

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
July 25, 2006
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 25th day of July, 2006, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:34 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

1.1. Amber Olson will appear to discuss a change in the City ordinance as it relates to sign usage for the purpose of promoting real estate business.

Amber Olson, Sales Manager for Weichert Realtors, expressed to City Council her concern that the company has in relation to their ability to place and distribute "Open House" signs for events on Sunday afternoons. Her concern is that Weichert Realtors are the only ones being "targeted" for violation. Council received handouts from Ms. Olson, showing pictures of others within the city displaying similar signs for long periods of time. Ms. Olson asked Council if the ordinance could be reviewed and possibly revised to better accommodate the real estate business.

Stuart Walker, Codes Administration Manager, and Bill Boon, Senior Planner, gave comments and answered questions from Council. City Attorney Anita Burgess advised Council that the ordinance would need to go to the Planning Commission for first consideration and then back Council.

Mayor Pro Tem Gilbreath asked the Planning Department to meet with representatives appointed by the Lubbock Board of Realtors to see if there is any room for changing the ordinance and to discuss enforcement issues.

- Norma Jean Morris addressed Council regarding Citibus. She requested more and better shaded seating for those who are waiting for a bus. Ms. Morris suggested expanding the routes to more areas of town, and she expressed concern that the buses sometimes are running too early or running too late.

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.”

**7:55 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 (Cable Television-NTS, Civic Centers, Codes, Parks and Recreation, Solid Waste, Stormwater Utilities, 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 Center, Overton, 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.**

**9:38 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 9:38 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Minister Marcelino Banda, Broadway Church of Christ.

3.2. Pledge of Allegiance to the Flags.

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

3.3. Presentation of a special recognition to recognize Shanna Armstrong for competing in the 2006 Race Across America.

Mayor Miller presented special recognition to recognize Shanna Armstrong for being the 2006 champion in the Race Across America. The distance is 3,043 miles, non-stop, racing from Oceanside, California to Atlantic City, New Jersey. Ms. Armstrong completed the race in 11 days, 22 hours, and 16 minutes and was the only female to complete the race. She has won both the 2003 and the 2005 Ultra-Man World Championship held in Hawaii and is the current record-holder. Ms. Armstrong's passion lies with the Lubbock Boys and Girls Club, where she hopes to inspire young children to a healthy lifestyle. The Mayor asked all citizens to recognize her world accomplishments. Shanna's mom, Karen Armstrong, is a City employee in the Payroll Department and was present.

3.4. Presentation of a special recognition to Mr. and Mrs. Mike Greer for hosting the Ironman Triathlon for the past 17 years.

Mayor Miller presented special recognition to Mr. and Mrs. Mike Greer for hosting the Ironman Triathlon for the past 17 years. Mike and Marti Greer, known as the "first couple of the Ironman" have devoted their time to hosting the Buffalo Springs Lake Triathlon for the past 17 years. They are the only husband and wife team to co-direct an Ironman qualifier, as well as compete in Ironman races together. The Greers describe their passion for hosting the triathlon as an extension of who they are as partners, athletes, and most importantly human beings. The Buffalo Springs lake Triathlon promotes the rich, natural beauty of the West Texas landscape and contributes to the Lubbock economic vitality. The Mayor encouraged all citizens to offer their special recognition to Mike and Marti Greer.

3.5. Presentation of a special recognition to Andy Young for his exemplary volunteer services to the Lubbock Police Department.

Mayor Miller presented special recognition to Andy Young, volunteer for the Lubbock Police Department Victim Services Unit. Violent crimes leave children, adults, and families in need of mental support and psychological care to overcome a sense of grief, fear, and pain. The West Texas Counseling Association was founded in July 2000 and is currently made up of 18 volunteers from the mental health profession to provide this much-needed

support. After violent crimes take place, the Lubbock Police Department calls on the volunteers of this association to counsel and refer individuals impacted by homicides, suicides, and domestic disputes. Each weekend, two volunteers willfully commit their Friday and Saturday nights, while the other volunteers are on-call throughout the week to respond to citizens in need. The Mayor recognized these outstanding volunteers for using their education and skills to change and better the lives of people during a great time of need, and encouraged all citizens to do the same

3.6. Presentation of a proclamation declaring Sunday, July 30, 2006, as a "Day of Prayer and Fasting for Rain".

Mayor Miller presented a proclamation which declared Sunday, July 30, 2006 as a "Day of Prayer and Fasting for Rain" for the city of Lubbock. Joining the Mayor were Lubbock County officials: Tom Head, County Judge; Bill McCay, Precinct #1; Ysidro Gutierrez, Precinct #3; and Patti Jones, Precinct #4. Commissioner McCay, on behalf of the Commissioner's Court and Judge Head, invited City Council to participate in ongoing meetings of how the City Council and County Commissioners can work better in cooperation and collaboration with each other. Mayor Miller stated that the proclamation declaring a "Day of Prayer and Fasting for Rain" is not just for Lubbock, but for all of the Panhandle, West Texas, and South Plains. He said it made the National Wire Press. Approximately 400 other letters were sent by the City to Pastors, Mayors, and County Judges all over the Panhandle/West Texas area, inviting them to join in on Sunday, July 30, 2006. Mayor Miller then read the proclamation. Judge Tom Head gave comments.

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, June 26, 2006; Special City Council Meeting, June 29-30, 2006

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of June 26, 2006 and the Special City Council Meeting of June 29-30, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.3-5.13 and 5.15)

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Items 5.3-5.13, and 5.15 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1. This item was moved from consent agenda to regular agenda and considered following Item 5.15.

5.2. This item was moved from consent agenda to regular agenda and considered following Item 5.1.

5.3. Street Island Resolution - Public Works Engineering: Resolution No. 2006-R0359 authorizing the placement of an island within Ithaca Avenue south of 96th Street in Portofino Cove Addition, Lots “F-2” through “F-10”.

Section 25-4(a)(17) of the Code of Ordinances (Subdivision Regulations) requires City Council approval of the placement of islands within the right-of-way of public streets.

This request is for an island within Ithaca Avenue south of 96th Street a new subdivision called Portofino Cove. The Developer of this subdivision, Dan Wilson, has indicated that the island will stay under private ownership (Lot “F-10” on the plat). The lot will be open space and will be owned and maintained by a homeowners association set up for the owners of all lots within the new subdivision.

The Portofino Cove plat was approved by the Planning and Zoning Commission on April 7, 2006.

FISCAL IMPACT

The developer will provide for the cost of construction and future maintenance.

Staff recommended approval of this resolution.

5.4. Grant Authorization Resolution - Citibus: Resolution No. 2006-R0360 authorizing the Citibus General Manager to execute a Federal Transit Administration Job Access and Reverse Commute Program Grant.

The Federal Transit Administration has allocated \$143,142 to the City and Citibus for a Job Access and Reverse Commute Program Grant. The Jobs Access Reverse Commute Program is designed to provide public transportation to employment, especially entry-level jobs. This grant will help to fund Route 25 (East/West Express).

