

**CITY OF LUBBOCK**  
**REGULAR CITY COUNCIL MEETING**  
**April 14, 2005**  
**7:30 A. M.**

**The City Council of the City of Lubbock, Texas met in regular session on the 14th day of April, 2005, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.**

**7:32 A. M. CITY COUNCIL CONVENED**  
**City Council Chambers, 1625 13th Street, Lubbock, Texas**

**Present: Mayor Marc McDougal, Mayor Pro Tem Tom Martin, Council Member Gary O. Boren, Council Member Linda DeLeon, Council Member Jim Gilbreath, Council Member Phyllis Jones, Council Member Floyd Price**

**Absent: No one**

**CITIZEN COMMENTS**

Citizen who expressed comments to the Council were:

D.J. Attebury spoke about "Ice Cold Technology". He introduced Dennis Duncan, owner of Duncan Heating and Air Conditioning, who further explained the concepts of "Ice Cold Technology", which is a refrigerant that gives the air conditioning system a 73% better heat exchange.

David Braune, Chief Operating Officer of Scott Tractor & Equipment, Inc. addressed Council regarding Item #45 on today's agenda and why the company was denied the contract with Fleet Services. Mayor McDougal asked Mike Arismendez, Assistant to the City Council, to get with Mr. Braune and Victor Kilman, Purchasing Manager, and try to answer questions for Mr. Braune. The Mayor also explained to Mr. Braune that Council could not address this issue until Regular Session reconvened and asked that he be present.

Charlie Gibbs with Cool Breeze Air Conditioning, Heating, and Commercial Refrigeration addressed the Council regarding Item #35 on today's agenda and why, after being the overall lowest bidder, they were denied the contract with Community Development. Mayor McDougal asked Mike Arismendez, Assistant to the City Council, to get with Mr. Gibbs and Victor Kilman, Purchasing Manager, to try and answer questions for Mr. Gibbs. The Mayor also explained to Mr. Gibbs that Council could not address this issue until Regular Session convened and asked that he be present.

**EXECUTIVE SESSION**

**Mayor McDougal stated: “City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation; personnel matters; competitive matters of the public power utility; commercial or financial information from an economic development business prospect seeking to locate, stay, or expand in or near Lubbock as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law.”**

**7:43 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION  
City Council/City Manager’s Conference Room**

**All council members were present.**

- (1) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071(1)(A), to discuss pending or contemplated litigation (Cemetery; Code Enforcement; Fire; Overton; Police; Water Utilities).**
- (2) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters (City Attorney; City Manager; City Secretary) and take appropriate action.**
- (3) Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**

**to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**

**to discuss and deliberate a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**

**to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

- (4.) **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.087 to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations (Civic Lubbock Inc.; Overton Park).**

**9:50 A. M. CITY COUNCIL REGULAR MEETING RECONVENED  
City Council Chambers**

**Present:** Mayor Marc McDougal; Mayor Pro Tem Tom Martin; Council Member Gary O. Boren; Council Member Linda DeLeon; Council Member Jim Gilbreath; Council Member Phyllis Jones; Council Member Floyd Price; Lou Fox, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

**Absent:** No one

**Mayor McDougal called the meeting to order at 9:50 A. M.**

**Invocation by Pastor Danny Willis, Central Baptist Church**

**Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.**

**BOARD APPOINTMENTS RECOGNITION**

Animal Shelter Advisory Committee  
Receiving: Billy Moton (unable to attend)  
Fred Sanderson

Community Relations Task Force  
Receiving: Rachel Clark

Keep Lubbock Beautiful Advisory Committee  
Receiving: Penny Mason  
James Leatherwood  
Alex Torres

Water Board of Appeals  
Receiving: Ron Bales  
Russ Plowman (unable to attend)  
Andy Cates

**CITIZEN APPEARANCES**

- (5.) **Presentation of a special recognition to Tennis Pro Kathy Vick for representing Lubbock through her outstanding performances in tournaments all over the world.**

Mayor McDougal read a special recognition to Tennis Pro Kathy Vick who holds the 2000 and 2004 National Senior Player of the Year titles. She has put Lubbock on the map, nationally and internationally, through her dedication to playing, and to her coaching tennis at Hillcrest Country Club in Lubbock, Texas. She has also played in Holland, Sweden, Germany, Argentina, England, Australia, and Austria. The Mayor encouraged all citizens to join in congratulating and thanking her for her outstanding achievements and representation of Lubbock.

- (6.) **Presentation of a special recognition to Team Endorphins for raising money for the Boy's and Girl's Club.**

Mayor McDougal presented a special recognition to Team Endorphins for raising money for the Boy's and Girl's Clubs. Team Endorphins consist of Guy Wells, M.D., renown Lubbock cardiologist, and Shanna Armstrong, World Class Elite Tri-athlete and 2003 Women's Ultra-Man Champion. Both Wells and Armstrong will compete in the ten-day, 3000 mile inside race across America, which is the longest cycling event in the world. They will also be donating all their pledges and winnings to the Boy's and Girl's Club of Lubbock. The Mayor encouraged all citizens to support Wells and Armstrong as they meet the challenge to go the distance for the youth of Lubbock.

- (7.) **Presentation of a special recognition to the Trinity High School Girls Basketball Team for winning the State tournament this year.**

**This item was deleted.**

- (8.) **Presentation of a proclamation designating the week of April 11-15, 2005 as National Library Week.**

Jane Clausen, Librarian, and Margaret Ingraham, Library Board Secretary, joined Mayor McDougal as he presented a proclamation to designate the week of April 11-15, 2005 as National Library Week. The Mayor encouraged all citizens of Lubbock to thank both Librarians and Library Staff for providing valuable services and making information accessible to all who walk through library doors.

- (8A.) **Presentation of a proclamation celebrating the 37th Anniversary of the passage of the U. S. Fair Housing Law.**

Linda Gaither, representing the Lubbock Association of Realtors, joined Mayor McDougal as he presented a proclamation to celebrate the 37<sup>th</sup> Anniversary of the passage of the U.S. Fair Housing Law, which was passed April 11, 1968. This law enunciated a national policy of fair housing without regard to race, color, creed, national origin, sex, family status or handicap. The Lubbock Association of Realtors is committed to fostering secure and diverse communities, addresses discrimination in our community, supports programs that will educate the public, and plans partnership efforts with other organizations to help assure that every citizen has access to fair housing opportunities. The Mayor proclaimed April 2005 as Fair Housing month in Lubbock and urged all citizens to recognize its importance throughout the year. Gaither gave comments and thanked the Mayor and Council on behalf of the Lubbock Association of Realtors.

**(8B.) Presentation of a special recognition to the Lubbock March of Dimes for Walk America 2005.**

Mayor McDougal presented a special recognition to the Lubbock March of Dimes for Walk America 2005, and to commemorate April 30, 2005 as March of Dimes Walk America Day. He also encouraged all citizens to participate in this event to insure that future generations receive the healthy start in life that every individual deserves. Appearing on behalf of the March of Dimes were Chris Galban and Delia Case, Director of the Lubbock Chapter. The Mayor also stated that some City employees are wearing blue jeans today because they purchased a March of Dimes button.

**CONSENT AGENDA (Items 9-15, 19-21, 25-31, 36-39)**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to approve Items 9-15, 19-21, 25-31, 36-39 on consent agenda as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**( 9.) Approval of Minutes: March 24, 2005  
Regular City Council Meeting**

**(10.) ORDINANCE NO. 2005-00035—Abandoning and closing a temporary drainage easement located in Section 21, Block AK, Lubbock County, Texas (west of Frankford Avenue, north of 114th Street) (*Right-of-Way*) (*second and final reading*).**

This ordinance abandons and closes a 52-foot wide drainage easement located north of 114th Street and approximately 513 feet west of Frankford Avenue in Section 21, Block AK. This ordinance was read for the first time as a routine consent agenda item at the March 24 City Council meeting.

**FISCAL IMPACT:**

None.

The Right-of-Way Department recommended approval of the second reading of this ordinance.

- (11.) **ORDINANCE NO. 2005-O0036—Abandoning and closing a 5-foot Lubbock Power and Light underground utility easement located in Lot S, Time’s Square Addition to the City of Lubbock (2809 74th Street) (*Right-of-Way*) (*second and final reading*).**

This ordinance abandons and closes a 5-foot LP&L underground utility easement located along the east five feet of Lot S, Time’s Square Addition. This ordinance was read for the first time as a routine consent agenda item at the March 24 City Council meeting.

**FISCAL IMPACT:**

None.

The Right-of-Way Department recommended approval of the second reading of this ordinance.

