and all related documents to the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program to provide direct child care services for low-moderate income children.**

Grantee: WorkForce Solutions South Plains

Program: Direct Child Care Assistance

Funding Source: 2008 Community Development Block Grant

Use of Funds: Funds are used to provide direct child care services for low-moderate income children.

Amount: \$21,610

Period of Performance: October 1, 2008, through September 30, 2009.

On June 13, 2008, a public hearing was held for consideration of the Community Development Services Board recommendations for the program funding of the FY 2008-09 Community Development Block Grant, Home Investment Partnership, Emergency Shelter Grant, and previously generated program income.

**FISCAL IMPACT**

Federal funds are from the Community Development Block Grant. The maximum amount to be allocated to the program is \$21,610.

Staff recommends approval.

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

Motion was made by Council Member Klein, seconded by Council Member Price to pass Resolution 2008-R0230, as recommended by staff. Motion carried: 5 Ayes, 0 Nays. Council Member DeLeon recused. Council Member Leonard absent.

**5.8. Contract Amendment Resolution - Storm Water : Resolution No. 2008-R0231 authorizing the Mayor to execute Amendment No. 1 to the contract with Parkhill, Smith & Cooper for engineering services for the South Lubbock Drainage Improvements Project, Package 1A.**

Amendment No. 1 to the contract with Parkhill, Smith & Cooper extends the period for Basic Services to include Package No. 1A and establishes the Basic Services and Compensation for professional services associated with the extended construction services period for the South Lubbock Drainage Improvements Project. Basic Services and Compensation are described in Attachment A and Attachment B.

The contract amendment extends the period for Basic Services to 2010 and adjusts for package 1A. The \$2,972,164 contract amount is not affected by the

contract amendment. Project 1A includes five lateral storm sewer lines for Earl Crow Park (Playa Lake 86), Charles Guy Park (Playa Lake 89), Phil Hoel Park (Playa Lake 92), Jan Jennings Park (Playa Lake 28), and Playa Lake 132. Earl Crow Park is west of University Avenue at 91st Street. Charles Guy Park is west of Memphis Avenue and north of 93rd Street. Phil Hoel Park is west of Chicago Avenue at 91st Street. Jan Jennings Park is east of Slide Road at 77th Street. Playa Lake 132 is located east of Juneau Avenue at 112th Street.

#### **FISCAL IMPACT**

\$54,905,000 is appropriated in Capital Improvement Project 90141, South Lubbock Storm Sewer Project. The contract amendment extends the time to complete the project and does not add to the cost of the contract.

Staff recommends approval.

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

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution 2008-R0230, as recommended by staff. Motion carried: 5 Ayes, 0 Nays. Council Member DeLeon recused. Council Member Leonard absent.

**5.9. Contract Amendment Resolution - Public Works Engineering : Resolution No. 2008-R0232 authorizing the Mayor to execute Change Order No. 8 with Allen Butler Construction Company for construction of the 98th Street Roadway and Drainage Improvements from Slide Road to Frankford Avenue project.**

Change Order No. 8 reduces the quantity of installed street light assemblies, and adds a line item for the purchase of the street light assemblies for City inventory. During construction, it was determined the existing street lights on the south side of 98th Street between Slide Road and Frankford Avenue may be left in place.

The original \$14,748,004 contract includes furnishing and installing street light assemblies. Seven previous change orders have increased the contract price \$139,650.

Change Order No. 1, \$23,863: Install new water lines and valves to maintain water service to businesses at 98th Street and Slide Road.

Change Order No. 2, \$73,918: Relocate undocumented sanitary sewer line that conflicted with the ditch compaction area.

Change Order No. 3, \$2,433: Install water lines to maintain adequate water supply during relocation of existing water lines during ditch compaction.

Change Order No. 4, \$2,433: Revise storm sewer curb inlet to avoid conflict with AT&T fiber optic duct bank.

Change Order No. 5, \$9,894: Substitute sloped concrete rip rap and a one-foot high retaining wall in place of a two-foot high retaining wall. Change paving

materials in street approaches at Abbeville and Albany to concrete in lieu of asphalt.

Change Order No. 6, \$13,138: Relocate existing underground power line to facilitate ditch compaction.

Change Order No. 7, \$6,300: Relocate fence gate, concrete walkway, and landscaping to avoid a two-foot drop off at property owners existing gate.

Change Order No. 8 reduces the contract by \$41,790 to \$14,845,864.

#### **FISCAL IMPACT**

The original contract amount plus previous change orders is \$14,887,654 for construction on three separate capital projects with funding appropriations as follows: \$6.7 million in Capital Improvement Project 91081, 98th Street Compaction Repair; \$54,905,000 in Capital Improvement Project 90141; and \$5,065,000 in Capital Improvement Project 90093, 98th Street from Frankford Avenue to Slide Road.

