

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
JULY 22, 2008
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 22nd day of July, 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 Paul R. Beane, Council Member Linda DeLeon, Council Member Todd R. Klein, Council Member John Leonard, Council Member Floyd Price

Absent: None

1. CITIZEN COMMENTS

1.1. Christy Martinez-Garcia will appear before City Council to discuss the street naming proposal of Yucca Boulevard to Lubbock Business Park Boulevard and a proposed animal shelter location.

Christy Martinez appeared before the Council to speak about renaming Yucca Lane and the animal shelter.

- Cheryl Brunson appeared before Council to speak about the mobile home park being built between Lubbock Country Club and Hillcrest Country Club. (Zone Case 2497-C)
- Citizens who appeared before Council to voice their opposition for the proposed animal shelter were: Clifton Burnett, Robert Narvaiz, Doyle Berry, Carla Jarman-Norwood, Roland Roberts, Yolanda Solis, Jacob Torres, Romero Rivera, Charles Everett and Anita Baize.
- Maurice Williams appeared before Council to speak about East Lubbock being included in the budget process.
- Lane Powell, West Texas Organizing Strategy, appeared before Council to speak about building a facility to host programs for children and families.
- Martha York, past Chair of Street Renaming Task Force, appeared before Council to speak against the name change of Yucca Lane.
- LaCarl Richardson appeared before Council to speak about the “Gateway” funds. He requested funding for East Lubbock.

8:06 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. (Electric Utilities, Police, Transportation)**
- 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. (Economic Development, Fire, Radio Shop, Right-of-Way, 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 Water Board of Appeals.**

9:26 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

Present: Mayor Tom Martin; Mayor Pro Tem Jim Gilbreath; Council Member Paul R. Beane; Council Member Linda DeLeon; Council Member Todd R. Klein; Council Member John Leonard; Council Member Floyd Price; LeeAnn Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: None

Mayor Martin reconvened the meeting at 9:26 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Reverend Doug Chapman, First United Methodist

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. Presentation of a special recognition to the Lubbock Community Theatre as they begin the 2008-2009 season.

Mayor Martin presented a special recognition to John Packard, Lubbock Community Theatre, as they begin the 2008-2009 season. John Packard, Lubbock Community Theatre, mentioned a few of the plays that will be performed this season.

3.4. Presentation of a certificate of appreciation from the Lubbock Juneteenth Celebration Committee to the City of Lubbock by Tonya Johnson, President and Chairperson.

Tonya Johnson, President and Chair for the Lubbock Juneteenth Celebration Committee, presented a certificate of appreciation to the City of Lubbock. Mayor Martin accepted the certificate on behalf of the City of Lubbock.

3.5. Board Recognitions:

Citizens Traffic Commission

Patricia Treadway

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

Regular City Council Meeting, June 26, 2008

Motion was made by Council Member Price, seconded by Council Member Klein to approve the minutes with amendment to correct the Mayor's name on page 9 of the June 26, 2008 Regular City Council Meeting Minutes as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Items 5.2 – 5.9 and 5.11 on consent agenda as recommended by staff. Motion carried 7 Ayes, 0 Nays.

- 5.1. This item was moved from consent agenda to regular agenda and considered following Item 5.11.**
- 5.2. Resolution - Civic Services : Resolution No. 2008-R0252 approving recommendations from the Cultural Arts Grant Review Committee and the Civic Lubbock, Inc. Board of Directors for the first of two grant periods for the 2008-09 Cultural Arts Grant Program using Hotel Occupancy Tax funds collected at the end of FY 2006-07.**

On February 14, 2008, the City Council approved an agreement with Civic Lubbock, Inc. to administer the City's Cultural Arts Grant Program. The term of the agreement ends on March 31, 2009. The City provides \$220,578 to Civic Lubbock, Inc., for grant awards to cultural arts organizations for the encouragement, promotion, improvement, and application of the arts, and for the promotion of tourism. Funds represent 5.7% of the Hotel and Motel Tax collected during FY 2006-07. In addition, funds include \$10,165 of interest earned on prior year funds, increasing the total available for the 2008 Cultural Arts Grant Program to \$230,743. Civic Lubbock, Inc. elected to absorb any administrative expense in administering the program. The entire allocation of \$230,743 of funding is available for the two granting periods in 2008.

In reviewing requests and developing funding recommendations for each application, the Cultural Arts Grants Review Committee followed the approved agreement guidelines. On May 1, 2008, a Grant Workshop was held for organizations wanting to apply for a Cultural Arts Grant. Workshop presenters included representatives from the Lubbock Convention and Visitors Bureau, and the Lubbock Hotel Motel Association. Eleven applications were received by the May 30, 2008, deadline. Eleven applications were recommended for full or partial funding.

At the June 30, 2008, Civic Lubbock, Inc. meeting, the Cultural Arts Grant Review Committee, comprised of appointees of the City Council and representatives from the Civic Lubbock, Inc. Board of Directors, submitted recommendations to the full Civic Lubbock, Inc., Board of Directors. The Cultural Arts Grant Review Committee and the Civic Lubbock, Inc. Board of Directors request that City Council approve \$126,500 in grant awards for the first granting period of the 2008 Cultural Arts Grant Program. The amount recommended is 54.8% of the Hotel Occupancy Tax and earned interest allocated for both granting cycles. A listing of the recommendations and comments from the Cultural Arts Grants Review Committee is provided.

