

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
OCTOBER 9, 2008
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 9th day of October, 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:

1. CITIZEN COMMENTS

1.1. Danny Bailey will appear before City Council to discuss the Hancock Grazing Lease.

Danny Bailey appeared before Council to voice his concerns regarding the Hancock Grazing Lease.

1.2. John Ecklund will appear before City Council to discuss enforcement of traffic violations at schools, backward parking, and building permit violations.

John Ecklund appeared before Council to voice his concerns regarding enforcement of traffic violations.

1.3. The following will appear before the City Council to discuss the nonacceptance of the Texas Tech Hockey Club contract.

Carlos De La Fuente	Mike Humphrey
Danette Parker	Thomas Johnson
Fred Howell	Tim Castleman
Dr. Greg Mayer	Dr. Victoria McLure
Lauri Lovvorn	

Motion was made by Council Member DeLeon, seconded by Council Member Price to extend the 30 minutes allotted for citizens comments in order to allow time for the other citizens that signed up to speak. Motion carried: 4 Ayes, 3 Nays. Mayor Martin, Council Member Beane, and Council Member Leonard voted nay.

- Other citizens who appeared before Council to voice their concerns regarding the nonacceptance of the Texas Tech Hockey Club contract were: Jeff Griffith, Leta Reeves, Aaron Tittle, Melissa Kemp, Michael Pruneau, Matthew McClelland, Tiffany Fioroni, Lynn Pope, Paddy McGowan, Kelly Clark, Elizabeth Russell, and Ron Appling.
- Leta Reeves appeared before Council to speak against the Texas Tech Hockey Club contract.

8:19 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

City Council Conference Room

2. EXECUTIVE SESSION

- 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. (Museums, Parks and Recreation, Street, 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, Facilities Management, Radio Shop, Street, Museums, 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.**

9:05 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 Floyd Price; LeeAnn Dumbauld, City Manager; Rebecca Garza, City Secretary and Richard Casner, First Assistant City Attorney
- Absent:** Council Member Leonard (arrived at 9:35 a.m.)
- Mayor Martin reconvened the meeting at 9:05 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Matt Mitchell, Westminister Presbyterian

3.2. Pledges 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 This item was considered following Item 3.5.

3.4 This item was considered following Item 3.3.

3.5. Presentation of a special recognition to Marian Moss Enterprises honoring the organization's service towards special needs citizens.

Council Member Price presented a special recognition to Marion Moss Enterprises honoring the organization's service towards special needs citizens. No one was present to accept the special recognition.

3.3. Presentation of a special recognition to Sarah Lambert for her efforts in providing the eco-friendly Green Environmental Center to serve as a place for children to learn about environmental issues.

Mayor Martin presented a special recognition to Sarah Lambert for her efforts in providing the eco-friendly Green Environmental Center to serve as a place for children to learn about environmental issues. Sarah Lambert accepted the special recognition and gave comments.

3.4. Presentation of a special recognition commemorating October 5 - 11, 2008, as Mental Illness Awareness Week in Lubbock, Texas.

Mayor Martin presented a special recognition commemorating October 5 – 11, 2008 as Mental Illness Awareness Week in Lubbock, Texas. Alan Allgood accepted the special recognition and gave comments.

3.6. Presentation of a special recognition commemorating October 13, 2008, as Metastatic Breast Cancer Awareness Day in Lubbock, Texas.

Mayor Martin presented a special recognition commemorating October 13, 2008 as Metastatic Breast Cancer Awareness Day in Lubbock, Texas. Darla McAndrews, Jennifer Cavac, and Kathy Curtis of Tyler Technologies were present to accept the special recognition. Ms. McAndrews gave comments.

3.7. Presentation of a special recognition commemorating October 2008 as Quality Month in Lubbock and acknowledging the valuable contributions of local industries in producing quality goods and services crucial to the continued economic growth of the country.

Mayor Martin presented a special recognition commemorating October 2008 as Quality Month in Lubbock and acknowledging the valuable contributions of local industries in producing quality goods and services crucial to the continued economic growth of the country. Robert Johnson of Tyco accepted the special recognition and gave comments.

3.8. Presentation of a special recognition to the Humane Society of West Texas and the organization's new officers.

Mayor Martin presented a special recognition to the Human Society of West Texas and the organization's new officers. The new officers are Mary Hatfield, Sawyer Lewis, Nancy Powell and Janice Barnes. Mary Hatfield accepted the special recognition and gave comments.

