The City Council of the City of Lubbock, Texas met in regular session on the 22nd day of May, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:31 A.M.  CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present:  Mayor Tom Martin, Mayor Pro Tem Jim Gilbreath, Council Member Linda DeLeon, Council Member Todd R. Klein, Council Member John Leonard, Council Member Floyd Price

Absent:  Council Member Floyd Price, Council Member Phyllis Jones

1.  CITIZEN COMMENTS

1.1.  John Eklund will appear before the City Council to speak about illegal parking, enforcement, and the revenue that could be generated.

John Eklund appeared before Council and voiced his concerns regarding illegal parking and enforcement.

- Cliff Burnett appeared before the Council and voiced his concerns pertaining to incomplete public records given to satisfy an open records requests.
- Bill Miller appeared before the Council speaking on behalf of the Visitors Center.
- Michael Ward appeared before Council and voiced her concerns regarding the Visitors Center petition.
- Eddie McBride appeared before the Council and voiced his support of the Visitors Center.

2.  EXECUTIVE SESSION

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

7:47 A. M.  CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room

Council Member Phyllis Jones was not 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, Storm Water, 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 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

2.4.2 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.

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

2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Urban Renewal Board/Neighborhood Redevelopment Commission and the Water Board of Appeals.

9:10 A.M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers

Present: Mayor Tom Martin; Mayor Pro Tem Jim Gilbreath; Council Member Linda DeLeon; Council Member Todd R. Klein; Council Member John Leonard; Council Member Floyd Price; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: Council Member Phyllis Jones

Mayor Martin reconvened the meeting at 9:10 A.M.
3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation was considered following Item 5.8.
3.2. Pledge of Allegiance was considered following Item 8.1.

3.3. Board Recognition:
LEDAC, Inc.
    John Baldwin
Libraries Board
    Gretchen Scott
Market Lubbock, Inc.
    John Baldwin
Lake Alan Henry Board of Appeals
    Odie Hood
    Tom Widisch
    Patsy Day
    Roger Weaver (unable to attend)
    Robert Taylor
    Mercedes Young-Cawfield (unable to attend)
    James Boren, Jr.

4. MINUTES

4.1. Approval of Prior Meeting Minutes:
    Regular City Council Meeting, April 24, 2008

5. CONSENT AGENDA (Items 5.1, 5.3, 5.7, 5.11-5.17, 5.19, 5.21-5.24)
Motion was made by Council Member Leonard, seconded by Council Member Klein to approve Items 5.1, 5.3, 5.7, 5.11-5.17, 5.19, 5.21-5.24 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.1. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2008-O0049, Amendment No. 10 amending the Adopted FY 2007-08 Budget respecting the Grant Funds and Capital Improvement Program.
   1. Accept and appropriate $94,514 from the Texas Department of Housing and Community Affairs for the Low-Income Home Energy Assistance Program.
The grant funds programs assisting low-income persons and families with weatherizing their homes and installing energy efficiency measures. The grant funds program expenses and administration. The period of performance is April 1, 2008, through March 31, 2009.

2. Accept and appropriate $72,383 from the Texas Department of Housing and Community Affairs for the Department of Energy Weatherization Assistance Program.

The grant funds programs assisting low-income persons and families with weatherizing their homes and installing energy efficiency measures. The grant funds program expenses and administration. The period of performance is April 1, 2008, through March 31, 2009.

3. Accept and appropriate $27,939 from the Texas Department of Housing and Community Affairs for the Southwestern Public Service Low-Income Program.

The grant funds programs to assist low-income persons and families with weatherizing their homes and installing energy efficiency measures. The grant funds program expenses and administration. The period of performance is January 1, 2008, through December 31, 2008.

4. Accept and appropriate $19,878 from the Texas Department of Transportation for the Click It or Ticket Selective Traffic Enforcement Program. The program increases occupant restraint use in passenger vehicles and trucks by conducting an intense occupant protection enforcement and public information and education effort during the Memorial Day holiday period.

5. Amend the North Overton TIF Capital Improvement Project Fund, as presented in Exhibit "A".

FISCAL IMPACT

Included in item summary.

Staff recommends approval.

5.2. This item was moved from consent agenda to regular agenda and considered following Item 5.24.

5.3. Contract Resolution - Health : Resolution No. 2008-R0181 authorizing the Mayor to execute an interlocal agreement with Texas Tech University for establishment of closed point of dispensing sites.

The Health Department is required to plan and prepare for public health emergencies. During such an emergency, it may be necessary to immunize large numbers of people through Point of Dispensing (POD) sites.

The agreement goes into effect only if the State Commissioner of Health or the Lubbock Health Authority declares large scale immunizations or treatment is necessary as a control measure for an outbreak of communicable disease or
if mass prophylaxis against a bioterrorism agent or other infectious disease is required.

The Health Department will identify POD sites, deliver Federal Strategic National Stockpile (SNS) resources to the recipient, and provide training on SNS functions and overall POD management.

The recipient is responsible for the physical security and integrity of the medical material, provides the medical material free-of-charge to the organization’s staff and clientele, reassembles locally all unused SNS medical material, maintains an inventory manifest list, determines dispensing sites and develops a dispensing plan, and attends POD training provided by the Health Department.

All or portions of the document are confidential under Texas Government Code Chapter 418. To the maximum extent allowed by law, the recipient agrees not to release the agreement outside the recipient agency without consulting the Health Department.

**FISCAL IMPACT**

No fiscal impact.

Staff recommends approval.

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

5.5. This item was moved from consent agenda to regular agenda and considered following Item 5.4

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

5.7. **Contract Amendment Resolution - Parks and Recreation**: Resolution No. 2008-R0182 authorizing the Mayor to execute a contract amendment with Marion Moss Enterprises and TIBH Industries, Inc., for litter control and disposal at baseball and softball fields, parks, and other municipal property.

The contract provides employment through TIBH Industries of the Texas State Use Works Wonders Program for Texans with blindness and other disabilities. TIBH Industries markets products for the Program and serves as the interface between vocational rehabilitation centers and the purchasing systems of Texas political subdivisions. Marian Moss Enterprises is the vocational rehabilitation center providing litter control and disposal at the following sites:

- Cavazos Baseball Fields
- Hamilton Softball Field
- Helen Hodges Baseball Fields
- Hood Softball Fields
- Lewis Little League Baseball Fields
Maxey Little League Fields
Maxey Pony Field
MLK Little League Field
North Mackenzie Connie Mack Hardball Field
North Mackenzie Fast Pitch Baseball Fields
North Mackenzie Softball Fields 5, 6, & 7
Stubbs Softball Fields

The original $42,630 contract was approved by City Council in July 2007 and ends December 31, 2009. The amendment increases the contract rate for the above listed ball fields by five percent, or $2,132, to $44,762. The increase is due to the federal minimum wage increase. For work performed prior to July 24, 2007, the federal minimum wage is $5.15 per hour. The federal minimum wage is $5.85 per hour for work performed from July 24, 2007, to July 23, 2008; $6.55 per hour for work performed from July 24, 2008, to July 23, 2009; and $7.25 per hour for work performed on or after July 24, 2009. The amendment also adds the following baseball and softball fields, increasing the contract by $18,431:

Berl Huffman Soccer Fields
Berl Huffman Softball Complex & restrooms

MLK Little League Complex

Under a $79,447 three-year contract approved in 2005, which expired December 31, 2007, Marian Moss Enterprises provided litter control and disposal at the following sites, which are also included in the amendment, increasing the contract by $86,598 due to the federal minimum wage increase:

Andrews Park
Animal Shelter
Ash Avenue & 78th Street undeveloped area
Ash Avenue right-of-way
Avenue L Median
Avenue O Median
Aztlan Park
Burgess Rushing Tennis Center
Burgess Rushing Tennis Center Annex
Butler Park
Canyon Lake No. 1 at Burl Huffman Park
Canyon Lake No. 2 at Buddy Holly Recreation Area
Canyon Lake No. 3 at North Avenue U & Erskine Street
Canyon Lake No. 6 at Mae Simmons Park
Canyon Lake undeveloped 40 acres west of Windmill Center
Canyon Lake undeveloped at Aztlan Park
Canyon Lake undeveloped at Mackenzie Park
Canyon Lake undeveloped at Mae Simmons Park south of Dunbar Historical Lake
Canyon Lake undeveloped at Mae Simmons Park west of playground
In 1977, Marian Moss founded Lubbock Area Extended Rehabilitation Services. The program was funded through Texas Rehabilitation Commission and designed to meet the needs of individuals under served. In 1986, Texas Rehabilitation Commission discontinued funding, and Lubbock Area Extended Rehabilitation Services was renamed Marian Moss Enterprises and
began a vocational program serving people with significant disabilities. Marian Moss Enterprises has an active board of 11 members and serves more than 125 individuals with significant disabilities.