FISCAL IMPACT

The Cultural Arts Grant Program is funded through Hotel Occupancy Tax.
Board of Directors recommend approval.

5.3. Contract Resolution - Citibus : Resolution No. 2008-R0253 authorizing the Mayor to execute a contract with Texas Tech University for campus bus service.

The proposed transit services contract with Texas Tech University (TTU) is for a term of one year beginning September 1, 2008, and ending August 31, 2009.

Pursuant to the contract, Citibus does not collect fares from its passengers, but charges TTU for providing on-campus bus service a minimum for 37,244.61 hours of service at a base rate of \$50.38 per hour, for a total of \$1,876,383.45. Citibus charges TTU for providing off-campus bus service a minimum for 5,457.83 hours of service at a base rate of \$50.38 per hour, for a total of \$274,965.48. Hours are calculated based on the published 2008-09 school calendar. Charges are adjusted each month to reflect any changes above or below the monthly average of the actual price paid per gallon of fuel for that month on a base figure of \$3.80 per gallon. The adjustment is based on fuel consumption of 2.5 gallons per hour of operations per vehicle using the following formula: adjusted hourly rate per vehicle = base rate + (2.5 x fuel cost above/below \$3.80 per gallon).

Citibus has contracted with Texas Tech University since 1968, and the fuel cost adjustment was added to the contract in 1981. Due to budget concerns and rising fuel costs, Texas Tech University reduced the number of buses serving the campus from 32 buses last contract year to 22 buses and decreased the service hours from 51,397 hours last contract year to 42,702 hours.

The Texas Tech University Board of Regents, at their August meeting, will consider approval of the contract.

FISCAL IMPACT

Citibus anticipates receiving \$2.3 million from Texas Tech University in FY 2008-09, depending on the cost of fuel. Approval of the contract results in no additional cost to the City.

Citibus recommends approval.

5.4. Contract Resolution - Business Development : Resolution No. 2008-R0254 authorizing the Mayor to execute a developer participation agreement with Lubbock-Overton at 6th Limited, Ltd., (Developer) regarding funding of public improvements in Phase One, Project 60 of the Project Plan for the North Overton Tax Increment Reinvestment Zone.

The agreement with Lubbock-Overton at 6th Limited, Ltd., of Shafer Properties, Dallas, Texas, funds the construction of public improvements in

the North Overton Tax Increment Finance (TIF) Reinvestment Zone on Tract No. 3. The City dedicates and pledges the use of revenue in the Tax Increment Fund to participate in the cost of Phase One public improvements, Project 60 of the Project Plan as recommended by the Board of Directors of the North Overton TIF Reinvestment Zone. The agreement delineates the division of funding for the public improvements as represented in Exhibit D (TIF Participation) and Exhibit E (Developer Participation). Public projects in Exhibit D include curb and gutter along University Avenue, water and wastewater lines, relocating Lubbock Power & Light underground utilities, and parkway landscaping. The amount of tax increment financing for public improvements is \$864,386.

The project is in Overton Park with the boundaries shown in Exhibit A, in the northwest corner of Mac Davis Lane and Avenue X. Shafer Properties serves as the construction manager of the public projects adjacent to Mac Davis Lane, University Avenue, and the alley to the north. Avenue X will be included in a future capital project.

FISCAL IMPACT

\$1,226,452 is appropriated in Capital Improvement Project 91060, Tract 3, with \$864,386 available for this purpose.

Staff recommends approval.

5.5. Resolution – Water Utilities : Resolution No. 2008-R0255 approving and adopting the Water Conservation Plan Statement of Current Efforts and Progress (the "Current Efforts Water Conservation Plan") documenting the City of Lubbock water conservation activities and programs, and authorizing the addition of the Water Conservation Plan to the 2007 Strategic Water Supply Plan.

In July 2007, the City adopted the Strategic Water Supply Plan to document water use and future water need. The Plan was prepared to allow the City to update plan sections and programs as they are refined. The Water Conservation Plan presents basic information on the City's water conservation efforts and the impact on the City's water demand.

The City presents the Water Conservation Plan to other governmental entities and agencies for the purpose of financial assistance and grant applications, and regional and statewide planning efforts. The proposed plan is a complete document outlining the City's comprehensive water conservation efforts.

FISCAL IMPACT

No cost is associated with approval of this item. However, the Water Conservation Plan is a tool to help secure grants and financial assistance.

Staff and the Lubbock Water Advisory Commission recommend approval.

5.6. Contract Resolution - Water Utilities : Resolution No. 2008-R0256 authorizing the Mayor to execute an emergency purchase order contract with Altivia Corporation for coagulant for the Water Treatment Plant.

The Water Treatment Plant in the water treatment process uses an aluminum sulfate/polymer blend as a coagulant. The coagulant is injected into the water early in the treatment process and aids in turbidity removal. Use of coagulant is important to comply with Texas Commission on Environmental Quality Rules and Regulations and ensures the production and delivery of safe water.

