

City of Lubbock, Texas
Regular City Council Meeting
Thursday, February 28, 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



Lee Ann Dumbauld, City Manager
Sam Medina, City Attorney
Rebecca Garza, City Secretary

<http://www.mylubbock.us>

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

City of Lubbock City Council Meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at 775-2025 or write to Post Office Box 2000, Lubbock, Texas 79457 at least 48 hours in advance of the meeting.

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

3:00 p.m. -- City Council convenes in open session, and recesses into executive session to consider items 1.-1.4

6:15 p.m. -- City Council reconvenes in open session to consider items 2.-7.1

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. Civil Action No. 5-13CV0030-C Jerry Williams and Crystal McKinzie as the parents of Jamar Mickinzie, Plaintiffs vs. City of Lubbock Police Department; Jennifer Breazeale in her official capacity, Defendants.
 1. 1. 2. Concerning the bylaws and the articles of incorporation of Lubbock Economic Development Alliance and Market Lubbock Development Corporation and the proposed amendments thereof.
 1. 1. 3. Omni Building located at 1208 14th Street.
 1. 1. 4. City Council's authority concerning City of Lubbock appointees and employees.
 1. 1. 5. Lone Star Dirt & Paving, Inc.
 1. 1. 6. Case No. SA06CA0381 OG, City of San Antonio, Texas.
 1. 1. 7. City Bank Auditorium and City Bank Coliseum.
 1. 1. 8. Appaloosa Development, LP and Lubbock Water Rampage, LLC v. City of Lubbock, Texas, Cause No. 2011-559,102; 99th District Court; Lubbock County, Texas.
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. Real property interests in the vicinity of Slide Road and Marsha Sharp Freeway, Lubbock, Lubbock County, Texas, for the purposes of water development, pumping, and control.
1. 2. 2. Omni Building located at 1208 14th Street.
1. 2. 3. City Bank Auditorium and City Bank Coliseum.
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. 3. 4. City Council's authority concerning City of Lubbock appointees and employees.
1. 4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a), to discuss personnel matters regarding the duties, responsibilities, and/or appointments to the Electric Utility Board, North Overton Tax Increment Finance Reinvestment Zone Board of Directors, and Urban Renewal & Neighborhood Redevelopment Commission.

2. **Proclamations and Presentations**

2. 1. Invocation by Pastor Wesley Bygel, Lubbock Baptist Temple.

2. 2. Pledges of Allegiance.

2. 3. **Health & Educational Facilities Development Corporation:**
James Schneider

Urban Design & Historic Preservation Commission:
Scott Schellhase

2. 4. Presentation of special recognition to John Michael Getz for being chosen to participate in the United States Senate Program in Washington, D.C. in March, 2013.

2. 5. Presentation by the Lubbock Apartment Association presenting the donation of funds from the Mayor's State of the City Address to the Honor Flight for 2013.

2. 6. Presentation of special recognition of Shane Bell, City Water Department, for receiving the Texas Water Utilities Association, Outstanding New Professional Award for 2012.

2. 7. Presentation of special recognition to Randy Henson for his service to the City of Lubbock.

2. 8. Presentation of a special recognition to Scout Master Gary Hanson and Boy Scout Troop 590.

2. 9. Presentation of special recognitions to community organizations and individuals who held events celebrating Black History Month in Lubbock.
2. 10. Presentation of special recognition to Mayor Pro Tem Karen Gibson recognizing her Texas Municipal League achievement.
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. Maurice Stanley will appear before the City Council to discuss maintenance issues.
 3. 2. Mikel Ward will appear before the City Council to discuss the tax implications and options of City facilities.
4. **Minutes**
 4. 1. January 31, 2013 Regular City Council Meeting
February 8, 2013 Special City Council Meeting (Fire Pinning Ceremony)
5. **Consent Agenda - Items considered to be routine and enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.**
 5. 1. **Budget Ordinance Amendment 1st Reading - Finance:** Consider Budget Amendment 15, respecting the Grant Fund, to accept and appropriate additional funding from the Dallas Police Department for the Internet Crimes Against Children (ICAC) Task Force Grant; accept and appropriate funding from the Federal Transit Administration (FTA) for the FY 12 Section 5309 State of Good Repair Grant; reduction in the FY 2012-13 Master Lease program; General Fund increase in utilization of net assets; Solid Waste Fund increase in utilization of net assets; Wastewater Fund increase in utilization of net assets; Water Fund increase in utilization of net assets; Cemetery Fund increase in utilization of net assets; Fleet Fund increase in utilization of net assets; Civic Center Fund increase in Utilization of net assets; providing for filing; and providing for a savings clause.
 5. 2. **Budget Ordinance Amendment 1st Reading - Finance:** Consider Budget Ordinance Amendment 16 amending the Adopted FY 2012-13 Budget respecting the Fire Pay Plan to provide for greater separation in pay between Battalion Chief, Division Chief, and Deputy Chief; and position control by increasing Battalion Chiefs by one position, and decreasing Captains by one position.
 5. 3. **Resolution - Finance:** Consider a resolution authorizing publication of Notices of Intention to Issue Tax and Waterworks System Surplus Revenue Certificates of Obligation, General Obligation Bonds, and Electric Light and Power System revenue bonds.

5. 4. **Resolution – Finance:** Consider a resolution expressing intent to finance expenditures to be incurred for projects approved by the City Council in the FY 2012-13 Operating Budget Amendment, Ordinance 2012-00143, and to reimburse itself from the proceeds of obligations that will be issued in a subsequent period.
5. 5. **Contract Resolution – Finance:** Consider a resolution authorizing the Mayor to execute contract 11076, a Master Lease Agreement, between the City and Banc of America Public Capital Corp, RFP 13-11076-DT.
5. 6. **Ordinance 1st Reading – Right-of-Way:** Consider Ordinance 2013-00016 abandoning and closing portions of 5th Street, Avenue U, and two alleys, within or adjacent to Blocks 34, 35, 62, and 63 Overton Addition, 2104 5th Street.
5. 7. **Contract Resolution - Public Works Engineering:** Consider a resolution authorizing the Mayor to execute contract 11134 with Lone Star Dirt and Paving, Ltd., of Lubbock, Texas, for the McAlister Park Master Cut and Fill Project, RFP 13-11134-DG.
5. 8. **Contract Resolution - Public Works Engineering:** Consider a resolution authorizing the Mayor to execute contract 11196 with SGS Engineering, LLC, for the design of phase 2 of the downtown utility duct system.
5. 9. **Resolution - Civic Center:** Consider a resolution authorizing the Mayor to execute a lump sum price contract 10604 with Centennial Moisture Control, Inc., to provide repairs to the Lubbock Memorial Civic Center Pedestrian Walkway, BID 12-10604-DT.
5. 10. **Contract Resolution - Civic Center:** Consider a resolution authorizing the Mayor to execute a job order contract 13-11175-JOC with Minnix Commercial Partners, Ltd., to provide renovations to the Civic Center Plaza area at the Lubbock Memorial Civic Center.
5. 11. **Contract Resolution - Solid Waste:** Consider a resolution authorizing the Mayor to execute contract 11159 with BWI Companies, Inc. to provide alternate daily cover material at the landfill, BID 13-11159-RH.
5. 12. **Contract Resolution - Fleet Services:** Consider a resolution authorizing the Mayor to reject all bids for Refuse Collection Packer Bodies, ITB 13-11106-RH.
6. **Regular Agenda**
 6. 1. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3047-E, a request of AMD Engineering, LLC, for George McMahan for a zoning change from R-1 Specific Use to R-1 Specific Use for garden homes with reduced rear setback for third car garage units, reduced side setback on corner lots on 1.42 acres, R-1 Specific Use for reduced front and side setbacks, and reduced rear setbacks for third car garage units from the alley on 29.08 acres of unplatted land out of Block E-2, Section 23 (north of 122nd Street between Slide Road and Quaker Avenue) and consider an ordinance.
 6. 2. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3048-E, a request of McDougal Land for a zoning change from R-2 and A-1 to A-3 Specific Use for apartments on Lots 13 through 24 of Block 63, Lots 13 through 24 of Block 34, Blocks 35, and 62 and half of the adjacent right-of-way, Overton Addition (5th Street between Avenue T and Avenue V) and consider an ordinance.

6. 3. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3118-A, a request of Hugo Reed and Associates, Inc., for FP Investors I, LLC for a zoning change from R-1 Specific Use to R-2 Specific Use for reduced setbacks for duplexes on 17.5 acres of unplatted land out of Block AK, Section 4 (133rd Street between Norfolk Avenue and Knoxville Avenue) and consider an ordinance.
6. 4. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3083-A, a request of Hugo Reed and Associates, Inc., for Carl Mortensen for a zoning change from R-1 to R-1 Specific Use for riding stables with a reduced setback for the stables on 5.5 acres of unplatted land out of Block AK, Section 21 (109th Street and Ironton Avenue) and consider an ordinance.
6. 5. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 2785-A, a request of Texico Conference Association of Seventh-day Adventists, for Tigris Development, LLC for a zoning change from A-2 limited to church use to A-2 on 9 acres of unplatted land out of Block E, Section 10 (2005 98th Street) and consider an ordinance.
6. 6. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3096-A, a request of Justin Houston, P.E., for Rex Robertson for a zoning change from C-3, GO, and R-1 to C-3 Specific Use on 24.763 acres of unplatted land out of Block E-2, Section 25 (114th Street and Slide Road) and consider an ordinance.
6. 7. **Public Hearing 6:30 p.m. - Planning:** Consider a request for Zone Case 3202, a request of Scott Collier, for 1585 Partners, LLC for a zoning change from T Transitional to C-3 for retail stores on 10.833 acres of unplatted land out of Block AK, Section 5 (Southwest corner of 130th Street and Quaker Avenue) and consider an ordinance.
6. 8. **Public Hearing 6:30 p.m. - Planning:** Consider a request to amend the zoning code to allow “apartments” in the CB-2 district, rather than “A-2 apartments” as currently permitted, and amend the CB-2 parking requirements to add standards for apartments and consider an ordinance.
6. 9. **Resolution - City Council:** Consider a resolution formally directing the City Manager to schedule quarterly appearances and presentations to the City Council by a representative of each of the following entities, or by the City Manager: All Tax Increment Finance (TIF) District activity in the City of Lubbock, Lubbock Power & Light, Lubbock Economic Development Alliance, Market Lubbock, Inc., Lubbock Convention & Tourism Bureau, Lubbock Sports Authority, Civic Lubbock, Inc., Lubbock Bond Advisory Committee, and City of Lubbock Audit Committee.
6. 10. **Resolution - Public Works Water Resources:** Consider a resolution authorizing the Mayor to approve and adopt the 2013 Strategic Water Supply Plan for the City of Lubbock.
6. 11. **Ordinance Amendment 1st Reading - Public Works Water Resources:** Consider an amendment to the Code of Ordinances, Section 22.03.085 (6)(A), that increases the water volume rate multiplier from 1.3 to 1.5 for “wholesale” water customers located outside of the City’s corporate limits.
6. 12. **Board Appointment - City Secretary:** Appoint the Vice Chairperson of the Lubbock Water Advisory Commission.
6. 13. **Board Appointments - City Secretary:** Consider seven appointments to the Community Development & Services Board, one appointment to the Electric Utility Board, nine appointments to the Keep Lubbock Beautiful Advisory Committee, three appointments to the North Overton TIF Reinvestment Zone Board of Directors, and three appointments to the Urban Renewal & Neighborhood Redevelopment 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 and update regarding North and East Lubbock Community Development Corporation regarding accomplishments, current status, and future needs.

**BOARD APPOINTMENTS FOR
REGULAR CITY COUNCIL MEETING, FEBRUARY 28, 2013 - EXECUTIVE SESSION**

Officer of City		Board Name & No.	Member Name	Term Expires	Attend %	Membership Requirements	Recommended Action	Eligible?
*	1	ELECTRIC UTILITY BOARD	DAVIS, MIKE	11.01.13	N/A		RESIGNED/REPLACE	N/A
*	2	NORTH OVERTON TIF REINVESTMENT ZONE BOARD OF DIRECTORS	MAYFIELD, STAN	03.01.13	100%		REAPPOINT	Y
			RUSHING, DON	03.01.13	100%		REAPPOINT	Y
			THRASH, HOWARD	03.01.13	50%		REAPPOINT	Y
*	3	URBAN RENEWAL & NEIGHBORHOOD REDEVELOPMENT COMMISSION	BORHANI, MARCUS	03.01.13	N/A	ENGINEER	REAPPOINT	Y
			HUNTER, PATRICK	03.01.13	N/A	LEGAL	REAPPOINT	Y
			KIESLING, JUANITA	03.01.13	75%	GENERAL PUBLIC	REAPPOINT	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: 2/17/2013

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	
1012		Lynn	Samuel	M	A		40-49	Human Resou	Caprock Home	5	
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	
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	
0404		Williams	Peggy	F	A	S	50-59	Banker	American Bank	5	
0803		Wilson	Margaret	F	A	C	60+	Retired - Tech	Retired	5	

ELECTRIC UTILITY BOARD

	<u>Lubbock Population</u>	<u>Lubbock Adult Population</u>	<u>All City Boards</u>	<u>This Board</u>
<u>ETHNICITY</u>				
Anglo	55.0%	61.0%	77.8%	89.0% (8)
Hispanic	32.6%	27.6%	8.9%	11.0% (1)
African-American	8.7%	7.4%	9.5%	0.0% (0)
Other	15.6%	4.0%	3.8%	0.0% (0)
<u>GENDER</u>				
Male	48.5%	47.0%	73.2%	89.0% (9)
Female	51.5%	53.0%	26.8%	11.0% (1)
<u>GEOGRAPHIC DISTRIBUTION</u>				
District 1	16.1%	14.9%	11.8%	11.1% (1)
District 2	16.4%	12.7%	3.2%	0.0% (0)
District 3	16.3%	16.1%	14.6%	11.1% (1)
District 4	17.0%	17.0%	21.3%	11.1% (1)
District 5	16.7%	19.4%	28.7%	33.3% (3)
District 6	17.2%	19.9%	16.6%	33.3% (3)
Other/Unknown	0.0%	0.0%	3.8%	0.0% (0)

PURPOSE:

Governmental body over LP&L for all electric utility related matters of the City’s municipally owned electric utility. The City Council retains authority over rates, budget, issuing debt and eminent domain.

APPOINTMENT INFORMATION:

Member Name &

<u>Demographic Facts</u>	<u>Attend</u>	<u>Eligible</u>	<u>Action</u>
Davis, Mike (M,A,5)	90%	Y	Resigned/Replace

APPOINTMENTS ADVISORY BOARD RECOMMENDATIONS:

Positions were not considered by the Board.

ELECTRIC UTILITY BOARD RECOMMENDATIONS:

See attached EUB Resolution

RESOLUTION

WHEREAS, Chapter 1, Article XII, Section 1 of the Lubbock City Charter and Chapter 2 Division 12 of the Code of Ordinances establishes and outlines certain responsibilities and duties of the Electric Utility Board (the "Board"); and

WHEREAS, Chapter 1, Article XII, Section 1 of the Lubbock City Charter states that a member of the Board must be a citizen of the city of Lubbock and an eligible voter; and

WHEREAS, Section 2.03.413(a) of the above described ordinance states that the City Council shall consider extensive business and/or financial experience as well as whether or not a prospective Board member is a customer of Lubbock Power & Light, where available, as qualifications for being a member of the Board; and

WHEREAS, Section 2.03.415(e) of the above described ordinance states that the Electric Utility Board shall nominate individuals to the City Council for their consideration in appointing members to the Electric Utility Board; and

WHEREAS, due to other business opportunities Mike Davis, Chairman of the Board, submitted his resignation to the Electric Utility Board effective January 1, 2013; and

WHEREAS, pursuant to the procedures outlined in Section 2.03.415(e) of the Code of Ordinances, City of Lubbock, Texas, the Electric Utility Board of the City of Lubbock deems it in the best interest of the City of Lubbock and its municipally owned electric utility, Lubbock Power & Light, to recommend to the City Council that the individual outlined below be appointed to the Electric Utility Board; NOW THEREFORE:

BE IT RESOLVED BY THE ELECTRIC UTILITY BOARD OF THE CITY OF LUBBOCK:

1. THAT, due to the fact that Mike Davis, Chairman of the Board, has submitted his resignation to the Electric Utility Board, the Board recommends to the City Council that the following individuals be appointed to fill this position:

JOE RAPIER

GREG JONES

PAUL RUIZ

2. THAT this resolution be filed with the City Secretary and that the recommendations made herein be conveyed to the City Council of the City of Lubbock.

Passed by the Electric Utility Board this 15 day of JANUARY, 2013.

Gail Krings
GAIL KRING, Chairman

ATTEST:

Robert Musselman
ROBERT MUSSELMAN Board Secretary

APPROVED AS TO FORM:

Matthew L. Wade
Matthew L. Wade
General Counsel- LP&L

City of Lubbock
Board and Commission Recruiting Database

Updated: 2/17/2013

Sorted: By Preference

Key: CS - Presently serving on board(s)

X - Prior service on board(s)

PCI - Possible Conflict of Interest

T - Temporary

Electric Utility Board-Charter

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:

1206		Coke	Christopher	M	A	C	40-49	Sr. Vice President	American State Bank	3
1212		Conwright	James	M	AA		18-29	Loan Officer	Vista Bank	6
1006		Griffith	Richard	M	A		60+	Self Employed	SOS Waste Disposal	3
1010		Rothwell	Gary	M	A		50-59	Real Estate Investments	Gary Rothwell, Inc.	5
1109		Russell	Carl	M	A		50-59	Real Estate Developer	Carl M Russell Land & D	4

Second Preference:

1011		Jordan	Carolyn	F	A		60+	Pastor	Christ United Methodist	5
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Third Preference:

1007		Hudgens	Dickie	M	A		60+	Retired CPA		3
0212		Peel	Michael	M	A		40-49	Sales	Benchmark	
1011		Wiggins	Gary	M	A		60+	Retired		3

Fourth Preference:

0908		Franklin	Johnny	M	A		50-59	Retired		5
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Fifth Preference:

1011		Burch	Douglas	M	A		40-49	Owner	Venture Communication	5
1211		Grimstead	Tricia	F	A		30-39	Apartment Owner	AG Rentals, LTD.	5
0703		Wells	Ben	M	A		18-29	Banker	City Bank	5

Sixth Preference:

Committee #105 Electric Utility Board-Charter

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

	<i>Confidential?</i>	<u>Home</u>	<u>Business</u>	<i>Reappt Elig.</i>
Abeyta Mr. Emilio	Y	5704 79th Street Lubbock TX 79424	Abeyta Law Office 820 Buddy Holly Ave. #6 Lubbock TX 79401	Y
	Y	(806) 794-7162	(806) 765-5161	
<i>E-mail</i> abeytaattorney@aol.com			CELL	
Blake Ms. Suzanne	Y	3315 21st Street Lubbock TX 79401	Blake Cooper Financial 1001 Main Street, Ste 802 Lubbock TX 79401	Y
	Y	(806) 792-7317	(806) 744-5511	
	Y	(806) 790-0122	CELL	
<i>E-mail</i> sblake@blakecooperfinancial.c				
Carpenter Mr. George	Y	4802 6th Street Lubbock TX 79416	Armstrong Mech. Co. P.O. Box 3430 Lubbock TX 79452	Y
	Y	(806) 799-3514	(806) 747-4218	
<i>E-mail</i> gwc@armstrongservices.com			CELL	
Davis Mr. Mike	Y	8914 York Pl Lubbock TX 79424	Sysco West Texas 714 2nd Place Lubbock TX 79401	N
	Y	(806) 441-3659	(806) 712-1400	
<i>E-mail</i> davis.mike@wtx.sysco.com			CELL	
Isom Mr. Clayton	N	3003 23rd Street Lubbock TX 79410	Tao Development 905 Avenue K Lubbock TX 79401	Y
	Y	(806) 441-1320	(806) 722-0660	
<i>E-mail</i> cisom@taorealestate.com			CELL	

Chair/Pres: Gail Kring	Staff Liaison: Gary Zheng
Vice Chair/V.P.: Emilio Abeyta	Term: 2 Years
Sec./Treasurer: Robert Musselman	Ex-Officio Mbr.: Mayor or Mayor's Appointee

Created by Charter Amendment-Nov 2004.

Ord 2004-00152 states no more than 3 two-year terms. Terms served for one year or less do not apply to 3 two-year term limit.

*** **CONFIDENTIAL INFORMATION NOT TO BE RELEASED!!** ***

Last Update: 2/17/2013

Committee #105 Electric Utility Board-Charter

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

	<i>Confidential?</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
Kring Mr. Rodney	N	9506 Winston Avenue Lubbock TX 79424	PYCO Industries 2901 Avenue A Lubbock TX 79408	Curr: 11/1/2011 - 11/1/2013	Y
	N	(806) 798-7386	(806) 747-3434	2nd: - 1st: 11/5/2009 - 11/1/2011	
				Fax: (806) 744-3221	
<i>E-mail</i>		gkring@pycoindustries.com			
McDonald Mr. Carroll	Y	2816 North Meadow Drive Lubbock TX 79403		Curr: 11/1/2011 - 11/1/2013	Y
	Y	cmcdonald@nts-online.net		2nd: -	
	Y	(806) 762-5011		1st: -	
	Y			Fax:	
<i>E-mail</i>		CELL			
McDougal Mr. Marc	Y	4104 109th Street Lubbock TX 79424	McDougal Companies 5001 West Loop 289 Lubbock TX 79414	Curr: 11/1/2011 - 11/1/2013	Y
	N			2nd: -	
	Y		(806) 793-0703	1st: -	
	Y			Fax:	
<i>E-mail</i>		CELL			
Musselman Mr. Robert	N	4616 7th Street Lubbock TX 79416		Curr: 11/1/2011 - 11/1/2013	Y
	N	rmusselman@xanadoo.com		2nd: -	
	N	(806) 792-8605	(806) 762-3472	1st: -	
	Y			Fax: (806) 762-3969	
<i>E-mail</i>		CELL			

Chair/Pres:	Gail Kring	Staff Liaison:	Gary Zheng
Vice Chair/V.P.:	Emilio Abeyta	Term:	2 Years
Sec./Treasurer:	Robert Musselman	Ex-Officio Mbr.:	Mayor or Mayor's Appointee

Created by Charter Amendment-Nov 2004.

Ord 2004-00152 states no more than 3 two-year terms. Terms served for one year or less do not apply to 3 two-year term limit.

NORTH OVERTON TAX INCREMENT FINANCING REINVESTMENT ZONE

	<u>Lubbock Population</u>	<u>Lubbock Adult Population</u>	<u>All City Boards</u>	<u>This Board</u>
<u>ETHNICITY</u>				
Anglo	55.0%	61.0%	77.8%	100.0% (6)
Hispanic	32.6%	27.6%	8.9%	0.0% (0)
African-American	8.7%	7.4%	9.5%	0.0% (0)
Other	15.6%	4.0%	3.8%	0.0% (0)
<u>GENDER</u>				
Male	48.5%	47.0%	73.2%	85.3% (5)
Female	51.5%	53.0%	26.8%	16.7% (1)
<u>GEOGRAPHIC DISTRIBUTION</u>				
District 1	16.1%	14.9%	11.8%	0.0% (0)
District 2	16.4%	12.7%	3.2%	0.0% (0)
District 3	16.3%	16.1%	14.6%	33.3% (2)
District 4	17.0%	17.0%	21.3%	33.3% (2)
District 5	16.7%	19.4%	28.7%	33.3% (2)
District 6	17.2%	19.9%	16.6%	0.0% (0)
Other/Unknown	0.0%	0.0%	3.8%	0.0% (0)

PURPOSE:

To encourage development and redevelopment in the North Overton area. Responsible for administering the North Overton Tax Increment Financing Reinvestment Zone throughout it's 30-year life span and for recommending projects to be financed by the district with the approval of the City Council.

QUALIFICATIONS: Members of this board must be at least 18 years of age and owners of real property in the TIF zone or employees or agents of someone who owns property in the zone.

APPOINTMENT INFORMATION:

Member Name &

<u>Demographic Facts</u>	<u>Attend</u>	<u>Eligible</u>	<u>Action</u>
Mayfield, Stan (M,A,4)	100%	Y	Reappoint
Rushing, Don (M,A,4)	100%	Y	Reappoint
Thrash, Howard (M,A,3)	50% ¹	Y	Reappoint

APPOINTMENTS ADVISORY BOARD RECOMMENDATIONS:

To reappoint Stan Mayfield, Don Rushing, and Howard Thrash

¹ Board met twice in 2012.

City of Lubbock
Board and Commission Recruiting Database

Updated: 2/17/2013

Sorted: By Preference

Key: CS - Presently serving on board(s)

X - Prior service on board(s)

PCI - Possible Conflict of Interest

T - Temporary

North Overton Tax Increment Finance District

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

First Preference:

0614		Metcalf	Kurt	M	A		50-59	General Manager	Overton Hotel	5
1204		Newsom	Mikella	F	A		30-39	Vice President, Asst. CFP	City Bank Texas	0

Second Preference:

0509		Pena	Esther	F	H	S	30-39	Sales & Marketing Manage	Amerigroup	5
1210		Winter	Kyle	M	A		30-39	Attorney	McClesky, Harriger, Bra	4

Third Preference:

1005		Davidson	Lea	F	A		50-59	Coordinator Special Events	Texas Tech University	3
------	--	----------	-----	---	---	--	-------	----------------------------	-----------------------	---

Fourth Preference:

Fifth Preference:

0501		Bounds	Jack	M	A	C	60+	Investments	Jack Bounds Investment	2
------	--	--------	------	---	---	---	-----	-------------	------------------------	---

Sixth Preference:

Committee #81 North Overton Tax Increment Finance District

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

	<i>Confidential?</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
Driskill Mr. Jack	Y	4909 93rd St Lubbock TX 79424	McWhorter, Cobb & Johnson 1722 Broadway Lubbock TX 79401	Curr: 3/1/2012 - 3/1/2014 2nd: 3/1/2010 - 3/1/2012 1st: 3/1/2008 - 3/1/2010	Y
	Y	(806) 794-5207	(806) 762-0214	Fax: (806) 762-8014	
	Y		CELL		
<i>E-mail jdriskill@mcjllp.com</i>					
Mayfield Mr. Stan		3714 67th St Lubbock TX 79413	City Bank 611 University Lubbock TX 79401	Curr: 3/1/2011 - 3/1/2013 2nd: 3/1/2009 - 3/1/2011 1st: 3/1/2007 - 3/1/2009	Y
		(806) 797-0708	(806) 687-2265	Fax: (806) 687-5638	
			CELL		
<i>E-mail smayfield@citybanktexas.com</i>					
Moore Mr. Kent	Y	6918 Nashville Dr. Lubbock TX 79413	Blue Monkey / Leonards 2407 9th Street Lubbock TX 79401	Curr: 3/1/2012 - 3/1/2014 2nd: - 1st: -	Y
	Y		(806) 747-6444	Fax:	
	Y	(806) 577-5178	CELL		
<i>E-mail</i>					
Murfee Mr. Patrick		3113 28th Street Lubbock TX 79410	P.O. Box 10313 Lubbock TX 79408	Curr: 3/1/2012 - 3/1/2014 2nd: 3/1/2010 - 3/1/2012 1st: 3/1/2008 - 3/1/2010	Y
		(806) 791-5905	(806) 765-8015	Fax:	
			CELL		
<i>E-mail</i>					
Rushing Mr. Don		3801 107th St Lubbock TX 79423	Lubbock Commercial Building 2737 82nd St Lubbock TX 79423	Curr: 3/1/2011 - 3/1/2013 2nd: 3/1/2009 - 3/1/2011 1st: 3/1/2007 - 3/1/2009	Y
		(806) 745-7984	(806) 748-7310	Fax: (806) 748-7375	
			CELL		
<i>E-mail don@lubbocklease.com</i>					

Chair/Pres:	Jack Driskill	Staff Liaison:	Cheryl Brock
Vice Chair/V.P.:	Patrick Murfee	Term:	2 Years
Sec./Treasurer:		Ex-Officio Mbr.:	

Council appoints Chair; Council consensus - Members can serve more than two terms. Mayfield 1st term 3.14.05-3.01.07; Rushing 4.24.03-03.01.07

Driskill served 03.02-03.04, 03.04-03.06, 03.06-03.08; Murfee served 03.02-03.04, 03.04-03.06, 03.06-03.08

Committee #81 North Overton Tax Increment Finance DistrictPerm./Temp. Board: **P**

Confidential?

HomeBusinessReappt
Elig.**Thrash**
Mr. Howard3001 24th Street
Lubbock TX 79410

(806) 792-6998

E-mail howard@hgthrash.comH.G. Thrash Clothing
2010 Broadway
Lubbock TX 79410

(806) 741-0303

CELL

Curr: 3/1/2011 - 3/1/2013 Y
2nd: 5/28/2009 - 3/1/2011
1st: 11/1/2008 - 3/1/2009
Fax: (806) 744-4271**Chair/Pres:** Jack Driskill
Vice Chair/V.P.: Patrick Murfee
Sec./Treasurer:**Staff Liaison:** Cheryl Brock
Term: 2 Years
Ex-Officio Mbr.:Council appoints Chair; Council consensus - Members can serve more than two terms. Mayfield 1st term
3.14.05-3.01.07; Rushing 4.24.03-03.01.07

Driskill served 03.02-03.04, 03.04-03.06, 03.06-03.08; Murfee served 03.02-03.04, 03.04-03.06, 03.06-03.08

*** **CONFIDENTIAL INFORMATION NOT TO BE RELEASED!!** ***

Last Update: 2/17/2013

URBAN RENEWAL / NEIGHBORHOOD REDEVELOPMENT COMMISSION

	<u>Lubbock Population</u>	<u>Lubbock Adult Population</u>	<u>All City Boards</u>	<u>This Board</u>
<u>ETHNICITY</u>				
Anglo	55.0%	61.0%	77.8%	77.8% (7)
Hispanic	32.6%	27.6%	8.9%	0.0% (0)
African-American	8.7%	7.4%	9.5%	22.2% (2)
Other	15.6%	4.0%	3.8%	0.0% (0)
<u>GENDER</u>				
Male	48.5%	47.0%	73.2%	66.7% (6)
Female	51.5%	53.0%	26.8%	33.3% (3)
<u>GEOGRAPHIC DISTRIBUTION</u>				
District 1	16.1%	14.9%	11.8%	22.2% (2)
District 2	16.4%	12.7%	3.2%	11.1% (1)
District 3	16.3%	16.1%	14.6%	11.1% (1)
District 4	17.0%	17.0%	21.3%	11.1% (1)
District 5	16.7%	19.4%	28.7%	33.3% (3)
District 6	17.2%	19.9%	16.6%	11.1% (1)
Other/Unknown	0.0%	0.0%	3.8%	0.0% (0)

PURPOSE:

Advisory board with Officer of City status. This board consists of two boards. Neighborhood Redevelopment Commission studies the need for neighborhood rehabilitation in older sections of Lubbock and makes recommendations of rehabilitation projects to be funded annually by the Community Development Program. Urban Renewal Board oversees the sale and conditions of sale of Urban Renewal lots and any items involving land owned by the Urban Renewal Agency.

QUALIFICATIONS: All members must be residents of the city of Lubbock. Six members shall be representatives of mortgage banking, residential construction, accounting, real estate, engineering, and legal. Three members shall be appointed from the general public with emphasis given to representatives of low and moderate income citizens and residents of target areas.

APPOINTMENT INFORMATION:

Member Name &

<u>Demographic Facts</u>	<u>Requirement</u>	<u>Attend</u>	<u>Eligible</u>	<u>Action</u>
Borhani, Marcus ¹ (M,O,6)	Engineer	N/A	N/A	Reappoint
Hunter, Patrick ² (M,AA,3)	Legal	N/A	Y	Reappoint
Kiesling, Juanita (F,A,5)	General Public	75%	Y	Reappoint

¹ Began serving on December 6, 2012.

² Began serving on August 23, 2012, and the Commission only met one time after his appointment.

URNRC – CONTINUED:

APPOINTMENTS ADVISORY BOARD RECOMMENDATIONS:

To reappoint Marcus Borhani, EGINEER; Patrick Hunter, LEGAL; and Juanita Kiesling, GENERAL PUBLIC

Urban Renewal / Neighborhood Redevelopment Commission

Date Refer	Key	Last Name	First Name	Gender	Ethnic	Quad	Age Range	Occupation	Business	Council District
				M/F	A,H,AA,O					
First Preference:										
1302		Cable	Larissa	F	A		30-39	Mortgage Loan Officer	Prime West Mortgage	5
1205		Chapa	David	M	H		40-49	Interior Designer	TTU - Physical Plant	5
1209		Curtis	Andrew	M	A		30-39	Attorney	Craig, Terrill, Jole and G	5
1004		Davis	Jon	M	A		40-49	Accountant	Capital Farm Credit	3
1208		Gonzales	Armando	M	H		50-59			2
0609		Hurt	William	M	A		30-39	Police Officer	Lubbock PD	3
1010		Kotal	Clint	M	A		18-29	Hospital Administration	Covenant Health Syste	4
0804		Oatman	Mark	M	A			Financial Advisor	Merrill Lynch	3
1206		Randolph	Brandale	M	AA		30-39	Executive Director	Project: Poverty	5
Second Preference:										
1002		Brenner	Ivey	M	A		18-29	Real Estate Development	Tao Development Group	6
1207		Dial	Reggie	M	AA		30-39	Community Education	Women's Protective Ser	5
0803		Hester	Steve	M	A	S	50-59	Forms Manufacturing	Caprock Business Form	5
0602		Howard	Dennis	M	A	S	50-59	Retired	Retired	4
1003		Mitchell	Bret	M	A		40-49	Self Employed	Queso's	4
0405		Pearson	Neale	M	A	C	60+	Semi-Retired Professor	Semi-Retired Professor	3
Third Preference:										
1108		Amor	Cherif	M	O		50-59	Dept. Chair/Assoc Prof.	Texas Tech	5
0803		Baker	Robert	M	A	C	50-59	ICU Nurse	Lubbock Heart Hospital	4
1112		de Riese	Cornelia	F	A		50-59	Physician	Comprehensive Family	3
0803		Lunsford	Jeremy	M	A			Student	LNG Productions Inc.	3
1011		Nash	Bennie	M	AA		60+	Retired	Inner Circle - Human Se	3
0509		Pena	Esther	F	H	S	30-39	Sales & Marketing Manage	Amerigroup	5
1004		Williams	Herbert	M	AA		40-49	Correctional Officer	TX Dept of Criminal Just	2
Fourth Preference:										
1005		Bruegel	Jon	M	A		18-29	Student		4
1009		Chambers	Tosha	F	AA		30-39	Homemaker		4
0707		Jacks	Holly	F	A			Registered Nurse	Covenant Emergency	5
0501		Ray	Harold	M	A	S	50-59	Asst Business Agent-IBE	IBEW Local Union 602	0
Fifth Preference:										
1112		Frye	Kate	F	A		50-59	Retired		5
0905		Marberry	William	M	A		18-29	Realtor	Coldwell Banker	3
1301		Powell	Joseph	M	A		30-39	Insurance	Scott Powell State Farm	5
0803		Sosebee	Rick	M	A		50-59	Fire Protection Contractor	Koetter Fire Protection	3
Sixth Preference:										
1206		Laverty	Peter	M	A		50-59	Department Director - UM	UMC	1
1208		Lopez	Tammy	F	A		40-49	House Cleaning		3
0907		Melendez	Jill	F	A		18-29	Social Worker	Montford Psychiatric Pri	6
1002		Tidwell	Joseph	M	A		18-29	Project Manager	Tao Development Group	3

Confidential?

Home

Business

Reappt
Elig.

ENGINEER

Borhani
Mr. Marcus

4504 9th Street
Lubbock TX 79416

(806) 794-7115

CELL

X-Fab Texas, Inc
2301 N. University
Lubbock TX 79415

(806) 747-4400

Curr: 12/6/2012 - 3/1/2013

2nd: -

1st: -

Fax: (806) 747-3111

Y

E-mail marcus.borhani@xfab.com

MORTGAGE BANKING

Covington
Ms. Christine

N 6812 87th Street
Lubbock TX 79424

N

N (806) 788-2607

N (806) 548-6284 CELL

E-mail ccovington@primelending.com

Plains Capital Mortgage
4010 82nd Street, Unit 110
Lubbock TX 79423

(806) 791-7285

Curr: 3/1/2011 - 3/1/2013

2nd: -

1st: 6/11/2009 - 3/1/2011

Fax: (806) 247-0608

N

GENERAL PUBLIC

Ferguson
Mr. Gary

Y 2117 28th St
Lubbock TX 79411

Y

Y (806) 687-0943

Y

CELL

E-mail gferguson@team-psc.com

Parkhill, Smith & Cooper
4222 85th St
Lubbock TX 79423

(806) 473-2200

Curr: 3/1/2012 - 3/1/2014

2nd: 3/1/2010 - 3/1/2012

1st: 3/1/2008 - 3/1/2010

Fax: (806) 473-3500

N

REAL ESTATE

Givens
Mr. R.J.

Y 1701 East 26th Street
Lubbock TX 79411

Y

Y (806) 762-2967

Y (806) 778-0824 CELL

E-mail givreal@aol.com

(806) 763-8430

Curr: 3/1/2012 - 3/1/2014

2nd: -

1st: 3/1/2010 - 3/1/2012

Fax:

N

LEGAL

Hunter
Mr. Patrick

2119 69th Street
Lubbock TX 79412

(806) 745-2537

CELL

E-mail patrick.hunter1@suddenlink.net

Texas Dept. of Criminal Justice
8602 Peach Street
Lubbock TX 79404

(806) 745-1021

Curr: 8/23/2012 - 3/1/2013

2nd: -

1st: -

Fax:

Y

Chair/Pres:	Gary Ferguson	Staff Liaison:	Bill Howerton / Phyllis Brown
Vice Chair/V.P.:	Christine Covington	Term:	2 Years
Sec./Treasurer:	Sheri Nugent, NRC	Ex-Officio Mbr.:	

	<i>Confidential?</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
GENERAL PUBLIC					
Kiesling Ms. Juanita	N	5111 97th St Lubbock TX 79424	WestMark, Realtors 4105 84th St Lubbock TX 79423	Curr: 3/1/2011 - 3/1/2013 2nd: - 1st: -	Y
	N		(806) 794-3300	Fax: (806) 794-5550	
	Y	(806) 794-2618			
	Y	(806) 239-3540	CELL		
<i>E-mail nkiesling@westmarkcommerci</i>					
ACCOUNTING					
Nugent Ms. Sheri	Y	903 East Kent Lubbock TX 79403	Lubbock Chamber of Commer 1301 Broadway, Suite 101 Lubbock TX 79401	Curr: 3/1/2012 - 3/1/2014 2nd: - 1st: 3/1/2010 - 3/1/2012	Y
	Y	(806) 789-7903	(806) 761-7004	Fax: (806) 761-7013	
	Y		CELL		
<i>E-mail sheri.nugent@lubbockbiz.org</i>					
GENERAL PUBLIC					
Stanley Mr. Maurice	N	3801 25th Street Lubbock TX 79410		Curr: 3/1/2012 - 3/1/2014 2nd: - 1st: 9/8/2011 - 3/1/2012	Y
	N			Fax:	
	N	(806) 241-4839			
	N		CELL		
<i>E-mail</i>					
RESIDENTIAL CONSTRUCTION					
Vitale Mr. Jeffrey	Y	4422 79th Street Lubbock TX 79424	602 Indiana Lubbock TX	Curr: 3/1/2011 - 3/1/2013 2nd: - 1st: 3/1/2009 - 3/1/2011	N
	Y	(806) 795-9765	(806) 241-0282	Fax:	
<i>E-mail brandijeff@hotmail.com</i>					

Chair/Pres:	Gary Ferguson	Staff Liaison:	Bill Howerton / Phyllis Brown
Vice Chair/V.P.:	Christine Covington	Term:	2 Years
Sec./Treasurer:	Sheri Nugent, NRC	Ex-Officio Mbr.:	

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
January 31, 2013
1:30 P. M.

The City Council of the City of Lubbock, Texas met in regular session on the 31st of January, 2013, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 1:30 p. m.

1:30 P.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present: 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 Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

Absent: Mayor Glen Robertson - Present for Executive Session only.

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

- *Executive Session; 2.1-2.2; 2.4-2.6; Citizen Comments (3.1-3.5); Sign-ups (3.6); 6.7; 4.1; 7.2; 5.7-5.12; 5.14-5.31; 5.1-5.6; 5.13; 6.1-6.6; and 6.9.*
- *Items 2.3, 2.7, 6.8, 7.1, and 7.3 were deleted.*

1. Executive Session

The meeting was called into a closed session at 1:30 p.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into 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. Consider regulatory options available to the City of Lubbock in connection with oil and gas production and hydraulic fracturing within the City limits.
1. 1. 2. Mineral interests in connection with the NE/4 of Section 5, Block A, T.T. RR Co. Survey, Lubbock County, Texas.
1. 1. 3. Tax Abatement, Sun-Star Electric, Inc.
1. 1. 4. Tax Abatement, Ozark Automotive Distributors, Inc.
1. 1. 5. City Council's authority concerning City of Lubbock appointees and employees.
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. Mineral interests in connection with the NE/4 of Section 5, Block A, T.T. RR Co. Survey, Lubbock County, Texas.
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. 3. 4. City Council's authority concerning City of Lubbock appointees and employees.
1. 4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters of Lubbock Power & Light:
 1. 4. 1. to discuss and deliberate 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.
 1. 4. 2. to discuss and deliberate agreements, proposals and strategies related to plans, studies, proposals and analysis 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).
 1. 4. 3. to discuss and deliberate bidding and pricing information for purchased power, generation and fuel; purchased power agreements; risk management information and related services and strategies.
 1. 4. 4. to discuss and deliberate customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power market analyses and strategies.
1. 5. 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 from a business prospect that the City of Lubbock seeks to have locate, stay, or expand in or near the City of Lubbock, and with which the City of Lubbock is conducting economic development negotiations, including the offer of financial or other incentives to said business prospect(s).
1. 5. 1. Concerning the bylaws of Lubbock Economic Development Alliance and the bylaws of Market Lubbock Development Corporation and the proposed amendments thereto.
1. 6. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a), to discuss personnel matters regarding the duties, responsibilities, and/or appointments to the Central Business Tax Increment Financing (TIF) Reinvestment Board of Directors, Electric Utility Board, Health & Educational Facilities Development Corporation Board of Directors, Urban Design & Historic Preservation Commission, and Zoning Board of Adjustment.

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

2. **Proclamations and Presentations**

2. 1. Invocation by Father Martin Piña, St. Joseph's Church

Father Martin Piña, St. Joseph's Church, led the invocation.

2. 2. Pledges of Allegiance

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

2. 3. Presentation of a special recognition to John Michael Getz for being chosen to participate in the United States Senate Program in Washington, D.C. in March, 2013.

This item was deleted.

2. 4. Presentation of Honorary Citizenship to Korean educators visiting Lubbock.

Council Member Jim Gerlt presented Honorary Citizenship to the Korean educators visiting Lubbock. Jieun Oh, Jingyung Kwak, Yeonju Choi, and Soon Kim appeared to accept the recognition.

2. 5. Presentation of a special recognition honoring LULAC week in Lubbock.

Council Member Victor Hernandez presented special recognition honoring LULAC (League of United Latin American Citizens) week in Lubbock. Robert Rodriguez, President of LULAC 263, gave comments on the upcoming State LULAC banquet to be held in Lubbock, and gave thanks for the recognition.

2. 6. Presentation of a special recognition commemorating Willie McCool and his contributions to the space program.

Council Member Latrelle Joy presented a special recognition commemorating Willie McCool and his contributions to the space program. Barry and Audrey McCool, parents of Willie McCool, appeared to accept the recognition. Both expressed their gratitude for the Lubbock community, and gave thanks for the recognition.

2. 7. **Lubbock Economic Development Alliance Board of Directors:**

Timothy Collins

Market Lubbock, Inc. Board of Directors:

Timothy Collins

This item was deleted.

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. Gina Johnson will appear before the City Council to discuss synthetic marijunana.

Gina Johnson appeared before Council to discuss synthetic marijuana.

3. 2. Neil Sinclair will appear before the City Council to discuss synthetic marijuana.

Mr. Sinclair did not appear.

3. 3. Mikel Ward will appear before the City Council to discuss Imagine Lubbock and related taxes.

Mikel Ward appeared before Council to discuss Imagine Lubbock and related taxes.

3. 4. Deanne Clark will appear before the City Council to discuss Smart Meters and the expenses thereof.

Deanne Clark appeared before Council to discuss City expenses and to speak in opposition of Smart Meters.

3. 5. Burley Owen will appear before the City Council to discuss Smart Meters.

Burley Owen appeared before Council to speak in opposition of Smart Meters.

3. 6. **Sign-ups:**

- Leonardo Mojica, Blas Mojica, Michael Phillips, Dorothy Sapp, and LaCarl Richardson appeared before Council to discuss a ban on synthetic marijuana in Lubbock.
- Debbie Bartholomew appeared before Council to discuss issues regarding her deceased mother.
- Lance Cansino appeared before Council to speak in opposition of Smart Meters.
- Josh Randolph and Joyce Sharp appeared before Council to discuss Imagine Lubbock Together.
- Leann Lamb-Vines, President of the Lubbock Chapter of West Texas Accountability Project; and Armando Gonzales appeared before Council to speak in opposition of fracking.
- Eric Strong appeared before Council to discuss the Caviel Museum Project and African American History Month.
- Maurice Stanley appeared before Council to discuss downtown redevelopment.
- Irene Cantu Franks appeared before Council to discuss street paving.
- Bill Curnow appeared before Council to speak in favor of Smart Meters.
- Naida Gonzales appeared before Council to speak in opposition of fracking, Smart Meters, and in favor of a band on synthetic marijuana.

4. **Minutes**

4. 1. November 6, 2012 Special City Council Meeting (Audit & Investment)
December 6, 2012 Regular City Council Meeting
December 17, 2012 Regular City Council Meeting

Motion by Council Member Floyd Price, seconded by Council Member Latrelle Joy to approve the November 6, 2012 Special City Council Meeting (Audit & Investment) minutes; the December 6, 2012 Regular City Council Meeting minutes; and the December 17, 2012 Regular City Council Meeting minutes.

Vote: 5 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)
Council Member Todd R. Klein (AWAY)

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 Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve items 5.7-5.12; and 5.14-5.31.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

5. 1. Budget Ordinance Amendment 1st Reading - Finance: Ordinance No. 2013-O0009, Amendment 14, respecting the Grant Fund, to accept and appropriate additional funding from the Texas Department of Transportation (TxDOT) for the FY 12 Section 5310 Grant and transfer matching funds from the Transit Fund to the Grant Fund; accept and appropriate funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Comprehensive Energy Assistance Program (CEAP) Grant; accept and appropriate funding from TDHCA for the Community Services Block Grant (CSBG); accept and appropriate funding from the Texas Department of State Health Services (DSHS) for the Public Health Preparedness (PHP) Discretionary Program Grant; and, respecting the Capital Program, to amend Capital Improvement Project (CIP) 92221, Northwest Water Reclamation Plant; amend CIP 91039, Sewer Lines Ahead of Street Paving; and accept and appropriate funding from the National Recreation and Parks Society and Darden Restaurants for the Great American Trails Program and amend CIP 92288, Hoel Park Walking Track.

This item was divided into two motions.

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein to approve Ordinance No. 2013-O0009 pertaining to all other items except the TDHCA funding for the Comprehensive Energy Assistance Program.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

Motion by Council Member Jim Gerlt, seconded by Council Member Latrelle Joy to approve Ordinance No. 2013-O0009 pertaining to only the TDHCA funding from the Comprehensive Energy Assistance Program.

Vote: 5 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)
Council Member Victor Hernandez (RECUSE)

5. 2. **Contract Resolution – Finance** : Resolution No. 2013-R0049 authorizing the Mayor to execute Contract 10979 between the City of Lubbock and MuniServices, LLC to provide revenue enhancement services, RFP 12-10979-MA.

Pam Moon, Director of Finance; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion by Council Member Floyd Price, seconded by Council Member Jim Gerlt to approve Resolution No. 2013-R0049.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

5. 3. **Resolution - Finance** : Resolution No. 2013-R0050 approving the revised City of Lubbock Investment Policy and Investment Strategy, as reviewed and recommended by the Audit and Investment Committee.

Pam Moon, Director of Finance; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2013-R0050 with an amendment proposed by Council Member Victor Hernandez to read as follows:

- "Addition of language stating that the Investment Officers will not invest in derivatives without the approval of the Committee 'and' City Council."

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

5. 4. **Resolution - Finance:** Resolution No. 2013-R0051 authorizing and directing the Mayor to execute for and on behalf of the City of Lubbock the Central Business District (CBD) Tax Increment Financing Reinvestment Zone Annual Report for October 1, 2011, through September 30, 2012, which will be distributed to the chief executive officer of each taxing unit levying taxes within the CBD Tax Increment Financing Reinvestment Zone, and to the Comptroller of the State of Texas.

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

Motion by Council Member Floyd Price, seconded by Council Member Jim Gerlt to approve Resolution No. 2013-R0051.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

5. 5. **Resolution - Finance:** Resolution No. 2013-R0052 authorizing and directing the Mayor to execute for and on behalf of the City of Lubbock the North Overton Tax Increment Financing Reinvestment Zone Annual Report for October 1, 2011, through September 30, 2012, which will be distributed to the chief executive officer of each taxing unit levying taxes within the North Overton Tax Increment Financing Reinvestment Zone, and to the Comptroller of the State of Texas.

Cheryl Brock, Budget Director; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion by Council Member Floyd Price, seconded by Council Member Jim Gerlt to approve Resolution No. 2013-R0052.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

- 5. 6. Resolution - Finance:** Resolution No. 2013-R0053 authorizing and directing the Mayor to execute for and on behalf of the City of Lubbock the Lubbock Business Park (LBP) Tax Increment Financing Reinvestment Zone Annual Report for October 1, 2011, through September 30, 2012, which will be distributed to the chief executive officer of each taxing unit levying taxes within the LBP Tax Increment Financing Reinvestment Zone, and to the Comptroller of the State of Texas.

Motion by Council Member Floyd Price, seconded by Council Member Jim Gerlt to approve Resolution No. 2013-R0053.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

- 5. 7. Contract Resolution – Public Works Water:** Resolution No.'s 2013-R0031 and 2013-R0032 authorizing the Mayor to execute purchase order Contract 11129 with Master Meter, Inc. and Contract 11161 with K.W. Sharp, Inc. for water meters, ITB 13-11129-DG.
- 5. 8. Contract Resolution - Public Works Waste Water :** Resolution No. 2013-R0033 authorizing the Mayor to execute purchase order Contract 23101889 with Abilene New Holland for the purchase of a chisel plow and a coil packer, BID 13-11104-RH.
- 5. 9. Contract Resolution – Public Works Engineering :** Resolution No. 2013-R0034 authorizing the Mayor to execute a professional services contract with JQ Infrastructure, LLC, for engineering services associated with the study of Pump Station No. 10 infiltration, RFQ 12-10524-MA.
- 5. 10. Contract Resolution – Public Works Engineering :** Resolution No. 2013-R0035 authorizing the Mayor to execute Change Order 3 to Contract 9835 with Archer Western Construction, LLC, for the construction of the Southeast Water Reclamation Plant Digester 8 and 9 Improvements Project.
- 5. 11. Contract Resolution – Public Works Engineering:** Resolution No. 2013-R0036 authorizing the Mayor to execute Amendment 3 to Contract 9433 with Carollo Engineers, Inc., for extending construction phase services for the Southeast Water Reclamation Plant Digester 8 and 9 Improvements Project.
- 5. 12. Contract Amendment Resolution - Public Works Wastewater :** Resolution No. 2013-R0037 authorizing the Mayor to execute Amendment 4 to Contract 8773 with Terracon Consultants, Inc., for professional engineering and geosciences services for groundwater monitoring and remediation at the Land Application Sites.
- 5. 13. Resolution - Oil and Gas Lease:** Resolution No. 2013-R0054 authorizing the Mayor to execute the Ratification of Pooled Unit – Lubheirs Coop #20 Unit, ratifying an agreement entitled First Amendment of Pooled Unit – Lubheirs Coop #20 Unit, as a mineral owner under that certain Oil and Gas Lease, dated December 13, 1984, by and between the City of Lubbock, Lessor, and Texland Petroleum, Inc., Lessee, covering lands in Section 5 and 6, Block A, Lubbock County, Texas.

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

Motion by Council Member Todd R. Klein, seconded by Council Member Floyd Price to approve Resolution No. 2013-R0054.

Vote: 5 - 1 Motion carried

NAY: Council Member Victor Hernandez

Other: Mayor Glen C. Robertson (ABSENT)

5. 14. **Resolution - Police** : Resolution No. 2013-R0038 authorizing the Mayor to execute a Memorandum of Understanding (MOU) with Lubbock Independent School District regarding law enforcement services.
5. 15. **Contract Resolution - Fleet** : Resolution No. 2013-R0039 authorizing the Mayor to execute purchase order Contract 31013427 with Gene Messer Chevrolet for sport utility vehicles, BID 13-11119-RH.
5. 16. **Contract Resolution - Fleet Services** : Resolution 2013-R0040 authorizing the Mayor to execute purchase order contract 31013574 with Gene Messer Chevrolet for sedans and pickups, BID 13-11112-RH.
5. 17. **Resolution - Community Development** : Resolution 2013-R0041 authorizing the Community Development Director or his/her designee to review and approve reports on the Texas Department of Housing and Community Affairs (TDHCA) electronic contract and reporting system. The resolution will allow Community Development staff to manually sign off on the electronic system once City Council has approved contracts and amendments.
5. 18. **Contract Resolution - Citibus**: Resolution No. 2013-R0042 authorizing the Mayor to execute Contract 10983 with SRF Consulting Group for a Citibus Fixed Route Study, RFP 13-10983-TL.
5. 19. **Ordinance 1st Reading - Animal Services** : Ordinance No. 2013-O0008 amending Chapter 4 of the Code of Ordinances of the City of Lubbock, Texas, with regard to repealing outdated and unnecessary provisions, amending provisions to encompass current practices, and conforming the ordinance to the standards and conventions of the rest of the Code of Ordinances; providing a penalty clause; providing a savings clause, and providing for publication.
5. 20. **Ordinance 2nd Reading - Planning** : Ordinance 2013-O0001, Zone Case 2909-C: request by CMS Properties, on behalf of S&S Commercial Properties, Ltd., for a zoning change from IHC to A-2 for apartments on 12.195 acres of unplatted land out of Block AK, Section 36, west of Justice Avenue and north of 66th Street.
5. 21. **Ordinance 2nd Reading - Planning** : Ordinance 2013-O0002, Zone Case 3195: request of Barbara Beck for a zoning change from T to C-3 for an office/retail center on 8.42 acres of unplatted land out of Block AK, Section 9, 5815 and 5911 130th Street.
5. 22. **Ordinance 2nd Reading - Planning** : Ordinance 2013-O0003, Zone Case 3197 request of Shannon Vyff for a zoning change from R-1 to R-1 Design Historical for the east 40 feet of Lot 17 and Lot 18, Block 46, Overton Addition (2014 17th Street).
5. 23. **Ordinance 2nd Reading - Planning**: Ordinance 2013-O0004, Zone Case 2895-I request of Betenbough Homes for a zoning change from R-1 Specific Use to GO on 1.7429 acres of unplatted land out of Block AK, Section 28 (east of Milwaukee Avenue at 88th Street).

