

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
December 15, 2005
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 15th day of December, 2005, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:30 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

Mayor McDougal recognized and welcomed former City Councilman and Mayor Pro Tem Victor Hernandez.

1. CITIZEN COMMENTS PERIOD

1.1. Johnnie Jones appeared before the City Council to speak about obtaining information from the City of Lubbock, speaking before City Council, and modifications of the City of Lubbock Employee Benefit Plan.

Johnnie Jones requested Council to remove Item 5.28 and possibly 5.26 from the consent agenda regarding the Employee Benefit Plan that was tabled at the November 18, 2005 City Council meeting, and consider rejecting the adoption of this no-bid plan. She said that it is a huge increase for City employees to take. It is on average 18% and goes all the way up to 108% increase. To ask for this increase without seeing if there is a better deal for the employees and the citizens of Lubbock is a disservice. Jones also stated that it seems unusual that a benefit plan would be adopted without a bid. She also expressed that more leniency is needed in allowing citizens to speak.

1.2. Joe Martinez appeared before the City Council to speak about street lighting in the 1600 block of Erskine Street.

Joe Martinez, representing the Knights of Columbus, Council 8097, located on the 1600 block of Erskine Street, addressed Council regarding street lighting. He said the building and parking lot covers at least a block. He spoke with a city employee who he says agrees that this is a very dark area. There are railroad crossings that run parallel to the building and lighting would eliminate the possibility of an accident. Mr. Martinez then answered questions from Council. Mayor McDougal asked staff to get a phone number for Mr. Martinez so they can get back to him.

1.3. Mikel Ward appeared before the City Council to speak about the citizen comment period.

Mikel Ward expressed to Council her concerns regarding the citizen comment period. She stated that historically citizen comments have been handled many ways, recorded and not, edited and not, played and not, and finally shoved off to 7:30 a.m. in the morning, which is two hours before the start of Council meeting and discourages some citizens from coming at all. A better time would certainly help. She said it made sense when citizens were allowed to comment on controversial agenda items during Council discussion immediately before vote, similar to a public hearing. Ms. Ward feels that a seven-day advanced specific issue request for agenda items is totally absurd, when the agenda is posted only 72 hours prior to Council meeting. Public access should mean that the public could be seen and heard by the public. City Council meetings should be aired gavel-to-gavel without editing because it is the only forum that the citizens have to voice their concerns and opinions to Council and to their neighbors.

1.4. Dela Esqueda, Executive Director Guadalupe-Parkway Neighborhood Centers, appeared before the City Council to speak about the programs and the location of Guadalupe Center.

Dela Esqueda spoke to Council regarding the programs that the Guadalupe/Parkway Neighborhood Centers have to offer to the children. Their goal is to empower the children to succeed, and the programs are presented with passion. A safe environment is provided for the children and is also needed for adults. She thanked Council for visiting the Guadalupe Center and really seeing the potential of what is offered. She also thanked the Board of Directors for working very hard and passionately to provide programs for the children. The Guadalupe Center, donated under a Memorandum of Understanding through Catholic Family Services, facilitates after-school programs for children who would normally not have any place to go, other than home, and most of them would be home alone. There is a home environment at the center. Children are provided a snack, they do their homework, have group activities, and time for play. Ms. Esqueda thanked Catholic Family Services for coming on board, being their aide, and helping to provide the programs they offer. She then answered questions from Council.

1.5. The following citizens appeared before the City Council to request redistribution of \$1.2 million intended for the Canyon Lakes Dam #4 Capital Improvement Project back into North and East Lubbock for development and improvement:

- **Father Martin Pena, WTOS leader and St. Joseph's Priest**

Father Pena addressed Council regarding rebuilding of the Guadalupe Neighborhood Center and improvements to the Northwest Little League press box and restrooms. He then answered questions from Council.

- **Benny Brito, WTOS leader and North Lubbock business owner and church deacon**

Benny Brito addressed Council concerning isolation and separation of the Guadalupe neighborhood following the completion of the Marsha Sharp freeway. Brito expressed the need of a community center that would service the entire community. He then answered questions from Council.

- **Calvin Davis, WTOS leader and North and East Lubbock Community Advocate**

Calvin Davis expressed his support of a recommendation to build a Guadalupe Neighborhood Community Center. Being a member of the 100 Black Men of West Texas, Davis has done mentoring with the Parkway and Guadalupe Centers for years.

- **Mike Garcia, WTOS member and Vice President and 38 year volunteer of Northwest Little League**

Mike Garcia addressed Council regarding refurbishing the Guadalupe Neighborhood Center and the restroom issue at the North West Little League field.

- **Lisa Vergara, Northwest member and North West Little League President**

Lisa Vergara spoke to Council about the problems of adequate restrooms, septic tank sewage overflowing on the ground, and no shaded area for the team or the fans at North West Little League. Vergara stated that the biggest concern of the Little League Safety Manual is heat-related problems. She then answered questions from Council.

- **Mary Vines, WTOS leader and past volunteer at Guadalupe Center**

Mary Vines appeared before Council to share some Lubbock history about the Guadalupe Neighborhood Center. She stated that it is the fervent prayer of the twenty-member churches of WTOS that a center will be provided in Guadalupe Park and sustain the vision that helped Guadalupe survive and thrive.

- **Father Andres Mendoza, WTOS leader and Our Lady of Guadalupe Priest** (Not present)

1.6 Alma Lujan appeared before the City Council to speak on the Guadalupe Neighborhood Center.

Alma Lujan was not present, but Ms. Lujan's daughter, Veronica Lujan, passed out a letter to Council from her mother.

1.7 Veronica Lujan appeared before the City Council to speak on the Guadalupe Neighborhood Center.

Veronica Lujan spoke to Council on behalf of the Guadalupe Neighborhood Center. She feels the most important aspect of the center is the location. While the building may be good, the location is not as good. It is lacking a playground, basketball/volleyball courts, picnic tables, and shaded areas. The building is not accessible for other activities such as parties, meetings, etc. Ms. Lujan questioned adding these amenities to the current facility when Guadalupe Park already has them, and a new facility can be built there. It seems more reasonable for the children to walk across the street to the park, so that the principal, teachers, parents, and citizens from the neighborhood can see them. At the current location, the building is hidden from view and the children have to travel a longer distance. She went on to say that a place is needed for the elderly to receive medical attention when needed, daily meals, healthy activities, games to take part in, and a place where they can come together to socialize.

1.8 Judy Crumbley-Williams, Guadalupe/Parkway Board Chair, appeared before the City Council to express the views of the Board on the center in the Guadalupe area.

Judy Crumbley-Williams spoke to Council on the position of the Board regarding the Guadalupe area. She explained that for a short time after the old building had to be demolished because it was condemned, the Guadalupe Center met in one building, then in the Guadalupe School through the summer. Later, arrangements were worked out with Catholic Family Services, and that is where the programs are conducted today. The arrangement is very workable. Progress has been made. A full-time Executive Director of the Guadalupe/Parkway Neighborhood Centers has been hired. A Program Director has been hired just for the Guadalupe area, so that there is constant supervision. A music program has been added. Pianos were donated from Texas Tech. Also, a core of volunteers has been added to both centers. The programs are doing well and the children are well supervised. No rodents have been identified. The centers are committed to carrying on the best programs and quality programs in the tradition that Barbara Sommerville instituted back in 1963. Ms. Crumbley-Williams commented on their standing with the United Way. The United Way Review Board has raised the centers' rating to a "3" and promised their continued funding for the upcoming year. Depending on the donations, there may be more funding available. She then answered questions from Council.

1.9 Ruben Albares, LULAC President, appeared before the City Council to address the bond issue for North and East Lubbock, as well as public access television.

Ruben Albares appeared before Council to express his concerns regarding the pros and cons of renovating an existing building that will not take care of the needs of our children in the future, and building a new community center in

the Guadalupe area. He feels a new facility is needed in the Guadalupe neighborhood, since the funds are available.

1.10 Terri Frazier appeared before the City Council regarding the Citizen Comment segment of the Council agenda.

Terry Frazier addressed Council regarding citizen comments. Her feelings were that Council should allow citizen comments at Council meetings by signing up at the meeting, giving name and subject, without the advanced notice requirement, and with the understanding that any names dropped in a negative, slanderous, or otherwise unsubstantiated way will not be aired. She stated that her observation was that this Council, in the past, has a reputation of being open to the public in asking for thoughts. It appears on both sides, Council and the public, that the seven-day rule is discriminatory since the official agenda is not posted until three days in advance of Council meetings. Ms. Frazier asked Council to be considerate when making a decision on citizen comments.

**8:45 A.M. CITY COUNCIL REGULAR MEETING CONVENED
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; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: No one

Mayor McDougal convened the meeting at 8:45 A. M.

2. **EXECUTIVE SESSION** was considered following Item 6.19.
3. **PROCLAMATIONS AND PRESENTATIONS** were considered at 9:55 A.M. following Item 6.8.
4. **MINUTES**

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, November 18, 2005

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to approve the minutes of the Regular City Council Meeting of November 18, 2005 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

- 5.1. **Drainage Easement Ordinance 1st Reading – Right-of-Way: Ordinance No. 2005-00144 abandoning and closing a 60-foot wide drainage easement located in Section 25, Block E-2, Lubbock County, located at 5611 104th Street.**

This ordinance abandons and closes a 60-foot wide by 300-foot long drainage easement, just east of Elkhart Avenue in what will be 104th Street, that was dedicated with the West Lake Estates plat. The area east of this addition is being platted and a street dedicated where this proposed abandoned drainage easement is located and the easement is no longer needed.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member Gilbreath, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-O0144 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.2. Easements Ordinance 1st Reading – Right-of-Way: Ordinance No. 2005-O0145 abandoning and closing a 50-foot access easement and a 20-foot utility and garbage collection easement adjacent to Lot 2-B, Alamo Plaza Addition to the City of Lubbock, for property located at 906 50th Street.