In 1978, the Texas State Use Works Wonders Program was implemented to increase employment and wages, and ultimately enhance the lives of Texans with disabilities. This initiative resulted from the efforts of the Texas Legislature, who created the Program under Chapter 122 of the Human Resources Code. The Governor of the State of Texas appoints the Texas Council for Purchasing from People with Disabilities. The Council determines a fair market price for goods and services produced through the Program. Although political subdivisions are bound by law to solicit competitive bids, this restriction is waived when purchases are made through TIBH Industries and the Texas State Use Works Wonders Program.

**FISCAL IMPACT**

Funding is available in the Adopted FY 2007-08 Parks and Recreation Operating Budget. The proposed contract is for a total of $149,791, which represents an increase of $9,286 related to increasing federal minimum wage levels.

Staff recommends approval.

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

5.9. This item was moved from consent agenda to regular agenda and considered following Item 6.9

5.10. This item was moved from consent agenda to regular agenda and considered following Item 5.9

5.11. Contract Resolution - Public Works: Resolution No. 2008-R0183 authorizing the Mayor to execute a professional services contract with Parkhill, Smith & Cooper, Inc. for engineering services of paving improvements on Slide Road from 4th Street to Loop 289, RFQ 08-711-BM.

The contract is for engineering design services of paving improvements on Slide Road from 4th Street north to Loop 289. The project is included in the Northwest Passage Project. The scope of work includes design, surveying, plans, specifications, geotechnical investigation, utility coordination, underground utility investigation, traffic signals, bid phase services, and other engineering services for the construction of signage, pavement markings, illumination, traffic control, and landscaping.

Respondents to the Request for Qualifications are ranked as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parkhill, Smith &amp; Cooper of Lubbock, TX</td>
<td>405</td>
</tr>
<tr>
<td>Wilson &amp; Company of Fort Worth, TX</td>
<td>368</td>
</tr>
<tr>
<td>MACTEC of Lubbock, TX</td>
<td>351</td>
</tr>
<tr>
<td>Enprotec and Hibbs &amp; Todd of Lubbock, TX</td>
<td>318</td>
</tr>
</tbody>
</table>
Texas Government Code, Chapter 2254, prohibits municipalities from selecting a provider of professional services based on competitive bids and requires municipalities to award the contract based on demonstrated competence and qualifications. In procuring architectural, engineering, or land surveying services, municipalities are required to first select the most qualified provider of services based on demonstrated competence and qualifications; and then attempt to negotiate with that provider a contract at a fair and reasonable price.

Nine months is scheduled to complete the design and engineering. Compensation for the engineering services is paid on an hourly basis according to the hourly rates of the classification of the personnel performing the work, plus allowable reimbursable expenses.

The proposed $509,530 fee for engineering services falls within a range of reasonableness expected for the size and scope of the project in accordance with "Professional Engineering Services", a publication of the Consulting Engineering Council of Texas and the Texas Society of Professional Engineers.

Pursuant to Chapter 252.049, Texas Local Government Code, Confidentiality of Information in Bids or Proposals, trade secrets and confidential information in competitive sealed bids are not open for public inspection. Pursuant to the statute, proposals are opened in a manner that avoids disclosure of the contents to competing offerors and keeps the proposals secret during negotiations. All proposals are open for public inspection after the contract is awarded, but trade secrets and confidential information in the proposals are not open for public inspection.

**FISCAL IMPACT**

$4,493,000 is appropriated in Capital Improvement Project 91103, Slide Road from 4th Street North to Loop 289, with $509,530 available for this purpose.

Staff recommends contract award to the most highly qualified provider of services on the basis of demonstrated competence and qualifications, Parkhill, Smith & Cooper of Lubbock, Texas, for $509,530.

**5.12. Contract Resolution - Storm Water : Resolution No. 2008-R0184 authorizing the Mayor to execute a contract with Wallace Sprinklers, Inc., for Dupree Park drainage improvements, BID 08-714-DD.**

The contract is for drainage repairs at Dupree Park. The completion of the South Central Drainage Project established permanent water surface elevations at playa lakes located in City parks. At Dupree Park, the result was the exposure of an area that ponds separately from the playa lake when it is at normal pool elevation.

Citizens requested the affected area be incorporated into the main body of the lake to reduce the number of mosquitoes and dead fish. The project includes the repair of the concrete drainage channels.
To accomplish the work, a portion of the existing irrigation system will be re-routed, allowing the required cut and repair of concrete flumes. The park is adjacent to a storm water property. A new irrigation system will be installed for turf development on the stormwater property creating a park-like setting.

Texas Local Government Code Section 252.043(d-l) provides that a contract for construction projects may be awarded using the competitive sealed proposal procedure prescribed by Section 271.116 of the Texas Local Government Code. Using the competitive sealed proposal procedure is intended to help local governments attract contractors who otherwise may not have an interest in participating on the basis of low bid. The procedure gives the City the ability to bring the project in within budget with the contractor who offers the best value. This procedure is compared to a competitive sealed bid procedure that limits the City to basing contract award on the lowest bid. If bids are over budget, the competitive sealed bid procedure requires the City to search for additional funds to re-bid.

Selection criteria includes cost 60%, contractor qualifications 30%, safety record 5%, and construction time 5%. The following general contractors submitted proposals and were evaluated and ranked as follows:

Wallace Sprinklers of Lubbock, TX  
$279,000  499 points
Specialized Earthwork of Fort Worth, TX  
$302,579  468 points
Turfmaster Irrigation and Landscaping of Wolfforth, TX  
$344,440  433 points
W.R. Construction of Lubbock, TX  
$330,000  384 points

The competitive sealed proposal procedure requires the City to select the offeror that offers the best value based on the published selection criteria and on its ranking evaluation.

Time for completion is 165 consecutive calendar days. Liquidated damages are $25 per day.

**FISCAL IMPACT**

$335,000 is appropriated in Capital Improvement Project 92035, Dupree Park Grading, Drainage, and Irrigation, with $279,000 available for this purpose. Staff recommends contract award to the lowest bidder, Wallace Sprinklers of Lubbock, Texas, for $279,000.

5.13. **Ordinance 1st Reading - Right-of-Way**: Ordinance No. 2008-O0050 abandoning and closing three portions of an underground utility easement in Lot 1 Canyon West Addition, easement located at 6072 Marsha Sharp Freeway.

The ordinance abandons and closes three portions of an underground utility easement located east of Milwaukee Avenue and north of Marsha Sharp
Freeway in the Canyon West Addition Lot 1. The portions of the easement are no longer needed due to the development of the area. New easements will be dedicated in the re-plat.

Utility companies are in agreement with the easement closures.

**FISCAL IMPACT**

No fiscal impact.

Staff recommends approval.

5.14. **Ordinance 1st Reading - Right-of-Way** : Ordinance No. 2008-O0051 abandoning and closing a portion of a underground utility easement located in Block AK, Section 30, Lubbock County, Texas, easement located 6540 82nd Street.

