

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
November 20, 2008
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 20th day of November, 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 John Leonard, and Council Member Floyd Price

Absent: Council Member Todd Klein (arrived at 8:13 a.m.)

1. CITIZEN COMMENTS

- Garrett Joyce appeared before Council to ask them to consider the west entrance to Mackenzie Park as a possible location for the new animal shelter, and he commended Kevin Overstreet for the job he has done as the Director of Animal Services.
- Matthew Kendrick, Director of Marketing for the Hub City Convenience Stores appeared before Council to speak in favor of the proposed alcohol zoning on the City Council agenda.

7:35 A.M. City Council recessed into Executive Session.

2. EXECUTIVE SESSION

- 2.1. Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A.) Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney. (Civic Center, Museums, Parks and Recreation, Police, Right-of-Way, Solid Waste, Transportation, Utility Regulatory Matters)**
- 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. (Animal Services, Business Development, Parks and Recreation, 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.**
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Central Business District Tax Increment Finance Reinvestment Zone; Lubbock Emergency Communication District Board of Managers; and the Structural Standards Commission.**

9:00 A.M. CITY COUNCIL REGULAR MEETING RECONVENED.
City Council Chambers

Present: Mayor Pro Tem Jim Gilbreath, Council Member Paul R. Beane, Council Member Linda DeLeon, Council Member John Leonard, Council Member Floyd Price, Council Member Todd Klein, Lee Ann Dumbauld, City Manager; Rebecca Garza, City Secretary; and Don Vandiver, City Attorney

Absent: Mayor Tom Martin was away from the dais and arrived at 9:22 A.M.
Mayor Pro Tem Jim Gilbreath reconvened the meeting at 9:00 A.M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation led by Pastor Dr. Will Cotton of Saint Luke's United Methodist Church.

3.2. Pledges of Allegiance

Pledges of Allegiance were given in unison by those in the City Council Chambers to the United States flag and the Texas flag.

3.3. Presentation of a special recognition to the American Cancer Society recognizing the Great American Smokeout.

Mayor Pro Tem Gilbreath presented a special recognition to Glenn Larsen of the American Cancer Society recognizing the "Great American Smokeout."

3.4. Special recognition commemorating November as National Hospice and Palliative Care Month.

Mayor Pro Tem Gilbreath presented a special recognition to Anah Kral and Tommie Farrell commemorating November as National Hospice and Palliative Care Month. Ms. Kral expressed her appreciation to the Council for the special recognition.

3.5. Special recognition commemorating November as Epilepsy Awareness Month.

Mayor Pro Tem Gilbreath presented a special recognition to Lee Ann Shaw, Epilepsy Foundation of West Texas, commemorating November as Epilepsy Awareness Month. Ms. Shaw and Dr. Uma, Texas Tech University, expressed their appreciation to the Council for the special recognition.

9:13 A.M. CITY COUNCIL RECESSED.

9:22 A.M. CITY COUNCIL RECONVENED.

Mayor Martin arrived at the dais at 9:22 a.m.

Board Recognitions:

3.6. Building Board of Appeals:

Michael Landress

North Overton TIF Board of Directors:

Howard Thrash (unable to attend)

Planning and Zoning Commission:

Nancy Garrett

Todd McKee

4. MINUTES

4.1. Approval of Prior Meeting Minutes :

Regular City Council Meeting, October 23, 2008

Motion was made by Council Member Leonard, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting, October 23, 2008. Motion carried: 7 Ayes, 0 Nays.

Note: Consent Agenda and Regular Agenda items were addressed by the Council in the following order:

- 5.3-5.35; 5.1, 5.1 #1-#4; 5.2; 6.2-6.4; 6.1; and 6.5-6.7.

5. CONSENT AGENDA

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Items 5.3-5.35 on the consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.3. Resolution - Business Development : Resolution No. 2008-R0436 authorizing acceptance of the Central Business District Tax Increment Financing Reinvestment Zone Annual Report for October 1, 2007, through September 30, 2008.

On December 3, 2001, the City Council created the Central Business District Tax Increment Finance (CBD TIF) Reinvestment Zone and appointed the CBD TIF Board. The Texas Tax Increment Finance Act, Section 311.016, requires the City to submit an annual report to the Chief Executive Officer of each taxing unit that levies taxes on property within a tax increment finance zone. The report must be provided within 90 days, of the end of the City's fiscal year and a copy must also be sent to the Comptrollers Office.

The Texas Tax Increment Finance Act specifies that the report must include the following:

- Amount and source of revenue in the tax increment fund established for the zone,
- Amount and purpose of expenditures from the fund,
- Amount of principal and interest due on outstanding bonded indebtedness,
- Tax increment base and current captured appraised value retained by the zone,
- Captured appraised value shared by the City and other taxing units,
- Total amount of tax increments received, and
- Any additional information necessary to demonstrate compliance with the tax increment financing plan adopted by the City.

Staff prepared the 2008 Annual Report and submitted it to the CBD TIF Board of Directors for approval. A summary of the information included in the report is as follows:

- In 2008, the CBD TIF received \$426,736 in revenues based on 2007 appraised values. Total FY 2007-08 expenses of the Fund were \$30,355. Administrative expenses totaled \$13,647. Project expenses totaled \$8,208 for the update of the Project and Finance Plan, and design and engineering expenses totaled \$8,500 for the Guitar Project. The Guitar Project is being planned and implemented by the Entertainment Task Force.

The CBD TIF appraised value increased to \$165,812,393 in 2008 with a current captured appraised value of \$59,954,142. The current captured appraised value is the total value after the base year value is subtracted. The total tax increment to be received by the CBD TIF in 2009, based on a 98% collection rate, is projected to be \$480,798 from all taxing jurisdictions.

The CBD TIF Reinvestment Zone Board of Directors approved the report at their November 11, 2008, meeting.

FISCAL IMPACT

No fiscal impact.

Staff and the Central Business District Tax Increment Financing Reinvestment Zone Board of Directors recommend approval.

5.4. Contract Resolution - Citibus : Resolution No. 2008-R0437 authorizing the Mayor to execute a purchase order contract with Gillig Corporation for three 30-foot low-floor hybrid electric buses, RFP 2008.1.

Citibus has received funding from the Federal Transit Administration (FTA) and the Texas Department of Transportation (TxDOT) to purchase three 30-foot low-floor hybrid electric buses. The FTA funded \$490,000 for one vehicle and TxDOT funded \$2,001,000 for two buses and 7 paratransit buses. Both grants include Transportation Development Credits for the local share, so there will be no cost to the City of Lubbock for the vehicles. Since this RFP does not include the purchase of the paratransit buses, remaining funds will be available for the future purchase of the paratransit vehicles.

Citibus issued a Request for Proposal (RFP) on June 23, 2008. Advertisements were placed in the Lubbock Avalanche Journal and in the national industry newsletter, Passenger Transport. Six bus manufacturers and six suppliers of bus components requested the RFP. The deadline for submitting proposals was October 15, 2008. Gillig was the only company submitting a proposal.

One of the major criteria included in the RFP specifications was the ability to provide local support for the component systems in general, and specifically for hybrid electric components. Gillig and New Flyer are the only two manufacturers who use the locally-supported Allison Electric Drive. New Flyer typically does not participate in small orders and did not submit a proposal.

Gillig's original price proposal was \$554,846 per vehicle. Citibus requested a revised price proposal that deleted two items – the voice announcement system and the electronic front run sign. Gillig subsequently submitted their best and final offer of \$548,076 per vehicle, for a total cost of \$1,644,228. The price includes the installation of security cameras in the buses, making these vehicles the first ones in Citibus' fleet to be so equipped.

Gillig's proposal stated a 365 day delivery period. Citibus anticipates taking delivery of the vehicles in November 2009.

The purchase order contract includes options to purchase an additional ten vehicles. Should Citibus receive funding for the additional vehicles, Citibus will

exercise the options. The price for the options would be adjusted according to the Producer's Price Index according to a formula that was specified in the procurement documents.

FISCAL IMPACT

Funds are available from FTA and TxDOT grant funds. Transportation Development Credits from TxDOT are used as local match. There is no additional cost to the City. After the purchase of these three vehicles, \$846,772 will remain from the TxDOT grant. That amount will be sufficient to purchase the 7 paratransit vehicles for Citibus.

Staff and the Lubbock Public Transit Advisory Board recommend approval.

5.5. Ordinance Amendment 2nd Reading – Stormwater Management : Ordinance No. 2008-00095 Consider an ordinance adding Chapter 30 to the Code of Ordinances of the City of Lubbock by adding thereto a new Article I pertaining to storm water drainage within the City of Lubbock, providing a penalty, providing a savings clause, providing for repeal of conflicting ordinances, and providing for publication.

On November 6, 2008, the City Council approved the first reading of the ordinance. The proposed ordinance amendment adds Chapter 30, Article I, Storm Water Regulations, to the Code of Ordinances. The ordinance provides the legal authority necessary to control stormwater discharges to and from those portions of the Municipal Separate Storm Sewer System (MS4) over which the City has jurisdiction.

The ordinance includes provisions for permitting mobile wash cleaning, reviewing Storm Water Pollution Prevention Plans (SWP3), inspecting construction sites and industrial facilities, and providing enforcement capabilities. The City's new MS4 permit and the Texas Pollutant Discharge Elimination System (TPDES) general permits for industrial facilities and construction sites require the City, as the enforcement authority, to carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance.

Some specific items in the ordinance includes the following:

- Mobile Wash Permitting – A \$25 application fee and permit application is required for all persons engaging in the use and/or operation of a mobile wash apparatus. The mobile car wash permittees are required to make application and pay the fee annually.
- Storm Water Plan Review – All construction sites are required to submit SWP3s to the Storm Water Management Department for review. A Schedule of Fees is established based on the amount of disturbed area on a site. The standard fee range is \$50-\$100 for disturbed areas up to 20 acres with a \$5 per acre increase above 20 acres.
- Access to Industrial Facilities and Construction Sites – The ordinance provides guidelines and expectations for entering and inspecting permitted

sites. The provisions allow City personnel to actively inspect sites and facilities as required by the MS4 permit issued by the state.