This ordinance abandons and closes a 50-foot access easement and a 20-foot utility and garbage collection easement located just west of I-27 and north of 50th Street in the Alamo Plaza Addition. These easements are being closed for development purposes and a new utility easement will be dedicated in the re-plat. All utility companies are in agreement with these closures.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Council Member Price, seconded by Council Member Jones to pass on first reading Ordinance No. 2005-O0145 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.3. First Amendment of Lease Agreement Resolution – Right-of-Way: Resolution No. 2005-R0564 authorizing the Mayor to execute a first amendment of lease agreement with Granite Construction for the City property located at 4201 East 50th Street.

Just east of Loop 289 on the north side of East 50th Street is a 500-foot by 550-foot tract of land that is part of the City's land application site. In 1994 this tract of land was leased to Williams and Peters Construction for an asphalt hot mix plant. In 2001 the lease was transferred to Granite Construction for their use. Over the years, the size of the original leased area has grown and this amendment to the lease agreement amends the size of the leased tract of land to 750-feet by 750-feet. All other particulars of the lease remain the same.

In order to comply with the storm drainage permit, a berm is required around the site where construction materials and other items are stored. The City Farm also has materials stored at the site, so the berm benefits both the City and Granite Construction. Granite agreed to pay for the cost of the berm, and there will be no increase in the charge for the lease.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2005-R0564 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.4. Property Offer Resolution – Right-of-Way: Resolution No. 2005-R0565 authorizing the Right-of-Way Department to make a counter offer to 168 Chicago Limited Partnership, a Texas limited partnership, for a 179 square foot tract of land out of Tract A, Fountains Addition to the City of Lubbock for the 50th Street Widening Project, Slide Road to Loop 289 and to consider the commencement of eminent domain proceedings in the event such offer is not accepted for the property located at 5425 50th Street.**

At the May 12, 2005 City Council meeting, the Council approved through Resolution #2005-R0189 an offer to 168 Chicago Limited Partnership for a parcel of land located at the southeast corner of 50th Street and Chicago Avenue that is needed for the 50th Street Widening Project. The original resolution approved an offer of \$6,500 for this 179 square foot tract of land valued at \$492 and damages of \$6,000. This resolution authorizes the Right-of-Way Department to make a new offer of \$7,000 to 168 Chicago Limited Partnership for this parcel. They have agreed to this new amount and will accept it at this time. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

FISCAL IMPACT

Expense to the City of \$7,000 from account #915-9146-9280-40000 - Street Capital Projects.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2005-R0565 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.5. Property Offer Resolution – Right-of-Way: Resolution No. 2005-R0566 authorizing the Right-of-Way Department to make a counter offer to St. Matthew Methodist Church of Lubbock, Texas for a 339 square foot tract of land out of Lots 586 and 587, Richland Hills Addition to the City of Lubbock for the 50th Street Widening Project, Slide Road to Loop 289 and to consider the commencement of eminent domain proceedings in the event such offer is not accepted for the property located at 5320 50th Street.**

At the August 8, 2005 City Council meeting, the Council approved through Resolution # 2005-R0368 an offer to St. Matthew Methodist Church of Lubbock for a parcel of land located just east of Bangor Avenue and 50th Street that is needed for the 50th Street Widening Project. The original resolution approved an offer of \$1,530 for this 339 square foot tract of land valued at \$1,187 and improvements of \$343. This resolution authorizes the Right-of-Way Department to make a new offer of \$2,712 to St. Matthew

Methodist Church of Lubbock for this parcel. The Church feels that new land sales in the vicinity of their property have increased their land value. The City's appraiser for this project, Tommy Cantrell, has reviewed this request by the Church and agrees to a new land value amount as a means of completing this acquisition from the Church. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

FISCAL IMPACT

Expense to the City of \$2,712 from account #915-9146-9280-40000 - Street Capital Projects.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2005-R0566 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.6. Property Offer Resolution – Right-of-Way: Resolution No. 2005-R0567 authorizing the Right-of-Way Department to make an offer to the Mart Mariam Family Limited Partnership for a 4,425 square foot tract of land from Lots 3 and 4, Farrar Del Norte Addition to the City of Lubbock for a northbound Frankford Avenue and Spur 327 right-hand turn lane and to consider the commencement of eminent domain proceedings in the event such offer is not accepted for the property located at 6001 Frankford Avenue.**

This right-of-way acquisition is needed for a northbound Frankford Avenue right-hand turn lane at its intersection with Spur 327. The Texas Department of Transportation is planning to reconstruct Spur 327 and they have offered to construct this right-hand turn lane as part of the project if the City will acquire the right-of-way. It was first funded in 2000 but delayed to determine the effect of re-striping the intersection by the Traffic Department, which has improved traffic flow through the intersection. The traffic flow will be further improved by the construction of this right-hand turn lane. The City will be acquiring the west 15-feet of Lots 3 and 4, Farrar Del Norte Addition from the Mart Mariam Family Limited Partnership. Merle Blosser, M.A.I., appraised this 4,425 square foot acquisition at \$11,100, which is the offer to the partnership. This property is zoned R-1 Single-Family and Mr. Blosser calculated this acquisition value at \$370 per front foot. This resolution also authorizes the City to institute condemnation proceedings to acquire this property if the offer is refused.

FISCAL IMPACT

An expense of \$11,100 from account #90020-8302-40000 - Northbound Frankford Avenue and Spur 327 Right-hand Turn Lane Project.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2005-R0567 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.7. Monitor Well Permit Resolution – Right-of-Way: Resolution No. 2005-R0568 authorizing the Mayor to execute a monitor well permit with Horkey Oil Company, Inc. for a street right-of-way monitor well located at 3503 48th Street.

This monitor well permit allows Horkey Oil Company, Inc. to drill a ground water monitor well in the south right-of-way of 48th Street, approximately 104 feet west of Joliet Avenue. The property owner, Susan Kincaid, has given the City written approval to allow the contractor to place the monitor well in front of her property in the street right-of-way at 3503 48th Street. The former Horkey Shell/Rapid Color businesses located at 3520 50th Street had a faulty underground storage tank and TNRCC has requested that they go off site with a monitor well in addition to what they have already drilled on their property. This permit is for 20 years, payable every five years in advance. All utilities are in agreement and the City will receive \$100 per year for this monitor well location.

FISCAL IMPACT

Yearly revenue of \$100 to the City.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2005-R0568 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.8. Contract Change Order Resolution – Streets: Resolution No. 2005-R0569 authorizing the Mayor to execute Change Order No. 3 to the Milwaukee Paving Project from 34th Street to 92nd Street.

Change Order No. 3 is for additional work to be done on this construction contract for the paving of Milwaukee Avenue from 34th Street to 92nd Street.

Original Contract	\$17,316,932.50
Change Order No. 1 (7/14/05)	(212,840.00)
Change Order No. 2 (10/27/05)	416,200.00
Change Order No. 3	147,268.83

New Contract Amount \$17,667,561.33

Change Order No. 1 deleted some items from the construction contract in cooperation with Granite Construction Company, the Contractor.

Change Order No. 2 added a utility ditch backfill remediation in Milwaukee Avenue from 92nd Street south to 98th Street, and on 98th Street from Milwaukee Avenue east to Juneau Avenue.

Change Order No. 3 represents the addition of five different items of work:

- (1) A change to use anti-corrosive material for the risers on 72" diameter manholes: This change was requested by the City Water Utilities Division. The change results in a deduction of \$7,920, and an increase of \$12,420, for a net contract increase of \$4,500 for this work.
- (2) The addition of work zone pavement markings that was not included in the original contract: These temporary pavement markings are needed from 34th Street to 43rd Street where traffic will be maintained on Milwaukee Avenue for the school at 43rd Street. These pavement markings are estimated to cost \$1,409.
- (3) Irrigation sleeves installed in the median between Brownfield Highway and Spur 327: In cooperation and coordination with the Texas Parks and Wildlife Department and the City Parks Department, it is recommended that a median should be constructed in the portion of Milwaukee Avenue crossing McAlister Park for live planting material. These sleeves are added for irrigation to these planting areas. This cost is estimated at \$5,840.
- (4) Lowering the water line below the planned elevation immediately north of 82nd Street: After the original design of water line was completed, it was discovered that three to four utilities are in direct conflict with the proposed water line to be constructed in Milwaukee Avenue. Included in the utility conflicts are a high-pressure gas line and fiber optic cables. Consequently, the water line will be lowered in order to miss all the existing utilities. The additional cost is estimated at \$28,519.
- (5) Asphalt stabilized base between the bottom of the concrete paving and the top of culverts with less than 2 feet of cover: To resolve a design concern regarding stability and waterproofing of dirt backfill in this shallow depth area of the cover over six culverts, an asphalt-stabilized base over the culverts is required at an estimated cost of \$107,000.

FISCAL IMPACT

The 2005-06 Capital Projects Budget includes \$20,500,000 funding for this project. With the contracted construction (including this change order) and engineering, a total of \$19,269,604 will be obligated for this project.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0569 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.9. Contract Resolution – Community Development: Resolution No. 2005-R0570 authorizing the Mayor to execute a Community Development funding contract from the Community Development Block Grant, and all related documents, between the City of Lubbock and the Young Women’s Christian Association of Lubbock.**

Grantee: Young Women’s Christian Association of Lubbock

Program: YWCA Sun 'n Fun Swimming Pool Renovation Project

Funding Source: 2003-2004 Community Development Block Grant

Use of Funds: This program will provide funds to partially fund the architectural services required for the renovation of the Sun 'n Fun Swimming Pool located at 6204 Elgin Avenue.

Amount: \$20,000

Match: 25%

Return of Investment: 25% of grant funds used will be paid back. The grantee will have the option of paying back in one lump sum 30 days after completion of the project or equal payments for up to ten years with no interest charged.

Term: December 15, 2005 through September 30, 2006

Comments: Funding for this contract was approved by City Council at the April 22, 2004 City Council meeting during their annual Reallocation of CDBG funds. The YWCA now has funds in place to complete the renovation of the swimming pool.

Fiscal Impact

The source of funding is the Community Development Block Grant. The maximum to be allocated to this project is \$20,000. As the Return of Investment is collected, the funds will be designated as Program Income and will be allocated to other Community Development projects.

Staff recommended approval of this resolution.

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0570 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Martin recused himself.

5.10. Contract Change Order Resolution – Facilities Management: Resolution No. 2005-R0571 authorizing the Mayor to execute a contract change order with Kleen-Tech Services Corporation for the City of Lubbock custodial services contract.