The ordinance abandons and closes a portion of an underground utility easement in Block AK, Section 30, located west of Milwaukee Avenue and north of 82nd Street. The closure is due to new development in the area.

Utility companies are in agreement with the easement closure.

**FISCAL IMPACT**

No fiscal impact.

Staff recommends approval.

5.15. **Contract Resolution - Airport** : Resolution No. 2008-R0185 authorizing the Mayor to approve a lease agreement with Integrated Airline Service, Inc., for a hangar at Lubbock Preston Smith International Airport.

Since August 2001, Integrated Airline Service, Inc. has operated at Lubbock Preston Smith International Airport providing Federal Express with ground-handling services for the United States Postal Service.

Integrated Airline Service is located in a hangar adjacent to the East Ramp, and is seeking a lease renewal. The term of the agreement is April 1, 2008, through March 30, 2010, with the option to extend the term for four additional one-year periods. The building is 4,890 square feet and is contracted at the annual rental rate of $3.07 per square foot, which is increased annually based on a Consumer Price Index adjustment. Rental payments are $1,251 paid each month during the term of the lease.

**FISCAL IMPACT**

$15,012 annual revenue to the Airport Fund.

The Airport Board and staff recommend approval.
5.16. **Grant Resolution - Airport**: Resolution No. 2008-R0186 authorizing the Mayor to execute a Federal Aviation Administration Grant Agreement for funding the design phase services for Runway 08/26 Improvements Project.

The airport is eligible to receive annual entitlement funds from the Federal Aviation Administration under the Airport Improvement Program. Funds are restricted to safety and capacity improvements. The grant is used to fund 90% of the Runway 08/26 Improvements design. The remaining 10% of the runway project is funded through the Passenger Facility Charge program.

**FISCAL IMPACT**

The $2,685,934 grant is used to design Runway 08/26 Improvements.

The Airport Board and staff recommend approval.

5.17. **Contract Amendment Resolution - Airport**: Resolution No. 2008-R0187 authorizing the Mayor to execute Amendment No. 9 to the engineering services agreement with Parkhill, Smith & Cooper for the Entrance Road Improvements Project.

In January 2007, Amendment No. 9 to the engineering agreement with Parkhill, Smith & Cooper for design of the Entrance Road Improvement Project was approved City Council. The original scope of the project included salvaging much of the existing pavement structure and providing a new surface course. During the design phase, it was discovered the base course has degraded to a point that it is not acceptable for recycling or reuse. The discoveries made during the design phase have resulted in an increase in the surveying and testing costs.

Amendment No. 9a increases the contract amount of surveying and testing from $49,300 to $133,500.

**FISCAL IMPACT**

$5,633,370 is appropriated in Capital Improvement Project 91109, Entrance Roads and Signage Improvements, with $84,200 available for this purpose.

The Airport Board and staff recommend approval.

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

5.19. **Contract Resolution - Airport**: Resolution No. 2008-R0188 authorizing the Mayor to execute a purchase order contract with Tymco, Inc., for an airport containment sweeper.

The Aviation Field Maintenance Department uses a sweeper to maintain airport property. The regenerative air sweeper vehicle replaces the existing 1993 Elgin sweeper, which has reached the end of its useful life.
The following equipment is available through the Texas Association of School Boards purchasing cooperative:

Tymco Model 600, Tymco, Inc. of Waco, TX  
$159,462

Elgin Crosswind, Kinloch Equipment & Supply of Arlington, TX  
$164,257

The following piece of equipment is available through the Houston-Galveston Area Council purchasing cooperative.

Schwarze A7000, Schwarze Industries of Huntsville, AL  
$166,605

The equipment is not available from a local vendor.

FISCAL IMPACT

$175,000 is appropriated in Capital Improvement Project 92131, Purchase Street Sweeper, with $159,462 available for this purpose.

Staff recommends award to the lowest cost vendor, Tymco of Waco, Texas, for $159,462.

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

5.21. Contract Amendment Resolution - Water Utilities : Resolution No. 2008-R0189 authorizing the Mayor to execute a contract amendment with Parkhill, Smith & Cooper to allow additional environmental assessment on the Lake Alan Henry pipeline project and additional aerial photography to evaluate alternative pipeline route alternatives.

On October 25, 2007, City Council approved a contract with Parkhill, Smith & Cooper for field engineering and surveying services associated with the Lake Alan Henry raw water transmission line. The scope of services included engineering services to perform baseline environmental assessment services and prepare final alignment documentation related to the water treatment plant.

Amendment No. 1 to the contract includes:

Additional Environmental and Cultural Resources Requirements - The City successfully obtained a commitment from the Texas Water Development Board (TWDB) to receive $22 million in low interest loans for the planning and engineering phases of the Lake Alan Henry pipeline project. To receive the funds, TWDB requires additional environmental and cultural resource assessments and documentation for the raw water pipeline, finished water transmission line, water treatment plant property, and pump station properties. As a result, the field engineers modified the original scope of services to meet the more stringent environmental assessment requirements. The amended field engineering services cost is $200,550.
Alternate Raw Water Pipeline Route Evaluation - During the refinement of the final pipeline route, the field engineer and land man teams determined that approximately 18 miles of pipeline from the Caprock escarpment to the new water treatment plant location should be moved approximately one mile to the west to avoid numerous drip irrigation fields that would be costly to repair once the pipeline is installed. In addition, more pipeline routes are being evaluated within the first few miles of the John T. Montford Dam. As a result of the route adjustments, additional aerial photography and property ownership research is required. The amended field engineering service cost is $35,000.

**FISCAL IMPACT**

The original contract amount was $1,316,000, with the incorporation of Amendment No. 1 the amount committed to the contract for FY 2007-08 is $1,551,550.

$5 million is appropriated in Capital Improvement Project 92068, Lake Alan Henry Pipeline Final Design with $1,551,550 available for this contract.

The Lubbock Water Advisory Commission and staff recommend approval.

5.22. **Contract Resolution - Wastewater Utilities : Resolution No. 2008-R0190 authorizing the Mayor to execute a contract with Bailey Boiler Works, Inc., for boiler maintenance and repair at the Southeast Water Reclamation Plant, BID 08-040-FO.**

Boilers heat the primary and secondary sludge in the anaerobic digesters daily at the Southeast Water Reclamation Plant. The heat requirement in the digesters is 95 degrees. Failure of the boilers to heat the sludge causes the bacteria to die, causing digester malfunction. The failure interferes with the plant process and results in potential Texas Commission on Environmental Quality permit violations.

Due to the explosive nature of both methane and natural gases used to heat the boilers, the ability to maintain the boilers at optimal levels and protect City equipment and public safety makes it necessary to have certified boiler technicians repair, replace, and adjust the equipment.

The following companies submitted bids:

Bailey Boiler Works of Lubbock, TX $16,880
A-Tex Boilers of Amarillo, TX $17,805

The contract is for a period of one year with an option to renew annually for up to four additional one-year periods.

**FISCAL IMPACT**

$18,000 is available in Adopted FY 2007-08 Wastewater Utilities Operating Budget. Funding for the remaining term of the pricing agreement is contingent upon available funding in future operating budgets.
Lubbock Water Advisory Commission and staff recommend contract award to the lowest bidder, Bailey Boiler Works of Lubbock, Texas, for $16,880.

5.23. **Contract Amendment Resolution - Wastewater Utility : Resolution No. 2008-R0191** authorizing the Mayor to execute an amendment to the interlocal agreement with Texas Agrilife Research (formerly known as Texas Agricultural Experiment Station) allowing agricultural research to be conducted on specific areas of the Lubbock Land Application Site.

The research conducted by the Texas Agrilife Research station consists of crop variety and hybrid testing, management systems, and other experiments consistent with the City's crop management requirements on the Lubbock Land Application Site. Crops are watered using groundwater from the Land Application Site.

The amendment provides for the use of an additional area and includes some new documentation requirements that parallel the new wastewater permit. The additional documentation allows the irrigation on the research plots to be tracked with the water and nitrogen balance model that is used on the other areas of the Lubbock Land Application Site.

