

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
September 13, 2006
7:30 A. M.

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

7:30 A.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present: Mayor David A. Miller, Mayor Pro Tem Jim Gilbreath, Council Member Gary O. Boren, Council Member Linda DeLeon, Council Member Phyllis Jones, Council Member John Leonard, Council Member Floyd Price

Absent: No one

1. CITIZEN COMMENTS

Citizens who presented comments to Council concerning the Fiscal Year 2006-07 budget and proposed tax increase were Ronnie Sowell, Donnie Davidson, Rusty Arp, Brandon Price, Scott Scarborough, Edward George, Leon Williams, Nick Wilson, Eddie Kirkpatrick, Jay Watson, Todd Jordan, Bill Bates, Wayne Holder, Ray E. Buffington, Pete Cushman, Carroll Garner, Jim Burns, and Leann Lamb-Vines.

Tommy Boyd, representing TNT Fireworks at 114th Street and Tahoka Highway, addressed Council regarding annexation of property along Indiana Avenue out to FM 1585. This annexation took in part of Mr. Boyd's property. He is requesting Council to consider the "grandfathering" of the properties that are annexed until their two-year contract is up.

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."

8:46 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room

All council members were present.

- 2.1. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Cable Franchise - NTS, Finance, Gas Utility - Atmos, Solid Waste, Stormwater, Water Utilities).**
- 2.2. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Visitors Center, 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, Municipal Court) and take appropriate action.**
- 2.4. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 2.4.1 **to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
 - 2.4.2 **to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**
 - 2.4.3 **to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

**9:50 A.M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers**

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

Absent: No one

Mayor Miller reconvened the meeting at 9:50 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1. **Invocation by Dr. Steve McMeans, Senior Pastor, Indiana Avenue Baptist Church**
- 3.2. **Pledge of Allegiance to the Flags.**

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

3.3. Proclamation designating Sunday, September 17, 2006, as a day of prayer and thanksgiving for the recent rains across West Texas.

Mayor Miller read a proclamation to designate Sunday, September 17, 2006, as a day of prayer and thanksgiving for the bountiful rains across West Texas. Those in Council Chambers viewed a presentation put together by a local church on the national publicity we received for our Day of Prayer for rain.

3.4. This item was considered following Item 3.6.

3.5. Special recognition for Up and Coming Scholars for their work and contributions to the Lubbock community.

Mayor Miller presented a special recognition to “Cowboy” Fred Ortiz and the Up and Coming Scholars, a community organization, for their work and contributions to the Lubbock community. The Up and Coming Scholars were selected as one of only twenty youth groups in the nation to develop an outreach program for teen victims of crime. This group of young leaders has received numerous accolades, including the Award for Program Excellence by Prevent Child Abuse, Texas, as well as being selected as one of ten youth groups in the nation to be named a Mentor Program.

3.6. Permit & License Appeal Board:

Bobby Drum (unable to attend)

Urban Design/Historic Preservation Commission:

Dr. Don Dyal

Zoning Board of Adjustment:

Kevin Bass

Airport Board:

Bill Tarbox

Appointments Advisory Board:

Eddie Everline (unable to attend)

Centennial Committee:

Paul R. Beane

Randy Christian

Mark Flenniken

Linda Gaither - Chairman

R.J. Givens

Marie Hanza

Sandy Henry

Lonnie Hollingsworth (unable to attend)

Peter Laverty

Alice Lozada

Beverly McBeath (unable to attend)

Dr. Monte Monroe

Katie Parks
Dr. Idris Traylor
Morris Wilkes (unable to attend)

Citizen Advisory Committee 2007 Bond Election:

Kevin Atkins (unable to attend)
Tracy Bacon (unable to attend)
Jerry Bell
Tina Betts
Zach Brady
Annette Castellano-Chavez
Jimmy Castillo
Andy Cates (unable to attend)
Dana Craig (unable to attend)
Paul Dannevik
Paul Frazier (unable to attend)
Don Graf (unable to attend)
Linda Greenstreet (unable to attend)
Ysidro Gutierrez
Les Hatch
Dr. Peter Ho (unable to attend)
Dean Walt Huffman
Laura James
Dr. Greg Johnson (unable to attend)
Rev. Jackie Johnson (unable to attend)
Regina Johnston (unable to attend)
Steve Locke
George Love
Veronica Lujan
Bill Miller – Co-Chair
Chris Moore (unable to attend)
Carla Moran
Vicki Nixon – Co-Chair (unable to attend)
Burle Pettit
Rudy Rosales (unable to attend)
Donya Snead
Paul Stell (unable to attend)
Mike Stevens (unable to attend)
David Wilkerson (unable to attend)
Becky Yates (unable to attend)

3.4. Presentation of a special recognition to recognize Hispanic Heritage Month.

Council Member DeLeon presented a special recognition in honor of Hispanic Heritage Month. She invited Hispanic citizens from the Lubbock community to join her during this recognition. In 1968, President Johnson began the tradition of recognizing the many cultural influences made by Hispanic

Americans by declaring Hispanic Heritage Week. In 1988, this observance was expanded to a month long celebration to honor our nation's Hispanic heritage. Americans of Hispanic descent are astronauts, athletes, doctors, teachers, lawyers, scientists, City Council members, City Secretaries, and business people. The hard work and determination of Hispanics continue to inspire all who dream of a better life for themselves and their families. During National Hispanic Heritage Month, Ms. DeLeon asked Lubbock citizens to join millions across the nation in recognizing the proud history and rich culture of Hispanic Americans, to honor their history, to honor their diversity, to honor their cultural influences they have made to this great country. Those joining Council Member DeLeon were Lala Cavazos, Esther Sepeda, Robert Narvaiz, Henry Martinez, Carmen Vige, Alex Martinez, Amberly Gomez, Pete Garza, Jose Luis Trevino, County Commissioner Ysidro Gutierrez, Olga Aguerro, Maria Resendiz, Annette Chavez, Veronica Lujan, Irma Alvarado, Alice Lozada, Marilanda Cristan, and Christy Martinez-Garcia. Mr. Narvaiz, Ms. Sepeda, and Ms. Martinez-Garcia gave comments.

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, August 10, 2006; Special City Council Meeting, August 15, 2006; Special City Council Meeting, August 17, 2006

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to approve the minutes of the Regular City Council Meeting, August 10, 2006; Special City Council Meeting, August 15, 2006; and Special City Council Meeting, August 17, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

Items 5.1 – 5.31 were considered following Item 6.3.

6. REGULAR AGENDA

6.3. Annexation Resolution - Planning: Resolution No. 2006-R0417 giving written consent to the proposed annexation by the City of Shallowater of 21.04 acres within the City of Lubbock's extraterritorial jurisdiction (ETJ).

The City of Shallowater has received a request for annexation from the owner of a 21.04 acre tract of land adjacent to the east Shallowater city limits. The land falls within the City of Lubbock's extraterritorial jurisdiction (ETJ). Any city considering annexation that reduces another city's ETJ is required by state law to receive written consent from the municipality whose ETJ will be reduced before initiating such annexation (Section 42.023, Texas Local Government Code). A letter is provided from Nathan Ziegler, City Attorney for Shallowater, requesting that the Lubbock City Council grant the City of Shallowater permission to annex this tract.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2006-R0417 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

10:25 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

1:20 P. M. CITY COUNCIL RECONVENED

5. CONSENT AGENDA (Items 5.1-5.6, 5.8, 5.14-5.17, 5.19-5.21, 5.23-5.30)

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to approve Items 5.1-5.6, 5.8, 5.14-5.17, 5.19-5.21, 5.23-5.30 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1. Zone Case No. 1459-B (1802 Parkway Drive) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0089 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, and to consider ordinance.