- Enforcement Capabilities – Voluntary compliance is desired, but a graduated enforcement process is a part of the ordinance. The process includes verbal warnings, written warnings, stop work orders (for construction sites), and fines.

A fee is not included for industrial facilities due to the nature of how industrial facilities are processed. Industrial facilities are operating under the TPDES General Permit for Storm Water Discharges Associated with Industrial Facilities that became effective in August 2006. Upon reapplication for the new State Industrial Permit in 2011, staff recommends a fee be assessed at that time.

A general discussion was presented to the City Council on June 26, 2008, during Work Session. Presentations were made to the Developer's Council and the Model Codes Committee. Comments made by the City Council during Work Session and by the Developer's Council have been incorporated into the ordinance. The Model Codes Committee tabled their discussion pending comments from the City Council during first reading. The ordinance will be re-presented to the Model Codes Committee before the second reading of the ordinance.

FISCAL IMPACT

There are no additional budget requests associated with the ordinance. The City Council authorized several personnel positions in anticipation of the new permit requirements. New inspectors will be hired to perform the duties outlined in the ordinance.

The fees generated for mobile wash permits and Storm Water Plan Review are anticipated to produce additional revenue in the Storm Water Fund to help offset some of the costs of the additional personnel.

Staff recommends approval.

5.6. Ordinance 1st Reading - Traffic Engineering : Ordinance No. 2008-O0097 establishing the population of the City of Lubbock by ordinance so that city limits signage may be altered on State Highways by the Texas Department of Transportation to reflect the current population figure for Lubbock, Texas.

The Texas State Data Center has officially released the most recent population estimate for the City. In order for the Texas Department of Transportation to change the population shown on the city limit signage the population must be adopted by the City Council.

The ordinance changes Lubbock's population to 218,327 and directs that the population be shown on all applicable state highway signage.

Estimates of the Total Population of Counties and Places in Texas for July 1, 2007, and January 1, 2008, produced by the Texas State Data Center, is available in the City Secretary's Office.

FISCAL IMPACT

Funding is available in the Adopted FY 2008-09 Traffic Engineering Operating Budget.

Staff recommends approval.

5.7. Contract Resolution - Public Works : Resolution No. 2008-R0438 authorizing the Mayor to execute a unit price construction contract with Ronnie Zahn Paving, Inc. for concrete repairs for the 2009 Seal Coat Project, RFP 08-738-BM.

The contract involves the removal and replacement of failed or broken concrete curb and gutter, fillets, and valley gutters throughout Lubbock with 8-inches of class B concrete or 8-inches of class E concrete dependent upon location and site conditions.

For this project, the City used the competitive sealed proposal procedure promulgated by Texas Local Government Code 271.116, which is intended to help local governments attract contractors who otherwise may not have an interest in participating on the basis of lowest bid. The procedure allows the City the ability to complete the project within budget, and to select the offeror who offers the best value based on the published selection criteria and on its ranking evaluation. In determining best value, the City may consider price and other factors published in the RFP. The City and its engineer or architect may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the City is unable to negotiate a contract with the selected offeror, the City may proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected. This is compared to the competitive sealed bid procedure that limits the City to basing contract award on the lowest bid, which may be over budget requiring the City to either search for additional funds or re-bid the project after modifying the plans and specifications.

Selection criteria published in the RFP includes price 70%, contractor qualifications 20%, safety record 5%, and construction time 5%.

Proposals are ranked as follows:

	Price	Score
▪ Ronnie Zahn Paving, Inc of Lubbock, TX	\$1,172,445	468
▪ Lone Star Dirt & Paving of Lubbock, TX	\$1,064,214	459
▪ West Texas Paving, Inc of Lubbock, TX	\$1,169,370	421
▪ Allen Butler Construction, Inc of Ransom Canyon, TX	\$1,690,801	359

Ronnie Zahn Paving received the highest score, and scope modifications added the ability to work on a complete residential intersection rather than dividing the work into sections. The scope modification reduced the contractor's overhead, reduced barricade fees, and reduced time for completion 15 consecutive

calendar days. Consequently, Ronnie Zahn Paving reduced the contract amount \$111,600 from \$1,172,445 to \$1,060,845, or 9.5%.

Time for completion is 185 consecutive calendar days and liquidated damages are \$1,000 per day.

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

Eleven local contractors were notified of the Request for Proposal.

FISCAL IMPACT

\$21,532,000 is appropriated in Capital Improvement Project 92125, Street Maintenance Program, with \$1,060,845 available for this purpose.

Staff recommends approval.

5.8. Ordinance 2nd Reading – Right-of-Way : Ordinance No. 2006-O0111 Consider an ordinance abandoning and closing a portion of two alleys in Block 117, Original Town of Lubbock, 1204 Broadway.

On October 26, 2006, the City Council approved the first reading of the ordinance. The right-of-way ordinance abandons and closes a 20-foot by 125-foot east and west alley and a 20-foot by 125-foot north and south alley located west of Avenue K between Main Street and Broadway. These two alley portions are being closed due to the remodeling of the Pioneer Hotel and the Masonic Hall building. Since the requestor of this closure is not the original dedicator of the alley areas being closed, there will be a charge for the closure. The total alley area being closed is 5,000 square feet and will remain an utility easement. The Right-of-Way Department has determined a value of \$4.50 per square foot for a \$22,500 x 50% easement valuation for a total amount of \$11,250 due to the City. Lubbock Power & Light and other utility companies are in agreement with the alley closures remaining as a utility easement.

FISCAL IMPACT

Income to the City of \$11,250.

Staff recommends approval.

5.9. Ordinance 1st Reading - Right-of-Way : Ordinance No. 2008-O0098 abandoning and closing a two-foot underground street light cable easement in Lot 49, Orchard Park Addition, 10808 Norwood Avenue.

The right-of-way ordinance abandons and closes a two-foot underground street light cable easement located along the west side of Lot 49 Orchard Park. The proponent owns lots 48 and 49 and will be building over the lot line. Lubbock Power & Light is in agreement with the easement closure.

FISCAL IMPACT

None

Staff recommends approval.

5.10. Street Use License Resolution - Right-of-Way : Resolution No. 2008-R0439 authorizing the Mayor to execute a street use license with Arcadis U.S. Inc., to use a portion of a street right-of-way for an underground pipeline, 2601 North Quaker Avenue.

On behalf of Stauffer Management Company, Arcadis U.S., Inc., has requested a Street Use License to install an underground pipeline along the west side of North Quaker Avenue in the right-of-way for implementing a groundwater remediation program for the former Stauffer Chemical Company. The groundwater treatment will consist of a pump and treatment system that will utilize underground piping to convey groundwater to and from the treatment facility. The charge for this license is \$488 payable in advance for the first 5-year term and each successive 5-year term not to exceed 20 years.

All underground utility providers are in agreement with the license.

FISCAL IMPACT

\$97.60 annual revenue to the General Fund.

STAFF SUBMITTING/RECOMMENDATION

Staff recommends approval.

5.11. Street Use License Resolution - Right-of-Way : Resolution No. 2008-R0440 authorizing the Mayor to execute a street use license with Texland Petroleum, L.P., for the use of a dedicated street to construct and maintain underground crude oil flow lines for secondary recovery operations for oil production, 3101 North East Loop 289.

This license was originally issued to Texland Petroleum, Inc., on November 17, 1988, to construct and maintain crude oil flow lines that cross North Elder Avenue approximately 980 feet north of the intersection of North Elder Avenue and North Loop 289 in the Lubbock Industrial Park area. The licensee has requested to renew this license for an additional 20 years. The minimum payment for this license is \$50 per year and will be for twenty years, payable every five years in advance, or \$250 for each five-year period.

FISCAL IMPACT

\$50 annual revenue to the General Fund.

Staff recommends approval.

5.12. Contract Resolution - Health : Resolution No. 2008-R0441 authorizing the Mayor to execute a Memorandum of Understanding with the Texas Tech University Early Head Start Program for parent education services.

This is a non-financial cooperative agreement between the City of Lubbock and Texas Tech University's Early Head Start Program for the purpose of providing parent education services from the Early Head Start Program. The City executed a similar agreement on June 26, 2007, with Texas Tech University (Resolution No. 2007-R0288).

The parties agree to provide parent education to Early Head Start families in the home based program that carries a load of nine to ten families per educator and requires one and one-half hours of direct service per family each week, plus monthly attendance at socializations and parent meetings with a commitment resulting in a 75% appointment in terms of time for the City of Lubbock Health Educator.

The Health Educator will assist when requested, in the development of policies and procedures for health care services, assist in solving health related problems that arise throughout the program year for participants and families by teaching classes at Estacado High School and New Direction using the approved Title V curriculum and provide training and education for the staff and Early Head Start families upon request. Texas Tech University will pay any program-required training and travel expenses that may be incurred by the health educator.

FISCAL IMPACT

The Parents as Teachers service provider will be conducted by an existing Health Educator position approved in the Adopted FY 2008-09 General Fund Operating Budget.

Staff recommends approval.

5.13. Contract Resolutions - Fleet Services : Resolution No. 2008-R0442, Resolution No. 2008-R0443, and Resolution No. 2008-R0444 authorizing the Mayor to execute one purchase order contract with Roberts Truck Center, two purchase order contracts with Scoggin Dickey, and four purchase order contracts with J&B Trailers and Equipment, Inc., for cabs and chassis and utility bodies, BID 08-089-MA.

The purchase order contracts include the following replacement vehicles and equipment:

1. Two 28,000 pound cab and chassis with crew cab for Water Fund
2. One 1/2-ton pickup with standard cab for Sewer Fund
3. One 1-ton pickup with crew cab for Storm Sewer Fund
4. Three flatbed trailers for Sewer Fund
5. One General Purpose flat-bed body for Sewer Fund
6. Two service utility bodies with electric cranes for Sewer Fund

Staff recommends bid award to the low bidders meeting specifications, Roberts Truck Center of Lubbock, Texas, for \$115,848; Scoggin Dickey of Lubbock, TX for \$42,080; J&B Trailers and Equipment, Inc. of Lubbock, TX for \$52,280. A bid tabulation is provided.

