

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING**

**July 10, 2006**

**7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 10th day of July, 2006, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

**7:31 A.M. CITY COUNCIL CONVENED**  
City Council Chambers, 1625 13th Street, Lubbock, Texas

**Present:** Mayor 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 were no citizens to express comments to Council.

**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."

**7:31 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 Utility - SPS, Gas Utility - Atmos, Right-of-Way, Water Utilities).**
- 2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Civic Centers, Environmental Compliance, Water Utilities).**
- 2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.**

**2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**

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

**2.4.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**

**2.4.3 to discuss 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.**

**9:33 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 9:33 A. M.**

**3. PROCLAMATIONS AND PRESENTATIONS**

**3.1. Invocation by Pastor Dan Birchfield, Associate Pastor, Westminster Presbyterian Church**

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

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

**3.3. Board Appointment Recognition - City Secretary.**

Building Board of Appeals:

Frank Falbo  
Tommy Ferguson  
Lucy Gutierrez (unable to attend)

Urban Renewal/Neighborhood Redevelopment Commission:

John Rivera (unable to attend)

Zoning Board of Adjustment:

Darrell Hill (unable to attend)  
Kyle Jones (unable to attend)

Citizens Traffic Commission:

Annette Castellano-Chavez

**3.5. Present special recognition to City of Lubbock Parks and Recreation Department recognizing July as National Recreation and Parks Month.**

Mayor Miller presented a special recognition to the City of Lubbock Parks and Recreation Department, recognizing July as National Recreation and Parks Month. The National Recreation and Parks Association has designated the month of July as Recreation and Parks month to encourage communities to get involved in outdoor physical activities and to advocate for Parks and Recreation programs. Public parks enhance the quality of life for residents by providing opportunities for young people to live, grow, and develop into contributing members of society. Nancy Neill, Public Relations/Marketing Manager; Randy Truesdell, Director of Community Services; and Grey Lewis, Chairman of the Parks and Recreation Board were present to accept the recognition.

**4. MINUTES**

**4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, June 8, 2006**

Motion was made by Council Member Leonard, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of June 8, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6. REGULAR AGENDA**

**6.3. Competitive Compensation Resolution - Councilman Gary Boren: Resolution No. 2006-R0332 authorizing City Council to provide competitive compensation to its civil service employees.**

This resolution is recommended by Councilman Gary Boren.

**FISCAL IMPACT**

No fiscal impact is anticipated.

Council Members Boren, Leonard, and Price read Resolution No. 2006-R0332 for the record.

Fire Chief Steve Hailey and Police Chief Claude Jones gave comments and answered questions from Council.

After further discussion, Mayor Pro Tem Gilbreath called for the question. Vote was taken, which carried: 6 Ayes, 1 Nay. Council Member Jones voted Nay.

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

**5. CONSENT AGENDA (Items 5.1-5.6, 5.10-5.17, 5.19, 5.24-5.25, 5.28, 5.30, 5.32-5.34)**

Motion was made by Council Member Gilbreath, seconded by Council Member Leonard to approve Items 5.1-5.6, 5.10-5.17, 5.19, 5.24-5.25, 5.28, 5.30, 5.32-5.34 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.1. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2006-O0049 Consider an ordinance abandoning and closing a transformer pad easement in Lot 2-C Aberdeen Place, a Townhouse Subdivision to the City of Lubbock located at 1805 Albany Avenue.**

This ordinance was read the first time at the April 26th, 2006, City Council meeting as a routine consent agenda item. The ordinance abandons and closes a transformer pad easement located in the northeast corner of Lot 2-C, Aberdeen Place Addition that was previously dedicated to Lubbock Power & Light by plat. This easement is located just north of 19th Street on the east side of Albany Avenue and is being closed for development purposes and is no longer needed by Lubbock Power & Light.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

**5.2. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2004-O0089 Consider an ordinance abandoning and closing a portion of East 47th Street just west of Locust Avenue in Section 6, Block B, Lubbock County, Texas, street closure located at 4702 Locust Avenue.**

This ordinance was read the first time at the August 26, 2004, City Council meeting as a routine consent agenda item. The final plat was recently submitted. This ordinance abandons and closes a 0.786 acre (34,238.16 square foot) portion of East 47th Street just west of Locust Avenue adjacent to Lot 3, Block 8, Burlington Industrial Addition #2 for replat purposes. The South Plains Food Bank is the requestor of the street closure and they desire to expand their parking area and business. Originally they were going to be charged \$1,667 for this street closure since they were not the original street dedicator. They have since granted the City a street dedication across a portion of their property on North Loop 289 to access a City tract of land, the value of which will offset the area being closed.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

**5.3. Budget Ordinance 2nd Reading - Finance: Ordinance No. 2006-O0077 Consider budget ordinance 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.**

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. Twenty-seven computers will be installed at Mahon, Groves, and Patterson libraries 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. The cost of this project will be reimbursed through a cooperative agreement with TxDOT. A new traffic signal will be installed at FM 1585 and two existing signals will be upgraded. The City will be responsible for maintaining the equipment.
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. New HVAC units are needed because existing units are at the end of their useful life. Currently, there are four 3-ton units in the facility. The Facilities Management Department recommended replacing these units with two 7.5-ton units. The new units will be installed outside the facility and can be relocated to another facility, if necessary. The 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. These funds will be used to partner with Lubbock County for the use of County inmates to assist with City projects and other miscellaneous jobs as needed. The annual cost of this program is \$90,000 for the officers, \$10,000 for fuel, and \$5,000 for supplies. Each officer will oversee five to seven inmates. 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 replacement of the line, which 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. This project will 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. This project will 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, which includes the collection of information required by the state and due by October 2006. This amendment provides 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 Pump Station #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 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 recommended additional funding for the improvements design.
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 and 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 in Waste Water Fund balance. 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 fund 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 in the Wastewater Fund 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 second reading of this ordinance.

- 5.4. Zone Case No. 2909-A (north of 66th Street and west of Justice Avenue) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0072 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, and to consider ordinance.**

The applicant is requesting that a portion of a tract between 66th Street and Spur 327, west of Iola, be zoned from A-1 to 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, 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.

- 5.5. Zone Case No. 2984-D (west of Milwaukee Avenue from 37th Street to 43rd Street) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0073 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, and to consider ordinance.**

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 area 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. In a subsequent zone case, a request was granted to allow C-2. The continuing request for heavier uses across from the residential area is a concern for staff. After the discussion during the Commission meeting 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.

- 5.6. Zone Case No. 3062 (east of Milwaukee Avenue from 106th Street to 114th Street) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0074 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, and to consider ordinance.**

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 are 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.