4. MINUTES

4.1. Approval of Minutes from Prior Meetings:

Regular City Council Meeting, September 11, 2008

Emergency City Council Meeting, September 11, 2008

Emergency City Council Meeting, September 12, 2008

Motion was made by Council Member Price, seconded by Council Member Klein to approve the minutes of Regular City Council Meeting, September 11, 2008; Emergency City Council Meeting, September 11, 2008; and Emergency City Council Meeting, September 12, 2008; as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member Leonard was away from the dais.

5. CONSENT AGENDA

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve Items 5.3-5.7 and 5.9-5.11 on consent agenda as recommended by staff. Motion carried 6 Ayes, 0 Nays. Council Member Leonard was away from the dais.

5.3. Ordinance 2nd Reading - Right-of-Way : Ordinance No. 2008-O0084 Consider abandoning and closing two portions of a utility easement located in Tract A, South Plains Addition, 6002 Slide Road.

On September 25, 2008, the City Council approved the first reading of the ordinance. The right-of-way ordinance abandons and closes two portions of a utility easement located in Tract A, South Plains Addition, west of Slide Road and north of the Southwest Loop 289 access road. The easement was dedicated by plat in 1972, and a portion of the easement has been requested to be closed due to the construction of the Barnes & Noble Store on the east side of South Plains Mall. New easements will be dedicated as needed.

Lubbock Power & Light (LP&L) and other utility companies are in agreement with the easement closure. The easement is not needed by LP&L.

FISCAL IMPACT

No fiscal impact.

Staff recommends approval.

5.4. Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0086 Zone Case No. 2011-D (50th Street and Ironton Avenue) Consider request of Burl W. Masters (for Marketplace Community Development Corp.) for a zoning change from Light Manufacturing (M-1) to High Density Apartment (A-2) for apartments on 11.992 acres of unplatted land out of Block AK, Section 37.

On September 25, 2008, the City Council approved the first reading of the ordinance. The request is to rezone a portion of a larger redevelopment area from an industrial zone to an apartment zone. The parcel is behind the major redevelopment of Canyon West on the corner of Spur 327 and Milwaukee Avenue.

Adjacent land use is vacant in all directions. An existing church is located toward Milwaukee Avenue to the west. The parcel is at the southwest corner of what will eventually be Ironton Avenue as it exits Santa Fe Industrial Park and the former right-of-way of the Whiteface cut-off railroad tracks, which have been removed.

With regard to the Comprehensive Land Use Plan, this area was targeted in the 1980s as an expansion of the industrial park to the north. Because of market conditions and the location of adjacent rail tracks, the area never matured. Now, the development of the Canyon West, the church, and Frenship Independent School District to the northwest have been combined to illustrate a non-industrial eventual use of the entire area.

The Hodges Company has yet to develop plans for the north end of Canyon West. The Hodges Company's conjecture is that the area will be best suited for urban density housing, which will blend well with the proposal in the zone case.

In terms of policy, the parcel will develop under standard High Density Apartment (A-2) guidelines when the project is proposed for permit.

The project should have little impact on the thoroughfare system. The owner will have some private negotiations with adjacent landowners during the platting process, but ultimately the apartments will have good access and not create traffic through any residential area.

FISCAL IMPACT

No fiscal impact.

Staff and the Planning and Zoning Commission recommend approval.

5.5. Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0087 Zone Case No. 2984-G (37th Street and Norwich Avenue) Consider request of John A. Sellers for a zoning change from Single Family (R-1) Specific Use to High Density Apartment (A-2) limited to a skilled nursing facility on 5.681 acres of unplatted land out of Block AK, Section 48.

On September 25, 2008, the City Council approved the first reading of the ordinance. The applicant is progressing with one of the planned phases of Raider Ranch, a planned retirement community. The request involves an area where a skilled nursing home will be developed as one of the elements of "full service" to the residents of the senior community.

Adjacent land uses:

N - proposed residential

S - a group of the cottages at Raider Ranch

E - a mini storage site under development

W - proposed residential

The addition of the skilled nursing facility has been a part of the overall master plan of Raider Ranch since the inception of the project. Development has not occurred as quickly as originally anticipated, and the facility will round out the proposed set of services to residents of the subdivision. As a form of residential development, and limited to nursing or personal care (not apartments) the project meets Comprehensive Land Use Plan policies. The project will be constructed to meet High Density Apartment (A-2) development standards when the applicant or future owner gets to the platting and permit stage.