FISCAL IMPACT

The purchase of items 1 through 5 were authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the FY 2008-09 Operating Budgets of the appropriate fund. Item 6 will be paid for through the Adopted FY 2008-09 Sewer Operating Budget.

Staff recommends approval.

5.14. Contract Resolutions - Fleet Services : Resolution No. 2008-R0445, Resolution No. 2008-R0446, Resolution No. 2008-R0447, and Resolution No. 2008-R0448 authorizing the Mayor to execute two purchase order contracts with Lubbock Truck Sales, one purchase order contract with Screen Machine Industries, Inc., one purchase order contract with Balar Holding Corporation, and one purchase order contract with Equipment Southwest for heavy equipment, BID 08-084-MA.

The purchase order contracts include the following replacement vehicles and equipment:

1. One portable material sifting screen for the Street Department Alley Maintenance Section of the General Fund
2. One 56,000 pound cab and chassis to accommodate a high pressure water jet sewer line cleaning equipment body for the Sewer Fund
3. One high pressure water jet sewer line cleaning equipment body for the Sewer Fund
4. One cab and chassis to accommodate a 12-yard dump body with hydraulic hoist for the Water Fund
5. One 12-yard dump body with hydraulic hoist for the Water Fund

Staff recommends bid award to the low bidders meeting specifications, Lubbock Truck Sales of Lubbock, Texas, for \$130,499; Screen Machine Industries, Inc of Rataskala, Ohio for \$109,428; Balar Holding Corporation of Houston, Texas for \$105,520; Equipment Southwest of Irving, Texas for \$25,613. A bid tabulation is provided.

FISCAL IMPACT

The purchase of these vehicles were authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the FY 2008-09 Operating Budgets of the appropriate departmental fund.

Staff recommends approval.

5.15. Contract Resolution - Fleet Services : Resolution No. 2008-R0449 authorizing the Mayor to execute a purchase order contract with Warren Cat for the emergency repair of a Caterpillar 627 Landfill Scraper.

A Caterpillar 627 Scaper rolled over and sustained serious damage. The guards, grab irons, and brackets on the right side of the machine were severely damaged causing the machine to be inoperable.

Warren Cat was asked to begin immediately to make emergency repairs to the damaged scraper. The cost for repair, including inspection time, removal, disassembly, parts, freight, mileage, reassembly, setup time, and shop supplies is \$41,706.

This item is exempt from competitive bidding pursuant to Texas Local Government Code 252.022(a)(2) and 252.022(a)(3), respectively. Emergency

procurements are normally submitted to City Council for ratification after the repairs are complete and after the City receives an invoice.

FISCAL IMPACT

Funding is available in the Adopted FY 2007-08 Solid Waste Operating Budget.

Staff recommends approval.

5.16. Contract Resolutions - Fleet Services : Resolution No. 2008-R0450 authorizing the Mayor to execute a purchase order contract with Philpott Motors for police and airport police sedans, BID 09-003-MA.

The purchase of 1 replacement marked sedan for the Airport Police Department, 15 replacement unmarked police sedans for the Police Department, 40 replacement marked package sedans, and 51 new marked package sedans for the Police Department are authorized in the Adopted FY 2008-09 Master Lease Program.

The only bid meeting specifications is for Ford Crown Victoria police sedans from Philpott Motors of Port Neches, Texas. Scoggin Dickey Chevrolet of Lubbock, Texas, bid Chevrolet Impala police sedans. Sam Pack Five Star Ford of Carrollton, Texas, bid Ford Crown Victoria police sedans with a power train warranty instead of the specified bumper-to-bumper warranty.

Staff recommends contract award to Philpott Motors for \$2,591,250.

FISCAL IMPACT

The vehicles are included in the approved FY 2008-09 Master Lease Program. Annual debt payments will be budgeted in the FY 2009-10 General Fund Operating Budget and the airport sedans will be from the Airport Fund.

Staff recommends approval.

5.17. Contract Resolution - Police : Resolution No. 2008-R0451 authorizing the Mayor to execute a cooperative working agreement with Lubbock District Attorney's Office, Lubbock County Sheriff's Department, Lubbock Rape Crisis Center, Forensic Nurse Staffing of West Texas, Covenant Health Systems, University Medical Center, Texas Tech University Health Sciences Child Advocacy Research and Education Center, and Children's Advocacy Center for Forensic Nurse Staffing of West Texas to assist local law enforcement with medical exams for investigations of sexual assault to help with evidence collection and prosecution.

Sexual assault is a particularly devastating crime to its victims both physically and emotionally. Sexual assaults are difficult for the victims as they must recall the incident and explain to law enforcement what occurred so that law enforcement may go forward with prosecution of the crime. Forensic Nurse Staffing of West Texas provides the expertise to conduct physical exams documenting the trauma experienced by the victims. Forensic nurses conduct examinations, collect evidence of the assault, and provide case review and courtroom testimony of their findings.

The agreement is a cooperative and collaborative commitment among the City of Lubbock Police Department, the Lubbock District Attorney's Office, the Lubbock County Sheriff's Department, the Lubbock Rape Crisis Center, the Forensic Nurse Staffing of West Texas, Covenant Health Systems, University Medical Center, Texas Tech University Health Sciences Child Advocacy Research and Education Center, and the Children's Advocacy Center for the Forensic Nurse Staffing of West Texas to assist local law enforcement with medical exams for investigations of sexual assault to help with evidence collection and prosecution.

FISCAL IMPACT

Medical exams are \$450 per visit, and are fully reimbursed by the Texas Attorney General's Office. Pursuant to Code of Criminal Procedure 56.06 Medical Examination for Sexual Assault Victim, a law enforcement agency that requests a medical examination of a victim of an alleged sexual assault for use in the investigation or prosecution of the offense shall pay all costs of the examination. On application to the Attorney General, the law enforcement agency is entitled to be reimbursed for the reasonable costs of that examination if the examination was performed by a physician or by a sexual assault examiner or sexual assault nurse examiner, as defined by Section 420.003, Government Code.

Staff recommends approval.

5.18. Contract Resolution - Fire : Resolution No. 2008-R0452 authorizing the Mayor to execute a purchase order contract with Hall-Mark Fire Apparatus for one aerial ladder platform truck and two pumper trucks.

The purchase order contract is for equipment to replace one frontline aerial ladder platform truck and two frontline pumpers scheduled for normal replacement that have approached the end of their service life and no longer meet the National Fire Protection Association (NFPA) Standard 1901 for Automotive Fire Apparatus. The \$1,679,997 purchase is from Hall-Mark Fire Apparatus of Lewisville, Texas, through Houston-Galveston Area Council (H-GAC) contracts FS12-07 IA07 and FS12-07-IC03. 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 allowing 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.

FISCAL IMPACT

The purchase of the equipment is authorized through the Adopted FY 2008-09 Master Lease Program. The annual payment will be included in the Adopted FY 2009-10 General Fund Operating Budget. Proceeding with order immediately prior to closure of 2008 calendar year will save approximately \$40,000 on each unit. Beginning in calendar year 2009, individual vehicle costs will increase by

\$40,000 due to new EPA regulations and NFPA standards affecting emergency vehicle operating requirements.

Staff recommends approval.

5.19. Contract Resolution - Water Utility : Resolution No. 2008-R0453 authorizing the Mayor to execute a contract with Terracon Consultants, Inc., to provide professional engineering and geosciences services for groundwater monitoring and remediation at the Land Application Sites, RFQ 08-716-DD.

The contract involves remediation efforts mandated by the Texas Commission on Environmental Quality (TCEQ) under an Agreed Order to mitigate the nitrate contamination at the Lubbock Land Application Site (LLAS) and monitor the groundwater quality at both the LLAS and the Hancock Land Application Sites (HLAS).

In January 2008, an interim contract with ARCADIS was executed for services related to hydrological management, evaluation, and remediation of groundwater related to the LLAS and the HLAS. In June 2008, the City solicited statements of qualifications to competitively select the most qualified consultant to perform remediation services over the next several years. Respondents to the Request for Qualifications are ranked as follows:

Terracon Consultants, Inc., of Midland, TX	441
Enprotec/Hibbs & Todd, Inc., of Lubbock, TX	392
Daniel B. Stephens & Associates, Inc., of Lubbock, TX	387
TRC Environmental Corporation of Austin, TX	362
Tetra Tech NUS, Inc., of Houston, TX	324
Providence Engineering and Environmental Group, LLC of Irving, TX	295
EE&G, Inc., of Dallas, TX	252

The three highest ranked firms were short-listed and interviewed. Staff recommends Terracon Consultants, Inc., with Ken Rainwater of Texas Tech University's Water Resource Center as a subconsultant.

The Lubbock Water Advisory Commission approved the final recommendation on November 13, 2008, so a report on their action will be available for the City Council meeting.

FISCAL IMPACT

\$161,137 is appropriated in the Adopted FY 2008-09 Wastewater Operating Budget.

Staff and the Lubbock Water Advisory Commission recommend approval.

5.20. Contract Amendment Resolution – Water Utility : Resolution No. 2008-R0454 authorizing the Mayor to execute Amendment No. 5 to the engineering contract with Black and Veatch for the Southeast Water Reclamation Plant Improvement Project.

The City entered into a contract with Black and Veatch in 2005 for the design of the Southeast Water Reclamation Plant (SEWRP) improvements. The contract has been amended four times as the City's goals and direction related to the schedule and engineering services needed for the project have changed. The SEWRP improvements enable stream discharge of wastewater effluent and eventually reuse of this source of water. The fifth contract amendment provides for additional professional services related to the following items, but no increase in the total contract amount:

1. During review of the stream modeling results with TCEQ, it became apparent that additional modeling was necessary to establish seasonal limits for the discharge application. This required expanding the TCEQ QUAL-TX model of the North Fork of the Double Mountain Fork of the Brazos River upstream and downstream of the proposed discharger from the Southeast Water Reclamation Plant. In previous Amendment No. 3, Attachment B, the amount for stream modeling was limited to a not-to-exceed amount of \$158,000, however, staff recommends that Black & Veatch proceed with the development of the QUAL2K model which is additional work to the contract. The new not-to-exceed limit will be raised from \$158,000 to \$165,000, for an increase of \$7,000 for this additional work to satisfy TCEQ requirements.
2. In the Construction Phase Services for Phase I - Influent Lift Station Contract Amendment No. 3, Attachment B, has a not-to-exceed limit of \$78,000. The construction contract time of the project was increased by 6 months due to the additional scope of work approved by Council. This additional construction time resulted in an increase in the time for inspection services provided by Black & Veatch. This amendment proposes a new not-to-exceed limit for the additional construction services of \$117,000, an increase of \$39,000 for this work.