- 5.7. This item was moved from consent agenda to regular agenda and considered following Item 5.34**
- 5.8. This item was moved from consent agenda to regular agenda and considered following Item 5.7.**
- 5.9. This item was moved from consent agenda to regular agenda and considered following Item 5.8.**
- 5.10. Acceptance of Water and Sanitary Sewer Improvements Resolution - Water Utilities: Resolution No. 2006-R0333 authorizing acceptance of water and sanitary sewer improvements for Lots 1-275 and Tracts A-C, Willow Bend Addition to the City of Lubbock, Lubbock County, Texas, bound by 8th and 18th Streets and Inler and Kelsey Avenues.**

#### **ITEM SUMMARY**

This is a routine transfer of ownership of water and sanitary sewer lines installed in new subdivisions, from the developer to the City. The system is added to the City of Lubbock system inventory.

The size and length of water lines are as follows:

4" pipe: 2,112.3 LF  
6" pipe: 3,736.6 LF  
8" pipe: 8,848.0 LF  
10" pipe: 312.0 LF  
12" pipe: 3,207.7 LF

The size and length of sanitary sewer lines are as follows:

6" pipe: 7,350.9 LF  
8" pipe: 3,069.5 LF  
10" pipe: 2,707.6 LF

Number of manholes: 46

This subdivision is located between 8th and 18th Streets and between Inler and Kelsey Avenues.

**FISCAL IMPACT**

The system, when accepted, will be maintained by the City and will produce revenue through the sale of services to the public.

Staff recommended approval of this resolution.

**5.11. Grant Acceptance Resolution - Emergency Management: Resolution No. 2006-R0334 authorizing the Mayor to accept funding through the Emergency Management Performance Grant.**

The City has participated in the Emergency Management Performance Grant (EMPG) for many years. This grant is administered through the Governor's Division of Emergency Management and allows the City to ask for reimbursements of funds used for necessary and essential expenses involved in the development, maintenance, and improvement of the City's emergency management capabilities for disasters and emergencies that may result from natural disasters or accidental or man-caused events. Funds are allocated according to risk and to address the most urgent local needs in disaster mitigation, preparedness, response, and recovery.

**FISCAL IMPACT**

The maximum reimbursement that the City may receive from the program is \$126,000. This is budgeted through the annual operating budget process. Matching funds have been appropriated.

Staff recommended approval of this resolution.

**5.12. Grant Application Resolution - Citibus: Resolution No. 2006-R0335 authorizing the Mayor to sign the Master Grant Application Part I with the Texas Department of Transportation.**

In an effort to streamline the grant application process, the Texas Department of Transportation (TxDOT) has developed a Master Grant Application that will be used for all TxDOT grants that are executed each year. This application will be included with all grant applications that are submitted to TxDOT during the upcoming fiscal year.

**FISCAL IMPACT**

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

**5.13. Street Use License Resolution - Right-of-Way: Resolution No. 2006-R0336 authorizing the Mayor to execute a street use license with Texland Petroleum, L.P., for the use of a dedicated street to construct and maintain an underground pipeline to transport and dispose of salt water from oil production, license to be located at 1302 North Guava Avenue.**

This license was originally issued to Texland Petroleum, Inc. on June 26, 1986, to construct and maintain a pipeline to transport and dispose of salt water that crosses North Guava Avenue approximately 1600 feet north of the

intersection of Erskine Street and North Guava Avenue. The licensee has requested to renew this license for an additional 20 years. The minimum payment for this 20-year license is \$50 per year and is payable every five years in advance, or \$250 for each five-year period.

**FISCAL IMPACT**

Annual revenue of \$50.

Staff recommended approval of this resolution.

- 5.14. Street Use License Resolution - Right-of-Way: Resolution No. 2006-R0337 authorizing the Mayor to execute a street use license with Texland Petroleum, L.P., for the use of a dedicated street to construct and maintain an underground crude oil flow pipeline for secondary recovery operations for oil production, license to be located at 1609 Kent Street.**

This license was originally issued to Texland Petroleum, Inc. on June 26, 1986, to construct and maintain a crude oil flow line that crosses Kent Street approximately 617 feet west of the intersection of Kent Street and Avenue P. The licensee has requested to renew this license for an additional 20 years. The minimum payment for this 20-year license is \$50 per year and is payable every five years in advance, or \$250 for each five-year period.

**FISCAL IMPACT**

Annual revenue of \$50.

Staff recommended approval of this resolution.

- 5.15. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0078 abandoning and closing an underground street light cable easement in Lot 6, Hillcrest South Addition to the City of Lubbock, closure located at 2612 Madison Street.**

This ordinance abandons and closes an underground street light cable easement located in the east two feet of Lot 6, Hillcrest South Addition to the City of Lubbock that was previously dedicated by plat to Lubbock Power & Light. This easement is being closed for building purposes and a new easement has been dedicated in a re-replat. Lubbock Power & Light is in agreement with this easement closure.

**FISCAL IMPACT**

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

- 5.16. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0079 abandoning and closing a 20-foot alley east of Avenue T between 7th Street and Glenna Goodacre Boulevard in Block 30, Overton Addition to the City, alley closure located at 1902 Glenna Goodacre Boulevard.**

This alley portion in the Overton Addition is being closed as part of the North Overton redevelopment project. The 20-foot by 600-foot alley being closed is located between Avenue T and Avenue S and between 7th Street and Glenna Goodacre Boulevard, and will be replatted into Tract 20, Overton Park Addition. The requestor of this alley closure will dedicate in the replat a new alley to replace this alley.

**FISCAL IMPACT**

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

**5.17. Appointment of Associate Judges Resolution - Municipal Court: Resolution No. 2006-R0338 for the re-appointment of Associate Judges of the Municipal Court.**

Associate Judges of Municipal Court are part-time positions, appointed for two-year periods. All seven current associates were re-appointed or appointed in 2004. Six of the judges function as Night Magistrates at the City holding facility. The seventh associate, Jan Matthews, primarily handles juvenile hearings and occasionally fills in for the Presiding Judge at hearings or trials as needed. The seven re-appointments are as follows:

- Jan Blacklock Matthews
- Enrique Martinez
- Jorge Hernandez
- Michele Hart
- Barbara Dickerson
- Jesse Mendez
- Dwight McDonald

**FISCAL IMPACT**

The Associate Judges are paid as contract labor, on a \$50/hour basis. This expense is already included in the annual budget for Municipal Court. Therefore, there is no additional financial impact associated with the proposed re-appointments.

Presiding Judge recommended adoption of the resolution.