This parcel is 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 Lubbock 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 that is unnecessary and would interfere with good design for the parcel. The proposed C-2 could give the Corporation a good potential tenant mix and the change should 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 should be minimal since Parkway Drive is already developed as a major thoroughfare.

The Planning Commission recommended approval of the project as C-2. The motion also includes a minor change to the Comprehensive Land Use Plan.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

- 5.2. Zone Case No. 3065 (6914 82nd Street) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0090 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, and to consider ordinance.**

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:

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.

5.3. Zone Case No. 1588-B (east of Avenue X and north of Mac Davis Lane) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0091 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, and to consider ordinance.

The continuing redevelopment of the Overton North Addition includes the addition of a hotel. The City will be involved in a side project that will include 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 Restaurant, Hotel, and Institutional Management 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.

The concept of "new urbanism" is fairly routine from the zoning perspective that is being pursued as the area redevelops. 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 inclusion 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 Texas 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 the following condition:

The hotel and/or city meeting facility may host open air events within the patio area adjacent to Avenue X for periods not to exceed 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.

5.4. Zone Case No. 3066 (901 University) Ordinance 2nd Reading - Planning: Ordinance No. 2006-00092 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..

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 more traditional in looks as fast food establishments than some of the other buildings in the area, but have agreed to exterior materials consistent with the redevelopment of the area and moving the structures 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. 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. The applicant has agreed to the relocation of the drive access on 9th Street and 10th Street to the back of the lots, a function that will diminish congestion at the intersection of the two streets with University Avenue.

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 Avenue 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 is anticipated.

Staff supports the recommendation of the Planning Commission.

5.5. Zone case No. 3067 (south of 9th Street and west of Avenue X) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0093 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, and to consider ordinance.

The applicant is requesting zoning that will provide for a hotel where each unit is a condominium, owned by a person with 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 Texas Tech University who may want a "home away from home" with the ability to recoup some of their investment with rental from the "hotel" management when they choose.

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 has not completely finished the project design. As a means to accelerate the timetable, 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 that is 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 is anticipated.

Staff supports the recommendation of the Planning Commission.

- 5.6. Zone Case No. 2343-B (1901 E. Broadway) Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0094 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, and to consider ordinance.**

The applicant has operated a truck tank parts manufacturing business on the property to the north for many years. Property north of the alley and 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 the North and East Lubbock Community Development Corporation have a heavy emphasis on retention and expansion of business locations in this vicinity. Mr. McGee and his family are attempting to follow that lead. Adjacent 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 by the applicant 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.

Staff supports the recommendation of the Planning Commission.

- 5.7. This item was moved from consent agenda to regular agenda and considered following Item 6.9.**
- 5.8. Lease Agreement Resolution - Right-of-Way: Resolution No. 2006-R0418 authorizing the Mayor to execute a lease agreement with West Texas Nightlife Management LLC dba The Depot Cotton Club Inc. for the use of a City parking lot located at 1801 Crickets Avenue.**

Located at the northeast corner of 18th Street and Crickets Avenue is a bar owned by new owner West Texas Nightlife Management LLC, dba The Depot Cotton Club formally known as Lubbock Blues, Inc., JFK's. The bar will re-open soon and they need additional parking at this location per the zoning ordinance for customers of the club. During the evening and nighttime hours, the owner desires to lease 45 parking spaces from the City at the northeast corner of the Buddy Holly Center (south of 18th Street, west of Avenue F). The City will lease these 45 spaces out of Block 232, Original Town Addition, to The Depot Cotton Club for \$225 per month. This was calculated as follows: \$15 per space (typical monthly downtown parking lot space rental rate) x 45 spaces = \$675. They will be open 7 days a week but only need the spaces

from 6:00 P.M. to 2:00A.M. or one-third of day so $\$675 \times 1/3 = \225 due the City per month.

FISCAL IMPACT

\$225 per month will be received in the General Fund.

Staff recommended approval of this resolution.

- 5.9. This item was moved from consent agenda to regular agenda and considered following Item 5.7.**
- 5.10. This item was moved from consent agenda to regular agenda and considered following Item 5.9.**
- 5.11. This item was moved from consent agenda to regular agenda and considered following Item 5.10.**
- 5.12. This item was moved from consent agenda to regular agenda and considered following Item 5.11.**
- 5.13. This item was moved from consent agenda to regular agenda and considered following Item 5.12.**
- 5.14. Grant Contract Resolution - Health: Resolution No. 2006-R0419 authorizing the Mayor to execute a contract with Texas Department of State Health Services (DSHS) for the City to improve or strengthen local public health infrastructure in accordance with the City's Local Public Health System Service Delivery Plan as approved by DSHS.**

This contract provides funding under the Regional and Local Services Section (RLSS) / Local Public Health System (LPHS), commonly referred to as Triple 0 funds. This annual contract with the Department of State Health Services, DSHS Document No. 7560005906-2007, provides financial assistance to improve or strengthen local public health infrastructure by developing objectives to address public health issues and utilizing resources provided through this contract to conduct activities and services that provide or support the delivery of essential public health services. Programs will also assess, monitor, and evaluate the essential public health services, and develop strategies to improve the delivery of essential public health services to identified service areas.

This contract supports comprehensive public health services that are consistent with the Health Department Mission Statement by developing a functional and effective public health system with the specific goal of improving public health capacity to respond to both emerging and continuing public health threats. Grant objectives include sexually transmitted disease (STD) treatment and education, laboratory testing on samples collected, providing immunizations and education, providing education and treatment for notifiable conditions, and providing cancer awareness education and health fairs as time allows. The Sexually Transmitted Disease Program is designed to stop the spread of disease by tracking down the partners of those diagnosed

with sexually transmitted diseases and either treating them or referring them to another clinic or physician.

DSHS will provide \$108,204 in financial assistance for salaries and fringe benefits for four City employees. Two of these employees work in the STD program, one works in the laboratory, and one works in Health Education.

These programs fulfill the Core Missions of Public Health including disease prevention, laboratory support, and health education. Without the funding from the Department of State Health Services contract, local public health efforts could be impaired and the risk of illness in Lubbock citizens could increase.

FISCAL IMPACT

The total amount approved for the entire contract year is \$108,204, which is level funding compared to the previous contract year. The City's contribution is estimated to be \$75,123 and is budgeted in the General Fund.

Staff recommended approval of this resolution.

5.15. Grant Contract Resolution - Police: Resolution No. 2006-R0420 authorizing the Mayor to approve a grant agreement for a state administered, federally financed Comprehensive STEP Program.

This is a grant program using off duty personnel working overtime to detect and arrest alcohol and drug impaired drivers, and using off duty personnel to enforce compliance of designated speed limits within targeted areas of the city.

In the past, TxDOT mandated 1 grant application for the Driving While Intoxicated STEP Program, and a separate grant for the federally financed SPEED STEP Program. This program combines the Driving While Intoxicated STEP Program and the SPEED STEP Program into one grant. TxDOT now requests that both grants be combined, with productivity and overtime expenditures maintained separately.

FISCAL IMPACT

This enforcement program will be conducted during FY 2006-07. Awards for this grant have been set beginning October 1, 2006, upon approval of the Lubbock City Council. The projected expenditure for this grant is \$199,630, and will be administered during the period October 1, 2006 and ending on September 30, 2007. Through this grant, TxDOT will reimburse 50% of the expenditures. The grant match is budgeted in the Police Department operating budget.