**FISCAL IMPACT**

$5,000 annual revenue to the wastewater.

Lubbock Water Advisory Commission and staff recommend approval.

5.24. **Grant Application Resolution - Fire : Resolution No. 2008-R0192** authorizing the Mayor to execute a grant application to the Lubbock Emergency Communication District for communication center funds.

The Lubbock Fire Department is applying for a PSAP Grant to fund enhancements to the 911 communication center.

The grant will fund Powerphone Police/Fire/Medical Call Guides to assist 911 dispatchers. The grant also seeks funding for two CAD work Stations, equipped with the Tiburon CAD system, to provide hands-on CAD training for new employees. The equipment prepares personnel to succeed as public safety dispatchers and assists the City during major emergencies or disasters. In the event the Police Department is required to evacuate the 911 facility, fully functional call taking positions would be in place.

The purchase of a laptop computer will assist with training and serve as a back-up in the event the communication center loses network connection.

The purchase of a Spectracom TV400w Display Clock will provide a correct time display at all times for communication center personnel. The wired display clock will be synchronized to the Ethernet Time Server and will provide legally traceable time.

The purchase of two computer cards and additional wiring of two Ethernet cables from the Eventide Recorder to two office computers allows the Deputy
Chief and Fire Chief to review radio and telephone traffic for quality control, pulling tapes for training purposes, and responding to open record requests.

The purchase of a 42-inch wall mount flat screen television allows personnel the ability to monitor local, state, and federal newscasts during emergency incident and disasters.

**FISCAL IMPACT**

The grant package is $16,393 and the 10% match from the City is $1,639. The City match will be funded through the Fire Department Operating Budget.

Staff recommends approval.

### 6. REGULAR AGENDA

**Note:** Regular Agenda items, Consent Agenda items, and Proclamations and Presentations moved to Regular Agenda, are listed in the order they were addressed (5.2, 5.4-5.6, 5.8, 6.7, 6.1-6.6, 6.9, 5.9, 5.10, 5.18, 5.20, 6.8, 6.10).

#### 5.2. Contract Resolution - Fleet: Resolution No. 2008-R0193 authorizing the Mayor to execute purchase order contract for a roll-off truck for the Street Department, BID 08-044-FO.

On June 26, 2007, the City Council appropriated $175,000 from the General Fund Master Lease Program; $1,225,000 from the Solid Waste Fund Master Lease Program; and $808,533 from the Storm Water Fund Master Lease Program for the purchase of 13 pieces of equipment for the Street Maintenance Improvement Plan. The purchase order contract is for the purchase of a roll-off container frame assembly mounted on a three-axle truck chassis.

The following companies submitted bids:

- Lubbock Truck Sales of Lubbock, TX $137,696
- Robert Truck Center of Lubbock, TX $139,237

**FISCAL IMPACT**

The equipment is funded through the approved FY 2007-08 Master Lease Program.

Staff recommends bid award to the lowest bidder, Lubbock Truck Sales of Lubbock, Texas, for $137,696.

Mark Yearwood, Assistant City Manager; Leslie Cox, Director of Telecom & Fleet Operations and Marsha Reed, Director of Public Works, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2008-R0193 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.
5.4. **Contract Resolution - Community Development** : Resolution No. 2008-R0194 authorizing the Mayor to execute the contract with Texas Department of Housing and Community Affairs for the Low-Income Home Energy Assistance Program for weatherization of homes for low-income citizens.

The grant funds weatherization of homes for low-income citizens. Weatherization repairs include sealing, caulking of windows and doors, air infiltration, insulation, replacement of energy inefficient stoves and refrigerators, and repair or replacement of inefficient heating and cooling appliances.

The source of funds is a $94,514 pass-through grant from the Texas Department of Housing and Community Affairs. The contract is an electronic signature contract. The period for performance is April 1, 2008, through March 31, 2009.

Appropriation of funds is requested in agenda item 5.1, Budget Amendment Ordinance.

**FISCAL IMPACT**

Grant Funds are from the Texas Department of Housing and Community Affairs Low-Income Home Energy Assistance Program. The maximum allocation to the grant is $94,514.

Staff recommends approval.

Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to pass Resolution No. 2008-R0194 as recommended by staff. Vote was taken. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

5.5. **Contract Resolution - Community Development** : Resolution No. 2008-R0195 authorizing the Mayor to execute a contract with Texas Department of Housing and Community Affairs for the Department of Energy Weatherization Assistance Program for weatherization of homes for low-income citizens.

The grant funds weatherization of homes for low-income citizens. Weatherization repairs include sealing, caulking of windows and doors, air infiltration, insulation, replacement of energy inefficient stoves and refrigerators, and repair or replacement of inefficient heating and cooling appliances.

The source of funds is a $72,383 pass-through grant from Texas Department of Housing and Community Affairs. The contract is an electronic signature contract. The period for performance is April 1, 2008, through March 31, 2009.
Appropriation of funds is requested in Agenda Item 5.1, Budget Amendment Ordinance.

**FISCAL IMPACT**

Grant Funds are from the Texas Department of Housing and Community Affairs Department of Energy Weatherization Assistance Program. The maximum allocation to the grant is $72,383.

Staff recommends approval.

Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to pass Resolution No. 2008-R0195 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

5.6. **Contract Resolution - Community Development : Resolution No. 2008-R0196 authorizing the Mayor to execute a contract with Texas Department of Housing and Community Affairs for the Southwestern Public Service Low-Income Program for weatherization of homes for low-income citizens.**

The grant funds weatherization of homes for low-income citizens. Weatherization repairs include sealing, caulking of windows and doors, air infiltration, insulation, replacement of energy inefficient refrigerators, and repair or replacement of inefficient heating and cooling appliances.

The source of funds is a $27,939 pass-through grant from Texas Department of Housing and Community Affairs. The contract is an electronic signature contract. The period for performance is January 1, 2008, through December 31, 2008.

Appropriation of funds is requested in Agenda Item 5.1, Budget Amendment Ordinance.

**FISCAL IMPACT**

Grant Funds are from the Southwestern Public Service Low-Income Program. The maximum allocation to the grant is $27,939.

Staff recommends approval.

Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to pass Resolution No. 2008-R0196 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.
5.8. Contract Resolution - Parks and Recreation : Resolution No. 2008-R0197 authorizing the Mayor to execute a contract with Kitten Fertilizer & Supply Inc. for the application of fertilizer at various parkland properties, BID-08-035-MA.

The contract includes three applications of granular fertilizer on various parkland properties during the 2008 growing season. Each application includes a blend of 38-0-0 fertilizer with 4% sulphur and 3% iron and covers 1,105 acres to improve turf health and appearance. Applications are performed June, July, and August 2008.

The following companies submitted bids:

- Kitten Fertilizer & Supply of Slaton, TX $158,921
- Community Lawn Care of Lubbock, TX $214,613

FISCAL IMPACT

Funding is available in the Adopted FY 2007-08 Parks and Recreation Operating Budget.

Staff recommends bid award to the lowest bidder, Kitten Fertilizer & Supply of Slaton, Texas, for $158,921.

Randy Truesdale, Manager of Parks and Recreation, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0197 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.


On October 25, 2007, the City Council established the Street Naming Task Force to review and make recommendations to City Council for naming and/or renaming of City assets. The Task Force held six regular meetings and two public input meetings, and developed a revised ordinance regarding the honorary designation of City streets.

On April 24, 2008, City Council approved honorary designation of fire stations criteria recommended by the Task Force. The Task Force developed a procedure and criteria for honorary designations for City streets.

Ms. Martha York, Chair of the Task Force, will present the Task Force’s recommendations establishing a procedure and criteria for honorary designations for City streets.

FISCAL IMPACT

The revised ordinance requires a non-refundable $200 application fee and that the proponent pays all costs associated with the required signage.
Street Naming Task Force and staff recommend approval.

