The City Council of the City of Lubbock, Texas met in regular session on the 8th day of May, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:32 A.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

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

Absent: Council Member Linda DeLeon

1. CITIZEN COMMENTS
   1.1 Cliff Burnett spoke to council about unpaid vs. paid tickets from the red light camera program.

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; and competitive matters of the public power utility, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law.”

7:35 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room

   All council members were present.

   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, Water Utilities)

   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.

2.6. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Water Board of Appeals and to the Lake Alan Henry Board of Appeals.

9:36 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Larry Brooks, Community Baptist Church

3.2. Pledge of Allegiance

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

3.3. Presentation of a special recognition to designate May 2008 as Elder Abuse Awareness Month.

Mayor Miller presented special recognition to designate May 2008 as Elder Abuse Awareness Month. Betsy Ward, Community Initiative Specialist for Adult Protective Services was present to accept the recognition.

3.4. Presentation of a special recognition to the City of Lubbock Water Engineering Department for its Bailey County Water Main testing project.

Mayor Miller presented special recognition to the City of Lubbock Water Engineering Department for its Bailey County Water Main testing project. Wood Franklin, Chief Engineer for Water Utilities was present to accept special recognition.

3.5. Board Recognitions:

Junked Vehicle Compliance Board

Ms. Nickie Gonzales (unable to attend)
4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, April 10, 2008

Motion was made by Council Member Price, seconded by Council Member Jones to approve the minutes of the Regular City Council Meeting, April 10, 2008 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member DeLeon absent.

5. CONSENT AGENDA (Items 5.3-5.6, 5.9-5.18, & 5.21-5.22)

Motion was made by Council Member Price, seconded by Council Member Jones to approve Items 5.3-5.6, 5.9-5.18, & 5.21-5.22 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member DeLeon absent.

5.1 This item was moved from consent agenda to regular agenda and considered following item 5.22.

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

5.3. Contract Resolution – Parks and Recreation: Resolution No. 2008-R0162 authorizing the Mayor to execute a contract with ARAMARK Educational Services, Inc., for the Senior Meal Program at Senior Citizen Centers, BID 08-023-MA.

The Senior Meal Program provides 45,000 hot lunches annually to Lubbock senior citizens. Meals are served at five locations five days each week. This program provides one-third of the recommended daily nutrition allowance for seniors age 60 or older.

Monetary donations are accepted from senior citizens who use the meal services, but no one is turned away if they are unable to pay or cannot pay the
full recommended amount. The recommended donation is two dollars per meal for those citizens age 60 or older. Those under age 60 are asked to pay four dollars. The cost for each meal is increasing from three dollars to five dollars. Suggested donation amounts will increase accordingly to three dollars per meal for citizens age 60 or older. Those under age 60 will be asked to pay five dollars per meal.

The following companies submitted bids:

ARAMARK Educational Services of Lubbock, TX $5.00 per meal
YWCA of Lubbock of Lubbock, TX $6.48 per meal

Seventy local companies were notified of the invitation to bid and two responded.

**FISCAL IMPACT**

Funding is appropriated in Grant 84012, Program for Aging Senior Citizen Catering Project. $118,196 is available from the SPAG grant and $70,103 from senior donations as program revenue. An additional $36,701 is available from previous program income, making the total program $225,000.

The contract is awarded by unit price. The total amount of the award is estimated based on estimated quantities, and actual expenditures may be more or less depending on actual needs.

Staff recommends contract award to the lowest bidder, ARAMARK Educational Services $225,000.

5.4. **Resolution - Cultural Arts:** Resolution No. 2008-R0163 supporting the Lubbock Arts Alliance's application to the Texas Commission on the Arts For Cultural District designation.

The Lubbock Arts Alliance (LAA) represents artists and arts organization working in partnership as an Arts Council with Board Representation from the Underwood Center for the Arts, Supporters of Fine Arts, Ballet Lubbock, ClayGuild, Lubbock Independent School District, Texas Tech University, Lubbock Symphony Orchestra, and Lubbock Community Theatre. LAA is seeking a Cultural District Designation from the Texas Commission on the Arts (TCA) for a district anchored on the north by the Underwood Center for the Arts and the Lubbock Civic Center, on the east by the Wells Fargo Amphitheatre and the American Wind Power Center, on the south by the Buddy Holly Center and the Depot District, and on the west by Texas Tech and the Municipal Auditorium and Coliseum.