Staff recommended approval of this resolution.

- 5.16. Interlocal Agreement Resolution - Police: Resolution No. 2006-R0421 authorizing the Mayor to execute an interlocal agreement with the Lubbock Independent School District (LISD) for LISD Police Department to use City communications and in-car mobile data computers for authorized criminal and driver's record information.**

This interlocal agreement with LISD will allow the LISD Police Department to use Lubbock Police Department radio equipment and communication services including mobile data computers for in-car patrol functions. These functions include use of the mobile data computers to access authorized criminal records from the Texas Law Enforcement Telecommunication System for criminal investigations. Authorized records include, but are not limited to, driver's license information, warrant information, and vehicle registration information. The original interlocal agreement with LISD allowed for radio transmissions only. This agreement will continue to allow LISD Police Department the use of radio transmissions while giving them the additional access to the in-car mobile data computers and their functions.

FISCAL IMPACT

\$1,992 will be received annually for eight devices.

Staff recommended approval of this resolution.

- 5.17. Interlocal Agreement Resolution - Municipal Court: Resolution No. 2006-R0422 authorizing the Mayor to execute an interlocal agreement with Lubbock Independent School District and Lubbock County to approve the continuance and funding of the Specialized Treatment and Rehabilitation Program for FY 2006-07.**

This interlocal agreement to approve and fund the Specialized Treatment and Rehabilitation (STAR) program is a joint venture between the City, Lubbock County, and Lubbock Independent School District (LISD) to provide regimented discipline and education for school children between the ages of 11 and 16 who demonstrate adverse behavior in school or commit Class C misdemeanor offenses. Children are referred to the STAR program from LISD, Lubbock Municipal Court, and/or Lubbock County Justice of the Peace Courts. The City has participated in this program for several years.

FISCAL IMPACT

Annual cost to the City for FY 2006-07 will be \$135,432. This amount is included in the annual operating budget of Municipal Court.

Staff recommended approval of this resolution.

- 5.18. This item was moved from consent agenda to regular agenda and considered following Item 5.13.**

5.19. Interlocal Agreement Resolution - Health: Resolution No. 2006-R0423 authorizing the Mayor to execute an interlocal agreement for community pandemic influenza preparedness activities.

This interlocal agreement will provide extended or regional coordination of pandemic influenza preparedness activities beyond the immediate Lubbock area to partner with the City of Amarillo and the South Plains Public Health District to cover a total of 43 counties. The purpose of the interlocal agreement is to acknowledge the parties mutual interest to jointly bid the acquisition of goods and services where such mutual effort can be planned in advance and to authorize the acquisition of goods and services under contracts where the other party has obtained bids and the price extended by either party's bidder to other governmental agencies. An example would be a contract for consultant services and/or tabletop, functional, or full-scale exercises with each party contributing an agreed upon portion of the total cost of the contract.

Pandemic influenza preparedness activities provide for planning, training and exercising. Specific activities identified to accomplish these additional requirements for Lubbock include:

1. Contract with a consultant to develop a Panflu Plan template for use by the affected counties.
2. Conduct training.
3. Contract with a consultant to conduct a tabletop or other exercises for a 43 county area.

FISCAL IMPACT

Funding for this purpose for all parties will come from the Texas Department of State Health Services (DSHS) Community Preparedness Section (CPS)-Bioterrorism Preparedness contracts for pandemic influenza activities. The Community Preparedness Section (CPS) - Bioterrorism Preparedness contract was originally approved by Council with Resolution # 2005-R0445 on September 21, 2005. Contract Change Notice No. 06 to DSHS Document No. 7560005906 200604A for pandemic influenza preparedness was approved by Council on July 10, 2006.

Staff recommended approval of this resolution.

5.20. Interlocal Agreement Resolution - Health: Resolution No. 2006-R0424 authorizing the Mayor to execute Contract No. 696-PD-7-7L0013 with the Texas Department of Criminal Justice to provide death certificates of parolees to the Texas Department of Criminal Justice.

Under this contract, the Health Department will provide death certificates of deceased parolees to Texas Department of Criminal Justice (TDCJ). TDCJ will pay to the City \$21 per death certificate. The contract amount shall not exceed \$441 and the term of the contract will end August 31, 2007.

FISCAL IMPACT

\$441 in revenue will be received in the General Fund.

Staff recommended approval of this resolution.

- 5.21. Contract Resolution - Police: Resolution No. 2006-R0425 authorizing the Mayor to execute a contract with Physicians Network Associates for holding facility medical services.**

This contract provides on-call medical services, medical intake form templates, and basic medical training and equipment for the Police Department's holding facility. These services are required to provide basic medical services for persons arrested and booked in the holding facility. The term of this contract is five years effective October 1, 2006.

FISCAL IMPACT

\$20,000 is budgeted in the Police Department's operating budget.

Staff recommended approval of this resolution.

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

- 5.23. Contract Resolution - Wastewater Utilities: Resolution No. 2006-R0426 authorizing the Mayor to execute a purchase order contract with Pulsafeeder, Inc. for replacement polymer pumps.**

Polymer pumps are used in the sludge handling process to dispense polymer into the sludge for the gravity belt system and the belt filter presses at the Water Reclamation Plant. Four pumps are required for the belt presses and three pumps are required for the gravity belt thickeners.

This is a sole source purchase for Eclipse brand series pumps, which are the only pumps on the market that incorporate all non-metallic wetted components. The Eclipse pump, with unique and patented features, is a proprietary pump manufactured by Pulsafeeder, Inc. of Rochester, New York. One of these features is a front pullout design that allows the pump to be worked on without being removed from the equipment. This unique feature will save in maintenance time by allowing the pump to be fixed quickly without total removal of the pump. Also the polymer pumps will have the ability to reduce the speed of the addition of chemical, which will reduce polymer use and cost of material. New polymer pumps and the availability of parts will reduce down time of the equipment.

FISCAL IMPACT

\$425,000 was appropriated, with \$136,716 available in Capital Improvement Program Project 91042, SEWRP Replace System and Facilities.

There will be savings in the operation maintenance budget due to less down time, low polymer usage, and increased parts availability.

Staff recommended approval of purchase order contract to Pulsafeeder, Inc. of Rochester, New York for \$40,684.

5.24. Contract Resolution - Finance: Resolution No. 2006-R0427 authorizing the Mayor to execute a contract with H&K Armored Services Inc. for armored car services, BID 06-060-MA.

For the safety and protection of City employees and cash resources, this contract involves armored car services including the receipt of sealed or locked shipments containing currency, coins, checks, securities, and other valuables from various locations and transport and delivery of same to the consignee designated by the City.

The contract term is for one year with an option to renew annually for up to four additional one-year terms.

FISCAL IMPACT

Funding for armored services is budgeted in department operating budgets.

Staff recommended bid award to H & K Armored Services, Inc. of Odessa, Texas for \$21,600 annually.

5.25. Contract Resolution - Aviation: Resolution No. 2006-R0428 authorizing the Mayor to execute a contract with Hasco Inc. for the rehabilitation of airside asphalt pavement at Lubbock Preston Smith International Airport, BID 06-716-BM.

The majority of the aprons, taxiways, and runway shoulders constructed of asphalt material at Lubbock Preston Smith International Airport are oxidizing and beginning to crack due to age. Some areas are producing debris that could damage aircraft. This project involves the rehabilitation of airside asphalt pavement in an effort to extend its useful life and seal the surface.