On November 7, 2005, City Council awarded a three-year contract to Chameleon Industries of Mesquite, Texas, to supply coagulant to the Water Treatment Plant. The Water Treatment Plant has experienced performance issues with the contractor and repeated quality problems with the supplied product. The low quality of the product requires maintenance staff to work overtime to clean debris from the coagulant injection system to avoid total plant shutdown and costly repairs. On June 17, 2008, Chameleon Industries provided to the City 30 days notice to terminate the contract due to cost increases of chemicals used to manufacture coagulant to City of Lubbock specifications. The Purchasing Department is soliciting competitive proposals for a new contract.

Proposals for a new contract includes sample products for analysis using several tests to determine overall performance. Water Treatment staff requires 60 days to complete the testing and make a recommendation based on the performance of the tested products and their cost effectiveness. To ensure continued safe water production at the Water Treatment Plant, an emergency purchase is needed.

Quotes were received from General Chemical of Parsippany, New Jersey, for \$368 per ton and from Altivia of Houston, Texas, for \$305 per ton. The \$100,040 purchase order contract with Altivia is for 328 tons of coagulant.

FISCAL IMPACT

The purchase of treatment chemicals is budgeted in the FY 2007-08 Water Utility Budget.

Staff recommend approval.

5.7. Contract Resolution - Fleet : Resolution No. 2008-R0257 authorizing the Mayor to execute a contract with MAACO Collision Repair and Auto Painting for auto body repair and paint services, BID 08-041-MA.

The contract establishes annual pricing for auto body repair and paint services for City vehicles and equipment. The contract term is for one year with an option to renew annually for up to two additional one-year terms. A bid tabulation is provided. Bids for parts are expressed as a percentage discount from the Mitchell's Crash Guide and bids for labor are an hourly rate. Based on visual inspection of the facilities and interviews with the bidders; bidders meet the criteria for paint booths, machinery requirements, inside storage

within a secured storage area, experience, 24-hour estimates, and the ability to perform body repairs and paint services. Priority in the shop will be provided to Police Department vehicles over other non-emergency vehicles. The body shop provides decal services. Decals may include unit number, department logo, etc. and are supplied by the City.

FISCAL IMPACT

Funding is provided in the individual department FY 2007-08 operating budgets.

Staff recommends bid award to the lowest bidder, MAACO Collision Repair and Auto Painting of Lubbock, Texas. The contract includes a 25% discount on parts for passenger vehicles, trucks and specialty vehicles; and a \$30 labor rate for passenger vehicles, trucks, and specialty vehicles.

5.8. Contract Resolution - Police : Resolution No. 2008-R0258 authorizing the Mayor to execute an agreement with Texas Tech University Health Sciences Center and Department of Pediatrics Child Advocacy Research and Education Center for medical examinations of children who are alleged victims of sexual assault.

The agreement sets the terms and conditions under which the Child Advocacy Research and Education (C.A.R.E.) Center provides the Lubbock Police Department with medical evaluations, case reviews, consultations, and other services needed in reported child abuse cases. Allegations of sexual assault to children require medical examinations by a physician or sexual assault nurse examiner.

The Texas Code of Criminal Procedures mandates that the requesting law enforcement agency pay the cost of the examination. Texas Tech University Health Sciences C.A.R.E. Center is the locally recognized provider for the services. The City pays \$450 per referred case.

FISCAL IMPACT

The Texas Attorney General's office reimburses the City for the full amount of the services.

Staff recommends approval.

5.9. Contract Resolution - Police : Resolution No. 2008-R0259 authorizing the Mayor to execute an agreement with Children's Advocacy Center of the South Plains for coordination of joint investigations involving child abuse.

Pursuant to the provisions of Texas Family Code, Title 5, Chapter 264, Subchapter E, the interagency agreement defines the scope and extent of the City's participation, along with other Lubbock County entities and agencies, in a county-wide collaborative effort to promote child welfare services. A team approach between participating entities, and the establishment and maintenance of child-friendly environments are emphasized. Specific roles for

participating entities are defined to minimize the trauma and other negative effects on children who are often associated with child abuse and its investigation.

FISCAL IMPACT

Participation is included in the FY 2007-08 Police Department Operating Budget.

Staff recommends approval.

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

5.11. Contract Resolution - Fire : Resolution No. 2008-R0260 authorizing the Mayor to execute a contract with the City of Phoenix, Arizona, for the utilization by the Phoenix Arizona Fire Department of the Lubbock Fire Department Airport Rescue Fire Fighter Training Facility.

ITEM SUMMARY

Code of Federal Regulations 139 requires all fire fighters assigned to airport fire protection duties have an annual "hot drill". The hot drill consists of extinguishing aircraft fire by handline and apparatus application of an extinguishing agent. The Phoenix Fire Department desires to contract with the City to utilize the City's Airport Rescue Fire Fighter (ARFF) Training facility.

FISCAL IMPACT

Revenue of \$600 per student. The Phoenix Fire Department is expected to train approximately 25 fire fighters on one day, generating gross revenues of \$15,000. The net revenues after expenses will fund training of Lubbock ARFF personnel and ARFF training facility maintenance.

Staff recommends approval.

