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

Present: Mayor David A. Miller, Mayor Pro Tem Jim Gilbreath, Council Member Linda DeLeon, Council Member Phyllis Jones, Council Member Todd R. Klein, Council Member John Leonard, Council Member Floyd Price

Absent: No one

1. CITIZEN COMMENTS

See Item 6.9.

2. EXECUTIVE SESSION was considered following Item 6.6.

3. PRESENTATIONS AND PROCLAMATIONS were considered following Council reconvening at 9:33 a.m.

4. MINUTES were considered following Item 3.6.

5. CONSENT AGENDA was considered following Item 6.7.

6. REGULAR AGENDA

Item 6.9 was taken out of order and addressed during the Citizen Comment period of the meeting

6.9. Resolution - Business Development : Consider a resolution terminating the Professional Services Agreement with Parkhill, Smith & Cooper, Inc., for architectural and engineering services for the Visitor Information Center and Gateway Park project dated March 27, 2008, and directing staff to issue a seven day's notice of termination to the Architect.
Consider a resolution terminating the Professional Services Agreement with Parkhill, Smith & Cooper, Inc., for architectural and engineering services for the Visitor Information Center and Gateway Park project dated March 27, 2008, and directing staff to issue a seven day's notice of termination to the Architect.

Motion was made by Council Member Klein, seconded by Council Member Leonard to pass Item 6.9 as recommended by staff.

Rob Allison, Assistant City Manager, gave a presentation of the proposed Visitors Center. Discussion amongst Council Members regarding the Visitors Center was entertained, and Council Member Leonard asked Council Member Jones if she was going to recuse from voting on this item. Anita Burgess addressed recusal issues regarding Council Member Jones. Mayor Pro Tem Gilbreath read his prepared statement. After which, Mayor Miller opened Citizens Comments.

Citizens who expressed comments to Council in favor of the Visitors Center were: Bill Miller, Jim Cummings, Julian Olivas, Justin Bragiel, Rob Meger, Kevin McMahon, Robert Taylor, Dan Pope, Eddie McBride, Clayton Isom, and Charlie Hamilton.

Citizens who expressed comments to Council in opposition of the Visitors Center were: Matt Yugovick, Clif Burnett, R.H. King, Chip Peterson, Angeles G. Barranda Jr., Mikel Ward, Brian Thorton.

Mayor Miller opened the floor for further discussion of the motion before Council. Council Members gave final remarks in favor and opposition of the Visitors Center. Discussion was then closed by Mayor Miller.

Vote was then taken. Motion failed: 2 Ayes, 5 Nays. Mayor Miller, Mayor Pro Tem Gilbreath, and Council Members DeLeon, Jones and Price voted Nay.

6. REGULAR AGENDA (continued)

Note: The following Consent Agenda Items were moved to Regular Agenda, and considered at this time (5.18, 5.19, 5.1)

5.18. At this time, this item was tabled, and later was removed from the table following Council reconvening at 11:25 a.m.

5.19. At this time, this item was tabled, and later was removed from the table following Council reconvening at 11:25 a.m.

5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2008-00036 Consider budget ordinance Amendment No. 9 amending the Adopted FY 2007-08 Budget respecting the Solid Waste Fund, Police Department Forfeited Funds, and Capital Improvement Program.

On April 10, 2008, City Council approved the first reading of this ordinance.
1. Authorizes, in the Solid Waste Fund, one full-time Construction and Maintenance Leader position and four full-time Heavy Equipment Operator positions. The additional personnel are part of the Street Maintenance Program appropriated in the Adopted FY 2007-08 Solid Waste Operating Budget.

2. Appropriate $451,500 Police Forfeited Funds for law enforcement purposes. Prior to the expenditure of forfeited funds, the Texas Code of Criminal Procedure requires law enforcement agencies to submit a budget for the funds.

Funds are used to purchase computer equipment, software, lab equipment, SWAT equipment, renovations and construction, information and evidence, and training.

The funds are the result of special police investigations involving seized assets. The appropriate Court awards these assets to the Lubbock Police Department for law enforcement activities pursuant to Texas Code of Criminal Procedure Article 59.06(d).

The funds are appropriated as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Investigative Fund</td>
<td>$155,000</td>
</tr>
<tr>
<td>Confidential Informant Fund</td>
<td>53,000</td>
</tr>
<tr>
<td>Department of Treasury Asset Sharing</td>
<td>500</td>
</tr>
<tr>
<td>Department of Justice Asset Sharing</td>
<td>243,000</td>
</tr>
<tr>
<td>Total Forfeited Funds Appropriation</td>
<td>$451,500</td>
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</tbody>
</table>

The detailed budget is described in Exhibit A.

3. Amend the Gateway Streets Project Fund as shown in Exhibit A. The revised Gateway Streets Project Fund as shown in Exhibit A does not exceed the existing appropriation amount. The fund is amended due to a local transportation advanced funding agreement with the Texas Department of Transportation for the design and construction of a new interchange at Slide Road and North Loop 289. The advanced funding agreement caps the City's contribution to $25 million funded through the Gateway Streets Fund.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to accept the Budget Amendment Ordinance No. 2008-00036 with an amendment of $5.9M ceiling set for the Visitors Center.

Mayor Miller opened up the floor for the discussion. Council Member Klein offered a friendly amendment to Mayor Pro Tem Gilbreath’s motion to reduce the Visitors Center’s ceiling to $4M. Mayor Pro Tem Gilbreath respectfully declined Council Member Klein’s amendment.
Council Member Klein asked for a motion to table the vote until after he sees the numbers in Executive Session. Motion died due to lack of a second.

Council Member DeLeon wanted to entertain a motion that would not place a ceiling on the Center; instead have staff develop plans and bid the project out. Rob Allison reiterated that staff could produce a quality Visitors Center for $5.9M or less. Council Member Jones reinforced the sentiment of the Downtown Redevelopment Commission that a state-of-the-art center will serve as a catalyst for downtown redevelopment.

Vote was taken on the original motion from Mayor Pro Tem Gilbreath, seconded by Council Member Price to accept the Budget Amendment Ordinance No. 2008-00036 with an amendment of $5.9M ceiling set for the Visitors Center. Motion carried: 5 Ayes, 1 Nay, with Council Member Leonard away from the Dias and Council Member Klein voting Nay.

9:22 A.M. CITY COUNCIL RECESSED

9:33 A.M. CITY COUNCIL RECONVENED

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Father Martin Piña, St. Joseph’s Church.

3.2. Pledge of Allegiance to the Flags.

Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.

3.3. Presentation of a Special Recognition commemorating May 10-17, 2008, as National Association of Letter Carriers Food Drive Week.

Mayor Miller presented special recognition to David Weaver, representing the United States Postal Service, commemorating May 10-17, 2008 as National Association of Letter Carriers

3.4. Presentation of a Special Recognition commemorating May 7, 2008, as National Teen Pregnancy Awareness Day.

Mayor Miller presented special recognition commemorating May 7, 2008 as National Teen Pregnancy Awareness Day. Michelle Hunter, City of Lubbock Health Department, was present to accept the special recognition.

3.5. Presentation of a Special Recognition commemorating April 2008 as Fair Housing Month.

Mayor Miller presented special recognition commemorating April 2008 as Fair Housing Month. Bill Howerton, Community Development Department, was present to accept the special recognition.

3.6. Presentation of a Special Recognition by the American Heart Association to the City of Lubbock Health Department for being a Fit-Friendly workplace and for making health and wellness of employees a priority.
Mayor Miller, assisted by Allison McMillan, representing the American Heart Association, presented special recognition to the City of Lubbock Health Department for being a Fit-Friendly workplace and for making health and wellness of employees a priority. Michelle Hunter, City of Lubbock Health Department, was present to accept the special recognition.

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, March 27, 2008

Motion was made by Council Member Price, seconded by Council Member Jones to approve the minutes of March 27, 2008 as recommended by staff. Motion carried: 6 Ayes, 0 Nays with Council Member Leonard away from the Dias.

6. REGULAR AGENDA (continued)

6.7. Contract Resolution - Planning : Resolution No. 2008-R0138 authorizing the Mayor to execute an Extraterritorial Apportionment Agreement with the City of Wolfforth outlining the apportionment of their overlapping extraterritorial jurisdiction.

