City of Lubbock, Texas
Regular City Council Meeting
Thursday, May 12, 2016

Glen C. Robertson, Mayor
Jim Gerlt, Mayor Pro Tem, District 4
Victor Hernandez, Councilman, District 1
Floyd Price, Councilman, District 2
Jeff Griffith, Councilman, District 3
Karen Gibson, Councilwoman, District 5
Latrelle Joy, Councilwoman, District 6

James Loomis, City Manager
Chad Weaver, City Attorney
Rebecca Garza, City Secretary

http://www.mylubbock.us

City Council Chambers, 1625 13th Street, Lubbock, Texas

City of Lubbock City Council Meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at 775-2061 or write to Post Office Box 2000, Lubbock, Texas 79457 at least 48 hours in advance of the meeting.

Note: On occasion the City Council may consider agenda items out of order.

2:30 p.m. -- City Council convenes in open session, and recesses into executive session to consider items 1.-1.2.3.

5:15 p.m. -- City Council reconvenes in open session in City Council Chambers to consider items 2.-6.17.

1. **Executive Session**

1. 1. Hold an executive session in accordance with Texas Government Code, Section 551.071, with legal counsel for advice about pending or contemplated litigation or settlement agreement and on matters in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct conflicts with Chapter 551.

1. 1. 2. Briefing on provisions of Chapter 28 of the City of Lubbock Code of Ordinances.

1. 1. 3. No. 3094-2013- In the Municipal Court of the City of Lubbock, Texas - *City of Lubbock v. 1913 Baylor Avenue*.

1. 2. Hold an executive session in accordance with the Texas Government Code, Section 551.074, to discuss personnel matters, the appointment, employment, evaluation or reassignment of the following:

1. 2. 1. City Attorney

1. 2. 2. City Manager

1. 2. 3. City Secretary

2. **Proclamations and Presentations**

2. 1. Invocation by Pastor Juan Gutierrez, New Hope Church of God in Christ

2. 2. Pledges of Allegiance

2. 3. Presentation of a Special Recognition to the West Texas Cycling Association in recognition of the 2016 Ride of Silence, honoring those who suffered fatalities due to bicycling accidents.

2. 4. Presentation of a Special Recognition for Letter Carrier Food Drive Day.

3. **Citizen Comments - Pursuant to City Council Resolution 2014-R0320, any citizen wishing to appear before a regular meeting of the City Council shall:**

Notify the City Manager's office of that fact, completing the form available at the City Manager's office, or online at the following hyperlink:

Public Comments Sign-Up Form

and submit it no later than seventy-five (75) hours prior to the start of the meeting at which the citizen wishes to appear; or

sign up to speak at the City Council meeting itself, completing the form provided at the meeting, with regard to any item posted on the City Council agenda.

See the Supplemental Citizen Comment Agenda.

4. **Minutes**

4. 1. April 14, 2016 Regular City Council Meeting

5. **Consent Agenda - Items considered to be routine and enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.**

5. 1. **Budget Amendment Ordinance 2nd Reading - Finance:** Consider Budget Ordinance 2016-O0060 Amendment 22 amending the FY 2015-16 budget for municipal purposes respecting the North Point Public Improvement District (PID) Special Revenue Fund; providing for filing; and providing for a savings clause.

5. 2. **Ordinance Amendment 2nd Reading - Finance:** Consider Ordinance 2016-O0061 amending Ordinance 2015-O0067 in regard to the North Point Public Improvement District Revised 2015 Service and Assessment Plan by updating the Revised 2015 Service and Assessment Plan to increase the appropriated capital outlay for the purpose of the construction of a walking track; providing a savings clause; and providing for publication.

5. 3. **Budget Amendment Ordinance 2nd Reading - Finance:** Consider Budget Ordinance 2016-O0062 Amendment 21 amending the FY 2015-16 budget for municipal purposes respecting the grant fund to accept and appropriate funding from the Texas Department of Transportation (TxDOT) for the Selective Traffic Enforcement Program (STEP) grant; providing for filing; and providing for a savings clause.

5. 3. 1. **Resolution - Police:** Consider a resolution authorizing the Mayor to execute a State administered, Federally funded, grant agreement 12852 for the Click It Or Ticket Selective Traffic Enforcement Program.

5. 4. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 23 amending the FY 2015-16 budget for municipal purposes respecting the operating budget for Lubbock Economic Development Alliance, Inc., (LEDA), Market Lubbock, Inc. (MLI) – Lubbock Convention and Visitors Bureau (Visit Lubbock) and MLI - Lubbock Sports Authority; providing for filing; and providing for a savings clause.

5. 5. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 24 amending the FY 2015-16 budget for municipal purposes respecting the Grant Fund to accept and appropriate funding from the National Recreation and Park Association for the Out-of-School Time Programs grant; providing for filing; and providing for a savings clause.

5. 6. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 26 amending the FY 2015-16 budget for municipal purposes respecting the Capital Program to amend Capital Improvement Project (CIP) 8552, Airfield Asphalt Repair; CIP 92361, Terminal Building Remodel - Design Only; CIP 92360, Airport Shelter Park Acquisition; CIP 92191, Airport Facility Improvements; CIP 92430, Ground Transportation Improvements; providing for filing; and providing for a savings clause.

5. 7. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 27 amending the FY 2015-16 budget for municipal purposes respecting the Capital Program to amend Capital Improvement Project (CIP) 91170, Park Playground Replacement; and to establish CIP 92431, Stumpy Hamilton Park Redevelopment Phase I; providing for filing; and providing for a savings clause.

5. 8. **Ordinance 2nd Reading - Right-Of-Way:** Consider Ordinance 2016-O0063 abandoning and closing a portion of 135th Street that was dedicated as a future street stub located in Section 4, Block AK, Lubbock County, Texas, which is located between Orlando Avenue and Norfolk Avenue.

5. 9. **Ordinance 1st Reading – Right-of-Way:** Consider an ordinance abandoning and closing a drainage easement located in Section 16, Block E-2, Lubbock County, Texas, located west of 109th Street and York Avenue.

5. 10. **Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute a Stormwater Line - Permanent Right-of- Access and Use Agreement near the intersection of 4th Street and Quaker Avenue between the City of Lubbock and Texas Tech University.

5. 11. **Resolution – Water Resources:** Consider a resolution authorizing the Mayor to execute a five-year contract with Lubbock Cooper Independent School District (Cooper ISD) – Woodrow Campus for the continued purchase of water from the City's potable water system.

5. 12. **Resolution - Water Resources:** Consider a resolution authorizing the Mayor to execute a contract amendment with Lubbock County Water Control and Improvement District 1 (LCWCID) which serves the Village of Buffalo Springs for the continued purchase of water from the City's potable water system.

5. 13. **Resolution – Water Resources:** Consider a resolution authorizing the Mayor to execute a Sanitary Sewer Overflow (SSO) Initiative Agreement with the Texas Commission on Environmental Quality (TCEQ).

5. 14. **Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order contract 31027237 with Grapevine DCJ, LLC., of Grapevine, Texas for three Mid-Size Dodge Durango Sport Utility Vehicles, ITB 16-12824-SS.

5. 15. **Resolution - Parks and Recreation:** Consider a resolution authorizing the Mayor to execute purchase order contract 10016122 with Arnett Marketing of San Antonio, Texas for a 50-foot panel Christmas tree with star topper.

5. 16. **Resolution - Parks and Recreation:** Consider a resolution authorizing the Mayor to execute contract 12819 with Pevey Lawn & Landscape, Inc. of Lubbock, Texas, for parks turf maintenance, ITB 16-12819-KK.

5. 17. **Resolution - Aviation:** Consider a resolution authorizing the Mayor to execute Amendment 3 to contract 6537 with Republic Parking System, Inc. for ground transportation starter services on the airport terminal curb.

6. **Regular Agenda**

6. 1. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0064 for Zone Case 3282, a request of Kirk Schneider, for Mary Dean Bloomer, for a zoning change from R-1 to C-4 on 1.13 acres of unplatted land out of Block D6, Section 3, 9420 19th Street.

6. 2. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0065 for Zone Case 3047-P, a request of James Rasmussen, for N.S.H.E. TX Vernon, LLC, for a zoning change from GO to C-2A Specific Use, Tract E, The Reserves at Vintage Addition, 12130 Quaker Avenue.

6. 3. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0066 for Zone Case 3116-I, a request of Cox/Dirks Architects, P.C., for Tommy Potts, to amend the conditions of Ordinance 2009-00038 for a shared driveway on Tract K, Kelsey Park Addition, 13041 Quaker Avenue.

6. 4. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0071 for Zone Case 3283, a request of Craft Development Corporation for a zoning change from R-1 to R-1 Specific Use for Garden Homes on 8.26 acres of unplatted land out of Block E-2, Section 8, 3802 60th Street.

6. 5. **Ordinance 2nd Reading - Planning:** Consider Ordinance 2016-O0067 for Zone Case 3285, a request of Hugo Reed and Associates, Inc. for Dell Cannon for a zoning change from R-1 to IHC on 5.242 acres of unplatted land out of Block E, Section 5, 7708 Interstate 27.

6. 6. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0068 for Zone Case 2895-L, a request of Hugo Reed and Associates, Inc., for Monterey Church of Christ, for a zoning change from A-2 to C-2 on 0.9 acres of land out of Tract A-1A-1, Monterey Church of Christ Addition, 6111 82nd Street.

6. 7. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0069 for Zone Case 2115-H, a request of Hugo Reed and Associates, Inc., for Arco Endeavors, LLC, for a zoning change from C-2 to C-3 on 1.5 acres of unplatted land out of Block E, Section 9, 2420 87th Street.

6. 8. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0070 for Zone Case 3047-Q, a request of AMD Engineering, LLC, for Oakmont Estates Investments of Lubbock, LLC, for a zoning change from R-1 Specific Use to R-1 Specific Use for Garden Homes on 9.937 acres of unplatted land out of Block E-2, Section 23, 4901 118th Street.

6. 9. **Ordinance 2nd Reading - Building Inspection:** Consider Ordinance 2016-O0072 amending Article 28.09 of the Code of Ordinances of the City of Lubbock with regard to adoption of the 2012 International Building Code with local amendments.

6. 10. **Ordinance 2nd Reading - Building Inspection:** Consider Ordinance 2016-O0073 amending Chapter 28, Article 28.10 of the Code of Ordinances of the City of Lubbock with regard to adoption of the 2012 International Plumbing Code with local amendments.

6. 11. **Ordinance 2nd Reading - Building Inspection:** Consider Ordinance 2016-O0074 amending Chapter 28 of the Code of Ordinances of the City of Lubbock with regard to adoption of the 2012 International Mechanical Code with local amendments.

6. 12. **Ordinance 2nd Reading - Building Inspection:** Consider Ordinance 2016-O0075 amending Chapter 28, Article 28.15 of the Code of Ordinances of the City of Lubbock with regard to the adoption of the 2012 International Fuel Gas Code with local amendments.

6. 13. **Ordinance 2nd Reading- Building Inspection:** Consider Ordinance 2016-O0076 amending Chapter 28, Article 28.14 of the Code of Ordinances of the City of Lubbock with regard to the adoption of the 2012 International Residential Code with local amendments.

6. 14. **Ordinance 2nd Reading - Councilwoman Karen Gibson:** Consider Ordinance 2016-O0077 an ordinance amending Chapter 24 of the Code of Ordinances, City of Lubbock, Texas, regulating vehicles for hire; establishing applicable permits; amending Chapter 24 with regard to repealing outdated and antiquated provisions; amending provisions to encompass revised practices; providing definitions; providing for a penalty; providing for a savings clause; providing for publication.

6. 15. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 25 amending the FY 2015-16 budget for municipal purposes respecting the General Fund to amend the fee structure for revenues derived from Vehicle for Hire permits; providing for filing; and providing for a savings clause.

6. 16. **Resolution - Parks and Recreation:** Consider a resolution authorizing the Mayor to execute for and on behalf of the City of Lubbock, an Interlocal Agreement with Lubbock Cooper Independent School District regarding a lease of property located at FM 1585 and Iola Avenue to use as football and soccer fields, and related documents.

6. 17. **Resolution - Councilman Victor Hernandez:** Consider a resolution authorizing the City Manager to accept, on behalf of the City Council, a donation of a certain property located at 1913 Baylor Street, Lubbock, Texas upon conditions and terms approved by the City Attorney.

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
April 14, 2016
2:30 P.M.

The City Council of the City of Lubbock, Texas met in regular session on the 14th of April, 2016, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 2:30 p.m.

2:30 P.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present: Mayor Glen C. Robertson; Mayor Pro Tem Jim Gerlt; Council Member Karen Gibson; Council Member Jeff Griffith; Council Member Victor Hernandez; Council Member Latrelle Joy; Council Member Floyd Price; City Manager James Loomis; City Secretary Rebecca Garza; City Attorney Chad Weaver

Note: City Council addressed agenda items in the following order:

- *Executive Session; 2.1-2.3; Citizen Comments 3.1; Citizen Comments (Sign-ups) 3.2; 4.1; 5.1-5.2; 5.6-5.17; 5.3-5.5; 5.18; 6.12; and 6.1-6.11.*
- *Item 6.11 was postponed indefinitely.*

1. Executive Session

The meeting recessed at 2:31 p.m. and reconvened in Executive Session under the provisions of Section 551, Texas Government Code. The meeting was called back into a public session at 5:15 p.m.

1. 1. Hold an executive session in accordance with Texas Government Code, Section 551.087, to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; and to deliberate the offer of a financial or other incentive to a business prospect described hereinabove.

1. 1. 1. Report by the Lubbock Economic Development Alliance.

1. 2. Hold an executive session in accordance with Texas Government Code, Section 551.071, with legal counsel for advice about pending or contemplated litigation or settlement agreement and on matters in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct conflicts with Chapter 551.

1. 2. 1. *United States of America v. City of Lubbock, Texas* filed in the Northern District of Texas, Lubbock Division, Civil Action No: 5:15-cv-234

1. 2. 2. Briefing on provisions of Chapter 28 of the City of Lubbock Code of Ordinances.

1. 2. 3. Discuss Chapter 43 and Section 212.172 of the Texas Local Government Code in regard to annexation.

1. 2. 4. No. 3094-2013- In the Municipal Court of the City of Lubbock, Texas - *City of Lubbock v. 1913 Baylor Avenue.*

1. 3. Hold an executive session in accordance with the Texas Government Code, Section 551.074, to discuss personnel matters, the appointment, employment, evaluation or reassignment of the following:

1. 3. 1. City Attorney

1. 3. 2. City Manager

1. 3. 3. City Secretary

2. Proclamations and Presentations

2. 1. Invocation by Reverend Neil Vanderbush, Christ Lutheran Church

Reverend Neil Vanderbush, Christ Lutheran Church, led the invocation.

2. 2. Pledges of Allegiance

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

2. 3. Board Recognitions:

Board of Health:
Tyler Bradstreet
Calvin Clark

Keep Lubbock Beautiful Committee:
Bretton Villarreal

North and East Lubbock Community Development Corporation Board of Directors:
Matt Stephens (unable to appear)

Urban Design and Historic Preservation Commission:
Jim Dulin
Virgina Hatfield (unable to appear)

Veterans Advisory Committee:
Robert Musselman

Zoning Board of Adjustment:

Jordan McKay (unable to appear)

3. **Citizen Comments - Pursuant to City Council Resolution 2014-R0320, any citizen wishing to appear before a regular meeting of the City Council shall: Notify the City Manager's office of that fact, completing the form available at the City Manager's office, or online at the following hyperlink: Public Comments Sign-Up Form and submit it no later than seventy-five (75) hours prior to the start of the meeting at which the citizen wishes to appear; or sign up to speak at the City Council meeting itself, completing the form provided at the meeting, with regard to any item posted on the City Council agenda.**

3. 1. Rebecca Teel will appear before the City Council to discuss agenda item 6.12.

Rebecca Teel appeared before the City Council to speak against Corrugated Stainless Steel Tubing (CSST) and how it relates to item 6.12 (Presentation from the Model Codes & Construction Advisory Board).

3. 2. Sign-ups:

- Ysidro Gutierrez appeared before the City Council to speak in favor of item 6.11 (Chapter 18, Taxation).
- Terry Holeman and Maurice Stanley appeared before the City Council to speak on item 6.8 (Annexation Agreements) and in favor of item 6.9 (Annexation).
- Mikel Ward appeared before the City Council to speak in favor of item 6.10 (Chapter 18, Taxation).
- Marisa Scheef appeared before the City Council to request additional information regarding item 6.5 (Zone Case 3058-A).
- Mary McCrum appeared before the City Council to speak in opposition of item 6.8 (Annexation Agreements) and item 6.9 (Annexation).

4. **Minutes**

4. 1. February 16, 2016 Special City Council Meeting - Electric Utility Board
March 8, 2016 Special City Council Meeting
March 10, 2016 Regular City Council Meeting
March 21, 2016 Special City Council Meeting

Motion by Mayor Pro Tem Jim Gerlt, seconded by Council Member Latrelle Joy to approve the February 16, 2016 Special City Council Meeting - Electric Utility Board minutes; the March 8, 2016 Special City Council Meeting minutes; the March 10, 2016 Regular City Council Meeting minutes; and the March 21, 2016 Special City Council Meeting minutes.

Vote: 7 - 0 Motion carried

5. **Consent Agenda - Items considered to be routine and enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.**

Motion by Mayor Pro Tem Jim Gerlt, seconded by Council Member Floyd Price to approve items 5.1-5.2; and 5.6-5.17.

Vote: 7 - 0 Motion carried

5. 1. **Ordinance 2nd Reading – Right-of-Way:** Ordinance No. 2016-O0042 abandoning and closing a two-foot wide underground street light cable easement on Lot 55, The Estates at Vintage, an addition to the City of Lubbock, Lubbock County, Texas located at 4808 120th Street.

5. 2. **Ordinance 2nd Reading – Right-of-Way:** Ordinance No. 2016-O0043 abandoning and closing a five-foot underground utility easement located in Lot 5, Lewis Estates an addition to the City of Lubbock, Lubbock County, Texas located at 5227 21st Street.

5. 3. **Ordinance Budget Amendment 1st Reading - Finance:** Ordinance No. 2016-O0057, Amendment 19, amending the FY 2015-16 budget for municipal purposes respecting the Lubbock Power and Light (LP&L) capital program to amend Capital Improvement Project (CIP) 92141, Substation Relay Upgrade; CIP 92273, Substation Land Acquisition; CIP 92320, Substation Breaker Replacements; CIP 92330, 69kV Transmission Line Reconductoring; CIP 92383, Mobile Substation; CIP 92403, 69kV Line Rebuild – Thompson to Vicksburg; CIP 92404 115kV Line Construction – Northwest to Mackenzie; CIP 92405, 69kV Line Rebuild – Chalker to Thompson; CIP 92406, 69kV Line Rebuild – Chalker to Oliver; CIP 92407, Southeast Substation Autotransformer; CIP 92408, 69kV Capacitor Upgrade – Vicksburg; CIP 92409 69kV Capacitor Upgrade – Chalker; CIP 92410, 69kV Capacitor Upgrade – Slaton; CIP 92413, Massengale Station – Medium Term; providing for filing; and providing for a savings clause.

Andy Burcham, Chief Financial Officer for LP&L, gave comments and answered questions from City Council.

Motion by Council Member Floyd Price, seconded by Council Member Jeff Griffith to approve Ordinance No. 2016-O0057.

Vote: 7 - 0 Motion carried

5. 4. **Ordinance Budget Amendment 1st Reading - Finance:** Ordinance No. 2016-O0058, Amendment 20, amending the FY 2015-16 budget for municipal purposes respecting the Grant Fund to accept and appropriate additional funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Community Services Block Grant (CSBG); providing for filing; and providing for a savings clause.

Motion by Council Member Karen Gibson, seconded by Council Member Floyd Price to approve Ordinance No. 2016-O0058.

Vote: 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

5. 5. **Resolution - Accounting:** Resolution No. 2016-R0133 authorizing the Mayor to execute a professional services contract with BKD, LLP., for the audit of financial statements for the fiscal year ending September 30, 2016.

Linda Cuellar, Interim Director of Finance, gave comments and answered questions from City Council.

Main Motion by Mayor Pro Tem Jim Gerlt, seconded by Council Member Karen Gibson to approve Resolution No. 2016-R0133.

Amendment Motion by Council Member Latrelle Joy, seconded by Council Member Karen Gibson to amend the Professional Services contract between the City of Lubbock and BKD, LLP. regarding Article I. TERM on page 1, to read:

> "The term of this Contract commences on the Effective Date and continues without interruption for fiscal year ending September 30, 2016."

Vote: 7 - 0 Motion carried

Vote on Main Motion as amended: 7 - 0 Motion carried

5. 6. **Ordinance 1st Reading - Right-of-Way:** Ordinance No. 2016-O0055 abandoning and closing a portion of an underground water line easement located in Section 5, Block E-2, Lubbock County, Texas.

5. 7. **Resolution - Right-of-Way:** Resolution No. 2016-R0123 authorizing the Mayor to execute a parking lot lease renewal with Texas Tech University, for the use of a City parking lot located at 801 Avenue K.

5. 8. **Ordinance 1st Reading - Stormwater Engineering:** Ordinance No. 2016-O0056 amending Chapter 22, Stormwater Regulations, of the Lubbock Code of Ordinances, providing for the amendment of such code regarding enforcement.

5. 9. **Resolution - Information Technology:** Resolution No. 2016-R0124 authorizing the Mayor to execute Purchase Order Contract 10015998 with Dell Marketing LP., for rugged tablets and mounting hardware for the Lubbock Police Department Fleet purchase.

5. 10. **Resolution - Facilities:** Resolution No. 2016-R0125 authorizing the Mayor to execute contract 12742 with Bug Tech for pest control services for various City facilities, ITB 16-12742-KK.

5. 11. **Resolution - Health:** Resolution No. 2016-R0126 authorizing the Mayor to execute a contract 12796 for a Consulting Laboratory Director and Clinical Consultant, and any associated documents with the Texas Tech University Health Sciences Center (TTUHSC).

5. 12. **Resolution - Health:** Resolution No. 2016-R0127 authorizing the Mayor to execute contract 12825 for a physician to provide early and periodic screening, diagnosis and treatment of sexually transmitted diseases (STD), and any associated documents, with the Texas Tech University Health Sciences Center (TTUHSC).

5. 13. **Resolution - Civic Center:** Resolution No. 2016-R0128 authorizing the Mayor to execute Amendment 1 to the License Agreement between the City of Lubbock and Civic Lubbock, Inc., with regard to the distribution of Hotel Occupancy Tax funds for acquiring and maintaining public art located on public property.

5. 14. **Resolution - Animal Services:** Resolution No. 2016-R0129 authorizing the Mayor to execute contract 12688 with Kleen-Tech Services Corporation to provide kennel cleaning services at the City of Lubbock Animal Shelter, RFP 16-12688-DGB.

5. 15. **Resolution - Citibus:** Resolution No. 2016-R0130 authorizing the Mayor to execute contract 12710 for automotive filters with Texas Enterprises, Inc. dba United Oil & Grease, ITB 16-12710-SS.

5. 16. **Resolution - Community Development:** Resolution No. 2016-R0131 authorizing the Mayor to execute an allocation of additional funds and extend contract 12434 and all related documents with City of Lubbock and Lutheran Social Services (LSSS) of the South for the Comprehensive Energy Assistance Program (CEAP) and Community Services Block Grant (CSBG) to provide utility assistance to low-income families and individuals.

5. 17. **Resolution - Police:** Resolution No. 2016-R0132 authorizing the Mayor to execute for and on behalf of the City of Lubbock, a Memorandum of Understanding (MOU) with the Federal Bureau of Investigation Child Exploitation Task Force (CETF), and related documents.

5. 18. **Resolution - Councilman Jeff Griffith:** Resolution No. 2016-R0134 extending the reporting deadline of the Emergency Medical Service Advisory Committee.

Lance Phelps, Fire Chief, gave comments and answered questions from City Council.

Motion by Council Member Floyd Price, seconded by Council Member Jeff Griffith to approve Resolution No. 2016-R0134.

Vote: 7 - 0 Motion carried

6. Regular Agenda

6. 1. **Ordinance 2nd Reading – Planning:** Ordinance No. 2016-O0045, for Zone Case 3280, a request of Jess Lovi, Jr., for a zoning change from R-1 to M-1 on Lot 26, James Sub Addition, 1303 East 52nd Street.

Motion by Mayor Pro Tem Jim Gerlt, seconded by Council Member Karen Gibson to approve Ordinance No. 2016-O0045.

Vote: 7 - 0 Motion carried

6. 2. **Ordinance 2nd Reading – Planning:** Ordinance No. 2016-O0046, for Zone Case 2871-D, a request of Stellar Development Company for a zoning change from C-3 to A-2 on 4.773 acres of unplatted land out of Block AK, Section 28, 5902 98th Street.

Motion by Council Member Floyd Price, seconded by Council Member Karen Gibson to approve Ordinance No. 2016-O0046.

Vote: 7 - 0 Motion carried

6. 3. **Ordinance 2nd Reading – Planning:** Ordinance No. 2016-O0047, for Zone Case 3281, a request of Alliance Realty Services, for Yates II by LC, for a zoning change from T, C-2A, and C-3 to IHC on Tract 1-C, Tract 1-D, south 15 feet of Tract 1-B and Tract 1-A, less 4 feet east of 170 feet north, Snow Davis Addition, and 7.0456 acres of unplatted land, Section 44, Block AK, Southeast corner of 19th Street and West Loop 289.

Motion by Council Member Floyd Price, seconded by Council Member Karen Gibson to approve Ordinance No. 2016-O0047.

Vote: 7 - 0 Motion carried

6. 4. **Ordinance 2nd Reading – Planning:** Ordinance No. 2016-O0048, for Zone Case 2543-F, a request of Linda Wall for a zoning change from R-1 Specific Use to AM on Lot 30, Colonial Heights, 2002 98th Street.

Motion by Council Member Karen Gibson, seconded by Council Member Jeff Griffith to approve Ordinance No. 2016-O0048.

Vote: 7 - 0 Motion carried

6. 5. **Ordinance 2nd Reading – Planning:** Ordinance No. 2016-O0049, for Zone Case 3058-A, a request of Hugo Reed and Associates, Inc., for Ford Development, for a zoning change from R-1 Specific Use to A-2 and R-1 Specific Use on 92.3 acres of unplatted land out of Block AK, Sections 35 and 38, 6515, 6517, and 6801 50th Street.

Andrew Paxton, Director of Planning; and Wood Franklin, Director of Public Works, gave comments and answered questions from City Council.

Motion by Council Member Jeff Griffith, seconded by Council Member Karen Gibson to approve Ordinance No. 2016-O0049.

Vote: 7 - 0 Motion carried

6. 6. **Ordinance 2nd Reading – Planning:** Ordinance No. 2016-O0050, for Zone Case 2995-S, a request of Jake R. Seideman, for C & G Ventures, LP, for a zoning change from T and C-3 to C-3 and M-1 Specific Use on 1.397 acres of unplatted land out of Block AK, Section 30, 7906 Milwaukee Avenue.

Motion by Council Member Floyd Price, seconded by Council Member Karen Gibson to approve Ordinance No. 2016-O0050.

Vote: 7 - 0 Motion carried

6. 7. **Ordinance - 1st Reading - Planning:** Ordinance No. 2016-O0059 annexing 338.349 acres adjacent to the City limits located in Sections 39, Block D, L&SV Railroad Company Survey, Abstract 6, Section 38, Block D, L&SV Railroad Company Survey, Abstract 856, and Section 40 Block D, L&SV Railroad Company Survey, Abstract 717, in Lubbock County, Texas; generally located south of CR 5800, east of Avenue P, north of CR 5900, and west of the current City limits running along Ash Avenue; adopting a service plan and establishing an effective date.

Motion by Council Member Karen Gibson, seconded by Council Member Latrelle Joy to approve Ordinance No. 2016-O0059.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (RECUSE)

6. 8. **Resolution - Planning:** Resolution No. 2016-R0135 authorizing the Mayor to execute agreements in lieu of annexation pursuant to Section 212.127 of the Texas Local Government Code or Section 43.035 of the Texas Local Government Code, as applicable, with each eligible property owner located in the area of a proposed annexation containing approximately 2,393 acres generally located between one-half mile east of CR 2200 (University Avenue) and approximately CR 1700 (Milwaukee Avenue), from the existing southern City limits to approximately 660 feet south of CR 7500; said authorization to be effective only upon the affirmative vote of the City Council to annex an area that contains the property subject to an agreement in lieu of annexation.

This question was divided into two motions.

Motion by Council Member Karen Gibson, seconded by Mayor Pro Tem Jim Gerlt to approve Resolution No. 2016-R0135 in regard to the Development Agreements in Lieu of Annexation under Chapter 212.172 of the Texas Local Government Code.

Vote: 5 - 2 Motion carried

NAY: Council Member Jeff Griffith
Council Member Latrelle Joy

Motion by Mayor Pro Tem Jim Gerlt, seconded by Council Member Floyd Price to approve Resolution No. 2016-R0135 in regard to the Development Agreements in Lieu of Annexation under Chapter 43.035 of the Texas Local Government Code.

Vote: 5 - 2 Motion carried

NAY: Council Member Jeff Griffith
Council Member Latrelle Joy

6. 9. **Ordinance - 1st Reading - Planning:** Ordinance No. 2016-O0054 annexing 2,393 acres adjacent to the city limits located generally between an area described as one-half mile east of CR 2200 (University Avenue) and approximately CR 1700 (Milwaukee Avenue), from the exiting southern City limits to approximately 660 feet south of CR 7500; adopting a service plan and establishing an effective date.

Motion by Mayor Pro Tem Jim Gerlt, seconded by Council Member Jeff Griffith to approve Ordinance No. 2016-O0054.

Vote: 7 - 0 Motion carried

6. 10. **Ordinance Amendment 2nd Reading - Accounting:** Ordinance No. 2016-O0044 amending Chapter 18, Taxation, of the Lubbock Code of Ordinances, providing for the amendment of such code regarding sales tax.

Motion by Council Member Karen Gibson, seconded by Council Member Latrelle Joy to approve Ordinance No. 2016-O0044.

Vote: 7 - 0 Motion carried

6. 11. **Ordinance 1st Reading - Mayor Glen Robertson:** Consider an ordinance amending Chapter 18, Taxation, of the Lubbock Code of Ordinances, providing for the exemption of residential use of gas and electricity from sales and use tax.

This item was postponed.

Linda Cuellar, Interim Director of Finance; Cheryl Brock, Budget Director; and James Loomis, City Manager, gave comments and answered questions from City Council.

Motion by Council Member Karen Gibson, seconded by Council Member Latrelle Joy to postpone this item indefinitely.

Vote: 6 - 1 Motion carried

NAY: Mayor Glen C. Robertson

6. 12. Discuss and hear a presentation from the Model Codes & Construction Advisory Board concerning proposed revisions to the Commercial Codes, including the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code; and proposed revisions to the International Residential Code.

Cyril Reasoner, Chair of the Model Codes & Construction Advisory Board, gave a presentation and answered questions from the City Council.

6:38 P.M. CITY COUNCIL ADJOURNED

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

The April 14, 2016 Regular City Council Meeting minutes were approved by the City Council on the 12th day of May, 2016.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary


City of
Lubbock
TEXAS

Regular City Council Meeting **5. 1.**

Meeting Date: 05/12/2016

Information

Agenda Item

Budget Amendment Ordinance 2nd Reading - Finance: Consider Budget Ordinance 2016-O0060 Amendment 22 amending the FY 2015-16 budget for municipal purposes respecting the North Point Public Improvement District (PID) Special Revenue Fund; providing for filing; and providing for a savings clause.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

I. Amend the North Point PID Special Revenue Fund by increasing the appropriation by $100,000 for capital outlay, from $150,000 to $250,000, for the purpose of constructing a walking track. This increases the FY 2015-16 budget by $100,000, from $223,206 to $323,206. The North Point PID Advisory Board has approved the design and cost of the walking track.

Fiscal Impact

$471,500 is available in fund balance for the purpose of constructing a walking track and other public improvements within the North Point PID.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - Budget Amendment 22

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2015-16 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE NORTH POINT PUBLIC IMPROVEMENT DISTRICT (PID) SPECIAL REVENUE FUND; PROVIDING FOR FILING; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Section 102.010 of the Local Government Code of the State of Texas authorizes the City Council to make changes in the budget for municipal purposes; and

WHEREAS, in accordance with the City Budget Ordinance the City Council shall approve all transfers between funds and departments; and

WHEREAS, the City Council deems it advisable to change the FY 2015-16 Budget for municipal purposes and reallocate funds as follows; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby approves changes to the City of Lubbock Budget FY 2015-16 (Budget Amendment #22) for municipal purposes, as follows:

I. Amend the North Point PID Special Revenue Fund by appropriating an additional $100,000 for capital outlay, from $150,000 to $250,000.

SECTION 2. THAT a copy of the changes made to the City of Lubbock Budget pursuant to this Ordinance shall be filed with the City Secretary and County Clerk of Lubbock as required by law.

SECTION 3. THAT should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

AND IT IS SO ORDERED

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:

Cheryl Brock
Executive Director of Budget

APPROVED AS TO FORM:

Amy Sims
Assistant City Attorney

ccdocs/BudgetFY1516.Amend22.ord
April 18, 2016

Regular City Council Meeting **5. 2.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance Amendment 2nd Reading - Finance: Consider Ordinance 2016-O0061 amending Ordinance 2015-O0067 in regard to the North Point Public Improvement District Revised 2015 Service and Assessment Plan by updating the Revised 2015 Service and Assessment Plan to increase the appropriated capital outlay for the purpose of the construction of a walking track; providing a savings clause; and providing for publication.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

The North Point PID Advisory Board has recommended that the 2015 Revised Service and Assessment Plan, approved as Exhibit B in Ordinance 2015-O0079, be amended to increase appropriation for capital outlay by $100,000, from $150,000 to $250,000, to provide for the entire cost of constructing the walking track due to no actual costs being incurred in FY 2014-15. The Board approved the current design and cost of the walking track at the meeting held on May 21, 2015. The 2015 Revised Service and Assessment Plan is amended with this ordinance and attached as Exhibit A.

Fiscal Impact

Estimated revenues for the North Point PID in FY 2015-16 are $105,703 with $471,500 available fund balance.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - North Point PID Service and Assessment Amendment

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 2015-O0079 IN REGARD TO THE NORTH POINT PUBLIC IMPROVEMENT DISTRICT REVISED 2015 SERVICE AND ASSESSMENT PLAN BY UPDATING THE REVISED 2015 SERVICE AND ASSESSMENT PLAN TO INCREASE THE APPROPRIATED CAPITAL OUTLAY FOR THE PURPOSE OF THE CONSTRUCTION OF A WALKING TRACK; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING FOR PUBLICATION.

WHEREAS, the appropriated capital outlay approved under Ordinance No. 2015-O0079 in the Revised 2015 Service and Assessment Plan (the "Plan") of the North Point Public Improvement District (the "PID") included only a portion of the entire cost for the construction of a public walking track (the "Project Costs"); and

WHEREAS, the PID has sufficient funds to support the entire Project Costs; and

WHEREAS, the Plan requires an update to reflect the capital outlay for the entire Project Costs; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Ordinance No. 2015-O0079 is hereby amended to update the Revised 2015 Service and Assessment Plan attached as "Exhibit B" to said Ordinance, to increase the appropriated capital outlay for the entire cost of the construction of a walking track, and with said updated Revised 2015 Service and Assessment Plan replacing and superseding the existing Plan, and with said updated Revised 2015 Service and Assessment Plan being attached as "Exhibit A" hereto.

SECTION 2. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 3. THAT the City Secretary of the City of Lubbock is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

SECTION 4. THAT this Ordinance shall become effective, except as may otherwise be provided herein, from and after its publication as provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this _____ day of _____, 2016.

Passed by the City Council on second reading this _____ day of _____, 2016.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Cheryl Brock, Executive Director of Finance

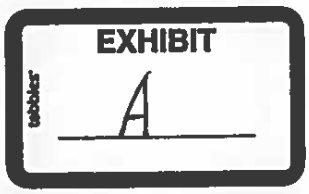
APPROVED AS TO FORM:

_____
Justin Pruitt, Assistant City Attorney

City of Lubbock, TX
Finance Department
North Point PID Assessment and Service Plan
Exhibit B

Method of Assessment

* Properties will be assessed based on the City's 2015 "net taxable value" as established by the Lubbock Central Appraisal District and submitted to the City under Tax Code Section 26.04.
* Assessment rate will be $0.14/$100 valuation
* All property will be assessed based on the final 2015 "net taxable value".



City of Lubbock, TX
Finance Department
North Point PID Assessment and Service Plan
Exhibit B

Service Plan

	Actual			Proposed					
Calendar Year	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**Totals**
Property Values* (Taxable)	$ 59,408,213	60,090,714	66,087,974	77,486,505	79,036,235	80,616,960	82,229,299	83,873,885	$ 83,873,885
Discounted Property Values	59,408,213	60,090,714	65,955,798	75,161,910	76,665,148	78,198,451	79,762,420	81,357,668	81,357,668
Fiscal Year Revenues	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**2016-17**	**2017-18**	**2018-19**	**2019-20**	**Totals^**
Interest	181	977	2,494	476	635	717	801	885	14,342
Assessment @ $0.14	82,784	84,127	92,860	105,227	107,331	109,478	111,667	113,901	1,226,433
Total	$ 82,965	85,104	95,354	105,703	107,966	110,195	112,468	114,786	$ 1,013,521
Expense									
Slide Road - right of way & median maintenance	$ 9,508	10,652	8,819	26,000	26,520	27,050	27,591	28,143	235,813
Water cost for irrigation	7,716	8,038	3,089	24,000	24,720	25,462	26,225	27,012	170,769
Repair and Replacement of Public Improvements	-	-	1,963	5,000	5,100	5,202	5,306	5,412	30,767
Right-of-way Improvements	-	-	-	-	-	-	-	-	500
Seasonal Lighting of Entry	11,018	1,856	1,856	2,625	2,678	2,731	2,786	2,841	29,791
Hike & Bike Trails under utility easement									
50 ft. wide linear track, 17.5 acres @ $1,178	-	-	-	1,020	1,040	1,061	1,082	1,104	16,423
Electric Cost for Lights & Seasonal Lighting	440	432	486	1,227	1,264	1,302	1,341	1,381	11,858
Administrative Costs	4,075	4,901	515	6,995	7,205	7,421	7,644	7,873	52,362
Annual Operation Cost	3,600	3,321	3,502	6,339	6,466	6,595	6,727	6,862	54,227
(Notices, Public Hearings, Collection Costs, Advisory Group)									
Capital Outlay									
Construction of Walking Track	-	-	-	250,000	-	-	-	-	250,000
Total	$ 36,357	29,200	20,231	323,206	74,992	76,824	78,702	80,629	$ 852,509
Cash Reserve	$ 340,473	396,377	471,500	253,997	286,971	320,342	354,108	388,265	$ 388,265

*Property Value growth rate = 2% annually

^Total amounts also include actual revenues and expenses prior to 2012

Assessment Information

2004-2019

Assessment per $100,000 $ 140.00

Regular City Council Meeting **5. 3.**

Meeting Date: 05/12/2016

Information

Agenda Item

Budget Amendment Ordinance 2nd Reading - Finance: Consider Budget Ordinance 2016-O0062 Amendment 21 amending the FY 2015-16 budget for municipal purposes respecting the grant fund to accept and appropriate funding from the Texas Department of Transportation (TxDOT) for the Selective Traffic Enforcement Program (STEP) grant; providing for filing; and providing for a savings clause.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

Accept and appropriate $10,000 from TxDOT for the STEP grant.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - Budget Amendment 21

Grant Detail Sheet - Police STEP Click It or Ticket

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2015-16 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE GRANT FUND TO ACCEPT AND APPROPRIATE ADDITIONAL FUNDING FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) CLICK IT OR TICKET GRANT; PROVIDING FOR FILING; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Section 102.010 of the Local Government Code of the State of Texas authorizes the City Council to make changes in the budget for municipal purposes; and

WHEREAS, in accordance with the City Budget Ordinance the City Council shall approve all transfers between funds and departments; and

WHEREAS, the City Council deems it advisable to change the FY 2015-16 Budget for municipal purposes and reallocate funds as follows; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby approves changes to the City of Lubbock Budget FY 2015-16 (Budget Amendment #21) for municipal purposes, as follows:

I. Accept and appropriate $10,000 from TxDOT for the STEP Click It or Ticket Grant.

SECTION 2. THAT a copy of the changes made to the City of Lubbock Budget pursuant to this Ordinance shall be filed with the City Secretary and County Clerk of Lubbock as required by law.

SECTION 3. THAT should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

AND IT IS SO ORDERED

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:

Cheryl Brock
Executive Director of Budget

APPROVED AS TO FORM:

Amy Sims
Assistant City Attorney

ccdocs/BudgetFY1516 Amend21.ord
April 18, 216

City of Lubbock, TX
Grant Award
New Grant - Budget Detail
April 28, 2016

Administrative Information

City Assigned Grant Number	86068
Grant Name	STEP Click-It or Ticket 2014
Grant Effective Date	05/23/2016-6/8/2016
Grant Provider/Agency	Texas Department of Transportation
Grant Award Amount	$ 10,000
Amount City Grant Match	-

Budget Information

Grant Appropriation Detail	**Cost**
Overtime	$ 10,000
Total Appropriation	$ 10,000

Regular City Council Meeting **5. 3. 1.**

Meeting Date: 05/12/2016

Information

Agenda Item

Resolution - Police: Consider a resolution authorizing the Mayor to execute a State administered, Federally funded, grant agreement 12852 for the Click It Or Ticket Selective Traffic Enforcement Program.

Item Summary

The Click It Or Ticket Selective Traffic Enforcement Program emphasizes seat belt and child restraint compliance as an effort to reduce death and serious bodily injury resulting from traffic collisions.

The grant's general terms and conditions are available in the City Secretary's office.

Fiscal Impact

This enforcement program will be conducted during FY 2015-16. The grant award of $9,996 is for the specified period beginning May 23, 2016, and ending June 8, 2016, following approval of the City Council.

Staff/Board Recommending

Greg Stevens, Chief of Police

Attachments

Resolution & Contract - Texas Traffic Safety Program Grant

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, a Texas Traffic Safety Program Grant Agreement for 2016 regarding the STEP "Click It or Ticket" seatbelt compliance campaign, by and between the City of Lubbock and the State of Texas, acting by and through the Texas Department of Transportation, and related documents. Said Agreement is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Greg Stevens, Chief of Police

APPROVED AS TO FORM:

_____
John C. Grace, Assistant City Attorney

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Texas Traffic Safety eGrants

Fiscal Year 2016

Organization Name: City of Lubbock - Police Department

Legal Name: City of Lubbock

Payee Identification Number: 17560005906000

Project Title:

ID: 2016-Lubbock PD-CIOT-00046

Period: 04/28/2016 to 06/06/2016

TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

THIS AGREEMENT IS MADE BY and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the Department and the, **City of Lubbock** hereinafter called the Subgrantee, and becomes effective then fully executed by both parties. For the purpose of this agreement, the Subgrantee is designated as a(n) **Local Government**.

AUTHORITY: Texas Transportation Code, Chapter 723, the Traffic Safety Act of 1967, and the Highway Safety Performance Plan for the Fiscal Year 2016.

Name of the Federal Agency: National Highway Traffic Safety Administration

CFDA Number: **20.616**

CFDA Title: **National Priority Safety Programs**

Funding Source: Section **405B**

DUNS: **058213893**

Project Title:**STEP - Click It Or Ticket**

To increase occupant restraint use in all passenger vehicles and trucks by conducting an intense occupant protection enforcement and public information and education effort during the Enforcement period.

Grant Period: This Grant becomes effective on **04/28/2016** or on the date of final signature of both parties, whichever is later, and ends on **06/06/2016** unless terminated or otherwise modified.

Total Awarded: **$9,995.96**

Amount Eligible for Reimbursement: **$9,995.96**

Match Amount: **$0**

TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT

The signatory of the Subgrantee hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this agreement and that she/he has full and complete authority to enter into this agreement on behalf of the organization.

THE SUBGRANTEE	THE STATE OF TEXAS
City of Lubbock	Executed for the Executive Director and Approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out orders, established policies or work programs approved and authorized by the Texas Transportation Commission
By: _____ [Authorized Signature]	By: _____ [District Engineer Texas Department of Transportation]
_____ [Name]	_____ [Name]
_____ [Title]	_____ [Title]
Date: _____	Date: _____
Under the authority of Ordinance or Resolution Number (for local government): (If Applicable)	By: _____ Director, Traffic OperationsDivision Texas Department of Transportation (Not required for local project grants under $100,000.00)
_____ [Resolution Number]	Date: _____

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO FORM:

_____
Jeff Hartsell, Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Greg Stevens, Chief of Police

GRANT AGREEMENT GENERAL TERMS AND CONDITIONS

ARTICLE 1. COMPLIANCE WITH LAWS

The Subgrantee shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this agreement, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, nondiscrimination laws and regulations, and licensing laws and regulations. When required, the Subgrantee shall furnish the Department with satisfactory proof of compliance.

ARTICLE 2. STANDARD ASSURANCES

The Subgrantee assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 2 CFR, Part 200; and the Department's Traffic Safety Program Manual, as they relate to the application, acceptance, and use of federal or state funds for this project. Also, the Subgrantee assures and certifies that:

A. It possesses legal authority to apply for the grant; and that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained in the application, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide any additional information that may be required.

B. It and its subcontractors will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), as amended, and in accordance with that Act, no person shall discriminate, on the grounds of race, color, sex, national origin, age, religion, or disability.

C. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended; 42 USC (United States Code) §§4601 et seq.; and United States Department of Transportation (USDOT) regulations, "Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR, Part 24, which provide for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.

D. It will comply with the provisions of the Hatch Political Activity Act, which limits the political activity of employees. (See also Article 25, Lobbying Certification.)

E. It will comply with the federal Fair Labor Standards Act's minimum wage and overtime requirements for employees performing project work.

F. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

G. It will give the Department the access to and the right to examine all records, books, papers, or documents related to this Grant Agreement.

H. It will comply with all requirements imposed by the Department concerning special requirements of law, program requirements, and other administrative requirements.

I. It recognizes that many federal and state laws imposing environmental and resource conservation requirements may apply to this Grant Agreement. Some, but not all, of the major federal laws that may affect the project include: the National Environmental Policy Act of 1969, as amended, 42 USC §§4321 et seq.; the Clean Air Act, as amended, 42 USC §§7401 et seq. and sections of 29 USC; the Federal Water Pollution Control Act, as amended, 33 USC §§1251 et seq.; the Resource Conservation and Recovery Act, as amended, 42 USC §§6901 et seq.; and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 USC §§9601 et seq. The Subgrantee also recognizes that the U.S. Environmental Protection Agency, USDOT, and other federal agencies have issued, and in the future are expected to issue, regulations, guidelines, standards, orders, directives, or other requirements that may affect this Project. Thus, it agrees to comply, and assures the compliance of each contractor and each subcontractor, with any federal requirements that the federal government may now or in the future promulgate.

J. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, 42 USC §4012a(a). Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where that insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any form of direct or indirect federal assistance.

K. It will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470 et seq.), Executive Order 11593, and the Antiquities Code of Texas (National Resources Code, Chapter 191).

L. It will comply with Chapter 573 of the Texas Government Code by ensuring that no officer, employee, or member of the Subgrantee's governing board or the Subgrantee's subcontractors shall vote or confirm the employment of any person related within the second degree of affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise that person. This prohibition shall not apply to the employment of a person described in Section 573.062 of the Texas Government Code.

M. It will ensure that all information collected, assembled, or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Chapter 552 of the Texas Government Code, unless otherwise expressly provided by law.

N. If applicable, it will comply with Chapter 551 of the Texas Government Code, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

ARTICLE 3. COMPENSATION

A. The method of payment for this agreement will be based on actual costs incurred up to and not to exceed the limits specified in the Project Budget. The amount included in a Project Budget category will be deemed to be an estimate only and a higher amount can be reimbursed, subject to the conditions specified in paragraph B of this Article. If the Project Budget specifies that costs are based on a specific rate, per-unit cost, or other method of payment, reimbursement will be based on the specified method.

B. All payments will be made in accordance with the Project Budget.

1. The Subgrantee's expenditures may overrun a budget category (I, II, or III) in the approved Project Budget without a grant (budget) amendment, as long as the overrun does not exceed a total of five (5) percent of the maximum amount eligible for reimbursement (TxDOT) in the attached Project Budget for the current fiscal year. This overrun must be off-set by an equivalent underrun elsewhere in the Project Budget.

2. If the overrun is five (5) percent or less, the Subgrantee must provide written notification to the Department, through the TxDOT Electronic Grants Management System (eGrants), prior to the Request for Reimbursement being approved. The notification must indicate the amount, the percent over, and the specific reason(s) for the overrun.

3. Any overrun of more than five (5) percent of the amount eligible for reimbursement (TxDOT) in the attached Project Budget requires an amendment of this Grant Agreement.

4. The maximum amount eligible for reimbursement shall not be increased above the Grand Total TxDOT Amount in the approved Project Budget, unless this Grant Agreement is amended, as described in Article 5 of this agreement.

5. For Selective Traffic Enforcement Program (STEP) grants only: In the Project Budget, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or B, "PI&E Activities," to exceed the TxDOT amount listed in Subcategory C, "Other." Also, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or C, "Other," to exceed the TxDOT amount listed in Subcategory B, "PI&E Activities." The TxDOT amount for Subcategory B, "PI&E Activities," or C, "Other," can only be exceeded within the five (5) percent flexibility, with underrun funds from Budget Categories II or III.

C. To be eligible for reimbursement under this agreement, a cost must be incurred in accordance with the Project Budget, within the time frame specified in the Grant Period of this Grant Agreement, attributable to work covered by this agreement, and which has been completed in a manner satisfactory and acceptable to the Department.

D. Federal or TxDOT funds cannot supplant (replace) funds from any other sources. The term "supplanting," refers to the use of federal or TxDOT funds to support personnel or an activity already supported by local or state funds.

E. Payment of costs incurred under this agreement is further governed by the cost principles outlined in 2 CFR Part 200.

F. The Subgrantee agrees to submit monthly Requests for Reimbursement, as designated in this Grant Agreement, within thirty (30) days after the end of the billing period. The Request for Reimbursement and appropriate supporting documentation must be submitted through eGrants.

G. The Subgrantee agrees to submit the final Request for Reimbursement under this agreement within forty-five (45) days of the end of the grant period.

H. Payments are contingent upon the availability of appropriated funds.

I. Project agreements supported with federal or TxDOT funds are limited to the length of this Grant Period specified in this Grant Agreement. If the Department determines that the project has demonstrated merit or has potential long-range benefits, the Subgrantee may apply for funding assistance beyond the initial agreement period.

Preference for funding will be given to projects based on (1) proposed cost sharing and (2) demonstrated performance history.

ARTICLE 4. LIMITATION OF LIABILITY

Payment of costs incurred under this agreement is contingent upon the availability of funds. If at any time during this Grant Period, the Department determines that there is insufficient funding to continue the project, the Department shall notify the Subgrantee, giving notice of intent to terminate this agreement, as specified in Article 11 of this agreement. If at the end of a federal fiscal year, the Department determines that there is sufficient funding and performance to continue the project, the Department may notify the Subgrantee to continue this agreement.

ARTICLE 5. AMENDMENTS

This agreement may be amended prior to its expiration by mutual written consent of both parties, utilizing the Grant Agreement Amendment in eGrants. Any amendment must be executed by the parties within the Grant Period, as specified in this Grant Agreement.

ARTICLE 6. ADDITIONAL WORK AND CHANGES IN WORK

A. If the Subgrantee is of the opinion that any assigned work is beyond the scope of this agreement and constitutes additional work, the Subgrantee shall promptly notify the Department in writing through eGrants. If the Department finds that such work does constitute additional work, the Department shall advise the Subgrantee and a written amendment to this agreement will be executed according to Article 5, Amendments, to provide compensation for doing this work on the same basis as the original work. If performance of the additional work will cause the maximum amount payable to be exceeded, the work will not be performed before a written grant amendment is executed.

B. If the Subgrantee has submitted work in accordance with the terms of this agreement but the

Department requests changes to the completed work or parts of the work which involve changes to the original scope of services or character of work under this agreement, the Subgrantee shall make those revisions as requested and directed by the Department. This will be considered as additional work and will be paid for as specified in this Article.

C. If the Subgrantee submits work that does not comply with the terms of this agreement, the Department shall instruct the Subgrantee to make any revisions that are necessary to bring the work into compliance with this agreement. No additional compensation shall be paid for this work.

D. The Subgrantee shall make revisions to the work authorized in this agreement that are necessary to correct errors or omissions, when required to do so by the Department. No additional compensation shall be paid for this work.

E. The Department shall not be responsible for actions by the Subgrantee or any costs incurred by the Subgrantee relating to additional work not directly associated with or prior to the execution of an amendment.

ARTICLE 7. REPORTING AND MONITORING

A. Not later than thirty (30) days after the end of each reporting period, the Subgrantee shall submit a performance report through eGrants. Reporting periods vary by project duration and are defined as follows:

1. For short term projects, the reporting period is the duration of the project. Subgrantee shall submit a performance report within 30 days of project completion.

2. For longer projects, the reporting period is monthly. Subgrantee shall submit a performance report within 30 days of the completion of each project month and within 30 days of project completion.

3. For Selective Traffic Enforcement Program (STEP) Wave projects, the reporting period is each billing cycle. Subgrantee shall submit a performance report within 30 days of the completion of each billing cycle.

B. The performance report will include, as a minimum: (1) a comparison of actual accomplishments to the objectives established for the period, (2) reasons why established objectives and performance measures were not met, if appropriate, and (3) other pertinent information, including, when appropriate, an analysis and explanation of cost underruns, overruns, or high unit costs.

C. The Subgrantee shall promptly advise the Department in writing, through eGrants, of events that will have a significant impact upon this agreement, including:

1. Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the established time periods.

This disclosure shall be accompanied by a statement of the action taken or contemplated and any Department or federal assistance needed to resolve the situation.

2. Favorable developments or events that enable meeting time schedules and objectives sooner than anticipated or achieving greater performance measure output than originally projected.

D. The Subgrantee shall submit the Final Performance Report through eGrants within thirty (30) days after completion of the grant.

ARTICLE 8. RECORDS

The Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed under this agreement (called the "Records"), and shall make the Records available at its office for the time period authorized within the Grant Period, as specified in this Grant Agreement. The Subgrantee further agrees to retain the Records for four (4) years from the date of final payment under this agreement, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

Duly authorized representatives of the Department, the USDOT, the Office of the Inspector General, Texas State Auditor, and the Comptroller General shall have access to the Records. This right of access is not limited to the four (4) year period but shall last as long as the Records are retained.

ARTICLE 9. INDEMNIFICATION

A. To the extent permitted by law, the Subgrantee, if other than a government entity, shall indemnify, hold, and save harmless the Department and its officers and employees from all claims and liability due to the acts or omissions of the Subgrantee, its agents, or employees. The Subgrantee also agrees, to the extent permitted by law, to indemnify, hold, and save harmless the Department from any and all expenses, including but not limited to attorney fees, all court costs and awards for damages incurred by the Department in litigation or otherwise resisting claims or liabilities as result of any activities of the Subgrantee, its agents, or employees.

B. To the extent permitted by law, the Subgrantee, if other than a government entity, agrees to protect, indemnify, and save harmless the Department from and against all claims, demands, and causes of action of every kind and character brought by any employee of the Subgrantee against the Department due to personal injuries to or death of any employee resulting from any alleged negligent act, by either commission or omission on the part of the Subgrantee.

C. If the Subgrantee is a government entity, both parties to this agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

ARTICLE 10. DISPUTES AND REMEDIES

This agreement supersedes any prior oral or written agreements. If a conflict arises between this agreement and the Traffic Safety Program Manual, this agreement shall govern. The Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by the Subgrantee in support of work under this agreement. Disputes concerning performance or payment shall be submitted to the Department for settlement, with the Executive Director or his or her designee acting as final referee.

ARTICLE 11. TERMINATION

A. This agreement shall remain in effect until the Subgrantee has satisfactorily completed all services and obligations described in this agreement and these have been accepted by the Department, unless:

1. This agreement is terminated in writing with the mutual consent of both parties; or

2. There is a written thirty (30) day notice by either party; or

3. The Department determines that the performance of the project is not in the best interest of the Department and informs the Subgrantee that the project is terminated immediately.

B. The Department shall compensate the Subgrantee for only those eligible expenses incurred during the Grant Period specified in this Grant Agreement that are directly attributable to the completed portion of the work covered by this agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The Subgrantee shall not incur nor be reimbursed for any new obligations after the effective date of termination.

ARTICLE 12. INSPECTION OF WORK

A. The Department and, when federal funds are involved, the USDOT, or any of their authorized representatives, have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this agreement and the premises in which it is being performed.

B. If any inspection or evaluation is made on the premises of the Subgrantee or its subcontractor, the Subgrantee shall provide and require its subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in a manner that will not unduly delay the work.

ARTICLE 13. AUDIT

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under this agreement or indirectly through a subcontract under this agreement.

Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

ARTICLE 14. SUBCONTRACTS

A subcontract in excess of $25,000 may not be executed by the Subgrantee without prior written concurrence by the Department. Subcontracts in excess of $25,000 shall contain all applicable terms and conditions of this agreement. No subcontract will relieve the Subgrantee of its responsibility under this agreement.

ARTICLE 15. GRATUITIES

A. Texas Transportation Commission policy mandates that employees of the Department shall not accept any benefit, gift, or favor from any person doing business with or who, reasonably speaking, may do business with the Department under this agreement.
The only exceptions allowed are ordinary business lunches and items that have received the advanced written approval of the Department's Executive Director.

B. Any person doing business with or who reasonably speaking may do business with the Department under this agreement may not make any offer of benefits, gifts, or favors to Department employees, except as mentioned here above. Failure on the part of the Subgrantee to adhere to this policy may result in termination of this agreement.

ARTICLE 16. NONCOLLUSION

The Subgrantee warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Subgrantee, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this agreement. If the Subgrantee breaches or violates this warranty, the Department shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, contingent fee, or gift.

ARTICLE 17. CONFLICT OF INTEREST

The Subgrantee represents that it or its employees have no conflict of interest that would in any way interfere with its or its employees' performance or which in any way conflicts with the interests of the Department. The Subgrantee shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with the Department's interests.

ARTICLE 18. SUBGRANTEE'S RESOURCES

A. The Subgrantee certifies that it presently has adequate qualified personnel in its employment to perform the work required under this agreement, or will be able to obtain such personnel from sources other than the Department.

B. All employees of the Subgrantee shall have the knowledge and experience that will enable them to perform the duties assigned to them. Any employee of the Subgrantee who, in the opinion of the Department, is incompetent or whose conduct becomes detrimental to the work, shall immediately be removed from association with the project.

C. Unless otherwise specified, the Subgrantee shall furnish all equipment, materials, supplies, and other resources required to perform the work.

ARTICLE 19. PROCUREMENT AND PROPERTY MANAGEMENT

The Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this agreement in accordance with its own procurement and property management procedures, provided that the procedures are not in conflict with (1) the Department's procurement and property management standards and (2) the federal procurement and property management standards provided by 2 CFR §§ 200.310-.316, 200.318-.324.

ARTICLE 20. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Upon completion or termination of this Grant Agreement, whether for cause or at the convenience of the parties, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc. prepared by the Subgrantee, and equipment and supplies purchased with grant funds shall, at the option of the Department, become the property of the Department. All sketches, photographs, calculations, and other data prepared under this agreement shall be made available, upon request, to the Department without restriction or limitation of their further use.

A. Intellectual property consists of copyrights, patents, and any other form of intellectual property rights covering any databases, software, inventions, training manuals, systems design, or other proprietary information in any form or medium.

B. All rights to Department. The Department shall own all of the rights (including copyrights, copyright applications, copyright renewals, and copyright extensions), title and interests in and to all data, and other information developed under this contract and versions thereof unless otherwise agreed to in writing that there will be joint ownership.

C. All rights to Subgrantee. Classes and materials initially developed by the Subgrantee without any type of funding or resource assistance from the Department remain the Subgrantee's intellectual property. For these classes and materials, the Department payment is limited to payment for attendance at classes.

ARTICLE 21. SUCCESSORS AND ASSIGNS

The Department and the Subgrantee each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of the other party in respect to all covenants of this agreement. The Subgrantee shall not assign, sublet, or transfer interest and obligations in this agreement without written consent of the Department through eGrants.

ARTICLE 22. CIVIL RIGHTS COMPLIANCE

A. Compliance with regulations: The Subgrantee shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (USDOT): 49 CFR, Part 21; 23 CFR, Part 200; and 41 CFR, Parts 60-74, as they may be amended periodically (called the "Regulations"). The Subgrantee agrees to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented by the U.S. Department of Labor regulations (41 CFR, Part 60).

B. Nondiscrimination: The Subgrantee, with regard to the work performed during the period of this agreement, shall not discriminate on the grounds of race, color, sex, national origin, age, religion, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment.

C. Solicitations for subcontracts, including procurement of materials and equipment: In all solicitations either by competitive bidding or negotiation made by the Subgrantee for work to be performed under a subcontract, including procurements of materials and leases of equipment, each potential subcontractor or supplier shall be notified by the Subgrantee of the Subgrantee's obligations under this agreement and the regulations relative to nondiscrimination on the grounds of race, color, sex, national origin, age, religion, or disability.

D. Information and reports: The Subgrantee shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the USDOT to be pertinent to ascertain compliance with the Regulations or directives. Where any information required of the Subgrantee is in the exclusive possession of another who fails or refuses to furnish this information, the Subgrantee shall certify that to the Department or the USDOT, whichever is appropriate, and shall set forth what efforts the Subgrantee has madeto obtain the requested information.

E. Sanctions for noncompliance: In the event of the Subgrantee's noncompliance with the nondiscrimination provision of this agreement, the Department shall impose such sanctions as it or the USDOT may determine to be appropriate.

F. Incorporation of provisions: The Subgrantee shall include the provisions of paragraphs A. through E. in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations or directives. The Subgrantee shall take any action with respect to any subcontract or procurement that the Department may direct as a means of enforcing those provisions, including sanctions for noncompliance. However, in the event a Subgrantee becomes involved in, or is threatened with litigation with a subcontractor or

supplier as a result of such direction, the Subgrantee may request the Department to enter into litigation to protect the interests of the state; and in addition, the Subgrantee may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE 23. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

A. The parties shall comply with the DBE Program requirements established in 49 CFR Part 26.

B. The Subgrantee shall adopt, in its totality, the Department's federally approved DBE program.

C. The Subgrantee shall set an appropriate DBE goal consistent with the Department's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Subgrantee shall have final decision- making authority regarding the DBE goal and shall be responsible for documenting its actions.

D. The Subgrantee shall follow all other parts of the Department's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity and attachments found at web address http://www.txdot.gov/business/partnerships/dbe.html

E. The Subgrantee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Subgrantee shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of USDOT-assisted contracts. The Department's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Subgrantee of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

F. Each contract the Subgrantee signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.

ARTICLE 24. DEBARMENT AND SUSPENSION

A. The Subgrantee certifies, to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency;

2. Have not within the three (3) year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local public transaction or contract under a public transaction; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3. Are not presently indicted or otherwise criminally or civilly charged by a federal, state, or local governmental entity with commission of any of the offenses enumerated in paragraph A. 2. of this Article; and

4. Have not, within the three (3) year period preceding this agreement, had one or more federal, state, or local public transactions terminated for cause or default.

B. Where the Subgrantee is unable to certify to any of the statements in this Article, the Subgrantee shall attach an explanation to this agreement.

C. The Subgrantee is prohibited from making any award or permitting any award at any tier to any party which is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the Subgrantee certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549.

D. The Subgrantee shall require any party to a subcontract or purchase order awarded under this Grant Agreement to certify its eligibility to receive federal grant funds, and, when requested by the Department, to furnish a copy of the certification.

ARTICLE 25. LOBBYING CERTIFICATION

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief that:

A. No federally appropriated funds have been paid or will be paid by or on behalf of the Subgrantee to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of

Congress in connection with this federal contract, grant, loan, or cooperative agreement, the party to this agreement shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

C. The Subgrantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub- recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 USC §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

ARTICLE 26. CHILD SUPPORT CERTIFICATION

Under Section 231.006, Texas Family Code, the Subgrantee certifies that the individual or business entity named in this agreement is not ineligible to receive the specified grant, loan, or payment and acknowledges that this agreement may be terminated and payment may be withheld if this certification is inaccurate. If the above certification is shown to be false, the Subgrantee is liable to the state for attorney's fees and any other damages provided by law or the agreement. A child support obligor or business entity ineligible to receive payments because of a payment delinquency of more than thirty (30) days remains ineligible until: all arrearages have been paid; the obligor is in compliance with a written repayment agreement or court order as to any existing delinquency; or the court of continuing jurisdiction over the child support order has granted the obligor an exemption from Subsection (a) of Section 231.006, Texas Family Code, as part of a court-supervised effort to improve earnings and child support payments.

ARTICLE 27. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT REQUIREMENTS

A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf and http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf.

B. The Subgrantee agrees that it shall:

1. Obtain and provide to the State a System for Award Management (SAM) number (48 CFR subpt. 4.11) if this award provides for more than $25,000 in Federal funding. The SAM number may be obtained by visiting the SAM web-site at: https://www.sam.gov

2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website http://fedgov.dnb.com/webform; and

3. Report the total compensation and names of its top five (5) executives to the State if:

i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than $25,000,000; and

ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

ARTICLE 28. SINGLE AUDIT REPORT

A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR Part 200.

B. If threshold expenditures of $750,000 or more are met during the Subgrantee's fiscal year, the Subgrantee must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at singleaudits@txdot.gov

C. If expenditures are less than $750,000 during the Subgrantee's fiscal year, the Subgrantee must submit a statement to TxDOT's Audit Office as follows: "We did not meet the $750,000 expenditure threshold and therefore, are not required to have a single audit performed for FY _."

D. For each year the project remains open for federal funding expenditures, the Subgrantee will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

ARTICLE 29. BUY AMERICA ACT

The Subgrantee will comply with the provisions of the Buy America Act (49 U.S.C. §5323(j)), which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

ARTICLE 30. RESTRICTION ON STATE LOBBYING

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude

a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

ARTICLE 31. NONGOVERNMENTAL ENTITY'S PUBLIC INFORMATION

[This article applies only to non-profit entities.]

The Subgrantee is required to make any information created or exchanged with the Department pursuant to this Grant Agreement and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the Department. [SB-1368, 83rd Texas Legislature, Regular Session, Effective 9/1/13]

RESPONSIBILITIES OF THE SUBGRANTEE

A. Carry out all performance measures established in the grant, including fulfilling the law enforcement objectives by implementing the Operational Plan contained in this Grant Agreement.

B. Submit all required reports to the Department (TxDOT) fully completed with the most current information, and within the required times, as defined in Article 3 and Article 7 of the General Terms and Conditions of this Grant Agreement. This includes reporting to the Department on progress, achievements, and problems in monthly Performance Reports and attaching necessary source documentation to support all costs claimed in Requests for Reimbursement (RFR).

C. Attend Department-approved grant management training.

D. Attend meetings according to the following:
1. The Department will arrange for meetings with the Subgrantee to present status of activities and to discuss problems and the schedule for the following quarter's work.
2. The project director or other appropriate qualified persons will be available to represent the Subgrantee at meetings requested by the Department.

E. Support grant enforcement efforts with public information and education (PI&E) activities. Salaries being claimed for PI&E activities must be included in the budget.

F. When applicable, all newly developed PI&E materials must be submitted to the Department for written approval, through the TxDOT Electronic Grants Management System (eGrants) system messaging, prior to final production. Refer to the Traffic Safety Program Manual regarding PI&E procedures.

G. For out of state travel expenses to be reimbursable, the Subgrantee must have obtained the written approval of the Department, through eGrants system messaging, prior to the beginning of the trip. Grant approval does not satisfy this requirement. For Department district-managed grants, the Subgrantee must have obtained written Department district approval, through eGrants system messaging, for travel and related expenses if outside of the district boundaries.

H. Maintain verification that all expenses, including wages or salaries, for which reimbursement is requested is for work exclusively related to this project.

I. Ensure that this grant will in no way supplant (replace) funds from other sources. Supplanting refers to the use of federal funds to support personnel or any activity already supported by local or state funds.

J. Ensure that each officer working on the STEP project will complete an officer's daily report form. The form should include at a minimum: name, date, badge or identification number, type of grant worked, grant site number, mileage (including starting and ending mileage),

hours worked, type of citation issued or arrest made, officer and supervisor signatures.

K. All STEP agencies must provide the following provision in all daily activity report forms: "I understand that this information is being submitted to support a claim against a federally-funded grant program. False statements on this form may be prosecutable under 18 USC 1001. This information on this form is true, correct, and complete to the best of my knowledge and ability."

L. Ensure that no officer above the rank of Lieutenant (or equivalent title) will be reimbursed for enforcement duty, unless the Subgrantee received specific written authorization from the Department, through eGrants system messaging, prior to incurring costs.

M. Subgrantee may work additional STEP enforcement hours on holidays or special events not covered under the Operational Plan. However, additional work must be approved in writing by the Department, through eGrants system messaging, prior to enforcement. Additional hours must be reported in the Performance Report for the time period for which the additional hours were worked.

N. If an officer makes a STEP-related arrest during the shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest.

O. Subgrantees with a traffic unit will utilize traffic personnel for this grant, unless such personnel are unavailable for assignment.

P. Prior to conducting speed enforcement, the Subgrantee must select and survey enforcement sites that comply with existing state mandated speed limits in accordance with the Texas Transportation Code, Sections 545.352 through 545.356.

Q. Officers assigned to speed sites should be trained in the use of radar or laser speed measurement devices.

R. The Subgrantee should have a safety belt use policy. If the Subgrantee does not have a safety belt use policy in place, a policy should be implemented, and a copy maintained for verification during the grant year.

S. Officers working DWI enforcement must be trained in the National Highway Traffic Safety Administration/International Association of Chiefs of Police Standardized Field Sobriety Testing (SFST). In the case of a first year subgrantee, the officers must be trained, or scheduled to be SFST trained, by the end of the grant year. For second or subsequent year grants, all officers working DWI enforcement must be SFST trained.

T. The Subgrantee should have a procedure in place for contacting and using drug recognition experts (DREs) when necessary.

U. The Subgrantee is encouraged to use the DWI On-line Reporting System available through the Buckle Up Texas Web site at www.buckleuptexas.com.

RESPONSIBILITIES OF THE DEPARTMENT

A. Monitor the Subgrantee's compliance with the performance obligations and fiscal requirements of this Grant Agreement using appropriate and necessary monitoring and inspections, including but not limited to:

1. review of periodic reports
2. physical inspection of project records and supporting documentation
3. telephone conversations
4. e-mails and letters
5. quarterly review meetings
6. eGrants

B. Provide program management and technical assistance.

C. Attend appropriate meetings.

D. Reimburse the Subgrantee for all eligible costs as defined in the project budget. Requests for Reimbursement will be processed up to the maximum amount payable as indicated in the project budget.

E. Perform an administrative review of the project at the close of the grant period to:

1. Ascertain whether or not the project objectives were met
2. Review project accomplishments (performance measures completed, targets achieved)
3. Document any progress towards self-sufficiency
4. Account for any approved Program Income earned and expended
5. Identify exemplary performance or best practices

Goals & Strategies

Goal:	To increase effective enforcement and adjudication of traffic safety-related laws to reduce fatal and serious injury crashes
Strategies:	Increase enforcement of traffic safety-related laws.
	Increase public education and information campaigns.
Goal:	To increase occupant restraint use in all passenger vehicles and trucks
Strategy:	Increase enforcement of occupant protection laws.

X I agree to the above goals and strategies.

Law Enforcement Objective/Performance Measure

1. Number and type of citations/arrests to be issued during the CIOT Operation	
a. Safety Belt Citations	315
b. Child Safety Seat Citations	20
c. Increase the safety belt usage rate among drivers and front seat passengers, between pre & post survey results, by at least the following percentage points	10%
2. Total Number of Enforcement Hours	202
Step Indicator	2.48762376237624

Note:
Nothing in this agreement shall be interpreted as a requirement, formal or informal, that a peace officer issue a specified or predetermined number of citations in pursuance of the Subgrantee's obligations hereunder.

In addition to the STEP enforcement activities, the subgrantee must maintain baseline non-STEP funded citation and arrest activity due to the prohibition of supplanting.

PI&E Objective/Performance Measure

1. Support Grant efforts with a public information and education (PI&E) program

a. Conduct a minimum of one (1) presentations	1
b. Conduct a minimum of two (2) media exposures (e.g. news conferences, news releases, and interviews)	2
c. Conduct a minimum of one (1) community events (e.g. health fairs, booths)	1
d. Distribute the following number of public information and education materials (if applicable)	0

Budget Summary

Budget Category		TxDOT	Match	Total
Category I - Labor Costs				
(100)	Salaries	$9,995.96	$0	$9,995.96
(200)	Fringe Benefits	$0	$0	$0
	Category I Sub-Total	$9,995.96	$0	
Category II - Other Direct Costs				
(300)	Travel	$0	$0	$0
(400)	Equipment	$0	$0	$0
(500)	Supplies	$0	$0	$0
(600)	Contractual Services	$0	$0	$0
(700)	Other Miscellaneous	$0	$0	$0
	Category II Sub-Total	$0	$0	$0
Total Direct Costs		$9,995.96	$0	$9,995.96
Category III - Indirect Costs				
(800)	Indirect Cost Rate	$0	$0	$0
Summary				
	Total Labor Costs	$9,995.96	$0	$9,995.96
	Total Direct Costs	$0	$0	$0
	Total Indirect Costs	$0	$0	$0
	Grand Total	$9,995.96	$0	$0.00
	Fund Sources (Percent Share)	100.00%	0.00%	

CIOT Operational Plan

X I agree to the following

Comments:

Site Description	Occupant Protection Jurisdiction Wide
Pre Surveys	April 26, 2016 - April 28, 2016
Pre-Media Efforts before Enforcement period	May 20, 2016 - May 22, 2016
Enforcement Period (Minimum # of enforcement days: 4) (day or nighttime)	May 23, 2016 - June 5, 2016
Post Surveys	June 6, 2016- June 8, 2016
Post-Media Efforts after Enforcement period	June 9, 2016- June 11, 2016
Reporting Period	June 6, 2016- July 8, 2016

Description of Activities

Pre-Surveys	Prior to conducting any wave enforcement activity, agencies must conduct pre-observational surveys to establish safety belt usage rates. The cities of Arlington, Austin, Corpus Christi, Dallas, El Paso, Fort Worth, Garland, Houston, Lubbock, and San Antonio are scheduled to have their surveys conducted by the Texas Transportation Institute (TTI). All other agencies must conduct their own pre-observational surveys using the Texas Department of Transportation's (TxDOT) survey protocol and instructions that can be found at www.buckleuptexas.com. Click on the "Survey Tools" link.
Pre-Media Campaign	Conduct local media events immediately before the enforcement effort to maximize the visibility of enforcement to the public. These media events tell the public when, where, how and why the safety belt laws are being enforced.
Enforcement Period	Intensify enforcement through an overtime STEP that places primary emphasis on increasing the number of citations for non-use of occupant restraints during the peak holiday traffic.
Post-surveys	Conduct post-observational surveys to determine safety belt usage. Measure the impact of the media/enforcement effort. The cities of Arlington, Austin, Corpus Christi, Dallas, El Paso, Fort Worth, Garland, Houston, Lubbock, and

	San Antonio are scheduled to have their surveys conducted by the Texas Transportation Institute (TTI). All other agencies must conduct their own post-observational surveys using the Texas Department of Transportation's (TxDOT) survey protocol and instructions that can be found at www.buckleuptexas.com. Click on the "Survey Tools" link.
Post-media Campaign	Conduct local media events to tell the public why the safety belt laws are important and the results of the wave.
Reporting Period	Agencies will submit a performance reportduring this time period.
Note:	The Survey and Media dates above are to be used as a guide. Late grant execution may result in a subgrantee conducting pre-survey and pre-media activities at a later date. These activities must occur prior to enforcement activities beginning. The Post-media Campaign may begin immediately after the post observational surveys are conducted.

City of Lubbock, TX
Department of Finance
Grant Information Form

Grant Title: CLICK IT OR TICKET Department: POLICE DEPT

Department contact: SGT. Jimmy Pachall Phone #: 775-2732 Email: JPachall@mylubbock.us

Granting agency: TXDOT Phone #: 748-4476

Catalog of Federal Domestic Assistance (CFDA) #:

Grant Contract # assigned by granting agency: 2016-LUBBOCK PD-CIOT-0046

Application deadline: April 27th 2016 Did funds originate with federal gov't? [ ] Yes [ ] No

Grant application package included? [X] Yes [ ] No Grant application summary provided? [ ] Yes [X] No

Cash match? [ ] Yes [X] No Amount: $ $9995.96 JP Page # from application:

Grant amount (not including match): $ ~~10000.00~~

# of FT FTE's: # of PT FTE's: Grant period: From: 5/23/16 to 6/8/16

Cash match account number: 86068

JDE revenue code:

How does this grant align with City Council priorities?

ENFORCEMENT OF SEAT BELT USAGE, REDUCING INJURIES FROM ACCIDENTS.

How will the grant program's effectiveness be measured? What measures will be used?

POST SEAT BELT SURVEY

Is this a new grant program or an enhancement to an existing program? [X] New [ ] Enhancement

Are there any additional requirements that are associated with receiving the grant? [ ] Yes [X] No.
If yes, what are the additional requirements?

Will the City pass grant funds to sub-recipients? [ ] Yes [X] No

Is there construction costs associated with the grant? [ ] Yes [X] No

Can indirect costs be funded in the grant? [ ] Yes [X] No

Does accepting the grant result in the redirection of some operating costs? [ ] Yes [X] No.
If yes, how much?

Approved By:

Grant Program Manager Date 4-11-16

Assistant City Manager Date 4-11-16

Chief Financial Officer or City Manager Date

Attachments? [ ] Yes [ ] No Number of pages:

Regular City Council Meeting **5. 4.**

Meeting Date: 05/12/2016

Information

Agenda Item

Budget Amendment Ordinance 1st Reading - Finance: Consider Budget Ordinance Amendment 23 amending the FY 2015-16 budget for municipal purposes respecting the operating budget for Lubbock Economic Development Alliance, Inc., (LEDA), Market Lubbock, Inc. (MLI) – Lubbock Convention and Visitors Bureau (Visit Lubbock) and MLI - Lubbock Sports Authority; providing for filing; and providing for a savings clause.

Item Summary

I. Approve the amendments to the adopted FY 2015-16 Operating Budget for LEDA as shown in Exhibit A.

II. Approve the amendments to the adopted FY 2015-16 Operating Budget for MLI - Visit Lubbock as shown in Exhibit A.

III. Approve the amendments to the adopted FY 2015-16 Operating Budget for MLI - Lubbock Sports Authority as shown in Exhibit A.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - Budget Amendment 23

LEDA Budget Revisions Justification

MLI Budget Revisions Justification

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2015-16 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE OPERATING BUDGET FOR LUBBOCK ECONOMIC DEVELOPMENT ALLIANCE, INC., (LEDA), MARKET LUBBOCK, INC. (MLI) – LUBBOCK CONVENTION AND VISITORS BUREAU (VISIT LUBBOCK), AND MLI – LUBBOCK SPORTS AUTHORITY; PROVIDING FOR FILING; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Section 102.010 of the Local Government Code of the State of Texas authorizes the City Council to make changes in the budget for municipal purposes; and

WHEREAS, in accordance with the City Budget Ordinance the City Council shall approve all transfers between funds and departments; and

WHEREAS, the City Council deems it advisable to change the FY 2015-16 Budget for municipal purposes and reallocate funds as follows; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby approves changes to the City of Lubbock Budget FY 2015-16 (Budget Amendment #23) for municipal purposes, as follows:

I. Approve the amendments to the adopted FY 2015-16 Operating Budget for Lubbock Economic Development Alliance, Inc., (LEDA) as shown in Exhibit A.

II. Approve the amendments to the adopted FY 2015-16 Operating Budget for Market Lubbock, Inc. (MLI) – Lubbock Convention and Visitors Bureau as shown in Exhibit A.

III. Approve the amendments to the adopted FY 2015-16 Operating Budget for MLI – Lubbock Sports Authority as shown in Exhibit A.

SECTION 2. THAT a copy of the changes made to the City of Lubbock Budget pursuant to this Ordinance shall be filed with the City Secretary and County Clerk of Lubbock as required by law.

SECTION 3. THAT should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

AND IT IS SO ORDERED

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:

_____
Cheryl Brock
Executive Director of Budget

APPROVED AS TO FORM:

_____
Amy Sims
Assistant City Attorney

ccdocs/BudgetFY1516.Amend23.ord
April 27, 2016

City of Lubbock, TX
Finance Department
Lubbock Economic Development Alliance, Inc.
Market Lubbock, Inc. - Visit Lubbock, Inc.
and Market Lubbock, Inc. - Lubbock Sports Authority
Proposed FY 2015-16 Budget Revision
EXHIBIT A

FUNDING SOURCES		LEDA Approved Budget FY 2015-16	LEDA Proposed Revised FY 2015-16	Change from Approved
Interest Earnings	$	62,111	62,111	-
Sales Tax		5,774,154	5,774,154	-
Grant from Market Lubbock, Inc.		1,390,996	1,390,996	-
Grant from U.S. Commerce Dept./EDA		-	-	-
Other Income		18,320	18,320	-
Total Revenue Sources		7,245,581	7,245,581	-
Utilization of Net Assets		3,322,298	4,613,298	1,291,000
TOTAL FUNDING SOURCES		10,567,879	11,858,879	1,291,000
EXPENSES				
Compensation		1,223,900	1,223,900	-
Benefits		297,184	297,184	-
Marketing & Promotions		661,500	661,500	-
Maintenance & Operations		716,195	716,195	-
Professional Services		259,100	259,100	-
Capital Outlay		3,216,300	5,217,300	2,001,000
Debt Service		-	-	-
Incentive Payments		2,650,700	1,320,700	(1,330,000)
Special Projects		1,543,000	2,163,000	620,000
TOTAL EXPENSES	$	10,567,879	11,858,879	1,291,000

City of Lubbock, TX
Finance Department
Lubbock Economic Development Alliance, Inc.
Market Lubbock, Inc. - Visit Lubbock, Inc.
and Market Lubbock, Inc. - Lubbock Sports Authority
Proposed FY 2015-16 Budget Revision
EXHIBIT A

FUNDING SOURCES		MLI - Visit Lubbock, Inc. Approved Budget FY 2015-16	MLI - Visit Lubbock, Inc. Proposed Revised FY 2015-16	Change from Approved
Interest Earnings	$	8,848	8,848	-
Hotel/Motel Tax		3,067,349	3,067,349	-
Hotel/Motel Tax True-Up		-	173,307	173,307
Sale of Promotional Items		2,500	2,500	-
Advertising Income		34,000	34,000	-
Grant from Lubbock Sports Authority		-	-	-
Other Income		-	-	-
Total Revenue Sources		3,112,697	3,286,004	173,307
Utilization of Net Assets		158,479	-	(158,479)
TOTAL FUNDING SOURCES		3,271,176	3,286,004	14,828
EXPENSES				
Compensation		843,700	843,700	-
Benefits		187,300	187,300	-
Marketing & Promotions		1,254,475	1,347,265	92,790
Maintenance & Operations		271,540	266,348	(5,192)
Professional Services		152,405	137,360	(15,045)
Capital Outlay		22,950	22,950	-
Special Projects		-	-	-
Incentives		120,000	150,000	30,000
Grant to Lubbock Sports Authority		260,327	331,081	70,754
TOTAL EXPENSES	$	3,112,697	3,286,004	173,307

City of Lubbock, TX
Finance Department
Lubbock Economic Development Alliance, Inc.
Market Lubbock, Inc. - Visit Lubbock, Inc.
and Market Lubbock, Inc. - Lubbock Sports Authority
Proposed FY 2015-16 Budget Revision
EXHIBIT A

FUNDING SOURCES		MLI - Sports Authority Approved Budget FY 2015-16	MLI - Sports Authority Proposed Revised FY 2015-16	Change from Approved
Interest Earnings	$	2,352	2,352	-
Hotel/Motel Tax		823,109	823,109	-
Hotel/Motel Tax True-Up		-	54,296	54,296
Event Revenue		87,500	87,500	-
Grant fromVisit Lubbock		260,327	331,081	70,754
Total Revenue Sources		1,173,288	1,298,338	125,050
Utilization of Net Assets		-	-	-
TOTAL FUNDING SOURCES		1,173,288	1,298,338	125,050
EXPENSES				
Compensation		210,600	210,600	-
Benefits		40,300	40,300	-
Marketing & Promotions		276,525	305,145	28,620
Maintenance & Operations		47,918	47,003	(915)
Professional Services		26,895	24,240	(2,655)
Capital Outlay		4,050	4,050	-
Servicing		567,000	667,000	100,000
Grant to Visit Lubbock		-	-	-
TOTAL EXPENSES	$	1,173,288	1,298,338	125,050

Lubbock Economic Development Alliance, Inc.
Proposed Revised Budget
As of February 17, 2016
Fiscal Year 2015-2016

	Approved FY14-15	Proposed Revised FY15-16	
REVENUES			
Sales Tax Funding	$ 5,774,154	$ 5,774,154	
Interest Income	62,111	62,111	
Grant from Market Lubbock, Inc.	1,390,996	1,390,996	
Grant from U.S. Commerce Dept/EDA			
Sale of Real and Personal Property			
Other Income	18,320	18,320	
Total Revenue Sources	7,245,581	7,245,581	
Utilization of Net Assets	3,322,298	4,613,298	1
TOTAL REVENUES	$ 10,567,879	$ 11,858,879	
EXPENSES			
Salaries	$ 1,223,900	$ 1,223,900	
Employee Benefits	297,184	297,184	
Marketing & Promotions	661,500	661,500	
Maintenance & Operations	716,195	716,195	
Professional Services	259,100	259,100	
Capital Outlay	3,216,300	5,217,300	2
Debt Service	-	-	
Incentive Payments	2,650,700	1,320,700	3
Special Projects	1,543,000	2,163,000	4
Total Expenses	$ 10,567,879	$ 11,858,879	

Change in Fund Balance

Admin, training maint of parks	2,496,379	23.62%	2,496,379	21.05%
Marketing, sales, promotion	661,500	6.26%	661,500	5.58%
Debt Service	0	0.00%	0	0.00%
Incentives	2,650,700	25.08%	1,320,700	11.14%
Infrastructure	3,216,300	30.43%	5,217,300	43.99%
Special Projects	1,543,000	14.60%	2,163,000	18.24%
	10,567,879		11,858,879	

Lubbock Economic Development Alliance, Inc.
Schedule of Explanation for Selected Accounts
Proposed Revised Budget
As of February 17, 2016
Fiscal Year 2015-2016

	Approved 2015-2016	Proposed Revised 2015-2016	Difference	Explanation
REVENUES				
1 Utilization of Net Assets	3,322,298	4,613,298	1,291,000	Increased Net Assets in order to assist South Plains College with the renovation of their new Lubbock location to train workforce for businesses and to help fund requirements to win the Monsanto project for Lubbock. These projects require the use of funds Designated for Capital Infrastructure that was established by the LEDA Board of Directors in 2013.
EXPENSES				
2 Capital Outlay	3,216,300	5,217,300	2,001,000	Increased to fund the required infrastructure for the Monsanto facility.
3 Incentive Payments	2,650,700	1,320,700	(1,330,000)	Incentives were reduced by adjusting budgeted purchase of land for Monsanto to amount actually negotiated. Job creation and capital investment incentives will not occur until future fiscal years.
4 Special Projects	1,543,000	2,163,000	620,000	Increased to meet commitment to South Plains College Lubbock location to train local workforce for businesses.

Visit Lubbock
(Convention and Visitors Bureau and Lubbock Sports)
Proposed Revised Budget
As of February 17, 2016
Fiscal Year 2015-2016

	Approved Budget FY2015-16	Approved CVB FY2015-16	Approved Sports FY2015-16	Proposed Revised Budget FY2015-16		Proposed Revised CVB FY2015-16	Proposed Revised LSA FY2015-16
REVENUES							
Hotel/Motel Tax Revenue	$ 3,890,458	3,067,349	823,109	$ 3,890,458		3,067,349	823,109
HOT True-Up - CVB/LSA	-	0	0	227,603	1	173,307	54,296
Investment Income	11,200	8,848	2,352	11,200		8,848	2,352
Sale of Promotional Items	2,500	2,500	0	2,500		2,500	0
Advertising Income	34,000	34,000	0	34,000		34,000	0
Event Revenue	87,500	0	87,500	87,500		-	87,500
Event Trust Fund							
Other Revenue							
Total Revenue Sources	4,025,658	3,112,697	912,961	4,253,260		3,286,004	967,257
Utilization of Net Assets				-		0	0
Grant between entities	-	(260,327)	260,327	-		(331,081)	331,081
TOTAL REVENUES	$ 4,025,658	$ 2,852,370	$ 1,173,288	$ 4,253,260		$ 2,954,923	$ 1,298,338
EXPENSES							
Compensation	$ 1,054,300	$ 843,700	$ 210,600	$ 1,054,300		$ 843,700	$ 210,600
Employee Benefits	227,600	187,300	40,300	227,600		187,300	40,300
Maintenance & Operations	319,458	271,540	47,918	313,350	2	266,348	47,003
Professional Services	179,300	152,405	26,895	161,600	3	137,360	24,240
Capital Asset Purchase	27,000	22,950	4,050	27,000		22,950	4,050
Special Projects							
Marketing & Promotions	1,531,000	1,254,475	276,525	1,652,410	4	1,347,265	305,145
Incentives	120,000	120,000	0	150,000	5	150,000	
Sports Servicing	567,000	0	567,000	667,000	6		667,000
Grant between entities							
TOTAL EXPENSE	$ 4,025,658	$ 2,852,370	$ 1,173,288	$ 4,253,260		$ 2,954,923	$ 1,298,338
Change in Fund Balances	$ -	$ -	$ -	$ 0		$ -	$ -

Visit Lubbock
Schedule of Explanation for Selected Accounts
Proposed Revised Budget
As of February 17, 2016
Fiscal Year 2015-2016

	Approved 2015-2016	Proposed Revised 2015-2016	Difference	Explanation
REVENUE				
1 HOT True-Up - CVB/LSA	3,890,458	4,118,061	227,603	Actual FY 2015 HOT True-Up
EXPENSES				
2 Maintenance & Operations	319,458	313,350.00	(6,108)	Decreased due to reallocation of various professional fees directly related to sales efforts.
3 Professional Services	179,300	161,600	(17,700)	Decreased to reflect actual expense of professional fees for strategic plan for Visit Lubbock
4 Marketing & Promotions	1,531,000	1,652,410	121,410	Increased to allow for additional exposure for Lubbock in various convention, tourism and sports markets.
5 Incentives	120,000	150,000	30,000	Increased to accommodate conventions sales being won for Lubbock, including single year and multi-year events.
6 Sports Servicing	567,000	667,000	100,000	Increased to accommodate for more sports events being recruited to Lubbock, including NJCAA Women's DI National Championship, Pan American Wushu Championship and other events.

Regular City Council Meeting **5. 5.**

Meeting Date: 05/12/2016

Information

Agenda Item

Budget Amendment Ordinance 1st Reading - Finance: Consider Budget Ordinance Amendment 24 amending the FY 2015-16 budget for municipal purposes respecting the Grant Fund to accept and appropriate funding from the National Recreation and Park Association for the Out-of-School Time Programs grant; providing for filing; and providing for a savings clause.

