

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
November 18, 2005  
7:30 A. M.**

**The City Council of the City of Lubbock, Texas met in regular session on the 18th day of November, 2005, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.**

**7:31 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 Floyd Price**

**Absent: Council Member Phyllis Jones**

**1. CITIZEN COMMENTS PERIOD**

- 1.1. Audrey Wilson Culpepper will address the City Council about water issues in the City of Lubbock.**

**This item was deleted. (She was not present.)**

- 1.2. Christy Martinez, and others, appeared before the City Council to discuss censorship and the public access channel.**

Those who addressed Council regarding censorship and the public access channel were Christy Martinez, John Miller of 6304 CR 7405, Craig Cooley of 2207 20th Street, and Johnnie Jones of 3110 97th Street.

Johnnie Jones also addressed Council regarding Item 5.27 on today's agenda. Her concern was the bid process regarding the City of Lubbock's Health Plan benefits and the amount of increase that the employee will pay.

- 1.3. Alice Lozada addressed the City Council about allocation of funding for North and East Lubbock.**

Alice Lozada of 122 S. Avenue N addressed Council regarding the distribution of the remainder of the bond money that was approved by voters in 1999. Some of the projects, of her concern, in North and East Lubbock, were Northwest Little League Park needing renovation of the press box and in need of new restroom facilities; the amphitheater needs to have working restroom facilities; Atzlan Park is in need of a walking/jogging track, which is located at 1st Street and Buddy Holley Avenue; and, the neighborhood center in the Guadalupe neighborhood needs to be reconstructed as a City-maintained community center.

**Citizens who addressed Council regarding their concerns with funding to North and East Lubbock were:**

- J. Jerome Johnson, West Texas Organizing Strategies
- Martha Lucero of 5012 55th Street, West Texas Organizing Strategies
- Jesse Boisse, West Texas Organizing Strategies
- Davis Price of 3523 92nd Street, West Texas Organizing Strategies
- Mike Garcia of 3211 Dartmouth

Mayor McDougal asked Deputy City Manager Tom Adams to have Parks and Recreation Department bring to Council a cost estimate on what it would take to update the restrooms at the Northwest Little League Complex.

## **2. 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; the purchase, exchange, lease, or value of real property; personnel matters; competitive matters of the public power utility; and commercial or financial information that the governmental body has received from a business prospect with which the governmental body is conducting economic development negotiations, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law.”**

### **7:59 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION City Council/City Manager’s Conference Room**

**All council members were present.**

- 2.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Cemetery, Police, Water Utilities, Gas Utilities – Atmos Energy).**
- 2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Water Utilities).**
- 2.3. 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.**
- 2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to: Reese Redevelopment Authority, Structural Standards Commission, Urban Renewal Board, Water Board of Appeals.**
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
  - 2.5.1. to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**

- 2.5.2. to discuss, vote and take final action on 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;
  - 2.5.3. 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;
  - 2.5.4. to discuss and deliberate a competitive matter regarding the service territory, strategic plans, regulatory options and retail operations of the City's electric utility, Lubbock Power and Light.
- 2.6. 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 (Business Development, LEDA).

**9:32 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 Floyd Price; Tom Adams, Deputy City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

**Absent:** Council Member Phyllis Jones and City Manager Lee Ann Dumbauld

Mayor McDougal reconvened the meeting at 9:32 A. M. He recognized former Mayor, Jack Strong, and thanked him for being here.

**3. PROCLAMATIONS AND PRESENTATIONS**

**3.1. Invocation by Dr. Jay Horton, First United Methodist Church.**

**3.2. Pledge of Allegiance to the Flags.**

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

**3.3. This item was considered following Item 3.4**

**3.4. Presentation of a proclamation proclaiming November as Hospice Month in Lubbock.**

Mayor McDougal invited Anah Kral, Executive Director of Vista Care, to join him while he proclaimed November 2005 as Hospice Month in Lubbock. Hospice organizations provide extensive medical care and support to people

with life-limiting illnesses and each year more than 700,000 terminally ill patients and their families receive Hospice care in communities throughout the United States. Professional and compassionate Hospice staff and trained volunteers work together to meet the physical, emotional, and spiritual needs of patients and their families. Family members of terminally ill patients receive counseling and bereavement care for thirteen months following the loss of a loved one. Vista Care offers a comprehensive Hospice care program and reaches out to the Lubbock community to deliver this vital care to terminally ill patients. November 2005 marks the 27th anniversary of National Hospice Month. The Mayor encouraged the support and participation of citizens throughout the community and raising awareness of Hospice care. Ms. Kral gave comments.

**3.3 Presentation of a proclamation proclaiming November 18, 2005 as Karin McCay and Abner Euresti Day in Lubbock.**

Mayor McDougal asked Karin McCay and Abner Euresti, co-anchors for Channel 11 News, to join him and Council Member Boren as they proclaimed November 21, 2005 as Karin McCay and Abner Euresti Day in Lubbock. Karin has been co-anchoring the 6 o'clock and 10 o'clock Channel 11 News with Abner Euresti since 1980. Karin also serves as a Health Reporter for News Channel 11. Karin has won numerous awards and earned an Emmy nomination for a documentary on "The Effects of Second-Hand Cigarette Smoke". Karin and Abner both host the Children's Miracle Network Telethon at UMC. Abner is the Managing Editor and co-anchor of Channel 11 News. He has received many awards of excellence for reporting on education issues and recognized by the Texas Associated Press Broadcaster's Division for his work at News Channel 11. McDougal and Boren encouraged all citizens of Lubbock to recognize and appreciate the many accomplishments of McCay and Euresti, and thank them for 25 years of outstanding journalism and community service.

After watching a video presentation on the 25 years service of McCay and Euresti, the Lubbock County Commissioners made a presentation to them. Commissioners present were Bill McCay, Precinct 1; James Kitten, Precinct 2; Ysidro Gutierrez, Precinct 3; and, Patti Jones, Precinct 4.

McCay and Euresti gave comments and thanked everyone for letting them come into their homes for 25 years.

**3.5. Board Appointment Recognition:**

**3.5.1. Civil Service Commission**

Debra Shepherd (unable to attend)

**3.5.2. Entertainment Lubbock Task Force Standing Sub-Committee**

Jim Bertram (unable to attend), Virgil Johnson, Velma Medina (unable to attend), Dick Milam, Phil Price (unable to attend), and James Douglass

**3.5.3. This item was considered following Item 3.5.9.**

**3.5.4. Appointments Advisory Board**

Tracy Bacon, Sharon Bass, Steve Siege, and Shay Wallace

**3.5.5. Board of Health**

Dana Craig (unable to attend)

**3.5.6. Community Development & Services Board**

Angela Taylor

**3.5.7. Planning & Zoning Commission**

Jeff Lowry (unable to attend)

**3.5.8. Urban Design/Historic Preservation Commission**

Winn Sikes

**3.5.9. Urban Renewal/Neighborhood Redevelopment Board**

Suzanne Comer

**3.5.3. Museum & Arts Standing Sub-Committee**

Beena Variyam and Sammie Prather (unable to attend)

**4. MINUTES**

**4.1. This item was considered following Item 5.10.**

**5. CONSENT AGENDA (Items 5.1-5.4, 5.8, 5-12-5.23, 5.25-5.26)**

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to approve Items (5.1-5.4, 5.8, 5.12-5.23, 5.25 and 5.26) on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

**5.1. Ordinance 2<sup>nd</sup> Reading – Right-of-Way: ORDINANCE NO. 2005-00120—Abandoning and closing a 20-foot underground utility easement and a 10-foot underground utility easement located on Tract B, Mr. Postman Addition to the City of Lubbock located at 6524 19<sup>th</sup> Street.**

This ordinance abandons and closes a 20-foot wide east-west underground utility easement and a 10-foot wide north-south underground utility easement located just west of Milwaukee Avenue and north of 19<sup>th</sup> Street. This ordinance was read for the first time as a routine consent agenda item at the October 13, 2005 City Council meeting.

Staff recommended approval of the second reading of this ordinance.