**5.18. This item was moved from consent agenda to regular agenda and considered following Item 5.9.**

**5.19. Interlocal Agreement Resolution - Traffic: Resolution No. 2006-R0339 authorizing the Mayor to execute an interlocal agreement with the Texas Department of Transportation for furnishing and installing traffic signal equipment at various state highways within Lubbock city limits.**

Pursuant to this agreement, the state will reimburse the City for the cost of traffic signal equipment and labor at three locations: MLK Blvd and US 84/East Loop 289 (upgrade), North University and Loop 289 (upgrade), and Indiana Avenue and FM 1585 (new). The City will furnish and install the

equipment to ensure compatibility with the City's signal system for communications, operations, and maintenance. This agreement is similar to several other agreements with TxDOT for similar purposes.

### **FISCAL IMPACT**

The two upgrade locations will have little to no fiscal impact to the City as TxDOT has contracted with the City to maintain them. The signal at Indiana Avenue and FM 1585 will become the City's responsibility after completion of construction and will add about \$400/year power costs and approximately \$800/year in maintenance costs.

Staff recommended approval of this resolution.

- 5.20. This item was moved from consent agenda to regular agenda and considered following Item 5.18.**
- 5.21. This item was moved from consent agenda to regular agenda and considered following Item 6.4.**
- 5.22. This item was moved from consent agenda to regular agenda and considered following Item 5.21.**
- 5.23. This item was moved from consent agenda to regular agenda and considered following Item 5.22.**
- 5.24. Settlement Agreement Resolution - Water Utilities: Resolution No. 2006-R0340 authorizing the Mayor to execute a release and settlement agreement with Stauffer Management Company LLC and Bayer CropScience USA Inc., successor by merger to Stauffer Chemical Company, regarding an easement located at or along 2601 North Quaker Avenue.**

A settlement agreement is proposed between Stauffer Management Company LLC and Bayer CropScience USA Inc (Stauffer) and the City concerning the disposition of pesticide contaminants in an approximate 300 foot segment of the easement located at North Quaker Avenue and Clovis Road containing the City's Bailey County potable water pipeline.

From the 1950s through the mid 1980s the former Stauffer Chemical Company mixed and distributed pesticides in the vicinity of North Quaker Avenue and Clovis Road. The City received notice of related groundwater and soil contamination in 2003 and 2004, and monitored testing that continued under Texas Commission on Environmental Quality (TCEQ) direction in 2005-06. Approximately ten pesticides, including DDT, Endrin, and Toxaphene were found in the City's easement containing our 45 inch potable water pipeline connecting to the Bailey County well fields.

Following multiple meetings with Stauffer and TCEQ regulatory personnel, it became clear that TCEQ will allow Stauffer to simply install a permanent cap over the pesticide contaminants and leave them in place, rather than following the City's recommendation to remove a large proportion of the contaminants and install an impermeable wall between Stauffer property and the City's

easement. The City's original proposal was based on concern that, in the event of a leak, pesticides could enter the pipeline if the pipeline pressure dropped. A second concern was that pesticides washed from the easement would constitute a new release and trigger cleanup responsibilities for the City under Resource Conservation and Recovery Act requirements.

Under terms of the agreement, Stauffer will pay the City an amount required to remove the contaminants and install the protective barrier, and leave all easement contaminants in place. In the event of a leak, the segment of the pipeline passing through the contaminated area will be relocated to a non-contaminated area, funded in part by settlement funds rather than repaired.

#### **FISCAL IMPACT**

Stauffer Management Company will pay \$228,850 to the City for costs or damages incurred by the City now relating to the environmental condition of the easement.

**5.25. Contract Change Resolution - Health: Resolution No. 2006-R0341 authorizing the Mayor to execute Change No. 6 to the FY 2006 Community Preparedness Section - Bioterrorism Preparedness Contract with the Texas Department of State Health Services.**

The Community Preparedness Section (CPS)-Bioterrorism Preparedness contract was originally approved by Council with Resolution # 2005-R0445 on September 21, 2005. Contract Change Notice No. 06 to Department of State Health Services Document No. 7560005906 200604A increases the current contract \$118,628 from \$349,318 to \$467,946. City Council approved this budget on June 8, 2006 with Budget Amendment #17.

The City of Lubbock CPS-Bioterrorism Preparedness Contract for the contract period of 09/01/05 to 08/31/06 has been amended as allowed by the granting agency, Department of State Health Services, in the following ways. Certain funds from the original allocation of \$349,318 have been reallocated as variances between actual versus anticipated expenses have been identified.

Two other specific and significant changes are included in this contract amendment. The first involves additional funding in the amount of \$118,628 to cover Pandemic Influenza Planning activities for Lubbock and 12 other surrounding counties. The second is an extension of the contract period to run through December 31, 2006. This extension in the contract period has been provided to allow for completion of additional activities related to Pandemic Influenza Preparedness for the 13 county area, which includes Lubbock.

Pandemic Influenza Preparedness activities required under this amendment provide for planning, training, and exercising.

Specific activities identified to accomplish these additional requirements include:

1. Contract with a consultant to develop a Panflu Plan template for use by the 12 additional counties.

2. Conduct trainings for individuals and organizations across the 13 county area.
3. Coordinate with other local partners across the Panhandle and South Plains to contract with a consultant to conduct a tabletop exercise for a 43 county area.

The additional funding and extension of the project period results in a total funding allocation of \$467,946 and a project period of 09/01/05 to 12/31/06.

#### **FISCAL IMPACT**

Fiscal impact will be minimal for both revenue and general fund activities. City Council approved this budget on June 8, 2006 with Budget Amendment #17.

Staff recommended approval of this resolution.

- 5.26. This item was moved from consent agenda to regular agenda and considered following Item 5.23.**
- 5.27. This item was moved from consent agenda to regular agenda and considered following Item 5.26.**
- 5.28. Contract Amendment Resolution - Water Utilities: Resolution No. 2006-R0342 authorizing the Mayor to execute a contract amendment with Daniel B. Stephens & Associates, Inc. amending the scope of services for the Groundwater Utilization Study.**

The City is now ready to complete the Groundwater Utilization Study with Daniel B. Stephens & Associates, Inc., and in order to complete the study and final report, an amendment to the scope of work is necessary since some tasks will not be performed and others are, or have been, necessary.