This custodial services contract change order No. 4 will provide cleaning services for the Silent Wings Museum by Kleen-Tech Services Corporation, who is currently servicing the City of Lubbock contract. This addition of service for Silent Wings will include full daytime cleaning. This change order will replace the service that was being performed by the Airport.

FISCAL IMPACT

This change order is for \$23,196 and will bring the new custodial contract amount to \$775,601 per year. A total of \$51,500 was appropriated with \$51,500 available in Silent Wings Museum account #5245-8240 – Building Maintenance.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0571 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.11. Bid Submission Support Resolution – Parks and Recreation: Resolution No. 2005-R0572 dedicating resources to support the bid for the 2009 or 2010 Joint Institute and Trade Show of the Texas Recreation and Parks Society and the Texas Parks and Wildlife Department.

The Texas Recreation and Parks Society (TRAPS) Board of Directors and the Institute Site Selection Committee have extended an invitation to bid for the 2009 or 2010 State Institute and Trade Show. The annual Institute is a joint training opportunity for parks and recreational professionals throughout the State of Texas. Typically, attendance to the State Institute is 600 to 800 people. The Lubbock Convention and Visitors Bureau is developing a bid package for the Institute. The bid package is due December 22, 2005. One of the requirements for the bid package is a resolution, approved by City Council, dedicating resources for the Institute. City of Lubbock resources will involve City staff for planning meetings and event hosting. TRAPS will dedicate resources, as well as representatives from other cities, to assist in the development and operations of the Institute.

FISCAL IMPACT

Additional funding is not required for this event. Lubbock Parks and Recreation staff will be involved in the planning and hosting of the Institute.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0572 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.12. Water Rights and Water Reuse Permit Applications Delegation Resolution – Water Utilities: Resolution No. 2005-R0573 appointing City staff and positions to execute and submit appropriate water rights and water reuse permit applications and various reports required by Texas Permit Discharge Elimination System Permits.

The City is required to obtain certain permits from the State of Texas regarding appropriate water rights, authorization for the reuse of its wastewater, and the discharge and disposal of wastewater. These activities require the City to execute applications and to submit operational reports. Resolution No. 2003-R0362, dated September 4, 2003, delegated this authority to the Director of Public Works.

The proposed resolution will repeal Resolution No. 2003-R0362 and:

- (1) Delegate to the Director of Water Utilities the authority to execute and submit any and all applications for appropriate water rights permits, water reuse authorizations and/or applications to amend or renew these

permits, and any and all other documents submitted to the Texas Commission on Environmental Quality related to, or in connection with, Chapter 11 of the Texas Water Code.

- (2) Delegate to the Wastewater Treatment Plant Superintendent and the Chief Operator of the Wastewater Treatment Plant the authority to execute and submit discharge monitoring reports and all other reports required to be submitted with the City's Texas Permit Discharge Elimination System Permit No. 10353-002.
- (3) Delegate to the Water Utilities Chief Operations Officer and Sampling and Monitoring Supervisor the authority to execute and submit discharge monitoring reports and all other reports required to be submitted for the City's Texas Permit Discharge Elimination System Permit No. 04599.

The delegation is necessary to allow staff to sign permit applications and the day-to-day operational reports associated with the City's TCEQ discharge permits.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0573 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.13. This item was considered following Item 5.16.

5.14. Contract Amendment Resolution - Planning: Resolution No. 2005-R0574 authorizing the Mayor to execute a second contract amendment with Pinnacle Mapping Technologies for aerial photograph and digital orthophotography services.

In early 2005 the City contracted with Pinnacle Mapping Technologies for Digital Orthophotography and contour mapping. This \$6,740 contract amendment will fund a more accurate Digital Terrain Model (DTM) in the rural areas around Lubbock where the digital orthos are being funded by the USGS. A DTM is a digital three-dimensional topographic model of the earth's surface that can be manipulated by computer programs. Increasing the accuracy of the rural area data to match that of the City is important to the Lubbock Emergency Communications District (LECD) and the Lubbock Central Appraisal District (LCAD). Therefore, they are providing a portion of the funding for this work. Their combined \$6,740 participation is covered in the two interlocal agreements also on this agenda.

FISCAL IMPACT

None, because of the LECD and LCAD participation.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0574 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.15. Interlocal Agreement Resolution – Planning: Resolution No. 2005-R0575 authorizing the Mayor to execute an interlocal agreement with the Lubbock Emergency Communications District regarding digital orthophotography services.

This interlocal agreement will allow the Lubbock Emergency Communications District (LECD) to contribute \$5,000 toward the \$6,740 cost of a more accurate Digital Terrain Model in the rural areas around Lubbock. Increasing the accuracy of the rural area data to match that of the City is important to LECD. Therefore, they are providing a portion of the funding for this work.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0575 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.16. Interlocal Agreement Resolution – Planning: Resolution No. 2005-R0576 authorizing the Mayor to execute an interlocal agreement with the Lubbock Central Appraisal District regarding digital orthophotography services.

This interlocal agreement will allow the Lubbock Central Appraisal District (LCAD) to contribute \$1,740 toward the \$6,740 cost of a more accurate Digital Terrain Model in the rural areas around Lubbock. Increasing the accuracy of the rural area data to match the information that the City is funding for the urban areas is important to LCAD. Therefore, they are providing a portion of the funding for the work.

Staff recommended approval of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0576 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.13 Lease Agreement Resolution – Radio Shop: Resolution No. 2005-R0577 authorizing the Mayor to execute a lease agreement with Alamosa PCS for the lease of antenna space on a City owned radio tower located near 79th Street and Slide Road.

The City built a 300-foot radio tower in 1979 on land near 79th Street and Slide Road. Space on this tower has been limited to City use for various reasons, which include concerns of interference with the City's 800MHz radio system. Alamosa PCS has requested to lease space on the tower with the understanding that the frequency of the radios they install will not conflict with any used by the City. In addition to the annual lease amount of \$21,600,

Alamosa has agreed to enhance the tower to ensure the additional load will not impact its structural integrity.

FISCAL IMPACT

The lease is for \$21,600 for five years with an annual increase of 2.5% per year.

Staff recommended approval of this resolution.

Mark Yearwood, Chief Information Officer, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0577 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Council Members Jones and Price were away from the dais.

5.17. Reimbursement Resolution – Fiscal Policy: Resolution No. 2005-R0578 to reimburse bond-funded capital expenditures for General Purpose, Solid Waste, Stormwater, Wastewater, Water, Parks, Streets, Gateway Streets, North Overton Tax Increment Finance Zone, Lubbock Power & Light, and Administrative Services projects, with proceeds of future debt not to exceed \$90,310,000.

It is anticipated that the City will issue bonds in late spring/early summer 2006 to fund various projects that were approved by City Council in the FY 2005-06 Capital Improvement Program Budget. These projects include:

SOLID WASTE

91014	Biosolids Composting Project	\$ 100,000
91016	Cell Development	3,627,000
91136	78th & Quaker Flare	2,179,960
91137	Realignment of Gas Pipeline at #69	668,400
		6,575,360

STORMWATER

8511	Northwest Lubbock Master Plan and Maxey Park Study	200,000
90141	South Lubbock Storm Sewer Project	4,000,000
		4,200,000

WASTEWATER

8505	Water Resources Master Plan	6,000,000
9754	Sewer Lines Ahead of Marsha Sharp Freeway	1,200,000
91027	Sewer System Master Plan	150,000
91081	98th Street Compaction Repair	8,500,000
91083	Lubbock Land Application Remediation Wells	270,000
		16,120,000

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WATER

9397	SW Pump Station (West Pressure Zone)	1,800,000
9742	Water Lines Ahead of Marsha Sharp Freeway	1,200,000
90055	Water Facilities Security Improvements	500,000
90352	South Lubbock Well Field	5,350,000
90357	Parks Conversion to Ground Water	350,000
91003	Increase Sandhills Production	1,480,000
91007	Comprehensive Water Line Changeouts	4,200,000
91010	WTP Particle Counter Replacement	150,000
91036	Water Treatment Plant Evaluation	250,000
91037	Pump System Evaluation	250,000
91082	Eastport Water Renovation	600,000
91085	Acquisition of Water Rights (CRMWA)	20,000,000
		<u>36,130,000</u>

ADMINISTRATIVE SERVICES

91048	Municipal Building HVAC Renovations	530,150
91152	Municipal Building Generator Installation	198,000
91190	Municipal Building ADA Compliance	114,500
		<u>842,650</u>

PARKS

9196	Mackenzie Park Border Fence Phase 1	\$ 30,000
90015	Irrigation Automation & Control System	250,000
90384	Lubbock Challenger Little League Sports	192,000
91154	Community Center Renovations - Various Locations	150,000
91169	Park Pavilions	200,000
91170	Park Playgrounds 06	200,000
91171	Park ADA Upgrades	75,000
		<u>1,097,000</u>

STREETS

9146	50th Street: Slide/Loop 289	275,000
90093	98th Street from Frankford Ave. to Slide Rd	2,878,000
91119	Ongoing Street Lighting	50,000
91187	Erskine @ N. University Street Drainage	484,000
91188	Broadway Brick Repairs	150,000
		<u>3,837,000</u>

GATEWAY STREETS

91101	Erskine Street: Frankford to Salem	1,024,000
91102	Slide Rd: Loop 289 to Erskine	355,000
91103	Loop 289: 4th Street, Slide	1,470,000
		<u>2,849,000</u>

NORTH OVERTON TAX INCREMENT FINANCE ZONE

Various	Water, sewer, electric, drainage, park and street improvements and extensions, including utility relocations, sidewalks, street lighting, landscaping and irrigation, all located within the City's North Overton Tax Increment Financing District.	5,684,119
	Public Facility	4,000,000
		<u>9,684,119</u>

ELECTRIC

90361	Overhead Distribution	1,250,000
90362	Underground Distribution	2,250,000
90363	Distribution Transformers	1,100,000
91114	Spare Substation Transformer	400,000
91115	Service Distribution	300,000
91121	Oliver Substation Breaker Expansion	90,000
91122	Northeast Substation Breaker Retrofit	48,000
91127	Brandon LM2500 Hot Section Overhaul	700,000
91150	LBC Miscellaneous Renovations	100,000
		<u>6,238,000</u>

PARKS - GENERAL OBLIGATION

91165	Miller/Andrews Park Redevelopment	\$826,000
		<u>826,000</u>

STREETS - GENERAL OBLIGATION

9177	Regis Corridor Enhancement Project	365,000
90095	North University Enhancement Project	750,000
90378	Traffic Signal Locations	100,000
91100	Signal Communications (PH-2-ITS)	245,093
91189	Strip Paving Unpaved Streets	450,000
		<u>1,910,093</u>

\$90,310,000

TOTAL

For authorized construction projects there may be design and engineering costs incurred prior to delivery of the bond proceeds in order that the projects may be completed within prescribed timeframes. 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 \$90,310,000.

