

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
August 24, 2006
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 24th day of August, 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. PUBLIC HEARING

- 1.1. Public Hearing - 7:30 a.m. Hold a public hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 2.38% (percentage by which the proposed tax rate exceeds the effective tax rate calculated under Chapter 26, Tax Code).**

Mayor Miller opened the public hearing at 7:35 a. m. Brian Thornton, David Seim, and Susie Bullock appeared to address Council regarding the tax increase. Mayor Miller closed the hearing at 7:42 a. m.

- 1.2. Citizen Comments (Not to Exceed 30 Minutes) Immediately following public hearing – Any citizen wishing to appear before any regular meeting of the City Council shall advise the City Manager’s office of that fact no later than seven days before the meeting at which the citizen wishes to appear. Any citizen wishing to so appear shall inform the City Manager’s office, in writing, of the subject of the appearance. The subject matter shall be sufficiently detailed as to inform the City Council and the public of its nature. Such notice shall contain the name and address of the requestor. The appearance of any citizen giving such notice to the City Manager’s office shall take precedence in addressing the City Council during the public comment period. Any citizen failing to advise the City Manager’s office of his/her wish to appear before the City Council as hereinabove set forth shall, time permitting, be permitted to address the City Council after those having given notice.**

- Tom W. Scarborough addressed Council regarding changing the name of 34th Street (west of Slide Road) to Golf Course Road, due to a new golf course being constructed on West 34th Street and an existing golf course in that area.

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.”

**7:45 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 (Cemetery, Police, 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 (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 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Health/Education Facilities Board of Directors, MHMR Board of Trustees, Permit & License Appeal Board, Urban Design/Historic Preservation Commission, and Zoning Board of Adjustment.**
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 2.5.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
 - 2.5.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**
 - 2.5.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

8:30 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 Tommy Combs, Deputy City Secretary

Absent: No one

Mayor Miller reconvened the meeting at 8:30 A. M.

Mayor Miller stated, as public record, that the meeting at which the City Council will vote on the final tax rate will be September 13, 2006 at 9:30 a.m. here in the City Council Chambers.

3. PROCLAMATIONS AND PRESENTATIONS

Items 3.1-3.4 were considered following Item 6.15.

4. MINUTES

Item 4.1 was considered following Item 3.4.

5. CONSENT AGENDA (Items 5.1-5.2, 5.5-5.8, 5.11-5.14, 5.16-5.17, 5.19-5.20)

Motion was made by Council Member Leonard, seconded by Council Member Price to approve Items 5.1-5.2, 5.5-5.8, 5.11-5.14, 5.16-5.17, 5.19-5.20 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1. Ordinance Amendment 2nd Reading - Health: Ordinance No. 2006-O0086 Consider an ordinance amending Chapter 12 of the Code of Ordinances of the City of Lubbock, Texas, with regard to the adoption of food establishment rules; certification of food managers; providing a savings clause; providing a penalty; and providing for publication.

Section 1 of the ordinance adopts the Texas Food Establishment Rules as adopted by the Texas Department of State Health Services on March 15, 2006. Section 2 provides the framework to require a certified food safety manager at each establishment. Section 3 provides for a penalty deemed a misdemeanor with a fine not to exceed \$2,000 for violations of any provision of this ordinance. Section 4 allows for continuance of the remainder of the ordinance should any paragraph, section, clause, phrase, or work of this ordinance be declared unconstitutional or invalid for any reason. Section 5 provides for publication of the descriptive caption of this ordinance.

Staff recommended adoption of these rules in order to be consistent with state and federal regulations. These activities are directly related to protection of public health and safety.

The last update to the ordinance adopting the Texas Food Establishment Rules occurred in 2000. Since then, the Texas Legislature has agreed to review and

update the rules every four years to reflect advances in technology and industry innovations. The 2006 rule changes include:

- The inclusion of Norovirus as a disease that an infected employee must report to a food manager. The food employee will then be excluded from food service work until a physician approves the employee's return to work.
- Guidelines based on the FDA National Retail Food Program Regulatory Standards for the competency of food safety inspectors. These guidelines include Registered Sanitarian certification, continuing education requirements, and recommendations for staff development.
- Hot-hold temperatures have been lowered from 140 degrees Fahrenheit to 135 degrees Fahrenheit. This was a recommendation of the Conference for Food Protection.
- All food establishments must have at least one Certified Food Manager on staff. This is currently required by law outside the Lubbock city limits. Staff will offer educational opportunities during the first year after adoption and before enforcing this requirement.
- The standard inspection form will prompt a more thorough inspection by obliging inspectors to note whether a violation is in compliance, out of compliance, not applicable to that establishment, or not observed at time of inspection.

The Board of Health adopted these food rules at their July 14, 2006, meeting.

FISCAL IMPACT

The impact to the General Fund will be minimal. However, staff can expect an increase in frequency and attendance of our in-house food safety course due to the Certified Food Manager requirement, which increase revenues slightly. Environmental Health currently charges a fee for this course to offset related expenditures.

The Board of Health and staff recommended approval of the second reading of this ordinance.

5.2. Ordinance Amendment 2nd Reading - Water and Waste Water Utilities: Ordinance No. 2006-O0087 Consider an ordinance amending Chapter 28 of the Code of Ordinances of the City of Lubbock, Texas, with regard to acceptance of water and/or sewer improvements; providing a penalty; providing a savings clause; and providing for publication.

Upon completion of water and/or sewer facilities in accordance with the design approved by the City by private contractor and acceptance by the City, or upon completion by the City, the facilities so constructed become and remain the property of the City and are maintained as a part of its water and/or sewer system.

The City Engineer now accepts routine street and related improvements, and it is proposed that the City Manager, or her designee, accept routine water and sewer related improvements in new developments.

This ordinance amendment will provide that, after final inspection and approval of the water and/or sewer improvements required by Chapter 25 of the Code of Ordinances, the City Manager, or her designee, will accept the improvements, except where City costs are related to the acceptance. In such case, the Water Utility Chief Engineer, or his or her designee, shall submit the said improvements to the City Council for their consideration for approval and acceptance.

All water and/or sewer development improvements will be presented to the Lubbock Water Advisory Commission as part of their review of Water Utility operations.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the second reading of this ordinance.

- 5.3. This item was moved from consent agenda to regular agenda and considered following Item 5.20.**
- 5.4. This item was moved from consent agenda to regular agenda and considered following Item 5.3.**
- 5.5. Grant Contract Resolution - Citibus: Resolution No. 2006-R0391 authorizing the Mayor to execute Section 5307 Grant Agreement with the Texas Department of Transportation for state financial assistance to be used by Citibus to provide transportation services.**

The Texas Department of Transportation (TxDOT) is allocating a \$713,138 grant of public transportation funds to the City for operating assistance used by Citibus to maintain the public transportation system during FY 2006-07. These funds are included in the Citibus FY 2006-07 budget previously submitted to the City Council. A revised TxDOT formula resulted in a reduction from last fiscal year's \$792,376 grant award.

The contract becomes effective on September 1, 2006, or when fully executed by both parties, and terminates on August 31, 2007.

FISCAL IMPACT

Acceptance of this grant will result in no additional cost to the City.

Staff recommended approval of this resolution.

- 5.6. Paving Improvements Resolution - Public Works: Resolution No. 2006-R0392 accepting paving improvements in Lynwood Addition, Lots 67 through 190, and directing payment of the City's share of the cost of those improvements to the developer.**

This is a routine acceptance of paving improvements required at the time of platting a new subdivision. The paving improvements consist of curb and gutter and asphalt paving on the following streets and avenues:

North Brentwood Avenue from Fordham Street to the cul-de-sac north of Fordham Street.

North Bangor Avenue from Harvard Street to Kemper Street.

North Belmont Avenue from Grinnell Street to the alley north of Kemper Street.

North Chicago Avenue from Erskine Street to Fordham Street.

Jarvis Street from the cul-de-sac- west of North Belmont Avenue to North Belmont Avenue.

Grinnell Street from the cul-de-sac west of North Belmont Avenue to North Belmont Avenue.

Harvard Street from the alley west of North Belmont Avenue to North Belmont Avenue.

Kemper Street from the alley west of North Belmont Avenue to North Belmont Avenue.

Kemper Street from North Belmont Avenue to North Bangor Avenue.

Kemper Street from North Bangor Avenue to the alley east of North Bangor Avenue.

The north half of Erskine Street from the west plat limit of Lynwood Addition to the east end of radius of North Chicago Avenue.

FISCAL IMPACT

This subdivision was platted prior to the revision to the City's paving policy related to prepaid paving on thoroughfare streets and City extra width cost on collector streets. North Chicago Avenue is a collector, and the City is responsible for the cost of the extra width paving on this street.

Upon approval of this resolution, the City's portion of the paving cost of \$12,817.55 will be due the contractor. Funding for this cost is available from the existing Subdivision and Assessment Capital Improvement Project #91051.

Staff recommended approval of this resolution.

- 5.7. Street and Alley Use License Resolution - Right-of-Way: Resolution No. 2006-R0393 authorizing the Mayor to execute a street and alley use license with E-COR II, Ltd to use a portion of dedicated streets and alley right-of-way for an underground electrical conduit/communications cable and oxygen pipeline located at 3815 20th Street.**

E-COR II, Ltd is the owner of the property located at 3815 20th Street and a newly constructed Long Term Acute Care Hospital is being built at this

location. E-COR II, Ltd is requesting this street and alley use license to install an underground electrical conduit/ communications cable and oxygen pipeline to connect their new facility to other facilities in the area. The first underground crossing will be located across Miami Avenue half way between 20th Street and 21st Street to install electrical and communications cable. The second location will be in the alley and crossing Memphis Avenue between 20th Street and 21st Street and Miami Avenue and Louisville Avenue with an underground electrical conduit and oxygen pipeline. The Right-of-Way Department valued this license at \$7 per square foot based on adjacent land values in this area. Using the street use license formula for sub-surface encroachments, a value is calculated as follows: 582 total square feet x \$7 per square foot x 60% x 10% = \$244.44 per year. This license will be for 20 years, \$1,222.20 payable every 5 years in advance. All utilities companies are in agreement with this license.