FISCAL IMPACT

\$900,000 was appropriated, with \$825,500 available in Capital Improvement Program Project 8508, Rehab Airside Asphalt Pavement. This project is funded with passenger facility charge funds.

The Airport Board and staff recommended contract award to Hasco, Inc. of Summerfield North Carolina for \$705,292.

5.26. Contract Resolution - Traffic: Resolution No. 2006-R0429 authorizing the Mayor to execute a purchase order contract with Wesco Distribution for fiber optic cable, BID 06-061-RW.

This bid involves the purchase of fiber optic cable that will be installed by City staff between the Traffic Management Center at Municipal Square and Mackenzie Substation at Municipal Hill, between Slaton Substation and a building on the TxDOT campus at 135 Slaton Highway, and between Chalker Substation and the intersection of South Loop 289 and Slide Road. This is the first phase of the Intelligent Transportation System project that includes a network branch to bring fiber optic cable to the LP&L business office located

in the shopping center near 82nd Street and Slide Road, and a network branch that will bring fiber optic cable to the City's south communication tower at 79th Street and Slide Road.

The purchase order contract includes fiber optic cable, electronic equipment to provide connectivity between the new fiber optic cable lines and existing equipment, and support hardware required to install the new network branches.

FISCAL IMPACT

\$150,000 was appropriated with \$80,000 available in Capital Improvement Program Project 90379, Signal System Communication - Intelligent Transportation System Phase I.

Staff recommended bid award to Wesco Distribution of Amarillo, Texas for \$57,792.81.

5.27. Contract Resolution - Various Departments: Resolution No. 2006-R0430 authorizing the Mayor to execute a contract with UniFirst Corporation for uniform rental and laundry services, BID 06-054-RW.

This bid establishes annual pricing for uniform rental and laundry services for Fleet Services, Civic Center, Water Utilities, Land Application, Traffic Engineering, Aviation, and LP&L. Pricing is firm for a period of two years with an option to renew for a one-year term.

FISCAL IMPACT

\$694,000 was appropriated, with \$694,000 available in account 8123, Supplies -Uniforms across various department operating budgets.

Staff recommended contract award to UniFirst Corporation of Lubbock, Texas for \$119,064.29 annually.

5.28. Contract Resolution - Public Works: Resolution No. 2006-R0431 authorizing the Mayor to execute a contract with M & S Concrete Company for ADA compliant concrete curb ramps, RFP 06-717-DD.

This project involves making several pedestrian routes handicapped accessible to comply with ADA requirements. Handicapped citizens requested modifications to each route in order for them to travel to specific destinations.

Thirty-seven contractors viewed the construction documents on-line and twenty contractors downloaded the documents. However, M & S Concrete Company of Levelland was the only contractor that submitted a proposal for this project.

FISCAL IMPACT

\$689,928 was appropriated, with \$50,000 available in Capital Improvement Program Project 91053, Curb Ramps Sidewalk Installation.

Staff recommended contract award to M & S Concrete Company of Levelland, Texas for \$41,950.

5.29. Contract Amendment Resolution - Stormwater: Resolution No. 2006-R0432 authorizing the Mayor to execute Amendment No. 3 to the contract with Parkhill, Smith & Cooper, Inc. for engineering services for the South Lubbock Drainage Improvements Project.

The original engineering services contract for the South Lubbock Drainage Improvements Project was awarded to Parkhill, Smith & Cooper, Inc. (PSC) on April 12, 2001. This project was divided into several different packages to allow for different components to be built as development warranted. These projects include:

Package 1 – Main trunk line from Slide Road to Yellowhouse Canyon outfall and lateral lines from Playa Lakes 85, 87, 90, and 91.

Package 2 – Lateral lines from Playa Lake 28 to 91 and from Playa Lake 92 to 91.

Package 3 – Lateral lines from Playa Lakes 86 and 89.

Package 4 – Lateral lines from Playa Lakes 84 and 84A.

Package 5 – Lateral line from Playa Lake 132.

Package 6 – Trunk line from Juneau to Slide Road and lateral line from Playa Lake 93.

Package 7 – TxDOT portion of trunk line from Indiana Avenue to University Avenue.

Construction has been completed for Package 7, and is currently underway for Package 1 and Package 6 under two separate contracts. The plans and specifications have been completed on all remaining packages pending any changes to the packaging components and/or specification requirements. In anticipation of additional construction packages being released for bid, staff proposes a time extension to the contract in order for PSC to help facilitate the process of these packages going to bid.

There have been two previous amendments to the contract. Amendment No.1 was for drilling some test holes in the old sanitary sewer trench backfill and Amendment No. 2 was for the re-design of the east end of the project and the breakout of the Juneau to Slide Road segment for inclusion in the 98th Street widening project. This amendment will be beneficial for the following reasons:

Allow PSC to help the City tailor the bid packages to the current contract documents.

Allow PSC to modify/alter the packages to any new conditions at the individual sites.

Allow PSC to assist the City with questions during the bid phase.

FISCAL IMPACT

There will be no impact to the previously approved not to exceed contract amount of \$3,215,747 including Amendments 1 and 2. However, the billable rates were adjusted to reflect current costs. There is still funding remaining in the contract that will be used for all of the services associated with this amendment. \$43.6 million was appropriated in Capital Improvement Program Project 90141, South Lubbock Drainage Improvements Project.

Staff recommended approval of this resolution.

- 5.30. Contract Amendment Resolution - Municipal Court: Resolution No. 2006-R0433 authorizing the Mayor to execute Change Order No. 1 to the contract with Interactive Computer Designs, Inc. for custom software design for Municipal Court.**

Municipal Court has a contract with Interactive Computer Designs, Inc. (Tyler Technologies-INCODE) for the installation of a court management software package. The contractor has identified currently existing functions that will not be available with the new system and that were not requested in the original Request for Proposal. To obtain these functions, it will be necessary for the contractor to perform custom software design to create, test, and integrate these functions into the new system.

FISCAL IMPACT

This change order will be funded from the Municipal Court Technology Fund, which is dedicated revenue that can only be used by Municipal Court for technology issues. Total cost of five additional functions is \$35,000. Annual maintenance fees of \$7,000 will be paid from the Technology Fund.

Staff recommended approval of this resolution.

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

6. REGULAR AGENDA (continued)

- 6.1. This item was considered following Item 5.31.**
- 6.2. This item was considered following Item 6.7.**
- 6.3. This item was considered following Item 4.1.**
- 6.4. This item was considered following Item 6.1.**
- 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. Budget Adoption Ordinance 2nd Reading - Finance: Ordinance 2006-O0098 Consider an ordinance adopting the FY 2006-07 Operating Budget and Capital Improvement Program.

This is the second reading of the ordinance adopting the City's FY 2006-07 Operating Budget and Five Year Forecast and the FY 2006-07 Capital Improvement Program. The budget ordinance must be considered prior to the ordinance on the tax rate.

This ordinance incorporates the operating and capital budgets that have been proposed by the City Manager. The property tax rate in the proposed budget is \$0.47985 per \$100 valuation. The rate proposed by the City Council is \$0.46199 per \$100 valuation. A balanced budget must be approved by the City Council. In order to balance the budget, the City Manager's budget will need to be adjusted to meet the proposed rate, the tax rate will need to be raised, or a combination of both alternatives will need to be considered.

FISCAL IMPACT

Impact outlined in FY 2006-07 Proposed Budget.