Federal Transit Administration regulations require that all grants must be applied for and executed electronically. Therefore, Citibus would like to request that the Mayor authorize Mr. John Wilson, Citibus General Manager, to execute this grant.

FISCAL IMPACT

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

Citibus recommended the approval of the resolution authorizing the Mayor to execute Federal Transit Administration Job Access and Reverse Commute Program Grant, Project #TX-37-X044-00.

5.5. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2006-O0078 Consider an ordinance 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 was read for the first time at the July 10, 2006, City Council meeting. The 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 LP&L. This easement is being closed for building purposes and a new easement has been dedicated in a re-replat. LP&L is in agreement with this easement closure.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the second reading of this ordinance.

5.6. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2006-O0079 Consider an ordinance 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 of Lubbock, alley closure located at 1902 Glenna Goodacre Boulevard.

This ordinance was read for the first time at the July 10, 2006, City Council meeting. The alley portion in the Overton Addition is being closed as part of the McDougal North Overton redevelopment project. This 20-foot by 600-foot alley being closed will be replatted into Tract 20, Overton Park Addition, and is located between Avenue T and Avenue S, 7th Street, and Glenna Goodacre Boulevard. The requestor of this alley closure will dedicate in the replat a new alley to replace this alley being closed.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the second reading of this ordinance.

5.7. Acceptance of Water and Waste Water Improvements Resolution - Water and Waste Water: Resolution No. 2006-R0361 authorizing acceptance of water and sanitary sewer improvements for Tract O, North Park Addition to the City of Lubbock, bound by 8th Street and 18th Street and Inler and Kelsey Avenues.

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

The size and length of water line is 704 linear feet of 8-inch pipe. The size and length of sanitary sewer line is 600 linear feet of 8-inch pipe and 2 manholes. This subdivision is located between Emory Street and Erskine Street and east of North Winston Avenue.

FISCAL IMPACT

The system, when accepted, will be maintained by the City as part of the overall water system.

Staff recommended approval of this resolution.

5.8. Contract Resolution - Health: Resolution No. 2006-R0362 authorizing the Mayor to execute a purchase order contract with Bio-Rad Laboratories, Inc. for the purchase of laboratory equipment to detect biothreat agents.

This is a sole source purchase for a Bio-Rad Laboratories Bio-Plex Protein Array 200 System, which is a multi-platform laboratory instrument used in response to bioterrorism threats to detect and identify biothreat agents. The instrument will test one sample for multiple agents such as Ricin toxin, Staphylococcus Enterotoxin B, Bacillus anthracis (anthrax), Yersenia pestis (plague) and Francisella tularensis (tularemia). The City Health Department Lab is one of 220 Laboratory Response Network (LRN) labs nationwide. Our Bio Safety Level 3 (BSL3) lab performs testing on all bioterrorism suspected specimens, both environmental and clinical, in 66 counties over a 150-mile radius. The Bio-Plex instrument will be used at the BSL3 laboratory by trained microbiologists who have received select agent clearance through the FBI.

All reagents, service agreements and miscellaneous expenses will be covered by grant money so there will be no expense incurred by the City. The Bio-Plex is capable of performing testing for several biothreat agents on one sample allowing test results to be released in a more timely manner, which is critical with biothreat specimens. The Centers for Disease Control (CDC) specifically designed detection and differentiation testing protocols for biothreat agents using this specific system. The testing protocols are the only approved protocols for use by the LRN laboratories and must be performed utilizing the Bio-Rad Bio-Plex system exactly as validated at the CDC in order to maintain LRN membership. All laboratories have signed agreements to perform all testing with approved equipment and by approved methods. There is no alternate equipment or protocols. In order to maintain the membership in the LRN, the City must purchase this specific equipment.

This program assists Lubbock's efforts in developing laboratory-specific bioterrorism preparedness plans that addresses selected focus areas and the required critical capabilities. The focus areas, or major outcomes being addressed in FY 2006, include all hazards planning, information collection and threat recognition, laboratory testing, emergency response communications, economic and community recovery, and linking hospital laboratory programs local to Health Department efforts to respond during public health emergencies.

FISCAL IMPACT

Funds are available through the Community Preparedness Section - Bioterrorism Preparedness Lab grant #81050 approved by Council Resolution 2005-RO445 on September 21, 2005, and with Contract Change No. 6 that was approved by Council on May 11, 2006.

The two-year service agreement is provided in the initial cost of this equipment. This ongoing service agreement for the Bio-Rad Bio-Plex is

expected to continue to be funded through grant funds once the initial agreement expires after two years.

Staff recommended approval of this resolution.

5.9. Contract Resolution - Health: Resolution No. 2006-R0363 authorizing the Mayor to execute a purchase order contract with bioMerieux, Inc. for the purchase of automated microbiology system laboratory equipment.

This is a sole source purchase of an automated microbiology system (AMS) to replace an existing system in the Health Department laboratory. The existing AMS is 13 years old, which is well beyond the expected life of this type of laboratory equipment. The equipment is in good condition, but parts and maintenance service are no longer available.

The bioMerieux Vitek 2 Compact 30 System will replace a Vitek Junior, which is no longer supported by bioMerieux. The Vitek 2 Compact 30 system is used to identify bacterial agents and determine susceptibility of pathogens to antibiotics in the investigation of disease outbreaks within the city and the surrounding area.

FISCAL IMPACT

Funding is available through the Community Preparedness Section Bioterrorism Preparedness Grant #81050. The contract was approved by Council with Resolution 2005-RO445 on September 21, 2005. Contract Change No. 6 was approved by Council on May 11, 2006.

Reagent and annual preventive maintenance costs have been budgeted in the Health Department operating budget.

Staff recommended approval of this resolution.

5.10. Contract Amendment Resolution - Health: Resolution No. 2006-R0364 authorizing the Mayor to execute Change No. 1 to the contract for Milk and Dairy Products Services (DSHS Document No. 7560005906A 2006) with the Texas Department of State Health Services.

The Milk and Dairy Products Services contract was approved by Council Resolution 2005-R0446 on September 21, 2005. Contract Change No. 1 to Texas Department of State Health Services Document No. 7560005906A2006 increases the rate per test for Aflatoxin from \$12.50 to \$24 and increases the contract not-to-exceed amount from \$14,000 to \$42,000. The contract period remains September 1, 2005, to August 31, 2006.

The Lubbock Health Department Regional Laboratory is reimbursed for laboratory analysis of milk and dairy samples at a specified rate, depending on the type of analysis performed. The lab performs over 3,000 tests on more than 700 samples submitted each year. The milk and dairy testing program maintains proficiency in technical laboratory methods to respond to food-borne disease outbreaks. These activities are directly related to public protection.

FISCAL IMPACT

Additional sample volumes will generate revenue beyond FY 2005-06 projections to the General Fund.