FISCAL IMPACT

\$244.44 annual revenue.

Staff recommended approval of this resolution.

- 5.8. Release an Electrical Service Line Easement Resolution - Right-of-Way: Resolution No. 2006-R0394 authorizing the Mayor to execute a release of an electrical service line easement to McCanton Woods, Ltd., easement located at 2301 4th Street.**

Valley Savings and Loan Association of Artesia, New Mexico and First Federal Savings and Loan Association of Big Spring, Texas granted an electrical service line easement to the City in 1988. This easement is located on the south side of Lots 1-5 Block 124 Overton Addition and, due to the re-development of this area, the easement is no longer needed. LP&L is in agreement to release this easement.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

- 5.9. This item was moved from consent agenda to regular agenda and considered following Item 5.4.**
- 5.10. This item was moved from consent agenda to regular agenda and considered following Item 5.9.**
- 5.11. Transfer of Property Resolution - Police: Resolution No. 2006-R0395 authorizing the Mayor to execute an agreement with the U.S. Air Force to transfer property at the former Reese Air Force Base to the City of Lubbock for use by the Lubbock Police Academy.**

This agreement involves the transfer, by one or more deeds, of approximately 1.5 acres of property from the U.S. Air Force to the City of Lubbock. This property includes the Lubbock Police Academy facility and real property.

The Air Force is required to modify its Hazardous Waste Permit and Groundwater Compliance Plan issued to Reese Air Force Base on September 6, 1996, by the Texas Natural Resource Conservation Commission at least 90 days before the transfer of the property in order to change the Reese Air Force Base facility description to identify property that is transferred to the City as property that is no longer included in the permitted facility description of Reese AFB, and to include the City as co-owner of the Permit and Groundwater Compliance Plan for the tower area property that is transferred to the City per Title 30 Texas Administrative Code. The City will not be responsible for any cleanup costs or liabilities associated with existing contamination.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval resolution.

- 5.12. Contract Resolution - Police: Resolution No. 2006-R0396 authorizing the Mayor to execute a purchase order agreement with CompuDyne Public Safety & Justice, formerly known as Tiburon, for jail booking software for the Police Records Management System.**

This item involves the sole source purchase of a software module for jail booking to accompany the existing Police Records Management System computer program. The Police Department's Records Management System was originally purchased from and is maintained by CompuDyne Public Safety & Justice, formerly known as Tiburon, of Fremont, California. Currently, there is no computer software module used to enter jail booking information into the system. This add-on software module is required by the Police Department to properly add jail booking information into the system.

FISCAL IMPACT

This purchase is funded by the 2004 Local Law Enforcement Block Grant Fund.

Staff recommended approval of purchase order to CompuDyne Public Safety & Justice of Fremont, California for \$38,900.

- 5.13. Contract Resolution - Police: Resolution No. 2006-R0397 authorizing the Mayor to execute a purchase order contract with Dell Marketing LP for 28 digital cameras and flashes for Lubbock Police Department crime scene investigations.**

The purchase 28 EOS Digital Rebel XT SLR cameras with 18-55 mm lens and 28 Speedlite 580EX flashes for the Lubbock Police Department will aid officers in accurate crime scene investigation documentation, and save the City the expense of film and development costs.

This equipment will be purchased from Dell Marketing LP of Round Rock, Texas through the State of Texas Department of Information Resources DIR-SDD-192 Contract 9913578.

DIR's IT Commodity Purchasing Program is one of several special purchasing programs authorized by Texas statute. Texas Local Government Code Chapter 271.083 authorizes local governments to acquire hardware, software, and other Information Technology products through the DIR program. Pursuant to Texas Government Code Chapter 791.025, DIR has met the competitive bid requirements.

FISCAL IMPACT

There is no cost to the City's General Fund. Grant funds allocated for this type of equipment will be used to purchase the cameras and flashes.

Staff recommended purchase order to Dell Marketing LP of Round Rock, Texas for \$29,900.36.

- 5.14. Contract Resolution - Emergency Management: Resolution No. 2006-R0398 authorizing the Mayor to execute an agreement with the Regional Advisory Council for Texas Trauma Service Area B, a non-profit organization established by the State of Texas, for joint utilization of a Web-based emergency management communications system.**

Texas Trauma Service Area B (TSA-B) is recipient of a grant from the National Bioterrorism Hospital Preparedness Program through the U.S. Department of Health and Human Services, which funds development of a unified and comprehensive system of response that meets the needs of the region. With this funding, TSA-B is purchasing the hardware and software required for WebEOC. WebEOC provides critical information about response times, capacity, and resource utilization during an emergency. The Information Technology Department will host the system. Lubbock Office of Emergency Management will be able to use WebEOC in the Emergency Operations Center and access to WebEOC will be provided to the 21 participating hospitals in the 22-county TSA region. TSA-B is responsible for purchase of hardware and software required and the City is responsible for installation, care, and maintenance of equipment. TSA-B will, as long as grant funding continues, pay the annual maintenance fee.

FISCAL IMPACT

The City avoids the cost of approximately \$70,000 for the purchase of the Web-based emergency management communications system and the annual maintenance fee. Indirect costs to the City are computer storage space and related IT personnel labor.

Staff recommended approval of this resolution.

- 5.15. This item was moved from consent agenda to regular agenda and considered following Item 5.10.**
- 5.16. Contract Resolution - Aviation: Resolution No. 2006-R0399 authorizing the Mayor to execute a purchase order contract with Ennis Paint Inc. for airfield marking paint for Lubbock Preston Smith International Airport, BID 06-051-MA.**

This bid establishes annual pricing for the purchase of marking paint for the Lubbock Preston Smith International Airport. Marking paint is used by the Airfield Maintenance Department to mark and identify paved airfield runways, taxiways, and aprons used by aircraft as specified by the Federal Aviation Administration (FAA). Paint must meet Federal Specification TT-P-1952-D Waterborne Lead-free Paint and must be delivered in sealed 55-gallon containers.

FISCAL IMPACT

Funds for the purchase of this material will come from Cost Center 4613, account 8269.

Staff recommended bid award to Ennis Paint, Inc. of Ennis, Texas for \$28,262.

5.17. Contract Resolution - Health: Resolution No. 2006-R0400 authorizing the Mayor to execute a contract with Texas Department of State Health Services for Community Health Services Population Based Services (DSHS Document No. 2006-020411-001) to provide financial assistance for maternal and child health education.

This contract with the Department of State Health Services (formerly Texas Department of Health), DSHS Document No. 2006-020411-001, provides financial assistance for maternal and child health education and covers the period between September 1, 2006, through August 31, 2007. The City of Lubbock Health Department must reapply for future funding of this program on an annual basis.

This contract for \$107,414 in financial assistance provides full salary and fringe benefits for two health educators and one part-time data entry assistant. These new positions will be assigned to the Health Education section of the Health Department. Funding also includes travel, computers, audio/visual equipment, office supplies, and educational materials. Reimbursement for all grant expenditures is arranged through a deliverable-based reimbursement system. Once pre-established deliverables and goals have been met and documented, reimbursement for each deliverable will be distributed.

The Health Department has been a facilitator for the Texas Department of State Health Services Title V Program for the past eight years. During this time, grant funds have built a strong maternal and child health infrastructure within the Health Education Team. The funding amount for FY2006-07 is the largest award ever received by the City Health Department Title V Program.

The activities planned for the 2006-2007 grant will focus exclusively on teenage pregnancy and sexually-transmitted disease (STD) issues in Lubbock, primarily within ZIP Codes 79403 and 79404. This will include the development of a Teen Pregnancy and STD Prevention Coalition, the implementation of Project Taking Charge curriculum within Lubbock ISD, the development of a parent education class that teaches parents of adolescents how to effectively talk to their child about sexuality, and providing general

education to the community on teenage pregnancy and STDs (health fairs, presentations, etc.).

This program fulfills a core mission of public health, which is health education. Without the funding from the Department of State Health Services contract, our local public health efforts will be greatly impaired.

FISCAL IMPACT

There is no impact to the General Fund. Upon completion of deliverables, all expenditures for this program will be reimbursed.

Staff recommended approval of this resolution.

- 5.18. This item was moved from consent agenda to regular agenda and considered following Item 5.15.**

- 5.19. Contract Resolution - Water Utilities: Resolution No. 2006-R0401 authorizing the Mayor to execute a contract with Tuerff-Davis Enviromedia for public education and advertising services to help implement a pilot Water I.Q. program.**

The Water I.Q. program is being piloted around the state. The goal of this program is to determine the public's general knowledge related to water issues and to increase this knowledge through marketing and education programs.

The Water I.Q. Program will be conducted locally beginning with a survey to determine citizens' current level of knowledge. A survey will also be conducted at the conclusion of the project. The results of these surveys will be shared with state legislative officials for future state funding of this program.

Turff-Davis Enviromedia of Austin, Texas is the sole source provider contracted by the Texas Building and Procurement Commission (TBPC) to market the Water I.Q. program. This \$149,900 contract will be through the TBPC Water Conservation Public Education Contract.

FISCAL IMPACT

\$150,000 was appropriated in the Water Utilities operating budget.

Staff recommended approval of this resolution.

- 5.20. Contract Amendment Resolution - Community Development: Resolution No. 2006-R0402 authorizing the Mayor to execute a contract amendment with Catholic Family Services to fund the Community Services Block Grant (CSBG) Self Sufficiency Program.**

Grantee: Catholic Family Services

Program: CSBG Self Sufficiency Program

Funding Source: 2006 Community Services Block Grant

Use of Funds: CSBG Funds provide direct assistance to clients in the Self Sufficiency Program in the form of tuition, books, transportation, hygiene products, household products, and other essential items.

