

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
AUGUST 12, 2008
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 12th day of August, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

Present: Mayor 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. Carlos Quirino, Jr. will appear before the City Council to discuss Guadalupe Neighborhood Association projects to clean up "The Arroyo" north of Atzlan Park.**

Carlos Quirino appeared before Council to discuss the Guadalupe Neighborhood Association projects to clean up of "The Arroyo" north of Atzlan Park.

Other citizens who appeared before Council to voice their concerns regarding the clean up of "The Arroyo" north of Atzlan Park were: Mr. Quirino, Jr., Epifanio Aguirre, and LaLa Chavez.

- 1.2. The following citizens will appear before City Council to discuss the necessity and viability of a two-year community college in East Lubbock.**

Armando Gonzales

Dr. John Griswold

Dr. John Mottet – citizen not present

Ysidro Gutierrez, County Commissioner

Emilio Abeyta, Attorney – citizen not present

Naida Gonzales – citizen not present

Citizens who appeared before Council to voice their support of the necessity and viability of a two-year community college in East Lubbock were: Armando Gonzales, Dr. John Griswold, and Ysidro Gutierrez.

Other citizens who appeared before Council to voice their support of the necessity and viability of a two-year community college in East Lubbock were: Darrell Grimes

1.3. Mikel Ward and Matthew Yugovich will appear before the City Council to present signatures collected on the consensus petitions insisting that the City Council take immediate action to reduce the scope and cost of the Visitor Center as approved by the previous Council on April 24, 2008.

Mikel Ward and Matthew Yugovich appeared before Council to present signatures collected on the consensus petitions insisting that the City Council take immediate action to reduce the scope and cost of the Visitor Center.

- Rosita Alexander appeared before Council to speak about her concern of increasing property taxes, and how the rising cost of living is hindering her ability to survive. She also stated she believes Lubbock needs to focus on the citizens' needs.
- John Cervantez appeared before Council to speak about the need to repair and widen East 16th Street.
- Mikel Ward appeared before Council to speak about the renaming of Yucca Lane.
- Cathy Mottey appeared before Council to speak about the renaming of Yucca Lane, and about developing a 2 year college with a comprehensive fine arts program in Lubbock.

6. REGULAR AGENDA

6.1. Public Hearing 7:30 a.m. - Finance : Hold a public hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 3.30% (percentage by which the proposed tax rate exceeds the effective tax rate calculated under Chapter 26, Tax Code).

Mayor Martin opened the public hearing at 8:02 a.m. Rosita Alexander, Bug Dackas and Mikel Ward appeared to address the proposed tax rate. Mayor Martin closed the hearing at 8:10 a.m.

A public hearing has been posted and notices published as required by state law to allow taxpayers an opportunity to comment on the proposed tax rate.

A property tax rate of \$0.45505 per \$100 valuation is proposed. The tax rate is distributed as follows:

General Fund Maintenance and Operations	\$0.33405
Debt Service	0.09100
Economic Development	0.03000

The second public hearing will be held on August 28, 2008, at 7:30 a.m. in the City Council Chambers.

FISCAL IMPACT

The tax rate will be adopted at the September 11, 2008, City Council Meeting. The fiscal impact of that decision is unknown until the tax rate is chosen and adopted.

Mayor Martin read the following statement:

To comply with the State's Truth-in-Taxation legislation, the City Council must announce the next public hearing and the date, time and place of the meeting at which it will vote on the tax rate.

The second public hearing on the proposed tax rate will be held at 7:30 a.m. on August 28, 2008 in City Council Chambers.

The City Council will vote on the tax rate at the September 11, 2008 City Council Meeting that will be held in the City Council Chambers beginning at 7:30 a.m.

8:11 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. (Airport, Water Utility)**
- 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, Fire, Radio Shop, Right-of-Way, Water Utility)**
- 2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.**
- 2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 2.4.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light**

- 2.4.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light
- 2.4.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.

9:04 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 9:04 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Was considered following Item 5.10.

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. Board Recognitions:

Water Board of Appeals

Mr. John Steinmetz

4. MINUTES

4.1. Approval of Prior Meeting Minutes:

Special City Council Meeting, June 19, 2008

Regular City Council Meeting, July 10, 2008

Special City Council Meeting, July 16, 2008

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve the minutes of June 19, 2008 Special City Council Meeting, July 10, 2008 Regular City Council Meeting and July 16, 2008 Special City Council Meeting as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Council Member Klein, seconded by Council Member Leonard to approve Items 5.1-5.4, 5.8, 5.9, 5.11-5.13, 5.15, 5.17, 5.18, 5.21, 5.22, 5.24-5.27, 5.32, 5.33, 5.35, 5.37-5.42 on consent agenda as recommended by staff. Motion carried 7 Ayes, 0 Nays.

5.1. Budget Amendment Ordinance 2nd Reading - Finance : Ordinance No. 2008-O0068 Amendment No. 12 amending the Adopted FY 2007-08 Budget respecting the Grant Fund and the Capital Improvement Program.

On July 22, 2008, the City Council approved the first reading of the ordinance.

1. Accept and appropriate \$303,943 from the Texas Department of State Health Services for Community Preparedness Section - Bioterrorism Preparedness. The program upgrades and integrates state and local public health jurisdictions' preparedness to respond 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 increasing the grant award to \$115,420. The Interlibrary Loan Center locates and requests materials for public libraries, community college libraries, and special libraries within the West Texas Library System. The grant funds two full-time positions.
3. Amend Capital Improvement Project 91056 - Marsha Sharp Freeway Phase 2, by appropriating a \$132,522 reimbursement from the Texas Department of Transportation.
4. Amend Capital Improvement Project 8077 - Marsha Sharp Freeway 3-B, by appropriating a \$47,480 reimbursement from the Texas Department of Transportation.
5. Amend Capital Improvement Project 92130 - Runway 8/26 Improvements, by appropriating a \$67,435 Federal Aviation Administration grant.
6. Establish a Capital Improvement Project and appropriate \$25,000 from the General Capital Projects Fund Balance for the Leroy Elmore Park Fountain, also known as Feist Fountain.

FISCAL IMPACT

Included in item summary.

Staff recommends approval.

5.2. Budget Amendment Ordinance 1st Reading - Finance : Ordinance No. 2008-O0072 Amendment No. 13 amending the FY 2007-08 budget respecting the Grant Fund.

1. Accept and appropriate \$230,000 from the Texas Department of State Health Services for Community Preparedness Section Bioterrorism Preparedness LAB. The program assists the Lubbock Health Department maintain a bioterrorism testing laboratory with staff trained and proficient in Center for Disease Control Laboratory Response Network biothreat protocols. The contract provides 100 percent of salaries and benefits for three full-time positions, and funds for training, travel, and supplies. The contract period is through July 31, 2009.

2. Accept and appropriate \$108,204 from the Texas Department of State Health Services for the Regional and Local Services Section/Local Public Health System. The program provides financial assistance to improve local public health infrastructure. The local public health infrastructure is improved by developing objectives to address public health issues and utilizing resources to conduct activities and services that provide or support the delivery of essential public health services. The contract provides 51 percent of salaries and benefits for four full-time positions. The contract period is through August 31, 2009.

3. Accept and appropriate \$198,485 from the Texas Department of State Health Services for the child, adolescent, and adult immunization program. The program places special emphasis on improving immunization of children two years of age and younger. The grant provides funding for a registered nurse, licensed vocational nurse, office assistant, and an outreach specialist. The contract provides 100 percent of salaries and benefits for four full-time positions. The grant period is through August 31, 2009.

4. Accept and appropriate \$74,009 from the Texas Department of State Health Services for laboratory analysis of milk and dairy products. The grant period is through August 31, 2009.

Staff recommends approval.

5.3. Master Lease Program Resolution - Finance : Resolution No. 2008-R0264 approving equipment to be purchased as part of the Master Lease Program for FY 2007-08.

The Master Lease Program amortizes the purchase of equipment at a favorable interest rate. The resolution amends the Adopted FY 2007-08 Master Lease Program to include the purchase of digital mobile in-car video recording equipment for the Police Department.

FISCAL IMPACT

The annual lease payments will be made with future law enforcement grant funds and the Abandoned Vehicle Fund.

Staff recommends approval.