5. 24. **Ordinance 2nd Reading - Planning:** Ordinance 2013-O0006, Zone Case 2904-F request of the City of Lubbock for a zoning change from M-2, C-4, and C-4 Specific Use to IHC on Lots 1 – 15, and the east part of Lots 16 – 21, Block 31, Easley Addition; Lots 1 – 15 and Lots 26 - 30, Low & McNabb Addition; Lots 1 – 9, Block 2, Lots 1 – 4, Block 7 and Lot 8, Block 10, Richmond Second Addition and adjacent Railroad Right-of-Way; Tract B, R.C. Taylor Addition and adjacent Railroad Right-of-Way; Lots 12 – 21, Block 7, William Tubbs Addition (east of North Avenue Q Drive, north of 3rd Street, west of Avenue M, and south of 2nd Street).
5. 25. **Ordinance 2nd Reading - Planning:** Ordinance 2013-O0005, Zone Case 3196 request from Lubbock County Hospital District for a zoning change from R-2 to IHC for a medical clinic on the east 127.5 feet of Lots 11 through 13, Block 2, Smith Collier Addition (4101 and 4105 Interstate 27 and 546 42nd Street).
5. 26. **Contract Resolution - Facilities Management :** Resolution No. 2013-R0043 authorizing the Mayor to execute Amendment No. 1 to a Professional Services Contract with Wiginton Hooker Jeffry Architects (WHJA) of Plano, Texas for the design of new Fire Station 19, 5826 98th Street, Lubbock, Texas, RFQ 12-10513-MA.
5. 27. **Contract Resolution- Radio Shop :** 2013-R0044 authorizing the Mayor to execute contract 11004 with Dailey & Wells Communications, Inc., for a two-way radio system upgrade.
5. 28. **Contract Resolution - Information Technology :** Resolution 2013-R0045 authorizing the Mayor to execute purchase order Contract 10007518 with Dell Marketing LP, for rugged laptops and mounting hardware for the Lubbock Police Department.
5. 29. **Contract Resolution - Aviation :** Resolution No. 2013-R0046 authorizing the Mayor to execute contract 11160, a Ramp Area Use Agreement, between the City of Lubbock and United Parcel Service, Co.
5. 30. **Contract Resolution - Aviation :** Resolution No. 2013-R0047 authorizing the Mayor to execute a supplement to Amendment 5 to Contract 9002 with Parkhill, Smith & Cooper, Inc., (PSC) for construction phase services for Phase III of the Runway 8/26 and Taxiway Improvements Project at the Lubbock Preston Smith International Airport (LPSIA).
5. 31. **Contract Resolution - Aviation :** Resolution No. 2013-R0048 authorizing the Mayor to execute change order 3 to Contract 10031 with J.D. Abrams, L.P. for the construction for Phase III of the Runway 8/26 and Taxiway Improvements Project at the Lubbock Preston Smith International Airport (LPSIA).
6. **Regular Agenda**
 6. 1. **Public Hearing 6:30 p.m. - Planning :** - Ordinance No. 2013-O0010 request for Zone Case 3198, a request of Brumley Properties (for Hwy 179, Ltd.) for a zoning change from R-1 to C-4 for retail sales of commercial tires on 1.455 acres of unplatted land out of Block D6, Section 2 (8602 19th Street) and consider an ordinance.

Mayor Pro Tem Karen Gibson opened the public hearing at 9:18 p.m.

No one appeared to speak in favor or opposition.

Mayor Pro Tem Karen Gibson closed the public hearing at 9:18 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2013-O0010.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

- 6. 2. Public Hearing 6:30 p.m. - Planning :** Ordinance No. 2013-O0011 request for Zone Case 3199, a request of Hugo Reed and Associates, Inc. (for Steve Pitts) for a zoning change from T to C-3 on 18.4 acres of unplatted land out of Block E-2, Section 22 (southeast corner of 114th Street and Quaker Avenue) and consider an ordinance.

Mayor Pro Tem Karen Gibson opened the public hearing at 9:18 p.m.

No one appeared to speak in favor or opposition.

Mayor Pro Tem Karen Gibson closed the public hearing at 9:18 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2013-O0011.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

- 6. 3. Public Hearing 6:30 p.m. - Planning:** Ordinance No. 2013-O0012 for Zone Case 2508-G, a request of AMD Engineering, LLC (for Norton Baker) for a zoning change from A-1, C-3, and R-2 to A-1, C-2, and C-3 for apartment and commercial tracts on 23.93 acres of unplatted land out of Block E-2, Section 19 (northeast corner of 114th Street and Indiana Avenue) and consider an ordinance.

Matthew Perkins, Planning and Zoning Manger, gave comments and answered questions from Council.

Mayor Pro Tem Karen Gibson opened the public hearing at 9:18 p.m.

No one appeared to speak in favor or opposition.

Mayor Pro Tem Karen Gibson closed the public hearing at 9:18 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2013-O0012.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

- 6. 4. Public Hearing 6:30 p.m. - Planning:** Ordinance No. 2013-O0013 request for Zone Case 2508-H, a request of AMD Engineering, LLC (for Norton Baker and Lubbock Land Company, LLC) for a zoning change from R-1, R-1 Specific Use, R-2 and A-1 to IHI with conditions for office warehouse and storage unit facilities on 25.33 acres of unplatted land out of Block E-2, Section 19 (114th Street between Indiana Avenue and University Avenue). Conduct a public hearing and consider an ordinance.

Mayor Pro Tem Karen Gibson opened the public hearing at 9:18 p.m.

No one appeared to speak in favor or opposition.

Mayor Pro Tem Karen Gibson closed the public hearing at 9:18 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2013-O0013.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

- 6. 5. Public Hearing 6:30 p.m. - Planning :** Ordinance No. 2013-O0014 request for Zone Case 2278-B, a request of M.L. Smith, RA (for W.W. Butler, Junior Senior Inc.) for a zoning change from C-2 to C-2 Specific Use for a vet clinic on a portion of Lot 1, Butler 98th and Slide Addition (5214 98th Street) and consider an ordinance.

Mayor Pro Tem Karen Gibson opened the public hearing at 9:18 p.m.

No one appeared to speak in favor or opposition.

Mayor Pro Tem Karen Gibson closed the public hearing at 9:18 p.m.

Motion by Council Member Floyd Price, seconded by Council Member Todd R. Klein to approve Ordinance No. 2013-O0014.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

- 6. 6. Ordinance 1st Reading - Environmental Health :** Ordinance No. 2013-O0015 amending Chapter 8 of the Code of Ordinances of the City of Lubbock, Texas, with regard to tattoo and body piercing establishments within the city limits of Lubbock; providing a penalty; providing a savings clause; and providing for publication.

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein to approve Ordinance No. 2013-O0015.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

- 6. 7. Ordinance 1st Reading - City Council:** Ordinance No. 2013-O0007 amending Chapter 14 of the Code of Ordinances of the City of Lubbock, Texas, with regard to adding section 14.01.009 relating to illicit synthetic drugs, to prohibit the sale, public display for sale, attempted sale, gift, barter, delivery, possession, or use of illicit synthetic drugs and misbranded drugs; providing for exceptions; providing a penalty clause; providing a savings clause; and providing for publication.

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gerlt to approve Ordinance No. 2013-O0007.

Vote: 6 - 0 Motion carried

Other: Mayor Glen C. Robertson (ABSENT)

6. 8. **Resolution - Economic Development** : Consider a resolution approving the amended and restated bylaws of the Lubbock Economic Development Alliance and Market Lubbock Economic Development Corporation.

This item was deleted.

6. 9. **Board Appointments - City Secretary** : Consider one appointment to the Central Business TIF Reinvestment Zone Board of Directors, one appointment to the Electric Utility Board, one appointment to the Health & Educational Facilities Development Corporation Board of Directors, three appointments to the Urban Design & Historic Preservation Commission, and three appointments to the Zoning Board of Adjustment.

Central Business TIF Reinvestment Zone Board of Directors: Motion by Council Member Latrelle Joy, seconded by Council Member Jim Gerlt, to reappoint Tony Cardinal.

Vote: 6 - 0 Motion carried

Other: Mayor Glen Robertson (ABSENT)

Electric Utility Board: Nominations to replace Mike Davis for the Electric Utility Board were taken as follows: Joe Rapier and Carl Russell.

Motion by Council Member Latrelle Joy, seconded by Todd R. Klein to cease nominations.

Vote: 6 - 0 Motion carried

Other: Mayor Glen Robertson (ABSENT)

Joe Rapier: 3 Ayes (Council Members Joy, Klein, and Hernandez)

Carl Russell: 3 Ayes (Mayor Pro Tem Karen Gibson, and Council Members Gerlt and Price)

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein, to postpone this item to the February 14, 2013 Regular City Council Meeting due to resulting in a tie.

Vote: 6 - 0 Motion carried

Other: Mayor Glen Robertson (ABSENT)

Urban Design & Historic Preservation Commission: Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein, to appoint Scott Schellhase to replace John White; and reappoint Paul Carlson and Scott White.

Vote: 6 - 0 Motion carried

Other: Mayor Glen Robertson (ABSENT)

Zoning Board of Adjustment: Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein, to reappoint Dustin Burrows, Glenn Patton, and Allen Teinert.

Vote: 6 - 0 Motion carried

Other: Mayor Glen Robertson (ABSENT)

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. Discussion of the North Overton Tax Increment Finance Reinvestment Zone to include any budgetary implications.

This item was deleted.

7. 2. The Electric Utility Board and LP&L staff will present to the City Council current and future electric generation power supply options, strategies and related proposals including recent developments.

Gail Kring, Electric Utility Board Chair, gave a presentation to City Council regarding current and future electric generation power supply options, strategies, and related proposals including recent developments. Gary Zheng, LP&L Chief Executive Officer; Matt Wade, General Counsel for LP&L; and Mr. Kring gave comments and answered questions from Council.

7. 3. Presentation by the North & East Lubbock Community Development Corporation regarding its accomplishments, current status, and future needs.

This item was deleted.

9:25 P.M. CITY COUNCIL ADJOURNED

There being no further business to come before Council, Mayor Pro Tem Karen Gibson adjourned the meeting.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

**CITY OF LUBBOCK
SPECIAL CITY COUNCIL MEETING
February 8, 2013
2:00 P. M.**

The City Council of the City of Lubbock, Texas met in special session on the 8th of February, 2013, at the Lubbock Fire Department Training Academy, 1515 E. Ursuline Street, Lubbock, Texas at 2:00 p. m.

2:08 P.M. CITY COUNCIL CONVENED

**Lubbock Fire Department Training Academy, 1515 E. Ursuline, Lubbock,
Texas**

Present: Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; Council Member Latrelle Joy; Council Member Todd R. Klein; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; Assistant City Attorney Amy Sims

Absent: Mayor Glen C. Robertson; Council Member Victor Hernandez; Council Member Floyd Price

City Council will meet at the Lubbock Fire Department Training Academy to attend and participate in the Recruit Class 2013-01 Pinning Ceremony and Reception.

1. Regular Agenda

1. 1. Mike Kemp, Fire Chief; and Steve Holland, Battalion Chief, gave welcome remarks.
1. 2. The Recruit Address was given by Brady Rasco, Recruit.
1. 3. Mike Kemp, Fire Chief; and Steve Holland, Battalion Chief presented the Certificates and Badges to the 2013-01 Recruit Class. Oath of Office for the Recruits was led by Chief Kemp.
1. 4. The Ringing of the Bell was lead by the Lubbock Fire Department Honor Guard.
1. 5. Badges were pinned onto the Recruits by their selected audience member.
1. 6. Mike Kemp, Fire Chief, gave closing remarks and thanked those in attendance.

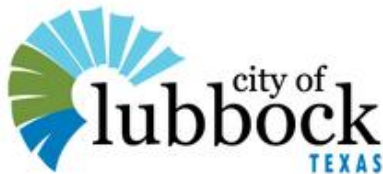
2:40 P.M. CITY COUNCIL ADJOURNED

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

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary



Regular City Council Meeting

5. 1.

Meeting Date: 02/28/2013

Information

Agenda Item

Budget Ordinance Amendment 1st Reading - Finance: Consider Budget Amendment 15, respecting the Grant Fund, to accept and appropriate additional funding from the Dallas Police Department for the Internet Crimes Against Children (ICAC) Task Force Grant; accept and appropriate funding from the Federal Transit Administration (FTA) for the FY 12 Section 5309 State of Good Repair Grant; reduction in the FY 2012-13 Master Lease program; General Fund increase in utilization of net assets; Solid Waste Fund increase in utilization of net assets; Wastewater Fund increase in utilization of net assets; Water Fund increase in utilization of net assets; Cemetery Fund increase in utilization of net assets; Fleet Fund increase in utilization of net assets; Civic Center Fund increase in Utilization of net assets; providing for filing; and providing for a savings clause.

Item Summary

- I. Accept and appropriate an additional \$10,000 from the Dallas Police Department, funded by the Department of Justice, for the ICAC Task Force Grant, for a total grant appropriation of \$31,000. The ICAC Task Force is a grant program funded under an award by the Department of Justice through the Office of Juvenile Justice and Delinquency Prevention under the Federal Missing and Exploited Children's Program to target child solicitation and child pornography over the Internet in Texas.
- II. Accept and appropriate \$875,000 from the FTA for the FY 12 Section 5309 State of Good Repair Grant. The funds will be used for the rehabilitation of CitiBus administrative and maintenance facilities that were originally constructed in 1932. The Texas Department of Transportation awarded the City of Lubbock 175,000 Transportation Development Credits (TDC) to be used as a local match. The TDC agreement was approved at the January 10, 2013, City Council meeting.
- III. Amend the FY 2012-13 Master Lease Program by decreasing master lease funding by \$12,572,580, from \$15,384,544 to \$2,811,964 to change the funding source to utilization of net assets in the following funds; increase General Fund utilization of net assets by \$4,992,537; increase Solid Waste Fund utilization of net assets by \$4,923,890, increase Wastewater Fund utilization of new assets by \$1,455,653; increase Water Fund utilization of net assets by \$1,063,500; increase Cemetery Fund utilization of new assets by \$52,000; increase Fleet Fund utilization of net assets by \$45,000; and increase the Civic Center Fund utilization of net assets by \$40,000.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Budget Ordinance Amendment 15

Budget Detail - Police ICAC 3

Budget Detail - CitiBus Good Repair

Master Lease Summary

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2012-13 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE GRANT FUND TO ACCEPT AND APPROPRIATE ADDITIONAL FUNDING FROM THE DALLAS POLICE DEPARTMENT FOR THE INTERNET CRIMES AGAINST CHILDREN (ICAC) TASK FORCE GRANT; ACCEPT AND APPROPRIATE FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR THE FY 12 SECTION 5309 STATE OF GOOD REPAIR GRANT; REDUCTION IN THE FY 2012-13 MASTER LEASE PROGRAM FUNDING; GENERAL FUND INCREASE IN UTILIZATION OF NET ASSETS; SOLID WASTE FUND INCREASE IN UTILIZATION OF NET ASSETS, WASTEWATER FUND INCREASE IN UTILIZATION OF NET ASSETS; WATER FUND INCREASE IN UTILIZATION OF NET ASSETS; CEMETERY FUND INCREASE IN UTILIZATION OF NET ASSETS; FLEET FUND INCREASE IN UTILIZATION OF NET ASSETS; CIVIC CENTER FUND INCREASE IN UTILIZATION OF NET ASSETS; 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 #15) for municipal purposes, as follows:

- I. Accept and appropriate an additional \$10,000 from the Dallas Police Department, funded by the Department of Justice, for the ICAC Task Force Grant, for a total grant appropriation of \$31,000.
- II. Accept and appropriate \$875,000 from the FTA for the FY 12 Section 5309 State of Good Repair Grant.
- III. Amend the FY 2012-13 Master Lease Program by decreasing \$12,572,580, from \$15,384,544 to \$2,811,964 to change the funding source to utilization of net assets in the following funds; increase General Fund utilization of net assets by \$4,992,537; increase Solid Waste Fund utilization of net assets by

\$4,923,890, increase Wastewater Fund utilization of new assets by \$1,455,653; increase Water Fund utilization of net assets by \$1,063,500; increase Cemetery Fund utilization of new assets by \$52,000; increase Fleet Fund utilization of net assets by \$45,000; and increase the Civic Center Fund utilization of net assets by \$40,000.

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

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

AND IT IS SO ORDERED

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:


Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:



Cheryl Brock
Executive Director of Budget

APPROVED AS TO FORM:



Amy Sims
Assistant City Attorney

**City of Lubbock, TX
Grant Amendment
Existing Grant - Budget Detail
February 14, 2013**

Administrative Information:

City Assigned Grant Number:	86058
Grant Name:	Internet Crimes Against Children
Grant Effective Date:	4/1/2010
Grant Provider/Agency:	City of Dallas Police Department/Department of Justice
Original Appropriation Date:	12/15/2012
Original Appropriation-Budget Ordinance:	2010-O0088
Original Grant Acceptance-Resolution:	2010-R0599
Amended Grant Award Amount:	\$ 31,000

Budget Information:

	06/07/2012	Amendment	Total
Grant Appropriation Detail	Award	Amount	Award
	Amount	Amount	Amount
Training, Equipment, and Operations	\$ 21,000	10,000	\$ 31,000
Total Appropriation	\$ 21,000	10,000	\$ 31,000

City of Lubbock, TX
Grant Award
New Grant - Budget Detail
February 14, 2013

Administrative Information

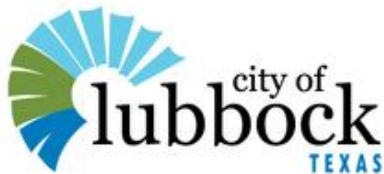
City Assigned Grant Number:	<u>88034</u>
Grant Name:	<u>Section 5309 State of Good Repair</u>
Grant Effective Date:	<u>1/1/2013-12/31/2014</u>
Grant Provider/Agency:	<u>Federal Transit Administration</u>
Grant Award Amount:	<u>\$ 875,000</u>

Budget Information

Project Detail	Cost
Capital Outlay	<u>\$ 875,000</u>
Grant Appropriation	<u><u>\$ 875,000</u></u>

City of Lubbock, Tx
Finance Department
FY 2012-13 Master Lease Summary
February 7, 2013

Fund	Master Lease Total	App Net Assets Above Policy	Difference	Revision	
				Cash Fund	Master Lease
General Fund	\$ 6,492,537	5,434,417	(1,058,120)	\$ 4,992,537	1,500,000
Solid Waste	4,923,890	7,539,378	2,615,488	4,923,890	-
Wastewater	1,455,653	9,889,985	8,434,332	1,455,653	(0)
Water	1,063,500	15,456,385	14,392,885	1,063,500	-
Stormwater	650,594	206,421	(444,173)	-	650,594
IT	593,370	-	(593,370)	-	593,370
Radio Shop	68,000	-	(68,000)	-	68,000
Cemetery	52,000	87,235	35,235	52,000	-
Fleet	45,000	246,964	201,964	45,000	-
Civic Centers	40,000	549,263	509,263	40,000	-
	<u>\$ 15,384,544</u>	<u>39,410,048</u>		<u>\$ 12,572,580</u>	<u>2,811,964</u>



Regular City Council Meeting

5. 2.

Meeting Date: 02/28/2013

Information

Agenda Item

Budget Ordinance Amendment 1st Reading - Finance: Consider Budget Ordinance Amendment 16 amending the Adopted FY 2012-13 Budget respecting the Fire Pay Plan to provide for greater separation in pay between Battalion Chief, Division Chief, and Deputy Chief; and position control by increasing Battalion Chiefs by one position, and decreasing Captains by one position.

Item Summary

I. Amend the FY 2012-13 Fire Pay Plan to provide for greater separation in pay between Battalion Chief, Division Chief, and Deputy Chief. Adjusting the pay plan will provide consistent separation in all ranks. The attached Exhibit A amends Exhibit G included in the FY 2012-13 Budget Ordinance 2012-00100.

II. Amend positions in the Fire Department by increasing Battalion Chiefs by one position, and decreasing captains by one position.

Fiscal Impact

Included in item summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Budget Amendent 16

Amended Fire Pay Plan

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2012-13 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE FIRE PAY PLAN TO PROVIDE FOR GREATER SEPARATION IN PAY BETWEEN BATTALION CHIEF, DIVISION CHIEF, AND DEPUTY CHIEF; AND POSITION CONTROL BY INCREASING BATTALION CHIEFS BY ONE POSITION, AND DECREASING CAPTAINS BY ONE POSITION; 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 #16) for municipal purposes, as follows:

- I. Amend the FY 2012-13 Fire Pay Plan to provide for greater separation in pay between Battalion Chief, Division Chief, and Deputy Chief. Adjusting the pay plan will provide consistent separation in all ranks. The attached Exhibit A amends Exhibit G included in the FY 2012-13 Budget Ordinance 2012-00100.
- II. Amend positions in the Fire Department by increasing Battalion Chiefs by one position, and abolishing one captains position.

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

Exhibit A

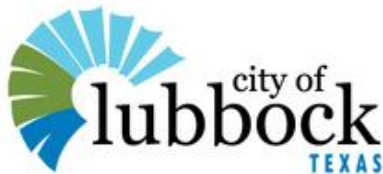
Exhibit G - Fire Pay Plan (40 Hour Shifts) - Amended

Steps	Probationary Fire Fighter FNCS1	Fire Fighter FCS1	Equipment Operator FCS2	Lieutenant FCS3	Captain FCS4	Battalion Chief FCS5	Division Chief FCS6	Deputy Chief FCS7
1	\$ 45,336.48	48,086.58	65,045.49	70,464.36	78,797.10	90,601.89	100,849.76	107,449.05
2		48,894.21	65,345.61	70,847.45	79,385.83	91,312.07	101,255.68	108,857.71
3		49,701.84	65,645.72	71,230.54	79,974.56	92,022.25	101,661.60	110,266.37
4		50,509.47	65,945.84	71,613.63	80,563.28	92,732.43	102,067.52	111,675.02
5		51,317.09	66,245.95	71,996.72	81,152.01	93,442.61	102,473.44	113,083.68
6		52,124.72	66,546.07	72,379.81	81,740.74	94,152.79	102,879.36	114,492.34
7		52,932.35	66,846.19	72,762.90	82,329.47	94,862.98	103,285.28	115,901.00
8		53,739.98	67,146.30	73,145.99	82,918.19	95,573.16	103,691.20	
9		54,547.61	67,446.42	73,529.07	83,506.92	96,283.34	104,097.12	
10		55,355.24	67,746.54	73,912.16	84,095.65	96,993.52		
11		56,162.86	68,046.65	74,295.25	84,684.38	97,703.70		
12		56,970.49	68,346.77	74,678.34	85,273.10			
13		57,778.12	68,646.88	75,061.43	85,861.83			
14		58,585.75	68,947.00	75,444.52				
15		59,393.38	69,247.12	75,827.61				
16		60,201.01	69,547.23					
17		61,008.63	69,847.35					
18		61,816.26						
19		62,623.89						
20		63,431.52						

Progression in each pay grade is based on seniority in that pay grade. Seniority is defined as the total time of employment as a fire fighter for the City of Lubbock. Time-off for disciplinary suspension does not constitute a loss of seniority time, nor does it constitute a break in service. The time involved in "move-up" is also not included. It does mean all years of service as a fire fighter with the City of Lubbock, whether interrupted or uninterrupted, and not merely the last continuous period of service. Seniority credit shall be figured to five decimal places.

Employees who successfully complete one (1) year as Probationary Fire Fighter move to grade FCS1. Fire Fighters advance through each step annually in FCS1 until reaching the 20th step. Progression through the steps in the other grades also requires one year in each step. However, if the anniversary date occurs during the last half of the pay period, the increase does not become effective until the beginning of the next pay period.

Biweekly rate=Hourly rate*106. Annual rate=Biweekly rate*26. All conversions are approximate.



Regular City Council Meeting

5. 3.

Meeting Date: 02/28/2013

Information

Agenda Item

Resolution - Finance: Consider a resolution authorizing publication of Notices of Intention to Issue Tax and Waterworks System Surplus Revenue Certificates of Obligation, General Obligation Bonds, and Electric Light and Power System revenue bonds.

Item Summary

The Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2013 are being issued to fund projects listed in Exhibit A. The total amount of projects costs financed with these obligations will not exceed \$64,800,000.

The General Obligation Bonds, Series 2013 represents the fifth issuance of debt as approved in the election held on November 3, 2009. The projects to be funded with General Obligation Bonds are listed in Exhibit B. The total amount of project costs financed with these bonds will not exceed \$9,000,000. In the event that debt service savings can be realized, the City may also consider the issuance of general obligation refunding bonds to refinance a portion of the City's currently outstanding general obligation debt.

The Electric Light and Power System Revenue Bonds, Series 2013 are being issued to fund projects in Exhibit C. The total amount of project costs financed with these bonds will not exceed \$29,600,000. In the event that debt service savings can be realized, the City may also consider the issuance of electric light and power system refunding bonds to refinance a portion of the City's currently outstanding electric light and power system bonds.

Fiscal Impact

The annual debt service payments for the Tax and Waterworks System Surplus Revenue Certificates of Obligation are budgeted through the annual operating budget process and are included in long-term financial planning and rate models. The annual payments are made from the annual revenues of the respective enterprise and internal services funds where the projects are incurred. Governmental projects are paid through the Debt Service Fund.

The annual debt service payments for General Obligation Bonds are paid from the portion of the tax rate dedicated to the Debt Service Fund.

The annual debt service payments for the Electric Light and Power System Revenue Bonds are paid from the revenues of the Lubbock Power & Light Fund.

The difference between the amount of the listed projects and the total bonds issued is related to costs of issuance, potential premium on the bonds, and accrued interest.

Staff/Board Recommending

Pamela Moon, Executive Director of Finance

This item has been prepared by the City's Bond Counsel.

Attachments

Resolution - Statement of Intent

Funding Summary

MINUTES AND CERTIFICATION PERTAINING TO
PASSAGE OF A RESOLUTION

STATE OF TEXAS §
COUNTY OF LUBBOCK §
CITY OF LUBBOCK §

On the 28th day of February, 2013, the City Council of the City of Lubbock, Texas, convened in a regular meeting at the regular meeting place thereof, the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by Chapter 551, Texas Government Code, as amended; and the roll was called of the duly constituted officers and members of the City Council, which officers and members are as follows:

Glen C. Robertson, Mayor)	Victor Hernandez)
Karen Gibson, Mayor Pro Tem)	Floyd Price)
)	Todd R. Klein)
)	Jim Gerlt)
)	Latrell Joy)

Members of
the Council

Lee Ann Dumbauld, City Manager
Pamela Moon, Executive Director of Finance
Rebecca Garza, City Secretary

and all of said persons were present, except _____, thus constituting a quorum. Whereupon, among other business, a written Resolution bearing the following caption was introduced:

A RESOLUTION AUTHORIZING PUBLICATION OF NOTICES OF INTENTION TO ISSUE TAX AND WATERWORKS SYSTEM SURPLUS REVENUE CERTIFICATES OF OBLIGATION, GENERAL OBLIGATION BONDS AND ELECTRIC LIGHT AND POWER SYSTEM REVENUE BONDS

The Resolution, a full, true and correct copy of which is attached hereto, was read and reviewed by the City Council. Thereupon, it was duly moved and seconded that the Resolution be passed and adopted.

The Presiding Officer put the motion to a vote of the members of the City Council, and the Resolution was passed and adopted by the following vote:

AYES: ___ NOES: ___ ABSTENTIONS: ___

MINUTES APPROVED AND CERTIFIED TO BE TRUE AND CORRECT, and to correctly reflect the duly constituted officers and members of the City Council of said City, and the attached and following copy of said Resolution is hereby certified to be a true and correct copy of an official copy thereof on file among the official records of the City, all on this the 28th day of February, 2013.

Rebecca Garza, City Secretary
City of Lubbock, Texas

[SEAL]

Resolution No. 2013-R _____
February 28, 2013
Item No. _._

A RESOLUTION AUTHORIZING PUBLICATION OF NOTICES OF INTENTION TO ISSUE TAX AND WATERWORKS SYSTEM SURPLUS REVENUE CERTIFICATES OF OBLIGATION, GENERAL OBLIGATION BONDS AND ELECTRIC LIGHT AND POWER SYSTEM REVENUE BONDS

WHEREAS, the City of Lubbock, Texas (the "City"), pursuant to Subchapter C, Chapter 271, Texas Local Government Code, as amended, is authorized to issue its certificates of obligation (the "Certificates") for the purpose of paying contractual obligations to be incurred for the purposes set forth in Exhibit A hereto;

WHEREAS, the City Council of the City has found and determined that a notice of intention to issue certificates of obligation should be published in accordance with the requirements of applicable law;

WHEREAS, the City also intends to issue general obligation bonds (the "General Obligation Bonds") to fund various public improvements and, if determined to be in the best interests of the City, to refund outstanding obligations of the City to achieve debt service savings;

WHEREAS, the City also intends to issue electric light and power system revenue bonds (the "Revenue Bonds") to fund acquisition, construction, improvement, renovation, enlarging and/or equipping of property, buildings, structures, facilities, and/or related infrastructure for Lubbock Power & Light and, if determined to be in the best interests of the City, to refund outstanding electric light and power system revenue bonds; and

WHEREAS, the City Council has found and determined that notices of intention to issue general obligation bonds and revenue bonds should be published in accordance with the provisions of the City Charter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK, TEXAS, THAT:

Section 1. The findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

Section 2. The City Secretary of the City is hereby authorized and directed to issue a notice of intention to issue the Certificates in substantially the form set forth in Exhibit A hereto incorporated herein by reference for all purposes. The notice as set forth in Exhibit A shall be published once a week for two consecutive weeks, the date of the first publication being not less than the day before the (30th) day prior to the date set forth in the notice for passage of the ordinance authorizing the Certificates. Such notice shall be published in a newspaper of general circulation in the area of the City of Lubbock, Texas.

Section 3. The City Secretary of the City is hereby authorized and directed to issue a notice of intention to sell General Obligation Bonds in substantially the form set forth in Exhibit B hereto incorporated herein by reference for all purposes. The notice as set forth in Exhibit B shall be published once a week for a period of thirty (30) days prior to the date set forth in the notice for passage of the ordinance authorizing the General Obligation Bonds. Such notice shall be published in a newspaper of general circulation in the area of the City of Lubbock, Texas.

Section 4. The City Secretary of the City is hereby authorized and directed to issue a notice of intention to sell Revenue Bonds in substantially the form set forth in Exhibit C hereto incorporated herein by reference for all purposes. The notice as set forth in Exhibit C shall be published once a week for a period of thirty (30) days prior to the date set forth in the notice for passage of the ordinance authorizing the Revenue Bonds. Such notice shall be published in a newspaper of general circulation in the area of the City of Lubbock, Texas.

Section 5. This resolution shall take effect from and after the date of its passage.

[Signature page follows]

ADOPTED THIS 28th day of February, 2013, by the City Council of the City of Lubbock, Texas.

CITY OF LUBBOCK, TEXAS

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Pamela Moon, Executive Director of Finance

APPROVED AS TO FORM:



Jerry V. Kyle, Jr., Bond Counsel

Exhibit A

NOTICE OF INTENTION TO ISSUE CITY OF LUBBOCK, TEXAS
TAX AND WATERWORKS SYSTEM SURPLUS REVENUE
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that on April 11, 2013, the City Council of the City of Lubbock, Texas, at 3:00 p.m. at a regular meeting of the City Council to be held in the City Council Chambers at the Municipal Complex, 1625 13th Street, Lubbock, Texas, the regular meeting place of the City Council, intends to pass one or more ordinances authorizing the issuance of not to exceed \$64,800,000 total principal amount of one or more series of certificates of obligation (the "Certificates") for the purpose of paying contractual obligations to be incurred for the following purposes, to wit: (i) animal shelter expansion; (ii) improvements and extensions to City streets, including sidewalks, street lighting, traffic signals/controllers, signage, landscaping, utility improvements, extensions, relocations and acquisition of land and rights-of-way in connection therewith; (iii) park and recreation system improvements; (iv) radio system upgrades; (v) improvements, relocations and extensions to the City's wastewater system; (vi) improvements, relocations and extensions to the City's storm water facilities and infrastructure (collectively, with items (i)-(v), the "Project") and (vii) payment of professional services of attorneys, financial advisors, engineers and other professionals in connection with the Project and the issuance of the Certificates. The Certificates shall bear interest at a rate not to exceed fifteen percent (15%) per annum and shall have a maximum maturity date of not later than 21 (twenty-one) years after their date. Said Certificates shall be payable from the levy of a direct and continuing ad valorem tax, levied within the limits prescribed by law, against all taxable property within the City sufficient to pay the interest on this series of Certificates as due and to provide for the payment of the principal thereof as the same matures, as authorized by Subchapter C, Chapter 271, Texas Local Government Code, as amended, and from all or a part of the surplus net revenues of the City's Waterworks System, such pledge of surplus net revenues being limited to \$1,000.

THIS NOTICE is given in accordance with law and as directed by the City Council of the City of Lubbock, Texas on February 28, 2013.

Exhibit B

NOTICE OF INTENTION TO ISSUE CITY OF LUBBOCK, TEXAS
GENERAL OBLIGATION BONDS

On the 11th day of April, 2013, during its regular meeting scheduled to begin at 3:00 p.m., in the City Council Chambers at the Municipal Complex, 1625 13th Street, Lubbock, Texas, the City Council of the City of Lubbock, Texas, plans to pass one or more ordinances authorizing the issuance and sale of (i) general obligation bonds in the maximum amount not to exceed \$9,000,000 to fund various public improvements and (ii) general obligation bonds in a maximum amount to be determined by the City Council on such date to refund outstanding obligations of the City. A complete description of the bonds being authorized may be obtained from the Finance Department, City of Lubbock, P.O. Box 2000, Lubbock, Texas 79457; or from RBC Capital Markets, 200 Crescent Court, Suite 1500, Dallas, Texas 75201, Financial Advisors to the City.

THIS NOTICE is given in accordance with law and as directed by the City Council of the City of Lubbock, Texas on February 28, 2013.

Exhibit C

NOTICE OF INTENTION TO ISSUE CITY OF LUBBOCK, TEXAS
ELECTRIC LIGHT AND POWER SYSTEM REVENUE BONDS

On the 11th day of April, 2013, during its regular meeting scheduled to begin at 3:00 p.m. in the City Council Chambers at the Municipal Complex, 1625 13th Street, Lubbock, Texas, the City Council of the City of Lubbock, Texas, plans to pass one or more ordinances authorizing the issuance and sale of (i) electric light and power system revenue bonds in the maximum amount not to exceed \$29,600,000 to acquire, purchase, construct, improve, renovate, enlarge, and/or equip property, buildings, structures, facilities, and/or related infrastructure for Lubbock Power & Light and (ii) electric light and power system revenue bonds in a maximum amount to be determined by the City Council on such date to refund outstanding electric light and power system revenue bonds. A complete description of the bonds being authorized may be obtained from the Finance Department, City of Lubbock, P.O. Box 2000, Lubbock, Texas 79457; or from RBC Capital Markets, 200 Crescent Court, Suite 1500, Dallas, Texas 75201, Financial Advisors to the City.

THIS NOTICE is given in accordance with law and as directed by the City Council of the City of Lubbock, Texas on February 28, 2013.

APPENDIX A

**City of Lubbock, TX
Finance Department
Project Funding Summary by Issue**

Fund	Project	Issuance Amount
Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2013:		
Facilities	Animal Shelter Expansion	\$ 750,000
		<u>750,000</u>
Public Works	Traffic Signals/Controllers	300,000
	Street Maintenance Program	9,480,099
		<u>9,780,099</u>
Cultural and Recreational Services	Garden and Arts Center Renovations	100,000
	Llano Estacado Lake (Lake #2) Pavilion	414,169
		<u>514,169</u>
Internal Services	Upgrade 800 MHZ Radio System to P25 Compliance	2,825,000
		<u>2,825,000</u>
Storm Water	Northwest Lubbock and Maxey Park Project	5,500,000
		<u>5,500,000</u>
Wastewater	Lift Station Rehabilitation	1,000,000
	Sewer Line Replacement	380,000
	Sewer Lines Ahead of Street Paving	750,000
	Sewer Tap Replacements	400,000
	Water Reclamation Plant Replacements	600,000
	South Lubbock Sanitary Sewer System Exp Phase I	13,758,726
	Northwest Water Reclamation Plant	18,500,000
	SEWRP Solids Handling Facility Improvements	1,500,000
	Canyon Lakes Sanitary Sewer Mains Rehabilitation	1,500,000
	SEWRP Emergency Generator and Switch Gear	450,000
		<u>38,838,726</u>
	Total Funding	\$ 58,207,994

APPENDIX B

**City of Lubbock, TX
Finance Department
Project Funding Summary by Issue**

Fund	Project	Issuance Amount
General Obligation Bonds, Series 2013:		
General Fund - Public Safety	Multi-Company Fire Station # 19	<u>\$ 2,250,000</u>
		<u>2,250,000</u>
General Fund - Public Works	34th St. Reconstruction - Indiana to Ave. Q.	<u>5,725,000</u>
		<u>5,725,000</u>
	Total Funding	<u><u>\$ 7,975,000</u></u>

APPENDIX C

**City of Lubbock, TX
Finance Department
Project Funding Summary by Issue**

Fund	Project	Issuance Amount
Electric Revenue Bonds, Series 2013:		
Lubbock Power and Light	Downtown Redevelopment Underground	\$ 290,000
	MGL 6 & 7 Cooling Tower Replacement	4,180,000
	Additional MCC for Cooke Station	300,000
	CK 2 Boiler Feed Pumps Overhaul	100,000
	GT3 Major Overhaul	850,000
	Critical Valve Overhauls	150,000
	Refurbish CK Startup Transformer	200,000
	Underground Distribution	2,100,000
	Overhead Distribution	1,200,000
	Distribution Transformers	2,300,000
	Cooke CEMS Replacement	150,000
	CK 2 Boiler Controls Replacement	550,000
	CK 2 Cooling Tower Mechanical Refurbishment	150,000
	230 kV Transmission Loop	12,750,000
	Substation Breaker Replacements	1,500,000
		<u>26,770,000</u>
	Total Funding	<u>\$ 26,770,000</u>



Regular City Council Meeting

5. 4.

Meeting Date: 02/28/2013

Information

Agenda Item

Resolution – Finance: Consider a resolution expressing intent to finance expenditures to be incurred for projects approved by the City Council in the FY 2012-13 Operating Budget Amendment, Ordinance 2012-00143, and to reimburse itself from the proceeds of obligations that will be issued in a subsequent period.

Item Summary

The City will issue bonds during FY 2012-13 to fund projects the City Council approved in the FY 2012-13 Capital Program.

To allow capital projects to be completed within prescribed time frames, design, engineering, and construction costs may be incurred prior to delivery of bond proceeds. For the costs to be eligible for reimbursement with bond proceeds, the City must declare its intent to reimburse bond funded costs that are incurred prior to the bond issuance.

Fiscal Impact

The total cost of these projects, funded by certificates of obligation, is \$4,180,000.

Staff/Board Recommending

Cheryl Brock, Budget Director

Attachments

Resolution - Reimbursement

RESOLUTION EXPRESSING INTENT TO
FINANCE EXPENDITURES TO BE INCURRED

WHEREAS, the City of Lubbock, Texas (the "Issuer") is a political subdivision of the State of Texas authorized to finance its activities by issuing debt obligations, the interest on which is excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Obligations");

WHEREAS, the Issuer will make, or has made not more than 60 days prior to the date hereof, payments for capital expenditures with respect to the acquisition, construction, reconstruction or renovation of the projects listed on Exhibit A attached hereto;

WHEREAS, the Issuer has concluded that it does not currently desire to issue Obligations to finance costs associated with the projects listed on Exhibit A attached hereto;

WHEREAS, the Issuer desires to reimburse itself for capital expenditures associated with the projects listed on Exhibit A attached hereto from the proceeds of Obligations to be issued subsequent to the date hereof; and

WHEREAS, the Issuer reasonably expects to issue Obligations to reimburse itself for the costs associated with the projects listed on Exhibit A attached hereto.

NOW, THEREFORE, be it resolved that:

Section 1. The Issuer reasonably expects to reimburse itself for capital expenditures that have been or will be paid subsequent to the date that is 60 days prior to the date hereof, but not more than 18 months after the date hereof, and that are to be paid in connection with the acquisition, construction, reconstruction or renovation of the projects listed on Exhibit A attached hereto from the proceeds of Obligations to be issued subsequent to the date hereof.

Section 2. The Issuer reasonably expects that the maximum principal amount of Obligations issued to reimburse the Issuer for the costs associated with the property listed on Exhibit A attached hereto will not exceed \$4,180,000.

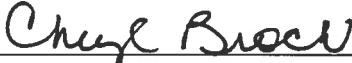
ADOPTED THIS _____ day of _____, 2013, by the City Council of the City of Lubbock, TX.

GLEN C. ROBERTSON, MAYOR

ATTEST:

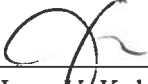
Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:



Cheryl Brock
Budget Director

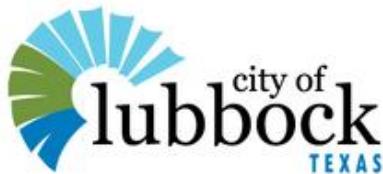
APPROVED AS TO FORM:



Jerry V. Kyle, Jr.
Bond Counsel

EXHIBIT A

	<u>Cost Estimate</u>
LUBBOCK POWER AND LIGHT	
MGL 6 & 7 Cooling Tower Replacement	\$ 4,180,000
TOTAL	<u>\$ 4,180,000</u>



Regular City Council Meeting

5. 5.

Meeting Date: 02/28/2013

Information

Agenda Item

Contract Resolution – Finance: Consider a resolution authorizing the Mayor to execute contract 11076, a Master Lease Agreement, between the City and Banc of America Public Capital Corp, RFP 13-11076-DT.

Item Summary

On September 30, 2012, the City’s Master Lease Agreement expired. The City seeks to establish a new Master Lease Agreement to provide funding to finance its general equipment needs. Under the Master Lease Agreement, the City plans to acquire rolling stock, computer hardware and software, and equipment, totaling approximately \$15 million each year.

These purchases will be made by the City throughout the year. The City will then be reimbursed by Banc of America Public Capital Corp at the end of the fiscal year for these purchases in exchange for equal level principal payments plus interest due to Banc of America Public Capital Corp. The term of the agreement will be for one year, with the option of two, one-year extensions.

The evaluation committee rated the proposals on the following three areas:

- 1. Cost of financing: 45%
- 2. Demonstrated knowledge and understanding of the project: 35%
- 3. References of the offerors and the offeror’s goods and services: 20%

Four proposals were received from the following firms and were ranked as follows:

Company	Points
Banc of America Public Capital Corp, Scottsdale, AZ	456
JP Morgan Chase Bank, Columbus, OH	400
Pinnacle Public Finance, Scottsdale, AZ	294
Sovereign/Santander Bank, Scottsdale, AZ	155

City staff recommends City Council approve an agreement with Banc of America Public Capital Corp.

Fiscal Impact

Approximately \$15 million in principal submitted each year. Payments will vary depending on interest rates at the time of issuance.

Staff/Board Recommending

Pam Moon, Director of Finance

Attachments

Resolution & Master Lease Agreement

RESOLUTION

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

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, Contract No. 11076 for Master Municipal Lease Agreement, by and between the City of Lubbock and Banc of America Public Capital Corp of Scottsdale, Arizona, 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:



Pamela Moon, Director of Finance

APPROVED AS TO FORM:



Chad Weaver, Assistant City Attorney

MASTER LEASE AGREEMENT

THIS MASTER LEASE AGREEMENT is made, as of February 28, 2013, between Banc of America Public Capital Corp (“Lessor”) and the City of Lubbock, Texas (“City or Lessee”).

The City desires to enter into arrangements for the lease purchase of various equipment. Lessor desires to provide for the financing of such equipment by leasing such equipment to the City and the City desires to lease such equipment from the Lessor. The City and the Lessor, for the consideration specified, agree as follows:

1. I – DEFINITIONS

- 1.1 Acquisition Period: means the period commencing upon execution of this Agreement and continuing through September 30, 2013 unless the Acquisition Period is extended as provided in Section 3.2. All Appendices received by the Lessor during the Acquisition Period shall be governed by the terms and conditions of this Agreement.
- 1.2 Agreement: means this Agreement as the same may be amended and supplemented from time to time in accordance with its terms.
- 1.3 Appendix: means each Equipment List and Payment Schedule submitted by the Lessee substantially in the form attached hereto.
- 1.4 Code: means the Internal Revenue Code of 1986, as amended.
- 1.5 Contract Documents: consist of this Agreement, Exhibit A (Statement of Essential Use), Exhibit B (Statement of Insurance Coverages), Exhibit C (Certificate of Counsel), Exhibit “D” (Form Appendix) and each Appendix consisting of Part 1 (Equipment List) and Part 2 (Payment Schedule), and Invitation to RFP Number. Where the terms and provisions of the Agreement vary from the terms and provisions of the other Contract Documents, the terms and provisions of the Agreement shall prevail over the other Contract Documents.
- 1.6 Equipment: means the items of new or reconditioned personal property leased to Lessee for a term not exceeding the useful life of the item pursuant to this Agreement and listed in an applicable Appendix all as acceptable to the Lessor.
- 1.7 Financing Request Date: means the date on which an Appendix is mailed via overnight delivery to the Lessor.
- 1.8 Index: The average weighted life interest rate swap index based on a three, five, seven or ten year term. Interest will be calculated on the basis of a year with 360 days consisting of twelve 30-day months. The rate of interest to be charged for each equipment purchase, or groups of equipment purchases, will be determined and fixed as of the Financing Request Date based on the schedule provided in section 4.1.
- 1.9 Lease Payment: means a payment made by the City to the Lessor as specified herein.
- 1.10 Lessor Payment Date: means each date on which a payment is made by the Lessor pursuant to Section 4.2.
- 1.11 Payment Schedule: means the document substantially in the form of Part 2 of the Appendix establishing the repayment schedule for an Appendix.
- 1.12 Term or Term of this Agreement: means the period beginning with the execution of the Agreement by both parties and ending on the date when the final Lease Payment has been paid.

2. II – GENERAL

- 2.1 The purpose of this Agreement is to provide for the terms of the lease of the Equipment by the Lessor to the City. Payment obligations of the City with respect to Equipment acquired under this Agreement begin when the City executes an Appendix, as set forth on Exhibit “D” attached hereto.
- 2.2 The obligation of the Lessee to make Lease Payments under this Agreement is subject to annual appropriation by the City Council. **NEITHER THE CITY’S FULL FAITH AND CREDIT NOR ITS TAXING POWER IS PLEDGED**

BY VIRTUE OF THIS AGREEMENT. THIS OBLIGATION SHALL NOT CONSTITUTE DEBT OF THE CITY WITHIN THE MEANING OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS.

- 2.3 The Lessor agrees to lease to the City the Equipment described in the Part 1 of each properly executed Appendix (Equipment List) for the consideration indicated in Part 2 of the Appendix (Payment Schedule) and the City agrees to lease such Equipment from the Lessor. The City shall be entitled to retain possession of the Equipment as long as the City is not in default under this Agreement and an event of non-appropriation has not occurred.
- 2.4 No Equipment items shall be acquired on behalf of Lessee under this Agreement by the Lessor or will be paid for by Lessor, until the Lessor has been provided an Appendix signed by the City.

3. III – TERM

- 3.1 The term of each Appendix entered into pursuant to this Agreement shall be for a period of three (3), five (5), seven (7) or ten (10) years, as determined by the City and the Lessor, and as shown in each applicable Appendix, beginning on the applicable Lessor Payment Date of the applicable Appendix and will be terminated, except as otherwise provided in this Agreement, on the last payment date described in Part 2 of the applicable Appendix.
- 3.2 The term of the Acquisition Period may be extended for two additional periods of twelve (12) months each beyond the initial term of the Acquisition Period. Such extension or extensions will be upon mutual agreement of the City and the Lessor, and will be accomplished by a document extending the Acquisition Period, duly executed by the City and Lessor prior to September 30, 2013, and if mutually agreed to further extend the Acquisition Period one additional annual period, on or before September 30, 2014. The term of the final acquisition period will expire on September 30, 2015.

4. IV – PAYMENT

- 4.1 Amount and Times of Payment by Lessee: The total purchase price for Equipment indicated in each Appendix shall be reimbursed to the City by the Lessor and the City shall pay the Lessor the Lease Payments in the amounts and on the dates indicated in each Appendix. The interest component of the initial Lease Payment with respect to each Appendix shall include accrued interest from the date the Lessor reimburses the City for the Equipment. All interest payments including payments for partial months and accrued interest shall be calculated on the basis of a year with 360 days consisting of twelve 30-day months. A fixed rate of interest will be established by executing of an Appendix as set forth on the Appendix, Part 2. Using the terms of the Appendix, the rate will be determined by multiplying the 0.65 times the applicable Index published in the week of the Financing Request Date for the term based on the following schedule:

3 Year Lease Term Rate = 2 Year Federal Reserve H-15 Swap Rate x 65% plus 70.6 bps

5 Year Lease Term Rate = 3 Year Federal Reserve H-15 Swap Rate x 65% plus 74.8 bps

7 Year Lease Term Rate = 4 Year Federal Reserve H-15 Swap Rate x 65% plus 88.4 bps

10 Year Lease Term Rate = 6 Year Federal Reserve H-15 Swap Rate x 65% plus 101.4 bps

The net effective interest rate may not exceed the net effective interest rate of which public securities may be issued in accordance with Chapter 1204 of the Texas Government Code. In the event the net effective interest rate does so exceed such rate, the net effective interest rate in such instance, for all purposes hereof, shall be the net effective interest rate at which public securities may be issued in accordance with Chapter 1204 of the Texas Government Code. Invoices shall be submitted by the Lessor directly to the City at the City's address shown on the Appendix not less than 15 days before the due date of each Lease Payment. All invoices shall show the Appendix number and the federal employer identification number of the Lessor. Subject to Section 4.3, all Lease Payments will be made upon the City's receipt of an accurate invoice meeting the requirements of this Agreement. If paid by wire transfer, the date of the City's wire transfer shall be deemed to be the date of payment by the City to the Lessor. Subject to Section 4.3, there will be no abatement or reduction of Lease Payments by the Lessee for any reason, including but not limited to, any defense, recoupment, set off, counterclaim, or any claim arising out of or related to any defects, damages, malfunctions, breakdowns or insuitability of the Equipment.

- 4.2 Amount and Times of Payment by Lessor: Payment by Lessor must be made to the City by the Financing Request Date of an Appendix, as evidenced in writing and receipt of the documents described in Section 5.5(a). The amount of payment will be stated in the Appendix covering such Equipment. The date of the Lessor's wire transfer shall be deemed to be the Lessor Payment Date.
- 4.3 Appropriation of Payments: Notwithstanding any provision in this Agreement to the contrary, all funds for payment by the Lessee under this Agreement, including all Lease Payments, are subject to the availability of an annual appropriation for this purpose by the City Council of the Lessee. While recognizing that it is not empowered to make any binding commitment beyond the current fiscal year of the Lessee, it is the current intention of the Lessee to make sufficient annual appropriations during the Term of this Agreement to pay all Lease Payments and other amounts required to be paid by the Lessee under this Agreement. Failure to make any payments hereunder as a result of non-appropriation shall not be deemed to be an Event of Default, but such failure shall entitle the Lessor to exercise the remedies set forth in Section 4.6.
- 4.4 Events of Default by Lessee: Any of the following events shall constitute an Event of Default by the Lessee under this Agreement, provided that no such default shall constitute an Event of Default unless it is not cured within thirty (30) days after the receipt by the Lessee of written notice, as provided herein, thereof from the Lessor to the Lessee:
- (a) The nonpayment of any Lease Payment required hereunder, or the default by the Lessee in the performance of any of the obligations, covenants, terms and provisions contained or referred to in this Agreement; provided, however, that failure to make any payments as a result of nonappropriation by the City Council shall not constitute an Event of Default but shall entitle the Lessor to exercise the remedies set forth in Section 4.6.
 - (b) Any warranty, representation, or statement of Lessee contained in this Agreement proves to have been false in any material respect when made or furnished.
 - (c) Loss, theft, substantial damage, destruction, except as provided in Section 5.7, sale or encumbrance, subject to Section 5.4 and Section 7.1, of or to any of the Equipment, or the making on any levy, seizure or attachment thereof or thereon provided that the Lessee is not taking reasonable steps to replace, repair, or remove any encumbrances from such Equipment.
 - (d) Proceedings under any bankruptcy, insolvency, reorganization or similar legislation shall be instituted by or against the Lessee, or a receiver, custodian or similar officer shall be appointed for the Lessee or any of its property.
- 4.5 Events of Default by Lessor: Any of the following events shall constitute an Event of Default by Lessor under this Agreement:
- (a) Late payment by Lessor for Equipment following timely notification and documentation from the City with respect to such Equipment as per Section 4.2.
 - (b) Lessor's failure to observe any of the covenants and requirements of this Agreement.
 - (c) Any warranty, representation, or statement of Lessor contained in this Agreement proves to have been false in any material respect when made or furnished.
- 4.6 Remedies of Lessor: Upon the occurrence of an Event of Default or event of nonappropriation by the Lessee, then Lessor may, as its option, take any one or more of the following actions with respect to the Appendix wherein such Event of Default or non-appropriation has occurred:
- (a) Declare the entire amount of unpaid Lease Payments due under the Appendix wherein such Event of Default or non-appropriation has occurred to be immediately due and payable, without further notice;
 - (b) Repossess any Equipment under the Appendix wherein such Event of Default or non-appropriation has occurred or sell or lease such Equipment in a commercially reasonable manner, and in accordance with Chapter 9 of the Texas Business and Commerce Code, through public or private transaction after giving Lessee reasonable prior written notice with or without having such Equipment at any such sale or leasing. Lessor may

purchase all or part of the Equipment at any such sale or leasing. The proceeds of any sale or leasing will be applied to the payment of the unpaid balance of Lessee's obligations under this Agreement and Lessor shall have no further rights or recourse under this Agreement against Lessee with respect to such repossessed Equipment except to recover any amounts then appropriated and unexpended by Lessee to make Lease Payments under this Agreement. To the extent the proceeds of any such sale or leasing exceed the amount required to pay the unpaid balance of Lessee's obligations under this Agreement, such excess shall be paid to Lessee; or

- (c) Terminate the Lessor's obligation to fund any future Appendix under this Agreement.