- 5.2. Property Offer Resolution – Right-of-Way: Resolution No. 2005-R0524 authorizing the Right-of-Way Department to make an offer to Joe Stettheimer Development, LLP for a 32-foot wide permanent storm water line easement and a 120-foot wide working easement in Section 10, Block E, Lubbock County (the property is located at 9802 Avenue U) for the South Lubbock (98<sup>th</sup> Street) Drainage Improvement Project and to consider the commencement of eminent domain proceedings in the event such offer is not accepted.**

This permanent storm water line easement and working easement are needed for the 98<sup>th</sup> Street storm water drainage project. This 32-foot wide storm water line easement runs southward from 102<sup>nd</sup> Street to 106<sup>th</sup> Street along what would be Avenue U and contains 1.393 acres. From 98<sup>th</sup> Street southward to 102<sup>nd</sup> Street, Mr. Stettheimer will grant the City a street dedication deed for that portion of Avenue U as part of his Foxridge plat. The working easement is 120 feet in width and runs along the west side of Avenue U from 98<sup>th</sup> Street to 106<sup>th</sup> Street and contains 7.198 acres. Gary Phillips, MAI appraised these two easements and valued the permanent easement at \$9,100 and the working easement at \$3,000 for a total of \$12,100, which is the offer to Joe Stettheimer Development, LLP. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

#### **FISCAL IMPACT**

A cost of \$12,100 from account 90141-9280-30000 - South Lubbock Storm Sewer Project.

Staff recommended approval of this resolution.

- 5.3. Street and Alley Use License Resolution – Right-of-Way: Resolution No. 2005-R0525 authorizing the Mayor to execute a street and alley use license with Alderson Enterprise, LP to use a portion of Avenue L for a communications cable and to use a north-south alley for two overhead canopies located at 1210 19<sup>th</sup> Street.**

In 1985 Alderson Realty Company (a/k/a Alderson Enterprise, L.P.) located at 19<sup>th</sup> Street and Avenue L took out a street and alley use license to use a portion of Avenue L just north of 19<sup>th</sup> Street for an overhead communications cable and to use the north-south alley in Block 227, Original Town Addition (north of 19<sup>th</sup> Street and east of Avenue L) to construct two canopies to connect adjacent buildings on each side of the alley. This license was for 20 years and will expire this month. The owner, David Alderson, would like to renew this license. The Right-of-Way Department has valued this license at \$2 per square foot from adjacent land values in this area. Using the street use license formula for aerial encroachments, a value is determined of 395 square feet x \$2 = \$790 x 10% x 75% (in accordance with the City Council adopted policy of calculating aerial encroachments within the ROW) = \$59.25 a year.

The new license is for twenty years, payable every five years in advance at \$296.25 for each five-year period or \$59.25 per year.

**FISCAL IMPACT**

Revenue to the City of \$59.25 per year.

Staff recommended approval of this resolution.

**5.4. Assignment of Lease Resolution – Right-of-Way: Resolution No. 2005-R0526 authorizing the Mayor to execute an assignment of a lease between Plains National Bank, a/k/a Plains Capital Bank, and G. Larry Rice for City property located at 2302 Quaker Avenue.**

In 1953 the City of Lubbock acquired slightly more than one acre of land at the northwest corner of Quaker Avenue and Brownfield Drive for a sewage lift station site. When the Char King Drive-In (directly north of the City's property) was operating during the 1960s and 1970s, they leased the extra land not needed by the City for parking and paved the parking lot. The restaurant property was sold in the early 1980s to E. Reuel Nash who built a shopping center and bank at this location. As per the zoning requirements, additional parking was needed for this new shopping center and the City entered into a lease agreement in December 1982 with Mr. Nash. This lease was for 50 years and the rental agreement was for \$150 per month for the first year, and then the rate was to increase \$7.50 per month at the start of each year. In April 1991 this lease was amended with Mr. Nash for an acquisition of a Lubbock Power & Light electrical transmission line easement across property he owned at the southeast corner of 82<sup>nd</sup> Street and Indiana Avenue. The amendment reduced the lease amount with Mr. Nash to \$10 per year for five years. In April 1996 the lease restarted at the original amount of \$150 per month for a year and then increased \$7.50 per month at the start of each year.

On September 10, 1996 the City Council approved an assignment of this lease from the Estate of Reuel Nash to Larry Rice. On August 14, 1997 the City Council approved an assignment of this lease from Larry Rice to Plains Capital Bank. Mr. Rice recently purchased this shopping center from Plains Capital Bank and has requested that the City allow the approval of this assignment of lease to him from Plains Capital Bank. Presently, the City is receiving \$217.50 per month for this lease.

**FISCAL IMPACT**

Revenue to the City of \$217.50 per month.

Staff recommended approval of this resolution.

**5.5. This item was considered following Item 4.1**

**5.6. This item was considered following Item 5.5.**

- 5.7. Agreement Amendment Resolution – Water Utilities: Consider a resolution authorizing the Mayor to execute an amendment to the agreement with Black & Veatch Corporation for the design and preparation of contract documents for the construction of improvements to the Southeast Water Recycling Plant.**

**This item was deleted.**

- 5.8. Agreement Amendment Resolution – Finance: Resolution No. 2005-R0527 to amend the financial advisory agreement with First Southwest Company to add investment advisory services.**

For over 55 years the City has had a positive and productive business relationship with First Southwest Company. The representatives at First Southwest Company have a strong knowledge of the City's operations and financial practices. The current contract with First Southwest was effective September 16, 2004. The amendment to this contract will add investment and cash management services. Examples of the services added with this amendment include:

- Full-time discretionary management of the City's investment portfolio within the guidelines of the City's investment policy;
- Assist in developing and implementing investment strategies that will enhance the portfolio performance under current and anticipated changes in market conditions, cash flow needs, appropriate state laws of Texas, and ordinances, resolutions, and policies of the City;
- Work with staff to ensure the coordination of investment transactions and the availability of funds;
- Provide executive reports on the economy and current market conditions as they may pertain to the City's investment portfolios;
- Assist staff in developing ongoing cash flow forecasts;
- Attend required meetings with City staff and the Audit Committee to report on investment portfolio results;
- Aid the City in establishing guidelines for selecting financial institutions;
- Monitor the creditworthiness of financial institutions and investments in the portfolio;
- Perform a broker/dealer due diligence on all City approved/proposed brokers.

The contract term with a firm that provides investment advisory services is restricted to two years as allowed in the City's Investment Policy and in the Public Funds Investment Act of the Texas Local Government Code, Section 2256.003(b). The current contract with First Southwest will expire in September 2007, which is within the two-year time limitation.

**FISCAL IMPACT**

In year one, the contract calls for a fixed quarterly fee of \$10,000 (\$40,000 annually). In year two, the quarterly fee will be reduced to \$9,000 (\$36,000 annually). This expense will be netted against the interest earnings received from the investments in the City's investment portfolio.

Staff recommended approval of this resolution.

- 5.9. This item was considered following Item 5.6.**
- 5.10. This item was considered following Item 5.26.**
- 5.11. This item was considered following Item 5.9.**
- 5.12. Water and Sewer Improvements Resolution – Water Utilities: Resolution No. 2005-R0528 authorizing acceptance of water and sanitary sewer improvements for Lots 1-84, Cambridge Way Addition to the City of Lubbock, Lubbock County, Texas, bound by 83<sup>rd</sup> Street, 85<sup>th</sup> Street, Wausau Avenue, and Xenia Avenue.**

This is a routine acceptance of water and sanitary sewer improvements constructed in accordance with the subdivision regulations. The total cost of the improvements is \$314,776.85 that includes the cost of construction to the contractor of \$298,967.50, as determined by the unit prices established by Chapter 28 of the Code of Ordinances of the City of Lubbock.

Cash paid to the City for these improvements is \$15,809.35 that includes \$7,480.00 as adjacent mains and \$8,329.35 in plan review, inspection, and testing fees. The Developer, Lubbock Landmark Development Inc., will receive a refund of \$66,056.25 in accordance with Chapter 28 of the Code of Ordinances of the City of Lubbock as development utilizes these improvements.

The subdivision is located between 83<sup>rd</sup> and 85<sup>th</sup> Streets, and Wausau and Xenia Avenues.

**FISCAL IMPACT**

This is a routine transfer of ownership of water and sewer lines installed in new subdivisions, from the Developer to the City. The value of the system is added to the City, and there are no expenditures involved in accepting ownership.

