

**City of Lubbock, Texas**  
**Regular City Council Meeting**  
**Thursday, August 22, 2013**

Glen C. Robertson, Mayor  
Karen Gibson, Mayor Pro Tem, District 5  
Victor Hernandez, Councilman, District 1  
Floyd Price, Councilman, District 2  
Todd R. Klein, Councilman, District 3  
Jim Gerlt, Councilman, District 4  
Latrell Joy, Councilwoman, District 6



James Loomis, Acting City Manager  
Sam Medina, City Attorney  
Rebecca Garza, City Secretary

<http://www.mylubbock.us>

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

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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.

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

**3:00 p.m. -- City Council convenes in open session, and recesses into executive session to consider items 1.-1.5.**

**6:15 p.m. -- City Council reconvenes in open session to consider items 2.-7.3.**

1. **Executive Session**

1. 1. Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A.) Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney.

1. 1. 1. Statement of Intent filed by Atmos Energy Corporation on February 7, 2012, to increase gas utility rates within the incorporated areas serviced by Atmos Energy Corporation, West Texas, including but not limited to, the City's ongoing appeal and all related options thereof.

1. 1. 2. Cause No. 2013-508,039 - City of Lubbock vs. Lubbock Omni Office, Inc., Monroe Emergency Care, LLC, American Capital Funding Corp. and Betco Scaffolds Inc.

1. 2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property.

1. 2. 1. Omni Building located 1208 14th Street.

1. 3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters and take appropriate action.

1. 3. 1. City Attorney

1. 3. 2. City Manager

1. 3. 3. City Secretary

1. 4. Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A.) 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. 4. 1. Presentation from LEDA.

1. 5. Hold an executive session in accordance with V.T.C.A. Government Code Section 551.074, to discuss personnel matters regarding the duties, responsibilities, and/or appointments to the Building Board of Appeals, Permit & License Appeal Board, and Urban Design & Historic Preservation Commission.

2. **Proclamations and Presentations**

2. 1. Invocation by Deacon José Mora, Our Lady of Guadalupe.

2. 2. Pledges of Allegiance.

2. 3. **Audit & Investment Committee:**

Suzanne Blake

**Building Board of Appeals:**

Joe Rushing

**Citizens Traffic Commission:**

Eric Finley

Rebecca Ramirez

**Civic Lubbock, Inc. Board of Directors:**

Sammie Prather

**Museum & Arts Standing Sub-Committee:**

Heather Hocker

**Planning & Zoning Commission:**

Michael "Brad" Wilson

3. **Citizen Comments - Any citizen wishing to appear before any regular meeting of the City Council shall advise the City Manager's office of that fact no later than seven calendar days before the meeting at which the citizen wishes to appear. Any citizen wishing to so appear shall inform the City Manager's office, in writing, of the subject of the appearance. The subject matter shall be sufficiently detailed as to inform the City Council and the public of its nature. Such notice shall contain the name and address of the requestor. The appearance of any citizen giving such notice to the City Manager's office shall take precedence in addressing the City Council during the Citizen Comments period. Any citizen failing to advise the City Manager's office of his/her wish to appear before the City Council as hereinabove set forth shall, time permitting, be permitted to address the City Council after those having given notice. In accordance with the Texas Open Meetings Act, the City Council may not take action on public matters during Citizen Comments.**

3. 1. Mike McDougal will appear before Council to discuss Market Lubbock, Inc. bylaws and budget.

3. 2. Bruce Jasinski will appear before the City Council to discuss the Quincy Park Public Improvement District.

4. **Minutes**

4. 1. June 18, 2013 Special City Council Meeting (EUB)  
June 26, 2013 Special City Council Meeting (EUB)  
July 19, 2013 Special City Council Meeting (Personnel Matters)  
July 22, 2013 Special City Council Meeting (Special EUB)  
July 23, 2013 Regular City Council Meeting  
July 23, 2013 Special City Council Meeting (Budget)  
July 30, 2013 Special City Council Meeting (LP&L Rates)  
July 30, 2013 Special City Council Meeting (Imagine Lubbock Together)

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. **Ordinance 1st Reading – Right-of-Way:** An ordinance abandoning and closing two five-foot Lubbock Power & Light (LP&L) underground utility easements located in Fox Ridge Addition, Lubbock County Texas, 9806 and 9805 Vernon Avenue.
5. 2. **Ordinance 1st Reading – Right-of-Way:** An ordinance abandoning and closing a portion of a 30-foot wide sanitary sewer line easement located in Section 21, Block AK, Lubbock County Texas, 10202 Frankford Avenue.
5. 3. **Ordinance 1st Reading – Right-of-Way:** An ordinance abandoning and closing a 20-foot underground utility easement and a 22.5-foot cross access, drainage, and underground utility easement located west of Loop 289 and north of 34th Street, 6010 34th Street.
5. 4. **Budget Ordinance 2nd Reading - Airport:** Consider Budget Ordinance 2013-O0074 Amendment 27 amending the adopted FY 2012-13 budget respecting the Airport Capital Project Fund by amending Capital Improvement Project 92284, Runway 17R/35L Rehab Construction.
5. 5. **Contract Resolutions - Parks and Recreation:** Consider two resolutions authorizing the Mayor to execute contract 11407 with BWI Dallas/Ft. Worth of Carrollton, Texas, and contract 11466 with Target Specialty Products of Dallas, Texas, for pesticide and herbicide supplies for various parkland properties, ITB-13-11407-TL.
5. 6. **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order contract 10009373 with Daco Fire Safety Equipment for the purchase of a fuel truck for the Fire Department.
5. 7. **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order contract 10009385 with Verde Inc. for two rehabilitation trailers for the Fire Department, RFP 13-11322-DT.
5. 8. **Resolution - Transit:** Consider a resolution authorizing the Mayor to ratify amendment four, for the Medical Transportation Program (MTP) services agreement between the Texas Health and Human Services Commission and Citibus. HHSC 529-08-0196-00016.

6. **Regular Agenda**

6. 1. **Public Hearing 6:30 p.m. – Finance:** Hold a public hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 2.80% (percentage by which the proposed tax rate exceeds the effective tax rate calculated under Chapter 26, Tax Code).
6. 2. **Public Hearing 6:30 p.m. - Planning:** Conduct the second public hearing and consider Ordinance 2013-O0075 for annexation from Real Property Resources and KPA Ministries, Inc. to annex a parcel approximately 80 acres adjacent to the City limits north of 130th Street (FM 1585) east of Flint Avenue.
6. 3. **Public Hearing 6:30 p.m. - Planning:** Conduct the second public hearing and consider Ordinance 2013-O0076 for annexation from Ford Development Corporation to annex a parcel approximately 76 acres adjacent to the City limits one half mile south of 130th Street (FM 1585) east of Quaker Avenue.
6. 4. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 2816-D, a request of Tigris IX, LTD. for a zoning change from C-3 to A-2 on 9.697 acres of unplatted land out of Block E, Section 4, 1600 82nd Street, and consider an ordinance.
6. 5. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 1660-E, a request of Tanya Cintron (for NTCH-NM, LLC) for a zoning change from AM to AM Specific Use for a cell tower facility on Lot 2, Agee-Pharr Addition, 2402 52nd Street, and consider an ordinance.
6. 6. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 1112-C, a request of Tanya Cintron (for NTCH-NM, LLC) for a zoning change from C-2 to C-2 Specific Use for a cell tower facility on Lot 99B, Drury Park Addition, 4317 50th Street, and consider an ordinance.
6. 7. **Ordinance 2nd Reading - Finance:** Consider Ordinance 2013-O0077 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Overton Public Improvement District; approving, adopting, and filing with the City Secretary, the Assessment Roll; closing the hearing and levying assessments based on the revised Service Plan for the cost of certain services and/or improvements to be provided in the District during FY 2013-14.
6. 8. **Ordinance 2nd Reading - Finance:** Consider Ordinance 2013-O0078 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Point Public Improvement District; approving, adopting, and filing with the City Secretary, the Assessment Roll; closing the hearing and levying assessments based on the revised Service Plan for the cost of certain services and/or improvements to be provided in the District during FY 2013-14.
6. 9. **Ordinance 2nd Reading - Finance:** Consider Ordinance 2013-O0080 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Valencia Public Improvement District; approving, adopting, and filing with the City Secretary the Assessment Roll; closing the hearing and levying assessments based on the Service Plan for the cost of certain services and/or improvements to be provided in the PID during FY 2013-14.
6. 10. **Ordinance 2nd Reading - Finance:** Consider Ordinance 2013-O0079 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Quincy Park Public Improvement District; approving, adopting and filing with the City Secretary the Assessment Roll; closing the hearing and levying assessments based on the revised Service Plan for the cost of certain services and/or improvements to be provided in the District during FY 2013-14.

6. 11. **Resolution - Councilman Todd Klein:** Consider a resolution making certain recommendations from the City Council to the Lubbock Water Advisory Commission regarding the study of water rate modeling and water rate stabilization for the City of Lubbock.
6. 12. **Resolution - Councilman Todd Klein:** Consider a resolution making certain recommendations from the City Council to the Electric Utility Board regarding a Citizens Task Force, electric rate stabilization, customer relations and rights, and affordability programs.
6. 13. **Board Appointments - City Secretary:** Consider nine appointments to the Appointments Advisory Board, two appointments to the Building Board of Appeals, one appointment to the Lubbock Water Advisory Commission, three appointments to the North Point Public Improvement District Advisory Board, one appointment to the Park & Recreation Board, three appointments to the Permit & License Appeal Board, and one appointment to the Urban Design & Historic Preservation Commission.
7. **Work Session/Business Agenda - Items for presentations and discussions on such issues that may require more in-depth consideration of the City Council than Regular Agenda items. Action may be taken on a Work Session/Business Agenda item posting if the item indicates to the public the action to be taken.**
  7. 1. Presentation by Human Resources. The City Council will discuss and take action concerning options, methods, search options, job requirements, time lines, and procedures in the hiring of a City Manager for the City of Lubbock.
  7. 2. Quarterly presentation and related discussion on financial and other activities of or by the following entities, pursuant to Resolution 2013-R0086.
    7. 2. 1. Market Lubbock, Inc. and Lubbock Economic Development Alliance.
    7. 2. 2. Civic Lubbock, Inc.
    7. 2. 3. North Overton Tax Increment Financing (TIF) Reinvestment Zone.
    7. 2. 4. Central Business District Tax Increment Financing (TIF) Reinvestment Zone.
    7. 2. 5. Lubbock Business Park Tax Increment Financing (TIF) Reinvestment Zone.
    7. 2. 6. 2009 Bond Election Committee.
  7. 3. Discuss and possibly take action on the City's emergency response plan, and its early warning systems for severe weather alerts to the general public.

**BOARD APPOINTMENTS FOR  
CITY COUNCIL MEETING, AUGUST 22, 2013 - EXECUTIVE SESSION**

<b>Officer of City</b>		<b>Board Name &amp; No.</b>	<b>Member Name</b>	<b>Term Expires</b>	<b>Attend %</b>	<b>Membership Requirements</b>	<b>Recommended Action</b>	<b>Eligible?</b>
*	1	BUILDING BOARD OF APPEALS	HALL, BILLY	08.01.13	N/A	MASTER ELECTRICIAN	REPLACE	N/A
			HENDERSON, JIMMY	08.01.13	N/A	COMMERICAL CONTRACTOR	REPLACE	N/A
*	2	PERMIT & LICENSE APPEAL BOARD	BATES, BILL	09.01.13	100%	LAW ENFORCEMENT	REAPPOINT	Y
			SALAZAR, ROSA	09.01.13	N/A	AT LARGE	REPLACE	N/A
*	3	URBAN DESIGN & HISTORIC PRESERVATION COMMISSION	HURST, STANCE	02.01.14	0%	SOCIOLOGY/ANTHROPOLOGY	REAPPOINT/REPLACE	Y

\*Officer of City Status board members as an individual or business shall not contract with the City of Lubbock and serve as a board member.

City of Lubbock  
Board and Commission Recruiting Database

Updated: 8/10/2013

Sorted: No Preference

Key: CS - Currently serving on board(s)  
X - Prior service on board(s)  
PCI - Possible Conflict of Interest  
T - Temporary

Date Refer	Key	Last Name	First Name	Gender M/F	Ethnic A,H,AA,O	Quad	Age Range	Occupation	Business	Council District	References Name
1210		Ashe	John	M	A		60+	Realtor	Action Realtors	5	
0601		Austin	Nicole	F	A	S	18-29	Computer Spe	Self-employed	4	
0601		Chesnutt	Gary	M	A	S	50-59	Cotton Broker	Chesnutt Cotto	5	
0501		Grant	Mack	M	A	S	40-49	Project Admini	TX Dept of Cri	4	
1206		Guerra	Julian	M	H	S	60+	New York Life	New York Life	4	
0509		Guerrero	Mary Lynn	F	H	C	18-29	PSO Officer	PD - City of Lu	6	
0803		Hamer	Darla	F	A		40-49	Banker	Peoples Bank	6	
0405		Hancock	Jennifer	F	A	S	18-29	Homemaker/P		6	
0906		Henson	Matthew	M	A		30-39	Self Employed	Matt Henson In	5	
0610		Hobgood	John	M	A		30-39	Social Worker	LIFE/RUN Cen	5	
0502		Hodges	Tom	M	A	C	40-49	Bank Manager	Wells Fargo Ba	4	
1002		Jackson	Winnie	M	A		60+	Retired Minist		4	
0501		Nichols	Kathleen	F	A	S	30-39	Dentist	Kathleen Nicho	5	
0612		Podrebartz	Keith	M	A		30-39	Counselor	Texas Tech Un	1	
0707		Ramsey	Chad	M	A			Self-employed	Ramsey Auto	3	
0407		Riojas	Michael	M	H	C	40-49	Sr Acct Mana	GE Lighting	3	
1206		Spitzer	Michelle	F	A		50-59	CFO	Sunwest Const	4	
0804		Stephens	Sherry	F	A		30-39	Administrative	High Plains Wa	5	
0409		Terry	Dianna	F	A	S	50-59	Grant Develop	Covenant Foun	4	
1305		Tinsley	Matt	M	A		40-49	Director of Op	First Care Heal	5	
0404		Williams	Peggy	F	A	S	50-59	Banker	American Bank	5	
0803		Wilson	Margaret	F	A	C	60+	Retired - Tech	Retired	5	

**BUILDING BOARD OF APPEALS**

	<b><u>Lubbock Population</u></b>	<b><u>Lubbock Adult Population</u></b>	<b><u>All City Boards</u></b>	<b><u>This Board</u></b>
<b><u>ETHNICITY</u></b>				
Anglo	55.0%	61.0%	73.4%	91.0% (10)
Hispanic	32.6%	27.6%	10.1%	0.0% (0)
African-American	8.7%	7.4%	10.1%	0.0% (0)
Other	3.7%	4.0%	6.3%	9.0% (1)
<b><u>GENDER</u></b>				
Male	48.5%	47.0%	75.3%	91.0% (10)
Female	51.5%	53.0%	24.7%	9.0% (1)
<b><u>GEOGRAPHIC DISTRIBUTION</u></b>				
District 1	16.1%	14.9%	10.1%	0.0% (0)
District 2	16.4%	12.7%	4.1%	0.0% (0)
District 3	16.3%	16.1%	13.3%	18.2% (2)
District 4	17.0%	17.0%	20.6%	9.1% (1)
District 5	16.7%	19.4%	27.5%	27.3% (3)
District 6	17.2%	19.9%	19.3%	18.2% (2)
Other/Unknown	0.0%	0.0%	5.1%	27.2% (3)

**PURPOSE:**

Permanent board to hear appeals regarding the suitability of alternate materials and methods of construction and provide for reasonable interpretation of the Building Code.

**REQUIREMENTS:** The membership of the board of appeals will include one or more representatives from the following named areas of expertise: member of the Lubbock Home Builders Association, active architect, active structural engineer, active commercial contractor, active realtor, active master plumber, active journeyman plumber, active mechanical contractor with Class A license, and or 3 at-large Lubbock citizens.

**APPOINTMENT INFORMATION:**

**Member Name &**

<b><u>Demographic Facts</u></b>	<b><u>Requirement</u></b>	<b><u>Attend</u></b>	<b><u>Eligible</u></b>	<b><u>Action</u></b>
Hall, Billy (M,A,O)	Master Electrician	N/A	N	Replace
Henderson, Jimmy (M,A,4)	Comm. Contractor	N/A	N	Replace

**APPOINTMENTS ADVISORY BOARD RECOMMENDATIONS:**

*To replace Billy Hall, Master Electrician:*

Brown, Barry (M,A,4) Acme Electric

*To replace Jimmy Henderson, Commercial Contractor:*

Miller, David (M,A,5) McDougal Construction

City of Lubbock  
Board and Commission Recruiting Database

Updated: 8/10/2013

Sorted: By Preference

Key: CS - Presently serving on board(s)

X - Prior service on board(s)

PCI - Possible Conflict of Interest

T - Temporary

**Building Board of Appeals**

Date Refer	Key	Last Name	First Name	Gender M/F	Ethnic A,H,AA,O	Quad	Age Range	Occupation	Business	Council District
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**First Preference:**

0606		Daughtry	Steve	M	A	S	40-49	Engineer	Allied Associates Consul	4
1211		Grimstead	Tricia	F	A		30-39	Apartment Owner	AG Rentals, LTD.	5
1308		Miller	David	M	A		50-59	Construction Engineer	McDougal Construction	5
0605		Perez	Jody	M	H	S	50-59	Sales	JMP Consultants	4
1303		Wooley	Marcus	M	A		18-29	Ferguson Enterprises	Ferguson Enterprises	4

**Second Preference:**

0905		Bloodworth	David	M	A	C	50-59	Commercial Real Estate	Coldwell Banker Comme	4
1205		Chapa	David	M	H		40-49	Interior Designer	TTU - Physical Plant	5

**Third Preference:**

0511		Campbell	Jesse	M	A	C	40-49	Account Executive Service	Johnson Controls, Inc	4
0511		Kirby	John	M	A		50-59	KTXT-TV	KTXT-TV	5

**Fourth Preference:**

1108		Amor	Cherif	M	O		50-59	Dept. Chair/Assoc Prof.	Texas Tech	5
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**Fifth Preference:**

**Sixth Preference:**

0507		Trombley	Trudy	F	A	S	60+	Retired Educator	Retired Educator	5
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**Committee #6 Building Board of Appeals**Perm./Temp. Board: **P**

Confidential?

HomeBusinessReappt  
Elig.

REALTOR

**Alexander**  
Ms. Lisa4920 92nd Street  
Lubbock TX 79424  
lisa@nts-online.net**(806) 789-8676 CELL***E-mail* lisa@nts-online.netLisa Alexander Realtors  
5106-B Slide Road  
Lubbock TX 79414  
**(806) 771-5472**Curr: 9/27/2012 - 8/1/2014 **Y**  
2nd: -  
1st: -  
Fax: **(806) 793-8451**MECHANICAL  
CONTRACTOR**Chambless**  
Mr. RonY 4905 ECR 5300  
Abernath TX 79311N **(806) 746-6612**  
**(806) 777-6612 CELL***E-mail* ron@likeitwasours.comRC'S AC & Heating  
916 Ave D  
Abernath TX**(806) 746-6612**Curr: 8/1/2012 - 8/1/2014 **N**  
2nd: -  
1st: 8/1/2010 - 8/1/2012  
Fax: **(806) 298-5196**

MASTER PLUMBER

**Ellis**  
Mr. KenDale Boles Plumbing and Heati  
7103 Santa Fe Drive  
Lubbock TX 79407**(806) 795-5528**Curr: 8/1/2011 - 8/1/2013 **Y**  
2nd: -  
1st: -  
Fax:*E-mail***(806) 548-1779 CELL**

AT LARGE

**Fagin**  
Mr. ScottN 6603 1st Street  
Lubbock TX 79416Y  
N **(806) 785-1778**  
Y **CELL***E-mail* sfagin@firstunited.netFirst United Bank  
5802 4th Street  
Lubbock TX 79416**(806) 797-6500**Curr: 8/1/2012 - 8/1/2014 **Y**  
2nd: -  
1st: -  
Fax: **(806) 799-2915**

MASTER ELECTRICIAN

**Hall**  
Mr. BillyY 17214 CR 2200  
Lubbock TX 79423Y **(806) 863-4023**  
**CELL***E-mail* bill@advancedelectriccompanyAdvanced Electric Co.  
PO Box 93197  
Lubbock TX 79423**(806) 748-1915**Curr: 8/1/2011 - 8/1/2013 **N**  
2nd: -  
1st: 8/1/2009 - 8/1/2011  
Fax: **(806) 748-1819**Chair/Pres: Michael Landress  
Vice Chair/V.P.:  
Sec./Treasurer: N/AStaff Liaison: Aubrey Long  
Term: 2 Years  
Ex-Officio Mbr.: Steven O'Neal (Chief Building  
Official)

	<i>Confidential?</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
COMMERCIAL CONTRACTOR			<b>Greenstreet Construction</b>	<b>Curr:</b> <span style="border: 1px solid black; padding: 2px;">8/1/2011</span> - <span style="border: 1px solid black; padding: 2px;">8/1/2013</span>	<b>N</b>
<b>Henderson</b>	Y	10903 Utica Ave	112 E. 82nd St	<b>2nd:</b> -	
Mr. Jimmy		Lubbock TX 79424	Lubbock TX 79404	<b>1st:</b> 9/24/2009 - 8/1/2011	
	Y		(806) 745-9444	<b>Fax:</b> (806) 745-8722	
	Y	(806) 789-2710	CELL		

*E-mail*

AT LARGE				<b>Curr:</b> <span style="border: 1px solid black; padding: 2px;">8/1/2012</span> - <span style="border: 1px solid black; padding: 2px;">8/1/2014</span>	<b>N</b>
<b>Landress</b>	Y	3818 48th Street		<b>2nd:</b> 8/1/2010 - 8/1/2012	
Mr. Michael		Lubbock TX 79413		<b>1st:</b> 10/23/2008 - 8/1/2010	
	Y	(806) 438-0867		<b>Fax:</b>	
		(806) 438-0867	CELL		

*E-mail* rktechjm@gmail.com

STRUCTURAL ENGINEER			<b>MWM Architects</b>	<b>Curr:</b> <span style="border: 1px solid black; padding: 2px;">9/27/2012</span> - <span style="border: 1px solid black; padding: 2px;">8/1/2014</span>	<b>Y</b>
<b>Landusky</b>	N	6201 8th Street	2574 74th Street, Suite 201	<b>2nd:</b> -	
Mr. Lance		Lubbock TX 79416	Lubbock TX 79423	<b>1st:</b> -	
	Y		(806) 745-7707	<b>Fax:</b> (806) 745-7620	
	Y	(806) 445-3802	CELL		

*E-mail* llandusky@mwm-ae.com

ARCHITECT			<b>Sunset Church of Christ</b>	<b>Curr:</b> <span style="border: 1px solid black; padding: 2px;">8/1/2011</span> - <span style="border: 1px solid black; padding: 2px;">8/1/2013</span>	<b>N</b>
<b>Roberts</b>	Y	4710 78th St	3723 34th St	<b>2nd:</b> 8/1/2009 - 8/1/2011	
Mr. Rodney		Lubbock TX 79424	Lubbock TX 79410	<b>1st:</b> 4/27/2009 - 8/1/2009	
	N		(806) 792-5191	<b>Fax:</b>	
	Y	(806) 784-0820			
	Y	(806) 787-6559	CELL		

*E-mail* rjroberts@sunset.cc

HOME BUILDER			<b>Custom Homes by Robert Wood</b>	<b>Curr:</b> <span style="border: 1px solid black; padding: 2px;">9/27/2012</span> - <span style="border: 1px solid black; padding: 2px;">8/1/2014</span>	<b>Y</b>
<b>Wood</b>	N	8906 Kewanee Avenue	8213 Alcove Avenue	<b>2nd:</b> -	
Mr. Robert		Lubbock TX 79424	Lubbock TX 79424	<b>1st:</b> -	
	Y	(806) 773-0813	(806) 798-1911	<b>Fax:</b> (806) 866-4577	
	Y		CELL		

*E-mail* rwood@robertwoodhomes.com

<b>Chair/Pres:</b>	Michael Landress	<b>Staff Liaison:</b>	Aubrey Long
<b>Vice Chair/V.P.:</b>		<b>Term:</b>	2 Years
<b>Sec./Treasurer:</b>	N/A	<b>Ex-Officio Mbr.:</b>	Steven O'Neal (Chief Building Official)

**Committee #6 Building Board of Appeals**

**Perm./Temp. Board: P**

	<i>Confidential?</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
AT LARGE			Jay Young Plumbing	<b>Curr:</b> 8/1/2011 - 8/1/2013	<b>N</b>
<b>Young</b>	Y	4407 122nd St		<b>2nd:</b>	-
Mr. Eddie (Jay)	N	Lubbock TX 79424		<b>1st:</b>	8/1/2009 - 8/1/2011
	N	jkyoung1994@yahoo.com	(806) 783-8318	<b>Fax:</b>	(806) 794-1123
	Y	(806) 794-8977			
	N	(806) 783-8318 CELL			

*E-mail*

<b>Chair/Pres:</b>	Michael Landress	<b>Staff Liaison:</b>	Aubrey Long
<b>Vice Chair/V.P.:</b>		<b>Term:</b>	2 Years
<b>Sec./Treasurer:</b>	N/A	<b>Ex-Officio Mbr.:</b>	Steven O'Neal (Chief Building Official)

**PERMIT AND LICENSE APPEAL BOARD**

	<b><u>Lubbock</u></b>	<b><u>Lubbock</u></b>	<b><u>All</u></b>	<b><u>This</u></b>
	<b><u>Population</u></b>	<b><u>Adult</u></b>	<b><u>City</u></b>	<b><u>Board</u></b>
<b><u>ETHNICITY</u></b>				
Anglo	55.0%	61.0%	73.4%	57.1% (4)
Hispanic	32.6%	27.6%	10.1%	28.6% (2)
African-American	8.7%	7.4%	10.1%	14.3% (1)
Other	3.7%	4.0%	6.3%	0.0% (0)
<b><u>GENDER</u></b>				
Male	48.5%	47.0%	75.3%	71.4% (5)
Female	51.5%	53.0%	24.7%	28.6% (2)
<b><u>GEOGRAPHIC DISTRIBUTION</u></b>				
District 1	16.1%	14.9%	10.1%	14.3% (1)
District 2	16.4%	12.7%	4.1%	14.3% (1)
District 3	16.3%	16.1%	13.3%	28.6% (2)
District 4	17.0%	17.0%	20.6%	14.3% (1)
District 5	16.7%	19.4%	27.5%	0.0% (0)
District 6	17.2%	19.9%	19.3%	28.6% (2)
Other/Unknown	0.0%	0.0%	5.1%	0.0% (0)

**PURPOSE:**

Advisory Board with Officer of City Status; hears appeals for permits and licenses that have been denied, suspended, or revoked by City officials. Pertains to permits and licenses issued by the City in instances where no other board is specifically appointed to hear such appeals.

**APPOINTMENT INFORMATION:**

**Member Name &**

<b><u>Demographic Facts</u></b>	<b><u>Requirement</u></b>	<b><u>Attend</u></b>	<b><u>Eligible</u></b>	<b><u>Action</u></b>
Bates, Bill (M,A,2)	Law Enforcement	100%	Y	Reappoint
Salazar, Rosa (F,H,6)	At-Large	N/A	N/A	Replace

**APPOINTMENTS ADVISORY BOARD RECOMMENDATIONS:**

To reappoint Bill Bates

*To replace Rosa Salazar, At Large:*

Wooley, Marcus (M,A,4) Ferguson Enterprises

**Permit and License Appeal Board**

Date Refer	Key	Last Name	First Name	Gender M/F	Ethnic A,H,AA,O	Quad	Age Range	Occupation	Business	Council District
<b>First Preference:</b>										
1005		Bruegel	Jon	M	A		18-29	Student		4
<b>Second Preference:</b>										
0504		Lloyd	David	M	A	S	60+	Self-Employed	Software Accounting	5
0501		Ray	Harold	M	A	S	50-59	Asst Business Agent-IBE	IBEW Local Union 602	0
<b>Third Preference:</b>										
1210		Hankson	Charles	M	AA		60+	Retired Pastor	Goulds Pump	0
0803		Jones	Maine	F	A		18-29	Human Resources Officer	Peoples Bank	5
1303		Wooley	Marcus	M	A		18-29	Ferguson Enterprises	Ferguson Enterprises	4
<b>Fourth Preference:</b>										
1301		Olivarez	Margarita	F	H		40-49	WF Manager	AT&T	6
1206		Wagner	Catherine	F	A		60+	Retired		5
<b>Fifth Preference:</b>										
0803		Baker	Robert	M	A	C	50-59	ICU Nurse	Lubbock Heart Hospital	4
0910		Hail	Brian	M	A		30-39	Insurance Agent	Brian Hail State Farm	3
<b>Sixth Preference:</b>										
1206		Letalien	Anne	F	A		60+	Retinred Registered Nurse		4
0906		Weil	Kelley	F	A		30-39	Senior Vice President, Hu	Plains Capital Bank	5

**Committee #32 Permit and License Appeal Board**Perm./Temp. Board: **P**

	<i>Confidential</i>	<u>Home</u>	<u>Business</u>	<i>Reappt Elig.</i>
LAW ENFORCEMENT				
<b>Bates</b> Mr. Bill	Y	1309 61st Street Lubbock TX 79412		<b>Y</b>
	Y	gittyupgo1@suddenlink.net		
	N	(806) 763-8791		
	Y	CEL		
<i>E-mail</i>				
HEALTH PROFESSIONAL				
<b>Garcia</b> Ms. Cecile	Y	73 Windsor Court Lubbock TX 79416	<i>Retired</i>	<b>N</b>
	Y	cecileg1@aol.com		
	N	(806) 795-0661		
	Y	CEL		
<i>E-mail</i>				
AT LARGE				
<b>Hunter</b> Mr. Lee	Y	2344 78th Street Unit 1 Lubbock TX 79423	<i>Retired</i>	<b>N</b>
	Y	(806) 702-8066		
		(806) 317-6215	CEL	
<i>E-mail lhunter6@yahoo.com</i>				
AT LARGE				
<b>Lowry</b> Mr. Jeffery	Y	4007 100th Street Lubbock TX 79423	<i>Madera Residential</i> 5214 68th St. Suite 402 Lubbock TX 79424	<b>Y</b>
	Y	(806) 797-7489	(806) 798-0888	
	Y	CEL		
<i>E-mail jeff@maderaresidential.com</i>				
AT-LARGE				
<b>Montoya</b> Mr. Jacob	N	3218 21st Street Lubbock TX 79410	<i>Jake Montoya Agency</i> 3807 24th Street Lubbock TX 79410	<b>N</b>
	N	(806) 797-4034	(806) 797-8481	
		CEL		
<i>E-mail bigjakeins@juno.com</i>				

**Chair/Pres:** Steve Warren  
**Vice Chair/V.P.:** Rosa Salazar  
**Sec./Treasurer:** N/A

**Staff Liaison:** Becky Garza  
**Term:** 2 Years  
**Ex-Officio Mbr.:**

Warren elected 01.2011 and 01.2012 as Chair

**Committee #32 Permit and License Appeal Board**Perm./Temp. Board: **P**

	<i>Confidential</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
AT-LARGE					
<b>Salazar Ms. Rosa</b>	Y	6224 7th St Lubbock TX 79416	Condray Design Group, Inc. 1402 Avenue N Lubbock TX 79401	<b>Curr:</b> 9/1/2011 - 9/1/2013 <b>2nd:</b> 9/1/2009 - 9/1/2011 <b>1st:</b> 7/12/2007 - 9/1/2009 <b>Fax:</b> (806) 748-6193	<b>N</b>
	Y	(806) 790-4114	(806) 748-6190		
	Y	(806) 790-4114	CEL		
<i>E-mail</i> rosa@condray.com					
TRANSPORTATION					
<b>Warren Mr. Steven</b>	Y	3005 Manioca Lubbock TX 79403	TxDOT 135 Slaton Road Lubbock TX 79404	<b>Curr:</b> 9/1/2011 - 9/1/2013 <b>2nd:</b> 9/1/2009 - 9/1/2011 <b>1st:</b> 9/27/2007 - 9/1/2009 <b>Fax:</b> (806) 748-4380	<b>N</b>
	Y	(806) 765-7630	(806) 748-4490		
			CEL		
<i>E-mail</i> swarren@dot.state.tx.us					

**Chair/Pres:** Steve Warren  
**Vice Chair/V.P.:** Rosa Salazar  
**Sec./Treasurer:** N/A

**Staff Liaison:** Becky Garza  
**Term:** 2 Years  
**Ex-Officio Mbr.:**

Warren elected 01.2011 and 01.2012 as Chair

**URBAN DESIGN & HISTORIC PRESERVATION COMMISSION**

	<b><u>Lubbock</u></b>	<b><u>Lubbock</u></b>	<b><u>All</u></b>	<b><u>This</u></b>
	<b><u>Population</u></b>	<b><u>Adult</u></b>	<b><u>City</u></b>	<b><u>Board</u></b>
		<b><u>Population</u></b>	<b><u>Boards</u></b>	
<b><u>ETHNICITY</u></b>				
Anglo	55.0%	61.0%	73.4%	90.9% (10)
Hispanic	32.6%	27.6%	10.1%	0.0% (0)
African-American	8.7%	7.4%	10.1%	9.1% (1)
Other	3.7%	4.0%	6.3%	0.0% (0)
<b><u>GENDER</u></b>				
Male	48.5%	47.0%	75.3%	64.0% (7)
Female	51.5%	53.0%	24.7%	36.0% (4)
<b><u>GEOGRAPHIC DISTRIBUTION</u></b>				
District 1	16.1%	14.9%	10.1%	18.2% (2)
District 2	16.4%	12.7%	4.1%	9.1% (1)
District 3	16.3%	16.1%	13.3%	9.1% (1)
District 4	17.0%	17.0%	20.6%	18.2% (2)
District 5	16.7%	19.4%	27.5%	27.2% (3)
District 6	17.2%	19.9%	19.3%	9.1% (1)
Other/Unknown	0.0%	0.0%	5.1%	9.1% (1)

**PURPOSE:**

Permanent advisory board with officer of city status serves as advisory committee to Planning and Zoning Commission; recommends buildings, structures, sites, districts, areas and lands within city which may be eligible for designation as historic landmarks and historic landmark districts and reviews applications for rehabilitation, renovation or expansion of landmark buildings.

**QUALIFICATIONS:** Seven representatives shall possess special interest, knowledge or expertise in architecture, urban planning, history or political science, archeology or paleontology, sociology or anthropology, building construction, and landscape architecture. Four members shall be at large residents within the city of Lubbock. All members must possess knowledge and experience in the architectural, landscape architectural, archeological, cultural, social, economic, ethnic or political history of Lubbock.

**APPOINTMENT INFORMATION:**

<b><u>Member Name &amp;</u></b>	<b><u>Requirement</u></b>	<b><u>Attend</u></b>	<b><u>Eligible</u></b>	<b><u>Action</u></b>
Hurst, Stance (M,A,4)	Sociology / Anthropology	0%*	Y	Reappoint/Replace

**APPOINTMENTS ADVISORY BOARD RECOMMENDATIONS:**

To reappoint Stance Hurst

*To replace Stance Hurst, Sociology / Anthropology:*

Ehlers, Katherine (F,A,1) TTU Museum

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\* All absences were excused.

**Urban Design/Historic Preservation Commission**

Date Refer	Key	Last Name	First Name	Gender M/F	Ethnic A,H,AA,O	Quad	Age Range	Occupation	Business	Council District
<b>First Preference:</b>										
1002		Brenner	Ivey	M	A		18-29	Real Estate Development	Tao Development Group	6
1210		Clark	Melanie	F	A		50-59	Architecture Librarian	TTU Libraries	6
0503		Downey	Nancy	F	A	E	50-59	Registered Dietician	Early Childhood Interven	1
1308		Ehlers	Katherine	F	A		30-39	Archaeologist	Museum of TTU	1
0602		Hill	Russell	M	A	C	30-39	Web Designer	Lubbock AJ	3
<b>Second Preference:</b>										
0808		Clary	Sue	F	A		60+	Volunteer		5
1208		Gonzales	Armando	M	H		50-59			2
1206		Scott	Gretchen	F	A		60+	Retired		4
0901		Whittenbur	Kristin	F	A		30-39	Senior Education Specialis	Region 17	6
<b>Third Preference:</b>										
0613		Arnold	Peter	M	A		40-49	Owner/Landscaper	Arnold Enterprises of Lu	2
0906		Brown-Mey	Casey	M	A		40-49	Sales Manager	All Star Auto Glass	4
1005		Bruegel	Jon	M	A		18-29	Student		4
1009		Chambers	Tosha	F	AA		30-39	Homemaker		4
1004		Davis	Jon	M	A		40-49	Accountant	Capital Farm Credit	3
0910		Hail	Brian	M	A		30-39	Insurance Agent	Brian Hail State Farm	3
1301		Olivarez	Margarita	F	H		40-49	WF Manager	AT&T	6
0405		Pearson	Neale	M	A	C	60+	Semi-Retired Professor	Semi-Retired Professor	3
1206		Seideman	Jake	M	A		30-39		Hugo Reed & Assoc.	5
1304		Tomlinson	Susan	F	A		50-59	Associate Professor	Texas Tech University H	3
<b>Fourth Preference:</b>										
0803		Baker	Robert	M	A	C	50-59	ICU Nurse	Lubbock Heart Hospital	4
0707		Lunsford	Douglas	M	A			Marketing and Media	Lancer Productions	5
0905		Marberry	William	M	A		18-29	Realtor	Coldwell Banker	3
1306		Pierce	Eric	M	A		30-39	Regional Sales Manager	ELSEVIER	5
1004		Williams	Herbert	M	AA		40-49	Correctional Officer	TX Dept of Criminal Just	2
<b>Fifth Preference:</b>										
0906		Clark	Timothy	M	A		40-49	CADD Tech	Parkhill, Smith & Cooper	3
0909		Cole	Ronald	M	A		18-29	Agent	Mass Mutual Financial S	6
0907		Melendez	Jill	F	A		18-29	Social Worker	Montford Psychiatric Pri	6
0609		Villalobos	Esteban	M	H			Tile Setter's Apprentise	Custom Tiling	2
<b>Sixth Preference:</b>										
1108		Amor	Cherif	M	O		50-59	Dept. Chair/Assoc Prof.	Texas Tech	5
1205		Chapa	David	M	H		40-49	Interior Designer	TTU - Physical Plant	5
1208		Chavez	Naomi	F	H		18-29	Intern	South Plains Associatio	2
1301		De Leon	Esther	F	H		30-39	Library Specialist	Texas Tech University	6
1305		Lamb-Vines	Danna	F	A		50-59	Massage Therapist/Person	Blue Moon Massage	3
0803		Lunsford	Jeremy	M	A			Student	LNG Productions Inc.	3
0803		Sosebee	Rick	M	A		50-59	Fire Protection Contractor	Koetter Fire Protection	3

**Committee #42 Urban Design/Historic Preservation Commission**Perm./Temp. Board: **P**

	<i>Confidential</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
MEMBER AT LARGE					
<b>Adams</b> Mr. Charles	Y	601 Avenue J Lubbock TX 79401	Charles Adams Gallery 4210 82nd Street Lubbock TX 79423	Curr: 2/1/2012 - 2/1/2014 2nd: - 1st: 2/1/2010 - 2/1/2012 Fax:	<b>N</b>
	Y	(806) 252-9939	(806) 788-1008		
			CEL		
				<i>E-mail</i> lubbart@yahoo.com	
LANDSCAPE ARCHITECT					
<b>Barber</b> Mr. Virgil	Y	4809 19th St. #14 Lubbock TX 79404	Avante 8201 Quaker Ave. Suite 110 Lubbock TX 79424	Curr: 2/1/2012 - 2/1/2014 2nd: - 1st: 3/25/2010 - 2/1/2012 Fax: (806) 794-6301	<b>N</b>
	Y	(806) 792-6500	(806) 794-6300		
			CEL		
				<i>E-mail</i>	
MEMBER AT-LARGE					
<b>Brink</b> Ms. Pamela	N	2707 54th Street Lubbock TX 79413	Associated Author & Editors 2301 Broadway Lubbock TX 79401	Curr: 2/1/2012 - 2/1/2014 2nd: - 1st: 2/1/2010 - 2/1/2012 Fax: (806) 744-3030	<b>N</b>
	N	(806) 793-0899	(806) 747-9200		
			CEL		
				<i>E-mail</i> aae1@nts-online.net	
HISTORY / POLITICAL SCIENCE					
<b>Carlson</b> Mr. Paul	Y	3 E. Brookhollow Drive Ransom TX 79366		Curr: 2/1/2013 - 2/1/2015 2nd: - 1st: 2/1/2011 - 2/1/2013 Fax:	<b>Y</b>
	Y	(806) 829-2463			
	N		CEL		
				<i>E-mail</i>	
URBAN PLANNER					
<b>Henry</b> Ms. Jane	Y	5233 20thn Street Lubbock TX 79407	Jane Henry Design	Curr: 8/8/2012 - 2/1/2014 2nd: - 1st: - Fax:	<b>Y</b>
	Y	(806) 780-1111	(806) 780-1111		
	Y		CEL		
				<i>E-mail</i>	

<b>Chair/Pres:</b>	Scott White	<b>Staff Liaison:</b>	Andrew Paxton
<b>Vice Chair/V.P.:</b>	Brianna Ingram	<b>Term:</b>	2 Years
<b>Sec./Treasurer:</b>		<b>Ex-Officio Mbr.:</b>	

**Committee #42 Urban Design/Historic Preservation Commission**

Perm./Temp. Board: **P**

	<i>Confidential</i>	<u>Home</u>	<u>Business</u>	<i>Reappt Elig.</i>
SOCIOLOGY/ANTHROPOLOGY			Museum of TTU	
<b>Hurst</b>	Y	7406 Waco Avenue Apt.A	Box 43191	<b>Curr:</b> 2/24/2011 - 2/1/2013 <b>Y</b>
<b>Mr. Stance</b>		Lubbock TX 79423	Lubbock TX 79423	<b>2nd:</b> -
	N			<b>1st:</b> -
	Y	(806) 224-5109	(806) 742-1117	<b>Fax:</b> (806) 742-1136
	Y	CEL		
<i>E-mail</i>				
BUILDING CONSTRUCTION			Ferguson Enterprises, Inc.	
<b>Ingram</b>	N	7020 95th St.	6002 42nd St	<b>Curr:</b> 2/1/2012 - 2/1/2014 <b>N</b>
<b>Ms. Brianna</b>		Lubbock TX 79424	Lubbock TX 79407	<b>2nd:</b> 2/1/2010 - 2/1/2012
	Y	(806) 789-2832	(806) 784-3140	<b>1st:</b> 4/27/2009 - 2/1/2010
		CEL		<b>Fax:</b> (806) 788-0516
<i>E-mail brianna.ingram@ferguson.com</i>				
ARCHEOLOGIST/PALENT OLOGY			Texas Tech Museum	
<b>Mueller</b>	Y	5020-D Kenosha Ave	3301 4th Street	<b>Curr:</b> 4/26/2012 - 2/1/2014 <b>Y</b>
<b>Mr. Bill</b>		Lubbock TX 79413	Lubbock TX 79415	<b>2nd:</b> -
	Y	mueller.bd@gmail.com		<b>1st:</b> -
	Y	(806) 787-9551	(806) 742-2442	<b>Fax:</b> (806) 742-1136
	Y	CEL		
<i>E-mail bill.mueller@ttu.edu</i>				
AT LARGE				
<b>Nathan</b>	Y	2113 E. 29th Street		<b>Curr:</b> 3/9/2012 - 2/1/2014 <b>Y</b>
<b>Ms. Jeanette</b>		Lubbock TX 79404		<b>2nd:</b> -
	Y			<b>1st:</b> -
	Y	(806) 782-5660		<b>Fax:</b>
	Y	CEL		
<i>E-mail jxnath1142@yahoo.com</i>				
ARCHITECT			SLS Partnership	
<b>Schellhase</b>	N	9605 Utica Dr	4416 74th Street, Ste. 86	<b>Curr:</b> 2/1/2013 - 2/1/2015 <b>Y</b>
<b>Mr. Scott</b>		Lubbock TX 79424	Lubbock TX 79424	<b>2nd:</b> -
	N			<b>1st:</b> -
	N	(806) 798-7669	(806) 794-4726	<b>Fax:</b> (806) 794-4667
	N	(806) 535-7570	CEL	
<i>E-mail</i>				

<b>Chair/Pres:</b>	Scott White	<b>Staff Liaison:</b>	Andrew Paxton
<b>Vice Chair/V.P.:</b>	Brianna Ingram	<b>Term:</b>	2 Years
<b>Sec./Treasurer:</b>		<b>Ex-Officio Mbr.:</b>	

**Committee #42 Urban Design/Historic Preservation Commission**

**Perm./Temp. Board: P**

*Confidential*

Home

Business

*Reappt  
Elig.*

MEMBER AT LARGE

**White  
Mr. Scott**

Y 2614 Ridge Road  
Lubbock TX 79403

Y (806) 741-0405

National Ranching Heritage Ce  
3121 4th Street  
Lubbock TX 79409

(806) 742-0498

**Curr:** 2/1/2013 - 2/1/2015 **N**  
**2nd:** 2/1/2011 - 2/1/2013  
**1st:** 2/12/2009 - 2/1/2011

**Fax:** (806) 742-0616

*E-mail*

*CEL*

**Chair/Pres:** Scott White  
**Vice Chair/V.P.:** Brianna Ingram  
**Sec./Treasurer:**

**Staff Liaison:** Andrew Paxton  
**Term:** 2 Years  
**Ex-Officio Mbr.:**

**CITY OF LUBBOCK  
SPECIAL CITY COUNCIL MEETING  
June 18, 2013  
2:00 P. M.**

**The City Council of the City of Lubbock, Texas met in special session on the 18th of June, 2013, at Lubbock, Power, & Light (LP&L), 1301 Broadway, Basement Conference Room A, Lubbock, Texas at 2:00 p. m.**

**2:03 P.M. CITY COUNCIL CONVENED**

**Lubbock, Power, & Light (LP&L), 1301 Broadway, Basement Conference Room A, Lubbock, Texas**

Present: Mayor Glen C. Robertson; Council Member Victor Hernandez; Council Member Latrelle Joy; Council Member Todd R. Klein; City Secretary Rebecca Garza; City Attorney Sam Medina

Absent: Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; 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 and discussed the following topics shown below.**

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

- 1.1; Executive Session; and 3.1-3.4
- Items 3.5-3.11 were deleted.

**1. MINUTES**

- 1. 1.** Approval of the minutes of the regular Electric Utility Board meeting of May 21, 2013.

Motion by Carroll McDonald, seconded by Emilio Abeyta, to approve the May 21, 2013 Electric Utility Board Meeting minutes.

**Vote:** 8 - 0 Motion carried by the board.

**2. EXECUTIVE SESSION**

**The meeting was called into a closed session at 2:03 p.m. under the provisions of Section 551, Texas Government Code. The meeting reconvened into a public session at 3:02 p.m.**

- 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 generation unit specific fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling and related agreements and related agreements including the following:

- a. Discuss and the board will take action on products and engineering services provided regarding the automation control station at Massengale Generation Station.

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 bidding and pricing information for purchased power, generation and fuel; purchased power agreements; risk management information and related services and strategies.
2. 1. 4. Discuss and the board will take action on 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 (1)(A) seeking the advice of its legal counsel about pending or contemplated litigation or settlement agreements and hold a consultation with the attorney (Appeal Case No. 07-12-0438-CV of Cause No. 2012-501,169, Republic Power Partners, L.P. v. WTMPA and the City of Lubbock; Claim No. 13-C-213; City of Lubbock Charter, Chapter 1, Article XII and Chapter 2, Division 12, §§2.03.411-2.03.418 of the Lubbock City Code and related state law).

### 3. REGULAR AGENDA

3. 1. Update/report by the CEO/Director of Electric Utilities regarding recent electric power restoration during the recent inclement weather events and its effect on LP&L resources and workload and related policies and procedures.

Gary Zheng, Chief Executive Officer for LP&L; and Dale Stephens, Director of Transmission and Distribution for LP&L, gave comments and answered questions from the board.

3. 2. Discuss, deliberate and the board will take possible take action on advanced metering and meter reading technologies, services, and related business practices and how it would affect reporting storm related outages.

Gary Zheng, Chief Executive Officer of LP&L; Dale Stephens, Director of Transmission and Distribution for LP&L; Damien Pantoya, Financial Director - Electric Utilities; and Felix Orta, Purchasing Manager - Electric Utilities, gave comments and answered questions from the board.

Motion by Marc McDougal, seconded by Dwight McDonald, to move forward with the RFP process.

**Vote:** 8 - 0 Motion carried by the board.

3. 3. Discuss, deliberate and the board will take possible action on amending the Electric Utility Board's Rules, Policies and Procedures to provide for a public comment period.

Emilio Abeyta gave comments and answered questions from the board regarding his written suggestions for a public comment period.

Motion by Clayton Isom, seconded by Dwight McDonald, to establish a public comment period.

**Vote:** 6 - 2 Motion carried by the board.

NAY: Marc McDougal and Carroll McDonald

Motion by Clayton Isom, seconded by Dwight McDonald to approve the following parameters for a public comment period:

- 1) comments tied only to the agenda

- 2) individual will have a 3 minute time limit, and
- 3) public comment period will be limited to 30 minutes total

**Vote:** 8 - 0 Motion carried by the board.

3. 4. Discuss, deliberate and the board will take possible action on customer service and business center procedures, policies, billing procedures, staffing and performance including separating the LP&L business office between the various city utilities and separating the utilities bills.

Dale Stephens, Director of Transmission and Distribution for LP&L; Dana Box, LP&L Customer Service Manager; and Soloman Fields, Utility Systems Support Manager, gave comments and answered questions from Council.

3. 5. Discuss, deliberate, and receive any general comments or guidance from the Electric Utility Board regarding LP&L's costs and expenses related to information technology.

**\*This item was deleted.**

3. 6. Discuss and the board will take action on the budget and capital improvement plan of Lubbock Power & Light for fiscal year 2013-2014 and make appropriate recommendations to the City Council of the City of Lubbock pursuant to § 2.03.415(a) of the Code of Ordinances, City of Lubbock, Texas, Chapter 2, Division 12.

**\*This item was deleted.**

3. 7. Discuss and deliberate electric transmission and distribution system performance, operations, staffing levels and related policies, projects and work management including information related to system reliability and continuity of service (to the extent not security-sensitive).

**\*This item was deleted.**

3. 8. The board will consider a resolution authorizing the award of ITB# 7137-13-ELD to Wesco Distribution for LP&L 15 KV Pad Mounted Switchgear.

**\*This item was deleted.**

3. 9. The board will consider a resolution authorizing the award ITB# 7139-13-ELD to Texas Electric Cooperative for LP&L 500 KCM Cable.

**\*This item was deleted.**

3. 10. The board will consider a resolution approving an amendment to the Professional Services Agreement for Electric Rate Study and Modeling (Contract 10672) with J. Stowe & Co. providing for additional funds and extending the term for additional services requested.

**\*This item was deleted.**

3. 11. Discuss, deliberate and the board will take possible action on policies and procedures relating to requests for reimbursement for expenses associated with switching secondary electric utility service underground for downtown redevelopment.

**\*This item was deleted.**

**3:56 P.M. CITY COUNCIL ADJOURNED**

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

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

**CITY OF LUBBOCK**  
**SPECIAL CITY COUNCIL MEETING**  
**June 26, 2013**  
**3:00 P. M.**

**The City Council of the City of Lubbock, Texas met in special session on the 26th of June, 2013, Lubbock, Power, & Light (LP&L), Second Floor Conference Room, 1301 Broadway, Lubbock, Texas at 3:00 p. m.**

**3:00 P.M. CITY COUNCIL CONVENED**

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

Present: Mayor Glen C. Robertson; Mayor Pro Tem Karen Gibson; Council Member Latrelle Joy; Council Member Todd R. Klein; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

Absent: Council Member Jim Gerlt; Council Member Victor Hernandez; Council Member Floyd Price

**1. Regular Agenda**

- 1. 1.** Discuss and the board will take action on the budget and capital improvement plan of Lubbock Power & Light for fiscal year 2013-2014 and make appropriate recommendations to the City Council of the City of Lubbock pursuant to § 2.03.415(a) of the Code of Ordinances, City of Lubbock, Texas, Chapter 2, Division 12.

Chad Sales, Electric Utility Financial Analyst; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from the board.

Motion by Suzanne Blake, seconded by Carroll McDonald to approve budget as is then take a look at it for the next fiscal year.

**Vote:** Motion carried 8 - 1  
NAY: Dwight McDonald

**3:30 P.M. CITY COUNCIL ADJOURNED**

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

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

**CITY OF LUBBOCK**  
**SPECIAL CITY COUNCIL MEETING**  
**July 19, 2013**  
**3:30 P. M.**

**The City Council of the City of Lubbock, Texas met in special session on the 19th of July, 2013, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 3:30 p. m.**

**3:30 P.M. CITY COUNCIL CONVENED**  
**City Council Chambers, 1625 13th Street, Lubbock, Texas**

Present: Mayor Glen C. Robertson; Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; Council Member Victor Hernandez; Council Member Latrelle Joy; Council Member Todd R. Klein; Council Member Floyd Price; City Secretary Rebecca Garza; City Attorney Sam Medina

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

- *Executive Session; and 2.2-2.3.*
- *Item 2.1 was deleted.*

**1. Executive Session**

**The meeting was called into a closed session at 3:30 p.m under the provisions of Section 551, Texas Government Code. The meeting was called back into a public session at 5:27.**

1. 1. Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A.) Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney.
  1. 1. 1. Discuss matters concerning the City's retention/use of outside counsel as it pertains to the Council's previous charge and/or any future charge to Mr. Tom Riney.
  1. 2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074, to discuss personnel matters and take appropriate action.
    1. 2. 1. Discuss options for the appointment of an Acting City Manager for the City of Lubbock.
    1. 2. 2. Discuss matters concerning the hiring of a City Manager for the City of Lubbock including but not limited to any and all options, methods, searches, time lines, and procedures.

**2. Regular Agenda**

2. 1. Discuss and take action concerning the City's retention/use of outside counsel as it pertains to the Council's previous charge and/or any future charge to Mr. Tom Riney.

**This item was deleted.**

- 2. 2.** Discuss and take action concerning the appointment of an Acting City Manager for the City of Lubbock.

Motion by Council Member Jim Gerlt, seconded by Council Member Floyd Price to appoint James Loomis to the position of Acting City Manager for an annualized salary of \$205,000, effective immediately.

**Vote:** 7 - 0 Motion carried

- 2. 3.** Discuss and take action concerning matters for the hiring of a City Manager for the City of Lubbock including options, methods, searches, time lines, and procedures.

Motion by Council Member Victor Hernandez, seconded by Mayor Pro Tem Karen Gibson to have a work session item to be held on August 8, 2013, or the one thereafter, to discuss matters concerning the options, methods, search options, job requirements, time-lines, and procedures in the hiring of a City Manager for the City of Lubbock.

**Vote:** 7 - 0 Motion carried

**5:32 P.M. CITY COUNCIL ADJOURNED**

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

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

**CITY OF LUBBOCK**  
**SPECIAL CITY COUNCIL MEETING**  
**July 22, 2013**  
**3:00 P. M.**

**The City Council of the City of Lubbock, Texas met in special session on the 22nd of July, 2013, at Lubbock, Power, & Light (LP&L), 1301 Broadway, Basement Conference Room A, Lubbock, Texas at 3:00 p. m.**

**3:06 P.M. CITY COUNCIL CONVENED**

**Lubbock, Power, & Light (LP&L), 1301 Broadway, Basement Conference Room A, Lubbock, Texas**

Present: Mayor Glen C. Robertson; Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; Council Member Victor Hernandez; Council Member Latrelle Joy; Council Member Todd R. Klein; Council Member Floyd Price; Acting City Manager James Loomis; City Secretary Rebecca Garza; City Attorney Sam Medina

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

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

- *Items 2.1-2.3 were addressed together.*
- *Items 1.1 and 2.4 were deleted.*

**1. EXECUTIVE SESSION**

- 1. 1.** Hold an executive session in accordance with V.T.C.A. Government Code, §551.074 (a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties of a public officer or employee (Director of Electric Utilities; General Counsel).

**\*This item was deleted.**

**2. REGULAR SESSION**

Motion by Marc McDougal, seconded by Carroll McDonald to take Items 1.1 and 2.1-2.4 out of order.

- 2. 1.** Discuss, deliberate and the board will take possible action on customer service and business center procedures, policies, billing procedures and processes, staffing and performance.

**This item was discussed with Item 2.3.**

2. 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, revenue and expense projections of Lubbock Power & Light.

**This item was discussed with item 2.3.**

2. 3. Discuss, deliberate and the board will take possible action on recommendations to the City Council regarding the retail electric rates of LP&L, including any changes thereto, pursuant to §2.03.415(a) of the Code of Ordinances of the City of Lubbock.

Joe Mancinelli, President of J. Stowe & Co., gave a presentation of the LP&L cost of study and rate design. Soloman Fields, Utility Systems Support Manager, gave a presentation on the migration and billing glitch. Chris Sims, Director of Communication and Compliance; and Dale Stephens, Director of Transmission and Distribution gave comments and answered questions from the Board and Council Members.

Motion by Carroll McDonald, seconded by Dwight McDonald to accept staff's recommendations.

**Vote:** 9 - 0 Motion carried by the board

2. 4. Discuss, deliberate and the board will take possible action on entering into a professional services agreement for outside legal representation for Lubbock Power & Light.

**\*This item was deleted.**

#### **5:55 P.M. CITY COUNCIL ADJOURNED**

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

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GLEN C. ROBERTSON, MAYOR

ATTEST:

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Rebecca Garza, City Secretary

**CITY OF LUBBOCK**  
**SPECIAL CITY COUNCIL MEETING**  
**July 23, 2013**  
**1:00 P. M.**

**The City Council of the City of Lubbock, Texas met in special session on the 23rd of July, 2013 in Committee Room 103, City Hall, 1625 13th Street, Lubbock, Texas at 1:00 p. m.**

**1:00 P.M. CITY COUNCIL CONVENED**  
**Committee Room 103, 1625 13th Street, Lubbock, Texas**

Present: Mayor Glen C. Robertson; Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; Council Member Victor Hernandez; Council Member Latrelle Joy; Council Member Todd R. Klein; Council Member Floyd Price; Acting City Manager James Loomis; City Secretary Rebecca Garza; City Attorney Sam Medina

- 1. Work Session/Business Agenda - Items for presentations and discussions on such issues that may require more in-depth consideration of the City Council than Regular Agenda items. Action may be taken on a Work Session/Business Agenda item if the posting of the item indicates to the public the action to be taken.**
- 1. 1.** Discussion of the Proposed FY 2013-14 Operating Budget and Capital Program; and discuss all funds and operations of the City.

Cheryl Brock, Budget Director, gave a presentation on the Proposed FY 2013-14 Operating Budget and Capital Program and answered questions from Council.

James Capps, Senior Financial Analyst; Mike Keenum, Storm Water Engineer; James Loomis, Acting City Manager; Pam Moon, Director of Finance; Aubrey Spear, Director of Water Resources; Wood Franklin, City Engineer; Scott Snider, Assistant City Manager; Leslie Cox, Director of Fleet Operations; and Quincy White, Assistant City Manager, gave comments and answered questions from Council regarding the Proposed FY 2013-14 Operating Budget and Capital Program.

**2:53 P.M. CITY COUNCIL ADJOURNED**

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

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**July 23, 2013**  
**3:00 P. M.**

**The City Council of the City of Lubbock, Texas met in regular session on the 23rd of July, 2013, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 3:00 p. m.**

**3:00 P.M. CITY COUNCIL CONVENED**  
**City Council Chambers, 1625 13th Street, Lubbock, Texas**

Present: Mayor Glen C. Robertson; Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; Council Member Victor Hernandez; Council Member Latrelle Joy; Council Member Todd R. Klein; Council Member Floyd Price; City Secretary Rebecca Garza; City Attorney Sam Medina

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

- *Executive Session; 2.1-2.4; Citizen Comments 3.1 (Sign-ups); 4.1; 5.2-5.5; 5.7-5.10; 5.1; 5.6; 5.11-5.13; 6.1; 6.4-6.5; 6.7-6.8; and 7.1.*
- *Items 6.2-6.3; and 6.6 were deleted.*
- *Items 6.9-6.10 were postponed to the next Regular City Council Meeting.*

**1. Executive Session**

**The meeting was called into a closed session at 3:00 p.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into a public session at 6:15 p.m.**

1. 1. Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A.) Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney.
  1. 1. 1. Statement of Intent filed by Atmos Energy Corporation on February 7, 2012, to increase gas utility rates within the incorporated areas serviced by Atmos Energy Corporation, West Texas, including but not limited to, the City's ongoing appeal and all related options thereof.
  1. 1. 2. Easement and consent to allow the City to enter and to properly treat salt cedar and other invasive plant species on private property around Lake Alan Henry.
1. 2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property.
  1. 2. 1. Discussion of land acquisition for Police Department.
1. 3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074, to discuss personnel matters and take appropriate action.
  1. 3. 1. City Attorney

1. 3. 2. City Secretary

1. 4. Hold an executive session in accordance to V.T.C.A. Government Code, Section 551.074, to discuss personnel matters regarding the duties, responsibilities, and/or appointments to the Building Board of Appeals, Canadian River Municipal Water Authority, and the Planning & Zoning Commission.

**6:15 P.M. CITY COUNCIL RECONVENED  
Council Chambers**

**\*Note: Councilman Todd R. Klein arrived for open session at 7:05 p.m.**

**2. Proclamations and Presentations**

2. 1. Invocation by Associate Pastor Randy Holman, First Baptist Church.

Pastor Randy Holman, First Baptist Church, led the invocation.

2. 2. Pledges of Allegiance

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

2. 3. Presentation of a special recognition to Catrennia Williamson for receiving the 2013 Rosie Award.

Mayor Robertson presented a special recognition to Catrennia Williamson for receiving the 2013 Rosie Award. Ms. Williamson appeared to accept the recognition and gave thanks to the Council for their support.

2. 4. Presentation of special recognition to the delegates from Musashino City, Japan.

Mayor Pro Tem Karen Gibson presented a special recognition to the Junior Friendship Delegates from our sister city, Musashino, Japan. Mamoru Kori, Delegation Leader & Director of Environmental Affairs in Musashino City, gave comments about the program and thanks to the Council and citizens of Lubbock for their hospitality. Hideyuki Numanaka and Yoshihiro Aogaki, Junior Delegates from Musashino City, also gave comments and extended their appreciation. The adult delegates in attendance were: Mamoru Kori, Delegation Leader & Director of Environmental Affairs in Musashino City; Kazuhiko Fukuyama, Domestic Affairs in Musashino City; Yumeko Ishitsuka, Urban Design & Improvements in Musashino City; and Yuka Dorsey, Interpreter. The 2013 Japanese Junior Ambassadors were: Yoshihiro Aogaki, Hideki Aoki, Yusuke Abe, Minori Inuma, Yui Okamoto, Toa Kato, Tsuyoshi Saito, Fubuki Sato, Kazuma Sano, Natsuka Chiba, Hideyuki Numanaka, Yuiko Matsui, Runa Murakami, Mayako Yamashita, Mone Yamada, and Rurika Yoshino.

**3. Citizen Comments - Any citizen wishing to appear before any regular meeting of the City Council shall advise the City Manager's office of that fact no later than seven calendar days before the meeting at which the citizen wishes to appear. Any citizen wishing to so appear shall inform the City Manager's office, in writing, of the subject of the appearance. The subject matter shall be sufficiently detailed as to inform the City Council and the public of its nature. Such notice shall contain the name and address of the requestor. The appearance of any citizen giving such notice to the City Manager's office shall take precedence in addressing the City Council during the Citizen Comments period. Any citizen failing to advise the City Manager's office of his/her wish to appear before the City Council as hereinabove set forth shall, time permitting, be permitted to address the City Council after those having given notice. In accordance with the Texas Open Meetings Act, the City Council may not take action on public**

## **matters during Citizen Comments.**

### **3. 1. Sign-ups:**

- Nitra Barnes, Ellen Cotton, L.J. Castleman, Josh Randolph, Ysidro Gutierrez, Mikel Ward, Jama Maritt, George Hatfield, Armando Gonzales, Roger Settler, and Naida Gonzales, appeared before Council to discuss LP&L billing issues and in opposition of the rate increase.
- Marge Harck appeared before Council to give thanks for the Council's time and dedication.
- Norma Valdez, Honeywell employee, appeared before Council to introduce Honeywell and offer its services.
- Chené Brown appeared before Council to speak in favor of item 6.1 (Juvenile Curfew Ordinance), to speak against annexations in southwest Lubbock, and to speak against the LP&L rate increase.
- Maurice Stanley appeared before Council to speak in opposition of item 6.2 (Annexation from Real Property Resources and KPA Ministries, Inc.), repairs for the city, and in favor of Item 6.7 (Commitment Agreement for land by the Lubbock Entertainment and Performing Arts Association for constructing a Performing Arts Center).
- Burley Owen appeared before Council to speak in opposition of LP&L rate increases, in opposition of smart meters, and in opposition of the land donation related to item 6.7 (Commitment Agreement for land by the Lubbock Entertainment and Performing Arts Association for constructing a Performing Arts Center).

### **4. Minutes**

#### **4. 1. June 27, 2013 Regular City Council Meeting.**

Motion by Council Member Floyd Price, seconded by Mayor Pro Tem Karen Gibson to approve the June 27, 2013 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 Karen Gibson, seconded by Council Member Latrelle Joy to approve items 5.2-5.5; and 5.7-5.10.

**Vote:** 7 - 0 Motion carried

#### **5. 1. Budget Ordinance Amendment 1st Reading - Finance : Ordinance No. 2013-O0071, Amendment 26, amending the adopted FY 2012-13 budget respecting the Grant Fund to accept and appropriate additional funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Community Services Block Grant (CSBG).**

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2013-O0071.

**Vote:** 6 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)

5. 2. **Contract Resolution - Public Works Engineering:** Resolution No. 2013-R0227 authorizing the Mayor to execute contract 11401 with Lone Star Dirt & Paving, Ltd. for construction of ADA ramps and sidewalk improvements, ITB 13-11401-TF.
5. 3. **Ordinance 1st Reading - Public Works Traffic Engineering :** Ordinance No. 2013-O0070 amending Section 20.05.103 of the Code of Ordinances of the City of Lubbock with regard to the establishment of school zones.
5. 4. **Resolution - Information Technology :** Resolution No.'s 2013-R0228 and 2012-R0229 authorizing the Mayor to execute contract 11179 with Cequel Communications, LLC dba Suddenlink Communications and contract 11411 with AT&T for internet access via non-wireless connection, RFP 13-11179-DT.
5. 5. **Resolution - Information Technology :** Resolution No. 2013-R0230 authorizing the Mayor to execute purchase order contract 14200017 with Abacus Computers, Inc. for the purchase of equipment to upgrade the Storage Area Network (SAN) for the Police Department DP-3 Server.
5. 6. **Contract Resolution - Civic Center:** Resolution No. 2013-R0235 authorizing the Mayor to execute contract 11384 with CS Advantage USAA, Inc. for the Lubbock Memorial Civic Center roof replacement project, ITB 13-11384-TF.

Scott Snider, Assistant City Manager, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Victor Hernandez to approve Resolution No. 2013-R0235.

**Vote:** 7 - 0 Motion carried

5. 7. **Contract Resolution - Fleet:** Resolution No. 2013-R0231 authorizing the Mayor to execute purchase order contract 27500033 with Tennant Sales and Service Company for a power scrubber/sweeper for the Civic Center.
5. 8. **Resolution - Police Department :** Resolution No. 2013-R0232 authorizing the Mayor to execute a Memorandum of Understanding (MOU) with Lubbock-Cooper Independent School District regarding law enforcement services.
5. 9. **Resolution - Transit:** Resolution No. 2013-R0233 authorizing the Mayor to execute contract 11452 between the City and Texas Tech University (TTU) for campus bus service.
5. 10. **Resolution - Animal Services:** Resolution No. 2013-R0234 authorizing the Mayor to execute contract 11380 with JLW-LBB Veterinary Clinic, PA dba Kingsgate Animal Hospital for veterinary services, RFP 13-11380-DT.
5. 11. **Resolution - Economic Development:** Resolution No. 2013-R0236 approving a program or expenditure by the Lubbock Economic Development Alliance to be provided to Professional Rebuild & Optimal Service, LLC for economic development purposes.

John Osborne, CEO, Lubbock Economic Development Alliance (LEDA), gave comments and answered questions from Council.

Motion by Council Member Jim Gerlt, seconded by Council Member Todd R. Klein to approve Resolution No. 2013-R0236.

**Vote:** 6 - 1 Motion carried

NAY: Mayor Glen C. Robertson

- 5. 12. Resolution - Economic Development:** Resolution No. 2013-R0237 approving a program or expenditure by the Lubbock Economic Development Alliance to be provided to AmpliSine Labs, LLC for economic development purposes.

John Osborne, CEO, Lubbock Economic Development Alliance (LEDA), gave comments and answered questions from Council.

Motion by Council Member Jim Gerlt, seconded by Council Member Todd R. Klein to approve Resolution No. 2013-R0237.

**Vote:** 6 - 1 Motion carried

NAY: Mayor Glen C. Robertson

- 5. 13. Resolution - Economic Development:** Resolution No. 2013-R0238 approving a program or expenditure by the Lubbock Economic Development Alliance to be provided to Taylor Chemical LTD DBA SERVCO Chemical for economic development purposes.

John Osborne, CEO, Lubbock Economic Development Alliance (LEDA), gave comments and answered questions from Council.