Lessor's attempt to exercise any of the remedies herein entitles Lessee to prepay all amounts due under the Appendix wherein such Event of Default or non-appropriation has occurred, without notice to Lessor, as provided in Section 7.1 and Section 7.2 herein, notwithstanding any provisions to the contrary contained herein.

- 4.7 Remedies of Lessee: Upon the occurrence of an Event of Default by Lessor, the Lessee may, at its option, take any one or more of the following actions:

- (a) Institute any or all remedies available to Lessee as allowed by law, contract, equity or otherwise.
- (b) Terminate this Agreement as to all or any part of the Equipment, provided that the Lessee prepays its obligations in accordance with Section 7.1 with respect to any Equipment for which this Agreement will be terminated.

5. V – RESPONSIBILITIES OF LESSEE

- 5.1 Care and Use of Equipment: The Lessee shall use the Equipment or cause the Equipment to be used in a proper manner, in compliance with all applicable laws and regulations, and at its sole cost and expense, service, repair and maintain the Equipment so as to keep the Equipment in good condition, repair, appearance and working order for the purposes intended, ordinary wear and tear excepted, and shall replace any material part of the Equipment as may from time to time become worn out, lost, stolen, destroyed, damaged or unfit for use. Any and all additions to or replacements of the Equipment and all parts thereof shall constitute accessions to the Equipment and shall be subject to all the terms and conditions of this Agreement and included in the term "Equipment" as used in this Agreement.
- 5.2 Inspection: Subject to security regulations, laws, policies, and ordinances and other applicable laws, regulations, ordinances and policies, Lessee will allow Lessor, with reasonable prior notice to Lessee, to enter premises where the Equipment is located during normal business hours for the purposes of inspecting the Equipment and observing whether Lessee is in compliance with its responsibilities under this Agreement.
- 5.3 Taxes and Licenses: It is the Lessee's good faith belief that the items acquired by it pursuant to this Agreement should be exempt from the payment of Federal excise taxes and from all State and Local taxes imposed by the State of Texas or its political subdivisions.
- 5.4 Assignment or Delegation of Lessee: Lessee may not assign all or any part of its rights and obligations under this Agreement or in the Equipment to another party.
- 5.5 Delivery of Related Documents:
- (a) For each item of Equipment, Lessee shall execute or deliver, as appropriate, the following documents:
- (i) An Appendix in substantially the form attached.
- (ii) To the extent required and as prepared by Lessor, financing statements or other documents to evidence Lessor's security interest provided that such statements shall not impose liabilities and/or responsibilities inconsistent with this Agreement.
- (iii) A copy of IRS form 8038-G; original to Internal Revenue Service.

- (iv) Certificates in substantially the form of Exhibit A relating to the essentiality of the Equipment and Exhibit B relating to insurance coverage.
- (v) For any Appendix where the principal amount to be financed exceeds \$5,000,000, an opinion of nationally recognized bond counsel to the effect that the interest component of the Lease Payments is excluded from the gross income of the Lessor under the Code.
- (b) For each item of Equipment, Lessee shall provide upon written request of the Lessor, the City's maintenance contract of the Equipment, if applicable.
- (c) Upon the execution of this Agreement by Lessee, Lessee will provide a Certification of Counsel in the form attached hereto as Exhibit C.

5.6 Liability and Property Insurance: During the term of this Agreement, the Lessee agrees to provide the following insurance coverages under Lessee's self insurance program or through its purchased commercial property insurance policies:

- (a) Insurance or self insurance in the amount of the full replacement cost of the Equipment against the risk of any direct physical loss of or damage to the Equipment.
- (b) Comprehensive general liability insurance or self insurance against liability for death or bodily injury and for damage to property, arising out of the ownership, maintenance or use of the Equipment, which insurance coverage shall not be circumscribed by any endorsements limiting the breadth of coverage (limited only as may be provided in the standard form for such coverage at the time in use in Texas). The proceeds of such insurance coverage shall be applied to satisfaction of the liability.

Lessee shall furnish to the Lessor evidence of the above coverages prior or contemporaneous to execution of the Contract Documents.

5.7 Damage to or Destruction of Equipment: If after delivery of any Equipment to Lessee all or any material part of the Equipment is lost, stolen, destroyed or damaged beyond repair, Lessee shall as soon as practicable after such event either: (a) replace the same at Lessee's sole cost and expense with Equipment of equal or greater value to the Equipment immediately prior to the time of the loss occurrence, such replacement Equipment to be subject to Lessor's reasonable approval, whereupon such replacement Equipment shall be substituted in this Agreement and other related documents by appropriate endorsement or amendment; or (b) pay the applicable prepayment price (as set forth in Section 7.2 hereof) of the Appendix to which such Equipment belongs. Lessee shall notify Lessor of which course of action it will take within thirty (30) days after the loss occurrence. In the event Lessor shall replace or repair the Equipment, as described above, it shall be deemed that no Event of Default hereunder has occurred. Upon payment of the prepayment price as set forth in Section 7.1 hereof with respect to any Appendix, this Agreement shall terminate with respect to the relative Equipment and Lessee thereupon shall become entitled to such Equipment on an **AS IS, WHERE IS** basis and Lessor makes no warranties or representations of any type as to the Equipment, except that such Equipment shall not be subject to any lien or encumbrance created by or arising through Lessor.

5.8 Risk of Loss: Unless Section 6.9 of this Agreement is applicable, all risk of loss to the Equipment arising out of the ownership, possession or use of the Equipment shall be borne by Lessee.

5.9 Application of Funds: All funds authorized or appropriated for payments under this Agreement shall be applied by the City to such payment requirements to the extent required by this Agreement.

6. VI – EQUIPMENT

6.1 Title: Title to Equipment listed in an Appendix shall pass to the Lessee upon acceptance thereof. Title will revert to Lessor upon the occurrence of the Event of Default, and expiration of the notice and cure period, under Section 4.4, or upon non-appropriation of payments due regarding such Equipment listed in the applicable Appendix under this Agreement.

- 6.2 **Security Interest:** The Lessee grants to Lessor and Lessor retains a purchase money security interest in the Equipment. Lessee will not change or remove any insignia or lettering, which Lessor may place on the Equipment to indicate its interest therein until all Lease Payments are made. Until all Lease Payments are made or prepayment is complete, Lessee shall keep the Equipment free from any lien, encumbrance or legal process, which would conflict with this security interest.
- 6.3 **Filing:** Subject to the provisions of Section 5.5.a.ii, Lessee authorizes Lessor to make Lessor's security interest a matter of public record by filings of any standard documents necessary for that purpose. Lessee agrees to sign or execute such documents, if required, to evidence its consent to the filing. Lessee will provide sixty (60) days written notice to Lessor that Equipment is being relocated to insure that Lessor may perfect additional filings as necessary.
- 6.4 **Personal Property:** The Equipment shall remain the personal property as defined in V.T.C.A, Local Government Code, Subchapter A of Chapter 271, as amended, of the Lessee and shall not be deemed to have become real property regardless of the manner in which it is affixed to real property.
- 6.5 **Alternations, Additions, Attachments:** Lessor hereby agrees to allow the Lessee to add and attach to the Equipment such additional equipment, facilities or fixtures as the Lessee may subsequently acquire (exclusive of repair, service replacement parts, which do not constitute new equipment, but shall become part of the Equipment) notwithstanding the form of financing that the Lessee might use, which additional equipment, facilities or fixtures shall not be a part of or subject to this Agreement, unless by express written amendment.
- 6.6 **Removal of Alterations, Additions, Attachments:** In the event title to the Equipment reverts to Lessor, Lessee, at its own expense, will remove all alterations, additions and attachments and repair the Equipment as necessary so as to return the Equipment to the condition in which it was furnished, reasonable wear and tear excepted. Lessee will not be responsible for any maintenance repairs if the Equipment has been under a continuous maintenance agreement since it was put into service and accepted by the City.
- 6.7 **Return of Equipment:** In the event title to the Equipment reverts to Lessor, as specified herein, for the Equipment listed in any Appendix, Lessee shall deliver possession of the Equipment to Lessor at the premises of Lessee in the condition in which the Equipment is required to be maintained according to this Agreement.
- 6.8 **Quiet Enjoyment:** The Lessee shall be entitled to possess and use the Equipment during the term of this Agreement without interruption by the Lessor, provided that the Lessee has duly performed its obligations under this Agreement. Any Equipment acquired under terms of this Agreement may be operated at any time at the convenience of the Lessee (exclusive of time required for preventive maintenance, remedial maintenance and/or approved engineering changes). There shall be no restrictions as to consecutive hours, length of personnel shifts, etc., unless such restrictions are specifically incorporated in an Appendix. Lessee may make Equipment available to other users, provided that such use is supervised by the City, such Equipment is used by other governmental units, and Lessor has consented in writing to such use by a substitute user, such consent to not be unreasonably withheld.
- 6.9 **Liability of Lessor:** Notwithstanding Section 11.2 of this Agreement, in the event that the Lessor is required to perform work at the Lessee's location and such work is performed by Lessor, its agents, employees, contractors or assigns the Lessor shall (1) maintain such bodily injury and property damage liability insurance as necessary to protect itself from claims arising out of performance of this Agreement, and (2) indemnify and hold harmless the City, its elected and appointed officers, officials, agents, employees and designated representatives from and against any and all claims, suits, actions, liabilities, and costs of any kind, including attorney's fees for bodily injury and damage to real or personal property arising from or related to intentional or grossly negligent acts or omissions of the Lessor, its agents, officers, employees, contractors or assigns.

7. VII – PREPAYMENT

- 7.1 **Prepayment:** Lessee shall have the right, exercisable as of any date following the first half of the term of the Appendix, to prepay the principal amount outstanding under such Appendix in whole or in part, plus accrued but unpaid interest to the prepayment date.

Lessee's right hereunder shall be exercised by:

- (a) Lessee advising Lessor, at least thirty (30) days in advance in writing, of its intention to prepay its obligations under any Appendix, the principal amount, the Equipment to which the prepayment is applicable, and the effective date of that payment (Prepayment Date); and
- (b) Lessee paying Lessor the outstanding principal balance as of the Prepayment Date together with accrued but unpaid interest from the most recent Payment Date to and including the Prepayment Date.

7.2 Lessee's Rights on Prepayment or Payment in Full: Upon (1) Lessee's exercise of its right of prepayment in accordance with the preceding subsection; or (2) Lessee's having satisfied all of its monetary obligations hereunder, Lessor shall deliver to Lessee, at its expense, all documents necessary to evidence the termination of Lessor's interest of any kind in the Equipment or portion of the Equipment to which the prepayment or payment applies and to confirm such Equipment is free and clear of any claim or lien arising through Lessor.

8. VIII – ASSIGNMENT BY LESSOR

8.1 Right of Assignment: This Agreement shall be binding upon and inure to benefit of the Lessor and Lessee. This Agreement, Lessor's rights hereunder, or the obligation hereby described is not assignable by Lessor without the prior written consent of the Lessee such consent not to be unreasonably withheld or delayed. Should assignment be granted by the Lessee, all payments shall continue to be made to the Lessor on the originally agreed upon payment dates.

9. IX – WARRANTIES AND REPRESENTATIONS

9.1 Warranties and Representations of Lessee: The Lessee represents and warrants to the Lessor that Lessee is duly organized and validly existing and has the power and authority to enter into this Agreement and to carry out the terms hereof including authority expressly conferred by V.T.C.A., Local Government Code, Subchapter A of Chapter 271. The Lessee's obligations to make Lease Payments hereunder, as described in Section 2.2, are subject to annual appropriation of sufficient funds each year by the City Council.

The Lessee represents and agrees that it will not submit any Appendix that requests a payment period longer than the useful life of the Equipment to be leased.

The Lessee shall not use, permit the use of, or omit to use the Equipment acquired under this Agreement in a manner which if made or omitted, respectively, would cause the interest portion of a Lease Payment to become includable in the gross income, as defined in section 61 of the Code, of the Lessor for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the Lessee receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Lease Payment, the Lessee shall comply with covenants, representations and warranties contained herein.

Except as permitted by section 141 of the Code and the Regulations and rulings thereunder, the Lessee shall at all times exclusively operate and possess all Equipment the acquisition of which is to be financed directly or indirectly under this Agreement, and not use or permit the use of such Equipment in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government.

The Lessee shall timely file the information required by section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

9.2 Warranties and Representations of Lessor: Lessor represents and warrants to Lessee that:

- (a) Lessor is a corporation or other entity in good standing under the applicable laws of the State of Texas and has the power and authority to enter into this Agreement and to carry out the terms hereof.
- (b) Contract Documents executed by Lessor have been duly authorized, approved, executed and delivered by its authorized representatives and constitute legal, valid and binding obligations of Lessor enforceable against Lessor in accordance with their respective terms.

10. X – MISCELLANEOUS PROVISIONS

- 10.1 Waiver: No delay or omission by Lessor or Lessee in exercising any right in any of the Contract Documents shall operate as a waiver of that or any other right and no single or partial exercise of any right shall preclude Lessor or Lessee from any further exercise of any right or remedy. Lessor or Lessee may itself cure any Event of Default of the defaulting party without waiving the Event of Default and such cure shall not constitute a waiver of any prior or subsequent Event of Default of the defaulting party.
- 10.2 Headings: All section headings contained herein are for convenience of reference only and are not intended to limit the scope of any provisions of this Agreement.
- 10.3 Severability: In the event any portion of this Agreement shall be finally determined by any court of competent jurisdiction to be invalid or unenforceable, such provision shall be stricken and this Agreement, as modified, shall continue in full force and effect.
- 10.4 Implementation: This Agreement shall be implemented by its execution or execution of Appendices hereto. For purposes of construing a transaction as an integrated contract and for the purposes of the provisions of Section 8, the following shall be considered a single transaction or legal binding agreement:
- (a) This Agreement, which provides basic terms and conditions; and
 - (b) An executed Appendix, which provides for the description of the Equipment to be purchased, the payments from Lessee to Lessor for the purchase of such Equipment and prepayment amounts.
- 10.5 Amendment: Neither this Agreement nor any of the other Contract Documents may be amended unless in writing, signed by the parties hereto, and approved as to form by the City Attorney.
- 10.6 Contractual Records: All contractual books, records and other documents related to matters under this Agreement shall be maintained and made available by Lessor to Lessee and its designated agents for a period of five (5) years after final payment for purposes of audit and examination.
- 10.7 No Waiver: Nothing contained in this Agreement shall be deemed or be construed to be an express or implied waiver of the sovereign immunity of the City of Lubbock or its officials, officers and employees, or a pledge of the full faith and credit of the City.
- 10.8 Entire Agreement: This Agreement, the Contract Documents identified in Section 1.4, and the Appendices as may be hereafter executed, constitute the entire Agreement between the parties hereto. All prior negotiations, representations and additional or inconsistent oral or written statements are superseded, null and void.
- 10.9 Counterparts: This Agreement may be executed in several counterparts each of which shall be an original and all of which together shall constitute but one and the same instrument.

11. XI – DISCLAIMER OF WARRANTIES

- 11.1 LESSOR MAKES NO WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, RELATING TO THE EQUIPMENT; AND LESSOR HAS EXPRESSLY MADE NO WARRANTY AS TO THE VALUE, DESIGN, CONDITION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE EQUIPMENT.
- 11.2 Lessor shall not be liable to Lessee for any liabilities, loss or damage caused, directly or indirectly, by the Equipment or by any inadequacies thereof or deficiency therein, by any incident whatsoever in connection therewith or in any way related to or arising out of the Equipment. The Lessee shall be entitled to the benefit of any applicable manufacturer's, dealer's or any other party's warranties. Lessor agrees to execute and deliver such instruments as may be necessary or

advisable, in the reasonable opinion of the Lessee, to enable it to enforce such warranties and obtain the warranties and service furnished for the Equipment by the manufacturer.

12. XII – NOTICES

All notices made or required to be given pursuant to this Agreement shall be in writing and shall be deemed duly served if and when mailed, unless otherwise specified, certified mail, postage prepaid, return receipt requested, to the other party at its address set forth below or at such address as such party shall hereafter designate in writing.

If to the Lessor, address to:

Banc of America Public Capital Corp
555 California Street, 4th Floor
San Francisco, CA 94104
Attention: Contracts Administration
Mail Code: CA5-705-04-01

If to the Lessee, address to:

City of Lubbock
1625 13th Street
Lubbock, Texas 79401
ATTN: Pam Moon, Executive Director of Finance

13. XIII – EMPLOYMENT DISCRIMINATION BY LESSOR PROHIBITED

During the performance of this Agreement, the Lessor agrees as follows:

- A. The Lessor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, sexual orientation, or national origin. The Lessor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- B. The Lessor, in all solicitations or advertisements for employees placed by or on behalf of the Lessor, will state that such Lessor is an Equal Opportunity Employer.
- C. Notices, advertisements and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- D. The Lessor will comply with the provisions of the Americans with Disabilities Act of 1990 which prohibits discrimination against individuals with disabilities in employment and mandates their full participation in both publicly and privately provided services and activities.

14. XIV – INDEMNIFICATION

The Lessor covenants to save, defend, hold harmless, and indemnify the City, and all of its elected officials, officers, departments, agencies, agents, and employees (collectively the “City”) from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and attorney’s fees), charges, liabilities, or exposure, however caused, resulting from, arising out of, related to or in any way connected with the Lessor’s intentional or grossly negligent acts or omissions in the performance or nonperformance of its duties and obligations provided or required for by this Agreement and/or Contract Documents. This indemnification shall survive the termination of the Agreement.

15. XV – ETHICS IN PUBLIC CONTRACTING

The Agreement incorporates by reference local, state and federal law related to ethics, conflicts of interest, or bribery, including by way of illustration and not limitation, the Texas Local Government Code, Texas Government Code and Texas Penal Code.

The Lessor certifies that its offer is made without collusion or fraud and that it has not offered or received any kickbacks or inducements from any other offeror or subcontractor and that it has not conferred on any public employee having official responsibility for this purchase or activity any payment, loan, subscription, advance, deposit of money, services, present or promised, unless consideration of substantially equal or greater value was exchanged.

16. XVI – APPLICABLE LAW

This Agreement and the obligations hereunder shall be governed in all respects by the laws of the State of Texas and the venue for any litigation with respect thereto, this Agreement and the Contract Documents, being performable at least in part in Lubbock County, Texas, shall exclusively lie in Lubbock County, Texas. The Lessor shall comply with applicable federal, state and local laws, regulations and ordinances.

17. XVII - RELATION TO CITY

The Lessor shall be considered as an independent contractor of the City and neither the Lessor nor its employees will, under any circumstances, be considered servants or agents of the City. The City will not be legally responsible for any negligence or other wrongdoing of any kind, or type, of the Lessor, its servants, employees, agents, or contractors. The City will not withhold payments to the Lessor for any federal or state unemployment taxes, federal or state income taxes, Social Security tax, or any other amounts for benefits to the Lessor. Further, the City will not provide to the Lessor any insurance coverage or other benefits, including Worker's Compensation, normally provided by the City for its employees.

18. XVIII – ARBITRATION

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.

19. XIX – RIGHT TO AUDIT

At any time during the term of the contract, or thereafter, the City, or a duly authorized audit representative of the City or the State of Texas, at its expense and at reasonable times, reserves the right to audit Contractor's records and books relevant to all services provided to the City under this Contract. In the event such an audit by the City reveals any errors or overpayments by the City, Contractor shall refund the City the full amount of such overpayments within thirty (30) days of such audit findings, or the city, at its option, reserves the right to deduct such amounts owing the City from any payments due Contractor.

20. XX – CONFIDENTIALITY AND RETURN OF RECORDS

The Lessor agrees that all findings, memoranda, correspondence, documents or records of any type, whether written or oral, and all documents generated by the Lessor as a result of the City's request for services under this Agreement (the "Records"), may be confidential, and neither the Records nor their contents shall be released, nor their contents disclosed, to any person other than the City or its designee, except as may be required by law, rule or regulation applicable to the Lessor or its successors or assigns. To the extent permitted by law, rule or regulations applicable to the Lessor or its successor or assigns, the Lessor agrees that all oral or written inquiries from any person or entity regarding the status of any Record generated as a result of the existence of this Agreement shall be referred to the City or designee for response. At the City's request, the Lessor shall deliver all Records to the City, including "hard copies" of computer records.

The Lessor agrees to include the provisions of this section as part of any Contract or Agreement the Lessor enters into with subcontractors or other third parties for work related to work pursuant to this Agreement.

No termination of this Agreement shall have the effect of rescinding, terminating or otherwise invalidating this section.

21. XXI - REQUIREMENTS CONTRACT (ESTIMATED QUANTITIES)

The Lessor understands and agrees that the City is under no obligation under this Agreement to request financing from the Lessor if it deems that financing is not required or that other financing, including but not limited to other lease-purchase agreements, is more advantageous to the City. Lessor understands and agrees that the City is under no obligation to the Lessor to request financing for any amount as a result of having had any normal or otherwise measurable requirement in the past.

22. XXII - EVENT OF TAXABILITY

In the event of a Determination of Taxability, the interest rate shall automatically increase to the interest rate representing the equivalent yield to the Lessor under the respective Appendix assuming the interest component of the Lease Payments is included in the gross income of the Lessor under the Code ("Taxable Rate") retroactive to the date of the occurrence of the Determination of Taxability and the Lessee will pay such additional amount as will result in the Lessor receiving the interest component of the Lease Payments at the Taxable Rate; provided, further, that such interest rate as increased by the terms hereof, respectively, shall never exceed the then maximum interest rate allowed for similar governmental obligations pursuant to Chapter 1204, Texas Government Code, as amended, or other applicable laws in effect as of the date of such appendix or as of the date of any increase to such interest rate, respectively.

"Determination of Taxability" means one of the following determinations made in regard to section 103 of the Code to the effect that by reason of any action or inaction by the Lessee or any violation by the Lessee of any of its covenants or representations in this Agreement or any misrepresentation in any certificate furnished in connection with any Appendix hereunder, the interest payable under such Appendix is includable in the gross income of the Lessor: (i) a final determination, decision or decree by the Commissioner or any District Director of Internal Revenue, or by any court of competent jurisdiction, which is not subject to further review, or (ii) an opinion of a nationally recognized bond counsel furnished by the Lessor to the Lessee.

WITNESS these signatures:

LESSEE:

CITY OF LUBBOCK, TEXAS (Lessee):

By: Glen C. Robertson

TITLE: Mayor

ATTEST:

Rebecca Garza, City Secretary

COMPLETE ADDRESS:

P.O. Box 2000
Lubbock, Texas 79457
Phone: (806) 775-2161
Fax: (806) 775-2164

APPROVED AS TO CONTENT:

Pamela Moon

Pamela Moon, Executive Director of Finance

APPROVED AS TO FORM:

Chad Weaver

Chad Weaver, City Attorney

LESSOR:

BANC OF AMERICA PUBLIC
CAPITAL CORP (Lessor):

Eileen Harwell

By: Eileen HARWELL

TITLE: Authorized Agent

ATTEST:

Julie refaults Kamm

Authorized Officer

COMPLETE ADDRESS:

555 California Street, 4th Floor
San Francisco, CA 94104
Phone: (415) 765-1897
Fax: (415) 343-0531

EXHIBIT A

APPENDIX NUMBER _____

ESSENTIAL USE CERTIFICATE

TO: (Lessor)

Reference is made to the City of Lubbock Master Lease Agreement, dated February 28, 2013, (the "Agreement") between Banc of America Public Capital Corp and the City of Lubbock, Texas (the "City"). This confirms that the items described in Appendix _____ to the Agreement (Equipment) are essential to the functions of the City and the services provided to the citizens of the City.

Further, the City has an immediate need for, and expects to make immediate use of, substantially all of the Equipment, which need is not temporary or expected to diminish in the foreseeable future. The Equipment will be used by the City only for the purpose of performing one or more of our governmental or proprietary functions consistent with the permissible scope of the City's authority.

CITY OF LUBBOCK, TEXAS

By: _____

(Title)

Date: _____

EXHIBIT B

APPENDIX NUMBER _____

INSURANCE COVERAGES

TO: (Lessor)

Pursuant to Section 5.6 of the Master Lease Agreement, dated February 28, 2013 (the "Agreement") between Banc of America Public Capital Corp and the City of Lubbock, Texas (City), the City is insured through commercial property insurance policies or through self insurance for all risk, physical damage and public liability with respect to the Equipment (as defined in the Agreement) and will provide proof of such coverage if coverage is provided through policies other than self insurance.

CITY OF LUBBOCK, TEXAS

By: _____

(Title)

Date: _____

EXHIBIT C

CERTIFICATE OF COUNSEL

I am City Attorney for the City of Lubbock, Texas and, in that capacity, I have examined the Master Lease Agreement, dated February 28, 2013, (the "Agreement") between the City of Lubbock (the "City") and Banc of America Public Capital Corp (the "Lessor").

1. As a result of my examination of the Agreement, I have advised the City as follows:
 - (a) The City is a political subdivision of the State of Texas and is authorized by resolution of the City Council to enter into the transactions contemplated by the Agreement and, to extent funds are appropriated for the Agreement, as provided therein, to carry out the City's obligations under the Agreement.
 - (b) The obligation of the City to make payments under the Agreement is enforceable only if and to the extent that funds for such purpose are appropriated by the City Council of the City.
 - (c) The Agreement is a legal, valid and binding obligation of the City, enforceable against the City according to its terms.

2. I express no opinion as to any of the following matters:
 - (a) The title of any party to, the accuracy or adequacy of the description of, the priority of any security interest or lien in, or whether the property described in the Appendices constitutes, Equipment, as defined in the Agreement.
 - (b) The laws of any jurisdiction that may be applicable to the Agreement other than those of the State of Texas.

3. For the purposes of this Certificate, I have assumed that all signatures by parties other than those by or on behalf of the City are genuine; all documents that have been submitted to me as originals are authentic; and all documents submitted to me as certified, conformed or photostatic copies conform to authentic, original documents.

City Attorney

**EXHIBIT D
MASTER LEASE AGREEMENT**

**APPENDIX
PART 1**

EQUIPMENT LIST

The undersigned, under the Master Lease Agreement, dated February 28, 2013 (the "Agreement"), between Banc of America Public Capital Corp (Lessor), and the City of Lubbock, Texas (City), negotiated for the purpose of acquiring the Equipment in this Appendix and any other Appendices to the Agreement, hereby certifies that all the Equipment described below has been installed and is operational to the satisfaction of the City.

ITEM DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL COST	TERM
(i)	GRAND TOTAL ALL ITEMS LISTED ON APPENDIX _____			

Installation address: _____

and other official City buildings within the City of Lubbock, Texas

Relocation:

The City may relocate equipment within the City of Lubbock, Texas. All expenses associated with relocation will be borne by the City. These expenses include but are not limited to installation, de-installation, casualty insurance and shipment.

LESSEE:

LESSOR:

CITY OF LUBBOCK, TEXAS

BANC OF AMERICA PUBLIC CAPITAL CORP

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Financing Request Date: _____

Date of Approval: _____

Address for Invoices: _____

**MASTER LEASE AGREEMENT
APPENDIX
PART 2**

PAYMENT SCHEDULE

The principal amount to be financed for the Equipment shown on Appendix ____ - Part 1 is \$ _____. The amount of interest to be paid for the Equipment shown on Appendix ____ - Part 1 is \$ _____. The rental payments the Equipment shown on Appendix ____ - Part 1 will be due in accord with the following payment schedule:

DATE	PRINCIPAL	INTEREST	TOTAL
(b) TOTAL			

The interest on this Appendix will accrue from the Lessor Payment Date of _____ at a rate per annum of _____ for the term of _____ months. Interest will be calculated on the basis of a 360-day year with twelve 30-day months and is based on the rate structure provided in Section 4.1 of the Master Lease Agreement dated February 28, 2013. Interest will never exceed the maximum lawful rate of interest applicable.

LESSEE:

CITY OF LUBBOCK, TEXAS

By: _____

Name: _____

Title: _____

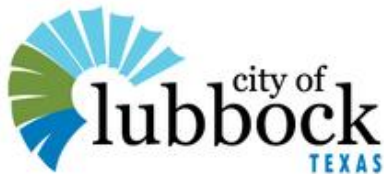
LESSOR:

BANC OF AMERICA PUBLIC CAPITAL CORP

By: _____

Name: _____

Title: _____



Regular City Council Meeting

5. 6.

Meeting Date: 02/28/2013

Information

Agenda Item

Ordinance 1st Reading – Right-of-Way: Consider Ordinance 2013-00016 abandoning and closing portions of 5th Street, Avenue U, and two alleys, within or adjacent to Blocks 34, 35, 62, and 63 Overton Addition, 2104 5th Street.

Item Summary

The ordinance abandons and closes a portion of 5th Street, Avenue U, and two alleys, adjacent to Blocks 34, 35, 62 and 63 Overton Addition. The closures are due to new development in this area.

The requestor of the closure, McDougal Companies, Inc., is not the original dedicator of the street and alley areas being closed; therefore, there will be a charge for the closure of \$15,000. This is an important project that will add substantial property value to support the North Overton Tax Increment Finance District.

All utility companies and Public Works Engineering are in agreement with the street and alley closure.

Fiscal Impact

None.

Staff/Board Recommending

Lee Ann Dumbauld, City Manager

Attachments

Ordinance - Closure

ORDINANCE NO. _____

AN ORDINANCE ABANDONING AND CLOSING PORTIONS OF FIFTH STREET, AVENUE U, AND ALLEYS, WITHIN OR ADJACENT TO BLOCKS 34, 35, 62 AND 63 OVERTON ADDITION TO THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; DIRECTING THE CITY ENGINEER TO MARK THE OFFICIAL MAPS OF THE CITY TO REFLECT SAID ABANDONMENT AND CLOSING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council finds that the street and alley portions as hereinafter described in the body of this Ordinance are no longer needed for street and alley purposes and for public use; and it would be in the public interest to close, vacate and abandon the same for street and alley 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 street and alley portions as hereinafter described shall BE and the same are hereby closed, vacated and abandoned for street and alley purposes and for public use, such street and alley portions being more particularly described as follows

Certain streets and alleys within or adjacent to Blocks 34, 35, 62, and 63, Overton Addition to the City of Lubbock, Lubbock County, Texas, according to the map, plat, and/or dedication deed thereof recorded in Volume 18, Page 610, Deed Records of Lubbock County, Texas, being further described as follows: All of 5th Street situated between the West right-of-way line of Avenue "T" and the East right-of way line of Avenue "V"; all of Avenue "U" situated between the North right-of -way line of Mac Davis Lane (fka 6th Street) and the South right-of-way line of the alley north of and adjacent to Lots 13-24, Block 34, and Lots 13-24, Block 63, said Overton Addition; and all alley right-of-way lying within Blocks 35 and 62, said Overton Addition, and being situated between Mac Davis Lane, 5th Street, Avenue "T", and Avenue "V".

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

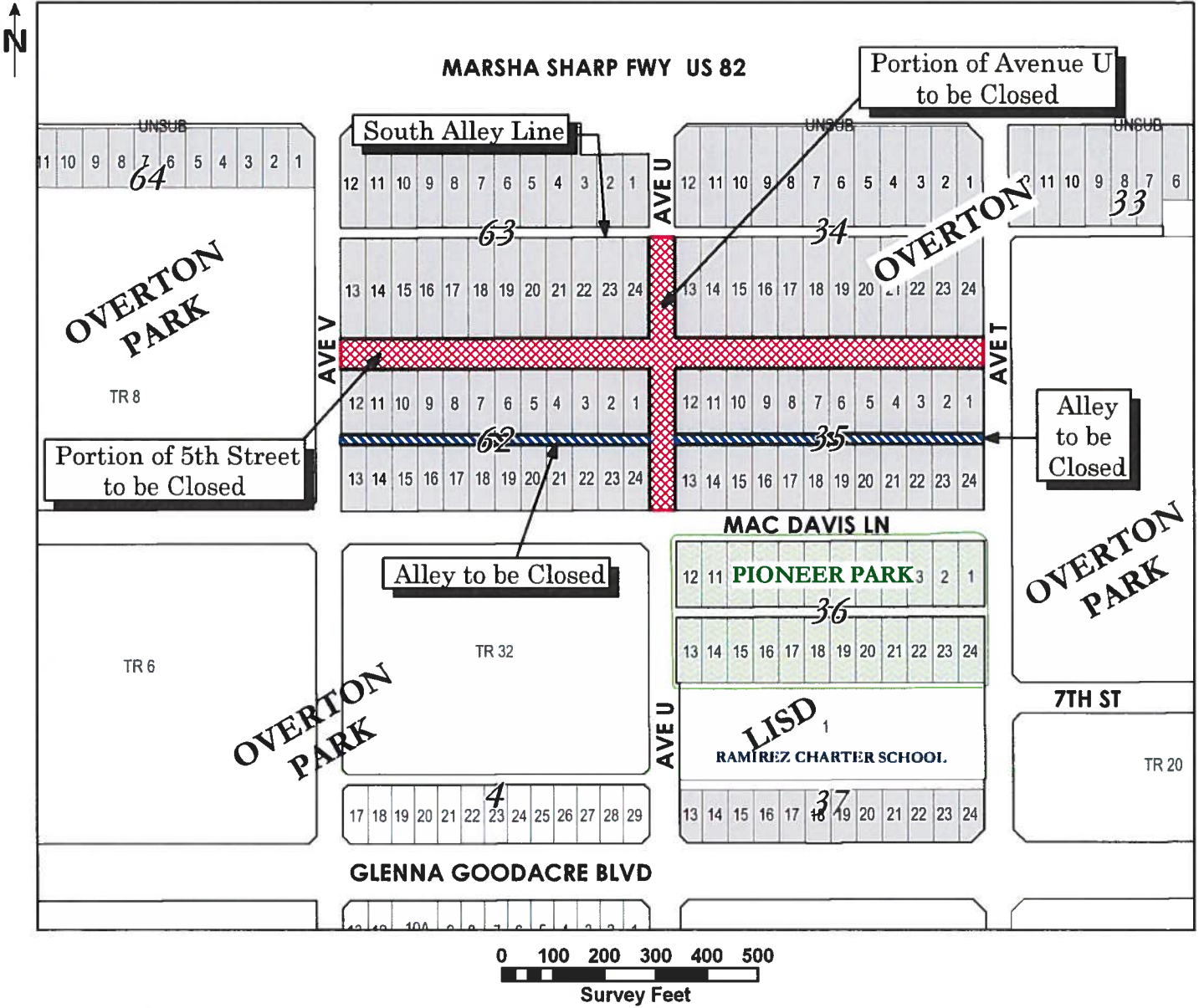
APPROVED AS TO FORM:



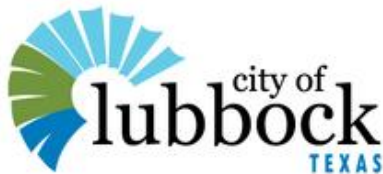
Chad Weaver, Assistant City Attorney

A&C-5th Street Closures.ord
2.07.13

**Proposed Closing of 5th Street between Avenue T & Avenue V,
Proposed Closing of Avenue U between Mac Davis Lane and
the South Alley Line of Blocks 34 & 63, Overton Addition,
and Proposed Closing of the Alleys within Blocks 35 & 62, Overton 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. 7.

Meeting Date: 02/28/2013

Information

Agenda Item

Contract Resolution - Public Works Engineering: Consider a resolution authorizing the Mayor to execute contract 11134 with Lone Star Dirt and Paving, Ltd., of Lubbock, Texas, for the McAlister Park Master Cut and Fill Project, RFP 13-11134-DG.

Item Summary

A comprehensive master plan for McAlister Park, playa lake 37, was completed and approved by the Texas Parks and Wildlife Department in the mid 1990s. The master plan included the excavation of the lake area and the surrounding park amenities. This plan has continued to change over time with the exception of the excavation of the playa lake. The first phase of excavation was completed in the late 1990s and the remaining excavation was to be used as fill material for the Marsha Sharp Freeway. The Texas Department of Transportation later determined the material would not be suitable for use on their project so a capital project was created and approved by City Council for the remaining excavation. This project will complete the master cut and fill plan for McAlister Park.

Three proposals were received from the following contractors:

Company	Amount
Lone Star Dirt and Paving, Ltd., Lubbock, TX	\$2,275,990
Allen Butler, Inc., Ransom Canyon, TX	2,849,663
Ronnie Zahn Paving, Inc., Lubbock, TX	2,938,428

An evaluation committee independently reviewed the proposals based on the following criteria: Cost 60%; Contractor's Qualifications 30%; Safety Record 5%; and Construction Time 5%. The proposals were ranked as follows:

Company	Points
Lone Star Dirt and Paving, Ltd., Lubbock, TX	86.13
Allen Butler, Inc., Ransom Canyon, TX	80.57
Ronnie Zahn Paving, Inc., Lubbock, TX	67.93

The committee recommends that the unit price contract with all additive alternates be awarded to highest ranked proposal Lone Star Dirt and Paving, Ltd. for the amount of \$2,275,990.

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

Fiscal Impact

\$3,125,000 is appropriated in Capital Improvement Project 92210, McAlister Park Cut and Fill Master Plan, with \$2,275,990 available for this purpose.

Staff/Board Recommending

Marsha Reed, P.E., Chief Operations Officer

Attachments

Resolution & Contract - McAlister Park

Map - McAlister

Budget Detail - 92210

CIP Detail

RESOLUTION

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

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, Contract No. 11134 for McAlister Park Cut and Fill Plan, by and between the City of Lubbock and Lone Star Dirt and Paving, Ltd., 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:



Marsha Reed, P.E., Chief Operating Officer

APPROVED AS TO FORM:



Amy Sims, Assistant City Attorney

vw:cedocs/RES.Contract-Lone Star Dirt
February 5, 2013

**REVISED
PROPOSAL SUBMITTAL FORM
UNIT PRICE PROPOSAL CONTRACT**

DATE: 1-30-13

RFP: 13-11134-DG- McAlister Park Cut and Fill Plan

Proposal of Lone Star Dirt & Pav Ltd (hereinafter called Offeror)

To the Honorable Mayor and City Council City of Lubbock, Texas (hereinafter called Owner)

Ladies and Gentlemen:

The Offeror, in compliance with your Request for Proposals for the construction of a **McAlister Park Cut and Fill Plan** having carefully examined the plans, specifications, instructions to offerors, notice to offerors and all other related contract documents and the site of the intended work, and being familiar with all of the conditions surrounding the construction of the intended project including the availability of materials and labor, hereby intends to furnish all labor, materials, and supplies; and to construct the project in accordance with the plans, specifications and contract documents, within the time set forth therein and at the price stated below. The price to cover all expenses incurred in performing the work required under the contract documents.

BASE PROPOSAL

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED AMOUNT
1	SWPPP, including NOI and NOT	MO	7	2,500 ⁰⁰	17,500 ⁰⁰
2	Cut	CY	365,000	5 ²⁵	1,916,250 ⁰⁰
3	Fill	CY	55,000	3 ⁹⁵	217,250 ⁰⁰

TOTAL PROPOSAL ITEMS 1 - 3 (\$ 2,151,000⁰⁰)

ADDITIVE ALTERNATES

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED AMOUNT
A-1	Area 1-Erosion Control	SF	4,000	5 ⁵⁰	22,000 ⁰⁰
A-2	Area 2-Erosion Control	SF	3,750	5 ⁵⁰	20,625 ⁰⁰
A-3	Area 3-Stockpile Removal	CY	17,000	4 ⁰⁰	68,000 ⁰⁰
A-4	Seed	LB	650	11 ¹⁰	7,215 ⁰⁰
A-5	Broadcast Seeding	AC	65	110 ⁰⁰	7,150 ⁰⁰

(In case of discrepancy, unit price shall govern.)

\$124,990

S. T. Offeror's Initials

Total and Additive Alternatives \$2,275,990

Offeror hereby agrees to commence the work on the above project on a date to be specified in a written "Notice to Proceed" of the Owner. The Owner anticipates the project to be **substantially completed** within **TWELVE (12) MONTHS** or as stipulated in the specifications and other contract documents. The actual time for the contract will conform to the time as set forth in the contract documents and the Offeror hereby further agrees to pay to Owner as liquidated damages for each calendar day in excess of the time set forth in the contract documents, the following sum of allowed construction time with **liquidated damages \$250 per day**.

The proposed number of calendar days to substantial completion. (Number followed by written.):

270 two hundred seventy days

The proposed number of calendar days to final completion. (Number followed by written.):

365 three hundred sixty five days

Offeror understands and agrees that this proposal submittal shall be completed and submitted in accordance with instruction number 28 of the General Instructions to Offerors.

Offeror understands that the Owner reserves the right to reject any or all proposals and to waive any formality in the proposing.

The Offeror agrees that this proposal shall be good and may not be withdrawn for a period of **SEVENTY (70)** calendar days after the scheduled closing time for receiving proposals.

The undersigned Offeror hereby declares that he has visited the site of the work and has carefully examined the plans, specifications and contract documents pertaining to the work covered by this proposal, and he further agrees to commence work on the date specified in the written notice to proceed, and to substantially complete the work on which he has proposed; as provided in the contract documents.

Offerors are required, whether or not a payment or performance bond is required, to submit a cashier's check or certified check issued by a bank satisfactory to the City of Lubbock, or a proposal bond from a reliable surety company, payable without recourse to the order of the City of Lubbock in an amount not less than five percent (5%) of the total amount of the proposal submitted as a guarantee that offeror will enter into a contract, obtain all required insurance policies, and execute all necessary bonds (if required) within ten (10) days after notice of award of the contract to him.

S.T. Offeror's Initials

Enclosed with this proposal is a Cashier's Check or Certified Check Enclosed with this proposal is a Cashier's Check or Certified Check for _____ Dollars (\$ _____) or a Proposal Bond in the sum of 5% Dollars (\$ _____), which it is agreed shall be collected and retained by the Owner as liquidated damages in the event the proposal is accepted by the Owner and the undersigned fails to execute the necessary contract documents, insurance certificates, and the required bond (if any) with the Owner within ten (10) business days after the date of receipt of written notification of acceptance of said proposal; otherwise, said check or bond shall be returned to the undersigned upon demand.

Offeror understands and agrees that the contract to be executed by Offeror shall be bound and include all contract documents made available to him for his inspection in accordance with the Notice to Offerors.

Pursuant to Texas Local Government Code 252.043(a), a competitive sealed proposal that has been opened may not be changed for the purpose of correcting an error in the proposal price. **THEREFORE, ANY CORRECTIONS TO THE PROPOSAL PRICE MUST BE MADE ON THE PROPOSAL SUBMITTAL FORM PRIOR TO PROPOSAL OPENING.**

Date: 1-30-13

Steve Turner
Authorized Signature

Steve Turner
(Printed or Typed Name)

Lone Star Dirt & Pav Ltd
Company

11820 Univ Ave
Address

Lub, Lub
City, County

Tx, 79423
State Zip Code

Telephone: 806 - 745 6011

Fax: 806 - 745 4074

Email: lonestar.steve@nts-online.net

FEDERAL TAX ID or SOCIAL SECURITY No.

800013091

(Seal if Offeror is a Corporation)

ATTEST:

Secretary

Offeror acknowledges receipt of the following addenda:

Addenda No. 1 Date Jan 17

Addenda No. _____ Date _____

Addenda No. _____ Date _____

Addenda No. _____ Date _____

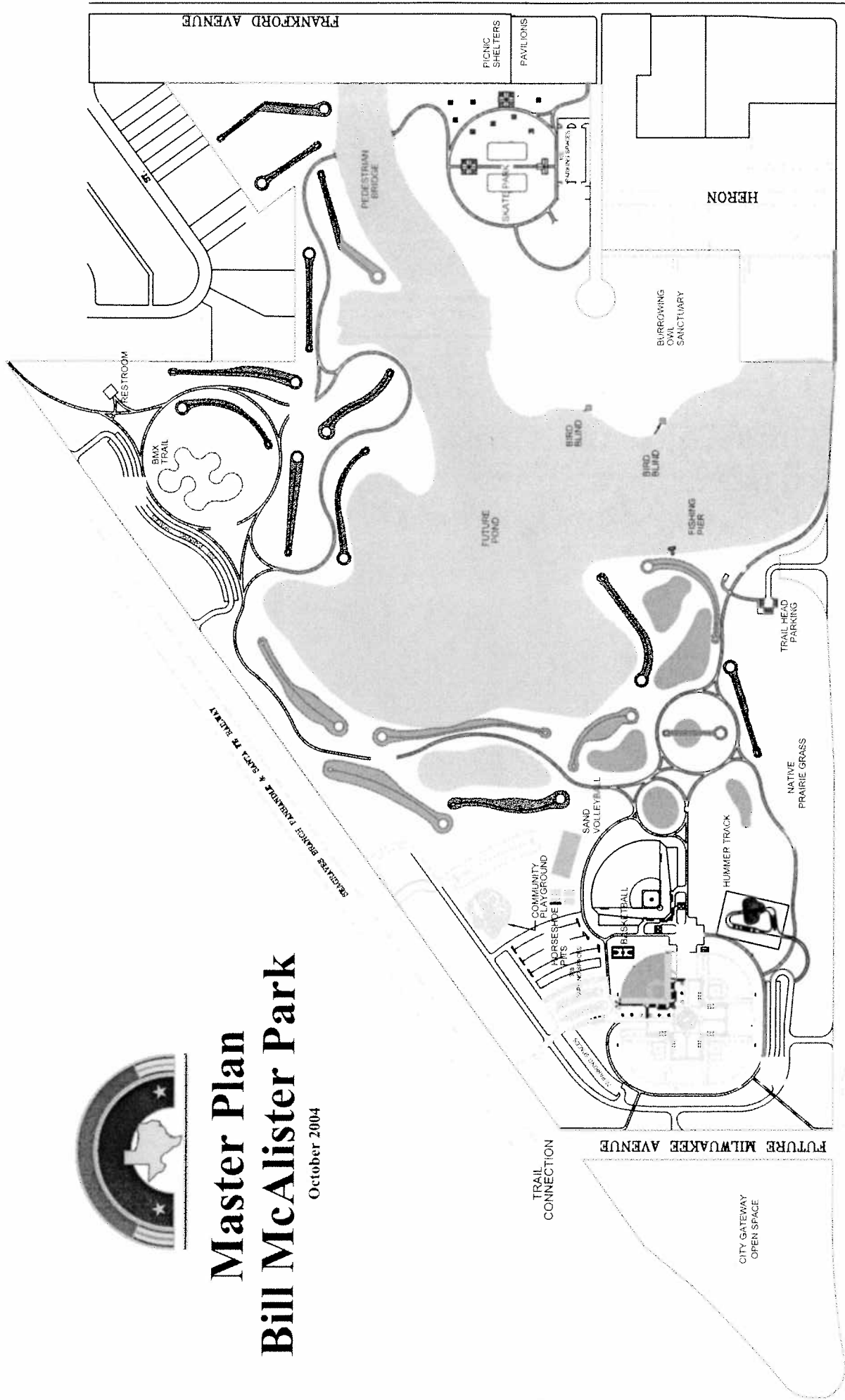
M/WBE Firm:

Woman	Black American	Native American
Hispanic American	Asian Pacific American	Other (Specify)



Master Plan Bill McAlister Park

October 2004



SPUR 327

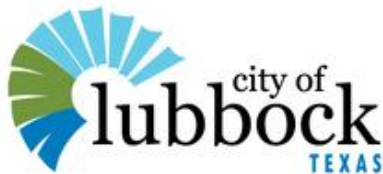
TRAIL CONNECTION

SPUR 327

**City of Lubbock, TX
Capital Project
Project Cost Detail
February 28, 2013**

Capital Project Number: 92210
Capital Project Name: McAlister Park Cut and Fill Master Plan

	<u>Budget</u>
<i>Encumbered/Expended</i>	
Advertising/Reproduction Expenses	\$ 153
City of Lubbock Staff Cost	10,440
 <i>Agenda Item February 28, 2013</i>	
Lone Star Dirt and Paving, Ltd.	2,275,990
<i>Encumbered/Expended To Date</i>	<u>2,286,583</u>
 <i>Estimated Costs for Remaining Appropriation</i>	
City of Lubbock Staff Cost	38,566
Construction	799,851
<i>Remaining Appropriation</i>	<u>838,417</u>
 Total Appropriation	<u><u>\$ 3,125,000</u></u>



Regular City Council Meeting

5. 8.

Meeting Date: 02/28/2013

Information

Agenda Item

Contract Resolution - Public Works Engineering: Consider a resolution authorizing the Mayor to execute contract 11196 with SGS Engineering, LLC, for the design of phase 2 of the downtown utility duct system.

Item Summary

The Downtown Revitalization Action Plan includes the relocation of all overhead utilities in the downtown area to an underground utility duct system. This project will design the second phase of the utility duct system and will encompass an area that has been designated by McDougal Companies, the City's downtown master developer, as targeted for redevelopment.

Staff has successfully negotiated a contract with SGS Engineering, LLC, for a not to exceed total contract amount of \$215,000. The number of hours tasked to perform each item has been reviewed by staff and believed to be within the professional engineering scope necessary to complete this project. The proposed timeline for completion of this project is 24 months from the date of City Council approval of the agreement.

Texas Government Code, Chapter 2254, prohibits municipalities from selecting a provider of professional services on the basis of competitive bids and requires municipalities to award the contract on the basis of demonstrated competence and qualifications. Furthermore, a procurement of professional services is exempt from competitive bidding pursuant to Texas Local Government Code 252.022(a)(4).

Fiscal Impact

\$1,800,000 is appropriated in Project 92227, Underground Utilities, with \$215,000 available for this purpose.

Staff/Board Recommending

Marsha Reed, P.E., Chief Operating Officer

Attachments

[Resolution - SGS Engineering](#)

[Contract - SGS](#)

[Budget Detail](#)

[CIP Detail](#)

RESOLUTION

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

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, a Professional Services Agreement for the design of Phase 2 of the downtown utility duct system, by and between the City of Lubbock and SGS Engineering, a Texas LLC, and related documents. Said Professional Services Agreement is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:


Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Marsha Reed, P.E., Chief Operating Officer

APPROVED AS TO FORM:



Chad Weaver, Assistant City Attorney

STANDARD SERVICES AGREEMENT

This Agreement is made as of _____ day of _____, _____, by and between CITY OF LUBBOCK ("Client") and SGS ENGINEERING, a Texas LLC ("SGS").

As provided in this Agreement, SGS will provide construction period services for the following project (the "Project"):

Lubbock Downtown Utility Plan: located downtown, generally in an area bounded by Marsha Sharp Freeway on the North, Interstate 27 to the East, 19th Street on the South, and Avenue Q to the West, in the City of Lubbock, in the County of Lubbock, State of Texas. The Utility Plan is further defined as electric, communications, cable television, and gas facilities to be installed in the re-development area.

Section 1. Scope of Services

- (a) SGS will provide the "Basic Services" described in the attached Scope of Services, Schedule 1. The Basic Services authorized by the Client shall be paid for by the Client as provided below.
- (b) Certain of the Basic Services may be performed by consultants of SGS, but SGS will remain responsible for the full performance of such services.
- (c) It is anticipated that the scope of services will continue through much of the re-development period. The bulk of the scope will be performed at the beginning of the re-development period, but may require support throughout the re-development period.

Section 2. Fees for Services

- (a) SGS's estimated fees for Basic Services for each Task described in Schedule 1 are shown in attached Schedule 2. The Total Not-To-Exceed fee is \$215,000. The Non-To-Exceed amount is based on the total project. The task estimates are budgetary and may be modified as necessary throughout the project. The hourly rates of any sub-consultants will not exceed the rates of similar classifications shown in Schedule 3 without written consent of the client of such increased rates.
- (b) Fees and expenses of consultants to SGS for services included with Basic Services shall be paid by Client in the amount invoiced to SGS plus ten percent (10%) for handling and indirect costs and are included in the Not-To-Exceed fee.
- (c) The time frame for these engineering services will be determined largely by the requirements of the re-development activities.

- (d) Reimbursable Expenses shall include actual expenditures made by SGS in the interest of the Project and will be billed at the actual cost to SGS plus ten percent (10%) for handling and indirect costs. Reimbursable expenses include, without limitation, costs of items such as the following and are included in the Not-To-Exceed fee:
- (i) Copying of drawings, specifications, reports, cost estimates and other documents prepared in connection with the services of SGS under this Agreement.
 - (ii) Duplicate mylars and other photographic products.
 - (iii) Specials models, perspectives or other promotional materials approved in advance by Client.
 - (iv) Messenger services, special mailing, long distance telephone calls, telex and telecopy charges.
 - (v) Fees and expenses of special consultants
 - (vi) Cost of commercial carrier, public transportation, lodging, car rental, subsistence and out-of-pocket expenses.
 - (vii) Printing or final report for Client.
 - (viii) Any tax and/or fees imposed by any taxing authority based upon gross revenue or sales shall be reimbursable in addition to the fee stated in this contract.

Section 3. Payment Terms

- (a) SGS shall be compensated with a Not-To-Exceed fee of \$215,000, including reimbursable expenses. SGS will bill on a monthly based upon actual time and expenses expended for the project phases identified in Schedule 1. The hourly rates used will be those as shown in Schedule 3. New hourly rates may be considered if this Agreement is amended to extend beyond the term of this Agreement. The SGS monthly billing will indicate the classifications, along with listing and costs of expenses.
- (b) The Client shall pay the amount due within 30 days after receipt of SGS's invoice. If the invoice is not paid within 30 days, SGS may suspend services upon written notice to the Client. If a portion of the Consultant's statement is disputed, the Client shall pay the undisputed portion by the due date. Interest on amounts due and unpaid shall accrue at the rate of 1.5% per month from the 31st day after receipt of the invoice until paid. The Client shall advise the Consultant in writing of the basis for any disputed portions of the statement within 30 days of receipt of invoice.
- (c) SGS shall keep and maintain time and expense records relating to the scope of services described above, together with supporting receipts, vouchers, and appropriate documentation. As necessary, these records and other appropriate documentation may be required to support invoices submitted to the Client. The Client shall have the right to examine such records as it deems necessary upon reasonable notice to SGS.