Amount: These are additional performance award funds of \$8,655. The Texas Department of Housing and Community Affairs confer monetary performance awards annually at the CSBG Conference held in July. The award is based on the number of people transitioned out of poverty. Transitioning persons out of poverty is a vital activity that addresses National Goal #1: Low-Income People Become More Self-Sufficient. It is reported that 87 individuals transitioned out of poverty. Council previously approved \$186,466 from CSBG funds. Additional performance award funds increases the total to \$195,121.

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 the CDSB during their regularly scheduled meeting held on August 9, 2006. Appropriation of these funds took place during the City Council meeting held on January 12, 2006.

FISCAL IMPACT

The funds used are from the Community Services Block Grant. The maximum to be allocated to this project is \$195,121.

Staff recommended approval of this resolution.

6. REGULAR AGENDA

5.3. Budget Ordinance Amendment 2nd Reading - Finance: Ordinance No. 2006-O0088 Consider budget ordinance amendment #20 amending the FY 2005-06 budget respecting the Abandoned Vehicle Special Fund, General Fund, and Grant Fund.

1. Appropriate additional estimated revenue of \$450,000 in the Abandoned Vehicle Special Fund from monies received from the auction proceeds of abandoned vehicles for wrecker, tow truck, and vehicle storage services. This budget amendment will increase total appropriated revenues to \$750,000 and estimated expenses of \$450,000 for a projected year-end addition to fund balance of \$300,000. The accumulated fund balance is used to provide funding for specialized equipment and technology needs of the Police Department.
2. Accept and appropriate a \$33,750 grant from the Texas State Library and Archives Commission for the Gates Foundation Public Access Computer Hardware Upgrade Grant Program (PAC HUG). This funding will replace PACs still utilizing Microsoft Windows NT operating systems originally granted by the Gates Foundation and computer lab PACs.
3. Accept and appropriate a \$205,159 grant from the United States Department of Justice for the Local Law Enforcement Block Grant Program (LLEBG) for the Public Safety Computer System.

4. Accept and appropriate a \$511,653 grant from the United States Department of Justice Office of Community Oriented Policing Services for the purchase of mobile data computer hardware.
5. Accept and appropriate a \$96,133 grant from the United States Department of Justice for the Local Law Enforcement Block Grant Program (LLEBG) for the Public Safety Computer System.
6. Accept and appropriate a \$738,982 grant from the United States Department of Justice Office of Community Oriented Policing Services for a wireless data communications network project.
7. Accept and appropriate a \$291,738 grant from the United States Department of Justice for an Edward Byrne Memorial Justice Assistance grant to fund radio and data communication infrastructure upgrades, mobile transmitters, and software.
8. Accept and appropriate a \$168,534 grant from the United States Department of Justice for an Edward Byrne Memorial Justice Assistance grant to fund radio and data communication infrastructure upgrades, software, and Lubbock County technology purchases.
9. Accept and appropriate a \$195,623.24 grant from the U.S. Department of Homeland Security, Office of Domestic Preparedness for Homeland Security with the Texas Governor's Division of Emergency Management as the State Administrative Agency. The grant is made up of three parts: Homeland Security, Law Enforcement Terrorism Prevention, and Metropolitan Medical Response System. The Homeland Security Grant Program will purchase equipment that will enhance the City's response capability for all hazards. The Law Enforcement Terrorism Prevention Program will purchase equipment to enhance local law enforcement agencies' ability to mitigate and respond to potential acts of terrorism. The Metropolitan Medical Response System program will further enhance and maintain integrated, systematic preparedness for local response to weapons of mass destruction high-casualty events.
10. Accept and appropriate a \$880,000 contract from the U.S. Department of Health and Human Services to develop a Metropolitan Medical Response System (MMRS) as a resource in responding to the health and medical consequences of a nuclear, biological, chemical radiological, and/or explosive Weapon of mass Destruction (WMD). The Metropolitan Medical Response System program further enhances an integrated, systematic preparedness for local response to WMD or bioterrorism mass casualty events.
11. Accept and appropriate a \$107,414 grant from the Department of State Health Services for maternal and child health education covering the period between September 1, 2006, through August 31, 2007. This contract will provide full-time salary and benefits for two health educators and one part-time data entry assistant. Funding also includes travel,

computers, audio/visual equipment, office supplies, and educational materials. The activities planned will focus exclusively on teenage pregnancy and sexually-transmitted disease issues in Lubbock, primarily within 79403 and 79404 zip codes.

12. Authorize two additional positions at the Health Department to be funded from the Community Health Services Population Based Services Grant (Item #11). The total payroll and benefits for these two positions is approximately \$88,000.
13. Accept and appropriate a \$198,400 grant from the United States Environmental Protection Agency to fund a comprehensive water and wastewater study. A 5% grant match is required and is budgeted in Capital Project 91215, Preliminary Engineering Lake Alan Henry Pipeline.

FISCAL IMPACT

Included in Item Summary.

Staff recommended approval of the second reading of this ordinance.

Andy Burcham, Director of Fiscal Policy and Strategic Planning, and Nancy Haney, Executive Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2006-O0088 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.4. Civic Lubbock Inc. FY 2006-07 Budget Resolution - Civic Center: Resolution No. 2006-R0403 accepting Civic Lubbock Inc. FY 2006-07 budget.

On September 21, 2005, the City entered into a license agreement with Civic Lubbock, Inc. for all food, beverage, and other concession sales at the Lubbock Municipal Auditorium, Lubbock Municipal Coliseum, Lubbock Memorial Civic Center, Buddy Holly Center, Silent Wings Museum, and other designated municipal facilities as mutually determined by the City and Civic Lubbock, Inc.

The term of the license agreement is for eight years and includes a provision that requires Civic Lubbock, Inc. to prepare and submit a budget to the City for the upcoming fiscal year. The provision also states that the budget shall be prepared on forms satisfactory to the City and shall present this budget to the City Council prior to the beginning of each fiscal year.

The Civic Lubbock, Inc. Board approved their budget for FY 2006-07 during their July 2006 meeting and is presenting that document at this time.

FISCAL IMPACT

No fiscal impact. This document is for informational purposes only.

Staff recommended approval of this resolution.

Nancy Haney, Executive Director of Community Development; Murray Hensley, member of the Civic Lubbock, Inc. Board of Directors; Freddy Chavez, Director of Civic Services; Pam Moon, Interim Director of Accounting; and Dan Burns, Chairman of the Civic Lubbock, Inc. Board of Directors, gave comments and answered questions from Council. Mayor Miller requested that City Manager Lee Ann Dumbauld ensure in the future that any financial statements Council reviews include both the balance sheet and the profit/loss statement, and to pass that information on to the different boards and commissions. Mr. Murray stated that the Civic Lubbock, Inc. Board of Directors will work together with the City to figure out a better way to fund all the arts in Lubbock.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0403 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Boren was away from the dais.

5.9. Plan Application Resolution - Police: Resolution No. 2006-R0404 authorizing the Mayor to execute a Texas Commission on Environmental Quality Compliance Plan Application for transfer of Police Training Academy property located at the former Reese Air Force Base.

This resolution modifies a Hazardous Waste Permit and Groundwater Compliance Plan in order for Reese to transfer ownership of property at the old Reese Air Force Base to the City of Lubbock, the Lubbock-Reese Redevelopment Authority, South Plains College, and Texas Tech University. The U.S. Air Force will be responsible for any contamination before the property transfer. The abovementioned entities will be co-owners of the Hazardous Waste Permit and Compliance Plan with respect to the transferred property and will not be responsible, by agreement with the U.S. Air Force, for any corrective action or financial assurance requirements for hazardous waste contamination existing on the property before occupation or use by new property owners or their tenants. The new property owners will not be responsible for any cleanup costs or liabilities associated with such existing contamination. The Air Force will be identified as a Co-Owner and Operator on the Permit and Groundwater Compliance Plan and will be responsible for compliance with all provisions of the Permit and Groundwater Compliance Plan.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

Council Member Boren returned to the dais.

Police Chief Claude Jones and City Attorney Anita Burgess gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2006-R0404 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.10. Environmental Quality Permit Application Resolution - Police: Resolution No. 2006-R0405 authorizing the Mayor to execute a Texas Commission on Environmental Quality Permit Application for a hazardous waste storage, processing, and disposal facility for the Lubbock Police Academy located at the former Reese Air Force Base.

This resolution authorizes the Mayor to execute a Texas Commission on Environmental Quality Permit Application for hazardous waste storage, processing, and disposal facility for the Lubbock Police Academy located at the former Reese Air Force Base.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

Police Chief Claude Jones and City Attorney Anita Burgess gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2006-R0405 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.15. Contract Resolution - Human Resources: Resolution No. 2006-R0406; Resolution No. 2006-R0407 authorizing the Mayor to execute a contract for employment physical examination and drug/alcohol screening, RFP 06-042-RW.

The City requires pre-placement drug and alcohol screening for all personnel positions. In addition, drug and alcohol screening is required for promotions and Department of Transportation random and reasonable cause testing.

The use and abuse of drugs is a significant problem currently faced by employers. Employees who use drugs are more likely to be absent, injure themselves or a co-worker, be involved in an accident off the job, file a Worker's Compensation claim, and become less productive.

The City requires drug and alcohol testing for approximately 600 applicants and employees each year and the Department of Transportation requires 150 to 200 tests each year.

Non-Civil Service and Civil Service (Firefighters and Police Officers) require pre-placement and promotional physical examinations. The purpose of the examination is to ensure that an employee's physical abilities are matched to a job that he/she is capable of performing safely without undue risk of injury to the employee or co-workers. The task of matching a person's capabilities to the appropriate job or job modifications can be a complicated task requiring special knowledge of the work place environment. Approximately 200 to 250

Non-Civil Service and approximately 100 to 150 Civil Service applicants and employees will require physicals each year.

In addition, the City conducts disability assessments on approximately 10 employees each year who are unable to perform the physical tasks of their job due to injury or illness.