On March 6th, Mayor David Miller received a letter from Mayor Childers of Wolfforth requesting an amendment to the resolutions and contract regarding the overlap of the Extraterritorial Jurisdiction (ETJ) of both cities. The ETJ of Texas cities is an area adjacent to the city in which state law allows review of plats by the city. The objective is for cities to review plats on land areas that may be eventually annexed. State law provides with certain conditions for adjacent cities with overlapping ETJ to apportion the overlapped area by a written agreement approved by an ordinance or a resolution adopted by the governing bodies. The five mile Lubbock ETJ has completely overlapped the one-half mile ETJ of Wolfforth since the introduction in 1963 of the state ETJ law. Lubbock and Wolfforth have had three agreements; the last signed October 23, 2003. In that document, the Lubbock City Council ceded the entire one-half mile ETJ of Wolfforth west of Alcove Avenue to the City of Wolfforth. As consideration, Lubbock has jurisdiction of the overlap east of Alcove Avenue.

The primary request from Mayor Childers is for Lubbock to move the ETJ contract line on Alcove Avenue between the Marsha Sharp Freeway and 66th Street from a line 55 feet west of the section line to a line 40 feet east of the section line. A new commercial development is intended at the northwest corner of Alcove Avenue and Marsha Sharp Freeway, within the City of Wolfforth in the Preston Manor subdivision, and the developer benefits from the adjacent thoroughfare being paved as a five lane street with curb and gutter to their north boundary.

Wolfforth is in discussion with the developer to form a Tax Increment Reinvestment Zone (TIRZ), which utilizes funds from increases in tax
revenue gained through development to carry out public road, drainage and recreation facilities. For the TIRZ to be able to pay for the paving of Alcove, all of the street must be within the Wolfforth ETJ. It is not currently eligible for TIRZ funding because the land area is within the Lubbock ETJ.

The City of Wolfforth will accept in the proposed contract the condition that the road be constructed to Lubbock standards for a future T-1 thoroughfare (five lanes with curb and gutter). Pavement to these standards insures a match of the future pavement of Alcove Avenue north of 66th Street provided the City of Lubbock annexes that area in the future and installs a thoroughfare level street. The contract proposal allows the temporary use of strip paving on Alcove Avenue until the funds and adjacent development accommodate the construction of the T-1 thoroughfare.

The agreement has the support of the Public Works Engineering Department. Wolfforth will construct the full width street paving and the ongoing maintenance of that section of the thoroughfare grid will not be the responsibility of the City of Lubbock. Wolfforth has an immediate interest for the improvement to better serve the Preston Manor subdivision.

**FISCAL IMPACT**

The future paving costs for three quarters of a mile of five lane street will be provided by Wolfforth, reducing the construction and ongoing maintenance costs for the City of Lubbock.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2008-R0138 as recommended by staff. No discussion of the motion was taken. Vote was taken. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the dais.

5. **CONSENT AGENDA (Items 5.2-5.17, 5.23-5.26)**

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to approve Items 5.2-5.17, 5.23-5.26 on consent agenda as recommended by staff. Motion carried 6 Ayes, 0 Nays.

Council Member Leonard was away from the dais.

5.1. This item was moved from consent agenda to regular agenda and considered earlier today, following Item 5.19.

5.2. **Ordinance 1st and Only Reading – Finance: Ordinance No. 2008-O0039:** Consider an ordinance providing for the issuance of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2008 in an amount not to exceed $90 million, levying a tax and pledging surplus Waterworks System revenues in payment thereof, approving the official statement, approving execution of a purchase contract, and enacting other provisions relating thereto.
On March 13, 2008, City Council approved the first step in the issuance process of City of Lubbock Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2008, authorizing publication of a Notice of Intent to Issue Certificates of Obligation. Upon approval of the ordinance, the City will sell the Certificates of Obligation on a negotiated basis.

The bond ordinance is a “parameters ordinance”, delegating the authority to the City’s Chief Financial Officer (CFO) to authorize the timing, terms, and interest rates of the bond issuance. The ordinance designates certain parameters to which the CFO must conform while executing the bond sale, and expires after a 60 day period. This designated authority will allow the City to attain the most attractive rates or terms by timing the issuance under the best market conditions. In accordance with Section 7.1(a) of the Ordinance, the following conditions with respect to the Bonds must be satisfied in order for the Authorized Officer to act on behalf of the City in selling and delivering the Bonds to the Underwriter:

(a) the price paid for the Bonds shall be not less than 95% of the aggregate principal amount of the Certificates;
(b) the Certificates shall not bear interest at a rate greater than the maximum rate allowed by Chapter 1204, Texas Government Code, as amended;
(c) the aggregate principal amount of the Certificates authorized to be issued for the purposes described in Section 3.01 shall not exceed the maximum amount authorized in Section 3.01;
(d) the maximum maturity for the Certificates shall not exceed forty years; and
(e) the Certificates issued, prior to delivery, must have been rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long term obligations.

On the date of execution, the City will sell the certificates on a negotiated basis. The City and RBC Capital Markets, the City’s financial advisor, will negotiate a purchase price for the certificates with the City’s underwriters (Merrill Lynch & Company, Morgan Keegan, Morgan Stanley, and Bank of America). Proceeds from the sale are used for improvements to the City’s electric system, wastewater system, water system, solid waste system, storm drainage system, airport, North Overton Tax Increment Finance District, facilities, streets, and parks. The projects cost total $84,025,000.

Senate Bill 1759 of the 77th Legislative Session amends Subchapter B, Chapter 1201, of the Texas Government Code under Section 1201.028(3) allowing the authorization of a public security with only one reading of the ordinance. The ordinance excludes certain information that is unknown as of the printing of the backup material. Examples include annual principal and interest amounts and maturity dates. Once negotiations have concluded, the information is included and a final ordinance provided to Council members.

FISCAL IMPACT
Staff recommended approval of the first and only reading of this ordinance.

5.3. **Ordinance 1st and Only Reading – Finance: Ordinance No. 2008-O0040**

Consider an ordinance providing for the issuance of General Obligation Bonds, Series 2008, in an amount not to exceed $3 million, levying a tax in payment thereof, approving the official statement, approving execution of a purchase contract, and enacting other provisions relating thereto.

The ordinance authorizes the issuance of General Obligation Bonds, Series 2008, for projects on May 15, 2004, approved by Lubbock voters. The issuance is the fifth of the total $30 million that was voter approved.

The bond ordinance is a “parameters ordinance” delegating authority to the City’s Chief Financial Officer (CFO) to authorize the timing, terms, and interest rates of the bond issuance. The ordinance designates certain parameters to which the CFO must conform while executing the bond sale, and expires after a 60 day period. This designated authority will allow the City to attain the most attractive rates or terms by timing the issuance under the best market conditions. In accordance with Section 7.1(a) of the Ordinance, the following conditions with respect to the Bonds must be satisfied in order for the Authorized Officer to act on behalf of the City in selling and delivering the Bonds to the Underwriter:

1. The price paid for the Bonds shall be not less than 95% of the aggregate principal amount of the Bonds;
2. The Bonds shall not bear interest at a rate greater than the maximum rate allowed by Chapter 1204, Texas Government Code, as amended;
3. The aggregate principal amount of the Bonds authorized to be issued for the purposes described in Section 3.01 shall not exceed the maximum amount authorized in Section 3.01;
4. The maximum maturity for the Bonds shall not exceed forty years; and
5. The Bonds issued, prior to delivery, must have been rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long term obligations.

On the date of execution, the City will sell the bonds on a negotiated basis. The City and RBC Capital Markets, the City’s financial advisor, will negotiate a purchase price for the bonds with the City’s underwriters (Merrill Lynch & Company, Morgan Keegan, Morgan Stanley, and Bank of America). Proceeds from the sale will be used for street improvements including drainage, curbs, gutters, landscaping, sidewalks, curb ramps, utility line relocation and traffic signalization and the acquisition of land and rights-of-way therefore. The projects cost total $2.1 million.

Senate Bill 1759 of the 77th Legislative Session amends Subchapter B, Chapter 1201, of the Texas Government Code under Section 1201.028(3) allowing the authorization of a public security with only one reading of the
ordinance. The ordinance excludes certain information that is unknown as of the printing of the backup material. Examples include annual principal and interest amounts and maturity dates. Once negotiations have concluded, the information is included and a final ordinance provided to Council members.

FISCAL IMPACT
Included in item summary.

Staff recommended approval of the first and only reading of this ordinance.

5.4. Notice of Intent Resolution - Finance: Resolution No. 2008-R0139 authorizing publication of Notice of Intention to issue Combination Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2008, for projects related to planning, design, and construction of a raw water transmission line, pump station, and water treatment plant improvements.