The project should have no impact on the thoroughfare system and a very low impact on the circulation system within the subdivision.

Staff recommends the case with the following condition:

The parcel shall be A-2 limited to convalescent, nursing, geriatric, or personal care facilities.

FISCAL IMPACT

No fiscal impact.

Staff and the Planning and Zoning Commission recommend approval.

5.6. Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0085 Consider annexing to the City of Lubbock, upon petition of area landowners, an area of sparsely occupied land south of Farm to Market Road 1585 between Indiana Avenue and Quaker Avenue.

On September 25, 2008, the City Council approved the first reading of the ordinance. The owner of the property requested the annexation of the property by petition. On August 12, 2008, City Council conducted a public hearing to consider the merits of annexation of the named area, and passed a resolution instructing staff to prepare an ordinance for the action. The proposed ordinance and an aerial photo/map of the area are provided. No comments other than those from the applicant and staff were presented during the public discussion. As a petition annexation, no service plan is required and no fiscal commitments are made on the part of the City with the exception of the extension of "soft" services (police, fire, general fund services). The half section to be annexed is vacant and currently is farmed.

FISCAL IMPACT

Cost of General Fund (soft services, Fire, Police, Road Maintenance, Animal Services, etc.) or as needed. No dollar figure is available.

Staff recommends approval.

5.7. Grant Application Resolution - Solid Waste : Resolution No. 2008-R0393 authorizing the filing of a grant application with the South Plains Association of Governments for a regional Solid Waste Grants Program Grant to purchase a household hazardous waste storage building.

Texas House Bill 3072 requires the Texas Commission on Environmental Quality return to local governments a portion of the \$1.25 per ton state surcharge collected on landfill tipping fees. South Plains Association of Governments (SPAG) is a Council of Governments serving a 15-county region in West Texas and represents all cities and counties in the region. Funds are apportioned to SPAG based on a formula that includes, but is not limited to, population, need, and number of counties in the SPAG area. SPAG then conducts a competitive grant application process to address the needs of its specific region.

This year, SPAG has \$165,000 available for pass-through implementation projects. The SPAG Solid Waste Advisory Committee determined to limit each single-jurisdiction award to \$58,000. The Solid Waste Department is applying for a \$36,389 Household Hazardous Waste Management Project grant to purchase a modular design fire rated household hazardous waste storage building.

On October 14, 2008, the grant application will be presented to the SPAG Board of Directors for final review and approval. The resolution authorizes the City Manager to act on behalf of the City related to the grant application and any subsequent grant contract and grant project that results.

A goal of SPAG's FY 2008-09 Regional Solid Waste Program is to encourage the proper disposal of household hazardous waste (HHW) and other hazardous waste. The acquisition of an HHW storage building improves the effectiveness and efficiency of the current City HHW operations by expanding the storage capacity of HHW.

The storage building is a fire rated modular design 30'8" x 5'6" x 8'8" providing additional storage for HHW collected at the monthly residential HHW drop-off events. The building has 165 square feet of storage capacity for flammables, combustibles, corrosives, chemicals, and pesticides within three isolated storage rooms and a secure external storage area for used batteries.

The estimated cost of the storage building is \$33,189 plus \$3,200 freight. If the actual cost is less, remaining grand funds will be used for HHW program-related supplies.

The City's HHW program accepts the following HHW items for proper disposal, recycle, or reuse:

- | | |
|---|------------------|
| Fluorescent and compact fluorescent light bulbs | Oil based paints |
| Latex based paints | |
| Wood Stains | |
| Corrosive cleaners (such as oven cleaners) | Drain cleaners |
| Pool chlorine and acid | |
| Automotive batteries | |
| Nickel-cadmium batteries | |
| Computers and monitors | |
| Household pesticides | |

FISCAL IMPACT

\$12,000 of in-kind services for public education, advertising, and promotion for household hazardous waste recycling and waste reduction programs. The FY 2008-09 Operating Budget will be amended if the grant is awarded to the City.

Staff recommends approval.

5.9. Contract Amendment Resolution – Water Utilities : Resolution No. 2008-R0394 authorizing the Mayor to execute Change Order No. 2 to the construction contract with Eagle Contracting L.P. for the Southeast Water Reclamation Improvements Project.

Eagle Contracting holds the contract for improvements to the Southeast Water Reclamation Plant Improvement Project to produce a higher quality wastewater effluent. The contract was approved on February 14, 2008, in the amount of \$43,520,000. It is now recommended that the City Council consider approval of Change Order No. 2 in the amount of \$117,047 for six changes to the original design and specifications. Change Order No. 1 was for \$32,695.