- (12.) **ORDINANCE NO. 2005-O0037—Creating a Junk Vehicle Compliance Board and amending Section 16-376 of the Code of Ordinances to allow the public hearings regarding removal of junk vehicles to be heard by this Board (*Police/Codes Enforcement*) (*second and final reading*).**

- (13.) **ORDINANCE NO. 2005-O0038—Amending the FY 2004-2005 Budget (Amendment #8) (*Finance*) (*second and final reading*).**

**FISCAL IMPACT:**

1. Adopt the re-evaluated Capital Improvement Program budget:

At the March 4th City Council meeting Jeff Yates, Director of Fiscal Policy and Strategic Planning, presented the re-evaluated Capital Improvement Program budgets for several funds. Input from the City Council was received and incorporated into this CIP budget.

2. Accept and appropriate a grant from the Texas Department of Human Services to fund the Summer Food Service Program:

Funding will be awarded in the amount of \$58,377. This is a change of \$8,653 from the first reading. This new amount includes operational and administrative costs. Lunch is provided to children during the summer months at several elementary schools and community centers.

The grant provides citizen services without negatively impacting the General Fund.

Staff recommended approval of the second reading of the ordinance.

- (14.) **ORDINANCE NO. 2005-O0039—ZONE CASE NO. 3032 (north of Erskine Street and east of North Milwaukee Avenue): Consider the request of Mark G. Anderson (for Wilshire Estates, LLP) for a zoning change from T to R-1 Specific Use for town homes, garden homes, and reduced setbacks on 51.3 acres of unplatted land out of Section 7, Block JS (*second and final reading*).**
- (15.) **ORDINANCE NO. 2005-O0040—ZONE CASE NO. 3033 (southwest corner of Wausau Avenue and Brownfield Highway-US 62/82): Consider the request of Hugo Reed and Associates, Inc. (for White Hatters, LP) for a zoning change from T to IHC on Tracts A, B, and C, West Ridge Commercial Park Addition (*second and final reading*).**

The next items considered were Item 19-21.

Items 16-18 were considered following Item 39.

- (16.) **Resolution No. 2005-R0151 authorizing the Mayor to execute a street-use license with Texland Petroleum, Inc., for the use of a portion of Municipal Drive just east of Martin Luther King, Jr. Boulevard adjacent to Lot 1, Allen Industrial Park Addition to construct and maintain an underground oil flow line (2802 Municipal Drive) (*Right-of-Way*).**

**This item was moved from consent agenda to regular agenda and considered following Item 39.**

Texland is drilling a new well just south of Municipal Drive and east of Martin Luther King, Jr. Boulevard. They have an oil tank battery on the north side of Municipal Drive and need to construct an underground oil flow pipeline from the new well to the tank battery and will have to cross Municipal Drive. This street-use license will allow them to do this. This street-use license will be for 20 years, payable every five years in advance. The City will receive \$50 per year or \$250 for each five-year period.

**FISCAL IMPACT:**

Revenue to the City of \$50 per year.

The Right-of-Way Department recommended approval of this resolution.

Ed Bucy, Right-of-Way Agent, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0151 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (17.) **Resolution No. 2005-R0152 authorizing the Mayor to execute an amendment to the agreement with Lynn Sherman for professional services, and acknowledging the assignment of the legislative consulting contract to Winstead Consulting Group, LLC and authorizing additional services related to the protection of the City of Lubbock's current and future water resources (*Water Utilities*).**

**This item was moved from consent agenda to regular agenda and considered following Item 16.**

This resolution authorizes an amendment to the existing contract with Lynn Sherman. The current agreement with Mr. Sherman, authorized by Council action on January 13, 2005, retains his services for lobbying the Texas State legislature on water related issues on behalf of the City of Lubbock. This contract has been assigned to Winstead Consulting Group, LLC. This contract before Council acknowledges this assignment of legislative consulting to Winstead Consulting Group, LLC and authorizes additional consulting services related to the strategic implementation of directives and recommendations of the City Council and the City's Water Advisory Board on the City's Strategic Water Plan and other water resource related master plans, negotiations with the Brazos River Authority, negotiations regarding water supplies and their development, development of water and wastewater infrastructure, and the transfer of any water supply related permits. The term of this agreement is from March 1, 2005 to December 31, 2005.

The Water Advisory Commission recommended the City retain both the Winstead Consulting Group LLC and Winstead Sechrest & Minick, PC.

**FISCAL IMPACT:**

Winstead Consulting Group, LLC will charge a flat fee of \$3000 per month plus expenses and regular charges for the above services. Funding is expected to be from \$40,000 of unused funds in Water Utilities

Engineering (6211) that had previously been designated for a Pro Rata Study.

Staff seeks Council directive.

Consensus was to consider Item 17 and 18 together.

Anita Burgess, City Attorney, gave comments and answered questions from Council members. She also explained the roles and responsibilities of Lynn Sherman, consultant with Winstead Consulting Group, LLC and Winstead Sechrest & Minick, PC.

Mayor Pro Tem Martin indicated that he would like to amend the contract with Winstead Consulting Group LLC to state Lynn Sherman will receive direction from the Mayor and/or Deputy City Manager.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass Resolution No. 2005-R0152 with amendment to the contract with Winstead Consulting Group LLC to state that Lynn Sherman will receive direction from the Mayor and/or Deputy City Manager. Motion carried: 6 Yeas, 1 Nay.

Council Member DeLeon voted Nay.

- (18.) **Resolution No. 2005-R0153 authorizing the Mayor to execute an agreement with Winstead Sechrest & Minick PC for legal services related to the consulting services being provided by Winstead Consulting Group, LLC for the protection of the City of Lubbock's current and future water resources (*Water Utilities*).**

**This item was moved from consent agenda to regular agenda and considered following Item 17.**

This resolution authorizes the Mayor to sign an agreement with Winstead Sechrest & Minick PC for legal services related to the consulting services performed by Mr. Lynn Sherman of Winstead Consulting Group, LLC.

These legal services are anticipated to include work involving the City's water and wastewater systems, the City's Strategic Water Plan, and subsequent master plans and engineering studies. Specifically, the firm would assist with negotiations with the Brazos River Authority and other water users and purveyors (wholesale and retail) in the region, negotiations regarding water supplies and their development, the development, financing, construction, and operation of water and wastewater infrastructure, and the transfer of any water supply related permits.

The Water Advisory Commission recommended the City retain both the Winstead Consulting Group LLC and Winstead Sechrest & Minick, PC.

**FISCAL IMPACT:**

The fees for the work will be based on the firm's hourly rate.

Staff seeks Council directive.

Anita Burgess, City Attorney, gave comments and answered questions from Council members. She also explained the roles and responsibilities of Lynn Sherman, consultant with Winstead Consulting Group, LLC and Winstead Sechrest & Minick, PC.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0153 as amended. Motion carried: 6 Yeas, 1 Nay.

Council Member DeLeon voted Nay.

**The next items considered were Items 22-24.**

**Items 19-21 were considered following Item 15.**

- (19.) **Resolution No. 2005-R0137 authorizing the Mayor to execute a contract authorizing the El Paso Fire Department to utilize the Lubbock Fire Department Airport Rescue Fire Fighter Training Facility (*Fire Department*).**

As required by CFR-139, all firefighters assigned to airport fire protection duties are required to have an annual "hot drill". The "hot drill" consists of extinguishing aircraft fires by both handline and apparatus application of extinguishing agent. The El Paso Fire Department wishes to contract with the City of Lubbock to utilize our existing Airport Rescue Fire Fighter (ARFF) Training facility.

The execution of this contract will allow El Paso to use our facilities.

**FISCAL IMPACT:**

This contract will generate revenue in the amount of \$250 per student. The El Paso Fire Department is expected to train approximately 43 firefighters, over a six-day period, generating gross revenues of approximately \$10,750. The net revenues after fuel, chemical agent, and personnel costs are deducted will be used to offset the cost of training of Lubbock ARFF firefighters and assist with the maintenance of the ARFF training facility.

Staff recommended approval of this resolution.

- (20.) **Resolution No. 2005-R0138 authorizing the Mayor to execute a contract authorizing the Phoenix Fire Department to utilize the Lubbock Fire Department Airport Rescue Fire Fighter Training Facility (*Fire Department*).**

As required by CFR-139, all firefighters assigned to airport fire protection duties are required to have an annual “hot drill”. The “hot drill” consists of extinguishing aircraft fires by both handline and apparatus application of extinguishing agent. The Phoenix Fire Department wishes to contract with the City of Lubbock to utilize our existing Airport Rescue Fire Fighter (ARFF) Training facility.

The execution of this contract will allow Phoenix to use our facilities.

**FISCAL IMPACT:**

This contract will generate revenue in the amount of \$250 per student. The Phoenix Fire Department is expected to train approximately 120 firefighters, over a six-day period, generating gross revenues of approximately \$30,000. The net revenues after fuel, chemical agent, and personnel costs are deducted will be used to offset the cost of training of Lubbock ARFF firefighters and assist with the maintenance of the ARFF training facility.