Staff recommended approval of this resolution.

City Manager Lee Ann Dumbauld gave comments and answered questions from Council.

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0578 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal recused himself.

Council Member Jones was away from the dais.

5.18. Reimbursement Resolution – Fiscal Policy: Resolution No. 2005-R0579 authorizing the reimbursement of costs associated with the purchase of equipment, from the proceeds of a tax-exempt master lease-purchase obligation.

The City anticipates entering into a Master Lease-Purchase Agreement within the next 60 days to provide funding to finance the purchase of replacement light duty utility vehicles, public safety vehicles, heavy machinery, major software systems, minor environmental control systems, technology replacements, and other necessary operational equipment and similar equipment. The agreement is a financial instrument that enables the City to use annual revenue streams to make payments for essential use equipment at lower, tax-exempt interest rates. All items to be purchased through the Master Lease-Purchase Agreement were approved by City Council by ordinance or resolution.

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. Therefore, 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 the Master Lease provider 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 the Master Lease provider for these prior expenditures.

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 \$20 million.

As this action is necessary to proceed with the purchase of lease financed municipal equipment, staff recommended passage of this resolution.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0579 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Jones was away from the dais.

5.19. Purchase Resolution – Traffic Engineering: Resolution No. 2005-R0580 for traffic signal arm assemblies – BID #05-122/RW.

This bid is for the purchase of traffic signal arm assemblies used at intersections to suspend signal heads, thereby assigning right-of-way to vehicular traffic. Twelve of these arm assemblies will be installed along Milwaukee Avenue at 43rd Street, 66th Street, and 82nd Street, and at the South Plains Mall entrance within the next year by City Traffic Engineering employees. Two of these arm assemblies will replace stock, which was installed at Quaker Avenue and 31st Street during the summer of 2005. Two arm assemblies will be installed at Slide Road and 93rd Street within the next six months. Two shafts will replace damaged equipment.

The signal arm assemblies to be purchased are necessary for new signal installations and for replacement of damaged equipment.

Forty-seven local companies were notified of this Invitation to Bid and none responded.

FISCAL IMPACT

A total of \$9,000,000 was appropriated with \$5,421,748 available in account 90405 - Milwaukee Avenue, 34th Street to 98th Street.

Staff recommended contract award to ReliaPOLE Solutions, Inc. of Tomball, Texas for \$59,250.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0580 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Jones was away from the dais.

5.20. Contract Resolution – Park Development: Resolution No. 2005-R0581 for irrigation system upgrades at Mose Hood Park – BID #05-125/MA.

This project involves upgrading the irrigation system at Mose Hood Park and connecting the system to the centralized control system. Centralized control will allow rapid adjustment due to changes in the weather and will save time by allowing for system adjustment from a central location rather than sending an employee to the park. In addition, the system will automatically halt operation of damaged systems, which will save water. The project will also provide for re-grading the areas around the concrete drainage channels. These areas are too steep to mow due to the growth of weeds. This project will also provide Bermuda grass sod for the re-graded areas.

Time for completion of this project is 120 consecutive calendar days and liquidated damages are \$75 per day. Seventy-seven local companies were notified of this Invitation to Bid and two responded.

FISCAL IMPACT

A total of \$3,097,000 was appropriated with \$1,329,593 available in account number 90015.9246.3000 - Irrigation System Upgrade/Mose Hood Park.

Staff recommended contract award to Wallace Sprinkler, Inc. of Lubbock, Texas for \$190,800.

Nancy Haney, Executive Director of Community Development, and Larry Hertel, City Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Gilbreath, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0581 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.21. Purchase Resolution – Fire Department: Resolution No. 2005-R0582 for protective bunker gear – annual pricing – BID #05-129/BM.

This bid establishes annual pricing for the purchase of 58 sets of protective bunker gear. The contract term is one year with an option to renew annually for up to two additional one-year terms. The protective bunker gear will also be used for the on-going maintenance of existing inventory through the removal and replacement of sets that either fail National Fire Protection Agency testing or those that become unserviceable due to unforeseen damages that occur during the course of emergency responses.

Due to the extreme conditions that firefighters are normally subjected to, the protective performance of the protective bunker gear begins to diminish, failing at various rates in time depending upon the activity of the firefighter. As a result, efforts are focused on replacing failing sets of gear in inventory annually in order to avoid compromising the safety of firefighters and to alleviate the financial burden of a large single acquisition. Accordingly, this purchase will furnish approximately 58 sets of protective pants and coats for the purpose of retiring worn gear currently in service and for outfitting new recruits hired throughout the course of the year.

Four local companies were notified of this Invitation to Bid and none responded.

FISCAL IMPACT

A total of \$105,620 was appropriated with \$105,620 available in account 5619.8124 - Clothing Supplies.

Staff recommended contract award to Bacou-Dalloz, LLC of Franklin, Pennsylvania for \$59,381.56.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0582 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.22. Purchase Resolution – Water Utilities: Resolution No. 2005-R0583 for automatic transfer switch – BID #05-101/BM.

This bid is for the purchase of an automatic transfer switch for Pump Station #7, located at 29th Drive and Brownfield Highway. This equipment is necessary to automatically provide power to critical distribution system water pumping equipment during power outages. Existing equipment includes a manual switch, which causes a delay when City personnel are dispatched to the location to operate the switch. Due to the critical nature of this equipment, it is essential that power be restored to this location in a matter of seconds in order to maintain adequate system water pressure for the area it serves. City electricians will install the new equipment.

Sixty-seven local companies were notified of this Invitation to Bid and two responded.

FISCAL IMPACT

A total of \$100,000 was appropriated with \$99,000 available in account 91033 - Pumping Station Replacements.

Staff recommended contract award to Cain Electrical Supply Company of Lubbock, Texas for \$56,530.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0583 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.23. Purchase Resolution – Fleet Services: Resolution No. 2005-R0584 for fuel and lube service body – BID #05-123/MA.

This bid involves the purchase of one fuel and lube service body for Solid Waste Landfill operations to replace old equipment that is becoming increasingly costly to maintain and has met the criteria for replacement. The fuel and lube body is used to perform field service on the landfill heavy equipment such as compactors, push-pull scraper, and other landfill machinery and equipment.

Twenty-five local companies were notified of this Invitation to Bid and none responded.

FISCAL IMPACT

A total of \$3,350,695 was appropriated with \$3,350,695 available in various fund level accounts. This equipment will be financed using the City's master lease-purchase program.

Staff recommended purchase from Arnold Oil Company, LLP of Austin, Texas for \$72,869.

Victor Kilman, Purchasing Manager, and John Cobb with Solid Waste, gave comments and answered questions from Council.

Motion was made by Council Member Boren, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0584 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

5.24. Highmark Life Insurance Company Application Resolution – Human Resources: Resolution No. 2005-R0585 authorizing the Mayor to execute an application for insurance, and related documents, by and between the City of Lubbock and Highmark Life Insurance Company for stop loss insurance.

The City provides medical, prescription, and dental coverage for all full-time City of Lubbock employees. Employees have the option to purchase medical, prescription, and dental coverage for an eligible spouse and/or eligible dependent. Full-time employees may also participate in the cafeteria plan that includes a premium only plan and the City of Lubbock Flexible Benefit Plan that includes the medical reimbursement account and dependent care assistance account. Retirees have the option to purchase medical, dental, and prescription coverage for themselves or eligible dependents.

The stop loss insurance (umbrella policy) is currently provided through Highmark Life Insurance Company. Based on quotations received by AAG formerly ICON - the City's third party administrator) on the City's behalf. Staff recommended renewing our contract with Highmark Life Insurance Company. Highmark will provide stop loss coverage at \$175,000 with an aggregate limit of approximately \$20,054,207. The annual premium for stop loss coverage is \$541,698. By raising the individual stop loss from the current level of \$150,000 to \$175,000 per covered participant, the savings in premium is approximately \$113,990. In 2004 four employees surpassed the individual stop loss for a total amount of \$1,053,294 paid in claims, of which \$453,294 was reimbursed by the stop loss carrier. As of October 31, 2005 three individuals have surpassed the individual stop loss. \$567,467 has been paid on these three individuals as of October 31, 2005, of which \$117,467 will be reimbursed.

FISCAL IMPACT

The adopted budget for FY 2005-06 is sufficient to cover the proposed premium.

Staff recommended approval of Highmark Life Insurance Company for stop loss insurance with an increase to \$175,000 from \$150,000 for individual stop loss and aggregate of \$20,054,207.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2005-R0585 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal was away from the dais.

- 5.25. This item was considered and then reconsidered following Council reconvening at 1:25 P.M.**
- 5.26. This item was considered following Item 5.25.**
- 5.27. This item was considered following Item 5.28.**
- 5.28. This item was considered following Item 5.26.**

6. REGULAR AGENDA

- 6.1. This item was considered following the first consideration of Item 6.14.**
- 6.2. This item was considered following Item 6.5**
- 6.3. This item was considered following Item 6.2.**
- 6.4. This item was considered following Item 6.1.**
- 6.5. This item was considered following Item 6.4.**
- 6.6. International Building Code Ordinance 2nd Reading – Building Inspection: ORDINANCE NO. 2005-O0140—Amending Articles I and II of Chapter 6 of the Lubbock Code of Ordinances, adopting the 2003 International Building Code and consolidating general administrative provisions at Article I.**

City Council requested a change to the ordinance prior to the second reading on December 15. The requested change involves Section 6-36 and 6-37, which was a proposal to extend local registration requirements to State-licensed contractors. This has been removed pending further study.