Staff recommended approval of this resolution.

5.11. Contract Resolution - Water Utilities: Resolution No. 2006-R0365 authorizing the Mayor to execute a contract with Alan Plummer Associates, Inc. for professional engineering services for Water Treatment Plant evaluation, RFQ #05-143-BM.

Approximately 16 years have passed since the Water Treatment Plant has been thoroughly evaluated. This contract involves the evaluation of energy consumption, mechanical integrity, structural integrity, disinfection needs, and regulatory requirements. The evaluation includes a complete energy audit and will analyze all major plant electrical, mechanical, and treatment process units, and structures including pumps, motors, valves, electrical switchgear, clarifiers, filters, chemical feed systems, treatment processes, buildings, and storage reservoirs. Recommendations and options will be proposed for energy conservation, mechanical and structural improvements, disinfection improvements, treatment process improvements, and compliance with current, pending, and proposed future regulatory requirements for the next 20 years.

Four engineering firms submitted Statements of Qualification and were ranked as follows:

- Alan Plummer Associates of Fort Worth, TX
- HDR Engineering of Austin, TX
- Brown & Gay Engineers of Fort Worth, TX
- Carter & Burgess of Dallas, TX

The evaluation committee recommended that Alan Plummer Associates of Fort Worth, Texas is the most qualified firm that best meets the needs and requirements of the project. Their proposal contained excellent knowledge and preliminary analysis of the Water Treatment Plant, a project approach designed to conserve City funds, and demonstrated extensive experience on similar projects.

FISCAL IMPACT

A total of \$250,000 is appropriated in Capital Improvement Project 8514, Water Treatment Plant Evaluation. An additional \$50,000 was approved by the City Council on July 10, 2006. With approval of the budget revisions, \$300,000 is available for this project.

Staff recommended contract award to Alan Plummer Associates, Inc. of Fort Worth, Texas for \$297,358.

5.12. Contract Change Resolution - Public Works Engineering: Resolution No. 2006-R0366 authorizing the Mayor to execute Change Order No. 7 with Allen Butler Construction, Inc. for Glenna Goodacre paving and drainage improvements in the Overton Park redevelopment area.

This item involves the contract with Allen Butler Construction for paving and drainage improvements on Glenna Goodacre Boulevard, Avenue X, and Avenue U in the North Overton TIF. The contract includes construction of streets, curb and gutter, and drainage improvements.

This change order increases the scope of work to include curb and gutter not in the original estimate.

FISCAL IMPACT

The \$39,624.40 change order brings the total contract amount to \$1,197,235.98. Funds budgeted in North Overton TIF Project will cover the additional cost.

Staff recommended approval of the resolution.

5.13. Contract Change Resolution - Water Utilities: Resolution No. 2006-R0367 authorizing the Mayor to execute Change Order No. 1 to the contract with Archer Western Contractors, Ltd. for improvements at the Southwest Pump Station.

This project involves construction of a 14 million gallon per day pumping station, a 5 million ground storage tank, and distribution infrastructure improvements necessary to establish a third pressure zone in southwest Lubbock to maintain minimum system water pressure requirements. The City has acquired land located near 73rd Street and Milwaukee Avenue for this purpose. The scheduled completion date is February 2007.

This contract change order includes the following elements with no additional time to the project:

1. Design change to the screen wall footing.
2. Change the mechanical seal and coupling on the specified pumps.
3. Changes to the primary electrical feed.
4. Change to concrete admixtures required for NSF61 compliance.

FISCAL IMPACT

The \$113,088 change order will bring the total contract amount to \$7,944,512, or 1.4 percent. A total of \$10.89 million was appropriated in Capital Improvement Project 9397, South Lubbock Water Extension, for this purpose.

Staff recommended approval of this resolution.

5.14. This item was moved from consent agenda to regular agenda and considered following Item 5.2.

5.15. Purchase Resolution - Street Maintenance: Resolution No. 2006-R0368 authorizing the Mayor to execute a Letter of Award with R.E. Janes Gravel Company for sand and gravel, BID #06-047-MA.

This bid establishes annual pricing for the purchase of sand and gravel used to maintain various City streets as part of the annual seal-coat program.

Prices are firm for one year with an option to renew annually for up to two additional one-year terms.

FISCAL IMPACT

A total of \$564,286 was appropriated with \$187,200 available in Paved Streets operating budget for this purpose.

Staff recommends bid award to R.E. Janes Gravel Company of Slaton, Texas.

6. REGULAR AGENDA

5.1. In-Kind Services Resolution - Special Events: Consider a resolution approving recommendation of the Parks and Recreation Advisory Board regarding FY 2005–06 use of in-kind services by City departments for special events.

This item was continued to the next meeting.

At the January 9, 1997, City Council meeting, the City Council approved Ordinance 9965 amending Chapter 2 of the Code of Ordinances. The duties of the Parks and Recreation Advisory Board were expanded to include review of requests for in-kind services for special community events. The special events policy was developed in order to track special event support and monitor the increase of requests received from non-profit organizations for special events in the City. The policy allocates up to \$200,000 annually for in-kind services. Of that amount, 90 percent is earmarked for existing events, while the remaining 10 percent is targeted for new events.

The total dollar amount of \$62,325 was approved by City Council on August 25, 2005 for FY 2005-06 in-kind services. The total dollar amount of \$720 was approved by City Council on April 13, 2006, for a new event, Family Guidance & Outreach Center's Blue Ribbon Rally & Harley Party, for FY 2005-06.

Total dollar amounts will be absorbed within the existing department budgets. Funds remaining for this fiscal year include \$19,280 of the \$20,000 earmarked for new events and \$117,675 of the \$180,000 earmarked for existing events.

The Parks and Recreation Advisory Board approved the following recommendation at their June 27, 2006, meeting for applications submitted for the fall of FY 2005-06 in-kind services. (See Exhibit A)

FISCAL IMPACT

The Parks and Recreation Advisory Board recommended \$18,288 of in-kind services for fall of FY 2005-06. Of this allocation, \$16,722 is for existing events and \$1,516 is for new events.

A balance of \$118,717 is available for requests submitted for the current fiscal year with \$17,764 for new events.

Staff supports the recommendation of the Parks and Recreation Advisory Board and recommended approval.

Brooke Witcher, Special Events Coordinator; Lee Ann Dumbauld, City Manager; and Nancy Haney, Executive Director of Community Development, gave comments and answered questions from Council. Council Member Boren asked Ms. Witcher to provide Council with a copy of the Lubbock Music Festival budget. Ms. Haney informed Council that she has a copy of that budget and she will provide copies. Ms. Haney also stated that she would share Council's concerns with the Civic Lubbock, Inc. Board of Directors. Ms. Dumbauld instructed Ms. Haney to refer the questions back to Civic Lubbock, Inc. and have their Board of Directors answer any questions, and then report back to Council.