Staff recommended approval of this resolution.

- (21.) **Resolution No. 2005-R0139 authorizing the City Manager to execute the Pledge Agreement by and between the City of Lubbock and the Federal Reserve Bank (*Finance*).**

The attached resolution is to approve a Pledge Agreement with the Federal Reserve Bank of Boston to approve certain City employees to authorize transactions relating to the collateral, held by the Federal Reserve Bank of Boston as a third party, that secures the City of Lubbock’s deposits with Wells Fargo Bank.

**FISCAL IMPACT:**

There is no fiscal impact.

Staff recommended approval of this resolution.

**The next items considered were Items 25-31.**

- (22.) **Resolution No. 2005-R0154 amendment to Resolution #2005-R0126 authorizing the reimbursement of costs associated with the purchase of equipment from the proceeds of a tax-exempt master lease-purchase obligation (*Finance*).**

**This item was moved from consent agenda to regular agenda and considered following Item 18.**

On December 16, 2004 the City Council approved and entered into a Master Lease-Purchase Agreement with Frost National Bank. The Master Lease-Purchase Agreement provides funding to finance the City's general equipment needs. The agreement is a financial instrument that enables the City to use annual tax revenue streams to make payments for essential use equipment at lower, tax-exempt interest rates. Under this agreement the City will finance various pieces of equipment acquired at different times over the term of the agreement.

As these items are received at various times, with multiple payment term requirements by each vendor, the City needs a way to streamline the payment of these items. Upon passage of this resolution, the City will pay each vendor as each invoice comes due. Following payment of these invoices, the City will submit a request to Frost National Bank for reimbursement of those expenses.

Due to the tax-exempt status of this financing arrangement the City must pass a "reimbursement resolution" in order to request reimbursement from Frost National Bank for these prior expenditures.

On March 24, 2005 the City Council approved Resolution #2005-R0126 authorizing the reimbursement of costs associated with the purchase of equipment from the proceeds of a tax-exempt master lease-purchase obligation in an amount not to exceed \$10 million. The amount of equipment that is to be financed through the master lease-purchase obligation is currently expected not to exceed \$12.5 million. This amendment raises the amount of the reimbursement resolution from \$10 million to \$12.5 million.

**FISCAL IMPACT:**

This resolution allows reimbursement of authorized costs incurred in advance of the issuance of master lease-purchase financing in order that the equipment may be purchased within prescribed timeframes. The reimbursement of costs associated with the property listed on the attached Exhibit A will not exceed \$12,500,000.

Staff recommended approval of this resolution.

Lee Ann Dumbauld, Chief Financial Officer, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Martin to pass Resolution No. 2004-R0154 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

- (23.) **Resolution No. 2005-R0155 declaring expectation to reimburse expenditures for costs of public works projects in the North Overton Area Tax Increment Financing Reinvestment Zone with proceeds of future debt in an amount not to exceed \$11,500,000 (*Finance*).**

**This item was moved from consent agenda to regular agenda and considered following Item 22.**

The City plans to issue tax exempt obligations to finance the costs of public works projects in the North Overton Area Tax Increment Financing Reinvestment Zone for the purpose of street improvements including land acquisition, drainage, utilities, signage, lighting, curbs, gutters, landscaping, park improvements, and storm sewer improvements (public works).

Prior to the issuance of these obligations, the City will make expenditures for the projects from existing funds on hand, and it is the intent of the City to reimburse such funds with the proceeds of sale of such obligations.

The bond proceeds are expected to be delivered within the 2004-2005 fiscal year. The City must declare its intent to reimburse bond-funded construction costs that are incurred prior to the bond issuance for the costs to be eligible for reimbursement with bond proceeds.

**FISCAL IMPACT:**

This resolution allows reimbursement of authorized costs incurred in advance of the bond issuance in order that the projects may be completed within prescribed timeframes. Staff recommended approval of this resolution to reimburse no more than \$11,500,000.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0155 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused on this item.

- (24.) **Resolution No. 2005-R0156 authorizing the Mayor to execute the necessary contract for customized library services with Baker and Taylor, Inc. of Charlotte, North Carolina (*Libraries*).**

**This item was moved from consent agenda to regular agenda and considered following Item 23.**

Baker and Taylor, Inc., a vendor on the State of Texas contract list, has been providing customized library services since 1989. Baker and Taylor's first client for cataloging services was Houston Public Library, which remains one of its largest cataloging customers.

Under this proposal, Baker and Taylor will provide the Lubbock Public Library with the following services for \$3.85 per unit: copy cataloging, item linking, mylar book jackets taped to all books with dust covers, spine labels, barcode labels, 3M theft detection strips, and other appropriate labels. The Library currently pays \$1.60 per book for theft detection strips and mylar jackets.

A recent study by consultants from the West Texas Library System determined that it cost \$7.63 per unit for the Library staff to provide the same services. Contracting with Baker and Taylor for processing of library materials will reduce the time for new books to be shelf ready from six months to one month from the date the order is placed.

Approximately 85% of new library materials are ordered from Baker and Taylor. Most multimedia, donated items, and locally purchased items will be cataloged and processed by the Library staff. The Library staff has been streamlining ordering procedures and identifying larger discounts for materials so the impact on number of items purchased will be minimal.

**FISCAL IMPACT:**

Funds for this project are available in 5214.9247.

Staff recommended approval of this resolution.

Jane Clausen, Director of Libraries, answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0156 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**The next items considered were Items 32-35.**

**Items 25-31 were considered following Item 21.**

- (25.) **Resolution No. 2005-R0140 authorizing the Mayor to settle any and all claims under claim #05-C-007, relating to an automobile collision, in the amount of \$135,000 (*Risk Management*).**

Claim #05-C-007 relates to an automobile collision on October 9, 2004.

**FISCAL IMPACT:**

The settlement of this claim will come from the Risk Fund.

Staff recommended the settlement of claim #05-C-007.

- (26.) **Resolution No. 2005-R0141 authorizing Citibus to purchase Low Floor Paratransit Vans from Lasseter Bus and Mobility (*Citibus*).**

Citibus wishes to replace 16 of its paratransit vehicles. This will enable Citibus to continue the provision of curb-to-curb public transportation services to disabled citizens in Lubbock.

At least 14 of Citibus' current fleet of 24 vans have exceeded their useful life (lifetime mileage). Citibus also expects service levels on CitiAccess to increase due to State transportation coordination efforts. Twelve of these vehicles will be standard paratransit vehicles; the remaining four will include additional equipment, such as headsigns and stop-request equipment, so that the vehicles can also be used for fixed route service.

Price per vehicle:

Basic paratransit vans (12 each)	\$111,277 each
Vans with additional equipment (4 each)	\$123,239 each

Citibus intends to piggyback on available options from the City of Longview in order to expedite the delivery of these vehicles. The City of Longview has agreed to release the options for Citibus. The total purchase price of these vehicles will be \$1,828,280. Of this amount, \$1,517,742 will be provided by Federal Transit Administration funds and \$310,538 will be a local match. The federal funding was made available from a Congressional earmark.

The City of Longview followed procurement requirements in accordance with State guidelines.

**FISCAL IMPACT:**

The funding for these buses comes from Federal Section 5309 funds and local match funds that are already included in the Citibus budget. No additional funds are required.

Citibus recommended approval of this resolution.

- (27.) **Resolution No. 2005-R0142 authorizing the Citibus General Manager to execute a Federal Transit Administration Job Access and Reverse Commute Program Grant (Project #TX-37-X037-00) (Citibus).**

The Federal Transit Administration has allocated \$349,913 to the City of Lubbock/Citibus for a Job Access and Reverse Commute Program Grant. At this time, a total of \$267,179 is available. The grant will be amended when the remaining amount is released. The Jobs Access Reverse Commute Program is designed to provide public transportation to employment, especially entry-level jobs. This grant will fund Route 25 (East/West Express), Route 4 (82nd Street/South Plains Mall), Route 11 (Frankford Avenue/South Plains Mall), the Evening Service, and Saturday service.

Federal Transit Administration regulations require that all grants be applied for and executed electronically. Citibus requests the Mayor allow John Wilson, Citibus General Manager, to execute this grant once approved by City Council.

**FISCAL IMPACT:**

The match required for this grant is already included in the Citibus budget. Acceptance of this grant will result in no additional cost to the City.

Citibus recommended approval of the resolution.

- (28.) **Resolution No. 2005-R0143 authorizing the Citibus General Manager to execute a Federal Transit Administration Job Access and Reverse Commute Program Grant (Project #TX-37-X036-00) (Citibus).**

The Federal Transit Administration has allocated \$227,990 to the City of Lubbock/Citibus for a Job Access and Reverse Commute Program Grant. The Job Access Reverse Commute Program is designed to provide public transportation to employment, especially entry-level jobs. This grant will fund Route 25 (East/West Express), Route 4 (82nd Street/South Plains Mall), Route 11 (Frankford Avenue/South Plains Mall), the Evening Service, and Saturday service. These funds were approved in FY 2004 but were not applied for until the current fiscal year.