The system, when accepted, will produce revenue to the City through the sale of water and sewer services to the public.

Staff recommended acceptance.

- 5.13. Water and Sewer Improvements Resolution – Water Utilities: Resolution No. 2005-R0529 authorizing acceptance of water and sanitary sewer improvements for Lots 87-128, Cedar Meadows Addition to the City of Lubbock, Lubbock County, Texas, bound by 78<sup>th</sup> Street, Avenue M, and Avenue P.**

This is a routine acceptance of water and sanitary sewer improvements constructed in accordance with the subdivision regulations. The total cost of the improvements is \$70,406.04 that includes the cost of construction to the contractor of \$62,094.60, as determined by the unit prices established by Chapter 28 of the Code of Ordinances of the City of Lubbock.

Cash paid to the City for these improvements is \$8,311.44 that includes \$6,263.55 as adjacent mains and \$2,047.89 in plan review, inspection, and testing fees. The Developer, Joe Stettheimer, LLP will receive a refund of \$27,190.25 in accordance with Chapter 28 of the Code of Ordinances of the City of Lubbock as development utilizes these improvements.

The subdivision is located on 78<sup>th</sup> Street, between Avenues M and P.

#### **FISCAL IMPACT**

This is a routine transfer of ownership of water and sewer lines installed in new subdivisions, from the Developer to the City. The value of the system is added to the City, and there are no expenditures involved in accepting ownership.

The system, when accepted, will produce revenue to the City through the sale of water and sewer services to the public.

Staff recommended acceptance.

**5.14. Water and Sewer Improvements Resolution – Water Utilities: Resolution No. 2005-R0530 authorizing acceptance of water and sanitary sewer improvements for Lots 64-137, Ravenwood Addition to the City of Lubbock, Lubbock County, Texas, bound by 101<sup>st</sup> Street, 102<sup>nd</sup> Street, Memphis Avenue, and Norfolk Avenue.**

This is a routine acceptance of water and sanitary sewer improvements constructed in accordance with the subdivision regulations. The total cost of the improvements is \$260,516.86 that includes the cost of construction to the contractor of \$174,911.00, as determined by the unit prices established by Chapter 28 of the Code of Ordinances of the City of Lubbock.

Cash paid to the City for these improvements is \$85,605.86 that includes \$78,857.64 as adjacent mains and \$6,748.22 in plan review, inspection, and testing fees. The Developer, Carl Russell Land Development, LLC will receive a refund of \$26,802.80 in accordance with Chapter 28 of the Code of Ordinances of the City of Lubbock as development utilizes these improvements.

The subdivision is located between 101<sup>st</sup> and 102<sup>nd</sup> Streets, between Memphis and Norfolk Avenues.

#### **FISCAL IMPACT**

This is a routine transfer of ownership of water and sewer lines installed in new subdivisions, from the Developer to the City. The value of the system is

added to the City, and there are no expenditures involved in accepting ownership.

The system, when accepted, will produce revenue to the City through the sale of water and sewer services to the public.

Staff recommended acceptance.

**5.15. Water and Sewer Improvements Resolution – Water Utilities: Resolution No. 2005-R0531 authorizing acceptance of water and sanitary sewer improvements for Lots 493-571, Regal Park Addition to the City of Lubbock, Lubbock County, Texas, bound by 87<sup>th</sup> Street, 89<sup>th</sup> Street, Homestead Avenue, and Iola Avenue.**

This is a routine acceptance of water and sanitary sewer improvements constructed in accordance with the subdivision regulations. The total cost of the improvements is \$211,032.78 that includes the cost of construction to the contractor of \$156,501.60, as determined by the unit prices established by Chapter 28 of the Code of Ordinances of the City of Lubbock.

Cash paid to the City for these improvements is \$54,531.18 that includes \$51,337.51 as adjacent mains and \$3,193.67 in plan review, inspection, and testing fees. The Developer, Lubbock Land Company, Eight Ltd. will receive a refund of \$27,948.00 in accordance with Chapter 28 of the Code of Ordinances of the City of Lubbock as development utilizes these improvements.

The subdivision is located between 87<sup>th</sup> and 89<sup>th</sup> Streets, and between Homestead and Iola Avenues.

**FISCAL IMPACT**

This is a routine transfer of ownership of water and sewer lines installed in new subdivisions, from the Developer to the City. The value of the system is added to the City, and there are no expenditures involved in accepting ownership.

The system, when accepted, will produce revenue to the City through the sale of water and sewer services to the public.

Staff recommended acceptance.

**5.16. Water Improvements Resolution – Water Utilities: Resolution No. 2005-R0532 authorizing acceptance of water improvements for Tract A, CTC Addition to the City of Lubbock, Lubbock County, Texas, bound by 82<sup>nd</sup> Street on the south and Iola Avenue on the east.**

This is a routine acceptance of water improvements constructed in accordance with the subdivision regulations. The total cost of the improvements is \$6,513 that includes the cost of construction to the contractor of \$6,338 as determined by the unit prices established by Chapter 28 of the Code of Ordinances of the City of Lubbock.

Cash paid to the City for these improvements is \$175 that includes \$0 as adjacent mains and \$175 in plan review, inspection, and testing fees. The Developer, CTC Real Estate will receive a refund of \$6,024.54 in accordance with Chapter 28, of the Code of Ordinances of the City of Lubbock as development utilizes these improvements.

The subdivision is located on the north of 82<sup>nd</sup> Street and west of Iola Avenue.

#### **FISCAL IMPACT**

This is a routine transfer of ownership of water and sewer lines installed in new subdivisions, from the Developer to the City. The value of the system is added to the City, and there are no expenditures involved in accepting ownership.

The system, when accepted, will produce revenue to the City through the sale of water and sewer services to the public.

Staff recommended acceptance.

**5.17. Water and Sewer Improvements Resolution – Water Utilities: Resolution No. 2005-R0552 authorizing acceptance of water and sanitary sewer improvements for Lot 1, University Courtyard Apartments Addition to the City of Lubbock, Lubbock County, Texas, bound by Erskine Street, Itasca Street, and Memphis Avenue.**

This is a routine acceptance of water and sanitary sewer improvements constructed in accordance with the subdivision regulations. The total cost of the improvements is \$176,276.87 that includes the cost of construction to the contractor of \$155,574.00, as determined by the unit prices established by Chapter 28 of the Code of Ordinances of the City of Lubbock.

Cash paid to the City for these improvements is \$20,702.87 that includes \$17,591.39 as adjacent mains and \$3,111.48 in plan review, inspection, and testing fees. The Developer, Ambling University Development Company will receive a refund of \$0.00 in accordance with Chapter 28 of the Code of Ordinances of the City of Lubbock as development utilizes these improvements.

The subdivision is located on the north of 82<sup>nd</sup> Street and west of Iola Avenue.

#### **FISCAL IMPACT**

This is a routine transfer of ownership of water and sewer lines installed in new subdivisions, from the Developer to the City. The value of the system is added to the City, and there are no expenditures involved in accepting ownership.

The system, when accepted, will produce revenue to the City through the sale of water and sewer services to the public.

Staff recommended acceptance.

**5.18. Interlocal Memorandum of Agreement Resolution – Health Department: Resolution No. 2005-R0533 authorizing the Mayor to execute an interlocal memorandum of agreement, and any associated documents, between the City and the Texas Department of State Health Services with regard to HIV/AIDS reporting and surveillance activities.**

This memorandum of agreement (MOA) is to formally establish the roles and responsibilities of the Lubbock City Health Department HIV/AIDS Surveillance Program, the Public Health Region 1 (PHR 1) HIV/STD Program, and the HIV/STD Epidemiology and Surveillance Branch in regard to HIV/AIDS reporting and surveillance activities for the State of Texas residents within the 41 identified counties for DSHS PHR 1. This updates a similar MOA passed by City Council on June 9, 2004.

Responsibilities of the Lubbock City Health Department include conducting active surveillance and reporting activities for human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) for all 41 counties in Public Health Region 1, comply with reporting requirements and maintaining a current list of key reporting sources in the counties in PHR 1, maintain a case file on all confirmed and suspected cases of HIV and AIDS within counties of PHR 1, evaluate the system for reporting compliance, initiate epidemiologic investigation on newly reported No Identified Risk cases and cases of public health importance, and adherence to all confidentiality requirements.