Well-testing, as part of the project, will not be completed. There are, however several tasks which are necessary to include:

1. Implement additional data into the Lubbock area model obtained from Texas Tech grounds operations if such data does not cause substantial changes in the existing model.
2. Develop, as recommended by the Lubbock Water Advisory Commission, two model runs for the Bailey County Well Field:
  - a. Drought & Postpone a Major Water Supply – Pump the Bailey County Well Field at 25,000 AF annually as long as it can hold out.
  - b. Drought with Relief from CRMWA Well Field – Pump the Bailey County Well Field at 25,000 AF annually for 5 years and then 10,000 AF thereafter.
3. Provide final Groundwater Utilization Study report that incorporates existing comments as well as the results of Items 1 and 2 and supply 26 copies of the report to the City as requested.

The results of the Groundwater Utilization Study and a companion study have provided helpful information including the following:

1. The Bailey County Well Field appears to have a 50-year life. Water levels will continue to decline and additional well development will be necessary to keep water flowing to help meet peak demands.
2. While conservation does appear to have some benefits for extending the life of the Bailey County Well Field, those benefits are not substantial due to surrounding pumping by agriculture, power industry, and other users.
3. The City of Lubbock, if developed as a well field, has a potential to sustain production for about 12,000 acre-feet annually. Estimates for use by the City, School Districts and Texas Tech for irrigation of parks, fields, cemeteries, and other open space totals about 2,000 acre feet annually.
4. While the City can use the groundwater for part of its potable supply, the Lubbock Water Advisory Commission does not recommended this activity at this time due to cost and the fact that the amount of water proposed to be produced might only delay a major water supply project by about five years.

While the use of the Lubbock Well Field may not be recommended at this time, it may prove beneficial at a later date. This may especially be true in 50 years, at the projects end of the Bailey County Well Field. In order to be sustainable, the wells must be located throughout the City and not clustered in one area as previously proposed. The use of wells for irrigation at parks and schools accomplishes this. Potable use should be designed the same way to ensure the supply is sustainable.

#### **FISCAL IMPACT**

\$14,925, originally designated for well testing, can be designated to complete the proposed changes in the scope of services. There is no cost increase to the project.

The Lubbock Water Advisory Commission recommended that the Bailey County Well Field be modeled at the higher use levels in order to determine the impact of continued high pumping for planning purposes. This proposed change will enable those models to be run.

Staff recommended the change in order to provide for more accurate modeling of Lubbock's water supply under different scenarios. Postponing a major water supply like Lake Alan Henry can have a significant impact on the Bailey County Well Field, and these changes will help document that impact.

- 5.29. This item was moved from consent agenda to regular agenda and considered following Item 5.27.**

- 5.30. Contract Resolution - Library: Resolution No. 2006-R0343 authorizing the Mayor to execute a contract with the Texas State Library and Archives Commission for a Gates Foundation Public Access Computer Hardware Upgrade for replacement of public access computers for the Lubbock Public Library.**

This grant contract from the Texas State Library and Archives Commission is funded by the Bill and Melinda Gates Foundation and will replace computers received under previous Gates grant programs. The grant award is \$33,750, which will replace a total of 27 public access computers at the Lubbock Public Library.

In FY 2004-05, 105,074 library patrons utilized the public access computers at the four library facilities, accessing the Internet and Microsoft Office Suite. This grant will provide hardware upgrades for the computers currently using the Microsoft NT operating system and provide library patrons with faster computers that are equipped with current technology.

**FISCAL IMPACT**

No fiscal impact is anticipated. This budget is included in the second reading of the budget ordinance also part of this agenda.

Staff recommended approval of this resolution.

- 5.31. This item was moved from consent agenda to regular agenda and considered following Item 5.29.**

- 5.32. Purchase Resolution - Street Maintenance: Resolution No. 2006-R0344 for hot mix - annual pricing, BID #06-041-MA.**

This bid establishes annual pricing for the purchase of hot mix used by Street Paving Department for street repairs. Pricing is for one year with two one-year options.

**FISCAL IMPACT**

A total of \$564,286 was appropriated with \$85,400 available in account number 4531-8260, Street Maintenance, for this purpose.

Staff recommended bid award to Armour Asphalt, Inc. for \$72,000.

- 5.33. Purchase Resolution - Police: Resolution No. 2006-R0345 authorizing the Mayor to execute a purchase order contract with ADT Security Services for the purchase of additional equipment at the Municipal Square Building.**

This item involves the sole source purchase to upgrade controlled access security equipment at the Municipal Square Building.

**FISCAL IMPACT**

This purchase is funded by a grant, through Municipal Court, to secure the facility where Municipal Court is located.

Staff recommended contract award to ADT Security Services, Inc. for \$30,472.78.

**5.34. Purchase Resolution - Emergency Management: Resolution No. 2006-R0346 authorizing the purchase of an explosive containment vehicle.**

The explosive containment vehicle, or bomb trailer, will be used by the Lubbock Police Department bomb technicians to provide a secure means to safely dispose of explosive devices and suspect packages.

This equipment is available for purchase through the Texas Multiple Awards Schedule (TXMAS) contract #TXMAS-5-84090. 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**

Funding for this purchase will be through Texas State Homeland Security 2005 grant award with no impact to General Fund accounts.

Staff recommended the purchase of the explosive containment vehicle through the Texas Multiple Award Schedule Contract TXMAS-5-84090 to Fisher Scientific Company, LLC of Tampa, Florida for \$189,200.

**6. REGULAR AGENDA (continued)**

**5.7. Water Conservation, Drought and Emergency Plan Ordinance 2nd Reading - Water Utilities: Ordinance No. 2006-O0075 Consider an ordinance 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 5.8 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 located by Lake Meredith. They will consider water allocation for this year and next year. A reduction in allocation this year may be unlikely. Next year, the reduction in the total CRMWA allocation could be between 20 percent and 30 percent. 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. Upon first reading, Council agreed to eliminate the water waste wording until the Water Commission makes a recommendation, and that has been accomplished.

Citizens and the Parks Department have made a few comments and suggestions. The first is that hand watering again be allowed during the drought stages. Staff recommended that this be added back in.

Parks expressed concern about being able to water a park in only two days, and that this is not feasible. It was explained to Parks that the proposed

ordinance does not restrict watering to specified days, and that they may water in a park daily as long as each zone is only watered twice a week as required under drought stage one of the proposed ordinance.

Parks expressed concern that watering new plant material should be allowed on a more frequent basis until it is established. This recommendation can also be included for drought stages one and two. Under drought stage three and emergency stage four, the more frequent watering should not be allowed due to severe shortages of water.

Parks also requested other exceptions that may be handled through the appeals process that will be heard by the citizen Water Board of Appeals:

- a. watering after fertilization,
- b. drip systems,
- c. watering times, and
- d. the number of days if the 1.5" watering standard is followed.