- (d) If a delinquency by client occurs, SGS may choose to suspend work. If such a decision to suspend work is made, SGS will notify Client in writing. SGS may choose to recommence work once a delinquency is completely cured and any and all attendant collections costs, fees, increases in costs or fees, to other amounts required to be paid by Client under this Agreement are made in full. If a delinquency by Client occurs and SGS chooses not to suspend work, no waiver or estoppels shall be implied or inferred.

Section 4. Client's Responsibilities

Client agrees to provide full, reliable information regarding its requirements for the Project and, at its expense, shall furnish the information, surveys and reports, if any, listed on Attachment C. In addition, Client agrees to provide, at its expense and in a timely manner, the cooperation of its personnel and such additional information with respect to the Project as may be required from time to time for the performance of SGS's work. Client shall designate a Project Representative authorized to act on behalf of Client with respect to this Agreement and agrees to render any decisions promptly to avoid unreasonable delay to the Project and the performance of SGS's work.

Section 5. Termination

The Agreement may be terminated by either Client or SGS by giving written notice at least thirty (30) days prior to the date of termination. In the event of such termination, Client shall pay SGS for services and Reimbursable Expenses performed or incurred prior to the termination date.

Section 6. Access to the Site; Photographs

SGS and SGS's employees and consultants shall have access to the Project area from the public right-of-way at all reasonable times and shall be permitted to photograph the Project.

Section 7. Use of Documents

Plans, drawings and specification or other writings or documents prepared or provided by SGS hereunder are prepared for this Project only, but may be used by SGS for purposes of illustrating the scope and nature of project involvement. SGS shall provide Client with a reproducible set of drawings and specifications and a copy of studies, drawings, photographs, GIS Data, and digital files and images for its records.

Section 8. Indemnification

To the extent authorized by law, Client and SGS shall each indemnify and hold the other harmless from any claim or damages of any nature whatsoever arising from the acts of its own officials and/or employees in connection with this Project. In the event of joint and concurrent negligence of both Client and SGS, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to City under Texas law and without waiving any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise to any other person or entity.

Engineer shall not be responsible for actual means, methods, techniques, sequences, procedures or safety precautions and programs used in connection with the Project by others. Engineer shall assist the Owner in the administering of its contracts with any vendor or other

Section 9. Insurance

(a) General Liability:

SGS's insurance shall contain broad form contractual liability with a combined single limit of a minimum of \$500,000 each occurrence and in the aggregate and shall include the following:

- Bodily Injury and Property Damage
- Broad Form Contractual Liability
- Personal Injury and Advertising Injury
- Fire Legal Liability
- Products and Completed Operations

(b) Business Automobile Liability:

SGS's insurance shall contain a combined single limit of at least \$500,000 per occurrence, and include coverage for but not limited to the following:

- Bodily Injury and Property Damage
- Any and all vehicles owned, used, or hired

(c) Professional Liability:

SGS's insurance shall contain a combined single limit of a minimum of \$1,000,000 per occurrence and in the aggregate, including errors & omissions.

(d) Workers' Compensation and Employers Liability Insurance:

SGS shall elect to obtain workers' compensation coverage pursuant to Section 406.002 of the Texas Labor Code. Further, SGS shall maintain said coverage throughout the term of this contract and shall comply with all provision of Title 5 of the Texas Labor Code to ensure that SGS maintains said coverage. Any termination of workers' compensation insurance coverage by SGS or any cancellation or non-renewal of workers' compensation insurance coverage for SGS shall be a material breach of this contract. The policy must be endorsed to include a waiver of subrogation in favor of the City of Lubbock.

Employer's Liability with limits of at least \$500,000 each accident, \$500,000 by disease, policy limit, and \$500,000 by disease each employee shall also be obtained and maintained throughout the term of this contract.

(e) Other Insurance Requirements:

SGS's general liability and auto liability insurance policies through policy endorsement must include wording, which states that the policy shall be primary and non-contributory with respect to any insurance carried by City of Lubbock. The certificate of insurance must reflect that the above wording is included in evidenced policies. All policies must be endorsed to include a waiver of subrogation in favor of the City of Lubbock.

Section 10. Miscellaneous

- (a) Client and SGS each bind itself and its successors and assigns to this Agreement. Neither Client nor SGS shall assign or transfer its interest in this Agreement without the written consent of the other.
- (b) SGS will provide client with a list of subcontractors and personnel associated with this project. Changes to subcontractors require written consent of Client.
- (c) All products produced during this contract, including studies, drawings, photographs, GIS data, and digital files and images, will become the property of the Client.
- (d) This Agreement shall be governed by the laws of the State of Texas. Any disputes arising in connection herewith shall be referred to the state or federal courts within the State of Texas as first-instance courts of exclusive jurisdiction to which both parties hereby submit. The venue would be exclusively in Lubbock County. The prevailing party in any dispute between the parties in connection herewith shall be entitled to all costs and expenses, including without limitation, reasonable attorney's fees and expenses incurred, provided that such costs shall be limited in amount to the lesser of (i) \$50,000 and (ii) the amount payable by Client hereunder for SGS's fees for Basic Services and Additional Services.
- (e) This Agreement represents the entire Agreement between Client and SGS. This Agreement may be amended only by a writing signed by both Client and SGS.
- (f) Any individual who signs this Agreement on behalf of Client or SGS, represents, promises, and guarantees, that he or she is fully authorized to execute this Agreement on behalf of the respective party.
- (g) Nothing contained herein shall be construed to imply a joint venture, partnership, or principal-agent relationship between SGS and City of Lubbock.
- (h) If any provision of this Agreement is declared invalid or unenforceable, such provision shall be deemed modified to the extent necessary to render it enforceable so long as the modification is reasonably within the intent the parties originally expressed. If the provision may not be so modified, the unenforceability shall not offset any other provision of the Agreement.

(i) Notice Addresses

SGS Engineering

Steve Owens

401 50th Street

Lubbock, TX 79404

Phone: 806-795-6827

Fax: 806-795-7526

Client: City of Lubbock

Lee Ann Dumbauld, City Manager

PO Box 2000

Lubbock, TX 79457

Phone: 806-775-2003

Fax: 806-775-2051

Section 11. Term and Scope of the Agreement

- (a) The term of this agreement shall be two (2) years. After signing Notice to Proceed, this Agreement may be amended or a new agreement may be negotiated at the desire of both parties.
- (b) The scope of the project may be adjusted by negotiation as required as the project develops.

EXECUTED in duplicate and effective as of the _____ day of _____, _____.

SGS ENGINEERING, LLC

Date: 2/13/13

By: Steve Owens
Steve Owens, P.E.
Title: Managing Partner

Address:

401 50th Street
Lubbock, TX 79404
Phone: 806-795-6827
Fax: 806-795-7526

Attention: Steve Owens

CITY OF LUBBOCK

Glen C. Robertson, Mayor

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Wood Franklin
Wood Franklin, City Engineer

Marsha Reed
Marsha Reed, Chief Operating Officer

APPROVED AS TO FORM:

Linda Chamales,
Economic Development Attorney

Address:

City of Lubbock
P.O. Box 2000
Lubbock, TX 79457
Phone: 806-775-2110
Fax: 806-775-2051

Attention: Wood Franklin

SCHEDULE 1: SCOPE OF SERVICES

Basic Services:

Coordinate with downtown utility companies with the Master Developer for the design of utility infrastructure and prepare bid documents for the City of Lubbock to conform with the Downtown Redevelopment Action Plan.

Task 1: Project Management

In order to manage the project the engineer will attend required meetings, prepare agendas, and prepare status reports. The engineer will also prepare submittal documents, develop as built drawings, and develop a project schedule. Engineer to provide boundary survey by RPLS of project route and include such information on submittals.

Task 2: Engineering Model

Develop an engineering model of re-development area to be used to determine electric requirements. This model will evolve throughout the project as proposed loads and development configurations evolve. The model will be based upon a single electric utility system.

Task 3: Electric Utility Coordination

Coordination of the Electric Utility with the other services in the development area. Deal with issues of retirement of existing facilities, installation of new facilities, and re-location of existing customer facilities.

Task 4: Communication, Cable Services, and Gas Utility Coordination

Coordination of communication services, cable television services, and gas services with the electric facilities. Coordination will also be required with the city water and sewer facilities.

Task 5: Utility Design

Design and layout of electric, communication, cable television, and gas facilities in the re-development area. These responsibilities include development of the detail requirements for installation of all facilities and standards of installation for occupying proximity locations.

Lubbock Downtown Redevelopment Project

Task 1 - Project Management	Partner	Senior PE	Associate		Senior Staff	Senior Tech	Lead Tech	Associate Tech	Const Services	Clerical	Total Hours	Total Exten (\$)
			PE	Engineer								
A	163	155	136	108	155	91	75	65	92	62		
B	25										25	\$4,075
C	20			20							40	\$5,420
D	15									20	35	\$3,685
E	15									15	30	\$3,375
F	15			15		15		15			60	\$6,405
G	20			20							40	\$5,420
H	10			30			30				70	\$7,120
I	10			10							20	\$2,710
J	15			25							40	\$5,145
K	10			10						10	30	\$3,330
L	5			5						10	20	\$1,975
M	10			5						5	20	\$2,480
N	10	20	40			80	40				430	\$72,590

Lubbock Downtown Redevelopment Project

	Partner	Senior PE	Associate		Graduate Engineer	Senior Staff	Senior Tech	Lead Tech	Associate Tech	Const Services	Clerical	Total Hours	Total Exten (\$)
			PE	Engineer									
Task 3 - Electric Utility Coordination	163	155	136	108	155	91	75	65	92		62		
A Meetings with LP&L	30			30								60	\$8,130
B Meeting Scheduling and Documentation	15			15							20	50	\$5,305
C Facility Removal Coordination	20			20								40	\$5,420
D Scheduling for Facility Removal	15			15								30	\$4,065
E New Installation Coordination	20			20								40	\$5,420
F Scheduling for Facility Installation	15			15								30	\$4,065
												250	\$32,405

Lubbock Downtown Redevelopment Project

Task 4 - Communication, Cable Services, and Gas Utilities Coordination

	Partner	Senior PE	Associate PE	Graduate Engineer	Senior Staff	Senior Tech	Lead Tech	Associate Tech	Const Services	Clerical	Total Hours	Total Exten (\$)
A	163	155	136	108	155	91	75	65	92	62	70	\$9,485
B	35			35							80	\$7,900
C	20			20						40	40	\$5,420
D	20			20							20	\$2,710
E	10			10							60	\$8,130
F	30			30							30	\$4,065
	15			15							300	\$37,710

Lubbock Downtown Redevelopment Project

Task 5 - Utility Design	Partner	Senior PE	Associate		Senior Staff	Senior Tech	Lead Tech	Associate		Const Services	Clerical	Total Hours	Total Exten (\$)
			PE	Engineer				Tech	Tech				
A	20	20	136	108	155	91	75	65	92	62	170	\$18,260	
B	20			50		50		30			35	\$4,880	
C	10			15	25	30					65	\$8,235	
D	10			10		20					40	\$4,530	
E	10			15							25	\$3,250	
F	10			15							25	\$3,250	
G												\$1,000	
												360	\$43,405

Lubbock Downtown Redevelopment Project

	Total Hours	Total Exten (\$)
Task 1 - Project Management	430	\$72,590
Task 2 - Engineering Model	220	\$28,940
Task 3 - Electric Utility Coordination	250	\$32,405
Task 4 - Communication, Cable Services, and Gas Utilities Coordination	300	\$37,710
Task 5 - Utility Design	360	\$43,405
Total	1560	\$215,050

SCHEDULE 2
SGS Engineering Fees

Task 1:	Estimated Fee	\$72,000
	Fee based on time and expense application of attached rates (Schedule 3)	
Task 2:	Estimated Fee	\$29,000
	Fee based on time and expense application of attached rates (Schedule 3)	
Task 3:	Estimated Fee	\$32,000
	Fee based on time and expense application of attached rates (Schedule 3)	
Task 4:	Estimated Fee	\$38,000
	Fee based on time and expense application of attached rates (Schedule 3)	
Task 5:	Estimated Fee	\$44,000
	Fee based on time and expense application of attached rates (Schedule 3)	

TOTAL NOT-TO-EXCEED FEE \$215,000

SCHEDULE 3

2013 STANDARD BILLING RATES

01/01/2013

BILLING CLASSIFICATION	2013 RATE	EMPLOYEE
Partner 5	163	Owens
Partner 4	155	M Smith, Bow, Neal, L Teal, Payne
Partner 3	147	
Partner 2	139	
Partner 1	131	
Senior Professional Engineer 5	163	
Senior Professional Engineer 4	155	Richardson, Wolgamott
Senior Professional Engineer 3	147	
Senior Professional Engineer 2	139	
Senior Professional Engineer 1	131	
Associate Professional Engineer 5	136	
Associate Professional Engineer 4	129	Manuel, McDonald
Associate Professional Engineer 3	122	
Associate Professional Engineer 2	115	
Associate Professional Engineer 1	108	
Graduate Engineer 5	108	
Graduate Engineer 4	102	Brown
Graduate Engineer 3	96	C. Smith
Graduate Engineer 2	90	VanDeventer, Alvarez
Graduate Engineer 1	84	Stirling, Waller, Kunze, Ramireddy
Senior Staff 10	150	
Senior Staff 9	144	Sarkis, Gene Smith
Senior Staff 8	138	
Senior Staff 7	132	
Senior Staff 6	126	Cobb

2013 STANDARD BILLING RATES		
BILLING CLASSIFICATION	2013 RATE	EMPLOYEE
Senior Staff 5	120	
Senior Staff 4	114	
Senior Staff 3	108	
Senior Staff 2	102	
Senior Staff 1	96	Pattison
Construction Services 5	92	Wilson, Gene Smith, Reddin
Construction Services 4	88	Keesee, Sears
Construction Services 3	84	Gale Smith
Construction Services 2	80	
Construction Services 1	76	
Senior Technician 5	91	Shaw, Cisneros, Giovannetti, Dudley
Senior Technician 4	87	
Senior Technician 3	83	Sevey, Hawkins
Senior Technician 2	79	
Senior Technician 1	75	
Lead Technician 5	75	Louder
Lead Technician 4	72	
Lead Technician 3	69	Hernandez, Torres
Lead Technician 2	66	Benishek
Lead Technician 1	63	
Associate Technician 5	65	
Associate Technician 4	62	
Associate Technician 3	59	Salgado
Associate Technician 2	56	
Associate Technician 1	53	Whitson
Administrative Assistant 5	62	
Administrative Assistant 4	59	A Teal
Administrative Assistant 3	56	Westbrook
Administrative Assistant 2	53	Dunn
Administrative Assistant 1	50	

**2013 STANDARD
RATE SHEET ATTACHMENT
SPECIAL CHARGES AND ADDERS
(1/1/2013 through 12/31/2013)**

OVERTIME	Billing Rates times 1.5 multiplier
PER DIEM	\$125.00 per Day
EXPENSES	Actual Out-of-Pocket
MILEAGE	On-Road: IRS Allowable Off-Road: IRS Allowable plus \$0.04
4-WHEELER	\$75.00 Per Day
GPS SURVEY EQUIPMENT	\$350.00 Per Day
RANGER	\$250.00 Per Day
RANGER + GPS SURVEY	\$600.00 Per Day
RELAY TEST EQUIPMENT (OMICRON)	\$500.00 Per Day or \$1,800.00 Per Substation Checkout
WORK ORDER INSPECTIONS	\$525.00 Per Day plus Expenses

NOTE: Billing of specialty charges may include a 10% administration fee.

NOTE: Specialty rates may be applicable for Forensic, Wind, and System Protection services as determined by SGS Engineering on a project basis. These rates are available upon request.

SCHEDULE 4
Information Provided by Client

Information that may be required by SGS shall include:

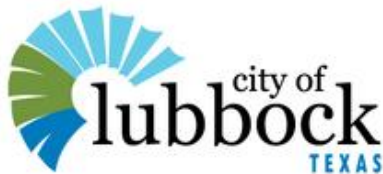
- GIS Layers as shape files:
 - Right-of-Way
 - Water lines
 - Sewer lines
 - Parcel lines
 - Floodplain
 - One-way streets
 - Bus routes and stop locations
 - Centerline information, including street names
 - Existing zoning
 - Existing land use
 - Property values
 - Property ownership
 - Historic landmarks (local, state, national)
 - Buildings over 3 stories
 - City, county, state, and federal ownership
 - TIF and PID boundaries
 - Signalized Intersections
 - On street parking locations
 - Street Functional Classifications

- Documents/other: hard copy and/or computer files (drawings, databases, spreadsheets, etc.)
 - Comprehensive Land Use Plan
 - Marsha Sharp Freeway extension plans and profiles (specifically location and configuration of ramps) (TXDOT will provide schematics first, then more if needed)
 - Texas Tech Master Plan
 - Arts District Master Plan
 - Site Plan for the Walmart
 - Overton Park Public Improvements Site Design Guidelines
 - Overton Park Residential Design Guidelines
 - Civic Center info – events, attendance, etc.
 - New downtown ordinance language (Ordinances and Design Standards)
 - Historic sites, structures as needed
 - Parking inventory: surface and structured parking (private and public): ownership, number of spaces, usage, \$ rates
 - Progress/investment to-date for 2 existing TIF Districts (annual reports)
 - Convention and Tourism Bureau “Tourism Research, Strategic Organization and Marketing Plan”
 - CBD Water Line Replacement Plan
 - City Logo
 - Aerial Photographs (current 2005 district orthophotography and historic aerials as needed)
 - Bicycle Plan
 - Traffic Count Map
 - Pavement Conditions
 - Citibus Marketing Study
 - Citibus Ridership Surveys (Texas Tech and Fixed Route)
 - Citibus station inventory
 - Depot District parking information (zone case)
 - List of agency/department contacts

**City of Lubbock, TX
Capital Project
Project Cost Detail
February 28, 2013**

Capital Project Number: 92227
 Capital Project Name: Underground Utilities

	Budget
<i>Encumbered/Expended</i>	
City Staff	\$ 843
Advertising	1,267
Underground utilities (Local match for EDA grant)	633,466
 <i>Agenda Item February 28, 2013</i>	
SGS Engineering - Phase 2 Design	215,000
<i>Encumbered/Expended To Date</i>	850,576
 <i>Estimated Costs for Remaining Appropriation</i>	
City Staff	10,000
Underground Utilities	939,424
<i>Remaining Appropriation</i>	949,424
 Total Appropriation	 \$ 1,800,000



Regular City Council Meeting

5. 9.

Meeting Date: 02/28/2013

Information

Agenda Item

Resolution - Civic Center: Consider a resolution authorizing the Mayor to execute a lump sum price contract 10604 with Centennial Moisture Control, Inc., to provide repairs to the Lubbock Memorial Civic Center Pedestrian Walkway, BID 12-10604-DT.

Item Summary

This project provides for repairs to the underside of the west pedestrian walkway. The scope of work includes repairs to the support slabs, beams, columns, and retaining walls, as well as replacing the existing lighting, soffits, louvers, and doors.

Bids were received from the following companies:

Company	Base Bid	Alternate Bid	Total Bid
Centennial Moisture Control, Inc. of Irving, TX	\$236,700	\$7,900	\$244,600
Tommy Klein Construction, Inc. of Lubbock, TX	289,463	11,964	301,427
Minnix Commercial of Lubbock, TX	296,883	11,672	308,555
MC Civil Construction of Amarillo, TX	355,655	17,752	373,407

City staff recommends award to the lowest bidder, Centennial Moisture Control, Inc., of Irving, Texas, for \$244,600. Staff determines Centennial Moisture Control, Inc. meets all the bidding requirements and can execute the work as described in the written specifications. The bid for this project is awarded by the unit price. The total amount of the award is estimated, and actual expenditures may be more or less depending on actual needs. The price per unit will not change. Time for completion is 120 consecutive calendar days and liquidated damages are \$25 per consecutive calendar day.

Fiscal Impact

\$8,659,288 is appropriated in Capital Improvement Project 91195, Civic Center Renovations, with \$244,600 available for this purpose.

Staff/Board Recommending

Scott Snider, Assistant City Manager

Attachments

Resolution & Contract - Centennial Moisture Control

Budget Detail

CIP Detail

RESOLUTION

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

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, Contract No. 10604 for pedestrian walkway repairs at the Lubbock Memorial Civic Center, by and between the City of Lubbock and Centennial Moisture Control, Inc., of Irving, 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.

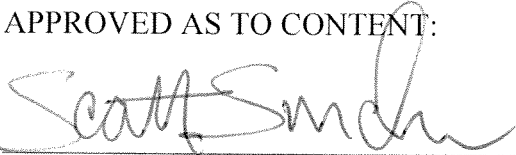
Passed by the City Council on _____.

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

**LUMP SUM BID SUBMITTAL FORM
BID CONTRACT**

DATE: February 6, 2013

BID – 1210604-DT Lubbock Memorial Civic Center Pedestrian Walkway Repairs

Bid of Centennial Moisture Control, Inc. (hereinafter called Bidder)


To the Honorable Mayor and City Council City of Lubbock, Texas (hereinafter called Owner)

Ladies and Gentlemen:

The Bidder, in compliance with your Invitation to Bid for the construction of Lubbock Memorial Civic Center Pedestrian Walkway Repairs, having carefully examined the plans, specifications, instructions to bidders, notice to bidders and all other related contract documents and the site of the intended work, and being familiar with all of the conditions surrounding the construction of the intended project including the availability of materials and labor, hereby intends to furnish all labor, materials, and supplies; and to construct the project in accordance with the plans, specifications and contract documents, within the time set forth therein and at the price stated below.

The bidder binds himself on acceptance of his bid to execute a contract and any required bonds, according to the accompanying forms, for performing and completing the said work within the time stated and for the prices stated below.

ITEM NO.	DESCRIPTION	UNIT	AMOUNT
Base Bid			
1	Primary Work includes demolition and repair of bad and spalling concrete from walkway support slabs, beams, columns, and retaining walls. Additional Work includes demolition and removal of the existing electrical conduit and light fixtures at the ceiling, all stucco plaster soffits, and indicated louvers, doors & frames, as well as installation of new louvers, doors & frames, new soffits and access panels for existing light ballasts, new lights, and new elastomeric finish coatings. The following quantities shall be used to determine the Base Bid: A. Concrete Crack Repair – 130 LF B. Overhead Concrete Repair at Soffits and Beams – 350 CF C. Vertical Concrete Repair at Beams and Columns – 20 CF D. Placement of New Reinforcing Bars – 25 LF E. Masonry Repointing – 15 LF Work shall be completed in accordance with the drawings and specifications.	LS	\$ 219,200.00
2	Allowance No. 1: Contingency Allowance for the use of Owner's written instructions.	LS	\$ + 15,000.00
3	Allowance No. 2: Concrete testing to be provided by Owner.	LS	\$ + 2,500.00
4	TOTAL BID for Base Bid, Allowance No. 1, and Allowance No. 2 (The sum of Items 1, 2, and 3)	LS	\$ 236,700.00
Alternate No. 1			
1	Elastomeric Coating over concrete ceiling surface under the walkway structure, as shown in the Drawings and Specifications.	LS	\$ 7,900.00

 Bidder's Initials

Unit Prices shall be used to determine additions or deductions (add/deduct) to based bid:

ITEM No.	DESCRIPTION	U/M	UNIT PRICE
1	Concrete Crack Repair	LF	19.00
2	Overhead Concrete Repair at Soffits and Beans	CF	360.00
3	Vertical Concrete Repair at Beans and Columns	CF	210.00
4	Placement of new reinforcing bars	LF	25.00
5	Masonry Repointing	LF	6.00

Bidder hereby agrees to commence the work on the above project on a date to be specified in a written "Notice to Proceed" of the Owner and to substantially complete the project within **ONE HUNDRED AND TWENTY (120) CALENDAR DAYS** thereafter as stipulated in the specifications and other contract documents. Bidder hereby further agrees to pay to Owner as liquidated damages the sum of **\$25 (TWENTY FIVE)** for each consecutive calendar day in excess of the time set forth herein above for completion of this project, all as more fully set forth in the general conditions of the contract documents.

Bidder understands and agrees that this bid submittal shall be completed and submitted in accordance with instruction number 28 of the General Instructions to Bidders.

Bidder understands that the Owner reserves the right to reject any or all bids and to waive any formality in the bidding.

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of SEVENTY (70) calendar days after the scheduled closing time for receiving bids.

The undersigned Bidder hereby declares that he has visited the site of the work and has carefully examined the plans, specifications and contract documents pertaining to the work covered by this bid, and he further agrees to commence work on or before the date specified in the written notice to proceed, and to substantially complete the work on which he has bid; as provided in the contract documents.

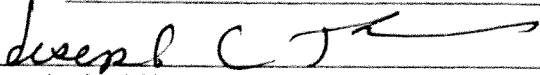
Bidders are required, whether or not a payment or performance bond is required, to submit a cashier's check or certified check issued by a bank satisfactory to the City of Lubbock, or a bid bond from a reliable surety company, payable without recourse to the order of the City of Lubbock in an amount not less than five percent (5%) of the total amount of the bid submitted as a guarantee that bidder will enter into a contract, obtain all required insurance policies, and execute all necessary bonds (if required) within ten (10) business days after notice of award of the contract to him

JCT Bidder's Initials

Enclosed with this bid is a Cashier's Check or Certified Check for _____ Dollars (\$ _____) or a Bid Bond in the sum of _____ 5% _____ Dollars (\$ _____), which it is agreed shall be collected and retained by the Owner as liquidated damages in the event the bid is accepted by the Owner and the undersigned fails to execute the necessary contract documents, insurance certificates, and the required bond (if any) with the Owner within ten (10) business days after the date of receipt of written notification of acceptance of said bid; otherwise, said check or bond shall be returned to the undersigned upon demand.

Bidder understands and agrees that the contract to be executed by Bidder shall be bound and include all contract documents made available to him for his inspection in accordance with the Notice to Bidders.

Pursuant to Texas Local Government Code 252.043(a), a competitive sealed bid that has been opened may not be changed for the purpose of correcting an error in the bid price. **THEREFORE, ANY CORRECTIONS TO THE BID PRICE MUST BE MADE ON THE BID SUBMITTAL FORM PRIOR TO BID OPENING.**

Date: February 6, 2013

 Authorized Signature
Joseph C. Tamer
 (Printed or Typed Name)

Centennial Moisture Control, Inc.
 Company
1780 Hurd Drive
 Address
Irving, Dallas
 City, County
Texas, 75038
 State Zip Code
 Telephone: 214 - 350-7689
 Fax: 214 - 352-1306

FEDERAL TAX ID or SOCIAL SECURITY No.
75-2169953

EMAIL: jtamer@centennialmc.com

(Seal if Bidder is a Corporation)

ATTEST: 

 Secretary

Bidder acknowledges receipt of the following addenda:

- Addenda No. 1 Date 1/18/13
- 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 American	<input type="checkbox"/>	Other (Specify)

**City of Lubbock, TX
Capital Project
Project Cost Detail
February 28, 2013**

Capital Project Number:	91195
Capital Project Name:	Civic Center Renovations

	Budget
<i>Encumbered/Expended</i>	
Theater Stage Floor - Architecture and Engineering	\$ 11,750
Theater Stage Floor Replacement	53,046
Elevator Repair	34,187
Wheelchair Lift Replacement	22,784
Theater Dimmer System Architectural and Engineering	24,500
Theater Dimmer System Replacement	155,031
Asbestos Protocol and Air Monitoring Service	1,090
Physical Plant Roof Asbestos Removal	4,853
Physical Plant Roof Architecture and Engineering	7,000
Physical Plant Roof Repairs	58,500
Physical Plant Upgrade	701,027
Plaza Architecture and Engineering	9,996
West Pedestrian Bridge Architecture and Engineering	23,500
Civic Center Roof Architecture and Engineering	132,000
 <i>Agenda Items February 28, 2013</i>	
Minnix Commercial Partners, LTD	122,809
Centennial Moisture Control, Inc.	244,600
<i>Encumbered/Expended To Date</i>	1,606,673
 <i>Estimated Costs for Remaining Appropriation</i>	
Roof Replacement	2,400,000
Digital HVAC controls, restrooms, ADA, flooring, Exhibit Hall light fixtures, exterior repairs, exterior lighting, bleachers, seating, and painting	4,652,615
<i>Remaining Appropriation</i>	7,052,615
Total Appropriation	\$ 8,659,288



Regular City Council Meeting

5. 10.

Meeting Date: 02/28/2013

Information

Agenda Item

Contract Resolution - Civic Center: Consider a resolution authorizing the Mayor to execute a job order contract 13-11175-JOC with Minnix Commercial Partners, Ltd., to provide renovations to the Civic Center Plaza area at the Lubbock Memorial Civic Center.

Item Summary

This project will provide construction materials and labor for work required in the plaza area of the Civic Center. The work is required as a result of removing the plaza fountain due to maintenance related issues and repair cost. The construction work will fill in the area where the fountain was located and provide a finished elevation. The finished elevation will increase the usable space of the plaza for outdoor events. The majority of the finished surface is designed to complement the existing area.

This project was advertised for request for proposals and only one proposal was submitted. The proposal received in the amount of \$132,000, was rejected because it was over budget. The \$122,809 contract with Minnix Commercial Partners, Ltd., of Lubbock, Texas, is made through BuyBoard Contract No. 2012 Area J - MCP, using an electronic system known as EZIQC, to access indefinite quantity construction contracts (job order contracts) that are competitively bid to accomplish maintenance, repair, and minor new construction. The contracts are based on a catalog of pre-priced construction tasks for all divisions of construction. Texas Government Code Chapter 791 allows political subdivisions of Texas to contract with another political subdivision of Texas or another state to purchase goods and services. Pursuant to Texas Local Government Code Chapter 271.102, participating in purchasing cooperatives with other local governments and cooperative purchasing organizations satisfies state law requiring municipalities to solicit competitive bids.

Time for completion is 110 calendar days with liquid damages of \$25 per working day.

Staff recommends the contract to be awarded to Minnix Commercial Partners, Ltd. in the amount of \$122,809.

Fiscal Impact

\$8,659,288 is appropriated in Capital Improvement Project 91195, Civic Center Renovations, with \$122,809 available for this purpose.

Staff/Board Recommending

Scott Snider, Assistant City Manager

Attachments

Resolution & Contract - Minnix Commercial

Budget Detail

CIP Detail

RESOLUTION

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

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, Contract No. 11175 for Civic Center Plaza Renovations, by and between the City of Lubbock and Minnix Commercial Partners, Ltd, 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:

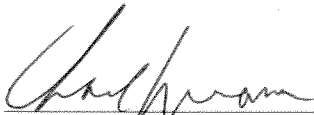
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Scott Snider, Assistant City Manager
Community Services

APPROVED AS TO FORM:



Chad Weaver, Assistant City Attorney

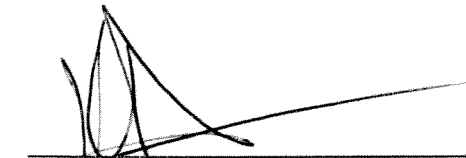
Work Order Signature Document

BUYBOARD EQIQC Contract No.: 2012 Area J - MCP	
<input type="checkbox"/> New Work Order	<input type="checkbox"/> Modify and Existing Work Order
Work Order Number: 13936	Work Order Date: 02/14/2013
Work Order Title: Lubbock Civic Center Plaza Renovations	
Owner Name: <u>City of Lubbock</u>	Contractor Name: <u>Minnix Commercial Partners, Ltd.</u>
Contact: <u>Freddy Chavez</u>	Contact: <u>Keenan Davis</u>
Phone: <u>(806) 787-3309</u>	Phone: <u>(806) 798-7335</u>
Work to be Performed	
Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of BuyBoard EZIQC Contract No. 2012 Area J – MCP.	
<u>Brief Work Order Description:</u> Lubbock Civic Center Plaza Renovations	
Time of Performance <i>110 Calendar Days. Liquidated Damages \$25 per working day.</i>	

<u>Work Order Number</u>	<u>Location</u>	<u>Amount of Contract</u>
13936	1501 Mac Davis Lane	\$ 122, 808.91

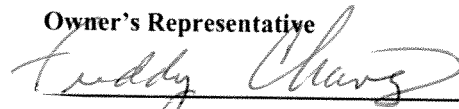
CITY OF LUBBOCK

Glen C. Robertson, Mayor

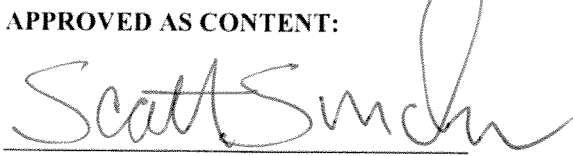


Keenan Davis, Project Manager
Minnix Commercial Partners, Ltd.


Attest: _____
Rebecca Garza, City Secretary

Owner's Representative


Freddy Chavez, Civic Services Director

APPROVED AS CONTENT:


Scott Snider, Assistant City Manager

APPROVED AS TO FORM:


Assistant City Attorney

Work Order Signature Document

BUYBOARD EZIQC Contract No.: 2012 Area J - MCP

New Work Order

Modify an Existing Work Order

Work Order Number: 013936.00

Work Order Date:

Work Order Title: City of Lubbock - Civic Center Plaza Renovations

Owner Name: City of Lubbock, Civic Center

Contractor Name: Minnix Commercial Partners, LTD

Contact: Freddy Chavez

Contact: Keenan Davis

Phone: 806-787-3309

Phone: (806) 798-7335

Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of BuyBoard EZIQC Contract No 2012 Area J - MCP.

Brief Work Order Description:

Renovations to Civic Center plaza area, to include concrete and tile work; insallation of handrails. Architectural Firm is Cox Dirks Architects.

Time of Performance *See Schedule Section of the Detailed Scope of Work*

Liquidated Damages

Will apply:

Will not apply:

Work Order Firm Fixed Price: \$122,808.91

Owner Purchase Order Number:



Detailed Scope of Work

To: Keenan Davis
Minnix Commercial Partners, LTD
PO Box 64895
Lubbock, TX 79464
(806) 798-7335

From: Freddy Chavez
City of Lubbock, Civic Center
1501 Mac Davis Lane
Lubbock, TX 79401
806-787-3309

Date Printed: January 30, 2013

Work Order Number: 013936.00

Work Order Title: City of Lubbock - Civic Center Plaza Renovations

Brief Scope: Renovations to Civic Center plaza area, to include concrete and tile work; insallation of handrails. Architectural Firm is Cox Dirks Architects.

Preliminary

Revised

Final

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

All Masonry, Concrete, and dirtwork (**Not landscaped areas**) work in plans drawn by Cox Dirks.

We **include** demo of masonry (pavers, brick, and CMU), concrete, benches, mirror, and repairs to in wall plumbing.

We have EXCLUDED all landscaping work including new top soil, irrigation and irrigation repairs, and electrical work.

Contractor's Price Proposal CSI - Summary

Date: January 30, 2013

Re: IQC Master Contract #: 2012 Area J - MCP
Work Order #: 013936.00
Owner PO #:
Title: City of Lubbock - Civic Center Plaza Renovations
Contractor: Minnix Commercial Partners, LTD
Proposal Value: \$122,808.91

01 - General Requirements	\$4,736.39
02 - Site Work	\$8,788.88
03 - Concrete	\$71,485.01
04 - Masonry	\$18,219.23
07 - Thermal & Moisture Protection	\$6,139.52
31 - Earthwork	\$4,971.57
32 - Exterior Improvements	\$8,468.31
Proposal Total	\$122,808.91

Contractor's Price Proposal CSI - Detail

Date: January 30, 2013

Re: IQC Master Contract #: 2012 Area J - MCP
 Work Order #: 013936.00
 Owner PO #:
 Title: City of Lubbock - Civic Center Plaza Renovations
 Contractor: Minnix Commercial Partners, LTD
 Proposal Value: \$122,808.91

Sect.	Item	Modifier	UOM	Description	Line Total								
Labor	Equip.	Material	(Excluded if marked with an X)										
01 - General Requirements													
1	01 22 20 00 0006		HR	CarpenterTasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$980.00								
			Installation	<table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>24.00 x</td> <td>33.47 x</td> <td>1.2200 =</td> <td>980.00</td> </tr> </table>	Quantity	Unit Price	Factor	Total	24.00 x	33.47 x	1.2200 =	980.00	
Quantity	Unit Price	Factor	Total										
24.00 x	33.47 x	1.2200 =	980.00										
				Removal of mirror and benches. Bench reinstallation.									
2	01 22 20 00 0024		HR	PlumberTasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$657.63								
			Installation	<table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>16.00 x</td> <td>33.69 x</td> <td>1.2200 =</td> <td>657.63</td> </tr> </table>	Quantity	Unit Price	Factor	Total	16.00 x	33.69 x	1.2200 =	657.63	
Quantity	Unit Price	Factor	Total										
16.00 x	33.69 x	1.2200 =	657.63										
3	01 52 19 00 0005		MO	ADA Portable Toilets, Chemical	\$192.13								
			Installation	<table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>1.50 x</td> <td>104.99 x</td> <td>1.2200 =</td> <td>192.13</td> </tr> </table>	Quantity	Unit Price	Factor	Total	1.50 x	104.99 x	1.2200 =	192.13	
Quantity	Unit Price	Factor	Total										
1.50 x	104.99 x	1.2200 =	192.13										
4	01 74 19 00 0015		EA	40 CY Dumpster (5 Ton) "Construction Debris" Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.	\$2,906.63								
			Installation	<table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>6.00 x</td> <td>397.08 x</td> <td>1.2200 =</td> <td>2,906.63</td> </tr> </table>	Quantity	Unit Price	Factor	Total	6.00 x	397.08 x	1.2200 =	2,906.63	
Quantity	Unit Price	Factor	Total										
6.00 x	397.08 x	1.2200 =	2,906.63										
Subtotal for 01 - General Requirements					\$4,736.39								
02 - Site Work													
5	02 41 13 13 0042		SF	> 6" To 8" By Hand, Break-up And Remove Concrete Paving	\$8,627.84								
			Installation	<table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>2,600.00 x</td> <td>2.72 x</td> <td>1.2200 =</td> <td>8,627.84</td> </tr> </table>	Quantity	Unit Price	Factor	Total	2,600.00 x	2.72 x	1.2200 =	8,627.84	
Quantity	Unit Price	Factor	Total										
2,600.00 x	2.72 x	1.2200 =	8,627.84										
6	02 41 19 16 0003		SF	Remove Brick Flooring And Salvage	\$161.04								
			Installation	<table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>200.00 x</td> <td>0.66 x</td> <td>1.2200 =</td> <td>161.04</td> </tr> </table>	Quantity	Unit Price	Factor	Total	200.00 x	0.66 x	1.2200 =	161.04	
Quantity	Unit Price	Factor	Total										
200.00 x	0.66 x	1.2200 =	161.04										
Subtotal for 02 - Site Work					\$8,788.88								
03 - Concrete													
7	03 05 00 00 0003		CY	1.5 LB/CY Poly Fibers Reinforcing Concrete Mix	\$1,539.34								
			Installation	<table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>175.00 x</td> <td>7.21 x</td> <td>1.2200 =</td> <td>1,539.34</td> </tr> </table>	Quantity	Unit Price	Factor	Total	175.00 x	7.21 x	1.2200 =	1,539.34	
Quantity	Unit Price	Factor	Total										
175.00 x	7.21 x	1.2200 =	1,539.34										
8	03 05 00 00 0008		GAL	Air Entraining Agent, .7 - 1.5 Oz Per Bag, 5 Gallon Lots	\$1,052.43								
			Installation	<table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>135.00 x</td> <td>6.39 x</td> <td>1.2200 =</td> <td>1,052.43</td> </tr> </table>	Quantity	Unit Price	Factor	Total	135.00 x	6.39 x	1.2200 =	1,052.43	
Quantity	Unit Price	Factor	Total										
135.00 x	6.39 x	1.2200 =	1,052.43										
9	03 05 00 00 0012		LB	18 To 25 LB/CY Concrete Admixture Colors, Premium	\$5,186.81								
			Installation	<table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>998.00 x</td> <td>4.26 x</td> <td>1.2200 =</td> <td>5,186.81</td> </tr> </table>	Quantity	Unit Price	Factor	Total	998.00 x	4.26 x	1.2200 =	5,186.81	
Quantity	Unit Price	Factor	Total										
998.00 x	4.26 x	1.2200 =	5,186.81										

Contractor's Price Proposal - Detail Continues..

Work Order Number: 013936.00

Work Order Title: City of Lubbock - Civic Center Plaza Renovations

Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
03 - Concrete					
10	03 05 00 00 0017		CY	Water Reducer And Retarder - Low Range	\$335.20
				Quantity	Unit Price
				Installation	Factor = Total
				175.00 x	1.57 x 1.2200 = 335.20
11	03 11 13 00 0009		LF	Up To 6" High Slab Edge and Block-Out Wood Formwork	\$3,788.10
				Quantity	Unit Price
				Installation	Factor = Total
				1,500.00 x	2.07 x 1.2200 = 3,788.10
12	03 15 16 00 0016		LF	1/2" x 6" Premolded Cork Expansion Joint With Resin, In Slabs Or Walls	\$2,676.56
				Quantity	Unit Price
				Installation	Factor = Total
				1,065.00 x	2.06 x 1.2200 = 2,676.56
13	03 21 11 00 0006		TON	Grade 60 Reinforcing Steel, Footings And Slabs, #3-#6	\$16,654.22
				Quantity	Unit Price
				Installation	Factor = Total
				8.50 x	1,606.00 x 1.2200 = 16,654.22
14	03 31 13 00 0010		CY	Concrete Pump, Place 3000 PSI Concrete Continuous FootingsExcludes pumping equipment.	\$1,611.86
				Quantity	Unit Price
				Installation	Factor = Total
				12.00 x	110.10 x 1.2200 = 1,611.86
15	03 31 13 00 0010 0043			For Up To 20, Add	\$71.88
				Quantity	Unit Price
				Installation	Factor = Total
				12.00 x	4.91 x 1.2200 = 71.88
16	03 31 13 00 0028		CY	Up To 6", By Concrete Pump, Place 3000 PSI Concrete Slab On GradeExcludes pumping equipment.	\$22,763.37
				Quantity	Unit Price
				Installation	Factor = Total
				175.00 x	106.62 x 1.2200 = 22,763.37
17	03 31 13 00 0093		HR	170' Boom Truck For Concrete Placement (100 CY Per Hour Rating)	\$3,756.72
				Quantity	Unit Price
				Installation	Factor = Total
				8.00 x	384.91 x 1.2200 = 3,756.72
18	03 35 16 00 0005		SF	Concrete Floor Finishes, Steel Trowel	\$4,831.20
				Quantity	Unit Price
				Installation	Factor = Total
				8,800.00 x	0.45 x 1.2200 = 4,831.20
19	03 35 23 00 0002		SF	Exposed Aggregate Concrete Floor Finish	\$6,097.56
				Quantity	Unit Price
				Installation	Factor = Total
				4,900.00 x	1.02 x 1.2200 = 6,097.56
20	03 39 00 00 0006		CSF	Concrete Curing, Sprayed Membrane Curing Compound	\$1,119.76
				Quantity	Unit Price
				Installation	Factor = Total
				88.00 x	10.43 x 1.2200 = 1,119.76

Subtotal for 03 - Concrete \$71,485.01

04 - Masonry

21	04 01 20 52 0002		SF	Clean And Repoint Brick Masonry	\$263.52
				Quantity	Unit Price
				Installation	Factor = Total
				200.00 x	1.08 x 1.2200 = 263.52
22	04 01 20 91 0013		SF	Patch And Repair Terra Cotta Floors, Including Replacement Of Damaged Material	\$2,020.32
				Quantity	Unit Price
				Installation	Factor = Total
				225.00 x	7.36 x 1.2200 = 2,020.32

Contractor's Price Proposal - Detail Continues..

Work Order Number: 013936.00
 Work Order Title: City of Lubbock - Civic Center Plaza Renovations

Sect.	Item	Modifier	UOM	Description	Line Total		
Labor	Equip.	Material	(Excluded if marked with an X)				
04 - Masonry							
23	04 21 13 00 0010		SF	Common Brick - 12" Solid (19/SF)	\$9,201.24		
				Quantity	Unit Price	Factor	Total
			Installation	300.00 x	25.14 x	1.2200 =	9,201.24
24	04 22 23 13 0004		SF	8" x 16" x 4" Regular Back-up Concrete Masonry Unit (Sand Aggregate)	\$1,495.72		
				Quantity	Unit Price	Factor	Total
			Installation	200.00 x	6.13 x	1.2200 =	1,495.72
25	04 22 23 13 0016		SF	8" x 16" x 8" Solid Foundation Wall Concrete Masonry Unit (Sand Aggregate)	\$609.02		
				Quantity	Unit Price	Factor	Total
			Installation	60.00 x	8.32 x	1.2200 =	609.02
26	04 22 23 13 0016 0040			For Small Area Replacements (Individual Areas) < 10 SF, Add	\$542.41		
				Quantity	Unit Price	Factor	Total
			Installation	60.00 x	7.41 x	1.2200 =	542.41
27	04 26 13 00 0012		EA	3 5/8" x 2 1/4" x 7 5/8" Brick Veneer Corner Edge Cap, L or R	\$4,087.00		
				Quantity	Unit Price	Factor	Total
			Installation	250.00 x	13.40 x	1.2200 =	4,087.00
Subtotal for 04 - Masonry					\$18,219.23		
07 - Thermal & Moisture Protection							
28	07 13 53 00 0014		CSF	1/16" Neoprene Sheet Waterproofing	\$986.14		
				Quantity	Unit Price	Factor	Total
			Installation	4.65 x	173.83 x	1.2200 =	986.14
29	07 13 53 00 0014 0016			For Joint Taping, Add	\$60.64		
				Quantity	Unit Price	Factor	Total
			Installation	4.65 x	10.69 x	1.2200 =	60.64
30	07 92 00 00 0059		CLF	3/4" x 3/4" Joint, Polyurethane Sealant And Caulking	\$5,092.74		
				Quantity	Unit Price	Factor	Total
			Installation	10.65 x	391.96 x	1.2200 =	5,092.74
Subtotal for 07 - Thermal & Moisture Protection					\$6,139.52		
31 - Earthwork							
31	31 23 16 36 0009		CY	Excavation For Building Foundations And Other Structures By Hand in Soil	\$2,787.46		
				Quantity	Unit Price	Factor	Total
			Installation	70.00 x	32.64 x	1.2200 =	2,787.46
32	31 23 16 36 0022		CY	Compaction Of Fill Or Subbase For Building Foundations and Other Structures by Hand	\$2,184.11		
				Quantity	Unit Price	Factor	Total
			Installation	175.00 x	10.23 x	1.2200 =	2,184.11
Subtotal for 31 - Earthwork					\$4,971.57		
32 - Exterior Improvements							
33	32 14 16 00 0003		SF	4" x 8" x 2-1/4" Brick, Laid On Edge	\$6,540.71		
				Quantity	Unit Price	Factor	Total
			Installation	324.00 x	10.51 x	1.2200 =	4,154.39
			Demolition	1,200.00 x	1.63 x	1.2200 =	2,386.32

Contractor's Price Proposal - Detail Continues..

Work Order Number: 013936.00
 Work Order Title: City of Lubbock - Civic Center Plaza Renovations

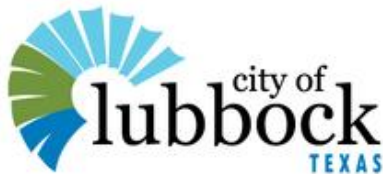
Sect.	Item	Modifier	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
32 - Exterior Improvements					
34	32 16 13 13 0024		LF	6" x 42" Concrete Gutter With 6" Curb And Face - Straight	\$1,401.78
			Installation	Quantity Unit Price Factor Total	
				50.00 x 22.98 x 1.2200 = 1,401.78	
35	32 16 13 13 0024 0091			For > 20 To 50, Add	\$514.84
			Installation	Quantity Unit Price Factor Total	
				50.00 x 8.44 x 1.2200 = 514.84	
36	32 16 13 13 0024 0096			For Integral Colors, Add Modifier quantity = task quantity x LB/CY color added.	\$10.98
			Installation	Quantity Unit Price Factor Total	
				50.00 x 0.18 x 1.2200 = 10.98	
Subtotal for 32 - Exterior Improvements					\$8,468.31
Proposal Total					\$122,808.91

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

**City of Lubbock, TX
Capital Project
Project Cost Detail
February 28, 2013**

Capital Project Number:	91195
Capital Project Name:	Civic Center Renovations

	Budget
<i>Encumbered/Expended</i>	
Theater Stage Floor - Architecture and Engineering	\$ 11,750
Theater Stage Floor Replacement	53,046
Elevator Repair	34,187
Wheelchair Lift Replacement	22,784
Theater Dimmer System Architectural and Engineering	24,500
Theater Dimmer System Replacement	155,031
Asbestos Protocol and Air Monitoring Service	1,090
Physical Plant Roof Asbestos Removal	4,853
Physical Plant Roof Architecture and Engineering	7,000
Physical Plant Roof Repairs	58,500
Physical Plant Upgrade	701,027
Plaza Architecture and Engineering	9,996
West Pedestrian Bridge Architecture and Engineering	23,500
Civic Center Roof Architecture and Engineering	132,000
 <i>Agenda Items February 28, 2013</i>	
Minnix Commercial Partners, LTD	122,809
Centennial Moisture Control, Inc.	244,600
<i>Encumbered/Expended To Date</i>	1,606,673
 <i>Estimated Costs for Remaining Appropriation</i>	
Roof Replacement	2,400,000
Digital HVAC controls, restrooms, ADA, flooring, Exhibit Hall light fixtures, exterior repairs, exterior lighting, bleachers, seating, and painting	4,652,615
<i>Remaining Appropriation</i>	7,052,615
Total Appropriation	\$ 8,659,288



Regular City Council Meeting

5. 11.

Meeting Date: 02/28/2013

Information

Agenda Item

Contract Resolution - Solid Waste: Consider a resolution authorizing the Mayor to execute contract 11159 with BWI Companies, Inc. to provide alternate daily cover material at the landfill, BID 13-11159-RH.

Item Summary

The West Texas Region Disposal Facility is authorized by the Texas Commission on Environmental Quality to use an alternate daily cover whenever the facility will not be closed for more than 24 hours. The approved alternate daily cover is a slurry material that is made when needed at the landfill by mixing water and a dry bagged material that is composed of an inorganic binder and cellulose fiber. The alternate daily cover (slurry) is applied by landfill staff with the use of a hydroseeder.

The use of alternate daily cover allows the landfill to save airspace and time by not covering with soil every day. The landfill currently uses a weekly average of 36 bags of the inorganic binder and cellulose fiber. The material meets the compliance requirements outlined in 30 Texas Administrative Code 330.165(d) (1).

Bids were received from the following companies:

Company	Amount per Bag
BWI Companies, Inc., Carrollton, TX	\$14.80
Space Savers, Inc., Keller, TX	15.00
Excel Garden Products, Grand Prairie, TX	15.70
LSC Environmental Product, LLC, Apalachin, NY	33.05

Staff recommends contract award to the lowest bidder, BWI Companies, Inc. of Carrollton, TX. The contract term is for three years with an option to renew for up to two additional one-year terms. A bid tabulation is provided.

Fiscal Impact

\$26,048 is appropriated in the adopted FY 2012-13 solid waste disposal operating budget.

Staff/Board Recommending

Scott Snider, Assistant City Manager

Attachments

Resolution & Contract - BWI Companies, Inc.

Bid Form - Alternate Cover Material

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. 11159 for Alternate Daily Cover for Landfill, by and between the City of Lubbock and BWI Companies, Inc., 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.

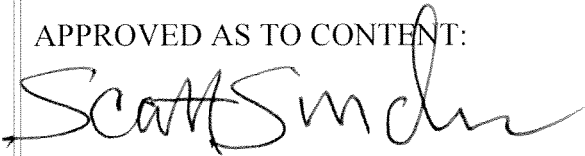
Passed by the City Council on _____.

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

vw:ccdcs/RES.Contract-BWI Companies, Inc.
February 12, 2013

**City of Lubbock, TX
Contract For
Alternate Daily Cover for Landfill**

THIS CONTRACT made and entered into this 28th day of February, 2013, by and between the City of Lubbock ("City"), and BWI Companies, Inc., ("Contractor").

WITNESSETH:

WHEREAS, the City of Lubbock duly advertised for bids for Alternate Daily Cover for Landfill 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 Alternate Daily Cover for Landfill.

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, Alternate Daily Cover for Landfill and more specifically referred to as Item 1 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 three (3) years, with the option of two (2) additional, one (1) year extensions, said date of term beginning upon formal approval. All stated annual quantities are approximations of usage during the time period to be covered by pricing established by this bid. Actual usage may be more or less. Order quantities will be determined by actual need.
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	\$300,000
Commercial General Liability	
General Aggregate	
Automotive Liability	\$300,000
Combined Single Limit	
Any Auto	
Workers Compensation	Statutory Amounts

The City of Lubbock shall be named as 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.

7. 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.
8. 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.
9. 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.
10. 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

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.

11. This Contract consists of the following documents set forth herein; Invitation to Bid No. 13-11159-RH, Specifications, and the 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

CONTRACTOR

Glen C. Robertson, Mayor

BY 
Authorized Representative

ATTEST:

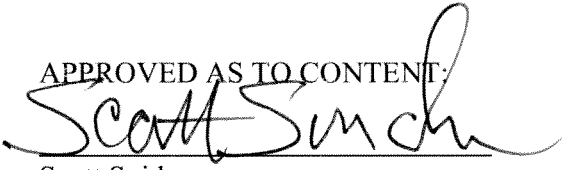
JAMES GARZETT
Print Name

Rebecca Garza, City Secretary


1418 OXFIELD RD
Address

APPROVED AS TO CONTENT:

CARROLLTON, TX 75006
City, State, Zip Code


Scott Snider,
Assistant City Manager

APPROVED AS TO FORM:


Assistant City Attorney

Specifications for Alternate Daily Cover for Landfill Application

The City of Lubbock is soliciting bids to establish firm pricing for a slurry-type Alternate Daily Cover, hereinafter called ADC, material is to be used at the West Texas Region Disposal Facility. This material will be mixed with water and applied in a spray to the landfill workface. The ADC will be applied to the landfill workface on an average of 5 days per week and using approximately 36 bags per week.

Product requirements:

The ADC must:

- Be a product that is manufactured and marketed to the solid waste industry for ADC application.
- Produce a cover that will perform equivalent to six inches of soil when applied according to the manufacturer's specifications.
- Meet all Environmental Protection Agency (EPA) 40 CFR 258.21 and Texas Administrative Code (TAC) 30 TAC 330.165 (d) (1) requirements including control of disease vectors, fires, odors, blowing litter, dust, and scavenging without presenting a threat to human health and the environment.
- Not contribute to air-borne irritants.
- Have the ability of being applied in any temperature, light to moderate rainfall, and in winds up to 35 miles per hour.
- Prefer a green tinted material.
- Be available in single bags that are 50 pounds in weight.
- Be able to be applied with a Finn T90 hydro seeder equipped with an 800 gallon water tank.