Item Summary

I. Accept and appropriate $15,000 from the National Recreation and Park Association for the Out-of-School Time Programs Grant.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - Budget Amendment 24

Grant Detail Sheet - Parks Out of School

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2015-16 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE GRANT FUND TO ACCEPT AND APPROPRIATE FUNDING FROM THE NATIONAL RECREATION AND PARK ASSOCIATION FOR THE OUT-OF-SCHOOL TIME PROGRAMS GRANT; PROVIDING FOR FILING; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Section 102.010 of the Local Government Code of the State of Texas authorizes the City Council to make changes in the budget for municipal purposes; and

WHEREAS, in accordance with the City Budget Ordinance the City Council shall approve all transfers between funds and departments; and

WHEREAS, the City Council deems it advisable to change the FY 2015-16 Budget for municipal purposes and reallocate funds as follows; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby approves changes to the City of Lubbock Budget FY 2015-16 (Budget Amendment #24) for municipal purposes, as follows:

I. Accept and appropriate $15,000 from the National Recreation and Park Association for the Out-of-School Time Programs Grant.

SECTION 2. THAT a copy of the changes made to the City of Lubbock Budget pursuant to this Ordinance shall be filed with the City Secretary and County Clerk of Lubbock as required by law.

SECTION 3. THAT should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

AND IT IS SO ORDERED

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:

Cheryl Brock
Executive Director of Budget

APPROVED AS TO FORM:

Amy Sims
Assistant City Attorney

ccdocs/BudgetFY1516 Amend24.ord
April 27, 2016

City of Lubbock, TX
Grant Award
New Grant - Budget Detail
May 12, 2016

Administrative Information:

Grant Number:	
Grant Name:	Out-of-School Time Programs Grant
Grant Effective Date:	04/4/2016 - 03/1/2017
Grant Provider/Agency:	National Recreation and Park Association

Personnel Information:

# of part-time positions funded w/ grant	1

Budget Information:

Grant Appropriation Detail		**Cost**
Salaries	$	2,500
Equipment/Supplies		10,000
Professional Services/Transportation		1,200
Professional Services/Marketing		1,300
Total Appropriation	$	15,000

Regular City Council Meeting **5. 6.**

Meeting Date: 05/12/2016

Information

Agenda Item

Budget Amendment Ordinance 1st Reading - Finance: Consider Budget Ordinance Amendment 26 amending the FY 2015-16 budget for municipal purposes respecting the Capital Program to amend Capital Improvement Project (CIP) 8552, Airfield Asphalt Repair; CIP 92361, Terminal Building Remodel - Design Only; CIP 92360, Airport Shelter Park Acquisition; CIP 92191, Airport Facility Improvements; CIP 92430, Ground Transportation Improvements; providing for filing; and providing for a savings clause.

Item Summary

I. Amend CIP 8552, Airfield Asphalt Repair, by decreasing the appropriation by $1,800,000, from $6,600,000 to $4,800,000; and decreasing the FY 2015 Airport Revenue Certificates of Obligation by $1,800,000, from $5,000,000 to $3,200,000.; and amend CIP 92361, Terminal Building Remodel – Design Only, by increasing the appropriation by $1,800,000, from $2,836,050 to $4,636,050; and increasing the FY 2015 Airport Revenue Certificates of Obligation by $1,800,000, from $0 to $1,800,000.

II. Amend CIP 92360, Airport Shelter Park Acquisition, by decreasing the appropriation and funding by $138,081, from $1,030,000 to $891,919, and closing the project; and amend CIP 92191, Airport Facility Improvements, by increasing the appropriation by $138,081, from $3,714,084 to $3,852,165; and increasing the FY 2016 Airport Pay-As-You-Go by $138,081, from $475,000 to $613,081.

III. Establish CIP 92430, Ground Transportation Improvements, and appropriate funding in the amount of $200,000, for the procurement and installation of a ground transportation management system for the Airport. The funding will be $200,000 FY 2016 Airport Pay-As-You-Go.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - Budget Amendment 26

CIP Spreadsheet

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2015-16 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE CAPITAL PROGRAM TO AMEND CAPITAL IMPROVEMENT PROJECT (CIP) 8552, AIRFIELD ASPHALT REPAIR; CIP 92361, TERMINAL BUILDING REMODEL – DESIGN ONLY; CIP 92360, AIRPORT SHELTER PARK ACQUISITION; CIP 92191, AIRPORT FACILITY IMPROVEMENTS; CIP 92430, GROUND TRANSPORTATION IMPROVEMENTS; PROVIDING FOR FILING; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Section 102.010 of the Local Government Code of the State of Texas authorizes the City Council to make changes in the budget for municipal purposes; and

WHEREAS, in accordance with the City Budget Ordinance the City Council shall approve all transfers between funds and departments; and

WHEREAS, the City Council deems it advisable to change the FY 2015-16 Budget for municipal purposes and reallocate funds as follows; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby approves changes to the City of Lubbock Budget FY 2015-16 (Budget Amendment #26) for municipal purposes, as follows:

I. Amend Capital Improvement Project 8552, Airfield Asphalt Repair, by decreasing the appropriation by $1,800,000, from $6,600,000 to $4,800,000; and decreasing the FY 2015 Airport Revenue Certificates of Obligation by $1,800,000, from $5,000,000 to $3,200,000.; and amend Capital Improvement Project 92361, Terminal Building Remodel – Design Only, by increasing the appropriation by $1,800,000, from $2,836,050 to $4,636,050; and increasing the FY 2015 Airport Revenue Certificates of Obligation by $1,800,000, from $0 to $1,800,000.

II. Amend Capital Improvement Project 92360, Airport Shelter Park Acquisition, by decreasing the appropriation and funding by $138,081, from $1,030,000 to $891,919, and closing the project; and amend Capital Improvement Project 92191, Airport Facility Improvements, by increasing the appropriation by $138,081, from $3,714,084 to $3,852,165; and increasing the FY 2016 Airport Pay-As-You-Go by $138,081, from $475,000 to $613,081.

III. Establish Capital Improvement Project 92430, Ground Transportation Improvements, and appropriate funding in the amount of $200,000, for the

procurement and installation of a ground transportation management system for the Airport. The funding will be $200,000 FY 2016 Airport Pay-As-You-Go.

SECTION 2. THAT a copy of the changes made to the City of Lubbock Budget pursuant to this Ordinance shall be filed with the City Secretary and County Clerk of Lubbock as required by law.

SECTION 3. THAT should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

AND IT IS SO ORDERED

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:

_____
Cheryl Brock
Executive Director of Budget

APPROVED AS TO FORM:

_____
Mitch Satterwhite
Assistant City Attorney

ccdocs/BudgetFY1516.Amend26.ord
April 28, 2016

Capital Project
Project Cost Detail
Budget Amendments
May 12, 2016

Capital Project Number:	8552
Capital Project Name:	Airfield Asphalt Repair
Capital Project Number:	92361
Capital Project Name:	Terminal Building Remodel

	Current	Amendment	Total
CIP 8552	$ 6,600,000	(1,800,000)	$ 4,800,000
CIP 92361	2,836,050	1,800,000	4,636,050
Total	$ 9,436,050	-	$ 9,436,050

Capital Project Number:	92360
Capital Project Name:	Airport Shelter Park Acquisition
Capital Project Number:	92191
Capital Project Name:	Airport Facility Improvements

	Current	Amendment	Total
CIP 92360	$ 1,030,000	(138,081)	$ 891,919
CIP 92191	3,714,084	138,081	3,852,165
Total	$ 4,744,084	-	$ 4,744,084

Capital Project Number:	92430
Capital Project Name:	Ground Transportation Improvements

	Current	Amendment	Total
CIP 92430	$ -	200,000	$ 200,000
Total	$ -	200,000	$ 200,000

	Current	Amendment	Total
Total Change to Airport Capital	**$ 14,180,134**	**200,000**	**14,380,134**

Regular City Council Meeting **5. 7.**

Meeting Date: 05/12/2016

Information

Agenda Item

Budget Amendment Ordinance 1st Reading - Finance: Consider Budget Ordinance Amendment 27 amending the FY 2015-16 budget for municipal purposes respecting the Capital Program to amend Capital Improvement Project (CIP) 91170, Park Playground Replacement; and to establish CIP 92431, Stumpy Hamilton Park Redevelopment Phase I; providing for filing; and providing for a savings clause.

Item Summary

I. Amend CIP 91170, Park Playground Replacement, by decreasing the appropriation by $300,000, from $4,168,231 to $3,868,231; and decreasing the FY 2015 Tax Supported Revenue Certificates of Obligation by $300,000, from $848,685 to $548,685; and establish CIP 92431, Stumpy Hamilton Park Redevelopment Phase I, and appropriate funding in the amount of $300,000 for Phase I of the redevelopment of Stumpy Hamilton Park. The funding will be FY 2015 Tax Supported Revenue Certificates of Obligation moved from Capital Improvement Project 91170.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - Budget Amendment 27

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2015-16 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE CAPITAL PROGRAM TO AMEND CAPITAL IMPROVEMENT PROJECT (CIP) 91170, PARK PLAYGROUND REPLACEMENT; AND TO ESTABLISH CAPITAL IMPROVEMENT PROJECT 92431, STUMPY HAMILTON PARK REDEVELOPMENT PHASE I; PROVIDING FOR FILING; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Section 102.010 of the Local Government Code of the State of Texas authorizes the City Council to make changes in the budget for municipal purposes; and

WHEREAS, in accordance with the City Budget Ordinance the City Council shall approve all transfers between funds and departments; and

WHEREAS, the City Council deems it advisable to change the FY 2015-16 Budget for municipal purposes and reallocate funds as follows; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby approves changes to the City of Lubbock Budget FY 2015-16 (Budget Amendment #27) for municipal purposes, as follows:

I. Amend Capital Improvement Project 91170, Park Playground Replacement, by decreasing the appropriation by $300,000, from $4,168,231 to $3,868,231; and decreasing the FY 2015 Tax Supported Revenue Certificates of Obligation by $300,000, from $848,685 to $548,685; and establish Capital Improvement Project 92431, Stumpy Hamilton Park Redevelopment Phase I, and appropriate funding in the amount of $300,000 for Phase I of the redevelopment of Stumpy Hamilton Park. The funding will be FY 2015 Tax Supported Revenue Certificates of Obligation moved from Capital Improvement Project 91170.

SECTION 2. THAT a copy of the changes made to the City of Lubbock Budget pursuant to this Ordinance shall be filed with the City Secretary and County Clerk of Lubbock as required by law.

SECTION 3. THAT should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

AND IT IS SO ORDERED

Passed by the City Council on first reading on_____.

Passed by the City Council on second reading on_____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:

_____
Cheryl Brock
Executive Director of Budget

APPROVED AS TO FORM:

_____
Mitch Satterwhite
Assistant City Attorney

ccdocs/BudgetFY1516.Amend27.ord
April 28, 2016

Regular City Council Meeting **5. 8.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading - Right-Of-Way: Consider Ordinance 2016-O0063 abandoning and closing a portion of 135th Street that was dedicated as a future street stub located in Section 4, Block AK, Lubbock County, Texas, which is located between Orlando Avenue and Norfolk Avenue.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

This ordinance abandoning and closing a portion of 135th Street that was dedicated as a future street stub located in Section 4, Block AK, Lubbock County, Texas. The easement is no longer needed for this purposes. All utility companies are in agreement with this easement closure.

Fiscal Impact

None.

Staff/Board Recommending

L. Wood Franklin, P.E., Director of Public Works

Attachments

Ordinance - 135th Street

Survey - 135th Street , Section 4, Block AK

Map - 135th Street

ORDINANCE NO. _____

AN ORDINANCE ABANDONING AND CLOSING A PORTION OF 135th STREET, A STREET RIGHT-OF-WAY (STREET STUB), LOCATED IN BLOCK AK, SECTION 4, AN ADDITION TO THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; DIRECTING THE CITY ENGINEER TO MARK THE OFFICIAL MAPS OF THE CITY TO REFLECT SAID ABANDONMENT AND CLOSING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council finds that the street right-of-way hereinafter described in the body of this Ordinance is no longer needed for street right-of-way purposes and for public use; and it would be in the public interest to close, vacate and abandon the same for street right-of-way purposes and for public use, and abandon the same; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the street right-of-way as hereinafter described shall BE and the same is hereby closed, vacated and abandoned for street right-of-way purposes and for public use, such street right-of-way being more particularly described as Exhibit "A".

SECTION 2. THAT the City Engineer is hereby authorized and directed to mark the official maps of the City of Lubbock to reflect said abandonment and closing, showing the number of this Ordinance and the date of its final passage.

SECTION 3. THAT should any section, paragraph, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary of the City of Lubbock is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this _____, 2016.

Passed by the City Council on second reading this _____, 2016.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Dave Booher, Right-of-Way Agent

APPROVED AS TO FORM:

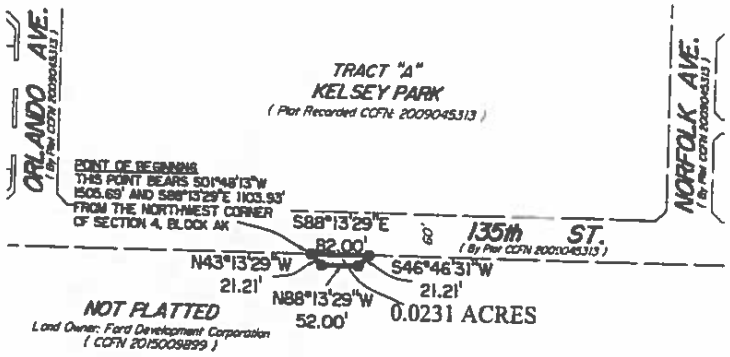
_____
Chad Weaver, City Attorney

A&C.Blk AK, Section 4,135th St.ord
3.31.16

PERIMETER SURVEY OF A 0.0231 ACRE TRACT OF LAND LOCATED IN

SECTION 4, BLOCK AK

LUBBOCK COUNTY, TEXAS



METES AND BOUNDS DESCRIPTION of a 0.0231 acre tract of land being a portion of 135th Street as dedicated by plat recorded under County Clerk File Number 2009045313 of the Official Public Records of Lubbock County, Texas (OPRLCT), located in Section 4, Block AK, Lubbock County, Texas, being further described as follows:

BEGINNING at a 1/2" iron rod with cap found in the South right-of-way line of said 135th Street and the Northern boundary of a 48.957 acre tract of land as described under County Clerk File Number 2015009899 of the Official Public Records of Lubbock County, Texas, at the Northwest corner of this tract, which bears S. 01°4813" W. a distance of 1505.69 feet and S. 88°13'29" E. a distance of 1103.93 feet from the Northwest corner of Section 4, Block AK, Lubbock County, Texas;

THENCE S. 88°13'29" E. a distance of 82.00 feet to a 1/2" iron rod with cap found in the South right-of-way line of said 135th Street and the Northern boundary of said 48.957 acre tract at the Northeast corner of this tract;

THENCE S. 46°46'31" W., along the South right of way line of said 135th Street and the Northern boundary of said 48.957 acre tract, a distance of 21.21 feet to a 1/2" iron rod with cap found at the Southeast corner of this tract;

THENCE N. 88°13'29" W., continuing along the South right of way line of said 135th Street and the Northern boundary of said 48.957 acre tract, a distance of 52.00 feet to a 1/2" iron rod with cap found at the Southwest corner of this tract;

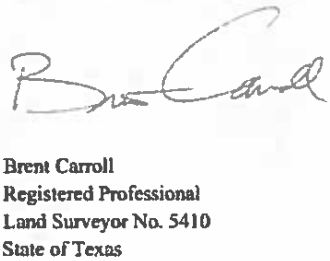
THENCE N. 43°13'29" W., continuing along the South right of way line of said 135th Street and the Northern boundary of said 48.957 acre tract, a distance of 21.21 feet to the Point of Beginning.

CONTAINS: 1,005 square feet

I, Brent Carroll, Texas Registered Professional Land Surveyor No. 5410, do hereby certify that this survey was made on the ground. A determination as to whether this property lies within a special flood hazard area was not made for this survey.

October 29, 2013

Revised March 29, 2016 to update adjacent recording information



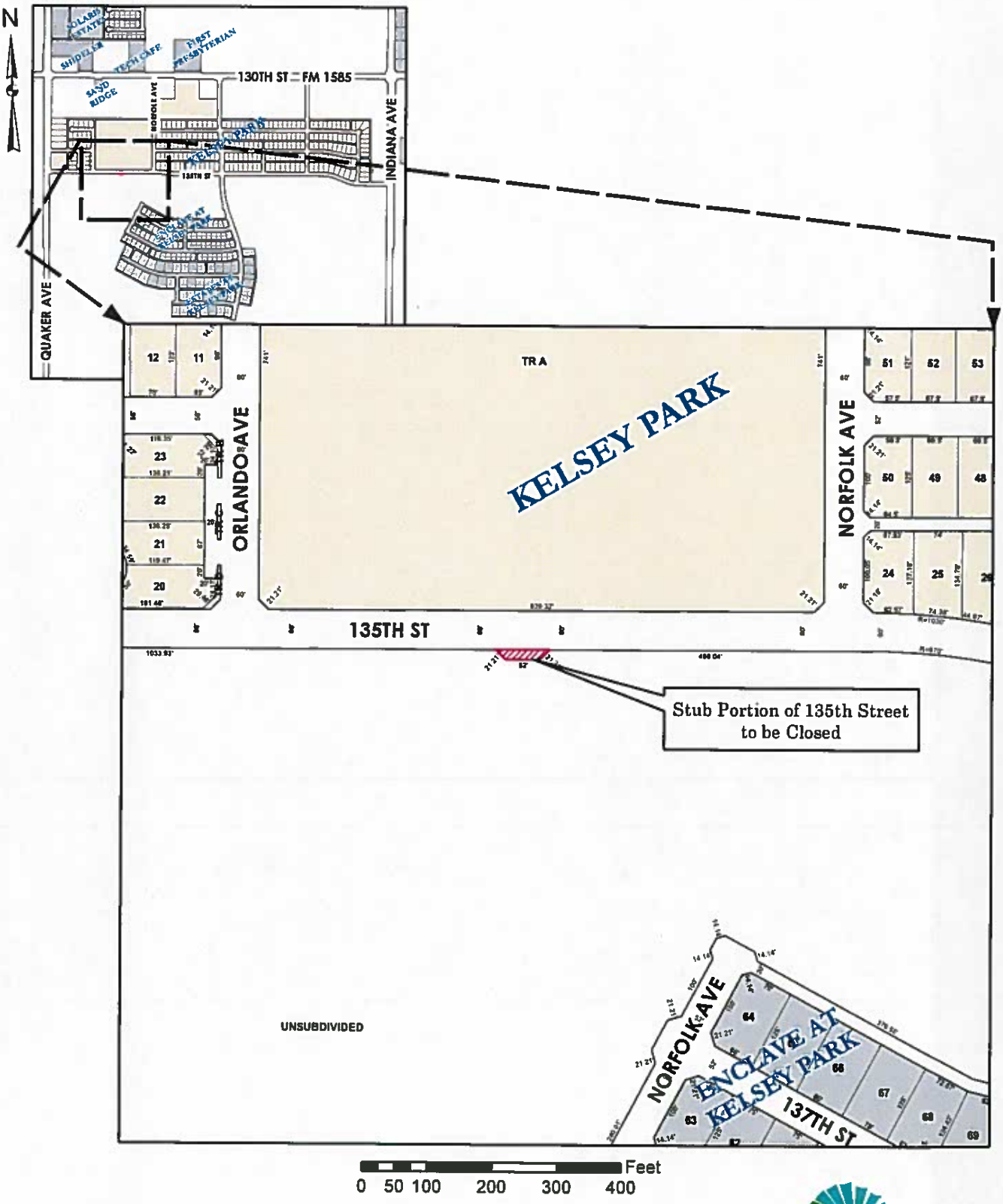
Brent Carroll
Registered Professional
Land Surveyor No. 5410
State of Texas

SCALE: 1"=200'
CONTROL MONUMENTS AS FOUND & SHOWN
HEAVY LINE INDICATES PLAT LIMITS
CCFN - COUNTY CLERK FILE NUMBER
● - FD. 1/2" IRON ROD w/CAP
BEARINGS RELATIVE TO GRID NORTH, TEXAS COORDINATE SYSTEM OF 1983, NORTH - CENTRAL ZONE, (2011, EPOCH 2010.0). DISTANCES ARE SURFACE, U.S. SURVEY FEET



HUGO REED AND ASSOCIATES, INC.
LAND SURVEYORS
CIVIL ENGINEERS
TEXAS LICENSED SURVEYING FIRM 100676-00
TEXAS REGISTERED ENGINEERING FIRM F-760
1601 AVENUE N
LUBBOCK, TEXAS 79401
PHONE: 806 / 763-5642
FAX: 806 / 763-3891

Proposed Closing of a Portion of 135th Street (Street Stub) Located Along the South Right-of-Way Line of 135th Street Between Norfolk Avenue and Orlando Avenue



As required by SECTION 1. Chapter 2051, SUBCHAPTER D. GEOSPATIAL DATA PRODUCTS of the Government Code, the City of Lubbock hereby provides notice that the data on this map was created by the City of Lubbock. Any data that appears to represent property boundaries is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

City of Lubbock TEXAS

Regular City Council Meeting **5. 9.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 1st Reading – Right-of-Way: Consider an ordinance abandoning and closing a drainage easement located in Section 16, Block E-2, Lubbock County, Texas, located west of 109th Street and York Avenue.

Item Summary

This ordinance will abandon and close an existing drainage easement located in Section 16, Block E-2, Lubbock County, Texas. The easement is no longer needed due to development in the area. Storm Water Engineer is in agreement with the easement closure.

Fiscal Impact

None.

Staff/Board Recommending

L. Wood Franklin, P.E., Director of Public Works

Attachments

Ordinance - Abandon and Close Easement Section 16

ORDINANCE NO. _____

AN ORDINANCE ABANDONING AND CLOSING A DRAINAGE EASEMENT LOCATED IN SECTION 16, BLOCK E-2, LUBBOCK COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; DIRECTING THE CITY ENGINEER TO MARK THE OFFICIAL MAPS OF THE CITY TO REFLECT SAID ABANDONMENT AND CLOSING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council finds that the easement as hereinafter described in the body of this Ordinance is no longer needed for easement purposes and for public use; and it would be in the public interest to close, vacate and abandon the same for easement purposes and for public use, and abandon the same; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the easement as hereinafter described shall BE and the same is hereby closed, vacated and abandoned for easement purposes and for public use, such easement being more particularly described as follows in Exhibit: "A".

SECTION 2. THAT the City Engineer is hereby authorized and directed to mark the official maps of the City of Lubbock to reflect said abandonment and closing, showing the number of this Ordinance and the date of its final passage.

SECTION 3. THAT should any section, paragraph, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary of the City of Lubbock is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this _____, 2016.

Passed by the City Council on second reading this _____, 2016.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Dave Booher, Right-of-Way Agent

APPROVED AS TO FORM:

Chad Weaver, City Attorney

A&C-Ord.DE-Section 16,Block E-2
3.29.16

ABACUS ENGINEERING SURVEYING

2737 81ST STREET LUBBOCK, TEXAS 79423
(806) 745-7670

"Count on it"

EXHIBIT "A"

FIELD NOTES on a 0.046 Acre Tract out of Section 16, Block E-2, Lubbock County, Texas, being further described as follows:

Beginning at a set 1/2" rod with cap marked RPLS 4460 for the Northeast corner of this tract, which bears N89° 56' 58" E, 425.98 feet and S 0° 05' 33" E, 75.25 feet from the Northwest corner of the South Half (S/2) of Section 16, Block E-2;

THENCE S 0° 05' 33" E, along the proposed West Plat Limits line of Lots 1-38, Suncrest Villas Addition, 20 feet;

THENCE N 89°31'23" W, 100 feet;

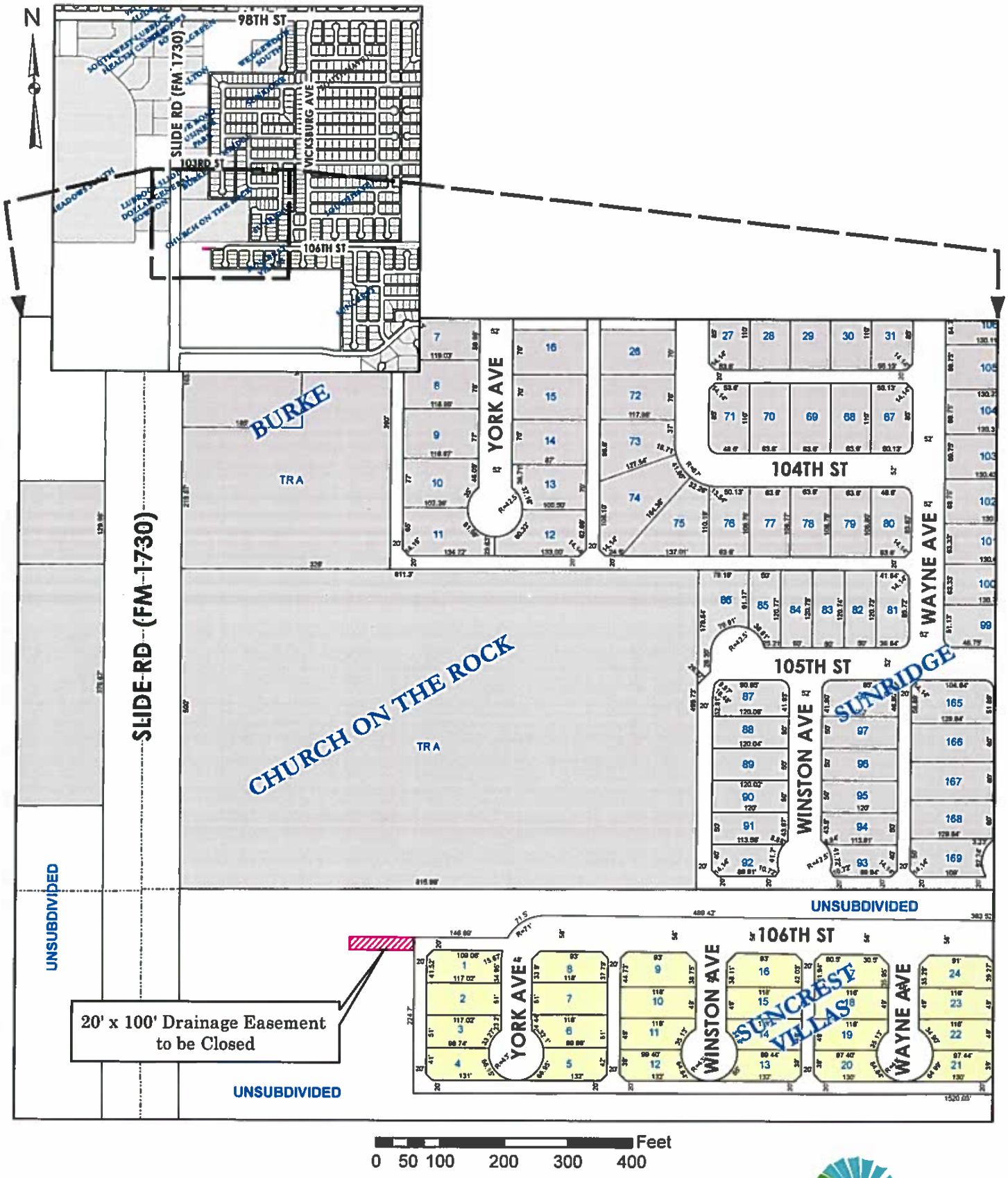
THENCE N 0° 05' 33" W, 20 feet;

THENCE S 89°31'23" E, 100 feet to the PLACE of BEGINNING and containing 0.046 Acres including any Right-of-Way.

These notes are based on a survey made on the ground and shown on the proposed plat of Lots 1-38, Suncrest Villas Addition.
J. M. Cieszinski, RPLS # 4460
July 17, 2003

STATE OF TEXAS REGISTERED J.M. CIESZINSKI 4460 PROFESSIONAL LAND SURVEYOR

Proposed Closing of a 20' x 100' Drainage Easement as Dedicated by V8938 P318 Located East of Slide Road and Adjacent to the Northwest Plat Limit of Lots 1-38, Suncrest Villas Addition



As required by SECTION 1. Chapter 2051, SUBCHAPTER D. GEOSPATIAL DATA PRODUCTS of the Government Code, the City of Lubbock hereby provides notice that the data on this map was created by the City of Lubbock. Any data that appears to represent property boundaries is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

City of Lubbock TEXAS

Regular City Council Meeting **5. 10.**

Meeting Date: 05/12/2016

Information

Agenda Item

Resolution - Right-of-Way: Consider a resolution authorizing the Mayor to execute a Stormwater Line - Permanent Right-of- Access and Use Agreement near the intersection of 4th Street and Quaker Avenue between the City of Lubbock and Texas Tech University.

Item Summary

The Right-of-Access and Use Agreement is for a 2.573 acre tract of land for a permanent stormwater line easement that will allow for the completion of the construction of the Northwest Lubbock Drainage Improvements Project, Phase 2. This project will ultimately benefit the Maxey Park area, the Arnett-Benson neighborhood and the areas around Playa Lakes 71 (north of Wal-Mart), 47 (north of Loop 289 and Slide Road), 46 (4th Street and Quaker Avenue), and 45 (Higginbotham Park). All of these lakes will eventually be connected to the storm sewer and could ultimately remove approximately 1,250 structures from the mapped floodplain. This project will reduce the risk of damage to flooding in the impacted areas.

The purchase of the 43-foot wide by 2,171-foot long stormwater line easement allows for the construction of the Northwest Lubbock Drainage Improvements Project, Phase 2. The route on Texas Tech University property was selected to avoid major utility conflicts and service disruption of critical water supply transmission lines within the Quaker Avenue right-of-way.

The value of the easement was determined from a land appraisal performed by Don L. Harris with Harris Appraisal Company, Inc. and reviewed by Tommy Cantrell Appraisal Company. The offered amount is in compliance with Texas Statutes and Codes relating to Property Code.

Fiscal Impact

$41,950,000 is appropriated in capital project 92174, NW Lubbock and Maxey Park Project, with $415,000 available for this purpose.

Staff/Board Recommending

L. Wood Franklin, P.E., Director of Public Works

Attachments

Resolution - Right of Access and Use - Texas Tech University Agreement

Budget Detail - Northwest Lubbock & Maxey Park

CIP Detail

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, a Right of Access and Use Agreement by and between the City of Lubbock and Texas Tech University, and related documents. Said Agreement is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
for L. Wood Franklin, P.E., Director of Public Works

APPROVED AS TO CONTENT:

_____
Dave Booher, Right-of-Way Agent

APPROVED AS TO FORM:

_____
Mitchell Satterwhite, First Assistant City Attorney

RES.Right of Access and Use-TTU Agrmt 4.22.16

STORM WATER LINE-PERMANENT RIGHT OF ACCESS AND USE

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF LUBBOCK §

THAT **TEXAS TECH UNIVERSITY, a component of Texas Tech University System,** herein called "GRANTOR", for and in consideration of the sum of FOUR HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS ($415,000.00) to GRANTOR in hand paid by the **CITY OF LUBBOCK,** a Home Rule Municipal Corporation of the State of Texas, the receipt and sufficiency of which is hereby acknowledged and confessed, and for the further good and valuable consideration in benefits accruing and to accrue to the remainder of GRANTOR'S property, has by these presents GRANTED, BARGAINED, SOLD and CONVEYED and by these presents does GRANT, BARGAIN, SELL and CONVEY unto the CITY OF LUBBOCK, its legal representatives, successors and assigns, for the use of the public as a perpetual and permanent storm water line easement, the free and uninterrupted use, liberty of passage in, along, on, over, upon, under and across all that certain 2.573 acre tract of real property lying and being situated in the County of Lubbock, State of Texas, and being more particularly described in the attached Exhibit "A".

Together with the rights of ingress, egress and regress at any and all times to accomplish the following purposes: allowing constructing, reconstructing, repairing and perpetually maintaining a storm water line, and all appurtenances associated therewith, which easement includes at all times and seasons the right of ingress, egress and regress of motor vehicles and personnel engaged in such construction and repair (the "Purpose"). Said property above described is not used, claimed or occupied as business or residential homestead.

In order to assure the said CITY OF LUBBOCK, its successors and assigns of continuing access and enjoyment of said easement, GRANTOR does hereby expressly agree not to erect, build or otherwise allow to be constructed, absent the prior written consent of the City of Lubbock's Director of Public Works, any building or like permanent structure over the said property heretofore described; and should such building or structure be erected without the consent of the City of Lubbock's Director of Public Works, it is understood that the said CITY OF LUBBOCK shall have the right to remove said building or structure from the premises.

It is further understood and agreed that this easement is executed upon the condition that upon completion of the said storm water line above described, the premises will be restored to substantially the same condition as the same were prior to such construction, without cost to GRANTOR, its successors and assigns. Upon restoration, GRANTOR, its successors and assigns shall be allowed the use of the surface of the easement area for any and all Purposes, save and except for the erection thereon of any permanent buildings or structures.

GRANTOR and the CITY OF LUBBOCK acknowledge their understanding, and by the acceptance of this instrument it is recognized, that:

1. GRANTOR retains title to all of the oil, gas, sulphur, and other minerals in and under and that may be produced from the Property that is subject to this right of access and use "Mineral Interests"), and that operations by GRANTOR for exploration or recovery of

Mineral Interests are permitted on the Property so long as the operations do not endanger or interfere with the Purpose stated in this right of access and use;

2. Accomplishing the Purpose stated in this right of access and use is the sole responsibility of the CITY OF LUBBOCK. The CITY OF LUBBOCK will pay all costs associated with planning, constructing, and maintaining the storm sewer utility corridor and any related work. The CITY OF LUBBOCK will provide GRANTOR with final architectural and engineering plans of the proposed storm sewer utility corridor for GRANTOR'S review and approval; and
3. To the extent allowed by law, the CITY OF LUBBOCK shall indemnify and hold GRANTOR (including members of its Board of Regents, officers, agents, and employees) harmless from any and all claims and demands arising out of or occurring as a result of this right of access and use, and of the CITY OF LUBBOCK accomplishing the Purpose stated in this right of access and use.

TO HAVE AND TO HOLD the above described premises together with all and singular the rights and appurtenances thereto in anywise belonging perpetually unto the CITY OF LUBBOCK, its successors and assigns for so long as the public uses the same for the Purposes herein granted.

WITNESS THE EXECUTION OF THIS INSTRUMENT this 18th day of April, 2016.

TEXAS TECH UNIVERSITY,
a component of Texas Tech University System

BY: John Opperman

(Printed): John Opperman

TITLE: Interim President

THE STATE OF TEXAS §

COUNTY OF LUBBOCK §

BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared John Opperman, Interim President (title) known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed as the act and deed of said Texas Tech University, a component of Texas Tech University System.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18 day of April, 2016.

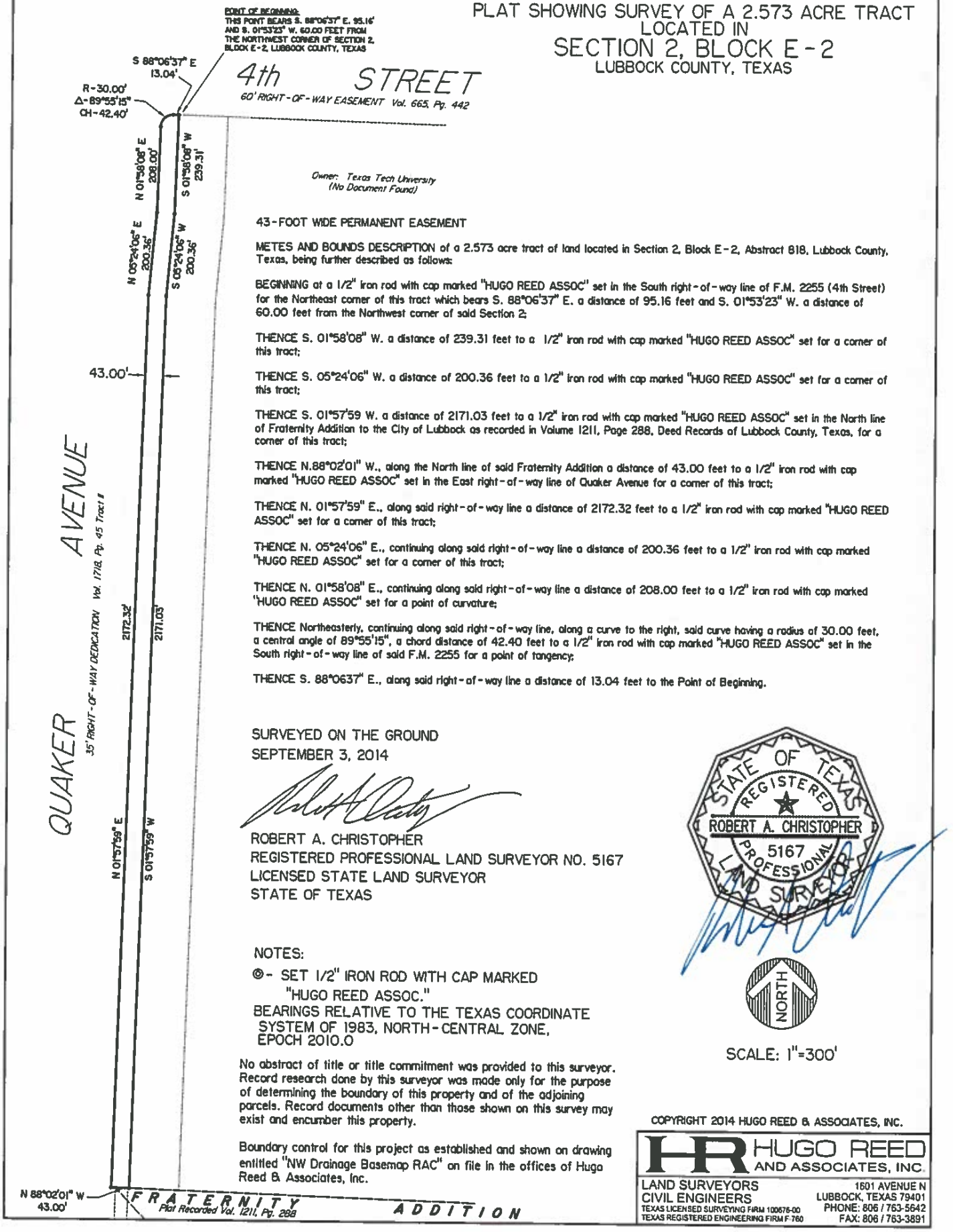
KAHLIE ANNE CALLISON
Notary Public, State of Texas
My Commission Expires
AUGUST 16, 2016

Kahlie Anne Callison
Notary Public in and for the State of Texas

My Commission Expires: August 16, 2016

gs/SWL-Permanent Right of Access and Use-TTU 3.15.16

PLAT SHOWING SURVEY OF A 2.573 ACRE TRACT LOCATED IN SECTION 2, BLOCK E-2 LUBBOCK COUNTY, TEXAS



43-FOOT WIDE PERMANENT EASEMENT

METES AND BOUNDS DESCRIPTION of a 2.573 acre tract of land located in Section 2, Block E-2, Abstract 818, Lubbock County, Texas, being further described as follows:

BEGINNING at a 1/2" iron rod with cap marked "HUGO REED ASSOC" set in the South right-of-way line of F.M. 2255 (4th Street) for the Northeast corner of this tract which bears S. 88°06'37" E. a distance of 95.16 feet and S. 01°53'23" W. a distance of 60.00 feet from the Northwest corner of said Section 2;

THENCE S. 01°58'08" W. a distance of 239.31 feet to a 1/2" iron rod with cap marked "HUGO REED ASSOC" set for a corner of this tract;

THENCE S. 05°24'06" W. a distance of 200.36 feet to a 1/2" iron rod with cap marked "HUGO REED ASSOC" set for a corner of this tract;

THENCE S. 01°57'59 W. a distance of 2171.03 feet to a 1/2" iron rod with cap marked "HUGO REED ASSOC" set in the North line of Fraternity Addition to the City of Lubbock as recorded in Volume 1211, Page 288, Deed Records of Lubbock County, Texas, for a corner of this tract;

THENCE N.88°02'01" W., along the North line of said Fraternity Addition a distance of 43.00 feet to a 1/2" iron rod with cap marked "HUGO REED ASSOC" set in the East right-of-way line of Quaker Avenue for a corner of this tract;

THENCE N. 01°57'59" E., along said right-of-way line a distance of 2172.32 feet to a 1/2" iron rod with cap marked "HUGO REED ASSOC" set for a corner of this tract;

THENCE N. 05°24'06" E., continuing along said right-of-way line a distance of 200.36 feet to a 1/2" iron rod with cap marked "HUGO REED ASSOC" set for a corner of this tract;

THENCE N. 01°58'08" E., continuing along said right-of-way line a distance of 208.00 feet to a 1/2" iron rod with cap marked "HUGO REED ASSOC" set for a point of curvature;

THENCE Northeasterly, continuing along said right-of-way line, along a curve to the right, said curve having a radius of 30.00 feet, a central angle of 89°55'15", a chord distance of 42.40 feet to a 1/2" iron rod with cap marked "HUGO REED ASSOC" set in the South right-of-way line of said F.M. 2255 for a point of tangency;

THENCE S. 88°0637" E., along said right-of-way line a distance of 13.04 feet to the Point of Beginning.

SURVEYED ON THE GROUND
SEPTEMBER 3, 2014

ROBERT A. CHRISTOPHER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5167
LICENSED STATE LAND SURVEYOR
STATE OF TEXAS

STATE OF TEXAS
REGISTERED
ROBERT A. CHRISTOPHER
5167
PROFESSIONAL
LAND SURVEYOR

NOTES:

⊙- SET 1/2" IRON ROD WITH CAP MARKED "HUGO REED ASSOC."

BEARINGS RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH-CENTRAL ZONE, EPOCH 2010.0

No abstract of title or title commitment was provided to this surveyor. Record research done by this surveyor was made only for the purpose of determining the boundary of this property and of the adjoining parcels. Record documents other than those shown on this survey may exist and encumber this property.

Boundary control for this project as established and shown on drawing entitled "NW Drainage Basemap RAC" on file in the offices of Hugo Reed & Associates, Inc.

NORTH

SCALE: 1"=300'

COPYRIGHT 2014 HUGO REED & ASSOCIATES, INC.

HUGO REED AND ASSOCIATES, INC.
LAND SURVEYORS
CIVIL ENGINEERS
TEXAS LICENSED SURVEYING FIRM 100676-00
TEXAS REGISTERED ENGINEERING FIRM F-760
1601 AVENUE N
LUBBOCK, TEXAS 79401
PHONE: 806 / 763-5642
FAX: 806 / 763-3891

City of Lubbock, TX
Capital Project
Project Cost Detail
May 12, 2016

Capital Project Number:	92174
Capital Project Name:	Northwest Lubbock and Maxey Park Project

		Budget
Encumbered/Expended		
Parkhill Smith and Cooper Contract Design	$	2,999,975
Parkhill Smith and Cooper Contract Reduction		(717,727)
Parkhill Smith and Cooper - Phase II Contract		729,319
Burlington Northern Santa Fe License Agreement		4,600
Administrative/Bid Cost		20,457
TCEQ NOI		450
Utility Contractors of America, Inc.		30,899,371
Utility Contractors of America, Inc. - CO No. 1		5,080,518
Parkhill, Smith, and Cooper - Construction Phase		2,399,640
Agenda Items May 12, 2016		
ROW Purchase from Texas Tech University		415,000
Encumbered/Expended to Date		41,831,603
Estimated Costs for Remaining Appropriation		
Storm Water Drainage Improvements		118,397
Remaining Appropriation		118,397
Total Appropriation To Date	$	41,950,000

Project Name **Northwest Lubbock and Maxey Park Project** *Project Number* **92174**

Managing Department **Storm Water Utility**

Project Manager **Mike Keenum**

Project Classification **New Facility**

Project Status **Approved**



Project Scope

Design, plans, specifications, and construction estimates for the construction of storm water infrastructure from Maxey Park to the Canyon Lakes, as well as upstream detention to relieve some flooding risks to homes along Quaker Avenue between 50th Street and 34th Street.

Project Justification

The Northwest Lubbock and Maxey Park Study determined that the projects are feasible and can provide various levels of flood protection in the areas around Maxey Park and along Quaker Avenue.

Project History

The areas have been historically flood prone, affecting residential and commercial structures. Numerous studies conducted since the early 1990s evaluated possibilities for reducing the flood risks in the areas. Results of the Maxey Park Feasibility Study were presented to the City Council in January 2005 and prompted the Northwest Lubbock and Maxey Park Study, which was completed in 2008.

$1.0 million was appropriated in FY 2008-09 Budget, Ord. No. 2008-O0077, September 11, 2008.
$1.5 million was appropriated in the FY 2009-10 Budget, Ord. No. 2009-O0073, August 27, 2009.
$600,000 was appropriated in FY 2009-10 Budget Amendment No. 4, Ord. No. 2009-O105, November 19, 2009.
$33.35 million was appropriated in the FY 2011-12 Budget, Ord. No. 2011-O0080, September 8, 2011.
$5.5 million was appropriated in the FY 2012-13 Budget, Ord. No. 2012-O0100, September 13, 2012.
$18.0 million was appropriated in the FY 2014-15 Budget, Ord. No. 2014-O0122, September 11, 2014.
Reduced funding by $18.0 million in FY 2014-15 Budget Amendment No. 11, Ord. No. 2015-O0015, 2/26/15.

		Unappropriated Planning Years						
Appropriation Detail	Appropriation to Date	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	Total Project Amount
Construction	38,850,000	0	32,000,000	0	9,000,000	0	0	79,850,000
Design and Engineering	3,100,000	0	0	0	0	0	0	3,100,000
Total Project Appropriation	41,950,000	0	32,000,000	0	9,000,000	0	0	82,950,000

Project Name **Northwest Lubbock and Maxey Park Project** *Project Number* **92174**

Funding Detail	Funding to Date	FY 2015-16	Unappropriated Planning Years FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	Total Funding
FY 2007 Storm Water Revenue CO's	297,896	0	0	0	0	0	0	297,896
FY 2008 Storm Water Revenue CO's	600,000	0	0	0	0	0	0	600,000
FY 2009 Storm Water Revenue CO's	872,225	0	0	0	0	0	0	872,225
FY 2010 Storm Water Revenue CO's	1,500,000	0	0	0	0	0	0	1,500,000
FY 2012 Storm Water Revenue CO's	33,425,918	0	0	0	0	0	0	33,425,918
FY 2013 Storm Water Revenue CO's	5,253,961	0	0	0	0	0	0	5,253,961
FY 2017 Storm Water Revenue CO's	0	0	32,000,000	0	0	0	0	32,000,000
FY 2019 Storm Water Revenue CO's	0	0	0	0	9,000,000	0	0	9,000,000
Total Funding Sources	41,950,000	0	32,000,000	0	9,000,000	0	0	82,950,000

Regular City Council Meeting **5. 11.**

Meeting Date: 05/12/2016

Information

Agenda Item

Resolution – Water Resources: Consider a resolution authorizing the Mayor to execute a five-year contract with Lubbock Cooper Independent School District (Cooper ISD) – Woodrow Campus for the continued purchase of water from the City's potable water system.

Item Summary

In 2005, Cooper ISD contacted the City of Lubbock to request that the City provide water service to their Woodrow Campus which is located approximately 4 miles south of the City limits located near Woodrow Road and Highway 87. At that time, Cooper ISD was supplying their growing campus with water from wells they owned and operated. However, Cooper ISD needed assistance with maintaining well water quality and quantity in order to meet regulatory drinking water standards. As a result, they desired to switch to Lubbock's potable water supply instead of continuing to use their wells for domestic water usage. The wells were converted to irrigation use for the campus. On June 26, 2006, the City entered into a 10-year contract with Cooper ISD to supply water to the Woodrow Campus. Cooper ISD paid for the installation of a 6-inch diameter water line to transport Lubbock's water to the Woodrow Campus. The City's water meter is located at the point of delivery near the intersection of FM 1585 and Avenue P. Cooper ISD is responsible for the water quality in the transmission line from the point of deliver to the Woodrow Campus.

The contract being considered is based on an Interlocal Wholesale Water Sales Contract template recommended in February, 2013, by the Lubbock Water Advisory Commission. This contract updates the terms and conditions of the existing contract and allows Cooper ISD to continue to purchase Lubbock's water for five additional years. The contract limits the amount of water that can be purchased to 30 million gallons each year. In addition, Cooper ISD must enact water conservation and/or drought restrictions that are at least as stringent as the City's restrictions. Wholesale customers are required by ordinance to pay wholesale water rates adopted by City Council in Section 22.03.085(6) of the City's Code of Ordinances unless the City Council specifically approves other water rate provisions. This contract includes a provision that Cooper ISD will continue to pay the standard commercial water rates that customers within the City limits pay in lieu of wholesale water rates. The City currently uses a total of 11.0 billion gallons of water each year. The amount of water Lubbock supplies to Cooper ISD on an annual basis represents less than 0.3% of Lubbock's total usage.

Fiscal Impact

Approximately $85,000 in metered water revenue annually for the next five years.

Staff/Board Recommending

L. Wood Franklin, P.E., Director of Public Works
Lubbock Water Advisory Commission

Attachments

Resolution - Cooper ISD

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the City Manager of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, an Interlocal Contract by and between the City of Lubbock and Lubbock-Cooper Independent School District for the provision of wholesale water, and related documents. Said Contract is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the Council.

Passed by the City Council this _____ 2016.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Aubrey A. Spear, P.E., Director of Water Utilities

APPROVED AS TO FORM:

_____
Amy L. Sims, Deputy City Attorney

Res Interlocal Contract-Lubbock-Cooper Independent School District
4.7.16

INTERLOCAL WHOLESALE WATER SALES CONTRACT

STATE OF TEXAS §

COUNTY OF LUBBOCK §

This Contract is made by and between the CITY OF LUBBOCK, a home rule municipal corporation located in Lubbock County, acting by and through its Mayor as authorized by specific action of its City Council; and the LUBBOCK-COOPER INDEPENDENT SCHOOL DISTRICT (herein called "Consumer/User"), an Independent School District of the State of Texas, acting by and through its Board of Trustees.

WITNESSETH:

WHEREAS, the CONSUMER/USER is an independent school district of the State of Texas, with boundaries located in part within the municipal limits of Lubbock;

WHEREAS, citizens of the City of Lubbock attend schools of the CONSUMER/USER at the campus located outside of LUBBOCK, in or around the community of Woodrow, Texas, as depicted on Exhibit "A", attached hereto (the "Woodrow Campus");

WHEREAS, due to the expansion of the Woodrow Campus, and the rapid depletion of groundwater wells that provide potable water to the CONSUMER/USER, the CONSUMER/USER continues to need an alternative source of water for the Woodrow Campus;

WHEREAS, Section 22.03.091 of the Code of Ordinances of the City of Lubbock permits the sale of wholesale water outside of its municipal boundaries to federal, state, or local governments pursuant to appropriate intergovernmental contracts;

WHEREAS, the City of Lubbock is amenable to providing said wholesale water, subject to the conditions precedent and upon the terms and conditions of this Contract, to CONSUMER/USER;

WHEREAS, the Government Code authorizes certain intergovernmental cooperation contracts.

NOW THEREFORE, for and in consideration of the mutual Contracts, covenants, obligations, and benefits herein expressed, the City of Lubbock and CONSUMER/USER contract and agree as follows:

ARTICLE I
PROVISIONS OF WATER

1.1 TERMS, PROVISIONS, AND CONSIDERATIONS

The City of Lubbock agrees to sell and convey wholesale water to CONSUMER/USER outside the City of Lubbock, subject to the conditions precedent and under and pursuant to the terms, provisions, and conditions of this Contract.

ARTICLE II
CONDITIONS OF SALE OF WHOLESALE WATER

2.1 QUALITY AND TREATMENT

The City of Lubbock shall supply potable water of similar quality that the City of Lubbock distributes to the residents of Lubbock, Texas treated by disinfectants and other such treatment as may in the future be directed by appropriate regulatory agencies and meeting the applicable primary drinking water standards of the Texas Commission on Environmental Quality and other local, State, and Federal government agencies at the point of delivery, as hereinafter defined, during the term of this

Contract or any renewal or extension thereof. The City of Lubbock may at its sole discretion, furnish this supply out of surface water, groundwater, potable reclaimed water, or any combination of same.

THE CITY OF LUBBOCK MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESSED, STATUTORY, OR IMPLIED, INCLUDING WITHOUT LIMITATION, AS TO THE DESCRIPTION, VALUE, QUALITY, PHYSICAL CONDITION, MERCHANTIBILITY, OR FITNESS FOR PURPOSE OF THE WATER SUBJECT TO THIS CONTRACT EXCEPT AS EXPRESSLY SET FORTH ABOVE.

2.2 QUANTITY

The City of Lubbock shall supply and deliver a total maximum amount of **30 million gallons** of wholesale water per any three hundred sixty-five (365) day period of time beginning October 1 of each year, based upon the historical usage of CONSUMER/USER. The peak maximum usage per twenty-four (24) hour period of time shall be **150,000 gallons**. Maximum hourly flow for any one (1) hour period shall not exceed **200 gallons per minute**. In the event CONSUMER/USER shall use more than the allotted maximum amount of water in the above-described (365) day period given period as set forth above, CONSUMER/USER shall pay an amount equal to two (2x) times the water rate set forth in Paragraph 3.2 for that amount of water that exceeds the allotted maximum quantity.

The City of Lubbock shall supply a set quantity to the CONSUMER/USER at the point of delivery as shown in Exhibit A. All water quantities delivered shall be measured by a metering device as specified by the City of Lubbock at the sole cost to CONSUMER/USER located in an area reasonably accessible by the City of Lubbock at all times. If the metering device is to include remote monitoring equipment, CONSUMER/USER, shall bear the sole cost of this additional equipment. Installation of this metering device shall be the responsibility of the City of Lubbock with all cost and expense of such installation reimbursed by CONSUMER/USER.

Such metering device may include and manage: (1) control of rate of flow; (2) measure the instantaneous flow of gallons per day; (3) measure peak hourly flow during the day of maximum

flow in gallons per twenty-four hour period; (4) measure the cumulative volume of water taken; and (5) control changes in the rate of flow. At the City of Lubbock's discretion, the metering device may be remotely monitored and documented as to usage of CONSUMER/USER. Deliveries shall be contingent upon facilities necessary or convenient for the City of Lubbock to deliver water to CONSUMER/USER from existing water conveyance system to the point of delivery.

2.3 POINT OF DELIVERY AND TITLE

Water provided to CONSUMER/USER shall be delivered to one or more of the points of delivery described in Exhibit "A". Title to water passing through the flow meter shall become the property of CONSUMER/USER at the outlet side of the meter. CONSUMER/USER shall be responsible for the water, for all purposes and intents, from and after title passage to CONSUMER/USER.

CONSUMER/USERSHALL AGREE, TO THE FULLEST EXTENT PERMITTED BY LAW, TO INDEMNIFY, SAVE, AND HOLD THE CITY OF LUBBOCK HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS, LOSSES, AND CAUSES OF ACTION, WHICH MAY BE ASSERTED BY ANYONE RELATED TO THE TRANSPORTATION AND DELIVERY OF SAID WATER WHILE TITLE REMAINS IN CONSUMER/USER.

2.4 METERING DEVICE, CALIBRATION, AND READING

The City of Lubbock shall provide the maintenance of the necessary point of delivery metering device for properly measuring the quantity of water delivered to CONSUMER/USER. Calibration of such metering device shall be done on a reasonable time schedule, but not less frequently than once every twenty-four (24) months, or more frequently than once every six (6) months. A meter registering not more than three percent (3%) accuracy above or below the test result shall be deemed to be accurate or non-material.

The previous reading of any meter disclosed by test to be inaccurate beyond the acceptable range of plus or minus three percent (3%) shall be corrected in accordance with the percentage of inaccuracy

found by such tests for a period extending back one-half (1/2) of the time elapsed since the last calibration date but, in no event, further back than a period of six (6) months. If the meter is out of service or out of repair so that the amount of water delivered cannot be ascertained or computed from reading thereof, the water delivered during the period such meter is out-of-service or out-of-repair shall be estimated upon the basis the best available data and information. The meter register shall be read by the City of Lubbock at least once a month. All metering equipment, valves, and other appurtenances associated with the metering device and installation shall be and remain the property of the City of Lubbock.

2.5 BILLING PROCEDURE

A monthly statement of the amount of water determined to be delivered to CONSUMER/USER through the meter at the point of delivery during the preceding month shall be mailed to:

Lubbock-Cooper ISD
16302 Loop 493
Lubbock, Texas 79423
(806) 863-7100

All statements for water delivered shall be due and payable from current revenues available to CONSUMER/USER on or before twenty-eight (28) days after issuance of said statement. A late payment charge of ten percent (10%) per annum shall be charged for failure to pay the current due amount within twenty-eight (28) days after issuance of the statement. If payment is not received by the City of Lubbock within thirty-five (35) days after the date of issuance of the statement, the statement shall be deemed delinquent. The City of Lubbock shall notify CONSUMER/USER in writing when any such payment shall become delinquent, and if such delinquency is not removed within forty-two (42) days after the date of issuance of the statement, the City of Lubbock may, at its discretion, cease deliveries of water to the CUNSUMER/USER under the terms specified in this Contract.

After water has ceased to be supplied, the City of Lubbock may, at its sole discretion, notify

CONSUMER/USER of its intention to declare the wholesale water supply contract forfeited and null and void. Upon such notice, CONSUMER/USER shall have thirty (30) days to pay all delinquent charges, late fees, and reconnect charges, in order to reinstate wholesale water services prior to final action by the City of Lubbock declaring the Contract forfeited and null and void. Upon a declaration by the City of Lubbock that the Contract is forfeited and null and void, all connections providing the capability to deliver water shall be removed by the City of Lubbock.

2.6 AREA OF SERVICE

Use of water purchased under this Contract shall be restricted to the Lubbock-Cooper ISD Woodrow Campus.

No other customer, geographic area or premises, of any kind or nature, shall be served by CONSUMER/USER, directly or indirectly, with water purchased subject to the right of CONSUMER/USER to resell water within its defined service area.

2.7 TERM OF CONTRACT

The term of this Contract shall be a period of five (5) years commencing on May 31, 2016, and ending on May 31, 2021.

In the event of continued and mutual interest of the terms of this Contract, a new contract shall be negotiated, developed, approved, and executed for the period after May 31, 2021. However, in the event that a new contract is not or cannot be agreed upon, there shall be no further discharge or responsibilities of the City of Lubbock and the CONSUMER/USER.

ARTICLE III
CONDITIONS OF RECEIVING SERVICE

3.1 CONSUMER/USER FACILITIES

CONSUMER/USER agrees and understands that it will install and maintain, at its sole expense, all facilities necessary for receiving, operating and distributing water into its water system from and after the Point of Delivery and that the City of Lubbock shall be under no obligation whatsoever to bear any of said expenses aforementioned. CONSUMER/USER shall not alter, modify, or change the metering device under any circumstances.

3.2 RATES AND PAYMENT

CONSUMER/USER shall pay to the City of Lubbock, in a timely manner, those charges for water provided to CONSUMER/USER pursuant to the terms of this Contract.

The base monthly rate for the meter installed at the point of delivery shall be equal to the rate established by the City Council of the City of Lubbock (City of Lubbock) for meter of equal size as set forth in Section 22.03.084 of Code of Ordinances of the City of Lubbock, as may be amended from time to time. The volume rate charged for water provided shall be equal to the rate established by the City Council of the City of Lubbock charged to commercial customers as set forth in Section 22.03.085 of the Code of Ordinances of the City of Lubbock, as may be amended from time to time, by the City Council of the City of Lubbock.

All expenses on CONSUMER/USER side of the point of delivery shall be the sole expense of CONSUMER/USER.

The rates contained in this Contract are negotiated rates that are considered by each party to be fair, just, and reasonable. CONSUMER/USER will waive any right it may have to appeal any decision affecting the amount paid for water pursuant to this Contract to the Public Utilities Commission or

any other state agency that has, or may later obtain, jurisdiction over the rates charged by the City of Lubbock.

In the event any user fee is imposed on the delivery, taking, sale, use, or consumption of the water received by CONSUMER/USER from the City of Lubbock, the amount of the user fee allocable to CONSUMER/USER shall be borne by CONSUMER/USER. When and if the City of Lubbock shall be required to pay, collect or remit any user fee on water received by CONSUMER/USER, then the user fee that is not included in the rates under this Contract will be added to the charges otherwise payable and shall be the responsibility of CONSUMER/USER.

3.3 SANITARY CONTROL

A Reduced Pressure Zone (RPZ) prevention device or air gap shall be maintained at all times by the CONSUMER/USER at the point of delivery (i.e., between the two (2) systems). Where applicable, all costs associated with the installation and maintenance of this backflow prevention device shall be the sole responsibility of CONSUMER/USER. The plans of such RPZ prevention device or air gap shall be approved in writing by the City of Lubbock and any and all regulatory agencies with appropriate jurisdiction, including the Texas Commission of Environmental Quality. At no time shall a by-pass be installed on or around the backflow prevention device.

CONSUMER/USER may allow service by direct pressure, if available, from the City of Lubbock's line to the point of delivery. However, the City of Lubbock is under no obligation to provide water at any pressure above and over pressures necessary to deliver the quantities of water described in Section 2.2, above.

CONSUMER/USER shall permit personnel of the City of Lubbock's staff to enter upon the property of CONSUMER/USER for the purpose of inspecting any and all facilities of both parties relating to and regarding necessary sanitary control. Should the City of Lubbock have reasonable grounds to believe that any condition exists which might result in contamination of the City of Lubbock's water

supply or jeopardize any of their certifications with the Texas Commission on Environmental Quality and/or any other federal, state, or local regulatory permits or certifications, then the City of Lubbock shall notify the CONSUMER/USER. CONSUMER/USER shall immediately correct such condition.

In the event the CONSUMER/USER fails to correct such condition then the City of Lubbock may, at its sole discretion, either correct the condition, at the CONSUMER/USER expense, and include the cost of materials and labor in subsequent billing statements or cease delivering water until such condition is corrected to the satisfaction of the City of Lubbock.

In the event the City of Lubbock determines that contamination of its water supply actually exists, the City of Lubbock shall have the absolute right to discontinue service to CONSUMER/USER until such time as said contamination has been eliminated by the CONSUMER/USER. Nothing herein shall be construed to impose upon the City of Lubbock the duty and obligation to make any inspection or to regulate the quality of water beyond the point of delivery to CONSUMER/USER, and CONSUMER/USER be solely responsible for the operation, maintenance, regulation, employment and prudent management of all facilities beyond the point of delivery and the use and delivery of water herein to the citizens of CONSUMER/USER.

CONSUMER/USER water system operators should be aware that any water received from the City of Lubbock will contain chloramines disinfectant. As such, CONSUMER/USER should adjust their disinfection system operations and monitoring for chloramines accordingly. Since 1983, the City of Lubbock has utilized chloramines as its water system disinfectant. This practice is common for larger cities in Texas and throughout the United States. The use of chloramines reduces the levels of disinfection byproducts (DBPs) in the system, while still providing protection from waterborne disease. If these chloramines are passed on to the water customers of the CONSUMER/USER, CONSUMER/USER should notify them of the following:

> *Chloramines can cause problems to persons dependent on dialysis machines. A condition known as hemolytic anemia can occur if the disinfectant is not completely*

removed from the water that is used for the dialysate. Consequently, the pretreatment scheme used for dialysis units must include some means, such as a charcoal filter, for removing the chloramines. Medical facilities should also determine if additional precautions are required for other medical equipment.

Chlorinated water may be toxic to fish. Fish tank owners, must make sure that the chemicals or filters used are designed for use in water that has been treated with chloramines. The type of filter used for fish tanks may also need to be changed.

3.4 INSURANCE REQUIREMENT FOR BACKFLOW PREVENTION DEVICE

CONSUMER/USER shall procure and maintain until all of their obligations have been discharged, insurance against claims for injury to persons or damage to property which may arise from or in connection with the backflow prevention device described in Section 3.3, above.

The insurance requirements herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The City of Lubbock in no way warrants that the minimum limits contained herein are sufficient to protect Customer/User from liabilities that might arise under this Contract. CONSUMER/USER is free to purchase additional insurance as may be determined necessary.

CONSUMER/USER shall provide coverage with limits of liability not less than those stated below:

Commercial General Liability

Contract shall include bodily injury, property damage and broad form contractual liability coverage.

General Aggregate	$2,000,000
Products – Completed Operations Aggregate	$1,000,000
Each Occurrence	$1,000,000

The Contract shall be endorsed to include the City of Lubbock as an additional insured with respect

to liability arising out of the backflow prevention device connection and delivery of water supply under the provisions of this Contract. CONSUMER/USER shall furnish the City of Lubbock with certificates of insurance as required by this Contract. The certificates for each insurance Contract are to be signed by a person authorized by that insurer to bind coverage on its behalf.

3.5 WATER CONSERVATION

In the event the City of Lubbock must implement its Water Conservation and/or Drought Contingency Plan for its system, then the CONSUMER/USER shall receive the same water allotment under such plan as any other customer of similar size and water needs served by the City of Lubbock.

CONSUMER/USER shall adopt, develop, implement, and maintain water conservation and drought contingency plans, programs, and rules incorporating loss-reduction measures and management practices, techniques, and technologies. These water conservation and drought contingency plans, programs, and rules shall be at least as promotional of conservation as the plans, programs, and rules as developed and adopted by the City of Lubbock as determined by the City Council of the City of Lubbock. Such plans shall be designed to reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, and increase the recycling and reuse of water in a manner that at a minimum reflects the plans, programs, and rules as developed and adopted by the City of Lubbock. CONSUMER/USER will at all times practice due diligence and monitoring of water for beneficial use. CONSUMER/USER will establish and enforce its water conservation and drought contingency plan, program, and rules, and the CONSUMER/USER will make annual reports on its enforcement efforts to the City of Lubbock.

The CONSUMER/USER shall develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30, Chapter 288, of the Texas Administrative Code, and any successor regulations thereto. In case of a shortage of water resulting from drought, the water to be distributed shall be divided in a fair manner among all customers as determined by the City Council of the City of Lubbock in accordance with state laws and regulations.

The City of Lubbock's obligations under this Contract shall be subject to water conservation plans and drought contingency plans adopted by the Lubbock City Council or required or approved by the Texas Commission on Environmental Quality, or any other or additional federal, state, or local regulatory district or entity with power to require or approve water conservation and drought contingency plans.

ARTICLE IV
DEFAULTS AND REMEDIES

4.1 NOTICE OF DEFAULT

In the event of that either the City of Lubbock or the CONSUMER/USER should breach, fail to comply with or violate any term or provision of a wholesale water supply contract under the terms of this Contract ("Default"), the other party shall promptly notify, with specificity as to the alleged Default, the other respective party of the Default. Except as otherwise provided by this Contract, upon receiving such notice, the defaulting party shall have thirty (30) days to cure the Default. Unless this Contract provides otherwise, in the event said Default is not cured within the time period described above, with respect to CONSUMER/USER as the defaulting party, then the City of Lubbock may pursue any and all remedies provided by law, equity, contract or otherwise, including without limitation, declaring this Contract terminated and null and void. Unless this Contract provides otherwise, in the event said Default is not cured within the time period described above, with respect to the City of Lubbock as the defaulting part, then CONSUMER/USER may as its sole and exclusive remedy, either seek specific performance of the terms of this Contract or declare the Contract terminated and null and void.

ARTICLE V
MUTUAL CONDITIONS

5.1 FAILURE TO DELIVER

The City of Lubbock does not warrant that the services and deliveries provided for under this Contract will be free from, and the City of Lubbock is excused from performing hereunder in the event and for the period of, an interruption or stoppage caused by maintenance, repair, substitution, renewal, replacement, or improvement of any of the equipment involved in furnishing of any such services or deliveries of water or caused by floods, drought, alterations, strikes, lockouts, blackouts, shortages of equipment or material, labor controversies, accidents, or acts of God, the elements, or any other event of "force majeure" or cause beyond the reasonable control of the City of Lubbock. In the event of a shortage of water, or if distribution of water by the City of Lubbock to the CONSUMER/USER to CONSUMER/USER is deemed inappropriate by any regulatory agency or law, the supply of water to CONSUMER/USER under this Contract shall be reduced or ceased as deemed necessary by the City of Lubbock to protect the interests of its citizens and/or comply with all rules and regulations of any regulatory agency having jurisdiction over the operation of the City of Lubbock's facilities.

5.2 NO ASSIGNMENT

All promises, undertakings, Contracts, covenants and contracts herein contained by or on behalf of either the City of Lubbock or the Consumer/User shall bind the successors and permitted assigns of either party, whether so expressed or not; but neither the City of Lubbock nor CONSUMER/USER shall have the right to assign under this Contract, without the written consent of the other party.

5.3 ENTIRETY AND AMENDMENTS

It is expressly stipulated that the City of Lubbock and the City of Lubbock's agents have made no

representations, warranties, or promises with respect to the delivery of water and all other matters contained in this Contract, except as herein expressly set forth, and this Contract supersedes all prior Contracts and understandings, if any, relating to the subject matter hereof.

This Contract may only be amended by an instrument in writing executed by the duly authorized representative of the party against whom the amendment is sought to be enforced.

5.4 WAIVER

No failure on the part of the City of Lubbock at any time to require the performance by CONSUMER/USER of any portion of this Contract shall in any way affect the City of Lubbock's right to enforce such provision or any other provision. Nor shall any waiver by the City of Lubbock of any provision hereof be taken or held to be a waiver of any other provision hereof or any other breach hereof. No rights under this Contract may be waived except by written amendment executed and authorized by the governing bodies of the parties. No officer or agent of the City of Lubbock or CONSUMER/USER authorized to waive or modify any provision of this Contract.

5.5 REGULATORY AGENCIES

This Contract is subject to all applicable federal, state, and local laws and any applicable ordinances, rules, orders and regulations of any local, state, or federal governmental authority, having or asserting jurisdiction. However, nothing contained in this Contract shall be construed as a waiver by any party to the Contract of any right to question or contest any law, order, rule or regulation which may affect the terms and conditions of the Contract in any forum having jurisdiction, and CONSUMER/USER and the City of Lubbock each agree to make a good faith effort to support proposed laws and regulations which would be consistent with the performance of this Contract in accordance with its terms. CONSUMER/USER represents and warrants to the City of Lubbock that it has obtained and will maintain during the term of its wholesale water supply contract all necessary permits and consents to supply water to CONSUMER/USER.

5.6 HEADINGS

All heading in this Contract have been inserted for convenient reference only and shall not in any manner be construed as modifying, amending, or affecting in any way the express terms, provisions, and intent hereof.

5.7 LIABILITY AND HOLD HARMLESS

CONSUMER/USERSHALL INDEMNIFY, TO THE FULLEST EXTENT PERMITTED BY LAW, AND HOLD HARMLESS AND RELEASE THE CITY OF LUBBOCK FROM AND AGAINST ANY AND ALL CLAIMS, ACTIONS, LOSSES, DAMAGES OR LIABILITIES, OF ANY KIND OR NATURE, WHICH ARISE DIRECTLY OR INDIRECTLY, OR ARE RELATED TO, IN ANY WAY, MANNER, OR FORM, THE ACTIVITIES CONTEMPLATED HEREUNDER OR OMISSION OF SUCH ACTIVITIES, INCLUDING WITHOUT LIMITATION, SUCH LOSSES, DAMAGES. CLAIMS OR LIABILITIES ARISING FROM OR RELATED TO, IN ANY WAY, MANNER, OR FORM, THE NEGLIGENCE OR FAULT OF THE CITY OF LUBBOCK, ITS RESPECTIVE OFFICERS, EMPLOYEES, ELECTED OFFICIALS, AGENTS AND/OR DESIGNEES.

5.8 REPORTING BY USER FOR ADDITIONAL SOURCE/SUPPLY CAPACITY

Each October 1 of every year, CONSUMER/USER shall provide to the City of Lubbock a written and documented report of new water rights being negotiated and or purchased, new water wells drilled from previous annual report, formal water planning for future needs, and any other actions formally approved by the Board of Directors of CONSUMER/USER to balance water use, conservation, population growth, and total current water supply from all sources.

At the discretion of the City of Lubbock, CONSUMER/USER, may be required to also verbally present such annual report to the City of Lubbock's representatives within ninety (90) days of the

annual written report. The written report shall be sent to the authorized representative of the City of Lubbock in Article V Section 5.11 of this Contract no later than October 1 of each year.

5.9 NOTICE

All notices, payments and communication required or allowed by this Contract, unless otherwise provided herein, shall be in writing and be given either (i) in person or by telephonic facsimile; or (ii) by depositing the notice in the United States mail, postpaid and certified, with return receipt requested, and addressed to the party to be notified. Notice, as herein provided, shall be conclusively deemed to have been provided (i) in the event of delivery in person or by telephonic facsimile, when it is actually received; or (ii) in the event of certified mail, as described above, three (3) days after the notice is deposited in the mail, certified mail, return receipt requested. For the purposes of the notice, the addresses and parties is set forth immediately below.

LUBBOCK-COOPER ISD
ATTN: Superintendent
16302 LOOP 493
Lubbock, Texas 79423
FACSIMILE (806) 863-7130

THE CITY OF LUBBOCK
ATTN: Director of Water Utilities
P.O. BOX 2000
Lubbock, Texas 79457
FACSIMILE (806) 775-3027

Either party may change its address by giving written notice of the change to the other party at least fifteen (15) days before the change becomes effective.

5.10 AUTHORITY

CONSUMER/USER represents and warrants to the City of Lubbock that it is a political subdivision of the State of Texas and is authorized to enter into a contract under the terms of this Contract and perform each and every term and provision of said Contract, and will continue to be duly authorized to so perform during the term hereof.

5.11 PARTIAL INVALIDITY

In the event one or more of the provisions contained in this Contract shall be invalid, illegal, or unenforceable in any respect under any law, rule or regulation, the validity, legality, and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

5.12 CURRENT REVENUES

Each party paying for performance under this Contract shall make all payments from current revenues available to the paying party.

The parties understand and acknowledge that the funding of this Contract is contained in each party's annual budget and is subject to the approval of each party in each fiscal year. The parties further agree that should the governing body of either the City of Lubbock or the CONSUMER/USER fail to approve a budget which includes sufficient funds for the continuance of this Contract, or should fail to certify funds for any reason, then and upon the occurrence of such event, this Contract shall terminate as to that party, and the party shall then have no further obligation to the other party. When the funds budgeted or certified during any fiscal year by a party to discharge its obligations under this Contract are expended, any other party's sole and exclusive remedy shall be to terminate this Contract.

5.13 EFFECTIVE DATE

This Contract shall be effective and binding between the parties hereto as of the date of execution by the City of Lubbock.

5.14 VENUE AND APPLICABLE LAW

THIS CONTRACT IS SUBJECT TO ALL PRESENT AND FUTURE VALID LAWS, ORDERS, RULES AND ORDINANCES AND/OR REGULATIONS OF THE UNITED STATES OF AMERICA, THE STATE OF TEXAS, THE CITY OF LUBBOCK, CONSUMER/USER, AND ANY OTHER REGULATORY BODY HAVING JURISDICTION. THIS CONTRACT SHALL BE CONSTRUED AND GOVERNED ACCORDING TO THE LAWS OF THE STATE OF TEXAS. THE SOLE VENUE FOR ANY ACTION, CONTROVERSY, DISPUTE OR CLAIM ARISING UNDER THIS CONTRACT SHALL BE IN A COURT OF APPROPRIATE JURISDICTION IN LUBBOCK COUNTY, TEXAS EXCLUSIVELY.

5.15 PUBLIC INFORMATION

This Contract is public information. To the extent, if any, that any provision of this Contract is in conflict with Tex. Gov't. Code Ann. Chapter 552 et seq., as amended (the "Texas Public Information Act") the same shall be of no force and effect.

5.16 NO THIRD-PARTY BENEFICIARIES

This Contract is entered solely by and between, and may be enforced only by and among the Parties. Except as set forth above, this Contract shall not be deemed to create any rights in or obligations to any third parties.

5.17 NO PERSONAL LIABILITY

Nothing in this Contract is construed as creating any personal liability on the part of any employee, officer or agent of any public body that may be a party to this Contract.

5.18 NO JOINT ENTERPRISE

This Contract is not intended to, and shall not be construed to create any joint enterprise between or among the parties.

5.19 SOVEREIGN IMMUNITY ACKNOWLEDGED AND RETAINED

THE PARTIES EXPRESSLY ACKNOWLEDGE AND AGREE THAT NO PROVISION OF THIS CONTRACT IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER BY ANY PARTY OF ANY IMMUNITIES FROM SUIT OR LIABILITY THAT A PARTY MAY HAVE BY OPERATION OF LAW. THE PARTIES RETAIN ALL GOVERNMENTAL IMMUNITIES.

Signed this the ___ day of May, 2016.

CITY OF LUBBOCK

BY:

Glen C. Robertson, Mayor

ATTEST:

Rebecca Garza, City Secretary

LUBBOCK-COOPER ISD

BY:

Dave Gillis, President

ATTEST:

Derek Kitten, Secretary

APPROVED AS TO CONTENT:

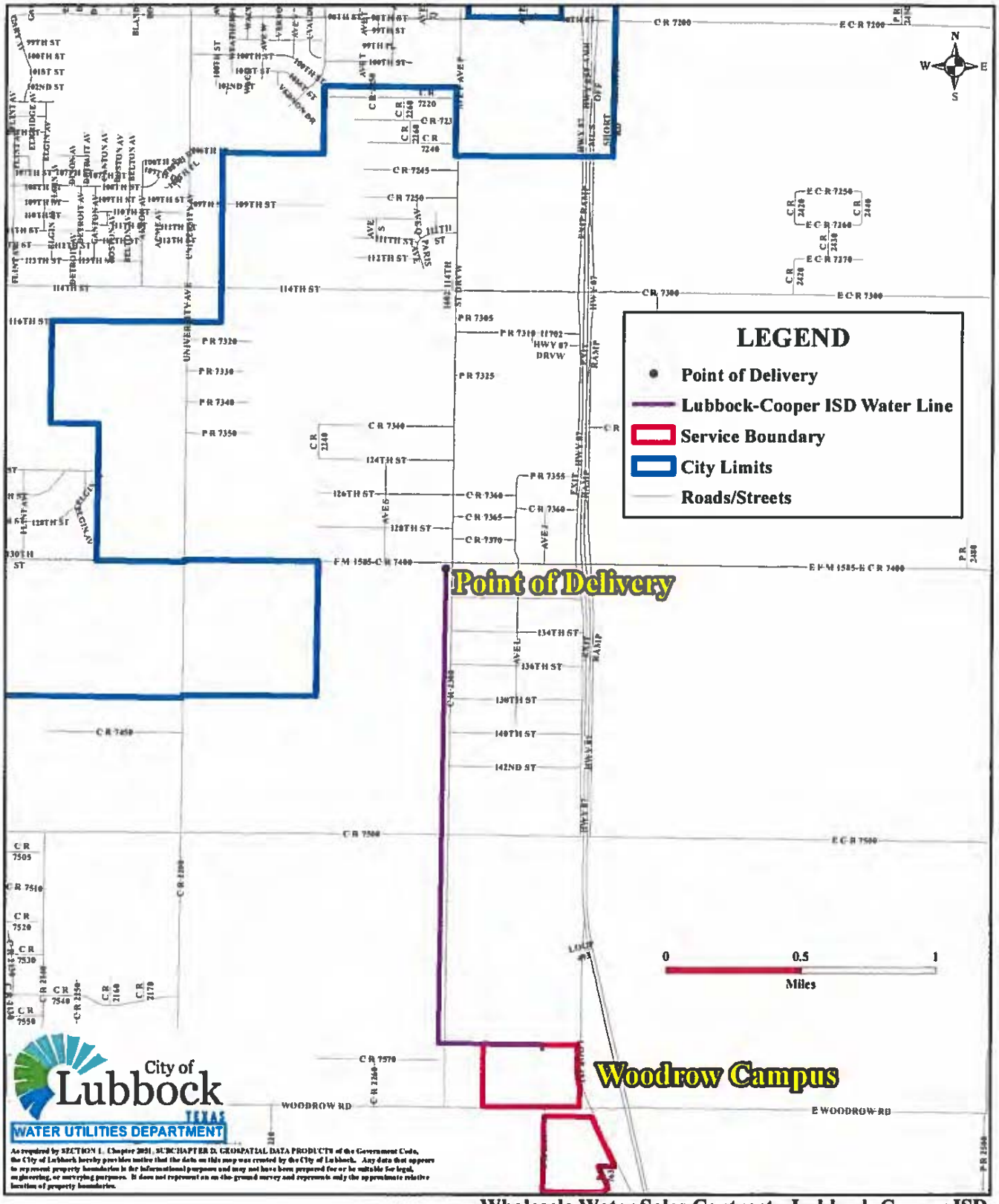
L. Wood Franklin, P.E., Director of Public Works

Aubrey A. Spear, P.E., Director of Water Utilities

APPROVED AS TO FORM:

Amy Sims, Assistant City Attorney

Exhibit A



Wholesale Water Sales Contract - Lubbock-Cooper ISD

Regular City Council Meeting **5. 12.**

Meeting Date: 05/12/2016

Information

Agenda Item

Resolution - Water Resources: Consider a resolution authorizing the Mayor to execute a contract amendment with Lubbock County Water Control and Improvement District 1 (LCWCID) which serves the Village of Buffalo Springs for the continued purchase of water from the City's potable water system.

Item Summary

In the late 1980s the City of Lubbock and the LCWCID entered into a settlement and compromise agreement related to high nitrates detected at the Lubbock Land Application Site that potentially threatened LCWCID's wells that were being used to supply water to the Village of Buffalo Springs. A similar agreement was entered into with the Town of Ransom Canyon. As part of the settlement and compromise agreements with LCWCID and Ransom Canyon, the City agreed to supply both entities potable water.

On July 13, 1989, the City of Lubbock entered into a 30-year contract with LCWCID to supply water to the Village of Buffalo Springs. The terms of the agreement included supplying up to 262.8 million gallons of potable water each year. It also included a discounted rate equivalent to 81.17% of the rate that commercial customers within Lubbock's city limits pay. The water rates are the same for both LCWCID and Ransom Canyon. In 2008, Ransom Canyon's original water supply contract was amended and extended until 2038. LCWCID's original contract expires in 2019.

This contract amendment, designated as the First Amendment, updates some of the terms and conditions of the existing contract with LCWCID as follows:
- reduces the amount of water allocated to LCWCID to 105 million gallons per year;
- updates the LCWCID Village limits boundary as of January 1, 2016;
- clarifies the water rate provisions and the responsibility at the point of delivery;
- adds language delineating sanitary control responsibilities;
- adds language requiring that LCWCID's water conservation and/or drought restrictions be at least as stringent as the City of Lubbock's restrictions; and
- extends the contract until 2038 to match the year when Ransom Canyon's water supply contract expires.

In addition, a provision has been added that delineates the defined service area for the LCWCID that includes areas outside the Village limits that can be served only upon approval by Lubbock's City Council. The LCWCID also agrees that it will provide service for any retail or commercial customers located within the defined service areas as requested by the City of Lubbock. The City currently uses a total of 11.0 billion gallons of water each year. The amount of water Lubbock supplies to LCWCID on an annual basis represents less than 0.2% of Lubbock's total usage.

Fiscal Impact

More than $108,000 in metered water revenue annually over the contract period.

Staff/Board Recommending

L. Wood Franklin, P.E., Director of Public Works
Lubbock Water Advisory Commission

Attachments

Resolution - Lubbock County Water Control & Improvement
Lubbock County Water Control & Improvement Contract

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the City Manager of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, a First Amendment of Contract by and between the City of Lubbock and Lubbock County Water Control and Improvement District No. 1, for the provision of wholesale water, and related documents. Said Contract is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the Council.

Passed by the City Council this _____ 2016.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Aubrey A. Spear, P.E., Director of Water Utilities

APPROVED AS TO FORM:

_____
Amy L. Sims, Deputy City Attorney

Res First Amend Contract-Lubbock County Water Control & Improvement
4.7.16

FIRST AMENDMENT OF CONTRACT

This First Amendment of Contract is made by and between the City of Lubbock (the "City"), a home rule municipal corporation located in Lubbock County, Texas, and the Lubbock County Water Control and Improvement District No. 1 (the "Wholesale Customer"), a conservation and reclamation district located in Lubbock County, Texas.

WHEREAS, pursuant to Contract, dated on or about July 13, 1989, Resolution No. 3150 (the "Original Contract"), the City and the Wholesale Customer entered into that certain contract providing for, among other things, the purchase of water from the City by the Wholesale Customer;

WHEREAS, Wholesale Customer desires to provide retail water service to retail customers not presently located within the boundaries of WHOLESALE CUSTOMER, including without limitation, within the corporate limits of WHOLESALE CUSTOMER and within certain areas generally located to the North and East of WHOLESALE CUSTOMER along East 50th Street, Lubbock County (also known as CR 6900) beginning at City's corporate limits to the point it crosses CR 3200 and along FM 835 from the point it crosses East CR 7100 to a designated point, as approximately depicted on Exhibit "B" attached hereto;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by City and Wholesale Customer, the City and Wholesale Customer hereby agree to amend, and do amend, the Contract, as set forth below.

1. Section 1-1 of the Original Contract is hereby deleted in its entirety and replaced with the following provision:

1-1. This Contract is made to provide access to CITY'S existing water system and to define the terms and conditions under which the CITY will construct and maintain water system capacity adequate to provide a specific volume of water for WHOLESALE CUSTOMER'S water system to make water available for property located within the boundaries of Lubbock Water Control and Improvement District No. 1, Texas as of January 1, 2016, and other lands and customers as described in Section 6-2.4, below.

2. Section 6-1.2. is hereby deleted in its entirety and replaced with the following:

6-1.2. Quantity

Quantities of water as may be required by WHOLESALE CUSTOMER not to exceed any of the following limitations:

720,000 gallons during any 24-hour period of time; or

105,000,000 gallons during any 365-day year period of time, and 105,287,671 gallons during any 366-day year period of time, as measured at the point of delivery.

The location of the point of delivery and measuring device are shown on the vicinity map attached hereto as Exhibit "A" and made a part hereof for all purposes. The measuring device shall be located in an area reasonably accessible by CITY at all times. CITY shall install a metering station at the point of delivery and at its option may include in such metering station the following devices: (1) a flow rate controller; (2) an instantaneous flow meter; (3) a peak hourly flow meter; and (4) a cumulative volume totalizing meter, said devices being operable by CITY at the master metering station and remotely from within CITY. The volumes specified in this paragraph shall be subject to and limited by the CITY'S power to conserve and ration water as provided by Sections 6-2.6 and 6-3.1 of this Contract and shall be contingent upon completion of facilities necessary or convenient to deliver the water from the CITY'S existing facilities to the point of delivery. WHOLESALE CUSTOMER shall pay CITY as described in paragraph 6-2.2 of this Contract. Title to the water delivered by CITY to WHOLESALE CUSTOMER shall change at the measuring device as provided by paragraph 6-3.5 of this Contract.

3. Section 6-2.2. is hereby deleted in its entirety and replaced with the following:

6-2.2. Rates and Payment Due

WHOLESALE CUSTOMER shall pay to the CITY no later than the due date specified in the statement for water delivered pursuant to the terms of this Contract the base rate, as described below, and the volume rate, as described below. The base monthly rate for the meter installed at the point of delivery shall

be equal to the rate established by the City Council of the City of Lubbock (City of Lubbock) for meter of equal size as set forth in Section 22.03.084 of Code of Ordinances of the City of Lubbock, as may be amended from time to time. The volume rate charged for water provided shall be 81.17% of the rate established by the City Council of the City of Lubbock charged to commercial customers as set forth in Section 22.03.085 of the Code of Ordinances of the City of Lubbock, as may be amended from time to time, by the City Council of the City of Lubbock.

4. Section 6-2.4. is hereby deleted in its entirety and replaced with the following:

6-2.4. Service To and Definition of Retail Customers

WHOLESALE CUSTOMER shall limit service to retail customers within the defined service area of the WHOLESALE CUSTOMER as described below, same being approximately depicted on Exhibit "B", attached hereto. The defined service area as shown is (i) the boundaries of the Lubbock County Water Control and Improvement District No. 1 Senate Bill 1715 and (ii) certain areas outside of the boundaries of the Lubbock County Water Control and Improvement District No. 1, as described on Exhibit "B", attached hereto (collectively, the "Defined Service Areas"). A retail customer is defined as a single or multiple family dwelling, a campus of an independent school district of the State of Texas, or a single commercial customer. The limitations upon service to retail customers within the Defined Service Areas shall apply to water delivered by CITY to WHOLESALE CUSTOMER and water received by

WHOLESALE CUSTOMER from any other source, specifically including, but not limited to, WHOLESALE CUSTOMER'S wells. For purposes of this Contract, a commercial customer is a customer of WHOLESALE CUSTOMER which uses the water for purposes other than household or school use. Notwithstanding anything contained herein to the contrary, a retail customer shall not include any party engaged in the water supply business.

The WHOLESALE CUSTOMER shall prohibit the resale or transfer of water delivered by the CITY under this Contract by any of WHOLESALE CUSTOMER'S retail customers to any other party, unless the written consent of the CITY is obtained in advance. Any service to retail or commercial customers located outside the corporate limits of WHOLESALE CUSTOMER, but within the Defined Service Areas, as depicted in Exhibit B, shall be permitted only upon approval by the CITY's City Council. Further, WHOLESALE CUSTOMER agrees that it shall provide service for any retail or commercial customers located within the Defined Service Areas upon request by the CITY.

Water provided to WHOLESALE CUSTOMER shall be delivered to one or more of the points of delivery described in Exhibit "A".

WHOLESALE CUSTOMER shall be responsible for any costs for the provision of water within its corporate limits, including, but not limited to, any costs associated with the construction and maintenance, at all times, of any and all pipe lines or other infrastructure necessary to deliver the wholesale water within WHOLESALE CUSTOMER's corporate limits and that the City of Lubbock shall be under no obligation whatsoever to bear any of said expenses aforementioned.

Any costs and responsibilities for the provision of water within the Defined Service Areas, as described above, shall be negotiated between the parties at the time upon request by the CITY for provision of such water. Said costs may be apportioned between the parties and/or third parties upon mutual agreement of WHOLESALE CUSTOMER and the City.

5. Section 6-2.4.B. Authorization of Service, is hereby added to the Original Contract, as follows:

6-2.4.B. Authorization of Service

WHOLESALE CUSTOMER hereby represents and warrants to CITY that it has obtained all necessary authorizations and consents required by the Texas Commission on Environmental Quality, or its successors, and any other governmental agency having jurisdiction over such matters, to serve all customers authorized to be served within the Defined Service Areas. It is expressly stipulated by WHOLESALE CUSTOMER that this Contract does not constitute valid authorization, of any kind or type, from any regulatory authority having jurisdiction over such matters, for providing retail water service in the Defined Service Areas by WHOLESALE CUSTOMER.

6. Section 6-2.5. is hereby deleted in its entirety and replaced with the following:

6-2.5. Sanitary Control

A Reduced Pressure Zone (RPZ) prevention device or air gap shall be maintained at all times by the WHOLESALE CUSTOMER at the point of delivery (i.e.,

between the two (2) systems). Where applicable, all costs associated with the installation and maintenance of this backflow prevention device shall be the sole responsibility of the WHOLESALE CUSTOMER. The plans of such RPZ prevention device or air gap shall be approved in writing by the CITY and any and all regulatory agencies with appropriate jurisdiction, including the Texas Commission of Environmental Quality. At no time shall a by-pass be installed on or around the backflow prevention device.

WHOLESALE CUSTOMER may allow service by direct pressure, if available, from the CITY's line to the point of delivery. However, the CITY is under no obligation to provide water at any pressure above and over pressures necessary to deliver the quantities of water described in Section 6-1.2, above. The City agrees that it will provide the minimum pressure required by the Texas Commission on Environmental Quality under normal operating conditions at the point of delivery.

The WHOLESALE CUSTOMER shall permit personnel of the CITY's staff to enter upon the property of the WHOLESALE CUSTOMER for the purpose of inspecting any and all facilities of both parties relating to and regarding necessary sanitary control. Should the CITY have reasonable grounds to believe that any condition exists which might result in contamination of the CITY's water supply or jeopardize any of their certifications with the Texas Commission on Environmental Quality and/or any other federal, state, or local regulatory permits or certifications, then the CITY shall notify the WHOLESALE CUSTOMER.

The WHOLESALE CUSTOMER shall immediately correct such condition.