Due to the size of the project, the amount of detail covered, and due to the original plans and as-built documents that are not accurate for the location of pipes and facilities in the ground, some change orders will be necessary for the project. A ten percent contingency for change orders on a project of this size, complexity and scope would be used for planning purposes. To date the two change orders amount to less than one percent at 0.34%.

All change orders are reviewed by the City's on-site engineer with Black and Veatch before a recommendation for a change order is submitted to City staff for review. While the following change orders are recommended, one change order requested by the contractor was rejected because it was not justified.

Change Order No. 2 to the contract with Eagle Contracting involves the construction and installation of the following items:

1. Filter fabric and six-inch thick granular fill for Biological Nutrient Removal (BNR) Basin No 3. The BNR basin foundation is designed based on rock formation. However, a more sandy material is present on site. A pressure relief system was designed to allow proper drainage of the ground water buildup under the foundation. The six-inch thick granular material provides the mechanism for the proper drainage of the ground water and the filter fabric prevents the sandy material from clogging the pressure relief system. The proposed cost for the system is \$39,950. This specification and design was included in the bid for most structures, but was left out of the BNR Basin for bidding purposes.
2. Lower beams supporting the roofing system to accommodate the changes in dimensions of the hatches. The proposed cost is \$12,234. The metal access hatches delivered are too large to fit between the support beams on the intermediate lift station so a change is required to the plans.
3. The flow equalization distribution piping at the aeration distribution structure requires an additional tee, associated piping, and support to ensure equal distribution of flow for the clarifiers. The proposed cost is \$3,144. This is required because the design showed one pipe going in when two were needed as there are two basins and the two pipes will equalize flow into the basins.

4. The addition of clean outs and vents at the new primary clarified sludge pumping station are needed to meet Building Code. The proposed cost is \$1,486. Some additional clean outs and vents were added to those provided in the original design to improve the operations and functionality of the facility.
5. The influent line of the Intermediate Lift Station must be lowered to pass beneath an existing duct bank. Four additional 45-degree bends are required to lower the pipe. The proposed cost is \$26,494. The pre 1994 plans and as built documents do not reflect the actual improvements in the ground, so some changes are necessary in this instance for the location of the influent line so that it does not conflict with the location of an existing electrical duct.
6. The adjustable frequency drive for double disc pumps requires NEMA enclosures and coating for the pumps. The proposed cost is \$33,739. The NEMA enclosures are necessary to keep water and dust out of the electrical facilities. Staff and suppliers recommend the coating for the pump to eliminate or reduce pitting and corrosion.

The Lubbock Water Advisor Commission recommended approval at their September 17, 2008, meeting.

FISCAL IMPACT

\$55 million is appropriated in Capital Improvement Project 92126, Southeast Water Reclamation Plant Improvements, with \$117,047 available for this purpose. Change Order No. 2 totals \$117,047 and increases the contract amount to \$43,666,630 and adds 15 working days to the project.

The Lubbock Water Advisory Commission and staff recommend approval.

5.10. Contract Resolution - Radio Shop : Resolution No. 2008-R0395 authorizing the Mayor to execute a software license and software maintenance agreement with M/A-COM, Inc., for 800 MHz radio software.

The City's 800 MHz radio system has a software license and software maintenance agreement necessary to keep the software properly updated and provide technical support to ensure that the 1995 800 MHz radio system functions properly. The renewal of the maintenance agreement, which was last approved in 2000, is needed at this time to ensure radio communications for Police, Fire, and other City departments.

The term of the agreement is five years.

FISCAL IMPACT

The annual cost of the agreement is \$42,500, and funding is available in the Adopted FY 2008-09 Radio Shop Operating Budget.

Staff recommends approval.

5.11. Contract Resolution - Facilities : Resolution No. 2008-R0396 authorizing the Mayor to execute a job order contract with Basic IDIQ for asbestos abatement and interior renovations at Fire Station No. 13.

Major renovations at Fire Station No. 13 include asbestos abatement in the vinyl floor tile. The project abates 2,000 square feet of vinyl composition tile floor covering material and mastic, and includes replacement materials for the abated areas. Interior renovations include installing new counter tops, applying new paint, and renovating dormitory areas.