5.12. This item was moved from consent agenda to regular agenda and considered following Item 5.10.

6. REGULAR AGENDA

Note: Regular Agenda items, Consent Agenda Items moved to Regular Agenda, and Work Session items are listed in the order they were addressed (5.1, 5.10, 5.12, 6.2-6.5, 6.1, 7.1, 6.6-6.7)

5.1. Budget Amendment Ordinance 1st Reading – Finance : Ordinance No. 2008-O0068 amending the Adopted FY 2007-08 Budget respecting the Grant Fund and the Capital Improvement Program.

1. Accept and appropriate \$303,943 from the Texas Department of State Health Services for Community Preparedness Section - Bioterrorism Preparedness. The program is designed to upgrade and integrate state and

local public health jurisdictions' preparedness for and response to terrorism and other public health threats and emergencies.

2. Accept and appropriate an additional \$8,985 from the Texas State Library and Archives Commission for Interlibrary Loan Grant for the West Texas Library System making the total grant award \$115,420. The Interlibrary Loan Center locates and requests materials for all public libraries, community college libraries, and special libraries with the West Texas Library System. The grant funds two full-time employees.

3. Amend Capital Improvement Project 91056 - Marsha Sharp Freeway Phase 2, appropriating \$132,522 reimbursement from the Texas Department of Transportation.

4. Amend Capital Improvement Project 8077 - Marsha Sharp Freeway 3-B, by appropriating \$47,480 reimbursement from the Texas Department of Transportation.

5. Amend Capital Improvement Project 92130 - Runway 8/26 Improvements, by appropriating \$67,435 of FAA grant funds.

6. Establish a Capital Improvement Project and appropriate \$25,000 from the General Capital Projects Fund Balance for the Leroy Elmore Fountain.

FISCAL IMPACT

Included in item summary.

Staff recommends approval.

LeeAnn Dumbauld, City Manager, gave comments and answered questions from Council.

Randy Truesdell, Director of Parks and Recreation, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Ordinance No. 2008-00068 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.10. Lubbock Emergency Communication District Budget Resolution - Emergency Management : Resolution No. 2008-R0261 approving the Lubbock Emergency Communication District Budget for FY 2008-09.

The Lubbock Emergency Communication District (LECD) submits its annual budget for approval by the governing bodies within the boundaries of the District. Consequently, the LECD Board of Managers is submitting its FY 2008-09 Budget. It is the opinion of the LECD Board of Managers that the proposed budget represents a fair and prudent financial plan to accomplish the LECD mission of providing enhanced 9-1-1 service to the citizens of Lubbock County. It was further ordered, by the Board of Managers, that the service fee, as authorized by Texas Health and Safety Code Section 772.301 through

772.329, be continued at five percent of the telephone base rate on all service users in the District.

FISCAL IMPACT

No fiscal impact to the City of Lubbock.

Staff recommends approval.

Michael Grossie, Executive Director of Lubbock Emergency Communication District, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Leonard to pass Resolution No. 2008-R0261 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.12. Contract Resolution - Legal : Resolution No. 2008-R0262 approving the proposed Compromise Settlement Agreement and Release of Claims regarding the Gas Purchase Contract by and between the City of Lubbock and Choctaw Partners dated December 8, 1988.

The resolution approves the proposed Compromise Settlement Agreement and Release of Claims regarding the Gas Purchase Contract with Choctaw Partners dated December 8, 1988.

FISCAL IMPACT

Included in Compromise Settlement Agreement.

Staff recommends approval.

Matt Wade, City of Lubbock Natural Resources Attorney, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2008-R0262 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Beane recused.

6.2. Ordinance 1st Reading - Water Utilities : Ordinance No. 2008-O0069 amending Chapter 2 of the Code of Ordinances of the City of Lubbock, Texas, by amending Section 2-572, related to the applicability of Ordinance No. 2008-O0038 regarding regulations for lake Alan Henry ("Lake") and easements in favor of the City of Lubbock, Texas adjoining Lake Alan Henry ("Easements"), said regulations regarding structures and facilities and erosion control within or on the Lake or Easements; by amending Exhibit "A" of Ordinance No. 2008-O0038 regarding construction materials that may be used for platforms on the Lake; by amending Exhibit "A" of Ordinance No. 2008-O0038 regarding the substitution of the Water Utilities Department of the City for the Planning Department of the City for all activities, purposes and responsibilities therein; providing a savings clause; providing a penalty clause; and providing for publication.

Pursuant to that certain Compromise Settlement Agreement (the "Settlement Agreement"), Resolution No. 2008-R0161, dated April 24, 2008, in Cause No. 07-03-06178, styled Templeton Mortgage Corporation, Plaintiff v. City of Lubbock, Defendant and North Ridge Homeowners Association, Inc. et al., Intervener, and Cause No. 07-05-06194, styled North Ridge Homeowners Association, Inc. et al. v. City of Lubbock, Texas, in the 106th District Court of Garza County, Texas, the City of Lubbock and parties owning lands adjoining Lake Alan Henry (the "Lake") and/or affected by the City's restrictive easements surrounding Lake Alan Henry (the "Easements"), settled and compromised issues regarding activities that could take place within the Easements and on the Lake, as concerns platforms and community boat docks.

