

**City of Lubbock, Texas
Regular City Council Meeting
Thursday, February 11, 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
Latrell 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.-1.3.3.

5:15 p.m. -- City Council reconvenes in open session in the City Council Chambers to consider items 2.-6.9.

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. 1. Racquel Davis v. City of Lubbock, Cause No. 2014-513,894, in the 72nd District Court, Lubbock County, Texas.
1. 1. 2. City of Lubbock Purchase Order Contract No. 31015556 with Equipment Southwest.
1. 2. Hold an executive session in accordance with Texas Government Code, Section 551.076, to discuss the deployment, or specific occasions for implementation, of security personnel or devices or a security audit.
1. 3. Hold an executive session in accordance with the Texas Government Code, Section 551.074, to discuss personnel matters.
1. 3. 1. City Attorney
1. 3. 2. City Manager
1. 3. 3. City Secretary

2. Proclamations and Presentations

2. 1. Invocation by Pastor Wesley Bygel, Lubbock Baptist Temple
2. 2. Pledges of Allegiance
2. 3. Presentation of a Special Recognition declaring February 14th -20th as LULAC Week in Lubbock.
2. 4. Presentation of a Special Recognition for Career and Technical Education Month in February.
2. 5. Presentation of a Special Recognition to the Daughters of American Revolution for their Good Citizen Award which recognizes high school women.
2. 6. Presentation of a Special Recognition to the Texas Society of Professional Engineers declaring February 21-27 as National Engineer's Week.

2. 7. **Board Recognitions:**

Central Business District Tax Increment Financing Zone Board of Directors:

Linda Chamales

Community Development and Services Board:

Charlotte McCarty

Health and Educational Facilities Development Corporation:

Cory Church

Urban Design and Historic Preservation Commission:

Dallas Ward

Zoning Board of Adjustment:

Stace Jones

Ruben Young

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. December 15, 2015 Special City Council Meeting (Electric Utility Board)
December 17, 2015 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-O0013 Amendment 12 amending the FY 2015-16 budget for municipal purposes respecting the Capital Program to amend Capital Improvement Project (CIP) 92248, Street Maintenance Program; and respecting the General Fund to increase the transfer to CIP; providing for filing; and providing for a savings clause.
5. 2. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 13 amending the FY 2015-16 budget for municipal purposes respecting the General Fund to amend expenditures for the purchase of the Fire Marshal's office building located at 1601 Mac Davis Lane; providing for filing; and providing for a savings clause.
5. 3. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 14 amending the FY 2015-16 budget for municipal purposes respecting the Capital Program to amend Capital Improvement Project (CIP) 92217, 34th Street Reconstruct - Quaker Avenue to Avenue Q; and CIP 92420, 34th Street - Quaker Avenue to Slide Road; providing for filing; and providing for a savings clause.
5. 4. **Budget Amendment Ordinance 1st Reading - Finance:** Consider Budget Ordinance Amendment 15 amending the FY 2015-16 budget for municipal purposes respecting the Grant Fund to accept and appropriate funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Comprehensive Energy Assistance Program (CEAP) Grant and the Community Services Block Grant (CSBG); providing for filing; and providing for a savings clause.
5. 5. **Resolution - Finance:** Consider a resolution approving the amended North Overton Tax Increment Financing Reinvestment Zone (North Overton TIF) Bylaws, as reviewed and recommended by the North Overton TIF Board of Directors.
5. 6. **Resolution - Finance:** Consider a resolution approving the amended Lubbock Business Park (LBP) Tax Increment Financing Reinvestment Zone (TIF) Bylaws, as reviewed and recommended by the Lubbock Business Park TIF Board of Directors.
5. 7. **Ordinance 2nd Reading – Right-of-Way:** Consider Ordinance 2016-O0011 abandoning and closing a 25-foot wide LP&L overhead electrical line easement and a portion of another 25-foot wide Lubbock Power and Light (LP&L) overhead electrical line easement both located in Lot 2, Plains Cooperative Oil Mill Addition Lubbock County, Texas, easement located at 202 Coronado Dr.
5. 8. **Ordinance 1st Reading – Right-of-Way:** Consider an ordinance abandoning and closing a 10-foot wide Lubbock Power and Light (LP&L) power line easement located in Tract 30-C, Nor-Don Addition Lubbock County, Texas, easement located at 4633 50th Street.
5. 9. **Resolution - Public Works Engineering:** Consider a resolution authorizing the Mayor to execute Amendment 1 to contract 11746 for engineering construction phase services with Parkhill, Smith & Cooper, Inc. for the reconstruction of 34th Street from Indiana Avenue to Quaker Avenue.
5. 10. **Resolution – Public Works Engineering:** Consider a resolution authorizing the Mayor to execute Change Order 3 to contract 11709 with Utility Contractors of America, Inc., for the South Lubbock Sanitary Sewer Extension Phase 1/B Capital Improvements Project.

- 5. 11. **Ordinance 2nd Reading – Environmental Health:** Consider Ordinance 2016-00014 amending Article 8.16 of the Code of Ordinances for the adoption of the Texas Food Establishment Rules, permitting food establishments and the certification of food managers.
- 5. 12. **Resolution - Community Development:** Consider a resolution to authorize the Mayor to execute an application confirming that the City of Lubbock is in support of the proposed 9% Housing Tax Credit (HTC) to be submitted to the Texas Department of Housing and Community Affairs (TDHCA) for the Estacado Place development which will be located at 10000 block of Upland Avenue, Lubbock, Texas.
- 5. 13. **Resolution - Community Development:** Consider a resolution to authorize the Mayor to execute an application confirming that the City of Lubbock is in support of the proposed 9% Housing Tax Credit (HTC) to be submitted to the Texas Department of Housing and Community Affairs (TDHCA) for The Villas development which will be located at 5804 98th Street, Lubbock, Texas.
- 5. 14. **Resolution - Community Development:** Consider a resolution authorizing the Mayor to execute contract 12734 between City of Lubbock and Lubbock Habitat for Humanity for infrastructure in the Talkington subdivision, Lubbock, Texas.
- 5. 15. **Resolution - Libraries:** Consider a resolution designating the Family Learning Center at the Patterson Branch Library as the Helen Viser-Fitzgerald Family Learning Center.
- 5. 16. **Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order contract 31025836 with Altec Industries for an aerial truck with utility bed for Traffic Operations.
- 5. 17. **Ordinance 2nd Reading - City Secretary:** Consider Ordinance 2016-00012 ordering the 2016 Regular Municipal Election of the City of Lubbock to be held May 7, 2016.
- 5. 18. **Resolution - Aviation:** Consider a resolution ratifying purchase order 25100653 with Record USA of Monroe, North Carolina for the FlipFlow Door Installation at Lubbock Preston Smith International Airport.
- 5. 19. **Resolution - Police:** Consider a resolution authorizing the Chief of Police to execute a Memorandum of Understanding (MOU) for the placement of a medication Drop Box by and between the City of Lubbock and Lubbock County VOICES Coalition/StarCare Specialty Health Services.
- 5. 20. **Resolution – City Manager:** Consider a resolution authorizing the Mayor to execute an Amendment to that certain Interlocal Agreement between the City of Lubbock and the Lubbock County Hospital District for emergency medical services, dated April 12, 1984.
- 5. 21. **Resolution – Economic Development:** Consider a resolution authorizing the Mayor to execute an agreement with Monsanto Southern Production Co., LLC, under section 212.172 of the Texas Local Government Code.
- 6. **Regular Agenda**
 - 6. 1. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-00015 for Zone Case 3274, a request of Betenbough Homes for a zoning change from T to R-1 Specific Use, C-3, C-2A, and Garden Office (GO) on 157.57 acres of unplatted land out of Block E, Section 16, south of 130th Street, east of University Avenue.

6. 2. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0016 for Zone Case 3275, a request of AMD Engineering, LLC, for RS Store, LLC, for a zoning change from R-1 to C-4 Specific Use for mini warehouses and all unconditionally permitted C-4 uses on 2.36 acres of unplatted land including right-of-way out of Block D6, Section 2, 7902 19th Street and 1806 Alcove Avenue.
6. 3. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0017 for Zone Case 3172-A, a request of Sheri White and Stanley and Kevin Sisson for a zoning change from C-4 to R-1 on Lot 11, Furgeson Addition, 7752 19th Street.
6. 4. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0018 for Zone Case 2740-A, a request of Jonathan Martindale, for Amerco Real Estate Company, for a zoning change from C-4 to C-4 Specific Use for mini warehouses on Lots 1 and 2, McDonald Addition, and Lot A and the balance of Lot 9, 2 less the SE 62 feet by 124 feet, Stubbs Subdivision, 3511 Avenue Q and 3504 Avenue P.
6. 5. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0019 for Zone Case 2911-B, a request of Hugo Reed and Associates, Inc., for Lubbock Crown Development, LLC, for a zoning change from R-1 Specific Use for reduced setbacks to R-1 Specific Use for Garden Homes on 3.7 acres of unplatted land out of Block E-2, Section 16, 10809 Slide Road.
6. 6. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0019 for Zone Case 3181-A, a request of Hugo Reed and Associates, Inc., for Michael Strickland, for a zoning change from Garden Office (GO) to C-2 on 5 acres of unplatted land out of Block JS, Section 7, 5828 Erskine Street.
6. 7. **Ordinance 2nd Reading – Planning:** Consider Ordinance 2016-O0021 for Zone Case 2921-A, a request of Hugo Reed and Associates, Inc., for Tim and Cindy Sparkman, for a zoning change from T, C-4, and C-4 Specific Use to C-4 on 18.7 acres of unplatted land out of Block E-2, Section 16, 5202 114th Street, 10901 Slide Road, 11001 Slide Road, and 11109 Slide Road.
6. 8. **Resolution - Accounting:** Consider a resolution authorizing publication of Notices of Intention to issue Tax and Waterworks System Surplus Certificates of Obligation and Electric Light and Power System Revenue Bonds.
6. 9. **Resolution - Accounting:** Consider a resolution to amend the intent to finance expenditures to be incurred for various capital projects and equipment approved by the City Council in the FY 2015-16 Budget and Capital Program and to reimburse itself from the proceeds of obligations that will be issued after the expenditure of funds to pay costs of such projects and equipment.



**CITY OF LUBBOCK
SPECIAL CITY COUNCIL MEETING
December 15, 2015
1:00 P. M.**

The City Council of the City of Lubbock, Texas met in special session on the 15th of December, 2015, at Lubbock Power & Light (LP&L), 1301 Broadway - 2nd Floor Conference Room, Lubbock, Texas at 1:00 p.m.

1:05 P.M. CITY COUNCIL CONVENED

**Lubbock Power & Light (LP&L), 1301 Broadway - 2nd Floor Conference Room,
Lubbock, Texas**

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

Absent: Council Member Jeff Griffith; Council Member Floyd Price

This was a meeting of the Electric Utility Board. A quorum of Council Members attended and participated in discussions during the meeting which the board considered the following topics as shown below.

Note: The Electric Utility Board addressed agenda items in the following order:

- *1.1 and Executive Session.*
- *No quorum, of the City Council, was present for all other items.*

1. MINUTES

- 1. 1.** The Board will approve the minutes from the Regular Electric Utility Board Meeting on November 18, 2015.

Motion by Jerry Bell, seconded by Don Boatman to approve the minutes of November 18, 2015.

Vote: 7 - 0 Motion carried by the Board
Stephanie Hill (ABSENT)
James Conwright (ABSENT)

Stephanie Hill, Electric Utility Board member, arrived in Executive Session.

2. **EXECUTIVE SESSION**

The meeting was called into a closed session at 1:06 p.m. under the provisions of Section 551, Texas Government Code.

2. 1. Hold an executive session in accordance with V.T.C.A. Government Code §551.086 on the following competitive matters of Lubbock Power & Light:
 2. 1. 1. Discuss and deliberate generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling.
 2. 1. 2. Discuss and deliberate proposals and strategies related to plans, studies, and analyses for system improvements, generation additions, or sales (other than transmission and distribution system improvements inside the service area for which LP&L is the sole certificated retail provider).
 2. 1. 3. Discuss and deliberate regarding bidding and pricing information for purchased power, generation and fuel, purchased power agreements, and related services and strategies.
 2. 1. 4. Discuss and deliberate customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies.
2. 2. Hold an executive session in accordance with V.T.C.A. Government Code §551.071 seeking the advice of its legal counsel about pending or contemplated litigation or settlement offers and hold a consultation with the attorney on a matter in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Texas Government Code (Purchase Power Agreements).
2. 3. Hold an executive session in accordance with V.T.C.A. Government Code §551.074 to deliberate the appointment, employment, evaluation, reassignment and duties of a public officer or employee (Director of Electric Utilities and General Counsel).
3. **PUBLIC COMMENT** - This period, of up to thirty minutes, is dedicated to citizen comments. Each citizen will have three minutes to speak. All comments must be limited to only those items posted on the Electric Utility Board agenda. Any citizen wishing to speak shall sign up on the citizen comment sheet on the day of the Electric Utility Board Meeting. The Electric Utility Board shall follow the order of citizens wishing to speak as listed on the sign-up sheet. If everyone who signed up to speak has been given an opportunity to speak and the thirty minutes designated for citizen comment has not been exhausted, the Electric Utility Board may, at its discretion, open the floor to anyone else wishing to address the Electric Utility Board, subject to all the same procedures and guidelines.

***This item was deleted.**

4. **REGULAR AGENDA**

4. 1. Update/report by the Director of Electric Utilities, or his designee, regarding customer service, business center practices, procedures and policies, billing procedures, and LP&L staffing and performance.

***This item was deleted.**

4. 2. Discuss financial and capital statements, financing options, audits, and financial policies of Lubbock Power & Light relating to debt issuance issues, reserve account funding, cost allocation, and revenue and expense projections of Lubbock Power & Light.

***This item was deleted.**

4. 3. The Board will consider, nominate and elect officers of the Electric Utility Board.

***This item was deleted.**

4. 4. Discuss, deliberate and the Board will take minuted action regarding benefits of the Director of Electric Utilities and General Counsel.

***This item was deleted.**

5. CONSENT AGENDA

5. 1. The Board will consider a resolution authorizing the Director of Electric Utilities to execute a Contract, RFP# 7144-15-ELD, to Bird Electric Enterprises, LLC for LP&L Coop to Slaton Substation 115kV Transmission Line Rebuild.

***This item was deleted.**

5. 2. The Board will consider a resolution authorizing the Director of Electric Utilities to execute a Contract, ITB# 7102-16-ELD, to Blattner Energy Inc. for LP&L Oliver Substation Construction and Transformer Position Addition.

***This item was deleted.**

5. 3. The Board will consider a resolution authorizing the Director of Electric Utilities to execute a Professional Services Agreement, RFQ# 7133-15-EUA, to TMG Utility Advisory Services, Inc., related to LP&L online billing consultant services.

***This item was deleted.**

5. 4. The Board will consider a resolution rejecting all proposals for RFP# 7107-14-ELP for LP&L Water Treatment Chemicals.

***This item was deleted.**

5. 5. The Board will consider a resolution rejecting all proposals for RFP# 7148-15-ELD for LP&L Holly Substation Relay Control Building Package.

***This item was deleted.**

3:16 P.M. CITY COUNCIL ADJOURNED

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

The December 15, 2015 Special City Council Meeting minutes were approved by the City Council on the 11th day of February, 2016.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

*This item was discussed, by the Board, without a quorum of Council Members present.

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
December 17, 2015
2:30 P. M.

The City Council of the City of Lubbock, Texas met in regular session on the 17th of December, 2015, 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; 2.5; 2.1-2.2; 2.4; 2.6; 2.3; Citizen Comments 3.1-3.3; Citizen Comments (Sign-ups) 3.4; 6.10-6.12; 4.1; 5.1; 5.3-5.4; 5.6-5.12; 5.17-5.20; 5.22; 5.2; 5.5; 5.13-5.16; 5.21; and 6.1-6.9.*
- *Item 5.5 was postponed to the January 14, 2016 Regular City Council Meeting.*
- *Items 6.10-6.12 failed*

1. Executive Session

The meeting recessed at 2:30 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 551.071, 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. 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. 1. 2. Discuss Texas Government Code Chapter 411 and the legal authorities related thereto.
1. 1. 3. Discuss the terms and provisions of the Commitment Agreement with the College Baseball Hall of Fame.

1. 1. 4. Discuss Chapter 1, Article X. of the City of Lubbock Charter.
1. 2. Hold an executive session in accordance with the Texas Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property.
1. 2. 1. 1502 Mac Davis Lane.
1. 3. Hold an executive session in accordance with Texas Government Code, Section 551.076, to discuss the deployment, or specific occasions for implementation, of security personnel or devices or a security audit.
1. 4. Hold an executive session in accordance with the Texas Government Code, Section 551.074, to discuss personnel matters.
1. 4. 1. City Attorney
1. 4. 2. City Manager
1. 4. 3. City Secretary
1. 5. 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. 5. 1. Report by the Lubbock Economic Development Alliance.

2. Proclamations and Presentations

2. 1. Invocation by Pastor Rich Jones, Hillside Christian Church

Pastor Rich Jones, Hillside Christian 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. Presentation of a special recognition honoring "The Hub City of the CrossIn+American Trail".

Mayor Glen C. Robertson presented a special recognition to Rick Vanderpool, photographer, writer, and the creative force behind the CrossIn+America Trail project. Mr. Vanderpool appeared to accept the recognition and thanked the Mayor and the City Council.

2. 4. Presentation of special recognition to Jane Clausen and Larry Barnhill for 40 years of service at the City of Lubbock.

Mayor Glen C. Robertson presented a special recognition to Jane Clausen and Larry Barnhill for 40 years of service at the City of Lubbock. Jane Clausen, Library Director, appeared to accept the special recognition and thanked the Mayor and City Council.

2. 5. Presentation of a holiday music performance by members of the Lubbock High School choir.

The Lubbock High School Choir Madrigal Singers, led by Lindsey Spitsberg, appeared before City Council to perform Christmas carols to those in attendance.

2. 6. **Board Recognitions:** Presented by Mayor Glen C. Robertson

Planning and Zoning Commission:

Jesus Mendoza (unable to attend)
Joe Rose

West Texas Municipal Power Board:

Don Boatman

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. Bill Curnow will appear before the City Council to discuss items 6.11 and 6.12.

Bill Curnow appeared before the City Council to speak in opposition of items 6.11 (the prohibition of concealed handguns from open meetings of the City of Lubbock) and item 6.12 (the prohibition of open carry handguns from open meetings of the City of Lubbock).

3. 2. Ysidro Gutierrez will appear before the City Council to discuss items 6.11 and 6.12.

Ysidro Gutierrez appeared before the City Council to speak in opposition of items 6.11 (the prohibition of concealed handguns from open meetings of the City of Lubbock) and item 6.12 (the prohibition of open carry handguns from open meetings of the City of Lubbock).

3. 3. Ryan Lewis will appear before the City Council to discuss preparedness for active assailant event.

Ryan Lewis did not appear.

3. 4. Sign-ups:

- David Spears appeared before the City Council to speak in opposition of item 6.11 (the prohibition of concealed handguns from open meetings of the City of Lubbock).
- Robert Palmer, John Pratt, Mikel Ward, Kyle Carruth, Tim Gafford, Thomas Callahan, and Burley Owen appeared before the City Council to speak in favor of item 6.10 (the rights of certain eligible City of Lubbock employees to carry concealed handguns in the workplace) and in opposition of items 6.11 (the prohibition of concealed handguns from open meetings of the City of Lubbock) and item 6.12 (the prohibition of open carry handguns from open meetings of the City of Lubbock).
- Clemmie Payne appeared before the City Council to speak in opposition of item 6.11 (the prohibition of concealed handguns from open meetings of the City of Lubbock) and item 6.12 (the prohibition of open carry handguns from open meetings of the City of Lubbock).
- Charlie Dunn appeared before the City Council to speak in opposition of item 6.10 (the rights of certain eligible City of Lubbock employees to carry concealed handguns in the workplace) and in favor of items 6.11 (the prohibition of concealed handguns from open meetings of the City of Lubbock) and item 6.12 (the prohibition of open carry handguns from open meetings of the City of Lubbock).
- Vicky Keller appeared before the City Council to speak about her concerns on item 6.6 (Zone Case 3049-C).

4. **Minutes**

4. 1. October 20, 2015 Special City Council Meeting (Electric Utility Board)
November 3, 2015 Special City Council Meeting (Electric Utility Board)
November 19, 2015 Regular City Council Meeting

Motion by Council Member Karen Gibson, seconded by Mayor Pro Tem Jim Gerlt to approve the October 20, 2015 Special City Council Meeting (Electric Utility Board) minutes, the November 3, 2015 Special City Council Meeting (Electric Utility Board) minutes, and the November 19, 2015 Regular 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 Jeff Griffith to approve items 5.1; 5.3-5.4; 5.6-5.12; 5.17-5.20; and 5.22.

Vote: 7 - 0 Motion carried

5. 1. **Budget Amendment Ordinance 2nd Reading - Finance:** Ordinance No. 2015-00121, Amendment 7, amending the FY 2015-16 budget for municipal purposes respecting the Cemetery Fund to modify the fee schedules for revenue derived from Lot Sales and Grave Services; providing for filing; and providing for a savings clause.

5. 2. **Budget Amendment Ordinance 2nd Reading - Finance:** Ordinance No. 2015-00122, Amendment 9, amending the FY 2015-16 budget for municipal purposes respecting the Capital Program to amend Capital Improvement Project 92254, North Overton TIF Public Improvements; providing for filing; and providing for a savings clause.

Cheryl Brock, Budget Director, gave comments and answered questions from City Council.

Motion by Council Member Victor Hernandez, seconded by Council Member Karen Gibson to approve Ordinance No. 2015-00122.

Vote: 7 - 0 Motion carried

5. 3. **Budget Amendment Ordinance 2nd Reading - Finance:** Ordinance No. 2015-00123, Amendment 10, amending the FY 2015-16 budget for municipal purposes respecting the Electric Utility Capital Program to amend Capital Improvement Project (CIP) 92373, Dispatch Control Room Upgrade/Remodel; CIP 92319, Transmission Loop; providing for filing; and providing for a savings clause.
5. 4. **Ordinance 2nd Reading - Public Works Traffic Engineering:** Ordinance No. 2015-00124 amending Section 20.05.103 of the Code of Ordinances of the City of Lubbock, with regard to the establishment of school zones.
5. 5. **Ordinance Amendment 1st Reading – Water Utilities:** Consider an Ordinance Amendment to Chapter 22.03.091 of the Code of Ordinances related to wholesale water service to specified areas outside of the City boundaries.

This item was postponed to the January 14, 2016 Regular City Council Meeting.

Motion by Council Member Latrelle Joy, seconded by Mayor Pro Tem Jim Gerlt to postpone this item to the January 14, 2016 Regular City Council Meeting.

Vote: 7 - 0 Motion carried

5. 6. **Resolution – Water Utilities:** Resolution No. 2015-R0424 authorizing the Mayor to execute Change Order 1 to contract 12048 with Eagle Contracting, L.P., for the construction of the Northwest Water Reclamation Plant.
5. 7. **Resolution - Water Resources:** Resolution No. 2015-R0425 authorizing the Mayor to execute Professional Services Agreement 12653 with Agri-Waste Technology (AWT) for modeling and reporting of water and nitrogen balances at the City Land Application sites.
5. 8. **Resolution – Public Works Engineering:** Resolution No. 2015-R0426 authorizing the Mayor to reject all bids on contract 12259 for construction of Pump Station 16.
5. 9. **Resolution – Public Works Engineering:** Resolution No. 2015-R0427 authorizing the Mayor to execute contract 12431 with ACME Electric Company for Construction of Southeast Water Reclamation Plant (SEWRP) Emergency Generator and Switchgear Project.

5. 10. **Resolution – Public Works Engineering:** Resolution No. 2015-R0428 authorizing the Mayor to execute contract 12623 with Freese and Nichols Inc., for providing Construction Phase Services for the Southeast Water Reclamation Plant (SEWRP) Emergency Generator Project.
5. 11. **Resolution - Public Works Engineering:** Resolution No. 2015-R0429 authorizing the Mayor to approve a street design which will include islands in the street in accordance with City of Lubbock Code of Ordinances Chapter 38, Section 38.01.005(17).
5. 12. **Ordinance 1st Reading – Right-of-Way:** Ordinance No. 2015-O0133 abandoning and closing a blanket easement located in Tract K, Elm Park Addition, 32nd and Milwaukee Avenue.
5. 13. **Resolution - City Manager:** Resolution No. 2015-R0435 authorizing the Mayor to execute a deed without warranty transferring 7.86 acres located at 1502 Mac Davis Lane to the College Baseball Foundation for the public purpose of construction and operation of the National College Baseball Hall of Fame.

Mike Gustafson and Randy Robbins, with the College Baseball Foundation, gave comments and answered questions from City Council.

Motion by Mayor Pro Tem Jim Gerlt, seconded by Council Member Jeff Griffith to approve Resolution No. 2015-R0435 authorizing the Mayor to execute a deed without warranty transferring 7.86 acres located at 1502 Mac Davis Lane to the College Baseball Foundation for the public purpose of construction and operation of the National College Baseball Hall of Fame on the following conditions:

1. That prior to executing the deed, the Mayor shall execute an amendment to the Commitment Agreement that authorizes the transfer of the deed to include the following terms:

(a) That the termination date shall be extended ninety days from December 31, 2015 to April 1, 2016, during which time representatives of the College Baseball Foundation will be granted access to the property under a license agreement with the City negotiated with the City Attorney and approved by the City Manager.

(b) That the April 1 deadline may be extended an additional nine months if by March 30, 2016, the College Baseball Foundation has provided the City Manager with the following documentation:

(i) the total cost of the completed project including the museum, the event center, and the baseball field;

(ii) a projected timeline with fund raising milestones for the total project cost;

(iii) copies of architectural and engineering drawings for the completed project; and

(iv) a projected construction timeline;

2. That upon compliance with the terms of the Commitment Agreement as amended, the Mayor may sign the deed; and

3. That this authorization for execution will only be authorized through December 31, 2016.

Vote: 7 - 0 Motion carried

5. 14. **Resolution - Aviation:** Resolution No. 2015-R0436 authorizing the Mayor to execute service agreement 12531 for the building automation system and three Trane centrifugal chillers at Lubbock Preston Smith International Airport with Trane U.S., Inc. dba Trane.

Motion by Council Member Floyd Price, seconded by Council Member Karen Gibson to approve Resolution No. 2015-R0436.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (RECUSE)

5. 15. **Resolution - Facilities:** Resolution No. 2015-R0437 authorizing the Mayor to execute a lease agreement extension for real property located at 1601 Mac Davis Lane under contract 9596 between the City of Lubbock and HMOT Properties, LLC of Lubbock.

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

Motion by Council Member Victor Hernandez, seconded by Council Member Jeff Griffith to approve Resolution No. 2015-R0437.

Vote: 7 - 0 Motion carried

5. 16. **Resolution - Facilities:** Resolution No. 2015-R0438 authorizing the Mayor to execute a job order contract 16-12575-JOC with Collier Construction Company of Lubbock, Texas for the water damage repair at Lubbock Business Center (LBC), 1301 Broadway.

Wes Everett, Director of Facilities Management; and James Loomis, City Manager, gave comments and answered questions from City Council.

Motion by Mayor Pro Tem Jim Gerlt, seconded by Council Member Jeff Griffith to approve Resolution No. 2015-R0438.

Vote: 5 - 2 Motion carried

NAY: Mayor Glen C. Robertson
Council Member Karen Gibson

- 5. 17. **Resolution - Facilities:** Resolution No. 2015-R0430 authorizing the Mayor to execute contract 12555 with Tecta America CS, for the roof replacement at Fire Station 4 located at 2504 Cornell, RFP 16-12555-JM.
- 5. 18. **Resolution - Facilities:** Resolution No. 2015-R0431 authorizing the Mayor to execute Contract 12548 with Tommy Klein Construction, Inc., of Lubbock, Texas for the repairs to various restrooms at the Municipal Square, 916 Texas Avenue, RFP 16-12548-JM.
- 5. 19. **Resolution - Facilities:** Resolution No. 2015-R0432 authorizing the Mayor to execute Amendment 1 to professional services contract 12496 with Brinkley Sargent Wiginton Architects (BSWA) for the design of the new Lubbock Emergency Operations Center located at 1515 Ursuline, Lubbock, Texas.
- 5. 20. **Resolution - Fire:** Resolution No. 2015-R0433 authorizing the Mayor to execute purchase order contract 10015619 with Daco Fire Safety Equipment for three Rosenbauer custom mount pumpers.
- 5. 21. **Resolution - Fire:** Resolution No. 2015-R0439 to authorize the City Manager to apply for a State Homeland Security Program Grant.

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

Motion by Mayor Pro Tem Jim Gerlt, seconded by Council Member Victor Hernandez to approve Resolution No. 2015-R0439.

Vote: 7 - 0 Motion carried

- 5. 22. **Resolution - Citibus:** Resolution No. 2015-R0434 authorizing the Mayor to execute purchase order contract 27111214 with National Bus Sales & Leasing, Inc. for the purchase of two Arboc Spirit Mobility paratransit vans.

6. **Regular Agenda**

- 6. 1. **Ordinance 2nd Reading – Planning:** Ordinance No. 2015-O0125, for Zone Case 2821-A, a request of Ralph Carlisle, for Carlisle Motors, for a zoning change from R-1 to C-4 on Lot 3, Block 8, Southport Addition, 1706 43rd Street.

Motion by Council Member Karen Gibson, seconded by Council Member Jeff Griffith to approve Ordinance No. 2015-O0125.

Vote: 7 - 0 Motion carried

- 6. 2. **Ordinance 2nd Reading – Planning:** Ordinance No. 2015-O0126, for Zone Case 3266, a request of Day & Company, Inc. for a zoning change from T to C-3 on 9.16 acres of unplatted land out of Block E2, Section 21, 3101 114th Street.

Motion by Council Member Floyd Price, seconded by Council Member Karen Gibson to approve Ordinance No. 2015-O0126.

Vote: 7 - 0 Motion carried

- 6. 3. Ordinance 2nd Reading – Planning:** Ordinance No. 2015-00127, for Zone Case 3267, a request of Day & Company, Inc. for a zoning change from T to C-2 on 5 acres of unplatted land out of Block E2, Section 21, 3101 114th Street.

Motion by Council Member Floyd Price, seconded by Council Member Karen Gibson to approve Ordinance No. 2015-00127.

Vote: 7 - 0 Motion carried

- 6. 4. Ordinance 2nd Reading – Planning:** Ordinance No. 2015-00128, for Zone Case 3268, a request of Day & Company, Inc. for a zoning change from T to C-3 on 6.41 acres of unplatted land out of Block E2, Section 21, 3101 114th Street.

Motion by Council Member Floyd Price, seconded by Council Member Karen Gibson to approve Ordinance No. 2015-00128.

Vote: 7 - 0 Motion carried

- 6. 5. Ordinance 2nd Reading – Planning:** Ordinance No. 2015-00129, for Zone Case 3269, a request of AMD Engineering, LLC., for MRXNO, for a zoning change from R-1 to C-3 on 7.27 acres of unplatted land out of Block AK, Section 44, 3206 West Loop 289.

Motion by Council Member Floyd Price, seconded by Council Member Jeff Griffith to approve Ordinance No. 2015-00129.

Vote: 7 - 0 Motion carried

- 6. 6. Ordinance 2nd Reading – Planning:** Ordinance No. 2015-00130, for Zone Case 3049-C, a request of AMD Engineering, LLC., for Wooded Forest, for a zoning change from R-1 Specific Use and R-2 Specific Use to R-2 Specific Use on 2.045 acres of unplatted land out of Block E, Section 10, 9802 Avenue U.

Dennis Carrizales, Senior Planner, gave comments and answered questions from City Council.

Motion by Council Member Floyd Price, seconded by Mayor Pro Tem Jim Gerlt to approve Ordinance No. 2015-00130.

Vote: 6 - 1 Motion carried

NAY: Council Member Victor Hernandez

- 6. 7. Ordinance 2nd Reading – Planning:** Ordinance No. 2015-00131, for Zone Case 3126-B, a request of Tommy J. Swann, for South Frankford Commercial Park, LLC., for a zoning change to amend conditions of Ordinance 2012-00123 on Tracts A, B, and C, Mel Abbe Addition, 5910, 5914 and 6010 130th Street.

Motion by Council Member Floyd Price, seconded by Council Member Jeff Griffith to approve Ordinance No. 2015-00131.

Vote: 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

6. 8. **Ordinance 2nd Reading – Planning:** Ordinance No. 2015-O0132, for Zone Case 3089-E, a request of CLCL Development for a zoning change from Apartment-Medical District (AM) to Garden Office District (GO) on 1.19 acres of unplatted land out of Block AK, Section 21, 10208 Frankford Avenue.

Motion by Mayor Pro Tem Jim Gerlt, seconded by Council Member Floyd Price to approve Ordinance No. 2015-O0132.

Vote: 7 - 0 Motion carried

6. 9. **Resolution - Planning:** Resolution No. 2015-R0440 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060, at the request of applicant RR Grill Concepts, LLC located at 1625 University Avenue, for an alcoholic beverage permit.

Motion by Council Member Jeff Griffith, seconded by Council Member Karen Gibson to approve Resolution No. 2015-R0440

Vote: 6 - 1 Motion carried

NAY: Mayor Pro Tem Jim Gerlt

6. 10. **Resolution - Mayor Robertson:** Consider a resolution concerning the rights of certain eligible City of Lubbock employees to carry concealed handguns in the workplace.

This item failed.

Motion by Mayor Pro Tem Jim Gerlt, seconded by Council Member Jeff Griffith to approve this item.

Vote: 2 - 5 Failed

NAY: Council Member Karen Gibson
Council Member Jeff Griffith
Council Member Victor Hernandez
Council Member Latrelle Joy
Council Member Floyd Price

6. 11. **Resolution - Councilwoman Latrelle Joy:** Consider a resolution authorizing the posting of the appropriate and required signage and notice to prohibit concealed handguns from the open meetings of the City of Lubbock as provided by state law and establishing an effective date.

This item failed.

Motion by Council Member Floyd Price, seconded by Council Member Latrelle Joy to approve this item.

Vote: 2 - 5 Failed

NAY: Mayor Glen C. Robertson
Mayor Pro Tem Jim Gerlt
Council Member Karen Gibson
Council Member Jeff Griffith
Council Member Victor Hernandez

- 6. 12. Resolution - Councilwoman Latrelle Joy:** Consider a resolution authorizing the posting of the appropriate and required signage and notice to prohibit open carry handguns from the open meetings of the City of Lubbock as provided by state law and establishing an effective date.

This item failed.

Motion by Council Member Latrelle Joy, seconded by Council Member Jeff Griffith to approve this item.

Vote: 2 - 5 Failed

NAY: Mayor Glen C. Robertson
Mayor Pro Tem Jim Gerlt
Council Member Karen Gibson
Council Member Jeff Griffith
Council Member Victor Hernandez

8:35 P.M. CITY COUNCIL ADJOURNED

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

The December 17, 2015 Regular City Council Meeting minutes were approved by the City Council on the 11th day of February, 2016.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary





Regular City Council Meeting

5. 1.

Meeting Date: 02/11/2016

Information

Agenda Item

Budget Amendment Ordinance 2nd Reading - Finance: Consider Budget Ordinance 2016-O0013 Amendment 12 amending the FY 2015-16 budget for municipal purposes respecting the Capital Program to amend Capital Improvement Project (CIP) 92248, Street Maintenance Program; and respecting the General Fund to increase the transfer to CIP; providing for filing; and providing for a savings clause.

Item Summary

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

I. Amend Capital Improvement Project 92248, Street Maintenance Program, by decreasing the FY 2016 10-Year Tax Revenue Certificates of Obligation by \$4,760,813, from \$7,832,650 to \$3,071,837; and increasing the FY 2016 General Fund Pay-As-You-Go by \$4,760,813, from \$2,080,485 to \$6,841,298.

II. Amend the FY 2015-16 General Fund Operating Budget by increasing the transfer to CIP by \$4,760,813, from \$5,449,485 to \$10,210,298.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - Budget Amendment 12

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2015-16 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE CAPITAL PROGRAM TO AMEND CAPITAL IMPROVEMENT PROJECT (CIP) 92248, STREET MAINTENANCE PROGRAM; AND RESPECTING THE GENERAL FUND TO INCREASE THE TRANSFER TO CIP; 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 #12) for municipal purposes, as follows:

- I. Amend Capital Improvement Project 92248, Street Maintenance Program, by decreasing the FY 2016 10-Year Tax Revenue Certificates of Obligation by \$4,760,813, from \$7,832,650 to \$3,071,837; and increasing the FY 2016 General Fund Pay-As-You-Go by \$4,760,813, from \$2,080,485 to \$6,841,298.
- II. Amend the FY 2015-16 General Fund Operating Budget by increasing the transfer to CIP by \$4,760,813, from \$5,449,485 to \$10,210,298.

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



Regular City Council Meeting

5. 2.

Meeting Date: 02/11/2016

Information

Agenda Item

Budget Amendment Ordinance 1st Reading - Finance: Consider Budget Ordinance Amendment 13 amending the FY 2015-16 budget for municipal purposes respecting the General Fund to amend expenditures for the purchase of the Fire Marshal's office building located at 1601 Mac Davis Lane; providing for filing; and providing for a savings clause.

Item Summary

- I. Amend expenditures in the FY 2015-16 General Fund Budget in Cost Center 1115, Non-Departmental, by increasing Capital Outlay by \$1,100,000 for the purchase of the Fire Marshal's office building located at 1601 Mac Davis Lane. Funding will be from General Fund fund balance.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - Budget Amendment 13

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2015-16 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE GENERAL FUND TO AMEND EXPENDITURES FOR THE PURCHASE OF THE FIRE MARSHAL'S OFFICE BUILDING LOCATED AT 1601 MAC DAVIS LANE; 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 #13) for municipal purposes, as follows:

- I. Amend expenditures in the FY 2015-16 General Fund Budget in Cost Center 1115, Non-Departmental, by increasing Capital Outlay by \$1,100,000 for the purchase of the Fire Marshal's office building located at 1601 Mac Davis Lane. Funding will be from General Fund fund balance.

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 Amend13 ord
January 27, 2016



Regular City Council Meeting

5. 3.

Meeting Date: 02/11/2016

Information

Agenda Item

Budget Amendment Ordinance 1st Reading - Finance: Consider Budget Ordinance Amendment 14 amending the FY 2015-16 budget for municipal purposes respecting the Capital Program to amend Capital Improvement Project (CIP) 92217, 34th Street Reconstruct - Quaker Avenue to Avenue Q; and CIP 92420, 34th Street - Quaker Avenue to Slide Road; providing for filing; and providing for a savings clause.

Item Summary

I. Amend Capital Improvement Project 92217, 34th Street Reconstruct – Quaker to Avenue Q, by amending the scope of the project by adding the following: "The project also includes the design of 34th Street from Quaker Avenue to Slide Road and Avenue Q to Interstate 27."

II. Amend Capital Improvement Project 92420, 34th Street – Quaker Avenue to Slide Road, by decreasing the appropriation by \$750,000, from \$750,000 to \$0.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - Budget Amendment 14

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2015-16 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE CAPITAL PROGRAM TO AMEND CAPITAL IMPROVEMENT PROJECT (CIP) 92217, 34TH STREET RECONSTRUCT-QUAKER TO AVENUE Q; AND CIP 92420, 34TH STREET-QUAKER AVENUE TO SLIDE ROAD; 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 #14) for municipal purposes, as follows:

- I. Amend Capital Improvement Project 92217, 34th Street Reconstruct – Quaker to Avenue Q, by amending the scope of the project by adding the following: “The project also includes the design of 34th Street from Quaker Avenue to Slide Road and Avenue Q to Interstate 27.”
- II. Amend Capital Improvement Project 92420, 34th Street – Quaker Avenue to Slide Road, by decreasing the appropriation by \$750,000, from \$750,000 to \$0.

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 Amend14.ord
January 27, 2016



Regular City Council Meeting

5. 4.

Meeting Date: 02/11/2016

Information

Agenda Item

Budget Amendment Ordinance 1st Reading - Finance: Consider Budget Ordinance Amendment 15 amending the FY 2015-16 budget for municipal purposes respecting the Grant Fund to accept and appropriate funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Comprehensive Energy Assistance Program (CEAP) Grant and the Community Services Block Grant (CSBG); providing for filing; and providing for a savings clause.

Item Summary

I. Accept and appropriate \$946,052 from the TDHCA for the CEAP Grant.

II. Accept and appropriate \$92,412 from the TDHCA for the CSBG Grant.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

[Ordinance - Budget Amendment 15](#)

[Grant Detail Sheet - Energy Assistance Program](#)

[Grant Detail Sheet - Community Services Block](#)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2015-16 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE GRANT FUND TO ACCEPT AND APPROPRIATE FUNDING FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR THE COMPREHENSIVE ENERGY ASSISTANCE PROGRAM (CEAP) GRANT AND THE COMMUNITY SERVICES BLOCK GRANT (CSBG); 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 #15) for municipal purposes, as follows:

- I. Accept and appropriate \$946,052 from the TDHCA for the CEAP Grant.
- II. Accept and appropriate \$92,412 from the TDHCA for the CSBG 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 Amend15 ord
January 27, 2016

City of Lubbock, TX
Grant Award
New Grant - Budget Detail
February 11, 2016

Administrative Information:

Grant Number: _____
Grant Name: Comprehensive Energy Assistance Program
Grant Effective Date: 1/1/2016-12/31/2016
Grant Provider/Agency: Texas Department of Housing & Community Affairs

Personnel Information:

of full-time positions funded w/grant 4

Title of Position	Annual Salary	Annual Benefits	Grant	Other Grant
Program Specialist	\$ 41,190	22,232	5,784	57,639
Account Analyst	53,705	24,242	2,490	75,457
Director	86,681	30,493	1,735	115,439
Contract Coordinator	51,361	23,664	6,571	68,455
	<u>\$ 232,937</u>	<u>100,631</u>	<u>16,579</u>	<u>316,989</u>

Budget Information:

Grant Appropriation Detail	Cost
Salaries	\$ 13,016
Benefits	3,563
Travel	1,200
ComDev Household Crisis H/C	25,000
Lutheran Social Services	
Household Crisis Utility Assistance	125,000
Utility Assistance Component	676,912
Admin & Program Services	101,361
Total Appropriation	<u><u>\$ 946,052</u></u>

**City of Lubbock, TX
Grant Award
New Grant - Budget Detail
February 11, 2016**

Administrative Information:

Grant Number: _____
 Grant Name: Community Services Block Grant
 Grant Effective Date: 1/1/2016-12/31/2016
 Grant Provider/Agency: Texas Department of Housing and Community Affairs

Personnel Information:

of full-time positions funded w/grant 4

Title of Position	Annual Salary	Annual Benefits	Grant	Other Grant
Program Specialist	\$ 41,190	22,232	10,008	53,414
Account Analyst	53,705	24,242	5,434	72,513
CD Director	86,681	30,493	3,180	113,994
Contract Coordinator	51,361	25,270	7,238	69,393
Total	\$ 232,937	102,237	25,860	309,314

Budget Information:

Grant Appropriation Detail	Cost
Full-time Salaries	\$ 17,460
Benefits	8,400
Travel	840
Supplies	1,120
Other	1,540
Indirect Cost	2,800
Contractual	
Catholic Family Services-SSP	53,252
Lutheran Social Services CEAP Ops	7,000
Total Appropriation	\$ 92,412



Regular City Council Meeting

5. 5.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Finance: Consider a resolution approving the amended North Overton Tax Increment Financing Reinvestment Zone (North Overton TIF) Bylaws, as reviewed and recommended by the North Overton TIF Board of Directors.

Item Summary

The North Overton TIF Bylaws were approved in July, 2002, at the time the North Overton TIF was created by the City of Lubbock. The Bylaws, as it related to the structure of the Board of Directors, reflected the structure required in Texas Tax Code 311.009(b) Composition of Board of Directors. This statute has since been amended and this item conforms the North Overton TIF Bylaws to the changed statute.

The structure approved by the City Council originally included a nine member board, six of whom were appointed by the City, one by the County, the State Senator representing the TIF or his designee, and the State Representative representing the TIF area or his designee.

The change required by the amended statute is a nine member board, four of whom shall be appointed by the City Council of the City; one appointed by the governing body of Lubbock County; one appointed by the Lubbock County Hospital District; one appointed by the High Plains Underground Water District; one from the State Senator's office and one from the State Representative's office, each from the area in which the zone resides.

The change in the statute changes the appointees by the City Council from six to four, and adds an appointment by the Lubbock County Hospital District and the High Plains Underground Water District.

This amendment was approved by the North Overton TIF Board of Directors at their December 2014 Board meeting.

Fiscal Impact

None.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget
North Overton TIF Board of Directors

Attachments

Resolution - Amended Bylaws North Overton TIF

Bylaws - North Overton TIF

RESOLUTION

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

THAT the attached Amended Bylaws of the North Overton Tax Increment Financing Reinvestment Zone are hereby approved by the City Council of the City of Lubbock. Said Amended Bylaws are 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 on _____ 2016.

GLEN C. ROBERTSON, MAYOR

ATTEST:


Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Cheryl Brock, Executive Director of Budget

APPROVED AS TO FORM:



Justin Pruitt, Assistant City Attorney

ccdocs/RES. North Overton TIF – Amended Bylaws
January 27, 2016

BYLAWS

NORTH OVERTON TAX INCREMENT FINANCING REINVESTMENT ZONE

ARTICLE I

POWERS AND PURPOSE

Section 1. Financing Development or Redevelopment in the Zone. In order to implement the purposes for which North Overton Area Tax Increment Financing Reinvestment Zone, City of Lubbock, Texas (the “Zone”) was formed, as set forth in Ordinance No. 2002-00029, dated March 14, 2002, creating the Zone, the City of Lubbock, Texas (the “City”) may issue obligations to finance all or part of the cost of implementing the “project plan” for the Zone as defined in the Tax Increment Financing Act of the Tax Code, Chapter 311, Vernon’s Texas Codes Annotated (the “Act”).

Section 2. Books and Records: Approval of Programs and Financial Statements: The Board of Directors using City staff shall keep correct and complete books and records of account and shall also keep minutes of its proceedings and the proceedings of committees having any of the authority of the Board of Directors. All books and records of the Zone may be inspected by any director or his agent or attorney for any proper purpose at any reasonable time; and at any time, the City Council and the Director of Finance of the City will have access to the books and records of the Zone. The City Council must approve all programs and expenditures for the Zone and annually review any and all financial statements of the Zone.

ARTICLE II

BOARD OF DIRECTORS

Section 1. Powers, Number, and Term of Office. The property and affairs of the Zone shall be managed and controlled by the City Council based on the recommendations of the Board of Directors of the Zone (“Board of Directors” or “Board”), subject to the restrictions imposed by law, the ordinance creating the Zone, and these Bylaws. It is the intention of the City Council that the Board of Directors shall function only in an advisory or study capacity with respect to the Zone and shall exercise only those powers, advisory in nature, which are either granted to the Board pursuant to the Act or delegated to the Board by the City Council.

The Board of Directors shall consist of nine (9) directors: ~~four~~ (4) of whom shall be appointed by the City Council of the City; ~~and~~ one (1) appointed by the governing body of Lubbock County (County); one (1) appointed by the Lubbock County Hospital District; one (1) appointed by the High Plains Underground Water Conservation District; one (1) from the State Senator's office and one (1) from the State Representative's office, each from the area in which the Zone resides, provided however, that if a taxing unit (other than the City) waives its right to appoint a member to the Board, as evidenced by written resolution duly adopted by the governing body of such taxing unit, the City may appoint such Board member in its stead.

The Board of Directors shall serve two (2) year terms. Any director may be removed from office by the City Council, for cause deemed by the City Council as sufficient for their removal in the interest of the public, but only after a public hearing before the City Council on charges publicly made, if demeaned by such Board member within ten (10) days.

In the event of a vacancy caused by the resignation, death, or removal for any reason, of a director, the governing body of the respective taxing unit (i.e. City, County), which made such Board appointment, shall be responsible for filling the vacancy.

Section 2. Meetings of Directors. The Directors shall hold their meetings within a public building in the City as the Board of Directors may from time to time determine.

Section 3. Regular Meetings. Regular Meetings of the Board of Directors shall be held at such times and places as shall be designated, from time to time, by resolution of the Board of Directors. All meetings of the Board shall be of a public nature unless pertaining to matters of land purchase, security, personnel, or strictly legal matters. Notice of all regular and special meetings of the Board and any committees thereof shall be posted in accordance with the provisions of Chapter 551, Texas Government Code. There shall be at least one Regular Meeting held each year.

Section 4. Emergency Meetings. Emergency Meetings of the Board of Directors shall be held whenever called by the chair, by the secretary, by a majority of the directors then in office or upon advice of or request by the City Council.

The secretary shall give notice to each director of each Special Meeting in person, or by mail, courier, facsimile, telephone or e-mail, at least twenty-four (24) hours before the meeting. Notice of all Emergency Meetings shall state the purpose which shall be the only business conducted.

Section 5. Quorum. A majority of the directors holding current appointments shall constitute a quorum for the consideration of matters pertaining to the purposes of the Zone. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board of Directors, unless the act of a great number is required by law.

Section 6. Conduct of Business. At the meetings of the Board of Directors, matters pertaining to the purposes of the Zone shall be considered in such order as from time to time the Board of Directors may determine.

At all meetings of the Board of Directors, the chair shall preside and in the absence of the chair, the vice chair shall exercise the power of the chair.

The secretary of the Board of Directors shall act as secretary of all meetings of the Board of Directors, but in the absence of the secretary, the presiding officer may appoint any person to act as secretary of the meeting. The secretary of the Board of Directors shall ensure that all records are properly kept.

City staff shall provide notice of meetings and prepare meeting agendas. Meeting minutes shall be recorded by the City Secretary of the City of Lubbock. Within five (5) days following each Regular and Emergency Meeting, a copy of the minutes of the meeting shall be available at the office of the City Secretary of the City. Said minutes shall be distributed to Board Members prior to the next scheduled meeting.

Section 7. Compensation of Directors. Directors as such shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual reasonable expenses incurred in the performance of their duties hereunder.

Section 8. Attendance. Board members shall make every effort to attend all Regular and Special Meetings of the Board and/or Committees. The City Council may replace a City appointee of the Board or request replacement of an appointee from other taxing jurisdictions for non-attendance at three consecutive meetings.

ARTICLE III

OFFICERS

Section 1. Titles and Term of Office. The officers of the Zone shall consist of a chair, a vice chair, a secretary, and such other officers as the Board of Directors may from time to time elect or appoint. All officers, other than the chair, shall be subject to removal from office, with or without cause, at any time by a vote of a majority of the entire Board of Directors. All officers, except the Chair, shall be elected at the first meeting of the calendar year.

A vacancy in the office of any officer, other than the chair, shall be filled by a vote of a majority of the directors.

Section 2. Powers and Duties of the Chair. The chair shall be the chief executive officer of the Board of Directors and, subject to the approval of the City Council, he/she shall be in general

charge of the properties and affairs of the Zone and shall preside at all meetings of the Board of Directors.

Section 3. Vice Chair. The vice chair shall be a member of the Board of Directors, shall have such powers and duties as may be assigned to him by the Board of Directors and shall exercise the powers of the chair during that officer's absence or inability to act. Any action taken by the vice chair in the performance of the duties of the chair shall be conclusive evidence of the absence or inability to act of the chair at the time such action was taken.

Section 4. Secretary. The secretary shall keep the minutes of all meetings of the Board of Directors in books provided for the purpose, he/she shall have charge of such books, records, documents and instruments as the Board of Directors may direct, all of which shall at all reasonable times be open to inspection, and he/she shall in general perform all duties incident to the office of secretary subject to the control of the City Council and the Board of Directors. The function of Secretary may be performed by designated City Staff.

Section 5. Compensation. Officers as such shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual reasonable expenses incurred in the performance of their duties hereunder.

Section 6. Staff. Staff functions for the Board of Directors may be performed by the City Manager and his designees.

ARTICLE IV

PROVISIONS REGARDING BYLAWS

Section 1. Effective Date. These Bylaws shall become effective only upon the occurrence of the following events:

- (1) The adoption of these Bylaws by the Board of Directors, and
- (2) The approval of these Bylaws by the City Council.

Section 2. Amendments to Bylaws. These Bylaws may be amended by majority vote of the Board of Directors, provided that the Board of Directors files with the City Council a written application requesting that the City Council approve such amendment to the Bylaws, specifying in such application the amendment or amendments proposed to be made. If the City Council by appropriate resolution finds and determines that it is advisable that the proposed amendment be made, authorizes the same to be made and approves the form of the proposed amendment, the Board of Directors shall proceed to amend the Bylaws.

After consultation with the Board of Directors, the Bylaws may also be amended at any time by the City Council by adopting an amendment to the Bylaws by resolution of the City Council and delivering the Bylaws to the secretary of the Board of Directors.

Section 3. Interpretation of Bylaws. These Bylaws and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein. If any word, phrase, clause, sentence, paragraph, section or other part of these Bylaws, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these Bylaws and the application of such word, phrase, clause, sentence, paragraph, section or other part of these Bylaws to any other person or circumstance shall not be affected thereby.

ARTICLE V

GENERAL PROVISIONS

Section 1. Notice and Waiver of Notice. Whenever any notice whatsoever is required to be given under the provision of these Bylaws, said notice shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed postpaid wrapper addressed to the person entitled hereto at his post office address, as it appears on the books of the Zone, and such notice shall be deemed to have been given on the day of such mailing. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purposes of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. A waiver of notice in writing signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 2. Resignations. Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the City Council. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 3. Approval or Delegation of Power by the City Council. To the extent that these Bylaws refer to any approval by the City, such approval of delegation shall be evidence by a certified copy of an ordinance, or resolution (if permissible), duly adopted by the City Council.



Regular City Council Meeting

5. 6.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Finance: Consider a resolution approving the amended Lubbock Business Park (LBP) Tax Increment Financing Reinvestment Zone (TIF) Bylaws, as reviewed and recommended by the Lubbock Business Park TIF Board of Directors.

Item Summary

The LBP TIF Bylaws were approved January 13, 2011, at the time the LBP TIF was created by the City of Lubbock. The Bylaws, as it related to the eligibility for appointment to the Board of Directors, reflected the eligibility for appointment as required in Texas Tax Code 311.009(e)(1) at the time of creation. The statute has since been amended and this item conforms the LBP TIF Bylaws to the changed statute.

The Bylaws approved by the City Council at the creation of the LBP TIF required a person to be eligible to serve to be a qualified voter of the municipality or county, as applicable; or be at least 18 years of age and own real property in the zone, whether or not the individual resides in the municipality or county.

The change in the eligibility requirement by the amended statute is the individual must be at least 18 years of age and who either (1) reside in the county in which the zone is located or a county adjacent to that county, or own real property in the zone (whether or not the individual resides in the county in which the zone is located or a county adjacent to that county).

This amendment to the LBP TIF Bylaws conforms the Bylaws to the change in the statute.

This amendment was approved by the LBP TIF Board of Directors at their December 2014 Board meeting.

Fiscal Impact

None.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget
Lubbock Business Park TIF Board of Directors

Attachments

Resolution - Amended Bylaws Lubbock Business Park
Bylaws

RESOLUTION

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

THAT the attached Amended Bylaws of the Lubbock Business Park Tax Increment Financing Reinvestment Zone are hereby approved by the City Council of the City of Lubbock. Said Amended Bylaws are 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 on _____ 2016.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Cheryl Brock, Executive Director of Budget

APPROVED AS TO FORM:



Justin Pruitt, Assistant City Attorney

BYLAWS OF
LUBBOCK BUSINESS PARK
TAX INCREMENT FINANCING REINVESTMENT ZONE #3
CITY OF LUBBOCK, TEXAS

ARTICLE I
POWERS AND PURPOSE

Purpose

1.01. The Lubbock Business Park Tax Increment Financing Reinvestment Zone #3, City of Lubbock, Texas, (the "LBP TIF") was created by Ordinance No. 2009-00113, dated December 2, 2009, pursuant to Tax Increment Financing Act of the Texas Tax Code, Chapter 311 (the "Act"), for the purpose of promoting the development of the Lubbock Business Park area as described in the Ordinance.

Powers

1.02. The property and affairs of the Zone shall be managed and controlled by the City Council based on the recommendations of the Board of Directors of the Zone ("Board of Directors" or "Board"), subject to the restrictions imposed by the law, the ordinance creating the Zone, and these Bylaws. It is the intention of the City Council that the Board of Directors shall function only in an advisory or study capacity with respect to the Zone and shall exercise only those powers, advisory in nature, which are either granted to the Board pursuant to the Act or delegated to the Board by the City Council.

ARTICLE II
BOARD OF DIRECTORS

Composition of the Board

2.01. The Board of Directors shall consist of nine (9) directors: five (5) of whom shall be appointed by the City Council of the City of Lubbock; one appointed by the governing body of Lubbock County; one (1) appointed by the Lubbock Independent School District; one (1) appointed by the Lubbock County Hospital District; and one (1) appointed by the High Plains Underground Water Conservation District; provided, however, that if a taxing unit (other than the City) waives its right to appoint a member to the Board, as evidenced by written resolution duly adopted by the governing body of such taxing unit, the City may appoint such Board member in its stead.

Qualifications and Tenure of Directors

2.02. Directors shall be selected from individuals who are at least 18 years of age and who either (1) reside in the county in which the zone is located or a county adjacent to that county or (2) own real property in the Zone (whether or not the individual resides in the county in which the zone is located or a county adjacent to that county). The Board of Directors shall serve two (2) year terms. Any director may be removed from office by the City Council for cause deemed by the City Council as sufficient for their removal in the interest of the public, but only after a public hearing before the City Council on charges publicly made, if demanded by such Board member within ten (10) days.

Vacancies

2.03. In the event of a vacancy caused by the resignation, death or removal for any reason, of a Director, the governing body of the respective taxing unit (i.e. City, County, School District, Hospital district, or water Conservation District) which made such Board appointment, shall be responsible for filling the vacancy.

Meetings

2.04. The Directors shall hold their meetings within a public building in the City of Lubbock as the Board of Directors may from time to time determine.

Regular Meetings

2.05. Regular meetings of the Board of Directors shall be held at such times and places as shall be designated from time to time by the Board.

All meetings of the Board shall be of a public nature unless pertaining to matters of land purchase, economic development, security, personnel, or strictly legal matters. Notice of all regular and special meetings of the Board and any committees thereof shall be posted in accordance with the provisions of Chapter 551, Texas Government Code.

Special Meetings

2.06. Special Board meetings shall be held whenever called by, or at the request of, the chair or by a majority of the directors then in office or upon advice of or request by the City Council.

Notice

2.07. Written or printed notice of any regular meeting of the Board will be delivered to each Director not less than three, nor more than thirty days before the date of the meeting. Notice of each Special Board meeting shall be given to each Director in person, or by mail, courier, facsimile, telephone or e-mail, at least twenty-four (24) hours before the meeting.

The notice will state the place, day, and time of the meeting and the purpose or purposes for which it is called.

Quorum

2.08. A majority of the number of Directors then in office constitute(s) a quorum for transacting business at any Board meeting. The act of a majority of the Directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board of Directors, unless the act of a greater number is required by law.

Conduct of Business

2.09. At meetings of the Board of Directors, matters pertaining to the Zone shall be considered in such order as from time to time the Board of Directors may determine.

At all meetings of the Board of Directors, the chair shall preside and in the absence of the chair, the vice chair shall exercise the power of the chair.

City staff shall provide notice of meetings, prepare meeting agendas, and record minutes for each meeting. Within five (5) days following each Regular or Special Meeting, a copy of the minutes shall be available for review, and the minutes of the meeting shall be distributed to Board Members prior to the next scheduled meeting.

Attendance

2.10. Board Members shall make every effort to attend all Regular and Special Meetings of the Board and/or Committees. The City Council may replace a City appointee of the Board or request replacement of an appointee from other taxing jurisdictions for unexcused non-attendance at three consecutive meetings.

Compensation of Directors

2.11. Directors may not receive salaries for their services. Directors may be reimbursed for any actual reasonable expenses incurred in the performance of their duties hereunder.

ARTICLE III OFFICERS

Officer Positions

3.01. The officers of the Zone shall consist of a chair, a vice-chair, and such other officers as the Board of Directors may from time to time elect or appoint. All officers, other than the chair, shall be subject to removal from office, with or without cause, at any time by a vote of a majority of the entire Board of Directors. All officers, except the chair, shall be elected at the first meeting of the calendar year. A vacancy in the office of any officer, other than the chair, shall be filled by a vote of a majority of the Directors.