#### **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 second reading of this ordinance.

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

Mayor Pro Tem Gilbreath requested Adams provide Council with a list of businesses that use water wells.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass on second and final reading Ordinance No. 2006-O0075 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.8. Water Irrigation Ordinance 2nd Reading - Water Utilities: Ordinance No. 2006-O0076 Consider an ordinance 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 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 currently hears appeals to the irrigation ordinance, 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 second reading of this ordinance.

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

**5.9. Lubbock Emergency Communication District FY 2006-07 Budget Resolution - City Manager's Office: Resolution No. 2006-R0347 approving Lubbock Emergency Communication District Budget for Fiscal Year 2006-07.**

The Lubbock Emergency Communication District (LECD) Board of Managers has approved for distribution the LECD proposed budget for FY 2006-07 commencing October 1, 2006. The proposed budget represents a fair and prudent financial plan to accomplish the LECD mission "...to provide the best possible, trouble free network for the citizens staff serve to access emergency services by dialing 9-1-1; to provide the best tools (equipment and information) to each service provider agency that will enhance their ability to provide public safety services; and to educate the public on the effective and appropriate use of the 9-1-1 network."

Texas Health & Safety Code, Section 772.306, provides that a 9-1-1 District is governed by a Board of Managers. The Board make-up is prescribed as follows:

- one member for each county in the district appointed by the commissioner's court
- two members appointed by the governing body of the most populous municipality
  - one member appointed by the second most populous municipality
  - one member appointed to represent the other municipalities (at large)
- one nonvoting member appointed by the principal telephone service supplier

Current Appointments:

David Gutierrez, Lubbock County

George Ewing and Bob Wood, City of Lubbock

Joe Sparkman, City of Slaton

William P. Tynan, At Large member

David George, Non-voting member

Michael Grossie is the Executive Director of LECD and appointed by the LECD Board of Managers.

Section 772.309, Texas Health & Safety Code, requires LECD to present its annual budget to the governing body of the most populous municipality in the District having a population of more than 140,000 for approval.

The attached proposed budget reflects an overall increase of 15% from the current year. This increase is due to the proposed installation of digital backroom equipment to prepare for the change of the 9-1-1 network from analog to digital and to provide a platform for emerging technologies, such as voice over the Internet. The goal is to have a 9-1-1 system capable of receiving 9-1-1 calls anytime, anywhere, from any device.

#### **FISCAL IMPACT**

No fiscal impact.

Michael Grossie, Executive Director of LECD, gave comments and answered questions from Council. City Manager Lee Ann Dumbauld also gave comments.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2006-R0347 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

#### **5.18. Stop Sign Policy Resolution - Traffic: Resolution No. 2006-R0348 establishing procedures for the installation and replacement of stop signs.**

This policy is a result of requests by Council for a more uniform procedure to be utilized with all citizen requests for stop signs and to provide for an appeal process. The proposed policy has been reviewed and recommended for City Council approval by the Citizens Traffic Commission at their April 18, 2006, meeting.

#### **FISCAL IMPACT**

No fiscal impact is anticipated.

Staff and the Citizens Traffic Commission recommended approval of this policy.

Jere Hart, Traffic Engineer, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0348 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.20. Interlocal Agreement Resolution - Emergency Management: Resolution No. 2006-R0349 authorizing the Mayor to execute an interlocal agreement with Lubbock County concerning the use of county inmate labor for city projects.**

The City of Lubbock and Lubbock County are working together on a project where the county will provide inmate labor for clean-up projects throughout the city. The labor pool of inmates will be supervised by Sheriff's Department deputies.

**FISCAL IMPACT**

Budgeted expenditures will not exceed \$105,000 annually for deputies' salaries, fuel, and supplies. Two workforces of inmates will be supervised by two Sheriff's deputies allowing city personnel to be utilized for other day-to-day operations rather than clean-up duties.

This program saves the City money and also shows great cooperation between the City and County of Lubbock.

Staff recommended approval of this resolution.

Lubbock County Sheriff David Gutierrez gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass Resolution No. 2006-R0349 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.4. Board Establishment Ordinance - City Council: Ordinance No. 2006-O0080 establishing a Construction Ordinance Advisory Board to review proposed amendments to the Building Code and Fire Codes.**

The purpose of this ordinance is to establish a Construction Ordinance Advisory Board to review proposed amendments to the Building Code and Fire Codes for the City. This ordinance recommended a seven member board composed of representatives of the professional and related business community as well as a citizen at large position.

**FISCAL IMPACT**

No fiscal impact is anticipated.

Tim Green, President of Home Builders Association, and Jeff Lowrey with the Lubbock Apartment Association gave comments and answered questions from Council. Rob Allison, Executive Director of Development Services, and Fire Chief Steve Hailey also gave comments and answered questions from Council.

Mayor Pro Tem Gilbreath suggested that Rob Allison help facilitate conversations, among staff and the groups, before the next reading to make sure the ordinance is inclusive enough and to get everyone's input to see if staff is going to the extent needed.

Motion was made by Council Member Leonard, seconded by Council Member Boren to pass on first reading Ordinance No. 2006-O0080 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.21. Agreement Resolution - Civic Center: Resolution No. 2006-R0350 authorizing the Mayor to execute an agreement with Civic Lubbock, Inc. to oversee and coordinate funding allocated from Hotel Occupancy Tax to be used for the 2006 Music Festival and/or future Lubbock Music Festivals.**

As per the current agreement dated September 21, 2005, Civic Lubbock, Inc. created an Entertainment Task Force Standing Sub-Committee. The responsibilities of the Task Force involve the development, organization, coordination and funding of events that would take advantage of the various talent and venues associated with the City of Lubbock's entertainment industry.

The City's FY 2005-06 operating budget was amended on January 31, 2006, to appropriate and designate \$175,000 from Hotel/Motel Tax Fund Balance for the Lubbock Music Festival. Funding from the City of Lubbock allocation for the Lubbock Music Festival from FY 2004-2005 in the amount of \$18,188 will also be included in the transfer amount to Civic Lubbock, Inc. for the 2006 Music Festival and future festivals. The funds will be deposited in an interest bearing account and Civic Lubbock, Inc. shall comply with all laws and provisions of Chapter 351 of the Texas Tax Code. Civic Lubbock, Inc. will make quarterly reports to the City Secretary with regards to such expenditures made by Civic Lubbock and detailing how these funds were expended.

**FISCAL IMPACT**

Funds associated with this agreement were allocated from the Hotel/Motel Occupancy Tax and will not impact the General Fund.

Staff recommended that City Council approve the proposed agreement with Civic Lubbock, Inc. to administer the funds associated with the 2006 Lubbock Music Festival and future festivals.