5.4. Contract Resolution - Police : Resolution No. 2008-R0265 authorizing the Mayor to execute a purchase order contract with Motorola for digital mobile in-car video recorder equipment.

The purchase order contract is for the purchase of Motorola/Integrian digital mobile in-car video recording equipment for police vehicle upgrades and replaces the antiquated VHS recording system in use for several years in police vehicles and no longer available. The recording system is used to record police incidents for evidence and to comply with racial profiling statutes.

The aging in-car VHS video system is increasingly problematic. Recordings are difficult to view, hear, and copy. Upgrading the system to a digital recording system enhances recording, viewing, audio, and copying capabilities. Digital video recordings (DVR) are monitored from a remote location such as Police Administration or the Police Desk.

The IT Department supports the system with storage, installation of computer servers, cabling areas for uploading/downloading data, etc. The Radio Shop installs and maintains the equipment in the police vehicles.

The \$1,577,300 purchase from Motorola of Farmers Branch, Texas, is made through Houston-Galveston Area Council (H-GAC) contract RA01-08. H-GAC is a regional planning commission created under Acts of the 59th Legislature, Regular Session, 1965, recodified as Texas Local Government Code, Chapter 391. The H-GAC program was established pursuant to the Texas Interlocal Cooperation Act that allows governmental and qualifying non-profit entities to use the Act to obtain commonly needed products and services. H-GAC purchases conform to the requirements of Texas competitive bid statutes.

The DVR system assists with prosecuting cases from traffic enforcement to major crimes and allows pre-event recording for officers to record an incident for a time period prior to manually activating the camera. The system has proven to be valuable in civil litigation by having high quality evidentiary video/audio. A digital system allows digital transmission of video evidence to the Criminal District Attorney's office and saves man-hours previously spent purchasing and copying VHS tapes for evidence.

FISCAL IMPACT

The equipment is funded through the Adopted FY 2007-08 Master Lease Program. Annual payments will be made with Abandoned Vehicle Fund revenue and grant funding.

Staff recommends approval.

5.5. This item was moved from consent agenda to regular agenda and considered following Item 7.1.

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

5.7. This item was moved from consent agenda to regular agenda and considered following Item 5.42.

5.8. Resolution – Water Utility : Resolution No. 2008-R0266 authorizing the Mayor to execute a feasibility access agreement with the tenant of property now owned by Ina Jo Schramm Lincecum consisting of 318 acres of land out of W/2 Section 72, Block S, located south of Farm to Market Road 1585 and west of County Road 2840, related to the contract for sale of property for a new water treatment plant to treat water from Lake Alan Henry.

The City is entering into a contract to purchase 318 acres of land now owned by Ina Jo Schramm Lincecum for the new water treatment plant that will treat water from lake Alan Henry. The contract includes a period of time for the City to complete its due diligence concerning environmental and feasibility issues. To complete its due diligence steps, the City needs access to the land, and an access agreement with the tenant Gary Shaffner allows that.

FISCAL IMPACT

There is no financial expenditure associated with the access agreement. The City assumes responsibility for any damage to crops that might occur as a result from the activities of employees or contractors. No damages are anticipated, and steps will be taken to ensure the crop is protected while the City completes its due diligence efforts.

The Lubbock Water Advisory Commission has recommended that the City proceed with the purchase of this land for the Lake Alan Henry Water Treatment Plant. This agreement is necessary for that purchase to be completed. Staff also recommends approval.

5.9. Contract Resolution - Water Utility : Resolution No. 2008-R0267 authorizing the Mayor to execute an emergency purchase order contract with Chameleon Industries for coagulant for the Water Treatment Plant.

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. The Water Treatment Plant, during the water treatment process, uses an aluminum sulfate and polymer blend as a coagulant. The coagulant is injected into the water early in the treatment process and aids in turbidity removal.

The Purchasing Department is soliciting competitive proposals for an annual contract.

The Request for Proposals 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. In the meantime, to ensure continued safe water production at the Water Treatment Plant, an emergency purchase is needed.

The \$100,480 purchase order contract with Chameleon is for 320 tons of coagulant.

FISCAL IMPACT

Funding is available in the Adopted FY 2007-08 Water Utility Operating Budget.

Staff recommends approval.

- 5.10. This item was moved from consent agenda to regular agenda and considered following Item 5.7.**

- 5.11. Resolution - Water Utility : Resolution No. 2008-R0268 authorizing the City Manager or Deputy City Manager, or either of such parties' designee, to execute and deliver for and on behalf of the City of Lubbock Survey Permits (Range Land) and Survey Permits (Cultivated Land) related to access to lands for surveying and testing activities, by and between the City of Lubbock and landowners affected by the City of Lubbock's proposed water transmission pipeline contemplated to be located in Lubbock, Lynn, and Garza Counties of the State of Texas.**

The City is prepared to begin acquiring the right-of-way and property for the Lake Alan Henry Pipeline. As part of the process, the City needs approval from the property owners to access their property for engineering and surveying purposes prior to negotiations for the right-of-way.

To access the property, a license agreement for access has been prepared for the property owners and the City Manager, or her designee, to execute on behalf of the parties to the agreement. The proposed license agreement form was prepared with legal review and comment by the attorneys representing some of the property owners, the City's land acquisition contractor, and the City.

The access license agreement will move the Lake Alan Henry project forward and is a necessary step prior to the final designation of the pipeline route and the acquisition of the right-of-way.

FISCAL IMPACT

It is anticipated that there will be no costs associated with the execution of the access license agreements.

Staff recommends approval.

- 5.12. Contract Resolution – Water Utility : Resolution No. 2008-R0269 authorizing the Mayor to execute a purchase order contract with Western Data Systems for global positioning satellite survey equipment for the Water Engineering Department.**

The purchase order contract is for survey grade global positioning satellite equipment for the Water Utilities Engineering Department. The equipment includes a total station, rover station, software, licenses, and necessary equipment for a survey package. The equipment is utilized by the Water

Utility Engineering Survey crew for surveying of construction and existing infrastructure. The equipment assists the engineering survey crew in their operations of construction staking, as-built surveys, and infrastructure inventory. The equipment allows field staff to inventory the location of infrastructure for use in the graphic information system.

The equipment is available for purchase from Western Data Systems for \$44,327 through the Texas Multiple Awards Schedule (TXMAS) contract TXMAS-6-6611Q010. 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 must be 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 available in the Adopted FY 2007-08 Water Utilities Engineering Operating Budget.

Staff recommends approval.

- 5.13. Contract Resolution - Water Utility : Three resolutions: Resolution No. 2008-R0270, 2008-R0271, and 2008-R0272 authorizing the Mayor to execute contracts with Seimens Water Technologies Corporation, Zenon Environmental Corporation, and Pall Corporation for participation in a pilot testing program, RFP 08-726-BM.**

The new water treatment plant for the Lake Alan Henry water supply project uses microfiltration or ultra filtration as part of the treatment process in addition to conventional treatment processes to meet the ever increasing demands of water quality regulations. The newer technologies use a membrane system as a filter to remove a larger number of undesired items from the water. The membrane filter is not as small as a reverse osmosis, system, but small enough to be effective as part of the water treatment process.

A pilot test of actual membrane systems from competing companies is required by state regulations. The test will be conducted at Lake Alan Henry and will last for a six-month period.

The City received proposals from membrane system suppliers of microfiltration or ultra filtration membrane systems to participation in a pilot testing program. The principal objective of the pilot testing program is to determine the design and operating conditions for the membrane system to be

applied to the City's proposed 15 million gallon per day (mgd) expandable to 50 mgd water treatment plant and Lake Alan Henry Water Supply Project.

Evaluation factors published in the Request for Proposals (RFP) included favorable references 20%, number of installations and capacity in North America 20%, number of installations and capacity in Texas 20%, fiber breakage and related maintenance history 20%, and number of service, engineering, and manufacturing support staff and their locations 20%. Respondents to the RFP are ranked as follows:

Siemens Water Technologies of Ames, IA	1,360 points
Zenon Environmental of Oakville, Ontario Canada	1,400 points
Pall Corporation of East Hills, NY	1,360 points

The selection committee recommends each company be engaged at a cost of \$40,000 each for the pilot test associated with the final engineering design for the Lake Alan Henry Water Treatment Plant. Each of the companies meet the requirements necessary for the pilot testing program.