Powers and Duties of the Chair

3.02. The chair shall be appointed by the City Council as required by law, and shall act as the chief executive officer of the Board of Directors. The chair shall preside at all meetings of the Board of Directors.

Vice Chair

3.03. The vice chair shall be a member of the Board of Directors, shall have such powers and duties as may be assigned to him by the Board of Directors and shall exercise the powers of the chair during that officer's absence or inability to act.

Compensation

3.04. Officers shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual reasonable expenses incurred in the performance of their duties.

Staff

3.05. Staff functions for the Board of Directors may be performed by the City Manager or City Manager designees.

ARTICLE IV BOOKS AND RECORDS

Minutes

4.01. City Staff shall keep the minutes of all meetings of the Board of Directors in books provided for that purpose and shall have charge of such books, records, documents and instruments as the Board of Directors may direct, all of which shall at all reasonable times be open to inspection by the City Council or the Board of Directors.

Financial Records

4.02. The Board of Directors, using City staff, shall keep correct and complete books and records of account for the Zone. These financial records may be inspected by any Director or his agent or attorney for any proper purpose at any reasonable time; and at any time, the City Council and the Director of Finance of the City shall have access to the books and records of the Zone.

The Project and Finance Plans for the Zone, including all amendments shall be reviewed and recommended by the Board of Directors and approved by the City Council. All programs and expenditures of the Zone must be approved by the City Council.

ARTICLE V PROVISIONS REGARDING BYLAWS

Effective Date

5.01. These Bylaws shall become effective only upon the occurrence of the following events:

- (1) The adoption of these Bylaws by the Board of Directors, and
- (2) The approval of these Bylaws by the City Council.

Amendments to Bylaws

5.02. These Bylaws may be amended only upon the occurrence of the following events:

- (1) The Amendment of these Bylaws by majority vote of the Board of Directors, and
- (2) The approval of the Amendment to these Bylaws by the City Council.

Interpretation of Bylaws

5.03. These Bylaws and all terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein. If any word, phrase, clause, sentence, paragraph, section of other part of these Bylaws, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these Bylaws and the application of such word, phrase, clause, sentence, paragraph, section or other part of these Bylaws shall not be affected thereby.

ARTICLE VI GENERAL PROVISIONS

Notice and Waiver of Notice

6.01. Any notice required or permitted by these Bylaws to be given to a Director may be given by mail or e-mail. If mailed, a notice is deemed delivered when deposited in the mail addressed to the person at his or her address as it appears on the Zone records, with postage prepaid. If given by e-mail, a notice is deemed delivered when transferred and addressed to the person at his or her e-mail address as it appears on the Zone records. A person may

change his or her address in the Zone records by giving written notice of the change to City staff responsible for providing notice. Attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purposes of object to the transaction of any business on the grounds that the meeting is not lawfully called or convened. A waiver of notice in writing signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Approval or Delegation of Power by the City Council

6.02. To the extent that these Bylaws refer to any approval by the City, such approval of delegation shall be evidenced by a certified copy of an ordinance, or resolution duly adopted by the City Council.

APPROVED:
Lubbock Business Park Tax
Increment Financing Reinvestment
Zone #3, City of Lubbock

APPROVED:
CITY OF LUBBOCK

Rosamunda L. Henry
Chair, Board of Directors

Date: 1/28/16

GLEN C. ROBERTSON, MAYOR

ATTEST:

City Secretary, Rebecca Garza

Date: _____



Regular City Council Meeting

5. 7.

Meeting Date: 02/11/2016

Information

Agenda Item

Ordinance 2nd Reading – Right-of-Way: Consider Ordinance 2016-O0011 abandoning and closing a 25-foot wide LP&L overhead electrical line easement and a portion of another 25-foot wide Lubbock Power and Light (LP&L) overhead electrical line easement both located in Lot 2, Plains Cooperative Oil Mill Addition Lubbock County, Texas, easement located at 202 Coronado Dr.

Item Summary

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

This ordinance abandons and closes a 25-foot wide LP&L overhead electrical line easement and a portion of a 25-foot wide overhead electrical line easement located in Lot 2, Plains Cooperative Oil Mill Addition Lubbock County, Texas which is located east of Avenue A and south of Coronado Drive.

Public Works Engineering and LP&L are in agreement with the easement closures.

Fiscal Impact

None.

Staff/Board Recommending

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

Attachments

Ordinance - Plains Cooperative Oil Mill Addition

ORDINANCE NO. _____

AN ORDINANCE ABANDONING AND CLOSING A 25-FOOT WIDE OVERHEAD ELECTRIC LINE EASEMENT AND A PORTION OF ANOTHER 25-FOOT WIDE OVERHEAD ELECTRIC LINE EASEMENT LOCATED WITHIN LOT 2, PLAINS COOPERATIVE OIL MILL ADDITION, LUBBOCK COUNTY, TEXAS, WHICH IS 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 easements hereinafter described in the body of this Ordinance are 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; NOW THEREFORE:

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

SECTION 1. THAT the easements as hereinafter described shall BE and the same are hereby closed, vacated and abandoned for easement purposes and for public use, such easements being more particularly described in the attached Exhibits "A" and "B".

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 _____ day of _____

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

GLEN C. ROBERTSON, MAYOR

ATTEST:

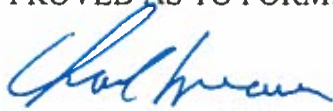
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Dave Booher, Right-of-Way Agent

APPROVED AS TO FORM:



Chad Weaver, City Attorney

A&C-UUE Plains Cooperative Oil Mill Addn
1.7.16



EXHIBIT A
CENTERLINE DESCRIPTION OF A PROPOSED
25' WIDE ELECTRIC EASEMENT ABANDONMENT
CROSSING LOT 2, PLAINS COOPERATIVE OIL MILL ADDITION
TEXAS TRUNK RAILROAD COMPANY SURVEY, A-96
LUBBOCK COUNTY, TEXAS

Being a strip of land twenty-five (25) feet in width, situated in the Texas Trunk Railroad Company Survey, A-96, Lubbock County, Texas, and being a portion of Lot 2 of the Plains Cooperative Oil Mill Addition by a plat recorded in Volume 1110, Page 109, official records of Lubbock County, Texas, said strip of land lying twelve and a half (12.5) feet on each side of the following described centerline;

COMMENCING for reference at a 1/2" Iron Rod with cap found at the southwest corner of the above mentioned Lot 2, Plains Cooperative Oil Mill Addition;

THENCE South 79 degrees 09 minutes 24 seconds East, a distance of 552.02 feet, to the **PLACE OF BEGINNING** of the herein described centerline;

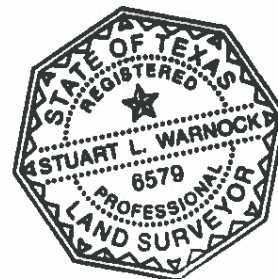
THENCE South 88 degrees 16 minutes 28 seconds East, a distance of 150.00 feet, to the **POINT OF TERMINATION** of the herein described centerline, from which a 1/2" Iron Rod with cap found in the north boundary line of said Lot 2, same being the south right-of-way line of Coronado Drive and being at the P.C. of a curve, bears North 42 degrees 16 minutes 13 seconds East, a distance of 501.51 feet.

Bearings based on the Texas State Plane Coordinate System (NAD83), Texas North Central 4202.

This description and corresponding plat were prepared from a survey made on the ground during the month of November, 2015.



STUART L. WARNOCK, RPLS 11/25/15
TEXAS REGISTRATION NO. 6579 Date



NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83 (2011), ZONE 4202 (TX-NC).

2. NO ABSTRACT OF TITLE OR TITLE COMMITMENT WAS PROVIDED TO SURVEYOR. RECORD RESEARCH WAS LIMITED TO THAT WHICH WAS NEEDED FOR THE ESTABLISHMENT OF BOUNDARIES AND SUBJECT EASEMENTS SHOWN HEREON. FURTHER EASEMENTS OR RECORD DOCUMENTS WHICH ENCUMBER THIS PROPERTY MAY EXIST.

EXHIBIT B A

CORONADO DRIVE
PC

FND. 1/2" I.R. W/
CAP IN NBL LOT
2, PLAINS CO-OP.
OIL MILL ADDN.

LOT 2
PLAINS COOPERATIVE OIL MILL ADDITION
PLAT RECORDED VOL. 1110, PG. 109

10' UNDERGROUND UTILITY EASEMENT
BY PLAT VOL. 1110, PG. 109

FND. 1/2" I.R. W/
CAP @ SWC LOT 2,
PLAINS CO-OP. OIL
MILL ADDN.

S 79°09'24" E
552.02'

25' OVERHEAD ELECTRIC LINE EASEMENT
BY PLAT VOL. 1110, PG. 109

25' OVERHEAD ELECTRIC LINE
EASEMENT
By Plat Vol. 1110, Pg. 109
(PORTION TO BE ABANDONED)

BLOCK 62

N42°16'13"E
501.51'

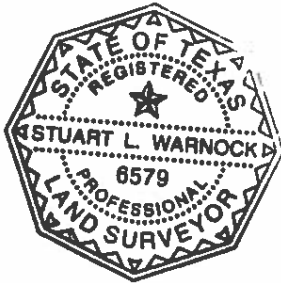
S 88°16'28" E
150.00'

25' OVERHEAD ELECTRIC
LINE EASEMENT
BY PLAT VOL. 1110, PG. 109

BLOCK 65

WHEELOCK'S
PLAT RECORDED VOL. 28, PG. 48
2nd ADDITION

BLOCK 66



LEGEND

- BOUNDARY LINE
- - - EXISTING EASEMENT
- · - · - ABANDONMENT CENTERLINE



PAGE 2 OF 2

I, STUART L. WARNOCK, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A SURVEY MADE ON THE GROUND DURING THE MONTH OF NOVEMBER, 2015, AND DOES ACCOMPANY FIELD NOTES OF EVEN DATE.

Stuart L. Warnock
STUART L. WARNOCK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6579

**EASEMENT ABANDONMENT EXHIBIT
LOT 2, PLAINS COOPERATIVE OIL MILL ADDITION
BEING PART OF A 25' ELECTRIC EASEMENT
LUBBOCK COUNTY, TEXAS**

JOB: 1580200.002

DRAWN BY: CAD

DATE: 11/25/15



8000 WESTERN PLACE, STE 700
FORT WORTH, TEXAS 76107 (817) 550-8026
TEXAS FIRM REGISTRATION CERTIFICATE NUMBER: 10070900



**CENTERLINE DESCRIPTION OF A PROPOSED
25' WIDE ELECTRIC EASEMENT ABANDONMENT
CROSSING LOT 2, PLAINS COOPERATIVE OIL MILL ADDITION
TEXAS TRUNK RAILROAD COMPANY SURVEY, A-96
LUBBOCK COUNTY, TEXAS**

Being a strip of land twenty-five (25) feet in width, situated in the Texas Trunk Railroad Company Survey, A-96, Lubbock County, Texas, and being a portion of Lot 2 of the Plains Cooperative Oil Mill Addition by a plat recorded in Volume 1110, Page 109, official records of Lubbock County, Texas, said strip of land lying twelve and a half (12.5) feet on each side of the following described centerline;

COMMENCING for reference at a 1/2" Iron Rod with cap found at the southwest corner of the above mentioned Lot 2, Plains Cooperative Oil Mill Addition;


THENCE South 69 degrees 47 minutes 26 seconds East, along the south boundary line of said Lot 2, a distance of 165.51 feet, to the **PLACE OF BEGINNING** of the herein described centerline;

THENCE South 88 degrees 16 minutes 28 seconds East, a distance of 598.05 feet, to the **POINT OF TERMINATION** of the herein described centerline, from which a 1/2" Iron Rod with cap found in the north boundary line of said Lot 2, same being the south right-of-way line of Coronado Drive and being at the P.C. of a curve, bears North 39 degrees 16 minutes 23 seconds East, a distance of 436.52 feet.

The west sidelines of the herein described twenty-five (25) foot wide strip, are to be extended or shortened, so as to terminate on the property lines and not create gaps or overlaps.

Bearings based on the Texas State Plane Coordinate System (NAD83), Texas North Central 4202.

This description and corresponding plat were prepared from a survey made on the ground during the month of November, 2015.



 STUART L. WARNOCK, RPLS
 TEXAS REGISTRATION NO. 6579

11/25/15

 Date

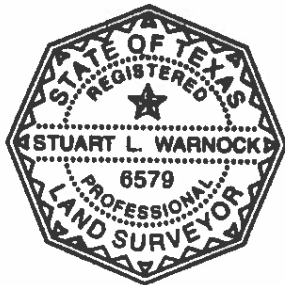
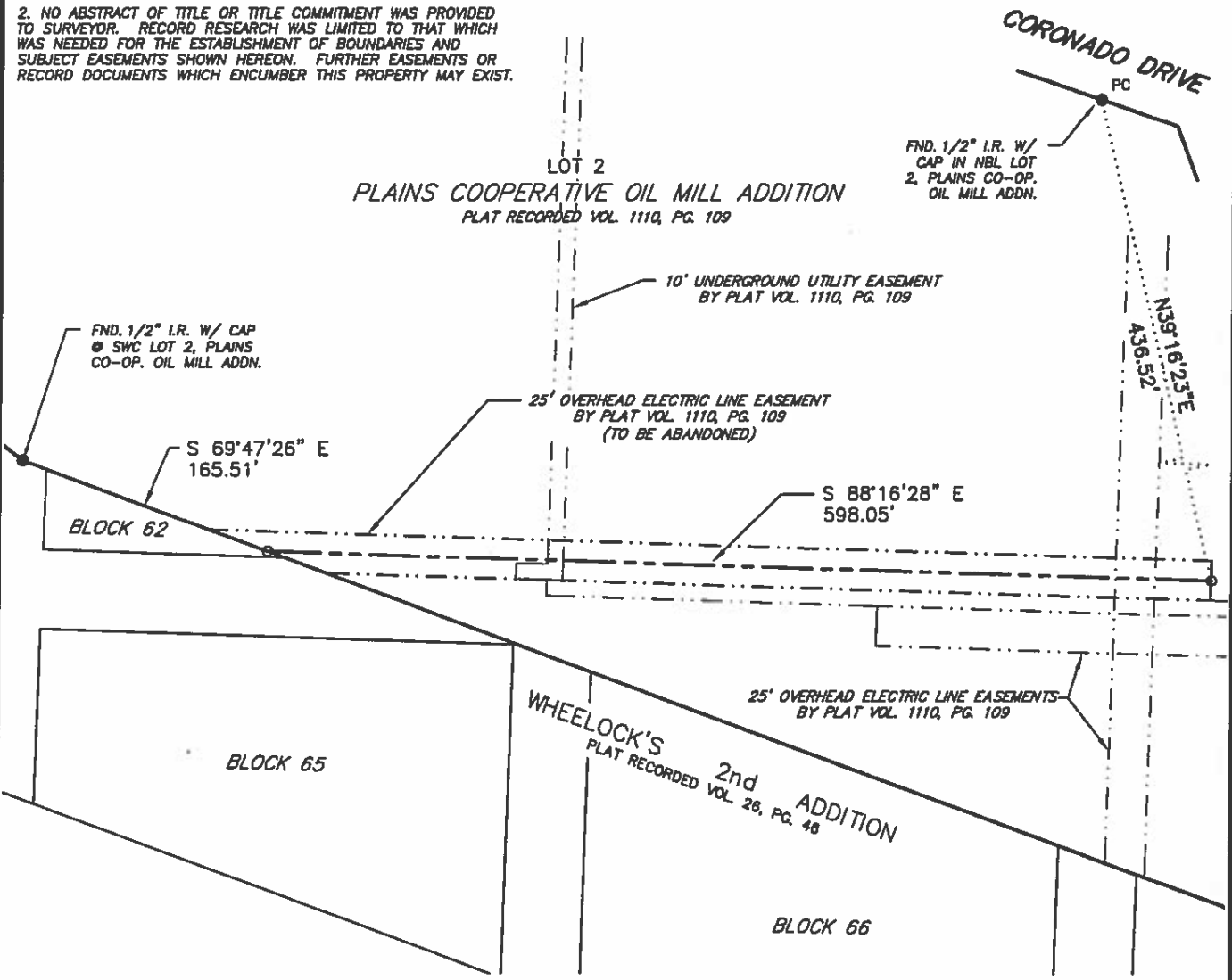


EXHIBIT B

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83 (2011), ZONE 4202 (TX-NC).

2. NO ABSTRACT OF TITLE OR TITLE COMMITMENT WAS PROVIDED TO SURVEYOR. RECORD RESEARCH WAS LIMITED TO THAT WHICH WAS NEEDED FOR THE ESTABLISHMENT OF BOUNDARIES AND SUBJECT EASEMENTS SHOWN HEREON. FURTHER EASEMENTS OR RECORD DOCUMENTS WHICH ENCUMBER THIS PROPERTY MAY EXIST.



LEGEND
 ————— BOUNDARY LINE
 - - - - - EXISTING EASEMENT
 - - - - - ABANDONMENT CENTERLINE



PAGE 2 OF 2

I, STUART L. WARNOCK, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A SURVEY MADE ON THE GROUND DURING THE MONTH OF NOVEMBER, 2015, AND DOES ACCOMPANY FIELD NOTES OF EVEN DATE.

Stuart L. Warnock
 STUART L. WARNOCK
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 6579

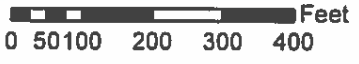
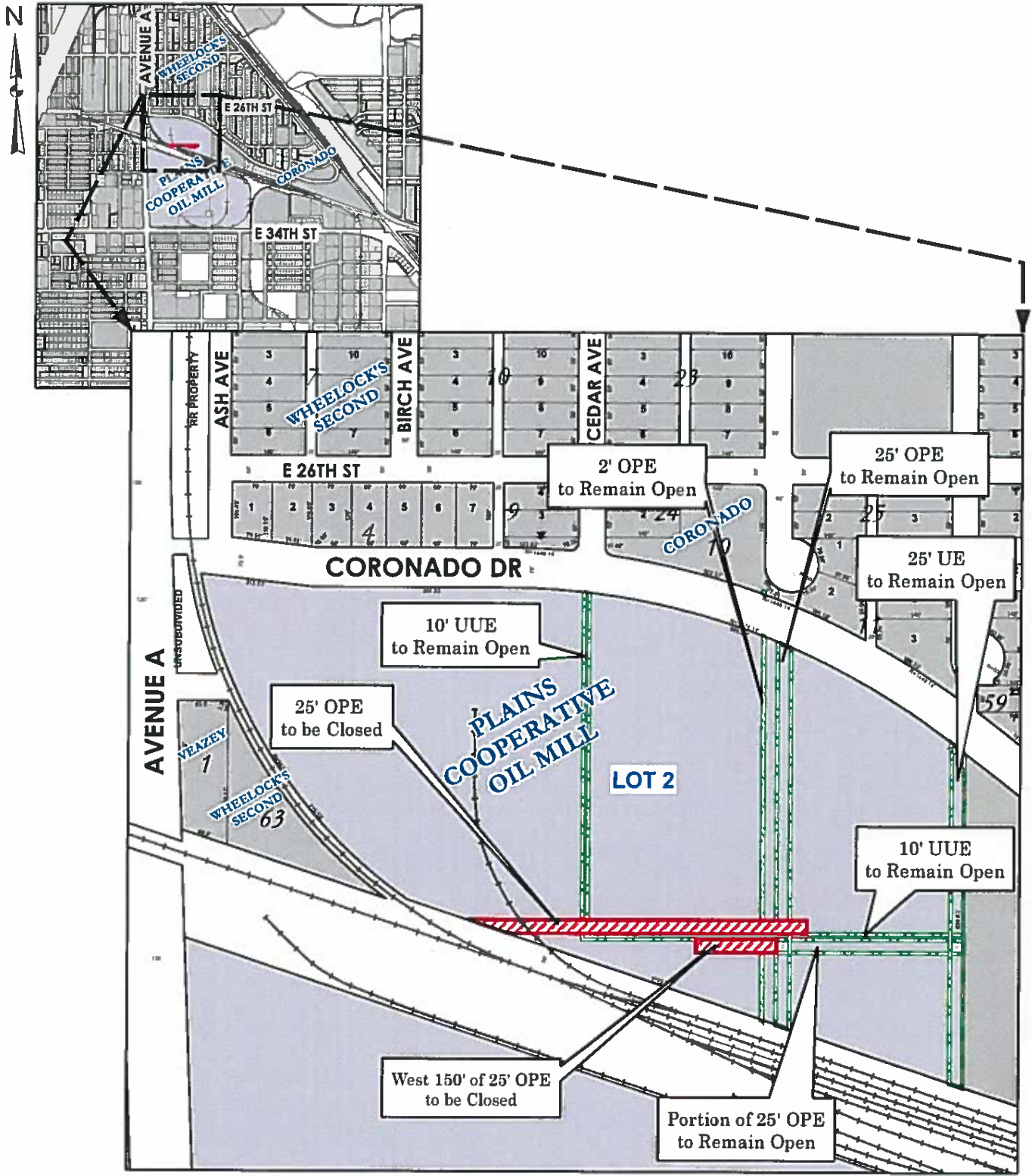
EASEMENT ABANDONMENT EXHIBIT
LOT 2, PLAINS COOPERATIVE OIL MILL ADDITION
BEING ALL OF A 25' ELECTRIC EASEMENT
LUBBOCK COUNTY, TEXAS

JOB: 1580200.002 DRAWN BY: CAD DATE: 11/25/15



6000 WESTERN PLACE, STE 700
 FORT WORTH, TEXAS 76107 (817) 550-8026
 TEXAS FIRM REGISTRATION CERTIFICATE NUMBER: 10070900

**Proposed Closing of a 25' wide Overhead Electric Line Easement
and the West 150' of another 25' wide Overhead Electric Line Easement
Located Within Lot 2, Plains Cooperative Oil Mill 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.





Regular City Council Meeting

5. 8.

Meeting Date: 02/11/2016

Information

Agenda Item

Ordinance 1st Reading – Right-of-Way: Consider an ordinance abandoning and closing a 10-foot wide Lubbock Power and Light (LP&L) power line easement located in Tract 30-C, Nor-Don Addition Lubbock County, Texas, easement located at 4633 50th Street.

Item Summary

This ordinance abandons and closes a 10-foot wide LP&L power line easement located in Tract 30-C, Nor-Don Addition Lubbock County, Texas which is located east of Utica Avenue and just north of 52nd Street.

Public Works Engineering and LP&L are in agreement with the easement closure.

Fiscal Impact

None.

Staff/Board Recommending

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

Attachments

Ordinance - Abandon & Close - Nor-Don Tract 30-C

ORDINANCE NO. _____

AN ORDINANCE ABANDONING AND CLOSING A 10-FOOT POWER LINE EASEMENT LOCATED IN TRACT 30-C, NOR-DON ADDITION, LUBBOCK COUNTY, TEXAS, WHICH IS 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 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; 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:

The eastern 10-foot power line easement granted within Tract 30-C, Nor-Don Park, an addition to the City of Lubbock, Lubbock County, Texas, according to the map, plat, and/or dedication deed thereof recorded under County Clerk File Number 2007048003, Official Public Records of Lubbock County, Texas.

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 _____ day of _____.

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

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Dave Booher, Right-of-Way Agent

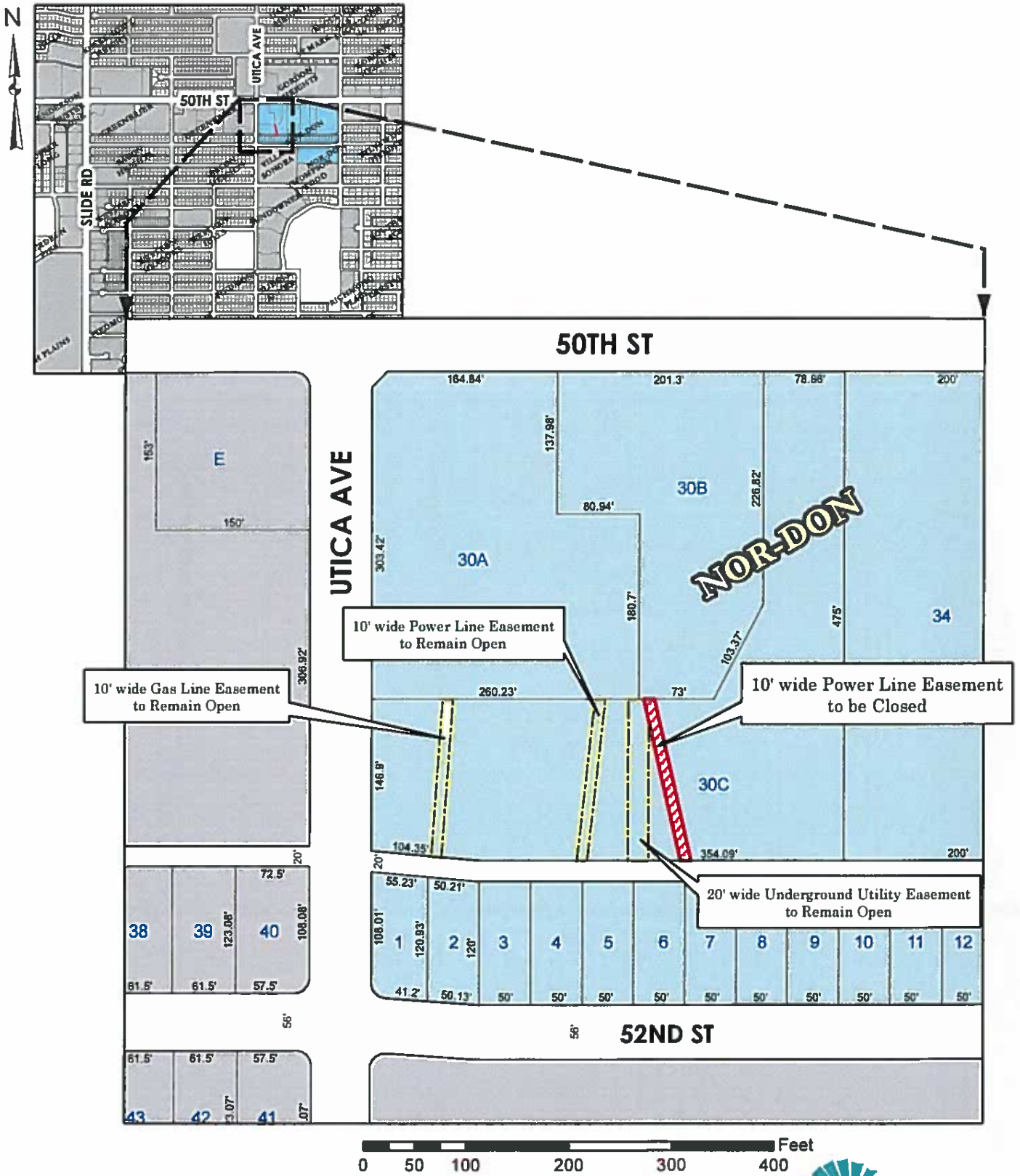
APPROVED AS TO FORM:



Chad Weaver, City Attorney

A&C-UUE-Nor-Don Addn.Ord 12.11.15

**Proposed Closing of a 10' wide Power Line Easement
Located in Lot 30C, NOR-DON 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.





Regular City Council Meeting

5.9.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Public Works Engineering: Consider a resolution authorizing the Mayor to execute Amendment 1 to contract 11746 for engineering construction phase services with Parkhill, Smith & Cooper, Inc. for the reconstruction of 34th Street from Indiana Avenue to Quaker Avenue.

Item Summary

The original contract was approved by City Council on February 13, 2014, for the engineering services for construction phase services on the reconstruction of 34th Street from Quaker Avenue to Indiana Avenue.

Staff has negotiated Amendment 1 with Parkhill, Smith and Cooper, Inc. for the additional amount of \$214,056. This amendment covers additional time and expense as a result of the following:

- Differing field conditions related to existing inadequate soil parameters;
- Replacement of unanticipated leaking water and sewer lines under existing pavement; and
- Replacement of collapsed manholes east of Quaker.

These costs are directly related to the additional time that the construction contract has been extended to accommodate these issues as well as the delays due to extreme weather events encountered throughout the project duration.

Fiscal Impact

\$22,557,200 is appropriated in Capital Improvement Project 92217, 34th Street Reconstruction - Quaker Avenue to Avenue Q, with \$214,056 available for this purpose.

Staff/Board Recommending

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

Attachments

Resolution & Amendment No. 1 - Parkhill, Smith & Cooper, Inc.

Exhibit A

Budget Detail - Park, Hill & Cooper, 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, Amendment No. 1 to the Agreement for Engineering Services for reconstruction of 34th Street from Indiana Avenue to Quaker Avenue, by and between the City of Lubbock and Parkhill, Smith & Cooper, Inc., and related documents. Said Amendment No. 1 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:



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

APPROVED AS TO FORM:



Amy L. Sims, Deputy City Attorney

RES.Amendment No 1-Agrmt-PS&C 1.26.16

STATE OF TEXAS §
COUNTY OF LUBBOCK §

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This amendment to Agreement is entered into this ___th day of _____, 2016 between the City of Lubbock, a Texas municipal corporation (hereinafter called "the Owner") and Parkhill, Smith & Cooper, Inc. (the "Engineer"), with principle offices at 4222 85th Street, Lubbock, Texas 79423.

WHEREAS, the Engineer and the Owner have previously entered into Agreement dated February 13, 2014 for construction period services for the 34th Street from Indiana Avenue to Quaker Avenue Project (hereinafter called "the Agreement"); and

WHEREAS, the Owner and the Engineer hereby desire to amend said agreement.

NOW THEREFORE, the Owner and the Engineer hereby agree to amend the Agreement as follows:

- 1) THAT Article 1 of the Agreement is hereby amended to read as follows:

ARTICLE 1- EFFECTIVE DATE & TERM OF CONTRACT

The effective date of this Agreement shall be February 13, 2014. Unless amended, the Engineer will complete all work under this Agreement by August 31, 2016.

- 2) THAT Article 3 of the Agreement is hereby amended to read as follows:

ARTICLE 3- COMPENSATION

Owner shall pay the Engineer for Basic Engineering Services in accordance with Attachment B, Compensation, which is attached hereto and incorporated by reference as a part of this Agreement, and compensation for Construction Period Services shall not exceed \$1,071,346 without authorization by City Council.

- 3) THAT the services performed pursuant to this Agreement shall be conducted in accordance with Exhibit A to this Amendment, which is attached hereto and incorporated by reference as a part of this Amendment.

- 4) This Amendment to the Agreement shall be effective upon execution. The remainder of the Agreement shall remain in full force and affect except as changed herein.

EXECUTED as of the Effective Date hereof.

CITY OF LUBBOCK

Glen C. Robertson
Mayor

ATTEST:

Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:



Neil Welch, P.E.
Assistant City Engineer

Neil Welch, P.E.
Assistant City Engineer



Mike G. Keenum, P.E.
City Engineer

Mike G. Keenum, P.E.
City Engineer


APPROVED AS TO FORM:



Amy Sims
Deputy City Attorney

Amy Sims
Deputy City Attorney

Parkhill, Smith & Cooper, INC.



Edwin E. "Butch" Davis, P.E.
Principal

Edwin E. "Butch" Davis, P.E.
Principal

Exhibit A



4222 85th Street
Lubbock, Texas 79423
806.473 2200

January 8, 2016

Mr. Neil Welch, P.E.
Assistant City Engineer
City of Lubbock
1625 13th Street
Lubbock, TX 79401

Re: 34th Street Construction Phase Change Order

Dear Mr. Welch:

Enclosed please find the projected construction schedule for 34th Street, based on discussions with the Contractor and anticipated weather days. Based on the schedule, **final completion is expected to occur in August of 2016**, which is about 14 months later than originally planned. If the Contractor is able to achieve this schedule, based on what PSC has spent in construction phase services to date and projecting out average invoices, **our additional projected costs would amount to \$214,056** (this includes some time for record drawing production at completion).

As you know, Allen Butler Construction has stated that much of the delay is due to the above average moisture received (particularly in the Spring of 2015) and the slow progress they've made since, with the limited crews they were able to keep during that time. In addition, time has been added to the project for increased scope, including:

- Replacement of poor soils in the Quaker intersection
- Replacement of existing water lines and sewer lines found leaking beneath the Quaker intersection
- Replacement of collapsed manholes just east of Quaker
- Cement treatment of existing soils along 34th ST

Please take a look at the projected schedule and fee and let me know if you feel safe with these assumptions, or if some contingency needs to be built in. And please call if you have any questions.

Sincerely,

PARKHILL, SMITH & COOPER, INC.

By


Kyle Jackson, P.E.
Project Manager

CC:

Enclosures

\\Data1\Projects\2012\2692.12\ADMIN\CONTRACTS\CONSTRUCTION PHASE\Time-Fee Extension\Cover Letter.docx

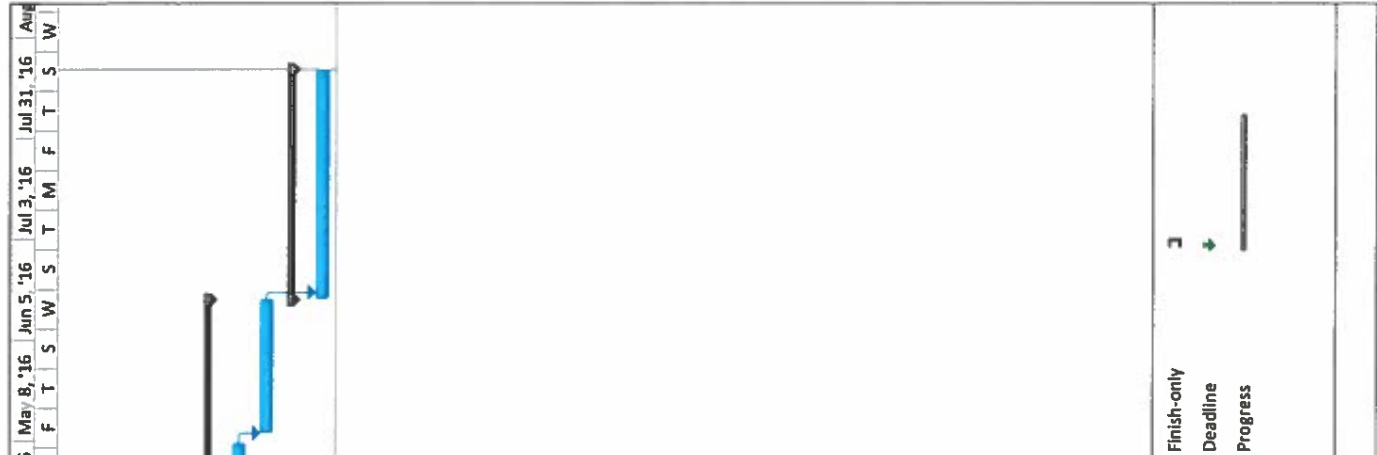
**34th Street - Paving Improvements
Quaker Avenue to Indiana Avenue**

**Projected Cost to Complete RPR Services
As of 12/31/15**

Invoice No.	Invoice Date	Invoice Amount	Cummulative
1	February-14	\$ 81,475.09	\$ 81,475.09
2	March-14	\$ 28,122.20	\$ 109,597.29
3	April-14	\$ 59,119.42	\$ 168,716.71
4	May-14	\$ 64,510.20	\$ 233,226.91
5	June-14	\$ 33,586.69	\$ 266,813.60
6	July-14	\$ 31,510.15	\$ 298,323.75
7	August-14	\$ 31,942.40	\$ 330,266.15
8	September-14	\$ 44,933.77	\$ 375,199.92
9	October-14	\$ 28,978.72	\$ 404,178.64
10	November-14	\$ 25,541.00	\$ 429,719.64
11	December-14	\$ 28,840.84	\$ 458,560.48
12	January-15	\$ 27,538.59	\$ 486,099.07
13	February-15	\$ 35,560.74	\$ 521,659.81
14	March-15	\$ 43,440.19	\$ 565,100.00
15	April-15	\$ 27,824.80	\$ 592,924.80
16	May-15	\$ 21,677.68	\$ 614,602.48
17	June-15	\$ 25,847.73	\$ 640,450.21
18	July-15	\$ 26,757.13	\$ 667,207.34
19	August-15	\$ 40,722.24	\$ 707,929.58
20	September-15	\$ 32,919.29	\$ 740,848.87
21	October-15	\$ 30,590.30	\$ 771,439.17
22	November-15	\$ 29,807.54	\$ 801,246.71
23	December-15	\$ 28,900.00	\$ 830,146.71
24	January-16	\$ 28,900.00	\$ 859,046.71
25	February-16	\$ 28,900.00	\$ 887,946.71
26	March-16	\$ 28,900.00	\$ 916,846.71
27	April-16	\$ 28,900.00	\$ 945,746.71
28	May-16	\$ 28,900.00	\$ 974,646.71
29	June-16	\$ 28,900.00	\$ 1,003,546.71
30	July-16	\$ 28,900.00	\$ 1,032,446.71
31	August-16	\$ 28,900.00	\$ 1,061,346.71
32	September-16	\$ 10,000.00	\$ 1,071,346.71
Total Projected Invoices		\$ 1,071,346.71	

Original Contract	\$ 857,290.00
Additional Amount	\$ 214,056.71
Percent Increase	24.97%

ID	Task Mode	Task Name	Start	Finish	Duration	Start	Finish
1		Milestone-C/Phase-1	Mon 11/23/15	Tue 2/16/16	42 days	Mon 11/23/15	Tue 2/16/16
2		Mainlane Paving	Mon 11/23/15	Thu 12/24/15	22 days	Mon 11/23/15	Thu 12/24/15
3		Driveways	Mon 1/11/16	Tue 2/16/16	20 days	Mon 1/11/16	Tue 2/16/16
4		Milestone-C/Phase-2	Wed 2/17/16	Mon 3/28/16	22 days	Wed 2/17/16	Mon 3/28/16
5		Mainlane Paving	Wed 2/17/16	Mon 3/28/16	22 days	Wed 2/17/16	Mon 3/28/16
6		Milestone-C/Phase-3	Tue 3/29/16	Wed 6/15/16	42 days	Tue 3/29/16	Wed 6/15/16
7		Mainlane Paving	Tue 3/29/16	Fri 5/6/16	22 days	Tue 3/29/16	Fri 5/6/16
8		Driveways	Tue 5/10/16	Wed 6/15/16	20 days	Tue 5/10/16	Wed 6/15/16
9		Milestone-C/Phase-4	Thu 6/16/16	Thu 8/18/16	35 days	Thu 6/16/16	Thu 8/18/16
10		Sidewalks	Thu 6/16/16	Thu 8/18/16	35 days	Thu 6/16/16	Thu 8/18/16



Project: 2692 Construction Sched
Date: Thu 12/31/15

Task	External Tasks	Manual Task	Finish-only
Split	External Milestone	Duration-only	Deadline
Milestone	Inactive Task	Manual Summary Rollup	Progress
Summary	Inactive Milestone	Manual Summary	
Project Summary	Inactive Summary	Start-only	

**City of Lubbock, TX
Capital Project
Project Cost Detail
February 11, 2016**

Capital Project Number: 92217
 Capital Project Name: 34th Street Reconstruction

	Budget
<i>Encumbered/Expended</i>	
Parkhill Smith and Cooper, Inc - Design Phase 1	\$ 1,812,793
City of Lubbock Staff Time	98,583
Lone Star Dirt and Paving Contract - Construction 1	8,988,866
Parkhill Smith and Cooper - Construction Phase Services-1	988,091
Parkhill Smith and Cooper, Inc - Design Phase 2	561,625
Advertising and Promotion	1,062
Traffic Systems	145,430
Municipal Billing	5,151
Allen Butler Construction, Inc.-Construction 2	5,453,267
Parkhill Smith and Cooper - Construction Phase Services-2	857,290
Change Order #1 with Allen Butler Construction, Inc	151,098
Change Order #2 with Allen Butler Construction, Inc	93,301
 <i>Agenda Item February 11, 2016</i>	
Change Order #1 with Parkhill Smith and Cooper, Inc CPS-2	214,056
<i>Encumbered/Expended To Date</i>	19,370,613
 <i>Estimated Costs for Remaining Appropriation</i>	
City of Lubbock Staff Time	20,000
City of Lubbock Traffic Items	30,000
Constuction	3,136,587
<i>Remaining Appropriation</i>	3,186,587
Total Appropriation	\$ 22,557,200



Regular City Council Meeting

5. 10.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution – Public Works Engineering: Consider a resolution authorizing the Mayor to execute Change Order 3 to contract 11709 with Utility Contractors of America, Inc., for the South Lubbock Sanitary Sewer Extension Phase 1/B Capital Improvements Project.

Item Summary

This project is for the construction of 35,180 linear feet 54-inch and 48-inch diameter sanitary sewer interceptor pipelines. These pipelines convey raw wastewater from the south and southwest Lubbock sewer collection areas by connecting existing sewer infrastructure at 98th Street and Avenue P, along Martin Luther King Boulevard, to the Southeast Water Reclamation Plant located at 4002 Guava Avenue. This project will also eliminate a lift station located at 98th Street and Avenue P.

On March 27, 2014, Lubbock City Council authorized construction contract 11709 with Utility Contractors of America, Inc. of Lubbock, Texas for a contract price of \$20,293,160 and 360 calendar days construction time. Notice to Proceed was issued on May 19, 2014.

Change Order 1 was authorized by Council on January 22, 2015, and included elimination of several manholes and other modifications resulting in a \$65,664 credit and 65 days of additional construction time.

Change Order 2 was authorized by Council on July 23, 2015, and included resurfacing of pavement on Martin Luther King Boulevard from US HWY 84 to East 74th Street and other modifications resulting in a \$51,816 increase in contract price and 75 days of additional construction time.

This Change Order 3 for consideration will adjust and finalize bid item quantities with actual installed quantities and will result in a savings to the City of Lubbock of \$661,584. Substantial completion of the project was reached on October 1, 2015, and final completion was dated on December 1, 2015.

Fiscal Impact

\$26,804,834 is appropriated in Capital Improvement Project 92178, South Lubbock Sewer System Expansion. This item will reduce the amount of the Utility Contractors of America, Inc. contract by \$661,584.

Staff/Board Recommending

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

Attachments

Resolution - Change Order Contract 3 Utility Contractors of America, Inc.

Change Order 3 - Utility Contractors of America, Inc.

Budget 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, Change Order No.3 to that certain Contract No. 11709 by and between the City of Lubbock and Utility Contractors of America, Inc., for the South Lubbock Sanitary Sewer Extension Phase 1, and related documents. Said Change Order No.3 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:



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

APPROVED AS TO FORM:



Amy L. Sims, Deputy City Attorney

RES.ChgOrd 3, Contract-Utility Contractors of America, Inc
1.13.16



Office of Purchasing and Contract Management Change Order

Contract No: 11709	Contractor: Utility Contractors of America, Inc.
Change Order No: 03	Contract Title: South Lubbock Sanitary Sewer Extension Phase 1 – Bid Package B
Bid/RFP No: 14-11709-TF	Project No: 92178

“Change Order” means a written order to a Contractor, executed by the Owner, in accordance with the Contract authorizing an addition to, deletion from, or adjustment or revision of the requirements of the Contract documents, or an adjustment to the compensation payable to the Contractor, or to the time for performance of the Contract and completion of the project, or a combination thereof, which does not alter the nature of project and is an integral part of the project objective. Adjustments to “Estimated Quantities” to a line item in a Unit Price Contract do not require a Change Order. All work that alters the nature of the construction or that is not an integral part of the project objective must be let out for public bid.

Description of Change (alteration, deviation, addition, or deletion) caused by conditions encountered during construction not covered by the specifications and drawings of the project (attached additional pages is necessary):

Per attached backup material, Change Order #3 is a reconciliation change order to identify the quantity adjustments for the unit price contract. A time component is not a part of this change order.

Where the Change Order is negotiated, the Change Order must be fully documented and itemized as to costs, including material quantities, material costs, taxes, insurance, employee benefits, other related costs, profit and overhead. Where certain unit prices are contained in the initial Contract, no deviations are allowed in computing negotiated change order costs.

ITEMIZED COSTS MUST BE FULLY DOCUMENTED AND ATTACHED TO THIS FORM.

ITEM	DESCRIPTION	AMOUNT
A.	ORIGINAL CONTRACT VALUE:	\$20,293,159.95
B.	AMOUNT OF THIS CHANGE ORDER: (Note: Council approval required if over \$50,000)	-\$661,583.89
	COST CENTER: ACCOUNT:	
C.	PERCENT OF CONTRACT VALUE THIS CHANGE ORDER (B/A)	-3.26%
D.	AMOUNT OF PREVIOUS CHANGE ORDERS:	-\$13,848.31
E.	TOTAL AMOUNT OF ALL CHANGE ORDERS (B+D)	-\$675,432.20
F.	PERCENT OF CONTRACT OF ALL CHANGE ORDERS (E/A): (25% maximum)	-3.33%
G.	NEW CONTRACT AMOUNT (A+E):	\$19,617,727.75

It is mutually agreed that the above dollar amount and the time extension, as applicable, as set forth in this Change Order constitutes full compensation to the Contractor for all costs, expenses and damages to the Contractor, whether direct, consequential or otherwise, in anyway incident to, or arising out of, or resulting directly or indirectly; from the work performed or modified by the Contractor under this Change Order.

This Change Order is not valid without the following signatures (please sign in order and return 3 originals with the Contract Cover Sheet to Purchasing and Contract Management department):

 _____ (1) Contractor	12/19/15 Date	 _____ (2) Project Architect/Engineer	12/18/2015 Date
-----------------------------	------------------	---	--------------------

Approved as to Content: _____ (3) Owner's Representative	01/15/16 Date	Approved as to Form: _____ (4) City Attorney	1-19-16 Date
 _____ (5) Capital Projects Manager	1-26/16 Date	 _____ (6) Director of Purchasing & Contract Management	1/26/2016 Date

Change Orders over \$50,000 require a Contract Cover Sheet and the following signatures:

(7) Mayor	Date	(8) City Secretary	Date
Council Date: _____		Agenda Item #: _____ Resolution #: _____	

Kimley»Horn

December 18, 2015

Mr. Zoltan Fekete, P.E.
City of Lubbock, Texas
1625 13th Street
Lubbock, Texas

**RE: *South Lubbock Sanitary Sewer Extension, Phase I – Bid Package B
Change Order Number 3 - Reconciliation
KHA No. 063126015***

Dear Zoltan:

As you are aware, the referenced project has reached final completion. The attached change order documentation is meant to provide the final quantity adjustments for the materials and labor that was actually spent on the project by the contractor. As you will see below and in the attached documentation, this project will end with a credit of \$675,432.20. There is not a time component associated with this final change order.

The change in contract price associated with these changes is detailed below:

- Original contract price: \$20,293,159.95
- Net change of this change order: -\$661,583.89
- Amount of previous change orders: -\$13,848.31
- Contract price with all approved change orders: \$19,617,727.75

Should you have any questions please do not hesitate to give me a call.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.
Texas Firm Registration No. F-928

Aaron K. Rader, P.E.

Aaron K Rader, P.E.

Copy to: City of Lubbock: Wood Franklin, P.E., John Turpin, P.E., Josh Kristinek, EIT
UCA: Ty Lane, Jonathan Ziegner, P.E.
Walker RPR Services: Ricky Walker, Mark Perry
Kimley-Horn: Jeff James, P.E.

WTFWFP01>Data\Project\FTW_Utilities\063126015-SLSSE Ph1 BPB CCA\RFI-CHG ORD\Change Order\631SLSSE Ph1 BPB Change Order 3 KHA Letter.docx

CHANGE OR EXTRA WORK ORDER NO. 3 - RECONCILIATION

PROJECT DESCRIPTION:	South Lubbock Sanitary Sewer Extension Phase I, Bid Package B
KHA Project No.:	063126015
OWNER:	City of Lubbock
CONTRACTOR:	Utility Contractors of America
ORIGINAL CONTRACT AMOUNT:	\$20,293,159.95
REVISED CONTRACT AMOUNT PER CHANGE ORDER No. 1:	\$20,227,495.95
REVISED CONTRACT AMOUNT PER CHANGE ORDER No. 2:	\$20,279,311.64
REVISED CONTRACT AMOUNT PER CHANGE ORDER No. 3:	\$19,617,727.75

CHANGE OR EXTRA WORK TO BE PERFORMED

Item No.	Approx. Quantity	Description of Item	Unit Price	Decrease in Contr. Price	Increase in Contr. Price
4	(15 00)	30-inch Fiberglass Sewer Pipe (SN 46) by Open Cut (0-6 ft depth)	\$295 00	(\$4,425 00)	
5	2 00	30-inch Fiberglass Sewer Pipe (SN 46) by Open Cut (12-14 ft depth)	\$175 00		\$350 00
26	15 00	48-inch Fiberglass Sewer Pipe (SN 46) and 66-inch Steel Casing Pipe or Tunnel Liner Plate by Other Than Open Cut	\$1,200 00		\$18,000 00
28	(0 06)	Fiberglass Tee Base with 5-ft Dia. Manhole	\$18,000 00	(\$1,100 00)	
34	(1 00)	Connect Proposed Pipe to Existing Manhole	\$1,500 00	(\$1,500 00)	
38	(10 00)	Concrete Encasement	\$800 00	(\$8,000 00)	
39	(2 00)	Vacuum Testing of Sanitary Sewer Manholes	\$100 00	(\$200 00)	
41	(127 00)	Trench Safety System	\$4 00	(\$508 00)	
42	0 28	Temporary Erosion, Sediment and Water Pollution Prevention Plan	\$40,000 00		\$11,200 00
44	404 00	6" C-900 DR-18 PVC Water Pipe	\$63 00		\$26,260 00
46	166 00	Asbestos Cement Pipe Removal	\$30 00		\$4,980 00
47	(1 00)	27" x 6" Tapping Sleeve and 6" Valve	\$4,800 00	(\$4,800 00)	
49	(201 00)	Unclassified Excavation	\$7 00	(\$1,421 00)	
50	(200 00)	Unclassified Embankment	\$6 50	(\$1,300 00)	
51	5,116 70	12" Compacted Subgrade	\$4 00		\$20,466 80
52	5,116 70	Flexible Base (6")	\$11 00		\$56,283 70
53	7,264 90	HMAC Type C (2")	\$14 00		\$101,708 60
54	(9,381 56)	Asphalt Pavement Trench Repair	\$13 00	(\$140,753 40)	
55	(9,398 00)	Concrete Pavement Repair	\$62 00	(\$582,676 00)	
56	(1,196 00)	Gravel Road Repair	\$13 00	(\$15,548 00)	
57	(742 00)	Asphalt Driveway Repair	\$26 00	(\$19,292 00)	
58	(322 67)	Concrete Driveway Repair	\$72 00	(\$23,232 24)	
59	(1,354 00)	Gravel Driveway Repair	\$12 00	(\$16,248 00)	
60	(1,331 00)	Curb and Gutter Replacement	\$33 00	(\$43,989 00)	
61	(207 00)	Corrugated Metal Pipe Culvert (24")	\$51 00	(\$10,557 00)	
62	(10 00)	Safety End Treatment (24")	\$1,000 00	(\$10,000 00)	
63	(5,439 00)	Hydromulch	\$1 00	(\$5,439 00)	
64	1,010 00	REFL PAV MRK TY I (W) 4" (BRK) (100MIL)	\$0 55		\$555 50
65	(22,450 00)	REFL PAV MRK TY I (W) 4" (SLD) (100MIL)	\$0 55	(\$12,747 50)	
66	(4,890 00)	REFL PAV MRK TY I (Y) 4" (BRK) (100MIL)	\$0 55	(\$2,689 50)	
67	(3,281 00)	REFL PAV MRK TY I (Y) 4" (SLD) (100MIL)	\$0 55	(\$1,805 05)	
68	1,325 00	REFL PAV MRK TY I (W) 8" (SLD) (100MIL)	\$1 00		\$1,325 00
69	572 00	REFL PAV MRKR TY II - A - A	\$3 50		\$2,002 00
70	(6 00)	REFL PAV MRK TY I (W) 24" (SLD) (100MIL)	\$12 00	(\$72 00)	
71	6 00	Traffic Control	\$7,500 00		\$45,000 00
72	(4 00)	Cut and Plug Existing Water Lines	\$900 00	(\$3,600 00)	
73	(2 00)	Cut and Plug Existing Sanitary Sewer Lines	\$1,100 00	(\$2,200 00)	
77	(436 00)	4" C-900 DR-18 PVC Water Pipe	\$63 25	(\$27,577 00)	
79	(267 60)	Mill and Repave 2" Asphalt Pavement	\$32 00	(\$8,435 20)	

Total Increase in Contract Amount:		\$288,131 60
Total Decrease in Contract Amount:	(\$949,715 49)	
Net Change in Contract Amount:		(\$661,583 89)
Percent of Contract Value This Change Order:		-3.26%
Amount of Previous Change Orders:		(\$13,848 31)
Total Amount of All Change Orders:		(\$675,432 20)
Percent of Contract Value All Change Orders:		-3.33%
Revised Contract Amount:		\$19,617,727.75
Original Contract Time:		360
Net Change in Contract Time of Completion previous change orders:		140
Net Change in Contract Time of Completion per CO3:		0
Revised Contract Time of Completion:		500

**City of Lubbock, TX
Capital Project
Project Cost Detail
February 11, 2016**

Capital Project Number: 92178
 Capital Project Name: South Lubbock Sewer System Expansion

	Budget
<i>Encumbered/Expended</i>	
Kimley Horn, Contract 9065	\$ 996,010
Kimley Horn, Contract 9065 Amendment 1	78,000
Kimley Horn, Contract 9065 Amendment 2	1,094,110
Merryman Excavation Contract 10282	1,399,363
Merryman Excavation Contract 10282 Amendment 1	14,783
Advertisement and Bid Cost	1,060
City of Lubbock Staff Expenditure	140,915
Land Acquisition / Surveying	197,977
Utility Contractors of America, Construction Contract 11709	20,293,160
Utility Contractors of America, Contract 11709 Change Order 1	(65,664)
Utility Contractors of America, Contract 11709 Change Order 2	51,816
Markwest Power Tex L.L.C	3,123
Kimley Horn Engineers Construction Phase Services	1,075,200
Kimley Horn Contract 11815 Amendment 1	516,500
 <i>Agenda Item: February 11, 2016</i>	
Utility Contractors of America, Contract 11709 Change Order 3	(661,584)
<i>Encumbered/Expended to Date</i>	25,134,769
 <i>Estimated Costs for Remaining Appropriation</i>	
Sewer Line Construction	1,670,065
<i>Remaining Appropriation</i>	1,670,065
 Total Appropriation	 \$ 26,804,834

Managing Department **Public Works Engineering**

Project Manager **John Turpin**

Project Classification **Infrastructure Improvements**

Project Status **Approved**



Project Scope

Design and construction of large diameter sewer mains in South Lubbock necessary to abandon a temporary lift station located at 98th street and Avenue P as recommended by the Sewer Collection System Master Plan. The project addresses large diameter sewer mains necessary to service recently and proposed annexed areas in South and Southwest Lubbock.

Project Justification

The project includes installation of large diameter sanitary sewer interceptors for the expansion of the existing sanitary sewer system as determined by the Sewer Collection System Master Plan. The project relieves the surcharge of sewer mains currently servicing multiple sewer sheds in South Lubbock and helps alleviate potential sewer overflows.

Project History

\$1.0 million was appropriated in FY 2008-09 Budget, Ord. No. 2008-O0077, September 11, 2008.
 \$10.0 million was appropriated in the FY 2009-10 Budget, Ord. No. 2009-O0073, August 27, 2009.
 Reduced funding by \$7.0 million in FY 2009-10 Budget Amendment No. 6, Ord. No. 2009-O0108, December 2, 2009.
 \$13.0 million was appropriated in the FY 2010-11 Budget, Ord. No. 2010-O0070, September 16, 2010.
 Reduced funding by \$4.5 million in FY 2010-11 Budget Amendment No. 9, Ord. No. 2011-O0037, April 28, 2011.
 Reduced by \$8.5 million per Chief Operating Officer.
 \$6.0 million was appropriated in the FY 2011-12 Budget, Ord. No. 2011-O0080, September 8, 2011.
 \$16.5 million was appropriated in the FY 2012-13 Budget, Ord. No. 2012-O0100, September 13, 2012.
 \$400,000 was appropriated in the FY 2014-15 Budget, Ord. No. 2014-O0122, September 11, 2014.
 Reduced funding by \$95,166 in FY 2014-15 Budget Amendment No. 11, Ord. No. 2015-O0015, 2/26/15.

<i>Appropriation Detail</i>	Appropriation to Date	Unappropriated Planning Years						Total Project Amount
		FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	
Construction	25,804,834	0	0	0	0	0	0	25,804,834
Design and Engineering	1,000,000	0	0	0	0	0	0	1,000,000
Total Project Appropriation	26,804,834	0	0	0	0	0	0	26,804,834



Regular City Council Meeting

5. 11.

Meeting Date: 02/11/2016

Information

Agenda Item

Ordinance 2nd Reading – Environmental Health: Consider Ordinance 2016-O0014 amending Article 8.16 of the Code of Ordinances for the adoption of the Texas Food Establishment Rules, permitting food establishments and the certification of food managers.

Item Summary

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

Article 8.16 Food and Food Establishments

Update currently adopted 2006 Texas Food Establishment Rules, to 2015 Texas Food Establishment Rules (TFER).

- As per FDA, eliminate the term (PHF) Potentially Hazardous Food and include the term Time/Temperature Control for Safety (TCS).
- Transition from Non-Critical Violations to Core Item Violation as per FDA.
- Transition to Priority and Priority Foundation Items as per FDA.
- Update Definitions section required by State statutes.
- Revised section on Ill Employee Exclusions and Restrictions Policy.
- Revised section on requirements for Clostridium botulinum and Listeria monocytogenes control in accordance with the 2013 FDA Model Food Code.
- Hazard Analysis Critical Control Point (HACCP) written plans will no longer be required for “Cook Chill” 48 hour Reduced Oxygen Packaging (ROP).
- New provisions allowing automatic hand washing facilities.
- New provisions allowing pressurized air hand drying devices.
- New language requiring toilets, urinals, and handwash sinks be cleaned as often as necessary to keep them clean.
- Ozone now approved as an antimicrobial agent.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager

Attachments

Ordinance - Environmental Health

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 8.16 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, WITH REGARD TO THE ADOPTION OF FOOD ESTABLISHMENT RULES; PERMITTING OF FOOD ESTABLISHMENTS; CERTIFICATION OF FOOD MANAGERS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; 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 make the following amendments to Article 8.16 of the Code of Ordinances with regard to the adoption of the food establishment rules, the permitting of food establishments and the certification of food managers; NOW THEREFORE:

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

SECTION 1. THAT Article 8.16 of the Code of Ordinances of the City of Lubbock is hereby amended to read as follows:

ARTICLE 8.16 FOOD AND FOOD ESTABLISHMENTS

Division 1. Generally

Sec. 8.16.001 Definitions

For the purposes of this article:

City health officer shall mean the City of Lubbock Environmental Health Officer or designated representative.

Food establishment.

(1) Those commercial establishments defined as “food processing plant” or “food establishment” by the Texas Food Establishment Rules adopted by the department of state health services, and such definitions shall not be deemed to include kitchens in private homes preparing non time/temperature control for safety (TCS) food items for sale as fundraising items by charitable and nonprofit organizations on a temporary basis, nor shall such terms include the site at which such sales for charitable purposes take place.

(2) A food establishment shall not include, and no permit shall be required under this article for, the preparation of food of any kind in a kitchen in a private home for a noncommercial purpose, including but not limited to: potluck suppers, picnics, tailgating, office parties, school functions or other similar private events.

(3) Further, operation of a lemonade stand by a child on a temporary basis shall be allowed without a permit and neither the lemonade stand nor the kitchen in a private home in which the lemonade is prepared shall be considered a food establishment.

(4) To the extent of any conflict in the definition of a food establishment as set forth above and the Texas Food Establishment Rules, the definition as set forth in this section shall prevail.

Tight-fitting shall mean close fitting.

Sec. 8.16.002 Penalties

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor punishable in accordance with section 1.01.004 of the City of Lubbock Code of Ordinances and, in addition thereto, such person may be enjoined from continuing such violation.

Sec. 8.16.003 Adoption of food establishment rules

The “Texas Food Establishment Rules” adopted by the Texas Department of State Health Services on October 11, 2015, as amended, are hereby incorporated into this article by reference, and food sanitation within the city shall be enforced and regulated in accordance with said rules. A copy of said rules shall be filed with the City Secretary and a copy maintained in the office of environmental health, which said copies shall be available for public inspection during the business hours of the offices in which they are maintained.