After further discussion, Council Member Price called for the question. Vote was taken, which carried: 6 Ayes, 0 Nays. Council Member Jones recused herself.

Motion was then made by Council Member Price, seconded by Council Member DeLeon to pass the resolution as recommended by staff. Motion failed: 1 Aye, 5 Nays. Council Member DeLeon voted Aye.

Council Member Jones recused herself.

Motion was made by Council Member Boren, seconded by Mayor Pro Tem Gilbreath to reconsider this item. Motion carried: 6 Ayes, 0 Nays.

Council Member Jones recused herself.

Motion was made by Council Member Price, seconded by Council Member Boren to continue Item 5.1 to the next meeting and to have a reevaluation by City staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Jones recused herself.

5.2. In-Kind Services Resolution - Special Events: Consider a resolution approving the recommendation of the Parks and Recreation Advisory Board regarding FY 2006–07 use of in-kind services by City departments for special events.

This item was continued to the next meeting.

At the January 9, 1997, City Council meeting, the City Council approved Ordinance 9965 amending Chapter 2 of the Code of Ordinances. The duties of the Parks and Recreation Advisory Board were expanded to include review of requests for in-kind services for special community events. The special events policy was developed in order to track special event support and monitor the increase of requests received from non-profit organizations for special events in the City of Lubbock. The policy allocates up to \$200,000 annually for in-kind services. Of that amount 90 percent is earmarked for existing events, while the remaining 10 percent is targeted for new events. Total dollar amounts will be absorbed within the existing departmental budgets.

The Parks and Recreation Advisory Board approved the following recommendation at their June 27, 2006, meeting for applications submitted for FY 2006-07 in-kind services. (See Exhibit A)

FISCAL IMPACT

The Parks and Recreation Advisory Board recommended \$85,590 of in-kind services for existing events in FY 2006-07.

A balance of \$114,410 will be available for requests submitted for FY 2006-07 with \$20,000 for new events.

Staff supports the recommendation of the Parks and Recreation Advisory Board and recommended approval.

Motion was made by Council Member Price, seconded by Council Member Boren to continue Item 5.1 to the next meeting and to have a reevaluation by City staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Jones recused herself.

5.14. Contract Resolution - Waste Water Utilities: Resolution No. 2006-R0369 authorizing the Mayor execute a contract with Carter and Burgess, Inc. for a sewer collection system master plan, RFQ #05-137-BM.

This is a professional engineering services contract that involves the review of sewer collection system pipelines (type, age, diameter, capacity, infiltration, and condition), lift stations, and routes to determine areas of concern related to capacity and maintenance. The engineering firm will provide a master plan for future development based on the review of the current system and will provide a recommendation for capital improvements. A computer model of the current sewer collection system will be developed and will be used by Water Engineering in the current GIS system to allow the engineering department to model and analyze the system in the future.

The following firms submitted Statements of Qualifications and were ranked as follows:

Carter & Burgess of Dallas, TX

Alan Plummer of Fort Worth, TX and Hugo Reed & Associates of Lubbock, TX

Parkhill, Smith & Cooper of Lubbock, TX and Black & Veatch of Dallas, TX

Lockwood, Andrews & Newman of Austin, TX and Enprotec, Hibbs & Todd of Lubbock, TX

The evaluation committee recommended that Carter and Burgess, Inc. of Dallas, Texas is the most qualified firm to provide the necessary engineering services.

FISCAL IMPACT

A total of \$700,000 was appropriated with \$690,000 available in Capital Improvement Project 8509, Sewer System Master Plan, for this purpose.

Staff recommended contract award to Carter & Burgess, Inc. of Dallas, Texas for \$681,325.

Tom Adams, Deputy City Manager/Water Utilities Director; Wood Franklin, Interim Chief Engineer for Water Utilities; and Richard Casner, First Assistant City Attorney, gave comments and answered questions from Council. Mayor Miller asked staff to include an expected delivery date in the service agreement. Casner pointed out to Council that the contract does require for the deliverable within 450 days after the effective date of the agreement. Franklin stated that preliminary reports are expected by the end of the year, and there are more deliverables that will be provided, including a computer model of our system.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2006-R0369 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6. REGULAR AGENDA (continued)

6.1. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0081 Zone Case No. 1193-E (4202 N. I-27) Hold a public hearing to consider request of Rosa M. Olivas for a zoning change from R-1 to IHI Specific Use for a trailer sales and all unconditionally permitted IHC uses on Lots 1-4, Block 5, Edsall Addition.

Mayor Miller opened the public hearing at 10:24 a. m. No one appeared on behalf of Rosa M. Olivas. No one appeared in opposition. Mayor Miller closed the hearing at 10:25 a. m.

This parcel of land includes circumstances, beyond the control of the applicant, which have created a lack of conformance with requirements for a mobile home sales and refurbishment lot. Through a series of three zone cases, the former owner did not comply with requirements as outlined by the City Council, and each of three Specific Use Zoning Ordinances lapsed. With the last lapse, the parcel is now zoned R-1 (single family) and the current request must be approved for the new owner to continue a business.

The applicant is attempting, with the help of her family, to open only a mobile home sales lot. The renovation of units, which was originally part of the zone case, does not exist in this request. The front landscape area that was previously required, but not installed until the 11th hour, has begun to mature and the grounds have been cleaned up significantly by the applicant. The staff is approaching the request without regard to the previous ownership, the former lack of compliance that occurred, and legal actions that are now complete.

During the Planning Commission meeting, staff recommended that the case be amended to Interstate Commercial Specific Use, rather than Interstate Industrial, since the rehab of trailers portion of the former operation is not being requested in this case. In IHC, trailer-sales are a permitted use. The Specific Use Permit is requested to defer some of the development standards normally required in IHC (paved surfaces primarily). A paved area exists in

the front of the office for customers and the trailers are on a graveled surface similar to many of the mobile home sales lots elsewhere in the City.

The request is to allow the sales of trailers, both new and used. As noted, a series of zone cases previously approved as Specific Use cases have expired and the land is now zoned the R-1 as it was when annexed into the City during the 1950s. The property is platted. As noted, having a rehabilitation aspect on the property is not being requested.

This request is in compliance with the Comprehensive Land Use Plan (the area is noted as IDP as the target land use) and, with the change of ownership and business plan, the request is in substantial compliance with zoning policy.