Motion by Council Member Jim Gerlt, seconded by Council Member Todd R. Klein to approve Resolution No. 2013-R0238.

**Vote:** 6 - 1 Motion carried

NAY: Mayor Glen C. Robertson

## **6. Regular Agenda**

- 6. 1. Public Hearing - Police Department :** Conduct the second public hearing to receive comments on the Juvenile Curfew Ordinance, which was recodified in 2012.

Mayor Robertson opened the public hearing at 7:51 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:51 p.m.

- 6. 2. Public Hearing 6:30 p.m. - Planning :** Conduct a public hearing and consider an ordinance for annexation from Real Property Resources and KPA Ministries, Inc. to annex a parcel approximately 80 acres adjacent to the City limits north of 130th Street (FM 1585) east of Flint Avenue.

**This item was deleted.**

- 6. 3. Public Hearing 6:30 p.m. - Planning :** Conduct a public hearing and consider an ordinance for annexation from Ford Development Corporation to annex a parcel approximately 76 acres adjacent to the City limits one half mile south of 130th Street (FM 1585) east of Quaker Avenue.

**This item was deleted.**

- 6. 4. Public Hearing 6:30 p.m. - Planning :** Ordinance No. 2013-O0072 a request for Zone Case 3116-B, a request of Hugo Reed and Associates, Inc. (for FP Investors I, LLC) for a zoning change from A-2 to GO on 7.1 acres of unplatted land out of Block AK, Section 4 (130th Street at the intersections of Memphis Avenue and Norfolk Avenue) and consider an ordinance.

Mayor Robertson opened the public hearing at 7:53 p.m.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:53 p.m.

Motion by Council Member Jim Gerlt, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2013-O0072.

**Vote:** 7 - 0 Motion carried

- 6. 5. Public Hearing 6:30 p.m. - Planning :** Ordinance No. 2013-O0073 a request for Zone Case 2508-K, a request of AMD Engineering, LLC (for Lubbock Land Company, LLC) for a zoning change from R-1 Specific Use to R-1 Specific Use for townhomes on 4.95 acres of unplatted land out of Block E-2, Section 20 (113th Street and Boston Avenue) and consider an ordinance.

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

Mayor Robertson opened the public hearing at 7:54 p.m.

Chenè Brown appeared before Council to ask questions regarding the zoning.

No one appeared to speak in favor or opposition.

Mayor Robertson closed the public hearing at 7:55 p.m.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Jim Gerlt to approve Ordinance No. 2013-O0073.

**Vote:** 7 - 0 Motion carried

- 6. 6. Councilwoman Joy :** Discuss and take action on issues related to the evaluation of the City Attorney and the City Secretary, including but not limited to the process, form and method of such evaluation.

**This item was deleted.**

- 6. 7. Resolution:** Resolution No. 2013-R0239 authorizing the Mayor to execute a Commitment Agreement regarding a request for land by the Lubbock Entertainment and Performing Arts Association for the purpose of constructing a Performing Arts Center.

Tim Collins, Chairman of the Lubbock Entertainment and Performing Arts Association; and Kathy Gilbreath, with the Lubbock Entertainment and Performing Arts Association, gave comments and answered questions from Council.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Jim Gerlt to approve Resolution No. 2013-R0239 with amendments proposed by Council Member Todd R. Klein to read as follows:

- WHEREAS, LEPA is a nonprofit organization founded in 2013, with donations and grants from interested and caring citizens, organizations and charitable foundations of Lubbock and the region, to support it in achieving its goal of building, operating, and maintaining at state-of-the-art entrainment and performing facility to include concerts, ballet programs, symphony performances, Broadway shows, lecture series, cultural exhibits, and educational materials; and
- WHEREAS, the LEPA has already raised more than twenty million dollars (\$20,000,000) in pledges, is committed to raise all the money necessary to begin building the Performing Arts Center on or before December 31, 2017, and intends to continue raising money for operating and maintaining the Performing Arts Center once completed;

**Vote:** 7 - 0 Motion carried

- 6. 8. Board Appointments - City Secretary:** Consider two appointments to the Building Board of Appeals, one appointment to the Canadian River Municipal Water Authority, one appointment to the Citizens Traffic Commission, three appointments to the Civic Lubbock Inc. Board of Directors, four appointments to the Lubbock Water Advisory Commission, one appointment to the Museum & Arts Standing Sub Committee, and one appointment to the Planning & Zoning Commission.

**Building Board of Appeals:** Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Gibson, to reappoint Ken Ellis, and to appoint Joe Rushing to replace Eddie Young.

**Vote:** 7 - 0 Motion carried

**Canadian River Municipal Water Authority:** Motion by Council Member Todd R. Klein, seconded by Council Member Latrelle Joy, to reappoint James Collins.

**Vote:** 7 - 0 Motion carried

**Citizens Traffic Commission:** Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gerlt, to appoint Rebecca Ramirez to replace Reymundo Torres.

**Vote:** 7 - 0 Motion carried

**Civic Lubbock, Inc. Board of Directors:**

Motion by Council Member Todd R. Klein, seconded by Council Member Latrelle Joy, to reappoint Don Caldwell and Donald Haragan.

**Vote:** 7 - 0 Motion carried

Motion by Council Member Latrelle Joy, seconded by Council Member Todd R. Klein, to appoint Sammie Prather to replace Louis Kelley.

**Vote:** 7 - 0 Motion carried

**Lubbock Water Advisory Commission:**

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson, to postpone the *At Large* position.

**Vote:** 7 - 0 Motion carried

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Latrelle Joy, to reappoint James Collins, Ron Phillips, and George Sell.

**Vote:** 7 - 0 Motion carried

**Museum & Arts Standing Sub-Committee:** Nominations and votes were taken as follows:

Pat Maines: 1 Aye (Council Member Price)

Heather Hocker: 6 Ayes (Mayor Robertson, Mayor Pro Tem Gibson, and Council Members Gerlt, Hernandez, Joy, and Klein)

Heather Hocker was declared appointed to the Museum & Arts Standing Sub-Committee.

**Planning & Zoning Commission:** Nominations and votes were taken as follows:

James Conwright: 2 Ayes (Council Members Joy and Klein)

Michael Wilson: 5 Ayes (Mayor Robertson, Mayor Pro Tem Gibson, and Council Members Gerlt, Hernandez, and Price)

Michael Wilson was declared appointed to the Planning and Zoning Commission.

- 6. 9. Board Appointments - City Secretary :** Consider 15 appointments to the Citizen Advisory Committee 2014, as per Resolution 2013-R0189.

**This item was postponed to the next Regular City Council Meeting.**

- 6. 10. Board Appointments - City Secretary :** Appoint the Chair, or Co-Chairs, to the Citizen Advisory Committee 2014, as per Resolution 2013-R0189.

**This item was postponed to the next Regular City Council Meeting.**

- 7. Work Session/Business Agenda - Items for presentations and discussions on such issues that may require more in-depth consideration of the City Council than Regular Agenda items. Action may be taken on a Work Session/Business Agenda item posting if the item indicates to the public the action to be taken.**

- 7. 1.** Presentation by the Board of Health Chairman, Brian Carr, presenting the resolution of recommendations to the City Council on oil and gas fracturing in the City limits.

Dr. Brian Carr, Board of Health Chairman, appeared before Council to discuss the resolution of recommendations to the City Council on oil and gas fracturing in the City limits. Dr. Anne Epstein, Board of Health Member, appeared to give the presentation regarding the Board of Health's findings and recommendations, and answered questions from the Council.

**8:58 P.M. CITY COUNCIL ADJOURNED**

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

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GLEN C. ROBERTSON, MAYOR

ATTEST:

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Rebecca Garza, City Secretary

**CITY OF LUBBOCK  
SPECIAL CITY COUNCIL MEETING  
July 30, 2013  
11:30 P. M.**

**The City Council of the City of Lubbock, Texas met in special session on the 30th of July, 2013, at the McKenzie-Merket Alumni Center, Texas Tech University, 1700 University Avenue, Lubbock, Texas at 11:30 p. m.**

**11:35 P.M. CITY COUNCIL CONVENED**

**McKenzie-Merket Alumni Center, Texas Tech University, 1700 University Avenue, Lubbock, Texas**

Present: Mayor Glen C. Robertson; Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; Council Member Latrelle Joy; Council Member Todd R. Klein; Acting City Manager James Loomis; City Secretary Rebecca Garza; City Attorney Sam Medina

Absent: Council Member Victor Hernandez; Council Member Floyd Price

**11:35 A.M. CITY COUNCIL RECESSED**

**1. Regular Agenda**

**1. 1. Lunch and Networking**

**This item was deleted.**

**12:00 P.M. CITY COUNCIL RECONVENED**

**1. 2. Welcome, Invocation, & Introductions**

Carlos Morales, Chairman - Chamber of Commerce Board of Directors, welcomed and thanked those in attendance. Irasema Velasquez, Vice Chairwoman - Chamber of Commerce Board of Directors, led the invocation.

**1. 3. Imagine Lubbock Together (ILT) Opening Remarks**

David Seim, ILT Co-Chairman, gave opening remarks to those in attendance and thanked everyone for their support of Imagine Lubbock Together.

**1. 4. Final Vision and Strategic Plan Presentation**

Connie Wharton, ILT Co-Chairwoman, presented the Final Vision and Strategic Plan Presentation for Imagine Lubbock Together.

**1. 4. 1.** Background and Introduce the Plan

Connie Wharton, ILT Co-Chairwoman, presented the Imagine Lubbock Together background and introduced the plan.

**1. 4. 2.** Initial Successes/Catalytic Projects

a. LEPAA/Performing Arts Center - Tim Collins discussed the Lubbock Entertainment and Performing Arts Association and the future Performing Arts Center.

b. LDDC - Jim Gilbreath discussed the Lubbock Downtown Development Corporation and their future plans for Lubbock.

c. Community Workforce Partnership/ELPN - David Langston discussed the Community Workforce Partnership and the East Lubbock Promise Neighborhood.

**1. 4. 3.** Where to go from here?

Connie Wharton, ILT Co-Chairwoman, discussed the future plans of Imagine Lubbock Together.

**1. 4. 4.** Conclusion - Call to action from the Chamber of Commerce Board of Directors

Carlos Morales, Chairman - Chamber of Commerce Board of Directors, gave closing remarks.

**1. 5. The Chamber of Commerce Board of Directors will approve Resolution in Support of Imagine Lubbock Together Vision and Strategic Plan.**

Carlos Morales, Chairman - Chamber of Commerce Board of Directors

**\*This item was deleted.**

**1. 6. Chairman's Comments**

Carlos Morales, Chairman - Chamber of Commerce Board of Directors

**\*This item was deleted.**

**12:55 P.M. CITY COUNCIL ADJOURNED**

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

---

GLEN C. ROBERTSON, MAYOR

ATTEST:

---

Rebecca Garza, City Secretary

**CITY OF LUBBOCK**  
**SPECIAL CITY COUNCIL MEETING**  
**July 30, 2013**  
**6:00 P. M.**

**The City Council of the City of Lubbock, Texas met in special session on the 30th of July, 2013, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 6:00 p. m.**

**6:00 P.M. CITY COUNCIL CONVENED**  
**City Council Chambers, 1625 13th Street, Lubbock, Texas**

Present: Mayor Glen C. Robertson; Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; Council Member Victor Hernandez; Council Member Latrelle Joy; Council Member Todd R. Klein; Council Member Floyd Price; Acting City Manager James Loomis; City Secretary Rebecca Garza; City Attorney Sam Medina

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

- *1.2; and 1.1*
- *Items 1.3-1.6 were addressed together.*

**1. Regular Agenda**

- 1. 1.** Consider and take action to rescind, delay, or otherwise amend the electric rate changes as previously adopted by the Lubbock City Council in Resolution No. 2013-R0153 on May 9, 2013.

Joe Mancinelli, President of J. Stowe & Co., gave a presentation on the Lubbock, Power, & Light rate structure and answered questions from Council.

Damien Pantoya, Financial Director, Electric Utilities; and Cheryl Brock, Budget Director, gave comments and answered questions from Council.

Motion by Council Member Victor Hernandez, seconded by Mayor Pro Tem Karen Gibson to rescind the electric rate as previously adopted by the Lubbock City Council in Resolution No. 2013-R0153 on May 9, 2013, and reinstate the electric rate change on October 1, 2013.

**Vote: 2 - 5 Failed**

NAY: Council Member Jim Gerlt  
Council Member Victor Hernandez  
Council Member Latrelle Joy  
Council Member Todd R. Klein  
Council Member Floyd Price

1. 2. **Resolution - Mayor Pro Tem Karen Gibson:** Consider a resolution to amend the current electric tariff and rate structure of Lubbock Power & Light with respect to fees assessed in connection with agreed payment plans, including the waiver thereof under certain circumstances.

Sam Medina, City Attorney; Damien Pantoya, Financial Director, Electric Utilities; Soloman Fields, Utility Systems Support Manager; and Chris Sims, Director of Communication and Compliance, gave comments and answered questions from the Council.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Jim Gerlt to consider a resolution to amend the current electric tariff and rate structure of Lubbock, Power, & Light with respect to fees assessed in connection with agreed payment plans, including the waiver thereof under certain circumstances.

**Vote:** 3 - 4 Failed

NAY: Council Member Victor Hernandez  
Council Member Latrelle Joy  
Council Member Todd R. Klein  
Council Member Floyd Price

1. 3. Discuss the FY2013-2014 budget for Lubbock Power & Light, the billing, collection, and other business practices of Lubbock Power & Light, as well as the exercise of City Council authority under Articles IX and XII of the City Charter vis-à-vis Lubbock Power & Light.

**This item was discussed with item 1.1.**

1. 4. Discuss the FY 2012-13 budget for Lubbock Power & Light.

**This item was discussed with item 1.1.**

1. 5. **Budget Ordinance Amendment 1st Reading- Finance :** Consider Budget Ordinance Amendment 28 amending the adopted FY 2012-13 budget respecting the Lubbock Power and Light (LP&L) fund by suspending the franchise fee paid to the City of Lubbock General Fund for a period of 60 days, beginning August 1, 2013, and adjust funding to the City of Lubbock General Fund through an adjustment to the sales tax.

**This item was discussed with item 1.1.**

1. 6. **Budget Ordinance Amendment 1st Reading- Finance :** Consider Budget Ordinance Amendment 29 amending the adopted FY 2012-13 budget respecting the Lubbock Power and Light (LP&L) fund by increasing the transfer from the City of Lubbock General Fund to the LP&L fund in an amount up to \$3,000,000 and adjust funding to the City of Lubbock General Fund through an adjustment to the sales tax.

**This item was discussed with item 1.1.**

**8:22 P.M. CITY COUNCIL ADJOURNED**

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

---

GLEN C. ROBERTSON, MAYOR

ATTEST:

---

Rebecca Garza, City Secretary



**Regular City Council Meeting**

**5. 1.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Ordinance 1st Reading – Right-of-Way:** An ordinance abandoning and closing two five-foot Lubbock Power & Light (LP&L) underground utility easements located in Fox Ridge Addition, Lubbock County Texas, 9806 and 9805 Vernon Avenue.

**Item Summary**

This ordinance abandons and closes two five-foot wide LP&L easements located in Fox Ridge Addition, just south of 98th Street and Vernon Avenue. The lots are being re-platted and the easements will be relocated to the north. LP&L is in agreement with the easement closures.

**Fiscal Impact**

None.

**Staff/Board Recommending**

R. Keith Smith, P. E., Chief Operating Officer

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**Attachments**

Ordinance - Fox Ridge

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ABANDONING AND CLOSING TWO 5-FOOT LP&L UNDERGROUND UTILITY EASEMENTS, LOCATED IN FOX RIDGE ADDITION TO THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE: DIRECTING THE CITY ENGINEER TO MARK THE OFFICIAL MAPS OF THE CITY TO REFLECT SAID ABANDONMENT AND CLOSING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council finds that the easements as 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, and it would be in the public interest to close, vacate and abandon the same; 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 as follows.

North 5' of Lots 174 and 177 Fox Ridge Addition to the City of Lubbock, Lubbock County, Texas, recorded under County Clerk File No. 2010039440.

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 \_\_\_\_\_, 2013.

Passed by the City Council on second reading this \_\_\_\_\_, 2013.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

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Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

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Dave Booher, Right-of-Way Agent

APPROVED AS TO FORM:

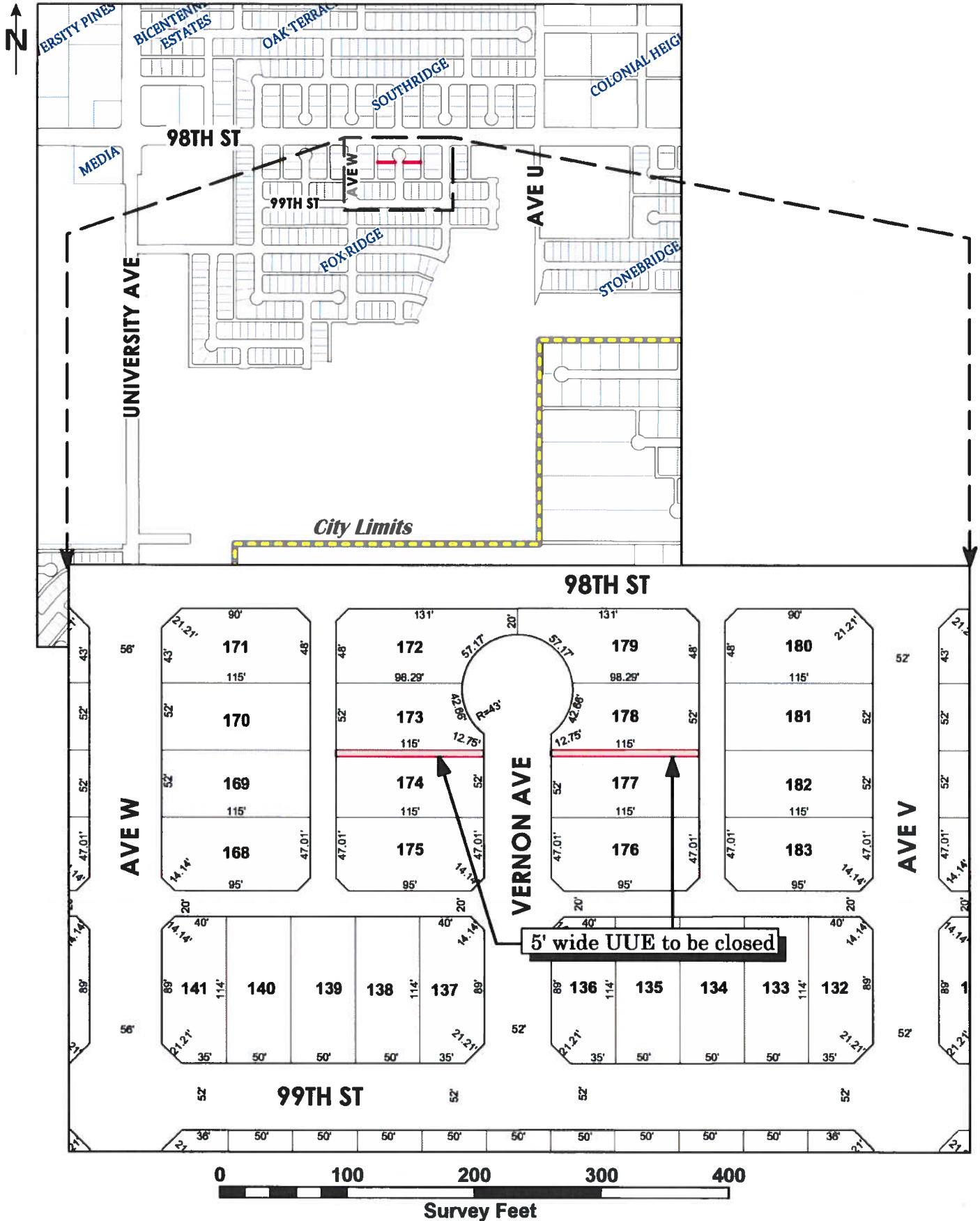
  

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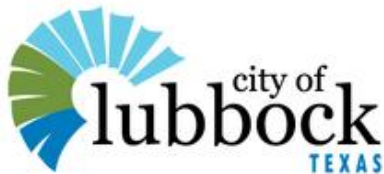
Chad Weaver, Assistant City Attorney

A&C-Easements-Fox Ridge Addn.ord  
7.30.13

# Proposed Closing of 2 Lubbock Power & Light - 5' wide Underground Utility Easements Located Along North 5' of Lots 174 & 177, Fox Ridge 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. 2.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Ordinance 1st Reading – Right-of-Way:** An ordinance abandoning and closing a portion of a 30-foot wide sanitary sewer line easement located in Section 21, Block AK, Lubbock County Texas, 10202 Frankford Avenue.

**Item Summary**

This ordinance abandons and closes a portion of a 30-foot wide sanitary sewer line easement located in Section 21, Block AK, just south of 102nd Street and west of Milwaukee Avenue. Truett Craft, the owner of the property, has requested the closure due to new development in the area. Water Utilities Engineering is in agreement with the easement.

**Fiscal Impact**

None.

**Staff/Board Recommending**

R. Keith Smith, P. E., Chief Operating Officer

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**Attachments**

Ordinance - Truett Craft

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ABANDONING AND CLOSING A PORTION OF A 30 FOOT SANITARY SEWER LINE EASEMENT, LOCATED IN BLOCK AK, SECTION 21, LUBBOCK COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; DIRECTING THE CITY ENGINEER TO MARK THE OFFICIAL MAPS OF THE CITY TO REFLECT SAID ABANDONMENT AND CLOSING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

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

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

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

All of that portion of a Sanitary Sewer line easement in Vol. 8425, Page 28, out of Section 21, Block AK, being west of Frankford Avenue and south of 102<sup>nd</sup> Street.

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 \_\_\_\_\_, 2013.

Passed by the City Council on second reading this \_\_\_\_\_, 2013.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR


ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

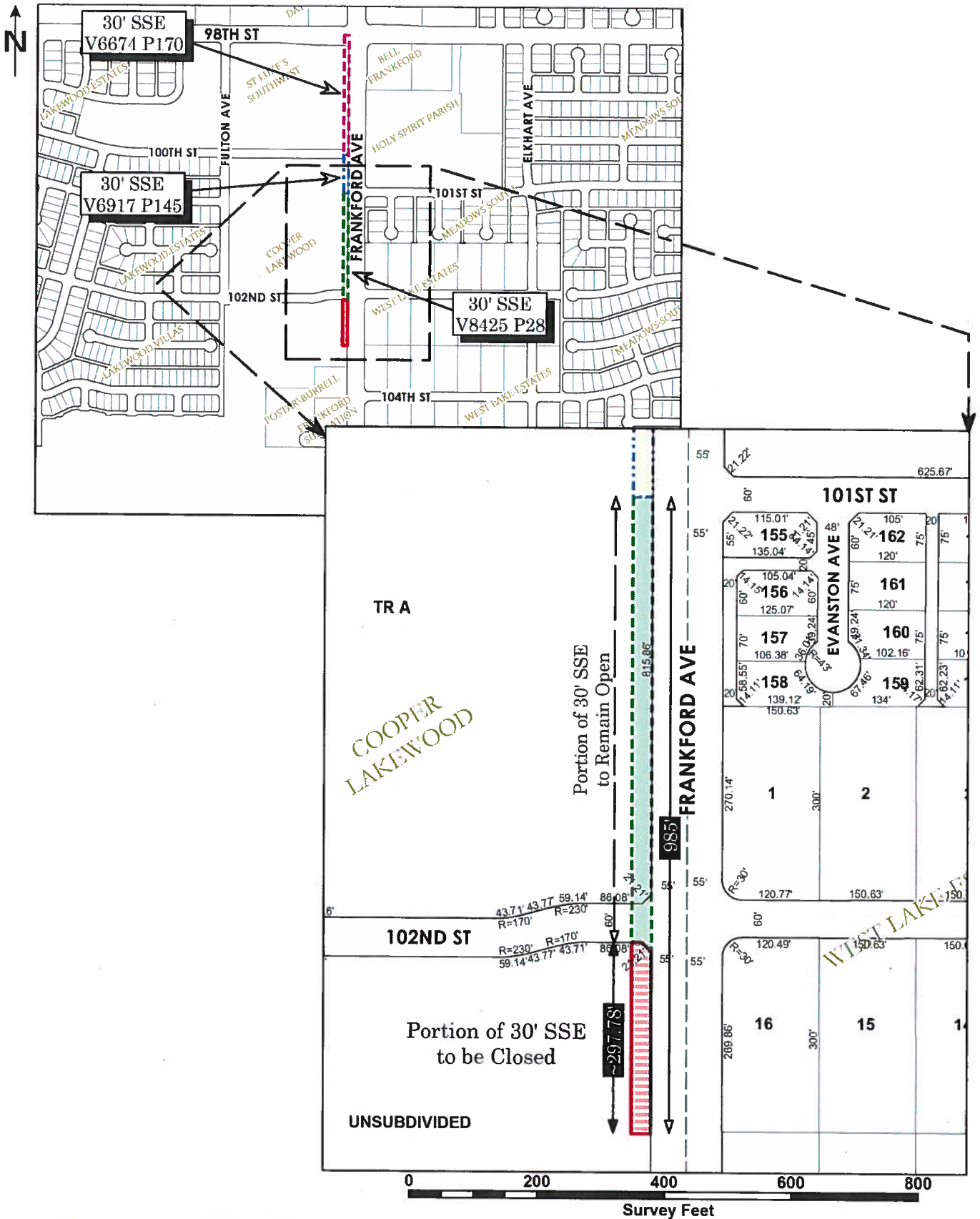
  
\_\_\_\_\_  
Dave Booher, Right-of-Way Agent

APPROVED AS TO FORM:

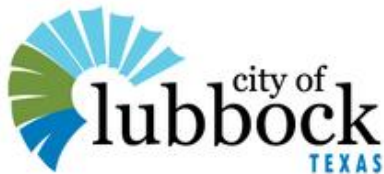
  
\_\_\_\_\_  
Chad Weaver, Assistant City Attorney

A&C-Block AK, Section 21.ord  
07.30.13

**Proposed Closing of the Portion of a 30' wide Sanitary Sewer Line Easement  
Lying South of 102nd Street and West of Frankford Avenue  
as Described in V. 8425 P. 28**



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. 3.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Ordinance 1st Reading – Right-of-Way:** An ordinance abandoning and closing a 20-foot underground utility easement and a 22.5-foot cross access, drainage, and underground utility easement located west of Loop 289 and north of 34th Street, 6010 34th Street.

**Item Summary**

This ordinance abandons and closes a 20-foot underground utility easement and a 22.5-foot cross access, drainage, and underground utility easement, located west of Loop 289 and north of 34th Street between west Loop 289 and Iola Avenue. The easements are being closed for new development on the property.

**Fiscal Impact**

None.

**Staff/Board Recommending**

R. Keith Smith, P. E., Chief Operating Officer

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**Attachments**

Ordinance - 6010 34th Street

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ABANDONING AND CLOSING A 20-FOOT UNDERGROUND UTILITY EASEMENT, AND A 22.5-FOOT CROSS ACCESS EASEMENT, DRAINAGE EASEMENT AND UNDERGROUND UTILITY EASEMENT, LOCATED IN BLOCK AK, SECTION 44, LUBBOCK COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; DIRECTING THE CITY ENGINEER TO MARK THE OFFICIAL MAPS OF THE CITY TO REFLECT SAID ABANDONMENT AND CLOSING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council finds that the 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, and it would be in the public interest to close, vacate and abandon the same; 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 easement being more particularly described as follows:

All of that 20-foot underground utility easement granted to City of Lubbock, located out of Block AK, Section 44, Lubbock County, Texas recorded under County Clerk File No. 2013025119.

All of that certain 22.5-foot cross access easement, drainage easement and underground utility easement granted to City of Lubbock, located out of Block AK, Section 44, Lubbock County, Texas reordered under County Clerk File No. 2013025121.

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 \_\_\_\_\_, 2013.

Passed by the City Council on second reading this \_\_\_\_\_, 2013.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR


ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

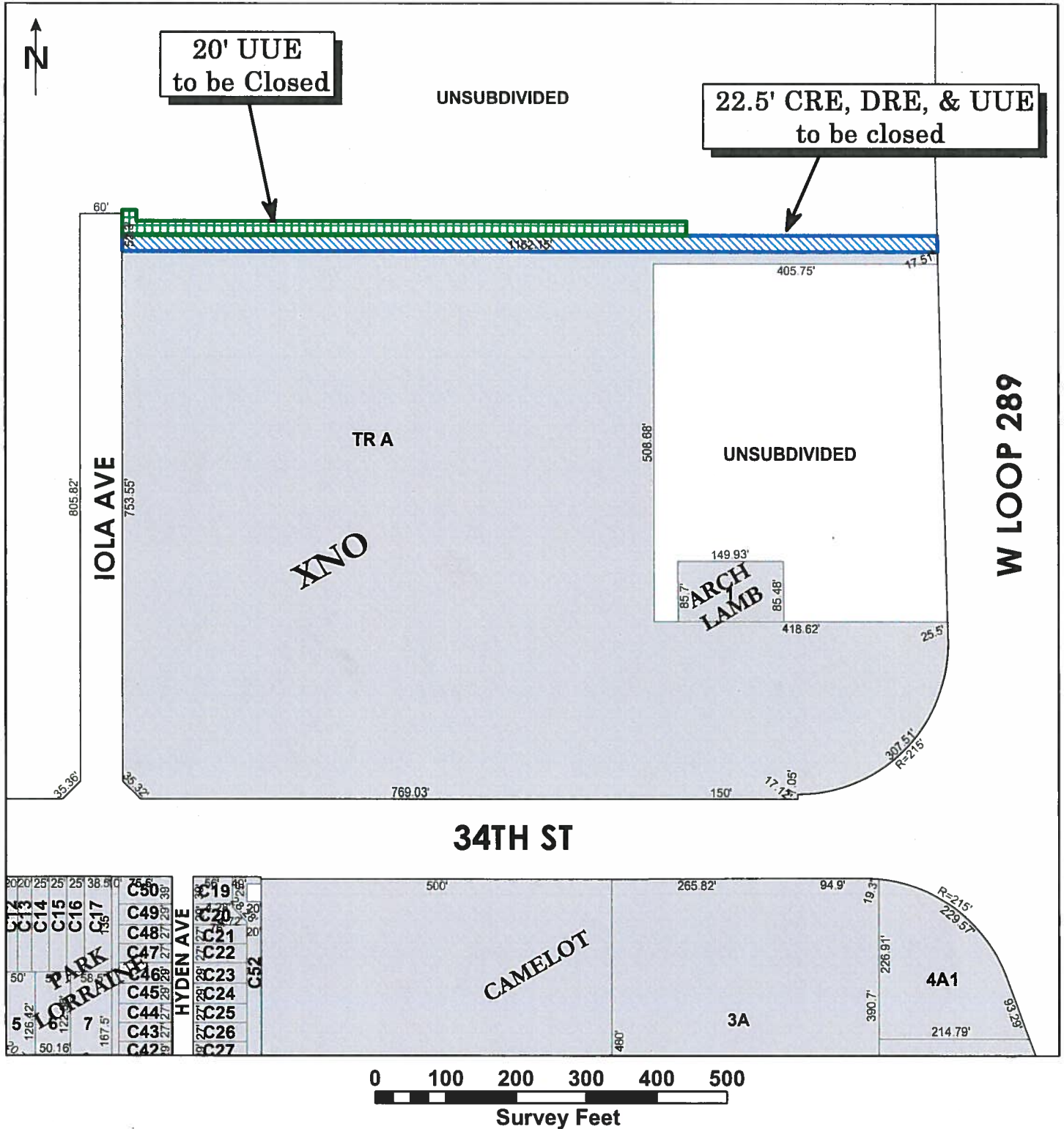
  
\_\_\_\_\_  
Dave Booher, Right-of-Way Agent

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chad Weaver, Assistant City Attorney

A&C-Block AK, Section 44.ord  
07.10.2013

Proposed Closing of 20' wide Underground Utility Easement and a 22.5' wide Cross Access, Drainage, & Underground Utility Easement Located North of Tract A, XNO Addition and Between West Loop 289 and Iola Avenue



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



**Regular City Council Meeting**

**5. 4.**

**Meeting Date:** 08/22/2013

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### **Information**

#### **Agenda Item**

**Budget Ordinance 2nd Reading - Airport:** Consider Budget Ordinance 2013-O0074 Amendment 27 amending the adopted FY 2012-13 budget respecting the Airport Capital Project Fund by amending Capital Improvement Project 92284, Runway 17R/35L Rehab Construction.

#### **Item Summary**

On August 8, 2013, the City Council approved the first reading of the ordinance and resolution.

Amend Capital Improvement Project 92284, Runway 17R/35L Rehab Construction, by increasing the funding by \$382,184; from \$1,563,321 to \$1,945,505. The additional funding includes \$156,332 in Airport Improvement Program grant funds from the Federal Aviation Administration, and \$38,219 of unallocated Passenger Facility Charge bonds for the local match.

#### **Fiscal Impact**

Included in item summary.

#### **Staff/Board Recommending**

Cheryl Brock, Executive Director of Budget

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### **Attachments**

[Budget Amendment 27](#)

[CIP Spreadsheet](#)

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE FY 2012-13 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE AIRPORT CAPITAL PROJECT FUND BY AMENDING CAPITAL IMPROVEMENT PROJECT 92284, RUNWAY 17R/35L REHAB CONSTRUCTION; 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 2012-13 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 2012-13 (Budget Amendment #27) for municipal purposes, as follows:

- I. Amend Capital Improvement Project 92284, Runway 17R/35L Rehab Construction, by increasing the funding by \$382,184, from \$1,563,321 to \$1,945,505.

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

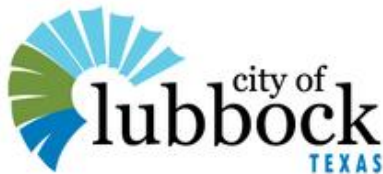
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Amy Sims  
Assistant City Attorney

**Capital Project  
Project Cost Detail  
Budget Amendments  
August 8, 2013**

Capital Project Number: 92284  
Capital Project Name: Runway 17R/35L Rehabilitation Construction

	<u>Grant</u>	<u>Local Match</u>	<u>Total Project</u>
<b>Current Project Appropriation Amount</b>	\$ 1,406,989	343,965	1,750,954
<b>Proposed Amendment</b>	156,332	38,219	194,551
<b>Total Proposed Appropriation</b>	<u>\$ 1,563,321</u>	<u>382,184</u>	<u>1,945,505</u>



**Regular City Council Meeting**

**5. 5.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Contract Resolutions - Parks and Recreation:** Consider two resolutions authorizing the Mayor to execute contract 11407 with BWI Dallas/Ft. Worth of Carrollton, Texas, and contract 11466 with Target Specialty Products of Dallas, Texas, for pesticide and herbicide supplies for various parkland properties, ITB-13-11407-TL.

**Item Summary**

The contracts are for the purchase of pesticide and herbicide supplies on an as needed basis, to be applied on parks, street medians, and City facilities.

The contracts are awarded by unit price. The amount of the award is based on estimated quantities and actual expenditures which may be more or less depending on actual need. The price per unit will not change and expenditures will not exceed appropriated funds. The contract is for one year with an option to renew for two additional one year periods.

Bids were received from the following companies:

John Deere Landscapes of Cleveland, OH  
Univar of Grand Prairie, TX  
Target Specialty Products of Dallas, TX  
BWI Dallas/Ft. Worth of Carrollton, TX

Staff recommends the contract to be awarded to BWI Dallas/Ft. Worth of Carrollton, Texas, for \$42,018 as listed in Exhibit A, and Target Specialty Products of Dallas, Texas, for \$24,676 as listed in Exhibit A. A bid tabulation is provided.

**Fiscal Impact**

\$166,955 is appropriated in the adopted FY 2012-13 Parks and Recreation operating budget.

**Staff/Board Recommending**

Scott Snider, Assistant City Manager

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**Attachments**

Resolution & Contract - BWI

Resolution & Contract - Target Specialty

Bid Tabulation - Pesticide & Herbicide

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**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. 11407 for pesticide and herbicide supplies for various parkland properties, by and between the City of Lubbock and BWI Dallas/Ft. Worth, of Carrollton, Texas, and related documents. Said Contract is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



\_\_\_\_\_  
Scott Snider, Assistant City Manager  
Community Services

APPROVED AS TO FORM:



\_\_\_\_\_  
Chad Weaver, Assistant City Attorney

**City of Lubbock, TX  
Contract for Services  
For Pesticide and Herbicide Supplies for Various Parkland Properties**

**THIS CONTRACT** made and entered into this **22nd** day of **August, 2013**, by and between the City of Lubbock ("City"), and **BWI Dallas/Ft. Worth**, ("Contractor").

**WITNESSETH:**

WHEREAS, the City of Lubbock duly advertised for bids for Pesticide and Herbicide Supplies for Various Parkland Properties and bids were received and duly opened as required by law; and

WHEREAS, after careful consideration of the bid submitted by Contractor, the City authorized the execution, in the name of the City of Lubbock a contract with said Contractor covering the purchase and delivery of the said Pesticide and Herbicide Supplies for Various Parkland Properties.

NOW, THEREFORE, in consideration of the mutual agreement contained herein, as well as the financial consideration hereinafter referred to, the parties hereby covenant and agree as follows:

1. In accordance with City's specifications and Contractor's bid, copies of which are attached hereto and made part hereof, Contractor will deliver to the City, Pesticide and Herbicide Supplies for Various Parkland Properties and more specifically referred to as Exhibit A on the bid submitted by the Contractor or in the specifications attached hereto.
2. The City promises and agrees to employ, and does employ, the Contractor to cause to be done the work provided for in this Contract and to complete and finish the same according to the attached specifications, offer, and terms and conditions contained herein.
3. The Contractor shall perform the work according to the procedures outlined in the Bid Form and Specifications attached hereto. The contract shall be for a term of one year, with the option of two, one year extensions, said date of term beginning upon formal approval. The City does not guarantee any specific amount of compensation, volume, minimum or maximum amount of services under this contract.
4. This contract shall remain in effect until the expiration date, performance of services ordered, or termination of by either party with a thirty (30) day written notice. Such written notice must state the reason for cancellation. The City of Lubbock reserves the right to award the canceled contract to the next lowest and best bidder as it deems to be in the best interest of the city.
5. Contractor shall at all times be an independent contractor and not an agent or representative of City with regard to performance of the Services. Contractor shall not represent that it is, or hold itself out as, an agent or representative of City. In no event shall Contractor be authorized to enter into any agreement or undertaking for or on behalf of City.
6. The contractor shall obtain and maintain in full force and effect during the term of the contract, commercial general liability coverage with insurance carriers admitted to do business in the State of Texas. The insurance companies must carry a Best's Rating of A- VII or better. The policies will be written on an occurrence basis, subject to the following minimum limits of liability:

<u>TYPE</u>	<u>AMOUNT</u>
General Liability Commercial General Liability General Aggregate	500,000
Automotive Liability Combined Single Limit Any Auto	500,000
Workers Compensation	Statutory Amounts

The City of Lubbock shall be named as additional insured on a primary and non-contributory basis on General Liability, with a waiver of subrogation in favor of the City of Lubbock on all coverages. All copies of the Certificates of Insurance shall reference the project name or bid number for which the insurance is being supplied. Copies of all endorsements are required.

The contractor will provide a Certificate of Insurance to the City as evidence of coverage. The certificate will provide 30 days notice of cancellation, and under the cancellation section, the wording "endeavor to" and "but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives" will be crossed out. A copy of the additional insured endorsement attached to the policy will be included with the certificate.

The contractor shall also maintain workers compensation insurance in the statutory amount.

If at any time during the life of the contract or any extension, the contractor fails to maintain the required insurance in full force and effect, all work under the contract shall be discontinued immediately. Any failure to maintain the required insurance may be sufficient cause for the City to terminate the contract.

7. Neither the City nor the Contractor shall assign, transfer or encumber any rights, duties or interests accruing from this Contract without the written consent of the other.
8. 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, this provision shall control.
9. 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.

10. This Contract consists of the following documents set forth herein; Invitation to Bid No. 13-11407-TL, and bid form.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed the day and year first above written. Executed in triplicate.

CITY OF LUBBOCK

\_\_\_\_\_  
Glen C. Robertson, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Scott Snider  
Scott Snider, Assistant City Manager

APPROVED AS TO FORM:

Galbraith  
Assistant City Attorney

CONTRACTOR

BY James Garzett  
Authorized Representative

JAMES GARZETT  
Print Name

1418 UPPFIELD RD  
Address

CARROLLTON, TX 75006  
City, State, Zip Code

City of Lubbock, TX  
BWI Dallas/Ft. Worth  
Exhibit A

ITB 13-11407-TL

Pesticide and Herbicide Supplies for Various Parkland Properties

Item	Qty	U/M	Description/Vendor	Unit Price	Extended Cost
3	32	QT	Defoamer	5	164
4	48	2 1/2 GL CO	Glyphosate	37	1,708
6	10	2 1/2 GL CO	MSMA	53	539
10	16	2 1/2 GL CO	Surfactant	20	324
12	5	12 CO Per CS	Wasp Spray	31	158
15	160	25 LB BG	Award	221	35,440
16	20	GL	Surfactant	8	167
17	30	GL	Simizine 4L	15	453
18	115	GL	Triplet	23	2,680
20	20	GL	Aqua-Master	19	385
<b>Item by Item:</b>					
BWI/Dallas Ft. Worth				\$	42,018

**BID FORM**  
**Pesticide and Herbicide Supplies for Various Parkland Properties**  
**City of Lubbock, TX**  
**ITB No. 13-11407-TL**

In compliance with the **Invitation to Bid 13-11407-TL**, the undersigned Bidder having examined the Invitation to Bid and Specifications, and being familiar with the conditions to be met, hereby submits the following Bid for furnishing the material, equipment, labor and everything necessary for providing the items listed below and agrees to deliver said items at the locations and for the prices set forth on this form. A bid will be subject to being considered irregular and may be rejected if it shows omissions, **alterations of form**, conditional alternate bids, additions or alternates in lieu of the items specified, if the unit prices are obviously unbalanced (either in excess of or below reasonably expected values), or irregularities of any kind. The Invitation to Bid **13-11407-TL** is by reference incorporated in this contract. The Bid Form **must be completed** in blue or black ink or by typewriter.

ITEM A.	QTY (+/-) B.	UNIT OF MEASURE C.	DESCRIPTION D.	UNIT PRICE* BID E.	EXTENDED COST F=BxE	Delivery Days ARO**
1.	6	2 ½ Gallon Containers.	Arsenal	N/B	—	—
2.	4	12 Containers Per Case.	Deet	62.35/cs	249.40	3-7
3.	32	Quart.	Defoamer	5.15/qt	164.8	3-7
4.	48	2 ½ Gallon Containers.	Glyphosate	37.10/2.5	1708.80	3-7
5.	160	1Gallon Containers.	Marker Dye	31.30/gal	5008.00	3-7
6.	10	2 ½ Gallon Containers.	MSMA	53.98/2.5	539.80	3-7
7.	8	1.25 Gallon * Containers.	Permethrin TC	59.31	474.50/10 gal	3-7
8.	2	2 ½ Gallon Containers.	Reward <del>* AGENCY *</del>	197.50/2.5	395.00	3-7
9.	2	12 Containers Per Case.	Soap-N-Water	59.72/cs	119.44	3-7
10.	16	2 ½ Gallon ** Containers.	Surfactant	20.30/2.5	324.80	3-7
11.	4	12 Containers Per Case.	Total Release	59.18/cs	236.72	3-7
12.	5	12 Containers Per Case.	Wasp Spray	31.75/cs	158.75	3-7

\* TENGAZI IS PACKAGED IN 1 GALLON CONTAINERS, NOT 1.25 GALLON CONTAINERS  
 \*\* THIS PRODUCT IS SOLD IN CASE LOTS ONLY (2X 2.5gal)

ITEM A.	QTY (+/-) B.	UNIT OF MEASURE C.	DESCRIPTION D.	UNIT PRICE* BID E.	EXTENDED COST F=BxE	Delivery Days ARO**
13.	100	1 Gallon Containers.	Whole Control	N/B		
14.	160	25 Pound Bag.	Amdro Pro	174.18/bg	27,868.80	3-7
15.	160	25 Pound Bag.	Award *	221.50/bg	35,440.00	3-7
16.	20	Gallon ***	Surfactant	8.35/gal	167.00	3-7
17.	30	Gallon***	Simizine 4L	15.00 37.82/2.5gal	453.84	3-7
18.	115	Gallon***	Triplet ALT: VESSEL	23.00 58.28/2.5gal	2680.88	3-7
19.	20	Cases	Weevil-cide (Tablets)	N/B		
20.	20	Gallon***	Aqua-Master ALT: AQUAMCAT	19.00 48.15/2.5gal	385.20	3-7
Total Cost (Items 1-20)					\$ 42,018 76,447.73	

\*PRICE: F.O.B. Destination, Freight Pre-Paid and Allowed

\*\*Days After Receipt of Order (ARO)

Unless otherwise specified herein, the City may award the bid either item-by-item or on an all-or-none basis for any item or group of items shown on the bid.

The City of Lubbock is seeking a contract for Pesticide and Herbicide Supplies for Various Parkland Properties with one or more contractors. In order to assure adequate coverage, the City may make multiple awards, selecting multiple vendors to provide the products desired, if multiple awards are in the best interest of the City. A decision to make a multiple award of this Bid, however, is an option reserved by the City, based on the needs of the City.

PAYMENT TERMS AND DISCOUNTS - Bidder offers a prompt payment discount of 0%, net 30 calendar days. Discounts will not be considered in determining low bid. Unless otherwise indicated on the Bid Form, payment terms will be NET THIRTY DAYS. The City will pay the successful bidder within thirty days after the receipt of a correct invoice or after the date of acceptance, whichever event occurs later. Discounts for prompt payment requiring payment by the City within a stipulated number of days will be interpreted as applying within the stipulated number of calendar days after the date of receipt by the City of a correct invoice or after the date of acceptance that meets contract requirements, whichever event occurs later. Discounts for payment in less than ten days will not be considered.

MOST FAVOURED PRICING: The Bidder certifies that the price quoted is not in excess of the lowest price charged anyone else, including its most favoured customer, for like quality and quantity of the products/services; does not include an element of profit on the sale in excess of that normally obtained by the Bidder on the sale of products/services of like quality and quantity; and does not include any provision for discounts to selling agents. If at any time during the contract period, the supplier should sell or offer for sale to any other customer, an equal or less quantity of similar contract products of like or better quality, at a lower net price(s) than provided herein, supplier agrees to notify the City and sell same product(s) at the lower price(s) on all deliveries made during the period in which such lower price(s) is effective.

INTERLOCAL PURCHASING (optional): The City desires to make available to other local governmental entities of the State of Texas, by mutual agreement with the successful bidder, and properly authorized interlocal purchasing agreements as provided for by the Interlocal Cooperation Act (Chapter 791, Government Code), the right to purchase the same services, at the prices quoted, for the period of this contract. Each bidder shall indicate on the Bid Form in the space provided below if he/she will honor Political Subdivision orders in addition to orders from the City of Lubbock. Should these other

\* AWARD (FENOXICARB) HAS BEEN DISCONTINUED BY THE MANUFACTURER AND HAS BEEN REPLACED WITH AWARD II (ABEMECTIN)

Q: Purchase/Bid Docs/ITB 13-11407-TL, Pesticide and Herbicide Supplies for Various Parkland Properties

\*\* THIS PRODUCT IS SOLD IN CASE LOTS ONLY (4 X gal)

\*\*\* THIS PRODUCT IS PACKAGED IN 2X2.5gal CASE

governmental entities decide to participate in this contract, would you (the bidder) agree that all terms, conditions, specifications, and pricing would apply?

Other governmental entities that might have interests in this contract are **Franship Independent School District, Lubbock Housing Authority, Lubbock County, Lubbock County Hospital District, Lubbock Independent School District, South Plains Association of Governments, City of Texarkana, Texas Tech University, West Texas Municipal Power Agency, Lynn County, and City of Wolfforth.**

YES  NO

- If you (the bidder) checked YES, the following will apply:
- Governmental entities utilizing Interlocal Agreements for Cooperative Purchasing with the City of Lubbock will be eligible, but not obligated, to purchase materials/services under the contract(s) awarded as a result of this solicitation. All purchases by governmental entities other than the City of Lubbock will be billed directly to that governmental entity and paid by that governmental entity. City of Lubbock will not be responsible for another governmental entity's debts. Each governmental entity will order their own materials/service as needed.

THIS BID IS SUBMITTED BY BWI DALLAS/FT. WORTH a corporation organized under the laws of the State of TEXAS, or a partnership consisting of N/A or individual trading as N/A of the City of N/A

Firm: BWI DALLAS/FT. WORTH

Address: 1418 UPFIELD RD

City: CARROLLTON State: TX Zip 75006

Bidder acknowledges receipt of the following addenda:

Addenda No. \_\_\_\_\_ Date \_\_\_\_\_  
Addenda No. \_\_\_\_\_ Date \_\_\_\_\_  
Addenda No. \_\_\_\_\_ Date \_\_\_\_\_

M/WBE Firm:	<input type="checkbox"/>	Woman	<input type="checkbox"/>	Black American	<input type="checkbox"/>	Native American
	<input type="checkbox"/>	Hispanic American	<input type="checkbox"/>	Asian Pacific America	<input type="checkbox"/>	Other (Specify)

By James Garrett Date: 7-11-13  
*Authorized Representative - must sign by hand*

Officer Name and Title: JAMES GARRETT TURF TECHNICAL SUPPORT  
*Please Print*

Business Telephone Number 800-752-6632 FAX: 972-242-7675

E-mail Address: james.garrett@bwicompanies.com

**FOR CITY USE ONLY**

Bid Form Item Number(s) Awarded to Above Named Firm/Individual: \_\_\_\_\_

Date of Award by City Council (for bids over \$50,000): \_\_\_\_\_ Date P.O./Contract Issued: \_\_\_\_\_

**RETURN COMPLETED & SIGNED BID FORM ALONG WITH CITY OF LUBBOCK SPECIFICATIONS. LABEL THE OUTSIDE OF YOUR SEALED BID WITH THE ITB NUMBER, THE CLOSING DATE AND TIME, AND YOUR COMPANY NAME AND ADDRESS.**

**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. 11466 for pesticide and herbicide supplies for various parkland properties, by and between the City of Lubbock and Target Specialty Products, of Dallas, Texas, and related documents. Said Contract is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



\_\_\_\_\_  
Scott Snider, Assistant City Manager  
Community Services

APPROVED AS TO FORM:



\_\_\_\_\_  
Chad Weaver, Assistant City Attorney

**City of Lubbock, TX**  
**Contract for Services**  
**For Pesticide and Herbicide Supplies for Various Parkland Properties**

**THIS CONTRACT** made and entered into this 22nd day of August, 2013, by and between the City of Lubbock ("City"), and Target Specialty Products, ("Contractor").

**WITNESSETH:**

WHEREAS, the City of Lubbock duly advertised for bids for Pesticide and Herbicide Supplies for Various Parkland Properties and bids were received and duly opened as required by law; and

WHEREAS, after careful consideration of the bid submitted by Contractor, the City authorized the execution, in the name of the City of Lubbock a contract with said Contractor covering the purchase and delivery of the said Pesticide and Herbicide Supplies for Various Parkland Properties.

NOW, THEREFORE, in consideration of the mutual agreement contained herein, as well as the financial consideration hereinafter referred to, the parties hereby covenant and agree as follows:

1. In accordance with City's specifications and Contractor's bid, copies of which are attached hereto and made part hereof, Contractor will deliver to the City, Pesticide and Herbicide Supplies for Various Parkland Properties and more specifically referred to as Exhibit A on the bid submitted by the Contractor or in the specifications attached hereto.
2. The City promises and agrees to employ, and does employ, the Contractor to cause to be done the work provided for in this Contract and to complete and finish the same according to the attached specifications, offer, and terms and conditions contained herein.
3. The Contractor shall perform the work according to the procedures outlined in the Bid Form and Specifications attached hereto. The contract shall be for a term of one year, with the option of two, one year extensions, said date of term beginning upon formal approval. The City does not guarantee any specific amount of compensation, volume, minimum or maximum amount of services under this contract.
4. This contract shall remain in effect until the expiration date, performance of services ordered, or termination of by either party with a thirty (30) day written notice. Such written notice must state the reason for cancellation. The City of Lubbock reserves the right to award the canceled contract to the next lowest and best bidder as it deems to be in the best interest of the city.
5. Contractor shall at all times be an independent contractor and not an agent or representative of City with regard to performance of the Services. Contractor shall not represent that it is, or hold itself out as, an agent or representative of City. In no event shall Contractor be authorized to enter into any agreement or undertaking for or on behalf of City.
6. The contractor shall obtain and maintain in full force and effect during the term of the contract, commercial general liability coverage with insurance carriers admitted to do business in the State of Texas. The insurance companies must carry a Best's Rating of A- VII or better. The policies will be written on an occurrence basis, subject to the following minimum limits of liability:

<u>TYPE</u>	<u>AMOUNT</u>
General Liability Commercial General Liability General Aggregate	500,000
Automotive Liability Combined Single Limit Any Auto	500,000
Workers Compensation	Statutory Amounts

The City of Lubbock shall be named as additional insured on a primary and non-contributory basis on General Liability, with a waiver of subrogation in favor of the City of Lubbock on all coverages. All copies of the Certificates of Insurance shall reference the project name or bid number for which the insurance is being supplied. Copies of all endorsements are required.

The contractor will provide a Certificate of Insurance to the City as evidence of coverage. The certificate will provide 30 days notice of cancellation, and under the cancellation section, the wording "endeavor to" and "but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives" will be crossed out. A copy of the additional insured endorsement attached to the policy will be included with the certificate.

The contractor shall also maintain workers compensation insurance in the statutory amount.

If at any time during the life of the contract or any extension, the contractor fails to maintain the required insurance in full force and effect, all work under the contract shall be discontinued immediately. Any failure to maintain the required insurance may be sufficient cause for the City to terminate the contract.

7. Neither the City nor the Contractor shall assign, transfer or encumber any rights, duties or interests accruing from this Contract without the written consent of the other.
8. 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, this provision shall control.
9. 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.

10. This Contract consists of the following documents set forth herein; Invitation to Bid No. 13-11407-TL, and bid form.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed the day and year first above written. Executed in triplicate.

CITY OF LUBBOCK

\_\_\_\_\_  
Glen C. Robertson, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Scott Snider  
Scott Snider, Assistant City Manager

APPROVED AS TO FORM:

Paul Bremer  
Assistant City Attorney

CONTRACTOR

BY Mike Nichols  
Authorized Representative

Mike Nichols  
Print Name

10539 Maybank Dr.  
Address

Dallas, TX 75220  
City, State, Zip Code

City of Lubbock, TX  
Target Specialty Products  
Exhibit A

ITB 13-11407-TL

Pesticide and Herbicide Supplies for Various Parkland Properties

<b>Item</b>	<b>Qty</b>	<b>U/M</b>	<b>Description/Vendor</b>	<b>Unit Price</b>	<b>Extended Cost</b>
11	4	12 CO Per CS	Total Release	49	196
13	100	1 GL CO	Whole Control	36	3,600
14	160	25 LB BG	Amdro Pro	130	20,880
<b>Item by Item:</b>					
Target Specialty Products				\$	24,676

**BID FORM**  
**Pesticide and Herbicide Supplies for Various Parkland Properties**  
**City of Lubbock, TX**  
**ITB No. 13-11407-TL**

In compliance with the **Invitation to Bid 13-11407-TL**, the undersigned Bidder having examined the Invitation to Bid and Specifications, and being familiar with the conditions to be met, hereby submits the following Bid for furnishing the material, equipment, labor and everything necessary for providing the items listed below and agrees to deliver said items at the locations and for the prices set forth on this form. A bid will be subject to being considered irregular and may be rejected if it shows omissions, **alterations of form**, conditional alternate bids, additions or alternates in lieu of the items specified, if the unit prices are obviously unbalanced (either in excess of or below reasonably expected values), or irregularities of any kind. The Invitation to Bid 13-11407-TL is by reference incorporated in this contract. The Bid Form **must be completed** in blue or black ink or by typewriter.

ITEM A.	QTY (+/-) B.	UNIT OF MEASURE C.	DESCRIPTION D.	UNIT PRICE* BID E.	EXTENDED COST F=BxE	Delivery Days ARO**
1.	6	2 ½ Gallon Containers.	Arsenal <i>Brand: Polaris</i>	\$182.17 <i>per 2.5 gal.</i>	\$1,093.02	2-10
2.	4	12 Containers Per Case.	Deet	NO BID	NO BID	N/A
3.	32	Quart.	Defoamer <i>Brand: Foam Fighter</i>	\$10.70/ <i>qt.</i>	\$342.40	2-10
4.	48	2 ½ Gallon Containers.	Glyphosate <i>Brand: Razor Pro</i>	\$48.50 <i>per 2.5 gal</i>	\$2,328.00	2-10
5.	160	1Gallon Containers.	Marker Dye <i>Brand: Turf Mark Blue</i>	\$33.48/ <i>gal</i>	\$5,358.40	2-10
6.	10	2 ½ Gallon Containers.	MSMA	NO BID	NO BID	N/A
7.	8	1.25 Gallon Containers.	Permethrin TC <i>Brand: Tenyard STR</i>	\$52.85/ <i>1.25 gal</i>	\$422.80	2-10
8.	2	2 ½ Gallon Containers.	Reward	\$197.50 <i>per 2.5 gal</i>	\$395.00	2-10
9.	2	12 Containers Per Case.	Soap-N-Water	\$64.09/ <i>cases</i>	\$128.18	2-10
10.	16	2 ½ Gallon Containers.	Surfactant <i>Brand: Big Sur 90</i>	\$44.88/ <i>2.5 gal</i>	\$718.08	2-10
11.	4	12 Containers Per Case.	Total Release <i>Brand: FXC T/R Residual</i>	\$49.00/ <i>case</i>	\$196.00	2-10
12.	5	12 Containers Per Case.	Wasp Spray <i>Brand: Wasp-x</i>	\$69.50/ <i>case</i>	\$347.50	2-10

ITEM A.	QTY (+/-) B.	UNIT OF MEASURE C.	DESCRIPTION D.	UNIT PRICE* BID E.	EXTENDED COST F=BxE	Delivery Days ARO**
13.	<del>100</del> 400	1 Gallon Containers. 32 oz	Whole Control * 32 oz only	\$ 8.99 <sup>36.00</sup> /32 oz	\$ 3,600 3,600	2-10
14.	160	25 Pound Bag.	Amdro Pro Brand: Pro Bait	\$ 130.50 per 25 lb	\$ 20,880.00	2-10
15.	160	25 Pound Bag.	Award Brand: Award II	\$ 333.00 per 25 lb	\$ 53,280.00	2-10
16.	20	Gallon	Surfactant Brand: Target Pro Spreader	\$ 18.44 /gal	\$ 368.80	2-10
17.	<del>30</del> 12	Gallon 2.5 gal	Simizine 4L * 2.5 gal only	\$ 20.76/gal (\$ 51.90/jug)	\$ 622.80	2-10
18.	<del>45</del> 46	Gallon 2.5 gal	Triplet * 2.5 gal only	\$ 26.98/gal (\$ 67.45/jug)	\$ 3102.70	2-10
19.	20	Cases	Weevil-cide (Tablets)	\$ 272.73 /case	\$ 5454.60	2-10
20.	20	Gallon 3 gal jug	Aqua-Master Roundup laston 3 Gal jug	\$ 21.17/gal (\$ 63.51/jug)	\$ 423.40	2-10
Total Cost (Items 1-20)					\$ 99,057.68	

\*PRICE: F.O.B. Destination, Freight Pre-Paid and Allowed

\*\*Days After Receipt of Order (ARO)

Unless otherwise specified herein, the City may award the bid either item-by-item or on an all-or-none basis for any item or group of items shown on the bid.

The City of Lubbock is seeking a contract for Pesticide and Herbicide Supplies for Various Parkland Properties with one or more contractors. In order to assure adequate coverage, the City may make multiple awards, selecting multiple vendors to provide the products desired, if multiple awards are in the best interest of the City. A decision to make a multiple award of this Bid, however, is an option reserved by the City, based on the needs of the City.

PAYMENT TERMS AND DISCOUNTS - Bidder offers a prompt payment discount of 0 %, net 30 calendar days. Discounts will not be considered in determining low bid. Unless otherwise indicated on the Bid Form, payment terms will be NET THIRTY DAYS. The City will pay the successful bidder within thirty days after the receipt of a correct invoice or after the date of acceptance, whichever event occurs later. Discounts for prompt payment requiring payment by the City within a stipulated number of days will be interpreted as applying within the stipulated number of calendar days after the date of receipt by the City of a correct invoice or after the date of acceptance that meets contract requirements, whichever event occurs later. Discounts for payment in less than ten days will not be considered.

MOST FAVOURED PRICING: The Bidder certifies that the price quoted is not in excess of the lowest price charged anyone else, including its most favoured customer, for like quality and quantity of the products/services; does not include an element of profit on the sale in excess of that normally obtained by the Bidder on the sale of products/services of like quality and quantity; and does not include any provision for discounts to selling agents. If at any time during the contract period, the supplier should sell or offer for sale to any other customer, an equal or less quantity of similar contract products of like or better quality, at a lower net price(s) than provided herein, supplier agrees to notify the City and sell same product(s) at the lower price(s) on all deliveries made during the period in which such lower price(s) is effective.

INTERLOCAL PURCHASING (optional): The City desires to make available to other local governmental entities of the State of Texas, by mutual agreement with the successful bidder, and properly authorized interlocal purchasing agreements as provided for by the Interlocal Cooperation Act (Chapter 791, Government Code), the right to purchase the same services, at the prices quoted, for the period of this contract. Each bidder shall indicate on the Bid Form in the space provided below if he/she will honor Political Subdivision orders in addition to orders from the City of Lubbock. Should these other

governmental entities decide to participate in this contract, would you (the bidder) agree that all terms, conditions, specifications, and pricing would apply?

Other governmental entities that might have interests in this contract are Frenship Independent School District, Lubbock Housing Authority, Lubbock County, Lubbock County Hospital District, Lubbock Independent School District, South Plains Association of Governments, City of Texarkana, Texas Tech University, West Texas Municipal Power Agency, Lynn County, and City of Wolfforth.

YES X NO \_\_\_\_\_

- If you (the bidder) checked YES, the following will apply:
- Governmental entities utilizing Interlocal Agreements for Cooperative Purchasing with the City of Lubbock will be eligible, but not obligated, to purchase materials/services under the contract(s) awarded as a result of this solicitation. All purchases by governmental entities other than the City of Lubbock will be billed directly to that governmental entity and paid by that governmental entity. City of Lubbock will not be responsible for another governmental entity's debts. Each governmental entity will order their own materials/service as needed.

THIS BID IS SUBMITTED BY Target Specialty Products a corporation organized under the laws of the State of Pennsylvania, or a partnership consisting of \_\_\_\_\_ or individual trading as \_\_\_\_\_ of the City of \_\_\_\_\_

Firm: Target Specialty Products  
Address: 10539 Maybank Dr.  
City: Dallas State: Texas Zip: 75220

Bidder acknowledges receipt of the following addenda:

Addenda No. \_\_\_\_\_ Date \_\_\_\_\_  
Addenda No. \_\_\_\_\_ Date \_\_\_\_\_  
Addenda No. \_\_\_\_\_ Date \_\_\_\_\_

M/WBE Firm:

<input type="checkbox"/>	Woman	<input type="checkbox"/>	Black American	<input type="checkbox"/>	Native American
<input type="checkbox"/>	Hispanic American	<input type="checkbox"/>	Asian Pacific America	<input type="checkbox"/>	Other (Specify)

By [Signature] Date: 7-8-13  
Authorized Representative - must sign by hand

Officer Name and Title: Mike Nichols, Vector Business Manager  
Please Print

Business Telephone Number (800) 345-9387 (214) 357-5741 FAX: (214) 357-1024

E-mail Address: mike.nichols@target-specialty.com

FOR CITY USE ONLY	
Bid Form Item Number(s) Awarded to Above Named Firm/Individual: _____	_____
Date of Award by City Council (for bids over \$50,000): _____	Date P.O./Contract Issued: _____

RETURN COMPLETED & SIGNED BID FORM ALONG WITH CITY OF LUBBOCK SPECIFICATIONS. LABEL THE OUTSIDE OF YOUR SEALED BID WITH THE ITB NUMBER, THE CLOSING DATE AND TIME, AND YOUR COMPANY NAME AND ADDRESS.

City of Lubbock, TX  
Parks and Recreation  
Bid Tabulation  
August 22, 2013

ITB 13-11407-TL

Pesticide and Herbicide Supplies for Various Parkland Properties

Item	Qty	U/M	Description/Vendor	Location	Unit Price	Extended Cost
1	6	2 1/2 GL CO	Arsenal			
			<b>Univar</b>	<b>Grand Prairie, TX</b>	<b>174</b>	<b>\$ 1,046</b>
			Target Specialty Products	Dallas, TX	182	1,093
			John Deere Landscapes	Cleveland, OH	227	1,362
2	4	12 CO Per CS	Deet			
			<b>John Deere Landscapes</b>	<b>Cleveland, OH</b>	<b>60</b>	<b>240</b>
			BWI Dallas/Ft. Worth	Carrollton, TX	62	249
3	32	QT	Defoamer			
			<b>BWI Dallas/Ft. Worth</b>	<b>Carrollton, TX</b>	<b>5</b>	<b>164</b>
			John Deere Landscapes	Cleveland, OH	8	275
			Target Specialty Products	Dallas, TX	10	342
4	48	2 1/2 GL CO	Glyphosate			
			<b>BWI Dallas/Ft. Worth</b>	<b>Carrollton, TX</b>	<b>37</b>	<b>1,708</b>
			Univar	Grand Prairie, TX	41	1,991
			Target Specialty Products	Dallas, TX	48	2,328
			John Deere Landscapes	Cleveland, OH	53	2,544
5	160	1 GL CO	Marker Dye			
			<b>John Deere Landscapes</b>	<b>Cleveland, OH</b>	<b>20</b>	<b>3,216</b>
			Univar	Grand Prairie, TX	28	4,537
			BWI Dallas/Ft. Worth	Carrollton, TX	31	5,008
			Target Specialty Products	Dallas, TX	33	5,358
6	10	2 1/2 GL CO	MSMA			
			<b>BWI Dallas/Ft. Worth</b>	<b>Carrollton, TX</b>	<b>53</b>	<b>539</b>
7	8	1.25 GL CO	Permethrin TC			
			<b>Univar</b>	<b>Grand Prairie, TX</b>	<b>46</b>	<b>371</b>
			Target Specialty Products	Dallas, TX	52	422
			BWI Dallas/Ft. Worth	Carrollton, TX	59	474
			John Deere Landscapes	Cleveland, OH	69	552
8	2	2 1/2 GL CO	Reward			
			<b>John Deere Landscapes</b>	<b>Cleveland, OH</b>	<b>197</b>	<b>395</b>
			Target Specialty Products	Dallas, TX	197	395
			BWI Dallas/Ft. Worth	Carrollton, TX	197	395
			Univar	Grand Prairie, TX	197	395
9	2	12 CO Per CS	Soap-N-Water			
			<b>Univar</b>	<b>Grand Prairie, TX</b>	<b>56</b>	<b>113</b>
			BWI Dallas/Ft. Worth	Carrollton, TX	59	119
			Target Specialty Products	Dallas, TX	64	128
			John Deere Landscapes	Cleveland, OH	82	165

City of Lubbock, TX  
Parks and Recreation  
Bid Tabulation  
August 22, 2013

ITB 13-11407-TL

Pesticide and Herbicide Supplies for Various Parkland Properties

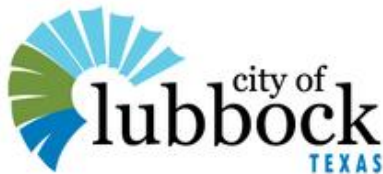
Item	Qty	U/M	Description/Vendor	Location	Unit Price	Extended Cost
10	16	2 1/2 GL CO	Surfactant			
			<b>BWI Dallas/Ft. Worth</b>	<b>Carrollton, TX</b>	<b>20</b>	<b>324</b>
			Univar	Grand Prairie, TX	29	476
			John Deere Landscapes	Cleveland, OH	44	704
			Target Specialty Products	Dallas, TX	44	718
11	4	12 CO Per CS	Total Release			
			<b>Target Specialty Products</b>	<b>Dallas, TX</b>	<b>49</b>	<b>196</b>
			Univar	Grand Prairie, TX	54	218
			John Deere Landscapes	Cleveland, OH	57	228
			BWI Dallas/Ft. Worth	Carrollton, TX	59	236
12	5	12 CO Per CS	Wasp Spray			
			<b>BWI Dallas/Ft. Worth</b>	<b>Carrollton, TX</b>	<b>31</b>	<b>158</b>
			Univar	Grand Prairie, TX	61	306
			Target Specialty Products	Dallas, TX	69	347
			John Deere Landscapes	Cleveland, OH	71	356
13	100	1 GL CO	Whole Control			
			<b>Target Specialty Products</b>	<b>Dallas, TX</b>	<b>36</b>	<b>3,600</b>
14	160	25 LB BG	Amdro Pro			
			<b>Target Specialty Products</b>	<b>Dallas, TX</b>	<b>130</b>	<b>20,880</b>
			BWI Dallas/Ft. Worth	Carrollton, TX	174	27,868
			John Deere Landscapes	Cleveland, OH	245	39,257
15	160	25 LB BG	Award			
			<b>BWI Dallas/Ft. Worth</b>	<b>Carrollton, TX</b>	<b>221</b>	<b>35,440</b>
			Target Specialty Products	Dallas, TX	333	53,280
			John Deere Landscapes	Cleveland, OH	370	59,200
16	20	GL	Surfactant			
			<b>BWI Dallas/Ft. Worth</b>	<b>Carrollton, TX</b>	<b>8</b>	<b>167</b>
			John Deere Landscapes	Cleveland, OH	17	352
			Target Specialty Products	Dallas, TX	18	368
17	30	GL	Simizine 4L			
			<b>BWI Dallas/Ft. Worth</b>	<b>Carrollton, TX</b>	<b>15</b>	<b>453</b>
			Target Specialty Products	Dallas, TX	20	622
			John Deere Landscapes	Cleveland, OH	23	708
18	115	GL	Triplet			
			<b>BWI Dallas/Ft. Worth</b>	<b>Carrollton, TX</b>	<b>23</b>	<b>2,680</b>
			Target Specialty Products	Dallas, TX	26	3,102
			John Deere Landscapes	Cleveland, OH	31	3,631
19	20	CS	Weevil-cide (Tablets)			
			<b>Univar</b>	<b>Grand Prairie, TX</b>	<b>180</b>	<b>3,610</b>

City of Lubbock, TX  
Parks and Recreation  
Bid Tabulation  
August 22, 2013

ITB 13-11407-TL

Pesticide and Herbicide Supplies for Various Parkland Properties

<b>Item</b>	<b>Qty</b>	<b>U/M</b>	<b>Description/Vendor</b>	<b>Location</b>	<b>Unit Price</b>	<b>Extended Cost</b>
			Target Specialty Products	Dallas, TX	272	5,454
20	20	GL	Aqua-Master			
			<b>BWI Dallas/Ft. Worth</b>	<b>Carrollton, TX</b>	<b>19</b>	<b>385</b>
			Target Specialty Products	Dallas, TX	21	423
			John Deere Landscapes	Cleveland, OH	27	552
<b>Item by Item:</b>						
			John Deere Landscapes	Cleveland, OH (Items 2,5,8)	\$	3,851
			Univar	Grand Prairie, TX (Items 1,7,9,19)		5,140
			<b>Target Specialty Products</b>	<b>Dallas, TX (Items 11,13,14)</b>		<b>24,676</b>
			<b>BWI Dallas/ Ft. Worth</b>	<b>Carrollton, TX (Items 3,4,6,10,12)</b>		<b>42,018</b>



**Regular City Council Meeting**

**5. 6.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order contract 10009373 with Daco Fire Safety Equipment for the purchase of a fuel truck for the Fire Department.