A Cultural District could enhance economic development, spurs public investment, complements public and private redevelopment efforts, creates interest inside and outside the community, and provides a unified vision for the arts, culture, and entertainment in Lubbock. The resolution supports LAA's application for Cultural District Designation from TCA.

A cultural district is a well-recognized, labeled, mixed-use area of a community in which a high concentration of cultural facilities serves as the
anchor of attraction. The benefits offered to designated cultural districts include historic tax credits for rehabilitation of historic structures or incentives creating live/work space for cultural enterprise, space for cultural programs and activity, and access to financial assistance programs from state agencies and other funding partners.

The cultural district for Lubbock will be the state’s mid-size city model.

The Lubbock Arts Alliance endeavor is supported by the following entities:

Lubbock Chamber of Commerce
Lubbock Economic Development Alliance
Lubbock County
Texas Tech University, College of Visual & Performing Arts

The designation is included in the City of Lubbock’s Downtown Revitalization Action Plan.

Financial support is provided by the following:

   CH Foundation
   Lubbock Area Foundation
   Texas Commission on the Arts
   National Endowment for the Arts

FISCAL IMPACT

No fiscal impact.

Staff recommends approval of this resolution.

5.5. Resolution - Community Development: Resolution No. 2008-R0164 approving the price and conditions of sale by the Urban Renewal Agency to Charles E. Key, dba Key Construction Company, for vacant lots at 2803, 2805, and 2807 Hickory Avenue, designated as Parcels 157600-24-60, 157600-24-70, and 157600-24-80 being legally described as Lots 6, 7, and 8, Block 24, Coronado Addition to the City of Lubbock, Lubbock County, Texas.

This resolution authorizes the routine sale of three residential irregular shaped vacant lots by the Urban Renewal Agency to Charles E. Key, dba Key Construction Company, for $400 each. A 1,250 square-foot single family residence will be built on the property. The property is in a Federal Emergency Management Agency 100-year flood plan. Flood insurance is a mandatory Federally regulated loan requirement. The buyer is fully aware of requirements and the lots are zoned for residential development.

On May 8, 2008, the Urban Renewal Board of Commissioners approved the proposed sale.

FISCAL IMPACT

The property will be taxable and the mowing will no longer be the City's responsibility.
Staff recommends approval of this resolution.

5.6. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2008-O0048 abandoning and closing a 25-foot utility and public access easement located in Block D-6, Section 1, Lubbock County, Texas, easement located at 7328 19th Street.

The ordinance abandons and closes a 25-foot utility and access easement located in Block D-6, Section 1, west of Upland Avenue and north of 19th Street. The closure is due to new development and a re-plat of the area. Utility companies are in agreement with the easement closure.

FISCAL IMPACT
No fiscal impact.

Staff recommends approval of the first reading of this ordinance.

5.7 This item was moved from consent agenda to regular agenda and considered following Item 5.2.

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

5.9. Contract Resolution - Street Maintenance: Resolution No. 2008-R0165 authorizing the Mayor to execute an agreement with Bee Equipment Sales, Ltd., to lease an asphalt paver.

The asphalt paver is used to repave streets during June, July and August. Leasing an asphalt paver saves $150,000 to $200,000 equipment purchase cost and avoids costly mechanical repairs prevalent with this type of equipment. The equipment is used during peak paving periods without year around maintenance expense. Only one company submitted a bid for the equipment lease.

FISCAL IMPACT
$12.6 million is appropriated in Capital Improvement Project 92125, Street Maintenance Program, with $27,000 available for this purpose.

Staff recommends contract award to the only bidder, Bee Equipment Sales of Lubbock, Texas, for $27,000.

5.10. Contract Resolution - Solid Waste: Resolution No. 2008-R0166 authorizing the Mayor to execute a unit price contract with TTI Environmental Laboratories for analyses of aqueous samples of groundwater from City landfills, BID 08-032-MA.