The Planning Commission approved the request to the City Council with the following conditions:

1. The existing landscape that has been developed along the Interstate shall be maintained in a satisfactory manner and the current amount.
2. The current amount of graveled surface shall suffice for the required paved surface required for the sales lot. As the sales area expands, a layer of gravel at least one stone deep shall be added to the display area.
3. The front 25-foot portion of the parcel, with the exception of the drive, shall be landscaped and shall not be used for display of mobile home units.
4. The current screening fence along Ash Avenue shall be maintained. The gate may remain, but shall be closed unless being used to transport a manufactured home into or out of the sales lot.
5. If display or sales occur on the south east lot, the lot shall be graveled and a screening fence be installed along Ash Avenue.
6. That no screening fence be required on the south border of the property, as it will eventually mature as commercial.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the request as recommended by the Planning Commission.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-O0081 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.2. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0082 Zone Case No. 3063 (south of 122nd Street and east of Slide Road) Hold a public hearing to consider request of Richard Webb (for Victory Life Baptist Church) for a zoning change from T to C-2, GO and A-2 limited to church and church related uses on 60 acres of unplatted land out of Section 23, Block E-2.**

Mayor Miller opened the public hearing at 10:24 a. m. No one appeared on behalf of Victory Life Baptist Church. No one appeared in opposition. Mayor Miller closed the hearing at 10:25 a. m.

The applicant is requesting that the back portion of the 60-acre parcel be zoned to accommodate a church, the frontage along Slide Road be zoned to allow commercial development, and a parcel behind the commercial and south of the Vintage Township half section be zoned for Garden Office.

Adjacent land uses:

N – vacant and commercial

S – Vintage Township, vacant at this point

E – vacant

W – commercial across Slide Road

The request will be consistent with the Comprehensive Land policies that are yet to be formally approved for these two square miles that were annexed. Since commercial already exists on the west and north, the proposed strip commercial will become “policy”. The proposed ordinance will include a “whereas” regarding the Comprehensive Plan establishment of land use in this vicinity. The church tract is a policy request at the half section line with access to the thoroughfare.

The project should have no more impact on traffic on Slide Road than anticipated and the continued increase of vehicles will increase the need for Slide Road to move up the list for replacing the current strip pavement with a seven lane thoroughfare.

The Planning Commission recommended approval with the following conditions:

1. The A-2 is limited to church and church related uses.
2. Access to Slide Road is governed by TxDOT. If the City is asked for a recommendation, the Planning Commission approved three curb returns – one for each of the north and south commercial tracts and a main entry in the center that may serve both the commercial and the church (at the discretion of the church).
3. If a street does not abut the Garden Office tract, an easement from the north commercial tract shall be granted to allow access to Slide Road.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation by the Planning Commission subject to the three conditions.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-00082 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.3. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0083 Zone Case No. 3064 (5412 19th Street) Hold a public hearing to consider request of Hugo Reed and Associates, Inc. (for Bingstone Investments, Ltd.) for a zoning change from R-1 to GO on Lot 1, Bumpass Addition.

Mayor Miller opened the public hearing at 10:24 a. m. No one appeared on behalf of Bingstone Investments, Ltd. No one appeared in opposition. Mayor Miller closed the hearing at 10:25 a. m.

The applicant is requesting that a large lot residential parcel, approximately two acres, at the corner of 19th Street and Chicago be rezoned as Garden Office.

Adjacent land uses:

N – residential

S – residential

E – residential

W –child care center

The corner is a little awkward in that to the west, a strip of land is developed with a child care center on the corner and a public library. The subdivision to the east is a combination of a number of the old large lots along 19th Street replatted and developed as Brentwood, a walled upscale housing development. The development to the north also represents what is a retrofit to a former large lot or lots, with a cul de sac street entering from Chicago and providing access to nine lots.

With regard to the Comprehensive Land Use Plan, the proposed Garden Office is considered a buffer district and would be technically within policy for approval. The greatest single aspect of both the Comprehensive Land Use Plan and zoning policy is the support, or lack of support, of the adjacent single family residents that already have made an investment in their property.

Many of the adjacent neighbors (including Brentwood) met with the applicant and expressed their sentiments at the Planning Commission meeting. The report presented during the meeting was that the gathering had a generally positive atmosphere.

Several of the adjacent residents do not support the project, a majority have expressed support subject to the conditions approved by the Commission. The applicant has provided the basics of a site plan and conditions that are acceptable and included below.

The Planning Commission recommended the request with the following conditions:

1. The building setback shall be as required by the City of Lubbock Zoning Code.
2. The style and construction of the offices shall be subject to review by the Planning Commission prior to a construction permit. Notice shall be provided to the 200 foot notice perimeter.

3. A 7-foot screening fence shall be constructed on a portion of the west, all of the north and the entire east with a 15-foot step down for 19th Street.
4. Fifteen percent (15%) landscaping is required.
5. Hours of operation shall not extend later than 10 p.m.
6. The style of the structure shall be “residential” in appearance and the exterior walls shall be 100% masonry.
7. The development will have not more than one curb cut on 19th Street and one on Chicago, each located as far from the intersection as feasible. On 19th Street, TxDOT makes the final determination if curb cuts will be allowed and how they are spaced.
8. The development shall commence within two years – meaning a construction permit will be issued within two years of the effective date of this ordinance. Should that not occur, the zoning will lapse to R-1 (single family).

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission with the proposed conditions (as outlined above).

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-O0083 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0084 Zone Case No. 1615-J Request of Shay Manney (for Liquid Ink) for a zoning change from C-3 to C-4 Limited to a tattoo and piercing shop and all C-3 permitted uses on a portion of Tracts A and B, South Plains Additions (6005 Slide Road, Suite M-41).

Mayor Miller opened the public hearing at 10:24 a. m. No one appeared on behalf of Liquid Ink. No one appeared in opposition. Mayor Miller closed the hearing at 10:25 a. m.

The applicant is in contract with South Plains Mall to install a tattoo parlor. As an interior use to the Mall, the individual use will have no visual impact on the general public.

Adjacent land use in all directions is commercial.

South Plains Mall is zoned commercial, so there is no Comprehensive Land Use Plan policy issue. With regard to zoning policy, if the mall operators feel the use is a viable part of the tenant mix within the mall, the change will not create an issue with any adjacent landowner. The facility is not visible from the exterior of the building. As C-4 limited to the one use, when or if the use is discontinued, the zoning will revert to the original and current zoning.

The project will have no impact on the thoroughfare system.

The Planning Commission recommended approval with the following conditions:

1. The C-4 is limited to a tattoo shop and all permitted C-3 uses.
2. Should the use be abandoned for a period of one year, the zoning will revert to the current zoning for the mall parcel.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

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

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to pass on first reading Ordinance No. 2006-O0084 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Members Boren and Leonard voted Nay.

6.5. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0085 Zone Case No. 2522-B Request of Jack Kastman for a zoning change from C-3 to IHC on Lots 1 and 61, Friendship Estates Addition (7318 and 7402 4th Street).

Mayor Miller opened the public hearing at 10:24 a. m. No one appeared on behalf of Jack Kastman. No one appeared in opposition. Mayor Miller closed the hearing at 10:25 a. m.

The request is to rezone the parcels along 4th Street in the vicinity of Venita from the existing zoning of C-3 and C-2 to Interstate Commercial.