Federal Transit Administration regulations require that all grants be applied for and executed electronically. Citibus requests the Mayor allow John Wilson, Citibus General Manager, to execute this grant once approved by City Council.

**FISCAL IMPACT:**

The match required for this grant is already included in the Citibus budget. Acceptance of this grant will result in no additional cost to the City.

Citibus recommended approval of the resolution.

- (29.) **Resolution No. 2005-R0144 authorizing the Citibus General Manager to execute a Federal Transit Administration FY 2005 Section 5309 Discretionary Grant (Project #TX-37-0266-00) (Citibus).**

The Federal Transit Administration has allocated \$3,205,512 to the City of Lubbock/Citibus as part of a Section 5309 Discretionary Grant, #TX-03-0251-00. At this time, \$2,597,394 is available. The grant will be amended when the total funds are available. The funds will be used to purchase expansion buses, vans, and replacement paratransit vans. An increase in the Citibus fleet is necessary to provide expanded service on the Texas Tech campus; the new vehicles, however, are scheduled to be placed in service on the fixed routes rather than on campus. The paratransit vans will be replacements for vehicles that have exceeded their Federally-mandated useful life. In addition, this grant includes the purchase of four accessible mini-vans that will be used in paratransit service.

Federal Transit Administration regulations require that all grants be applied for and executed electronically. Citibus requests the Mayor allow John Wilson, Citibus General Manager, to execute this grant once approved by City Council.

**FISCAL IMPACT:**

This grant is 83% Federal funds and 17% local share. The local share is already included in the Citibus budget and no additional funds are required.

Citibus recommended approval of the resolution.

- (30.) **Resolution No. 2005-R0145 authorizing the Citibus General Manager to execute a Federal Transit Administration Section 5307 Grant (Project #TX-90-X660-00) to provide operating, capital, and planning assistance for FY 2005 (Citibus).**

Citibus has electronically applied for and has been allocated a Federal Transit Administration Section 5307 Grant (Project #TX-90-X660-00) for FY 2005 in the amount of \$1,939,424 (federal funds). At this time, a total of \$1,724,873 in Federal funds is available. The grant will be amended when the remaining amount becomes available. This is a routine grant that Citibus receives on an annual basis. The Lubbock Public Transit Advisory Board has approved the FTA Section 5307 grant and it has been included into the FY 2005 budget, as previously approved by City Council. The funds for this grant will be used for operating assistance, preventive maintenance, ADA paratransit, miscellaneous support equipment, planning assistance, and bus shelters

Federal Transit Administration regulations require that all grants be applied for and executed electronically. Citibus requests the Mayor allow John Wilson, Citibus General Manager, to execute this grant once approved by City Council.

**FISCAL IMPACT:**

The match required for this grant is already included in the Citibus budget. Acceptance of this grant will result in no additional cost to the City.

Citibus recommended approval of the resolution.

- (31.) **Resolution No. 2005-R0146 authorizing the Mayor to sign an application, and all related documents, for the 2005 Summer Food Service Program for children funded by the Texas Health & Human Services Commission (*Parks and Recreation*).**

The City of Lubbock Parks and Recreation Department is requesting pass-through funds through the Texas Health & Human Services Commission from the United States Department of Agriculture. The City has participated in the Summer Food Program for the past 14 years with positive results.

The program provides a nutritional noon meal for children ages 1 through 18 each weekday, beginning May 31 and ending August 5, 2005. Any child is able to participate in the Summer Food Program and receive a free meal at Maggie Trejo, Mae Simmons, and Copper Rawlings Community Centers. Other locations include Bean Elementary, Guadalupe Neighborhood Center, Parkway Neighborhood Center, Ramirez Elementary, and the PHEA Branch of the Boys and Girls Club.

Both direct and indirect costs for the Summer Food Program are reimbursed through the grant.

This program is offered in conjunction with the Summer Satellite Program offered by the Parks and Recreation Department utilizing Community Development funding. The Summer Lunch Program provides a service for the community by providing a nutritious meal for children who would normally participate in a meal program at their school, or for those whose parents are unable to prepare a meal for the children.

**FISCAL IMPACT:**

Reimbursements from the Texas Health & Human Services Commission are based on the total number of meals served. The rate is \$2.48 for Operating Costs and \$0.26 for Administrative Costs. The Summer Food Service Program used the bid process and the lowest bid was \$2.12 per meal. The difference between cost and reimbursement will be used for program and administrative expenses.

Staff recommended approval of this resolution.

**The next items considered were Items 36-39.**

**Items 32-35 were considered following Item 24.**

- (32.) **Resolution No. 2005-R0157 authorizing the Lubbock Police Department to apply for a grant with the United States Department of Justice for an Edward Byrne Memorial Justice Assistance grant in the amount of \$291,738 to fund the Lubbock County Joint Enforcement Initiative program (*Police Department*).**

**This item was moved from consent agenda to regular agenda and considered following Item 24.**

The Justice Assistance Grant (JAG) program funds local government activities to prevent and control crime and to improve the Criminal Justice System. For FY 2005, JAG replaces the Local Law Enforcement Block Grant (LLEBG). The City of Lubbock and the County of Lubbock are eligible to receive funding under this grant award, thus creating a funding disparity. Due to this disparity, the JAG application is now for Lubbock County, rather than the City and the County separately, however, the City of Lubbock Police Department will manage this grant.

The Lubbock County Joint Enforcement Initiative program will spend funds for radio and data communications infrastructure upgrades, public safety software, and Lubbock County fleet purchases.

**FISCAL IMPACT:**

None. The Edward Byrne Memorial Justice Assistance Grant does not require a local cash match.

The Police Department recommended approval of the resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2005-R0157 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Price recused on this item.

**(33.) Resolution No. 2005-R0158 for Influenza Vaccines (Health Department).**

**This item was moved from consent agenda to regular agenda and considered following Item 32.**

This purchase is for 3,000 doses of influenza vaccine to be administered to Lubbock citizens to protect the public against influenza during the October 2005 through March 2006 flu season. The vaccine will be offered to high-risk adults and the Health Department will follow the Centers for Disease Control guidelines on administration and priority groups.

Sanofi Pasteur of Swiftwater, Pennsylvania began pre-booking orders for influenza vaccine at 7:00 a.m. Central Standard Time on April 4, 2005. Sanofi Pasteur pre-books orders until they have pre-booked for the 54 million doses they will manufacture this year. After the pre-booking there will be no guarantee that any vaccine will be available for purchase. Without influenza vaccine there will be an increase in the number of high-risk adults potentially contracting the flu. In the past, Sanofi Pasteur has consistently delivered the number of doses ordered in a timely manner that allows administration and protection to high-risk groups. Consequently, the City Purchasing Department placed an order for 3,000 doses of influenza vaccine with Sanofi Pasteur on April 4, 2005.

**FISCAL IMPACT:**

A total of \$32,100 was appropriated with \$32,100 available in Project Number 81040 (Immunization Grant Account) for this purpose.

Award contract to Sanofi Pasteur of Swiftwater, Pennsylvania for \$32,100.

Anita Burgess, City Attorney, explained to the Mayor that the resolution needs to be a ratification instead of a grant of authority, since the purchase of the vaccine has already been made. She also explained that the reason it

was purchased before the approval of the resolution was because the vaccine is at a premium, really hard to get, and needed to be purchased.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0158 as ratified by Council. Motion carried: 7 Yeas, 0 Nays.

**(34.) Resolution No. 2005-R0159 - Bid #05-015/RW—Consider one resolution for Pavement Marking Materials (*Traffic Engineering*).**

**This item was moved from consent agenda to regular agenda and considered following Item 33.**

This bid is for the purchase and installation of thermoplastic materials on designated lane lines at various locations in accordance with the Texas Manual on Uniform Traffic Control Devices. The material will be placed on top of existing lane lines on the designated streets. Installing thermoplastic materials with beads will provide a longer life span and increased visibility for the driving public. Thermoplastic materials will generally last two to five years depending on weather conditions.

Eighteen local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$158,500 was appropriated with \$143,948 available in Project Number 4525.8260 (Traffic Operations – System Maintenance) for this purpose.

Award bid to Barricades Unlimited of Lubbock, Texas for \$59,825.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Jones to pass Resolution No. 2005-R0159 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Gilbreath recused on this item.

**(35.) Resolution No. 2005-R0160 - Bid #05-020/MA—Consider two resolutions for Community Development Repair or Replacement of Energy Units (*Community Development*).**

**This item was moved from consent agenda to regular agenda and considered following Item 34.**

This bid establishes one-year pricing for the State Comprehensive Energy Assistance Program (CEAP) Grant for repair, replacement, or retrofit of inefficient heating and cooling systems, water heaters, and refrigerators.