Analyses of aqueous samples are required to maintain Texas Commission on Environmental Quality (TCEQ) regulatory compliance. At the Caliche Canyon Landfill and the West Texas Regional Disposal Facility, TCEQ requires annual groundwater sampling, semi-annual leachate sampling, and quarterly storm water runoff sampling. Transfer station wash water at the Caliche Canyon Landfill is sampled semi-annually.
Beginning July 2008, the TCEQ requires municipal solid waste landfills to use a laboratory certified by the National Environmental Laboratory Accreditation Program (NELAP). The contract establishes annual pricing with a NELAP certified laboratory.

The following companies submitted bids:

- TTI Environmental Laboratories of Arlington, TX $29,490
- Test American of Corpus Christi, TX $29,511
- Ana-Lab Corporation of Keller, TX $47,799
- Trace Analysis of Lubbock, TX $52,987

FISCAL IMPACT

The annual cost for the compliance monitoring is an estimated $29,490 and is available in the Adopted FY 2007-08 Solid Waste Operating Budget.

The contract is awarded by unit price. The total amount of the award is estimated based on estimated quantities, and actual expenditures may be more or less depending on actual needs.

Staff recommends contract award to the lowest bidder, TTI Environmental Laboratories of Arlington, Texas, for $29,490.

5.11. Contract Resolution - Airport: Resolution No. 2008-R0167 authorizing the Mayor to execute a unit price contract with Allen Butler Construction for entrance road and signage improvements at Lubbock Preston Smith International Airport, BID 08-713-DD.

The contract involves repairing the Lubbock Preston Smith International Airport terminal building entrance road, replacing entrance road and other signage, reconstructing long term and covered parking entry lanes, and repairing the freight road and taxi stand road.

The following contractors submitted bids:

- Allen Butler Construction of Ransom Canyon, Texas $3,850,419
- Duininck Bros of Roanoke, Texas $4,102,966
- Granite Construction Company of Watsonville, California $4,571,304

FISCAL IMPACT

$5,633,370 is appropriated in Capital Improvement Project 91109, Roadway and Signage Improvements Project, with $3,850,419 available for this purpose.

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

Staff recommends contract award to Allen Butler Construction of Ransom Canyon, Texas, for $3,850,419.
5.12. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0042 Zone Case No. 2255-P (6110 Frankford Avenue) Consider a request by Keith Potts for zoning change from GO to C-4 on Lot 1, Spur 327 Autoplex Addition.

On April 24, 2008, City Council approved the first reading of the ordinance. 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, conforms to the Comprehensive Land Use Plan. 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, and therefore the request conforms to the Comprehensive Land Use Plan.

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 recommends the request with the qualification that the neighbors accept Mr. Pott's proposed “strikes” from the zone case used on property to the west as a model and recommends the request 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 recommends approval of the request with the proposed conditions.

5.13. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0043 Zone Case No. 2296-I (2505 and 2507 79th Street) Consider a 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.

On April 24, 2008, City Council approved the first reading of the ordinance. The applicant owns and operates the Kentucky Fried Chicken facility on lots facing University Avenue at 79th Street, and needs additional parking with the intention of building an office on one of the lots.

Adjacent land uses:
N – residential
S – Garden Office and residential
E – commercial
The request is neutral with regard to the Comprehensive Land Use Plan in that commercial exists in the form of a 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 recommends 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.

5.14. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0044 Zone Case No. 2690-A (West Loop 289 to Iola Avenue between 24th Street and 26th Street) Consider a 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.

On April 24, 2008, City Council approved the first reading of the ordinance. 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 at a point in the future has to propose land uses, buffering, and a street pattern. 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 recommends 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.

5.15. **Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0045 Zone Case No. 3089-A (west of Frankford Avenue at 104th Street) Consider a 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.**

On April 24, 2008, City Council approved the first reading of the ordinance. 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 Lane 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 conditions "d", "e", and "f" may conflict with the proposal. While not now the case, condition "d" will eventually occur 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 condition "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 recommends 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.