Nancy Haney, Executive Director of Community Development, and City Manager Lee Ann Dumbauld gave comments and answered questions from Council. Dan Burns, member of the Civic Lubbock, Inc. Board of Directors, also 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-R0350 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Jones recused herself.

**5.22. Cultural Arts Grant Resolution - Civic Center: Resolution No. 2006-R0351 approving recommendations from the Cultural Arts Grant Review Committee and the Civic Lubbock, Inc. Board of Directors for the first of two grant periods for the FY 2006-07 Cultural Arts Grant Program using Hotel/Motel Occupancy Tax funds collected at the end of FY 2004-05.**

On April 13, 2006, the Lubbock City Council approved an agreement with Civic Lubbock, Inc. to administer the City of Lubbock's Cultural Arts Grant program and to pay Civic Lubbock, Inc. \$164,523 to be used for the grant program. The term of the agreement commenced on the effective date and continues without interruption until March 31, 2007. The agreement also stipulates that the funds are to be used in making grant awards to cultural arts organizations for the encouragement, promotion, improvement, and application of the arts and the promotion of tourism in the Lubbock community. The funds represent 5.71429% of the hotel/motel tax collected during the fiscal year ended September 30, 2005.

In reviewing requests and developing funding recommendations for each application, the Cultural Arts Grants Review Committee followed the guidelines that were approved as part of the April 13, 2006, agreement. A Grant Workshop was held on May 4, 2006, for all organizations wanting to apply for a Cultural Arts Grant. Included among the workshop presenters were representatives from the Lubbock Convention and Visitors Bureau, the Lubbock Hotel Motel Association, and the City Attorney's office. Fourteen applications were received on the June 1, 2006, deadline. After a thorough review and evaluation of the applications by the Cultural Arts Grant Review Committee, 14 applications were recommended for full or partial funding.

The Cultural Arts Grant Review Committee, comprised of appointments by City Council and representatives of the Civic Lubbock, Inc. Board of Directors, submitted their recommendations to the full Civic Lubbock, Inc. Board and were approved as recommended at their June 20th Board meeting. These recommendations are now being presented to City Council for approval.

The Cultural Arts Grant Review Committee and the Civic Lubbock, Inc. Board of Directors are requesting City Council approval of \$85,800 in grant awards for the first granting period of the FY 2006-07 Cultural Arts Grant Program. Enclosed in your agenda backup is a listing of the recommendations and comments from the Cultural Arts Grants Review Committee.

**FISCAL IMPACT**

No fiscal impact is anticipated.

The Cultural Arts Grant Review Committee and the Civic Lubbock, Inc. Board of Directors recommended approval of this resolution.

Nancy Haney, Executive Director of Community Development; Dan Burns, member of the Civic Lubbock, Inc. Board of Directors; and Chevo Morales,

Vice Chairman/Vice President of the Civic Lubbock, Inc. Board of Directors, gave comments and answered questions.

Motion was made by Council Member Price, seconded by Council Member Boren to pass Resolution No. 2006-R0351 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Jones was away from the dais.

**5.23. Paving Policy Resolution - Finance/Public Works: Resolution No. 2006-R0352 approving the revised City of Lubbock paving policy.**

This resolution replaces the previous paving policy resolution dated March 23, 2006.

This revision to the paving policy removes the requirement of the abutting landowners to pay a share of the thoroughfare paving cost. The construction of the thoroughfare curb and gutter, at the time of subdividing property, will remain a requirement of the developer when platting the property.

The current paving policy has required a developer, platting property abutting a designated thoroughfare, prepay the then current estimated cost to pave a 16.5 foot width of the thoroughfare street if zoned residential (R-1 or R-2 zoned property). The developer has been required to prepay the cost to pave a 27.5 foot width of the thoroughfare pavement if the property was other than residential use. The width of a T-2 designated thoroughfare street is 88 feet from face-of-curb to face-of-curb, or 85 feet of pavement width.

Current policy has required developers to prepay their designated width of 33 feet, if there was residential property on both sides of the thoroughfare, with the City responsible for the center 52 feet of width. If non-residential property was on both sides, the developers were responsible for 55 feet of pavement width, with the City responsible for the center 30 feet.

In the typical mile of a thoroughfare street, the thoroughfare corners would have 10-acre commercial tracts, usually 660 feet by 660 feet, with the remaining abutting property between the commercial corners zoned for residential use, about 3,840 feet of residential property abutting the thoroughfare.

The problems with prepaying thoroughfare paving costs include:

1. Disagreement over responsibility of paving thoroughfares. Thoroughfares are an overall responsibility of the City to move traffic as part of the overall transportation system, and that responsibility should not fall on adjacent landowners. For specific developers (and ultimately specific homeowners) to pay for a thoroughfare enjoyed by all is an inequity.
2. Prepaid paving deposits made to the City do not keep up with inflation.
3. Prepaid paving deposits made to the City may stay in the prepaid account for years until the project is constructed, and the prepaid funds are used. For example, there are prepaid funds remaining in accounts that were

originally deposited in the 1960's. Developers have complained about requiring these funds, as a platting requirement, without seeing anything done with the money for years. Requiring developers to pay for a service that is not provided is not appropriate.

A second method of requiring property owner financial participation in the cost of thoroughfare pavement improvements is through assessment paving programs. Assessments have been attempted on thoroughfare paving projects on properties that have not been platted, or on property owners who did not prepay their thoroughfare costs for whatever reasons (such as properties platted before annexation into the City). Pursuant to State Law, an assessment cannot exceed the paving improvements enhancement value to that abutting property. This has been a problem on thoroughfare paving for at least the last 15 years, where the enhancement did not nearly approach the calculated amount the abutting owner should pay toward the paving cost. Appraisers have consistently found that residential properties have had no enhancement value due to adjacent thoroughfare paving, which has resulted in zero assessments on unplatted residential properties.

To offset the loss of revenue somewhat by eliminating costs of thoroughfare paving to the adjacent properties, the proposed paving policy requires developers to pay the full width street costs interior to the subdivision. Current policy provides for the City to pay extra width costs of paving on designated collector streets. The proposed policy will eliminate the extra width City cost participation.

Staff met with the Developers Council of the West Texas Homebuilders Association on July 5 to discuss these issues.

Staff plans to discuss having the developer construct the sidewalk on thoroughfares, as part of their platting requirement, and at the same time they construct the thoroughfare curb and gutter. This will ensure continuous sidewalks along the City's thoroughfares, and, at a minimum, sidewalks abutting developed properties.