The Settlement Agreement incorporated the terms and provisions of an ordinance that was to be enacted by the City Council of the City of Lubbock upon the consummation of the Settlement Agreement. The exhibited ordinance contained the material terms and provisions regarding activities that could take place within the Easements and on Lake Alan Henry, as concerns platforms and community boat docks. This ordinance, Ordinance No. 2008-00038 (the "Subject Ordinance"), was passed by the City Council of the City of Lubbock on second reading on April 24, 2008.

The Settlement Agreement provides that persons and parties affected by the City's Easements are entitled to join in the Settlement Agreement only from the date of execution thereof by the City to ninety (90) days after such date of execution by the City. The Settlement Agreement further expressly provides that land owned by the parties that do not join in the Settlement Agreement shall not be entitled to the benefits attached by the Subject Ordinance, and instead such lands shall only enjoy those rights and limitations provided to it under previous convincing instruments.

The proposed ordinance amendment provides certainty regarding the application of the Subject Ordinance and closure of the ability to join therein and obtain the benefits of the Subject Ordinance.

Additionally, the proposed ordinance amendment amends the Subject Ordinance in two other minor regards. The proposed ordinance amendment cures minor inconsistencies regarding materials that may be used for construction of platforms and community boat docks. Further, at the request of both the Water Utilities and Planning Departments, all permit application processes are amended to be initiated through the Water Utilities Department as opposed to the City of Lubbock's Planning Department.

Staff recommends approval.

Richard Casner, First Assistant City Attorney, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to pass Ordinance No. 2008-00069 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Member Beane and Council Member Leonard voted Nay.

6.3. Ordinance 1st Reading - Water Utilities : Ordinance No. 2008-00070 amending Chapter 19 of the Code of Ordinances of the City of Lubbock, Texas, with regard to adoption of regulations for Lake Alan Henry; penalty for violation of regulations, Lake Alan Henry; filing complaints for violation of regulations, Lake Alan Henry; providing a penalty; providing a savings clause; and providing for publication.

The ordinance amends Chapter 19 of the Code of Ordinances of the City of Lubbock, Texas, with regard to adoption of regulations for Lake Alan Henry; penalty for violation of regulations, Lake Alan Henry; filing complaints for violation of regulations, Lake Alan Henry; providing a penalty; providing a savings clause; and providing for publication.

Staff recommends approval.

Richard Casner, First Assistant City Attorney, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Ordinance No. 2008-00070 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Ordinance 1st Reading – Water Utilities : Consider an ordinance amending Chapter 28 of the Code of Ordinances of the City of Lubbock, Texas, respecting the description of the City Water System; respecting maintenance and compliance with the law related to the construction, operation, and maintenance of public water systems; providing a savings clause; providing a penalty clause; and providing for publication.

NO ACTION TAKEN

The Texas Commission on Environmental Quality (TCEQ) identified an area of concern that the City must address to maintain and assign water quality responsibility for the City water system and for private water systems within the City's service area and water supply contract area. The TCEQ refers to the area of concern as "sanitary control."

The City provides water supplies to the customer's meter. In certain instances, an example being mobile home parks, the primary customer develops a water system with non-City meters for their customers to deliver water within their development to individual lots or units.

The proposed ordinance allows developers and owners to submit their system to the City for approval as long as their system meets City specifications and provides necessary easements. If a developer or owner does not submit their system to the City, or if the City does not approve of the system, it remains the responsibility of the developer and owner. New developers and owners are

required to enter into a contract for the water quality responsibility before water is provided.

The responsible party will pay for and provide water quality testing in accordance with State regulations.

Staff and Water Commission recommend approval.

Aubrey Spears, Assistant Water Utilities Director, gave comments and answered questions from Council.

Mayor Martin directed staff to have the Lubbock Water Advisory Commission review this first, and make a recommendation to Council.

NO ACTION TAKEN

6.5. Ordinance 1st Reading - City Council : Consider an ordinance providing for an exception to Section 24.35(2) of the Code of Ordinances changing the name from East Yucca Lane to Lubbock Business Park Boulevard.

The ordinance amends Chapter 24 of the Code of Ordinances with regard to changing the name of East Yucca Lane to Lubbock Business Park Boulevard, from IH I-27 east to Martin Luther King Boulevard, and directs the City Engineer and Traffic Engineer to indicate such name on official maps and install appropriate signage to reflect such name as needed.

Lubbock Economic Development Alliance (LEDA) is now constructing a business park east of I-27 where Yucca Lane deadends. The plat of the area names the business park's entrance as East Yucca Lane. As this boulevard is just now under construction, LEDA is asking that the City name this new boulevard as "Lubbock Business Park Boulevard" to clearly identify this new business facility.

The name change is not made to an existing street, but to a street under construction. The only actual change will be to the plat of the area on the City's official maps.

FISCAL IMPACT

The cost of signage is appropriated in the Adopted FY 2007-08 Public Works Operating budget.

Mayor Martin asked staff to have Planning & Zoning Commission develop a policy for future street naming on campuses.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve naming the street Lubbock Business Park Boulevard with the street being limited to area between MLK on east to I-27 access on west. Lubbock Economic Development Alliance is to pay for the signs. No vote was taken.

Motion was made by Council Member Klein, seconded by Council Member Price to **continue** this item to the second Council meeting in August. Motion carried: 4 Ayes, 3 Nays. Mayor Martin, Council Member Beane, and Council Member Leonard voted Nay.