The membrane system demonstrating the most successful pilot test will be used in the final design of the water treatment plant.

FISCAL IMPACT

\$5 million is appropriated in Capital Improvement Project 92068, Lake Alan Henry Pipeline Final Design, with \$120,000 available for this purpose.

Staff recommends approval.

5.14. This item was moved from consent agenda to regular agenda and considered following Item 3.1.

5.15. Contract Resolution - Parks and Recreation: Resolution No. 2008-R0273 authorizing the Mayor to execute an agreement with the Melonie Park South Homeowners Association for shared parking adjacent to Miller Park.

The City has an ongoing construction project for improvements at Miller Park. The construction of a new parking lot was planned as part of the improvements. The proposed agreement eliminates the need for a new parking lot, saving project funds, and enables the City and the Home Owners Association to work together.

The Melonie Park South Homeowners Association (MPSHA) owns property at 3426 74th Street adjacent to Miller Park. An MPSHA parking lot next to Miller Park separates the park from the MPSHA pool and club house. Visitors to the park typically park in the MPSHA parking lot. A walking track, playground, and irrigation system for the Miller Park Redevelopment project are complete. Tree planting is scheduled in the fall. In order to avoid the \$35,000 cost to construct a new parking lot to meet accessibility requirements, the MPSHA has agreed to allow the City to share their parking lot. In exchange, the City will maintain the parking lot.

The term of the agreement is for 20 years.

The estimated cost for the Street Department to construct an accessible ramp, resurface, and stripe MPSHA's existing parking lot is \$12,000.

FISCAL IMPACT

\$926,000 is appropriated in Capital Improvement Project 91165, Miller Park Redevelopment, with \$12,000 available for this purpose.

Staff recommends approval.

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

- 5.17. Grant Amendment Resolution - Library : Resolution No. 2008-R0274 authorizing the Mayor to execute a grant amendment to the Texas State Library and Archives Commission for an Interlibrary Loan Grant providing support for Interlibrary Loan programs and services.**

The proposed grant amendment allows the City to make an annual adjustment to actual expenditures for the Interlibrary Loan program that is funded by the state. The adjustment covers the cost of the program that ends on August 31 of this year.

The Lubbock Public Library is the headquarters for the Interlibrary Loan (ILL) grant program. The ILL Center locates and requests materials for all public libraries, community college libraries, and special libraries within the 29-county area served by the West Texas Library System. The grant funds two full-time positions and the term of the grant is through August 31, 2008.

The amendment increases the grant by \$8,985 to fund salary increases and additional postage and mailing supplies based on increased interlibrary loan requests.

FISCAL IMPACT

The program is fully funded by the Texas State Library and Archives Commission. The Interlibrary Loan Center grant increased by \$8,985 to \$114,282. A budget amendment increasing appropriation is on this same agenda.

Staff recommends approval.

- 5.18. Grant Contract Resolution - Health : Resolution No. 2008-R0275 authorizing the City Manager to execute Contract 2008-027967-001 CPS-Bioterrorism Preparedness with the State of Texas acting by and through its Department of State Health Services.**

The grant contract with the Department of State Health Services funds programs in support of the Centers for Disease Control and Prevention Budget Period 9 Cooperative Agreement Work Plan for Public Health Emergency Preparedness. The program is designed to upgrade and integrate state and local public health jurisdictions' preparedness for and response to terrorism,

outbreaks of infectious disease, and other public health threats and emergencies. The \$303,943 grant funds four existing full-time positions, \$164,504 for salaries and \$57,190 for benefits, \$13,505 for training and travel, \$20,204 for supplies, \$2,400 for pharmaceutical consulting, and \$46,140 for other expenses. The contract period is from August 1, 2008, through July 31, 2009.

FISCAL IMPACT

Expenditures to the program will not exceed the \$303,943 grant provided in the State contract. A budget amendment ordinance increasing appropriation is on this agenda.

Staff recommends approval.

- 5.19. This item was moved from consent agenda to regular agenda and considered following Item 5.16.**
- 5.20. This item was moved from consent agenda to regular agenda and considered following Item 5.19.**
- 5.21. Contract Resolution - Business Development : Resolution No. 2008-R0276 authorizing the Mayor to execute an agreement between the City of Lubbock and McCanton Woods, L.C. (Developer) regarding the funding of public improvements in Phase One, Project 61 of the Project Plan for the North Overton Tax Increment Reinvestment Zone.**

The agreement with McCanton Woods, L.C. allows the City to participate in the cost to construct public improvements in the North Overton Tax Increment Financing Reinvestment Zone located on Tract 5A. The City agrees to dedicate and pledge the use of revenue in the Tax Increment Fund to participate in the cost of the public improvements for Phase One, Project 61 of the Project Plan as recommended by the Board of Directors of the North Overton Tax Increment Finance (TIF) Reinvestment Zone. This 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 construction of the curb extensions along the east side of Avenue X, water/waste water, and landscaping in the parkway. The total amount of tax increment financing for public improvements shown in Exhibit D is \$453,570.

The North Overton Area Tax Increment Finance Reinvestment Zone Project Plan and Financial Plan (Exhibit C) and the Design Guidelines (Exhibit F) are available in the Business Development Office.

FISCAL IMPACT

\$1,236,542 is appropriated in Capital Improvement Project 91061, Tract 5, with \$453,570 available for this purpose.

Staff recommends approval.

5.22. Contract Resolution - Fleet Services: Resolution No. 2008-R0277 authorizing the Mayor to execute a purchase order contract with Associated Supply Company for the emergency repair of a Bomag landfill compactor.

In July 2008, a Bomag landfill compactor experienced major mechanical failure in the right rear wheel planetary gear unit causing extensive damage to the wheel assembly. Associated Supply Company (ASCO) of Lubbock, Texas, inspected, removed, and disassembled the gear unit on July 12, 2008, and a determination was made that the planetary gear unit needed replacement. The cost for repair, including inspection time, removal, disassembly, parts, freight, mileage, reassembly, setup time, shop supplies, environmental fee, and a rental lift to handle the gear unit is \$43,031. In May 2005, the City paid \$384,866 for the landfill compactor.

The City requires the landfill compactor to stay in State compliance under Landfill Permit 2252 as approved by the Texas Commission Environmental Quality. The TCEQ permit requires that three compactors must be on location for daily operations.

FISCAL IMPACT

\$43,031 is available in the Adopted FY 2007-08 Solid Waste Operating Budget.

Staff recommends approval.

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

5.24. Contract Resolution - Fleet Services: Resolution No. 2008-R0278 authorizing the Mayor to execute a purchase order contract for vehicles for the Fire and Police Departments, BID 08-071-MA.

No Action

The resolution authorizes the purchase order contract for three Fire Department vehicles and two Police Department vehicles.

Fire Department:

2009 Chevrolet Suburban five-passenger four-door 4x4	\$46,065
2009 Chevrolet Trailblazer five-passenger four-door 4x2	\$28,785
2009 Chevrolet Silverado 1/2-ton pick up 4x2	\$16,780

Police Department:

2009 Chevrolet Tahoe four-door 4x4 K-9 utility vehicle	\$33,235
2009 Chevrolet Express extended body cargo van	\$26,575

Shamrock Chevrolet of Lubbock, Texas, submitted the only bid.

FISCAL IMPACT

The purchase of these vehicles is authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the General Fund Operating Budget. The purchase order amount is \$151,440.

Staff recommends contract award to the lowest and only bidder, Shamrock Chevrolet of Lubbock, Texas, for \$151,440.

5.25. Contract Resolution - Fleet Services: Resolution No. 2008-R0279 authorizing the Mayor to execute a purchase order contract with Texas Municipal Equipment for three truck mounted salt and sand spreaders for the Street Department.

The resolution authorizes the purchase order contract for three truck mounted salt and sand spreaders. Salt spreaders are used in the winter to melt ice and snow on City streets during freezing conditions. In the summer, sand is used to control areas on streets where asphalt may be bleeding through to the surface.

The \$65,504 purchase from Texas Municipal Equipment of Arlington, Texas, is available through the Texas Association of School Boards Local Government Purchasing Cooperative Contract 252-06 using an electronic purchasing system, known as BuyBoard. The purchasing cooperative is an administrative agency created in accordance with the 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

The purchase of this equipment is authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the General Fund Operating Budget. The purchase order amount is \$65,504.