The resolution authorizes the publication of Notice of Intention to issue Combination Tax and Waterworks System Surplus Revenue Certificates of Obligation. Proceeds are for the planning, design, and construction of a raw water transmission line, pump station, and water treatment plant improvements for Lake Alan Henry to serve as a water supply for Lubbock. The total amount of the projects financed with the certificates is not to exceed $22,615,000.

FISCAL IMPACT
Annual debt service payments are appropriated in the annual operating budget process and are included in long-term financial planning and rate models. Annual payments are made from Water Fund revenues and not from property tax revenues.

Staff recommended approval of this resolution.

5.5. Reimbursement Resolution - Finance: Resolution No. 2008-R0140 expressing intent to finance expenditures to be incurred for projects related to the acquisition, construction, reconstruction, or renovation of street and wastewater infrastructure for the Lubbock Business Park.

The City anticipates issuing bonds in FY 2008-09 to fund various projects approved by City Council in the FY 2008-09 Capital Program Budget. To ensure authorized construction projects are completed within prescribed timeframes, there will be design and engineering costs incurred before delivery of the bond proceeds. The City declares its intent to reimburse bond-funded construction costs incurred prior to the bond issuance allowing the costs to be eligible for reimbursement.

FISCAL IMPACT
The resolution allows reimbursement of costs incurred in advance of the bond issuance facilitating the completion of projects within the prescribed
timeframes. The total amount of the City's portion of the projects funded by the Certificates of Obligation is $1,482,500.

Staff recommended approval of this resolution.

5.6. Ordinance 1st and Only Reading - Finance: Ordinance No. 2008-O0041
Consider an ordinance approving and authorizing the issuance and sale of Vintage Township Special Assessment Revenue Bonds; approving and authorizing an indenture of trust, a bond purchase agreement with the Vintage Township Public Facilities Cooperation and the Underwriter; a bond purchase contract with the Vintage Township Public Facilities Corporation and other agreements and documents in connection therewith.

The ordinance authorizes the issuance of two series of bonds secured by special assessments to fund public improvements within the Vintage Township Public Improvement District (PID) and the sale of bonds to the Vintage Township Public Facilities Corporation.

The ordinance authorizes several agreements necessitated by the transaction including bond purchase agreements, an acquisition and funding agreement, a continuing disclosure agreement, a management agreement relating to the management of certain improvements within the PID, an administration agreement relating to the administration and management of the District, and a consent to supplement the Declaration of Covenants, Conditions and Restrictions filed by the PID landowners.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the first and only reading of this ordinance.

5.7. Resolution - Finance: Resolution No. 2008-R0141 approving the issuance of Special Revenue Bonds by Vintage Township Public Facilities Corporation.

City Council is considering concurrently with this agenda item a bond ordinance authorizing the sale of special assessment revenue bonds to the Vintage Township Public Facilities Corporation (PFC) secured by the special assessments levied by the City within the Vintage Township Public Improvement District (PID). The resolution approves the sale by the PFC to Banc of America Securities LLC of bonds secured by payments from the City’s special assessment revenue bonds for Vintage Township PID.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

5.8. Resolution - Warehouse: Resolution No. 2008-R0142; Resolution No. 2008-R0143; Resolution No. 2008-R0144; Resolution No. 2008-R0145 authorizing the Mayor to execute unit price contracts for the purchase of
pipe, valves, fittings, and other maintenance and repair items for the day-to-day Water Utilities maintenance operations and emergency requirements, BID 08-026-FO.

The resolution authorizes the execution of contracts establishing annual pricing for the purchase of pipe, valves, fittings, and other maintenance and repair items for the day-to-day Water Utilities maintenance operations and emergency requirements. Items are stocked at the Central Warehouse and/or delivered to job sites by the suppliers.

**FISCAL IMPACT**

The estimated annual expenditure of $616,265 is appropriated in various Water Utilities capital and operating budgets. The contracts are for purchase on an as-needed basis and are awarded by unit price. The contract term is for three years. The total amount of the award is based on estimated quantities and actual expenditures will be more or less depending on actual needs. The unit price can be adjusted each six months based on a price index and expenditures will not exceed appropriated funds.

Staff recommended contract award to the lowest bidders, Morrison Supply of Lubbock, Texas, for $539,604; KW Sharp of Lubbock, Texas, for $14,873; O’Tool of Lubbock, Texas for $4,114; and Western Industrial Supply of Lubbock, Texas, for $49,440.

5.9. **Resolution - Business Development: Resolution No. 2008-R0146** authorizing the Mayor to execute a commercial tax abatement agreement with JKK Properties, L.P., for improvements to real property and tangible personal property at 3405 Slaton Highway, Tract A, Yellowhouse Addition to the City of Lubbock.

The City received an application for commercial tax abatement from JKK Properties dba Yellowhouse Machinery Company, for the construction of a new facility at 3405 East Slaton Highway in the Lubbock 2000 South Enterprise Zone.

The project meets the Commercial Tax Abatement Policy and Guidelines minimum investment real property improvement of $100,000. Total investment in the project is $6,191,317 for real property improvements and tangible personal property of $420,623. During the next five years, Yellowhouse Machinery Company plans to create 10 to 15 new jobs.

On April 10, 2008, City Council approved the Notice of Intent.

Staff recommended a five-year declining scale tax abatement.

**FISCAL IMPACT**

The estimated tax abatement during the term of the abatement is $90,263.

Staff recommended approval of this resolution.

5.10. **Contract Amendment Resolution - Community Development: Resolution No. 2008-R0147** authorizing the Mayor to execute an amendment to a
Community Development funding contract with Vandelia Church of Christ to fund the Emergency Shelter Grant Homeless Prevention Program to assist low-income families with rent or utilities.

The contract amendment provides Vandelia Church of Christ with an additional $345 of assistance from Emergency Shelter Grant (ESG) funds. The additional $345 increases the total grant to $10,056.

The Housing and Urban Development field office permits City Council to reallocate unspent 2006 funds ESG Homeless Prevention agency. The agency that did not expend all of their funding was The Bridge. A lack of qualified applicants limited the agency's ability to spend their entire allocation. Staff recommended allocating the funds to Vandelia Church of Christ.

FISCAL IMPACT

The Emergency Shelter Grant Funds were allocated by City Council on June 26, 2007; maximum for reallocation is $10,056.

Staff recommended approval of this resolution.

5.11. Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0019
Consider an ordinance abandoning and closing a portion of a 20-foot utility easement located in Lot 1-A, Block 8, McLarty’s Circle View Addition; a 17.5-foot underground utility easement located in Tract 1 Niraj Investments LLC Addition; a sewer line easement located in Lot 1-A, Block 8, McLarty’s Circle View Addition; a portion of Caprock Drive located in Section 2, Block E, Lubbock County, Texas; a portion of 65th Street located in Section 2, Block E, Lubbock County, Texas and an alley located in Section 2, Block E, Lubbock County Texas, closures located at 6510 I-27.

On February 22, 2007, City Council approved the first reading of the ordinance abandoning and closing a 20-foot utility easement in Lot 1 A, Block 8, McLarty’s Circle View Addition; a 17.5-foot underground utility easement in Tract 1 Niraj Investments LLC Addition; a sewer line easement located in Lot 1-A, Block 8, McLarty’s Circle View Addition; a portion of Caprock Drive in Section 2, Block E, Lubbock County, Texas; a portion of 65th Street in Section 2, Block E, Lubbock County, Texas and an alley in Section 2, Block E, Lubbock County Texas. These closures are north of 66th Street and west of I-27. The orientation of Caprock Drive is a remnant of the street pattern that used the old “circle” as a hub. These closures facilitate new development in the area.

As the requestor of the closure is not the original dedicator, the current owner is charged for the closure. The total street and alley area being closed is 44,553 square feet. The Right-of-Way Department estimates a value of $2 per square foot based on adjacent property land values or $89,106 for the street and alley areas being closed. The requestor is dedicating right-of-way for Avenue J in the re-plat for a total of 11,509 square feet, creating a credit of $23,018 (11,509 square feet x $2 per square foot = $23,018). The requestor is
also dedicating an underground utility easement for a total of 8,245 square feet x $2 x 50% for easement value for a total credit of $8,245. The amount due the City is $57,843. Utility companies agree with these closures.

**FISCAL IMPACT**

Revenue to the General Fund is $57,843.

The Right-of-Way Department recommended approval of the second reading of this ordinance, with a condition:

1. A quitclaim for Caprock Drive and 65th Street shall not be recorded and the current street shall not be closed on the ground until Avenue J has been dedicated, paved, and tentative approval of construction by Streets Engineering is complete.


Consider an ordinance abandoning and closing a portion of a 20-foot underground utility easement located in Block AK, Section 38, Lubbock County, Texas, 3802 Milwaukee Avenue.