Martha York, Task Force Chair, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to pass Ordinance No. 2008-O0052 as recommended by staff and street naming Task Force. Motion carried: 5 Ayes, 1 Nay, Council Member DeLeon voted nay and Council Member Jones was absent.

6.1. Public Hearing 10:00 a.m. – Planning: Ordinance No. 2008-O0053: Zone Case No. 1712-A (3901 and 3903 East 2nd Place) Hold a public hearing to consider request by Brian Aycock (for Thomas and Dorothy Hudson) for zoning change from C-4 to R-1 on Lots 14 and 15, Block 1, Porter Addition, and to consider an ordinance.

Mayor Martin opened the public hearing at 10:07 a.m. No one appeared in favor or opposition of Zone Case No. 1712-A. Mayor Martin closed the hearing at 10:20 a.m.

The applicant is requesting that two of three lots zoned Commercial-4 (C-4) adjacent to each other at East 2nd Place and outside of East Loop 289 be rezoned residential.

Adjacent land uses:
N – residential zoned
S - the third C-4 vacant parcel from a 1971 zone case
E – residential zoned
W – Loop 289

The request for Residential-1 (R-1) corresponds with what is illustrated on the Comprehensive Land Use Plan. The three lots of C-4 were zoned in 1971, before the formulation of the current Comprehensive Land Use Plan. In the Zone Case 1721 case file there was neither opposition nor explanation of the proposed use of the parcels.

Land around the parcels is zoned R-1 and many are vacant.

The case is in concert with the Comprehensive Land Use Plan and zoning policies and the neighborhood includes new homes. The single letter of opposition is from an owner of property inside Loop 289.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Randy Henson, Director of Planning and Zoning, gave comments and answered questions from Council.
Motion was made by Council Member Price, seconded by Mayor Pro Tem Jim Gilbreath to pass Ordinance No. 2008-0053 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

6.2. Public Hearing 10:00 a.m. - Planning: Ordinance No. 2008-0054: Zone Case No. 1875-V (Southwest corner of 19th Street and Milwaukee Avenue) Hold a public hearing to consider request by United Sky Capital, LLC for zoning change from C-4 Specific Use to C-3 on 4.054 acres of unplatted land out of Block AK, Section 43, and to consider an ordinance.

Mayor Martin opened the public hearing at 10:07 a.m. No one appeared in favor or opposition of Zone Case No. 1875-V. Mayor Martin closed the hearing at 10:20 a.m.

The applicants demolished a set of mini-warehouse units on the parcel at 19th Street and Milwaukee Avenue and reconfigured the playa within a cut and fill approved by the Planning and Zoning Commission. Since there is no reversionary clause in the original zone case, and the original ordinance provided no “fall back” district. The applicants were notified that they need to file a zone case to fill that void.

Adjacent land uses:
N – vacant, commercial zoned
S – partially Garden office (vacant) zoned and partially built as Residential-2 (R-2), duplex units
E – commercial across Milwaukee Avenue
W – commercial, developed as a large structure now occupied by Carpet Tech

The request is in accordance with Comprehensive Land Use Plan policies and zoning policies. The less than 10 usable acre site is commercial by policy. The big issue outlined in comment forms and letters from neighbors is not zone related, but related to the cut and fill and replatting.

The reconfiguration of the playa is in the process of completion. The revised cut and fill plan relocated the bulk of the hole to the south and west corner of the lot (initially it was adjacent to 19th Street, overgrown with volunteer trees and full of illegally dumped material). The playa is required to remain in private ownership because a variance for less than standard 1/7 cut slope was approved – a 1/4 slope on part of the hole and using a retaining wall on the retail parcel portion was approved. In addition to the new configuration, the adjacent owners are unhappy that the cut slope started very close to their property line and they are concerned about erosion onto their property. The new edge of the playa is close to the property line because the entire parcel was once a single parcel of property. A small portion of the lake was located on the east edge of the parcel now occupied by Carpet Tech, but there was no property line to contend with at that time. The owners of Carpet Tech attempted to have Mr. Mark Shipton share in a more expensive “cure” to shore up the low area east of their building. After the creation of the two new
parcels, Mr. Shipman had no obligation to participate. Initially the two adjacent owners had begun discussion of a common new fence, but disagreement by Mr. Shipton of the details and discussion of legal issues ended the conversation.

A letter from the owner of the adjacent mobile home park is provided and notes agreement with the zone case, but lists a number of concerns about the method of approval (no notice) and the potential issues that the configuration of the playa may present. In “on the ground” terms, the location of the hole is changed fairly dramatically, but the cut slopes adjacent to the Carpet Tech building is changed very little, if any. In one location immediately adjacent to the building, the original cut is steeper that the current reconstruction. Staff’s opinion is that the removal of all the overgrowth and junk in the playa simply made it easier to see, and the ditch on the 19th Street right-of-way was deepened with approval of the Texas Department of Transportation. When finished, a bridge and culvert will connect the new corner lot to 19th Street.

Carpet Tech has trenched a three-foot deep stem wall with curbing on top, and repaved the formerly low area between the building and the property line at their expense, ensuring that no erosion damages their building. The new construction is an asset to the area.

Both Carpet Tech and Mr. Van Ness, owner of Commanders Palace mobile home parks, requested some clarification from the City Engineering Department and the private engineer of the playa regarding several erosion control issues and the flow line of water from the mobile home park and along 19th Street into the playa. Neither party appeared at the meeting. In the 30 years of experience of staff, never have the details of a cut and fill come into discussion of a zone case. The Planning and Zoning Commission expressed doubt about using zoning to amend a previously approved cut and fill that is progressing as required by the engineered plan. A memo from Mike Keenum in Storm Water Engineering is provided and outlines the status of progress on the cut and fill.

Staff supports the proposed zone case. After considerable discussion by the Planning and Zoning Commission, staff, the applicant, and the applicant’s civil engineer, the Planning and Zoning Commission determined that attaching cut and fill conditions in a zone case to an approved cut and fill is not prudent. The Storm Drainage Department is aware of the complaints and will oversee completion of the cut and fill plan as approved prior to the plat being recorded, which is necessary for a construction permit. The Autrey, McDaniel & Dulin, LP engineer noted that the inflow location from the 19th Street ditch into the lake will be fenced as required, and that a considerable amount of erosion control materials have been ordered, but not installed to date. That timing process is at the discretion of the developer. No construction permits are issued until a certified “as built” cut and fill is submitted to the Storm Water Department and deemed correct per the approved cut and fill.
FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

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

Motion was made by Council Member Price, seconded by Mayor Pro Tem Jim Gilbreath to pass Ordinance No. 2008-0054 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

6.3. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-00055 : Zone Case No. 2995-G (North of 73rd Street and East of Milwaukee Avenue) Hold a public hearing to consider request by Burl Masters (for George McMahan) for zoning change from R-1 Specific Use to A-2 on 14.04 acres of unplatted land out of Block AK, Section 29, and to consider an ordinance.

Mayor Martin opened the public hearing at 10:07 a.m. No one appeared in favor or opposition of Zone Case No. 2995-G. Mayor Martin closed the hearing at 10:20 a.m.

The applicant is requesting an Apartment-2 (A-2) site for apartments. The applicant has a client interested in construction of a complex similar to the Dakota Arms that is constructed on 82nd Street west of Milwaukee Avenue.

Adjacent land uses:
N – future residential and a proposed park area, along with the path of a drainage outlet from west to east – eventually to get to McAlister Park
S – proposed residential
E – proposed residential and a Lubbock-Cooper Independent School District site
W – Milwaukee Avenue west of a small remaining parcel to the west of the apartment tract.

The proposed site is in a buffering location. While the site is not a buffer adjacent to ten acres of commercial on the corner of two thoroughfares, it is adjacent to a Milwaukee Avenue thoroughfare, which creates a policy location. The plan advocates buffer districts (apartments, churches and garden office development) being adjacent to thoroughfares to avoid traffic through residential. The request is in concert with the policies expressed in the Comprehensive Land Use Plan. The applicant requested approval of a decorative perimeter fence on the property lines. The Planning and Zoning Commission recommends that a property line seven-foot fence be allowed and respect the vision triangle at the two adjacent intersections.