Staff recommends approval.

5.26. Contract Resolution - Fleet Services: Resolution No. 2008-R0280 authorizing the Mayor to execute a purchase order contract with Kinloch Equipment & Supply, Inc., for mechanical broom sweepers.

The resolution authorizes the purchase order contract for the purchase of four mechanical broom street sweepers for the Street Department to begin implementation of the Residential Street Sweeping Program as part of the ten-year street maintenance plan. Major thoroughfares and collector streets are currently swept on a schedule and residential street sweeping is performed only by request. A more proactive approach to street sweeping will reduce citizen complaints and will control grass growth in residential streets. Street sweeping activities are a requirement of the Storm Water Management Program in the City's Texas Pollutant Discharge Elimination System Permit.

The \$768,748 purchase from Kinloch Equipment & Supply of Arlington, Texas, is available through the Texas Association of School Boards Local Government Purchasing Cooperative Contract 271-07 using an electronic purchasing system, known as BuyBoard. The purchasing cooperative is an administrative agency created in accordance with the 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

The purchase of this equipment is authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the General Fund Operating Budget.

Staff recommends approval.

5.27. Contract Resolution - Radio Shop: Resolution No. 2008-R0281 authorizing the Mayor to execute a reconfiguration agreement with Nextel Operations to provide professional services for implementing FCC-mandated reconfiguration of 800 MHz radio frequencies.

With the propagation of cell phones during the early part of the decade, interference with Public Safety radios became problematic because of overlapping frequencies in the 800 MHz spectrum. In 2004, the FCC issued an order for Nextel to fund a project to move Public Safety frequencies to an area of the 800 MHz spectrum that is separate from the frequencies used by cellular phone companies. Since Nextel is a major company involved with the overlapping frequencies, the FCC ordered Nextel to correct and pay for the necessary changes, including necessary changes to public safety radio systems. In exchange for paying for the rebanding, the FCC granted Nextel license for a block of frequencies in the 1.9 GHz spectrum. Because the City uses the 800 MHz frequency band for its public safety radio system, Nextel will fund the planning, equipment, and necessary services for the transition to the separated frequencies.

Under the agreement, the City selects and contracts with the vendor or service provider performing the reconfiguration activities. Dailey & Wells (the City's radio system vendor) and Radio Shop personnel perform the necessary activities.

FISCAL IMPACT

The FCC requires Nextel to fund the \$795,375 agreement. Of that amount, the City receives approximately \$46,655 for services provided by Radio Shop personnel. The remainder is paid by Nextel to Dailey & Wells for their portion of the project.

Staff recommends approval.

- 5.28. This item was moved from consent agenda to regular agenda and considered following Item 5.23.
- 5.29. This item was moved from consent agenda to regular agenda and considered following Item 5.28.
- 5.30. This item was moved from consent agenda to regular agenda and considered following Item 5.31.
- 5.31. This item was moved from consent agenda to regular agenda and considered following Item 5.29.
- 5.32. **Grant Agreement Resolution - Airport: Resolution No. 2008-R0282 authorizing the Mayor to execute a Federal Aviation Administration Grant Agreement to fund additional design of Runway 8/26 Improvements Project.**

On May 22, 2008, the City Council approved acceptance of entitlement funds from the Federal Aviation Administration (FAA) under the Airport Improvement Program. The \$2,685,934 grant is for the design of the Runway 8/26 Improvements Project. The FAA has recently offered \$928,795 in additional funds for the project.

Additional grant funds enable the airport to add design services for the demolition of the end of Runway 08 and the reconstruction of Taxiway R. The total cost for engineering services is \$3,227,615. Because \$2,685,934 is already awarded for this project, the new grant is for \$380,300. The remaining \$548,495 entitlements will be available in FY 2009 for the construction of the project.

The Airport Board recommended this item for approval at their July 31, 2008, board meeting.

FISCAL IMPACT

The two grants total \$3,066,234 (95% match). The \$161,381 local five percent match from Passenger Facility Charge funds increases the amount of the Parkhill, Smith & Cooper engineering contract to \$3,227,615.

The Airport Board and staff recommend approval.

- 5.33. **Contract Amendment Resolution - Airport: Resolution No. 2008-R0283 authorizing the Mayor to execute Amendment No. 12A to the engineering services agreement with Parkhill, Smith & Cooper for the Runway 8/26 and Taxiway Improvements Project.**

On May 22, 2008, the City Council approved the \$2,933,250 Amendment No. 12 to the engineering agreement with Parkhill, Smith & Cooper. Amendment 12 establishes the scope and fees for designing the improvements to Runway 8/26. The project includes design for rehabilitating and extending the runway. The threshold of Runway 08 creates a runway incursion hazard with Runway 17R/35L and Taxiway M. The extension of the runway mitigates the risk associated with the intersecting runways.

At the time of Amendment 12 was approved, the airport had been awarded only 75% of its annual entitlements. The Federal Aviation Administration recently offered \$380,300 in additional funds for the project increasing the total grant to \$3,066,234.

Amendment 12A adds design services for the demolition of the Runway 08 end and reconstruction of Taxiway R for a fee of \$294,365. Amendment 12A and Amendment 12 increases the contract amount to \$3,227,615.

The Airport Board recommended this item for approval at their July 31, 2008, board meeting.

FISCAL IMPACT

\$3,227,615 is appropriated in Capital Improvement Project 92130, Runway 8/26 Extension, Design Only, with \$3,227,615 available for this purpose. The funding source for the project is Federal Aviation Administration Grant of \$3,066,234 and Passenger Facility Charge funds of \$161,381.

The Airport Board and staff recommend approval.

5.34. This item was moved from consent agenda to regular agenda and considered following Item 5.30.

5.35. Grant Amendment Resolution - Citibus: Resolution No. 2008-R0284 authorizing the Citibus General Manager to execute an amended New Freedom Mobility Management Grant, Project TX-57-X005-01.

The Federal Transit Administration amended the allocation of New Freedom Mobility Management funds to include an additional \$64,291. The City Council, on April 24, 2008, approved the original \$111,485 allocation. The additional amount increases the FY 2007 and 2008 New Freedom Mobility Management funds to \$175,776 for a mobility manager position at Citibus and to assist the Lubbock community learn how the use of transit can impact their daily lives by giving them additional mobility options and freedom of travel.

Federal Transit Administration regulations require that grants are applied for and executed electronically. Citibus requests that Mr. John Wilson, Citibus General Manager, execute the grant amendment, once approved by the City Council.

FISCAL IMPACT

New Freedom Mobility Management grants require an 80/20 match. The \$35,155 match required for the grant is included in the proposed FY 2008-09 Citibus budget.

Citibus and staff recommend approval.

5.36. This item was moved from consent agenda to regular agenda and considered following Item 5.34.

5.37. Contract Resolution - Citibus: Resolution No. 2008-R0285 authorizing the Mayor to execute Project Grant Agreement No. URB 0901(05) with the Texas Department of Transportation for Citibus operating assistance.

The Texas Department of Transportation is allocating a \$632,324 Section 5307 grant of public transportation funds to the City for operating assistance to maintain its public transportation system (Citibus) for FY 2008-09.

The contract is effective through August 31, 2009.

FISCAL IMPACT

\$632,324 is included in the proposed FY 2008-09 Citibus budget.

Citibus and staff recommend approval.

5.38. Contract Resolution - Citibus : Resolution No. 2008-R0286 authorizing the Mayor to execute a purchase order contract with Mentor Engineering for a mobile data computer upgrade.

Citibus requests upgrades to the mobile data computers (MDCs) used in Citibus' paratransit vans. The cost for purchase and installation is \$31,560 from Mentor Engineering. The MDCs send data regarding Citibus paratransit and medical transportation services. Citibus contracts with the State of Texas to provide medical transportation. The state requires certain information be provided before payment to Citibus for the transportation services provided.

Currently, Citibus' MDCs connect to the two-way radio in each vehicle and communicate across a data channel through the City's radio network (EDACS). The communication arrangement has worked in the past. In the future, Citibus plans to transmit larger amounts of data among the MDCs. The EDACS network does not have the capacity to transmit the amount of data that Citibus will need to send. The upgrade, which has been approved by the Lubbock Public Transit Advisory Board, allows the MDCs to communicate across Sprint's cellular network and allows more than the required data capacity.