Responsibilities of the TDH PHR 1 include maintaining responsibility for non-HIV/AIDS STD surveillance activities including surveillance for gonorrhea, syphilis, chlamydia, and chancroid in PHR 1 counties not covered by other local health department entities in the region. The TDH Bureau of HIV and STD Prevention Surveillance Program is responsible for evaluation compliance with the MOA, maintaining the reporting database system, and providing programmatic monitoring and technical assistance.

The term of this MOA is one year and may be renewed annually thereafter upon mutual agreement.

**FISCAL IMPACT**

Current funding for one HIV/AIDS Surveillance Specialist is being provided by State Surveillance Grant ILA number HIV/SURV-0148.1. The MOA does not create any additional fiscal impact.

Staff recommended approval of this resolution.

**5.19. Interlocal Contract Resolution – Health Department: Resolution No. 2005-R0534 authorizing the Mayor to execute an interlocal contract, and any associated documents, for provision of parolees' death certificates to the Texas Department of Criminal Justice by the Lubbock Health Department.**

This contract, between the City of Lubbock Health Department and the Texas Department of Criminal Justice (TDCJ), will provide death certificates of deceased parolees to TDCJ. TDCJ will pay the Lubbock Health Department \$10 per death certificate. The total amount of this contract shall not exceed \$150. The contract begins September 1, 2005 and ends August 31, 2006.

**FISCAL IMPACT**

This will provide up to \$150 in review to the General Fund.

Staff recommended approval of this resolution.

**5.20. Cooperative Purchase Resolution – Radio Shop: Resolution No. 2005-R0535 for Radar and Video Systems.**

This item is for the purchase of ten radar and video systems through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program. The equipment will be installed in police vehicles for rookie patrol officers. H-GAC is a regional planning commission created under Acts of the 59<sup>th</sup> Legislature, Regular Session, 1965, re-codified as Texas Local Government Code, Chapter 391.

**FISCAL IMPACT**

A total of \$41,340 was appropriated with \$41,340 available in account 1115.8704 - Rent Lease.

Staff recommended approval of purchase from Kustom Signals of Lenexa, Kansas for \$41,340.

**5.21. Contract Resolution – Water Treatment: Resolution No. 2005-R0536 for Supervisory Control and Data Acquisition System upgrade, RFP #05-038/BM.**

This item is for the purchase of Supervisory Control and Data Acquisition (SCADA) computer system master stations, work stations, hardware and software to replace existing equipment and software at Water Treatment Plant, Water Reclamation Plant, and Sandhills Well Field. The SCADA system is a computer controlled telemetry system used to monitor and control pumps, motors, chemical feed equipment, security alarms, water system pressures, and tank levels throughout the water and wastewater systems 24 hours per day. This equipment and software will improve integration between computer systems and the ability to transfer and utilize historical data.

The evaluation committee used the basic evaluation methods in the City Purchasing Department's Evaluation Procedures for High Technology Procurement. The evaluation criteria in the RFP included: 1) Past Project Experience/References, 2) Project Approach, 3) Overall Responsiveness to the RFP, and 4) Price. Proposals were received from the following firms and were ranked as follows:

1. Wunderlich-Malec Engineering Systems Services of Carrollton, TX 387
2. Siemens Power Transmission and Distribution, Inc. of San Jose, CA 366
3. Emerson Process Management Power and Water Solutions, Inc. of Pittsburgh, PA 337
4. Edison Automation, Inc. of Nashville, TN 335
5. QEI, Inc. of Springfield, NJ 331
6. Control Systems International, Inc. of Lenexa, KS 315
7. Advanced Control Systems of Norcross, GA 310
8. Telvent USA, Inc. of Calgary, AB, Canada 305
- a. Transdyn, Inc. of Pleasanton, CA 292
9. Brandon & Clark, Inc. of Lubbock, TX 249

Thirty-one local companies were notified of this Request for Proposal.

#### **FISCAL IMPACT**

A total of \$700,000 was appropriated with \$690,000 available in Project 90336 - SCADA System Upgrade. This project will be funded through the City's master lease agreement with payments over a five-year period.

Staff recommended contract award to Wunderlich-Malec, Inc. of Carrollton, Texas for \$623,964.

#### **5.22. Contract Resolution – Water Engineering: Resolution No. 2005-R0537 for Pump Station #10 water reservoir façade, BID #05-066/BM.**

This contract involves the construction of a brick fence and landscaping around the new reservoir at Pump Station #10 located at 82<sup>nd</sup> Street and Memphis Avenue. The Texas Commission on Environmental Quality requires a minimum eight-foot high fence around all public water installations. This fence was designed by Chapman Harvey Architects, Inc. of Lubbock, Texas as directed by a neighborhood and citizens committee formed for the purpose of resolving visibility issues of the new tank. This façade will serve as a security fence and additional landscaping will allow the facility to blend into the existing park.

Time for completion of this project is 365 consecutive calendar days and liquidated damages are \$500 per day. One hundred three local contractors and subcontractors were notified of the Invitation to Bid and two local contractors responded.

#### **FISCAL IMPACT**

A total of \$500,000 was appropriated with \$500,000 available in Project 91031 - Pump Station #10 Reservoir Fencing.

Staff recommended City Council reject all bids. The bids received exceeded the budget for this project. City staff has spoken to the neighborhood association regarding a proposed re-design and has the association's endorsement for a more cost effective design.

**5.23. Award Letter Resolution – Central Warehouse: Resolution No. 2005-R0538; Resolution No. 2005-R0539; Resolution No. 2005-R0540; Resolution No. 2005-R0541 for Janitorial Paper Supplies, BID #05-113/MA.**

This bid establishes six-month pricing for janitorial paper supplies. The contract term is six months with an option to renew semi-annually for up to two additional six-month terms.

Nine local companies were notified of this Invitation to Bid and four local companies responded.

**FISCAL IMPACT**

A total of \$194,274 was appropriated with \$194,274 available in account 8114 - Various Cleaning Supplies.

Staff recommended contract award to Mayfield Paper Company of Lubbock, Texas for \$13,079, Wagner Supply of Lubbock, Texas for \$3,060, Gulf South Medical Supply, Inc. of Jacksonville, Florida for \$7,472.40, and Empire Paper Company of Lubbock, Texas for \$9,461.20.

**5.24. This item was considered following Item 5.11.**

**5.25. Contract Resolution – Water Utilities: Resolution No. 2005-R0542 for Laboratory Analysis of Soil Samples, BID #05-117/BM.**

This bid establishes annual pricing for laboratory analysis of soil samples from Lubbock Land Application sites prepared in accordance with United States Department of Agriculture requirements. Quality assurance and quality control are performed in accordance with Environmental Protection Agency and Texas Commission on Environmental Quality guidelines. The contract term is one year with an option to renew annually for two additional one-year periods.

Nine local companies were notified of this Invitation to Bid and one local company responded.

**FISCAL IMPACT**

A total of \$76,940 was appropriated with \$18,431 available in account 6421.8302 - Sampling and Monitoring Professional Services.

Staff recommended contract award to Midwest Laboratories, Inc. of Omaha, Nebraska for \$15,514.95.

**5.26. Board Chair Appointment – City Secretary: Appoint the Chair for the Central Business District Tax Increment Financing Reinvestment Zone for calendar year 2006, with the term ending January 1, 2007.**

By State statute and the ordinance creating the Central Business District TIF, the governing body of the municipality will appoint one member of the Board to serve as Chair for a one-year term. Merle Blosser is currently serving as Chair and has agreed to serve this year.

Staff recommended Merle Blosser be appointed as Chair of the Central Business District TIF.

**5.10. Contract Change Order Resolution – Storm Water: Resolution No. 2005-R0543 for a change order to the contract between the City and Utility Contractors of America, Ltd. for additional services in association with the South Lubbock Drainage Improvements Project – Phase I Main Trunk Line.**

The South Lubbock Drainage Improvements Project began construction in January 2005 after contract approval in September 2004. The Contractor, Utility Contractors of America, Ltd., has been working diligently on this contract and is currently ahead of the proposed contract construction schedule.

