

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING**

June 26, 2006

7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 26th day of June, 2006, 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 David A. Miller, Mayor Pro Tem Jim Gilbreath, Council Member Gary O. Boren, Council Member Linda DeLeon, Council Member Phyllis Jones, Council Member John Leonard, Council Member Floyd Price

Absent: No one

1. CITIZEN COMMENTS

There was one citizen to express comments to Council. Diane Richardson Chapa addressed Council regarding the name change of Avenue G to Crickets Avenue. Ms. Chapa expressed opposition to it. She stated that the change would be costly to the tenants of businesses located on Avenue G. Some have been in their locations for over 30 years.

2. EXECUTIVE SESSION

Mayor Miller 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; and competitive matters of the public power utility, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."

7:35 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council 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 (Electric Utilities, Finance, Police, Stormwater, 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 (Civic Centers, Fire, Water Utilities).

- 2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.
- 2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1) to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Building Board of Appeals, Canadian River Municipal Water Authority, Urban Renewal/Neighborhood Redevelopment Commission, and Zoning Board of Adjustment.
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):
 - 2.5.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light;
 - 2.5.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;
 - 2.5.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.

9:35 A.M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers

Present: Mayor David A. Miller; Mayor Pro Tem Jim Gilbreath; Council Member Gary O. Boren; Council Member Linda DeLeon; Council Member Phyllis Jones; Council Member John Leonard; Council Member Floyd Price; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: No one

Mayor Miller reconvened the meeting at 9:35 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1. Invocation by Pastor Russ Murphy, Interim Pastor for International Christian Fellowship.
- 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 special recognition to recognize Richie Zheng for representing Lubbock at the 79th Annual Scripps National Spelling Bee in Washington, D.C.

Mayor Miller presented special recognition to Richie Zheng for representing Lubbock at the 79th Annual Scripps National Spelling Bee. Richie, a ten-year-old, fifth-grader from Murphy Elementary School, competed against the nation's top spellers, while his dedication to spelling helped him conquer his second consecutive LISD Spelling Bee title and the 54th Annual Lubbock Regional Spelling Bee regional title. This qualified him for the national competition. Richie enjoys an array of hobbies, including reading, playing the piano and swimming, and dreams of one day becoming a scientist. The Mayor encouraged all citizens to join in congratulating him for his achievement in spelling and applaud him for representing our great city of Lubbock in an outstanding manner in our Nation's Capitol.

3.4. This item was considered following Item 3.5.

3.5. Board Appointment Recognition:

Lubbock Economic Development Alliance/Market Lubbock, Inc:

Curtis Griffith
Mike McDougal
Velma Medina

North Overton Tax Increment Financing District Reinvestment Zone:

Carolyn McDougal

3.4. Presentation to the City of Lubbock by Mr. Del Essary, President of the Texas Chapter of the American Public Works Association, to recognize the Milwaukee Avenue Thoroughfare Construction as the Public Works Project of the Year for Transportation \$10-100 million.

Mr. Del Essary, President of the Texas Chapter of the American Public Works Association, recognized the City of Lubbock, on behalf of the Texas Chapter of the American Public Works Association, where he serves as President. The City of Lubbock was awarded the Public Works Project of the Year for Transportation \$10-100 million category for the Milwaukee Avenue Thoroughfare Improvement Project. This award honors excellent projects having a long-term positive impact on the Public Works infrastructure. The City of Lubbock Public Works and Engineering departments (Larry Hertel, City Engineer), Parkhill, Smith, and Cooper, Inc. (Sean Cudnoski), and Granite Construction Company (Mike Oliver) were recognized recently at the Texas Public Works Association banquet in Mesquite, TX. Mr. Essary thanked the City of Lubbock for being strong supporters of the American Public Works Association. Mayor Miller thanked Mr. Essary and all three entities.

3.6. Presentation of 4th of July Parade by Mont McClendon, Event Chairman and Vice President of Broadway Festivals.

Mont McClendon, Event Chairman and Vice President of Broadway Festivals appeared to announce the 2006 "4th on Broadway" celebration. He recognized Velma Medina, Ginger Brown, and Tammy Caldwell, who are all

on the Broadway Festivals Board of Directors. The Steering Committee members present were Don Caldwell and Brooke Witcher. McClendon went on to explain that Fourth on Broadway is actually several events in one, beginning with the PlainsCapital Parade, followed by the AT&T Street Fair, and then to the Wells Fargo Evening Concert and Gandy's Firework Show. The College Baseball Hall of Fame will be doing their induction during the Street Fair. Mr. McClendon introduced eight-year-old Cactus Cutie, Blair Elbert, who sang the invitation to Fourth on Broadway to the Council members.

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, May 25, 2006.

Motion was made by Council Member Price, seconded by Council Member Leonard to approve the minutes of the Regular City Council Meeting of May 25, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6. REGULAR AGENDA

6.10. Contract Resolution - Business Development: Resolution No. 2006-R0299 authorizing the Mayor to execute an agreement with EDAW Inc. for professional planning and design services for the Lubbock Downtown Master Plan.

City Council appointed the Downtown Redevelopment Commission (DRC) in May 2005. One of the responsibilities of the Commission is to recommend a planning consultant to develop a Master Plan for the redevelopment of downtown Lubbock. Six planning firms presented proposals to the Commission. RTKL of Dallas, Texas; Sites Southwest of Albuquerque, New Mexico; and EDAW of Denver, Colorado made oral presentations to the DRC. The DRC recommended EDAW to perform these services.

The scope of services will involve four phases. The phases are assessment and analysis, visioning, draft plan and alternative components, and an implementation plan. Other deliverables in the scope of services are four public meetings, twenty-one one-on-one meetings with downtown stakeholders (developers, civic leaders, residents, property owners, etc.), a vision statement, project goals, implementation tool kit, and marketing materials. The planning process will take approximately eleven months.

The Downtown Redevelopment Commission approved the contract at their June 16, 2006, meeting and is recommending approval to the City Council.

FISCAL IMPACT

The City's financial commitment will be \$318,000 for the Master Plan. The Downtown Redevelopment Commission has received contributions or funding commitments to cover the cost of this project. The City will receive a portion of the funding over a three-year period.

The Downtown Redevelopment Commission and staff recommended approval of this resolution.

Jim Cummings, co-Chairman of the Downtown Redevelopment Commission, introduced Steve Beasley, also Co-Chairman, and members of the Commission. Mr. Beasley gave comments regarding the scope of services contract and then answered questions from Council.

Rob Allison, Executive Director of Development Services, elaborated on the scope of services for the Master Plan, and also answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0299 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1-5.5, 5.8-5.11, 5.14, 5.18-5.21, 5.23, 5.25-5.27)

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Items 5.1-5.5, 5.8-5.11, 5.14, 5.18-5.21, 5.23, 5.25-5.27 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1. Budget Ordinance 2nd Reading - Finance: Ordinance No. 2006-00071 Consider budget ordinance amendment #18 amending the FY 2005-06 budget respecting the Storm Water Fund; Capital Improvement Program; Master Lease Program; Grant Fund and Hotel/Motel Tax Fund.

1. Establish a new Capital Improvement Program (CIP) project and transfer \$30,000 from CIP project #90343 – Playa Lake Turf Project and appropriate \$234,500 of Storm Water Fund fund balance for irrigation improvements at Elmore Park. The improvements include the addition of irrigation and turf down to the water’s edge, rebuilding the drain inlets on the west side of the lake, and re-grading soil to rehabilitate the damage caused by storm water drainage issues.
2. Transfer \$65,000 from Capital Improvement Project 90092 - Frankford from 82nd to 98th to Capital Improvement Project 9618 - 98th Street from University to Indiana. The City is required to pay 20% of engineering and construction costs incurred by TxDOT of the 98th Street project. The final cost on the project was \$342,160 more than TxDOT’s original estimate and resulted in additional cost to the City of \$68,432 (20% of \$342,160). The additional funding of \$65,000 plus the remaining \$58,892 currently appropriated in the project will be sufficient to fund the remaining charges and the additional costs.
3. Amend the approved master lease program for the purchase of a municipal building generator by increasing the estimated cost from \$372,000 to \$400,000 to pay for project design and engineering. The project will be funded from the City’s Master Lease Program.

4. Accept and appropriate \$235,562 of grant funds from the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program to assist low-income households with energy bills and to repair and/or replace inefficient heating and cooling systems, water heaters, and refrigerators. On January 26, 2006, City Council accepted and appropriated \$600,000 for this purpose. No matching funds are required.
5. Accept and appropriate a \$95,537 grant from the Texas Department of Housing and Community Affairs for the DOE/EXXON Weatherization Assistance Program, an energy conservation program. The grant will provide programs to assist low-income persons and families with energy conservation and energy efficiency. No matching funds are required.
6. Accept and appropriate a \$151,186 grant from the Texas Department of Housing and Community Affairs for the LIHEAP Weatherization Assistance Program, an energy conservation program. The grant will fund programs to assist low-income persons and families with energy conservation and energy efficiency. No matching funds are required.
7. Amend capital improvement project 90406 - Visitor's Information Center by appropriating an additional \$60,000 of Hotel/Motel taxes, \$30,000 of allocated funding and \$30,000 of Hotel/Motel Tax fund balances, with estimated revenues increased accordingly.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

- 5.2. Right-of-Way Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2006-O0059 Consider an ordinance abandoning and closing a portion of a private access, drainage, underground utility, and emergency access easement located in Tract A, Cascada Professional Office Park, an addition to the City of Lubbock, easement closure located at 6102 82nd Street.**

This ordinance abandons and closes a 57.50-foot by 35.73-foot portion of a private access, drainage, underground utility, and emergency access easement located north of 82nd Street and west of Iola Avenue that was dedicated in Tract A, Cascada Professional Office Park Addition. The original developer is requesting this closure for building purposes.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the second reading of this ordinance.

- 5.3. Purchase of Property Resolution - Right-of-Way: Resolution No. 2006-R0300 authorizing the Mayor to execute a contract of sale with Milwaukee, Ltd. for a 1.01 acre tract of land located in Section 30, Block A-K, Lubbock County, Texas, just west of Milwaukee Avenue and south of 66th Street for the purchase of a future southwest Lubbock fire station site, property located at 6605 Oak Ridge Avenue.**

The property to be purchased is located west of Milwaukee Avenue and south of 66th Street on the east side of Oak Ridge Avenue. George McMahan is the developer of this property and is willing to sell this 1.01 acre tract to the City for \$2.50 per square foot for a total of \$109,989. Frontage along 66th Street is currently selling for \$5 per square foot.

FISCAL IMPACT

The \$109,989 of funding is available in Capital Improvement Project 91214 - New Fire Station Land Acquisition.

STAFF SUBMITTING/RECOMMENDATION

Larry Hertel, P.E., City Engineer

Staff recommended approval of this resolution.

- 5.4. Settlement Agreement Resolution - City Attorney's Office: Resolution No. 2006-R0301 authorizing the Mayor to execute a settlement agreement and related documents associated with City of Lubbock v. Rosa T. Ramon, et. al., Cause No. 2005-822,385.**

This is the Rosa T. Ramon condemnation case. The property is located in the Overton area. This matter was discussed in Executive Session at the last City Council meeting. The settlement amount is in accordance with the previous Executive Session discussion.

FISCAL IMPACT

Pursuant to our developer agreement, the settlement amount will be reimbursed by the developer.