Staff recommends approval.

Marsha Reed, Director of Public Works, and Keith Smith, Public Works Engineer, gave comments and answered questions.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution 2008-R0232, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**5.12. Contract Resolution - Storm Water : Resolution No. 2008-R0233 authorizing the Mayor to execute a contract with B & M Service Company for turf maintenance at the Storm Water Detention Basin, BID 08-042-MA.**

The contract is for eight annual cycles of mowing, trimming, and debris removal at the Storm Water Detention Basin on 26.1 acres in the Summerfield Addition at 88th Street and Boston Avenue. The contract term is five years.

Bids were received from the following companies:

B&M Service Company of Lubbock, TX	\$649 per cycle
53 Design of Lubbock, TX	\$3,750 per cycle

#### **FISCAL IMPACT**

Funding is available in the FY 2007-08 Adopted Stormwater Utility operating budget.

Staff recommends contract award to the lowest bidder, B&M Service Company of Lubbock, Texas, for \$25,960.

Marsha Reed, Director of Public Works, and Victor Kilman, Director of Purchasing and Contract Management, gave comments and answered questions.

Motion was made by Council Member Price seconded by Council Member Beane to pass Resolution 2008-R0233, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**5.14. Contract Resolution - Citibus : Resolution No. 2008-R0234 authorizing the Mayor to execute a contract with Greyhound Lines, Inc., for certain facilities to be furnished and services to be rendered by Citibus.**

The contract allows Citibus to act as the agent for Greyhound Lines. Greyhound is selling the building at 1313 Avenue M and operates ten routes per day that will stop at the Downtown Transfer Plaza to load and transfer passengers. In addition, Citibus will sell tickets and handle freight at the Downtown Transfer Plaza. Greyhound passengers will wait at the Plaza when making a transfer to a Greyhound bus. The contract results in the Plaza remaining open until after the last Greyhound bus arrives or departs for the day. The Plaza will be open on Sundays to handle Greyhound passengers and freight. The Plaza currently closes at 7:00 p.m. Monday through Saturday.

The contract is effective from August 1, 2008, through December 31, 2008, and continues thereafter until terminated by either party with 30 days written notice.

**FISCAL IMPACT**

The additional services will generate \$200,000 in revenue to the Citibus operating budget. The fees are provided in backup on the first page of the contract. Citibus costs will be \$70,000; netting the City approximately \$130,000, reducing Citibus' reliance on the General Fund.

Staff and Citibus recommend approval.

John Wilson, Executive Director of Citibus, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Gilbreath to pass Resolution 2008-R0234, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**5.15. Grant Application Resolution - Police : Resolution No. 2008-R0235 authorizing and directing the Police Department to submit an application with the United States Department of Justice, and any associated documents, for an Edward Byrne Memorial Justice Assistance Grant to fund the Lubbock County Joint Enforcement Initiative Program.**

The Justice Assistance Grant Program funds local government activities to prevent and control crime. The City and Lubbock County are eligible to receive funding under the grant award, thus creating a funding disparity. Due to the disparity, the City and Lubbock County enters into an Interlocal Agreement under the Lubbock County Joint Enforcement Initiative Program for the purposes of jointly applying and splitting the grant award. The Lubbock Police Department manages the grant.

The City and Lubbock County have jointly applied for and received the Edward Byrne Memorial Justice Assistance Grant each year since 2005.

### **FISCAL IMPACT**

Federal Funds from the 2008 Edward Byrne Memorial Justice Assistance Grant do not require local matching funds.

Staff recommend approval.

Thomas Esparza, Assistant Police Chief, gave comments and answered questions.

Motion was made by Council Member Price, seconded by Council Member Klein to pass Resolution 2008-R0235, as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

**5.17. Contract Resolution - Police : Resolution No. 2008-R0236 authorizing the Mayor to execute a purchase order contract with ADT Security Services for an upgrade to the Police Detention Center video system.**

The Police Department and Information Technology maintain an ADT Security Services (ADT) video system in the Police Detention Center. ADT maintains the video security systems for the local Drug Enforcement & Administration, Bureau of Alcohol, Tobacco, and Firearms, United States Marshall's Office, and the United States Attorney's Office. The video system maintains the safety and security of detention officers, officers, judges, and inmates, and deters fights, suicide attempts, and the destruction of property.