**Item Summary**

The fuel truck will be used on a daily basis as a fuel and service truck to all Fire Department units. This vehicle will respond to emergencies to re-fuel fire apparatus, as needed. The vehicle replaces a 1982 model.

As the City continues to grow, the Fire Department continues to be progressive in efforts to meet this growth and look for ways to best serve the citizens of Lubbock. In addition to this unit serving as a re-fueling vehicle utilized at long term incidents, the Fire Department plans to use this unit as a service truck for repairs, either at the stations or on the scene, as needed. This reduces the need to bring the front line equipment to the shop for minor repairs and reduces traveling to and from the shop to switch out for a reserve unit.

The \$124,968 purchase from Daco Fire Safety Equipment of Lubbock, Texas for the Fire Department fuel truck is made through the Houston-Galveston Area Council (HGAC) Contract FS 12-11, Product Code DD09. HGAC is a regional planning commission created under Acts of the 59th Legislature, Regular Session 1965, recodified as Texas Local Government Code, Chapter 391. The HGAC program was established pursuant to the Texas Interlocal Cooperation Act that allows governmental and qualifying non-profit entities to use the Act to obtain commonly needed products and services. HGAC purchases conform to the requirements of Texas competitive bid statutes.

**Fiscal Impact**

Funding is available in the FY 2012-13 Master Lease Program.

**Staff/Board Recommending**

Scott Snider, Assistant City Manager

Mike Kemp, Fire Chief

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**Attachments**

Resolution & Purchase Order - Daco

Photo - Fire Fuel Truck

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**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. 10009373 for the purchase of a fuel transport vehicle as per HGAC Contract FS 12-11, by and between the City of Lubbock and Daco Fire Safety Equipment of Lubbock, 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

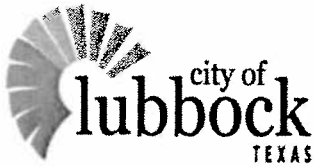
APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Mike Kemp, Fire Chief

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chad Weaver, Assistant City Attorney

vw:ccdcs/RES.Daco Fire Safety Equipment-PurchaseOrd  
August 05, 2013



PURCHASE ORDER

Page - 1
Date - 08/08/2013
Order Number 10009373 000 OP
Branch/Plant 100

TO:
DACO FIRE SAFETY EQUIPMENT
201 AVENUE R
P.O. BOX 5006
LUBBOCK Texas 79408 5006

SHIP TO:
CITY OF LUBBOCK
FLEET SERVICES
206 MUNICIPAL DRIVE
LUBBOCK Texas 79403

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

Ordered 08/01/2013 Freight
Requested 08/01/2013 Taken By D.TORRES
Delivery PER M.TREVINO/REQ 41380 HGAC CONTRACT FS 12-11

Table with 7 columns: Description/Supplier Item, Ordered, Unit Cost, UM, Extension, Request Date. Row 1: Fuel Transport Vehicle, 1.000, 124,968.0000, EA, 124,968.00, 12/20/2013. Row 2: Total Order, 124,968.00. Row 3: Terms NET 30 DAYS.

This purchase order encumbers funds in the amount of \$124,968 awarded to DACO Fire Safety Equipment of Lubbock, Texas on August 22, 2013. The following is incorporated into and made part of this purchase order by reference: Price Quotation dated August 6, 2013 from DACO Fire Safety Equipment of Lubbock, Texas and Houston-Galveston Area Council (H-GAC) Contract FS 12-11. Resolution# \_\_\_\_\_.

CITY OF LUBBOCK

ATTEST:

Glen C. Robertson, Mayor

Rebecca Garza, City Secretary



**CONTRACT PRICING WORKSHEET**  
for MOTOR VEHICLES In The State Of Texas

*This Form must be prepared by Contractor, and provided to End User to attach to Purchase Order, with copy to H-GAC.  
The H-GAC fee shall be calculated and shown as a separate line item.*

Buying Agency:	CITY OF LUBBOCK	Contractor:	DACO FIRE EQUIPMENT INC.
Contact Person:	D'ANA TORRES	Prepared By:	STEVE DAVIS
Phone:	806-775-2167	Phone:	806-763.-0808
Location City, State:	LUBBOCK, TX.	Contract No.:	FS12-11
Date:	8/6/2013	Product Code:	DD09
Product Description:	SPECIAL VEHICLE		

**A. Item Base Unit Price Per H-GAC Contract:** **A:** \$115,062.00

**B. Published Options (Itemize below and attach additional sheet(s) if necessary)**

Code	Description	Cost	Code	Description	Cost
	SEE ATTACHED SHEET				
				Subtotal From Additional Sheet(s):	
				<b>Subtotal B:</b>	\$6,206.00

**Note: Published Options are options submitted with the contractor's bid.**

**C. Unpublished Options (Itemize below and attach additional sheet(s) if necessary)**

Code	Description	Cost	Code	Description	Cost
					0
				Subtotal From Additional Sheet(s):	
				<b>Subtotal C:</b>	-
<b>Check:</b> Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction, the percentage is:					0%

**D. Other Price Adjustments (E.G. Installation, Freight, Delivery, Etc.)**

EXTENDED FORD WARRANTY 5 YRS 75000 MILES	
	<b>Subtotal D:</b> \$1,700.00

**E. Unit Cost of Item Before Any Applicable Trade-In/Other Allowances (A+B+C+D)**

Quantity Ordered	X	122,968
		<b>Subtotal E:</b> 122,968

**F. H-GAC Fee Calculation (From Current Fee Tables)**

	<b>Subtotal F:</b> 2000
--	-------------------------

**G. Trade-In/Other Allowances**

	<b>Subtotal G:</b> -

**H. Total Purchase Price (E+F+G):** 124,968

(Please Type, or Print Legibly)

Estimated Delivery Date:

**ATTACHMENT**  
**HGAC COOPERATIVE PURCHASING PROGRAM**  
**PRICES OPTIONS - SPECIAL VEHICLE - DD09**

<b>CODE</b>	<b>DESCRIPTION</b>	<b>COST</b>
50-15-1200	BATTERIES GROUP 31 12 VOLT. ADD 1	\$201
51-15-3600	WHELEN PIONEE PLUS PFP2 DUAL BOTT	\$2,690
5201-1300	MARKER LTS INCAN EACH (8)	(\$408)
53-03-1600	TAIL/ BRAKE/TURN INCAN 4 X 6	(\$117)
53-03-2400	TAIL/ BRAKE/TURN LED 4 X 6	\$253
56-02-1200	56-02-1200 SPKR. CAST 100 WAT sa4301	(\$243)
56-01-1600	SIREN WHELEN 295 SLSA1	(\$361)
58-91-1720	TRAFFIC ARROW WHELEN 46"	\$1,232
61-01-3100	CABLE REEL HANNAY ECR1600	\$1,062
61-04-8200	ROLLER ASSY CABLE REEL 4 WAY SS ROL	\$200
61-04-9100	BALL STOP CABLE ORANGE 4	\$160
77-07-3100	AIR HOSE LOW PRESS 1/4" TOOLS	\$354
77-10-8700	TRAILER HITCH Rr, 1200#	\$917
77-11-0600	TRAILER HITCH PWR PLUG 12V 4 PRONG	\$266
	<b>TOTAL</b>	<b>\$6,206</b>

Ford F550 - Service body will be taller, extending up near the top of the cab. The overall length will be about the same.





**Regular City Council Meeting**

**5. 7.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to execute purchase order contract 10009385 with Verde Inc. for two rehabilitation trailers for the Fire Department, RFP 13-11322-DT.

**Item Summary**

The purchase order contract is for two rehabilitation trailers needed by the Fire Department. The trailers are crucial, during a major incident, for the responders to break for rehab after approximately 30 minutes. A well-equipped trailer at the scene provides timely and effective rehab and is needed in order to have an area where firefighters can seek shelter from outside elements, especially the wind. Firefighters will be inside the trailer and under the awning to cool off and to have their vital signs checked.

The department's original intent was to purchase a single unit truck to fulfill the need for rehab. After further research it became apparent that the cost for a large single truck type unit was going to surpass the approved budget. The department began researching a truck and trailer combination that could be easier to maneuver in and around incident scenes, as well as provide a larger inside area for rehab during extreme weather. This change resulted in the proposed unit with a custom built triple axle goose neck rehab trailer that includes bench seating, a desk area, cabinets, a bathroom, and a refrigerator. It will include an awning as well as outside lighting. Each trailer will be pulled by a 1-ton 4x4 truck.

With the new design, the pricing decreased significantly, which enabled the department to recommend two units and still be within budget. The department proposes to purchase two units due to the following multi-uses that could extend up to several days: training; candidate physical ability testing (CPAT) and orientation; a long term incident locally or at Lake Alan Henry; and/or allow the Police Department access to provide rehab for their officers during extensive events. In any of the above mentioned situations, one could be utilized for that event and still have one in service ready for other emergency situations.

The department currently has a 30-year-old van which is used as a make-shift rehabilitation trailer that one of the new units will replace. The other trailer will be an addition to the existing fleet.

An RFP was published for the rehabilitation trailer since it was going to be a custom built unit. The committee used the weighted evaluation criteria as follows: 40% Cost and warranty, 30% Proposed equipment, to include design, 10% Service/Repair of equipment, 20% Record of performance based on client references.

Five proposals were received from the following and ranked as follows:

Verde Inc. of Lake Wales, FL	437.5
LDV Inc. of Burlington, WI	355
Trivan Truck of Waco, TX	347.5
D&D Farm and Ranch of Seguin, TX	327.5

A best and final offer was sent to the highest scoring proposer which resulted in a better price per unit. Based on the proposed costs, the committee was able to recommend two units. The committee recommends award to the highest scoring offeror, Verde, Inc. of Lakes Wales, FL, for two rehabilitation trailers at a total cost of \$102,690.

**Fiscal Impact**

The equipment is approved in the FY 2012-13 Master Lease Program.

**Staff/Board Recommending**

Scott Snider, Assistant City Manager

Mike Kemp, Fire Chief

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**Attachments**

Resolution & Purchase Order - Verde

Drawing - Verde

Drawing General Notes - Verde

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**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. 10009385 for the purchase of a Rehabilitation Trailer as per RFP 13-11322-DT, by and between the City of Lubbock and Verde Inc. of Lake Wales, Florida, 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:

  
\_\_\_\_\_  
Mike Kemp, Fire Chief

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chad Weaver, Assistant City Attorney

vw:ccdcs/RES.Verde Inc.-PurchaseOrd  
August 5, 2013



PURCHASE ORDER

Page - 1
Date - 08/05/2013
Order Number 10009385 000 OP
Branch/Plant 100

TO: VERDE INC
2300 N SCENIC HWY
LAKES WALES Florida 33898-6626

SHIP TO: CITY OF LUBBOCK
FLEET SERVICES
206 MUNICIPAL DRIVE
LUBBOCK Texas 79403

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

Ordered 08/05/2013 Freight
Requested 08/05/2013 Taken By D.TORRES
Delivery PER M.TREVINO/REQ 41380 RFP 13-11322-DT

Table with 7 columns: Description/Supplier Item, Ordered, Unit Cost, UM, Extension, Request Date. Rows include Rehabilitation Trailer Per Spec 5718-FD, Freight Charges, and Total Order.

This purchase order encumbers funds in the amount of \$102,690 awarded to Verde Inc. of Lake Wales, Florida on August 22, 2013. The following is incorporated into and made part of this purchase order by reference: RFP 13-11322-DT Best and Final Offer Proposal Price Sheet dated July 26, 2013 from Verde Inc. of Lake Wales, Florida. Resolution# \_\_\_\_\_.

CITY OF LUBBOCK

ATTEST:

Glen C. Robertson, Mayor

Rebecca Garza, City Secretary

July 26, 2013

**City of Lubbock, TX  
RFP 13-11322-DT  
Rehab Trailer**

**PROPOSAL PRICE SHEET - BAFO**

Proposer's Name: Verde Inc 2300 N Scenic Hwy Lake Wales FL 33898

1. 2 - 8.5' x 32' Gooseneck Rehab Trailer as per specification 5718-FD	\$50745 _____ Unit Cost	\$ <u>101490</u> Extended Cost
---	----------------------------	-----------------------------------

Manufacturer: Forest River Waco Tx

Model: Eliminator ELG8532TTA4

2. Freight charges	\$ <u>1200-(2x\$600)</u>
--------------------	--------------------------

3. List any additional costs or options:

_____	\$ <u>0</u>
-------	-------------

_____	\$ _____
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<b>TOTAL</b>	\$ <u><b>102690</b></u>
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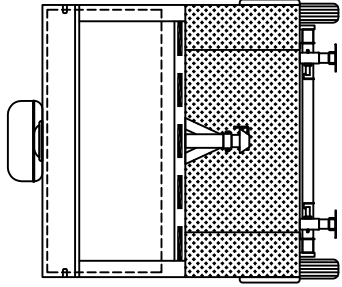
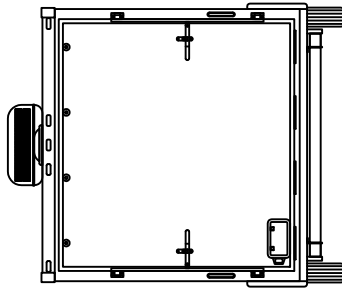
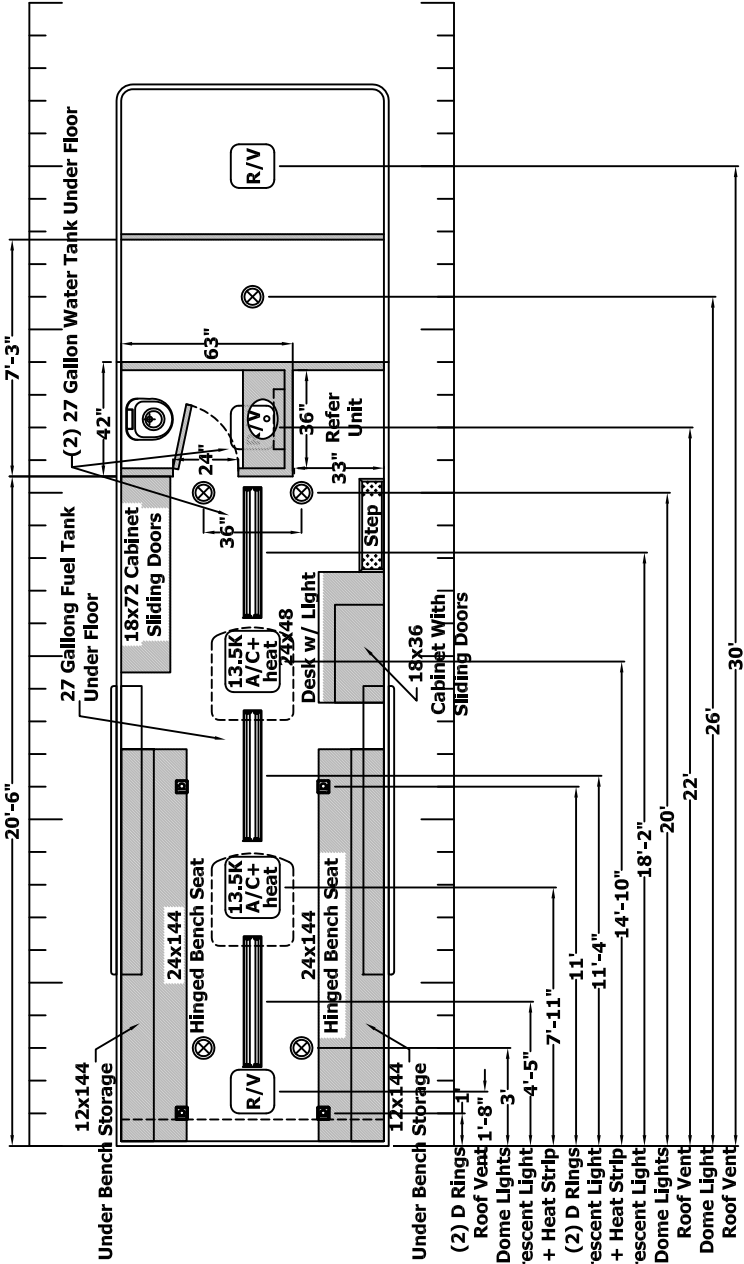
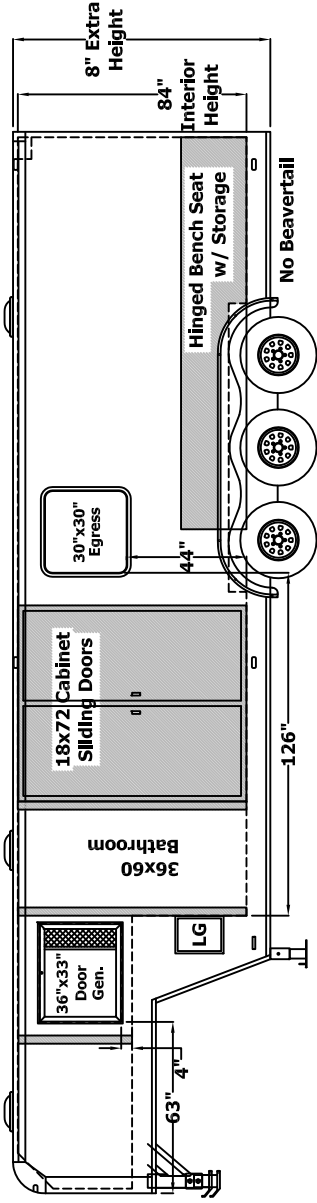
Delivery (weeks) 12

Prepared by: JT Shortly

Title: President

Date: July26/13





- (2) D Rings
- Roof Vent 1'-8"
- (2) Dome Lights
- 48" Fluorescent Light
- 13.5K A/C + Heat Strip
- 7'-11"
- (2) D Rings
- 48" Fluorescent Light
- 13.5K A/C + Heat Strip
- 14'-10"
- 48" Fluorescent Light
- (2) Dome Lights
- 20"
- Dome Light
- Roof Vent
- 22"
- 30 Amp Panel (18" AFF)
- Switches
- 17"
- 17"
- 30"
- 26"
- 20"
- 18'-2"
- 14'-10"
- 11'-4"
- 11"
- 7'-11"
- 4'-5"
- 3'
- 1'-8"

Salesman Signature \_\_\_\_\_  
 Dealer Signature \_\_\_\_\_  
 Customer Signature \_\_\_\_\_

**ALL Signatures Required**  
**Drawn By: CB**  
**Production Lead Times Based On The**  
**Date The Order And Print Are Signed**

**ACTUAL PRODUCT MAY VARY SLIGHTLY FROM THIS PRINT**

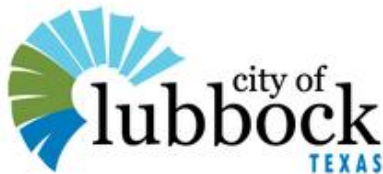
**This drawing contains private and confidential information that is property of Forest River Inc., a Berkshire Hathaway company.**

## DRAWING GENERAL NOTES

The included drawing is a draft and therefore should not be interpreted as a production ready drawing. This drawing is however to scale which aids the viewer in visualizing the interior. If Verde is successful in this submittal we will interview our end user and make any and all necessary changes to this drawing prior to entering production.

Noteworthy:

1. The original drawing depicted the fuel tank, water tank and generator on the upper deck front wall. You will notice these items have been repositioned. The fuel tank is below the main floor mounted between the main frame rails for impact protection. Moving this tank makes for better weight distribution and also allows for easier filling. In its original position personnel would need to stand in the truck bed to fill the tank. The 50 gallon water tank has been divided into (2) individual 27-gallon water tanks both placed below the floor. Once again filling is simpler, weight is distributed side to side and tongue weight is lessened. The generator was moved to the road side wall (R/S) and the baggage doors were moved to the curb side (C/S). The reason the generator was placed R/S has to do with the vented door and hitch structure. The generator has factory mandated floor cut outs for exhaust, ventilation and oil drain. With the generator in its original position these cut outs would be interrupted due to frame structure at the hitch. Another consideration is placing the vented door on the front wall. Main concerns being water intrusion while traveling.
2. The 18" x 36" cabinet immediately to the rear of the entrance door we believe was misinterpreted by our engineering department. If successful this will become an 18" tall x 36" (or 48") wide overhead cabinet.
3. Would also prefer to reposition the electrical distribution panel to a lower position on the wall and closer to the generator. This repositioning has to do with the electrical system as a whole. Generally the panel, power converter and generator transfer switch are placed in close proximity.
4. Sliding cabinet doors. The drawing we submitted shows the doors as sliding however we strongly recommend against it. Sliding door tracks simply do not hold up to road use. Sliding doors will be fine to begin with but will be a high maintenance item in the future. We need to remember that even if a malfunction is warranted the gooseneck must be taken out of service and transported to the nearest warranty center for repair. This includes removal of sensitive items, etc. Plexiglass is another item we do not offer. Once again this unit will be on the road, items on shelves shift and chafe the back side of the doors. Over time, plexiglass doors will look worn detracting from the interior. Our offering includes welded aluminum framed doors, clad and trimmed in aluminum with hinges and positive latches.



**Regular City Council Meeting**

**5. 8.**

**Meeting Date:** 08/22/2013

---

**Information**

**Agenda Item**

**Resolution - Transit:** Consider a resolution authorizing the Mayor to ratify amendment four, for the Medical Transportation Program (MTP) services agreement between the Texas Health and Human Services Commission and Citibus. HHSC 529-08-0196-00016.

**Item Summary**

The amendment for the MTP services agreement between the Texas Health and Human Services Commission and the Citibus (HHSC 529-08-0196-00016) extends the term of the MTP contract for an additional twelve months. Under amendment four the additional term will commence on September 1, 2013 and expire on August 31, 2014, unless extended to complete the intended purpose of the agreement or terminated earlier.

Under this agreement, Citibus' paratransit service provides non-emergency medical transportation for Lubbock and the surrounding counties. The non-emergency medical transportation contract allows Citibus to partner with other communities to provide regional transportation. Citibus is the lead agency and sub-contracts with SPARTAN, a rural transportation provider, to provide trips outside of Lubbock.

The original contract was approved by City Council on June 26, 2006. Staff is asking the Mayor and City Council to ratify the amendment. Due to the deadline issued by the State, the amendment has already been executed and forwarded on to the Texas Health and Human Services Commission.

**Fiscal Impact**

The revenue from this contract will be available for use as a local match for other Citibus grants, making this a valuable asset for the FY 2012-13 budget.

**Staff/Board Recommending**

Quincy White, Assistant City Manager

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**Attachments**

Resolution - Transit

Amendment Four - Medical Transportation Program

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**RESOLUTION**

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

THAT the act of the Mayor of the City of Lubbock in executing HHSC Amendment Four to the Medical Transportation Services Agreement between the Texas Health and Human Services Commission and City Transit Management Company, Inc., due to a state-imposed deadline, and related documents, is hereby ratified in full. Said Amendment is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

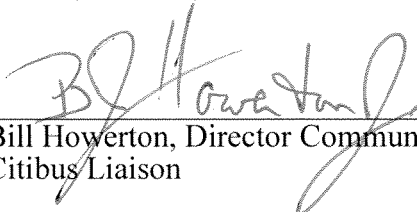
Passed by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR


ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Bill Howerton, Director Community Development  
Citibus Liaison

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chad Weaver, Assistant City Attorney

vw:ccdcs/Res.HHSC Amendment Four-Amendment  
August 6, 2013

STATE OF TEXAS

§  
§

HHSC 529-08-0196-000016

COUNTY OF TRAVIS

**HHSC AMENDMENT FOUR  
TO THE  
MEDICAL TRANSPORTATION SERVICES AGREEMENT  
BETWEEN THE  
TEXAS HEALTH AND HUMAN SERVICES COMMISSION  
AND  
CITY TRANSIT MANAGEMENT COMPANY, INC.**

**Article 1. Background and Objectives**

**Section 1.01 *Background***

THIS HHSC AMENDMENT FOUR ("Amendment") to HHSC contract 529-08-0196-00016 ("Agreement") is entered into between the Texas Health and Human Services Commission (HHSC), an administrative agency within the executive department of the State of Texas, with its principal place of business at 4900 North Lamar Boulevard, Austin, Texas, 78751 and City Transit Management Company, Inc. (Contractor), whose principal office is at 801 Texas Ave., Lubbock, TX 79401. HHSC and the CONTRACTOR may be referred to in this Amendment individually as "Party" and collectively as the "Parties."

The Texas Department of Transportation ("TxDOT") issued its solicitation entitled "Request for Proposal ("RFP"), Medical Transportation Program, Statewide Transportation Services," Solicitation No. B442006073000, October, 2005. TxDOT assigned the contract to HHSC, effective May 1, 2008, pursuant to S.B. 10, 80<sup>th</sup> Legislature, Regular Session, 2007. HHSC assigned contract number 529-08-0196-00016 to the contract.

**Section 1.02 *Authority***

This Amendment is executed under the authority granted in §531.02414 of the Tex. Gov Code and the Human Resource Code, Section 22.002 and in compliance with Articles 7 of the HHSC Uniform Contract Terms and Conditions (UTC) v. 1.4.1.

**Section 1.03 *Objectives***

The objectives of this Amendment are to extend the term of the agreement to procure continued services, update the Data Use and Business Associate Agreement, clarify the criminal background check requirement, and incorporate statutes and rules mandated by law.

**Article II. Amendment to the Obligations of the Parties**

**Section 2.01 *Modification of Term***

HHSC, under the Uniform contract Terms and Conditions (UTC) Section 7.01, the parties may extend the term in accordance with the Agreement.

The Agreement's current term expires on August 31, 2013. Under this Amendment Four, the additional term will commence on September 1, 2013 and expire August 31, 2014 unless extended to complete the intended purpose of the agreement or terminated earlier pursuant to UTC 11.03.

## **Section 2.02 *Clarification of Criminal Background Check Requirements***

The Criminal Background Checks (CBC) language in RFP Section 10.4, Operation Requirements, Item 10.4.6.2 and Item 10.4.6.3 relating to criminal background checks, was modified in Section 2.04 of Amendment One.

In this Amendment, Section 10.4, Operation Requirements, Item 10.4.5.2 and Item 10.4.6.2 relating to citations and violations and criminal background checks, is hereby modified and replaced by the following

"10.4.5.2 Operators shall not have any findings by a law enforcement authority of driving while intoxicated (DWI/DUI) or under the influence of any substance that may impair the driver's ability to safely operate a motor vehicle within seven years prior to the hire date or any time after the hire date.

10.4.6.2 The criminal history background check shall include at a minimum, but not limited to, felony or misdemeanor conviction of an act of abuse, neglect or exploitation of children, the elderly or persons with disabilities as defined in Texas Family Code, as amended, Chapter 261 and Texas Human Resources Code, as amended, Chapter 48; an offense under the Texas Penal Code, as amended, against the person; against the family; against public order or decency; against public health, safety or morals; against property; an offense under Chapter 481 of the Texas Health and Safety Code, as amended, (Texas Controlled Substances Act). The Transportation Service Area Provider (TSAP) certifies the TSAP shall, prior to any individual performing work under this contract, conduct or cause to be conducted for each new employee, employee, subcontractor, subcontractor employee who works directly with clients under this Contract, or who have direct access to client records, a state Internet Computerized Criminal History file (CCH) background check through the Department of Public Safety's public internet website, a National CCH from an organization that is nationally approved and recognized to provide criminal history background checks, and a National and State Sex Offender Registry check, which shall be maintained by the TSAP, available for review by the HHSC. The TSAP must submit the name of the nationally approved and recognized organization it elects to use for the national criminal history and background check to HHSC for approval. The TSAP shall check for felony and misdemeanor convictions for the seven years prior to the hire date and annually thereafter. Individuals with any criminal conviction that falls within the aforementioned categories that occurred within seven years prior to the hire date or any time after the hire date shall not be allowed to participate in providing requirements of

the purchase order and any services that are determined to have been provided by a person not eligible to provide services under this contract will be recouped."

**Section 2.03** *New Statutes and Rules Applicable to the Agreement.*

The requirements of the recently enacted Government Code §531.02414 (e) are applicable to this contract. The statute restates and clarifies certain operator and vehicle contractual requirements.

Pursuant to the requirements of §531.02414 (e), HHSC will adopt the required Rules containing the statutory operator and vehicle requirements. The Rule will be added as Title 1, Part 15, Texas Administrative Code, Chapter 380.501 and 502.

**Section 2.04** *Data Use.*

All data provided to Contractor by HHSC is deemed confidential and is subject to the revised Data Use and Business Associate Agreement, version 7, attached to this Agreement and incorporated by reference as Exhibit A. If there are conflicts between Exhibit A and prior amendments or the UCT 1.4.1, Exhibit A will control.

**Section 2.05** *Effective date.*

The modifications to the Agreement provided in this Amendment will take effect upon execution and will terminate on the Expiration Date of this Amended Contract, unless extended or terminated sooner by HHSC in accordance with the Agreement.

**ARTICLE III. REPRESENTATIONS AND AGREEMENTS OF THE PARTIES.**

**Section 3.01** *Continuing effect of the Agreement.*

The Parties contract and agree that the terms of the Agreement shall remain in effect and continue to govern except to the extent modified in this Amendment.

**Section 3.02** *Incorporation of the terms of the Amendment.*

By signing this Amendment, the Parties expressly understand and agree that this Amendment is hereby made a part of the Agreement as though it were set out word for word in the Agreement.

**IN WITNESS HEREOF, HHSC AND CONTRACTOR have each caused this Amendment to be signed and delivered by its duly authorized representative.**

Health & Human Services Commission

City Transit Management Company, Inc.

By: \_\_\_\_\_

Kyle Janek, M.D.

Executive Commissioner

By: Maurice Pearl

Print Name Maurice Pearl

Title Citibus General Manager

Date: \_\_\_\_\_

Date: 8/7/13

CITY OF LUBBOCK, TX:

Glen C. Robertson  
Glen C. Robertson, Mayor

ATTEST:

Rebecca Garza  
Rebecca Garza, City Secretary

Approved AS TO CONTENT:

Bill Howerton  
Bill Howerton, Director of Community  
Development/Citibus Liaison

APPROVED AS TO FORM:

Chad Weaver  
Chad Weaver, Assistant City Attorney

**HEALTH AND HUMAN SERVICES COMMISSION  
DATA USE AND BUSINESS ASSOCIATE AGREEMENT**

<b>DOCUMENT HISTORY LOG</b>			
<b>STATUS<sup>1</sup></b>	<b>DOCUMENT<sup>2</sup> REVISION VERSION</b>	<b>EFFECTIVE DATE</b>	<b>DESCRIPTION<sup>3</sup></b>
<b>BASELINE</b>	<b>n/a Version 7</b>	<b>05/03/2013</b>	<b>Initial HIPAA Omnibus Rule-Compliant Version</b>
<b>Revision</b>	<b>7.1</b>		
<b>Revision</b>			
<b>Revision</b>			

**DATA USE AND BUSINESS ASSOCIATE AGREEMENT  
BETWEEN HEALTH AND HUMAN SERVICES COMMISSION  
AND  
CITY TRANSIT MANAGEMENT COMPANY, INC.  
("CONTRACTOR")**

ARTICLE 1.	PURPOSE.....	3
ARTICLE 2.	DEFINITIONS .....	3
Section 2.01	Definition of Confidential Information .....	3
Section 2.02	Other Definitions .....	4
ARTICLE 3.	Data Use Terms and Conditions .....	10
ARTICLE 4.	Authority To Execute .....	11
ATTACHMENT 1.	Access, Use, Disclosure of Confidential Information .....	1
Section A1.01	Ownership of Confidential Information .....	1
Section A1.02	General Obligations of CONTRACTOR.....	1
Section A1.03	Specific Duties and Obligations of CONTRACTOR.....	1
Section A1.04	Other Permissible Uses and Disclosures of PHI by CONTRACTOR .....	2
Section A1.05	Security Requirements for Confidential Information.....	3
Section A1.06	Breach Notification, Report and Mitigation Requirements .....	5
ATTACHMENT 2.	Scope of Work .....	1
ATTACHMENT 3.	Other Obligations of CONTRACTOR .....	1
Section A3.01	Location of Confidential Information; Custodial Responsibility .....	1
Section A3.02	PHI in Designated Record Set .....	1
Section A3.03	CONTRACTOR Recordkeeping, Accounting and Disclosure Tracking .....	1
ATTACHMENT 4.	Disposition of Confidential Information .....	1
Section A4.01	CONTRACTOR's Duty in General.....	1
Section A4.02	Return or Destruction of Confidential Information .....	1
ATTACHMENT 5.	General Provisions.....	1
Section A5.01	HHSC commitment and obligations.....	1
Section A5.02	HHSC Right to Inspection.....	1
Section A5.03	Access to PHI .....	1
Section A5.04	Term of BAA .....	1
Section A5.05	Publication .....	2
Section A5.06	Governing Law, Venue and Litigation .....	2
Section A5.07	Injunctive Relief .....	2
Section A5.08	Indemnification.....	3
Section A5.09	Insurance.....	3
Section A5.10	Fees and Costs .....	3
Section A5.11	Entirety of the Base Contract.....	4
Section A5.12	Automatic Amendment and Interpretation .....	4
ATTACHMENT 6.	Confidential Information .....	1
ATTACHMENT 7.	Security Guidelines and Procedures .....	1
ATTACHMENT 8.	List of Authorized Users.....	1
ATTACHMENT 9.	Subcontractor Agreement Form .....	1

STATE OF TEXAS

COUNTY OF TRAVIS

**DATA USE AND BUSINESS ASSOCIATE AGREEMENT  
BETWEEN HEALTH AND HUMAN SERVICES COMMISSION  
AND  
CITY TRANSIT MANAGEMENT COMPANY, INC.  
("CONTRACTOR")**

This Data Use And Business Associate Agreement ("BAA"), effective as of the date signed below ("Effective Date"), is entered into by and between Health and Human Services Commission ("HHSC") and City Transit Management Company, Inc. ("CONTRACTOR"), and incorporated into the terms of the "Base Contract" entered into by these parties, HHSC Contract No. 529-08-0196-00016.

**ARTICLE 1. PURPOSE**

CONTRACTOR must create, receive, maintain, or have access to information about HHSC programs and/or its clients for HHSC program benefits and services, as described in the Base Contract. This information is deemed confidential under the Base Contract and state and federal law. CONTRACTOR acknowledges the sensitive and confidential nature of this information and agrees that it will take all necessary and reasonable measures to preserve and protect the confidentiality, privacy, security, integrity, and availability of the HHSC information.

The purpose of this BAA is to facilitate creation, receipt, maintenance and access to Confidential Information with CONTRACTOR, and clarify CONTRACTOR's obligations with respect to the Confidential Information. This BAA expressly describes the limited purposes for which the CONTRACTOR may create, receive, maintain, or have access to Confidential Information, and establishes CONTRACTOR's rights and responsibilities concerning the information. This BAA also describes HHSC's remedies in the event of CONTRACTOR's noncompliance with its obligations under this BAA.

As of the Effective Date of this BAA, if Article 10, Section 16.01 of HHSC's UNIFORM TERMS AND CONDITIONS conflicts with this BAA, this BAA controls.

**ARTICLE 2. DEFINITIONS**

For the purposes of this BAA, the following terms below have the meanings set forth below.

**Section 2.01**     *Definition of Confidential Information*

For the purposes of this BAA, the term "Confidential Information" and other terms have the meaning set forth below. Capitalized terms included have the meanings set forth in Section 2.02 below.

**"Confidential Information"** means any communication or record (whether oral, written, electronically stored or transmitted, or in any other form) that consists of or includes any or all of the following:

- (1)     Client Information;
- (2)     Protected Health Information in any form including without limitation, Electronic Protected Health Information or Unsecured Protected Health Information;
- (3)     Sensitive Personal Information as defined by Texas Business and Commerce Code Ch. 521;

- (4) Federal Tax Information;
- (5) Personally Identifiable Information;
- (6) Social Security Administration Data;
- (7) All non-public budget, expense, payment and other financial information;
- (8) All privileged work product;
- (9) All information designated as confidential under the laws of the State of Texas and of the United States;
- (10) To the extent permitted under the laws and constitution of the State of Texas, all information designated by HHSC or any other State agency as confidential, including but not limited all information designated as confidential under the Texas Public Information Act, Texas Government Code, Chapter 552;
- (11) Information that CONTRACTOR has access to or that is created, utilized, developed, received, or maintained by HHSC, the CONTRACTOR, or participating State agencies for the purpose of fulfilling a duty or obligation under this BAA and that has not been publicly disclosed;
- (12) Information identified in Attachment 6 attached to this BAA and to which CONTRACTOR specifically seeks to obtain access for an Authorized Purpose.

**Section 2.02 Other Definitions**

For the purposes of this BAA, the following terms have the meanings set forth below.

**"Authorized Purpose"** means the specific purpose or purposes described in the Scope of Work of the Base Contract for Contractor to fulfill its obligations under the Base Contract, or any other purpose expressly authorized by HHSC in writing in advance.

**"Authorized User"** means a Person:

- (1) Who is authorized to create, receive, maintain, have access to, process, view, handle, examine, interpret, or analyze Confidential Information pursuant to this BAA;
- (2) For whom CONTRACTOR warrants and represents has a demonstrable need to know and have access to the Confidential Information; and
- (3) Who has agreed in writing to be bound by the disclosure and use limitations pertaining to the Confidential Information as required by this BAA, such agreement evidenced by each Authorized User's signature on the form attached to this BAA as Attachment 8.

**"Business Associate"** means a Person or organization, other than a member of HHSC's workforce, that performs, on behalf of HHSC, certain functions, activities, or services that create, receive, maintain, have access to or transmit Protected Health Information ("PHI") such as without limitation activities listed in the HIPAA definition and regulation of Business Associates. CONTRACTOR and CONTRACTOR's Subcontractor(s), to the extent applicable to the Base Contract, are "Business Associates" of HHSC for purposes of this BAA, if a Business Associate subcontracts part of its business associate function requiring the Subcontractor to create, receive, maintain, have access to or transmit PHI, except to the extent Contractors are on an HHSC site and treated as Workforce or are conduits as described by HIPAA. "Business Associate" excludes a mere conduit that does not require access to PHI. Business Associates are entities, for example and without limitation and to the extent applicable to the Base Contract: a telecommunications company or mail courier without regular access to PHI; entities that provide data transmission services to HHSC and require access on a routine basis to PHI; entities that offer a personal health record on behalf of a covered

entity; a Subcontractor, if a business associate subcontracts part of its function subject to this Agreement; a Person who creates, receives, maintains or transmits PHI on behalf of HHSC; or physical storage facilities or companies that store paper or electronic PHI. The meaning, application of and regulation of Business Associates are more fully described in the HIPAA Privacy, Security and Breach Regulations.

**“Breach”** means any unauthorized acquisition, access, use, or disclosure of Confidential Information in a manner not permitted by this BAA, the Base Contract or applicable law. Additionally:

- (1) **HIPAA Breach of PHI.** With respect to Protected Health Information (“PHI”) pursuant to HIPAA Privacy and Breach Notification Regulations and regulatory guidance, any unauthorized acquisition, access, use, or disclosure of PHI in a manner not permitted by the HIPAA Privacy Regulations is presumed to be a Breach unless CONTRACTOR, as applicable, demonstrates that there is a low probability that the PHI has been compromised. Compromise will be determined by a documented Risk Assessment including at least the following factors:
  1. The nature and extent of the Confidential Information involved, including the types of identifiers and the likelihood of re-identification of PHI;
  2. The unauthorized person who used or to whom PHI was disclosed;
  3. Whether the Confidential Information was actually acquired or viewed; and
  4. The extent to which the risk to PHI has been mitigated.

With respect to PHI, a “breach,” pursuant to HIPAA Breach Regulations and regulatory guidance excludes:

- (A) Any unintentional acquisition, access or use of PHI by a workforce member or person acting under the authority of HHSC or CONTRACTOR if such acquisition, access, or use was made in good faith and within the scope of authority and does not result in further use or disclosure in a manner not permitted under the HIPAA Privacy Regulations.
  - (B) Any inadvertent disclosure by a person who is authorized to access PHI at HHSC or CONTRACTOR to another person authorized to access PHI at the same HHSC or CONTRACTOR location, or organized health care arrangement, as defined by, in which HHSC participates, and the information received as a result of such disclosure is not further used or disclosed in a manner not permitted under the HIPAA Privacy Regulations.
  - (C) A disclosure of PHI where CONTRACTOR demonstrates a good faith belief that an unauthorized person to whom the disclosure was made would not reasonably have been able to retain such information, pursuant to HIPAA Breach Regulations and regulatory guidance.
- (2) **Texas Breach.** Breach means “Breach of System Security,” applicable to electronic Sensitive Personal Information (SPI) as defined by the Texas Breach Law. The currently undefined phrase in the Texas Breach Law, “compromises the security, confidentiality, or integrity of sensitive personal information,” will be interpreted in HHSC’s sole discretion, including without limitation, directing CONTRACTOR to document a Risk Assessment of any reasonably likelihood of harm or loss to an individual, taking into consideration relevant fact-specific information about the breach, including without limitation, any legal requirements the unauthorized person is subject to regarding Confidential Information to protect and further safeguard the data from unauthorized use or disclosure, or the receipt of satisfactory assurance from the person that the person agrees to further protect and safeguard, return and/or destroy the data to the satisfaction of HHSC. Breached SPI that is also PHI will be considered a HIPAA breach, to the extent applicable.

- (3) Any unauthorized use or disclosure as defined by any other law and any regulations adopted there under regarding Confidential Information.

**“Client Information”** means Personally Identifiable Information about or concerning recipients of benefits under one or more public assistance programs administered by HHSC.

**“De-Identified Information”** means health information, as defined in the HIPAA Privacy Regulations as not PHI, regarding which there is no reasonable basis to believe that the information can be used to identify an Individual. HHSC has determined that health information is not individually identifiable and there is no reasonable basis to believe that the information can be used to identify an individual only if:

- (1) The following identifiers of the Individual or of relatives, employers, or household members of the individual, are removed from the information:
- (A) Names;
  - (B) All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census:
    - (i) The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and
    - (ii) The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000.
  - (C) All elements of dates (except year) for dates directly related to an Individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;
  - (D) Telephone numbers;
  - (E) Fax numbers;
  - (F) Electronic mail addresses;
  - (G) Social security numbers;
  - (H) Medical record numbers (including without limitation, Medicaid Identification Number);
  - (I) Health plan beneficiary numbers;
  - (J) Account numbers;
  - (K) Certificate/license numbers;
  - (L) Vehicle identifiers and serial numbers, including license plate numbers;
  - (M) Device identifiers and serial numbers;
  - (N) Web Universal Resource Locators (URLs);
  - (O) Internet Protocol (IP) address numbers;
  - (P) Biometric identifiers, including finger and voice prints;
  - (Q) Full face photographic images and any comparable images; and
  - (R) Any other unique identifying number, characteristic, or code, except as permitted by paragraph (C) of this section; and
- (2) Neither HHSC nor CONTRACTOR has actual knowledge that the information could be used alone or in combination with other information to identify an Individual who is a subject of the information.”

**“Designated Record Set”** means a group of records maintained by or for a covered entity that is: (i) the medical records and billing records about Individuals maintained by or for a covered health care provider; (ii)

the enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan; or (iii) used, in whole or in part, by or for the covered entity to make decisions about individuals. For purposes of this definition, "record" means any item, collection, or grouping of information that includes PHI and is maintained, collected, used, or disseminated by or for a covered entity.

**"Destroy"** for Confidential Information means, as specified in the HIPAA Security Rule Regulations:

- (1) Paper, film, or other hard copy media have been shredded or destroyed such that the Confidential Information without limitation including PHI cannot be read or otherwise cannot be reconstructed. Redaction is specifically excluded as a means of data destruction.
- (2) Electronic media have been cleared, purged, or destroyed consistent with NIST Special Publication 800-88, "Guidelines for Media Sanitization," such that the Confidential Information without limitation including PHI cannot be retrieved.

**"Discovery"** means the first day on which an Event or Breach becomes known to CONTRACTOR, or, by exercising reasonable diligence would have been known to CONTRACTOR, and includes Events or Breaches discovered by or reported to CONTRACTOR by its officers, directors, employees, agents, work force members, Subcontractors or third-parties (such as legal authorities and/or Individuals).

**"Electronic Health Record"** means an electronic record of health-related information on an Individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

**"Electronic Protected Health Information"** ("E PHI") means any PHI which is maintained or transmitted by "Electronic Media as defined in HIPAA, 45 C.F.R. §160.102.

**"Encryption"** of Confidential Information means, as described in HIPAA, 45 C.F.R. §164.304 of the HIPAA Security Regulations, the use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without the use of a confidential process or key and such confidential process or key that might enable decryption has not been Breached. To avoid a Breach of the confidential process or key, these decryption tools will be stored on a device or at a location separate from the data they are used to encrypt or decrypt.

**"Event"** means a potential, suspected or attempted unauthorized access, use, disclosure, modification, loss or destruction of Confidential Information, which has the potential for jeopardizing the confidentiality, integrity or availability of the Confidential Information. An Event becomes a Breach when the event involves actual unauthorized access, use, disclosure, modification, loss or destruction of Confidential Information, which has the potential for jeopardizing the confidentiality, integrity or availability of the Confidential Information.

**"Federal Tax Information"** has the meaning assigned in the Internal Revenue Code, Title 26 of the United States Code and regulations adopted under that code.

**"HIPAA"** means the Health Insurance Portability and Accountability Act of 1996, as amended by the HITECH ACT and regulations thereunder including without limitation HIPAA Omnibus Rules, in 45 CFR Parts 160 and 164. Public Law 104-191 (42 U.S.C. §1320d, *et seq.*); Public Law 111-5 (42 U.S.C. §13001 *et seq.*); including without limitation regulations and guidance issued by the Secretary, such as 65 FR 82802, Dec. 28, 2000, as amended at 67 FR 53266, Aug. 14, 2002; 68 FR 8381, Feb. 20, 2003; 74 FR 19006, April 27, 2009; 75 FR 40868, July 14, 2010; and 78 FR 5695, Jan. 25, 2013.

**"HIPAA Breach Regulations"** means the HIPAA Breach Notification Regulations codified at 45 C.F.R. Part 160 and 45 C.F.R. Part 164, Subpart D relating to unsecured PHI.

**"HIPAA Omnibus Rules"** means the rule modifications to the HIPAA Privacy, Security, Enforcement and Breach Notification Rules under the HITECH Act and the Genetic Information Nondiscrimination Act; and other modifications published in Federal Register Vol. 78, January 25, 2013 which include:

- (1) Final modifications to the HIPAA regulations mandated by the HITECH Act, and certain other modifications of the Rules to improve the HIPAA rules;
- (2) Final rule adopting changes to the HIPAA Enforcement Rule;
- (3) Final rule on HIPAA Breach Regulations for unsecured PHI under the HITECH Act; and
- (4) Final rule modifying the HIPAA Privacy Regulations as required by the Genetic Information Nondiscrimination Act of 2008 (GINA).

**"HIPAA Privacy Regulations"** means the HIPAA Privacy Regulations codified at 45 C.F.R. Part 160 and 45 C.F.R. Part 164, Subpart A, Subpart D and Subpart E.

**"HIPAA Security Regulations"** means the HIPAA Security Regulations codified at 45 C.F.R. Part 160 and 45 C.F.R. Part 164 Subpart A and Subpart C, and Subpart D.

**"HITECH Act"** means the Health Information Technology for Economic and Clinical Health Act (P.L. 111-5), and regulations adopted under that act.

**"Individual"** means the subject of the Confidential Information, including without limitation PHI, and who will include the subject's Legally authorized representative who qualifies under the HIPAA Privacy Regulation as a Legally authorized representative of the Individual wherein HIPAA defers to Texas law for determination, for example, without limitation as provided in Tex. Occ. Code § 151.002(6); Tex. H. & S. Code §166.164; and Texas Prob. Code § 3.

**"Legally authorized representative"** of the Individual, as defined by Texas law, for example, without limitation as provided in Tex. Occ. Code § 151.002(6); Tex. H. & S. Code §166.164; and Texas Prob. Code § 3, includes:

- (1) a parent or legal guardian if the Individual is a minor;
- (2) a legal guardian if the Individual has been adjudicated incompetent to manage the Individual's personal affairs;
- (3) an agent of the Individual authorized under a durable power of attorney for health care;
- (4) an attorney ad litem appointed for the Individual;
- (5) a guardian ad litem appointed for the Individual;
- (6) a personal representative or statutory beneficiary if the Individual is deceased;
- (7) an attorney retained by the Individual or by another person listed herein; or
- (8) If an individual is deceased, their personal representative must be the executor, independent executor, administrator, independent administrator, or temporary administrator of the estate.

**"Information Security Guidelines and Procedures"** means the information security guidelines, procedures, protocols, and other documents or information identified in Attachment 7 to this BAA.

**“Limited Data Set”** means PHI that excludes the following direct identifiers of the Individual or of relatives, employers, or household members of the individual as defined at 45 CFR 164.514(e)(2):

- (1) names;
- (2) postal address information, other than town or city, State, and zip code;
- (3) telephone numbers;
- (4) fax numbers;
- (5) electronic mail addresses;
- (6) Social Security numbers;
- (7) medical record numbers;
- (8) health plan beneficiary numbers;
- (9) account numbers;
- (10) certificate/license numbers;
- (11) vehicle identifiers and serial numbers, including license plate numbers;
- (12) device identifiers and serial numbers;
- (13) web universal resource locators (URLs);
- (14) internet protocol (IP) address numbers;
- (15) biometric identifiers, including finger and voice prints; and
- (16) full face photographic images and any comparable images.

**“Person”** means without limitation, an employee, agent, representative, firm, corporation, organization, Subcontractor, a member of the general public, or a consumer.

**“Personally Identifiable Information”** or “PII” means information that can be used to uniquely identify, contact, or locate a single Individual or can be used with other sources to uniquely identify a single Individual.

**“Protected Health Information”** or “PHI” means individually identifiable health information in any form that is created or received by a HIPAA covered entity, and relates to the individual's healthcare condition, provision of healthcare, or payment for the provision of healthcare, as further described and defined in the HIPAA. PHI includes demographic information unless such information is De-identified, as defined above. PHI includes without limitation, “Electronic Protected Health Information” as defined above, and unsecure PHI. PHI includes PHI of a deceased individual within 50 years of the date of death.

**“Required by Law”** shall have the same meaning as the term “required by law” in 45 CFR 164.103 but applies to all Confidential Information, not only PHI.

**“Scope of Work”** means the services and deliverables to be performed or provided by CONTRACTOR, or on behalf of CONTRACTOR by its Subcontractors or agents for HHSC that are described in Attachment 2 attached to this BAA. If the Scope of Work includes or consists of a written proposal by the CONTRACTOR, any conflict between such proposal and the other terms of the Base Contract or this BAA will be resolved, in HHSC’s sole discretion, by giving effect to the other terms of the Base Contract or this BAA.

**“Secretary”** means the United States Secretary of the Department of Health and Human Services or designee.

**“Social Security Administration Data”** means disclosures of records, information, or data made by the Social Security Administration to HHSC for its administration of federally funded benefit programs under various provisions of the Social Security Act, such as Section 1137 (42 U.S.C. §§ 1320b-7), including the state-funded state supplementary payment programs under Title XVI of the Act, in accordance with the

requirements of the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988, 5 U.S.C. § 552a.

**"Subcontractor"** means a Person or who is not the Workforce of a Business Associate to whom a Business Associate delegates a function, activity or services conducted on behalf of HHSC, as more fully described in HIPAA Regulations.

**"Texas Breach Law"** means the Texas Identity Theft Enforcement and Protection Act, Texas Business & Commerce Code Ch. 521 and Texas Government Code §2054.1125.

**"Unsecured Protected Health Information"** means Protected Health Information that is not rendered unusable, unreadable, or indecipherable to unauthorized Persons through the use of a technology or methodology specified by the Secretary in HITECH Act regulations and HIPAA Security Regulations. Unsecured Protected Health Information does not include:

- (1) Encrypted Electronic Protected Health Information; or
- (2) Destruction of the media on which the PHI is stored.

All terms used in this BAA that are not otherwise defined in this BAA have the same meaning as those terms in HIPAA or other applicable law relating to CONTRACTOR's use or disclosure of Confidential Information on behalf of HHSC.

**"Workforce"** means employees, volunteers, trainees, and other Persons whose conduct, in the performance of work for HHSC, is under the direct control of HHSC, whether or not they are paid by HHSC.

### ARTICLE 3. DATA USE TERMS AND CONDITIONS

The Data Use Terms and Conditions are described in attachments to this BAA and are incorporated by reference. Requirements to create, receive, maintain, use, disclose, have access to or transmit Confidential Information are described in Attachment 1. The Scope of Work is described in Attachment 2. Other Obligations of CONTRACTOR are described in Attachment 3. CONTRACTOR obligations regarding disposition of Confidential Information are described in Attachment 4. General provisions related to this BAA are described in Attachment 5. A description of Confidential Information related to this BAA is provided in Attachment 6. Information Security Guidelines and Procedures are described in Attachment 7. The List of CONTRACTOR's Authorized Users under this BAA is provided in Attachment 8. The Form Subcontractor Agreement is provided in Attachment 9.

**ARTICLE 4. AUTHORITY TO EXECUTE**

The Parties have executed this contract in their capacities as stated below with authority to bind their organizations on the dates set forth by their signatures.

**IN WITNESS HEREOF**, HHSC and CONTRACTOR have each caused this BAA to be signed and delivered by its duly authorized representative:

Health & Human Services Commission

City Transit Management Company, Inc.

By: \_\_\_\_\_  
Kyle Janek, M.D.  
Executive Commissioner

By: Maurice Pearl  
Print Name Maurice Pearl  
Title Citibus General Manager

Date: \_\_\_\_\_

Date: 8/7/13

CITY OF LUBBOCK, TX  
[Signature]  
Glen C. Robertson, Mayor

ATTEST:

[Signature]  
Rebecca Garza, City Secretary

Approved AS TO CONTENT:  
[Signature]  
Bill Howerton, Director of Community  
Development/Citibus Liaison

APPROVED AS TO FORM:  
[Signature]  
Chad Weaver, Assistant City Attorney

## ATTACHMENT 1. ACCESS, USE, DISCLOSURE OF CONFIDENTIAL INFORMATION

### **Section A1.01**                      *Ownership of Confidential Information*

CONTRACTOR acknowledges and agrees that the Confidential Information is and will remain the property of HHSC. CONTRACTOR agrees it acquires no title or rights to the Confidential Information, including without limitation, PHI, Limited Data Sets and/or De-identified information, as a result of this BAA.

### **Section A1.02**                      *General Obligations of CONTRACTOR*

CONTRACTOR acknowledges and agrees that it may create, receive, maintain, use, disclose, have access to or transmit Confidential Information only for an Authorized Purpose, and that it may not disclose any Confidential Information to a third party except as may be expressly authorized under this BAA or as Required by Law. HHSC will allow CONTRACTOR to create, receive, maintain, use, disclose, have access to or transmit Confidential Information for an Authorized Purpose, provided CONTRACTOR complies in all respects with the terms and conditions of this BAA and law applicable to the Confidential Information.

### **Section A1.03**                      *Specific Duties and Obligations of CONTRACTOR*

- (1) CONTRACTOR agrees, in consideration of HHSC's allowing CONTRACTOR to create, receive, maintain, use, disclose, have access to or transmit Confidential Information, that:
  - (A) CONTRACTOR will hold the Confidential Information in trust and in strictest confidence;
  - (B) CONTRACTOR will take all measures necessary to prevent any portion of the Confidential Information from:
    - (i) Being used in a manner that is not expressly an Authorized Purpose under this BAA or as Required by Law;
    - (ii) Falling into the public domain; or
    - (iii) Falling into the possession of persons not bound to maintain the confidentiality of the Confidential Information.
  - (C) The minimum measures taken by CONTRACTOR pursuant to this Section include the exercise of reasonable care and at least the same degree of care as CONTRACTOR protects its own confidential, proprietary and trade secret information.
  - (D) CONTRACTOR will not, without HHSC's prior written consent, disclose or allow access to any portion of the Confidential Information to any Person or other entity, other than Authorized User employees or Subcontractors of CONTRACTOR.
  - (E) CONTRACTOR will, where provided, comply with the applicable provisions of HIPAA and other law applicable to Confidential Information relating to CONTRACTOR's creation, receipt, maintenance, use, disclosure, access to or transmission of Confidential Information on behalf of HHSC.
- (2) CONTRACTOR will have the limited right to create, receive, maintain, use, disclose, have access to or transmit the Confidential Information solely and exclusively for an Authorized Purpose, provided that such would not violate HIPAA or other applicable law relating to Confidential Information if such use or disclosure had been made by HHSC.

- (3) CONTRACTOR will allow access to or disclose Confidential Information only to those Subcontractors or Workforce who are Authorized Users trained in data privacy and security and who have a reasonable and demonstrable need to create, receive, maintain, use, disclose, have access to or transmit the Confidential Information to carry out CONTRACTOR's obligations in connection with the Authorized Purpose.
- (4) CONTRACTOR will establish, implement and maintain appropriate sanctions against any Workforce or Subcontractor who fails to comply with an Authorized Purpose in violation of this BAA, the Base Contract or applicable law.
- (5) CONTRACTOR will not, without prior written approval of HHSC, disclose or provide access to any Confidential Information on the basis that such act is Required by Law without notifying HHSC so that HHSC may have the opportunity to object to the disclosure or access and seek appropriate relief. If HHSC objects to such disclosure or access, CONTRACTOR will refrain from disclosing or providing access to the Confidential Information until HHSC has exhausted all alternatives for relief. Such disclosures of PHI are also addressed in Section 3.04(3), below.
- (6) CONTRACTOR will limit creation, receipt, maintenance, use, disclosure, access to or transmission of Confidential Information to the minimum necessary to accomplish an Authorized Purpose.
- (7) CONTRACTOR will not attempt to re-identify or further identify Confidential Information or De-identified Information, or attempt to contact any Individuals whose records are contained in the Confidential Information, except for an Authorized Purpose, without express written authorization from HHSC or as expressly permitted by the Base Contract.
- (8) CONTRACTOR will not permit or enter into any agreement with a Subcontractor to create, receive, maintain, use, disclose, have access to or transmit Confidential Information, on behalf of CONTRACTOR without express written approval of HHSC, in advance. HHSC prior approval, at a minimum will require that:
  - (A) Subcontractor, CONTRACTOR and HHSC execute the Form Subcontractor Agreement, Attachment 9, which ensures the subcontract contains identical terms, conditions, safeguards and restrictions as contained in this BAA for PHI and any other relevant Confidential Information and which permits more strict limitations.
  - (B) HHSC's execution of the Form Subcontractor Agreement, Attachment 9, will serve as the sole evidence of HHSC's advance written approval for a Subcontractor to create, receive, maintain, use, disclose, have access to or transmit Confidential Information;
  - (C) HHSC will be a third-party beneficiary to any agreement between the CONTRACTOR and a Subcontractor or third-party related to the Confidential Information, and HHSC will have the right but not the obligation to enforce the terms of any such agreement directly against the Subcontractor or third party.
- (9) The obligations of CONTRACTOR under this section are in addition to the duties of CONTRACTOR with respect to Confidential Information described elsewhere in the BAA, the Base Contract or applicable law.

**Section A1.04 Other Permissible Uses and Disclosures of PHI by CONTRACTOR**

Except as otherwise limited by this BAA, the Base Contract or law applicable to the Confidential Information, CONTRACTOR may:

HHSC Data Use and Business Associate Agreement V.7 HIPAA Omnibus Compliant 2013

Attachment I

Page 2 of 7

- (1) Create, receive, maintain, use, disclose, have access to or transmit PHI to perform the Services and Deliverables of the Base Contract, provided that such is:
  - (A) not a violation of HIPAA if done by HHSC;
  - (B) is limited to the minimum necessary to accomplish Authorized Purposes; and
  - (C) is done in compliance with applicable privacy and security standards for the Confidential Information.
- (2) Use PHI for the proper management and administration of CONTRACTOR or to carry out CONTRACTOR's legal responsibilities.
- (3) Disclose PHI for the proper management and administration of CONTRACTOR or to carry out CONTRACTOR's legal responsibilities if:
  - (A) Disclosure is Required by Law, provided CONTRACTOR complies with Section A1.03(5);
  - (B) CONTRACTOR obtains reasonable assurances from the Person to whom the information is disclosed that the Person will:
    - (i) Maintain the confidentiality of the Confidential Information;
    - (ii) Only use or further disclose the information only as Required by Law or for the Authorized Purpose for which it was disclosed to the Person; and
    - (iii) Notify CONTRACTOR of any Event or Breach of Confidential Information of which the Person discovers or should have discovered with the exercise of reasonable diligence, as described in Section A1.06.
- (4) Use PHI to provide data aggregation services to HHSC, as that term is defined in the HIPAA, 45 C.F.R. §164.501 and permitted by 45 C.F.R. §164.504(e)(2)(i)(B) and other applicable provisions of HIPAA.

**Section A1.05 Security Requirements for Confidential Information**

- (1) **Secure creation, maintenance, use, disclosure or transmission.** CONTRACTOR will create, maintain, use, disclose, transmit or destroy Confidential Information in a secure fashion. CONTRACTOR must:
  - (A) Ensure the confidentiality, integrity, and availability of all Confidential Information including without limitation electronic PHI that CONTRACTOR creates, receives, maintains, or transmits;
  - (B) Protect against any reasonably anticipated threats or hazards to the security or integrity of such information;
  - (C) Protect against any reasonably anticipated uses or disclosures of such information that are unauthorized;
  - (D) Ensure security compliance by , training or and sanctions for violations against CONTRACTOR'S Workforce; and
  - (E) Review and modify the security measures implemented as needed to continue provision of reasonable and appropriate protection of Confidential Information, and update documentation of such security measures.
- (2) **Safeguards.** CONTRACTOR will establish, implement and maintain any and all appropriate procedural, physical and technical safeguards to preserve and maintain the confidentiality,

integrity, and availability of the Confidential Information, and with respect to PHI, as described in the HIPAA Privacy and Security Regulations, or other applicable laws or regulations relating to Confidential Information, to prevent any unauthorized use or disclosure of Confidential Information as long as CONTRACTOR has such Confidential Information in its actual or constructive possession.

- (3) **Security Program.** CONTRACTOR will establish, implement and maintain an ongoing security program for Confidential Information, including without limitation for PHI in compliance with the HIPAA Security Regulations, that must:
- (A) Address administrative, physical, and technical safeguards that reasonably and appropriately protects the confidentiality, integrity, and availability of the Confidential Information, including without limitation PHI, that it creates, receives, maintains, or transmits on behalf of HHSC as in specified.
  - (B) Address systems of risk assessment and periodic assessments, risk management security measures and information system activity risk reviews.
  - (C) Designate and identify a single and independent Chief Privacy Officer and Chief Information Security Officer, each of whom are considered Key Personnel in the Base Contract subject to HHSC approval or rejection, responsible for the development and implementation of the privacy and security requirements in this BAA.
  - (D) Require Workforce training and sanctions for any CONTRACTOR Director, Officer, Workforce, employee, Subcontractor, or agent who violates the requirements regarding Confidential Information in this BAA, the Base Contract, or laws or regulations applicable to the Confidential Information.
  - (E) Implement, update as necessary and document reasonable and appropriate policies and procedures to comply with the privacy and security requirements of this BAA.
  - (F) Implement update as necessary and document policies, procedures, and an Incident Response Plan, in advance of conducting work under the BAA, for mitigating, to the maximum extent practicable, any harmful effect of an unauthorized use or disclosure of Confidential Information, including without limitation, PHI.
- (4) **Security Policies and Procedures Production and Approval.** CONTRACTOR will produce copies of its information security and privacy policies and procedures for HHSC's review and approval upon request by HHSC the following business day or other agreed upon time frame, and make available to the Secretary, in a time and manner reasonably agreed upon or designated by the Secretary, for purposes of the Secretary determining HHSC's or CONTRACTOR's compliance with HIPAA.
- (5) **Method of Confidential Information Access or Transfer.** All transmissions of Confidential Information by CONTRACTOR will be conducted securely. Secure transmission of electronic Confidential Information include secure File Transfer Protocol (SFPT) or encryption at an appropriate level, both at rest and in motion or otherwise protected as required by rule, regulation or law. All electronic data transfer and communications of Confidential Information will be through secure systems. Redaction is specifically excluded as a means to ensure security. De-identification is a means of security. With respect to de-identification of PHI, secure means de-identification to HIPAA Privacy standards and regulatory guidance.

- (6) **Information Security Guidelines and Procedures.** CONTRACTOR will comply with the requirements and guidelines identified in Attachment 7 of this BAA to ensure the security and confidentiality of the Confidential Information.

**Section A1.06 Breach Notification, Report and Mitigation Requirements**

- (1) **Breach or Event Notification to HHSC.**
- (A) CONTRACTOR will immediately, within the first consecutive clock hour, or in a timeframe otherwise approved by HHSC in writing, initially report to HHSC's Privacy and Security Officers via email at: [hipaa@hhsc.state.tx.us](mailto:hipaa@hhsc.state.tx.us), and report as required by the Base Contract all available information about the Discovery of an Event or a Breach of the privacy or security of Confidential Information which is not in compliance with the terms of the BAA, the Base Contract or other laws applicable to Confidential Information.
- (B) CONTRACTOR will cooperate fully with HHSC in investigating, mitigating to the extent practicable and issuing notifications directed by HHSC, for any Event or Breach of Confidential Information to the extent and in the manner determined by HHSC.
- (C) CONTRACTOR'S obligation begins at the Discovery of an Event or Breach and continues as long as related activity continues, until all effects of the Event are mitigated to HHSC's satisfaction.
- (D) No later than 48 consecutive clock hours after Discovery, or a time within Discovery reasonably should have been made of an Event or Breach of Confidential Information, or within a timeframe otherwise approved by HHSC in writing, provide formal notification to the State. Such notice will include all reasonably available information about the Event or Breach, including without limitation and to the extent available:
- 1) The date the Event or Breach occurred;
  - 2) The date of CONTRACTOR's and if applicable Subcontractor's Discovery;
  - 3) A brief description of the Event or Breach;
  - 4) A description of the types and amount of Confidential Information involved;
  - 5) Identification of and number of all Individuals reasonably believed to be affected, including first and last name of the individual and if applicable the, legally authorized representative, last known address, age, telephone number, and email address if it is a preferred contact method, to the extent known or can be reasonably determined by CONTRACTOR;
  - 6) CONTRACTOR's initial Risk Assessment of the Event or Breach required by applicable law or this BAA for HHSC approval;
  - 7) CONTRACTOR's recommendation for HHSC's approval as to the steps Individuals and/or CONTRACTOR on behalf of Individuals, should take to protect the Individuals from potential harm, including without limitation CONTRACTOR's provision of notifications, credit protection, claims monitoring, and any specific protections for a legally authorized representative to take on behalf of an Individual with special capacity or circumstances;

- 8) Contact procedures for Individual to ask questions or learn additional information, including the name and title of a CONTRACTOR representative and a toll free telephone number, an e-mail address and website or postal address;
  - 9) The status of CONTRACTOR's investigation;
  - 10) The steps CONTRACTOR has taken to mitigate the harm or potential harm caused (including without limitation the provision of sufficient resources to mitigate);
  - 11) The steps CONTRACTOR has taken, or will take, to prevent or reduce the likelihood of recurrence of a similar Event or Breach;
  - 12) A description of how the Event or Breach occurred, who is responsible for the occurrence, or estimations thereof;
  - 13) Identify, describe or estimate of the Persons, Workforce, Subcontractor, or Individuals and any law enforcement that may be involved in the Event or Breach;
  - 14) Name a single point of contact and a back-up for CONTRACTOR, with applicable full contact information for both on and off business hours for HHSC to communicate with during the incident response;
  - 15) A reasonable schedule for CONTRACTOR to provide regular updates to the foregoing in the future, as directed by and approved by HHSC for response to the Event or Breach, but no less than every three (3) business days or as otherwise directed by HHSC, including estimation date investigation, reporting, if any, notification, if any, mitigation and root cause analysis is expected to be completed; and
  - 16) Any reasonably available, pertinent information, documents or reports related to an Event or Breach that HHSC requests following Discovery.
- (2) Investigation, Response and Mitigation.
- (A) CONTRACTOR will immediately conduct a full and complete investigation, respond to the Event or Breach, will commit necessary and appropriate staff and resources to expeditiously respond, and report as required to and by HHSC for incident response purposes and for purposes of HHSC's compliance with report and notification requirements, to the satisfaction of HHSC.
  - (B) CONTRACTOR will have implemented policies, procedures and processes to respond to an Event or Breach, prior to start of work under the Base Contract, including investigation, response, root cause analysis, notifications, reporting and mitigation to the maximum extent practicable, any harmful effect of unauthorized use or disclosure of Confidential Information.
  - (C) CONTRACTOR will update as necessary, policies, procedures and processes to detect, investigate, mitigate losses, and prevent or reduce the likelihood of recurrence of a similar Event or Breach, and to provide these to HHSC for review and approval of the policies, procedures, processes, and the specific findings and actions taken in the time and manner reasonably requested by HHSC.
  - (D) CONTRACTOR will complete or participate in a Risk Assessment as directed by HHSC following an Event or Breach, and provide the final assessment and mitigations to HHSC for review and approval.