The City also provides for blood borne pathogen testing for those employees who, because of their jobs, come into contact with blood or other bodily fluids and are at risk.

An evaluation committee evaluated the written responses to the RFP and scored the proposals based on qualifications and expertise (15%), staff experience (15%), intake and examination procedures (20%), amount of time spent on work related physicals (20%), ability to provide expert witness testimony (10%), references (10%), and cost (10%).

Proposals for pre-employment and promotional physicals, disability assessments and blood borne pathogens were received from the following firms:

Lubbock Occupational Health of Lubbock, TX

OCC Med Associates of Lubbock, TX

The committee recommended contract award to OCC Med Associates for Civil Service pre-employment and promotional/annual exams, disability assessments, and blood borne pathogen exams because of their certified occupational medicine doctor expertise. The committee recommended contract award to Lubbock Occupational Health for non-civil service pre-employment and promotional exams.

The committee ranked and scored the proposals for Civil Service pre-employment and promotional/annual exams, disability assessments, and blood borne pathogens as follows:

OCC Med Associates of Lubbock, TX – 89

Lubbock Occupational Health of Lubbock, TX – 84

The committee ranked and scored the proposals for non-civil service pre-employment and promotional exams as follows:

Lubbock Occupational Health of Lubbock, TX – 86

OCC Med Associates of Lubbock, TX – 83

FISCAL IMPACT

Costs are budgeted and paid from the affected cost centers based on hires and numbers of CDL drivers. The schedule of costs from each firm is provided.

Staff recommended approval of these resolutions.

Scott Snider, Director of Human Resources/Assistant City Manager, and Victor Kilman, Director of General Services, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2006-R0406 and Resolution No. 2006-R0407 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.18. Contract Resolution - Parks and Recreation: Resolution No. 2006-R0408 authorizing the Mayor to execute a contract with Hub City Pavers, Inc., for Accessibility Renovations for A.B. Davis Park, RFP 06-704-BM.

The project involves the construction of ADA accessible walks to all park facilities, installation of picnic tables and bench seating areas, and installation of a complete irrigation system in A.B. Davis Park located at 40th Street and Nashville Avenue. The upgrades at this park are in response to the second highest priority established in the Lubbock Comprehensive Parks, Recreation, and Open Space Master Plan in the Five-Year Action Plan. The Five-Year Action Plan responds to the priorities established in the Needs Assessment for the City and individual zones.

This is the third of four parks identified in the Parks 1999 ADA Transition Plan. This plan was proposed to provide accessible paths as navigable-surface access to all park amenities for disabled users. Currently, all new park projects are made individually accessible while only a few parks in the system has all of its amenities connected by a totally accessible circulation system. This project will provide substantial progress to comply with ADA requirements. Construction should be completed in six months.

Texas Local Government Code Section 252.043(d-1) provides that a contract for certain types of construction projects that require an expenditure of \$1.5 million or less may be awarded using the competitive sealed proposal procedure prescribed by Section 271.116 of the Texas Local Government Code. Using the competitive sealed proposal procedure is intended to help local governments attract contractors who otherwise may not have an interest in participating on the basis of low bid and gives the City the ability to bring the project in within budget with the contractor who offers the best value. This is compared to an ITB that limits the City to basing contract award on the lowest bid, which may be over budget requiring us either to search for additional funds or start the bid process all over.

Selection criteria used in this RFP includes relevant company information and experience 30%; personnel 30%, and cost 40%. The following general contractors submitted proposals and were evaluated and ranked in relation to the published selection criteria as follows:

- Hub City Pavers, Inc. of Lubbock, Texas proposed a project cost of \$403,059 for the base bid and alternate #2 with the time for completion of 120 days and scored 284.

Regular City Council Meeting
August 24, 2006

- Danny Klein Construction, Inc. of Lubbock, Texas proposed a project cost of \$377,600 for the base bid and alternate #2 with the time for completion of 140 days and scored 235.
- Guerrero Concrete of Lubbock, Texas proposed a project cost of \$432,000 for the base bid and alternate #2 with the time for completion of 160 days and scored 64.

The base bid for the project includes accessible walks to all facilities, removal of existing and installation of six new picnic table areas, two bench seating areas and installation of a complete irrigation system. Bid Alternate one is not being considered. Bid Alternate two includes installation of shade covers over the four picnic tables and two benches and is considered and reflected in the above pricing.

Texas Local Government Code Section 271.116(f) requires the City to select the offeror that offers the best value based on the published selection criteria and on its ranking evaluation. In determining best value, the City is not restricted to considering price alone, but may consider any other factor stated in the selection criteria. The City and its engineer or architect may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the City is unable to negotiate a contract with the selected offeror, the City must, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

In order to bring the contract amount within budget, staff discussed with the selected offeror the following scope modifications at a cost savings of \$51,559:

- ITEM NO. 1: In Specifications, Section 02200 - Site Clearing and Earthwork, and Section 02515 - Portland Cement Concrete Paving, delete density testing requirement for compacted soil.
- ITEM NO.2: In the Drawings, Sheet 3, Detail 3, in lieu of 6x6-10/10 wire mesh reinforcing, substitute (2) #3 continuous bars located 6" from each side of the walk.
- ITEM NO.3: In the Drawings, Sheet 3, Details 4, 13 and 14, delete requirement for 8" x 8" thickened edge at slab perimeter.
- ITEM NO.4: In the Drawings, Sheet 1, Site Plan, delete the concrete sidewalk extending from the south walk to the playground area, and the curving walk that connects it to the east-west running walk from the handicap parking to the playground area.
- ITEM NO.5: In the Drawings, Sheet 3, Detail 5, revise handicap parking.
- ITEM NO.6: In the Drawings, Sheet 4, Irrigation Equipment Table, Change the proposed Rainbird PES-B control valves to Hunter ICV control valves.

- ITEM NO.7: In the Drawings, Sheet 4, Irrigation Pipe Table, Change the proposed PVC Pipe from 200 P.S.I. to 160 P.S.I. rated pipe.
- ITEM NO.8: In the Specifications, Section 02811 - Landscape Irrigation, Section 03 Irrigation, Part V - Products, change the proposed Hunter rotors from a stainless riser to a plastic riser.
- ITEM NO.9: In the Specifications, Section 02811 - Landscape Irrigation, Section 03 Irrigation, Part V - Products, change the proposed 1/2" swing joints to 1/2" cut-off nipples.
- ITEM NO. 10: In the Specifications, Section 02811 - Landscape Irrigation, Section 03 - Irrigation, Part V - Products, change the proposed quick coupler valve from a two piece rubber cover to a single piece metal cover.

FISCAL IMPACT

Funding in the amount of \$372,629 was appropriated for the construction of the Accessibility Renovations at A.B. Davis Park. \$217,672 is available in Project Number 90018 (ADA Upgrade-Davis Park) with additional funds in Project Number 90006 (Park Bench/ Seating Area) \$192,388 for this purpose.

Staff recommended contract award to Hub City Pavers, Inc. of Lubbock, Texas for \$351,500.

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

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2006-R0408 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.1. This item was considered following Item 6.15.**
- 6.2. This item was considered following Item 6.1.**
- 6.3. This item was considered following Item 6.2.**
- 6.4. This item was considered following item 6.3.**
- 6.5. This item was considered following Item 6.4.**
- 6.6. This item was considered following Item 6.5.**
- 6.7. This item was considered following Item 6.6.**
- 6.8. Federal Assistance Agreement Resolution - Water Utilities: Resolution No. 2006-R0409 authorizing the Mayor to execute an agreement with United States Environmental Protection Agency for federal assistance for Lake Alan Henry Water Transmission and Treatment System preliminary engineering.**

As part of the proposed funding, staff recommended approval of a federal assistance agreement for \$198,400 to help pay for the Lake Alan Henry preliminary engineering.

City Council approved a water supply planning statement in October 2005 that included Lake Alan Henry as one of the major water supply alternatives for the City. The second major supply alternative was a second CRMWA line and the additional groundwater that would be required to complete that project. The third major supply alternative was indirect reuse. On February 16, 2006, the Lubbock Water Advisory Commission recommended that the City move forward with the preliminary engineering for Lake Alan Henry.

Staff developed a proposed scope of services and the necessary budget recommendations for the preliminary engineering to be approved by the City Council. On April 13, 2006, the Council approved \$350,000 in the water capital budget for the project. On May 11, 2006, the Council also approved an application for federal assistance to assist with the project.

The City solicited statements of qualifications in June 2006 and received responses on July 21, 2006, from four firms to complete the preliminary engineering work. By the first week of August 2006, staff was prepared to recommend a firm for the project.

A recommendation will be submitted to the Lubbock Water Advisory Commission on August 17, 2006, for the combined team of Parkhill, Smith and Cooper as the lead firm, Freese & Nichols for the transmission line and pump stations project, and Black and Veatch for water treatment project.

The project will include preliminary engineering work for the Lake Alan Henry Water Transmission and Treatment System encompassing approximately 65 miles of water transmission line, several pump stations, and a water treatment facility that will enable Lake Alan Henry water to be brought to the City and used as part of the municipal water supply. The proposed project includes the following major tasks:

- Analysis of Regional Capacity, Needs and Cooperative Opportunities.
- Water Treatment Plant and Raw Water Pump Stations Siting Analysis.
- Transmission Line Route Study.
- Conceptual Design of Lake Alan Henry Water Transmission and Treatment System.
- Preparation of a Preliminary Engineering Report.

FISCAL IMPACT

The proposed cost for the preliminary engineering for Lake Alan Henry is \$525,000. The combined total of \$350,000 from Capital Improvement Project # 91215, Lake Alan Henry Pipeline Preliminary Engineering and the \$198,400 from federal assistance provides \$548,400 that is available for the project.