Also, City Council had previously been informed that a change would be necessary prior to second reading in order to facilitate local amendments to the International Fire Code, which is also up for second reading on December 15. The changes would have involved language dealing with fire suppression systems and attic draft stopping in hotels, motels and apartments of combustible construction. On December 5, in considering the changes to the first draft, the Building Board of Appeals recommended approval of the second reading of the ordinance with the exception of the language dealing with fire suppression systems and draft stopping. The Board wishes to review the applicable Fire Code amendments, including detailed fire suppression system design requirements, prior to consideration of Building Code amendments related thereto. Consequently, the language was deleted from the draft ordinance and will be brought back at a later date as an amendment if approved by the Building Board of Appeals.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0140 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.7. International Fire Code Ordinance 2nd Reading – Fire Department: ORDINANCE NO. 2005-O0141—Adopting the 2003 Edition of the International Fire Code providing for certain amendments to such code and amend certain sections of Chapter 11 of the local ordinance in order to meet local conditions; providing a penalty; and providing for publication.**

The current adopted Fire Code is the 1991 edition. The most current published Fire Code is the 2003 International Fire Code. This new code is the companion document to the 2003 International Building Code. The provisions of this ordinance will not affect the International Residential Code that is currently adopted. The Fire Department has worked several years through several different code cycles attempting to get a current fire code adopted. Code of Ordinances Chapter 11 was analyzed by the Ordinance Review Committee and all amendments and changes to Chapter 11 and the adoption of the 2003 International Fire Code were recommended to City Council by the Committee. Meetings and reviews by the Building Official and Fire Marshal's Office were held with the Building Code Review Committee and areas of concern were discussed and addressed.

FISCAL IMPACT

There is no fiscal impact.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass on second and final reading Ordinance No. 2005-O0141 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.8. This item was considered and then tabled until Council reconvened at 9:35 A.M.**
- 6.9. Professional Services Agreement Resolution – Solid Waste: Resolution No. 2005-R0586 authorizing the Mayor to execute a professional services agreement with Parkhill, Smith & Cooper, Inc. for engineering services for the City's Solid Waste facilities.**

Parkhill, Smith & Cooper, Inc. (PSC) currently performs engineering services related to the City's Solid Waste Department under two separate contracts. The contract dated August 12, 1993 includes cell liner construction, completed landfill cell closure, and permit modification to meet Subtitle D requirements at the North Avenue P landfill. The contract dated June 14, 2001 includes cell liner construction; cell excavation; develop, update and modify groundwater, lechate and stormwater management systems; review and evaluate Municipal Storm Water Permit for any improvements at the Abernathy landfill.

The proposed contract updates and combines the two engineering service contracts into one contract. In addition, the proposed contract will include an expanded scope of work to allow PSC to perform engineering work related to

landfill gas collection systems, the 78th Street and Orlando Avenue site, and other Solid Waste projects as needed.

FISCAL IMPACT

This contract involves engineering services for various projects in the Solid Waste Department until the contract expires in 2010. For the FY 2005-06, there are six projects with a total estimated cost of \$7,073,488.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Price to pass Resolution No. 2005-R0586 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.10. Professional Services Contract Resolution – Parks and Recreation: Resolution No. 2005-R0587 authorizing the Mayor to execute a professional services contract with Chapman Harvey Architects, Inc. for architectural/engineering services for the development of the MLK Little League Complex.

The MLK Little League complex was presented to the Citizens Advisory Committee (CAC) in 2003. The project cost estimate was \$2,555,315 for a four-field complex that equated to an estimate of over \$1.9 million for a three-field complex. The CAC recommended a reduced level of funding of \$1,663,568. In 2004 the voters approved funding in the amount of \$1,665,000 for the construction of a three-field little league complex to serve the Martin Luther King Little League. The most recently constructed three-field Little League complex, the Cavazos Complex, was built at McAlister Park. The Cavazos Complex opened in 2002, with a total project cost of over \$1.9 million. The MLK Complex will be designed to the same standards as the Cavazos Complex.

The proposed location for the complex is north of Dunbar Historical Lake in the vicinity of East 19th Street and Aspen Avenue. The site archeological investigation has been completed and has been cleared by the Texas Historical Commission for construction.

Approval of this agreement will provide architectural and engineering (A/E) services to include design development, preparation of construction documents, project bidding, and construction administration. The estimated timeline for the project is:

- Schematic Design Phase – 21 days
- Design Development Phase – 21 days
- Construction Documents Phase – 60 days
- Bidding Phase – 30 days
- Construction Phase – 270 days

Chapman Harvey Architects, Inc. worked on the design and construction of the Cavazos Complex, therefore efficiencies will be realized for A/E Services for the MLK Complex.

FISCAL IMPACT

Funding is available from the 2004 Bond projects for the development of the MLK Little League complex. The contract amount for Chapman Harvey Architects, Inc. is 6.5% times the final construction cost. The engineering, irrigation, landscaping, and testing consultant fees total \$34,000. Additional funding requirements and phasing will be considered once the design is completed.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Martin to pass Resolution No. 2005-R0587 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.11. Budget Amendment #7A Ordinance 1st Reading - Finance: Ordinance No. 2005-00146 amendment #7A amending the FY 2005-06 budget respecting the 1) Central Business District TIF Fund, 2) General Fund, 3) Donations Fund, 4) Airport Fund, 5) LP&L Fund, 6) Grant Fund, and 7) Police Department Forfeited Funds.

1. Appropriate \$100,000 from the Central Business District Tax Increment Finance Fund to participate in the Downtown Revitalization Study.
2. Appropriate \$30,000 from General Fund Balance to the Donations Fund for the Parks and Recreation Senior Games.
3. Appropriate \$248,000 in the General Fund for the remediation of two underground storage tank sites. Last fiscal year the City Council approved the closure of the Environmental Compliance Internal Service Fund. This fund balance was closed to the General Fund. \$248,000 is now available in the General Fund Balance.
4. Appropriate \$66,612 of Airport Fund Retained Earnings to pay money owed to LP&L for underground lines previously installed.
5. Revise capital projects in the LP&L Fund Budget. Specific information regarding this project is competitive information protected under Chapter 552.133 of the Texas Government Code.
6. Accept and appropriate a \$10,000 grant from Pizza Ventures of West Texas, a franchise ownership group of Papa John's Pizza, to support the Lubbock Fire Department's community fire education programming. No matching funds are required.

7. Appropriate \$326,947 of Police Forfeited Funds for law enforcement purposes. Prior to the expenditure of forfeited funds, the Texas Code of Criminal Procedure requires the law enforcement agency to submit a budget for these funds to the City Council.

The funds are the result of special police investigations in which the Lubbock Police Department has seized assets during an investigation. The appropriate court then awards these assets to the Lubbock Police Department to be used for law enforcement activities pursuant to Texas Code of Criminal Procedure Article 59.06 (d).

The funds are appropriated as follows:

Special Investigative Fund	\$ 94,525
Confidential Informant Fund	50,927
Department of Treasury Asset Sharing	595
Department of Justice Asset Sharing	<u>171,995</u>
Total Forfeited Funds Budget	<u>\$318,042</u>

Staff recommended approval of the first reading of this ordinance.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass on first reading Ordinance No. 2005-00146 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.12. Budget Amendment #7B Ordinance 1st Reading - Finance: Consider budget ordinance amendment #7B amending the FY 2005-06 budget respecting the Parks Capital Project.**

This item was deleted, as the content was incorporated into Item 6.8.

- 6.13. Budget Amendment #7C Ordinance 1st Reading - Finance: Consider budget ordinance amendment #7C amending the FY 2005-06 budget respecting the Parks Capital Projects Fund.**

This item was deleted, as the content was incorporated into Item 6.8.

- 6.14. This item was considered following Item 3.5.**

- 6.15. Engineering Services Agreement Resolution – Water Utilities: Resolution No. 2005-R0588 authorizing the Mayor to execute an agreement with Parkhill, Smith & Cooper, Inc. for engineering services related to the City of Lubbock’s Developed Water Permit.**

This agreement is for Parkhill, Smith & Cooper, Inc. (PSC) to prepare information for Lubbock’s Developed Water Permit with the Texas Commission on Environmental Quality (TCEQ). PSC’s work effort will identify the amount of surface water that reaches Yellowhouse Canyon (North

Fork of the Double Mountain Fork of the Brazos River) for the 2, 5, 10, 25, 50, and 100-year storm events. This information will then be used by HDR, Inc. to perform stream modeling to determine stream losses, firm yield of reservoirs, and impact on the Brazos River system.

PSC will also provide additional services on an hourly basis for work related to responding to requests by the TCEQ for information related to the Developed Water Permit.

FISCAL IMPACT

The cost for Phases 1 through 4 of work is \$182,245. This does not include \$50,000 allocated in Phase 6 for additional services as required. Thus, the total agreement is for \$232,245. The source of these funds is capital project 8505 - Water Resources Master Plan. \$6.8 million has been allocated for this Capital Improvements Project and sufficient funds are available to accommodate the \$232,245 for PSC's work.

On November 8, 2005 the Lubbock Water Advisory Commission recommended City Council approve the agreement with PSC for these services. Staff recommended approval of the resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0588 in accordance with the revised copy received by Council on December 14, 2005. Motion carried: 6 Ayes, 0 Nays.

Council Member Boren was away from the dais.

6.16. Change Order Resolution – Water Utilities: Resolution No. 2005-R0589 authorizing the Mayor to execute a change order with HDR, Inc. for additional services related to the City of Lubbock's Developed Water Permit.

This change order allocates \$50,000 for additional services with the existing agreement with HDR, Inc. The additional services are for HDR to respond to the Request for Information (RFI) from the Texas Commission on Environmental Quality (TCEQ) as necessary.

The original agreement with HDR was approved at the November 18, 2005 City Council meeting. This agreement approved HDR to assist Lubbock with the Developed Water Permit with TCEQ and develop information necessary to include Lubbock's water supply options in the Regional Water Plan. Since this agreement, the TCEQ has responded to the Developed Water Permit with an RFI. Some of the information requested is outside of the current agreement's scope of work. This change order allocates \$50,000 for HDR to respond to some of the TCEQ's information requests.