5.16. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0046 Zone Case No. 3106 (east of University Avenue and north of 109th Street)

Consider a 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.

On April 24, 2008, City Council approved the first reading of the ordinance. 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.

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 recommend 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 recommends approval of the request with the conditions as proposed.
5.17. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0047 Zone Case No. 3107 (3808 Quaker Avenue) Consider a 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.

On April 24, 2008, City Council approved the first reading of the ordinance. The applicant is proposing to reconstruct a day care center that was located on the parcel of land for many years. The center was destroyed in a fire several years ago, and the applicant lost the non-conforming status that was in place 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 constructed when a church was a permitted use in Residential-1 (R-1). Subsequently, churches and day care were placed in the Apartment-2 (A-2) district, which is the first district allowing them as “permitted uses”. The applicant is requesting the zoning change to the A-2 be limited to child care, and exclude 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. 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 recommends approval of the request with the following condition:

1. The zoning will be A-2 limited to day care or church and church related uses only.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

5.18. Grant Resolution - Police: Resolution No. 2008-R0168 authorizing the Mayor to execute a grant agreement with the Texas Department of Transportation for the Click It or Ticket Selective Traffic Enforcement Program.

The Click It or Ticket Selective Traffic Enforcement Program utilizes off duty Police Department personnel, working on overtime to enforce non-compliance of seatbelt and child restraint laws. With City Council approval, the enforcement program will begin May 19, 2008.
FISCAL IMPACT

The $19,878 overtime cost is 100% grant funded. The grant period will run from May 19, 2008, to June 1, 2008.

The Police Department recommends the approval of this resolution approving the Click It or Ticket Selective Traffic Enforcement Program project grant.

5.19 This item was moved from consent agenda to regular agenda and considered following Item 5.8.

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

5.21. Resolution - Water Utilities: Resolution No. 2008-R0169 finding and resolving that all conditions precedent to validity and effectiveness of that certain Resolution No. 2008-R0161 and Ordinance No. 2008-O0038, regarding the settlement of Cause No. 07-05-06194, styled North Ridge Homeowners Association, et al. v. City of Lubbock, regarding or related to activities permitted and prohibited in the flood easement and restrictive easement and lands in or near Lake Alan Henry have occurred and rescinding Resolution No. 2008-R0137.

City Council conditionally adopted Resolution No. 2008-R0137 (the "Prior Resolution") at its April 10, 2008, meeting. Pursuant to Resolution No. 2008-R0161 (the "Current Resolution"), City Council rescinded the Prior Resolution at its April 24, 2008, meeting. The Current Resolution contained certain conditions precedent to effectiveness, as particularly set forth in the Current Resolution. The adoption of Ordinance No. 2008-O0038 (the "Ordinance"), at the April 24, 2008, City Council Meeting was likewise subject to such conditions precedent to effectiveness. The conditions precedent to the effectiveness of the Current Resolution and the Ordinance have occurred.

This resolution finds that all conditions precedent to validity and effectiveness of the Current Resolution and the Ordinance, regarding the settlement of Cause No. 07-05-06194, styled North Ridge Homeowners Association, et al. v. City of Lubbock, regarding or related to activities permitted and prohibited in the flood easement and restrictive easement and lands in or near Lake Alan Henry have occurred and rescinds the Prior Resolution.

FISCAL IMPACT

$60,000/year

Staff recommends approval of this resolution.

5.22. Resolution - Water Utilities: Resolution No. 2008-R0170 authorizing the Mayor to execute a Partial Release of Restrictive Easement, by and between the City of Lubbock, Texas and Odie A. Hood and wife, Joan C. Hood, releasing a portion of that certain easement owned by the City located in Section 20, Block 6, H.&G.N. R.R. Co. Survey, Garza County, Texas, as more particularly described therein.
The Partial Release of Restrictive Easement with Odie A. Hood and wife, Joan C. Hood, releases a portion of easement owned by the City and located in Section 20, Block 6, H.&G.N. R.R. Co. Survey, Garza County, Texas.

FISCAL IMPACT
No fiscal impact.
Staff recommends approval of this resolution.