In the event the WHOLESALE CUSTOMER fails to correct such condition then the CITY may, at its sole discretion, either correct the condition, at the WHOLESALE CUSTOMER'S expense, and include the cost of materials and labor in subsequent billing statements or cease delivering water until such condition is corrected to the satisfaction of the City of Lubbock.

In the event the CITY determines that contamination of its water supply actually exists, the CITY shall have the absolute right to discontinue service to the WHOLESALE CUSTOMER until such time as said contamination has been eliminated by the WHOLESALE CUSTOMER. Nothing herein shall be construed to impose upon the CITY the duty and obligation to make any inspection or to regulate the quality of water beyond the point of delivery to the WHOLESALE CUSTOMER, and the WHOLESALE CUSTOMER shall be solely responsible for the operation, maintenance, regulation, employment and prudent management of all facilities beyond the point of delivery and the use and delivery of water herein to the citizens of the WHOLESALE CUSTOMER.

The WHOLESALE CUSTOMER water system operators should be aware that any water received from the CITY will contain chloramines disinfectant. As such, the WHOLESALE CUSTOMER should adjust their disinfection system operations and monitoring for chloramines accordingly. Since 1983, the CITY has utilized chloramines as its water system disinfectant. This practice is common for larger cities in Texas and throughout the United States. The use of chloramines reduces the levels of disinfection byproducts (DBPs) in the system,

while still providing protection from waterborne disease. If these chloramines are passed on to the water customers of the WHOLESALE CUSTOMER, the WHOLESALE CUSTOMER should notify them of the following:

Chloramines can cause problems to persons dependent on dialysis machines. A condition known as hemolytic anemia can occur if the disinfectant is not completely removed from the water that is used for the dialysate. Consequently, the pretreatment scheme used for dialysis units must include some means, such as a charcoal filter, for removing the chloramines. Medical facilities should also determine if additional precautions are required for other medical equipment.

Chloraminated water may be toxic to fish. Fish tank owners, must make sure that the chemicals or filters used are designed for use in water that has been treated with chloramines. The type of filter used for fish tanks may also need to be changed.

7. Section 6-2.6. is hereby deleted in its entirety and replaced with the following:

6.2.6. Water Conservation

In the event CITY is required to implement its Water Conservation and/or Drought Contingency Plan for its system then in such event WHOLESALE CUSTOMER shall receive the same water allotment under such plan as any other customers of similar size and water needs served by CITY. WHOLESALE CUSTOMER shall adopt, develop, implement and maintain water conservation and drought contingency plans, programs, and rules incorporating loss-reduction measures and management practices, techniques, and technologies at least as promotional of conservation as such plans, programs and rules as developed and adopted by CITY. Such plans shall be designed to reduce the consumption of

water, reduce the loss or waste of water, improve the efficiency in the use of water, and increase the recycling and reuse of water.

WHOLESALE CUSTOMER agrees that if water supplies or services are curtailed within CITY, CITY may impose a like curtailment on deliveries to WHOLESALE CUSTOMER, and WHOLESALE CUSTOMER will cooperate by implementing the appropriate stages of their water conservation plan and/or drought contingency plan imposing such conservation measures. Additionally, in case of a shortage of water resulting from drought, the water to be distributed shall be divided among customers in accordance with Texas Water Code, § 11.039, as same may be amended from time to time. CITY'S obligations under this Contract shall be subject to water conservation plans and drought contingency plans adopted by CITY or required or approved by the Texas Commission on Environmental Quality, or any other or additional federal, state, or local regulatory district or entity with power to require or approve water conservation and drought contingency plans.

WHOLESALE CUSTOMER shall develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30, Chapter 288, of the Texas Administration Code, and any successor regulations thereto.

8. Section 6-4. is hereby deleted in its entirety and replaced with the following:

The expiration date of this Contract shall be until August 18, 2038. WHOLESALE CUSTOMER is given an option and contract for an additional period of thirty (30) years provided that at least twenty-four (24) months prior to

the expiration of the initial term of this Contract, CITY and WHOLESALE CUSTOMER, in good faith begin to negotiate another contract pertaining to purchase of water from CITY by WHOLESALE CUSTOMER containing mutually agreeable terms and conditions. If another contract is not consummated, CITY shall not terminate service until WHOLESALE CUSTOMER has had a reasonable time (such time not to exceed two (2) years), in which to procure alternate services and this Contract shall remain in force until WHOLESALE CUSTOMER procures alternative service or the expiration of the two (2) years, whichever event occurs first.

9. Exhibit "B" of the Original Contract is hereby deleted in its entirety.

10. Except as expressly amended by this First Amendment, all terms and provisions of the Contract shall remain in full force and effect as originally provided therein.

Executed and effective this the _____ day of _____, 2016.

CITY OF LUBBOCK:

GLEN ROBERTSON, MAYOR

ATTEST:

Becky Garza, City Secretary

LUBBOCK COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1

JIM MADEWELL, GENERAL MANAGER

ATTEST:

Heather Purcell
,District Secretary

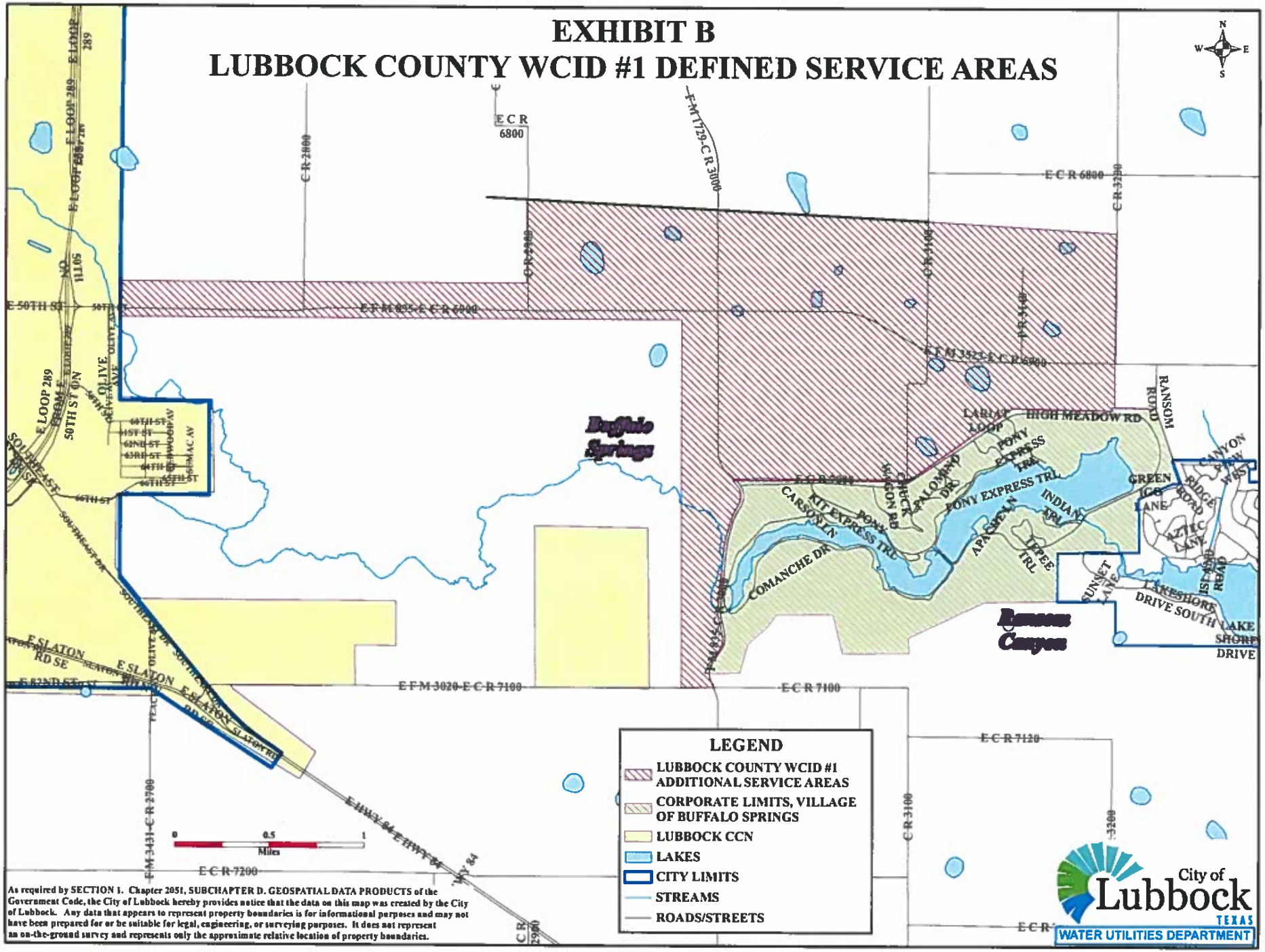
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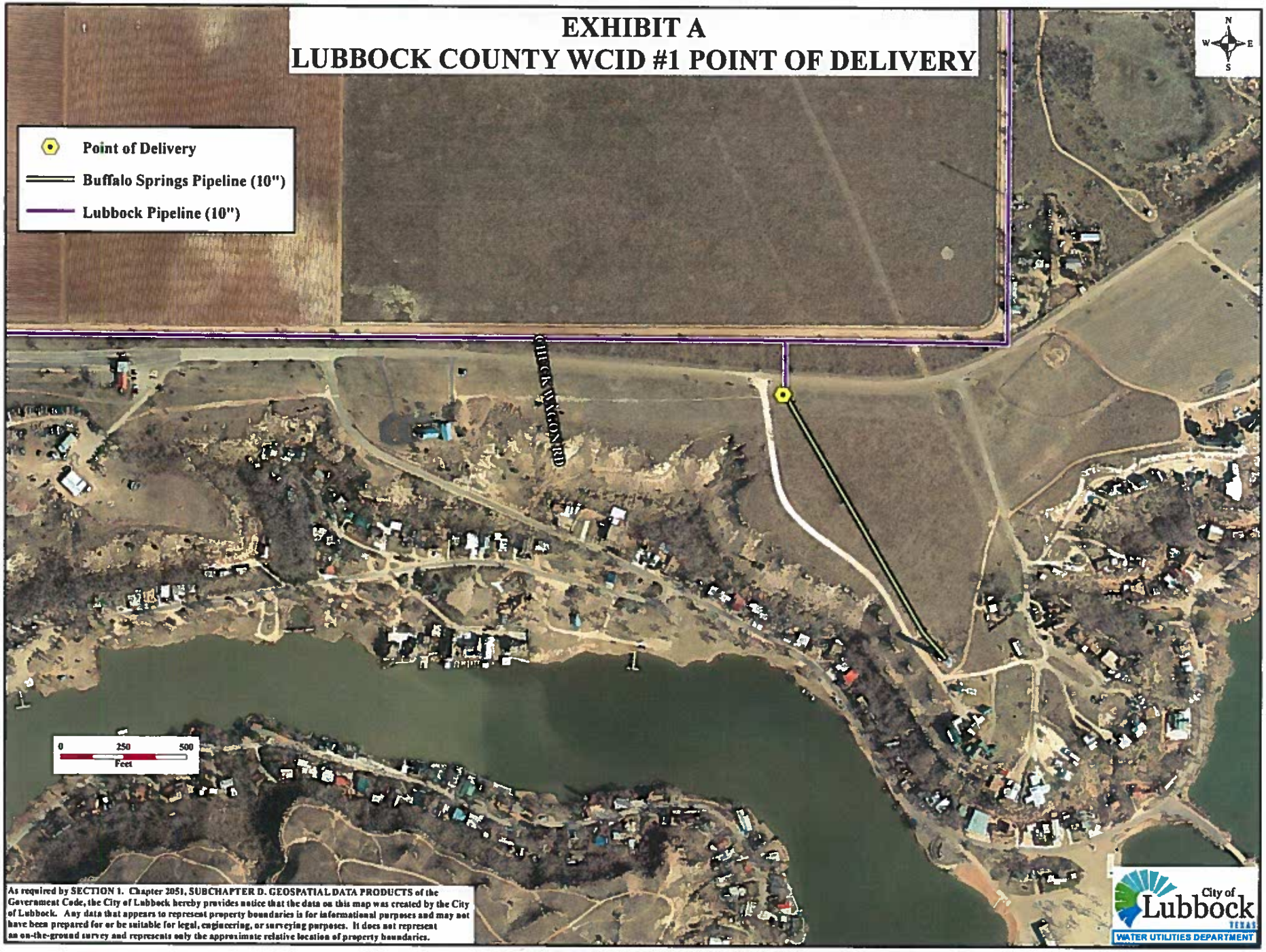
L. Wood Franklin, P.E., Director of Public Works

Aubrey A. Spear, P.E., Director of Water Utilities

APPROVED AS TO FORM:

Amy Sims, Assistant City Attorney


EXHIBIT B
LUBBOCK COUNTY WCID #1 DEFINED SERVICE AREAS
E C R 6800
F M 1729-C R 3000
C R 2800
E C R 6800
C R 3200
C R 3100
E F M 835-E C R 6900
E F M 3523-E C R 6900
E LOOP 289
50TH ST
E 50TH ST
OLIVE AVE
60TH ST
61ST ST
62ND ST
63RD ST
64TH ST
65TH ST
66TH ST
SOUTHEAST DR
Buffalo Springs
LARIAT LOOP
HIGH MEADOW RD
RANSOM ROAD
PONY EXPRESS TRL
WAGON RD
CHUCK WAGON RD
APALOOSA DR
CARSON LN
KIT CARSON LN
COMANCHE DR
APACHE LN
INDIAN TRL
TEPEE TRL
GREEN ICE LANE
CANYON RIDGE ROAD
SUNSET LANE
LAKESHORE DRIVE SOUTH
LAKE SHORE DRIVE
Ransom Canyon
E SLATON RD SE
E SLATON HWY
E F M 3020-E C R 7100
E C R 7100
E C R 7120
E F M 3431-C R 2700
E HWY 84-E HWY 84
HWY 84
C R 2900
E C R 7200
C R 3100
0
0.5
1
Miles
LEGEND
LUBBOCK COUNTY WCID #1 ADDITIONAL SERVICE AREAS
CORPORATE LIMITS, VILLAGE OF BUFFALO SPRINGS
LUBBOCK CCN
LAKES
CITY LIMITS
STREAMS
ROADS/STREETS
As required by SECTION 1. Chapter 2051, SUBCHAPTER D. GEOSPATIAL DATA PRODUCTS of the Government Code, the City of Lubbock hereby provides notice that the data on this map was created by the City of Lubbock. Any data that appears to represent property boundaries is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
City of Lubbock
TEXAS
WATER UTILITIES DEPARTMENT


EXHIBIT A
LUBBOCK COUNTY WCID #1 POINT OF DELIVERY
Point of Delivery
Buffalo Springs Pipeline (10")
Lubbock Pipeline (10")
CHEE KWAGON RD
N
W
E
S
0
250
500
Feet
As required by SECTION 1. Chapter 2051, SUBCHAPTER D. GEOSPATIAL DATA PRODUCTS of the Government Code, the City of Lubbock hereby provides notice that the data on this map was created by the City of Lubbock. Any data that appears to represent property boundaries is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
City of
Lubbock
TEXAS
WATER UTILITIES DEPARTMENT

Regular City Council Meeting **5. 13.**

Meeting Date: 05/12/2016

Information

Agenda Item

Resolution – Water Resources: Consider a resolution authorizing the Mayor to execute a Sanitary Sewer Overflow (SSO) Initiative Agreement with the Texas Commission on Environmental Quality (TCEQ).

Item Summary

On August 22, 2014, TCEQ staff conducted a periodic inspection of the City of Lubbock's wastewater collection system to determine compliance with applicable laws and regulations. The TCEQ noted that the City had experienced several sanitary sewer overflows which is typical of any wastewater collection system. After negotiating with the TCEQ, it was determined that the City's best alternative for avoiding TCEQ enforcement action and minimizing potential action by the U.S. Environmental Protection Agency was for the City to participate in the TCEQ's SSO Initiative program. In consideration of the City participating in the program, the TCEQ agreed that they would not issue the City Notice of Violations for areas covered by the SSO Agreement throughout the duration of the Agreement.

On October 24, 2014, the City submitted a Notice of Intent to participate in the SSO Initiative. The City was required to develop a SSO Plan which described actions that would be taken to prevent additional SSOs in the wastewater collection system. The City submitted the SSO Plan on June 26, 2015, for TCEQ review and approval. This agreement incorporates the City's approved SSO Plan with specific metrics that must be reported to the TCEQ on an annual basis in order to monitor the progress that the City is making.

The agreement is for a 10-year period and includes required activities such as:
- performing a wastewater system evaluation;
- updating the City's wastewater master plan;
- cleaning and inspecting sanitary sewer lines;
- replacing aging sewer line piping and taps;
- making necessary repairs, replacements, and rehabilitation to the system; and
- educating the public and food establishments regarding the proper handling of fats, oils and grease.

Fiscal Impact

The required activities enumerated in the SSO Agreement are activities that have already been programmed into the City's existing annual Wastewater Fund Operating Budget and Capital Improvement Program.

Staff/Board Recommending

L. Wood Franklin, P.E., Director of Public Works

Attachments

Resolution - Sanitary Sewer Overflow Agreement

Sanitary Sewer Overflow Agreement

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, an Agreement regarding the participation in a Sanitary Sewer Overflow initiative plan, by and between the City of Lubbock and the Texas Commission on Environmental Quality, and related documents. Said Agreement is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Aubrey A. Spear, P.E., Director of Water Utilities

APPROVED AS TO FORM:

_____
Amy L. Sims, Deputy City Attorney

RES TCEQ-Initiative Plan 4.27.16

Texas Commission on Environmental Quality

Agreement

City of Lubbock
RN101609949
Enforcement Case No. 50829
Lubbock County, Texas

The Texas Commission on Environmental Quality ("Commission" or "TCEQ") is the state agency charged with enforcing TEX. WATER CODE chs. 7 and 26 (the "Code") and the regulations promulgated pursuant to the Code.

City of Lubbock (the "City") owns and operates a water reclamation plant (the "Plant") located at 3603 Guava Avenue at the eastern terminus of East 38th Street, south of the Fort Worth and Denver Railroad bridge crossing of the North Fork Double Mountain Fork Brazos River, approximately one mile northwest of the intersection of State Highway-Loop 289 and Farm-to-Market Road 835 (Buffalo Spring Lake Road), in the sourtheastern portion of the City of Lubbock in Lubbock County, Texas with an associated wastewater collection system that consists of 31 lift stations and approximately 1,003 miles of collection lines.

The City has reported 21 unauthorized discharges during the period between July 2014 and June 2015. The majority of these discharges were due to grease and root blockages and infiltration/inflow ("I/I") impacts on the system. The City will be required to rehabilitate the system to ensure a reduction of risk to the public health and environment and to comply with the commission requirements.

Provisions

In response to these deficiencies and in an effort to eliminate the potential threat to public health, the City and the Commission have entered into an agreement. This agreement formalizes the commitment made by the City in its letter to the TCEQ dated June 26, 2015 and incorporated a 10-year Sanitary Sewer Overflow ("SSO") initiative plan (See Attachment A) to rehabilitate the system.

The provisions of this Agreement are as follows:

1. The Executive Director recognizes that the City has completed the following projects:

   a. By December 31, 2014, updated its fats, oils, and grease ("FOG") ordinance; and

   b. By October 22, 2015, developed the grease hauler database and began populating it with trip ticket data.

2. By December 31, 2016, and on an annual basis thereafter, the City shall:

   a. Clean a minimum of 665,300 linear feet of the Plant's sanitary sewer lines and manholes. The amount to be cleaned shall collectively be ten percent per year when incorporating the amount cleaned the years before divided by the number of years this agreement has been effective;

   b. Inspect a minimum of 145,000 linear feet of the Plant's sanitary sewer lines and manholes. The amount to be inspected shall collectively be ten percent per year when incorporating the amount inspected the years before divided by the number of years this agreement has been effective;

   c. Replace and/or rehabilitate a minimum of 1,000 linear feet of the Plant's sanitary sewer line piping. The amount to be replaced and/or rehabilitated shall collectively be ten percent per year when incorporating the amount repaired and/or rehabilitated the years before divided by the number of years this agreement has been effective;

   d. Replace a minimum of 400 sewer lateral lines and taps of the Plant's sanitary sewer system. The amount to be replaced shall collectively be ten percent per year when incorporating the amount replaced the years before divided by the number of years this agreement has been effective;

   e. Prioritize all necessary repairs, rehabilitations, or replacements identified during the inspections conducted under Provision No. 2.b., and as designated in Attachment A of this agreement;

   f. Begin necessary repairs, rehabilitations, replacements, preliminary engineering, design, and/or construction of the Capital Improvement Projects listed in Attachment A, Appendix A of this agreement and any additional Capital Improvement Projects indicated in the biennial report under Provision No. 4.;

   g. Populate the grease hauler database from trip tickets obtained from the pumping of grease and grit interceptors. Report number of trip tickets processed and number of site visits made by Industrial Waste Monitoring & Pretreatment ("IWMP") personnel;

   h. Report the number of citizen complaints and problems reported by Wastewater Collection crews, and noted problems when sampling and inspecting facilities that IWMP personnel responded to;

   i. Submit a report to the Commission that contains information regarding the implementation of the Residential FOG Education Program, The report shall contain the following information:

      1) The amount and names of venues where information booths that contained Residential FOG Education Program materials were distributed;

2) The dates educational flyers were mailed to the customers of the Plant. The dates which these flyers were mailed should be as close to six-months apart as possible;

3) The amount and names of schools where Residential FOG Education Program information was presented; and

4) The amount and names of community and business associations and groups and groups where Residential FOG Education Program information was presented;

j. Educate and demonstrate best management practices for reducing FOG entering the sewer system to at least 90 percent of food establishment applications for new construction and major modifications to existing food establishment facilities.

3. The City shall evaluate the effectiveness of its corrective actions by documenting the location and volume of any unauthorized discharges which occur each year, comparing the location of current discharges to previous discharges, and submitting this information to the TCEQ in the annual report outlined in Provision No. 5.

4. By December 31, 2016, and on a biennial basis thereafter, the City shall update Attachment A, Appendix A with new Capital Improvement Projects.

5. By December 31, 2016, and on an annual basis thereafter, the City shall submit a report to the Commission that contains information regarding the progress of the corrective actions contained in Provision No. 2. and the evaluation required in Provision No. 3. In accordance with the attached TCEQ SSO Agreement Annual Progress Report Form No. TCEQ-20595 (Attachment B), the reports shall include:

a. Specific corrective actions that were completed during the reporting period; and

b. Any proposed corrective actions that were delayed or not completed, including the reason(s) or explanation(s) of why the actions were delayed or not completed.

6. By December 31, 2017, begin updating the Wastewater Master Plan.

7. By December 31, 2020, complete the updates to the Wastewater Master Plan.

8. By December 31, 2026, the City shall submit a written Final Report that contains the following:

a. A summary of all corrective actions that have been completed in accordance with the Provisions in this Agreement;

b. A summary of all Provisions in this Agreement that were not completed, including reasons why specific corrective actions were delayed or not completed; and

c. A description of the overall improvement the corrective actions had on the Plant.

9. The Executive Director may grant an extension or modification to any provision of this agreement, upon a written and substantiated showing of good cause. All requests for extensions or modifications by the City shall be made in writing to the TCEQ. Extensions or modifications are not effective until the City receives written approval from the TCEQ. The determination of what constitutes good cause rests solely with the TCEQ.

10. This agreement shall terminate ten years from the effective date.

11. The City shall submit copies of all correspondence, reports, and documentation required by provision Nos. 2 through 9, except submit only examples of letters and information required by provision Nos. 2.g. through 2.i. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

In return for the City's agreement and adherence to these terms, the Commission will withhold further enforcement actions related to the noted deficiencies addressed by this agreement. Should unforeseen circumstances indicate a need to alter the above mentioned schedule, the City must immediately notify the Commission so that an amendment can be discussed.

The effective date of this agreement is the signature date of the City's authorized representative. Acceptance of the terms of this agreement is indicated by the signatures below.

EXECUTED as of the Effective Date hereof.

CITY OF LUBBOCK

Glen C. Robertson, Mayor — **Date**

ATTEST:

Rebecca Garza, City Secretary — **Date**

APPROVED AS TO CONTENT:

L. Wood Franklin, P.E., Director of Public Works — **Date** 5/2/16

Aubrey A. Spear, P.E., Director of Water Utilities — **Date** 5/2/16

APPROVED AS TO FORM:

Amy Sims, Assistant City Attorney — **Date** 5/2/16

TCEQ

Bryan Sinclair, Director
Enforcement Division — **Date** 4/29/2016

ATTACHMENT A

Contents

Sanitary Sewer Overflow Outreach Initiative
Corrective Action Plan

ORIGINAL

RECEIVED
JUN 2 6 2015
TCEQ
REGION 2 - LUBBOCK

Sanitary Sewer Overflow Plan for the City of Lubbock, Texas

HAND DELIVERED

City of Lubbock TEXAS

Water Utilities
P.O. Box 2000
Lubbock TX, 79457

June 26, 2015

Sanitary Sewer Overflow Plan
City of Lubbock, Texas

1.0 Program Overview

The City of Lubbock (City) is committed to the reduction of sanitary sewer overflows (SSOs) in its wastewater collection system. Part of this commitment includes the development and implementation of programs that will facilitate the reduction of sanitary sewer overflows (SSOs). The City has developed this SSO Plan that covers the municipal collection system as a ten (10) year action plan with a goal to improve the collection system operation and reduce SSOs. Program elements described in the SSO Plan include:

- causes of SSOs
- an evaluation of the sewer system
- interim mitigation measures to minimize the effects of SSOs
- long-term corrective measures to address SSOs
- measuring SSO Program progress
- measuring SSO Program effectiveness
- program to monitor permit compliance
- sources for funding

2.0 Causes of Sanitary Sewer Overflows

After completing an evaluation of historical SSO events in the City's wastewater collection system, the City has determined that the primary causes of dry weather SSOs are related to main stoppages caused by grease buildup, lodged obstructions, piping failures due to age related degradation, and intrusion of roots. Wet weather SSOs are primarily related to storm water inflows aggravated by piping segments having insufficient capacity. The historical evaluation of SSOs does not include SSOs related to service lines on private property or SSOs associated with the treatment of the wastewater at the Southeast Water Reclamation Plant.

The City of Lubbock recorded a total of 134 SSOs during the period of January 2010 through December 2014 with a total volume recorded at 12,430 gallons. This number includes all instances, regardless of volume, where sewage left the confines of the collection system. In all but 4 of the 134 recorded instances the sewage overflow was contained and cleaned up without reaching a playa lake or other watercourse. Of the SSOs where sewage left the confines of a containment area, there were no detrimental environmental impacts such as fish kills or negative impacts on public health. Table 2.1 includes a summary of the causes of SSOs reported by City crews. In 90% of the cases, the SSOs in Lubbock's collection system are the result of main stoppages, blocked service lines or cut sewer lines. Figure 2.1 graphically depicts the causes of SSOs in Lubbock's wastewater collection systems.

	Grease Blockages	Rag Blockages	Other Blockages	Pipeline Failures	Miscellaneous Causes	Total
2014	7	5	4	3	0	19
2013	9	7	1	1	0	18
2012	14	8	1	0	0	23
2011	14	14	2	1	0	31
2010	13	18	4	2	6	43

Table 2.1: SSOs in City of Lubbock Collection System (2010-2014)

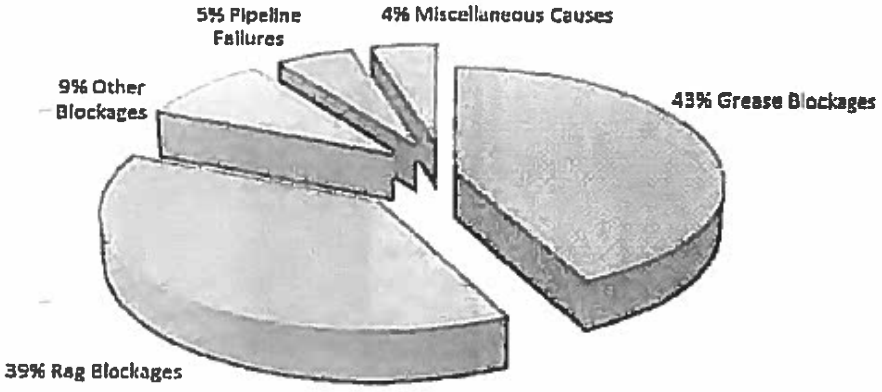


Figure 2.1: Causes of SSOs in City of Lubbock Collection System (2010-2014)

3.0 Sewer System Evaluation

The City completed a Wastewater Master Plan (Master Plan) in August 2009. The Master Plan included an evaluation of the sanitary sewer collection system. The Master Plan objectives included the identification of improvements necessary to reduce SSOs and to provide planning-level options for expanded capacity of the system as growth occurs. The 2009 Master Plan is available for review at the Water Utilities offices in

Lubbock. The process of updating the Master Plan is scheduled to begin in 2016 as discussed under Section 5.0 below.

4.0 Interim Mitigation Measures

The City will implement the following interim measures in order to mitigate the effect of continuing SSOs until the long-term measures described in Section 5.0 below can be implemented.

- Reduce grease entering the collection system through continued monitoring of known contributors, improved customer relations with known contributors and enforcement of the current Industrial Wastewater Ordinance with known grease contributors.
- Prioritize pipeline and manhole rehabilitation projects to those areas known to contribute to SSOs.
- Schedule increased routine cleaning of segments that develop multiple stops.
- Conduct smoke testing to identify areas requiring further inspection and areas in need of rehabilitation.
- Monitor the condition of the Canyon Lakes Interceptor to check for infrastructure and manhole problems along the Canyon Lakes until Interceptor improvements have been implemented.

5.0 Long Term Corrective Measures

While the effectiveness of its efforts will be measured in part by the frequency of SSOs from its system, the City will monitor results of the collection system operations and maintenance (O&M) program to help assess effectiveness of its SSO Program. The City presently inspects, cleans, and replaces portions of its collection system in a planned and ongoing basis. The City updated its fats, oils, and grease (FOG) ordinance in 2014 in an effort to more aggressively address blockage in the sewer mains which can result in SSOs. Through an improved O&M program and the implementation of strategic capital improvements projects, the City will more effectively address the causes of SSOs from its system. The goal of the City's SSO Program is to focus on corrective measures for those areas of its wastewater collection system which experience SSOs. Corrective SSO measures planned for implementation by the City include additional O&M activities that monitor these corrective measures throughout the period covered by the SSO Plan.

5.1 Operations & Maintenance (O&M) Activities

Collection System Cleaning and Inspection Program

The City presently conducts an aggressive collection system cleaning and inspection program. This program consists of:

- cleaning a minimum of 580,000 feet of collection system piping annually;

- inspecting a minimum of 135,000 feet of collection system piping annually; and
- screening potential problem areas with smoke testing and direct inspection in order to identify areas where further CCTV inspections are needed.

The CCTV equipment is used to detect conditions which contribute to SSOs as well as to identify sections needing to be cleaned. CCTV equipment is also used to provide post-cleaning follow-up inspection. Problems in the collection system and areas in need of cleaning or rehabilitation detected during the City's ongoing inspection program are cataloged and prioritized. An up-to-date prioritized list of areas in the system in need of cleaning is maintained by the Wastewater Collection Group within the Water Utilities Department.

Corrective measures implemented throughout the ten (10) year SSO Program period by the City will include:

- cleaning of approximately 6,653,000 feet of collection system piping; and
- inspection of approximately 1,450,000 feet of collection system

It is anticipated that implementation of the improved Operations and Maintenance Program discussed below will result in a more structured approach for establishing areas within the collection system for cleaning.

Collection System Rehabilitation and Replacement Program

The City will continue to implement its sewer collection system rehabilitation and replacement program. This program consists of evaluating the cleaning and inspection results described above and prioritizing which sewer lines are in need of rehabilitation, repairs or replacement.

Rehabilitation and replacement measures implemented throughout the ten (10) year SSO Program period by the City will include:

- replacing and/or rehabilitating approximately 10,000 feet of collection system piping; and
- replacing approximately 4,000 sewer lateral lines and taps.

5.2 Administrative/Planning Measures

Operations and Maintenance Program

The City will develop and implement an improved Operations and Maintenance (O&M) Program for the ongoing identification, evaluation and correction of collection system issues. This program will include:

- details on collection system operation;

- maintenance and management practices;
- collection system capacity evaluation/testing practices;
- inspection practices; and
- rehabilitation criteria.

The Program will be available for review by the Texas Commission on Environmental Quality ("TCEQ") upon request.

Residential Fats, Oils, and Grease (FOG) Education Program

The City will increase efforts to educate the general City population regarding the proper handling and disposal of FOG in a residential setting. The City will use a variety of outreach methods including:

a.) Setting up information booths at community gatherings such as the annual Home & Garden Show and/or other relevant venues;
b.) Inserting educational flyers into our customers' wastewater bills periodically;
c.) Incorporating FOG education into presentation made at local schools; and/or
d.) Speaking to community and business associations and groups about proper FOG handling.

Industrial Waste Monitoring and Pretreatment Program

The City will increase efforts to implement their Industrial Waste Monitoring Program (IWMP) program to better control FOG entering the collection system. The Industrial Waste Monitoring & Pretreatment (IWMP) office will work to limit the amount of FOG discharged into the City sewer lines by:

a.) Working in conjunction with Building Inspection to review plans for new facilities and the remodeling of existing facilities.
b.) Requiring commercial kitchens that are discharging FOG to install grease interceptors and sample ports as well as properly maintain these facilities.
c.) Receiving notifications from Environmental Health when they believe there is an issue with a grease interceptor and/or sample port at a facility.
d.) Randomly collecting FOG samples from food establishments to determine compliance with the City ordinance limit of 250 mg/l.
e.) Requiring grease haulers to submit a copy of the trip tickets obtained from the pumping of grease and grit interceptors. This information will be used to build a database to determine who is in compliance with the minimum pumping schedule specified in the City ordinance. IWMP personnel will also perform site visits to facilities that have not met the minimum pumping requirements.
f.) Responding to citizen complaints, responding to problems in the City sewer collection system as reported by Wastewater Collection crews, and responding to problems noted when sampling and inspecting facilities that produce grease waste.

g.) Educating food establishments on how to reduce the amount of FOG entering the City sewer system by encouraging them to use best practices in their kitchens and to maintain grease interceptor pumping schedules.
h.) Issuing warning notices when necessary, which will include the required actions and recommendations to bring facilities with FOG violations back into compliance with the City ordinance.

Wastewater Master Plan Update

The Wastewater Master Plan is used by the City to plan for wastewater system expansion, rehabilitation, and capacity improvements. The current Wastewater master Plan was updated in 2009. The City will begin the process of updating the 2009 Plan during 2017. The Master Plan will include an updated flow study, recalibrated hydraulic model, and updated capital improvement project recommendations. It should be noted that timing of completion of the Master Plan will be contingent in part on sufficient rainfall during the evaluation period.

5.3 Capital Improvements Measures

Through its ongoing collection system inspection program described in Section 5.0, and through the most recent Master Plan described in Section 3.0, the City has identified and continues to identify capital improvements projects in its collection system including areas in need of repair, rehabilitation or replacement, and large interceptors in need of specialized cleaning. A current and preliminary list of capital improvements under consideration to address SSOs is presented in Appendix A. Corrective measures implemented by the City as part of the SSO Program will include rehabilitation, repair or replacement of at least 10,000 feet of collection system piping throughout the ten (10) year SSO Program period.

6.0 Measuring SSO Plan Progress

Progress in implementing the corrective measures described above will be assessed every two (2) years by the City. At a minimum the list of capital improvement projects summarized in Appendix A will be updated with new projects, evaluated and reprioritized every two (2) years based on the City's ongoing collection system inspection program described in Section 5.0, and based on the updated Wastewater Collection System Master Plan.

7.0 Evaluating SSO Plan Effectiveness

The City will conduct an SSO Program review and provide written reports to the TCEQ. The effectiveness of the SSO Program will be evaluated based on performance measures consisting of:

- Feet of lines cleaned, reviewed and reported every two (2) years:
- Feet of lines inspected, reviewed and reported every to (2) years:

- Feet of lines rehabilitated, repaired, or reviewed and reported every two (2) years: and
- Administrative/Planning Measures, reported as outlined in Section 5.2

8.0 Operations and Maintenance Program to Monitor Permit Compliance

The City of Lubbock will develop an improved Operations and Maintenance Program after entering into the SSO Initiative with TCEQ under which it will manage, operate and maintain its sewage collection system. The stated goal of the City's improved O&M program will be:

> *To better manage, operate, and maintain its wastewater collection system; to evaluate capacity constrained areas of the collection system; to proactively reduce SSOs, and to respond to SSO events.*

The City's entire O&M program will be available for review in its entirety at the Water Utilities Administration offices. Elements of the City's improved O&M program include the following:

- details on collection system operation;
- maintenance and management practices;
- collection system capacity evaluation/testing practices;
- inspection practices; and
- rehabilitation criteria.

9.0 Sources for Funding

The Water Utilities Department derives all operations, maintenance and capital improvements funding through the Water and Wastewater Funds which are enterprise funds separate from the General Fund utilized by most other City departments. Revenue for the Water and Wastewater Enterprise Funds are primarily derived from water and sewer charges including rates and fees for services provided. The City of Lubbock Water Utilities Department also relies on certificates of obligation (COs) and long term bonds to finance capital improvements.

The O&M Activities (Collection System Cleaning, Inspection, replacement, and rehabilitation Programs) and Administrative/Planning Measures (Operations and Maintenance Program, FOG Program and Wastewater Master Plan Update) described in Section 5.0 are funded through specific Wastewater Fund cost center annual budgets. This annual budget includes annual expenditures such as payroll, safety and personal equipment, fleet and equipment expenses, parts and materials, and miscellaneous expenses. This annual operating budget is prepared by staff, reviewed and adjusted by the city manager and adopted by the city council each fiscal year.

The Water Utilities Department manages an internal Capital Improvement Program (CIP) which follows the same process used by the City for General Funds Capital Improvement

Program. Section 5.0 discusses some of the capital improvement measures associated with the CIP. Through its CIP, the Water Utilities Department prepares an annual Capital Improvements Plan which summarizes all capital improvements projects proposed for the Water Department, which includes the wastewater collection system. The Capital Improvements Plan is submitted to the city manager for approval. After approval by the city manager, the annual Water Utilities Capital Improvement Plan is submitted to the city council for final approval.

A current and preliminary list of capital improvements under consideration for the wastewater collection system CIP is shown in Appendix A. The information in Appendix A will be updated and projects will be reprioritized every two (2) years, as stated in Section 6.0, throughout the SSO Plan's ten year period.

Appendix A

Preliminary List of Capital Improvements under Consideration

June 26, 2015

Note: The information provide in this appendix is the most current information available as of the date shown. This information is preliminary and lists anticipated projects as of the date shown. Throughout the SSO Plan's life, this information will be updated and adjustments may be made to prioritize the implantation of projects.

Wastewater Collection System
Preliminary List of Capital Improvements under Consideration

Through its ongoing collection system inspection program, City staff has identified preliminary anticipated improvements needed within the wastewater collection system likely to help reduce SSOs. The anticipated improvements listed may be completed during the 10-year SSO Plan period. However, because projects will be evaluated periodically, which could include current projects as well as new projects, the projects listed could become less important to reducing SSOs and could be removed from the list and replaced with projects with a better likelihood of reducing SSOs. A map depicting the location of these capital improvements is attached.

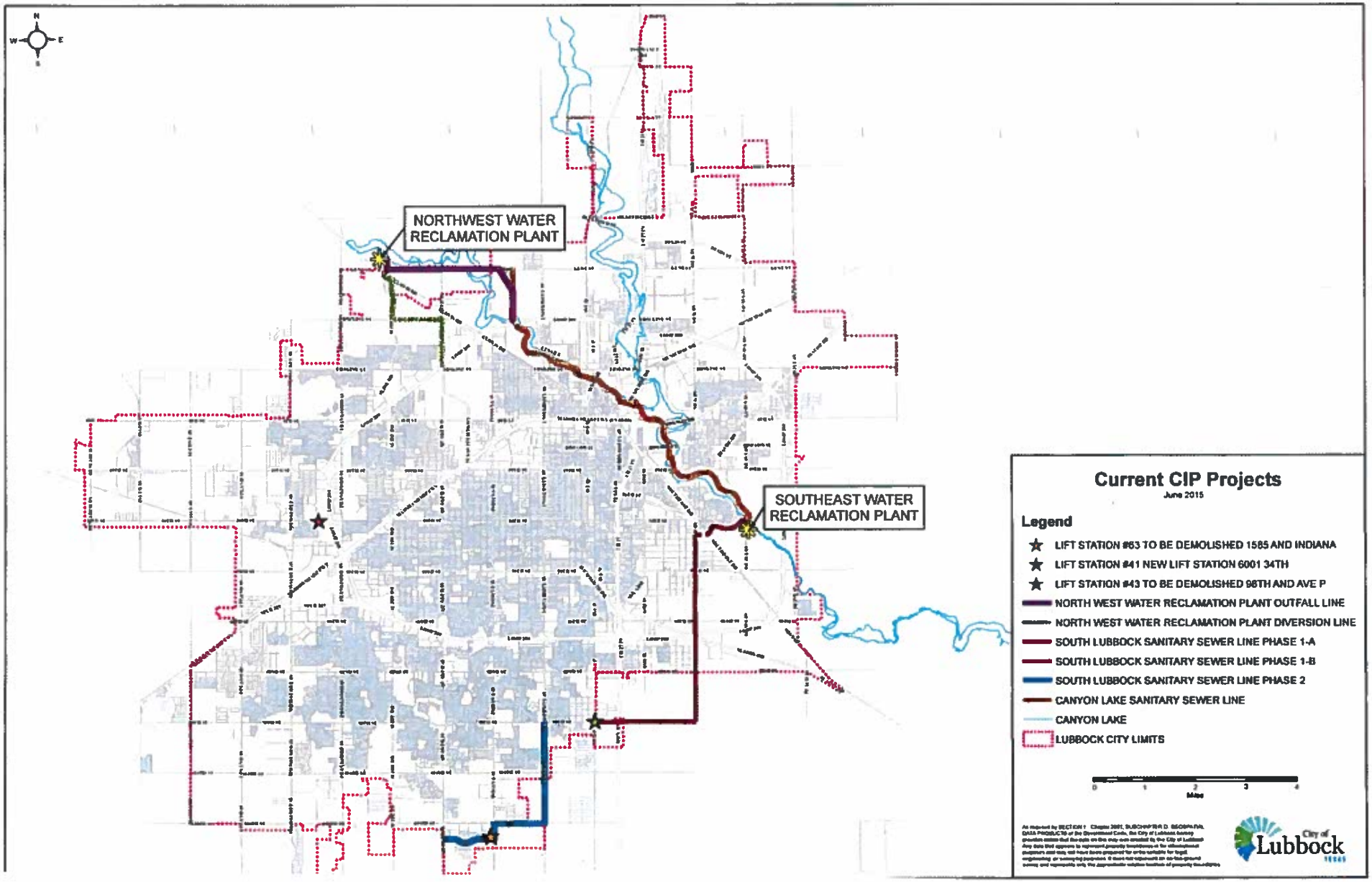
Lift Station Rehabilitation #41
The City anticipates the replacement of the Camelot Lift Station #41 by December 2017. This replacement will increase the size of the wet well and update electrical controls. This will reduce the potential for sewer overflows with increase growth of the City in this area.

Northwest Water Reclamation Plant
This project includes the preliminary engineering, design, and construction of a new northwest water reclamation plant as recommended by the 2009 Sewer Collection System Master Plan. This project will relieve the surcharge of sewer mains serving North Lubbock and will reduce the potential for sewer overflows. The Northwest Plant is anticipated to be operational by January 2019.

Canyon Lakes Interceptor Rehabilitation
This project is for the rehabilitation of the Canyon Lakes Interceptor that collects and delivers sewage to the Southeast Water Reclamation Plant. The rehabilitation and/or replacement of large portions of the interceptor and the rehabilitation and/or the replacement of all manholes on this interceptor will greatly reduce structural issues and reduce the potential for sewer overflows. This rehabilitation is anticipated be completed by June 2022.

South Lubbock Sanitary Sewer System Expansion Phase I
Design and construction of a large diameter sewer main in South Lubbock as recommended by the 2009 Sewer Collection Master Plan. This project relieves the surcharge of sewer mains currently servicing multiple sewer sheds in South Lubbock, abandons one lift station, and helps alleviate potential sewer overflows. This project is anticipated to be completed by June 2016.

South Lubbock Sanitary Sewer System Expansion Phase II
This project provides sanitary sewer to newly annexed areas in South and Southwest Lubbock. This project will reduce potential sewer overflows by abandoning one lift station and creating gravity flow to the Southeast Water Reclamation Plant. This project is anticipated to be completed by June 2022.


NORTHWEST WATER RECLAMATION PLANT
SOUTHEAST WATER RECLAMATION PLANT
Current CIP Projects
June 2015
Legend
LIFT STATION #63 TO BE DEMOLISHED 1585 AND INDIANA
LIFT STATION #41 NEW LIFT STATION 6001 34TH
LIFT STATION #43 TO BE DEMOLISHED 98TH AND AVE P
NORTH WEST WATER RECLAMATION PLANT OUTFALL LINE
NORTH WEST WATER RECLAMATION PLANT DIVERSION LINE
SOUTH LUBBOCK SANITARY SEWER LINE PHASE 1-A
SOUTH LUBBOCK SANITARY SEWER LINE PHASE 1-B
SOUTH LUBBOCK SANITARY SEWER LINE PHASE 2
CANYON LAKE SANITARY SEWER LINE
CANYON LAKE
LUBBOCK CITY LIMITS
Miles
City of Lubbock

ATTACHMENT B

CONTENTS

Semi-Annual and Annual Progress Report

AGREEMENT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
SANITARY SEWER OVERFLOW (SSO) AGREEMENT
ANNUAL PROGRESS REPORT

INSTRUCTIONS

- This form is optional; however, it identifies the required and optional information to be included in the annual progress report for participants in the SSO Initiative. **Participants are highly encouraged to use the form.**
- You may attach to this form any additional information that demonstrates the progress made during the reporting period (such as graphs, photos, work order receipts, etc.)
- The **annual reporting period is located in your Agreement.** Typically, an initial progress report is due 90 days after the effective date of the Agreement, with progress reports due annually thereafter.
- This form may also serve as a template for developing your SSO plan.
- For each section that is completed, please reference the corresponding provision number from the Agreement.
- Participants are required to report the items marked with an asterisk (*) including all items in Section 1 through Section 4.

SECTION 1. PARTICIPANT INFORMATION

1.1 Participant Name*	
1.2 Case Number (located on the Agreement)*	
1.3 Regulated Entity Number*	
1.4 State Water Quality Permit Number (if applicable)*	
1.5 Representative Name & Title*	
1.6 Representative Phone #* (area code and # - no dashes)	
1.7 Annual Reporting Period (Month and Year - see instructions)*	

SECTION 2. EVALUATING THE EFFECTIVENESS OF THE PLAN

2.1 Provide the total number of SSOs (As a separate attachment, include a list of SSOs that details the date, volume, and cause for each SSO event) that occurred during the reporting period.*					
2.2 Provide a brief summary of how the corrective actions that were completed during this reporting period have already contributed to a reduction of SSOs in the system.*					

2.3 What actions are currently being taken or planned to ensure a reduction of SSOs will occur in the future?*	
2.4 Provide any additional information that demonstrates the success of your program (e.g. Compare the number of wet weather overflows with dry weather overflows to show inflow/ infiltration (I/I) reduction).*	

SECTION 3. INTERIM MEASURES TO MITGATE SSOs

3.1 Describe your SSO response plan.*	

3.2 What actions were taken during this reporting period to mitigate SSOs?*	
3.3 What improvements were made to your SSO response plan?*	

SECTION 4. SOURCES OF FUNDING

4.1 Provide a summary of the costs expended for completed projects during this reporting period.*	

4.2 Describe the anticipated and confirmed sources of funding for the next two years.*	

SECTION 5. OPERATIONS AND MAINTENANCE (O&M) PROGRAM

5.1 Briefly describe your O&M Program for the reporting period.*	
5.2 O&M Activities	**Quantify the following components of your O&M activities for the reporting period. If you did not conduct an activity, please indicate with N/A.**
5.2.1 Inspection frequency of the system (sewer pipes, lift stations, manholes, etc.)*	

5.2.2 Cleaning frequency of the system (sewer pipes, lift stations, manholes, etc.)*	
5.2.3 Total number of linear feet of sewer pipe in the system*	
5.2.4 Total number of linear feet of sewer pipe inspected*	
5.2.5 Total number of manholes in the system*	
5.2.6 Total number of manholes inspected*	
5.2.7 Total number of lift stations in the system*	
5.2.8 Total number of lift stations inspected*	
5.2.9 Total number of linear feet of sewer pipe cleaned*	
5.2.10 Describe the types of SSO-related employee training that was completed (e.g., Capacity, Management, Operations, & Maintenance; Fats, Oils, & Grease; etc.)*	

5.2.11 Other	

SECTION 6. SYTEM EVALUATION & REHABILITATION	
6.1 System Evaluation	Quantify or describe the following measures used to evaluate your system's capacity, inflow/infiltration (I/I) rate, etc. that were completed during the reporting period. If you did not conduct an activity, please indicate with N/A.
6.1.1 Flow Monitoring (e.g., wastewater treatment facility; lift stations; rainfall records, etc.)	
6.1.2 Dye Testing (e.g., to identify leaks, illegal connections, etc.)	

6.1.3 Smoke Testing (e.g., to identify illegal connections, exposed cleanouts, etc.)	
6.1.4 Evaluation to identify the location and condition of sewer pipes.	
6.1.5 Evaluation to identify the location and condition of manholes.	

6.1.6 Evaluation to identify the location and condition of lift stations.	
6.1.7 Closed Circuit Television	
6.1.8 System Mapping Updates	

6.1.9 Other	
6.2 Rehabilitation Projects	**Quantify or describe the following rehabilitation projects that were completed during the reporting period. Please provide specific details, such as the number of linear feet, sizes of sewer pipes, number of manholes, etc. If you did not conduct an activity, please indicate with N/A.**
6.2.1 Number of Sewer Pipes Repaired/Rehabilitated*	
6.2.2 Number of Sewer Pipes Replaced*	
6.2.3 Number of Sewer Pipes Removed	
6.2.4 Number of Sewer Pipes Added	
6.2.5 General Sewer Pipe Improvements	
6.2.6 Number of Manholes Repaired/Rehabilitated*	
6.2.7 Number of Manholes Replaced*	
6.2.8 Number of Manholes Removed	
6.2.9 Number of Manholes Added	

6.2.10 General Manhole Improvements (e.g., installing locks, replacing covers, etc.)	
6.2.11 Number of Lift Stations Repaired/Rehabilitated*	
6.2.12 Number of Lift Stations Replaced*	
6.2.13 Number of Lift Stations Removed	
6.2.14 Number of Lift Stations Added	
6.2.15 General Lift Station Improvements (e.g., electrical upgrades, installation of monitoring systems, etc.)	
6.2.16 Other	

7.1 General SSO Education & Outreach	Quantify or describe the following measures completed under your SSO Education Program (if applicable) during the reporting period. Please provide specific details, such as number/frequency of brochures distributed, etc.
7.1.1 Educational Brochures (e.g., bill inserts, door knockers, etc.)	
7.1.2 Media Advertisements (e.g., television, radio, newspaper, etc.)	
7.1.3 Website Updates	
7.1.4 Educational/Training Opportunities (e.g., community events, school programs, etc.)	
7.1.5 City Ordinances	
7.1.6 Other	

7.2 Fats, Roots, Oil, & Grease (FROG) Program	Quantify or describe the following measures completed under your FROG Program (if applicable) during the reporting period. Please provide specific details, such as number/frequency of brochures distributed, etc.
7.2.1 Number of Grease Trap/Interceptor Inspections*	
7.2.2 Grease Ordinance Updates	
7.2.3 Grease Ordinance Enforcement	
7.2.4 Grease Control Methods	

7.2.5 Food Service Establishment Training	
7.2.6 Root Control Methods	

SECTION 8. ADHERENCE TO MILESTONES

8.1 Discuss/describe all of the milestones that were completed in accordance with the requirements of the Agreement during the reporting period.*	

8.2 Discuss/describe all of the milestones that were NOT completed in accordance with the requirements of the Agreement during this reporting period. Include any changes you plan to make to ensure that milestones are completed for the next two years.*	
8.3 Provide a list of scheduled projects that are planned for the next two years.*	

SECTION 9. MISCELLANEOUS

Provide any additional information you feel necessary to demonstrate compliance under the terms of the SSO Initiative.	

SECTION 10. SIGNATURE

Signature:		Date:	
Name (printed or typed):		Title:	

Print Form

Regular City Council Meeting **5. 14.**

Meeting Date: 05/12/2016

Information

Agenda Item

Resolution - Fleet Services: Consider a resolution authorizing the Mayor to execute purchase order contract 31027237 with Grapevine DCJ, LLC., of Grapevine, Texas for three Mid-Size Dodge Durango Sport Utility Vehicles, ITB 16-12824-SS.

Item Summary

The purchase order contract is for three 2016 Dodge Durango's for $77,943. These vehicles are for Water Department 6111, 6113, and 6347 cost centers. A bid tabulation is provided.

Bids were received from the following companies.

Company	Amount
Grapevine DCJ LLC, of Grapevine Texas	$77,943
Scoggin Dickey Chevrolet, of Lubbock Texas	92,173

Staff recommends purchase contract award to the lowest bidder who met specifications to Grapevine DCJ,LLC for $77,943.

Fiscal Impact

$322,219 is appropriated in Capital Improvement Project 92398, Water Vehicle Replacement, with $77,943 available for this purpose.

Staff/Board Recommending

Scott Snider, Assistant City Manager
Wood Franklin, P.E., Director of Public Works

Attachments

Resolution & Contract - Grapevine DCJ, LLC
Bid Tabulation
CIP - Water Vehicle Replacement
CIP Detail

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, Purchase Order No. 31027237 for the purchase of three (3) Mid-Size Dodge Durango Sport Utility Vehicles as per ITB 16-12824-SS, by and between the City of Lubbock and Grapevine DCJ, LLC of Grapevine, Texas, and related documents. Said Purchase Order is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Scott Snider, Assistant City Manager

APPROVED AS TO FORM:

_____
Justin Pruitt, Assistant City Attorney

ccdocs/RES. Purchase Order 31027237 – Grapevine DCJ, LLC – 3 Dodge SUVs
April 25, 2016

City of Lubbock TEXAS

PURCHASE ORDER

Page - 1
Date - 04/25/2016
Order Number 31027237 000 OP
Branch/Plant 3526

TO: GRAPEVINE DCJ LLC
2601 WILLIAM D TATE
GRAPEVINE Texas 76051

SHIP TO: CITY OF LUBBOCK
FLEET SERVICES
324 MUNICIPAL DRIVE
DAVID GAMBOA
LUBBOCK Texas 79404

INVOICE TO: CITY OF LUBBOCK
ACCOUNTS PAYABLE
P.O. BOX 2000
LUBBOCK, TX 79457

BY: _____
Marta Alvarez, Director of Purchasing & Contract Management

Ordered 04/25/2016 Freight
Requested 11/30/2016 Taken By S SUMMERS
Delivery PER D GAMBOA REQ #44966 ITB 16-12824-SS

Description/Supplier Item	Ordered	Unit Cost	UM	Extension	Request Date
Mid-Size SUV - Dodge Durango	3.000	25,981.0000	EA	77,943.00	11/30/2016

Total Order

Terms NET 30 77,943.00

This purchase order encumbers funds in the amount of $77,943.00 awarded to Grapevine DCJ LLC. of Grapevine, TX on May 12, 2016. The following is incorporated into and made part of this purchase order by reference ITB 16-12824-SS dated April 14, 2016 Grapevine DCJ LLC. of Grapevine, TX. Resolution #_____

CITY OF LUBBOCK

_____
Glen C. Robertson, Mayor

ATTEST:

_____
Rebecca Garza, City Secretary

Bid Form
Mid-Size Sport Utility Vehicles
City of Lubbock, TX
ITB 16-12824-SS

In compliance with the **Invitation to Bid 16-12824-SS**, the undersigned Bidder having examined the Invitation to Bid and Specifications, and being familiar with the conditions to be met, hereby submits the following Bid for furnishing the material, equipment, labor and everything necessary for providing the items listed below and agrees to deliver said items at the locations and for the prices set forth on this form. A bid will be subject to being considered irregular and may be rejected if it shows omissions, **alterations of form**, conditional alternate bids, additions or alternates in lieu of the items specified, if the unit prices are obviously unbalanced (either in excess of or below reasonably expected values), or irregularities of any kind. The Invitation to Bid **16-12824-SS** is by reference incorporated in this contract. The Bid Form **must be completed** in blue or black **ink** or by typewriter.

ITEM	QTY (+/-)	Unit of Measure	DESCRIPTION	UNIT PRICE* BID	EXTENDED COST	Delivery (Days) ARO**
1.	3	Each	Mid-Size, Sport Utility Vehicle, 4-Door, 4x4, 6-Cylinder, per Specification No. 1610	$ 25,981	$ 77,943	70-90
	Model Year, Brand Name and Model Number: 2016 Dodge Durango SSV					
	Provide cutoff date to order from manufacturer: 5/6/16					

***PRICE: F.O.B. Destination, Freight Pre-Paid and Allowed**

****ARO – After Receipt of Order**

PAYMENT TERMS AND DISCOUNTS - Bidder offers a prompt payment discount of ___%, net 30 calendar days. Unless otherwise indicated on the Bid Form, payment terms will be NET THIRTY DAYS. The City will pay the successful bidder within thirty days after the receipt of a correct invoice or after the date of acceptance, whichever event occurs later. Discounts for prompt payment requiring payment by the City within a stipulated number of days will be interpreted as applying within the stipulated number of calendar days after the date of receipt by the City of a correct invoice or after the date of acceptance that meets contract requirements, whichever event occurs later. Discounts for payment in less than ten days will not be considered.

MOST FAVOURED PRICING: The Bidder certifies that the price quoted is not in excess of the lowest price charged anyone else, including its most favoured customer, for like quality and quantity of the products/services; does not include an element of profit on the sale in excess of that normally obtained by the Bidder on the sale of products/services of like quality and quantity; and does not include any provision for discounts to selling agents. If at any time during the contract period, the supplier should sell or offer for sale to any other customer, an equal or less quantity of similar contract products of like or better quality, at a lower net price(s) than provided herein, supplier agrees to notify the City and sell same product(s) at the lower price(s) on all deliveries made during the period in which such lower price(s) is effective.

INTERLOCAL PURCHASING *(optional)*: The City desires to make available to other local governmental entities of the State of Texas, by mutual agreement with the successful bidder, and properly authorized interlocal purchasing agreements as provided for by the Interlocal Cooperation Act (Chapter 791, Government Code), the right to purchase the same services, at the prices quoted, for the period of this contract. Each bidder shall indicate on the Bid Form in the space provided below if he/she will honor Political Subdivision orders in addition to orders from the City of Lubbock. Should these other governmental entities decide to participate in this contract, would you (the bidder) agree that all terms, conditions, specifications, and pricing would apply?

Other governmental entities that might have interests in this contract are Frenship Independent School District, Lubbock Housing Authority, Lubbock County, Lubbock County Hospital District, Lubbock Independent School District, South Plains Association of Governments, City of Texarkana, Texas Tech University, West Texas Municipal Power Agency, Lynn County, and City of Wolfforth.

YES X NO _____

Department/Cost Center requesting vehicle/equipment: _____
Spec Content Reviewed & Approved by: _____
Department Head Authorizing Release of Spec: _____
Date: _____

CITY OF LUBBOCK, TX
MINIMUM SPECIFICATIONS
MID-SIZE, SPORT UTILITY VEHICLE, 4-DOOR, 4X4, 6-CYLINDER
SPEC – 1610

VENDOR NAME: Grapevine DCJ, LLC PHONE: 817-410-7541

YEAR 2016 MAKE Dodge MODEL Durango SSV

IT IS THE INTENT OF THIS SPECIFICATION, REFERENCED DOCUMENTS, REQUIREMENTS AND CONDITIONS SECTIONS TO DESCRIBE MINIMUM PERFORMANCE REQUIREMENTS. THE VEHICLE OR PRODUCT MUST MEET OR EXCEED THE PERFORMANCE OR CONSTRUCTION DESCRIBED HEREIN. THE VENDOR SHALL BE REQUIRED TO MARK COMPLIANCE OR NON-COMPLIANCE TO EACH ITEM DESCRIPTION IN THE SPACE PROVIDED. ALL EQUIPMENT FURNISHED AS STANDARD TO THE GENERAL PUBLIC ON THE PRODUCT BY THE MANUFACTURER SHALL BE INCLUDED, EVEN WHEN NOT SPECIFICALLY IDENTIFIED IN THIS SPECIFICATION. ANY DEVIATIONS FROM THE WRITTEN SPECIFICATION WITH DATE AS SHOWN IN THE INVITATION TO BID (ITB) SHALL BE NOTED ON THE ATTACHED EXCEPTIONS TO THE SPECIFICATION. IN ORDER TO RECEIVE FULL CONSIDERATION, ITB RESPONSE QUOTATION MUST FOLLOW THIS SPECIFICATION AND THE INVITATION TO BID'S TERMS AND CONDITIONS.

VENDOR NAME: Grapevine DCJ LLC PHONE: 817-410-7541

NO.	ITEM	MINIMUM REQUIREMENTS	SELLER COMPLIANCE YES		NO
	GENERAL	These specifications describe a Mid-Size, 4-door, 6-Cylinder, Sport Utility Vehicle, 4 Wheel Drive. **Unless otherwise specified, all units shall be furnished complete with standard equipment and factory- installed accessories as listed by the manufacturer's printed literature and as stated in the State of Texas fleet automobiles and trucks Texas specifications.**			
1.	**GVWR**	6,000 pounds	✓		
2.	**WHEEL BASE**	112 inches 119.8	✓		
3.	**OVERALL LENGTH**	186 inches 201.2	✓		
4.	**CARGO LENGTH**	51 inches	✓		
5.	**PAYLOAD ALLOWANCE**	1,550 pounds 1410 lbs			+
6.	**RUNNING GROUND CLEARANCE**	7.2 inches 8.1	✓		
7.	**ENGINE**	A. Gasoline, V-6, 3.5 L 3.6 V6	✓		
		B. 270 HP Exceed	✓		
		C. 248 Ft. Lbs. Torque Exceed	✓		
8.	**TRANSMISSION**	OEM automatic	✓		
8.1	**TRANSFER CASE**	OEM transfer case with automatic locking hubs Full time AWD	✓		

9.	**TOWING CAPACITY**	5,000 lbs. 6200 ±	✓		
10.	**MAXIMUM CARGO VOLUME**	80 cubic feet 84.5	✓		
11.	**TIRES**	OEM All weather steel belted tubeless radials with crank-up spare tire winch and full size spare tire.	✓		
12.	**RIM SIZE**	OEM width rims	✓		
13.	**POWER PACKAGE**	Includes power windows, power locks, power mirrors, and cruise control with tilt steering wheel. To include keyless entry with (2) transmitters 4 Keys	✓		
14.	**SEATS**	OEM 40/20/40 cloth fabric. Color: charcoal or gray, with rear bench type seat.			X
15.	**COLOR**	OEM fleet white	✓		

MSO and paperwork
Vehicle/equipment will not be accepted by the City of Lubbock without
The MSO, all keys, warranty, and all paperwork

General Requirement and Information
Bidder shall submit with each bid, current printed literature and specification sheets on the unit offered in the response to solicitation.

Exceptions to the specifications of any items stated herein shall be fully described in writing by the bidding vendor in the space provided below. **List items by item numbers.**

14 Bucket front bench rear seat 2 rows of seats
5 1410 lbs. payload

City of Lubbock, TX
Fleet Services
Bid Tabulation
May 12, 2016

ITB 16-12824-SS
Mid-Size Sport Utility Vehicles

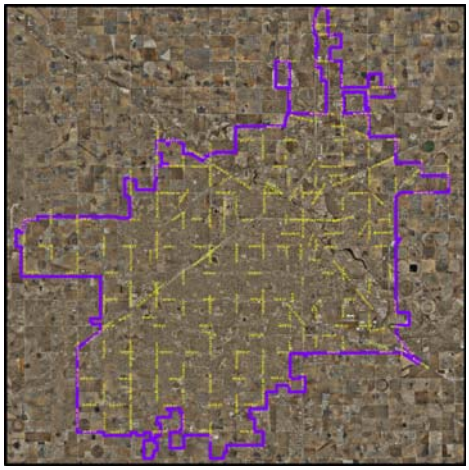
Item	Qty	UOM	Description/Vendor	Location	Unit Price	Extended Price
1	3	EA	Mid-Size Sport Utility Vehicle, per Specification No. 1610			
			Grapevine DCJ LLC	**Grapevine, TX**	**$ 25,981**	**77,943**
			Scoggin Dickey Chevrolet	Lubbock, TX	30,725	92,175

City of Lubbock, TX
Capital Project
Project Cost Detail
May 12, 2016

Capital Project Number:	92398
Capital Project Name:	Water Vehicle Replacement

	Budget
Encumbered/Expended	
Water Vehicles	$ 218,265
Agenda Items May 12, 2016	
Grapevine DCJ,LLC	77,943
Encumbered/Expended To Date	296,208
Estimated Costs for Remaining Appropriation	
Remaining Fleet	26,011
Remaining Appropriation	26,011
Total Appropriation	$ 322,219

Project Name **Water Vehicle Replacement** *Project Number* **92398**



Managing Department **Water Utility Admin.**

Project Manager **Scott Snider**

Project Classification **Replacement Equipment/Fleet**

Project Status **Approved**

Project Scope
Cash funded replacement or new purchase of the following vehicles:

6111 Water Administration
Mid-size SUV 4x4 (replace V12006222) - 27,997

6113 Water Conservation & Education
Mid-size SUV 4x4 (replace V12002122) - 27,997

6311 Water Meter & Customer Service
Mid-size SUV 4x4 (replace V12006224) - 27,997
Utility Trailer (replace V01995205) - 5,000

6321 Equipment Maintenance
Pump Trailer (replace V02000178) - 50,000

6331 Water Distribution & Maintenance
Trailer mount air compressor (replace 01991130) - 20,000

6343 Pumping and Control
3/4 Ton Truck w/ Service Body & Hoist 4x4 (replace V22008086) - 34,929
3/4 Ton 4X4 Truck w/ Service Body (replace V22009031) - 34,929
Pipe Trailer (replace V02006117) - 10,000

6347 Water Production
3/4 ton standard cab 4 X 4 with flat bed utility body (New) - 29,700
3/4 Ton Ext Cab Pickup 4x4 (replace V32009033) - 25,673

6349 Water Reservoir
Mid-size SUV (New) - 27,997

Project Justification
Replacement of old vehicles that have reached the end of their life and purchase of new vehicles.

Project History
$322,219 was appropriated in the FY 2014-15 Budget, Ord. No. 2014-O0122, September 11, 2014.

Project Name **Water Vehicle Replacement** *Project Number* **92398**

Appropriation Detail	Appropriation to Date	FY 2015-16	Unappropriated Planning Years FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	Total Project Amount
Other Activities	322,219	0	0	0	0	0	0	322,219
Total Project Appropriation	322,219	0	0	0	0	0	0	322,219

Funding Detail	Funding to Date	FY 2015-16	Unappropriated Planning Years FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	Total Funding
FY 2015 Water Pay-As-You-Go	322,219	0	0	0	0	0	0	322,219
Total Funding Sources	322,219	0	0	0	0	0	0	322,219

Regular City Council Meeting **5. 15.**

Meeting Date: 05/12/2016

Information

Agenda Item

Resolution - Parks and Recreation: Consider a resolution authorizing the Mayor to execute purchase order contract 10016122 with Arnett Marketing of San Antonio, Texas for a 50-foot panel Christmas tree with star topper.

Item Summary

The purchase order contract is for one 50-foot panel Christmas tree with star topper and ornaments. The tree is for use at Santaland, which is located in Mackenzie Park. This Christmas tree will replace the Christmas tree that was destroyed in the December, 2015 snow storm.

The $60,354 purchase from Arnett Marketing of San Antonio, TX is made through the Texas Association of School Boards Local Government Purchasing Cooperative, Contract 483-15 using an electronic purchasing system known as BuyBoard.

Fiscal Impact

Funding for the replacement tree will come from the Parks and Recreation operating budget, but is expected to be supplemented by $40,923 provided by the Federal Emergency Management Association disaster funds.

Staff/Board Recommending

Scott Snider, Assistant City Manager

Attachments

Resolution & Purchase Order Contract - Arnett Marketing, LLC

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, Purchase Order No. 10016122 for the purchase of a Holiday Tree and Holiday Decorations as per BuyBoard Contract 483-15, by and between the City of Lubbock and Arnett Marketing, LLC of San Antonio, Texas, and related documents. Said Purchase Order is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Scott Snider, Assistant City Manager

APPROVED AS TO FORM:

_____
Justin Pruitt, Assistant City Attorney

ccdocs/RES. Purchase Order 10016122 – Arnett Marketing, LLC – Holiday Decorations
April 26, 2016

City of Lubbock TEXAS

PURCHASE ORDER

Page - 1
Date - 04/26/2016
Order Number 10016122 000 OP
Branch/Plant 5221

TO: ARNETT MARKETING LLC
2137 ZERCHER RD
SAN ANTONIO Texas 78209

SHIP TO: BERL HUFFMAN COMPLEX
2506 LANDMARK DRIVE
Lubbock Texas 79415

INVOICE TO: CITY OF LUBBOCK
ACCOUNTS PAYABLE
P.O. BOX 2000
LUBBOCK, TX 79457

BY: _____
Marta Alvarez, Director of Purchasing & Contract Management

Ordered 04/26/2016 Freight
Requested 05/31/2016 Taken By S SUMMERS
Delivery PER K KENNEDY REQ #47538 BUYBOARD 483-15

Description/Supplier Item	Ordered	Unit Cost	UM	Extension	Request Date
50' Panel Tree, 27' Base	1.000	53,607.5000	EA	53,607.50	05/31/2016
18-4-2 Natural Branch Garland					
6' 3-D Navitity Star Tree Top	1.000	956.9400	EA	956.94	05/31/2016
300MM (12") Shiny Ball Ornamen	150.000	38.6000	EA	5,790.00	05/31/2016

Total Order

Terms NET 30 60,354.44

This purchase order encumbers funds in the amount of $60,354.44 awarded to Arnett Marketing of San Antonio, TX on May 12, 2016. The following is incorporated into and made part of this purchase order by reference BuyBoard Contract 483-15 dated April 25, 2016 Arnett Marketing of San Antonio, TX. Resolution #_____

CITY OF LUBBOCK

_____
Glen C. Robertson, Mayor

ATTEST:

_____
Rebecca Garza, City Secretary

ARNETT MARKETING,
2137 Zercher Road
San Antonio, Texas 78209
(210) 826-9700 Office
(210) 826-9084 Fax

PROPOSAL/CONTRACT

DATE	PROPOSAL #
4/25/2016	9809

Name / Address	PLEASE ENTER SHIPPING ADDRESS
City of Lubbock Mr. Kenny Kennedy 1611 10 Th Street Lubbock, Texas 79457 806-775-2671 806-775-2686 Fax	City of Lubbock Mr. Kenny Kennedy 702 E. Broadway Lubbock, Texas 79403 806-775-2671 806-775-2686 Fax

P.O. No.	Terms
	Due On Receipt

QTY	DESCRIPTION	PRICE EACH	TOTAL
	BUY BOARD VENDOR Holiday Lighting & Decorations # 483-15		
1	50' Panel Tree, 27' D Base, 18-4-2 Natural Branch Garland, Two-Tone Green Garland, 5,200 C7 LED Lights, Steel Structural Frame, All Hardware Included Retail Price: $65,375.00 18% Discount Buy Board - $11,767.50 Discount Price = $53,607.50	53,607.50	53,607.50
1	6' 3-D Nativity Star Tree Top With Gold Garland And C7 LED Lights Retail Price - $1,167.00 18% Discount Buy Board - 210.06 Discount Price = $956.94	956.94	956.94
150	300MM (12") Shiny Ball Ornaments, Shatter Proof, Drilled/Pre-stemmed for Immediate Installation, UV Coated (Assorted Colors of your Choice Retail Price - $47.50 18% Discount Buy Board - $8.55 Discount Price = $38.95	38.60	5,790.00
	**Prices Do Not Include Shipping - 50% Deposit Required		0.00
	Please Review, Approve By Signing Below And Return Via Fax 210-826-9084	**Total**	$60,354.44

Signature _____

Regular City Council Meeting **5. 16.**

Meeting Date: 05/12/2016

Information

Agenda Item

Resolution - Parks and Recreation: Consider a resolution authorizing the Mayor to execute contract 12819 with Pevey Lawn & Landscape, Inc. of Lubbock, Texas, for parks turf maintenance, ITB 16-12819-KK.

Item Summary

This contract is for turf maintenance of developed parkland properties, medians, and various high profile City properties. This contract consists of mowing and trimming approximately 300 acres. The areas for each group are outlined below:

Group 2 - 159.60 acres
Group 7 - 69.00 acres
Group 8 - 70.60 acres

Bids were received from the following companies:

Pevey Lawn & Landscape, Inc.

TurfRaider Lawn & Landscape

Staff recommends contract award for Groups 2, 7 and 8 to Pevey Lawn & Landscape, Inc. for $402,700. The lowest bidder could not meet specifications and withdrew their bid. A bid tabulation is provided.

This contract is for a term of one year with the option to renew for four additional one-year terms.

Fiscal Impact

$1,364,465 is appropriated for this purpose in the Parks and Recreation Operating Budget with $1,209,742 available.

Staff/Board Recommending

Scott Snider, Assistant City Manager

Attachments

Resolution and Contract - Pevey Lawn and Landscape, Inc.

Tab Sheet

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, Contract No. 12819 for Parks Turf Maintenance on Groups 2, 7, and 8, as per ITB 16-12819-KK, by and between the City of Lubbock and Pevey Lawn and Landscape, Inc., of Lubbock, Texas, and related documents. Said Contract is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Scott Snider, Assistant City Manager

APPROVED AS TO FORM:

_____
Justin Pruitt, Assistant City Attorney

ccdocs/RES. Contract 12819 – Pevey Lawn & Landscape, Inc. – Parks Turf Maintenance
April 25, 2016

INDEX 6 CONTRACT
12819

STATE OF TEXAS

COUNTY OF LUBBOCK

THIS AGREEMENT, made and entered into this **12th** day of **May, 2016,** by and between the City of Lubbock, County of Lubbock, State of Texas, acting by and through the Mayor, City of Lubbock, thereunto authorized to do so, hereinafter referred to as OWNER, and Pevey Lawn and Landscape, Inc. of the City of **Lubbock** County of **Lubbock** and the State of **Texas** hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the OWNER and under the conditions expressed in the bond bearing even date herewith (if any) the CONTRACTOR hereby agrees with OWNER to commence and complete the construction of certain improvements described as follows:

BID 16-12819-KK, Parks Turf Maintenance Groups 2, 7 and 8

and all extra work in connection therewith, under the terms as stated in the contract documents and at his (or their) own proper cost and expense to furnish all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said construction in accordance with the contract documents as defined in the General Conditions of Agreement. Pevey Lawn and Landscape, Inc bid dated April 12, 2016 is incorporated into and made a part of this agreement.

The CONTRACTOR hereby agrees to commence work within ten days after the date written notice to do so shall have been given to him and to substantially complete same within the time specified in the contract documents.

The OWNER agrees to pay the CONTRACTOR in current funds for the performance of the contract in accordance with the bid submitted therefore, subject to additions and deductions, as provided in the contract documents and to make payment on account thereof as provided therein.

INDEX 6 CONTRACT

IN WITNESS WHEREOF, the parties to these presents have executed this agreement in Lubbock, Lubbock County, Texas in the year and day first above written.

CONTRACTOR:

Pevey Lawn & Landscape, LLC

By: C Pevey
PRINTED NAME: Carol Pevey
TITLE: owner

COMPLETE ADDRESS:

Services Company PO Box 16034
Address
City, State, Zip Lubbock, TX 79490

ATTEST:

C Pevey
Corporate Secretary

CITY OF LUBBOCK, TEXAS (OWNER):

By: _____
Glen C. Robertson, Mayor

ATTEST:

_____
Rebecca Garza, City Secretary

OWNERS REPRESENTATIVE:

B Faulkenberry
Bridget Faulkenberry, Director of Parks and Recreation

APPROVED AS TO CONTENT:

Scott Snider, Assistant City Manager

APPROVED AS TO FORM:

Justin Pruitt, Assistant City Attorney

INDEX 4
BID SUBMITTAL

DATE: 4 / 12 / 16.

ITB 16-12819-KK, Parks Turf Maintenance Groups 2, 7 and 8

Bid of Perry Lawn & Landscape, Inc. (hereinafter called Bidder)

To the Honorable Mayor and City Council City of Lubbock, Texas (hereinafter called Owner)

Gentlemen:
The Bidder, in compliance with your Invitation to Bid for the **Parks Turf Maintenance Groups 2, 7 and 8** having carefully examined the plans, Specifications, instructions to bidders, notice to bidders and all other related contract documents and the site of the intended Work, and being familiar with all of the conditions surrounding the turf maintenance mowing Specifications including the availability of materials and labor, hereby intends to furnish all labor, materials, and supplies in accordance with the plans, Specifications and contract documents, within the time set forth therein and at the price stated below. The price to cover all expenses incurred in performing the Work required under the contract documents.

Bidder hereby agrees to commence the Work on the above project on or before a date to be specified in a written "Notice to Proceed" of the Owner and to complete the mowing Cycles as per the turf maintenance Specifications and other contract documents.

Bidder understands and agrees that this bid submittal shall be completed and submitted in accordance with instruction number 27 of the General Instructions to Bidders.

Bidder understands that the Owner reserves the right to reject any or all bids and to waive any formality in the bidding.

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of sixty (60) calendar days after the scheduled closing time for receiving bids.

The undersigned Bidder hereby declares that he has visited the site of the Work and has carefully examined the plans, Specifications and contract documents pertaining to the Work covered by this bid, and he further agrees to commence Work on or before the date specified in the written Notice to Proceed, and to substantially complete the Work on which he has bid; as provided in the contract documents.

Bidder understands and agrees that the contract to be executed by Bidder shall be bound and include all contract documents made available to him for his inspection in accordance with the Notice to Bidders.

INDEX 4
BID SUBMITTAL

Pursuant to Texas Local Government Code 252.043(a), a competitive sealed bid that has been opened may not be changed for the purpose of correcting an error in the bid price. THEREFORE, ANY CORRECTIONS TO THE BID PRICE MUST BE MADE ON THE BID SUBMITTAL FORM PRIOR TO BID OPENING.

(Seal if Bidder is a Corporation)

ATTEST:

_____
Secretary

Bidder acknowledges receipt of the following addenda:

Addenda No. 1 Date 4.12.16
Addenda No. ____ Date ____
Addenda No. ____ Date ____
Addenda No. ____ Date ____

Date: 4.12.16

C Pevey
Authorized Signature

Carol Pevey
(Printed or Typed Name)

Pevey Lawn & Landscape
Company

PO Box 16036
Address

Lubbock, TX 79490
City, County State Zip Code

Telephone: 806-5354177
Fax: ____ - ____

Federal Tax ID: 392050510

M/WBE Firm:						
		Woman		Black American		Native American
		Hispanic American		Asian Pacific American		Other (Specify)

INDEX 4
BID SUBMITTAL

City of Lubbock, TX
Purchasing and Contract Management
Insurance Requirement Affidavit

To Be Completed by Bidder Must be submitted with Bid

I, the undersigned Bidder certify that the insurance requirements contained in this bid document have been reviewed by me and my Insurance Agent/Broker. If I am awarded this contract by the City of Lubbock, I will be able to, within ten (10) business days after being notified of such award by the City of Lubbock, furnish a valid insurance certificate to the City meeting all of the requirements defined in this bid.

C Pevey — Contractor (Original Signature)

Carol Pevey — Contractor (Print)

CONTRACTOR'S BUSINESS NAME: Pevey Lawn + Landscape, Inc.
(Print or Type)

CONTRACTOR'S FIRM ADDRESS: PO Box 16036
Lubbock, TX 79490

NOTE TO CONTRACTOR
If the time requirement specified above is not met, the City has the right to reject this proposal and award the contract to another contractor. If you have any questions concerning these requirements, please contact the Director of Purchasing & Contract Management for the City of Lubbock at (806) 775-2572.

BID 16-12819-KK, Parks Turf Maintenance Groups 2, 7 and 8

INDEX 9
BID FORM

BID FORM – UNIT PRICE CONTACTS

In compliance with the **Invitation to Bid 16-12819-KK**, the undersigned Bidder having examined the Invitation to Bid and Specifications, and being familiar with the conditions to be met, hereby submits the following Bid for furnishing the material, equipment, labor and everything necessary for providing the items listed below and agrees to deliver said items at the locations and for the prices set forth on this form. A bid will be subject to being considered irregular and may be rejected if it shows omissions, **alterations of form**, conditional alternate bids, additions or alternates in lieu of the items specified, if the unit prices are obviously unbalanced (either in excess of or below reasonably expected values), or irregularities of any kind. The Invitation to Bid 16-12819-KK is by reference incorporated in this contract. The Bid Form **must** be **completed** in blue or black **ink** or by typewriter.

GROUP 2
CLASS A PARKS AND PROPERTIES:

ITEM	UNIT	ADDRESS	APPROX MAINTENANCE MOWABLE ACREAGE	ANNUAL MAINT CYCLES APPROX	UM	MAINT CYCLE UNIT COST	EXTENDED COST
1	UNIVERSITY MEDIANS	UNIVERSITY (GOODACRE TO 17TH)	52	29	EA	$ 225	6525
2	SLIDE RD MEDIANS	SLIDE RD (4TH TO NORTH LOOP 289)	3.75	29	EA	375	10875
3	GROVES LIBRARY	5520 19TH	2.08	29	EA	325	9425

GROUP 2
CLASS B PARKS AND PROPERTIES:

ITEM	UNIT	ADDRESS	APPROX MAINTENANCE MOWABLE ACREAGE	ANNUAL MAINT CYCLES APPROX	UM	MAINT CYCLE UNIT COST	EXTENDED COST
4	HODGES	MARSHALL & UNIVERSITY	13.1	25	EA	500	12500
5	HUFFMAN ATHLETIC COMPLEX	N. LOOP 289 AND LANDMARK	114.99	25	EA	4500	112500
6	AUDITORIUM-COLISEUM	MARSHA SHARP & BOSTON	4.77	25	EA	425	10625
7	RODGERS (INCLUDING ROTARY BAGGING OF SWIMMING POOL)	3200 BATES	11.35	25	EA	525	13125
8	NORTHWEST LITTLE LEAGUE	903 NORTH UNIVERSITY AVENUE	9.04	25	EA	500	12500
GROUP 2 CLASS A & B APPROX ACREAGE			159.6				
GROUP 2: CLASS A & B TOTAL COST (ITEMS)						$	180075

GROUP 7
CLASS C – PARKS AND PROPERTIES:

S:\Purchase Bid Docs\ITB 16-12819-KK Parks Turf Maintenance Groups 2, 7 and 8

Group 7

INDEX 9
BID FORM

ITEM	UNIT	ADDRESS	APPROX MAINTENANCE MOWABLE ACREAGE	ANNUAL MAINT CYCLES APPROX	UM	MAINT CYCLE UNIT COST	EXTENDED COST
9	HAMILTON	22ND & AVE X	6.05	17	EA	$ 600-	10200-
10	CHATMAN HILL ENTRANCE	2301 ASHE AVE	0.25	17	EA	275-	4675-
11	LUSK	E 25TH & OAK	8.7	17	EA	675-	11475-
12	WASHINGTON	E 22ND & CEDAR	3.5	17	EA	400-	6800-
13	CARLISLE	27TH & AVE X	4.5	17	EA	475-	8075-
14	CHATMAN	E 29TH & JUNIPER	3.0	17	EA	400-	6800-
15	BURNS	23RD AND AVE K	3.0	17	EA	400-	6800-
16	BERRY	36TH & CEDAR	9.9	17	EA	700-	11900-
17	STRONG	81ST & AVE U	8.7	17	EA	675-	11475-
18	UNDERWOOD	74TH & CEDAR	9.0	17	EA	675-	11475-
19	CASEY	66TH & AVE W	9.4	17	EA	675-	11475-
20	NEW ANIMAL SHELTER (DEVELOPED)	3323 SE LOOP 289	3	17	EA	400-	6800-
GROUP 7 CLASS C APPROX ACREAGE			69				
GROUP 7 CLASS C TOTALS (ITEMS)						$	101950-

S: Purchase Bid Docs ITB 16-12819-KK Parks Turf Maintenance Groups 2, 7 and 8

INDEX 9
BID FORM

GROUP 8
CLASS C – PARKS AND PROPERTIES:

ITEM	UNIT	ADDRESS	APPROX MAINTENANCE MOWABLE ACREAGE	ANNUAL MAINT CYCLES APPROX	UM	MAINT. CYCLE UNIT COST	EXTENDED COST
21	QUINCY MEDIANS	82ND TO 96TH & 93RD & PONTIAC TO 96TH AND PONTIAC	5.62	17	EA	$ 600	10200-
22	REMINGTON	74TH & ALBANY	16.44	17	EA	775	13,175-
23	69TH & SLIDE	69TH & SLIDE	2.24	17	EA	375	6375
24	WAGNER	26TH & ELGIN	8.87	17	EA	675-	11475-
25	HINOJOSA	7336 22ND	3.85	17	EA	400	6800-
26	DURAN	26TH & KEWANEE	8.42	17	EA	675	11475
27	WHEELOCK	40TH & ELGIN	1.5	17	EA	225	3825
28	RATLIFF	50TH & CHICAGO	6.0	17	EA	600	10200 -
29	HOEY	84TH & CHICAGO	8.28	17	EA	675	11475 -
30	NEUGEBAUER	83RD & GARDENER	3.29	17	EA	400	6800 -
31	CROW	91ST & BELTON	5.87	17	EA	600	10200 -
32	MILWAUKEE MEDIANS	MILWAUKEE & MARSHA SHARP FREEWAY TO SPUR 327	22	17	EA	275	4675-
GROUP 8 CLASS C APPROX ACREAGE			70.6				
GROUP 8 CLASS C TOTAL COST (ITEMS):						$ 106675	

The City of Lubbock is seeking a contract for parks turf maintenance groups 2, 7 and 8 with one or more contractors. In order to assure adequate coverage, the City may make multiple awards, selecting multiple vendors to provide the products desired, if multiple awards are in the best interest of the City. A decision to make a multiple award of this Bid, however, is an option reserved by the City, based on the needs of the City.

City of Lubbock, TX
Parks and Recreation
Bid Tabulation
May 12, 2016

ITB 16-12819-KK
Parks Turf Maintenance Groups 2, 7 and 8

Description/Vendor	Location	Unit Price	Extended Price
Group 2 Class A & B Parks and Properties			
TurfRaider Lawn & Landscape	Lubbock, TX	$ 104,821	*NQAS
Pevey Lawn & Landscape, Inc.	Lubbock, TX	188,075	188,076
Group 7 Class C Parks and Properties			
TurfRaider Lawn & Landscape	Lubbock, TX	61,875	NQAS
Pevey Lawn & Landscape, Inc.	Lubbock, TX	107,950	107,951
Group 8 Class C Parks and Properties			
TurfRaider Lawn & Landscape	Lubbock, TX	63,841	NQAS
Pevey Lawn & Landscape, Inc.	Lubbock, TX	106,675	106,676
Groups 2, 7 and 8			
TurfRaider Lawn & Landscape	Lubbock, TX	230,537	NQAS
Pevey Lawn & Landscape, Inc.	Lubbock, TX	402,700	402,703

*NQAS - Not Quoted as Specified

Regular City Council Meeting **5. 17.**

Meeting Date: 05/12/2016

Information

Agenda Item

Resolution - Aviation: Consider a resolution authorizing the Mayor to execute Amendment 3 to contract 6537 with Republic Parking System, Inc. for ground transportation starter services on the airport terminal curb.

Item Summary

Republic Parking System currently provides airport parking and shuttle services at two locations. Republic Parking System also offers ground transportation starter services. This service provides curbside attendants to monitor the terminal building's front street and is necessary to enforce the airport's Vehicle-for-Hire Rules and Regulations. Republic Parking System has experience with this service at several airports.

The billing rate is $12.00 per hour. Republic Parking System is required to offer employees the Affordable Care Act insurance. If the employee chooses the insurance, the airport will reimburse Republic Parking System's cost for the coverage.

Fiscal Impact

This additional service will be funded through the Parking Lot cost center 4619.

Staff/Board Recommending

Kelly Campbell, Executive Director of Aviation
Airport Advisory Board

Attachments

Resolution & Contract - Republic Parking System, Inc.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, a Third Amendment to Agreement 6537 between the City of Lubbock and Republic Parking System, Inc., for Ground Transportation Starter Services, and related documents. Said Amendment is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Kelly Campbell, Executive Director of Aviation

APPROVED AS TO FORM:

_____
Mitchell Satterwhite, First Assistant City Attorney

RES.Agrmt-Amend -Republic Parking System, Inc.
4.27.16

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF LUBBOCK §

THIRD AMENDMENT TO CONTRACT

This Third Amendment to Contract ("Amendment") is entered into by the CITY OF LUBBOCK (referred to herein as "City"), and REPUBLIC PARKING SYSTEM, INC. (referred to herein as "Parking Operator").

WITNESSETH:

WHEREAS, City and Parking Operator executed an Automobile Parking Management Contract for Public Parking Facilities at Lubbock Preston Smith International Airport (the "Agreement") on the 29th day of June, 2004, in which Parking Operator agreed to operate the public parking lot facilities and the parking shuttle system at the Lubbock Preston Smith International Airport (the "Airport"); and

WHEREAS, the Airport has revised its policies on curbside parking near the terminal building, which revision has necessitated an immediate need for additional compliance monitoring and Ground Transportation Services ("GTS"); and

WHEREAS, the City of Lubbock Airport Board has recommended a third amendment of the Agreement to include certain terms and conditions concerning activities related to curbside parking policy compliance monitoring and GTS under said Agreement; and

WHEREAS, City and Parking Operator desire to so amend said Agreement at this time;

NOW THEREFORE, City and Parking Operator hereby amend the Agreement as follows:

(1) Article 3, Section D is amended to include a new paragraph to read as follows:

"Parking Operator shall furnish Ground Transportation Services ("GTS") in the amount, and at the rates, and at the locations requested by the City at the

Lubbock Preston Smith International Airport passenger terminal building for the life of the Agreement, using GTS personnel as requested by City, and will make reasonable, ordinary, and business-like efforts to conduct GTS service to ensure compliance with the Airport's policies by passengers and operators of motor vehicles.

1. Parking Operator shall furnish a minimum of one staff person dedicated to GTS from the hours of 7:30 a.m. – 11:00 p.m., or the last arrival of the day, whichever is later.

2. Seasonal or other operational requirement changes in GTS may be required by City, but only after written approval by Parking Operator.

3. City may reduce or increase any element or elements of the GTS service at any time on twenty-four (24) hour notice without affecting this Agreement.

4. The GTS services offered by Parking Operator under this Agreement shall be performed in a reasonable and ordinary manner by employees of Parking Operator, in conformity with the best practice and standards as are prescribed by Parking Operator and shall follow all state and local codes and laws. GTS shall be in conformity with practices which are generally current in the industry.

5. Parking Operator shall manage the GTS service in accordance with the Airport Rules, Regulations and Fees; and shall report all violations of these Rules to City."

(2) Article 5, Section H is amended to include a new paragraph to read as follows:

"City shall pay Parking Operator for GTS services at a rate of $12.00 per hour that said services are rendered."

The parties hereto agree that all other terms, conditions, and provisions of the Agreement shall remain unchanged and in full force and effect, and that to the extent of any conflict between the underlying Agreement and this Amendment, the terms of this Amendment shall control.

IN WITNESS WHEREOF, the parties hereto execute this Amendment on the day and year of the last party signature as set forth below.