- (E) CONTRACTOR will fully cooperate with HHSC to respond to inquiries and/or proceedings by state and federal authorities, Persons and/or Individuals.
  - (F) CONTRACTOR will fully cooperate with HHSC's efforts to seek appropriate injunctive relief or otherwise prevent or curtail such Event or Breach, or to recover or protect any Confidential Information, including complying with reasonable corrective action or measures, as specified by HHSC in a Corrective Action Plan if directed by HHSC under Article 11 of the Base Contract.
- (3) Breach Notification to Individuals and Reporting to Authorities.
- (A) Whether legally required or not, HHSC may direct CONTRACTOR to provide breach notification to Individuals, regulators or third-parties, as specified by HHSC following a breach.
  - (B) CONTRACTOR must obtain HHSC's prior written approval of the time, manner and content of any notification to Individuals, regulators or third-parties, or any notice required by other state or federal authorities. CONTRACTOR will provide HHSC with copies of distributed and approved communications.
  - (C) CONTRACTOR will have the burden of demonstrating to the satisfaction of HHSC that any notification required by HHSC was timely made. If there are delays outside of CONTRACTOR's control, CONTRACTOR will provide evidence demonstrating the reasons for the delay.
  - (D) If HHSC delegates such requirements to Contractor, HHSC shall, in the time and manner reasonably requested by Contractor, cooperate and assist with Contractor's information requests in order to make such notifications and reports.
- (4) **Training and Education.** CONTRACTOR will ensure its officers, directors, employees, agents, Subcontractors and Workforce are adequately trained and educated and annually refresher or retrained on confidentiality, privacy, security and the importance of promptly reporting any Event or Breach and of the consequences of failing to do so, including without limitation: employment disciplinary action, employer sanctions or enforcement actions for legal noncompliance, potential loss of HHSC's Federal Financial Participation, and risks to third-party agreements. HHSC, at its election, may assist CONTRACTOR in training and education on specific or unique HHSC processes, systems and/or requirements.

HHSC Contract No.529-08-0196-00016

## **ATTACHMENT 2. SCOPE OF WORK**

The Scope of Work is set forth in detail in Texas Department of Transportation Specification No. TxDOT 952-94 dated October 2005 of the Base Contract, HHSC Contract No. 529-08-0196-00016, as amended, between HHSC and CONTRACTOR and is incorporated by reference as if set out word-for-word in this document.

### ATTACHMENT 3. OTHER OBLIGATIONS OF CONTRACTOR

#### **Section A3.01** *Location of Confidential Information; Custodial Responsibility*

CONTRACTOR is designated as the custodian of the records to which it may be entrusted and that contain Confidential Information, and is responsible for compliance with and enforcement of all conditions for creation, maintenance, use, disclosure, transmission and destruction of confidentiality, privacy and Subcontractor agreements as specified in this BAA or as may be reasonably necessary to prevent unauthorized use. CONTRACTOR will store all Confidential Information in a secure area and, subject to the terms of this BAA, will destroy any paper material in a secure manner in accordance with the requirements of the Information Security Guidelines and Procedures in Attachment 7 and Disposition of Confidential Information in Attachment 4.

#### **Section A3.02** *PHI in Designated Record Set*

- (1) CONTRACTOR will make PHI in a Designated Record Set available to HHSC or, as directed by HHSC, provide PHI to the Individual, or legally authorized representative of the Individual, in compliance with the requirements of the HIPAA Privacy Regulations, and make other Confidential Information in CONTRACTOR's possession available pursuant to the requirements of the HIPAA in case of a need for notification by HHSC upon a determination of a Breach of Unsecured PHI as defined in HIPAA.
- (2) CONTRACTOR will make PHI in a Designated Record Set available to HHSC for amendment and incorporate any amendments to this information that HHSC directs or agrees to pursuant to the HIPAA.

#### **Section A3.03** *CONTRACTOR Recordkeeping, Accounting and Disclosure Tracking*

- (1) **Accounting, Access or Amendment.** Contractor will document and make available to HHSC the PHI required to provide access, an accounting of disclosures or amendment in compliance with the requirements of the HIPAA Privacy Regulations.
- (2) If CONTRACTOR receives a request for access, amendment or accounting of PHI by any Individual subject to this BAA, it will promptly forward the request to HHSC; however, if it would violate HIPAA to forward the request, CONTRACTOR will promptly notify HHSC of the request and of CONTRACTOR's response. Unless CONTRACTOR is prohibited by law from forwarding a request, HHSC will respond to all such requests.
- (3) **DHHS Inspection.** Make internal practices, books, and records relating to the use or disclosure of PHI received from, or created or received by the CONTRACTOR on behalf of HHSC, available to the Secretary of the U.S. Department of Health and Human Services or the Secretary's designee for purposes of determining compliance with HIPAA.
- (4) **Compliance Certification.** CONTRACTOR will provide, and will cause its Subcontractors and agents to provide, to HHSC periodic written certifications of compliance with controls and provisions relating to information privacy, security and breach notification, including without limitation information related to data transfers and the handling and disposal of Confidential Information, including without limitation, PHI, EPHI, Unsecured PHI and PII. Written evidence of compliance must be acceptable to HHSC in its sole discretion. Such evidence may include but is not necessarily limited to the following:

- (A) Statement on Standards for Attestation Engagements (SSAE) No. 16., Reporting on Controls at a Service Organization, issued by the Auditing Standards Board of the American Institute of Certified Public Accountants (AICPA) in April 2010.
- (B) General security controls audit conducted in accordance with generally-accepted industry standards by a qualified and independent auditor that is acceptable to HHSC;
- (C) Application controls audit conducted in accordance with generally-accepted industry standards by a qualified and independent auditor that is acceptable to HHSC;
- (D) Vulnerability assessment conducted in accordance with generally-accepted industry standards by a qualified and independent expert in telecommunications and information security that is acceptable to HHSC;
- (E) Network/systems penetration test conducted in accordance with generally-accepted industry standards by a qualified and independent expert in telecommunications and information security that is acceptable to HHSC; and
- (F) Risk assessment of the potential risks and vulnerabilities to the confidentiality, integrity, and availability of ePHI subject to this BAA.

#### ATTACHMENT 4. DISPOSITION OF CONFIDENTIAL INFORMATION

##### **Section A4.01** *CONTRACTOR's Duty in General*

CONTRACTOR will return, destroy, or continue to maintain appropriate safeguards for Confidential Information, including without limitation all PHI received from HHSC or created, received or maintained on behalf of HHSC, as directed by HHSC, upon termination of the BAA or Base Contract.

##### **Section A4.02** *Return or Destruction of Confidential Information*

- (1) CONTRACTOR agrees that on the termination or expiration of this BAA, CONTRACTOR will, at its expense, return to HHSC or destroy, at HHSC's election, and to the extent reasonably feasible and permissible by law, all Confidential Information received from HHSC or created or maintained by CONTRACTOR or any of CONTRACTOR's agents or Subcontractors on HHSC's behalf if that data contains Confidential Information. CONTRACTOR will certify in writing to HHSC that all the Confidential Information that has been created, received, maintained, used by or disclosed to CONTRACTOR, has been destroyed or returned to HHSC, and that CONTRACTOR and its agents and Subcontractors have retained no copies thereof. Notwithstanding the foregoing, CONTRACTOR acknowledges and agrees that it may not destroy any Confidential Information if federal or state law prohibits such destruction.
- (2) If such return or destruction is not reasonably feasible, or is impermissible by law, immediately notify HHSC of the reasons such return or destruction is not feasible, and agree to extend indefinitely the protections of this BAA to the Confidential Information and limit its further uses and disclosures to the purposes that make the return of the Confidential Information not feasible for as long as CONTRACTOR maintains such Confidential Information.

## ATTACHMENT 5. GENERAL PROVISIONS

### **Section A5.01 HHSC commitment and obligations**

HHSC will not request CONTRACTOR to create, maintain, transmit, use or disclose PHI in any manner that would not be permissible under HIPAA if done by HHSC.

### **Section A5.02 HHSC Right to Inspection**

At any time upon reasonable notice to CONTRACTOR, or if HHSC determines that CONTRACTOR has violated this BAA, HHSC, through its agent, will have the right to inspect the facilities, systems, books and records of CONTRACTOR to monitor compliance with this BAA. For purposes of this subsection, HHSC's agent(s) include, without limitation, the HHSC Office of the Inspector General or the Office of the Attorney General of Texas or other designee. HHSC's failure to inspect or failure to detect any noncompliance with the BAA or through its agent's inspection does not relieve CONTRACTOR of its responsibility to comply with this BAA.

### **Section A5.03 Access to PHI**

CONTRACTOR will make available to HHSC any information HHSC requires to fulfill HHSC's obligations to provide access to, and copies of, PHI in accordance with HIPAA and other applicable laws and regulations of Confidential Information.

### **Section A5.04 Term of BAA**

This BAA will be effective on the date on which CONTRACTOR executes the BAA, and will expire on the date specified in the BAA.

- (1) Either party may terminate this BAA at any time upon 30 days written notice to the other party.
- (2) HHSC may immediately terminate this BAA on:
  - (A) A material violation of this BAA. "Material" means:
    - (i) any violation by CONTRACTOR of a material term of this BAA will be considered a breach of contract if the CONTRACTOR knew of or reasonably should have known of the violation and failed to immediately take reasonable steps to cure it and notify HHSC, as required by the BAA;
    - (ii) CONTRACTOR fails to timely notify HHSC of an Event or Breach, or take corrective action required;
    - (iii) CONTRACTOR's repeated or flagrant violation of the obligations under the BAA;
    - (iv) CONTRACTOR's failure to respond to a demand letter concerning penalties under the BAA or Base Contract;
    - (v) CONTRACTOR being named as a defendant in a criminal proceeding for a violation of HIPAA, or other applicable laws and regulations of Confidential Information; and/or
    - (vi) a finding or stipulation that CONTRACTOR has violated any standard or requirement of HIPAA other laws and regulations of Confidential

Information; or other security or privacy law in an administrative or civil proceeding which CONTRACTOR has been joined.

- (vii) If neither termination nor cure is feasible, HHSC shall report the violation to the Secretary.
- (3) Termination of this BAA will not relieve CONTRACTOR of its duties with regards to the return or disposition of the Confidential Information as set forth in this BAA.
- (4) **Termination Options.** If HHSC determines that CONTRACTOR has violated a material term of this BAA; HHSC may in its sole discretion:
  - (A) Exercise any of its rights including but not limited to reports, access and inspection under this BAA and/or the Base Contract; and/or
  - (B) Require CONTRACTOR to submit to a Corrective Action Plan under Article 14 of the Base Contract, plan for monitoring and plan for reporting, as HHSC may determine necessary to maintain compliance with this BAA; and/or
    - (i) Provide CONTRACTOR with a reasonable period to cure the violation as determined by HHSC; or
    - (ii) Terminate the BAA and Base Contract immediately, and seek relief in a court of competent jurisdiction in Travis County, Texas; and
    - (iii) Before exercising any of these options, HHSC will provide written notice to CONTRACTOR describing the violation and the action it intends to take.

**Section A5.05 Publication**

CONTRACTOR may not publish or otherwise disclose to a third party any results of work under the BAA or Base Contract unless HHSC expressly approved in writing of such disclosure in advance of such publication.

**Section A5.06 Governing Law, Venue and Litigation**

- (1) The validity, construction and performance of this BAA and the legal relations among the Parties to this BAA will be governed by and construed in accordance with the laws of the State of Texas.
- (2) The Parties agree that the courts of Travis County, Texas, will be the exclusive venue for any litigation, special proceeding or other proceeding as between the parties that may be brought, or arise out of, or in connection with, or by reason of this BAA.

**Section A5.07 Injunctive Relief**

- (1) CONTRACTOR understands and agrees that HHSC may suffer irreparable injury if CONTRACTOR or its Subcontractor fails to comply with any of the terms of this BAA with respect to the Confidential Information or a provision of HIPAA or other laws or regulations applicable to Confidential Information.
- (2) CONTRACTOR further agrees that monetary damages may be inadequate to compensate HHSC for CONTRACTOR's or its Subcontractor's failure to comply. Accordingly, CONTRACTOR agrees that HHSC will, in addition to any other remedies available to it at law or in equity, be entitled to seek injunctive relief without posting a bond and without the necessity of demonstrating actual damages, to enforce the terms of this BAA.

- (3) The duties of CONTRACTOR or its Subcontractor under this BAA survive the expiration of this BAA until all the Confidential Information is destroyed or returned to HHSC, as required by this BAA.

#### **Section A5.08 Indemnification**

CONTRACTOR will indemnify, defend and hold harmless HHSC and its respective Executive Commissioner, employees, Subcontractors, agents (including other state agencies acting on behalf of HHSC) or other members of its workforce (each of the foregoing hereinafter referred to as "Indemnified Party") against all actual and direct losses suffered by the Indemnified Party and all liability to third parties arising from or in connection with any breach of this BAA or from any acts or omissions related to this BAA by CONTRACTOR or its employees, directors, officers, Subcontractors, or agents or other members of its workforce. The duty to indemnify, defend and hold harmless is independent of the duty to insurer, and continues to apply even in the event insurance coverage required, if any, in the BAA or Base Contract is denied, or coverage rights reserved by any insurance carrier. Upon demand, CONTRACTOR will reimburse HHSC for any and all actual and direct losses, liabilities, lost profits, fines, penalties, costs or expenses (including reasonable attorneys' fees) which may for any reason be imposed upon any Indemnified Party by reason of any suit, claim, action, proceeding or demand by any third party to the extent caused by and which results from the CONTRACTOR's failure to meet any of its obligations under this BAA. CONTRACTOR's obligation to defend, indemnify and hold harmless any Indemnified Party will survive the expiration or termination of this BAA.

#### **Section A5.09 Insurance**

- (1) In addition to any insurance required in the Base Contract, at HHSC's option and as directed, HHSC may require CONTRACTOR to maintain, at its expense, the following special and/or custom first- and third-party insurance coverages, naming the State of Texas, acting through HHSC, as an additional named insured and loss payee, with primary and non-contributory status, with required insurance coverage, by the Effective Date of the request, or as required by HHSC:
  - (A) Network Security and Privacy;
  - (B) Data Breach;
  - (C) Cyber Liability (lost data, lost use or delay/suspension in business, denial of service with e-business, the Internet, networks and informational assets, such as privacy, intellectual property, virus transmission, extortion, sabotage or web activities);
  - (D) Electronic Media Liability;
  - (E) Crime/Theft;
  - (F) Advertising Injury and Personal Injury Liability; and
  - (G) Crisis Management and Notification Expense Coverage.
- (2) CONTRACTOR will provide HHSC with proof of policy part (as opposed to merely a certificate of coverage or binder), at the request of HHSC.

#### **Section A5.10 Fees and Costs**

Except as otherwise specified in this BAA or the Base Contract, including but not limited to requirements to insure and/or indemnify HHSC, if any legal action or other proceeding is brought for the enforcement of this BAA, or because of an alleged dispute, contract violation, Event, breach, default, misrepresentation, or injunctive action, in connection with any of the provisions of this BAA, each party will bear their own legal expenses and the other cost incurred in that action or proceeding.

**Section A5.11 *Entirety of the Base Contract***

The Base Contract consists of this Business Associate Agreement and the Base Contract and constitutes the entire agreement between the parties. There are no understandings or agreements relating to this BAA or the Base Contract that are not fully expressed therein and no change, waiver, or discharge of obligations arising under those documents will be valid unless in writing and executed by the party against whom such change, waiver, or discharge is sought to be enforced. To the extent of any conflicts exist between this BAA and the Base Contract, this BAA controls.

**Section A5.12 *Automatic Amendment and Interpretation***

Upon the effective date of any amendment or issuance of additional regulations to HIPAA, or any other law applicable to Confidential Information, this BAA will automatically amended so that the obligations imposed on HHSC and/or CONTRACTOR remain in compliance with such requirements. Any ambiguity in this BAA will be resolved in favor of a meaning that permits HHSC and CONTRACTOR to comply with HIPAA or any other law applicable to Confidential Information.

HHSC Contract No. 529-08-0196-00016

**ATTACHMENT 6. CONFIDENTIAL INFORMATION**

Any information under the terms of the Base Contract, HHSC Contract No. 529-08-0196-00016 between HHSC and CONTRACTOR, as amended, that HHSC may provide or make available to CONTRACTOR, or that CONTRACTOR may create, receive, maintain or have access to on behalf of HHSC that is defined as Confidential above.

## ATTACHMENT 7. SECURITY GUIDELINES AND PROCEDURES

CONTRACTOR and all Subcontractors, consultants, or agents under the BAA (collectively "CONTRACTOR") must comply with the following Information Security Guidelines and Procedures currently in effect:

- HHS Circular C-021, Health and Human Services Enterprise Information Security Standards and Guidelines; and
- Title 1, Sections 202.1 and 202.3, and Subchapter B, Texas Administrative Code.

**CONTRACTOR must comply with the following, as applicable:**

- The Federal Information Security Management Act of 2002 (FISMA);
- The Health Insurance Portability and Accountability Act of 1996 (HIPAA) as defined in the BAA;
- Internal Revenue Publication 1075 – Tax Information Security Guidelines for Federal, State and Local Agencies;
- National Institute of Standards and Technology (NIST) Special Publication 800-66 Revision 1 – An Introductory Resource Guide for Implementing the Health Insurance Portability and Accountability Act (HIPAA) Security Rule;
- NIST Special Publication 800-53 – Recommended Security Controls for Federal Information Systems and Organizations, as currently revised;
- NIST Special Publication 800-47 – Security Guide for Interconnecting Information Technology Systems; and
- NIST Special Publication 800-88, Guidelines for Media Sanitization

In addition to the requirements expressly stated in this Section, CONTRACTOR must comply with any other State or Federal law, regulation, or administrative rule relating to the specific HHSC program area that CONTRACTOR supports on behalf of HHSC.

**ATTACHMENT 8. LIST OF AUTHORIZED USERS**

CONTRACTOR represents and warrants that each of those Workforce below have a demonstrated need to know and have access to Confidential Information pursuant to this BAA and the Base Contract, and further, that each agree to be bound by the disclosure and use limitations pertaining to the Confidential Information contained in the BAA. CONTRACTOR must maintain an updated, complete, accurate and numbered list of Authorized Users at all times and supply it to HHSC, as directed, to the extent those identified below change:

1. Signature: [Signature]  
 Name: BERENA M. STEVENSON  
 Title: Director of Transportation  
 Date: 6/3/13
2. Signature: Regina Shedd  
 Name: Regina Shedd  
 Title: MTP Claims Coordinator  
 Date: 6-26-13
3. Signature: Nicole Herrera  
 Name: Nicole Herrera  
 Title: Scheduler  
 Date: 6-26-13
4. Signature: Angelica Solor  
 Name: Angelica Solor  
 Title: DISPATCH  
 Date: 6-26-13
5. Signature: Peter J. Kojewic  
 Name: Peter J. Kojewic  
 Title: Scheduler  
 Date: 6-26-13
6. Signature: Melvin Williams  
 Name: Melvin Williams  
 Title: CitiAccess Supervisor  
 Date: 6-26-13
7. Signature: Chris Dugdale  
 Name: Chris Dugdale  
 Title: CitiACCESS SUPERVISOR  
 Date: 6-26-13
8. Signature: Patsy Light  
 Name: Patsy Light  
 Title: Citiaccess driver
9. Signature: Leon Howard  
 Name: LEON HOWARD  
 Title: OPERATOR  
 Date: 6-26-13
10. Signature: Alice Siller  
 Name: Alice Siller  
 Title: operator  
 Date: 6/26/13
11. Signature: Tim M. ...  
 Name: Tim M. ...  
 Title: Citi access driver  
 Date: 6-26-13
12. Signature: Amelia ...  
 Name: Amelia ...  
 Title: Operator  
 Date: 6-26-13
13. Signature: Madison Paige  
 Name: Madison Paige  
 Title: Operator  
 Date: 6-26-13
14. Signature: Pitts, J Pitts  
 Name: Pitts, J  
 Title: OPERATOR  
 Date: 6/26/13
15. Signature: Jesse Cochran  
 Name: Jesse Cochran  
 Title: Operator  
 Date: 6-26-13
16. Signature: Jan Allen  
 Name: Jan Allen  
 Title: Dispatcher  
 Date: 6-26-13

**ATTACHMENT 8. LIST OF AUTHORIZED USERS**

CONTRACTOR represents and warrants that each of those Workforce below have a demonstrated need to know and have access to Confidential Information pursuant to this BAA and the Base Contract, and further, that each agree to be bound by the disclosure and use limitations pertaining to the Confidential Information contained in the BAA. CONTRACTOR must maintain an updated, complete, accurate and numbered list of Authorized Users at all times and supply it to HHSC, as directed, to the extent those identified below change:

- |   |  |
|---|--|
| <p>1. Signature: <u>Pat Collins</u><br/>                 Name: <u>Pat Collins</u><br/>                 Title: <u>Citi Access</u><br/>                 Date: <u>6-26-13</u></p> <p>2. Signature: <u>[Signature]</u><br/>                 Name: <u>Austin Abigide</u><br/>                 Title: <u>Citi Access</u><br/>                 Date: <u>6-26-13</u></p> <p>3. Signature: <u>[Signature]</u><br/>                 Name: <u>Cathy Brown</u><br/>                 Title: <u>Citi Access</u><br/>                 Date: <u>6-26-13</u></p> <p>4. Signature: <u>[Signature]</u><br/>                 Name: <u>GERALD GRANT</u><br/>                 Title: <u>OPERATOR</u><br/>                 Date: <u>26 JUNE 13</u></p> <p>5. Signature: <u>[Signature]</u><br/>                 Name: <u>Ruby Trevino</u><br/>                 Title: <u>operator</u><br/>                 Date: <u>6-26-13</u></p> <p>6. Signature: <u>[Signature]</u><br/>                 Name: <u>Robert Vega</u><br/>                 Title: <u>BUS-DRIVER</u><br/>                 Date: <u>6-26-13</u></p> <p>7. Signature: <u>[Signature]</u><br/>                 Name: <u>DELIA RODRIGUEZ</u><br/>                 Title: <u>DRIVER</u><br/>                 Date: <u>6/26/13</u></p> <p>8. Signature: <u>[Signature]</u><br/>                 Name: <u>TONY CASAS</u><br/>                 Title: <u>CITI ACCESS DRIVER</u></p> | <p>Date: <u>6-26-13</u></p> <p>9. Signature: <u>[Signature]</u><br/>                 Name: <u>Kimberlie Smith-Majors</u><br/>                 Title: <u>Street Supervisor</u><br/>                 Date: <u>6-27-13</u></p> <p>10. Signature: <u>[Signature]</u><br/>                 Name: <u>TRAVIS WATKINS</u><br/>                 Title: <u>Director of Finance</u><br/>                 Date: <u>7/10/13</u></p> <p>11. Signature: _____<br/>                 Name: _____<br/>                 Title: _____<br/>                 Date: _____</p> <p>12. Signature: _____<br/>                 Name: _____<br/>                 Title: _____<br/>                 Date: _____</p> <p>13. Signature: _____<br/>                 Name: _____<br/>                 Title: _____<br/>                 Date: _____</p> <p>14. Signature: _____<br/>                 Name: _____<br/>                 Title: _____<br/>                 Date: _____</p> <p>15. Signature: _____<br/>                 Name: _____<br/>                 Title: _____<br/>                 Date: _____</p> <p>16. Signature: _____<br/>                 Name: _____<br/>                 Title: _____<br/>                 Date: _____</p> |
|---|--|

## ATTACHMENT 9. SUBCONTRACTOR AGREEMENT FORM

The BAA between HHSC and CONTRACTOR establishes the permitted and required uses and disclosures of Confidential Information by CONTRACTOR.

CONTRACTOR has subcontracted with \_\_\_\_\_  
(SUBCONTRACTOR) for performance of duties on behalf of CONTRACTOR which are subject to the BAA [describe SUBCONTRACTOR's duties which fall under the terms and conditions of the BAA or attach a Scope of Work or Subcontract and incorporate it by reference in this Form]: \_\_\_\_\_.

SUBCONTRACTOR acknowledges, understands and agrees to be bound by the terms and conditions applicable to CONTRACTOR under the BAA, incorporated by reference in this Agreement, with respect to HHSC Confidential Information. CONTRACTOR and SUBCONTRACTOR assure HHSC that SUBCONTRACTOR will only create, receive, maintain, or transmit Confidential Information on behalf of CONTRACTOR under, *at a minimum*, the identical terms and conditions of the BAA applicable to CONTRACTOR. The BAA represents minimum requirements over HHSC Confidential Information. CONTRACTOR may apply stricter requirements over HHSC Confidential Information to SUBCONTRACTOR than apply to CONTRACTOR in the BAA. CONTRACTOR may also contract with SUBCONTRACTOR to engage in activities not subject to the BAA, if not prohibited by the Base Contract.

SUBCONTRACTOR acknowledges receipt, understanding of and agrees to be bound by the terms and conditions applicable to SUBCONTRACTOR under the BAA with respect to HHSC Confidential Information, which is incorporated by reference for purposes of SUBCONTRACTOR's agreement as if fully set forth herein.

CONTRACTOR and SUBCONTRACTOR agree that HHSC is a third-party beneficiary to applicable provisions of the subcontract.

HHSC has the right but not the obligation to review or approve the terms and conditions of the subcontract by virtue of this Subcontract Agreement.

CONTRACTOR and SUBCONTRACTOR assure HHSC that any Breach or Event as defined by the BAA that SUBCONTRACTOR discovers will be reported to HHSC by CONTRACTOR in the time, manner and content required by the BAA.

If CONTRACTOR knows or should have known in the exercise of reasonable diligence of a pattern of activity or practice by SUBCONTRACTOR that constitutes a material breach or violation of the BAA or the SUBCONTRACTOR's obligations CONTRACTOR will:

1. Take reasonable steps to cure the violation or end the violation, as applicable;
2. If the steps are unsuccessful, terminate the contract or arrangement with SUBCONTRACTOR, if feasible;
3. Notify HHSC immediately upon reasonable discovery of the pattern of activity or practice of SUBCONTRACTOR that constitutes a material breach or violation of the BAA and keep HHSC reasonably and regularly informed about steps CONTRACTOR is taking to cure or end the violation or terminate SUBCONTRACTOR's contract or arrangement.

**This Subcontractor Agreement Form is executed by the parties in their capacities indicated below.**

**CONTRACTOR**

**BY:** \_\_\_\_\_

**PRINT NAME:** \_\_\_\_\_

**JOB TITLE:** \_\_\_\_\_

**DATE** \_\_\_\_\_, **2013**

**SUBCONTRACTOR**

**BY:** \_\_\_\_\_

**PRINT NAME:** \_\_\_\_\_

**JOB TITLE:** \_\_\_\_\_

**DATE** \_\_\_\_\_, **2013**

**Texas Health and Human Services Commission  
Vendor Information Form (VIF)**

Instructions: This form must be completed and submitted with **each** new contract, amendment, renewal, and/or extension.  
(Please type or print information.)

**SECTION 1: Contractor's General Information**

Legal Contractor's Name:			
Legal Doing Business As (DBA) Name:			
Physical Address:			
Remit To (Payment) Address:			
Enter one of the following:	<input type="checkbox"/> Texas Identification Number (TIN): <input type="checkbox"/> Federal Employer Identification Number (FEIN): <input type="checkbox"/> Social Security Number (SSN):		
Select the Legal Status:	<input type="checkbox"/> For-profit Entity	<input type="checkbox"/> Non-profit Entity	
Select the Business Structure:	<input type="checkbox"/> Corporation <input type="checkbox"/> Joint Venture <input type="checkbox"/> Partnership* <input type="checkbox"/> Limited (Liability) Company <input type="checkbox"/> Limited (Liability) Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Governmental Entity (must specify): <input type="checkbox"/> Other (must specify):		
	* If Partnership, must provide SSN or TIN for minimum of two partners		
	Partner Name:	TIN or SSN:	
	Partner Name:	TIN or SSN:	
If applicable, enter appropriate information:	State of Incorporation:	Texas Charter Number:	Name of Parent Entity:

**SECTION 2: Contractor's Contact Information**

Person Who Will Sign the Contract	Point of Contact for Contract
Name:	Name:
Title:	Title:
Mailing Address:	Mailing Address:
Telephone:	Telephone:
Fax:	Fax:
E-mail:	E-mail:

**SECTION 3: Contractor's Authorized Signature (or HHSC Contract Manager)**

Printed Name	Signature	Date	Phone Number

**SECTION 4: ECPS Contract and Administration Office Use Only**

Contractor to Receive Payment: <input type="checkbox"/> No <input type="checkbox"/> Yes
Contract Number:



**Regular City Council Meeting**

**6. 1.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Public Hearing 6:30 p.m. – Finance:** Hold a public hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 2.80% (percentage by which the proposed tax rate exceeds the effective tax rate calculated under Chapter 26, Tax Code).

**Item Summary**

On August 8, 2013, the City Council approved a resolution for a proposed tax rate of .50441 cents per \$100 valuation. The City will hold the second public hearing on August 29, 2013 at 6:15 p.m. in the Council Chambers. A property tax rate of \$0.50441 per \$100 valuation is proposed. The tax rate is distributed as follows:

General Fund Maintenance and Operations	\$ 0.35848
Interest and Sinking Fund	0.11656
Economic Development	0.02937

**Fiscal Impact**

The tax rate is scheduled to be adopted at the September 10, 2013, City Council Meeting. The fiscal impact of that decision is unknown until the tax rate is chosen and adopted.

**Staff/Board Recommending**

Cheryl Brock, Executive Director of Budget

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**Attachments**

Tax Rate Public Hearing

Suggested Language

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# Notice of Public Hearing on Tax Increase

The City of Lubbock will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 2.80 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on August 22, 2013 at 6:30 PM at City Hall, 1625 13th Street, Lubbock, TX 79401.

The second public hearing will be held on August 29, 2013 at 6:15 PM at City Hall, 1625 13th Street, Lubbock, TX 79401.

The members of the governing body voted on the proposal to consider the tax increase as follows:

**FOR:** Glen C. Robertson  
Karen Gibson  
Jim Gerlt  
Latrelle Joy  
Floyd Price

**AGAINST:** Victor Hernandez  
Todd Klein

**PRESENT** and not voting:

**ABSENT:** None

The average taxable value of a residence homestead in City of Lubbock last year was \$114,840. Based on last year's tax rate of \$0.49211 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$565.14.

The average taxable value of a residence homestead in City of Lubbock this year is \$115,923. If the governing body adopts the effective tax rate for this year of \$0.49068 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$568.81.

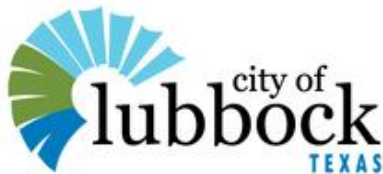
If the governing body adopts the proposed tax rate of \$0.50441 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$584.73.

Members of the public are encouraged to attend the hearings and express their views.

**City of Lubbock, TX  
Finance Department  
Tax Rate Public Hearing  
Suggested Language Announcing the Date of Vote on Tax Rate**

To comply with the State's Truth-in-Taxation legislation, the City Council must announce the date, time, and place of meeting at which it will vote on the tax rate. Following is suggested language:

**The City Council will vote on the tax rate at the September 12, 2013, City Council Meeting that will be held in the City Council Chambers beginning at 6:15 p.m.**



## Regular City Council Meeting

6. 2.

Meeting Date: 08/22/2013

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### Information

#### Agenda Item

**Public Hearing 6:30 p.m. - Planning:** Conduct the second public hearing and consider Ordinance 2013-00075 for annexation from Real Property Resources and KPA Ministries, Inc. to annex a parcel approximately 80 acres adjacent to the City limits north of 130th Street (FM 1585) east of Flint Avenue.

#### Item Summary

The petition was submitted to the Planning Department in proper form on June 13, 2013. The City Council has 30 days to consider the petition under State law. Should the request be considered in the affirmative and the City Council so directs, staff will schedule a public hearing for the next available City Council meeting.

A portion of this area petitioned for annexation is planned to be an extension of the Bella Mia Subdivision, constructed by Betenbough Homes (Real Property Resources). This encompasses 67 plus acres of the request. The 12 plus acres of the balance of the petition request is owned by KPA Ministries. At this time, staff is not aware of the proposal for this development.

As seen in the attached graphic, the south boundary of this petition will front onto 130th Street (FM 1585). As with many petition annexations, only a portion of the thoroughfare right-of-way to be dedicated for 130th Street will be within the City limits. The eastern boundary of the petitioned area is about one fourth of a mile from University Avenue.

#### Fiscal Impact

None.

#### Staff/Board Recommending

Quincy White, Assistant City Manager

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### Attachments

[Ordinance - Annex 80 Acres](#)

[Petition - Voluntary Annexation](#)

[Resolution - Annexation](#)

[Map - Proposed Annexation](#)

[Surveys - Annexation](#)

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING AN AREA OF SPARSELY OCCUPIED LAND TO THE CITY OF LUBBOCK, TEXAS, UPON PETITION OF AREA LANDOWNERS, WHICH AREA IS DESCRIBED HEREIN AND IS LESS THAN ONE-HALF MILE IN WIDTH, CONTAINS FEWER THAN THREE QUALIFIED VOTERS, AND IS CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF LUBBOCK, TEXAS; PROVIDING FOR CORRECTION OF THE CITY MAP TO INCLUDE THIS ANNEXED AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Lubbock on July 11, 2013, conducted a public hearing at which the petition for annexation and arguments for and against the annexation were heard by the City Council as required by Section 43.028, Local Government Code; and

WHEREAS, the City Council of the City of Lubbock deemed it to be in the best interest of the citizens of the City of Lubbock to grant said petition for annexation; and

WHEREAS, the City Council of the City of Lubbock hereby annexes said sparsely occupied area into the City of Lubbock as requested by the land owners of said area; NOW THEREFORE:

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

SECTION 1. THAT the area of land hereinafter described containing approximately 79.909 acres and as further described on the petition, including a metes and bounds description and map, attached hereto as Exhibit A, which said exhibit is made a part hereof for all intents and purposes, which is contiguous to the existing corporate limits of the City of Lubbock, Texas, less than one-half mile in width and which contains fewer than three qualified voters BE and the same is hereby ANNEXED to and included within the corporate limits of the City of Lubbock, Texas, as requested by the petition of the owners of said area of land.

DESCRIPTION OF ANNEXED AREA

A 79.909 acre tract of land located in Section 21, Block E-2, Lubbock County, Texas, being further described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

SECTION 2. THAT the City Engineer is hereby authorized and directed to immediately correct the map of the City of Lubbock by adding thereto the additional territory annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance. The City Secretary and the City Engineer shall each keep in their respective offices an official map of the City of Lubbock showing the boundaries of the municipal corporation, including this annexation.

SECTION 3. THAT this Ordinance shall be effective twenty (20) days after final passage by the City Council.

SECTION 4. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on \_\_\_\_\_.  
Passed by the City Council on second reading on \_\_\_\_\_.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR


ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chad Weaver, Assistant City Attorney

# PETITION FOR VOLUNTARY ANNEXATION

**To: The Mayor and Governing Body of the City of Lubbock, Texas**

The undersigned owners of the hereinafter described tract of land which is vacant or without residents, or on which less than three (3) qualified voters reside, hereby petition the City Council to extend the present City limits in the manner prescribed by the Local Government Code, Section 43-028, so as to include and annex as a part of the City of Lubbock, Texas, the property described by metes and bounds on the attached Exhibit "A", which is incorporated herein for all purposes. We certify that this Petition is signed and acknowledged by each and every person or corporation owning said land or having an interest in any part thereof.

Real Property Resources

By: Chris Berry

Name: CHRIS BERRY

Title: VICE PRESIDENT

KPA Ministries

By: Samuel J. Hawthorne

Name: Samuel J. Hawthorne

Title: Director

THE STATE OF TEXAS       §  
  §  
COUNTY OF LUBBOCK       §

The foregoing instrument was acknowledged before me on the 13 day of June, 2013, by Chris Berry, the Vice President of Real Property Resources, on behalf of said corporation.



Kalee Rich  
Notary Public, State of Texas

THE STATE OF TEXAS       §  
  §  
COUNTY OF LUBBOCK       §

The foregoing instrument was acknowledged before me on the 13<sup>th</sup> day of June, 2013, by Samuel J. Hawthorne, the Director of KPA Ministries, on behalf of said corporation.



Suzi Fuentes  
Notary Public, State of Texas

190284

TITLE ONE



DEED 2013018785  
2 PGS

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

After recording return to:  
Real Property Resources, Inc.  
(67 716 Acres in Bella Mia)  
6305 82nd St  
Lubbock, Texas 79424

WARRANTY DEED

THE STATE OF TEXAS     §  
  §  
COUNTY OF LUBBOCK   §

KNOW ALL MEN BY THESE PRESENTS:

Date: April 25, 2013

Grantor: KPA Ministries, Inc., a Texas non-profit corporation dba Kingdom Preparatory Academy

Grantor Mailing Address (including county):  
P.O. Box 64028  
Lubbock, Texas 79464

Grantee:  
Real Property Resources, Inc.

Grantee's Mailing Address (including county):  
6305 82nd St  
Lubbock, Lubbock County, Texas 79424

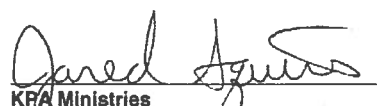
Consideration: TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION

Property (including any improvements):  
See Exhibit (A)

- Reservations from and Exceptions to Conveyance and Warranty:
1. Taxes for the year 2013, the payment of which Grantee assumes.
  2. Restrictions, conditions, easements and rights-of-way of record or visible on the ground, if any, to the extent they are still in full force and effect;

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.  
KPA Ministries, Inc., a Texas non-profit corporation dba Kingdom Preparatory Academy

  
KPA Ministries  
by: Jared Squires, Head Administrator and President

THE STATE OF TEXAS     §  
  §  
COUNTY OF LUBBOCK   §

This instrument was acknowledged before me on 5-7-13 by Jared Squires, in his capacity as Head Administrator and President of KPA Ministries, Inc., a Texas non-profit corporation dba Kingdom Preparatory Academy on behalf of said corporation.


  
Notary Public, State of Texas



Exhibit (A)

FIELD NOTES on a 67.716 Acre tract out of Section 21, Block E-2, Lubbock County, Texas being further described by metes and bounds as follows:

BEGINNING at a set 1/2" rod with stainless steel cap marked Abscus Engineering RPLS 4460 for the Southwest corner of this tract and the Northwest corner of a 12.193 acre tract surveyed the same date from which the Southwest corner of Section 21 Block E 2 bears N 88° 02' 13" W (Texas North Central Zone Bearing Basis), 2148.63 feet and S 01° 43' 40" W, 370.11 feet;

THENCE N 01° 43' 40" E, with the East line of the tract described in County Clerk File No. 2010337777, Lubbock County Official Public Records, (LCOPR), the East line of the Plat Limits of Lots 46 through 59, Bella Mia Estates recorded in County Clerk File No. 2012040677, LCOPR, and the East line of the Plat Limits of Lots 1 through 45, Bella Mia Estates recorded in County Clerk File No. 2007029467, LCOPR, a distance of 1621.35 feet to a found 5/8" iron rod for the most Westerly Northwest corner of this tract.

THENCE S 88° 10' 53" E, with the South line of the tract described in Volume 6160, Page 3, Lubbock County Real Property Records (LCRPR), 500.26 feet to a found rod with yellow cap for a corner of this tract.

THENCE N 01° 43' 26" E, with the East line of the tract described in Volume 6160, Page 3, LCRPR, 659.66 feet to a found 1/2" iron rod for the most Northerly Northwest corner of this tract.

THENCE S 38° 13' 23" E, with the South line of the tract described in Volume 418E, Page 233, LCRPR, 937.00 feet to a found 5/8" iron rod for the Northeast corner of this tract.

THENCE S 01° 46' 39" W, with the West line of the tract described in County Clerk File No. 2008605475, LCOPR, 2265.82 feet to a set 1/2" rod with cap for the Southeast corner of this tract and the Northeast corner of the 12.193 acre tract.

THENCE N 88° 02' 13" W, with the North line of the 12.193 acre tract, a distance of 435.24 feet to the Place of Beginning and containing 67.716 Acres including any Right of Way.

*Jared Aguirre*  
*[Signature]*

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

*Kelly Pinion*

Kelly Pinion, County Clerk  
Lubbock County TEXAS

May 09, 2013 02:17:17 PM

FEE: \$20.00

2013018785

**RESOLUTION**

WHEREAS, the owners of 79.909 acres of real property further described in Exhibit A attached hereto located in Section 21, Block E-2, Lubbock County, Texas have filed a petition requesting annexation of said property with the City of Lubbock on the 13<sup>th</sup> day of June, 2013; and

WHEREAS, the City Council has heard arguments for and against the requested annexation at a meeting conducted on the 11<sup>th</sup> day of July, 2013; and

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 grant said Petition for Annexation;  
NOW THEREFORE:

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

THAT, pursuant to Section 43.028 of the Local Government Code, the City of Lubbock hereby grants the Petition for Annexation attached hereto as Exhibit A, which is incorporated herein and made a part hereof for all intents and purposes.

Passed by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Andrew Paxton, Interim Director of Planning

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chad Weaver, Assistant City Attorney

# PETITION FOR VOLUNTARY ANNEXATION

**To: The Mayor and Governing Body of the City of Lubbock, Texas**

The undersigned owners of the hereinafter described tract of land which is vacant or without residents, or on which less than three (3) qualified voters reside, hereby petition the City Council to extend the present City limits in the manner prescribed by the Local Government Code, Section 43-028, so as to include and annex as a part of the City of Lubbock, Texas, the property described by metes and bounds on the attached Exhibit "A", which is incorporated herein for all purposes. We certify that this Petition is signed and acknowledged by each and every person or corporation owning said land or having an interest in any part thereof.

Real Property Resources

By: Chris Berry

Name: CHRIS BERRY

Title: VICE PRESIDENT

KPA Ministries

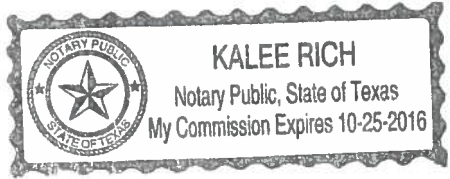
By: Sam J. Hawthorne

Name: Samuel J. Hawthorne

Title: Director

THE STATE OF TEXAS       §  
  §  
COUNTY OF LUBBOCK       §

The foregoing instrument was acknowledged before me on the 13 day of June, 2013, by Chris Berry, the Vice President of Real Property Resources, on behalf of said corporation.



Kalee Rich  
Notary Public, State of Texas

THE STATE OF TEXAS       §  
  §  
COUNTY OF LUBBOCK       §

The foregoing instrument was acknowledged before me on the 13<sup>th</sup> day of June, 2013, by Samuel J. Hawthorne, the Director of KPA Ministries, on behalf of said corporation.



Suzi Fuentes  
Notary Public, State of Texas

190284

TITLE ONE



DEED

2013018785

2 PGS

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After recording return to:

Real Property Resources, Inc.  
(87 716 Acres In Bella Mia)  
6305 82nd St  
Lubbock, Texas 79424

WARRANTY DEED

THE STATE OF TEXAS §  
  §  
COUNTY OF LUBBOCK §

KNOW ALL MEN BY THESE PRESENTS:

Date: April 25, 2013

Grantor: KPA Ministries, Inc., a Texas non-profit corporation dba Kingdom Preparatory Academy

Grantor Mailing Address (including county):  
P.O. Box 64028  
Lubbock, Texas 79464

Grantee:  
Real Property Resources, Inc.

Grantee's Mailing Address (including county):  
6305 82nd St  
Lubbock, Lubbock County, Texas 79424

Consideration: TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION

Property (including any improvements):


See Exhibit (A)

Reservations from and Exceptions to Conveyance and Warranty:

1. Taxes for the year 2013, the payment of which Grantee assumes.
2. Restrictions, conditions, easements and rights-of-way of record or visible on the ground, if any, to the extent they are still in full force and effect;

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.  
KPA Ministries, Inc., a Texas non-profit corporation dba Kingdom Preparatory Academy

  
KPA Ministries  
by: Jared Squires, Head Administrator and President

THE STATE OF TEXAS §  
  §  
COUNTY OF LUBBOCK §

This instrument was acknowledged before me on 5-7-13 by Jared Squires, in his capacity as Head Administrator and President of KPA Ministries, Inc., a Texas non-profit corporation dba Kingdom Preparatory Academy on behalf of said corporation.



  
Notary Public, State of Texas

Exhibit (A)

FIELD NOTES on a 67.716 Acre tract out of Section 21, Block E-2, Lubbock County, Texas being further described by metes and bounds as follows

BEGINNING at a set 1/2" rod with stainless steel cap marked Abscon Engineering RPLS 4460 for the Southwest corner of this tract and the Northwest corner of a 12.193 acre tract surveyed the same date from which the Southwest corner of Section 21 Block E 2 bears N 88°2'13" W (Texas North Central Zone Bearing Basis), 2148.63 feet and S 01°43'40" W, 370.11 feet;

THENCE N 01°43'40" E with the East line of the tract described in County Clerk File No. 2010337777, Lubbock County Official Public Records, (LCOPR), the East line of the Plat Limits of Lots 46 through 59, Bella Mia Estates recorded in County Clerk File No. 2012040677, LCOPR, and the East line of the Plat Limits of Lots 1 through 45, Bella Mia Estates recorded in County Clerk File No. 2007029457, LCOPR, a distance of 1621.85 feet to a found 5/8" Iron rod for the most Westerly Northwest corner of this tract.

THENCE S 88°10'53" E, with the South line of the tract described in Volume 6160, Page 3, Lubbock County Real Property Records (LCRPR), 500.26 feet to a found rod with yellow cap for a corner of this tract.

THENCE N 01°43'26" E, with the East line of the tract described in Volume 6160, Page 3, LCRPR, 659.66 feet to a found 1/2" iron rod for the most Northerly Northwest corner of this tract.

THENCE S 38°13'23" E, with the South line of the tract described in Volume 4186, Page 233, LCRPR, 937.00 feet to a found 5/8" iron rod for the Northeast corner of this tract.

THENCE S 01°46'39" W, with the West line of the tract described in County Clerk File No. 2009005475, LCOPR, 2265.82 feet to a set 1/2" rod with cap for the Southeast corner of this tract and the Northeast corner of the 12.193 acre tract.

THENCE N 88°02'13" W, with the North line of the 12.193 acre tract, a distance of 1435.24 feet to the Place of Beginning and containing 67.716 Acres including any Right of Way.

*Jared Aguirre*  
*AKA*

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

*Kelly Pinion*

Kelly Pinion, County Clerk  
Lubbock County TEXAS

May 09, 2013 02:17:17 PM

FEE: \$20.00

2013018785



Surveyor's Office  
 114 East 11th Street, Suite 200  
 Austin, Texas 78701  
 Phone: (512) 476-1111  
 Fax: (512) 476-1112  
 Email: info@adacus.com  
 Website: www.adacus.com

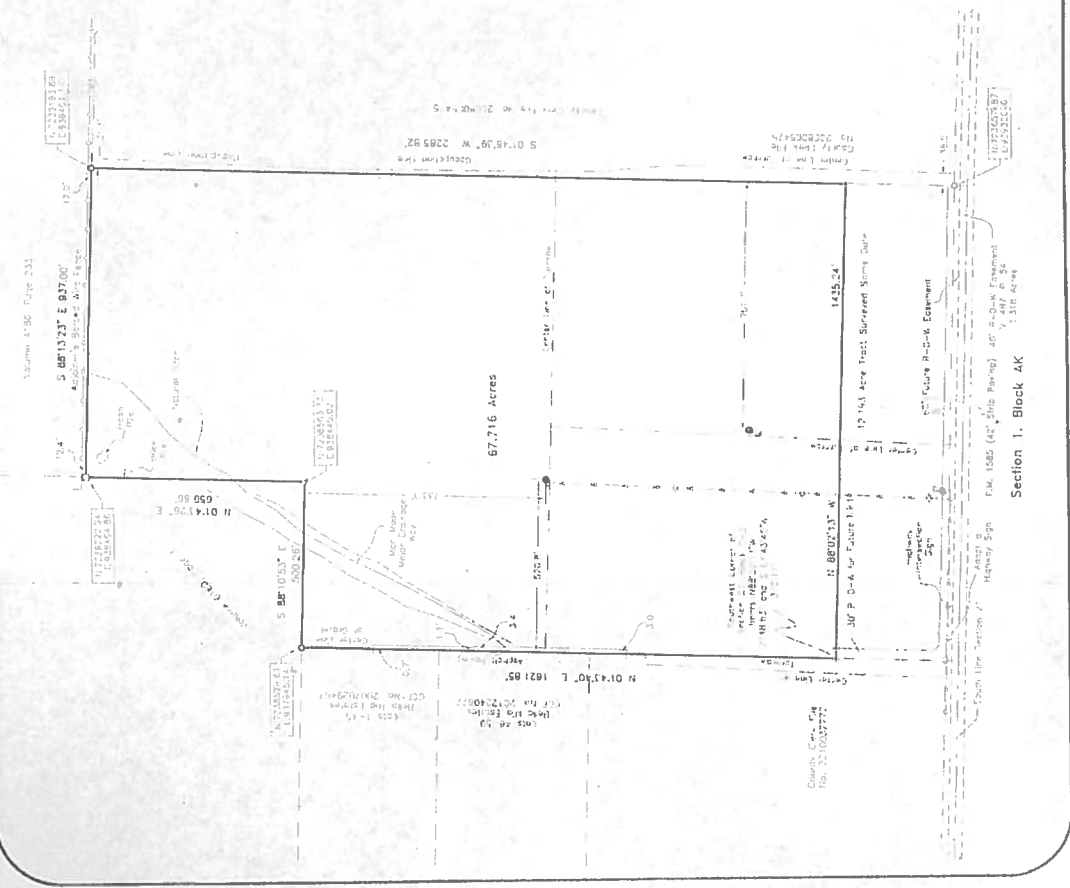
**Plot and Field Notes**  
 on a 67.716 Acre Parcel of Section 21, Block  
 E-2, Lubbock County, Texas

THESE NOTES AND FIELD NOTES ARE THE PROPERTY OF ADACUS ENGINEERING, INC. AND ARE TO BE USED ONLY FOR THE PROJECT AND PARCEL IDENTIFIED HEREIN. ANY REPRODUCTION OR TRANSMISSION OF THESE NOTES OR FIELD NOTES IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF ADACUS ENGINEERING, INC., IS STRICTLY PROHIBITED. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE OF ANY KIND. ADACUS ENGINEERING, INC. ACCEPTS NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE NOTES OR FIELD NOTES. THE USER OF THESE NOTES OR FIELD NOTES SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF ADACUS ENGINEERING, INC.



*J.M. Cline*  
 J.M. CLINE, P.E., No. 10000  
 State of Texas, License No. 10000, Exp. 08/31/2024

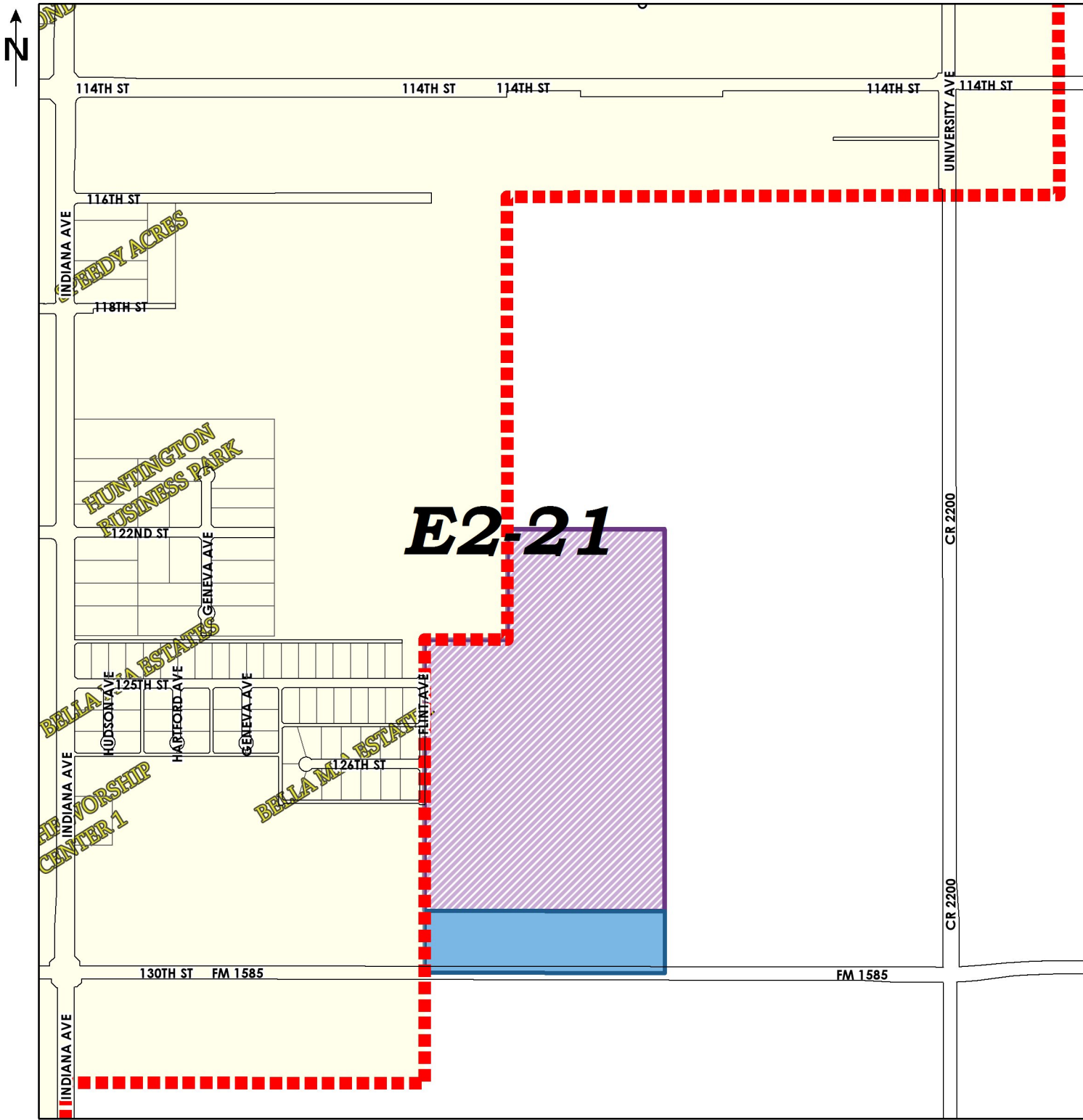
**ADACUS ENGINEERING**  
 2701 Blair Street  
 Lubbock, Texas 79401  
 Phone: (806) 746-7670  
 Fax: (806) 746-7671  
 Texas Engineering, PC No. 0000000000  
 Texas Engineering, PC No. 0000000000



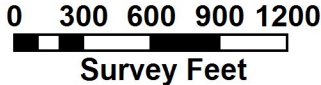
Section 1, Block 4K

11/15/2024 10:00 AM Surveyor's Office

# Proposed Annexation of 2 Tracts Located in Section 21, Block E-2



-  12.193 ac Tract
-  67.716 ac Tract
-  Current City Limits





# Plat and Field Notes

on a 12.193 Acre Tract out of Section 21, Block E-2, Lubbock County, Texas

## Surveyor's Report

This Plat is based on a survey made on the ground April 11, 2013.

Monuments shown as found on this survey were accepted by this surveyor as controlling evidence due to substantial agreement with Record Documents and are not considered as Monuments of Record Dignity unless so noted.

No Substantial Discrepancies between Record Documents and conditions as found on the ground were uncovered on this survey unless noted.

This tract was prepared without the benefit of a Title Commitment. Easements and/or Restrictions other than those shown may apply.

Bearings and Coordinates are based on the Texas North Central Zone Coordinate System.

Distances are Surface Distances.

Combined Scale Factor: 0.99975

- ⊙ Fd. Rod With Yellow Cap (Record Dignity)
- ⊙ Set 1/2" Rod with Stainless Steel Cap (Abacus Engineering RPLS 4460)
- Fd. 1/2" Iron Rod
- ⊠ Indicates Electric Meter
- ┆ Indicates Down Guy
- ⊖ Indicates Power Pole
- ┆ Indicates Sign
- ⊙ Indicates Well
- ⊙ Fd. 5/8" Iron Rod (Record Dignity. Rod With Cap Destroyed)
- ┆ Indicates Irrigation Pipe

FIELD NOTES on a 12.193 acre tract out of Section 21, Block E-2, Lubbock County, Texas being further described by metes and bounds as follows:

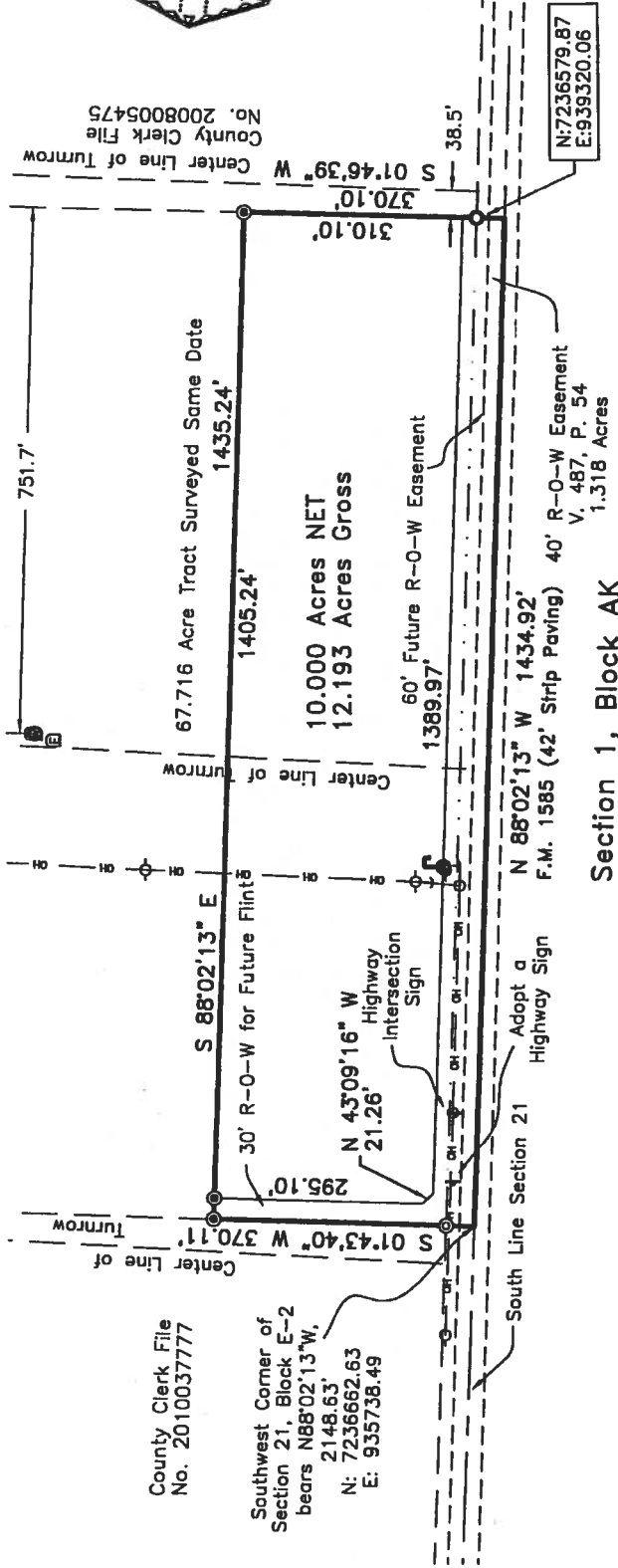
BEGINNING at a point near the center of F.M. 1585 for the Southwest corner of this tract whence the Southwest corner of Section 21, Block E-2 bears N 88°02'13" W (Texas North Central Zone Bearing Basis), 2148.63 feet;

THENCE N 01°43'40" E, with the East line of the tract described in County Clerk File No. 2010037777, Lubbock County Official Public Records, (LCOPR), at 40.0 feet pass a found rod with yellow cap in the North Right of Way line of F.M. 1585, in all a distance of 349.64 feet to a set 1/2" rod with stainless steel cap marked Abacus Engineering RPLS 4460 for the Northwest corner of this tract and the Southwest corner of a 67.716 acre tract surveyed on the same date.

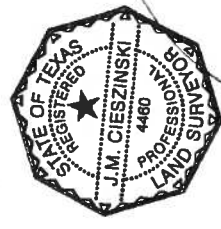
THENCE S 88°02'16" E, with the South line of the 67.716 acre tract, at 30 feet pass a set 1/2" rod with stainless steel cap, in all 1435.24 feet to a set 1/2" rod with stainless steel cap in the West line of the tract described in Lubbock County Clerk File No. 2008005475, LCOPR for the Northeast corner of this tract;

THENCE S 01°46'39" W, with the West line of the tract described in County Clerk File No. 2008005475, LCOPR, at 330.10 feet pass a found 5/8" iron rod in the North Right of Way line of F.M. 1585, in all 370.10 feet to a point near the center of F.M. 1585 for the Southeast corner of this tract.

THENCE N 88°02'13" W, with the South line of Section 21 and with F.M. 1585, a distance of 1434.92 feet to the Place of Beginning and containing 12.193 Acres including any Right of Way.

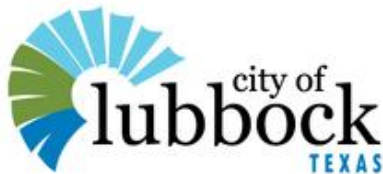


Scale: 1"=200'  
 Jared Squires  
 and Kingdom  
 Prep



J.M. CIESZINSKI, RPLS # 4460  
 PLAT SHOWN AS SURVEYED ON THE  
 GROUND  
 April 11, 2013

<b>ABACUS ENGINEERING SURVEYING</b>	
2737 81st Street LUBBOCK, TEXAS	
Count on It	806-745-7670
TEXAS SURVEYING NO. 101153-00 TEXAS ENGINEERING FIRM NO. 4368	



## Regular City Council Meeting

6. 3.

Meeting Date: 08/22/2013

---

### Information

#### Agenda Item

**Public Hearing 6:30 p.m. - Planning:** Conduct the second public hearing and consider Ordinance 2013-00076 for annexation from Ford Development Corporation to annex a parcel approximately 76 acres adjacent to the City limits one half mile south of 130th Street (FM 1585) east of Quaker Avenue.

#### Item Summary

The petition was submitted to the Planning Department in proper form on May 29, 2013. The City Council has 30 days to consider the petition under State law. Should the request be considered in the affirmative and the City Council so directs, staff will schedule a public hearing for the next available City Council meeting. The area petitioned for annexation is planned to be a continuation of the Kelsey Park neighborhood which is currently developing to the north. Mr. Robertson, of Ford Development, has shared his long term plans for this area, as well as the balance of the half section between Quaker Avenue and Indiana Avenue, north of 146th Street. This half section may at some point be petitioned for annexation. The proposed land uses are mostly consistent with the Comprehensive Land Use Plan (CLUP).

As a petition annexation, the City may only annex the land owned by the petitioner. In the case of this petition, Ford Development owns the land up to the center line of Quaker Avenue, as was the case for the half section of land annexed to the north. This scenario sets up thoroughfares to be split between the City and the County. The City will only be able to establish zoning and development standards on the City side of the street.

#### Fiscal Impact

None.

#### Staff/Board Recommending

Quincy White, Assistant City Manager

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### Attachments

[Ordinance - Annex 76 Acres](#)

[Petition - Annexation](#)

[Resolution - Kelsey Park Annex](#)

[Annexation Map - Kelsey Park](#)

[Kelsey South - Proposed Annexation Map](#)

[Kelsey South - Letter from Fire Marshal](#)

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING AN AREA OF SPARSELY OCCUPIED LAND TO THE CITY OF LUBBOCK, TEXAS, UPON PETITION OF AREA LANDOWNERS, WHICH AREA IS DESCRIBED HEREIN AND IS LESS THAN ONE-HALF MILE IN WIDTH, CONTAINS FEWER THAN THREE QUALIFIED VOTERS, AND IS CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF LUBBOCK, TEXAS; PROVIDING FOR CORRECTION OF THE CITY MAP TO INCLUDE THIS ANNEXED AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Lubbock on June 27, 2013, conducted a public hearing at which the petition for annexation and arguments for and against the annexation were heard by the City Council as required by Section 43.028, Local Government Code; and

WHEREAS, the City Council of the City of Lubbock deemed it to be in the best interest of the citizens of the City of Lubbock to grant said petition for annexation; and

WHEREAS, the City Council of the City of Lubbock hereby annexes said sparsely occupied area into the City of Lubbock as requested by the land owners of said area; NOW THEREFORE:

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

SECTION 1. THAT the area of land hereinafter described containing approximately 75.966 acres and as further described on the petition, including a metes and bounds description and map, attached hereto as Exhibit A, which said exhibit is made a part hereof for all intents and purposes, which is contiguous to the existing corporate limits of the City of Lubbock, Texas, less than one-half mile in width and which contains fewer than three qualified voters BE and the same is hereby ANNEXED to and included within the corporate limits of the City of Lubbock, Texas, as requested by the petition of the owners of said area of land.

DESCRIPTION OF ANNEXED AREA

A 75.966 acre tract of land located in Section 4, Block AK, Lubbock County, Texas, being further described in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

SECTION 2. THAT the City Engineer is hereby authorized and directed to immediately correct the map of the City of Lubbock by adding thereto the additional territory annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance. The City Secretary and the City Engineer shall each keep in their respective offices an official map of the City of Lubbock showing the boundaries of the municipal corporation, including this annexation.

SECTION 3. THAT this Ordinance shall be effective twenty (20) days after final passage by the City Council.

SECTION 4. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on \_\_\_\_\_.


Passed by the City Council on second reading on \_\_\_\_\_.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR


ATTEST:

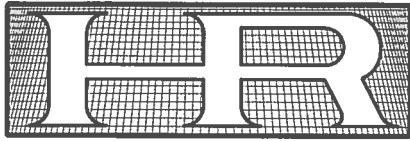
\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Andrew Paxton, Director of Planning

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chad Weaver, Assistant City Attorney



**LAND SURVEYORS  
CIVIL ENGINEERS**

**HUGO REED AND ASSOCIATES, INC.**

1601 Avenue N, Lubbock, Texas 79401

Phone: 806-763-5642

Fax: 806-763-3891

Texas Registered Engineering Firm F-760

Texas Licensed Surveying Firm 100676-00

**LETTER OF TRANSMITTAL**

To: City Planning Department	Date: May 29, 2013	Job #
		Project Name: Section 4, Block AK

Attn: Drew Paxton

We are sending you:

Herewith

Under Separate Cover Via

Copies	Date	Description
orig	5/29	Petition for Voluntary Annexation
1	5/29	Description
1	5/29	Sketch

These are transmitted as:

For Your Use

For Review & Comments

For Approval

For Your Records

Return After Loan to Us

Remarks:

Please place on the soonest available City Council agenda for consideration.

Copies to:

Signed: Terry Holeman

PETITION FOR VOLUNTARY ANNEXATION

To: The Mayor and Governing Body of the City Of Lubbock, Texas

The undersigned owners of the hereinafter described tract of land which is vacant or without residents, or on which less than three (3) qualified voters reside, hereby petition the City Council to extend the present City limits in the manner prescribed by the Local Government Code, Section 43-028, so as to include and annex as a part of the City Of Lubbock, Texas, the property described by metes and bounds on the attached Exhibit "A", which is incorporated herein for all purposes. We certify that this Petition is signed and acknowledged by each and every person or corporation owning said land or having an interest in any part thereof.