Material delivery:

Delivery is included in the bid pricing. There will be no additional delivery or shipping charges.

Items required to be submitted with bid:

- Material Safety and Data Sheet (MSDS) must be submitted with the bid to affirm that the product is non-toxic and not a threat to human health and the environment.
- Bidders must submit a minimum of three (3) references from landfills operating in Texas using the vendor's product.

Submittals prior to bid award:

The apparent low bidder will be required to submit within ten business days of notification, and prior to award of contract:

- 12 bags for the landfill to test for product performance and compatibility with existing application equipment.

Failure to submit the product for testing within ten business days of the request, will result in forfeiture of contract.

Length of contract:

The contract shall be for a term of three (3) years, with the option of two (2) additional one (1) year extensions, said date of term beginning upon formal approval. All stated annual quantities are approximations of usage during the time period to be covered by pricing established by this bid.

Bid award:

Bid shall be awarded on a cost per bag basis.

**“REVISED”
BID FORM
Alternate Daily Cover for Landfill
City of Lubbock, Texas
ITB No. 13-11159-RH**

In compliance with the **Invitation to Bid 13-11159-RH**, 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 **13-11159-RH** is by reference incorporated in this contract. The Bid Form **must be completed** in blue or black ink or by typewriter.

ITEM	UNIT OF MEASURE	(A) ANNUAL QTY (+/-)	DESCRIPTION	(B) UNIT PRICE* BID'	(C) EXTENDED COST (A x B = C)	Delivery Days ARO**
1.	50# Bags	1,760	Alternate Daily Cover (Slurry mix) as per attached specifications.	\$ 14.80/bag	\$ 26,048.00	14 DAYS
Manufacturer and/or Brand Name of Product:						

*PRICE: F.O.B. Destination, Freight Pre-Paid and Included in bid price **Days After Receipt of Order (ARO)

PAYMENT TERMS AND DISCOUNTS - Bidder offers a prompt payment discount of 0 %, net — 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 NO

- If you (the bidder) checked YES, the following will apply:

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 COMPANIES, INC. a corporation organized under the laws of the State of TEXAS, or a partnership consisting of _____ or individual trading as _____ of the City of MASA

Firm: BWI COMPANIES

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)

N/A

Any entity or person that manufactures, distributes, converts new motor vehicles (or represents an entity that manufactures, distributes, or converts new motor vehicles) or is in the business of buying, exchanging, or selling new motor vehicles is required under the Tex. Occ. Code, Chapter 2301 to be licensed by Motor Vehicle Division of the Texas Department of Transportation. In order for a bid to be in compliance with the Motor Vehicle Commission Code, the bidder must hold and provide all applicable current valid licenses issued by the State of Texas:

1. Name _____ and Manufacture's License No. _____
 2. Name _____ and Converter's License No. _____
 3. Name _____ and Representative's License No. _____
 4. Name _____ and Franchise Dealer's License No. _____
- General Distinguishing No. _____ (Franchised TX dealer)

By [Signature] Date: 1-29-13
 Authorized Representative - must sign by hand

Officer Name and Title: JAMES GARRETT TURF TECHNICIAN SUPPORT
 Please Print

Business Telephone Number 800-752-6632 / 972-242-4755 FAX: 972-242-7675

E-mail Address: jamesgarrett@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 \$25,000): _____	Date P.O./Contract Issued: _____

RETURN COMPLETED & SIGNED BID FORM ALONG WITH CITY OF LUBBOCK SPECIFICATIONS.

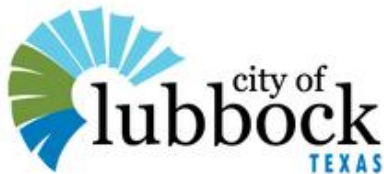
LABEL THE OUTSIDE OF YOUR SEALED BID WITH THE ITB NUMBER, THE CLOSING DATE AND TIME, AND YOUR COMPANY NAME AND ADDRESS.

City of Lubbock, TX
Solid Waste
Bid Tabulation
February 28, 2013

ITB 13-11159-RH

Alternate Daily Cover for Landfill

Item	Qty	U/M	Description/Vendor	Location	Unit Cost	Extended Cost
1	1,760	Bag	Alternate Daily Cover in 50 lb Bags			
			BWI Companies, Inc.	Carrollton, TX	14.80	\$ 26,048
			Space Savers, Inc.	Keller, TX	15.00	26,400
			Excel Garden Products	Madison, GA	15.70	27,632
			LSC Environmental Products, LLC	Apalachin, NY	33.05	58,168



Regular City Council Meeting

5. 12.

Meeting Date: 02/28/2013

Information

Agenda Item

Contract Resolution - Fleet Services: Consider a resolution authorizing the Mayor to reject all bids for Refuse Collection Packer Bodies, ITB 13-11106-RH.

Item Summary

This contract would have been for refuse collection for residential trash pick-up.

Bids were received from the following companies:

Company	Amount
Equipment Southwest, Inc., Irving, TX	\$1,422,000
Equipment Southwest, Inc., Irving, TX	1,382,200
Kann Manufacturing Corp., Guttenberg, IA	1,639,836

Staff has reviewed the bids and has opted to purchase packer bodies, using the Buyboard purchasing option. Staff recommends that all bids submitted for ITB 13-11106-RH be rejected.

Fiscal Impact

None.

Staff/Board Recommending

Scott Snider, Community Services Assistant City Manager

Attachments

Resolution - Solid Waste

RESOLUTION

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

THAT the City Council of the City of Lubbock hereby rejects any and all bids received for the Refuse Collection Packer Bodies pursuant to ITB- 13-11106-RH and orders that no contract be entered into pursuant to said invitation to bid.

Passed by the City Council on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

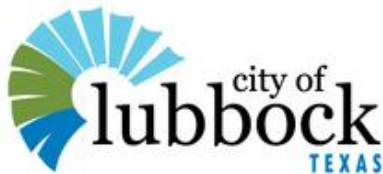


Scott Snider, Assistant City Manager
Community Services

APPROVED AS TO FORM:



Chad Weaver, Assistant City Attorney



Regular City Council Meeting

6. 1.

Meeting Date: 02/28/2013

Information

Agenda Item

Public Hearing 6:30 p.m. - Planning: Consider a request for Zone Case 3047-E, a request of AMD Engineering, LLC, for George McMahan for a zoning change from R-1 Specific Use to R-1 Specific Use for garden homes with reduced rear setback for third car garage units, reduced side setback on corner lots on 1.42 acres, R-1 Specific Use for reduced front and side setbacks, and reduced rear setbacks for third car garage units from the alley on 29.08 acres of unplatted land out of Block E-2, Section 23 (north of 122nd Street between Slide Road and Quaker Avenue) and consider an ordinance.

Item Summary

Zoning Request:

The request is to zone 30.5 acres from R-1 Specific Use for Vintage Township to R-1 Specific Use for reduced setbacks and garden homes.

Proposed Land Use:

The proponent is proposing one block which backs up to Vintage Township, to be built as garden homes. The balance of the 30.5 acres will be single family with reduced front, side (on corner lots and cul de sac locations) and rear setbacks inclusive of an allowance for a third car, or an additional non-rear facing garage to be built up to 18 inches to the property line.

This case removes the design regulations from the Vintage Township Specific Use case, to revert back to a standard subdivision with reduced setbacks.

Adjacent Land Uses:

North: Residential, Zoned R-1 Specific Use(Vintage Township)

South: Vacant single family, T (transitional)

East: Residential, Zoned R-1 Specific Use for Vintage Township

West: Developing residential, Zoned R-1 Specific Use

Planning and Zoning (P&Z) Public Hearing Notes from February 7, 2013:

No one appeared before the P&Z to speak in favor or opposition. P&Z voted unanimously to approve.

Impact on the Comprehensive Land Use Plan (CLUP):

The proposal is consistent with the CLUP.

P&Z Recommendation:

1. On the .42 acre tract for garden homes, a third car, or additional, non-rear facing garage will be allowed with a minimum 18-inches rear setback.
2. On the 29.04 acre tract front setback minimum will be 20 feet, side setback minimum on corner lots shall be 5 feet, and a minimum 18 inches rear setback for a third car, or additional non-rear facing garages will be allowed.
3. On the 29.08 acre tract a 20 foot front setback, 5 foot side setbacks on corner lots, and 18 inch rear setback for a third car, or additional non-rear facing garages.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager
P&Z Commission

Attachments

Ordinance - Zone Case 3047-E

Zone Case 3047-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. 3047-E; A ZONING CHANGE FROM R-1 SPECIFIC USE TO R-1 SPECIFIC USE FOR GARDEN HOMES WITH REDUCED REAR SETBACK FOR THIRD CAR GARAGE UNITS AND REDUCED SIDE SETBACK ON CORNER LOTS ON 1.42 ACRES AND R-1 SPECIFIC USE FOR REDUCED FRONT AND SIDE SETBACKS AND REDUCED REAR SETBACKS FOR THIRD CAR GARAGE UNITS FROM THE ALLEY, ON 29.08 ACRES OF UNPLATTED LAND OUT OF BLOCK E-2, SECTION 23, LUBBOCK, TEXAS; SUBJECT TO CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.**

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

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

ZONE CASE NO. 3047-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 **R-1 Specific Use** to **R-1 Specific Use for garden homes with reduced rear setback for third car garage units and reduced side setback on corner lots on 1.42 acres and R-1 Specific Use for reduced front and side setbacks and reduced rear setbacks for third car**

garage units from the alley on 29.08 acres of unplatted land out of Block E-2, Section 23, City of Lubbock, Lubbock County, Texas, located at north of 122nd Street between Slide Road and Quaker Avenue, subject to conditions, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SUBJECT TO THE FOLLOWING CONDITIONS:

1.42 acre tract

- 1. THAT the Garden Homes with a minimum 18" (eighteen inch) rear setback for a third car, or additional, non-rear facing garage.**

29.08 acre tract

- 2. THAT the 20' front setbacks, 5' side setbacks on corner lots, and 18" rear setback for a third car, or additional, non-rear facing garages.**

SECTION 2. THAT the granting of this specific use zoning is hereby made subject to compliance with all provisions of Zoning Ordinance No. 7084, as amended, including particularly, but not limited to, Section 40.03.3102 of the Codified Zoning Ordinance, which provides that a Building Permit shall be applied for and secured within thirty (30) months of the effective date of the zone change or all undeveloped property shall automatically revert back to the previous zoning classification, which in this case is the **R-1 Specific Use** 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 **north of 122nd Street between Slide Road and Quaker Avenue, City of Lubbock, Lubbock County, Texas.**

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:


Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Randy Henson, Director of Planning

APPROVED AS TO FORM:



Chad Weaver
Assistant City Attorney

vw/CityAtt/Chad/Zones/ZC3047-E
February 7, 2013



Rezone to R-1 Specific Use-Garden Homes

METES AND BOUNDS DESCRIPTION of a 1.42 acre tract of land located in Section 23, Block E-2, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point in which bears S 89°57'39"E approximately 2,862.60 feet and North approximately 1191.53 feet from the Northwest corner of Section 23, Block E-2, Lubbock County, Texas;

THENCE N 44°02'23" E an approximate distance of 143.50 feet;

THENCE S 45°57'40" E an approximate distance of 406.00 feet;

THENCE S 57°58'18" E an approximate distance of 24.03 feet;

THENCE S 44°02'21" W an approximate distance of 148.50 feet;

THENCE N 45°57'39" W an approximate distance of 429.50 feet to the Point of Beginning and containing approximately 1.42 acres, including any Right of Way.

PREPARED FOR ZONE CHANGE REQUEST ONLY; DOES NOT REPRESENT A SURVEY.

Prepared for: George McMahan
December 10, 2012



Rezone to R-1 Specific Use

METES AND BOUNDS DESCRIPTION of a 29.08 acre tract of land located in Section 23, Block E-2, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point in which bears S 89°57'39"E approximately 2,862.60 feet and North approximately 1191.53 feet from the Northwest corner of Section 23, Block E-2, Lubbock County, Texas;

THENCE S 45°57'39" E an approximate distance of 429.50 feet;

THENCE N 44°02'21" E an approximate distance of 148.50 feet;

THENCE S 57°58'20" E an approximate distance of 24.03 feet;

THENCE S 45°57'39" E an approximate distance of 190.00 feet;

THENCE S 45°57'42" E an approximate distance of 221.14 feet;

THENCE S 45°13'32" E an approximate distance of 57.84 feet;

THENCE N 23°36'24" E an approximate distance of 17.97 feet;

THENCE S 40°39'53" E an approximate distance of 114.14 feet;

THENCE S 33°07'03" E an approximate distance of 194.52 feet;

THENCE S 48°56'25" E an approximate distance of 54.17 feet;

THENCE S 43°24'20" E an approximate distance of 107.50 feet;

THENCE S 43°22'49" E an approximate distance of 7.53 feet;

THENCE S 02°08'09" W an approximate distance of 14.01 feet;

THENCE S 43°24'21" E an approximate distance of 20.00 feet;

THENCE S 87°50'41" E an approximate distance of 14.28 feet;

THENCE S 43°24'20" E an approximate distance of 114.82 feet;

THENCE S 46°35'40" W an approximate distance of 10.00 feet;

THENCE S 43°24'20" E an approximate distance of 161.77 feet;

THENCE S 01°43'08" W an approximate distance of 14.11 feet;

THENCE S 43°24'20" E an approximate distance of 10.00 feet;

THENCE S 46°35'40" W an approximate distance of 77.88 feet;

THENCE S 00°02'33" W an approximate distance of 255.50 feet;

THENCE N 89°56'27" W an approximate distance of 1,260.23 feet;

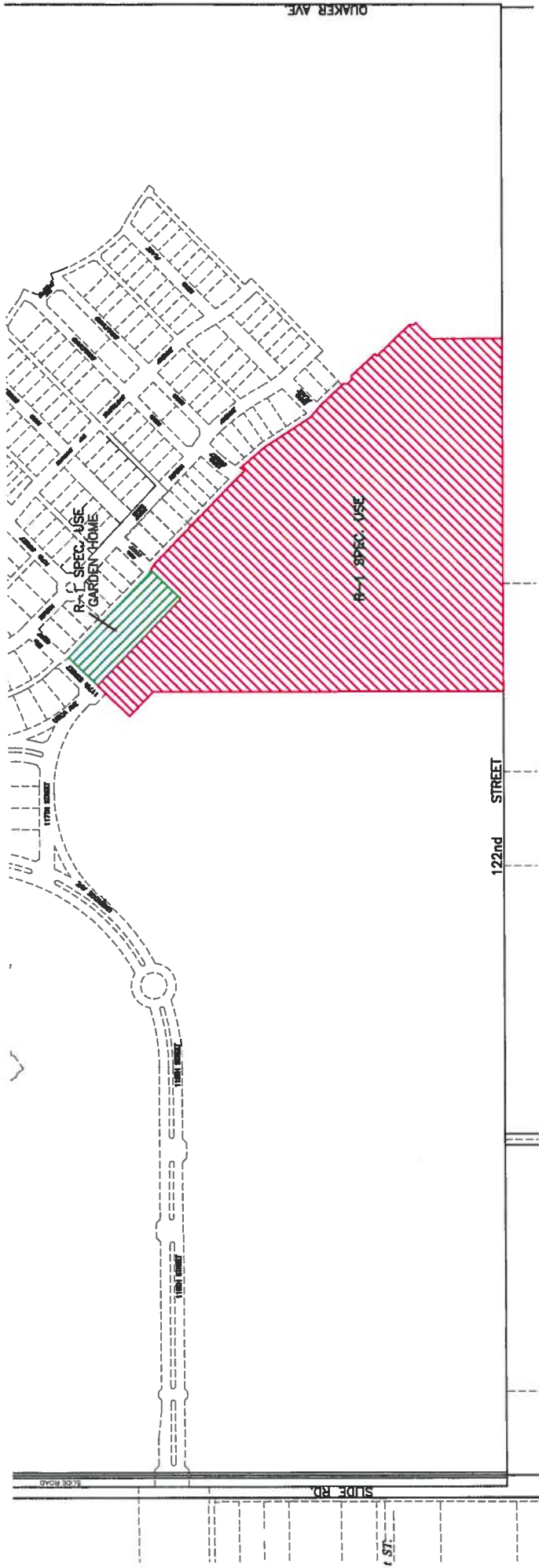
THENCE N 00°02'21" E an approximate distance of 1,250.72 feet;

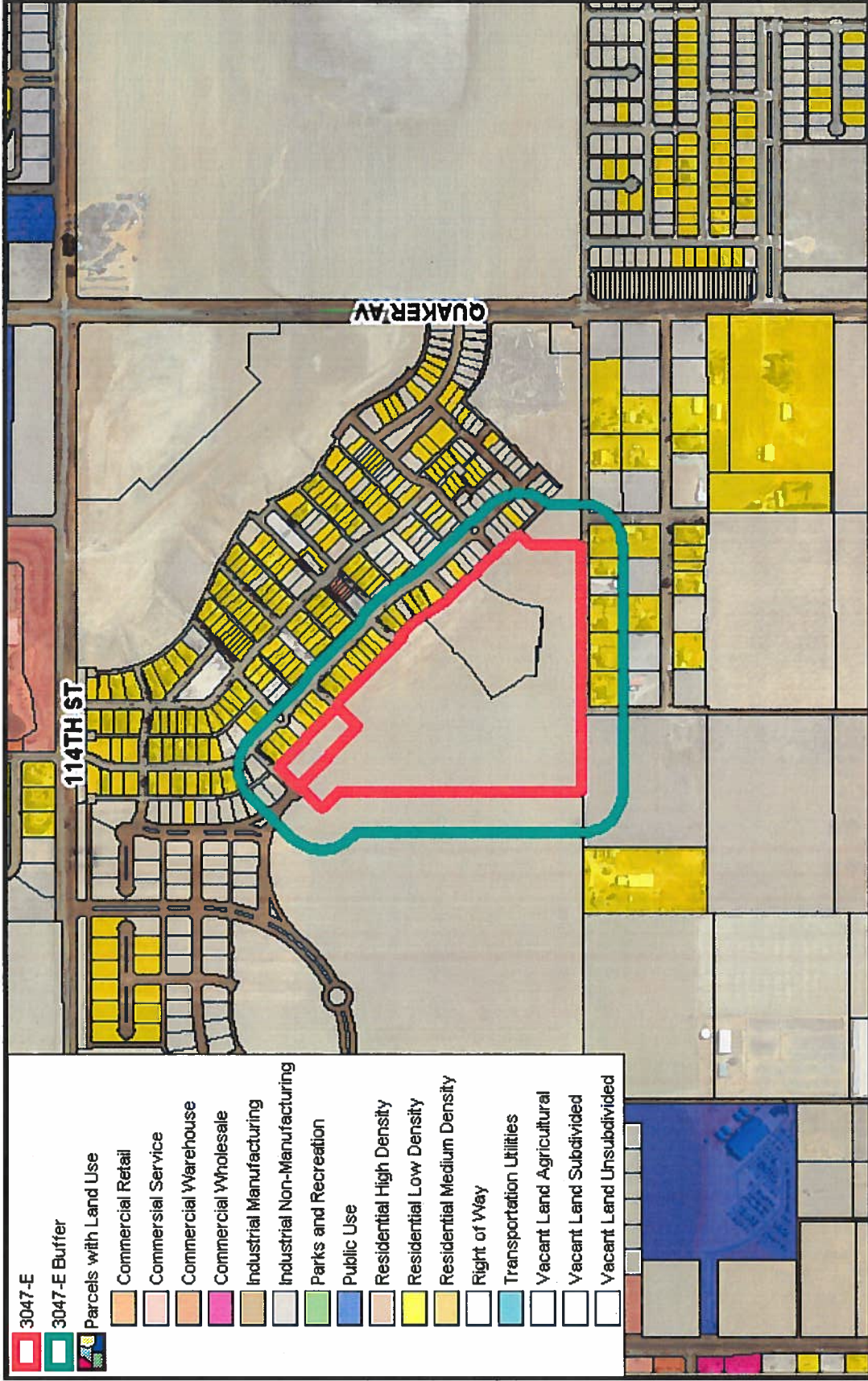
THENCE N 45°57'39" W an approximate distance of 121.68 feet;

THENCE N 44°02'23" E an approximate distance of 158.50 feet to the Point of Beginning and containing approximately 29.08 acres, including any Right of Way.

PREPARED FOR ZONE CHANGE REQUEST ONLY; DOES NOT REPRESENT A SURVEY.

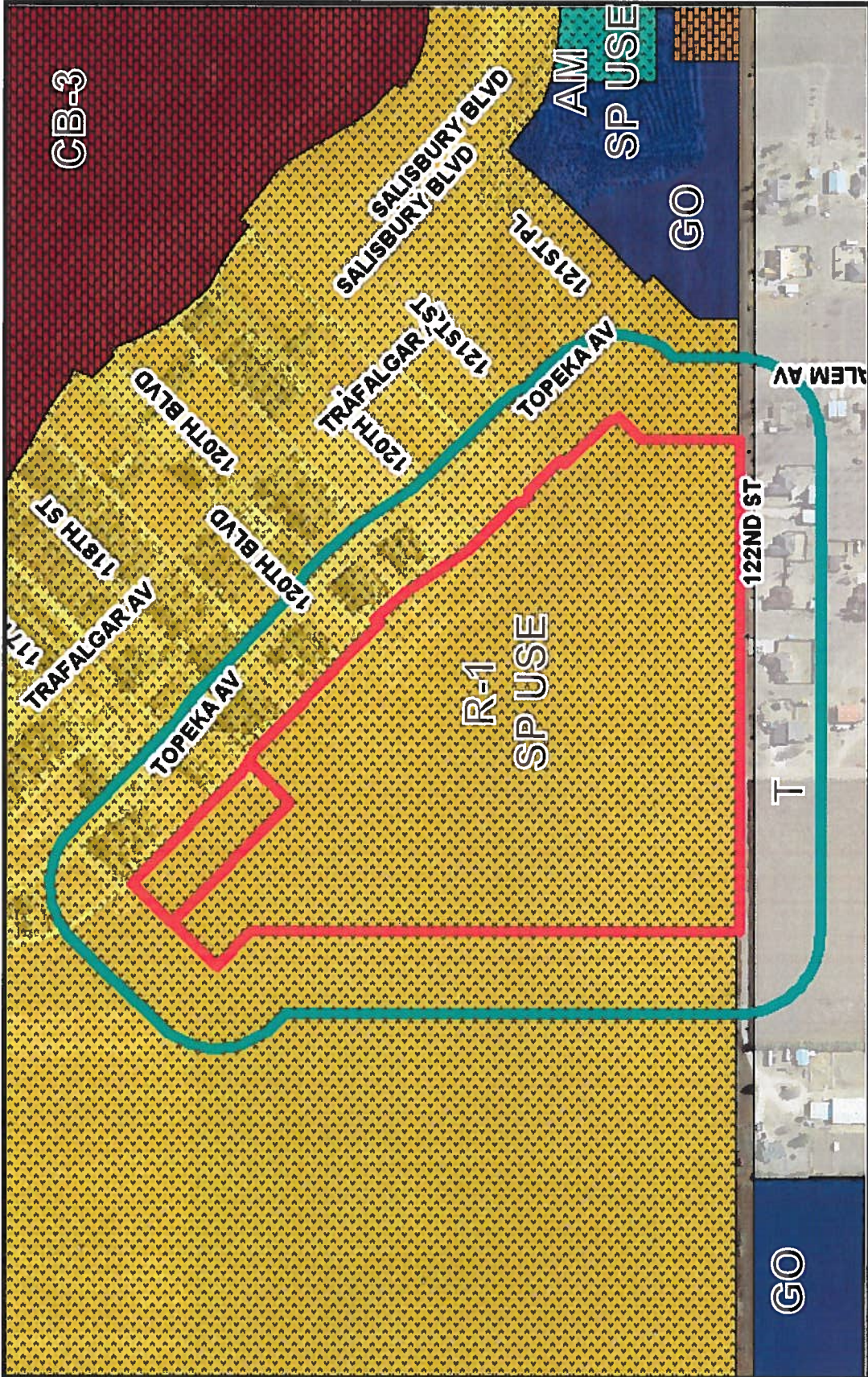
Prepared for: George McMahan
December 10, 2012





P.Z.C. Case 3047-E

Continued request of AMD Engineering, LLC (for George McMahan) for a zoning change from R-1 Specific Use to R-1 Specific Use for garden homes, north of 122nd Street between Slide Road and Quaker Avenue.



P.Z.C. Case 3047-E Zoning

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant AMD Engineering, LLC
(Please Print)
2807 74th Street, Ste. 8
Street/Post Office Box
Lubbock TX 79423
City State Zip
(806) 771-5976
Telephone

For George McMahan
7703 LaSalle
Street/Post Office Box
Lubbock TX 79424
City State Zip
(806) 790-8007
Telephone

Location or Address: Approximately 1,552-310-foot deep tract on the north side of 122nd Street between Slide Road and Quaker Avenue

Legal Description:* See Attached

Existing Land Use: Agricultural **Existing Zoning:** Specific Vintage Township Zoning

Acres or Square Footage of Property: 1.42 acres – Garden Home / 29.08 acres – ~~Standard Residential~~

Zoning Requested: R-1 Specific Use for Garden Homes with the Zero Lot Line on the north side of lots with 20' front setback, 5' side setback, and 18" rear setback for a detached garage.
R-1 Spec. Use with 20' front setback, 5' side setback, and 18" rear setback for detached garage parallel to alley for all remaining residential. *for corner lots*

Proposed Development: Garden Home Lots and Standard Residential.

If property is not subdivided, will preliminary plat be submitted? Yes x No

Sean Howard
Applicant's Signature

April 9, 2012
Date

Filing Fee: \$565
(\$475.00 for the first acre; \$3.00 for each additional acre)

*There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.

PBC: 17664
LOCAL: 2457
Zone Case No.: 3047-E

For City Use Only *A+B* *map 41*

Agenda No.: 6

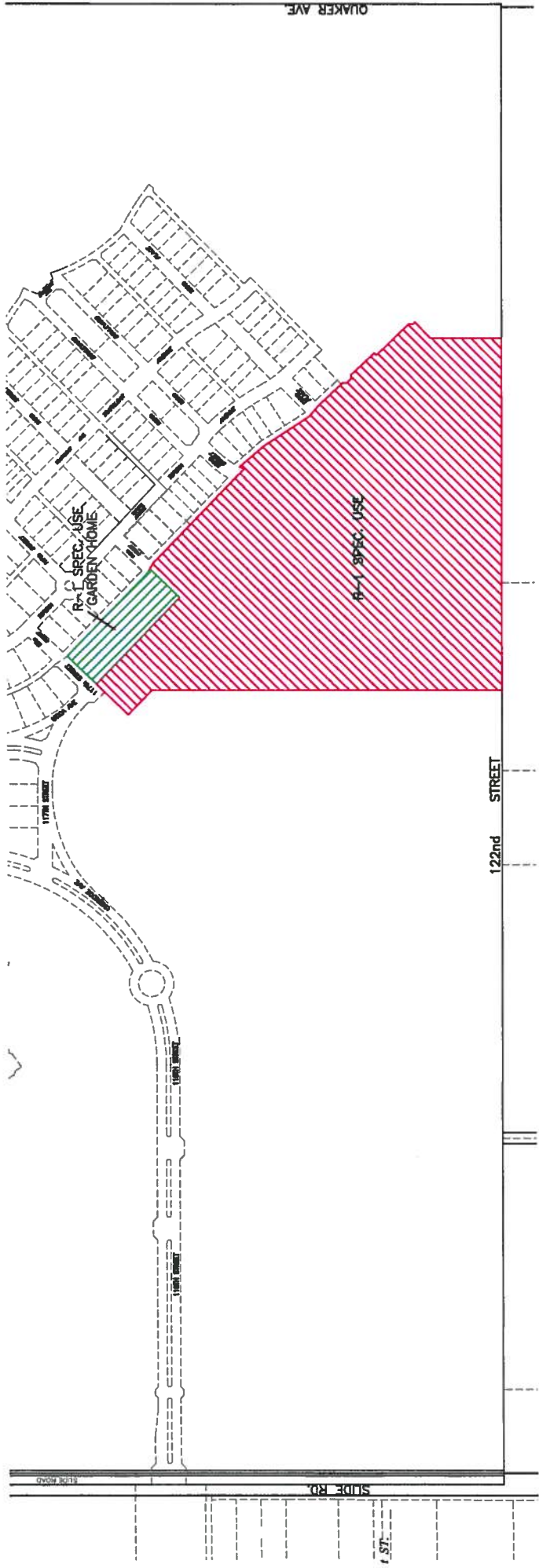
Request for zoning change from: R-1 SV

To: R-1 SV

on 20.5 acres of unplatted land out of Block E-2 Section 23

on Lot(s) , Block(s) ,

 Addition (Address: 122nd St between Slide Rd and Quaker Ave).





Rezone to R-1 Specific Use-Garden Homes

METES AND BOUNDS DESCRIPTION of a 1.42 acre tract of land located in Section 23, Block E-2, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point in which bears S 89°57'39"E approximately 2,862.60 feet and North approximately 1191.53 feet from the Northwest corner of Section 23, Block E-2, Lubbock County, Texas;

THENCE N 44°02'23" E an approximate distance of 143.50 feet;

THENCE S 45°57'40" E an approximate distance of 406.00 feet;

THENCE S 57°58'18" E an approximate distance of 24.03 feet;

THENCE S 44°02'21" W an approximate distance of 148.50 feet;

THENCE N 45°57'39" W an approximate distance of 429.50 feet to the Point of Beginning and containing approximately 1.42 acres, including any Right of Way.

PREPARED FOR ZONE CHANGE REQUEST ONLY; DOES NOT REPRESENT A SURVEY.

Prepared for: George McMahan
December 10, 2012



Rezone to R-1 Specific Use

METES AND BOUNDS DESCRIPTION of a 29.08 acre tract of land located in Section 23, Block E-2, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point in which bears S 89°57'39"E approximately 2,862.60 feet and North approximately 1191.53 feet from the Northwest corner of Section 23, Block E-2, Lubbock County, Texas;

THENCE S 45°57'39" E an approximate distance of 429.50 feet;

THENCE N 44°02'21" E an approximate distance of 148.50 feet;

THENCE S 57°58'20" E an approximate distance of 24.03 feet;

THENCE S 45°57'39" E an approximate distance of 190.00 feet;

THENCE S 45°57'42" E an approximate distance of 221.14 feet;

THENCE S 45°13'32" E an approximate distance of 57.84 feet;

THENCE N 23°36'24" E an approximate distance of 17.97 feet;

THENCE S 40°39'53" E an approximate distance of 114.14 feet;

THENCE S 33°07'03" E an approximate distance of 194.52 feet;

THENCE S 48°56'25" E an approximate distance of 54.17 feet;

THENCE S 43°24'20" E an approximate distance of 107.50 feet;

THENCE S 43°22'49" E an approximate distance of 7.53 feet;

THENCE S 02°08'09" W an approximate distance of 14.01 feet;

THENCE S 43°24'21" E an approximate distance of 20.00 feet;

THENCE S 87°50'41" E an approximate distance of 14.28 feet;

THENCE S 43°24'20" E an approximate distance of 114.82 feet;

THENCE S 46°35'40" W an approximate distance of 10.00 feet;

THENCE S 43°24'20" E an approximate distance of 161.77 feet;

THENCE S 01°43'08" W an approximate distance of 14.11 feet;

THENCE S 43°24'20" E an approximate distance of 10.00 feet;

THENCE S 46°35'40" W an approximate distance of 77.88 feet;

THENCE S 00°02'33" W an approximate distance of 255.50 feet;

THENCE N 89°56'27" W an approximate distance of 1,260.23 feet;

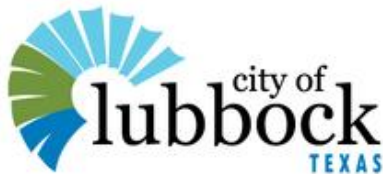
THENCE N 00°02'21" E an approximate distance of 1,250.72 feet;

THENCE N 45°57'39" W an approximate distance of 121.68 feet;

THENCE N 44°02'23" E an approximate distance of 158.50 feet to the Point of Beginning and containing approximately 29.08 acres, including any Right of Way.

PREPARED FOR ZONE CHANGE REQUEST ONLY; DOES NOT REPRESENT A SURVEY.

Prepared for: George McMahan
December 10, 2012



Regular City Council Meeting

6. 2.

Meeting Date: 02/28/2013

Information

Agenda Item

Public Hearing 6:30 p.m. - Planning: Consider a request for Zone Case 3048-E, a request of McDougal Land for a zoning change from R-2 and A-1 to A-3 Specific Use for apartments on Lots 13 through 24 of Block 63, Lots 13 through 24 of Block 34, Blocks 35, and 62 and half of the adjacent right-of-way, Overton Addition (5th Street between Avenue T and Avenue V) and consider an ordinance.

Item Summary

Zoning Request:

From R-2 Two-Family District and A-1 Family Apartment District to A-3 High-Rise Apartment District Specific Use.

Proposed Land Use:

The subject property is proposed to be zoned A-3 for an apartment development.

Adjacent Land Uses:

N - Commercial, Zoned IHC Interstate Highway Commercial District

S - Residential, Zoned A-3 High-Rise Apartment District Specific Use and R-2 Two-Family District

E - Commercial, Zoned IHC Interstate Highway Commercial District Specific Use

W - Residential, Zoned A-3 High-Rise Apartment District Specific Use

Planning and Zoning (P&Z) Public Hearing Notes from February 7, 2013:

No one other than the applicant appeared before the P&Z. The P&Z voted unanimously to approve.

Impact on the Comprehensive Land Use Plan (CLUP):

The proposal represents a minor change to the CLUP. The current designation of the area north of 5th Street is commercial while the proposed zone change is for high density residential. However, the proposal for high density residential does provide a buffer for the existing commercial uses to the north and east of this property.

It has become the standard in the North Overton area to move the buildings to the exterior of the lots and have parking located in the interior of the lot. The proposal is for a seven-foot setback to the face of the building from Mac Davis Lane, Avenue T, and Avenue V. A one-foot setback and a five-foot six-inch setback to the face of the building are proposed along the alley. Along with the building elevations, this project appears to meet the North Overton redevelopment standards.

P&Z Commission Recommendation:

The P&Z recommends approval with the following condition, and a comment in the motion that this constitutes a minor change to the CLUP:

1) Tied to the proposed site plan.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager
P&Z Commission

Attachments

Ordinance - Zone Case 3048-E

Zone Case 3048-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. 3048-E**; A ZONING CHANGE FROM **R-2 AND A-1 TO A-3 SPECIFIC USE FOR APARTMENTS**, ON **LOTS 13-24, BLOCK 63, LOTS 13-24, BLOCK 34, AND BLOCKS 35 AND 62 AND HALF OF THE ADJACENT RIGHT OF WAY, OVERTON ADDITION**, LUBBOCK, TEXAS; SUBJECT TO CONDITIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, the 1986 Comprehensive Land Use Plan as amended is a guide to help the Lubbock Planning and Zoning Commission and City Council determine the physical development of the community; however, planning is a continuous process and change is inevitable; and

WHEREAS, the Lubbock Planning and Zoning Commission and City Council recognize that the zone change is a minor deviation from the 1986 Comprehensive Land Use Plan as amended, which protects public and private commitments that have been previously based on the Plan; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

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

ZONE CASE NO. 3048-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 **R-2 and A-1 to A-3 Specific Use for apartments on Lots 13-24, Block 63, Lots 13-24, Block 34, and Blocks 35 and 62 and half of the adjacent right of way, Overton Addition, City of Lubbock, Lubbock County, Texas, located at 5th Street between Avenue T and Avenue V, subject to conditions, and being further described as follows:**

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THAT the zone change is tied to the proposed site plan and building elevations.**

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 **3048-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 **5th Street between Avenue T and Avenue V, 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

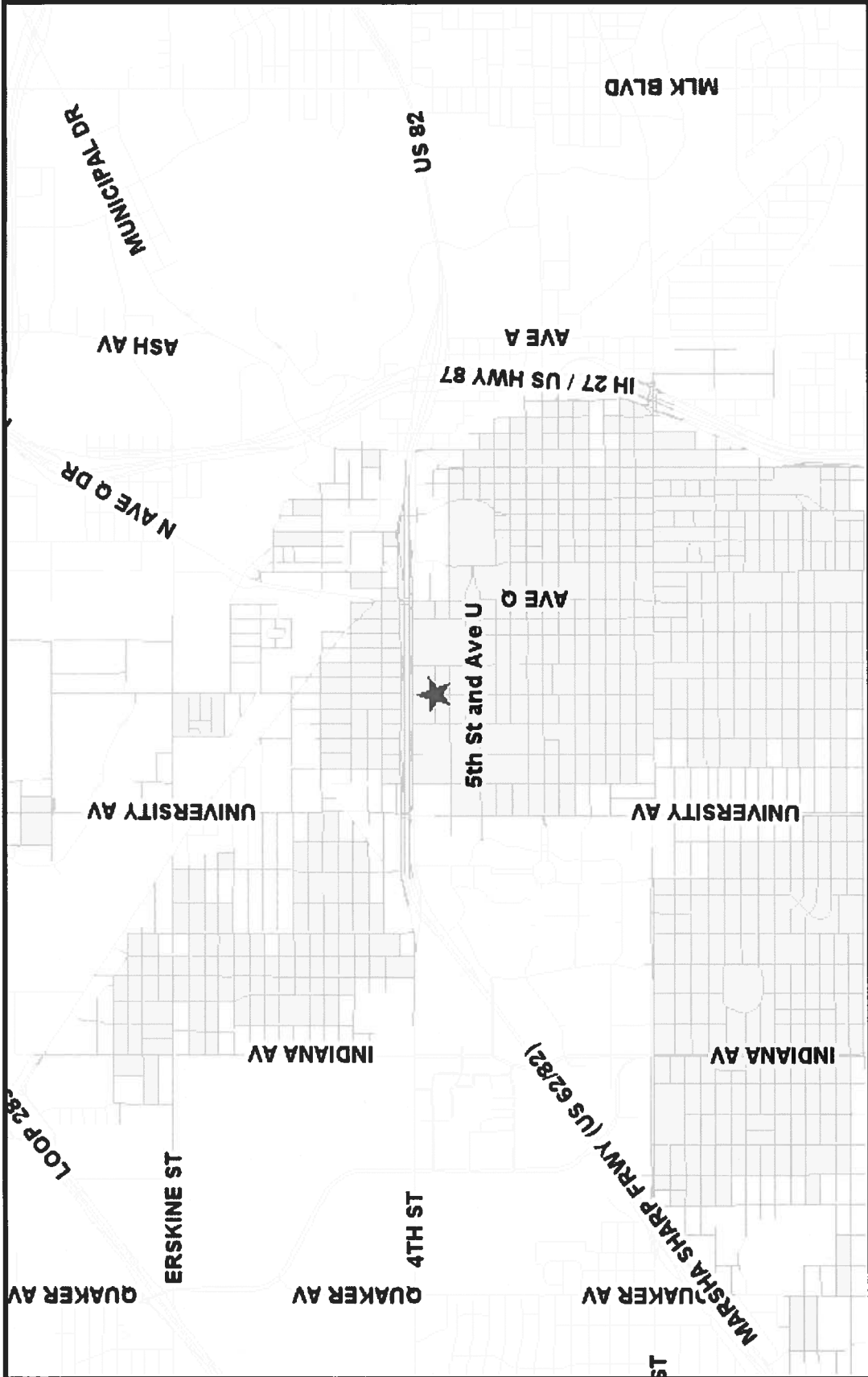
APPROVED AS TO CONTENT:


Randy Henson, Director of Planning

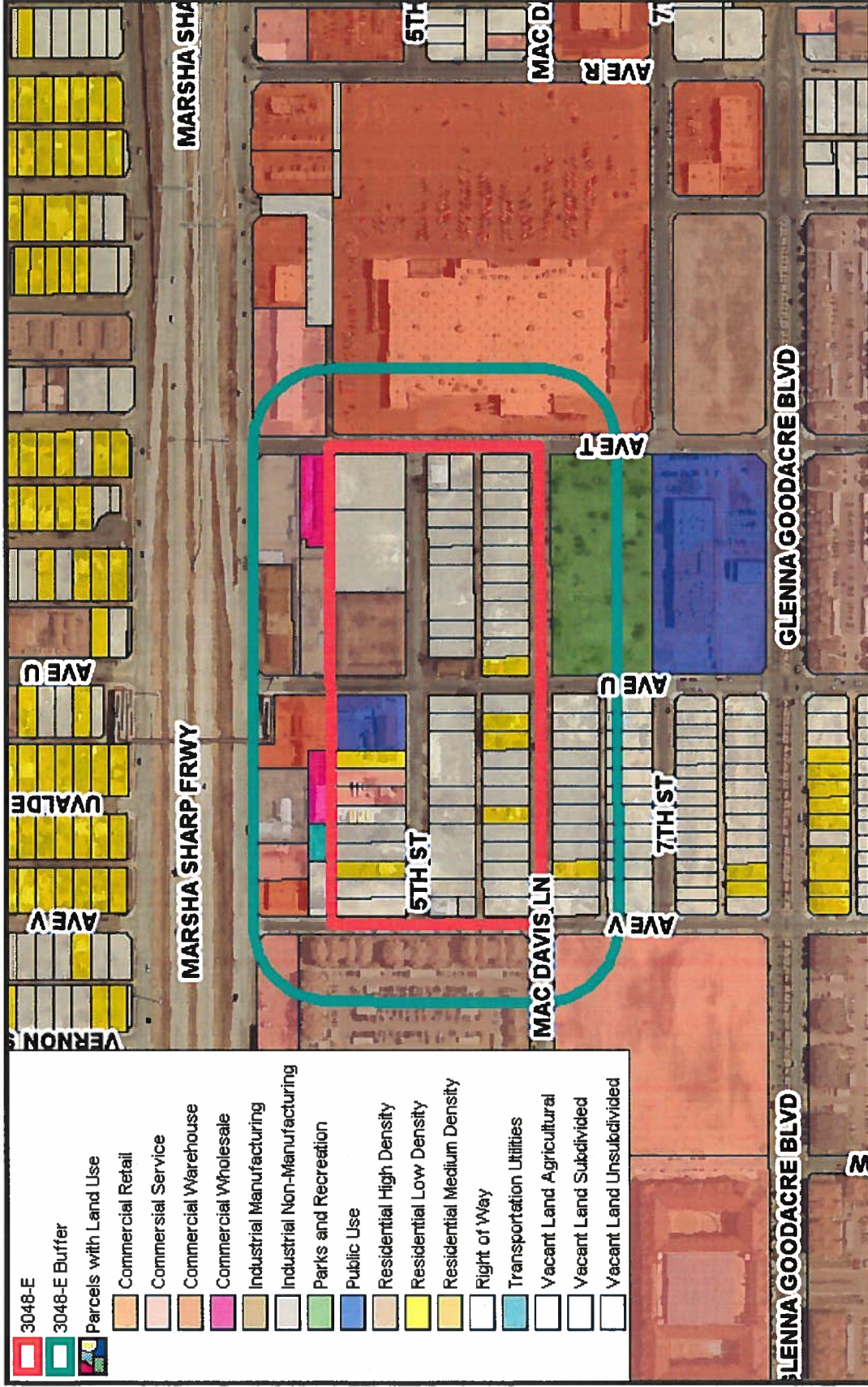
APPROVED AS TO FORM:


Chad Weaver
Assistant City Attorney

vw/CityAtt/Chad/Zones/ZC3048-E
February 7, 2013

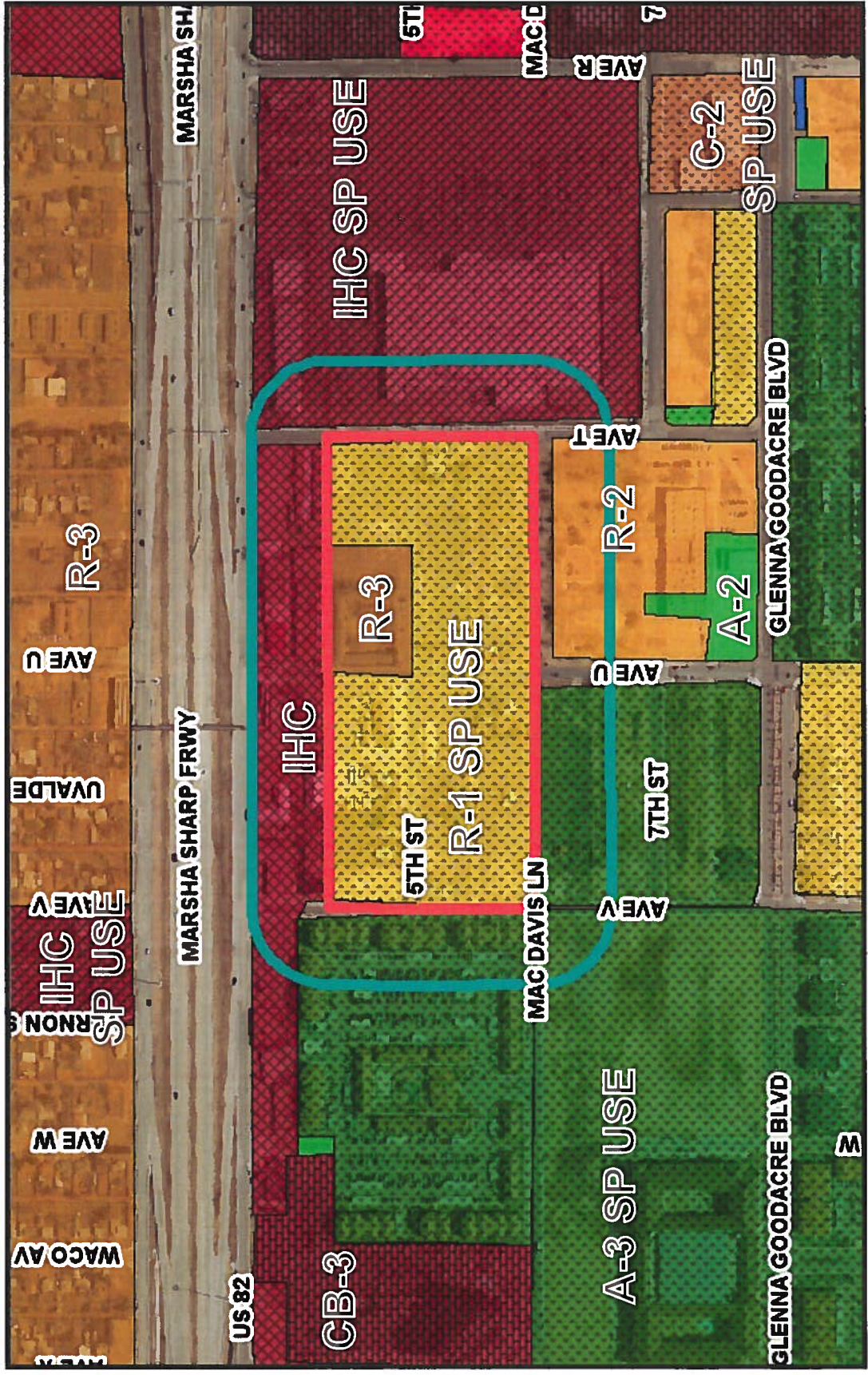


P.Z.C. Case 3048-E



P.Z.C. Case 3048-E

Request of McDougal Land for a zoning change from R-2 and A-1 to A-3 Specific Use for apartments, 5th Street between Avenue T and Avenue V



P.Z.C. Case 3048-E Zoning



APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) McDougal Land
5001 W. Loop 239
LB13 TX 79414
(806) 796-4663

For
Street/Post Office Box
City State Zip
Telephone

Location or Address: Sec Attached
Legal Description:
Existing Land Use: Church, Residential Existing Zoning: R-2 - A-1
Acreage or Square Footage of Property:
Zoning Requested: A-3 SPECIAL USE
Proposed Development: Apartments

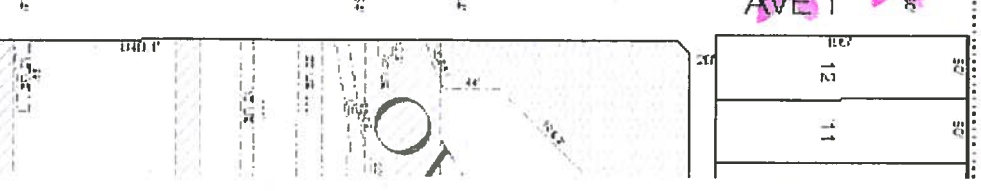
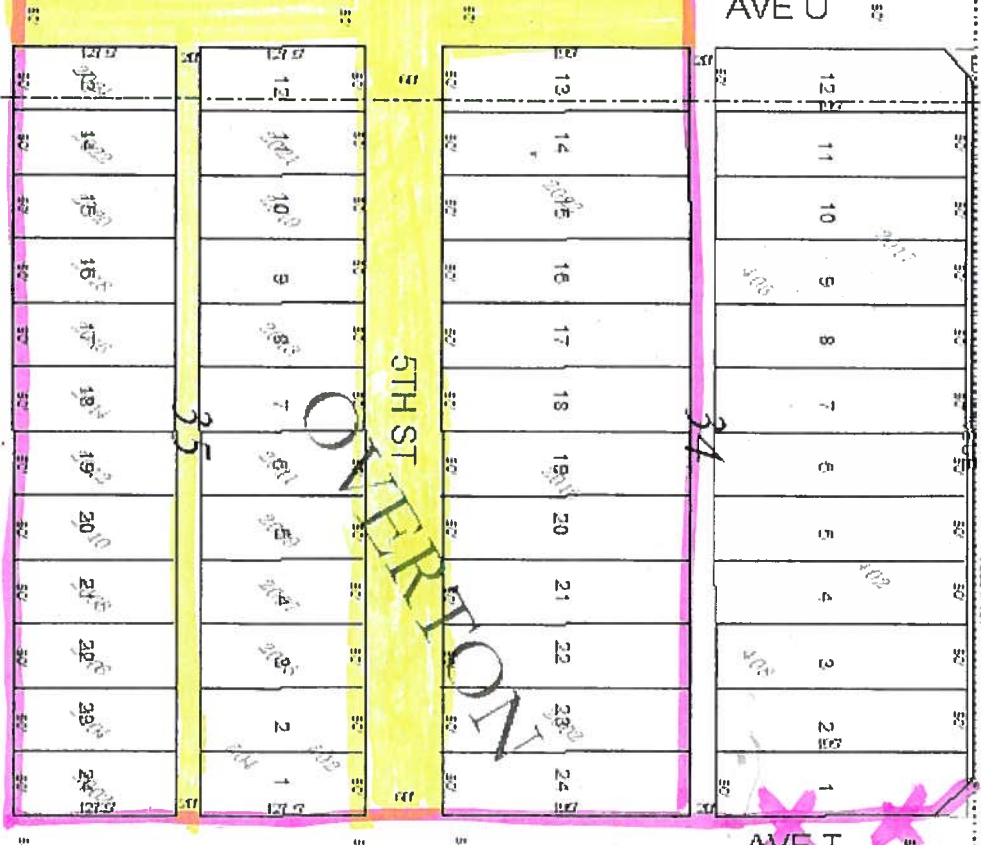
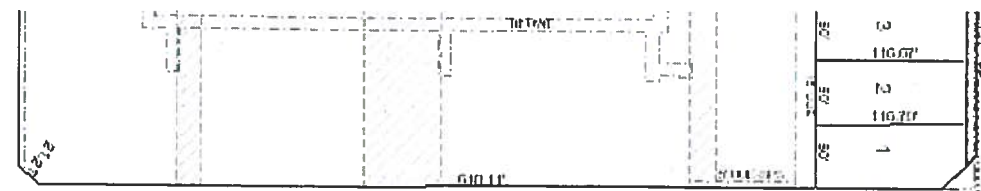
If property is not subdivided, will preliminary plat be submitted? Yes [checked] No
Applicant's Signature [Signature] Date 1/2/13

Filing Fee: \$520 OK # 04503602
(\$475.00 for the first acre; \$3.00 for each additional acre; \$165 for Non-Profit)

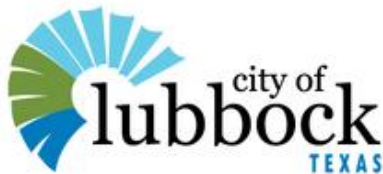
*There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.

RECEIPT 17670 For City Use Only
Zone Case No.: 3048 - E Agenda No.: 3
Request for zoning change from: R-2, A-1 To: A-3 Sp Use
Block 53 lots 13-24, Bk 34 lots 13-24, Blocks 35 and 62
on Lot(s): Block(s):
Subdivision: Address: Sth St between Ave T and Ave V

MARSHA SHARP FWY US 82



1500



Regular City Council Meeting

6. 3.

Meeting Date: 02/28/2013

Information

Agenda Item

Public Hearing 6:30 p.m. - Planning: Consider a request for Zone Case 3118-A, a request of Hugo Reed and Associates, Inc., for FP Investors I, LLC for a zoning change from R-1 Specific Use to R-2 Specific Use for reduced setbacks for duplexes on 17.5 acres of unplatted land out of Block AK, Section 4 (133rd Street between Norfolk Avenue and Knoxville Avenue) and consider an ordinance.

Item Summary

Zoning Request:

From R-1 Single-Family District Specific Use to R-2 Two-Family District Specific Use.

Proposed Land Use:

The subject property is proposed to be zoned R-2 Specific Use for a duplex development with reduced setbacks.

Adjacent Land Uses:

N - Residential, Zoned A-2 High-Density Apartment District

S - Residential, Zoned R-1 Single-Family District Specific Use

E - Residential, Zoned R-1 Single-Family District Specific Use

W - Residential, Zoned R-1 Single-Family District Specific Use

Planning & Zoning (P&Z) Public Hearing Notes from February 7, 2013:

No one other than the applicant appeared before the P&Z. The P&Z voted unanimously to approve.

Impact on the Comprehensive Land Use Plan (CLUP):

The proposal is consistent with the CLUP. The current designation is single family residential, and the duplex R-2 proposal will provide additional buffering between the A-2 zoned property to the north, and the R-1 zoned property to the south. The applicant is also requesting a reduced front yard setback (20-foot versus 25-foot) and a reduced setback for side yards facing a street (5-foot versus 10-foot) which has been approved in several newer developments.

