

First Reading

July 28, 2020

Item No. 8.2

Second Reading

August 25, 2020

Item No. 8.17

ORDINANCE NO. 2020-00098

AN ORDINANCE AMENDING CHAPTERS 36 AND 40 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, BY REPEALING SECTIONS 36.07.011 AND 36.08.006 IN THEIR ENTIRETY, AND AMENDING SECTION 40.03.3221 "PUBLIC IMPROVEMENTS" REGARDING BRICK STREETS AND ALLEYS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, at the January 28, 2020 work session of the City Council of the City of Lubbock, the City Council heard a presentation by Overland Partners, Inc. ("Overland") regarding the Downtown Master Plan Update (the "Plan"); and

WHEREAS, as a part of the Plan, Overland made specific recommendations to the City Council regarding brick streets and alleys in Downtown Lubbock; and

WHEREAS, the City considers Overland's recommendation for brick streets an important resolution to the maintenance of brick streets and alleys; and

WHEREAS, on July 9, 2020 the City Council adopted the Plan via Resolution No. 2020-R0187; **NOW THEREFORE**

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

SECTION 1. THAT Sections 36.07.011 and 36.08.006 are repealed in their entirety, and the remainder of the Articles within which they are located, shall be renumbered accordingly.

SECTION 2. THAT Section 40.03.3221(b) of the Code of Ordinances of the City of Lubbock, Texas, is amended to read as follows:

Sec. 40.03.3221 Public improvements

(b) Brick streets and alleys.

(1) Protection . In keeping with the policies outlined in Section 40.03.3213 of the City of Lubbock Code of ordinances. historic brick streets are hereby prioritized with certain protections through preservation and provisions for alteration or removal.

(A) Any portion of Broadway Avenue (between University Avenue to Avenue E) disturbed by any public or private agency for any reason must be replaced in a manner consistent with a design adopted by the City Council retaining the historic brick wherever brick is included in the adopted design. City Council shall seek input from the UDHPC, the CBD TIF Board, the City Manager, and the public prior to adopting a design.

- (B) Any portion of the following brick streets disturbed by any public or private agency for any reason shall be replaced in a manner consistent with one or more designs adopted by the City Council which shall respect the original brick aesthetics of the following streets:
- (i) Crickets Avenue (between 17th Street and Broadway Avenue);
 - (ii) Buddy Holly Boulevard (between 16th Street and 8th Street);
 - (iii) Texas Avenue (between 19th Street and 7th Street); and
 - (iv) Avenue J (between 16th Street and 9th Street).
- (C) Any portion of the brick streets disturbed by any public or private agency for any reason within the following areas must be replaced in a manner consistent with the original brick construction:
- (i) The South Overton Residential Historic District, and in keeping with the Historic District requirements as set forth in Ordinance 2011-00072;
 - (ii) 20th Street (between Boston Avenue and Avenue X); and
 - (iii) Main Street (between University Ave and Ave Q).
- (D) All other brick streets disturbed for any reason, other than utility repairs, may be replaced by asphalt, concrete or brick in a manner consistent with Article 36.04 of this Code of Ordinances upon review and approval by the City Manager. In making his/her determination, the City Manager shall consult with the UDHPC, and shall consider the following:
- (i) Adjacent to historic or potentially historic buildings;
 - (ii) Majority of the brick surface intact;
 - (iii) Importance to community history;
 - (iv) Importance to downtown redevelopment efforts; and

- (v) Structural condition/indications for long-term stability.
- (2) Review. Review and approval of requests for removal or reconstruction should be conducted prior to project bid, and must be completed before removal or reconstruction can begin. Any contractor or department wishing to remove or alter a brick street surface must submit complete plans to the City Manager, or designee, for approval.
- (3) Appeal. Any applicant or interested person aggrieved by a ruling of the City Manager shall appeal to the City Council of the City of Lubbock within thirty (30) days of the City Manager's decision.
- (4) City Property. Any bricks removed from any street or alley, whether through repair, reconstruction or removal, are the property of the City of Lubbock and must be returned to the Streets Department.
- (5) Repair. Any utility cuts or other disturbances to brick street surfaces must be repaired in a manner consistent with current construction of the street as outlined in Sections 36.05.002 through 36.05.004 of this Code of Ordinances.
- (6) Exceptions. The following bricks are not subject to the requirements of this section other than subsection (4) above:
- (A) Any portion of a brick street intersection disturbed and/or removed for construction of new crosswalks in compliance with the Americans with Disabilities Act (ADA);
 - (B) Construction related to stormwater drainage valley gutters; or
 - (C) Existing brick alleys, which may be replaced by asphalt, concrete or brick in a manner consistent with Article 36.04 of this Code of Ordinances upon review and approval by the City Manager.

SECTION 3. THAT a violation of any provision of this Ordinance shall be deemed a misdemeanor punishable in accordance with state law and Section 1.01.004 of the Code of Ordinances of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or work 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.

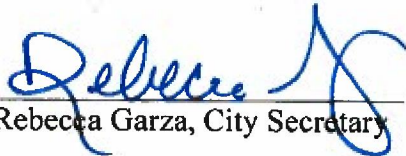
Passed by the City Council on first reading this 28th day of July,
2020.

Passed by the City Council on second reading this 25th day of August,
2020.



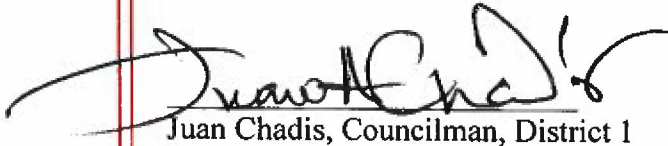
DANIEL M. POPE, MAYOR

ATTEST:



Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Juan Chadis, Councilman, District 1



Jeff Griffith, Mayor Pro Tem

APPROVED AS TO FORM:



Kelli Leisure, Assistant City Attorney

ccdocs//AS PASSED_Brick Streets Sub
08.19.20