Mentor Engineering is the sole manufacturer and distributor of the mobile data computers Citibus currently operates.

FISCAL IMPACT

The cost for the upgrade is \$31,500. The Federal Transit Administration will fund 80% and the remaining 20% is funded from the Adopted FY 2007-08 Citibus budget.

Citibus and the Lubbock Public Transit Advisory Board recommend approval.

5.39. Contract Resolution - Fire: Resolution No. 2008-R0287 authorizing the Mayor to execute a purchase order contract with North America Fire Equipment Company for extrication equipment for the Lubbock Fire Department, BID 08-059-FO.

The Lubbock Fire Department in 2007, was awarded funding from the Department of Homeland Security under the Assistance to Firefighter's Grant to procure six sets of extrication equipment to replace obsolete frontline equipment and permit assignment of a unit to a reserve vehicle.

Bids were received from the following companies:

North America Fire Equipment of Fort Worth, TX	\$114,374
Advance Rescue Systems of Caddo Mills, TX	\$119,630
DACO Fire Equipment of Lubbock, TX	\$140,765
Supply of America of Jacksonville, FL	\$144,478

The bidder has agreed to sell the item(s) to other governmental entities that have cooperative purchasing agreements with the City of Lubbock.

FISCAL IMPACT

Funds are from a \$162,399 Assistance to Firefighters Grant with a \$40,599 City match appropriated in the Adopted FY 2007-08 Fire Department Operating Budget. The purchase order amount is \$114,374.

Staff recommends bid award to the lowest bidder, North America Fire Equipment Company of Fort Worth, Texas, for \$114,374.

5.40. Contract Resolution - Fire: Resolution No. 2008-R0288 authorizing the Mayor to execute a contract with South Plains College to provide the use of the Lubbock Fire Training Facility to train students for basic fire suppression certification.

The Lubbock Fire Department and South Plains College (SPC) developed a joint firefighter certification program. The program allows the Fire Department to hire certified firefighters before they are certified. The concept has been utilized by cities across the state. In order for SPC to hold the classes, they are required to own or have access to an approved training facility pursuant to the Texas Commission on Fire Protection Rules. The agreement satisfies the requirement and facilitates holding the classes.

FISCAL IMPACT

SPC will pay the City \$500 per month for use of the Lubbock Training Facility. SPC will lease protective clothing from the City for \$100 per student for two semesters. The resulting \$8,500 revenue will go to the General Fund.

Staff recommends approval.

5.41. Contract Resolution - Fire: Resolution No. 2008-R0289 authorizing the Mayor to execute a purchase order contract with Casco Industries, Inc., for thermal imagers, BID 08-067-FO.

The purchase order contract is for four thermal imaging cameras used by firefighters and emergency response personnel for search and rescue operations, and other response applications. The equipment replaces obsolete units currently in service and improves rescue efforts with updated technology, ergonomic design, and compatibility with today's firefighting gear.

Casco Industries of Grand Prairie, Texas, is the only bidder who responded to the Invitation to Bid. Casco bid \$8,830 per thermal imaging camera, which is the same price paid in 2007.

FISCAL IMPACT

The purchase of this equipment is included in the Adopted FY 2007-08 Master Lease Program. The annual payments are included in the General Fund Operating Budget. The purchase order amount is \$35,320.

Staff recommends contract award to Casco Industries, Inc., of Grand Prairie, Texas, for \$35,320.

5.42. Contract Resolution - Fire: Resolution No. 2008-R0290 authorizing the Mayor to execute a purchase order contract with Daco Fire Equipment for rescue air bag systems, BID 08-066-FO.

In 2007, the Lubbock Fire Department was awarded funding from the Department of Homeland Security under the Assistance to Firefighter's Grant to procure five sets of rescue air bag systems to replace obsolete frontline equipment.

Bids were received from the following companies:

Daco Fire Equipment of Lubbock, TX	\$34,476
Advanced Rescue Systems of Caddo Mills, TX	\$39,601
Tascosa Tool Service of Amarillo, TX	\$46,293

FISCAL IMPACT

Funds are from a \$162,399 Assistance to Firefighters Grant with a \$40,599 City match appropriated in the Adopted FY 2007-08 Fire Department Operating Budget. The purchase order amount is \$34,476.

Staff recommends bid award to Daco Fire Equipment of Lubbock, Texas, for \$34,476.

6. REGULAR AGENDA(continued)

Note: Regular Agenda items, Consent Agenda items moved to Regular Agenda, Proclamations and Presentations, and Work Session items are listed in the order they were addressed (5.7, 5.10, 3.1, 5.14, 5.16, 5.19, 5.20, 5.23, 5.28, 5.29, 5.31, 5.30, 5.34, 5.36, 6.3, 6.4, 6.2, 6.5, 7.1, 5.5, 5.6)

- 5.7. Contract of Sale Resolution - Water Utility: Resolution No. 2008-R0291 authorizing the Mayor to execute a contract of sale with Ina Jo Schramm Lincecum for the acquisition of 318 acres of land out of W/2 Section 72, Block S, located south of Farm to Market Road 1585 and west of County Road 2840, for a new water treatment plant site in Southeast Lubbock to treat raw water from Lake Alan Henry.**

The purchase of 318 acres of land southeast of Lubbock is for the site of a new water treatment plant associated with the Lake Alan Henry Pipeline Project.

The new water treatment plant will treat water from Lake Alan Henry, which is on the South Fork of the Double Mountain Fork of the Brazos River. In the future, the new water treatment plant may treat water from North Fork projects such as Canyon Lake No. 7 or the Post Reservoir.

The water treatment plant for Southeast Lubbock is being designed with a capacity of 15 million gallons per day. The large tract of land will contain emergency water storage facilities in addition to the water treatment facility. Water Department Engineering is considering locating the next treated water pump station/water storage facility at the site as the additional facilities are necessary for the water treatment facility and future development needs of Southwest Lubbock.

The recommended site has a strategic location that minimizes water transmission line costs and eliminates the need for an on-site pump station facility to move water through the plant as there is elevation change across the property. The property is located adjacent to paved road FM 1585, and can be purchased without condemnation proceedings at a site close to the one recommended in the preliminary engineering report for Lake Alan Henry.

FISCAL IMPACT

The cost for the purchase of the 318 acres is \$675,750 plus closing costs.

\$3,750,000 is appropriated in Capital Improvement Project 92067, LAH Pipeline ROW Acquisition, with \$675,750 available for this purpose.

The Lubbock Water Advisory Commission and staff recommend approval.

Tom Adams, Deputy City Manager, and 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 Resolution No. 2008-R0291 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.10. Contract Amendment Resolution - Water Utility: Resolution No. 2008-R0292 authorizing the Mayor to execute a First Amendment, Reviver and Ratification of lease with Challenge Park of Texas amending the term of the lease from 10 years to 15 years with an option to renew for one additional 5-year period.

Challenge Park of Texas has a ten-year lease for land on the northeast corner of East 50th Street and East Loop 289 at the Lubbock Land Application Site and uses the land as a paint ball park.

The contract amendment amends the term of the lease from 10 years to 15 years with the option to renew for one additional 5-year period.

FISCAL IMPACT

\$2,500 annual revenue to the Wastewater Fund.

Lubbock Water Advisory Commission and staff recommend approval.

Tom Adams, Deputy City Manager, and 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 Resolution No. 2008-R0292 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

3. PROCLAMATIONS AND PRESENTATIONS (continued)

3.1. Invocation by Pastor Dale Bell, Central Lubbock Church of Christ

6. REGULAR AGENDA (continued)

5.14. Contract Resolution - Water Utility: Resolution No. 2008-R0293 authorizing the Mayor to execute a unit price contract with Deerwood Construction, Inc., for construction of Bailey County Well Field Improvements Phase II, RFP 08-723-DD.

During the past 20 years, due to extended drought periods resulting in water table declines, production from wells in the Bailey County Well Field has declined. The City engaged Parkhill, Smith & Cooper (PSC) to evaluate the feasibility and optimal placement of additional wells to restore lost production capacity of the well field. PSC determined the quantity and optimal placement of additional wells. Eight wells are being drilled. The unit price contract is for construction of electric power lines and piping to these new wells.