The additional work items increase the approved amount by \$46,000. In Provision No. 6, under Compensation in Attachment B of Contract Amendment No. 3, \$259,000 was approved by Council for special services. The special services amount can only be utilized with approval by the City Council. This amendment will grant the authorization to use \$46,000 of these funds for the additional services listed above. The total amount of the contract with amendments remains at \$3,219,689.

FISCAL IMPACT

\$55 million is appropriated in Capital Improvement Project 92126, Southeast Water Reclamation Plant Improvements, with \$3,219,689 available for this purpose. This item does not increase the total amount of the contract due to

savings that were achieved through the reduction and elimination of other engineering services previously authorized in the contract.

Staff and the Lubbock Water Advisory Commission recommend approval.

5.21. Ordinance 2nd Reading - LP&L : Ordinance No. 2008-00096 Consider an ordinance amending section 2-484 of Chapter 2, Article XVIII of the Code of Ordinances of the City of Lubbock by clarifying the definition of reserves and by establishing a formula for determining the amount transferred as a fee equivalent to a franchise fee, providing a savings clause, and providing for publication.

On November 6, 2008, the City Council approved the first reading of the ordinance. The amendment to Section 2-484 of Chapter 2, Article XVIII of the Code of Ordinances of the City of Lubbock establishes a formula to determine the fee equivalent to a franchise fee (FFE) to the General Fund by Lubbock Power & Light (“LP&L”) and further clarifies the definition of a General Reserve to be maintained by LP&L. Public hearings were held on September 25, 2008, and November 6, 2008.

Ordinance No. 2004-00140 passed by the City Council on December 16, 2004, as amended and as found in Chapter 2, Article XVIII of the Code of Ordinances (the “Ordinance”), establishes the Electric Utility Board (the “Board”) and in part, details the amount of cash reserves to be maintained by LP&L and the procedure for disbursing net revenues of LP&L.

After reviewing the Ordinance, the Board, who is responsible for recommending amendments to the Ordinance to the City Council, believes that it would be in the best interest of LP&L and the City to amend the Ordinance as follows:

1. Establish a formula by which the FFE is calculated. The formula has two components, one based on a General Reserve of LP&L of \$50 million and greater and one based on a General Reserve of LP&L less than \$50 million; and
2. Further clarify the definition of the General Reserve as that term is used in the Ordinance to mean those assets classified in the latest Comprehensive Annual Financial Report as cash and cash equivalents and investments of the City’s electric utility fund but not to include accounts receivable, restricted assets or other non-cash assets. Furthermore, the General Reserve is in addition to cash necessary to satisfy all current accounts payable, including any current purchase power accounts that are payable.

The Board will report to the City Council by April of each year the Board’s estimate of LP&L’s General Reserve, Gross Retail Revenue (GRR) and the subsequent FFE to be transferred in the next fiscal year. In the subsequent fiscal year, the Board shall adjust the next FFE transfer by an amount equal to the difference between the FFE transfer based on the estimated values of the General Reserve and the GRR and the FFE based on the actual values of the General Reserve and the GRR.

FISCAL IMPACT

For budget purposes, this amendment will allow LP&L and the City of Lubbock to predict with some degree of certainty the amount to be transferred as a franchise fee equivalent to the City's General Fund.

For FY 2008-09, the Board shall transfer to the City a fee equivalent to a FFE of \$5 million. For FY 2009-10, LP&L shall transfer to the City a FFE in one of the following ways:

(1) The lesser of five percent of the gross revenue generated from all retail electric sales or fifty percent of the change in net assets (as stated in the Statement of Revenues, Expenses and Changes in Fund Net Assets in the latest Comprehensive Annual Financial Report (the "CAFR") adding back any FFE transfer), once the General Reserve reaches \$50 million; or

(2) In the event the General Reserve is less than \$50 million, then the lesser of fifty percent of the change in net assets (as stated in the Statement of Revenues, Expenses and Changes in Fund Net Assets in the latest CAFR adding back any FFE transfer) or in accordance with the following formula:

[(actual reserve level divided by \$50 million) multiplied times five percent] multiplied times the gross revenue generated from all retail electric sales. The formula can also be expressed as follows: $FFE = [(actual\ reserve / \$50\ million) \times 0.05] \times GRR$

Staff and the Electric Utility Board recommend approval.

5.22. Contract Resolution - Community Development : Resolution No. 2008-R0455 authorizing the Mayor to execute a grant agreement with the United States Department of Housing and Urban Development for the Community Development Block Grant for public service activities, non-public service activities, housing direct delivery, and administration.

This is a renewal contract for the Community Development Block Grant from the United States Department of Housing and Urban Development.

Funds are used for public service activities, non-public service activities, housing direct delivery, and administration.

On June 26, 2008, the City Council voted and approved the use of the funds.

FISCAL IMPACT

No fiscal impact to the General Fund. Funds originate from the United States Department of Housing and Urban Development. Maximum amount to be allocated to the grant is \$2,281,284. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.23. Contract Resolution - Community Development : Resolution No. 2008-R0456 authorizing the Mayor to execute a grant agreement with the United States Department of Housing and Urban Development for the Emergency Shelter Grant for shelter operations, homeless prevention, essential services, and administration.

This is a renewal contract for the Emergency Shelter Grant from the United States Department of Housing and Urban Development.

Funds are used for shelter operations, homeless prevention, essential services, and administration.

On June 26, 2008, the City Council voted and approved the use of the funds.

FISCAL IMPACT

No fiscal impact to the General Fund. Funds originate from the United States Department of Housing and Urban Development. Maximum amount to be allocated to the grant is \$101,888. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.24. Contract Resolution - Community Development : Resolution No. 2008-R0457 authorizing the Mayor to execute a grant agreement with the United States Department of Housing and Urban Development for the Home Investment Partnerships Grant for operations, lease purchase, new construction, rehabilitation, reconstruction, direct delivery, and administration.

This is a renewal contract for the Home Investment Partnerships Grant from the United States Department of Housing and Urban Development.

Funds are used for operations, lease purchase, new construction, rehabilitation, reconstruction, direct delivery, and administration.

On June 26, 2008, the City Council voted and approved the use of the funds.

FISCAL IMPACT

No fiscal impact to the General Fund. Funds originate from the United States Department of Housing and Urban Development. Maximum amount to be allocated to the grant is \$1,142,195. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.25. Contract Resolution - Community Development : Resolution No. 2008-R0458 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant with the Lubbock Boys and Girls Clubs for the Youth Summer Program to allow income eligible youth to participate in summer camps, providing safe supervised activities at Optimist and Phea Boys and Girls Club branches.

Grantee: Lubbock Boys and Girls Clubs

Program: Summer Day Camps

Funding Source: 2008-09 Community Development Block Grant

Use of Funds: Funds are used to allow income eligible youth to participate in summer camps, providing safe supervised activities at two Boys and Girls Club branches (Optimist, Phea).

Amount: \$13,500

Match: 25%

Return of Investment: Not required for Community Development Public Service.

Terms: October 1, 2008, through September 30, 2009

Comments: Funding was approved by the City Council on the June 26, 2008.

FISCAL IMPACT

Funds are used from the Community Development Block Grant. Maximum amount to be allocated to the project is \$13,500. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.26. Contract Resolution - Community Development : Resolution No. 2008-R0459 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant with McDonald Transit Associates, Inc., dba Citibus, for paratransit service to provide Americans with Disabilities Act certified passengers with regular fixed route services.

Grantee: McDonald Transit Associates, Inc., dba Citibus

Program: Paratransit Services

Funding Source: 2008-09 Community Development Block Grant

Use of Funds: Funds are used to provide partial funding for Citibus' paratransit service. Program provides Americans with Disabilities Act certified passengers with regular fixed route services. Clients are of low-to-moderate income.

Amount: \$200,000

Match: 25%

Return of Investment: Not required for Community Development Public Service

Terms: October 1, 2008, through September 30, 2009

Comments: Funding was approved by the City Council on June 26, 2008.

FISCAL IMPACT

Funds are used from the Community Development Block Grant. Maximum amount to be allocated to the project is \$200,000. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.27. Contract Resolution - Community Development : Resolution No. 2008-R0460 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant with the Communities in Schools on the South Plains for administrative personnel and promotion of the year-round, in-school prevention and intervention program to help at-risk students with academics, behavior, and attendance.

Grantee: Communities in Schools on the South Plains

Program: Path to Expansion

Funding Source: 2008-09 Community Development Block Grant

Use of Funds: Funds are used for administrative personnel and promotion of the year-round, in-school prevention and intervention program to help at-risk students with academics, behavior, and attendance.

Amount: \$10,860

Match: 25%

Return of Investment: Not required for Community Development Public Service

Terms: October 1, 2008, through September 30, 2009

Comments: Funding was approved by the City Council on June 26, 2008.

FISCAL IMPACT

Funds are used from the Community Development Block Grant. Maximum amount to be allocated to the project is \$10,860. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.28. Contract Resolution - Community Development : Resolution No. 2008-R0461 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant with the YWCA for an educational and recreational program to provide educational and recreational activities for emotionally disturbed children and children who have severe behavior problems.

Grantee: YWCA

Program: Challenger-ED Program

Funding Source: 2008-09 Community Development Block Grant

Use of Funds: Funds are used to provide educational and recreational activities for emotionally disturbed children and children who have severe behavior problems.