Each Council Member gave comments. City Manager Lee Ann Dumbauld and Chief Financial Officer Jeff Yates gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass on second and final reading Ordinance No. 2006-O0098 with the following changes to the General Fund:

1. Implement the Shift Differential Pay Plan for Police Officers at a time during Fiscal Year 2006-07 that will allow the cost of the plan not to exceed \$200,000. The cost of this plan is included in the Police Department budget, and does not increase general fund expenditures.
2. Increase expenditures by \$230,000 by changing the cost of living adjustment to provide an \$1,800 raise per firefighter and a \$1,200 raise for all other City employees.
3. Reduce expenditures by \$230,000 from savings in unleaded and diesel fuel costs.
4. Amend Section 12 to include Directors of the City's Enterprise Funds not already in Section 12.

Motion carried: 7 Ayes, 0 Nays.

6.9. Tax Levy Ordinance 2nd Reading - Finance: Ordinance 2006-O0099 Consider an ordinance setting the tax rate and levying a tax upon all property subject to taxation within the City of Lubbock for the year 2006.

This is the second reading of the ordinance adopting and levying the tax rate for FY 2006-07. The budget ordinance must be considered prior to the ordinance adopting the levying of a tax rate.

This ordinance incorporates the tax rate as proposed by the City Council. The City Manager's proposed budget is based on a property tax rate of \$0.47985 per \$100 valuation. A balanced budget must be approved by the City Council. In order to balance the budget, the City Manager's budget will need to be adjusted to meet the proposed rate, the tax rate will need to be raised, or a combination of both alternatives will need to be considered.

A property tax rate increase is proposed. An increase of \$0.01479 is proposed increasing the property tax from \$0.4472 to \$0.46199 per \$100 valuation. The tax rate is distributed as follows:

General Fund Maintenance & Operations	\$0.36074
Debt Service	\$0.07125
Economic Development	\$0.03000

FISCAL IMPACT

The fiscal impact is unknown until the tax rate is chosen and adopted.

Each Council Member gave comments on the proposed tax increase. Council Member Price stated, for the record, "this is what we are supposed to do, take care of the city, be good stewards, not squander God's possession; but, we must have a foresight on what we are going to do down the road, in case we live until tomorrow."

After further discussion, Council Member Price called for the question, and was seconded by Council Member DeLeon. Vote was taken, which failed: 3 Ayes, 4 Nays. Mayor Miller, Mayor Pro Tem Gilbreath, and Council Members Boren and Leonard voted Nay.

Discussion was continued. Mayor Pro Tem Gilbreath then called for the question, and was seconded by Council Member Leonard. Vote was taken, which carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to move that property taxes be increased by the adoption of a tax rate of 46.199 cents and pass on second and final reading Ordinance No. 2006-O0099 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Members Boren and Leonard voted Nay.

5.7. Transit Fixed Route System Revisions Resolution - Citibus: Resolution No. 2006-R0434 approving revisions to Citibus fixed route system.

For the past several months, Citibus has been working on revisions to the fixed route service. These revisions are intended to solve the problems of routes running late for much of the day. There are several reasons that the routes run late – road and highway construction, more vehicle traffic, and increased fixed route ridership, including up to 35 wheelchair passengers per day.

The preliminary route revisions have been presented to the Lubbock Public Transit Advisory Board and are summarized below:

Regular City Council Meeting
September 13, 2006

Route 1 – no change.

Route 2 – no change.

Route 3 – will no longer exist, but will be served by Routes 12 and 19. The portion of Route 3 on Quaker Avenue between 24th Street and 34th Street will no longer have any service; the rest of the route will be served.

Route 4 – will no longer exist, but will be served by Routes 5 and 9. Passengers who once traveled from Route 4 to Route 9 will now have to make a transfer at the South Loop 289 Wal-Mart.

Route 5 – will now serve South Plains Mall and will hook with Route 34. The portion of Indiana Avenue between South Loop 289 and 58th Street will no longer have service.

Route 6 – no change in the route, but it will hook with Route 19 at South Plains Mall.

Route 7 – will no longer exist, but will be served by Route 12. The new Route 12 will also serve the new Wal-Mart at 4th Street and Avenue Q.

Route 9 – will now end at the South Loop 289 Wal-Mart, where it will turn into the inbound Route 9. Passengers who previously rode Route 9/4 all the way to the Mall will now have to transfer at Wal-Mart to get to the Mall. The area on Indiana Avenue between South Loop 289 and 82nd Street will have service on the inbound portion of the route (south on Indiana Avenue).

Route 11 – will no longer exist, but will be served by Routes 12 and 19.

Route 12 – will include what is now Route 7 and will serve Wayland Plaza, where it will turn to the inbound Route 12.

Route 14 – no change.

Route 25 – will be split into Route 19 and Route 34.

Route 19 – will serve 19th Street, Frankford Avenue between 19th Street and 34th Street, and Chicago Avenue all the way to South Plains Mall. It will hook with Route 6. Service on 29th Drive will continue until construction on the Marsha Sharp Freeway closes access across Brownfield Highway.

Route 34 – will serve 34th Street and Slide Road all the way to South Plains Mall, where it will hook with Route 5.

These recommendations do not include restoration of 30 minute service.

In an effort to inform as many passengers as possible of the proposed changes, Citibus held information sessions at the Downtown Transfer Plaza on August 16, 17, 18, and 19. Maps of the proposed changes were available and employees were on hand to answer questions, let passengers know about the public hearings, and hand out comment forms. In addition, the proposed changes were advertised in the Lubbock Avalanche-Journal, the West Texas Hispanic News, El Editor, and Southwest Digest. Signs were posted on the doors to the plaza, and four signs per bus were posted in the fixed route buses.

At their August 22 meeting, the Lubbock Public Transit Advisory Board recommended that the proposed changes be presented to the City Council for approval.

The proposed changes will be effective on October 2, 2006.

The proposed route changes will add approximately 3,000 hours of service. This is necessary for the buses to make their connections at the Downtown Transfer Plaza.

FISCAL IMPACT

The cost of the proposed route changes is included in the Citibus budget.

The Lubbock Public Transit Advisory Board recommended approval of this resolution.

John Wilson, General Manager of Citibus, 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-R0434 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.9. Grant Contract Amendment Resolution - Health: Resolution No. 2006-R0435 authorizing the Mayor to execute Contract Change Notice No. 8 with Texas Department of State Health Services for the City to assist DSHS in the implementation of DSHS Centers for Disease Control and Prevention Guidance for Public Health Emergency Preparedness.

The Community Preparedness Section (CPS)-Bioterrorism Preparedness-Lab contract was originally approved by Council with Resolution # 2005-RO445 on September 21, 2005.

Contract Change Notice No. 08 to DSHS Document No. 7560005906 2006 increases the current contract by \$250,000 from the current approved amount of \$299,950 to \$549,950. The change extends the end term from August 31, 2006, to August 31, 2007 and budgets funds for an additional year. The change also allows for the purchase of an ABI 7500 Fast PCR System budgeted at \$55,000.

The ABI 7500 Fast PCR System will be used for the detection and quantification of bioterrorism agents in environmental and clinical specimens. The system provides enhanced performance capabilities and enables high-speed cycling, reducing testing time for Real Time Polymerase Chain Reaction (PCR) to deliver results in 30 minutes or less.

The change request for an additional year includes \$102,428 in salary and \$41,242 in fringes for three existing full time positions, provides \$4,046 for training and travel, \$55,000 for equipment, \$28,059 for supplies, and \$19,225 in other funds. A copy of the equipment list is attached.