The City was notified in March 2005, that funding had been approved by the EPA for water planning and that \$198,400 was set aside for this purpose. On May 11, 2006, the Council approved an application to the EPA for the use of the fund to complete the preliminary engineering for Lake Alan Henry. On

April 13, 2006, the Council approved at second reading a budget amendment to provide funding for the proposed Lake Alan Henry preliminary engineering.

The grant requires a five percent match of \$10,443. The match requirements are covered by present appropriations.

Staff will work with PSC to assist with grant reporting requirements.

A budget amendment allowing use of the \$198,400 grant is required and will be considered as a separate agenda item on this same agenda.

Staff recommended approval of this resolution.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2006-R0409 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.9. Contract Amendment Resolution - Water Utilities: Resolution No. 2006-R0410 authorizing the Mayor to execute a contract amendment with Black and Veatch Corporation for wastewater discharge analysis and modeling services for North Fork of the Double Mountain Fork of the Brazos River.

The City contracted with Black and Veatch Corporation in November 2005 for professional services to develop proposed improvements for the Southeast Water Reclamation Plant to enable the stream discharge of all wastewater and to eliminate environmental issues associated with the use, reuse and discharge of the water. As part of that effort, modeling services are necessary for the discharge of wastewater into the North Fork of the Double Mountain Fork of the Brazos River in order to meet Texas Commission on Environmental Quality discharge standards.

The City now produces about 23 million gallons per day (mgd) of wastewater daily. About 9 mgd of this flow is discharged down stream and east of Buffalo Springs and Ransom Canyon. About 5 to 6 mgd goes to for electrical power production. The balance of about 8 mgd continues to go to the Land Application sites.

Plans must be developed for the discharge of the current 8 mgd that now goes to the farm. About 5 mgd might be discharged into the North Fork adjacent to the Southeast Water Reclamation Plant with minimal pumping costs. An additional 3 mgd might replace the groundwater that is now pumped to the west end and head of the Canyon Lake system. The modeling is required to demonstrate that this discharge can take place while meeting Texas Commission on Environmental Quality regulations. The alternative would be to spend about \$30 million for a second pipeline to take the water east and down stream of Buffalo Springs and Ransom Canyon.

The modeling will help determine the amount of treated effluent that can be discharged without the need to construct additional discharge pipelines. The modeling will be required in order to obtain permits through the Texas

Commission on Environmental Quality for the discharge of additional treated wastewater effluent.

FISCAL IMPACT

The proposed professional services will cost \$86,000. Funds are available in Sewer Capital Improvement Project #8505 Waste Water Resource Master Plan. Appropriated funds total \$7,135,000.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2006-R0410 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.10. Contract Amendment Resolution - Water Utilities: Resolution No. 2006-R0411 authorizing the Mayor to execute a contract amendment with HDR Engineering, Inc. for analysis and modeling services for North Fork of the Double Mountain Fork of the Brazos River.

The City contracted with HDR Engineering, Inc. in November 2005 for professional services to analyze and model both natural and developed water flows in the North Fork of the Double Mountain Fork of the Brazos River. Since the original contract and first amendment, the City has continued to refine water right permit application efforts and to refine water supply plans related to the North Fork. The proposed contract will make the necessary changes and additions to the original contract to enable all work to be completed.

The revised contract will allow for a complete analysis and modeling of the alternatives now included in the City's planning process. The model will provide water quantity information and indicate how much water would be available for diversion at the following locations based upon natural flows and the City's discharge of developed waters:

- Lakes #7 and #8 on the Canyon Lake System.
- A scalping project or reservoir near Post, Texas.
- A scalping project near Lake Alan Henry.

As the City moves forward, a decision will need to be made on whether to keep Lakes #7 and #8 in the developed water permit applications. The results of the water quantity modeling by HDR will assist with that decision making process by identifying how much water would be available at each location after stream carriage losses and other water rights are taken into consideration.

The work will also provide information that will assist the City with negotiations with the Brazos River Authority with their systems operation permit application. The City has protested this permit and the Brazos River Authority has protested the City's developed water permit application. The objective will be to negotiate an agreement that will allow both parties to withdraw their protests.

A second part of the proposed amendment is to increase funding for assistance with the City's developed water permit. The City must respond to requests for information by the Texas Commission on Environmental Quality, and HDR is providing stream modeling information to assist with those questions.

FISCAL IMPACT

This revised scope of work increases the lump sum portion of the contract by \$41,200 from \$157,500 to \$198,700 primarily to account for the additional analyses of the North Fork Scalping operation (near Lake Alan Henry, near Post, and with Post Reservoir), and additional configurations for Lakes 7 and 8 (operated independently, jointly, and in conjunction with the scalping operation).

The additional services (Task 6) portion is proposed to increase from \$50,000 to \$100,000 for those services related to assisting the City with requests for information from the Texas Commission on Environmental Quality.

Funding is appropriated in the Sewer Capital Projects account #8505 for Waste Water Resource Master Plan in the amount of \$7,135,000.

Staff recommended approval of this resolution.

Wood Franklin, Interim Chief Engineer for Water Utilities, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2006-R0411 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.11. Contract Resolution - Water Utilities: Resolution No. 2006-R0412 authorizing the Mayor to execute a contract with Parkhill, Smith and Cooper for preliminary engineering services for Lake Alan Henry water transmission line, pump stations, water treatment facility, and related projects.

This is a professional engineering services contract involving Parkhill, Smith and Cooper as the lead firm, Freese & Nichols for the transmission line and pump stations project, and Black and Veatch for the water treatment project.

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

Parkhill, Smith, and Cooper of Lubbock, Texas in association with Freese and Nichols, Inc, High Tech, and Black & Veatch

Carter and Burgess of Dallas, Texas in association with HRA, AR Consultants, and Fugro

HDR Engineering, Inc. of Austin, Texas in association with Ecom, e-HT, K Friese & Assoc.

Lockwood Andrews and Newman, Inc. of Austin, Texas in association with Carthel Engineering, Alan Plummer, and Dr. Eileene Johnson

The project will include preliminary engineering work for the Lake Alan Henry Water Transmission and Treatment System. The project will include approximately 65 miles of water transmission line, several pump stations, and a water treatment facility that will enable Lake Alan Henry water to be brought to the City and used as part of the municipal water supply. The proposed project includes the following major tasks:

1. Analysis of Regional Capacity, Needs and Cooperative Opportunities.
2. Water Treatment Plant and Raw Water Pump Stations Siting Analysis.
3. Transmission Line Route Study.
4. Conceptual Design of Lake Alan Henry Water Transmission and Treatment System.
5. Preparation of a Preliminary Engineering Report.

FISCAL IMPACT

A total of \$350,000 was appropriated with \$350,000 available in Capital Improvement Project 91215, Lake Alan Henry Preliminary Engineering Study. An addition \$198,400 is available through EPA Grant funds for a total amount of \$548,400 available for this purpose.

Staff recommended contract award to Parkhill, Smith and Cooper Engineering for \$525,000.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2006-R0412 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.12. Contract Resolution - Silent Wings: Resolution No. 2006-R0413 authorizing the Mayor to execute a license agreement with the National World War II Glider Pilots Association, Inc. and Silent Wings Museum Foundation to film a virtual visit production of the Silent Wings Museum at the Lubbock Preston Smith International Airport.

The National World War II Glider Pilots Association, Inc. (NWWIIGPA) is interested in the production of a "virtual visit" on a DVD. DVDs and video cassettes will be available to the museum gift shop for sale to visitors as a souvenir. The association has contracted the production of the virtual visit with Chedd-Angier-Lewis (CAL) of Watertown, MA., which was involved in the original development of audio-visual parts of the Silent Wings Museum. The cost of the production is approximately \$30,000 and will be funded by the NWWIIGPA and The Silent Wings Museum Foundation Inc. (SWMF), split approximately 50:50. SWMF is a not for profit organization established to provide support to the Silent Wings Museum and is presently chaired by Catherine A. Garland, Col. USAF (ret.). The City of Lubbock will have no financial commitment or obligation in this effort. An approval to film in the Silent Wings Museum is being requested.

Filming of this project is anticipated to begin some time in September 2006 and will include footage of the interior of the museum. At the present time there is also a two hour documentary in production called "Silent Wings: The American Glider Pilots of WWII", to be aired on PBS stations in early 2007. The documentary will contain archival film footage and personal interviews, but will not involve the museum. However, it is intended to include the "virtual visit" museum DVD as an addition to the documentary DVD, provided it can be finished in time. Because of the anticipated wide distribution of the PBS product, the two organizations believe that the "virtual visit" DVD would be a great promotion piece for the city of Lubbock.

FISCAL IMPACT

There no cost to the City of Lubbock in the production of the DVD.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0413 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.13. This item was considered following Item 6.7.

6.14. Annexation Resolution - City Council: Resolution No. 2006-R0414 instructing the City Staff to initiate the proceedings to annex an approximate 175 acre area generally located south of 98th Street, east of Avenue P, west of the "Short Road" and north of the half section line of Block E, Section 11, Lubbock County.

At the direction of the City Council during the August 17, 2006 Special City Council Meeting, an area adjacent to the present boundaries of the City of Lubbock of approximately 175 acres is proposed for annexation. This area is located along both sides of 98th Street/CR 7200, east of Avenue P and the current city limits, west of the "Short Road" and north of the east-west half section line of Block E, Section 11, and includes land at all four corners of the intersection of Avenue P and 98th Street.

The proposed area of annexation has zero population and contains fewer than 100 separate tracts of land on which one or more residential dwellings are located. Consequently, the City is exempted from providing an annexation plan pursuant to Section 43.052(h)(1) of the Local Government Code.

The area is immediately adjacent to the Lubbock city limits on its west boundary, including an area annexed earlier this year for residential development. The proposed annexation takes in a continuous area of property of sufficient dimensions and configuration to allow for well-planned growth, and includes all corners of the intersection of 98th Street/CR 7200 and US 87/Tahoka Highway to enable the City to guide development at the major intersection through zoning. The annexation is needed to protect major highway intersection corners and to permit growth of the City to the southeast.