Due to constant use, the existing video system produces recordings that are difficult to view. The ability to view and copy the videos is difficult because the time lapse function is deteriorating making each video play at a slightly different speed. The VHS time lapse recorders are expensive and obsolete. Upgrading the system with a digital color DVR will enhance the recording, viewing, and copying capabilities at the Detention Center. The new system has an increased visual acuity and individual channels for recording sound, enhancing the value of the recordings used for evidence. In addition, detention cells can be monitored from a remote location such as Police Administration or the Police Desk, enhancing supervision of the Detention Center.

The \$26,264 system upgrade is available for purchase from ADT Security Services through the Texas Multiple Awards Schedule (TXMAS) contract TXMAS-6-84013. The TXMAS program adapts existing competitively awarded federal government contracts to the procurement needs of the State of Texas and local governments. As the responsible federal entity, the General Services Administration's (GSA) Federal Supply Service awards Federal Supply Schedule contracts by competitive procurement procedures for more than 50 schedules covering multiple commodities and services. The prices reflected on GSA schedule contracts are the most favored customer prices and the maximum price allowable. To be considered for the TXMAS Program, an existing contract is awarded by the federal government or other governmental entity using a competitive process and adaptable to the laws of

the State of Texas (Texas Government Code Title 10, Subtitle D, Sections 2155.062, 2155.502, 2155.504).

**FISCAL IMPACT**

Funding is appropriated in the FY 2007-08 Municipal Court Security Fund operating budget.

Staff recommends approval.

Thomas Esparza, Assistant Police Chief, gave comments and answered questions.

Motion was made by Council Member Beane, seconded by Council Member DeLeon to pass Resolution 2008-R0236, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**5.20. Contract Resolution - Facilities Management : Resolution No. 2008-R0237 authorizing the Mayor to execute a contract with Minnix Commercial Partners for the construction of Fire Station No. 17, BID 08-719-BM.**

The contract involves the construction of Fire Station No. 17 at 63rd Street and Indiana Avenue. A fire station at the location improves response times and helps increase the Insurance Services Organization rating resulting in reduced fire insurance premiums for Lubbock citizens.

During the past decade, the number of residential and commercial buildings have increased in South Central Lubbock. As a result, the City Council approved a Capital Improvement Project authorizing the construction of Fire Station No. 17.

Proposals for the project were obtained using the competitive sealed proposal procedure prescribed by Texas Local Government Code, Sections 252.043(e) and 271.116. Using the competitive sealed proposal procedure helps local governments attract contractors who otherwise would 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 the competitive sealed bid procedure 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.

The following general contractors submitted proposals and were evaluated and ranked in relation to the published selection criteria pursuant to Texas Local Government Code, Section 271.116(d):

Minnix Commercial Partners of Lubbock, Texas, proposed a project cost of \$1,757,800 with time for completion of 330 days and scored 448.

Hunter Construction Company of Lubbock, Texas, proposed a project cost of \$1,715,327, with time for completion of 240 days and scored 441.

W. R. Construction of Lubbock, Texas, proposed a project cost of \$1,568,938, with time for completion of 330 days and scored 432.

Pharr & Company of Lubbock, Texas, proposed a project cost of \$1,929,000, with time for completion of 330 days and scored 424.

Sandia Construction of Lubbock, Texas, proposed a project cost of \$1,902,400, with time for completion of 330 days and scored 423.

Craig Wallace Construction of Lubbock, Texas, proposed a project cost of \$2,015,686, with time for completion of 298 days and scored 400.

Selection criteria and their relative importance published in the RFP include proposed contract amount 60%, contractor qualifications 20%, safety record, 10%, and construction time 10%.

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 the best value, the City is not restricted to considering price alone, and considers other factors 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.

Staff discussions with Minnix Commercial and Parkhill, Smith, & Cooper included recommended modifications to the scope of work and cost savings associated with those modifications:

Change sand and mud trap to a concrete trap in lieu of steel.

Delete glass block.

Install overhead doors to match Central Fire Station doors.

Delete sewer and water taps (installation provided by City).

Modify exhaust system.

Modify fencing.

Delete liner panel and use painted decking.

Consequently, the proposed project cost was reduced from \$1,757,800 to \$1,645,133.

#### **FISCAL IMPACT**

\$2,098,254 is appropriated in Capital Improvement Project 91182, New Fire Station No. 17 - 63rd and Indiana. The construction contract amount is \$1,645,133 and exceeds the current appropriation by \$189,547. The additional funding requirement will be requested in the FY 2008-09 Capital Improvement Program.

Staff recommends contract award to the contractor offering the best value, Minnix Commercial Partners of Lubbock, Texas, for \$1,645,133.

Victor Kilman, Director of Purchasing and Contract Management, and Chief Rhea Cooper, Lubbock Fire Department, gave comments and answered questions.