This program assists efforts in developing laboratory-specific bioterrorism preparedness plans that address selected focus areas and required critical

capabilities. The focus areas or major outcomes being addressed in FY 2006 include all hazards planning, information collection and threat recognition, laboratory testing, emergency response communications, economic and community recovery, and linking hospital laboratory programs local health departments' efforts to respond during public health emergencies.

Major goals include:

- Increase the use and development of interventions known to prevent human illness from chemical, biological, radiological agents, and naturally occurring health threats;
- Decrease the time needed to classify health events as terrorism or naturally occurring in partnership with other agencies;
- Decrease the time needed to detect and report chemical, biological, radiological agents in tissue, food, or environmental samples that cause threats to public health;
- Decrease the time needed to provide countermeasures and health guidance to those affected by threats to public health;
- Decrease the time needed to restore health services and environmental safety to pre-event levels.
- Decrease the time need to implement recommendations from after-action reports following threats to public health.

FISCAL IMPACT

The service agreement for the PCR System is included under the warranty for the first year. Thereafter, the charge will be \$5,143.50 annually and will be paid with the Bioterrorism grant for the laboratory.

Staff recommended approval of this resolution.

Tommy Camden, Health Director, gave comments and answered questions from Council.

Motion was made by Council Member Price seconded by Council Member Jones to pass Resolution No. 2006-R0435 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Miller was away from the dais.

- 5.10. Grant Contract Amendment Resolution - Health: Resolution No. 2006-R0436 authorizing the Mayor to execute Change Notice No. 9 with the Texas Department of State Health Services (DSHS) for the City to assist DSHS in the implementation of DSHS Centers for Disease Control and Prevention Guidance for Public Health Emergency Preparedness.**

The contract change increases the total amount by \$174,659 to a grand total of \$642,605 and extends the end term of the contract from December 31, 2006, to August 31, 2007. The additional funds from DSHS will provide salary and fringes for six existing full-time positions, training and travel, supplies, and

contractual funding for a pharmacist. This is only partial funding with additional funding to come later in the contract period. One of the six positions that are currently vacant will remain unfilled until the federal funding issues are resolved and any potential 10-20% grant reductions are considered.

This program will assist efforts in developing a bioterrorism preparedness plan that addresses selected focus areas and the required critical capabilities. The focus areas or major outcomes being addressed in FY 2007 include all hazards planning, information collection and threat recognition, laboratory testing, health intelligence integration and analysis, public health epidemiological investigations, emergency response communications, emergency public information, responder health safety, isolation and quarantine, mass prophylaxis and vaccination, medical surge, mass care, environmental health, economic and community recovery, and planning.

This is the fifth funding cycle that federal, state, and local governments have worked together on a unified plan to strengthen our public health system and better prepare for a terrorism attack. These plans will improve our health system by providing greater protection and care for our citizens. Plans are being developed across the country that will usher in a new era of cooperation between all levels of government to protect the public health.

Bioterrorism preparedness is one of the essential public health services that no other entity in Lubbock can provide. Essential public health services are population-based and are geared towards protecting the health of the public as a whole. Essential public health services, or the lack of it, have the potential to affect every single person in Lubbock and in Texas.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

Tommy Camden, Health Director, gave comments and answered questions from Council.

Motion was made by Council Member Price seconded by Council Member Jones to pass Resolution No. 2006-R0436 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Miller was away from the dais.

5.11. Grant Contract Amendment Resolution - Health: Resolution No. 2006-R0437 authorizing the Mayor to execute Contract Change Notice No. 01 with the Texas Department of State Health Services Document for HIV/STD reporting and surveillance activities.

This FY 2006-07 contract with the Department of State Health Services (formerly Texas Department of Health), DSHS Document No. 7560005906 2007, provides financial assistance for preventive, health promotion and direct services in the area of HIV/AIDS surveillance.

The contract amount of \$50,251 supports salary, fringe benefits, and supplies for the HIV/AIDS surveillance specialist. The contract term is for one year and begins September 1, 2006.

The HIV/AIDS surveillance specialist is dedicated to investigating cases of HIV and AIDS infection in Lubbock. As of May 31, 2006, 916 individuals have been diagnosed as HIV positive, 547 have AIDS, and 247 individuals have died of AIDS-related complications in the Lubbock area. One of the primary missions of public health is to monitor the health status of the community by identifying and investigating health problems and health hazards. On-going surveillance is essential in determining the nature and extent of HIV and AIDS infection in Lubbock. Accurate numbers may increase the availability of additional funding from outside sources in order to provide services to those infected.

A Memorandum of Agreement (MOA) to formally establish the roles and responsibilities of the Lubbock City Health Department HIV/AIDS Surveillance Program, the Public Health Region (PHR) 1 HIV/STD Program, and the Bureau of HIV and STD Prevention surveillance program in regard to HIV/AIDS reporting and surveillance activities for the State of Texas residents within the 41 identified counties for Public Health Region 1 (PHR1) was passed by Council on November 18, 2005.

Responsibilities of the Health Department include conducting active surveillance and reporting activities for human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) for all 41 counties in Public Health Region 1, complying with reporting requirements and maintaining a current list of key reporting sources in the counties in PHR 1, maintaining a case file on all confirmed and suspected cases of HIV and AIDS within counties of PHR 1, evaluating the system for reporting compliance, initiating epidemiologic investigation on newly reported No Reported Risk (NRR) cases and cases of public health importance, and adhering to all confidentiality requirements.

These programs fulfill the core missions of Public Health including surveillance, prevention, and health education. Without the funding from the Department of State Health Services contract, local public health efforts would be greatly impaired and the risk of illness in Lubbock citizens would increase.

FISCAL IMPACT

Grant funding in the amount of \$50,251 remains the same as in the previous funding cycle. The impact to the General Fund is minimal as the majority of salary and benefits are paid by the grant. The City's contribution is budgeted in the General Fund operating budget.

Staff recommended approval of this resolution.

Tommy Camden, Health Director, gave comments and answered questions from Council.

Motion was made by Council Member Price seconded by Council Member Jones to pass Resolution No. 2006-R0437 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Miller was away from the dais.

5.12. Grant Contract Amendment Resolution - Health: Resolution No. 2006-R0438 authorizing the Mayor to execute Change Notice No. 2 with the Texas Department of State Health Services for the City to provide essential public health services as specified in the City's 2004 Interlocal Application for Immunization Services.

The term of the contract is for a period of one year beginning September 1, 2006.

This contract change provides \$138,264 for salaries and fringe benefits for a registered nurse, a licensed vocational nurse, and a secretary to run the program. The City provides an immunization clinic with the fewest barriers to service. Activities include providing immunizations at the Health Department clinic; outreach activities for infants, children, and high risk adults in their homes, correctional facilities, day care centers, South Plains Mall, health fairs, and senior citizen centers; and investigation and initiation of control measures for vaccine-preventable diseases.

A partial list of activities associated with objectives of the grant includes:

- Developing a comprehensive plan to assure that immunization services and vaccines are available to medically underserved and/or under-immunized children and adults living in areas where coverage is low (pockets of need);
- Building and participating in a variety of partnerships with community-based organizations and human service agencies to promote best practices and to increase vaccination coverage levels for children 0 through 35 months;
- Conduct educational, promotional, and outreach activities for the general public to enhance immunization awareness;
- Complete 100% of child-care facility and Head Start assessments assigned by DSHS; and,
- Complete 100% of public and private school assessments and retrospective and validation surveys assigned by DSHS.