On April 10, 2008, City Council approved the first reading of the ordinance abandoning and closing a portion of a 20-foot underground utility easement in Block AK, Section 38, west of Milwaukee Avenue and south of 37th Street. The closure is due to new development. Utility companies agree with the easement closure.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.


authoring the Mayor to execute an assignment of a lease between G. Larry Rice and Sprint Spectrum L.P., property located at 2302 Quaker Avenue.

In December 1982, the City executed a lease with E. Reuel Nash for Lot 1, Henry Addition, located at the northwest corner of Quaker Avenue and Brownfield Drive. The lot is used for parking in conjunction with the shopping center to the north.

In 1953, the City purchased Lot 1, Henry Addition, and uses a small portion of the lot for a lift station. For several years, the City leased the remainder of the lot to the Char-King Drive-In as a parking lot. In September 1996, the lease was transferred from E. Reuel Nash Estate to G. Larry Rice. In August 1997, the lease was transferred to Plains National Bank, aka PlainsCaptial Bank. In 2005, G. Larry Rice re-purchased the shopping center and the lease was transferred to G. Larry Rice. Sprint Spectrum recently purchased the shopping center and desires to assume from G. Larry Rice the lease of the parking lot. The lease amount is $233 per month for 50 years, increasing $7.50 per year for the remainder of the lease term.
FISCAL IMPACT

General Fund Revenue of $2,790.

Staff recommended approval of this resolution.


This resolution authorizes the sale of an excess portion of right-of-way property. In 1990, the City purchased several lots for right-of-way to widen Milwaukee Avenue north of 34th Street. Portions of the lots were used for road construction, and unusable remnants remain.

The excess of right-of-way located at the southeast corner of Milwaukee Avenue and 33rd Street contains 3,026 square feet and can be sold to the abutting property owner, Dan R. Salas and Julia Cortez. The Right-of-Way Department has valued the excess right-of-way at $0.50 per square foot for a value of $1,513. Utility companies agree with the sale of the street right-of-way.

FISCAL IMPACT

Revenue to the General Fund of $1,513.

Staff recommended approval of this resolution.

5.15. Grant Resolution - Citibus: Resolution No. 2008-R0150 authorizing the Citibus General Manager to execute a New Freedom Mobility Management Grant, Project No. TX-57-X005-00, to fund a Mobility Manager position to be used by Citibus to assist community members in learning how the use of transit provides mobility options and freedom of travel.

The Federal Transit Administration (FTA) allocated $111,485 to Citibus for the FY 2007-08 New Freedom Mobility Management Grant for a Mobility Manager to assist the Lubbock community in learning how the use of transit can impact daily lives through mobility options and freedom of travel.

FTA regulations require grants to be applied for and executed electronically. Citibus requests that City Council authorize Mr. John Wilson, Citibus General Manager, to execute the grant.

FISCAL IMPACT

The $27,871 match required for the grant is included in the Adopted FY 2007-08 Citibus budget. Acceptance of the grant results in no additional cost to the City.

Staff recommended approval of this resolution.

5.16. Grant Resolution - Citibus: Resolution No. 2008-R0151 authorizing the Citibus General Manager to execute a Federal Transit Administration
Job Access and Reverse Commute Program Grant, Project No. TX-37-X056-00.

The Federal Transit Administration (FTA) allocated $150,887 for FY 2007-08 Job Access and Reverse Commute (JARC) Program Grant to facilitate the public transportation of workers to their place of employment, funding Citibus Routes 19 and 34.

FTA regulations require grants to be applied for and executed electronically. Citibus requests that City Council authorize Mr. John Wilson, Citibus General Manager, to execute the grant.

FISCAL IMPACT

The $150,887 match required for the grant is included in the Adopted FY 2007-08 Citibus budget. Acceptance of the grant results in no additional cost to the City.

Staff recommended approval of this resolution.

5.17. Contract Resolution - Public Works Engineering: Resolution No. 2008-R0152 authorizing the Mayor to execute an agreement with Orchard Park Development, Ltd., for paving the unpaved portion on the east side of Memphis Avenue from the alley north of 107th Street to 111th Street.

In 1974, Lakeview Heights Addition was platted on the east side of Memphis Avenue from the alley north of 107th Street to 111th Street. The subdivision was outside the City limits, and there was no provision to require the developer to construct the east half of Memphis Avenue. Orchard Park Development is the developer immediately west of the property and is preparing to pave the west side of Memphis Avenue as part of the paving improvement requirements associated with their plat. At staff's request, Orchard Park Development agreed to pave the east half of Memphis Avenue.

FISCAL IMPACT

$12.6 million is appropriated in Capital Improvement Project 92125, Street Maintenance Program, with $92,671 available for the purpose of reimbursing Orchard Park Development for the paving improvements.

Staff recommended approval of this resolution.

5.18. This item was moved from consent agenda to regular agenda and was considered following Council reconvening at 11:25 a.m.

5.19. This item was moved from consent agenda to regular agenda and was considered following Item 5.18.

5.20. This item was moved from consent agenda to regular agenda and was considered following Item 5.26.

5.21. This item was moved from consent agenda to regular agenda and was considered following Item 5.20.
5.22. This item was moved from consent agenda to regular agenda and was considered following Item 5.21.

5.23. Contract Resolution - Police: Resolution No. 2008-R0153 authorizing the Mayor to execute a professional services agreement with Dr. Andrew Young for critical incident related counseling services.

The agreement is for Dr. Andrew Young to serve as a professional crisis intervention specialist for the Lubbock Police Department. Dr. Young has substantial skill and experience in crisis intervention dealing with victim services, stress management, police negotiations, and SWAT team activity. Services cover a wide variety of circumstances including death investigations, homicides, suicides, domestic disputes, sexual assaults, traffic fatalities, mentally ill persons, and kidnappings.

The term of the agreement is one year with the option to extend for up to three additional one-year terms. Fees for services are on an hourly basis as described on Exhibit B of the agreement and are commensurate with Dr. Young’s education and experience. The cumulative total of fees payable during the initial term of the agreement is limited to $20,000. The limit increases ten percent per successive contract year.

FISCAL IMPACT

Funds are available in the Adopted FY 2007-08 Police Department operating budget for Professional Services.

Staff recommended approval of this resolution.

5.24. Contract Resolution - Fire: Resolution No. 2008-R0154 authorizing the Mayor to execute a purchase order contract with Daco Fire Safety Equipment for one fire apparatus rescue vehicle.

The apparatus replaces a 1977 Seagraves Aerial modified by the Fire Department in 1997 to serve as a heavy rescue vehicle. The vehicle is at the end of its service life and ceases to meet the latest National Fire Protection Association (NFPA) standard 1901 for automotive fire apparatus.

The purchase is through the Houston-Galveston Area Council (H-GAC) purchasing cooperative. H-GAC is a regional planning commission established by the Acts of the 59th Legislature, Regular Session, 1965, recodified as Texas Local Government Code, Chapter 391. The H-GAC program was established pursuant to the Texas Interlocal Cooperation Act that allows governmental and qualifying non-profit entities to use the Act to obtain commonly needed products and services. H-GAC purchases conform to the requirements of Texas competitive bid statutes.

FISCAL IMPACT

The $152,074 match required for the $280,000 2007 Fire Act Grant is to be included in the FY 2008-09 Fire Department budget.
Staff recommended purchase order contract to DACO of Lubbock, Texas, in the amount of $432,074.

5.25. Resolution - City Attorney: Resolution No. 2008-R0155 authorizing the City Manager to execute an agreement with LexisNexis for online services for legal research.

LexisNexis provides Internet online up-to-date news, legal, and business information pursuant to a fixed monthly fee subscription agreement. Services include network capability providing fast research, ability to fax and e-mail directly from a personal computer, and report databases. The renewal agreement extends the existing subscription agreement 24 months.

FISCAL IMPACT

The $1,688 monthly subscription fee is appropriated in the Adopted FY 2007-08 City Attorney Operating Budget.

Staff recommended approval of this resolution.

5.26. Resolution - City Attorney: Resolution No. 2008-R0156 acknowledging and ratifying the retention of legal services concerning the City of Lubbock and city employees against ICON Benefit Administrators II, L.P., American Administrative Group (and including without limitation, the Parker Group, Inc., and affiliates thereof), which formerly served as the City's third party administrator for the City of Lubbock's Health Plan.