6. REGULAR AGENDA
Note: Regular Agenda items and Consent Agenda items moved to Regular Agenda are listed in the order they were addressed (5.1, 5.2, 5.7, 5.8, 5.19, 5.20, 6.1, 6.2).

5.1. Master Lease Program Resolution - Finance: Resolution No. 2008-R0171 approving equipment to be purchased as part of the Master Lease Program for FY 2007-08.
The Master Lease Program amortizes the purchase of equipment and vehicles at a favorable interest rate. The purchase of the equipment and vehicles will be included in the FY 2008-09 Operating Budget. The resolution adds the list of equipment (Exhibit A) to the Master Lease Program for FY 2007-08. The equipment and vehicles on Exhibit A are for the Police Department and the Fire Department

FISCAL IMPACT
Lease payments will be included in the FY 2008-09 Operating Budget.
Staff recommends approval of this resolution.
Jeff Yates, Chief Financial Officer and Fire Chief Rhey Cooper gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to approve Resolution No. 2008-R0171 as recommended by staff. Motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

5.2. Contract Resolutions - Parks and Recreation: Resolution No. 2008-R0172; Resolution No. 2008-R0173; Resolution No. 2008-R0174 authorizing the Mayor to execute contracts for pesticides and herbicides to be applied to parks, street medians, and City facilities, BID 08-033-FO.
The contracts are for the purchase of pesticides and herbicides, applied by the Parks Maintenance Department to parks, street medians, and City facilities. The Purchasing Department received bids from four companies.
The $56,032 bid from Estes of Lubbock, Texas, for items 1, 2, 5, and 12 on the bid tabulation is within 5% ($1,288 or 2.4%) of the $54,744 low bid from BWI Companies of Carrollton, Texas.
Pursuant to Texas Local Government Code 271.905(b), in purchasing real property or personal property not affixed to real property, if the municipality receives one or more bids from a bidder whose principal place of business is
in the municipality and whose bid is within 5% of the lowest bid price received by the municipality from a non-resident bidder of the municipality, the municipality may enter into a contract with:

(1) the low bidder; or

(2) the bidder whose principal place of business is in the municipality if the governing body determines, in writing, the local bidder offers the municipality the best combination of contract price and additional economic development opportunities for the municipality created by the contract award, including the employment of residents of the municipality and increased tax revenues.

City Council has the authority to award the bid for Items 1, 2, 5, and 12 to the local bidder “if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues.” To facilitate the determination, a completed and signed Affidavit of Eligibility from the local bidder is provided.

Eight local businesses were notified of the Invitation to Bid.

FISCAL IMPACT

Funding is available in the Adopted FY 2007-08 Parks and Recreation Budget. Pesticide and herbicide applications for departments other than Parks and Recreation are funded from those departments’ operating budgets.

The contract is awarded by unit price. The total amount of the award is based on estimated quantities, and actual expenditures may be more or less depending on usage.

Staff recommends contract award to the lowest bidders: BWI Companies of Carrollton, Texas, for $54,761; Estes of Lubbock, Texas, for $6,740; and Pro Chem Sales of Lubbock, Texas for $389.

Randy Truesdale, Parks & Recreation Manager & Victor Killman, Purchasing Manager gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Jones to approve Resolution No. 2008-R0172 as recommended by staff. Motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

5.7. Contract Amendment Resolution - Storm Water: Resolution No. 2008-R0175 authorizing the Mayor to execute Amendment No. 1 to a professional services agreement with RJN Group, Inc., for video inspection and required cleaning of storm sewers, RFP 07-021-RW.

On June 14, 2007, City Council approved a contract with RJN Group for video inspections of storm sewers. The contract included $100,000 for cleaning storm sewer pipes. However, the exact condition of the pipes were
unknown. During the video inspection, numerous storm sewer pipes were found either partially or completely blocked by debris. The storm sewer pipes must be cleaned to allow the camera to pass through completing the inspection.

Debris in storm sewers is detrimental to the efficient flow of water from Downtown Lubbock.

**FISCAL IMPACT**

The original contract amount was $695,220. The $603,530 amendment increases the total contract amount to $1,298,750.