Sec. 8.16.004 Milk and milk products which may be sold

Section 9 of the Texas specifications and requirements, authorized by the Texas milk grading and pasteurization law, shall read as follows:

Only Grade A pasteurized milk and milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores or similar establishments. Provided that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the city health officer; in which case, such milk and milk products shall be labeled “ungraded.”

Sec. 8.16.005 Adoption of manufacturing practice and warehouse practice food rules

The “Texas Current Good Manufacturing Practice and Good Warehousing Practice in Manufacturing, Packing, or Holding Human Food Rules” adopted by the Texas Department of Health on August 15, 1999, as amended, are hereby incorporated into this article by reference and food sanitation, as it relates to the

manufacturing and warehousing of food, within the city shall be enforced and regulated in accordance with said rules. A copy of said rules shall be filed with the City Secretary and a copy maintained in the office of environmental health, which said copies shall be available for public inspection during the business hours of the offices in which they are maintained.

Sec. 8.16.006 Kitchens in private homes; feeding the public

(a) Notwithstanding any provision to the contrary in this article, an individual in a kitchen in a private home may prepare food that is time/temperature controlled for safety to serve or distribute to the public without charge or remuneration in exchange for the food, in conformance with this section. The requirements of this section do not apply to the serving or distribution of non-potentially hazardous food.

(b) An individual serving or distributing food to the public pursuant to subsection (a) shall:

(1) Transport the food to the feeding site in a clean conveyance and serve or distribute the food within four (4) hours after preparation;

(2) Store the food at a temperature of:

(A) 41° F (5° C) or below; or

(B) 135° F (57° C) or above;

(3) Provide, at the feeding site, hand sanitizer and gloves for persons preparing or serving the food for hand sanitation purposes while food is being prepared or served at the feeding site, or is otherwise in compliance with title 25 Texas Administrative Code, section 228.147(a)(3); and

(4) Leave the feeding site in a clean, waste-free condition.

(c) The feeding site shall be subject to inspection at any time by the city health officer to ensure compliance with this section. The city health officer shall not inspect the individual's private kitchen.

(d) In addition to the requirements of this section, the regulations for Temporary Food Establishments adopted by the Texas Department of State Health Services set forth in title 25 Texas Administrative Code, section 228.222(a) – (k), 228.249 (c)(1)(2), and 228.253 (b)(4) shall be adhered to by the individual.

(e) At the feeding site, during the entire time food is served or distributed, the individual shall display a sign, in a clearly visible location, that in 72-point font reads as follows:

NOTICE

THIS FOOD WAS PREPARED IN A KITCHEN
THAT IS NOT INSPECTED BY ANY
HEALTH INSPECTOR OR HEALTH AGENCY

Secs. 8.16.007–8.16.030 Reserved

Division 2. Permit

Sec. 8.16.031 Required; transfer; posting; temporary establishments

- (a) It shall be unlawful for any person to operate a food establishment within the city or its police jurisdiction who does not possess a valid permit issued to him by the city environmental health department. Only a person who complies with the provisions of this article shall be entitled to receive and retain such a permit.
- (b) Permits shall not be transferable from one person to another person or place.
- (c) A valid permit shall be posted in a conspicuous place in every food establishment.
- (d) Permits for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) days.

Sec. 8.16.032 Plan review; application

- (a) Prior to submission of an application for permit, a person shall obtain a plan review of the location of the food establishment, which said plan review shall be conducted by the city environmental health department. Said plan review fee shall be one hundred fifty dollars (\$150.00).
- (b) Any person desiring to operate a food establishment shall make written application for a permit on forms provided by the city environmental health department. Such application shall include:

- (1) The applicant's full name, office address and telephone number, including the address and telephone number of the home office, if any, and whether such applicant is an individual, firm or corporation and, if a partnership, the names, addresses and telephone numbers of the partners;
- (2) The location and type of food establishment;
- (3) The signature of the applicant or applicants; and
- (4) If the application is for a temporary food service establishment, it also shall include the inclusive dates of the proposed operation.
- (5) If the application is for a food processing establishment, it shall also state whether such establishment is subject to a daily inspection schedule by federal or state authorities.

Sec. 8.16.033 Inspection

Upon receipt of an application for a permit under this article, the city environmental health department shall make an inspection of the food establishment to determine compliance with the provisions hereof and assess the food base risk factor for the food establishment. The food base risk factor shall be assessed by means of the criteria established in the "Food Establishment Risk Assessment Tool" adopted by the City Council, as amended. A copy of said assessment tool shall be filed with the City Secretary and a copy maintained in the office of environmental health, which said copies shall be available for public inspection during the business hours of the offices in which they are maintained. The city health officer may make such inspections thereafter as he shall deem necessary to ensure compliance with this article.

Sec. 8.16.034 Issuance; fee

When inspection reveals that the applicable requirements of this article have been met and a food base risk factor has been assigned to the food establishment, a permit shall be issued to the applicant by the city environmental health department. The annual permit fee to be paid by each applicant shall be as follows:

(1) Food service permit, and child care food service permit:

<u>Base Risk Factor</u>	<u>Risk Category</u>	<u>Permit Fee</u>
0-15	1	\$125.00
16-30	2	\$200.00
31-50	3	\$300.00
over 51	4	\$400.00

(2) Food processing permit:

Square footage 0-1,000: \$135.00;

Square footage 1,001-5,000: \$160.00;

Square footage 5,001-10,000: \$180.00; and

Square footage over 10,000: \$200.00.

(3) Temporary food service permit:

For first two (2) days: \$60.00; and

For each day after first two (2) days, a day: \$15.00.

(4) Reinspection fee: \$90.00.

(5) Charitable and nonprofit organizations that do not charge fees for the sale of food or food-related services shall be exempt from permit fees.

Sec. 8.16.035 Suspension

(a) Violations generally. Permits under this article may be suspended by the city health officer for failure to comply with the requirements hereof.

(b) Noncompliance with notice. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this article, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the City Manager by the permit holder within ten (10) days.

(c) Conduct of hearing. The hearings provided for in this article shall be conducted by the permit and license appeal board and shall be conducted in accordance with the provisions of article 2.03, division 3, section 2.03.071 et seq., of this code.

Sec. 8.16.036 Reinstatement after revocation

Any person whose permit under this article has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within forty-eight (48) hours following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the city health officer shall make a reinspection. If the applicant is in compliance with the requirements of this article, the permit shall be reinstated.

Secs. 8.16.037–8.16.060 Reserved

Division 3. Food Manager Certification*

Sec. 8.16.061 Food Manager Certification

All persons operating a food establishment shall comply with the provisions of title 25 Texas Administrative Code, section 228.33.

Sec. 8.16.062 Department examination related to late fees

Department examinations will not be provided to any licensee that is over thirty (30) days delinquent in renewing a license.

Sec. 8.16.063 Department audits

Audits of certified food manager licensees shall be conducted to assess compliance with these rules. Audits may be based on analysis of data compiled by the department.

Sec. 8.16.064 Denial, suspension and revocation of certified food manager license

A certified food manager license may be denied, suspended or revoked for the following reasons:

- (1) A licensee, examination administrator, or proctor breaches the security agreement;
- (2) A licensee is delinquent in payment of fees as described in this division; or
- (3) Violation of the provisions of this division.

Sec. 8.16.065 Denial, suspension and revocation procedures

Denial, suspension and revocation procedures under this division shall be conducted in accordance with section 8.16.035(b) and (c) of this article.

SECTION 2. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor with a fine not to exceed Two thousand dollars (\$2,000), punishable as provided by Sec. 1-4 of the Code of Ordinances of the City of Lubbock.

SECTION 3. 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 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:

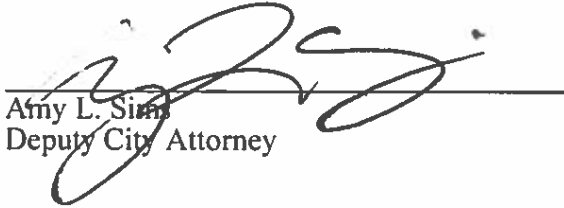
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Stuart Walker
Code Administration Director

APPROVED AS TO FORM:



Amy L. Sims
Deputy City Attorney



Regular City Council Meeting

5. 12.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Community Development: Consider a resolution to authorize the Mayor to execute an application confirming that the City of Lubbock is in support of the proposed 9% Housing Tax Credit (HTC) to be submitted to the Texas Department of Housing and Community Affairs (TDHCA) for the Estacado Place development which will be located at 10000 block of Upland Avenue, Lubbock, Texas.

Item Summary

The HTC program is funded by the U.S. Treasury Department and is overseen by the Internal Revenue Service. Federal Regulations guiding the program can be found in IRC Code Section 42. TDHCA administers the program for the State of Texas. The HTC program was designed to provide a source of equity financing for the development of affordable multi-family housing. The goal is to maximize the number of affordable units in the State's housing supply and ensure that the supply is well maintained and operated. After the property is developed by the applicant, the property will be affirmatively marketed in the surrounding community. Tenants earning up to 60% of the area median family income for the area for their household size and who meet the screening and eligibility restrictions of the property may qualify for a reduced rent unit. HTC units offer income qualified tenants a unit at a reduced rental rate that is restricted by annually published rent guidelines which may increase or decrease annually based on published limits.

Pursuant to §11.9(d)(1) of the QAP and in accordance with Texas Government Code §2306.6710(b), an Application may qualify for up to seventeen (17) points for a resolution or resolutions from the municipality and/or county in which the proposed development site is located. Resolutions that expressly set forth that the municipality or county supports the Application or Development are worth maximum points while resolutions setting forth that the municipality or county has no objection to the Application or Development are worth fewer points. Pursuant to §11.9(d)(1) once a resolution has been submitted it may not be changed or withdrawn.

Fiscal Impact

There will be no fiscal impact for the City resulting from the execution of the proposed resolution.

Staff/Board Recommending

Bill Howerton, Assistant City Manager

Attachments

[Resolution - Estacado Place Housing Credit](#)

[Estacado Place Site Map](#)

RESOLUTION

WHEREAS, Lubbock Estacado Place Apartments, L.P. has proposed a development for affordable rental housing to be named Estacado Place and will be located at the 10000 Block of Upland Avenue, Lubbock, Texas, and

WHEREAS, Lubbock Estacado Place Apartments, L.P. has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2016 Housing Tax Credits for Estacado Place; **NOW THEREFORE**,

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

THAT the City Council hereby confirms and supports the proposed development of Estacado Place at 10000 Block of Upland Avenue, Lubbock, Texas by Lubbock Estacado Place Apartments, L.P. according to the Texas Department of Housing and Community Affairs project number TDHCA 16003, and

THAT the Mayor of the City of Lubbock is hereby authorized and directed to certify for and on behalf of the City of Lubbock, these resolutions to the Texas Department of Housing and Community Affairs.

Passed by the City Council on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Bill Howerton, Assistant City Manager

APPROVED AS TO FORM:



Justin Pruitt, Assistant City Attorney

cedocs/RES. Adoption – Housing Credits – Estacado Place by Lubbock Estacado Place Apartments, LP
January 27, 2016



Regular City Council Meeting

5. 13.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Community Development: Consider a resolution to authorize the Mayor to execute an application confirming that the City of Lubbock is in support of the proposed 9% Housing Tax Credit (HTC) to be submitted to the Texas Department of Housing and Community Affairs (TDHCA) for The Villas development which will be located at 5804 98th Street, Lubbock, Texas.

Item Summary

The HTC program is funded by the U.S. Treasury Department and is overseen by the Internal Revenue Service. Federal Regulations guiding the program can be found in IRC Code Section 42. TDHCA administers the program for the State of Texas. The HTC program was designed to provide a source of equity financing for the development of affordable multi-family housing. The goal is to maximize the number of affordable units in the State's housing supply and ensure that the supply is well maintained and operated. After the property is developed by the applicant, the property will be affirmatively marketed in the surrounding community. Tenants earning up to 60% of the area median family income for the area for their household size and who meet the screening and eligibility restrictions of the property may qualify for a reduced rent unit. HTC units offer income qualified tenants a unit at a reduced rental rate that is restricted by annually published rent guidelines which may increase or decrease annually based on published limits.

Pursuant to §11.9(d)(1) of the QAP and in accordance with Texas Government Code §2306.6710(b), an Application may qualify for up to seventeen (17) points for a resolution or resolutions from the municipality and/or county in which the proposed development site is located. Resolutions that expressly set forth that the municipality or county supports the Application or Development are worth maximum points while resolutions setting forth that the municipality or county has no objection to the Application or Development are worth fewer points. Pursuant to §11.9(d)(1) once a resolution has been submitted it may not be changed or withdrawn.

Fiscal Impact

There will be no fiscal impact for the City resulting from the execution of the proposed resolution.

Staff/Board Recommending

Bill Howerton, Assistant City Manager

Attachments

Resolution - The Villas Housing Credits

The Villas Site Map

RESOLUTION

WHEREAS, SH Lubbock 98th, L.P. has proposed a development for affordable rental housing to be named The Villas and will be located at 5804 98th Street, Lubbock, Texas, and

WHEREAS, SH Lubbock 98th, L.P. has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2016 Competitive 9% Housing Tax Credits for The Villas; **NOW THEREFORE**,

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

THAT the City Council hereby confirms and supports the proposed development of The Villas at 5804 98th Street Lubbock, Texas by SH Lubbock 98th, L.P. according to the Texas Department of Housing and Community Affairs project number TDHCA 16370, and

THAT the Mayor of the City of Lubbock is hereby authorized and directed to certify for and on behalf of the City of Lubbock, these resolutions to the Texas Department of Housing and Community Affairs.

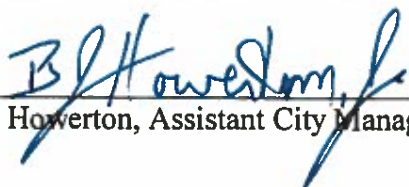
Passed by the City Council on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

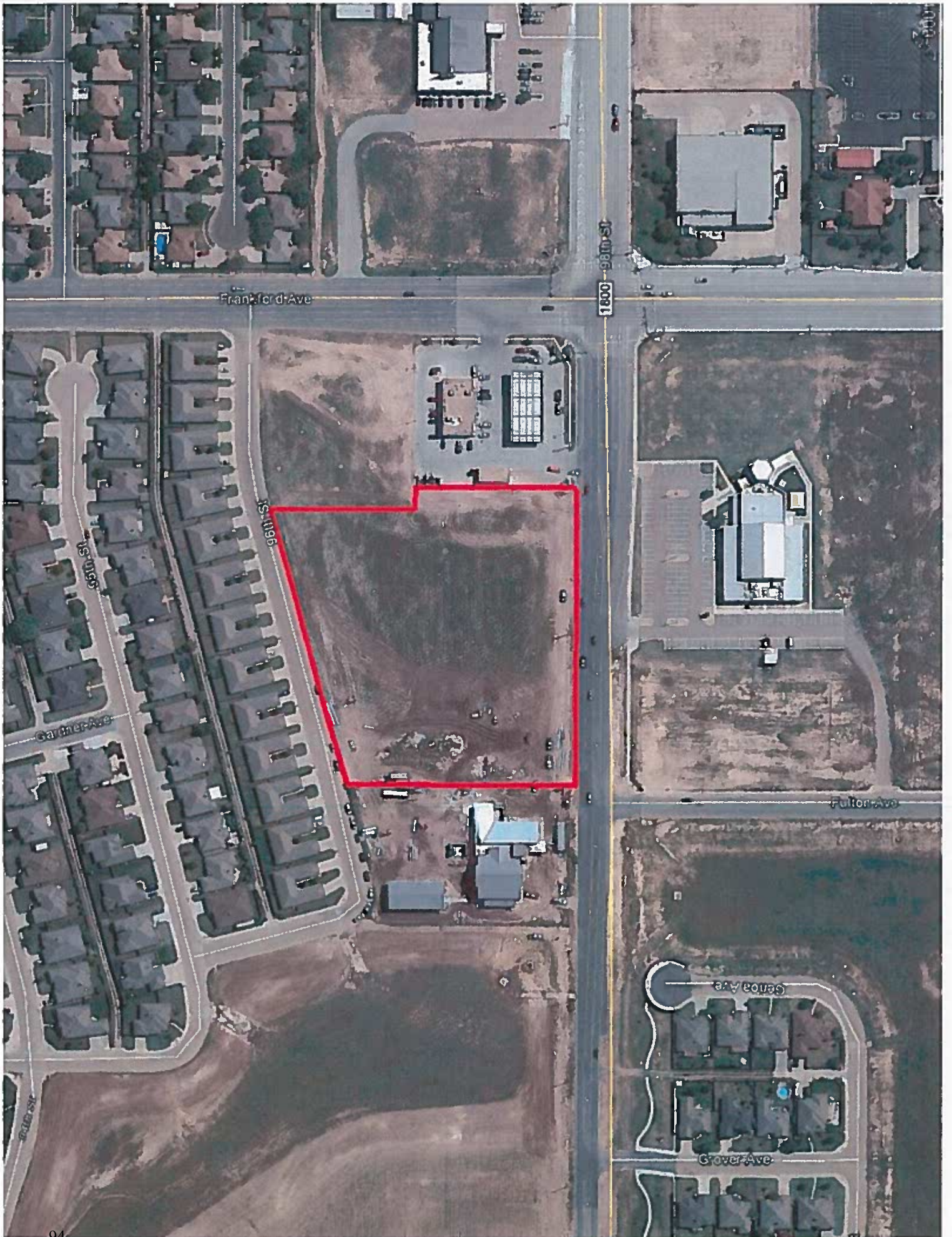


Bill Howerton, Assistant City Manager

APPROVED AS TO FORM:



Justin Pruitt, Assistant City Attorney





Regular City Council Meeting

5. 14.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Community Development: Consider a resolution authorizing the Mayor to execute contract 12734 between City of Lubbock and Lubbock Habitat for Humanity for infrastructure in the Talkington subdivision, Lubbock, Texas.

Item Summary

The Community Development and Services Board held a public hearing on September 9, 2015, to discuss and vote on the reallocation of FY 2014-15 unspent Federal funds from the CDBG. The board recommended reallocating funds to Lubbock Habitat for Humanity in an amount not to exceed \$210,000.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager

Attachments

Resolution - Habitat For Humanity CDBG Funds

Agreement - Habitat for Humanity CDBG

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. 12734 by and between the City of Lubbock and Lubbock Habitat For Humanity, for the appropriation of Community Development Block Grant funds for infrastructure in the Talkington subdivision, 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.

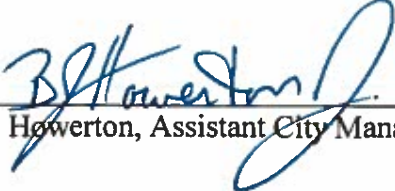
Passed by the City Council on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Bill Howerton, Assistant City Manager

APPROVED AS TO FORM:



Justin Pruitt, Assistant City Attorney

STATE OF TEXAS §
COUNTY OF LUBBOCK §

**COMMUNITY DEVELOPMENT FUNDING AGREEMENT
BETWEEN THE CITY OF LUBBOCK AND LUBBOCK HABITAT FOR HUMANITY.**

THIS AGREEMENT, entered this 14th day of January 2016 by and between the City of Lubbock, a Texas municipal corporation (the “City”), and Lubbock Habitat for Humanity, Inc., a Texas non-profit corporation (the “Grantee”).

WHEREAS, the City has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974; and

WHEREAS, the City wishes to engage the Grantee to assist the Grantee in utilizing such funds; and

WHEREAS, the City is obligated to do and perform certain services in its undertaking of a Community Development Block Grant Program pursuant to the Housing and Development Act of 1975, as amended; and

WHEREAS, the Grantee operates a non-profit organization offering housing and services to low and moderate-income individuals and families; and

WHEREAS, the services provided by the Grantee benefit citizens of the City of Lubbock and constitute a valuable public service; and

WHEREAS, the City Council of the City of Lubbock has declared programs of the Grantee to be a public purpose and the provision of these services to be a predominate purpose of this transaction; and

WHEREAS, the Grantee and the services it provides have been found to meet the criteria for funding under provision 24 CFR 570.201; and

WHEREAS, the accomplishment of the above public purpose is the predominant purpose of this transaction, continuing supervision by the City together with statutory and contractual requirements provide sufficient assurance that this public purpose will be accomplished; and an audit provides sufficient protection of the handling of public money; and

WHEREAS, the City Council has found that the Grantee has the special expertise, knowledge and experience necessary for the **Lubbock Habitat Infrastructure Project** and that the City will receive adequate consideration in the form of substantial public benefit; and

WHEREAS, the City desires to contract with the Grantee to make available funds for the Lubbock Habitat Infrastructure Project being undertaken by Grantee.

NOW, THEREFORE, it is agreed between the parties hereto that:

I. SCOPE OF SERVICE

A. Activities

The Grantee will be responsible for administering a Community Development Block Grant Infrastructure Project in a manner satisfactory to the City and consistent with any standards required as a condition of providing these funds. Such program will include the activities eligible under the Community Development Block Grant Program.

The Lubbock Habitat Infrastructure Project (the "Project") will install infrastructure, including but not limited to streets, water, sewer and other utilities, for a new subdivision in Northeast Lubbock to be named the Talkington Addition.

B. National Objectives

The Grantee certifies that the Project will meet the Community Development Block Grant Program's National Objective of benefiting low/moderate income persons, as defined in 24 CFR Part 570.208.

C. City Responsibilities

1. City agrees to provide Grantee assistance from Department of Housing and Urban Development funds in an amount not to exceed \$210,000 in return for Grantee performing the activities set forth in this Agreement as consideration for said funds.
2. It is expressly understood and agreed by the parties hereto that City's responsibilities are contingent upon the actual receipt of adequate federal funds to meet City's liabilities under this Agreement. If adequate funds are not available to make payments under this Agreement, City shall notify Grantee in writing within a reasonable time after such fact is determined and the City shall terminate this Agreement and will not be liable for failure to make payments to Grantee under this Agreement.
3. City shall not be liable to Grantee for any costs incurred by Grantee, or any portions thereof, which have been paid to Grantee or which are subject to payment to Grantee, or which have been reimbursed to Grantee or which are subject to reimbursement to Grantee by any source other than City or Grantee.
4. City shall not be liable to Grantee for any costs incurred by Grantee which are not allowable costs, as set forth in 24 CFR §570.207.
5. City shall not be liable to Grantee for any costs incurred by Grantee or for any performances rendered by Grantee which are not strictly in accordance with the terms of this Agreement.
6. City shall not be liable to Grantee for any costs incurred by Grantee in the performance of this Agreement which have not been billed to City by Grantee within ninety (90) days.
7. City shall not be liable for costs incurred or performances rendered by Grantee before commencement of this Agreement or after termination of this Agreement.

D. Grantee's Responsibilities

1. Grantee shall perform all activities in accordance with its budget, under all applicable laws and regulations, and with the assurance, certifications, and all other terms, provisions, and requirements set forth in this Agreement.
2. Grantee shall submit to City such reports on the operation and performance of this Agreement during its program activity timeframe, as required by the City.
3. In addition to the limitations on liability otherwise specified in this Agreement, it is expressly understood and agreed by the parties hereto that if Grantee fails to submit to City in a timely and satisfactory manner any report required by this Agreement, City may, at its sole option and in its sole discretion, withhold any or all payments otherwise due or requested by Grantee hereunder. If City withholds such payments, it shall notify Grantee in writing of its decision and the reasons therefor. Payments withheld pursuant to this paragraph may be held by City until such time as the delinquent obligations for which funds are withheld are fulfilled by Grantee.
4. Grantee shall refund to City any sum of money which has been paid to Grantee by City which City determines has resulted in overpayment to Grantee, or which City determines has not been spent by Grantee strictly in accordance with the terms of this Agreement. Such refund shall be made by Grantee to City within thirty (30) working days after such refund is requested by City; provided however, that any request for refund by the City shall be made within 90 days of the City learning of facts giving rise to the request for refund, but in no event more than 180 days from when the City has made such payment to Grantee.
5. Grantee agrees to comply with applicable uniform administrative requirements, as described in 24 CFR 570.502.
6. Grantee agrees to comply with Housing and Urban Development (HUD) Outcome Performance Measurement requirements and reporting.
7. Grantee agrees to carry out the activities under this Agreement in compliance with all Federal laws and regulations described in 24 CFR Chapter 570 subpart K except grantee does not assume the City's responsibility for initiating the review process under the provisions of 24 CFR part 52.
8. Grantee will have the Match and non-CDBG funds ready and available prior to the start of the project. Failure to do so may delay, and or cancel the project.
9. Grantee will verify and certify eligibility when the activity is a Low-mod Clientele program by signing and dating the Self Certification form.

E. Grantee's Match:

1. Grantees applying for Community Development Block Grant (CDBG) funds must supplement requests for CDBG funds with additional funds from sources other than CDBG. This project must provide 25% or more of the total CDBG funds used from non-CDBG sources.

2. Matching funds may include cash provided by the agency from its own fund or other agencies, donations, or grants other than CDBG. The value of the match is subject to review and approval by the City of Lubbock.

F. Levels of Accomplishment/ Timeline

In addition to the normal administrative services required as part of this Agreement, the Grantee agrees to utilize all funds no later than September 30, 2017.

G. Staffing

Project Staff includes: Marie Hanza, Executive Director; Bertha Lara, Services Coordinator; Robert Canon, Construction Coordinator; Tiphonie Chanel, Volunteer Coordinator.

H. Performance Monitoring

The City will monitor the performance of the Grantee for compliance with goals and requirements as required or as it deems necessary in accordance with the regulations. Monitoring will be based on a risk analysis and a monitoring plan developed at the beginning of the fiscal year. Desk monitoring will take place on a monthly basis during grantees program activity timeframe. Substandard performance as determined by the City will constitute non-compliance with this Agreement. If action to correct such substandard performance is not taken by the Grantee within a reasonable period of time after being notified by the City in writing, Agreement suspension or termination procedures will be initiated.

Monitoring timeline will be as follows:

- Notification letter sent to Grantee at least 15 days before monitoring visit.
- Monitoring letter sent to Grantee identifying concerns and findings if any within thirty (30) days of monitoring visit.
- Grantee must provide a written response within thirty (30) days to the monitoring letter that describes how the Grantee will resolve any issues. If no deficiencies were noted Grantee must confirm receipt of report within thirty (30) days of the date of the letter.

II. TIME OF PERFORMANCE

Services of the Grantee shall start on the 14th day of January 2016, and terminate on the 30th day of September 2017. The term of this Agreement and the provisions herein shall be extended to cover any additional time period during which the Grantee remains in control of CDBG funds or other assets, including program income.

III. BUDGET

Line Item:	Amount:
Infrastructure cost (including all fees) of subdivision on East Dartmouth and North Guava	\$150,000
Professional Services	\$ 60,000
TOTAL:	\$210,000

Any indirect costs charged must be consistent with the conditions of Paragraph VIII (C)(2) of this Agreement. In addition, the City may require a more detailed budget breakdown than the one contained herein, and the Grantee shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the City. Any changes to this budget must be approved in writing by the City.

IV. PAYMENT

All payments to Grantee shall be on a monthly reimbursement basis. The Grantee will have incurred the expense or paid for the expense and submit detailed source documentation to the City when requesting payment.

It is expressly agreed and understood that the total amount to be paid by the City under this Agreement shall not exceed **\$210,000**. Drawdowns for the payment of eligible expenses shall be made against the line item budgets specified in Paragraph III herein and in accordance with performance. Expenses for general administration shall also be paid against the line item budgets specified in Paragraph III and in accordance with performance.

Payment request must be submitted with back-up documentation such as time sheets, paycheck stubs, receipts, invoices, billing statements or other verification in support of all expenditures incurred and charged to the Grantee.

Payments may be contingent upon certification of the Grantee's financial management system in accordance with the standards specified in 24 CFR 84.

V. NOTICES

Communication and details concerning this contract shall be directed to the following Agreement representatives:

City
Piata Bryant
Contract Coordinator
City of Lubbock
P. O. Box 2000
Lubbock, TX 79457

Grantee
Marie Hanza
Executive Director
Lubbock Habitat for Humanity
2910 Avenue N
Lubbock, TX 79411

VI. SPECIAL CONDITIONS

Funded amount: \$210,000

Payback amount: \$52,500

Return of Investment-25% of grant funds used will be paid back. Grantee will have the option of paying back in one lump sum 30-days after completion of the project or equal payments for up to ten years with no interest charged. A service fee of \$4 (Four dollars) per month will be charged if making monthly payments. If the payment is not received by the 16th day of the month, a late payment charge which shall be from day-to-day be equal to the lesser of: (a) Four percent (4%) (the "Agreement Rate"), or (b) the Maximum Rate. Notwithstanding the foregoing, if at any time the Agreement Rate shall exceed the Maximum Rate, thereby causing the late payment to be limited to the Maximum Rate, then any subsequent reductions in the Agreement Rate shall not

reduce the rate of late payments accrued hereon equals the amount of late payments which would have accrued hereon if the Agreement Rate had at all times been in effect.

The term "Maximum Rate", as used herein, shall mean, with respect to the holder hereof, the maximum no usurious interest rate, if any, that at any time, or from time to time may under applicable law be contracted for, taken, reserved, charged or received on the indebtedness by this Agreement.

Use as a public facility- Grantee agrees to maintain facility in its use for a minimum of five years, or for the duration of the payback of the 25% whichever is longer.

VII. GENERAL CONDITIONS

A. General Compliance

The Grantee agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)). The Grantee also agrees to comply with all other applicable Federal, state and local laws, regulations, and policies governing the funds provided under this Agreement. The Grantee further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

B. "Independent Contractor"

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Grantee shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. The City shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation insurance as the Grantee is an independent contractor.

C. Indemnity and Release

Grantee shall indemnify and hold harmless, to the fullest extent permitted by law, the City, and City's respective officers, employees, elected officials and agents, from and against any and all losses, damages, claims 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.

Grantee shall pay to the City, the City's respective officers, employees, elected officials and/or agents, as applicable, all attorneys' fees incurred by such parties in enforcing Grantee's indemnity in this section.

The City, and its respective officers, employees, elected officials and agents shall not be liable for, and Grantee hereby releases the City, and its respective officers, employees, elected officials and agents from, any losses, damages, claims or liabilities to Grantee.

The indemnity and release provided herein shall survive the termination or avoidance of this Agreement.

D. Right to Exercise

The City reserves the right to exercise any right or remedy available to it by law, contract, equity, or otherwise, including without limitation, the right to seek any and all forms of relief in a court of competent jurisdiction. Further, the City shall not be subject to any arbitration process prior to exercising its unrestricted right to seek judicial remedy. The remedies set forth herein are cumulative and not exclusive, and may be exercised concurrently. To the extent of any conflict between this provision and another provision in, or related to, this document, the former shall control.

E. Workers' Compensation

The Grantee shall provide Workers' Compensation insurance coverage for all of its employees involved in the performance of this Agreement, and shall require all contractors, subcontractors and/or non-employees of the Grantee who work on the project to provide their workers with workers compensation insurance.

F. Insurance and Bonding

The Grantee shall carry sufficient insurance coverage to protect Agreement assets from loss due to theft, fraud and/or undue physical damage, and as a minimum, shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the City.

The Grantee shall comply with the bonding and insurance requirements of 24 CFR Parts 84 and 85, Bonding and Insurance.

G. Grantor Recognition

The Grantee shall insure recognition of the role of the grantor agency in providing services through this Agreement. All activities, facilities, and items utilized pursuant to this Agreement shall be prominently labeled as to funding source. In addition, the Grantee will include a reference to the support provided herein in all publications made possible with funds made available under this Agreement.

H. Amendments

The City or Grantee may amend this Agreement at any time, provided that such amendments make specific reference to this Agreement and are executed in writing, signed by a duly authorized representative of both organizations and approved by the City's governing body. Unless expressly agreed by the parties in such written amendments, such amendments shall not invalidate this Agreement nor relieve or release the City or Grantee from its obligations under this Agreement.

The City may, in its discretion, amend this Agreement to conform with Federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this Agreement, or any other material modification that would have a material financial impact on the Grantee, such modifications will be incorporated only by written amendment signed by both City and Grantee.

I. Suspension or Termination

Either party may terminate this Agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. Partial termination of the Scope of Service in Paragraph I.A. above may only be undertaken with the prior approval of the City. In the event of any termination for convenience, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by the Grantee under this Agreement shall, at the option of the City, become the property of the City, and the Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.

The City may also suspend or terminate this Agreement, in whole or in part, if the Grantee fails to comply with any term of this Agreement, or with any of the rules, regulations or provisions referred to herein; and the City may declare the Grantee ineligible for any further participation in the City's contracts, in addition to other remedies as provided by law. In the event there is probable cause to believe the Grantee is in noncompliance with any applicable rules or regulations, the City may withhold up to fifteen percent (15%) of said contract funds until such time as the Grantee is found to be in compliance by the City, or is otherwise adjudicated to be in compliance.

The City or Grantee may also terminate this Agreement in the event of an emergency or disaster, whether an act of God, natural or manmade, by giving twenty-four (24) hour notice. The City or Grantee may give said notice verbally to the other party. Any expenditure incurred prior to receiving notice will be reimbursed; however, in no event shall the City pay any expenses incurred after notice of termination is received by Grantee.

VIII. ADMINISTRATIVE REQUIREMENTS

A. Financial Management

1. Accounting Standards

The Grantee agrees to comply with 24 CFR 84 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

2. Cost Principles

The Grantee shall administer its program in conformance with 24 CFR Part 84 and 85, "Cost Principles for Non-Profit Organizations". These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.

B. Documentation and Record-Keeping

1. Records to be Maintained

The Grantee shall maintain all records required by the Federal regulations specified in 24 CFR Part 570.506 that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:

- a. Records providing a full description of each activity undertaken;
- b. Records demonstrating that each activity undertaken meet the National Objective of the CDBG program of benefiting low/moderate income persons;
- c. Records required to determine the eligibility of activities;
- d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
- e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
- f. Financial records as required by 24 CFR Part 570.502, and 24 CFR 84; and
- g. Other records necessary to document compliance with Subpart K of 24 CFR 570.

2. Retention

The Grantee shall retain all records pertinent to expenditures incurred under this Agreement for a period of four (4) years after the termination of all activities funded under this Agreement. Records for non-expendable property acquired with funds under this Agreement shall be retained for four (4) years after final disposition of such property. Records for any displaced person must be kept for four (4) years after he/she has received final payment. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the four-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the four-year period, whichever occurs later.

3. Client Data

The Grantee shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of service provided. Such information, solely as it relates to the project being funded hereunder, shall be made available to City monitors or their designees for review upon request.

4. Disclosure

The Grantee understands that client information collected under this Agreement is private, and the use or disclosure of such information, when not directly connected with the administration of the City's or Grantee's responsibilities with respect to services provided under this Agreement, is prohibited unless written consent is obtained from such person receiving service and, in the case of a minor, that of a responsible parent/guardian, unless otherwise required by law.

5. Property Records

With respect to the Infrastructure Project being contemplated by this Agreement, the Grantee shall maintain real property inventory records which clearly identify properties purchased, improved or sold. Properties retained shall continue to meet eligibility criteria and shall conform with the "changes in use" restrictions specified in 24 CFR Parts 570.503(b)(8), as applicable.

6. Close-Outs

The Grantee's obligation to the City shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable to the City), final close-out reports and determining the custodianship of records.

7. Audits & Inspections

All Grantee records with respect to any matters covered by this Agreement shall be made available to the City, grantor agency, their designees or the Federal Government, at any time during normal business hours, as often as the City or grantor agency deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Grantee within 30 days after receipt by the Grantee. Failure of the Grantee to comply with the above audit requirements will constitute a violation of this Agreement and may result in the withholding of future payments. The Grantee hereby agrees to have an annual agency audit conducted in accordance with current City policy concerning Grantee audits and, as applicable, 24 CFR Parts 84 and 85.

Grantees meeting the 24 CFR Parts 84 and 85 requirements must submit their audits to the audit clearing house within nine (9) months after the entities fiscal year end date.

C. Reporting and Payment Procedures

1. Payment Procedures

The City will pay to the Grantee funds available under this Agreement based upon information submitted by the Grantee and consistent with any approved budget and City policy concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by the Grantee, and not to exceed actual cash requirements. Payments will be adjusted by the City in accordance with advance fund and program income balances available in Grantee accounts. In addition, the City reserves the right to liquidate funds available under this Agreement for costs incurred by the City on behalf of the Grantee.

2. Performance Reports

Grantee shall submit to City a Performance, Financial Report, and narrative information monthly or during their program activity time frame as requested by the City, in a format

prescribed by the City and shall include the amount of funds expended for each of the eligible activities. Grantee shall submit the reports monthly no later than the 20th of each month.

The September financial and narrative reports must be submitted by September 30. The performance report will remain due by the 20th of the following month. Reporting will continue from the start of program activity till the end of the program year. End of year reports are required.

D. Procurement

1. Compliance

The Grantee shall comply with current City policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets purchased with such funds (unexpended program income, property, equipment, etc.) shall revert to the City upon termination of this Agreement; provided however, that such assets that revert to the City shall not include the actual infrastructure and/or real estate that is being improved by the funds made available under this Agreement, the same shall belong to Grantee (unless Grantee specifically dedicates and/or deeds certain portions of the streets, alleys and other utility easements to the City under standard real estate development practices).

2. CFR Standards

The Grantee shall procure all materials, property, or services in accordance with the requirements of 24 CFR 84, Procurement Standards, and shall subsequently follow Property Management Standards as modified by 24 CFR 570.502(b)(6), covering utilization and disposal of property.

3. Travel

The Grantee shall obtain written approval from the City for any travel outside the metropolitan area with funds provided under this Agreement.

IX. RELOCATION, REAL PROPERTY ACQUISITION AND ONE-FOR-ONE HOUSING REPLACEMENT

The Grantee agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606(b); (b) the requirements of 24 CFR 570.606(c) governing the Residential Antidisplacement and Relocation Assistance Plan under Section 104(d) of the HCD Act; and (c) the requirements in 570.606(d) governing optional relocation policies. (The City may preempt the optional policies.) The Grantee shall provide relocation assistance to persons (families, individuals, businesses, nonprofit organizations and farms) that are displaced as a direct result of acquisition, rehabilitation, demolition or conversion for a CDBG-assisted project. The Grantee also agrees to comply with applicable City ordinances, resolutions and policies concerning the displacement of persons from their residences.

X. PERSONNEL & PARTICIPANT CONDITIONS

A. Civil Rights

1. Compliance

The Grantee agrees to comply and to require all subcontractors to comply with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and with Executive Order 11246 as amended by Executive Orders 11375 and 12086.

2. Nondiscrimination

The Grantee will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Grantee will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.

3. Land Covenants

This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 and 24 CFR 570.601 and 602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, the Grantee shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the City and the United States are beneficiaries of and entitled to enforce such covenants. The Grantee, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

4. Section 504

The Grantee agrees to comply with any Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706), which prohibits discrimination against the handicapped in any Federally-assisted program. The City shall provide the Grantee with any guidelines necessary for compliance with that portion of the regulations in force during the term of this Agreement.

5. Reports

The Grantee shall maintain a report that documents the race/ethnicity of its employees. The Grantee shall provide the City a copy with said report upon execution of this Agreement.

6. Policies

The Grantee shall maintain current copies of its fair housing and equal opportunity policies. The Grantee shall provide a copy of said policies to the City immediately upon request.

B. Affirmative Action

1. Approved Plan

The Grantee agrees that it shall be committed to carry out pursuant to the City's specifications an Affirmative Action Program in keeping with the principles as provided in the President's Executive Order 11246 of September 24, 1965. Grantees receiving federal funds through the City are required to develop a written affirmative action program to insure that equal opportunity is provided in all aspects of their employment.

2. W/MBE

The Grantee will use its best efforts to afford minority- and women-owned business enterprises the maximum practicable opportunity to participate in the performance of this Agreement. As used in this Agreement, the term "minority and female business enterprise" means a business at least fifty-one percent (51%) owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are Afro-Americans, Spanish-speaking, Spanish-surnamed or Spanish-heritage Americans, Asian-Americans, and American Indians. The Grantee may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

3. Access to Records

The Grantee shall furnish and cause each of its own subrecipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the City, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

4. Notifications

The Grantee will send to each labor union or representative of workers with which it has a collective bargaining Agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the Grantee's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. EEO/AA Statement

The Grantee will, in all solicitations or advertisements for employees placed by, or on behalf of, the Grantee, state that it is an Equal Opportunity or Affirmative Action employer.

6. Subcontract Provisions

The Grantee will include the provisions of Paragraphs X. A., Civil Rights, and X. B., Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own subrecipients or subcontractors.

C. Employment Restrictions

1. Prohibited Activity

The Grantee is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; sectarian or religious activities; and lobbying, political patronage, and nepotism activities.

2. Labor Standards

The Grantee agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act, the Copeland "Anti-Kickback" Act (40 U.S.C. 276a-276a-5; 40 USC 327 and 40 USC 276c) and all other applicable Federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The Grantee shall maintain documentation which demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the City for review upon request. The Grantee agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of \$2,000.00 for construction, renovation or repair work financed in whole or in part with assistance provided under this Agreement, shall comply with Federal requirements adopted by the City pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journey workers; provided, that if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Grantee of its obligation, if any, to require payment of the higher wage. The Grantee shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

3. "Section 3" Clause

a. Compliance

Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this Agreement, shall be a condition of the Federal financial assistance provided under this Agreement and binding upon the City, the Grantee and any of the Grantee's subrecipients and

subcontractors. Failure to fulfill these requirements shall subject the City, the Grantee and any of the Grantee's subrecipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which Federal assistance is provided. The Grantee certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements.

The Grantee further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this Agreement:

"The work to be performed under this contract is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 (of the Housing and Urban Development Act of 1968), as amended, 12 U.S.C. 1701. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given to low- and very low-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located."

The Grantee further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to business concerns which provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

The Grantee certifies and agrees that no contractual or other legal incapacity exists which would prevent compliance with these requirements.

b. Notifications

The Grantee agrees to send to each labor organization or representative of workers with which it has a collective bargaining Agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

c. Subcontracts

The Grantee will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the grantor agency. The Grantee will not subcontract

with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

D. Conduct

1. Assignability

The Grantee shall not assign or transfer any interest in this Agreement without the prior written consent of the City thereto; provided, however, that claims for money due or to become due to the Grantee from the City under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the City.

2. Subcontracts

a. Approvals

The Grantee shall not enter into any subcontracts with any agency or individual in the performance of this Agreement without the written consent of the City prior to the execution of such Agreement.

b. Monitoring

The Grantee will monitor all subcontracted services on a regular basis to assure Agreement compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content

The Grantee shall cause all of the provisions of this Agreement in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

d. Selection Process

The Grantee shall undertake to insure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of all subcontracts shall be forwarded to the City along with documentation concerning the selection process.

e. Suspension / Disbarment

The Grantee shall not enter into any subcontracts with an agency, business or individual that has been suspended, disbarred or otherwise excluded from federal grants. The Grantee shall maintain records demonstrating that it has reviewed potential subcontractors against the debarred and excluded list prior to committing any grant funds to a subcontract.

3. Hatch Act

The Grantee agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.

4. Conflict of Interest

The Grantee shall maintain written codes of conduct that govern the performance of its employees engaged in the award and administration of contracts. Said codes of conduct shall be in compliance with 24 CFR 84.42.

Further, Grantee covenants that it presently has no financial interest and shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. The Grantee further covenants that, in the performance of this Agreement, no person having such a financial interest shall be employed or retained by the Grantee hereunder. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the City, or of any designated public agencies or subrecipients which are receiving funds under the CDBG Entitlement program.

5. Lobbying

The Grantee hereby certifies that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any 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 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, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- c. It will require that the language of paragraph (d) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative Agreements) and that all subrecipients shall certify and disclose accordingly; and
- d. Lobbying Certification - Paragraph d: This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction

imposed by Section 1352, Title 31, U. S. Code. 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.

6. Copyright

If this Agreement results in any copyrightable material or inventions, the City and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for government purposes.

7. Religious Organization

The Grantee agrees that funds provided under this Agreement will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the Federal regulations specified in 24 CFR 570.200(j).

XI. ENVIRONMENTAL CONDITIONS

A. Air and Water

The Grantee agrees to comply with the following requirements insofar as they apply to the performance of this Agreement: Clean Air Act, 42 U.S.C., 7401, et seq.; Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251, et seq., as amended; 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308 and all regulations and guidelines issued thereunder; and, Environmental Protection Agency (EPA) regulations pursuant to 40 C.F.R., Part 50, as amended.

B. Flood Disaster Protection

In accordance with the requirements of the Flood Disaster Protection Act of 1973 (42 USC 4001), the Grantee shall assure that, for activities located in an area identified by FEMA as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

C. Lead-Based Paint

The Grantee agrees that any construction or rehabilitation of residential structures with assistance provided under this Agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35 and will comply with all applicable requirements.

D. Asbestos

City agrees to comply with the Texas Asbestos Health Protection Act set forth at Article 4477-3a Section 12 of the Texas Civil Statutes and the National Emission Standard for Asbestos Regulations set forth at 40 CFR Part 61.

E. Historic Preservation

The Grantee agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR, Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this Agreement. In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty (50) years old or older or that are included on a Federal, state, or local historic property list.

XII. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby, and all other parts of this Agreement shall nevertheless be in full force and effect.

The Parties hereby execute this Agreement on _____ 2016.

CITY OF LUBBOCK

LUBBOCK HABITAT FOR HUMANITY, INC.

Glen C. Robertson, Mayor



John Scarborough, President



Marie Hanza, Executive Director



Regular City Council Meeting

5. 15.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Libraries: Consider a resolution designating the Family Learning Center at the Patterson Branch Library as the Helen Viser-Fitzgerald Family Learning Center.

Item Summary

Helen Viser-Fitzgerald was the first African-American librarian in the City of Lubbock public library system. She was hired in 1994 as a library assistant to assist in the opening of the Patterson Branch Library on Parkway Drive. She subsequently received her master's degree in library science from the University of North Texas, and was appointed as the Patterson Branch Library branch manager in 2002. Ms. Viser-Fitzgerald passed away on November 10, 2014.

The Family Learning Center at the Patterson Branch Library is a meeting room in the Patterson Branch Library, and hosts library programs, including computer classes and other activities. The Lubbock Libraries Board unanimously voted on January 11, 2016, to recommend to the City Council that the name of the Family Learning Center at Patterson be changed to the Helen Viser-Fitzgerald Family Learning Center.

Upon approval by the City Council, it is expected that the dedication of the room will take place on Saturday, February 27, during the twentieth anniversary celebration of the opening of the Patterson Branch Library.

Fiscal Impact

There is no fiscal impact.

Staff/Board Recommending

Mark Yearwood, Assistant City Manager
Lubbock Libraries Board

Attachments

Resolution - Library Branch Name Change

RESOLUTION

WHEREAS, Helen Viser-Fitzgerald served the citizens of Lubbock, Texas as a Library Assistant and Librarian, from 1994-2002, and as the T. J. and Bobbie Gean Patterson Branch Library Manager from 2002-2014;

WHEREAS, Helen Viser-Fitzgerald was the first African-American librarian in the City of Lubbock public library system, and was instrumental in developing library services for the East Lubbock community at the Patterson Branch Library;

WHEREAS, Helen Viser-Fitzgerald passed away on November 10, 2014;

WHEREAS, in order to honor the service of Helen Viser-Fitzgerald, the Lubbock Libraries Board unanimously voted on January 11, 2016 to change the name of the Family Learning Center at the Patterson Branch Library to the Helen Viser-Fitzgerald Family Learning Center; **NOW THEREFORE**,

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

THAT the City Council hereby adopts the recommendation of the Lubbock Libraries Board to change the name of the Family Learning Center at the Patterson Branch Library to the Helen Viser-Fitzgerald Family Learning Center, with such name change becoming effective upon the execution of this Resolution.


Passed by the City Council on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Jane Clausen, Libraries Director

APPROVED AS TO FORM:



Justin Pruitt, Assistant City Attorney



Regular City Council Meeting

5. 16.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Fleet Services: Consider a resolution authorizing the Mayor to execute purchase order contract 31025836 with Altec Industries for an aerial truck with utility bed for Traffic Operations.

Item Summary

The purchase order contract is for one 20k GVWR aerial truck with utility bed for traffic operations. The vehicle replaces a 2003 Chevrolet K2500. It will be used for traffic signal upgrading, maintenance of the traffic signal system and as a back up on call vehicle. The \$136,878 purchase from Altec Industries of Waxahachie, Texas is made through TXMAS contract 11-23V050. The purchasing cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Government Code and used to obtain the benefits and efficiencies that can accrue to members of a cooperative, to comply with state bidding requirement and to identify qualified vendors of commodities, goods and services.

Fiscal Impact

The equipment is approved in the Adopted FY 2014-15 Master Lease Program.

Staff/Board Recommending

Scott Snider, Assistant City Manager
Wood Franklin, P.E. Director of Public Works

Attachments

Resolution & Purchase Order Contract - Altec Industries

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. 31025836 for the purchase of a Ford Truck equipped with an Altec Telescopic Aerial Device as per TXMAS Contract No. 11-23V050, by and between the City of Lubbock and Altec Industries of Waxahachie, 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 – Parks & Rec – Altec Truck – PO31025836 – 12.11.15
December 11, 2015



PURCHASE ORDER

Page - 1

Date - 01/27/2016

Order Number 31025836 000 OP

Branch/Plant 3526

TO: ALTEC INDUSTRIES INC
1001 SOLON ROAD
WAXAHACHIE Texas 75165

SHIP TO: CITY OF LUBBOCK
FLEET SERVICES
204 MUNICIPAL DRIVE
LUBBOCK Texas 79404

INVOICE TO: CITY OF LUBBOCK
ACCOUNTS PAYABLE
P.O. BOX 2000
LUBBOCK, TX 79457
BY: [Signature]
Marta Alvarez, Director of Purchasing & Contract Management

Ordered 12/11/2015 Freight
Requested 08/11/2016 Taken By SUMMER S
Delivery GAMBOA D RQ#45159 TXMAS 11-23V050

Table with 6 columns: Description/Supplier Item, Ordered, Unit Cost, UM, Extension, Request Date. Row 1: Truck w/ Aerial Device, 1.000, 136,878.0000, EA, 136,878.00, 09/27/2016. Row 2: Spec. 6743-TR. Row 3: Total Order, 136,878.00. Row 4: Terms NET 30.

This purchase order encumbers funds in the amount of \$136,878.00 awarded to Altec Industries Inc. of Waxahachie, TX on February 11, 2016. The following is incorporated into and made part of this purchase order by reference Quote #295605 / TXMAS 11-23V050 dated December 2, 2015 Altec Industries Inc. of Waxahachie, TX. Resolution # _____

CITY OF LUBBOCK

ATTEST:

Glen C. Robertson, Mayor

Rebecca Garza, City Secretary

Quoted for: City of Lubbock
Customer Contact: tbd
Phone: /Fax: /Email: tbd

Quoted by: Lori Woods
Phone: /Fax: /Email: PH: 919.528.8088 / Email lori.woods@altec.com
Altec Account Manager/Phone: Ward Brasses / ward.brases@altec.com

REFERENCE ALTEC MODEL

AT40M	Articulating Telescopic Aerial Device with Material Handling (Insulated)	\$114,360
-------	--	-----------

Per TXMAS Specifications in TXMAS Catalog plus Options below

(A.) TXMAS OPTIONS ON CONTRACT (Unit)

1	AT40M-AWD	All Wheel Drive	\$5,008
2			
3			
4			
5			

(A1.) TXMAS OPTIONS ON CONTRACT (General)

1	RW	Rear Window Guard	\$228
2	RL	COMPARTMENT LIGHTS in Body Compartments (Rope Style) (\$85Per Compartment)	\$595
3	SPOT3	4-point recessed LED strobe system	\$472
4			
5			

TXMAS OPTIONS TOTAL: \$120,663

(B.) OPEN MARKET ITEMS (Customer Requested)

1	UNIT	2 spd Throttle, installed	\$749
2	UNIT & HYDRAULIC ACC		
3	BODY	Custom Body ILO Stock Body	\$2,350
4	BODY & CHASSIS ACC	34" L Storage box, 108" L Storage Box, Aluminum O/R Pads, Holders	\$1,965
5	ELECTRICAL	Grounding Reel, 75 ft/Cable, Clamp, Copper Lug, Add'l Strobe w/brush guard on CS,install	\$2,150
6	FINISHING		
7	CHASSIS	2016 Ford Extended Cab Chassis ILO 2014 Ford Regular Chassis	\$6,648
8	OTHER	Third Party Tilling Paperwork Prep	\$300
9	DELIVERY		

OPEN MARKET OPTIONS TOTAL: \$14,162

SUB-TOTAL FOR UNIT/BODY/CHASSIS: \$134,825

TXMAS FEE (1.5228%): \$2,053

TOTAL FOR UNIT/BODY/CHASSIS: \$136,878

(C.) ADDITIONAL ITEMS (items are not included in total above)

1			
2			
3			

****Pricing for Unit/Body valid for 30 days/ 2016 Ford Pricing valid for 30 days**

NOTES

PAINT COLOR: White to match chassis, unless otherwise specified

WARRANTY: 12 months or 12,000 miles parts and labor, 90 days travel charges for chassis and mounted equipment (parts only for overseas customers).

TO ORDER: To order, please contact the Altec Inside Sales Representative listed above.

CHASSIS: Per Altec Commercial Standard

DELIVERY: No later than 240-270 days ARO, FOB Customer Location

TERMS: Net 30 days

FET TAX: If chassis over 33K GVWR, a 12 % FET may be applied

BEST VALUE: Altec boasts the following "Best Value" features: Altec ISO Grip Controls for Extra Protection, Only Lifetime Warranty on Structural Components in Industry, Largest Service Network in Industry (Domestic and Overseas), Altec SENTRY Web/CD Based Training, Dedicated/Direct Gov't Sales Manager, In-Service Training with Every Order.