FISCAL IMPACT

The fee for the original agreement is \$157,500. This change order increases the contract amount to \$207,500. The source of these funds is capital project 8505 - Water Resources Master Plan. \$6.8 million has been allocated for this

Capital Improvement Project and sufficient funds are available to accommodate the \$207,500 for PSC's work.

On November 8, 2005 the Lubbock Water Advisory Commission recommended City Council approve the agreement with HDR for these services. Staff recommended approval of the resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0589 in accordance with the revised copy that was received by Council on December 14, 2005. Motion carried: 7 Ayes, 0 Nays.

6.17. This item was considered following Item 6.4.

6.18. This item was considered following the first consideration of Item 5.25.

6.19. This item was considered following Item 6.18.

6.20. Budget Amendment #7D Ordinance 1st Reading - Finance: Consider budget ordinance amendment #7D amending the FY 2005-06 budget respecting the Parks Capital Projects Fund.

This item was deleted, as the content was incorporated into Item 6.8.

9:25 A. M. CITY COUNCIL RECESSED

9:35 A. M. CITY COUNCIL RECONVENED

6.8. Budget Amendment #6 Ordinance 2nd Reading – Finance: ORDINANCE NO. 2005-00142—Budget ordinance amendment #6 amending the FY 2005-06 budget respecting the 1) General Fund and 2) Grant Fund.

1. Accept and appropriate a \$207,900 grant from the United States Office for Domestic Preparedness to procure computer front-line equipment and supplies for the Fire Department. The grant requires a 30% local match. Matching funds in the amount of \$62,370 are needed from the General Fund balance.
2. Add \$25,000 from the General Fund balance to purchase land for a future Fire Station. Funding will be added to the Fire Division budget in the General Fund for this purchase.
3. Add \$60,000 from the General Fund balance to purchase Automated External Defibrillator (AED) replacements. This will fund 20 new units; one unit has already failed to operate and all units are the same age. Funding will be added to the Fire Division budget in the General Fund for this purchase.

Staff recommended approval of the second reading of this ordinance.

City Manager Lee Ann Dumbauld gave comments and answered questions from Council. She also clarified the source of the monies used in this budget amendment.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2005-O0142 with the following addition:

Take the \$1,117,000, which is unspent bond funds and divide those funds pursuant to the following schedule:

- \$300,000 to complete the MLK Little League Project;
- \$177,000 to complete the Wagner Park Project;
- \$340,000 to the Guadalupe/Parkway Neighborhood Center Board, an agency of United Way, to be divided \$140,000 for the purchase of the Catholic Family Services building and \$200,000 to be dedicated to the Guadalupe/Parkway Neighborhood Center Board to use for appropriate renovations to their facilities;
- \$100,000 for renovations to the restrooms and the press box at the Northwest Little League;
- \$200,000, which is the balance, for addition of restrooms to the amphitheater in MacKenzie Park and for other parks projects deemed suitable by the Parks and Recreation Board.

After Ms. Dumbauld clarified the amount of the unspent bonds as being \$1,170,000, Council Member Gilbreath amended his motion to give the difference between the figures to the discretion of the Parks and Recreation Board, which would be \$253,000 to the amphitheater in MacKenzie Park and for other parks projects deemed suitable by the Parks and Recreation Board.

City Attorney Anita Burgess gave comments and answered questions from Council regarding Council appropriating \$140,000 of park improvement funds for the purchase of a building. Ms. Burgess requested this item be tabled until she had the information requested by Council Member DeLeon.

Motion was made by Council Member Jones, seconded by Council Member Price to table Item 6.8. Motion carried: 7 Ayes, 0 Nays.

This item was reconsidered following Council reconvening at 9:35 A.M.

Motion was made by Council Member Jones, seconded by Council Member Gilbreath to put Item 6.8 back on the table. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2005-O0142 with the following addition:

Take \$1,170,000 of unspent bond fund funds and allocate them pursuant to the following schedule:

- \$300,000 for the completion of the MLK Little League Parks;
- \$177,000 for the completion of the Wagner Park Project;

- \$100,000 to the Northwest Little League for improvements to the press box, restrooms, and/or awnings as directed by the Northwest Little League Board;
- \$340,000 to the Guadalupe/Parkway Neighborhood Center, using \$140,000 for the purchase of the Catholic Family Services building, which would be leased by the City of Lubbock to the Guadalupe/Parkway Neighborhood Center Board for \$1/year, and an additional \$200,000 allocated to the Guadalupe/Parkway Neighborhood Center Board for renovations to the facility;
- \$253,000 to the Parks and Recreation Board, part of which would be spent for the addition of restrooms to the MacKenzie Park Amphitheater, with the balance of the funds to be spent at the discretion of the Parks and Recreation Board with the thought in mind to finish the Northwest Little League facility, if needed.

After further discussion of this item, Council Member Boren called for the question. Mayor McDougal called for a vote, which carried: 7 Ayes, 0 Nays.

Council then voted on the motion to pass on second and final reading Ordinance No. 2005-00142. Motion carried: 6 Ayes, 1 Nay. Council Member DeLeon voted Nay.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Minister Jay Jarboe, Sunset Church of Christ.

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. Presentation of a proclamation proclaiming December 17, 2005 as “Welcome Home Day”.

Mayor Pro Tem Martin joined Mayor McDougal as he proclaimed December 17, 2005 as “Welcome Home Day” in Lubbock. The 2nd Battalion 142nd Infantry was deployed to Iraq on August 16, 2004 and safely returned to their families and country this week. These brave soldiers were members of the single largest mobilization in the history of Texas since World War II, and have served in Iraq combating global terrorism, rebuilding the infrastructure, distributing food, water, and clothing, construction, furnishings, equipping schools, establishing security, and teaching the Iraqi citizens and authorities to embrace freedom and independence. Honorable military duty performed in the defense of our nation is the noblest form of citizenship, and all Americans should convey the gratitude we owe to our fellow citizens who, in the face of unspeakable hardships made a great sacrifice so that we may enjoy the blessings of safety, peace, and liberty. The Mayor encouraged all citizens to heartily welcome home and honor, respect, and show appreciation to the men and women of the United States Armed Forces for protecting our freedom and

way of life. Accepting this presentation was Lieutenant General Edgar Murphy and Major Reginald Jackson.

3.4. This item was considered following Item 3.6.

3.5. This item was considered following Item 3.4.

3.6. Board Appointment Recognition:

3.6.1. Museum & Art Standing Sub-Committee – Dr. John Buessler

3.4. Presentation of a special recognition to Dan Pope for the success of the 2005 United Way Campaign.

Council Member Gilbreath joined Mayor McDougal as he presented a special recognition to Dan Pope, 2005 Campaign Chairman, for the success of the Lubbock area United Way 2005 Campaign. Philanthropy and volunteerism is an American tradition, and millions of self-sacrificing individuals participate in this tradition of enhancing the lives of others by giving when and where a need exists. The Lubbock Area United Way brings together volunteers from throughout the Lubbock community to raise funds for local nonprofit organizations, such as the American Red Cross, the South Plains Council Boy Scouts, Boys and Girls Clubs of Lubbock, the Lubbock Rape Crisis Center, The Salvation Army, Women's Protective Services, and many others. The Lubbock area United Way 2005 Campaign raised more than \$4.5 million, meeting and exceeding this goal by 4% in its 60th year. The Mayor asked citizens to join in recognizing Mr. Pope and hundreds of volunteers and Lubbock United Way staff members for their work in making our community an even greater place to live. Accepting the presentation were Dan Pope and Glen Cochran. Mr. Pope gave comments.

3.5. Presentation of a special recognition to the Trinity High School Girls volleyball team for winning the State Tournament this year.

Council Member Boren joined Mayor McDougal as he presented a special recognition to the coaches and players of the Trinity High School Girls volleyball team for winning the State Tournament this year. The Trinity Christian High School Lady Lions volleyball team are the Class 4-A State Champions of the Texas Association of Private and Parochial Schools (TAPPS) for the second year in a row. The state championship is the third in the history of the volleyball team. The Lady Lions finished the year with an overall record of 41-7 and winning the district championship. They were also undefeated in the TAPPS District 1-4A this season. The Mayor encouraged the City of Lubbock to acknowledge, honor, and commend the Trinity Christian High School Lady Lions for earning their place among the best teams in Lubbock's history, for creating a season to remember, and for bringing pride and honor to their families, school, Lubbock, and West Texas by bringing home the state championship. Coach Todd Hay gave comments.

3.6. This item was considered following Item 3.3.

6.14. This item was considered and then held until Council reconvened at 2:22 P.M.

6.1. Public Hearing – 10:15 AM – Business Development: Hold a public hearing to receive public comment on the formation of a Vintage Township Public Improvement District 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 114th Street on the north, Quaker Avenue on the east, 122nd Street on the south, and Slide Road on the west.

Mayor McDougal opened the public hearing at 11:50 a. m. No one appeared on behalf of Vintage Township Public Improvement District. No one appeared in opposition. Mayor McDougal closed the hearing at 11:51 a. m.

The purpose of this hearing is to present information to City Council, regarding the advisability of establishing a Public Improvement District (PID) pursuant to Chapter 372 of the Texas Local Government Code, and allow property owners in the proposed district the opportunity to speak in favor of, or opposition to, the creation of a PID. The Vintage Township PID is a defined assessment area providing specific types of improvements and services for a given area. City Council approved the calling of a public hearing at their November 18, 2005 meeting. A notice of public hearing was published in the Lubbock Avalanche Journal on Monday, November 28, 2005 and notices were mailed to the property owners on November 28, 2005 as required by the statute.

Rob Allison, Manager of Business and Neighborhood Development, gave comments and answered questions from Council.

6.4. Public Improvement District Establishment Resolution – Business Development: Resolution No. 2005-R0590 making findings and authorizing establishment of the Vintage Township Public Improvement District 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 114th Street on the north, Quaker Avenue on the east, 122nd Street on the south, and Slide Road on the west.