P&Z recommendation with any proposed conditions:

- 1) A 20-foot minimum front yard setback shall be required.
- 2) A 5-foot minimum front yard setback for side yards facing a street shall be required.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager

P&Z Commission

Attachments

Ordinance - Zone Case 3118-A

Zone Case 3118-A

ORDINANCE NO. _____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3118-A**; A ZONING CHANGE FROM **R-1 SPECIFIC USE TO R-2 SPECIFIC USE FOR REDUCED SETBACKS FOR DUPLEXES**, ON **17.5 ACRES OF UNPLATTED LAND OUT OF BLOCK AK, SECTION 4**, 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. 3118-A

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **R-1 Specific Use** to **R-2 Specific Use for reduced setbacks for duplexes** on **17.5 acres of unplatted land out of Block AK, Section 4**, City of Lubbock, Lubbock County, Texas, located at **133rd Street between Norfolk Avenue and Knoxville Avenue**, subject to conditions, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THAT a 20 ft. minimum front yard setback shall be required**
- 2. THAT a 5ft. minimum front yard setback for side yards facing a street shall be required.**

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 **3118-A** 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 **133rd Street between Norfolk Avenue and Knoxville Avenue**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.


Passed by the City Council on second reading on _____.

GLEN C. ROBERTSON, MAYOR

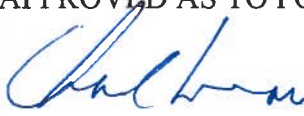
ATTEST:

Rebecca Garza, City Secretary

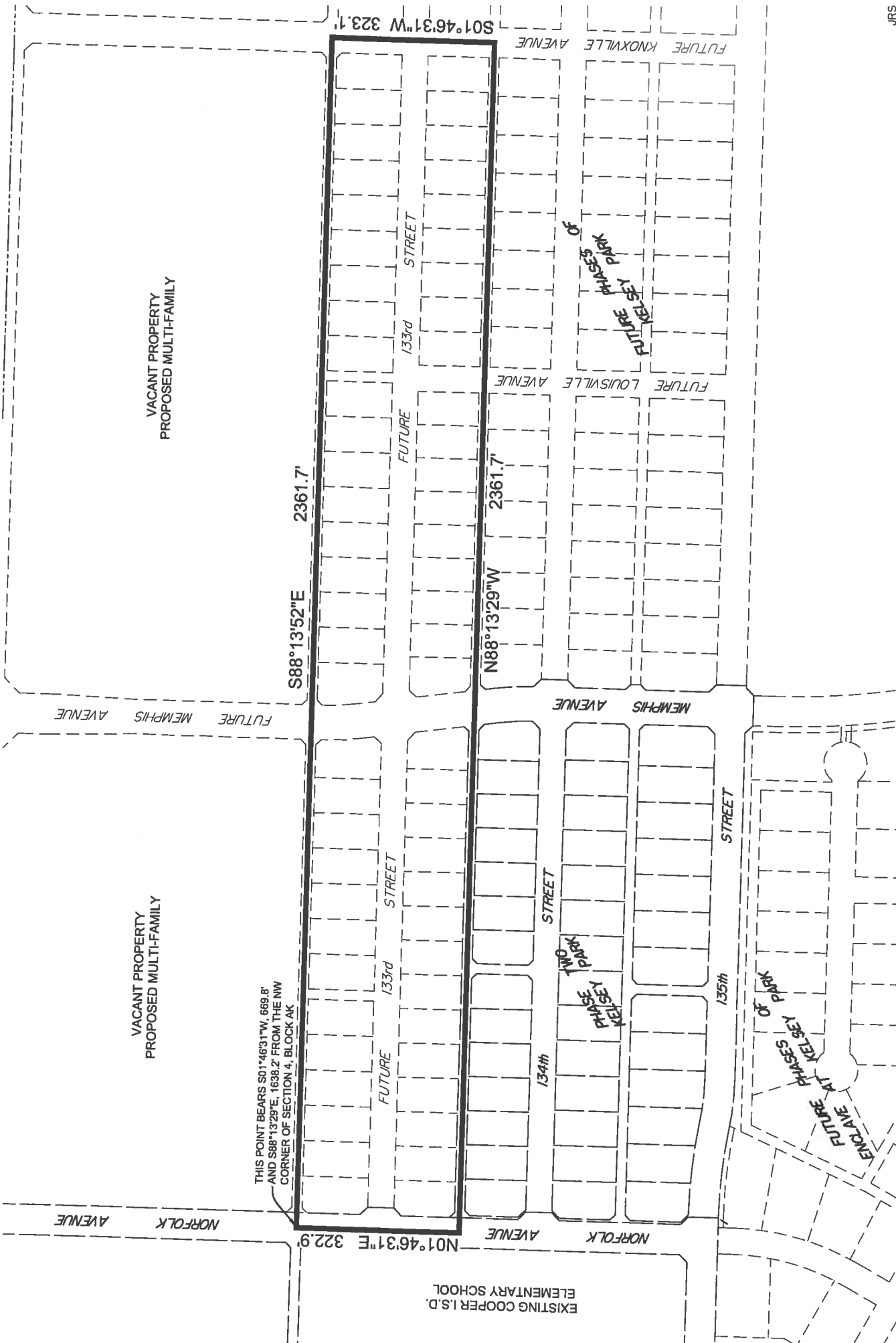
APPROVED AS TO CONTENT:


Randy Henson, Director of Planning

APPROVED AS TO FORM:


Chad Weaver
Assistant City Attorney

vw/CityAtt/Chad/Zones/ZC3118-A
February 7, 2013



THIS POINT BEARS S01°46'31"W, 669.8'
AND S88°13'29"E, 1638.2' FROM THE NW
CORNER OF SECTION 4, BLOCK AK

VACANT PROPERTY
PROPOSED MULTI-FAMILY

VACANT PROPERTY
PROPOSED MULTI-FAMILY

EXISTING COOPER I.S.D.
ELEMENTARY SCHOOL

JRS

HR HUGO REED
AND ASSOCIATES, INC.

1601 AVENUE N
LUBBOCK, TEXAS 79401
PHONE: 806 / 763-5642
FAX: 806 / 763-3891

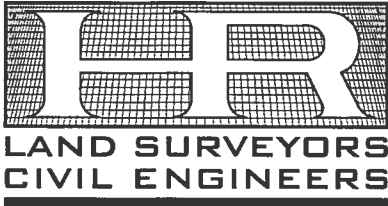
LAND SURVEYORS
CIVIL ENGINEERS
TEXAS LICENSED SURVEYING FIRM 100576-00
TEXAS REGISTERED ENGINEERING FIRM F-760



REQUESTED R-2 SPECIFIC USE ZONING

SECTION 4, BLOCK AK

LUBBOCK COUNTY, TEXAS



HUGO REED AND ASSOCIATES, INC.

1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806-763-5642 / FAX 806-763-3891
TEXAS REGISTERED ENGINEERING FIRM F-760
TEXAS LICENSED SURVEYING FIRM 100676-00

Proposed R-2 Specific Use Zoning

METES AND BOUNDS DESCRIPTION of an approximately 17.5 acre tract of land located in Section 4, Block AK, Lubbock County, Texas, being further described as follows:

BEGINNING at a point which bears S. $01^{\circ}46'31''$ W., an approximate distance of 669.8 feet and S. $88^{\circ}13'29''$ E., an approximate distance of 1638.2 feet from the Northwest corner of Section 4, Block AK, Lubbock County, Texas;

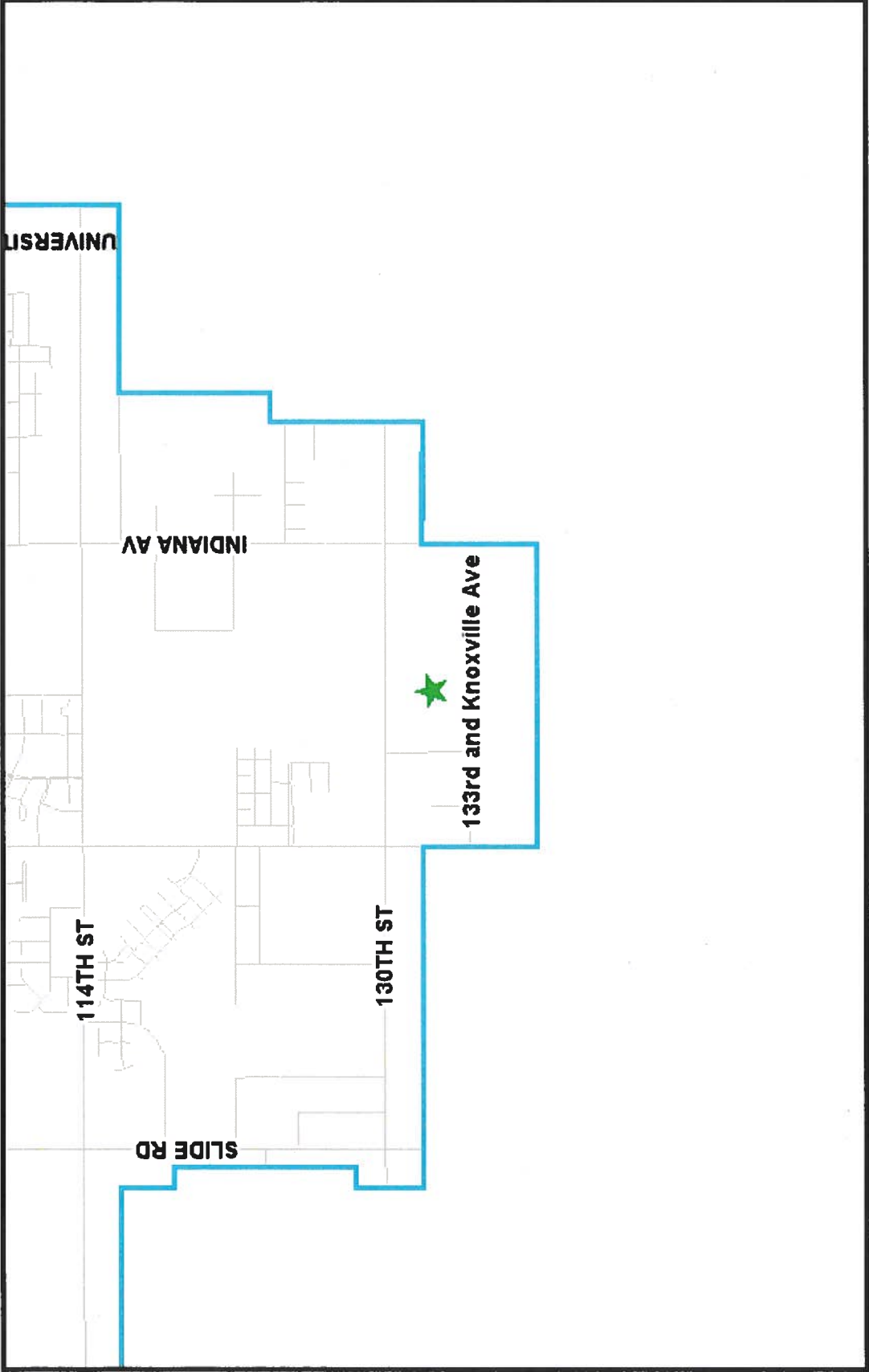
THENCE S. $88^{\circ}13'52''$ E., an approximate distance of 2361.7 feet to a point;

THENCE S. $01^{\circ}46'31''$ W., an approximate distance of 323.1 feet to a point;

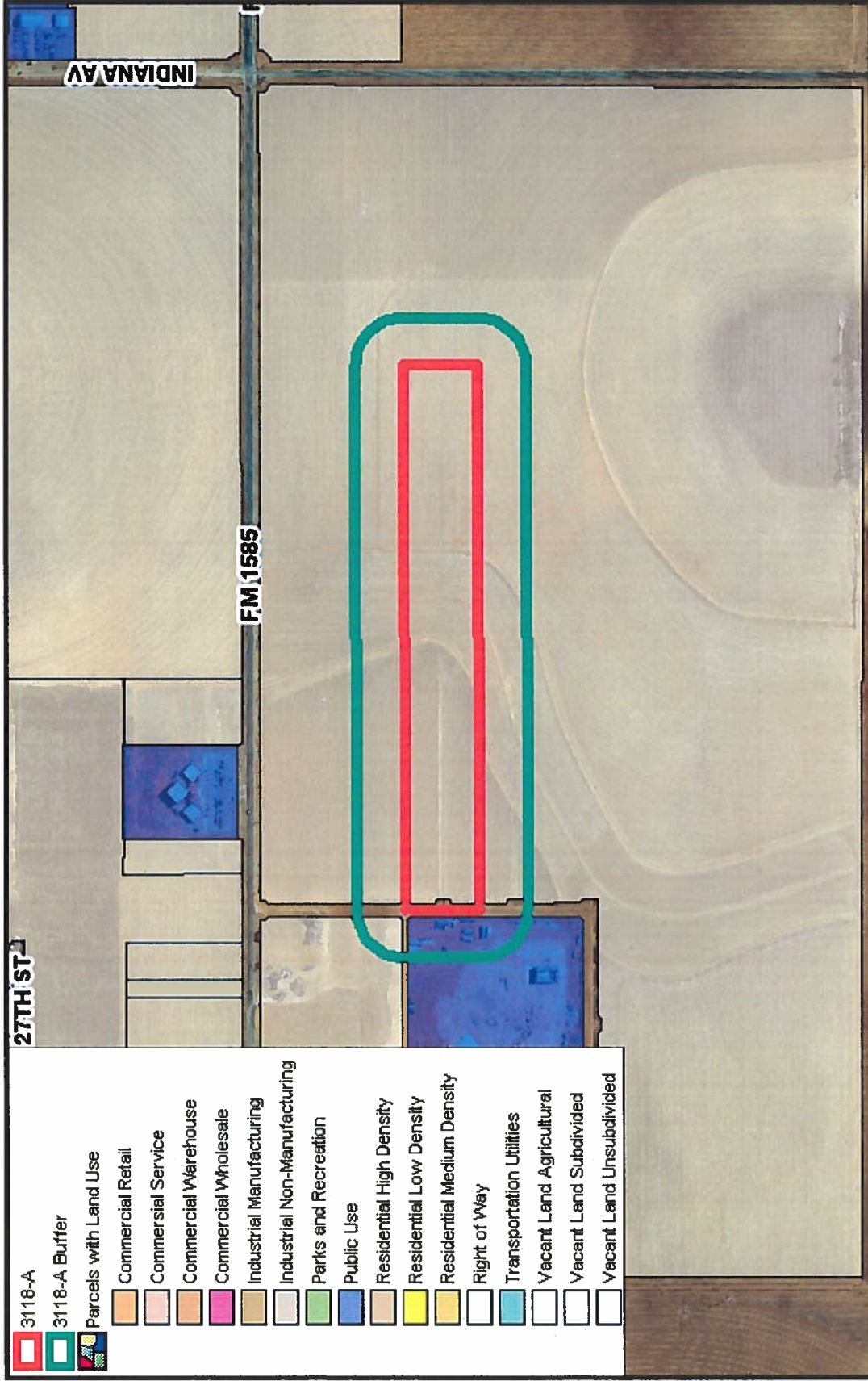
THENCE N. $88^{\circ}13'29''$ W., an approximate distance of 2361.7 feet to a point;

THENCE N. $01^{\circ}46'31''$ E., an approximate distance of 322.9 feet to the Point of Beginning.

PREPARED FOR ZONE CHANGE DESCRIPTION PURPOSES ONLY

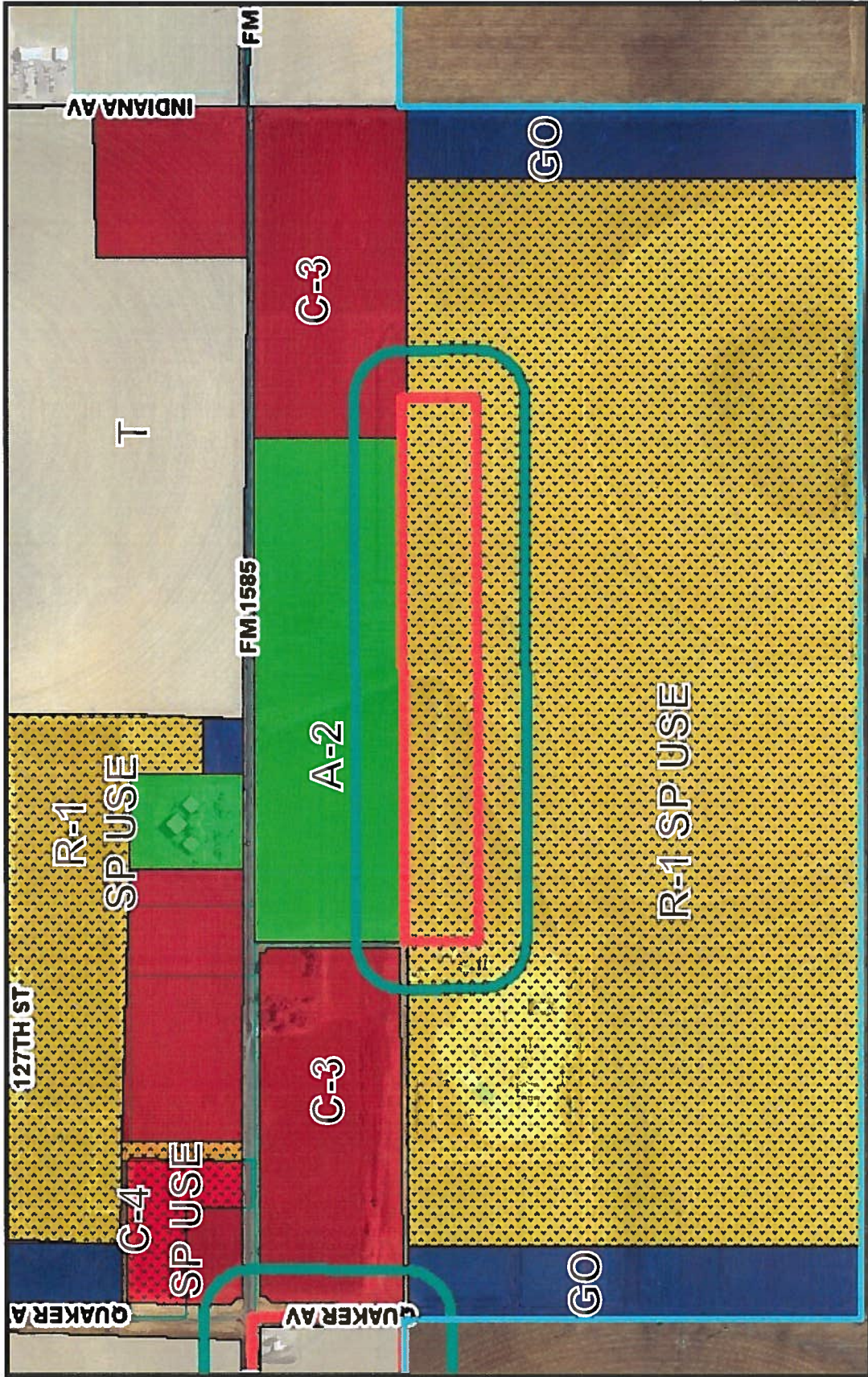


P.Z.C. Case 3118-A



P.Z.C. Case 3118-A

Request of Hugo Reed and Associates, Inc. (for FP Investors I, LLC) for a zoning change from R-1 Specific Use to R-2 Specific Use for reduced setbacks for duplexes, 133rd Street between Norfolk Avenue and Knoxville Avenue



P.Z.C. Case 3118-A Zoning



APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) Hugo Reed and Associates, Inc.
1601 Avenue N
Street/Post Office Box
Lubbock, Texas 79401
City State Zip
(806) 763-5642
Telephone

For FP Investors I, LLC
17103 Preston Road, Suite 225
Street/Post Office Box
Dallas TX 75248-1389
City State Zip
972-858-1111
Telephone

Location or Address: Approximately 133rd Street between Memphis Avenue and Knoxville Avenue
Norfolk

Legal Description: See attached

Existing Land Use: Vacant Existing Zoning: R-1 Specific Use

Acreage or Square Footage of Property: Approximately 17.5 Acres

Zoning Requested: R-2 Specific Use (reduce front setback to 20 feet)

Proposed Development: Duplex units

If property is not subdivided, will preliminary plat be submitted? Yes [X] No

Applicant's Signature [Handwritten Signature]

January 10, 2013
Date

Filing Fee: \$526.00
(\$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.

Receipt 17671 CK# 3492 For City Use Only mtb map 76

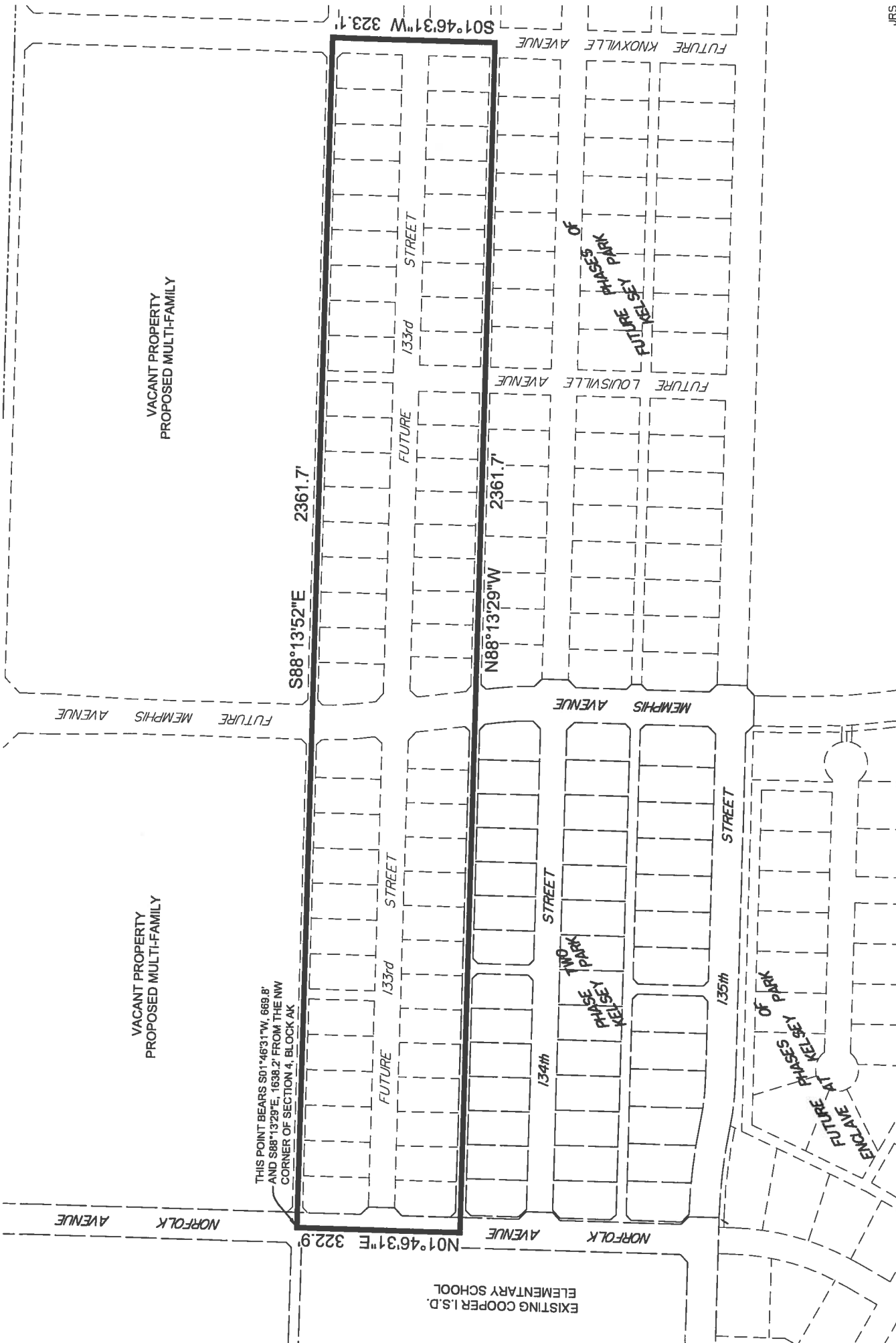
Zone Case No.: 3118-A Agenda No.: 4

Request for zoning change from: R-1 SP. USE To: R-2 SP. USE

17.5 acres of unplatted land out of Block A4 section 4

on Lot(s): Block(s): Norfolk

Subdivision: Address: 133rd St between Memphis Ave and Knoxville Ave



VACANT PROPERTY
PROPOSED MULTI-FAMILY

VACANT PROPERTY
PROPOSED MULTI-FAMILY

THIS POINT BEARS S01°46'31"W, 669.8'
AND S88°13'29"E, 1638.2' FROM THE NW
CORNER OF SECTION 4, BLOCK AK

REQUESTED R-2 SPECIFIC USE ZONING SECTION 4, BLOCK AK

LUBBOCK COUNTY, TEXAS



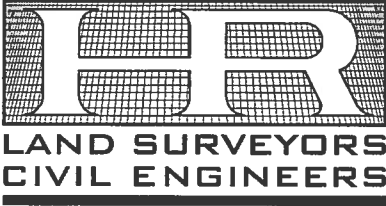
JRS

HR HUGO REED
AND ASSOCIATES, INC.

LAND SURVEYORS
CIVIL ENGINEERS

1601 AVENUE N
LUBBOCK, TEXAS 79401
PHONE: 806 / 763-5642
FAX: 806 / 763-3891

TEXAS LICENSED SURVEYING FIRM 100676-00
TEXAS REGISTERED ENGINEERING FIRM F-760



HUGO REED AND ASSOCIATES, INC.

1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806-763-5642 / FAX 806-763-3891
TEXAS REGISTERED ENGINEERING FIRM F-760
TEXAS LICENSED SURVEYING FIRM 100676-00

Proposed R-2 Specific Use Zoning

METES AND BOUNDS DESCRIPTION of an approximately 17.5 acre tract of land located in Section 4, Block AK, Lubbock County, Texas, being further described as follows:

BEGINNING at a point which bears S. $01^{\circ}46'31''$ W., an approximate distance of 669.8 feet and S. $88^{\circ}13'29''$ E., an approximate distance of 1638.2 feet from the Northwest corner of Section 4, Block AK, Lubbock County, Texas;

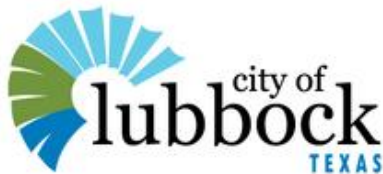
THENCE S. $88^{\circ}13'52''$ E., an approximate distance of 2361.7 feet to a point;

THENCE S. $01^{\circ}46'31''$ W., an approximate distance of 323.1 feet to a point;

THENCE N. $88^{\circ}13'29''$ W., an approximate distance of 2361.7 feet to a point;

THENCE N. $01^{\circ}46'31''$ E., an approximate distance of 322.9 feet to the Point of Beginning.

PREPARED FOR ZONE CHANGE DESCRIPTION PURPOSES ONLY



Regular City Council Meeting

6. 4.

Meeting Date: 02/28/2013

Information

Agenda Item

Public Hearing 6:30 p.m. - Planning: Consider a request for Zone Case 3083-A, a request of Hugo Reed and Associates, Inc., for Carl Mortensen for a zoning change from R-1 to R-1 Specific Use for riding stables with a reduced setback for the stables on 5.5 acres of unplatted land out of Block AK, Section 21 (109th Street and Ironton Avenue) and consider an ordinance.

Item Summary

Zoning Request: R-1 Residential to R-1 Specific Use for riding stables.

Proposed Land Use:

The proponent is requesting zoning for riding stables, and a reduced setback from 200-feet to 50-feet for the distance required from a structure to the nearest property zoned R-1. The location is adjacent to a playa within the subdivision, and will have no homes immediately adjacent. It is across the street from the first row of homes. The developer wants to make stables available to residents of the subdivision, with a riding area within the playa lake area that is natural range land.

Adjacent Land Uses:

N – Transitional – Zoned T Transitional

S – Residential & Commercial – Zoned R-1 Residential Single Family & C-2A Restricted Local Retail

E – Residential – Zoned R-1 Residential Single

W – Transitional – Zoned T Transitional

Planning & Zoning (P&Z) Public Hearing Notes from February 7, 2013:

No one appeared before the Board to speak in favor or opposition. The P&Z voted unanimously to approve.

Impact on the Comprehensive Land Use Plan (CLUP):

This property is currently zoned residential single family. The CLUP designates this area for R-1 zoning. The area surrounding this property is zoned transitional and is suitable for R-1 zoning. The subject location is in a flood zone which makes it a difficult property to develop for homes sites. The proposal of stables would be a viable use for an otherwise difficult to use piece of property.

The zoning ordinance requires that the minimum size for a property zoned for stables shall be one acre and only horses, mules or donkeys shall be permitted.

The P&Z recommends the request with the following condition:

1. That the location of the stables should be a minimum of 50-foot from the sides and rear, and 61-foot from the front property lines.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager
Planning and Zoning Commission

Attachments

Ordinance - Zone Case 3083-A

Zone Case 3083-A

ORDINANCE NO. _____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3083-A**; A ZONING CHANGE FROM **R-1** TO **R-1 SPECIFIC USE FOR RIDING STABLES WITH A REDUCED SETBACK FOR THE STABLES**, ON **5.5 ACRES OF UNPLATTED LAND OUT OF BLOCK AK, SECTION 21**, 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. 3083-A

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **R-1** to **R-1 Specific Use for riding stables with a reduced setback for the stables on 5.5 acres of unplatted land out of Block AK, Section 21**, City of Lubbock, Lubbock County, Texas, located at **109th Street and Ironton Avenue**, subject to conditions, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THAT the location of the stables should be a minimum of 50 feet from the sides and rear, and 61 feet from the front property lines.**

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 **3083-A** 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 **109th Street and Ironton Avenue**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

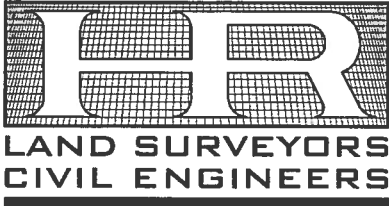

Randy Henson, Director of Planning

APPROVED AS TO FORM:



Chad Weaver
Assistant City Attorney

vw/CityAtt/Chad/Zones/ZC3083-A
February 7, 2013



HUGO REED AND ASSOCIATES, INC.

1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806-763-5642 / FAX 806-763-3891
TEXAS REGISTERED ENGINEERING FIRM F-760
TEXAS LICENSED SURVEYING FIRM 100676-00

Proposed R-1 Specific Use Zoning

METES AND BOUNDS DESCRIPTION of an approximately 5.5 acre tract of land located in Section 21, Block AK, Lubbock County, Texas, being further described as follows:

BEGINNING at a point which bears S. 88°09'15" E., an approximate distance of 2430.2 feet and N. 01°50'45" E., an approximate distance of 1424.8 feet from the Southwest corner of Section 21, Block AK, Lubbock County, Texas;

THENCE N. 22°32'03" W., an approximate distance of 532.00 feet to a point;

THENCE N. 67°27'57" E., an approximate distance of 155.00 feet to a point of curvature;

THENCE Northeasterly, along a curve to the right, said curve having a radius of approximately 950.0 feet, a central angle of approximately 23°42'39", approximate tangent lengths of 199.4 feet and an approximate chord distance of 390.3 feet to a point of intersection;

THENCE S. 01°10'37" W., an approximate distance of 557.1 feet to a point;

THENCE S. 78°01'05" W., an approximate distance of 318.4 feet to the Point of Beginning.

PREPARED FOR ZONE CHANGE DESCRIPTION PURPOSES ONLY



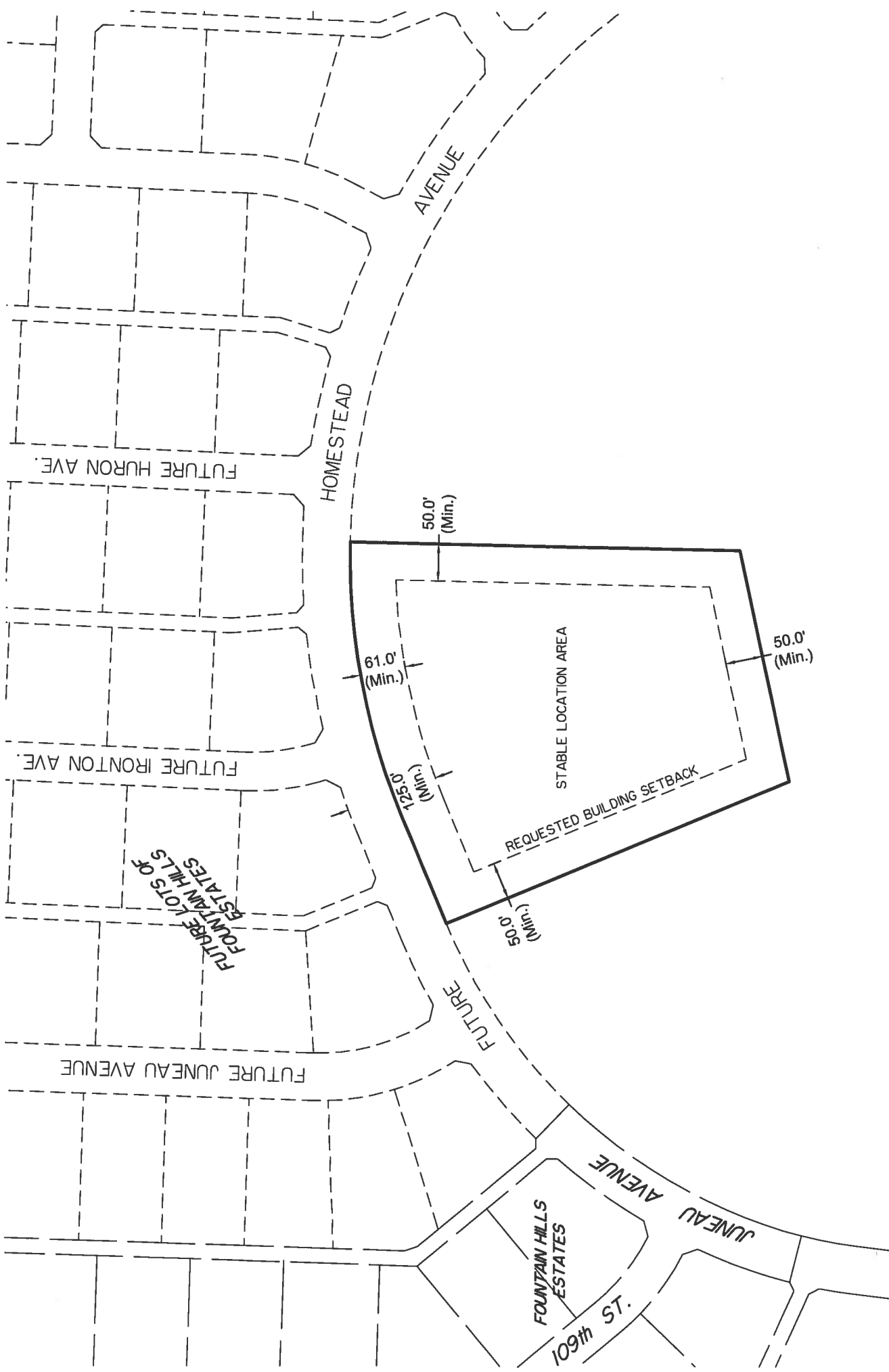
THIS POINT BEARS S88°09'15"E, 2430.2' AND N01°50'45"E, 1424.8' FROM THE SW CORNER OF SECTION 21, BLOCK AK

REQUESTED R-1 SPECIFIC USE ZONING
SECTION 21, BLOCK AK
 LUBBOCK COUNTY, TEXAS



HR HUGO REED
 AND ASSOCIATES, INC.
 LAND SURVEYORS
 CIVIL ENGINEERS
 TEXAS LICENSED SURVEYING FIRM 100676-00
 TEXAS REGISTERED ENGINEERING FIRM F-760

1601 AVENUE N
 LUBBOCK, TEXAS 79401
 PHONE: 806 / 763-5642
 FAX: 806 / 763-3891



REQUESTED R-1 SPECIFIC USE
WITH REDUCED SETBACKS AS SHOWN

PRELIMINARY SITE PLAN

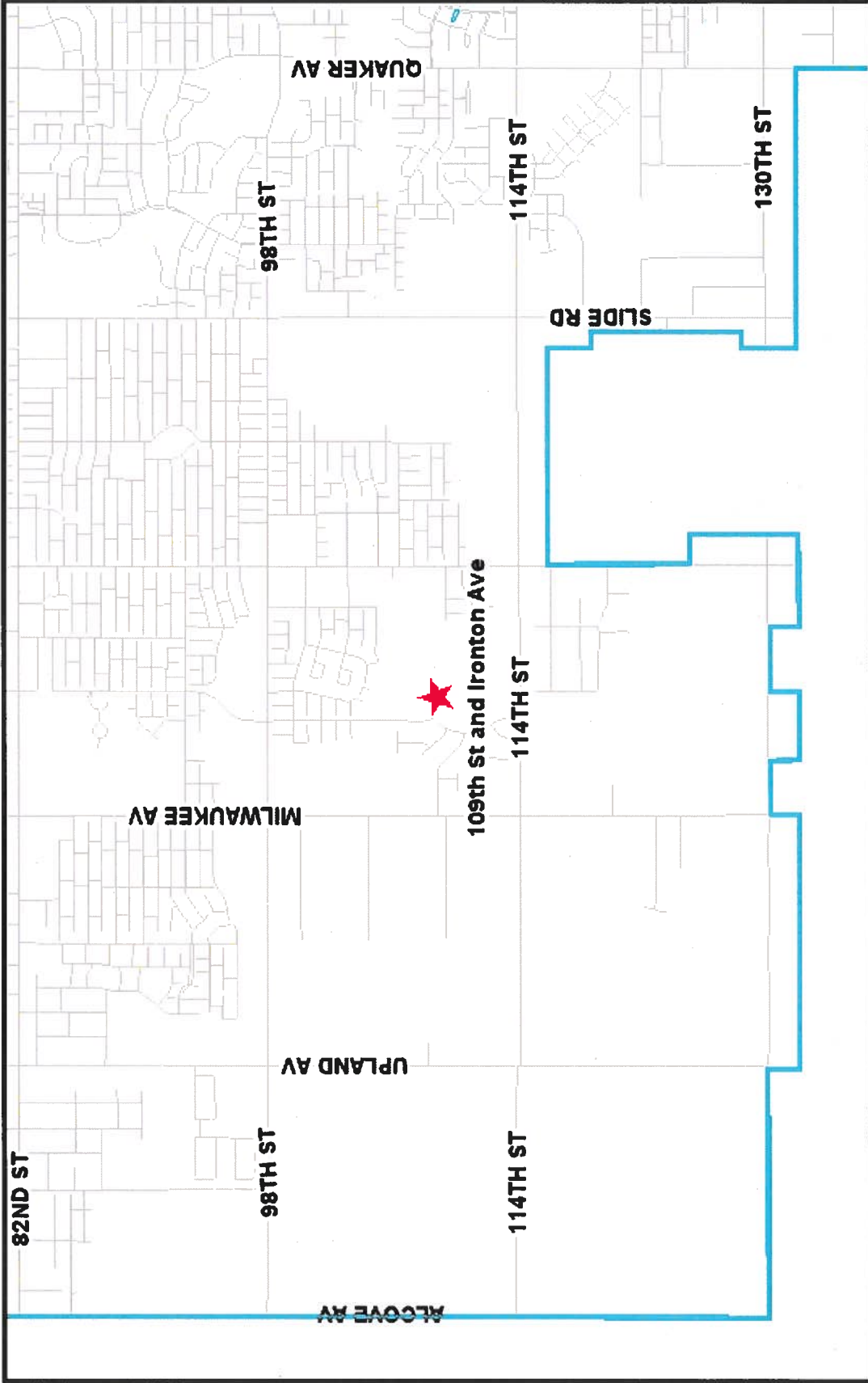


HR HUGO REED
AND ASSOCIATES, INC.

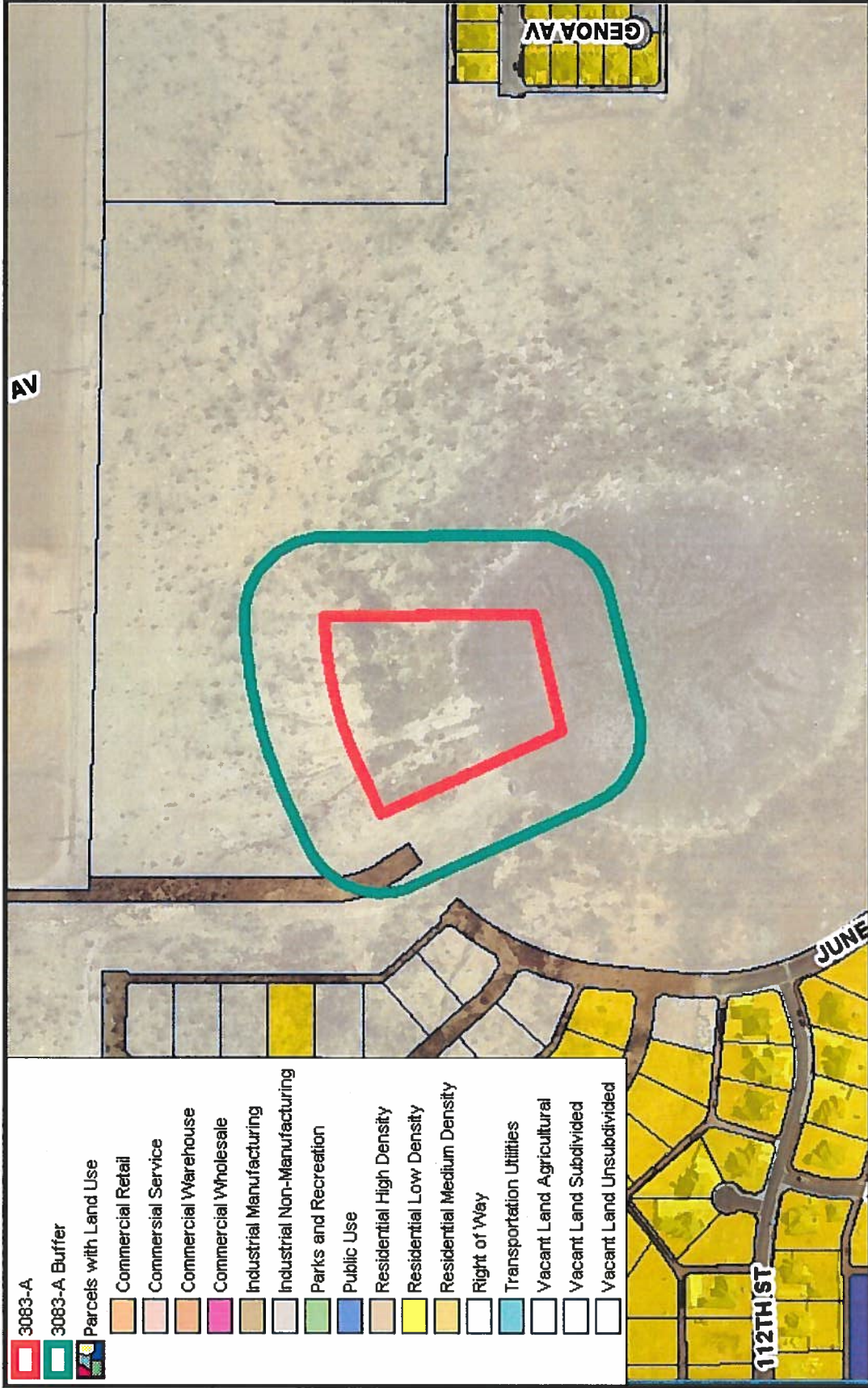
LAND SURVEYORS
CIVIL ENGINEERS

1601 AVENUE N
LUBBOCK, TEXAS 79401
PHONE: 806 / 763-5642
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TEXAS LICENSED SURVEYING FIRM 100676-00
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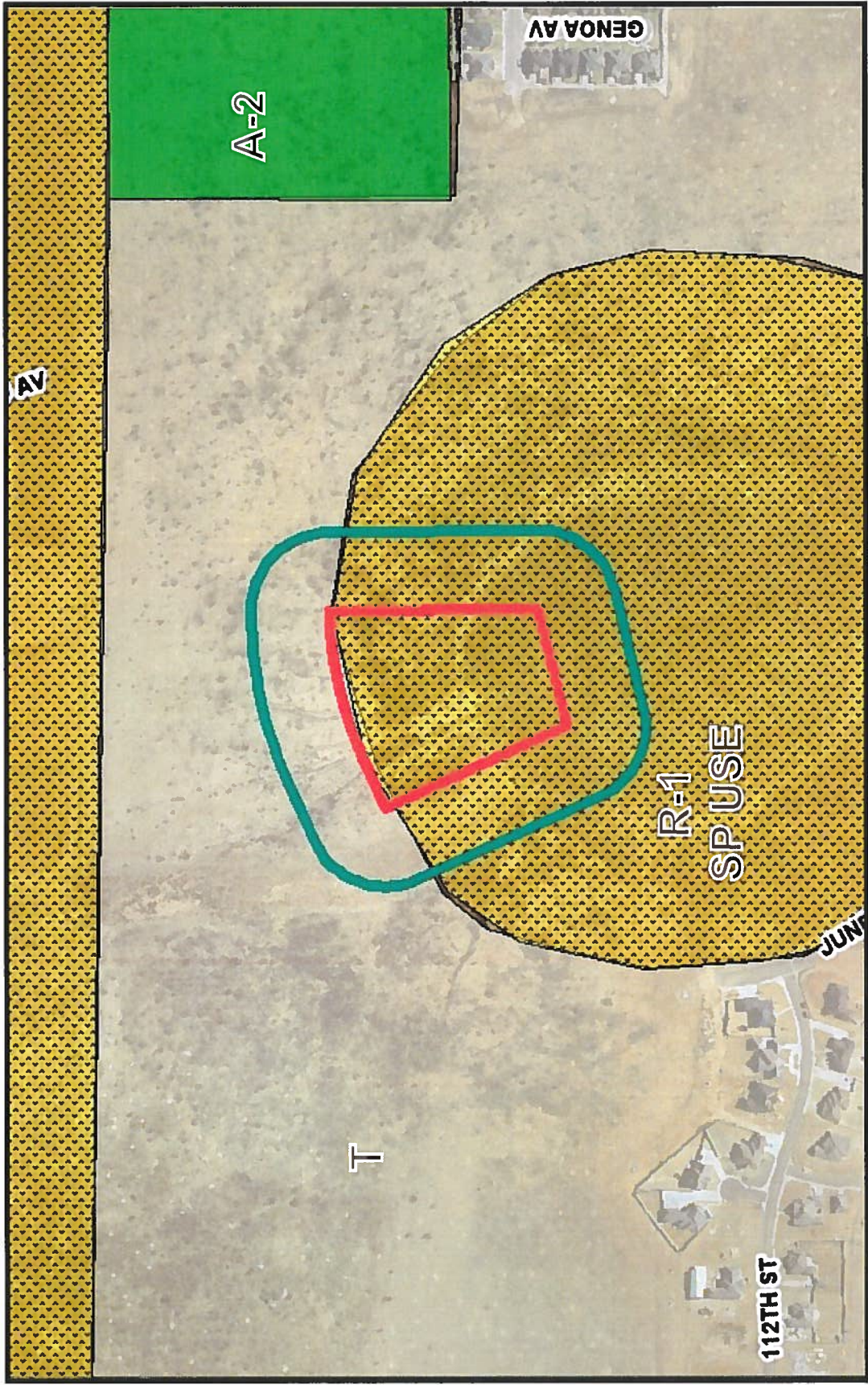


P.Z.C. Case 3083-A



P.Z.C. Case 3083-A

Request of Hugo Reed and Associates, Inc. (for Carl Mortensen) for a zoning change from R-1 to R-1 Specific Use for riding stables with a reduced setback for the stables, 109th Street and Ironton Avenue



P.Z.C. Case 3083-A Zoning



APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) Hugo Reed and Associates, Inc.
1601 Avenue N
Street/Post Office Box
Lubbock, Texas 79401
City State Zip
(806) 763-5642
Telephone

For Carl and Debora Mortensen
5211 70th Street
Street/Post Office Box
Lubbock TX 79424-2017
City State Zip
806-863-3656
Telephone

Location or Address: Approximately Ironton Avenue and 109th Street

Legal Description: See attached

Existing Land Use: Vacant Existing Zoning: R-1 Conditional Use

Acreage or Square Footage of Property: Approximately 5.5 Acres

Zoning Requested: R1 Spec Use Division 27(d) with reduced setbacks as shown on prelim site plan (attached)

Proposed Development: Stables

If property is not subdivided, will preliminary plat be submitted? Yes [X] No

Applicant's Signature [Handwritten Signature]

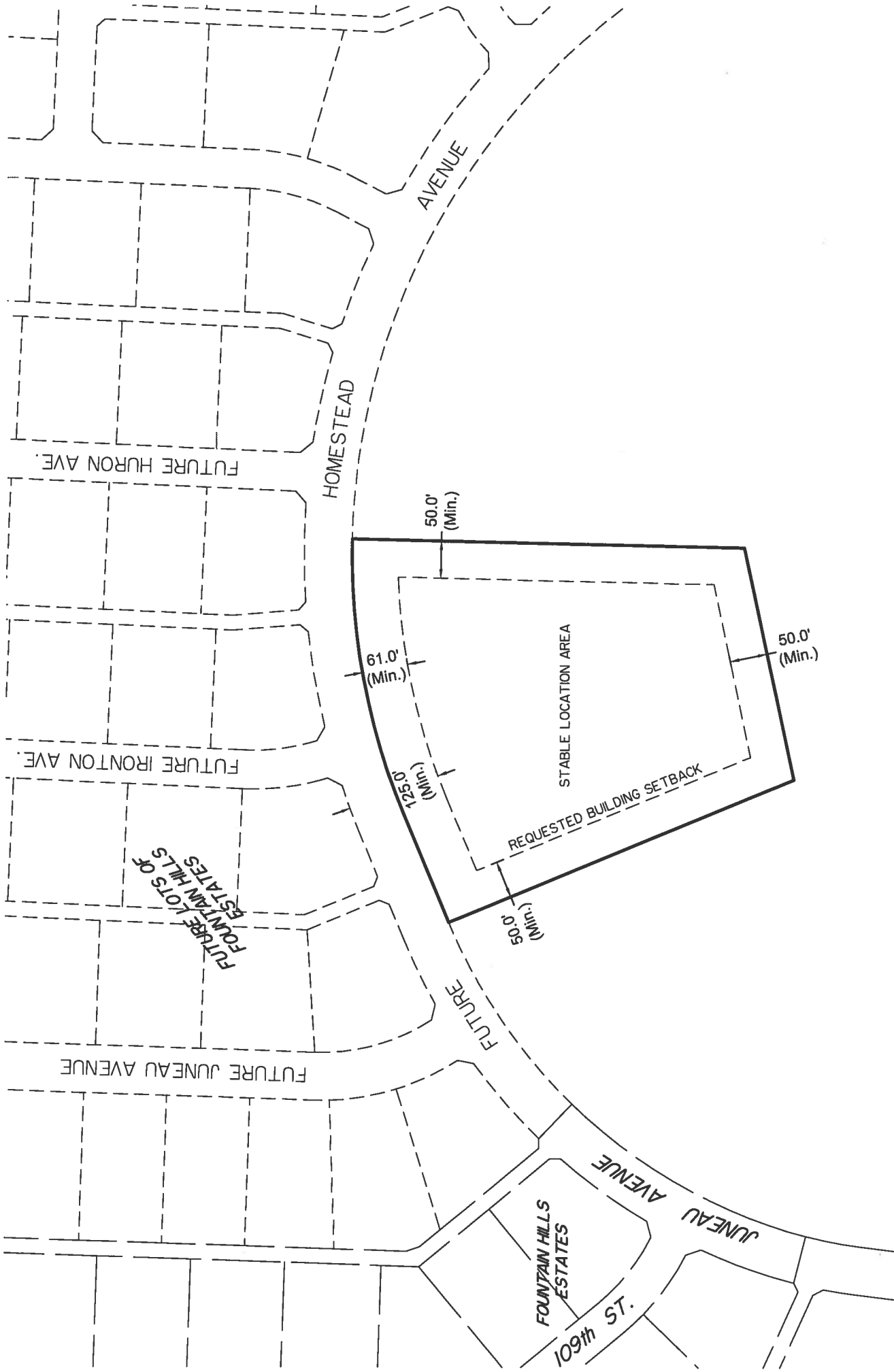
January 10, 2013
Date

Filing Fee: \$ 490.00
(\$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.

Receipt 17674 For City Use Only MAB map 42
Zone Case No.: 3201 Agenda No.: 5
Request for zoning change from: R-1 SR USE To: R-1 SR USE

5.5 acres of unplatted land out of block A & section 21
on Lot(s):
Subdivision:
Block(s):
Address: 109th st and Ironton Ave



REQUESTED R-1 SPECIFIC USE
WITH REDUCED SETBACKS AS SHOWN

PRELIMINARY SITE PLAN

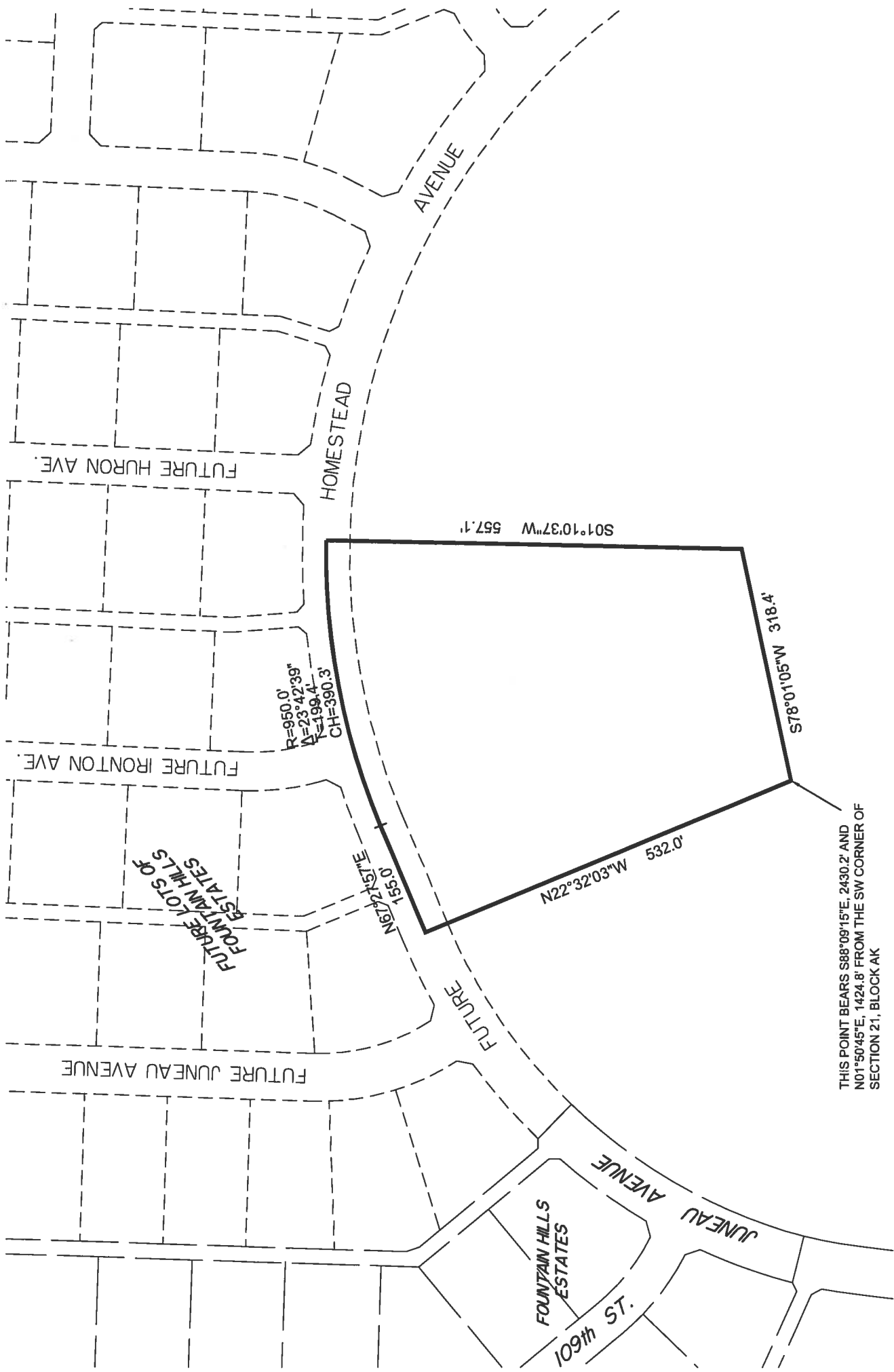


HR HUGO REED
AND ASSOCIATES, INC.