$1,402,000 is appropriated in Capital Improvement Project 8070, Video Inspection of Storm Sewers, with $603,530 available for this contract amendment.

Staff recommends approval of this resolution.

Mike Keenum, Storm Water Engineering gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to approve Resolution No. 2008-R0175 as recommended by staff. Motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

### 5.8. Contract Resolution - Storm Water: Resolution No. 2008-R0176

authorizing the Mayor to execute a unit price contract with SJ Louis Construction of Texas, Ltd., for the South Lubbock Drainage Improvements Project - Package 1A, BID 08-712-BM.

The contract is for the construction of lateral storm sewer lines completing the South Lubbock Drainage Improvements Project. The lateral lines for Earl Crow Park (Playa Lake 86), Charles Guy Park (Playa Lake 89), Phil Hoel Park (Playa Lake 92), Jan Jennings Park (Playa Lake 28), and Playa Lake 132 contain more than 13,400 feet of pipeline and associated appurtenances connect at 98th Street to the primary system main trunk line. Earl Crow Park is located west of University Avenue at 91st Street. Charles Guy Park is located west of Memphis Avenue and north of 93rd Street. Phil Hoel Park is located west of Chicago Avenue at 91st Street. Jan Jennings Park is located east of Slide Road at 77th Street. Playa Lake 132 is located east of Juneau Avenue at 112th Street.

Residences surround the playa lakes, and the storm sewer lines will help reduce the risk of flooding. There are residences around Charles Guy Park that experience flooding on a routine basis. The project will reduce these issues by establishing a normal water surface elevation in the playa lake. The City parks and playa lake areas will benefit from a more controlled water surface elevation, which allows establishing and maintaining vegetation up to the edge of the water, for more usable park space.

The following contractors submitted bids:
FISCAL IMPACT

$54,905,000 is appropriated in Capital Improvement Project 90141, South Lubbock Storm Sewer Project, with $5,557,769 available for this purpose.

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

Staff recommends contract award to the lowest bidder, S.J. Louis Construction of Texas of Mansfield, Texas, for $5,557,769.

Victor Killman, Purchasing Manager gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Price to approve Resolution No. 2008-R0176 as recommended by staff. Motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

5.19. Contract Resolution – Water Utilities: Resolution No. 2008-R0177 authorizing the Mayor to execute a raw water supply agreement with South Garza Water Supply, Inc., for the use of 20 acre feet of water annually related to the transfer of rights for said water from John Ward and Nonnie Rodgers Ward to Clifford & Clyde Kitten, Inc., for the provision of water to the City of Lubbock’s Lake Alan Henry recreational facilities, for the provision of easements, and other related agreement provisions.

South Garza Water Supply, Inc. (SGWS) purportedly owns rights to 20 acre feet of water originally purportedly granted by the City of Lubbock to John Ward and Nonnie Rodgers Ward pursuant to the terms of the 1986 Memorandum of Agreement (MOA) and conveyancing instruments executed and delivered in connection with the MOA. This Raw Water Supply Agreement allows SGWS to use the 20 acre feet of No Cost Water (herein so called) and provides for releases of the City related to the No Cost Water.

This Agreement, in addition to providing for the No Cost Water, requires SGWS to provide treated water to the City's Lake Alan Henry recreational property. SGWS will extend its treated water distribution system to the City’s property line, and the City will extend the water distribution line to the recreational park restroom facilities and be a retail customer of SGWS.

SGWS will allow the City access across their property, under the terms as provided in this agreement, as necessary for the Lake Alan Henry raw water transmission line in exchange for the easements provided to LAHWD, including the right to align the pipeline as necessary with the final engineering plans.
FISCAL IMPACT

This agreement allows the City’s recreational facilities to have treated water and pay for water based upon use rather than the City investing the capital to develop its own treatment system.

The City will pay for water used by the recreational facility at the SGWS tariff rates as approved by the appropriate state authority.

Staff recommends approval. The Lubbock Water Advisory Commission was provided the agreements in their agenda packets, but has not acted to recommend or deny the agreements.