The \$76,243 contract with Basic IDIQ of Lubbock, Texas, is through the Interlocal Cooperative Purchasing Agreement with Texas Tech University authorized by Resolution No. 5772 on February 26, 1998.

FISCAL IMPACT

\$645,009 is appropriated in Capital Improvement Project 91220, Major Repairs at Fire Stations, with \$76,243 available for this purpose.

Staff recommends contract award to Basic IDIQ of Lubbock, Texas, for \$76,243.

9:35 A.M. Council Member Leonard returned to the dais.

6. REGULAR AGENDA

Note: Regular Agenda items and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (5.1-5.2, 5.8, 6.1-6.3)

5.1. Contract Resolution - Legislation : Resolution No. 2008-R0397 authorizing the Mayor to execute a contract with Hance Scarborough for legislative counseling services.

Hance Scarborough specializes in providing governmental relations services in state legislative and administrative matters. The current contract with Hance Scarborough expires December 31, 2008. Under the terms of the proposed two-year contract, the fee is \$12,500 per month for the first six months, and \$5,000 per month for the remainder of the contract term.

FISCAL IMPACT

Funding is available in the Adopted FY 2008-09 Water and Wastewater Operating Budgets.

Staff recommends approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2008-R0397 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member DeLeon voted nay.

5.2. Contract Resolution - Legislation : Resolution No. 2008-R0398 authorizing the Mayor to execute a contract with Meyers & Associates for legislative counseling services.

Meyers & Associates specializes in providing governmental relations services in federal legislative and administrative matters. The current contract with Meyers & Associates expires December 31, 2008. Under the terms of the proposed two-year contract, the fee is \$8,000 per month plus expenses not to exceed \$1,000 per month.

FISCAL IMPACT

Funding is available in the Adopted FY 2008-09 Water and Wastewater Operating Budgets.

Staff recommends approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to pass Resolution No. 2008-R0398 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member DeLeon voted nay.

5.8. Resolution - City Manager : Consider a resolution authorizing the Mayor to execute a Grant Management Agreement with the North & East Lubbock Community Development Corporation (CDC) to promote economic development in North & East Lubbock and approving the North & East Lubbock CDC FY 2008-09 Operating Budget.

This item failed

The City entered into a Grant Management Agreement with the North & East Lubbock Community Development Corporation (CDC) for the past five fiscal years to oversee and promote economic development in North & East Lubbock.

The grant to the North & East Lubbock CDC is made pursuant to Local Government Code Chapter 380.002 which allows "home-rule municipalities to create programs for the grant of public money to any organization exempt from taxation under Section 501(a) of the Internal Revenue Code of 1986 as an organization described in Section 501 (c)(3) of that code for the public purposes of development and diversification of the economy, elimination of unemployment or underemployment, and development or expansion of commerce".

The grant agreement requires the CDC to provide to the City the following:

- annual budget for approval by the City Council.
- quarterly report within 30 days following the end of each quarter.
- written financial statements within 30 days following the end of the quarter.
- proof of insurance for crime insurance and surety bond.

The term of the grant agreement is one year, beginning October 1, 2008, through September 30, 2009.

The North & East Lubbock CDC is required to submit their quarterly report and financial statements for review.

FISCAL IMPACT

The \$100,000 grant is included in the Adopted FY 2008-09 Solid Waste Operating Budget.

The North & East Lubbock Community Development Corporation adopted the budget as presented to City Council.

Quincey White, Assistant City Manager, and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass a resolution authorizing the Mayor to execute a Grant Management Agreement with the North & East Lubbock Community Development Corporation (CDC) to promote economic development in North & East Lubbock and approving the North & East Lubbock CDC FY 2008-09 Operating Budget, as recommended by staff. Motion failed: 3 Ayes, 4 Nays. Mayor Pro Tem Gilbreath, Council Member Beane, Council Member Leonard, and Council Member Klein voted nay.

6.1. Ordinance Amendment 1st Reading - Health : Ordinance No. 2008-00088 amending Chapter 4 of the Code of Ordinances of the City of Lubbock, Texas, with regard to the disposition of animals, the animal assistance program, and fees for registrations, permits, impoundment, and adoption; providing for criminal penalties; providing a savings clause; and providing for publication.

In February 2008, the Mayor and City Council asked the Board of Health and the Animal Shelter Advisory Board to review the existing City ordinance regarding animals and animal control. The review focused on dangerous dogs and possible ways to prevent dog attacks in the future. The Mayor and City Council asked the Boards to submit their recommendations to the City Council. The Boards performed an extensive review of the current ordinance while working together and independently during the review process.