Adjacent land uses:

N – mobile home, it is nonconforming, the parcel is zoned C-3

S – vacant commercial and a mobile home park

E – vacant

W – vacant, a playa lake

The property is already zoned with a C-3 commercial district, making the discussion regarding the Comprehensive Land Use Plan a moot issue except for the confirmation by the Commission that the change is not either a detriment to or objectionable to the owners of adjacent property.

A zone case was recently approved on the land across the street (the former apartment and commercial portion, not the mobile home park) as Interstate Commercial on the front half and C-4 Specific Use on the back half to allow for mini-warehouse or contractor type offices with no outside stack.

4th Street is a State of Texas controlled street and is eligible for heavier commercial zoning. The strongest asset of IHC is that new development has a requirement for a better looking structure facing the thoroughfare. The existing heavy uses in the area differentiate the intersection from many of the

other intersections within the City, and the relative lack of development may be changed with this request. The staff would not be normally supportive of IHC at a standard intersection of two thoroughfares.

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

1. Security lighting shall be shielded as to not reflect to the north where the existing mobile home is located.
2. A screening fence shall be installed on the north line of the IHC parcel for the area that is developed. If the C-3 property to the north (that is occupied by a nonconforming mobile home) is developed as commercial, the fence may be removed.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0085 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.6. Public Hearing 10:15 a.m. - Planning: Hold a public hearing to consider the request of Texland Petroleum for Oil Drilling Permit on a tract of land located approximately 1,718 feet south and 1,827 feet east of the northwest corner in Section 9, Block A, Lubbock County, Texas. The well site is south of Regis and west of I-27. Designation of well is CLU 2-4 (Sessions #2).**

Minuted Action – no documents.

Mayor Miller opened the public hearing at 10:32 a. m. Dub Bratcher appeared on behalf of Texland Petroleum. No one appeared in opposition. Mayor Miller closed the hearing at 10:34 a. m.

The application is in order. The request is for an additional well as part of a pooled unit. Texland proposes earth sludge pits and no landscaping at the well site. The blow-out protector has a minimum rating of 3,000 psi. Disposal of waste materials is proposed at a Railroad Commission approved dump in Lubbock County. Access to the drill site and storage site is proposed from Regis Street on private property.

SHORT TERM IMPACTS: A minimum of impact is expected for the short term since the area is uninhabited and current use is agricultural and oil production. The former County Line Restaurant is to the east in the Blackwater Draw. The well and storage site are remote from any existing residential development.

POTENTIAL LONG TERM IMPACTS: The land area surrounding and including this lease is designated as Residential on the Comprehensive Land Use Plan. At least three existing wells are in the immediate area. No known

prospects for new development exist in this square mile. Few long term negative impacts are anticipated.

Staff recommended approval subject to the following Conditions:

RECOMMENDED PERMIT CONDITIONS:

1. No hydrocarbon lubricant (waste oil) shall be used to free-up the hole during drilling until after the first series of surface casing has been set to 400 feet or greater.
2. The permittee shall require that a first series of casing be set when drilling reaches a depth of 400 feet. The permittee shall notify the Lubbock office of the Texas Railroad Commission for the intended dates for casing the well.
3. The first, and if used, the second series of casing of the well shall be in compliance with applicable portions of Rule 13 of the Texas Railroad Commission.
4. The permittee shall meet all other conditions of Section 14, Article VI of the Lubbock Code and those specifications indicated within the application of Texland Petroleum for CLU 2-4 (Sessions #2).

FISCAL IMPACT

No fiscal impact is anticipated.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve the request of Texland Petroleum for Oil Drilling Permit. Motion carried: 7 Ayes, 0 Nays.

- 6.7. Public Hearing 10:15 a.m. - Planning: Hold a public hearing to consider the request of Texland Petroleum for Oil Drilling Permit on a tract of land located approximately 330 feet north of Owen Street and 330 feet east of Mesa Road (if extended) on a 50 acre parcel in Section 9, Block A, Lubbock County, Texas. Designation of well is CLU 5-3 (Talkington Bray #1).**

Minuted Action – no documents.

Mayor Miller opened the public hearing at 10:32 a.m. Dub Bratcher appeared on behalf of Texland Petroleum. No one appeared in opposition. Mayor Miller closed the hearing at 10:34 a.m.

The application is in order. The request is for an additional well as part of a pooled unit. Texland proposes earth sludge pits and no landscaping at the well site. The blow-out protector has a minimum rating of 3,000 psi. Disposal of waste materials is proposed at a Railroad Commission approved dump in Lubbock County. Access to the drill site and storage site is proposed from Kent on private property.

SHORT TERM IMPACTS: A minimum of impact is expected for the short term since the 50 acre tract is uninhabited and current use is agricultural and

oil production. A residential area exists to the south where wells have been drilled in the past. The former Country Line Restaurant is to the west in the Blackwater Draw. The well and storage site are remote from any existing residential development.

POTENTIAL LONG TERM IMPACTS: The land area surrounding and including this lease is designated as Industrial Park on the Comprehensive Land Use Plan. At least four existing wells are in the immediate area. No known prospects for development exist in this square mile. Few long term negative impacts are anticipated.

The staff recommended approval subject to the following Conditions:

RECOMMENDED PERMIT CONDITIONS:

1. No hydrocarbon lubricant (waste oil) shall be used to free-up the hole during drilling until after the first series of surface casing has been set to 400 feet or greater.
2. The permittee shall require that a first series of casing be set when drilling reaches a depth of 400 feet. The permittee shall notify the Lubbock office of the Texas Railroad Commission for the intended dates for casing the well.
3. The first, and if used, the second series of casing of the well shall be in compliance with applicable portions of Rule 13 of the Texas Railroad Commission.
4. The permittee shall meet all other conditions of Section 14, Article VI of the Lubbock Code and those specifications indicated within the application of Texland Petroleum for CLU 5-3 (Bray #1).

FISCAL IMPACT

No fiscal impact is anticipated.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve the request of Texland Petroleum for Oil Drilling Permit. Motion carried: 7 Ayes, 0 Nays.

6.8. Contract Resolution - Health Benefits: Resolution No. 2006-R0370 authorizing the Mayor to execute a contract for employee benefits consulting services, RFP #06-044-MA.

Proposals were solicited from qualified professional insurance consultants for the purpose of selecting a licensed health benefits consulting service to assist in obtaining competitive proposals from a broad insurance market for City provided employee health benefits plans, as well as voluntary products. The City, like many organizations, has incurred dramatically increased costs for health insurance coverage. It is the City's desire to explore any and all avenues for containing total health insurance costs, lowering the City's and member's contributions, if possible, while still providing a competitive and comprehensive package to eligible members.

The City currently has 1,887 active employees, 450 retirees, and approximately 4,600 total lives insured on its health insurance plan.