Ford Development Corporation

By: [Signature]

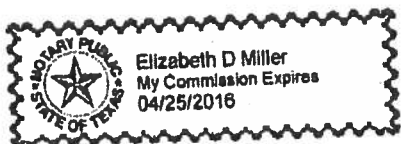
Commercial State Bank

By: [Signature]

STATE OF TEXAS

COUNTY OF LUBBOCK

This instrument was acknowledged before me on the 24<sup>th</sup> day of May, 2013, by Rex Robertson on behalf of Ford Development Corporation



Elizabeth D. Miller  
Notary Public in and for  
The State of Texas  
My Commission expires: \_\_\_\_\_

STATE OF TEXAS

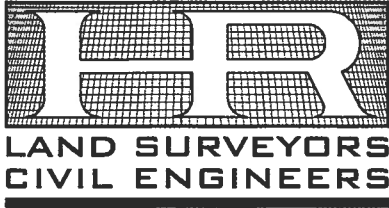
COUNTY OF LUBBOCK

This instrument was acknowledged before me on the 24<sup>th</sup> day of May, 2013, by Elizabeth Allen Carson on behalf of Commercial State Bank



Elizabeth D. Miller  
Notary Public in and for  
The State of Texas  
My Commission expires: \_\_\_\_\_





# 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

## EXHIBIT "A"

METES AND BOUNDS DESCRIPTION of a 75.966 acre tract of land located in Section 4, Block AK, Lubbock County Texas, being further described as follows:

BEGINNING at a point in the West line of Section 4, Block AK, for the Southwest corner of this tract which bears N. 01°48'13" E. a distance of 1979.62 feet from the Southwest corner of Section 4, Block AK, Lubbock County, Texas;

THENCE N. 01°48'13" E., along the West line of said Section 4, a distance of 661.00 feet to the Southwest corner of a 320.2 acre tract as described under County Clerk File No. 2007044643 of the Official Public Records of Lubbock County, Texas;

THENCE S. 88°13'29" E., along the Southern boundary of said 320.2 acre tract, a distance of 3301.35 feet to the Northwest corner of a 118.6 acre tract as described under County Clerk File No. 2012051514 of the Official Public Records of Lubbock County, Texas;

THENCE S. 01°46'38" W., along the Western boundary of said 118.6 acre tract, a distance of 1475.17 feet;

THENCE N. 77°21'49" W. a distance of 33.36 feet;

THENCE N. 32°21'49" W. a distance of 14.14 feet;

THENCE N. 77°21'49" W. a distance of 407.08 feet;

THENCE S. 58°55'10" W. a distance of 13.82 feet;

THENCE N. 86°58'49" W. a distance of 61.47 feet;

THENCE N. 36°07'21" W. a distance of 15.78 feet;

THENCE N. 88°12'49" W. a distance of 472.22 feet;

THENCE N. 64°22'13" W. a distance of 506.66 feet;

THENCE S. 77°57'23" W. a distance of 12.22 feet;

THENCE N. 64°22'13" W. a distance of 54.10 feet to a point of intersection;

THENCE Northeasterly, around a curve to the left, said curve having a radius of 274.00 feet, a central angle of 17°31'01", tangent lengths of 42.21, a chord bearing of N. 34°23'17" E and a chord distance of 83.44 feet to a point of tangency ;

THENCE N. 25°37'47" E. a distance of 101.00 feet;

THENCE N. 19°22'13" W. a distance of 21.21;

THENCE N. 64°22'13" W. a distance of 432.39 to a point of curvature;

THENCE Northwesterly around a curve to the left, said curve having a radius of 1544.00 feet, a central angle of 23°51'15", tangent lengths of 326.14 feet, a chord bearing of N. 76°17'51" W. and a chord distance of 638.19 to a point of tangency;

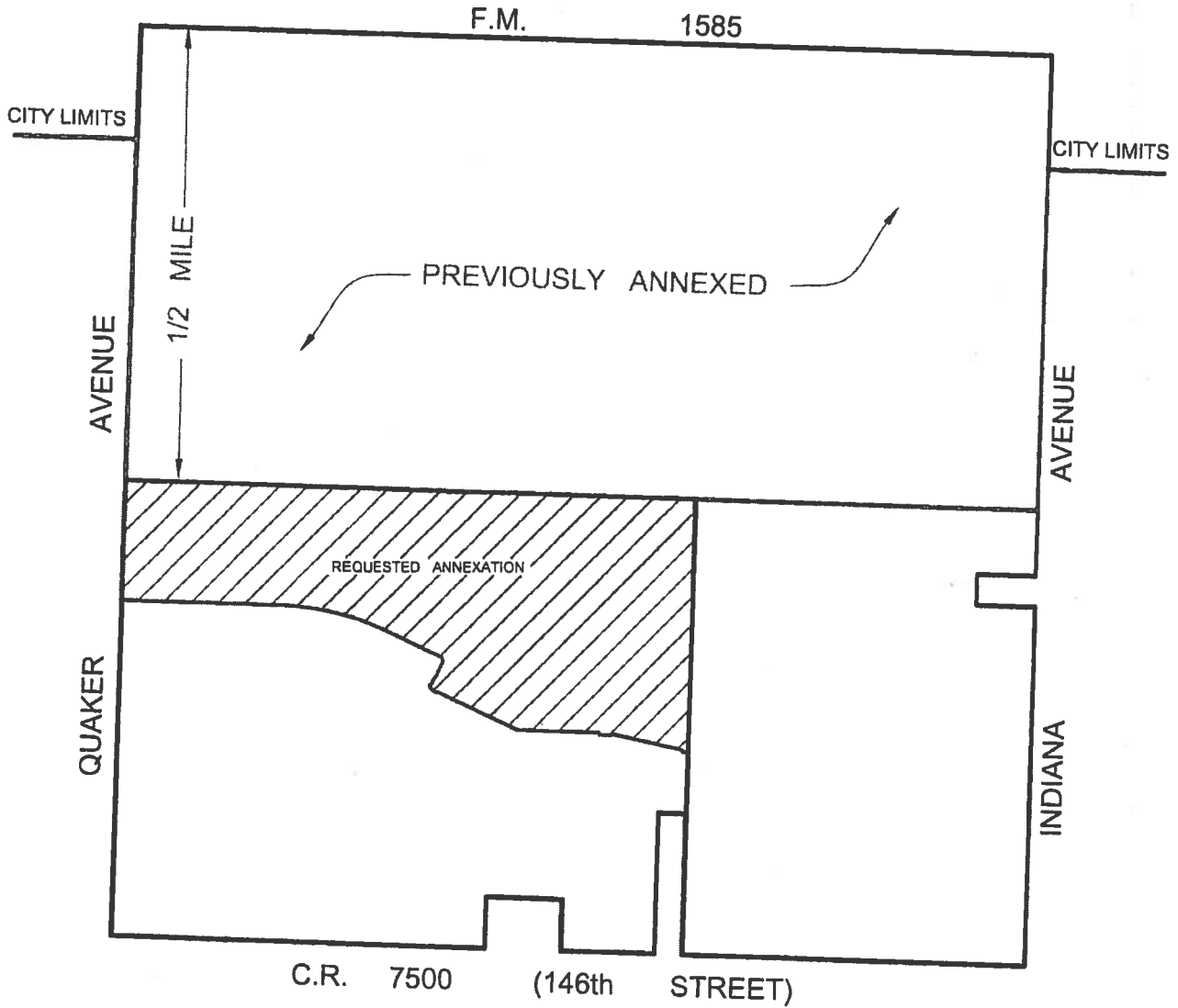
THENCE N. 88°13'29" W. a distance of 839.63 feet to the Point of Beginning.

CONTAINS: 3,309,064 square feet

Bearings are relative to Grid North, NAD 83, Texas Coordinate System, North-Central Zone, City of Lubbock Geodetic Network and Aerial Control. Distances are Surface, U.S. Survey Feet.

Notice: This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

# EXHIBIT "A"



PROPOSED PETITIONED ANNEXATION  
KELSEY PARK SOUTH  
5-28-2013



**HR HUGO REED**  
AND ASSOCIATES, INC.

LAND SURVEYORS	1801 AVENUE N
CIVIL ENGINEERS	LUBBOCK, TEXAS 79401
TEXAS LICENSED SURVEYING FIRM 100678-00	PHONE 806 / 763-5842
TEXAS REGISTERED ENGINEERING FIRM F-760	FAX 806 / 763-3891

**RESOLUTION**

WHEREAS, the owners of 75.966 acres of real property further described in Exhibit A attached hereto located in Section 4, Block AK, Lubbock County, Texas have filed a petition requesting annexation of said property with the City of Lubbock on the 29<sup>th</sup> day of May, 2013; and

WHEREAS, the City Council has heard arguments for and against the requested annexation at a meeting conducted on the 27<sup>th</sup> day of June, 2013; and

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 grant said Petition for Annexation;  
NOW THEREFORE:

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

THAT, pursuant to Section 43.028 of the Local Government Code, the City of Lubbock hereby grants the Petition for Annexation attached hereto as Exhibit A, which is incorporated herein and made a part hereof for all intents and purposes.

Passed by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Andrew Paxton, Interim Director of Planning

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chad Weaver, Assistant City Attorney

# CITY OF LUBBOCK

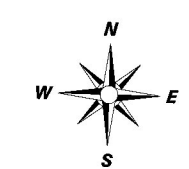
POPULATION 233,651

## ANNEXATION MAP

SEPTEMBER 2012

### ANNEXATION ORDINANCES:

- 1. MINUTES V1 P12 - 4/22/1909
- 2. ORD 197 - 2/8/1921
- 3. ORD 328 - 12/17/1925
- 4. ORD 332 - 2/4/1926
- 5. ORD 333 - 2/11/1926
- 6. ORD 336 - 5/6/1926
- 7. ORD 410 - 4/12/1928
- 8. ORD 415 - 5/30/1928
- 9. ORD 417 - 7/12/1928
- 10. ORD 437 - 3/28/1929
- 11. ORD 457 - 11/29/1929
- 12. ORD 597 - 8/29/1938
- 13. ORD 613 - 5/25/1939
- 14. ORD 627 - 4/26/1940
- 15. ORD 651 - 8/8/1940
- 16. ORD 677 - 10/10/1941
- 17. ORD 704 - 2/22/1945
- 18. ORD 736 - 12/27/1945
- 19. ORD 749 - 3/28/1946
- 20. ORD 753 - 3/28/1946
- 21. ORD 766 - 4/11/1946
- 22. ORD 767 - 4/11/1946
- 23. ORD 769 - 4/25/1946
- 24. ORD 770 - 5/9/1946
- 25. ORD 771 - 5/9/1946
- 26. ORD 778 - 6/7/1946
- 27. ORD 783 - 7/25/1946
- 28. ORD 784 - 8/8/1946
- 29. ORD 785 - 8/8/1946
- 30. ORD 787 - 9/12/1946
- 31. ORD 793 - 10/24/1946
- 32. ORD 797 - 12/9/1946
- 33. ORD 795 - 12/19/1946
- 34. ORD 836 - 11/25/1947
- 35. ORD 837 - 11/25/1947
- 36. ORD 855 - 3/11/1948
- 37. ORD 909 - 4/28/1949
- 38. ORD 902 - 5/12/1949
- 39. ORD 908 - 6/9/1949
- 40. ORD 921 - 6/23/1949
- 41. ORD 922 - 6/23/1949
- 42. ORD 919 - 7/28/1949
- 43. ORD 928 - 9/8/1949
- 44. ORD 929 - 9/8/1949
- 45. ORD 935 - 10/27/1949
- 46. ORD 937 - 12/8/1949
- 47. ORD 941 - 12/15/1949
- 48. ORD 942 - 12/15/1949
- 49. ORD 943 - 12/15/1949
- 50. ORD 945 - 12/15/1949
- 51. ORD 946 - 12/15/1949
- 52. ORD 947 - 12/15/1949
- 53. ORD 948 - 12/15/1949
- 54. ORD 949 - 12/15/1949
- 55. ORD 951 - 12/15/1949
- 56. ORD 964 - 3/9/1950
- 57. ORD 965 - 3/9/1950
- 58. ORD 1108 - 9/14/1951
- 59. ORD 1134 - 10/25/1951
- 60. ORD 1197 - 5/8/1952
- 61. ORD 1206 - 6/12/1952
- 62. ORD 1213 - 6/26/1952
- 63. ORD 1218 - 7/10/1952
- 64. ORD 1229 - 8/14/1952
- 65. ORD 1232 - 8/14/1952
- 66. ORD 1250 - 9/11/1952
- 67. ORD 1252 - 9/11/1952
- 68. ORD 1300 - 12/19/1952
- 69. ORD 1301 - 12/19/1952
- 70. ORD 1304 - 12/19/1952
- 71. ORD 1313 - 12/28/1952
- 72. ORD 1316 - 2/26/1953
- 73. ORD 1338 - 4/9/1953
- 74. ORD 1339 - 4/9/1953
- 75. ORD 1421 - 8/27/1953
- 76. ORD 1503 - 2/11/1954
- 77. ORD 1595 - 10/22/1954
- 78. ORD 1611 - 12/17/1954
- 79. ORD 1651 - 2/24/1955
- 80. ORD 1653 - 2/24/1955
- 81. ORD 1654 - 2/24/1955
- 82. ORD 1683 - 4/28/1955
- 83. ORD 1704 - 6/9/1955
- 84. ORD 1705 - 6/9/1955
- 85. ORD 1734 - 7/28/1955
- 86. ORD 1746 - 8/25/1955
- 87. ORD 1763 - 10/20/1955
- 88. ORD 1818 - 2/28/1956
- 89. ORD 1824 - 5/8/1956
- 90. ORD 1866 - 5/25/1956
- 91. ORD 1897 - 6/28/1956
- 92. ORD 1949 - 8/23/1956
- 93. ORD 1948 - 9/13/1956
- 94. ORD 2118 - 1/24/1957
- 95. ORD 2119 - 2/28/1957
- 96. ORD 2168 - 5/9/1957
- 97. ORD 2169 - 5/9/1957
- 98. ORD 2170 - 5/9/1957
- 99. ORD 2194 - 8/15/1957
- 100. ORD 2198 - 6/13/1957
- 101. ORD 2199 - 6/13/1957
- 102. ORD 2200 - 6/13/1957
- 103. ORD 2279 - 8/22/1957
- 104. ORD 2397 - 3/27/1958
- 105. ORD 2479 - 6/26/1958
- 106. ORD 2533 - 9/11/1958
- 107. ORD 2535 - 9/11/1958
- 108. ORD 2536 - 9/11/1958
- 109. ORD 2544 - 9/11/1958
- 110. ORD 2545 - 9/11/1958
- 111. ORD 6201 - 10/28/1971
- 112. ORD 6517 - 12/14/1972
- 113. ORD 6596 - 4/26/1973
- 114. ORD 6631 - 5/10/1973
- 115. ORD 7340 - 10/14/1976
- 116. ORD 7361 - 11/18/1976
- 117. ORD 7504 - 8/11/1977
- 118. ORD 7557 - 12/8/1977
- 119. ORD 7747 - 10/12/1978
- 120. ORD 7900 - 8/23/1979
- 121. ORD 7903 - 8/23/1979
- 122. ORD 7991 - 2/14/1980
- 123. ORD 8025 - 4/10/1980
- 124. ORD 8074 - 8/14/1980
- 125. ORD 8647 - 8/23/1984
- 126. ORD 8649 - 8/23/1984
- 127. ORD 8648 - 9/13/1984
- 128. ORD 8660 - 9/27/1984
- 129. ORD 8688 - 12/13/1984
- 130. ORD 8689 - 12/13/1984
- 131. ORD 8958 - 9/11/1986
- 132. ORD 9099 - 8/27/1987
- 133. ORD 9933 - 8/27/1996
- 134. ORD 10117 - 1/14/1999
- 135. ORD 2005-00014 - 2/10/2005
- 136. ORD 2005-00030 - 3/24/2005
- 137. ORD 2005-00063 - 6/23/2005
- 138. ORD 2005-00067 - 6/23/2005
- 139. ORD 2005-00078 - 7/28/2005
- 140. ORD 2006-00067 - 6/8/2006
- 141. ORD 2006-00068 - 6/8/2006
- 142. ORD 2006-00119 - 11/21/2006
- 143. ORD 2006-00121 - 12/7/2006
- 144. ORD 2008-00085 - 10/9/2008
- 145. ORD 2008-00104 - 12/4/2008
- 146. ORD 2009-00109 - 12/3/2009
- 147. ORD 2011-00097 - 10/27/2011
- 148. ORD 2012-00076 - 7/26/2012



DREW ST - FM 1294  
10100

KEUKA ST  
8500

STONEHILL ST  
6900

BLUEFIELD ST  
5300

KENT ST  
3700

URSULINE ST  
2100

ERSKINE ST  
500

1ST ST  
100

4TH ST  
400

19TH ST  
1900

34TH ST  
3400

50TH ST  
5000

66TH ST  
6600

82ND ST  
8200

98TH ST  
9800

114TH ST  
11400

130TH ST - FM 1585  
13000

RESEARCH BLVD  
9400

INLER AVE  
8600

ALCOVE AVE  
7800

UPLAND AVE  
7200

MILWAUKEE AVE  
6400

FRANKFORD AVE  
5700

SLIDE ROAD  
5100

QUAKER AVE  
4300

INDIANA AVE  
3300

UNIVERSITY AVE  
2400

AVE P  
1900

ASH AVE (AVE A)  
100

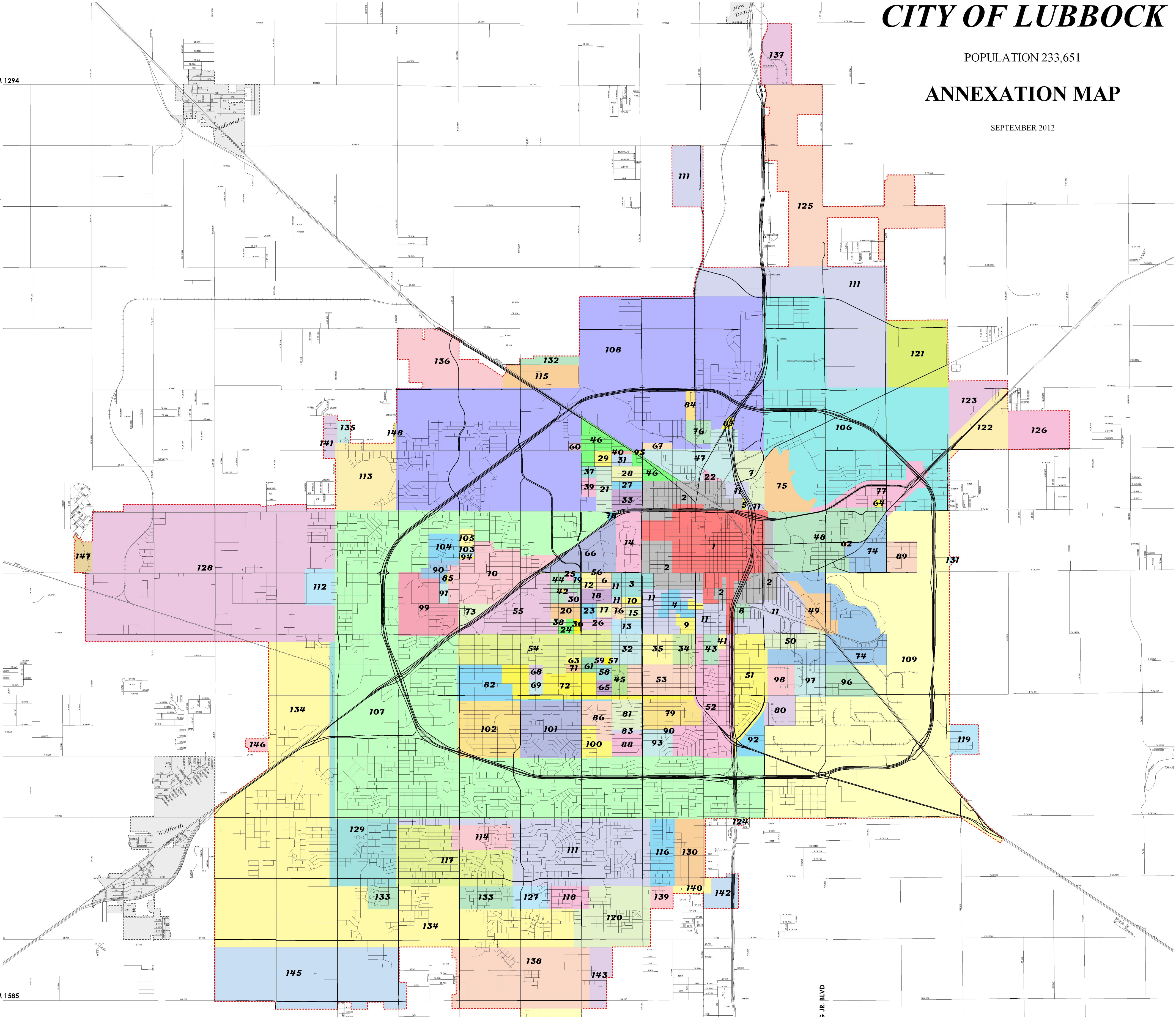
MARTIN LUTHER KING JR. BLVD  
1700

GUAVA AVE  
3300

OLIVE AVE  
4100

WOOD AVE  
4900

FIDDLEWOOD AVE  
5700



PROPOSED RESIDENTIAL DEVELOPMENT

PROPOSED KELSEY VINES MEMORIAL PARK

APPROXIMATELY 76.892 ACRES

QUAKER AVENUE

INDIANA AVENUE

INDIANA AVENUE

INDIANA AVENUE

C.R. 7500 (146th STREET)

C.R. 7500 (146th STREET)



PROPOSED PETITIONED ANNEXATION  
FOR  
KELSEY PARK SOUTH  
4-23-2013



**HR** HUGO REED  
AND ASSOCIATES, INC.  
LAND SURVEYORS  
CIVIL ENGINEERS  
1601 AVENUE N  
LUBBOCK, TEXAS 79401  
PHONE: 806 / 763-5642  
FAX: 806 / 763-3991



Fire Marshal's Office  
1601 Mac Davis Lane.  
Lubbock, Texas 79403  
806-775-2646 • Fax 806-775-3508

June 4, 2013

Re: Proposed Annexation

To Whom It May Concern:

As requested, the Fire Marshal's Office investigated the ability of our department to provide fire protection to an area known as Kelsey Park South. This area lies just south of the current city limits and is shown in detail on Exhibit "A" which is attached to this letter.

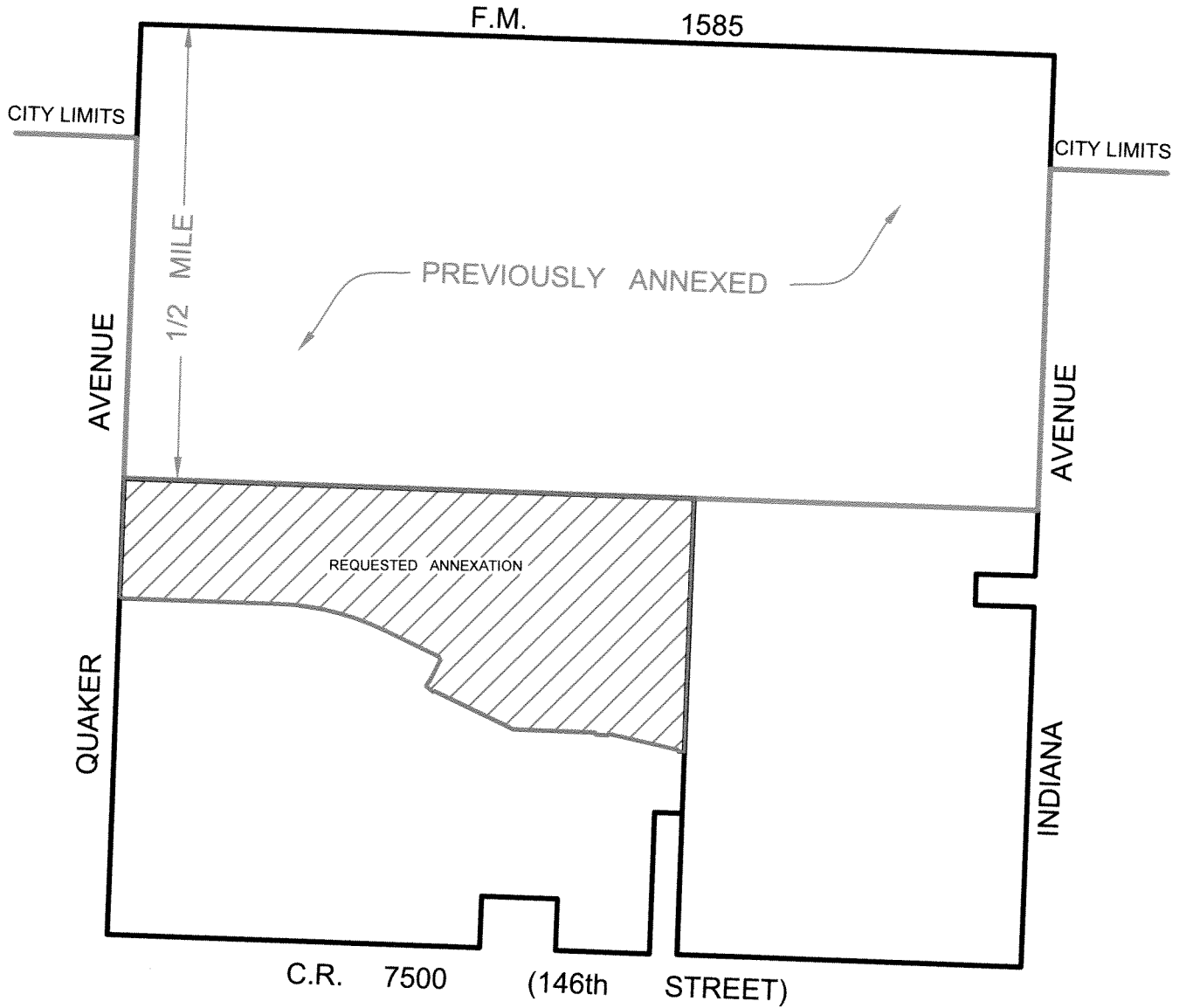
It was determined by LFD personnel that the area in question can be adequately served by the Lubbock Fire Department.

Sincerely,

A handwritten signature in black ink, appearing to read 'Garrett Nelson', is written over a horizontal line.

Garett Nelson  
Fire Marshal

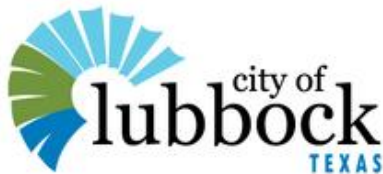
# EXHIBIT "A"



PROPOSED PETITIONED ANNEXATION  
KELSEY PARK SOUTH  
5-28-2013



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



## Regular City Council Meeting

6. 4.

Meeting Date: 08/22/2013

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### Information

#### Agenda Item

**Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 2816-D, a request of Tigris IX, LTD. for a zoning change from C-3 to A-2 on 9.697 acres of unplatted land out of Block E, Section 4, 1600 82nd Street, and consider an ordinance.

#### Item Summary

Zoning Request:

A-2 for a single and two story apartment complex.

Proposed Land Use:

The proposed land use is for a new apartment complex.

Adjacent Land Uses:

N – Residential – zoned R-1 Specific Use for single family housing

S – Residential – zoned Transitional and R-1, LP&L substation and AT&T station

E – Residential/Public – zoned R-1, residential and school – Roberts Elementary

W – Residential – zoned R-1 Specific Use

Planning and Zoning Commission (P&Z) Public Hearing Notes from August 1, 2013:

Three property owners spoke in opposition to the case, of which two were in the immediate notification area. They stated they did not want an apartment complex adjacent to their property and would prefer a commercial (C-3) use versus any type of apartment complex. They stated the proponent could not do anything to appease them.

The proponent offered to provide a seven foot fence in lieu of the required six foot fence to help mitigate any concerns. Staff detailed the history of the property since 1998 and mentioned there had not been any proposed construction or zone changes on the property since 1998. In 2003 and 2005, two properties adjacent to the subject tract requested zone changes which were granted GO and A-1 to R-2 and R-2 to R-1.

Staff mentioned that the commission had a difficult decision to make taking into consideration the adjacent R-1 property owners' vested interest, while also considering market driven needs and future development.

Impact on the Comprehensive Land Use Plan (CLUP):

The property is a minor change to the CLUP. The adjacent R-1 property owners have a vested interest in the property.

Although the proposal is a reduction, to a certain extent, from some heavier C-3 uses; depending on the apartment complex's maintenance and apartment managers, they can potentially be more problematic than a commercially-g geared business.

The proposed complex will have 202 units and potentially have self contained trash pick-ups.

Typically, A-2 is reserved as a buffer district between commercial and single family. In this instance, since there would be no commercial, the A-2 with single story around the perimeter(similar to town home construction) would act as a buffer to itself. The property will meet all other A-2 requirements; which include a screening fence, 50 foot setback from the property line for two story structures, and no driveways from the alley to the proposed A-2 parcel.

P&Z Commission Recommendation:

The P&Z recommended the request with a vote of 5-1, with the following condition:

1. That the buildings adjacent to R-1 be limited to one story apartments.

**Fiscal Impact**

None.

**Staff/Board Recommending**

Quincy White, Assistant City Manager

P&Z Commission

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**Attachments**

Ordinance - Zone Case 2816-D

Zone Case - 2816-D

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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. 2816-D**; A ZONING CHANGE FROM C-3 TO A-2 ZONING DISTRICT ON **9.697 ACRES OF UNPLATTED LAND OUT OF BLOCK E, SECTION 4, LUBBOCK, TEXAS**; PROVIDING A PENALTY; SUBJECT TO CONDITIONS; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, 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. 2816-D**

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-3 to A-2 zoning district on **9.697 acres**

**of unplatted land out of Block E, Section 4, City of Lubbock, Lubbock County, Texas located at 1600 82<sup>nd</sup> Street, subject to conditions and being further described as follows:**

**METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".**

**SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THAT the buildings adjacent to R-1 be limited to one story apartments.**

SECTION 2. THAT violation of any provisions of this Ordinance shall be deemed a misdemeanor punishable by a fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

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

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

AND IT IS SO ORDERED.

Passed by the City Council on first reading on \_\_\_\_\_.

Passed by the City Council on second reading on \_\_\_\_\_.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Andrew Paxton, Director of Planning

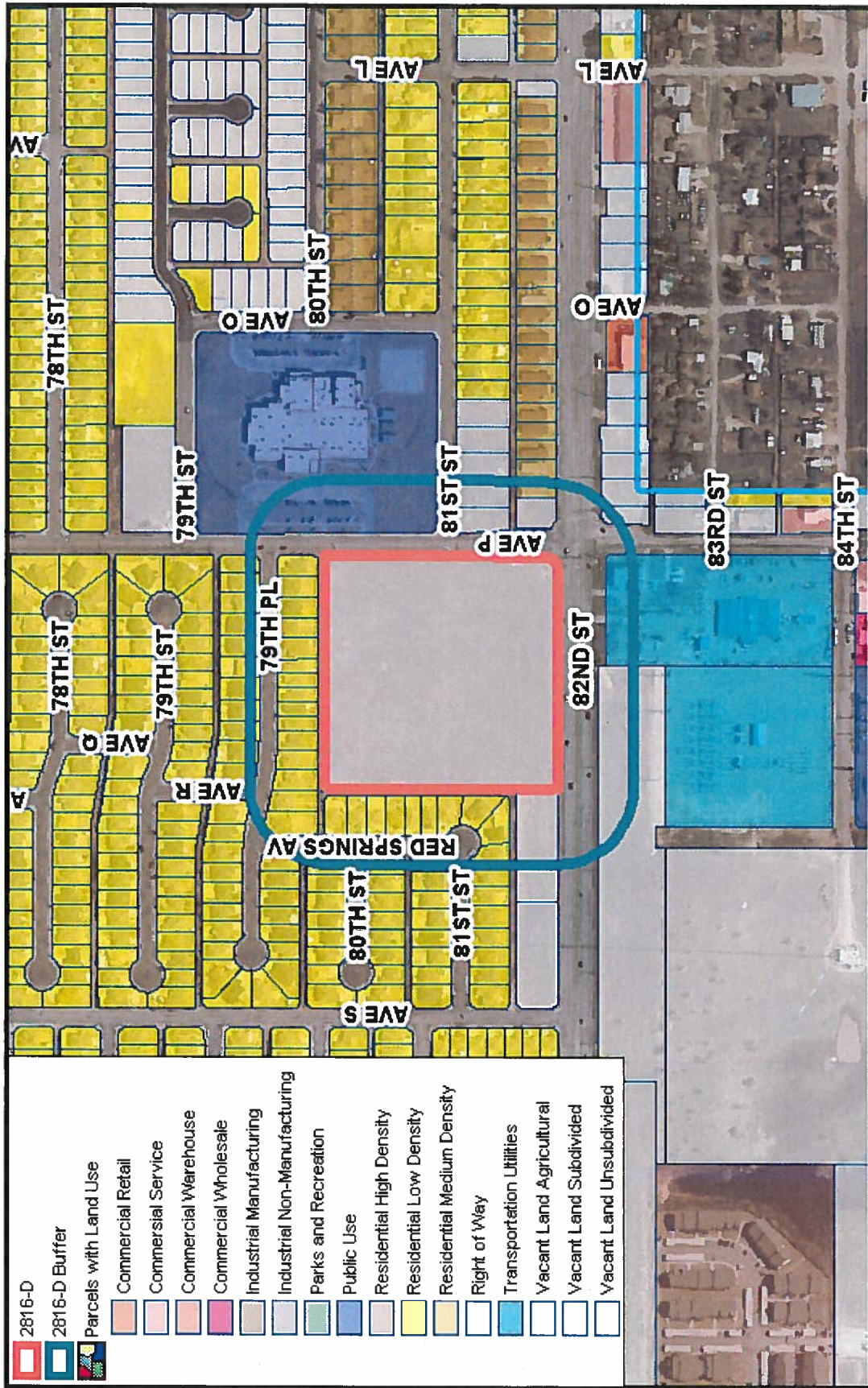
APPROVED AS TO FORM:



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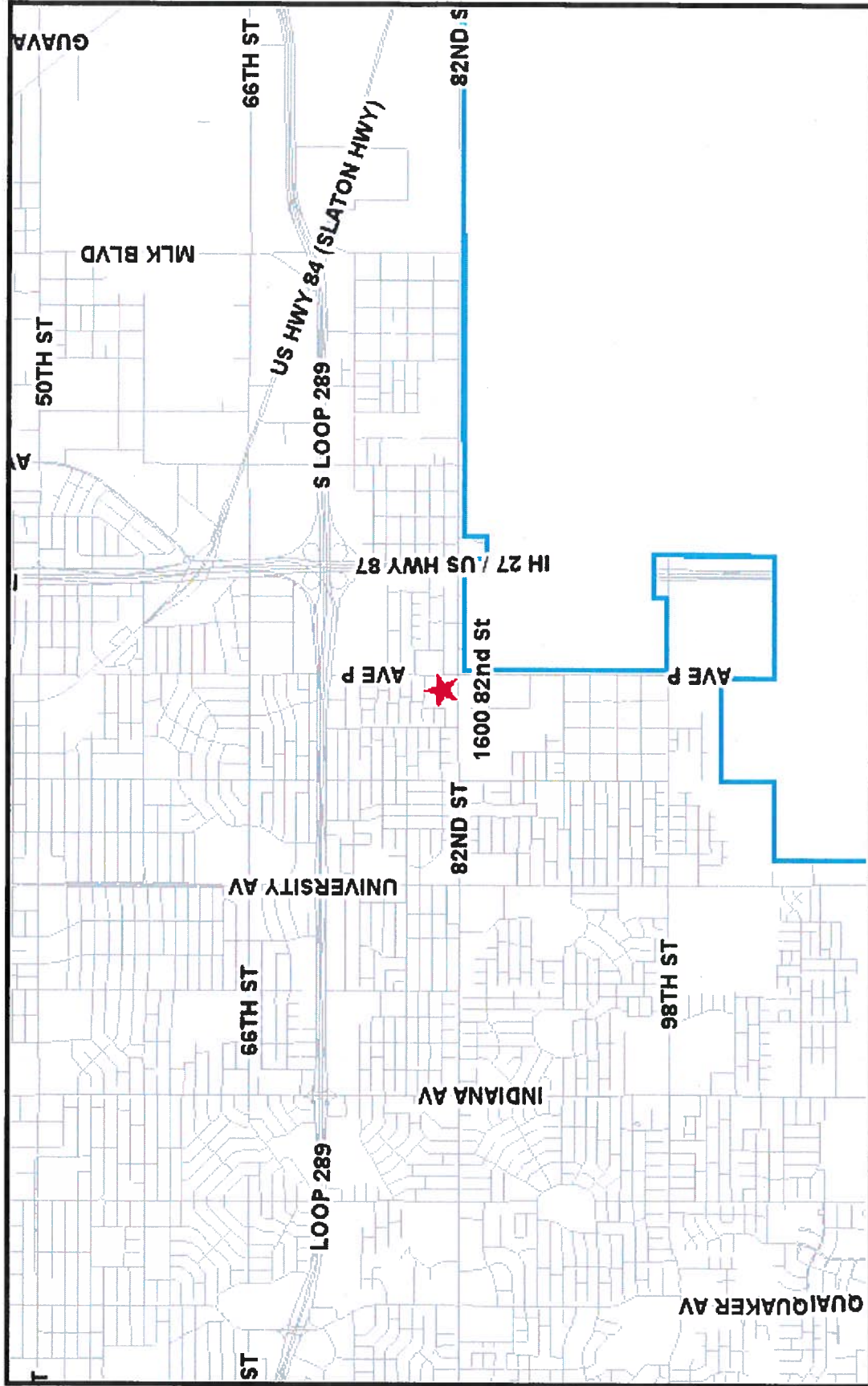
Chad Weaver  
Assistant City Attorney

vw/CityAtt/Chad/Zones/ZC2816-D  
August 08, 2012

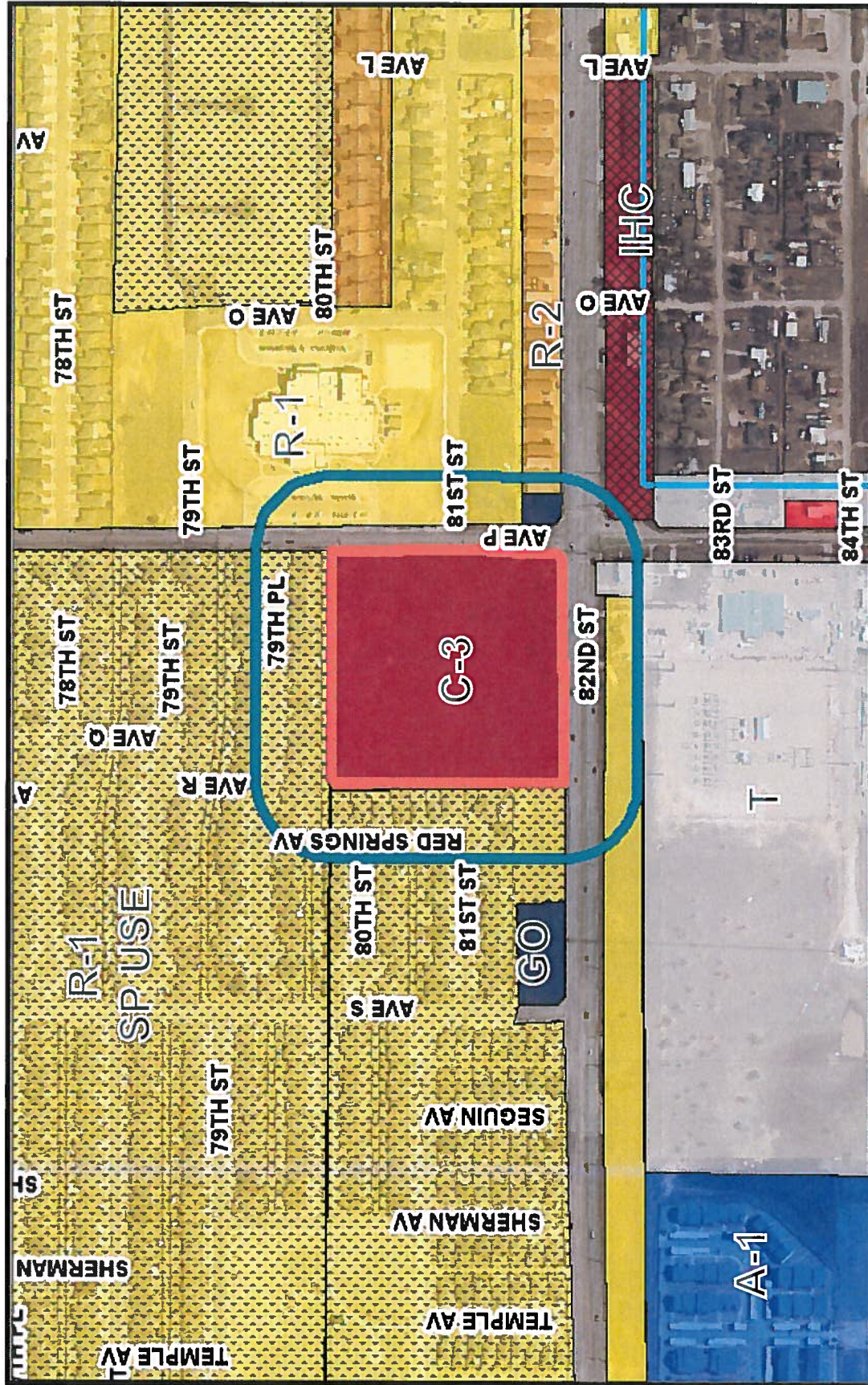


## P.Z.C. Case 2816-D

Request of Tigris IX, LTD. for a zoning change from C-3 to A-2, 1600 82nd Street



# P.Z.C. Case 2816-D



# P.Z.C. Case 2816-D Zoning



APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print)

Tigris IX, LTD.
5215 79th STREET
Lubbock TX 79424
(806) 687-8888

For

Tigris IX, LTD.
5215 79th STREET
Lubbock TX 79424
(806) 687-8888

Location or Address:

See Exhibit A attached hereto & incorporated herein

Legal Description:\*

See Exhibit A attached hereto & incorporated herein 82nd + AM

Existing Land Use:

VACANT UNPLATTED LAND

Existing Zoning:

C-3

Acreage or Square Footage of Property:

9.697 acres

Zoning Requested:

A-2

Proposed Development:

Multi-Family Apartment Complex

If property is not subdivided, will preliminary plat be submitted?

Yes No [checked]

Applicant's Signature

[Signature]

Date

6-24-2013

Filing Fee:

\$501.09

(\$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.

receipt 17782 ck# 91869 For City Use Only MJB, MAP 19

Zone Case No.:

2916-D

Agenda No.:

Request for zoning change from:

C-3

To:

A2

9.697 acres of unplatted land out of Block E Section 4

on Lot(s):

Block(s):

Subdivision:

Address:

1500 82nd St

**EXHIBIT A**

Location Address:

The Lubbock Central Appraisal District denotes the address as 1600 82<sup>nd</sup> Street, Lubbock, Texas provided; however, it is believed the property does not technically have a legal address assigned as the Property has not been duly platted.

Legal Description:

METES AND BOUNDS DESCRIPTION of a 9.697 acre tract of land located in Section 4, Block E, Lubbock County, Texas, being further described as follows:

BEGINNING at a 1/2" iron rod with cap found in the North right-of-way line of 82nd Street as described in Volume 6157, Page 106 of the Real Property Records of Lubbock County, Texas, which bears N. 00°04'12" W. a distance of 82.19 feet and S. 89°56'17" W. a distance of 67.70 feet from the Southeast corner of Section 4, Block E, Lubbock County, Texas;

THENCE S. 89°56'17" W., along said North right-of-way line, a distance of 616.11 feet to a 1/2" iron rod with cap set in the East line of a 20 foot alley as described in Volume 6958, Page 94 of the Real Property Records of Lubbock County, Texas for the Southwest corner of this tract, from whence a found 1/2" iron rod with cap bears S. 89°56'17" W. a distance of 10.00 feet;

THENCE N. 00°01'51" W., along said East alley line, a distance of 640.20 feet to a 1/2" iron rod with cap set for the most Westerly Northwest corner of this tract;

THENCE N. 44°57'13" E., continuing along said East alley line, a distance of 14.15 feet to a 1/2" iron rod with cap set in the South line of said 20 foot alley for the most Northerly Northwest corner of this tract;

THENCE N. 89°56'17" E., along said South alley line, a distance of 641.37 feet to a 1/2" iron rod with cap found in the West right-of-way line of Avenue "P" as described under County Clerk File No. 2007023000 of the Official Public Records of Lubbock County, Texas for the Northeast corner of this tract;

THENCE S. 00°04'12" E., along said West right-of-way line, a distance of 395.30 feet to a 1/2" rod found at a point of intersection;

THENCE S. 02°02'52" W., continuing along said West right-of-way line, a distance of 150.10 feet to a 1/2" rod found at a point of intersection;

THENCE S. 00°02'38" W., continuing along said West right-of-way line, a distance of 74.95 feet to a 1/2" rod found at a point of curvature;

THENCE Southwesterly continuing along said West right-of-way line, around a curve to the right, said curve having a radius of 30.00 feet, a central angle of 89°53'39", tangent lengths of 29.94 feet and a chord distance of 42.39 feet to the Point of Beginning.

Contains: 422,410 square feet.

**PREPARED FOR ZONE CHANGE DESCRIPTION PURPOSES ONLY.**

PERIMETER SURVEY OF A 9.697 ACRE TRACT  
 LOCATED IN  
**SECTION 4, BLOCK E**  
 LUBBOCK COUNTY, TEXAS



METES AND BOUNDS DESCRIPTION of a 9.697 acre tract of land located in Section 4, Block E, Lubbock County, Texas, being further described as follows:

**BEGINNING** at a 1/2" iron rod with cap found in the North right-of-way line of 82nd Street as described in Volume 6157, Page 106 of the Real Property Records of Lubbock County, Texas, which bears N. 00°04'12" W., a distance of 82.19 feet and S. 89°56'17" W., a distance of 67.70 feet from the Southeast corner of Section 4, Block E, Lubbock County, Texas;

**THENCE** S. 89°56'17" W., along said North right-of-way line, a distance of 616.11 feet to a 1/2" iron rod with cap set in the East line of a 2.00 foot alley as described in Volume 6938, Page 94 of the Real Property Records of Lubbock County, Texas for the Southwest corner of this tract, from whence a found 1/2" iron rod with cap bears S. 89°56'17" W., a distance of 10.00 feet; **THENCE** N. 00°04'12" W., along said East alley line, a distance of 640.20 feet to a 1/2" iron rod with cap set for the most Westerly Northwest corner of this tract;

**THENCE** N. 44°57'13" E., continuing along said East alley line, a distance of 14.15 feet to a 1/2" iron rod with cap set in the South line of said 20 foot alley for the most Northerly Northwest corner of this tract;

**THENCE** N. 89°56'17" E., along said South alley line, a distance of 641.37 feet to a 1/2" iron rod with cap found in the West right-of-way line of Avenue "F" as described under County Clerk File No. 2007023000 of the Official Public Records of Lubbock County, Texas for the Northeast corner of this tract

**THENCE** S. 00°04'12" E., along said West right-of-way line, a distance of 395.30 feet to a 1/2" rod found at a point of intersection;

**THENCE** S. 02°02'52" W., continuing along said West right-of-way line, a distance of 150.10 feet to a 1/2" rod found at a point of intersection;

**THENCE** S. 00°02'38" W., continuing along said West right-of-way line, a distance of 74.95 feet to a 1/2" rod found at a point of curvature;

**THENCE** Southwesterly continuing along said West right-of-way line, around a curve to the right, said curve having a radius of 30.00 feet, a central angle of 89°53'39", tangent lengths of 29.94 feet and a chord distance of 42.39 feet to the Point of Beginning.

Bearings are relative to the North right-of-way line of 82nd Street, previously surveyed and recognized as being S. 89°56'17" W.

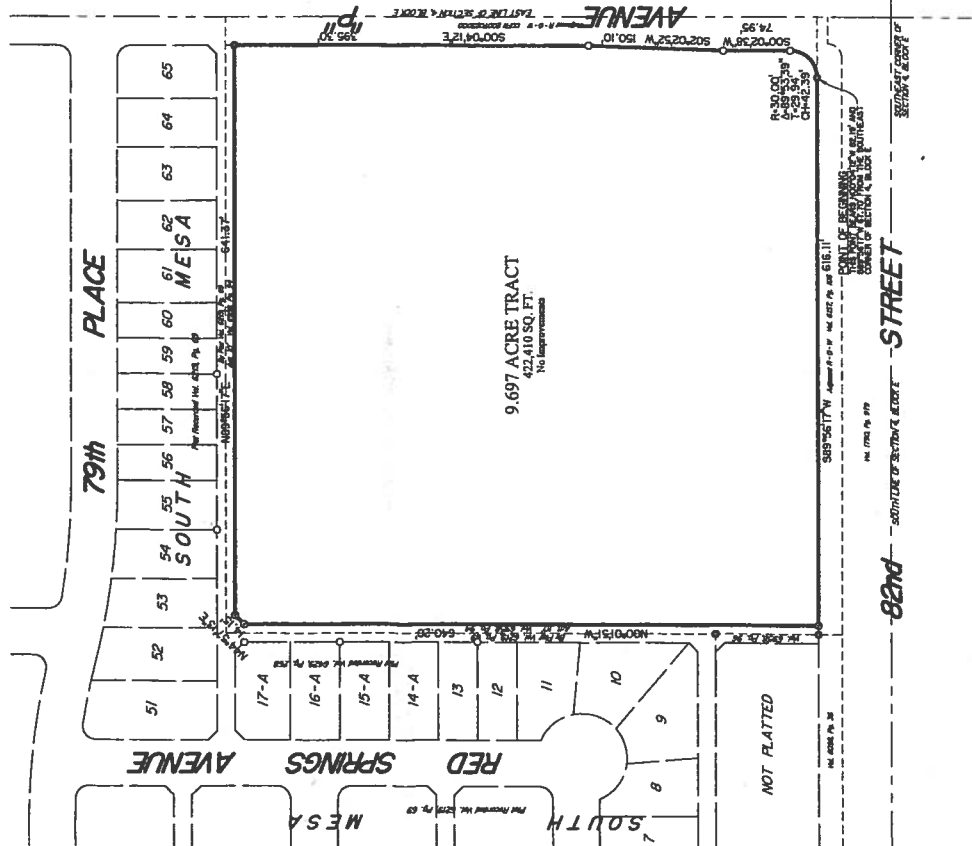
Contains: 422,410 square feet.

This survey and all information herein is for the exclusive use of Trinity Church and shall not be copied or used except for the purpose for which it is expressly furnished.

Surveyed on the ground.

April 21, 2013

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



- NOTES:  
 HEAVY LINES INDICATE PLAT LIMITS.  
 CONTROL MONUMENTS AS FOUND AND SHOWN.  
 ● - SET 1/2" IRON ROD WITH CAP  
 ○ - FOUND 1/2" IRON ROD WITH CAP  
 130472/8/06 (GB)

**TITLE COMMITMENT**  
 Easement information shown on this survey was taken from title commitment provided by Western Title Company as agent for Allstate Title Insurance Company, Title Policy GP No. 72252 with an issue date of April 18, 2013. Record research done by this surveyor was made only for the purpose of determining the boundary of this property and of the adjoining parcels. Record documents other than those shown on this survey may exist and encumber this property. Schedule "B" Item 10. a. has been noted on above herein as to the extent it may encumber the property. Surveyor represents no warranty as to the correctness or sufficiency of the remaining items listed in the commitment and this is beyond the scope of Surveyor's services under certification.

The title commitment calls for this tract to be subject to a 15' wide easement for underground facilities granted to Southwestern Bell Telephone Co. as described in Volume 1440, Page 668 of the Deed Records of Lubbock County, Texas. This easement appears to be located within the current 82nd Street right-of-way, the exact location could not be determined by record description.

*[Signature]*

WARNING  
 This plat is invalid unless it bears an original signature across an embossed seal.

**HR HUSO REED**  
 LAND SURVEYORS AND ASSOCIATES, INC.  
 1400 UNIVERSITY AVENUE, SUITE 100  
 LUBBOCK, TEXAS 79401  
 PHONE: (806) 792-8842 FAX: (806) 792-8899  
 © Copyright 2013, Housh and Associates, Inc. All rights reserved. This plat is subject to the provisions herein.

Roberts Element

Subject Site

Interstate Bat

Offices

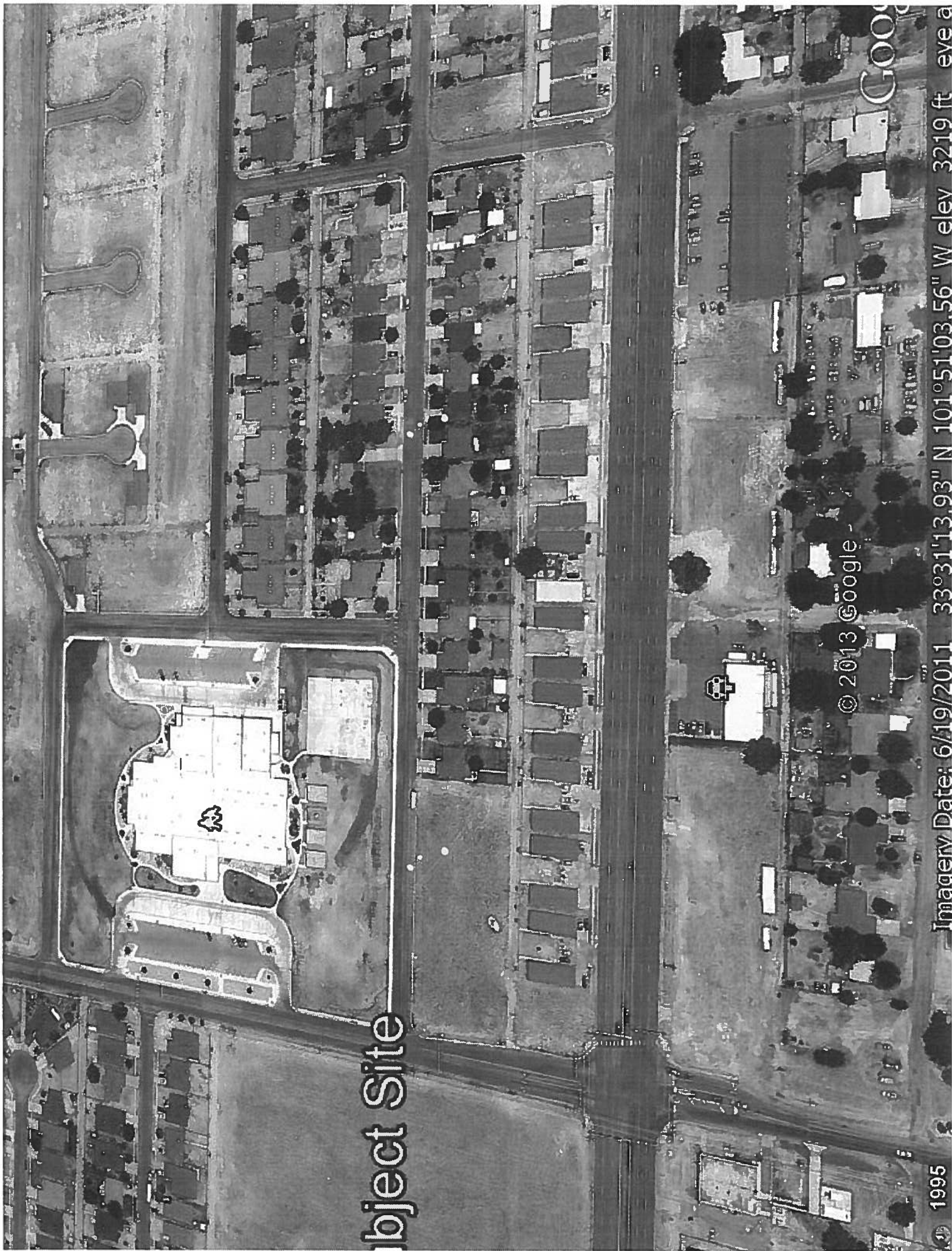
Existing Apartments

© 2013 Google

 Subject Site

© 2013 Google

GOOGL



Subject Site

© 2013 Google

1995 Imagery Date: 6/19/2011 33°31'13.93" N 101°51'03.56" W elev 3219 ft













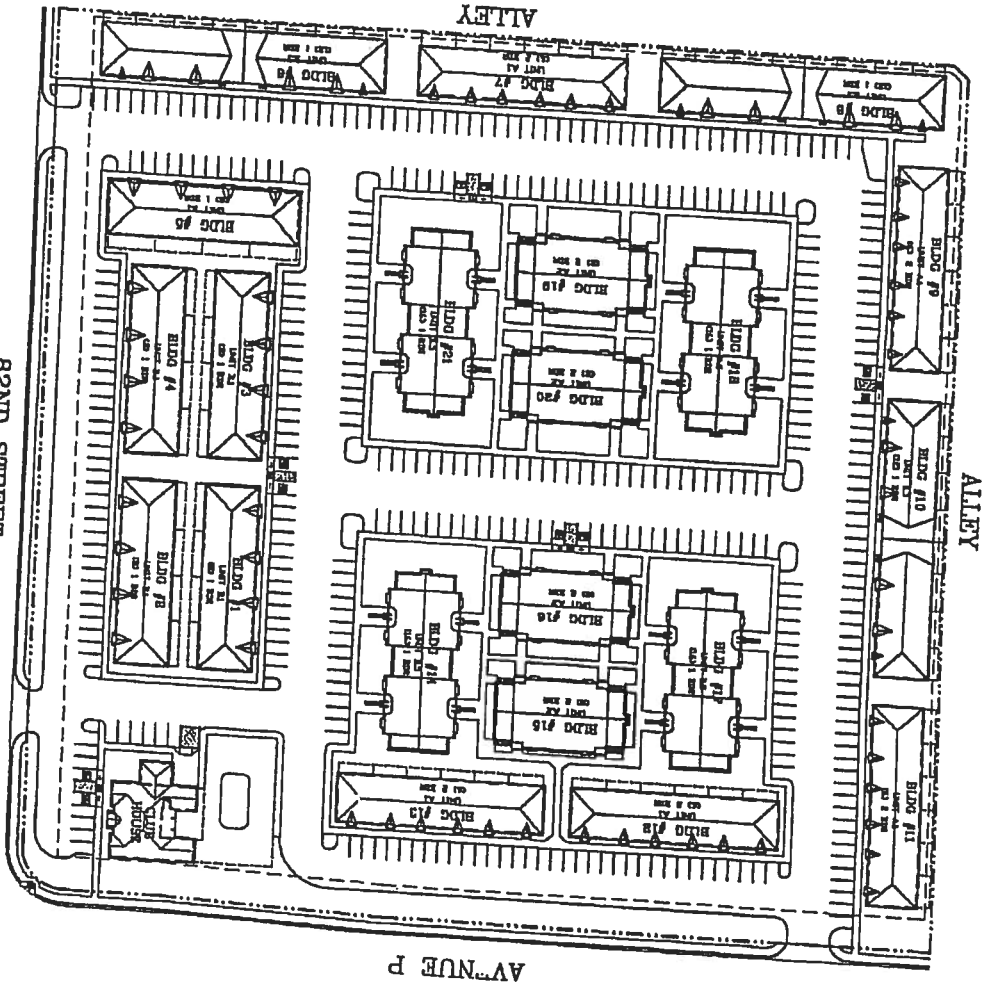












# SITE PLAN

## SITE SKETCH

SCALE 1" = 80'-0"

0 10 20 40 60 80  
 FEET EAST WEST

N  
 S

**COX DIRKS**

**ARCHITECTS PC**  
 AMERICAN INSTITUTE OF ARCHITECTS  
 1710 15TH STREET  
 LUBBOCK, TEXAS 79401  
 TEL 806/725-1324 FAX 806/725-1411  
 WWW.COXDIRKSARCHITECTS.COM





Handicap Accessible

















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.: 2816-D

In Favor of

Opposed

Reasons and/or Comments:

FULLY SUPPORT.

RECEIVED

JUL 23 2013

PLANNING DEPARTMENT

Print Name

Signature:

Address:

Address of Property Owned:

Joe Stettheimer

15404 Slide Rd

1802-82nd

City of Lubbock, TX  
Planning Department  
Planning and Zoning Commission  
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zone change requested by:

P&Z Case No.: 2816-D

In Favor of

Opposed

RECEIVED

JUL 23 2013

Reasons and/or Comments:

PLANNING DEPARTMENT

Residents, Do not want apartments in this zone!  
The primary zone code for the area is R1, R2.  
The land undeveloped should remain C-3, or changed

GO

Print Name

Herbert N. Williams Jr

Signature:

Herbert N. Williams Jr

Address:

1806 81st Street

Address of Property Owned:

1806 81st

City of Lubbock, TX  
Planning Department  
Planning and Zoning Commission  
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In Favor of

Opposed

RECEIVED

JUL 23 2013

PLANNING DEPARTMENT

Reasons and/or Comments:

If this zoning change is for an apartment complex it will lower the price of already established homes because it will most likely be for lower income families.

Print Name

Harvey Wellman & Marlene Wellman

Signature:

Harvey Wellman Marlene Wellman

Address:

1618 79th Pl Lubbock, TX 79423

Address of Property Owned:

1618 79th Pl Lubbock 79423

City of Lubbock, TX  
Planning Department  
Planning and Zoning Commission  
Reply Form



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In Favor of

Opposed

**Reasons and/or Comments:**

A ZONING CHANGE FROM "C-3" GENERAL RETAIL DISTRICT TO "A-2" HIGH-DENSITY APARTMENT DISTRICT WOULD SIGNIFICANTLY DEVALUE THE RESIDENTIAL PROPERTY AND HOMES IN THE AREA. OTHER NOTABLE CONCERNS INCLUDE SAFETY, NOISE, AND OTHER FORMS OF PUBLIC NUISANCE. I WANT THIS AREA TO REMAIN AS SOMEWHERE MY FAMILY CAN BE SAFE AND COMFORTABLE.

Print Name JUSTIN RHODES

Signature: 

Address: 8005 RED SPRINGS AVENUE, LUBBOCK, TX, 79423

Address of Property Owned: 8005 RED SPRINGS AVENUE, LUBBOCK, TX, 79423

**RECEIVED**

JUL 26 2013

**PLANNING DEPARTMENT**



City of Lubbock, TX  
Planning Department  
Planning and Zoning Commission  
Reply Form

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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.: 2816-D

In Favor of

Opposed

Reasons and/or Comments:

WE DO NOT WANT THE PRIVACY OF OUR BACK YARD TAKEN AWAY FROM US. WE HAVE LITTLE WARNING TO PERPARE OUR HOME AND YARDS FOR MORE NOISE, LITTER, AND PEOPLE THIS WILL BRING. THIS WILL SURELY INCREASE PROPERTY TAX AND LOWER PROPERTY VALUE. WE HAVE NO REAL MEANS TO SELL AND RELOCATE TO START AGAIN BECAUSE OF AGE. IS PROFIT WORTH OTHERS MENTAL TERROR?

Print Name: R. KEITH HARVEY  
Signature: R. Keith Harvey  
Address: 8001 RED SPRINGS AVE. LUBBOCK, TX 79423  
Address of Property Owned: SAME

15 of 46  
**RECEIVED**  
JUL 30 2013  
PLANNING DEPARTMENT  
Zone Case Number: **2816-D** 76919  
HARVEY R KEITH &  
Y SUE  
8001 RED SPRINGS AVE  
LUBBOCK TX 79423-2401

City of Lubbock, TX  
Planning Department  
Planning and Zoning Commission  
Reply Form



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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.: 2816-D

In Favor of

Opposed

Reasons and/or Comments: This sounds like it would be for low income housing or apartments and I am opposed to this. I would much rather it be for commercial retail or business.

RECEIVED

AUG 01 2013

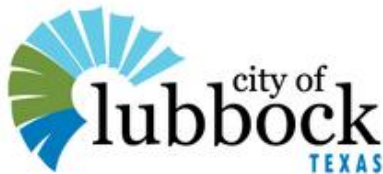
PLANNING DEPARTMENT

Print Name Abe Garcia

Signature: Abe Garcia

Address: 1621 79th PL

Address of Property Owned: 1621 79th PL



**Regular City Council Meeting**

**6. 5.**

**Meeting Date:** 08/22/2013

---

**Information**

**Agenda Item**

**Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 1660-E, a request of Tanya Cintron (for NTCH-NM, LLC) for a zoning change from AM to AM Specific Use for a cell tower facility on Lot 2, Agee-Pharr Addition, 2402 52nd Street, and consider an ordinance.

**Item Summary**

Zoning Request:

AM Specific Use for a cell tower facility.

Proposed Land Use:

The proposed land use is for a cell tower facility. All cell towers outside of the M-1 and M-2 Districts are required to have a specific use permit approved within a zone case. As specific use, the applicant will be tied to the location and construction proposed for this tower. The tower is proposed as a slim monopole structure. The height is proposed at approximately 160 feet. This also allows to have collocated antennas be added to this tower in the future. The tower will be roughly 230 feet from the nearest home.

In terms of zoning, the cell towers have a requirement for a public hearing to determine compatibility with the area. In this location with the assortment of activities in the immediate area, staff was of the opinion that no harm will be created. Staff remains of the opinion that, while obtrusive in any setting, cell phones have become such a component of our daily lives that the towers providing that service are “the cost of doing business” for the public to benefit from the phones. Typically a monopole structure has fewer objections than other types of structures due to the pole being less visible. Such a structure does limit the number of co-locations, but would not be as visible as the self supporting tower.

Adjacent Land Uses:

N –Zoned C-2A Restricted Local Retail District, Office Building

S – Zoned R-2 Two Family District, Duplexes

E – Zoned R-3 Multi Family District, Apartments

W –Zoned C-2 Local Retail District, Shopping Center

Planning and Zoning Commission (P&Z) Public Hearing Notes from August 1, 2013:

One citizen spoke in opposition to the request, citing concerns of being able to view the cell tower from the front windows of her home, but later advised the commission that she was neutral regarding the request when it was determined the cell tower would not be near her home. Another citizen spoke in opposition to the request, citing safety concerns regarding ice falling off of the cell tower.

Impact on the Comprehensive Land Use Plan (CLUP):

As specific use, the CLUP does not have written policy for cell tower locations. Specific guidelines are included in the administrative section of the zoning code for this item. A zone case is required so as to determine compatibility of the proposed use with existing adjacent uses.

**P&Z Commission Recommendation:**

The P&Z recommended the request with a unanimous vote with two conditions:

1. The tower may be 160 feet tall.
2. The tower and site (other than the height) are tied to the plans as submitted by the applicant.

**Fiscal Impact**

None.

**Staff/Board Recommending**

Quincy White, Assistant City Manager

P&Z Commission

---

**Attachments**

Ordinance - Zone Case 1660-E

Zone Case - 1660-E

---

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. 1660-E**; A ZONING CHANGE FROM AM TO AM SPECIFIC USE FOR A CELL TOWER FACILITY, ON LOT 2, AGEE-PHARR ADDITION, LUBBOCK, TEXAS; SUBJECT TO CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, 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. 1660-E**

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 AM to AM Specific Use for a **cell tower facility on Lot 2, Agee-Pharr Addition**, City of Lubbock, Lubbock County, Texas, located at **2402 52<sup>nd</sup> Street**, subject to conditions, and being further described as follows:

**SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THAT the tower may be 160 feet tall.**
- 2. THAT the tower and site (other than the height) are tied to the plans as submitted by the applicant.**

SECTION 2. THAT the granting of this specific use zoning is hereby made subject to compliance with all provisions of Zoning Ordinance No. 7084, as amended, including particularly, but not limited to, Section 40.03.3102 of the Codified Zoning Ordinance, which provides that a Building Permit shall be applied for and secured within thirty (30) months of the effective date of the zone change or all undeveloped property shall automatically revert back to the previous zoning classification, which in this case is the **1660-E** 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 **2402 52<sup>nd</sup> Street**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on \_\_\_\_\_.