The goal of the program is to reduce energy costs for low-income families. The work must be completed by December 31, 2005. Primary and secondary contractors will purchase and install units as specified or make necessary repairs to existing units in order to meet the grant deadline.

Evaluation of the primary and secondary contractors was based on their overall low bid for all items. The low bid from Cool Breeze A/C & Refrigeration of Lubbock, Texas is unacceptable to the Texas Department of Housing and Community Affairs because the prices for the refrigerators are considered unreasonable. Total pricing for all refrigerators from Cool Breeze is \$75,788.60 compared to \$39,000 from the recommended primary contractor.

One hundred five local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$360,072 was appropriated with \$360,072 available in Project Number 82012 (CEAP Grant) for this purpose.

Award contracts to Arguijo Heating & A/C (Primary Contractor) of Whiteface, Texas for \$155,265.00 and Bruce Thornton A/C, Inc. (Secondary Contractor) of Lubbock, Texas for \$157,925.43.

Council Member Gilbreath requested this item be pulled. Victor Kilman, Purchasing Manager, explained the reason the bid was not awarded to the low bidder was because the cost of the refrigerators was too high.

Nancy Haney, Community Development Director, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2005-R0160 to reject all bids and re-bid with the refrigerators bid separately. Motion carried: 7 Yeas, 0 Nays.

**The next item considered was Item 40.**

**Items 36-39 were considered following Item 31.**

- (36.) **Resolution No. 2005-R0147 - RFQ #05-021/MA—Consider one resolution for Community Development Energy Efficiency Assessment (*Community Development*).**

This project provides for inspection of homes in order to recommended repairs, replacement, or retrofitting of appliances or heating, ventilation, and air conditioning systems that are not energy efficient. This project is

part of the Comprehensive Energy Assistance Program (CEAP), which is funded by the State of Texas. The inspector may also perform a weatherization audit to review for home energy improvements. The home inspector will perform the evaluation and submit it to City staff for further action.

This is a State grant program that promotes energy efficiency and is fully funded by grant funds. The City entered into a contract with the State to implement the CEAP and weatherization programs and this is one of its components.

Three firms submitted proposals and ranked as follows:

Henry Tarango of Lubbock, Texas	90 points
HGE, Inc. of Richardson, Texas	77 points
Cool Breeze of Lubbock, Texas	73 points

The evaluation criteria in the RFP included: 1) team organization 25%, 2) professional ability 20%, 3) research potential 15%, 4) program responsiveness 15%, 5) production capability 15%, 6) client relationships 5%, and 7) equal opportunity 5%.

Sixteen local businesses were notified of the Request for Qualifications.

**FISCAL IMPACT:**

A total of \$360,072 was appropriated with \$360,072 available in Project Number 82012 (CEAP Grant) for this purpose.

Award contract to Henry Tarango of Lubbock, Texas,

- (37.) **Resolution No. 2005-R0148 - Bid #05-027/MA—Consider one resolution for Meal Services for Senior Citizen Centers (*Parks and Recreation*).**

This bid establishes a contract for food service for the Senior Meal Program to provide approximately 66,500 hot meals per year to senior citizens of Lubbock. Meals are served five days per week at five locations. This program provides one-half the recommended daily allowance for seniors 60 years of age or older.

Fifty-six local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$159,600 was appropriated with \$159,600 available in Project Number 84012 (Program for Aging) for this purpose.

Award contract to ARAMARK Educational Services, Inc. of Lubbock, Texas for \$162,925. The additional \$3,325 over the original estimated amount of \$159,600 will be funded through additional donations.

**(38.) Resolution No. 2005-R0149 - Bid #05-030/MA—Consider one resolution for Automotive Batteries – Annual Pricing (*Fleet Services*).**

The bid establishes firm pricing on 12-volt batteries used in City motor vehicles and equipment. Inoperable batteries will be replaced in City vehicles and equipment during regular routine maintenance for starting and charging problems. The contract term is for one year with the option to renew annually for up to two additional one-year terms.

Sixty local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$1,803,713 was appropriated with \$1,237,142 available in various center numbers (Equipment Maintenance – motor vehicles) for this purpose.

Award bid to Interstate Batteries of the South Plains of Lubbock, Texas for \$11,110.29.

**(39.) Resolution No. 2005-R0150 - RFP #05-031/VK—Consider one resolution for Leachate Hauling (*Solid Waste*).**

This bid establishes a one-year contract to haul contaminated water (leachate) for the City's Solid Waste and Disposal Department on an as-needed basis. The work will involve hauling leachate from the West Texas Regional Disposal Facility (WTRDF) located at 17304 North F.M. 2528, Abernathy, Texas to the City of Lubbock Waste Water Treatment Plant (WWTP) located at 3606 Guava Avenue.

Leachate is contaminated water that is a controlled material under Texas Department of Environmental Quality regulations. The City will be responsible for loading the leachate at the WTRDF and the contractor will be responsible for unloading the leachate at the WWTP.

Fifty-six local businesses were notified of the Request for Proposals.

**FISCAL IMPACT:**

A total of \$50,000 was appropriated with \$50,000 available in Project Number 5515.8302 (Solid Waste Disposal – Professional Services) for this purpose.

Award bid to Groendyke Transport, Inc. of Enid, Oklahoma,

**The next items considered were Items 16-18.**

**ORDINANCES FOR PASSAGE**

- (40.) **ORDINANCE NO. 2004-O0147—ZONE CASE NO. 3026 (southwest corner of Slide Road and 103rd Street): Continue the request of N. Cinc Development (for Slide Road – 98th Street Joint Venture) for zoning change from T to C-4 for a retail store and shops on an unplatted tract out of Section 25, Block E-2 (Planning) (Councilman Gilbreath recused) (second and final reading).**

**This item was considered following Item 35.**

The request is to zone a parcel north of the existing mini-warehouse project. The Planning Commission recommended the case using the zoning ordinance adopted for the property on the east side of Slide Road, north and south of 103rd Street. That zoning is C-4 with a number of prohibited uses (the ordinance was written in a positive manner for permitted uses). The applicant is requesting to amend the request to Interstate Commercial during this second reading. The current motion from the first reading is C-3 with a condition related to brick on the exterior of the structures.

The new builder has changed the plan, and the front strip center will not be constructed. The only proposed building will be the Dollar Store. The new applicant has agreed to a masonry front (to Slide Road) and stucco on the north wall. To the south, a metal wall will face the metal wall of the mini-storage project, and the west face is toward the adjacent playa lake. The sellers of the land intend this parcel to be a buffer between the mini-storage project and a nice strip center to the north. The owners to the north indicate they will file “IHC” on the portion to the north up to the C-3 shopping center parcel at the corner of Slide Road and 98th Street.

Adjacent land use:

- North– commercial policy, zoned T
- South – commercial
- East – commercial
- West – playa lake

The project is consistent with the amended Comprehensive Land Use Plan for this immediate area. The proposed zoning will be comparable with the zoning on the east side of Slide Road. The zoning will not mirror the C-4 with a strike list that exists across the street but will allow comparable uses as well as have the construction/aesthetic standards contained in IHC. The proposal should have little effect on the thoroughfare system.

The Planning Commission originally recommended approval as C-4 with a list of conditions. With the amendment to IHC, the following condition should be substituted:

1. The structure shall be brick on the front (Slide Road) and masonry including stucco on the north side.

**FISCAL IMPACT:**

Not applicable.

Subject to the proposed conditions, staff supports the amended request of the applicant. The change from the original C-4 to IHC is more restrictive and can be approved by Council.

Motion was made by Council Member Boren, seconded by Council Member Price to pass on second and final reading Ordinance No. 2004-O0147 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Council Member Gilbreath recused on this item.

**The next items considered were Items 42-45.**

**PUBLIC HEARINGS**

**11:19 A.M. Special**

- (41.) **Hold a public hearing regarding a cable television franchise renewal for Friendship Cable of Texas, Inc. d/b/a Cebridge Connections. (*Purchasing*).**

**This item was considered following Item 45.**

Mayor McDougal opened the public hearing at 11:19 a. m. Raymond Greenwood appeared on behalf of Cebridge Connections. No one appeared in opposition. Mayor McDougal closed the hearing at 11:20 a. m.

Pursuant to City of Lubbock Ordinance No. 10134 dated January 28, 1999, the City shall consider technical developments and performance of the

system, programming, other services offered, cost of service, and any other particular requirements set forth in the franchise; also, the City shall consider the grantee's proposal and its annual reports made to the City and the FCC. Provisions shall be made for public comment.

This ordinance will renew and bring to-date a previously expired franchise between the City of Lubbock and Friendship Cable of Texas, Inc. d/b/a Cebridge Connections, formerly known as Classic Cable. The proposed franchise is in accordance with the City of Lubbock's Ordinance No. 10134 referring to the guidelines, limitations, and terms of cable service required by the City for cable companies to do business with the City.