BUILD LOCATION: Creedmoor, NC

***2016 Ford Chassis Order Cutoff date ESTIMATED at February 27, 2016. After this date, we will need to requote with a 2017 Ford Chassis.**



January 28, 2016

Ship To:
CITY OF LUBBOCK
540 NORTH FULTON AVE
ATTN: PARKS & REC
LUBBOCK, TX 79416-3308
US

Bill To:
CITY OF LUBBOCK
PO BOX 2000
LUBBOCK, TX 79408-2000
United States

Attn: FLEET
Phone: -
Email:

Altec Quotation Number: 295605 - 1
Account Manager: Ward A. Brasses
Technical Sales & Support: Lori Woods

<u>Item</u>	<u>Description</u>	<u>Qty</u>
	<u>Unit</u>	
1.	Altec Model AT40M Articulating Telescopic Aerial Device with a fiberglass upper boom and fiberglass insulator in the articulating arm and a proportional joystick upper control and toggle switches. Built in accordance to ALTEC's standard specifications and to include the following features:	1
	A. Ground to Bottom of Platform Height: 39.4 ft at 10.0 ft from centerline of rotation (12 m at 3 m)	
	B. Working Height: 44.4 ft (13.5 m)	
	C. Maximum reach to edge of platform: 29.6 ft at 16.3 ft platform height (9 m at 5 m)	
	D. Rotation: Continuous	
	E. Articulating Arm Articulation: -3 to 74 degrees. Insulator provides a minimum of 9.5 in (241.3 mm) of isolation.	
	F. Articulating arm is of a tubular steel structure. The articulating arm is designed so that the articulating arm and tension link are compensating. By raising the articulating arm only, the lower and upper boom maintain the same relative angle with the ground. By raising the articulating arm in conjunction with the lower boom, the operator is able to position himself more quickly and easily into the work area.	
	G. Lower Boom Articulation: -25 to 75 degrees. Insulator provides a minimum of 0 in (0 mm) of isolation.	
	H. Lower boom is a fabricated, reinforced steel box structure. Polyethylene outer slide pads and Nylatron GSM inner slide pads are installed at the boom tip to guide the telescopic upper boom. These pads have a large contact area in order to reduce wear. The pads are shimmed and attached for ease of adjustment or replacement without disassembly of the booms.	
	I. Telescopic upper boom is constructed of filament wound, square fiberglass, providing a minimum of 31.5 inches (965 mm) of isolation. The inner surface of the fiberglass boom is coated with polyurethane to provide a dry, smooth inner surface, which will cause moisture to bead. The outer surface has a smooth	

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UTILITY EQUIPMENT AND BODIES SINCE 1929

<u>Item</u>	<u>Description</u>	<u>Qty</u>
	gelcoat finish.	
J.	The upper boom is extended and retracted by a double acting hydraulic cylinder installed within the booms. The boom extends and retracts over slide bearings located in the end of the lower boom.	
K.	Upper Controls: The upper controls system includes a proportional joystick upper control and toggle switches.	
L.	Controls for Boom and articulating arm functions are controlled with a single handle control. Control, through non-metallic linkages, actuates the interlock section and four individual boom function valves. The control provides good metering capability at all boom speeds. The single handle control activates Lower Boom Up and Down, Upper Boom Extend and Retract, Rotation Clockwise/Counter-clockwise, and Articulating Arm Raise and Lower. Unit rotation is accomplished by moving the control from side to side similar to a tiller while upper boom operation is accomplished by twisting the control handle clockwise to retract and counter clockwise to extend.	
M.	Lower Controls: A lower control station includes and is located on the side of the turntable. A selector valve is provided to override the upper controls.	
N.	The platform is leveled by hydraulic leveling means, contained within the upper boom and designed to maintain the dielectric integrity of the aerial device. Controls for leveling and tilting the platform are located at the platform. Leveling for the platform includes two double acting cylinders incorporating counterbalance load holding valves to lock the platform in the event of hydraulic line failure. Cylinders are located at the platform and at the end of the lower boom. The master-slave action of the cylinders maintains a level platform throughout the full range of boom articulation	
O.	Hydraulically articulating jib. Material handling system comes with 80ft of 0.50 inch polyester double braid rope and a metal thimble in the working end. Minimum breaking strength of the rope is 8,400 lbs. Material handling capacity is dependent upon upper boom extension and lower boom articulation angle.	
P.	Diagnostic Pressure Test Quick Disconnect Couplings: are located at the turntable to allow a mobile service technician to quickly and easily attach a test gauge to verify system and tool circuit pressure. This convenient troubleshooting feature saves time and reduces the risk of high pressure oil sprays.	
Q.	Tool circuit system relief pressure to be set to 2250 psi at 5.5 GPM.	
R.	Unit meets or exceeds ANSI 92.2 standards.	
2.	Pedestal	1
3.	Steel Reservoir, 15 gallon capacity, triangular, 17" L x 17" W x 24" H, and includes breather caps and dipsticks	1
4.	Sight and Temperature gauge for hydraulic reservoir	1
5.	Single 1-Man Platform, Fiberglass (Insulated), 24" x 30" x 42", End Mount, 180 Degree Rotation	1
6.	Platform Mounted Single Handle Controls	1
7.	Material Handling Jib/Winch, Hydraulically Articulating, Top Mounted, Round (ARM Jib)	1
8.	One (1) Platform Step - located on the side of the platform nearest the elbow in the stowed position	1

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<u>Item</u>	<u>Description</u>	<u>Qty</u>
9.	Platform Cover - soft vinyl, 24 x 30 inches (610 x 762 mm)	1
10.	Platform Liner - for one-man fiberglass platform, 24 x 30 x 42 inches (610 x 762 x 1067 mm), 50 kV rating (minimum)	1
11.	Platform Floor Liner (Scuff Pad), 24 x 30 inches (610 x 762 mm)	1
12.	Hydraulic Tool Circuit at Platform: One set of quick disconnect couplings at the boom tip for open center tools. Tool system relief pressure set at 2,250 psi.	1
13.	Engine Start/Stop & Secondary Stowage System: 12 VDC powered motor and pump assembly for temporary operation of the unit in a situation wherein the primary hydraulic source fails. Electric motor is powered by the chassis battery. This feature allows the operator to completely stow the booms, platform, and outriggers. Secondary Stowage & Start/Stop is activated with an air plunger at the platform or momentary switch at the lower control station and outriggers.	1
14.	Jib Stick, 36" L, non-extension, non certified, grey in color	1
15.	Throttle Control - Manually increase/decrease chassis engine speed to preset values. Control is captive air operated from the platform and momentary switch operated from the lower controls and curbside at tailshelf.	1
16.	Slip Ring: Required for engine start/stop, secondary stowage system, and throttle control options	1
17.	Primary Modified A-Frame Outriggers With Integrated Subbase, fixed shoe, provides 112 inch (2844 mm) maximum spread. Includes motion alarm and outrigger interlocks, which will not allow the unit to be operated until the outriggers have been deployed. For installation on a 30 to 34 inch chassis frame height.	1
18.	Electric Outrigger Controls: drive hydraulic outrigger control valves. Durable weather proof electronic switches are located at the rear of the unit unless otherwise specified. Use of electronic switches reduces the number of hydraulic hoses and leak points.	1
19.	Fall Protection System to include one body harness and decelerating type lanyard. Harness has adjustable slide buckle on shoulder straps, Velcro chest strap, interlocking buckles on leg straps and nylon web loop fall arrest attachment on back. Lanyard has built in shock absorber that allows 28 inches (711 mm) of automatic adjustability	1
20.	Locking Cap for Hydraulic Reservoir	1
21.	Winch load line swivel hook	1
22.	Altec Aerial Device Powder Painted White	1
<u>Unit & Hydraulic Acc.</u>		
23.	HVI-22 Hydraulic Oil (Standard).	25
24.	Standard Pump For PTO	1
25.	Electric Shifted PTO	1

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<u>Item</u>	<u>Description</u>	<u>Qty</u>
26.	Standard PTO/Transmission Functionality for Small Ford and Dodge Chassis	1
<u>Body</u>		
27.	Altec Body	1
28.	Steel Body	1
29.	Low-Side General Service With Step (LGSS)	1
30.	Body Is To Be Built In Accordance With The Following Altec Standard Specifications:	1
	A. Basic Body Fabricated From A40 Grade 100% Zinc Alloy Coated Steel.	
	B. All Doors Are Full, Double Paneled, Self-Sealed With Built-In Drainage For Maximum Weather-Tightness. Stainless Steel Hinge Rods Extend Full Length Of Door.	
	C. Heavy-Gauge Welded Steel Frame Construction With Structural Channel Crossmembers And Tread Plate Floor.	
	D. Integrated Door Header Drip Rail At Top For Maximum Weather Protection.	
	E. Fender Panels Are Either Roll Formed Or Have Neoprene Fenderettes Mechanically Fastened.	
	F. Steel Treated For Improved Primer Bond And Rust Resistance.	
	G. Automotive Type Non-Porous Door Seals Fastened To The Door Facing.	
31.	132" Estimated Body Length (Engineering To Determine Final Length)	1
32.	94 Inch Body Width	1
33.	40 Inch Body Compartment Height	1
34.	20 Inch Body Compartment Depth	1
35.	Finish Paint Body Altec White (Applies To Steel And Aluminum)	1
36.	Undercoat Body	1
37.	5 Inch Drop-In Metal Cargo Retaining Panel At Rear Of Body	1
38.	5 Inch Drop-In Metal Cargo Retaining Panel At Top Of Side Access Step	1
39.	Treadplate On Streetside Compartment Tops (Not a Walking Surface)	1
40.	Treadplate On Curbside Compartment Tops (Not a Walking Surface)	1
41.	Rope Lights (LED) Around Top And Sides Of Compartment Door Facings	7
42.	Stainless Steel T-Handle One-Point Latches With Locks	7
43.	All Locks Keyed Alike Including Accessories (Preferred Option)	1
44.	Gas Shock (Gas Spring) Rigid Door Holders On All Vertical Doors	1
45.	Chains On All Horizontal Doors	1

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<u>Item</u>	<u>Description</u>	<u>Qty</u>
46.	Standard Master Body Locking System (Standard Placement Is At Rear. Sidepacks With A Throughshelf/Hotstick Door At Rear, Standard Placement Is At The Front)	7
47.	Hotstick Shelf Extending Full Length Of Body On Streetside	1
48.	Two Hotstick Brackets On Streetside	1
49.	Standard Drop-Down Hotstick Door For One (1) Shelf On Streetside, Stainless Steel Slam Paddle Latch With Keyed Lock	1
50.	1st Vertical (SS) - Adjustable Shelf With Removable Dividers On 4 Inch Centers	2
51.	1st Vertical (SS) - Outrigger Housing, With Outrigger Pin Access As Needed	1
52.	2nd Vertical (SS) - Adjustable Shelf With Removable Dividers On 4 Inch Centers	2
53.	1st Horizontal (SS) - Adjustable Shelf With Removable Dividers On 4 Inch Centers	1
54.	Rear Vertical (SS) - Locking Swivel Hooks On An Adjustable Rail - Left Wall	1
55.	Rear Vertical (SS) - Locking Swivel Hooks On An Adjustable Rail - Rear Wall	4
56.	Rear Vertical (SS) - Locking Swivel Hooks On An Adjustable Rail - Right Wall	1
57.	1st Vertical (CS) - Adjustable Shelf With Removable Dividers On 4 Inch Centers	2
58.	1st Vertical (CS) - Outrigger Housing, With Outrigger Pin Access As Needed	1
59.	2nd Vertical (CS) - Gripstrut Access Steps With Two (2) Sloped Grab Handles	1
60.	1st Horizontal (CS) - Adjustable Shelf With Removable Dividers On 4 Inch Centers	1
61.	1st Horizontal (CS) - Fixed Shelf With Removable Dividers On 4 Inch Centers On Bottom of Compartment	1
62.	Rear Vertical (CS) - Locking Swivel Hooks On An Adjustable Rail - Left Wall	1
63.	Rear Vertical (CS) - Locking Swivel Hooks On An Adjustable Rail - Rear Wall	4
64.	Rear Vertical (CS) - Locking Swivel Hooks On An Adjustable Rail - Right Wall	1
65.	29" L Steel Tailshelf, Width To Match Body	1
66.	Steel Wheel Chock Holders Installed In Tailshelf, One Each Side	1
67.	Steel Top Opening Storage Box, One (1) Treadplate Lid, Gas Props, Hasp Lock, Handle Parallel To Ground And Centered (2 Handles for Boxes Greater Than 108") - 34"L x 18"W x 18"H, with one (1) Tread plate lid, Gas props, T-handle latches, keyed same as body. -Locate this box on CS front corner of the body.	1
68.	Additional Steel Top Opening Storage Box -Custom Top opening box, Steel, 108"L x 18"W x 12"H , One (1) Treadplate lid, Gas Props, T-handle latches, keyed same as body.	1

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<u>Item</u>	<u>Description</u>	<u>Qty</u>
	-Installed on top of SS compartments.	
<u>Body and Chassis Accessories</u>		
69.	Custom Rear Window Guard With expanded metal angle iron window guard, attached to body at front bulkhead	1
70.	ICC (Underride Protection) Bumper Installed At Rear	1
71.	T-60 Style Pintle Hitch (10,000 LB MGTW with 2,000 LB MVL) Mounted 23" +/- 1".	1
72.	Set Of D-Rings for Trailer Safety Chain, installed one each side of towing device mount.	1
73.	Install Counterweight As Needed	1
74.	Rigid Step Mounted Beneath Side Access Steps (Installed To Extend Approx. 2" Outward)	1
75.	Platform Access Step From Body Floor Mounted on right rear of tailshelf.	1
76.	Custom Access Step Cable step installed at Curbside Rear, Double step with Rigid Top Step	1
77.	Platform Rest, Rigid with Rubber Tube	1
78.	Boom Rest for a Telescopic Unit	1
79.	Aluminum Outrigger Pad, 18" x 18" x 3" (Sauber)	2
80.	Outrigger Pad Holder, 20" L x 20" W x 5" H, Fits 19.5" x 19.5" x 4" And Smaller Pads, Bolt-On, Bottom Washout Holes, 3/4" Lip Retainer	2
81.	Mud Flap Without Altec Logo (Pair)	1
82.	Wheel Chocks, Rubber with Metal Hairpin Style Handle, 9.75" L X 7.75" W X 5.00" H (Pair)	1
83.	U-Shaped Grab Handle Locate Curbside.	1
84.	Small Grab Handle Installed At Rear	1
85.	Slope Indicator Assembly For Machine With Outriggers	1
86.	Triangular Reflector Kit, Installed	1
87.	Driveaway Safety Kit	1
88.	Vinyl manual pouch for storage of all operator and parts manuals	1
89.	Additional Body/Chassis Accessory Spare tire and rim provided with Chassis. Please ship these items loose to customer.	1

Electrical Accessories

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<u>Item</u>	<u>Description</u>	<u>Qty</u>
90.	Compartment Lights Wired To Dash Mounted Master Switch	1
91.	Lights and reflectors in accordance with FMVSS #108 lighting package. (Complete LED, including LED reverse lights)	1
92.	Altec Standard Amber LED Strobe Light with Brush Guard Installed on top front corners of the body compartments. Master switch located in Cab.	2
93.	4-Corner Strobe Lighting, Amber LED	1
	A. Two (2) Surface Mounted Lights in Front Grille	
	B. Two (2) Round Grommet Mounted Lights at Rear	
94.	Dual Tone Back-Up With Outrigger Motion Alarm	1
95.	Altec Standard Multi-Point Grounding System	9
96.	Manual Retracting Grounding Reel - Holds #2 GA, 1/0 GA, 2/0 GA, Or 4/0 Cable (Max 75 FT) Shipped loose.	1
97.	Grounding Cable, 1/0 GA Yellow Jacketed Cable Shipped Loose.	75
98.	Copper U Shaped Grounding Lug (Threaded) Mount off chassis frame rail at Curbside Rear under tailshelf.	1
99.	Grounding Clamp, Aluminum C-Clamp Style With Smooth Jaws (Includes Ferrule and Heat Shrink Tubing) Attach to one end of Grounding cable. Ship loose with Cable.	1
100.	6-Way Trailer Receptacle (Pin Type) Installed At Rear	1
101.	Dash panel rocker switches supplied with Ford Chassis, 4 auxiliary switches supplied in up fitting package from Ford	1
102.	Power Distribution Module Is A Compact Self-Contained Electronic System That Provides A Standardized Interface With The Chassis Electrical System. (Includes Operator's Manual)	1
103.	Install secondary stowage system.	1
104.	Install Remote Start/Stop system in Final Assembly.	1
105.	Install Two Speed Throttle System.	1
106.	Install Outrigger Interlock System	1

Finishing Details

107.	Powder Coat Unit Altec White	1
108.	Altec Standard; Components mounted below frame rail shall be coated black by Altec. i.e. step bumpers, steps, frame extension, pintle hook mount, dock bumper mounts, D-rings, receiver tubes, accessory mounts, light brackets, under-ride protection, etc. Components mounted to under side of body shall be coated black by Altec. i.e.	1

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<u>Item</u>	<u>Description</u>	<u>Qty</u>
	Wheel chock holders, mud flap brackets, pad carriers, boxes, lighting brackets, steps, and ladders.	
109.	Apply Non-Skid Coating to all walking surfaces	1
110.	English Safety And Instructional Decals	1
111.	Vehicle Height Placard - Installed In Cab	1
112.	Placard, HVI-22 Hydraulic Oil	1
113.	Dielectric test unit according to ANSI requirements.	1
114.	Stability test unit according to ANSI requirements.	1
115.	Focus Factory Build	1
116.	Delivery Of Completed Unit	1
117.	Inbound Freight	1
118.	Additional Option 1 - Third Party Titling Paperwork Prep	1
119.	Installation - AT40M	1

Chassis

120.	Chassis	1
121.	Altec Supplied Chassis	1
122.	2016 Model Year	1
123.	Ford F550	1
124.	4x4	1
125.	84 Clear CA (Round To Next Whole Number)	1
126.	Extended Cab (Larger Cab With Half-Length Rear Doors Or No Rear Doors)	1
127.	Chassis Cab	1
128.	Chassis Color - White	1
129.	Ford 6.7L Power Stroke Diesel	1
130.	Ford 6R140 6-Speed Automatic Transmission (w/PTO Provision)	1
131.	GVWR 19,500 LBS	1
132.	7,000 LBS Front GAWR	1
133.	14,706 LBS Rear GAWR	1

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<u>Item</u>	<u>Description</u>	<u>Qty</u>
134.	Hydraulic Brakes	1
135.	Park Brake In Rear Wheels	1
136.	Ford E/F250-550 Single Horizontal Right Side Exhaust	1
137.	98R - Operator Commanded Regeneration (OCR)	1
138.	No Idle Engine Shut-Down Required	1
139.	No California Emission Requirements	1
140.	Ford 40 Gallon Fuel Tank (Rear)	1
141.	Ford 6 Gallon DEF Tank (Mid Mount)	1
142.	Air Conditioning	1
143.	AM/FM Radio, Bluetooth	1
144.	Keyless Entry	1
145.	Power Door Locks	1
146.	Power Windows	1
147.	Spare Tire	1
148.	Block Heater	1
149.	Vinyl Split Bench Seat	1

Additional Pricing

150.	Standard Altec Warranty: One (1) year parts warranty, one (1) year labor warranty, ninety (90) days warranty for travel charges, limited lifetime structural warranty	1
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Altec Industries, Inc.

BY _____

Lori Woods

Notes:

- 1 Altec Standard Warranty:
One (1) year parts warranty.

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One (1) year labor warranty.

Ninety (90) days warranty for travel charges.

Warranty on structural integrity of the following major components is to be warranted for so long as the initial purchaser owns the product: Booms, boom articulation links, hydraulic cylinder structures, outrigger weldments, pedestals, subbases and turntables.

Altec is to supply a self-directed, computer based training (CBT) program. This program will provide basic instruction in the safe operation of this aerial device. This program will also include and explain ANSI and OSHA requirements related to the proper use and operation of this unit.

Altec offers its standard limited warranty with the Altec supplied components which make up the Altec Unit and its installation, but expressly disclaims any and all warranties, liabilities, and responsibilities, including any implied warranties of fitness for a particular purpose and merchantability, for any customer supplied parts

Altec designs and manufactures to applicable Federal Motor Vehicle Safety and DOT standards

2 Altec takes pride in offering solutions that provide a safer work environment for our customers. In an effort to focus on safety, we would encourage you to consider the following items:

Outrigger pads (When Applicable)
Fall Protection System
Fire extinguisher/DOT kit
Platform Liner (When Applicable)
Altec Sentry Training
Wheel Chocks

The aforementioned equipment can be offered in our new equipment quotations. If you find that any of these items have not been listed as priced options in the body of your quotation and are required by your company, we would encourage you to contact your Altec Account Manager and have an updated quotation developed for you. These options must be listed as individual options in the body of the quotation for them to be supplied by Altec.

3 Unless otherwise noted, all measurements used in this quote are based on a 40 inch (1016mm) chassis frame height and standard cab height for standard configurations.

4 F.O.B. - Customer Site

5 Changes made to this order may affect whether or not this vehicle is subject to F.E.T. A review will be made at the time of invoicing and any applicable F.E.T. will be added to the invoice amount.

6 Price does not reflect any local, state or Federal Excise Taxes (F.E.T). The quote also does not reflect any local title or licensing fees. All appropriate taxes will be added to the final price in accordance with regulations in effect at time of invoicing.

7 Interest charge of 1/2% per month to be added for late payment.

8 Delivery: 240-270 days after receipt of order PROVIDING:
A. Order is received within 14 days from the date of the quote. If initial timeframe expires, please contact your Altec representative for an updated delivery commitment.
B. Chassis is received a minimum of sixty (60) days before scheduled delivery.
C. Customer approval drawings are returned by requested date.
D. Customer supplied accessories are received by date necessary for compliance with scheduled delivery.

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E. Customer expectations are accurately captured prior to releasing the order. Unexpected additions or changes made at a customer inspection will delay the delivery of the vehicle.

Altec reserves the right to change suppliers in order to meet customer delivery requirements, unless specifically identified, by the customer, during the quote and or ordering process.

9 This quotation is valid until Feb 27,2016. After this date, please contact Altec Industries, Inc. for a possible extension.

10 After the initial warranty period, Altec Industries, Inc. offers mobile service units, in-shop service and same day parts shipments on most parts from service locations nationwide at an additional competitive labor and parts rate. Call 877-GO-ALTEC for all of your Parts and Service needs.

11 Please email Altec Capital at finance@altec.com or call 888-408-8148 for a lease quote today.

12 Please direct all questions to Ward A. Brasses at (919) 528-2535

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UTILITY EQUIPMENT AND BODIES SINCE 1929



Regular City Council Meeting

5. 17.

Meeting Date: 02/11/2016

Information

Agenda Item

Ordinance 2nd Reading - City Secretary: Consider Ordinance 2016-O0012 ordering the 2016 Regular Municipal Election of the City of Lubbock to be held May 7, 2016.

Item Summary

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

The Lubbock City Council deems it to be in the best interest of the citizens of Lubbock to order a Regular City Election for the purpose of electing municipal officers. The election is to be held May 7, 2016, pursuant to the Texas Election Code, the Lubbock City Charter, and City ordinances. Said election shall be for the purpose of electing the following officers of the City of Lubbock: Mayor (At Large), 2-year term; Council Members, Districts 2, 4, and 6, for 4 year terms; and Municipal Court Judge (At Large).

Fiscal Impact

\$175,000 is appropriated in the Adopted FY 2015-16 Operating Budget.

Staff/Board Recommending

Rebecca Garza, City Secretary

Attachments

Ordinance - Election

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE 2016 REGULAR MUNICIPAL ELECTION OF THE CITY OF LUBBOCK; INDICATING THOSE OFFICERS TO BE ELECTED; PROVIDING FOR AN ACCESSIBLE ELECTRONIC VOTING SYSTEM TO BE USED; ESTABLISHING POLLING PLACES; APPOINTING ELECTION JUDGES; ESTABLISHING HOURS FOR VOTING; ADOPTING THE SEALED BALLOT BOX PROCEDURE; PROVIDING FOR EARLY VOTING; DIRECTING THE CITY SECRETARY TO GIVE NOTICE OF THE REGULAR MUNICIPAL ELECTION OF THE CITY OF LUBBOCK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lubbock deems it to be in the best interest of the citizens of the City of Lubbock to order a Regular City Election for the election of municipal officers to be held on **May 7, 2016**, pursuant to the Texas Election Code, the Lubbock City Charter and City ordinances; NOW THEREFORE:

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

SECTION 1. THAT the Regular City Municipal Election for the election of municipal officers of the City of Lubbock is hereby ordered to be conducted on **May 7, 2016**, under the applicable provisions of the Texas Election Code, the Lubbock City Charter and City ordinances.

SECTION 2. THAT said election shall be for the purpose of electing the following officers of the City of Lubbock:

MAYOR (AT LARGE)	2 YEAR TERM
COUNCIL MEMBER, DISTRICT 2	4 YEAR TERM
COUNCIL MEMBER, DISTRICT 4	4 YEAR TERM
COUNCIL MEMBER, DISTRICT 6	4 YEAR TERM
MUNICIPAL COURT JUDGE	4 YEAR TERM

SECTION 3. THAT said City general election shall be held at the places in the City of Lubbock hereinafter designated as voting precincts and in the voting places designated in **Exhibit A** hereto. Voting places shall be open from 7:00 a.m. to 7:00 p.m., and all electors shall vote a ballot appropriate for the precinct of their residence at any Countywide Polling Place (Vote Center) shown on **Exhibit A**, as provided for in Section 43.007 of the Texas Election Code.

SECTION 4. THAT an accessible electronic voting system shall be used for this election, including early voting. At least one accessible voting device approved and certified by the Texas Secretary of State shall be provided in each polling place and in every polling location used to conduct said City general election. Said approved and certified accessible electronic voting system shall be supplied for said City general election by Lubbock County, acting by and through its Elections Administrator. The sealed ballot box procedure established by Subchapter C, Chapter 127, Texas Election Code, shall be used for this election.

SECTION 5. THAT the persons named in **Exhibit A** hereto are hereby appointed Judges and Alternate Judges to conduct said General City Election on **May 7, 2016**. In the event any named person is unable to serve for any reason, the City Secretary of the City of Lubbock is hereby authorized and directed to make such substitutions as may be required and to amend **Exhibit A** hereto as required. Each Presiding Judge so named is authorized to appoint the number of clerks authorized by the City Secretary of the City of Lubbock, which number shall not be less than two (2) clerks or more than six (6) clerks. The Alternate Judges shall serve as Presiding Judges in the event that the regularly appointed Presiding Judge is unable to serve. The Alternate Judges shall be appointed by the Presiding Judge to serve as one of the clerks in the event that the regularly appointed Presiding Judge conducts the election.

SECTION 6. THAT early voting by personal appearance shall commence on **April 25, 2016**, and end on **May 3, 2016**. Said early voting shall be conducted at the locations, days and hours indicated on **Exhibit B** hereto; and Early Voting Clerk shall be:

Dorothy Kennedy
Office of Elections
1308 Crickets Avenue
Lubbock, TX 79408
Telephone 806-775-1338

SECTION 7. THAT the Mayor, assisted by the City Secretary, is hereby authorized and directed to give notice of the General City Election of municipal officers as required by law (*see* **Exhibit C** attached hereto).

SECTION 8. THAT the City Secretary of the City of Lubbock is hereby ordered to cause publication of this Ordinance ordering the General City election of municipal officers in a newspaper of general circulation at least once no earlier than the 30th day nor later than the 10th day before election day. In addition, a copy of this Ordinance shall be posted not later than the 21st day before election day on the bulletin board used for posting notices of meetings of the governing body and a notice of consolidation shall be posted prior to the day of the election at any polling places not consolidated at the last previous election, which notice shall indicate the precinct of consolidation and the location of the new polling place.

SECTION 9. THAT the City Secretary shall serve a duly certified copy of this Ordinance and the Election Notice upon each of the Presiding Judges named in **Exhibit A** not later than the 7th day after the signing of this Ordinance or the 15th day before Election Day, whichever is later. In addition, the City Secretary shall deliver a certified copy of this Ordinance and the Election Notice on the County Clerk not later than the 60th day before election day.

SECTION 10. THAT this Ordinance shall become effective upon final passage by the City Council of the City of Lubbock.


AND IT IS SO ORDERED.

GLEN C. ROBERTSON, MAYOR

ATTEST:


Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Rebecca Garza, City Secretary

APPROVED AS TO FORM:



Amy L. Sims, Deputy City Attorney

Cities and Schools General and Special Elections

(Elecciones General y Especial de Ciudades y Escuelas)

Vote Center Locations

(Centros de Votación)

Saturday, May 7th, 2016

(Sábado, 7 de mayo, 2016)

7:00 A.M. – 7:00 P.M.

***American Sign Language Interpreters available

***Intérpretes de Lengua de Signos disponible

Abernathy City Hall – 811 Avenue D, Abernathy <i>(Oficina Municipal de Abernathy)--(811 avenida D, Abernathy)</i>	<i>Judge (Juez), Rita Prieto</i> <i>Alternate Judge (Suplente), Manuel Prieto</i>
Broadview Baptist Church – 1302 N Frankford Ave <i>(Iglesia Bautista Broadview--1302 avenida Frankford al norte)</i>	<i>Judge (Juez), Keith Gast</i> <i>Alternate Judge (Suplente), Rosary Phipps</i>
Byron Martin ATC – 3201 Avenue Q*** <i>(Byron Martin ATC--3201 avenida Q)***</i>	<i>Judge (Juez), Rosemary Trevino</i> <i>Alternate Judge (Suplente), Joe Sport</i>
Calvary Baptist Church – 5301 82nd St*** <i>(Iglesia Bautista Calvario—5301 calle 82)***</i>	<i>Judge (Juez), Nicky Anderson</i> <i>Alternate Judge (Suplente), Mona Mojica</i>
Casey Administration Building – 501 7th St, Wolfforth <i>(Edificio de Administración Casey – 501 calle 7, Wolfforth)</i>	<i>Judge (Juez), Lynn Acton</i> <i>Alternate Judge (Suplente), Maria Maldia</i>
Catholic Diocese of Lubbock – 4620 4th St <i>(Diócesis Católica de Lubbock--4620 calle 4)</i>	<i>Judge (Juez), Janie Martinez</i> <i>Alternate Judge (Suplente), Angie Jenkins</i>
Cavazos Middle School – 210 N University Ave <i>(Escuela Secundaria Menor Cavazos— 210 avenida Universidad al norte)</i>	<i>Judge (Juez), Thelma Badillo</i> <i>Alternate Judge (Suplente), Frances Autry</i>
Celebration Christian Center – 8001 Upland Ave <i>(Celebration Christian Center --8001 avenida Upland)</i>	<i>Judge (Juez), Kadi Taylor</i> <i>Alternate Judge (Suplente), Joseph Taylor</i>
Church on the Rock—10503 Slide Rd <i>(Church on the Rock—10503 carretera Slide)</i>	<i>Judge (Juez), John Paduch</i> <i>Alternate Judge (Suplente), Ramon Hernandez</i>
Elks Lodge No. 1348 – 3409 Milwaukee Ave <i>(Elks Lodge Núm. 1348--3409 avenida Milwaukee)</i>	<i>Judge (Juez), Dawna Gilbert</i> <i>Alternate Judge (Suplente), Louisa Lara</i>

First Assembly of God Church – 3801 98th St
(Iglesia Primera Asamblea de Dios—3801 calle 98)

Judge (Juez), Paul Harding
Alternate Judge (Suplente), Glen Mullins

Green Lawn Church of Christ – 5701 19th St
(Iglesia de Cristo Green Lawn--5701 calle 19)

Judge (Juez), Jennifer Davis
Alternate Judge (Suplente), Dolores Garcia

Harwell Elementary School – 4101 Avenue D
(Escuela Primaria Harwell—4101 avenida D)

Judge (Juez), Jim Robinson
Alternate Judge (Suplente), Carrie Fitzgerald

Hodges Community Center – 4011 University Ave
(Centro Social Hodges--4011 avenida Universidad)

Judge (Juez), Holli Barnett
Alternate Judge (Suplente), Beatrice Escamilla

Idalou Clubhouse – 202 W 7th St, Idalou
(Centro Social de Idalou--202 calle 7 al oeste, Idalou)

Judge (Juez), Charles Kinman
Alternate Judge (Suplente), Anita Blackburn

Lone Star State Bank – 6220 Milwaukee Ave
(Banco Lone Star State—6220 avenida Milwaukee)

Judge (Juez), Jim Brown
Alternate Judge (Suplente), Jesse Valerio

**Lubbock-Cooper Performing Arts Center (PAC) –
Woodrow Rd & Hwy 87 (on Woodrow Rd West of
Lubbock-Cooper High School)**

(Centro de Artes Escénicas de Lubbock-Cooper (PAC)— Calle Woodrow y Carretera 87)
(en la Calle Woodrow al oeste de la Escuela Secundaria de Lubbock-Cooper)

Judge (Juez), Leslie Arcisz
Alternate Judge (Suplente), John Fox

**Lubbock-Cooper North Elementary School –
3202 108th St**
(Escuela Primaria Lubbock-Cooper North--3202 calle 108)

Judge (Juez), Kim Sanford
Alternate Judge (Suplente), Jenny Bustillos

Mae Simmons Community Center – 2004 Oak Avenue
(Central Social Mae Simmons--2004 avenida Oak)

Judge (Juez), Earnestine Frazier
Alternate Judge (Suplente), Eva Jackson

Mattress Firm – 6707 Slide Rd
(Mattress Firm—6707 carretera Slide)

Judge (Juez), Kay Landress
Alternate Judge (Suplente), Tress Trost

Nat Williams Elementary School – 4812 58th St
(Escuela Primaria Nat Williams—4812 calle 58)

Judge (Juez), Amelinda Sanchez
Alternate Judge (Suplente), Delmira Lopez

**New Deal Community Clubhouse – 309 S Monroe Ave,
New Deal**
(Centro Social de New Deal--309 calle Monroe al sur, New Deal)

Judge (Juez), Jan Denzer
Alternate Judge (Suplente), Sherry Pena

Parsons Elementary—2811 58th St
(Escuela Primaria Parsons—2811 calle 58)

Judge (Juez), Mamie Hurt
Alternate Judge (Suplente), Mary Hernandez

Patterson Library – 1836 Parkway Ave
(Biblioteca Patterson—1836 avenida Parkway)

Judge (Juez), Hallie Perkins
Alternate Judge (Suplente), Sharon Kirkwood

**Plains Capital Bank, Governor’s Room –
5010 University Ave**
(Banco Plains Capital, Cuarto del Gobernador—5010 avenida Universidad)

Judge (Juez), Larry Henry
Alternate Judge (Suplente), Lesa Rollison

Ramirez Charter School – 702 Avenue T
(Escuela Primaria Ramirez--702 avenida T)

Judge (Juez), Clarence Walker
Alternate Judge (Suplente), Sandra Walker

**Ransom Canyon City Hall – 24 Lee Kitchens Dr,
Ransom Canyon**
(Oficina Municipal de Ransom Canyon—
24 Lee Kitchens Dr, Ransom Canyon)

Judge (Juez), TG Caraway
*Alternate Judge (Suplente), Lila
Richardson*

Roberts Elementary School – 7901 Avenue P
(Escuela Primaria Roberts--7901 avenida P)

Judge (Juez), Nancy Finger-Morales
Alternate Judge (Suplente), Nancy Mayfield

Roosevelt Clubhouse – 1400 CR 3300
(Centro Social de Roosevelt--1400 CR 3300)

Judge (Juez), Brooksye Ratliff
Alternate Judge (Suplente), William Klein

Roscoe Wilson Elementary School – 2807 25th St
(Escuela Primaria Roscoe Wilson--2807 calle 25)

Judge (Juez), Sandra Harper
Alternate Judge (Suplente), Louise Sanders

**Shallowater Community Center – 902 Avenue H,
Shallowater**
(Centro Social de Shallowater--902 avenida H, Shallowater)

Judge (Juez), Ron Goulette
Alternate Judge (Suplente), Dee Morales

**Slaton ISD Administration Office – 140 E Panhandle,
Slaton**
(Oficinas Administrativas de Distrito Escolar Independiente de Slaton--140 calle Panhandle al este, Slaton)

Judge (Juez), Jessie Rangel
Alternate Judge (Suplente), Al Gomez

South Plains Church of Christ – 6802 Elkhart Ave
(Iglesia de Cristo South Plains--6802 avenida Elkhart)

Judge (Juez), Carl Robertson
Alternate Judge (Suplente), Debbie Spencer

St Joseph Catholic Church – 102 N Avenue P
(Iglesia Católica San José--102 avenida P al norte)

Judge (Juez), Francisca Gomez
Alternate Judge (Suplente), Marivel Guajardo

Sunset Church of Christ, The Well – 3651 34th St
(Iglesia de Cristo Sunset, The Well--3651 calle 34)

Judge (Juez), Melinda Wilson
Alternate Judge (Suplente), Wanda White

Sutherlands – 3701 50th St
(Sutherlands--3701 calle 50)

Judge (Juez), Neil Finley
Alternate Judge (Suplente), Jack Booe

Terra Vista Middle School – 1111 Upland Ave
(Escuela Secundaria Menor Terra Vista—1111 avenida Upland)

Judge (Juez), Lupe Ysasaga
Alternate Judge (Suplente), Alice Cadena

**Texas Tech University Library –
18th St & Boston Ave, TTU Campus**
*(Biblioteca de Texas Tech--calle 18 y avenida Boston,
Campus de TTU)*

Judge (Juez), Debbie Rowan
*Alternate Judge (Suplente), Amanda
Cargile*

Wright Elementary School – 1302 Adrian St
(Escuela Primaria Wright—1302 calle Adrian)

Judge (Juez), Sharon Randolph
Alternate Judge (Suplente), Jody McCauley

NOTICE OF EARLY VOTING
(NOTACIÓN DE VOTACIÓN ADELANTADA)

Early Voting by personal appearance for the May 7th, 2016 Cities and Schools General and Special Elections will be conducted at ALL EARLY POLLING LOCATIONS ON THE DATES, TIMES AND LOCATIONS LISTED BELOW:

(Votación Adelantada para las Elecciones General y Especial de Ciudades y Escuelas del 7 de mayo, 2016, serán conducidas en TODOS LOS SITIOS DE VOTACIÓN EN LAS FECHAS, HORARIOS Y LOCALIDADES QUE SE LISTAN A CONTINUACIÓN:)

Early Voting Dates: April 25th – May 3rd, 2016
(Fecha de Votación Adelantada: 25 de abril – 3 de mayo, 2016)

Main Polling Place: (Lugar principal de la votación)

Lubbock County Elections Office <i>(Oficina de Elecciones del Condado de Lubbock)</i>	Dates: April 25 th – May 3 rd , 8:00 a.m. – 8:00 p.m. <i>(Fecha: 25 de abril – 3 de mayo, 8:00 a.m. – 8:00 p.m.)</i>
Public Room <i>(Salón Público)</i>	Except Sunday, May 1st, 1:00 p.m. – 6:00 p.m.
1308 Crickets Ave <i>(1308 avenida crickets)</i>	<i>(EXCEPTO EL DOMINGO, 1 de mayo 1:00 p.m. – 6:00 p.m.)</i>

United Supermarkets—Locations listed below:

Monday, April 25th – Tuesday, May 3rd 8:00 A.M. – 8:00 P.M.

(lunes, 25 de abril – martes, 3 de mayo 8:00 A.M. – 8:00 P.M.)

Except Sunday, May 1st 1:00 P.M. – 6:00 P.M.

(Excepto el domingo, 1 de mayo 1:00 p.m. – 6:00 p.m.)

2630 Parkway Dr	4425 19 th St (19 th & Quaker Ave) Market Street
112 North University Ave	2703 82 nd St (82 nd & Boston Ave)
401 Slide Road (4 th & Slide)	8010 Frankford Ave (82 nd & Frankford Ave)
1701 50 th St (50 th & Ave Q)	4205 98 th St (98 th & Quaker Ave) Market Street

Texas Tech University

Student Recreation Center

(Universidad de Texas Tech)

(Centro de Recreación para Estudiantes)

Texas Tech Campus

(Campus de Texas Tech)

Hartford Ave & Main St

(Calles avenida Hartford y calle Main)

Dates: April 25th – May 3rd

Fecha: 25 de abril – 3 de mayo

Hours: 8:00 A.M. – 8:00 P.M. *(horas)*

EXCEPT SUNDAY, May 1st, 1:00 P.M. – 6:00 P.M.

(EXCEPTO el DOMINGO, 1 de mayo 1:00 p.m. – 6:00 p.m.)

Slaton ISD Administration Office

(Oficina de Administración del Distrito Escolar

Independiente de Slaton)

140 E Panhandle *(140 calle Panhandle al Este)*

Slaton

Dates: April 25th – May 3rd

Fecha: 25 de abril – 3 de mayo

Hours: 8:00 A.M. – 8:00 P.M. *(horas)*

EXCEPT SUNDAY, May 1st, 1:00 P.M. – 6:00 P.M.

(EXCEPTO el DOMINGO, 1 de mayo 1:00 p.m. – 6:00 p.m.)

Roosevelt Clubhouse
(*Centro Social de Roosevelt*)
1400 CR 3300

Dates: April 25th – May 3rd
Fecha: 25 de abril – 3 de mayo
Hours: 8:00 A.M. – 5:00 P.M. (*horas*)

(Closed Saturday and Sunday) (*Cerrado el sábado y domingo*)

City of Lubbock, First Floor
1625 13th St
Lubbock

Dates: Monday, April 25th
(Fecha: lunes, 25 de abril)
Hours: 8:00 A.M. – 5:00 P.M. (*horas*)
Dates: Tuesday, April 26th
(Fecha: martes, 26 de abril)
Hours: 8:00 A.M. – 8:00 P.M. (*horas*)
Dates: Wednesday, April 27th – Friday April 29th
(Fecha: miércoles, 27 de abril – viernes, 29 de abril)
Hours: 8:00 A.M. – 5:00 P.M. (*horas*)
Dates: Monday, May 2nd
(Fecha: lunes, 2 de mayo)
Hours: 8:00 A.M. – 5:00 P.M. (*horas*)
Dates: Tuesday, May 3rd
(Fecha: martes, 3 de mayo)
Hours: 8:00 A.M. – 8:00 P.M. (*horas*)

CLOSED SATURDAY & SUNDAY (*Cerrado sábado y domingo*)

Lubbock ISD Administration Office
1628 19th St
Lubbock

Dates: Monday, April 25th – Tuesday, May 3rd
(Fecha: lunes, 25 de abril – martes, 3 de mayo)
Hours: 8:00 A.M. – 4:00 P.M. (*horas*)

CLOSED SATURDAY & SUNDAY (*Cerrado sábado y domingo*)

City of Abernathy
811 Avenue D
Abernathy

Dates: Monday, April 25th
(Fecha: lunes, 25 de abril)
Hours: 8:00 A.M. – 5:00 P.M. (*horas*)
Dates: Tuesday, April 26th
(Fecha: martes, 26 de abril)
Hours: 8:00 A.M. – 8:00 P.M. (*horas*)
Dates: Wednesday, April 27th – Friday April 29th
(Fecha: miércoles, 27 de abril – viernes, 29 de abril)
Hours: 8:00 A.M. – 5:00 P.M. (*horas*)
Dates: Monday, May 2nd
(Fecha: lunes, 2 de mayo)
Hours: 8:00 A.M. – 5:00 P.M. (*horas*)
Dates: Tuesday, May 3rd
(Fecha: martes, 3 de mayo)
Hours: 8:00 A.M. – 8:00 P.M. (*horas*)

CLOSED SATURDAY & SUNDAY (*Cerrado sábado y domingo*)

Casey Administration Building
501 7th St
Wolfforth

Dates: Monday, April 25th – Tuesday, May 3rd
(Fecha: lunes, 25 de abril – martes, 3 de mayo)
Hours: 8:00 A.M. – 4:00 P.M. (horas)

CLOSED SATURDAY & SUNDAY (Cerrado sábado y domingo)

Idalou Clubhouse
202 W 7th St, Idalou
Idalou

Dates: Monday, April 25th – Tuesday, May 3rd
(Fecha: lunes, 25 de abril – martes, 3 de mayo)
Hours: 8:00 A.M. – 5:00 P.M. (horas)

CLOSED SATURDAY & SUNDAY (Cerrado sábado y domingo)

**Lubbock-Cooper Performing Arts
Center (PAC)**
Woodrow Rd & Hwy 87

Dates: Monday, April 25th – Tuesday, May 3rd
(Fecha: lunes, 25 de abril – martes, 3 de mayo)
Hours: 8:00 A.M. – 4:00 P.M. (horas)

CLOSED SATURDAY & SUNDAY (Cerrado sábado y domingo)

New Deal Community Clubhouse
401 S Auburn St
New Deal

Dates: Monday, April 25th – Tuesday, May 3rd
(Fecha: lunes, 25 de abril – martes, 3 de mayo)
Hours: 8:00 A.M. – 4:00 P.M. (horas)

CLOSED SATURDAY & SUNDAY (Cerrado sábado y domingo)

Shallowater Community Center
902 Avenue H
Shallowater

Dates: April 25th – May 3rd
(Fecha: 25 de abril – 3 de mayo)
Hours: 8:00 A.M. – 5:00 P.M. (horas)

(Closed Saturday and Sunday) (Cerrado el sábado y domingo)

TEMPORARY BRANCH EARLY VOTING LOCATIONS
(SITIOS DE VOTACIÓN DE SUCURSALES TEMPORARIAS PARA
LA VOTACIÓN ADELANTADA)

Early Voting by personal appearance for the May 7th, 2016, Cities and Schools General and Special Elections of Lubbock County, will be conducted at the following TEMPORARY BRANCH POLLING LOCATIONS ON THE DATES AND TIMES LISTED BELOW:

(Votación Adelantada para las Elecciones General y Especial para Ciudades y Escuelas del Condado de Lubbock, del 7 de mayo, 2016, serán conducidas en los SITIOS DE VOTACIÓN DE SUCURSALES TEMPORARIAS EN LAS FECHAS, HORARIOS Y LOCALIDADES QUE SE LISTAN A CONTINUACIÓN:)

April 25, 2016 (25 de abril, 2016)
MONDAY (lunes)

Brookdale Remington Park
5301 66th St (5301 calle 66)
9:00 a.m. – 1:00 p.m.

Ventura Place
3026 54th St (3026 calle 54)
2:00 p.m. – 6:00 p.m.

Lubbock-Cooper High School (Escuela Secundaria Lubbock-Cooper)
16302 Loop 493
3:00 p.m. – 7:00 p.m.

April 26, 2016 (26 de abril, 2016)
TUESDAY (martes)

Covenant Women's and Children's Hospital
Garden Room (Basement) (Cuarto de Jardín – Sótano)
4000 24th St (4000 calle 24)
8:00 a.m. – 8:00 p.m.

Laura Bush Middle School (Escuela Secundaria Menor Laura Bush)
3425 118th St (3425 calle 118)
3:00 p.m. – 7:00 p.m.

Lubbock-Cooper South Elementary School
(Escuela Primaria Lubbock-Cooper South)
16302 Loop 493
3:00 p.m. – 7:00 p.m.

April 27, 2016 (27 de abril, 2016)
WEDNESDAY (miércoles)

Ransom Canyon City Hall
(Oficina Municipal del Pueblo de Ransom Canyon)
24 Lee Kitchens Dr (24 Lee Kitchens Dr, Ransom Canyon)
8:00 a.m. – 5:00 p.m.

Lubbock Community Services for the Deaf (LCSD)
2414 34th St (2414 calle 34)
10:00 a.m. -- 12:00 p.m.

Lubbock-Cooper Middle School
(Escuela Secundaria Menor Lubbock-Cooper)
16302 Loop 493
3:00 p.m. – 7:00 p.m.

April 28, 2016 (28 de abril, 2016)
THURSDAY (jueves)

Covenant Medical Center – Lobby (*Vestibulo*)
3615 19th St (*3615 calle 19*)
8:00 a.m. -- 8:00 p.m.

Life/Run Center for Independent Living
(*Life/Run Centro para Vivir Independiente*)
8240 Boston Ave (*8240 avenida Boston*)
9:00 a.m. – 1:00 p.m.

Lubbock-Cooper Central Elementary School
(*Escuela Primaria Lubbock-Cooper Central*)
4020 135th St (*4020 calle 135*)
3:00 p.m. – 7:00 p.m.

April 29, 2016 (29 de abril, 2016)
FRIDAY (viernes)

University Medical Center (UMC)
602 Indiana Ave (*602 avenida Indiana*)
8:00 a.m. -- 8:00 p.m.

Raider Ranch
6548 43rd St (*6548 calle 43*)
9:00 a.m. – 1:00 p.m.

Windmill Village Rehabilitation & Healthcare
(*Rehabilitación y Salud Windmill Village*)
507 MLK Blvd (*507 bulevar MLK*)
2:00 p.m. – 5:00 p.m.

April 30, 2016 (30 de abril, 2016)
SATURDAY (sábado)

Carillon Senior Living Campus
1717 Norfolk Ave (*1717 avenida Norfolk*)
10:00 a.m. -- 4:00 p.m.

May 2, 2016 (2 de mayo, 2016)
MONDAY (lunes)

Covenant Specialty Hospital
3815 20th St (*3815 calle 20*)
9:00 a.m. -- 2:00 p.m.

Lubbock-Cooper North Elementary School
(*Escuela Primaria Lubbock-Cooper North*)
3202 108th St (*3202 calle 108*)
3:00 p.m. – 7:00 p.m.

May 3, 2016 (3 de mayo, 2016)
TUESDAY (martes)

Lubbock-Cooper West Elementary School
(*Escuela Primaria Lubbock-Cooper West*)
10101 Fulton Ave (*10101 avenida Fulton*)
3:00 p.m. – 7:00 p.m.

**NOTICE OF GENERAL ELECTION (AVISO DE ELECCIÓN GENERAL)
CITY OF LUBBOCK 2016 REGULAR MUNICIPAL ELECTION
(ELECCIÓN REGULAR MUNICIPAL 2016, DE LA CIUDAD DE LUBBOCK)**

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., on **May 7, 2016**, for voting in a general election to elect: *(Notifíquese, por las presente, que las casillas electorales sitados abajo se abrirán desde las 7:00 a.m. hasta las 7:00 p.m. el 7 de mayo de 2016 para votar en la Elección General para elegir:)*

MAYOR - AT LARGE <i>ALCALDE - SIN LIMITACIONES</i>	2 YEAR TERM <i>(2 AÑOS)</i>
COUNCIL MEMBER, DISTRICT 2 <i>CONCEJAL MUNICIPAL, DISTRITO 2</i>	4 YEAR TERM <i>(4 AÑOS)</i>
COUNCIL MEMBER, DISTRICT 4 <i>CONCEJAL MUNICIPAL, DISTRITO 4</i>	4 YEAR TERM <i>(4 AÑOS)</i>
COUNCIL MEMBER, DISTRICT 6 <i>CONCEJAL MUNICIPAL, DISTRITO 6</i>	4 YEAR TERM <i>(4 AÑOS)</i>
MUNICIPAL COURT JUDGE <i>(JUEZ del TRIBUNAL MUNICIPAL)</i>	4 YEAR TERM <i>4 AÑOS)</i>

Voting by personal appearance will be conducted on Election Day at: *(La votación en persona, el día de Elección, se llevará a cabo en)*

See Exhibit A (Vea Anexo A)

Early voting by personal appearance will be conducted at: *(La votación adelantada en persona se llevará a cabo en)*

See Exhibit B (Vea Anexo B)

Applications for ballot by mail shall be mailed to: *(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)*

Early Voting Clerk *(Secretario para la Votación Adelantada)*
Dorothy Kennedy
Office of Elections *(Oficina de Elecciones)*
1308 Crickets Avenue
Lubbock, TX 79408
Telephone/Teléfono 806-775-1338

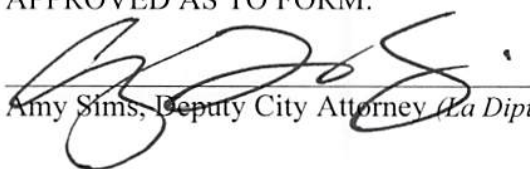
Issued this the _____ day of January, 2016.
(Emitada este día _____ de enero, 2016.)

GLEN C. ROBERTSON, MAYOR *(Alcalde)*

ATTEST:

Rebecca Garza, City Secretary *(Secretario Municipal)*

APPROVED AS TO FORM:



Amy Sims, Deputy City Attorney *(La Diputado Legal Municipal Adjunto)*



Regular City Council Meeting

5. 18.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Aviation: Consider a resolution ratifying purchase order 25100653 with Record USA of Monroe, North Carolina for the FlipFlow Door Installation at Lubbock Preston Smith International Airport.

Item Summary

The new automatic doors are an emergency purchase by the Department of Aviation. All passengers exiting the secure side of the terminal building currently exit through revolving doors. The revolving doors are original installation and have exceeded their useful life. The doors have been unreliable for several years and the replacement of the doors is included in the airport's capital improvement plan for FY 2016-17. However, the motherboard on one of the doors recently failed and replacements are no longer available. Because both doors have been unreliable and are not ideal for egress of large numbers of passengers at one time, staff is replacing the revolving doors with automatic doors that employ new technology. In order to minimize inconvenience to passengers, airport staff is currently manning the personnel doors located beside the broken revolving door to allow passengers to exit at the closest point to the baggage claim area. This practice increases security liabilities and limits the abilities of staff to perform other responsibilities, resulting in the emergency purchase. In accordance with Texas Local Government Code 252.022, Section A, Item 2, procedures for awarding certain expenditures do not apply to a procurement necessary to preserve or protect the public health or safety of the municipality's residents.

Record USA will install temporary walls, install the door units, replace and/or reuse the aluminum storefront, testing, commissioning, and training of staff. The unit has a one-year warranty.

Staff and Airport Advisory Board recommend approval of \$218,000 from Record USA for the FlipFlow Door Installation at Lubbock Preston Smith International Airport.

Fiscal Impact

\$3,608,736 is appropriated in Capital Improvement Project 92191, Airport Facility Improvements, with \$218,000 available for this purpose.

Staff/Board Recommending

Kelly Campbell, Executive Director of Aviation
Airport Advisory Board

Attachments

[Resolution](#)

[Proposal - Airport Facility Improvements](#)

[Budget Detail](#)

[CIP Detail](#)

RESOLUTION

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

THAT the act of the City Manager in executing, on behalf of the City of Lubbock, Contract No. 25100653, FlipFlow Door Installation, by and between the City of Lubbock and Record USA, of Monroe, North Carolina, and all related documents is hereby ratified in full. 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:



Kelly Campbell, Director of Aviation

APPROVED AS TO FORM:



Mitch Satterwhite, First Assistant City Attorney

RES.Record USA-Contract 25100653
January 20, 2016



PURCHASE ORDER

Page - 1
 Date - 01/07/2016
 Order Number 25100653 000 OP
 Branch/Plant 4615

TO: RECORD USA
 PO BOX 3099
 MONROE North Carolina 28111-3099

SHIP TO: CITY OF LUBBOCK
 LUBBOCK INTERNATIONAL AIRPORT
 5401 N. MLK BLVD.
 LUBBOCK Texas 79401

INVOICE TO: CITY OF LUBBOCK
 ACCOUNTS PAYABLE
 P.O. BOX 2000
 LUBBOCK, TX 79457

BY: *Julie Flanagan* *Marta Alvarez*
 Marta Alvarez, Director of Purchasing & Contract Management

Ordered 01/07/2016 Freight
 Requested 01/07/2016 Taken By T FLORES
 Delivery PER E QUINTANILLA REQ 46875 EMERGENCY PURCHASE

Description/Supplier Item	Ordered	Unit Cost	UM	Extension	Request Date
FlipFlow door installation	1.000	218,000.0000	EA	218,000.00	01/07/2016
Total Order				218,000.00	

Terms NET 30

INSURANCE REQUIRED:

Commercial General Liability, per occurrence- General Aggregate - \$1,000,000 Products-Comp/Op AGG - \$1,000,000 Personal & Adv. Injury - \$1,000,000 Contractual Liability - \$1,000,000 Automotive Liability General Aggregate - \$1,000,000	Worker's Compensation Employers' Liability - \$500,000
City of Lubbock is named as an additional insured on a primary and non-contributory basis with a waiver of subrogation in favor of the City of Lubbock on liability coverages. To include products of completed operations endorsements. Waiver of subrogation provided on the workers' compensation. Copies of endorsements are required.	

[Handwritten signature]
 1/13/16

**TERMS AND CONDITIONS
IMPORTANT: READ CAREFULLY
STANDARD TERMS AND CONDITIONS
CITY OF LUBBOCK, TX**

Seller and Buyer agree as follows:

- 1 **SELLER TO PACKAGE GOODS.** Seller will package goods in accordance with good commercial practice. Each shipping container shall be clearly and permanently marked as follows (a) Seller's name and address, (b) Consignee's name, address and purchase order or purchase release number and the supply agreement number if applicable, (c) Container number and total number of containers, e.g. box 1 of 4 boxes, and (d) the number of the container bearing the packing slip. Seller shall bear cost of packaging unless otherwise provided. Goods shall be suitably packed to secure lowest transportation costs and to conform with requirements of common carriers and any applicable specifications. Buyer's count or weight shall be final and conclusive on shipments not accompanied by packing lists.
- 2 **SHIPMENT UNDER RESERVATION PROHIBITED.** Seller is not authorized to ship the goods under reservation and no tender of a bill of lading will operate as a tender of goods.
- 3 **TITLE AND RISK OF LOSS.** The title and risk of loss of the goods shall not pass to Buyer until Buyer actually receives and takes possession of the goods at the point or points of delivery.
- 4 **NO REPLACEMENT OF DEFECTIVE TENDER.** Every tender of delivery of goods must fully comply with all provisions of this contract as to time of delivery, quality and the like. If a tender is made which does not fully conform, this shall constitute a breach and Seller shall not have the right to substitute a conforming tender, provided, where the time for performance has not yet expired, the Seller may reasonably notify Buyer of his intention to cure and may then make a conforming tender within the contract time but not afterward.
- 5 **INVOICES & PAYMENTS.** A Seller shall submit separate invoices, in duplicate, one each purchase order or purchase release after each delivery. Invoices shall indicate the purchase order or purchase release number and the supply agreement number if applicable. Invoices shall be itemized and transportation charges, if any, shall be listed separately. A copy of the bill of lading, and the freight waybill when applicable, should be attached to the invoice. Mail To: Accounts Payable, City of Lubbock, P. O. Box 2000 Lubbock, Texas 79437. Payment shall not be due until the above instruments are submitted after delivery.
- 6 **GRATUITIES.** The Buyer may, by written notice to the Seller, cancel this contract without liability to Seller if it is determined by Buyer that gratuities, in the form of entertainment, gifts or otherwise, were offered or given by the Seller, or any agent or representative of the Seller, in any officer or employee of the City of Lubbock with a view to securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such a contract. In the event this contract is canceled by Buyer pursuant to this provision, Buyer shall be entitled, in addition to any other rights and remedies, to recover or withhold the amount of the cost incurred by Seller in providing such gratuities.
- 7 **SPECIAL TOOLS & TEST EQUIPMENT.** If the price stated on the face hereof includes the cost of any special tooling or special test equipment fabricated or required by Seller for the purpose of filling this order, such special tooling equipment and any process sheets related thereto shall become the property of the Buyer and to the extent feasible shall be identified by the Seller as such.
- 8 **WARRANTY-PRICE.** a. The price to be paid by the Buyer shall be that contained in Seller's bid which Seller warrants to be no higher than Seller's current prices on orders by others for products of the kind and specification covered by this agreement for similar quantities under similar like conditions and methods of purchase. In the event Seller breaches this warranty, the prices of the items shall be reduced to the Seller's current prices on orders by others, or in the alternative, Buyer may cancel this contract without liability to Seller for breach or Seller's actual expense. b. The Seller warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for commission, percentage, brokerage, or contingent fee excepting bona fide employees of bona fide established commercial or selling agencies maintained by the Seller for the purpose of securing business. For breach of violation of this warranty the Buyer shall have the right in addition to any other right of rights to cancel this contract without liability and to deduct from the contract price, or otherwise recover without liability and to deduct from the contract price, or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.
- 9 **WARRANTY-PRODUCT.** Seller shall not limit or exclude any implied warranties and any attempt to do so shall render this contract voidable at the option of the Buyer. Seller warrants that the goods furnished will conform to the specification, drawings, and descriptions listed in the bid invitation, and to the sample(s) furnished by the Seller, if any. In the event of a conflict or between the specifications, drawings, and descriptions, the specifications shall govern. Notwithstanding any provisions contained in the contractual agreement, the Seller represents and warrants fault-free performance and fault-free result in the processing date and date related data (including, but not limited to calculating, comparing and sequencing) of all hardware, software and firmware products delivered and services provided under this Contract, individually or in combination, as the case may be from the effective date of this Contract. The obligations contained herein apply to products and services provided by the Seller, its sub-Seller or any third party involved in the creation or development of the products and services to be delivered to the City of Lubbock under this Contract. Failure to comply with any of the obligations contained herein, may result in the City of Lubbock availing itself of any of its rights under the law and under this Contract including, but not limited to, its right pertaining to termination or default. The warranties contained herein are separate and discrete from any other warranties specified in this Contract, and are not subject to any disclaimer of warranty implied or expressed, or limitation of the Seller's liability which may be specified in this Contract, its appendices, its schedules, its annexes or any document incorporated in this Contract by reference.
- 10 **SAFETY WARRANTY.** Seller warrants that the product sold to the Buyer shall conform to the standards promulgated by the U. S. Department of Labor under the Occupational Safety and Health Act of 1970. In the event the product does not conform to OSHA standards, Buyer may return the product for correction or replacement at the Seller's expense. In the event Seller fails to make the appropriate correction within a reasonable time, correction made by Buyer will be at the Seller's expense.
- 11 **NO WARRANTY BY BUYER AGAINST INFRINGEMENTS.** As part of this contract for sale Seller agrees to ascertain whether goods manufactured in accordance with the specifications attached to this agreement will give rise to the rightful claim of any third person by way of infringement of the like. Buyer makes no warranty that the production of goods according to the specification will not give rise to such a claim, and in no event shall Buyer be liable to Seller for indemnification in the event that Seller is sued on the grounds of infringement of the like. If Seller is of the opinion that an infringement or the like will result, he will notify the Buyer to this effect in writing within two weeks after the signing of this agreement. If Buyer does not receive notice and is subsequently held liable for the infringement or the like, Seller will save Buyer harmless. If Seller in good faith ascertains the production of the goods in accordance with the specifications will result in infringement or the like, the contract shall be null and void.
- 12 **NON APPROPRIATION.** All funds for payment by the City under this contract are subject to the availability of an annual appropriation for this purpose by the City. In the event of nonappropriation of funds by the City Council of the City of Lubbock for the goods or services provided under this contract, the City will terminate the contract, without termination charge or other liability, on the last day of the then-current fiscal year or when the appropriation made for the then-current year for the goods or services covered by this contract is spent, whichever event occurs first. If at any time funds are not appropriated for the continuance of this contract, cancellation shall be accepted by the Seller on thirty (30) days prior written notice, but failure to give such notice shall be of no effect and the City shall not be obligated under this contract beyond the date of termination.
- 13 **RIGHT OF INSPECTION.** Buyer shall have the right to inspect the goods at delivery before accepting them.
- 14 **CANCELLATION.** Buyer shall have the right to cancel for default all or any part of the undelivered portion of this order if Seller breaches any of the terms hereof including warranties of Seller or if the Seller becomes insolvent or commits acts of bankruptcy. Such right of cancellation is in addition to and not in lieu of any other remedies which Buyer may have in law or equity.
- 15 **TERMINATION.** The performance of work under this order may be terminated in whole or in part by the Buyer in accordance with this provision. Termination of work hereunder shall be effected by the delivery of the Seller of a "Notice of Termination" specifying the extent to which performance of work under the order is terminated and the date upon which such termination becomes effective. Such right of termination is in addition to and not in lieu of the rights of Buyer set forth in Clause 13, herein.
- 16 **FORCE MAJEURE.** Neither party shall be held responsible for losses resulting if the fulfillment of any terms of provisions of this contract is delayed or prevented by any cause not within the control of the party whose performance is interfered with, and which by the exercise of reasonable diligence said party is unable to prevent.
- 17 **ASSIGNMENT-DELEGATION.** No right or interest in this contract shall be assigned or delegation of any obligation made by Seller without the written permission of the Buyer. Any attempted assignment or delegation by Seller shall be wholly void and totally ineffective for all purposes unless made in conformity with this paragraph.
- 18 **WAIVER.** No claim or right arising out of a breach of this contract can be discharged in whole or in part by a waiver or remission of the claim or right unless the waiver or remission is supported by consideration and is in writing signed by the aggrieved party.
- 19 **INTERPRETATION-PAROLE EVIDENCE.** This writing, plus any specifications for bids and performance provided by Buyer in its advertisements for bids, and any other documents provided by Seller as part of his bid, is intended by the parties as a final expression of their agreement and intended also as a complete and exclusive statement of the terms of their agreement. Whenever a term defined by the Uniform Commercial Code is used in this agreement, the definition contained in the Code is to control.
- 20 **APPLICABLE LAW.** This agreement shall be governed by the Uniform Commercial Code. Wherever the term "Uniform Commercial Code" is used, it shall be construed as meaning the Uniform Commercial Code as adopted in the State of Texas as effective and in force on the date of this agreement.
- 21 **RIGHT TO ASSURANCE.** Whenever one party to this contract in good faith has reason to question the other party's intent to perform he may demand that the other party give written assurance of his intent to perform. In the event that a demand is made and no assurance is given within five (5) days, the demanding party may treat this failure as an anticipatory repudiation of the contract.
- 22 **INDEMNIFICATION.** Seller shall indemnify, keep and save harmless the Buyer, its agents, officials and employees, against all injuries, deaths, loss, damages, claims, patent claims, suits, liabilities, judgments, costs and expenses, which may in anywise accrue against the Buyer in consequence of the granting of this Contract or which may in anywise result therefrom, whether or not it shall be alleged or determined that the act was caused through negligence or omission of the Seller or its employees or of the sub-Seller or assignee or its employees, if any, and the Seller shall, at its own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom of incurred in connection therewith, and, if any judgment shall be rendered against the Buyer in any such action, the Seller shall, at its own expense, satisfy and discharge the same. Seller expressly understands and agrees that any bond required by this contract, or otherwise provided by Seller shall in no way limit the responsibility to indemnify, keep and save harmless and defend the Buyer as herein provided.
- 23 **TIME.** It is hereby expressly agreed and understood that time is of the essence for the performance of this contract, and failure by contract to meet the time specifications of this agreement will cause Seller to be in default of this agreement.
- 24 **MBE.** The City of Lubbock hereby notifies all bidders that in regard to any contract entered into pursuant to this request, minority and women business enterprises will be afforded equal opportunities to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or natural origin in consideration for an award.
- 25 **NON-ARBITRATION.** The City reserves the right to exercise any right or remedy to it by law, contract, equity or otherwise, including without limitation, the right to seek any and all forms of relief in a court of competent jurisdiction. Further the City shall not be subject to any arbitration process prior to exercising its unrestricted right to seek judicial remedy. The remedies set forth herein are cumulative and not exclusive, and may be exercised concurrently. To the extent of any conflict between this provision and another provision in, or related to, this document, this provision shall control.
- 26 **RIGHT TO AUDIT.** At any time during the term of the contract, or thereafter, the City, or a duly authorized audit representative of the City or the State of Texas, at its expense and at reasonable times, reserves the right to audit Contractor's records and books relevant to all services provided to the City under this Contract. In the event such an audit by the City reveals any errors or overpayments by the City, Contractor shall refund the City the full amount of such overpayments within thirty (30) days of such audit findings, or the City, at its option, reserves the right to deduct such amounts owing the City from any payments due Contractor.
- 27 **HOUSE BILL 2015.** House Bill 2015, signed by the Governor on June 14, 2013 and effective on January 1, 2014, authorizes a penalty to be imposed on a person who contracts for certain services with a governmental entity and who fails to properly classify their workers. This applies to subcontractors as well. Contractors and subcontractors who fail to properly classify individuals performing work under a governmental contract will be penalized \$200 for each individual that has been misclassified. (Texas Government Code Section 2155.001)
- 28 **ASSIGNING OR SUBLETTING THE CONTRACT.** The Contractor shall not assign or sublet the contract, or any portion of the contract, without written consent from the Director of Purchasing and Contract Management. Should consent be given, the Contractor shall insure the Subcontractor or shall provide proof of insurance from the Subcontractor that complies with all contract insurance requirements.