- 5.5. Grant Resolution - Citibus: Resolution No. 2006-R0302 authorizing the Citibus General Manager to execute a Federal Transit Administration Section 5307 Grant (Project #TX-90-X710-00) to provide operating, capital, and planning assistance for FY 2006.**

Citibus has applied for and has been awarded a \$1,469,422 Federal Transit Administration Section 5307 Grant, Project #TX-90-X710-00. This is a routine grant received by Citibus on an annual basis. The Lubbock Public Transit Advisory Board approved this grant and it has been incorporated into the FY 2005-06 operating budget, which was previously approved by City Council. The funds for this grant will be used for operating assistance, preventative maintenance, ADA paratransit, miscellaneous support equipment, planning assistance, and bus shelters.

FISCAL IMPACT

Pursuant to Federal Transit Administration regulations that require all grants to be applied for and executed by electronic means, the Citibus General Manager will execute this grant electronically after resolution approval.

Staff recommended approval of this resolution.

- 5.6. This item was moved from consent agenda to regular agenda and considered following Item 5.27.**
- 5.7. This item was moved from consent agenda to regular agenda and considered following Item 5.6.**
- 5.8. Delegation of Authority Resolution - Water Utilities: Resolution No. 2006-R0303 appointing Director of Water Utilities to execute and submit appropriate water rights and water reuse permit applications and various reports required by Texas Permit Discharge Elimination System Permits and Texas Commission on Environmental Registration No. 22042.**

The City of Lubbock must sign or execute various documents in accordance with state regulations and laws while operating water and wastewater utilities. Examples include permits and registrations from the State of Texas regarding appropriate water rights, authorization for the reuse of its wastewater, the discharge and disposal of wastewater, and the disposal of biosolids. The proposed resolution designates responsibility for signing these documents on behalf of the City for water and wastewater activities.

This resolution repeals Resolution No. 2005-R0573 and appoints the Director of Water Utilities to execute documents on behalf of the City for water and wastewater utility activities and operations. In the Director's absence, the employee acting in the Director's stead would have authority to sign. The authority and responsibility for signing covers the following permits, registrations and reports:

- (1) 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) to execute and submit discharge monitoring reports and all other reports required to be submitted with City's Texas Permit Discharge Elimination System Permit No. 10353-002.
- (3) 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.
- (4) to execute and submit annual sludge summaries and all other reports required to be submitted for the City's Texas Commission on Environmental Quality Transporter Registration No. 22042.

FISCAL IMPACT

No new fiscal impact.

Staff recommended approval of this resolution.

5.9. Lease Purchase Resolution - Print Shop: Resolution No. 2006-R0304 authorizing the Mayor to execute a lease agreement with Xerox Corporation for digital reproduction equipment.

The Print Shop provides a wide range of reprographics services to City departments and to several other government agencies. In order to perform these services, the Print Shop relies on a high speed digital printing system that includes a Heidelberg Digimaster 9110 printer and a Canon IR5000 printer/scanner/copier. This five year old system has produced over 20 million copies and is experiencing a sharp increase in hardware failures and unresolved software issues. The result of these failures is increased down time and production delays.

The proposed lease includes exchanging the current system for a Xerox DocuTech 6115 Production Publisher and a Xerox 4110 Copier-Printer-Scanner. The DocuTech 6115 is a proven hardware/software platform that will provide greater reliability, usability, and production turnaround than the current system. The 4110 will provide a 100 page per minute scanner, several different finishing formats, and a reliable full speed backup printing system to eliminate down time.

This equipment will be leased through the Texas Multiple Award Schedule (TXMAS) contract #071883302. The TXMAS Program adapts existing competitively awarded government contracts to the procurement needs of the State of Texas and local governments. To be considered for the TXMAS Program, an existing contract must be awarded by the federal government or any other governmental entity in any state, awarded using a competitive process, or adaptable to the laws of the State of Texas (Texas Government Code Title 10, Subtitle D, Sections 2155.062, 2155.502, 2155.504).

FISCAL IMPACT

The monthly lease is \$8,084 and includes service and supplies. Funding is available in the Approved FY 2005-06 Print Shop Operating Budget. The first two months of the lease will be paid by Xerox Corporation. Funding for the remaining months of the lease term is contingent upon available funding in future Print Shop operating budgets.

Staff recommended approval of this resolution.

5.10. Contract Amendment Resolution - Water Utilities: Resolution No. 2006-R0305 authorizing the Mayor to execute a contract amendment with Malcom Pirnie for the Water and Sewer Rate Study.

This amendment revises the scope of work for Malcom Pirnie to (1) update of the cost of service model with current financial, budget, and capital improvement information; (2) prepare rate design alternatives for

consideration by the City Council, Lubbock Water Commission, and City staff; and (3) update the rate model according to the design alternatives selected by the City. The proposed changes will enable the City to consider for adoption a water rate structure that encourages greater conservation.

The proposed rate design is revenue neutral and will not increase or decrease revenues. Any changes in revenues will depend on increases or decreases in operational and capital costs.

An update of service cost and the models by Malcom Pirnie will not be required every year. An update is recommended every five years by Malcom Pirnie or some other firm. Staff will update the models during the intervening years.

A scope of work has been provided that describes the tasks involved with this amendment and project deliverables. The services will involve five meetings, one of which will be a formal presentation to the City Council. An outline of information on relevant issues for the work follows:

1. Change from Uniform Rate to Increasing Block Rate

The City operated with a “declining block rate” through 1990. A declining block rate means that the water use rate actually decreases on a per 1,000 gallon basis as a customer uses more water. In 1991, the City approved a “uniform rate,” which means that the rate on a per 1,000 gallons remains the same regardless of amount of water use. The Citizens Rate Committee and the Lubbock Water Advisory Commission recommended that the City adopt an “increasing block rate,” which means that the rate per 1,000 gallons used will increase as usage increases.

This recommendation is made in order to encourage greater conservation. The uniform rate encourages more water conservation than the declining block rate, and the increasing block rate will encourage more conservation than the uniform rate. Therefore, moving to an increasing block rate is a major step towards greater water conservation.

2. Type of Increasing Block Rate to Consider

There is not just one alternative for an increasing block rate structure. The number of different alternatives and their variations are unlimited. The Citizen Rate Committee and the Lubbock Water Advisory Commission recommended that the City consider the Average Winter Consumption Increasing Block Rate (AWC) as proposed by Mr. Rick Giardina who now works for Malcom Pirnie. Mr. Giardina is eloquent and persuasive, and he has a good understanding of water rate structures.

The proposed AWC increasing block rate structure is generally proposed to have three blocks in the structure for residential and commercial water use. There will be a few exceptions. The first block reflects the amount of water use necessary for essential life activities. The second block reflects the amount of water that a family might need for additional reasonable uses like watering the yard during the summer. The third block would be considered

excessive use since it is over and above the essential needs and additional reasonable use.

The volume of water in the first block is determined differently for each customer by determining the average winter water consumption for the months of November, December, January, and February, and then using this volume of average winter water use to establish the volume of water in the first block. In other words, a low volume customer that did not water their yard in the winter might have an average winter water use of 2,000 gallons per month. The volume of water allowed in the first block would then be 2,000 gallons. A larger volume customer that watered their yard in the winter might have a winter use average use of 20,000 gallons. The volume of water for their first block would then be 20,000 gallons.

The volume of water in the second block is proposed to be the same for each residential customer. This amount represents the amount of water that would be reasonable for a residential customer to use in watering their yard. This volume has been recommended at 25,000 gallons. This amount can be increased or decreased as deemed appropriate in order to accurately reflect the amount of water needed for yard watering.

The volume of water in the third block amounts to all water used in excess of the first and second blocks. For the single customer used as an example, that third block begins with use in excess of 27,000 gallons (Block 1 - 2,000 gallons plus Block 2 - 25,000 gallons). For the family customer used as an example, that third block begins with use in excess of 45,000 gallons (Block 1 - 20,000 gallons plus Block 2 - 25,000 gallons).

Examples of how water bills might be calculated follow, however the examples do not represent existing or recommended rates:

- Low Volume Residential Customer using 8,000 gallons

Monthly Connection Fee -	\$10.01
Block 1 (AWC base) - 2,000 gallons @ \$1.77 =	3.54
Block 2 - (additional) - 6,000 gallons @ \$2.21 =	13.26
Block 3 - (excessive) - 0 gallons @ \$3.87 =	0
Total Water Bill	\$26.81

- Larger Volume Residential Customer using 60,000 gallons

Monthly Connection Fee -	\$10.01
Block 1 (AWC base) - 20,000 gallons @ \$1.77 =	35.40
Block 2 (additional) - 25,000 gallons @ \$2.21 =	55.25
Block 3 (excessive) - 15,000 gallons @ \$3.87 =	58.05
Total Water Bill	\$158.71

3. Update Cost of Service and Cost Allocation

As indicated earlier, there is not just one alternative a rate structure. The number of different alternatives and their variations are virtually unlimited. The approach recommended by staff is to model rates in such a way that they recoup the costs of providing services to the different customers. In this manner, the monthly connection fee for each customer covers the cost the size of tap and meter required as well as meter reading and other related costs.

The use rates for each block and customer class, on the other hand, are designed to reflect and to cover the cost of providing different volumes of water for essential needs, additional water for irrigation and other reasonable uses, and the cost of providing water for excessive use.

The City has the option of ignoring the cost of service and setting rates in any manner staff deem appropriate; however, it is more appropriate to consider designing rates in a manner that respective customers pay their appropriate share based upon tap and meter size and volume of water used. CRMWA follows a similar procedure between Lubbock, O'Donnell, and the other member cities. Electric companies do the same when their fees and rates vary by the needs of different customers. By doing this, the City can present information that the rates are in fact designed to cover costs and that one customer is not subsidizing another.

4. Update Rate Model for AWC approach

In 2004, the City contracted for Mr. Giardina to develop a financial and rate model for the water and sewer utilities. The model allows for the placement of new budget information in the model each year in order to determine additional revenue requirements and to establish rates that will generate the required amount of revenue.

The City was not able to fully implement the consultant's recommendations in 2004 and in 2005 because a of number of issues. Some of those issues include the following:

- a. Water planning in general has taken a significant amount of time as Lubbock's water needs have been identified and defined.
- b. The utility billing software program used by LP&L requires a major revision/addition in order to implement the AWC rate structure. This project, once funded and approved, would take one year to complete.
- c. The change from a uniform rate to an increasing block rate is a significant change, and an analysis on the impact of the change for each customer's class has not been developed.
- d. The change to an AWC rate structure is somewhat technical and complicated, and this increases uncertainty on the impact of the change.

- e. The cost of service study and recommended changes will further add complexity at the time of change over. Some of the changes are related to cost of service while other changes are related to the AWC block rate structure, and it may be difficult to clearly identify the impact of each on the final recommended rate.
- f. LP&L has allowed some aggregate billing, which eliminates the monthly connection fee for some users in the aggregated total. The impact of eliminating this practice created additional uncertainty for some customers.
- g. The impact of the cost of service on the Lubbock Independent School District created additional uncertainty. The City use of some LISD fields and the impact of changes in rates on that use add additional questions.
- h. There are a number of policy issues about the AWC rate structure itself that need to be considered. Monthly fee levels, residential block rate volumes, budget billing, etc. are just a few of the possible questions that need to be considered. These issues need to be discussed and finalized.

In order to implement the AWC increasing block rate structure, the City needs to finalize the financial and rate model. The model will then have updated cost of service information put in and run. The City can consider rate structure alternatives and finalize the rate part of the model.

5. Update Software for Billing System

In order to implement the AWC increasing block rate structure recommended by the Citizen Rate Committee and by the Lubbock Water Advisory Commission, the utility billing software used by LP&L for water billing must be updated to reflect current financial information and policy decisions. These revisions/additions should be complete before October of this year.

Two major issues are under consideration: (1) the software modification for the AWC rate structure, and (2) the bill format and related equipment. Not only is the proposal to move to the new rate structure, there is an effort to change the bill so that water use information as well as all other billing information is clear and accessible.