Legal services are required for the City of Lubbock and city employees against ICON Benefit Administrators II, L.P., American Administrative Group (and including without limitation, the Parker Group, Inc., and affiliates thereof), which formerly served as the city's third party administrator for the City of Lubbock's Health Plan. The City Council has been previously briefed with regard to the retention of counsel in executive session.

Resolution No. 2005-R0196 is the authority under which counsel are retained. This item acknowledges the retention of counsel for defense and subrogation.

FISCAL IMPACT

Staff recommended the approval and execution of this resolution to provide the City of Lubbock and city employees with proper legal services regarding the lawsuit.

Motion was made by Mayor Pro Tem Member Gilbreath seconded by Council Member Jones to approve items 5.2-5.17, 5.23-5.26 on consent agenda as recommended by staff, with items 5.18 and 5.19 pulled for discussion during Executive Session. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.
6. **REGULAR AGENDA** (continued)

Note: Regular Agenda items and Consent Agenda Items moved to Regular Agenda, are listed in the order they were addressed (5.20-5.22, 6.8, 6.1-6.6, 5.18, 5.19, and 6.10).

5.20. **Contract Amendment Resolution - Water Utilities**: Resolution No. 2008-R0157 authorizing the Mayor to execute Amendment No. 2 to an agreement with HDR Engineering for Professional Engineering services associated with the Downtown Water Line Replacement and Major Water Line Replacement (34th Street) capital improvement projects.

October 27, 2005, the City entered into an agreement with HDR Engineering for professional engineering services for the preliminary design of the Downtown Water Line and Major Water Line Replacement projects. The agreement was first amended on November 9, 2007, to include the final engineering phase.

Amendment No. 2 to the agreement provides engineering services for the resident project representative services and construction material testing associated with the major water line replacement construction along 33rd Street (Major Water Line Replacement CIP) and replacement of downtown water lines (Downtown Water System Replacement CIP).

The major water line project replaces an existing 16-inch water line that has reached the end of its useful life. The major water line being replaced starts at 19th Street and Avenue A, then south along Avenue A to 34th Street, then west along 34th Street to Quaker Avenue, then north along Quaker Avenue, and terminates at the Marsha Sharp Freeway. Staff discussed the proposed plans with the 34th Street Business Association to gather input and provide information related to the construction of a water line along 33rd Street.

The downtown water line project studies the existing downtown water supply system and designing the replacement of existing water lines of various sizes in the downtown area with attention given to the improvement of supply and pressure for fire protection. The project is limited to the area bordered by 4th Street on the north, 19th Street on the south, Avenue Q on the west, and Interstate 27. The Urban Design and Historic Preservation Commission approved the replacement of brick surface with asphalt along 16th Street.

The amendment adds $672,357 to the cost of the agreement bringing the not-to-exceed amount to $1,715,738.

**FISCAL IMPACT**

$10,972,319 is appropriated in Capital Improvement Project 90273, Major Water Line Replacement (34th Street) and $10,783,630 is appropriated in Capital Improvement Project 90274, Downtown Water System Replacement, with $1,715,738 available for this purpose.

Staff supports the recommendation of the Lubbock Water Advisory Committee and recommended approval.
Deputy City Manager Tom Adams gave comments and answered questions from Council.

Mayor Pro Tem Gilbreath asked question regarding the backup water lines in downtown, and whether or not the water lines would rundown 33rd Street versus 34th Street. Deputy City Manager Tom Adams addressed Mayor Pro Tem Gilbreath’s questions. Mayor Miller instructed that the minutes reflect that water lines would rundown 33rd Street and not 34th Street.

Motion was made by Council Member Price, and seconded by Council Member Leonard. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the dais.

5.21. Contract Resolution – Water Utilities : Resolution No. 2008-R0158 authorizing the Mayor to execute a unit price contract with Utility Contractors of America, Ltd., for the construction of pavement repair and compaction in a 98th Street and Quaker Avenue waterline easement, BID 08-707-DD.

The parking lot and curbing at United Supermarkets, 98th Street and Quaker Avenue, subsided in a City water line easement. The repairs require removal and replacement of approximately 1700 square feet of asphaltic pavement, 180 feet of curb and gutter, excavating material in existing trench measuring 170 feet by 8 feet wide by 12 feet deep, and adjacent sodded area between the parking lot and 98th Street. The project requires restoring irrigation sprinklers impacted by the repair work.

The following companies submitted proposals:

Utility Contractors of America of Wolfforth, TX $91,550
Deerwood Construction of Lubbock, TX $118,820

Time for completion is 70 days and liquidated damages are $1,000 per day.

FISCAL IMPACT

$6.7 million is appropriated in Capital Project 91081, 98th Street Compaction Repair, with $3,805,741 available. The contract is awarded based on unit price. The total amount of the award is estimated and actual expenditures may be more or less. The price per unit will not change.

Staff recommended contract award to the lowest bidder, Utility Contractors of America of Wolfforth, Texas, for $91,550.

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

Motion was made by Council Member Price and seconded by Council Member Jones. Motion carried: 5 Ayes, 0 Nays, with Council Member Leonard away from the dais and Mayor Pro Tem Gilbreath’s recusal.
5.22. **Lease Amendment Resolution - Radio Shop:** Resolution No. 2008-R0159 authorizing the Mayor to execute a First Amendment Land Use License with Pinnacle Towers, LLC, approving the amendment of a lease agreement for a radio tower location.

Pinnacle Towers leases a portion of land, from the City, to maintain a radio tower outside Southeast Loop 289 near the intersection of Southeast Drive and East 65th Street. The commencement date for the initial 10-year term of the lease was April 1, 1990, with one 10-year renewal term expiring March 31, 2010. Pinnacle Towers desires to amend the lease adding two terms of ten years each facilitating long-term operational planning.

**FISCAL IMPACT**

Revenue to Information Technology of $1,200 annually and space on the tower for radio communications.

Staff recommended approval of this resolution.

Mark Yearwood, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Price and seconded by Council Member Jones. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the dais.

6.8. **Resolution - Fire:** Resolution No. 2008-R0160 adopting the policy establishing the criteria for the naming of fire stations.

The Lubbock Street Naming Task Force recommended the policy establishing the criteria for naming of fire stations. Criteria includes a secondary fire station name honoring Lubbock fire fighters killed in the line of duty.

**FISCAL IMPACT**

Minimal cost for future signage will be funded as needed through the Adopted Fire Department Operating Budget.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass Resolution No. 2008-R0160 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the dais.

9:54 A.M. CITY COUNCIL RECESSSED

10:00 A.M. CITY COUNCIL RECONVENED

6. **REGULAR AGENDA** (continued)

6.1. **Public Hearing 10:00 A.M. - Planning:** Ordinance No. 2008-O0042, Zone Case No. 2255-P (6110 Frankford Avenue). Hold a public hearing to
consider request by Keith Potts for zoning change from GO to C-4 on Lot 1, Spur 327 Autoplex Addition.

Mayor Miller opened the public hearing at 10:00 a.m. No one appeared in favor or opposition of Zone Case No. 2255-P. Mayor Miller closed the hearing at 10:01 a.m.

Mr. Potts is the pioneer of the zoning process on the west side of Frankford Avenue south to 66th Street after the car dealership was approved on the corner of the Spur 327 and Frankford Avenue.

Adjacent land uses:
N – car dealership
S – used car dealership
E – residential east of Frankford Avenue
W – commercial

The request, with conditions, conform to the Comprehensive Land Use Plan since the original battle to buffer the neighborhood to the east with a row of Garden Office (GO) zoning has become moot as a result of the number of commercial zone cases to the south of the location that range from Commercial-2 (C-2) to Commercial-4 (C-4). “In the beginning” other than the lot owned by Mr. Potts, the concept of buffering with GO, as noted above, has been amended by a series of zone cases.

The staff recommendation is for the C-4 request to conform to the “strike list” that is common to most of Ordinance 9153 Permitted Uses (those uses are included in the large interior land area west of Frankford Avenue) on the land south of the car dealerships along Spur 327 and west of Frankford Avenue. As a reduction of the original 45 C-4 uses included within Ordinance 9153, Mr. Potts has reduced the number of proposed uses to 16 permitted C-4 uses and Commercial-3 (C-3) with a request that a condition eliminate of fast food restaurants and convenience stores. That request is the product of Mr. Potts visiting with homeowners east of Frankford Avenue. It is the opinion of staff that many of the proposed C-4 uses will not fit on the parcel anyway, and the chances of most of them being a viable user are remote.

The change in use of the building should have little impact on the thoroughfare system.