**FISCAL IMPACT:**

The annual estimated revenue for the City is \$1,800 based on \$36,000 annual gross receipts at 5% franchise rate.

Staff recommended passage of this ordinance.

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Martin to pass on first reading Ordinance No. 2005-O0042 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**The next items considered were Items 46-48.**

**ADMINISTRATIVE SERVICES**

**Parks and Recreation**

**Items 42-45 were considered following Item 40.**

- (42.) Resolution No. 2005-R0161 authorizing Atmos Energy to construct a memorial in honor of Willie McCool at Henry Huneke Park.**

Approval of this resolution will allow Atmos Energy to construct a memorial in honor of Willie McCool at Henry Huneke Park, 82nd Street and Nashville Avenue. This memorial will pay tribute to Willie McCool who lost his life in the space shuttle tragedy that occurred in February 2003. The memorial will include a bronze statue of Willie McCool and a small boy standing next to him. The sculpture will represent Willie McCool at a young age, as well as an adult. Eddie Dixon, a local sculptor, is producing the bronze statues. The memorial will also include a granite base, lighting, sidewalk, and recognition plaques. The plan is to locate the memorials on the south side of the park, southwest of the War Memorial. NASA and Mrs. Willie McCool have been closely involved in the project. The unveiling of the Memorial is scheduled for early May 2005.

Related to this project is a bronze statue of Rick Husband that has been placed in Amarillo. There are also discussions of placing a memorial plaque north of Abernathy designating the break-up point of the Space Shuttle.

**FISCAL IMPACT:**

This project is a community project that has been organized by Atmos Energy. The estimate for the annual electrical service is \$1,500.

The Parks and Recreation Advisory Board recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0161 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**(43.) Ordinance No. 2005-O0041 amending the FY 2004-2005 Budget (Amendment #9) (first reading).**

**FISCAL IMPACT:**

1. Adopt the North Overton PID budget:

This is the first year that funds are being received for the North Overton PID. Total revenue received is \$38,210. Projected expenditures for the year total \$37,000, with the remaining \$1,210 going to fund balance. The breakout of the expenditures is as follows: \$27,000 for security, \$5,000 for lighting, and \$5,000 for landscaping.

2. Adopt the re-evaluated Capital Improvement Program budget:

At the March 24th City Council meeting Jeff Yates, Director of Fiscal Policy and Strategic Planning, presented the re-evaluated Capital Improvement Program budgets for several funds. Input from City Council was received and incorporated into this CIP budget.

3. Establish a capital project for Terminal Parking Lot Improvements at the Airport:

A capital project is necessary for parking lot improvement of the airport terminal. The cost of the project is \$125,000 and will be funded from the Airport Operations Fund – Parking/ Professional Services. This will fund initial design services.

4. Change existing capital project in the Airport fund into two projects and revise funding accordingly:

The GA Ramp Improvements project currently has a budget of \$5,808,000. This project will be divided into two phases with Phase I consisting of ramp expansion in the Westport district. The budget will be reduced by \$4,437,758 to \$1,370,242. It will remain funded with 95% AIP Entitlements and 5% PFC revenue.

The Phase II GA Ramp Improvements will include ramp refurbishment in the Eastport district. The refurbishment will allow parking of heavier aircraft and will preserve the Airport asset. The project budget will be \$4,354,881 and will be funded with 95% AIP Entitlements and 5% PFC revenue.

5. Add \$4,726,177 to capital project Extend Taxiway Lima:

This project was originally set up to be completed in phases due to funding limitations. The CIP has currently been revised to fund this project with a multi-year AIP grant allowing the completion of the entire project in FY 2005. The budget is currently \$6,184,688 with an additional \$4,726,177 to be added for a total new budget of \$10,910,865.

6. Add \$25,000 to the Airport Capital Projects Fund to cover expenses associated with the Passenger Facility Charge (PFC) administration costs:

In the most recent PFC application, the Airport received approval to use PFC funds to reimburse expenses associated with the PFC administration costs. The costs will be made in the Airport Capital Projects Fund with reimbursement from the PFC Fund.

7. Accept and appropriate a grant from the Texas Department of Housing and Community Affairs for the DOE/EXXON Weatherization Assistance Program (WAP), an energy conservation program:

Funding will be received in the amount of \$61,393. The grant will fund programs to assist low-income persons and families with energy conservation and energy efficiency.

This is accomplished by funding City programs that address this issue. The grant pays up to \$2,672 per case including program delivery costs. The contract will expire March 31, 2006.

8. Accept and appropriate a grant from the Texas Department of Housing and Community Affairs for the LIHEAP Weatherization Assistance Program (WAP), an energy conservation program:

Funding will be received in the amount of \$98,220. The grant will fund programs to assist low-income persons and families with energy

conservation and energy efficiency. This is accomplished by funding City programs that address this issue. The grant pays up to \$2,672 per case including program delivery costs. The contract will expire March 31, 2006.

9. Accept and appropriate a grant from the Lubbock Area Foundation for the animal adoption enhancement program:

Funding will be received in the amount of \$15,300. The grant will fund enhancement to the adoption program. This will include repair of dog pens to make kennels safer, advertising to highlight animal adoption and care, and equipment for animals with special needs. The contract will expire April 30, 2005.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass on first reading Ordinance No. 2005-O0041 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused on this item.

### **Purchasing**

- (44.) **Resolution No. 2005-R0162 - Bid #05-002/MA—Consider one resolution for Landfill Heavy Equipment (*Fleet Services*).**

This bid is for the purchase of one twin-engine push-pull scraper for daily use at the City's landfill. Scrapers are used for earth moving and covering of refuse at the landfill to comply with statutory regulations concerning waste disposal. The current equipment is on a replacement schedule to ensure that maintenance costs remain reasonable.

After this bid closed on February 15, 2005, Bid #05-035/MA was solicited for one four-wheel drive scraper tractor and two pull-type scraper bowls as a possible alternative to the twin-engine push-pull scraper after a demonstration at the City's landfill on February 28 and March 1 showed this equipment will work in a landfill application. Bid #05-035/MA closed on March 31, 2005 and will save the City approximately 46% compared to this bid for the twin-engine push-pull scraper. Consequently, staff is recommending City Council reject all bids for Bid #05-002/MA.

Thirty-five local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$644,746 was appropriated with \$313,291 available in Account Number 5515.8704 (Solid Waste Disposal - Rent Lease Machines) for this purpose.

Staff recommended City Council reject all bids.

Victor Kilman, Purchasing Manager, gave comments on why it was requested from staff to reject all bids. He explained that Items 44 and 45 are related

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0162 as recommended by staff. Motion carried: 7 Yeas, 0 Nays.

**(45.) Resolution No. 2005-R0163; Resolution No. 2005-R0164 - Bid #05-035/MA—Consider two resolutions for Tractor and Tandem Scrapers (*Fleet Services*).**

This bid is for the purchase of one scraper tractor and two pull-type scraper bowls to replace a landfill push-pull scraper that has reached its useful lifespan and is beginning to incur large maintenance costs. Scrapers are used for earth moving and covering of refuse daily at the landfill to comply with statutory regulations concerning waste disposal. Purchasing the equipment on this bid will save the City \$273,867 (approximately 46%) compared to purchasing the traditional push-pull scraper.

Scott Tractor & Equipment of Lubbock, Texas is the lowest bidder for the tractor and bid a Case STX 450 agricultural tractor with 16 forward and two reverse transmission gears. This tractor is designed for agricultural applications. Yellowhouse Tractor & Equipment Company of Lubbock, Texas is the second lowest bidder for the tractor and bid a John Deere 9520 scraper tractor with 18 forward and six reverse transmission gears. The additional transmission gears will provide better performance when pulling heavy loads up and down the various grades at the landfill. The tractor bid from the second lowest bidder provides the best value for the City and best meets the City's needs.

Thirty-one local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$350,000 was appropriated with \$350,000 available in Project Number 5515.8704 (Solid Waste Disposal – Rent Lease Machines) for this purpose.

Staff recommended awarding bids to Yellowhouse Machinery Company of Lubbock, Texas for \$201,940 and to Bee Equipment Sales, Ltd. of Lubbock, Texas for \$114,576.

After David Braune, Chief Operating Officer of Scott Tractor and Equipment, Inc. brought it to Council's attention during the Citizens Comments, Council requested to hear reason(s) why they were not awarded the bid for the tractor and/or scraper. Council Member Price strongly indicated that the process should be a fair one.

Victor Kilman, Purchasing Manager, Terry Ellerbrook, Director of Water Utilities, Robert Robinson, Manager of Fleet Services, and John Cobb with Solid Waste, all gave comments and answered questions from Council regarding reasons for not awarding the bid to Scott Tractor and Equipment, Inc., which included bid specifications that the City requested.