In June 2005 City Council approved the annexation of the southeast corner of 98<sup>th</sup> Street and University Avenue at the request of a developer. Phase I of the Foxridge Development is now underway. One lateral of the South Lubbock Drainage Project has always been planned to go south down Avenue U into playa lake #84-A, but this project was originally expected to be several years from now. With the recent annexation, staff approached Utility Contractors of America, Ltd., about the possibility of a change order to their current contract to do this work for several reasons. Those reasons are:

- This is the deepest portion of the entire South Lubbock Drainage Project and there is mandatory tunneling on this lateral line.
- The current contract includes tunneling to the future right-of-way line on the south side of 98<sup>th</sup> Street and this would be an extension of that tunnel operation.
- There is only one structure involved on this lateral line.
- The Developer has plans to continue with Phase II of the project and will be looking to pave Avenue U. If the City doesn't get the storm sewer in the ground prior to paving, staff are looking at not only additional costs but also a lack of working room if lots to the west are being developed.

The existing contract amount for Phase I – Main Trunk Line is \$25,699,456. A unit price change order for this work was negotiated between staff and Utility Contractors of America for a total of \$1,393,181, making a total contract amount of \$27,092,637. Staff feels this price is in line with current engineering estimates for this lateral line.

**FISCAL IMPACT**

A total of \$39,500,000 was appropriated with \$6,821,096 available in Project #90141 – South Lubbock Storm Sewer Project.

Staff recommended approval of this resolution.

Larry Hertel, City Engineer, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass Resolution No. 2005-R0543 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Council Member Gilbreath recused himself.

**4.1. Approval of Prior Meeting Minutes:**

Regular City Council Meeting, October 27, 2005

Motion was made by Council Member Gilbreath, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of October 27, 2005 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

**5.5. Agreement Amendment Resolution – Public Works: Resolution No. 2005-R0544 authorizing the Mayor to execute Amendment No. 1 to an agreement for engineering services for the Northwest Passage street and highway improvements with HNTB Corporation.**

On October 11, 2004 the City Council executed an agreement with HNTB Corporation to perform certain engineering services for the Northwest Passage project. The agreement included services needed in order to secure an approved environmental document necessary for the project in order to obtain possible state or federal funding for the on-system and off-system roadways included in the Northwest Passage total project scope.

The Northwest Passage project includes certain portions of Loop 289, 4<sup>th</sup> Street, Erskine Street, and Slide Road, as well as certain grade separation projects at 4<sup>th</sup> Street and Slide Road, Loop 289 and Slide Road, and the intersection at Erskine Street/Quaker Avenue/Loop 289.

The services included such tasks as public involvement, environmental assessments, preliminary cost estimates, route studies, alternative analysis, preparation of design schematics, and impacts on adjacent properties in order to acquire the approved environmental document.

HNTB is an engineering consulting firm, whose Dallas office is performing these engineering tasks for the City. HNTB is using Parkhill, Smith & Cooper (PSC) a local engineering firm, as a sub-consultant on this project, as well as High Tech Land Surveyors, a local surveying firm, to perform surveying tasks on this project.

This proposed Amendment No. 1 will revise the original agreement with the following two major items:

Provide a scope of service change and an extension of time, in order to perform the tasks needed to achieve approval of the environmental document.

Provide the detailed plans, specifications, and estimates (PS&E) needed for the construction of Slide Road from Loop 289 north to Erskine Street, and Erskine Street from Frankford Avenue east to Salem Avenue.

1. The original agreement had a time completion set for October 2005. As HNTB progressed with their work on the environmental document, they came across two major issues which delayed their work, through no fault of theirs. These delays were:

Delays related to the historic designation of the Rip Griffin Building located at 4<sup>th</sup> Street and Slide Road. The original concept of the project was to bypass the building, with one pair of streets on either side of the building. As the work on the project commenced, it became apparent from a geometric design, and intersection safety standpoint, a preferable design would extend the roadway through the building. With this new direction, a number of different issues had to be investigated, including issues related to the possible historic significance of the building.

Delays related to receiving acceptance and approval of traffic projections for the roadways included in the project. There were significant delays in receiving approval of the traffic projections from the Texas Department of Transportation (TxDOT) Transportation Planning and Programming (TP&P) Division office in Austin. In order to continue with the public hearing for the project required in receiving an approved environmental document, the process was delayed awaiting TxDOT approval. This approval was received in September 2005.

This amendment will extend the time of completion for the environmental document to April 30, 2006 and will increase the compensation to HNTB by \$16,567.19 for a total contract of \$816,515.82 for their work to get an approved environmental document for this project.

2. This amendment will also authorize HNTB to perform the work for the detailed PS&E necessary for the bid and construction of two City streets included in this Northwest Passage project: Slide Road from Loop 289 to Erskine Street and Erskine Street from Frankford Avenue to Salem Avenue. The design package will include such tasks as: roadway design with concrete paving on these thoroughfare streets; surveys, including determining right-of-way (ROW) needs and ROW descriptions of parcels needed; cut and fill determinations of the lake where the Slide Road alignment will be located within the lake area; utility plans and coordination; horizontal and vertical roadway design; numerous drainage analysis including need and design of certain culverts and storm sewers required of the project; signing and pavement marking details; traffic signal details; street lighting (illumination) details; traffic control plans including required detours and traffic sequencing; and bid document preparation.

Staff has worked with HNTB over the last few weeks to refine the scope of work and proposed compensation to perform these PS&E design services for this project. The lump sum compensation recommended for City Council consideration on this portion of the amendment is in the amount of \$1,248,280.33. The compensation package is split as follows:

HNTB	\$ 781,027.95
PSC	\$ 333,987.78
High Tech	<u>\$ 133,264.60</u>
	\$1,248,280.33

### **FISCAL IMPACT**

1. Funding exists in Capital Project 8510 - EQS for Northwest Passage for the additional costs related to the environmental document. This capital project has \$830,000 budgeted, and with this amendment, there will be a total contract for engineering services of \$816,515.82 for the environmental document.
2. Currently, \$1,024,000 is budgeted for Erskine Street - Project No. 91101 and \$355,000 for Slide Road - Project No. 91102 for total available funding of \$1,379,000 for these projects. This amendment will provide for a lump sum contract of \$1,248,280.33 for the detailed design (PS&E) of the above-described portions of Erskine Street and Slide Road.

Staff recommended approval of this resolution.

Larry Hertel, City Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0544 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Pro Tem Martin was away from the dais.

**5.6. Engineering Services Agreement Resolution – Water Utilities: Resolution No. 2005-R0546 authorizing the Mayor to execute an engineering services agreement with HDR, Inc. for assistance with developed water permitting and stream modeling.**

This resolution will authorize a contract with HDR, Inc. for their assistance in preparing information related to the City's developed water permit. The developed water permit was submitted to the Texas Commission on Environmental Quality (TCEQ) on October 17, 2005. HDR will assist the City with responding to Requests for Information (RFI) from the TCEQ. HDR's primary assistance will be in modeling stream flow to determine losses and the amount of water that will arrive at the proposed diversion points. The initial modeling effort is expected to take approximately six months.

**FISCAL IMPACT**

The cost of the work is \$141,000. The source of these funds is capital project 8505 – Water Resources Master Plan. It is anticipated that additional work will be necessary. However, City Council approval will be sought prior to proceeding with the additional work.

On November 8, 2005 the Lubbock Water Advisory Commission recommended that the City Council approve the agreement with HDR for engineering services related to the developed water permit.

Staff recommends approval of the resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0546 and amending it by substituting the Professional Services Agreement and adding the Environmental Assessment. Motion carried: 5 Ayes, 0 Nays.

Mayor Pro Tem Martin was away from the dais.

**5.9. Contract Resolution – Emergency Management: Resolution No. 2005-R0545 authorizing the Mayor to execute a contract for the acceptance of a \$784,451 Sub-recipient Award for the FY 2005 Homeland Security Grant Program from the U. S. Department of Homeland Security, Office of Domestic Preparedness, with the Texas Governor’s Division of Emergency Management as the State Administrative Agency.**

The \$408,363 Homeland Security Grant Program, CFDA 97.073, provides funds for the purchase of equipment that will enhance the City’s response capability for all hazards, with particular emphasis on terrorism.