The Lubbock Water Advisory Commission recommended the adoption of the AWC increasing water rate in order to encourage additional water conservation.

FISCAL IMPACT

The current contract amount is \$151,875. The cost of the rate update will not exceed \$53,000; this includes travel, meals, and all expenses.

Staff supports the Lubbock Water Advisory Commission's recommendation and recommended approval of this resolution.

- 5.11. Contract Change Order Resolution - Public Works Engineering: Resolution No. 2006-R0306 authorizing the Mayor to execute Change Order #1 for West Texas Paving Contract #6667 for Project #91065 (Wal-Mart) in the Overton Park redevelopment area.**

West Texas Paving Contract #6667 involves paving and drainage improvements on Avenue S, Avenue T, and 7th Street around Wal-Mart in the North Overton TIF. The contract includes construction of the streets, curb and gutter, and drainage improvements.

This change order increases the scope of work to include an additional manhole and pipe materials due to a modified storm sewer design at Mac Davis Lane and Avenue T. It also includes the removal of four small trees and one large tree on the east side of Avenue R that were in the new curb line, and installation of a temporary security fence for the resident at 502 Avenue T. The change order adds 15 working days to the original contract time.

FISCAL IMPACT

The original contract amount was \$1,497,892 and Change Order #1 increases the contract \$52,483. Funding is budgeted in Capital Improvement Project 91065. Contingency funds of \$162,298 will cover the additional cost. This project is funded out of the North Overton TIF Fund.

Staff recommended approval of this resolution.

- 5.12. This item was moved from consent agenda to regular agenda and considered following Item 5.7.**
- 5.13. This item was moved from consent agenda to regular agenda and considered following Item 5.12.**
- 5.14. Contract Resolution - Citibus: Resolution No. 2006-R0307 authorizing the Mayor to execute a contract with Texas Tech University for campus bus service.**

This contract with Texas Tech University (TTU) provides transit services on campus. The contract term is for a one-year period beginning September 1, 2006, and ending on August 31, 2007. The rate for services is \$44.65 per bus per hour and the contract includes a fuel cost adjustment above or below \$2.40 per gallon. The price per hour provides full-cost recovery for the City of Lubbock. The current contract cost is \$41 per bus per hour with a fuel cost adjustment above or below \$1.80. Citibus has had a contract with TTU since 1968, with the fuel cost adjustment being added to the contract in 1981. The contract with TTU prohibits Citibus from collecting fares from its passengers.

The TTU Board of Regents will consider contract approval at their August meeting and has asked the City Council to execute the contract first.

FISCAL IMPACT

Any funds spent on maintenance are reimbursed by the Federal Transit Administration (FTA) at 80% since the Texas Tech University service is on a breakeven option. The FTA dollars are then used to pay for system expenses which otherwise would have to be paid by the City. Citibus anticipates receiving \$2.3 million from TTU in FY 2007. This contract will result in no additional cost to the City of Lubbock.

Staff recommended approval of this resolution.

- 5.15. This item was moved from consent agenda to regular agenda and considered following Item 5.13.**
- 5.16. This item was moved from consent agenda to regular agenda and considered following Item 5.15.**
- 5.17. This item was moved from consent agenda to regular agenda and considered following Item 5.16.**
- 5.18. Contract Resolution - Water Utilities: Resolution No. 2006-R0308 authorizing the Mayor to execute a contract with Lubbock Cooper Independent School District to provide water services to the Lubbock Cooper Independent School District and for the necessary infrastructure to enable service delivery.**

Representatives of the Lubbock Cooper Independent School District (LCISD) contacted the City over a year ago to request that the City provide water service to their Woodrow Campus, which is located about three to four miles south of the city limits along Woodrow Road and just east of Avenue P. The request was for potable water that will be used in school facilities, and not for water to irrigate fields and open space. Ever increasing water quality standards make it more difficult for schools to focus on education. Staff began preparing a proposal, working through engineering and legal considerations, for the City to provide water service to LCISD.

After City staff began working on the water service, LCISD officials also made a request for sewer services, so staff also began working through the engineering and legal considerations for this service as well.

A plan for the location and size of the water line was developed. The plan provides for the installation of a water line along Avenue P to the LCISD Woodrow campus. LCISD will pay for the cost of installing a 6" water line for the entire distance of a little over 4 miles from the City's existing water system to the Woodrow Campus. The City will pay to oversize the first two miles of line to 16" and the City will control this section of the line. A meter will be installed at the end of this line and a 6" line will continue on to the Woodrow Campus. LCISD will own and operate the 6" line from the meter to their campus. LCISD will maintain responsibility for water quality issues.

LCISD will pay for the entire cost of the sewer line from the Woodrow Campus to the City's existing sewer gathering system. LCISD will own and maintain this sewer line.

The City's Legal Department worked with LCISD attorneys for many months to address contract issues that meet state laws and that allow for school financing. One of the unusual provisions was that the school district would have to maintain some ownership in the oversized line for a period of time since the agreement required them to pay a portion of the cost. The City, however, would keep all maintenance and controls over the line, and full ownership would revert to the City upon termination of the term of the contract. LCISD would not be allowed, under the contract to sell water or wastewater services to any other customers. Under the terms of the contract, the City will construct the project and the school will reimburse the City for their portion.

FISCAL IMPACT

The City has budgeted \$650,000 in Capital Improvement Project 91210 "Water Main Extension South" in order to oversize the first two miles of water line from the 6" needed by LCISD to the 16" that the City anticipates it will need in the future. This cost is an estimate and will be finalized after the construction bids are accepted. LCISD will pay for all other costs as outlined above for water and wastewater service.

The Lubbock Water Advisory Commission recommended approval. Staff supports the Commission's recommendation and recommended approval of this resolution.

5.19. Contract Resolution - Water Utilities: Resolution No. 2006-R0309 authorizing the Mayor to execute a contract with Lubbock Cooper Independent School District to provide waste water services to the Lubbock Cooper Independent School District and for the necessary infrastructure to enable service delivery.

Representatives of the Lubbock Cooper Independent School District (LCISD) contacted the City of Lubbock over a year ago to request that the City provide water service to their Woodrow Campus that is located about three to four miles south of the city limits along Woodrow Road and just east of Avenue P. The request was for potable water that will be used in the school facilities, and not for water to irrigate fields and open space. Ever increasing water quality standards make it more difficult for schools to focus on education, to be concerned with the business of water treatment. Staff began preparing a proposal, working through engineering and legal considerations, for the City to provide water service to LCISD.

After City staff began working on the water service, LCISD officials also made a request for sewer services, so staff also began working through the engineering and legal considerations for this service as well.

A plan for the location and size of the water line was developed. The plan provides for the installation of a water line along Avenue P to the LCISD Woodrow campus. LCISD will pay for the cost of installing a 6" water line for the entire distance of a little over 4 miles from the City's existing water system to the Woodrow Campus. The City will pay to oversize the first two miles of line to 16" and the City will control this section of the line. A meter will be installed at the end of this line and a 6" line will continue on to the Woodrow Campus. LCISD will own and operate the 6" line from the meter to their campus. LCISD will maintain responsibility for water quality issues.

LCISD will pay for the entire cost of the sewer line from the Woodrow Campus to the City of Lubbock's existing sewer gathering system. LCISD will own and maintain this sewer line.

The City's Legal Department worked with LCISD attorneys for many months to address contract issues that meet state laws and that allow for school financing. One of the unusual provisions was that the school district would have to maintain some ownership in the oversized line for a period of time since the agreement required them to pay a portion of the cost. The City, however, would keep all maintenance and controls over the line, and full ownership would revert to the City upon termination of the term of the contract. LCISD would not be allowed, under the contract to sell water or wastewater services to any other customers. Under the terms of the contract, the City will construct the project and the school will reimburse the City for their portion.

FISCAL IMPACT

The City has budgeted \$650,000 in Capital Improvement Project 91210 "Water Main Extension South" in order to oversize the first two miles of water line from the 6" needed by LCISD to the 16" that the City anticipates it will need in the future. This cost is an estimate and will be finalized after the construction bids are accepted. LCISD will pay for all other costs as outlined above for water and wastewater service.

The Lubbock Water Advisory Commission recommended approval. Staff supports the Commission's recommendation and recommended approval of this resolution.

- 5.20. Contract Resolution - City Manager's Office: Resolution No. 2006-R0310 authorizing the Mayor to sign a contract between the Lubbock Metropolitan Planning Organization, the City of Lubbock, and the Texas Department of Transportation outlining roles and responsibilities of each organization.**

This contract was developed to outline the roles and responsibilities of the Texas Department of Transportation (TxDOT) and the City of Lubbock in carrying out federal and state laws and regulations for transportation planning and the operation of the Lubbock Metropolitan Planning Organization.

The original contract was initiated by TxDOT in the early 1990s and there have been subsequent contracts with each new passage of a Transportation Authorization Bill by the United State Congress. The current contract term ended on September 30, 2003 with the expiration of the Transportation Equity Act for 21st Century (TEA-21). Meanwhile, TxDOT and the MPOs have been operating under an authorized contract extension.

The proposed contract has been reviewed and approved by TxDOT's Transportation Planning and Programming Division and Office of General Counsel. Seven representatives from the TxDOT 25 district offices, representatives from TxDOT's Transportation Planning and Programming Division, and the seven members of the Executive Committee of the Texas Metropolitan Planning Organization negotiated the contract.

FISCAL IMPACT

No fiscal impact is anticipated.

Based on the recommendation of the Transportation Policy Committee of the Lubbock Metropolitan Planning Organization, staff recommended approval.

5.21. Purchase Resolution - Water Utilities: Resolution No. 2006-R0311; Resolution No. 2006-R0312 for the purchase of dry polymer and sodium hypochlorite, BID #06-040-MA.

This bid establishes annual pricing for the purchase of dry polymer and sodium hypochlorite used daily at the Southeast Water Reclamation Plant. Dry polymer is used in the dewatering of the sludge and sodium hypochlorite is used for odor control in the headworks and solids buildings.

Firm pricing is good for one year with an option to renew for one additional one-year term.

FISCAL IMPACT

A total of \$218,847 was appropriated with \$84,538 available in FY 2005-06 operating budget, Wastewater Treatment Process Chemical account. Funding for the remaining term of the pricing agreement is contingent upon available funding in future Wastewater Treatment operating budgets.

Staff recommended bid award to Polydyne, Inc. of Riceboro, Georgia for \$136,160 and to Petra Chemical Company of Dallas, Texas for \$85,860.

5.22. This item was moved from consent agenda to regular agenda and considered following Item 5.17.

5.23. Purchase resolution - Water Utilities: Resolution No. 2006-R0303 for pesticide services for bee removal in water meter boxes, BID #06-530-MA.

This bid is for a procurement necessary to preserve or protect the public health or safety of the City's residents. Each spring and summer, bees nest in water meter boxes. In the past, these bees have been primarily honey bees.

Recently, bees nesting in water meter boxes are more aggressive and pose a safety threat to staff and citizens.

FISCAL IMPACT

\$30,000 was appropriated in the Water Utilities operating budget.

Staff recommended bid award to Gafford Pest Control of Lubbock, Texas for \$28,000.

- 5.24. This item was moved from consent agenda to regular agenda and considered following Item 5.22.**

- 5.25. Purchase Resolution - Citibus: Resolution No. 2006-R0314 for the purchase of hardware and software for the non-emergency medical transportation program with the Texas Department of Transportation.**

This Hewlett Packard hardware and VMware software purchase from Hewlett Packard will provide disaster recovery and high availability required by the Texas Department of Transportation in order to operate the non-emergency medical transportation program contract. This allows for no single point of failure in the systems used to operate the program contract. Hardware and software will be purchased through the State of Texas DIR-PC Contract #DIR-VPC-03-006.