Property owners in Vintage Township have petitioned to form a Public Improvement District (PID). A PID is a defined assessment area providing specific types of public improvements or maintenance of a given area. One of the statutory requirements for the City Council is to hold a public hearing regarding the advisability of creating the District. A notice of public hearing was published in the Avalanche Journal on Monday, November 28, 2005 and notices were mailed to the property owners on November 28, 2005 as required by the statute.

Pursuant to Chapter 372 of the Texas Local Government Code, this resolution illustrates the following findings:

1. The advisability of the services;
2. The nature of the services;
3. The estimated cost of the services;
4. The boundaries of the public improvement district;
5. The method of assessment; and
6. The apportionment of costs between the district and the municipality as a whole.

City Council will need to make these findings in order to create the PID. Included in the backup are copies of the petition, the proposed boundary description, the map of the district, notice of public hearing, and validation of signatures on the petition for your review.

FISCAL IMPACT

Staff time is required to facilitate the PID process. The intent of this PID is to provide additional services at no increased cost to the City.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0590 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.5. Corporation Creation Resolution – Business Development: Resolution No. 2005-R0591 approving and authorizing the creation of the Vintage Township Public Facilities Corporation, approving articles of incorporation for such corporation, appointing the initial Directors of such corporation, and approving initial bylaws for such corporation.

Pursuant to authority conferred by the Public Facility Corporation Act, Chapter 303, Texas Local Government Code, cities may approve and authorize the creation of a nonprofit public facility corporation for the purpose of financing or providing for the acquisition, construction, rehabilitation, renovation, repair, equipping, furnishing, and placement of service of public facilities in an orderly, planned manner and at the lowest possible borrowing cost.

This resolution will create the Vintage Township Public Facilities Corporation for the above purpose, approve the Articles of Incorporation for such corporation, appoint the initial Directors of the Corporation, and approve the initial Bylaws of the Corporation

FISCAL IMPACT

No fiscal impact to the City. The cost of the creation of the Public Facilities Corporation will be reimbursed by the Developer, and any ongoing administration costs will be payable by the developer or by assessments on property owners within the Vintage Township Public Improvement District.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0591 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.2. Public Hearing – 10:20 AM – Business Development: Hold a public hearing to receive public comment on the proposed amendments to the North Overton Tax Increment Financing Reinvestment Zone Second Amended Project Plan and Second Amended Finance Plan.

Mayor Pro Tem Martin opened the public hearing at 11:52 a. m. No one appeared on behalf of the North Overton Tax Increment Financing Reinvestment Zone. No one appeared in opposition. Mayor Pro Tem Martin closed the hearing at 11:53 a. m.

City Council created the North Overton Tax Increment Finance Reinvestment Zone (TIF) and appointed the TIF Board on March 14, 2002. Based on current sales and construction activity in Overton Park, the McDougal Companies have increased their projections of the scope of the new construction projects. With this new information, at their November 16, 2005 meeting, the members of the North Overton TIF Board approved the Third Amended Project Plan and the Third Amended Finance Plan. V.T.C.A. Tax Code 311.003 requires that the City Council hold a public hearing to allow public comment on the changes to the Plans before adopting.

Mayor McDougal recused himself.

6.3. Third Amended North Overton District Tax Increment Finance Reinvestment Zone Project Plan and Finance Plan Ordinance 1st Reading – Business Development: Ordinance No. 2005-00149 approving the third amended North Overton District Tax Increment Finance Reinvestment Zone Project Plan and Finance Plan as adopted by the North Overton Tax Increment Financing Reinvestment Zone Board of Directors.

City Council created the North Overton Tax Increment Finance Reinvestment Zone (TIF) and appointed the TIF Board on March 14, 2002. Based on current sales and construction activity in Overton Park, the McDougal Companies have increased their projections of the scope of the new construction projects. With this new information, at their November 16, 2005 meeting, the members of the North Overton TIF Board approved the Third Amended Project Plan and the Third Amended Finance Plan and submit it to City Council for approval. The Finance Plan shows an estimated captured value of \$445 million. The Project Plan shows public improvements totaling \$28.9 million.

FISCAL IMPACT

These public improvements will be paid from bonds issued and revenues collected by the North Overton Tax Increment Finance Reinvestment Zone.

The TIF Board and City staff recommended approval of the first reading of this ordinance.

Rob Allison, Manager of Business and Neighborhood Development, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Gilbreath to pass on first reading Ordinance No. 2005-00149 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor McDougal recused himself.

6.18. Contract Resolution – Park Development: Resolution No. 2005-R0592 for Wagner Park improvements – BID #05-133/MA.

This project involves the construction of a jogging path around the perimeter of Wagner Park. The path will be comprised of a crushed stone surface with a concrete curb on the north, west, and south sides of the park and a concrete sidewalk on the east side of the park. The Texas Department of Transportation will pay for the concrete sidewalk on the east side of the park through the Safe Routes to Schools program. Parking space on the east side of the park, three new covered picnic tables, eight new benches, and an accessible path to park facilities are included in the project. The project also includes constructing a sidewalk for a new playground, which will be completed in the spring, and automating the existing irrigation system.

Time for completion of this project is 90 consecutive calendar days and liquidated damages are \$25 per day. Fifty-one local companies were notified of this Invitation to Bid and one responded.

FISCAL IMPACT

A total of \$1,294,928 was appropriated with \$1,167,369 available in accounts 90408, 90006, 91171, 91053 - ADA Upgrades, Safe Routes to Schools.

Staff recommended contract award to Hub City Pavers, Inc. of Lubbock, Texas for \$232,605.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0592 as recommended by staff. Motion carried: 4 Ayes, 0 Nays. Council Members DeLeon, Gilbreath, and Price were away from the dais.

6.19. Purchase Resolution – Park Development: Resolution No. 2005-R0593 for Wagner Park playground equipment.

This item is for the purchase and installation of playground equipment at Wagner Park in the Tech Terrace area. The PlayBooster Playstructure and the Poured-in-Place Rubberized Safety Surfacing are available through the Texas Local Government Purchasing Cooperative Buy Board on Contract No. 111605-4R from Exerplay, Inc. of Cedar Crest, New Mexico.

Council Resolution No. 6454, dated August 12, 1999, authorizes the City of Lubbock to participate in an interlocal cooperative purchasing agreement with the Texas Local Government Statewide Purchasing Cooperative.

FISCAL IMPACT

A total of \$200,000 was appropriated with \$200,000 available in Project #90408 - Wagner Park in Tech Terrace. The total project's funding requirement is \$371,147 of which \$200,000 is already budgeted. A supplemental appropriation of \$171,147 is required and is provided for in Budget Amendment #7C. This item is recommended contingent upon the approval of the budget ordinance.

Staff recommended approval of purchase from Exerplay, Inc. of Cedar Crest, New Mexico for \$130,867 through the Texas Local Government Purchasing Cooperative Buy Board.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Boren to pass Resolution No. 2005-R0593 as recommended by staff. Motion carried: 4 Ayes, 0 Nays. Council Members DeLeon, Gilbreath, and Price were away from the dais.

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."

11:55 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 (Codes Enforcement, Gas Utilities – Atmos Energy, Right-of-Way, Water Utilities).**
- 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 (Airport, 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 551.086, on the following competitive matters (Electric Utilities):**

- 2.4.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
 - 2.4.2 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;**
 - 2.4.3 to discuss, deliberate and take final action on a competitive matter regarding plans or contracts related to the acquisition, disposition, financing, or construction of electric generation facilities for Lubbock Power and Light;**
 - 2.4.4 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. 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).**

1:25 P. M. CITY COUNCIL RECONVENED

- 5.25. AIG Life Insurance Company Application Resolution – Human Resources: Resolution No. 2005-R0594 authorizing the Mayor to execute an application for insurance, and related documents, by and between the City of Lubbock and AIG Insurance Company, for organ transplant insurance.**

The City provides medical, prescription, and dental insurance for all full-time City of Lubbock employees. Employees have the option to purchase medical, prescription, and dental coverage for an eligible spouse and/or eligible dependent. Full-time employees may also participate in the cafeteria plan that includes a premium only plan and the City of Lubbock Flexible Benefit Plan that includes the medical reimbursement account and dependent care assistance account. Retirees have the option to purchase medical, dental, and prescription coverage for themselves or eligible dependents.

AAG (ICON, formerly the City's third party administrator) recommended that the City retain its existing transplant program through AIG Insurance Company. The transplant program pays 100% of all transplant related costs from the first dollar up to \$1 million at network facilities. The benefit begins at evaluation stage and extends 365 days after the transplant, covering virtually all of the catastrophic claims associated with transplants. There are no deductibles or co-insurance paid by the insured. The proposed premium represents an increase of \$23,628 over the 2005 amount.

FISCAL IMPACT

The annual premium for the transplant policy is \$171,905.

Staff recommended City Council approve renewal of the transplant policy through AIG Insurance Company.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to pass Resolution No. 2005-R0594 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor McDougal and Council Member Boren were away from the dais.

Motion was made by Council Member Gilbreath, seconded by Council Member Jones to reconsider Item 5.25. Motion carried: 5 Ayes, 0 Nays.

Scott Snider, Director of Human Resources, gave comments and answered questions from Council. After further discussion, consensus from Council was to hold this item until after lunch so that Snider could bring back information that Council Member Gilbreath requested.

Mayor McDougal returned to the dais.

This item was considered again after Council reconvened at 1:25 P.M.

Motion was made by Council Member Gilbreath, seconded by Council Member Price to pass Resolution No. 2005-R0594 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Martin was away from the dais.

5.26. Client Services/Provider Network Agreement Resolution – Human Resources: Resolution No. 2005-R0595 authorizing the Mayor to execute an agreement, and related documents, for client services/provider network, by and between the City of Lubbock and HealthSmart Preferred Care, II LP, to negotiate discount arrangements with healthcare providers.

The City provides medical, prescription, and dental insurance for all full-time City of Lubbock employees. Employees have the option to purchase medical, prescription, and dental coverage for an eligible spouse and/or eligible dependent. Full-time employees may also participate in the cafeteria plan that includes a premium only plan and the City of Lubbock Flexible Benefit Plan that includes the medical reimbursement account and dependent care assistance account. Retirees have the option to purchase medical, dental, and prescription coverage for themselves or eligible dependents.