January 6, 2016

Lubbock Preston Smith International Airport
Steve Nicholson
5401 N. Martin Luther King Blvd, Unit 389
Lubbock, TX 79403

Re: Exit Lane Breach Technology Proposal

Steve,

Thank you for the opportunity to provide you with the following proposal to remove the current revolving door, install the FlipFlow unit and finish the opening with storefront at both exit corridors, as discussed.

Scope of work:

Remove revolving doors, provide 110V, install temporary walls, install the FlipFlow units, replace / reuse the aluminum storefront, testing, commissioning, training of staff with a one (1) planned maintenance\$218,000.00

Exclusions: CAT6 Cabling, IP Addresses, POE, permits and taxes.

With the stainless clad finish, we would be looking at beginning installation March 14th.

We look forward to working with you and the airport.

Regards,

Bill Seibert
Sales Manager Airports

**City of Lubbock, TX
Capital Project
Project Cost Detail
February 11, 2016**

Capital Project Number: 92191
 Capital Project Name: Airport Facility Improvements

	Budget
<i>Encumbered/Expended</i>	
Talon LPE	\$ 140,524
BGR Architects	26,250
Talon LPE	73,301
Bid Costs	965
John B. Walker Roofing	372,000
Office Wise Furniture & Supply	494,553
Parkhill Smith & Cooper #8	16,750
Starlite Sign, LP	35,500
DFW Consulting Group	240,120
Collier Construction	641,500
RS&H	414,513
 <i>Agenda Item February 11, 2016</i>	
Record USA	218,000
<i>Encumbered/Expended To Date</i>	2,673,976
 <i>Estimated Costs for Remaining Appropriation</i>	
Renovations/Construction	934,760
<i>Remaining Appropriation</i>	934,760
 Total Appropriation	 \$ 3,608,736

Managing Department **Airport Maintenance**

Project Manager **Kelly Campbell**

Project Classification **Infrastructure Improvements**

Project Status **Approved**



Project Scope

Improvements to the Airport terminal building and other airport facilities, including: roof and structural repairs to airport owned buildings, repairs to the terminal building to eliminate leaks, window improvements, carpet replacement, seat replacement, airport directional signage rehabilitation or replacement, parking garage lighting repair or replacement, painting, encapsulating or removing asbestos, terminal building fire panel, resealing or reconstructing airport roads, improvements to overflow parking area, and any other needed airport facility improvements. Repair or replacement of the Public Address system, upgrades and improvements to the Access Control/CCTV system, modifications and/or replacement of the main terminal building revolving doors, and HVAC upgrades at the Executive Terminal building.

Project Justification

The airport terminal, and many of the facilities and roads, are in need of repair.

Project History

\$275,000 was appropriated in the FY 2009-10 Budget, Ord. No. 2009-00073, August 27, 2009.
 \$500,000 was appropriated in the FY 2010-11 Budget, Ord. No. 2010-00070, September 16, 2010.
 \$475,000 was appropriated in the FY 2011-12 Budget, Ord. No. 2011-00080, September 8, 2011.
 \$475,000 was appropriated in the FY 2012-13 Budget, Ord. No. 2012-00100, September 13, 2012.
 \$400,000 was appropriated in FY 2012-13 Budget Amendment No. 3, Ord. No. 2012-00119, October 25, 2012.
 \$475,000 was appropriated in the FY 2013-14 Budget, Ord. No. 2013-00087, September 10, 2013.
 \$475,000 was appropriated in the FY 2014-15 Budget, Ord. No. 2014-00122, September 11, 2014.
 \$475,000 was appropriated in the FY 2015-16 Budget, Ord. No. 2015-00094, September 10, 2015.

<i>Appropriation Detail</i>	Appropriation to Date	Unappropriated Planning Years						Total Project Amount
		FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	
Construction	2,158,736	475,000	475,000	475,000	475,000	475,000	475,000	5,008,736
Design and Engineering	400,000	0	0	0	0	0	0	400,000
Furnishings	325,000	0	0	0	0	0	0	325,000
Other Activities	150,000	0	0	0	0	0	0	150,000
Signage, Lighting and Signals	100,000	0	0	0	0	0	0	100,000
Total Project Appropriation	3,133,736	475,000	475,000	475,000	475,000	475,000	475,000	5,983,736



Regular City Council Meeting

5. 19.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Police: Consider a resolution authorizing the Chief of Police to execute a Memorandum of Understanding (MOU) for the placement of a medication Drop Box by and between the City of Lubbock and Lubbock County VOICES Coalition/StarCare Specialty Health Services.

Item Summary

The purpose of this MOU is to provide space in the public lobby area of the Police Property Room for a medication dropbox, in which citizens can deposit unwanted/expired prescription medications for proper disposal. Police Property Room staff will periodically inventory and destroy the medications as a service to the community to ensure the proper destruction of such medications and prevent them from being abused.

Fiscal Impact

None.

Staff/Board Recommending

Greg Stevens, Chief of Police

Attachments

Resolution - StarCare-Medication Box

Agreement - StarCare Partnership

RESOLUTION

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

THAT the Chief of Police of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock and the Lubbock Police Department, a Memorandum of Understanding with Lubbock County VOICES Coalition / StarCare Specialty Health Services for the placement of a medication drop box in the public lobby of the Lubbock Police Department Property Room, and related activities. Said Memorandum of Understanding 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 _____, 2016.

GLEN C. ROBERTSON, MAYOR

ATTEST:

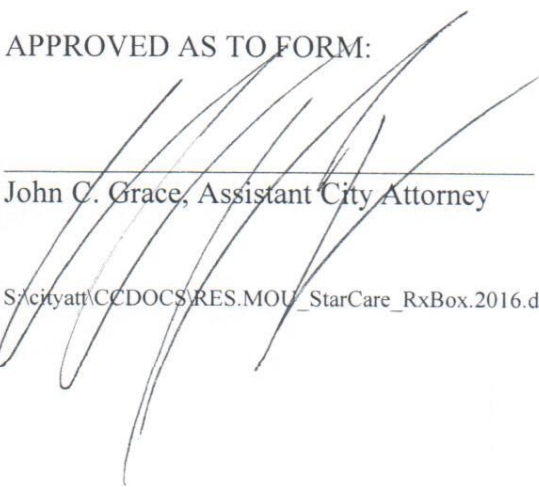
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Greg Stevens, Chief of Police

APPROVED AS TO FORM:



John C. Grace, Assistant City Attorney

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COMMUNITY COALITION PARTNERSHIP
COALITION INVOLVEMENT AGREEMENT FORM

Name of Agency/Individual: **City of Lubbock, Texas on behalf of its Police Department**
Contact Person (if Agency): Name and Title: **Assistant Chief Jon Caspell**
Mailing Address: **P.O. Box 2000 Lubbock, TX 79457-2000**
Telephone Number: **806-775-2749** E-Mail: **jcaspell@mylubbock.us**

Please Check Type of Agency/Individual Representative (One or More):

- Youth;
- Young Adult;
- Parent; Business Community;
- Media;
- School;
- Organization that Serves Youth or Youth Adults;
- Law Enforcement Agency;
- Faith-Based Organization;
- Civic and Volunteer Group;
- Health Care Professional;
- State, local and/or tribal government agency with expertise in the field of Substance Abuse; or
- Other organization involved in reducing substance abuse.

Please Check Your Type of Commitment to the Project (One or More):

- Allocation of space for meetings and or prevention services to support the sustainability of the Coalition.
- Donation of resources to allow for presentations to youth, young adults, and adults in your community focused on the state's prevention priority.
- Membership on the Coalition.
- Participation in the Community Needs Assessment process.
- Designation of key staff to represent your agency and assist in identifying and addressing gaps in services in your community.
- Allocation of resources for media awareness activities in your community.
- Designation of staff to attend the DSHS Annual Behavioral Health Institute (BHI) Coalition Summit.

Briefly describe any other role or contribution that your agency will commit to the overall success of the project: **The City of Lubbock, on behalf of the Lubbock Police Department, will provide space in the public lobby area of the Police Property Room for a medication dropbox, in which citizens can deposit unwanted/expired prescription medications for proper disposal. Police Property Room staff will periodically inventory and destroy the medications as a service to the community to ensure the proper destruction of such medications and prevent them from being abused.**

TERM OF AGREEMENT: This agreement is contingent upon StarCare Specialty Health System receiving funding from the Department of State Health Services to perform the required activities. Should funding for the project be received, the agreement will be effective **February 11, 2016 through August 31, 2017**. This agreement may be terminated, without cause, with a thirty (30) day written notice.

AGREED on this _____ day of **February, 2016**:

FOR THE CITY OF LUBBOCK:


Greg Stevens, Chief of Police

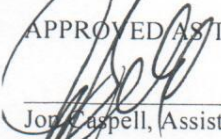
FOR LUBBOCK COUNTY VOICES COALITION /
STARCARE SPECIALTY HEALTH SERVICES:


Teresa Alvarado, Community Coalition Program Director

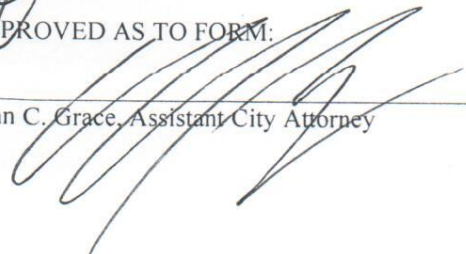
ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:


Jon Caspell, Assistant Chief of Police

APPROVED AS TO FORM:


John C. Grace, Assistant City Attorney



Regular City Council Meeting

5. 20.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution – City Manager: Consider a resolution authorizing the Mayor to execute an Amendment to that certain Interlocal Agreement between the City of Lubbock and the Lubbock County Hospital District for emergency medical services, dated April 12, 1984.

Item Summary

This agreement is an amendment to the 1984 Interlocal Cooperation Agreement between the City of Lubbock and the Lubbock County Hospital District. This agreement defines the terms and conditions for providing emergency medical services in the City of Lubbock.

Fiscal Impact

None.

Staff/Board Recommending

James Loomis, City Manager
Lance Phelps, Fire Chief

Attachments

Resolution - Interlocal Agreement with UMC for EMS

Interlocal Cooperation Agreement - EMS

RESOLUTION

WHEREAS, on April 12, 1984, the City of Lubbock entered into an Interlocal Cooperation Agreement (hereafter the "Interlocal Agreement") with the Lubbock County Hospital District (now known as "University Medical Center");

WHEREAS, said Interlocal Agreement was for a term of one (1) year, and was automatically extended for successive one year periods;

WHEREAS, said Interlocal has never been terminated, as provided in the Interlocal Agreement, and has remained in effect since its execution;

WHEREAS, the parties now wish to make mutual modifications to the Interlocal Agreement, as provided therein;

NOW THEREFORE 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 Amendment to the Interlocal Cooperation Agreement between the City of Lubbock and the Lubbock County Hospital District, d/b/a University Medical Center, 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 _____, 2016.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Lance Phelps, Chief, Lubbock Fire Rescue
City of Lubbock, Texas

APPROVED AS TO FORM:



John C. Grace, Assistant City Attorney

S:\cityatt\CCDOCS\RES Amendment to Interlocal Cooperation Agreement with UMC for EMS 2016 doc

AMENDMENT
to
Interlocal Cooperation Agreement
Emergency Medical Services

This amendment is made to the Agreement by and between the City of Lubbock, a home rule municipal corporation of Lubbock County, Texas (“City”), and the Lubbock County Hospital District, a political subdivision of the State of Texas (“Hospital”), effective April 12, 1984.

The Agreement and this Amendment set forth all terms, conditions, and requirements for the parties and supersede any earlier agreements, writings, or promises. In the event of conflict or inconsistency between the Agreement and Amendment, the terms of the Amendment shall govern.

Effective January 1, 2016, the parties amend the Agreement as follows:

Delete and replace *Paragraph 2* with the following:

2. TERM. This agreement shall be for a term beginning April 12, 1984 and ending December 31, 2020.
 - a. This agreement shall automatically extend for successive five-year periods unless either party, at least one year prior to the expiration of any five-year period, gives written notice of termination to the other party. Upon such notice being given, the agreement shall terminate at the end of that current five-year period.
 - b. Notwithstanding Section 2(a), above, the parties may terminate this agreement for cause at any time, provided the party seeking termination has given the other party written notice stating with specificity the reason for the termination. If the reason given for termination is susceptible to cure, the other party shall be entitled to a period of one hundred eighty (180) days to effectively cure the condition, and if the other party has made, and continues to make, a diligent effort to cure the condition, the period for cure shall be extended for a reasonable time (not to exceed an additional one hundred eighty (180) days). If the condition given as a reason for termination is effectively cured, the agreement will continue as if no termination for cause had been attempted. If the reason for termination is not susceptible to cure, the termination shall be effective after a period of thirty (30) days.

- c. If Hospital ceases to be licensed as an EMS provider, this agreement shall terminate automatically on the date the license expires or terminates.
- d. Any payments made by either party hereunder shall be made from current revenues.

Delete and replace *Paragraph 3* with the following:

3. DUTIES OF HOSPITAL.

- a. Hospital, through UMC EMS, shall provide emergency medical services within the City of Lubbock 24 hours per day, 7 days per week, every week of the year without interruption.
- b. Hospital shall provide services without regard to the patient's race, color, religion, sex (including pregnancy), national origin, age, physical or mental disability, genetic information, veteran status or any other legally recognized protected class.
- c. With the exception of disaster response, Hospital shall be the exclusive 911 medical ground ambulance provider authorized by the City for incidents originating within the City.
- d. Hospital shall work in collaboration with the City of Lubbock Fire Rescue for the provision of First Responder services. This relationship shall be exclusive. Hospital shall not work with any other entity to provide First Responder services. Nothing herein shall be construed as limiting Hospital itself from providing First Responder services.
- e. Hospital shall maintain sufficient equipment and staffing to meet the City's requirements at all times.
- f. Hospital shall comply with all applicable standards and rules promulgated under Texas Health & Safety Code Chapter 773 "Emergency Health Care Act" and other applicable statutes now existing or hereinafter adopted.
- g. Hospital shall advise the City in advance of any changes in its emergency medical response capability.

Delete and replace *Paragraph 4* with the following:

4. DUTIES OF CITY. The City agrees to the following:
 - a. Pursuant to Sec. 774.001 and Sec. 774.003(b) of the Texas Health and Safety Code, the City may enter into an agreement with Lubbock County for the provision of medical emergency ambulance services. Lubbock County has delegated such services to Hospital. With the exception of disaster response, the City designates Hospital as the exclusive medical ground emergency ambulance provider authorized by the City for incidents originating within the City.
 - b. The City shall encourage periodic cross-training among Lubbock Fire Rescue, Lubbock Police Department, and Hospital with regard to communications, radio, dispatch and emergency communications and response.
 - c. The City of Lubbock Fire Rescue shall work in collaboration with Hospital for the provision of First Responder services. This relationship shall be exclusive. City of Lubbock Fire Rescue shall not work with any other entity to provide First Responder services, except in the event of dire emergency, public calamity, or an emergency or disaster declared pursuant to Chapter 418 of the Texas Government Code.
 - d. The City shall maintain all communication systems in place and operating.
 - e. City shall advise the Hospital in advance of any changes in its need for emergency medical response capability.

Delete and replace *Paragraph 5* with the following:

5. MISCELLANEOUS PROVISIONS.
 - a. Nothing herein shall be construed as limiting the City from obtaining emergency medical assistance from other sources in the event that all available UMC EMS Units are in use; for example, if Hospital has no EMS units available to meet City requests or in the event of dire emergency, public calamity, or an emergency or disaster declared pursuant to Chapter 418 of the Texas Government Code.

c. If the Lubbock County Hospital District Board takes action to cease, limit, curtail, or reduce the Hospital's capability as an EMS provider, the exclusivity provisions set forth in this agreement, including the exclusivity provisions in Sections 3(c) and (d) and 4(a) and (c), shall terminate simultaneously with that action.

b. In this Interlocal Cooperation Agreement, the following terms are defined as follows:

- 1) EMS – Emergency Medical Services.
- 2) UMC – The Lubbock County Hospital District d/b/a University Medical Center.

EXECUTED this _____ day of _____, 2016.

FOR THE CITY OF LUBBOCK

FOR THE LUBBOCK COUNTY
HOSPITAL DISTRICT ("Hospital")


GLEN C. ROBERTSON, Mayor

DAVID ALLISON, President and CEO
UMC Health System

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Lance Phelps, Chief, Lubbock Fire Rescue

APPROVED AS TO FORM:



John C. Grace, Assistant City Attorney



Regular City Council Meeting

5. 21.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution – Economic Development: Consider a resolution authorizing the Mayor to execute an agreement with Monsanto Southern Production Co., LLC, under section 212.172 of the Texas Local Government Code.

Item Summary

As stated above.

Fiscal Impact

None.

Staff/Board Recommending

James Loomis, City Manager
Lubbock Economic Development Alliance

Attachments

Resolution - Monsanto

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 under Chapter 212.172 of the Texas Local Government Code for the extension of the City of Lubbock's planning, zoning, and code inspection authority to property outside of the current city limits, by and between the City of Lubbock and Monsanto Southern Production Company, LLC of St. Louis, Missouri, 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:



James Loomis, City Manager

APPROVED AS TO FORM:



Justin Pruitt, Assistant City Attorney



Regular City Council Meeting

6. 1.

Meeting Date: 02/11/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-00015 for Zone Case 3274, a request of Betenbough Homes for a zoning change from T to R-1 Specific Use, C-3, C-2A, and Garden Office (GO) on 157.57 acres of unplatted land out of Block E, Section 16, south of 130th Street, east of University Avenue.

Item Summary

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

General comments:

The request is to zone a quarter section of land for residential and commercial, 105 acres of residential and 52 acres of commercial.

During the hearing with the Planning and Zoning (P&Z) Commission, the original C-3 request along University Avenue was amended to C-2A for the northern portion portion and GO for the southern portion.

Adjacent land uses:

North: Outside City limits

South: Outside City limits

East: Outside City limits

West: GO, and C-3

Comprehensive Land Use Plan (CLUP):

The R-1 zoning is consistent with the CLUP. The requested C-3 zoning along 130th Street follows the previously proposed update to the CLUP that was denied. Under the current CLUP, the C-3 zoning along 130th Street and University Avenue is considered strip commercial and is not consistent with the CLUP as the commercial should be located at the intersections of major thoroughfares and limited to 10 acres on each corner and limited to 660 feet from the intersection.

Zoning Policy:

The R-1 Specific Use zoning is consistent with zoning policy. The commercial zoning along 130th Street would have been consistent with zoning policy if the amendment to the current CLUP had been adopted in anticipation of the proposed outer loop. Currently, the C-3 zoning along both 130th Street and extending south along University Avenue, are not consistent with the policy as they are considered strip commercial and have the potential of causing traffic issues in the future. Additionally, the lack of a proper buffer district between commercial zoning and residential zoning creates incompatible uses immediately adjacent to one another. The strip commercial along University Avenue also creates inconsistency in zoning across the thoroughfare. Although this is not necessarily a negative situation, it is often used as justification for other non-policy zone cases in the future.

In anticipation of an amendment to the current CLUP in the near future that would reflect the outer loop, staff has less of a concern towards the request for C-3 along 130th Street. TxDOT will have control of curb cuts along the street and future loop.

Although modifying the request to a buffer district, such as GO or apartment zoning, along University Avenue would be more consistent with city policies, the amount of land in this configuration may still be excessive. Staff has been made aware of an abundance of GO in the current market. The P&Z Commission, as well as staff, should be aware of and take into account the impacts on the current market when reviewing a zone case. Based on these concerns, staff is recommending against the proposed commercial tracts adjacent to University Avenue.

As stated above, the C-3 request along University was amended to C-2A for the northern portion and GO for the southern portion. Although this does not meet currently policies, it is more or less consistent with adjacent zoning across University Avenue.

Effect on the adjacent street and thoroughfare system:

Strip commercial can cause traffic issues, along with disrupting the way our thoroughfares are supposed to carry vehicular traffic within the city.

Recommendations:

Staff recommends approval of the R-1 Specific Use request, approximately 105 acres, the C-3 zoning request along 130th Street to include “Tract A” and the eastern 1033 feet of “Tract B”. Staff recommends denial of the C-3 zoning request along University Avenue, the western 417.07 feet of “Tract B”, “Tract C”, and “Tract D”.

Staff recommends the following conditions:

1. That the R-1 Specific Use shall have reduced setbacks as follows:
 - a. 20-foot front setback;
 - b. 5-foot front setback on cul-de-sac lots; and
 - c. 5-foot side setback on corner lots.

On January 7, 2016, the P&Z Commission recommended the request with a unanimous vote, with the following conditions:

Tract A – C-3

Tract B – eastern 1033 feet C-3, west 417 feet C-2A

Tract C – GO

Tract D – GO

Balance of 105.248 acres – R-1 Specific Use for reduced setbacks with the following condition:

1. That the R-1 Specific Use shall have reduced setbacks as follows:
 - a. 20-foot front setback;
 - b. 5-foot front setback on cul-de-sac lots; and
 - c. 5-foot side setback on corner lots.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager

Planning and Zoning Commission

Attachments

Ordinance - 3274

Zone - 3274

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. 3274; A ZONING CHANGE FROM T TO R-1 SPECIFIC USE, C-3, C-2A, AND GO, ON 157.57 ACRES OF UNPLATTED LAND OUT OF BLOCK E, SECTION 16, 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. 3274

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 **T to R-1 Specific Use, C-3, C-2A, and GO on 157.57 acres of unplatted land out of Block E, Section 16, City of Lubbock, Lubbock County, Texas, located at South of 130th Street, East of University Avenue**, subject to conditions, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SUBJECT TO THE FOLLOWING CONDITIONS:

1. **THAT Tract A be zoned C-3;**
2. **THAT Tract B be zoned C-3 along the eastern 1033 feet and zoned C-2A along the west 417 feet;**
3. **THAT Tract C be zoned GO;**
4. **THAT Tract D be zoned GO;**
5. **THAT the balance of 105.248 acres be zoned R-1 Specific Use for reduced setbacks as follows:**
 - a. **20 foot front setback;**
 - b. **5 foot front setback on cul-de-sac lots;**
 - c. **5 foot side setback on corner lots.**

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 T 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 **South of 130th Street, East of University 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:

 FOR ANDREW PAXTON

Andrew Paxton, Director of Planning

APPROVED AS TO FORM:



Justin D. Pruitt, Assistant City Attorney

vw/CityAtt/Justin/Zones/ZC3274
January 7, 2016

DESCRIPTION:

A 105.248 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY, TEXAS, AND BEING SITUATED WITHIN THAT CERTAIN 153.572 ACRE TRACT OF LAND CONVEYED TO REAL PROPERTY RESOURCES, INC. DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2105033573 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 105.248 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 16 AND THE NORTHEAST CORNER OF SAID 153.572 ACRE TRACT FOR THE NORTHEAST CORNER OF THIS TRACT AND HAVING COORDINATES OF NORTHING: 7,236,435.72 AND EASTING: 943,637.27, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE, WHENCE A RAILROAD SPIKE NEAR THE CENTERLINE OF F.M. HWY. 1585 AT THE NORTHEAST CORNER OF SAID SECTION 16 BEARS S. 88° 08' 12" E. A DISTANCE OF 2618.97 FEET;

THENCE S. 02° 00' 08" W., AT A DISTANCE OF 40.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF F.M. HWY. 1585, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 490 PAGE 699 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 2619.03 FEET TO THE SOUTHEAST CORNER OF SAID 153.572 ACRE TRACT AND THIS TRACT, WHENCE A 3/4" IRON PIPE AT THE CENTER QUARTER CORNER OF SAID SECTION 16 BEARS S. 02° 00' 09" W. A DISTANCE OF 32.00 FEET, SAID QUARTER CORNER HAVING COORDINATES OF NORTHING: 7,233,786.96 AND EASTING: 943,544.67, TEXAS COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE, NAD83;

THENCE N. 88° 24' 19" W., PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 1969.06 FEET TO A POINT OF INTERSECTION FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 173.60 FEET, SAID CURVE HAVING A RADIUS OF 432.00 FEET, A DELTA ANGLE OF 23° 01' 26", A CHORD DISTANCE OF 172.43 FEET AND A CHORD BEARING OF N. 54° 42' 05" W. TO A POINT OF TANGENCY AND A CORNER OF THIS TRACT;

THENCE N. 43° 11' 22" W. A DISTANCE OF 154.35 FEET TO A POINT OF CURVATURE AND A CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 290.41 FEET, SAID CURVE HAVING A RADIUS OF 368.00 FEET, A DELTA ANGLE OF 45° 12' 57", A CHORD DISTANCE OF 282.93 FEET AND A CHORD BEARING OF N. 65° 47' 51" W. TO A POINT OF TANGENCY AND A CORNER OF THIS TRACT;

THENCE N. 88° 24' 19" W. A DISTANCE OF 41.61 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 46° 42' 09" W. A DISTANCE OF 42.51 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W., AT A DISTANCE OF 15.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 2200, ALSO KNOWN AS SOUTH UNIVERSITY AVENUE, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 532 PAGE 132 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT IN THE WEST LINE OF SAID SECTION 16 FOR THE MOST WESTERLY SOUTHWEST CORNER OF THIS TRACT, WHENCE THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4) BEARS S. 01° 48' 38" W. A DISTANCE OF 316.21 FEET;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 124.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 88° 11' 22" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 43° 17' 51" E. A DISTANCE OF 42.35 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 88° 24' 19" E. A DISTANCE OF 41.37 FEET TO A POINT OF CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 213.14 FEET, SAID CURVE HAVING A RADIUS OF 432.00 FEET, A DELTA ANGLE OF 28° 16' 05", A CHORD DISTANCE OF 210.98 FEET AND A CHORD BEARING OF S. 74° 16' 16 E. TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 61° 24' 32" E. A DISTANCE OF 10.12 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E. A DISTANCE OF 765.18 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 36° 47' 26" W. A DISTANCE OF 15.63 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 109.20 FEET, SAID CURVE HAVING A RADIUS OF 426.00 FEET, A DELTA ANGLE OF 14° 41' 14", A CHORD DISTANCE OF 108.90 FEET AND A CHORD BEARING OF N. 67° 22' 33" W. TO A POINT OF REVERSE CURVATURE AND A CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 150.64 FEET, SAID CURVE HAVING A RADIUS OF 374.00 FEET, A DELTA ANGLE OF 23° 04' 39", A CHORD DISTANCE OF 149.62 FEET AND A CHORD BEARING OF N. 71° 34' 15" W. TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 48° 12' 04" W. A DISTANCE OF 41.38 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W., AT A DISTANCE OF 15.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT IN THE WEST LINE OF SAID SECTION 16 FOR A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 112.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 88° 11' 22" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 41° 58' 07" E. A DISTANCE OF 43.32 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 176.20 FEET, SAID CURVE HAVING A RADIUS OF 426.00 FEET, A DELTA ANGLE OF 23° 41' 52", A CHORD DISTANCE OF 174.94 FEET AND A CHORD BEARING OF S. 71° 52' 52" E. TO A POINT OF REVERSE CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 83.44 FEET, SAID CURVE HAVING A RADIUS OF 374.00 FEET, A DELTA ANGLE OF 12° 46' 58". A CHORD DISTANCE OF 83.27 FEET AND A CHORD BEARING OF S. 66° 25' 25" E. TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 54° 06' 53" E. A DISTANCE OF 12.23 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E. A DISTANCE OF 817.47 FEET TO A POINT FOR THE MOST WESTERLY NORTHWEST CORNER OF THIS TRACT;

THENCE S. 88° 11' 22" E. A DISTANCE OF 1100.22 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 46° 48' 38" E. A DISTANCE OF 14.14 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E. A DISTANCE OF 541.07 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 43° 09' 47" E. A DISTANCE OF 42.45 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 51' 48" E., AT A DISTANCE OF 20.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 16 FOR THE MOST NORTHERLY NORTHWEST CORNER OF THIS TRACT, WHENCE THE NORTHWEST CORNER OF SAID SECTION 16 BEARS N. 88° 08' 12" W. A DISTANCE OF 1420.16 FEET ;

THENCE S. 88° 08' 12" E., ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 112.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 01° 51' 48" W., AT A DISTANCE OF 40.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 46° 50' 13" W. A DISTANCE OF 42.41 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 01° 48' 38" W. A DISTANCE OF 541.02 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 43° 11' 22" E. A DISTANCE OF 14.14 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 88° 08' 12" E. A DISTANCE OF 1062.72 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE N. 46° 54' 23" E. A DISTANCE OF 14.17 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 02° 00' 08" E. A DISTANCE OF 560.02 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 43° 04' 02" W. A DISTANCE OF 14.12 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 51' 48" E., AT A DISTANCE OF 20.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 16 FOR A CORNER OF THIS TRACT;

THENCE S. 88° 08' 12" E., ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 42.15 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS -01° 50' 14". DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE UPON THE GROUND, AND IS PREPARED FOR PLANNING AND CONTRACT PURPOSES ONLY. THE AREA, BEARINGS AND DISTANCES ARE SUBJECT TO CHANGE OR MODIFICATION ACCORDING TO FINAL COMPUTATIONS AND AN ACTUAL SURVEY MADE ON THE GROUND.

DESCRIPTION FOR TRACT C, A COMMERCIAL TRACT:

A 6.115 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY, TEXAS, AND BEING SITUATED WITHIN THAT CERTAIN 153.572 ACRE TRACT OF LAND CONVEYED TO REAL PROPERTY RESOURCES, INC. DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2105033573 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 6.115 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID SECTION 16 FOR THE SOUTHWEST CORNER OF THIS TRACT, WHENCE THE SOUTHWEST CORNER OF SAID 153.572 ACRE TRACT BEARS S. 01° 48' 38" W. A DISTANCE OF 408.21 FEET AND THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 16 BEARS S. 01° 48' 38" W. A DISTANCE OF 440.21 FEET, SAID QUARTER SECTION CORNER HAVING COORDINATES OF NORTHING: 7,233,859.58 AND EASTING: 940,936.23, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 754.98 FEET TO A POINT OF INTERSECTION FOR THE MOST WESTERLY NORTHWEST CORNER OF THIS TRACT, WHENCE THE NORTHWEST CORNER OF SAID SECTION 16 BEARS N. 01° 48' 38" E. A DISTANCE OF 1468.08 FEET, SAID SECTION CORNER HAVING COORDINATES OF NORTHING: 7,236,520.86 AND EASTING: 941,020.34, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE S. 88° 11' 22" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 2200, ALSO KNOWN AS SOUTH UNIVERSITY AVENUE, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 532 PAGE 132 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 48° 12' 04" E. A DISTANCE OF 41.38 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 150.64 FEET, SAID CURVE HAVING A RADIUS OF 374.00 FEET, A DELTA ANGLE OF 23° 04' 39", A CHORD DISTANCE OF 149.62 FEET AND A CHORD BEARING OF S. 71° 34' 15" E. TO A POINT OF REVERSE CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 109.20 FEET, SAID CURVE HAVING A RADIUS OF 426.00 FEET, A DELTA ANGLE OF 14° 41' 14", A CHORD DISTANCE OF 108.90 FEET AND A CHORD BEARING OF S. 67° 22' 33" E. TO A POINT OF INTERSECTION AND THE MOST NORTHERLY NORTHEAST CORNER OF THIS TRACT;

THENCE S. 36° 47' 26" E. A DISTANCE OF 15.63 FEET TO A POINT OF INTERSECTION AND THE MOST EASTERLY NORTHEAST CORNER OF THIS TRACT;

THENCE S. 01° 48' 38" W. A DISTANCE OF 765.18 FEET TO A POINT OF INTERSECTION AND THE MOST EASTERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE S. 61° 24' 32" W. A DISTANCE OF 10.12 FEET TO A POINT OF INTERSECTION AND THE MOST SOUTHERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 213.14 FEET, SAID CURVE HAVING A RADIUS OF 432.00 FEET, A DELTA ANGLE OF 28° 16' 05", A CHORD DISTANCE OF 210.98 FEET AND A CHORD BEARING OF N. 74° 16' 16" W. TO A POINT OF TANGENCY AND A CORNER OF THIS TRACT;

THENCE N. 88° 24' 19" W. A DISTANCE OF 41.37 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 43° 17' 51" W. A DISTANCE OF 42.35 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W., AT A DISTANCE OF 15.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE

TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS $-01^{\circ} 50' 14''$. DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE UPON THE GROUND, AND IS PREPARED FOR PLANNING AND CONTRACT PURPOSES ONLY. THE AREA, BEARINGS AND DISTANCES ARE SUBJECT TO CHANGE OR MODIFICATION ACCORDING TO FINAL COMPUTATIONS AND AN ACTUAL SURVEY MADE ON THE GROUND.

DESCRIPTION FOR TRACT D, A COMMERCIAL TRACT:

A 3.059 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY, TEXAS, AND BEING SITUATED WITHIN THAT CERTAIN 153.572 ACRE TRACT OF LAND CONVEYED TO REAL PROPERTY RESOURCES, INC. DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2105033573 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 3.059 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID SECTION 16 FOR THE SOUTHWEST CORNER OF SAID 153.572 ACRE TRACT AND THIS TRACT, WHENCE THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 16 BEARS S. 01° 48' 38" W. A DISTANCE OF 32.00 FEET, SAID QUARTER SECTION CORNER HAVING COORDINATES OF NORTHING: 7,233,859.58 AND EASTING: 940,936.23, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 284.21 FEET TO A POINT OF INTERSECTION FOR THE MOST WESTERLY NORTHWEST CORNER OF THIS TRACT, WHENCE THE NORTHWEST CORNER OF SAID SECTION 16 BEARS N. 01° 48' 38" E. A DISTANCE OF 2347.06 FEET, SAID SECTION CORNER HAVING COORDINATES OF NORTHING: 7,236,520.86 AND EASTING: 941,020.34, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE S. 88° 11' 22" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 46° 42' 94" E. A DISTANCE OF 42.51 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 88° 24' 19" E. A DISTANCE OF 41.61 FEET TO A POINT OF CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 290.41 FEET, SAID CURVE HAVING A RADIUS OF 368.00 FEET, A DELTA ANGLE OF 45° 12' 57", A CHORD DISTANCE OF 282.93 FEET AND A CHORD BEARING OF S. 65° 47' 51" E. TO A POINT OF TANGENCY AND A CORNER OF THIS TRACT;

THENCE S. 43° 11' 22" E. A DISTANCE OF 154.35 FEET TO A POINT OF CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 173.60 FEET, SAID CURVE HAVING A RADIUS OF 432.00 FEET, A DELTA ANGLE OF 23° 01' 26", A CHORD DISTANCE OF 172.43 FEET AND A CHORD BEARING OF S. 54° 42' 05" E. TO A POINT OF INTERSECTION AND THE SOUTHEAST CORNER OF THIS TRACT;

THENCE N. 88° 24' 19" W., ALONG THE SOUTH LINE OF SAID 153.572 ACRE TRACT AT A DISTANCE OF 601.16 FEET PASS THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 641.16 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS -01° 50' 14". DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE UPON THE GROUND, AND IS PREPARED FOR PLANNING AND CONTRACT PURPOSES ONLY. THE AREA, BEARINGS AND DISTANCES ARE SUBJECT TO CHANGE OR MODIFICATION ACCORDING TO FINAL COMPUTATIONS AND AN ACTUAL SURVEY MADE ON THE GROUND.

DESCRIPTION FOR TRACT B, A COMMERCIAL TRACT:

A 23.283 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY, TEXAS, AND BEING SITUATED WITHIN THAT CERTAIN 153.572 ACRE TRACT OF LAND CONVEYED TO REAL PROPERTY RESOURCES, INC. DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2105033573 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 23.283 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID SECTION 16 FOR THE NORTHEAST CORNER OF THIS TRACT, WHENCE THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 16 AND THE NORTHEAST CORNER OF SAID 153.572 ACRE TRACT BEARS S. 88° 08' 12" E. A DISTANCE OF 1198.81 FEET, SAID QUARTER SECTION CORNER HAVING COORDINATES OF NORTHING: 7,236,435.72 AND EASTING: 943,637.27, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE, FROM WHENCE A RAILROAD SPIKE NEAR THE CENTERLINE OF F.M. HWY. 1585 AT THE NORTHEAST CORNER OF SAID SECTION 16 BEARS S. 88° 08' 12" E. A DISTANCE OF 2618.97 FEET;

THENCE S. 01° 51' 48" W., AT A DISTANCE OF 40.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF F.M. HWY. 1585, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 490 PAGE 699 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 43° 09' 47" E. A DISTANCE OF 42.45 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 01° 48' 38" W. A DISTANCE OF 541.07 FEET TO A POINT OF INTERSECTION AND THE MOST EASTERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE S. 46° 48' 38" W. A DISTANCE OF 14.14 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W. A DISTANCE OF 1100.22 FEET TO A POINT OF INTERSECTION AND AN ELL CORNER OF THIS TRACT;

THENCE S. 01° 48' 38" W. A DISTANCE OF 817.47 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 54° 06' 53" W. A DISTANCE OF 12.23 FEET TO A POINT OF INTERSECTION AND THE MOST SOUTHERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 83.44 FEET, SAID CURVE HAVING A RADIUS OF 374.00 FEET, A DELTA ANGLE OF 12° 46' 58", A CHORD DISTANCE OF 83.27 FEET AND A CHORD BEARING OF N. 66° 25' 25" W. TO A POINT OF REVERSE CURVATURE AND A CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 176.20 FEET, SAID CURVE HAVING A RADIUS OF 426.00 FEET, A DELTA ANGLE OF 23° 41' 52", A CHORD DISTANCE OF 174.94 FEET AND A CHORD BEARING OF N. 71° 52' 52" W. TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 41° 58' 07" W. A DISTANCE OF 43.32 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W., AT A DISTANCE OF 15.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 2200, ALSO KNOWN AS SOUTH UNIVERSITY AVENUE, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 532 PAGE 132 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT IN THE WEST LINE OF SAID SECTION 16 FOR THE MOST WESTERLY SOUTHWEST CORNER OF THIS TRACT, WHENCE THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4) BEARS S. 01° 48' 38" W. A DISTANCE OF 1307.19 FEET;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 938.78 FEET TO A POINT OF INTERSECTION FOR THE MOST WESTERLY NORTHWEST CORNER OF THIS TRACT;

THENCE S. 88° 07' 14" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 417.07 FEET TO A POINT OF INTERSECTION AND AN ELL CORNER OF THIS TRACT;

THENCE N. 01° 47' 11" E., AT A DISTANCE OF 370.56 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 417.42 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 16 FOR THE MOST NORTHERLY NORTHWEST CORNER OF THIS TRACT, WHENCE THE NORTHWEST CORNER OF SAID SECTION 16 BEARS N. 88° 08' 12" W. A DISTANCE OF 416.89 FEET, SAID SECTION CORNER HAVING COORDINATES OF NORTHING: 7,236,520.86 AND EASTING: 941,020.34, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE S. 88° 08' 12" E., ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 1003.27 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS -01° 50' 14". DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE UPON THE GROUND, AND IS PREPARED FOR PLANNING AND CONTRACT PURPOSES ONLY. THE AREA, BEARINGS AND DISTANCES ARE SUBJECT TO CHANGE OR MODIFICATION ACCORDING TO FINAL COMPUTATIONS AND AN ACTUAL SURVEY MADE ON THE GROUND.

DESCRIPTION FOR TRACT A, A COMMERCIAL TRACT:

A 15.867 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY, TEXAS, AND BEING SITUATED WITHIN THAT CERTAIN 153.572 ACRE TRACT OF LAND CONVEYED TO REAL PROPERTY RESOURCES, INC. DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2105033573 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 15.867 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID SECTION 16 FOR THE NORTHEAST CORNER OF THIS TRACT, WHENCE THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 16 AND THE NORTHEAST CORNER OF SAID 153.572 ACRE TRACT BEARS S. 88° 08' 12" E. A DISTANCE OF 42.15 FEET, SAID QUARTER SECTION CORNER HAVING COORDINATES OF NORTHING: 7,236,435.72 AND EASTING: 943,637.27, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE, FROM WHENCE A RAILROAD SPIKE NEAR THE CENTERLINE OF F.M. HWY. 1585 AT THE NORTHEAST CORNER OF SAID SECTION 16 BEARS S. 88° 08' 12" E. A DISTANCE OF 2618.97 FEET;

THENCE S. 01° 51' 48" W., AT A DISTANCE OF 40.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF F.M. HWY. 1585, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 490 PAGE 699 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 43° 04' 02" E. A DISTANCE OF 14.12 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 02° 00' 08" W. A DISTANCE OF 560.02 FEET TO A POINT OF INTERSECTION AND THE MOST EASTERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE S. 46° 54' 23" W. A DISTANCE OF 14.17 FEET TO A POINT OF INTERSECTION AND THE MOST SOUTHERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W. A DISTANCE OF 1062.72 FEET TO A POINT OF INTERSECTION AND THE MOST SOUTHERLY SOUTHWEST CORNER OF THIS TRACT;

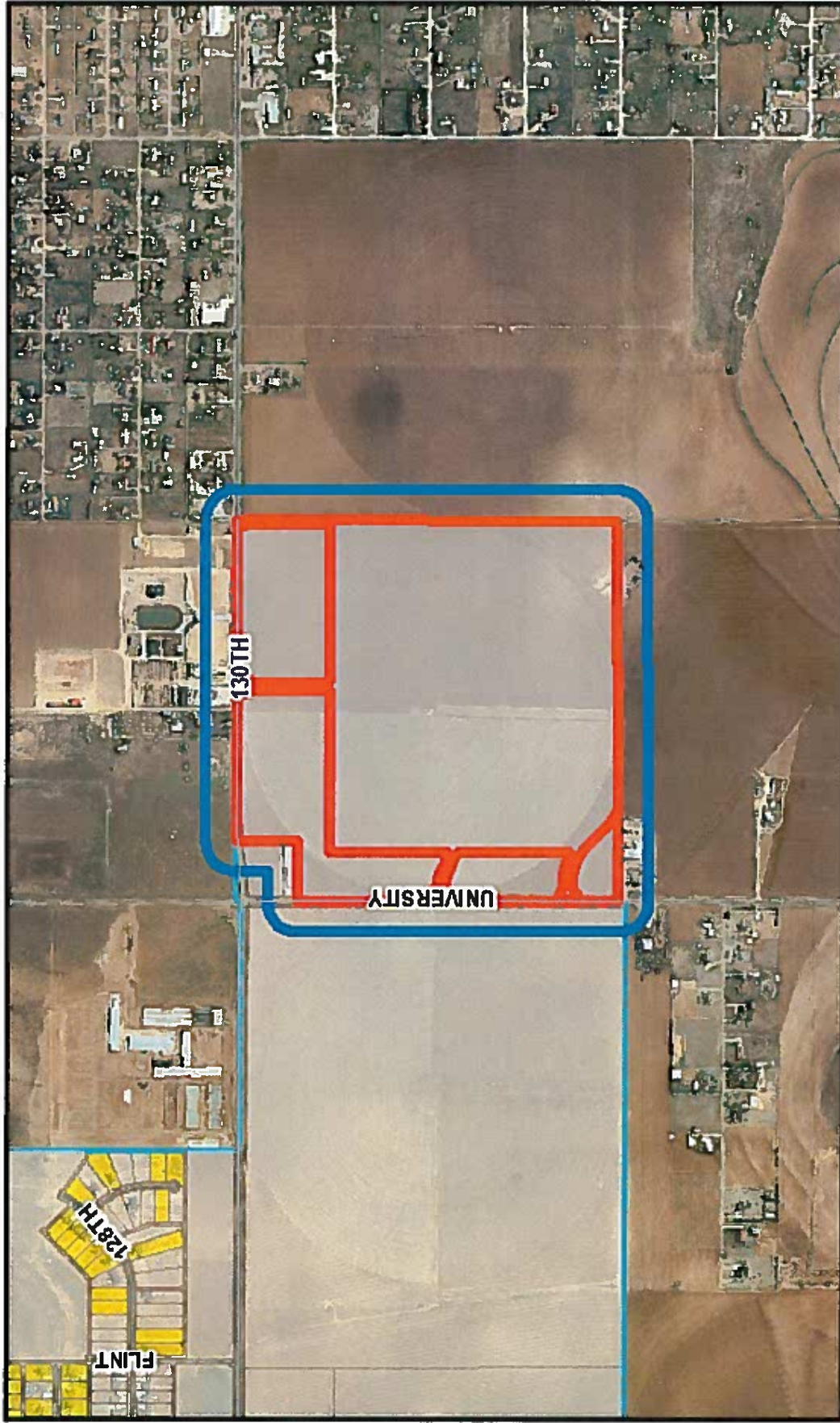
THENCE N. 43° 11' 22" W. A DISTANCE OF 14.14 FEET TO A POINT OF INTERSECTION AND THE MOST WESTERLY SOUTHWEST CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E. A DISTANCE OF 541.02 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 46° 50' 13" E. A DISTANCE OF 42.41 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

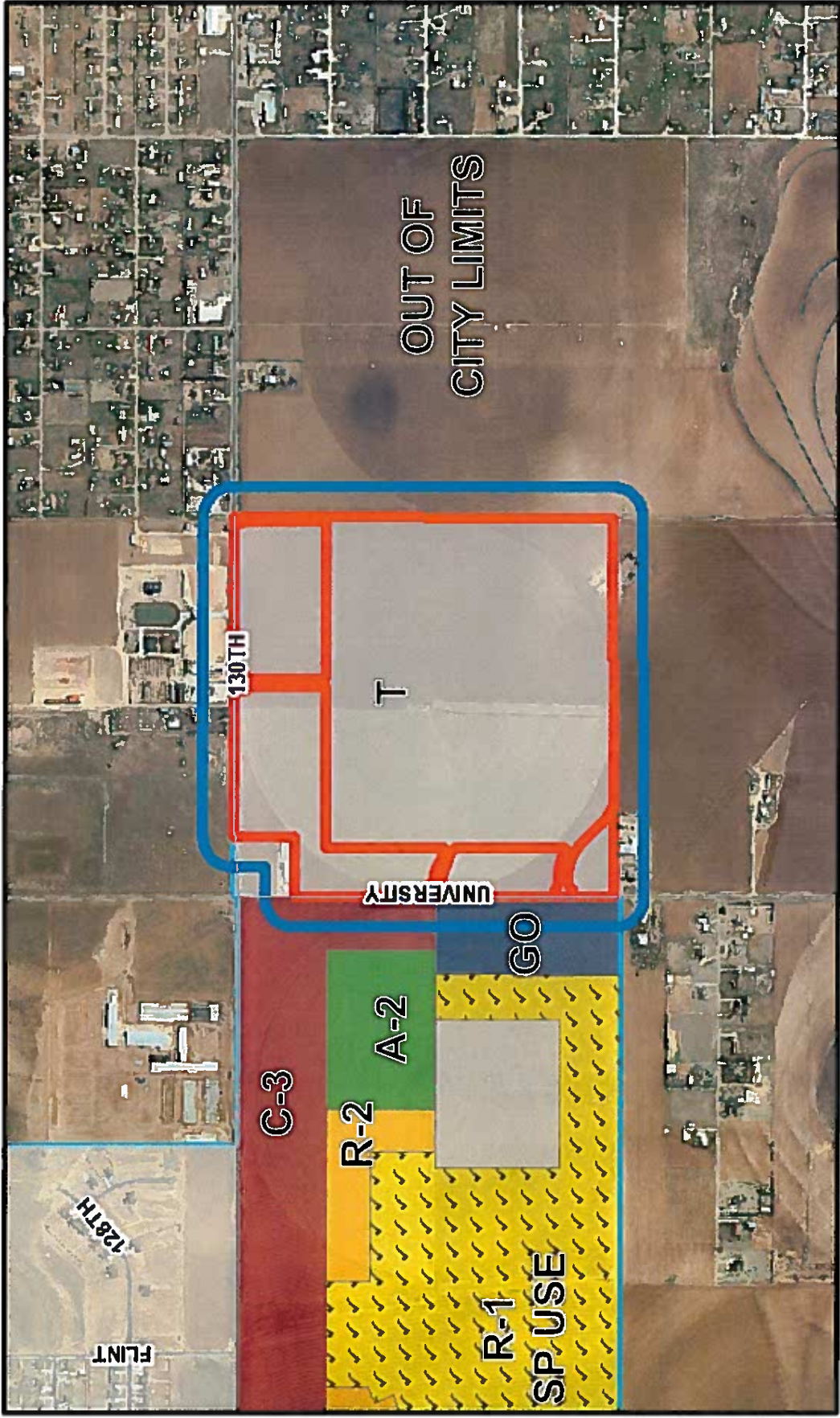
THENCE N. 01° 51' 48" E., AT A DISTANCE OF 20.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 16 FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE S. 88° 08' 12" E., ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 1044.66 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS -01° 50' 14". DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE UPON THE GROUND, AND IS PREPARED FOR PLANNING AND CONTRACT PURPOSES ONLY. THE AREA, BEARINGS AND DISTANCES ARE SUBJECT TO CHANGE OR MODIFICATION ACCORDING TO FINAL COMPUTATIONS AND AN ACTUAL SURVEY MADE ON THE GROUND.

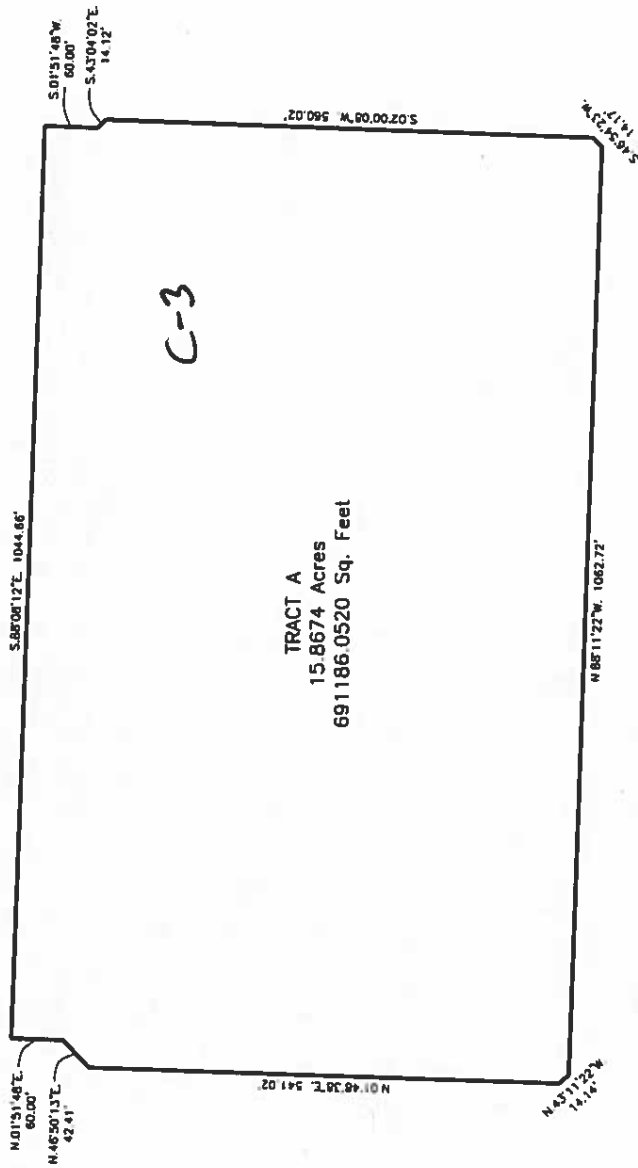


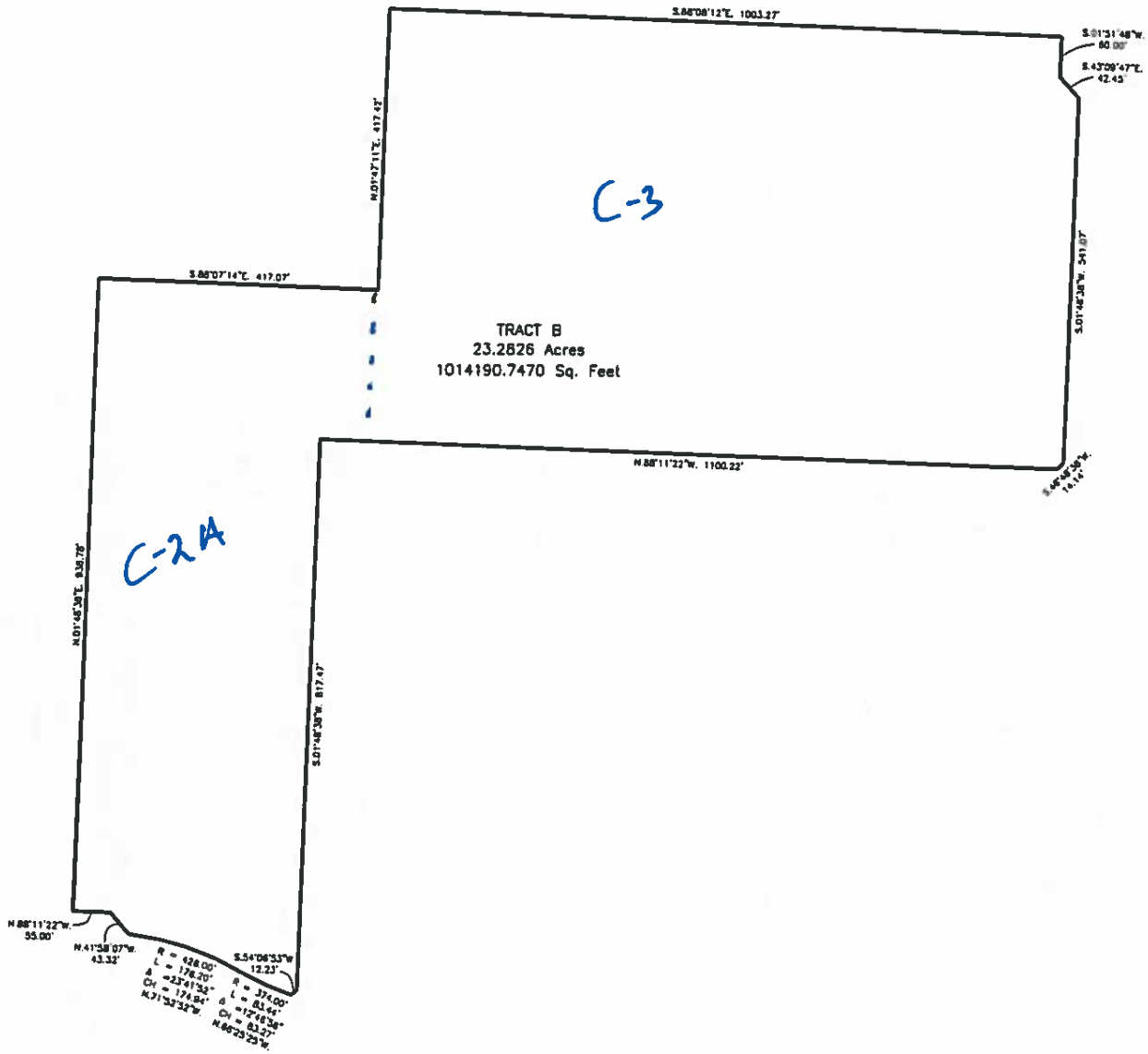
P.Z.C. Case 3274

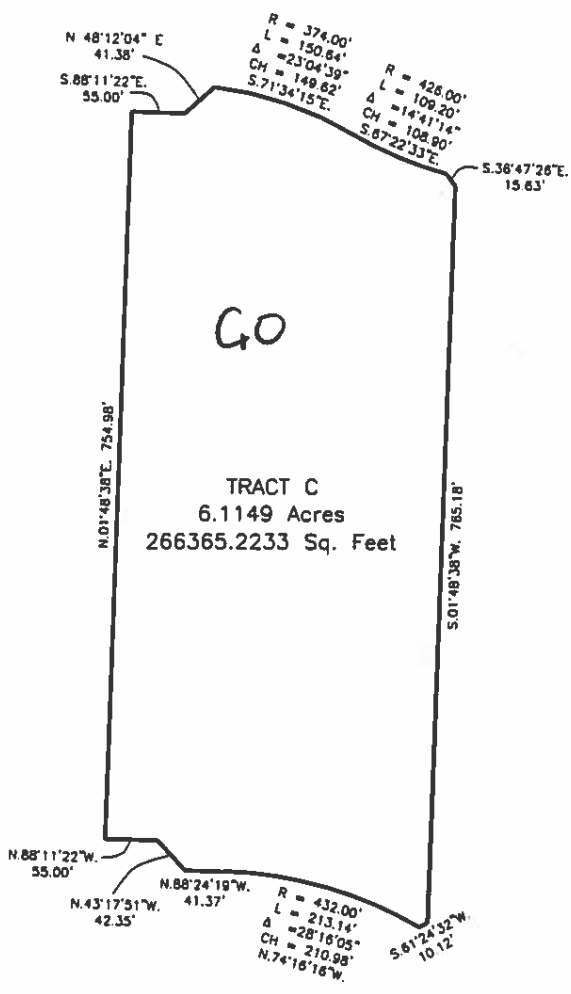
**Request of Betenbough Homes for a zoning change from T to R-1 Specific Use
and C-3, South of 130th Street, East of University Avenue**

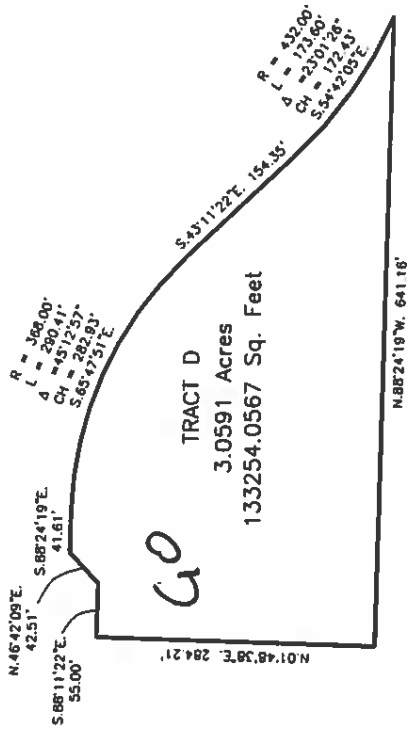


P.Z.C. Case 3274 Zoning









DESCRIPTION:

A 105.248 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY, TEXAS, AND BEING SITUATED WITHIN THAT CERTAIN 153.572 ACRE TRACT OF LAND CONVEYED TO REAL PROPERTY RESOURCES, INC. DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2105033573 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 105.248 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 16 AND THE NORTHEAST CORNER OF SAID 153.572 ACRE TRACT FOR THE NORTHEAST CORNER OF THIS TRACT AND HAVING COORDINATES OF NORTHING: 7,236,435.72 AND EASTING: 943,637.27, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE, WHENCE A RAILROAD SPIKE NEAR THE CENTERLINE OF F.M. HWY. 1585 AT THE NORTHEAST CORNER OF SAID SECTION 16 BEARS S. 88° 08' 12" E. A DISTANCE OF 2618.97 FEET;

THENCE S. 02° 00' 08" W., AT A DISTANCE OF 40.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF F.M. HWY. 1585, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 490 PAGE 699 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 2619.03 FEET TO THE SOUTHEAST CORNER OF SAID 153.572 ACRE TRACT AND THIS TRACT, WHENCE A 3/4" IRON PIPE AT THE CENTER QUARTER CORNER OF SAID SECTION 16 BEARS S. 02° 00' 09" W. A DISTANCE OF 32.00 FEET, SAID QUARTER CORNER HAVING COORDINATES OF NORTHING: 7,233,786.96 AND EASTING: 943,544.67, TEXAS COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE, NAD'83;

THENCE N. 88° 24' 19" W., PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 1969.06 FEET TO A POINT OF INTERSECTION FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 173.60 FEET, SAID CURVE HAVING A RADIUS OF 432.00 FEET, A DELTA ANGLE OF 23° 01' 26", A CHORD DISTANCE OF 172.43 FEET AND A CHORD BEARING OF N. 54° 42' 05" W. TO A POINT OF TANGENCY AND A CORNER OF THIS TRACT;

THENCE N. 43° 11' 22" W. A DISTANCE OF 154.35 FEET TO A POINT OF CURVATURE AND A CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 290.41 FEET, SAID CURVE HAVING A RADIUS OF 368.00 FEET, A DELTA ANGLE OF 45° 12' 57", A CHORD DISTANCE OF 282.93 FEET AND A CHORD BEARING OF N. 65° 47' 51" W. TO A POINT OF TANGENCY AND A CORNER OF THIS TRACT;

THENCE N. 88° 24' 19" W. A DISTANCE OF 41.61 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 46° 42' 09" W. A DISTANCE OF 42.51 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W., AT A DISTANCE OF 15.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 2200, ALSO KNOWN AS SOUTH UNIVERSITY AVENUE, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 532 PAGE 132 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT IN THE WEST LINE OF SAID SECTION 16 FOR THE MOST WESTERLY SOUTHWEST CORNER OF THIS TRACT, WHENCE THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4) BEARS S. 01° 48' 38" W. A DISTANCE OF 316.21 FEET;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 124.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 88° 11' 22" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 43° 17' 51" E. A DISTANCE OF 42.35 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 88° 24' 19" E. A DISTANCE OF 41.37 FEET TO A POINT OF CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 213.14 FEET, SAID CURVE HAVING A RADIUS OF 432.00 FEET, A DELTA ANGLE OF 28° 16' 05", A CHORD DISTANCE OF 210.98 FEET AND A CHORD BEARING OF S. 74° 16' 16" E. TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 61° 24' 32" E. A DISTANCE OF 10.12 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E. A DISTANCE OF 765.18 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 36° 47' 26" W. A DISTANCE OF 15.63 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 109.20 FEET, SAID CURVE HAVING A RADIUS OF 426.00 FEET, A DELTA ANGLE OF 14° 41' 14", A CHORD DISTANCE OF 108.90 FEET AND A CHORD BEARING OF N. 67° 22' 33" W. TO A POINT OF REVERSE CURVATURE AND A CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 150.64 FEET, SAID CURVE HAVING A RADIUS OF 374.00 FEET, A DELTA ANGLE OF 23° 04' 39", A CHORD DISTANCE OF 149.62 FEET AND A CHORD BEARING OF N. 71° 34' 15" W. TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 48° 12' 04" W. A DISTANCE OF 41.38 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W., AT A DISTANCE OF 15.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT IN THE WEST LINE OF SAID SECTION 16 FOR A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 112.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 88° 11' 22" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 41° 58' 07" E. A DISTANCE OF 43.32 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 176.20 FEET, SAID CURVE HAVING A RADIUS OF 426.00 FEET, A DELTA ANGLE OF 23° 41' 52", A CHORD DISTANCE OF 174.94 FEET AND A CHORD BEARING OF S. 71° 52' 52" E. TO A POINT OF REVERSE CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 83.44 FEET, SAID CURVE HAVING A RADIUS OF 374.00 FEET, A DELTA ANGLE OF 12° 46' 58", A CHORD DISTANCE OF 83.27 FEET AND A CHORD BEARING OF S. 66° 25' 25" E. TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 54° 06' 53" E. A DISTANCE OF 12.23 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E. A DISTANCE OF 817.47 FEET TO A POINT FOR THE MOST WESTERLY NORTHWEST CORNER OF THIS TRACT;

THENCE S. 88° 11' 22" E. A DISTANCE OF 1100.22 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 46° 48' 38" E. A DISTANCE OF 14.14 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E. A DISTANCE OF 541.07 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 43° 09' 47" E. A DISTANCE OF 42.45 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 51' 48" E., AT A DISTANCE OF 20.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 16 FOR THE MOST NORTHERLY NORTHWEST CORNER OF THIS TRACT, WHENCE THE NORTHWEST CORNER OF SAID SECTION 16 BEARS N. 88° 08' 12" W. A DISTANCE OF 1420.16 FEET ;

THENCE S. 88° 08' 12" E., ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 112.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 01° 51' 48" W., AT A DISTANCE OF 40.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 46° 50' 13" W. A DISTANCE OF 42.41 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 01° 48' 38" W. A DISTANCE OF 541.02 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 43° 11' 22" E. A DISTANCE OF 14.14 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 88° 08' 12" E. A DISTANCE OF 1062.72 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE N. 46° 54' 23" E. A DISTANCE OF 14.17 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 02° 00' 08" E. A DISTANCE OF 560.02 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 43° 04' 02" W. A DISTANCE OF 14.12 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 51' 48" E., AT A DISTANCE OF 20.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 16 FOR A CORNER OF THIS TRACT;

THENCE S. 88° 08' 12" E., ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 42.15 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS -01° 50' 14". DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE UPON THE GROUND, AND IS PREPARED FOR PLANNING AND CONTRACT PURPOSES ONLY. THE AREA, BEARINGS AND DISTANCES ARE SUBJECT TO CHANGE OR MODIFICATION ACCORDING TO FINAL COMPUTATIONS AND AN ACTUAL SURVEY MADE ON THE GROUND.