Passed by the City Council on second reading on \_\_\_\_\_.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

---

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



---

Andrew Paxton, Director of Planning

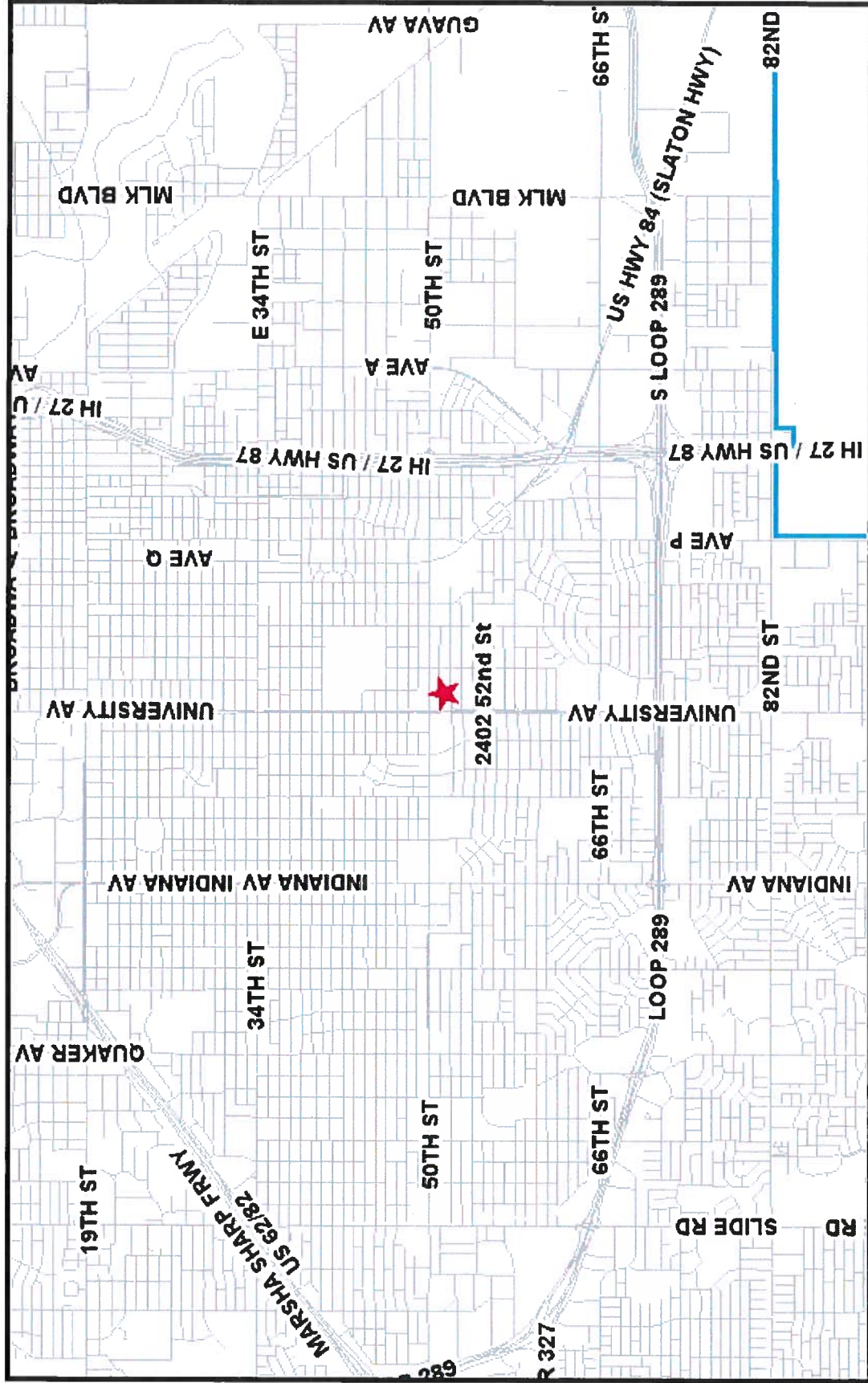
APPROVED AS TO FORM:



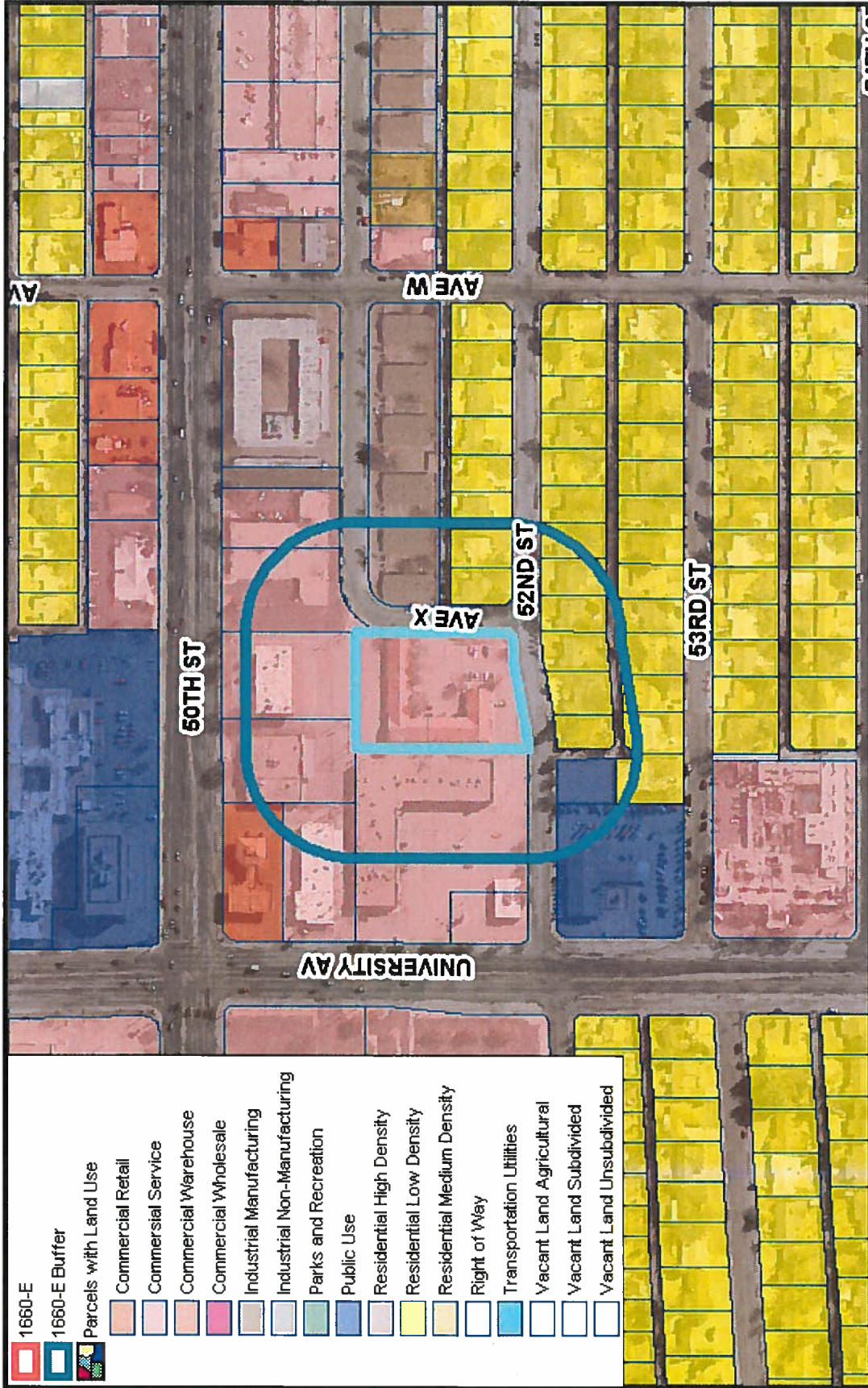
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Chad Weaver  
Assistant City Attorney

vw/CityAtt/Chad/Zones/ZC1660-E  
August 08, 2013

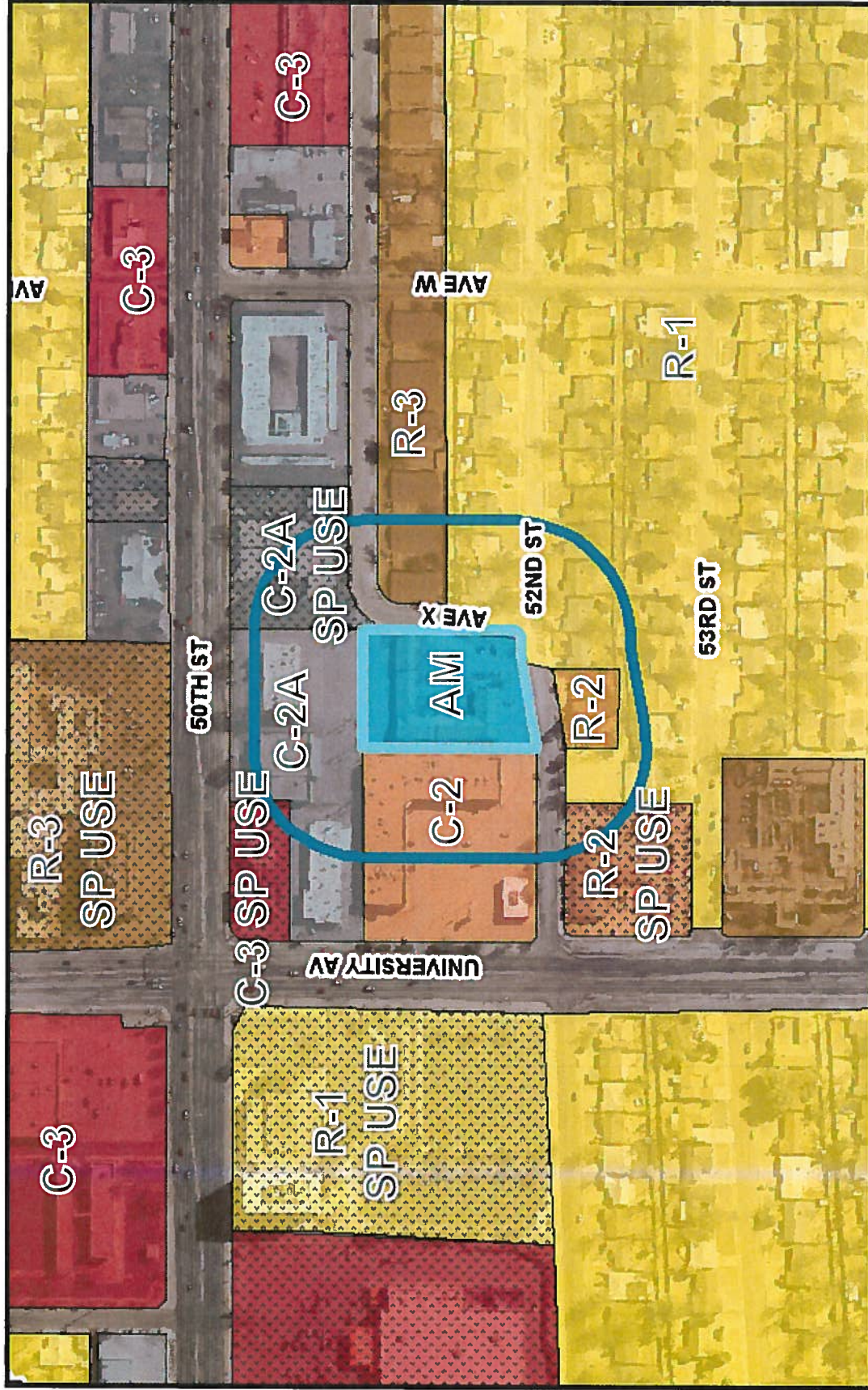


# P.Z.C. Case 1660-E



## P.Z.C. Case 1660-E

**Request of Tanya Cintron (for NTCH-NM, LLC) for a zoning change from AM to AM Specific Use for a cell tower facility, 2402 52nd Street**



## P.Z.C. Case 1660-E Zoning



APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) Tanya Cintron

For NTCH-NM, LLC

PO Box 8839

Street/Post Office Box

Columbia, SC 29202

City State Zip

(803)363-1331 or 505-803-7363

Telephone

PO Box 1976

Street/Post Office Box

Wrightwood, CA 92397

City State Zip

(505)803-7363 or 803-363-1331

Telephone

Location or Address: See attached Location Map

Legal Description: See attached Deed

Existing Land Use: Vacant Corner Existing Zoning: Commercial

Acreage or Square Footage of Property: 0.84

Zoning Requested: Specific Use Permit

Proposed Development: 150' MP for a cell tower facility

If property is not subdivided, will preliminary plat be submitted?

Yes No

Tanya Cintron
Applicant's Signature

6-26-13
Date

Filing Fee: 475.00
(\$475.00 for the first acre; \$3.00 for each additional acre;
\$165 for Non-Profit)

\*There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.

For City Use Only PIN: 2926 maps

Zone Case No.: 1660-E

Agenda No.:

Request for zoning change from: AM

To: AM SP USP

on Lot(s): 2

Block(s):

Subdivision: Agee - Pham

Address: 2402 5th St

2

City of Lubbock, TX  
Planning Department  
Planning and Zoning Commission  
Reply Form

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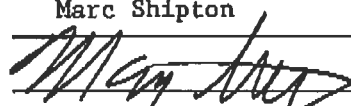
Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: P&Z Case No.: 1660-E

In Favor of \_\_\_\_\_

Opposed XX

Reasons and/or Comments:

Extremely opposed to a tower in this location, it will be too close to our office building.

Print Name Marc Shipton  
Signature:   
Address: 6306 Iola Ste. 200 Lubbock, Texas 79424  
Address of Property Owned: 2345 50th Street Lubbock, Texas



NTCH-NM, LLC  
6102 45TH ST., UNIT B  
LUBBOCK, TX 79407

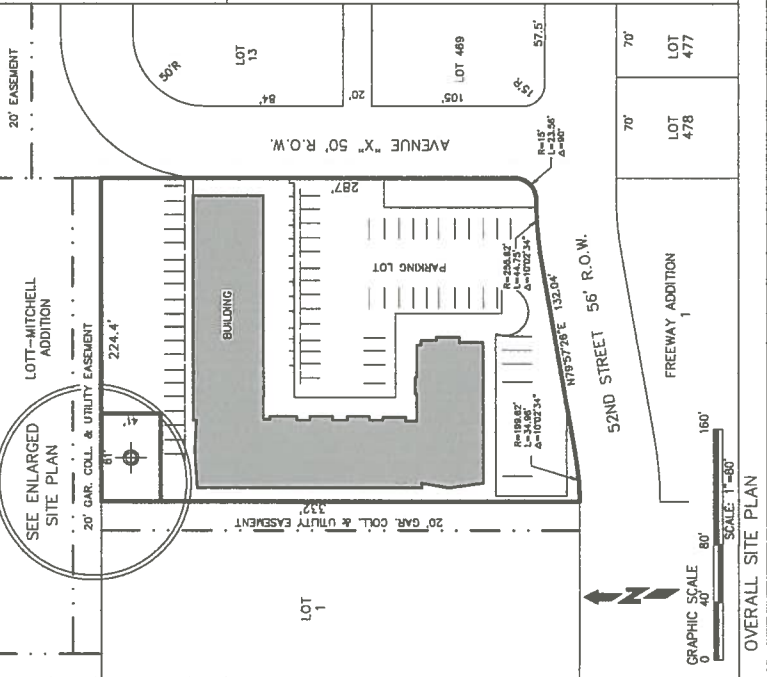
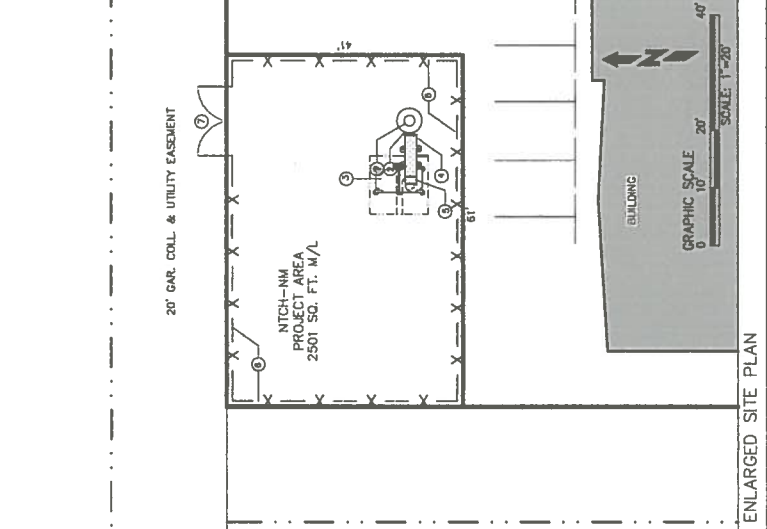
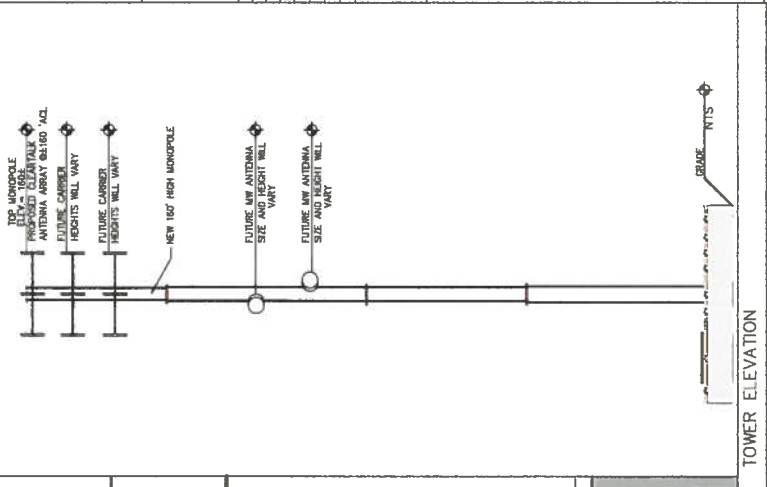
LB-799  
FLEMING

DATE RELEASE: 6/23/2013

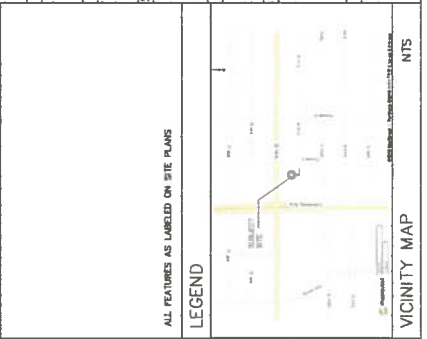
NO.	DATE	ISSUE
1		
2		
3		
4		

CLEAR TALK  
1801 W. ADAMS AVENUE  
EL CENTRO, CA 92243  
(760) 234-0029

THIS MAP DOES NOT REPRESENT A TITLE SEARCH BY CLEAR TALK OR ITS CONSULTANTS. ONLY APPLICABLE EASEMENTS, ENCUMBRANCES, AND INTERESTS SHOWN AND USED. EASEMENTS AND INTERESTS SHOWN AND USED IN THIS DRAWING IS CONTINGENT UPON THE SILENT CONSENT OF THE OWNER AND THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE OWNER.



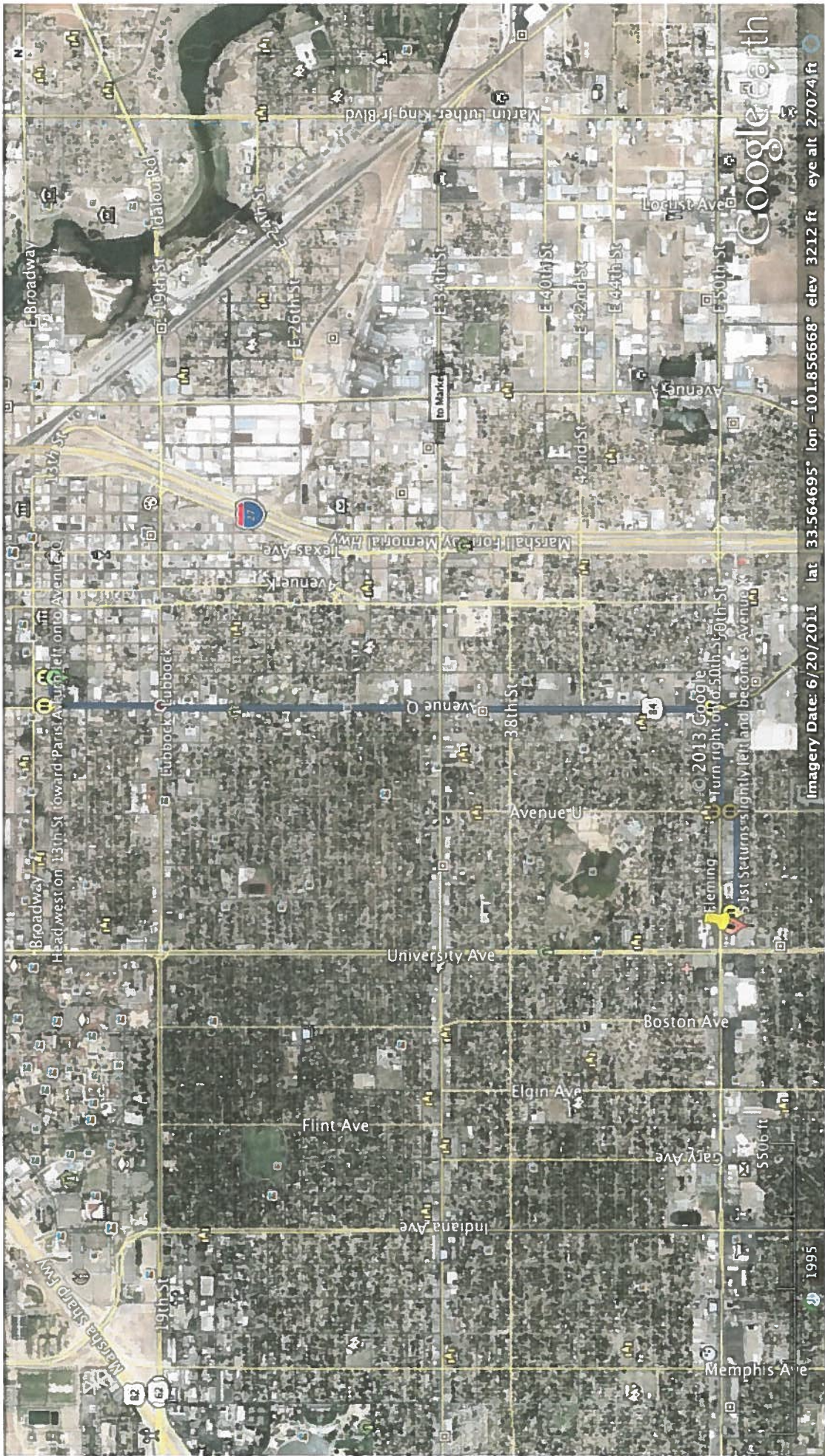
DRAWN BY:	ALLAN SMITHEE
SITE NAME:	FLEMING
SITE NUMBER:	LB-799
SITE ADDRESS:	2402 52ND STREET LUBBOCK, TX 79412
CUP/VARIANCE NUMBER:	
SHEET TITLE:	ZONING EXHIBIT
SHEET NUMBER:	ZE-1



FLMING	LB-799
SITE NAME:	2402 52ND STREET
SITE ADDRESS:	LUBBOCK, TX 79412
OWNER NAME:	AGED FLEMING FAMILY TRUST
OWNER ADDRESS:	3283 10TH STREET LUBBOCK, TX 79412
ASSESSORS PARCEL NUMBER(S):	084000003-084000003
NET AREA OF UNDERLYING PARCEL(S):	0.84 ACRES M/L
LATITUDE:	35.200725°
LONGITUDE:	101.520833°

PROJECT INFORMATION	KEYNOTES
NOTES: 1. LATITUDE AND LONGITUDE DATA - INQ. 81/02	<ul style="list-style-type: none"> <li>① NEW 180' CO-LOCKABLE MONOPOLE TOWER</li> <li>② NEW CONCRETE FOUNDATION</li> <li>③ 4' X 6' STEEL EQUIPMENT PLATFORM</li> <li>④ ICE-BRIDGE</li> <li>⑤ EQUIPMENT CABINET</li> <li>⑥ 6' CHAIN LINK FENCE WITH 3-STRAND BARBED WIRE</li> <li>⑦ 12' SWINGING LOCKABLE ENTRY GATE</li> <li>⑧ UTILITY BACK-BOARD</li> </ul>

DESCRIPTION	PROJECT AREA
THE WEST 61 FEET OF THE NORTH 41 FEET OF LOT 4, AGE-PHARR ADDITION TO THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS.	



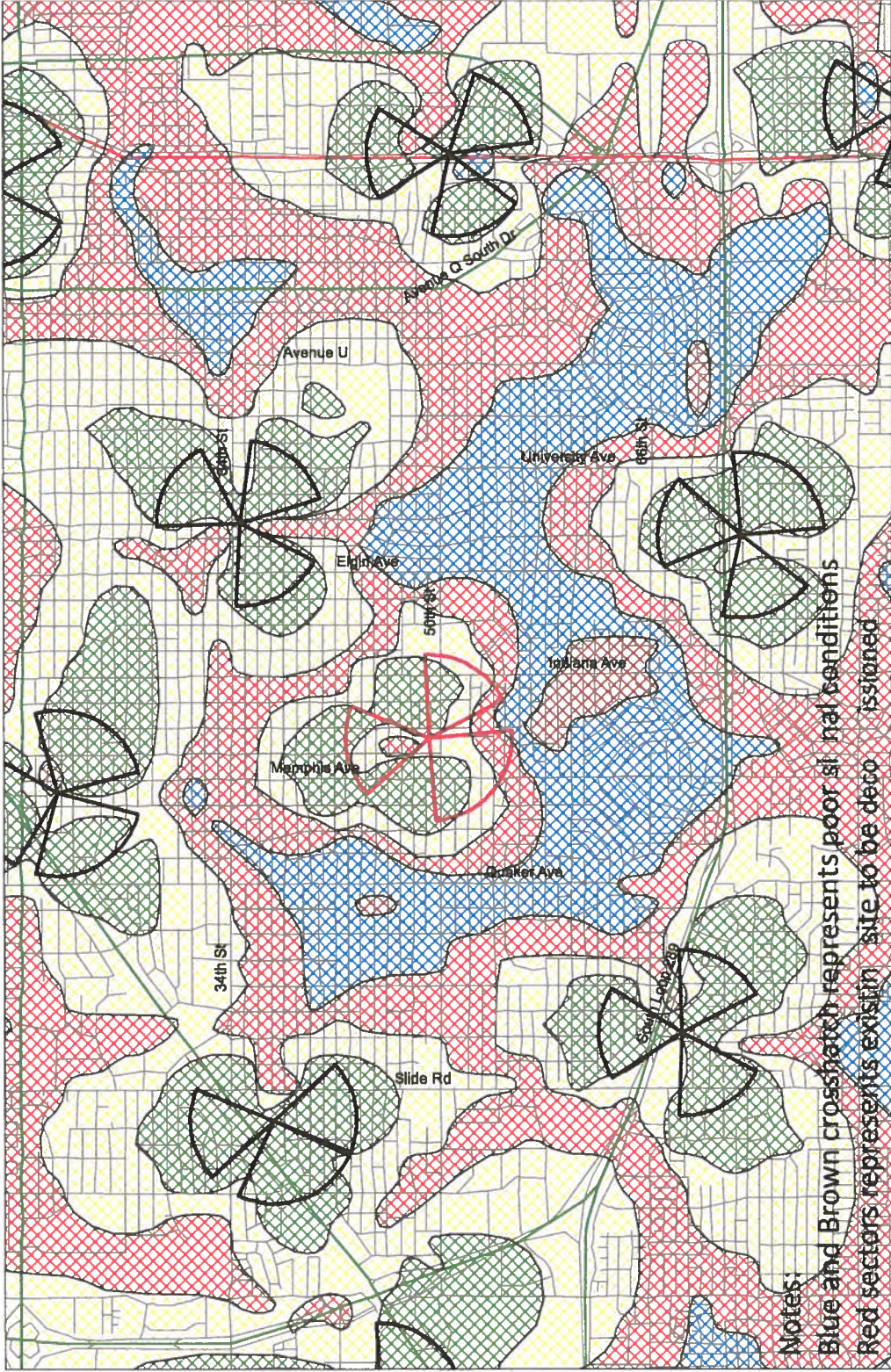
Google Earth

© 2013 Google  
Turn right off of 50th St onto 38th St  
List returns slightly left and becomes Avenue U

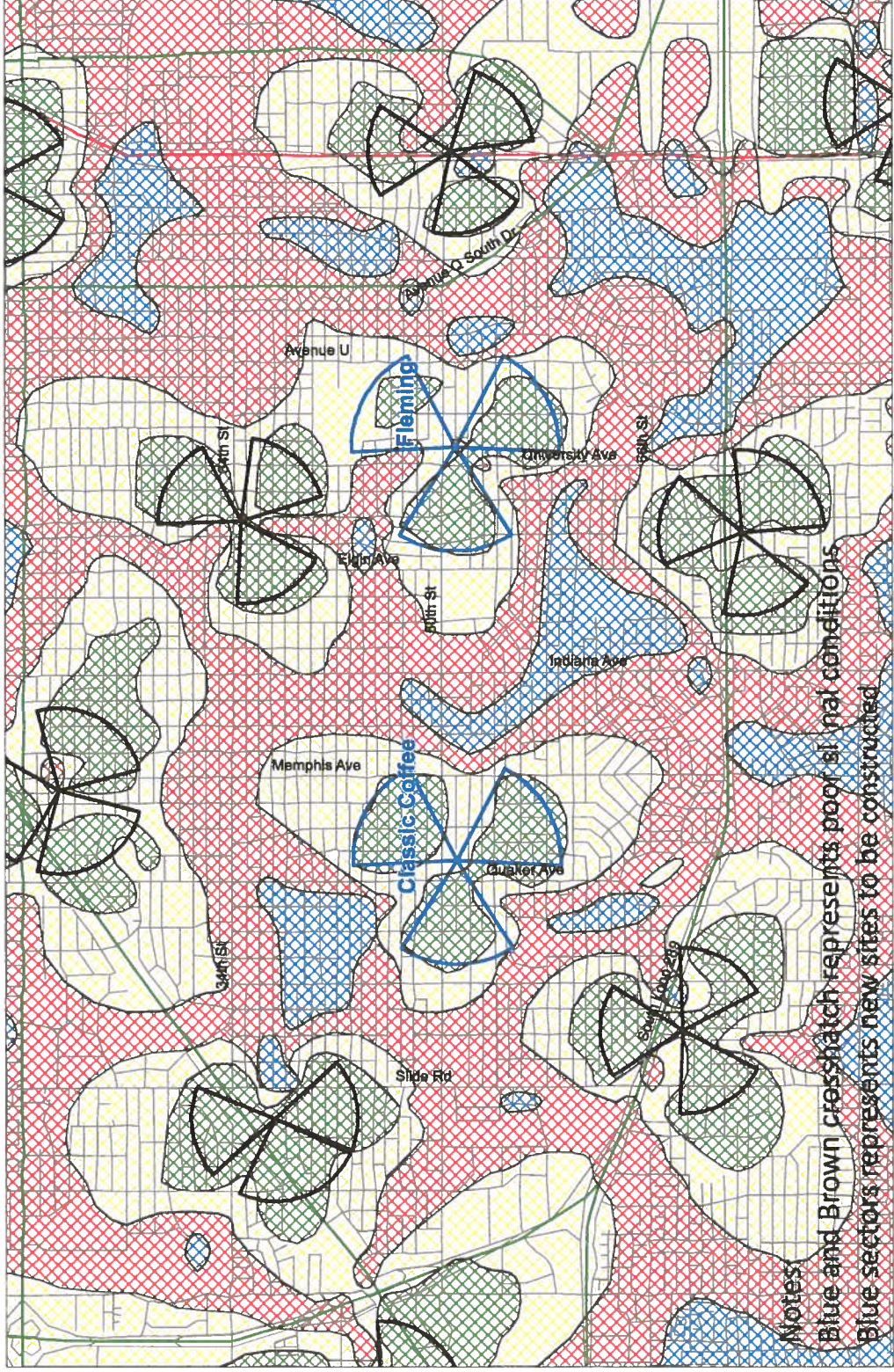
Imagery Date: 6/20/2011 lat 33.564695° lon -101.856668° elev 3212 ft eye alt 27074 ft

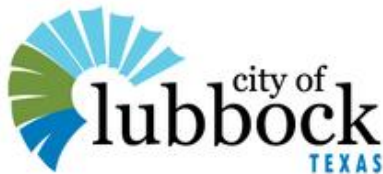
1995

# Existing System – Ec/Io per Propagation Study



# New System – Ec/Io per Propagation Study





**Regular City Council Meeting**

**6. 6.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 1112-C, a request of Tanya Cintron (for NTCH-NM, LLC) for a zoning change from C-2 to C-2 Specific Use for a cell tower facility on Lot 99B, Drury Park Addition, 4317 50th Street, and consider an ordinance.

**Item Summary**

Zoning Request:

C-2 Specific Use for a cell tower facility.

Proposed Land Use:

The proposed land use is for a cell tower facility. All cell towers outside of the M-1 and M-2 Districts are required to have a specific use permit approved within a zone case. As specific use, the applicant will be tied to the location and construction proposed for this tower. The tower is proposed as a monopole structure. The height is proposed at approximately 150 feet. This also allows collocated antennas to be added to this tower in the future. The tower will be more than 150 feet from the nearest residential structure.

In terms of zoning, the cell towers have a requirement for a public hearing to determine compatibility with the area. In this location with the assortment of activities in the immediate area, staff was of the opinion that no harm would be created. Staff remains of the opinion, while obtrusive in any setting, cell phones have become such a component of our daily lives that the towers providing the service are “the cost of doing business” for the public to benefit from the phones. Typically a monopole structure has fewer objections than other types of structures due to the pole being less visible. Such a structure does limit the number of co-locations, but would not be as visible as the self supporting tower.

Adjacent Land Uses:

N – Zoned C-2 Local Retail District, restaurant

S – Zoned R-2 Two Family District, duplexes

E – Zoned R-1 Single Family

W – Zoned C-2, bank

Planning and Zoning Commission (P&Z) Public Hearing Notes from August 1, 2013:

One citizen spoke in opposition to the request, citing concerns of his ability to view the cell tower from the front of his home.

Impact on the Comprehensive Land Use Plan (CLUP):

As specific use, the CLUP does not provide written policy for cell tower locations. Specific guidelines are included in the administrative section of the zoning code for this item. A zone case is required to determine compatibility of the proposed use with existing adjacent uses.

P&Z Commission Recommendation:

The P&Z recommended the request with the following conditions by a 5-1 vote:

1. The tower may be 150 feet tall.
2. The tower and site, other than the height, are tied to the plans as submitted by the applicant.

**Fiscal Impact**

None.

**Staff/Board Recommending**

Quincy White, Assistant City Manager  
P&Z Commission

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**Attachments**

Ordinance - Zone Case 1112-C

Zone Case - 1112-C

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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. 1112-C**; A ZONING CHANGE FROM **C-2** TO **C-2 SPECIFIC USE FOR A CELL TOWER FACILITY**, ON **LOT 99B, DRURY PARK ADDITION**, LUBBOCK, TEXAS; SUBJECT TO CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, 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. 1112-C**

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-2** to **C-2 Specific Use for a cell tower facility** on **Lot 99B, Drury Park Addition**, City of Lubbock, Lubbock County, Texas, located at **4317 50<sup>th</sup> Street**, subject to conditions, and being further described as follows:

**SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THAT the tower may be 150 feet tall.**
- 2. THAT the tower and site (other than the height) are tied to the plans as submitted by the applicant.**

SECTION 2. THAT the granting of this specific use zoning is hereby made subject to compliance with all provisions of Zoning Ordinance No. 7084, as amended, including particularly, but not limited to, Section 40.03.3102 of the Codified Zoning Ordinance, which provides that a Building Permit shall be applied for and secured within thirty (30) months of the effective date of the zone change or all undeveloped property shall automatically revert back to the previous zoning classification, which in this case is the **1112-C** 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 **4317 50<sup>th</sup> Street**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on \_\_\_\_\_.

Passed by the City Council on second reading on \_\_\_\_\_.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

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Rebecca Garza, City Secretary

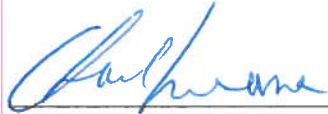
APPROVED AS TO CONTENT:



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Andrew Paxton, Director of Planning

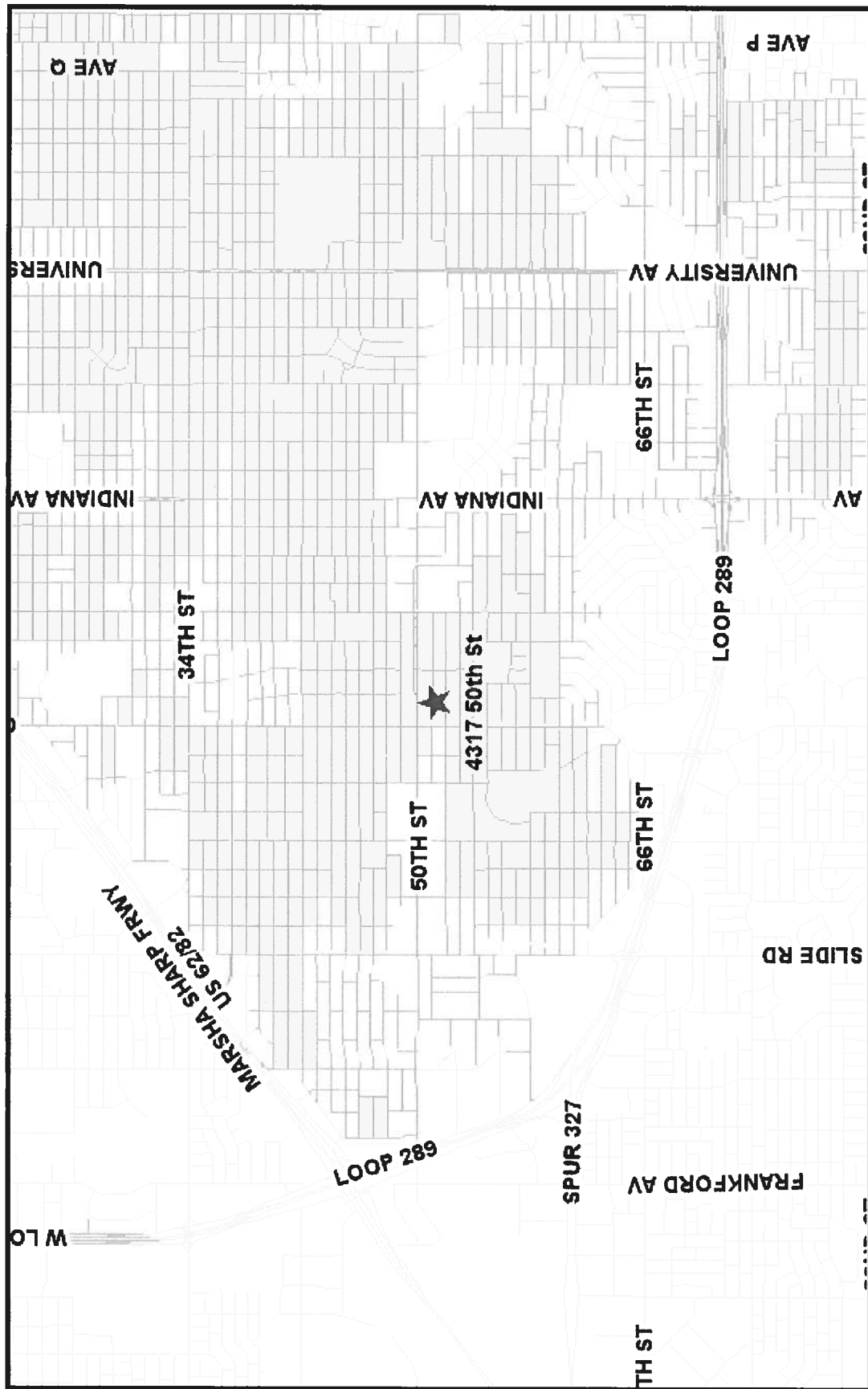
APPROVED AS TO FORM:



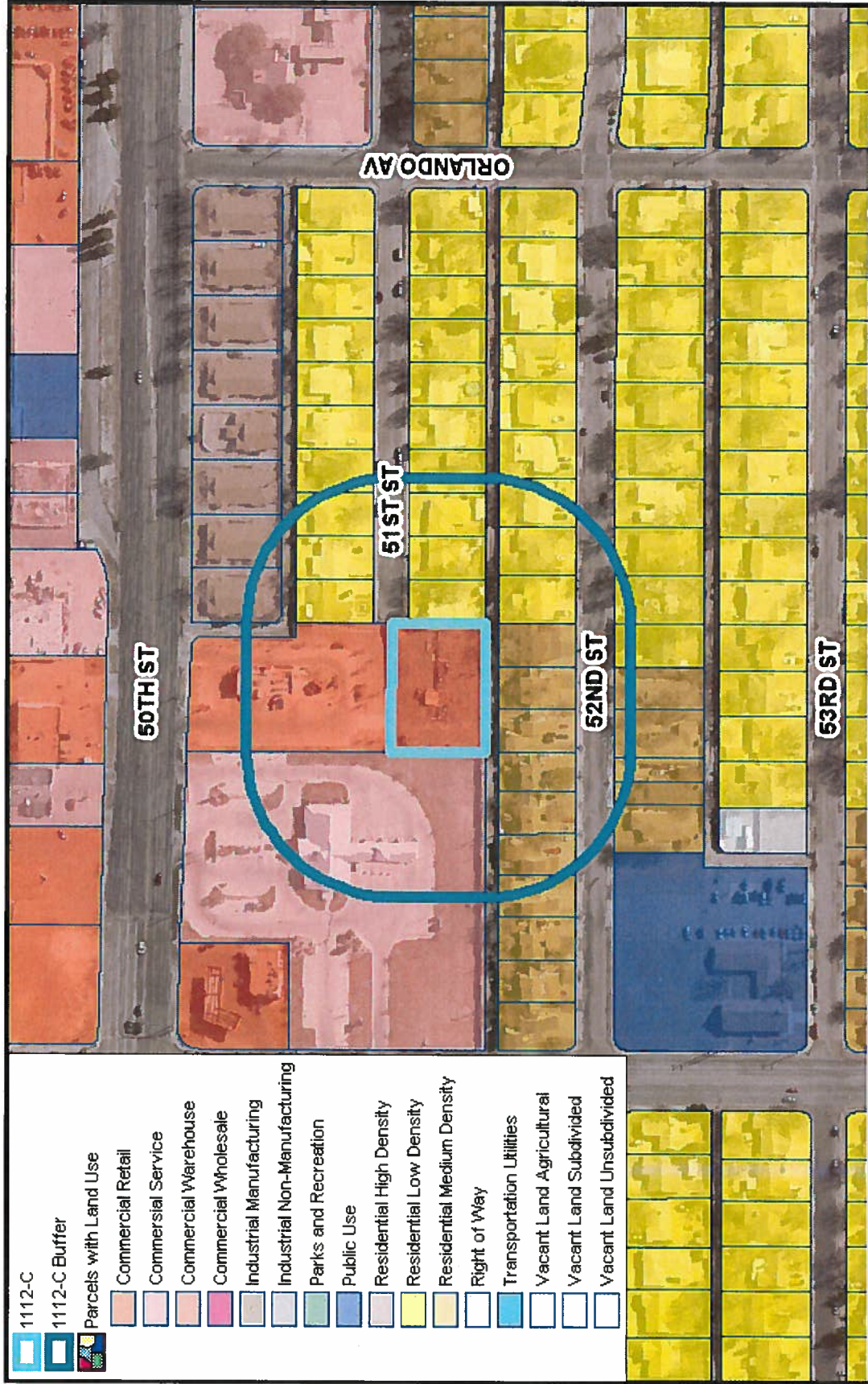
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Chad Weaver  
Assistant City Attorney

vw/CityAtt/Chad/Zones/ZC1112-C  
August 8, 2013

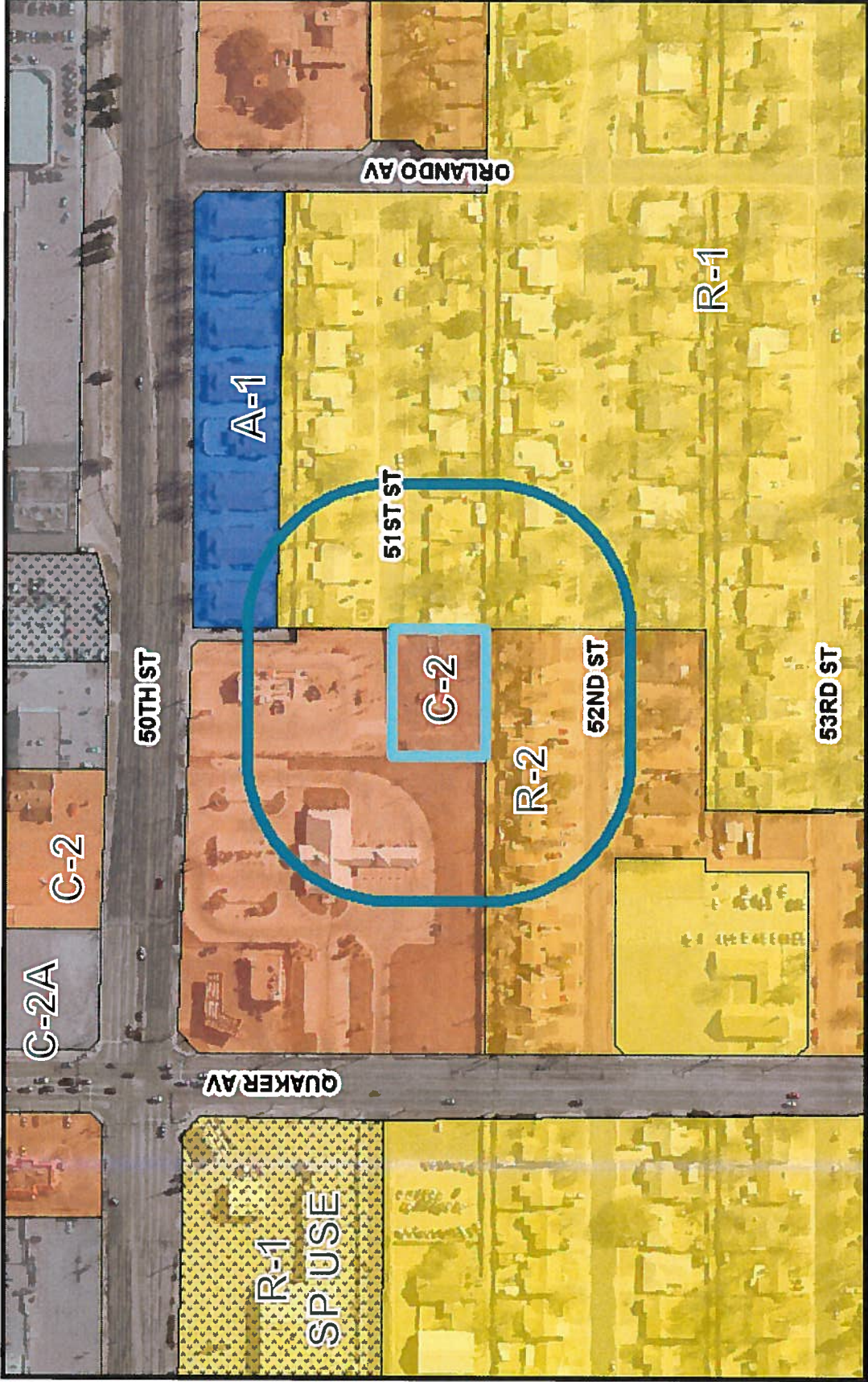


# P.Z.C. Case 1112-C



## P.Z.C. Case 1112-C

**Request of Tanya Cintron (for NTCH-NM, LLC) for a zoning change from C-2 to C-2 Specific Use for a cell tower facility, 4317 50<sup>th</sup> Street**



# P.Z.C. Case 1112-C Zoning



APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) Tanya Cintron
PO Box 8839
Street Post Office Box
Columbia, SC 29202
City State Zip
(803)363-1331 or 505-803-7363
Telephone

For NTCH-NM, LLC
PO Box 1976
Street Post Office Box
Wrightwood, CA 92397
City State Zip
(505)803-7363 or 803-363-1331
Telephone

Location or Address: See attached Location Map
Legal Description: See attached Deed
Existing Land Use: Vacant Corner Existing Zoning: Commercial
Acreage or Square Footage of Property: 2,500 sf
Zoning Requested: Specific Use Permit

Proposed Development: 150' MP for a cell tower facility

If property is not subdivided, will preliminary plat be submitted?
Yes No
Tanya Cintron 6-26-13
Applicant's Signature Date

Filing Fee: 475.00
(\$475.00 for the first acre; \$3.00 for each additional acre;
\$165 for Non-Profit)

\*There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.

For City Use Only PIN: 80531 map 7

Zone Case No.: 1112-C Agenda No.:
Request for zoning change from: C-2 To: C-2 sp. use

on Lot(s): 99B Block(s):
Subdivision: Drury Park Address: 4317 South St

3

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.: 1112-C

In Favor of

Opposed

Reasons and/or Comments:

We are the 2<sup>nd</sup> house from the corner on the north side of 51<sup>st</sup>. We currently have a run down wood fence separating us from commercial property to the west of us. In the last several years a Taco Bueno which is now being converted to a Golden Chick was built. Just recently a coffee distributor built a warehouse. Both of these are within several hundred feet of our house. While they can be partially hidden by the fence, a tower cannot be. We feel that this proposed tower would take away from our neighborhood and lower our property values.

Print Name: DIANNE J FARQUHAR SMITH  
Signature: Dianne J Farquhar Smith  
Address: 4218-51<sup>ST</sup> LUBBOCK, TX 79413  
Address of Property Owned: 4218-51<sup>ST</sup> LUBBOCK, TX 79413

RECEIVED

JUL 29 2013

PLANNING DEPARTMENT

Zone Case Number: 1112-C 16249  
FARQUHAR, DIANNE J  
4218 51ST ST

LUBBOCK TX 79413-3816

City of Lubbock, TX  
Planning Department  
Planning and Zoning Commission  
Reply Form

(3)

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.: 1112-C

In Favor of

Opposed

Reasons and/or Comments:

Am okay with zone change as long as proponent will be liable for any damages which might occur due to collapse of such tower.

RECEIVED  
JUL 31 2013  
PLANNING DEPARTMENT

Print Name C. RICHARD HAVENS  
Signature: C. Richard Havens  
Address: 102 AVE. L, ABERNATHY, TX 79311  
Address of Property Owned: 4218 52ND ST., LUBBOCK, TX 79413

3

City of Lubbock, TX  
Planning Department  
Planning and Zoning Commission  
Reply Form

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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.: 1112-C

In Favor of   
Opposed

Reasons and/or Comments:

- obstruction of views
- increased traffic if fence demolition is involved
- construction noise pollution

RECEIVED  
AUG 01 2013  
PLANNING DEPARTMENT

Print Name Jared Thornhill  
Signature: [Handwritten Signature]  
Address: 4220 51<sup>st</sup> Lubbock, TX 79413  
Address of Property Owned: 4220 51<sup>st</sup> Lubbock, TX 79413

791.9  
Vol. 9185  
P. 178

LOTS 99-A AND 99-B  
A REPLAT OF THE EAST 84.8' OF LOT 99  
**DRURY PARK**  
AN ADDITION TO THE CITY OF LUBBOCK,  
LUBBOCK COUNTY, TEXAS



Scale: 1" = 20'

Notes:  
Heavy lines indicate plat limits.  
All streets, alleys, and easements within plat limits are herein described.  
Make or replace any lines, spaces, contours, or areas within such easements as may be determined by the City or utility company without the City or utility company being responsible or liable for the replacement of improvements, paving, or surfacing of the easement necessitated by such removal, repair or replacement. Easements designated or intended for vehicular passage (utility and emergency) or pedestrian access shall not be fenced or otherwise obstructed.  
This plat conforms with the Underground Utilities Policy Statement by the Planning and Zoning Commission of the City of Lubbock, Texas.  
Any relocation or revision of existing facilities shall be at the developer's expense. Compensation shall be made prior to the recording of any portion of this final plat.  
All existing or proposed utility services to and on tracts indicated by this plat shall be contained in the public right-of-way and shall be installed and maintained by the developer. The developer shall be responsible for the installation and maintenance of all utility services indicated by this plat, shall be within a proper utility easement (shown by the corner of said property by separate recorded instrument) prior to the provision of such service. Such easements shall be at the developer's expense.  
No building permit shall be issued on any survey certificate that is not in accordance with an approved final plat unless an exception is provided by Planning Commission policy or by the Lubbock Code of Ordinances.  
This plat conforms with the City of Lubbock's Utility Manual, as adopted by Resolution No. 5718, and Sections 6-48 (Public Utility) and 6-50 (Public Works) of the City of Lubbock Code of Ordinances.  
Blanket easement for utility services within the plat limits is herein granted.  
Blanket underground utility, transformer pad, and switching enclosure easement is required for service within the plat limits is herein granted to Lubbock Power and Light Company and Southwestern Public Service (Cost Energy).  
Blanket underground utility easement is required for service within the plat limits is herein granted to SBC-Subwestern Bank.  
Any easements or rights-of-way shown as "to be dedicated" are shown herein for information purposes only. This plat does not dedicate said easements.

Contains: 1.816 acres.  
LUBC Underplatted Utility Easement  
① - Indicates easement shown on plat  
② - Indicates easement shown on plat  
③ - Indicates corner measurement as noted

A legal description of every survey shall here-with accompany the plat.

Know all men by these presents:

I, Daniel E. West, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual survey of the land shown hereon, and that the same is in accordance with the Subdivision Regulations of the City of Lubbock, Texas.

*Daniel E. West*  
Registered Professional Land Surveyor  
Office of Texas No. 4915  
12121 121st Street, Lubbock, Texas 79424  
Phone: 806-792-4444  
FAX: 806-792-4444

Approved this 24th day of May, 2004  
By the City Planning Commission of the City of Lubbock, Texas

*Chairman*  
Secretary

Approved this 24th day of May, 2004  
By the City Planning Commission of the City of Lubbock, Texas

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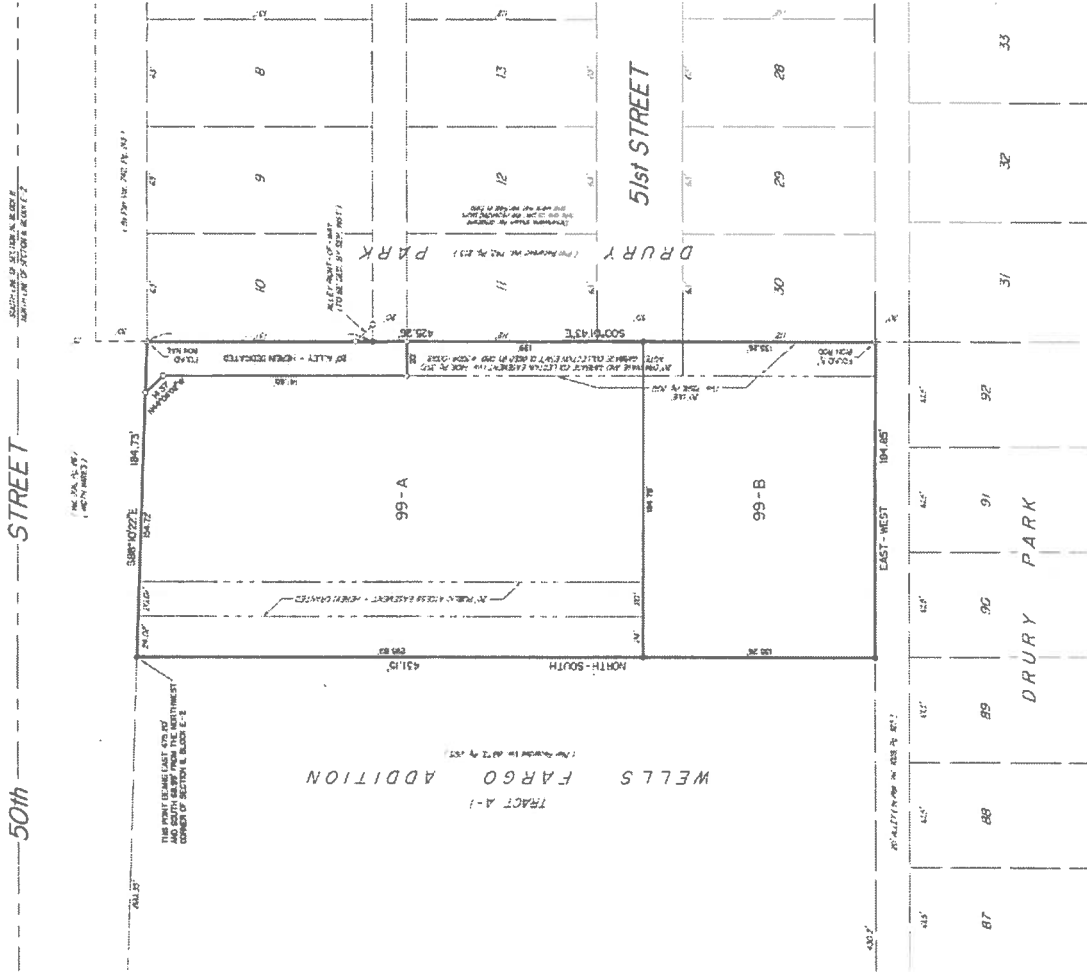
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Secretary

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Secretary

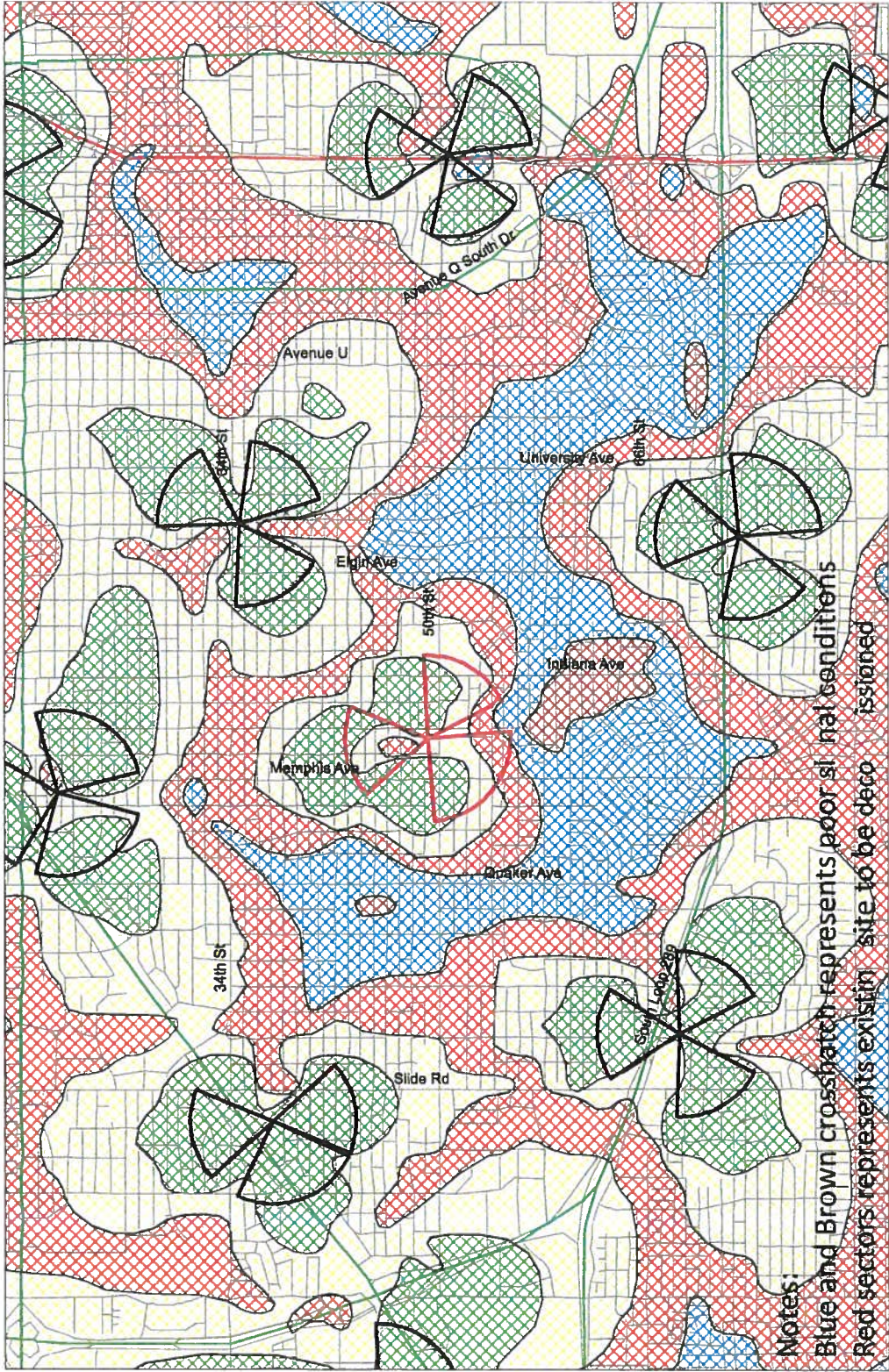
Approved this 24th day of May, 2004  
By the City Planning Commission of the City of Lubbock, Texas

*Chairman*  
Secretary



HUGO REED  
LAND SURVEYORS  
AND ASSOCIATES, INC.  
1901 AVENUE N  
LUBBOCK, TEXAS 79401  
PHONE: 806/763-5942  
FAX: 806/763-9891

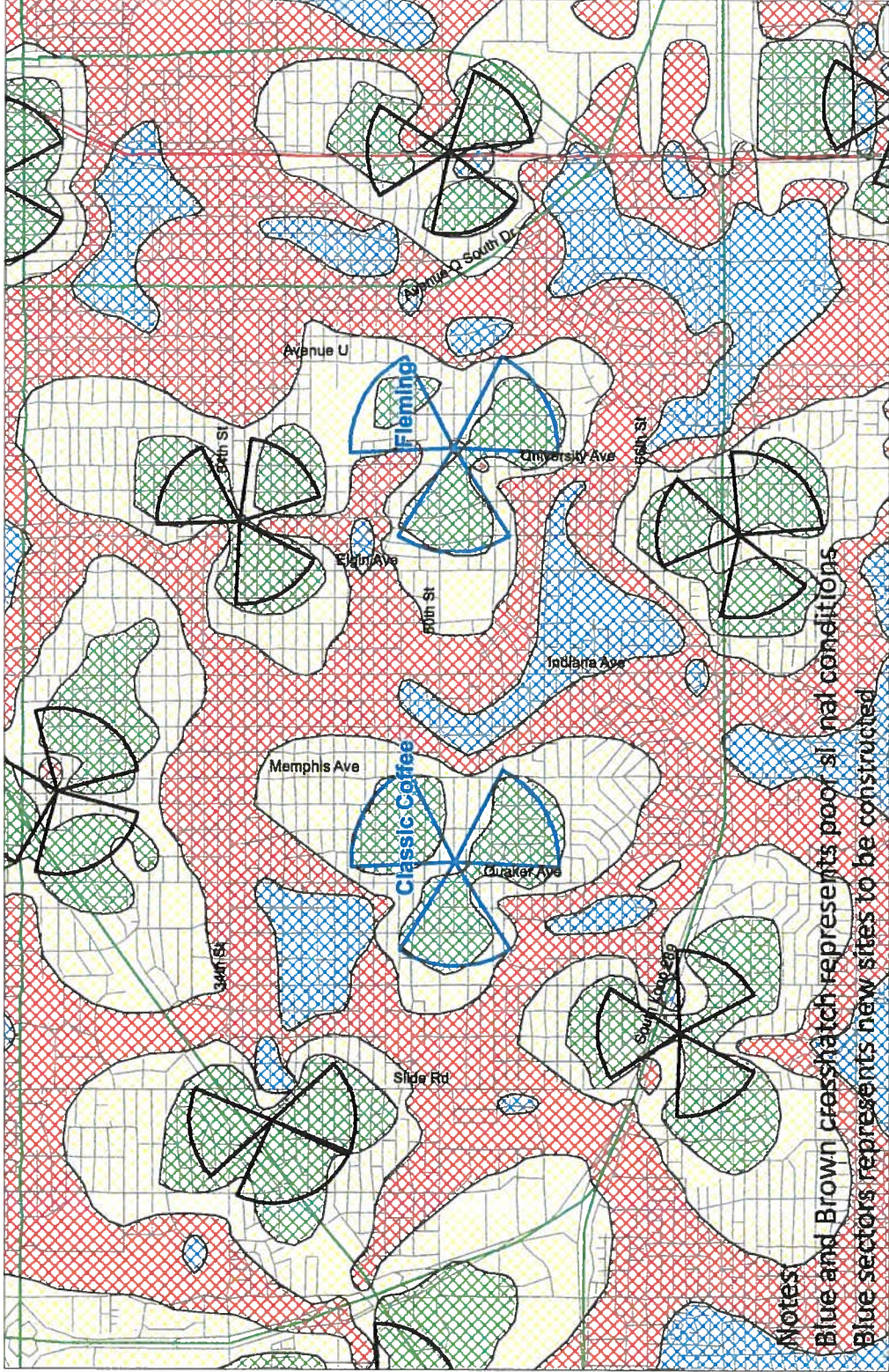
# Existing System – Ec/Io per Propagation Study

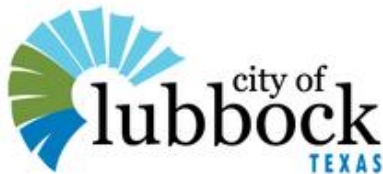


## Notes:

- Blue and Brown crosshatch represents poor signal conditions
- Red sectors represents existing site to be decommissioned

# New System – Ec/Io per Propagation Study





**Regular City Council Meeting**

**6. 7.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Ordinance 2nd Reading - Finance:** Consider Ordinance 2013-O0077 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Overton Public Improvement District; approving, adopting, and filing with the City Secretary, the Assessment Roll; closing the hearing and levying assessments based on the revised Service Plan for the cost of certain services and/or improvements to be provided in the District during FY 2013-14.

**Item Summary**

On August 8, 2013, the City Council approved the first reading of the ordinance.

Each year the City of Lubbock is required to review classifications for the methods of assessing; approve, adopt, and file the assessment roll (Exhibit C) with the City Secretary; and levy the assessment for the North Overton Public Improvement District (PID). This item is preceded by a Public Hearing, which allows property owners in the District to speak in favor of or in opposition to, the assessment rate pursuant to Chapter 372 of the Texas Local Government Code. The proposed assessment rate for 2013 is \$0.18 per \$100 valuation. This is the same rate as 2012.

All property zoned commercial and high-density residential under the City of Lubbock Zoning Ordinance will be assessed for 2013. All single-family and duplex-zoned property will be assessed on a block-by-block basis as public improvements, to be maintained by PID funds, are completed in that block.

The Council is required to review the Service Plan annually and adopt an ordinance setting the assessment rate for the PID. The revised Service Plan is included in the backup.

Exhibit C is available for viewing in the City Secretary's office.

**Fiscal Impact**

The assessments are deposited into a separate North Overton Public Improvement District Fund. The funds raised by the assessment will be used to provide landscape maintenance, street and pedestrian lighting, and any other maintenance needed on projects in the District, as well as cover a portion of the costs of administering the PID. The estimated total assessment that will be collected for 2013, based on estimated values, is \$514,630.

**Staff/Board Recommending**

Cheryl Brock, Executive Director of Budget

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**Attachments**

Assessment Ordinance

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REVIEWING CLASSIFICATIONS FOR THE METHODS OF ASSESSING SPECIAL BENEFITS FOR THE SERVICES AND IMPROVEMENTS OF PROPERTY IN THE NORTH OVERTON PUBLIC IMPROVEMENT DISTRICT (“DISTRICT”); APPROVING, ADOPTING AND FILING WITH THE CITY SECRETARY THE ASSESSMENT ROLL; CLOSING THE HEARING AND LEVYING 2013 ASSESSMENTS FOR THE COST OF CERTAIN SERVICES AND/OR IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING FY 2013-14; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; AND PROVIDING FOR THE COLLECTION OF THE ASSESSMENT.

**WHEREAS**, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

**WHEREAS**, On October 9, 2003 the City Council passed Resolution No.2003-R0468 which made certain findings concerning the advisability of creating the North Overton Public Improvement District, authorized and created the District as a public improvement district under Chapter 372 of the Texas Local Government Code (map attached as Exhibit A), and designated the Lubbock City Council as the entity responsible for the management of and provision of services and improvements to the District; and

**WHEREAS**, On October 23, 2003, the City Council passed Resolution No. 2003-R0492, approving the Service and Assessment Plan, which has been reviewed and revised each year when necessary. Exhibit B, attached hereto, contains a Revised 2013 Service and Assessment Plan for the North Overton Public Improvement District; and

**WHEREAS**, Chapter 372 of the Texas Local Government Code requires that the City Council review the Service Plan; prepare a proposed assessment roll and file it with the City Secretary; and schedule a public hearing to consider the proposed assessments and receive public comment on an annual basis; and

**WHEREAS**, after published and mailed notice of the hearing, pursuant to the Act, a public hearing was held August 8, 2013, to consider objections to the proposed assessments. The City Council closed the public hearing after receiving property owner’s concerns and comments (both oral and written) on proposed 2013 assessments within the North Overton Public Improvement District and acted on any objections to proposed assessments for particular parcels; and

**WHEREAS**, the City desired by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located in the District to speak for or against the 2013 assessment rate for a special assessment against real property and real property improvements exclusive of public rights-of-way, to provide funding for the District for the purpose of supplemental services and improvements; and

**WHEREAS**, the City Council desires to review classifications and formulas for the apportionment of the costs for the services and improvements of the property in the District, and approve, adopt and file with the City Secretary the proposed assessment roll (Exhibit C); and

**WHEREAS**, the City Council finds after review that the revised service plan and assessment plan are feasible and sound and will serve the needs and desires of the property owners and that the assessment rate of \$0.15 per \$100.00 of net taxable value through year 2007, assessment rate of \$0.17 per \$100.00 of net taxable value for year 2008 through year 2010, and assessment rate of \$0.18 per \$100.00 valuation for year 2011 through 2017, as determined by the Lubbock Central Appraisal District, of the property or improvements to the property located in the District; are reasonable and adequate.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK, TEXAS:**

**SECTION 1:** That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

**SECTION 2:** That the City Council after review of the Revised Service Plan approves the method of assessing special benefits of services and improvements and the Revised Service Plan, which is set forth in the Assessment Plan attached and incorporated herein as Exhibit B. Terms relating to property taxes in this ordinance shall be used as defined in Section 1.04 of the Texas Property Tax Code. In accordance with the Service Plan, each property owner in the District identified for assessments in 2013 receives the same amount of service for the assessment provided. The proposed method of assessment, which specifies included or excluded classes of assessable property, is based on the net taxable value of the real property and real property improvements as determined by the Lubbock Central Appraisal District in accordance with Chapter 25 of the Texas Property Tax Code. Public rights-of-way are exempt from assessment. All property zoned commercial and high-density residential under the City of Lubbock Zoning Ordinance will be assessed on an annual basis beginning January 1, 2004. All single-family and duplex-zoned property will be assessed on a block-by-block basis determined by the public improvements to be maintained by PID funds which are completed and existing in that block on January 1 of each year.

**SECTION 3:** The City Council hereby approves, adopts and files with the City Secretary the assessment roll attached hereto and made a part of and marked as Exhibit C (the "Assessment Roll"). The Assessment Roll states an estimate of the assessment against each parcel of land in the District, as determined by the method of assessment set forth in the Service plan and this Ordinance. The City Secretary shall file the Assessment Roll in the official City records. The Assessment Roll shall be subject to public inspection.