The \$148,496 Law Enforcement Terrorism Prevention Program (LETPP), CFDA 97.97.074, provides funds for equipment to enhance local law enforcement agencies’ ability to mitigate and respond to potential acts of terrorism.

The \$227,592 Metropolitan Medical Response System Grant, CFDA 97.071, provides funding to further enhance and maintain integrated, systematic preparedness for local response to weapons of mass destruction high-casualty events, until significant external assistance arrives. The FY 2005 grant is awarded for capability focus areas including radiological preparedness, mass care shelters, an emergency alerting system, National Incident Management System compatibility, quarantine/isolation preparedness, Geographic Information Systems, and a pharmaceutical cache.

**FISCAL IMPACT**

100% grant funded; no matching General Funds are required.

Staff recommended approval of this resolution.

Ken Olson, Emergency Management Coordinator, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass Resolution No. 2005-R0545 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Pro Tem Martin was away from the dais.

**5.11 Contract Amendment Resolution – Aviation: Resolution No. 2005-R0547 authorizing the Mayor to execute an amendment to the automobile parking management contract between the City and Republic Parking System, Inc.**

The City entered into an agreement for the management of the passenger terminal building parking lot at Lubbock Preston Smith International Airport with Republic Parking System, Inc. beginning August 2004. The parking lot equipment is in need of continuous repair and has been costly to maintain. The equipment was present when Republic entered the contract with the City.

An airport capital project to re-build, rehabilitate, and reconfigure the parking lot will begin in Spring 2006. Capital project funds are limited; therefore, airport staff requested Republic Parking System, Inc. submit a proposal whereby they would purchase new parking revenue control equipment.

Republic responded to staff's request proposing the new parking equipment and revenue control system would cost approximately \$318,000. This cost includes additional equipment for a premium parking lot formerly used as the rental car area.

Accepting Republic's proposal to purchase the equipment will require a contract extension of five years in order for them to amortize the cost of the equipment and will either increase the monthly management fee or reimbursable expenses. The existing contract will then expire in July 2019 instead of 2014. The management fee or the reimbursable expenses will increase by \$2,777 per month or \$33,324 per year. This cost represents an interest rate of 5% and a thirteen-year term on their investment. Should the City cancel the contract prior to 2019, the City will be responsible for the remaining unamortized amount of the investment as of the date of cancellation.

**FISCAL IMPACT**

The management fee or the reimbursable costs will increase by \$2,777 per month or \$33,324 per year.

The Airport Board and staff recommended approval of this resolution.

James Loomis, Director of Aviation, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0547 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Pro Tem Martin was away from the dais.

**5.24 Contract Resolution – Telecommunications: Resolution No. 2005-R0548 for pager service, RFP #05-115/RW.**

This contract establishes pricing for local, state, and nationwide pager service for approximately 760 employee pagers necessary for communication between department personnel and for emergency events. The evaluation committee ranked the respondents to the RFP as follows:

Stenocall of Lubbock, TX	180.3
South Plains Communication of Lubbock, TX	158.2
Arch Wireless, Inc. of Austin, TX	150.2

Proposals were evaluated based on the following criteria:

- Proposed qualifications/experience/references with other institutions similar in size to the City of Lubbock and ability to provide local support to the City as required. 25%
- The per-unit cost per pager including maintenance and warranty. 35%
- An assessment of the vendor's ability to provide timely service of the highest quality for the specific types of equipment required by this RFP, including future needs through enhancements and emerging technologies. 25%
- The respondent's record of providing service and support for the types of equipment and the likelihood of a continuing ability to maintain the highest level of support and maximum availability of the product. 15%

The contract term is two years with an option to renew annually for up to three additional one-year terms.

Twenty-six local companies were notified of this Request for Proposal and only two local companies responded.

**FISCAL IMPACT**

A total of \$87,500 was appropriated with \$87,500 available in account 3409.9145.06050 - Telephone System Pagers.

Staff recommended contract award to Stenocall of Lubbock, Texas for \$87,500 annually.

Mayor Pro Tem Martin had returned to the dais.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0548 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Council Member Boren recused himself.

**5.27. Modifications of the Health Plan Resolution – Human Resources: Consider a resolution approving changes to the City of Lubbock Employee Benefit Plan administered by American Administrative Group, formerly ICON Benefits Administrators.**

**This item was held to the December 15, 2005 City Council meeting.**

The changes to the Employee Benefit Plan are to clarify definitions and benefits that are already included in the Plan including our Open Enrollment period. Also, changes in out-of-network benefits are to encourage participants to utilize in-network physicians and facilities. The requirement for Medicare-eligible retirees to enroll in Medicare Parts A and B in order to keep City coverage will place the exposure for claims on Medicare. The City would be secondary coverage for hospital, physician, and ancillary services, but would continue to pay as primary for prescription claims. This requirement would also apply to any dependents that are Medicare-eligible and covered by the City's plan.

Additionally, there have been numerous requests from employees to allow for waiver of coverage (not mandatory) for health and/or dental offered by the City. This change would be implemented immediately.

- 1) Definition of dependent will specifically state grandchildren may be covered provided the participant has legal guardianship of the child(ren) and documentation will be required.
- 2) Spinal Manipulation/Chiropractic Care is a defined term. It will also be defined as Chiropractic Care/Spinal Manipulation.
- 3) Redefine Open Enrollment as November 15 through December 15 of each year.
- 4) Medicare-eligible retirees and dependents will be required to enroll in Medicare Parts A and B in order to keep City coverage. Currently, staff has 11 retirees not covered by Medicare and the City of Lubbock Benefit Plan is paying as primary for any charges incurred by these participants. Requiring these participants to be covered by Medicare would result in the City's Benefit Plan being secondary to Medicare and paying 20% rather than 80% of approved charges.
- 5) Employees will be allowed to waive health and/or dental coverage.
- 6) Dental – Routine exams, cleanings, fluoride treatments changed to “two per calendar year” rather than “two each 12 months”.
- 7) Increase emergency room co-pay to \$75 from \$50.
- 8) Decrease in-network chiropractic to 80% up to \$1,000 per calendar year after deductible, not covered out-of-network; currently 80% up to \$1,500 after deductible in-network and 50% up to \$1,500 after deductible out-of-network.

- 9) Decrease Drug & Alcohol in-network and out-of-network to two series lifetime for inpatient and outpatient services from three series lifetime for in-network and out-of-network services.
- 10) Decrease out-of-network benefits for mental/nervous outpatient to 15 visits from 30 visits (60 for serious); hospice to 50% up to \$10,000 lifetime maximum from \$14,000 lifetime maximum; and skilled nursing and home health care to 50% per calendar year up to \$5,000 from \$7,000 per calendar year.

#### **FISCAL IMPACT**

Proposed benefit changes subject to employee usage.

Staff recommended approval of this resolution.

#### **5.28. Sole Source Purchase Resolution – Police Department: Resolution No. 2005-R0549 for x-ray machine with digital imaging system.**

This item involves the sole source purchase of an XRS-3 X-ray machine with digital imaging system used by the Police Department Bomb Squad to examine packages that are suspected to contain explosive devices.

This system is the only portable computed radiography system designed specifically for explosive ordnance and improvised explosive devices examination. The scanner is a patented product (US Patent Number 5,635,728) sold under an exclusive distribution contract through Logos Imaging. The imaging software is proprietary to Logos Imaging. Being patented and proprietary, these devices and systems are not interchangeable with those of another manufacturer.

Since this is the only portable system designed specifically for explosive ordnance and improvised explosive devices examination, it is the only known system that will meet the needs of the Lubbock Police Department Bomb Squad. Portability is required to examine suspected explosive devices without moving them and risking detonation.

The Lubbock Sheriff's Office Bomb Squad uses this system. Having two identical systems provides redundant capabilities for the Lubbock Regional Bomb Squad, which is composed of the Lubbock Police Department's and the Lubbock Sheriff's Department Bomb Squads. Redundant capabilities allow each squad to examine two suspected explosive devices simultaneously, which would be necessary if two devices were found simultaneously or if one squad was deployed outside of Lubbock when a device was discovered in Lubbock.

#### **FISCAL IMPACT**

A total of \$62,133 was appropriated with \$26,990 available in account 87023.9220 - Law Enforcement Terrorism Prevention Program (LETPP) 2004. The purchase of this equipment is grant funded through Homeland Security.