The following is the proposed calendar prepared by the Legal Department, provided City Council chooses to proceed with the annexation:

PROPOSED ANNEXATION CALENDAR

Tahoka Highway Annexation

8/24/06 - Council passes Resolution directing Planning Department to prepare a service plan and maps for the proposed annexation. Section 43.065, Local Government Code.

Not later than 9/11/06 - Give special written notice of annexation to all residents, utilities, public service entities and railroad companies of the proposed annexation 30 days prior to the date of the 1st public hearing. Section 43.062(b), Local Government Code.

9/25/06 to 10/2/06 - Publish notice of first annexation public hearing. Section 43.063(c), Local Government Code. Give special written notice to all ISD's. Section 43.095, Local Government Code. (Notices must be 10-20 days prior to hearings).

9/29/06 to 10/9/06 - Publish notice of second annexation public hearing. Section 43.063(c), Local Government Code.

10/12/06 - Council conducts first public hearing.

No later than 10/19/06 - Special Council Meeting. Council conducts second public hearing.

11/09/06 - Council passes Annexation Ordinance on first reading. Section 43.063(a), Local Government Code.

11/21/06 - Council passes Annexation Ordinance on second reading. Sec. 43.064, Local Government Code. Second reading must be within 90 days of first reading.

ASAP - Submit annexation to U.S. Department of Justice for preclearance.

FISCAL IMPACT

Sales tax to the City for January implementation would be approximately \$252,363.

Sales tax to LEDA for January implementation would be approximately \$22,942.

Property tax would be \$0 in FY 2006-07 and approximately \$33,048 for FY 2007-08.

Staff recommended approval of this resolution.

Council Member DeLeon clarified, for the record and the public, that this annexation does not mean alcohol sales will be allowed throughout the city. That process would have to go through an election called by Lubbock County.

Mayor Miller echoed what Council Member DeLeon stated by saying that this annexation does not permit an expansion of alcohol sales throughout the city

of Lubbock. It simply allows taxes to be levied, both property and sales tax, on the existing establishments within this annexed zone.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass Resolution No. 2006-R0414 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member Price voted Nay.

- 6.15. Board Appointments - City Secretary: Consider two appointments to Health/Education Facilities Board of Directors; consider three appointments to MHMR Board of Trustees; consider three appointments to Permit & License Appeal Board; consider one appointment to Urban Design/Historic Preservation Commission; consider one appointment to Zoning Board of Adjustment; consider four appointments to Airport Board; consider two appointments to Appointments Advisory Board; consider three appointments to Lubbock Economic Development Alliance; consider three appointments to Market Lubbock, Inc.; consider one appointment to Citizen Advisory Committee.**

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to reappoint Joe Mayes and Thomas Tenner to the Health/Education Facilities Board of Directors. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to reappoint Robert Kazee, Harvey Morton, and Brian Shannon to the MHMR Board of Trustees. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to reappoint Linda Ewing, and Russ Liner, and appoint Bobby Drum to the Permit & License Appeal Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to appoint Dan Dyal to the Urban Design/Historic Preservation Commission. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to appoint Kevin Bass to the Zoning Board of Adjustment. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to reappoint John Bowen, E.C. Leslie, and Frank Treadway, and appoint Bill Tarbox to the Airport Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to reappoint Tavita Dorrow and appoint R.J. Givens to the Appointments Advisory Board. Motion carried: 7 Ayes, 0 Nays.

Note: This item was reconsidered after Item 4.1, and Eddy Everline was appointed instead of R.J. Givens.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to reappoint Van May, Velma Medina, and Jon Whitmore to the Lubbock Economic Development Alliance, Inc. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to reappoint Van May, Velma Medina, and Tony Whitehead to the Market Lubbock, Inc. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to appoint Vicki Nixon to the Citizen Advisory Committee. Motion carried: 7 Ayes, 0 Nays.

9:22 A.M. CITY COUNCIL RECESSED

9:37 A.M. CITY COUNCIL RECONVENED

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Jim Arnold.

3.2. Pledge of Allegiance to the Flags.

Jackson Arnold will lead the United States Pledge.

Pledge of Allegiance to the United States flag was given by Jackson Arnold, and by those in the City Council Chambers to the Texas flag.

3.3. Recognize David Harmon with a Special Recognition for being named Trinity Junior High School Student of the Year 2005-06.

Mayor Miller presented special recognition to David Harmon for being named Trinity Junior High School Student of the Year 2005-06. Joining David were his parents, David and Rachel Harmon, and his grandparents, Mr. and Mrs. A.C. Castillo.

3.4. Presentation and thank you by Lubbock Area United Way Campaign Chairman Michael Shonrock and President Glenn Cochran for 2006 campaign.

Mayor Pro Tem Gilbreath introduced Lubbock Area United Way Campaign Chairman Michael Shonrock and Chairman of the Board Regina Johnston, who then gave comments on the United Way and the contributions that United Way makes to the Lubbock area. Those present in Council Chambers then watched a video presentation titled "Giving People Hope".

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, July 25, 2006; Special City Council Meeting, July 31, 2006

Motion was made by Council Member Jones, seconded by Council Member DeLeon to approve the minutes of the Regular City Council Meeting of July 25, 2006 and the Special City Council Meeting of July 31, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

At this time, motion was made by Council Member Price, seconded by Council Member Boren to reconsider Item 6.15. Motion carried: 7 Ayes, 0 Nays.

Motion was then made by Council Member Price, seconded by Council Member Boren to change one of the appointments to the Appointments Advisory Board from R.J. Givens to Eddie Everline. Motion carried: 7 Ayes, 0 Nays.

At this time, Council Member DeLeon recognized Zach, who is the cameraman for Fox 34 News, thanking him for his hard work.

9:57 A.M. CITY COUNCIL RECESSED

10:03 A.M. CITY COUNCIL RECONVENED

6.1. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0089 Zone Case No. 1459-B (1802 Parkway Drive) Hold a public hearing to consider request of North and East Lubbock Community Development Corporation for a zoning change from C-3 with conditions to C-2 on 4.73 acres of unplatted land out of Block A, Section 2.

Mayor Miller opened the public hearing at 10:04 a. m. No one appeared on behalf of North and East Lubbock Community Development Corporation. No one appeared in opposition. Mayor Miller closed the hearing at 10:07 a. m.

The parcel located on Parkway Drive west of the Patterson Library.

Adjacent land uses:

- N – Parkway Drive
- S – apartments
- E – Patterson Library
- W – commercial

The North and East Community Development Corporation is seeking C-2 zoning for development of a shopping center or an office complex. The current C-3 zoning has a setback requirement “from the old days” that is unnecessary and would interfere with good design for the parcel. The proposed C-2 would give the Corporation a good potential tenant mix, and the change would not impact negatively any adjacent property.

The proposal represents a minor change in the current Comprehensive Plan, although the parcel was already zoned C-3 from a time before the City acquired the parcel. When the parcel was acquired for the library, during the last draft of the Plan the designation was left as residential. The tract was obviously never expected to become residential based on the previous zoning. As noted, the entire parcel was acquired when the library was built, and the portion requested for rezoning has been “surplus” since.

The impact on the thoroughfare system will be minimal as Parkway Drive is already developed as a major thoroughfare.

The Planning Commission recommended approval of the project as C-2 with part of the motion to approve that the request does include a minor change to the Comprehensive Land Use Plan.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Price, seconded by Council Member Boren to pass on first reading Ordinance No. 2006-O0089 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.2. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0090 Zone Case No. 3065 (6914 82nd Street) Hold a public hearing to consider request of Coldwell Banker Commercial (for Forty Five Holdings Ltd.) for a zoning change from T to C-2 on 2.10 acres of unplatted land out of Block AK, Section 30.

Mayor Miller opened the public hearing at 10:04 a. m. No one appeared on behalf of Forty Five Holdings Ltd. No one appeared in opposition. Mayor Miller closed the hearing at 10:07 a. m.

The request will allow commercial development on a parcel annexed in 2000.

Adjacent land uses:

N – residential

S – church

E – commercial, developed prior to annexation

W – vacant

The request is consistent with the Comprehensive Plan Amendment adopted for the area subsequent to annexation in 2000. This particular stretch of 82nd Street was designated as commercial since strip commercial was prevalent along most of the developed portions of 82nd Street west of Frankford Avenue.

Commercial zone cases have been approved both to the east and west of this parcel. C-2 will provide a comfortable level of commercial for the area, particularly since residential exists immediately to the north. The Code will require a screening fence for any project on the parcel.

The project will have little additional impact on the thoroughfare system since 82nd Street is in place as a seven lane street. A recommended condition below will also benefit or lessen traffic congestion on 82nd Street.

The Planning Commission recommended approval of the request as C-2 with the following condition:

1. The entire parcel shall be limited to one curb cut on 82nd Street. The project will have access from Primrose. If subdivided, a cross access easement should be in place prior to issuance of a construction permit.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation by the Planning Commission.

Motion was made by Council Member Price, seconded by Council Member Boren to pass on first reading Ordinance No. 2006-O0090 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.3. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0091 Zone Case No. 1588-B (east of Avenue X and north of Mac Davis Lane) Hold a public hearing to consider request of McCanton Woods Ltd. for a zoning change from R-2, A-2, and IHC to CB-3 Specific Use for a hotel on Tracts 7 and 9, Overton Park Addition.

Mayor Miller opened the public hearing at 10:04 a. m. No one appeared on behalf of McCanton Woods Ltd. No one appeared in opposition. Mayor Miller closed the hearing at 10:07 a. m.

The continuing redevelopment of the Overton North Addition includes this major proposed addition of a hotel. The City will be involved in a side project that will provide a meeting facility that will operate in conjunction with the hotel. The hotel is also on track to become a hands-on participant in the RHIM Program at Texas Tech University.