Motion was made by Council Member Klein, seconded by Council Member Price to pass Resolution 2008-R0237, as recommended by staff. Motion carried: 5 Ayes, 0 Nays. Council Member DeLeon recused. Council Member Leonard absent.

**10:31 A.M. CITY COUNCIL REGULAR MEETING RECESSED**

**10:40 A.M. CITY COUNCIL REGULAR MEETING RECONVENED**

**City Council Chambers**

- 6.1. Public Hearing 10:00 a.m. - Planning : Zone Case No. 922-E (5001 Avenue Q) Hold a public hearing to consider request of David A. Lara, Jr., (for U-Haul Company) for a request to amend the current list of permitted uses approved by Ordinances 9298, 10048, and 2006-00058 (all Commercial-4 with conditions) to allow “trailer and truck rental utility” as a permitted use on Lot 2B, Huneke Addition, and to consider an ordinance.**

**This item was denied.**

Mayor Martin opened the public hearing at 10:41 a.m. Mayor Martin closed the hearing at 10:54 a.m.

David Lara, Owner of U-Haul, and Trey Wilson, U-Haul Inventory Manager, gave comments and answered questions.

Bill Boone, Director of Planning, gave comments and answered questions.

In 1989, the property was zoned Commercial-4 (C-4) with a list of permitted uses. Ordinance 9298 zoning this property C-4, does not list “trailer and truck rental utility” as one of the permitted uses. Since 1989, two other zone cases have added uses that were not included in Ordinance 9298. In 1998, Ordinance 10048 added one bar or night club not to exceed 3,000 square feet and, in 2006, Ordinance 2006-00058 added game rooms to the list of permitted uses.

The request is to modify the list of uses found in Ordinance 9298 by adding “trailer and truck rental utility” while maintaining all other conditions in that ordinance.

The Planning and Zoning Commission received three oppositions to the proposed addition of “trailer and truck rental utility” to the list of permitted uses. The opposition centered on the zoning not being appropriate for this location due to the outside storage and display of the equipment and the potential hazards associated with drivers not experienced with driving this type of vehicle.

During their discussion, the Planning and Zoning Commission discussed the negative impact a trailer and truck rental facility can have on a neighborhood.

However, it is the Planning and Zoning Commission's opinion that, by limiting the area where the trucks and trailers are located on the lot, many negatives can be minimized. The Planning and Zoning Commission also discussed the possibility of requiring a screening fence on the east side of the property adjacent to Avenue P. After discussion, the Planning and Zoning Commission determined that a screening fence in front of the building along Avenue P would not be an asset.

The adjacent land uses include:

- North – Commercial
- South – Commercial
- East – Hodges Elementary School
- West – Commercial

The proposed zoning meets the Comprehensive Land Use Plan.

There should be no impact on traffic in the area.

Upon a 6-0 vote, the Planning and Zoning Commission voted to forward to City Council a recommendation that the request to modify the list of uses found in Ordinance 9298 by adding “trailer and truck rental utility” be approved subject to the following conditions:

1. The display and storage of units shall be limited to the area indicated as “utility trailer/truck parking” on the proposed site plan.
2. The existing conditions and permitted uses of Ordinance 9298 shall continue in effect.

#### **FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Council Member Klein, Council Member Price and Council Member Beane stated they were in opposition.

Motion was made by Council Member Beane, seconded by Council Member Price to **Deny** the Resolution. Motion carried: 5 Ayes, 1 Nay. Council Member DeLeon voted nay. Council Member Leonard absent.

#### **PUBLIC HEARINGS 6.2 – 6.7**

Mayor Martin requested Public Hearings 6.2-6.7 to be considered simultaneously due to relation.

**6.2. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0061 Zone Case No. 1170-D (7006 University Avenue) Hold a public hearing to consider request of International BioResources, L.L.C. for zoning change from Commercial-2 to Commercial-2 Specific Use for plasma center on a portion of Tract D, Caprock PT Addition, and to consider an ordinance.**

Mayor Martin opened the public hearing at 11:02 a.m. No one appeared in favor or opposition. Mayor Martin closed the hearing at 11:03 a.m.

The applicant is requesting a plasma collection facility in the Polka Lambro Center at the northwest corner of Loop 289 and University Avenue. Several such businesses have been approved around the City. One encountered operational issues with patrons that lingered outside when they first opened. A new owner of that facility added a larger waiting room and to date, there have been no complaints to the Planning staff.

Plasma collection facilities collect plasma from whole blood before returning the processed blood to the donor. The process is critical to the medical profession and to patients using the plasma.

Adjacent land uses:

N - single family residential behind the shopping center

S – Loop 289 and the rest of the commercial center

E – commercial, in the shopping center

W – commercial

The request does not rise to the level of a Comprehensive Land Use Plan discussion, as the current Plan and shopping center are noted as commercial.