BENEFITS OFFERED AND CURRENT VENDORS:

MEDICAL BENEFITS – The City offers its employees, retirees, and their eligible dependents a preferred provider organization (PPO) plan. Under this benefit, there is an additional out-of-area plan that provides for participants living in an area where there are no PPO network providers. The out-of-area plan is a traditional indemnity plan. Currently, there are 4,631 lives covered in the plan. The current vendor is HealthSmart Preferred Care. Our Third Party Administrator is American Administrative Group. For the 2006 plan year, medical benefits remained unchanged from the prior coverage year. The City is a self-funded plan with individual stop loss of \$175,000 per participant. Our minimum aggregate attachment point for 2006 is \$18.8 million. Highmark Life and Casualty Group provide the City's stop loss and aggregate coverage. Additionally, the City has an Organ and Tissue Transplant Policy as part of our health plan. The policy is through AIG Life Insurance Company. The plan year is January 1 to December 31. The City is in the final year of renewals.

PBM BENEFITS – Our current vendor for pharmacy benefits is MaxorPlus, which has a network of over 44,300 chain and retail pharmacies. The contract term is annual with an option to renew for two additional one-year terms. The contract started April 1, 2006.

DENTAL BENEFITS – The City's dental benefits are 100% self-funded. Participants can go to the dentist of their choice. American Administrative Group is the claims payor for dental benefits. The plan year is January 1 to December 31. The City is in the final year of renewals.

LIFE BENEFITS – The current vendor for life benefits is Standard Insurance Company. Every eligible full time City employee is provided \$10,000 term life and AD&D coverage. The City pays for this coverage. The contract term is for three years and expires December 1, 2007.

OPTIONAL LIFE (VOLUNTARY) – Employees may purchase an amount equal to one time, two times or three times their annual salary (rounded to the next highest \$1,000 of benefit) to a maximum benefit of the lesser of \$500,000. Dependent life is also available for the employee to purchase. A spouse may be covered for 100% of the employee's coverage in \$5,000 increments up to \$50,000. Dependent children ages 7 days to 6 months are covered for \$1,500; ages 6 months to 19 or 25 years may be covered in \$2,500 increments up to \$10,000. Standard Insurance Company is also the vendor for our voluntary life program. The contract term is for three years and expires December 1, 2007.

LONG TERM DISABILITY (VOLUNTARY) – The current vendor for this benefit is ING Employee Benefits. Two choices are offered to employees for long term disability benefits. The first plan is a 90-day elimination period

which will provide 67% of an employee's base pay. The second plan is a 180-day elimination period providing 60% of an employee's base pay. The premiums are based on age, plan chosen, and \$100 of eligible salary. The contract term is January 1, 2005, through December 31, 2006, with 30% participation or December 31, 2007, with 50% participation and may be extended for an additional one-year term.

SHORT TERM DISABILITY (SELF-FUNDED SICK LEAVE SHARING) – ING Employee Benefits is the vendor on this Advise to Pay Agreement. The purpose of this benefit is to assist all regular full time employees if a catastrophic illness or injury forces the employee to exhaust all leave time, lose compensation from the City, and the situation presents a financial hardship to the employee. An employee must have at least three months continuous full time service with the City and be classified as a full time employee. The City has a complete Sick Leave Sharing Policy in their Personnel Policy Guidebook. The initial contract term was for January 1, 2005, to December 32, 2005. The Advise to Pay Agreement is automatically renewed for successive 12-month periods until terminated.

DEFERRED COMPENSATION (VOLUNTARY) – The City has two vendors for deferred compensation: ING and ICMA.

FLEX PLAN (VOLUNTARY) – Our Flex Plan is administered by American Administrative Group. A Medical Reimbursement Account and Dependent Care Assistant Account are offered for enrollment. The plan year is January 1 to December 31. The City is in the final year of renewals.

CANCER PLAN (VOLUNTARY) – EMC National Life Company provides the voluntary cancer product for City employees. Rates are based on coverage selected. The Payroll Deduction Agreement began October 19, 1995, and may be terminated at any time by either party with 90 days written notice.

VISION (VOLUNTARY) – Coast to Coast 20/20 Select Vision Plan is administered by Forrest T. Jones Consulting Company. This is a discount plan for exams and hardware. The contract began December 1, 1999, and is renewed annually.

PRE-PAID LEGAL (VOLUNTARY) – Legal Plans USA is our vendor for pre-paid legal services providing free legal consultations, free legal correspondence and reduced rates for other legal services. The effective date is December 1, 1999, and is automatically renewed annually. The agreement may be terminated by either party with 60 days written notice.

PERSONAL ACCIDENT INSURANCE (VOLUNTARY) – Personal Accident Insurance (PAI) is Accidental Death and Dismemberment Insurance. Coverage and rates are based on participant selection. The contract term is December 1, 2003, to November 30, 2006.

Evaluation criteria stated in the RFP, and used to score and rank the respondents, included broker experience, scope of knowledge of large municipal and/or self-funded accounts, and contractual relationships (30%);

service, the ability to prepare and review RFP's for health coverage and voluntary products, the ability to attend and present new products at annual enrollment, the ability to review claims and audit as necessary, the ability to provide adequate communications between the consultant, the City, and members, the ability to keep the City abreast of legislative and legal case updates, and the ability to coordinate contracts with any new vendors and act as an intermediary for members when the City's advocate is unable to obtain satisfactory conclusion to any problems or situations that may arise (30%); financial capacity to provide services in the future with minimum risk to the client (10%); and proposed cost services (30%).

A matrix outlining the evaluation criteria was provided to each committee member when the proposals were distributed to the committee. Each committee member reviewed and rated the proposals individually. References of each proposer were checked and the results were provided to the committee during the committee meeting. The committee consisted of three community members: Bill Tarro of LISD, David Low of the Med Group and Jim Brunjes of Texas Tech University. The members were instructed to rate each proposal based on the evaluation criteria listed in the RFP and using a 100-point scale. After each committee member individually evaluated and scored the proposals, a committee meeting was held for discussion purposes and to agree on the recommended firm.

The evaluation committee received ten responses to the RFP and, during committee discussion, narrowed the responses to the top two firms who were responsive to the RFP and who were considered reasonably qualified to perform these services. The top two ranked firms scored as follows: Wachovia Insurance Services of Dallas, Texas and Sanford Insurance Agency of Lubbock, Texas 274 points; and IPS Advisors, Inc. of Dallas, Texas 240 points. ENTRUST of Houston, Texas was considered non-responsive because their proposal was for health insurance and not consulting. Smith and Associates of Dallas, Texas was disqualified because they would not recommend a final product. Crest Benefits Consulting of El Paso, Texas and Shamburger Agency of Lubbock, Texas were disqualified because Crest Benefits Consulting only has El Paso County, El Paso ISD, and El Paso City as clients and has been in business only since August 2000 with only two employees. Valley Risk Consulting of McAllen, Texas did not respond to the technical proposal. Tikia Consulting of LaFayette, Louisiana indicated they would not act as intermediary for members with vendors. Milliman of Tampa, Florida only allowed quarterly personal meetings, and any personal meetings beyond quarterly would be billed at time and expense. Gabriel Roeder Smith & Company of Irving, Texas was disqualified because their proposal was limited to 374 hours with any time above 374 hours billable at time and expense. Holmes Murphy & Associates of Dallas, Texas was disqualified as non-responsive because they did not include an executive summary as required in the RFP.