CITY OF LUBBOCK, TEXAS

By: _____
GLEN C. ROBERTSON, MAYOR

REPUBLIC PARKING SYSTEM, INC.

By: _____
ROBERT V. LINEHART, JR.

Title: Executive Vice President

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Kelly Campbell, Executive Director of Aviation

APPROVED AS TO FORM:

_____
Mitchell Satterwhite, First Assistant City Attorney

Regular City Council Meeting **6. 1.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-O0064 for Zone Case 3282, a request of Kirk Schneider, for Mary Dean Bloomer, for a zoning change from R-1 to C-4 on 1.13 acres of unplatted land out of Block D6, Section 3, 9420 19th Street.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

General comments:
The request is to rezone this property from R-1, as it was annexed into the City to C-4.

Adjacent land uses:
North – vacant, zoned R-1
South – Vacant and a mobile home park, zoned C-4 and R-1
East – Vacant, zoned R-1
West – vacant subdivision, zoned R-1

Comprehensive Land Use Plan (CLUP):
At the intersection of two major thoroughfares, the request is consistent with the CLUP.

Zoning Policy:
With the property fronting on a state highway, State Highway 114, the request for C-4 is consistent with the City zoning policies.

Effect on the adjacent street and thoroughfare system:
There should be little to no impact on the thoroughfare system.

Recommendations:
Staff recommends the case for approval.

On April 7, 2016, the Planning and Zoning Commission recommended the request with a unanimous vote.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager
Planning and Zoning Commission

Attachments

Ordinance - Zone Case 3282

Map - Zone Case 3282

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3282;** A ZONING CHANGE FROM **R-1** TO **C-4** ZONING DISTRICT ON **1.13 ACRES OF UNPLATTED LAND OUT OF BLOCK D6, SECTION 3,** LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 3282

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under the provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **R-1** to **C-4** zoning district on **1.13 acres of unplatted land out of Block D6, Section 3**, City of Lubbock, Lubbock County, Texas, located at **9420 19th Street**, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SECTION 2. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars

($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:

_____
Justin D. Pruitt, Assistant City Attorney

vw/cityatt/Justin/ZoneCase/ZC3282
April 7, 2016


TR B
30
139.2'
66.08'
119.94'
95'
33
120'
32
113.18'
31
80.62'
70.47'
106.11'
91.6'
77.59'
99.91'
90.68'
95'
34
120'
35
111.87'
36
72.39'
135.6'
37
149.67'
119.75'
83.58'
40
120'
39
120.35'
38
79.43'
61.57'
110.23'
69.45'
RK
TR C
135.84'
94.73'
41
109'
42
136'
66.2'
86.29'
106.05'
45
44
110.5'
43
95'
72'
65'
95'
65'
65'
150'
TR A
1.13 AC
R121839
275'
360'
375.01'
50'
65'
65'
65'
250'
100'
110'
40'
14-A
2 AC
R128236
145'
145'
R146666
13-A
1.5AC
R128103
401.5'
197.59'
229.2'
145.7'
534'
TR N-6
2.017 AC
R169707
534.08'
TR N-7
6'
22'
141.39'
TR N-8
40'
151'
TR N-6-A
2'
TR N-7-A
849.14'
55'
228.23'
WESTGATE MANUFACTUR
55'
11

Christopher M. Miller, ATTY.
1655 S Enterprise A-1
Springfield MO 65804-1804

DEED 2015006231
2 PGS

GENERAL WARRANTY DEED

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records. your Social Security Number or driver's license number.

Date: April 10, 2014

Grantor: MARY DEAN BLOOMER, a single person
(Surviving spouse of FRANCIS E. BLOOMER, aka F.E. Bloomer, aka Frank Bloomer)

Grantor's Mailing Address: 4555 S. McCullough, Springfield, Greene County, Missouri

Grantee: MARY DEAN BLOOMER TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF MARY DEAN BLOOMER, DATED FEBRUARY 28, 2001

Grantee's Mailing Address: 4555 S. McCullough, Springfield Greene County, Missouri

Mail to: Christopher M. Miller, Attorney 1655 S. Enterprise, A1, Springfield, MO 65804

Consideration: The sum of Ten Dollars and Other Good and Valuable Considerations

Property:

A tract of land out of Section 3, Block D-6, in Lubbock County, Texas, and being herein more particularly described as follows: BEGINNING at an iron pipe found for the Southeast corner of this tract from whence the Southwest corner of Section 3, Block D-6, Lubbock County, Texas, bears South 65 feet and west 200 feet; THENCE North 360 feet; THENCE West 150 feet; THENCE S 0° 02' E. 275 feet; THENCE S. 45° 02' E. 120.19 feet; THENCE East 65 feet to the PLACE OF BEGINNING, together with all improvements located thereon.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: None

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any way belonging to have and to hold it to Grantee and Grantee's heirs, successors and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

Grantor warrants that she is the surviving spouse of Francis E. Bloomer, aka F.E. Bloomer, aka Frank Bloomer, who died August 15, 2000, and that they were never divorced.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, this the day and year first above written.

MaryDean Bloomer
MARY DEAN BLOOMER

Witness:
Theresa V. Hoaglin
Thersa V. Hoaglin

STATE OF MISSOURI)
)ss
COUNTY OF GREENE)

On this 10 day of April, A.D 2014, before me personally appeared MARY DEAN BLOOMER, to me known to be the person described in and who executed the foregoing General Warranty Deed and acknowledged that she executed the same as her free act and deed. And the said MARY DEAN BLOOMER further declared herself to be single and unmarried, and the surviving spouse of FRANCIS E. BLOOMER, aka F E. Bloomer, aka Frank Bloomer who died on August 15, 2000.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri the day and year last above written.

Chris Miller
Notary Public

My Commission Expires: 8/24/16

CHRIS MILLER
Notary Public - Notary Seal
State of Missouri
Commissioned for Greene County
My Commission Expires: August 24, 2016
Commission Number: 12624628

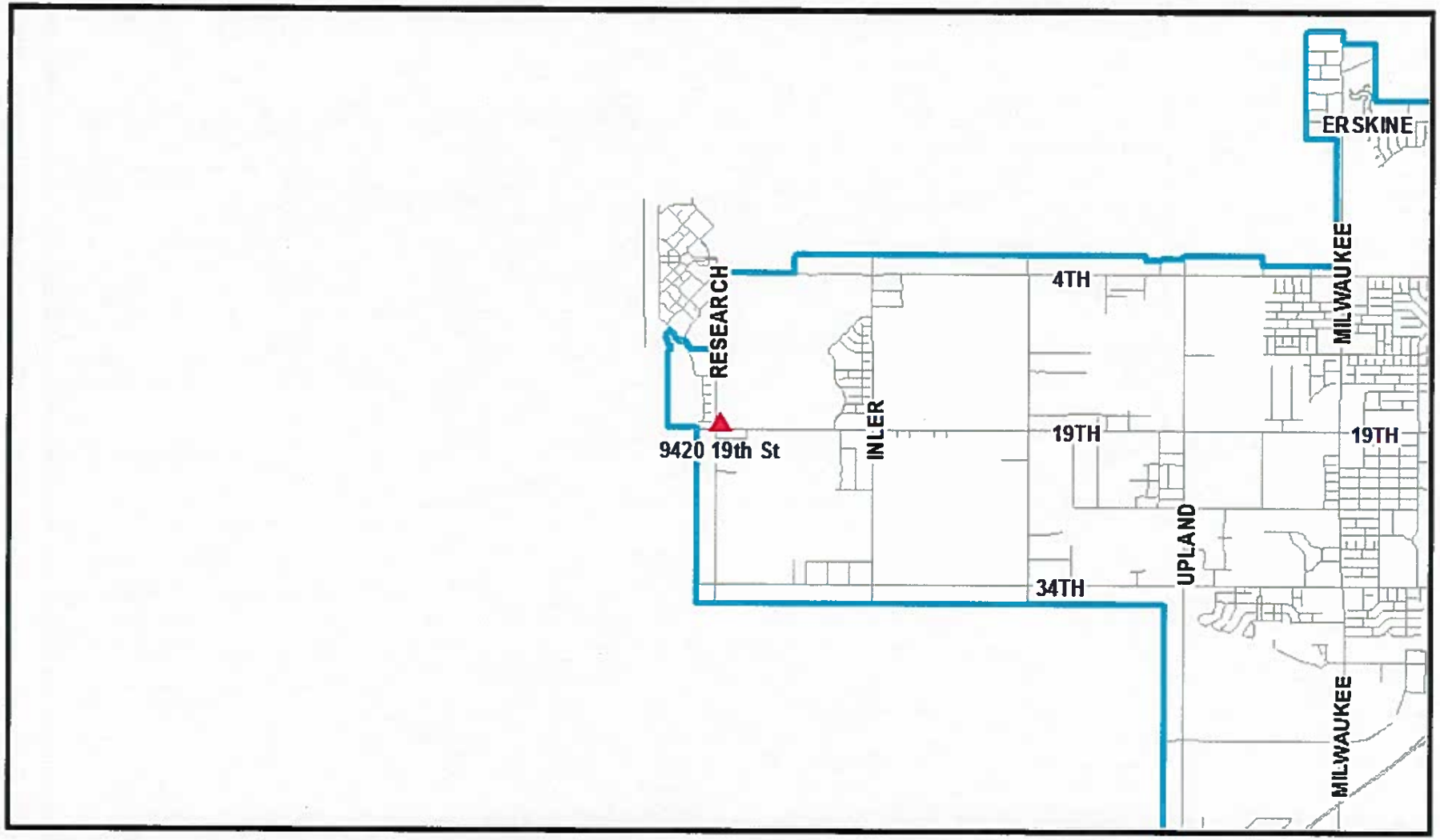
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OFFICIAL PUBLIC RECORDS

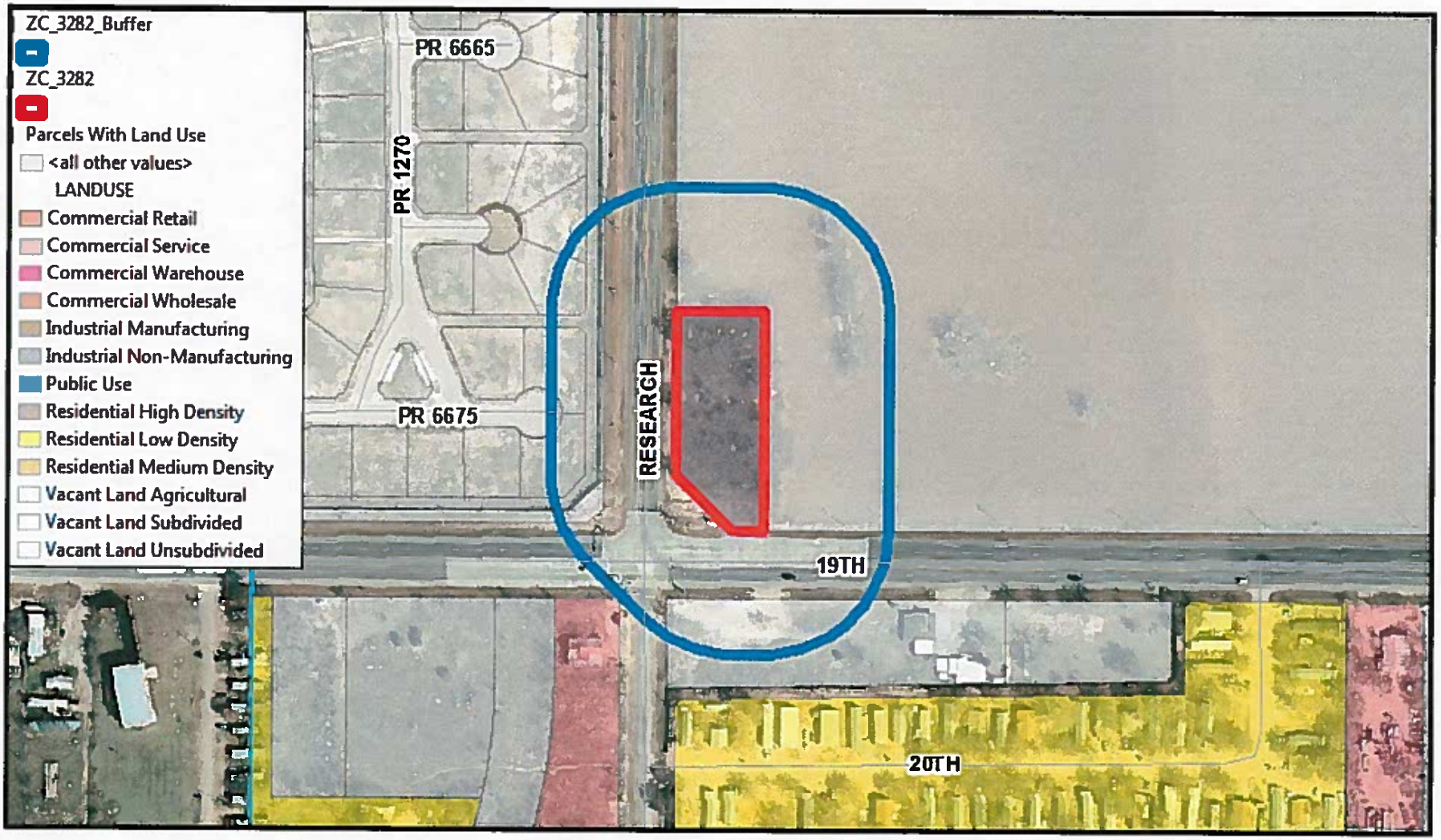
Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County TEXAS

March 02, 2015 01 15 38 PM 2015006231
FEE $30 00

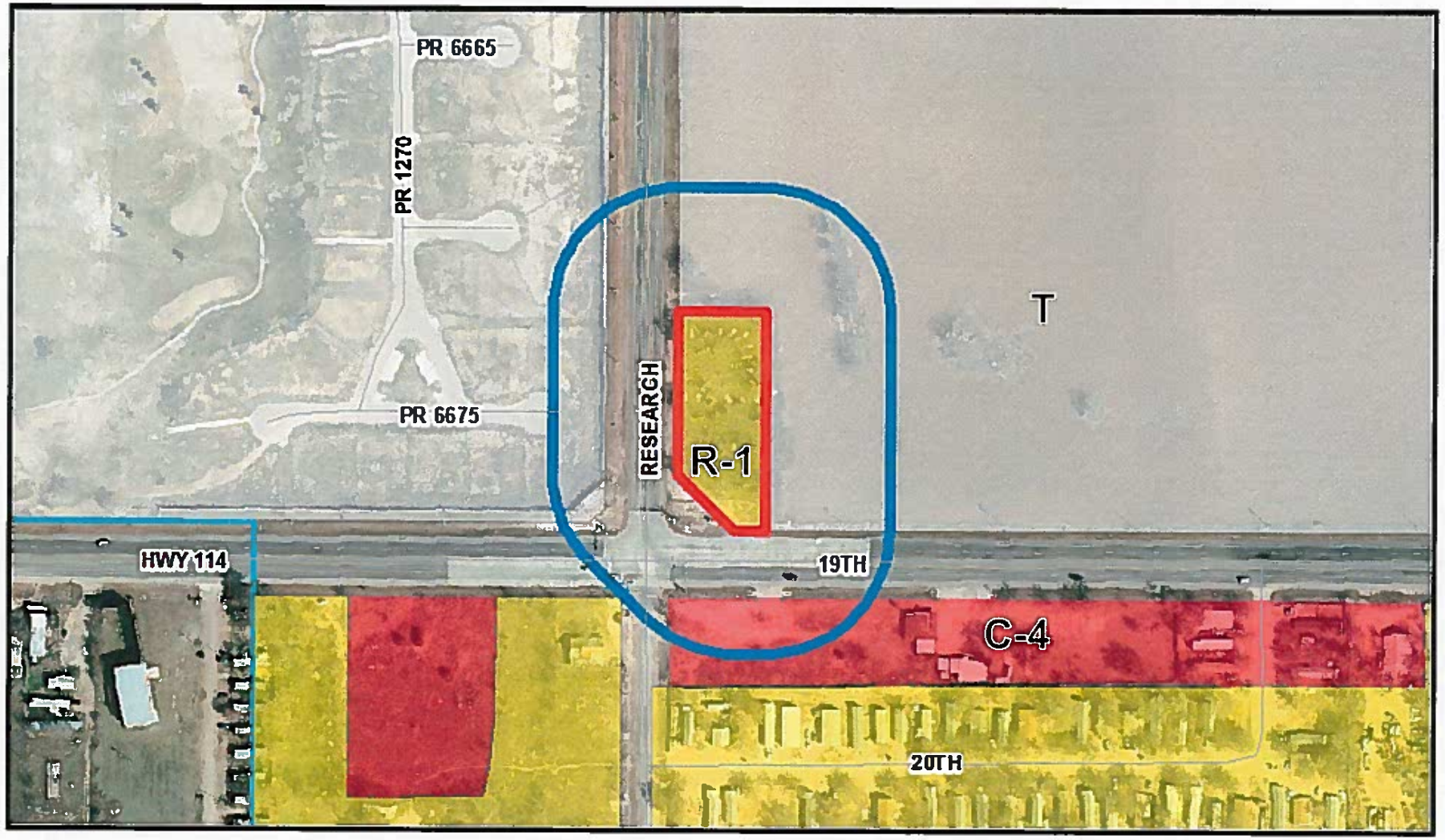


P.Z.C. Case 3282

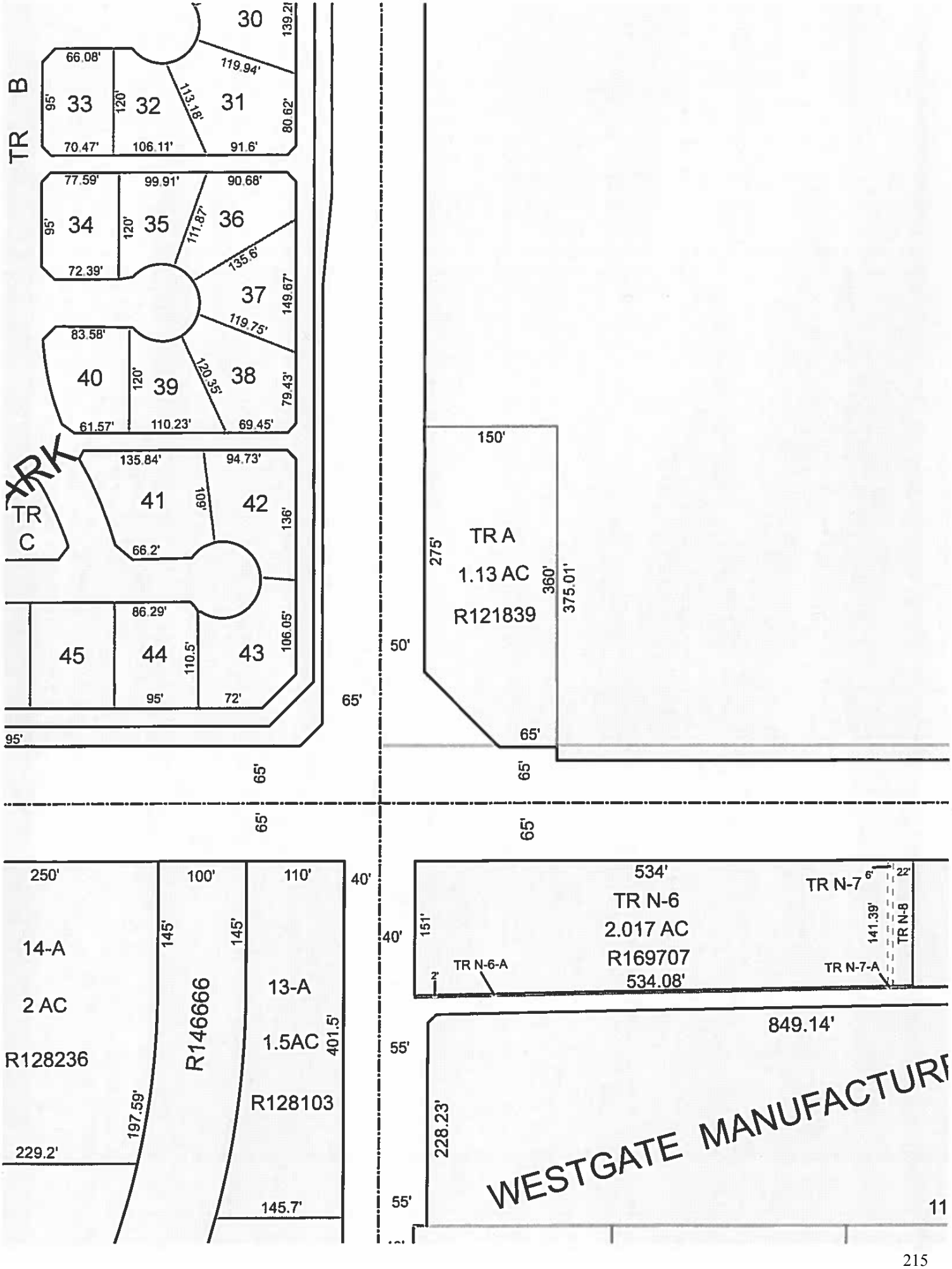


P.Z.C. Case 3282

Request of Kirk Schneider (for Mary Dean Bloomer) for a zoning change from R-1 to C-4, 9420 19th Street



P.Z.C. Case 3282 Zoning


TR B
30
139.21'
66.08'
119.94'
95'
33
120'
32
113.18'
31
80.62'
70.47'
106.11'
91.6'
77.59'
99.91'
90.68'
95'
34
120'
35
111.87'
36
72.39'
135.6'
37
149.67'
119.75'
83.58'
40
120'
39
120.35'
38
79.43'
61.57'
110.23'
69.45'
TR C
135.84'
94.73'
41
109'
42
136'
66.2'
86.29'
45
44
110.5'
43
106.05'
95'
72'
95'
65'
65'
150'
TR A
1.13 AC
R121839
275'
360'
375.01'
50'
65'
65'
65'
65'
250'
100'
110'
40'
14-A
2 AC
R128236
145'
145'
R146666
13-A
1.5AC
R128103
401.5'
197.59'
229.2'
145.7'
534'
TR N-6
2.017 AC
R169707
534.08'
TR N-7
6'
22'
TR N-8
141.39'
151'
40'
TR N-6-A
2'
TR N-7-A
849.14'
55'
228.23'
55'
WESTGATE MANUFACTUR

Lubbock Central Appraisal District

2015 Certified Values

Property Detail Sheet (R121839)

Home
General Information
News
FAQ
Forms
Searches
- QuickRef ID Search
- Owner Search
- Address Search
- Advanced Search
- Neighborhood Search

Property Data
- Detail Sheet
- Datasheet
- Bills

Other
- Payment Information
- 2015 Tax Rates
- Property Tax Basics
- Property Taxpayer Remedies
- Property Tax Assistance
- Installment Payments
- Appraisal Notice Information
- Public Information Request
- Online Protest Instructions
- Property Tax Calendar
- Appraisal Protests and Appeals
- Employment
- GIS Maps
- Data Downloads
- Esp. Property Taxpayer
- Esp. Appraisal Protest and Appeal
- Esp. Property Tax Basics
- Freeport Worksheet
- Property Tax Binding Arbitration

History | Plat Map | GIS Map | Datasheet
Bills | Pay Taxes | Protest

Owner Information

Owner ID:	O0231020
Owner Name:	BLOOMER MARY DEAN REVOCABLE TRUST
Owner Address:	% CHRISTOPHER MILLER ATTY 1655 S ENTERPRISE A1 SPRINGFIELD,MO 65804
Property Address:	LUBBOCK 79416 9420 19TH ST

Parcel Information

Legal Description:	BLK D6 SEC 3 AB 254 TR A ACS: 1.13
Neighborhood:	0806(0806 - City Of Lubbock)
Acreage:	1.13
Cross Reference:	AC38003-90254-00010-000
Undivided Interest:	
Exemption Codes:	
Entity Codes:	CLB (City Of Lubbock) GLB (Lubbock County) HSP (Lubb Cnty Hospital) SFR (Frenship ISD) WHP (Hi Plains Water)
Deed Type:	Warranty Deed
Deed Book:	
Deed Page:	2015-6231
Map Page:	385
Links:	

Value Breakdown	2015 Value
Land HS:	$0.0 +
Land NHS:	$9,845 +
Improvement HS:	$0.0 +
Improvement NHS:	$0.0 +
Ag Market:	$0.0
Ag Use:	$0.0 +
Timber Market:	$0
Timber Use:	$0 +
Assessed:	$9,845 =

Land

ID	Type	SPTB	Acres	Market
Land1	C (Commercial)	C1 (C1 - Real Property: Vacant Lots and Tracts)	1.13000	$ 9,845

Get Adobe Reader
A recent version of Adobe Acrobat Reader is required to view PDF documents. Acrobat Reader is a free program available here.

Christopher M. Miller, ATTY.
1655 S Enterprise A-1
Springfield MO 65804-1864

DEED 2015006231
2 PGS

GENERAL WARRANTY DEED

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records. your Social Security Number or driver's license number.

Date: April 10, 2014

Grantor: MARY DEAN BLOOMER, a single person
(Surviving spouse of FRANCIS E. BLOOMER, aka F.E. Bloomer, aka Frank Bloomer)

Grantor's Mailing Address: 4555 S. McCullough, Springfield, Greene County, Missouri

Grantee: MARY DEAN BLOOMER TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF MARY DEAN BLOOMER, DATED FEBRUARY 28, 2001

Grantee's Mailing Address: 4555 S. McCullough, Springfield Greene County, Missouri

Mail to: Christopher M. Miller, Attorney 1655 S. Enterprise, A1, Springfield, MO 65804

Consideration: The sum of Ten Dollars and Other Good and Valuable Considerations

Property:

A tract of land out of Section 3, Block D-6, in Lubbock County, Texas, and being herein more particularly described as follows: BEGINNING at an iron pipe found for the Southeast corner of this tract from whence the Southwest corner of Section 3, Block D-6, Lubbock County, Texas, bears South 65 feet and west 200 feet; THENCE North 360 feet; THENCE West 150 feet; THENCE S 0° 02' E. 275 feet; THENCE S. 45° 02' E. 120.19 feet; THENCE East 65 feet to the PLACE OF BEGINNING, together with all improvements located thereon.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: None

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any way belonging to have and to hold it to Grantee and Grantee's heirs, successors and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

Grantor warrants that she is the surviving spouse of Francis E. Bloomer, aka F.E. Bloomer, aka Frank Bloomer, who died August 15, 2000, and that they were never divorced.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, this the day and year first above written.

MaryDean Bloomer
MARY DEAN BLOOMER

Witness:
Theresa V. Hoaglin
Thersa V. Hoaglin

STATE OF MISSOURI)
)ss
COUNTY OF GREENE)

On this 10 day of April, A.D 2014, before me personally appeared MARY DEAN BLOOMER, to me known to be the person described in and who executed the foregoing General Warranty Deed and acknowledged that she executed the same as her free act and deed. And the said MARY DEAN BLOOMER further declared herself to be single and unmarried, and the surviving spouse of FRANCIS E. BLOOMER, aka F E. Bloomer, aka Frank Bloomer who died on August 15, 2000.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missoun the day and year last above written.

Chris Miller
Notary Public

My Commission Expires: 8/24/16

CHRIS MILLER
Notary Public - Notary Seal
State of Missouri
Commissioned for Greene County
My Commission Expires: August 24, 2016
Commission Number: 12524628

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County TEXAS
March 02, 2015 01 15 38 PM 2015006231
FEE $30 00

city of lubbock TEXAS

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) KIRK SCHNEIDER

4105 84TH ST.
Street/Post Office Box

LUBBOCK TX 79423
City State Zip

(806) 776-2815
Telephone

For MARY DEAN BLOOMER

4555 S MCCULLOUGH AVE
Street/Post Office Box

SPRINGFIELD MO 65804
City State Zip

(417) 883-6113
Telephone

Location or Address: 9420 19TH ST.

Legal Description:*

Existing Land Use: R-1 VACANT **Existing Zoning:** R-1

Acreage or Square Footage of Property: 1.13 ACRES

Zoning Requested: C-4

Proposed Development: NONE AT THIS TIME BUT WOULD BE GOOD LOCATION FOR CONVENIENCE STORE WITH GAS PUMPS

If property is not subdivided, will preliminary plat be submitted? Yes _____ No _____

Mary Dean Bloomer
Applicant's Signature

Date

***There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.**

Filing Fee: Check # 475.00
($475.00 for the first acre; $3.00 for each additional acre; $165 for Non-Profit)

For City Use Only

NTS MAP 77

Zone Case No.: 3292 **Agenda No.:** _____

Request for zoning change from: R-1 **To:** C-4

1.13 acres of unplatted land out of block D-6 Section 3

on Lot(s): — **Block(s):** —

Subdivision: — **Address:** 9420 19th St

KS KC

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX, 79457, or fax to (806) 775-2100.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 775-2120.

Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: **P&Z Case No.: 3282**

In Favor of ✓

Opposed ___

Reasons and/or Comments:

RECEIVED
APR – 5 REC'D
PLANNING DEPARTMENT

Print Name MARY DEAN Bloomer

Signature: Mary Dean Bloomer

Address: 4555 S. McCullough, Springfield Mo 65804

Address of Property Owned: 9420 19th St Lubbock Tx

Zone Case Number: 3282 1418

BLOOMER MARY DEAN REVOCABLE TRUST
% CHRISTOPHER MILLER ATTY
1655 S ENTERPRISE A1
SPRINGFIELD MO 65804



M. D. Bloomer
4555 S McCullough Ave
Springfield, MO 65804-7208

Please correct this address. Thank you mdb

Regular City Council Meeting **6. 2.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-O0065 for Zone Case 3047-P, a request of James Rasmussen, for N.S.H.E. TX Vernon, LLC, for a zoning change from GO to C-2A Specific Use, Tract E, The Reserves at Vintage Addition, 12130 Quaker Avenue.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

General comments:
The request is for C-2A Specific Use for reduced setbacks and a strike list limiting the overall allowed uses.
The proposed development is similar in design to the adjacent townhomes to the west with regards to architectural style. Staff is recommending the setback on the north side of the property match the adjacent development to the west, with a minimum setback of 15-feet.

Adjacent land uses:
North – townhome development, R-1 Specific Use for townhomes
South – vacant, zoned T, Transition
East – vacant, zoned T, Transition
West - townhome development , R-1 Specific Use for townhomes

Comprehensive Land Use Plan (CLUP):
The request is not consistent with the CLUP. However, the applicant has diligently tried to address as many concerns from the comp plan and staff as possible. The site lessens potential traffic issues by only allowing access to 122nd Street, a collector level street. A traffic signal is common at the intersection of a thoroughfare and a collector street. As development continues and traffic increases in the area, a traffic light may be required.

Zoning Policy:
The request is not consistent with the city zoning policies, lacking a buffer between residential and commercial district.

Effect on the adjacent street and thoroughfare system:
The approval of this case and the future development should have a limited impact on the thoroughfare system, as the site does not allow direct access to Quaker Avenue.

Recommendations:
If the commission feels the case is appropriate for approval, staff recommends the following conditions:
1. That the project be tied to the proposed site plan, amending the setback from 121st Street to a minimum of 15 feet from the property line.
2. That the site shall only have access from 122nd Street, no curb cuts allowed to Quaker Avenue, 121st Street, or the alley to the west.
3. That a screening fence shall be required adjacent to the R-1 zoned property to the west.

4. That the uses be limited to the proposed strike list as presented by the applicant.

On April 7, 2016, the Planning and Zoning Commission recommended the request with a unanimous vote, with the following conditions:
1. That the project be tied to the proposed site plan, amending the setback from 121st Street to a minimum of 15 feet from the property line.
2. That the site shall only have access from 122nd Street, no curb cuts allowed to Quaker Avenue, 121st Street, or the alley to the west.
3. That a screening fence shall be required adjacent to the R-1 zoned property to the west.
4. That the uses be limited to the proposed strike list as presented by the applicant.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager
Planning and Zoning Commission

Attachments

Ordinance - Zone Case 3047-P

Map - Zone Case 3047-P

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3047-P;** A ZONING CHANGE FROM **GO** TO **C-2A SPECIFIC USE** FOR **A RETAIL CENTER,** ON **TRACT E, THE RESERVES AT VINTAGE ADDITION,** LUBBOCK, TEXAS; SUBJECT TO CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, the 1986 Comprehensive Land Use Plan as amended is a guide to help the Lubbock Planning and Zoning Commission and City Council determine the physical development of the community; however, planning is a continuous process and change is inevitable; and

WHEREAS, the Lubbock Planning and Zoning Commission and City Council recognize that the zone change is a minor deviation from the 1986 Comprehensive Land Use Plan as amended, which protects public and private commitments that have been previously based on the Plan; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 3047-P

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **GO** to **C-2A Specific Use** for **a retail center** on **Tract E, the Reserves at Vintage Addition,** City of Lubbock, Lubbock County, Texas, located at **12130 Quaker Avenue,** subject to conditions.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. **THAT the project be tied to the proposed site plan, amending the setback from 121st Street to a minimum of 15 feet from the property line.**

2. **THAT the site shall only have access from 122nd Street, no curb cuts allowed to Quaker Avenue, 121st Street, or the alley to the west.**

3. **THAT a screening fence shall be required adjacent to the R-1 zoned property to the west.**

4. **THAT the uses be limited to the proposed strike list as presented by the applicant.**

SECTION 2. THAT the granting of this specific use zoning is hereby made subject to compliance with all provisions of Zoning Ordinance No. 7084, as amended, including particularly, but not limited to, Section 40.03.3102 of the Codified Zoning Ordinance, which provides that a Building Permit shall be applied for and secured within thirty (30) months of the effective date of the zone change or all undeveloped property shall automatically revert back to the previous zoning classification, which in this case is the **GO** zone district; and if such reversion occurs, the Director of Planning is directed to remove from the Zoning Map the legend indicating such specific use. The Specific Use authorized by this Ordinance is permitted under provision of Section 40.03.3101-40.03.3103 of Codified Zoning Ordinance No. 7084 on the property described as **12130 Quaker Avenue**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars ($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

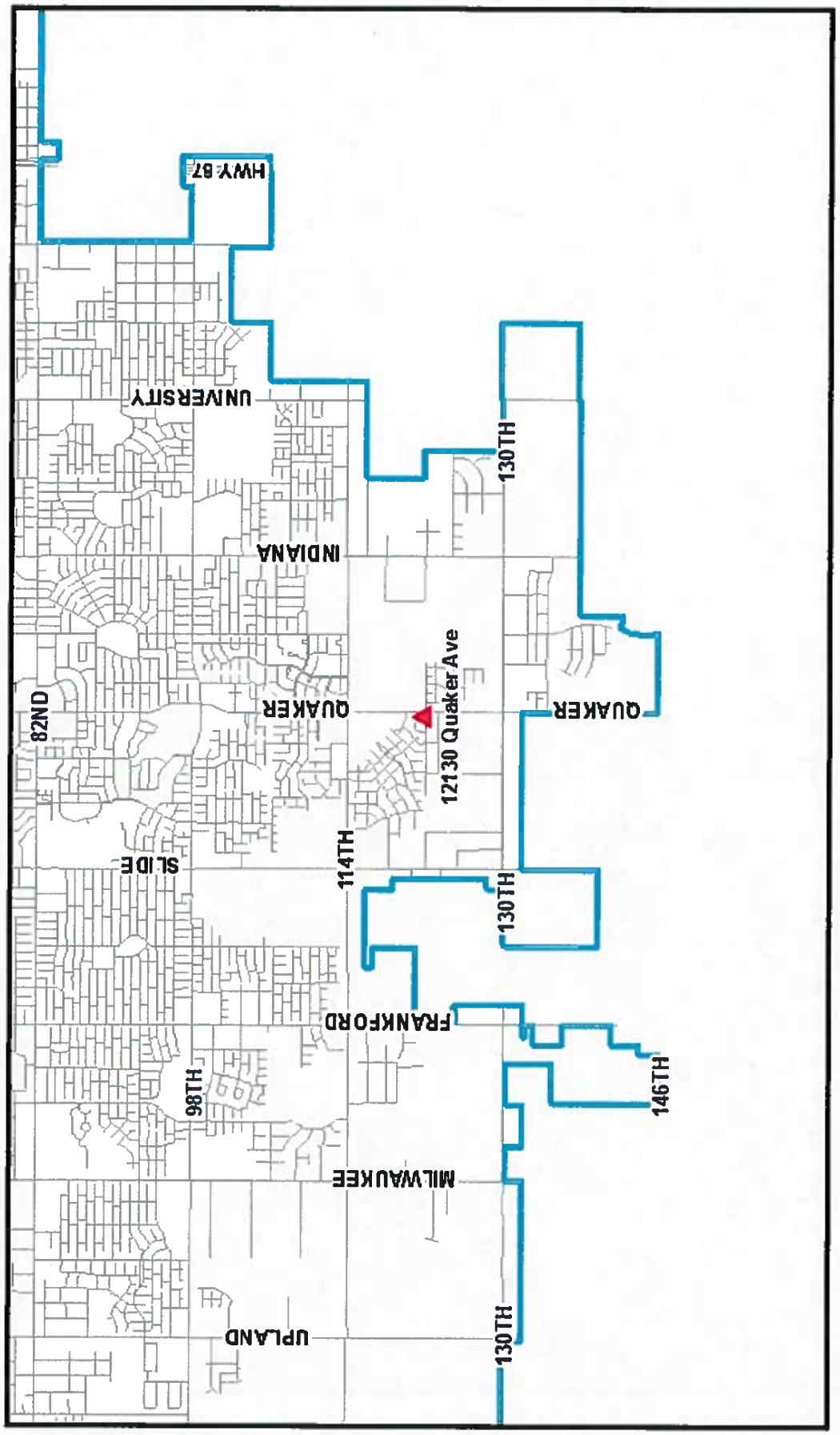
APPROVED AS TO CONTENT:

_____
Andrew Paxton, Director of Planning

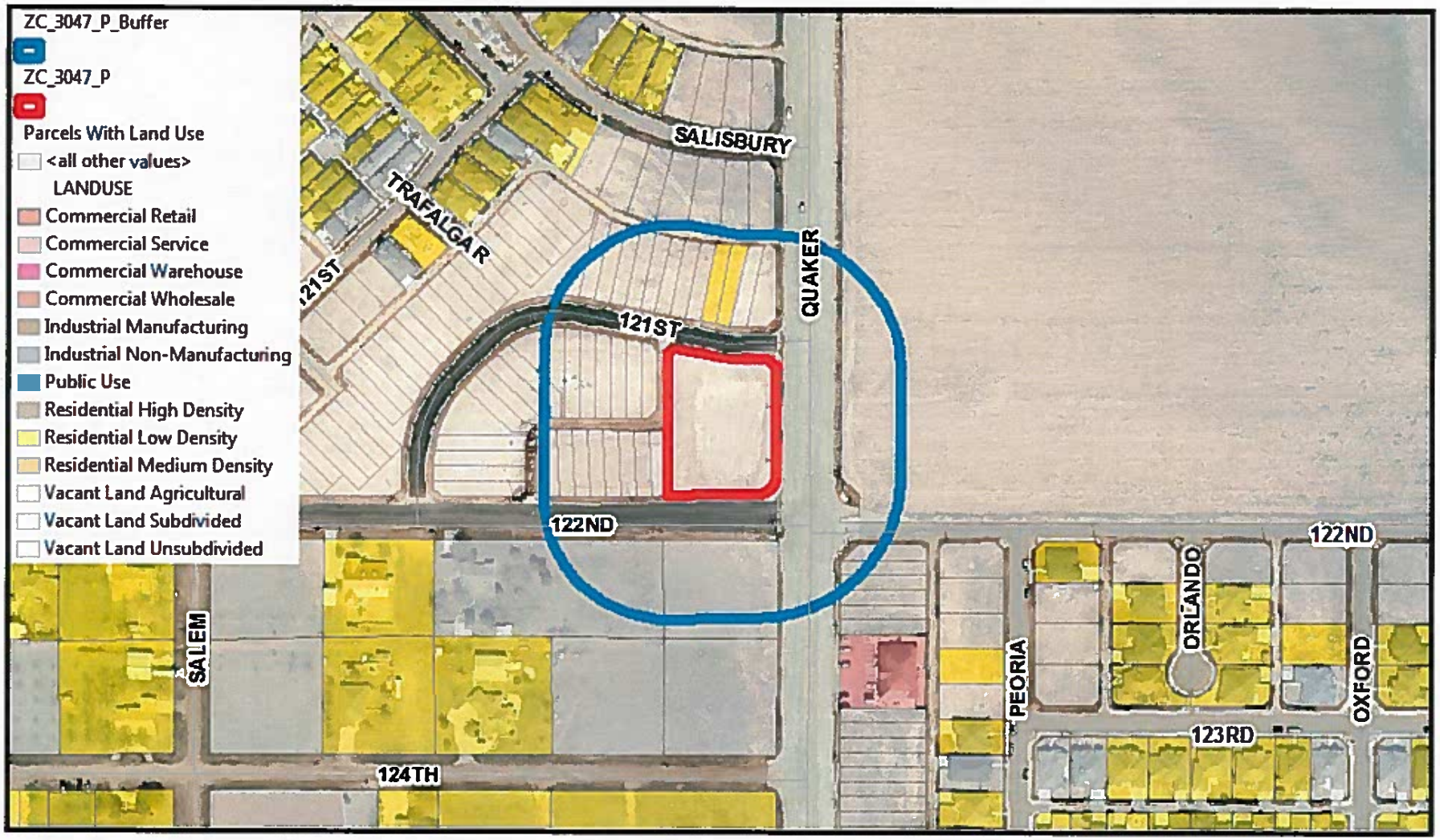
APPROVED AS TO FORM:

_____
Justin D. Pruitt, Assistant City Attorney

vw/CityAtt/Justin/Zones/ZC3047-P
April 7, 2016

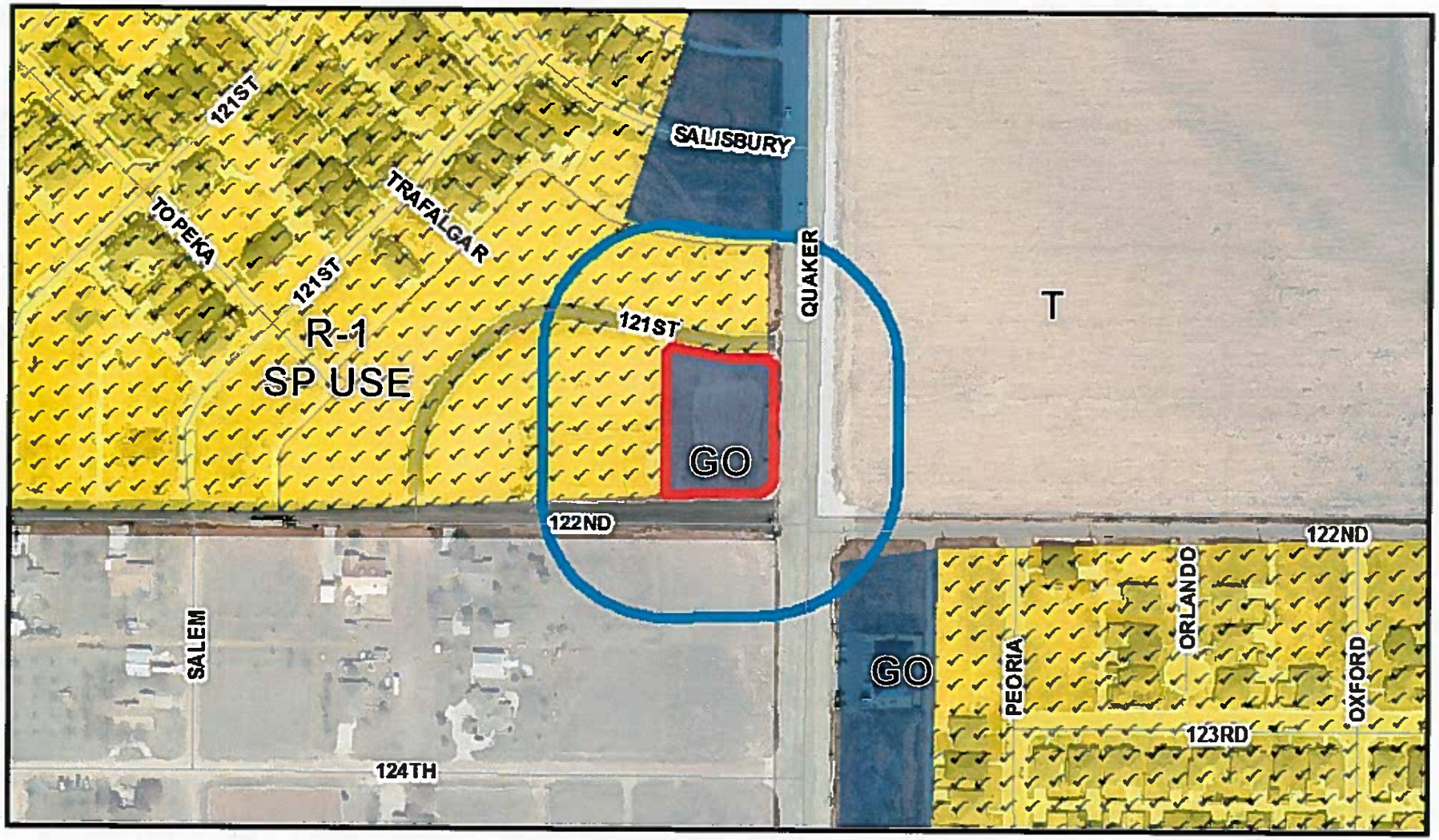


P.Z.C. Case 3047-P

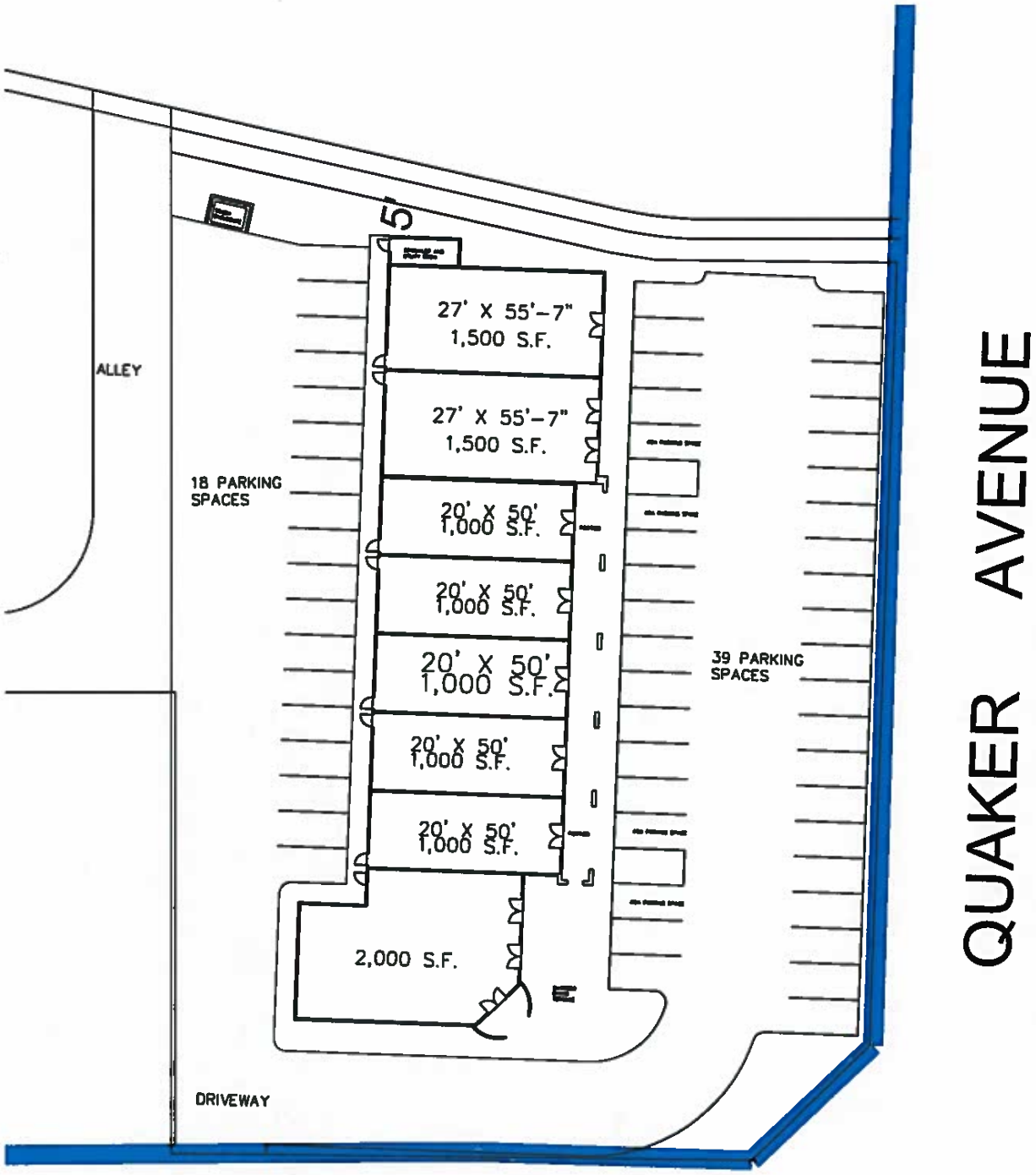


P.Z.C. Case 3047-P

Request of James Rasmussen (for N.S.H.E. TX Vernon, LLC) for a zoning change from GO to C-2A Specific Use, 12130 Quaker Avenue

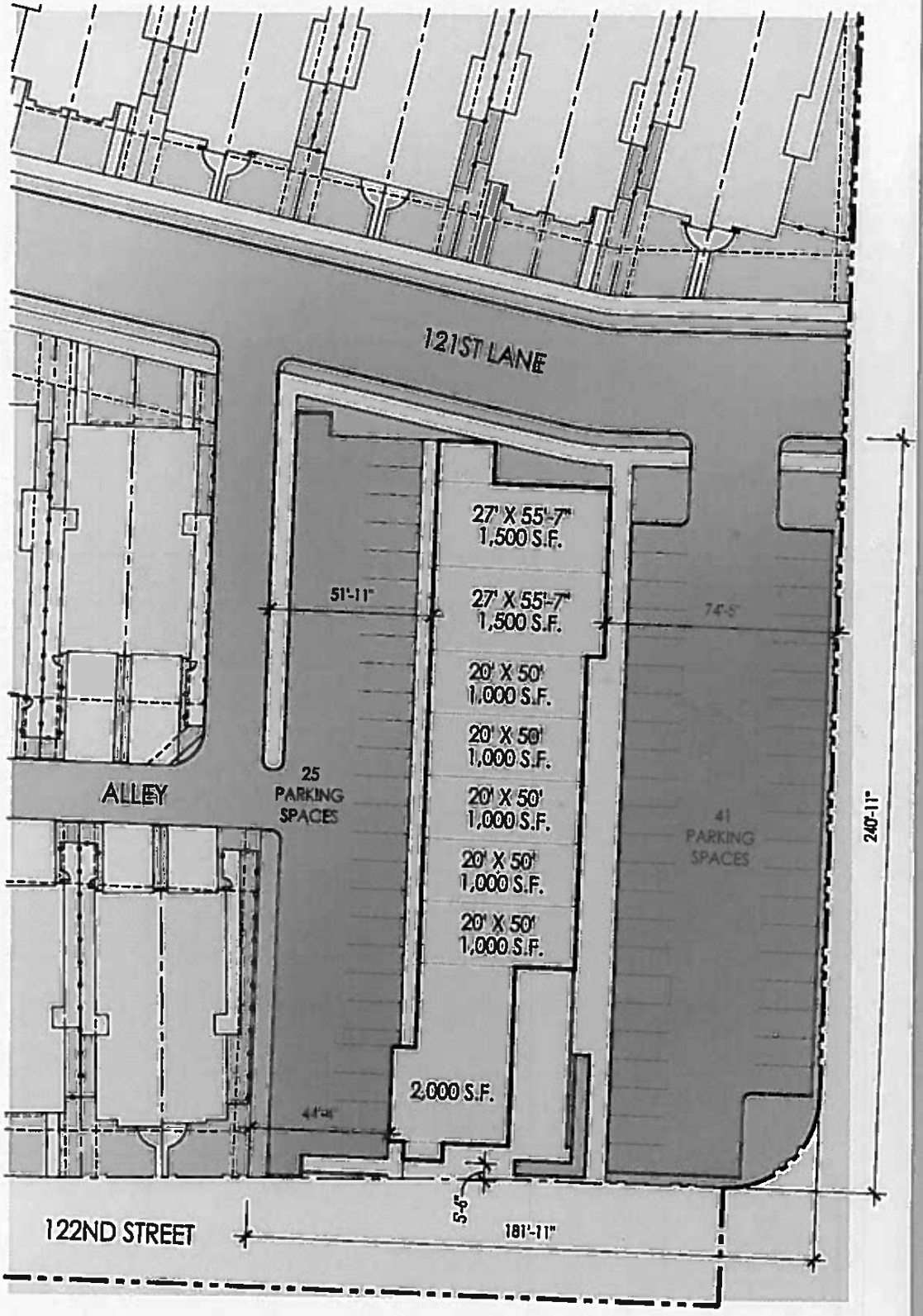


P.Z.C. Case 3047-P Zoning



SUMMARY

10,000 S.F. OF RETAIL
1 SPACE PER 175 S.F. = 57 REQUIRED SPACE
57 SPACES PROVIDED
4 HANDICAP SPACES PROVIDED

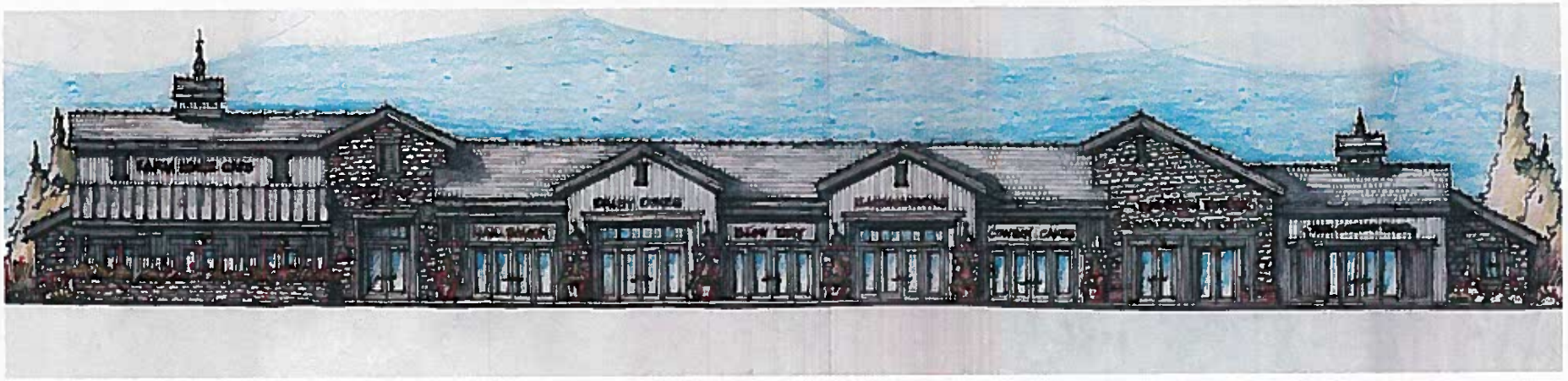


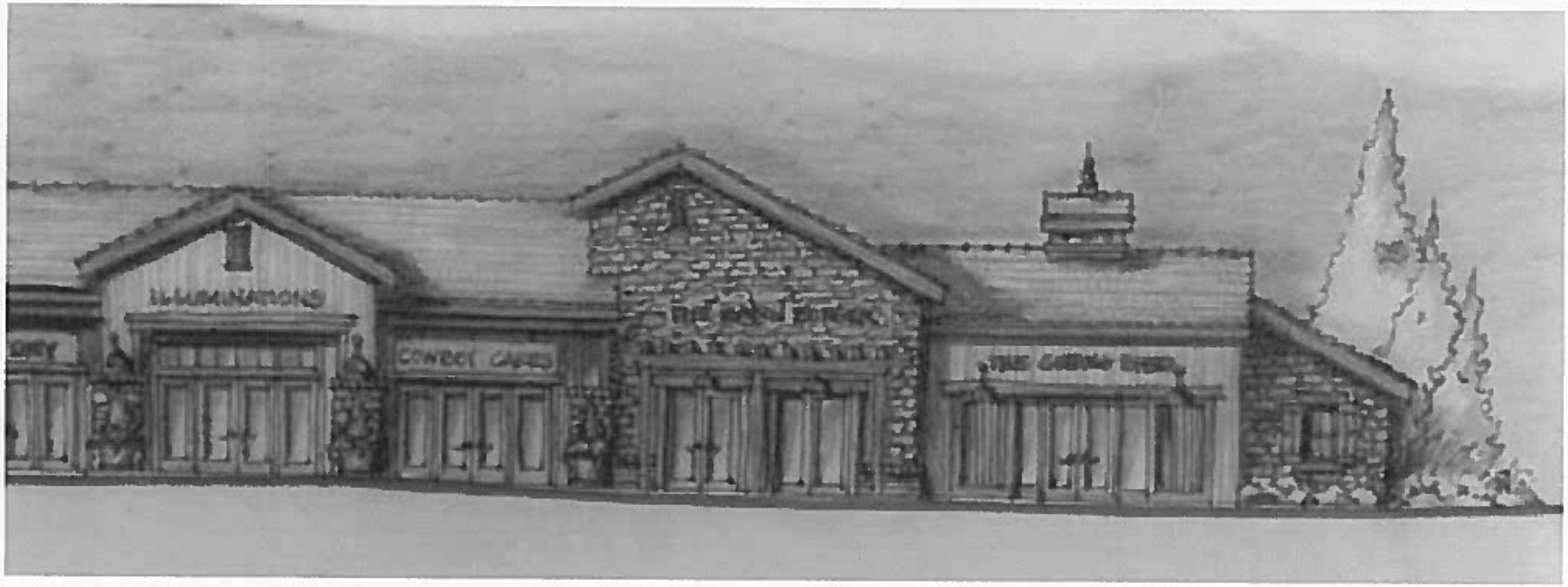
QUAKER CORNER: SITE PLAN

RASMUSSEN
DEVELOPMENT





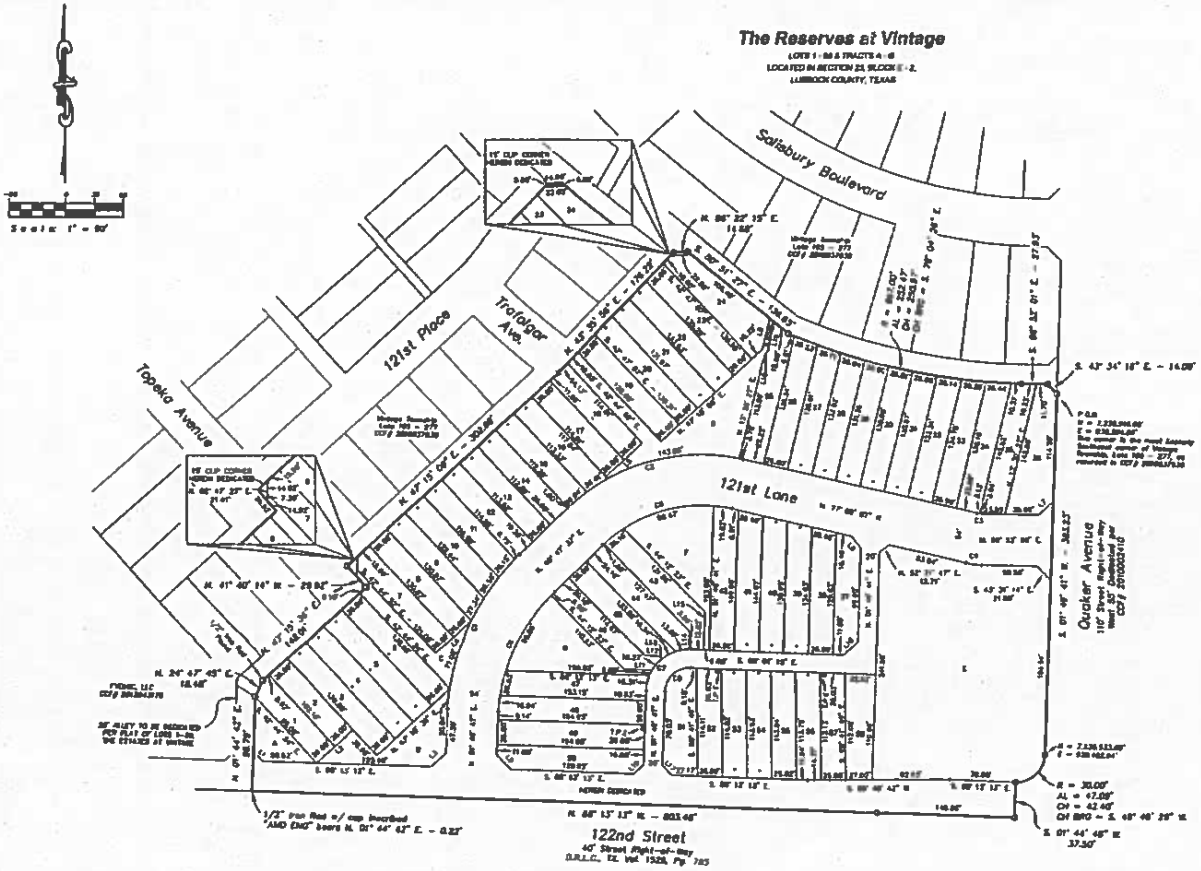



ILLUMINATIONS
COWBOY CAPERS


FARM HOUSE CAFE
DAISY CAKES

The Reserves at Vintage

LOTS 1 - 66 & TRACTS A - G
LOCATED IN SECTION 24, BLOCK E - 2,
LUBBOCK COUNTY, TEXAS



GENERAL NOTES:

Heavy lines indicate plat limits.
All streets, alleys, and easements within plat limits and previously recorded are hereby dedicated.
All easements herein granted shall entitle the city, county, or the utility company using such easements to the right to remove, repair, or replace any lines, pipes, conduits, or poles within such easements as may be determined by the city, county or utility company without the city, county or utility company being responsible or liable for the replacement of improvements, paving, or surfacing of the easement necessitated by such removal, repair, or replacement. Easements designated or intended for vehicular passage (utility and emergency) or pedestrian access shall not be fenced or otherwise obstructed.
All utility service shall be in accordance with the Underground Utilities Policy Statement by the Planning and Zoning Commission of the City of Lubbock, Texas and the provisions of section 30.08.085 of the Lubbock Code of Ordinances.
Any relocation or removal of existing facilities shall be at the developer's expense. Compensation shall be made prior to the recording of any portion of this final plat.
All existing or proposed utility easements to and on tracts indicated by this plat shall be contained in the public right-of-way and public or private utility easements. Utility service installation requested at a future date, and not within an easement indicated by this plat, shall be within a proper utility easement granted by the owner of said property or by separate recorded instrument prior to the provision of such service. Such easements shall be at the developer's expense.
No building permit shall be issued on any survey certificate that is not in accordance with an approved final plat unless completion is provided by Planning and Zoning Commission policy or by the Lubbock Code of Ordinances.
Minimum floor elevations shall conform to the requirements of the Lubbock Drainage Criteria Manual, as adopted by Ord. 10022, as amended, and Sec. 28.08.131, Sec. 28.14.004, and Sec. 30.83.073 of the Lubbock Code of Ordinances.
Any easement or rights-of-way shown as "to be dedicated by separate instrument" are shown hereon for information purposes only. The plat does not dedicate said easements.
Shared access and drainage easement is herein granted on and across Tracts A - D and F - G.

ADDITIONAL NOTES:

This plat does not show certain easements and/or rights-of-way which may exist at the time the surveyor signed this plat and the accompanying legal description. Those easements and rights-of-way are proposed to be closed as a condition of recording the plat.

SURVEY CONTROL:

Bearings are grid bearings relative to the Texas Coordinate System TSRC - Zone 4202, NAD 83 (CORS96). Measured along the East line of Vintage Townsite Lots 165 - 277, as monumented on the ground. Coordinates shown hereon are based on the City of Lubbock, Texas, Geodetic Network, Aerial and TLMA Control, tied to the City of Lubbock Control Monument #301. Distances shown are surface, U.S. survey feet.
A legal description of even survey date herewith accompanies this plat.
No abstract of title or title commitment was provided to the surveyor for the proposed plat. Any record research done by this surveyor was made only for the purpose of determining the boundary of this property (and as it may relate to adjoining parcels or rights-of-way). Record documents other than those shown on this plat may exist and encumber this property. This plat does not constitute or imply a complete title examination and any such title encumbrances are not the responsibility of this surveyor.

Know all men by these presents:
That I, Cyril H. Turner, do hereby certify that I prepared this plat from and actual and accurate survey of the land and that the corner monuments indicated thereon were properly placed under my personal supervision in accordance with the Subdivision Regulations of the City of Lubbock, Texas.

Registered Professional
Land Surveyor No. 6480
State of Texas
July 07, 2014

LEGEND

P.O.B. = POINT OF BEGINNING.
⊙ = "X" cut in concrete.
● = found 1/2" iron rod w/ yellow cap inscribed "HT & ASSOC" unless noted otherwise.
X = found "X" in concrete.
⊕ = 4' X 6' T.P.E. (Transformer Pad Easement)
U.U.E. = Underground Utility Easement.
W.L.E. = Water Line Easement.
R.O.W. = Right-of-Way
O.P.R.L.C. = Official Property Records of Lubbock County, Texas.
CCF = County Clerk's File

Line Table		
#	BEARING	DISTANCE
L1	S. 43° 34' 16" E.	14.15'
L2	N. 41° 15' 38" E.	32.00'
L3	N. 48° 44' 47" E.	21.21'
L4	N. 41° 15' 08" E.	52.00'
L5	N. 41° 15' 08" E.	52.00'
L6	N. 13° 30' 27" E.	33.16'
L7	N. 48° 29' 48" E.	21.34'
L8	N. 37° 36' 13" W.	13.04'
L9	S. 43° 13' 13" E.	21.21'
L10	N. 46° 46' 47" E.	14.14'
L11	S. 88° 13' 13" E.	29.04'
L12	S. 88° 13' 13" E.	14.82'
L13	S. 44° 12' 23" E.	6.37'
L14	S. 01° 46' 47" W.	30.54'
L15	S. 01° 46' 47" W.	40.88'
L16	N. 46° 34' 13" E.	21.19'
L17	S. 43° 13' 13" E.	14.14'
L18	N. 41° 15' 08" E.	6.30'
L19	N. 13° 30' 27" E.	32.08'

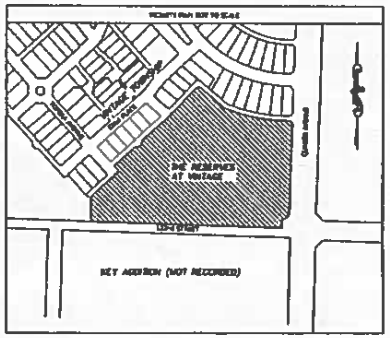
Curve Table				
#	CHORD BEARING	CH. LENGTH	RADIUS	ARC LENGTH
C1	N. 24° 57' 28" E.	180.79'	254.00'	184.74'
C2	N. 73° 55' 17" E.	193.35'	204.00'	200.29'
C3	S. 82° 58' 08" E.	6.15'	30.00'	6.15'
C4	N. 82° 29' 08" W.	17.22'	84.00'	17.25'
C5	N. 73° 55' 17" E.	141.43'	150.00'	147.28'
C6	N. 25° 08' 22" E.	141.31'	200.00'	144.43'
C7	N. 46° 54' 31" E.	85.16'	46.00'	72.38'
C8	N. 46° 30' 33" E.	36.81'	25.00'	46.80'

DETAILS, NOT TO SCALE



TYPICAL TRANSFORMER PAD EASEMENT

TRANSFORMER PAD EASEMENTS AT IRREGULAR LOT CORNERS



APPROVED this _____ Day of _____, 2014,
by the CITY PLANNING COMMISSION of the CITY OF LUBBOCK, TEXAS

APPROVED _____ CHAIRMAN

ATTEST _____ SECRETARY

FINAL PLAT

OJD Engineering, L.P.
Consulting Engineers & Surveyors

SHEET 2 OF 7

RASMUSSEN
DEVELOPMENT

February 04, 2016

City of Lubbock
Planning Department
1625 13th Street
Lubbock, Texas 79401

Attn: Drew Paxton

RE: The Reserves at Vintage

Dear Drew

We would like to change the zoning on our commercial site on the corner of 122nd and Quaker. We see a need in the area for a small boutique center (1000 sf units for a small nail salon, coffee house, real estate office / lawyer or sandwich shop) similar to what Vintage Township has. We currently have GO zone garden offices on the site.

Enclosed is a map and pictures of what we are proposing for the area as well as the application and required fee for the zone change. If you have any questions please feel free to call me on my cell
818-419-1655.

000940
FEB 05 2016

Sincerely

James S Rasmussen

7021 Kewanee, Suite 5-103, Lubbock, TX 79424 P: 805-407-6112 F: 806-370-0075 james@rasmussendevelpoment.com

city of lubbock TEXAS

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) JAMES RASMUSSEN
7021 KEWANEE AVE #5-103
Street/Post Office Box
Lubbock Tx. 79424
City State Zip
(818 419-1655
Telephone

For N.S.H.E TX. VERNON, LLC
7021 KEWANEE AVE #5-103
Street/Post Office Box
Lubbock Tx 79424
City State Zip
(818 419-1655
Telephone

Location or Address: QUAKER AVE BETWEEN 121ST LANE AND 122ND ST.

Legal Description:* LOT "E" of THE RESERVES AT VINTAGE

Existing Land Use: VACANT **Existing Zoning:** G.O.

Acreage or Square Footage of Property: 41,405 S.F

Zoning Requested: COMMERICAL . C-2A

Proposed Development: 10,000 SF. STRIP CENTER WITH PARKING LOT.

If property is not subdivided, will preliminary plat be submitted? Yes _____ No *

James S Rasmussen
Applicant's Signature

FEB. 3RD, 2016
Date

Filing Fee: $475.00
($475.00 for the first acre; $3.00 for each additional acre; $165 for Non-Profit)

*There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.

For City Use Only

PIN: 96669 MAP 41

Zone Case No.: 3047-P **Agenda No.:** _____

Request for zoning change from: GO **To:** C-2A

on Lot(s): East E **Block(s):** _____

Subdivision: The Reserves at Vintage **Address:** 12130 Quaker Ave

VSW.

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX, 79457, or fax to (806) 775-2100.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 775-2120.

Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: **P&Z Case No.: 3047-P**

In Favor of XX

Opposed ____

Reasons and/or Comments:

I THINK THE ARCHITECTURE OF THE BUILDING REALLY FITS IN TO THE WHOLE AREA. IT SEEMS THAT THIS WOULD BE THE FINAL PIECE TO THE PUZZLE. I THINK IT IS WHAT THE AREA NEEDS. PLEASE APPROVE THE ZONE CHANGE.

Print Name JAMES RASMUSSEN

Signature: James S Rasmussen

Address: 7021 KEWANEE AVE #5-103 Lubbock, TX

Address of Property Owned: 4402 121ST LANE Lubbock, TX

Zone Case Number: 3047-P 96660
NSHE TX VERNON LLC
26500 W AGOURA RD 652

CALABASAS CA 91302

Regular City Council Meeting **6. 3.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-O0066 for Zone Case 3116-I, a request of Cox/Dirks Architects, P.C., for Tommy Potts, to amend the conditions of Ordinance 2009-00038 for a shared driveway on Tract K, Kelsey Park Addition, 13041 Quaker Avenue.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

General Comments:
The request is to amend the conditions of Ordinance 2009-O0038, to allow this property to have a curb cut off Quaker Avenue. This Ordinance was approved in May,2009, as part of a zone change to garden office for a few parcels along Quaker Avenue, north of 134th Street. The condition in question states, “That no curb cuts shall be allowed to each of the block Garden Office (GO) block ends adjacent to Quaker Avenue.”

Adjacent Land Uses:
North: GO (garden office under development)
Sough: GO (vacant)
East: R-1 Specific Use (single family homes and Lubbock Cooper Central Elementary)
West: Outside of city limits.

Comprehensive Land Use Plan (CLUP):
The current GO zoning is consistent with the CLUP, and the request to amend the ordinance condition does not have any effect on this.

Zoning Policy:
The request is consistent with zoning policies as each lot would normally be allowed a curb cut onto Quaker Avenue. However, when the Ordinance was originally proposed, staff had expressed concern regarding the number of curb cuts onto Quaker, a major thoroughfare, and proposed another condition on the Ordinance which limits the number of curb cuts for the GO zoning north of 134th Street to a total of 2 curb cuts to be shared amongst the parcels and required a cross access easement to be filed for all of the parcels.

Effect on the adjacent street and thoroughfare system:
Proposing a curb cut onto Quaker Avenue, from the corner parcel, brings up concerns in regards to how close the curb cut would be located to the intersecting street, 134th Street. However, since the curb cut is proposed to be shared between the corner parcel and the parcel to the north, there should not be a significant impact on traffic in the area.

Recommendations:
On April 7, 2016, the Planning and Zoning Commission recommended the request with a unanimous vote.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager
Planning and Zoning Commission

Attachments

Ordinance - Zone Case 3116-I

Map - Zone Case 3116-I

ORDINANCE NO. _____

AN ORDINANCE AMENDING ZONING ORDINANCE NUMBER 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3116-I; AMENDING THE CONDITIONS SET FORTH IN ORDINANCE NO. 2009-O0038 BY ADDING A NEW CONDITION TO ALLOW FOR A SHARED DRIVEWAY ON TRACT K, KELSEY PARK ADDITION,** LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 3116-I

SECTION 1. THAT Section 1 of Zone Case No. 3116, as passed by the City Council through Resolution No. 2009-O0038, shall be amended to include an additional condition to the enumerated list of conditions of said Zone Case, with such additional condition to read as follows:

11. THAT a shared driveway shall be allowed on Tract K, Kelsey Park Addition, Lubbock, Texas.

SECTION 2. THAT this amendment shall permit the requestor to **allow for a shared driveway on Tract K, Kelsey Park Addition**, City of Lubbock, Lubbock County, Texas, located at 13041 Quaker Avenue.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars ($2,000.00) as provided by Section 40.01.006 of the Zoning Ordinance of the City of Lubbock, Texas.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

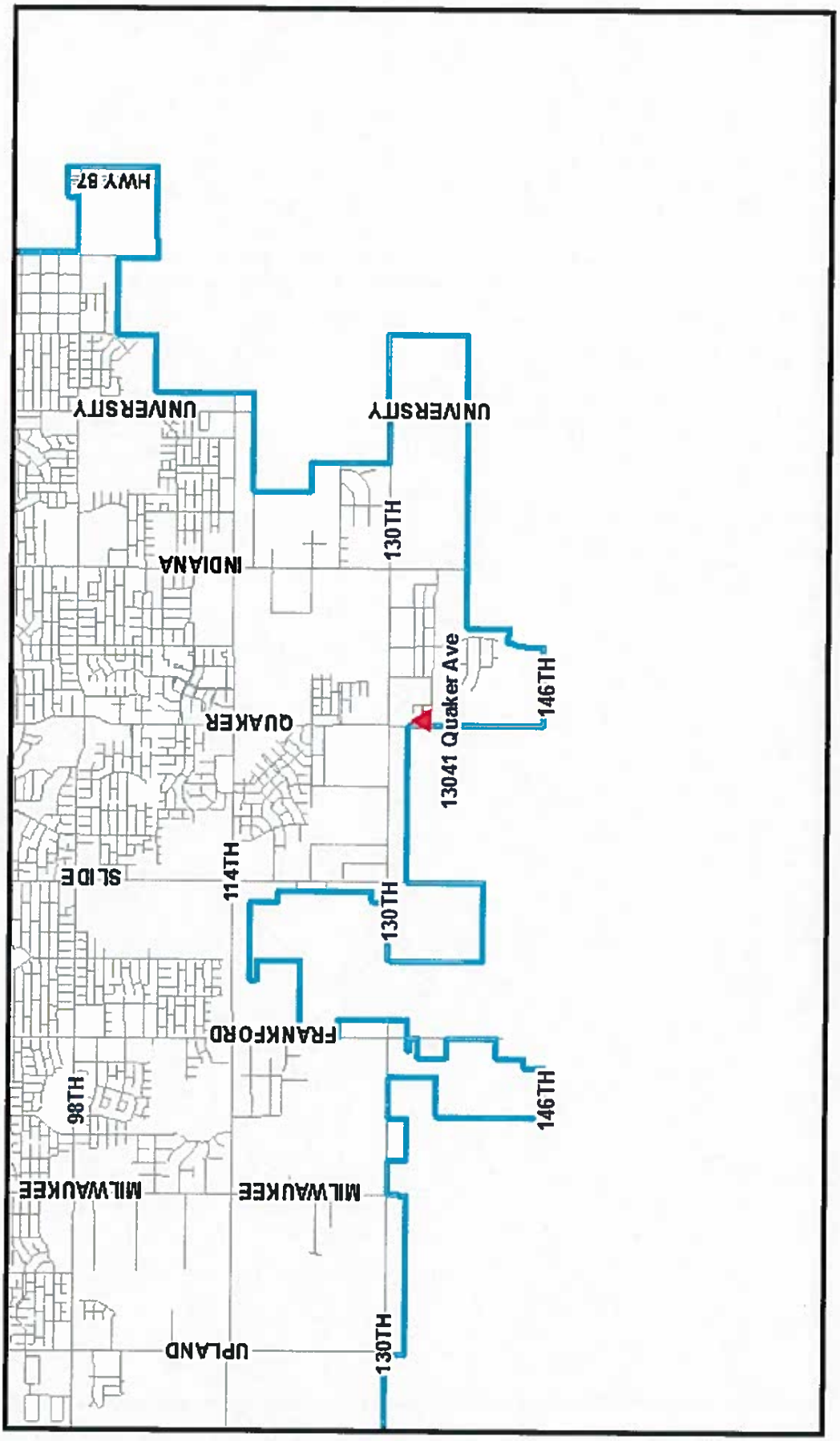
APPROVED AS TO CONTENT:

_____
Andrew Paxton, Director of Planning

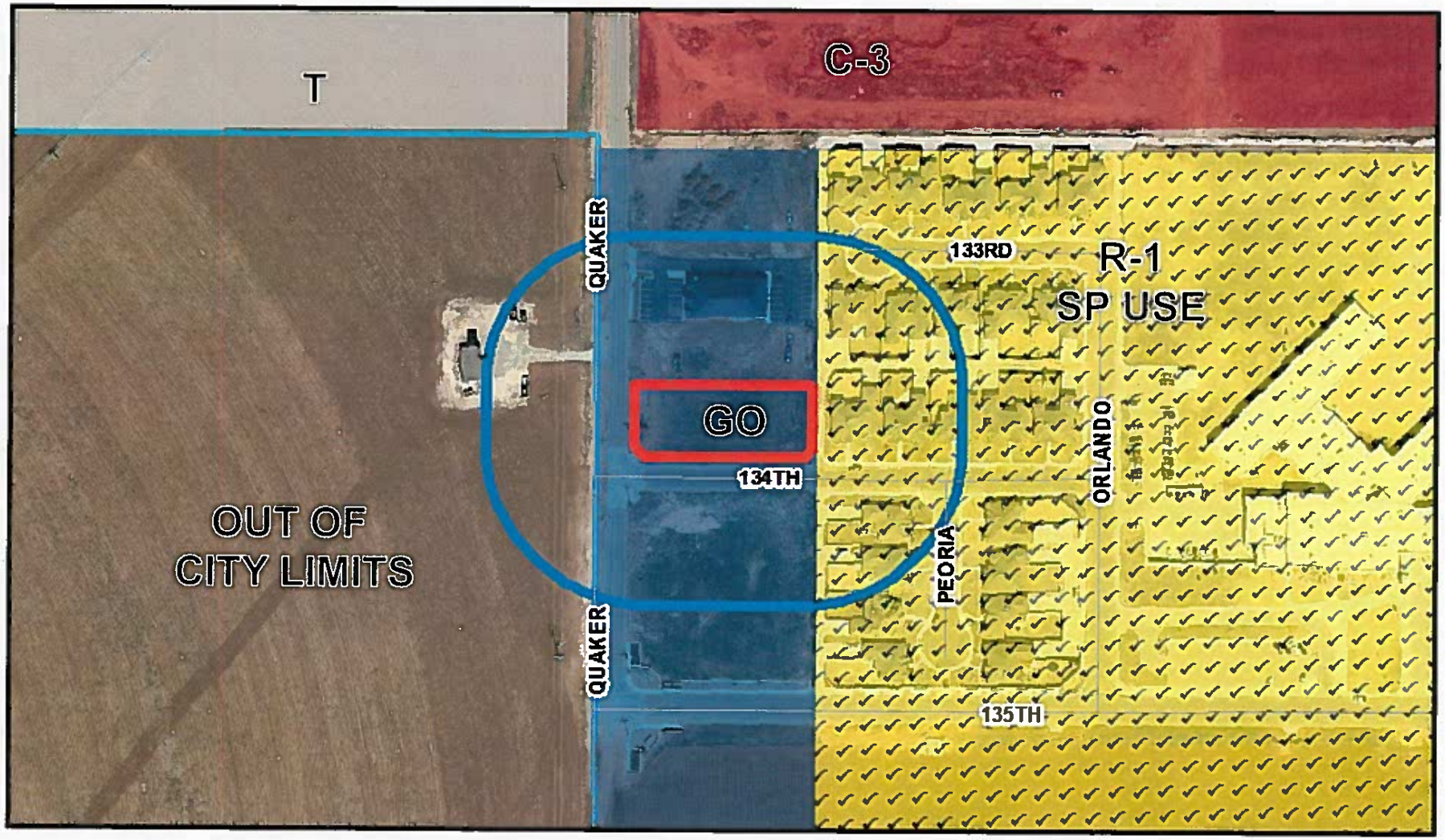
APPROVED AS TO FORM:

_____
Justin D. Pruitt, Assistant City Attorney

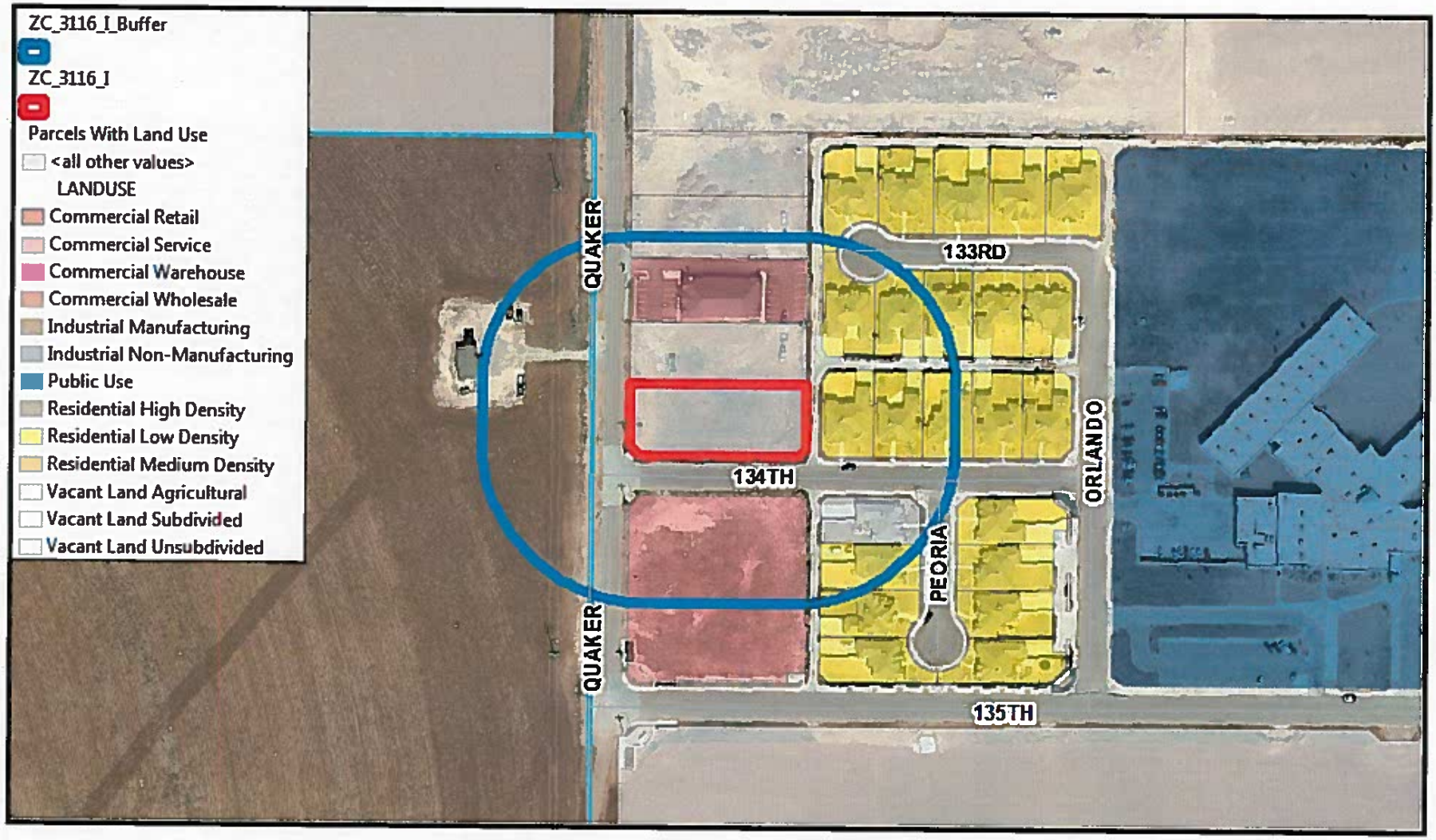
vw ccdocs/ZC3116-I (Amend)
April 7, 2016



P.Z.C. Case 3116-I

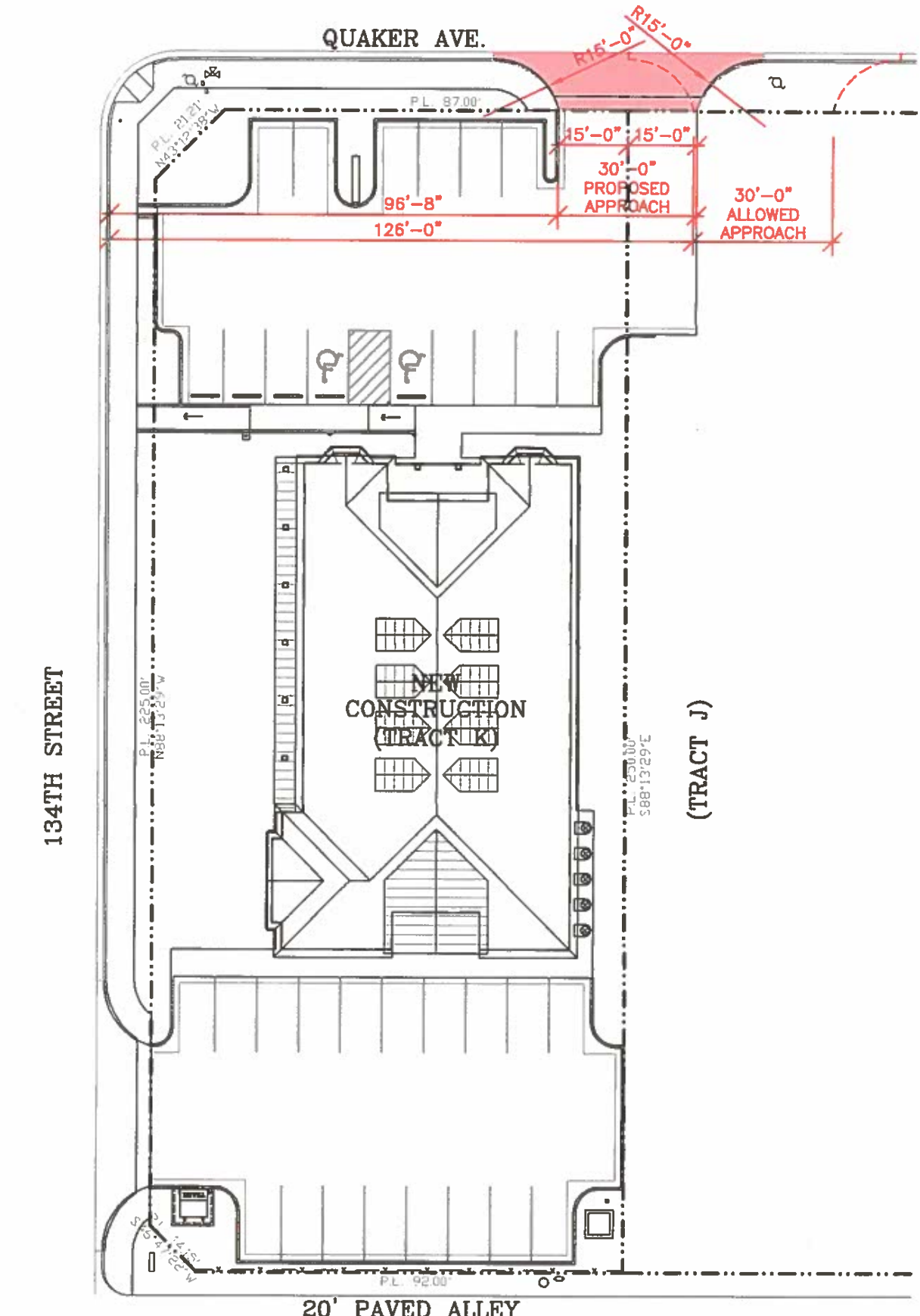


P.Z.C. Case 3116-I Zoning



P.Z.C. Case 3116-I

Request of Cox/Dirks Architects, P.C. (for Tommy Potts) to amend the conditions of ordinance No. 2009-00038 for a shared driveway, 13041 Quaker Avenue



SITE PLAN 01

SCALE 1"=30'-0"

02/04/16

COX DIRKS
ARCHITECTS PC
AMERICAN INSTITUTE OF ARCHITECTS
1710 15TH STREET
LUBBOCK, TEXAS 79401
TEL 806/763-1236 FAX 806/763-1257
WWW.COXDIRKSARCHITECTS.COM

W
S N
E

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) Michael Zimmerman - Cox/Dirks Architects, P.C.

1710 15th Street
Street/Post Office Box

Lubbock TX 79401
City State Zip

(806) 762-1226
Telephone

For Tommy Potts

7402 University Avenue
Street/Post Office Box

Lubbock TX 79423
City State Zip

(806) 794-8830
Telephone

Location or Address: 13041 Quaker Avenue

Legal Description:* Tract K, Section 4, Block AK, Kelsey Park Addition

Existing Land Use: V-S **Existing Zoning:** GO (Garden Office)

Acreage or Square Footage of Property: 25,339 S.F.

Zoning Requested: Amendment to Zone Case No. 3116 to allow a shared approach off of Quaker Avenue between Tracts K & J (reference attachment).

Proposed Development: Existing Garden Offices.

If property is not subdivided, will preliminary plat be submitted? Yes _____ No _____

Michael Zimmerman
Applicant's Signature

2/29/16
Date

Filing Fee: $475.00
($475.00 for the first acre; $3.00 for each additional acre; $165 for Non-Profit)

***There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.**

For City Use Only

PIN: 94742 map 70

Zone Case No.: 3116-I **Agenda No.:** _____

Request for zoning change from: _____ **To:** Amend the conditions

to allow a shared curb cut off of Quaker Ave

of Ordinance No. 2009-00038

on Lot(s): Tract K **Block(s):** _____

Subdivision: Kelsey Park **Address:** 13041 Quaker Ave

KS RC

Regular City Council Meeting **6. 4.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-O0071 for Zone Case 3283, a request of Craft Development Corporation for a zoning change from R-1 to R-1 Specific Use for Garden Homes on 8.26 acres of unplatted land out of Block E-2, Section 8, 3802 60th Street.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

General comments:
The request is for a zone change from R-1 to R-1 Specific Use for Garden Homes on 8.26 acres of unplatted land. Also, the applicant is requesting to have fireplaces and bay windows extending three feet into the side yard of the homes. This is an infill project on the previous site of Haynes Elementary School. Lubbock ISD combined Haynes Elementary with Murphy Elementary leaving this property vacant.