The primary deliberation for the request is zoning policy – whether the proposed use is a detriment to the immediate neighbors of the business. The industry has significantly improved their methods of operation and business practices. There is no opposition expressed in the written returns, and no one appeared at the Planning and Zoning Commission hearing.

The business should have no appreciable impact on the thoroughfare system.

The Planning and Zoning Commission recommend the request to City Council for approval.

**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.

Motion was made by Council Member Price, seconded by Council Member Klein to pass Ordinance 2008-O0061, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**6.3. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0062 Zone Case No. 1339-A (2222 15th Street) Hold a public hearing to consider request of Cherif Amor, Phd., EDRA, AIMS for a zoning change from Commercial-1 to Commercial-1 Specific Use for church and church related uses (student center) and all unconditionally permitted Commercial-1 uses on Lots 13 and 14, Block 74, Overton Addition, and to consider an ordinance.**

Mayor Martin opened the public hearing at 11:02 a.m. No one appeared in favor or opposition. Mayor Martin closed the hearing at 11:03 a.m.

The request is to allow, with a Specific Use Permit, a student center catering to Moslem students primarily from Texas Tech University in a building that is a former Commercial-1 (C-1) grocery store that probably predates zoning in Lubbock.

Adjacent land uses:

Adjacent land use is residential in all directions.

The parcel is not represented on the current Comprehensive Land Use Plan as either high density residential in contrast to the Methodist Wesley Center, the Baptist Student Union, and the Lutheran Center on 19th Street that are all in a high density residential district and in the immediate area, as well as the Christian Science reading room on Broadway Avenue that is zoned commercial. The parcel is zoned since C-1 and was a neighborhood oriented grocery store for many years. Service Food was a neighborhood fixture for many years.

As C-1 with the Specific Use Permit allowing the student center and church related uses, the project complies with zoning policies for C-1.

Since many of the students live in the area or on campus, parking should not be an issue on the site. An adequate number of spaces are located on the parcel.

The Planning and Zoning Commission, after a good discussion between the applicants and neighborhood residents, agreed with both groups that the zoning request be amended to Apartment-2 (A-2) limited to a student religious meeting facility. That change eliminates the C-1 uses which the neighborhood has feared would be mis-used by a future owner at some point since the structure has been empty for several years. With that change, the neighborhood representatives were highly in support of the facility, and welcomed the group to the Overton South area. The Commission recommendation is A-2 with two conditions:

1. Exterior loud speaker or functional minaret structures are not allowed
2. A-2 limited to a student religious meeting facility.

Both sets of plans exhibit simply a very attractive new shell for the building, some new fencing, and an increased amount of landscaping.

### **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.

Motion was made by Council Member Price, seconded by Council Member Klein to pass Ordinance 2008-O0062, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

- 6.4. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0063, Ordinance No. 2008-O0064, Zone Case No. 1554-C Parcel A (4902 Boston Avenue) Hold a public hearing to consider request of Bobby McQueen (for Lone Star Ice) for a zoning change from Residential-3 to Commercial-3 limited to ice and water vending machine and all unconditionally permitted Commercial-2 uses on south 54 feet of north 285 feet of Block 18, Modern Manors Addition, and Parcel B (2702 50th Street) Zoning change from Commercial-2 to Commercial-3 (for McWhorter's LTD.) limited to a tire, battery, and accessory store and all unconditionally permitted Commercial-2 uses on Lot 1, Block 18, Modern Manors Addition, and to consider an ordinance.**

Mayor Martin opened the public hearing at 11:02 a.m. No one appeared in favor or opposition. Mayor Martin closed the hearing at 11:03 a.m.

The case is divided into parcels A and B, each under separate ownership and proposed for separate uses.

Adjacent land use:

N – triplex and quadraplex construction, zoned Residential-3 (R-3)

S – commercial

E – commercial and residential

W – commercial and the back of some of the multifamily residences

Applicant A is requesting a change from R-3 to Commercial-3 (C-3) limited to a water and ice vending operation, with a fall back district to Commercial-2 (C-2) for the small north parcel. Applicant B is McWhorters Tire Sales and Service requesting zoning the main lot from C-2 and nonconforming to C-3 that allows the tire, battery, and accessory use and zoning a parking lot to the north from Apartment-3 (A-3) to C-3. The parking lot was never rezoned since parking is a permitted use in A-3. So, this is a “clean up” case for McWhorters.

The request is not out of line with the Comprehensive Land Use Plan since the commercial policy line is not a straight line east and west along the north side of 50th Street. The minor encroachment into the R-3 area should not create an issue and parcel A is not large enough to continue the apartment (tri and quadra plex units) complex project.