FISCAL IMPACT

The cost for the hardware and software is \$72,952. The Federal Transit Administration will fund 80% with the balance coming from City funds already budgeted for Citibus. No additional funding will be needed from the City of Lubbock.

Staff recommended approval of this resolution.

- 5.26. Purchase Resolution - Citibus: Resolution No. 2006-R315 for the purchase of paratransit scheduling/dispatch software add-on modules for the non-emergency medical transportation program with Texas Department of Transportation.**

This purchase involves add-on modules to Citibus' paratransit scheduling/dispatch software that are needed due to the award of the non-emergency medical transportation program contract with the Texas Department of Transportation (TxDOT). The Coordinated Transportation and TEJAS add-on modules will automate the import of TxDOT assigned Medicaid trips into Citibus' current scheduling and dispatch software and efficiently assign Medicaid trips to sub-contractors. Sub-contractors can then efficiently report required trip data back to Citibus, which is required for Citibus to effectively manage billing and reporting to TxDOT. This is a sole source purchase.

FISCAL IMPACT

The cost of the add-on modules is \$37,600. The Federal Transit Administration will fund 80% and the balance will come from City funds already budgeted for Citibus. No additional funding will be needed from the City.

Staff recommended approval of this resolution.

5.27. Purchase Resolution - Fleet Services: Resolution No. 2006-R0316 for the purchase of light duty vehicles, BID # 06-029-MA.

This bid is for the purchase of light duty vehicles for use by the Lubbock Fire Department and Lubbock Preston Smith Airport.

FISCAL IMPACT

Fleet replacement vehicles and equipment are purchased through the Master Lease Program. The approved list of vehicles and equipment was adopted with the Capital Improvement Program. These vehicles were approved as part of the FY 2005-06 Master Lease program. The Master Lease annual payment is budgeted within each fund.

Staff recommended bid award to Scoggin-Dickey Chevrolet-Buick of Lubbock, Texas for \$173,517.

6. REGULAR AGENDA (continued)

5.6. Grant Application Resolution - Library: Resolution No. 2006-R0317 authorizing the Mayor to execute a grant application to the Texas State Library and Archives Commission for a Technical Assistance Negotiated Grant providing technology support for the member libraries of the West Texas Library System.

The \$80,000 Technical Assistance Negotiated Grant has been awarded to the West Texas Library System each year since State of Texas FY 2000. The grant provides a technical advisor to be available to member libraries of the library system by phone, by mail, and for on-site visits for questions concerning equipment problems, repair, and routine maintenance of all the computer equipment in area libraries. In addition to the technological assistance, the technical advisor will provide training on the maintenance of equipment and operating systems, websites, and managing computer networks of area libraries.

FISCAL IMPACT

All expenses are grant funded. No city matching funds are required. The grant will be budgeted upon receipt of the funding. The position funded with this grant is a budgeted position.

Staff recommended approval of this resolution.

Jane Clausen, Library Director; Anita Burgess, City Attorney; Nancy Haney, Executive Director of Community Development; Mark Yearwood, Chief Information Officer; Scott Snider, Human Resources Director; and Randy Truesdell, Director of Community Services; gave comments and answered questions from Council.

Mayor Pro Tem Gilbreath asked staff to look at establishing controls regarding accessing pornography on the internet. He also suggested to Council that this item be revisited at a later date.

Council Member DeLeon asked Ms. Clausen to research for grants that could be used at the community centers to provide computer assistance for children.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2006-R0317 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.7. License Agreement Resolution - Parks and Recreation: Resolution No. 2006-R0318 authorizing the Mayor to execute a license agreement with the Rotary Club of Lubbock for the construction of a meditation area at Henry Huneke Park.

This resolution will allow the Rotary Club of Lubbock to build a meditation area at Henry Huneke Park. The meditation area will be a 24-foot diameter concrete area located northwest of the War Memorial and will include benches, altar, dedication plaque, and perennial plantings. Two to four trees will be planted in the vicinity of the meditation area. A sidewalk will connect the meditation area to the War Memorial.

In June 2005, the City Council approved a license agreement with the Rotary Club of Lubbock and the term of this agreement was 90 days. The Rotary Club was not able to complete the project during the term of the agreement because of the rising costs of construction. Since that time, the Rotary Club has raised additional funds and is ready to move forward with this project.

This license agreement has a six-month term to allow adequate time for construction.

FISCAL IMPACT

The Rotary Club of Lubbock will provide funding and project oversight. Ongoing maintenance will be performed by the Department of Parks and Recreation.

Staff recommended approval of this resolution.

Jerry Bell, member of the Board of Directors for the Rotary Club of Lubbock, gave a presentation on the proposed meditation area. He also gave comments on the possibility of renaming Henry Huneke Park. A couple of suggested names were Henry Huneke Freedom Park and Henry Huneke Patriots Park.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass Resolution No. 2006-R0318 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.12. Contract Resolution - Community Development: Resolution No. 2006-R0319 authorizing the Mayor to execute a contract with Texas Department of Housing and Community Affairs for the Department of Energy Weatherization Assistance Program.

This is a \$95,537 contract for the Department of Energy Weatherization Assistance Program from Texas Department of Housing and Community Affairs.

These funds will be used to test the homes of low-income persons to determine if minor rehabilitation such as insulation, caulking, and replacement of doors or windows will increase the energy efficiency of the home. The program also allows for the replacement of stoves.

FISCAL IMPACT

Appropriation of funds is included in the 2nd Reading of Budget Amendment #18 on this same City Council agenda. The maximum to be allocated to this project is \$95,537.

Staff recommended approval of this resolution.

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

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0319 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.13. Contract Resolution - Community Development: Resolution No. 2006-R0320 authorizing the Mayor to execute a contract with Texas Department of Housing and Community Affairs for the Low Income Home Energy Assistance Program Weatherization Assistance Program.

This is a \$151,186 contract for the Low Income Home Energy Assistance Program Weatherization Assistance Program from Texas Department of Housing and Community Affairs.

These funds will be used to test the homes of low-income persons to determine if minor rehabilitation such as insulation, caulking and replacement of doors or windows will increase the energy efficiency of the home. The program also allows for the replacement of stoves.

FISCAL IMPACT

Appropriation of funds is included in the 2nd Reading of Budget Amendment #18 on this same City Council agenda. The maximum to be allocated to this project is \$151,186.

Staff recommended approval of this resolution.

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

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0320 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.15. Contract Resolution - Citibus: Resolution No. 2006-R0321 authorizing the Mayor to execute a non-emergency medical transportation program purchase order with the Texas Department of Transportation.

This purchase order involves Citibus providing non-emergency medical transportation for Lubbock and the surrounding counties. The purchase order includes a term of three-years with an option to renew up to two additional three-year terms. The price paid to Citibus will be adjusted annually through the Producer Price Index.

TxDOT received three proposals to provide this service in the Lubbock region. After the evaluation period, TxDOT selected Citibus to provide this service. The program is scheduled to begin June 26, 2006.

The non-emergency medical transportation purchase order will allow Citibus to partner with other communities to provide regional transportation. Citibus will be the lead agency, and SPARTAN, CapTrans, and Sexton Enterprises will have sub-contracts.

The Lubbock Public Transit Advisory Board recommended approval of the TxDOT non-emergency medical transportation program purchase order.

FISCAL IMPACT

Under the current TxDOT purchase order, Citibus receives \$7 per trip as a subcontractor to Sexton Enterprises. Under this new purchase order, Citibus will receive \$24 per non-emergency medical transportation trip. This will result in an additional \$165,000 in revenue, plus \$60,000 annually to cover administrative costs.

Acceptance of this purchase order will result in no additional cost to the City of Lubbock.

Citibus recommended the approval of TxDOT PO# B442006510885000, Bid # B442006072073000.

John Wilson from Citibus gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0321 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.16. Contract Resolution - Police: Resolution No. 2006-R0322 authorizing the Mayor to execute a contract for wrecker services.

Until June 1998, the Police Department used a weekly rotation list of five tow truck companies. To be included on this list, a tow truck company was required to have four tow trucks and a storage facility. Other City Departments followed various procedures. Some departments used the Police Department rotation list, some called a tow truck company of their choice, and the City Garage maintained a list of tow truck companies.

Then, there were changes that removed tow truck regulation from local control. Federal law became effective that prohibited states and municipalities from regulating tow truck companies' prices and other services. The State of Texas also enacted legislation prohibiting municipalities from regulating tow truck companies' prices and services. The City of Lubbock subsequently changed its ordinance to conform to the Federal and State law.

The Federal government announced they had not intended to exclude tow truck companies from state and municipal control and the Federal law was amended, however, the State of Texas continues to prohibit municipalities from these specific tow truck regulations and the Railroad Commission now handles tow truck regulation.

Numerous other circumstances over the years have shown that regulating tow trucks by State law or City ordinance has met with limited success. State regulation of tow trucks has been handled by three different state agencies, which have changed the rules and requirements. The regulation and deregulation by the Federal and State governments have resulted in many cases in poor quality of services and equipment. Some drivers are not properly trained and storage facilities are in poor condition. It was evident the City needed to look at an alternative to provide improved tow truck service for the citizens of Lubbock.

Several years ago, the Police Department conducted meetings with several of the tow truck companies and did extensive research with other cities. This research indicated that contracting with a single tow truck company for all City business would be the best approach. A contract for these services allows the city requirements to be met without requiring regulations for all tow truck companies. The companies not under contract are only regulated by state law.

During the past eight years, the wrecker services contract has resulted in improved and professional service to citizens of the community. In addition, payments made to the City by the tow truck company have helped offset expenses of enforcing tow truck regulations and picking up abandoned vehicles.

The following tow truck companies submitted proposals for wrecker services and were ranked as follows:

- Lubbock Wrecker Service of Lubbock, Texas - \$11,500/month guarantee
- Armadillo Wrecker Services of Amarillo, Texas - \$10,300/month guarantee
- RP's Towing, Inc. of Lubbock, Texas - \$6,250/month guarantee

The evaluation committee used the evaluation methods in the Evaluation Procedures for Competitive Negotiation for Professional & Non-Professional services of the City Purchasing Department.

The evaluation criteria listed in the RFP and the criteria considered by the committee included:

Evidence that the proposer has trained personnel, reliable equipment, and adequate office space and storage facilities necessary to perform the work. (25%)

Substantial representations regarding the firm's qualifications, demonstrated experience, and demonstrated capabilities appropriate to providing these services as follows:

Experience towing vehicles that have been involved in an accident or have become disabled in the public right-of-way. (15%)

Performance history on current or past commercial tow service contracts or other governmental tow service contracts, including City of Lubbock contracts. (15%)

Qualifications, experience, length of employment with bidder, and performance history of the management personnel responsible for the day-to-day operations of the tow services. (15%)

Guaranteed monthly payment to the City of Lubbock by the Contractor. (30%)

The contract requires a minimum of eight wreckers to be available at any given time and the wrecker company is responsible for additional wreckers needed by another wrecker company. Wrecker company employees are required to have a background check by the wrecker ordinance officer and the employees must be clean, neat in appearance, and wear a distinguishable uniform. The contract requires a 30-minute response time to an accident. A minimum of 500 spaces for wrecked, impounded and abandoned vehicles and a minimum of 150 spaces for the abandoned vehicle auction must be available at the wrecker company's location. The property must be clean and easily accessible to the customers and must be secured for wrecked and impounded vehicles. The contract sets maximum towing, storage, and miscellaneous fees that can be charged to citizens inside the city and to City departments.

FISCAL IMPACT

The budget will be amended with the second reading of budget amendment #19 at the next City Council meeting.

Staff recommended contract award to Lubbock Wrecker Service of Lubbock, Texas for payment of \$11,500 to the City each month during the term of the contract. The contract term is five years.