**SECTION 4:** That the City Council finds that the notice of the City Council's intention to consider the proposed assessments at a public hearing on August 8, 2013 at 6:30 p.m. in the City Council Chamber, 1625 13<sup>th</sup> Street, Lubbock, Texas was published in the official newspaper of the City of Lubbock, Texas before the 10<sup>th</sup> day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

**SECTION 5:** That the City Council finds that Lubbock City staff mailed to the owners of property liable for assessment, notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10<sup>th</sup> day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

**SECTION 6:** That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements of the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore had with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

**SECTION 7:** That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money calculated by applying the assessment rate to the final 2013 city net taxable value in the manner described in the assessment attached hereto in Exhibits B and C and made part hereof shown opposite the description of the respective parcels of property, and the several amounts assessed against the same, and the owners thereof.

**SECTION 8:** That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate per annum established in Section 9 together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien shall attach on January 1 of each year to the property to secure the

payment of all assessments, penalties, and interest ultimately imposed for the year on the property, whether or not the assessments are imposed in the year the lien attaches and shall be effective until the assessment is paid. The lien is perfected on attachment and perfection requires no further action by the governing body.

**SECTION 9:** That the assessments levied herein shall be due and payable in full on receipt of the assessment bill and are delinquent if not paid by January 31, 2014 except as provided in Sections 31.02(b), 31.03, and 31.04 of the Texas Property Tax Code. A delinquent assessment incurs a penalty of six percent of the amount of the assessment for the first calendar month it is delinquent plus one percent for each additional month or portion of a month the assessment remains unpaid prior to July 1 of the year in which it becomes delinquent. However, an assessment delinquent on July 1 incurs a total penalty of twelve percent of the amount of the delinquent assessment without regard to the number of months the assessment has been delinquent. A delinquent assessment continues to incur the penalty provided by this section as long as the assessment remains unpaid, regardless of whether a judgment for the delinquent assessment has been rendered. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including costs and attorney's fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body under Chapters 31, 32 and 33 of the Texas Property Tax Code. The owner of the assessed property may pay at any time the entire assessment on any lot or parcel, along with any interest and penalty that has accrued on the assessment.

**SECTION 10:** That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

**SECTION 11:** That the assessments herein levied are made and levied under and by virtue of the terms powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

**SECTION 12:** That the City may contract with the Lubbock Central Appraisal District and/or any competent attorney to collect the assessments and to represent the North Overton Public Improvement District to enforce the collection of delinquent assessments. The attorney's compensation shall be set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent assessment, penalty, and interest collected, as required in Section 6.03 of the Texas Property Tax Code.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on \_\_\_\_\_, 2013.

Passed by the City Council on second reading on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Glenn C. Robertson, MAYOR

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



\_\_\_\_\_  
Cheryl Brock  
Executive Director of Budget

APPROVED AS TO FORM:



\_\_\_\_\_  
Linda Chamales,  
Economic Development Attorney

Lc:city att/Linda/Ordinances/NO PID Ordinance 2013 Assessment  
July 18, 2013



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

**Method of Assessment**

- \* Properties will be assessed based on the City's 2013 "net taxable value" as established by the Lubbock Central Appraisal District and submitted to the City under Tax Code Section 26.04. Exhibit D reflects an estimation of assessments based on the preliminary 2013 values, however, the actual assessment will be based on the final 2013 net taxable values.
- \* Assessment will be \$0.18/\$100.00 valuation.
- \*
- All property zoned commercial and high - density residential under the City of Lubbock's Zoning Ordinance will be assessed beginning January 1, 2004.
- \*
- All single-family and duplex-zoned property will be assessed on a block-by-block basis. Assessment will begin for property in a single-family or duplex-zoned block, at the time public improvements to be maintained by PID funds are completed in that block, as of January 1 of the assessed year.

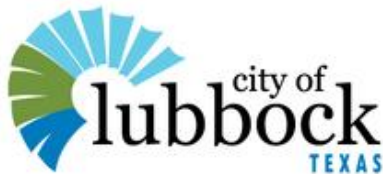
**Service Plan**

Calendar Year	Actual		2012	2013	2014	Proposed			Totals
	2010	2011				2015	2016	2017	
Property Values *	\$ 260,669,009	250,852,305	265,378,108	294,747,915	314,496,025	336,825,243	353,666,505	371,349,831	\$ 371,349,831
Discounted Property Values	260,669,009	250,852,305	265,378,108	285,905,478	305,061,145	326,720,486	343,056,510	360,209,336	360,209,336
<b>Fiscal Year Revenues</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>Totals*</b>
Interest Earnings	251	1,157	543	104	121	208	365	569	23,948
Assessment @ \$0.18	-	412,034	454,695	514,630	549,110	588,097	617,502	648,377	3,784,445
<b>Total</b>	<b>444,105</b>	<b>413,191</b>	<b>455,238</b>	<b>514,734</b>	<b>549,231</b>	<b>588,305</b>	<b>617,867</b>	<b>648,946</b>	<b>5,531,115</b>
<b>Expenses</b>									
Security	-	-	-	-	-	-	-	-	146,381
Lighting	25,545	42,712	30,450	40,000	41,200	42,436	43,709	45,020	387,020
Landscape	382,325	391,572	430,018	451,519	456,034	465,155	474,458	483,947	4,550,260
Annual Operating Cost	3,819	3,252	4,498	4,633	4,772	4,915	5,063	5,214	61,645
Administrative Costs	-	16,568	10,652	12,000	12,360	12,731	13,113	13,506	90,929
<b>Total</b>	<b>411,690</b>	<b>454,104</b>	<b>475,618</b>	<b>508,152</b>	<b>514,366</b>	<b>525,237</b>	<b>536,342</b>	<b>547,688</b>	<b>4,688,547</b>
Cash Reserve	\$ 102,918	62,005	41,625	48,207	83,071	146,139	227,664	328,922	\$ 227,664

\* The total column includes prior year amounts that are hidden and do not show on the spreadsheet.

**Assessment Information**

<u>2004-2007</u>	
Assessment per \$100,000	\$ 150.00
<u>2008-2010</u>	
Assessment per \$100,000	170.00
<u>2011-2016</u>	
Assessment per \$100,000	180.00



**Regular City Council Meeting**

**6. 8.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Ordinance 2nd Reading - Finance:** Consider Ordinance 2013-00078 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Point Public Improvement District; approving, adopting, and filing with the City Secretary, the Assessment Roll; closing the hearing and levying assessments based on the revised Service Plan for the cost of certain services and/or improvements to be provided in the District during FY 2013-14.

**Item Summary**

On August 8, 2013, the City Council approved the first reading of the ordinance.

Each year the City of Lubbock is required to review classifications for the methods of assessing; approve, adopt and file the assessment roll (Exhibit C) with the City Secretary; and levy the assessment for the North Point Public Improvement District (PID). This item is preceded by a Public Hearing, which allows property owners in the District to speak in favor of or in opposition to, the assessment rate pursuant to Chapter 372 of the Texas Local Government Code. The proposed assessment rate for 2013 is \$0.14 per \$100 of valuation. This is the same rate as 2012. The assessment rate is proposed at \$0.14 per \$100 valuation through 2017. All property will be assessed for 2013.

The Council is required to review the Service Plan annually and adopt an ordinance setting the assessment rate for the PID. The revised Service Plan is included in the backup.

Exhibit C is available for viewing in the City Secretary's office.

**Fiscal Impact**

The assessments are deposited into a separate North Point Public Improvement District Fund. The funds raised by the assessment will be used to provide landscape maintenance and any other maintenance needed on projects in the District, as well as cover a portion of the costs of administering the PID. The estimated total assessment that will be collected for 2013, based on estimated values, is \$81,257.

**Staff/Board Recommending**

Cheryl Brock, Executive Director of Budget

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**Attachments**

Assessment Ordinance

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REVIEWING CLASSIFICATIONS FOR THE METHODS OF ASSESSING SPECIAL BENEFITS FOR THE SERVICES AND IMPROVEMENTS OF PROPERTY IN THE NORTH POINT PUBLIC IMPROVEMENT DISTRICT (“DISTRICT”); APPROVING, ADOPTING AND FILING WITH THE CITY SECRETARY THE ASSESSMENT ROLL; CLOSING THE HEARING AND LEVYING 2013 ASSESSMENTS FOR THE COST OF CERTAIN SERVICES AND/OR IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING FY 2013-14; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; AND PROVIDING FOR THE COLLECTION OF THE ASSESSMENT.

**WHEREAS**, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

**WHEREAS**, On October 28, 2004 the City Council passed Resolution No.2004-R0543 which made certain findings concerning the advisability of creating the North Point Public Improvement District (Exhibit A), authorized and created the District as a public improvement district under Chapter 372 of the Texas Local Government Code, and designated the Lubbock City Council as the entity responsible for the management of and provision of services and improvements to the District; and

**WHEREAS**, On November 18, 2004 the Lubbock City Council passed Resolution 2004-R0564, approving the Service Plan and an Assessment Plan for the North Point Public Improvement District, which has been reviewed and revised each year when necessary. Exhibit B, attached hereto, contains a Revised 2013 Service and Assessment Plan for the North Point Public Improvement District; and

**WHEREAS**, Chapter 372 of the Texas Local Government Code requires that the City Council review the Service Plan; prepare a proposed assessment roll and file it with the City Secretary; and schedule a public hearing to consider the proposed assessments and receive public comment on an annual basis; and

**WHEREAS**, after published and mailed notice of the hearing, pursuant to the Act, a public hearing was held August 8, 2013, to consider objections to the proposed assessments. The City Council closed the public hearing after receiving property owner’s concerns and comments (both oral and written) on proposed 2013 assessments within the North Point Public Improvement District and acted on any objections to proposed assessments for particular parcels; and

**WHEREAS**, the City desired by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located in the District to speak for or against the 2013 assessment rate for a special assessment against real property and real property improvements exclusive of public rights-of-way, to provide funding for the District for the purpose of supplemental services and improvements; and

**WHEREAS**, the City Council desires to review classifications and formulas for the apportionment of the costs for services and improvements of the property in the District, and approve, adopt and file with the City Secretary the assessment roll (Exhibit C); and

**WHEREAS**, the City Council finds after review that the Revised Service Plan and Assessment Plan are feasible and sound and will serve the needs and desires of the property owners and that the assessment rate of \$.14 per \$100.00 of net taxable value through year 2017, as determined by the Lubbock Central Appraisal District, of the property or improvements to the property located in the District; are reasonable and adequate.

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK, TEXAS:

**SECTION 1:** That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

**SECTION 2:** That the City Council after review of the Revised Service Plan approves the method of assessing special benefits of services and improvements and the Revised Service Plan, which is set forth in the Assessment Plan attached and incorporated herein as Exhibit B. Terms relating to property taxes in this ordinance shall be used as defined in Section 1.04 of the Texas Property Tax Code. In accordance with the Revised Service Plan, each property owner in the District identified for assessments in 2013 receives the same amount of service for the assessment provided. The proposed method of assessment, which specifies included or excluded classes of assessable property, is based on the net taxable value of the real property and real property improvements as determined by the Lubbock Central Appraisal District in accordance with Chapter 25 of the Texas Property Tax Code. Public rights-of-way are exempt from assessment. All property will be assessed on an annual basis beginning January 1, 2005.

**SECTION 3:** The City Council hereby approves, adopts and files with the City Secretary the assessment roll attached hereto and made a part of and marked as Exhibit C (the "Assessment Roll"). The Assessment Roll states an estimate of the assessment against each parcel of land in the District, as determined by the method of assessment set forth in the Service plan and this Ordinance. The City Secretary shall file the Assessment Roll in the official City records. The Assessment Roll shall be subject to public inspection.

**SECTION 4:** That the City Council finds that the notice of the City Council's intention to consider the proposed assessments at a public hearing on August 8, 2013 at 6:30 p.m. in the City Council Chamber, 1625 13<sup>th</sup> Street, Lubbock, Texas was published in the official newspaper of the City of Lubbock, Texas before the 10<sup>th</sup> day before the date of the hearing. The notice stated: (1) the date, time and

place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

**SECTION 5:** That the City Council finds that Lubbock City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10<sup>th</sup> day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

**SECTION 6:** That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements of the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the city heretofore had with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

**SECTION 7:** That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money calculated by applying the assessment rate to the final 2013 city net taxable value in the manner described in the assessment attached hereto in Exhibits B and C and made part hereof shown opposite the description of the respective parcels of property, and the several amounts assessed against the same, and the owners thereof.

**SECTION 8:** That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate per annum established in Section 9 together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien shall attach on January 1 of each year to the property to secure the payment of all assessments, penalties, and interest ultimately imposed for the year on the property, whether or not the assessments are imposed in the year the lien attaches and shall be effective until the assessment is paid. The lien is perfected on attachment and perfection requires no further action by the governing body.

**SECTION 9:** That the assessments levied herein shall be due and payable in full on receipt of the assessment bill and are delinquent if not paid by January 31, 2014 except as provided in Sections 31.02(b), 31.03, and 31.04 of the Texas Property Tax Code. A delinquent assessment incurs a penalty of six percent of the amount of the assessment for the first calendar month it is delinquent plus one percent for each additional month or portion of a month the assessment remains unpaid prior to July 1 of the year in which it becomes delinquent. However, an assessment delinquent on July 1 incurs a total penalty of twelve percent of the amount of the delinquent assessment without regard to the number of months the assessment has been delinquent. A delinquent assessment continues to incur the penalty provided by this section as long as the assessment remains unpaid, regardless of whether a judgment for the delinquent assessment has been rendered. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including costs and attorney's fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body under Chapters 31, 32 and 33 of the Texas Property Tax Code. The owner of the assessed property may pay at any time the entire assessment on any lot or parcel, along with any interest and penalty that has accrued on the assessment.

**SECTION 10:** That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

**SECTION 11:** That the assessments herein levied are made and levied under and by virtue of the terms powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

**SECTION 12:** That the City may contract with the Lubbock Central Appraisal District and/or any competent attorney to collect the assessments and to represent the North Point Public Improvement District to enforce the collection of delinquent assessments. The attorney's compensation shall be set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent assessment, penalty, and interest collected, as required in Section 6.03 of the Texas Property Tax Code.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on \_\_\_\_\_, 2013.


Passed by the City Council on second reading on \_\_\_\_\_, 2013.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR


ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Cheryl Brock,  
Executive Director of Budget

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Linda Chamales,  
Economic Development Attorney

LC: lc/cityatl/Linda/Ordinances/North Point PID Assessment 2013  
July 18, 2013



**City of Lubbock, TX**  
**Finance Department**  
**North Point PID Method of Assessment**

- \* Properties will be assessed based on the City's 2013 "net taxable value" as established by the Lubbock Central Appraisal District and submitted to the City under Tax Code Section 26.04.
- \* Assessment rate will be \$0.14/\$100 valuation
- \* All property will be assessed based on the final 2013 "net taxable value".

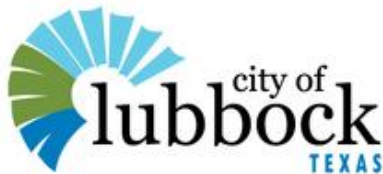
City of Lubbock, TX  
Finance Department  
North Point PID Assessment and Service Plan

**Service Plan**

Calendar Year	Actuals			Reforecasted			Proposed			Totals
	2010	2011	2012	2013	2014	2015	2016	2017	Totals	
Property Values* (Taxable)	\$ 54,852,353	57,194,936	59,408,213	59,836,052	61,032,773	62,253,429	63,498,497	64,768,467	\$ 64,768,467	
Discounted Property Values	54,852,353	57,194,936	59,408,213	58,040,970	59,201,790	60,385,826	61,593,542	62,825,413	62,825,413	
<b>Fiscal Year Revenues</b>										
Interest	301	475	1,285	793	371	185	250	315	10,374	
Assessment @ \$0.14	76,792	80,568	74,959	81,257	82,883	84,540	86,231	87,956	916,884	
<b>Total</b>	<b>\$ 77,093</b>	<b>81,044</b>	<b>76,244</b>	<b>82,050</b>	<b>83,254</b>	<b>84,725</b>	<b>86,481</b>	<b>88,271</b>	<b>\$ 927,258</b>	
<b>Expense</b>										
Slide Road - right of way & median maintenance	10,017	7,949	16,250	12,786	12,786	12,786	13,042	13,303	152,480	
Water cost for irrigation	15,382	5,599	16,830	17,672	18,202	18,748	19,310	19,889	135,157	
Repair and Replacement of Public Improvements	-	-	-	5,000	5,100	5,202	5,306	5,412	28,803	
Right-of-way Improvements	-	-	-	-	-	-	-	-	500	
Neighborhood Entry Stations (2)	-	-	-	-	-	-	-	-	-	
General Maintenance (3 rotations of color)	-	-	-	-	-	-	-	-	-	
Seasonal Lighting of Entry	-	-	9,093	2,500	2,550	2,601	2,653	2,706	23,503	
Hike & Bike Trails under utility easement	-	-	-	-	5,000	5,100	5,202	5,306	31,723	
50 ft. wide linear track, 17.5 acres @ \$1,178	-	-	-	-	2,400	2,472	2,546	2,623	16,304	
Electric Cost for Light & Seasonal Lighting	514	423	1,122	1,156	2,400	2,472	2,546	2,623	16,304	
Administrative Costs	2,427	2,218	3,812	5,400	5,562	5,729	5,901	6,078	38,215	
Annual Operation Cost	4,054	3,280	5,916	6,034	6,155	6,278	6,404	6,532	48,134	
(Notices, Public Hearings, Collection Costs, Advisory Group)										
Capital Outlay										
Constr of trail, 61,360 sq ft @ \$5.00 = \$316,800				200,000	100,000	-	-	-	300,000	
<b>Total</b>	<b>\$ 32,394</b>	<b>19,469</b>	<b>53,023</b>	<b>250,547</b>	<b>157,755</b>	<b>58,916</b>	<b>60,363</b>	<b>61,848</b>	<b>\$ 774,820</b>	
<b>Cash Reserve</b>	<b>232,291</b>	<b>293,865</b>	<b>317,086</b>	<b>148,588</b>	<b>74,088</b>	<b>99,897</b>	<b>126,015</b>	<b>152,437</b>	<b>152,437</b>	

\*Property Value growth rate = 2% annually  
^Total amounts also include actual revenues and expenses prior to 2010

**Assessment Information**  
**2004-2016**  
Assessment per \$100,000      \$    140.00



## Regular City Council Meeting

6. 9.

Meeting Date: 08/22/2013

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### Information

#### Agenda Item

**Ordinance 2nd Reading - Finance:** Consider Ordinance 2013-00080 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Valencia Public Improvement District; approving, adopting, and filing with the City Secretary the Assessment Roll; closing the hearing and levying assessments based on the Service Plan for the cost of certain services and/or improvements to be provided in the PID during FY 2013-14.

#### Item Summary

On August 8, 2013, the City Council approved the first reading of the ordinance.

Each year the City of Lubbock is required to review classifications for the methods of assessing; approve, adopt and file the assessment roll (Exhibit C) with the City Secretary; and levy the assessment for the Valencia Public Improvement District (PID). This item is preceded by a Public Hearing, which allows property owners in the District to speak in favor of or in opposition to, the assessment rate pursuant to Chapter 372 of the Texas Local Government Code. The proposed assessment rate for 2013 is \$0.11 per \$100 of valuation. This is the same rate as 2012. All property will be assessed for 2013.

The Council is required to review the Service Plan annually and adopt an ordinance setting the assessment rate for the PID. The revised Service Plan is included in the backup.

Exhibit C is available for viewing in the City Secretary's office.

#### Fiscal Impact

The assessments will go into a separate Valencia Public Improvement District Fund. The funds raised by the assessment will be used to provide maintenance for the public improvements in the District, as well as cover the cost of administering the PID. The estimated total assessment that will be collected for 2013 is \$6,021.

#### Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

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### Attachments

[Ordinance - Valencia PID Assessment Rate](#)

[Exhibit A - map](#)

[Exhibit B - Valencia PID Service Plan](#)

[Attachment 1 - Valencia PID Service and Assessment Plan](#)

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REVIEWING CLASSIFICATIONS FOR THE METHODS OF ASSESSING SPECIAL BENEFITS FOR THE SERVICES AND IMPROVEMENTS OF PROPERTY IN THE VALENCIA PUBLIC IMPROVEMENT DISTRICT (“DISTRICT”); APPROVING, ADOPTING AND FILING WITH THE CITY SECRETARY THE ASSESSMENT ROLL; LEVYING 2013 ASSESSMENTS FOR THE COST OF CERTAIN SERVICES AND/OR IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING FY 2013-14; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; AND PROVIDING FOR THE COLLECTION OF THE ASSESSMENT.

**WHEREAS**, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

**WHEREAS**, On July 14, 2011 the City Council passed Resolution No.2011-R0310 which made certain findings concerning the advisability of creating the Valencia Public Improvement District, authorized and created the District as a public improvement district under Chapter 372 of the Texas Local Government Code (map attached as Exhibit A), and designated the Lubbock City Council as the entity responsible for the management of and provision of services and improvements to the District; and

**WHEREAS**, On August 11, 2011, the City Council passed Resolution No. 2011-R0342, approving the Service and Assessment Plan, which will be reviewed and revised each year when necessary. Exhibit B, attached hereto, contains a revised 2013 Service and Assessment Plan for the Valencia Public Improvement District; and

**WHEREAS**, Chapter 372 of the Texas Local Government Code requires that the City Council review the Service Plan; prepare a proposed assessment roll and file it with the City Secretary; and schedule a public hearing to consider the proposed assessments and receive public comment on an annual basis; and

**WHEREAS**, after published and mailed notice of the hearing, pursuant to the Act, a public hearing was held August 8, 2013, to consider objections to the proposed assessments. The City Council closed the public hearing after receiving property owner’s concerns and comments (both oral and written) on proposed 2013 assessments within the Valencia Public Improvement District and acted on any objections to proposed assessments for particular parcels; and

**WHEREAS**, the City desired by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located in the District to speak for or against the 2013 assessment rate for a special assessment against real property and real property improvements exclusive of public rights-of-way, to provide funding for the District for the purpose of supplemental services and improvements; and

**WHEREAS,** the City Council desires to review classifications and formulas for the apportionment of the costs for the services and improvements of the property in the District, and approve, adopt and file with the City Secretary the proposed assessment roll (Exhibit C); and

**WHEREAS,** the City Council finds after review that the revised service plan and assessment plan are feasible and sound and will serve the needs and desires of the property owners and that the assessment rate of \$0.11 per \$100.00 of net taxable value through year 2017, as determined by the Lubbock Central Appraisal District, of the property or improvements to the property located in the District; are reasonable and adequate.

**NOW THEREFORE,** BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK, TEXAS:

**SECTION 1:** That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

**SECTION 2:** That the City Council after review of the Service Plan approves the method of assessing special benefits of services and improvements and the Service Plan, which is set forth in the Assessment Plan attached and incorporated herein as Exhibit B. Terms relating to property taxes in this ordinance shall be used as defined in Section 1.04 of the Texas Property Tax Code. In accordance with the Service Plan, each property owner in the District identified for assessments in 2013 receives the same amount of service for the assessment provided. The proposed method of assessment, which specifies included or excluded classes of assessable property, is based on the net taxable value of the real property and real property improvements as determined by the Lubbock Central Appraisal District in accordance with Chapter 25 of the Texas Property Tax Code. Public rights-of-way are exempt from assessment.

**SECTION 3:** The City Council hereby approves, adopts and files with the City Secretary the assessment roll attached hereto and made a part of and marked as Exhibit C (the "Assessment Roll"). The Assessment Roll states an estimate of the assessment against each parcel of land in the District, as determined by the method of assessment set forth in the Service plan and this Ordinance. The City Secretary shall file the Assessment Roll in the official City records. The Assessment Roll shall be subject to public inspection.

**SECTION 4:** That the City Council finds that the notice of the City Council's intention to consider the proposed assessments at a public hearing on August 8, 2013 at 6:30 p.m. in the City Council Chamber, 1625 13<sup>th</sup> Street, Lubbock, Texas was published in the official newspaper of the City of Lubbock, Texas before the 10<sup>th</sup> day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3)

the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

**SECTION 5:** That the City Council finds that Lubbock City staff mailed to the owners of property liable for assessment, notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10<sup>th</sup> day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

**SECTION 6:** That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements of the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore had with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

**SECTION 7:** That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money calculated by applying the assessment rate to the final 2013 city net taxable value in the manner described in the assessment attached hereto in Exhibits B and C and made part hereof shown opposite the description of the respective parcels of property, and the several amounts assessed against the same, and the owners thereof.

**SECTION 8:** That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate per annum established in Section 9 together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien shall attach on January 1 of each year to the property to secure the payment of all assessments, penalties, and interest ultimately imposed for the year on the property, whether or not the assessments are imposed in the year the lien attaches and shall be effective until the assessment is paid. The lien is perfected on attachment and perfection requires no further action by the governing body.

**SECTION 9:** That the assessments levied herein shall be due and payable in full on receipt of the assessment bill and are delinquent if not paid by January 31,

2014 except as provided in Sections 31.02(b), 31.03, and 31.04 of the Texas Property Tax Code. A delinquent assessment incurs a penalty of six percent of the amount of the assessment for the first calendar month it is delinquent plus one percent for each additional month or portion of a month the assessment remains unpaid prior to July 1 of the year in which it becomes delinquent. However, an assessment delinquent on July 1 incurs a total penalty of twelve percent of the amount of the delinquent assessment without regard to the number of months the assessment has been delinquent. A delinquent assessment continues to incur the penalty provided by this section as long as the assessment remains unpaid, regardless of whether a judgment for the delinquent assessment has been rendered. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including costs and attorney's fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body under Chapters 31, 32 and 33 of the Texas Property Tax Code. The owner of the assessed property may pay at any time the entire assessment on any lot or parcel, along with any interest and penalty that has accrued on the assessment.

**SECTION 10:** That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

**SECTION 11:** That the assessments herein levied are made and levied under and by virtue of the terms powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

**SECTION 12:** That the City may contract with the Lubbock Central Appraisal District and/or any competent attorney to collect the assessments and to represent the Valencia Public Improvement District to enforce the collection of delinquent assessments. The attorney's compensation shall be set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent assessment, penalty, and interest collected, as required in Section 6.03 of the Texas Property Tax Code.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on \_\_\_\_\_, 2013.


Passed by the City Council on second reading on \_\_\_\_\_, 2013.

\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR


ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

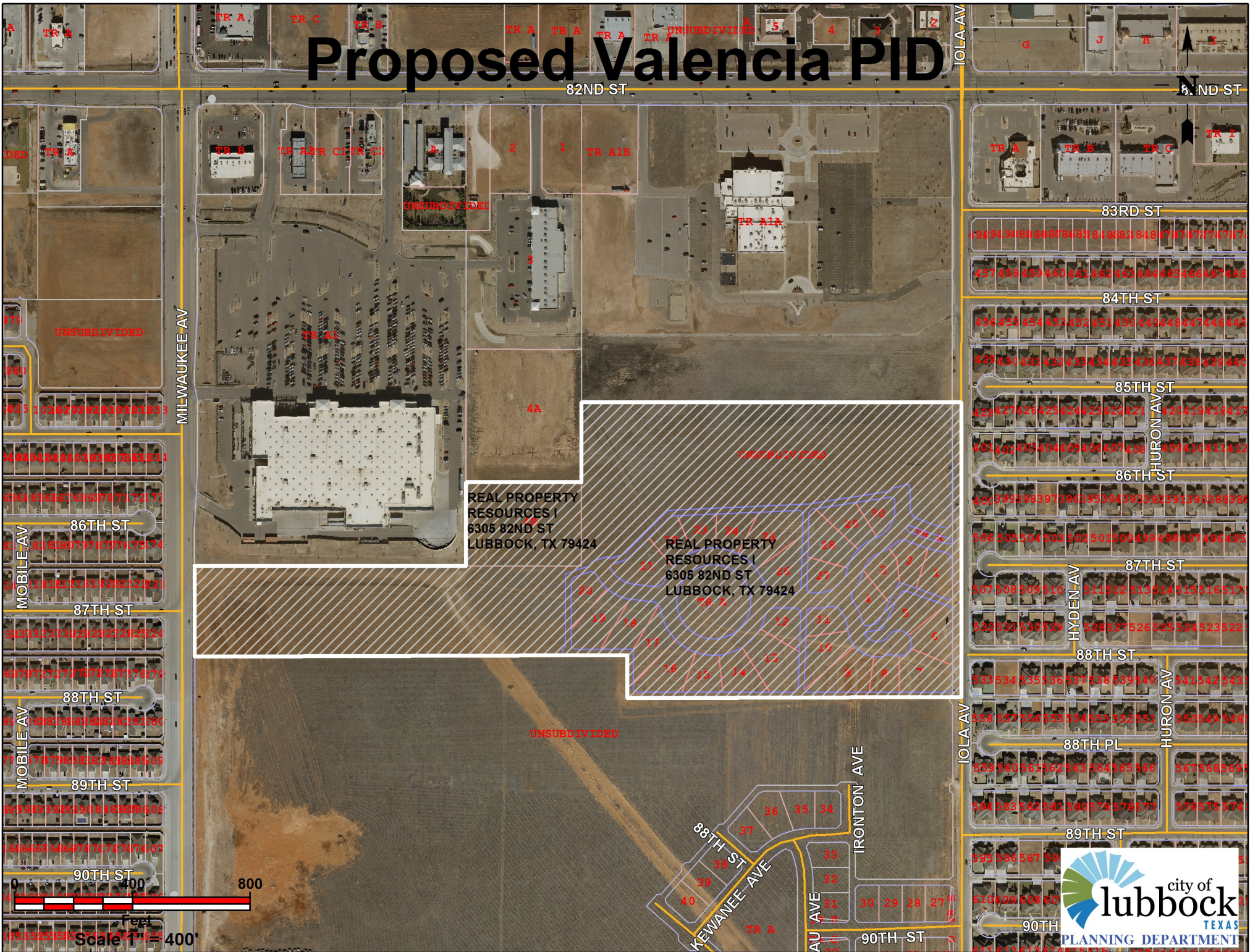
  
\_\_\_\_\_  
Cheryl Brock,  
Executive Director of Budget

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Linda L. Chamales,  
Economic Development Attorney

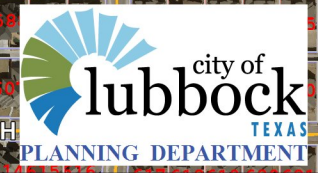
Lc:city att/Linda/Ordinances/Valencia PID Ordinance 2013 Assessment  
July 18, 2013

# Proposed Valencia PID



REAL PROPERTY  
RESOURCES I  
6305 82ND ST  
LUBBOCK, TX 79424

REAL PROPERTY  
RESOURCES I  
6305 82ND ST  
LUBBOCK, TX 79424



City of Lubbock, TX  
Finance Department  
Valencia PID  
2013 Service Plan  
Exhibit B

Calendar Year^	2012	2013	2014	2015	2016	2017	Totals
Property Values*	\$ 3,562,957	6,081,369	11,802,996	17,639,056	21,191,837	21,615,674	\$ 21,615,674
Discounted Property Values @ 90%	3,562,957	5,473,232	10,622,697	15,875,151	19,072,654	19,454,107	19,454,107

Fiscal Year Revenues	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	Totals
Interest Earnings	-	-	24	54	92	162	332
Assessment @ \$0.11	3,919	6,021	11,685	17,463	20,980	21,400	81,467
<b>Total</b>	<b>3,919</b>	<b>6,021</b>	<b>11,709</b>	<b>17,517</b>	<b>21,072</b>	<b>21,562</b>	<b>81,799</b>

**Expense**

87th Street Park "Tract A" 1.13 Acres							
Maintenance of Park	-	-	-	4,080	4,162	4,245	12,486
87th Street Median "Tract B" .07 Acres							
Maintenance of Median	-	-	2,123	2,165	2,208	2,253	8,749
Electric Costs	-	-	2,040	2,081	2,122	2,165	8,408
Administrative Costs	-	-	500	1,249	1,274	1,300	4,323
Annual Operation Cost (LCAD Collection Cost and Cost of setting assessments each year)	3,500	4,005	4,085	4,167	4,250	4,335	24,342
<b>Total</b>	<b>3,500</b>	<b>4,005</b>	<b>8,748</b>	<b>13,742</b>	<b>14,017</b>	<b>14,297</b>	<b>58,309</b>

**Cash Reserve**

<b>\$ 419</b>	<b>2,435</b>	<b>5,396</b>	<b>9,171</b>	<b>16,226</b>	<b>23,491</b>	<b>\$ 23,491</b>
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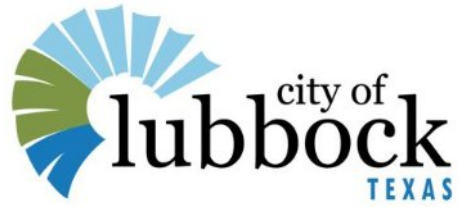
\* Property Value growth rate = 2% annually

^ Year that the construction value goes on the tax roll

**Assessment Information**

**2010-2017**

**Assessment per \$100,000           \$     110.00**



**VALENCIA PUBLIC IMPROVEMENT DISTRICT**

**CITY OF LUBBOCK, TEXAS**

**SERVICE AND ASSESSMENT PLAN**

August 8, 2013

City of Lubbock, Texas  
Finance Department  
Valencia Public Improvement District  
Service and Assessment Plan  
August 8, 2013

**TABLE OF CONTENTS**

Section I	Plan Description and Defined Terms
Section II	Property included in the PID
Section III	Improvement Project
Section IV	Sources and Uses of Funds
Section V	Assessment Plan
Section VI	Terms of the Assessments

**List of Exhibits**

Exhibit A	The PID Map
Exhibit B	Maintenance and Services
Exhibit C	Assessment Roll

City of Lubbock, Texas  
Finance Department  
Valencia Public Improvement District  
Service and Assessment Plan  
August 8, 2013

**Section I**  
**Plan Description and Defined Terms**

**A. Introduction**

Chapter 372 of the Texas Local Government Code, Improvement Districts in Municipalities and Counties” (as amended, the “PID Act”), governs the creation of public improvement districts within the State of Texas. The City of Lubbock created the Valencia Public Improvement District (the “PID”) to maintain the public improvements associated with the Valencia planned development and for the benefit of certain property in the PID, all of which is located within the City. (Capitalized terms used herein shall have the meanings ascribed to them in Section I.B of this Service and Assessment Plan.)

This Service and Assessment Plan has been prepared pursuant to Sections 372.013, 372.014, 372.015 and 372.016 of the PID Act. According to Section 372.013 of the PID Act, a service plan “must cover a period of at least five years and must also define the annual indebtedness and the projected costs for improvements. The plan shall be reviewed and updated annually for the purpose of determining the annual budget for improvements.” The service plan is included in Section IV of this Service and Assessment Plan.

Section 372.014 of the PID Act states that “an assessment plan must be included in the annual service plan.” The assessment plan is described in Section V of this Service and Assessment Plan.

Section 372.015 of the PID Act states that “the governing body of the municipality or county shall apportion the cost of an improvement to be assessed against property in an improvement district.” The method of assessing the Costs of the improvements to the property in the PID is included in Sections V and VI of this Service and Assessment Plan.

Section 372.016 of the PID Act states that “after the total cost of an improvement is determined, the governing body of the municipality or county shall prepare a proposed assessment roll. The roll must state the assessment against each parcel of land in the district, as determined by the method of assessment chosen by the municipality or county under this subchapter.” The Assessment Roll for the PID is included as *Exhibit C* of this Service and Assessment Plan. The Assessments as shown on the Assessment Roll are based on the method of assessment described in Section V of this Service and Assessment Plan.

The City Council shall make all determinations necessary herein.

The City Council intends for the obligations, covenants and burdens on the owner of the Assessed Property, including without limitation such owner’s obligations related to the payment of the Assessments, to constitute a covenant running with the land. The Assessments levied hereby shall be binding upon the owners of Assessed Property, and their respective transferees,

City of Lubbock, Texas  
Finance Department  
Valencia Public Improvement District  
Service and Assessment Plan  
August 8, 2013

legal representatives, heirs, devisees, successors and assigns. The Assessments shall have lien priority as specified in the PID Act.

This Service and Assessment Plan provides for maintenance of improvements benefiting the entire area of the Valencia PID

B. Definitions

The terms used herein shall have the following meanings.

“Annual Service Plan Amendment” has the meaning set forth in the first paragraph of Section IV of this Service and Assessment Plan.

“Assessed Property” means, for any year, parcels within the PID.

“Assessment” means, with respect to each Parcel, the assessment imposed against such Parcel pursuant to the Assessment Ordinance and the provisions therein, as shown on the Assessment Roll, subject to reallocation among Parcels and reduction according to the provisions herein and the PID Act.

“Assessment Ordinance” means the Assessment Ordinance approved by the City Council approving and adopting this Service and Assessment Plan.

“Assessment Roll” means the document included in this Service and Assessment Plan as *Exhibit C*, as updated, modified, or amended annually in accordance with the procedures set forth herein and in the PID Act.

“City” means City of Lubbock, Texas.

“City Council” means the duly elected governing body of the City.

“Costs” mean the actual or budgeted costs, as applicable, of all or any portion of the maintenance of the public improvements, operation, and other supplemental services, as described in *Exhibit B* of this Service and Assessment Plan.

“Developer” means Betenbough Homes, Inc.

“Improvement Project” means the maintenance of the public improvements that will provide a special benefit to the property in the PID and described in *Exhibit B* of this Service and Assessment Plan and Section 372.003 of the PID Act.

“Parcel” means a parcel identified by either a tax map identification number assigned by the Lubbock County Appraisal District for real property tax purposes or by lot and block number in

City of Lubbock, Texas  
Finance Department  
Valencia Public Improvement District  
Service and Assessment Plan  
August 8, 2013

a final subdivision plat recorded in the real property records of Lubbock County, Texas or identified by any other reasonable means determined by the City Council.

“PID” has the meaning set forth in the second paragraph of Section I.A of this Service and Assessment Plan.

“PID Act” means Texas Local Government Code Chapter 372, Improvement Districts in Municipalities and Counties, Subchapter A, Public Improvement Districts, as amended.

“PID Map” means the map included as *Exhibit A* to the Service and Assessment Plan identifying the property included in the PID.

“Service and Assessment Plan” means this Service and Assessment Plan prepared for the PID pursuant to Section 372.013, 372.014, 372.015, and 372.016 of the PID Act.

**Section II**  
**Property Included in the PID**

The PID is located in the City of Lubbock, Texas. A map of the property included in the PID is shown on Exhibit A to this Service and Assessment Plan.

The 39.9 acre development is expected to consist of approximately 80 residential units, parks and associated rights of way, landscaping, and infrastructure.

An explanation of the method of assessing property is included in Section V.

**Section III**  
**Description of the Improvement Project**

The general nature of the proposed public improvements is: (i) maintenance of Parks and green spaces together with any ancillary structures, features or amenities such as playgrounds, athletic facilities, pavilions, community facilities, irrigation, walkways, lighting, benches, trash receptacles and any similar items located therein along with all necessary grading, drainage, and similar infrastructure involved in the maintenance of such parks and green spaces; landscaping, hardscape and irrigation; and (ii) costs of establishing, administering and operating the District. The District is to supplement and enhance services within the District, but not replace or supplant existing City services provided within the District.

The public improvements will be constructed by the Developer with no reimbursement from the PID. After analyzing the maintenance, operation, and other supplemental services related to the Public Improvements, the City has determined that the maintenance of the public improvements authorized by the PID Act, shown in Exhibit B, should be performed by the City and has further

City of Lubbock, Texas  
 Finance Department  
 Valencia Public Improvement District  
 Service and Assessment Plan  
 August 8, 2013

determined that these maintenance activities will be of special benefit to all the Assessed Property within the PID.

A. Maintenance of Public Improvements

The total estimated cost of services provided by the District is approximately \$54,809 over the next five years. The estimated annual cost rises from \$4,005 in FY 2013-14 to \$14,297 in FY 2017-18. The District shall not incur bonded indebtedness. The costs are based on a proposed assessment rate of \$0.11 per \$100.00 of valuation through year 2017. The budget for the maintenance, operation, and other supplemental services will be determined annually by the City and will be included in a Service Plan Amendment along with amendments to the Assessment Roll reflecting assessments (the "Maintenance Assessment") based on such budget for maintenance, operation and necessary supplemental services.

**Section IV  
 Sources and Uses of Funds**

Section 372.013 of the PID Act requires this Service and Assessment Plan to "cover a period of at least five years and must also define the annual indebtedness and the projected costs for improvements. The plan shall be reviewed and updated annually for the purpose of determining the annual budget for maintenance." Such annual update to this Service and Assessment Plan is herein referred to as the "Annual Service Plan Amendment." The Valencia PID will have no indebtedness and the PID assessments will fund the maintenance of the public improvements, operation, and other supplemental services. The table below shows estimated sources and uses of funds including the projected cost of maintaining the public improvements.

Calendar Year <sup>^</sup>	2012	2013	2014	2015	2016	2017	Totals
Property Values*	\$ 3,562,957	6,081,369	11,802,996	17,639,056	21,191,837	21,615,674	\$ 21,615,674
Discounted Property Values @ 90%	3,562,957	5,473,232	10,622,697	15,875,151	19,072,654	19,454,107	19,454,107
<b>Fiscal Year Revenues</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>Totals</b>
Interest Earnings	-	-	24	54	92	162	332
Assessment @ \$0.11	3,919	6,021	11,685	17,463	20,980	21,400	81,467
<b>Total</b>	<b>3,919</b>	<b>6,021</b>	<b>11,709</b>	<b>17,517</b>	<b>21,072</b>	<b>21,562</b>	<b>81,799</b>
<b>Expense</b>							
87th Street Park "Tract A" 1.13 Acres Maintenance of Park	-	-	-	4,080	4,162	4,245	12,486
87th Street Median "Tract B" .07 Acres Maintenance of Median	-	-	2,123	2,165	2,208	2,253	8,749
Electric Costs	-	-	2,040	2,081	2,122	2,165	8,408
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Annual Operation Cost (LCAD Collection Cost and Cost of setting assessments each year)	3,500	4,005	4,085	4,167	4,250	4,335	24,342
<b>Total</b>	<b>3,500</b>	<b>4,005</b>	<b>8,748</b>	<b>13,742</b>	<b>14,017</b>	<b>14,297</b>	<b>58,309</b>
<b>Cash Reserve</b>	<b>\$ 419</b>	<b>2,435</b>	<b>5,396</b>	<b>9,171</b>	<b>16,226</b>	<b>23,491</b>	<b>\$ 23,491</b>

City of Lubbock, Texas  
Finance Department  
Valencia Public Improvement District  
Service and Assessment Plan  
August 8, 2013

The sources and uses of funds table is subject to revision each year.

**Section V**  
**Assessment Plan**

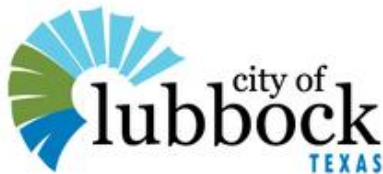
The PID was created and the assessment is being levied pursuant to Section 372.015 of the PID Act, "Determination of Assessment."

A. Allocation of assessment

- Properties will be assessed based on the City's 2013 "net taxable value" as established by the Lubbock Central Appraisal District and submitted to the City under Tax Code Section 26.04.
- Assessment will be \$0.11 per \$100 valuation
- All property will be assessed based on the final 2013 "net taxable value".

**Section VI**  
**Terms of the Assessments**

The annual assessment for each parcel within the PID shall be shown on the assessment roll. The amount of the assessment could change each year when the Service and Assessment Plan are adopted due to increased value on a parcel or the estimated cost of maintaining the public improvements, repair or replacement costs, and operational or administrative costs.



**Regular City Council Meeting**

**6. 10.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Ordinance 2nd Reading - Finance:** Consider Ordinance 2013-00079 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Quincy Park Public Improvement District; approving, adopting and filing with the City Secretary the Assessment Roll; closing the hearing and levying assessments based on the revised Service Plan for the cost of certain services and/or improvements to be provided in the District during FY 2013-14.

**Item Summary**

On August 8, 2013, the City Council approved the first reading of the ordinance.

Each year the City of Lubbock is required to review classifications for the methods of assessing; approve, adopt and file the assessment roll (Exhibit C) with the City Secretary; and levy the assessment for the Quincy Park Public Improvement District (PID). This item is preceded by a Public Hearing, which allows property owners in the District to speak in favor of, or in opposition to, the assessment rate pursuant to Chapter 372 of the Texas Local Government Code.

The proposed assessment rate for 2013 is \$0.15 per \$100 of valuation. This is the same rate as 2012. The assessment rate is proposed at \$0.15 per \$100 valuation through 2017. All property will be assessed for 2013.

The Council is required to review the Service Plan annually and adopt an ordinance setting the assessment rate for the PID. The revised Service Plan is included in the backup.

Exhibit C is available in the City Secretary office.

**Fiscal Impact**

The assessments will go into a separate Quincy Park Public Improvement District Fund. The funds raised by the assessment will be used to provide design, construction, and maintenance of parks and green spaces together with any ancillary structures, features or amenities, and any other maintenance needed on projects in the District, as well as cover a portion of the costs of administering the PID. The estimated total assessment that will be collected for 2013, based on estimated values, is \$50,119.

**Staff/Board Recommending**

Cheryl Brock, Executive Director of Budget

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**Attachments**

Assessment Ordinance

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REVIEWING CLASSIFICATIONS FOR THE METHODS OF ASSESSING SPECIAL BENEFITS FOR THE SERVICES AND IMPROVEMENTS OF PROPERTY IN THE QUINCY PARK PUBLIC IMPROVEMENT DISTRICT (“DISTRICT”); APPROVING, ADOPTING AND FILING WITH THE CITY SECRETARY THE ASSESSMENT ROLL; LEVYING 2013 ASSESSMENTS FOR THE COST OF CERTAIN SERVICES AND/OR IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING FY 2013-14; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; AND PROVIDING FOR THE COLLECTION OF THE ASSESSMENT.

**WHEREAS**, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

**WHEREAS**, On May 28, 2009 the City Council passed Resolution No.2009-R0219 which made certain findings concerning the advisability of creating the Quincy Park Public Improvement District, authorized and created the District as a public improvement district under Chapter 372 of the Texas Local Government Code (map attached as Exhibit A), and designated the Lubbock City Council as the entity responsible for the management of and provision of services and improvements to the District; and

**WHEREAS**, On June 11, 2009, the City Council passed Resolution No. 2009-R0223, approving the Service and Assessment Plan, which will be reviewed and revised each year when necessary. Exhibit B, attached hereto, contains a revised 2013 Service and Assessment Plan for the Quincy Park Public Improvement District; and

**WHEREAS**, Chapter 372 of the Texas Local Government Code requires that the City Council review the Service Plan; prepare a proposed assessment roll and file it with the City Secretary; and schedule a public hearing to consider the proposed assessments and receive public comment on an annual basis; and

**WHEREAS**, after published and mailed notice of the hearing, pursuant to the Act, a public hearing was held August 8, 2013, to consider objections to the proposed assessments. The City Council closed the public hearing after receiving property owner’s concerns and comments (both oral and written) on proposed 2013 assessments within the Quincy Park Public Improvement District and acted on any objections to proposed assessments for particular parcels; and

**WHEREAS**, the City desired by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located in the District to speak for or against the 2013 assessment rate for a special assessment against real property and real property improvements exclusive of public rights-of-way, to provide funding for the District for the purpose of supplemental services and improvements; and

**WHEREAS**, the City Council desires to review classifications and formulas for the apportionment of the costs for the services and improvements of the property in the District, and approve, adopt and file with the City Secretary the proposed assessment roll (Exhibit C); and

**WHEREAS**, the City Council finds after review that the revised service plan and assessment plan are feasible and sound and will serve the needs and desires of the property owners and that the assessment rate of \$0.15 per \$100.00 of net taxable value through year 2017, as determined by the Lubbock Central Appraisal District, of the property or improvements to the property located in the District; are reasonable and adequate.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK, TEXAS:**

**SECTION 1:** That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

**SECTION 2:** That the City Council after review of the Service Plan approves the method of assessing special benefits of services and improvements and the Service Plan, which is set forth in the Assessment Plan attached and incorporated herein as Exhibit B. Terms relating to property taxes in this ordinance shall be used as defined in Section 1.04 of the Texas Property Tax Code. In accordance with the Service Plan, each property owner in the District identified for assessments in 2013 receives the same amount of service for the assessment provided. The proposed method of assessment, which specifies included or excluded classes of assessable property, is based on the net taxable value of the real property and real property improvements as determined by the Lubbock Central Appraisal District in accordance with Chapter 25 of the Texas Property Tax Code. Public rights-of-way are exempt from assessment.

**SECTION 3:** The City Council hereby approves, adopts and files with the City Secretary the assessment roll attached hereto and made a part of and marked as Exhibit C (the "Assessment Roll"). The Assessment Roll states an estimate of the assessment against each parcel of land in the District, as determined by the method of assessment set forth in the Service plan and this Ordinance. The City Secretary shall file the Assessment Roll in the official City records. The Assessment Roll shall be subject to public inspection.

**SECTION 4:** That the City Council finds that the notice of the City Council's intention to consider the proposed assessments at a public hearing on August 8, 2013 at 6:30 p.m. in the City Council Chamber, 1625 13<sup>th</sup> Street, Lubbock, Texas was published in the official newspaper of the City of Lubbock, Texas before the 10<sup>th</sup> day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3)

the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

**SECTION 5:** That the City Council finds that Lubbock City staff mailed to the owners of property liable for assessment, notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10<sup>th</sup> day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

**SECTION 6:** That the City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the benefits to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements of the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and in the proceedings of the City heretofore had with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

**SECTION 7:** That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money calculated by applying the assessment rate to the final 2013 city net taxable value in the manner described in the assessment attached hereto in Exhibits B and C and made part hereof shown opposite the description of the respective parcels of property, and the several amounts assessed against the same, and the owners thereof.

**SECTION 8:** That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate per annum established in Section 9 together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien shall attach on January 1 of each year to the property to secure the payment of all assessments, penalties, and interest ultimately imposed for the year on the property, whether or not the assessments are imposed in the year the lien attaches and shall be effective until the assessment is paid. The lien is perfected on attachment and perfection requires no further action by the governing body.

**SECTION 9:** That the assessments levied herein shall be due and payable in full on receipt of the assessment bill and are delinquent if not paid by January 31,

2014 except as provided in Sections 31.02(b), 31.03, and 31.04 of the Texas Property Tax Code. A delinquent assessment incurs a penalty of six percent of the amount of the assessment for the first calendar month it is delinquent plus one percent for each additional month or portion of a month the assessment remains unpaid prior to July 1 of the year in which it becomes delinquent. However, an assessment delinquent on July 1 incurs a total penalty of twelve percent of the amount of the delinquent assessment without regard to the number of months the assessment has been delinquent. A delinquent assessment continues to incur the penalty provided by this section as long as the assessment remains unpaid, regardless of whether a judgment for the delinquent assessment has been rendered. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including costs and attorney's fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body under Chapters 31, 32 and 33 of the Texas Property Tax Code. The owner of the assessed property may pay at any time the entire assessment on any lot or parcel, along with any interest and penalty that has accrued on the assessment.

**SECTION 10:** That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

**SECTION 11:** That the assessments herein levied are made and levied under and by virtue of the terms powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

**SECTION 12:** That the City may contract with the Lubbock Central Appraisal District and/or any competent attorney to collect the assessments and to represent the Quincy Park Public Improvement District to enforce the collection of delinquent assessments. The attorney's compensation shall be set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent assessment, penalty, and interest collected, as required in Section 6.03 of the Texas Property Tax Code.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on \_\_\_\_\_, 2013.

Passed by the City Council on second reading on \_\_\_\_\_, 2013.


\_\_\_\_\_  
GLEN C. ROBERTSON, MAYOR

ATTEST:

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Rebecca Garza, City Secretary


APPROVED AS TO CONTENT:

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Cheryl Brock,  
Executive Director of Budget

APPROVED AS TO FORM:

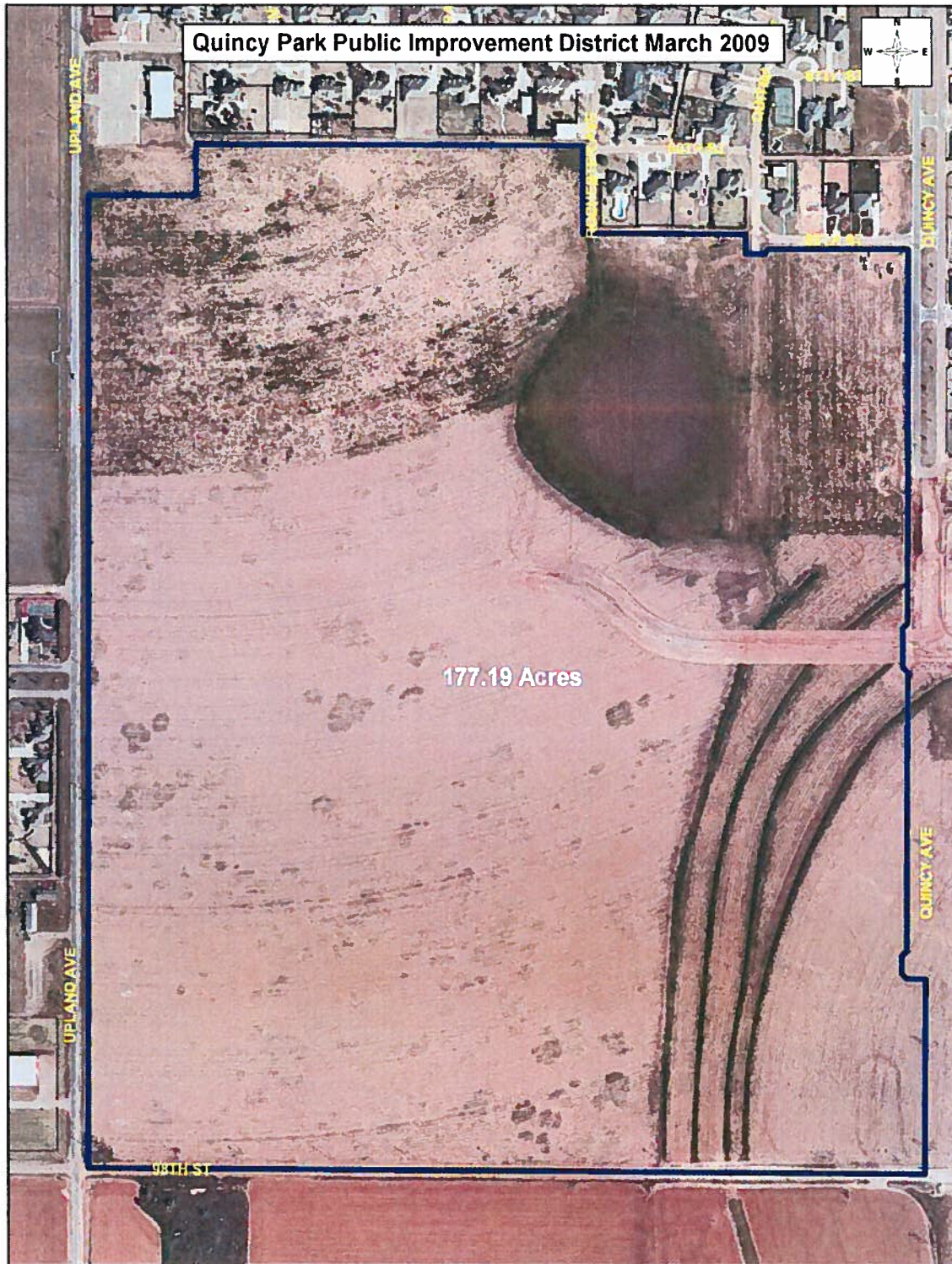
  

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Linda L. Chamales,  
Economic Development Attorney

Lc:city att/Linda/Ordinances/Quincy Park PID Ordinance 2013 Assessment  
July 18, 2013

City of Lubbock, TX  
Finance Department  
Quincy Public Improvement District Map  
Exhibit A



**City of Lubbock, TX**  
**Finance Department**  
**Quincy Park PID Assessment Plan**  
**Exhibit B**

- \* Properties will be assessed based on the City's 2013 "net taxable value" as established by the Lubbock Central Appraisal District and submitted to the City under Tax Code Section 26.04.
- \* Assessment will be \$0.15/\$100.00 valuation
- \* All property will be assessed based on the final 2013 "net taxable value".

City of Lubbock, TX  
Finance Department  
Quincy Park PID Service Plan  
FY 2013-14

Calendar Year*	Actual					Proposed					Totals
	2010	2011	2012	2013	2014	2015	2016	2017	2018		
Property Values*	10,371,428	20,346,803	26,996,464	34,445,778	45,259,694	56,289,887	67,540,685	81,041,499	\$ 81,041,499		
Discounted Property Values	10,371,428	20,346,803	26,996,464	33,412,405	40,733,724	50,660,899	60,786,617	72,937,349	72,937,349		
<b>Fiscal Year Revenues</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>Totals</b>		
Interest Earnings	-	45	56	89	60	55	333	589	1,227		
Assessment @ \$0.15	15,200	31,371	36,502	50,119	61,101	75,991	91,180	109,406	470,870		
<b>Total</b>	<b>15,200</b>	<b>31,416</b>	<b>36,558</b>	<b>50,208</b>	<b>61,160</b>	<b>76,046</b>	<b>91,513</b>	<b>109,995</b>	<b>472,097</b>		
<b>Expenses</b>											
93rd Street - Boulevard & Entrances	-	-	4,000	10,000	10,200	10,404	10,612	10,824	56,040		
Maintenance of Boulevard and Entrances	-	-	-	-	-	-	-	-	-		
Park @ 91st & Quitman (8.84 Acres)	-	-	22,542	40,000	40,800	41,616	42,448	43,297	230,704		
Park maintenance of 8.84 acres	-	-	2,040	3,084	3,146	3,209	3,273	3,338	18,089		
Electric Cost for Lights	-	-	5,100	5,100	5,202	5,306	5,412	5,520	34,961		
Administrative Costs	-	3,321	-	-	-	-	-	-	-		
Annual Operation Cost	3,481	3,285	3,692	3,803	3,917	4,035	4,156	4,281	30,650		
Public Hearing and Collection Cost	-	-	-	-	-	-	-	-	-		
Reimburse developer for expenses	-	-	-	-	-	-	-	-	50,000		
<b>Total</b>	<b>\$ 3,481</b>	<b>6,605</b>	<b>37,375</b>	<b>61,987</b>	<b>63,265</b>	<b>64,570</b>	<b>65,901</b>	<b>117,261</b>	<b>\$ 420,444</b>		
<b>Cash Reserve</b>	<b>11,720</b>	<b>36,531</b>	<b>35,714</b>	<b>23,935</b>	<b>21,830</b>	<b>33,306</b>	<b>58,918</b>	<b>51,653</b>	<b>51,653</b>		

\*Property Value growth rate = 2% annually

^ Year that the construction value goes on the tax roll

**Assessment Information**

**2010-2016**  
**Assessment per \$100,000** **150.00**



**Regular City Council Meeting**

**6. 11.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Resolution - Councilman Todd Klein:** Consider a resolution making certain recommendations from the City Council to the Lubbock Water Advisory Commission regarding the study of water rate modeling and water rate stabilization for the City of Lubbock.

**Item Summary**

As stated above.

**Fiscal Impact**

**Staff/Board Recommending**

Todd Klein, Councilman, District 3

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**Attachments**

Resolution - Rates

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## RESOLUTION

WHEREAS, there has been concern expressed to members of the City Council of the City of Lubbock that water rates and water customer designations, in current form, create gross inequities among the water ratepayers in the City; and

WHEREAS, the methodology set forth in the City of Lubbock Code of Ordinances for calculating water volume rates in the City of Lubbock establishes three (3) blocks into which ratepayers are placed, with said placement based on the average winter consumption of water for each customer's premises; and

WHEREAS, a set price for each 1,000 gallons of water used within each block is also established in the ordinance, and said pricing structure appears both arbitrary and capricious for those customers exercising the most conservation, by placing them in the same category with those customers whose volume usage is substantially greater and less conservation-evident; and

WHEREAS, the City Council favors a revised methodology of calculating water volume rates, wherein the average winter consumption of each customer's premises is disregarded entirely, and further a methodology that reconfigures threshold single-family residential usage so as to promote more confidence among the ratepayers in the methodology, and further to cure inequities existing in the current block structure; and

WHEREAS, a review of the methodology and processes used by the City of Lubbock for estimating anticipated water usage by ratepayers in connection with the setting of rates is in order; and

WHEREAS, the City Council of the City of Lubbock places great value on the professional expertise and judgment of the members of the Lubbock Water Advisory Commission (LWAC), and the ability of its members to offer critical analysis on matters such as the equitable formulation of ratepayer designations, the placement of ratepayers therein, and the methodology and process used to anticipate, and to calculate charges for, water usage; and

WHEREAS, in light of the critical importance of water to the City of Lubbock and its residents; NOW, THEREFORE:

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

THAT the City Council of the City of Lubbock shall and does, by and upon passage hereof, formally request that the Lubbock Water Advisory Commission promptly take up and consider, and report back to the City Council, on the second meeting of the City Council in November, 2013, its findings and recommendations on the following matters:

1. A methodology for calculating water rates that does not utilize average winter consumption, that yields more equitable rates for water consumption, that promotes more fairness for the ratepayer, and that restores ratepayer confidence in the processes used by the City; and

2. A reconfiguration of volumes and associated Blocks set forth in Chapter 22.03.085 of the City of Lubbock Code of Ordinances that reduces the subsidization of commercial customers by residential customers, and within the residential category, that yields more equitable rates and promote public confidence, while still serving the purpose of adequately funding scheduled City of Lubbock water projects.

CONSIDERED AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
GLEN C. ROBERTSON, Mayor

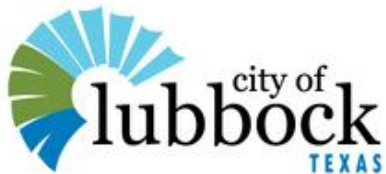
ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Todd Klein, City Councilman, District 3

ms/Res.LWAC Study Volume Rates 8.16.13



**Regular City Council Meeting**

**6. 12.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Resolution - Councilman Todd Klein:** Consider a resolution making certain recommendations from the City Council to the Electric Utility Board regarding a Citizens Task Force, electric rate stabilization, customer relations and rights, and affordability programs.

**Item Summary**

As stated above.

**Fiscal Impact**

None.

**Staff/Board Recommending**

Todd Klein, Councilman, District 3

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**Attachments**

Resolution - Citizen Task Force

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## RESOLUTION

WHEREAS, the City Council of the City of Lubbock desires that local customers of Lubbock Power & Light have a positive, courteous, and prompt customer relations experience in connection with their electric service; and

WHEREAS, the Electric Utility Board has been given exclusive authority under the City of Lubbock Charter to govern, manage, and operate the City of Lubbock's electric utility; and

WHEREAS, the City Council of the City of Lubbock finds value in citizen input, and desires that the Electric Utility Board appoint a Citizen Task Force, comprised primarily of Lubbock citizens not otherwise members of the Electric Utility Board, to assist in the development of, and recommendations concerning, the proposals set forth herein;

WHEREAS, the City Council of the City of Lubbock desires to make specific recommendations to the Electric Utility Board to enhance the Lubbock Power & Light customer experience, including the creation of a Customer Relations Ombudsman, whose primary duty would be to orchestrate the entire customer service experience to ensure that actions and responses by the utility to local customers is of the highest quality and respect; and

WHEREAS, additional recommendations for consideration by the Electric Utility Board to improve customer service to the ratepayer include the review and update of the Customer Rights enumerated by the utility in order to strengthen them, and make them more understandable and friendly to the consumer, as well as exploring the possibility of instituting affordability programs that could offer assistance to the disadvantaged elderly, disabled and low-income customers with children, and other individuals having difficulty paying their electric utility bills; and

WHEREAS, the City Council of the City of Lubbock further desires that the Electric Utility Board consider developing, recommending, and implementing a rate stabilization model that will smoothen the effects of natural forces on, and volatility of, electric rates; NOW THEREFORE:

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

1. THAT, in recognition of the Electric Utility Board's authority to govern, manage, and operate the City's electric utility, the City Council of the City of Lubbock hereby recommends to the Electric Utility Board the following items for its consideration, with the express purpose of improving customer relations with the local ratepayer, and rate stabilization:

a. the appointment of a Citizen Task Force, the membership of which should be primarily Lubbock citizens, not otherwise members of the Electric Utility Board, to assist in the development of, and recommendations concerning, the proposals set forth herein;

b. the creation of a Customer Relations Ombudsman for Lubbock Power & Light;

c. the review and update of the Customer Rights statement currently in place for Lubbock Power & Light, with an intent to strengthen them, making them more understandable, and more consumer friendly;

d. a review of options available to Lubbock Power & Light and the City of Lubbock with respect to affordability programs to assist individuals in paying their electric utility bills.

e. the development, recommendation, and implementation of a electric rate-stabilization model.

2. THAT, a copy of this Resolution be delivered by the City Manager to each member of the Electric Utility Board for consideration of the measures set forth herein.

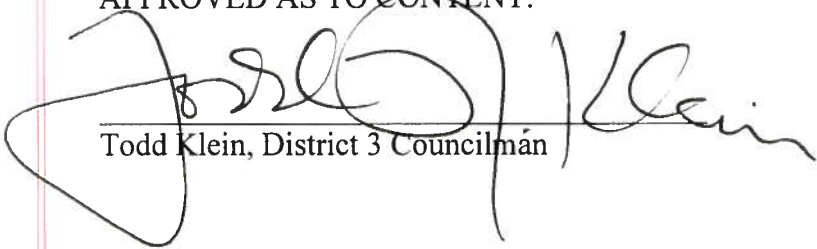
Passed by the City Council of the City of Lubbock on this, the \_\_\_\_ day of August, 2013.

\_\_\_\_\_  
GLEN C. ROBERTSON, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Todd Klein, District 3 Councilman

ms/Res.EUB Customer Serv Recomm 8.15.13



**Regular City Council Meeting**

**6. 13.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

**Board Appointments - City Secretary:** Consider nine appointments to the Appointments Advisory Board, two appointments to the Building Board of Appeals, one appointment to the Lubbock Water Advisory Commission, three appointments to the North Point Public Improvement District Advisory Board, one appointment to the Park & Recreation Board, three appointments to the Permit & License Appeal Board, and one appointment to the Urban Design & Historic Preservation Commission.

**Item Summary**

As stated above.

**Fiscal Impact**

None.

**Staff/Board Recommending**

Rebecca Garza - City Secretary

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**Attachments**

RS Board Appointments

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**BOARD APPOINTMENTS FOR  
CITY COUNCIL MEETING, AUGUST 22, 2013 - REGULAR SESSION**

<b>Officer of City</b>		<b>Board Name &amp; No.</b>	<b>Member Name</b>	<b>Term Expires</b>	<b>Attend %</b>	<b>Membership Requirements</b>	<b>Recommended Action</b>	<b>Eligible?</b>
	1	APPOINTMENTS ADVISORY BOARD	ANDREWS, L.V.	09.01.13	82%	DISTRICT 2	REAPPOINT	Y
			BILIMORIA, INDU	09.01.13	82%	DISTRICT 5	REAPPOINT	Y
			GARZA, GRACE	09.01.13	82%	DISTRICT 1	REAPPOINT	Y
			GRIMES, ROY	09.01.13	82%	DISTRICT 4	REAPPOINT	Y
			HARRIS, EDDIE	09.01.13	100%	DISTRICT 1	REAPPOINT	Y
			HOUSE, JAY	09.01.13	N/A	MAYOR	REPLACE	N/A
			KELLER, JUDITH	09.01.13	86%	DISTRICT 3	REAPPOINT	Y
			MORALES, CARLOS	09.01.13	64%	MAYOR	REAPPOINT/REPLACE	Y
			STEPHENS, JONATHAN	09.01.13	73%	DISTRICT 5	REAPPOINT	Y
	2	LUBBOCK WATER ADVISORY COMMISSION	BAKER, SUZIE	08.01.13	N/A	AT LARGE	REPLACE	N/A
	3	NORTH POINT PID ADVISORY BOARD	HARRIS, STANLEY	08.01.13	N/A	PID RESIDENT/OWNER	REPLACE	N/A
			SWEENEY, JOHN	08.01.13	100%	PID RESIDENT/OWNER	REAPPOINT	Y
			THOMPSON, CAROLYN	08.01.13	N/A	PID RESIDENT/OWNER	REPLACE	N/A
	4	PARK & RECREATION BOARD	VASQUEZ, DAVID	05.01.14	N/A		RESIGNED/REPLACE	N/A

\*Officer of City Status board members as an individual or business shall not contract with the City of Lubbock and serve as a board member.