This agreement provides for discount arrangements with healthcare providers. Services will include:

1. Hospital, and/or physician, and or/other healthcare providers price negotiation based on Client data;
2. Data entry of all Client in-network hospital, physician and/or other healthcare providers claims prior to payment of the claim;

3. Forwarding of such claims, along with instructions for payment amounts, to the Client or to Client's third party payor;
4. Measuring, recording, and reporting the amount of money saved by the Client as a result of the discount arrangements negotiated by HealthSmart Preferred Care.

There will be no increase in the fees associated with this agreement of \$4 per employee per month and \$3 per printed provider directory.

FISCAL IMPACT

The estimated annual fee of \$108,000 is included in the adopted FY 2005-06 operating budget.

Staff recommended approval of this resolution.

Scott Snider, Director of Human Resources, and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0595 as recommended by staff. Motion carried: 5 Ayes, 1 Nay. Council Member DeLeon voted Nay.

Council Member Boren recused himself.

5.28. Employee Benefit Plan Changes Resolution – Human Resources: Resolution No. 2005-R0596 authorizing the Mayor to approve changes to the City of Lubbock Employee Benefit Plan.

The proposed changes to the Employee Benefit Plan are to clarify definitions and benefits that are currently included in the Plan. Proposed changes in out-of-network benefits encourage participants to utilize in-network physicians and facilities.

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 will be implemented immediately.

- 1) Redefine the Open Enrollment period as November 15 through December 15 of each year.
- 2) Employees will be allowed to waive health and/or dental coverage.
- 3) The defined term "Spinal Manipulation/Chiropractic Care" will be synonymously defined as "Chiropractic Care/Spinal Manipulation".
- 4) Dental Plan – Routine exams, cleanings, fluoride treatments are clarified as "two per calendar year" rather than "two each 12 months".
- 5) The definition of dependent will be clarified to specifically state that grandchildren may be covered provided the participant has "legal guardianship" of the child(ren) Documentation of legal guardianship will be required.

- 6) To limit the City's expenses where possible Medicare-eligible retirees and dependents will be required to enroll in Medicare Parts A and B in order to keep City coverage. This ensures that all Medicare allowable claims are paid for by Medicare and not by the City's plan. Requiring these participants to be covered by Medicare results in the City's Benefit Plan being secondary for hospital, physician and ancillary services to Medicare, paying 20% rather than 80% of approved charges. The City will continue to pay as primary for prescriptions. This requirement will also apply to any dependents that are Medicare-eligible and covered by the City's plan.

Proposed changes in out-of-network benefits encourages participants to utilize in-network physicians and facilities:

- 7) Increase Emergency Room co-pay to \$75 + 80%, from \$50 + 80%.
- 8) Decrease in-network chiropractic to 80% up to \$1,000 per calendar year after deductible, not covered out-of-network. The current plan is 80% up to \$1,500 after deductible in-network and 50% up to \$1,500 after deductible out-of-network.
- 9) Decrease drug and 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

Savings are anticipated but cannot be quantified.

Staff recommended City Council approve the changes to the City of Lubbock Employee Benefit Plan.

Scott Snider, Director of Human Resources, gave comments and answered questions from Council.

Council Member DeLeon asked if this item could be rebid. City Manager Dumbauld said that even if the plan were rebid, it would probably not be lower since the City of Lubbock is self-insured.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0596 as recommended by staff. Motion carried: 5 Ayes, 1 Nay. Council Member DeLeon voted Nay.

Council Member Boren recused himself.

5.27. Life Insurance Amendment Resolution – Human Resources: Resolution No. 2005-R0597 authorizing the Mayor to approve an amendment to the Standard Insurance Company Group Life Policy held by the City of Lubbock.

The amendment to the Standard Insurance Company Group Life Policy changes the definition of a member to include all employees working 40 hours or more per week. Employees meeting this definition will continue to be enrolled in the group life plan if they waive or drop medical insurance provided by the City. The group policy currently states that a member must be enrolled in the medical plan to have basic life coverage. Additionally, a member must have basic life coverage in order to purchase contributory coverage. Basic life coverage is provided by the City at a cost of \$9.60 annually per covered employee.

FISCAL IMPACT

There will be no additional cost to the City.

Staff recommended approval of this resolution.

Scott Snider, Director of Human Resources, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0597 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Boren was away from the dais.

6.17. Policy Resolution – Mayor McDougal: Resolution No. 2005-R0598 establishing a policy regarding citizen appearances before the City Council and the broadcast of such appearances on the City cable television channel.

Mayor McDougal explained that this resolution would leave the citizen comment segment as it is today (seven days notice), with those citizens appearing on City cable television channel 2. If time permits, anyone else wanting to address the Council could do so at 7:30 a.m. after those that signed up to speak, and would not be aired on City cable television channel 2. This resolution also limits the time allotted for each citizen to speak, and states specifically that it is a 30-minute citizen comment period.

After further discussion regarding the seven-day notice and it being too far in advance of the agenda being posted only 72 hours before a meeting, consensus from Council was to post a preliminary (draft) agenda eight days prior to Council meeting, which would give citizens time to review the preliminary agenda and sign up to address Council.

City Attorney Anita Burgess gave comments and answered questions from Council regarding the Open Meetings Law and open microphone session.

Motion was made by Mayor Pro Tem Martin, seconded by Council Member Gilbreath to pass Resolution No. 2005-R0598 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Members DeLeon and Price voted Nay.

2:04 P. M. CITY COUNCIL RECESSED

2:22 P. M. CITY COUNCIL RECONVENED

- 6.14. Gas Reliability Infrastructure Program Resolution – City Manager: Resolution No. 2005-R0599 authorizing the Mayor to take appropriate action regarding Atmos Energy’s Gas Reliability Infrastructure Program tariff filing requesting the following increases in customer charges: \$1.21 for residential customers (7.93% increase excluding the cost of gas); \$3.49 for commercial customers (8.12% increase excluding the cost of gas); \$38.82 for industrial customers (12.87% increase excluding the cost of gas). Presentations by, but not limited to: Atmos Energy, Geoffrey Gay of Lloyd Gosselink Attorneys at Law, City legal staff.**

Pursuant to Texas Utilities Code, Section 103.001, City Council is the regulatory authority that has exclusive original jurisdiction over the rates, operation, and service of a gas utility operating within the City of Lubbock. The Code authorizes a gas utility, within two years of their last filed rate case, to file with the regulatory authority a tariff or rate schedule that provides for an interim adjustment in the utility’s monthly customer charge to recover the cost of changes in the investment in service for gas utility services, also known as the Gas Reliability Infrastructure Program (GRIP) or an Interim Rate Adjustment (IRA). The West Texas Division of Atmos Energy last filed a rate case with the City on October 21, 2003.

On September 2, 2005 the West Texas Division of Atmos Energy filed simultaneously with the City of Lubbock and the Railroad Commission of the State of Texas a GRIP tariff filing containing the proposed tariff, tariff calculation, earnings monitoring report, and detail project reports. In their GRIP tariff filing, Atmos Energy is requesting an increase of \$1.21 per customer per month for Residential Gas Service; \$3.49 for Commercial Gas Service; \$38.82 for Small Industrial Gas Service; \$17.29 for Public Authority Gas Service; and \$15.18 for State Institution Gas Service. These GRIP tariff increases will go into effect 60 days after filing on November 2, 2005, unless further action is taken by the City. City Council, as the regulatory authority, may suspend the implementation of the GRIP tariff increases for a period of up to 45 days.

FISCAL IMPACT

The fiscal impact related to this item is direct to the Atmos customers.

Staff opines that it would be in the best interest of the residents and businesses of the City of Lubbock to further study and review the GRIP tariff filing of the West Texas Division of Atmos Energy and recommended City Council suspend the implementation of the GRIP tariff request of the West Texas Division of Atmos Energy for a period of 45 days; such suspension beginning November 2, 2005.

Dan Alderson of 9807 Topeka Avenue, Director of Public Affairs with Atmos Energy, gave comments and offered to answer questions from Council.

Geoffrey Gay, Attorney at Law, representing some Atmos customers (cities) in the state of Texas, gave comments. Some of the reasons he gave Council as to why the City of Lubbock should join in taking action to dismiss the GRIP tariff request of the West Texas Division of Atmos Energy were that the increase in rates were unfair, the filing is inconsistent with law, and Atmos has other alternatives to recover the cost of changes in the investment in service for gas utility services. Gay then answered questions from Council.

Matt Wade, Assistant City Attorney, informed Council that he was placed on the agenda to answer question for legal staff about the issue.

Dan Alderson answered questions from Council. Mr. Alderson requested Bill Guy, Rates and Regulatory Vice President for Atmos, to assist in answering questions from Council. Atmos representative, Clay Cash, also gave comments and answered questions from Council. Mr. Cash stated that if Council goes ahead and approves the GRIP tariff filing, Atmos will offer whatever clause needed, put it into place, and watch what happens with Mr. Gay's filings with the West Texas and Mid Texas areas so that Lubbock doesn't get treated any differently than the rest of the cities. If Mr. Gay were successful with his filings, Lubbock would also be the beneficiary of that settlement agreement/court order without the cost of legal fees.

Consensus from Council was for City Attorney Anita Burgess and Assistant City Attorney Matt Wade to meet with the representatives of Atmos to put together an agreement to accompany the resolution.

This item was considered again after Council reconvened at 2:22 P.M.

Mayor McDougal asked Assistant City Attorney Matt Wade to explain the resolution and agreement. Wade stated that the agreement essentially says that if Atmos Energy receives any type of benefit, whether it be legal, equitable, or otherwise, or if any benefit is achieved by the coalition of the West Texas cities filing any type of appeal based on their GRIP application, those benefits would be passed on to the City of Lubbock and its rate payers, as well. In return, the City of Lubbock is agreeing to approve their GRIP filing today and agreeing not to join any coalition opposing their GRIP application with the Railroad Commission. The agreement is part of the actual resolution being passed by City Council today. Wade then answered questions from Council.

Regular City Council Meeting
December 15, 2005

Motion was made by Council Member Gilbreath, seconded by Council Member DeLeon to pass Resolution No. 2005-R0599 as amended. Motion carried: 7 Ayes, 0 Nays.

2:35 P. M. COUNCIL ADJOURNED

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