Proposals were evaluated based on price 60%, contractor qualifications 20%, safety record questionnaire 10%, and construction time 10%. The proposals were ranked as follows:

Deerwood Construction of Lubbock, TX	\$476,906	439 points
Craig Wallace Construction of Lubbock, TX	\$656,395	388 points
L. Howard Construction of Abernathy, TX	\$795,922	326 points

Time for completion is 90 days and liquidated damages are \$25 per day.

On July 23, 2008, the Lubbock Water Advisory Commission considered and recommended approval of this item.

FISCAL IMPACT

\$2,898,820 is appropriated in Capital Improvement Project 91003, Bailey County Well Field Improvements, with \$476,906 available for this purpose.

The contract is awarded by unit price. The total amount of the award is based on estimated quantities and actual expenditures may be more or less depending on actual needs. The price per unit will not change and expenditures will not exceed appropriated funds.

Staff recommends contract award to the lowest bidder, Deerwood Construction of Lubbock, Texas, for \$476,906.

Tom Adams, Deputy City Manager, and Aubrey Spears, Assistant Water Utilities Director, 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-R0293 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.16. Contract Resolution - Parks and Recreation: Resolution No. 2008-R0294 authorizing the Mayor to execute an Interlocal Cooperation Agreement with Lubbock County for cleaning and maintaining public rights-of-way within the City of Lubbock.

The agreement provides labor services for cleaning and maintaining public properties and rights-of-way using Lubbock County Jail inmates. Supervision of the inmates is performed by officers of the Lubbock County Sheriff's Office. The program provides two work crews assigned to maintenance and litter removal on public rights-of-way and one work crew assigned to the Parks and Recreation Department. The City reimburses the County for salaries and fringe benefits of the supervising officers and provides equipment and transportation for the crews.

FISCAL IMPACT

Funding is available in the Adopted FY 2007-08 Parks and Recreation Operating Budget. The amount paid by the City shall not exceed \$147,900.

Staff recommends approval.

Council Member Leonard requested a report on work performed by Lubbock County Jail inmates. LeeAnn Dumbauld, City Manager, will put together a report and provide it to the City Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2008-R0294 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.19. Resolution - City Manager's Office: Resolution No. 2008-R0295 granting the Waiver of Payment in Lieu of Taxes for FY 2008 for Lubbock Housing Authority.

City Council, in April 2003, amended the cooperative agreement with Lubbock Housing Authority dated August 24, 1995, requiring that the "Payment in Lieu of Taxes" (PILOT) be made to the City on an annual basis. The current amendment allows the City Council to reconsider each year the request to waive the PILOT with approval based on the previous year's use of the waived taxes. Annual review and approval ensures funds are used for affordable housing projects.

Staff conducted the annual review and documentation shows that funds have been spent on an affordable housing project.

FISCAL IMPACT

The waiver of the PILOT will result in this amount not being available for expenditures in the General Fund.

Staff recommends approval.

Bill Howerton, Community Development Director, and Quincy White, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0295 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.20. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0071 Zone Case No. 2406-E (6402 22nd Street) 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.

On July 22, 2008, the City Council approved the first reading of the ordinance. 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.

The Planning and Zoning Commission unanimously 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.

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

Motion was made by Council Member Klein, seconded by Council Member Price to pass Ordinance No. 2008-O0071 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.23. Contract Resolution - Fleet Services: Consider a resolution authorizing the Mayor to execute a purchase order contract for passenger vehicles, BID 08-064-FO.

This item was deleted.

The resolution authorizes the purchase order contract for three passenger vehicles authorized in the Adopted FY 2007-08 Master Lease Program. The vehicles include a 2009 Jeep Liberty Sport for \$16,873, a 2008 Jeep Grand Cherokee for \$19,677, and a 2008 Chrysler 300 for \$19,785.

The \$56,335 purchase from Dallas Dodge of Dallas, Texas, is made through the Houston-Galveston Area Council (H-GAC,) Contract No. VEO3-06. H-GAC is a regional planning commission created under Acts of the 59th Legislature, Regular Session, 1965, recodified as Texas Local Government Code, Chapter 391. The H-GAC program was established pursuant to the Texas Interlocal Cooperation Act that allows governmental and qualifying non-profit entities to use the Act to obtain commonly needed products and services.

Shamrock Chevrolet of Lubbock, Texas, submitted an alternate \$78,275 bid for vehicles that did not meet specifications.

FISCAL IMPACT

The purchase of these vehicles is authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the General Fund Operating Budget.

Staff recommends approval.

Mayor Martin requested this item be put on next City Council Agenda.

This item was deleted.

5.28. Contract Resolution - Public Works: Resolution No. 2008-R0296 authorizing the Mayor to execute Supplemental Agreement No. 1 with Texas Department of Transportation for the installation and reimbursement for the operation and maintenance of traffic signals for the construction of the Marsha Sharp Freeway, Phase 2.

Texas Department of Transportation (TxDOT) is constructing Phase 2 of the Marsha Sharp Freeway within the City limits. Under a \$135,938 contract with

TxDOT signed October 28, 2004, the City is reimbursed for equipment expense and labor at signalized intersections along the Marsha Sharp Freeway. The City has assumed additional responsibilities for repair, relocation, and maintenance of equipment to expedite work along the freeway. The estimated cost for the additional work is \$132,522. The total estimated amount TxDOT will reimburse the City through the end of the project is \$268,460.

FISCAL IMPACT

\$268,460 is appropriated in Capital Improvement Project 91056, Marsha Sharp Freeway Phase 2, with \$132,522 available for this purpose. The second reading of the budget amendment is also included on this agenda and additional funds of \$132,522 have been reviewed and approved by TxDOT for the supplemental agreement.

Staff recommends approval.

Motion was made by Council Member Price, seconded by Council Member Leonard to pass Resolution No. 2008-R0296 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member DeLeon recused.

5.29. Contract Resolution - Public Works: Resolution No. 2008-R0297 authorizing the Mayor to execute Supplemental Agreement No. 1 with Texas Department of Transportation for reimbursement of expenses for repair, relocation, and maintenance of traffic signals along the Marsha Sharp Freeway, Phase 3B.

Texas Department of Transportation (TxDOT) is constructing Phase 3B of the Marsha Sharp Freeway within the City limits. Under a \$99,591 contract with TxDOT signed January 25, 2007, the City is reimbursed for equipment expense and labor at signalized intersections along the Marsha Sharp Freeway. The City has assumed additional responsibilities for repair, relocation, and maintenance of equipment in order to expedite the project. The estimated cost for the additional work that the City has assumed, and continues to provide, is \$47,480. The total estimated amount TxDOT will reimburse the City through the end of the project is \$147,071.

FISCAL IMPACT

\$147,071 is appropriated in Capital Improvement Project 8077, Traffic Signals - Marsha Sharp 3-B, with \$47,480 available for this purpose. The second reading of the budget amendment is also included on this agenda and the additional \$47,480 in additional funds have been reviewed and approved by TxDOT for the supplemental agreement.

Staff recommends approval.

Motion was made by Council Member Price, seconded by Council Member Leonard to pass Resolution No. 2008-R0297 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member DeLeon recused.

5.31. Contract Resolution - Public Works: Resolution No. 2008-R0298 authorizing the Mayor to execute an emergency purchase order contract with Granite Construction Company for Type D hot mix per Texas Department of Transportation Contract 1-75-138-8045-4.

An emergency purchase of 3,000 tons of Texas Department of Transportation (TxDOT) Type D hot mix was made after the City's asphalt supplier elected not to renew the current annual supply contract. The emergency purchase is necessary to supply hot mix to the Street Department until the new supply contract is in place.

The \$225,000 purchase from Granite Construction is through the Texas Procurement and Support Services (TPASS) contract 8-000193. 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. The 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.

FISCAL IMPACT

The purchase of asphalt is budgeted in the Adopted FY 2007-08 Public Works Operating Budget. The purchase order amount is \$225,000.

Staff recommends approval.

Motion was made by Council Member Price, seconded by Council Member Leonard to pass Resolution No. 2008-R0298 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member DeLeon recused.

5.30. Minuted Action – Public Works: Consider a request by Allen Butler Construction, Inc., for a partial release of retainage on the 98th Street Roadway and Drainage Improvement Project from Slide Road to Frankford Avenue.