Amount: \$17,255

Match: 25%

Return of Investment: Not required for Community Development Public Service

Terms: October 1, 2008, through September 30, 2009

Comments: Funding was approved by the City Council on June 26, 2008.

FISCAL IMPACT

Funds are used from the Community Development Block Grant. Maximum amount to be allocated to the project is \$17,255. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.29. Contract Resolution - Community Development : Resolution No. 2008-R0462 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant with the YWCA to provide partial funding scholarships for child care and after school care for eligible low-to-moderate income families so they can pursue work, school, or job training.

Grantee: YWCA

Program: Child Care Services

Funding Source: 2008-09 Community Development Block Grant

Use of Funds: Funds are used to provide partial funding scholarships for child care and after school care for eligible low-to-moderate income families so they can pursue work, school, or job training.

Amount: \$44,210

Match: 25%

Return of Investment: Not required for Community Development Public Service

Terms: October 1, 2008, through September 30, 2009

Comments: Funding was approved by the City Council on June 26, 2008.

FISCAL IMPACT

Funds are used from the Community Development Block Grant. Maximum amount to be allocated to the project is \$44,210. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.30. Contract Resolution - Community Development : Resolution No. 2008-R0463 authorizing the Mayor to execute a Community Development Funding Contract from the Community Development Block Grant with the WorkForce Solutions of the South Plains for child care for eligible low-to-moderate income families seeking job training, employment or education.

Grantee: WorkForce Solutions of the South Plains

Program: Direct Child Care Assistance

Funding Source: 2008-09 Community Development Block Grant

Use of Funds: Funds are used for child care for eligible low-to-moderate income families seeking job training, employment or education. Funds are used by Early Learning Centers, Catholic Family Services, and Christian Women's Job Corps.

Amount: \$21,610

Match: 25%

Return of Investment: Not required for Community Development Public Service

Terms: October 1, 2008, through September 30, 2009

Comments: Funding was approved by the City Council on June 26, 2008.

FISCAL IMPACT

Funds are used from the Community Development Block Grant. Maximum amount to be allocated to the project is \$21,610. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.31. Contract Resolution - Community Development : Resolution No. 2008-R0464 authorizing the Mayor to execute a Community Development Funding Contract from the Emergency Shelter Grant with the Alcoholic Recovery Center to assist with payment of the facility's utilities and telephone costs.

Grantee: Alcoholic Recovery Center

Program: Operations

Funding Source: 2008-09 Emergency Shelter Grant

Use of Funds: Funds are used to assist with payment of the facility's utilities and telephone costs.

Amount: \$12,265

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant

Terms: October 1, 2008, through September 30, 2009

Comments: Funding was approved by the City Council on June 26, 2008.

FISCAL IMPACT

Funds are used from the Emergency Shelter Grant. Maximum amount to be allocated to the project is \$12,265. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.32. Contract Resolution - Community Development : Resolution No. 2008-R0465 authorizing the Mayor to execute a Community Development Funding Contract from the Emergency Shelter Grant with the Vandelia Church of Christ to prevent homeless situations by providing utility and rent assistance to individuals and families who have experienced a sudden decrease in income.

Grantee: Vandelia Church of Christ

Program: Homeless Prevention

Funding Source: 2008-09 Emergency Shelter Grant

Use of Funds: Funds are used to prevent homeless situations by providing utility and rent assistance to individuals and families who have experienced a sudden decrease in income.

Amount: \$15,000

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant.

Terms: October 1, 2008, through September 30, 2009

Comments: Funding was approved by the City Council on June 26, 2008.

FISCAL IMPACT

Funds are used from the Emergency Shelter Grant. Maximum amount to be allocated to the project is \$15,000. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.33. Contract Resolution - Community Development : Resolution No. 2008-R0466 authorizing the Mayor to execute a Community Development Funding Contract from the Emergency Shelter Grant with the Family Promise of Lubbock for the daily operations of the center providing shelter for homeless families and their children.

Grantee: Family Promise

Program: Operations

Funding Source: 2008-09 Emergency Shelter Grant

Use of Funds: Funds are used for the daily operations of the center providing shelter for homeless families and their children.

Amount: \$12,265

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant

Terms: October 1, 2008, through September 30, 2009

Comments: Funding was approved by the City Council on June 26, 2008.

FISCAL IMPACT

Funds are used from the Emergency Shelter Grant. Maximum amount to be allocated to the project is \$12,265. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.34. Contract Resolution - Community Development : Resolution No. 2008-R0467 authorizing the Mayor to execute a Community Development Funding Contract from the Emergency Shelter Grant with the Women's Protective Services to provide support services and referrals to help women, children and families of domestic violence become and remain self-sufficient and free from violence.

Grantee: Women's Protective Services

Program: Essential Services

Funding Source: 2008-09 Emergency Shelter Grant

Use of Funds: Funds are used to help women, children and families of domestic violence become and remain self-sufficient and free from violence.

Amount: \$15,000

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant.

Terms: October 1, 2008, through September 30, 2009

Comments: Funding was approved by the City Council on June 26, 2008.

FISCAL IMPACT

Funds are used from the Emergency Shelter Grant. Maximum amount to be allocated to the project is \$15,000. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

5.35. Contract Resolution - Community Development : Resolution No. 2008-R0468 authorizing the Mayor to execute a Community Development Funding Contract from the Emergency Shelter Grant with the Salvation Army, a Georgia Corporation, to assist with the cost of the facility's utilities, food for the shelter, caseworker salaries, prescriptions, and rent and utility assistance to clients.

Grantee: Salvation Army

Program: Operations, Essential Services, Homeless Prevention

Funding Source: 2008-09 Emergency Shelter Grant

Use of Funds: Funds are used to assist with the cost of the facility's utilities, food for the shelter, caseworker salaries, prescriptions, and rent and utility assistance to clients.

Amount: \$42,264

Match: 100%

Return of Investment: Not required for Emergency Shelter Grant.

Terms: October 1, 2008, through September 30, 2009

Comments: Funding was approved by the City Council on June 26, 2008.

FISCAL IMPACT

Funds are used from the Emergency Shelter Grant. Maximum amount to be allocated to the project is \$42,264. Appropriation approved in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

6. REGULAR AGENDA

Note: Regular Agenda Items Consent Agenda Items, and Work Session Items moved to Regular Agenda, are listed in the order they were addressed (5.1; 5.1 #1-#4; 5.2; 6.2-6.4; 6.1; 6.5-6.6; 7.1; and 6.7).

5.1. Budget Amendment Ordinance 1st Reading - Finance : Ordinance No. 2008-O0099 amending the FY 2008-09 Budget respecting the Grant Fund, General Fund, and the Central Business District Tax Increment Finance Special Revenue Fund.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to divide the question. Motion carried: 7 Ayes, 0 Nays

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Beane to approve Ordinance No. 2008-O0099. Motion carried: 7 Ayes, 0 Nays.

1. Accept and appropriate \$17,850 from the Lubbock Emergency Communication District Public Safety Answering Points Grant for the Lubbock Police Communications Center and reduce the Police Communications operating budget by \$1,893 and transfer that amount from the General Fund to the Grant Fund for the City's required match of ten percent. The three part grant funds the following:
 - a) Automatic Vehicle Locator, Traffic Management, and Weather Monitor - The Automatic Vehicle Locator monitor is a vital resource used to assist dispatchers and officers by facilitating a quicker dispatch/response time to a specific incident. The traffic management and weather monitors will be used by the Police Department to view traffic on Lubbock freeways via eight live video cameras.

Total Project Cost	\$7,848
Grant amount	7,063
City ten percent match	785

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- b) Six Ergonomic Chairs - Comfortable, functioning chairs are a necessity when operating a 24 hour, seven day a week communications center. Telecommunicators sit for extended periods of time, which can trigger problematic stressors.

Total Project Cost	\$5,350
Grant amount	4,815
City ten percent match	535

- c) Laptop Computers/Training Evaluation Software - Expectation's Evaluation Software will be installed on five laptop computers allowing the training process of Public Safety Dispatchers to be streamlined. The software will make it easier to track employee progress and spot potential problem areas through computerized evaluation reports provided daily, weekly, monthly, and annually.

Total Project Cost	\$6,635
Grant amount	5,972
City ten percent match	663

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Beane to approve 5.1, #1. Motion carried: 7 Ayes, 0 Nays.

2. Accept and appropriate \$142,547 from the South Plains Association of Governments (SPAG) for the Area Agency on Aging Direct Purchase of Services Program and appropriate \$101,436 of anticipated program revenues, for a \$243,983 grant program budget. The AAA Direct Purchase of Services program is a pass-through grant from the Texas Department on Aging and Disability Services (TDADS). The required in-kind match of \$14,255 is included in the Adopted FY 2008-09 Parks and Recreation Operating Budget.

SPAG administers funding received from the TDADS for the AAA Direct Purchase of Services Program. This program purchases senior meals or transportation units from service providers in SPAG's 15-county district for services provided to area senior citizens.

The funding process begins in July with a Bidder's Conference for the senior sites in SPAG's 15-county area. Applications are due in early August. SPAG receives notification in early September from TDADS indicating what their estimated funding is going to be for the coming year. SPAG staff determine how much funding each site will receive by reviewing prior year averages and funding, plus the amount they have been awarded for the new year. For FY 2008-09, SPAG received an approximate 10 percent increase in the TDADS funding, which they have divided between each of the sites in the program. Funding for each site was finalized after approval from the SPAG Board in mid-October. The City was notified of the award amounts in late October.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve 5.1, #2. Motion carried: 7 Ayes, 0 Nays.

3. Accept and appropriate \$35,589 from the Texas State Library and Archives Commission for the Loan Star Libraries Program. The grant provides funds to maintain, improve, and enhance local library services and provides Texas residents access to, and services from, participating public libraries. The grant funds library materials, one part-time Reference Librarian, and one part-time Library Aide III.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Beane to approve 5.1, #3. Motion carried: 7 Ayes, 0 Nays.