FISCAL IMPACT

The \$80,000 cost of the contract will be funded through the Health Benefits fund.

Staff recommended contract award to Wachovia Insurance Services and Sanford Insurance Agency for \$80,000.

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

There were concerns from Council regarding the amount being spent on consulting services as opposed to having the services performed by City staff. Mayor Miller reiterated that the contract should be for one year with renewable options.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0370 as recommended by staff. Motion carried: 4 Ayes, 3 Nays. Council Members Boren, Price, and Leonard voted Nay.

6.9. This item was considered following Item 6.12.

6.10. Lubbock Centennial Committee Resolution - City Council: Resolution No. 2006-R0371 establishing the Lubbock Centennial Committee to coordinate and plan activities with Lubbock citizens and organizations surrounding the City's 100th anniversary, which is officially March 24, 2009.

This resolution establishes the Lubbock Centennial Committee to coordinate and plan activities with Lubbock citizens and organizations surrounding the City's 100th anniversary celebration in 2008 and 2009.

In planning activities, the Committee will collaborate with the Lubbock Independent School District, the Lubbock Chamber of Commerce, the Lubbock Hispanic Chamber, the African American Chamber, Civic Lubbock, City staff, and any other group planning special events to ensure a common centennial theme.

The Committee will consist of 15 members. Each City Council member, including the Mayor, shall designate two committee members for appointment and the Mayor shall appoint the Chair.

Regular meetings will be held at times and locations established by a majority of the Committee members. A simple majority shall constitute a quorum, and a majority vote of the quorum shall be required for any action to be taken by the Committee.

The Lubbock Centennial Committee shall serve until completion of the Centennial activities.

FISCAL IMPACT

Future funding recommendations will be presented to City Council for approval.

Motion was made by Council Member Price, seconded by Council Member Boren to pass Resolution No. 2006-R0371 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.11. Citizen Advisory Committee Resolution - City Council: Resolution No. 2006-R0372 establishing the Citizen Advisory Committee to study the capital improvement needs of the City of Lubbock for a proposed May 2007 bond election.

City Councils have received valuable assistance in the past from Citizen Advisory Committees in studying capital improvement needs for the City of Lubbock. The services of a Citizen Advisory Committee continue to be a valid method of determining needed capital improvements for the City's vitality. It is beneficial for a Citizen Advisory Committee to make recommendations to the City Council for capital improvement needs of the City, including recommendations on bond elections or other methods of financing such projects.

Approval of this resolution will create a Citizen Advisory Committee (CAC) to be composed of 15 members to study the capital improvement needs of the City for a proposed May 2007 bond election. Each City Council member will appoint two citizens to the CAC and the Mayor will appoint two citizens as members and one citizen to serve as chair of the CAC.

The CAC will study the need for capital improvements in the operational areas of streets, municipal facilities, parks and recreation needs, and any other areas as the CAC may deem relevant to their mission. A report will be presented by the CAC to the City Council in such form and depth as to clearly identify recommended capital improvement projects needed by the City, including recommended financing. The CAC will also consider and recommended appropriate methods to properly inform the public of needed capital improvements that may result in bond issues for financing the projects. The Citizen Advisory Committee may from time to time invite interested citizens and elected or appointed officials of the City to participate in discussions concerning the Committee's work.

The Citizen Advisory Committee shall be activated for the period of time necessary to complete the study and make the recommendations requested by the City Council for a proposed May 2007 bond election. Appointments as Chair and Members of the Committee shall be for the duration of the activation of the Citizen Advisory Committee. The City Manager will appoint a member of her staff to act as secretary of the Citizen Advisory Committee, and shall provide assistance to the Committee as needed to help them carry out their duties in a timely manner.

FISCAL IMPACT

Future funding recommendations will be presented to City Council for approval.

After discussion, Council agreed to increase the members of the committee to 35. The Mayor and Council Members will each appoint five (5) individuals, and the Mayor will select a chair or co-chairs. An agenda item will be added on the next Council meeting to make the appointments to the Citizens Advisory Committee.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2006-R0372 with an amendment to change the committee membership to 35 members and have the Mayor designate the chair or co-chairs. Motion carried: 7 Ayes, 0 Nays.

6.12. Board Appointments - City Secretary: Consider one appointment to Civic Lubbock, Inc.; Consider four appointments to Lubbock Water Advisory Commission; Consider fifteen appointments to Citizen Advisory Committee.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to appoint Mark Bass to the Civic Lubbock, Inc. Board of Directors. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to reappoint John Abernathy, Bo Brown, Abel Castro, and James Conkwright to the Lubbock Water Advisory Commission. Motion carried: 7 Ayes, 0 Nays.

Consensus from Council was to hold on the appointments to the Citizen Advisory Committee.

11:05 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

2:02 P.M. CITY COUNCIL RECONVENED

6.9. Lease Agreement Resolution - Civic Centers: Consider a resolution authorizing the Mayor to execute an amendment to the Coliseum Lease Agreement with South Plains Professional Hockey Club, Ltd. for FY 2006-07.

This item was continued to the next meeting.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to continue this item until the August 10, 2006 Regular City Council Meeting. Motion carried: 7 Ayes, 0 Nays.

7. WORK SESSION

7.1. Budget Presentation - City Manager's Office: Presentation of Proposed FY 2006-07 Operating Budget and FY 2006-07 to FY 2011-12 Capital Improvement Program - Lee Ann Dumbauld, City Manager.

City Manager Lee Ann Dumbauld gave a presentation of the Proposed FY 2006-07 Operating Budget and FY 2006-07 to FY 2011-12 Capital Improvement Program. Ms. Dumbauld thanked the staff that worked hours on the budget. Ms. Dumbauld stated that “the budget she is presenting is based on the vision of Lubbock being a “model community” and partnering with other regions. It is also based on six goals that were talked about at the retreat, that have yet to be adopted, but are very important. Number one is public safety and having a clean and safe city. The other area used as policy guidance, which is the most important, is Truth and Taxation. This is a policy that the State has endorsed, in many respects, with their statutes. It is also a policy that this Council has adopted on how we establish what the rate is and how we disclose to the public what our needs are in all areas, and that there are not any hidden agendas in how we set the tax rate.

“Ms. Dumbauld recommended: a 2.23 cent increase in the tax rate, due to increases in health benefits, fuel costs, and utilities for Municipal Facilities.” She also answered questions from Council.

Jeff Yates, Chief Financial Officer, gave comments and answered questions from Council.

2:34 P. M. COUNCIL ADJOURNED

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