A requirement for the developer to construct curb ramps at all intersections within their subdivision, instead of requiring the ramps to be constructed by the builder at the time of the building permit will also be discussed. It is staff's opinion that requiring the developer's paving contractor to construct curb ramps at the time of street construction should result in better consistency and compliance with ADA requirements.

The thoroughfare sidewalk and curb ramp issues will have to be addressed through Code changes, if directed by Council. These Code changes will be presented at a later Council meeting.

#### **FISCAL IMPACT**

There will be a net loss of revenue, which is the difference between thoroughfare prepaid paving the City receives from developers plus assessments through assessment paving programs and the City reduction in

cost of extra width paving on collector streets. The total loss will depend on when the prepaid paving was deposited with the City, and how that amount compares with current construction prices.

In an effort to attempt an estimate of the revenue change, the following scenarios were estimated, assuming different stages of development on one side of a mile-length of thoroughfare street:

- (a) Assuming all abutting property was subdivided now, having prepaid their paving cost at current prices, and the thoroughfare was being built now at the same unit costs, the net revenue loss would be approximately \$419,000. This scenario would be the worst case, or greatest estimated revenue loss. This is also the least likely scenario. Historically, properties abutting thoroughfares develop over long periods of time, and therefore their prepaid paving unit costs would have been paid at different and increasing rates over time.
- (b) Assuming half the abutting properties were subdivided years ago using old unit paving prices for prepaid, and attempting an assessment on the properties still not subdivided, the net revenue loss would be approximately \$100,000.
- (c) Assuming half the properties were subdivided using current unit prices for their prepaid paving, and attempting to assess the other properties still not subdivided, the net revenue loss would be approximately \$227,000.

The net revenue loss would most likely be in a range between scenario (b) and scenario (c).

Again, the above estimates indicate the net loss of revenue (prepaid plus paving assessments) less the City's extra width participation on collector streets interior to the section line thoroughfare streets. The estimates are amounts based on one side of one mile of a typical thoroughfare street and one fourth of the total extra width of all collectors within the typical section line thoroughfares.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0352 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.26. Contract Resolution - Community Development: Resolution No. 2006-R0353 authorizing the Mayor to execute an amendment to a Community Development funding contract with Lutheran Social Services Neighborhood House to fund the Comprehensive Energy Assistance Elderly/Disabled and Energy Crisis Components.**

Grantee: Lutheran Social Services.

Program: CEAP Elderly/Disabled & Energy Crisis.

Funding Source: 2006 Comprehensive Energy Assistance Program (CEAP).

Use of Funds: CEAP Funds are to be used to provide utility assistance to qualified elderly/disabled and low-income families with children and individuals.

Amount: These are additional funds of \$224,410. Council previously approved \$160,685 from CEAP funds and \$30,000 from CSBG funds, for a total of \$415,095.

Match: None.

Return of Investment: None.

Terms: January 1, 2006 through December 31, 2006.

Comments: Funding for this contract was approved by the Community Development and Services Board (CDSB) during their regularly scheduled meeting held on December 7, 2005. City Council approved the contract on January 31, 2006. The additional funding was approved by CDSB during their regularly scheduled meeting held on June 7, 2006. The first reading for the additional appropriation of these funds took place during the City Council meeting held on June 8, 2006, under Budget Amendment #18.

#### **FISCAL IMPACT**

The funds used are from the Comprehensive Energy Assistance Program and the Community Services Block Grant. The maximum to be allocated to this project is \$415,095.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0353 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.27. Contract Resolution - Community Development: Resolution No. 2006-R0354 authorizing the Mayor to execute an amendment to a Community Development funding contract with Life Run Independent Living to fund the Comprehensive Energy Assistance Elderly/Disabled Component.**

Grantee: LIFE Run Independent Living

Program: CEAP Elderly/Disabled Component

Funding Source: 2006 Comprehensive Energy Assistance Program (CEAP)

Use of Funds: CEAP funds are to be used to provide utility assistance to qualified Elderly/Disabled individuals.

Amount: These are additional funds of \$68,500. Council previously approved \$40,000 from CEAP funds and \$5,000 from CSBG funds, for a total of \$113,500.

Match: None

Return of Investment: None

Terms: January 1, 2006 through December 31, 2006

Comments: Funding for this contract was approved by the Community Development and Services Board (CDSB) during their regularly scheduled meeting held on December 7, 2005. City Council approved the contract on January 31, 2006. The additional funding was approved by CDSB during their regularly scheduled meeting held on June 7, 2006. The first reading for the additional appropriation of these funds took place during the City Council meeting held on June 8, 2006, under Budget Amendment #18.

### **FISCAL IMPACT**

The funds used are from the Comprehensive Energy Assistance Program and the Community Services Block Grant. The maximum to be allocated to this project is \$113,500.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0354 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

### **5.29. Contract Resolution - Police: Resolution No. 2006-R0355 authorizing the Mayor to execute a purchase order for uniforms - annual pricing, BID #06-046-RW**

This bid establishes pricing for custom made-to-measure uniforms for a period of one year with the option to renew for two additional one-year periods. These custom tailored uniforms are cut and fit to each individual officer. The uniforms are worn as dress uniforms for special events and on occasions when formal uniform attire is required, or worn as normal duty uniforms.

Police Custom Made-To-Measure Uniforms Annual Pricing is to establish firm pricing for custom tailored uniforms for a period of up to three years. Tailored uniforms are custom made to measure according to each individual measurement; worn as dress uniform for special events/occasions when formal uniform attire is required; and/or as normal duty uniform.

Red The Uniform Tailor of Lakewood, New Jersey was the only bidder who met the specifications to provide a custom tailored made-to-measure uniform. This company has previously provided custom tailored made to measure uniforms to the Lubbock Police Department and has a good reputation for providing a high quality product and good customer service.

Tyler Uniform, Inc. of Tyler, Texas submitted a bid for "off-the-rack" Frontline Uniforms altered to a custom-fit. Specifications do not allow modification, or alteration of stock-sized (for example: 16x32 shirt or 32x34 trouser) uniform items. The Police Department currently has an annual contract for Blauer "off-the-rack" duty uniforms.

**FISCAL IMPACT**

\$359,012 was appropriated with \$293,193 available in account 5735.8123, Uniforms, for this purpose.

Staff recommended bid award to Red The Uniform Tailor, Inc. of Lakewood, New Jersey for \$78,356.

Police Chief Claude Jones and Fire Chief Steve Hailey gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Boren to pass Resolution No. 2006-R0355 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.31. Contract Resolution - Fleet Services: Resolution No. 2006-R0356 authorizing the Mayor to execute a purchase order for the repair of solid waste equipment.**

The Caterpillar D8 bulldozer used for trash compaction at the City's landfill requires a complete overhaul of its undercarriage. This equipment is used to move soil to repair erosion, to cover the working area at the end of each day, for excavation projects, and for road repair.