The Planning and Zoning Commission recommended the request with the qualification that the proposed “strikes” by Mr. Potts from the zone case used on property to the west as a model are acceptable to the neighbors and with the following conditions:

1. The C-4 zoning is limited to the permitted uses listed below:
   
   (1) Automobile and recreational vehicle sales and service (may include body and paint shop, as accessory use).
   
   (7) Barber and beauty shop supply dealer.
(8) Boat and boat trailer sales and service.
(11) Canvas goods shop, tents, and awnings (no manufacturing).
(13) Electrical equipment repairs.
(16) Garden center.
(19) Greenhouse and plant nursery.
(23) Job printing and lithographing.
(24) Laboratory, chemical, general analysis.
(28) Magazine agency.
(31) Nonprofit training centers with retail sales.
(33) Print shop.
(36) Rental store.
(39) Sign shops, limited to window lettering, painted wall signs, banners, and desk signs.
(40) Monument sales (display permitted outside the building).
(41) Utility trailer sales.
(44) Veterinary hospital (totally within a building).

2. All conditionally permitted C-3 uses with the exception of the exclusion of fast food establishments and convenience stores.

3. Any new business or businesses at the location are limited to the current configuration and number of curb returns on the entire parcel.

FISCAL IMPACT
No fiscal impact.

Staff recommended approval of the request with the proposed conditions.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2008-O0042 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

6.2. Public Hearing 10:00 A.M. - Planning: Ordinance No. 2008-O0043, Zone Case No. 2296-I (2505 and 2507 79th Street). Hold a public hearing to consider request by Michael Henthorn (for B & S Edwards Properties) for zoning change from R-1 and R-2 to C-2A (limited to commercial parking lot and offices) on Lots 23 and 24, Gatewood Addition.

Mayor Miller opened the public hearing at 10:00 a.m. No one appeared in favor or opposition of Zone Case No. 2296-I. Mayor Miller closed the hearing at 10:01 a.m.
The applicant owns and operates on lots facing University Avenue at 79th Street, the Kentucky Fried Chicken facility, and needs additional parking with the intention of building on one of the lots an office.

Adjacent land uses:
N – residential
S – Garden Office and residential
E – commercial
W – residential

The request is neutral with regard to the Comprehensive Land Use Plan in that commercial exists in the form of strip along University Avenue from Spur 327 to 82nd Street. The case is submitted as Commercial 2-A (C-2A) limited to parking and a professional office. Originally, staff visited with Mr. Henthorn about Garden Office (GO), which is the same as one of the lots to the south, but GO does not allow the parking. The C-2A is filed with strict limitation to parking for the restaurant and an office at some point in the future.

With regard to zoning policy, the project will be required to screen the south of Lot 24 by Code. In addition, a screening fence with a taper for visual access for 79th Street on the west boundary will be required.

The project should have little or no impact on traffic in the neighborhood since the lots are located immediately adjacent to University Avenue.

The Planning and Zoning Commission recommended the request with the following conditions:
1. The C-2A zoning shall be limited to parking (Lot 23) and a professional office (Lot 24).

2. When the parking lot is installed, regardless of the timing of the office construction, a screening fence shall be installed on the west side of both Lots 23 and 24 with a line of sight step down.

FISCAL IMPACT
No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2008-O0043 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

6.3. Public Hearing 10:00 A.M. - Planning: Ordinance No. 2008-O0044, Zone Case No. 2690-A (West Loop 289 to Iola Avenue between 24th Street and 26th Street). Hold a public hearing to consider request by Marvin Crossnoe (for Art Griffin dba AMMMK, LTD) for zoning change from
A-2 to C-3 and A-1 on 16.880 acres of unplatted land out of Section 44, Block AK.

Mayor Miller opened the public hearing at 10:00 a.m. No one appeared in favor or opposition of Zone Case No. 2690-A. Mayor Miller closed the hearing at 10:01 a.m.

The parcel of land has been the subject of many potential uses and a minimum of two zone cases. The applicant is requesting that the front portion be rezoned to a commercial district and that a strip along Iola Avenue remain zoned as Apartment-1 (A-1) to serve as a buffer district for the residential development to the west.

Adjacent land uses:
N – apartments
S – farm
E – Loop 289 with apartments to the east
W – single family residential

The proposal is not in concert with the current Comprehensive Land Use Plan, which illustrates “high density” apartments for this parcel as well as an approximate 600-foot dimension to the commercial 10-acre allotment at the corner of 34th Street and Loop 289. As a holding pattern, the fact that some, if not all, of the area noted as potential apartments may be requested for commercial adjacent to Loop 289, this case is not out of line with the original intent when the Plan was constructed. The farm to the south has yet to be proposed for any development, and has to propose land uses, buffering, and a street pattern at a future point. Leaving the “high density” strip designation along the access road will allow those discussions to occur with some level of integrity when the time comes.

Regarding zoning policy, the property develops according to the two zoning districts proposed. The 145-foot A-1 portion allows for the owner a small apartment, triplex, duplex, or single family construction as a diverse range of choices depending on the market. The portion zoned Commercial-3 (C-3) toward Loop 289 is approximately 1,030 feet.

The project should have no significant impact on the thoroughfare system. One adjacent owner was elated to have 26th Street extend to the service road of Loop 289.

The Planning and Zoning Commission recommended the request as submitted. The motion by the Planning and Zoning Commission included a minor Land Use Plan amendment and that statement is reflected in the ordinance.

FISCAL IMPACT

No fiscal impact.
Staff supports the case as submitted. Since the curb returns are a function of Texas Department of Transportation approval, no maximum number is proposed as a function of zoning.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2008-0044 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

6.4. Public Hearing 10:00 A.M. - Planning: Ordinance No. 20080045, Zone Case No. 3089-A (west of Frankford Avenue at 104th Street). Hold a public hearing to consider request by Michael Postar for zoning change from AM to C-4 Specific Use for a mini-warehouse on 6.08 acres of unplatted land out of Section 21, Block AK.

Mayor Miller opened the public hearing at 10:00 a.m. No one appeared in favor or opposition of Zone Case No. 3089-A. Mayor Miller closed the hearing at 10:01 a.m.

As in several “out of the way” or otherwise awkward parcels in Lubbock that have been zoned for storage facilities, the applicant is proposing the installation of a mini warehouse facility north of where 106th Street would be located west of Frankford Avenue. A South Plains Electric Cooperative (SPEC) major transmission substation is located at 106th Street and Frankford Avenue. The proposed use would wrap around the substation and buffer at least two sides of the substation.

Adjacent land uses:
N – school site under construction.
S – church, zoned as A-2 limited to church use, the parcel was owned and used by the church prior to annexation and the SPEC substation construction.
E – across Frankford is single family residential, a subdivision annexed in 1999.
W – yet to be developed portion of the Lakewood Subdivision. The owner of this parcel is the developer of the subdivision, Mr. Craft appeared at the Planning and Zoning Commission in favor of the request.

The three 10-acre tracts from 106th Street to 98th Street, west of Frankford Avenue, were originally designed on the east side of the Lakewood Subdivision:
• The corner tract can be commercial, it is owned and proposed for construction of a church.
• The second and third tracts (a portion of the south tract is subject to this request) were in contract with Lubbock Cooper Independent School District at one time as potential school tracts. The south tract was released and recently rezoned Apartment Medical (AM) with the hopes that a personal care center or rest home will utilize it. The school is under construction to the north.
As true commercial, the request does not meet the Comprehensive Land Use Plan. The case as recommended by the Planning and Zoning Commission includes a recommendation that, if City Council approves the ordinance, the change is preceded by a minor amendment to the Comprehensive Land Use Plan.

One neighbor to the east noted opposition related to Commercial-4 (C-4) because within Comprehensive Land Use Policy C-4 should be limited to major US or State Highways. The proposal for use of specific use in this request for a single use minimizes the impact of open C-4 and ties the case to the proposed mini warehouse use and a site plan. Second, he points out the lack of compliance with the Comprehensive Land Use Plan, which until amended, is correct. As noted above, the change to the plan is noted in the proposed ordinance.

The Planning and Zoning Commission agrees that the request is a legitimate proposal that justifies an amendment for the Comprehensive Land Use Plan. Following is the policy for mini-warehouse development in the current Zoning Code:

(25) Mini-warehouses in C-4. Subject to the following as minimum conditions:

a. Limited to single-story structures.

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

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

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

e. A 6-foot solid masonry fence, or the equivalent, shall be erected and permanently maintained adjacent to any residential zone.