Adjacent land uses:
North: R-2 (Two-Family District) for duplexes.
South: R-1 (Single-Family District) for single family homes.
East: R-1 (Single-Family District) for single family homes.
West: R-1 (Single-Family District) for Evans Junior High School.

Comprehensive Land Use Plan (CLUP):
The request is for Garden Homes which are single family homes with reduced setbacks. The request is consistent with the CLUP.

Zoning Policy:
The request is consistent with zoning policies. Single family homes are typically located inside major thoroughfares. The proposed property fronts 58th Street to the north and Memphis Avenue to the east. Memphis Avenue and 58th Street are both collector streets. A collector street is a low-to-moderate capacity road which serves to move residential traffic from local streets to a thoroughfare. There will be no access to residential properties from Memphis Avenue.

In The City of Lubbock's Zoning Code R-1 (single family district) states, "Cornices, eaves, sills, canopies and chimneys may extend two feet into any required yard. Bay windows are not permitted under this section." The applicant is requesting a three foot extension into the side yard for bay windows and fireplaces. This request may have additional requirements under the building code that is strongly enforced by the Building Inspection Department.

Effect on the adjacent street and thoroughfare system:
There should be little to no impact on the thoroughfare system due to the fact that the proposed area is six blocks or more from the nearest thoroughfare.

Recommendations:
1. That a five-foot front setback be allowed for cul-de-sac lots.
2. That a five-foot side setback be allowed on corner lots.
3. That a three-foot extension into the side yard for bay windows and fire places shall be allowed.

On April 7, 2016, the Planning and Zoning Commission recommended the request with a unanimous vote, with the following conditions:
1. That a five-foot front setback be allowed for cul-de-sac lots.
2. That a five-foot side setback be allowed on corner lots.
3. That a three-foot extension into the side yard for bay windows and fire places shall be allowed.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager
Planning and Zoning Commission

Attachments

Ordinance - Zone Case 3283

Map - Zone Case 3283

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3283;** A ZONING CHANGE FROM **R-1** TO **R-1 SPECIFIC USE** FOR **GARDEN HOMES**, ON **8.26 ACRES OF UNPLATTED LAND OUT OF BLOCK E-2, SECTION 8,** LUBBOCK, TEXAS; SUBJECT TO CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 3283

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **R-1** to **R-1 Specific Use** for **Garden Homes** on **8.26 acres of unplatted land out of Block E-2, Section 8,** City of Lubbock, Lubbock County, Texas, located at **3802 60th Street,** subject to conditions, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SUBJECT TO THE FOLLOWING CONDITIONS:

1. **THAT a five (5) foot front setback be allowed for cul-de-sac lots.**

2. **THAT a five (5) foot side setback be allowed on corner lots.**

3. **THAT a three (3) foot extension into the side yard for bay windows and fire places shall be allowed.**

SECTION 2. THAT the granting of this specific use zoning is hereby made subject to compliance with all provisions of Zoning Ordinance No. 7084, as amended, including particularly, but not limited to, Section 40.03.3102 of the Codified Zoning Ordinance, which provides that a Building Permit shall be applied for and secured within thirty (30) months of the effective date of the zone change or all undeveloped property shall automatically revert back to the previous zoning classification, which in this case is the **R-1** zone district; and if such reversion occurs, the Director of Planning is directed to remove from the Zoning Map the legend indicating such specific use. The Specific Use authorized by this Ordinance is permitted under provision of Section 40.03.3101-40.03.3103 of Codified Zoning Ordinance No. 7084 on the property described as **3802 60th Street**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars ($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Andrew Paxton, Director of Planning

APPROVED AS TO FORM:

Justin D. Pruitt, Assistant City Attorney

vw/CityAtt/Justin/Zones/ZC3283
April 7, 2016

ABACUS ENGINEERING SURVEYING

2737 81ST STREET LUBBOCK, TEXAS 79423
(806) 745-7670

"Count on it"

FIELD NOTES on an 8.269 acre tract out of the Southwest Quarter (SW/4) of Section 8, Block E-2, Lubbock County, Texas and being all of the 10 acre tract described as Tract One in Volume 738, Page 255, Lubbock County Deed Records save and except portions of the 10 acre tract dedicated as Right of Way in Volume 754, Page 460, Volume 859, Page 285 and Volume 849, Page 637, Lubbock County Deed Records and further described by metes and bounds as follows:
BEGINNING at an "X" set in concrete at the intersection of the South line of 58th Street and the West line of Memphis Avenue for the Northeast corner of this tract, from which the Northeast corner of the Southwest Quarter (SW/4) of Section 8 by calls bears N 0° 01' 10" E, 30 feet and S 89° 57' 12" E, 30 feet;

THENCE S 01°48'00" W, with the West line of Memphis Avenue, 585.48 feet to a set 1/2" rod with green cap marked RPLS 4460 at a point of curvature;

THENCE Southwesterly, with a curve to the right having a radius of 15.00 feet, a central angle of 90°02'36", a chord distance of 21.22 feet, and a chord bearing of S 46°49'18" W to a set 1/2" rod with cap for point of tangency;

THENCE N 88°09'24" W, with the North line of 60th Street, 570.21 feet to a set 1/2" rod with cap for a point of curvature;

THENCE Northwesterly, with a curve to the right having a radius of 15.00 feet, a central angle of 89°56'29", a chord distance of 21.20 feet and a chord bearing of N 43°11'10" W to a set 1/2" rod with cap at a point of tangency;

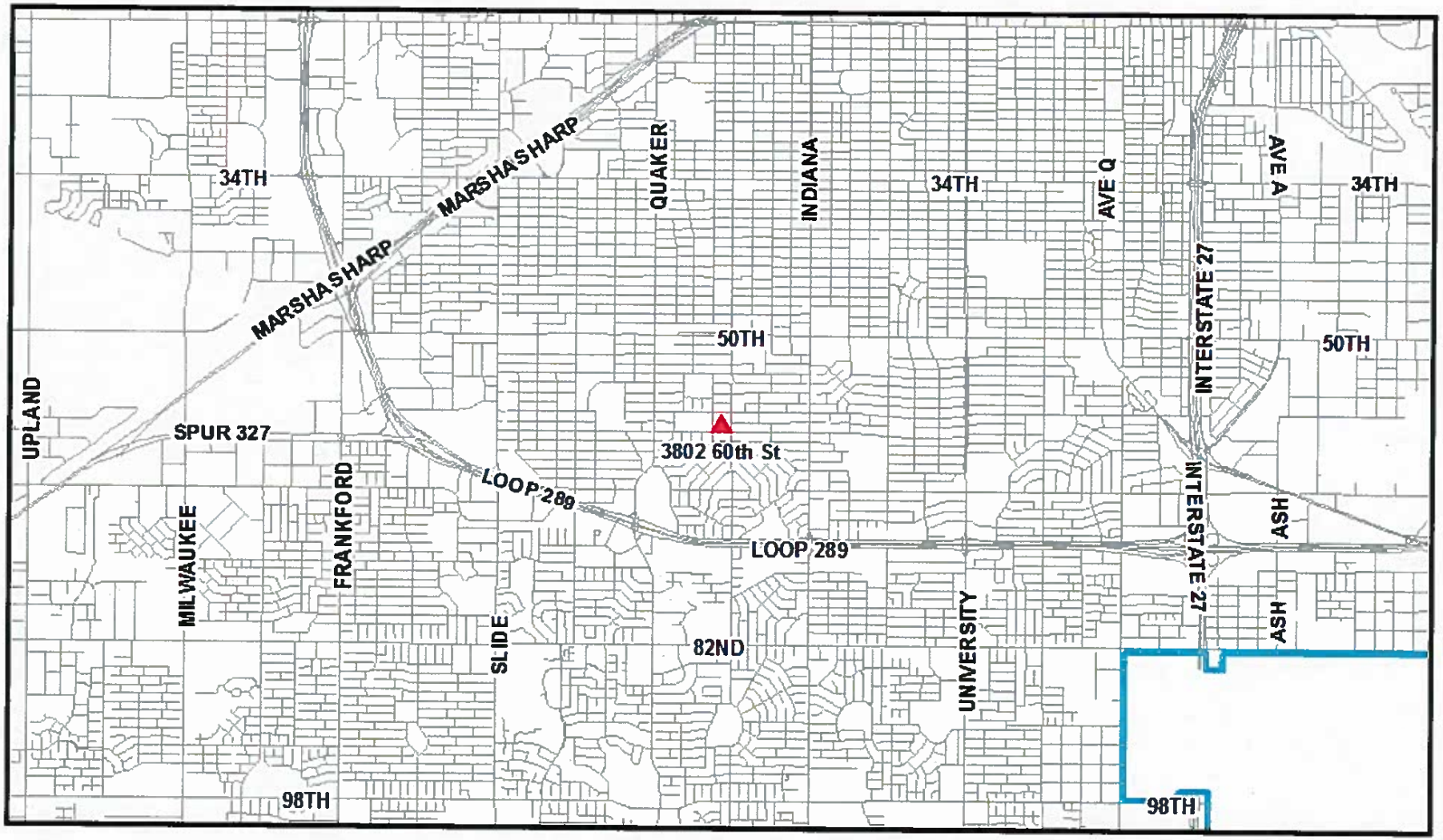
THENCE N 01°47'04" E, with the East line of Nashville Avenue, 570.14 feet to a set 1/2" rod with cap for a point of curvature;

THENCE Northeasterly, with a curve to the right having a radius of 15.00 feet, a central angle of 90°01'27", a chord distance of 21.22 feet and a chord bearing of N 46°47'48" E to a set 1/2" rod with cap for a point of tangency;

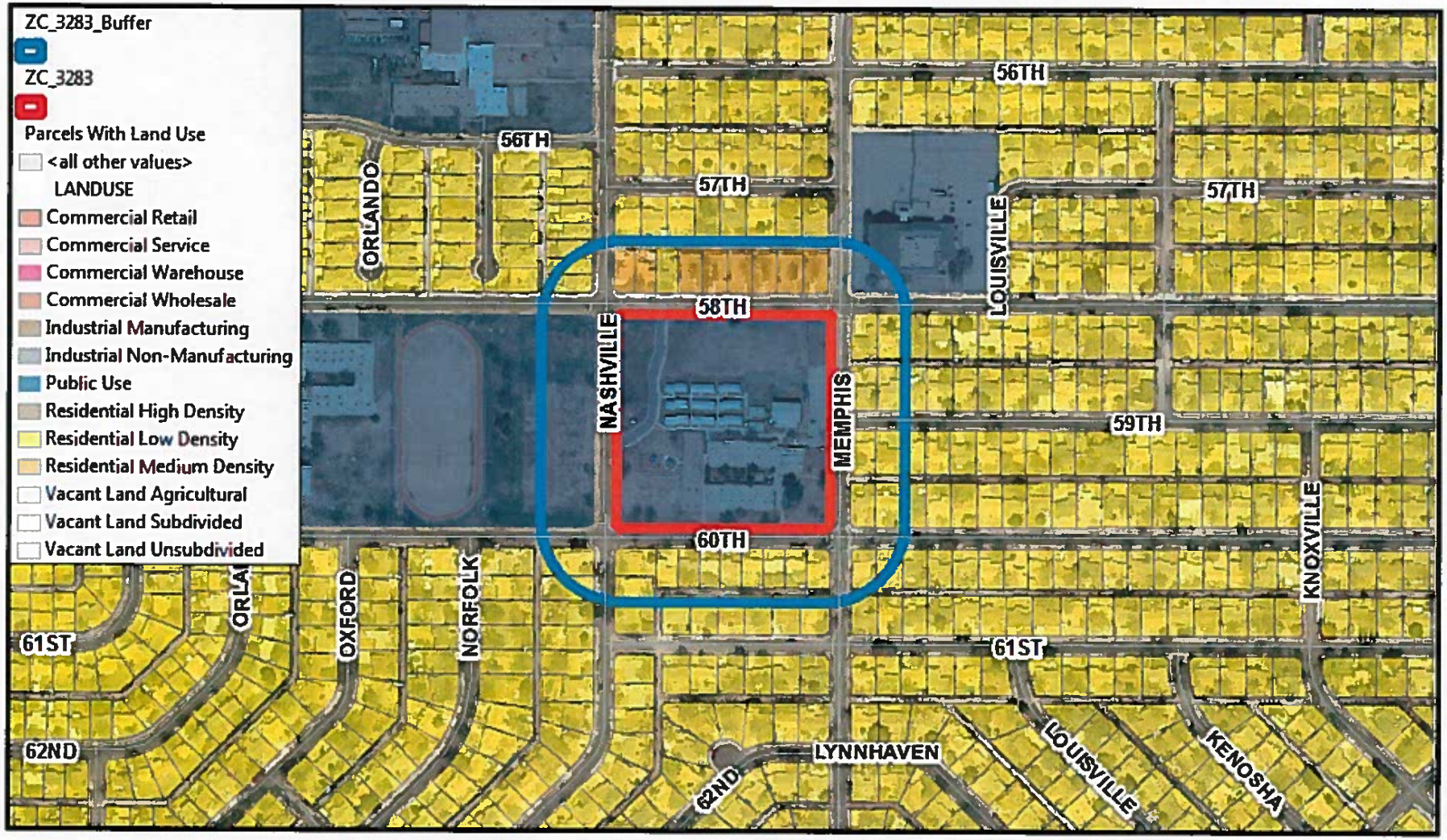
THENCE S 88°11'29" E, along the South line of 58th Street, 585.36 feet to the PLACE of BEGINNING, containing 8.269 Acres.

These notes are based on a survey made on the ground.
April 13, 2016
J. M. Cieszinski, RPLS 4460



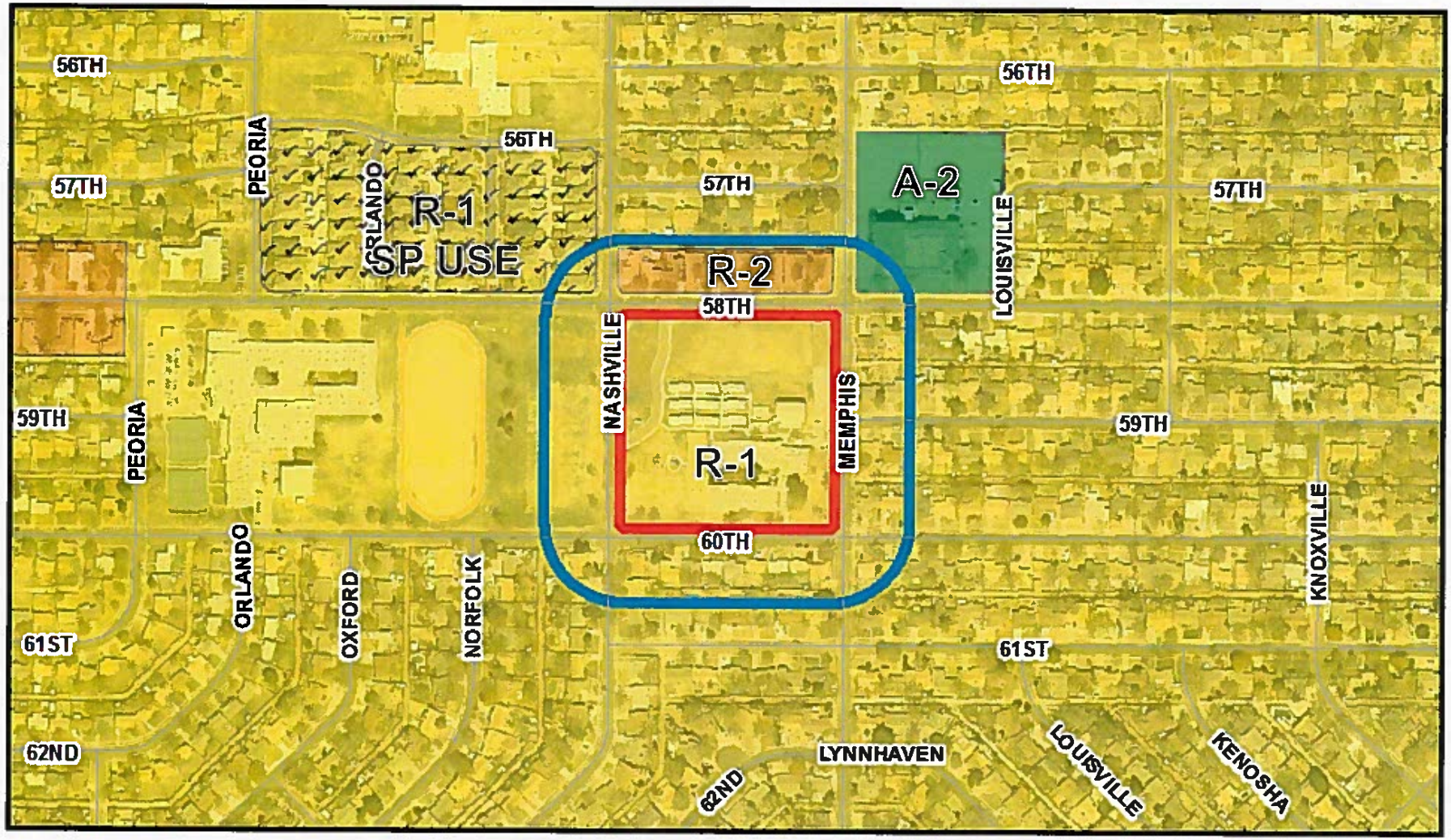


P.Z.C. Case 3283



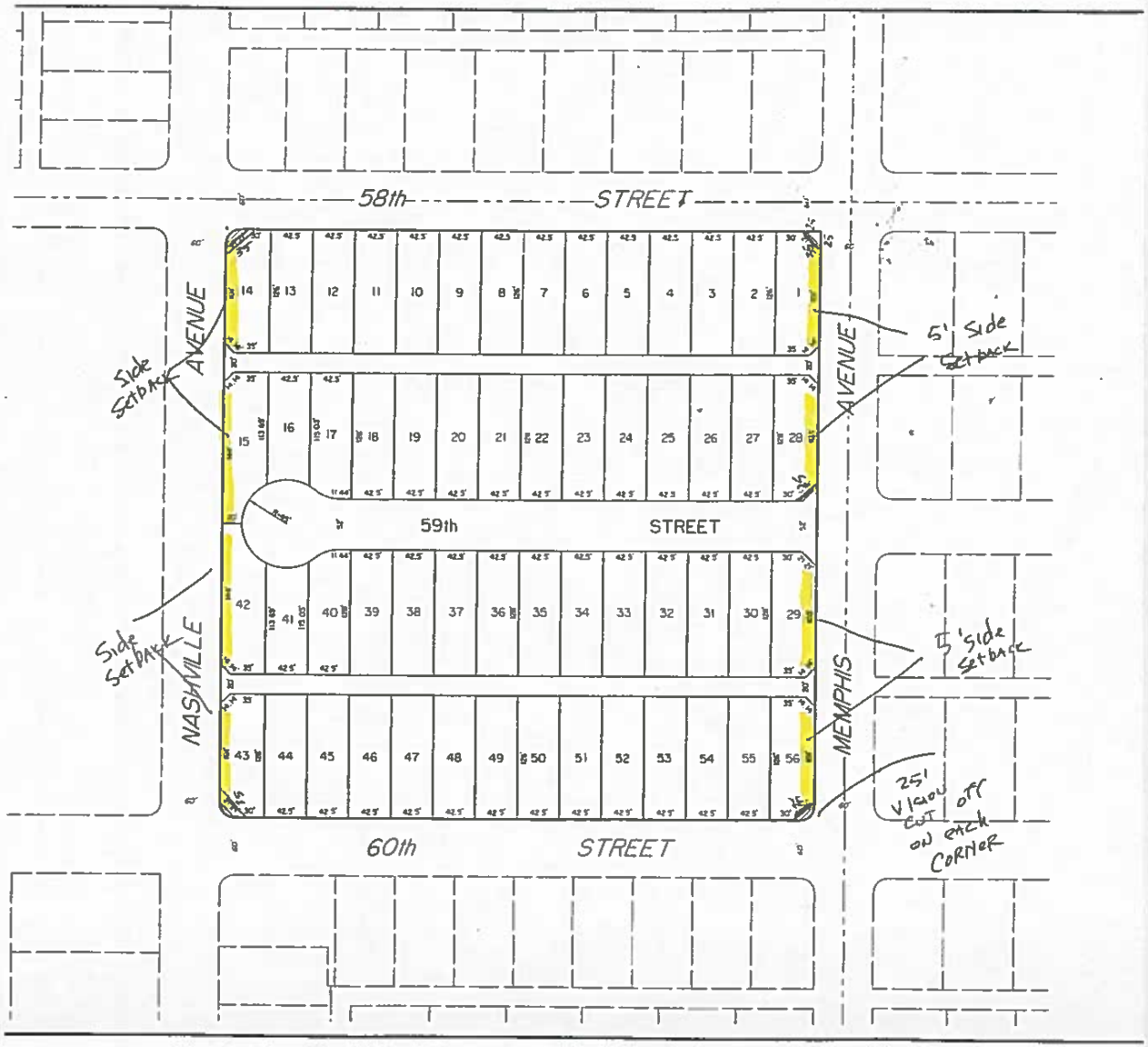
P.Z.C. Case 3283

Request of Craft Development Corporation for a zoning change from R-1 to R-1 Specific Use for Garden Homes, 3802 60th Street



P.Z.C. Case 3283 Zoning

10305 LYNN HAVEN AVENUE. LOT 168. HIGHLAND GARDENS
TERRY ECHOLS
ASSOCIATES
FLOOR PLAN
2
FLOOR PLAN
SIDE VIEW
PLAN VIEW
ELEVATION
PLAN SECTION
UTILITY ROOM - TYPICAL WASHER/DRYER DETAILS - SEE FLOOR FOR FRAMING DIMENSIONS


58th STREET
60th STREET
59th STREET
NASHVILLE AVENUE
MEMPHIS AVENUE
Side Setback
Side Setback
5' Side Setback
5' Side Setback
25' V'lgou cut off on each corner

Lubbock Central Appraisal District

2015 Certified Values

Property Detail Sheet (R138161)

Home
General Information
News
FAQ
Forms
Searches
- QuickRef ID Search
- Owner Search
- Address Search
- Advanced Search
- Neighborhood Search

Property Data
- Detail Sheet
- Datasheet
- Bills

Other
- Payment Information
- 2015 Tax Rates
- Property Tax Basics
- Property Taxpayer Remedies
- Property Tax Assistance Division
- Installment Payments
- Appraisal Notice Information
- Public Information Request
- Online Protest Instructions
- Property Tax Calendar
- Appraisal Protests and Appeals
- Employment
- GIS Maps
- Data Downloads
- Esp. Property Taxpayer Remedies
- Esp. Appraisal Protest a
- Esp. Property Tax Basics
- Freeport Worksheet
- Property Tax Binding Arbitration

History | Plat Map | GIS Map | Datasheet
Bills | Pay Taxes | Protest

Owner Information

Owner ID:	OO10534
Owner Name:	LUBBOCK ISD
Owner Address:	1628 19TH ST LUBBOCK,TX 79401-4832
Property Address:	3802 60TH ST LUBBOCK, TX 79413

Parcel Information

Legal Description:	BLK E2 SEC 8 ABST 754 HAYNES SCHOOL TR 585' X 600'
Neighborhood:	0308(0308 - City Of Lubbock)
Acreage:	
Cross Reference:	AC48008-90754-00800-000
Undivided Interest:	
Exemption Codes:	EXG (Exempt - Governmental)
Entity Codes:	CLB (City Of Lubbock) GLB (Lubbock County) HSP (Lubb Cnty Hospital) SLB (Lubbock ISD) WHP (Hi Plains Water)
Deed Type:	
Deed Book:	
Deed Page:	
Map Page:	510
Links:	

Values Breakdown	2015 Value
Land HS:	$0 +
Land NHS:	$0 +
Improvement HS:	$0 +
Improvement NHS:	$0 +
Ag Market:	$0
Ag Use:	$0 +
Timber Market:	$0
Timber Use:	$0 +
Assessed:	$0 =

Land

ID	Type	SPTB	Acres	Mark
Land1	R (Residential)	XV (XV - Other Exemptions incl public prop, religious, etc.)		$

A recent version of Adobe Acrobat Reader is required to view PDF documents. Acrobat Reader is a free program available here.

city of lubbock TEXAS

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) Craft Development Corp
5605 Norfolk ave
Street/Post Office Box
Lubbock, Texas 79413
City State Zip
( )
Telephone

For _____
Street/Post Office Box
City State Zip
( )
Telephone

Location or Address: _____

Legal Description:* BLK E 2 Sect 8 Abstract 754

Existing Land Use: Vacant **Existing Zoning:** R-1

Acreage or Square Footage of Property: _____

Zoning Requested: R-1 Specific Use for Garden Homes with 5' setback for Corner lots and 3' extension into side yard for Bay Window & fireplace

Proposed Development: _____

If property is not subdivided, will preliminary plat be submitted? Yes _____ No _____

Janet Craft
Applicant's Signature

Date

***There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.**

Filing Fee: _____
($475.00 for the first acre; $3.00 for each additional acre; $165 for Non-Profit)

For City Use Only

PIN: 1742 map 7
MB

Zone Case No.: 3283 **Agenda No.:** _____

Request for zoning change from: R-1 **To:** R-1 SP Use Garden Homes

8.26 acres of unplatted land out of block E-2 Section 8

on Lot(s): — **Block(s):** —

Subdivision: — **Address:** 3802 10th St

VS 14

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

5

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX, 79457, or fax to (806) 775-2100.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 775-2120.

Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: **P&Z Case No.:** ***3283***

In Favor of ✓

Opposed ____

Reasons and/or Comments:

RECEIVED
APR - 5 RECD
PLANNING DEPARTMENT

Print Name FAYE SPOTH

Signature: Faye Spoth

Address: 3805-57TH

Address of Property Owned: 3805-57TH

Zone Case Number: **3283** 56942
SPOTH, FAYE
3805 57TH ST

LUBBOCK TX 79413-4627

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

5

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX, 79457, or fax to (806) 775-2100.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 775-2120.

Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: **P&Z Case No.: 3283**

In Favor of ___

Opposed ✓

Reasons and/or Comments:

Please see attached.

RECEIVED
APR - 1 REC'D
PLANNING DEPARTMENT

Print Name Jerry Rekieta + Robin Rekieta
Signature: Jerry Rekieta + Robin Rekieta
Address: 3815 60th, Lubbock TX. 79413
Address of Property Owned: 3815 60th, Lubbock, TX. 79413

19 of 48

Zone Case Number: 3283 7550
REKIETA JERRY E &
ROBIN R
3815 60TH ST
LUBBOCK TX 79413-5201

5 3/29/16

We really appreciate the opportunity to voice our opinion. We are definitely against this change. Please do not let this happen and consider all options before just putting in houses. Lubbock is growing and houses are being built everywhere, but just because you have an open lot of land, it does not mean you automatically just put garden homes there, it just doesn't make sense.

We have lived in this area for 17 years, and most of our neighbors have also lived in this area for several years, so the neighborhood is already developed and we would be very disappointed to have houses on this land, when it would be more beneficial for other uses. It's a nice, quiet, open space with some trees, which is one of the main reasons we chose this area to live in.

We would love to see it used for a public park, dog park, practice fields for soccer, softball, t-ball, baseball, football, golf, etc., which is what it is used for anyway and is beneficial for a lot of people. We feel like this area is very kid friendly and there are always people out walking their dogs and walking in this area. Before Haynes Elementary was torn down and the play equipment was there, there were always families there playing and it was felt like a safe, fun environment.

With Evans Middle School close, there would also be a concern of more traffic and the safety of the kids walking to school and in the neighborhood. The main concern is also how this would affect our property taxes, as well as the chance of burglaries and other crimes in our neighborhood.

Thanks.

Jerry and Robin Rekieta
3815 60th Street
Lubbock, TX 79413

RECEIVED
APR - 1 REC'D
PLANNING DEPARTMENT

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

5

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX, 79457, or fax to (806) 775-2100.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 775-2120.

Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: **P&Z Case No.: 3283**

In Favor of ✓

Opposed ____

Reasons and/or Comments:

We are in favor of single family garden homes. We would not be in favor of any multi-family units.

Print Name William B. & Sharon G. Waters

Signature: Mrs. W. B. Waters

Address: 3802-61st.

Address of Property Owned: same

RECEIVED
APR - 1 RECD
PLANNING DEPARTMENT

29 of 48

Zone Case Number: 3283 7834
WATERS WILLIAM B & SHARON G
3802 61ST ST

LUBBOCK TX 79413-5206

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

5

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX, 79457, or fax to (806) 775-2100.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 775-2120.

Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: **P&Z Case No.:** ***3283***

In Favor of X

Opposed ___

Reasons and/or Comments:

RECEIVED
APR - 1 2013
PLANNING DEPARTMENT

Print Name GLENN LONGWORTH

Signature: [signature]

Address: 9708 Miami Ave Lubbock TX 79423

Address of Property Owned: 3802, 3804, 3806, 3808, 3810, 3812, 3816, 3818 584

48 of 48

Zone Case Number: **3283** 56953
SUAREZ BEVERLY J & DEBRA A ROBERTS
JAMES F & GLENN A LONGWORTH
9708 MIAMI AVE

LUBBOCK TX 79423

Regular City Council Meeting **6. 5.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading - Planning: Consider Ordinance 2016-O0067 for Zone Case 3285, a request of Hugo Reed and Associates, Inc. for Dell Cannon for a zoning change from R-1 to IHC on 5.242 acres of unplatted land out of Block E, Section 5, 7708 Interstate 27.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

General comments:
The request is to zone a property from R-1 to IHC for commercial development.

Adjacent land uses:
North: IHC – Mobile home park and commercial.
South: R-1 Residential.
East: I-27 Access Road.
West: R-1 Residential Construction.

Comprehensive Land Use Plan (CLUP):
The project is consistent with the CLUP.

Zoning Policy:
The IHC district created in the 1980s was used to protect Interstate 27. The CLUP policy area is about 2600 feet wide at most locations, creating quality commercial office, retail and wholesale uses which serve a City-wide or regional area. Such uses require consideration when adjacent to residential areas.

Effect on the adjacent street and thoroughfare system:
None.

Recommendations:
Staff supports the request.

On April 7, 2016, the Planning and Zoning Commission recommended the request with a unanimous vote.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager
Planning and Zoning Commission

Attachments

Ordinance - Zone Case 3285
Map - Zone Case 3285

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3285;** A ZONING CHANGE FROM **R-1** TO **IHC** ZONING DISTRICT ON **5.3 ACRES OF UNPLATTED LAND OUT OF BLOCK E, SECTION 5,** LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 3285

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under the provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **R-1** to **IHC** zoning district on **5.3 acres of unplatted land out of Block E, Section 5**, City of Lubbock, Lubbock County, Texas, located at **7708 Interstate 27**, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SECTION 2. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars

($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:

_____
Justin D. Pruitt, Assistant City Attorney

vw/cityatt/Justin/ZoneCase/ZC3285
April 7, 2016

LAND SURVEYORS
CIVIL ENGINEERS

HUGO REED AND ASSOCIATES, INC.
1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806/763-5642 / FAX 806/763-3891
TEXAS REGISTERED ENGINEERING FIRM F-760
TEXAS LICENSED SURVEYING FIRM 100676-00

METES AND BOUNDS DESCRIPTION of an approximate 5.3 acre tract of land located in Section 5, Block E, Lubbock County, Texas, being further described as follows:

BEGINNING at a point in the centerline of a 20 foot alley and the West right-of-way line of Interstate Highway No 27, for the Southeast corner of this tract which bears N. 00°02'11" W. an approximate distance of 1309.9 feet and N. 89°58'43" E. an approximate distance of 2588.3 feet from the Southwest corner of Section 5, Block E, Lubbock County, Texas;

THENCE S. 89°58'43" W., along the centerline of said 20 foot alley, an approximate distance of 362.0 feet to a point in the centerline of a 20 foot alley for the Southwest corner of this tract;

THENCE North, along the centerline of said 20 foot alley, an approximate distance of 653.4 feet to a point in the Southern boundary of Lot 1, Dee-Ville Addition, for the Northwest corner of this tract;

THENCE N. 89°58'40" E., along the Southern boundary of said Lot 1, an approximate distance of 345.8 feet to a point in the West right-of-way line of said Interstate Highway No 27, for the Southeast corner of said Lot 1 and the Northeast corner of this tract;

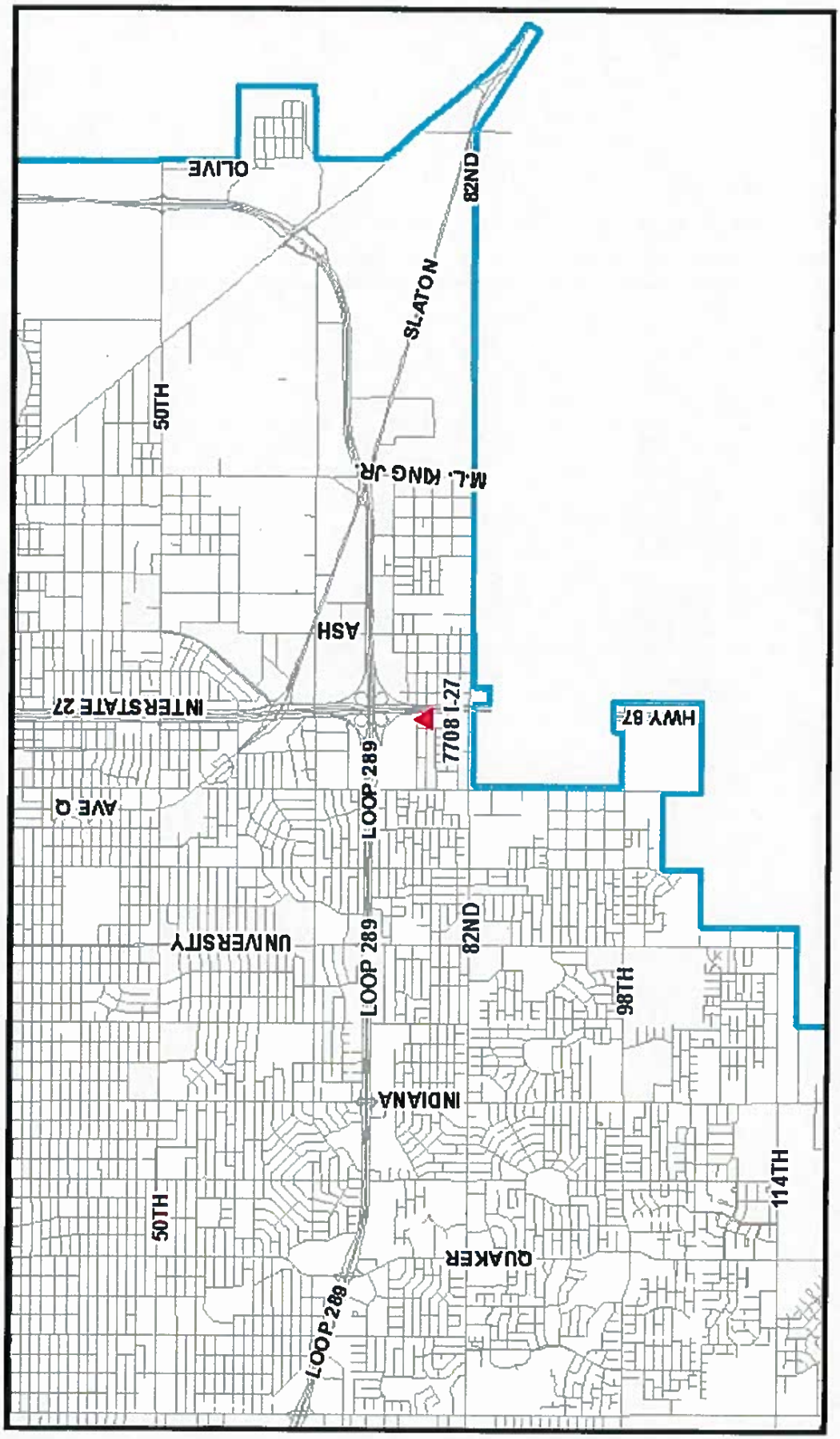
THENCE S. 00°39'37" E., along said West right-of-way line, an approximate distance of 197.7 feet to a point;

THENCE S. 02°57'04" E., continuing along said West right-of-way line, an approximate distance of 263.1 feet to a point;

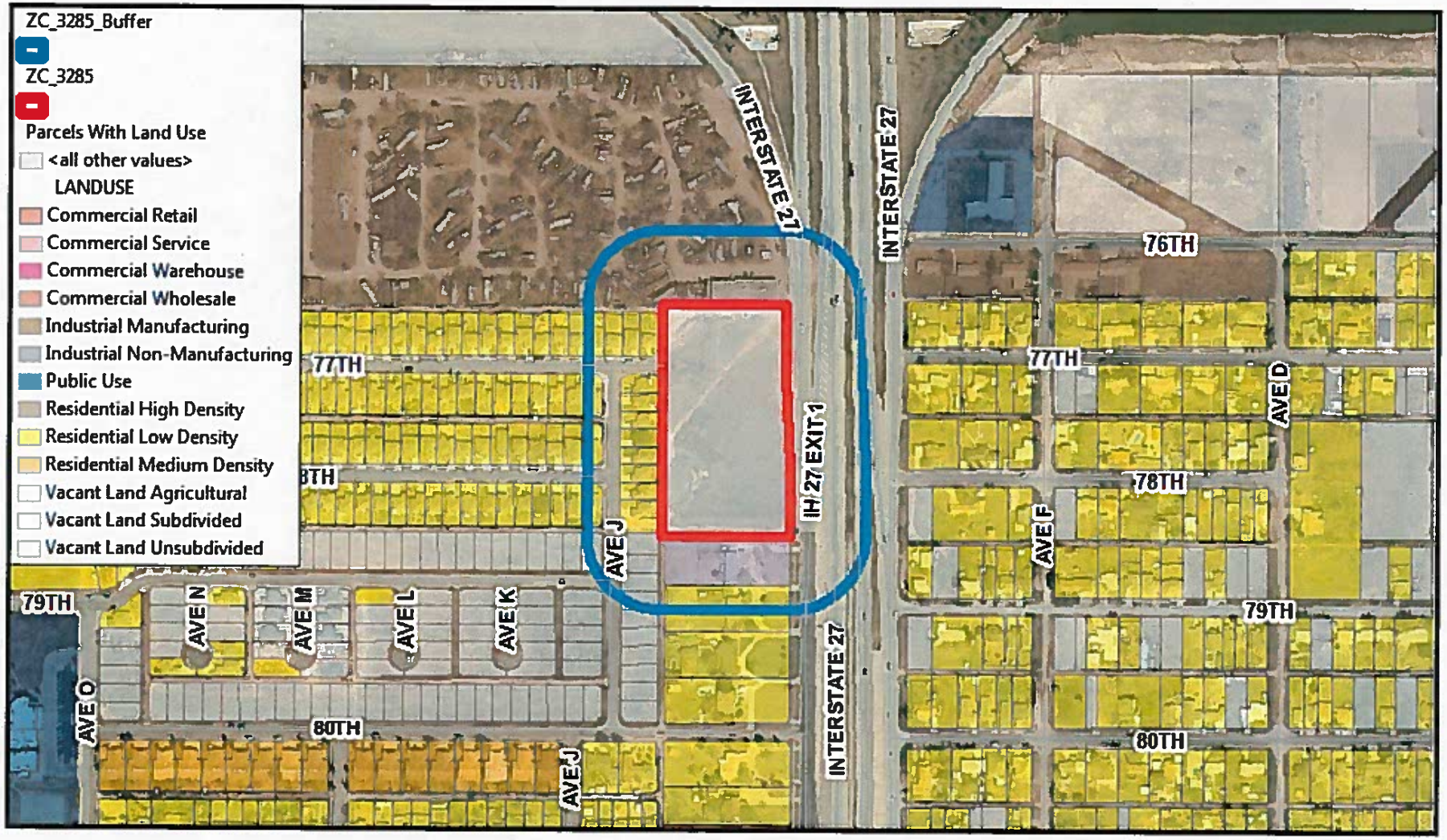
THENEC S. 00°07'11" E., continuing along said West right-of-way line, an approximate distance of 193.0 feet to the Point of Beginning.

PREPARED FOR ZONE CHANGE PURPOSES ONLY. DOES NOT REPRESENT A SURVEY.

NOT FOR RECORDING

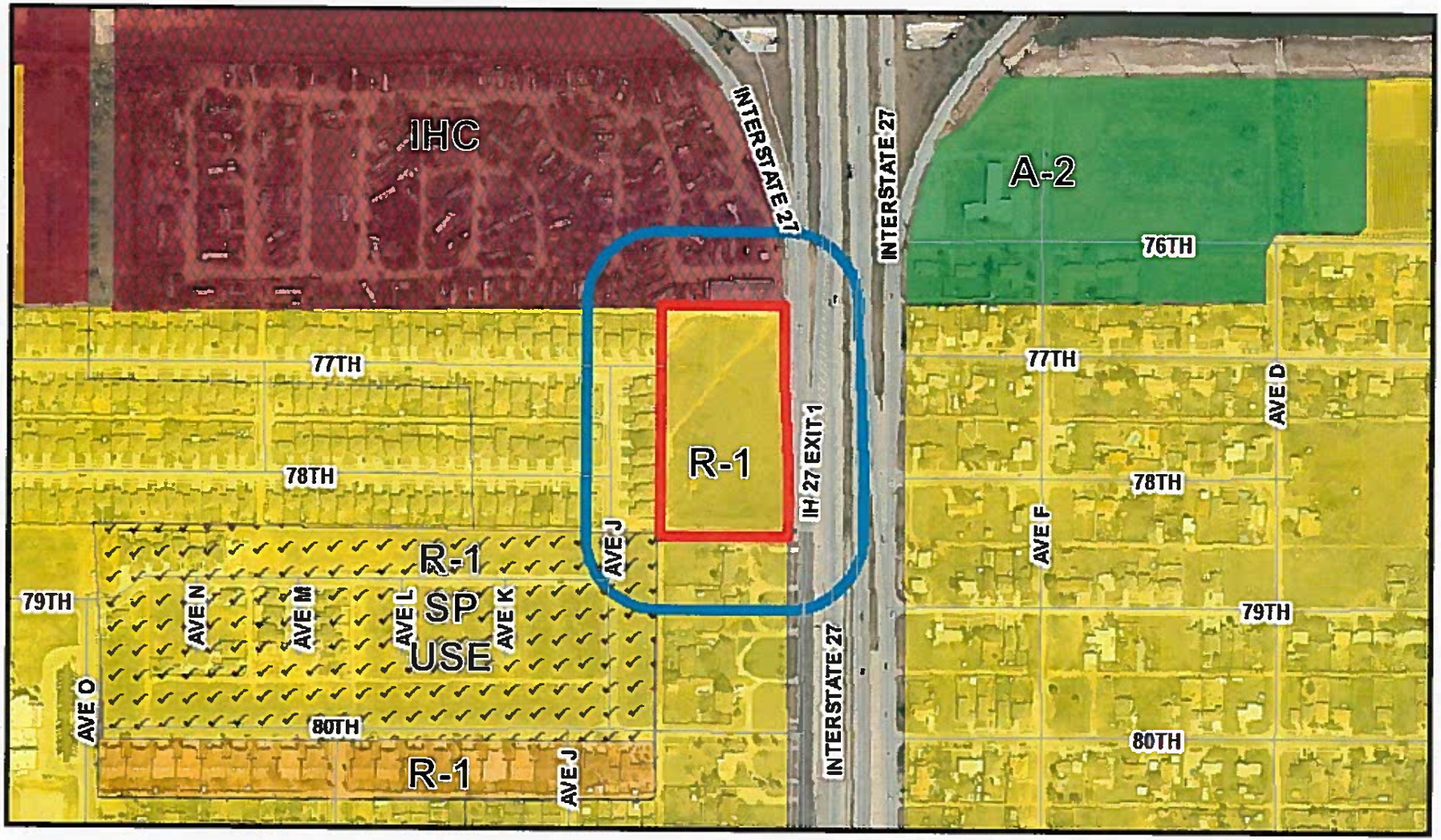


P.Z.C. Case 3285

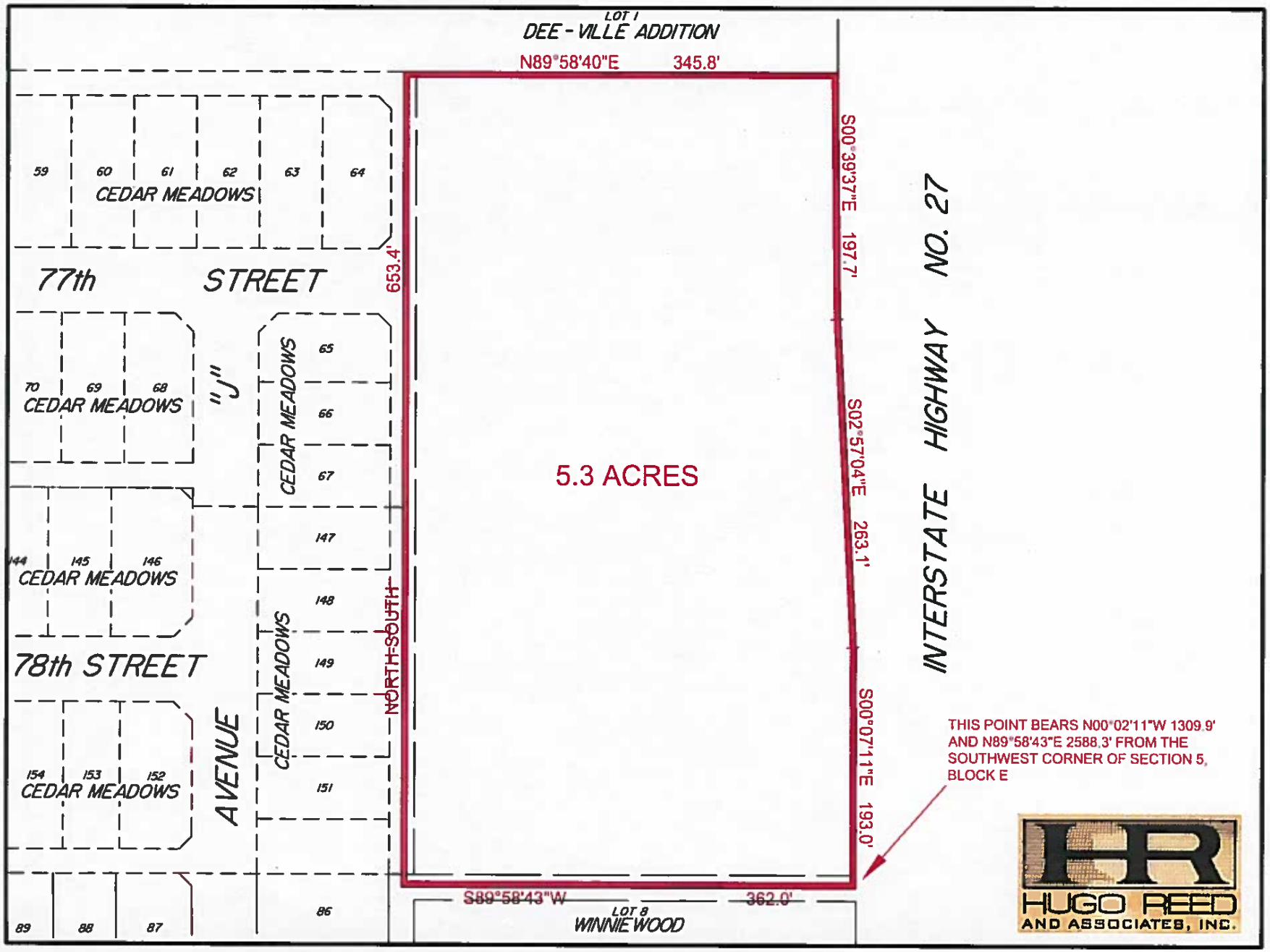


P.Z.C. Case 3285

Request of Hugo Reed and Associates, Inc. (for Dell Cannon) for a zoning change from R-1 to IHC, 7708 Interstate 27



P.Z.C. Case 3285 Zoning


LOT 1
DEE - VILLE ADDITION
N89°58'40"E 345.8'
S00°39'37"E 197.7'
S02°57'04"E 263.1'
S00°07'11"E 193.0'
S89°58'43"W 362.0'
653.4'
NORTH-SOUTH
5.3 ACRES
INTERSTATE HIGHWAY NO. 27
77th STREET
78th STREET
AVENUE "J"
CEDAR MEADOWS
59 60 61 62 63 64
70 69 68
65 66 67
144 145 146
147 148 149 150 151
154 153 152
86
89 88 87
LOT 8
WINNIE WOOD
THIS POINT BEARS N00°02'11"W 1309.9' AND N89°58'43"E 2588.3' FROM THE SOUTHWEST CORNER OF SECTION 5, BLOCK E
HR
HUGO REED
AND ASSOCIATES, INC.

HUGO REED AND ASSOCIATES, INC.
1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806/763-5642 / FAX 806/763-3891
TEXAS REGISTERED ENGINEERING FIRM F-760
TEXAS LICENSED SURVEYING FIRM 100676-00

LAND SURVEYORS
CIVIL ENGINEERS

METES AND BOUNDS DESCRIPTION of an approximate 5.3 acre tract of land located in Section 5, Block E, Lubbock County, Texas, being further described as follows:

BEGINNING at a point in the centerline of a 20 foot alley and the West right-of-way line of Interstate Highway No 27, for the Southeast corner of this tract which bears N. 00°02'11" W. an approximate distance of 1309.9 feet and N. 89°58'43" E. an approximate distance of 2588.3 feet from the Southwest corner of Section 5, Block E, Lubbock County, Texas;

THENCE S. 89°58'43" W., along the centerline of said 20 foot alley, an approximate distance of 362.0 feet to a point in the centerline of a 20 foot alley for the Southwest corner of this tract;

THENCE North, along the centerline of said 20 foot alley, an approximate distance of 653.4 feet to a point in the Southern boundary of Lot 1, Dee-Ville Addition, for the Northwest corner of this tract;

THENCE N. 89°58'40" E., along the Southern boundary of said Lot 1, an approximate distance of 345.8 feet to a point in the West right-of-way line of said Interstate Highway No 27, for the Southeast corner of said Lot 1 and the Northeast corner of this tract;

THENCE S. 00°39'37" E., along said West right-of-way line, an approximate distance of 197.7 feet to a point;

THENCE S. 02°57'04" E., continuing along said West right-of-way line, an approximate distance of 263.1 feet to a point;

THENEC S. 00°07'11" E., continuing along said West right-of-way line, an approximate distance of 193.0 feet to the Point of Beginning.

PREPARED FOR ZONE CHANGE PURPOSES ONLY. DOES NOT REPRESENT A SURVEY.

NOT FOR RECORDING

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print)
Hugo Reed and Associates, Inc.
1601 Avenue N
Street/Post Office Box
Lubbock, Texas 79401
City State Zip
(806) 763-5642
Telephone

For
Dell Cannon
642 CR 2
Street/Post Office Box
Tahoka, Texas 79373
City State Zip
(806) 441-1273
Telephone

Location or Address: South I-27 and 77th Street

Legal Description:* See metes and bounds description attached

Existing Land Use: Vacant **Existing Zoning:** R-1

Acreage or Square Footage of Property: 5.3 acres

Zoning Requested: IHC

Proposed Development: Unspecified commercial

If property is not subdivided, will preliminary plat be submitted? Yes _____ No _____

Terry Holeman
Applicant's Signature

March 7, 2016
Date

***There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.**

Filing Fee: $490 (Cannon #1973)
($475.00 for the first acre; $3.00 for each additional acre; $165 for non-profit)

For City Use Only PIN: 80954 M+B map 18

Zone Case No.: 3295 **Agenda No.:** _____

Request for zoning change from: R-1 **To:** IHC

5.242 Acres of unplatted land out of Block E Section 5

on Lot(s): — **Block(s):** —

Subdivision: — **Address:** 7708 I-27

Regular City Council Meeting **6. 6.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-O0068 for Zone Case 2895-L, a request of Hugo Reed and Associates, Inc., for Monterey Church of Christ, for a zoning change from A-2 to C-2 on 0.9 acres of land out of Tract A-1A-1, Monterey Church of Christ Addition, 6111 82nd Street.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

General comments:
The request is to rezone a portion of the church property to C-2 to allow for some small commercial use.

Adjacent land uses:
North: – existing commercial, zoned C-2.
South: – church, zoned A-2.
East: – church parking, zoned A-2.
West: – commercial, zoned IHC.

Comprehensive Land Use Plan (CLUP):
The request would be considered a minor change to the CLUP. This change however, would be consistent with the overall development of the adjacent area.

Zoning Policy:
The request is consistent with zoning policies as the existing church to the south offers as a buffer district between the new commercial and the future residential to the south.

Effect on the adjacent street and thoroughfare system:
With the limited amount of commercial being added to the large amount of existing commercial development, the case should have only a small impact on traffic and the thoroughfare system.

Recommendations:
Staff recommends approval of the case.

On April 7, 2016, the Planning and Zoning Commission recommended the request with a unanimous vote.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager
Planning and Zoning Commission

Attachments

Ordinance - Zone Case 2895-L
Map - Zone Case 2895-L

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 2895-L;** A ZONING CHANGE FROM **A-2** TO **C-2** ZONING DISTRICT ON **0.9 ACRES OF LAND OUT OF TRACT A-1A-1, MONTEREY CHURCH OF CHRIST ADDITION,** LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, the 1986 Comprehensive Land Use Plan as amended is a guide to help the Lubbock Planning and Zoning Commission and City Council determine the physical development of the community; however, planning is a continuous process and change is inevitable; and

WHEREAS, the Lubbock Planning and Zoning Commission and City Council recognize that the zone change is a minor deviation from the 1986 Comprehensive Land Use Plan as amended, which protects public and private commitments that have been previously based on the Plan; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 2895-L

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under the provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **A-2** to **C-2** zoning district on **0.9 acres of land out of Tract A-1A-1, Monterey Church of Christ Addition**, City of Lubbock, Lubbock County, Texas, located at **6111 82nd Street**, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SECTION 2. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars ($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Andrew Paxton, Director of Planning

APPROVED AS TO FORM:

Justin D. Pruitt, Assistant City Attorney

vw/cityatt/Justin/ZoneCase/ZC2895-L
April 7, 2016

HUGO REED AND ASSOCIATES, INC.
1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806/763-5642 / FAX 806/763-3891
TEXAS REGISTERED ENGINEERING FIRM F-760
TEXAS LICENSED SURVEYING FIRM 100676-00

LAND SURVEYORS
CIVIL ENGINEERS

METES AND BOUNDS DESCRIPTION of a portion of Tract A-1-A-1, Monterey Church of Christ Addition to the City of Lubbock, Lubbock County, Texas, being further described as follows:

BEGINNING at the Northernmost Northwest corner of Tract A-1-A-1, Monterey Center Church of Christ Addition to the City of Lubbock, Lubbock County, Texas, in the South right-of-way line of 82nd Street;

THENCE East, along the Northern Boundary of said Tract A-1-A-1 and South right-of-way line of 82nd Street, an approximate distance of 282.0 feet;

THENCE South, an approximate distance of 138.0 feet;

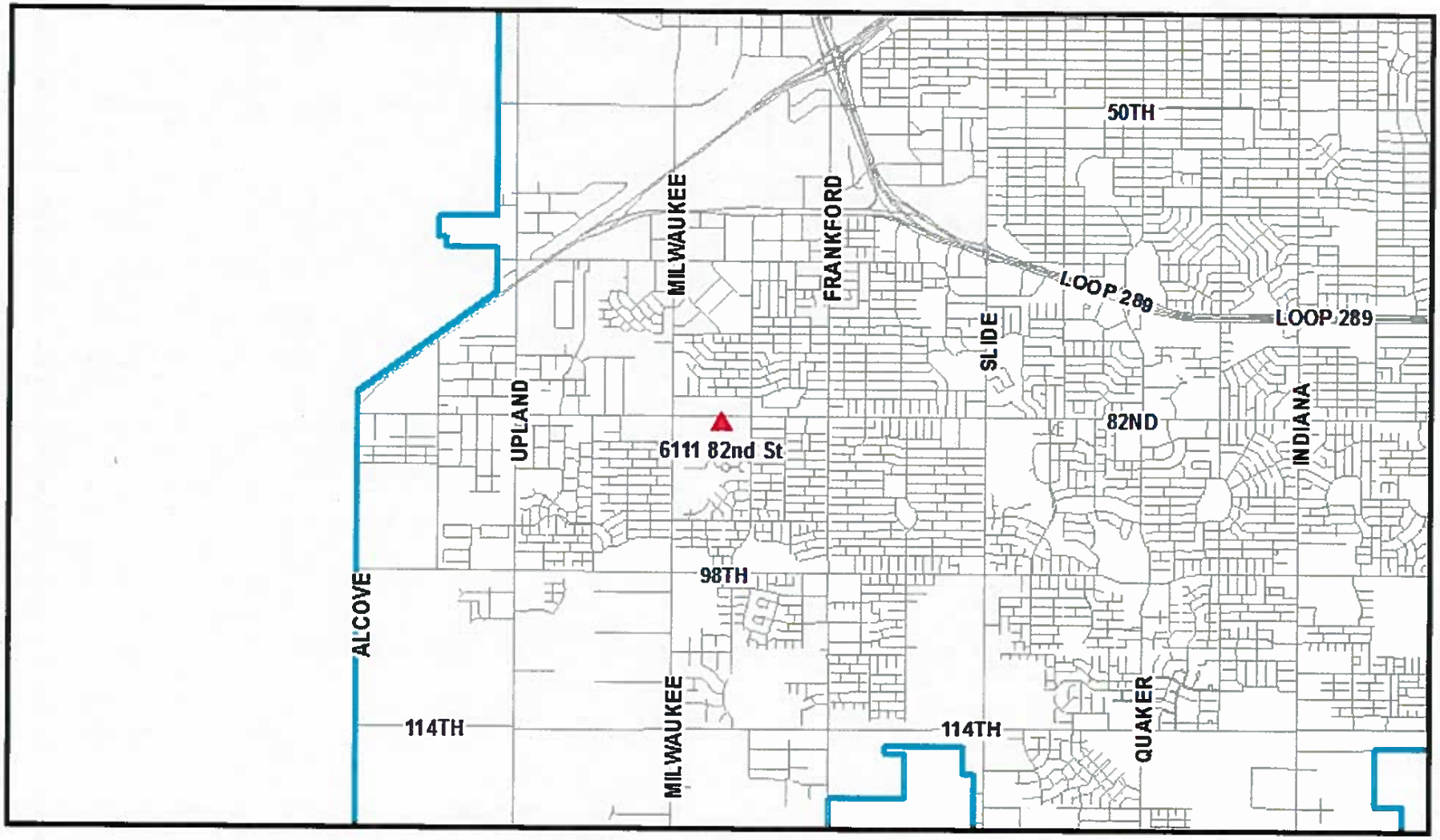
THENCE West, an approximate distance of 282.0 feet to a point in the Western boundary of said Tract A-1-A-1;

THENCE North, along the Western boundary of said Tract A-1-A-1, an approximate distance of 138.0 feet to the Point of Beginning.

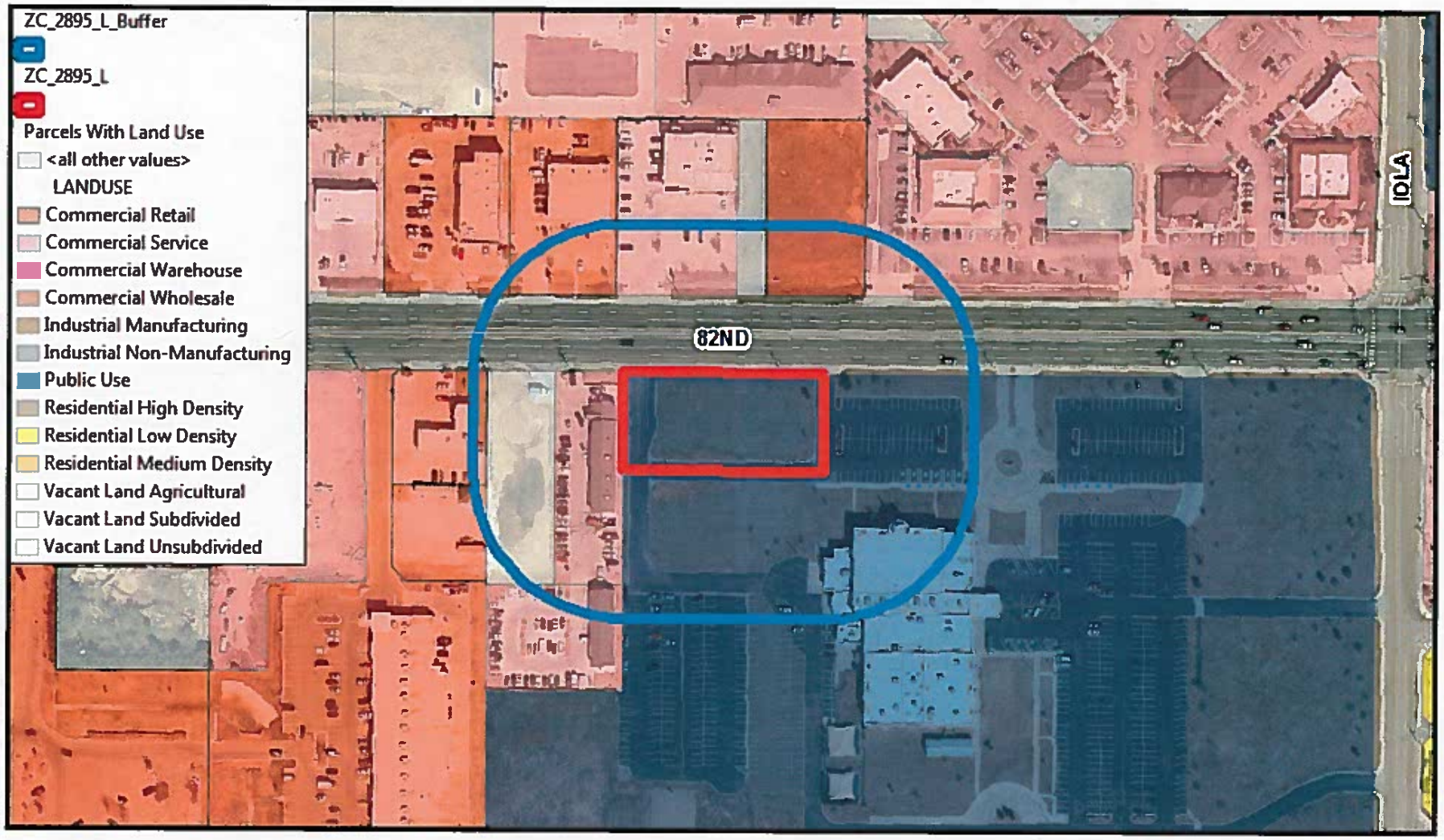
CONTAINS: 0.9 ACRES

PREPARED FOR: Monterey Church of Christ, March 7, 2016

PREPARED FOR ZONE CHANGE REQUEST ONLY AND DOES NOT REPRESENT A SURVEY.

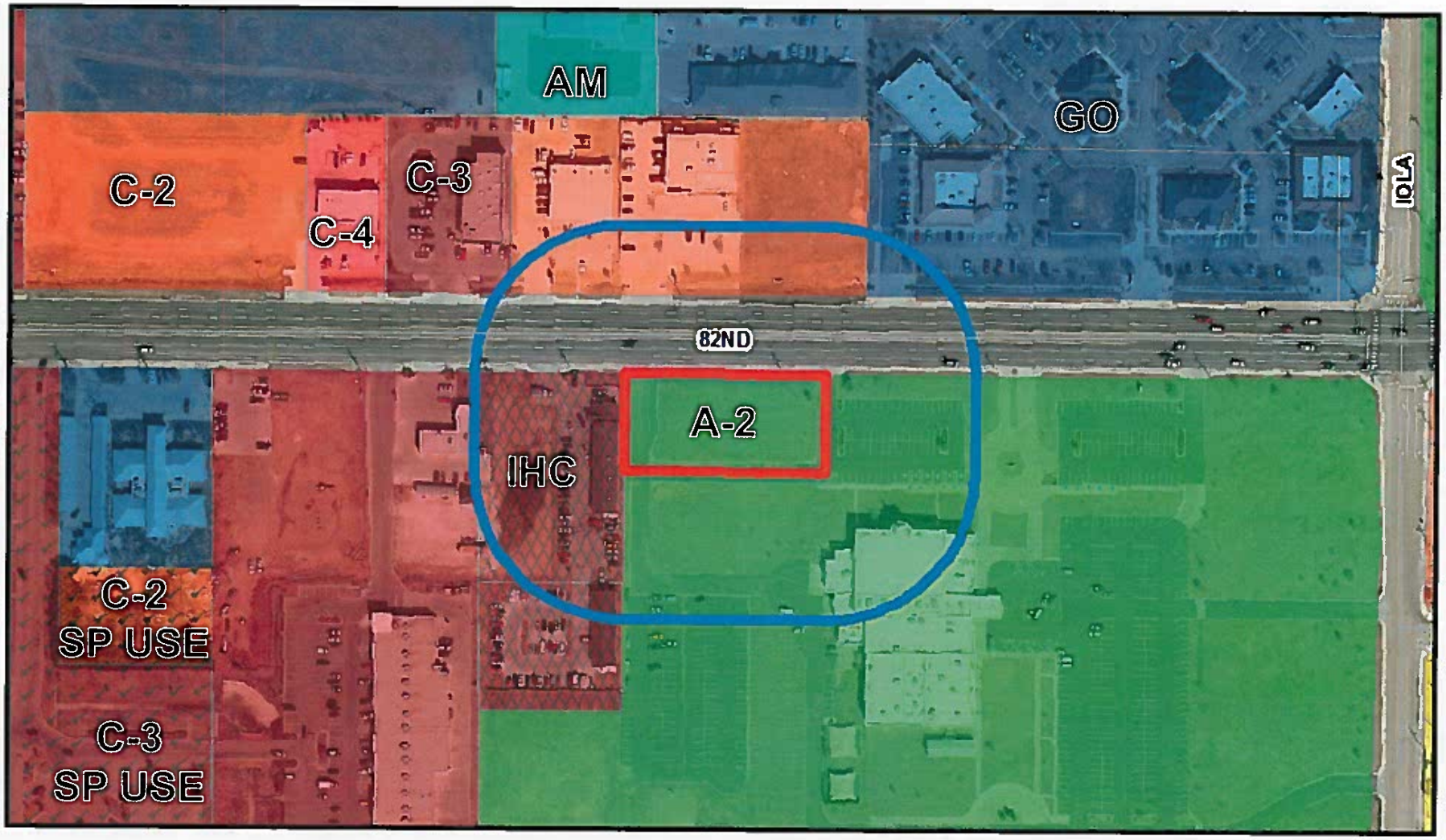


P.Z.C. Case 2895-L

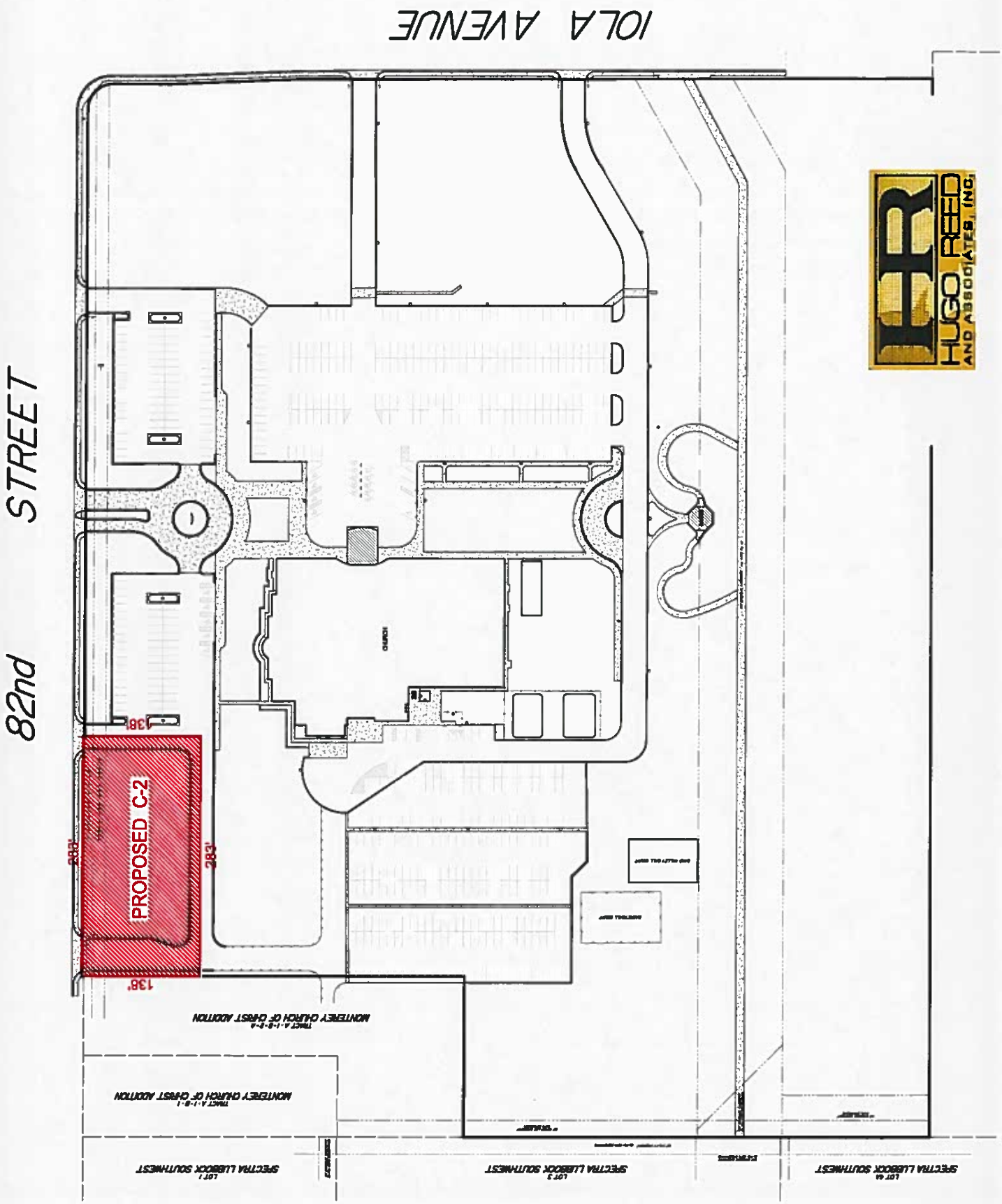


P.Z.C. Case 2895-L

Request of Hugo Reed and Associates, Inc. (for Monterey Church of Christ) for a zoning change from A-2 to C-2, 6111 82nd Street



P.Z.C. Case 2895-L Zoning


IOLA AVENUE
82nd STREET
PROPOSED C-2
138'
283'
283'
138'
CHURCH
HUGO REED AND ASSOCIATES, INC.

LAND SURVEYORS
CIVIL ENGINEERS

HUGO REED AND ASSOCIATES, INC.
1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806/763-5642 / FAX 806/763-3891
TEXAS REGISTERED ENGINEERING FIRM F-760
TEXAS LICENSED SURVEYING FIRM 100676-00

METES AND BOUNDS DESCRIPTION of a portion of Tract A-1-A-1, Monterey Church of Christ Addition to the City of Lubbock, Lubbock County, Texas, being further described as follows:

BEGINNING at the Northernmost Northwest corner of Tract A-1-A-1, Monterey Center Church of Christ Addition to the City of Lubbock, Lubbock County, Texas, in the South right-of-way line of 82nd Street;

THENCE East, along the Northern Boundary of said Tract A-1-A-1 and South right-of-way line of 82nd Street, an approximate distance of 282.0 feet;

THENCE South, an approximate distance of 138.0 feet;

THENCE West, an approximate distance of 282.0 feet to a point in the Western boundary of said Tract A-1-A-1;

THENCE North, along the Western boundary of said Tract A-1-A-1, an approximate distance of 138.0 feet to the Point of Beginning.

CONTAINS: 0.9 ACRES

PREPARED FOR: Monterey Church of Christ, March 7, 2016

PREPARED FOR ZONE CHANGE REQUEST ONLY AND DOES NOT REPRESENT A SURVEY.

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print)
Hugo Reed and Associates, Inc.
1601 Avenue N
Street/Post Office Box
Lubbock, Texas 79401
City State Zip
(806) 763-5642
Telephone

For
Monterey Church of Christ
6111 82nd Street
Street/Post Office Box
Lubbock, Texas 79424
City State Zip
(806) 473-3522 (Butch Davis)
Telephone

Location or Address: 82nd Street and Iola Avenue

Legal Description:* See metes and bounds description attached

Existing Land Use: Vacant

Existing Zoning: A-2 limited to church uses

Acreage or Square Footage of Property: 0.9 acres

Zoning Requested: C-2

Proposed Development: Coffee House

If property is not subdivided, will preliminary plat be submitted? Yes _____ No X

Terry Holeman
Applicant's Signature

March 7, 2016
Date

***There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.**

Filing Fee: $475 (HRA # 25237)
($475.00 for the first acre; $3.00 for each additional acre; $165 for non-profit)

For City Use Only

M+B map 21

Zone Case No.: 2895-L
Agenda No.: _____
Request for zoning change from: A-2
To: C-2

0.9 Acres of land out of Tract A-1-A-1, monterey Church of Christ Addition

on Lot(s): _____
Block(s): _____
Subdivision: _____
Address: 6111 82nd St

VS KH

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX, 79457, or fax to (806) 775-2100.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 775-2120.

Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: **P&Z Case No.: 2895-L**

In Favor of X

Opposed ____

Reasons and/or Comments:

RECEIVED
MAR 30 2020
PLANNING DEPARTMENT

Print Name SCOTT COLLIER (82 PARTNERS)
Signature: Scott Collier
Address: 4712-22ND ST LUBBOCK 79407
Address of Property Owned: 81ST & MILWAUKEE

Zone Case Number: **2895-L** 85350
AMISTAD COMMERICIAL PROPERTY LP
4712 22ND ST

LUBBOCK TX 79407

Regular City Council Meeting **6. 7.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-O0069 for Zone Case 2115-H, a request of Hugo Reed and Associates, Inc., for Arco Endeavors, LLC, for a zoning change from C-2 to C-3 on 1.5 acres of unplatted land out of Block E, Section 9, 2420 87th Street.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

General Comments:
The request is for a zoning change from C-2 to C-3 to allow a tire store.

Adjacent Land Uses:
North: C-2 (Ruby Tequila's restaurant).
South: A-2 and R-2 (Shelby and Friends Child Care Center and duplexes).
East: A-1 (Greenwood Cove Apartments).
West: C-3 and C-2 (Sudsy Springs Car Wash and a dialysis center that is currently under construction).

Comprehensive Land Use Plan (CLUP):
The request is consistent with the CLUP as the property has already been zoned commercial and is located along a major thoroughfare.

Zoning Policy:
The request is consistent with zoning policies as it is on a major thoroughfare and there are other adjacent commercial businesses.

Effect on the adjacent street and thoroughfare system:
There should be little to no effect on traffic in the area.

Recommendations:
On April 7, 2016, the Planning and Zoning Commission recommended the request with a unanimous vote, with the following conditions:
1. That the screening fence required on the south property line be waived.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager
Planning and Zoning Commission

Attachments

Ordinance - 2115-H
Map - Zone Case 2115-H

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 2115-H;** A ZONING CHANGE FROM **C-2** TO **C-3** ZONING DISTRICT ON **1.5 ACRES OF UNPLATTED LAND OUT OF BLOCK E, SECTION 9,** LUBBOCK, TEXAS; PROVIDING A PENALTY; SUBJECT TO CONDITIONS; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully compiled with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinances and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 2115-H

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under the provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **C-2** to **C-3** zoning district on **1.5 acres of unplatted land out of Block E, Section 9,** City of Lubbock, Lubbock County, Texas located at **2420 87th Street,** subject to conditions, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SUBJECT TO THE FOLLOWING CONDITIONS:

1. **THAT the screening fence required on the south property line shall be waived.**

SECTION 2. THAT violation of any provisions of this Ordinance shall be deemed a misdemeanor punishable by a fine not to exceed Two Thousand and No/100 Dollars ($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:

_____
Justin D. Pruitt, Assistant City Attorney

vw/CityAtt/Justin/Zones/ZC2115-H
April 7, 2016

LAND SURVEYORS
CIVIL ENGINEERS

HUGO REED AND ASSOCIATES, INC.
1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806/763-5642 / FAX 806/763-3891
TEXAS REGISTERED ENGINEERING FIRM F-760
TEXAS LICENSED SURVEYING FIRM 100676-00

METES AND BOUNDS DESCRIPTION of an approximate 1.5 acre tract of land located in Section 9, Block E, Lubbock County, Texas, being further described as follows:

BEGINNING at a point in the centerline of University Avenue for the Southwest corner of this tract which bears South an approximate distance of 1460.8 feet from the Northwest corner of Section 9, Block E, Lubbock County, Texas;

THENCE North, along the centerline of said University Avenue, an approximate distance of 178.0 feet to a point for the Northwest corner of this tract;

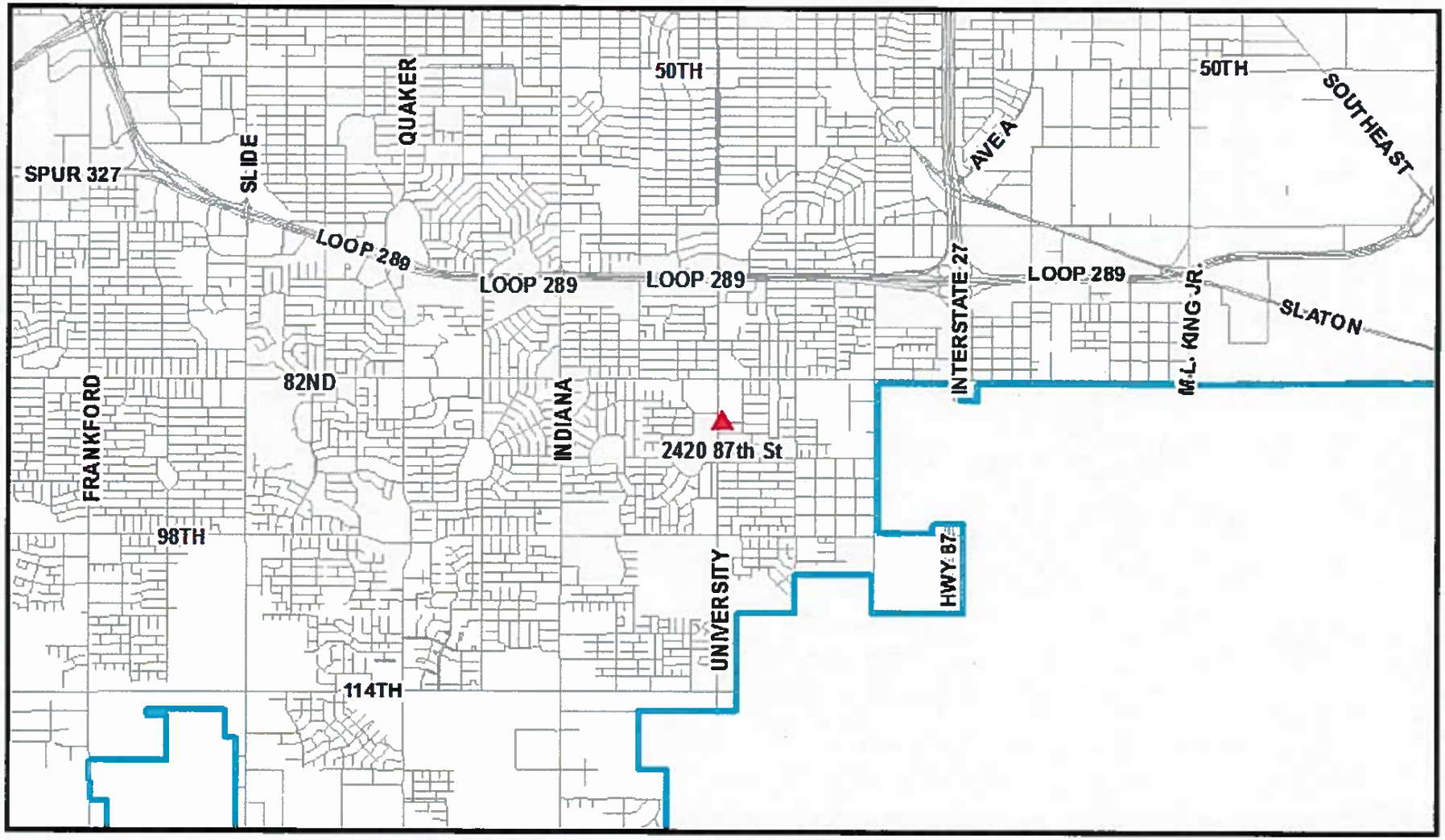
THENCE East, at an approximate 60.0 feet pass a point in the East right-of-way line of said University Avenue and the most Westerly Southwest corner of Tract A, Ruby Tequila's Unit #I, continuing along the Southern boundary of said Tract A, for an approximate total distance of 378.0 feet to a point for a corner of said Tract A and the Northeast corner of this tract;

THENCE South, along the Western boundary of said Tract A, at an approximate distance of 148.0 feet pass a point in the North right-of-way line of 87th Street and the most Southerly Southwest corner of said Tract A, continuing for an approximate total distance of 178.00 feet to a point in the centerline of said 87th Street for the Southeast corner of this tract;

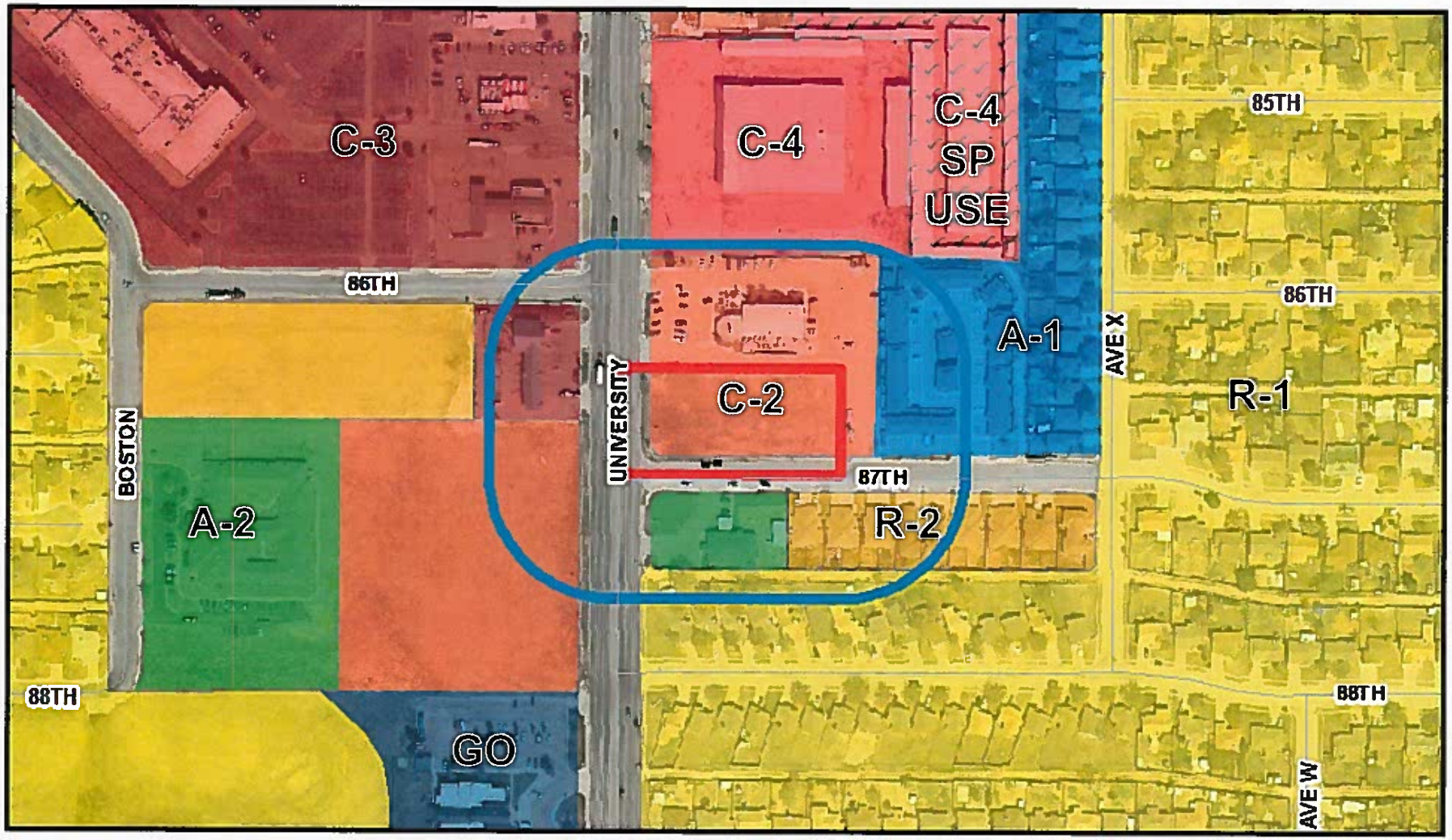
THENCE West, along the centerline of said 87th Street, an approximate distance of 378.0 feet to the Point of Beginning.

PREPARED FOR ZONE CHANGE PURPOSES ONLY. DOES NOT REPRESENT A SURVEY.

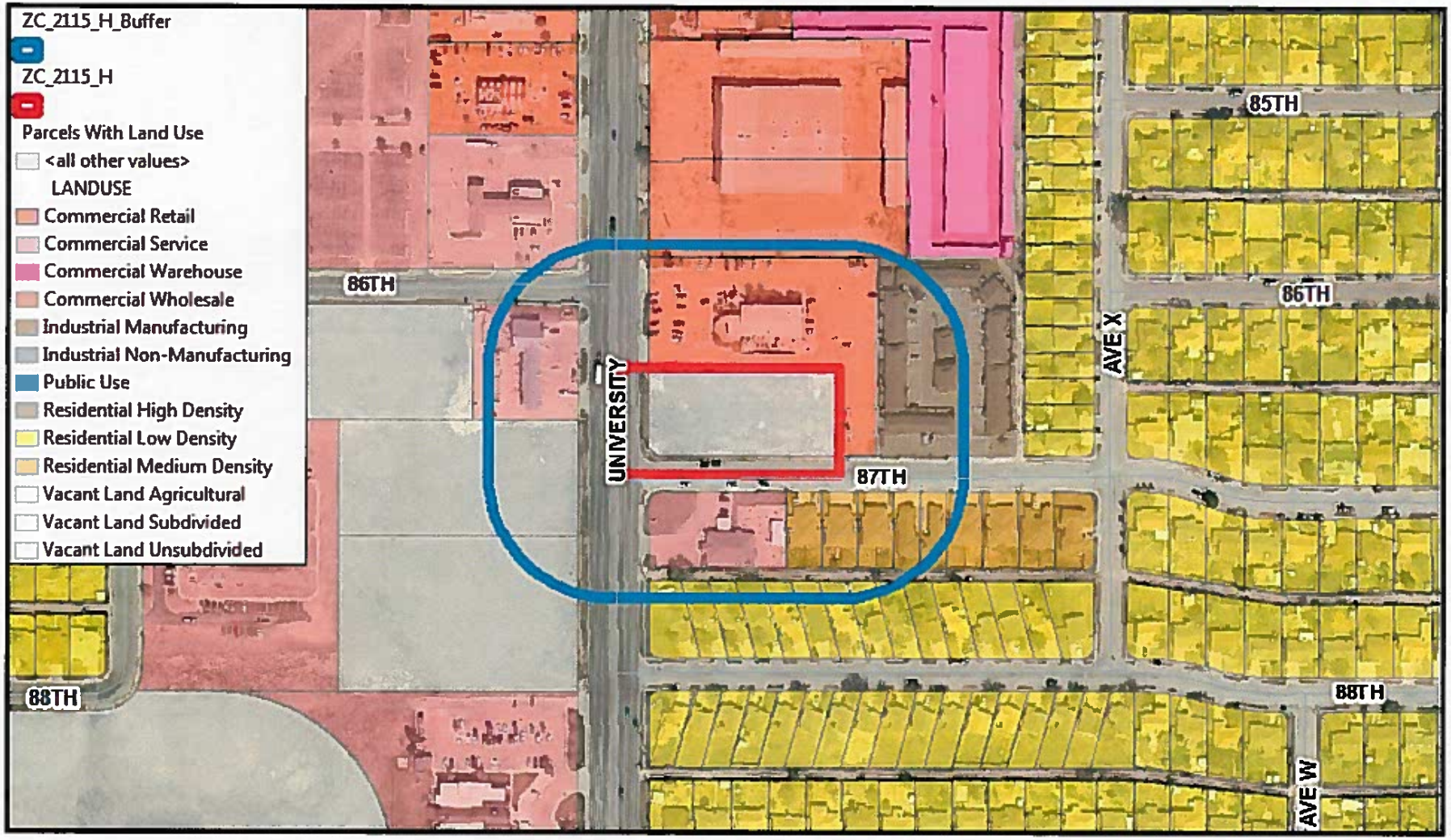
NOT FOR RECORDING



P.Z.C. Case 2115-H



P.Z.C. Case 2115-H Zoning



P.Z.C. Case 2115-H

Request of Hugo Reed and Associates, Inc. (for Arco Endeavors, LLC) for a zoning change from C-2 to C-3, 2420 87th Street

HUGO REED AND ASSOCIATES, INC.
239 - A
238 - A
237 - A
236 - B
236 - A
235 - A
234 - A
233 - A
232 - B
232 - A
231 - A
BICENTENNIAL ESTATES ADDITION
87th STREET
ARNOLD BUSINESS PARK
TRACT A
RUBY TEQUILA'S UNIT #1
TRACT A
1.5 ACRES
NORTH-SOUTH 178.0'
EAST-WEST 378.0'
EAST-WEST 378.0'
NORTH-SOUTH 178.0'
148'
30'
318'
60'
UNIVERSITY AVENUE
THIS POINT BEARS SOUTH 1460.8' FROM THE NORTHWEST CORNER OF SECTION 9, BLOCK E

LAND SURVEYORS
CIVIL ENGINEERS

HUGO REED AND ASSOCIATES, INC.
1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806/763-5642 / FAX 806/763-3891
TEXAS REGISTERED ENGINEERING FIRM F-760
TEXAS LICENSED SURVEYING FIRM 100676-00

METES AND BOUNDS DESCRIPTION of an approximate 1.5 acre tract of land located in Section 9, Block E, Lubbock County, Texas, being further described as follows:

BEGINNING at a point in the centerline of University Avenue for the Southwest corner of this tract which bears South an approximate distance of 1460.8 feet from the Northwest corner of Section 9, Block E, Lubbock County, Texas;

THENCE North, along the centerline of said University Avenue, an approximate distance of 178.0 feet to a point for the Northwest corner of this tract;

THENCE East, at an approximate 60.0 feet pass a point in the East right-of-way line of said University Avenue and the most Westerly Southwest corner of Tract A, Ruby Tequila's Unit #I, continuing along the Southern boundary of said Tract A, for an approximate total distance of 378.0 feet to a point for a corner of said Tract A and the Northeast corner of this tract;

THENCE South, along the Western boundary of said Tract A, at an approximate distance of 148.0 feet pass a point in the North right-of-way line of 87th Street and the most Southerly Southwest corner of said Tract A, continuing for an approximate total distance of 178.00 feet to a point in the centerline of said 87th Street for the Southeast corner of this tract;

THENCE West, along the centerline of said 87th Street, an approximate distance of 378.0 feet to the Point of Beginning.

PREPARED FOR ZONE CHANGE PURPOSES ONLY. DOES NOT REPRESENT A SURVEY.