Adjacent land uses:

- N – commercial
- S – vacant, will be multi-family
- E – multi-family
- W – proposed commercial

The project is consistent with the amendment to the Comprehensive Land Use Plan adopted for the redevelopment. The project is also consistent with zoning policy for the area.

As exciting as the project is, it is fairly routine from the zoning perspective that is being pursued as the area redevelops - the concept of “new urbanism”. The building is pulled forward toward the street with most parking in the back. The facility does have a drive through front check-in area illustrated on the site plan.

As all the projects in the area, the facility will have an impact on the immediate area traffic, but should have no significant impact on the overall thoroughfare system. The concept of new urbanism is walkability, and the injection of vehicles into that formula will cause this vicinity of town to always be congested but it is no change from the former subdivision in that aspect because of being adjacent to Texas Tech.

The Planning Commission recommended the request with the following conditions:

1. Tied to the building elevation with some minor modifications that are being required by the developer for greater compatibility with materials used on the Tech Campus.
2. Tied to the proposed site plan.
3. Any parking immediately adjacent to any street shall have the screening fence described in the Overton Park Right of Way Development Guidelines.
4. The developer and motel owner will work with the City on a developer agreement regarding the upgrade of improvement within the adjacent public right of way.

Subsequent discussion with the developer and staff, after the Commission meeting, indicates the need for the Council to consider an additional condition to meet the occasional objective of the convention center or hotel to host events in the outside area on the west side of the building. If approved, please consider adding Condition #5:

5. The hotel and/or city meeting facility may host open air events within the patio area adjacent to Avenue X for periods to not last more than two days. Such functions will be in conjunction with events occurring at the meeting facility or hotel.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

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

Motion was made by Council Member Price, seconded by Council Member Boren to pass on first reading Ordinance No. 2006-O0091 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0092 Zone Case No. 3066 (901 University) Hold a public hearing to consider request of McCanton Woods Ltd. for a zoning change from C-4 and R-3 to CB-3 Specific Use for fast food restaurants on Tract 1-B1, Overton Park Addition.

Mayor Miller opened the public hearing at 10:04 a. m. No one appeared on behalf of McCanton Woods Ltd. No one appeared in opposition. Mayor Miller closed the hearing at 10:07. m.

Continuing the redevelopment of Overton, this block will be divided among three tenants – all three are on this agenda for zoning approval that will meet the needs of the applicant and further the concept of “new urbanism” that is the target of the efforts in the Overton Park redevelopment. These two restaurants are somewhat more traditional in looks as fast food establishments

than some of the other buildings in the area, but have agreed to exterior materials and moving toward the street as much as possible.

Adjacent land uses:

N – commercial

S – commercial

E – proposed hotel

W – Texas Tech University

The proposal is consistent with the Comprehensive Land Use Plan amendment for this area and with zoning policies. There should be no unexpected impact on the thoroughfare greater than expected. The applicant has agreed to have a shared curb return on University for both parcels (where the former alley was located), a concept that was adopted as a part of the Comprehensive Plan amendment – to limit the number of curb returns on University while redeveloping the area. Another excellent concession the applicant has agreed is illustrated on the site plan, and that is the relocation of the drive access on 9th and 10th to the back of the lots, a function that will diminish congestion at the intersection of the two streets with University.

The Planning Commission recommended the request with the following conditions:

1. Tied to the proposed site plan and building elevation for the Cane's restaurant. The building elevation notes brick, clay tile roofing, stucco and brick to match existing development (Texas Tech).
2. For the north pad, unless a site plan and elevation are available for City Council review and approval by the first or second reading date, the applicant shall present both a site plan and building elevation for review by the Planning Commission as "other business" prior to issuance of a construction permit.
3. Any parking immediately adjacent to any street shall have the screening fence described in the Overton Park Right of Way Development Guidelines, for the portions of 9th Street, 10th Street and University noted on the site plan.
4. The developer(s) will work with the City on a developer agreement regarding the upgrade of improvement within the adjacent public right of way in a manner consistent with the Overton Park Right of Way Guidelines.

FISCAL IMPACT

No fiscal impact.

The staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Price, seconded by Council Member Boren to pass on first reading Ordinance No. 2006-00092 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.5. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0093 Zone case No. 3067 (south of 9th Street and west of Avenue X) Hold a public hearing to consider request of McCanton Woods Ltd. for a zoning change from R-3 to CB-3 Specific Use for hotel/condominium on Tract 1-B2, Overton Park Addition.

Mayor Miller opened the public hearing at 10:04 a. m. No one appeared on behalf of McCanton Woods Ltd. No one appeared in opposition. Mayor Miller closed the hearing at 10:07 a. m.

The applicant is requesting zoning that will provide for a hotel, operated in a unique manner in that each unit is a condominium an owned by a person who will have the right to stay in the room whenever they choose. The concept is geared to persons living outside Lubbock who enjoy events in Lubbock and at the University that may want a “home away from home”, but also have the ability to recoup some of their investment by rental from the “hotel” management when they choose to not be in residence.

Adjacent land use:

- N – commercial
- S – multi-family and commercial
- E – multi-family
- W – commercial

The project is in concert with the amended Comprehensive Land Use Plan and zoning policies. For this project, the architectural firm that produces both site plans and building elevations is behind and has not completely finished the project design. As a means to accelerate the timetable, the staff agreed to process the zone case with a split alternative for final review of the plans. The proposed conditions cover all the bases in lieu of having the plans actually before the Planning Commission.

The project will not create any impact on the thoroughfare system not already anticipated for the area. The building and site plan that are under development will meet the objectives of the “new urbanism” concept, the owner of the property is coordinating that process as well as the protections noted below.

The Planning Commission recommended the request with the following conditions:

1. Any parking immediately adjacent to any street shall have the screening fence described in the Overton Park Right-of-Way Development Guidelines.
2. The developer(s) will work with the City on a developer agreement regarding the upgrade of improvement within the adjacent public right of way in a manner consistent with the Overton Park Right of Way Guidelines.
3. Regarding a site plan and building elevation, the developer shall have two choices:

- a. Should the site plan and elevation be available at the time of the first or second reading of the ordinance, such materials may be attached to the zone case as requirements by the City Council.
- b. Should the site plan and elevation not be available prior to the first or second reading of the ordinance, the applicant or subsequent developer shall have a site plan approval for the project by the Planning Commission as “other business” prior to issuance of a construction permit. The plan and elevation shall incorporate the concepts envisioned within the Overton Park Right of Way Guidelines as well as the private guidelines created by the developer for on-site improvements.

FISCAL IMPACT

No fiscal impact.

The staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Price, seconded by Council Member Boren to pass on first reading Ordinance No. 2006-O0093 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.6. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0094 Zone Case No. 2343-B (1901 E. Broadway) Hold a public hearing to consider request of Loy McGee for a zoning change from C-4 to M-1 limited to truck parts manufacturing with no outside storage and all unconditionally permitted C-4 use on the south half of Block 8, East Side Addition.

Mayor Miller opened the public hearing at 10:04 a. m. No one appeared on behalf of Loy McGee. No one appeared in opposition. Mayor Miller closed the hearing at 10:07 a. m.

The applicant has operated a truck tank parts manufacturing business on the property to the north for many years. That property north of the alley north of Broadway is zoned M-1. Since the proposed use (manufacturing of any nature) is not permitted in the strip of C-4 that exists along East Broadway, Mr. McGee is requesting a change for the frontage on East Broadway to M-1 with several conditions that will allow his business expansion in a manner that will remain compatible with the surrounding C-4.

The City Council and North and East Commission have a heavy emphasis on retention and expansion of business locations in this vicinity, and Mr. McGee and his family are attempting to follow that lead. Adjacent and use in all directions is either heavy commercial or manufacturing. The request, as limited by the proposed conditions, is compatible with the Comprehensive Land Use Plan and zoning policy.

The project will have no impact on the thoroughfare system.

The staff is in support of the request as outlined in the letter from M.A.N.M. of Lubbock dated July 17, 2006, that the use on the property shall be limited to C-4 and one M-1 use, trailer/tank manufacturing.

The Planning Commission recommended the request with the following conditions:

1. All manufacturing shall be within an existing or new structure.
2. No outside stack or storage of materials shall be allowed.
3. Display and sales of finished tankers/trucks shall be permitted as a C-4 use.
4. Permitted uses shall be trailer/tank repair and manufacturing and all permitted C-4 uses.

FISCAL IMPACT

No fiscal impact is anticipated.

The staff supports the recommendation of the Planning Commission.

Motion was made by Council Member Price, seconded by Council Member Boren to pass on first reading Ordinance No. 2006-O0094 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.7. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2006-O0095 Zone Case No. 2460-O (located east of Quaker and north of 78th Street) Appeal of denial by the Planning Commission for a request by Terry Williams (H.I.S. Development). The requested change is from C-3 Specific Use to C-2 Specific Use (for reduced setback from 78th Street). C-4 Specific Use for a mini-warehouse project.

Mayor Miller opened the public hearing at 10:08 a. m. Terry Williams, Terry Taylor, Steve Sever, Kia Hill, and Amy Sever appeared on behalf of H.I.S. Development. Chris Bell (Vice-President of Kings Park Neighborhood Association), Bill Noble, Jean Sloan, Bonnie Aycock, Steve Gary, and Tom Williams appeared in opposition. Mayor Miller closed the hearing at 11:15 a. m.

First, several points of background should be reviewed that may either enlighten or cloud the comments presented by the adjacent property owners:

- To the knowledge of the Director of Planning, the contention that any City personnel have been involved in any discussion that the owner of the property could not build anything on the land is erroneous. There is no doubt that City personnel over the years may have been involved in meetings with public or private individuals and indicated that it may not be advisable.
- The Planning Staff is aware of several of the adjacent residential property owners that were not made aware of the landfill location when they purchased their property. The responsibility normally rests with the real

estate agents and title companies involved in the land transaction. Calls to the City Planning Department have always been answered in the affirmative that there was a capped landfill at the location.