City of Lubbock  
Board and Commission Recruiting Database

Updated: 8/10/2013

Sorted: No Preference

Key: CS - Currently serving on board(s)  
X - Prior service on board(s)  
PCI - Possible Conflict of Interest  
T - Temporary

Date Refer	Key	Last Name	First Name	Gender M/F	Ethnic A,H,AA,O	Quad	Age Range	Occupation	Business	Council District	References Name
1210		Ashe	John	M	A		60+	Realtor	Action Realtors	5	
0601		Austin	Nicole	F	A	S	18-29	Computer Spe	Self-employed	4	
0601		Chesnutt	Gary	M	A	S	50-59	Cotton Broker	Chesnutt Cotto	5	
0501		Grant	Mack	M	A	S	40-49	Project Admini	TX Dept of Cri	4	
1206		Guerra	Julian	M	H	S	60+	New York Life	New York Life	4	
0509		Guerrero	Mary Lynn	F	H	C	18-29	PSO Officer	PD - City of Lu	6	
0803		Hamer	Darla	F	A		40-49	Banker	Peoples Bank	6	
0405		Hancock	Jennifer	F	A	S	18-29	Homemaker/P		6	
0906		Henson	Matthew	M	A		30-39	Self Employed	Matt Henson In	5	
0610		Hobgood	John	M	A		30-39	Social Worker	LIFE/RUN Cen	5	
0502		Hodges	Tom	M	A	C	40-49	Bank Manager	Wells Fargo Ba	4	
1002		Jackson	Winnie	M	A		60+	Retired Minist		4	
0501		Nichols	Kathleen	F	A	S	30-39	Dentist	Kathleen Nicho	5	
0612		Podrebartz	Keith	M	A		30-39	Counselor	Texas Tech Un	1	
0707		Ramsey	Chad	M	A			Self-employed	Ramsey Auto	3	
0407		Riojas	Michael	M	H	C	40-49	Sr Acct Mana	GE Lighting	3	
1206		Spitzer	Michelle	F	A		50-59	CFO	Sunwest Const	4	
0804		Stephens	Sherry	F	A		30-39	Administrative	High Plains Wa	5	
0409		Terry	Dianna	F	A	S	50-59	Grant Develop	Covenant Foun	4	
1305		Tinsley	Matt	M	A		40-49	Director of Op	First Care Heal	5	
0404		Williams	Peggy	F	A	S	50-59	Banker	American Bank	5	
0803		Wilson	Margaret	F	A	C	60+	Retired - Tech	Retired	5	

## APPOINTMENTS ADVISORY BOARD

	<u>Lubbock Population</u>	<u>Lubbock Adult Population</u>	<u>All City Boards</u>	<u>This Board</u>
<b><u>ETHNICITY</u></b>				
Anglo	55.0%	61.0%	73.4%	53.3% (8)
Hispanic	32.6%	27.6%	10.1%	26.7% (4)
African-American	8.7%	7.4%	10.1%	13.3% (2)
Other	3.7%	4.0%	6.3%	6.7% (1)
<b><u>GENDER</u></b>				
Male	48.5%	47.0%	75.3%	60.0% (9)
Female	51.5%	53.0%	24.7%	40.0% (6)
<b><u>GEOGRAPHIC DISTRIBUTION</u></b>				
District 1	16.1%	14.9%	10.1%	6.7% (1)
District 2	16.4%	12.7%	4.1%	13.3% (2)
District 3	16.3%	16.1%	13.3%	6.7% (1)
District 4	17.0%	17.0%	20.6%	20.0% (3)
District 5	16.7%	19.4%	27.5%	33.3% (5)
District 6	17.2%	19.9%	19.3%	13.3% (2)
Other/Unknown	0.0%	0.0%	5.1%	6.7% (1)

### **PURPOSE:**

Permanent advisory board maintains data bank and clear written guidelines for appointments and updates annually. Oversees marketing plan for soliciting qualified applicants and increasing public opportunities for board service. Advises the City Council regarding qualified appointees; assists in new member orientation and presents annual demographics report.

**QUALIFICATIONS:** Each Council Member shall appoint two members to the board; and the Mayor shall appoint three members

### **APPOINTMENT INFORMATION:**

#### **Member Name &**

<b><u>Demographic Facts</u></b>	<b><u>Requirement</u></b>	<b><u>Attend</u></b>	<b><u>Eligible</u></b>	<b><u>Action</u></b>
Andrews, L.V. (M,AA,2)	District 2	82%	Y	Reappoint
Bilimoria, Indu (F,O,5)	District 5	82%	Y	Reappoint
Garza, Grace (F,H,1)	District 1	82%	Y	Reappoint
Grimes, Roy (M,A,4)	District 4	82%	Y	Reappoint
Harris, Eddie (M,AA,5)	District 1	100%	Y	Reappoint
House, Jay (M,A,4)	Mayor	N/A	N	Replace
Keller, Judith (F,A,3)	District 3	86%	Y	Reappoint
Morales, Carlos (M,H,5)	Mayor	64%	Y	Reappoint/Replace
Stephens, Jon (M,A,5)	District 5	73%	Y	Reappoint

**APPOINTMENTS ADVISORY BOARD RECOMMENDATIONS:**

To reappoint L.V. Andrews, Indu Bilimoria, Grace Garza, Roy Grimes, Eddie Harris, Carlos Morales, and Jonathan Stephens

*To replace Jay House, Mayor:*

Atwood, Nick (M,A,5) Mass Mutual

**Appointments Advisory Board**

Date Refer	Key	Last Name	First Name	Gender M/F	Ethnic A,H,AA,O	Quad	Age Range	Occupation	Business	Council District
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**First Preference:**

0508		Camp-Rom	William	M	O	C	50-59	Retired - Federal Governm	Retired	4
1009		Chambers	Tosha	F	AA		30-39	Homemaker		4
0707		Lunsford	Douglas	M	A			Marketing and Media	Lancer Productions	5
0406		Sepeda	Esther	F	H	S		Hispanic Chamber of Com	Lubbock Hispanic Cham	4

**Second Preference:**

1210		Hankson	Charles	M	AA		60+	Retired Pastor	Goulds Pump	0
0411		Renfro	Patsy	F	A	S	50-59	Travel Agent	Envoye Travel	5
0710		Wierzba	Susan	F	A		40-49	Owner / Cotton Broker	Commodity Export Corp	5

**Third Preference:**

0803		Andrus	Amy	F	A	S	40-49	Music Therapist	Amy's Music Therapy S	4
0701		Lewis	Sheri	F	A	S	40-49	Associate Director	TTU Student Media	4
1204		Newsom	Mikella	F	A		30-39	Vice President, Asst. CFP	City Bank Texas	0
0501		Ray	Harold	M	A	S	50-59	Asst Business Agent-IBE	IBEW Local Union 602	0

**Fourth Preference:**

0910		McCord	Janine	F	A		30-39	Research Associate	TTU - Education Dean	5
0803		Rautis	Mary	F	A	C	50-59	Registered Nurse	University Medical Cent	4

**Fifth Preference:**

1205		Chapa	David	M	H		40-49	Interior Designer	TTU - Physical Plant	5
1108		Kotal	Clinton	M	A		18-29	Self Employed	KN Construction Group	4

**Sixth Preference:**

**Committee #53 Appointments Advisory Board**

Perm./Temp. Board: **P**

	<i>Confidential?</i>	<u>Home</u>	<u>Business</u>	<i>Reappt Elig.</i>
DISTRICT 2				
<b>Andrews</b> Mr. L.V.	N	2119 East 30th Street Lubbock TX 79404		<b>Curr:</b> 1/26/2012 - 9/1/2013 <b>Y</b>
	Y			<b>2nd:</b> -
	N	(806) 765-5001		<b>1st:</b> -
	Y	CELL		<b>Fax:</b>
<i>E-mail</i>				
DISTRICT 5				
<b>Bilimoria</b> Ms. Indu	Y	5319 85th St Lubbock TX 79424		<b>Curr:</b> 9/8/2011 - 9/1/2013 <b>Y</b>
	Y	ibilimor@gmail.com		<b>2nd:</b> -
	Y	(806) 794-7460	(806) 441-9123	<b>1st:</b> 9/1/2009 - 9/1/2011
		CELL		<b>Fax:</b>
<i>E-mail indu.bilimoria@ttu.edu</i>				
MAYOR				
			<i>Retired Optomotrist</i>	<b>Curr:</b> 9/1/2012 - 9/1/2014 <b>Y</b>
<b>Bowen</b> Dr. John	N	2002 Albany Lubbock TX 79407		<b>2nd:</b> -
	N			<b>1st:</b> 7/26/2012 - 9/1/2012
	N	(806) 795-4224		<b>Fax:</b>
	N	(806) 786-1318	CELL	
<i>E-mail jbowen@sbcglobal.net</i>				
DISTRICT 2				
<b>Calvillo</b> Mr. Michael	Y	1926 75th St Lubbock TX 79423	<i>Michael Calvillo Bail Bond</i> 1209 Crickets Ave Lubbock TX 79401	<b>Curr:</b> 9/1/2012 - 9/1/2014 <b>Y</b>
	Y	michaelcalvillo@att.net		<b>2nd:</b> -
	Y	(806) 239-7568	(806) 744-1891	<b>1st:</b> -
	Y	CELL		<b>Fax:</b> (806) 744-7647
<i>E-mail michaelcalvillo@att.net</i>				
DISTRICT 6				
<b>Ellis-Roach</b> Mrs. Phebe	N	4502 14th Street Lubbock TX 79410	<i>PrimeWest Mortgage</i> 9816 Slide Road Lubbock TX 79424	<b>Curr:</b> 9/1/2012 - 9/1/2014 <b>Y</b>
	Y	(806) 773-0531	(806) 788-2869	<b>2nd:</b> -
		CELL		<b>1st:</b> -
<i>E-mail pellis@primewestcorp.com</i>				

<b>Chair/Pres:</b>	Indu Bilimoria	<b>Staff Liaison:</b>	Thomas Harris III
<b>Vice Chair/V.P.:</b>	Eddie Harris	<b>Term:</b>	2 Years
<b>Sec./Treasurer:</b>	N/A	<b>Ex-Officio Mbr.:</b>	N/A

**Committee #53 Appointments Advisory Board**Perm./Temp. Board: **P**

	<i>Confidential?</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
DISTRICT 1				<b>Curr:</b> <span style="border: 1px solid black; padding: 2px;">7/12/2012</span> - <span style="border: 1px solid black; padding: 2px;">9/1/2013</span>	<b>Y</b>
<b>Garza</b> Ms. Grace	Y	2011 17th Street Lubbock TX 79401 gqgarza@gmail.com	1901 West Loop 289, Ste. 9 Lubbock TX 79407 (806) 784-4328	<b>2nd:</b> - <b>1st:</b> - <b>Fax:</b>	
	N	(806) 744-1874	(806) 784-4328		
	Y	(806) 438-4714 CELL			
<i>E-mail</i> ggarza@firstcare.com					
DISTRICT 4				<b>Curr:</b> <span style="border: 1px solid black; padding: 2px;">9/8/2011</span> - <span style="border: 1px solid black; padding: 2px;">9/1/2013</span>	<b>Y</b>
<b>Grimes</b> Mr. Roy	N	3522 58th Street Lubbock TX 79413 grimesresidence@yahoo.com		<b>2nd:</b> - <b>1st:</b> - <b>Fax:</b>	
	N	(806) 799-2106			
	N	(806) 392-5437 CELL			
<i>E-mail</i>					
DISTRICT 1			<i>Harris DWI/Youth Education</i>	<b>Curr:</b> <span style="border: 1px solid black; padding: 2px;">10/13/2011</span> - <span style="border: 1px solid black; padding: 2px;">9/1/2013</span>	<b>Y</b>
<b>Harris</b> Mr. Eddie	Y	7924 Vicksburg Lubbock TX 79424	5147 69th St, Ste D Lubbock TX 79424	<b>2nd:</b> - <b>1st:</b> - <b>Fax:</b> (806) 747-6031	
	N	(806) 368-8374	(806) 559-9464		
	N		CELL		
<i>E-mail</i> eddiekharris@gmail.com					
DISTRICT 6				<b>Curr:</b> <span style="border: 1px solid black; padding: 2px;">9/1/2012</span> - <span style="border: 1px solid black; padding: 2px;">9/1/2014</span>	<b>N</b>
<b>Horkey</b> Ms. Ann	N	4809 19th Street #9 Lubbock TX 79407 arippel@suddenlink.net		<b>2nd:</b> - <b>1st:</b> 9/8/2011 - 9/1/2012 <b>Fax:</b>	
	N	(806) 799-1001			
	N	(806) 789-3821 CELL			
<i>E-mail</i>					
MAYOR			<i>Happy State Bank</i>	<b>Curr:</b> <span style="border: 1px solid black; padding: 2px;">9/8/2011</span> - <span style="border: 1px solid black; padding: 2px;">9/1/2013</span>	<b>N</b>
<b>House</b> Mr. Jay	Y	3916 100th Street Lubbock TX 79423	4402 19th Street Lubbock TX 79407	<b>2nd:</b> - <b>1st:</b> 9/1/2009 - 9/1/2011 <b>Fax:</b>	
	Y	(806) 698-6120	(806) 788-1360		
	Y	(806) 470-6163 CELL			
<i>E-mail</i> jhouse@happybank.com					

<b>Chair/Pres:</b>	Indu Bilimoria	<b>Staff Liaison:</b>	Thomas Harris III
<b>Vice Chair/V.P.:</b>	Eddie Harris	<b>Term:</b>	2 Years
<b>Sec./Treasurer:</b>	N/A	<b>Ex-Officio Mbr.:</b>	N/A

\*\*\* CONFIDENTIAL INFORMATION NOT TO BE RELEASED!! \*\*\*

Last Update: 7/26/2013

**Committee #53 Appointments Advisory Board**

Perm./Temp. Board: **P**

	<i>Confidential?</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
<b>DISTRICT 4</b>					
<b>Johnson</b> Mrs. Norma	N	3508 107th Street Lubbock TX 79423	Public Affairs 1500 Broadway, Ste. 100 Lubbock TX 79401	Curr: 9/1/2012 - 9/1/2014	Y
	N			2nd: -	
	N	(806) 445-0646	(806) 761-7000	1st: -	
	Y			Fax: (806) 761-7013	
<i>E-mail norma.johnson@lubbockbiz.or</i>					
<b>DISTRICT 3</b>					
<b>Keller</b> Ms. Judith	N	2515 55th Street Lubbock TX 79413	Retired	Curr: 10/25/2012 - 9/1/2013	Y
	N	judith.p.keller@gmail.com		2nd: -	
	N	(806) 799-5071		1st: -	
	Y			Fax:	
<i>E-mail judith.keller@ttuhsc.edu</i>					
<b>MAYOR</b>					
<b>Morales</b> Mr. Carlos	Y	5817 90th Street Lubbock TX 79424	Caprock Home Health Services 8806 University Lubbock TX 79423	Curr: 9/1/2011 - 9/1/2013	Y
	Y			2nd: -	
	Y	(806) 239-6048	(806) 791-0077	1st: 6/23/2011 - 9/1/2011	
	Y			Fax: (806) 748-7857	
<i>E-mail cmorales@chhsi.com</i>					
<b>DISTRICT 3</b>					
<b>Patrick</b> Mr. Keith	Y	1611 Bryan Ave Wolffort TX 79382	American Cancer Society 3513 10th St Lubbock TX 79415	Curr: 9/27/2012 - 9/1/2014	Y
	N			2nd: -	
	N	(806) 239-6628	(806) 745-0773	1st: -	
	N			Fax: (806) 744-2251	
<i>E-mail keith.patrick@cancer.org</i>					
<b>DISTRICT 5</b>					
<b>Stephens</b> Mr. Jonathan	Y	6015 89th Street Lubbock TX 79424	Southwest Bank 10115 Quaker Avenue Lubbock TX 79424	Curr: 9/8/2011 - 9/1/2013	Y
	N			2nd: -	
	Y	(806) 783-8611	(806) 771-9494	1st: -	
	Y	(806) 252-8606		Fax: (806) 771-7494	
<i>E-mail jon.stephens@southwbank.co</i>					

<b>Chair/Pres:</b>	Indu Bilimoria	<b>Staff Liaison:</b>	Thomas Harris III
<b>Vice Chair/V.P.:</b>	Eddie Harris	<b>Term:</b>	2 Years
<b>Sec./Treasurer:</b>	N/A	<b>Ex-Officio Mbr.:</b>	N/A

**LUBBOCK WATER ADVISORY COMMISSION**

	<b><u>Lubbock Population</u></b>	<b><u>Lubbock Adult Population</u></b>	<b><u>All City Boards</u></b>	<b><u>This Board</u></b>
<b><u>ETHNICITY</u></b>				
Anglo	55.0%	61.0%	73.4%	100.0% (9)
Hispanic	32.6%	27.6%	10.1%	0.0% (0)
African-American	8.7%	7.4%	10.1%	0.0% (0)
Other	3.7%	4.0%	6.3%	0.0% (0)
<b><u>GENDER</u></b>				
Male	48.5%	47.0%	75.3%	88.9% (8)
Female	51.5%	53.0%	24.7%	11.1% (1)
<b><u>GEOGRAPHIC DISTRIBUTION</u></b>				
District 1	16.1%	14.9%	10.1%	0.0% (0)
District 2	16.4%	12.7%	4.1%	0.0% (0)
District 3	16.3%	16.1%	13.3%	22.2% (2)
District 4	17.0%	17.0%	20.6%	11.1% (1)
District 5	16.7%	19.4%	27.5%	11.1% (1)
District 6	17.2%	19.9%	19.3%	44.4% (4)
Other/Unknown	0.0%	0.0%	5.1%	11.1% (1)

**PURPOSE:**

Advisory board assists the City Council in reviewing acquisition and utilization of water resources, conservation, reuse of water resources, operating budgets, facilities and infrastructure needs, regional water needs, water and wastewater rates and fees, long-range water and wastewater planning efforts, and other water and wastewater related matters as designated by the City Council.

**REQUIREMENTS:** The Commission will consist of nine members, who shall be comprised of: a present or former member of the board of directors of Brazos River Authority; a present or former member of the board of directors of Canadian River Municipal Water Authority; a present or former member of the board of directors of High Plains Underground Water Conservation District #1; a present or former member of the board of directors of Llano Estacado Regional Water Planning Group; and five members-at-large.

**APPOINTMENT INFORMATION:**

<b><u>Member Name &amp; Demographic Facts</u></b>	<b><u>Requirement</u></b>	<b><u>Attend</u></b>	<b><u>Eligible</u></b>	<b><u>Action</u></b>
Baker, Suzie (F,A,6)	At Large	N/A	N/A	Replace

**APPOINTMENTS ADVISORY BOARD RECOMMENDATIONS:**

*To replace Suzie Baker, At Large:*  
House, Jay (M,A,4) Happy State Bank

City of Lubbock  
Board and Commission Recruiting Database

Updated: 7/26/2013

Sorted: By Preference

Key: CS - Presently serving on board(s)

X - Prior service on board(s)

PCI - Possible Conflict of Interest

T - Temporary

**Lubbock Water Advisory Commission**

Date Refer	Key	Last Name	First Name	Gender	Ethnic	Quad	Age Range	Occupation	Business	Council District
				M/F	A,H,AA,O					
<b>First Preference:</b>										
0513	X	Lamb-Vine	Danna	F	A		50-59	Massage Therapist/Person	Blue Moon Massage	3
1204		Putnam	Russell	M	A		60+	Business Consultant	Southwest Financial Gro	6
0612		Whittenbur	Hank	M	A		40-49	Plumber	Whittenburg Plumbing	4
<b>Second Preference:</b>										
1202		Autrey	Brandon	M	A		30-39	Civil Engineer / Business	AMD Engineering	0
1206		Coke	Christopher	M	A	C	40-49	Sr. Vice President	American State Bank	3
1112		de Riese	Cornelia	F	A		50-59	Physician	Comprehensive Family	3
1006		Griffith	Richard	M	A		60+	Self Employed	SOS Waste Disposal	3
1007		Hudgens	Dickie	M	A		60+	Retired CPA		3
0803		Jones	Maine	F	A		18-29	Human Resources Officer	Peoples Bank	5
1204		Newsom	Mikella	F	A		30-39	Vice President, Asst. CFP	City Bank Texas	0
<b>Third Preference:</b>										
0605		Coulter	Murray	M	A	S	60+	Retired Educator	Retired Educator	4
1211		Ogutu	Moses	M	AA		50-59	Physical Therapist Assista		5
<b>Fourth Preference:</b>										
1211		Grimstead	Tricia	F	A		30-39	Apartment Owner	AG Rentals, LTD.	5
0910		Hail	Brian	M	A		30-39	Insurance Agent	Brian Hail State Farm	3
0602		Howard	Dennis	M	A	S	50-59	Retired	Retired	4
1301		Isom	Travis	M	A		18-29	Student Assistant	Tao Real Estate	3
<b>Fifth Preference:</b>										
0511		Kirby	John	M	A		50-59	KTXT-TV	KTXT-TV	5
<b>Sixth Preference:</b>										
0802		Kitten	Randy	M	A	S	40-49	Banker	City Bank	5
1003		Mitchell	Bret	M	A		40-49	Self Employed	Queso's	4

**Committee #98 Lubbock Water Advisory Commission**

Perm./Temp. Board: **P**

	<i>Confidential</i>	<u>Home</u>	<u>Business</u>	<i>Reappt Elig.</i>
AT-LARGE				
<b>Baker</b> Ms. Suzanne	Y	1802 Aberdeen Lubbock TX 79416		
	Y	baker4984@suddenlink.net		
	Y	(806) 796-2588		
	Y	(806) 535-2537 <i>CEL</i>		
<i>E-mail baker4984@sbcglobal.net</i>				
BRAZOS RIVER AUTHORITY			<i>Brady &amp; Hamilton, LLP</i>	
<b>Brady</b> Mr. Zachary	Y	3223 23rd Street Lubbock TX 79410	1602 13th Street Lubbock TX 79401	
	Y	(806) 785-1201	(806) 771-1850	
<i>E-mail zach@bhlawgroup.com</i>				
CANADIAN RIVER WATER			<i>Perdue, Brandon..</i>	
<b>Collins</b> Mr. James	Y	#2 Tuscan Villa Circle Lubbock TX 79423	1204 Ave R, Ste 200 Lubbock TX 79401	
	Y	(806) 789-3506	(806) 744-5091	
<i>E-mail jcollins@pbfc.com</i>				
HIGH PLAINS WATER			<i>High Plains Water District</i>	
<b>Conkwright</b> Mr. James	Y	3305 21st St Lubbock TX 79410	2930 Ave Q Lubbock TX 79411	
	Y		(806) 762-0181	
	Y			
	Y			
<i>E-mail jimc@hpwd.com</i>				
AT LARGE			<i>National Sorghum Producers</i>	
<b>Maunder</b> Dr. A. Bruce	Y	4511 9th St Lubbock TX 79416	4201 N. Interstate 27 Lubbock TX 79403	
	Y	(806) 799-7018	(806) 749-3478	
<i>E-mail texasgreenbug@aol.com</i>				

<b>Chair/Pres:</b> Jim Collins	<b>Staff Liaison:</b> Marsha Reed
<b>Vice Chair/V.P.:</b> George Sell	<b>Term:</b> 2 Years
<b>Sec./Treasurer:</b>	<b>Ex-Officio Mbr.:</b>

Per Res 2003-0285, members may serve unlimited terms; Brown's terms 08/03-08/04, 08/04-08/06; James Collins first term 08/2003-08/2005

Conkwright's 08/03-08/204, 08/04-08/06, 08/08-08/10, 08/10-08/12; 08/01/11-07/31/12 Collins 1st Term as Chair Collins's first term was 08.28.05-08.01.07; Phillips' first 2 terms 08/2003-08/2007; James Collins 8/07-8/09;

**Committee #98 Lubbock Water Advisory Commission**Perm./Temp. Board: **P**

	<i>Confidential</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
AT-LARGE			TTU-Ofc of the President	Curr: 8/1/2013 - 8/1/2015	Y
<b>Phillips</b>	Y	119 N Oakridge	PO Box 42005	2nd: 8/1/2011 - 8/1/2013	
Mr. Ronald		Lubbock TX 79416	Lubbock TX 79409	1st: 8/1/2009 - 8/1/2011	
	Y	(806) 797-6008	(806) 742-2121	Fax: (806) 742-2138	
<i>E-mail</i> ronald.phillips@ttu.edu			CEL		
LLANO ESTACADO			Texas Tech University	Curr: 8/1/2012 - 8/1/2014	Y
<b>Rainwater</b>	Y		Box 41023	2nd: -	
Mr. Ken			Lubbock TX 79409	1st: -	
	Y		(806) 742-3490	Fax: (806) 742-3449	
	Y	(806) 789-3597	CEL		
<i>E-mail</i> ken.rainwater@ttu.edu					
AT LARGE			Estacado Cattle	Curr: 8/1/2013 - 8/1/2015	Y
<b>Sell</b>		4703 16th St		2nd: -	
Mr. George		Lubbock TX 79416		1st: 8/1/2011 - 8/1/2013	
		(806) 795-4668	(806) 674-1216	Fax:	
<i>E-mail</i> george.sell16@gmail.com			CEL		
AT LARGE				Curr: 8/1/2012 - 8/1/2014	Y
<b>Trejo</b>	N	3013 2nd Pl		2nd: -	
Ms. Maggie		Lubbock TX 79415		1st: -	
		chrb@suddenlinkmail.com	(806) 763-3877	Fax:	
	N	(806) 762-3243	CEL		
<i>E-mail</i> chrb@nts-online.net					

**Chair/Pres:** Jim Collins  
**Vice Chair/V.P.:** George Sell  
**Sec./Treasurer:**

**Staff Liaison:** Marsha Reed  
**Term:** 2 Years  
**Ex-Officio Mbr.:**

Per Res 2003-0285, members may serve unlimited terms; Brown's terms 08/03-08/04, 08/04-08/06; James Collins first term 08/2003-08/2005

Conkwright's 08/03-08/204, 08/04-08/06, 08/08-08/10, 08/10-08/12; 08/01/11-07/31/12 Collins 1st Term as Chair Collins's first term was 08.28.05-08.01.07; Phillips' first 2 terms 08/2003-08/2007; James Collins 8/07-8/09;

\*\*\* **CONFIDENTIAL INFORMATION NOT TO BE RELEASED!!** \*\*

**Last Update:** 7/26/2013

**North Point PID Advisory Board**

	<b><u>Lubbock Population</u></b>	<b><u>Lubbock Adult Population</u></b>	<b><u>All City Boards</u></b>	<b><u>This Board</u></b>
<b><u>ETHNICITY</u></b>				
Anglo	55.0%	61.0%	73.4%	80.0% (4)
Hispanic	32.6%	27.6%	10.1%	0.0% (0)
African-American	8.7%	7.4%	10.1%	20.0% (1)
Other	3.7%	4.0%	6.3%	0.0% (0)
<b><u>GENDER</u></b>				
Male	48.5%	47.0%	75.3%	80.0% (4)
Female	51.5%	53.0%	24.7%	20.0% (1)
<b><u>GEOGRAPHIC DISTRIBUTION</u></b>				
District 1	16.1%	14.9%	10.1%	0.0% (0)
District 2	16.4%	12.7%	4.1%	0.0% (0)
District 3	16.3%	16.1%	13.3%	0.0% (0)
District 4	17.0%	17.0%	20.6%	0.0% (0)
District 5	16.7%	19.4%	27.5%	20.0% (1)
District 6	17.2%	19.9%	19.3%	80.0% (4)
Other/Unknown	0.0%	0.0%	5.1%	0.0% (0)

**PURPOSE:** Advisory board to make recommendations to the City Council on the service plan and other plans for the North Point Public Improvement District. **Members must be owners or representatives of property owners within the district.**

**APPOINTMENT INFORMATION:**

**Member Name &**

<b><u>Demographic Facts</u></b>	<b><u>Attend</u></b>	<b><u>Eligible</u></b>	<b><u>Action</u></b>
Harris, Stanley (M,A,6)	N/A	N/A	Replace
Sweeney, John (M,A,6)	100%	Y	Reappoint
Thompson, Carolyn (F,AA,6)	N/A	N/A	Replace

**NORTH POINT PID ELECTION RESULTS:**

*To replace Stanley Harris and Carolyn Thompson:*

Benton, Jack (Application Pending)

McCarty, Charlotte (Application Pending)

To reappoint John Sweeney

**City of Lubbock, TX**  
**Finance Department**  
**North Point Public Improvement District**  
**2013 Advisory Group Voting Results**

Total North Point PID lots: 748  
Total Ballots Returned: 366

Voting results for three open seats in 2013:

<b>Name</b>	<b>Number of Votes</b>
<b>John Sweeney</b>	<b>365</b>
<b>Jack Benton</b>	<b>6</b>
<b>Charlotte Mc Carty</b>	<b>5</b>
Stanley Harris	2
Eddie Tate	1
Mary Benton	0
(Kenneth) David Harris	0
(Michael) Mke Montanez, Jr.	0
James Martell	0

**Committee #125 North Point Public Improvement District (PID)**Perm./Temp. Board: **P**

	<i>Confidential</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
OWNER			<b>Great Plains Steel</b>	<b>Curr:</b> <input type="text" value="8/1/2012"/> - <input type="text" value="8/1/2014"/>	<b>Y</b>
<b>Groseclose</b>	N	<b>5002 Itasca</b>	<b>5001 Clovis Road</b>	<b>2nd:</b> -	
<b>Mr. James</b>		<b>Lubbock TX 79416</b>	<b>Lubbock TX 79416</b>	<b>1st:</b> 9/27/2010 - 8/1/2012	
	N	<b>ligrose68@yahoo.com</b>	<b>(806) 763-8900</b>	<b>Fax:</b> <b>(806) 763-8942</b>	
	Y				
	Y				
<b>E-mail</b>			<b>CEL</b>		
			<b>Texas Tech University</b>	<b>Curr:</b> <input type="text" value="8/1/2010"/> - <input type="text" value="8/1/2013"/>	<b>Y</b>
<b>Harris</b>	N	<b>5032 Itasca Street</b>		<b>2nd:</b> -	
<b>Mr. Stanley</b>		<b>Lubbock TX 79416</b>	<b>Lubbock TX 79409</b>	<b>1st:</b> -	
	N	<b>stanleydwardharris@yahoo.co</b>	<b>(806) 746-5170</b>	<b>Fax:</b>	
	Y	<b>(806) 747-6866</b>			
	Y	<b>(806) 786-1624</b>	<b>CEL</b>		
<b>E-mail</b>					
			<b>McDougal Companies</b>	<b>Curr:</b> <input type="text" value="8/1/2012"/> - <input type="text" value="8/1/2014"/>	<b>Y</b>
<b>McDougal</b>	Y	<b>5406 105th Street</b>	<b>5001 W. Loop 289</b>	<b>2nd:</b> -	
<b>Mr. Tyler</b>		<b>Lubbock TX 79424</b>	<b>Lubbock TX 79382</b>	<b>1st:</b> 8/1/2010 - 8/1/2012	
	N		<b>(806) 797-3162</b>	<b>Fax:</b>	
	Y				
	N		<b>CEL</b>		
<b>E-mail</b>					
			<b>McDougal Companies</b>	<b>Curr:</b> <input type="text" value="8/1/2010"/> - <input type="text" value="8/1/2013"/>	<b>Y</b>
<b>Sweeney</b>	Y	<b>5103 Jarvis Street</b>	<b>5001 W. Loop 289</b>	<b>2nd:</b> -	
<b>Mr. John</b>		<b>Lubbock TX 79415</b>	<b>Lubbock TX 79382</b>	<b>1st:</b> -	
	Y		<b>(806) 797-3162</b>	<b>Fax:</b>	
	N	<b>(806) 791-2332</b>			
	Y		<b>CEL</b>		
<b>E-mail</b>					
			<b>LISD</b>	<b>Curr:</b> <input type="text" value="8/1/2010"/> - <input type="text" value="8/1/2013"/>	<b>Y</b>
<b>Thompson</b>	N	<b>4902 Lehigh Street</b>		<b>2nd:</b> -	
<b>Ms. Carolyn</b>		<b>Lubbock TX 79416</b>		<b>1st:</b> -	
	N			<b>Fax:</b>	
	Y	<b>(806) 928-0058</b>			
	N		<b>CEL</b>		
<b>E-mail</b>					

<b>Chair/Pres:</b>	James Groseclose	<b>Staff Liaison:</b>	Cheryl Brock
<b>Vice Chair/V.P.:</b>	Carolyn Thompson	<b>Term:</b>	2 Years
<b>Sec./Treasurer:</b>	Tyler McDougal	<b>Ex-Officio Mbr.:</b>	

**PARK AND RECREATION BOARD**

	<b><u>Lubbock</u></b>	<b><u>Lubbock</u></b>	<b><u>All</u></b>	<b><u>This</u></b>
	<b><u>Population</u></b>	<b><u>Adult</u></b>	<b><u>City</u></b>	<b><u>Board</u></b>
<b><u>ETHNICITY</u></b>			<b><u>Boards</u></b>	
Anglo	55.0%	61.0%	73.4%	44.4% (4)
Hispanic	32.6%	27.6%	10.1%	33.3% (3)
African-American	8.7%	7.4%	10.1%	11.1% (1)
Other	3.7%	4.0%	6.3%	11.1% (1)
 <b><u>GENDER</u></b>				
Male	48.5%	47.0%	75.3%	77.8% (7)
Female	51.5%	53.0%	24.7%	22.2% (2)
 <b><u>GEOGRAPHIC DISTRIBUTION</u></b>				
District 1	16.1%	14.9%	10.1%	11.1% (1)
District 2	16.4%	12.7%	4.1%	11.1% (1)
District 3	16.3%	16.1%	13.3%	22.2% (2)
District 4	17.0%	17.0%	20.6%	22.2% (2)
District 5	16.7%	19.4%	27.5%	22.2% (2)
District 6	17.2%	19.9%	19.3%	11.1% (1)
Other/Unknown	0.0%	0.0%	5.1%	0.0% (0)

**PURPOSE:**

Advisory board responsible for providing a balanced recreation and open-space program for the City of Lubbock. Includes planning, construction and maintenance of all parks, buildings and facilities necessary to provide this program.

**QUALIFICATIONS:** If possible, five of the nine members of the board shall be appointed from technical fields: civil engineering; design and applied arts; park and recreation management, horticulture, landscape architecture, or a related field; any technical field appropriate to the Canyon Lakes Project or other park operations; and a person who has a knowledge, understanding or interest in the operation of a cemetery.

**APPOINTMENT INFORMATION:**

**Member Name &**

<b><u>Demographic Facts</u></b>	<b><u>Attend</u></b>	<b><u>Eligible</u></b>	<b><u>Action</u></b>
Vasquez, David (M,H,5)	N/A	N/A	Resigned/Replace

**APPOINTMENTS ADVISORY BOARD RECOMMENDATIONS:**

*To replace David Vasquez:*

Meredith, Kent (M,O,5) United Spirit Arena

Tomlinson, Susan (F,A,3) Texas Tech

City of Lubbock  
Board and Commission Recruiting Database

Updated: 7/26/2013

Sorted: By Preference

Key: CS - Presently serving on board(s)

X - Prior service on board(s)

PCI - Possible Conflict of Interest

T - Temporary

**Park and Recreation Board**

Date Refer	Key	Last Name	First Name	Gender	Ethnic	Quad	Age Range	Occupation	Business	Council District
				M/F	A,H,AA,O					

**First Preference:**

0905		Bloodworth	David	M	A	C	50-59	Commercial Real Estate	Coldwell Banker Comm	4
0605		Coulter	Murray	M	A	S	60+	Retired Educator	Retired Educator	4
0503		Derr	Richard	M	A	S	40-49	Territory Sales Manager	Redball, L.L.C.	4
0803		McCoy	Gary	M	A	S	50-59	Banking	ABC Bank	5
1003		Mitchell	Bret	M	A		40-49	Self Employed	Queso's	4
0510		Palmer	Mike	M	A	S	40-49	Claims Specialist	JML-IRP	5
0804		Perkins	Terell	M	A			Computer Technician	Lubbock County Informa	5
0505		Phelps	Mike	M	A	S	50-59	Commercial Banker	PlainsCapital Bank	5
0501		Ray	Harold	M	A	S	50-59	Asst Business Agent-IBE	IBEW Local Union 602	0
1303		Ritter	Christopher	M	A		30-39	Attorney	Lubbock County DA Offi	4
1304		Tomlinson	Susan	F	A		50-59	Associate Professor	Texas Tech University H	3
1011		Wiggins	Gary	M	A		60+	Retired		3

**Second Preference:**

0613		Arnold	Peter	M	A		40-49	Owner/Landscaper	Arnold Enterprises of Lu	2
0906		Clark	Timothy	M	A		40-49	CADD Tech	Parkhill, Smith & Coope	3
1004		Davis	Jon	M	A		40-49	Accountant	Capital Farm Credit	3
0908		Franklin	Patricia	F	A		60+	Retired Educator		5
1112		Frye	Kate	F	A		50-59	Retired		5
0509		Garcia	Thomas	M	H	C	30-39	Parole Officer	TDCJ - Parole Division	3
1302		Hill	Stephanie	F	AA		50-59	Office Manager	Lubbock Medical	2
0513	X	Lamb-Vine	Danna	F	A		50-59	Massage Therapist/Person	Blue Moon Massage	3
0701		Lewis	Sheri	F	A	S	40-49	Associate Director	TTU Student Media	4
1208		Lopez	Tammy	F	A		40-49	House Cleaning		3
1307		McKenzie	Robert	M	AA		50-59	President/CEO	Attitude Incorporated	4
0906		Medrano	Johnnie	M	H		18-29	Banker	Plains Capital Bank	4
1205		Meredith	Kent	M	O			United Spirit Arena	United Spirit Arena	5
0605		Perez	Jody	M	H	S	50-59	Sales	JMP Consultants	4
0613	X	Pierce	Eric	M	A		30-39	Regional Sales Manager	ELSEVIER	5
0610		Saffell	Ted	M	A		50-59	Sec-Treasurer	Module Truck Systems	6
0809		Sullivan	Robert	M	A		18-29	Legal Clerk	Lubbock County - JP2	4
1210		Ward	Jayla	F	A		18-29			3
0809		Warring	Steve	M	A		50-59	Retired		6
1303		Wooley	Marcus	M	A		18-29	Ferguson Enterprises	Ferguson Enterprises	4

**Third Preference:**

0412		Campbell	Bill	M	A	C	40-49	Owner/Manager	Valentine's Building Ser	4
1002		Jones	Tommy	M	A		50-59	Sales	Firetrol Protection Syste	3
0504		Lloyd	David	M	A	S	60+	Self-Employed	Software Accounting	5
0912		Lynn	Samuel	M	A		40-49	Human Resources Manag	Caprock Home Health S	5
0803		Rautis	Mary	F	A	C	50-59	Registered Nurse	University Medical Cent	4
0609		Villalobos	Esteban	M	H			Tile Setter's Apprentise	Custom Tiling	2
0906		Weil	Kelley	F	A		30-39	Senior Vice President, Hu	Plains Capital Bank	5

**Fourth Preference:**

1303		Caffey	Ron	M	A		40-49	Comet Cleaners, Owner	Comet Cleaners	5
1301		De Leon	Esther	F	H		30-39	Library Specialist	Texas Tech University	6
1112		de Riese	Cornelia	F	A		50-59	Physician	Comprehensive Family	3
0809		Edwards	Carries	F	A		18-29	Assistant Professor of Nur	TTUHSC School of Nurs	0
0412		Hardman	Brittain	M	A	NW	50-59	Insurance Agent	AFLAC	6

City of Lubbock  
Board and Commission Recruiting Database

Updated: 7/26/2013

Sorted: By Preference

Key: CS - Presently serving on board(s)

X - Prior service on board(s)

PCI - Possible Conflict of Interest

T - Temporary

**Park and Recreation Board**

Date Refer	Key	Last Name	First Name	Gender M/F	Ethnic A,H,AA,O	Quad	Age Range	Occupation	Business	Council District
------------	-----	-----------	------------	---------------	--------------------	------	--------------	------------	----------	------------------

0611		Huerta	Luis	M	H		40-49	Life Insurance Sales	AFLAC	5
0511		Kirby	John	M	A		50-59	KTXT-TV	KTXT-TV	5
1301		Powell	Joseph	M	A		30-39	Insurance	Scott Powell State Farm	5
1104		Trost	Theresa	F	A		60+	Retired Librarian		3
0901		Whittenbur	Kristin	F	A		30-39	Senior Education Specialis	Region 17	6

**Fifth Preference:**

1011		Jordan	Carolyn	F	A		60+	Pastor	Christ United Methodist	5
0611		Lee	Hong	M	O		60+	Retired Professor	Retired Professor-TTU	5
1206		Letalien	Anne	F	A		60+	Retinred Registered Nurse		4
1301		Parr	Charles	M	A		40-49	Banker	American National Bank	2
1002		Tidwell	Joseph	M	A		18-29	Project Manager	Tao Development Grou	3

**Sixth Preference:**

1306		Bean	Zachary	M	A		18-29	Physician Practice Admini	Arthritis & Osteoporosis	5
1002		Brenner	Ivey	M	A		18-29	Real Estate Development	Tao Development Grou	6
0910		Hail	Brian	M	A		30-39	Insurance Agent	Brian Hail State Farm	3
1211		Ogutu	Moses	M	AA		50-59	Physical Therapist Assista		5
1301		Olivarez	Margarita	F	H		40-49	WF Manager	AT&T	6
0612		Whittenbur	Hank	M	A		40-49	Plumber	Whittenburg Plumbing	4

**Committee #31 Park and Recreation Board**

Perm./Temp. Board:

*Confidential*

Home

Business

Reappt  
Elig.

<b>Bridges</b> Ms. Beth	5226 94th Street Lubbock TX 79424 beth.bridges1@gmail.com (806) 794-8825 (806) 368-1734 <i>CEL</i>	South Plains Mall 6002 Slide Road, Suite 68208 Lubbock TX 79414 (806) 792-4654	Curr: 5/1/2013 - 5/1/2015 2nd: - 1st: - Fax: (806) 799-2331	Y
	<i>E-mail</i> beth.bridges@macerich.com			

<b>Cervantez</b> Mr. John P.	1904 E. Auburn Street Lubbock TX 79403 (806) 744-1654 <i>CEL</i>	John P. Cervantez Photograph 1904 E. Auburn Lubbock TX 79403 (806) 744-1654	Curr: 5/1/2012 - 5/1/2014 2nd: - 1st: - Fax:	Y
	<i>E-mail</i>			

<b>Douglass</b> Mr. James	3020 60th Street lubbock TX 79413 jim.douglas@ttu.edu (806) 790-5463 <i>CEL</i>	Texas Tech Alumni Associatio Box 45001-ttu Lubbock TX 79409 (806) 742-3641	Curr: 5/1/2013 - 5/1/2015 2nd: - 1st: - Fax: (806) 742-0283	Y
	<i>E-mail</i> jim.douglas@ttu.edu			

<b>Laverty</b> Mr. Peter	2101 26th Street Lubbock TX 79411 peterlaverty@sbcglobal.net (806) 241-0269 <i>CEL</i>	UMC 602 Indiana Avenue Lubbock TX 79415 (806) 775-8760	Curr: 5/1/2013 - 5/1/2015 2nd: - 1st: - Fax: (806) 775-8734	Y
	<i>E-mail</i> peter.laverty@umchealthsyste			

<b>McAdoo</b> Mr. Alex	Y 3001 Aberdeen Lubbock TX 79407 Y (806) 702-4952 <i>CEL</i>	Communities in Schools on th 1655 Main Street Lubbock TX 79401 (806) 885-4910	Curr: 5/1/2012 - 5/1/2014 2nd: 5/1/2010 - 5/1/2012 1st: 5/1/2008 - 5/1/2010 Fax:	N
	<i>E-mail</i> afmcadoo@gmail.com			

<b>Chair/Pres:</b> Alex McAdoo	<b>Staff Liaison:</b> Pam Casarez
<b>Vice Chair/V.P.:</b> Brian Pierce	<b>Term:</b> 2 Years
<b>Sec./Treasurer:</b>	<b>Ex-Officio Mbr.:</b> Quincy White (Asst City Mgr)
McAdoo 1st term 11.2007-05.2008	

**Committee #31 Park and Recreation Board**Perm./Temp. Board: **P***Confidential*HomeBusiness*Reappt  
Elig.*Curr:  5/1/2012 -  5/1/2014 **Y****Pitcock**  
Ms. Karen 10210 Orlando Avenue  
Lubbock TX 794232nd: -  
1st: -

(806) 795-8874

Fax:

CEL

*E-mail***Ramirez**  
Mr. Jerry Y 3804 56th Street  
Lubbock TX 79413First Baptist Church  
2201 Broadway  
Lubbock TX 79401Curr:  5/1/2012 -  5/1/2014 **N**

2nd: -

1st: 5/1/2012 - 5/1/2012

Y

N

Y

(806) 745-4320

(806) 747-0281

Fax: (806) 740-3707

(806) 549-0034 CEL

*E-mail* jerry@fbclubbock.org**Scarborough**  
Mr. Scott 6502 2nd Street  
Lubbock TX 79416Tom's Tree Place  
5104 34th Street  
Lubbock TX 79410Curr:  5/1/2013 -  5/1/2015 **Y**

2nd: -

1st: 5/1/2011 - 5/1/2013

(806) 799-6694

(806) 799-3677

Fax: (806) 799-3680

CEL

*E-mail* scotts@tomstreeplace.com**Vasquez**  
Mr. David 9207 Garden Avenue  
Lubbock TX 79424Curr:  5/1/2012 -  5/1/2014 **Y**

2nd: -

1st: -

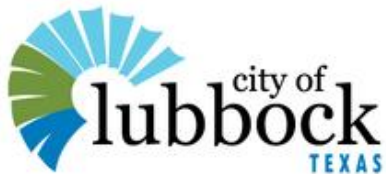
(806) 794-9743

Fax:

CEL

*E-mail* djv4@hotmail.com**Chair/Pres:** Alex McAdoo  
**Vice Chair/V.P.:** Brian Pierce  
**Sec./Treasurer:****Staff Liaison:** Pam Casarez  
**Term:** 2 Years  
**Ex-Officio Mbr.:** Quincy White (Asst City Mgr)

McAdoo 1st term 11.2007-05.2008



**Regular City Council Meeting**

**7. 1.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

Presentation by Human Resources. The City Council will discuss and take action concerning options, methods, search options, job requirements, time lines, and procedures in the hiring of a City Manager for the City of Lubbock.

**Item Summary**

**Fiscal Impact**

**Staff/Board Recommending**

---



**Regular City Council Meeting**

**7. 2.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

Quarterly presentation and related discussion on financial and other activities of or by the following entities, pursuant to Resolution 2013-R0086.

**Item Summary**

**Fiscal Impact**

**Staff/Board Recommending**

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**Regular City Council Meeting**

**7. 2. 1.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

Market Lubbock, Inc. and Lubbock Economic Development Alliance.

**Item Summary**

**Fiscal Impact**

**Staff/Board Recommending**

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**Attachments**

2nd Quarter - LEDA Quarterly Financials

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# Lubbock Economic Development Alliance, Inc.

## Board Report

June 2013

Budget Comparison	Annual Budget	Monthly Actual	Year to Date Actual	Year to Date Budget	YTD Budget Variance
<b>Revenue Budget</b>					
1/8% Local Sales Tax	4,779,816.00	382,841.71	3,826,429.59	3,546,542.25	279,887.34
Grant from Market Lubbock	2,600,000.00	-	2,150,000.00	2,000,000.00	150,000.00
Interest Income	14,750.00	1,987.54	14,389.99	11,062.49	3,327.50
Lease Income	9,920.00	-	1,200.00	9,920.00	(8,720.00) <sup>1</sup>
Other Income	-	732.20	(2,520.32)	-	(2,520.32)
Utilization of Net Assets	100,007.00	-	100,007.00	100,007.00	-
	<u>7,504,493.00</u>	<u>385,561.45</u>	<u>6,089,506.26</u>	<u>5,667,531.74</u>	<u>421,974.52</u>
<b>Expense Budget</b>					
Operating Expenses	5,796,493.00	575,137.64	3,414,290.09	4,520,456.99	1,106,166.90
Incentive Payments	1,600,000.00	59,500.00	425,533.00	1,215,000.00	789,467.00
Special Projects	108,000.00	504.96	38,063.46	83,000.00	44,936.54
	<u>7,504,493.00</u>	<u>635,142.60</u>	<u>3,877,886.55</u>	<u>5,818,456.99</u>	<u>1,940,570.44</u>
<b>Operating Expenses vs. Budget</b>					
	Budget	Monthly	Year to Date	YTD Budget	YTD Variance
Operating Expenses					
Personnel	1,528,400.00	88,485.90	808,188.81	975,375.00	167,186.19
Administrative & Office	839,336.00	70,887.00	519,099.01	640,787.02	121,688.01
Marketing & Sales	568,675.00	40,832.11	249,004.10	426,650.00	177,645.90
Debt Servicing	1,352,467.00	121,661.22	1,104,651.98	1,109,644.97	4,992.99
Capital Outlay - Office	18,000.00	-	9,128.60	18,000.00	8,871.40
Capital Outlay - Business Parks	1,489,615.00	253,271.41	724,217.59	1,350,000.00	625,782.41
Total Operating Expenses	<u>5,796,493.00</u>	<u>575,137.64</u>	<u>3,414,290.09</u>	<u>4,520,456.99</u>	<u>1,106,166.90</u>
<b>Liquidity</b>					
	Totals	Restricted for Cash Reserve	Unrestricted		
Cash - PlainsCapital - Operating	3,668,874.64	2,501,882.78	1,166,991.86		
Certificates of Deposit	1,248,429.22	1,248,429.22	-		
Totals	<u>4,917,303.86</u>	<u>3,750,312.00</u>	<u>1,166,991.86</u>		

### Explanations for Budget Variances

<sup>1</sup> The final crop lease for the Railport property was due December 31, 2012, but the tenant paid early and the \$3,760 was reflected in last year's income. Tenant payment was made after the budget was approved. Timing issue.

Lubbock Economic Development Alliance, Inc.  
Lubbock Economic Development Alliance, Inc.  
Job Creation & Capital Investment Incentive Commitments  
June 2013

Measurement Date	Prior Years' Payments	Prior Years' Commitments	FY13 Commitment	FY14 Commitment	FY15 Commitment	FY16 Commitment	FY17 Commitment	FY18 Commitment	Total Commitment
03/01/09	421,165.99	478,833.34	14,666.66	1,000.00					494,500.00
07/31/09	496,300.00	927,899.94	209,299.98	139,533.32	69,766.76				1,346,500.00
10/31/08	28,700.00	35,600.00	8,900.00						44,500.00
11/30/08	101,000.00	121,600.00	30,400.00						152,000.00
12/31/08	0.00	172,400.00	43,100.00						215,500.00
12/31/08	25,400.00	34,400.00	8,600.00						43,000.00
12/31/08	1,700.00	20,800.00	5,200.00						26,000.00
01/31/09	9,000.00	88,400.00	22,100.00						110,500.00
04/30/09	126,300.00	449,600.00	112,400.00						562,000.00
05/31/09	38,000.00	91,200.00	22,800.00						114,000.00
09/30/09	24,100.00	30,000.00	7,500.00						37,500.00
02/28/09	26,400.00	32,000.00	8,000.00						120,500.00
11/30/09	2,000.00	13,800.00	4,600.00	4,600.00					23,000.00
11/17/09	0.00	33,300.00	11,100.00	11,100.00					55,500.00
12/31/09	1,000.00	18,900.00	6,300.00	6,300.00					31,500.00
02/28/10	9,100.00	42,300.00	14,100.00	14,100.00					70,500.00
02/28/10	0.00	21,300.00	7,100.00	7,100.00					35,500.00
12/31/09	60,900.00	195,600.00	97,800.00	97,800.00	65,200.00	32,600.00			489,000.00
04/30/10	0.00	32,700.00	10,900.00	10,900.00					54,500.00
06/30/10	73,500.00	109,200.00	36,400.00	36,400.00					182,000.00
04/30/10	41,100.00	41,100.00	13,700.00	13,700.00					68,500.00
08/02/10	68,400.00	70,500.00	23,500.00	23,500.00					117,500.00
07/31/10	38,400.00	38,400.00	12,800.00	12,800.00					64,000.00
07/31/10	13,400.00	69,000.00	23,000.00	23,000.00					115,000.00
07/31/11	29,400.00	130,000.00	65,000.00	65,000.00					325,000.00
12/31/10	12,400.00	47,000.00	23,500.00	23,500.00					117,500.00
12/31/10	30,100.00	42,800.00	21,400.00	21,400.00					107,000.00
11/14/10	0.00	28,400.00	14,200.00	14,200.00					71,000.00
03/31/11	29,200.00	31,400.00	15,700.00	15,700.00					78,500.00
07/31/11	7,700.00	41,400.00	20,700.00	20,700.00					103,500.00
07/31/11	0.00	10,200.00	5,100.00	5,100.00					25,500.00
02/29/12	15,000.00	121,666.66	121,666.67	121,666.67	67,500.00	67,500.00			500,000.00
08/31/11		15,000.00	7,500.00	7,500.00			500,000.00		37,500.00
12/01/12	100,000.00	100,000.00	100,000.00	100,000.00					500,000.00
12/31/11	10,900.00	21,000.00	21,000.00	21,000.00					300,000.00
12/31/11	2,600.00	10,000.00	10,000.00	10,000.00					105,000.00
02/29/12	600.00	50,000.00	50,000.00	50,000.00					50,000.00
11/30/11	6,100.00	8,400.00	8,400.00	8,400.00					250,000.00
02/29/12	0.00	9,300.00	9,300.00	9,300.00					42,000.00
05/31/12	3,000.00	13,000.00	13,000.00	13,000.00					46,500.00
08/13/12	12,500.00	16,800.00	16,800.00	16,800.00					65,000.00
12/31/11	8,600.00	29,000.00	29,000.00	29,000.00					84,000.00
08/31/12	6,100.00	37,100.00	37,100.00	37,100.00					145,000.00
08/31/12	600.00	5,400.00	5,400.00	5,400.00					185,500.00
08/31/12	rescinded	5,400.00	5,400.00	5,400.00					27,000.00
04/30/14		10,000.00	10,000.00	10,000.00			10,000.00		50,000.00
01/31/13		36,200.00	36,200.00	36,200.00					181,000.00
01/31/13		125,400.00	63,400.00	63,400.00					379,000.00
04/15/13		9,200.00	9,200.00	9,200.00					46,000.00
02/28/13		41,000.00	62,900.00	62,900.00					394,000.00
06/30/13		44,600.00	44,600.00	44,600.00					214,500.00
08/31/13		17,200.00	17,200.00	17,200.00					223,000.00
02/28/13		4,500.00	4,500.00	4,500.00					86,000.00
08/31/13		19,900.00	19,900.00	19,900.00					22,500.00
02/28/13		15,500.00	15,500.00	15,500.00					98,500.00
06/30/13		11,700.00	11,700.00	11,700.00					96,500.00
04/30/14		42,100.00	42,100.00	42,100.00					111,000.00
		105,700.00	105,700.00	105,700.00					528,500.00
		200,000.00	200,000.00	200,000.00					200,000.00
Totals	1,942,365.99	4,043,099.94	1,735,733.31	1,693,599.99	1,069,366.76	747,900.00	428,500.00	687,100.00	10,425,000.00

## LEDA Land Development

June 2013

### Estimated Land Development Costs

	Estimated Cost	Amount Paid	Remaining Balance	Current Month Expense
<b>Lubbock Business Park</b>				
Master Plan Update - Amendment 7	30,400.00	30,400.00	-	
Costs for Developing Park				
Phase 1 (approved by Board - 12/18/06)				
PSC Professional Services	1,185,500.00	1,119,854.25	65,645.75	
Construction Phase - Amendment 1	356,400.00	356,400.00	-	
LBP Boulevard - east to MLK - Amend 3	94,400.00	94,400.00	-	
Landscaping/Irrigation - Amendment 5	58,575.00	48,776.85	9,798.15	
Elm/Hunter Extension - Amendment 6	349,200.00	336,189.86	13,010.14	
Master Plan Update - Amendment 7	30,400.00	30,400.00	-	
Nutmeg - Ldscp/Irrig/Streets - Amend 8 & 9	418,150.00	359,535.41	58,614.59	
Irrigation Wells - Amendment 11	61,800.00	51,842.60	9,957.40	
Duininck Bros. - (approved 08/02/07)	10,893,154.38	10,521,928.65	371,225.73	
Allen Butler - LBP Blvd east to MLK	812,627.20	816,529.55	(3,902.35)	
Turfmaster - LBP & N.Elm	568,965.20	568,965.20	-	
Allen Butler - N. Elm and E. Hunter	1,766,418.75	1,760,853.19	5,565.56	
Turfmaster - LBP & Nutmeg	667,796.25	667,796.25	-	
AUI Contractors - Nutmeg	1,994,934.80	1,949,553.94	45,380.86	
Deerwood Construction	126,591.43	126,591.43	-	
R & R Ditching - Berm & Drainage Channel	77,488.00	77,488.00	-	
Miscellaneous - Proj Chettah, L & I, Lummus	-	-		9,969.60
Total Phase I	19,462,401.01	18,887,105.18	575,295.83	
Phase II	20,455,423.00	-	20,455,423.00	
PSC Prof Serv - Design (approved 11/19/07)	176,100.00	173,584.49	2,515.51	
Duininck Bros - supplement - (app 03/17/07)	1,181,349.25	1,142,452.05	38,897.20	
Miscellaneous Exp - studies, Utah to I-27, Standard Sales				
Phase III	16,642,137.00	-	16,642,137.00	
PSC - Airspace Analysis - Amendment 4	19,700.00	19,700.00	-	
Misc - Eamest Money - Becknell	-	-	-	-
<b>Rail Port Park</b>				
Railport Utility Improvements				
PSC Professional Services	233,550.00	240,006.18	(6,456.18)	
EDA Grant/Design - Amendment 10	280,350.00	262,050.66	18,299.34	
EDA Grant/Construction - Amendment 12	261,540.00	313,851.77	(52,311.77)	45,287.37
Mitchell Ent - EDA Grant/Road & Utilities	1,337,810.47	1,103,098.46	234,712.01	187,259.30
Trac-Works, Inc. - EDA Grant/Rail & Trac	1,303,961.05	1,303,961.05	-	
Miscellaneous - Appraisal	-	-	-	10,755.14
Total Costs	3,417,211.52	3,222,968.12	194,243.40	
Reimbursement - U.S. Dept of Commerce - EDA	-	-	-	
<b>Total Monthly Expense</b>				<b><u>253,271.41</u></b>

**Market Lubbock, Inc.**  
**Board Report**  
**June 2013**

<u>Budget Comparison</u>	<u>Annual Budget</u>	<u>Monthly Actual</u>	<u>Year to Date Actual</u>	<u>Year to Date Budget</u>	<u>YTD Budget Variance</u>
<b>Revenue Budget</b>					
Property Tax Allocation	3,352,312.00	25,068.69	3,323,883.65	3,286,000.00	37,883.65
City Contribution - Tyco Incentive	1,000,000.00	-	1,000,000.00	1,000,000.00	-
Interest Income	2,100.00	473.35	2,423.51	1,920.00	503.51
Other Income	-	-	-	-	-
Budget from Fund Balance	<u>19,734.00</u>	<u>-</u>	<u>19,734.00</u>	<u>19,734.00</u>	<u>-</u>
	4,374,146.00	25,542.04	4,346,041.16	4,307,654.00	38,387.16
<b>Expense Budget</b>					
Operating Expenses	2,891,800.00	8,008.73	2,246,154.97	2,807,505.00	561,350.03
Incentive Payments	1,065,000.00	-	1,009,700.00	1,052,600.00	42,900.00
Special Projects	<u>417,346.00</u>	<u>-</u>	<u>25,000.00</u>	<u>312,259.52</u>	<u>287,259.52</u>
	4,374,146.00	8,008.73	3,280,854.97	4,172,364.52	891,509.55
<b>Operating Expenses vs. Budget</b>					
	<u>Budget</u>	<u>Monthly</u>	<u>Year to Date</u>	<u>YTD Budget</u>	<u>YTD Variance</u>
<b>Operating Expenses</b>					
Personnel	98,900.00	5,605.15	48,196.63	74,250.00	26,053.37
Administrative & Office	114,100.00	1,403.58	43,710.34	102,755.00	59,044.66
Marketing & Promotions	43,800.00	1,000.00	4,248.00	13,000.00	8,752.00
Capital Outlay	35,000.00	-	-	467,500.00	467,500.00
Grant to Lubbock EDA	<u>2,600,000.00</u>	<u>-</u>	<u>2,150,000.00</u>	<u>2,150,000.00</u>	<u>-</u>
Total Operating Expenses	2,891,800.00	8,008.73	2,246,154.97	2,807,505.00	561,350.03
	<b>Beginning</b>	<b>New</b>			
	<b>Totals</b>	<b>Restricted for Cash Reserve</b>	<b>Funds Earmarked for X-Fab/Cymbet</b>	<b>Unrestricted</b>	
<b>Liquidity</b>					
Cash - Prosperity Bank	1,806,874.55	173,592.00	500,000.00	1,133,282.55	

**Explanations for Budget Variances**

<sup>1</sup> Budgeted for fair market value of land for United Properties Project to be administered through Market Lubbock.

**Visit Lubbock  
Board Report  
June 2013**

Budget Comparison	Annual Budget	Monthly Actual	Year to Date Actual	Year to Date Budget	YTD Budget Variance
<b>Revenue Budget</b>					
Hotel/Motel Tax Revenues					
CVB Annual Allocation	1,963,856.00	-	1,472,892.00	1,472,892.00	-
CVB True-Up - FY12	308,436.00	-	308,435.55	308,435.55	-
LSA Annual Allocation	622,761.00	-	467,070.75	467,070.75	-
LSA True-Up - FY12	97,808.00	-	97,808.19	97,808.19	-
Investment Income	5,380.00	515.74	4,016.71	4,034.98	(18.27)
Sale of Promotional Items	4,500.00	873.18	2,484.86	3,375.00	(890.14)
Advertising Income	38,000.00	-	35,870.00	38,000.00	(2,130.00) <sup>1</sup>
Event Revenue	32,500.00	2,771.45	18,585.45	15,300.00	3,285.45
Other Income	-	-	-	-	-
Utilization of Net Assets	221,810.00	-	221,810.00	221,810.00	-
	3,295,051.00	4,160.37	2,628,973.51	2,628,726.47	247.04
<b>Expense Budget</b>					
Personnel	1,096,900.00	59,882.79	561,211.85	714,063.37	152,851.52
Administrative and Office	376,651.00	23,644.09	254,753.12	284,360.16	29,607.04
Marketing and Sales					
Industry Conventions	80,000.00	7,714.00	35,354.64	58,950.02	23,595.38
Incentives	131,000.00	991.31	84,142.00	81,000.00	(3,142.00) <sup>2</sup>
Convention and Sports Sales	215,000.00	15,764.26	97,752.84	158,786.35	61,033.51
Servicing Items	100,000.00	2,704.84	38,943.36	74,999.98	36,056.62
Print Materials - Advertising	418,000.00	34,567.06	262,311.98	303,363.38	41,051.40
Print Materials - Other	232,000.00	46,694.92	180,542.96	180,523.00	(19.96)
Public Relations	45,000.00	5,484.49	29,765.71	33,750.00	3,984.29
Sports Servicing	590,000.00	45,090.53	391,959.70	403,863.62	11,903.92
Capital Asset Purchases	10,500.00	-	4,579.68	7,875.00	3,295.32
	3,295,051.00	242,538.29	1,941,317.84	2,301,534.88	360,217.04
<b>Liquidity</b>					
	Totals	Restricted for Cash Reserve	Unrestricted		
Cash - Prosperity Bank - VL	796,664.97	255,064.90	541,600.07		
CDs - Prosperity Bank	862,952.10	862,952.10	-		
	1,659,617.07	1,118,017.00	541,600.07		

**Explanations for Budget Variances**

<sup>1</sup> All payments for the Visitor Guide Ad Sales have been received.

<sup>2</sup> The variance in Incentives is due to several large incentives paid out in April and May that are budgeted later in the summer.



**Regular City Council Meeting**

**7. 2. 2.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

Civic Lubbock, Inc.

**Item Summary**

**Fiscal Impact**

**Staff/Board Recommending**

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**Attachments**

CLI

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**Civic Lubbock, Inc.**  
**Balance Sheet**  
**June 30, 2013 and June 30, 2012**  
**(Unaudited)**

**ASSETS**

	<u>2013</u>	<u>2012</u>
<b>Current Assets</b>		
Cash and Cash Equivalents	\$ 894,356	\$ 764,099
Accounts Receivable	70,408	82,103
Inventories	82,777	77,187
Prepaid Expenses	11,471	8,729
<b>Total Current Assets</b>	<u><b>1,059,012</b></u>	<u><b>932,118</b></u>
<b>Other Assets</b>		
Restricted Cash and Cash Equivalents	973,446	569,306
<b>Total Other Assets</b>	<u><b>973,446</b></u>	<u><b>569,306</b></u>
<b>Capital Assets</b>		
Equipment	22,303	27,254
Fine Art	439,636	439,636
<b>Total Capital Assets</b>	<u><b>461,939</b></u>	<u><b>466,890</b></u>
<b>TOTAL ASSETS</b>	<u><u><b>\$ 2,494,397</b></u></u>	<u><u><b>\$ 1,968,314</b></u></u>

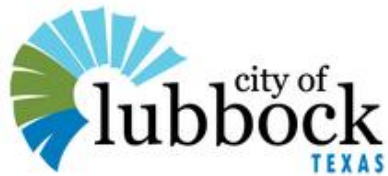
**LIABILITIES AND EQUITY**

<b>Current Liabilities</b>		
Accounts Payable	\$ 137,951	\$ 65,788
Due to City	85,516	74,787
Due to Promoter	707,746	252,620
<b>Total Current Liabilities</b>	<u><b>931,213</b></u>	<u><b>393,195</b></u>
<b>Non-Current Liabilities</b>		
Deposits Held for Others	9,922	9,524
Deferred Revenue	410,815	432,244
<b>Total Non-Current Liabilities</b>	<u><b>420,737</b></u>	<u><b>441,768</b></u>
<b>Total Liabilities</b>	<u><b>1,351,950</b></u>	<u><b>834,963</b></u>
<b>Equity</b>		
Net Assets Invested in Capital, Net of Debt	461,939	466,890
City Restricted Net Assets	100,000	100,000
Board Designated Net Assets	125,472	127,472
Unrestricted Net Assets	455,036	438,989
<b>Total Equity</b>	<u><b>1,142,447</b></u>	<u><b>1,133,351</b></u>
<b>TOTAL LIABILITIES AND EQUITY</b>	<u><u><b>\$ 2,494,397</b></u></u>	<u><u><b>\$ 1,968,314</b></u></u>

**Civic Lubbock Inc.**  
**Statement of Revenues, Expenses and Changes in Fund Net Assets**  
**As of June 30, 2013**  
**(Unaudited)**

	Actual Year to Date	Budget	Percentage of Budget Realized
<b>Revenues</b>			
Civic Center Concessions	\$ 307,408	387,925	79.24
Auditorium/Coliseum Concessions	214,121	300,460	71.26
Select-A-Seat	731,136	445,423	164.14
Administration	527,978	831,250	63.52
Cultural Arts Grants	144,859	212,235	68.25
Local Grants/Special Events	60,007	84,461	71.05
Texas Commission on Arts Grants	4,463	4,463	100.00
Festival,Arts Entertainment Grants	-	607	-
<b>Total Revenues</b>	<u>1,989,972</u>	<u>2,266,824</u>	87.79
<b>Expense Category</b>			
Operating			
Civic Center Concessions	272,737	350,069	77.91
Auditorium/Coliseum Concessions	177,485	259,243	68.46
Select-A-Seat	583,236	439,923	132.58
Administration	553,629	878,342	63.03
Cultural Arts Grants	144,859	212,235	68.25
Local Grants/Special Events	80,934	174,942	46.26
Texas Commission on Arts Grants	4,463	4,463	100.00
Festival,Arts Entertainment Grants	-	607	-
<b>Total Operating</b>	<u>1,817,343</u>	<u>2,319,824</u>	78.34
Non-Operating			
Depreciation	3,713	-	
<b>Total Non-Operating</b>	<u>3,713</u>	<u>-</u>	
<b>Total Expenses</b>	<u>1,821,056</u>	<u>2,319,824</u>	
Change in Net Assets	\$ <u>168,916</u>	<u>(53,000)</u>	
<b>Total Net Assets - Beginning</b>	<u>973,531</u>	<u>973,531</u>	
<b>Total Net Assets - Ending</b>	\$ <u>1,142,447</u>	<u>920,531</u>	

\* Budget is on cash basis. Statement is on modified accrual basis.



**Regular City Council Meeting**

**7. 2. 3.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

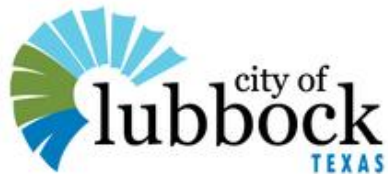
North Overton Tax Increment Financing (TIF) Reinvestment Zone.

**Item Summary**

**Fiscal Impact**

**Staff/Board Recommending**

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**Regular City Council Meeting**

**7. 2. 4.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

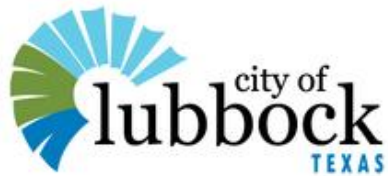
Central Business District Tax Increment Financing (TIF) Reinvestment Zone.

**Item Summary**

**Fiscal Impact**

**Staff/Board Recommending**

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**Regular City Council Meeting**

**7.2.5.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

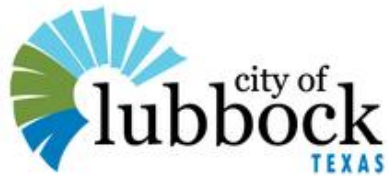
Lubbock Business Park Tax Increment Financing (TIF) Reinvestment Zone.

**Item Summary**

**Fiscal Impact**

**Staff/Board Recommending**

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**Regular City Council Meeting**

**7. 2. 6.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

2009 Bond Election Committee.

**Item Summary**

**Fiscal Impact**

**Staff/Board Recommending**

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**Regular City Council Meeting**

**7.3.**

**Meeting Date:** 08/22/2013

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**Information**

**Agenda Item**

Discuss and possibly take action on the City's emergency response plan, and its early warning systems for severe weather alerts to the general public.

**Item Summary**

**Fiscal Impact**

**Staff/Board Recommending**

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