The 98th Street Roadway and Drainage Improvement project is coming to a close and has been certified by Parkhill, Smith & Cooper (PSC) as substantially complete in accordance with the contract. The contractor, Allen Butler Construction is requesting that the City release a portion of the retainage currently being held to assure project completion.

The contract states that the retainage will be released with the final payment. However, staff is waiting on some minor details to be completed and for vegetation to be re-established in the construction area.

PSC recommends that \$50,000 be retained on the project, and the remaining retainage be paid to the Contractor. PSC's recommendation lists eight minor items the contractor needs to complete. Upon completion of the items, PSC recommends an additional \$17,550 of the retainage be released. The remaining \$32,450 will be retained until all vegetation of the construction area is established,. At the time vegetation is established, the project will be

complete, and final acceptance and closeout of the project will occur, including payment to the contractor of the remaining retainage.

Contract Amount	\$14,845,864
Amount Earned To Date	\$14,613,985
Current Amount Retained (5%)	\$730,699
Recommended Retainage	\$50,000
Recommended Retainage to be Paid	\$680,699

\$50,000 will fund the estimated cost to complete the eight minor items of work and establish the vegetation of the area disturbed by construction. A memo from PSC listing the eight minor items of work is provided.

FISCAL IMPACT

There is no fiscal impact involved with the release of the retainage.

Staff recommends partial release of retainage with \$50,000 be retained at this time, and \$17,550 retainage be released at such time as the contractor has completed the eight minor items of work, and the final \$32,450 of retainage be released upon final completion and acceptance of the project.

Council Member Leonard requested Marsha Reed give City Council an update, in a week, on the completion of projects.

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

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to consider a request by Allen Butler Construction, Inc., for a partial release of retainage as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.34. Contract Resolution - Airport: Resolution No. 2008-R0299 authorizing the Mayor to execute a purchase order contract for an aircraft rescue and fire fighting vehicle, BID 08-060-FO.

The resolution authorizes the purchase order contract for a 1,500 gallon aircraft rescue fire fighting (ARFF) vehicle with equipment and tools for Airport Fire Station No. 11. The vehicle replaces a 20 year old truck that has reached its maximum useful service life. The new vehicle and equipment satisfies the requirement of Federal Aviation Regulation Part 139 for certificated airports. Lubbock Preston Smith International Airport is certificated under Part 139, which requires the vehicle and equipment to maintain the ARFF index and to meet response requirements of airports with scheduled air carrier operations.

The City received bids from the following companies:

OshKosh Corporation of OshKosh, WI	\$619,702
DACO Fire Equipment of Lubbock, TX	\$630,333

E-One, Inc. of Ocala, FL

\$714,907

Airport staff and the Fire Department have reviewed the bids for the ARFF vehicle and recommend award to the lowest responsible bidder, Oshkosh Corporation for the amount of \$619,702.

FISCAL IMPACT

\$700,000 is appropriated in Capital Improvement Project 91113, Purchase Airside Equipment, with \$619,702 available for this purpose. The funding for the project is from the Airport's Passenger Facility Charge fund and has been approved for use by the Federal Aviation Administration.

The Airport Board and staff recommend bid award to the lowest bidder, OshKosh Corporation of OshKosh, Wisconsin, for \$619,702.

Victor Kilman, Director of Purchasing and Contract Management, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0299 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.36. Grant Amendment Resolution - Citibus: Resolution No. 2008-R0300 authorizing the Citibus General Manager to execute an amended Federal Transit Administration Jobs Access Reverse Commute Program Grant, Project TX-37-X056-01.

The Federal Transit Administration amended the allocation of Jobs Access Reverse Commute (JARC) funds to include an additional \$163,461. The City Council, on April 24, 2008, approved the original \$150,887 allocation. The additional amount increases the FY 2008 JARC funds to \$314,348. JARC is designed to provide public transportation to places of employment, especially for citizens with entry-level jobs. The grant helps fund Route 19 and Route 34.

Federal Transit Administration regulations require that grants are applied for and executed electronically. Citibus requests that Mr. John Wilson, Citibus General Manager, execute the grant amendment, once approved by the City Council.

FISCAL IMPACT

JARC grants require a 50/50 match. The \$314,348 match is included in the proposed FY 2008-09 Citibus budget.

Citibus and staff recommend approval.

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

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0300 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.1. **This item was moved and considered following Item 1.3.**
- 6.2. **This item was moved and considered following Item 6.4.**
- 6.3. **Ordinance Amendment 1st Reading – Water Utility: Ordinance No. 2008-00073 amending Chapter 28 of the Code of Ordinances of the City of Lubbock, Texas, with regard to wholesale water service to specified areas outside of the City boundaries and related conditions and rates.**

The ordinance amendment is necessary before an agreement can be approved to provide a water supply to Roosevelt Independent School District (RISD). An agreement is recommended because of the potential impact of the application of treated wastewater effluent at the Lubbock Land Application Site to the quality of area groundwater. The ordinance provides for other areas close to Ransom Canyon that also may be impacted.

The proposed ordinance enables the City of Ransom Canyon to provide water to RISD. By providing the water to RISD through Ransom Canyon, the cost of seven miles of water distribution main can be avoided. Instead of a 12 mile pipeline, RISD can be served through a 5 mile pipeline. The City will participate in a small portion of the line cost for the pipeline project. The proposed ordinance enables the City of Ransom Canyon to extend their water service into their extraterritorial jurisdiction if necessary for similar purposes.

On August 28, 2008, staff will present the ordinance for second reading and present contracts with RISD and Ransom Canyon for the provision of water service.

FISCAL IMPACT

The proposed ordinance will enable consideration of contract with RISD and Ransom Canyon that have fiscal impact.

The agreements for RISD and Ransom Canyon will have provisions for City participation in current and future projects. It is recommended that the City participate with the RISD project with \$150,000, and future projects with Ransom Canyon would be negotiated at the time they are recommended.

The Lubbock Water Advisory Commission and staff recommend approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass Ordinance No. 2008-00073 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Ordinance Amendment 1st Reading – Water Utility: Ordinance No. 2008-00074 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.

The Texas Commission on Environmental Quality (TCEQ) identified an issue 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 to the customer’s meter. In certain instances, such as 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 proposed 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 proposed system to the City, or if the City does not approve of the system, the system 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 pays for and provides water quality testing in accordance with state regulations.

Staff and Water Commission recommend approval.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Ordinance No. 2008-00074 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

10:07 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

City Council Conference Room

10:42 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

6.2. Public Hearing 10:30 a.m. - Planning: Resolution No. 2008-R0301 approval or disapproval of a petition requesting annexation of vacant land between Quaker Avenue and Indiana Avenue, from 660 south of the center line of FM 1585 south to the half section line of Section 4, Block AK, Lubbock County Texas, and to consider a resolution.

Mayor Martin opened the public hearing at 10:42 a.m. No one appeared in favor and no one appeared in opposition. Mayor Martin closed the hearing at 10:43 a.m.

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

An annexation of property that has fewer than three occupants and meets a certain size limitation may be requested for incorporation into the City limits without the typical series of public hearings and a service plan. The petition for annexation by the owners of the property was filed on July 25, 2008, with the Planning Department.

In Work Session discussions with the City Council about the three main areas for consideration to annex in upcoming months, the subject area was illustrated. Planning staff has no objection to the proposal, and since the developer or owner is responsible for all extension and on-site costs if it is developed prior to the City going past the parcel with “hard” services, there should be no substantial fiscal impact.

As the City Council discusses potential annexation requests other than the three that are upcoming during the next year, Planning staff recommends a precaution about annexation of new areas as requests may be presented, particularly until the Water Commission Report for future water capacity/sources/timing and future sewer design/capacity studies are completed, as well as budget or physical growth impacts of future annexations. Also, the provision of a sewer collection line in 114th Street or south to serve the next mile as the 98th Street line is designed to only serve that “sewershed” when development is complete. The “FM 1585” corridor will require a complete new sewer main project similar to the recently completed 98th Street sewer main.

In addition, the Texas Department of Transportation (TxDOT) is in the process of contract negotiations regarding the feasibility of an outer loop for Lubbock. State of Texas funding constraints have postponed that negotiation for the near future.

The Planning Department recommends that the City Council consider limiting annexation to the half-section line at one half mile south for FM 1585 (which is the south boundary of this request). The precaution allows an overall perspective on the ultimate size of Lubbock with regard to fiscal and infrastructure limitations as well as deliberations on filling in the areas that have already been made a part of the community.