LAND SURVEYORS
CIVIL ENGINEERS

1601 AVENUE N
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TEXAS LICENSED SURVEYING FIRM 100576-00
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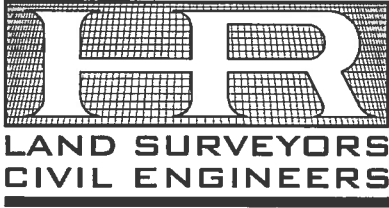
THIS POINT BEARS S88°09'15\"/>

REQUESTED R-1 SPECIFIC USE ZONING
SECTION 21, BLOCK AK
 LUBBOCK COUNTY, TEXAS



HR HUGO REED
 AND ASSOCIATES, INC.
 LAND SURVEYORS
 CIVIL ENGINEERS
 TEXAS LICENSED SURVEYING FIRM 100676-00
 TEXAS REGISTERED ENGINEERING FIRM F-760

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TEXAS REGISTERED ENGINEERING FIRM F-760
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Proposed R-1 Specific Use Zoning

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THENCE N. 22°32'03" W., an approximate distance of 532.00 feet to a point;

THENCE N. 67°27'57" E., an approximate distance of 155.00 feet to a point of curvature;

THENCE Northeasterly, along a curve to the right, said curve having a radius of approximately 950.0 feet, a central angle of approximately 23°42'39", approximate tangent lengths of 199.4 feet and an approximate chord distance of 390.3 feet to a point of intersection;

THENCE S. 01°10'37" W., an approximate distance of 557.1 feet to a point;

THENCE S. 78°01'05" W., an approximate distance of 318.4 feet to the Point of Beginning.

PREPARED FOR ZONE CHANGE DESCRIPTION PURPOSES ONLY



Regular City Council Meeting

6. 5.

Meeting Date: 02/28/2013

Information

Agenda Item

Public Hearing 6:30 p.m. - Planning: Consider a request for Zone Case 2785-A, a request of Texico Conference Association of Seventh-day Adventists, for Tigris Development, LLC for a zoning change from A-2 limited to church use to A-2 on 9 acres of unplatted land out of Block E, Section 10 (2005 98th Street) and consider an ordinance.

Item Summary

Zoning Request:

The current zoning is A-2 limited to church use. The proposal is to remove the church restriction and allow A-2 for apartments.

Proposed Land Use:

The proposed land use is for apartments, with a minor change to the design guidelines to allow the height up to 48 foot. The height in A-2 is 40 foot, structures above that height are allowed when they do not add living area. The steep pitch on the roof of this project may take the overall height to th 48 foot.

Adjacent Land Uses:

N – Residential – Zoned R-1 Specific Use for Residential Estates

S – Residential – Zoned R-1 Specific Use for reduced setbacks

E – Residential – Zoned R-1 Specific Use for reduced setbacks

W – Residential – Zoned R-1 Specific Use for reduced setbacks and R-2 Duplexes with reduced setbacks

P&Z Public Hearing Notes from February 7, 2013:

There were four letters in opposition citing they object to living close to an apartment complex and one in favor of the request. The P&Z voted unanimously in favor of the request.

Impact on the Comprehensive Land Use Plan (CLUP):

The proposed change meets policy. The CLUP intends for the area adjacent to the intersection of a major thoroughfare and a collector street (Avenue U & 98th St.) to be a medium density use, in order to act as a buffer for medium to heavier traffic.

Currently, the property is zoned for a church which is also A-2; but the previous zone case placed conditions on the parcel to be limited to a church-only.

The proponent is requesting for the maximum height to be 48-foot, which as long as the living area of the structure is not above 40 foot, any other roof, steeple, chimney, tank, stairwell, or other similar equipment would be allowed. This comment is typical with newer designs to be able to allow a developer/architect to design a more aesthetically pleasing design.

All other design guidelines within the A-2 apartment district shall be followed by the developer.

The P&Z recommends the request with the following condition:

1. Limited to 48 foot to allow for roof and architectural designs, with the ability of staff to make minor adjustments for permit approval.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager

P&Z Commission

Attachments

Ordinance - Zone Case 2785-A

Zone Case 2785-A

ORDINANCE NO. _____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 2785-A**; A ZONING CHANGE FROM **A-2 LIMITED TO CHURCH USE TO A-2 ZONING DISTRICT ON 9 ACRES OF UNPLATTED LAND OUT OF BLOCK E, SECTION 10**, LUBBOCK, TEXAS; PROVIDING A PENALTY; SUBJECT TO CONDITIONS; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully 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 Ordinances and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

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

ZONE CASE NO. 2785-A

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under the provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **A-2 limited to church use to A-2 zoning district on 9 acres of unplatted land out of Block E, Section 10**, City of Lubbock, Lubbock County, Texas located at **2005 98th 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 limited to 48' height to allow for roof and architectural designs with no living space above 40 feet, with the ability of staff to be able to make minor adjustments for permit approval.**

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:



Randy Henson, Director of Planning

APPROVED AS TO FORM:



Chad Weaver
Assistant City Attorney

EXHIBIT A - LEGAL DESCRIPTION

VOL 5361 PAGE 11

METES AND BOUNDS DESCRIPTION of a 9.000 acre tract of land located in the Northeast Quarter of Section 10, Block E, Lubbock County, Texas, being further described as follows:

BEGINNING at a point for the Northwest corner of the Northeast Quarter of Section 10, Block E, Lubbock County, Texas, same being the Northwest corner of this tract;

THENCE N. 89°59'15" E., along the North line of Section 10, Block E, a distance of 594.00 feet to a point for the Northeast corner of this tract, same being the Northwest corner of that tract conveyed to Doris Dephena Mathews, et al, under Tract 1 in Volume 3498, Page 58, Real Property Records of Lubbock County, Texas;

THENCE S. 00°06'57" W., along the West line of said Tract 1, at 60.00 feet pass a 1/2" iron rod with cap set in the South line of a right-of-way easement for 98th Street, continuing for a total distance of 660.00 feet to a 1/2" iron rod with cap set for the Southeast corner of this tract;

THENCE S. 89°59'15" W., at 198.00 feet pass the West line of that tract conveyed to Doris Dephena Mathews, et al, under Tract 2 in Volume 3498, Page 58 and the Northeast corner of that tract conveyed to Doris Dephena Mathews, et al, under Tract 2 in Volume 3498, Page 55, continuing for a total distance of 594.00 feet to a 1/2" iron rod with cap set in the West line of the Northeast Quarter of Section 10, Block E, for the Southwest corner of this tract, same being the Northwest corner of said Tract 2 in Volume 3498, Page 55;

THENCE N. 00°06'57" E., along the West line of the Northeast Quarter of Section 10, Block E, at 600.00 feet pass a 1/2" iron rod with cap set in the South line of said right-of-way easement, continuing for a total distance of 660.00 feet to the Point of Beginning.

FILED FOR RECORD

DEC 31 4 15 PM '96

Ann Harrison
County Clerk, Lubbock County, Texas

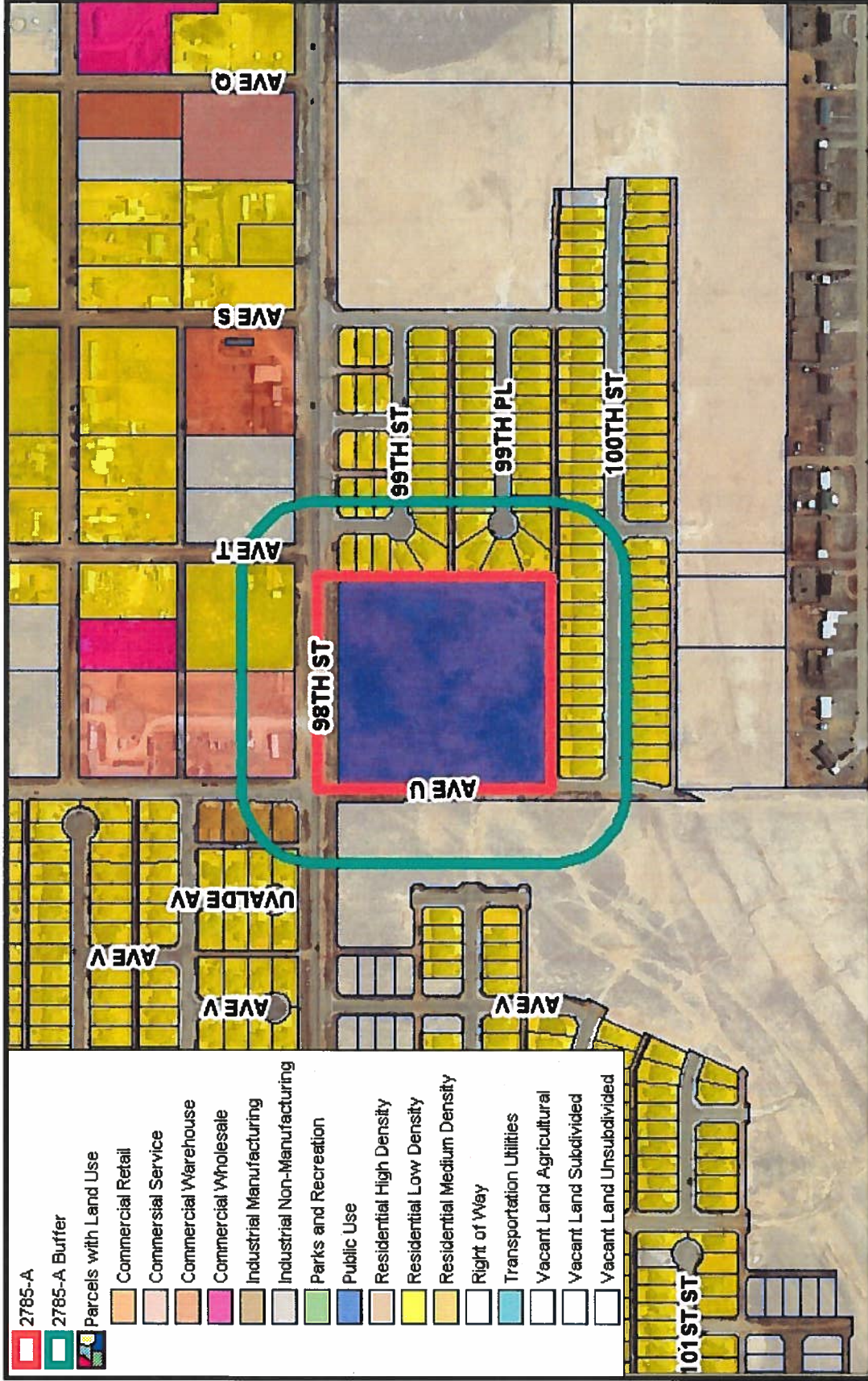
STATE OF TEXAS
COUNTY OF LUBBOCK

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the Official Real Property Records of Lubbock County, Texas as stamped hereon by me.

DEC 31 1996

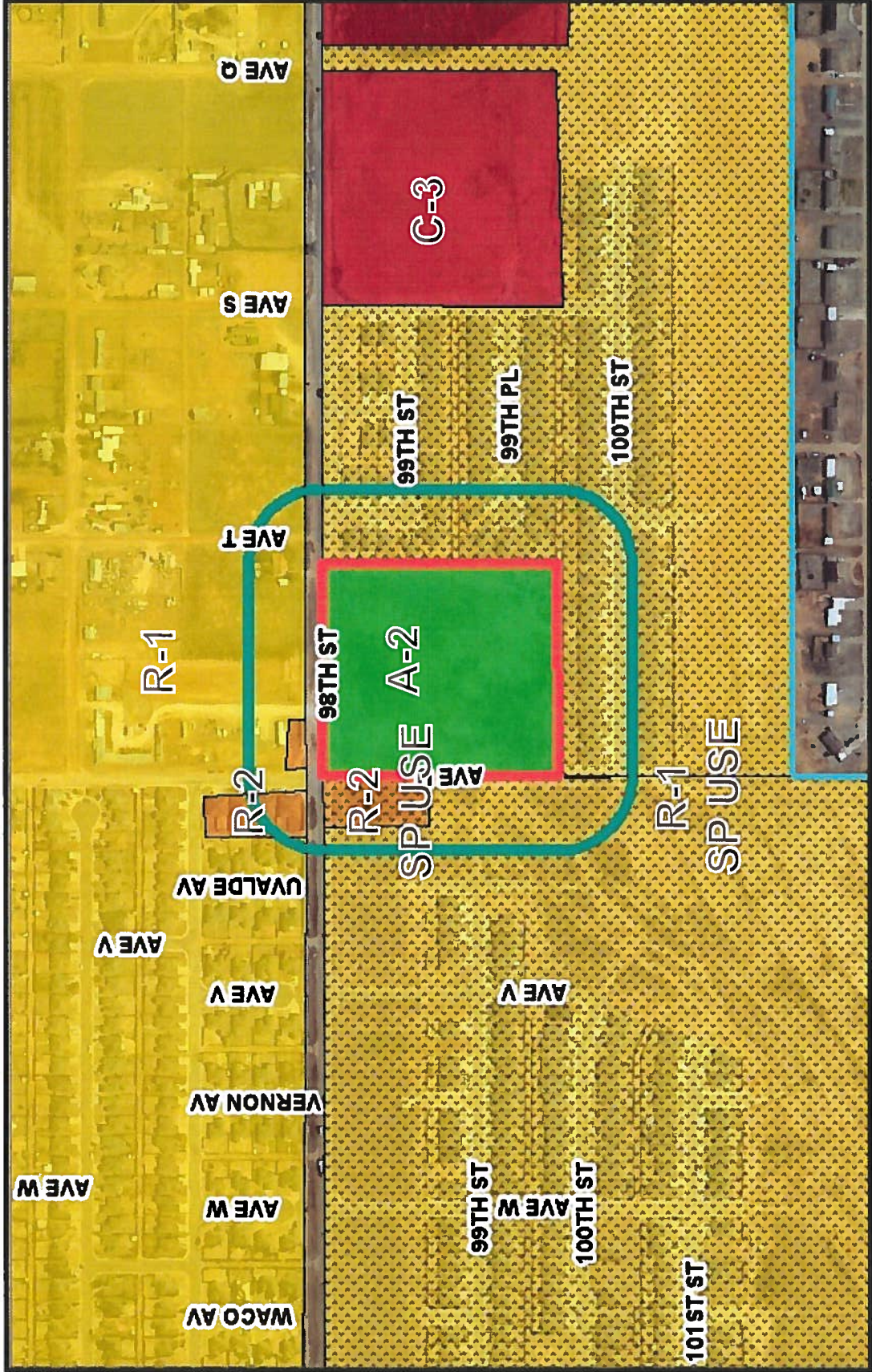


Ann Harrison
COUNTY CLERK
LUBBOCK COUNTY, TEXAS



P.Z.C. Case 2785-A

Request of Texico Conference Association of Seventh-day Adventists (for Tigris Development, LLC) for a zoning change from A-2 limited to church use to A-2, 2005 98th Street



P.Z.C. Case 2785-A Zoning



APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print)

Jexico Conference Association
of Seventh-day Adventists
PO Box 1366
Conales, T.M. 87048
(505) 563-4629

For Sigis Development, LLC
5215-79th Street
Lubbock, TX 79424
(806) 687-8888

Location or Address: 2005-98th Street, Lubbock, TX R# R144851

Legal Description: * Approx 8.86 acre tract: Blk E, Sec. 10, AB 493, TR B5 + N660' of tract B8

Existing Land Use: vacant land Existing Zoning: A-2 Church use

Acreeage or Square Footage of Property: 8.86 acres

Zoning Requested: A-2 high density apartments

Proposed Development: apartments

If property is not subdivided, will preliminary plat be submitted? Yes No [checked]

Applicant's Signature: [Signature] Association Secretary, Texico Conference Assn. of Seventh-day Adventists

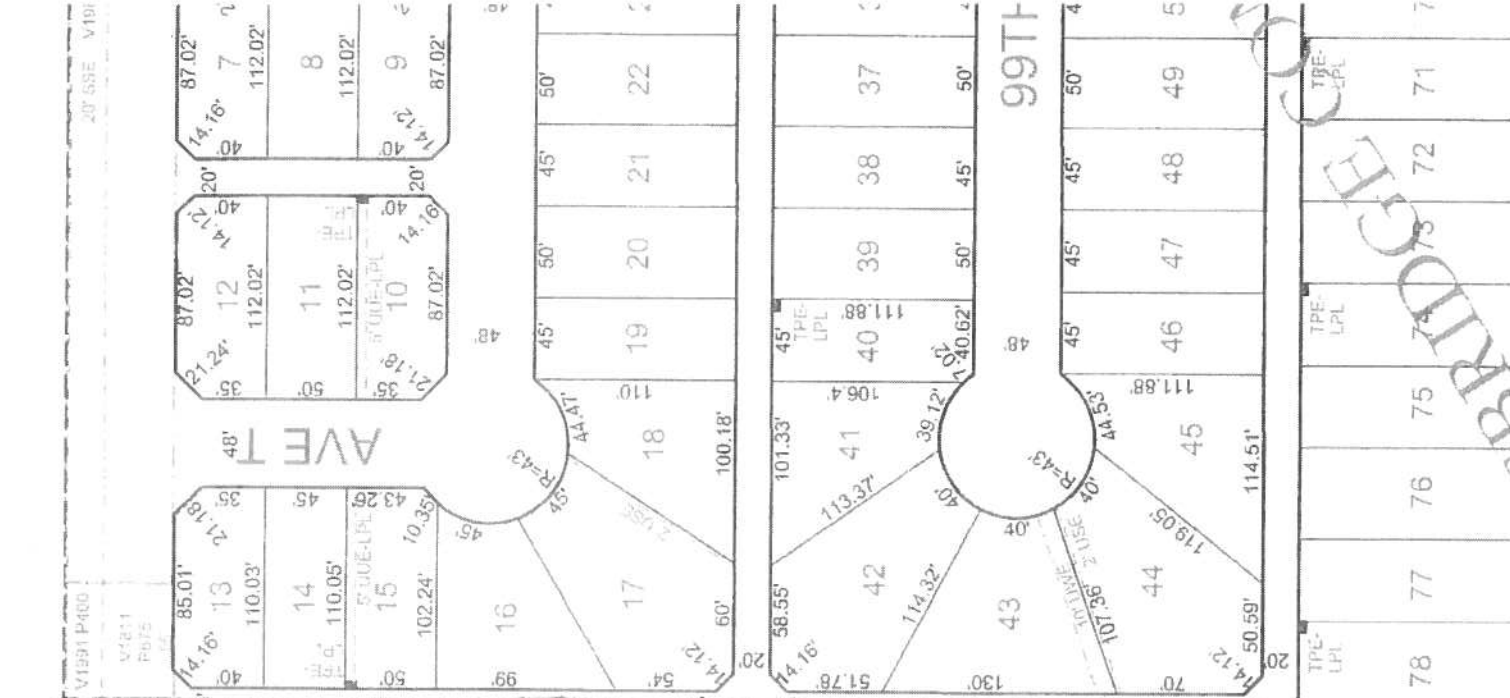
Date: 1-14-13

Filing Fee: (\$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: 80362 MAP 40
Zone Case No.: 2785-A Agenda No.: 6
Request for zoning change from: A-2 limited To: A-2

on Lot(s): Block(s):
Subdivision: Address:



Lot No.	Area (sq. ft.)	Dimensions	Notes
7	87.02'	14.76' x 20'	
8	112.02'	14.76' x 20'	
9	87.02'	14.76' x 20'	
10	87.02'	14.76' x 20'	
11	112.02'	14.76' x 20'	
12	112.02'	14.76' x 20'	
13	110.03'	14.76' x 20'	
14	110.05'	14.76' x 20'	
15	102.24'	14.76' x 20'	
16	100.18'	14.76' x 20'	
17	100.18'	14.76' x 20'	
18	100.18'	14.76' x 20'	
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99	100.18'	14.76' x 20'	
100	100.18'	14.76' x 20'	

AVE U
 HALF SECTION LINE SECTION 10 BLOCK E
 764.51'

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.: 2785-A

In Favor of

Opposed

Reasons and/or Comments:

RECEIVED
JAN 30 REC'D
PLANNING DEPARTMENT

Print Name Carla Williamson

Signature: Carla Williamson

Address: 4602 61st Lubbock, Tex 79414

Address of Property Owned: 2014 98th Lubbock, Tex 79423

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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In Favor of

Opposed

RECEIVED

JAN 30 REC'D

PLANNING DEPARTMENT

Reasons and/or Comments:

Do not want them in our neighborhood.

Print Name Thomas E & Marsha G. Updegraff
Signature: *Thomas E Updegraff*
Address: 2013 100th St Lubbock, TX 79423
Address of Property Owned: 2013 100th St

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form



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In Favor of
Opposed

Reasons and/or Comments:

When I bought my house - I was told all the land around me was zoned for residential only. I do not want that to change.

RECEIVED

JAN 31 REC'D

PLANNING DEPARTMENT

Print Name Chrissi Jones
Signature: Chrissi Jones
Address: 1921 99th St
Address of Property Owned: 1921 99th St

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

6

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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.: 2785-A

In Favor of

Opposed

Reasons and/or Comments:

Concerned about impact of surrounding property values & increase of crime in the neighborhood if a multi-unit housing is built.

RECEIVED

FEB 01 REC'D

PLANNING DEPARTMENT

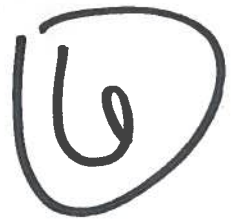
Print Name Jenni Bosh Flippen

Signature: Jenni Bosh Flippen

Address: 2024 100th St.

Address of Property Owned: 2024 100th St.

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.: 2785-A

In Favor of

Opposed

Reasons and/or Comments:

I think it would help give this area a boost.

RECEIVED

FEB 04 REC'D

PLANNING DEPARTMENT

Print Name

Kathryn Moody

Signature:

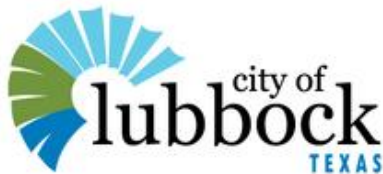
Kathryn Moody

Address:

1926-100th St, Lbk, TX 79423

Address of Property Owned:

1926-100th St - Lubbock



Regular City Council Meeting

6. 6.

Meeting Date: 02/28/2013

Information

Agenda Item

Public Hearing 6:30 p.m. - Planning: Consider a request for Zone Case 3096-A, a request of Justin Houston, P.E., for Rex Robertson for a zoning change from C-3, GO, and R-1 to C-3 Specific Use on 24.763 acres of unplatted land out of Block E-2, Section 25 (114th Street and Slide Road) and consider an ordinance.

Item Summary

Zoning Request: the request is from C-3 General Retail, Garden Office (GO) and R-1 Single Family Residential to C-3 Specific Use.

Proposed Land Use:

The request submitted is for a Super Walmart (in excess of 186,000 square foot), and the Specific Use Permit requests allowance of a modest amount of outdoor display.

Adjacent Land Uses:

N – Commercial - C-3 for the majority and residential, R-1 Specific Use
S – Transitional - vacant and eligible for commercial by policy
E – Commercial - both C-3 and C-3 Specific Use for a mini warehouse project
W – Garden Office and R-1 Specific Use - vacant

Planning and Zoning (P&Z) Public Hearing notes from February 7, 2013:

Other than the applicant and the staff, no citizens appeared during the hearing. The P&Z voted unanimously to approve.

Impact on the Comprehensive Land Use Plan (CLUP):

The request is reasonably in compliance with the CLUP. The requested acreage for approximately 25 acres is larger than the typical 10-acre allotment because of the space needs for the Super Walmart and adjacent outparcels. A majority of the site is already zoned C-3.

The applicant has submitted both a site plan, the locations of requested outdoor display, and a building elevation. The staff will ask for the adoption of all three.

The Specific Use proposal for the outside display include:

- Seasonal or general goods will be displayed in areas along the front walk of the store, towards Slide and behind the two out-pads, and at the garden center, that is enclosed with a wrought iron fence.
- On the 114th Street side of the building a wrought-iron enclosed Garden Center is proposed on the south west corner, as well as, a bagged-goods rack along the center of the building. The rack will not be taller than the building and is proposed from a drive for easy-access for customers loading the bagged goods. To the east of the racks are two sets of auto center bay doors. A sizable setback is proposed from 114th which will diminish the appearance of the outdoor activity.
- The loading docks and outdoor compacting /solid waste stations are on the east face of the structure.
- A pylon sign on an entrance corridor on Slide is proposed that is larger than the Code would allow for the Slide

Road frontage of the Walmart portion of the site. The proposed sign is 240 square feet in size with a height of 30 foot. Due to the fact that the store does not front Slide Road, the sign being located in the drive entrance is what makes it have a need for being approved as part of the Specific-Use permit. It is a monopole and should not be out of proportion to the overall development lot. The two out-parcels will operate on their own with regard to the sign code.

- Not a part of the outdoor discussion, but a double-drive-through pharmacy will be located on the north face of the building with a dedicated drive isle.

The P&Z recommends approval with the following conditions:

1. Tied to the site plan for outside display locations, the sign on Slide Road, and the 1:250 parking ratio for the Walmart store.
2. Tied to the building elevations as presented in Zone Case 3096A.
3. The Garden Center shall be enclosed with a wrought iron fence.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager

P&Z Commission

Attachments

Ordinance - Zone Case 3096-A

Zone Case 3096-A

ORDINANCE NO. _____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3096; A ZONING CHANGE FROM C-3, GO, AND R-1 TO C-3 SPECIFIC USE, ON 24.763 ACRES OF UNPLATTED LAND OUT OF BLOCK E-2, SECTION 25, 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. 3096-A

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **C-3, GO, and R-1** to **C-3 Specific Use** on **24.763 acres of unplatted land out of Block E-2, Section 25, City of Lubbock, Lubbock County, Texas, located at 114th Street and Slide Road,** subject to conditions, and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SUBJECT TO THE FOLLOWING CONDITIONS:

1. **THAT the zone change is tied to the site plan for outside display locations, the sign on Slide Road, and the 1 to 250 parking ratio for the Wal-Mart store.**
2. **THAT the zone change is tied to the building elevations as presented in ZC 3096A**
3. **THAT the Garden Center shall be enclosed with a wrought iron fence.**

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 **3096-A** 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 **114th Street and Slide Road**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:

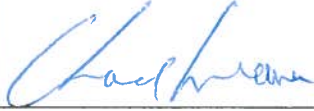
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



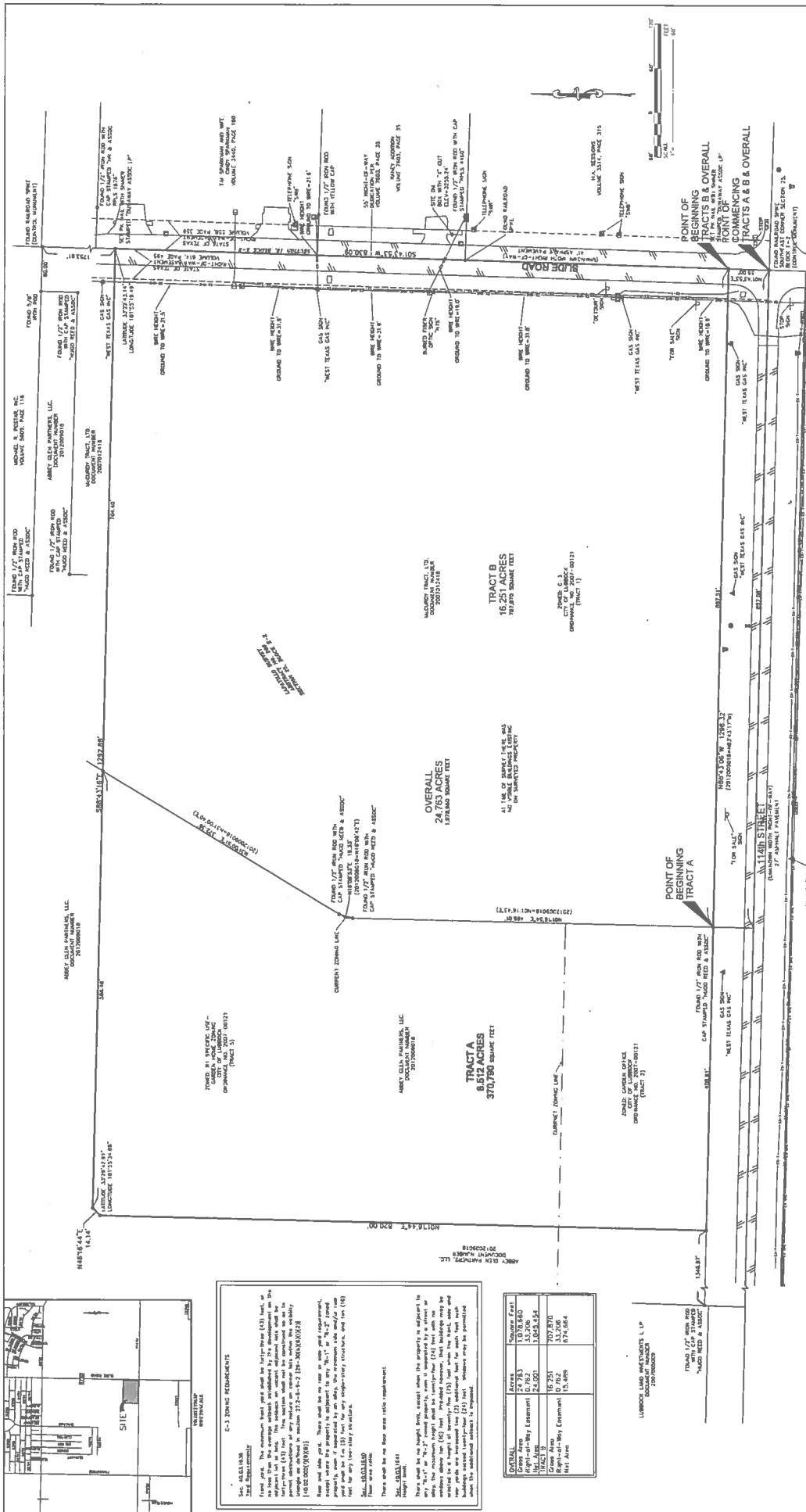
Randy Henson, Director of Planning

APPROVED AS TO FORM:



Chad Weaver
Assistant City Attorney

vw/CityAtt/Chad/Zones/ZC3096-A
February 7, 2013



AN
ALTA/ACSLAND TITLESURVEY
 of
24.763 ACRES

Surveyed in the Lincoln County, Oregon Survey, Block 395,
 City of Lincoln, Lincoln County, Oregon
DUNAWAY
 550 Bailey Avenue • Suite 400 • East North, Lincoln 76107
 Tel: 817.335.1121 • Fax: 817.335.2327

DATE: JANUARY 27, 2013
 SHEET 1 OF 2

LEGEND

1	ENCUMBRANCE
2	UTILITY
3	WATER
4	SEWER
5	GAS
6	TELEPHONE
7	WIRE
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TRACT A
 8.512 ACRES
 370,739 SQUARE FEET

TRACT B
 16.251 ACRES
 704,915 SQUARE FEET

OVERALL
 24.763 ACRES
 1,075,654 SQUARE FEET

LEGEND

1	ENCUMBRANCE
2	UTILITY
3	WATER
4	SEWER
5	GAS
6	TELEPHONE
7	WIRE
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LEGEND

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C-3 ZONING REQUIREMENTS

There shall be no floor area ratio requirement.

There shall be no height limit, except when the property is adjacent to a residential zone. The maximum height shall be determined by the zoning ordinance. The maximum height shall be determined by the zoning ordinance. The maximum height shall be determined by the zoning ordinance.

There shall be no setback requirement. The setback requirement shall be determined by the zoning ordinance. The setback requirement shall be determined by the zoning ordinance. The setback requirement shall be determined by the zoning ordinance.

There shall be no lot coverage requirement. The lot coverage requirement shall be determined by the zoning ordinance. The lot coverage requirement shall be determined by the zoning ordinance. The lot coverage requirement shall be determined by the zoning ordinance.

There shall be no minimum lot area requirement. The minimum lot area requirement shall be determined by the zoning ordinance. The minimum lot area requirement shall be determined by the zoning ordinance. The minimum lot area requirement shall be determined by the zoning ordinance.

There shall be no minimum lot width requirement. The minimum lot width requirement shall be determined by the zoning ordinance. The minimum lot width requirement shall be determined by the zoning ordinance. The minimum lot width requirement shall be determined by the zoning ordinance.

There shall be no minimum lot depth requirement. The minimum lot depth requirement shall be determined by the zoning ordinance. The minimum lot depth requirement shall be determined by the zoning ordinance. The minimum lot depth requirement shall be determined by the zoning ordinance.

There shall be no minimum lot area to lot width ratio requirement. The minimum lot area to lot width ratio requirement shall be determined by the zoning ordinance. The minimum lot area to lot width ratio requirement shall be determined by the zoning ordinance. The minimum lot area to lot width ratio requirement shall be determined by the zoning ordinance.

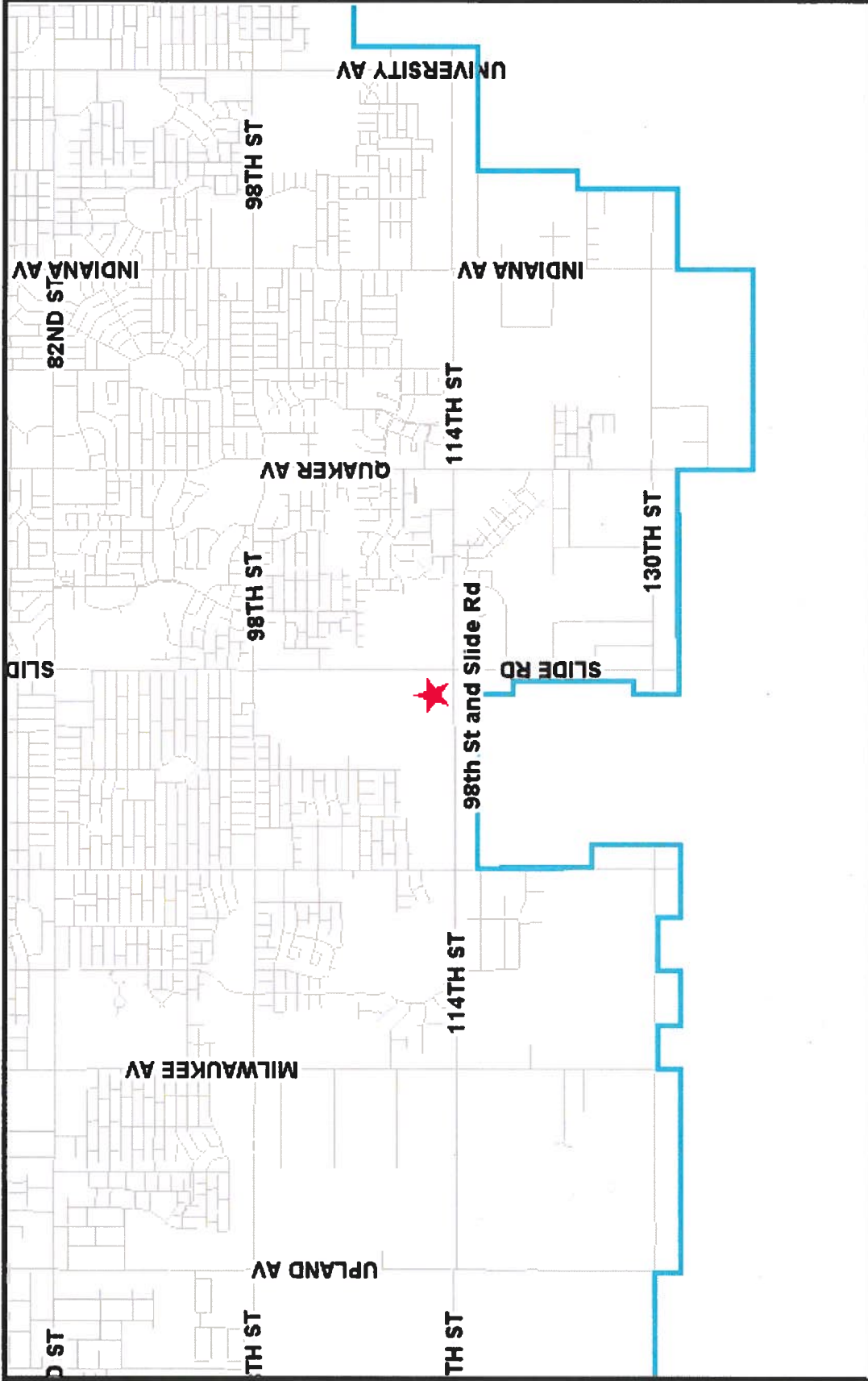
There shall be no minimum lot area to lot depth ratio requirement. The minimum lot area to lot depth ratio requirement shall be determined by the zoning ordinance. The minimum lot area to lot depth ratio requirement shall be determined by the zoning ordinance. The minimum lot area to lot depth ratio requirement shall be determined by the zoning ordinance.

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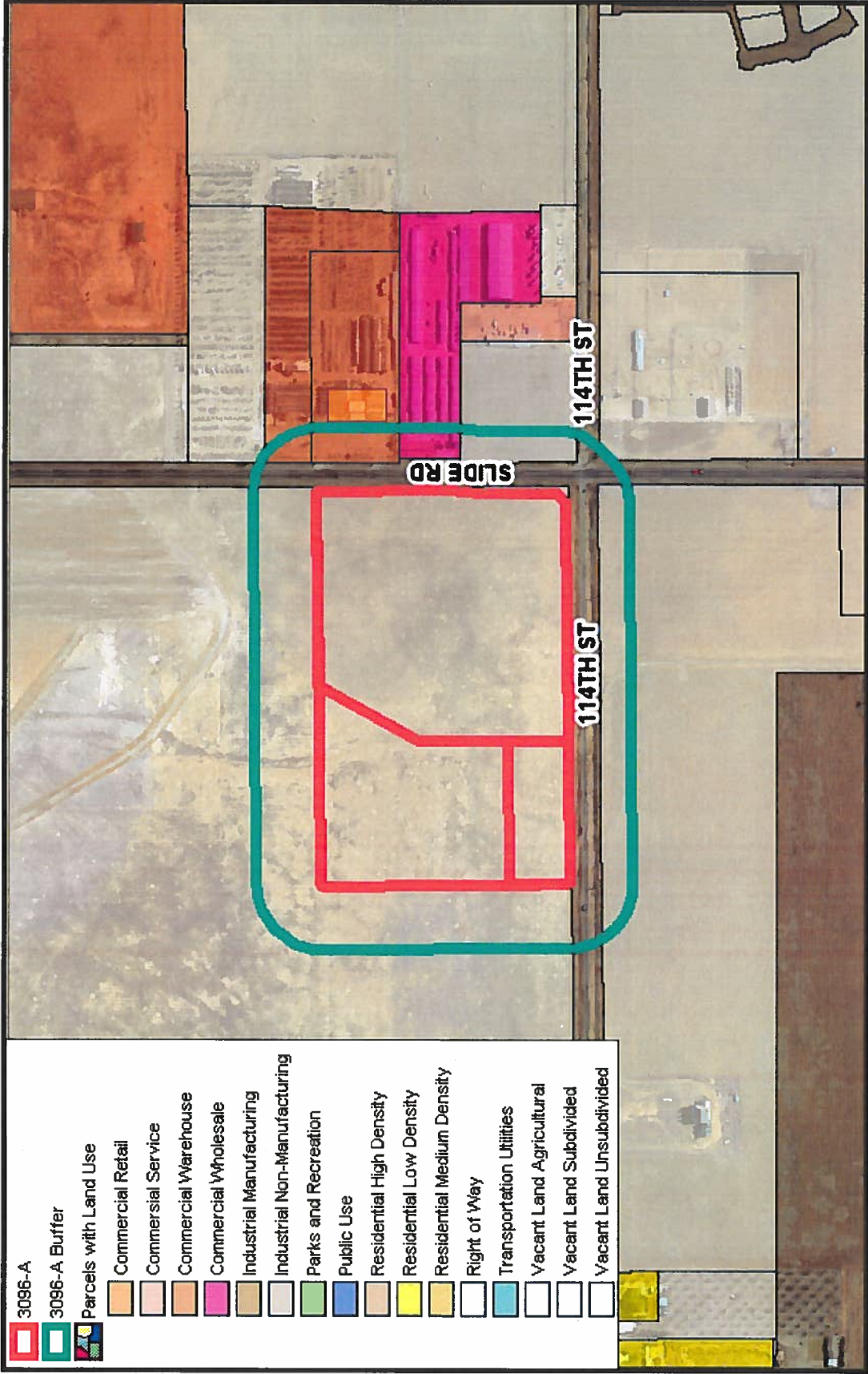
There shall be no minimum lot area to lot perimeter ratio requirement. The minimum lot area to lot perimeter ratio requirement shall be determined by the zoning ordinance. The minimum lot area to lot perimeter ratio requirement shall be determined by the zoning ordinance. The minimum lot area to lot perimeter ratio requirement shall be determined by the zoning ordinance.

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TRACT	AREA	PERCENTAGE
TRACT A	8.512	34.37%
TRACT B	16.251	65.63%
OVERALL	24.763	100.00%

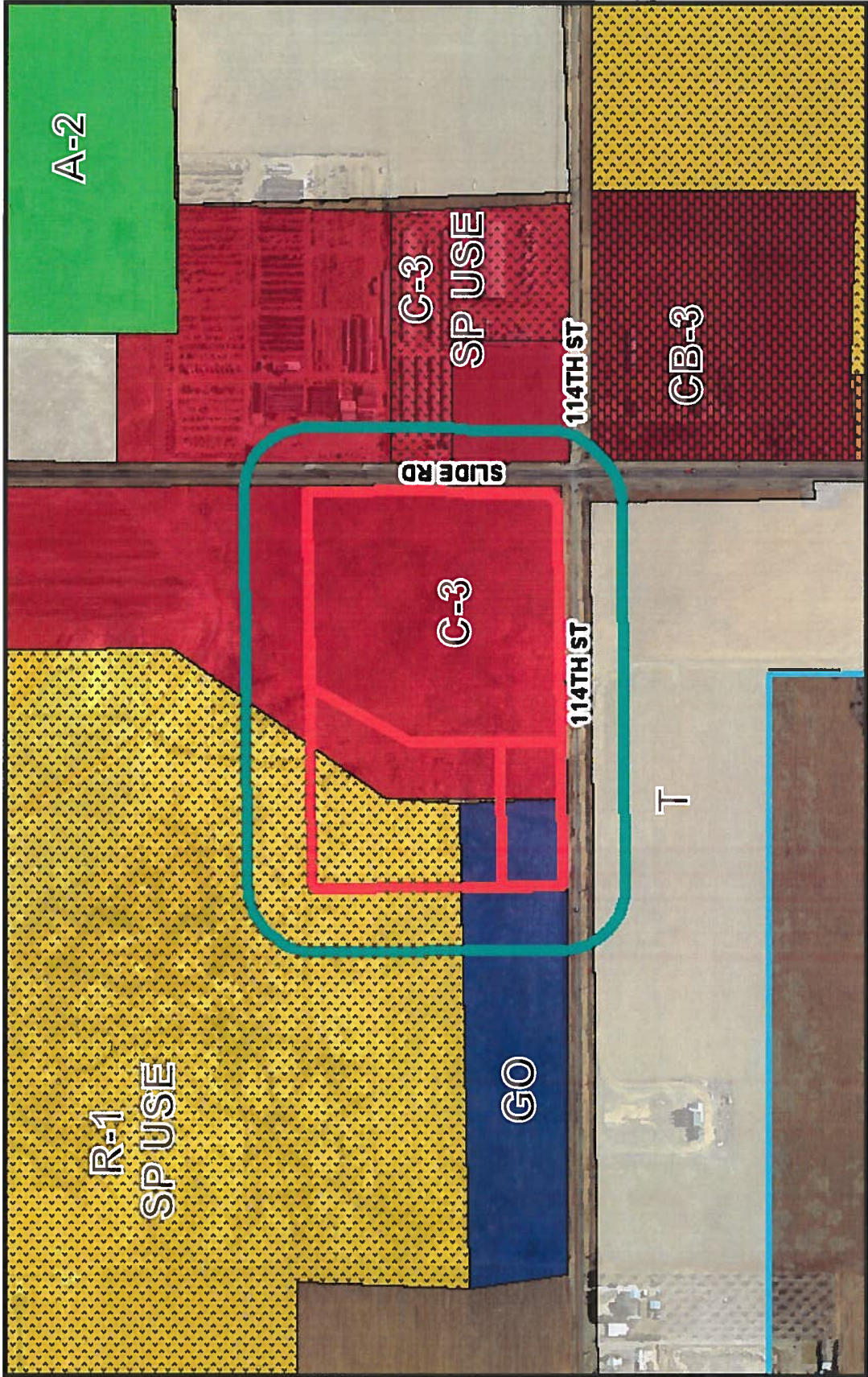


P.Z.C. Case 3096-A



P.Z.C. Case 3096-A

Request of Justin Houston, P.E. (for Rex Robertson) for a zoning change from C-3, GO, and R-1 to C-3 Specific Use, 114th Street and Slide Road



P.Z.C. Case 3096-A Zoning



APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Rex F. Robertson of Ford Development Corporation
on behalf of:
Abbey Glen Partners, LLC and McCurdy Tract, LTD

Applicant Justin M. Houston, P.E. of Kimley-Horn and Associates, Inc.
(Please Print)

For

2000 South Boulevard, Suite 440

17103 Preston Road, Suite 225

Street/Post Office Box

Street/Post Office Box

Charlotte NC 28203

Dallas TX 75248

City State Zip

City State Zip

(704) 954-7489

(972) 858-1111

Telephone

Telephone

Location or Address: Northwest corner of Slide Road and 114th Street, Lubbock, Texas

Legal Description: * Please see attached

Existing Land Use: Agricultural

Existing Zoning: C-3, GO, and R-1

Acreage or Square Footage of Property: Approximately 25 Acres

Zoning Requested: C-3 Specific Use

Proposed Development: Walmart Store No. 4117-00, Lubbock, TX

If property is not subdivided, will preliminary plat be submitted? Yes Yes, at a later date No

Applicant's Signature

Date 11/1/13

Filing Fee: \$547.00
(\$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.

Receipt 17676 CKH For City Use Only M+B MAP 42

Zone Case No.: 3096-A

Agenda No.: 7

Request for zoning change from: C-3, GO, R1

To: C-3 SP USE

24.763
33.275 acres of unplatted land out of Block B-2, section 25

on Lot(s):

Block(s):

Subdivision:

Address: 114th St and Slide Rd



Kimley-Horn
and Associates, Inc.

January 11, 2013

■
Suite 440
2000 South Boulevard
Charlotte, North Carolina
28203

Mr. Randy Henson
Director of Planning – City of Lubbock
1625 13th Street, Room 107
Lubbock, Texas 79401

**RE: Rezoning, Specific Use and Conditional Use Permit
Property at the Northwest Corner of Slide Rd and 114th St**

Dear Mr. Henson:

Please find included our submittal for the proposed Rezoning, Specific Use and Conditional Use Permit for a portion of the property located at the northwest corner of Slide Road and 114th Street in Lubbock, Texas.

Our submittal includes the following:

- Completed City of Lubbock Application for Zone Change
- Fee in the amount of \$547 for the approximately 25 acre tract
- Legal Descriptions
 - Metes and Bounds Description for the Overall Tract to be Completely C-3
 - Metes and Bounds Description of the portion of the proposed tract currently Zoned GO
 - Metes and Bounds Description of the portion of the proposed tract currently Zoned R Specific Use

The following will be sent under separate cover shortly:

- Proposed Building Elevations
- Site Plan

Portions of the site are currently zoned Garden Office and Residential. We are proposing that all portions of the site as delineated by the included legal descriptions be rezoned to **C-3 General Retail District**.

Additionally, based on discussions between Kimley-Horn, BRR Architecture and the City of Lubbock there are some proposed items

that will be best to have listed as a Specific Use for this site. As part of this submittal we are requesting a Specific Use for the following items:

- Outdoor sales and storage including:
 - Sidewalk Sales
 - Vending and propane locations
 - All garden center high racking and storage
 - Storage associated with the TLE (Tire and Battery canopy on rear)
 - Storage of Bale and Pallets behind store
- The ability to have Drive-thru windows to support the Pharmacy
- A reduction in the required parking to One (1) parking space for each two hundred and fifty (250) square feet of gross floor area.

Finally, based on discussions between BRR Architecture and the City of Lubbock, we would also like to request a Conditional Use Permit to allow for the sale of alcoholic beverages on this tract, based on Sec. 40.03.1754 of the Zoning Ordinance.

It is our understanding that all of these requests can be completed by the Planning and Zoning Commission. If additional meetings are required with other boards, please let us know.

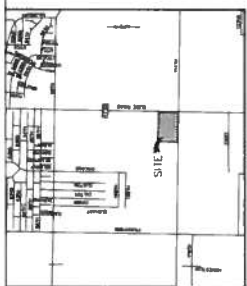
We look forward to the Planning and Zoning Commission meeting on February 7th. We trust this meets your needs at this time; please feel free to call me at (704) 954-7489 if you have any questions or concerns.

Sincerely yours,

KIMLEY-HORN AND ASSOCIATES, INC.



Justin M. Houston, P.E.

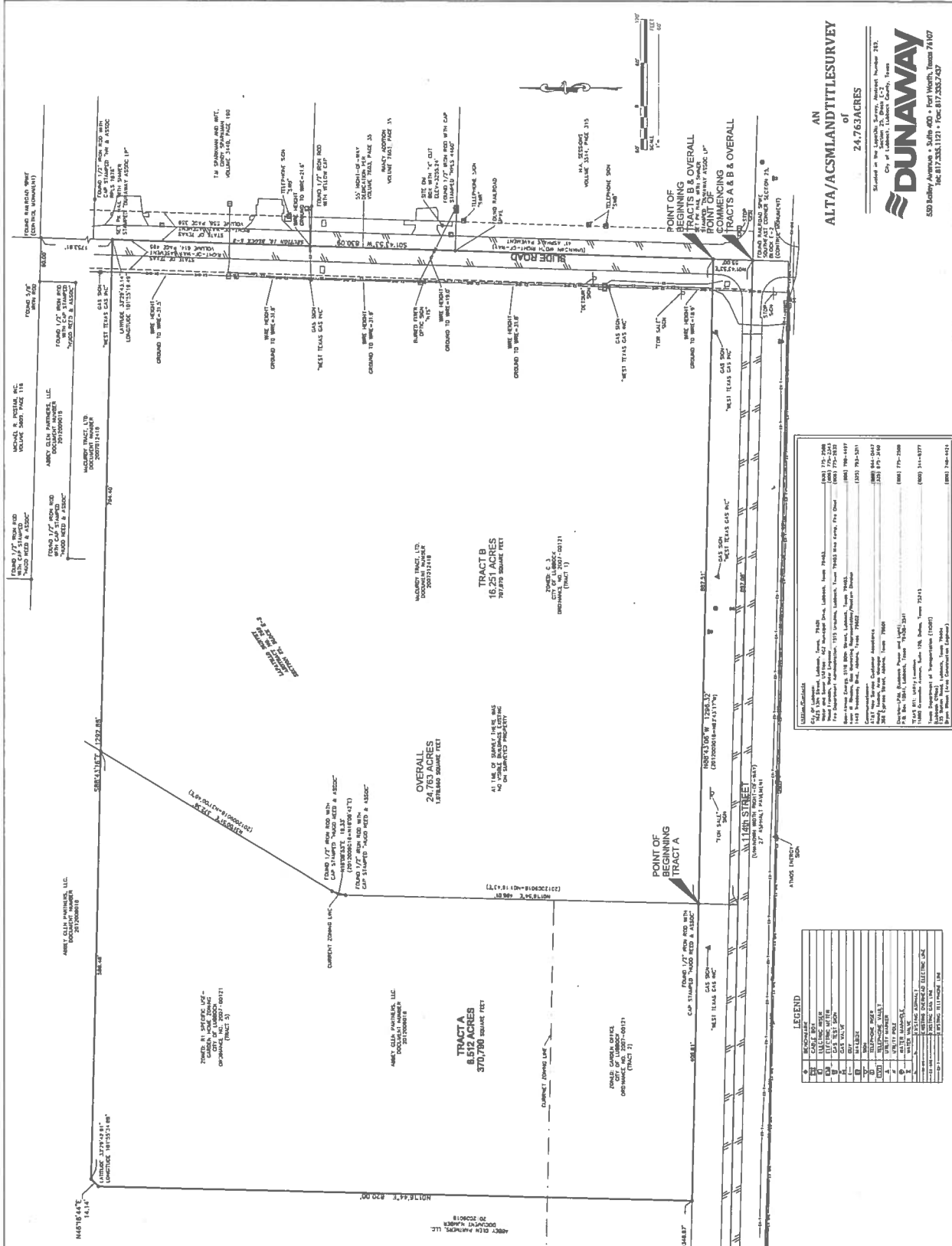


SEC. 46.03.010
24.76 ACRES

C-3 ZONING REQUIREMENTS

There shall be no height limit, except when the property is subject to a height limit established by the Commission or the City of Lubbock. The maximum height shall not exceed 35 feet above the ground level, except when the property is subject to a height limit established by the Commission or the City of Lubbock. The maximum height shall not exceed 35 feet above the ground level, except when the property is subject to a height limit established by the Commission or the City of Lubbock. The maximum height shall not exceed 35 feet above the ground level, except when the property is subject to a height limit established by the Commission or the City of Lubbock.