The project should have little impact on the overall thoroughfare system being located immediately adjacent to Milwaukee Avenue and two streets to feed from the tract.
The Planning and Zoning Commission recommends the request with the following conditions:

1. A perimeter seven-foot fence of wrought iron materials shall be allowed on the property line.
2. The perimeter fence shall observe all vision triangles at intersection corners.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

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

Motion was made by Council Member Price, seconded by Mayor Pro Tem Jim Gilbreath to pass Ordinance No. 2008-0055 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

6.4. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0056 : Zone Case No. 3061-A (South of 89th Street and north of 90th Street between Avenue T and Avenue U) Hold a public hearing to consider request by AMD Engineering (for Carl Mortensen) for zoning change from R-1 Specific Use and R-2 Specific Use to R-1 Specific Use for garden homes including a reduced side setback on Lots 106 through 117 and Lots 118-A through 138-A South Brook Addition to four feet (versus five feet), and to consider an ordinance.

Mayor Martin opened the public hearing at 10:07 a.m. No one appeared in favor or opposition of Zone Case No. 3061-A. Mayor Martin closed the hearing at 10:20 a.m.

In 2006, the property was zoned Residential-1 (R-1) Specific Use and Residential-2 (R-2) Specific Use to allow a reduced front setback. The property did not develop and the proponent has decided to try a different product of garden homes with a reduced side setback.

The adjacent land uses include:

N – Vacant residential
S – Residential Estates “horse lots”
E – Residential (currently under construction)
W – Legal non-conforming cattle operation.

The proposed zoning meets the Comprehensive Land Use Plan.

The basics of the request meet the requirements for garden homes, with a few exceptions. The proponents request to reduce the side setback adjacent to a street and the reduced setback for the cul-de-sac lots in garden home areas has become common. However, even with the reduced front setback on the cul-
de-sacs, 4 lots cannot meet the minimum 20 foot rear setback for a residential garage. The proponent is requesting to reduce the setback adjacent to a side alley from 5 feet to 4 ½ feet, and reduce the separation between structures from 10 feet to 9 feet. The requests are unique to Zone Case 3061-A. The code requirement of 10 feet of separation is grounded in the building code and fire code. However, by limiting the projection into any required yard to 1 ½ feet the building code and fire code issues are resolved. The only remaining issue discussed by the Planning and Zoning Commission is the visual impact on the surrounding neighborhoods created by the access easement adjacent to Avenue U. To reduce the visual impact of the access easement, the Planning and Zoning Commission proposed a screening fence at the curb cuts with step downs.

There should be no impact on traffic in the area.

The Planning and Zoning Commission recommends approval subject to the following conditions:

1. Lots which front on cul-de-sac streets and which are contiguous to lots which do not front onto cul-de-sac streets shall have their front yard measured from where the front yard would normally be measured if the street did not terminate in a cul-de-sac, but continued on its course. In no event, however, shall any residence have less than a 5 foot front yard setback, and in no event shall a residential garage have less than a 20 foot front setback.

2. There shall be at least 9 feet of separation between structures.

3. The minimum side yard adjacent to a side street shall be 5 feet. This setback shall include any fence and/or accessory structure, except that in no event shall a residential garage be less than 20 feet from any property line adjacent to a street.

4. For any one-story structure the minimum rear yard adjacent to a side alley, shall be 4 ½ feet, except that in no event shall a residential garage be less than 20 feet from any property line adjacent to a side alley.

5. For proposed Lots 145, 142, 133-A1, and 130-A1 the rear setback for the residential garage shall not be less than 15 feet.

6. Cornices, eaves, sills, canopies, and chimneys may extend 1 ½ feet into any required yard. Bay windows are not permitted under this section.

7. A solid screening fence at least 6 feet tall shall be constructed and permanently maintained adjacent to Avenue U. All fencing shall conform to Section 29-30(b)(6)i of the City of Lubbock Code of Ordinances. One curb cut onto Avenue U shall be allowed from the access easement. The screening fence shall slope from 2 ½ feet to 4 ½ feet for 25 feet in both directions along Avenue U at the curb cut and to the south at the adjacent alley.

**FISCAL IMPACT**

No fiscal impact.
Staff supports the recommendation of the Planning and Zoning Commission. Randy Henson, Director of Planning and Zoning presented gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Jim Gilbreath to pass Ordinance No. 2008-0056 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

6.5. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-0057 :
Zone Case No. 3097-A (109th Street and Quaker Avenue) Hold a public hearing to consider request by Orchard Park Eyecare for zoning change from GO to AM limited to clinics or medical offices, medical, dental and optical laboratories providing service and prescription medical devices, offices general and professional and pharmacies, not exceeding 2,000 square feet, as listed in the AM Zoning district on unplatted tracts of land out of Section 17, Block E2, and to consider an ordinance.

Mayor Martin opened the public hearing at 10:07 a.m. No one appeared in favor or opposition of Zone Case No. 3097-A. Mayor Martin closed the hearing at 10:20 a.m.

The zone request is for a third-tier optometrist office. A third-tier optometrist is an optometrist that can prescribe medications as well as optical devices. The obstacle created by the current Garden Office (GO) zoning allows no retail sales. The shop will have a small group of clients and a limited sales area and showroom for optical devices, goggles, and frames to accompany the prescription lenses.

Adjacent land uses:
N – zoned GO, vacant
S – zoned GO, vacant
E – single family
W – Quaker Avenue and single family

As the staff debated various districts that would benefit Dr. Whitman and uphold the basic principles of GO, it was suggested that the Apartment Medical (AM) district be used to allow sales, the lab, and the ophthalmologist with a specific reference for allowing the limited sales area. The applicant is requesting to remove a number of the permitted AM uses to make the zoning seamless with the surrounding GO zoning. The template of a building chosen as an example of the applicants style of construction illustrates a structure that creates a positive influence on the development. AM is also a buffering district as is GO, so the case is being treated basically as a “wash” while making the new office legal.

As a buffer, the AM request is consistent with the Comprehensive Land Use Plan. In addition, the request is consistent with zoning policies with the conditions noted below.
The proposed use should have no additional impact on the thoroughfare plan. Curb cuts review has already been required in the original zone case.

The Planning and Zoning Commission recommends approval with the following conditions as requested by the applicant:

1. No uses in the generic AM District shall be allowed except the following:
   - Exclusive to medical or dental offices, no veterinary use.
   - Limited to medical, dental and optical laboratories providing service for individuals of the medical profession and their clientele.
   - Offices for medical and dental shall be allowed, no retail sales are allowed with the exception of articles specifically associated with the practice that occupies the building.
   - A permitted use shall be a pharmacy not to exceed 2,000 square feet that is limited to the sale of medical, drugs, and/or medical supplies only.

2. The parcel shall be subject to an overall curb cut allowance that is a condition of Zone Case 3097.

**FISCAL IMPACT**

No fiscal impact.

Staff supports 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 Price, seconded by Mayor Pro Tem Jim Gilbreath to pass Ordinance No. 2008-O057 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

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**Public Hearing 10:00 a.m. - Planning**

Hold a public hearing to consider the request of Texland Petroleum for an oil drilling permit on a tract of land located 312 feet west and 610 feet north of the southeast corner of Section 1, Block D-4, Lubbock County, Texas. Designation of well is Western Wheeler No. 4.

Mayor Martin opened the public hearing at 10:21 a.m. No one appeared in favor or opposition. Mayor Martin closed the hearing at 10:23 a.m.