Staff recommended contract award to Golden Engineering, Inc. of Centerville, Indiana for \$26,990.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0549 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

**5.29. Budget Amendment #5 Ordinance 1<sup>st</sup> Reading – Finance: Ordinance No. 2005-O0136 amendment #5 amending the FY 2005-06 budget respecting the 1) Information Technology Fund, 2) General Fund, and 3) Grant Funds.**

1. Add \$90,000 to Information Technology Fund to upgrade voice mail system. The \$90,000 will be funded from the Information Technology Fund fund balance. An AS400 Server is to be purchased through the Master Lease Program at a cost of \$250,000.
2. Building Inspection Software is to be purchased through the General Fund Master Lease Program at a cost of \$115,000.
3. Accept and appropriate a \$20,891 grant from the Texas State Library and Archives Commission to support the Lubbock Public Library “Loan Star Libraries” Direct Aid Program. The program will purchase library multimedia materials and pay for a part-time Librarian. No City matching funds are required.
4. Accept and appropriate a \$15,000 grant from the American Society for the Prevention of Cruelty to Animals (ASPCA). The grant will fund staff training, equipment, and overtime associated with the Hurricane Katrina disaster. No City matching funds are required.
5. Accept and appropriate a \$784,451 grant from the U.S. Department of Homeland Security, Office of Domestic Preparedness for Homeland Security with the Texas Governor’s Division of Emergency Management as the State Administrative Agency. The grant is made up of three parts: Homeland Security, Law Enforcement Terrorism Prevention, and Metropolitan Medical Response System. The \$408,363 Homeland Security Grant Program will purchase equipment that will enhance the City’s response capability for all hazards. The \$148,496 Law Enforcement Terrorism Prevention Program will purchase equipment to enhance local law enforcement agencies’ ability to mitigate and respond to potential acts of terrorism. The \$227,592 Metropolitan Medical Response System program will further enhance and maintain integrated, systematic preparedness for local response to weapons of mass destruction high-casualty events. No matching City funds are required.

Staff recommended approval of the first reading of this ordinance.

Mark Yearwood, Director of Information Technology, and Leslie Cox, Communications Analyst, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-00136 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

## **6. REGULAR AGENDA**

### **6.1 Public Hearing – 10:00 AM – Zoning**

#### **6.1.1. Ordinance No. 2005-00137 ZONE CASE NO. 3053 (221 Redbud Avenue) – Ordinance 1<sup>st</sup> Reading: Hold a public hearing to consider the request of Jeffrey F. Lowry (for McKay Properties One LLC) for a zoning change from R-1 to GO on Lot 13, Mackenzie Terrace Addition.**

Mayor Pro Tem Martin opened the public hearing at 10:25 a. m. No one appeared on behalf of McKay Properties One LLC. No one appeared in opposition. Mayor Pro Tem Martin closed the hearing at 10:26 a. m.

A structure located at the corner of Parkway Drive and Redbud Avenue has been used for a number of activities, but the land remains zoned R-1. A company that runs a large rental management office in the Redbud area is using the building as an office and has been asked to zone the parcel properly. The Garden Office designation will suit their purpose very well.

Adjacent land uses:

- North – residential
- South – Parkway Drive
- East – commercial
- West – residentially zoned

The Garden Office request is consistent with the Comprehensive Land Use Plan Policy for using Garden Office as a buffer to adjacent residential. As noted, the building has been used for a number of commercial type uses for years. Just recently the discrepancy for zoning was discovered when a sign permit was requested.

The project will have no effect on the thoroughfare system.

The Planning Commission recommended the request with one condition:

- If the building should cease being a rental office, both the zoning of the land and the use of the home shall revert to single family (R-1).

Staff supports the Planning Commission recommendation.

Randy Henson, Senior Planner, answered questions from Council.

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0137 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal recused himself.

**6.1.2. Ordinance No. 2005-O0138 ZONE CASE NO. 2585-D (southeast corner of Mac Davis Lane and University Avenue) – Ordinance 1<sup>st</sup> Reading: Hold a public hearing to consider the request of Parkhill, Smith & Cooper, Inc. (Chad Davis) (for SCM Property Company, LLC (Wes Butero)) for a zoning change from R-3, C-3, and C-4 to CB-2 Specific Use on Tract 2A, Overton Park Addition.**

Mayor Pro Tem Martin opened the public hearing at 10:25 a. m. No one appeared on behalf of SCM Property Company, LLC. No one appeared in opposition. Mayor Pro Tem Martin closed the hearing at 10:26 a. m.

The applicant is proposing development of two buildings as out parcels to the Centre, north of the new City Bank.

Adjacent land use:

- North – commercial
- South – commercial
- East – commercial
- West – Texas Tech University

The applicant is requesting a Specific Use Permit with CB-2 as a base district. This is the district used during the previous zone cases for the commercial redevelopment of the Overton North area.

The request is consistent with the Comprehensive Land Use Plan adopted for the project area and, with the conditions noted below, consistent with zoning policy with regard to the “new urbanism” concept being used during this process. The south parcel, the Chili’s Restaurant, is the primary target for approval during this discussion. The north building use is yet to be determined. Proposed conditions of this zone case will allow the process to proceed and provide adequate review of that portion at the appropriate time.

The project should have no appreciable impact on the thoroughfare system taking into account the redevelopment of the entire area.

The Planning Commission recommended the request with the following four conditions:

- Tied to the proposed site plan and building elevations for the Chili’s project.
- The Chili’s store shall comply with the sign code, eventually in combination with the yet to be determined use.

- The structure noted as “future building” shall have a site plan and building elevations noting proposed materials in detail by the Planning Commission prior to issuance of a construction permit.
- The parcel shall have a cross access and parking agreement filed of record on the entire tract, whether platted into one or two lots, and the proposed parking on the current site plan plus the spaces noted on the future site plan review shall constitute the required parking for the entire development.

Staff supports the Planning Commission recommendation.

Randy Henson, Senior Planner, answered questions from Council.

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0138 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal recused himself.

**6.1.3. Ordinance No. 2005-O0139 ZONE CASE NO. 1154-C (2520 Parkway Drive) – Ordinance 1<sup>st</sup> Reading: Hold a public hearing to consider the request of Gordon Harris (for Louise M. Coleman) for a zoning change from C-2 to C-4 limited to a drive thru restaurant and all unconditionally permitted C-2 uses on 0.3829 acres of unplatted land out of Block A, Section 2.**

Mayor Pro Tem Martin opened the public hearing at 10:25 a. m. No one appeared on behalf of Louise M. Coleman. No one appeared in opposition. Mayor Pro Tem Martin closed the hearing at 10:26 a. m.

Mr. Harris would like to install a small drive thru food establishment specializing in chicken. A drive thru is a C-4 use and the area is currently zoned C-2. As the application is structured, only the drive thru would be allowed in addition to the existing C-2 uses.

Adjacent land uses:

- North – Parkway Drive
- South – vacant
- East – commercial
- West – commercial

The request is consistent with the Comprehensive Land Use Policy for C-4 being adjacent to regional thoroughfares since Parkway Drive is part of U.S. 84 East. Mr. Harris wants to provide an additional food service establishment to this part of the community but does not want to have the responsibility for inside service and the gathering place it would represent being so close to Alderson Junior High. The building would meet C-4 development standards.

The project has access to the marginal access street along Parkway Drive west of Zenith Avenue and would not create any disruption of the traffic on Parkway Drive.

The Planning Commission recommended the request subject to one condition:

- That the permitted uses be limited C-4 for a food drive thru restaurant and all permitted C-2 uses.

Staff supports the Planning Commission recommendation.

Randy Henson, Senior Planner, answered questions from Council.