Urban sprawl is beginning to become a topic of much discussion in the Planning Community as water, gasoline, and new and rehabilitated infrastructure costs begin to change the way cities grow.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2008-R0301 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member DeLeon recused.

6.5. Ordinance 1st Reading - City Council: Ordinance No. 2008-O0075 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 dead ends. The plat of the area names the business park's entrance as East Yucca Lane. As the boulevard is just now under construction, LEDA is asking that the City name the new boulevard as "Lubbock Business Park Boulevard" to clearly identify the 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.

Council Member DeLeon requested the following statement be reflected in the minutes "At the last Council meeting, Council Member Klein and Council Member Price seconded to discuss this at the second Council meeting in August [August 28, 2008 City Council Meeting]. I had at least one or two people that had intended to get on the agenda to speak about this item, but because it was placed on this agenda they were not able to get on the agenda. I understand that there will be second reading, but I don't think it is the proper thing to do since we asked to have it at the second Council Meeting." Council Member DeLeon requested Martha York's, Street Renaming Task Force Chairman, letter be placed in the minutes. See attachment A.

Council Member Beane requested Richard Whittenburg's, Street Renaming Task Force member, letter be placed in the minutes. See attachment B.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Beane to pass Ordinance No. 2008-00075 with amendment to name the street beginning on the east side of the east access road along the Interstate over to Martin Luther King as the Lubbock Business Park Boulevard. Lubbock Economic Development Alliance is to pay for the signs. Motion carried: 5 Ayes, 2 Nays. Council Member DeLeon and Council Member Price voted Nay.

11:14 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

City Council Conference Room

11:20 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

7. WORK SESSION

7.1. National Workforce Marketing Campaign presented by Terri Patterson, Director of Workforce Development, LEDA (15 Minutes)

Terri Patterson, Director of Workforce Development, LEDA, presented their accomplishments and their National Workforce Marketing campaign. She relayed LEDA's accomplishments for the last eight years. It has been a critical part of her job to build career pathways for the demand and emerging occupations in the City of Lubbock. LEDA is looking at externalizing the campaign "The Only Thing That Is Missing Is U".

LEDA is working on a national front for recruiting new people and businesses to Lubbock. They have a website (www.lubbocktx.jobs) and an 866 number (866-WORKLKBK). The website is receiving approximately 5,000 hits a month. They are currently working with local businesses to post jobs on their website. Ms. Patterson stated she is not trying to pull from the local businesses, but to build a workforce for graduates to be able to stay in Lubbock. LEDA is also working with career centers to recruit more people to Lubbock. Several graphs were presented regarding the Civilian Labor Force focusing on specific age groups. She focused on the population of 15-24 year olds in Lubbock. This age group is anticipated to decrease by 19.7% in 2012 from 2007. LEDA wants to grow the civilian labor force. They are interested in increasing the internship programs. This will allow the students to get into the workforce and have more of an opportunity to stay in Lubbock. She stated Lubbock is the only city in the nation with a program where a student can graduate high school with a manufacturing certification: Manufacturing Skills Standards Council (MSSC). She also mentioned that after taking surveys, they found that 65% of College of Engineering and 85% of College Business students are interested in staying in Lubbock if a job opportunity is available in their area. LEDA wants to present the opportunity for alumni to move back to Lubbock. Ms. Patterson presented a wish list of how they can recruit more

graduates to stay in Lubbock. She wants LEDA to reach all avenues to engage graduates, re-attract and recruit Texas Tech Alumni, increase the civilian labor force, and create a brand and image for Lubbock, Texas.

11:59 A.M. CITY COUNCIL RECESSED

2:11 P.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

6. REGULAR AGENDA (continued)

- 5.5. Ordinance Amendment 2nd Reading - Water Utility : Ordinance No. 2008-O0069 Consider an ordinance 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.**

On July 22, 2008, the City Council approved the first reading of the ordinance. 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., Intervenor, 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-O0038 (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 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 conveyancing 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.

For the second reading of the proposed ordinance, an additional change has been made. One affected owner has signed the Waiver of Service and Entry of Appearance but has not signed the Compromise Settlement Agreement (CSA). As a result, there is some uncertainty as to whether such owner has "joined" in the settlement agreement, as contemplated by the subject ordinance. To remove any doubt and to provide certainty, the subject ordinance has been slightly revised on second reading to require the joinder of the affected parties in either the settlement agreement or the CSA, thereby deleting joinder solely of the Waiver as a way to join in the settlement.

Staff recommends approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass Ordinance No. 2008-00069 with amendment to change the word "and" after Intervenor on line 6 of the second paragraph of the Ordinance to "or" as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dias.

- 5.6. Ordinance Amendment 2nd Reading - Water Utility : Ordinance No. 2008-00070 Consider an ordinance 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.**

This item was deleted.

On July 22, 2008, the City Council approved the first reading of the ordinance. In March of 2005, the City Council of the City of Lubbock adopted

the 2005 Regulations for Governance of Lake Alan Henry (the "Regulations"). These provided for the regulation of the use of Lake Alan Henry (the "Lake") and activities occurring on or near the Lake, including the Wildlife Management Area. At that time, the location of facilities on the Lake, the Lake property, and Lake easements was governed by the Regulations.

Pursuant to that certain Compromise Settlement Agreement (the "Settlement Agreement"), Resolution No. 2008-R0161, dated April 24, 2008, in 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 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. 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 conveyancing instruments.

Upon the adoption of the Subject Ordinance, the provisions of the Regulations, in so far as they relate to facilities, needed to be amended in order to fix any potential conflicts that may currently exist within both ordinances. The proposed ordinance amendment provides for the regulation of facilities of those properties not otherwise regulated by Ordinance No. 2008-00038.

Two additional changes have been made for the second reading of the proposed ordinance. One affected owner has signed the Waiver of Service and Entry of Appearance but has not signed the Compromise Settlement Agreement (CSA). As a result, there is some uncertainty as to whether such owner has "joined" in the settlement agreement, as contemplated by the subject ordinance. To remove any doubt and to provide certainty, the subject ordinance has been slightly revised on second reading to require the joinder of

the affected parties in either the settlement agreement or the CSA, thereby deleting joinder solely of the Waiver as a way to join in the settlement.

Additionally, the provision prohibiting firearms has been amended to provide for the lawful carrying of concealed handguns by those persons properly licensed in accordance with Subchapter H, Chapter 411 of the Texas Government Code.

Staff recommends approval.

This item was deleted.

2:15P. M. COUNCIL ADJOURNED

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

ATTACHMENT A
ITEM 6.5

August 1, 2008

To: Mayor Martin and City Council Members

After speaking before you previously and leaving you with my entire speech text, I find I was misinformed in one area.

It had been my understanding that LEDA had brought the request for Lubbock Business Park Blvd. (Clearly a name change and deviating from the orderly street name sequence.). I have since learned from David Alderson that the request did not come from LEDA, but from Mayor Martin. asking Gary Lawrence to write a letter making such request.

Acknowledging the fact that you, the Council members, can make any decisions you desire, I still believe in doing so with this naming change of Yucca Lane extension to the east will result in opening the flood gates once again.

If you think beyond this request and consider the consequences when other requests are made, this is not the renaming of one street, but is a referendum on the integrity of the Council to administer rules and regulations fairly to everyone they represent.

I hope you feel that the hard work and time given by the task force committee members was not a waste.

Thank you again for the opportunity to serve and voice my opinion.,

Martha York
Street Renaming Task Force Chairman

**ATTACHMENT B
ITEM 6.5**

July 28, 2008

To: Paul R. Beane, Councilman, District 4, City of Lubbock

From: Richard Whittenburg, 3802 107th. St., Lubbock

Re: Street naming in Lubbock's Industrial Park

Just a brief note to give you my thoughts on the street naming in Lubbock's new Industrial Park.

I served as a member of the recent Street Naming Taskforce. We were charged with making recommendations to the council on the "RENAMING" of streets in Lubbock to honor persons (people) who have made contributions to Lubbock in the arts, sports, etc. (Renaming being the key word)

I would FAVOR the naming of the new street in the industrial park area and NOT as a continuation of Yucca Lane.

Respectfully,

Richard Whittenburg