The permit application is in order. The oil well is a replacement well. The field is “unified” as a Secondary Recovery Unit. Texland proposes earth sludge pits and no landscaping at the well site. The blow-out protector has a minimum rating of 3,000 pounds per square inch. Disposal of waste materials is proposed at a Railroad Commission approved dump in Lubbock County. Access to the drill site is proposed from Kent Street on private property along routes built to other producing wells on the property. The storage site is an existing facility one mile east of North University on F.M. 2641.

Short-term impact is minimal since the area is uninhabited and current land use is agricultural and oil production. The well and storage site are remote
from any existing residential development. The closest residential is at least 700 feet to the east. A majority of the immediate area is in Blackwater Draw, a branch of the Brazos Rider that combines MacKenzie Park in with the North Fork of the Double Mountain Fork.

Although the land area surrounding and including this lease is designated as residential on the Comprehensive Land Use Plan, no development activity in the area is proposed. At least ten existing wells have been drilled in the immediate area. A major tank battery is in the immediate area, as well as a railroad. With no known prospects for development in this square mile, few long-term negative impacts are anticipated.

Staff recommends approval subject to the following conditions:

1. No hydrocarbon lubricant (waste oil) shall be used to free-up the hole during drilling until after the first series of surface casing has been set to 400 feet or greater.

2. The permittee shall require that a first series of casing be set when drilling reaches a depth of 400 feet. The permittee shall notify the Lubbock office of the Texas Railroad Commission for the intended dates for casing the well.

3. The first, and if used, the second series of casing of the well shall be in compliance with applicable portions of Rule 13 of the Texas Railroad Commission.

4. The permittee shall meet all other conditions of Section 14, Article VI of the Lubbock Code and those specifications indicated within the application of Texland Petroleum for Western Wheeler No. 4.

**FISCAL IMPACT**

No fiscal impact.

Staff recommends approval.

Doug Brachard, Attorney for Texland Petroleum gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to allow Texland Petroleum an oil drilling permit as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

6.9. **Taxi Fare Increase Minuted Action - City Secretary:** Minuted action to approve a request by Sexton Enterprises dba Yellow Cab to increase rates charged for taxicab services.

Pursuant to Code of Ordinances Section 27-58, every holder of a permit to operate a taxicab service in the City must file with the City Secretary a rate schedule setting forth all fares and rates to be charged to passengers. Sexton Enterprises filed a request to increase taxi service meter rates due to increasing gas prices and transportation costs.
The current fare schedule is as follows:
$2.85 for the first 1/10 mile
$0.20 for each additional 1/8 mile
$0.35 per minute waiting time
$0.50 for each additional passenger
$2.00 for each additional passenger - Airport
Same location can split fare plus any additional charges
$6.00 minimum to and from airport
All Fares are separate unless the driver is notified in advance.

Sexton's proposed fare schedule is as follows:
$3.00 flag drop (1/10 mile)
$0.20 for each additional 1/10 mile
$1.00 for each additional passenger
$2.00 for each additional passenger - Airport
$0.50 fuel surcharge
$10.00 minimum credit card amount

If City Council determines there is a question as to the reasonableness of the requested rate increase and rejects the request, Council must set a public hearing on the matter. At the public hearing, the representative for Sexton Enterprises must show cause why such rates are not unreasonable.

**FISCAL IMPACT**

No fiscal impact.

Staff recommends approval.

Steve Sexton, Owner of Yellow Cab; and Rebecca Garza gave comments and answered questions from the Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve a request by Sexton Enterprises dba Yellow Cab to increase rates charged for taxicab services as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

5.9. **Grant Resolution - Citibus** : Resolution No. 2088-R0198 authorizing the Mayor to execute a Section 5310 Grant, Contract No. 51805F7185, with the Texas Department of Transportation.

Texas Department of Transportation is allocating $49,935 of public transportation funds to the City for preventative maintenance for the CitiAccess demand response service. Funds from Section 5310 grants provide mass transportation service planning, which is designed and carried out to meet the special needs of elderly individuals and individuals with disabilities. The contract is effective when fully executed by both parties and ends August 31, 2009.
FISCAL IMPACT

Matching funds required for the grant are included in the Adopted FY 2007-
08 Citibus Operating Budget. Acceptance of the grant results in no additional
cost to the City.

Citibus and staff recommend approval.

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

Motion was made by Council Member Leonard, seconded by Council
Member Price to pass Resolution No. 2008-R0198 as recommended by staff.
Motion carried: 5 Ayes, 0 Nays, with Council Member DeLeon recusing and
Council Member Jones absent.

5.10. Grant Resolution - Citibus  : Resolution No. 2008-R0199 authorizing the
Citibus General Manager to execute a Federal Transit Administration
FY 2008 Section 5309 Discretionary Grant Application, TX-04-0023-00.

The Federal Transit Administration (FTA) allocated $490,000 to Citibus as
part of a Section 5309 Discretionary Grant, TX-04-0023-00. The grant funds
one replacement vehicle for the Citibus fixed route fleet. Citibus will replace a
1996 RTS with a 30-foot, low-floor, hybrid electric bus.

FTA regulations require the electronic application and execution of grants.

FISCAL IMPACT

Transportation Development Credits from the Texas Department of
Transportation allows the FTA funds be used at 100%.

Staff recommends approval.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council
Member Price to pass Resolution No. 2008-R0199 as recommended by staff.
Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

5.18. Contract Amendment Resolution - Airport  : Resolution No. 2008-R0200
authorizing the Mayor to execute Amendment No. 12 to the engineering
services agreement with Parkhill, Smith & Cooper for the Runway 08/26
and Taxiway Improvements Project.

On January 13, 2005, City Council approved a five-year contract with
Parkhill, Smith & Cooper to design and engineer FAA approved capital
improvement projects at Lubbock Preston Smith International Airport.
Amendment No. 12 amends the engineering agreement for the scope of work
and professional service fees associated with the capital improvement project
for rehabilitating and extending Runway 08/26. The threshold of Runway
08/26 creates a runway incursion hazard with Runway 17R/35L and Taxiway
M. The extension of Runway 08/26 mitigates the risk associated with intersecting runways.

The professional services fee for Amendment No. 12 is $2,933,250.

**FISCAL IMPACT**

$3,160,180 was appropriated in Capital Improvement Project 92130, Runway 08/26 Extension - Design Only, with $2,933,250 available for this purpose.

The Airport Board and staff recommend approval.

James Loomis, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2008-R0200 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

5.20. **Contract Amendment Resolution - Water Utilities**: Resolution No. 2008-R0201 authorizing the Mayor to execute a contract amendment with Parkhill, Smith and Cooper to increase initial capacity of the Lake Alan Henry Water Treatment Plant from 10 MGD to 15 MGD.

On March 27, 2008, the City Council approved a contract with Parkhill, Smith & Cooper for the design and construction of a new water treatment plant as part of the Lake Alan Henry project. The scope of services included the engineering to conduct membrane pilot testing to select the most appropriate membrane technology. The scope of services also included the design of treatment facilities and associated terminal storage to process up to 10 million gallons per day (MGD) of raw water.

Amendment No. 1 to the contract includes:

Increasing initial water treatment plant capacity from 10 MGD to 15 MGD. Due to the continual decline in water levels at Lake Meredith, staff developed a 10-year water supply planning model and determined that Lubbock will need more than 10 MGD capacity from Lake Alan Henry by 2012. The 10 MGD from Lake Alan Henry offsets the future loss of water from Canadian River Municipal Water Authority, but does not provide for growth. As a result, the design engineers modified the estimated engineering and construction costs of expanding the initial water treatment plant facilities to 15 MGD. The amended engineering services cost for this expansion is $290,000. The maximum capacity of the plant remains unchanged at 50 MGD.

**FISCAL IMPACT**

The original contract amount is $3,589,500. However, the contract specifies that only certain tasks can be performed during FY 2007-08. These tasks reduce the amount originally committed to this contract for FY 2007-08 to $1,159,000. Incorporating Amendment No. 1 increases the amount committed to this contract for FY 2007-08 to $1,449,000.
$5 million is appropriated in Capital Improvement Project 92068, Lake Alan Henry Pipeline Final Design, with $1,449,000 available for this contract. The Lubbock Water Advisory Commission and staff recommend approval.