Tom Mann, Assistant Chief of Police, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2006-R0322 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.17. Contract Resolution - Risk Management: Resolution No. 2006-R0323 authorizing the Mayor to execute a contract with McGriff, Seibels & Williams of Texas, Inc. for property and casualty insurance brokerage services, RFP #06-034-MA.

Proposals were solicited for the purpose of selecting a licensed insurance broker as the sole broker of record to obtain competitive proposals from a broad insurance market for necessary coverage and adequate limits of coverage for property and casualty insurance, worker's compensation, general liability, and other areas of risk requiring special consideration.

Evaluation criteria stated in the RFP and used to score and rank the responses to the RFP included broker experience (30%): breadth of knowledge of municipal and/or large commercial accounts including experience with electric utilities; service (30%): the ability to provide coverage and/or services in an expeditious and professional fashion as verified by previous or current clients and the availability of qualified personnel within the offeror's organization such as professional staff and service personnel; financial capacity (10%): the capacity to provide coverage and services in the future with minimum risk to the client; and price (30%): the cost of the service requested and proposed.

Each committee member reviewed and rated the proposals individually. A matrix outlining the evaluation criteria and providing examples of information to consider was given to each committee member when the proposals were delivered. The members were instructed to measure any other factors they considered relevant in each of the four categories. There was a potential of 100 points per committee member that could be awarded to the proposer for a total potential of 400 points. At the conclusion of the individual evaluation, there was a committee meeting to discuss the findings and agree on staff's recommendation to Council. After selecting a recommended broker, references were checked.

The City received six responses to the RFP and the committee scored them as follows: McGriff, Seibels & Williams of Texas, Inc. 332 points; Key & Piskuran Insurance Agency 321 points; Wachovia/Sanford Insurance 296 points; Merit Insurance Services 270 points; Alamo Insurance Group, Inc. 256 points; and Arthur J. Gallagher Risk Management Services Inc. 219 points.

FISCAL IMPACT

\$60,000 is budgeted in the Risk Management budget.

Staff recommended contract award to McGriff, Seibels & Williams of Texas, Inc. of Dallas, Texas.

Scott Snider, Human Resources Director; Anita Burgess, City Attorney; and Victor Kilman, Director of General Services, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Boren to pass Resolution No. 2006-R0323 with an amendment to award the contract to Wachovia/Sanford Insurance. Motion carried: 4 Ayes, 3 Nays. Mayor Miller and Council Members DeLeon and Price voted Nay.

5.22. Purchase Resolution - Water Utilities: Resolution No. 2006-R0324; Resolution No. 2006-R0325 for the purchase of turbine water meters, BID #06-037-MA.

This bid is for the purchase of turbine water meters three-inches and larger used to measure water and sewer consumption of commercial customers. These meters are installed in new developments and used to replace meters that have been in service for ten years or more and are no longer accurately accounting for water and sewer consumption.

FISCAL IMPACT

\$190,000 is funded in Capital Improvement Project 91049 - Water Meter Replacement.

Staff recommended bid award to K.W. Sharp, Inc. of Lubbock, Texas for \$21,676 and to Morrison Supply of Lubbock, Texas for \$7,921.

Tom Adams, Deputy City Manager/Water Utilities Director, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to pass Resolution No. 2006-R0324 and Resolution No. 2006-R0325 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.24. Purchase Resolution - Parks and Recreation: Resolution No. 2006-R0326 for the purchase of skate park equipment for McAlister Park.

In September of 2002, the City of Lubbock was approved for an Outdoor Recreation Grant from the Texas Parks and Wildlife Department for development of a skate park at McAlister Park.

Solo Ramps skate park equipment is available through the Texas Association of School Boards Local Government Purchasing Cooperative using an electronic purchasing system, called the BuyBoard. This purchasing cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Government Code. Its purpose is to obtain the benefits and efficiencies that can accrue to members of a cooperative, to comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services.

The equipment will be concrete modular equipment, which will be placed on a concrete surface. The concrete equipment will provide a maintenance free

skating surface. Roller bladders, skate borders, and BMX bikers can all use the equipment without damaging the surface.

FISCAL IMPACT

The cost of the equipment, delivery, and installation is \$132,918.31. The grant will reimburse \$74,000 of the cost with the balance funded from Capital Improvement Project 91203 - McAlister Park Improvement.

Staff recommended approval of this resolution.

Randy Truesdell, Director of Community Services, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2006-R0326 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.1. Public Hearing 10:00 a.m. - Public Works Engineering: Resolution No. 2006-R0327 Hold a Public Hearing and consider a resolution changing the street name of Avenue G, extending from Broadway south to IH27, to Crickets Avenue.

Mayor Miller opened the public hearing at 11:00 a. m. Don Caldwell and Mary Myers appeared on behalf of the name change. Diana Richardson Chapa and Robert Chesser appeared in opposition. Mayor Miller closed the hearing at 11:10 a. m.

Don Caldwell, on behalf of the Entertainment Lubbock Committee, submitted an application to change the name for that portion of Avenue G from Broadway south to IH 27 to "Crickets Avenue".

The Lubbock Entertainment Committee Chairman solicited support from adjacent landowners for the name change. Twelve of the approximately 24 landowners along this portion of Avenue G provided signed letters of support. These landowners' properties represent approximately 71% of the adjacent property footage along Avenue G.

A public hearing for this street name change request was held at the Planning & Zoning Commission meeting on June 1, 2006. Letters were sent to all abutting property owners informing them of the public hearing, along with a reply form so they could express written support or opposition to the street name change.

Three reply forms mailed back to the City before the public hearing and one form turned in at the public hearing expressed opposition to the street name change. Those in opposition represent ownership of 6% of the footage of properties abutting this portion of Avenue G.

The Planning & Zoning Commission recommended approval of the street name change.

FISCAL IMPACT

The street name marker replacement for this portion of Avenue G will cost approximately \$3,400.

Staff presents this recommendation from the Planning and Zoning Commission for City Council approval.

Randy Henson, Director of Planning, and Anita Burgess, City Attorney, gave comments and answered questions from Council.

Motion was made by Council Member Boren, seconded by Council Member Jones to pass Resolution No. 2006-R0327 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Members DeLeon and Price voted Nay.

6.2. Public Hearing 10:00 a.m. Comprehensive Land Use Plan - Planning: Resolution No. 2006-R0328 Hold a Public Hearing and consider a resolution amending the Lubbock Comprehensive Land Use Plan from University Avenue to Avenue Q between Third Street and the new service road of the Marsha Sharp Freeway.

Mayor Miller opened the public hearing at 11:18 a. m. No one appeared on behalf of the Lubbock Comprehensive Land Use Plan. No one appeared in opposition. Mayor Miller closed the hearing at 11:19 a. m.

A number of years ago when the Marsha Sharp Freeway was proposed for construction, the Planning Department developed three basic alternatives for the use of land between the new service road and Third Street, between Avenue Q and University Avenue. Many of the ideas and opinions expressed during several meetings did not change the three basic alternatives:

- Allow the area to remain residential and side to the new freeway.
- Allow approximately one-half of the block from 3rd Street to 4th Street (now the service road) to convert to commercial, and leave as few as three residential lots on the north side of the new commercial.
- Allow all of the area to convert to commercial with development standards that would prevent new “strip commercial”, and redevelop with standards that would make the area an asset to the neighborhood and to the new freeway.

Several months ago, Councilwoman Linda DeLeon conducted a meeting with the owners of the lots in the affected area. Staff and Councilwoman DeLeon described the alternatives to about 300 residents, who then were asked to “vote” their preference with a dot on the lots they own. At least 99% indicated a preference for the commercial alternative.

The Planning Commission recommended approval of the commercial alternative with the Policy Guidelines as outlined below.

Policy Guidelines

Redevelopment of parcels between Avenue Q and University Avenue from the Marsha Sharp Freeway service road to Third Street June 2006.

Redevelopment

1. Redevelopment of any of the land in the policy area shall be subject to a requirement that all of the lots in any single block, between adjacent streets on both sides of the existing alleys, be acquired or represented as part of the overall redevelopment for a zone case to be considered as "policy" for the area. Zone cases filed on less than a full block shall not represent a policy request and should be denied.
2. All development tracts within the policy zone area shall be re-platted, with any additional needed dedication or abandonment of right-of-way.
3. Ingress and egress to any development area from the service road shall not occur unless approved by the Texas Department of Transportation.
4. If any street is closed by the City Council and should approval be granted by the Texas Department of Transportation, the former street location may be used for development of a curb return to the adjacent property. Access shall be primarily from the pre-existing north/south streets.
5. A minimum of 50 feet from the curb line squared to the start of a drive access radius shall be required for a drive entrance from one of the north/south streets north of the service road to any of the remaining north/south roads.

Streets

1. Alleys may be closed on request of the redevelopment, subject to provision of service to that block in an alternative manner.
2. Streets may be requested for closure to provide larger development tracts.
3. TXDOT is not allowing access from two of the two existing streets (Avenue W and Temple Avenue). Avenue U will not be eligible for closure as the existing collector in the area.
4. Any street closure of an existing north/south street shall include construction of the required screening fence on the north end (see next section), subject to approval of the ability of water to flow under the fence by the City Engineer.

Buffering

1. A brick, concrete insert with columns, or split face wall will be built on the north line of the projects, adjacent to the right of way line on 3rd Street. As noted in #4 above, if a north/south street is closed a screening fence shall be built entirely across the former right of way and the City Engineer shall approve the lower part of the structure if drainage needs to access the former street.

2. In the case that a concrete insert fence with brick columns is requested, the design and materials of the fence shall be included in the zone case for the parcel.
3. An attempt shall be made by the developers of the various tracts for the screening fences to be aesthetically similar or matching.
4. In the case that drainage needs from 3rd Street are required for any proposed closed north/south street, the redevelopment shall design for the capacity to the service road as approved by the City Engineer.

Zoning

1. No building more than one story in height shall have windows on the north unless the building is set back from 3rd Street at least 100 feet.
2. Commercial lighting shall be designed to minimize glare or reflection to the north residential areas.

FISCAL IMPACT

No fiscal impact.

Staff recommended the commercial alternative and the policy guidelines set forth above.

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

Motion was made by Council Member DeLeon, seconded by Council Member Boren to pass Resolution No. 2006-R0328 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.3. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0072 Zone Case No. 2909-A (north of 66th Street and west of Justice Avenue) Hold a public hearing to consider request of CMS Properties (for S&S Commercial Properties, Ltd.) for a zoning change from A-1 to IHC on a 12.7 acre unsubdivided tract of land out of Section 36 Block AK.

Mayor Miller opened the public hearing at 11:25 a. m. No one appeared on behalf of S&S Commercial Properties, Ltd. No one appeared in opposition. Mayor Miller closed the hearing at 11:26 a. m.

The applicant is requesting that a portion of a tract between 66th Street and Spur 327, west of Iola, become zoned IHC as the property to the east and west is zoned.

Adjacent land uses:

- N – IHC zoning
- S – single family
- E – IHC zoning
- W – IHC zoning

The request is consistent with the Comprehensive Land Use Plan. With regard to zoning policy, the staff will request the same conditions that exist on the parent parcel to the west.

The change should have little effect on the thoroughfare system. With the overbuilt status of apartments in Lubbock for the near future, the market for the A-1 is not existent.

The following conditions were attached to the original case in 2001 for the IHC portion to the west:

1. A 60-foot setback for single story and 75 feet for two or more stories from 66th Street shall be minimum.
2. For parcels developed adjacent to Spur 327 and 66th Street, a 10% landscape requirement be adopted versus the standard 5%.