Richard Thomack and Jim Coulson, both Sales Representatives with Scott Tractor and Equipment, Inc., explained the equipment, how it met the bid specifications, and the ways that the company can and already is servicing the City of Lubbock.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member DeLeon to reject all bids on Resolution No. 2005-R0163 and Resolution No. 2005-R0164. Motion failed: 2 Yeas, 5 Nays.

Mayor McDougal, Council Members Boren, Gilbreath, Jones, and Price voted Nay.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2005-R0163, awarding the bid for the Tractor to Scott Tractor and Equipment, Inc. Motion carried: 7 Yeas, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2005-R0164, awarding the bid for the Scraper to Bee Equipment Sales, Ltd. Motion carried: 7 Yeas, 0 Nays.

**The next item considered was Item 41.**

**Items 46-48 were considered following Item 41.**

- (46.) **Resolution No. 2005-R0165; Resolution No. 2005-R0166; Resolution No. 2005-R0167 - Bid #05-018/MA—Consider three resolutions for Pesticide and Herbicide Supplies (*Parks and Recreation*).**

This bid is for the purchase of pesticides and herbicides to be applied at various park sites, street medians, and City facilities by the City Park

Maintenance Department. In-house application of chemicals provides a cost savings compared to contracting the service.

Pursuant to Texas Local Government Code 271.905(b), in purchasing real property or personal property that is not affixed to real property, if the City receives one or more bids from a bidder whose principal place of business is in the City of Lubbock and whose bid is within 3% of the lowest bid price received by the City from a bidder who is not a resident of the City of Lubbock, the City may enter into a contract with:

1. the lowest bidder, or
2. the bidder whose principal place of business is in the City of Lubbock if the City Council determines, in writing, that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award, including the employment of residents of the city, and increased tax revenues to the City.

In order to receive consideration of the location of the bidder's principal place of business for bid award, bidders are required to submit an Affidavit of Eligibility.

The bid from Estes, Inc. of Lubbock, Texas for items 7, 13, 33, and 36 on the bid tabulation is within 3% of the low bid from a non-resident bidder. Staff's recommendation is to award the bid to the lowest bidder meeting specifications. However, pursuant to the abovementioned statute, City Council has the authority to award this bid to the local bidder "if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues to the local government". To facilitate the determination, a completed and signed Affidavit of Eligibility from the local bidder is included in agenda backup.

Fourteen local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$105,102 was appropriated with \$57,225 available in Project Number 5221.8113 (Park Maintenance Pesticide Supplies) for this purpose. Pesticide and herbicide applications for departments other than Park Maintenance will be funded from that departments' operating budget.

Staff recommended awarding bids to Express Image Paper Company of Houston, Texas for \$53,600, Estes, Inc. of Lubbock, Texas for \$49,

751.55, BWI Companies of Carrollton, Texas for \$27,205.79, Red River Specialties, Inc. of Tyler, Texas for \$23,025, Pro Chem Sales of Lubbock, Texas for \$5,433.80 and Univar of Dallas, Texas for \$2,620.80.

Victor Kilman, Purchasing Manager, gave comments and answered questions from Council. He also explained that Council has the authority pursuant to Local Government Code 217.905(b) to amend the resolution and award the lowest bid for all the items with the exception of items 7, 13, 33, and 36, which could be awarded to Estes, Inc. who is a resident bidder and which are within 3% of the bids from non-resident bidders for these four items.

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0165, Resolution No. 2005-R0166, and Resolution No. 2005-R0167 as amended. Motion carried: 7 Yeas, 0 Nays.

**(47.) Resolution No. 2005-R0168 - Bid #05-028/BM—Consider one resolution for Avenue U Paving Repair (*Street Drainage Engineering*).**

This bid is for the reconstruction of a storm sewer ditch and associated paving repair to a section of asphalt street pavement in the northbound lanes of Avenue U from Baylor Street to approximately 500 feet north. The paving failure is over a storm sewer ditch and a water line leak was associated with the subsidence. The leak has been repaired.

The storm sewer is an eight-foot by eight-foot concrete box section and the top of the box section is approximately thirty-two feet deep from the road surface. TxDOT constructed the storm sewer in 1994. Soil bores have been performed north and south of the failed area to determine the limits of the subsurface damage. The affected area is approximately 500 feet long and 14 feet wide and is presently barricaded.

Time for completion of this project is 45 days and liquidated damages is \$200 per day. Thirty-three local businesses were notified of the Invitation to Bid.

**FISCAL IMPACT:**

A total of \$190,000 was appropriated with \$190,000 available in Project Number 221.8506 (Emergency Water Repair Avenue U) for this purpose.

Staff recommended awarding contract to Robert McHam, Ltd. of Levelland, Texas for \$153,513.15.

Council Member DeLeon stated the reason she had this item pulled was because she has a press conference scheduled for April 15, 2005 on this

issue and would like to know the status of repairs on Avenue U. She has been getting phone calls and e-mails from businesses in that area questioning why it is taking so long to get the repairs done.

Victor Kilman, Purchasing Manager, Anita Burgess, City Attorney, Craig Farmer, Managing Director of Planning and Transportation, Larry Hertel, City Engineer, and Tom Adams, Deputy City Manager, gave comments and answered questions from Council.

Mayor McDougal asked Craig Farmer and Larry Hertel to accompany Council Member DeLeon to the Press Conference and assist with answering questions. Council Member Boren suggested to Tom Adams to keep the Lubbock community informed on the progress of the repairs.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0168 as recommended by staff. Motion carried: 5 Yeas, 0 Nays.

Mayor Pro Tem Martin and Council Member Jones were away from the dais.

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

**1:08 P. M. CITY COUNCIL WORK SESSION CONVENED  
Committee Room 103**

**All Council Members were present except for Mayor Pro Tem Martin and Council Member Jones**

**The next item considered was Item 53.**

**PLANNING AND TRANSPORTATION**

**Overton**

**Items 47A-48 were considered following Item 50.**

**(47A.) Consider and take appropriate action regarding the City's position in Cause No. 2005-822,384, City of Lubbock v. Universal Gateway, Ltd., filed in County Court at Law No. 3 of Lubbock County.**

Motion was made by Council Member DeLeon, seconded by Council Member Jones to rescind the previous offer made by the City of Lubbock to Universal Gateway, Ltd., reject the settlement proposed by Universal Gateway, and authorize the City Attorney to dismiss the condemnation proceedings against Universal Gateway, Ltd. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused on this item.

**Right-of-Way**

- (48.) **Resolution No. 2005-R0169 authorizing the Right-of-Way Department to make an offer to the Lubbock Independent School District for a 0.294 acre tract of land out of Lots 13-21, Block 37, Overton Addition and Lot 1, LISD Addition to the City of Lubbock (2010 Glenna Goodacre Boulevard – 8th Street Widening Project) (*Right-of-Way*).**

The City is in the process of implementing the North Overton Tax Increment Finance Reinvestment Zone Project that includes the widening of Glenna Goodacre Boulevard. Located along the north side of Glenna Goodacre Boulevard and the east side of Avenue U is Ramirez Elementary. Twenty-five feet of right-of-way for this widening is needed from the Lubbock Independent School District for Glenna Goodacre Boulevard and a five foot strip of right-of-way along the east side of Avenue U is desired as part of this project. The total acreage needed is 0.294 acres from the south side of Lots 13–21, Block 37, Overton Addition and the east five feet of Lot 13 and Lot 1 L.I.S.D. Addition. Merle Blosser, M.A.I., appraised this property at \$106,400 - \$89,700 for the land and \$16,700 for the improvements. LISD required that staff do a market value appraisal, which follows State acquisition guidelines. The offer to the Lubbock Independent School District is \$106,400.

This resolution also authorizes the City, pursuant to section 311.008 of the Tax Increment Financing Act, to institute condemnation proceedings to acquire this property if the offer is refused.

**FISCAL IMPACT:**

The acquisition of this property is consistent with finance and project plans adopted by the Board of Directors of the North Overton Tax Increment Finance Reinvestment Zone and approved by City Council. The funding for this acquisition process will be from the TIF fund (950).

The Right-of-Way Department recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member DeLeon to pass Resolution No. 2005-R0169 as recommended by staff. Motion carried: 6 Yeas, 0 Nays.

Mayor McDougal recused on this item.

**The next item considered was Item 52.**

**Streets Drainage/Engineering**

- (49.) **Consider a request to allow a non-standard roll curb on the streets of a proposed new subdivision, Casa Linda Addition.**

**This item was deleted.**

**Zoning**

**This was the first item considered after Council reconvened at 3:22 p.m.**

- (50.) **ZONE CASE NO. 2573-G (north of Auburn Street and west of North Winston Avenue): Continue the request of Ken Flagg and Sid Shavor (for I. C. S. Investment Group, LLP) for a zoning change from C-3 to AM Specific Use for a hotel on 3 acres of unplatted land out of Section 22, Block A. (first reading).**

Motion was made by Council Member Price, seconded by Council Member DeLeon to Table this item until April 28, 2005 City Council Meeting. Motion carried: 7 Yeas, 0 Nays.