NOT FOR RECORDING

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print)
Hugo Reed and Associates, Inc.
1601 Avenue N
Street/Post Office Box
Lubbock, Texas 79401
City State Zip
(806) 763-5642
Telephone

For
Arco Endeavors, LLC
409 E. Main
Street/Post Office Box
Llano, Texas 78463
City State Zip
(806) 773-6148
Telephone

Location or Address: 87th Street and University Avenue

Legal Description:* See metes and bounds description attached

Existing Land Use: Vacant **Existing Zoning:** C-2

Acreage or Square Footage of Property: 1.5 acres

Zoning Requested: C-3

Proposed Development: Tire Store

If property is not subdivided, will preliminary plat be submitted? Yes _____ No X

Terry Holeman
Applicant's Signature

March 7, 2016
Date

Filing Fee: $478 (Arthus #1021)
($475.00 for the first acre; $3.00 for each additional acre; $165 for non-profit)

***There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.**

For City Use Only PIN: M+B Map 19

Zone Case No.: 2115-H **Agenda No.:** _____

Request for zoning change from: C-2 **To:** C-3

1.088 Acres of unplatted land out of Block E Section 9

on Lot(s): _____ **Block(s):** —

Subdivision: — **Address:** 2420 87th St

VGVI

Regular City Council Meeting **6. 8.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-O0070 for Zone Case 3047-Q, a request of AMD Engineering, LLC, for Oakmont Estates Investments of Lubbock, LLC, for a zoning change from R-1 Specific Use to R-1 Specific Use for Garden Homes on 9.937 acres of unplatted land out of Block E-2, Section 23, 4901 118th Street.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

General Comments:
The request is for a zoning change from R-1 Specific Use for reduced setbacks to R-1 Specific Use for garden homes with reduced setbacks.

Adjacent Land Uses:
North: R-1 Specific Use for reduced setbacks (single family neighborhood that is currently developing).
South: GO (vacant; two garden offices have been constructed south of 122nd Street).
East: R-1 Specific Use for reduced setbacks (single family neighborhood that is currently developing).
West: CB-2 Specific Use (vacant; "Traditional Neighborhood Development" as stated in the Ordinance for the Vintage Township development).

Comprehensive Land Use Plan (CLUP):
The request is consistent with the CLUP as the base zoning of residential is not changing.

Zoning Policy:
The request is consistent with zoning policies as the base zoning of residential is not changing.

Effect on the adjacent street and thoroughfare system:
There should be little to no effect on traffic in the area.

Recommendations:
On April 7, 2016, the Planning and Zoning Commission recommended the request with a unanimous vote, with the following conditions:
1. A 5 foot side setback be allowed on corner lots.
2. An 18 foot rear setback be allowed for detached, non-rear facing garages.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager
Planning and Zoning Commission

Attachments

Ordinance - Zone Case 3047 - Q
Map - Zone Case 3047 -Q

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3047-Q;** A ZONING CHANGE FROM **R-1 SPECIFIC USE FOR REDUCED SETBACKS** TO **R-1 SPECIFIC USE** FOR **GARDEN HOMES,** ON **9.937 ACRES OF UNPLATTED LAND OUT OF BLOCK E-2, SECTION 23,** LUBBOCK, TEXAS; SUBJECT TO CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 3047-Q

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **R-1 Specific Use for reduced setbacks** to **R-1 Specific Use** for **Garden Homes** on **9.937 acres of unplatted land out of Block E-2, Section 23,** City of Lubbock, Lubbock County, Texas, located at **4901 118th Street,** subject to conditions, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SUBJECT TO THE FOLLOWING CONDITIONS:

1. **THAT a 5' side setback shall be allowed on corner lots.**

2. **THAT an 18" rear setback shall be allowed for detached, non-rear facing garages.**

SECTION 2. THAT the granting of this specific use zoning is hereby made subject to compliance with all provisions of Zoning Ordinance No. 7084, as amended, including particularly, but not limited to, Section 40.03.3102 of the Codified Zoning Ordinance, which provides that a Building Permit shall be applied for and secured within thirty (30) months of the effective date of the zone change or all undeveloped property shall automatically revert back to the previous zoning classification, which in this case is the **R-1 Specific Use for reduced setbacks** zone district; and if such reversion occurs, the Director of Planning is directed to remove from the Zoning Map the legend indicating such specific use. The Specific Use authorized by this Ordinance is permitted under provision of Section 40.03.3101-40.03.3103 of Codified Zoning Ordinance No. 7084 on the property described as **4901 118th Street**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars ($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Andrew Paxton, Director of Planning

APPROVED AS TO FORM:

Justin D. Pruitt, Assistant City Attorney

vw/CityAtt/Justin/Zones/ZC3047-Q
April 7, 2016

AMD ENGINEERING, LLC

Rezone to R-1 Specific Use

METES AND BOUNDS DESCRIPTION of a 9.937 acre tract of land located in Section 23, Block E-2, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point for the most Westerly Southwest corner of this tract whence the Southwest corner of the North half of Section 23, Block E-2 bears S00°02'03"W, approximately 297.00 feet and N89°56'27"W, approximately 340.67 feet;

THENCE N00°00'34"W, approximately 679.67 feet to a point for the most Westerly Northwest corner of this tract;

THENCE N44°59'43"E, approximately 21.21 feet to a point for the most Northerly Northwest corner of this tract;

THENCE East, approximately 447.98 feet to a point for the Northeast corner of this tract;

THENCE South, approximately 174.50 feet to a point for a corner of this tract;

THENCE East, approximately 81.00 feet to a point for a corner of this tract;

THENCE South, approximately 195.50 feet to a point for a corner of this tract;

THENCE East, approximately 166.00 feet to a point for a corner of this tract;

THENCE S45°E, approximately 21.21 feet to a point for a corner of this tract;

THENCE South, approximately 309.67 feet to a point for the most Easterly Southeast corner of this tract;

THENCE S45°W, approximately 21.21 feet to a point for the most Southerly Southeast corner of this tract;

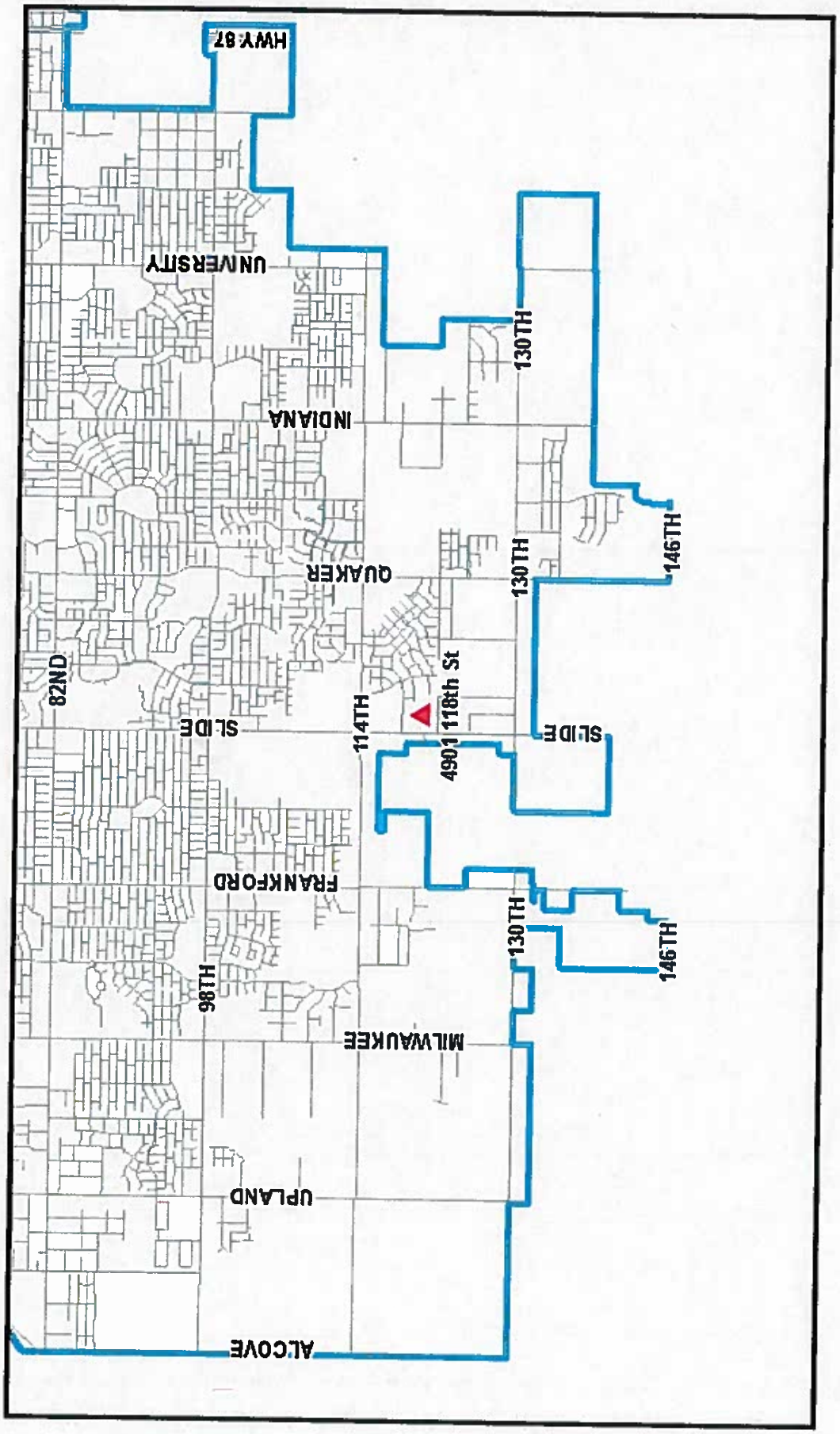
THENCE West, approximately 694.86 feet to a point for the most Southerly Southwest corner of this tract;

THENCE N45°W, approximately 21.21 feet to the Point of Beginning and containing approximately 9.937 acres, including any Right of Way.

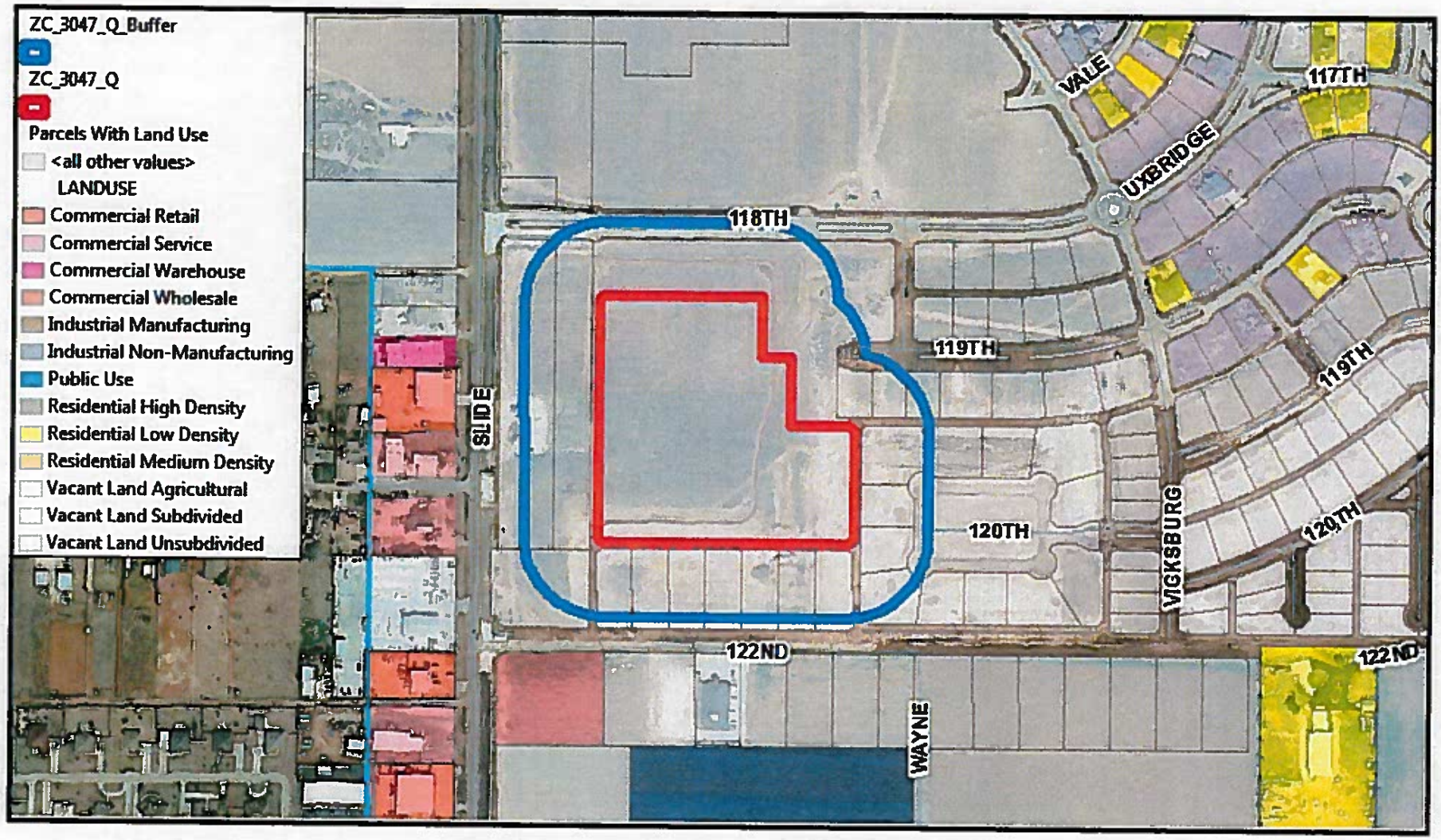
PREPARED FOR ZONE CHANGE REQUEST ONLY; DOES NOT REPRESENT A SURVEY.

Prepared for: Jewell Davis
March 7, 2016

P:\2016\16034-823BE2-OAKMONT PHASE 7\SURVEY\WORD\FIELDNOTE DESCRIPTIONS\16034-823BE2-ZONE CHANGE TO R-1 SPEC USE.doc

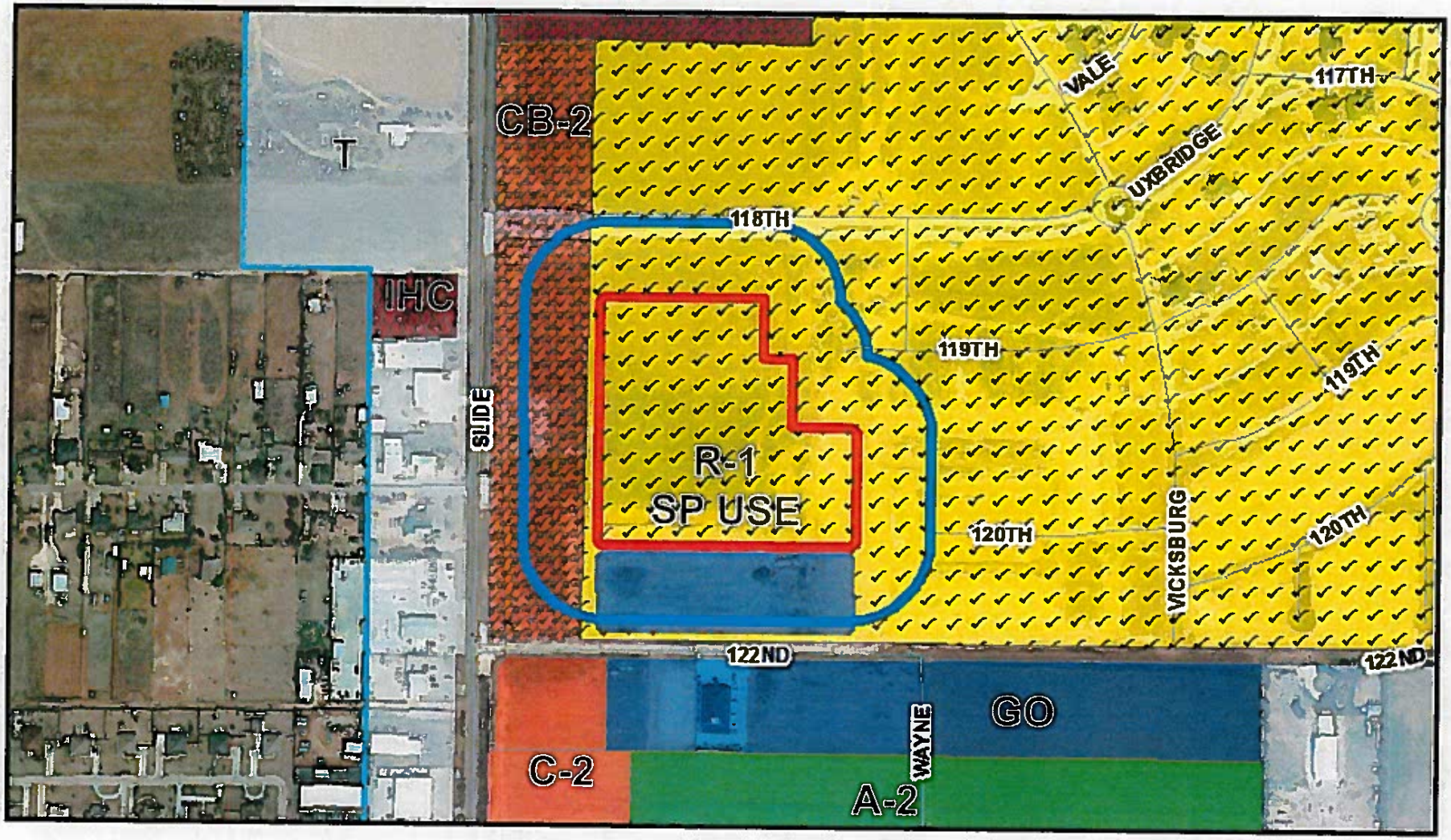


P.Z.C. Case 3047-Q



P.Z.C. Case 3047-Q

Request of AMD Engineering, LLC (for Oakmont Estates Investments of Lubbock, LLC) for a zoning change from R-1 Specific Use to R-1 Specific Use for Garden Homes, 4901 118th Street



P.Z.C. Case 3047-Q Zoning

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant AMD Engineering, LLC
(Please Print)
2807 74th Street, Ste. 8
Street/Post Office Box
Lubbock TX 79423
City State Zip
(806) 771-5976
Telephone

For OAKMONT ESTATES INVESTMENTS OF LUBBOCK, LLC
PO Box 64446
Street/Post Office Box
Lubbock TX 79464
City State Zip
(806) 789-7909
Telephone

Location or Address: 119th Street and Winston Avenue (Proposed Lots 193-224, Oakmont Estates)

Legal Description:* See Attached Metes and Bounds Description

Existing Land Use: Ag Use **Existing Zoning:** R1

Acreage or Square Footage of Property: 9.937 acres

Zoning Requested: R-1 Specific Use for Garden Homes (with 18" rear setback for detached, side garage, 15' front setback, and 5' side setback on corner lots)

Proposed Development: Garden Homes

If property is not subdivided, will preliminary plat be submitted? Yes x No

Applicant's Signature

March 7, 2016
Date

*There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.

Filing Fee: $502
($475.00 for the first acre; $3.00 for each additional acre)

For City Use Only

M+B MAP 41

Zone Case No.: 3047-Q **Agenda No.:**

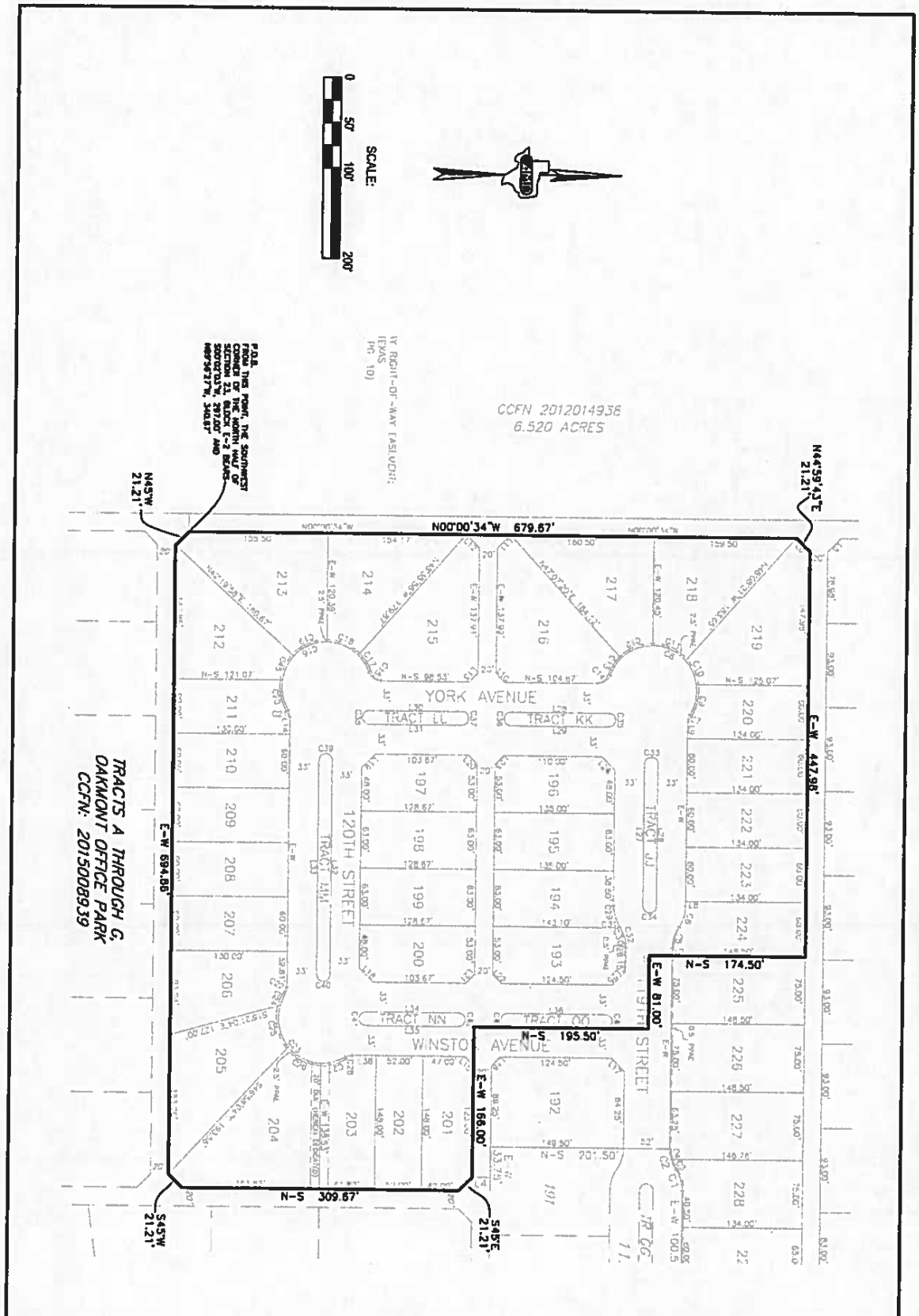
Request for zoning change from: R-1 SP Use reduced setbacks **To:** R-1 SP Use, Garden Homes

on 9.937 Acres of unplatted Land out of Block E-2, Section 23

on Lot(s) —, **Block(s)** —,

— **Addition** **(Address:** 4901 118th St **).**

VC



SKETCH FOR ZONING CHANGE

AMD
CIVIL ENGINEERING
LAND SURVEYING
AMD Engineering, LLC
2807 74th Street, Suite 8
Lubbock, TX 79423
Phone: 806-771-5978
Fax: 806-771-7825
Accuracy - Efficiency - Integrity

AMD ENGINEERING, LLC

Rezone to R-1 Specific Use

METES AND BOUNDS DESCRIPTION of a 9.937 acre tract of land located in Section 23, Block E-2, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point for the most Westerly Southwest corner of this tract whence the Southwest corner of the North half of Section 23, Block E-2 bears S00°02'03"W, approximately 297.00 feet and N89°56'27"W, approximately 340.67 feet;

THENCE N00°00'34"W, approximately 679.67 feet to a point for the most Westerly Northwest corner of this tract;

THENCE N44°59'43"E, approximately 21.21 feet to a point for the most Northerly Northwest corner of this tract;

THENCE East, approximately 447.98 feet to a point for the Northeast corner of this tract;

THENCE South, approximately 174.50 feet to a point for a corner of this tract;

THENCE East, approximately 81.00 feet to a point for a corner of this tract;

THENCE South, approximately 195.50 feet to a point for a corner of this tract;

THENCE East, approximately 166.00 feet to a point for a corner of this tract;

THENCE S45°E, approximately 21.21 feet to a point for a corner of this tract;

THENCE South, approximately 309.67 feet to a point for the most Easterly Southeast corner of this tract;

THENCE S45°W, approximately 21.21 feet to a point for the most Southerly Southeast corner of this tract;

THENCE West, approximately 694.86 feet to a point for the most Southerly Southwest corner of this tract;

THENCE N45°W, approximately 21.21 feet to the Point of Beginning and containing approximately 9.937 acres, including any Right of Way.

PREPARED FOR ZONE CHANGE REQUEST ONLY; DOES NOT REPRESENT A SURVEY.

Prepared for: Jewell Davis
March 7, 2016

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Regular City Council Meeting **6. 9.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading - Building Inspection: Consider Ordinance 2016-O0072 amending Article 28.09 of the Code of Ordinances of the City of Lubbock with regard to adoption of the 2012 International Building Code with local amendments.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

The International Building Code is a national model construction code that governs new construction, remodeling and repair of all buildings and structures in the jurisdiction except one and two family dwellings. It is updated on a triennial basis pursuant to a legislative process wherein building and fire officials of member jurisdictions, including Lubbock, have the opportunity to cast votes regarding proposed changes. State-level governments, including Texas, typically mandate adoption at a local level. In Texas, local amendment is not prohibited, and Lubbock has historically done so in order to suit local conditions and preferences.

The proposed 2012 edition retains existing amendments, and has added a noteworthy amendment simplifying roof storm drainage design procedures for engineers and architects.

Fiscal Impact

None.

Staff/Board Recommending

Steve O'Neal, Chief Building Official
Model Code and Construction Ordinance Advisory Board

Attachments

Ordinance - Building Code

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 28.09 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS WITH REGARD TO ADOPTION OF THE 2012 INTERNATIONAL BUILDING CODE AND PROVIDING FOR CERTAIN AMENDMENTS THERETO TO MEET LOCAL CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the opinion of the City Council that the best interests of the citizens of the City of Lubbock would be served by adoption of the 2012 International Building Code with certain amendments to meet local conditions; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT **Article 28.09** of the Code of Ordinances of the City of Lubbock is hereby amended to read as follows:

ARTICLE 28.09 BUILDING CODE

Division 1. Generally

Sec. 28.09.001 Adopted

(a) The 2012 edition of the International Building Code published by the International Code Council, Inc., as hereinafter amended, including all appendices and reference standards not specifically excluded below, is hereby adopted as the building code of the city.

(b) Exceptions. The following provisions are specifically excluded from adoption:

(1) Chapter 11 — Accessibility.

(2) Appendix A — Employee Qualifications.

(3) Appendix B — Board of Appeals.

(4) Appendix D — Fire Districts.

(5) Appendix E — Supplemental Accessibility Requirements.

(6) Appendix F — Rodent proofing.

(7) Appendix G — Flood-Resistant Construction. Projects must instead conform to the applicable provisions of article 30.03 of the Lubbock Code of Ordinances.

(8) Appendix J — Grading.

(9) Appendix K — Administrative Provisions.

(10) Appendix L — Earthquake Recording Instrumentation.

(11) Appendix M — Tsunami-Generated Flood Hazard.

(c) A copy of said building code is attached hereto and incorporated herein as though set out herein in detail. References to the International Building Code in this article shall mean the 2012 edition. One copy of the 2012 International Building Code shall be filed with the city secretary and a copy shall be maintained in the office of the city building official. All such copies, with the amendments thereto, shall be open to public inspection during the usual business hours of the offices where they are maintained.

Sec. 28.09.002 Administration

Chapter 1 of the 2012 International Building Code, entitled "Administration," is hereby deleted in its entirety, and the following sections 28.09.003 through 28.09.091 substituted therefor.

Sec. 28.09.003 Intent and purpose

The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

Sec. 28.09.004 Administrative provisions

Provisions governing the administration of the 2012 International Building Code shall be as set forth herein.

Sec. 28.09.005 General administrative provisions

Provisions governing the administration of the 2012 International Building Code shall be as set forth herein.

Sec. 28.09.006 Supplemental administrative provisions

The following administrative provisions are in addition to the general administrative provisions of articles 28.01 through 28.08 of this chapter, and are specific to projects within the scope of this article (the 2012 International Building Code).

Secs. 28.09.007—28.09.040 Reserved

Division 2. Construction Documents; Specific Submittal Requirements

Sec. 28.09.041 Construction documents; specific submittal requirements

In addition to submittal requirements specified in article 28.05, division 1 of this code, the documentation described in sections 28.09.042 through 28.09.046 of this code shall be submitted, as applicable.

Sec. 28.09.042 Fire protection system shop drawings

Shop drawings for fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in chapter 9, and shall be reviewed by the fire marshal.

Sec. 28.09.043 Means of egress

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in group R-3, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

Sec. 28.09.044 Exterior wall envelope

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

Sec. 28.09.045 Site plan

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary

line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

Sec. 28.09.046 Survey and survey certificate

At the time of application for a building permit for first-time construction of a building upon a lot previously undeveloped with buildings, and at other times as determined necessary by the building official, the applicant shall furnish a certificate, prepared by a licensed surveyor, attesting to having performed a recent survey of the subject lot, and having placed boundary line corner stakes thereon. The property owner or building contractor shall be responsible for boundary line corner stakes being in place at the time of the first inspection by the building official. Said certificate shall also state whether or not the subject lot lies within a special flood hazard area as determined by the latest FEMA flood insurance rate map (FIRM) for the City of Lubbock, in which case the applicant must also follow procedures under Section 30.03.042 of this Code of Ordinances (Development Permit Application). In all cases where it may appear to the building official that the proposed improvements will encroach upon any easement or public way, or come within established building lines, or affect setback requirements under any ordinance, the building official is required to refer the application for permit to the city engineer and/or the city planner, as applicable, and secure their approvals before issuing a building permit.

Secs. 28.09.047—28.09.080 Reserved

Division 3. Inspections

Sec. 28.09.081 Scope

The building official, upon notification from the permittee, shall make the inspections set forth in sections 28.09.082 through 28.09.091 below.

Sec. 28.09.082 Footing and foundation inspection

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

Sec. 28.09.083 Concrete slab and under-floor inspection

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

Sec. 28.09.084 Finished floor elevation

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in article 30.03 of the Code of Ordinances shall be submitted to the building official. Where necessary to determine that the finished floor elevation is in compliance with other provisions of this code, the building official is authorized to require that an elevation certificate be prepared by a registered professional land surveyor or a licensed professional engineer prior to authorizing further vertical construction.

Sec. 28.09.085 Framing

Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

Sec. 28.09.086 Lath and gypsum board

Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

Sec. 28.09.087 Fire-resistant penetrations

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

Sec. 28.09.088 Energy efficiency

Inspections shall be made to determine compliance with chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

Sec. 28.09.089 Other inspections

In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

Sec. 28.09.090 Special inspections

For special inspections, see section 1704.

Sec. 28.09.091 Final inspection

The final inspection shall be made after all work required by the building permit is completed.

Secs. 28.09.092—28.09.130 Reserved

Division 4. Specific Amendments

Sec. 28.09.131 Adopted

Specific amendments to the International Building Code adopted in section 28.09.001 are as follows:

(1) Accessible means of egress. Section 1007 is deleted in its entirety.

(2) Special locking arrangements in Group I-2. Section 1008.1.9.6 is hereby amended to read as follows:

1008.1.9.6 Special locking arrangements in Group I-2. Approved special egress locks shall be permitted in a Group I-2 occupancy where the clinical needs of persons receiving care require such locking. Special egress locks shall be permitted in such occupancies where the building is equipped throughout with an automatic sprinkler system in accordance with section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with section 907, provided that the doors are installed and operate in accordance with items 1 through 7 below.

1. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.

2. The doors unlock upon loss of power controlling the lock or lock mechanism.

3. The door locks shall have the capability of being unlocked by a signal from the fire command center, a nursing station or other approved location.

4. A building occupant shall not be required to pass through more than one door equipped with a special egress lock before entering an exit.

5. The procedures for the operation(s) of the unlocking system shall be described and approved as part of the emergency planning and preparedness required by chapter 4 of the International Fire Code.

6. All clinical staff shall have the training, keys, codes or other means necessary to operate the locking devices.

7. Emergency lighting shall be provided at the door.

Exception: Items 1 and 2 shall not apply to doors to areas where persons, because of clinical needs, require restraint or containment.

(3) Delayed egress locks. Section 1008.1.9.7 is hereby amended to read as follows:

1008.1.9.7 Delayed egress locks. Approved, listed, delayed egress locks shall be permitted to be installed on doors serving any occupancy except Group A, E and H occupancies in buildings that are equipped throughout with an automatic sprinkler system in accordance with section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors unlock in accordance with items 1 through 6 below. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an exit.

1. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.

2. The doors unlock upon loss of power controlling the lock or lock mechanism.

3. The door locks shall have the capability of being unlocked by a signal from the fire command center, or other location approved by the fire official.

4. The initiation of an irreversible process which will release the lock in not more than 15 seconds when a force of not more than 15 pounds (67 N) is applied for 1 second to the release device. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the door lock has been released by the application of force to the releasing device, relocking shall be by manual means only.

   Exception: Where approved, a delay of not more than 30 seconds is permitted.

5. A sign shall be provided on the door located above and within 12 inches (305 mm) of the release device reading: PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 [30] SECONDS.

6. Emergency lighting shall be provided at the door.

(4) Access-controlled egress doors. Section 1008.1.9.8 is hereby amended to read as follows:

1008.1.9.8 Access-controlled egress doors. The entrance doors in a means of egress in buildings with an occupancy in Group A, B, E, I-2, M, R-1 or R-2 and entrance doors to tenant spaces in occupancies in Groups A, B, E, I-2, M, R-1 and R-2 are permitted to be equipped with an approved entrance and egress access control system, listed in accordance with UL 294, which shall be installed in accordance with all of the following criteria:

1. A sensor shall be provided on the egress side arranged to detect an occupant approaching the doors. The doors shall be arranged to unlock by a signal from or loss of power to the sensor.

2. Loss of power to that part of the access control system which locks the doors shall automatically unlock the doors.

3. The doors shall be arranged to unlock from a manual unlocking device located 40 inches to 48 inches (1016 mm to 1219 mm) vertically above the floor, in sight and within 5 feet (1524 mm) of the secured doors. Ready access shall be provided to the manual unlocking device and the device shall be clearly identified by a sign that reads "If door will not operate, PUSH TO EXIT." When operated, the manual unlocking device shall result in direct mechanical interruption of power to the lock–independent of the access control system electronics–and the doors shall remain

unlocked for a minimum of 30 seconds. The manual unlocking device shall be provided with a hinged, clear plastic cover.

4. Activation of the building fire alarm system, if provided, shall automatically unlock the doors, and the doors shall remain unlocked until the fire alarm system has been reset.

5. Activation of the building automatic sprinkler or fire detection system, if provided, shall automatically unlock the doors. The doors shall remain unlocked until the fire alarm system has been reset.

6. Entrance doors in buildings with an occupancy in Group A, B, E or M shall not be secured from the egress side during periods that the building is open to the general public. A readily visible, durable sign shall be posted on the egress side of such entrance doors stating: THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS. The sign shall be in letters one (1) inch high on a contrasting background. For purposes of this section, "entrance doors" refer to building or tenant space perimeter doors that are equipped with entrance hardware.

(5) (Ventilation) General. Section 1203.1 is hereby amended to read as follows:

1203.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the International Mechanical Code.

(6) Secondary (emergency overflow) drains or scuppers. Section 1503.4.1 is hereby amended to read as follows:

1503.4.1 Secondary (emergency overflow) drains or scuppers. Where roof drains are required, secondary (emergency overflow) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason. The installation and sizing of secondary emergency overflow drains, leaders and conductors shall comply with Sections 1106 and 1108, as applicable, of the International Plumbing Code. Refer to Figures L1611.2(1), L1611.2(2), and L1611.2(3) for roof drainage system constructions. The roof structure shall be designed to support the load of ponding rainwater when the rain load on the undeflected roof exceeds 20 psf (0.96 kN/m^2) as determined by Section 1611.1.

(7) Scuppers. Section 1503.4.2 is hereby amended to read as follows:

1503.4.2 Scuppers. When scuppers are used for secondary (emergency overflow) roof drainage, the quantity, size, location and inlet elevation of the scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Sections 1607.12, 1608, and 1611. The flow through the primary system shall not be considered when locating and sizing scuppers. The quantity, size, location and inlet elevation of the secondary overflow scuppers shall be designed and constructed to meet all of the following, as applicable:

1. Where secondary overflow scuppers are used, they shall be sized to have an opening area at least three times the area of the primary roof drains, shall have a minimum opening dimension (height or width) of 4 inches, and shall be installed in the adjacent parapet walls with the inlet flow line located not more than 2 inches (51 mm) above the low point of the roof drainage area served. Refer to Figure L1611.2(4).

2. Where secondary overflow drains are used in lieu of scuppers, they shall have the same size as the primary roof drains and shall be installed with the inlet flow line located not more than 2 inches (51 mm) above the low point of the roof drainage area served. Refer to Figure L1611.2(5).

3. Secondary overflow drains shall discharge to an approved location and shall not be connected to the primary roof drain lines.

(8) General (Live loads). Section 1607.1 is hereby amended to read as follows:

1607.1 General. Live loads are those loads defined in Section 1602.1. A summary of various live load factors, as well as other climatic and geographic design criteria to be used in Lubbock, Texas, is included in Table L1607 below.

TABLE L1607

SUMMARY OF CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load:	P_g = 15 psf
Design Wind Speed:	
Risk Category I Buildings:	V_{ult} = 105 mph, V_{asd} = 81.5 mph
Risk Category II Buildings:	V_{ult} = 115 mph, V_{asd} = 89 mph
Risk Category III and IV Buildings:	V_{ult} = 120 mph, V_{asd} = 93 mph
Seismic Design Category:	SDC = A
Mapped Spectral Response Acceleration at Short Period:	S_s = 0.078g
Mapped Spectral Response Acceleration at 1-Second Period:	S_1 = 0.032g
Weathering:	Moderate
Frost Line Depth:	14 Inches
Termite:	Moderate to Heavy
Decay:	None to Slight
Summer Dry Bulb Temperature:	96 Degrees F.
Summer Wet Bulb Temperature:	69 Degrees F.
Winter Dry Bulb Temperature:	15 Degrees F.
Heating Degree Days:	3499 Days
Cooling Degree Days:	1738 Days
Climate Zone:	7B; Zone 3 per ASHRAE 90.1
Flood Hazards:	Refer to Chapter 30, Article 30.03 of the Code of Ordinances
100 Year Hourly Rainfall Rate:	I = 3.3 Inches per Hour

(9) General (Reduction in roof live loads). Section 1607.12.2 is hereby amended to read as follows:

1607.12.2 General (Reduction in roof live loads). The minimum uniformly distributed live loads of roofs and marquees, L_o, in Table 1607.1 are permitted to be reduced in accordance with Section 1607.12.2.1 except that no roof live load reduction is permitted for any structural roof member on roofs having slopes less than or equal to four (4) inches per foot, or on any arch or dome having a rise less than one-eighth of the span.

(10) Special design rain loads. A new Section 1611.4 is hereby added, which shall read as follows:

1611.4 Special design rain loads. Where the roof perimeter construction extends above the roof and scuppers are used for secondary emergency overflow, the scuppers shall be designed in accordance with Table L1611.2 in order to limit the rain load on the roof to 20 psf (0.96 kN/m^2) or less. The roof structure shall be designed for additional rain load in accordance with Section 1611.1 if the wall and roof drainage areas

contributing water to a scupper exceed the values shown in Table L1611.2.

Table L1611.2

MAXIMUM CONTRIBUTING AREAS FOR PARAPET WALL SCUPPERS

For This Table: d_s = 2", i = 3.3 in./hr., and Rain Load, R = 20 psf

Width of Scupper, b (inches)	Maximum Contributing Roof and Wall Areas, A (square feet)
4"	849
5"	1061
6"	1273
7"	1485
8"	1697
10"	2122
12"	2546
16"	3395
24"	5092

A = Maximum Allowable Horizontally Projected Roof Areas Plus One-Half of the Vertical Wall Areas Contributing to the roof drainage area so that the maximum Rain Load on the roof, R, does not exceed **20 psf.** (3.846" of Water Weighs 20 psf, which is equal to the Roof Live Load)

d_s = Depth of Rainwater from the Primary Roof Drain up to the Bottom of the Scupper Inlet (also referred to as Static Head), inches. For this Table; **d_s = 2"**.

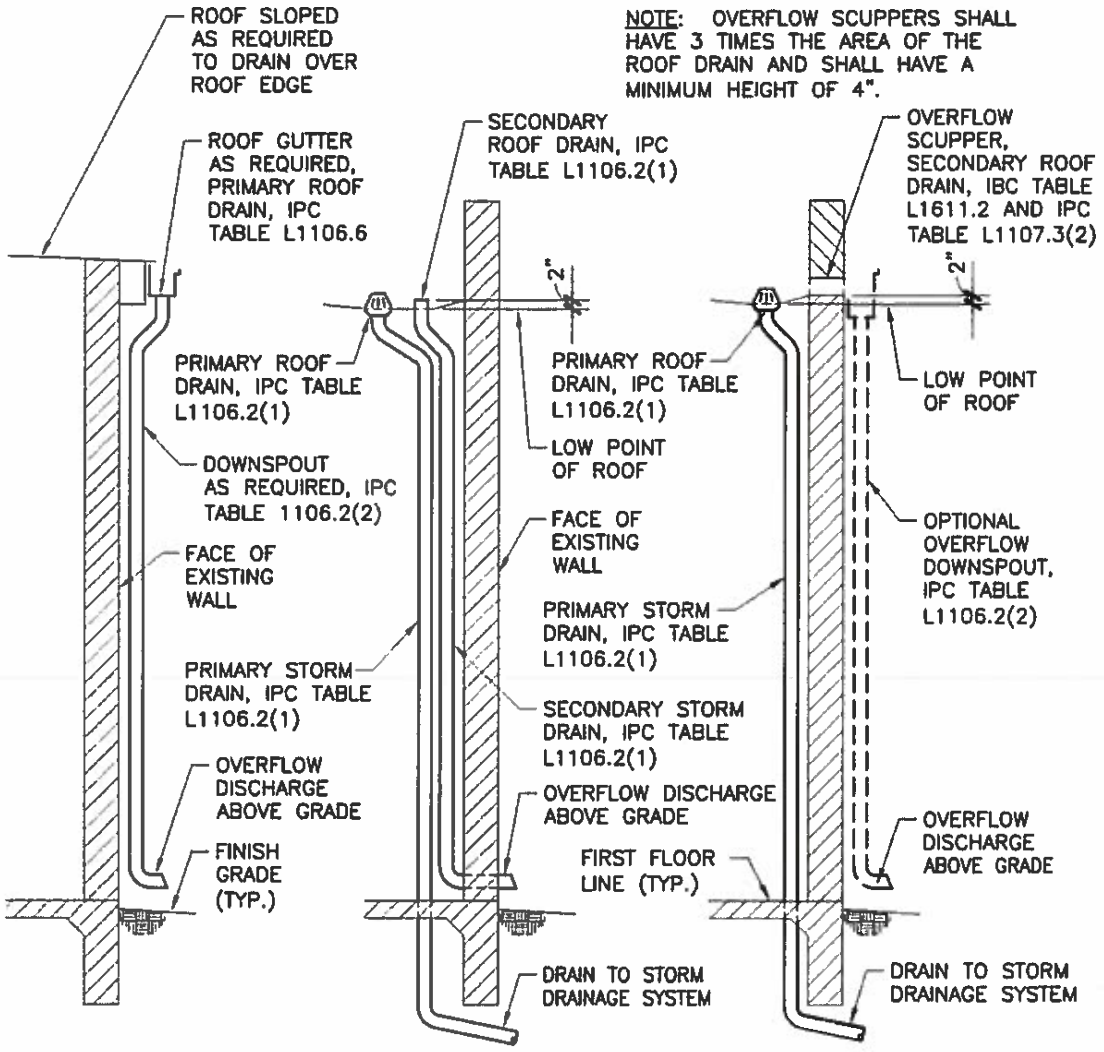
d_h = Maximum Depth of Additional Rainwater Above the Bottom of the Scupper Inlet (also referred to as Hydraulic Head), inches. For this Table; **d_h = 1.846"** maximum.

i = The Rate of Rainfall for Lubbock, Texas, is **3.3 inches per hour**, as shown in Appendix B of the 2012 IPC. The Rate of Rainfall is based on a storm of 1 hour duration and a 100 year return period.

$Q = 2.9 \times b \times d_h^{1.5}$ $A = Q / i$

Q = Flow Rate Through the Scupper, gallons per minute

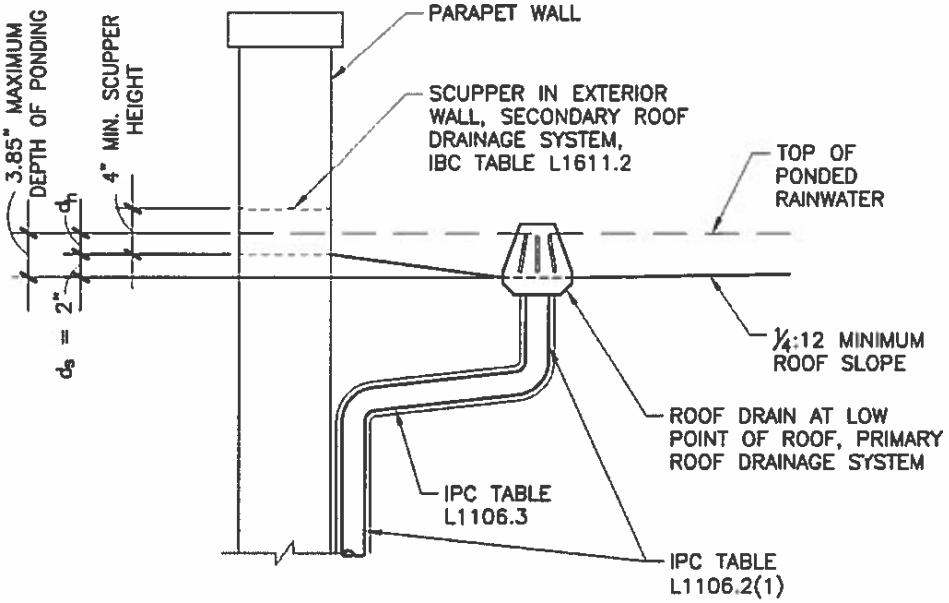
Note: The minimum Scupper Height shall be 4". Scupper heights greater than 4" do not change the values in the Table.



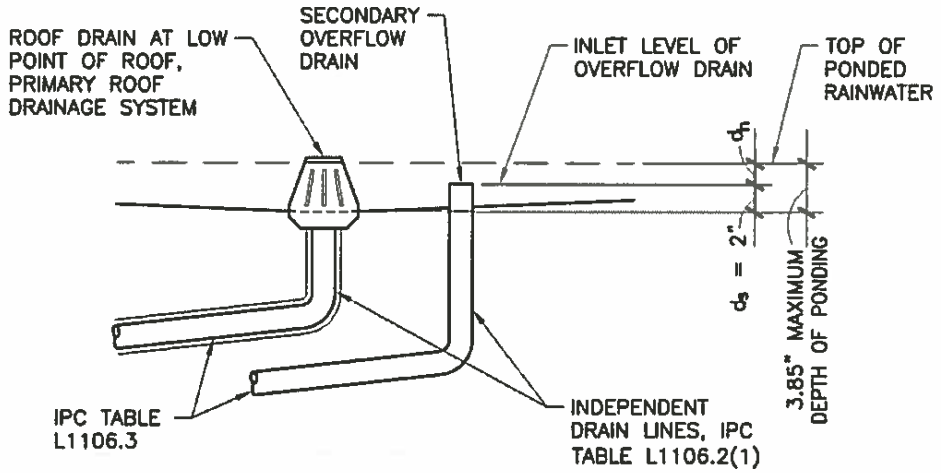
ROOF DRAINAGE AND SLOPED ROOF
IBC FIGURE L1611.2(1)

ROOF DRAIN AND OVERFLOW DRAIN
IBC FIGURE L1611.2(2)

ROOF DRAIN AND OVERFLOW SCUPPER
IBC FIGURE L1611.2(3)



TYPICAL PERIMETER WALL SCUPPER
IBC FIGURE L1611.2(4)



TYPICAL INTERIOR ROOF DRAINS
IBC FIGURE L1611.2(5)

(11) Site grading. Section 1804.3 is hereby amended to read as follows:

1804.3 Site grading. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048 mm) of horizontal

distance, a 5-percent slope shall be provided to an approved alternative method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 2 percent where located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building. The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of the backfill.

Exceptions:

1) Where climatic or soil conditions warrant, the slope of the ground away from the building foundation shall be permitted to be reduced to not less than one unit vertical in 48 units horizontal (2-percent slope).
2) Where approved by the Building Official, final site grading may be designed by a design professional registered in the State of Texas.

(12) Foundation elevation. Section 1808.7.4 is hereby amended to read as follows:

1808.7.4 Foundation elevation. Minimum building floor elevations shall comply with Table 1808.7.4 based on relative lot slopes.

TABLE 1808.7.4
MINIMUM FLOOR ELEVATION FOR STRUCTURES
RELATIVE TO SLOPES OF THE LOT

Difference in elevation from top of curb to rear property line (inches)	Minimum floor elevation above top of curb when slope is to rear (inches)	Minimum floor elevation above top of curb when slope is to front (inches)
0	12	12
6	10.5	13.5
12	9	15
18	8	16.5
24	6	18
30	6	19.5
36	6	21

1) See Section 1804.3 for grading requirements;

2) The minimum floor elevation shall be determined by using the top of the floor slab and shall be a minimum of six (6) inches above the calculated peak water surface elevation as determined by the City Engineer, or that determined by Table 1808.7.4, whichever results in the more stringent requirement. It shall be the responsibility of the builder/contractor to provide the building official with a survey certificate indicating the required finished floor elevation as determined by the surveyor. The required elevation shall be indicated on the construction plans. Structures located in any flood hazard area shall comply with Article 30.03 of the Lubbock Code of Ordinances, as well as all F.E.M.A. regulations, which will supersede the above.

3) Alternate elevations are permitted subject to review and approval by the City Engineer and the Building Official provided it can be demonstrated by a registered design professional that all required drainage to an approved point of discharge away from the structure is provided at all locations on the site.

(13) Prescriptive footings for light-frame construction. Section 1809.7 is hereby amended to read as follows:

1809.7. Prescriptive footings for light-frame construction. Where a specific design is not provided, concrete footings supporting walls of light-frame construction shall be permitted to be designed in accordance with Tables 1809.7.1 and 1809.7.2 and figures 1809.7.1 through 1809.7.3 below.

(14) Table 1809.7 "Prescriptive Footings Supporting Walls of Light-Frame Construction". Table 1809.7 is hereby replaced by Tables 1809.7.1 and 1809.7.2 as follows:

TABLE 1809.7.1

FOOTINGS SUPPORTING WALLS OF LIGHT-FRAME CONSTRUCTION[a,b,c]

(Monolithic Slab-on-Ground Foundation - Refer to Figure 1809.7.1)

Number of Floors Supported by the Footing[c]	Width of Footing (Inches)		Thickness of Footing (Inches)	
	No Brick Veneer	4" Brick Veneer	No Brick Veneer	4" Brick Veneer

1 2	16	12
3	Design Required	

Notes to tables 1809.7.1 and 1809.7.2:

a. Depth of footings shall be in accordance with section 1809.4.

b. Footings are permitted to support a roof in addition to the stipulated number of floors. Footings supporting roof only shall be as required for supporting one floor.

c. Assumes uniform loading by repetitive framing members; concentrated loads shall be considered separately, and may require specific design.

TABLE 1809.7.2

FOOTINGS SUPPORTING WALLS OF LIGHT-FRAME CONSTRUCTION a,b,c

(Combination Slab-on-Ground Foundation - Refer to Figure 1809.7.2)

Number of Floors Supported by the Footing[e]	Width of Footing (Inches)			Thickness of Footing (Inches)
	No Brick Veneer	4" Brick Veneer	No Brick Veneer	4" Brick Veneer
1 2	16		12	
3	Design Required			

(15) Foundation details. New figures 1809.7.1, 1809.7.2 and 1809.7.3 are hereby added as follows:

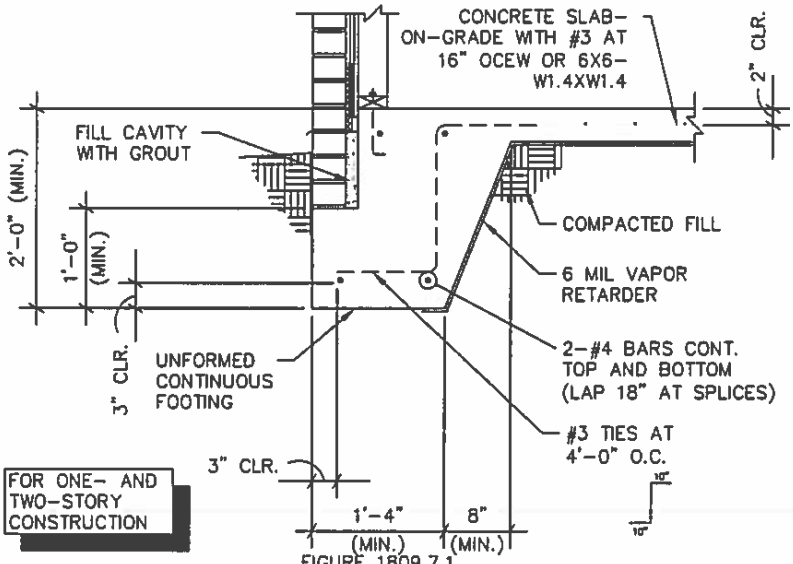


FIGURE 1809.7.1
MONOLITHIC SLAB -ON-GROUND
(SEE FIG. 1809.7.3 FOR INTERIOR FOOTING
REQUIREMENTS)

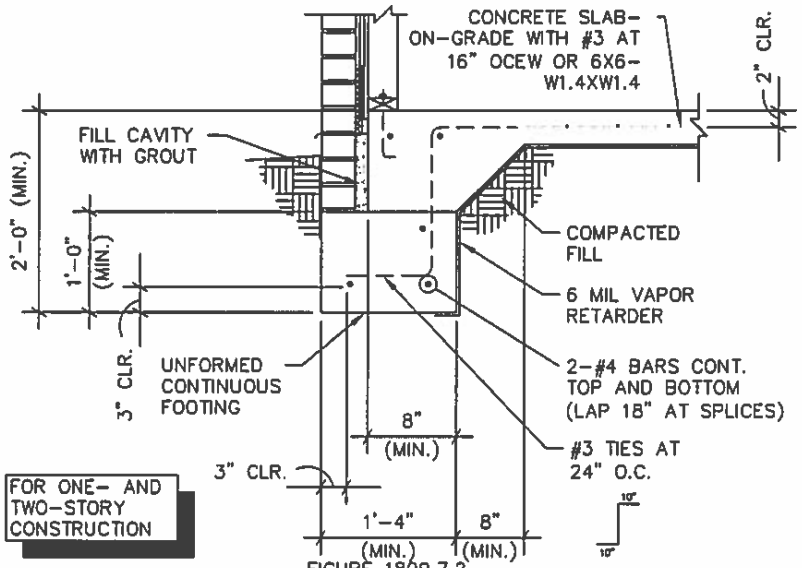


FIGURE 1809.7.2
TWO-POUR COMBINATION FOOTING
(SEE FIG. 1809.7.3 FOR INTERIOR FOOTING REQUIREMENTS)

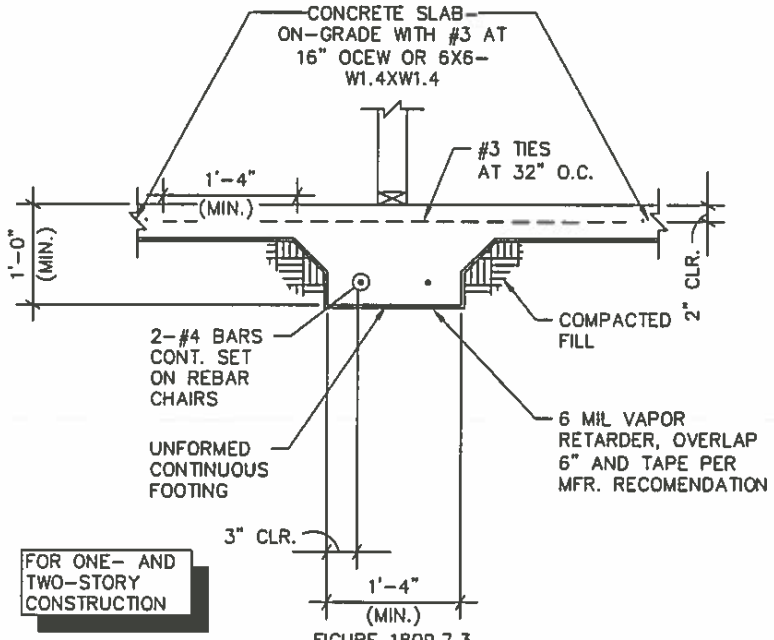


FIGURE 1809.7.3
CONTINUOUS FOOTING FOR INTERIOR LOAD BEARING WALL

(16) Floor joists. Section 2308.8 is hereby amended to read as follows:

2308.8 Floor joists. Spans for floor joists shall be in accordance with Table 2308.8(1) or 2308.8(2). For the most current data, other grades and species, or other loading conditions, refer to the latest *AF & PA Span Tables for Joists and Rafters* and/or current data available from the American Wood Council.

(17) Table 2308.9.5 Header and Girder Spans for Exterior Bearing Walls. Table 2308.9.5 is hereby amended by the addition of a new footnote "f" to read as follows:

f. For the most current data, other grades and species, or other loading conditions, refer to the latest AF & PA span tables and/or current data available from the American Wood Council.

(18) Table 2308.9.6 Header and Girder Spans for Interior Bearing Walls. Table 2308.9.6 is hereby amended by the addition of a new footnote "e" to read as follows:

e. For the most current data, other grades and species, or other loading conditions, refer to the latest AF & PA span tables and/or current data available from the American Wood Council.

(19) Rafter spans. Section 2308.10.3 is hereby amended to read as follows:

2308.10.3 Rafter spans. Allowable spans for rafters shall be in accordance with Table 2308.10.3(1), 2308.10.3(2), 2308.10.3(3), 2308.10.3(4), 2308.10.3(5), or 2308.10.3(6). For the most current data, other grades and species, or other loading conditions, refer to the latest *AF & PA Span Tables for Joists and Rafters* and/or current data available from the American Wood Council.

(20) Flood hazard areas. Section 3403.2 is hereby amended to read as follows:

3403.2 Flood hazard areas. For buildings and structures in flood hazard areas established in Article 30.03.008 of the Lubbock Code of Ordinances, any addition that constitutes substantial improvement of the existing structure, as defined in Article 30.01.001, shall comply with the flood design requirements in Article 30.03.071.

(21) Flood hazard areas. Section 3404.2 is hereby amended to read as follows:

3404.2 Flood hazard areas. For buildings and structures in flood hazard areas established in established in Article 30.03.008 of the Lubbock Code of Ordinances, any alteration that constitutes substantial improvement of the existing structure, as defined in Article 30.01.001, shall comply with the flood design requirements in Article 30.03.071.

(22) Flood hazard areas. Section 3405.5 is hereby amended to read as follows:

3405.5 Flood hazard areas. For buildings and structures in flood hazard areas established in Article 30.03.008 of the Lubbock Code of Ordinances, any repair that constitutes substantial improvement of the existing structure, as defined in Article 30.01.001, shall comply with the flood design requirements in Article 30.03.071.

(23) Moved structures. Section 3410 of the 2012 International Building Code, entitled "Moved Structures" is hereby amended by deleting section 3410.1, and adding new sections 3410.1 through 3410.6, to read as follows:

3410.1 Permit required to move building or structure.

Except as set forth herein, no person or persons shall hereafter move any building into, or out of, the city limits, or from one location to another within the city limits, where the same shall be moved in, through, or upon the streets, alleys, avenues, or public grounds, unless said person shall first secure a permit to do so from the building official. Violation of this section is deemed a misdemeanor punishable by fine in accordance with section 1.01.004 of the Code of Ordinances of the city.

Building/Structure movement permits shall not be required for the following:

1. Portable building units, as the same are defined by section 623.121 of the Texas Transportation Code, that are moved solely upon State highways within the corporate limits.

2. The movement of portable buildings not exceeding 14 feet in loaded width or height, or 40' in loaded length, as the case may be.

3. The movement and installation of Housing and Urban Development (HUD)-Code manufactured homes by persons licensed by the state to do so, and otherwise in conformance with the procedures, rules, and requirements set forth in the administrative rules of the Texas Department of Housing and Community Affairs at 10 TAC chapter 80.

4. The movement and installation of industrialized housing and buildings and their component parts by persons licensed by the state to do so, and otherwise in conformance with the procedures, rules, and requirements set forth in the administrative rules of the Texas Department of Licensing and Regulation at 16 TAC chapter 70.

5. The movement of industrialized buildings or buildings that are otherwise pre-built or manufactured within the city limits and intended solely for export and installation outside the city limits.

3410.2 Moving contractors to be registered, bonded, and insured.

Persons engaged in moving buildings and structures pursuant to this chapter (hereafter referred to as "moving contractors") shall be registered with the city in accordance with section 28.04.001 of the Code of Ordinances. Notwithstanding any provision to the contrary, such contractors shall give bond to the city pursuant to section 28.04.003, in addition to being insured pursuant to section 28.04.004. In lieu of the respective coverage amounts specified therein, the minimum coverage amounts for purposes of this section shall be as follows:

1. Compliance bond: $25,000.

2. Commercial general liability insurance: $300,000.

3. Commercial automobile insurance: $500,000 per vehicle.

Any bond or insurance provided pursuant to this section shall be effective and fully paid and maintained in compliance with the certificates provided the city through the date that the bonded or insured activity is finally completed.

3410.3 Conformance; minimum standards. All buildings or structures moved into or within the city shall conform to the applicable standards as set forth in 3410.3.1 through 3410.3.4 below.

3410.3.1 Current building standards applicable. Buildings and structures moved into or within the city shall comply, or be altered to comply with the applicable provisions of the Code of Ordinances for new buildings and structures, including, without limitation, all building, structural, plumbing, fuel gas, mechanical, and electrical systems.

3410.3.2 Certain manufactured homes ("mobile homes") prohibited. Manufactured homes that were manufactured prior to June 15, 1976, and therefore not in accordance with HUD standards (defined as "mobile homes" by the Texas Manufactured Housing Standards Act) shall not be installed or relocated within the city limits. Violation of this section is deemed a misdemeanor punishable by fine in accordance with section 1.01.004 of the Code of Ordinances.

Exception: Owner-occupied mobile homes, as defined herein, lawfully in place within the corporate limits on the effective date of this section, that are subsequently determined by inspection to be in conformance with the minimum housing standards contained within the property maintenance code as referenced in chapter 34 of the Code of Ordinances.

3410.3.3 Mobile home replacement authorized. A mobile home, as defined in section 3410.3.2 above, previously lawfully placed and installed on a lot or parcel within the city limits, may be replaced by a HUD-code manufactured home (manufactured on or after June 15, 1976 in accordance with HUD standards) in accordance with applicable requirements of chapter 40 (zoning) of the Code of Ordinances in order to facilitate upgraded, safer housing. Manufactured homes not of new manufacture are subject to inspection by the building official to determine compliance with minimum acceptable standards for safety as outlined in this chapter, and by the structural standards administrator to determine compliance with minimum housing standards contained within the property maintenance code.

3410.3.4 Minimum housing standards. Moved buildings that will serve as dwelling units shall comply with the residential provisions of the International Residential Code or the International Building Code, as applicable. Where it is technically infeasible to comply with a provision of said code(s), the building official may apply the provisions of the International Existing Buildings Code and/or the minimum housing standards contained within the property maintenance code contained in chapter 34 of the Code of Ordinances.

3410.4 Procedures. The procedures set forth within 3410.4.1 through 3410.4.6 shall be followed with regard to the movement of all buildings and structures pursuant to this chapter.

3410.4.1 Permit application and review. The moving contractor shall apply for a moving permit on forms provided by the building official. Prior to issuance of such moving permit, the owner of the building shall also apply to the zoning board of adjustment for a special exception allowing the proposed move pursuant to section 40.02.055(b)(10) of the Code of Ordinances, unless specifically exempted by that section.

3410.4.2 Investigative inspection and report. Prior to issuance of the moving permit and where the building is not exempt from the special exception requirements of section 40.02.055(b)(10), prior

to the agenda deadline for the scheduled hearing of the zoning board of adjustments to consider the special exception, the building official shall inspect, or cause to be inspected, the building or structure proposed to be moved, provided that the building owner or mover shall first pay an investigative inspection fee of $60.00, or as might otherwise be established by the city council. Subsequent to the inspection, the building official shall issue an inspection report which shall generally describe the structural and appearance characteristics of the building, and which shall include information regarding building area and dimensions, foundation style and general condition, roofing and exterior wall cladding materials, the presence and condition of any garage or outbuildings, the general condition of floor systems, exterior and interior walls, roof decking and covering materials, windows, and bathroom/kitchen areas and associated fixtures. Said report shall be provided, promptly upon completion, to the owner and the zoning board of adjustments.

3410.4.3 Action of board; conditional approval. If the zoning board of adjustment grants the special exception, the building official may issue the permit subject to any and all requirements or conditions placed by the board thereon, as well as the other requirements of this chapter. All such requirements and conditions shall be incorporated into the permit, and are considered legal requirements for the purposes of compliance with this chapter.

3410.4.4 Building to be moved beyond the city limits. The building official may issue a permit to move a building or structure at least five thousand (5,000) feet outside of the city limits without a special exception granted by the zoning board of adjustment.

3410.4.5 Procedure where special exception not required. Where a special exception from the zoning board of adjustment is not required, all other provisions of this chapter shall remain applicable.

3410.4.6 Denial of permit. The building official shall deny a moving permit under any of the following circumstances:

1. Where the zoning board of adjustments has denied a required special exception.

2. Where the city or any public utility companies owning overhead infrastructure, including but not limited to wires and cables, have not first examined the proposed movement route to determine that: (a) it owns no lines along the route;

and/or (b) that the proposed movement of the building or structure will not require the removal or cutting of any overhead infrastructure. All routes approved by the city or a public utility company must be evidenced by attested, authorized signature.

3. Where the department of traffic engineering has not first examined the proposed movement route to determine that no traffic signal mast arm will require removal or adjustment in order to accommodate the building or structure. Approval of the proposed route must be evidenced by attested, authorized signature.

4. Where the department of traffic engineering, fire department or police department have not first approved the proposed movement route for the dates and times specified in the application, as attested by the signatures of the authorities having jurisdiction;

5. Where the parties are not otherwise in full compliance with the provisions of the Code of Ordinances, as determined solely by the city, including the specific responsibilities of the parties outlined in section 3408.5.

3410.5 Responsibilities of the parties. The specific responsibilities of the parties involved in the movement of buildings or structures shall be as stipulated in sections 3410.5.1 through 3410.5.3 below. Where the destination lot is outside the corporate limits of the city, sections 3410.5.1(4)(a) and 3410.5.3 shall not apply.

3410.5.1 Moving contractor.

The moving contractor shall perform the following:

1. Obtain and maintain all required insurance policies, bonds, permits, and approvals as necessary to initiate and complete the project in a lawful manner;

2. Obtain necessary permit applications from the building official, identify the route, date(s), and time(s) of the proposed move, including the locations and durations of any temporary storage ("stack lot") locations, and secure the approval of all city and franchise utility companies, the City of Lubbock Traffic Engineering Department, the Texas Department of Transportation, as applicable, and emergency service providers, including, but not limited to,

the Lubbock Police Department, Lubbock Fire Department, and Lubbock emergency medical services providers, as specified in section 3410.4.6.

3. Advise the building owner if a zoning board of adjustment (ZBA) special exception is required pursuant to section 40.02.055(b)(10) of the Code of Ordinances.

4. If the special exception referenced in (3) above is granted the owner, or is not otherwise required:

   a) Confirm that the destination lot/building owner has obtained necessary building permits for construction of a permanent foundation system, has completed said construction and received final inspection approval for same pursuant to section 3410.9.3 item #3;

   b) Arrange and pay for a police department escort along the moving route in accordance with applicable police department policy; and

   c) Obtain necessary moving permits from the building official.

5. Coordinate with the appropriate utility companies to disconnect and make safe all sources of electricity, water, fuel gas, and sanitary sewer. Sanitary sewer outlets shall be capped or otherwise secured from rainwater infiltration. Electricity shall be disconnected at the transformer or through removal of the meter and sealing of the meter socket against unauthorized entry. Fuel gas shall be shut off at the meter.

6. Provide proper and adequate safeguards for the public, employees, and adjoining property during demolition and lot clearing activities, including compliance with section 3303 of the International Building Code and obtaining street barricade permits where necessary for protection of/from vehicular traffic.

7. In coordination with the appropriate department, agency, or franchise utility company, repair all damage to public improvements incurred during demolition and building movement activities, including, but not limited to, street surfaces, curb and gutter, sidewalks, driveway approaches,

utility lines, sign posts, traffic signals, and drainage structures along the moving route.

Failure to comply with item (5), (6) or (7) of this section is deemed a misdemeanor punishable by fine in accordance with section 1.01.004 of the Code of Ordinances.

3410.5.2 Origin lot owner.

The owner of the lot from which the building is moved shall perform the following immediately after the building is removed from the lot:

1. Fill all open excavations with clean fill dirt (no rubble or trash to be used).

2. Re-establish lot grades to convey storm water runoff to the street, alley, or other approved conveyance without ponding and without directing storm water runoff onto other private property.

3. Clear the lot of all trash, rubbish, building debris, dead shrubbery, tree limbs, etc.

4. Cap all sanitary sewer outlets or otherwise secure them from rainwater infiltration.

5. In coordination with the appropriate department or franchise utility, repair all damage to public improvements incurred during the demolition and building movement activities, including, but not limited to, street surfaces, curb and gutter, sidewalks, driveway approaches, utility lines, sign posts, and drainage structures within the lot frontage.

Failure to comply with items (1)–(5) of this section is deemed a misdemeanor punishable by fine in accordance with section 1.01.004 of the Code of Ordinances of the city.

3410.5.3 Destination lot/building owner. The owner of the lot to which the building is moved shall perform the following:

1. Prior to arranging for movement of the building, obtain an investigative inspection of the building to determine the degree of renovation necessary to bring the building's structural, plumbing, electrical, mechanical and fuel gas systems up to minimum standards for new construction, as

determined by the applicable technical codes adopted under chapter 28 of the Code of Ordinances. Where the lot of origin is not within the city limits, the building owner shall conform to building inspection department policy with regard to arrangement of inspections and payment therefor.

2. Obtain special exception approval from the zoning board of adjustments pursuant to section 40.02.055(b)(10), as applicable.

3. Construct and obtain inspection approval of required permanent foundation systems in preparation for final placement and attachment of the building. All necessary permits for the foundation system must be obtained prior to construction.

4. Upon placement and attachment of the building, complete all required renovations to bring the building up to current standards as required by section 3410.3 within the time frames stipulated in section 3410.6.

5. Complete all required work to comply with any conditions of approval established by the zoning board of adjustments, within stipulated time frames.

3410.6 Violations; public nuisance. Except as provided herein, any of the conditions identified in sections 3410.6.1 through 3410.6.3 are deemed unlawful hazards to public health and safety and therefore constitute misdemeanors punishable by fine in accordance with section 1.01.004 of the Code of Ordinances. Said conditions are also declared public nuisances, and shall be referred by the building official to the structural standards administrator for disposition pursuant to section 1102 of the property maintenance code as set forth in chapter 34 of the Code of Ordinances.

3410.6.1. Building detached from foundation. Any building that has been detached for more than thirty (30) days from its foundations in preparation for a move, or that has been moved from its original location and has not been affixed to its permanent foundation in accordance with the building code within thirty (30) days of the issue date of the moving permit, or any longer period approved by the zoning board of adjustments as part of the special exception process set forth in section 40.02.055(b)(10) of the Code of Ordinances.

3410.6.2 Building not in conformance with Code of Ordinances. Any moved building not brought into compliance with all relevant sections of all city codes within 180 days from the date the foundation permit is first issued for the destination lot, or any longer period approved by the zoning board of adjustments as part of the special exception process set forth in section 40.02.055(b)(10) of the Code of Ordinances.

3410.6.3 Building not in conformance with stipulated conditions.

Any moved building not brought into compliance with all requirements and conditions placed thereon by the zoning board of adjustments within such time frames as the board shall have stipulated as part of the special exception approval process outlined in section 40.02.055(b)(10) of the Code of Ordinances.

A building that has been secured against entry and moved to an appropriately-zoned temporary location ("stack lot") that is fenced or otherwise secured from public access so as not to create an attractive nuisance or to present a hazard to the public from overturning pending eventual movement to the destination lot shall not be considered a violation under section 3410.6.1, so long as the temporary location is identified at the time of moving permit application, and further is for a pre-determined, temporary duration not to exceed 180 days.

(24) Accessibility For Existing Buildings. Section 3411 is hereby deleted in its' entirety.

(25) Applicability. Section 3412.2 is hereby amended to read as follows:

3412.2 Applicability. Structures existing prior to April 28, 1938 in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

(26) Flood hazard areas. Section 3412.2.4.1 is hereby amended to read as follows:

3412.2.4.1. Flood hazard areas. For existing buildings located in flood hazard areas established in Article 30.03.008 of the Lubbock Code of Ordinances, if the alterations and repairs constitute substantial improvement of the existing building, as defined in Article 30.01.001, the existing building shall comply with the flood design requirements in Article 30.03.071.

(27) Accessibility. Section 3412.2.5 is hereby deleted in its' entirety.

(28) Referenced Standards- ICC. Chapter 35 is hereby amended by amending the "ICC-IECC" entry to reflect the 2009 edition as follows:

IECC-09 International Energy Conservation Code...101.4.6, 201.3, 1203.1, 1203.3.2, 1301.1.1, 1405.3, 3401.3

(29) Zoning regulations. A new section H101.1 is hereby added to read as follows:

H101.1. Zoning regulations. Chapter 40 (zoning) of the Code of Ordinances regulates the permissibility, placement, and physical characteristics of signs upon premises within the city based on particular zoning district requirements. Any reference to a particular sign type, size, height, or other physical characteristic within this Appendix should not therefor be construed as allowing such if otherwise prohibited or regulated by chapter 40 of the Code of Ordinances.

(30) Signs exempt from permits. Section H101.2 is hereby amended to read as follows:

H101.2 Signs exempt from permits. The following signs are exempt from the requirements to obtain a permit before erection:

1. Temporary signs announcing the sale or rent of property.

2. Signs erected by transportation authorities.

3. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.

4. Other signs as set forth in article 40.04, division 1 of the Code of Ordinances, or as deemed appropriate by the building and zoning officials.

(31) Permits, drawings and specifications. Section H105.2 is hereby amended to read as follows:

H105.2 Permits, drawings and specifications. Where a permit is required, construction documents shall be required. These documents shall show the dimensions, materials and required details of construction, including loads, stresses and anchors. The documents shall bear the seal of a professional engineer licensed in the State of Texas.

Exceptions:

Documents for the following sign types shall not be required to bear the seal of a professional engineer:

1. Monument signs not exceeding seven (7) feet in height.

2. Wall signs attached flat to the building wall.

(32) General (roof signs). Section H110.1 is hereby amended to read as follows:

Roof signs shall be constructed entirely of metal or other approved noncombustible material except as provided for in sections H106.1.1 and H107.1. Provisions shall be made for electric grounding of metallic parts. Where combustible materials are permitted in letters or other ornamental features, wiring and tubing shall be kept free and insulated therefrom. Roof signs shall be so constructed as to leave a clear space of not less than 6 feet (1829 mm) between the roof level and the lowest part of the sign and shall have at least 5 feet (1524 mm) clearance between the vertical supports thereof. Where such clearances cannot be provided, structural analysis of the roof supporting elements shall be undertaken by a structural engineer, including the added dead and wind loading of the sign, and any necessary strengthening provided. No portion of any roof sign structure shall project beyond an exterior wall.

SECTION 2. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable as provided by Section 1.01.004 of the Code of Ordinances of the City of Lubbock, Texas.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT pursuant to Section 214.218 of the Texas Local Government Code, this Ordinance shall not be implemented or enforced until after the 30th day after the date of final adoption.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this _____day of _____, 2015.

Passed by the City Council on second reading this _____day of _____, 2015.

_____

GLEN C. ROBERTSON, MAYOR

ATTEST:

_____

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____

Steve O'Neal, Chief Building Official

APPROVED AS TO FORM:

_____

Amy L. Sims, Deputy City Attorney

Regular City Council Meeting **6. 10.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading - Building Inspection: Consider Ordinance 2016-O0073 amending Chapter 28, Article 28.10 of the Code of Ordinances of the City of Lubbock with regard to adoption of the 2012 International Plumbing Code with local amendments.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

The 2012 International Plumbing Code is a national model plumbing code governing the construction, alteration and repair of plumbing systems within buildings other than one and two family dwellings. It is updated on a triennial basis pursuant to a legislative process wherein plumbing officials of member jurisdictions cast votes with regard to proposed changes. State governments, including Texas, mandate adoption of this or a similar plumbing code, but do not prohibit local amendment.

Historically, Lubbock has amended the plumbing code to suit local conditions, and this 2012 edition has retained several. Nothing substantive has been added in this cycle.

Fiscal Impact

None.

Staff/Board Recommending

Steve O'Neal, Chief Building Official
Model Code and Construction Ordinance Advisory Board

Attachments

Ordinance - Plumbing Code

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS WITH REGARD TO ADOPTION OF THE 2012 INTERNATIONAL PLUMBING CODE AND PROVIDING FOR CERTAIN AMENDMENTS THERETO TO MEET LOCAL CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS the City Council of the City of Lubbock, Texas deems it in the best interest of the health, safety, and welfare of the citizens of Lubbock to adopt the 2012 International Plumbing Code for the City of Lubbock with certain amendments thereto to meet local conditions; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Chapter 28, Article 28.10 of the Code of Ordinances of the City of Lubbock is hereby amended to read as follows:

ARTICLE 28.10 PLUMBING CODE

Division 1. Generally

28.10.001 Adopted

The 2012 Edition of the International Plumbing Code, as published by the International Code Council, Inc., as hereinafter amended, including Appendices C, D, E, and F is hereby adopted as the plumbing code of the City of Lubbock, Texas. A copy of said plumbing code is attached hereto and incorporated herein as though set out herein in detail. References to the Plumbing Code in this chapter shall mean the 2012 Edition of the International Plumbing Code. One copy of the 2012 International Plumbing Code shall be filed with the City Secretary and a copy shall be maintained in the office of the City Building Official. All such copies, with the amendments thereto, shall be open to public inspection during the usual hours of business of the offices where they are maintained.

28.10.002 Coordination of administrative provisions

The administrative provisions contained in chapter 28, articles 28.01 through 28.08 of this Code of Ordinances are applicable to this article; however, for purposes of administering provisions related more specifically to the regulation of plumbing systems installation, these supplemental administrative provisions have been provided. Except as amended or supplemented within sections 28.10.002, 28.10.003, and 28.10.051 through 28.10.056, the entire text of chapter 1 of the 2009 International Plumbing Code is deemed to be incorporated herein as though set out herein in detail. Where a conflict arises between a provision contained within sections 28.10.002, 28.10.003, and 28.10.051

through 28.10.056 and articles 28.01 through 28.08 of this Code of Ordinances, it is the intent that the more specific shall govern, as determined by the building official.

28.10.003 Supplemental administrative amendments

(a) Fee schedule. Section 106.6.2 is hereby amended by inserting the following fee schedule:

PLUMBING FEES*	
New Construction:	$0.05 per sq. ft. of gross floor area under roof, $30.00 minimum. (Where more than one inspection is required, an additional fee of $15.00 shall be assessed for each additional inspection)
Additions to floor area	As for new construction
Alterations & remodeling (no change in building area):	$2.00 per $1,000.00 valuation, $30.00 minimum (Where more than one inspection is required, an additional fee of $15.00 shall be assessed for each additional inspection) (See Note 3)
Total re-plumb:	As for new construction
Miscellaneous permits for new installations, replacement and repair of: Water heaters, water lines, sewer lines, gas lines, water softeners, irrigation systems, fixed appliances, fixtures, etc. requiring inspection approval:	$30.00 (Where more than one inspection is required, an additional fee of $15.00 shall be assessed for each additional inspection) Service line tap fees, or adjustments in grade, where needed, may involve extra fees. Contact the appropriate utility department.
Permit fees, work commencing prior to permit approval:	As for building permit fees (see article 28.05), except that permit fee calculations shall be based on this section.
Renewal of expired or involuntarily terminated permits:	
Permit transfer fee:	
Re-inspection fees:	

*The fees in this schedule are all-inclusive for the collective plumbing work (water, DWV, & fuel gas) performed in a building; they are not intended to be charged in addition to the fees specified in article 28.15 of this chapter.

(b) Administrative amendments and cross-references to articles 28.01 through 28.08. The following administrative provisions within chapter 1 of the International Plumbing Code are hereby stricken, and the corresponding provisions within articles 28.01 through 28.08 of this Code of Ordinances shall govern, as indicated in table 28.10.003 below:

TABLE 28.10.003

ADMINISTRATIVE PROVISIONS CROSS-REFERENCE

2012 International Plumbing Code Section	Section Heading/Subject	Refer to Lubbock Code of Ordinances Chapter Section
106.6.3	Fee refunds	28.05.109
108.4	Violation penalties	28.02.006
108.5	Stop work orders	28.02.007
109.1 through 109.7	Means of appeal	2.03.491 through 2.03.495

Sec. 28.10.004 Technical amendments

(a) Protection against physical damage. Section 305.8 is hereby amended to read as follows:

Section 305.8 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1.5 inches (38 mm) from the nearest edge of the member, the pipe shall be protected by steel shield plates. Such shield plates shall have a thickness of not less than 0.0575 inch (1.463 mm) (No. 16 gage). Such plates shall cover the area of the pipe where the member is notched or bored.

(b) Over-excavation. Section 306.2.1 is hereby amended to read as follows:

306.2.1 Over-excavation. Where trenches are excavated below the installation level of the pipe such that the bottom of the trench does not form the bed for the pipe, the trench shall be backfilled to the installation level of the bottom of the pipe placed in layers of 6 inches (152 mm) maximum depth and such backfill shall be compacted after each placement. The backfill material may consist of sand or fine gravel, or excavated material that complies with section 306.3.

(c) Drainage and vent water test. Section 312.2 is hereby amended to read as follows:

312.2 Drainage and vent water test. A water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest openings of the section under test, and each section shall be filled with water, but no section shall be tested with less than a five-foot head of water above floor height. In testing successive sections, at least the upper 10 feet of the next preceding section shall be tested so that no joint or pipe in the building, except the uppermost 10 feet of the system, shall have been submitted to a test of less than a five-foot head of water above floor height. The water shall be held kept in the system, or in the portion under test, for at least 15 minutes before inspection starts. The system shall then be tight at all points.

(d) Gravity sewer test. Section 312.6 is hereby amended to read as follows:

312.6 Gravity sewer test. Gravity sewer tests shall consist of plugging the end of the building sewer at the point of connection with the public sewer, filling the building sewer with water, testing with not less than a 5-foot head of water and maintaining such pressure for 15 minutes.

(e) Sheet lead. Section 402.4 is hereby amended to read as follows:

402.4 Sheet lead. Sheet lead for pans shall not weigh less than two and one-half (2-1/2) pounds per square foot coated with an asphalt paint or other approved coating.

(f) Sheet lead. Section 417.5.2.3 is hereby amended to read as follows:

417.5.2.3. Sheet lead. Sheet lead shall not weigh less than two and one-half (2-1/2) pounds per square foot coated with an asphalt paint or other approved coating. The lead sheet shall be insulated from conducting substances other than the connecting drain by 15-pound asphalt felt or its equivalent. Sheet lead shall be joined by burning.

(g) Water hammer. Section 604.9 is hereby amended to read as follows:

604.9 Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. An air chamber or a water-hammer arrestor shall be installed where quick-closing valves are utilized, unless otherwise approved. Water-hammer arrestors shall be installed in accordance with the manufacturer's specifications. Water-hammer arrestors shall conform to ASSE 1010.

(h) Solvent cementing. Section 605.22.2 is hereby amended to read as follows:

605.22.2 Solvent cementing. Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Clear primer in lieu of purple is acceptable where joints are accessible. Solvent cement not purple in color and conforming to ASTM D 2564 or CSA CAN/CSA-B137.3 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

(i) Location of full-open valves. Section 606.1 is hereby amended to read as follows:

606.1 Location of full-open valves. Full open valves shall be installed in the following locations:

1. On the building water service pipe from the public water supply.
2. On the water distribution supply pipe at the entrance into the structure if the water meter is more than 100 feet from the building.
3. On the water supply pipe to a gravity or pressurized water tank.
4. On the water supply pipe to every water heater.

(j) Location of shutoff valves. Section 606.2 is hereby amended to read as follows:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture in other than bathtubs and showers in one- and two-family and multiple-family residential occupancies, and other than in individual sleeping units that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.
2. On the water supply pipe to each appliance or mechanical equipment.

(k) Slope of horizontal drainage pipe. Table 704.1 is hereby amended to read as follows:

TABLE 704.1 SLOPE OF HORIZONTAL DRAINAGE PIPE	
Size (inches)	**Minimum slope (inch per foot)**
2-1/2 or less	1/4
3 to 5	1/8
6 or larger	1/16

(l) Solvent cementing. Section 705.8.2 is hereby amended to read as follows:

705.8.2 Solvent cementing. Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Clear primer in lieu of purple primer is acceptable where joints are accessible. Solvent cement not purple in color and conforming to ASTM D 2564 CSA CAN/CSA-B137.3, CSA CAN/CSA-B181.2 or CSA CAN/CSA-BV182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

(m) Solvent cementing. Section 705.14.2 is hereby amended to read as follows:

705.14.2 Solvent cementing. Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Clear primer in lieu of purple primer is acceptable where joints are accessible. Solvent cement not purple in color and conforming to ASTM D 2564 CSA CAN/CSA-B137.3, CSA CAN/CSA-B181.2 or CSA CAN/CSA-BV182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

(n) Installation of fittings. Section 706.3 is hereby amended to read as follows:

706.3 Installation of fittings. Fittings shall be installed to guide sewage and waste in the direction of flow. Change in direction shall be made by fittings installed in accordance with Table 706.3. Change in direction by combination fittings, side inlets or increasers shall be installed in accordance with Table 706.3 based on the pattern of flow created by the fitting. Double sanitary tee patterns shall not receive the discharge of back-to-back water closets and fixtures or appliances with pumping action discharge.

(o) Building drains and sewers. Table 710.1(1) is hereby amended to read as follows:

Table 710.1(1)

BUILDING DRAINS AND SEWERS

MAXIMUM NUMBER OF DRAINAGE FIXTURE UNITS CONNECTED TO ANY PORTION OF THE BUILDING DRAIN OR THE BUILDING SEWER, INCLUDING BRANCHES OF THE BUILDING DRAIN

Diameter of pipe (inches)	**Slope per foot**			
	1/16 inch	1/8 inch	1/4 inch	1/2 inch
1-1/4	–	–	1	1
1-1/2	–	–	3	3
2	–	–	21	26
2-1/2	–	–	24	31
3	–	36	42	50
4	–	180	216	250
5	–	390	480	575
6	620	700	840	1000
8	1400	1600	1920	2300
10	2500	2900	3500	4200
12	3900	4600	5600	6700
15	7000	8300	10,000	12,000

For SI: 1 inch=25.4 mm, 1 inch per foot=0.8333 mm/m

a. The minimum size of any building drain serving a water closet shall be 3 inches.

(p) Roof extension. Section 904.1 is hereby amended to read as follows:

904.1 Roof Extension. All open vent pipes that extend through a roof shall be terminated at least 10 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.

(q) 1001.1. Scope (Traps, Interceptors and Separators). Section 1001.1 is hereby amended to read as follows:

1001.1 Scope. This chapter shall govern the material and installation of traps, interceptors and separators. See also divisions 5 and 6 of article 22.04 (wastewater system) of the Lubbock Code of Ordinances.

(r) Storm drainage-general (tests). Section 1101.4 is hereby amended to read as follows:

1101.4 Tests. The building storm drain shall be tested within the building only and shall not require 5-foot head, but roof drain level only.

(s) Roof design. Section 1101.7 is hereby amended to read as follows:

1101.7 Roof design. Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements *in accordance with Section 1611 of the International Building Code*. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked.

(t) Combining storm with sanitary drainage. Section 1104.2 is hereby amended to read as follows:

1104.2 Combining storm with sanitary drainage. The sanitary and storm drainage systems of a structure shall be entirely separate.

(u) Strainers. A new section 1105.3 is hereby added to read as follows:

1105.3 Strainers. Roof drains shall have strainers extending not less than 4 inches (102 mm) above the surface of the roof immediately adjacent to the roof drain. Strainers shall have an available inlet area, above roof level, of not less than one and one-half times the area of the conductor or leader to which the drain is connected.

(v) Flat decks. A new section 1105.4 is hereby added to read as follows:

1105.4 Flat decks. Roof drain strainers for use on sun decks, parking decks and similar areas that are normally serviced and maintained shall comply with Section 1105.3 or shall be of the flat-surface type, installed level with the deck, with an available inlet area not less than two times the area of the conductor or leader to which the drain is connected.

(w) General (Size of Conductors, Leaders and Storm Drains). Section 1106.1 is hereby amended to read as follows:

1106.1 General. The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers in Lubbock, Texas, shall be based on a minimum 100-year hourly rainfall rate of 3.3 inches (84 mm) per hour.

(x) Vertical conductors and leaders. Section 1106.2 is hereby amended to read as follows:

1106.2 Vertical conductors and leaders. Vertical conductors and leaders shall be sized for the maximum projected roof area, in accordance with Table L1106.2(1) and Table L1106.2(2).

(y) Table L1106.2(1) Size of Vertical Conductors and Leaders. Table 1106.2(1) is hereby deleted and replaced with Table L1106.2(1) as follows:

TABLE L1106.2(1)
SIZE OF CIRCULAR VERTICAL CONDUCTORS AND LEADERS

DIAMETER OF LEADER (inches)[a]	HORIZONTALLY PROJECTED ROOF AREA (square feet)		
	Rainfall Rate (inches per hour)		
	3	3.3	4
2	960	888	720
3	2,930	2,711	2,200
4	6,130	5,671	4,600
5	11,530	10,666	8,650
6	17,995	16,647	13,500
8	38,660	35,762	29,000

a. Sizes indicated are the diameter of circular piping. This table is applicable to piping of other shapes, provided the cross-sectional shape fully encloses a circle of the diameter indicated in this table. For rectangular leaders, see Table L1106.2(2). Interpolation is permitted for pipe sizes that fall between those listed in this table.
b. The Rate of Rainfall for Lubbock, Texas, is 3.3 inches per hour, as shown in Appendix B of the 2012 International Plumbing Code.

(z) Table L1106.2(2) Size of Rectangular Vertical Conductors and Leaders. Table 1106.2(2) is hereby deleted and replaced by Table L1106.2(2) as follows:

TABLE L1106.2(2)
SIZE OF RECTANGULAR VERTICAL CONDUCTORS AND LEADERS

DIMENSIONS OF COMMON LEADER SIZES width x length (inches) [a,b]	HORIZONTALLY PROJECTED ROOF AREA (square feet)		
	Rainfall Rate (inches per hour)		
	3	3.3	4
1 3/4 x 2 1/2	1,130	1,046	850
2 x 3	1,840	1,702	1,380
2 3/4 x 4 1/4	4,270	3,949	3,200
3 x 4	4,400	4,070	3,300
3 1/2 x 4	5,300	4,901	3,970
3 1/2 x 5	7,100	6,566	5,320
3 3/4 x 4 3/4	7,320	6,771	5,490
3 3/4 x 5 1/4	8,500	7,864	6,380
3 1/2 x 6	9,260	8,564	6,940
4 x 6	10,990	10,165	8,240
5 1/2 x 5 1/2	14,760	13,653	11,070
7 1/2 x 7 1/2	33,500	30,986	25,120

a. Sizes indicated are nominal width x length of the opening for rectangular piping.

b. For shapes not included in this table, Equation 11-1 shall be used to determine the equivalent circular diameter, D_e, of rectangular piping for use in interpolation using the data from Table L1106.2(1).