4. Appropriate \$515,500 of the Central Business District Tax Increment Finance Special Revenue Fund balance for the Downtown Revitalization Master Developer Consultant Agreement. Funding in the amount of \$265,500 will be budgeted for consulting services. Completion of specific tasks as set forth in the consultant agreement will be billed on a monthly basis at a rate of \$29,500 for nine months of the fiscal year. Fifty percent of reimbursable expenses under this agreement, or \$250,000, are also included in the amendment. Reimbursable expenses include copying of drawing, specifications, reports, cost estimates reproductions, plots, copy expenses, postage, handling and delivery of documents prepared in connection with the services of the Master Developer Consultant under this agreement, cost of authorized out-of-town travel and subsistence for Master Developer Consultant in connection with this agreement, cost of professional services contracted through third parties for land planning, schematic design, environmental assessments, utility relocation assessments, and other professional services, and other similar direct project-related expenditures. Direct personnel expenses such as salaries, employee benefits, or insurance are not reimbursable expenses.

Rob Allison, Development Services Assistant City Manager and Cheryl Brock, Business Research Specialist gave comments and answered questions from Council.

Motion was made Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve 5.1, #4. Motion carried: 5 Ayes, 2 Nays. Council Member Beane and Council Member Klein voted nay.

FISCAL IMPACT

Included in item summary.

Staff recommends approval.

- 5.2. **Ordinance 1st Reading - Business Development : Ordinance No. 2008-O0100 approving the Third Amended Central Business District Tax Increment Finance Reinvestment Zone Project Plan and Finance Plan as adopted by the Board of Directors of the Central Business District Tax Increment Financing Reinvestment Zone.**

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On December 3, 2001, the City Council created the Central Business District Tax Increment Finance (CBD TIF) Reinvestment Zone and appointed the CBD TIF Board. The Board of the CBD TIF adopted the Third Amended Finance Plan and Project Plan at their November 11, 2008 meeting and has submitted these plans to the City Council for approval.

The total project cost did not change in the Project Plan and Finance Plan. An additional category was added and funding for other categories were reduced. The changes to the plans are as follows:

- Gateway/Entranceway development and improvement was reduced by \$1 million.
- Organizational and Professional service costs including planning, architectural, and environmental studies necessary to implement the plan were added with funding of \$2.27 million.
- Participation in development of a “Mercado/public Plaza” and/or “Farmer’s Market” was reduced by \$300,000.
- Participation in development of a rail terminal and related facilities category was deleted, a reduction of \$300,000.
- Development of public parking was reduced by \$500,000.
- Planning for and participation in development (construction or renovation) of a visitor center was deleted, a reduction of \$300,000.
- Infrastructure and utilities in connection with new construction and renovation projects was increased by \$130,000.

The Finance Plan shows an estimated new value of \$91.8 million. The Project Plan illustrates public improvements totaling \$10.4 million. Copies of the Third Amended Finance Plan and Project Plan are provided.

FISCAL IMPACT

Anticipated public improvements of \$10.4 million will be funded from incremental tax revenues collected by the CBD TIF Reinvestment Zone.

Staff and the Central Business Tax Increment Finance Board recommend approval.

Rob Allison, Development Services Assistant City Manager and Cheryl Brock, Business Research Specialist gave comments and answered questions from Council.

Council Member Beane requested the record reflect that the \$1.2 billion plan (referring to the Downtown Revitalization Action in its entirety) is the only plan we have at this time.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to approve Ordinance No. 2008-O0100 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

10:13 A.M. CITY COUNCIL RECESSED.

10:22 A.M. CITY COUNCIL RECONVENED.

- 6.2. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0101, Zone Case No. 1345-B (North of 82nd Street and West of Interstate 27). Hold a public hearing to consider request of Bobby McQueen (for Susser Holdings Corp. and Glen Robertson) for zoning change from Local Retail District (C-2) to General Retail District (C-3) on Lot 102 Winniewood Addition and a 0.75 acre tract of unplatted land out of Section 5, Block E, and to consider an ordinance.**

Mayor Martin opened the public hearing at 10:23 a.m. Bobby McQueen, representing Susser Holdings Corporation and Glen Robertson, spoke in favor of the zoning change. No one appeared in opposition of the zoning change. Mayor Martin closed the hearing at 10:24 a.m.

The applicant is requesting that a combination of Local Retail District (C-2) and General Retail District (C-3) at the northwest corner of I-27 and 82nd Street be combined to a common C-3.

Adjacent land uses:

N – zoned C-3, former convenience store

S – single family across 82nd

E – Tahoka Highway (I-27 ends at the middle of the bridge over 82nd Street)

W – duplex lot and a portion of a single family lot

The request is consistent with the Comprehensive Land Use Plan as a portion of the ten-acre allotment for commercial at major intersection corners. An existing convenience store at the location was built when such stores were permitted in the C-2 District. It is the plan of the owner of the store to reconstruct or rehabilitate the facility.

New construction will adhere to C-3 zoning requirements. The applicants will not be dealing with a split zoning situation for their ownership.

The Planning and Zoning Commission recommends approval of the request.

FISCAL IMPACT

None

Staff and the Planning and Zoning Commission recommend approval.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Ordinance No. 2008-O0101 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.3. Public Hearing 10:00 a.m. - Planning : Zone Case No. 3112 (4007 Mesa Road) Hold a public hearing to consider request of Tanya Cintron (for NTCH-NM, LLC) for zoning change from Single-Family District (R-1) to**

R-1 Special Use for a 150-foot telecommunications tower on 0.0574 acres of unplatted land out of Section 9, Block A, and to consider an ordinance.

This item failed.

Mayor Martin opened the public hearing at 10:25 a.m. Kay Medlock spoke in opposition of the zoning change. William Howard, representing NTCH-NM, LLC spoke in favor of the zoning change. Mayor Martin closed the public hearing at 10:50 am.

Cell towers outside of the Light Manufacturing District (M-1) and Heavy Manufacturing District (M-2) are required to have a Specific Use Permit approved through a zone case to determine compatibility of the proposed use with existing adjacent uses.

Adjacent land uses:

N – undeveloped, farmed

S – undeveloped, range land

E – undeveloped, a farmstead, and the east end of the Lucille Subdivision

W – just off the caprock, a “hidden from view” large tank battery and associated oil field storage operation of Texland Petroleum

As Specific Use, the Comprehensive Land Use Plan does not include a written policy for cell tower locations. Specific guidelines are included in zoning code administrative section 29-24(10) and in the Exhibit 3112 Attachment.

While the area requested for location is targeted as residential on the Comprehensive Land Use Plan, the general area is very unlikely to be developed a residential subdivision. The residential status was applied when the Plan was constructed in 1975 for lack of a better idea or designation. The site overlooks an old borrow pit on the edge of the Clearwater Draw Canyon where Texland Petroleum has congregated their tank batteries and oil equipment storage for a large portion of the field west of I-27. There are a number of operating oil wells in the area.

Mr. Burch Medlock has constructed a new estate size home south of the proposed site and knowledge of the presence of the new home(the home is not shown on the 2005 City aerial photos) was not available to the Planning Commission during their discussion. The home built by Butch Medlock is approximately 500 feet south of the proposed site, as is the east edge of the Lucille Addition, which is directly north of the Lubbock Country Club. The parcel owned by Mr. Medlock and the parcels in the Lucille Addition are well out of the notice area, so the owners of the parcels were not aware of the hearing. Three adjacent owners (Jay Norton, Warren Liner, and Troy Bowers) received notice.

As Specific Use, the applicant has specific criteria to prove and the site will be tied to the location and construction proposed for the tower. The tower is proposed as “self supporting” (tri legged, latticed) for strength because of the height of the tower and plans for future multiple users. ClearTalk Wireless, the

primary user, requires a 150-foot height tower because they are a personal communications service (PCS) telephone company, unlike a cellular phone service company that operates at different frequencies. For reference, there is a 90-foot tower north of Regis Street and the former County Line Restaurant. The applicant confirmed that the 150-foot height they require is not available on the tower north of Regis Street. The proof that an adjacent structure is not available is one of the administrative section requirements included in the Exhibit 3112 Attachment. The presence of the Regis Street location has not depreciated any property at that location, but this proposed 150-foot tower location is closer on the east and south to residential than the existing 90-foot tower. The fact that the tower on Regis Street does not meet ClearTalk's height requirement is noted in technical language on the third page of the letter from William Howard.

In terms of zoning, proposed cell towers require a public hearing to determine their compatibility with the area. For this zone case, given the assortment of activities in the immediate vicinity, staff opined that the tower will create no harm. The opinion was formed before the introduction of the new home to the south.

The project will have no impact on the thoroughfare system.

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

1. That the tower height may be 150 feet versus the 125 feet height shown on the plan and that the change be tied to the plan and site plan standards submitted.

Staff's opinion is that, while obtrusive in any setting, PCS and cellular telephone systems have become such a component of people's daily lives that the towers providing that service are "the cost of doing business" in order for the public to benefit from telephone service. Even with the new home south of the site, staff remains of the opinion that the site is remote and removed from developed areas as is necessary to meet the objectives of the company. If the self supporting tower is the main objection by any adjacent land owners the City Council may want to ask the applicant if they can construct a monopole to the height they need. Such a structure would significantly reduce the number of co-locations on the new tower, but would not be as visible as the self supporting tower.

FISCAL IMPACT

None

Staff and the Planning and Zoning Commission recommend approval.

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

Motion was made by Council Member Leonard, seconded by Council Member Klein to reject the zoning change. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath recused.

6.4. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O102 Zone Case No. 3113 (4803 Elgin Avenue) Hold a public hearing to consider request of Celeste Patterson (for Firstmar Realtors) for zoning change from Single-Family District (R-1) to Garden Office District (GO) with vehicle access through the required screening fence on the North 60' of Lot 10, Block 26, Modern Manors Addition, and to consider an ordinance.

Mayor Martin opened the public hearing at 10:51 a.m. No one appeared in favor or opposition. Mayor Martin closed the public hearing at 10:51 a.m.

The applicant owns rental units in Lubbock and is requesting the designation of Garden Office (GO) converting a residence to an office for their administrative operation.

Adjacent land uses:

N – single family

S – commercial, a drive through car wash with the cars headed directly toward the parcel requested for a zone change.