**The next items considered were Items 47A-48.**

**BOARD APPOINTMENTS**

- (51.) **Consider one appointment to the Keep Lubbock Beautiful Advisory Committee.**

**This item was considered following Item 54 in Work Session.**

Consensus was to move forward and reappoint Judy Helm to the Keep Lubbock Beautiful Advisory Committee. .

Mayor Pro Tem Martin, Council Members Gilbreath and Boren were away.

**The next item considered after Council reconvened was Item 50.**

**3:05 P. M. CITY COUNCIL RECESSED**

**3:22 P. M. CITY COUNCIL RECONVENED IN WORK SESSION**

**The next item considered was Regular Agenda Item 50.**

- (52.) **Presentation regarding the status of the separation of the Water and Sewer Departments from the City of Lubbock, the progress/update of the bonds and Brazos River Authority issue, water issues, and legislative tools in progress. Councilman Boren requested this item.**

**This item was considered following Item 53 and again following Item 48.**

Bo Brown, Chair, Lubbock Water Advisory Board, Mike Liner, Past Chair Mayor's Task Force on Water Utilities, John Wilkerson, former Mayor's Task Force on Water Utilities member, and Lynn Sherman, Winstead Consulting Group, LLC, all gave comments on the status of the separation of the Water and Sewer Departments from the City of Lubbock and expressed the urgency for need of direction from Council to resolve this issue as soon as possible.

Mr. Brown stated that the Lubbock Water Advisory Commission, regarding the selection of the Director of Water Utilities, feels it is in the best interest of the City of Lubbock and its citizens that the Lubbock City Council determine as expeditiously as possible the organizational structure that will address water issues, fresh water, and waste water. He stated that it is imperative that this structure be established so that critical decisions can be made regarding our water supply and conservation of resources. He also stated that the Commission feels it should not move forward in any efforts associated with any job searches for a new CEO until a decision has been made as to the organizational structure.

Mike Liner, Past Chair of the Mayor's Task Force on Water Utilities, agreed with what Mr. Brown said earlier and also stressed the need for urgency from the Council. Mr. Liner indicated that now is the time to get things done while Legislative session is in progress.

Lee Ann Dumbauld, CFO/Assistant City Manager, gave an update on the progress of the Brazos River Authority bonds. She and Vince Vialle of FirstSouthwest met with our Bond Counsel, Ray Hutcheson with Vinson and Elkins, LLP, on April 13, 2005. She explained the involvement of JP Morgan in the bond process.

John Wilkerson, former Mayor's Task Force on Water Utilities member, gave comments and also reiterated the importance of moving forward to get this issue resolved as soon as possible.

Consensus from Council to give the Lubbock Water Advisory Commission a copy of the draft of the first-reading ordinance, and for Mayor Pro Tem Martin, Council Member Boren, and City Manager Fox to make necessary changes to the ordinance and bring back to City Council

for a second and final reading on April 28, 2005, so that Council can take action to get this issue resolved as soon as possible.

Lynn Sherman of Winstead Consulting Group, LLC gave comments and expressed his need to know the preferred path of Council.

Suzanne Baker, Brazos River Water Authority, reiterated to Council to consider longevity when looking at the organizational structure.

Mayor Pro Tem Martin and Council Member Jones returned to the dais.

After Council reconvened in Work Session at 3:25 p.m., Lynn Sherman gave comments on the history and background of the agreement that will be pending between the City of Lubbock and the Brazos River Authority, and requested direction from Council. He spoke about Lubbock's water resources and the relationship with the BRA. Lubbock does not use any local water, except for a few wells it has in its park. Its water resources come from ground water in Bailey County (near Muleshoe), from Lake Meredith in Hutchinson County, and from Roberts County ground water which is up in the eastern Panhandle. None of this water would be in the Brazos River, except for the intervention of man.

Sherman gave an overview of Senate Bill 3, which has been filed and is being considered and also answered questions from Council. Some steps for better conservation would be to permit all developed water, face improving wastewater facility, impose significant conservation methods, and cut back on usage.

Consensus was to move forward on the agreement, which Mr. Sherman will revise the wording and get the draft back to Council on April 18, 2005.

**The next items considered were Items 53A-54.**

**3:45 P. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**(53.) Presentation by Truett Craft on a request to allow non-standard roll curb on a proposed new subdivision, Casa Linda Addition.**

This is a new subdivision proposed in Northeast Lubbock at the southwest corner of Erskine Street and Guava Avenue.

The developer has been asked to address the following issues in his presentation:

- What are the details (design) of the proposed roll curb section?

- Why is the roll curb important in this subdivision? Why is it needed rather than standard barrier curb?
- Is safety not an issue with this roll curb vs. barrier curb in this new subdivision?
- Why is parking on the sidewalk not a concern with roll curb?
- Will floor elevations be established at a different standard in this subdivision since builders are accustomed to basing elevations on top of curb grade? Will there only be one builder in this subdivision, or will multiple builders have to be educated on special floor elevation requirements? Who will have responsibility to train the builders?
- How will floor elevations be established in the field? How will building to correct floor elevations be enforced?

The developer's engineer was made aware of these issues several weeks ago. Responses to these issues have not been submitted to staff for review to date.

Truett Craft, developer with Craft Construction Company, gave comments on the advantages and disadvantages of the roll curb. He stated that Hugo Reed would be the consulting engineer on this project. He also answered questions from Council. Anita Burgess, City Attorney, and Craig Farmer, Managing Director of Planning and Transportation assisted Mr. Craft in answering question from Council.

Consensus from Council was to pull Item 49 from today's agenda and get the engineering aspect of the project corrected so that an ordinance can be presented for passage.

**The next considered was Item 52.**

**(53A.) Lubbock Softball Fields and Youth Sports Practice Field Availability.**

Bobby Drum, USSSA Girls Youth National Softball Director and Texas USSSA State Director gave comments on the history of youth softball and expressed the need for more practice fields because of the increase of youth involved in the sport. He also stated that there are some fields that are in the process of being updated.

Mayor Pro Tem Martin and Council Member Boren were away.

**(53B.) Lubbock Softball Fields and Youth Sports Practice Field Availability.**

Jeff Carnell with ASA Girls Softball expressed the need for more softball practice fields and gave reasons for the need. He stated that because of the lack of practice fields, some coaches have had altercations and police were called out. Lubbock Independent School District and the City of Lubbock have contributed some of their field space for the softball league. Mr. Carnell gave a brief history of the South Plains Girls Fast Pitch and the increase of participation, which warrants the need for more fields. He indicated that 88% of the players live South of 50th Street and West of University Avenue, and most of the practice fields are in East-North Lubbock.

Mr. Carnell invited everyone out to Opening Ceremonies where Mayor Pro Tem Martin would be throwing out the first pitch.

Council Member Boren reiterated what Mr. Carnell said and also added the Council realizes the need for more fields. He stated that anything the community does to keep more kids involved and off the street would be great.

**(54.) Lubbock Softball Fields and Youth Sports Practice Field Availability.**

Randy Truesdell, Community Services Director, introduced Robert Narvaiz, Parks and Recreation Advisory Board member, and thanked him for being there. He then gave a presentation on the history of the Municipal Sports Task Force, their goals and objectives, and what role the Board has in the issues of practice field shortage and parking congestion. The Task Force will be re-evaluating its process to assign practice fields, and Truesdell solicited any input from Council.

Dixon Platt, City Council Chief of Staff, gave comments regarding the Frenship Baseball League, which consists of around 900 players (boys and girls). Approximately 60-70% of the players live in Lubbock, may attend a Lubbock Independent School District school, and since their families are taxpayers they are expecting to be able to practice on a field near their home. Mr. Platt and Mr. Truesdell visited with the Frenship coaches on a strategy to better utilize the available fields. He also read a letter from Mark Blankenship, Frenship Youth Baseball, thanking Platt and Truesdell for meeting with him.

**The next item considered was Item 51.**

**(55.) Presentation of the Contract Management Program.**

**This item was deleted.**

Regular City Council Meeting  
April 14, 2005

- (56.) Presentation regarding the status of electronic voting equipment for Lubbock County and the City of Lubbock and efforts to comply with HAVA (Help America Vote Act) mandates.**

**This item was deleted**

**3:45 P. M. COUNCIL RECESSED TO EXECUTIVE SESSION**

**5:08 P. M. COUNCIL ADJOURNED**

There being no further business to come before Council, Mayor Pro Tem Martin adjourned the meeting immediately after Executive Session.