$D_e = (\text{width} \times \text{length})^{1/2}$ **(Equation 11-1)**

where:

D_e = equivalent circular diameter; D_e, width, and length are in inches.

c. The Rate of Rainfall for Lubbock, Texas, is 3.3 inches per hour, as shown in Appendix B of the 2012 International Plumbing Code.

(aa) Building storm drains and sewers. Section 1106.3 is hereby amended to read as follows:

1106.3 Building storm drains and sewers. The size of the building storm drain, building storm sewer and their horizontal branches having a slope of one-half unit or less vertical in 12 units horizontal (4-percent slope) shall be based on the maximum projected roof area in accordance with Table L1106.3. The slope of horizontal branches shall be not less than one-eighth unit vertical in 12 units horizontal (1-percent slope) unless otherwise approved.

(bb) Table L1106.3 Size of Horizontal Storm Drainage Piping. Table 1106.3 is hereby replaced with Table L1106.3 as follows:

TABLE L1106.3
SIZE OF HORIZONTAL STORM DRAINAGE PIPING

SIZE OF HORIZONTAL PIPING (inches)	HORIZONTALLY PROJECTED ROOF AREA (square feet)		
	Rainfall Rate (inches per hour)		
	3	3.3	4
1/8 unit vertical in 12 units horizontal (1 percent slope)			
3	1,096	1,014	822
4	2,506	2,294	1,800
5	4,453	4,119	3,340
6	7,133	6,598	5,350
8	15,330	14,181	11,500
10	27,600	25,530	20,700
12	44,400	41,070	33,300
15	72,800	68,810	59,500
1/4 unit vertical in 12 units horizontal (2 percent slope)			
3	1,546	1,430	1,160
4	3,533	3,268	2,650
5	6,293	5,821	4,720
6	10,066	9,311	7,550
8	21,733	20,103	16,300
10	38,950	36,025	29,200
12	62,600	57,920	47,000
15	112,000	103,600	84,000
1/2 unit vertical in 12 units horiztntal (4 percent slope)			
3	2,295	2,100	1,644
4	5,010	4,635	3,760
5	8,900	8,234	6,680
6	13,700	12,800	10,700
8	30,650	28,355	23,000
10	55,200	51,060	41,400
12	88,800	82,140	66,600
15	158,800	146,860	119,000

The Rate of Rainfall for Lubbock, Texas, is 3.3 inches per hour, as shown in Appendix B of the 2012 International Plumbing Code.

(cc) Size of roof gutters. Section 1106.6 is hereby amended to read as follows:

1106.6 Size of roof gutters. The size of semicircular gutters shall be based on the maximum projected roof area in accordance with Table L1106.6.

(dd) Table L1106.6 Size of Semicircular Roof Gutters. Table 1106.6 is hereby deleted and replaced with Table L1106.6 as follows:

TABLE L1106.6
SIZE OF SEMICIRCULAR ROOF GUTTERS

DIAMETER OF GUTTERS (Inches)	HORIZONTALLY PROJECTED ROOF AREA (square feet)		
	Rainfall Rate (inches per hour)		
	3	3.3	4
1/16 unit vertical in 12 units horizontal (0.5 percent slope)			
3	226	209	170
4	480	444	360
5	834	771	625
6	1,280	1,184	960
7	1,840	1,702	1,380
8	2,655	2,456	1,990
10	4,800	4,440	3,600
1/8 unit vertical in 12 units horizontal (1 percent slope)			
3	320	296	240
4	681	630	510
5	1,172	1,084	880
6	1,815	1,679	1,360
7	2,600	2,405	1,950
8	3,740	3,458	2,800
10	6,800	6,290	5,100
1/4 unit vertical in 12 units horizontal (2 percent slope)			
3	454	420	340
4	960	888	720
5	1,668	1,543	1,250
6	2,560	2,368	1,920
7	3,860	3,530	2,760
8	5,310	4,911	3,980
10	9,600	8,880	7,200
1/2 unit vertical in 12 units horizontal (4 percent slope)			
3	640	592	480
4	1,360	1,258	1,020
5	2,360	2,183	1,770
6	3,695	3,418	2,770
7	5,200	4,810	3,900
8	7,460	6,902	5,600
10	13,330	12,331	10,000

FOR SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m^2

The Rate of Rainfall for Lubbock, Texas, is 3.3 inches per hour, as shown in Appendix B of the 2012 International Plumbing Code.

(ee) Table L1107.3(1) Size of Scuppers. A new Table L1107.3(1) is hereby added as follows:

TABLE L1107.3(1)
SIZE OF SCUPPERS

Head, H (inches)	Length of Scupper, L (inches)										
	4"	5"	6"	8"	10"	12"	18"	24"	30"	36"	48"
	CAPACITY OF SCUPPER, Q (gallons per minute)										
1"	11.4	14.4	17.4	23.4	29.4	35.4	53.3	71.3	89.3	107.3	143.2
1.846"	27.3	34.8	42.3	57.3	72.4	87.4	132.5	177.6	222.7	267.7	357.9
2"	30.5	39.0	47.5	64.4	81.4	98.3	149.1	200.0	250.8	301.7	403.4

Note: The Table is based on the Francis weir formula:

$Q = 3.33 \times (L - 0.2 \times H) \times H^{1.5}$

Where:

Q = Flow Rate (cubic feet per second).

L = Length of Scupper Opening (feet).

H = Head on Scupper (feet, measured 6 feet back from opening).

(ff) Table L1107.3(2) Maximum Contributing Areas For Parapet Wall Scuppers. A new Table L1107.3(2) is hereby added as follows:

Table L1107.3(2)

MAXIMUM CONTRIBUTING AREAS FOR PARAPET WALL SCUPPERS

For This Table: d_s = 2", i = 3.3 in./hr., and Rain Load, R = 20 psf

Width of Scupper, L (inches)	Maximum Contributing Roof and Wall Areas, A (square feet)
4"	796
5"	1015
6"	1234
7"	1453
8"	1673
10"	2111
12"	2549
16"	3426
24"	5179

A = Maximum Allowable Horizontally Projected Roof Areas Plus One-Half of the Vertical Wall Areas Contributing to the roof drainage area so that the maximum Rain Load on the roof, R, does not exceed **20 psf**. (3.846" of Water Weighs 20 psf, which is equal to the Roof Live Load)

d_s = Depth of Rainwater from the Primary Roof Drain up to the Bottom of the Scupper Inlet (also referred to as Static Head), inches. For this Table; **d_s = 2"**.

H = Maximum Depth of Additional Rainwater Above the Bottom of the Scupper Inlet (also referred to as Hydraulic Head), inches. For this Table; **H = 1.846"** maximum.

(H = 20 psf / 5.2 psf/in. of thickness - d_s = 3.846" - 2" = 1.846")

i = The Rate of Rainfall for Lubbock, Texas, is **3.3 inches per hour**, as shown in Appendix B of the 2012 IPC. The Rate of Rainfall is based on a storm of 1 hour duration and a 100 year return period.

$Q = 3.33 \times (L - 0.2 \times H) \times H^{1.5}$ $A = Q / i$

Q = Flow Rate Through the Scupper, gallons per minute

Note: The minimum Scupper Height shall be 4". Scupper heights greater than 4" do not change the values in the Table.

(gg) Sizing of secondary drains. Section 1108.3 is hereby amended to read as follows:

1108.3 Sizing of secondary drains. Secondary (emergency) roof drain systems shall be sized in accordance with Section 1106 based on the rainfall rate for which the primary system is sized in Tables L1106.2(1), L1106.2(2), L1106.3 and L1106.6. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.7. Scuppers shall be sized in accordance with Tables L1107.3(1) and L1107.3(2) so that the rain load on the roof does not exceed 20 psf. Notify the structural engineer when the roof and wall areas contributing to the scuppers exceed the values shown in Table L1107.3(2) so that the structure can be designed for increased rain load. Scuppers shall have an opening dimension of not less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

(hh) Size of combined drains and sewers. Section 1109 is hereby deleted in its entirety.

(ii) Medical gas certification. Section 1202 is hereby amended by adding a new section 1202.2, as follows:

1202.2 Certification required. A medical gas certification must be furnished to the building inspection department before a final will be approved.

Secs. 28.10.005—28.10.050 Reserved

Division 2. Protection of Water Supply

Sec. 28.10.051 Definitions

For the purposes of section 28.10.052, section 28.10.053 and section 28.10.054 of the Code of Ordinances of the City of Lubbock, and section 312.9 and section 608 of the 2012 International Plumbing Code, sections P2503.7 and P2902 of the 2012 International Residential Code, and the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, the following definitions shall apply. In the event of a conflict between the definitions set forth below and the definitions provided in the 2012 International Plumbing, 2012 International Residential Codes, the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, for the purposes of sections 28.10.052, 28.10.053 and 28.10.054 of the Code of Ordinances of the city, the definitions set forth below shall control.

(1) *Air gap* shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, fixture, receptor, sink, or other assembly and the flood level rim of the receptacle. The vertical, physical separation must be at least twice the diameter of the water supply outlet, but never less than 1.0 inch. An air gap may also be a horizontal space between two pipes at no less than 6.0 inches.

(2) *Approved* shall mean accepted by the authority responsible as meeting an applicable specification stated or cited in sections 28.10.051, 28.10.053 through 28.10.054 or as suitable for the proposed use.

(3) *Auxiliary water supply* shall mean any water supply on or available to the premises other than the purveyor's approved public water supply that presents a potential contamination hazard of the public water system. These auxiliary waters may include water from another purveyor's public water supply or any natural source(s) such as a well, spring, river or stream or used waters, or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

(4) *Backflow* shall mean the undesirable reversal of flow in a public water distribution system as a result of a cross connection.

(5) *Backflow prevention assembly* shall mean an approved assembly to counteract backpressure or prevent backsiphonage.

(6) *Backflow prevention assembly test and maintenance report* shall mean the report required for each backflow prevention assembly upon initial installation and periodically thereafter as required, giving evidence that the backflow prevention assembly has been properly selected based on the degree of hazard, and has been properly installed and tested in accordance with applicable standards, and showing the results of this test. The completed form will be forwarded to the water purveyor for documentation and annual record keeping.

(7) *Backflow prevention assembly tester, backflow tester, or general tester* shall mean a backflow assembly device tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service (excepting firelines). This person must be licensed by TCEQ and registered with the city.

(8) *Backpressure* shall mean pressure created by any means in the water distribution system, which by being in excess of the pressure in the water supply mains causes a potential backflow condition.

(9) *Backsiphonage* shall mean the backflow of potentially contaminated water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(10) *Building official* shall mean the officer charged with the enforcement of the building, plumbing, mechanical, electrical, fuel gas, and energy conservation codes of the city, or his duly authorized representative. For purposes of sections 28.10.051, 28.10.053 through 28.10.054, all state-licensed plumbing inspectors under the supervision of the building official are his duly authorized representatives.

(11) *Bypass arrangements* shall mean any jumper connections, removable section, unions, swivels or change-over devices and other temporary or permanent devices through which or because of which backflow can occur.

(12) *Contamination* shall mean an impairment of the quality of the potable water that creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids or waste.

(13) *Cross connection* shall mean a physical connection or bypass arrangement between a public water system and either another supply of unknown or questionable quality, or another source that may contain contaminating or polluting substances, any source of water treated to a lesser degree in the treatment process, or any steam, gas or chemical system.

(14) *Cross-connection control device* shall mean any nationally approved or recognized device placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, which is designed to prevent nonpotable, used, unclean, polluted and contaminated water, or other substance, from entering into any part of such potable water system under any condition or set of conditions.

(15) *Cross connections - controlled* shall mean a connection between a public water system and a nonpublic water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

(16) *Cross-connection control by containment* shall mean the installation of an approved backflow prevention assembly at the water service connection to any customer's premises, where it is physically or economically unfeasible to find and permanently eliminate or control all cross connections or potential contamination hazards, within the customer's water system; or it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are cross connections or potential contamination hazards, that cannot be effectively eliminated or controlled at the point of the cross connection.

(17) *Customer/property owner* shall mean the owner, as determined by the real property records of Lubbock County, Texas, or the agent of the owner in responsible charge of the subject premises. For purposes of sections 28.10.051, 28.10.053 through 28.10.054, a licensed plumber and/or irrigator shall be deemed to be an agent of the owner when performing work under the scope of sections 28.10.051, 28.10.053 through 28.10.054 pursuant to a plumbing and/or irrigation permit.

(18) *Customer service inspection* shall mean an inspection designed to detect any actual or potential point of contamination of the potable water system and/or cross-connection hazards.

(19) *Degree of hazard* shall mean the nonhealth hazard or health hazard classification that shall be attached to all actual or potential cross connections.

(A) *Nonhealth hazard* shall mean a cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into a public water supply.

(B) *Health hazard* shall mean the classification assigned to a cross connection or potential contamination hazard or other situation involving any substance that can cause illness, death, spread of disease or has a high probability of causing such effects if introduced into the potable drinking water supply.

(20) *Double check valve backflow assembly (DCVA), double check assembly, and double check (DC)* shall mean an assembly consisting of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted properly located resilient seated test cocks. This assembly shall only be used to protect against a nonhealth hazard.

(21) *Fireline tester* shall mean a tester who is qualified to test backflow prevention assemblies on firelines. This person must be licensed by TCEQ and registered with the city.

(22) *Licensed professional* shall mean any individual, or their representative, that must maintain a license obtained through a professional licensing board in order to conduct their business under state law.

(23) *Nonpotable water* shall mean water not safe for drinking, personal or culinary utilization.

(24) *Pollution* shall mean an impairment of the quality of the potable water to a degree that does not create a hazard to the public health but that does adversely and unreasonably affect the aesthetic qualities of such potable water for domestic use.

(25) *Point of use isolation* shall mean the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross connection exists.

(26) *Potable water* shall mean water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the bacteriological and chemical quality requirements of the Public Health Service Drinking Water Standards or the regulations of any public health authority having jurisdiction over such matters.

(27) *Potential contamination hazard* shall mean a condition which, by its location, piping or configuration, has a reasonable probability of being used incorrectly, through carelessness, ignorance, or negligence, to create or cause to be created a backflow condition by which contamination can be introduced into the public water supply. Examples of potential contamination hazards are:

(A) Bypass arrangements;

(B) Jumper connections;

(C) Removable sections or spools; and

(D) Swivel or changeover assemblies.

(28) *Public Health Service Drinking Water Standards* shall mean the standards set forth in 30 TAC 290 subchapter F, as may be amended from time to time.

(29) *Reduced pressure principle backflow prevention assembly (RPBA), reduced pressure principle assembly, RPZ or RP assembly* shall mean a backflow prevention device consisting of two independently acting check valves, internally force-loaded to a normally closed position and separated by an intermediate chamber (or zone) in which there is an automatic relief means of venting to the atmosphere, internally loaded to a normally open position between two tightly closing shutoff valves and with a means for testing for tightness of the checks and opening of the relief means.

(30) *Repair of an irrigation system* shall mean the reconstruction or renewal of any part of an existing irrigation system, including without limitation, installation of a backflow prevention device, adding additional irrigation zones, reparation of a main irrigation line and valve replacement. For the purpose hereof, the replacement of a control box or sprinkler head(s) shall not be deemed to be a repair.

(31) *Service connection* shall mean the point of delivery where the water purveyor loses control over the water.

(32) *Used water* shall mean any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery or service connection and is no longer under the sanitary control of the water purveyor.

(33) *Water purveyor* shall mean the director in charge of the water department of the city, who is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of sections 28.10.051, 28.10.053 through 28.10.054.

Sec. 28.10.052 Intent; conflicts

Section 28.10.052, section 28.10.053, and section 28.10.054 of the Code of Ordinances of the city are intended to supplement the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, section 312.9, "Inspection and Testing of Backflow Prevention Assemblies," and section 608, "Protection of Potable Water Supply" of the 2012 International Plumbing Code, as well as sections P2503.7 and P2902 of the 2012 International Residential Code, both codes having been previously adopted as a part of the Code of Ordinances of the city. In the event of any conflict between the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, sections 312.9 or 608 of the 2012 International Plumbing Code or sections P2503.7 or P2902 of the 2012 International Residential Code and section 28.10.052, section 28.10.053, and section 28.10.054 of the Code of Ordinances of the city, the provisions of section 28.10.052, section 28.10.053, and section 28.10.054 of the Code of Ordinances of the city shall control. Section 28.10.052, section 28.10.053, and section 28.10.054 of the Code of Ordinances of the city shall be liberally construed to protect the public health and safety of the citizens of the city.

Sec. 28.10.053 Responsibilities of water purveyor, user, customer/property owner and backflow prevention assembly tester

(a) Responsibilities of water purveyor.

(1) (A) No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state law, including without limitation, 30 TAC 290.44(h), 30 TAC 290.46(j), 30 TAC 290.47(i), 30 TAC 344.73 and 30 TAC 344.75, as same may be amended from time to time. Service of water, subject to the provisions of sections 28.10.052, 28.10.053, or 28.10.054 of the Code of Ordinances of the City of Lubbock, or sections 312.9 or 608 of the 2012 International Plumbing Code, or sections P2503.7 or P2902 of the 2012 International Residential Code, as applicable, to any premises shall be discontinued by the water purveyor if a backflow prevention assembly required by sections 28.10.051, 28.10.053 through 28.10.054 is not installed properly, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(B) For new facilities, permanent water service shall not be provided until all testable backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the city shall not approve any certificate of

occupancy until all backflow prevention assemblies have been tested and are operational.

(2) Customer service inspection.

(A) A customer service inspection for cross-connection control shall be completed by the city water purveyor prior to providing continuous water service in each of the following circumstances:

(i) Water service to a newly constructed facility, in which case the customer service inspection shall be performed in conjunction with or near the same time as the plumbing final inspection conducted by the building official.

(ii) Any correction, addition or improvement to the water service or water distribution plumbing of any facility or premises, except for minor repair and maintenance work exempted from permitting by section 106.2 of the 2012 International Plumbing Code, or in cases where an approved RPBA backflow prevention device has been installed at the point of water service connection such that premises' isolation is achieved, and said device has been verified as having been properly tested and maintained as provided herein. Where nonexempt plumbing work has been performed upon the water service or water distribution plumbing of any facility or premises, and approved premises isolation has been provided as described herein, the building official shall be solely responsible for ensuring compliance of any such work on the customer side of the backflow device.

(B) A permanent water service shall not be established with regard to a newly constructed facility until after the customer service inspection is completed.

(C) Temporary water service, for construction or other purposes, that is found to pose a potential cross-connection threat to the potable water due to the unknown use of the water therefor, or other reasons or causes, shall be protected by an approved backflow prevention assembly.

(3) If, in the judgment of the water purveyor or building official an approved backflow prevention assembly is required at the customer's/property owner's water service connection; or, within the customer's/property owner's private water system for the safety of the public water system, the water purveyor or the designated agent shall:

(A) Give notice in writing to the customer/property owner to install an approved backflow prevention assembly(s) at specific location(s) at his/her expense, and depending on the severity of the threat to the public water supply, within the time frame required by the city and in all instances within thirty (30) days.

(B) In the case of any premises where, in the opinion of the water purveyor and/or building official, an imminent health threat is posed due to cross connection or a potential contamination hazard, water service to the facility may immediately be discontinued without prior written notice to customer/property owner. Although the city will attempt to provide notice as is reasonably practical, no notice shall be required prior to discontinuance.

(4) Failure, refusal or inability on the part of the customer/property owner to install, have tested and maintain the backflow prevention assembly(s) shall be grounds for discontinuing water service to the premises until such requirements have been met as required by sections 28.10.051, 28.10.053 through 28.10.054.

(5) Any reduction in water pressure caused by the installation of backflow prevention assembly devices shall not be the responsibility of the city.

(b) Responsibilities of the customer/property owner. The customer's/property owner's system shall include those parts of the potable water conveyance facilities beyond the termination of the utility distribution system that are conveying potable water to the points of use of customer/property owner.

(1) Backflow prevention assemblies shall be installed within the customer's/property owner's system at the customer's/property owner's expense at any time required by sections 28.10.052, 28.10.053, or 28.10.054 of the Code of Ordinances of the city and/or sections 312.9 or 608 of the 2012 International Plumbing Code, or sections P2503.7 or P2902 of the 2012 International Residential Code, or the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, as applicable. All backflow prevention devices must be installed and tested as required by:

(A) Section 28.10.052, section 28.10.053, and section 28.10.054 of the Code of Ordinances of the city;

(B) Section 312.9 and section 608 of the 2012 International Plumbing Code; and

(C) 30 TAC 290.44(h), 30 TAC 290.46(j) and 30 TAC 290.47(i).

(2) It shall be the responsibility of the customer/property owner to verify that all applicable city plumbing and/or irrigation permits are obtained and that the customer/property owner, or licensed plumber or irrigator, as applicable, is in compliance with all of the provisions of those permits. In addition to the remedies provided herein, in the event the backflow prevention assembly is installed by a licensed professional, failure by such licensed professional to follow the provisions of such permit will result in written notice to the applicable state licensing agency, in addition to being a violation of sections 28.10.051, 28.10.053 through 28.10.054.

(3) It shall be the responsibility of the customer/property owner and backflow prevention assembly tester performing the subject test(s) to send to the city the backflow prevention assembly test and maintenance records. These materials shall be delivered to the water purveyor office of the city within ten (10) days of installation of the backflow prevention assembly.

(4) The customer's/property owner's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections or potential contamination hazards, including violations of sections 28.10.052, 28.10.053, or 28.10.054 of the Code of Ordinances of the city and/or sections 312.9 or 608 of the 2012 International Plumbing Code, or sections P2503.7 or P2902 of the 2012 International Residential Code, as applicable, exist.

(5) If the customer or premises wherein potable water from the city is supplied or provided has an auxiliary water supply that is treated to a lesser degree than the public water supply or if the water quality is unknown, and which is either cross connected or poses a potential contamination hazard to the public water system, the public water system shall be protected against backflow or backsiphonage by an approved backflow prevention device. The described threat shall be deemed a health hazard when determining the type of approved backflow required. If the auxiliary water supply is used for irrigation purposes, the backflow assembly shall be subject to the requirements of 30 TAC 344.75(c), as same may be amended from time to time.

(6) In the event industrial fluids, any material dangerous to health or any other objectionable substances are handled in such a fashion as to create potential contamination hazard to the public water system, such condition shall be deemed a health hazard. The public water system shall be protected against backflow from the premises by installing an air gap, a reduced pressure principle backflow assembly, or such other backflow assembly device as may be required by 30 TAC 290.47(i), as same may be amended from time to time. See attachment "A," to Ordinance 2007-O0056 incorporated herein and made a part hereof for all purposes.

(7) All new installations of or substantial alterations to fire suppression systems that utilize the city's public water supply shall have installed a U.L. approved backflow prevention device according to the degree of hazard that exists. For purposes of this section, a "substantial alteration" is deemed to be any alteration or expansion of the system that would trigger a requirement for review and approval by the authority having jurisdiction, normally being the city fire marshal. All fireline backflow prevention assemblies must be installed inside the building as determined by section 28.10.053 of the Code of Ordinances of the city. Upon the approved installation of the backflow prevention assembly, a cross-connection test report completed by a licensed fireline tester must be provided to the city as required by subsection (b)(3), above.

(8) Subject to the conditions of this subsection (b)(8), a reduced pressure assembly shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during construction or other uses which may pose a potential contamination hazard to the public water supply. Only city fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the city limits. Failure to comply with this subsection (b)(8) will result in the fire hydrant meter being removed from the premises by the water purveyor.

(9) It shall be the duty of the customer/property owner at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made upon installation and at least once every three years in nonhealth hazard conditions. In those instances where the water purveyor and/or building official of the city deems the potential backflow to be a health hazard or a potential health hazard, certified inspections shall be required annually or at more frequent intervals as deemed necessary by the water purveyor. All inspections and tests of backflow prevention assemblies shall be at the expense of the customer/property owner and shall be performed by a backflow tester who is licensed with the Texas Commission on Environmental Quality and registered with the water purveyor and meeting all conditions and criteria of section 28.10.052, section 28.10.053, and section 28.10.054 of the Code of Ordinances of the city.

(10) It shall be the responsibility of the customer/property owner that all irrigation systems installed after the effective date hereof and for an existing system in the event of a repair, shall have installed an approved backflow prevention assembly other than an atmospheric vacuum breaker (AVB), in the event an existing irrigation system is repaired.

(11) It shall be the responsibility of the customer/property owner to have the backflow prevention assembly device tested as described in sections 28.10.051, 28.10.053 through 28.10.054. The backflow prevention assembly shall be repaired, overhauled, or replaced at the expense of the customer/property owner whenever said assemblies are found to be defective. Water service shall not be restored until repairs are complete.

(c) Responsibilities of the backflow prevention assembly tester. In addition to requirements of the backflow prevention assembly tester set forth in other parts of this division, the backflow prevention assembly tester shall also comply with the following:

(1) The backflow prevention assembly tester shall perform competent tests, issuing complete, accurate and legible reports of backflow prevention assemblies tested, and filing backflow prevention assembly test and maintenance reports as prescribed by division. Test reports shall be submitted to the water purveyor office of the city, within (10) ten days of the testing by the backflow prevention assembly tester of the installation, replacement, or repair of the backflow assembly.

(2) Prior to performing any testing of backflow prevention assemblies within the city, a licensed backflow prevention assembly tester must be registered annually with the city in accordance with this section.

(A) Eligibility for registration shall be conditioned upon applicant providing proof to the city that they are currently licensed as a backflow prevention assembly tester by the Texas Commission on Environmental Quality.

(B) Each applicant for registration shall furnish evidence to the city to show that he/she has available the necessary tools and equipment to properly test and certify such assemblies. Serial numbers of all test gauges shall be registered with the city annually and shall be listed on tests and maintenance reports prior to being submitted to the city. Each recorded test kit shall be tested annually for accuracy and calibrated to maintain a two-percent accuracy factor.

(3) In the event the city has reason to believe that testing or reporting deficiencies exist in a backflow prevention assembly tester's methods or report, the city shall notify the tester and customer/property owner, and shall take one or more of the following actions:

(A) Require the subject customer/property owner to have retested any backflow prevention assembly previously reported as operational;

(B) In the event the backflow prevention assembly tester has committed three (3) or more inadvertent testing or reporting inaccuracies within a twelve-month period commencing with the first inaccuracy, the backflow prevention assembly tester's registration with the city may be suspended for a period of six (6) months;

(C) In the event the backflow prevention assembly tester shall file with the city an intentional or knowing falsified test report, the backflow prevention assembly tester's registration with the city shall be revoked by the city.

Sec. 28.10.054 Approved backflow prevention device assembly and installation

(a) Any backflow prevention assembly required by sections 28.10.052, 28.10.053, or 28.10.054 of the Code of Ordinances of the city, or section 312.9 or 608 of the 2012 International Plumbing Code, or sections P2503.7 or P2902 of the 2012 International Residential Code, or the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, as applicable, shall be of a model and size approved by the water purveyor/building official or as approved by 30 TAC 290.47(i), as same may be amended from time to time. Backflow prevention devices must be approved by the city prior to installation. A plumbing permit is required in accordance with section 28.05.001 of this chapter. The city shall determine the type and location of the backflow prevention assembly to be installed within the area served by the public water system.

(b) The term "approved backflow prevention assembly" shall mean a backflow prevention assembly that has been manufactured and installed in full conformance with the standards specified within the 2012 International Plumbing Code and those established by the American Water Works Association (AWWA) and the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, titled:

> AWWA C510 Standard for Double Check Valve Backflow-Prevention Assembly, and AWWA C511 Standard for Reduced-Pressure Backflow-Prevention Assembly, and have met completely the laboratory field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCHR) and the University of Southern California (USC), "Specification of Backflow-Prevention Assemblies" - Sec. 10 of the most current issue of the Manual of Cross-Connection Control.

(c) Backflow prevention assemblies shall be installed in a manner designed to facilitate ease of testing and inspection by the city or any certified general tester. All backflow prevention assemblies shall be tested upon installation, relocation, or repair of same.

(d) Backflow prevention assemblies, in addition to other requirements set forth in sections 28.10.052, 28.10.053, or 28.10.054 of the Code of Ordinances of the city, or section 312.9 or 608 of the 2012 International Plumbing Code, sections P2503.7 or P2902 of the 2012 International Residential Code, or the USC Manual of Cross-Connection Control, American Water Works Association M14 Manual, shall be installed in accordance with subsections (1) through (9) below. The clearance standards set forth in subsections (1) through (9), below, shall apply to all assemblies installed in enclosures and meter boxes.

(1) Backflow prevention assemblies that are larger than four inches and installed more than five feet above floor level must have a suitable platform for use by testing or maintenance personnel.

(2) All backflow prevention assemblies installed eight feet or higher above floor level must have installed a suitable permanent ladder for use by testing or maintenance personnel.

(3) All backflow prevention assembly enclosures shall be designed for ready access and sized to allow for the minimum clearance as established in this article. Removable protective enclosures may be installed on smaller assemblies.

(4) Reduced pressure zone assemblies two inches and smaller shall have at least a six-inch clearance on both ends and on top of the assembly. Additionally, there shall be twelve inches of clearance below the relief valve and twelve inches of clearance on the test cock side of the assembly. All assemblies larger than two inches shall have a minimum of twelve inches of clearance on the back side, twenty-four inches of clearance on the test cock side, and the relief valve opening shall be at least twelve inches plus nominal size of assembly above the floor or highest possible water level.

(5) Double check valve assemblies larger than two inches may be installed above finished grade in a freeze-proof enclosure or below grade in a vault. If assembly is installed below grade, the test cocks must be plugged with corrosion resistant watertight plugs, and shall be no less than twelve inches below grade with a minimum of twelve inches clearance below the backflow assembly device. There shall be at least a six-inch clearance on both ends of the assembly with a minimum clearance of twelve inches on the back side and twenty-four inches on the test cock side. The top of the vault shall be two inches above ground level. Double check valve assemblies shall be installed so that the checks are horizontal.

(6) Double check valve assemblies two inches and smaller may be installed above finished grade in a freeze-proof enclosure or below grade in a box. If assembly is installed below grade, the test cocks must be plugged with

corrosion resistant watertight plugs, and shall be no less than twelve inches below grade with a minimum of twelve inches clearance below the backflow assembly device. There shall be at least a six-inch clearance on both ends of the assembly with a minimum clearance of twelve inches on the back side and twelve inches on the test cock side. The top of the box shall be two inches above ground level. Double check valve assemblies shall be installed so that the checks are horizontal.

(7) Bypass arrangements are prohibited. Pipe fittings which could reasonably be calculated to constitute a means by which a backflow assembly could be bypassed and defeated shall not be installed.

(8) All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provision for the parallel installation of assemblies of the same type so that testing, repair and maintenance can be performed.

(9) All health hazard facilities shall have containment from the city's potable water system. For the purposes of this subsection, "containment" shall mean protection of the public water supply at the service connection.

Sec. 28.10.055 Appeals

The mechanism for appeal from the provisions of this division, or from a decision of an administrative official enforcing same, shall be through the building board of appeals of the city in the same manner as set forth in section 2.03.501 of this code. It is further provided that said board shall have no authority to waive, set aside or alter any provision of this division otherwise mandated by the laws of the state.

Sec. 28.10.056 Violations

Violation of any provision of this division shall be deemed a misdemeanor punishable as provided in section 1.01.004 of the Code of Ordinances of the city. Additionally, a violation of any provision of this division shall be deemed to be a nuisance as defined under section 34.02.031 of the Code of Ordinances of the city. Notwithstanding the above, in the event a violation results in an imminent risk to human health, safety or welfare, the city may immediately discontinue water service to the subject facility without notice. Notwithstanding the right to immediately discontinue water service without notice, as described herein, the city will attempt to provide notice as is reasonably practical under the circumstances presented. The city will provide customer with necessary information to properly reinstate service.

SECTION 2. THAT violation of any provision of this ordinance shall be deemed a misdemeanor punishable as provided by Section 1.01.004 of the Code of Ordinances of the City of Lubbock, Texas.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT pursuant to Section 214.218 of the Texas Local Government Code, this Ordinance shall not be implemented or enforced until after the 30th day after the date of final adoption.

SECTION 5. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this _____ day of _____, 2015.
Passed by the City Council on second reading this _____ day of _____, 2015.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Steve O'Neal, Chief Building Official

APPROVED AS TO FORM:

_____
Amy L. Sims, Deputy City Attorney

Regular City Council Meeting **6. 11.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading - Building Inspection: Consider Ordinance 2016-O0074 amending Chapter 28 of the Code of Ordinances of the City of Lubbock with regard to adoption of the 2012 International Mechanical Code with local amendments.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

The International Mechanical Code is a national model code governing the construction, installation, alteration and repair of heating, ventilation and air conditioning (HVAC) systems within buildings other than one and two family dwellings. It is updated on a triennial basis pursuant to a legislative process wherein mechanical officials from member jurisdictions may vote on proposed changes.

Historically, Lubbock has amended the mechanical code to suit local conditions. The 2012 edition has retained a few from the prior edition.

Fiscal Impact

None.

Staff/Board Recommending

Steve O'Neal, Chief Building Official
Model Code and Construction Ordinance Advisory Board

Attachments

Ordinance - Mechanical Code

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS WITH REGARD TO ADOPTION OF THE 2012 INTERNATIONAL MECHANICAL CODE AND PROVIDING FOR CERTAIN AMENDMENTS THERETO TO MEET LOCAL CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS the City Council of the City of Lubbock, Texas deems it in the best interest of the health, safety, and welfare of the citizens of Lubbock to adopt the 2012 International Mechanical Code for the City of Lubbock with certain amendments thereto to meet local conditions; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Chapter 28, Article 28.11 of the Code of Ordinances of the City of Lubbock is hereby amended as follows:

ARTICLE 28.11 MECHANICAL CODE

Sec. 28.11.001 Adopted

The 2012 edition of the International Mechanical Code, as published by the International Code Council, Inc., as hereinafter amended, including appendix A, is hereby adopted as the mechanical code of the City of Lubbock, Texas. A copy of said code is attached hereto and incorporated herein as though set out herein in detail. References to the Mechanical Code in this chapter or to "this code" within this article shall mean and refer to the 2012 edition of the International Mechanical Code as amended herein. One copy of the 2012 International Mechanical Code shall be filed with the city secretary and a copy shall be maintained in the office of the city building official. All such copies, with the amendments thereto, shall be open to public inspection during the usual hours of business of the offices where they are maintained.

Sec. 28.11.002 Coordination of administrative provisions

The administrative provisions contained in chapter 28, articles 28.01 through 28.08 of this Code of Ordinances are applicable to this article; however, for purposes of administering provisions related more specifically to the regulation of mechanical systems installation, these supplemental administrative provisions have been provided. Except as amended or supplemented within sections 28.11.002 and 28.11.003, the entire text of chapter 1 of the 2012 International Mechanical Code is deemed to be incorporated herein as though set out herein in detail. Where a conflict arises between a provision contained within sections 28.11.002 and 28.11.003 and articles 28.01 through 28.08 of

this Code of Ordinances, it is the intent that the more specific govern, as determined by the building official.

Sec. 28.11.003 Supplemental administrative amendments

(a) Fee schedule. Section 106.5.2 is hereby amended by inserting the following fee schedule:

MECHANICAL FEE SCHEDULE	
New Construction:	$0.05 per sq. ft. of gross floor area under roof, $30.00 minimum. For warehouse and storage occupancies with no more than four (4) mechanical units without branch ducts are to be installed and comprise the entire HVAC system, the fee shall be calculated in the same manner as for alterations and remodeling below.
Additions to floor area, or remodeling involving complete HVAC system replacement:	As for new construction
Alterations & remodeling not involving total HVAC system replacement (no change in building area), including new installations, replacement and repair of: Air handlers, furnaces, air conditioning and ventilation equipment and duct systems, grease hoods, exhaust systems, boilers, chillers, etc. requiring inspection approval:	$2.00 per $1,000.00 valuation, $30.00 minimum (Where more than one inspection is required, an additional fee of $15.00 shall be assessed for each additional inspection)
Miscellaneous "generic" permits for new installations, replacement and repair of: Air handlers, furnaces, air conditioning and ventilation equipment and duct systems, grease hoods, exhaust systems, boilers, chillers, etc. requiring inspection approval:	$30.00 (Where more than one inspection is required, an additional fee of $15.00 shall be assessed for each additional inspection)
Permit fees, work commencing prior to permit approval:	As for building permit fees, except that permit fee calculations shall be based on this section.
Renewal of expired permit:	
Renewal of involuntarily terminated permit:	
Permit transfer fee:	
Re-inspection Fees:	

(b) Administrative amendments and cross-references to articles 28.01 through 28.08. The following administrative provisions within chapter one of the International Mechanical Code are hereby stricken, and the corresponding provisions within articles 28.01 through 28.08 of this Code of Ordinances shall govern, as indicated in table 28.11.003 below:

TABLE 28.11.003

ADMINISTRATIVE PROVISIONS CROSS-REFERENCE

2012 International Mechanical Code Section	Section Heading/Subject	Refer to Lubbock Code of Ordinances Chapter Section
106.5.3	Fee refunds	28.05.109
108.4	Violation penalties	28.02.006
108.5	Stop work orders	28.02.007
109.1 through 109.7	Means of appeal	2.03.491 through 2.03.495

Sec. 28.11.004 Technical amendments

(a) Sloped roofs. Section 306.5.1 is hereby amended to read as follows:

> 306.5.1 Sloped roofs. Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of six units vertical in 12 units horizontal (50 percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a level platform shall be provided on each side of the appliance or equipment to which access is required for service, repair or maintenance. The platform shall not be less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches above the platform, shall be constructed so as to prevent the passage of a 21-inch diameter sphere and shall comply with the loading requirements for guards specified in the *International Building Code*. Access shall not require walking on roofs having a slope greater than 6 units vertical in 12 units horizontal (50 percent slope). Where access involves obstructions greater than 30 inches in height, such obstructions shall be provided with ladders installed in accordance with Section 306.5 or stairs installed in accordance with the requirements specified in the *International Building Code* in the path of travel to and from appliances, fans or equipment requiring service.

(b) Ventilation required. Section 401.2 is hereby amended to read as follows:

401.2 Ventilation required. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403.

(c) Exhaust installation. Section 504.4 is hereby amended to read as follows:

504.4 Exhaust installation. Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be equipped with a back draft damper. Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the exhaust flow. Clothes dryer exhaust ducts shall not be connected to a vent connector, vent or chimney. Clothes dryer exhaust ducts shall not extend into or through ducts or plenums.
Exception: Back draft dampers shall not be required for vertical duct penetrations through roofs.

(d) Length identification. Section 504.6.5 is hereby amended to read as follows:

504.6.5. Length identification. Where the exhaust duct is concealed within the building construction and exceeds a total developed length of 35 feet, the equivalent length of the exhaust duct shall be identified on a permanent label or tag. The label or tag shall be located within 6 feet of the exhaust duct connection.

(e) Common exhaust systems for clothes dryers in multi-story structures.
Section 504.8 is hereby amended to read as follows:

504.8. Common exhaust systems for clothes dryers located in multi-story structures. Where a common multistory duct system is designed and installed to convey exhaust from multiple clothes dryers, the construction of the system shall be in accordance with all of the following:

1. The shaft in which the duct is installed shall be constructed and fire-resistance rated as required by the International Building Code.

2. Dampers shall be prohibited in the exhaust duct. Penetrations of the shaft and ductwork shall be protected in accordance with Section 607.5.5, Exception 2.

3. Rigid metal ductwork shall be installed within the shaft to convey the exhaust. The ductwork shall be constructed of sheet steel having a minimum thickness of 0.0187 inch (No. 26 gage) and in accordance with SMACNA Duct Construction Standards.

4. The ductwork within the shaft shall be designed and installed without offsets.

5. The exhaust fan motor design shall be in accordance with Section 503.2.

6. The exhaust fan motor shall be located outside of the airstream.

7. The exhaust fan shall run continuously.

8. Exhaust fan operation shall be monitored in an approved location and shall initiate an audible or visual signal when the fan is not in operation.

9. Makeup air shall be provided for the exhaust system.

10. A cleanout opening shall be located at the base of the shaft to provide access to the duct to allow for cleaning and inspection. The finished opening shall be not less than 12 inches by 12 inches.

11. Screens shall not be installed at the termination.

(f) Locking access port caps. Section 1101.10 is hereby deleted.

SECTION 2. THAT violation of any provision of this ordinance shall be deemed a misdemeanor punishable as provided by Section 1.01.004 of the Code of Ordinances of the City of Lubbock, Texas.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT pursuant to Section 214.218 of the Texas Local Government Code, this Ordinance shall not be implemented or enforced until after the 30th day after the date of final adoption.

SECTION 5. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this _____ day of _____, 2015.

Passed by the City Council on second reading this _____ day of _____, 2015.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Steve O'Neal, Chief Building Official

APPROVED AS TO FORM:

_____
Amy L. Sims, Deputy City Attorney

Regular City Council Meeting **6. 12.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading - Building Inspection: Consider Ordinance 2016-O0075 amending Chapter 28, Article 28.15 of the Code of Ordinances of the City of Lubbock with regard to the adoption of the 2012 International Fuel Gas Code with local amendments.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

The 2012 International Fuel Gas Code is a national model fuel gas code governing the construction, alteration and repair of fuel gas systems within buildings other than one and two family dwellings. It is updated on a triennial basis pursuant to a legislative process wherein plumbing officials of member jurisdictions cast votes with regard to proposed changes. State governments, including Texas, mandate adoption of this or similar codes, but do not prohibit local amendments. Historically, Lubbock has amended the codes to suit local conditions, and this 2012 edition has retained several. Additionally, new amendments have been added to address local concerns regarding the use of corrugated stainless steel tubing (CSST).

Through its special fuel gas subcommittee, the Model Codes Advisory Board has recommended that the use of non-conductive jacketed (yellow) CSST be disallowed, and that existing installations be electrically bonded & grounded. New installations of conductive-jacketed CSST will be permitted, provided that the tubing is listed to the ICC LC-1027 standard, or any equivalent standard as approved by the Code Official and manufacturer's test reports are provided that show the product can withstand lighting energy up to the 95th percentile of negative cloud-to-ground lightning strikes. Additional protection measures, such as direct bonding and minimum clearances to metal chimney flues and vents, are also included.

Fiscal Impact

None.

Staff/Board Recommending

Steve O'Neal, Chief Building Official
Garett Nelson, Fire Marshal
Model Codes and Construction Advisory Board

Attachments

Ordinance - Amended Fuel and Gas Code

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS WITH REGARD TO ADOPTION OF THE 2012 INTERNATIONAL FUEL GAS CODE AND PROVIDING FOR CERTAIN AMENDMENTS THERETO TO MEET LOCAL CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Lubbock finds and determines that:

1. The Lubbock Region, due to the vast expanse of flat, featureless topography, is prone to frequent seasonal bouts of fast-moving, violent thunderstorms, which include significant lightning activity;

2. Cloud-to-ground lightning strikes are associated with thunderstorm activity in the Lubbock Region and both direct and indirect strikes have occurred on and near buildings within the City limits of Lubbock;

3. Modern building developments typically have their utility infrastructure placed underground rather than overhead and feature few trees, resulting in fewer lightning attractants in the landscape, thereby increasing the likelihood of a direct strike on building appendages and protrusions (chimneys, vents, cornices, etc.) given prevalent theories of lightning propagation;

4. New homes and buildings rely less on metallic systems than in decades past (plastic vs. copper water lines, PVC vs. cast iron sewer pipes, plastic vs. metal AC ducting) resulting in fewer electrically conductive metallic pathways and consequently, greater impressed electrical voltage on remaining metal components, such as gas piping and electrical cabling, in the event of a lightning strike;

5. Industry research indicates that half of all negative cloud-to-ground lightning flashes will have an energy discharge of 15.8 Coulombs or greater, and half of all positive cloud-to-ground flashes will have a discharge of 80 Coulombs or greater;

6. Corrugated Stainless Steel Tubing (CSST) gas piping features flexible stainless steel tubing with relatively thin (.08 - .10") walls that are particularly vulnerable to puncture by the heat associated with electrical arcing from a lightning or building electrical current event, relying on coverings or "jackets" of various designs for protection;

7. Fuel gas piping systems, including CSST, are frequently installed in close proximity to lightning attractants, such as metal chimney flue liners, increasing the possibility that a lightning strike thereon will result in the electrical charge being conducted to the gas piping system;

8. First-generation CSST systems bearing the typical yellow-colored non-conductive (dielectric) jacket are deemed to have an unacceptable performance level where lightning is concerned;

9. The propensity of yellow CSST to rupture due to electrical lightning activity at very low levels is known and acknowledged;

10. In several instances, yellow CSST has been damaged by electrical arcing related to direct and/or indirect lightning events, creating leaks and/or natural gas fueled fires in the Lubbock Region, including one injury and one death in the City limits;

11. The prevalent lightning damage mitigation method ("direct bonding") has a limited capacity to protect CSST systems from the arcing effects of lightning;

12. Second-generation CSST products have been developed that feature varying designs of electrically conductive or semi-conductive jackets designed to intercept and divert or dissipate electrical arcing due to lightning that might otherwise cause the underlying thin stainless steel walls to rupture, thus producing a leak or gas-fueled fire condition;

13. These versions of CSST are listed to one of two different published listing criteria based on their ability to perform under lightning testing of varying design and intensity; These listing criteria are known, respectively, as ICC LC-1024 and LC-1027;

14. ICC LC-1027 specifies a test environment and pass/fail criteria most nearly resembling the potential threat from a direct cloud-to-ground lightning flash, as evidenced by published industry data; Products listed to that standard would reasonably seem, therefore, to provide a higher margin of safety;

15. It is accepted that cloud-to-ground lightning flashes usually involve a number of subsequent strokes in a single flash, and that the LC-1027 listing criteria does not take these into account, which the stainless steel tube of the CSST would reasonably seem vulnerable to after having been weakened by the first return stroke of the lightning flash;

16. A heightened "continuing current" component of listing criteria LC-1027 will approximate, as close as is currently possible, the effects of the subsequent strokes of the lightning flash;

17. The "continuing current" component of a negative lightning flash is currently listed in industry standard SAE ARP 5412 B as 85 Coulombs (95^{th} Percentile);

18. The City of Lubbock intends to provide for a minimum level of protection from the effects of lightning by requiring adherence to the ICC LC-1027 listing criteria as hereinafter modified, which most closely resembles the natural lightning waveform as well as industry standard SAE ARP 5412 B;

19. ASTM A53 rigid steel pipe (a/k/a "black iron pipe"), the predecessor and traditional alternative to CSST, has been tested under LC-1027 criteria up to 288 Coulombs without failure, and has not been known to fail due to lightning strikes; nevertheless, it is desired that provision be made to allow for use of CSST with safeguards to reduce the risk to the citizens and the public;

20. The City of Lubbock has historically amended its model codes in other respects to provide for a higher level of safety than originally published in order to address hazards associated with local weather conditions;

21. It is deemed to be in the best interests of the health, safety, and welfare of the citizens of Lubbock to adopt the 2012 International Fuel Gas Code with certain amendments thereto to meet local conditions, NOW THEREFORE:

WHEREAS the City Council of the City of Lubbock, Texas deems it in the best interest of the health, safety, and welfare of the citizens of Lubbock to adopt the 2012 International Fuel Gas Code for the City of Lubbock with certain amendments thereto to meet local conditions; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Chapter 28, Article 28.15 of the Code of Ordinances of the City of Lubbock is hereby amended as follows:

Sec. 28.15.001. Adopted.

The 2012 Edition of the International Fuel Gas Code, as published by the International Code Council, Inc., as hereinafter amended, including Appendices A, B, C and D, is hereby adopted as the fuel gas code of the City of Lubbock, Texas. A copy of said code is attached hereto and incorporated herein as though set out herein in detail. References to the Fuel Gas Code in this chapter shall mean the 2012 Edition of the International Fuel Gas Code. One copy of the 2012 International Fuel Gas Code shall be filed with the City Secretary and a copy shall be maintained in the office of the City Building Official. All such copies, with the amendments thereto, shall be open to public inspection during the usual hours of business of the offices where they are maintained.

Sec. 28.15.002. Coordination of administrative provisions.

The administrative provisions contained in chapter 28, articles 28.01 through 28.08 of this Code of Ordinances are applicable to this article; however, for purposes of administering provisions related more specifically to the regulation of fuel gas systems installation, these supplemental administrative provisions have been provided. Except as amended or supplemented within sections 28.15.002 and 28.15.003, the entire text of chapter 1 of the 2012 International Fuel Gas Code is deemed to be incorporated herein as though set out herein in detail. Where a conflict arises between a provision contained within sections 28.15.002 and 28.15.003 and chapter 28, articles 28.01

through 28.08 of this Code of Ordinances, it is the intent that the more specific govern, as determined by the building official.

Sec. 28-15.003 Supplemental administrative amendments

(a) 102.4 Additions, alterations or repairs. Section 102.4 is hereby amended by the addition of sub-sections 102.4.1 and 102.4.2 as follows:

102.4.1 Corrugated Stainless Steel Tubing (CSST) Generally: Gas distribution systems comprised wholly or partially of CSST lawfully installed on the date of adoption of this code may remain in place and minor leaks may be repaired in accordance with manufacturer's installation instructions and this code; however, replacement of an entire branch, or expansions to the system shall not be done except with materials complying with this code for new installations pursuant to a permit and in compliance with 102.4.2(b) below.

102.4.2. Un-bonded Corrugated Stainless Steel Tubing (CSST): Gas distribution systems comprised wholly or partially of CSST lawfully installed on the date of adoption of this code and not electrically bonded directly to the electrical system service grounding electrode conductor in accordance with Section 310.1.1 shall be so bonded prior to:

a. Restoration of natural gas service in the event that service is discontinued for any reason other than non-payment;

b. Receipt of an inspection approval or gas utility release by the City of Lubbock subsequent to repair or alteration of any part of the fuel gas system, including equipment or appliance replacement requiring a permit.

(b) Fee schedule. Section 106.6.2 is hereby amended by inserting the following fee schedule:

PLUMBING & FUEL GAS FEES*	
New Construction:	$0.05 per sq. ft. of gross floor area under roof, $30.00 minimum. (Where more than one inspection is required, an additional fee of $15.00 shall be assessed for each additional inspection)
Additions to floor area:	As for new construction
Alterations & remodeling (no change in building area):	$2.00 per $1,000.00 valuation, $30.00 minimum (Where more than one inspection is required, an additional fee of $15.00 shall be assessed for each additional inspection) (See Note 3)
Total re-plumb:	As for new const.
Miscellaneous permits for new installations, replacement and repair of:	$30.00 (Where more than one inspection is required, an additional fee of $15.00

Water heaters, water lines, sewer lines, gas lines, water softeners, irrigation systems, fixed appliances, fixtures, etc. requiring inspection approval:	shall be assessed for each additional inspection) Service line tap fees, or adjustments in grade, where needed, may involve extra fees. Contact the appropriate utility department.
Permit fees, work commencing prior to permit approval:	As for building permit fees (see article 28.05), except that permit fee calculations shall be based on this section.
Renewal of expired or involuntarily terminated permits:	
Permit transfer fee:	
Re-inspection Fees:	
*The fees in this schedule are all-inclusive for the collective plumbing work (water, DWV, & fuel gas) performed in a building; they are included here for information purposes only, and are NOT intended to be charged in addition to the plumbing fees specified in article 28.10 of this chapter.	

(c) Administrative amendments and cross-references to Articles 28.01-28.08.

The following administrative provisions within chapter 1 of the International Fuel Gas Code are hereby stricken, and the corresponding provisions within articles 28.01 through 28.08 of this Code of Ordinances shall govern, as indicated in Table 28.15.003 below:

TABLE 28.15.003

ADMINISTRATIVE PROVISIONS CROSS-REFERENCE

2012 International Fuel Gas Code Section	Section Heading/Subject	Refer to Lubbock Code of Ordinances Chapter Section
106.6.3	Fee refunds	28.05.109
108.4	Violation penalties	28.02.006
108.5	Stop work orders	28.02.007
109.1 through 109.7	Means of appeal	2.03.491-2.03.495

Sec. 28.15.004 Technical amendments

(a) Section 202 (IFGC) General Definitions: Section 202 of the International Fuel Gas Code is hereby amended by the addition of the definitions below.

CORRUGATED STAINLESS STEEL TUBING (CSST): A flexible stainless steel piping system designed for the distribution of natural and/or liquefied petroleum (LP) gas that is

manufactured and listed in accordance with ANSI LC 1/CSA 6.26. CSST will normally be identified by a bright yellow, dielectric (non-conductive) jacket.

CONDUCTIVE-JACKETED CORRUGATED STAINLESS STEEL TUBING (CJ-CSST): A flexible stainless steel piping system designed for the distribution of natural and/or liquefied petroleum (LP) gas that is manufactured and listed in accordance with ANSI LC1/CSA 6.26 and that is enclosed in an electrically conductive outer jacket designed to intercept, dissipate and/or re-route extraneous electrical current in order to mitigate damage to the underlying stainless steel tubing. *CJ-CSST will normally be identified by a black jacket with white or yellow lettering.* For purposes of this code, CJ-CSST shall be listed in accordance with the International Code Council, Inc. (ICC) PMG Listing Criteria No. LC 1027, approved February 2011, or any equivalent such standard as approved by the Code Official, ***with the exception that the current components for the indirect effects 2 testing at Section 4.4.2 of said standard shall be as follows:***

Current Components- Indirect Effects 2 Testing; LC 1027 Section 4.4.2 (Amended)					
Component 1		**Component 2**		**Component 3**	
Return Stroke		**Intermediate Current**		**Continuing Current**	
L_{pk} (kA)	**Al x 10^6 (A2 s)**	**L_{av} (kA)**	**Charge (C)**	**L_{av} (A)**	**Charge (C)**
30 minimum	.055 minimum	2	10	200-800	***85*** **minimum***
*Average continuing current in negative cloud-to-ground lightning flashes (95th percentile) as per Table A21, SAE ARP5412 B (Also, Cianos & Pierce, Aug. 1972). The un-amended *LC 1027 standard specifies 26C, minimum, which represents the 50th percentile.*					

(b) Sloped roofs. Section 306.5.1 is hereby amended to read as follows:

306.5.1 Sloped roofs. Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of six units vertical in 12 units horizontal (50 percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a level platform shall be provided on each side of the appliance or equipment to which access is required for service, repair or maintenance. The platform shall not be less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches above the platform, shall be constructed so as to prevent the passage of a 21-inch diameter sphere and shall comply with the loading requirements for guards specified in the International Building Code. Access shall not require walking on roofs having a slope greater than 6 units vertical in 12 units horizontal (50 percent slope). Where access involves obstructions greater than 30 inches in height, such obstructions shall be provided with ladders installed in accordance with Section 306.5 or stairs installed in accordance with

the requirements specified in the International Building Code in the path of travel to and from appliances, fans or equipment requiring service.

(c) 310.1.1 CSST and CJ-CSST electrical bonding. Section 310.1.1 is hereby amended as follows:

310.1.1 CSST and CJ-CSST electrical bonding. Conductive-jacketed corrugated stainless steel tubing systems (CJ-CSST) and existing corrugated stainless steel tubing systems (CSST) subject to Section 102.4.2 shall be bonded to the electrical service grounding electrode system. This requirement applies regardless of the number of segments of such piping in the system.

310.1.1.1 Bonding jumper. The bonding jumper shall be not less than #6 AWG copper or equivalent, attached to the gas piping system at an accessible location between the point of delivery and the first downstream CSST or CJ-CSST fitting using a U.L. 467 listed bonding clamp attached to a length of rigid piping, a malleable iron fitting, a prefabricated manifold or a brass hex fitting.

310.1.1.2 Bonding jumper routing and length. The bonding jumper shall be continuous, shall not exceed 75' in length, and no bend in the conductor shall include an angle of less than 90 degrees, nor a radius of bend of less than 8 inches except at the grounding bus terminus in the electrical panel, where applicable.

(d) 402.4 Sizing tables and equations. The first paragraph of Section 402.4 is hereby amended as follows:

402.4 Sizing tables and equations. Where Tables 402.4(1) through 402.4(37) are used to size piping or tubing, the pipe length shall be determined in accordance with Section 402.4.1, 402.4.2 or 402.4.3. Where the tables refer to "Corrugated Stainless Steel Tubing (CSST)", they shall be deemed to refer only to "Conductive Jacketed Corrugated Stainless Steel Tubing (CJ-CSST)", as defined in Section 202.

(e) 403.5.4 Conductive-jacketed corrugated stainless steel tubing (CJ-CSST). Section 403.5.4 is hereby amended as follows:

403.5.4 Conductive-jacketed corrugated stainless steel tubing (CJ-CSST). Conductive-jacketed corrugated stainless steel tubing (CJ-CSST) shall be listed in accordance with ANSI LC 1/CSA 6.26 and ICC PMG LC 1027 (February 2011) as amended by this code.

(f) CSST and CJ-CSST. Section 404.2 is hereby amended as follows:

404.2 CSST and CJ-CSST. CSST piping systems and tubing, as defined in Section 202, shall not be installed. CJ-CSST piping systems, as defined in Section 202, shall be installed in accordance with the terms of their approval, the conditions of listing, the manufacturer's

instructions and this code. Where any of these provisions conflict, the more restrictive shall govern.

(g) Routing and clearances. Section 404.2 is hereby amended by the addition of a new subsection 404.2.1 to read as follows:

404.2.1 Routing and clearances. CJ-CSST piping and tubing shall be routed and installed such that a permanent twenty-four inch (24") clearance is maintained from all metallic vents, chimneys, flues, masts, pipes and similar items that extend through the roof to the outside atmosphere, including their metallic component parts. A permanent barrier consisting of one-half inch (1/2") gypsum wallboard, or equivalent, may substitute for the required clearance.

(h) Test pressure. Section 406.4.1 is hereby amended to read as follows:

406.4.1 Test pressure. The test pressure to be used shall be not less than one and one half (1 1/2) times the proposed maximum working pressure, but not less than eight (8) psig, irrespective of design pressure. Where the test pressure exceeds one hundred twenty-five (125) psig, the test pressure shall not exceed a value that produces hoop stress in the piping greater than fifty (50) percent of the specified minimum yield strength of the pipe.

(i) Located at manifold. Section 409.5.3 is hereby amended to read as follows:

409.5.3 Located at manifold. Where the appliance shutoff valve is installed at a manifold, such shutoff valve shall be located within 50 feet of the appliance served and shall be readily accessible and permanently identified. The piping from the manifold to within 6 feet of the appliance shall be designed, sized and installed in accordance with Sections 401 through 408. Shutoff valves located within attic spaces shall not be considered readily accessible.

(j) Pressure regulators. Section 410.1 is hereby amended to read as follows:

410.1, Pressure regulators. A line pressure regulator shall be installed where the appliance is designed to operate at a lower pressure than the supply pressure. Line gas pressure regulators shall be listed as complying with ANSI Z21.80. Access shall be provided to pressure regulators. Regulators shall be located near walkways or at an access point. Pressure regulators shall be protected from physical damage. Regulators installed on the exterior of the building shall be approved for outdoor installation.

(k) Exhaust material. Section 614.4 is hereby amended to read as follows:

614.4 Exhaust installation. Exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the flow. Clothes dryer exhaust

ducts shall not be connected to a vent connector, vent or chimney. Clothes dryer exhaust ducts shall not extend into or through ducts or plenums unless properly sleeved with materials conforming to section 602.2.1 of the International Mechanical Code (in the case of plenums), or with materials meeting the requirements for class 0 or 1 duct materials (in the case of ducts). Backdraft dampers shall not be required for vertical terminations through the roof.

(l) Protection required. Section 614.6.3 is hereby amended to read as follows:

614.6.3 Protection required. Protective shield plates shall be placed where nails or screws from finish or other work are likely to penetrate the clothes dryer exhaust duct. Shield plates shall be placed on the finished face of all framing members where there is less than 1.25 inches (32 mm) between the duct and the finished face of the framing member. Such shield plates shall have a thickness of not less than 0.0575 inch (1.463 mm) (No. 16 gage). Such plates shall cover the area of the duct where the member is notched or bored.

(m) Length identification. Section 614.6.6 is hereby amended to read as follows:

614.6.6 Length identification. Where the exhaust duct is concealed within the building construction and exceeds a total developed length of 35 feet, the equivalent length of the exhaust duct shall be identified on a permanent label or tag. The label or tag shall be located within 6 feet of the exhaust duct connection.

SECTION 2. THAT violation of any provision of this ordinance shall be deemed a misdemeanor punishable as provided by Section 1-4 of the Code of Ordinances of the City of Lubbock, Texas.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this ____ day of _____, 2016.
Passed by the City Council on second reading this ____ day of _____, 2016.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____

Steve O'Neal, Chief Building Official

APPROVED AS TO FORM:

_____

John C. Grace, Assistant City Attorney

IFGC 2012 Ordinance 1027Enhanced

Regular City Council Meeting **6. 13.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading- Building Inspection: Consider Ordinance 2016-O0076 amending Chapter 28, Article 28.14 of the Code of Ordinances of the City of Lubbock with regard to the adoption of the 2012 International Residential Code with local amendments.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

The 2012 International Residential Code is a national model construction code governing the construction, alteration and repair of structural, plumbing, mechanical and fuel gas systems associated with one and two family dwellings. It is updated on a triennial basis pursuant to a legislative process wherein building officials of member jurisdictions cast votes with regard to proposed changes. State governments, including Texas, mandate adoption of this document, but do not prohibit local amendments. Historically, Lubbock has amended the codes to suit local conditions and this 2012 edition has retained several. Additionally, new amendments have been added to address local concerns regarding the use of corrugated stainless steel tubing (CSST) for fuel gas distribution.

Through its Fuel Gas Subcommittee, the Model Codes and Construction Advisory Board has recommended that the use of non-conductive jacketed (yellow) CSST be disallowed, and that existing installations be electrically bonded and grounded. New installations of conductive-jacketed CSST will be permitted, provided that the tubing is listed to the ICC LC-1027 standard or any equivalent standard as approved by the Code Official and manufacturer's test reports are provided that show the product can withstand lightning energy up to the 95th percentile of negative cloud-to-ground lightning strikes. Additional protection measures, such as direct bonding and minimum clearances to metal chimney flues and vents, are also included.

Fiscal Impact

None.

Staff/Board Recommending

Steve O'Neal, Chief Building Official
Garett Nelson, Fire Marshal
Model Codes and Construction Advisory Board

Attachments

Ordinance - Amended International Residential Code

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 28.14 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS WITH REGARD TO ADOPTION OF THE 2012 INTERNATIONAL RESIDENTIAL CODE AND PROVIDING FOR CERTAIN AMENDMENTS THERETO TO MEET LOCAL CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS the City Council of the City of Lubbock, Texas has made findings and determinations which are set forth at length in the preamble to that certain ordinance adopting, with amendments, the 2012 International Fuel Gas Code, and those same findings and determinations are hereby ratified and adopted in support of this ordinance by reference as if copied verbatim and set forth at length; and

WHEREAS the City Council of the City of Lubbock, Texas deems it in the best interest of the health, safety, and welfare of the citizens of Lubbock to adopt the 2012 International Residential Code for the City of Lubbock with certain amendments thereto to meet local conditions; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Chapter 28, Articles 28.14.001 through 28.14.004 of the Code of Ordinances of the City of Lubbock is hereby amended to read as follows:

Sec. 28.14.001 Adopted

The 2012 edition of the International Residential Code (third or later printing), as published by the International Code Council, Inc., as hereinafter amended, including appendices A-D, G, N, and O, and excluding part VIII (Electrical) and appendices E, F, H-M, P and Q is hereby adopted as the residential code of the City of Lubbock, Texas. A copy of said code is attached hereto and incorporated herein as though set out herein in detail. References to the Residential Code in this chapter shall mean the 2012 edition of the International Residential Code. One copy of the 2012 International Residential Code shall be filed with the city secretary and a copy shall be maintained in the office of the city building official. All such copies, with the amendments thereto, shall be open to public inspection during the usual hours of business of the offices where they are maintained.

Sec. 28.14.002 Coordination of administrative provisions

The administrative provisions contained in chapter 28, articles 28.01 through 28.08 of this Code of Ordinances are applicable to this article; however, for purposes of administering provisions related more specifically to the regulation of one- and two-family dwelling construction, these supplemental administrative provisions have been provided. Except as amended or supplemented within sections 28.14.002 and 28.14.003, the entire text of chapter 1 of the 2012 International

Residential Code is deemed to be incorporated herein as though set out herein in detail. Where a conflict arises between a provision contained within sections 28.14.002 and 28.14.003 and chapter 28, articles 28.01 through 28.08 of this Code of Ordinances, it is the intent that the more specific govern, as determined by the building official.

Sec. 28.14.003 Supplemental administrative provisions

(a) Administrative amendments and cross-references to articles 28.01 through 28.08. The following administrative provisions within chapter 1 of the International Residential Code are hereby stricken, and the corresponding provisions within articles 28.01 through 28.08 of this Code of Ordinances shall govern, as indicated in table 28.14.003 below:

TABLE 28.14.003(a)
ADMINISTRATIVE PROVISIONS CROSS-REFERENCE

2012 International Residential Code Section	Section Heading/Subject	Refer to Lubbock Code of Ordinances Chapter Section
R105.2	Work exempt from permit	28.05.019
R106.1 & R106.1.1	Submittal documents and information on construction documents	28.05.003, 28.05.004
R110	Certificate of Occupancy	28.06.007
R112	Board of Appeals	2.03.491 through 2.03.495
R113.4	Violation penalties	28.02.006
R114	Stop work orders	28.02.007

(b) Schedule of permit fees. Section R108.2 is hereby amended to read as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. Fees for electrical, gas, mechanical and plumbing systems are included in articles 28.10, 28.11, 28.12, 28.13 and 28.15 of this Code of Ordinances. Fees for buildings and structures within the scope of this article are as set forth in the following schedule:

CITY OF LUBBOCK CONSTRUCTION PERMIT FEE SCHEDULE One and Two-Family Dwellings (Shaded areas do not apply)		
PERMIT/PROJECT/FEE CATEGORY	**COMMERCIAL**	**RESIDENTIAL (1-2 Family Dwellings & Ancillary)**
BUILDING PERMITS		
New Construction	All buildings: $0.20 per sq. ft. of gross floor under roof	New home or duplex: $0.07 per sq. ft. of conditioned space Accessory and/or unconditioned buildings: $0.10 per sq. ft. under roof
Additions to floor area	As for new construction	$.10 per sq. ft. under roof
Alterations & remodeling (no change in building area):	$2.25 per $1,000.00 construction valuation, $30.00 minimum	$1.50 per $1,000.00 construction valuation, $30.00 minimum
Demolition	$30.00	
All others (generic)	$30.00	
Minimum building permit fee (all classes, unless noted otherwise)	$30.00 (Where more than one inspection is required, an additional fee of $15.00 shall be assessed for each additional inspection)	
Advance Plan Review Fee:	10% of building permit fee, $30.00 min., $100.00 max., to be credited toward final review fee	Not Applicable
Plan Review Fee (payable with permit):	25% of building permit fee	
Review fee, first revision:	None	
Review fee, second and subsequent revisions:	5% of building permit, $30.00 minimum, $100.00 maximum (in advance)	
Review fee, change orders and other modifications:	5% of building permit, $30.00 minimum, $100.00 maximum (in advance)	
House/building moving permit:	$30.00 (Building permit fees will apply to final set up in city limits, but are not the responsibility of the moving contractor)	

CITY OF LUBBOCK CONSTRUCTION PERMIT FEE SCHEDULE One and Two-Family Dwellings (Shaded areas do not apply)		
PERMIT/PROJECT/FEE CATEGORY	**COMMERCIAL**	**RESIDENTIAL (1-2 Family Dwellings & Ancillary)**
BUILDING PERMITS		
Permit fees, work commencing prior to permit approval:	One location involved: 200% of normal building permit fee. Two locations involved: 200% of normal permit fee for first site, 300% of normal permit fee for second site. Three or more locations involved: As above, except that the third and subsequent sites shall each be assessed fees of 400% of the normal permit fees. Re-roofing, demolition, and house-moving fees shall be the greater of $100.00 or 200% of the normal permit fee for each site involved. Investigative inspection fees of $60.00, as deemed necessary	
Renewal of expired permit:	One-half of original building permit fees	
Renewal of involuntarily terminated permit:	Greater of $100.00 or 200% of the original permit fees; Where utilities have been terminated due to illegal occupancy, the fees shall be paid prior to re-establishment of utility service	
Permit transfer fee:	Scope of work unchanged from original permit: Original fee, not to exceed $250.00 Scope of work varies from original permit: Fees as for new construction Investigative inspection fees of $60.00 may be necessary	
Re-inspection Fees:	First re-inspection: $30.00 Second re-inspection: $45.00 Third re-inspection: $60.00 Fourth and subsequent re-inspections: $75.00	

CITY OF LUBBOCK CONSTRUCTION PERMIT FEE SCHEDULE One and Two-Family Dwellings (Shaded areas do not apply)		
PERMIT/PROJECT/FEE CATEGORY	**COMMERCIAL**	**RESIDENTIAL (1-2 Family Dwellings & Ancillary)**
BUILDING PERMITS		
Investigative inspection fee:	Single $60.00; Subsequent buildings $25.00	
Certificates of Occupancy or Completion:	Where associated with an active building permit for a new building, remodel, renovation or addition: No Charge Exiting buildings: Replacement of lost Certificate: $30.00 Reissue due to a change in occupancy classification, or the expiration of two years since the last inspection of the premises: Single building: $60.00 inspection fee plus $30.00 C.O. fee; Multiple buildings: $60.00 inspection fee for the first building plus $30.00 C.O. fee; Subsequent buildings: $25.00 inspection fee plus $15.00 C.O. fee	Not Applicable

(c) Inspections. Section R109 is hereby amended to read as follows:

R109.1 Types of inspections. For on-site construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this or other applicable codes and requirements.

R109.1.1 Foundation inspection. Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

R109.1.2 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

Exception: Ground-source heat pump loop systems tested in accordance with Section M2105.1 shall be permitted to be backfilled prior to inspection.

R109.1.3 Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R324.

R109.1.4 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry; all framing, fire stopping, draft stopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

R109.1.5 Other inspections. In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official.

R109.1.5.1 Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

R109.1.5.2. Reinforced masonry, insulating concrete form (ICF) and conventionally-formed or earth-formed concrete wall inspection. Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed or earth formed concrete walls shall be inspected after plumbing, mechanical and electrical systems embedded within the walls, and reinforcing steel is in place and supported and prior to placement of grout or concrete. Inspection shall verify the correct size, location, embedment depth, clearances, spacing and lapping of reinforcing and other embedded items. For masonry walls, inspection shall also

verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this code, and that grout pour heights are not exceeded.

R109.1.6 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

R109.2 Inspection agencies. The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability. Where the use of inspection agencies is desired or contemplated, the permittee shall request approval of said agencies sufficiently in advance of the need for the subject inspection(s).

R109.3 Inspection requests. It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

Section 28.14.004 Technical amendments

(a) Definitions. Section R-202 is hereby amended by adding a new definition as follows:

Engineered fill. Soil used for fill or backfill that has been placed, compacted and tested in accordance with the specifications of the structural or geotechnical engineer of record, or, where such specifications do not exist, that has been classified, placed, compacted and tested to a minimum 95% of standard proctor density in accordance with accepted industry standards.

(b) Climatic and geographic design criteria. Section R301.2(1) is hereby amended by insertion of the following local climatic and geographic design criteria into table R301.2(1):

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Req'd?	Flood Hazard	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termites					
15 psf	90 mph	A	Moderate	12"	Moderate to Heavy	18 Degrees	No	Note 1	172	59.9 Degrees
Note 1: See Lubbock Municipal Code Article 30.03										

(c) Exterior walls. Section R302.1 is hereby amended by the addition of a new exception #6 to read as follows:

6. In garden home developments with easements specifically allowing overhangs to project into adjacent lots, overhangs may project a maximum of 2 feet across the property line. Such overhangs must be one-hour fire resistive construction and be decked with fire retardant treated decking. The overhang shall not be equipped with soffit vents.

(d) Bathrooms. Section R303.3 is hereby amended to read as follows:

R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.279 m^2), one-half of which must be openable.

Exception: The glazed areas shall not be required where artificial light and a local exhaust system are provided. The minimum local exhaust rates shall be determined in accordance with Section M1507. Exhaust air from the space shall be exhausted directly to the outside, or into a ventilated attic at least 10" above the ceiling insulation line or to a soffit, gable or eave vent.

(e) Emergency escape and rescue required. Section R310.1 is hereby amended to read as follows:

R310.1 Emergency escape and rescue required. Basements with habitable space and every sleeping room shall have at least one operable emergency escape and rescue opening. Such opening shall open directly into a street, public alley, or other approved public way, or into a yard or court on the same property that opens to an approved public way. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor or a permanent adjacent standing surface of not less than 36 x 36 inches. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section 310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

Exceptions:

1. Basements used only to house mechanical equipment and not exceeding a total floor

area of 200 square feet.

2. Basements not containing bathing facilities or designated as bedrooms may be provided with alternatives to emergency escape and rescue openings as follows:

a. Basements not exceeding 500 square feet and designated for use as a storm shelter- No requirement.

b. Basements not exceeding 800 square feet and designated for use as a storm shelter:

i. Top of basement stairs to be located within 10 feet of an approved emergency escape and rescue opening, or within 20 feet where entirely protected by an approved one-hour fire rated corridor constructed in accordance with the International Building Code. For purposes of this section, "travel distance" shall mean the centerline of the shortest route that affords a minimum 36" wide unobstructed path of travel;

ii. Basement and path of travel to an approved emergency escape and rescue opening to be protected by an NFPA 13D fire suppression system;

iii. As otherwise approved by the Building Official.

c. Basements of any size where the entire dwelling is provided with an automatic fire suppression system throughout in accordance with NFPA 13D- No requirement.

(f) Automatic fire sprinkler systems. Section R313 is hereby deleted.

(g) Storm shelters (General). Section R323.1 is hereby amended to read as follows:

R323.1 Storm shelters (General). This section applies to the construction of storm shelters when constructed as separate detached buildings or when constructed as rooms within buildings for the purpose of providing safe refuge from storms that produce high winds, such as tornados and hurricanes. In addition to other applicable requirements in this code, such storm shelters shall be constructed in accordance with ICC/NSSA-500.

Exception: Basements designated as storm shelters for purposes of complying with exception 1 or 2 to section R310.1 need not be constructed in accordance with ICC/NSSA-500.

(h) Minimum size (of footings). Section R403.1.1 is hereby amended to read as follows:

R403.1.1 Minimum size. Minimum sizes for concrete and masonry footings shall be as set forth in The City of Lubbock Residential Foundation Design Manual, adopted by reference as though fully set out herein.

(i) Minimum depth (of fill). Section R403.1.4 is hereby amended to read as follows:

Section R403.1.4. Minimum depth. All exterior footings shall be placed at least 12 inches (305 mm) below the undisturbed ground or engineered fill (see definition) surface. Where applicable, the depth of footings shall also conform to sections R403.1.4.1 through R403.1.4.2.

(j) Foundation anchorage. Section R403.1.6. is hereby amended by the addition of a fourth exception to read as follows:

4. Approved powder-actuated pins may be used in lieu of anchor bolts within twelve (12) inches of the ends of sole plates.

(k) Foundation elevation. Section R403.1.7.3 is hereby amended to read as follows:

R403.1.7.3. Foundation elevation. The lowest portion of a building finished floor elevation shall be installed no lower than that indicated in table R403.1.7.3 below:

TABLE R403.1.7.3

Minimum Floor Elevations for Structures Relative to Lot Slope

Elevation Difference-Top of curb to rear property line (inches)	Min. Floor Elevation above top of curb when slope is from front to rear (inches)	Min. Floor Elevation above top of curb when slope is from rear to front (inches)
0	12	12
6	10.5	13.5
12	9	15
18	8	16.5
24	6	18
30	6	19.5
36	6	21

1) The ground shall slope away from the structure in all directions as required elsewhere in this code;
2) The minimum distance from the finished ground elevation to the top of the floor shall be eight (8) inches at all locations around the building;
3) Minimum floor elevations. The minimum floor elevation shall be determined by using the top of the floor slab and shall be a minimum of six (6) inches above the calculated peak water surface elevation as determined by the city engineer, or that determined by Table R403.1.7.3, whichever results in the more stringent requirement. It shall be the responsibility of the builder/contractor to provide the city building official with a survey certificate indicating the required finish floor elevation as determined by the surveyor. The required elevation shall be indicated on the construction plans and marked on the front street curb. Structures located in any floor hazard area shall comply with all F.E.M.A. regulations, which will supersede the above.
4) Alternate elevations are permitted subject to the approval of the building official and city engineer, provided it can be demonstrated that required drainage to an approved point of discharge and away from the structure is provided at all locations on the site.

(l) Concrete and masonry foundation walls. Sections R404.1.1.1 and R404.1.2 are hereby amended to read as follows:

R404.1.1.1 Masonry foundation walls. Concrete masonry and clay masonry foundation walls shall be constructed as set forth in tables R404.1.1(1), R404.1.1(2), R404.1.1(3) or R404.1.1(4) and shall also comply with the applicable provisions of Sections R606, R607 and R608. Where applicable, such walls shall be designed and constructed in accordance with the City of Lubbock Residential Foundation Design Manual, adopted by reference as though fully set out herein. In Seismic Design Categories D0, D1 and D2, concrete masonry and clay masonry foundation walls shall comply with section R404.1.4. Rubble stone masonry foundation walls shall be constructed in accordance with sections R404.1.8 and R606.2.2. Rubble stone masonry walls shall not be used in Seismic Design Categories D0, D1 and D2.

R404.1.2 Concrete foundation walls. Concrete foundation walls that support light-frame walls shall be designed and constructed in accordance with the provisions of this section, ACI 318, ACI 332, PCA 100, or the City of Lubbock Residential Foundation Design Manual, adopted by reference as though fully set out herein. Concrete foundation walls that support above-grade concrete walls that are within the applicability limits of section R611.2 shall be designed and constructed in accordance with the provisions of this section, ACI 318, ACI 332 or PCA 100. Concrete foundation walls that support above-grade concrete walls that are not within the applicability limits of section R611.2 shall be designed and constructed in accordance with the provisions of ACI 318, ACI 332 or PCA 100. When ACI 318, ACI 332, PCA 100 or the provisions of this section are used to design concrete foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

(m) Concrete or masonry foundations. The exceptions to section 405.1 are hereby amended to read as follows:

Exceptions:

1. A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in table R405.1.

2. A drainage system is not required for a basement wall footing where the excavation for the basement wall does not result in a soil disturbance closer than three (3) feet to the exterior roof drip line and there is no evidence of groundwater infiltration.

(n) Foundation water management. Section R406 is hereby amended by re-titling of the section and amended to read as follows:

SECTION R406

FOUNDATION WATER MANAGEMENT

406.1 Concrete and masonry foundation dampness resistance.

Except where required by section R406.2 to be made water-resistant, foundation walls that retain earth and enclose interior spaces and floors below grade shall be treated to resist dampness from the top of the footing to the finished grade. Masonry walls shall have not less than 3/8 inch (9.5 mm) portland cement parging applied to the exterior of the wall. The parging shall be treated in accordance with one of the following:

1. Bituminous coating,

2. 3 pounds per square yard (1.63 kg/m^2) of acrylic modified cement.

3. 1/8-inch (3.2 mm) coat of surface-bonding cement complying with ASTM C 887.

4. Any material permitted in section R406.2.

5. Other approved materials or methods.

Exception: Parging of unit masonry walls is not required where a material is approved for direct application to the masonry.

Concrete walls shall be treated for resistance to dampness by applying any one of the above listed materials or any one of the materials listed in section R406.2 to the exterior of the wall.

406.2 Concrete and masonry foundation water resistant barriers.

In areas where a high water table or other severe soil-water conditions are known to exist, exterior foundation walls that retain earth and enclose interior spaces and floors below grade shall be provided with water resistant barriers from the top of the footing to the finished grade. Such barriers shall be in accordance with one of the following:

1. 2-ply hot-mopped felts.

2. 55 pound (25 kg) roll roofing.

3. 6-mil (0.15 mm) polyvinyl chloride.

4. 6-mil (0.15 mm) polyethylene.

5. 40-mil (1 mm) polymer-modified asphalt.

6. 60-mil (1.5 mm) flexible polymer cement.

7. 1/8-inch (3 mm) cement-based, fiber-reinforced waterproof coating.

8. 60-mil, (0.22 mm) solvent-free, liquid-applied synthetic rubber.

9. Other approved materials or methods.

Exception: Organic solvent based products such as hydrocarbons, chlorinated hydrocarbons, ketones and esters shall not be used for ICF walls with expanded polystyrene form material. Plastic roofing cements, acrylic coatings, latex coatings, mortars and pargings are permitted to be used to seal ICF walls. Cold setting asphalt or hot asphalt shall conform to type C of ASTM D 449. Hot asphalt shall be applied at a temperature of less than 200 degrees Fahrenheit.

All joints in membrane barriers shall be lapped and sealed with an adhesive compatible with the membrane.

406.3 Dampness resistance for wood foundations.

Wood foundations enclosing habitable or usable spaces located below grade shall be treated for resistance to dampness in accordance with sections R406.3.1 through R406.3.4.

(o) Wood floor framing design and construction. Sections R502.2 and R502.3, and R502.3.4 are hereby amended to read as follows:

R502.2 Wood floor framing design and construction. Floors shall be designed and constructed in accordance with the provisions of this chapter, figure R502.2 and sections R317 and R318 or in accordance with AF&PA/NDS. Basement floor-ceiling structural assemblies, where supporting a concrete floor slab above, shall be constructed in accordance with section R502.3 and figures R404.1.1(1), R404.1.1(2), R404.1.1(3), R404.1.1(4), R404.1.1(5), R404.1.1(6) R404.1.2(1) and/or R404.1.2(2), as applicable (figures contained in the City of Lubbock Residential Foundation Design Manual, adopted by reference as though fully set out herein).

R502.3 Allowable joist spans. Spans for floor joists shall be in accordance with tables R502.3.1(1), R502.3.1(2) or R502.3.4, as applicable. For the most current data, other grades and species, or other loading conditions, refer to the latest *AF & PA Span Tables for Joists and Rafters* and/or current data available from the American Wood Council.

(p) Joists supporting concrete slabs. Section R502.3 is hereby amended by the addition of a new sub-section R502.3.4, to read as follows:

R502.3.4 Joists supporting concrete slabs. Joist assemblies supporting concrete floor-ceiling assemblies shall not exceed the load assumptions or joist spans indicated in

table R502.3.4 within the City of Lubbock Residential Foundation Design Manual, adopted by reference as though fully set out herein.

(q) Concrete floors on ground, General. Section R506.1 is hereby amended to read as follows:

R506.1 Concrete floors on ground, General. Concrete slab-on-ground floors shall be a minimum 3.5 inches (89 mm) thick (for expansive soils, see section R403.1.8). The specified compressive strength of concrete shall be as set forth in section R402.2. To the extent applicable, concrete slab-on-ground floors shall be constructed in accordance with the City of Lubbock Residential Foundation Design Manual, adopted by reference as though fully set out herein.

(r) Headers. Section R602.7 is hereby amended as follows:

R602.7 Headers. For header spans, see Tables R502.5(1) and R502.5(2). For the most current data, other grades and species, or other loading conditions, refer to the latest *AF & PA Span Tables for Joists and Rafters* and/or current data available from the American Wood Council.

(s) Flashing. Section R703.7.5 is hereby amended to read as follows:

R703.7.5 Flashing. Flashing shall be located beneath the first course of masonry within the first mortar bed joint above finished ground level above the foundation wall or slab and at other points of support, including structural floors, shelf angles and lintels that are not protected by eaves or patio covers when masonry veneers are designed in accordance with Section R703.7. See Section R703.8 and foundation details S1-S8 within the *City of Lubbock Residential Foundation Design Manual* for additional requirements.

Exception: The requirements of R703.7.5 may be omitted if a poured concrete foundation is used with a minimum 8-inch brick ledge drop and all exterior window and door openings are caulked with sealant.

(t) Weepholes. Section R703.7.6 is hereby amended to read as follows:

R703.7.6 Weepholes. Weepholes shall be provided in the outside wythe of masonry walls at a maximum spacing of 33 inches (838 mm) on center. Weepholes shall not be less than 3/16 inch (5 mm) in diameter. Weepholes shall be located immediately above the flashing.

Exception: The requirements of R703.7.6 may be omitted if a poured concrete foundation is used with a minimum 8-inch brick ledge drop and all exterior window and door openings are flashed in accordance with Section R703.8, as amended.

(u) Flashing. Section R703.8 is hereby amended to read as follows:

R703.8 Flashing. Approved corrosion-resistive flashing shall be provided in the exterior wall envelope in such a manner as to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. Self-adhered membranes used as flashing shall comply with AAMA 711. The flashing shall extend to the surface of the exterior wall finish and shall be installed to prevent water from re-entering the exterior wall envelope. Approved corrosion-resistant flashings shall be installed at all of the following locations:

1. At top of all exterior window and door openings in such a manner as to be leak proof.
2. At the intersection of chimneys or other masonry construction with frame or stucco
walls, with projecting lips on both sides under stucco copings.
3. Under and at the ends of masonry, wood or metal copings and sills.
4. Continuously above all projecting wood or composite trim.
5. Where exterior porches, decks or stairs attach to a wall or floor assembly of wood-frame construction.
6. At wall and roof intersections.
7. At built-in gutters.

Exceptions:
1. The requirements of subparagraph 3 above may be omitted if a poured concrete foundation is used with a minimum 8-inch brick ledge drop.

2. The requirements of subparagraph 3 above may be omitted where soffits, porches or awnings serve as protection for the upper course of brick veneer.

(v) Allowable ceiling joist spans. Section R802.4 is hereby amended as follows:

R802.4 Allowable ceiling joist spans. Spans for ceiling joists shall be in accordance with Tables R802.4(1) and R802.4(2). For the most current data, other grades and species, or other loading conditions, refer to the latest *AF & PA Span Tables for Joists and Rafters* and/or current data available from the American Wood Council.

(w) Allowable rafter spans. Section R802.5 is hereby amended as follows:

R802.5 Allowable rafter spans. Spans for rafters shall be in accordance with Tables R802.5.1(1) and R802.5.1(8). For the most current data, other grades and species, or other loading conditions, refer to the latest *AF & PA Span Tables for Joists and Rafters* and/or current data available from the American Wood Council. The span of each rafter shall be measured along the horizontal projection of the rafter.

(x) Recovering versus replacement. Section R907.3 item no. 2 is hereby amended to read as follows:

2. Where the existing roof covering is wood shake, slate, clay, cement, asbestos-cement tile, or asphalt, fiberglass or composition shingles.

(y) Energy Efficiency (Chapter 11). The entire text of chapter 11 is hereby deleted and replaced with the following:

Chapter 11- Energy Efficiency. One and two family dwellings shall comply with the energy conservation provisions of the 2009 International Energy Conservation Code, as amended.

(z) Additions, alterations or repairs. Section M1202.1 is hereby amended by the addition of sub-sections M1202.1.1 and M1202.1.2 as follows:

M1202.1.1 Corrugated Stainless Steel Tubing (CSST) Generally. Gas distribution systems comprised wholly or partially of CSST lawfully installed on the date of adoption of this code may remain in place and minor leaks may be repaired in accordance with manufacturer's installation instructions and this code; however, replacement of an entire branch, or expansions to the system shall not be done except with materials complying with this code for new installations pursuant to a permit and in compliance with M1202.1.2(b) below.

M1202.1.2 Un-bonded Corrugated Stainless Steel Tubing (CSST). Gas distribution systems comprised wholly or partially of CSST lawfully installed on the date of adoption of this code and not electrically bonded directly to the electrical system service grounding electrode conductor in accordance with Section G2411.1.1 shall be so bonded prior to:

a. Restoration of natural gas service in the event that service is discontinued for any reason other than non-payment;

b. Receipt of an inspection approval or gas utility release by the City of Lubbock subsequent to repair or alteration of any part of the fuel gas system, including equipment or appliance replacement requiring a permit.

(aa) Sizing. Section M1401.3 is hereby amended to read as follows:

M1401.3. Sizing. Heating and cooling equipment shall be sized by the installing contractor based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculation methodologies.

(bb) Auxiliary and secondary drain systems. Section M1411.3.1 is hereby amended to read as follows:

M1411.3.1 Auxiliary and secondary drain systems. In addition to the requirements of Section M1411.3, a secondary drain or auxiliary drain pan shall be required for each cooling or evaporator coil where damage to any building components will

occur as a result of overflow from the equipment drain pan or stoppage in the condensate drain piping. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than 1/8 unit vertical in 12 units horizontal (1-percent slope). Drain piping shall be a minimum of 3/4-inch (19 mm) nominal pipe size. One of the following methods shall be used:

1. An auxiliary drain pan with a separate drain shall be provided under the coils on which condensation will occur. The auxiliary pan drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The pan shall have a minimum depth of 1.5 inches (38 mm), shall not be less than 3 inches (76 mm) larger than the unit or the coil dimensions in width and length and shall be constructed of corrosion resistant material. Metallic pans shall have a minimum thickness of not less than 0.0276-inch (0.7 mm) galvanized sheet metal. Nonmetallic pans shall have a minimum thickness of not less than 0.0625 inch (1.6 mm).

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection.

3. An auxiliary drain pan without a separate drain line shall be provided under the coils on which condensate will occur. Such pan shall be equipped with a water level detection device conforming to UL 508 that will shut off the equipment served prior to overflow of the pan. The auxiliary drain pan shall be constructed in accordance with Item 1 of this section.

(cc) Auxiliary drain pan. Section M1411.4 is hereby amended to read as follows:

M1411.4 Auxiliary drain pan. Category IV condensing appliances shall have an auxiliary drain pan where damage to any building component will occur as a result of stoppage in the condensate drainage system. These pans shall be installed in accordance with the applicable provisions of Section M1411.3.

(dd) Insulation of refrigerant piping. Section M1411.5 is hereby amended to read as follows:

Section M1411.5. Insulation of refrigerant piping. Piping and fittings for refrigerant vapor (suction) lines shall be insulated with 3/8 wall closed cell insulation having a thermal resistivity of at least R = 2.D hr-ft2 -- F/BTU and having external surface permanence not exceeding 0.05 perm when tested in accordance with ASTM E 96.

(ee) Locking port access caps. Section M1411.6 is hereby deleted.

(ff) Duct termination. Section M1502.3 is hereby amended to read as follows:

M1502.3. Duct termination. Exhaust ducts shall terminate on the outside of the building. Exhaust duct terminations shall be in accordance with the dryer manufacturer's installation instructions. If the manufacturer's instructions do not specify a termination location, exhaust ducts shall terminate not less than 3 feet in any direction from openings into buildings. Exhaust duct terminations shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination.

Exception: Backdraft dampers shall not be required where exhaust ducts terminate vertically through the roof.

(gg) Specified length. Section M1502.4.4.1 is hereby amended to read as follows:

M1502.4.4.1 Specified length. The maximum length of the exhaust duct shall be 35 feet from the connection to the transition duct from the dryer to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table M1502.4.4.1.

(hh) Recirculation of air. Section M1507.2 is hereby amended to read as follows:

M1507.2 Recirculation of air. Exhaust air from bathrooms and toilet rooms shall not be re-circulated within a residence or to another dwelling unit. Exhaust air from bathrooms and toilet rooms shall either discharge directly to the outdoors or into an attic space ventilated as required by Section R806 and at least 18 inches above the ceiling joists, or to a soffit or gable or eave vent. The terminal end of the exhaust duct shall be permanently secured in place.