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

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

The major zoning policy items "d", "e", and "f" may conflict with the proposal. While not now the case, item "d" will eventually be a fact after Phase II is constructed. Proposed conditions noted below will help alleviate the issue. Although "d" and "e" would seem to have a semi-mutually exclusive objective, such is the wording of the Code. Many of the older existing areas zoned for mini projects either skirt or do not meet one or several of the guidelines. Several recent cases that have taken odd shaped, tracts of land or areas adjacent to thoroughfares, with parcels too deep for traditional
commercial are listed to show that better designed facilities reduce the impact of C-4 zoning (4th Street west of Frankford Avenue, 50th Street west of Utica Avenue, 50th Street west of Indiana Avenue, 50th Street west of Elgin Avenue, 82nd Street east of University Avenue).

The applicant presented a building elevation of the front, which is a brick and stucco mixture with wrought iron gates that have an electronic entry code. The entire property has security cameras. The materials on the west (until Phase II is installed), south and north will be the typical metal “R” panels used in mini warehouse construction. The west boundary is the only boundary that abuts an R-1 zone. A Planning and Zoning Commission and staff recommendation will address that requirement. As for part “f”, there is little construction in the area to create the “comparable” test. The church is recently constructed, and the group homes or medical offices to the north are yet to be constructed. No homes to the west have yet to be constructed, the subdivision is exclusively brick to this point.

With consideration of the comments from the adjacent property owners, staff suggested the parcel is made awkward with the presence of the power station, and the proposed mini warehouse project wrapping around two sides is an asset to the parcel. Commercial across Frankford Avenue from the residential is not a real asset on those sides. As in the AM request, Mr. Cantrell was not at the meeting to provide an opinion of the AM zone change request versus the original proposed elementary school presence. The Planning and Zoning Commission seemed in agreement that the mini warehouse project generates less traffic congestion than a second school. The Planning and Zoning Commission recommended approval of the request subject to the following conditions:

1. The project will be tied to the site plan with amendments as follows:
   • The first phase west fence may be metal panels.
   • The second phase shall be completed prior to 2015, or the new wall and landscape area noted on the site plat shall be installed at the same time the homes are constructed to the west.
   • The second phase west fence shall be a material that meets the definition of “masonry”. The 20-feet of setback shall be from the property line.
   • When Phase II is constructed, in conjunction with the masonry wall the setback of the wall from the property line shall be 20-feet and that area shall be landscaped as a buffer for the residential to the west.
   • The front adjacent to Frankford Avenue shall be designed to meet minimum setback from the front property line. In addition, the area adjacent to Frankford Avenue shall have a minimum of 5% landscape for the portion of the tract that abuts Frankford Avenue (200 feet by 263 feet with a total of 52,600 feet. The minimum landscape shall be 2,630 square feet), excluding the parkway (the dirt portion of the right-of-way), which is required to be landscaped per the Zoning Code.
2. The project shall be tied to the proposed building elevation facing toward Frankford Avenue and the remainder of the site plan submitted.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

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

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2008-O0045 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was away from the Dais.

6.5. Public Hearing 10:00 A.M. - Planning: Ordinance No. 2008-O0046, Zone Case No. 3106 (east of University Avenue and north of 109th Street). Hold a public hearing to consider request by David Neufeld for zoning change from T to C-4 Specific use for recreational vehicle storage and boat storage and C-4 limited to trailer sales and all unconditionally permitted C-3 uses on 6 acres of unplatted land out of Section 10, Block E.

Mayor Miller opened the public hearing at 10:00 a. m. No one appeared in favor or opposition of Zone Case No. 3106. Mayor Miller closed the hearing at 10:01 a.m.

The applicant owns part of the property and is seeking to purchase an adjacent parcel. Without a viable use, the applicant will not purchase the adjacent property. The area along University Avenue is lined with uses, including the area to the east, that were in existence prior to being annexed. Few if any of the uses comply with various City codes. The applicant's proposal is to construct a covered structure for boats and recreational vehicles at the rear of the lots and to have on the front portion one Commercial-4 (C-4) use (sales of utility trailers) and all permitted Commercial-3 (C-3) uses.

Adjacent land use:

N – a residence and either a former or active dog kennel
S – commercial
E – commercial
W – across University Avenue, a new residential subdivision

The request is not consistent with the Comprehensive Land Use Plan, which promotes commercial development at the intersections of major thoroughfares or on State or US designated highways (Slide Road is FM 1730 and locally named University Avenue). As noted in many previous zone cases, particularly in areas developed prior to annexation, current policy cannot change the manner of non-conforming land uses, or at least not in the foreseeable future since the business locations are non-conforming, as long as they continue use. The portion of Slide Road to 114th Street and points south...
are developed primarily as haphazard individual commercial uses. In addition, in a recent zone case based on the mitigating factor caused by the large lake west of University Avenue and south of 98th Street to about 105th Street, a C-4 with limitations request was approved for strip commercial from 98th Street to 106th Street (the half section line) on the east side of University Avenue. As recommended by the Planning and Zoning Commission, the motion and ordinance reflects that the case is recommended along with a minor amendment to the Comprehensive Land Use Plan.

The advocate has a rudimentary plan. The applicant has been asked to improve the sketch for the City Council meeting.

Slide Road is a Farm to Market, and meets the Comprehensive Land Use Plan reference to C-4 being placed on State or Federal highways. The request is not in compliance with the plan requirement that commercial be limited to thoroughfare intersections. The applicant tempered the request by allowing on the front only one C-4 use. The storage facility is located on the east portions of the lots and will be tied to a site plan. Otherwise, the request is to permit C-3 uses.

Staff and the Planning and Zoning Commission recommended the case with the following conditions:

1. The land area is zoned C-4 Specific Use for recreational vehicle and boat storage facility on the east 215 feet and all permitted C-3 uses.
2. The tract shall be limited to two curb returns to University Avenue. Concurrently, University Avenue is strip paved with no curb and gutter.
3. The west 313 feet (toward University Avenue) is zoned C-4 limited to utility trailer sales and all C-3 permitted uses.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of the request with the conditions as proposed.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2008-O0046 as recommended by staff. Mayor Pro Tem Gilbreath addressed that there was no rudimentary sketch in the backup. Randy Henson, Planning and Zoning, display sketch submitted. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

6.6. **Public Hearing 10:00 A.M. - Planning: Ordinance No. 2008-O0047, Zone Case No. 3107 (3808 Quaker Avenue).** Hold a public hearing to consider request by Celia Pruitt for zoning change from R-1 to A-2 limited to child care on Lot 2 and the west 85 feet of Lot 1, Block 15, College Heights Addition.
Mayor Miller opened the public hearing at 10:00 a.m. No one appeared in favor or opposition of Zone Case No. 3106. Mayor Miller closed the hearing at 10:01 a.m.

The applicant is proposing to reconstruct a day care center that for many years was located on the parcel of land, before being destroyed in a fire several years ago. The applicant lost the non-conforming status enjoyed before the fire.

Adjacent land Uses:
N – a church and residential
S - residential
E – Quaker Avenue and medium density residential
W – multifamily residential across Quaker Avenue

Since 1968, the former church was used as a day care center. The structure was put in place when a church was a permitted use in Residential-1 (R-1). Churches and daycare have since been placed in the Apartment-2 (A-2) district, which is the first district that allows them as “permitted uses”. The applicant is asking that this A-2 be limited to daycare, with none of the apartment uses normally allowed in A-2.

As a buffer district on the edge of a thoroughfare, the request is consistent with the guidelines of the Comprehensive Land Use Plan. Also, the structure that burned was in place since the late 1950s or early 1960s. There are no zoning issues with the request other than compliance with the current standards.

There should be little or no impact on the thoroughfare system with Quaker Avenue immediately to the east.

The Planning and Zoning Commission recommended approval of the request with the following condition:
1. The zoning will be A-2 limited to daycare or church and church related uses only.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2008-O0047 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

5.18. **Ordinance 2nd Reading - Water Utilities** : Ordinance No. 2008-O0038
Consider an ordinance amending Chapter 2 of the Code of Ordinances of the City of Lubbock, Texas, by adding Sections 2-570 through 2-585, inclusive, establishing the Lake Alan Henry Board of Appeals ("Board"); providing for the appointment, qualifications, terms, vacancies, and
removal of the members of the Board; providing for the procedures for, and appeals from, the Board; providing and adopting regulations for Lake Alan Henry and easements in favor of the City of Lubbock, Texas, adjoining Lake Alan Henry ("Easements") regarding structures and facilities and erosion control; providing for legal nonconforming status of certain structures and facilities within the Easements upon the conditions prescribed; providing a savings clause; providing a penalty clause; and providing for publication.

This item was tabled, and was addressed later following Executive Session.