DESCRIPTION FOR TRACT C, A COMMERCIAL TRACT:

A 6.115 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY, TEXAS, AND BEING SITUATED WITHIN THAT CERTAIN 153.572 ACRE TRACT OF LAND CONVEYED TO REAL PROPERTY RESOURCES, INC. DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2105033573 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 6.115 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID SECTION 16 FOR THE SOUTHWEST CORNER OF THIS TRACT, WHENCE THE SOUTHWEST CORNER OF SAID 153.572 ACRE TRACT BEARS S. 01° 48' 38" W. A DISTANCE OF 408.21 FEET AND THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 16 BEARS S. 01° 48' 38" W. A DISTANCE OF 440.21 FEET, SAID QUARTER SECTION CORNER HAVING COORDINATES OF NORTHING: 7,233,859.58 AND EASTING: 940,936.23, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 754.98 FEET TO A POINT OF INTERSECTION FOR THE MOST WESTERLY NORTHWEST CORNER OF THIS TRACT, WHENCE THE NORTHWEST CORNER OF SAID SECTION 16 BEARS N. 01° 48' 38" E. A DISTANCE OF 1468.08 FEET, SAID SECTION CORNER HAVING COORDINATES OF NORTHING: 7,236,520.86 AND EASTING: 941,020.34, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE S. 88° 11' 22" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 2200, ALSO KNOWN AS SOUTH UNIVERSITY AVENUE, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 532 PAGE 132 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 48° 12' 04" E. A DISTANCE OF 41.38 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 150.64 FEET, SAID CURVE HAVING A RADIUS OF 374.00 FEET, A DELTA ANGLE OF 23° 04' 39", A CHORD DISTANCE OF 149.62 FEET AND A CHORD BEARING OF S. 71° 34' 15" E. TO A POINT OF REVERSE CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 109.20 FEET, SAID CURVE HAVING A RADIUS OF 426.00 FEET, A DELTA ANGLE OF 14° 41' 14", A CHORD DISTANCE OF 108.90 FEET AND A CHORD BEARING OF S. 67° 22' 33" E. TO A POINT OF INTERSECTION AND THE MOST NORTHERLY NORTHEAST CORNER OF THIS TRACT;

THENCE S. 36° 47' 26" E. A DISTANCE OF 15.63 FEET TO A POINT OF INTERSECTION AND THE MOST EASTERLY NORTHEAST CORNER OF THIS TRACT;

THENCE S. 01° 48' 38" W. A DISTANCE OF 765.18 FEET TO A POINT OF INTERSECTION AND THE MOST EASTERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE S. 61° 24' 32" W. A DISTANCE OF 10.12 FEET TO A POINT OF INTERSECTION AND THE MOST SOUTHERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 213.14 FEET, SAID CURVE HAVING A RADIUS OF 432.00 FEET, A DELTA ANGLE OF 28° 16' 05", A CHORD DISTANCE OF 210.98 FEET AND A CHORD BEARING OF N. 74° 16' 16" W. TO A POINT OF TANGENCY AND A CORNER OF THIS TRACT;

THENCE N. 88° 24' 19" W. A DISTANCE OF 41.37 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 43° 17' 51" W. A DISTANCE OF 42.35 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W., AT A DISTANCE OF 15.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE

TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS $-01^{\circ} 50' 14''$. DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE UPON THE GROUND, AND IS PREPARED FOR PLANNING AND CONTRACT PURPOSES ONLY. THE AREA, BEARINGS AND DISTANCES ARE SUBJECT TO CHANGE OR MODIFICATION ACCORDING TO FINAL COMPUTATIONS AND AN ACTUAL SURVEY MADE ON THE GROUND.

DESCRIPTION FOR TRACT D, A COMMERCIAL TRACT:

A 3.059 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY, TEXAS, AND BEING SITUATED WITHIN THAT CERTAIN 153.572 ACRE TRACT OF LAND CONVEYED TO REAL PROPERTY RESOURCES, INC. DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2105033573 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 3.059 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID SECTION 16 FOR THE SOUTHWEST CORNER OF SAID 153.572 ACRE TRACT AND THIS TRACT, WHENCE THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 16 BEARS S. 01° 48' 38" W. A DISTANCE OF 32.00 FEET, SAID QUARTER SECTION CORNER HAVING COORDINATES OF NORTHING: 7,233,859.58 AND EASTING: 940,936.23, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 284.21 FEET TO A POINT OF INTERSECTION FOR THE MOST WESTERLY NORTHWEST CORNER OF THIS TRACT, WHENCE THE NORTHWEST CORNER OF SAID SECTION 16 BEARS N. 01° 48' 38" E. A DISTANCE OF 2347.06 FEET, SAID SECTION CORNER HAVING COORDINATES OF NORTHING: 7,236,520.86 AND EASTING: 941,020.34, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE S. 88° 11' 22" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 46° 42' 94" E. A DISTANCE OF 42.51 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 88° 24' 19" E. A DISTANCE OF 41.61 FEET TO A POINT OF CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 290.41 FEET, SAID CURVE HAVING A RADIUS OF 368.00 FEET, A DELTA ANGLE OF 45° 12' 57", A CHORD DISTANCE OF 282.93 FEET AND A CHORD BEARING OF S. 65° 47' 51" E. TO A POINT OF TANGENCY AND A CORNER OF THIS TRACT;

THENCE S. 43° 11' 22" E. A DISTANCE OF 154.35 FEET TO A POINT OF CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 173.60 FEET, SAID CURVE HAVING A RADIUS OF 432.00 FEET, A DELTA ANGLE OF 23° 01' 26", A CHORD DISTANCE OF 172.43 FEET AND A CHORD BEARING OF S. 54° 42' 05" E. TO A POINT OF INTERSECTION AND THE SOUTHEAST CORNER OF THIS TRACT;

THENCE N. 88° 24' 19" W., ALONG THE SOUTH LINE OF SAID 153.572 ACRE TRACT AT A DISTANCE OF 601.16 FEET PASS THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 641.16 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS -01° 50' 14". DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE UPON THE GROUND, AND IS PREPARED FOR PLANNING AND CONTRACT PURPOSES ONLY. THE AREA, BEARINGS AND DISTANCES ARE SUBJECT TO CHANGE OR MODIFICATION ACCORDING TO FINAL COMPUTATIONS AND AN ACTUAL SURVEY MADE ON THE GROUND.

DESCRIPTION FOR TRACT B, A COMMERCIAL TRACT:

A 23.283 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY, TEXAS, AND BEING SITUATED WITHIN THAT CERTAIN 153.572 ACRE TRACT OF LAND CONVEYED TO REAL PROPERTY RESOURCES, INC. DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2105033573 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 23.283 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID SECTION 16 FOR THE NORTHEAST CORNER OF THIS TRACT, WHENCE THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 16 AND THE NORTHEAST CORNER OF SAID 153.572 ACRE TRACT BEARS S. 88° 08' 12" E. A DISTANCE OF 1198.81 FEET, SAID QUARTER SECTION CORNER HAVING COORDINATES OF NORTHING: 7,236,435.72 AND EASTING: 943,637.27, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE, FROM WHENCE A RAILROAD SPIKE NEAR THE CENTERLINE OF F.M. HWY. 1585 AT THE NORTHEAST CORNER OF SAID SECTION 16 BEARS S. 88° 08' 12" E. A DISTANCE OF 2618.97 FEET;

THENCE S. 01° 51' 48" W., AT A DISTANCE OF 40.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF F.M. HWY. 1585, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 490 PAGE 699 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 43° 09' 47" E. A DISTANCE OF 42.45 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 01° 48' 38" W. A DISTANCE OF 541.07 FEET TO A POINT OF INTERSECTION AND THE MOST EASTERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE S. 46° 48' 38" W. A DISTANCE OF 14.14 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W. A DISTANCE OF 1100.22 FEET TO A POINT OF INTERSECTION AND AN ELL CORNER OF THIS TRACT;

THENCE S. 01° 48' 38" W. A DISTANCE OF 817.47 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 54° 06' 53" W. A DISTANCE OF 12.23 FEET TO A POINT OF INTERSECTION AND THE MOST SOUTHERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 83.44 FEET, SAID CURVE HAVING A RADIUS OF 374.00 FEET, A DELTA ANGLE OF 12° 46' 58", A CHORD DISTANCE OF 83.27 FEET AND A CHORD BEARING OF N. 66° 25' 25" W. TO A POINT OF REVERSE CURVATURE AND A CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 176.20 FEET, SAID CURVE HAVING A RADIUS OF 426.00 FEET, A DELTA ANGLE OF 23° 41' 52", A CHORD DISTANCE OF 174.94 FEET AND A CHORD BEARING OF N. 71° 52' 52" W. TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 41° 58' 07" W. A DISTANCE OF 43.32 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W., AT A DISTANCE OF 15.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 2200, ALSO KNOWN AS SOUTH UNIVERSITY AVENUE, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 532 PAGE 132 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT IN THE WEST LINE OF SAID SECTION 16 FOR THE MOST WESTERLY SOUTHWEST CORNER OF THIS TRACT, WHENCE THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4) BEARS S. 01° 48' 38" W. A DISTANCE OF 1307.19 FEET;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 938.78 FEET TO A POINT OF INTERSECTION FOR THE MOST WESTERLY NORTHWEST CORNER OF THIS TRACT;

THENCE S. 88° 07' 14" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 417.07 FEET TO A POINT OF INTERSECTION AND AN ELL CORNER OF THIS TRACT;

THENCE N. 01° 47' 11" E., AT A DISTANCE OF 370.56 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 417.42 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 16 FOR THE MOST NORTHERLY NORTHWEST CORNER OF THIS TRACT, WHENCE THE NORTHWEST CORNER OF SAID SECTION 16 BEARS N. 88° 08' 12" W. A DISTANCE OF 416.89 FEET, SAID SECTION CORNER HAVING COORDINATES OF NORTHING: 7,236,520.86 AND EASTING: 941,020.34, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE S. 88° 08' 12" E., ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 1003.27 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS -01° 50' 14". DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE UPON THE GROUND, AND IS PREPARED FOR PLANNING AND CONTRACT PURPOSES ONLY. THE AREA, BEARINGS AND DISTANCES ARE SUBJECT TO CHANGE OR MODIFICATION ACCORDING TO FINAL COMPUTATIONS AND AN ACTUAL SURVEY MADE ON THE GROUND.

DESCRIPTION FOR TRACT A, A COMMERCIAL TRACT:

A 15.867 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY, TEXAS, AND BEING SITUATED WITHIN THAT CERTAIN 153.572 ACRE TRACT OF LAND CONVEYED TO REAL PROPERTY RESOURCES, INC. DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2105033573 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 15.867 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID SECTION 16 FOR THE NORTHEAST CORNER OF THIS TRACT, WHENCE THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 16 AND THE NORTHEAST CORNER OF SAID 153.572 ACRE TRACT BEARS S. 88° 08' 12" E. A DISTANCE OF 42.15 FEET, SAID QUARTER SECTION CORNER HAVING COORDINATES OF NORTHING: 7,236,435.72 AND EASTING: 943,637.27, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE, FROM WHENCE A RAILROAD SPIKE NEAR THE CENTERLINE OF F.M. HWY. 1585 AT THE NORTHEAST CORNER OF SAID SECTION 16 BEARS S. 88° 08' 12" E. A DISTANCE OF 2618.97 FEET;

THENCE S. 01° 51' 48" W., AT A DISTANCE OF 40.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF F.M. HWY. 1585, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 490 PAGE 699 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 43° 04' 02" E. A DISTANCE OF 14.12 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 02° 00' 08" W. A DISTANCE OF 560.02 FEET TO A POINT OF INTERSECTION AND THE MOST EASTERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE S. 46° 54' 23" W. A DISTANCE OF 14.17 FEET TO A POINT OF INTERSECTION AND THE MOST SOUTHERLY SOUTHEAST CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W. A DISTANCE OF 1062.72 FEET TO A POINT OF INTERSECTION AND THE MOST SOUTHERLY SOUTHWEST CORNER OF THIS TRACT;

THENCE N. 43° 11' 22" W. A DISTANCE OF 14.14 FEET TO A POINT OF INTERSECTION AND THE MOST WESTERLY SOUTHWEST CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E. A DISTANCE OF 541.02 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 46° 50' 13" E. A DISTANCE OF 42.41 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 51' 48" E., AT A DISTANCE OF 20.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 16 FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE S. 88° 08' 12" E., ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 1044.66 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS -01° 50' 14". DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE UPON THE GROUND, AND IS PREPARED FOR PLANNING AND CONTRACT PURPOSES ONLY. THE AREA, BEARINGS AND DISTANCES ARE SUBJECT TO CHANGE OR MODIFICATION ACCORDING TO FINAL COMPUTATIONS AND AN ACTUAL SURVEY MADE ON THE GROUND.

* Summary
Legal BLK E SEC 16 AB 664 TR B1A ACS:.957
Owner TRANTHAM & RICH LLC(00125Tax Year 2015
Situs 13101 CR 2200, LUBBOCK, TX As Of < 10/15/2015 >

General Information

NBHD 1101
 Total Acres 0.9570
 Exemptions
 Map ID 493

Print Appraisal Card

Property Value

Value Method	COST
Land Value	\$20,844
Building Value	\$474,355
Final Value	\$495,199

Assessment Values

Improvement HS	\$0
Improvement NHS	\$474,355
Land HS	\$0
Land NHS	\$20,844
HS Cap Adjust	\$0
Ag Market	\$0
Ag Use	\$0
Timber Market	\$0
Timber Use	\$0
Late Ag Loss	\$0
Total Market	\$495,199
Total Assessed	\$495,199
Tax Due	\$10,002.50

Recent Sales

Seller	HUDNALL JEFFREY P		
Date	03/12/2010	Validity	VALID
Sale Ref	2010-7448	Price	450,000

[Prev](#) [Next](#)

Mailing Address

Owner	TRANTHAM & RICH LLC
Address	13101 COUNTY ROAD 2200 LUBBOCK, TX 79423

Taxing

	GLB,SCP,HSP,V	Tax Due
GLB Lubbock County	0.358158	\$1,773.60
SCP Lubbock Cooper ISD	1.538700	\$7,619.83
HSP Lubb Cnty Hospital	0.115010	\$569.53
WHP Hi Plains Water	0.008026	\$39.74
Total Tax Rate	2.019894	\$10,002.50

Legal Location

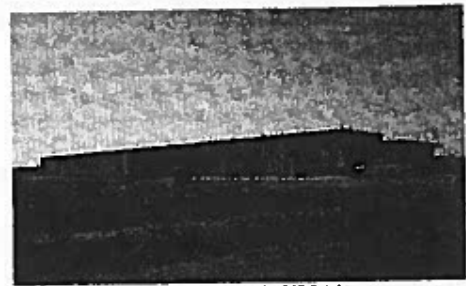
PRO CHEM SALES

Images

[Prev](#)

Image 1 of 3

[Map](#) [Picture](#)



R169299 05/05/2014

Summary
R168996 Legal **BLK E SEC 16 AB 684 TR B1 OF NW/4 ACS:3.038** Owner **CNS REALTY L C(00040965)** Tax Year **2015**
 Situs **13003 CR 2200, LUBBOCK** As Of **< 10/15/2015 >**

General Information

NBHD 1101
 Total Acres 3.0380
 Exemptions AG
 Map ID 493

[Prev](#) [Next](#)

Mailing Address

Owner **CNS REALTY L C**
 Address **4704 21ST ST**
LUBBOCK, TX 79407

Print Appraisal Card

Property Value

Value Method **COST**
 Land Value **\$66,168**
 Building Value **\$0**
 Final Value **\$66,168**

Taxing		GLB,SCP,HSP,W	Tax Due
GLB	Lubbock County	0.358158	\$1.20
SCP	Lubbock Cooper ISD	1.538700	\$5.14
HSP	Lubb Cnty Hospital	0.115010	\$0.38
WHP	Hi Plains Water	0.008026	\$0.03
Total Tax Rate		2.019894	\$6.75

Assessment Values

Improvement HS \$0
 Improvement NHS \$0
 Land HS \$0
 Land NHS \$0
 HS Cap Adjust \$0
 Ag Market **\$66,168**
 Ag Use **\$334**
 Timber Market \$0
 Timber Use \$0
 Late Ag Loss \$0
 Total Market **\$66,168**
 Total Assessed **\$334**
 Tax Due **\$6.75**

Supplements

Legal Location

BARRIER FENCE & ALL PRO TRUCK CAPS

Images

[Map](#) [Pictor](#)

No Images Exist

 **Recent Sales**

Seller	AMERICAN BANK OF COMMERCE		
Date	12/15/2005	Validity	VALID
Sale Ref	10271/82	Price	75,200

Summary
R97561 Legal BLK E SEC 16 AB 664 TR B Owner BELL, GARY(OO86078) Tax Year 2015
 OF NW/4 ACS:156.005 Situs 79423 As Of < 10/15/2015 >

General Information

NBHD 1101
 Total Acres 156.0050
 Exemptions AG
 Map ID 493

[Prev](#) [Next](#)

Mailing Address

Owner BELL, GARY
 Address 13803 COUNTY ROAD 2200
 LUBBOCK, TX 79423-6923

[Print Appraisal Card](#)

Property Value

Value Method COST
 Land Value \$468,015
 Building Value \$0
 Final Value \$468,015

GLB,SCP,HSP,V	Tax Due
GLB Lubbock County	0.358158 \$166.35
SCP Lubbock Cooper ISD	1.538700 \$714.67
HSP Lubb Cnty Hospital	0.115010 \$53.42
WHP HI Plains Water	0.008026 \$3.73
Total Tax Rate	2.019894 \$938.17

Assessment Values

Improvement HS \$0
 Improvement NHS \$0
 Land HS \$0
 Land NHS \$0
 HS Cap Adjust \$0
 Ag Market \$468,015
 Ag Use \$46,446
 Timber Market \$0
 Timber Use \$0
 Late Ag Loss \$0
 Total Market \$468,015
 Total Assessed \$46,446
 Tax Due \$938.17

Supplements

Images

[Map](#) [Picture](#)

No Images Exist

Recent Sales

Seller BYRNE TRUST
 Date 12/21/2000 Validity VALID
 Sale Ref 6922/54 Price 196,000

Legacy ID 00851974



BETENBOUGH HOMES®

www.betenbough.com

Plat Transmittal to City of Lubbock Planning Department

11/9/2015

Subdivision: Betenbough Homes

Lots/Tracts: _____

Proponent: Betenbough Homes
6305 82 Street
Lubbock, Texas 79424

Contact: Chris Berry Phone: 806.789.9558

Email: ChrisB@betenbough.com

Plat Review Fee: _____

- Final Plat Submittal
- Preliminary Plat for Planning and Zoning Commission (5 copies plus electronic copy PDF and DWG)
- Administrative Review under Previously approved preliminary plat (5 copies plus PDF and DWG)
- Rule 12 Plat or Replat (5 copies plus PDF and DWG)
- Rule 15 Plat (5 copies plus PDF and DWG)

ZONING

Water Delay

Sewer Delay

Paving Delay

Right of Way Closure

Closure Application Submitted:

Previously

Concurrently

Forthcoming

Water Engineering

Private by AMD

Private by other

Sewer Engineering

Private by AMD

Private by other

Paving Engineering

Private by AMD

Private by other

Drainage Analysis

Drainage Analysis to be submitted by AMD

Request for Waiver of Drainage Analysis

Street Lights

Developer will design and install

None anticipated

000704

NOV 09 2015

ZONING

DESCRIPTION:

A 105.248 ACRE TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION 16, BLOCK E, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 664, LUBBOCK COUNTY, TEXAS, AND BEING SITUATED WITHIN THAT CERTAIN 153.572 ACRE TRACT OF LAND CONVEYED TO REAL PROPERTY RESOURCES, INC. DESCRIBED IN A GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 2105033573 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 105.248 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 16 AND THE NORTHEAST CORNER OF SAID 153.572 ACRE TRACT FOR THE NORTHEAST CORNER OF THIS TRACT AND HAVING COORDINATES OF NORTHING: 7,236,435.72 AND EASTING: 943,637.27, TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE, WHENCE A RAILROAD SPIKE NEAR THE CENTERLINE OF F.M. HWY. 1585 AT THE NORTHEAST CORNER OF SAID SECTION 16 BEARS S. 88° 08' 12" E. A DISTANCE OF 2618.97 FEET;

THENCE S. 02° 00' 08" W., AT A DISTANCE OF 40.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF F.M. HWY. 1585, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 490 PAGE 699 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 2619.03 FEET TO THE SOUTHEAST CORNER OF SAID 153.572 ACRE TRACT AND THIS TRACT, WHENCE A 3/4" IRON PIPE AT THE CENTER QUARTER CORNER OF SAID SECTION 16 BEARS S. 02° 00' 09" W. A DISTANCE OF 32.00 FEET, SAID QUARTER CORNER HAVING COORDINATES OF NORTHING: 7,233,786.96 AND EASTING: 943,544.67, TEXAS COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE, NAD'83;

THENCE N. 88° 24' 19" W., PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW/4), A DISTANCE OF 1969.06 FEET TO A POINT OF INTERSECTION FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 173.60 FEET, SAID CURVE HAVING A RADIUS OF 432.00 FEET, A DELTA ANGLE OF 23° 01' 26", A CHORD DISTANCE OF 172.43 FEET AND A CHORD BEARING OF N. 54° 42' 05" W. TO A POINT OF TANGENCY AND A CORNER OF THIS TRACT;

THENCE N. 43° 11' 22" W. A DISTANCE OF 154.35 FEET TO A POINT OF CURVATURE AND A CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 290.41 FEET, SAID CURVE HAVING A RADIUS OF 368.00 FEET, A DELTA ANGLE OF 45° 12' 57", A CHORD DISTANCE OF 282.93 FEET AND A CHORD BEARING OF N. 65° 47' 51" W. TO A POINT OF TANGENCY AND A CORNER OF THIS TRACT;

THENCE N. 88° 24' 19" W. A DISTANCE OF 41.61 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 46° 42' 09" W. A DISTANCE OF 42.51 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W., AT A DISTANCE OF 15.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 2200, ALSO KNOWN AS SOUTH UNIVERSITY AVENUE, AS DESCRIBED IN A RIGHT-OF-WAY EASEMENT RECORDED IN VOLUME 532 PAGE 132 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT IN THE WEST LINE OF SAID SECTION 16 FOR THE MOST WESTERLY SOUTHWEST CORNER OF THIS TRACT, WHENCE THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4) BEARS S. 01° 48' 38" W. A DISTANCE OF 316.21 FEET;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 124.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 88° 11' 22" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 43° 17' 51" E. A DISTANCE OF 42.35 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 88° 24' 19" E. A DISTANCE OF 41.37 FEET TO A POINT OF CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 213.14 FEET, SAID CURVE HAVING A RADIUS OF 432.00 FEET, A DELTA ANGLE OF 28° 16' 05", A CHORD DISTANCE OF 210.98 FEET AND A CHORD BEARING OF S. 74° 16' 16 E. TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 61° 24' 32" E. A DISTANCE OF 10.12 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E. A DISTANCE OF 765.18 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 36° 47' 26" W. A DISTANCE OF 15.63 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 109.20 FEET, SAID CURVE HAVING A RADIUS OF 426.00 FEET, A DELTA ANGLE OF 14° 41' 14", A CHORD DISTANCE OF 108.90 FEET AND A CHORD BEARING OF N. 67° 22' 33" W. TO A POINT OF REVERSE CURVATURE AND A CORNER OF THIS TRACT;

THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 150.64 FEET, SAID CURVE HAVING A RADIUS OF 374.00 FEET, A DELTA ANGLE OF 23° 04' 39", A CHORD DISTANCE OF 149.62 FEET AND A CHORD BEARING OF N. 71° 34' 15" W. TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 48° 12' 04" W. A DISTANCE OF 41.38 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 88° 11' 22" W., AT A DISTANCE OF 15.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT IN THE WEST LINE OF SAID SECTION 16 FOR A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E., ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 112.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 88° 11' 22" E., AT A DISTANCE OF 40.00 FEET PASS THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 2200, CONTINUING FOR A TOTAL DISTANCE OF 55.00 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 41° 58' 07" E. A DISTANCE OF 43.32 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 176.20 FEET, SAID CURVE HAVING A RADIUS OF 426.00 FEET, A DELTA ANGLE OF 23° 41' 52", A CHORD DISTANCE OF 174.94 FEET AND A CHORD BEARING OF S. 71° 52' 52" E. TO A POINT OF REVERSE CURVATURE AND A CORNER OF THIS TRACT;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 83.44 FEET, SAID CURVE HAVING A RADIUS OF 374.00 FEET, A DELTA ANGLE OF 12° 46' 58", A CHORD DISTANCE OF 83.27 FEET AND A CHORD BEARING OF S. 66° 25' 25" E. TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 54° 06' 53" E. A DISTANCE OF 12.23 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E. A DISTANCE OF 817.47 FEET TO A POINT FOR THE MOST WESTERLY NORTHWEST CORNER OF THIS TRACT;

THENCE S. 88° 11' 22" E. A DISTANCE OF 1100.22 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 46° 48' 38" E. A DISTANCE OF 14.14 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 48' 38" E. A DISTANCE OF 541.07 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 43° 09' 47" E. A DISTANCE OF 42.45 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 51' 48" E., AT A DISTANCE OF 20.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 16 FOR THE MOST NORTHERLY NORTHWEST CORNER OF THIS TRACT, WHENCE THE NORTHWEST CORNER OF SAID SECTION 16 BEARS N. 88° 08' 12" W. A DISTANCE OF 1420.16 FEET ;

THENCE S. 88° 08' 12" E., ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 112.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 01° 51' 48" W., AT A DISTANCE OF 40.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

THENCE S. 46° 50' 13" W. A DISTANCE OF 42.41 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 01° 48' 38" W. A DISTANCE OF 541.02 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 43° 11' 22" E. A DISTANCE OF 14.14 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE S. 88° 08' 12" E. A DISTANCE OF 1062.72 FEET TO A POINT OF INTERSECTION FOR A CORNER OF THIS TRACT;

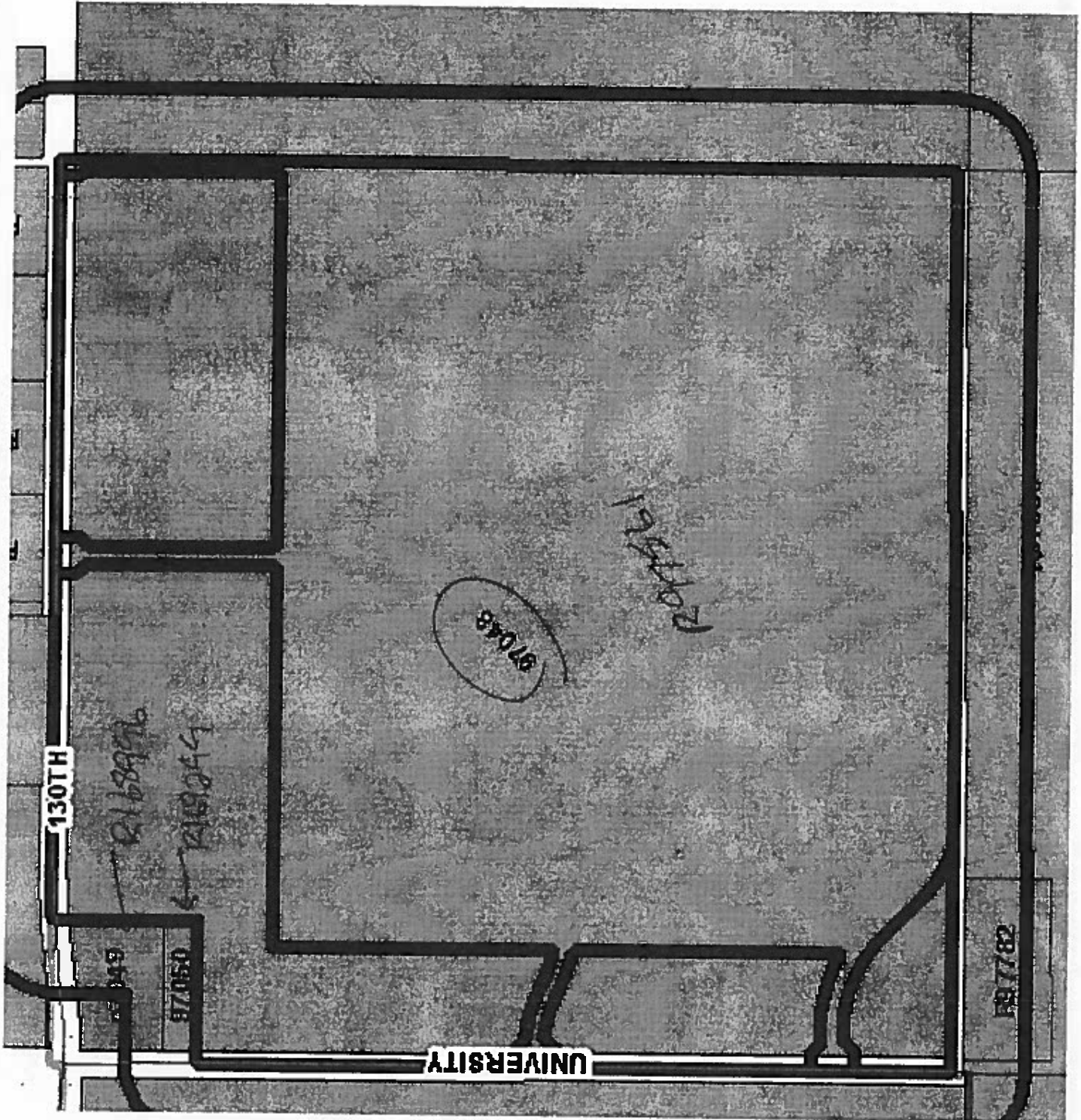
THENCE N. 46° 54' 23" E. A DISTANCE OF 14.17 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 02° 00' 08" E. A DISTANCE OF 560.02 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 43° 04' 02" W. A DISTANCE OF 14.12 FEET TO A POINT OF INTERSECTION AND A CORNER OF THIS TRACT;

THENCE N. 01° 51' 48" E., AT A DISTANCE OF 20.00 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF SAID F.M. HWY. 1585, CONTINUING FOR A TOTAL DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 16 FOR A CORNER OF THIS TRACT;

THENCE S. 88° 08' 12" E., ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 42.15 FEET TO THE POINT OF BEGINNING. BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS -01° 50' 14". DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET. THIS DESCRIPTION DOES NOT REPRESENT A SURVEY MADE UPON THE GROUND, AND IS PREPARED FOR PLANNING AND CONTRACT PURPOSES ONLY. THE AREA, BEARINGS AND DISTANCES ARE SUBJECT TO CHANGE OR MODIFICATION ACCORDING TO FINAL COMPUTATIONS AND AN ACTUAL SURVEY MADE ON THE GROUND.



130TH

2168976

2168944

97048

PORTAL

97049

97050

UNIVERSITY

97782



APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) Betenbough Homes
6305 82nd Street
Lubbock TX 79424
(806) 789-9558

For
Street/Post Office Box
City State Zip
Telephone

Location or Address: South East corner of 1585 and University

Legal Description: See attached

Existing Land Use: Ag use Existing Zoning: Transition

Acreage or Square Footage of Property: 157.57

Zoning Requested: 105.248 acres R-1 Specific use, 52.322 acres C-3

Proposed Development: Bell Farms residential

If property is not subdivided, will preliminary plat be submitted? Yes X No

Applicant's Signature [Handwritten Signature]

Date November 9, 2015

Filing Fee: \$944.71
(\$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

Zone Case No.: 3274

Agenda No.:

Request for zoning change from: T

To: R-1 SP USE, C-3

157.57 acres of unplatted land out of block E Section 16

on Lot(s):

Block(s):

Subdivision:

Address: South of 130th St, East of University Ave



Regular City Council Meeting

6. 2.

Meeting Date: 02/11/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-00016 for Zone Case 3275, a request of AMD Engineering, LLC, for RS Store, LLC, for a zoning change from R-1 to C-4 Specific Use for mini warehouses and all unconditionally permitted C-4 uses on 2.36 acres of unplatted land including right-of-way out of Block D6, Section 2, 7902 19th Street and 1806 Alcove Avenue.

Item Summary

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

General comments:

The request is to change the zoning at the intersection of two major thoroughfares from R-1 to C-4.

Adjacent land uses:

North: R-1

South: R-1 and C-4 19th Street thoroughfare.

East: Alcove thoroughfare and C-4 (requesting R-1)

West: Existing Storage/mini-warehouse

Comprehensive Land Use Plan (CLUP):

Commercial zoning is consistent with the CLUP.

Zoning Policy:

The request is consistent with zoning policy since C-4 should be located along a regional thoroughfare and/or a state highway.

Effect on the adjacent street and thoroughfare system:

None.

Recommendations:

Staff supports the request with no conditions.

On January 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

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. 3275; A ZONING CHANGE FROM R-1 TO C-4 SPECIFIC USE FOR MINI WAREHOUSES AND ALL UNCONDITIONALLY PERMITTED C-4 USES, ON 2.36 ACRES OF UNPLATTED LAND OF BLOCK D6, SECTION 2, 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. 3275

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 C-4 Specific Use for mini warehouses and all unconditionally permitted C-4 uses on 2.36 acres of unplatted land of Block D6, Section 2, City of Lubbock, Lubbock County, Texas, located at 7902 19th Street and 1806 Alcove Avenue, and being further described as follows:**

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

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 7902 19th Street and 1806 Alcove 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:

 FOR ANDREW PAXTON
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:


Justin D. Pruitt, Assistant City Attorney

vw/CityAtt/Justin/Zones/ZC3275
January 7, 2016



Rezone to C-4

METES AND BOUNDS DESCRIPTION of a 2.36 acre tract of land located in Section 2, Block D-6, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point in the East line of said Section 2 for the Southeast and beginning corner of this tract whence the Southeast corner of Section 2, Block D-6 bears $S00^{\circ}06'00''E$, a distance of 65.00 feet;

Thence West, along the North Right of Way line of 19th Street, approximately a distance of 319.17 feet to a point for the Southeast corner of Tract B, Stash Addition to the City of Lubbock, Lubbock County, Texas, as recorded in Volume 5349, Page 178, Real Property Records of Lubbock County, Texas, and for the Southwest corner of this tract;

Thence $N00^{\circ}17'13''W$, along the East line of said Tract B, Stash Addition, approximately a distance of 113.50 feet to a point for the Northeast corner of said Tract B, Stash Addition and in the South line of Tract A, said Stash Addition for a corner of this tract;

Thence East, along the South line of said Tract A, Stash Addition, approximately a distance of 20.12 feet to a point for the most Easterly Southeast corner of said Tract A, Stash Addition for a corner of this tract;

Thence $N00^{\circ}17'13''W$, along the East line of said Tract A, Stash Addition, approximately a distance of 200.09 feet to a point for a corner of this tract;

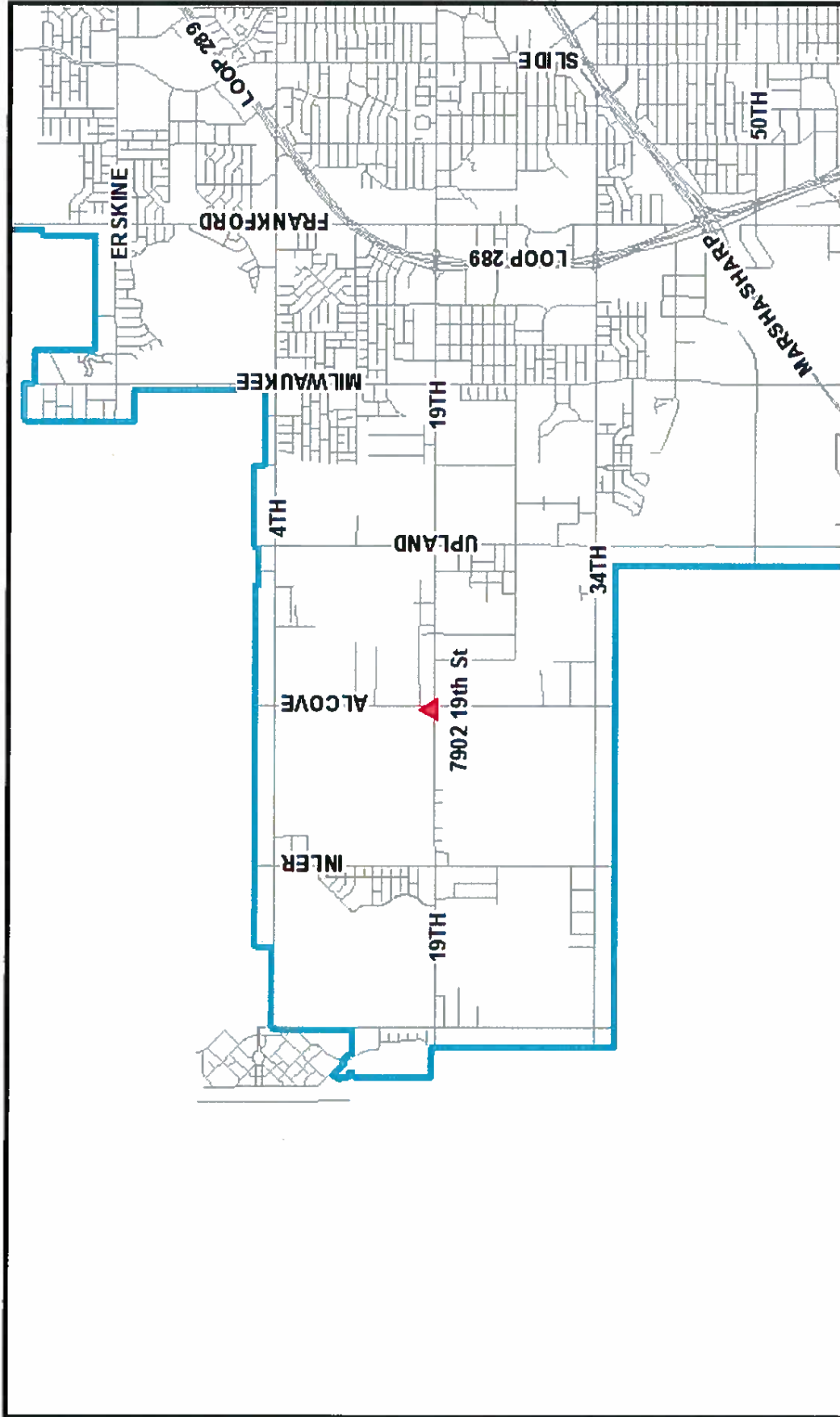
Thence $N33^{\circ}53'15''W$, along the East line of said Tract A, Stash Addition, approximately a distance of 25.80 feet to a point for the Northeast corner of said Tract A, Stash Addition and for the Northwest corner of this tract;

Thence East, along the South line of the tract described in Volume 8908, Page 102, Official Public Records of Lubbock County, Texas, approximately a distance of 314.12 feet to a point in the East line of Section 2, for the Northeast corner of this tract;

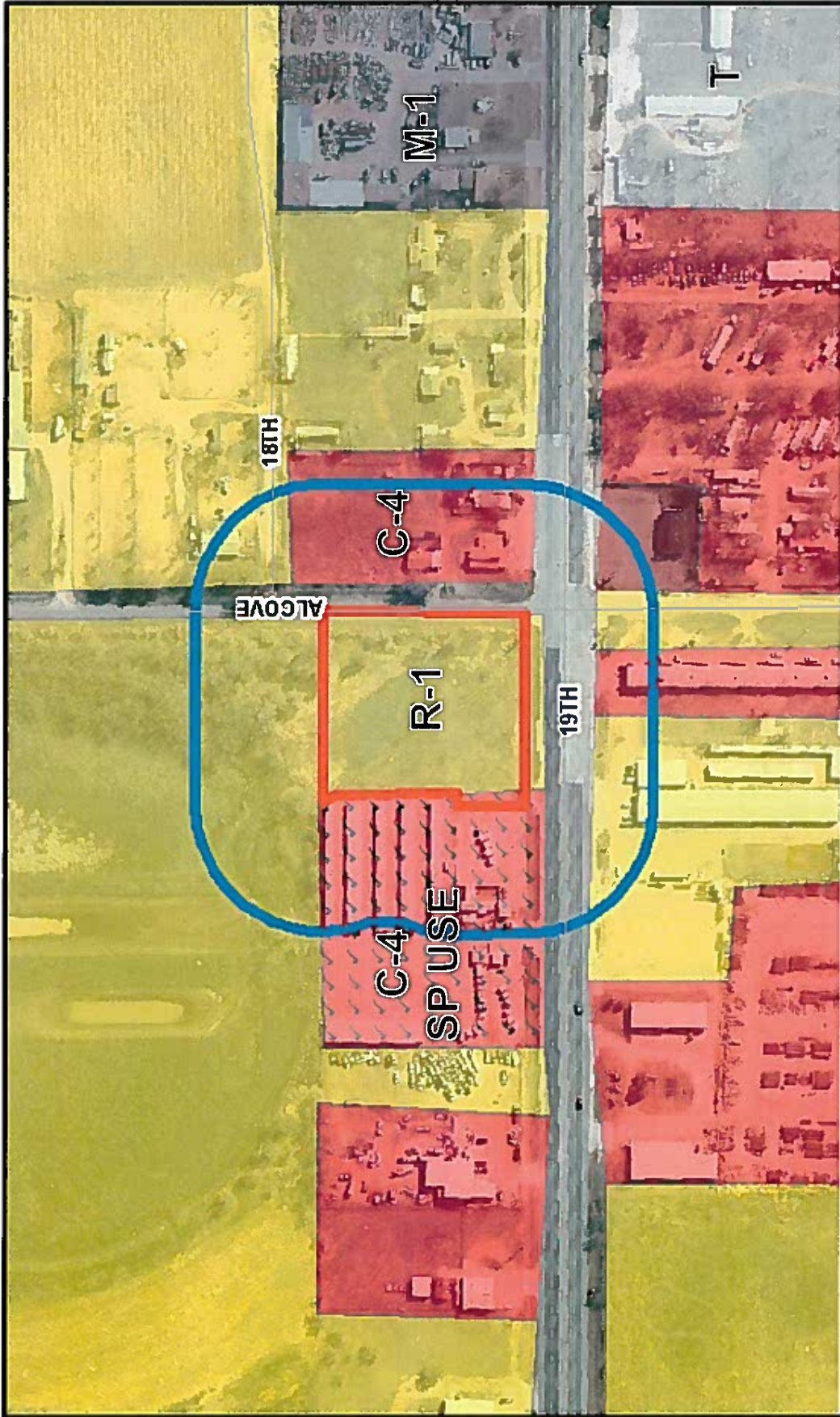
Thence $S00^{\circ}06'00''E$, along the East line of Section 2, approximately a distance of 335.00 feet to the Point of Beginning and containing approximately 2.36 acres, including any Right of Way.

PREPARED FOR ZONE CHANGE REQUEST ONLY; DOES NOT REPRESENT A SURVEY.

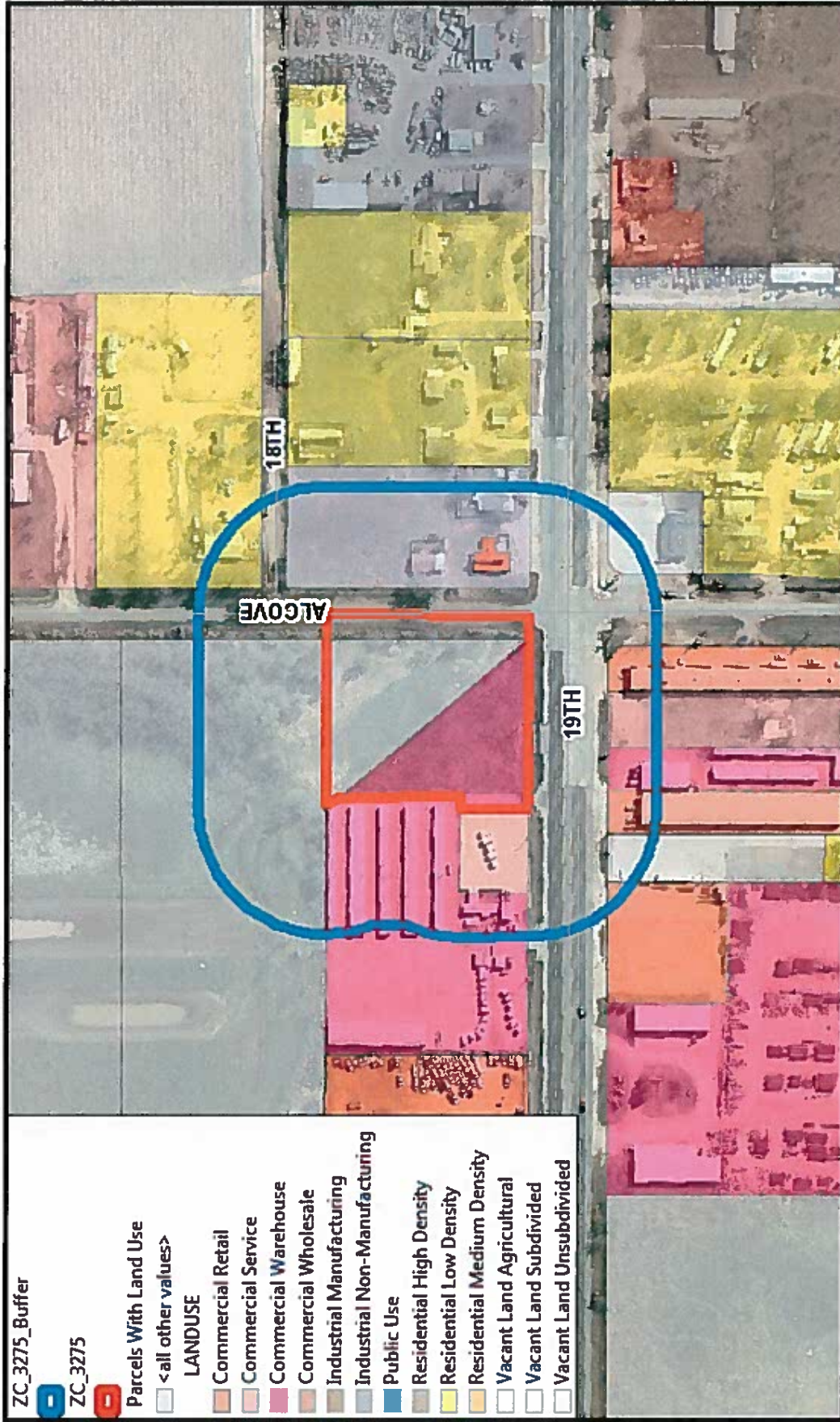
Prepared for: National Storage Solutions
December 1, 2015



P.Z.C. Case 3275



P.Z.C. Case 3275 Zoning



P.Z.C. Case 3275

Request of AMD Engineering, LLC (for RS Store, LLC) for a zoning change from R-1 to C-4 Specific Use for mini warehouses and all unconditionally permitted C-4 uses, 7902 19th Street and 1806 Alcove Avenue

PREPARED FOR:
NATIONAL STORAGE SOLUTIONS

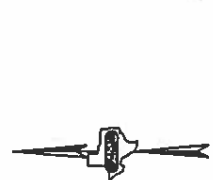
DRAWN BY: JDN
CHECKED BY: ANL
JOB NUMBER: 15241

SKETCH FOR ZONE CASE

A&M
CIVIL ENGINEERING
LAND SURVEYING

A&M Engineering, LLC
2807 74th Street, Suite 8
Lubbock, TX 79423
Phone: 806-771-9876
Fax: 806-771-7825

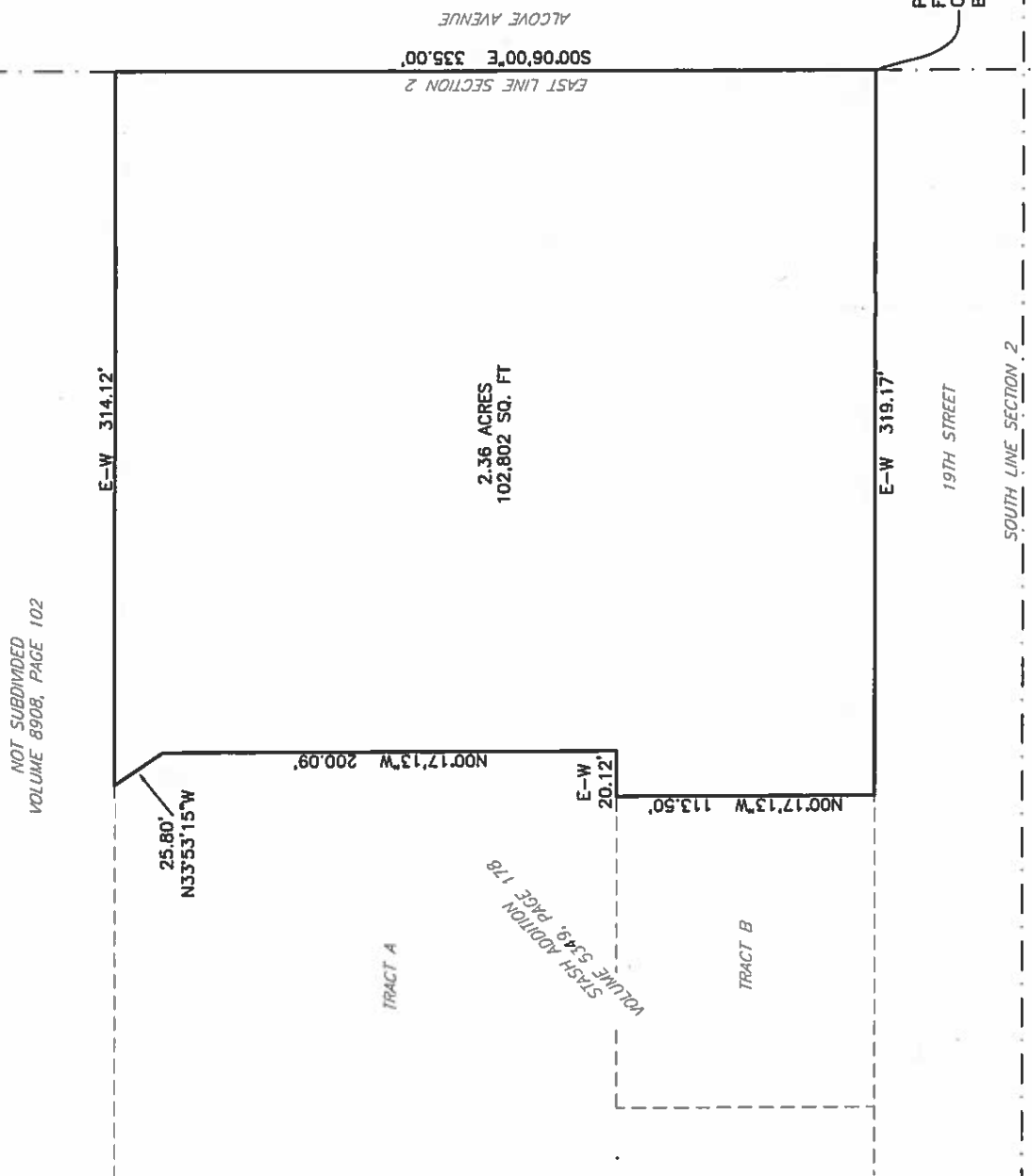
Accuracy - Efficiency - Integrity



TRACT 11, W.W. FURGESSON ADDITION
VOLUME 321, PAGE 58

SKETCH PREPARED FOR
ZONE CHANGE REQUEST
ONLY; DOES NOT
REPRESENT A SURVEY

P.O.B.
FROM THIS POINT, THE SOUTHEAST
CORNER OF SECTION 2, BLOCK D-6
BEARS S00°06'00"E, 65.00'



NOT SUBDIVIDED
VOLUME 8908, PAGE 102



Rezone to C-4

METES AND BOUNDS DESCRIPTION of a 2.36 acre tract of land located in Section 2, Block D-6, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point in the East line of said Section 2 for the Southeast and beginning corner of this tract whence the Southeast corner of Section 2, Block D-6 bears $S00^{\circ}06'00''E$, a distance of 65.00 feet;

Thence West, along the North Right of Way line of 19th Street, approximately a distance of 319.17 feet to a point for the Southeast corner of Tract B, Stash Addition to the City of Lubbock, Lubbock County, Texas, as recorded in Volume 5349, Page 178, Real Property Records of Lubbock County, Texas, and for the Southwest corner of this tract;

Thence $N00^{\circ}17'13''W$, along the East line of said Tract B, Stash Addition, approximately a distance of 113.50 feet to a point for the Northeast corner of said Tract B, Stash Addition and in the South line of Tract A, said Stash Addition for a corner of this tract;

Thence East, along the South line of said Tract A, Stash Addition, approximately a distance of 20.12 feet to a point for the most Easterly Southeast corner of said Tract A, Stash Addition for a corner of this tract;

Thence $N00^{\circ}17'13''W$, along the East line of said Tract A, Stash Addition, approximately a distance of 200.09 feet to a point for a corner of this tract;

Thence $N33^{\circ}53'15''W$, along the East line of said Tract A, Stash Addition, approximately a distance of 25.80 feet to a point for the Northeast corner of said Tract A, Stash Addition and for the Northwest corner of this tract;

Thence East, along the South line of the tract described in Volume 8908, Page 102, Official Public Records of Lubbock County, Texas, approximately a distance of 314.12 feet to a point in the East line of Section 2, for the Northeast corner of this tract;

Thence $S00^{\circ}06'00''E$, along the East line of Section 2, approximately a distance of 335.00 feet to the Point of Beginning and containing approximately 2.36 acres, including any Right of Way.

PREPARED FOR ZONE CHANGE REQUEST ONLY; DOES NOT REPRESENT A SURVEY.

Prepared for: National Storage Solutions
December 1, 2015

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) AMD Engineering, LLC
2807 74th Street, Ste. 8
Street/Post Office Box
Lubbock TX 79423
City State Zip
(806) 771-5976
Telephone

For RS Store, LLC
6923 Indiana Avenue, Box 108
Street/Post Office Box
Lubbock TX 79413
City State Zip
(806) 731-1506
Telephone

Location or Address: Northwest corner of 19th Street and Alcove Avenue

Legal Description:* See attached

Existing Land Use: Ag Existing Zoning: R1

Acreage or Square Footage of Property: 2.003 acres 2.36 including R.O.W.

Zoning Requested: C-4 Specific use for mini warehouses and any other permitted uses in C-4

Proposed Development: Storage Warehouse Facility and Greenhouse Facility

If property is not subdivided, will preliminary plat be submitted? Yes x No

Applicant's Signature [Handwritten Signature]

December 1, 2015
Date

Filing Fee: \$481
(\$475.00 for the first acre; \$3.00 for each additional acre)

*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

Zone Case No.: 3275

Agenda No.:

Request for zoning change from: R-1

To: C-4 Sp. Use

for mini warehouses on 2.36 acres of unplatted land out of

on Block DU Section 2

on Lot(s) Block(s)

Addition

(Address: 7902 19th St. and 1306 Alcove Ave.)