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-O0139 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

**6.2. This item was the last item considered for the day and was considered following Council reconvening at 2:13 P.M.**

**6.3. Voting Precincts Amendment Ordinance 2<sup>nd</sup> Reading – City Secretary: ORDINANCE NO. 2005-O0134—Amending Chapter 8, Section 8-4 of the Code of Ordinances, with regard to Voting Precincts and Voting Places as a result of annexations; assignment of new voting precincts to City Council Districts to reflect the changes made by said annexations; providing a map of the voting precincts and districts of the City of Lubbock; providing a savings clause; providing that portions of Chapter 8 not amended shall remain the same; providing for publication; and providing an effective date.**

The City has completed five annexations during the past year and such annexations, including the corresponding changes to the voting precincts and voting districts and establishment of polling places have been submitted to and approved by the U.S. Department of Justice. Lubbock County has adjusted its voting precincts to reflect said annexations by the City of Lubbock. The City is required by Section 42.061 of the Texas Election Code to establish changes to voting precincts within the City in response to the changes made by Lubbock County.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0134 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

**6.4. Budget Amendment #4 Ordinance 2<sup>nd</sup> Reading - Finance: ORDINANCE NO. 2005-O0135—Amendment #4 amending the FY 2005-06 budget respecting the General Fund.**

Add one full-time position to the City Engineer's Office. The Capital Project Manager will oversee management of capital projects funded by General

Obligation Bonds approved by the voters. Funding for this position will come from already appropriated bond funded projects. As the Project Manager works on various projects, the Manager's time will be charged to the appropriate capital project.

#### **FISCAL IMPACT**

No additional funds are required for the Capital Project Manager. The position will be funded within existing appropriation.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass on second and final reading Ordinance No. 2005-00135 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

**6.5. Public Hearing Resolution – Business Development: Resolution No. 2005-R0550 calling for a public hearing to be held at 10:15 a.m. on December 15, 2005 to consider the creation of a Public Improvement District for Vintage Township which covers a portion of an area from the north one-half of Section 23, Block E-2, City of Lubbock, Lubbock County, Texas, generally bounded by 114<sup>th</sup> Street on the north, Quaker Avenue on the east, 122<sup>nd</sup> Street on the south, and Slide Road on the west.**

The City has received a petition from Stellar Land Company, Ltd. and Vintage Land Company, Ltd. requesting that the City establish a Public Improvement District (PID) for the proposed Vintage Township development area. The area covers approximately 320 acres. PID establishment can only be initiated by a petition of property owners meeting two tests outlined in the statute; petition signed by the owners of: 1) more than 50% of the appraised value of the taxable real property liable for assessment, and 2) the record owners of property that constitute more than 50% of the number of record owners or of more than 50% of the area within the PID. The petition received by the City was signed by Paul Stell representing both companies requesting the establishment of the Vintage Township Public Improvement District, owners of 100% of the total appraised value (\$1,670,420) for the area and 100% of the total land areas contained by the proposed PID. The petition has been examined, verified, and found to meet the requirements of Section 372.005(b) of the Texas Local Government Code and to be sufficient for consideration by the City.

The public hearing is to consider the formation of a Public Improvement District in this area pursuant to the Public Improvement District Assessment Act for the purpose of constructing and maintaining specific amenities defined in the Master Development Agreement approved by City Council on November 7, 2005.

#### **FISCAL IMPACT**

As per the Master Development Agreement approved by City Council on November 7, 2005, the Developer has agreed to pay all the City's cost and expenses relating to the development and establishment of this PID. In addition, the construction and maintenance expenses that will be identified in

the PID Service Plan will be funded through an assessment to the property owners; therefore, no impact on the City's budget.

Staff recommended the public hearing be held at 10:15 a.m. on December 15, 2005.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0550 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

**6.6. Board Chair Appointment – City Secretary: Appoint the Chair for the North Overton Tax Increment Financing Reinvestment Zone for calendar year 2006, with the term ending January 1, 2007.**

By State statute and the ordinance creating the North Overton TIF, the governing body of the municipality will appoint one member of the Board to serve as Chair for a one-year term. Jack Driskill is currently serving as Chair and has agreed to serve this year.

Staff recommended Jack Driskill be appointed as the Chair of the North Overton TIF.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to appoint Jack Driskill to the North Overton Tax Increment Financing reinvestment Zone for calendar year 2006. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal recused himself.

**6.7. Policy Resolution – Councilwoman DeLeon: Resolution No. 2005-R0551 establishing a policy concerning the broadcast of City Council meetings on the City cable television channel, and take appropriate action.**

John Knight, Assistant City Attorney, answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2005-R0551 and include the resolution in the minutes. Mayor Pro Tem Martin requested to amend the language of the resolution to omit all the language after "BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK" and replace it with "that the City Council adopts policy for citizen appearances the same as the Lubbock Independent School District's policy, which requires written notice seven days prior to a Council meeting to be placed on the agenda, so that people who wish to address the Council would be on the agenda, giving the public and everyone else sufficient notice and what they intend to speak on, and that it would be available to everyone; then, therefore, we could allow citizen comments to be televised". Council Member DeLeon did not accept the amendment. A vote was taken on the amendment, which carried: 4 Ayes, 2 Nays. Council Members DeLeon and Price voted Nay. Vote was then taken on the amended resolution. Motion failed: 3 Ayes, 3 Nays. Mayor McDougal and Council Members DeLeon and Price voted Nay.

Regular City Council Meeting  
November 18, 2005

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to reconsider Item 6.7. Motion carried: 6 Ayes, 0 Nays.

After further discussion, Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0551 and amend it to read that a citizen has to submit in writing 72 hours in advance of a Council meeting that he/she wishes to address Council and on what topic. Mayor McDougal pointed out that the present motion was the same as the prior failed motion except with a time frame of 72 hours instead of seven days. After further discussion, Council Member Boren and Council Member Gilbreath withdrew the motion and the second. Motion was then made by Council Member Boren, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0551 as amended. Motion carried: 4 Ayes, 2 Nays. Council Members DeLeon and Price voted Nay. *Note:* The amendment was to omit all the language after "BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK" and replace it with "that a citizen has to submit in writing seven days in advance of a Council meeting that he/she wishes to address the Council and on what topic, giving the public and everyone else sufficient notice and what they intend to speak on, and that it would be available to everyone; then, therefore, City Council could allow citizen comments to be televised.

**11:00 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**2:13 P. M. CITY COUNCIL RECONVENED**  
**Mayor McDougal was absent**

**6.2. Board Appointments – City Secretary: Consider three appointments to the Central Business District Tax Increment Financing District, one appointment to the Community Development & Services Board, four appointments to the Housing Finance Corporation, one appointment to the Lubbock Emergency Communications District, three appointments to the Libraries Board, four appointments to the Structural Standards Commission, two appointments to the Urban Renewal/Neighborhood Redevelopment Commission, one appointment to the Water Board of Appeals, one appointment to the West Texas Municipal Power Agency, one appointment to the Museum & Arts Standing Sub-Committee, and five appointments to the Reese Redevelopment Authority Board of Directors.**

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to reappoint Merle Blosser, Robert Taylor, and Brent Noble to the Central Business District TIF Board. Motion carried: 5 Ayes, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to reappoint Royce Newsom to the Community Development & Services Board. Motion carried: 5 Ayes, 0 Nays.

Regular City Council Meeting  
November 18, 2005

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to appoint Andy Cates and Carolyn Crowson, and re-appoint Cathy Allen and Ken Flagg to the Housing Finance Corporation Board. Motion carried: 5 Ayes, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to reappoint Bob Wood to the Lubbock Emergency Communications District Board. Motion carried: 5 Ayes, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to reappoint Margret Ingraham, Jacquelyn Porch, and Ralph Shelton to the Libraries Board. Motion carried: 5 Ayes, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to reappoint Bill Cantrell and appoint John Heagy, L.V. Andrews, Mike Arnold, and Michael Martin to the Structural Standards Commission. Motion carried: 5 Ayes, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to reappoint Scott Scarborough and appoint Pepe Lucio to the Urban Renewal/Neighborhood Redevelopment Commission. Motion carried: 5 Ayes, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to appoint Bo Jackson to the Water Board of Appeals. Motion carried: 5 Ayes, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to reappoint Martha York to the West Texas Municipal Power Agency. Motion carried: 5 Ayes, 0 Nays.

**No action was taken on the appointments to the Museum & Arts Standing Sub-Committee.**

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to reappoint Delbert McDougal, John Tye, and Connie Wharton with term expiring in 2009, and appoint Dr. Dean Smith and Suzanne Wilson with term expiring in 2007 to the Reese Redevelopment Authority Board of Directors. Motion carried: 5 Ayes, 0 Nays.

**2:15 P. M. COUNCIL ADJOURNED**

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