5.19. Settlement Agreement Resolution - Water Utilities: Resolution No. 2008-R0161 (i) authorizing the Mayor to execute for and on behalf of the City of Lubbock, that certain Compromise Settlement Agreement, Cause No. 07-05-06194, North Ridge Homeowners Association, et al. v. City of Lubbock, in the 106th Judicial District Court of Garza County, Texas, compromising and settling the captioned cause related to the construction and maintenance of structures and facilities within Lake Alan Henry and easements in favor of the City adjoining Lake Alan Henry; and (ii) rescinding in its entirety Resolution No. 2008-R0137.

This item was tabled, and was addressed later following Executive Session.

2. EXECUTIVE SESSION

Mayor Miller stated: “City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation; the purchase, exchange, lease, or value of real property; personnel matters; competitive matters of the public power utility, and purchase of equipment pertaining to bioterrorism preparedness, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law.”

10:32 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room

All council members were present, except Council Member Leonard.

2.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney. (Finance, Police, Right-of-Way, Stormwater)

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. (Water Utilities)
2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.

2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):

2.4.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light

2.4.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light

2.4.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.

2.5. Hold an executive session in accordance with V.T.C.A. Government Code 551.074(a)(1) to discuss personal matters regarding duties, responsibilities, and/or appointments to the Junked Vehicles Compliance Board, Structural Standards Commission, and the Water Board of Appeals.

2.6 Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.0785, to discuss records or information from the records of an individual applicant for a benefit from the City’s self-funded health plan (Risk Management).

11:25 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

Present: Mayor David A. Miller; Mayor Pro Tem Jim Gilbreath; Council Member Linda DeLeon; Council Member Phyllis Jones; Council Member Todd R. Klein; Council Member Floyd Price; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: Council Member John Leonard

Mayor Miller reconvened the meeting at 11:25 A.M.

6. REGULAR AGENDA (continued)

Note: Regular Agenda items & Consent Agenda items moved to Regular Agenda are listed in the order they were addressed (5.18, 5.19, and 6.10).
5.18. Ordinance 2nd Reading - Water Utilities: Ordinance No. 2008-O0038
Consider an ordinance amending Chapter 2 of the Code of Ordinances of the City of Lubbock, Texas, by adding Sections 2-570 through 2-585, inclusive, establishing the Lake Alan Henry Board of Appeals ("Board"); providing for the appointment, qualifications, terms, vacancies, and removal of the members of the Board; providing for the procedures for, and appeals from, the Board; providing and adopting regulations for Lake Alan Henry and easements in favor of the City of Lubbock, Texas, adjoining Lake Alan Henry ("Easements") regarding structures and facilities and erosion control; providing for legal nonconforming status of certain structures and facilities within the Easements upon the conditions prescribed; providing a savings clause; providing a penalty clause; and providing for publication.

On April 10, 2008, City Council approved first reading of the ordinance amending Chapter 2 of the Code of Ordinances by adding Sections 2-570 through 2-585 establishing the Lake Alan Henry Board of Appeals.

A copy of the ordinance will be provided at the dais.

FISCAL IMPACT
No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

Motion made by Council Member Price, seconded by Council Member DeLeon to pass this ordinance. Anita Burgess advised Council that further discussion of items 5.18 & 5.19 was necessary during Executive Session. Mayor Miller offered to entertain a motion to table the vote until after Executive Session. Motion was made by Council Member DeLeon and seconded by Council Member Jones to table vote until after Executive Session. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dias.

Anita Burgess, Dr. Gary Pollock, and Neville Manning made presentation to Council following the Public Hearings and prior to Executive Session.

Following Executive Session, a motion by Mayor Pro Tem Gilbreath and seconded by Council Member Price was made to take items 5.18 & 5.19 off the table. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

Motion was made by Council member Jones to pass Ordinance No. 2008-O0038, amending Chapter 2 of the Code of Ordinances, and Resolution No. 2008-R0161 regarding a Lake Alan Henry settlement agreement, with the stipulation that items 5.18 & 5.19 are approved subject to ninety percent of the owners and shoreline affected by the Restrictive Easement and Flood Easements, and including the owners in Sections 11, 12 and 20, joining in item 5.19 on or before May 8th, 2008 and further directing City staff to enter into good faith negotiations with the owner of Section 20 regarding the breadth and sufficiency of the Flood Easement located thereon and to bring a
proposal, if appropriate, to City Council to reduce the size of the Flood Easement to elevation 2245’ above mean sea level consistent with the City’s Flood Easement downstream of such lands. Motion was seconded by Mayor Pro Tem Gilbreath. Motion carried: 6 Ayes, 0 Nays with Council Member Leonard away from the Dais.

5.19. **Settlement Agreement Resolution - Water Utilities** : Resolution No. 2008-R0161 (i) authorizing the Mayor to execute for and on behalf of the City of Lubbock, that certain Compromise Settlement Agreement, Cause No. 07-05-06194, North Ridge Homeowners Association, et al. v. City of Lubbock, in the 106th Judicial District Court of Garza County, Texas, compromising and settling the captioned cause related to the construction and maintenance of structures and facilities within Lake Alan Henry and easements in favor of the City adjoining Lake Alan Henry; and (ii) rescinding in its entirety Resolution No. 2008-R0137.

The Compromise Settlement Agreement is related to the construction and maintenance of structures and facilities within Lake Alan Henry and easements adjoining Lake Alan Henry.

A copy of the settlement agreement will be provided at the dais.

**FISCAL IMPACT**

Creation of one staff position, with an annual salary of approximately $40,000, to monitor compliance with regulations, to review and process permits, to work closely with the Board, to monitor construction for compliance with permits, to assist home owners with erosion control plans and ideas, and to help with the development of erosion control regulations to protect the slopes and easements around Lake Alan Henry. At a future City Council meeting, staff will bring forward a budget amendment authorizing the new position, funded through the Lake Alan Henry fund.

Staff recommended approval of this resolution.

Motion made by Council Member Price, seconded by Council Member DeLeon to pass this resolution. Anita Burgess advised Council that further discussion of items 5.18 & 5.19 was necessary during Executive Session. Mayor Miller offered to entertain a motion to table the vote until after Executive Session. Motion was made by Council Member DeLeon and seconded by Council Member Jones to table vote until after Executive Session. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

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6.10. Board Appointments - City Secretary: Consider one new appointment and one reappointment to the Junked Vehicles Board, one new appointment to the Structural Standards Commission, one new appointment and one reappointment to the Water Board of Appeals, one appointment to the Animal Shelter Advisory Committee, two reappointments to the Audit & Investment Committee, one appointment to the Keep Lubbock Beautiful Advisory Committee, and one reappointment and four new appointments to the Park and Recreation Board.

Motion was made by Council Member DeLeon, seconded by Council Member Price to reappoint Mr. Dan Hale and appoint Ms. Nickie Gonzalez to the **Junked Vehicles Board**. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint Ms. Jodie Heilman to the **Structural Standards Commission**. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to appoint Mr. Wayne Jumper to the **Animal Shelter Advisory Committee**. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint Mr. Richard Griffith and Ms. Kimberly Turner to the **Audit & Investment Committee**. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to appoint Ms. Maria Arciniega to the **Keep Lubbock Beautiful Advisory Committee**. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.
Motion was made by Council Member DeLeon, seconded by Council Member Price to reappoint Mr. Alex McAdoo, and appoint Mr. Tommy Combs, Mr. Robert Narvaiz, and Ms. Cindy Harper to the Park and Recreation Board. Motion carried: 6 Ayes, 0 Nays, with Council Member Leonard away from the Dais.

One new appointment and one reappointment to the Water Board of Appeals. This item was deleted.

7. WORK SESSION

7.1. Presentation by Jenn Mason, Coordinator for the VOICES Coalition, concerning underage drinking and youth substance abuse. (25 minutes)

Presentation and video by Sarah Miller, for Jenn Mason, Prevention Specialist for the VOICES Coalition, concerning underage drinking and youth substance abuse. (25 minutes)

7.2. Presentation by Elizabeth Regner, Executive Director of the Lubbock Arts Alliance, concerning the Cultural District Designation. (30 minutes)

Presentation by Elizabeth Regner, Executive Director of the Lubbock Arts Alliance, and Jim Bob McMillian, Deputy Director for the Texas Commission of the Arts, concerning the Cultural District Designation. Mayor Miller will present a Resolution during May 8th’s Council Meeting designating the Cultural District in Lubbock, Texas. (30 minutes)

12:05 P. M. Council recessed to Executive Session

2:20 P. M. COUNCIL ADJOURNED

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