The Texas Commission of Environmental Quality is the regulatory authority for water rates at Lake Alan Henry. The rate is $300 for the first 3,000 gallons of water and $5 per thousand gallons thereafter.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to approve Resolution No. 2008-R0177 as recommended by staff. Motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

5.20. Contract Resolution – Water Utilities: Resolution No. 2008-R0178 authorizing the Mayor to execute a lease with the Lake Alan Henry Water District for up to 520 acre feet of raw water annually from Lake Alan Henry, and designating the purpose, point of delivery, rate of delivery, metering, terms of payment, easements, assignment of the lease to South Garza Water Supply, and related agreement provisions.

In October 1993, the City completed work on the John T. Montford Dam and in September 2003, state legislation for the Lake Alan Henry Water District went into effect. In spring 2006, the City adopted its first water supply agreement with the Lake Alan Henry Water District (LAHWD). This Raw Water Lease replaces the 2006 agreement.

When the City adopted the 2006 Raw Water Lease with the LAHWD, the City agreed to provide an easement for its pump station and pipeline for the LAHWD to supply water to LAHWD's customers. The raw water lease enables the LAHWD to secure the easement for their pump station and pipeline so they can begin to lease raw water from the City, for the distribution and sale of treated water.

The original agreement with the LAHWD provides for 500 acre feet of water, and it now provides for 520 acre feet of water at the cost provided therein. In addition, the water used by the City of Lubbock’s recreational property will not count against the 520 acre feet of annual water for which LAHWD and SGWS (as defined below) have agreements.

Under the new agreement, the City consents to the sale of raw water to South Garza Water Supply (SGWS), who will operate the water system to serve its, and if requested (under the terms and provisions hereof) LAHWD's and retail potable water customers. Mr. Clyde Kitten with Northridge Development serves as President of SGWS.
The City worked with the appropriate engineering firms to locate the LAHWD pump facilities and pipelines. A site was designated to the southeast of the planned City of Lubbock pump station at Lake Alan Henry. The City will construct a Y connection to serve the LAHWD with a 12-inch pipe from the City’s main 48-inch line. Related improvements include valves and meters. LAHWD will pay the City for the improvements estimated to cost less than $25,000.

In the negotiations, LAHWD requested the ability to purchase the amount of water LAHWD needs each year within the limits of the contract without that quantity, in future years, becoming a minimum purchase (i.e., not a "take or pay" transaction). Staff agrees with the proposal as it encourages greater conservation in higher rainfall years when less water is needed for irrigation purposes.

LAHWD requested it and SGWS not be required to enforce the easement restrictions as part of the condition of making water available to customers. Staff agrees with this position because (i) the question of the legality of enforcement by LAHWD and SGWS and the termination of water service to a customer for an easement restriction violation; and (ii) the Settlement Agreement and Ordinance recently passed by the Council addressing the matters related to the easements.

FISCAL IMPACT

Water is sold at the initial rate of $1.81 per 1,000 gallons for raw water required by state statutes, with provision for annual adjustment. If LAHWD uses its entire allocation, the initial annual revenue to the Water Fund would be $300,000.

Staff recommends approval of this resolution.

Council Member Leonard requested that staff first take this type of item before the Lubbock Water Advisory Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to approve Resolution No. 2008-R0178 as recommended by staff. A vote was taken and motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

“…Lessee shall provide or cause to be provided potable water service to each party requesting service within the Area of Service that meets the service extension requirements of the Lessee or South Garza, as the case may be, as determined solely by the Lessee or South Garza, including but not limited to completing the construction necessary extensions by such party or paying all required extension and connection fees and costs of the Lessee or South Garza, as the case may be, for such service, and obtaining any and all federal, state and local approvals required to provide service. In no event, however, shall the Lessee be required to provide potable water service to any additional parties within the Area of Service if the water supplied pursuant to this Lease
Regular City Council Meeting
May 8, 2008

is required to meet the needs of existing retail customers of the Lessee or South Garza.”

6.1. Resolution - Gas Utilities: Resolution No. 2008-R0179 of the City of Lubbock, sitting as the regulatory authority pursuant to Section 103.001 of the Texas Utilities Code, approving the retail gas utility rates of the West Texas Division of Atmos Energy as outlined in the Statement of Intent filed with the City of Lubbock on April 28, 2008.