The proposal meets zoning policies when completed. McWhorters is already in compliance with C-3 standards.

The project should not create any appreciable increase in traffic. Boston Avenue is a designated collector.

The Planning and Zoning Commission recommends the request with the following conditions:

1. Parcel A shall be zoned C-3 limited to ice and water vending machine and all permitted C-2 uses.
2. Parcel B shall be zoned C-3 for a tire, battery, and accessory store (only one C-3 permitted use) and all permitted C-2 uses.

Staff requests the City Attorney's office to condense the two ordinances prepared for first reading into one inclusive ordinance for second reading.

#### **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.

Motion was made by Council Member Price, seconded by Council Member Klein to pass Ordinance 2008-O0063, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**6.5. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0065 Zone Case No. 1585-D (4101 17th Street) Hold a public hearing to consider request of Carillon, Inc. for a zoning change from Apartment-1 to Apartment-2 (for day nursery) on Lot 1, Block 6, Leftwich CC Addition, and to consider an ordinance.**

Mayor Martin opened the public hearing at 11:02 a.m. No one appeared in favor or opposition. Mayor Martin closed the hearing at 11:03 a.m.

The applicant is requesting use of an existing Carillon complex clubhouse at the corner of 17th Street and Norfolk Avenue to be used as a facility for child day care. The day care facility is primarily for Carillon employees, and is open to the public.

Adjacent land uses:

- N – apartments, zoned Apartment-1 (A-1)
- S – garden or town homes, zoned A-1
- E – Carillon main campus
- W – duplex, zoned A-1

The quarter section from 18th Street to Greek Circle east of Quaker Avenue is designated as multi-family. The Comprehensive Land Use Plan does not differentiate between A-1 and Apartment-2 (A-2) (light or heavier

apartments). In the area, every style of housing from single family to apartment complexes exists. A-2 is the first district where day care exists as a “right”.

Constructed as a clubhouse, the subject property must meet the requirements of parking and other codes. The applicant is responsible for contacting the Fire Marshall, Building Inspection, and the State of Texas in regard to their requirements.

The project creates more traffic in the area. With the predominance of apartments in the area and the Carillon campus, plus the fact that many of the vehicles will already be in the area with the owners going to work, the increase should not be noticeable.

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

1. The use of the structure shall be A-2 limited to a daycare facility and all permitted A-1 uses.
2. A circle drive shall be constructed in front of the structure.

#### **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.

Motion was made by Council Member Price, seconded by Council Member Klein to pass Ordinance 2008-O0065, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**6.6. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0066 Zone Case No. 3108 (1518 and 1520 East 15th Street) Hold a public hearing to consider request of Alvaro Macias (for Iglecia deJesueristo) for a zoning change from Residential-2 to Apartment-2 limited to church and church related uses on Lots 1 and 2 and the east 5 feet of Lot 3, Block 6, Whitehead Addition, and to consider an ordinance.**

Mayor Martin opened the public hearing at 11:02 a.m. No one appeared in favor or opposition. Mayor Martin closed the hearing at 11:03 a.m.

The applicant is requesting Apartment-2 (A-2) zoning limited to church and church related uses.

Adjacent land use:

Single family residential in all directions.

The application meets the policy of the Comprehensive Land Use Plan in terms of churches being located adjacent to thoroughfares, thus not causing outside traffic through neighborhoods. Regarding zoning policy, the property will conform to A-2 development standards when constructed. The small

church should not create any impact for the thoroughfare system since is adjacent to Martin Luther King Boulevard.

The Planning and Zoning Commission recommends the request for approval. With the approval by the Planning and Zoning Commission, a waiver of the fencing that would otherwise be required for the adjacent residential to the south and west was approved. Most buildings of this type with screening fences invite vandalism, with a place to hide behind or tagging by aspiring artists. The Planning and Zoning Commission recommends approval of the request subject to the following conditions:

1. The use shall be limited to church and church related uses.
2. A screening fence shall not be required on the southern and western perimeters.

#### **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.

Motion was made by Council Member Price, seconded by Council Member Klein to pass Ordinance 2008-O0066, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**6.7. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0067 Hold a public hearing to consider an amendment to allow Café Supply Dealer, Fixtures (New) as a permitted use from the Commercial-4 District to the Commercial-2 District, and to consider an ordinance.**

Mayor Martin opened the public hearing at 11:02 a.m. No one appeared in favor or opposition. Mayor Martin closed the hearing at 11:03 a.m.