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

2

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.: 3275

In Favor of

Opposed

Reasons and/or Comments:

RECEIVED
JAN - 4 10:00
PLANNING DEPARTMENT

Print Name WALT HANSEN Inc
Signature: Walt Hansen
Address: 5407- 71st
Address of Property Owned: Sold Property at 7904. 19th st
July 15- 2015

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

2

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.: 3275

In Favor of

Opposed

Reasons and/or Comments:

RECEIVED
JAN - 1 11 AM
PLANNING DEPARTMENT

Print Name Walt Hansen Inc
Signature: Walt Hansen
Address: ~~7904 19th~~ 5407 - 71st
Address of Property Owned: Sold Property at 7904 19th St
July 15 - 2015



Regular City Council Meeting

6.3.

Meeting Date: 02/11/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-00017 for Zone Case 3172-A, a request of Sheri White and Stanley and Kevin Sisson for a zoning change from C-4 to R-1 on Lot 11, Furgeson Addition, 7752 19th Street.

Item Summary

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

General comments:

This request is to rezone a property from C-4 to R-1. This property had been previously zoned from R-1 to C-4 in hopes for a commercial tenant. The owner now is wanting to convert one commercial structure to a residence.

Adjacent land uses:

North: Single family

East: Single family

West: Pending C-4 zoning

Comprehensive Land Use Plan (CLUP):

Although the intersection of two thoroughfares is reserved for 10 acres of commercial zoning it would not prohibit a lesser zoning district in that location.

Zoning Policy:

While single family at the intersection of two thoroughfares is not the normal situation, there is nothing in the City’s zoning policies that would prohibit the change.

Effect on the adjacent street and thoroughfare system:

There should be little to no impact on the thoroughfare system.

Recommendations:

Staff recommends for approval.

On January 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

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. 3172-A**; A ZONING CHANGE FROM **C-4** TO **R-1** ZONING DISTRICT ON **LOT 11, FURGESON 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. 3172-A

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-4** to **R-1** zoning district on **Lot 11, Furgeson Addition, City of Lubbock, Lubbock County, Texas, located at 7752 19th Street.**

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:

 FOR ANDREW PAXTON

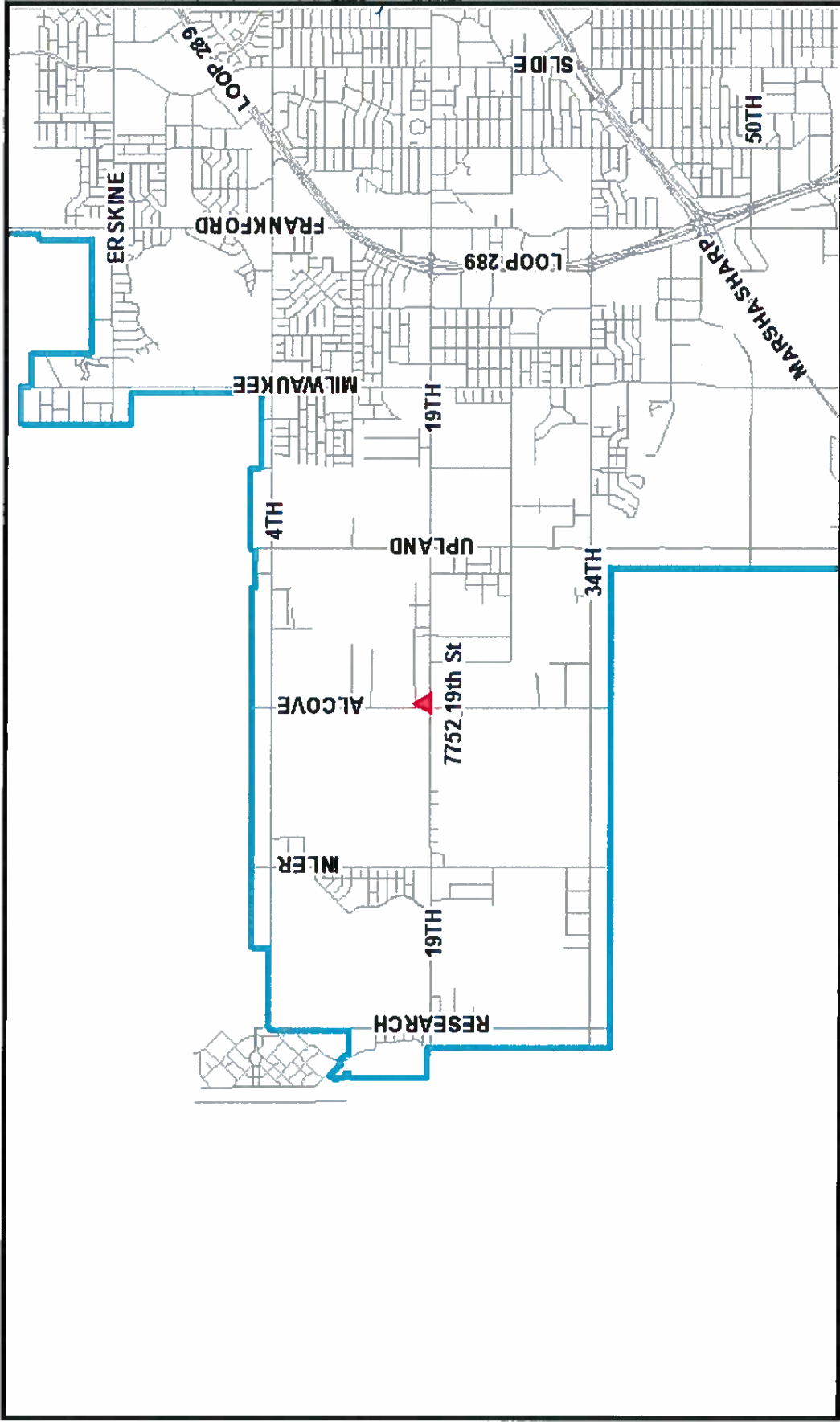
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:

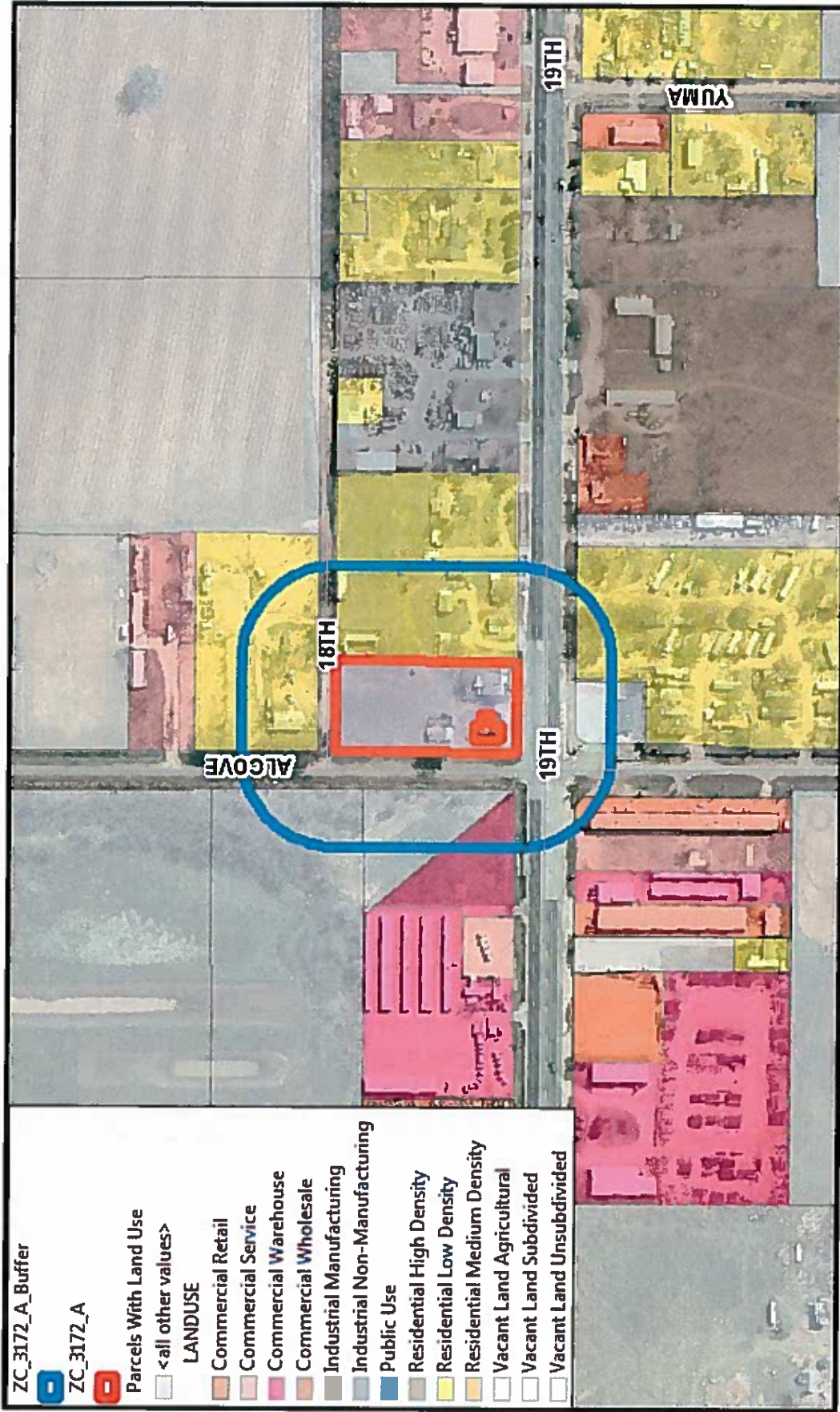


Justin D. Pruitt, Assistant City Attorney

vw/cityatt/Justin/ZoneCase/ZC3172-A
January 7, 2016

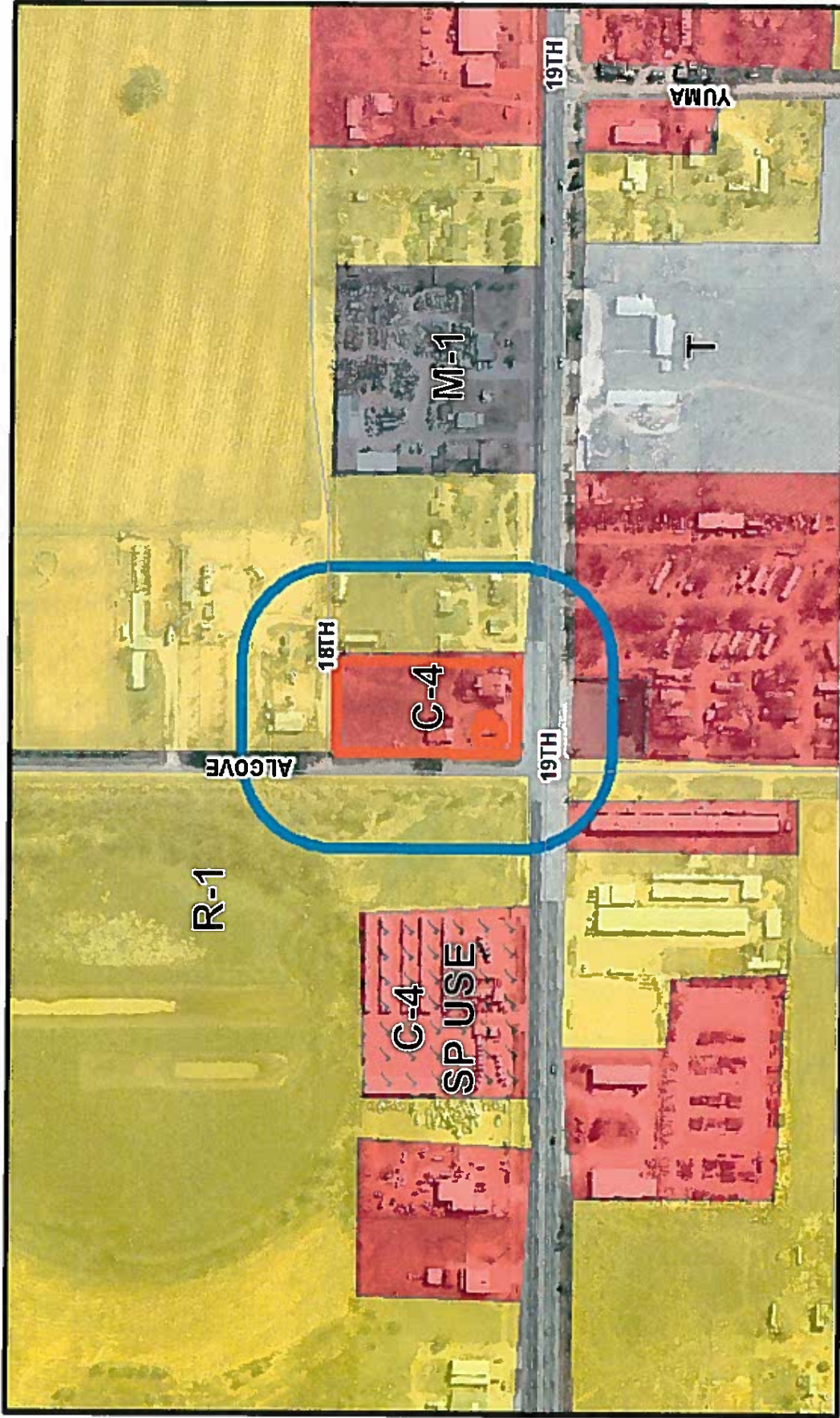


P.Z.C. Case 3172-A



P.Z.C. Case 3172-A

Request of Sheri White and Stanley and Kevin Sisson for a zoning change from C-4 to R-1,7752 19th Street



P.Z.C. Case 3172-A Zoning



APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) Sheri White, Stanley & Kevin Sisson

For

7726 19th St. Street/Post Office Box

7752 19th St Street/Post Office Box

Lubbock TX 79407 City State Zip

Lubbock TX 79407 City State Zip

(806) 795-3141 Telephone

() Telephone

Location or Address: 7752 19th St., Lubbock, TX 79407

Legal Description: Building Only Furgeson L11, R316824 R301000-00000-01100-100

Existing Land Use: Not in use Existing Zoning: Commercial

Acreage or Square Footage of Property:

Zoning Requested: Residential

Proposed Development: None

If property is not subdivided, will preliminary plat be submitted? Yes No

Applicant's Signature (Handwritten Signature)

Date 12/07/2015

Filing Fee: 475.00 (S475.00 for the first acre; S3.00 for each additional acre; S165 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: 19777 map 46

Zone Case No.: 3172-A

Agenda No.:

Request for zoning change from: C-4

To: R-1

on Lot(s): 11

Block(s):

Subdivision: Furgeson

Address: 7752 19th St

To City of Lubbock

This structure has been up for rent for several years with no takers. It is adjacent to several other residences and we feel it could be turned into ~~an~~ a residence. Thank you

Stan Sisson 7-12-2015



Regular City Council Meeting

6. 4.

Meeting Date: 02/11/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-00018 for Zone Case 2740-A, a request of Jonathan Martindale, for Amerco Real Estate Company, for a zoning change from C-4 to C-4 Specific Use for mini warehouses on Lots 1 and 2, McDonald Addition, and Lot A and the balance of Lot 9, 2 less the SE 62 feet by 124 feet, Stubbs Subdivision, 3511 Avenue Q and 3504 Avenue P.

Item Summary

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

General comments:

This specific use case is to extend the existing U-Haul and mini-warehouse project at Avenue Q and 34th Street one block south, to 36th Street. At this time it is undetermined if U-Haul will reuse the existing building. There will likely be a combination of products on this site, including mini-warehouses, inside storage, and possible U-Haul pod style units. Because these details are not available at this time, a site plan will be brought back to the Planning and Zoning (P&Z) Commission, for approval, prior to a building permit.

Adjacent land uses:

North: of this case is the existing mini-warehouses, zone C-4 Specific Use

South: is zoned R-3, generally built out as single family

East: is partially commercial zoning, C-3, and R-1 single family

West: across Avenue Q is zoned C-4

Comprehensive Land Use Plan (CLUP):

The request is consistent with the CLUP.

Zoning Policy:

The request is also consistent with the current zoning policies. Mini-warehouses are permitted only under a specific use zone case, looked at on a case by case basis for its own merits in each location. This instance happens to be a future expansion of an existing project and will be built consistent with it and the surrounding area.

Effect on the adjacent street and thoroughfare system:

There should be little to no additional impact on the adjacent thoroughfares.

Recommendations:

Staff recommends the case with the following condition:

1. That the final site plan be reviewed and approved by the P&Z Commission prior to issuance of a building permit.

On January 7, 2016, the P&Z Commission recommended the request with a unanimous vote, with the following conditions:

1. That the final site plan be reviewed and approved by the P&Z Commission prior to issuance of a building permit.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager
Planning and Zoning Commission

Attachments

Ordinance - 2740-A

Zone Case - 2740-A

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. 2740-A; A ZONING CHANGE FROM C-4 TO C-4 SPECIFIC USE FOR MINI WAREHOUSES, ON LOTS 1 AND 2, MCDONALD ADDITION, AND LOT A AND THE BALANCE OF LOT 9, 2 LESS THE SE 62 FEET BY 124 FEET, STUBBS SUBDIVISION, 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. 2740-A

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 **C-4 to C-4 Specific Use for mini warehouses on Lots 1 and 2, McDonald Addition, and Lot A and the balance of Lot 9, 2 less the SE 62 feet by 124 feet, Stubbs Subdivision, City of Lubbock, Lubbock County, Texas, located at 3511 Avenue Q and 3504 Avenue P**, subject to conditions.

SUBJECT TO THE FOLLOWING CONDITION:

- 1. THAT the final site plan be reviewed and approved by the Planning and Zoning Commission prior to issuance of a building permit.**

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 C-4 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 3511 Avenue Q and 3504 Avenue P, 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:

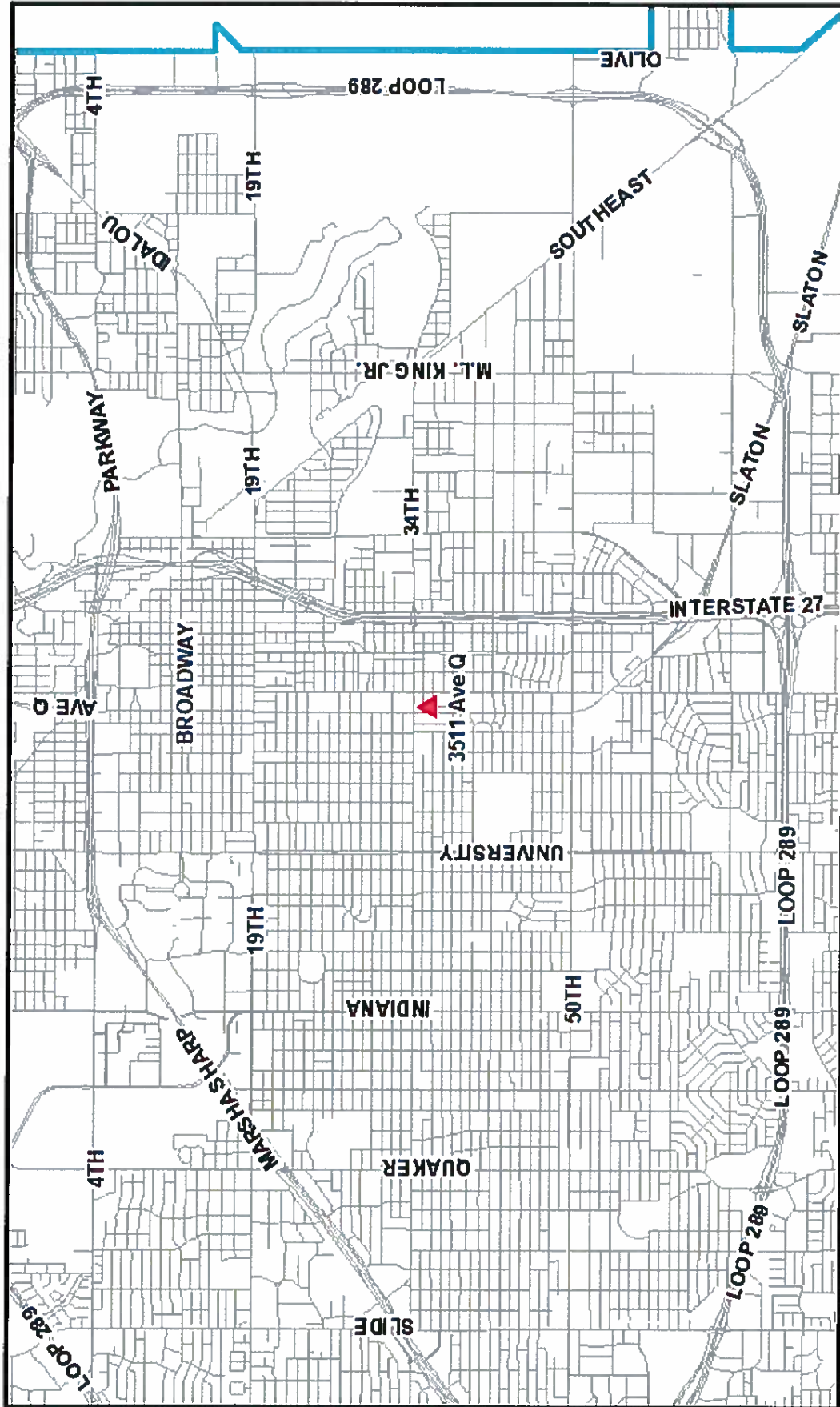
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

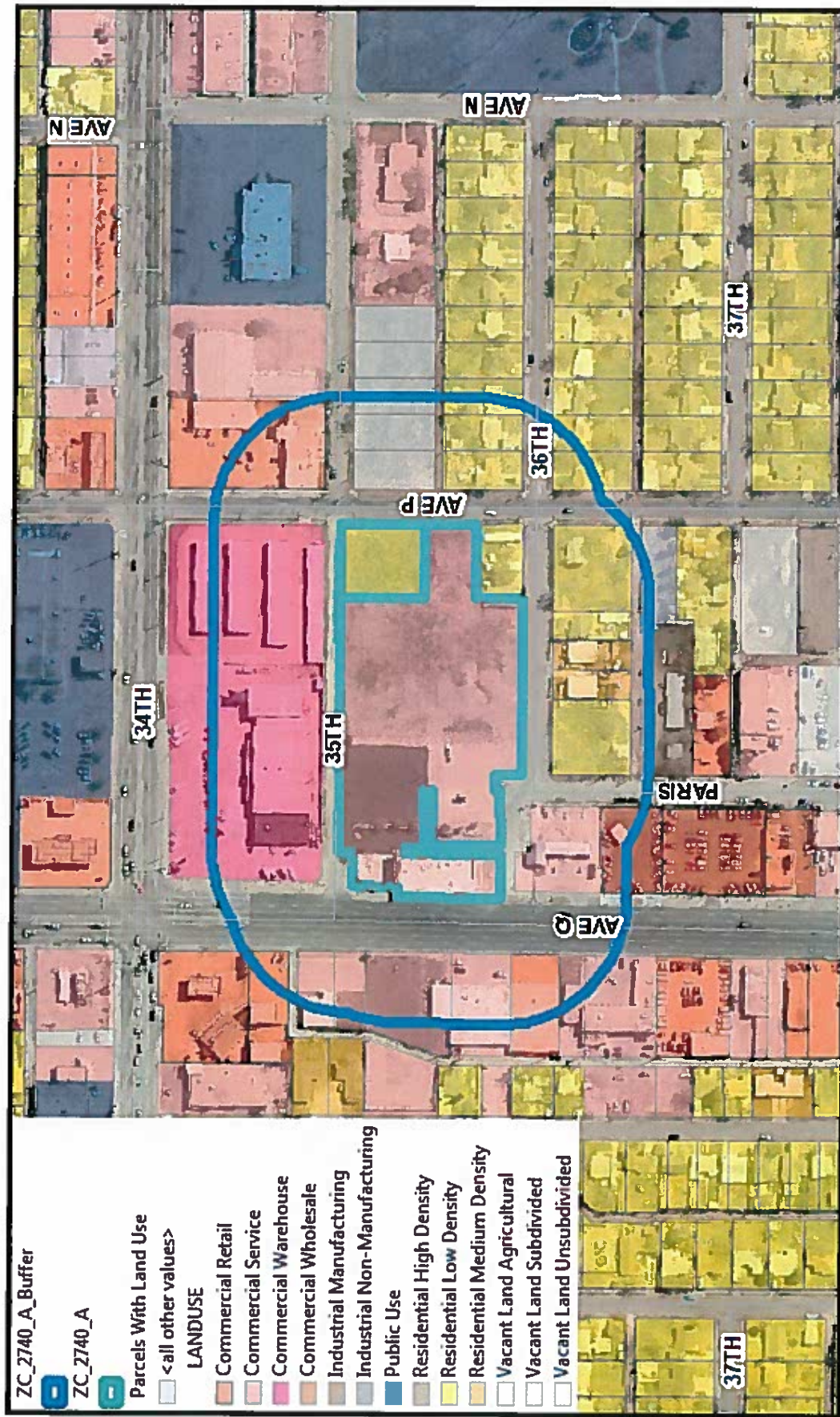

FOR ANDREW PAXTON
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:


Justin D. Pruitt, Assistant City Attorney

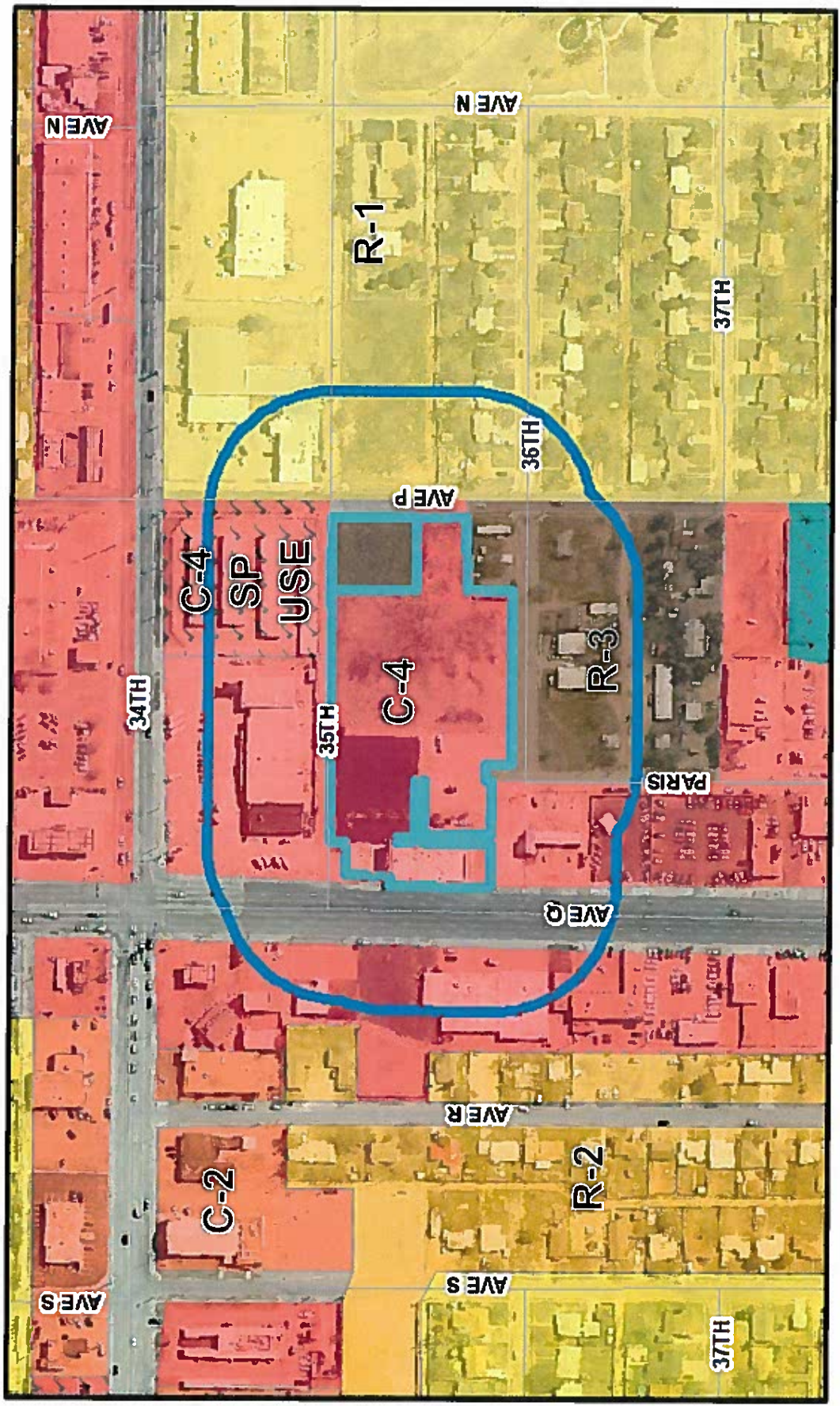


P.Z.C. Case 2740-A



P.Z.C. Case 2740-A

Request of Jonathan Martindale (for Amerco Real Estate Company) for a zoning change from C-4 to C-4 Specific Use for mini warehouses, 3511 Avenue Q and 3504 Avenue P



P.Z.C. Case 2740-A Zoning



3511 Avenue Q, Lubbock, TX 79412



**City of Lubbock
Specific Use Narrative
for
U-Haul Moving & Storage of Lubbock
3511 Avenue Q
Lubbock, TX 79412**



Date: 11/25/2015

Project Description:

Amerco Real Estate Company, the real estate branch for U-Haul, is under contract to purchase the property located at 3511 Avenue Q. The property is abutting our current U-Haul location and the intent is for expansion of self-storage and truck and trailer rental.

The existing U-Haul Moving and Storage of Lubbock has been serving Lubbock community members since 1977. This Store provides self-storage, truck and trailer rental, and retail sales. After serving our community for almost 40 years, we are looking for opportunity to expand. We have had great success serving our customers and our objective is to offer more products and better services.

The proposed project is abutting our U-Haul of Lubbock to the south. It is located on the west side of 'Highway 27/Marshall Formby Memorial Highway' and the south side of '34th Street'; more specifically located on 'Avenue Q (US 84)'. It is zoned C-4 Commercial District within a commercial corridor of the City of Lubbock in Lubbock County. The site consists of two lots which are identified as Parcel 38834 and 95328. The total site area is approximately 3.6 acres. The existing use of the site is Office. Currently, the parcel is occupied by one commercial building; which was built in 1953.

Description of Proposal:

U-Haul is committed to increasing its investment in Lubbock and being an integral and contributing member of the community. Towards this endeavor, we propose an expansion of our current location which includes an adaptive reuse into a U-Haul Moving and Storage Store. We propose U-Haul truck and trailer rental to provide a one-stop shop to our community. This renovation will include self storage, interior tenant improvements, exterior architectural enhancements and landscaping.

We have a long and proud history of taking underutilized commercial, office and industrial properties and turning them into productive businesses that provide jobs and help to promote infill development to meet citizens' needs while preserving the natural resources and land normally required for new construction. Please see some of the historic conversions here <http://blogs.uhaul.com/detroit/uhaul-history-of-revitalization/>.















APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) Jonathan Martindale
uhc of W TEXAS
826 S. Clark St.
Abilene TX 79605
(325) 692-9130

For Amerco Real Estate Company
2727 N. Central Ave., Ste. 500
Phoenix AZ 85004
(602) 263-6555

Location or Address: 3511 Avenue Q; Lubbock, TX 79412
Legal Description: PIN: 38834, McDonald L 1 & 2 Stubbs LA & BAL OF L 9 & 2 less NE
Existing Land Use: C-S & RL Existing Zoning: C4-commercial
Acreage or Square Footage of Property: approximately 3.63 acres
Zoning Requested: C-4 specific use zoning district

Proposed Development: U-Haul Moving & Storage of Lubbock - self storage and mini warehouse.

If property is not subdivided, will preliminary plat be submitted? Yes No

Applicant's Signature [Signature] Date 11-30-15

Filing Fee: \$484.00
(\$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: 95328 38834 map 6

Zone Case No.: 2740-A Agenda No.:
Request for zoning change from: C-4 To: C-4 SP USE

on Lot(s): Lots 1 and 2 McDonald Addition and A and the balance of Lot 9, Block(s): 2 less the SE 62' x 124'
Subdivision: Stubbs Address: 3511 Ave Q and 3504 Ave P

247/15

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

4

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.: 2740-A

In Favor of

Opposed

Reasons and/or Comments:

RECEIVED
JAN - 4 REC'D
PLANNING DEPARTMENT

Wendell's Auto Sales
Print Name Wendell Dixon
Signature: Wendell Dixon
Address: 3408 Ave C
Address of Property Owned: 3408 Ave C



Regular City Council Meeting

6. 5.

Meeting Date: 02/11/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-00019 for Zone Case 2911-B, a request of Hugo Reed and Associates, Inc., for Lubbock Crown Development, LLC, for a zoning change from R-1 Specific Use for reduced setbacks to R-1 Specific Use for Garden Homes on 3.7 acres of unplatted land out of Block E-2, Section 16, 10809 Slide Road.

Item Summary

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

General comments:

The request is for a zone change from R-1 Specific Use for reduced setbacks to R-1 Specific Use for Garden Homes on 3.7 acres.

Adjacent land uses:

- North: Zoned R-1 Specific Use
- South: Zoned Transitional and is currently vacant
- East: Zoned R-1 Specific Use
- West: Zoned A-2 with a church on the property

Comprehensive Land Use Plan (CLUP):

The request is for a change from one form of single family to another; therefore the request is consistent with the CLUP.

Zoning Policy:

Since the request is not changing the base zoning, the request is consistent with 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 request for approval.

On January 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 - 2911-B

Zone Case - 2911-B

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. 2911-B; A ZONING CHANGE FROM R-1 SPECIFIC USE FOR REDUCED SETBACKS TO R-1 SPECIFIC USE FOR GARDEN HOMES, ON 3.7 ACRES OF UNPLATTED LAND OUT OF BLOCK E-2, SECTION 16, 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. 2911-B

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 3.7 acres of unplatted land out of Block E-2, Section 16, City of Lubbock, Lubbock County, Texas, located at 10809 Slide Road, and being further described as follows:**

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

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 **10809 Slide Road**, 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

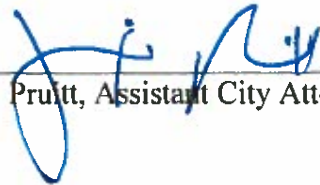
ATTEST:

Rebecca Garza, City Secretary

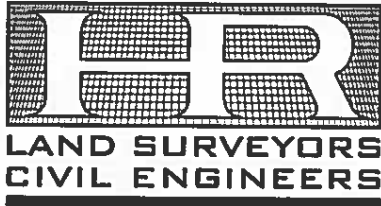
APPROVED AS TO CONTENT:

 FOR ANDREW PAXTON
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:


Justin D. Pruitt, Assistant City Attorney

vw/CityAtt/Justin/Zones/ZC2911-B
January 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

METES AND BOUNDS DESCRIPTION of an approximate 3.7 acre tract of land located in Section 16, Block E-2, Lubbock County, Texas, being further described as follows:

BEGINNING at a point in the centerline of 110th Street for the Southwest corner of this tract which bears N. $01^{\circ}43'25''$ E. an approximate distance of 1372.4 feet and S. $88^{\circ}14'08''$ E. an approximate distance of 1342.2 feet from the Southwest corner of Section 16, Block E-2, Lubbock County, Texas;

THENCE N. $01^{\circ}43'25''$ E. an approximate distance of 349.7 feet to a point for the Northwest corner of this tract;

THENCE S. $88^{\circ}16'35''$ E. an approximate distance of 457.0 feet to a point for the Northeast corner of this tract;

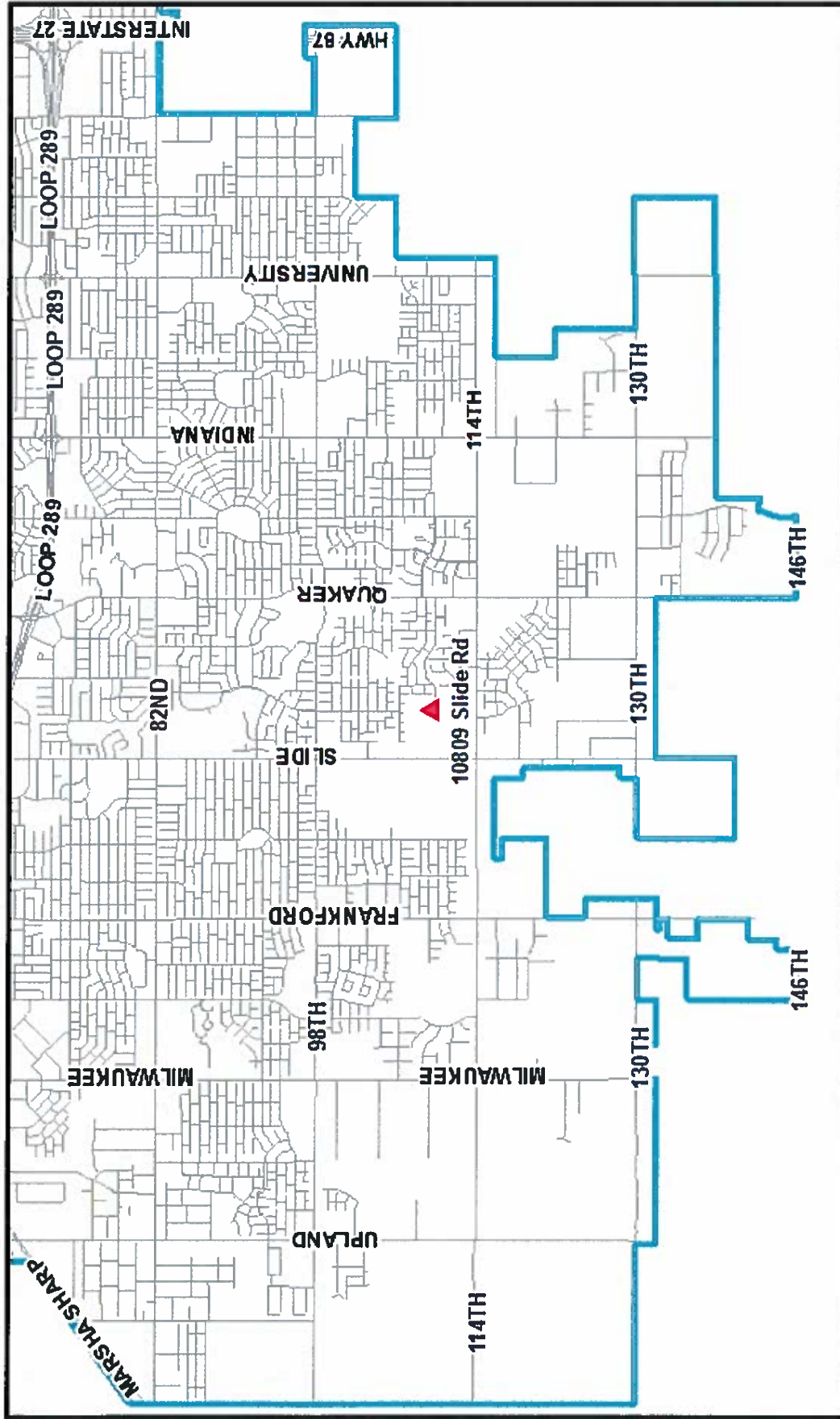
THENCE S. $01^{\circ}43'25''$ W. an approximate distance of 361.4 feet to a point of intersection in the centerline of said 110th Street for the Southeast corner of this tract;

THENCE Northwesterly, continuing along said centerline, along a curve to the left, said curve having a radius of approximately 500.0 feet, a central angle of $12^{\circ}15'10''$, tangent lengths of approximately 53.7 feet, a chord distance of approximately 106.7 feet and a chord bearing of N. $82^{\circ}06'33''$ W. to a point of tangency;

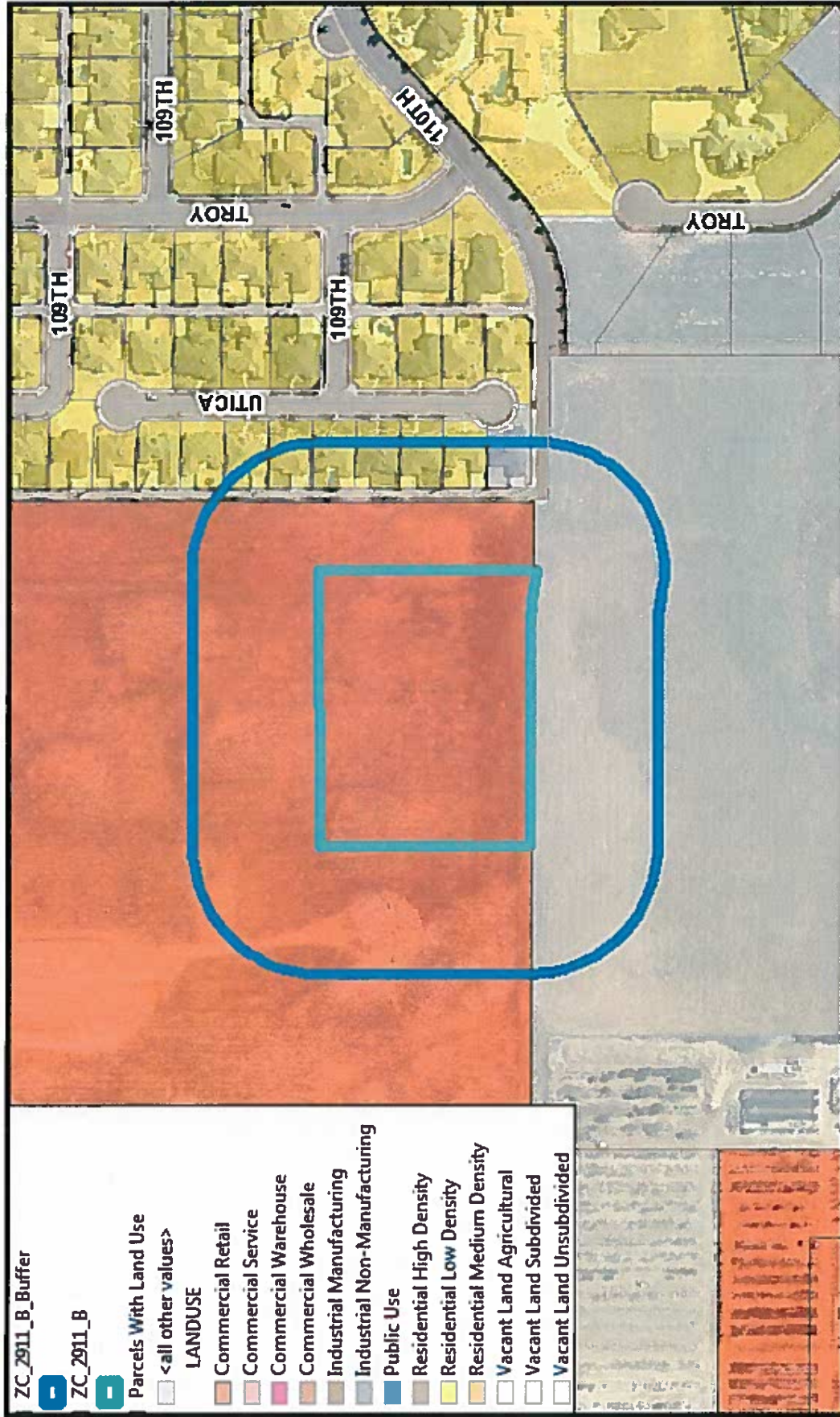
THENCE N. $88^{\circ}14'08''$ W., continuing along said centerline, an approximate distance of 350.9 feet to the Point of Beginning.

December 7, 2015

PREPARED FOR ZONE CHANGE PURPOSES. DOES NOT REPRESENT A SURVEY.



P.Z.C. Case 2911-B



P.Z.C. Case 2911-B

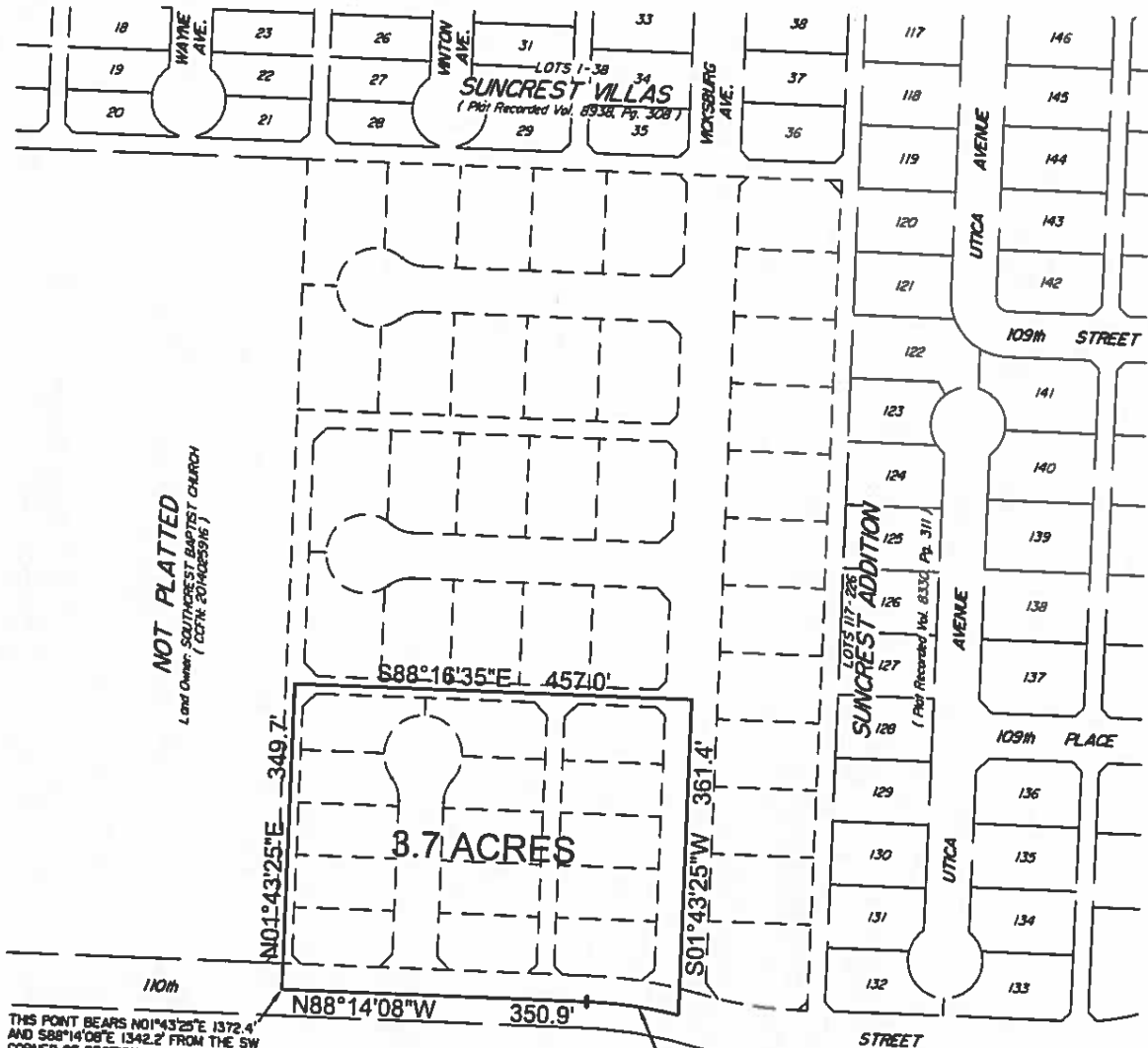
Request of Hugo Reed and Associates, Inc. (for Lubbock Crown Development, LLC) for a zoning change from R-1 Specific Use for reduced setbacks to R-1 Specific Use for Garden Homes, 10809 Slide Road

3.7 ACRES SECTION 16, BLOCK E-2

LUBBOCK COUNTY, TEXAS



Scale: 1"=200'



THIS POINT BEARS N01°43'25"E 1372.4'
AND S88°14'08"E 1342.2' FROM THE SW
CORNER OF SECTION 16, BLOCK E-2

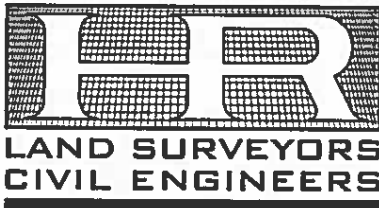
NOT PLATTED
Land Owner: TIM B. CINDY SPARKMAN
(Vol. 6566, Pg. 267)

R=500' Δ=12°15'10"
T=53.7' CH=106.7'
CB=N82°06'33"W

W.W.

HR HUGO REED AND ASSOCIATES, INC.
 LAND SURVEYORS
 CIVIL ENGINEERS
 TEXAS LICENSED SURVEYING FIRM 100678-00
 TEXAS REGISTERED ENGINEERING FIRM F-760

1601 AVENUE N
 LUBBOCK, TEXAS 79401
 PHONE: 806 / 763-5642
 FAX: 806 / 763-3891



HUGO REED AND ASSOCIATES, INC.
1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806/763-6642 / FAX 806/763-3891
TEXAS REGISTERED ENGINEERING FIRM F-760
TEXAS LICENSED SURVEYING FIRM 100676-00

METES AND BOUNDS DESCRIPTION of an approximate 3.7 acre tract of land located in Section 16, Block E-2, Lubbock County, Texas, being further described as follows:

BEGINNING at a point in the centerline of 110th Street for the Southwest corner of this tract which bears N. 01°43'25" E. an approximate distance of 1372.4 feet and S. 88°14'08" E. an approximate distance of 1342.2 feet from the Southwest corner of Section 16, Block E-2, Lubbock County, Texas;

THENCE N. 01°43'25" E. an approximate distance of 349.7 feet to a point for the Northwest corner of this tract;

THENCE S. 88°16'35" E. an approximate distance of 457.0 feet to a point for the Northeast corner of this tract;

THENCE S. 01°43'25" W. an approximate distance of 361.4 feet to a point of intersection in the centerline of said 110th Street for the Southeast corner of this tract;

THENCE Northwesterly, continuing along said centerline, along a curve to the left, said curve having a radius of approximately 500.0 feet, a central angle of 12°15'10", tangent lengths of approximately 53.7 feet, a chord distance of approximately 106.7 feet and a chord bearing of N. 82°06'33" W. to a point of tangency;

THENCE N. 88°14'08" W., continuing along said centerline, an approximate distance of 350.9 feet to the Point of Beginning.

December 7, 2015

PREPARED FOR ZONE CHANGE PURPOSES. 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 Lubbock Crown Development, LLC
P O Box 64472
Street/Post Office Box
Lubbock, Texas 79464
City State Zip
806-548-0566
Telephone

Location or Address: 110th Street and Vicksburg Avenue

Legal Description:* See metes and bounds description attached

Existing Land Use: Vacant Existing Zoning: R-1 Spec. Use

Acreage or Square Footage of Property: 3.7 acres

Zoning Requested: R-1 Specific Use for garden homes

Proposed Development: Southcrest Estates

If property is not subdivided, will preliminary plat be submitted? Yes No X

Terry Holman
Applicant's Signature

December 7, 2015
Date

Filing Fee: \$484 (Wilson #5801)
(\$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

Zone Case No.: 2911-B

M + B map 41
Agenda No.:

Request for zoning change from: R-1 SU for reduced setbacks

To: R1 SU for garden homes

3.7 acres of unplatted land out of Block E-2 section 16

on Lot(s):

Block(s):

Subdivision:

Address: 10809 Slide Rd

5

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.

RECEIVED
JAN - 5 REC'D
PLANNING DEPARTMENT

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.: 2911-B

In Favor of
Opposed

Reasons and/or Comments:

Multi-family units tend to erode property values for surrounding property owners and if the economy turns south, multi-family units lower their standards for renters and tend to become eyesores, further, reducing land/home values for surrounding property owners.

Print Name: Joe Rollins
Signature: [Signature]
Address: 10920 Utica Ave, Lubbock, TX 79424
Address of Property Owned: Same as above



Regular City Council Meeting

6. 6.

Meeting Date: 02/11/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-00019 for Zone Case 3181-A, a request of Hugo Reed and Associates, Inc., for Michael Strickland, for a zoning change from Garden Office (GO) to C-2 on 5 acres of unplatted land out of Block JS, Section 7, 5828 Erskine Street.

Item Summary

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

General comments:

The request is for a zone change from GO to C-2 on 5 acres of unplatted land.

Adjacent land uses:

North: Zoned GO

South: Zoned C-3

East: Zoned C-2

West: Outside city limits

Comprehensive Land Use Plan (CLUP):

In 1973, a large portion of the northeast corner of Frankford Avenue and Erskine Street, was rezoned to C-2, with the condition that the C-2 tract be reduced to approximately 10 acres from the 14 acres originally proposed. When this proposal was approved, the City was operating under the 1959 CLUP, which did not have the requirement of limiting the commercial property to 660 feet from the intersection. That condition would later be added to the 1986 CLUP, which is the plan the City currently follows. Later in 2002, approximately 2.15 acres to the north of the C-2 property was also rezoned to C-2, although in the minutes from the meeting, staff acknowledged this would be considered “strip zoning.” The request is a minor change to the CLUP. The CLUP designates 40 acres of commercial property at the intersections of major thoroughfares (10 acres per corner) and limits that 10 acres to 660 feet from the intersection in all directions. There is already 6.7 acres of C-3 zoning on the northwest corner of Frankford Avenue and Erskine Street, which is immediately south of the property in question. Extending commercial zoning further north along Frankford Avenue which is considered “strip commercial,” which the CLUP specifically prohibits.

Zoning Policy:

The request is not consistent with zoning policies as strip commercial is not recommended. GO should not be considered as a stepping stone to commercial zoning in non-compliant locations.

Effect on the adjacent street and thoroughfare system:

Strip commercial as seen on 34th Street, 50th Street, portions of Slide Road, and the rapidly developing Milwaukee Avenue south of 34th Street, lead to major traffic concerns along the thoroughfares. Going from GO uses to C-2 commercial uses, could potentially impact the thoroughfare system, as it will bring more traffic onto Frankford Avenue.

Recommendations:

Based on the CLUP, current zoning policies, and the potential impact on the thoroughfare system, staff recommends against approval.

On January 7, 2016, the P&Z Commission recommended the request with a unanimous vote. The P&Z Commission based this recommendation on the overall balance of the intersection of Frankford Avenue and Erskine Street. The lessened amount of commercial development south of the intersection helped to justify an increased amount of commercial north of the intersection.

Fiscal Impact

None.

Staff/Board Recommending

Bill Howerton, Assistant City Manager
Planning and Zoning Commission

Attachments

Ordinance - 3181-A

Zone Case - 3181-A

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. 3181-A**; A ZONING CHANGE FROM **GO** TO **C-2** ZONING DISTRICT ON **5 ACRES OF UNPLATTED LAND OUT OF BLOCK JS, SECTION 7, 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. 3181-A

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 **GO** to **C-2** zoning district on **5 acres of**

unplatted land out of Block JS, Section 7, City of Lubbock, Lubbock County, Texas, located at 5828 Erskine 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:

 FOR ANDREW PAXTON

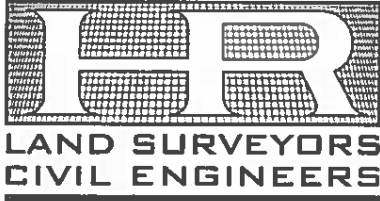
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:



Justin D. Pruitt, Assistant City Attorney

vw/cityatt/Justin/ZoneCase/ZC3181-A
January 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

Proposed C-2 Zoning

METES AND BOUNDS DESCRIPTION of an approximately 5.0 acre tract of land located in Section 7, Block JS, Lubbock County, Texas, being further described as follows:

BEGINNING at a point in the East line of Section 7, Block JS, Lubbock County, Texas, for the Southeast corner of this tract which bears North, an approximate distance of 660.0 feet from the Southeast corner of Section 7, Block JS, Lubbock County, Texas;

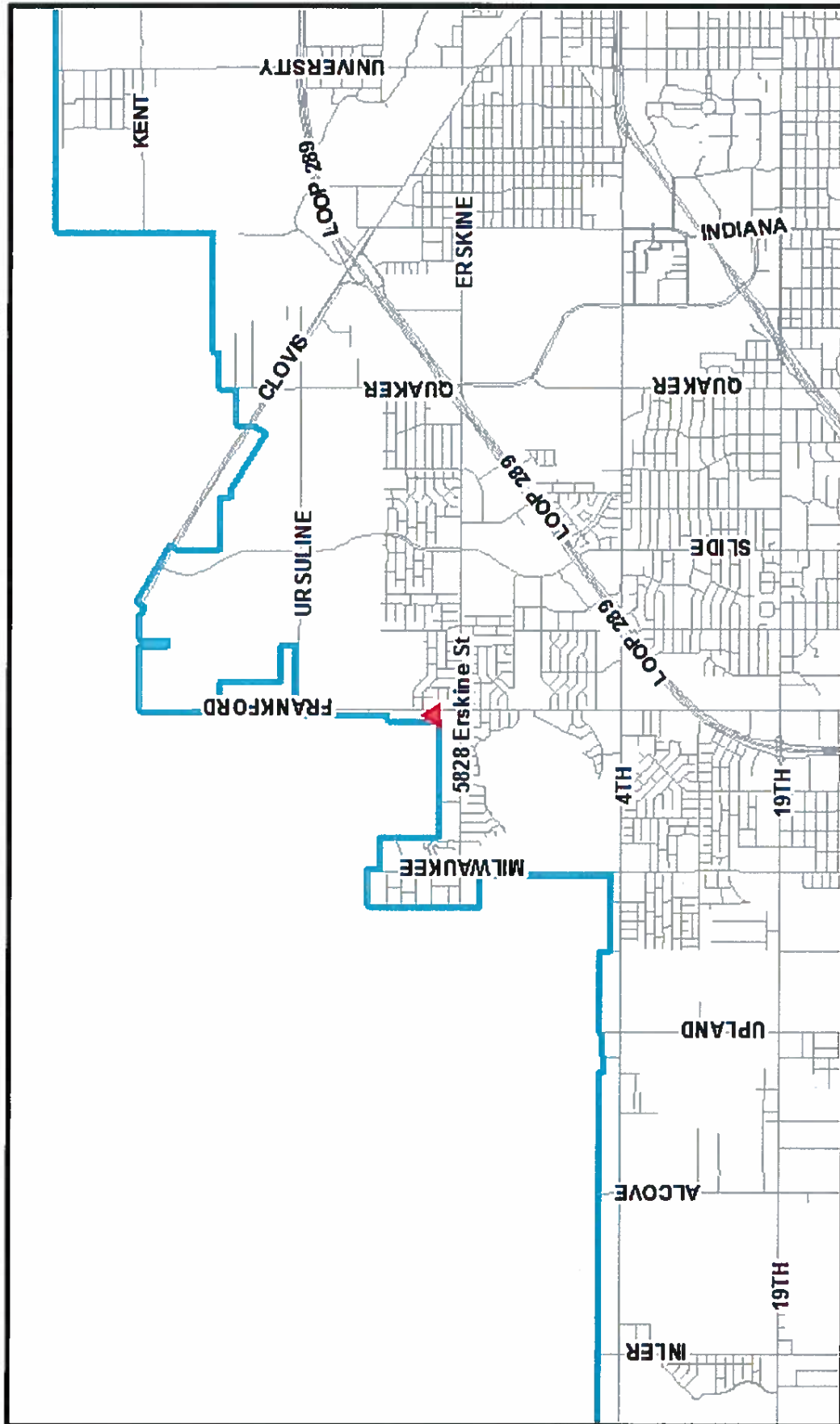
THENCE S. 89°52'40" W. an approximate distance of 355.0 feet to a point for the Southwest corner of this tract;

THENCE North, an approximate distance of 616.3 feet to a point for the Northwest corner of this tract;

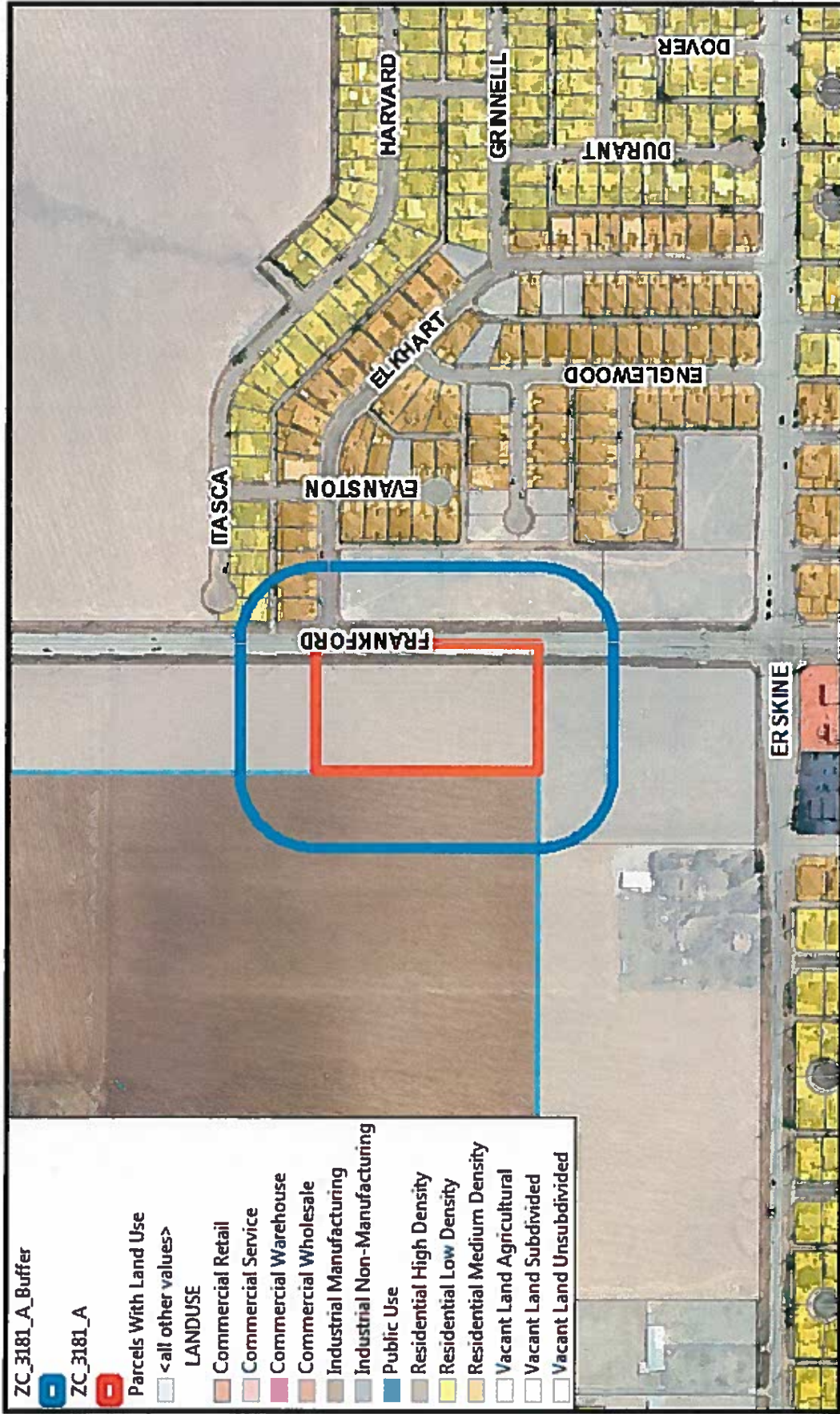
THENCE East, an approximate distance of 355.0 feet to a point in the East line of said Section 7, Block JS for the Northeast corner of this tract;

THENCE South, along the East line of said Section 7, an approximate distance of 615.5 feet to the Point of Beginning.