E – single family

W – single family

As a buffer district, the proposal for GO District is within the boundaries of the Comprehensive Land Use Plan policy for buffering. The parcel is currently constructed as a residence, but a drive-through car wash is directly to the south – not exactly the best example of compatibility for a home next door compared with a business next door. Staff understands the neighbor to the north of the proposed conversion is in favor. As an office, there will be few employees and possibly more traffic from renters, but the traffic will be dispersed during the day and renters will have direct access to 50th Street and will not disturb the neighborhood.

In terms of zoning policy, the applicant has asked that a drive opening be allowed in the required screening fence along the alley because the home has five feet of setback on each side with no room to access the back yard from the front street. One adjacent owner objected to access to the alley for fear that someone could cut through to the street to the east, or to 50th Street. Staff's opinion is that the possibility is not a real threat, and a condition is proposed that will not allow a connection from Elgin Avenue to the back yard.

In a recent zone case, staff did not support an opening in a fence on 19th Street for a drive-in restaurant. However, there is a difference between a drive-in restaurant and an office where only employees will come and go two times each day to park their cars. In this instance, the circumstances applicable to the particular location seems to support the opening. Only three parking spaces will be located in the back yard.

The amount of traffic to the home for delivering rent will increase the volume of traffic normally associated with a residence. Access to 50th Street discourages taking a back route through the neighborhood unless the person lives in the area. Paved pads in the front of the home and parking spaces in the back yard should satisfy the number of spaces required at the 1/200 ratio.

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

1. That a drive access (with a maximum width of 24 feet) from the alley to the back yard parking shall be allowed.
2. That installation of a regulation single family fence shall be required on the north side including step down to the front property line.
3. That no access to the rear yard be allowed from Elgin Avenue.

FISCAL IMPACT

None

Staff and the Planning and Zoning Commission recommend approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Ordinance No. 2008-O0102. Motion carried: 7 Ayes, 0 Nays.

**6.1. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0103
Conduct a public hearing on an amendment of the Zoning Code as related to definitions and appropriate zoning districts regarding sales for off-premises consumption of alcohol, and to consider an ordinance.**

Bill Boon, Senior Planner gave a presentation on the zoning amendments regarding sales for off-premises consumption of alcohol as recommended by the Planning and Zoning Commission.

Mayor Martin opened the public hearing at 11:33 a.m. Ryan Suttles, representing Southwest Convenience Stores spoke in favor of the zoning amendments. No one appeared in opposition. Mayor Martin closed the hearing at 11:35 a.m.

After the November 2006 annexation of the strip and the subsequent reality that package sales of alcohol are now allowed in part of the City, the Planning Department began discussing future changes to the zoning code. Recent discussions by members of the business community about the possibility of expanding those sales to other parts of the City prompted the City Council to instruct staff to work with the Planning and Zoning Commission to study and make recommendations of potential zoning for the sale of alcoholic beverages intended for off-premise consumption.

During their work session and public hearing, the Planning and Zoning Commission confirmed that it was important that their recommendations for the sale of alcohol intended for off-premise consumption be based on compatible land use and the zoning code.

The Planning and Zoning Commission indicated that amendments to allow the sale of alcoholic beverages for off-premise consumption should fit within the current zoning code, graduating from the lighter commercial zoning districts to the heavier zoning districts in a fair and equitable manner.

In preparing this proposal, staff researched the original 1941 and 1955 zoning ordinances. Both of these ordinances listed places where beer and intoxicating liquors are sold for off-premise consumption, as permitted uses in what would become the Heavy Commercial (C-4) zoning district. The Planning and Zoning Commission agreed with these earlier ordinances and recommends that a full size package store should be limited to the heavier zoning districts of Depot District (CB-3), Commercial District (CB-4), C-4, Interstate Highway Commercial District (IHC), and Industrial District Park (IDP). However, due to the influence and negative impact of drive-thru service on adjacent areas, as well as increasing the potential of selling to minors, the Planning and Zoning Commission was of the opinion that package stores with drive-up windows or other types of drive-thru service should be limited to the manufacturing zoned areas of Light Manufacturing District (M-1), Heavy Manufacturing District (M-2), and Interstate Highway Industrial District (IHI), and that no drive-thru service be allowed in the commercial districts because of on-site congestion and the potential close proximity to residential property.

The Planning and Zoning Commission's recommendation allows the sale of alcohol as an incidental use, limited to no more than 25% of the floor area, in grocery stores and drug stores that are already permitted in the Neighborhood Service District (C-1), Commercial Apartment District (CA), Restricted Local Retail District (C-2A), Local Retail District (C-2), and General Retail District (C-3) zoning districts, while not allowing accessory pass-out windows or drive-thru service. After discussions with the Texas Alcoholic Beverage Commission, it is the opinion of the staff that due to the restrictions on days and hours of operation for stores that sell distilled spirits, the majority of the grocery stores and drug stores that sell alcohol as an incidental use will sell only beer and wine.

The Planning and Zoning Commission recommendation allows small package stores, approximately the size of a convenience store, in the C-3 zoning district, again not allowing accessory pass-out windows or drive-thru service. This will accommodate small package stores in shopping centers and other free standing buildings located in the C-3 zoned areas.

Section 29-3 Definitions:

In the definition section of the code, Section 29-3, the Planning and Zoning Commission is recommending a number of clean-up items by removing the word "mixed" from several definitions. The word "mixed" was a hold-over from the wording of the original liquor-by-the-drink election.

The Zoning Code does not have a definition for package store. Therefore, the Planning and Zoning Commission is proposing a definition that defines a

package store as a place where alcoholic beverages are sold for off-premise consumption as the primary business activity.

The Planning and Zoning Commission felt the most important change in the definition section is a change to the definition of incidental use. The Planning and Zoning Commission is proposing that an incidental use not occupy more than 25% of the floor area of the primary use. This change to the definition is important to keep establishments from pushing the limits in what is primary and what is secondary. This change to the definition section would limit a 3,000 square foot grocery store to no more than 750 square feet of total floor area dedicated to alcohol sales.

Section 29-14 CA Commercial-Apartment District

The CA district currently allows grocery stores with not over 3,000 square feet of total floor area and it allows drug stores. The Planning and Zoning Commission is recommending that the sale of beer and wine for off-premise consumption be permitted as an incidental use in grocery stores and drug stores already permitted in this district, with no accessory pass-out windows and/or delivery to customers in their automobiles.

Section 29-15 C-1 Neighborhood Service District

The C-1 district currently allows grocery stores with not over 3,000 square feet of total floor area. However, this district does not allow drug stores. The Planning and Zoning Commission is recommending that the sale of beer and wine for off-premise consumption be permitted as an incidental use in these already permitted grocery stores, with no accessory pass-out windows and/or delivery to customers in their automobiles.

Section 29-16 C-2A Restricted Local Retail District, Section 29-19 CB-1 West Broadway District, Section 29-19.1 CB-2 Central Business District, Broadway/13th/Main,

The C-2A, West Broadway District (CB-1), and Central Business District (CB-2) districts allow grocery stores with not over 3,000 square feet of total floor area and they also allow drug stores. The Planning and Zoning Commission recommends that the sale of alcoholic beverages for off-premise consumption be permitted as an incidental use in these already permitted grocery stores and drug stores, with no accessory pass-out windows and/or delivery to customers in their automobiles.

Section 29-17 C-2 Local Retail District

The C-2 district allows drug stores and allows grocery stores with over 3,000 square feet, but not over 35,000 square feet, of total floor area. The Planning and Zoning Commission recommends that the sale of alcoholic beverages for off-premise consumption be permitted as an incidental use in these already permitted grocery stores and drug stores, with no accessory pass-out windows and/or delivery to customers in their automobiles.

Section 29-18 C-3 General Retail District

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The C-3 district allows drug stores and allows grocery stores of any size, including the big box super stores. The Planning and Zoning Commission recommends that the sale of alcoholic beverages for off-premise consumption be permitted as an incidental use in these already permitted grocery stores and drug stores, with no accessory pass-out windows and/or delivery to customers in their automobiles.

The Planning and Zoning Commission recommends that on a limited basis, the C-3 district be the first district that a package store selling alcoholic beverages as the primary use be allowed. The Planning and Zoning Commission's recommendation is to allow package stores in the C-3 district that are limited to not over 3,000 square feet of total floor area, with no accessory pass-out windows and/or delivery to customers in their automobiles.

Section 29-19.2 CB-3 Central Business District, General, Section 29-19.3 CB-4 Depot District, Section 29-20 C-4 Commercial District, Section 29-21 IDP Industrial Park [District], Section 29-23.2 IHC Interstate Highway Commercial District

By virtue of the C-3 district, the CB-3, CB-4, C-4, IDP, and IHC districts allow grocery stores and drug stores. By listing the sale of alcoholic beverages for off-premise consumption as an incidental use in the C-3 districts already permitted grocery stores and drug stores, the same use will be allowed in the CB-3, CB-4, C-4, IDP, and IHC districts. The same conditions prohibiting accessory pass-out windows and/or delivery to customers in their automobiles will also still be in effect.

Like the 1941 and 1955 zoning codes, the Planning and Zoning Commission is recommending that package stores, without size limitations, first be permitted in the heavier commercial districts of CB-3, CB-4, C-4, IDP, and IHC. However, the Planning and Zoning Commission is recommending that accessory pass-out windows and/or delivery to customers in their automobiles not be allowed.

Section 29-22 M-1 Light Manufacturing District, Section 29-23 M-2 Heavy Manufacturing District, Section 29-23.3 IHI Interstate Highway Industrial District

By virtue of the C-3 district, the M-1, M-2, and IHI districts allow grocery stores and drug stores. By listing the sale of alcoholic beverages for off-premise consumption as an incidental use in the C-3 districts already permitted grocery stores and drug stores, the same use will be allowed in the M-1, M-2, and IHI districts. The same conditions prohibiting accessory pass-out windows and/or delivery to customers in their automobiles will still be in affect for these grocery stores and drug stores.