The City Planning Department worked with an out-of-town café supplies and fixtures business in opening a local store front. The owner of the business requested that the Planning and Zoning Commission and the City Council consider a change of zoning district required for a café supply dealer that deals in new fixtures and supplies. The owner of the business is of the opinion that a business that deals in new café supplies and fixtures is similar to the Commercial-2 (C-2) requirement for a furniture store that deals in new furniture rather than the Commercial-4 (C-4) requirement for café supply dealers that handle fixtures.

The move to C-2 increases the potential number of locations significantly, including many areas along 34th Street. The motivating reasoning from the staff perspective is that by limiting the café supply dealers allowed in the C-2 district to those dealers that handle only new fixtures and keeping café supply dealer that handle used fixtures in the C-4 there should be no more impact than a furniture store that handles new furniture.

The Planning and Zoning Commission recommended approval of the ordinance that simply adds the use “Café Supply Dealer, Fixtures (New)” to the C-2 district.

**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.

Motion was made by Council Member Price, seconded by Council Member Klein to pass Ordinance 2008-O0067, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**6.8 This item was moved and considered following Item 5.7**

**6.9 This item was moved and considered following Item 5.20.**

**6.10. Resolution - City Council : Resolution No. 2008-R0238 encouraging Lubbock businesses and citizens to inspect their flags for repair or replacement, and supporting the proper maintenance and display of the United States and Texas flags.**

Flag Day is celebrated each year on June 14 commemorating the adoption of the flag of the United States on June 14, 1777, by the Second Continental Congress. Independence Day is celebrated July 4 to commemorate the adoption on July 4, 1776, of the Declaration of Independence. The Republic of Texas flag was adopted on January 24, 1839, and subsequently became the state flag of Texas on December 29, 1845, when Texas entered the Union as the 28th state. The Veterans of Foreign Wars retires in a dignified manner worn and torn United States flags that are to be destroyed.

**FISCAL IMPACT**

No fiscal impact.

Motion was made by Council Member Klein, seconded by Council Member Price to pass Resolution 2008-R0238, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**6.11. Resolution - City Council : Resolution No. 2008-R0239 designating a Mayor Pro Tempore.**

City Charter, Chapter 1, Article IX, Section 12, requires City Council members to elect a Mayor Pro Tempore from their members after newly elected members have qualified and taken their seats on the City Council.

**FISCAL IMPACT**

No fiscal impact.

Staff recommends the designation of a Mayor Pro Tempore.

Mayor Martin requested nominees from the Council Members for Mayor Pro Tem position. Mayor Pro Tem Jim Gilbreath and Council Member Linda DeLeon were nominated. Mayor Pro Tem Jim Gilbreath was nominated by a majority show of hands.

Motion was made by Council Member Klein, seconded by Council Member Price to reappoint Mayor Pro Tem Jim Gilbreath, as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**6.12. Board Appointments - City Secretary : Consider four appointments to the Citizens Traffic Commission, one appointment to the Canadian River Municipal Water Authority, one appointment to the Keep Lubbock Beautiful Advisory Committee, one appointment to the Structural Standards Commission, three appointments to the Water Board of Appeals, and two appointments of City Council members to the South Plains Association of Governments' Board.**

Consider four appointments to the Citizens Traffic Commission, one appointment to the Canadian River Municipal Water Authority Board, one appointment to the Keep Lubbock Beautiful Advisory Committee, one appointment to the Structural Standards Commission, three appointments to the Water Board of Appeals.

In addition to the above appointments, two of the City Council members were appointed to the South Plains Association of Governments' Board.

The South Plains Association of Governments was created to maintain and improve the quality of life for all people in the region by promoting the orderly development of the total regional environment: economic, social, and physical.

The City is entitled to four positions on the SPAG Board based on one representative for each 50,000 persons total population. Two vacant positions resulted from the departure of Mayor David Miller and Council member Phyllis Jones. Council members Linda DeLeon and Floyd Price currently serve in the other two positions.

Keep Lubbock Beautiful Advisory Committee

Motion was made by Mayor Pro Tem Jim Gilbreath, seconded by Council Member Price to appoint Georgianna White to the Keep Lubbock Beautiful Advisory Committee. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

Citizens Traffic Commission

Motion was made by Mayor Pro Tem Jim Gilbreath, seconded by Council Member Price to reappoint Ronnie Sowell and appoint Patricia Treadway, Suzanne King, and Jessica Medrano to the Citizens Traffic Commission. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

South Plains Association of Governments Board

Motion was made by Mayor Pro Tem Jim Gilbreath, seconded by Council Member Price to appoint Council Member Beane and Council Member Klein to the South Plains Association of Governments Board. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**City Council to consider Canadian River Municipal Water Authority Board, Structural Standards Commission and the Water Board of Appeals after recess.**