With the conditions noted above, the Planning Commission recommended approval of the request.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Boren, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2006-O0072 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0073 Zone Case No. 2984-D (west of Milwaukee Avenue from 37th Street to 43rd Street) Hold a public hearing to consider request of CMS Properties (for S&S Commercial Properties, Ltd) for a zoning change from C-2 to C-3 on a 6.20 acre tract of unsubdivided land out of Section 38 Block AK.

Mayor Miller opened the public hearing at 11:25 a. m. No one appeared on behalf of S&S Commercial Properties, Ltd. No one appeared in opposition. Mayor Miller closed the hearing at 11:26 a. m.

The applicant is requesting that a parcel located south of 37th Street to the alley south of 38th Street across Milwaukee Avenue be zoned from C-2 to C-3.

Adjacent land uses:

- N – vacant commercial
- S – vacant commercial
- E – residential across Milwaukee
- W – residential under development

Since the land is already zoned commercial, there is no real Comprehensive Land Use Plan policy discussion other than an attempt to maintain the integrity of the residential across Milwaukee Avenue. Moving to the C-3 adds “convenience store with gasoline”, “carwash”, “tire battery and accessory”,

"grocery stores", and "discount centers" to the permitted uses on the property. Properly buffered, these uses may not be a detraction from the residential that has been long existing and the new residential that is developing to the west.

The original approval of the strip zoning contained a measure of protection with landscape buffering for the residential across Milwaukee Avenue and the same site plan for buffering along Milwaukee Avenue will be requested for this case, if approved. In addition, a better than minimum screening wall may benefit the new residential to the west.

The strip zoning was supported by staff in the last case because of the presence of the railroad and the M-1 or IDP just to the south of the subdivision on the east side. As noted, the area between 35th Street and 39th Street east of Milwaukee Avenue deserves some protection as having been in place for years. The southeast corner of 34th Street and Milwaukee Avenue meets the ten acre allotment of commercial as described by the Comprehensive Land Use Plan and is partially occupied.

The Planning Commission recommended approval of the request with the following conditions:

1. Tied to the original amount of landscape buffering along Milwaukee Avenue proposed in Zone Case 2984A.
2. The development will be tied to the Zone Case 2984A landscape portion of site plan indicating the proposed landscape buffer areas and the proposed number of driveway access points on the Milwaukee Avenue frontage. Prior to the sale of any portion of the tract or a construction permit on any portion of the tract, the Planning Commission shall review a detailed landscape plan with curb returns as originally proposed. The materials proposed for the screening fence on the west line shall be specifically discussed during the site plan review.

The case was originally presented as C-2A. Then in a subsequent zone case a request was granted to allow C-2. The continuing request for heavier uses across from the residential is a concern for the staff. After the discussion during the Commission meeting about this request, and the addition of the conditions, the staff supports the recommendation of the Planning Commission.

FISCAL IMPACT

No fiscal impact.

The staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Boren, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2006-O0073 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.5. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0074 Zone Case No. 3062 (east of Milwaukee Avenue from 106th Street to 114th Street) Hold a public hearing to consider request of Hugo Reed and Associates, Inc. (for Carl Mortensen) for a zoning change from T to C-2 on a 21.2 acre tract of unsubdivided land out of Section 21 Block AK.

Mayor Miller opened the public hearing at 11:25 a. m. No one appeared on behalf of Carl Mortensen. No one appeared in opposition. Mayor Miller closed the hearing at 11:26 a. m.

Previous zone cases have provided strip zoning of parcels including areas south of 107th Street east of Slide Road, parts of 82nd Street, a strip on University Avenue and portions of Frankford Avenue - to name a few recent cases. These cases have prompted the development community to not only want to continue the Comprehensive Plan principle of ten-acre parcels at each corner of major thoroughfares but also to accomplish strip zoning. Discussion during those cases revealed that staff is willing to discuss with the development community and the Planning Commission the advisability for such a change in policy. That discussion has yet to be undertaken. Although the following items are not presented to adversely affect approval of this case, some of the issues involved in such a transition, having ten acre corners and strip centers along the thoroughfares, include:

1. Without a major effort, curb cuts will increase along thoroughfares, reducing the viability of their major purpose – that is to move large volumes of traffic at higher speeds across town. That purpose is in direct conflict with the concept of every retailer, that thoroughfares exist to provide them a front door to the buying public. A delicate balance has to be accomplished to meet the objectives of the public and the private sectors.
2. During previous discussions, staff confirmed that the current Comprehensive Land Use Plan was not designed to intentionally eliminate strip commercial. The primary emphasis is to congregate commercial uses at major thoroughfares with the use of common parking lots, as well as the reduction in points of conflict (curb cuts) between mile sections. Strip commercial, if the market exists and curb returns are carefully controlled, will serve the same public purpose.
3. A third factor in strip development, when included with the fact that the "ten acre rule" remains in existence, is that the potential exists to zone too much commercial property. The market cannot and will not consume as much commercial as has been zoned in the last few years, and the eventual consequence may be:
 - The land price will be driven beyond the ability to return to residential values without someone losing a significant amount of money. Some believe the market should shake out the results, but forcing bankruptcy should not be an official policy for any city government.

- The change to commercial may jeopardize the ability for the land to return to residential or any other viable buffer use, creating a visual land use “mess’ for the public. And staff is all in this together.

With regard to the current case, as in the last, staff is willing to let the market be tested by the owners of the land that have the most to lose. But, with conditions that will continue to protect the public.

Adjacent land use in this area:

N – vacant,
S – vacant
E – residential
W – vacant

The proposal is not within current Comprehensive Land Use Plan policy. The proposed ordinance contains wording that will amend the Comprehensive Land Use Plan if this request is approved.

The Planning Commission recommended approval with the following conditions:

1. One curb cut will be permitted on Milwaukee Avenue for each of the four parcels. Otherwise, all parcels will be served from curb cuts on the east/west streets as they are platted.
2. Prior to sale of parcels between dedicated streets, the developer shall devise a public access easement for those parcels that may eventually not have access to a public east/west street or the curb cut noted in #1.
3. A site plan review for the materials proposed for the screening fence shall be reviewed by the Planning Commission prior to the first construction permit.
4. The developer shall have a back-up plan for alternate uses should the commercial not become viable.

FISCAL IMPACT

No fiscal impact.

The staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Boren, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2006-O0074 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.6. This item was considered following Item 6.13.**
- 6.7. This item was considered following Item 6.6.**
- 6.8. This item was considered following Item 6.7.**

6.9. Board Appointments - City Secretary: Consider six appointments to Building Board of Appeals; one appointment to Canadian River Municipal Water Authority; one appointment to Urban Renewal/Neighborhood Redevelopment Commission; two appointments to Zoning Board of Adjustment; three appointments to Citizens Traffic Commission; and three appointments to Civic Lubbock, Inc. Board of Directors.

Motion was made by Council Member DeLeon, seconded by Council Member Boren to reappoint George Carpenter, Rose Hardy, and Steve Hill, and to appoint Tommy Ferguson, Frank Falbo, and Lucy Gutierrez to the Building Board of Appeals. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to reappoint Robert Rodgers to the Canadian River Municipal Water Authority. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint John Rivera to the Urban Renewal/Neighborhood redevelopment Commission. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint Darrell Hill (member position) and Kyle Jones (alternate position) to the Zoning Board of Adjustment. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Boren to appoint Annette Castellano-Chavez and reappoint David White and Brian Baker to the Citizens Traffic Commission. Motion carried: 7 Ayes, 0 Nays.

Consensus from Council was to hold on the appointments to the Civic Lubbock, Inc. Board of Directors.

6.10. This item was considered following Item 4.1.

6.11. Statewide Mutual Aid Plan Resolution - Emergency Management: Resolution No. 2006-R0329 supporting the creation and adoption of a state-wide mutual aid plan for the response to catastrophic incidents.

Staff feels that the best solution to problems associated with major incidents on a regional level is a state-wide mutual aid plan, which is supported by government codes. Currently the Texas Department of Homeland Security is proposing a Regional Response Plan through the local Council of Governments (South Plains Association of Governments). Staff believes that a state-wide mutual aid plan is a better solution to the problem of regional response.

State-wide mutual aid:

1. Provides true state-wide capability.

2. Gives statutory authority for mutual aid through Texas and Local Government Codes.
3. Provides reimbursement consistency.
4. Addresses liability concerns through the State of Texas by law.
5. Allows private industry to participate under state law.

FISCAL IMPACT

No fiscal impact is anticipated.

Steve Hailey, Fire Chief; Kevin Overstreet, Emergency Operations Center Director; and David Corder, Emergency Operations Coordinator for South Plains Association of Governments (SPAG), gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2006-R0330 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.12. This item was considered following Item 6.8.**
- 6.13. Electric Utility Rate Change Resolution - City Manager: Resolution No. 2006-O0330 authorizing a rate change application filed by Southwestern Public Service Company (Xcel Energy) for their ratepayers in Lubbock.**

Southwest Public Service (SPC) is filing a base rate case pursuant to Public Utility Commission (PUC) and regulatory requirements and requests that the City approve a change in base rates for retail customers within the municipal boundaries of the City of Lubbock.

SPC has filed an application with PUC for (1) authority to change rates; (2) reconciliation of its fuel costs for 2004 and 2005; (3) authority to revise the semi-annual formula originally approved in Docket No. 27751 used to adjust its fuel factors; and (4) related relief. The application is provided.

The City has original jurisdiction and authority over the subject matter of the application pursuant to Texas Utility Code Section 33.001 et. seq. Because the City and the ratepayer-citizens of Lubbock will be subject to SPS's proposed fuel costs reconciliation and requests to increase rates, any decision on SPS's application may adversely affect the City and their ratepayer-citizens. Accordingly, staff recommended that, as the regulatory authority looking after the interests of their rate-payer citizens, City Council deny SPS's request.

FISCAL IMPACT

SPS requests that the City approve a change in base revenues of \$47.9 million for its Texas retail operations. A part of this proposal is to charge municipal franchise fees to the specific customers located in the respective municipal limits so that some Texas retail customers are not paying for other customers' franchise fees. Taking into account the rate change's impacts on fuel and purchased power cost recoveries, the overall increase in rates will be \$47.1

million, an increase of 6% in overall rates. The average residential customer using 800 kilowatt-hours of energy per month will see a bill increase of \$5.18 per month, or 7.4%. SPS's attachment outlining their figures is included in the provided copy of the application.

Staff recommended that City Council deny the request. SPS may, pursuant to Texas Utility Code Section 33.051, appeal the City Council's decision to the Public Utility Commission.

Motion was made by Council Member Leonard, seconded by Council Member Boren to pass Resolution No. 2006-R0330, which denies the request as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.14. This item was considered following Item 6.12.

11:36 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

2:15 P. M. CITY COUNCIL RECONVENED

6.6. Public Hearing - 10:00 a.m. - Water Utilities: Hold a public hearing to receive and consider public comments on the Water Use Management Plan - Drought Emergency and Contingency Plan and Water Conservation Plan.

Before opening the public hearing, Mayor Miller asked Deputy City Manager/Water Utilities Director Tom Adams to give his presentation and comments on the Water Use Management Plan – Drought Emergency and Contingency Plan and Water Conservation Plan. Adams also answered questions from Council.

Mayor Miller then opened the public hearing at 2:41 p. m. Jeromy Gowdy appeared on behalf of the plan, suggesting a push toward public awareness. No one appeared in opposition. Mayor Miller closed the hearing at 2:43 p. m.

The Lubbock Water Advisory Commission and staff have worked more than a year on updating the Water Conservation, Drought and Emergency Plan, known as the Water Use Plan, to help move forward the conservation program and drought preparedness level of the City. The Water Commission recommended adoption of the Water Use Plan.