Pursuant to Section 103.001 of the Texas Utilities Code, the City of Lubbock has exclusive original jurisdiction over the rates, operations, and services of a gas utility operating within the corporate limits of the City of Lubbock. On April 28, 2008, the West Texas Division of Atmos Energy Corporation (‘‘Atmos Energy’’) filed a Statement of Intent to change the retail gas utility rates for gas services within the municipal boundaries of the City of Lubbock. Atmos Energy represents in its Statement of Intent that the change in the retail utility rates will not increase or decrease the aggregate revenues of Atmos Energy by more than the greater of $100,000 or 2.5% and, therefore is not a “major change” as defined by Section 104.101 of the Texas Utilities Code.

The Conservation and Customer Value Plan (CCVP) affects only what customers are charged by Atmos for natural gas delivery and service. The CCVP is a three year pilot program that begins with the June 1, 2008, filing. Using the prescribed parameters and ROE, Atmos will request new rates to go into effect on October 1, 2008. It is anticipated that the October 1, 2008, rates will reduce what the customer pays for gas delivery and service. The charge for the commodity fluctuates based on the market price.

The proposal includes:

• Reduction of the Return on Equity from 11.25% to 9.6%,
• Elimination of future GRIP filings, including not implementing the $750,000 2006 GRIP,
• Promotion of conservation,
• Stabilization of customer rates,
• Contribution of $100,000 to City’s weatherization program,
• Limitation of operation and maintenance cost to the Texas Consumer Prices Index,
• Reduction of future rate case costs,
• Reduction of Atmos base charge from $9.95 to $7.00, effective October 1, 2008.

Atmos Energy represents in its Statement of Intent that the change in the retail utility rates will not change the final rates to the retail customers and requests that the change in retail utility rates be allowed to take effect without delay. The resolution entitles Atmos Energy to place into effect the retail gas utility rates, terms and conditions, gas cost adjustment clauses and riders as outlined in its Statement of Intent and allows the requested change to take effect immediately.
On June 1, 2008, Atmos will make their first filing with the new tariff in place. The rates, based on this tariff will go into effect October 1, 2008.

**FISCAL IMPACT**

No fiscal impact.

Staff recommends approval of the order and resolution.

Eric Gregory, a representative for Atmos Energy, gave comments and answered questions from Council.

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

Council Member Leonard stated he would like the staff to review this in three years.

Motion was made by Council Member Jones, seconded by Council Member Price to approve Resolution No. 2008-R0179 as recommended by staff. Motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

### 6.2. Board Appointments - City Secretary

Consider one appointment to LEDA, Inc, one appointment to the Libraries Board, one appointment to Market Lubbock, Inc, one reappointment to the Park and Recreation Board, two appointments to the Water Board of Appeals, and seven appointments to the Lake Alan Henry Board of Appeals.

Consider one appointment to LEDA, Inc, one appointment to the Libraries Board, one appointment to Market Lubbock, Inc, one reappointment to the Park and Recreation Board, two appointments to the Water Board of Appeals, and seven appointments to the Lake Alan Henry Board of Appeals.

Motion was made by Council Member Jones, seconded by Council Member Price to appoint John Baldwin to LEDA, Inc. Board. Motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to appoint Grechen Scott to the Libraries Board. Motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

Motion was made by Council Member Jones, seconded by Council Member Price to appoint John Baldwin to Market Lubbock, Inc. Motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to appoint J.R. Morales to the Park and Recreation Board. Motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

Council voted for a continuance of two appointments to the Water Board of Appeals.

This item was deleted.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to reappoint Ottie Hood, Tom Widisch, Patsy Day, Roger Weaver,
Regular City Council Meeting
May 8, 2008

Robert Taylor, Mercedes Young-Cawlfeld, and James Boren, Jr. to the Lake Alan Henry Board of Appeals. Motion carried: 6 Ayes, 0 Nays with Council Member DeLeon absent.

10:23A.M. COUNCIL ADJOURNED

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