**11:19 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**12:20P.M. CITY COUNCIL REGULAR MEETING RECONVENED**

**City Council Committee Room**

**Council continued item 6.12 once regular session reconvened.**

Canadian River Municipal Water Authority Board

Motion was made by Mayor Pro Tem Jim Gilbreath, seconded by Council Member Klein to reappoint Robert Rodgers to the Canadian River Municipal Water Authority Board. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

Structural Standards Commission

Motion was made by Mayor Pro Tem Jim Gilbreath, seconded by Council Member Klein to move Gaylon Kerr from alternate to member status and appoint Arden Hawkins as an alternate to the Structural Standards Commission. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

Water Board of Appeals

Motion was made by Mayor Pro Tem Jim Gilbreath, seconded by Council Member Klein to appoint Suzanne Baker and Tristan Thoma to the Water Board of Appeals. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard absent.

**7. WORK SESSION**

**7.1. Annexation (Randy Henson, Director of Planning)**

The Planning Department will provide a review of areas potentially of interest for annexation including population growth in areas to the north, northwest, west, and south of Lubbock.

Staff recommends approval.

Mayor Martin stated that the purpose of this session was to discuss the annexation policy and the needs in the future.

Randy Henson, Director of Planning, presented the 2008 review of annexation law and the potential annexation of additional areas to the City of Lubbock. He stated annexation is a tool used by municipalities to insure growth to

adjacent areas of the city, in a manner consistent to local codes, in order to prevent areas from becoming a detraction to the city. Henson recommended the City of Lubbock develop a 3-year rolling plan, as according to state law, if the City anticipates the annexation of populated areas. Currently Lubbock does not have a 3-year rolling annexation plan. Henson stated the City has enough land to approximately double its population without new annexations. Lubbock has annexed for the needs of future growth and not with the intention of annexing to expand the tax base in the past. He also stated Lubbock is a Home Rule City, therefore, the City can annex without consent of landowners within a proposed annexation area. Once an area is annexed, the person acting as a developer is responsible for installing the entire interior infrastructure at their initial cost. The City does not provide water, sewer lines, and streets to new or existing areas that were newly annexed. The City must provide "soft services" (Police Department, Fire Department and EMS) within 60 days of the completion date.

Mayor Martin asked staff to prioritize annexation and put on future agenda.

**7.2. South Lubbock Drainage Project Update (Marsha Reed, P.E., Director of Public Works; Mike Keenum, Storm Water Engineer)**

Discussion of recent removal of asphalt patch from Slide Road to Vicksburg Avenue on the South Lubbock Drainage Project.

Mayor Martin started the discussion by stating that the purpose of this session is to update Council on the South Lubbock drainage project.

Marsha Reed, Director of Public Works, updated Council on the South Lubbock drainage project and specifically the pavement problems. The purpose of the project was to connect 12 playa lakes in south Lubbock. The drainage project is ahead of schedule and the contract does not expire until April 2009. The pipeline extends from Juneau Ave. to Lake 132, to the canyon. There are over 10,000 feet (2 miles) of tunneling in this project. Some areas were dug up to 55 feet and the maximum pipe line is 54 inches. All storm sewer pipelines were completed on the main trunk line and six lateral lines as part of Phase I on April 2008. 98<sup>th</sup> Street will be open June 26, 2008 or June 27, 2008. Estimated completion of the remaining lateral lines is January 2010.

The City of Lubbock follows the American Society of Testing and Materials (ASTM) for testing and inspection. Ms. Reed presented a list of ASTM testing requirements for the plant site. She stated the City will replace the asphalt until it is done correctly. The Engineer is responsible for developing specifications for pavement that are durable and will function safely and properly. The Engineer is also responsible for making sure the Contractor meets specifications. The Contractor is to provide quality control for his/her operations and comply with specifications per the contract.

**7.3. Storm Water Permit Update (Marsha Reed, P.E. Director of Public Works)**

The Texas Commission on Environmental Quality (TCEQ) has issued the City of Lubbock Texas Pollutant Discharge Elimination System permit. The discussion will include highlights of the final permit and the proposed storm water ordinance.

Staff recommends approval.

Mayor Martin started the discussion by stating that the purpose of this session is to update Council on the Storm Water permit.

Marsha Reed, Director of Public Works, updated Council on the storm water permits. The City of Lubbock was issued a permit recently with TCEQ. She discussed the storm water permit history concerning the Clean Water Act of 1990, EPA permit and permit reapplication timeline. They are in the process of creating the first storm water ordinance. The purpose is to give us legal authority to do the construction and industrial inspection of permits. There are three primary issues: 1) mobile car wash permitting; 2) construction site inspections; 3) industrial facility inspections.

Consensus from Council to move forward.

**1:48 P. M. COUNCIL ADJOURNED**

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