These programs fulfill the core missions of Public Health including disease prevention, laboratory support, and health education. Without funding from the DSHS contract, local public health efforts would be greatly impaired and the risk of illness in Lubbock citizens would increase.

FISCAL IMPACT

The total amount approved for the entire contract year is \$138,264, which is level funding compared to the previous contract year. The City's contribution is estimated to be \$5,000 and is budgeted in the General Fund.

Staff recommended approval of this resolution.

Tommy Camden, Health Director, gave comments and answered questions from Council.

Motion was made by Council Member Price seconded by Council Member Jones to pass Resolution No. 2006-R0438 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Miller was away from the dais.

5.13. Grant Contract Resolution - Health: Resolution No. 2006-R0439 authorizing and directing the Mayor to execute a contract with Texas Department of State Health Services (DSHS) for the City to provide laboratory analyses of milk samples submitted by DSHS.

The Milk and Dairy Testing Attachment No. 01 to Document No. 7560005906A2007 is part of the annual contract with the Texas Department of State Health Services. The term of the contract is for one year beginning September 1, 2006. The Lubbock Health Department Regional Laboratory is reimbursed for laboratory analysis of milk and dairy samples at a specified rate depending on the kind of analysis performed. The laboratory performs over 3,000 tests on the more than 700 samples submitted annually. The milk and dairy testing program maintains technologist proficiency in laboratory methods that would be used to respond to food-borne disease outbreaks. These activities are directly related to protection of the public.

This program fulfills the core missions of public health including surveillance, prevention, and laboratory support. Without funding from the Department of State Health Services contract, these quality assurance measures would be greatly impaired and the risk of illness for Lubbock citizens would increase.

FISCAL IMPACT

The City is reimbursed for the full cost of testing pursuant to a fee schedule included in the contract. The total contract amount is not to exceed \$42,000.

Staff recommended approval of this resolution.

Tommy Camden, Health Director, gave comments and answered questions from Council.

Motion was made by Council Member Price seconded by Council Member Jones to pass Resolution No. 2006-R0439 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Miller was away from the dais.

5.18. Interlocal Agreement Resolution - Community Development: Resolution No. 2006-R0440 authorizing the Mayor to execute an interlocal agreement with the Lubbock Housing Authority for housing inspection services.

The City has been asked to provide housing inspection services for Lubbock Housing Authority (LHA). The housing inspectors from the Community Development Department (CD) will be made available to provide these services. The inspections will be both single and multi-family units under LHA's Section 8 Housing Voucher Program. LHA has requested this assistance due to their lack of housing inspectors. The CD Housing Inspectors have the credentials necessary to complete the inspections

LHA will reimburse the City for personnel costs with reimbursement for services limited to \$13,000.

FISCAL IMPACT

The reimbursement from the Lubbock Housing Authority will be credited to the Community Development Fund and will be available for the FY 2007-08 allocation process.

Staff recommended approval of this resolution.

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

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2006-R0440 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.22. Contract Resolution - Emergency Management: Resolution No. 2006-R0441 authorizing the Mayor to execute a purchase order contract with Fisher Scientific Company for a first responder decontamination trailer.

Contamination of victims and responders by blood-borne pathogens can occur during a mass casualty event. In terrorism and weapons of mass destruction events, victim and responder contamination is highly probable. Contaminants can involve chemical and/or biological agents. Decontamination is accomplished in two phases including gross decontamination and technical decontamination. Gross decontamination is accomplished by flooding the exposed area with soap and water to remove the largest amount of the contaminant. Technical decontamination is more agent-specific and is a more definitive cleaning that requires the removal of clothing. Victim modesty and operational efficiency require a large enclosed shelter to accomplish technical decontamination.

This item involves the purchase of a decontamination trailer that can be easily moved and located near the warm zone of contamination. This equipment can be set up quickly to provide technical decontamination to the walking

wounded and litter patients by the Lubbock Fire Department, the City of Lubbock, and other regional first responders.

This equipment is available for purchase through the Texas Multiple Awards Schedule (TXMAS) contract #TXMAS-5-84090. The TXMAS program adapts existing competitively awarded government contracts to the procurement needs of the State of Texas and local governments. To be considered for the TXMAS Program, an existing contract must be awarded by the federal government or any other governmental entity in any state, awarded using a competitive process, or adaptable to the laws of the State of Texas (Texas Government Code Title 10, Subtitle D, Sections 2155.062, 2155.502, 2155.504).

FISCAL IMPACT

\$408,363 was appropriated, with \$93,228 available in grant account 87019, State Homeland Security Program 2005.

Staff recommended approval of purchase order contract to Fisher Scientific Company of Houston, Texas for \$89,999.99.

Kevin Overstreet, Emergency Operations Center Director, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0441 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.31. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0100 abandoning and closing a portion of a 17.5-foot alley located in Block 1 McLarty Circle View Addition to the City of Lubbock, located at 6510 I-27.

This ordinance abandons and closes a portion of a 17.5-foot wide alley located in Block 1 McLarty Circle View Addition, which is east of Avenue J between 65th Street and 66th Street. This closure allows for new construction of a motel. Since the requestor of this closure is not the original dedicator of this alley area being closed, there will be a charge for it. The total area of the alley being closed is 5,165.50 square feet and will remain as an underground utility easement. The requestor is dedicating 4,868.75 square feet of new alley in the re-plat. The Right-of-Way Department has calculated a value of two dollars per square foot from adjacent property land values for the alley area being closed for a value of \$10,331 x 50% easement valuation for a total amount due the City of \$5,165.50. The requestor is dedicating two separate alley areas in the re-plat for a total of 4,868.75 square feet which will be valued as a credit of \$9,737.50 (4,868.75 square feet x \$2 per square foot = \$9,737.50). Therefore, there will not be a charge to the requestor for this alley closure. All utility companies are in agreement with this alley closure.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

Davy Booher, Assistant Right-of-Way Agent, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2006-00100 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.1. Taxicab Fare Increase Minuted Action - City Secretary: Minuted action to approve a request by Sexton Enterprises (Yellow Cab) to increase rates charged for taxicab services.

In 2004, Steve Sexton of Sexton Enterprises (Yellow Cab) requested and was granted a 50 cent surcharge on taxi cab fare because of rising fuel prices. In 2005, he requested and was granted an additional 50 cent surcharge because of continuing increase in costs. When each request was granted, it was agreed the surcharge would be reduced or eliminated if fuel costs dropped.

Mr. Sexton is now requesting that the surcharge be incorporated into the main taxicab rate and that the surcharge be eliminated.

The current fare schedule is as follows:

\$1.85 for the first 1/10 mile
0.15 for each additional 1/10 mile
0.25 per minute for waiting time
1.00 fuel surcharge added to each fare
0.50 for each additional passenger
2.00 for each additional passenger to/from airport
6.00 minimum to/from airport

Mr. Sexton's proposed fare schedule is as follows:

\$2.85 Flag drop
0.20 for each additional 1/8 mile
0.35 per minute traffic delay and waiting time
0.50 for each additional passenger in town
2.00 for each additional passenger traveling together to/from airport

If the City Council determines that there is a question as to the reasonableness of the requested rate increase, and does not accept it, Council will set a public hearing on the matter. At the public hearing, the permit holder (Mr. Sexton) would have to show cause why such rates are not unreasonable. If, at the conclusion of the public hearing, Council determines that the rates are not justified, Council shall, by resolution, establish reasonable rates for Yellow Cab.

Sexton Enterprises is requesting a rate increase because of the cost of fuel and other rising costs.