Tom Adams, Deputy City Manager, gave comments and answered questions from Council. Motion was made by Mayor ProTem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2008-R0201 as recommended by staff. Motion carried: 6 Ayes, 0 Nays, with Council Member Jones absent.

6.8. Contract Resolution - Business Development : Resolution No. 2008-R0202 authorizing the Mayor to execute an agreement with Capstone Development Corporation regarding the funding of public improvements in Phase One, Project 149 and Phase One, Project 107 of the Project Plan for the North Overton Tax Increment Reinvestment Zone.

The agreement with developer Capstone Development Corporation L.P. involves funding and constructing public improvements in the North Overton Increment Reinvestment Zone. The City agrees to dedicate and pledge the use of revenue in the Tax Increment Fund to participate in the cost of the public improvements for Phase One, Project 149 and Project 107 of the Project Plan as recommended by the Board of Directors of the North Overton Tax Increment Finance (TIF) Reinvestment Zone. The agreement delineates the division of funding for the public improvements as represented in Exhibit D (TIF Participation) and Exhibit E (Developer Participation). Total tax increment financing for public improvements shown in Exhibit D1 is $2,494,805 and in Exhibit D2 is $2,012,473.

The project is located in Overton Park with the boundaries Glenna Goodacre Boulevard on the north, Avenue S to the east, the alley between Main Street and 10th Street on the south, and Avenue U to the west. In addition, Capstone serves as the construction manager of the projects. Capstone plans to begin site work in May 2008 and to open in the fall 2009 semester. The intent of the agreement is for the developer to construct a portion of the public improvements adjacent to the development and be reimbursed by the TIF.

FISCAL IMPACT

$3,480,780 is appropriated in Capital Improvement Project 92107, Glenna Goodacre Boulevard East, with $2,012,473 available for this purpose. $2,544,805 is proposed in the new Capital Improvement Project 92149, Capstone, with $2,494,805 for this purpose. The proposed creation of Capital Improvement Project 92149, Capstone, is included in the North Overton TIF Capital Improvement Project Fund budget amendment on this agenda for first reading.

Staff recommends approval.

Rob Allison, Assistant City Manager, gave comments and answered questions from Council.
Motion was made by Council Member Leonard, seconded by Council Member Klein to pass Resolution No. 2008-R0202 as recommended by staff. Motion carried: 5 Ayes, 0 Nays, with Mayor Martin away from the dais and Council Member Jones absent.

6.10. Board Appointments - City Secretary: Consider one appointment to the Community Development Services Board, Keep Lubbock Beautiful Advisory Committee, Public Transit Advisory Board, Urban Renewal Board/Neighborhood Redevelopment Commission, and the Water Board of Appeals.

Community Development Services Board
This item was continued to the next City Council meeting.

Keep Lubbock Beautiful Advisory Committee
Motion was made by Council Member Leonard, seconded by Council Member Price to appoint Dalia Hood to the Keep Lubbock Beautiful Advisory Committee. Motion carried: 5 Ayes, 0 Nays, with Mayor Martin away from the dais and Council Member Jones absent.

Public Transit Advisory Board
Motion was made by Council Member Leonard, seconded by Council Member Price to reappoint William Meadow to the Public Transit Advisory Board. Motion carried: 5 Ayes, 0 Nays, with Mayor Martin away from the dais and Council Member Jones absent.

Urban Renewal Board/Neighborhood Redevelopment
Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint Steve Hester to the Urban Renewal Board/Neighborhood Redevelopment. Motion carried: 5 Ayes, 0 Nays, with Mayor Martin away from the dais and Council Member Jones absent.

Water Board of Appeals
Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint Chad Davis to the Urban Renewal Board/Neighborhood Redevelopment. Motion carried: 5 Ayes, 0 Nays, with Mayor Martin away from the dais and Council Member Jones absent.

10:40 A. M. CITY COUNCIL RECESSED
10:46 A. M. CITY COUNCIL RECONVENED
7. WORK SESSION

7.1. Visitor Center Options (Rob Allison, Development Services Assistant City Manager)

Rob Allison updated Council on the status of the Visitors Center project. He showed Council the Downtown Revitalization site plan, and discussed how the Visitor Center fits into the downtown entertainment district.

Allison discussed the current plans and proposed site, but at the request of Mayor Martin, he also included slides and information on relocating Tara House (currently used as the general office for Rip Griffin Companies) to this site.

The Mayor stated that the cost estimates are “astronomical”, and this work session gives the Council opportunity to come forward with other alternatives. Mayor Pro Tem Gilbreath expressed concern with the cost estimates for the visitors center project, and asked staff to consider less square footage. Council member Leonard said since the City has already purchased Tara House for right of way purposes, he’s interested in having staff explore cost for moving Tara House to the Visitors Center site. Council member DeLeon suggested that there are other options for Tara House, such as selling it. She said it could possibly be used as a Bed and Breakfast. Council member Klein mentioned possible corporate underwriting or individual underwriting for parts of the Visitors Center.

Rob Alison, Director of Business Development; and Victor Kilman, Purchasing Manager, gave comments and answered questions from Council.

Consensus from Council to look at Tara House and other alternatives for the Visitors Center.

11:45 A.M. CITY COUNCIL RECESSED

1:42 P.M. CITY COUNCIL RECONVENED

7.2. FY 2008-09 Budget Philosophies and Priorities.

Mayor Martin started the discussion by stating that the purpose of this session was to help give staff direction for preparing the 2008-09 budget. He asked each of the Council Members to express their budget philosophies and priorities, starting with Council Member DeLeon.

Council Member DeLeon
- Unpaved streets – Districts 1 and 2
- Parks not being maintained
- Concrete culverts not being maintained
- Guadalupe Center not being maintained
- Weatherization program
- No sewer lines in some areas of Districts 1 and 2
- Canyon Lakes Development

**Council Member Price**

- Streets not paved
- Reopen George Woods swimming pool
- Mae Simmons Pool – maintenance
- Sidewalks not being maintained
- Streets are not clean (weeds, etc.)
- More police in the community
- Prairie Dogs – Problem in East Lubbock
- Mae Simmons – Build Restroom

**Council Member Klein**

- Public Health Safety & Public Service
- Backflow of water meters in main
- Homeland Security – Bomb squad, etc.
- Resurfacing roads projects
- Firestation, - 63rd and Indiana
- Fire Department - pay enhancement; ISO; etc.
- Police Department – Compete with other cities for officers
- Customer Service – look at kiosks
- Street lighting – reduce cost of energy
- More bus shelters

**Council Member Leonard**

- Increase tax base (by number of taxpayers)
- Use growth income to pay for growth needs
- Instruct staff to prepare a budget with no increase in tax rate
- Police – Continue to budget 2 for 1,000; increase police presence in neighborhoods; possibly offer recruiting bonus; replace cars in poor condition.
- Open a City of Lubbock facility on the south side of town
- Water – Continue to be a priority and continue to allocate resources and personnel to this area, and keep looking at options.
- Streets - Resurfacing, asphalt buckling, potholes
- Streets – engineer streets in new developments to keep water off streets
- Hold the line; live within our means

**Council Member Gilbreath**

- Capital improvement plan – (reconvene citizen group; look at
- Unfilled budgeted positions – Rationalize whether necessary
- Citizen communication – Use technology to improve how we communicate with citizens; update Channel Two.
- How to fund what beer sales use to fund (i.e. art, music, etc.)
- Privatize operations of some of our facilities
Mayor Martin
- Innovation – Important to look at innovative ways of providing services.
- Reorganization – Combine, reorganize, savings in personnel
- Privatization – Look at potentials for this
- Eliminate outdated or outmoded functions
- Adhere to “Truth in Taxation” – No tax increase; reduce taxes

2:31 P.M.   COUNCIL ADJOURNED

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