PREPARED FOR ZONE CHANGE DESCRIPTION PURPOSES ONLY

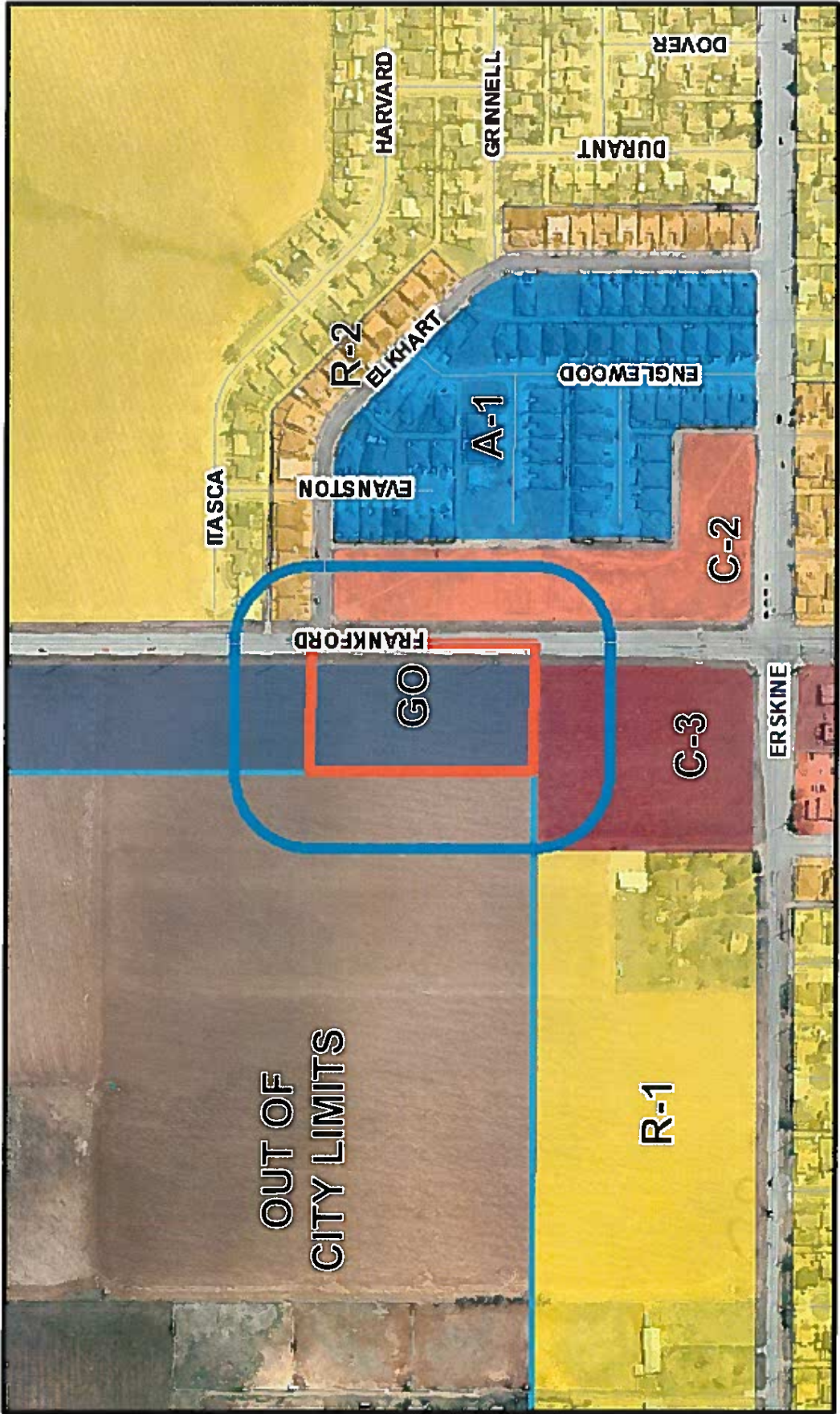


P.Z.C. Case 3181-A



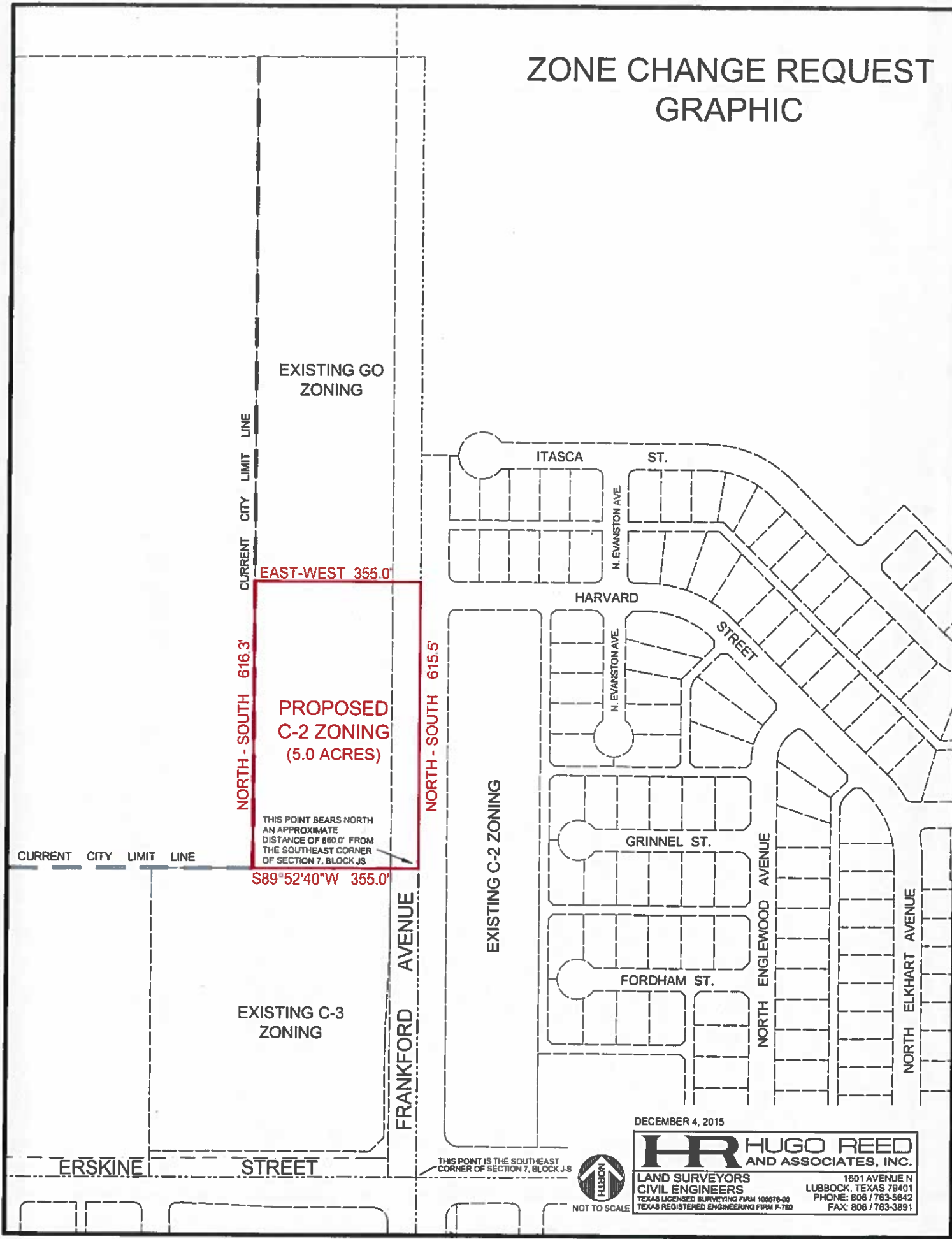
P.Z.C. Case 3181-A

Request of Hugo Reed and Associates, Inc. (for Michael Strickland) for a zoning change from GO to C-2, 5828 Erskine Street



P.Z.C. Case 3181-A Zoning

ZONE CHANGE REQUEST GRAPHIC



EXISTING GO ZONING

EAST-WEST 355.0'

NORTH-SOUTH 616.3'

PROPOSED C-2 ZONING (5.0 ACRES)

THIS POINT BEARS NORTH AN APPROXIMATE DISTANCE OF 660.0' FROM THE SOUTHEAST CORNER OF SECTION 7, BLOCK JS

S89°52'40"W 355.0'

EXISTING C-2 ZONING

EXISTING C-3 ZONING

FRANKFORD AVENUE

ITASCA ST.

N. EVANSTON AVE

HARVARD STREET

N. EVANSTON AVE

GRINNEL ST.

NORTH ENGLEWOOD AVENUE

FORDHAM ST.

NORTH ELKHART AVENUE

CURRENT CITY LIMIT LINE

CURRENT CITY LIMIT LINE

ERSKINE STREET

STREET

THIS POINT IS THE SOUTHEAST CORNER OF SECTION 7, BLOCK JS

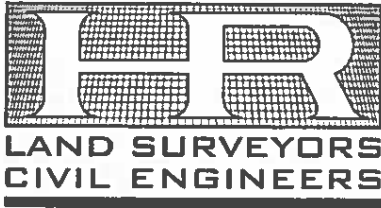


NOT TO SCALE

DECEMBER 4, 2015

HR HUGO REED AND ASSOCIATES, INC.
 LAND SURVEYORS
 CIVIL ENGINEERS
 TEXAS LICENSED SURVEYING FIRM 100678-00
 TEXAS REGISTERED ENGINEERING FIRM F-780

1601 AVENUE N
 LUBBOCK, TEXAS 79401
 PHONE: 806 / 783-5642
 FAX: 806 / 783-3891



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

Proposed C-2 Zoning

METES AND BOUNDS DESCRIPTION of an approximately 5.0 acre tract of land located in Section 7, Block JS, Lubbock County, Texas, being further described as follows:

BEGINNING at a point in the East line of Section 7, Block JS, Lubbock County, Texas, for the Southeast corner of this tract which bears North, an approximate distance of 660.0 feet from the Southeast corner of Section 7, Block JS, Lubbock County, Texas;

THENCE S. 89°52'40" W. an approximate distance of 355.0 feet to a point for the Southwest corner of this tract;

THENCE North, an approximate distance of 616.3 feet to a point for the Northwest corner of this tract;

THENCE East, an approximate distance of 355.0 feet to a point in the East line of said Section 7, Block JS for the Northeast corner of this tract;

THENCE South, along the East line of said Section 7, an approximate distance of 615.5 feet to the Point of Beginning.

PREPARED FOR ZONE CHANGE DESCRIPTION PURPOSES ONLY



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 Michael Strickland
5828 Erskine Street
Street/Post Office Box
Lubbock, Texas 79416
City State Zip
(806) 785-8000
Telephone

Location or Address: Section 7, Block JS

Legal Description: See metes and bounds description attached

Existing Land Use: Vacant Existing Zoning: GO

Acreage or Square Footage of Property: 5.0 Acres

Zoning Requested: C-2

Proposed Development: Unknown

If property is not subdivided, will preliminary plat be submitted? Yes No X

Terry Holman
Applicant's Signature

December 8, 2015
Date

Filing Fee: \$487.00 (Michael Strickland # 4781)
(\$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 m+s map 24

Zone Case No.: 3181-A

Agenda No.:

Request for zoning change from: GO

To: C-2

5 acres of unplatted land out of block JS Section 7

on Lot(s):

Block(s):

Subdivision:

Address: 5828 Erskine St

6

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.: 3181-A

In Favor of

Opposed

Reasons and/or Comments:

Negative impact on residential values

RECEIVED

JAN - 4 REC'D

PLANNING DEPARTMENT

Print Name Tim Crismon for L4 Ventures, LLC

Signature: [Signature]

Address: 9801 TOKEKA AVE.

Address of Property Owned: 5710 Harvard St. Lubbock, TX 79416



Regular City Council Meeting

6. 7.

Meeting Date: 02/11/2016

Information

Agenda Item

Ordinance 2nd Reading – Planning: Consider Ordinance 2016-00021 for Zone Case 2921-A, a request of Hugo Reed and Associates, Inc., for Tim and Cindy Sparkman, for a zoning change from T, C-4, and C-4 Specific Use to C-4 on 18.7 acres of unplatted land out of Block E-2, Section 16, 5202 114th Street, 10901 Slide Road, 11001 Slide Road, and 11109 Slide Road.

Item Summary

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

General comments:

Amended to zone C-4 Specific Use and C-4 to C-4 zoning district.

Staff supported the original 56.3 acre plan for the zone case creating buffers to the adjacent residential with Garden Office and A-1 Apartment Zoning, but the proponent withdrew the majority of his case and only opted for the clean up of the C-4 area along Slide Road which includes all of the existing nursery.

Adjacent land uses:

North: R-1 and A-2 Zoning – Vacant land

South: 114th Street thoroughfare and residential

East: Residential

West: Slide Road and mini-warehouses.

Comprehensive Land Use Plan:

The commercial portion of the case is consistent with the previously amended comprehensive land use plan as it serves as a clean-up for the existing C-4 zoning of the property. The property is already zoned C-4, except for a sliver of property which bisects the north and south of the existing nursery.

Zoning Policy:

C-4 should be located on the corners of major thoroughfares. This case serves to clean up the existing C-4 specific use on the property, and extend the C-4 zoning to include the boundaries of the existing nursery.

Effect on the adjacent street and thoroughfare system:

None.

Recommendations:

Staff supports the amended request with no conditions.

On January 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 - Amended Zone Case 2921-A

Zone Case 2921-A

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. 2921-A; A ZONING CHANGE FROM T, C-4, AND C-4 SPECIFIC USE TO C-4 ZONING DISTRICT ON 18.7 ACRES OF UNPLATTED LAND OUT OF BLOCK E-2, SECTION 16, 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. 2921-A

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 **T, C-4 and C-4 Specific Use** to **C-4** zoning district on **18.7 acres of unplatted land out of Block E-2, Section 16, City of Lubbock, Lubbock County, Texas, located at 5202 114th Street, 10901 Slide Road, 11001 Slide Road and 11109 Slide Road**, subject to conditions, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SUBJECT TO THE FOLLOWING CONDITIONS:

1. **THAT all unconditional C-3 uses shall be allowed on the property;
and**
2. **THAT the following C-4 uses shall be the only C-4 uses allowed on the property.**
 - (a) **Ambulance service**
 - (b) **Auto body shop**
 - (c) **Auto brake shop**
 - (d) **Auto glass shop**
 - (e) **Auto seat cover and upholstery shop**
 - (f) **Auto transmission shop**
 - (g) **Auto sales and service**
 - (h) **Barber and beauty supply**
 - (i) **Boat and trailer sales/service**
 - (j) **Candy Plant**
 - (k) **Canvas goods shop**
 - (l) **Commercial private club and teenage club**
 - (m) **Electrical equipment repair**
 - (n) **Feed Store**
 - (o) **Frozen food lockers**
 - (p) **Furniture store, used**
 - (q) **Garage**
 - (r) **Gas station**
 - (s) **Greenhouse and plant nursery**
 - (t) **Hotel or motel**
 - (u) **Hot tamale plant**
 - (v) **Janitorial or cleaning service**
 - (w) **Job printing of lithographing**
 - (x) **Magazine agency**
 - (y) **Motor cycle shop**
 - (z) **Muffler shop**
 - (aa) **Nonprofit training centers with retail sales**
 - (bb) **Pest control services**
 - (cc) **Print shop**
 - (dd) **Produce market**
 - (ee) **Rental store**
 - (ff) **Rental store, heavy equipment and trailers**
 - (gg) **Restaurants**
 - (hh) **Second hand goods store or pawnshop**
 - (ii) **Swimming pool sales**
 - (jj) **Upholstery shop-furniture**
 - (kk) **Veterinary hospital (totally within a building)**
 - (ll) **Wholesale house, sales office and storage**

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:



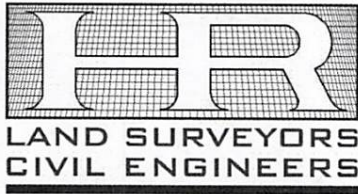
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:



Justin D. Pruitt, Assistant City Attorney

vw/cityatt/Justin/ZoneCase/ZC2921-A
January 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

PROPOSED C-4 ZONING

METES AND BOUNDS DESCRIPTION of an approximate 18.7 acre tract of land located in Section 16, Block E-2, Lubbock County, Texas, being further described as follows:

BEGINNING at a point in West line of Section 16, Block E-2 for the Southwest corner of this tract which bears N. 01°43'25" E. an approximate distance of 611.5 feet from the Southwest corner of Section 16, Block E-2, Lubbock County, Texas;

THENCE N. 01°43'25" E., along the West line of Section 16, Block E-2, an approximate distance of 760.8 feet to a point for the Northwest corner of this tract in the centerline of 110th Street;

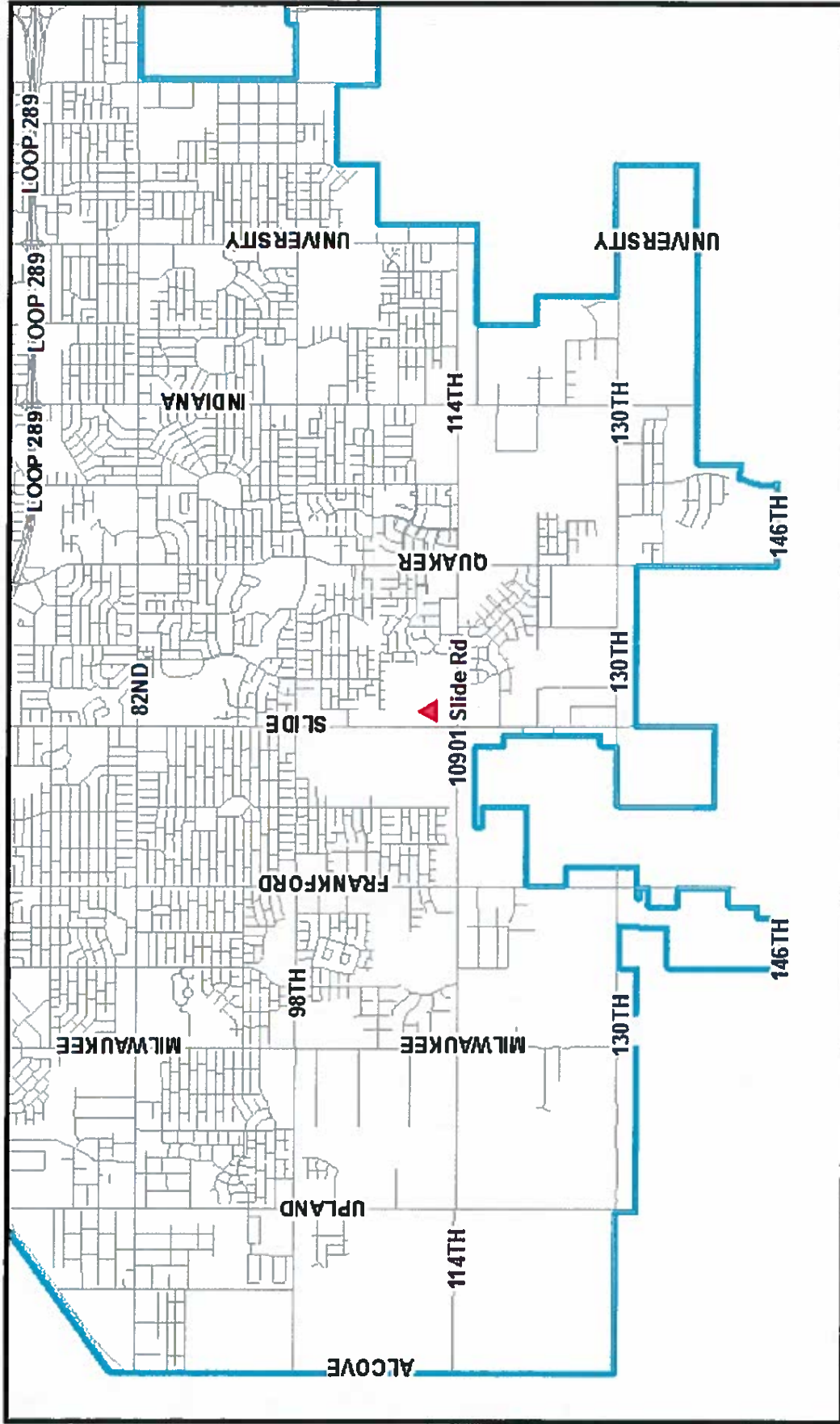
THENCE S. 88°14'08" E., along the centerline of 110th Street, an approximate distance of 1071.2 feet to a point for the Northeast corner of this tract;

THENCE S. 01°43'25" W. an approximate distance of 760.8 feet to a point for the Southeast corner of this tract;

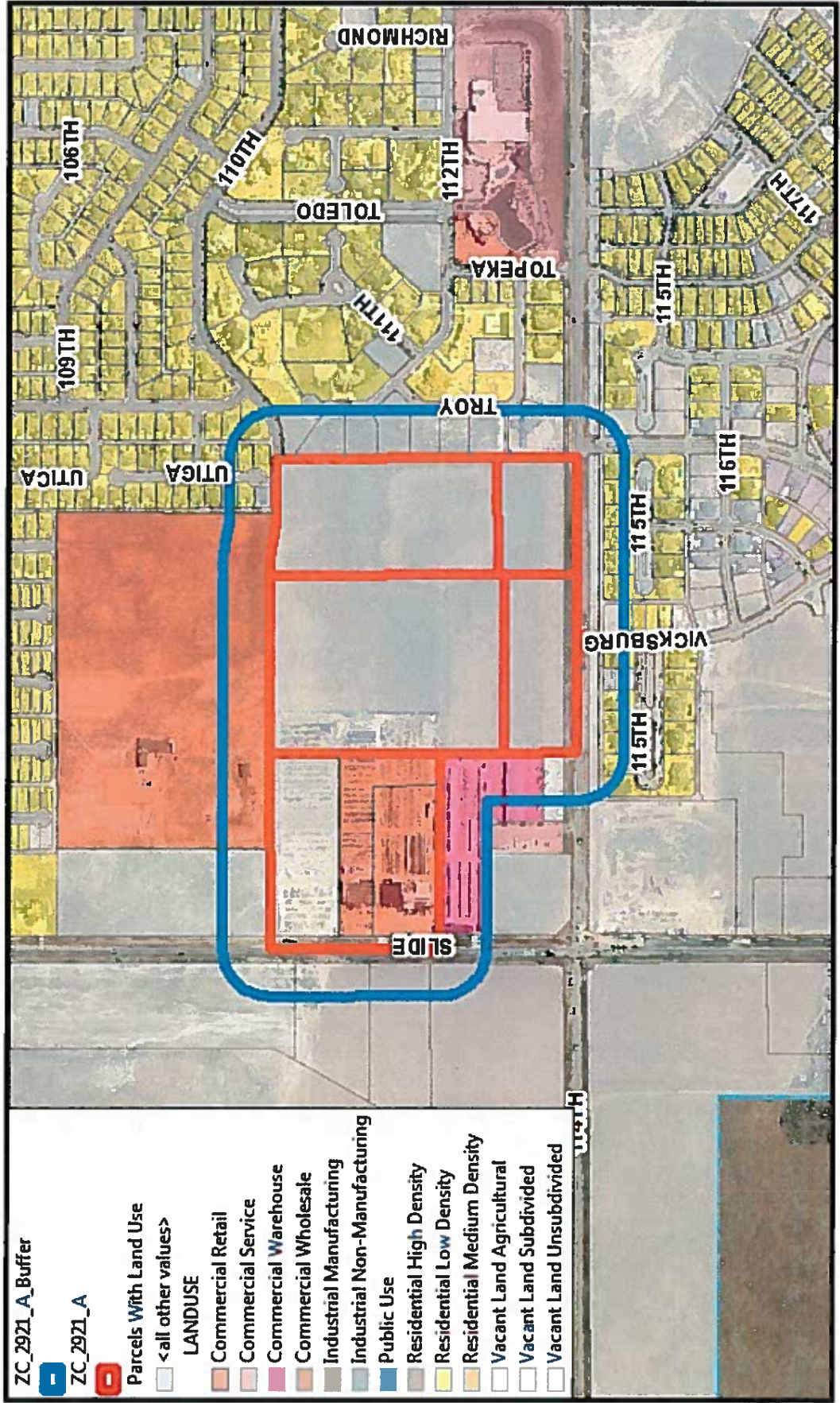
THENCE N. 88°14'08" W. an approximate distance of 1071.2 feet to the Point of Beginning.

January 7, 2016

PREPARED FOR ZONE CHANGE PURPOSES. DOES NOT REPRESENT A SURVEY.

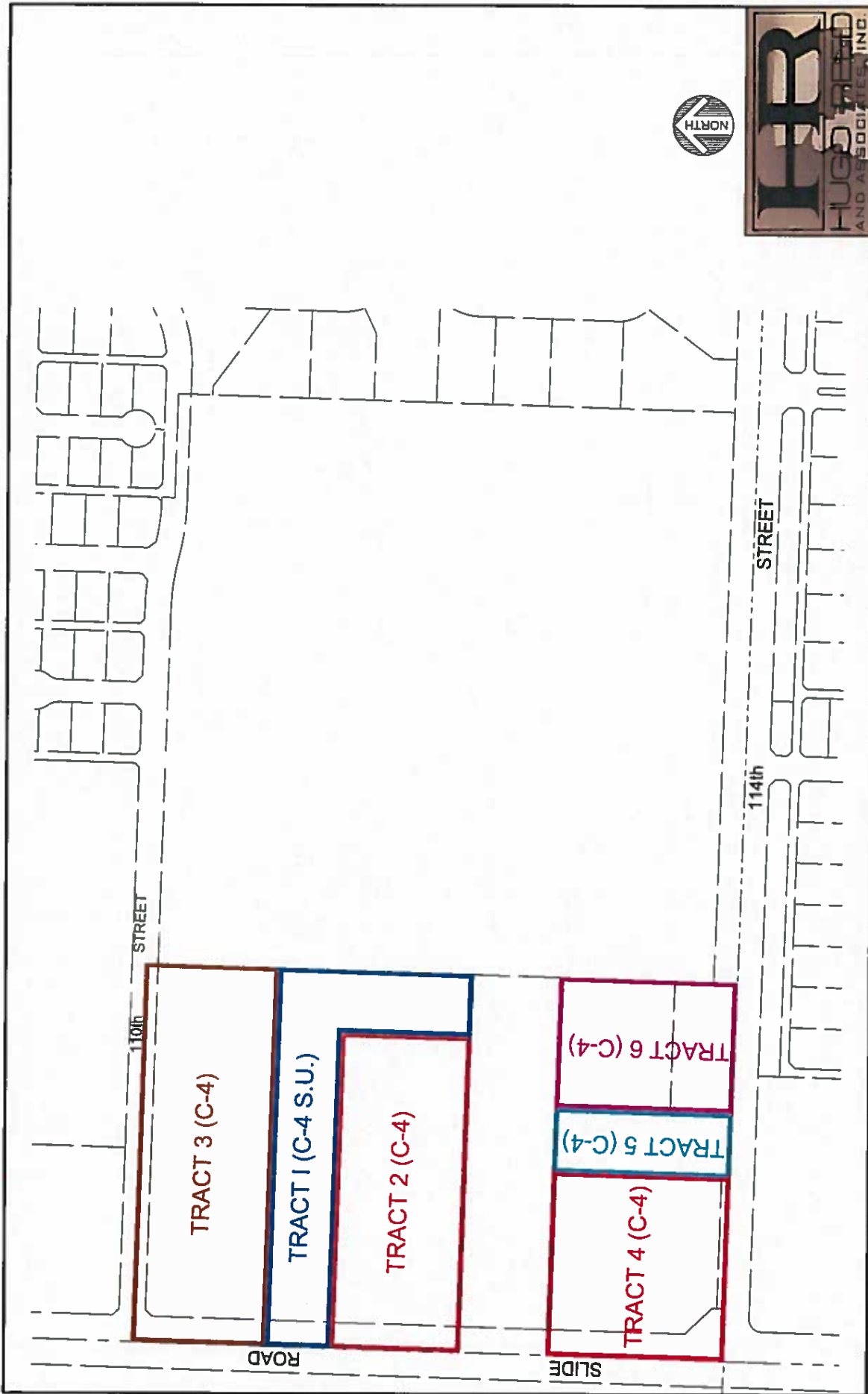


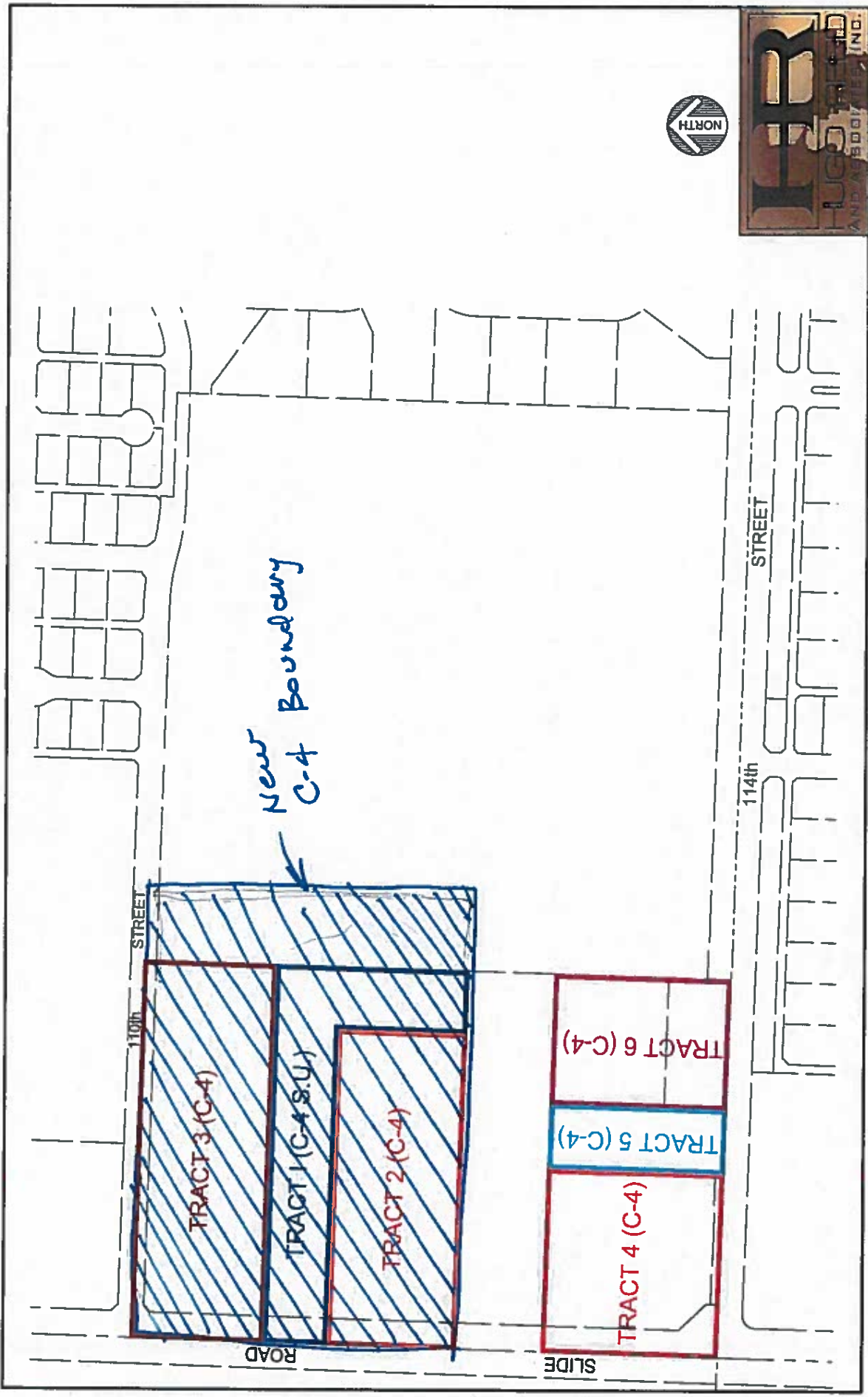
P.Z.C. Case 2921-A



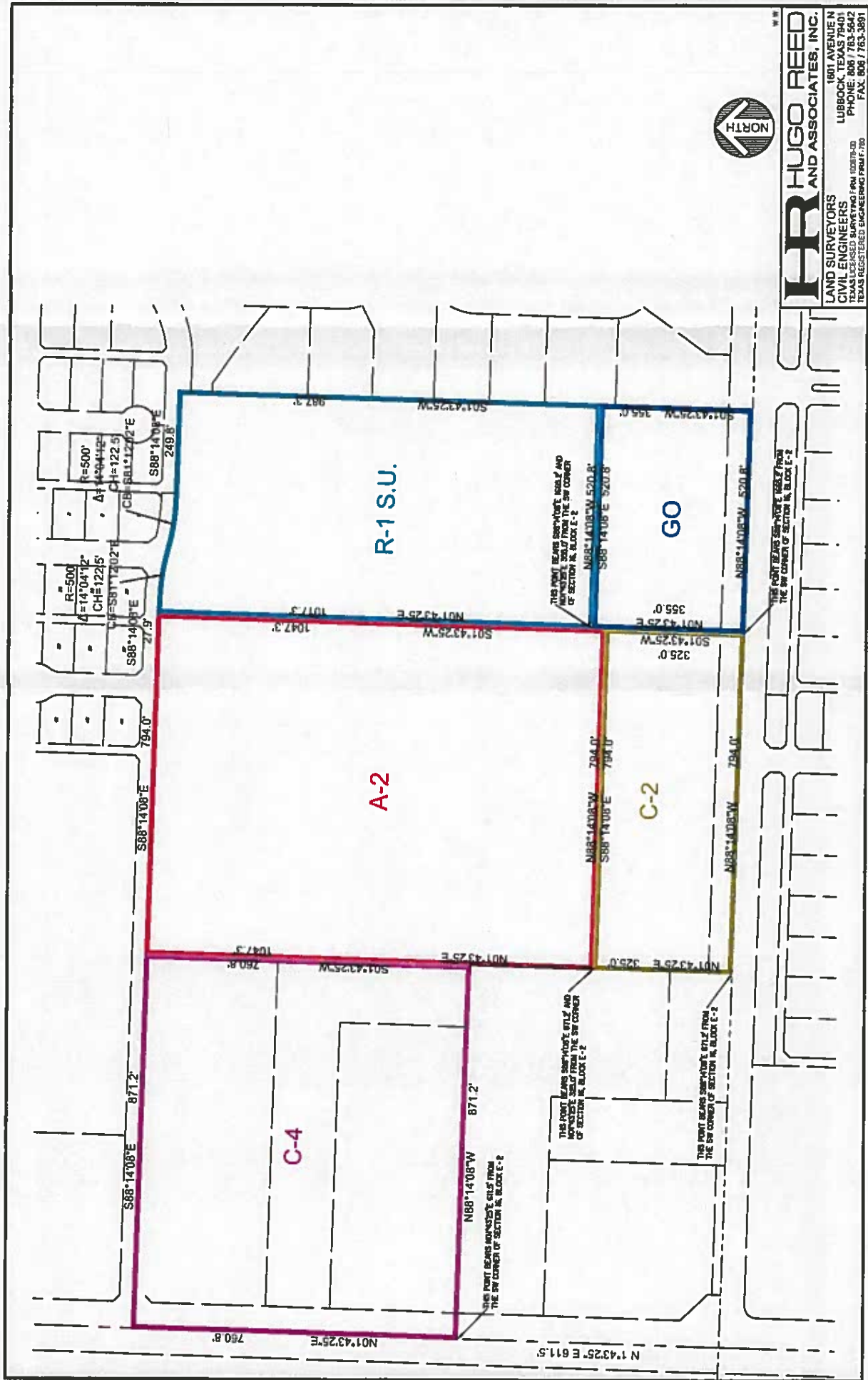
P.Z.C. Case 2921-A

Request of Hugo Reed and Associates, Inc. (for Tim and Cindy Sparkman) for a zoning change from T, C-4, and C-4 Specific Use to C-4, C-2, GO, A-2, and R-1 Specific Use Garden Homes, 5202 114th Street, 10901 Slide Road, 11001 Slide Road, and 11109 Slide Road









HR HUGO REED AND ASSOCIATES, INC.
 LAND SURVEYORS
 CIVIL ENGINEERS
 1601 AVENUE N
 LURBOCK, TEXAS 75401-0200
 PHONE: 806 / 763-5642
 FAX: 806 / 763-3891
 TEXAS REGISTERED ENGINEERING PROFESSIONAL



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 Tim and Cindy Sparkman
11109 Slide Road
Street/Post Office Box
Lubbock, Texas 79424
City State Zip
(806) 794-3614
Telephone

Location or Address: 110th Street and Slide Road

Legal Description: Section 16, Block E-2 - See metes and bounds descriptions attached

Existing Land Use: Sparkman's nursery plus vacant land Existing Zoning: T, C-4, C-4 Spec.Use.

Acreage or Square Footage of Property: 56.3 acres

Zoning Requested: C-4 with conditions, C-2, GO, A-2, R-1 Specific Use for Garden Homes

Proposed Development: Unspecified mixed uses

If property is not subdivided, will preliminary plat be submitted? Yes No X

Terry Holman
Applicant's Signature

December 8, 2015
Date

Filing Fee: \$643 (Sparkman #11057)
(\$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 mts map 41

Zone Case No.: 2921-A

Agenda No.:

Request for zoning change from: T, C-4, C-4 SP. USE

To: C-4, GO, A-2, and R-1 SP USE Garden Home.

56.3 Acres of unplatted land out of block E-2 section 16

on Lot(s):

Block(s):

Subdivision: 286

Address: 5202 114th St 10901 Slide Rd 11001 Slide Rd, and 11109 Slide Rd

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

7

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.: 2921-A

In Favor of

Opposed

RECEIVED

JAN -5 2016

PLANNING DEPARTMENT

Reasons and/or Comments:

Multi family units tend to erode property values for surrounding property owners and if the economy turns south multifamily units lower their standards for renters and tend to become eyesores, further, reducing land/home values for surrounding property owners.

Print Name Joe Rollins

Signature: [Signature]

Address: 10920 Utica Ave Lubbock, TX. 79424

Address of Property Owned: same as above

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

7

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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.: 2921-A

In Favor of _____

Opposed

RECEIVED
JAN - 5 REC'D
PLANNING DEPARTMENT

Reasons and/or Comments:

I am sending this in case I am unable to attend the meeting on Thursday. As an affected property owner, I strongly oppose this zoning change. Having this mixed use (including high density apartments) directly adjacent to the Falls will obviously adversely affect our property values. I respectfully request that this be denied.

Print Name Lama Shoukfeh

Signature: [Handwritten Signature]

Address: 4706 111th Drive 79424

Address of Property Owned: 11206 Troy, 11208 Troy 79424

2 lots owned

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

7

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.: 2921-A

In Favor of

Opposed

RECEIVED

JAN - 5 REC'D

PLANNING DEPARTMENT

Reasons and/or Comments:

Please do not grant this zoning change. It directly affects our properties in the Falls. Such a zoning change will directly affect our property values. We own 2 lots directly adjacent to the zoning area in question. We respectfully request that the P&Z commission deny/oppose any such zoning request.

Print Name: Lena Kharrat

Signature: [Handwritten Signature]

Address: 11204 Norfolk, 79423

Address of Property Owned: 2 Lots in Falls - 11008 Troy 79424
11204 Troy

12 of 30 Zone Case Number: 2921-A 82307
KHARRAT HOUSSAM & LENA
5109 82ND ST
BOX 106
LUBBOCK TX 79424



Regular City Council Meeting

6. 8.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Accounting: Consider a resolution authorizing publication of Notices of Intention to issue Tax and Waterworks System Surplus Certificates of Obligation and Electric Light and Power System Revenue Bonds.

Item Summary

The Tax and Waterworks System Surplus Revenue (T&WSSR) Certificates of Obligation, Series 2016, and the Electric Light and Power System (EL&PS) Revenue Bonds, Series 2016, are being issued to fund projects listed in Exhibit C.

The total amount of projects costs financed with T&WSSR Certificates of Obligation will not exceed \$136,000,000 and the total amount financed with the EL&PS Revenue Bonds will not exceed \$31,000,000. The difference between the amount of listed projects and the total bonds issued is related to cost of issuance, potential premium of the bonds and accrued interest.

In the event that debt service savings can be realized, the City may also consider the issuance of General Obligation Refunding Bonds to refinance a portion of the City's current outstanding General Obligation Debt and /or Electric Light and Power System Debt.

Fiscal Impact

The annual debt service payments for the T&WSSR Certificates of Obligation are budgeted through the annual operating budget process and are included in long term financial planning and rate models. The annual payments are made from the annual revenues of the respective Enterprise and Governmental Funds where the projects are incurred.

The annual debt service payments for the ELP&S Revenue Bonds are paid from the revenues of the Lubbock Power and Light Fund.

The first debt service payment on any new monies will not be due until FY 2017.

Staff/Board Recommending

Linda Cuellar, Interim Executive Director of Finance

Attachments

Resolution - Notice of Intent

Bond Projects - Exhibit C

MINUTES AND CERTIFICATION PERTAINING TO
PASSAGE OF A RESOLUTION

STATE OF TEXAS §
COUNTY OF LUBBOCK §
CITY OF LUBBOCK §

On February 11, 2016, the City Council of the City of Lubbock, Texas, convened in a regular meeting at the regular meeting place thereof, the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by Chapter 551, Texas Government Code, as amended; and the roll was called of the duly constituted officers and members of the City Council, which officers and members are as follows:

Glen C. Robertson, Mayor	Victor Hernandez)	
Jim Gerlt, Mayor Pro Tem	Floyd Price)	Members of
	Jeff Griffith)	the Council
	Karen Gibson)	
	Latrelle Joy)	

James Loomis, City Manager
Linda Cuellar, Acting Executive Director of Finance
Rebecca Garza, City Secretary

and all of said persons were present, except _____, thus constituting a quorum. Whereupon, among other business, a written Resolution bearing the following caption was introduced:

A RESOLUTION AUTHORIZING PUBLICATION OF NOTICES OF INTENTION TO ISSUE TAX AND WATERWORKS SYSTEM SURPLUS REVENUE CERTIFICATES OF OBLIGATION AND ELECTRIC LIGHT AND POWER SYSTEM REVENUE BONDS

The Resolution, a full, true and correct copy of which is attached hereto, was read and reviewed by the City Council. Thereupon, it was duly moved and seconded that the Resolution be passed and adopted.

The Presiding Officer put the motion to a vote of the members of the City Council, and the Resolution was passed and adopted by the following vote:

AYES: ___ NOES: ___ ABSTENTIONS: ___

MINUTES APPROVED AND CERTIFIED TO BE TRUE AND CORRECT, and to correctly reflect the duly constituted officers and members of the City Council of said City, and the attached and following copy of said Resolution is hereby certified to be a true and correct copy of an official copy thereof on file among the official records of the City, all on this day, February 11, 2016.

Rebecca Garza, City Secretary
City of Lubbock, Texas

[SEAL]

A RESOLUTION AUTHORIZING PUBLICATION OF NOTICES OF INTENTION TO ISSUE TAX AND WATERWORKS SYSTEM SURPLUS REVENUE CERTIFICATES OF OBLIGATION AND ELECTRIC LIGHT AND POWER SYSTEM REVENUE BONDS

WHEREAS, the City of Lubbock, Texas (the "City"), pursuant to Subchapter C, Chapter 271, Texas Local Government Code, as amended, is authorized to issue its certificates of obligation (the "Certificates") for the purpose of paying contractual obligations to be incurred for the purposes set forth in Exhibit A hereto;

WHEREAS, the City Council of the City has found and determined that a notice of intention to issue the Certificates should be published in accordance with the requirements of applicable law;

WHEREAS, the City also intends to issue electric light and power system revenue bonds (the "Revenue Bonds") to fund acquisition, construction, improvement, renovation, enlarging and/or equipping of property, buildings, structures, facilities, and/or related infrastructure for Lubbock Power & Light as set forth in Exhibit B hereto; and

WHEREAS, the City Council has found and determined that a notice of intention to issue the Revenue Bonds should be published in accordance with the provisions of the City Charter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK, TEXAS, THAT:

Section 1. The findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

Section 2. The City Secretary of the City is hereby authorized and directed to publish a notice of intention to issue the Certificates, in substantially the form set forth in Exhibit A hereto (the "Certificate Notice") incorporated herein by reference for all purposes. The Certificate Notice shall be published once a week for two consecutive weeks, the date of the first publication being not less than the day before the thirtieth (30th) day prior to the date set forth in the Certificate Notice for passage of the ordinance authorizing the Certificates. Such Certificate Notice shall be published in a newspaper of general circulation in the area of the City.

Section 3. The City Secretary of the City is hereby authorized and directed to publish a notice of intention to issue the Revenue Bonds, in substantially the form set forth in Exhibit B hereto (the "Revenue Bond Notice") incorporated herein by reference for all purposes. The Revenue Bond Notice shall be published once a week for a period of thirty (30) days prior to the date set forth in the Revenue Bond Notice for passage of the ordinance authorizing the Revenue Bonds. Such Revenue Bond Notice shall be published in a newspaper of general circulation in the area of the City.

Section 4. This resolution shall take effect from and after the date of its passage.

[Signature page follows]

Resolution No. 2016-_____
February 11, 2016
Item No. ____

ADOPTED THIS February 11, 2016, by the City Council of the City of Lubbock, Texas.

CITY OF LUBBOCK, TEXAS

GLEN C. ROBERTSON, MAYOR

ATTEST:


Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Linda Cuellar, Acting Executive Director of Finance

APPROVED AS TO FORM:



Jerry V. Kyle, Jr., Bond Counsel

Signature Page for Notice of Intent Resolution

HOU:3607299.1

Exhibit A

NOTICE OF INTENTION TO ISSUE CITY OF LUBBOCK, TEXAS
TAX AND WATERWORKS SYSTEM SURPLUS REVENUE
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that on March 24, 2016, at 5:15 p.m. at a regular meeting of the City Council of the City of Lubbock, Texas, to be held in the City Council Chambers at the Municipal Complex, 1625 13th Street, Lubbock, Texas, the regular meeting place of the City Council, the City Council intends to pass one or more ordinances authorizing the issuance of not to exceed \$136,000,000 total principal amount of one or more series of certificates of obligation (the "Certificates") for the purpose of paying contractual obligations to be incurred for the following purposes, to wit: (i) construction, renovations, improvements, upgrades, equipment and acquisition of land, buildings and other facilities related to (a) a new City Hall and (b) a new police facility; (ii) construction, renovations, improvements, upgrades, and equipment of facilities at Municipal Hill; (iii) renovations and improvements to the Lubbock Preston Smith International Airport facilities, including terminal building remodeling and runway improvements; (iv) design, relocation and upgrading of public utility infrastructure and construction of gateways and green spaces in the Central Business District; (v) upgrading of public safety radio communication systems; (vi) construction of public improvements and infrastructure renovations in North Overton; (vii) construction, improvement and equipment of a new emergency operations center; (viii) renovations, improvements and extensions to City streets, including sidewalks, street lighting, traffic signals/controllers and traffic signal communication systems, signage, landscaping, utility improvements, extensions, relocations and acquisition of land and rights-of-way in connection therewith; (ix) renovation, improvement and expansion of Solid Waste Department facilities; (x) improvements, renovations, replacements, relocations and extensions to the City's Wastewater System, including the Northwest Water Reclamation Plant; (xi) improvements, renovations, replacements, relocations and extensions to the City's Waterworks System (collectively, with items (i)-(x), the "Project"); and (xii) payment of professional services of attorneys, financial advisors, engineers and other professionals in connection with the Project and the issuance of the Certificates. The Certificates shall bear interest at a rate not to exceed fifteen percent (15%) per annum and shall have a maximum maturity date of not later than 21 (twenty-one) years after their date. Said Certificates shall be payable from the levy of a direct and continuing ad valorem tax, levied within the limits prescribed by law, against all taxable property within the City sufficient to pay the interest on said Certificates as due and to provide for the payment of the principal thereof as the same matures, as authorized by Subchapter C, Chapter 271, Texas Local Government Code, as amended, and from all or a part of the surplus net revenues of the City's Waterworks System, such pledge of surplus net revenues being limited to \$1,000.

THIS NOTICE is given in accordance with law and as directed by the City Council of the City of Lubbock, Texas on February 11, 2016.

Exhibit B

NOTICE OF INTENTION TO ISSUE CITY OF LUBBOCK, TEXAS
ELECTRIC LIGHT AND POWER SYSTEM REVENUE BONDS

NOTICE IS HEREBY GIVEN that on March 24, 2016, at 5:15 p.m. at a regular meeting of the City Council of the City of Lubbock, Texas, to be held in the City Council Chambers at the Municipal Complex, 1625 13th Street, Lubbock, Texas, the regular meeting place of the City Council, the City Council intends to pass one or more ordinances authorizing the issuance of electric light and power system revenue bonds in the maximum amount not to exceed \$31,000,000 to acquire, purchase, construct, improve, renovate, enlarge, and/or equip property, buildings, structures, facilities, and/or related infrastructure for Lubbock Power & Light. A complete description of the bonds being authorized may be obtained from the Finance Department, City of Lubbock, P.O. Box 2000, Lubbock, Texas 79457; or from RBC Capital Markets, 200 Crescent Court, Suite 1500, Dallas, Texas 75201, Financial Advisor to the City.

THIS NOTICE is given in accordance with law and as directed by the City Council of the City of Lubbock, Texas on February 11, 2016.

EXHIBIT C

CERTIFICATES OF OBLIGATION

	<u>Cost Estimate</u>
Administrative Services	
Municipal Facilities Replacements/Renovations - 20 yrs	\$ 52,800,000
Airport	
Terminal Building Remodel - Design Only - 20 yrs	283,605
Runway 17R/35L Construction Phase III - 20 yrs	669,774
Central Business District TIF	
Underground Utilities - 20 yrs	750,000
Gateways - Revenue - 20 yrs	1,500,000
Internal Service	
Upgrade 800 MHZ Radio System to P25 Compliance - 10 yrs	3,335,000
North Overton TIF	
North Overton TIF Public Improvements - 10 yrs	1,500,000
Public Safety	
Emergency Operations Center - 20 yrs	6,070,000
Streets	
Erskine Street - Indiana Avenue to Quaker Avenue - 20 yrs	1,478,515
Street Maintenance Program - 10 yrs	7,832,650
Communication System Expansion - 20 yrs	350,000
34th Street - Quaker Avenue to Slide Road - 20 yrs	750,000
Solid Waste	
Cell 5 Development 2252 - 10 yrs	4,985,333
Cell VI Final Expansion at 69 - 7 yrs	536,767
Landfill 69 Gas Collection System Replacement - 7 yrs	352,550
Wastewater	
Sewer Line Replacement - 20 yrs	400,000
Sewer Lines Ahead of Street Paving - 20 yrs	300,000
Water Reclamation Plant Replacements - 10 yrs	500,000
Northwest Water Reclamation Plant - 20 yrs	18,500,000
SEWRP Emergency Generator and Switch Gear - 10 yrs	250,000
Drying Bed Rehabilitation - 20 yrs	655,000
Water	
Water Treatment Plant Improvements - 10 yrs	6,000,000
Water Lines Ahead of Street Pavings - 20 yrs	1,300,000
Bailey County Wellfield Supply Line/Pumping System - 20 yrs	12,000,000
Bailey County Wellfield Disinfection System - 20 yrs	500,000
	<hr/>
	123,599,194
	<hr/>

EXHIBIT C

REVENUE BONDS

	<u>Cost Estimate</u>
Lubbock Power and Light	
Substation Relay Upgrade - 30 yrs	\$ 510,500
Substation Land Acquisition - 20 yrs	2,000,000
Downtown Redevelopment Underground - 10 yrs	510,500
Substation Breaker Replacements - 30 yrs	765,750
69 kV Transmission Line Reconductoring - 30 yrs	510,500
15kV System Reconductor or Rebuild - 10 yrs	255,250
Mobile Substation - 20 yrs	2,500,000
Chalker Capacity Upgrade - 20 yrs	4,500,000
69 kV Line Rebuild - Thompson to Vicksburg - 30 yrs	750,000
115kV Line Construction - Northwest to Mackenzie - 30 yrs	5,000,000
69 kV Line Rebuild - Chalker to Thompson - 30 yrs	1,500,000
69 kV Line Rebuild - Chalker to Oliver - 30 yrs	1,500,000
Southeast Substation Autotransformer - 30 yrs	1,000,000
69kV Capacitor Upgrade - Vicksburg - 30 yrs	250,000
69kV Capacitor Upgrade - Chalker - 30 yrs	250,000
69kV Capacitor Upgrade - Slaton - 30 yrs	250,000
Substation Battery Replacement - 10 yrs	120,000
Substation RTU Replacement - 10 yrs	150,000
Massengale Station - Medium Term - 10 yrs	4,798,700
	<u>27,121,200</u>



Regular City Council Meeting

6.9.

Meeting Date: 02/11/2016

Information

Agenda Item

Resolution - Accounting: Consider a resolution to amend the intent to finance expenditures to be incurred for various capital projects and equipment approved by the City Council in the FY 2015-16 Budget and Capital Program and to reimburse itself from the proceeds of obligations that will be issued after the expenditure of funds to pay costs of such projects and equipment.

Item Summary

On October 8, 2015, the City Council approved a resolution to reimburse itself for the costs associated with the capital expenditures for the acquisition, construction, reconstruction or renovation on various projects up to \$182,000,000. On December 17, 2015, City Council approved Budget Ordinance 2015-00122, Budget Amendment 9 amending Capital Improvement Project 92254, North Overton TIF Public Improvements, by increasing the appropriation by \$1,500,000, from \$747,031 to \$2,247,031.

The resolution amends the Prior resolution for the purpose of including North Overton TIF Public Improvements as an additional project on Exhibit A to the Prior Resolution.

Fiscal Impact

Funding will be 10 year Certificates of Obligations.

Staff/Board Recommending

Linda Cuellar, Interim Executive Director of Finance

Attachments

Resolution - Amended Reimbursement

RESOLUTION AMENDING RESOLUTION EXPRESSING INTENT TO
FINANCE EXPENDITURES TO BE INCURRED

WHEREAS, the City of Lubbock, Texas (the "Issuer") is a political subdivision of the State of Texas authorized to finance its activities by issuing debt obligations, the interest on which is excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Obligations");

WHEREAS, pursuant to a "Resolution Expressing Intent to Finance Expenditures to be Incurred" approved by City Council on October 8, 2015 (the "Prior Resolution"), the Issuer expressed its intent to reimburse itself for certain capital expenditures with respect to the acquisition, construction, reconstruction and renovation of projects listed on Exhibit A thereto from the proceeds of Obligations to be issued subsequent to the date of approval of the Prior Resolution;

WHEREAS, the Issuer desires to amend the Prior Resolution for the purpose of including North Overton TIF Public Improvements as an additional project (the "Additional Project") on Exhibit A to the Prior Resolution and thereby expressing its intent to reimburse itself for capital expenditures with respect to the Additional Project paid subsequent to the date that is 60 days prior to, but not more than 18 months after, the date of adoption of this resolution; and

WHEREAS, the Issuer reasonably expects to issue Obligations to reimburse itself for the costs associated with the Additional Project.

NOW, THEREFORE, be it resolved that:

Section 1. Exhibit A to the Prior Resolution is hereby amended and restated to include the Additional Project. The amended and restated Exhibit A is attached hereto.

Section 2. The Issuer reasonably expects to reimburse itself from the proceeds of Obligations to be issued subsequent to the date hereof for capital expenditures that have been or will be paid subsequent to the date that is 60 days prior to the date hereof, but not more than 18 months after the date hereof, in connection with the acquisition, construction, reconstruction or renovation of the Additional Project.

Section 3. The Issuer confirms its previously expressed expectation that the maximum principal amount of Obligations issued to reimburse the Issuer for the costs associated with the property listed on Exhibit A attached hereto will not exceed \$182,000,000; and, except as amended by this resolution, the Prior Resolution is ratified, confirmed and approved.


ADOPTED THIS _____ day of _____, 2016, by the City Council of the City of Lubbock, TX.

GLEN C. ROBERTSON, MAYOR

ATTEST:


Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:



Linda Cuellar
Acting Executive Director of Finance

APPROVED AS TO FORM:



Jerry V. Kyle, Jr.
Bond Counsel

EXHIBIT A ⁽¹⁾**CERTIFICATES OF OBLIGATION**

	<u>Cost Estimate</u>
Administrative Services	
Municipal Facilities Replacements/Renovations - 20 yrs	\$ 52,800,000
Airport	
Terminal Building Remodel - Design Only - 20 yrs	283,605
Runway 17R/35L Construction Phase III - 20 yrs	669,774
Central Business District TIF	
Underground Utilities - 20 yrs	750,000
Gateways - Revenue - 20 yrs	1,500,000
Internal Service	
Upgrade 800 MHZ Radio System to P25 Compliance - 10 yrs	3,335,000
North Overton TIF	
North Overton TIF Public Improvements - 10 yrs	1,500,000
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Emergency Operations Center - 20 yrs	6,070,000
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Wastewater	
Sewer Line Replacement - 20 yrs	400,000
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Northwest Water Reclamation Plant - 20 yrs	18,500,000
SEWRP Emergency Generator and Switch Gear - 10 yrs	250,000
Drying Bed Rehabilitation - 20 yrs	655,000
Water	
Water Treatment Plant Improvements - 10 yrs	6,000,000
Water Lines Ahead of Street Pavings - 20 yrs	1,300,000
Bailey County Wellfield Supply Line/Pumping System - 20 yrs	12,000,000
Bailey County Wellfield Disinfection System - 20 yrs	500,000
	<u>123,599,194</u>

⁽¹⁾ Originally approved on October 8, 2015 and amended and restated on February 11, 2016.



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 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.