The Water Use Plan and the Irrigation Ordinance interface with each other. As a result, amendments to the Irrigation Ordinance are included in Agenda Item 6.8 and recommended in order to eliminate any conflict between the two documents.

The Water Use Plan includes several major parts. The two most important sections include: (1) the Conservation Plan, and (2) the Drought/Emergency Plan. The Conservation Plan outlines a conservation standard for the City. Most of the Conservation Plan is voluntary and educational, and encourages the wise use and conservation of water. For example, most grass types can be green and beautiful without daily watering, which can actually leave grass unhealthy.

The Drought Plan has major stages that provide for the orderly curtailment of water use in order to ensure water is available for essential life and business. For example, Stage One proposes to restrict landscape irrigation, or yard watering, to two times during one week. Stage Two restricts landscape irrigation to once a week, Stage Three to once a month, and Stage Four prohibits outside watering. These restrictions apply to the use of water produced and delivered by the City. Well water or groundwater is regulated by the High Plains Underground Water Conservation District and the City and the District work together on any enforcement issues.

Canadian River Municipal Water Authority will meet in Sanford, Texas on July 12, 2006 at their offices, which are located by Lake Meredith. They will consider a reduction in water allocations this summer rather than a reduction next year. The City needs to be prepared for this. The current plan changes from allowing daily watering to watering one day per week. The proposed plan progresses in stages from daily, to twice a week, to once a week. With the adoption of the plan, the twice a week limitation will be effective immediately. If necessary, the City can take the next step to move to Stage Two for once a week watering.

The Lubbock Water Advisory Commission is still working on one element of the plan, and that issue is to define water waste for enforcement purposes. This item will be presented later with a Water Commission recommendation.

FISCAL IMPACT

No fiscal impact.

- 6.7. Water Conservation, Drought and Emergency Plan Ordinance 1st Reading - Water Utilities: Ordinance No. 2006-00075 amending Chapter 28 of the Code of Ordinances, City of Lubbock, Texas, with regard to the City of Lubbock Water Use Management Plan – Drought and Emergency Contingency Plan and Water Conservation Plan; to promote wise and responsible use of water; providing for target goals; supporting structural conservation programs, and reclaimed water reuse programs; providing for administrative changes; providing for support of educational programs; establishing criteria for the drought response stages; establishing restrictions on certain water uses related to drought or shortages; providing a penalty for each day of non-compliance and/or discontinuance or disconnection of water service for non-compliance with the provisions of the Water Use Management Plan - Drought and Emergency Contingency Plan and Water Conservation Plan; providing for publication and ordaining other matters related to the foregoing.**

The Lubbock Water Advisory Commission and staff have worked more than a year on updating the Water Conservation, Drought and Emergency Plan, known as the Water Use Plan, to help move forward the conservation program and drought preparedness level of the City. The Water Commission recommended adoption of the Water Use Plan.

The Water Use Plan and the Irrigation Ordinance interface with each other. As a result, amendments to the Irrigation Ordinance are included in Agenda Item 6.8 and recommended in order to eliminate any conflict between the two documents.

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The Drought Plan has major stages that provide for the orderly curtailment of water use in order to ensure water is available for essential life and business. For example, Stage One proposes to restrict landscape irrigation, or yard watering, to two times during one week. Stage Two restricts landscape irrigation to once a week, Stage Three to once a month, and Stage Four prohibits outside watering. These restrictions apply to the use of water produced and delivered by the City. Well water or groundwater is regulated by the High Plains Underground Water Conservation District and the City and the District work together on any enforcement issues.

Canadian River Municipal Water Authority will meet in Sanford, Texas on July 12, 2006 at their offices, which are located by Lake Meredith. They will consider a reduction in water allocations this summer rather than a reduction next year. The City needs to be prepared for this. The current plan changes from allowing daily watering to watering one day per week. The proposed plan progresses in stages from daily, to twice a week, to once a week. With the adoption of the plan, the twice a week limitation will be effective immediately. If necessary, the City can take the next step to move to Stage Two for once a week watering.

The Lubbock Water Advisory Commission is still working on one element of the plan, and that issue is to define water waste for enforcement purposes. This item will be presented later with a Water Commission recommendation.

FISCAL IMPACT

With Conservation and Drought Stages, water use may decrease. This can have some impact on water revenues. The amount of decrease will depend on the level of conservation and the drought stage implemented.

The Lubbock Advisory Water Commission and staff recommended approval of the first reading of this ordinance.

Randy Henson, Director of Planning; Tom Adams, Deputy City Manager/Water Utilities Director; and Anita Burgess, City Attorney, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2006-O0075 with the following amendments:

- under Section 3, striking the language defining water runoff.
- under Section 2, Stages 1, 2, and 3 - Insert the word “significant” before “water runoff”.

Motion carried: 7 Ayes, 0 Nays.

6.8. Water Irrigation Ordinance - Water Utilities: Ordinance No. 2006-O0076 amending Chapter 28 of the Code of Ordinances of the City of Lubbock, Texas, with regard to the jurisdiction of the Water Board of Appeals; providing a penalty; providing a savings clause; and providing for publication.

The Lubbock Water Advisory Commission and staff have worked more than a year on updating the Water Conservation, Drought and Emergency Plan, known as the Water Use Plan, to help move forward the conservation program and drought preparedness level of the City. The Water Commission recommended the Water Use Plan.

The Water Use Plan and the Irrigation Ordinance interface with each other. As a result, amendments to the Irrigation Ordinance are also recommended in order to eliminate any conflict between the two documents.

The Irrigation Ordinance amendments to allow an existing board, the Water Board of Appeals, to hear requests for variances to the requirements of the Water Use Management Plan - Drought and Emergency Contingency Plan and Water Conservation Plan. This board now hears appeals to the irrigation ordinance as now constituted, and will in the future hear appeals related to the Conservation, Drought and Emergency Contingency Plan as well.

FISCAL IMPACT

No fiscal impact is anticipated.

The Lubbock Advisory Water Commission and staff recommended approval of the first reading of this ordinance.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0076 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.12. Budget Ordinance 1st Reading - Finance: Ordinance No. 2006-O0077 amendment #19 amending the FY 2005-06 budget respecting the General Fund, Grant Fund, Airport Fund, Water Fund, Wastewater Fund, Solid Waste Fund, Capital Improvement Program, Market Lubbock, Inc., Lubbock Economic Development Alliance, Lubbock Convention & Visitors Bureau and Lubbock Sports Authority.

Regular City Council Meeting
June 26, 2006

1. Accept and appropriate \$463 of funding from the Texas State Library and Archives Commission. The new amended total grant award amount is \$78,068 to fund the Interlibrary Loan Center. The original \$77,605 grant award amount was appropriated by the City Council on October 13, 2005.
2. Accept and appropriate \$33,750 of funding from the Texas State Library and Archives Commission for the Gates Foundation Public Access Computer Hardware Upgrade Grant Program. This funding will be used to replace hardware installed in 2000 and funded through the original Gates Foundation Grant. A total of 27 computers will be installed at Mahon, Groves, and Patterson libraries and will be used for public access to the Internet and for computer instruction.
3. Transfer \$2,500 from Capital Improvement Project 9163 – New Terminal Public Seating to Capital Improvement Project 8477 - Industrial Building Repair. Transfer \$19,000 from Airport Operating Budget, Administration and Field Maintenance Cost Centers, to Project 8477 Industrial Building Repair. These funds will be used to demolish both Eastport District warehouses.
4. Establish a new Capital Improvement project for TxDOT Traffic Signals and to appropriate \$40,261 to the new project. Through a cooperative agreement with TxDOT, the cost of this project will be reimbursed. A resolution authorizing this agreement with TxDOT will be placed on the next City Council agenda. A traffic signal at FM 1585 will be the first signal installed through this agreement. After installation, the City will be responsible for maintaining the traffic signal. Additionally, through this agreement, two existing signals are being upgraded. These signals are currently being maintained by the City.
5. Amend the approved FY 2005-06 Master Lease Program by adding a walk-in freezer and two 7.5-ton HVAC units for the Lubbock Animal Shelter. The Animal Shelter is not allowed to incinerate after sunset and is required to have a sanitary holding area to house animal cadavers until incineration is possible. The current walk-in freezer at the Animal Shelter is inadequate and has become too costly to maintain. The total cost of a new, properly sized freezer is \$23,500. The facility is in need of new HVAC units as the current units are past or at the end of their useful life. Currently, there are four 3-ton units in the facility. It has been recommended by the City Facilities Management Department to replace the four units with two 7.5-ton units. These units will be installed outside the facility and can be relocated to a new facility if necessary. The total cost of the units and installation is \$20,000. The master lease payments for this new equipment will be included in the FY 2006-07 Operating Budget.

6. Appropriate \$105,000 from the Solid Waste fund balance for two certified deputies or correctional officers, fuel for two vehicles and supplies. This expenditure will allow the City to partner with Lubbock County for the use of County inmates to assist in the daily clean-up of the depot district, the clean-up of areas adjacent to Loop 289, and other miscellaneous jobs as needed. The cost of this annual program is \$90,000 for the officers, \$10,000 for fuel and \$5,000 for supplies. Each officer will oversee five to seven inmates each. The inmates will work on a full-time basis and the work will be scheduled to provide coverage seven days a week.
7. Appropriate \$23,860 from the General Fund fund balance for the purchase and installation of a video playback system for the Public Information Office. The purchase for this equipment was made on June 8, 2006, per subchapter 252.022(3) of the Texas Local Government Code "...because of unforeseen damage to public machinery, equipment, or other property;". City News Channel 2 (CNC-2) uses the playback system to broadcast programs from the CNC-2 studios to Cox Communications for view by cable customers. The existing system was damaged after a power surge related to a severe weather event occurred in late May.
8. Transfer \$300,000 from Capital Improvement Program (CIP) project #9567 – Pump Station Rehabilitation to CIP project #91049 – Water Meter Replacements. City Council approved additional funds in FY 2005-06 to fund a large meter change out program. Large meters consist of meters three inches and greater and generally serve non-residential customers with higher consumption. Before the project was approved, staff determined that there were 80 large meters in the system that were not functioning or were not functioning accurately. A replacement plan was developed to change out these meters within three years. The projected revenue lost due to outdated and malfunctioning large meters for FY 2005-06 is \$500,000. Staff planned to change out 27 meters in 2006. The program has been so successful that, at the end of July, staff will have replaced 52 large meters and will have exhausted the appropriated funding. This amendment will provide the funding necessary to keep this program moving forward.
9. Transfer \$64,000 from Capital Improvement Program (CIP) project #9567 – Pump Station Rehabilitation to CIP project #91034 – Water Line Replacement. The two-inch water line located at Avenue J, between 19th Street and 23rd Street was installed in 1952. City records and recent complaints regarding service from this line require the line to be replaced. This line serves both residential and commercial customers. This amendment will provide the funding necessary to replace the line.