The Planning and Zoning Commission is recommending that these industrial and manufacturing districts of M-1, M-2, and IHI be the only districts that a package store without size limitations and no prohibition of accessory pass-out windows and/or delivery to customers in their automobiles be allowed.

Section 29-30 Enforcement and administration

Currently the zoning code requires a zoning certificate for only a mixed alcoholic beverage permit. This was a hold-over from the original liquor-by-the-drink election.

The Planning and Zoning Commission is recommending a modification to the code that would require a zoning certificate for all Texas Alcoholic Beverage Commission permits, including package stores.

With a 7-0 vote, the Planning and Zoning Commission forwards a set of recommendations for the sale of alcoholic beverages intended for off-premise consumption that fit within the current zoning code and is graduated from the lighter commercial zoning districts to the heavier zoning districts in a fair and equitable manner.

FISCAL IMPACT

If the upcoming petition is successful, a positive increase in sales tax and permitting fees will occur. No estimates have been created.

Staff and the Planning and Zoning Commission recommend approval.

Bill Boon, Senior Planner gave comments and answered questions from Council.

Motion was made by Council Member Beane, seconded by Council Member Leonard to approve Ordinance No. 2008-O103 with the following changes to sections 6-14:

- Change the word “automobile” to motor vehicles
- Remove the drive-thru windows as option from all zoning districts
- Remove the option to deliver alcoholic beverages to customers while still in their automobiles.

Motion carried: 7 Ayes, 0 Nays.

Council Member Klein requested that legal staff look into extending the State buffer near schools from 300 feet to 1,000 feet.

6.5. Annexation Ordinance 1st Reading 11:00 a.m. - Planning : Ordinance No. 2008-O0104 authorizing the annexation of the land area (or portions thereof) between 660-feet east of the center line of Frankford Avenue, 660-feet south of the center line of Farm to Market Road 1585, 55-feet west of the center line of Alcove Avenue, all south of the existing city limits south of 114th Street.

In previous work session regarding discussion and two public hearings, the City Council is considering the actual area to be annexed within the boundaries as stated above. During the public hearings, numerous residents of the area spoke and presented petitions from many of the landowners in the area requesting Council consider not annexing any of the area, or to consider excluding portions of the area that are developed and only annex undeveloped property. The staff was directed to discuss different possibilities with the residents; no new proposals have been presented to the Planning Department since the last

meeting. A power point presentation will illustrate the original proposition as well as those discussed at the second public hearing (the resident's second choice) as well as another prepared by the staff that expands on the undeveloped areas only to ensure governance of right of way when possible.

The Planning Department, with all due respect to the concerns of the current residents, continues to support approval of the entire area.

FISCAL IMPACT

The extension of "soft services" (police, fire, animal control, Codes, street maintenance, etc) will be extended within 60 days of the completion of the ordinance. With the relatively few residents or developed area in the 3+ square miles, no estimates have been made. The service of paved streets, water and sewer are outlined in the service plan that is attached to the Ordinance.

Staff recommends approval.

Motion was made by Mayor Pro Tem Gilbreath to approve Ordinance No. 2008-O0104 with the southern-most boundary being changed to 55 feet south of 1585 and 55 feet east of Frankford. Motion dies due to lack of a second.

Motion was made by Council Member Leonard, seconded by Council Member Beane to approve Ordinance No. 2008-O0104 as recommended by staff. Motion failed: 2 Ayes, 5 Nays. Mayor Martin, Mayor Pro Tem Gilbreath, Council Member DeLeon, Council Member Price, and Council Member Klein voted nay.

Motion was made by Mayor Pro Tem Gilbreath to approve Ordinance No. 2008-O0104 with the southern-most boundary being changed to 55 feet south of 1585 and 55 feet east of Frankford. Motion dies for lack of a second.

Note: This item was reconsidered (and approved) following Council Reconvening at 1:05 p.m.

11:48 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION.

1:05 P.M. REGULAR CITY COUNCIL RECONVENED.

- 6.5. Annexation Ordinance 1st Reading 11:00 a.m. - Planning : Ordinance No. 2008-O0104 authorizing the annexation of the land area (or portions thereof) between 660-feet east of the center line of Frankford Avenue, 660-foot south of the center line of Farm to Market Road 1585, 55-foot west of the center line of Alcove Avenue, all south of the existing city limits south of 114th Street.**

In previous work session regarding discussion and two public hearings, the City Council is considering the actual area to be annexed within the boundaries as stated above. During the public hearings, numerous residents of the area spoke and presented petitions from many of the landowners in the area requesting Council consider not annexing any of the area, or to consider excluding portions

of the area that are developed and only annex undeveloped property. The staff was directed to discuss different possibilities with the residents; no new proposals have been presented to the Planning Department since the last meeting. A power point presentation will illustrate the original proposition as well as those discussed at the second public hearing (the resident's second choice) as well as another prepared by the staff that expands on the undeveloped areas only to ensure governance of right of way when possible.

The Planning Department, with all due respect to the concerns of the current residents, continues to support approval of the entire area.

FISCAL IMPACT

The extension of "soft services" (police, fire, animal control, Codes, street maintenance, etc) will be extended within 60 days of the completion of the ordinance. With the relatively few residents or developed area in the 3+ square miles, no estimates have been made. The service of paved streets, water and sewer are outlined in the service plan that is attached to the Ordinance.

Staff recommends approval.

Motion was made by Council Member Leonard, seconded by Council Member Beane to reconsider item 6.5. Motion carried: 5 Ayes, 2 Nays. Council Member DeLeon and Council Member Price voted nay.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Ordinance No. 2008-O0104 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Member DeLeon and Council Member Price voted nay.

6.6. Budget Amendment Ordinance 1st Reading - City Council : Ordinance No. 2008-O0105 budget ordinance Amendment No. 3 amending the Adopted FY 2008-09 Budget respecting the City of Lubbock Organization Chart.

On September 11, 2008, the FY 2008-09 Organization Chart was approved as part of the Adopted FY 2008-09 Operating Budget, Ordinance No. 2008-O0077.

A statewide survey of reporting structures for Animal Services departments of 29 Texas municipalities is provided.

If a decision is made to change the reporting structure of Lubbock's Animal Services Department, the following sections of the Code of Ordinances will need to be amended:

- 4-1 Definitions
- 4-8 Abatement and imminent threat; search warrants
- 4-24 Animal assistance program
- 4-26 Standards for animal establishments
- 4-32 Complaint about a dangerous animal

Any necessary amendment to the Code will be included as an ordinance in the December 4, 2008, City Council agenda.

Two exhibits are attached to the budget ordinance. The first exhibit shows Animal Services reporting to the Police Department. The second exhibit shows Animal Services reporting to the Deputy City Manager.

FISCAL IMPACT

None

Tom Martin, Mayor recommends approval.

Council Member Leonard instructed that Ms. Dumbauld (City Manager) to look at designing a more vertical organizational chart.

Motion was made by Council Member DeLeon, seconded by Council Member Todd Klein to pass Ordinance No. 2008-O105 amending the City of Lubbock Organization Chart to have Animal Services reporting to the Deputy City Manager. Motion carried: 5 Ayes, 2 Nays. Council Member Leonard and Council Member Beane voted nay.

7. WORK SESSION/BUSINESS AGENDA

7.1. Presentation of Citizen Portal and 3-1-1.

Presentation of Citizen Portal and 3-1-1.

FISCAL IMPACT

None

Leslie Cox, Director of Telecom and Fleet Operation gave a presentation to Council outlining the features of the City of Lubbock's Online Citizen Help Center and 311. Ms. Cox showed Council the City's homepage and where the Online Help Center is located. She mentioned departments with the highest call volume are featured in the portal, and a pilot program began with Animal Services and Codes. The online portal allows citizens up to 10 items under each department they may have an inquiry about.

The Online Help Center gives citizens the ability to review information online and submit requests should an answer not be found on the website. The Online Citizen Help Center is now being implemented and the following departments are featured on the website:

- Animal Services
- Building Inspection
- Codes
- Community Development
- Health
- Parks

- Solid Waste
- Storm Water
- Streets
- Traffic

Ms. Cox stated that without any publicity, the portal has handled 652 requests and has 519 registered citizens. She further stated benefits to the online help center are it allows for 24 hour access; citizens are notified by email of departmental updates and closings; and that requests not updated by the department are transferred to its respective Assistant City Manager.

Ms. Cox gave a brief recap of the history of 311. The City of Lubbock 311 Citizens Call Center operates from 8 a.m. to 5 p.m. 311 call takers input information into the portal from citizens to the department they've requested to handle their request. Ms. Cox stated other benefits of 311 are the increase in efficiency by transferring fewer citizen calls; the decrease in the number of calls to the department; the use of the Online Help Center for tracking and monitoring purposes; it allows for citizen access to additional departments; and additional call takers can help handle the call volume to the departments. Ms. Cox outlined other advantages to 311, stating it established a number for citizens to obtain non-emergency information; and that call takers are skilled and trained to handle citizens' calls.

6. REGULAR AGENDA

6.7. Board Appointments - City Secretary : Consider two appointments to the Central Business District Tax Increment Finance Reinvestment Zone; one appointment to the Housing Finance Corporation; one appointment the Lubbock Emergency Communication District Board of Directors; two appointments to the Libraries Board; and three appointments to the Structural Standards Commission.

Consider two appointments to the Central Business District Tax Increment Finance Reinvestment Zone; one appointment to the Housing Finance Corporation; one appointment the Lubbock Emergency Communication District Board of Directors; two appointments to the Libraries Board; and three appointments to the Structural Standards Commission.

FISCAL IMPACT

None

Staff recommends approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to reappoint Tony Cardinal and Mike Davis to the Central Business District Tax Increment Finance Reinvestment Zone; appoint Steve Yandell to the Housing Finance Corporation; reappoint George Ewing to the Lubbock Emergency Communication District Board of Directors; reappoint Ralph

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Shelton and appoint Nadine McDonald to the Libraries Board; and reappoint Arden Hawkins, Gaylon Kerr and Michael Martin to the Structural Standards Commission. Motion carried: 7 Ayes, 0 Nays.

1:33 P.M. CITY COUNCIL ADJOURNED

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