On February 26, 2008, the Boards held at the Civic Center a joint public hearing to seek citizen input. The Boards spent time reviewing the current ordinance and received information on ordinances in other cities. During subsequent meetings, the Boards have continued to receive input from concerned citizens. After much discussion, the Boards agreed that the current ordinance contains strong language regarding dangerous animals, and the ordinance reflects state law. The Boards identified several places in the current ordinance where amendments to the ordinance are recommended. On September 9, 2008, the Animal Shelter Advisory Board voted to forward the

proposed amendments to the City Council. On September 23, 2008, the Board of Health voted to recommend the proposed amendments.

The proposed amendments address the following issues:

1) Section 4-13(1)(iii) Currently, the ordinance requires that an animal be sterilized before the ownership of the animal is transferred to an adopting party. The proposed change requires all animals adopted from the shelter be sterilized within 30 days of the adoption and documentation of the sterilization be provided to the animal shelter. The change allows the person to take the animal home immediately and to have a veterinarian of their choice perform the sterilization procedure.

2) Section 4-24(a): Currently, the ordinance states that fees collected from the sale of identification tags are used for the Animal Assistance Program "and other related cost at the animal shelter." The proposed change eliminates the phrase "and other related cost at the animal shelter" to ensure that all fees are only used for the Animal Assistance Program. The Animal Assistance Program provides a source of financial assistance to low-income pet owners who desire to have their dog or cat sterilized.

3) Section 4-40: This section sets the fees for registrations, permits, impoundments, and adoption. Changes are recommended to the following subsections:

4-40(a):

- Add a phrase allowing for the review of fees during the annual budget process;
- Add "Social Security eligible disability" to the groups eligible for a waiver of dog and cat registration fees;
- Increase from \$50 to \$100 Dangerous Wild Animal Permit annual fee to be commensurable with the Dangerous Animal Permit fee;
- Retain the current euthanasia fee of \$10 for Lubbock residents, and add a \$20 euthanasia fee for persons who are not a Lubbock resident.
- For Lubbock residents, add to the euthanasia fee a waiver commensurate with the waiver for dog and cat registration fees; and
- Increase the permit fee for animal establishments, pet shops, and animal dealer permit from \$90 to \$100 to help cover the actual cost of the permit.

4-40(d):

- Decrease the non-resident release fee from \$50 to \$20 to be commensurable with the non-resident euthanasia fee.

FISCAL IMPACT

As all fees are deposited into a single General Ledger account, the financial impact is unknown. In FY 2007-08 animal related fees totaled \$241,183.

Larry Phillippe, Chairman of Animal Shelter Advisory Committee, and Nancy Haney, Executive Director of Health, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to pass Ordinance No. 2008-00088 as recommended by staff. Motion carried: 7 Ayes, 0 Nay.

10:17 A.M. CITY COUNCIL RECESSED

10:27 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

- 6.2. Contract Resolution - City Council : Consider a resolution authorizing the Mayor to execute a lease agreement with Tech Hockey Club to use City Bank Coliseum to conduct collegiate hockey games, practices, recreational ice programs, and hockey camps.**

This item was continued.

The lease agreement allows Tech Hockey Club, an official student organization under the Center for Campus Life, Texas Tech University, to conduct ice hockey games, practices, recreational ice programs, and hockey camps at the City Bank Coliseum.

A contract will be provided at the dais.

Linda DeLeon recommends awarding a contract to Tech Hockey Club.

Motion was made by Council Member Leonard, seconded by Council Member Beane to continue this item to the next City Council Meeting, and to designate Council Member Klein as the representative to negotiate the new contract with Texas Tech Hockey Club. Motion carried: 5 Ayes, 2 Nays. Council Member DeLeon and Council Member Price voted nay.

- 6.3. Board Appointments - City Secretary : Consider one appointment to the Animal Shelter Advisory Committee and one appointment to the Lubbock Water Advisory Commission.**

Consider one appointment to the Animal Shelter Advisory Committee and one appointment to the Lubbock Water Advisory Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to appoint Nancy Haney to the Animal Shelter Advisory Committee. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dais.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to appoint Ted Willis to the Lubbock Water Advisory

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Commission. Motion carried: 6 Ayes, 0 Nays. Council Member Price was away from the dais.

10:39 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

1:10 P. M. COUNCIL ADJOURNED

There being no further business to come before Council, Council Member Beane adjourned the meeting.