Category	Area	Percentage
Overall	24.763	100.000
Impervious	2.762	11.155
Green	22.001	88.845
Water	0.000	0.000
Open Space	0.000	0.000
Other	0.000	0.000
Total	24.763	100.000



LEGEND

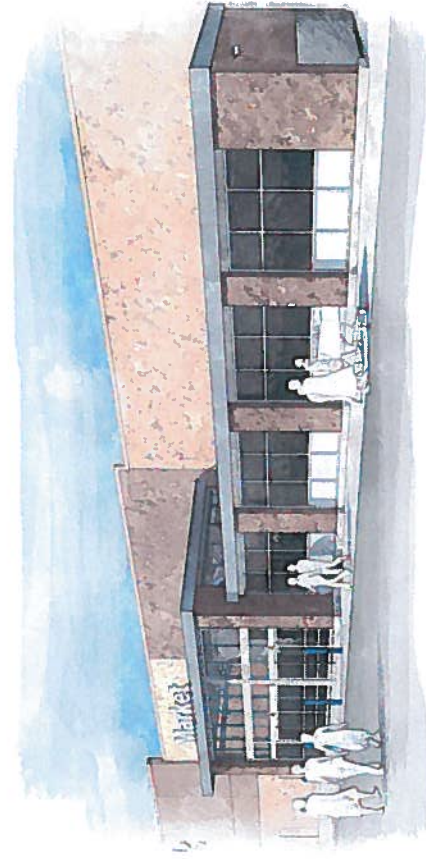
Symbol	Description
1	BOUNDARY
2	CONCRETE
3	WOOD
4	IRON
5	STEEL
6	ALUMINUM
7	COPPER
8	BRASS
9	OTHER
10	UNKNOWN

AN ALTA/ACSLAND TITLE SURVEY
 of
24.76 ACRES

Submitted to the Lubbock Survey Authority, Authority Number 282,
 City of Lubbock, Lubbock County, Texas

DUNAWAY
 650 Bailey Avenue, Suite 400 • East North, Texas 79407
 Tel: 817.353.1121 • Fax: 817.352.7427

DATE: 06/04/17 07:25:11
 SHEET 1 OF 2



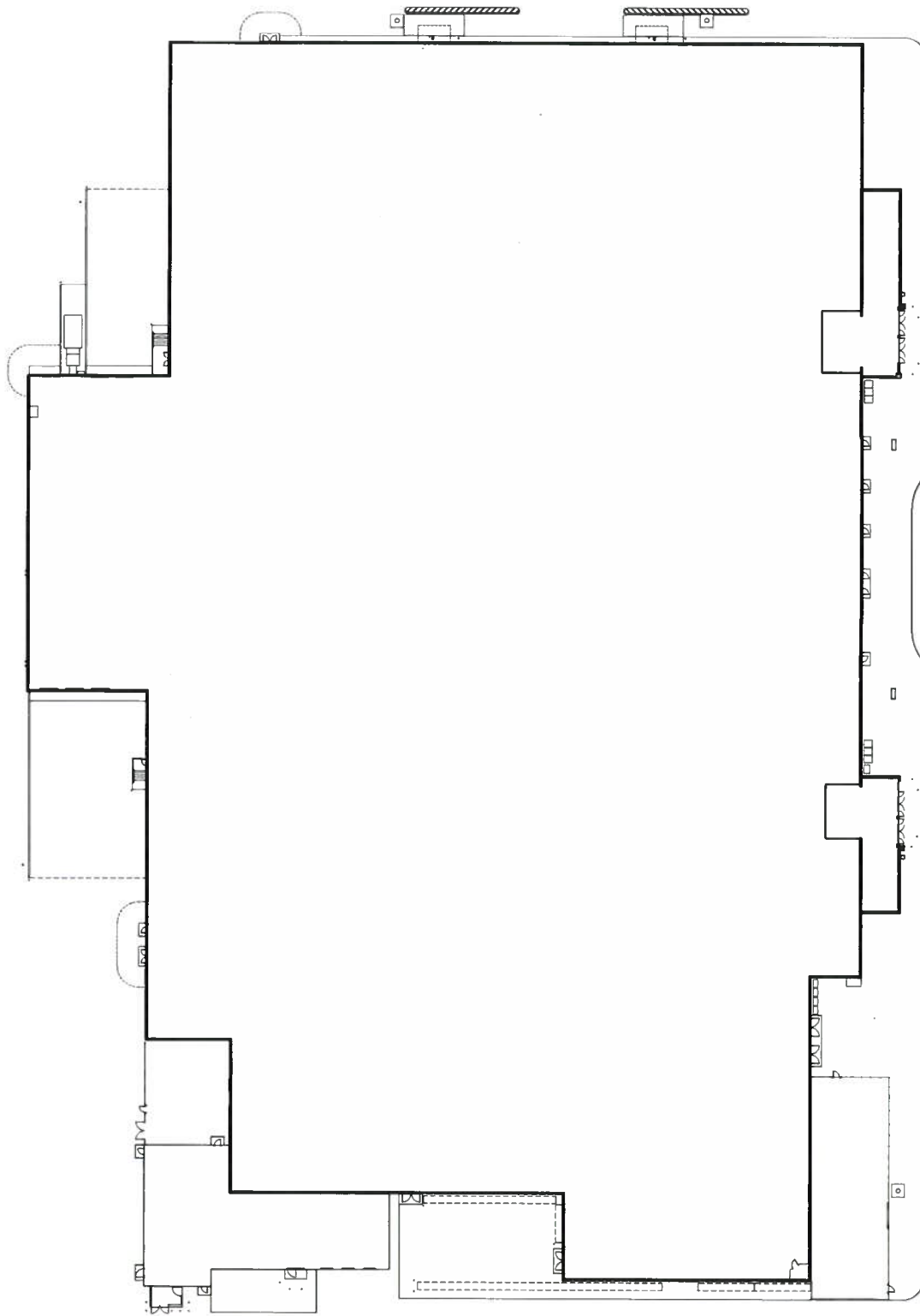
B | R | R
ARCHITECTURE

January 10, 2013

Lubbock, TX #4117

Perspective Views

1



B | R | R
ARCHITECTURE

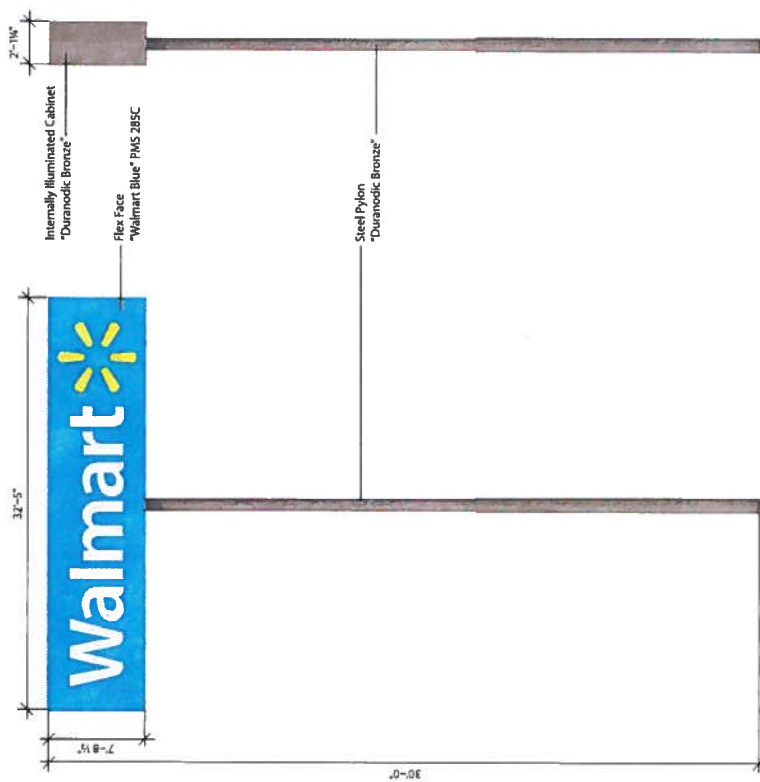
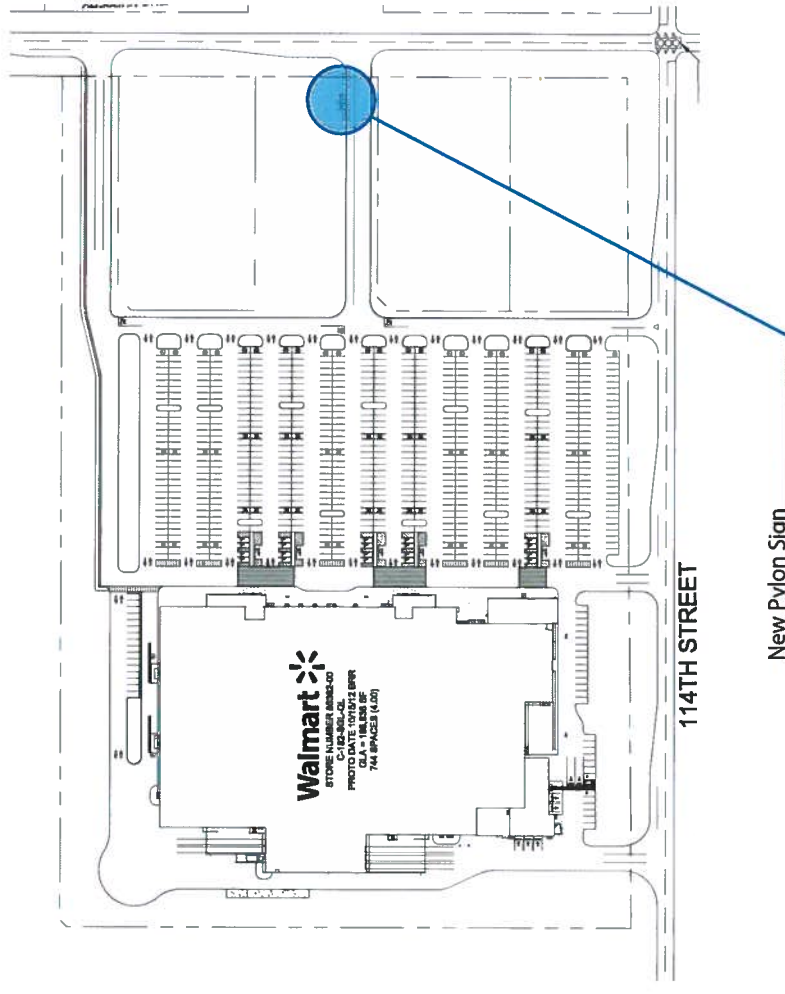
January 10, 2013

Lubbock, TX #4117

Floor Plan

3

DESIGN REPRESENTATION ONLY - NOT FOR CONSTRUCTION. The building images shown are a representation of the current design intent only. The building images may not reflect construction in color, time, size, cost, shading, ambient light, materials, textures, conditions, flat style, construction materials, furniture, fixtures, or finishes. All images are for informational purposes only and are not intended to be used for any other purpose.



Pylon Sign Front Elevation
Proposed Signage: 249.95 SF.

Side Elevation



B | R | R
ARCHITECTURE

January 10, 2013

Lubbock, TX #4117

Site Signage

4

DESIGN REPRESENTATION ONLY - NOT FOR CONSTRUCTION. The building images shown are a representation of the current design intent only. The building images may not reflect or show the current design intent only. The building images shown are a representation of the current design intent only. The building images may not reflect or show the current design intent only. The building images shown are a representation of the current design intent only. The building images may not reflect or show the current design intent only.

METES AND BOUNDS DESCRIPTION
OVERALL TRACT

BEING a 24.871 acre tract of land situated in the Lapatillo Survey, Abstract Number 269, Section 25, Block E-2, in the City of Lubbock, being a portion of the tract of land described in the instrument to McCurdy Tract, Ltd. recorded in Document Number 2007012418, Deed Records of Lubbock County, Texas and a portion of the tract of land described in the instrument to Abbey Glen Partners, LLC. recorded in Document Number 2012009018, Deed Records of Lubbock County, Texas; said 24.871 acre tract of land being more particularly described as follow:

COMMENCING at a railroad spike found for the southeast corner of Section 25, Block E-2;

THENCE with the easterly line of Section 25, Block E-2 North $01^{\circ} 43' 53''$ East a distance of 84.20 feet to a point for corner;

THENCE departing the easterly line of Section 25, Block E-2 North $88^{\circ} 16' 17''$ West (Document Number 2010017492 = $S88^{\circ}15'41''E$) (Document Number 2012004641 = $N88^{\circ}16'07''W$) at a distance of 40.00 feet passing a found $1/2$ inch iron rod with cap stamped "Hugo Reed & Assoc" in all a total distance of 70.00 feet to a $1/2$ inch iron rod with cap stamped "Hugo Reed & Assoc" found in a non-tangent curve to the right having a radius of 30.00' for the POINT OF BEGINNING;

THENCE Southwesterly along said curve through a central angle of $89^{\circ} 32' 20''$ an arc distance of 46.88 feet with a chord bearing of South $46^{\circ} 30' 44''$ West and a chord distance of 42.26 feet to a $1/2$ inch iron rod with cap stamped "Hugo Reed & Assoc" found at the end of said curve;

THENCE North $88^{\circ} 43' 06''$ West (Document Number 2012009018 = $N88^{\circ}43'17''W$) (Document Number 2010017492 = $S88^{\circ}43'21''E$) at a distance of 787.74 feet passing a $1/2$ inch iron rod with cap stamped "Hugo Reed & Assoc" found for the southeasterly corner of said Abbey Glen Partners, LLC tract in all a total distance of 1,266.56 feet to a $5/8$ inch iron rod with yellow cap stamped "Dunaway Assoc LP" set for corner;

THENCE North $01^{\circ} 16' 44''$ East a distance of 820.00 feet to a $5/8$ inch iron rod with yellow cap stamped "Dunaway Assoc LP" set for corner;

THENCE North $46^{\circ} 16' 44''$ East a distance of 14.14 feet to a $5/8$ inch iron rod with yellow cap stamped "Dunaway Assoc LP" set for corner;

THENCE South $88^{\circ} 43' 16''$ East at a distance of 658.52 feet passing a $5/8$ inch iron rod with yellow cap stamped "Dunaway Assoc LP" set in the easterly line of said Abbey Glen Partners, LLC, tract in all a total distance of 1,302.88 feet to a $5/8$ inch iron rod with yellow cap stamped "Dunaway Assoc LP" set in the westerly right-of-way line of Slide Road (F.M. 1730) (a variable

width right-of-way) as described in the instrument to the State of Texas recorded in Document Number 2012004641, Official Records of Lubbock County, Texas;

THENCE with the westerly right-of-way line of Slide Road (F.M. 1730) the following:

South 01° 43' 53" West a distance of 439.62 feet to a 4 inch brass cap stamped "Texas Department of Transportation" found for corner;

South 07° 26' 31" West a distance of 100.50 to a 3-1/4 inch aluminum cap found for corner;

South 01° 43' 53" West a distance of 260.78 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 24.871 acres (1,083,367 square feet) of land.

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

7

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX, 79457, or fax to (806) 775-2100.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 775-2120.

Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: P&Z Case No.: 3096-A

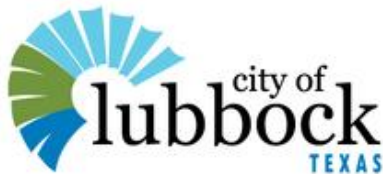
In Favor of

Opposed

Reasons and/or Comments:

RECEIVED
FEB 01 REC'D
PLANNING DEPARTMENT

Print Name MARY CLEVELAND ELLIOTT LLC
Signature: [Handwritten Signature]
Address: PO Box 64060
Address of Property Owned: MARY CLEVELAND ELLIOTT LLC



Regular City Council Meeting

6. 7.

Meeting Date: 02/28/2013

Information

Agenda Item

Public Hearing 6:30 p.m. - Planning: Consider a request for Zone Case 3202, a request of Scott Collier, for 1585 Partners, LLC for a zoning change from T Transitional to C-3 for retail stores on 10.833 acres of unplatted land out of Block AK, Section 5 (Southwest corner of 130th Street and Quaker Avenue) and consider an ordinance.

Item Summary

Zoning Request:
From T to C-3

Proposed Land Use:
Unspecified retail

Adjacent Land Uses:
N – Vacant land – Zoned T - Transitional
S – Vacant land – no zoning in the county
E – Commercial, vacant – Zoned C-3 - General Retail
W – Vacant land – Zoned T - Transitional

Planning and Zoning (P&Z) Public Hearing notes from February 7, 2013:
No one appeared before the Board to speak in favor or opposition. The P&Z voted unanimously to approve.

Impact on the Comprehensive Land Use Plan (CLUP):
This case meets the CLUP, which specifies 10 acres of commercial on each corner of the thoroughfare intersections.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager
P&Z Commission

Attachments

Ordinance - Zone Case 3202

Zone Case 3202

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. 3202**; A ZONING CHANGE FROM T TO C-3 ZONING DISTRICT ON **10.833 ACRES OF UNPLATTED LAND OUT OF BLOCK AK, SECTION 5**, LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

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

ZONE CASE NO. 3202

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under the provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from T to C-3 zoning district on **10.833 acres of unplatted land out of Block AK, Section 5**, City of Lubbock, Lubbock County, Texas, located at **Southwest corner of 130th Street and Quaker Avenue**.

SECTION 2. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

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

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

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

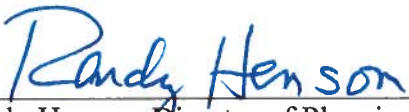
Passed by the City Council on second reading on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:


Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



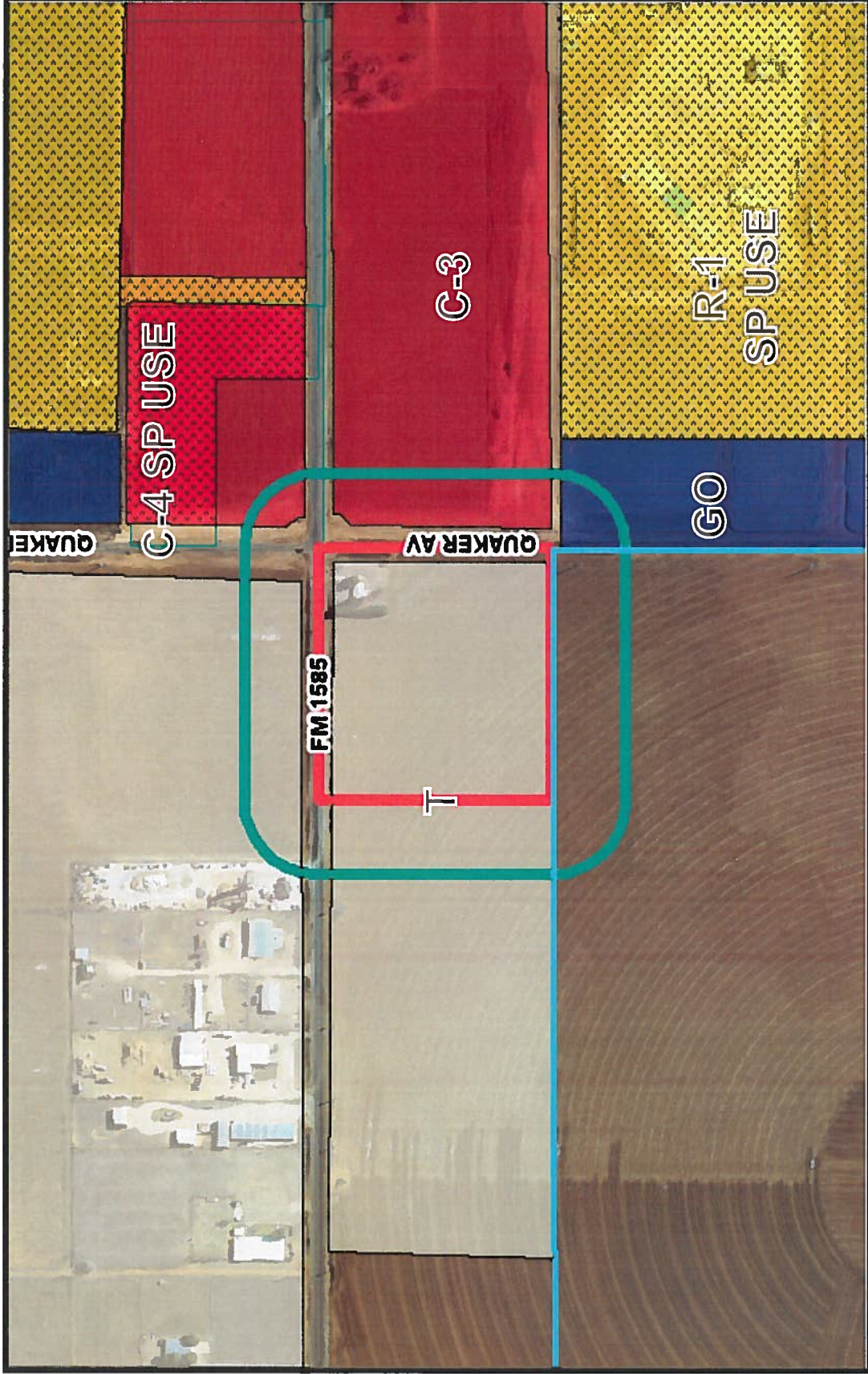
Randy Henson, Director of Planning

APPROVED AS TO FORM:

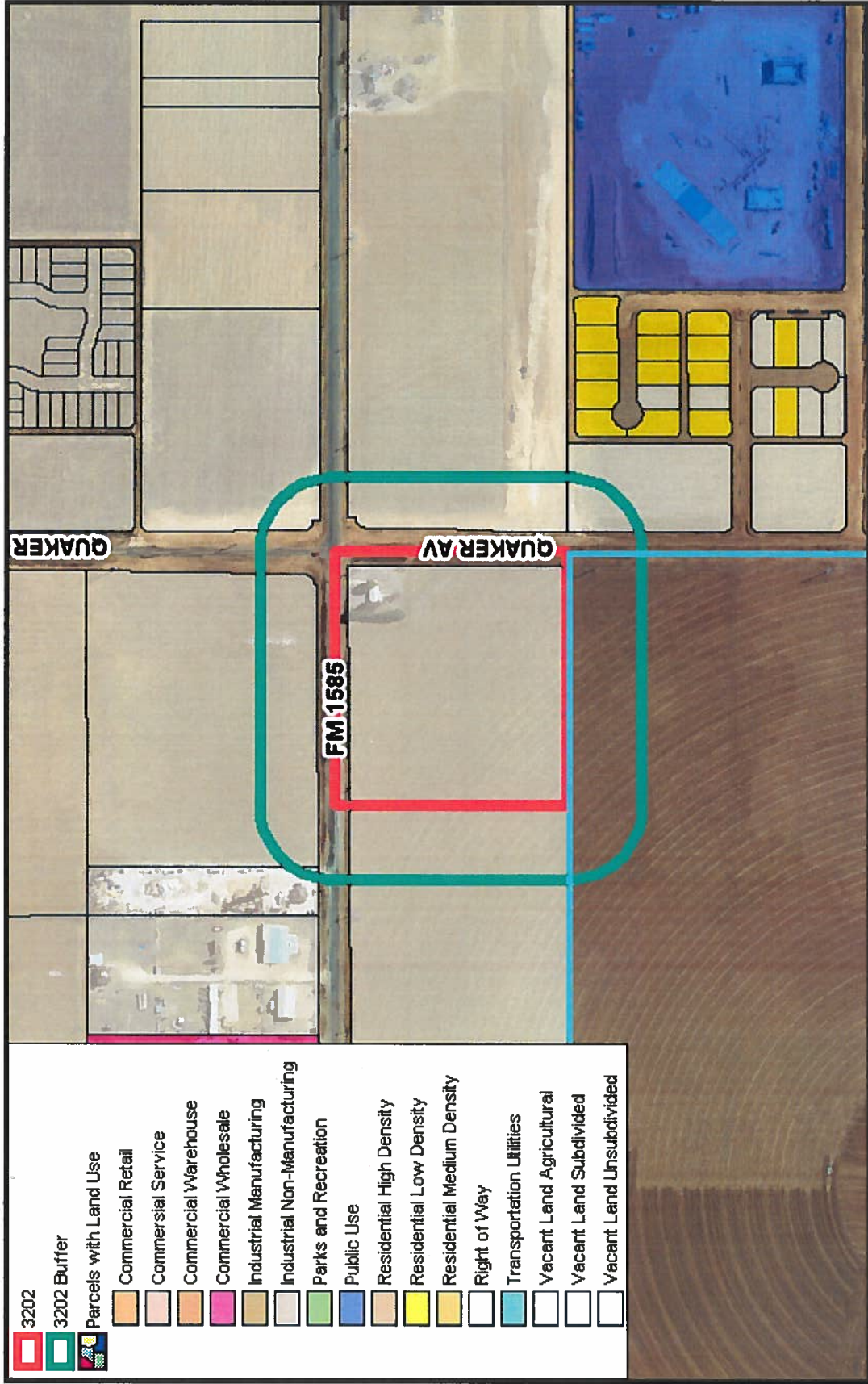


Chad Weaver
Assistant City Attorney

vw/cityatt/Chad/ZoneCase/ZC3202
February 7, 2013



P.Z.C. Case 3202 Zoning



P.Z.C. Case 3202

Request of Scott Collier (for 1585 Partners, LLC) for a zoning change from T to C-3 for retail stores, Southwest corner of 130th Street and Quaker Avenue



APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) Scott Collier
2202 Avenue E
Lubbock, TX 79404
(806) 741-1982

For 1585 Partners, LLC
2202 Avenue E
Lubbock, TX 79404
(806) 741-1982

Location or Address: SW Corner of Intersection 1585 & Quaker
Legal Description: See Attached
Existing Land Use: Ag Use Existing Zoning: Ag Use
Acreage or Square Footage of Property: 10 acres
Zoning Requested: C-3

Proposed Development: Retail/shopping

If property is not subdivided, will preliminary plat be submitted?
Applicant's Signature Date

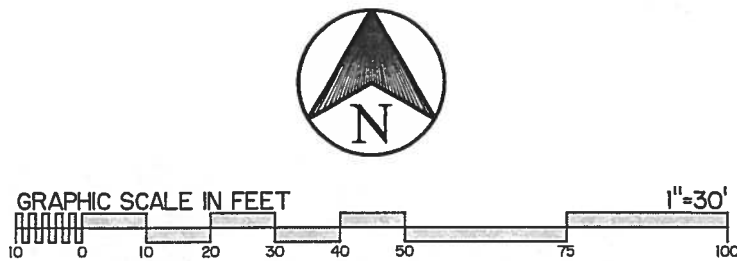
Filing Fee: \$502.00
(\$475.00 for the first acre; \$3.00 for each additional acre;
\$165 for Non-Profit)

*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.

Zone Case No.: 3203 3202
Request for zoning change from: T
Agenda No.: 9
To: C-3

on Lot(s):
Subdivision:
Address: SW corner of 130th St and Quaker ave

"ALTA/ACSM LAND TITLE SURVEY"
PERIMETER, IMPROVEMENT AND TOPOGRAPHIC SURVEY
OF A 10.833 ACRE TRACT OF LAND LOCATED IN
SECTION 5, BLOCK AK
LUBBOCK COUNTY, TEXAS



METES AND BOUNDS DESCRIPTION of a 10.833 acre tract of land out of a 615.8 acre tract as described under County Clerk File No. 2011011733 of the Official Public Records of Lubbock County, Texas, located in Section 5, Block AK, Lubbock County, Texas, being further described as follows:

BEGINNING at a "cross" hatch nail with washer set for the Northeast corner of said Section 5, Block AK and the Northeast corner of said 615.8 acre tract, same being the Northeast corner of this tract;

THENCE S. $00^{\circ}06'02''$ W., along the East line of said Section 5 and the Eastern boundary of said 615.8 acre tract, at 40.00 feet pass a "cross" hatch nail with washer set in the South right-of-way line of F.M. 1585 as described in Volume 487, Page 47 of the Deed Records of Lubbock County, Texas, continuing for a total distance of 660.00 feet to a 1/2" iron rod with cap set for the Southeast corner of this tract, from whence a found 3/4" square tube bears S. $00^{\circ}06'02''$ W. a distance of 1980.65 feet;

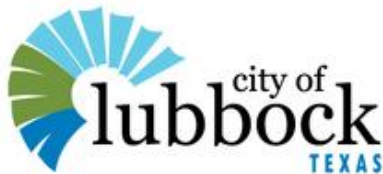
THENCE N. $89^{\circ}54'44''$ W. a distance of 715.00 feet to a 1/2" iron rod with cap set for the Southwest corner of this tract;

THENCE N. $00^{\circ}06'02''$ E. at 620.00 feet pass a 1/2" iron rod with cap set in said South right-of-way line, continuing for a total distance of 660.00 feet to a "cross" hatch nail with washer set in the North line of said Section 5 and the Northern boundary of said 615.8 acre tract for the Northwest corner of this tract;

THENCE S. $89^{\circ}54'44''$ E., along the North line of said Section 5 and the Northern boundary of said 615.8 acre tract, a distance of 715.00 feet to the Point of Beginning.

Contains: 471,900 square feet.

Bearings are relative to the North line of Section 5, Block AK, previously recognized as being S. $89^{\circ}54'44''$ E.



Regular City Council Meeting

6. 8.

Meeting Date: 02/28/2013

Information

Agenda Item

Public Hearing 6:30 p.m. - Planning: Consider a request to amend the zoning code to allow “apartments” in the CB-2 district, rather than “A-2 apartments” as currently permitted, and amend the CB-2 parking requirements to add standards for apartments and consider an ordinance.

Item Summary

Zoning Request:

Amend the zoning code to allow apartments in the CB-2 district rather than A-2 apartments as currently permitted. Amend the CB-2 parking requirements to add standards for apartments.

Planning & Zoning (P&Z) Public Hearing Notes from February 7, 2013:

The zoning code currently allows apartments as specified in the A-2 section in the CB-2 district. This creates some confusion concerning which development standards to apply for apartments proposed in the CB-2 district. Staff believes it would be appropriate to amend zoning code section 40.03.1873.4 to simply state apartments and eliminate the wording “as specified in the A-2 section.” Any apartment development in the CB-2 district would then be required to meet the development standards as found in the CB-2 district.

Staff also recommends amending zone code section 40.03.1882.a.9, which is the A-2 parking standards in the parking section of the district, to read “apartments” rather than “residential units.”

The P&Z voted unanimously to approve.

Impact on the Comprehensive Land Use Plan:

None.

Fiscal Impact

None.

Staff/Board Recommending

Planning and Zoning Commission

Quincy White, Assistant City Manager

Attachments

Ordinance - CB-2

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 40, "ZONING", ARTICLE 40.03, "DISTRICTS", DIVISION 17, "CB-2, CENTRAL BUSINESS DISTRICT, BROADWAY/13TH/MAIN, SECTION 40.03.1873, "PERMITTED USES", OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, TO ALLOW FOR APARTMENTS; CHAPTER 40, "ZONING", ARTICLE 40.03, "DISTRICTS," SECTION 40.03.1882(a)(9), "OFF-STREET PARKING REQUIREMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, TO ESTABLISH PARKING STANDARDS FOR APARTMENTS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Lubbock, Texas deems it in the best interest of the health, safety, and welfare of the citizens of Lubbock to amend the Code of Ordinances to clarify the standards applicable to apartments in the "CB-2 Central Business District" zoning district and to establish parking standards, as set forth herein;

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

SECTION 1. THAT Section 40.03.1873 subsection (4) of the Code of Ordinances, City of Lubbock, Texas, is hereby amended to read as follows:

(4) Apartments.

SECTION 2. THAT Section 40.03.1882 subsection (a)(9) of the Code of Ordinances, City of Lubbock, Texas, is hereby amended to read as follows:

(9) Apartments – One space for each efficiency unit, one and one-half (1 ½) spaces for each one bedroom unit, two (2) spaces for each unit with two (2) or more bedrooms, plus one additional space for each four (4) units in the development. Townhomes, garden homes, duplexes and single-family shall comply with the "R-1" and "R-2" parking standards.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable as provided by Section 1.01.004 of the Code of Ordinances of the City of Lubbock, Texas.

SECTION 4. THAT should any paragraph, section, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

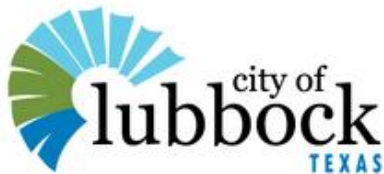


Randy Henson, Director of Planning

APPROVED AS TO FORM:



Chad Weaver, Assistant City Attorney



Regular City Council Meeting

6. 9.

Meeting Date: 02/28/2013

Information

Agenda Item

Resolution - City Council: Consider a resolution formally directing the City Manager to schedule quarterly appearances and presentations to the City Council by a representative of each of the following entities, or by the City Manager: All Tax Increment Finance (TIF) District activity in the City of Lubbock, Lubbock Power & Light, Lubbock Economic Development Alliance, Market Lubbock, Inc., Lubbock Convention & Tourism Bureau, Lubbock Sports Authority, Civic Lubbock, Inc., Lubbock Bond Advisory Committee, and City of Lubbock Audit Committee.

Item Summary

The presentations shall include, but not be limited to, financial reports, inclusive of, as applicable, detailed itemization of revenues and expenditures, incentive packages granted, debt and debt servicing, and current operations and maintenance expenses, and to the extent applicable, reports as to any findings of, or status of matters under consideration by, each entity.

The presentations shall be held at either regularly scheduled or a Special Meeting of the City Council and convene no earlier than 6:30 p.m., and no later than the second week of the month, beginning in April, 2013.

Fiscal Impact

None.

Staff/Board Recommending

Todd Klein, Councilman, District 3

Attachments

Resolution - Reporting

RESOLUTION

WHEREAS, several entities, boards and commissions, and other instrumentalities exist that advise the City Council of the City of Lubbock as to matters relating to city affairs, make recommendations as to, and implement, City of Lubbock policies, and work in tandem with the City of Lubbock to carry out properly the stated policy directives of the City Council; and

WHEREAS, the City Council of the City of Lubbock remains the ultimate authority as to the policy direction and oversight of the fiscal affairs of the municipality, and is duty-bound to the citizens and taxpayers of the City of Lubbock to ensure that city government and its mechanisms are fully transparent, and operate responsibly, efficiently, fairly, and consistently with valid public purposes; and

WHEREAS, the citizens of the City of Lubbock and their elected City Council must have accurate and complete information made available to them so that meaningful oversight of city matters can occur, and further that government and its agencies are held accountable; 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 direct the City Manager to schedule quarterly appearances and presentations to the City Council by a representative of each of the following entities, or by the City Manager, as may be applicable:

All Tax Increment Finance (TIF) District activity in the City of Lubbock,

Lubbock Power & Light,
Lubbock Economic Development Alliance,
Market Lubbock, Inc.,
Lubbock Convention & Tourism Bureau,
Lubbock Sports Authority, and
Civic Lubbock, Inc.;
Lubbock Bond Advisory Committee
City of Lubbock Audit Committee

THAT the presentations shall include, but not be limited to, financial reports, inclusive of, as applicable, detailed itemization of revenues and expenditures, incentive packages granted, debt and debt servicing, and current operations and maintenance expenses, and, to the extent applicable, reports as to any findings of, or status of matters under consideration by, each entity.

THAT the reports shall be formally presented at either a regularly scheduled or a Special Meeting of the City Council, in either case to be convened no earlier than 6:30PM, to be scheduled no later than the second week of the month, beginning in

April, 2013, to be held at City Hall or other appropriate venue, and at which comment from the public shall be invited and included on the agenda.

CONSIDERED AND APPROVED this ___ day of _____, 2013.

GLEN C. ROBERTSON, MAYOR

ATTEST:

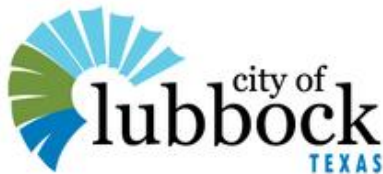
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Todd Klein, City Councilman, District 3

ms/Reso.CM Rpt & Comment
2.13.13



Regular City Council Meeting

6. 10.

Meeting Date: 02/28/2013

Information

Agenda Item

Resolution - Public Works Water Resources: Consider a resolution authorizing the Mayor to approve and adopt the 2013 Strategic Water Supply Plan for the City of Lubbock.

Item Summary

The City Council authorized and approved an initial Strategic Water Supply Plan (Plan) in July 2007. The Water Resources Department was charged with formally updating the Plan periodically and as conditions change. The goal is to provide a current “road map,” plan, and guidance document for the development and implementation of Lubbock’s water supplies over the next 100 years. The Plan refines, adds, and updates potential water supply strategies available to the City. This Plan includes examples of how groups of strategies can be packaged to meet Lubbock’s projected water demand under different scenarios. In addition, financial projections are included to demonstrate the short-term financial impact of each scenario.

The Plan will also be utilized to support the City’s position in the on-going regional water planning process. Lubbock is located within the boundaries of the Region O Water Planning Group area that was created by the State of Texas. The Region O Plan includes water management strategies for Lubbock and surrounding communities, as well as for agriculture, mining, and industry. Lubbock’s water strategies must be incorporated into the Region O Plan in order for specific strategies to become eligible for state financing opportunities. In addition, strategies in the Region O Plan will be considered more favorably by regulatory agencies during the permitting process.

This Plan is the result of a combined effort and support of the Lubbock Water Advisory Commission and City Staff.

Fiscal Impact

There is no financial impact to adopting this Plan.

Staff/Board Recommending

Marsha Reed, P.E., Chief Operating Officer
Lubbock Water Advisory Commission

Attachments

Resolution - Strategic Water Supply Plan

RESOLUTION NO. _____

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

THAT the City of Lubbock hereby approves and adopts, the Strategic Water Supply Plan of the City of Lubbock (the "Strategic Water Supply Plan"), and all related documents. Said Strategic Water Supply Plan is attached hereto and incorporated in this Resolution as if fully set forth herein and shall be included in the minutes of the Council.

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

Passed by the City Council this _____ day of _____, 2013. .

GLEN C. ROBERTSON, MAYOR

ATTEST:

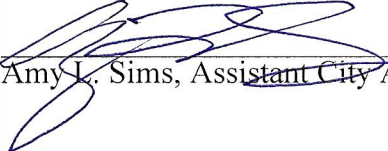
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



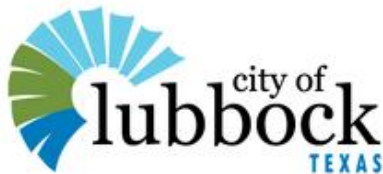
Marsha Reed, P.E., Chief Operating Officer

APPROVED AS TO FORM:



Amy L. Sims, Assistant City Attorney

as/RES.Strat.Water Supply Plan
2.13.13



Regular City Council Meeting

6. 11.

Meeting Date: 02/28/2013

Information

Agenda Item

Ordinance Amendment 1st Reading - Public Works Water Resources: Consider an amendment to the Code of Ordinances, Section 22.03.085 (6)(A), that increases the water volume rate multiplier from 1.3 to 1.5 for “wholesale” water customers located outside of the City’s corporate limits.

Item Summary

The City Code of Ordinances, Section 22.03.091, prohibits the City from providing water to individuals, businesses, agencies, and organizations that are located outside the corporate limits of the City. However, the ordinance allows the City to provide water to federal, state, and local governments as well as governmental agencies that are not within the corporate limits of the City. Governmental entities outside of the City are charged at “wholesale” water rates as defined in Section 22.03.085 (6)(A) of the Code of Ordinances unless specifically identified otherwise.

The “wholesale” water volume rate ordinance specifically indicates that governmental entities must be charged based on the same rate structure as Lubbock’s customers within the City limits with the addition of a 1.3 multiplier. The multiplier is deemed necessary to reflect the additional cost associated with developing water supplies and delivering water to entities receiving water from the City of Lubbock outside of the incorporated limits.

Over the past several months, staff has worked with the Lubbock Water Advisory Commission to develop a "standard template" for sale of water contracts to entities outside the incorporated limits. The Lubbock Water Advisory Commission (LWAC) approved a recommended template for this purpose at their February 1, 2013 meeting. As part of the recommendation, LWAC is recommending that the rate multiplier of 1.3 be increased to 1.5 to more accurately reflect the costs associated with obtaining water rights, water rights permits, developing infrastructure to transport the water to the City of Lubbock, and treat the water to Texas Commission on Environmental Quality required standards. This change will impact “wholesale” customers who are currently under contract with the City for the sale of water as their existing contracts expire and also any new sale of water contracts for future Council consideration.

If approved, staff will follow the Code of Ordinances, as well as the recommended standard template, to negotiate the best wholesale water contract for the citizens of Lubbock. As these contracts are negotiated they will go before LWAC for recommendation and approval and then to the City Council for final consideration.

Fiscal Impact

The fiscal impact associated with this ordinance modification will depend upon the volume of water used by the existing “wholesale” customers that are impacted.

Staff/Board Recommending

Marsha Reed, P.E., Chief Operating Officer
Lubbock Water Advisory Commission

ORDINANCE NO. 2013-O_____

AN ORDINANCE AMENDING CHAPTER 22 (UTILITIES) OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, BY AMENDING SECTION 22.03.085(6)(A) OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK BY REVISING THE WATER VOLUME RATE MULTIPLIER FOR WHOLESALE WATER CUSTOMERS AS CONTAINED THEREIN; PROVIDING FOR PUBLICATION; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lubbock deems it to be in the best interest of the citizens of the City of Lubbock to adjust the wholesale water rate multiplier to reflect the cost of developing water supplies and delivering water to entities receiving water from the City of Lubbock outside of the incorporated limits;

NOW THEREFORE:

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

SECTION 1: THAT Section 22.03.085(6)(A) **Water volume rate generally** of the Code of Ordinances, City of Lubbock, Texas is hereby amended to read as follows:

(6) Wholesale.

(A) The following water volume rate shall be applicable for those federal, state or local governments, governmental agencies or governmental subdivisions that are authorized to purchase water by city ordinance and enter into contracts with the city for wholesale purchases. The Block 1 volume is the amount of water used up to 100% of the average winter consumption ("AWC") of the wholesale customer, the AWC being the average volume of water used as measured by the meter reading for the months of September, October, November, December, January and February, and updated in March of each respective year; the Block 2 volume is the volume of water used in excess of the Block 1 volume up to an additional 200% of the AWC (total of Block 1 and Block 2 is equal to 300% of the AWC); and the Block 3 volume is the amount of water used in excess of the Block 1 and Block 2 volumes. For wholesale customers that do not have an AWC calculated for their service, the AWC shall be established by contract based upon the average volume of water authorized in the contract for delivery in the months of September, October, November, December, January and February. Thereafter, an AWC shall be calculated based upon the volume of water actually used as provided for in this section. Solely for the purposes of wholesale customers, the

water volume rate shall be 1.5 times the water volume rate for all other customers as set forth above, as applicable to each block.

SECTION 2. 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 as provided 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.

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

AND IT IS SO ORDERED.

Passed by the city council on first reading this ___ day of _____, 2013.

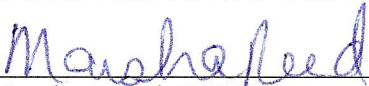
Passed by the city council on second reading this ___ day of _____, 2013.

GLEN C. ROBERTSON, Mayor


ATTEST:

Rebecca Garza,
City Secretary

APPROVED AS TO CONTENT:




Marsha Reed, P.E.
Chief Operations Officer

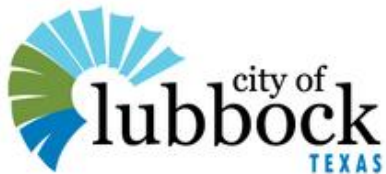


Aubrey Spear, P.E.
Director of Water Resources

APPROVED AS TO FORM:



Laura Pratt,
Assistant City Attorney



Regular City Council Meeting

6. 12.

Meeting Date: 02/28/2013

Information

Agenda Item

Board Appointment - City Secretary: Appoint the Vice Chairperson of the Lubbock Water Advisory Commission.

Item Summary

Per Resolution 2009-R0198, Section 1(2), "The City Council of the City of Lubbock shall designate...the Vice Chairperson from the appointed members of the [Lubbock Water Advisory] Commission." The Lubbock Water Advisory Commission is recommending the Council appoint George Sell as Vice Chairperson.

Fiscal Impact

None.

Staff/Board Recommending

Rebecca Garza, City Secretary

Attachments

LWAC Roster

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				Curr: 8/12/2011 - 8/1/2013	Y
Baker	Y	1802 Aberdeen		2nd: -	
Ms. Suzanne		Lubbock TX 79416		1st: 8/12/2010 - 8/1/2011	
	Y	baker4984@suddenlink.net		Fax:	
	Y	(806) 796-2588			
	Y	(806) 535-2537 CEL			
<i>E-mail baker4984@sbcglobal.net</i>					
BRAZOS RIVER AUTHORITY			ZS Brady & Co	Curr: 8/1/2012 - 8/1/2014	Y
Brady	Y	3223 23rd Street	3409 19th Street	2nd: 8/26/2010 - 8/1/2012	
Mr. Zachary		Lubbock TX 79410	Lubbock TX 79410	1st: 9/1/2008 - 8/1/2010	
	Y		(806) 771-1850	Fax: (806) 771-3750	
			CEL		
<i>E-mail zach@zsbrady.com</i>					
CANADIAN RIVER WATER			Perdue, Brandon..	Curr: 8/1/2011 - 8/1/2013	Y
Collins	Y	#2 Tuscan Villa Circle	1204 Ave R, Ste 200	2nd: 8/1/2009 - 8/1/2011	
Mr. James		Lubbock TX 79423	Lubbock TX 79401	1st: 8/1/2007 - 8/1/2009	
	Y	(806) 789-3506	(806) 744-5091	Fax: (806) 744-9953	
			CEL		
<i>E-mail jcollins@pbfc.com</i>					
HIGH PLAINS WATER			High Plains Water District	Curr: 8/1/2012 - 8/1/2014	Y
Conkwright	Y	3305 21st St	2930 Ave Q	2nd: 8/26/2010 - 8/1/2012	
Mr. James		Lubbock TX 79410	Lubbock TX 79411	1st: 8/1/2008 - 8/1/2010	
	Y		(806) 762-0181	Fax: (806) 762-1834	
	Y		CEL		
<i>E-mail jimc@hpwd.com</i>					
AT LARGE			National Sorghum Producers	Curr: 8/1/2012 - 8/1/2014	Y
Maunder	Y	4511 9th St	4201 N. Interstate 27	2nd: 8/1/2010 - 8/1/2012	
Dr. A. Bruce		Lubbock TX 79416	Lubbock TX 79403	1st: 9/1/2008 - 8/1/2010	
	Y	(806) 799-7018	(806) 749-3478	Fax: (806) 749-9002	
			CEL		
<i>E-mail texasgreenbug@aol.com</i>					

Chair/Pres: Jim Collins	Staff Liaison: Marsha Reed
Vice Chair/V.P.:	Term: 2 Years
Sec./Treasurer:	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

*** **CONFIDENTIAL INFORMATION NOT TO BE RELEASED!!** **

Last Update: 2/14/2013

Committee #98 Lubbock Water Advisory CommissionPerm./Temp. Board: **P**

	<i>Confidential</i>	<u>Home</u>	<u>Business</u>		<i>Reappt Elig.</i>
AT-LARGE			TTU-Ofc of the President	Curr: 8/1/2011 - 8/1/2013	Y
Phillips	Y	119 N Oakridge	PO Box 42005	2nd: 8/1/2009 - 8/1/2011	
Mr. Ronald		Lubbock TX 79416	Lubbock TX 79409	1st: 8/1/2007 - 8/1/2009	
	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
Rainwater	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: 8/1/2011 - 8/1/2013	Y
Sell		4703 16th St		2nd: -	
Mr. George		Lubbock TX 79416		1st: -	
		(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
Trejo	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.:
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

*** **CONFIDENTIAL INFORMATION NOT TO BE RELEASED!!** **

Last Update: 2/14/2013



Regular City Council Meeting

6. 13.

Meeting Date: 02/28/2013

Information

Agenda Item

Board Appointments - City Secretary: Consider seven appointments to the Community Development & Services Board, one appointment to the Electric Utility Board, nine appointments to the Keep Lubbock Beautiful Advisory Committee, three appointments to the North Overton TIF Reinvestment Zone Board of Directors, and three appointments to the Urban Renewal & Neighborhood Redevelopment Commission.

Item Summary

Consider seven appointments to the Community Development & Services Board, one appointment to the Electric Utility Board, nine appointments to the Keep Lubbock Beautiful Advisory Committee, three appointments to the North Overton TIF Reinvestment Zone Board of Directors, and three appointments to the Urban Renewal & Neighborhood Redevelopment Commission.

Fiscal Impact

None.

Staff/Board Recommending

Rebecca Garza, City Secretary

Attachments

RS Appointments

FEBRUARY 28, 2013 REGULAR CITY COUNCIL MEETING - BOARD & COMMISSION APPOINTMENTS

BOARD NAME	AGENDA SESSION	REQUIREMENTS	MEMBER INFO	MEMBER ATTENDANCE	RECOMMENDED ACTION & INFO (AAB ; STAFF)	SCRIPT	APPOINTEE
COMMUNITY DEVELOPMENT & SERVICES BOARD	REGULAR	DISTRICT 1	GRACE GARZA (F,H,1)	N/A	RAQUEL GONZALES (F,H,1) VOLUNTEER	CONSIDER 7 APPOINTMENTS TO THE COMMUNITY DEVELOPMENT & SERVICES BOARD	1
		DISTRICT 5	HARSHA PATEL (F,O,5)	63% (MISSED 3/8 MEETINGS IN 2012, ALL ABSENCES WERE EXCUSED)	REAPPOINT		2
		DISTRICT 2	CRAIG ROBERTSON (M,A,5)	50% (MISSED 4/8 MEETINGS IN 2012, ALL ABSENCES WERE EXCUSED)	REAPPOINT		3
		CATEGORY 3	BILLIE RUSSELL (F,AA,2)	N/A	FRANCISCO GUTIERREZ (M,H,1) RETIRED		4
		PUBLIC SECTOR	MAURICE STANLEY (M,A,3)	75%	REAPPOINT		5
		DISTRICT 6	ANDREW TOLBERT (M,AA,6)	63% (MISSED 3/8 MEETINGS IN 2012, ALL ABSENCES WERE UNEXCUSED)	KELLEN COLEMAN (M,AA,6) GOSPEL PRAISE RADIO		6
		PUBLIC SECTOR	KAREN WORLEY (F,A,4)	N/A	SUNSHINE STANEK (F,A,5) DISTRICT ATTORNEY'S OFFICE		7
ELECTRIC UTILITY BOARD	EXECUTIVE		MIKE DAVIS (M,A,5)	N/A	GREG JONES (M,A,6) PROSPERITY BANK; JOE RAPIER (M,A,3) PARKHILL, SMITH, AND COOPER; PAUL RUIZ (APPLICATION PENDING)	CONSIDER 1 APPOINTMENT TO THE ELECTRIC UTILITY BOARD	
KEEP LUBBOCK BEAUTIFUL ADVISORY COMMITTEE	REGULAR		CHARLES HARRIS (M,A,1)	N/A	DAVID ABERCIA (M,A,5) TEXAS TECH UNIVERSITY	CONSIDER 9 APPOINTMENTS TO THE KEEP LUBBOCK BEAUTIFUL ADVISORY COMMITTEE	1
			KATHRYN WOLFF-HORKEY (F,A,6)	75%	REAPPOINT		2
			MARIE MEYER (F,A,3)	50% (BEGAN SERVING IN NOV. 2012. ATTENDED NOV. AND EXCUSED FOR DEC.)	REAPPOINT		3
			ELIZABETH REGNER (F,A,4)	N/A	JOHN CLARK (M,A,6) LUBBOCK FARM BUREAU INSURANCE		4
			ALFONSO SANCHEZ (M,H,3)	88%	REAPPOINT		5
			PATSY SHARTBUTT (F,A,5)	N/A	SUZANNE KING (F,A,6) FORMER TEACHER		6
			LISA STRATTON (F,A,6)	N/A	CURTIS LANGFORD (M,A,6) BALFOUR COLLEGE DIVISION		7
			KRISTEN VANDER-PLAS (F,A,3)	75%	REAPPOINT		8
			DONNA ZARTMAN (F,A,3)	N/A	BARBARA ROBERTSON (F,A,1)		9

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NORTH OVERTON TIF REINVESTMENT ZONE BOARD OF DIRECTORS	EXECUTIVE	MUST BE 18 YEARS OF AGE AND OWN REAL PROPERTY IN THE ZONE OR BE AN AGENT OF A PERSON THAT OWNS REAL PROPERTY IN THE ZONE	STAN MAYFIELD (M,A,4)	100%	REAPPOINT	CONSIDER 3 APPOINTMENTS TO THE NORTH OVERTON TIF REINVESTMENT ZONE BOARD OF DIRECTORS	1
			DON RUSHING (M,A,4)	100%	REAPPOINT		2
			HOWARD THRASH (M,A,3)	50%			3
URBAN RENEWAL & NEIGHBORHOOD REDEVELOPMENT COMMISSION	EXECUTIVE	ENGINEER	MARCUS BORHANI (M,O,6)	N/A (APPOINTED ON DECEMBER 6, 2012)	REAPPOINT	CONSIDER 3 APPOINTMENTS TO THE URBAN DESIGN & HISTORIC PRESERVATION COMMISSION	1
			PATRICK HUNTER (M,AA,3)	N/A (APPOINTED ON AUGUST 23, 2012, AND BOARD MET ONLY ONE TIME AFTER HIS APPOINTMENT)	REAPPOINT		2
			JUANITA KIESLING (F,A,5)	80%	REAPPOINT		3
		GENERAL PUBLIC					