CONTINUED

6.1. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0071, Zone Case No. 2406-E (6402 22nd Street) Hold a public hearing to consider request of Karry Brunken for a zoning change from C-4 to C-4 Specific Use for mini-warehouses and trailer and truck rental utility on Tract A6A, Milwaukee Place Addition, and to consider an ordinance.

Mayor Martin opened the public hearing at 10:26 a.m. No one appeared in favor and no one appeared in opposition. Mayor Martin closed the hearing at 10:27 a.m.

In July 1983, the property was zoned Commercial-4 (C-4) Commercial District, with several conditions including a list of prohibited uses, site plan review by the Planning and Zoning Commission and the City Council prior to any building permits being issued, no access on 22nd Street or La Salle Avenue, and a 60-foot building setback on 22nd Street (Ordinance 8457). In October 1983, the property was rezoned to C-4 Specific Use for a mini-warehouse development based on a detailed site plan showing masonry buildings and landscape buffers. The structures were never constructed. On April 13, 1986, the property reverted to the previous C-4 Commercial District zoning and conditions found in Ordinance 8457.

The request is for a new mini-warehouse development to include a small utility truck and trailer rental operation. The current C-4 Commercial District zoning attached to this property by Ordinance 8457 allows the “trailer and truck rental utility” use of the property. However, Section 29-24(c)(25) of the City of Lubbock Code of Ordinances, requires a specific use zoning for a mini-warehouse in the C-4 Commercial District. This Specific Use proposal is designed better than the conditions of Ordinance 8457 allows at present.

During the public hearing, the Planning and Zoning Commission received a petition signed by 11 neighbors in opposition to the request. The Planning and Zoning Commission listened to several neighbors opposed to the zone change. After staff comments, a better definition of exactly where the facility would be located and the listing of the proposed conditions, the Planning and Zoning Commission asked the neighbors if they still objected. The neighborhood, represented by Mr. Martinez, indicated that their primary concern was setbacks, landscaping, and access to 22nd Street. Upon hearing the proposed conditions Mr. Martinez indicated he did not feel the neighborhood would have a problem with the proposed development.

The adjacent land uses include:

North – Vacant Commercial

South – Low Density Residential

East – High Density Residential

West – Vacant Commercial, Vacant Garden Office, and Low Density Residential

The proposed zoning meets the Comprehensive Land Use Plan.

The City of Lubbock Code of Ordinances lists mini-warehouses as a permitted use in the C-4 Specific Use District subject to the following as minimum conditions:

a. Limited to single-story structures.

The proposed structure is a single-story structure.

b. Individual lease spaces shall not exceed 250 square feet.

The largest proposed lease space is 200 square feet in area.

c. The storage of foods which are explosive, highly flammable, or produce noxious odors shall be prohibited.

d. No mini-warehouse development lot shall abut a street which is the boundary of an abutting Residential-1 (R-1) or Residential-2 (R-2) Zone.

The proponent indicates the proposed development is in the north part of the lot away from the R-1 and R-2 residential districts that lay to the south and southwest of the larger tract.

e. A six-foot solid masonry fence, or the equivalent, shall be erected and permanently maintained adjacent to any residential zone.

By placing the proposed development on the northern most part of the larger Tract A-6-A, only 90 feet of the development will be adjacent to the family apartments to the east. The adjacent apartments already have a six-foot wood fence between the properties.

f. The mini-warehouse structures, when visible from any residential parcel, or the fronting street of a commercial zone, shall be constructed of material which is comparable in texture, color, and quality to adjacent buildings in commercial zones. Such detail shall be specified on the site plan.

The proposed structure is constructed of 26-gauge metal with trim painted “Red Oxide”.

The adjacent structures are:

East - brick

South - wood

North - various materials separated by a metal fence.

g. Landscaping and setback requirements in C-4 Zone shall be met as a minimum requirement.

The C-4 district requires that at least five percent of the total development lot area shall be landscaped and permanently maintained. A minimum of three-quarters of the required landscaping shall be located between the buildings lines and the adjacent street. Remaining landscaped area may be located to the sides of buildings, but shall be visible from adjacent street. In addition to the required five per cent, the parkway area shall also be landscaped and permanently maintained.

There should be no impact on traffic in the area.

Upon a 6-0 vote, the Planning and Zoning Commission voted to forward to the City Council a recommendation that the request for C-4 Specific Use for a mini-warehouse be approved subject to the following conditions:

1. The C-4 Specific Use is limited to the north 90 feet of Tract A-6-A Milwaukee Place Addition. The remainder of the lot shall continue to be controlled by Ordinance 8457.
2. The development shall be tied to the proposed site plan, the attached building materials list (Exhibit A) and Section 29-24(c)(25) of the City of Lubbock Code of Ordinances.
3. A 7-foot metal fence shall be allowed on the north, south, and east property lines of the proposed development, with a minimum 43 feet of setback from Milwaukee Avenue. And a decorative wrought iron fence shall be installed on the west side as indicated on the site plan (Exhibit B).
4. The proposed development shall meet all C-4 landscape requirements with a minimum of three-quarters of the required landscaping to be located between the proposed front fence and Milwaukee Avenue.
5. No more than four utility trucks or trailers shall be displayed between the proposed front fence and Milwaukee Avenue.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to pass Ordinance No. 2008-00071 as recommended by staff.
Motion carried: 7 Ayes, 0 Nays.