(ii) Support. Section M1601.4.3 is hereby amended to read as follows:

M1601.4.3 Support. Metal ducts shall be supported by 0.5-inch (12.7 mm) wide 24-gage metal straps or 12-gage galvanized wire at intervals not exceeding 10 feet (3048 mm) or other approved means. Nonmetallic ducts shall be supported in accordance with the manufacturer's installation instructions.

(jj) Location. Section M2006 is hereby amended by the addition of a new subsection M2006.5 to read as follows:

M2006.5 Location. Pool heaters shall be located or protected to guard against accidental contact of hot surfaces by persons. Compliance with this section may be accomplished by installing pool and spa heaters in an equipment room or building, or by enclosure with a fence or other suitable barrier.

(kk) General Definitions. Section G2403 is hereby amended by the addition of the following definitions:

CORRUGATED STAINLESS STEEL TUBING (CSST): A flexible stainless steel piping system designed for the distribution of natural and/or liquefied petroleum (LP) gas that is manufactured and listed in accordance with ANSI LC 1/CSA 6.26. *CSST will normally be identified by a bright yellow, dielectric (non-conductive) jacket.*

CONDUCTIVE-JACKETED CORRUGATED STAINLESS STEEL TUBING (CJ-CSST): A flexible stainless steel piping system designed for the distribution of natural and/or liquefied petroleum (LP) gas that is manufactured and listed in accordance with ANSI LC1/CSA 6.26 and that is enclosed in an electrically conductive outer jacket designed to intercept, dissipate and/or re-route extraneous electrical current in order to mitigate damage to the underlying stainless steel tubing. *CJ-CSST will normally be identified by a black jacket with white or yellow lettering.* For purposes of this code, CJ-CSST shall be listed in accordance with the International Code Council, Inc. (ICC) PMG Listing Criteria No. LC 1027, approved February 2011, or any equivalent such standard as approved by the Code Official, ***with the exception that the current components for the indirect effects 2 testing at Section 4.4.2 of said standard shall be as follows:***

Current Components- Indirect Effects 2 Testing; LC 1027 Section 4.4.2 *(Amended)*					
Component 1		**Component 2**		**Component 3**	
Return Stroke		**Intermediate Current**		**Continuing Current**	
L_{pk} (kA)	**AI x 10^6 (A2 s)**	**L_{av} (kA)**	**Charge (C)**	**L_{av} (A)**	**Charge (C)**
30 minimum	.055 minimum	2	10	200-800	***85 minimum****
*Average continuing current in negative cloud-to-ground lightning flashes (95th percentile) as per Table A21, SAE ARP5412 B (Also, Cianos & Pierce, Aug. 1972). *The un-amended LC 1027 standard specifies 26C, minimum, which represents the 50th percentile.*					

(ll) CSST and CJ-CSST electrical bonding. Section G2411.1.1 is hereby amended as follows:

G2411.1.1 CSST and CJ-CSST electrical bonding. Conductive-jacketed corrugated stainless steel tubing systems (CJ-CSST) and existing corrugated stainless steel tubing systems (CSST) subject to Section M1202.1.2 shall be bonded to the electrical service grounding electrode system. This requirement applies regardless of the number of segments of such piping in the system.

G2411.1.1.1 Bonding jumper. The bonding jumper shall be not less than #6 AWG copper or equivalent, attached to the gas piping system at an accessible location between the point of delivery and the first downstream CSST or CJ-CSST fitting using a U.L. 467 listed bonding clamp attached to a length of rigid piping, a malleable iron fitting, a prefabricated manifold or a brass hex fitting.

G2411.1.1.2 Bonding jumper routing and length. The bonding jumper shall be continuous, shall not exceed 75' in length, and no bend in the conductor

shall include an angle of less than 90 degrees, nor a radius of bend of less than 8 inches except at the grounding bus terminus in the electrical panel, where applicable.

(mm) Sizing tables and equations. The first paragraph of Section G2413.4 is hereby amended as follows:

G2413.4 Sizing tables and equations. Where Tables G2413.4 (1) through G2413.4 (21) are used to size piping or tubing, the pipe length shall be determined in accordance with Section G2413.4.1, G2413.4.2 or G2413.4.3. Where the tables refer to "Corrugated Stainless Steel Tubing (CSST)", they shall be deemed to refer only to "Conductive Jacketed Corrugated Stainless Steel Tubing (CJ-CSST)" as defined in Section G2403.

(nn) Conductive-jacketed corrugated stainless steel tubing (CJ-CSST). Section G2414.5.3 is hereby amended as follows:

G2414.5.3 Conductive-jacketed corrugated stainless steel tubing (CJ-CSST). Conductive-jacketed corrugated stainless steel tubing (CJ-CSST) shall be listed in accordance with ANSI LC 1/CSA 6.26 and ICC PMG LC 1027 (February 2011) as amended by this code.

(oo) CSST and CJ-CSST. Section G2415.2 is hereby amended as follows:

G2415.2 CSST and CJ-CSST. CSST piping systems and tubing, as defined in Section G2403, shall not be installed. CJ-CSST piping systems, as defined in Section G2403, shall be installed in accordance with the terms of their approval, the conditions of listing, the manufacturer's instructions and this code. Where any of these provisions conflict, the more restrictive shall govern.

(pp) Routing and clearances. Section G2415.2 is hereby amended by the addition of a new subsection G2415.2.1 to read as follows:

G2415.2.1 Routing and clearances. CJ-CSST piping and tubing shall be routed and installed such that a permanent twenty-four inch (24") clearance is maintained from all metallic vents, chimneys, flues, masts, pipes and similar items that extend through the roof to the outside atmosphere, including their metallic component parts. A permanent barrier consisting of one-half inch (1/2") gypsum wallboard, or equivalent, may substitute for the required clearance.

(qq) Test pressure. Section G2417.4.1 is hereby amended to read as follows:

G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less

than 8 psig (20 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

(rr) Located at manifold. Section G2420.5.3. is hereby amended to read as follows:

G2420.5.3 (409.5.3) Located at manifold. Where the appliance shutoff valve is installed at a manifold, such shutoff valve shall be located within 50 feet of the appliance served and shall be readily accessible and permanently identified. The piping from the manifold to within 6 feet of the appliance shall be designed, sized and installed in accordance with Sections G2412 through G2419. Shutoff valves located within attic spaces shall not be considered readily accessible.

(ss) G2421.1 (410.1) Pressure regulators. Section G2421.1 is hereby amended to read as follows:

A line pressure regulator shall be installed where the appliance is designed to operate at a lower pressure than the supply system. Access shall be provided to pressure regulators. Pressure regulators shall be protected from physical damage. Regulators installed on the exterior of the building shall be approved for outdoor installation. All regulators must be installed near a walkway or an access point.

(tt) Exhaust installation. Section G2439.3 is hereby amended to read as follows:

G2439.3 (614.4) Exhaust installation. Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the flow. Clothes dryer exhaust ducts shall not be connected to a vent connector, vent or chimney. Clothes dryer exhaust ducts shall not extend into or through ducts or plenums unless properly sleeved with materials conforming to Section 602.2.1 of the International Mechanical Code (in the case of plenums), or with materials meeting the requirements for Class 0 or 1 duct materials (in the case of ducts). Backdraft dampers shall not be required for vertical terminations through roofs.

(uu) Protection required. Section G2439.5.3 is hereby amended to read as follows:

G2439.5.3 (614.3) Protection required. Protective shield plates shall be placed where nails or screws from finish or other work are likely to penetrate the clothes dryer exhaust duct. Shield plates shall be placed on the finished face of all framing members where there is less than 1-1/4 inches between the duct and the finished face of the framing member. Protective shield plates shall be constructed of steel, and shall have a minimum thickness of 0.062 inch (1.6 mm).

(vv) Length identification. Section G2439.5.6 is hereby amended to read as follows:

G2439.5.6 (614.6.5) Length identification. Where the exhaust duct is concealed within the building construction and exceeds a total developed length of 35 feet, the equivalent length of the exhaust duct shall be identified on a permanent label or tag. The label or tag shall be located within 6 feet of the exhaust duct connection.

(ww) Building sewer testing. Section P2503.4 is hereby amended to read as follows:

Section P2503.4. Building sewer testing. The building sewer shall be tested by the insertion of a test plug at the point of connection with the public sewer and filling the building sewer with water, testing with not less than a five-foot head of water and be able to maintain such a pressure for fifteen (15) minutes.

(xx) Rough plumbing. Section P2503.5.1 is hereby amended to read as follows:

P2503.5.1 Rough plumbing. DWV systems shall be tested on completion of the rough piping installation by water or air with no evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough piping has been installed, as follows:

1. Water test. Each section shall be filled with water to a point not less than 5 feet (3048 mm) above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of 15 minutes. The system shall prove leak free by visual inspection.

2. Air test. The portion under test shall be maintained at a gauge pressure of 5 pounds per square inch (psi) (34 kPa) or 10 inches of mercury column (2488 Pa). This pressure shall be held without introduction of additional air for a period of 15 minutes. Exception: Air tests shall not be used on PVC piping if not approved by the piping manufacturer.

(yy) Finished plumbing. Section P2503.5.2 is hereby amended to read as follows:

P2503.5.2 Finished plumbing. After the plumbing fixtures have been set and their traps filled with water, their connections shall be tested and proved gas tight and/or water tight as follows:

1. Water tightness. Each fixture shall be filled and then drained. Traps and fixture connections shall be proven water tight by visual inspection.

2. Gas tightness. When required by the Building Official, a final test for gas tightness of the DWV system shall be made by the smoke or peppermint test as follows:

2.1. Smoke test. Introduce a pungent, thick smoke into the system. When the smoke appears at vent terminals, such terminals shall be sealed and a pressure equivalent to a 1-inch water column (249 Pa) shall be applied and maintained for a test period of not less than 15 minutes.

2.2. Peppermint test. Introduce 2 ounces (59 mL) of oil of peppermint into the system. Add 10 quarts (9464 mL) of hot water and seal all vent terminals. The odor of peppermint shall not be detected at any trap or other point in the system.

(zz) Shower liner test. Section P2503.6 is hereby deleted.

(aaa) Protection against physical damage. Section P2603.2.1 is hereby amended to read as follows:

P2603.2.1 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1.5 inches (38 mm) from the nearest edge of the member, the pipe shall be protected by steel shield plates. Such shield plates shall have a thickness of not less than 0.0575 inch (1.463 mm) (No. 16 gage). Such plates shall cover the area of the pipe where the member is notched or bored.

(bbb) Pan size and drain. Section P2801.5.1 is hereby amended to read as follows:

P2801.5.1 Pan size and drain. The pan shall be not less than 1.5 inches (38 mm) deep and shall be of sufficient size and shape to receive all dripping and condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a minimum diameter of 3/4 inch (19 mm) or the outlet diameter of the relief valve, whichever is larger. Piping for safety pan drains shall be of those materials listed in Table P2904.5, except that PVC meeting ASTM D 1785, D 2241 or D 2672 shall also be considered an acceptable material for this purpose.

(ccc) Water heaters installed in garages. Section P2801.6 is hereby amended to read as follows:

P2801.6 Water heaters installed in garages. Water heaters having an ignition source shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the garage floor.

Exceptions:

1. Elevation of the ignition source is not required for fuel gas-fired water heaters that are listed as flammable vapor ignition-resistant. (See Section G2408.2).

2. Electric water heaters are not required to be elevated, as the elements are not considered an ignition source.

(ddd) Vacuum relief valve. Section P2803.7 is hereby amended to read as follows:

P2803.7 Vacuum relief valve. Bottom fed tank-type water heaters and bottom fed tanks connected to water heaters shall have a vacuum relief valve installed that complies with ANSI Z21.22.

Exception: Where such water heaters and tanks are part of a circulating hot water system and have a storage capacity of ten gallons or less.

(eee) Hose bibb bleed. Section P2903.8.6 is hereby deleted.

(fff) Service valve. Section P2903.9.1 is hereby amended to read as follows:

P2903.9.1 Service valve. Where indicated below, each dwelling unit shall be provided with an accessible main shutoff valve. The valve shall be of a full-open type having nominal restriction to flow.

Service valves shall be installed in the following locations:

1. On the water service pipe from the public water supply at or near the water meter.

2. On the water service pipe at the entrance into the building(s) if the service valve required by (1) above is more than 100 feet from said building(s).

3. On the water supply pipe to a gravity or pressurized water tank.

4. On the water supply pipe to every water heater.

(ggg) Hose bibb. Section P2903.10 is hereby deleted.

(hhh) Solvent cementing. Section P3003.9.2 is hereby amended to read as follows:

P3003.9.2 Solvent cementing. Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Clear primer in lieu of purple primer is acceptable where joints are accessible. Solvent cement not purple in color and conforming to ASTM D 2564 CSA CAN/CSA-B137.3, CSA CAN/CSA-B181.2 or CSA CAN/CSA-BV182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

(iii) Joints between drainage piping and water closets. Section P3003.19 is hereby amended to read as follows:

> P3003.19 Joints between drainage piping and water closets. Joints between drainage piping and water closets or similar fixtures shall be made by means of a closet flange or waste connector and sealing gasket compatible with the drainage system material, securely fastened to a structurally firm base. The joint shall be bolted, with an approved gasket or fixture connection complying with ASME A112.4.3 or setting compound between the fixture and the closet flange or waste connector and sealing gasket.

(jjj) Horizontal to vertical (multiple connection fittings). Section P3005.1.1. is hereby amended to read as follows:

> P3005.1.1 Horizontal to vertical (multiple connection fittings). Double fittings such as double sanitary tees and tee-wyes or approved multiple connection fittings and back-to- back fixture arrangements that connect two or more branches at the same level shall be permitted as long as directly opposing connections are the same size and the discharge into directly opposing connections is from similar fixture types or fixture groups. Double sanitary tee patterns shall not receive the discharge of back-to-back water closets and fixtures or appliances with pumping action discharge.

(kkk) (Cleanouts at) Building drain and building sewer junction. Section P3005.2.7 is hereby amended to read as follows:

> P3005.2.7 (Cleanouts at) Building drain and building sewer junction. There shall be a two-way cleanout near the junction of the building drain and building sewer. This cleanout may be either inside or outside the building wall, provided it is brought up to finish grade or to the lowest floor level. An accessible interior building drain cleanout or test tee within close proximity to the building drain exit point shall fulfill this requirement. "Close proximity" shall be deemed to mean a developed length of no more than 10 feet.

(lll) Electrical. Part VIII, Chapters 34-43 inclusive, is hereby deleted.

SECTION 4. THAT violation of any provision of this ordinance shall be deemed a misdemeanor punishable as provided by Section 1.01.004 of the Code of Ordinances of the City of Lubbock, Texas.

SECTION 5. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 6. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this ____day of _____, 2016.
Passed by the City Council on second reading this ____day of _____, 2016.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Steve O'Neal, Chief Building Official

APPROVED AS TO FORM:

_____
John C. Grace, Assistant City Attorney

IRC 2012 Ordinance 1027Enhanced

Regular City Council Meeting **6. 14.**

Meeting Date: 05/12/2016

Information

Agenda Item

Ordinance 2nd Reading - Councilwoman Karen Gibson: Consider Ordinance 2016-O0077 an ordinance amending Chapter 24 of the Code of Ordinances, City of Lubbock, Texas, regulating vehicles for hire; establishing applicable permits; amending Chapter 24 with regard to repealing outdated and antiquated provisions; amending provisions to encompass revised practices; providing definitions; providing for a penalty; providing for a savings clause; providing for publication.

Item Summary

On April 28, 2016, the City Council approved the first reading of the ordinance.

City Staff began a series of meetings, and research, beginning July 2014, in order to consider revising Chapter 24 of the Code of Ordinances to encompass regulation of emerging transportation market models. The primary objective is to provide simplified legislation that allows for public safety, greater flexibility, increases free market conditions, enhances compliance and enforcement, and levels the playing field for all vehicle for hire companies. The proposed substantive changes to Chapter 24 are intended to repeal outdated and antiquated provisions, revise current practices, and provide a legislative environment incorporating new vehicle for hire business models and technological platforms.

Summary of Substantive Changes to Chapter 24:

- Definitions are updated and clarified
- Permit fee categories are renamed
- Distinctions between market models (other than tow trucks and ambulances (emergency and transfer/non-emergency) are eliminated
- Restrictions to the number of vehicles in a taxicab fleet are abolished
- Performance bonds are no longer required
- Hailing is allowed for applicable vehicles
- Insurance requirements are revised to distinguish between driver availability and the acceptance of a ride request
- Enforcement includes towing and impounding
- Taxi rates are no longer set by the City
- Provides for use of a technological platform for rate charges, instead of a taximeter
- Rate Ceiling of $225, per applicable increment, established to prevent gouging during periods of high-demand or states of emergency
- Provides for the use of outside vendors to conduct vehicle inspections
- Allows for background checks to be conducted by other enforcement agencies

Fiscal Impact

None.

Staff/Board Recommending
Karen Gibson, Councilwoman

Attachments

Ordinance - Vehicles for Hire

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 24, "VEHICLES FOR HIRE", OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, BY DELETING ARTICLE 24.01 "GENERAL PROVISIONS," ARTICLE 24.02 "OPERATOR'S PERMIT," ARTICLE 24.03 "CHAUFFEUR'S PERMIT," ARTICLE 24.04 "BUS SERVICE FRANCHISE," ARTICLE 24.05 "TAXICABS," ARTICLE 24.06 "LIMOUSINES AND TOURING VEHICLES," AND ARTICLE 24.07 "NON-MOTORIZED VEHICLES;" ADDING ARTICLE 24.01 "GENERAL PROVISIONS," ARTICLE 24.02 "OPERATING AUTHORITY REGULATIONS," AND ARTICLE 24.03 "TRANSPORTATION NETWORK COMPANY REGULATIONS;" PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, Section 215.004(a)(1) of the Texas Local Government Code requires a municipality to regulate private passenger vehicles that provide taxicab transportation services for compensation, and Sections 215.004(a)(2)-(d), 215.029, 215.073, and 215.0735 of the Texas Local Government Code permit a municipality to regulate drivers and vehicles engaged in the carrying of passengers for compensation; and

WHEREAS, the City Council of the City of Lubbock, Texas deems it in the best interest of the health, safety, and welfare of the citizens of Lubbock to amend the Code of Ordinances by repealing outdated and antiquated provisions relating to vehicles-for-hire and adding new provisions that allow for transportation network companies; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the Code of Ordinances of the City of Lubbock, Texas, is hereby amended by adding Article 24.01, which reads as follows:

ARTICLE 24.01 GENERAL PROVISIONS

Sec. 24.01.001 Purpose

The regulations of this Chapter are adopted for the purposes of protecting the public health and safety, promoting public convenience and necessity, and supporting consumer protection in the transportation-for-hire and transportation network company service industries.

Sec. 24.01.002 Definitions

For the purposes of this Chapter the following words and terms shall have the scope and meaning hereinafter defined and set out in connection with each:

Airport. The Lubbock Preston Smith International Airport.

Bus. A motor vehicle that has a manufacturer's rated seating capacity of more than fifteen (15) passengers.

Carpooling. Any voluntary sharing of transportation without compensation.

Chief of Police. The chief of police of the City of Lubbock or the chief of police's designee.

City Manager. The city manager of the City of Lubbock or the city manager's designee.

City Secretary. The city secretary of the City of Lubbock or the city secretary's designee.

Compensation. Any money, service, or other thing of value that is received, or is to be received, in return for transportation-for-hire or transportation network company services.

Contingent Primary Liability Coverage. A liability insurance policy that will act as a primary liability policy in the event that no other applicable primary liability policy exists or a policy exists but denies coverage.

Courtesy Vehicle. A vehicle that is not for-hire, is not used to transport passengers for compensation, and is operated by or for a business that provides free transportation to customers as an accessory to the main business activity.

Dispatch. Any communication system that conveys passenger ride requests to drivers.

Drive. To control the physical movements of a vehicle.

Driver. An individual who drives or otherwise controls the physical movements of a vehicle.

Entity. An individual; corporation; government or governmental subdivision; or, agency, trust, partnership, or two (2) or more persons having a joint or common economic interest.

Ground Transportation Service. Any courtesy, transportation-for-hire, or transportation network company service or vehicle that operates at the Airport.

Hail. To physically or audibly signal for the use of a transportation-for-hire vehicle.

Hailable Vehicle. A transportation-for-hire vehicle that can be hailed by a passenger.

Horse. Any member of the species *Equus Caballus*.

Horse-drawn Carriage. A non-motorized vehicle designed to carry passengers while being pulled by one or more horses.

Non-motorized Passenger Transport Vehicle. Any vehicle designed to transport passengers that is not powered by a motor, including, but not limited to, a horse-drawn carriage, pedicab, bicycle, or tricycle.

Operating Authority. An entity providing transportation-for-hire services.

Operating Authority Permit. The permit required for an entity to provide transportation-for-hire services.

Payor. The person paying transportation-for-hire or transportation network company services.

Pedicab. A device with two (2) or more wheels designed to carry passengers while being propelled by human power.

Queue. A line or sequence of vehicles awaiting their turn to be attended to or to proceed.

Shuttle Vehicle. A motor vehicle that has a manufacturer's rated seating capacity of not less than seven (7) passengers and not more than fifteen (15) passengers.

Street or streets. Any street, alley, avenue, boulevard, thoroughfare, roadway, drive, public way, or highway commonly used for the purpose of public travel within the city limits.

Trade Dress. Any distinctive signage or display on a transportation-for-hire vehicle when providing services that is sufficient to allow a person of normal sensibilities to associate the vehicle with a particular transportation-for-hire service. Acceptable forms of trade dress include, but are not limited to, magnetic or removable symbols or signs on vehicle doors, roofs, or grills.

Transportation-for-Hire Service. The transportation of passengers for compensation within the city, with the coordination and payment of such transportation not being provided through a digital network or website. This term is not applicable to ambulance transportation, emergency medical transportation, nonemergency medical transportation, transfer medical transportation, transportation network company service, or tow truck service in the City of Lubbock, Texas.

Transportation-for-Hire Vehicle. Any vehicle used to offer or provide transportation-for-hire services.

Transportation Network Company. Any entity that exclusively uses a digital network or website to connect a passenger to a driver for the transportation of the passenger for compensation. This term is not applicable to ambulance transportation, emergency medical transportation, nonemergency medical transportation, transfer medical transportation, operating authority service, or tow truck service in the City of Lubbock, Texas.

Transportation Network Company Permit. The permit required for an entity to provide transportation network company services.

Vehicle. A motorized device in, upon, or by which any person is or may be transported upon a public way.

Website. A publicly remotely-accessible data site, digital platform, or mobile application that provides content in a manner that is accessible to the public through a digital network.

Wheelchair Accessible Vehicle. A vehicle designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act, as amended.

Sec. 24.01.003 Exclusions

(1) This Chapter does not apply to the operation of:

(a) City of Lubbock transportation vehicles or those contracted to perform transportation services for the City of Lubbock;

(b) Courtesy vehicles;

(c) Carpooling;

(d) A rented vehicle without a driver;

(e) The transportation of a person by a vehicle licensed by another governmental entity from a point outside of the City to a destination inside the City, if the vehicle leaves the City without receiving a passenger inside the City; or

(f) A vehicle that is:

(i) Operated for a funeral home in the performance of funeral services;

(ii) Provided by an employer or employee association for use in transporting an employee between the employee's home and the employer's place of business or between workstations, with the employee reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;

(iii) Owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the City for operation of the vehicle;

(iv) Used to transport children to or from school;

(v) Operated under state or federal authority unless subject to the City's regulatory authority;

(vi) Owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers.

(2) Articles 24.07 and 24.08 of this Chapter are excluded from the regulations of Articles 24.01, 24.02, and 24.03 of this Chapter.

Sec. 24.01.004 Duties of City Secretary, Chief of Police, and City Manager

(1) The City Secretary shall enforce this Chapter with assistance from the Chief of Police.

(2) The City Secretary may adopt procedures to administer this Chapter.

(3) The Chief of Police may inspect any vehicle providing services under this Chapter to determine whether the vehicle complies with this Chapter and all other applicable law.

(4) The City Manager may adopt procedures to administer and enforce all aspects of ground transportation service rules and regulations at the Airport.

(5) The City Secretary, with assistance from the Chief of Police, may conduct investigations into the operations of ground transportation services at the Airport to determine whether such services comply with this Chapter and other applicable laws.

(6) The Chief of Police may perform an audit on the records of any operating authority or transportation network company to ensure that the provisions of this Chapter are met.

(7) Upon the receipt of a complaint about any driver providing service for an operating authority or transportation network company, the Chief of Police shall have access to the records held by any operating authority or transportation network company concerning the driver that is the source of the complaint.

Sec. 24.01.005 Ground transportation service

(1) It is the policy of the City to provide and promote adequate and efficient ground transportation service at the Airport for the convenience of the public. The City Manager may promulgate and enforce written rules and regulations, not inconsistent with this Chapter, governing ground transportation service at the Airport as the City Manager determines necessary to manage and provide for the orderly, efficient, and convenient flow of traffic at the Airport.

(2) All ground transportation service at the Airport shall be subject to all rules and regulations promulgated by the City Manager or the Director of the Airport.

(3) An entity commits an offense if it operates a ground transportation service at the Airport without a valid operating authority or transportation network company permit.

(4) An entity commits an offense if it operates a ground transportation service at the Airport in such a way that violates this Chapter or any other applicable local, state, or federal law, rule, or regulation.

Sec. 24.01.006 Permit Fees

All permit fees required under this Chapter are nonrefundable and shall be set forth and established annually in the City's budget ordinance. A permit fee shall be tendered to the City Secretary when an application for a permit is made with the City Secretary.

Sec. 24.01.007 Complaint procedure

(1) Any entity may file with the City Secretary a complaint or protest concerning any operating authority, transportation network company, or any transportation-for-hire or transportation network company driver or vehicle operating in the City of Lubbock.

(2) Any complaint or protest submitted to the City Secretary under this Chapter shall be in writing and shall be signed by the complainant. The City Secretary shall then notify the Chief of Police and the named operating authority, transportation network company, or transportation-for-hire or transportation network company driver or vehicle of the complaint.

(3) If, after a complaint or protest is investigated by the City Secretary, with the assistance of the Chief of Police, the investigation reveals a violation of this Chapter, any City ordinance, or State or Federal law or regulation, then the City Secretary shall issue a notice in the form of a correction order to the operating authority or transportation network company. Such correction order shall identify the violation, the date of issuance of the notice, the time period within which the violation must be corrected, a warning that failure to comply with the order may result in a penalty, and a statement indicating that the order may be appealed.

(4) If the City Secretary determines that a violation constitutes an imminent and serious threat to the public health or safety, the City Secretary shall order the operating authority or driver to correct the violation immediately, and, if the operating authority or driver fails to comply, the City Secretary shall promptly take or cause to be taken such action as the City Secretary considers necessary to enforce the order immediately.

(5) If the operating authority or transportation network company does not comply with the terms of the correction order, then it may be subject to the suspension or revocation of its permit and may be subject to a fine.

Sec. 24.01.008 Appeal of correction order

The holder of a permit issued under this Chapter may file an appeal with the Permit and License Appeal Board in accordance with this Code.

Sec. 24.01.009 Removal of evidence of authorization

Whenever a permit required under this Chapter is suspended, revoked, or denied, the City Secretary may require the surrender by the permit holder of all evidence of authorization to perform the services allowed by the permit.

Sec. 24.01.010 Towing and impounding

A vehicle providing services under this Chapter may be towed and impounded if the City Secretary or the Chief of Police determines that the vehicle is not operating:

(1) Under an operating authority or transportation network company permit required by this Chapter; or

(2) With the insurance required by this Chapter.

Sec. 24.01.011 Criminal offenses

(1) An entity commits an offense if it violates or attempts to violate a provision of this Chapter, or a rule or regulation established by the City Secretary or City Manager under this Chapter, which is applicable to the entity. An offense of this Chapter shall be a class C misdemeanor punishable by a fine not exceeding such amount as is provided by the general laws of the State of Texas for such offenses. A separate offense is committed each day in which an offense occurs. A culpable mental state is not required for the commission of an offense under this Chapter unless the provision defining the conduct expressly requires a culpable mental state.

(2) Prosecution for an offense under this Section does not prevent the use of other enforcement remedies or procedures applicable to the entity charged with or the conduct involved in the offense.

Sec. 24.01.012 Service of notice

(1) An operating authority, transportation network company, or driver covered under this Chapter shall designate and maintain a representative to receive service of notice required under this Chapter.

(2) Notice required under this Chapter:

(a) May be personally served by the City Secretary on an operating authority, transportation network company, or its designated representative; or

(b) May be personally served or sent by United States Certified Mail, Return Receipt Requested, to the address, last known to the City Secretary, of the operating authority, transportation network company, driver, or its designated representative; or

(c) May be sent by electronic mail, to the electronic mail address, last known to the City Secretary, of the operating authority, transportation network company, driver, or its designated representative.

(3) Notice required under this Chapter to be given to a person other than an operating authority, transportation network company, driver, or its designated representative, may be served in the manner prescribed by Subsection (2).

(4) Service executed in accordance with this subsection constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is three (3) days after the date of mailing.

SECTION 2. THAT the Code of Ordinances of the City of Lubbock, Texas, is hereby amended by adding Article 24.02, which reads as follows:

ARTICLE 24.02 OPERATING AUTHORITY REGULATIONS

Division 1. Operating Authority Permit

Sec. 24.02.001 Operating Authority Permit required

(1) An entity may not operate a transportation-for-hire service inside the City without an operating authority permit granted under this Chapter.

(2) A driver may not transport a passenger for hire within the city limits unless the entity that employs or contracts with the driver has been granted an operating authority permit under this Chapter.

(3) Nothing in the operating authority permit shall be construed as granting to the operating authority a franchise to use city streets.

Sec. 24.02.002 Operating Authority Permit Application

To obtain an operating authority permit, an applicant shall submit an application in the manner prescribed by this Section. The applicant must be the entity that is the owner,

controller, or operator of the proposed operating authority. An applicant shall file with the City Secretary a nonrefundable application fee, as set forth and established annually in the City's budget ordinance, and an application containing and certifying the following:

(1) The form of business of the applicant and the name and address of each entity with a twenty percent (20%) or greater ownership interest in the applicant's business;

(2) If the applicant is a corporation or association, a copy of the documents establishing the applicant's corporation or association;

(3) The verified signature of the applicant's signatory;

(4) The address of the fixed facilities to be used as the applicant's primary place of business in the City, if any, and the address of the applicant's headquarters, if different from the address of the fixed facilities;

(5) The name of the entity designated by the applicant to receive notice on behalf of the operating authority, and that entity's contact information, including a mailing address, telephone number, and email or other electronic address;

(6) That the operating authority requires its drivers to submit to the Chief of Police an annual background check certified by the Texas Department of Public Safety;

(7) That the operating authority's drivers are required to display an identification card within their transportation-for-hire vehicles that contains a photograph of the driver, the full name of the driver, the name and phone number of the operating authority, the phone number of the Lubbock Police Department, and the phone number of the City Secretary;

(8) That all vehicles operating under the operating authority permit have been inspected by a State of Texas authorized vehicle inspector, possess a current State-issued registration, and meet all required vehicle safety standards, required under this Chapter;

(9) That the operating authority and all of its drivers possess a valid insurance policy, as described in this Chapter, from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies, or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies;

(10) A tax certificate showing the payment of ad valorem taxes on the operating authority's local property, if any, to be used by the operating authority in connection with its transportation-for-hire service; and

(11) A copy of the applicant's zero-tolerance policy for intoxicating substances.

Sec. 24.02.003 Operating Authority Permit Application Changes

Any change to the information provided by the applicant in its operating authority permit application must be reported in writing to the City Secretary within ten (10) days of the change in the manner prescribed by the City Secretary.

Sec. 24.02.004 Operating Authority Permit Expiration

An operating authority permit expires one (1) year from the date it is issued.

Sec. 24.02.005 Operating Authority Permit denial, suspension, and revocation

(1) If the City Secretary determines that an entity's operating authority permit should be denied, suspended, or revoked, the City Secretary shall issue a correction order to the operating authority notifying it that its permit is denied, suspended, or revoked, with such correction order detailing the reason for the denial, suspension, or revocation of the operating authority permit, the procedure to remedy the violation, and a statement informing the operating authority of its right of appeal. The operating authority may appeal the denial, suspension, or revocation of its permit to the Permit and License Appeal Board in the manner set out in Chapter 2 of this Code.

(2) Denial. The following shall constitute grounds for denial by the City Secretary of an operating authority permit:

(a) The determination by the Chief of Police that the applicant is not qualified under this Chapter;

(b) The applicant knowingly makes any false statement in its application statement; or

(c) The applicant has knowingly violated any City, State, or Federal law or regulation.

(3) Suspension. The following regulations apply to the suspension of an operating authority permit:

(a) The City Secretary shall suspend an operating authority permit if the City Secretary determines that the operating authority failed to comply with a correction order issued by the City Secretary within the time specified in the correction order.

(b) The expiration date of the operating authority permit is not tolled or extended by a suspension.

(c) The City Secretary may reinstate a suspended operating authority permit if the operating authority complies with the correction order and pays a reinstatement

fee as such reinstatement fee is set forth and established annually in the City's budget ordinance.

(4) Revocation. The following regulations apply to the revocation of an operating authority permit:

(a) The City Secretary shall revoke an operating authority permit if the City Secretary determines that the operating authority:

(i) Knowingly made a false statement in its application statement;

(ii) Failed to maintain the insurance required by this Chapter; or

(iii) Knowingly violated any City, State, or Federal law or regulation.

(b) After revocation of its operating authority permit, an operating authority is not eligible for another operating authority permit for a period of up to two (2) years, depending on the severity of the violation resulting in the revocation as determined by the City Secretary after its review of the revocation.

(5) It shall be unlawful under this Chapter for any entity to operate a transportation-for-hire service if it fails to comply with a correction order notifying it of the denial, suspension, or revocation of its operating authority permit.

Sec. 24.02.006 Zero-Tolerance policy

(1) An operating authority shall employ, maintain, and enforce a zero-tolerance policy prohibiting the use of intoxicating substances by its drivers while they are on duty, or within eight (8) hours prior to their scheduled time to be on duty.

(2) An operating authority shall include on its website notice of the operating authority's zero-tolerance policy for intoxicating substances, and information on how passengers may report a possible violation of the policy to the operating authority and to the City.

Sec. 24.02.007 Website

In no case shall the operating authority's website provide the opportunity for passengers to reserve, participate in, or pay for any transportation-for-hire service through the website or any form of the website, such as an "app" or other type of digital interface.

Sec. 24.02.008 Nontransferability

An operating authority permit is not transferable. This regulation should not be construed to impede the continuing use of trade names.

Secs. 24.02.009–24.02.019 Reserved

Division 2. Driver Requirements

Sec. 24.02.020 Driver identification

(1) A driver may not drive a transportation-for-hire vehicle without a driver identification card issued to the driver by the operating authority for which the driver provides transportation-for-hire services.

(2) The driver identification card shall contain, at a minimum, the driver's full name, the driver's photograph, the operating authority's name and phone number, the phone number of the Lubbock Police Department, and the phone number of the City Secretary.

(3) While the driver is providing transportation-for-hire services, the driver shall display the driver identification card in such a way that it is visible to every passenger in the driver's transportation-for-hire vehicle.

(4) An operating authority shall not allow a driver to drive a transportation-for-hire vehicle for that operating authority if the operating authority knows or should know that the driver does not have a driver identification card.

Sec. 24.02.021 Driver qualifications

Every operating authority must certify that each of its drivers:

(1) Holds a driver's license that meets the requirements of Chapter 521, Texas Transportation Code;

(2) Has not been convicted of more than three (3) moving traffic violations arising out of separate incidents, or involved in more than one (1) automobile accident in which it could be reasonably determined that the driver was more than fifty percent (50%) at fault, within any twelve (12) month period during the preceding twenty-four (24) months.

(3) Has not been convicted of a crime:

(a) Involving:

(i) Criminal homicide as described in Chapter 19 of the Texas Penal Code;

(ii) Kidnapping as described in Chapter 20 of the Texas Penal Code;

(iii) A sexual offense as described in Chapter 21 of the Texas Penal Code;

(iv) An assaultive offense as described in Chapter 22 of the Texas Penal Code;

(v) Robbery as described in Chapter 29 of the Texas Penal Code;

(vi) Any offense under the Texas Penal Code committed against a person with whom the driver came in contact while engaged in transportation-for-hire service;

(vii) The transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;

(viii) A violation of the Dangerous Drugs Act (Chapter 483 of the Texas Health and Safety Code) that is punishable as a felony; or

(ix) A violation of the Controlled Substances Act (Chapter 481 of the Texas Health and Safety Code) that is punishable as a felony;

(b) For which:

(i) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the driver was convicted of a misdemeanor offense;

(ii) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the driver was convicted of a felony offense; or

(iii) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the driver has two (2) or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(4) Has not been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:

(a) Within the preceding twelve (12) months; or

(b) More than one (1) time within the preceding five (5) years; and

(5) Is not subject to an outstanding warrant of arrest in the State of Texas.

Sec. 24.02.022 State license, driving record, criminal history records information, and investigation

No operating authority shall issue a driver identification card to a driver until the driver produces to the operating authority a valid State of Texas Class C driver's license, an official copy of the driver's driving record from the State of Texas, and an official copy of the driver's complete criminal history certified by the Texas Department of Public Safety. The Chief of Police shall investigate the character, experience, and qualifications of the driver upon the receipt of a complaint concerning the driver by the City of Lubbock Police Department. The Chief of Police shall determine whether or not the driver is qualified to perform transportation-for-hire services.

Sec. 24.02.023 Driver Identification Card revocation and right to appeal

(1) The Chief of Police may revoke a driver's identification card if:

(a) The Chief of Police determines that the driver is not qualified to operate a transportation-for-hire vehicle under this Chapter; or

(b) The driver has knowingly violated any City, State, or Federal law or regulation.

(2) The Chief of Police may revoke an operating authority's permit if:

(a) The Chief of Police determines that any driver for the operating authority is not qualified to operate a transportation-for-hire vehicle under this Chapter;

(b) The operating authority knowingly makes a false statement in its application statement; or

(c) The operating authority has knowingly violated any City, State, or Federal law or regulation.

(3) If the Chief of Police determines that an operating authority's permit should be revoked due to a driver's failure to comply with this Chapter, then the Chief of Police shall notify the City Secretary to issue a correction order to the operating authority notifying it that its driver is not in compliance with this Chapter, the timeframe within which the operating authority shall work to correct the driver's non-compliance, and a statement informing the operating authority of its right of appeal.

(4) If an operating authority's permit has been revoked on the basis that one of its drivers has been convicted of an offense listed in this Chapter, for which the required time period has not elapsed since the date of conviction or the date of release from confinement imposed for the conviction, the operating authority may appeal the denial to the Permit and License Appeal Board in the manner set out in Chapter 2 of this Code. The Permit and License Appeal Board may determine that the driver is presently fit to perform the services of a transportation-for-hire driver for an operating authority by considering the following:

(a) The extent and nature of the driver's past criminal activity;

(b) The age of the driver at the time of the commission of the crime;

(c) The amount of time that has elapsed since the driver's last criminal activity;

(d) The conduct and work activity of the driver prior to and following the criminal activity;

(e) Evidence of the driver's rehabilitative effort while incarcerated or following release; and

(f) Other evidence of the driver's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the Sheriff and Chief of Police in the community where the applicant resides; and, any other persons in contact with the driver.

Sec. 24.02.024 Possession, display, and content of Driver's Identification Card

(1) An operating authority shall require each of its drivers to maintain possession of and allow access to their drivers' identification cards for inspection by the Chief of Police. The driver's identification card shall contain the driver's full name, the driver's photograph, the operating authority's phone number, the Lubbock Police Department phone number, the City Secretary's phone number, and information on how to contact the City of Lubbock to make a complaint.

(2) While a transportation-for-hire driver is engaged in the provision of transportation-for-hire services, the driver shall display its identification card within the driver's vehicle in such a manner that the identification card is in plain sight to every passenger riding in the driver's vehicle.

Sec. 24.02.025 Driver Regulations

An operating authority shall certify that its drivers:

(1) Comply with this Chapter and all other local, state, and federal laws applicable to the operation of a motor vehicle in this State;

(2) Comply with all of the rules and regulations of the Airport;

(3) Treat members of the public and passengers with the utmost courtesy;

(4) Do not distract any person by any sign or obstruct the movement of any person.

Secs. 24.02.026–24.02.039 Reserved

Division 3. Vehicle Standards

Sec. 24.02.040 Vehicle standards required

No vehicle may be used to provide transportation-for-hire services within the city limits without complying with the vehicle standards required under this Chapter.

Sec. 24.02.041 Vehicle standards

(1) In its annual operating authority permit application, an operating authority must attest to the City Secretary that every vehicle performing transportation-for-hire services under its operating authority permit:

(a) Possesses a current, state-issued registration;

(b) Has been inspected by a State-authorized vehicle inspector;

(c) Has insurance that meets the minimum requirements required for transportation-for-hire vehicles under State law; and

(d) Is mechanically sound, road worthy, and complies with state safety and equipment standards as provided by law.

(2) An operating authority commits an offense if it falsely certifies, requests another to falsely certify, or intentionally causes another to falsely certify that a vehicle performing transportation-for-hire services under its operation authority permit meets the standards in Subsection (1).

Secs. 24.02.042–24.02.059 Reserved

Division 4. Service Rules

Sec. 24.02.060 Number of passengers

While providing transportation-for-hire services, no driver shall carry more passengers during one trip than the number of seatbelt equipped seating positions in vehicle. The driver shall know how to properly install and safely use a child safety seat.

Sec. 24.02.061 Refusal to pay fare

It shall be unlawful for a passenger using a transportation-for-hire service to refuse or fail to pay the agreed or established fare and such refusal or failure shall constitute theft of services punishable under state law, unless the passenger reasonably believes that the driver has manipulated the agreed or established fare.

Sec. 24.02.062 Non-discrimination

No transportation-for-hire driver shall refuse service to a passenger based on the passenger's race; color; age; religion; sex; marital status; sexual orientation; gender identity and expression; national origin; disability; political opinions; or affiliations as such terms are defined in Chapter 8.02 of this Code.

Sec. 24.02.063 City-wide service

(1) An operating authority must offer transportation-for-hire services to every portion of the City.

(2) An operating authority shall not permit its drivers to refuse a ride request based on point of origin, destination, or length of trip.

(3) This section does not apply to transportation-for-hire services provided by non-motorized passenger transport vehicles.

Sec. 24.02.064 Wheelchair accessibility

(1) An operating authority must provide a wheelchair accessible vehicle upon request without unreasonable delay.

(2) Operating authorities and drivers are prohibited from charging a higher fare rate for wheelchair accessible vehicles.

Sec. 24.02.065 Direct and efficient route

(1) While providing transportation-for-hire services, a driver must take the most direct and efficient route available to the requested destination, unless otherwise directed by the passenger.

(2) This section does not apply to transportation-for-hire services provided by non-motorized passenger transport vehicles.

Sec. 24.02.066 Electronic payment methods

(1) An operating authority and its drivers must allow fares to be paid by credit card, debit card, and other such types of commonly accepted electronic payment.

(2) When accepting an electronic payment, an operating authority or driver must use a secure processing method that encrypts information transmitted to authenticate the payment transaction for approval.

Sec. 24.02.067 Trade Dress

An operating authority shall require its vehicles to display consistent trade dress when such vehicles are providing transportation-for-hire services.

Sec. 24.02.068 Rates and Fares

(1) If an operating authority accepts payment for transportation-for-hire services provided by its drivers, the operating authority shall inform the payor of the rate of the transportation-for-hire service before the transportation-for-hire service is provided.

(2) An operating authority must disclose its rates on its website. An operating authority must also disclose its rates on a sign placed in or on all hailable vehicles operated under the operating authority's permit.

(3) An operating authority or its driver shall provide the payor with a legible receipt at the time of payment. The receipt, or a contemporaneously produced document, must contain the following information:

(a) The date and time of the trip;

(b) The fare rate;

(c) The total fare;

(d) An itemization showing how the fare was calculated;

(i) The trip distance (if the fare was based in whole or in part on distance);

(ii) The duration of the trip in minutes (if the fare was based in whole or in part on time);

(e) The name and phone number of the operating authority under which the driver was operating at the time of the ride; and

(f) The driver's full name.

(4) The receipt may be submitted to the payor electronically if the payor agrees to accept an electronic receipt.

(5) Drivers and operating authorities may not quote, charge, or attempt to charge a fare higher than the fare calculated based on the operating authority's published rates for transportation-for-hire vehicles.

Sec. 24.02.069 Driver solicitation and hailable vehicles

(1) A transportation-for-hire driver may solicit passengers only if the solicitation is:

(a) From the driver's compartment of the driver's transportation-for-hire vehicle or the immediate vicinity of the driver's transportation-for-hire vehicle; and

(b) In a way that does not annoy or obstruct the movement of any person.

(2) All hailable vehicles must:

(a) Have an operable roof mounted top light that illuminates when the vehicle is in service and available to be hailed; or

(b) Display the following information on at least one (1) door on the driver side and passenger side of the vehicle:

(i) The name of the operating authority under which the vehicle is currently operating; and

(ii) The vehicle's transportation-for-hire fare rate.

Sec. 24.02.070 Transporting persons for unlawful purposes

It shall be unlawful for any transportation-for-hire driver to knowingly transport any passenger to the location of a prostitute or to knowingly transport any criminal, narcotic peddler, prostitute, or bootlegger in the commission of a crime or infraction of the law in any manner, or act in any manner as a panderer or pimp for prostitutes, or a contact for unlawful establishments of any character.

Sec. 24.02.071 Property left in vehicles

It shall be the duty of each transportation-for-hire driver to promptly return all luggage, merchandise, or other property left in the driver's vehicle by a passenger. If the owner of such property is not known or is uncertain, the driver shall promptly turn over to its operating authority all property left in the vehicle, giving a complete report of when and where the property was left in the vehicle. All such property shall be tagged by the operating authority for identification purposes. If property is not claimed by the owner within seven (7) days, the operating shall notify the Chief of Police about the unclaimed property. Failure to follow the above procedure shall render the driver liable for the value of the property to the owner of such property.

Secs. 24.02.072–24.02.089 Reserved

Division 5. Non-motorized vehicles.

Sec. 24.02.090 Route

Any transportation-for-hire service using non-motorized passenger transport vehicles may only be offered in accordance with a preapproved route, with fixed pickup and destination points, that must be current and kept on file with the City Secretary.

Sec. 24.02.091 Requirements for horses in service

(1) Before any horse may be used in a non-motorized passenger transport service, the operating authority permit holder must furnish to the City Secretary:

(a) A state certificate of veterinarian inspection identifying the horse by description or photograph and showing that the horse has been examined at least once within the preceding six (6) months by a veterinarian licensed by the State of Texas who specializes in equine medicine;

(b) Proof that the horse has had tetanus, rabies, and Eastern-Western encephalitis vaccinations; and

(c) Photographs showing identifying markings of the horse.

(2) A horse used in a non-motorized passenger transport service must:

(a) Be appropriately shod to work on paved streets; if a horse loses a shoe while working, an "eazy" type boot may be used to finish the scheduled work day;

(b) Not have any open wound, oozing sore, cut below skin level, or bleeding wound;

(c) Not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;

(d) Be offered no less than five (5) gallons of drinking water every two (2) hours;

(e) Have at least a 10-minute rest period after every fifty (50) minutes worked;

(f) Not work longer than eight hours in a 24-hour period with a minimum of twelve (12) hours rest;

(g) Have all harnesses properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;

(h) Be properly cleaned with no offensive odors or caked dirt or mud;

(i) Wear a special sanitary device for containing animal excrement;

(j) Not work when the outside temperature exceeds ninety-nine (99) degrees Fahrenheit, or the thermal heat index exceeds one hundred fifty (150), as measured by the National Weather Service at the Airport; and

(k) Be examined at least once every six (6) months by a veterinarian licensed by the State of Texas who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the City Secretary.

(3) The City Secretary, with the assistance of the City of Lubbock Animal Services Department, may require the operating authority or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by the State of Texas and specializing in equine medicine, which certificate must be submitted to the City Secretary.

(4) It is an offense to knowingly or intentionally harass, startle, attempt to harass, attempt to startle, or otherwise treat a horse inhumanely while it is working in a non-motorized passenger transport service.

(5) A horse shall be transported in a trailer if it is required to go to a job location in the city that is more than three miles from the location where the horse is stabled.

(6) For purposes of this section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right-of-way, during any hour of operation of the non- motorized passenger transport service that is authorized by and on file with the City Secretary.

Sec. 24.02.092 Equipment

All non-motorized passenger transport vehicle equipment shall be maintained in such a manner as to comply with all applicable federal, state, and local laws and regulations. An operating authority and driver shall, at all times, keep each non-motorized passenger transport vehicle in its use in safe operating condition.

Sec. 24.02.093 Application for operating authority for a non-motorized passenger transport vehicle

In addition to the information required by this Chapter, to obtain an operating authority permit for transportation-for-hire service offered by non-motorized passenger transport vehicles, the verified application statement filed with the City Secretary must include:

(1) The number of horses the applicant proposes to use, if any, in the operation of the service with a description or photograph and a state certificate of veterinarian inspection for each horse; and

(2) The proposed routes to be offered by the operating authority's non-motorized passenger transport vehicles.

Secs. 24.02.094–24.02.109 Reserved

Division 6. Insurance

Sec. 24.02.110 Insurance policy requirements and prohibitions

An operating authority shall procure and keep in full force and effect no less than the insurance coverage required by this Chapter through a policy or policies written by an insurance company that is listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies.

Sec. 24.02.111 Minimum insurance limits

At a minimum, the liability coverage for transportation-for-hire vehicles must be provided as follows:

(1) From the time a driver indicates that the vehicle is available to accept a ride request, but before the driver has accepted a ride request, the vehicle and driver must be covered by contingent primary liability coverage for injury and property damage arising out of or caused by the operation of the vehicle in the amount of $50,000 per person, $100,000 per occurrence for bodily injury and $25,000 in property damage; and

(2) From the time a driver accepts a ride request, either by being physically hailed or by being dispatched by an operating authority, to the time the passenger exits the vehicle, the vehicle and driver must be covered by primary commercial automobile liability coverage with a combined single limit of liability for death, bodily injury, and property damage for each incident arising out of or caused by the operation of the vehicle with a total aggregate limit of $1,000,000.

SECTION 3. THAT the Code of Ordinances of the City of Lubbock, Texas, is hereby amended by adding Article 24.03, which reads as follows:

ARTICLE 24.03 TRANSPORTATION NETWORK COMPANY REGULATIONS

Division 1. Transportation Network Company Permit

Sec. 24.03.001 Transportation Network Company Permit required

(1) An entity may not operate a transportation network company inside the City without a transportation network company permit granted under this Chapter.

(2) A driver for a transportation network company may not transport a passenger within the city limits unless the entity that employs or contracts with the driver has been granted a transportation network company permit under this Chapter.

(3) Nothing in the transportation network company permit shall be construed as granting to the transportation network company a franchise to use city streets.

Sec. 24.03.002 Transportation Network Company Permit Application

To obtain a transportation network company permit, an applicant shall submit an application in the manner prescribed by this Section. The applicant must be the entity that is the owner, controller, or operator of the proposed transportation network company. An applicant shall file with the City Secretary a nonrefundable application fee, as set forth and established annually in the City's budget ordinance, and an application containing and certifying the following:

(1) The form of business of the applicant and the name and address of each entity with a twenty percent (20%) or greater ownership interest in the applicant's business;

(2) If the applicant is a corporation or association, a copy of the documents establishing the applicant's corporation or association;

(3) The verified signature of the applicant's signatory;

(4) The address of the fixed facilities to be used as the applicant's primary place of business in the City, if any, and the address of the applicant's headquarters, if different from the address of the fixed facilities;

(5) The name of the entity designated by the applicant to receive notice on behalf of the transportation network company, and that entity's contact information, including a mailing address, telephone number, and email or other electronic address;

(6) That the transportation network company requires its drivers to undergo an annual local, state, and national criminal background check by a nationally accredited third-party background check provider ;

(7) That the transportation network company's drivers are required to maintain a physical or digital identification card displayable within their vehicles that contains a photograph of the driver, the full name of the driver, the name of the transportation network company, and a means to contact the transportation network company;

(8) That all vehicles operating under the transportation network company permit have been inspected by a State of Texas authorized vehicle inspector, possess a current

State-issued registration, and meet all required vehicle safety standards, as required under this Chapter;

(9) That the transportation network company and all of its drivers possess a valid insurance policy, as described in this Chapter, from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies, or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies;

(10) A tax certificate showing the payment of ad valorem taxes on the transportation network company's local property, if any, to be used by the transportation network company in connection with its business; and

(11) A copy of the applicant's zero-tolerance policy for intoxicating substances.

Sec. 24.03.003 Transportation Network Company Permit Application Changes

Any change to the information provided by the applicant in its transportation network company permit application must be reported in writing to the City Secretary within ten (10) days of the change in the manner prescribed by the City Secretary.

Sec. 24.03.004 Transportation Network Company Permit Expiration

A transportation network company permit expires one (1) year from the date it is issued.

Sec. 24.03.005 Transportation Network Company Permit Denial, Suspension, and Revocation

(1) If the City Secretary determines that a transportation network company's permit should be denied, suspended, or revoked, the City Secretary shall then issue a correction order to the transportation network company notifying it that its permit is denied, suspended, or revoked, with such correction order detailing the reason for the denial, suspension, or revocation of the transportation network company permit, the procedure to remedy the violation, and a statement informing the transportation network company of its right of appeal the denial, suspension, or revocation of its permit to the Permit and License Appeal Board in the manner set out in Chapter 2 of this Code.

(2) Denial. The following shall constitute grounds for denial by the City Secretary of a transportation network company permit:

(a) The determination by the Chief of Police that the applicant is not qualified under this Chapter;

(b) The applicant knowingly makes any false statement in its application statement; or

(c) The applicant has knowingly violated any City, State, or Federal law or regulation.

(3) Suspension. The following regulations apply to the suspension of a transportation network company permit:

(a) The City Secretary shall suspend a transportation network company permit if the City Secretary determines that the transportation network company failed to comply with a correction order issued by the City Secretary within the time specified in the correction order.

(b) The expiration date of the transportation network company permit is not tolled or extended by a suspension.

(c) The City Secretary may reinstate a suspended transportation network company permit if the transportation network company complies with the correction order and pays a reinstatement fee as such reinstatement fee is set forth and established annually in the City's budget ordinance.

(4) Revocation. The following regulations apply to the revocation of a transportation network company permit:

(a) The City Secretary shall revoke a transportation network company permit if the City Secretary determines that the transportation network company:

(i) Knowingly made a false statement in its application statement;

(ii) Failed to maintain the insurance required by this Chapter; or

(iii) Knowingly violated any City, State, or Federal law or regulation.

(b) After revocation of its transportation network company permit, a transportation network company is not eligible for another transportation network company permit for a period of up to two (2) years, depending on the severity of the violation resulting in the revocation as determined by the City Secretary after its review of the revocation.

(5) It shall be unlawful under this Chapter for any entity to operate a transportation network company service if it fails to comply with a correction order notifying it of the denial, suspension, or revocation of its transportation network company permit.

Sec. 24.03.006 Nontransferability

A transportation network company permit is not transferable. This regulation should not be construed to impede the continuing use of trade names.

Sec. 24.03.007 Zero-Tolerance policy

(1) A transportation network company shall employ, maintain, and enforce a zero-tolerance policy prohibiting the use of intoxicating substances by its drivers while they are on duty.

(2) A transportation network company shall include on its website notice of the transportation network company's zero-tolerance policy for intoxicating substances, and information on how passengers may report a possible violation of the policy to the transportation network company and to the City.

Sec. 24.03.008 Website

(1) Each transportation network company shall maintain a website that contains, at a minimum, the transportation network company's:

(a) fare information;

(b) zero-tolerance policy for intoxicating substances;

(c) contact information;

(d) statement that wheelchair accessible vehicles are available upon request; and

(e) process on how to report complaints to the City.

(2) The transportation network company's website, or any form of the website, such as an "app" or other type of digital interface, must be the only way through which the transportation company's drivers and passengers are able to reserve, participate in, or pay for any transportation network company service.

Secs. 24.03.009–24.03.019 Reserved

Division 2. Driver Requirements

Sec. 24.03.020 Driver identification

(1) A driver may not drive a transportation network company vehicle without a physical or digital driver identification card issued to the driver by the transportation network company for which the driver provides services for the transportation network company.

(2) The physical or digital driver identification card shall contain, at a minimum, the driver's full name, the driver's photograph, the transportation network company's name, and a means to contact the transportation network company.

(3) While the driver is providing services for the transportation network company, the driver shall ensure that the physical or digital driver identification card is displayable to every passenger in the driver's transportation network company vehicle.

(4) A transportation network company shall not allow a driver to drive a transportation network company vehicle for that transportation network company if the transportation network company knows or should know that the driver does not have a physical or digital driver identification card.

Sec. 24.03.021 Driver qualifications

Every transportation network company must certify that each of its drivers:

(1) Holds a driver's license that meets the requirements of Chapter 521, Texas Transportation Code;

(2) Has not been convicted of more than three (3) moving traffic violations arising out of separate incidents, or involved in more than one (1) automobile accident in which it could be reasonably determined that the driver was more than fifty percent (50%) at fault, within any twelve (12) month period during the preceding twenty-four (24) months.

(3) Has not been convicted of a crime:

(a) Involving:

(i) Criminal homicide as described in Chapter 19 of the Texas Penal Code;

(ii) Kidnapping as described in Chapter 20 of the Texas Penal Code;

(iii) A sexual offense as described in Chapter 21 of the Texas Penal Code;

(iv) An assaultive offense as described in Chapter 22 of the Texas Penal Code;

(v) Robbery as described in Chapter 29 of the Texas Penal Code;

(vi) Any offense under the Texas Penal Code committed against a person with whom the driver came in contact while engaged in transportation network company service;

(vii) The transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;

(viii) A violation of the Dangerous Drugs Act (Chapter 483 of the Texas Health and Safety Code) that is punishable as a felony; or

(ix) A violation of the Controlled Substances Act (Chapter 481 of the Texas Health and Safety Code) that is punishable as a felony;

(b) For which:

(i) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the driver was convicted of a misdemeanor offense;

(ii) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the driver was convicted of a felony offense; or

(iii) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the driver has two (2) or more convictions of any misdemeanor offense or combination of misdemeanor offenses; and

(4) Has not been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:

(a) Within the preceding twelve (12) months; or

(b) More than one (1) time within the preceding five (5) years.

Sec. 24.03.022 State license, driving record, criminal history records information, and investigation

No transportation network company shall issue a physical or digital driver identification card to a driver until the driver produces to the transportation network company a valid State of Texas Class C driver's license, an official copy of the driver's driving record from the State of Texas, and an official copy of the driver's complete criminal history from a nationally accredited third-party background check provider.

Sec. 24.03.023 Driver Identification Card revocation and right to appeal

(1) The Chief of Police may revoke a physical or digital driver's identification card if:

(a) the Chief of Police determines that the driver is not qualified to operate a vehicle for a transportation network company under this Chapter; or

(b) The driver has knowingly violated any City, State, or Federal law or regulation.

(2) The Chief of Police may revoke an transportation network company's permit if:

(a) The Chief of Police determines that any driver for the transportation network company is not qualified to operate a vehicle for a transportation network company under this Chapter;

(b) The transportation network company knowingly makes a false statement in its application statement; or

(c) The transportation network company has knowingly violated any City, State, or Federal law or regulation.

(3) If the Chief of Police determines that a driver has failed to comply with this Chapter, then the Chief of Police shall notify the City Secretary to issue a correction order to the transportation network company notifying it that its driver is not in compliance with this Chapter, the timeframe within which the transportation network company shall work to correct the driver's non-compliance, and a statement informing the transportation network company of its right of appeal.

Sec. 24.03.024 Possession, display, and content of Driver's Identification Card

(1) A transportation network company shall require each of its drivers to maintain possession of and allow access to their drivers' physical or digital identification cards for inspection by the Chief of Police. The driver's physical or digital identification card shall contain the driver's full name, the driver's photograph, the name of the transportation network company, and the means to contact the transportation network company.

(2) While a driver is engaged in the provision of services for a transportation network company, the driver shall ensure that its physical or digital identification card is displayable to every passenger riding in the driver's vehicle.

Sec. 24.03.025 Driver Regulations

A transportation network company shall certify that its drivers:

(1) Comply with this Chapter and all other local, state, and federal laws applicable to the operation of a motor vehicle in this State;

(2) Comply with all of the rules and regulations of the Airport;

(3) Treat members of the public and passengers with the utmost courtesy;

(4) Do not solicit patronage from or unreasonably interfere with any person.

Secs. 24.03.026–24.03.039 Reserved

Division 3. Vehicle Standards

Sec. 24.03.040 Vehicle standards required

No vehicle may be used to provide services for a transportation network company services within the city limits without complying with the vehicle standards required under this Chapter.

Sec. 24.03.041 Vehicle standards

(1) In its annual transportation network company permit application, a transportation network company must attest to the City Secretary that every vehicle performing transportation network company services under its transportation network company permit:

(a) Possesses a current, state-issued registration;

(b) Has been inspected by a State-authorized vehicle inspector;

(c) Has insurance that meets the minimum requirements required for transportation network company vehicles under State law; and

(d) Is mechanically sound, road worthy, and complies with state safety and equipment standards as provided by law.

(2) A transportation network company commits an offense if it falsely certifies, requests another to falsely certify, or intentionally causes another to falsely certify that a vehicle performing services for the transportation network company under its transportation network company permit meets the standards in Subsection (1).

Secs. 24.03.042–24.03.059 Reserved

Division 4. Service Rules

Sec. 24.03.060 Number of passengers

While providing services for a transportation network company, no driver shall carry more passengers during one trip than the number of seatbelt equipped seating positions in the vehicle. The driver shall know how to properly install and safely use a child safety seat.

Sec. 24.03.061 Refusal to pay fare

It shall be unlawful for a passenger using a transportation network company to refuse or fail to pay the agreed or established fare and such refusal or failure shall constitute theft of services punishable under state law, unless the passenger reasonably believes that the driver has manipulated the agreed or established fare.

Sec. 24.03.062 No driver solicitation or hailable vehicles

A transportation network company driver may not solicit or hail passengers.

Sec. 24.03.063 Non-discrimination

No transportation network company driver shall refuse service to a passenger based on the passenger's race; color; age; religion; sex; marital status; sexual orientation; gender identity and expression; national origin; disability; political opinions; or affiliations as such terms are defined in Chapter 8.02 of this Code.

Sec. 24.03.064 City-wide service

(1) A transportation network company must offer services to every portion of the City.

(2) A transportation network company shall not permit its drivers to refuse a ride request based on point of origin, destination, or length of trip.

(3) This section does not apply to non-motorized passenger transport vehicle services provided by a transportation network company.

Sec. 24.03.065 Wheelchair accessibility

(1) A transportation network company must provide a wheelchair accessible vehicle upon request without unreasonable delay.

(2) A transportation network company and its drivers are prohibited from charging a higher fare rate for wheelchair accessible vehicles.

Sec. 24.03.066 Direct and efficient route

(1) While providing services for a transportation network company, a driver must take the most direct and efficient route available to the requested destination, unless otherwise directed by the passenger.

(2) This section does not apply to non-motorized passenger transport vehicle services provided by a transportation network company.

Sec. 24.03.067 Electronic payment methods

(1) A transportation network company and its drivers must allow fares to be paid by credit card, debit card, and other such types of commonly accepted electronic payment.

(2) When accepting an electronic payment, a transportation network company or driver must use a secure processing method that encrypts information transmitted to authenticate the payment transaction for approval.

Sec. 24.03.068 Rates and Fares

(1) If a transportation network company accepts payment for services provided by its drivers, then the transportation network company shall inform the payor of the rate of the service before the service is provided.

(2) A transportation network company must disclose its rates on its website.

(3) A transportation network company or its drivers shall provide the payor with a legible receipt at the time of payment. The receipt, or a contemporaneously produced document, must contain the following information:

(a) The date and time of the trip;

(b) The fare rate;

(c) The total fare;

(d) An itemization showing how the fare was calculated;

(i) The trip distance (if the fare was based in whole or in part on distance);

(ii) The duration of the trip in minutes (if the fare was based in whole or in part on time);

(e) The name and phone number of the transportation network company under which the driver was operating at the time of the ride; and

(f) The driver's full name.

(4) The receipt may be submitted to the payor electronically if the payor agrees to accept an electronic receipt.

(5) A transportation network company or its drivers may not quote, charge, or attempt to charge a fare higher than the fare calculated based on the transportation network company's published rates.

Sec. 24.03.069 Transporting persons for unlawful purposes

It shall be unlawful for any transportation network company driver to knowingly transport any passenger to the location of a prostitute or to knowingly transport any criminal, narcotic peddler, prostitute, or bootlegger in the commission of a crime or infraction of the law in any manner, or act in any manner as a panderer or pimp for prostitutes, or a contact for unlawful establishments of any character.

Sec. 24.03.070 Property left in vehicles

It shall be the duty of each transportation network company driver to promptly return all luggage, merchandise, or other property left in the driver's vehicle by a passenger. If the owner of such property is not known or is uncertain, the driver shall promptly turn over to the transportation network company all property left in the vehicle, giving a complete report of when and where the property was left in the vehicle. All such property shall be tagged by the transportation network company for identification purposes. If property is not claimed by the owner within seven (7) days, then the transportation network company shall notify the Chief of Police about the unclaimed property. Failure to follow the above procedure shall render the driver liable for the value of the property to the owner of such property.

Secs. 24.03.071–24.03.089 Reserved

Division 5. Non-motorized vehicles.

Sec. 24.03.090 Route

Any service offered by a transportation network company using non-motorized passenger transport vehicles may only be offered in accordance with a preapproved route, with fixed pickup and destination points, that must be current and kept on file with the City Secretary.

Sec. 24.03.091 Requirements for horses in service

(1) Before any horse may be used in a non-motorized passenger transport service, the operating authority permit holder must furnish to the City Secretary:

(a) A state certificate of veterinarian inspection identifying the horse by description or photograph and showing that the horse has been examined at least once within the preceding six (6) months by a veterinarian licensed by the State of Texas who specializes in equine medicine;

(b) Proof that the horse has had tetanus, rabies, and Eastern-Western encephalitis vaccinations; and

(c) Photographs showing identifying markings of the horse.

(2) A horse used in a non-motorized passenger transport service must:

(a) Be appropriately shod to work on paved streets; if a horse loses a shoe while working, an "eazy" type boot may be used to finish the scheduled work day;

(b) Not have any open wound, oozing sore, cut below skin level, or bleeding wound;

(c) Not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;

(d) Be offered no less than five (5) gallons of drinking water every two (2) hours;

(e) Have at least a 10-minute rest period after every fifty (50) minutes worked;

(f) Not work longer than eight hours in a 24-hour period with a minimum of twelve (12) hours rest;

(g) Have all harnesses properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;

(h) Be properly cleaned with no offensive odors or caked dirt or mud;

(i) Wear a special sanitary device for containing animal excrement;

(j) Not work when the outside temperature exceeds ninety-nine (99) degrees Fahrenheit, or the thermal heat index exceeds one hundred fifty (150), as measured by the National Weather Service at the Airport; and

(k) Be examined at least once every six (6) months by a veterinarian licensed by the State of Texas who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the City Secretary.

(3) The City Secretary, with the assistance of the City of Lubbock Animal Services Department, may require the transportation network company or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by the State of Texas and specializing in equine medicine, which certificate must be submitted to the City Secretary.

(4) It is an offense to knowingly or intentionally harass, startle, attempt to harass, attempt to startle, or otherwise treat a horse inhumanely while it is working in a non-motorized passenger transport service.

(5) A horse shall be transported in a trailer if it is required to go to a job location in the city that is more than three miles from the location where the horse is stabled.

(6) For purposes of this section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right-of-way, during any hour of operation of the non- motorized passenger transport service that is authorized by and on file with the City Secretary.

Sec. 24.03.092 Equipment

All non-motorized passenger transport vehicle equipment shall be maintained in such a manner as to comply with all applicable federal, state, and local laws and regulations. A transportation network company and driver shall, at all times, keep each non-motorized passenger transport vehicle in its use clean, free of refuse, and in safe operating condition.

Sec. 24.03.093 Application for a transportation network company permit for a non-motorized passenger transport vehicle

In addition to the information required by this Chapter, to obtain a transportation network company permit for non-motorized passenger transport vehicles, the verified application statement filed with the City Secretary must include:

(1) The number of horses the applicant proposes to use, if any, in the operation of the service with a description or photograph and a state certificate of veterinarian inspection for each horse; and

(2) The proposed routes to be offered by the transportation network company's non-motorized passenger transport vehicles.

Secs. 24.03.094–24.03.109 Reserved

Division 6. Insurance

Sec. 24.03.110 Insurance policy requirements and prohibitions

A transportation network company shall procure and keep in full force and effect no less than the insurance coverage required by this Chapter through a policy or policies written by an insurance company that is listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies.

Sec. 24.03.111 Minimum insurance limits

At a minimum, the liability coverage for transportation network company vehicles must be provided as follows:

(1) From the time a driver indicates that the vehicle is available to accept a ride request, but before the driver has accepted a ride request, the vehicle and driver must be covered by contingent primary liability coverage for injury and property damage arising out of or caused by the operation of the vehicle in the amount of $50,000 per person, $100,000 per occurrence for bodily injury and $25,000 in property damage; and

(2) From the time a driver accepts a ride request, either by being physically hailed or by being dispatched by an transportation network company, to the time the passenger exits the vehicle, the vehicle and driver must be covered by primary commercial automobile liability coverage with a combined single limit of liability for death, bodily injury, and property damage for each incident arising out of or caused by the operation of the vehicle with a total aggregate limit of $1,000,000.

Articles 24.04–24.07 Reserved

SECTION 4. THAT, unless otherwise provided herein, a violation of any provision of this Ordinance shall be deemed a misdemeanor punishable as provided by Section 1.01.004 of the Code of Ordinances of the City of Lubbock.

SECTION 5. THAT should any paragraph, section, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

SECTION 6. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Karen Gibson, Councilwoman – District 5

APPROVED AS TO FORM:



Justin Pruitt, Assistant City Attorney

Regular City Council Meeting **6. 15.**

Meeting Date: 05/12/2016

Information

Agenda Item

Budget Amendment Ordinance 1st Reading - Finance: Consider Budget Ordinance Amendment 25 amending the FY 2015-16 budget for municipal purposes respecting the General Fund to amend the fee structure for revenues derived from Vehicle for Hire permits; providing for filing; and providing for a savings clause.

Item Summary

I. Amend the fee structure for revenues derived from Vehicle for Hire permits to include Operating Authority Permit Fee of $250, Transportation Network Company Permit Fee of $250, and Reinstatement Fee of $500.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - Budget Amendment 25

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2015-16 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE GENERAL FUND TO AMEND THE FEE STRUCTURE FOR REVENUES DERIVED FROM VEHICLE FOR HIRE PERMITS; PROVIDING FOR FILING; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Section 102.010 of the Local Government Code of the State of Texas authorizes the City Council to make changes in the budget for municipal purposes; and

WHEREAS, in accordance with the City Budget Ordinance the City Council shall approve all transfers between funds and departments; and

WHEREAS, the City Council deems it advisable to change the FY 2015-16 Budget for municipal purposes and reallocate funds as follows; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby approves changes to the City of Lubbock Budget FY 2015-16 (Budget Amendment #25) for municipal purposes, as follows:

I. Amend the fee structure for revenues derived from Vehicle for Hire permits to include Operating Authority Permit Fee of $250, Transportation Network Company Permit Fee of $250, and Reinstatement Fee of $500.

SECTION 2. THAT a copy of the changes made to the City of Lubbock Budget pursuant to this Ordinance shall be filed with the City Secretary and County Clerk of Lubbock as required by law.

SECTION 3. THAT should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

AND IT IS SO ORDERED

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:

Cheryl Brock
Executive Director of Budget

APPROVED AS TO FORM:

Amy Sims
Assistant City Attorney

ccdocs/BudgetFY1516 Amend25.ord
April 27, 2016

Regular City Council Meeting **6. 16.**

Meeting Date: 05/12/2016

Information

Agenda Item

Resolution - Parks and Recreation: Consider a resolution authorizing the Mayor to execute for and on behalf of the City of Lubbock, an Interlocal Agreement with Lubbock Cooper Independent School District regarding a lease of property located at FM 1585 and Iola Avenue to use as football and soccer fields, and related documents.

Item Summary

As stated above.

Fiscal Impact

None.

Staff/Board Recommending

Scott Snider, Assistant City Manager

Attachments

Resolution - Lubbock Cooper ISD Interlocal Agreement

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock BE and is hereby authorized and directed to execute for and on behalf of the City of Lubbock, that certain Interlocal Agreement, by and between Lubbock Cooper Independent School District and the City of Lubbock. Said Agreement is attached hereto and incorporated in this Resolution as if fully set forth herein and shall be included in the minutes of the Council.

Passed by the City Council this _____, 2016.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Quincy White, Deputy City Manager

APPROVED AS TO FORM:

_____
Amy L. Sims, Deputy City Attorney

RES.Cooper ISD Interlocal (5-03-16)

Regular City Council Meeting **6. 17.**

Meeting Date: 05/12/2016

Information

Agenda Item

Resolution - Councilman Victor Hernandez: Consider a resolution authorizing the City Manager to accept, on behalf of the City Council, a donation of a certain property located at 1913 Baylor Street, Lubbock, Texas upon conditions and terms approved by the City Attorney.

Item Summary

As stated above.

Fiscal Impact

None.

Staff/Board Recommending

Attachments

Resolution - Donation 1913 Baylor Avenue

RESOLUTION

WHEREAS, the Property located in Block 68, Roberts-McWhorter Addition to the City of Lubbock, Lubbock County, Texas, commonly referred to as 1913 Baylor Avenue, Lubbock, Texas (the "Property") is the subject of an agreed order dated May 11, 2015, (the "Agreed Order") by and between the City of Lubbock, Texas (the "City") and the Property Owner, Foreclosed Property Holdings, Inc. (the "Property Owner"); and

WHEREAS, the City, by and through its City Council, is willing to accept the donation of the Property in lieu of instituting enforcement procedures as set forth in the Agreed Order; and

WHEREAS, officials for the City and the Property Owner have begun discussions to establish the terms and conditions upon which the Property may be donated; and

WHEREAS, the City Council finds that, in order to facilitate said discussions and to effectuate a donation of the Property, it is in the best interests of the citizens of the City for the City Council to delegate its authority in relation to the acceptance of a donation of the Property to the City Manager; NOW THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the City Manager of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock any and all documents necessary for the City to accept the donation of the Property, if the Property is offered to the City by the Property Owner, upon the terms and conditions that are approved by the City Attorney of the City of Lubbock.

Passed by the City Council on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

James Loomis, City Manager

APPROVED AS TO FORM:

Amy L. Sims, Deputy City Attorney

City of Lubbock, Texas
Contract & Procurement Related Agenda Items

The City Council has statutory obligations when awarding contracts and contract amendments. The following is provided to assist elected officials when considering contract and procurement related agenda items:

- There exists the general concept that the taxpaying public should receive the best price possible for purchases in the interest of the public good, and that the government should maximize, to the fullest extent practicable, the purchasing value of public funds. McQuillin Municipal Corporations, 3rd Ed.
- During the period between offer submission date and the contract award, offerors, including their agents and representatives, may not discuss or promote their offer with any member of the Lubbock City Council or City staff except upon the request of the Purchasing Department in the course of city-sponsored inquiries, briefings, interviews, or presentations. The provision is not meant to preclude offerors from discussing other matters with City Council members or City staff. The policy is intended to place all offerors upon the same plane of equality, assure that contract decisions are made in public, and to protect the integrity of the bid process. Its purpose is to stimulate competition, prevent favoritism and secure the best work and materials at the lowest practicable price, for the best interests and benefit of the taxpayers and property owners. Sterrett v. Bell, 240 S.W.2d 516, 520 (Tex. Civ. App. – Dallas 1951, no writ)
- Elected officials and employees are prohibited from participating in the profits of a City contract or having an interest in a sale to the City. §1, Art. IX, Sec. 4, City Charter
- Bids from bidders who reside in states that grant resident bidder preference for that state's purchases are reciprocated in the same manner when bidding against a Texas bidder. §2252.002, Texas Govt Code
- Architectural, engineering, and land surveying service providers are prohibited from submitting bids or cost proposals. The City selects the most highly qualified provider of services based on demonstrated competence and qualifications through a Request for Qualifications process; and then attempts to negotiate with that provider a contract at a fair and reasonable price. §2254.004, Texas Govt Code
- The total contract price caused by change orders may not increase more than 25%, and the total price may not be decreased by more than 25% without the consent of the contractor. §252.048, Texas Local Govt Code
- Proposals are opened in a manner that avoids disclosure of the contents to competing offerors and keeps the proposals secret during negotiations. §252.049, Texas Local Govt Code
- Participating in purchasing cooperatives with other local governments and cooperative purchasing organizations satisfies state law requiring the City to solicit competitive bids. §271.102, Texas Local Govt Code
- If the City receives two or more low bids that are identical, the selection of the winner is made be by the casting of lots. If only one of the bidders submitting identical bids is a resident of the City, that bidder will receive the award. §271.901, Texas Local Govt Code
- If the City receives a bid for personal property not affixed to real property, or services, from a resident bidder whose principal place of business is within Lubbock city limits and whose bid is within 5% of the lowest bid received from a bidder whose principal place of business is not within Lubbock city limits, the City may enter into a contract for an expenditure of less than $100,000 with the lowest bidder or the resident bidder if Council determines that the resident bidder offers the City the best combination of contract price and additional economic development opportunities for the City. §271.9051, Texas Local Govt Code
- If there is a conflict between the City's policies and procedures and a state law, or a rule adopted under a state law, the stricter of the two provisions prevails.

Ethics - The City subscribes to National Institute of Governmental Purchasing Code of Ethics. City Charter, Ch. 1, Art. IX, prohibits City Council members, officers, or employees, from having an interest in profits/emoluments of a contract, job, work, or service to the City.

Purchasing Thresholds - Methods for procurement vary depending upon the nature of the procurement, the dollar amount, and the type of vendor will be used. Flexibility in making small buys within a particular dollar range is allowed for efficiency purposes and minimal paperwork. Intermediate ranges in between the smallest procurements (micro purchases) to publicly announced procurements (large purchases) usually allow limited competition and abbreviated paperwork to promote efficiency. Large procurements are publicly announced and vendors are required to respond with written and signed proposals/bids. Tex. Local Govt. Code (LGC) §271.102 and 103 waive the requirement for quotes or bids/proposals if an opportunity to piggy-back another governmental entity's competitive bid is available.

Goods and Services	Approval Authority	Procurement Method	Legal Authority
Up to $500	Using department	No quotes required	City Procurement Policy
$501 – 2,500	Using department	Verbal quotes/proposals, electronic bids	City Procurement Policy
$2,501 – 50,000	City Manager	Written quotes/proposals, electronic bids	LGC §252.0215
More than $50,000	City Council	Written bids/proposals, electronic bids	LGC §252.021, 024, 041, 0415, 042, 043,
Professional Services			
Up to $50,000	City Manager	Written proposals	GC §2254.003
More than $50,000	City Council	Written proposals	GC §2254.003
Architectural/Engineering Services			
Up to $50,000	City Manager	Rotation list	GC §2254.004
More than $50,000	City Council	Statement of qualifications	GC §2254.004
Construction			
Up to $50,000	City Manager	Written quotes/proposals	LGC §252.0215
More than $50,000	City Council	Written quotes/proposals	LGC §252.021, 0215, 043, 0435
Emergencies			
Up to $50,000	City Manager	Verbal or written quotes	City Procurement Policy
More than $50,000	City Council	Verbal or written quotes	LGC §252.022
Interlocal/Real Property			
Any amount	City Council	Negotiated	LGC §252.022, 050 and §272
Change Orders/Amendments			
Up to $50,000	City Manager	Negotiated	LGC §252.048
More than $50,000	City Council	Negotiated	LGC §252.048

Public Notice - For contracts involving an expenditure greater than $50,000, LGC §252 requires the City to publish bid notices in a local newspaper once a week for two consecutive weeks. The date of the first publication is before the 14th day before the date set to open the bid. Bids are posted on the Internet, and potential bidders contacted via E-mail.

Public Works Construction – Pursuant to LGC §271, the City uses the following delivery methods for construction of public works:

- Competitive bidding
- Competitive sealed proposals
- Design-build
- Construction manager
- Job order contract

Tex. Govt. Code (GC) §2253.021 and LGC §2267 require payment bonds for public works contracts more than $50,000 and performance bonds for public works contracts more than $100,000. The City requires a 5% bid bond for public works contracts. Bidders are required to comply with GC §2258 with respect to payment of prevailing wage rates.

The City may contract with a developer of a subdivision or land for the developer to construct public improvements, excluding a building, provided the City's participation in the cost does not exceed 30%. LGC §212.072

Professional Services - Professional services require specialized skill, training and expertise, use of professional judgment/discretion, and/or a high degree of creativity, and often involve a relationship of personal trust and confidence, and different procurement processes are available, as such.

Generally, the competitive sealed proposal procedure is used to solicit proposals, including price, and to procure professional services.

GC §2254.004 requires that the City use a two-step procedure for procuring architectural, engineering, or surveying services. The most highly qualified provider is first selected on the basis of competence and qualifications, excluding price, and then a contract with the selected provider is negotiated at a fair and reasonable price.

Emergency Purchases - An emergency purchase more than $25,000 that results from the occurrence of a natural disaster, public calamity, or that might lead to impairment of the health, safety or welfare of the public if not immediately addressed is authorized by the City Manager and ratified by City Council. LGC §252.022(a)(2)

Sole Source Purchases - Sole source purchases are made when functional requirements of the City can only be satisfied by only one source involving patents, copyrights, secret processes or natural monopolies. LGC §252.022(a)(7)(A)

Local Preference - If the City receives a bid less than $100,000 from a local bidder whose bid is within 5% of the lowest bid received from a non-local bidder, LGC §271.9051 allows the City to contract with the lowest bidder, or the local bidder if Council determines that the local bidder offers the City the best combination of contract price and additional economic development opportunities.

GC §2252.002 requires that bids from bidders who reside in states that grant a resident bidder preference for that state's purchases are reciprocated in the same manner when bidding against a Texas bidder.

Consideration and Award of Bid or Proposal Requests

From *2008 Texas Municipal Procurement Laws Made Easy*, Texas Attorney General

Can a city adopt additional criteria regarding the qualifications of potential bidders?

Prior to 2001, a city could adopt additional criteria regarding the qualifications of bidders only if such criteria had a definite, objective relationship to matters of quality and competence. For example, prior rulings have allowed a city to consider such criteria as a bidder's experience, manpower, equipment, financial resources, business judgment, ability, efficiency, reliability, reputation, facilities, capacity to perform the work required, and likely supervisory requirements. A city may even consider the bidder's performance on similar contracts and the quality of the goods and services provided.

However, the city must be able to relate the criteria to matters of quality and competence of that specific bidder. For example, the Attorney General concluded that a school district could not adopt policies that judge a bidder based on the bidder's participation in voluntary school programs, the amount of local salaries, wages and taxes paid by the bidder, or the number of local jobs created by the bidder, etc. These criteria did not involve the quality or competence of the work the bidder would perform.

Legislation in 2001 modified the ability of cities to include various factors in awarding a contract. Under current law, if the city wishes to consider additional criteria, the city's bid specifications should clearly specify the various criteria that will be considered. When using additional criteria for competitive bidding, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the "best value" for the city using the following criteria:

- the purchase price;
- the reputation of the bidder and of the bidder's goods or services;
- the quality of the bidder's goods or services;
- the extent to which the goods or services meet the municipality's needs;
- the bidder's past relationship with the municipality;
- the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
- the total long-term cost to the municipality to acquire the bidder's goods or services; and
- any relevant criteria specifically listed in the request for bids or proposals.

If no such additional criteria are spelled out in the bid specifications, state law only allows the city to award the contract to the lowest responsible bidder if using competitive bidding.

Can the city take into account the safety record of the bidder in making the award?

When awarding a contract using traditional competitive bidding, the city may only consider a bidder's safety record in regards to the bidder's "responsiveness" if notice has been given that such a criteria is relevant. Specifically, the governing body must have adopted a written definition and criteria for assessing the bidder's safety record, and must have given notice in the bid specifications that the safety record will be considered. Of course, any decision that the city makes must not be arbitrary or capricious.

What options does a city have if the lowest bidder has a prior history of poor performance?

Prior to 2001, a city arguably had two options when faced with a low bidder who had a prior history of poor performance. First, Chapter 252 states that a city may choose to reject any or all of the bids. If all of the bids are rejected, the city can start the bidding process over. This is probably the safest method to use

if the city has not made it clear in the bid specifications that a bidder's prior performance on similar contracts would be a factor in awarding the bid. The city then has an opportunity to include such a requirement in its subsequent bid specifications. Second, some legal analysts argued that a city could individually reject a low bidder who has a poor work history. This theory is based on the argument that the low bidder with such a history would not be considered a "responsible" bidder due to the prior history of poor performance.

Legislation passed in 2001 modified the ability of cities to include various factors in awarding a contract. Under current law, if the city wishes to consider additional criteria, the city's bid specifications should clearly specify the various criteria that will be considered. When using additional criteria for competitive bidding, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the "best value" for the city using the following criteria:

- the purchase price;
- the reputation of the bidder and of the bidder's goods or services;
- the quality of the bidder's goods or services;
- the extent to which the goods or services meet the municipality's needs;
- the bidder's past relationship with the municipality;
- the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
- the total long-term cost to the municipality to acquire the bidder's goods or services; and
- any relevant criteria specifically listed in the request for bids or proposals.

Again, the best practice is to clearly indicate in the city's specifications that a bidder's prior performance on similar contracts may be considered in evaluating the bids.

What options does the city have if the city receives no bids in response to a request?

If competitive bids or proposals are required by Chapter 252 of the Local Government Code, there is no exception which would allow the city to avoid the statutory requirements due to a lack of bids. If a city receives no response to a request, the city must either re-advertise or decide not to undertake the contract.

What options does the city have if the city receives only one bid or proposal in response to a bid request?

If a city receives only one bid or proposal in response to its request, the city may accept the bid or proposal received, reject the bid or proposal and re-advertise, or reject the bid or proposal and decide not to undertake the project.

May competitive bids be rejected by a city staff member or must the city council decide which bids to reject?

State law provides that the governing body of the city may reject any and all bids. There is no provision that would allow the delegation of this decision to city staff. However, in certain cities the city staff will open the bids and provide a recommendation to the city council on whether the bid is responsive to the bid request and whether it should be accepted as the lowest responsible bid.

What is the general procedure for awarding a contract pursuant to competitive bidding?

First, bids must be publicly opened and the bid amounts read aloud at the time and place specified in the bid notice. The city council must then award the contract to the lowest responsible bidder or (if previously

noticed) the bidder that provides that best value to the city. In the alternative, the city may reject all bids. Once a bid has been opened, it may not be changed to correct minor errors in the bid price. However, under certain circumstances, a bidder may be able to withdraw a bid if it contains a substantial mistake that would cause a great hardship if enforced against the bidder.

What is the general procedure for awarding a contract pursuant to competitive sealed proposals?

If a city decides to use the competitive proposal procedures, it must first give notice of the request for proposals in the same manner as required for competitive bids. Generally, this means that the city must publish at least two newspaper notices of the time and place at which the proposals will be opened. These notices must be published at least once a week for two consecutive weeks, and the first notice must be published more than 14 days before the date set for opening the proposals. Requests for proposals must also solicit quotations and specify the relative importance of price and other evaluation factors.

Once proposals have been submitted, the city may conduct discussions with the offeror or offerors whom the city determines to be reasonably qualified for the award of the contract. Such discussions must comply with the request for proposals and with the regulations set by the city council. To obtain the best offers, the city may allow the submission of revisions after proposals are submitted and before the award of the contract. All offerors must be treated fairly and equally with respect to any opportunity for discussion and revision of the proposals.

In the end, the contract must be awarded to the offeror whose proposal is determined to be the most advantageous to the city. The city is to determine which proposal is the most advantageous based on the relative importance of price and the other evaluation factors included in the request for proposals.

Is information contained in a bid or proposal confidential under the Public Information Act?

Section 552.104 of the Government Code provides as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that, if released, would give advantage to a competitor or bidder.

(b) The requirement of Section 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under this chapter unless expressly confidential under law does not apply to information that is excepted from required disclosure under this section.

The purpose of section 552.104(a) is to protect the interests of a governmental body in situations such as competitive bidding and requests for proposals, where the governmental body may wish to withhold information in order to obtain more favorable offers. Significantly, it is not designed to protect the interests of private parties that submit information such as bids and proposals to governmental bodies. Because section 552.104(a) protects only the interests of governmental bodies, it is an exception that a governmental body may waive by, for example, disclosing the information to the public or failing to raise the exception within the ten-day deadline.

Generally, section 552.104(a) protects information from public disclosure if the governmental body demonstrates potential harm to its interests in a particular competitive situation. A general allegation of a remote possibility of harm is not sufficient to invoke section 552.104(a). Section 552.104(a) is frequently raised to protect information submitted to a governmental body in response to a competitive bidding notice or request for proposals. In this context, the protection of section 552.104(a) is temporal in nature. Generally, section 552.104(a) does not except bids from public disclosure after bidding is completed and the contract has been executed. However, bids may continue to be withheld from public disclosure during the period in which the governmental body seeks to clarify bids and bidders remain at liberty to furnish additional information. Section 552.104(a) does not apply when a single individual or entity is seeking a contract as there are no “competitors” for that contract. Note that even when section 552.104(a) does not

protect bids from required public disclosure, section 552.110 will require the governmental body to withhold any portions of those bids that contain trade secrets or other commercial or financial information that is made confidential by law.

In addition to protecting the actual bid proposals, section 552.104(a) may protect information related to the bidding process that is not part of a bid. Although early decisions of the attorney general concluded that section 552.104(a) does not protect the interests of governmental bodies when they engage in competition with private entities in the marketplace, this line of opinions has been reexamined. In Open Records Decision No. 593 (1991), the attorney general concluded that a governmental body may claim section 552.104(a) to withhold information to maintain its competitive advantage in the marketplace if the governmental body can demonstrate: (1) that it has specific marketplace interests and (2) the possibility of specific harm to these marketplace interests from the release of the requested information. A governmental body that demonstrates that section 552.104 applies to information may withhold that information even if it falls within one of the categories of information listed in section 552.022(a).

Is information within a bid request concerning historically underutilized businesses confidential?

In 1997, the Texas Legislature amended the Public Information Act to make confidential certain information about disadvantaged or historically underutilized businesses. General information about these businesses is confidential if it is submitted to a governmental body in connection with an application for certification as a historically underutilized or disadvantaged business. With two exceptions, this information may be disclosed only with the express written consent of the applicant or the applicant's agent.

Without such consent, this information may be disclosed to a state or local governmental entity for one of the following two purposes: (1) to verify an applicant's status as a historically underutilized or disadvantaged business; or (2) to conduct a study of public purchasing programs established under state law for historically underutilized or disadvantaged businesses.

It is important to note that this new law protects only the information submitted with an application for certification as a historically underutilized or disadvantaged business. The business's actual bid is subject to the same rules of disclosure as any other bid. Additionally, information submitted in connection with a specific proposed contractual relationship or within an application to be placed on a bidders' list would be accessible under usual open records provisions. Thus, this information may be accessible even though it involves data that would be confidential if it were contained in the entity's application for certification as a historically underutilized or disadvantaged business.

Must bidders be allowed to speak at a city council meeting to explain or defend their bids?

A bidder does not have any special right to speak at an open meeting of the city council. The Texas Attorney General has concluded that the Open Meetings Act does not give members of the public a right to speak at an open meeting. Further, if the city chooses to allow members of the public to speak at a council meeting, the council may make reasonable rules regulating the number of speakers on a particular subject and the length of each presentation. However, the city council should not discriminate between one speaker and another, and the rules should be applied equally to all members of the public. The only situation in which the city council may be required to allow members of the public to speak would be if state law requires a public hearing on an issue or if state law requires that public comment be allowed on a particular subject.

However, there is no such public hearing or comment requirement that is applicable to competitive bidding issues.