FISCAL IMPACT

No fiscal impact to the City.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to approve the request by Sexton Enterprises (Yellow Cab) as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Annexation Resolution - Planning: Resolution No. 2006-R0442 directing the City Planning Department and the City Attorney to initiate proceedings to annex an approximate 210 acre area generally located east of Indiana Avenue and north of FM 1585.

At the request of a property owner, an area adjacent to the present boundaries of the City of Lubbock is proposed for annexation. This area is approximately 210 acres and is located east of Indiana and north of FM 1585. The land area owned by the applicant is approximately 50 acres. The balance of the 210 acre tract is proposed by staff to accomplish the objectives for annexation outlined in the Comprehensive Land Use Plan.

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

The 210 acre area is immediately adjacent to the Lubbock City Limits on its west boundary. The proposed annexation takes in a continuous area of property of sufficient dimensions and configuration to allow for well-planned growth and will enable the City to guide development within the area.

FISCAL IMPACT

In the future, the City will receive increased property taxes from this property and from any development on the property. At the current time, "soft services" will be provided to the annexed area. The state law governing annexation requires like services to be provided to annexed areas, and it is the staff opinion that "hard services" are not required for this sparsely developed area at this time.

Staff recommended approval of this resolution.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0442 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.5. Budget Ordinance 1st Reading - Finance: Ordinance No. 2006-O0101 amendment #21 amending the FY 2005-06 budget respecting the Community Development Fund, Grant Fund, General Fund, LP&L Fund, Water Fund and Capital Improvement Program.

1. Accept and appropriate \$96,952 from FY 2004-05 Community Development Block Grant reallocation funds from Housing and Urban Development for the renovation of YWCA downtown child care facility.

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2. Accept and appropriate \$45,000 from FY 2004-05 Community Development Block Grant reallocation funds from Housing and Urban Development for the renovation of the Inside Out Ministry facility.
3. Accept and appropriate \$368,342 from the Texas State Library and Archives Commission for Library System Operations. This funding provides for personnel, travel, and supplies for the West Texas Library System.
4. Accept and appropriate \$96,741 from the Texas State Library and Archives Commission for the Interlibrary Loan Center. This funding provides for personnel, equipment, and supplies to operate the interlibrary loan center. For State FY 2007, funding has been approved to increase the current part-time office assistant position to full-time status.
5. Authorize one additional position at the Library Department to be funded from the Interlibrary Loan Center Grant from the Texas State Library and Archives Commission (Item #4). The total payroll and benefits for this position is approximately \$28,213.
6. Accept and appropriate \$80,000 for Technical Assistance Negotiated Grant from the Texas State Library and Archives Commission. This grant funds personnel and travel to provide technological assistance to West Texas Library System member libraries.
7. Accept and appropriate a \$108,204 grant from the Department of State Health Services for improving and strengthening local public health infrastructure and support the delivery of essential public health services.
8. Accept and appropriate an additional \$174,659 to the existing Bioterrorism grant contract from the Department of State Health Services, bringing the total of this contract to \$642,605 for bioterrorism preparedness activities.
9. Accept and appropriate an additional \$250,000 to the existing Lab Bioterrorism grant contract from the Department of State Health Services, bringing the total of this contract to \$549,950 for laboratory specific bioterrorism preparedness activities.
10. Accept and appropriate a \$50,251 grant from the Department of State Health Services for preventative care, health promotion, and direct services in the area of HIV/AIDS surveillance.
11. Accept and appropriate a \$138,264 grant from the Department of State Health Services for providing immunization services to the community.
12. Accept and appropriate a \$199,630 grant agreement with the Texas Department of Transportation for the Speed Selective Traffic Enforcement Program and the Driving While Intoxicated Selective

Traffic Enforcement Program. The City's 50% match of \$99,815 is budgeted in the Police Department operating budget.

13. Establish a new Capital Improvement Project and appropriate \$650,000 from 2007 Water Utility Revenue CO's and accept a \$769,800 grant from the United States Environmental Protection Agency to fund the Canyon Lake System Reuse Study. The City's portion is necessary for the required match on the EPA grant.
14. Amend the operating budget and add 1 capital project in the LP&L Fund. Specific information regarding these projects is competitive information protected under Chapter 552.133 of the Texas Government Code.
15. Accept and appropriate an \$8,000 grant from Civic Lubbock, Inc. for "Buddy's 70th Birthday Bash", to be held September 7-9, 2006. A match of \$7,762.50 is required by the City (in-kind dollars may be used). The matching funds will come from the FY 2005-06 Buddy Holly Museum operating budget.
16. Move \$25,000 from Capital Improvement Project 90372, New Fire Station #8 to Capital Improvement Project 91044, HazMat Storage Station #4. The current amount available in Capital Improvement Project 91044 is \$64,000. The current bid proposal is \$86,231. The additional \$25,000 is necessary to award this bid and complete construction.
17. Move \$125,000 from Capital Improvement Project 90372, New Fire Station #8 to a new Capital Improvement Project, Major Repairs at Fire Stations.

FISCAL IMPACT

Included in Item Summary.

Tom Adams, Deputy City Manager/Water Utilities Director; Nancy Haney, Executive Director of Community Development; Jeff Yates, Chief Financial Officer; and Tommy Camden, Health Director, gave comments and answered questions from Council. Mayor Miller asked Yates to bring a presentation to a future Council Work Session on how Grant Funding is handled.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2006-O0101 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.6. Ordinance Amendment 2nd Reading - Finance: Ordinance 2006-O0096 Consider an ordinance amending subsections 23-21 (b) and 23-66(a) of the Code of Ordinances revising solid waste rates.

The FY 2006-07 Proposed Operating Budget includes a rate increase in the Solid Waste Fund to fund operations and capital programs. The proposed fee increases are:

Monthly collection rates increase of \$1.50.

Tipping fee per ton increase of \$1.50.

FISCAL IMPACT

Fee increases support various services and programs. If the fee increases are not approved, the budget will be reduced accordingly.

Motion was made by Council Member Price, seconded by Council Member Leonard to pass on second and final reading Ordinance No. 2006-00096 as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member Boren voted Nay.

6.7. Ordinance Amendment 2nd Reading - Finance: Ordinance 2006-O0097 Consider an ordinance amending sections 28-52 and 28-53 of the Code of Ordinances revising water rates.

FY 2006-07 Proposed Operating Budget includes an 11% rate increase in the Water Fund to fund operations and capital programs.

FISCAL IMPACT

Fee increases support various services, programs, and capital expenditures. If the fee increase is not approved, the budget will be reduced accordingly.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2006-O0097 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

3:10 P. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

3:45 P.M. CITY COUNCIL RECONVENED

City Manager Lee Ann Dumbauld, City Attorney Anita Burgess, and Council Member Boren were not present.

6.2. Salary Establishment Resolution - Municipal Court: Resolution No. 2006-R0443 establishing the salary for Presiding Judge of Municipal Court following annual review by City Council.

City Council has, in recent years, established a precedent for review of the Presiding Judge of Municipal Court, for salary purposes, on an annual basis. The resolution is necessary to establish any change in the annual salary for the position.

FISCAL IMPACT

The current salary of the Presiding Judge is \$104,097.76, which will be included in the Municipal Court budget for FY 2006-07. Any increase in salary would be considered through a budget change ordinance to the Municipal Court budget for FY 2006-07.

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Motion was made by Council Member DeLeon, seconded by Council Member Leonard to raise the salary of Judge Doty by \$1,200 and to pass Resolution No. 2006-R0443 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

3:46 P. M. COUNCIL ADJOURNED

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