10:27 A.M. CITY COUNCIL RECESSED

10:45 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Committee Room

7. WORK SESSION

7.1. FY 2008-09 Operating Budget and Capital Improvement Program discussion to include the General Fund; Enterprise Funds: Gateway Fund, Solid Waste Fund, Storm Water Fund, Wastewater Fund, and Water Fund; Special Funds; and related operations and activities.

Discussion of the City Manager's Proposed FY 2008-09 Operating Budget and Capital Improvement Program.

Staff recommends approval.

Mayor Martin stated the purpose of this session is to discuss the next fiscal year's budget.

LeeAnn Dumbauld, City Manager, presented the proposed budget for the next fiscal year. She stated this is the City's first budget that has gone over a half billion dollars. The budget includes all funds. Ms. Dumbauld, discussed the general fund revenues: property tax, sales tax, and LP&L franchise payment. She referenced the budget book for detailed revenue sources and fees. She stated that the general fund expenditures have increased 2.4%, but inflation has increased by 3.6%. The major increases are due to fuel, retirement contribution, utilities, master lease payments and commitments to Fire Department.

Ms. Dumbauld presented the following budget items that have increased:

- Citibus will have an increase of \$0.25 per ride which will generate \$150,000 in revenue. Citibus is also looking into several other items to assist with the budget.
- The City's power cost is up \$1.4 million for all funds.
- Master Lease Program cost is \$809,000 this is including the Council's commitment to upgrade the fleet.
- Additional \$250,000 for maintenance of the ball fields and an additional 6 positions will be filled.
- Certification pay for police department.
- Increase cemetery fund \$179,000.
- Custodial agreement will be \$135,000.
- Maintenance of the City facilities will be an additional \$94,000.
- Increase in vehicle maintenance.
- Proposed rate increase of 16% for water.
- Waste water is 13% higher this year than last year.

Regular City Council Meeting
July 22, 2008

- Storm water is recommending a rate increase of \$1.10/month for residential customers and \$6.71/month for commercial storm water users.

Ms. Dumbauld presented the following budget items that are reduction cost savers:

- Twenty-six vacant positions will not be filled, saving \$1.25 million.
- Water and waste water funds will absorb the cost of water and waste water services provided in the general fund.
- The Business Development office will be funded by \$0.03 economic development rate.
- Environmental compliance activities will be charged directly to water, waste water and solid waste, saving \$227,000.
- Hot Tax money from the Visitors Center to be allocated to the Civic Center since the Visitors Center will not be open fiscal year 2008-2009, saving \$123,000.
- Special Events activities will be absorbed through Museum and Parks and Recreation departments, saving \$275,000.
- Currently we do not have a bond election scheduled, saving \$125,000.
- There will be funding available in the enterprise fund for employee raises. The general fund has \$843,000 available that could be a 1% raise on October 1, 2008; 2% mid year, or a \$500 one time paycheck.

Ms. Dumbauld stated that out of fund balance of the hotel/motel tax, an additional \$645,000 will be allocated to the Civic Center.

Rhea Cooper, Fire Chief, presented information concerning the first responder program. The Lubbock Fire Department is dedicated to providing unparalleled emergency response and life safety services for our city. He stated during a 6 month period they had just under 8,000 total medical runs with 1,405 having patient contact. Approximately, 6,600 were not considered priority one calls. The Fire Department has a goal to reduce the number of the 8,000 calls and increase the priority one calls. They can do this by purchasing a new software program available. The program will allow the calls to arrive simultaneously at the Fire and EMS. This will allow the Fire Department to use discretion if they need to run on the calls, and enable them to make an impact on more people.

Aubrey Spear, Assistant Water Utility Director, presented the water supply plan for the next six years. He explained the water planning process and the current water needs. He stated that water conservation is an essential part of the plan. Lubbock's water usage trend has been declining since 1998. The current projections show Lake Meredith will not be used beginning in 2010. Roberts County Well Field and Bailey County Well Field will be supplying

the water. Beginning 2012 Lake Alan Henry will be equipped to supply water. He encouraged Lubbock citizens to continue the effort to conserve water.

Mr. Spear also presented the plan for waterline repairs. He stated each year we have a water loss from water that is not metered. If we continue the trend in 2008 the water main breaks will be at its lowest. He presented two maps showing the main line breaks and the proposed projects repairing various water lines.

Marsha Reed, Director of Public Works, presented the proposed gateway street projects. Ms. Reed stated several streets have been paved from various sources of funding. The cost to pave all unpaved streets would be \$56,000,000. This does not include the thoroughfares. 34th street from Slide road to I.H. 27 thoroughfare would cost approximately \$45,500,000. She stated we need to find a way to complete the ride of way coordination project as quick as possible due to the large amount of area.

11:51 A.M. CITY COUNCIL RECESSED

1:58 P.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Committee Room

Council discussed the proposed budget and each Council Member voiced areas of concern or interest to the City Manager. Mayor Martin said this is the best budget document he has ever seen. He asked Ms. Dumbauld to continue refining the numbers, and try to find more funding for employee raises.