10. Transfer \$50,000 from Capital Improvement Program (CIP) project #9567 – Pump Station Rehabilitation to CIP project #8514 – Water Treatment Plant Evaluation. The purpose of this project is to identify improvements necessary to maintain or extend the life of, increase efficiency of, and to ensure the future regulatory compliance of the water treatment plant and its associated facilities. City Council has previously appropriated \$250,000 for this evaluation. This amendment will provide the additional funding necessary to ensure that the City receives the appropriate level of information necessary to guide future improvements and modifications.
11. Transfer \$40,000 from Capital Improvement Program (CIP) project #9567 – Pump Station Rehabilitation to CIP project #8515 – Pump System Evaluation. The purpose of the project is to identify improvements necessary to maintain or extend the life of, increase efficiency of, and to ensure the future regulatory compliance of the water distribution pumping system. City Council has previously appropriated \$250,000 for this evaluation. Part of this evaluation is the collection of information required by the state and due by October 2006. If this contract is awarded by July, the City will be able to meet the State’s regulatory deadline. This amendment will provide the funding necessary to ensure that the City receives the appropriate level of information necessary to develop plans for future improvements and expansions, and to meet the State mandated deadline for submitting information collected from the distribution system.
12. Transfer \$50,000 from Capital Improvement Program (CIP) project #9567 – Pump Station Rehabilitation to CIP project #90352 – South Lubbock Well Field. This account was reduced by \$5.35 million when the PS#10 Well Field project was not recommended for completion due to increasing costs. The elimination of the project did not allow for the completion of outstanding engineering contracts. Therefore, funding is needed to finish payment on the existing contracts. An amendment to the scope of services will eliminate some tasks no longer necessary and provide projections on the impact of heavy pumping (25,000 AF annually) on the Bailey County Well Field.
13. Transfer \$464,895 from Capital Improvement Program (CIP) project #9567 – Pump Station Rehabilitation and \$35,105 from CIP project #91035 – Water Lines Ahead of Street Paving to CIP project #90273 – Major Water Line Replacement (34th Street). Phase I of this project was completed three months ahead of schedule. This includes the preliminary engineering report developed by HDR Engineering, Inc., which includes the route and the preliminary design. In an effort to keep this project moving forward, staff is recommending additional funding to allow the design of the improvements.

14. Transfer \$227,895 from Capital Improvement Program (CIP) project #91035 – Water Lines Ahead of Street Paving and \$272,105 from increased metered revenues in the Water Fund to CIP project #90274 – Downtown Water System Improvements. Phase 1 of this project was completed three months ahead of schedule. This includes the preliminary engineering report developed by HDR Engineering, Inc., which includes the route and the preliminary design. In an effort to keep this project moving forward, staff is recommending funding to allow the design of the improvements.
15. Amend Capital Improvement Program (CIP) projects in the Sewer Fund by appropriating an additional \$250,000 of EPA Grant Funds. The increase is for CIP project #8509 – Sewer Collection System Master Plan. The additional funding will allow the study to begin and allow the installation of meters to record flows resulting from rainfall events. The implementation of this program is time-critical; a delay could result in metering during the dry season, resulting in poor data for the computer model. The contract along with the scope of work has been negotiated with Carter and Burgess Engineering and is currently pending approval following the final approval of this amendment.
16. Appropriate additional estimated revenue of \$800,000 from increased metered revenues and appropriate \$665,000 of Water fund balance for increased electric expenses, billing system modifications, and expanded public relations expenses. Electric rates have exceeded budgeted projections for FY 2005-06 and increased electric rates charged to the Canadian River Municipal Water Authority (CRMWA) by their electric provider have caused Water's electric expenses to increase. The addition of \$1.25 million to the operating budget will cover expenses related to electricity based on projected consumption for the remainder of the year and will ensure that funding is available to pay the City's share of the CRMWA project's operational costs. The addition of \$65,000 to the operating budget for billing system modification will cover expenditures associated with the purchase of the bill print and folding equipment, related to the implementation of a new rate structure. This amendment will minimize delays in acquiring the equipment necessary to print and send the revised utility bill. The Lubbock Water Advisory Commission has recommended that the City increase its water related public education and information program. The addition of \$150,000 to the operating budget will help encourage greater conservation efforts and will provide more citizens with information on Lubbock's water needs and plans.
17. Appropriate additional estimated revenues of \$200,000 from increased metered revenues for increased electric expenses. Electric rates have exceeded budgeted projections for FY 2005-06. The addition of \$200,000 to the operating budget will cover expenses related to electricity based on projected consumption for the remainder of the year.

18. Appropriate \$81,800 of General Fund Balance to the Grant Fund to fund previously expended ineligible costs. The ineligible costs were identified through the grant review process as part of the newly implemented "Grants Management Policy." This appropriation will balance the grant funds that are no longer active and will allow the grants to be closed.
19. Amend Market Lubbock Inc.'s budget by \$63,000 and increase revenues accordingly. The amended budget from Market Lubbock, Inc. is provided and details the increases in expenditures. The increase in revenues is related to an increase in interest earnings from investments.
20. Amend Lubbock Economic Development Alliance Inc.'s (LEDA) budget by \$796,576 and increase revenues accordingly. The amended budget from LEDA incorporates revised sales tax revenues that correspond to the sales tax revenues as approved in the City's FY 2005-06 Adopted Budget. The amendment also includes funding received from Market Lubbock Inc. in the amount of \$600,000. The amended budget from LEDA is provided and details the increases in expenditures.
21. Amend Lubbock Convention & Visitors Bureau's budget by \$434,439 and increase revenue accordingly. The amended budget from Visit Lubbock incorporates revised hotel/motel tax revenues that correspond to the hotel/motel tax revenues as approved in the City's FY 2005-06 Adopted Budget. The amended budget from Visit Lubbock is provided and details the increases in expenditures.
22. Amend Lubbock Sports Authority's budget by \$2,950 and increase revenues accordingly. The amended budget from Lubbock Sports Authority is provided and details the increases in expenditures. The increase in revenues is related to an increase in interest earnings from investments.

FISCAL IMPACT

Included in Item Summary.

Staff recommended approval of the first reading of this ordinance.

Jeff Yates, Chief Financial Officer; Lee Ann Dumbauld, City Manager; Kevin Overstreet, Emergency Operations Center Director; and Tom Adams, Deputy City Manager/Water Utilities Director, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0077 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.14. Contract Resolution - City Attorney's Office: Resolution No. 2006-R0331 extending a professional services contract with Don Vandiver, former First Assistant City Attorney, for "of counsel" legal services.

The City of Lubbock contracted with Don Vandiver, retired former First Assistant City Attorney, for "of counsel" legal services on a part-time basis

June 19, 2003, Resolution No. 2003-R0248. The contract provides that it may be extended by mutual agreement of the parties.

At the request of the City Attorney, Mr. Vandiver has agreed to a two-year extension of this contract under the same terms and conditions. Mr. Vandiver's extraordinary legal skills, professional competence, and continued dedication to the organization make him a valuable asset to the City and it is in the best interest of the organization to draw on this resource for an additional term of two years.

While there are restrictions under the state law retirement provisions limiting the number of hours that a retired employee may provide to a City from which he has retired if the retiree is serving as an employee, there is no such restriction for an independent contractor. The professional services contract was drawn so as not to create a relationship of employer/employee, but rather to designate Mr. Vandiver as an independent contractor providing professional services to the City.

During the initial one year contract term, Mr. Vandiver has provided valuable assistance in the areas of annexation, elections, franchising, and general municipal law, as well as providing a valuable organizational history and municipal law resource because of his 31 years of legal service to the City. He also provides valuable "of counsel" assistance to other members of the City's legal staff.

FISCAL IMPACT

The City Attorney has used Mr. Vandiver's services regularly for 20 hours per week and occasionally up to 30 hours per week as dictated by need on special projects. The contract provides for services at Mr. Vandiver's rate of pay at his retirement in 2003 and there is no increase in hourly rate for this extension of Mr. Vandiver's contract. This contract provides a savings for the City Attorney's office and is budgeted at \$73,000.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0332 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

3:30 P. M. CITY COUNCIL RECESSED

3:46 P. M. CITY COUNCIL RECONVENED

7. WORK SESSION

- 7.1. Intelligent Transportation System (ITS) Briefing - Traffic: Presentation of the current status of the Intelligent Transportation System agreement with Texas Department of Transportation including the proposed Fiber Optic Network sharing agreement and the Freeway Management System currently under design, and the proposed joint City/TxDOT Traffic Management Center.**

The Intelligent Transportation System (ITS) joint project with Texas Department of Transportation will be constructed in two phases with Phase 1 scheduled for bid this fall. This project includes a Freeway Management System, several dynamic message signs, speed sensors, and cameras at major intersection locations on Loop 289 from I-27 (south) interchange westward all the way to 34th Street. A joint TxDOT/City Traffic Management Center (TMC) is also included and will be operated by and located in the City Traffic Engineering Department's computer room. To accomplish this project, the City and TxDOT will share their respective Fiber Optic Networks (FON) under a separate agreement that will be required.

FISCAL IMPACT

Existing capital projects 90379 Signal Systems Communications (ITS-Phase 1), and 91100 Signal Systems Communications (ITS-Phase 2) have already addressed most of the costs. A Service Level II package addresses the operations costs for the next fiscal year of the TMC. It is estimated that over \$1 million in savings will be realized by both TxDOT and the City/LP&L by sharing their respective FON's.

At a future City Council meeting, staff will present a resolution for an agreement with TxDOT for sharing Fiber Optic Networks.

Jere Hart P.E., Traffic Engineer, gave a presentation and overview of the current status of the Intelligent Transportation System agreement with TxDOT. He elaborated on the proposed Fiber Optic Network and the Freeway Management System, which is currently under design. Hart states that one of the benefits this system will bring is that it will greatly improve the City's capability of responding to traffic on the street. Hart then answered questions from Council. There were some concerns that the proposed joint TxDOT/City Traffic Management Center might be a new building or a new remodeling job that might require another half-million dollars. Mayor Miller asked Hart to come back to City Council (Work Session) in the near future to give an overview of the Traffic Engineering Department.

7.2. Presentation on Proposed Sidewalk Projects - Public Works Engineering: Presentation on proposed sidewalk projects. Larry Hertel, P.E. City Engineer (20 minutes)

Larry Hertel, P.E., City Engineer, gave a presentation on proposed sidewalk projects. At the time this was first discussed back in October of 2005, Hertel was asked to survey and bring back to Council the top priority sidewalk needs, specifically the sidewalks around certain schools. The Indiana Sidewalk Project (east side of Indiana, from 19th Street to 23rd Street) was being looked at during that time. There is also a concern for sidewalk needs across the street from Lubbock High School campus on the south side of the street. Because of the tremendous amount of sidewalk needs in Lubbock, Hertel states it is almost impossible to make the determination of priority. There are 62 public school campuses within the city. A detailed survey was done of 57 of those school campuses. The other five were not surveyed because a few

were under construction and some are in newer developing areas, and there is not a lot of building that has taken place yet. The study area encompassed a two-block area around each surveyed school campus. The estimated cost of providing needed sidewalk around the 57 campus would be \$23 million. Six recommended campuses were looked at to provide better pedestrian access, which were Parkway Academy, O L Slaton Junior High, Smylie Wilson Junior High, Overton Elementary, Bowie Elementary, Evans Junior High/Haynes Elementary (side-by-side campuses). To provide sidewalks for these campuses would cost an estimated \$292, 000. The total estimated amount to construct sidewalks around the six schools, Indiana sidewalk project (\$123,000), and the 19th street access across from Lubbock High School (\$73,000) would total \$488,000. There is currently approximately \$285,000 available funding.

Hertel states that there is a program called “Safe Routes to School Funding” through the last reauthorization of the transportation program with federal dollars. With the latest reauthorization, any programs that are approved would get 100% funding. It is not known exactly for how much of this funding Lubbock would be approved. To fund one project would be in the neighborhood of \$300,000-\$500,000. These monies (Safe Route to School Funding) can only be spent on kindergarten through eighth-grade school campuses. Hertel went on to say that there would likely be a call for project for this funding either in late 2006 or early 2007. He then answered questions from Council.

After further discussion from Council and comments from City Manager Lee Ann Dumbauld, consensus was to go forward with the \$285,000 on Parkway Academy, Bowie Elementary, Indiana sidewalk project, and the 19th Street access across from Lubbock High. Mayor Miller requested that Hertel start the process of prioritizing all the rest of the schools.

4:50 P. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

5:59 P. M. COUNCIL ADJOURNED

There being no further business to come before Council, Mayor Miller adjourned the meeting immediately following Executive Session.