- The pit that was in place in the 1950's outside the City limits was probably mined for caliche for street projects in the vicinity.
- Lubbock residents placed garbage and refuse in the pit for years while it was outside the city limits.
- The property was annexed in 1958.
- The municipal contract to fill the pit was completed in approximately 1969 and capped by 1970.
- The land was never owned by the City of Lubbock, the placement of the garbage in the pit was by contract.
- The method used at this pit was repeated at a number of sites in Lubbock. Mae Simmons Park and community center area was formerly a landfill. Whether any of the other landfill sites in Lubbock are developed is not known.
- In about 1997, the City of Lubbock "stepped up to the plate" to insure protection of adjacent residents when the presence of methane and other gases was detected in basements and bedrooms adjacent to the landfill. The Lubbock Fire Department coordinated a campaign of awareness. They also installed and continue to monitor sensors for several gasses in the basements. Since the mitigation efforts noted in the next bullet, the Planning Department is not aware of any alarms that have been set off due to migration of gas from the landfill.
- The City of Lubbock has contracted two projects to avoid contamination of adjacent property by gases from the landfill. The first was a ditch along the west, north and east sides that is filled with gravel. If gas does migrate in those directions it is vented by the porous ditch line. Second, a spider web of collection lines is connected to a pump located in the small building on the south edge of the parcel. The pump creates a negative pressure on the landfill and pumps the gases to the flare that is located with the fenced area. The City is in the process of issuing a contract to repair some of the facility, that project is on hold pending discussion of this zone case.
- A city staff member verified with the TECQ that Chapter 330, Subchapter T – rules of the State of Texas TECQ – MUST be complied for this project.
- The City does not have the personnel nor expertise to deal with the extent of many of the questions expressed by the adjacent landowners, the TECQ has those mechanisms in place should the zone case be approved.

- Lastly, the manner in which the City of Lubbock is on the property for the mitigation project is not known to the Planning Department. If the project is recommended by the Council, that detail should be answered.

The applicant is requesting that a parcel of land north of 78th Street and east of Quaker Avenue be zoned for C-2 along the frontage of 78th and to allow a mini-warehouse project behind that commercial development. The mini warehouse would have an entrance from 78th Street.

Adjacent land uses:

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

The Comprehensive Land Use Plan illustrates the parcel as “open space” simply because of the lack of knowledge as to indicate how the property would eventually be used. The background for zone cases on the parcel includes:

1. 1958 to approximately 1985 – the property was zoned R-1, single family, since all annexed land was automatically zoned R-1 when incorporated into the City.
2. Approximately 1985, the property was zoned as the site of a major regional mall that would compete with South Plains Mall. When the South Plains Mall won the contest for the two new anchors (Bealls and Mervyns, the company from Midland eventually went into bankruptcy and the project died. The site of the landfill was located within the parking lot of the proposed mall.
3. A local developer acquired the property and rezoned a majority back to single family and platted the existing subdivisions. The former landfill site was intentionally not developed because of the expense and possible environmental issues associated with it.
4. A pitch and putt golf course that failed was zoned on the property several years ago. The zone case was supported with reservation by the neighbors since it substantially retained the open space look. The major concession for the former operator was that the course would not be lit and night time golf would not be permitted.

A zone change request is supposed to be based on the compatibility of the proposed land use with the adjacent property owners. If the opposition to this request is simply that the adjacent owners have taken “visual ownership” of the parcel, that is not the basis for denial. If the actual use of the land being proposed is not compatible with the adjacent uses, the request should be denied. There seems to be a lack of agreement between immediate neighbors regarding the mini warehouse project. During the hearing, the applicant offered a ten foot brick wall on the north and east, which would also serve as the back wall of the lockers. Several successful mini-warehouse projects in

town back up to single family, most notably four – one at 82nd and Utica, one at 82nd and Indiana, one at 4th and Frankford and one at 82nd east of University. After the commotion of those cases settled, there have been no complaints, to the knowledge of the staff, regarding the projects. With the screening wall proposed as a condition the impact on adjacent property will be at least reduced.

Several neighbors adjacent to this parcel have made their opposition clear with regard to not only the incompatibility of the use, and a greater number have expressed the uncertainties with regard to the impact of the project caused by the presence of the landfill.

The Planning Commission focused on the land use compatibility and denied the case.

The project would have little or no impact on the thoroughfare system.

With denial by the Commission, the applicant needs six affirmative votes by the Council to overturn.

If Council considers approval, please consider the following conditions:

Use section 24-24 (c) (24) for the C-2 portion with the following condition.

1. Tied to the site plan area with the ability to move north a reasonable distance.

Use Section 29-24 (c) (25) for the mini project with the following conditions:

1. The C-4 Specific Use area will be limited to mini-warehouse development. Plan subject to rearrangement of the interior buildings.
2. The area comprising the former landfill will comply with the Texas Council on Environmental Quality (TECQ) rules as adopted March 27, 2006, as noted in a May 22 letter to Mr. Williams from Dan Dennison, City of Lubbock Environmental Coordinator. Mr. Williams will provide a copy of the letter from TECQ approving the development prior to issuance of a construction permit on the mini-warehouse project
3. The owner of the property that is located over the former landfill will continue to work with the City of Lubbock remediation project.
4. That a nine-foot perimeter fence on the north and east of the project shall be constructed of a masonry product (brick, split face block, or masonry piers with stamped concrete inserts. The fence may serve as the back wall of the mini-warehouse units.
5. The only required landscape elements on the entire property will be the standard of 5% of the lots on the C-2 Specific Use portion, and an area at the entryway to the mini-warehouse project.
6. A fifteen foot setback for the buildings on 78th Street shall be allowed, no parking shall occur on that 15 foot portion between the building and front property line.

7. The guidelines for allowed and prohibited activities within mini-warehouse projects, although already in the Code, will be monitored for compliance.

FISCAL IMPACT

No fiscal impact.

Without a substantial change of facts during a presentation by the applicant, who was not present at the Commission meeting and has not publicly presented a large amount of technical information that he indicates he has, the staff supports the denial of the Planning Commission.

Holly Holder, Firm Principal with Parkhill, Smith & Cooper, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to uphold the Planning and Zoning Commission denial. Motion carried: 6 Ayes, 0 Nays.

Mayor Miller abstained from voting on this item because he resides in the area of discussion.

6.13. Contract Resolution - Solid Waste: Resolution No. 2006-R0415 authorizing the Mayor to execute a contract with SCS Field Services for gas extraction system pipeline improvements, RFP 06-706-BM.

This contract involves two capital improvement projects that require similar expertise and equipment to complete each project. Both projects involve the replacement and improvement of existing gas extraction systems. The 78th Street and Quaker Avenue Project, CIP #241-91136, involves replacement of the existing gas pipeline. The Realignment of Gas Pipeline at #69 Project, CIP #241-8517, involves the replacement of gas pipeline well heads to improve the existing system. This construction contract will improve efficiency of both systems and reduce the amount of labor used to maintain these systems.

Texas Local Government Code Section 252.043(d-1) provides that a contract for certain types of construction projects that require an expenditure of \$1.5 million or less may be awarded using the competitive sealed proposal procedure prescribed by Section 271.116 of the Texas Local Government Code. Using the competitive sealed proposal procedure is intended to help local governments attract contractors who otherwise may not have an interest in participating on the basis of low bid and gives us the ability to bring the project in within budget with the contractor who offers the best value. This is compared to an ITB that limits us to basing contract award on the lowest bid, which may be over budget requiring us either to search for additional funds or start the bid process all over.

Selection criteria used in this RFP includes price 75%; construction time 10%, resume and references of proposed job superintendent 5%, list of potential items that could reduce the cost of work and result in same end product 3%, insurance claims and litigation during last three years 2%, list of

subcontractors 2%, and contracting phasing options which may shorten construction time without increasing proposed contract amount 3%. The following general contractors submitted proposals and were evaluated and ranked in relation to the published selection criteria as follows:

SCS Field Services of Reston, Virginia proposed a project cost of \$540,645 with time for completion of 60 calendar days and scored 455 points.

Shaw Environmental, Inc. of Baton Rouge, Louisiana proposed a project cost of \$529,978 with a time for completion of 195 calendar days and scored 445 points.

L. Howard Construction, Inc. of Abernathy, Texas proposed a project cost of \$551,891 with time for completion of 180 calendar days and scored 420 points.

Deerwood Construction, Inc. of Lubbock, Texas proposed a project cost of \$657,915 with a time for completion of 172 calendar days and scored 352 points.

A-1 American Fence, Inc. of Orange, Texas proposed a project cost of \$673,025 with a time for completion of 195 calendar days and scored 328 points.

Texas Local Government Code Section 271.116(f) requires the City to select the offeror that offers the best value based on the published selection criteria and on its ranking evaluation. In determining best value, the City is not restricted to considering price alone, but may consider any other factor stated in the selection criteria. The City and its engineer or architect may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the City is unable to negotiate a contract with the selected offeror, the City must, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

The proposal from SCS Field Services included a list of potential cost reductions and recommended changes. One item proposes to utilize field fabricated well bore seals in lieu of the specified factory fabricated seals at a cost savings of \$12,168. Parkhill, Smith & Cooper has determined that the alternative well bore seal is acceptable and recommended the modification.

FISCAL IMPACT

\$250,000 was budgeted in Capital Improvement Project 91136, 78th Street and Quaker Avenue and \$668,400 was budgeted in Capital Improvement Project 8517, Realignment of Gas Pipelines for this project.

Staff recommended contract award to SCS Field Services of Reston, Virginia for \$528,477.

Regular City Council Meeting
August 24, 2006

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0415 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Mayor Miller abstained from voting because he resides in this neighborhood.

7. WORK SESSION

7.1. Hotel Motel Tax Allocation

This item was deleted.

7.2. Role of Broker of Record in Health Benefits RFP Process

This item was deleted.

11:25 A.M. COUNCIL ADJOURNED

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