6. REGULAR AGENDA (continued)

6.6. Board Appointment - City Secretary : Consider one appointment to the Water Board of Appeals.

Consider one appointment to the Water Board of Appeals.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to appoint John Steinmetz to the Water Board of Appeals. Motion carried: 7 Ayes, 0 Nays.

6.7. Property Tax Rate Resolution - Finance : Resolution No. 2008-R0263 adopting a proposed property tax rate that will result in additional revenue as outlined in Section 26.05(d) of the Tax Code of the State of Texas, and setting the dates for public hearings to discuss the proposed tax rate.

The approval of this resolution is required by state law, as amended by Senate Bill (S.B.) 18 and S.B. 567, and is not the adoption of the tax rate. The action is necessary for the publication of a proposed tax rate and the scheduling of public hearings to discuss the proposed tax rate. The rate that is finally

adopted by City Council in September will follow two public hearings, two readings of the tax ordinance, and public discussion.

The Texas Constitution and Property Tax Code embody the concept of truth-in-taxation to require taxing units to comply with certain steps in adopting their tax rates. The truth-in-taxation laws have two purposes:

1. To make taxpayers aware of tax rate proposals; and
2. To allow taxpayers, in certain cases, to roll back or limit a tax increase.

The truth-in-taxation requirements are contained in the Texas Constitution, Chapter 26, Property Tax Code, Article VIII, Section 21 and in S.B. 18 of the 79th Texas Legislature and S.B. 567 of the 80th Texas Legislature. Prior to August 7, the City will take the first step toward adopting a tax rate by calculating and publishing the effective and rollback tax rates in coordination with the Lubbock Central Appraisal District.

Effective Tax Rate

The effective tax rate is a calculated rate that will provide the City with about the same amount of revenue it received during the prior year on properties taxed in both years. If property values rise, the effective tax rate will go down and vice versa.

Rollback Tax Rate

The rollback rate is a calculated maximum rate allowed by law without voter approval. The rollback rate provides the City with approximately the same amount of tax revenue it spent the previous year for day-to-day operations, plus an extra 8% increase for those operations plus sufficient funds to pay debts in the coming year. If the City adopts a tax rate that is higher than the rollback rate, 10% of the registered voters in the City can circulate a petition calling for an election to limit the size of the tax increase.

Proposed Tax Rate

If the City Council proposes a tax rate that is greater than, or equal to the current tax rate of \$0.45505 per \$100 valuation, City Staff anticipates that the level tax rate will exceed the effective tax rate, but will be below the rollback tax rate. The exact effective and rollback tax rates will be calculated as soon as the information to calculate those rates has been received from the Lubbock Central Appraisal District.

If the tax rate proposed by the City Council exceeds the effective tax rate or rollback rate, whichever is lower, the City Council must follow legislative guidelines for proposing and adopting a tax rate. These guidelines include:

1. The City Council must vote to place a proposal to adopt the rate on the agenda of a future City Council meeting as an action item. This vote must be recorded. This guideline will be fulfilled with the passage of this item.

2. The proposal must specify the desired rate. The City Council cannot vote to adopt a proposal to increase taxes by an unspecified amount.
3. If the motion passes, the City Council must schedule two public hearings on the proposal.
4. The City Council must notify the public of the dates, times and place or places for the public hearings and provide information about the proposed tax rate at least seven days before the public hearings.
5. After publishing the first required notice, the City must hold two public hearings. Taxpayers must have the opportunity to express their views on the increase at each hearing. The City Council may not adopt the tax rate at either of these hearings. At each hearing, the City Council must announce the date, time, and place of the meeting at which it will vote on the tax rate.
6. After the public hearings and before the meeting scheduled for the vote, the City Council must publish a second quarter-page notice titled "Notice of Tax Revenue Increase".
7. The Tax Code requires that City Council adopt the tax rate no less than three days, but no more than 14 days, after the second public hearing. If the City does not adopt during this time period, then it must republish the second notice of the meeting to adopt the tax rate, with the new date, time, and location to adopt the rate.

FISCAL IMPACT

The cost of the publication of the notices is budgeted in the Adopted FY 2007-08 Finance Operating budget.

Staff recommends approval.

Council Member Leonard motioned to approve Resolution No. 2008-R0263 and read the following:

“WHEREAS, the City Council of the City of Lubbock desires to place a proposal to adopt a property tax rate that will result in additional revenue as outlined in Section 26.05(d) of the Tax Code of the State of Texas on the agenda of a future meeting as an action item and schedule public hearings; NOW THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the City Council of the City of Lubbock hereby adopts a proposed property tax rate of \$0.45505 per \$100 valuation that will result in additional revenue, and sets the dates for public hearing on August 12, 2008 at 7:30 a.m. and on August 28, 2008 at 7:30 a.m. in the City Council Chambers located at 1625 13th Street, Lubbock, Texas. A vote on the tax rate shall be placed upon a future City Council agenda.”

Regular City Council Meeting
July 22, 2008

Council Member Klein seconded the motion, as recommended by staff.
Motion carried: 6 Ayes, 1 Nay. Council Member DeLeon voting Nay.

3:21 P. M. COUNCIL ADJOURNED

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