The City landfill has experienced a 40% increase in waste stream volume since a private landfill shut down last month. An additional 333 tons of waste per day has added work for the landfill equipment. In June 2006, the local Caterpillar dealer who services our Caterpillar equipment indicated that the D8 bulldozer will need an undercarriage replacement within two months at the rate staff are using it. The D8 bulldozer was being used four to five hours per day and is now being used eight to ten hours per day. A Caterpillar D7 bulldozer from the old City landfill will be used during the estimated 10 days it will take to repair the D8.

Overhaul includes replacement of rollers, idler arms, pins, rocker groups, sprockets, pads, and link assemblies. Warren CAT of Lubbock, Texas is the authorized original equipment dealer for Caterpillar, Inc. in Oklahoma and West Texas. Warren CAT is the sole supplier of Caterpillar equipment and parts and service of that equipment.

**FISCAL IMPACT**

\$149,000 is available in account 5515.8202, Landfill Equipment Maintenance - Motor Vehicle, for this purpose. Repairs are estimated to cost \$49,135.

Staff recommended approval of this resolution.

Terry Ellerbrook, Director of Solid Waste, gave comments and answered questions from Council. City Manager Lee Ann Dumbauld gave comments.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0356 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**6.1. Board Appointments - City Secretary: Consider three appointments to Civic Lubbock, Inc. Board of Directors.**

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to reappoint Murray Hensley, Jim White, and William Lowell to the Civic Lubbock, Inc. Board of Directors. Motion carried: 7 Ayes, 0 Nays.

**6.2. Contract Resolution - Water Utilities: Resolution No. 2006-R0357 authorizing the Mayor to execute a contract with Lockwood, Andrews & Newman, Inc. for professional engineering services for pump system evaluation, RFQ #05-144-BM.**

More than 20 years have passed since the water distribution pumping system has been thoroughly evaluated. The purpose of this project is to evaluate the pumping system regarding energy consumption, mechanical integrity, structural integrity and regulatory requirements. The pump system includes 10 pump stations, 8 ground storage reservoirs, and 4 elevated tanks in Lubbock, as well as the Shallowater/Reese pump station/reservoir and the Sudan pump station/reservoir located outside of Lubbock. This contract will include a complete energy audit and the evaluation will analyze all pump station major electrical and mechanical units such as pumps, motors, electrical switchgear, and valves, and will analyze all pump station major structures such as pump buildings and storage reservoirs, as well as elevated tanks. The evaluation will include recommendations and propose options regarding energy conservation, mechanical and structural rehabilitation and improvements, and compliance with current, pending and future regulatory requirements for the next 20 years.

The following firms responded to the RFQ and were ranked as follows:

- Lockwood, Andrews & Newman of Austin, TX - 439 points
- HDR Engineering of Austin, TX - 413 points
- Carter & Burgess of Dallas, TX - 359 points
- Brown & Gay Engineers of Fort Worth, TX - 352 points

The evaluation criteria in the RFQ included 1) project team organization and qualifications, 35%; 2) past project experience, 25%; project approach, 30%; and overall responsiveness to the RFQ, 10%.

After reviewing the statements of qualifications and hearing oral presentations, the evaluation committee unanimously recommended contract award to Lockwood, Andrews & Newman. The committee determined that the proposal by Lockwood, Andrews & Newman, Inc. best meets the needs and requirements of the project. This firm demonstrated excellent knowledge and preliminary analysis of the pump system, detailed a project approach designed to provide thorough analysis of the pump system, and demonstrated extensive experience on similar projects.

**FISCAL IMPACT**

\$250,000 is appropriated in capital project #8515, Pump System Evaluation. An additional \$40,000 for this project is included in budget ordinance amendment #19.

Staff recommended contract award to Lockwood, Andrews & Newman, Inc. of Austin, Texas for \$288,526.

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

Motion was made by Council Member Price, seconded by Council Member Leonard to pass Resolution No. 2006-R0357 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

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

**6.4. This item was considered following Item 5.20.**

**11:20 A.M. CITY COUNCIL RECESSED**

**1:33 P.M. CITY COUNCIL RECONVENED**

**7. WORK SESSION**

**7.1. Quarterly Financial Report - Finance: Presentation of Quarterly Financial Report.**

Jeffrey Yates, Chief Financial Officer, gave a presentation on the Quarterly Financial Report through May 31, 2006. He then answered questions from Council. Marsha Reed, Civil Engineer, and City Manager Lee Ann Dumbauld assisted in answering questions from Council.

**7.2. Citizens Advisory Committee - City Council: Discuss formation and duties of a possible citizens advisory committee for a bond election and related topics.**

Council discussed formation and duties of a possible citizens advisory committee for a bond election and related topics. Mayor Miller opened discussion on the potential of a bond election. He stated that according to State Law, these elections are prohibited from occurring any more frequently than twice a year, that being in May and November. In order to move forward on some important items (such as infrastructure, replacement of water lines and expansion of sewer lines, street repairs and building new streets), thought should be placed on the process. The Mayor went on to say that he and the Council would like to have significant citizen input on these issues, because citizen approval is required for bonds.

Council Member Boren pointed out that there are a lot of working needs in different areas of Lubbock that are necessary to keep growing our economy and growing our tax base. He said the best way to do that is for every dollar we can invest into our infrastructure, we would encourage private development/private dollars to come in. Boren stated that to meet the long list of needs of the community, May 2007 would probably be the best time for an election, and this would give citizens enough time to look at things.

Mayor Pro Tem Gilbreath informed the Mayor that, in the past, the way it worked was the City Council appointed a Citizens Advisory Committee. This committee advises the City Council and the City of Lubbock on what the

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citizenry thinks is important and appropriate, in terms of projects and amounts to be spent. Each Council member appoints two individuals from their district, and the Mayor appoints the Chairman of the Citizens Advisory Committee, plus a couple of individuals. Mr. Gilbreath feels that this would be a great way to go about it this time.

Consensus from City Council was for each Council member to appoint two individuals from their district and the Mayor appoint one. Council requested a resolution for the July 25, 2006 meeting to create the committee. Mayor Miller asked City Manager Dumbauld to prepare a “scorecard” of the projects for the next meeting.

Council Member DeLeon said she wants to look at a “report card” of the 1999 Bond Projects to see the status. She said she is concerned with the projects not moving quickly.

**2:05 P.M. COUNCIL ADJOURNED**

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