

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
October 26, 2006
7:30 A. M.

The City Council of the City of Lubbock, Texas met in regular session on the 26th day of October, 2006, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:32 A.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

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

Absent: No one

1. CITIZEN COMMENTS

There were no citizens to express comments to Council.

2. EXECUTIVE SESSION

Mayor Miller stated: "City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation; the purchase, exchange, lease, or value of real property; personnel matters; appointments to the Reese Redevelopment Authority Board of Directors; and competitive matters of the public power utility, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."

7:33 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 (Finance, Right-of-Way, Solid Waste, 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 551.074(a)(1), to discuss appointments to the Reese Redevelopment Authority Board of Directors.**
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 2.5.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
 - 2.5.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**
 - 2.5.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

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

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

Absent: Anita Burgess, City Attorney

Mayor Miller reconvened the meeting at 9:35 a. m.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Chuck Williams, Live Oak Community 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. Special recognition commemorating the month of October as National Disability Employment Awareness Month.

Mayor Miller read a special recognition to commemorate the month of October as National Disability Employment Awareness Month. Vivian Metsgar, Switchboard Operator for the City of Lubbock, was present to accept the special recognition. She gave comments.

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, September 28, 2006

Motion was made by Council Member DeLeon, seconded by Council Member Jones to approve the minutes of the Regular City Council Meeting of September 28, 2006 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1, 5.3-5.4, 5.6-5.7, 5.10-5.12, 5.14-5.16, 5.20)

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Items 5.1, 5.3-5.4, 5.6-5.7, 5.10-5.12, 5.14-5.16, 5.20) on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays, except Item 5.20 – motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath recused himself.

5.1. Reinvestment Zone Ordinance 2nd Reading - Business Development: Ordinance No. 2006-O0108 Consider an ordinance designating a reinvestment zone within the City of Lubbock as authorized by Chapter 312, Tax Code; describing the boundaries of said zone; describing the eligibility of said zone for commercial-industrial tax abatement; providing a saving clause and providing for publication.

The City has been approached by the Lubbock Economic Development Alliance (LEDA) to assist them in obtaining and developing marketable sites in Lubbock for industrial businesses. LEDA has asked to purchase the City owned 301 acre tract of land located north of Lubbock Preston Smith International Airport for industrial development.

In order for the City to assist LEDA, it has been determined that a reinvestment zone will need to be created at the site in order to facilitate the transfer of the land. The first step in the process to create a reinvestment zone was to hold a public hearing to discuss the issue. The public hearing was held on October 13, 2006. It was determined that the improvements are feasible and practical and will benefit the land. The next step is to adopt an ordinance designating the LIA North Reinvestment Zone.

FISCAL IMPACT

The creation of a reinvestment zone has no anticipated fiscal impact.

Staff recommended approval of the second reading of this ordinance.

5.2. This item was moved from consent agenda to regular agenda and considered following Item 5.19.

5.3. Ordinance Amendment 1st Reading - Traffic: Ordinance No. 2006-O0110 amending Section 16 of the City Code adding new Section 16-251 to exempt persons with disabilities from payment of fees or penalties imposed for time limit parking.

During review of the existing City Code, it is was discovered that Section 681.006(e) of the Texas Transportation Code requires a local ordinance to provide exempting persons with disabilities from payment of fees or penalties imposed for time limit parking. For parking meters, the State Code provides this exemption without requiring a local ordinance.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the first reading of this ordinance.

5.4. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0111 abandoning and closing a portion of two alleys in Block 117, Original Town of Lubbock, alley closure located at 1204 Broadway.

This ordinance abandons and closes a 20-foot by 125-foot east/west alley and a 20-foot by 125-foot north/south alley located west of Avenue K between Main Street and Broadway. These two alley portions are being closed due to the remodeling of the Pioneer Hotel and the Masonic Hall Building. Since the requestor of this closure is not the original dedicator of the alley areas being closed, the City will impose a charge to the requestor. The total alley area being closed is 5,000 square feet and will remain as an underground utility easement. The Right-of-Way Department has determined a value of \$4.50 per square foot based on adjacent property land values. The alley area being closed will have a value of \$22,500 x 50% easement valuation for a total charge of \$11,250. All utility companies are in agreement with these alley closures remaining as an underground utility easement.

FISCAL IMPACT

Anticipated revenue to the General Fund of \$11,250.

Staff recommended approval of the first reading of this ordinance.

5.5. This item was moved from consent agenda to regular agenda and considered following Item 5.20.

5.6. Monitor Well Permit Resolution - Right-of-Way: Resolution No. 2006-R0513 authorizing the Mayor to execute a monitor well permit with Townsend-Strong, Inc. for a street right-of-way monitor well located at 2508 1st Place.

This monitor well allows Townsend-Strong, Inc. to drill a ground water monitor well just west of University Avenue in the north street right-of-way of 1st Place. Dorothy Tanner is the adjacent property owner and has given the City written approval to allow the contractor to place the monitor well on the south side of her property in the street right-of-way. The former gas station property located at 110 University Avenue had an underground leaking fuel tank and the TNRCC has requested that they go off site with a monitor well in addition to those drilled on their property. This permit is for 20 years and the permit fee is payable every 5 years in advance. All utilities are in agreement.

FISCAL IMPACT

Anticipated annual revenue of \$100 to the General Fund over the contract period.

The Right-of-Way Department recommended the approval of this monitor well permit with Townsend-Strong, Inc.

- 5.7. Alley Use License Resolution - Right-of-Way: Resolution No. 2006-R0514 authorizing the Mayor to execute an alley use license with Freebirds, L.P., Freebirds World Burrito, to use a portion of a dedicated alley for a grease interceptor and lift station located at 1203 University Avenue.**

A new restaurant located at 1203 University and owned by Freebirds, L.P., Freebirds World Burrito, has requested an alley use license to install a grease interceptor and lift station in the alley just east of University Avenue between Broadway and 13th Street. The Right-of-Way Department has valued this license at \$12 per square foot based on adjacent land values in this area. Using the alley use license formula for sub-surface encroachments, a value is determined: 450 total square foot license area x \$12 per square foot x 60% x 10% = \$324 per year. This license will be for 20 years, payable every 5 years in advance, or \$1,620 for each five-year period. All utility companies are in agreement with this license.

FISCAL IMPACT

Anticipated annual revenue of \$324 to the General Fund over the contract period.

Staff recommended approval of this resolution.

- 5.8. This item was moved from consent agenda to regular agenda and considered following Item 5.5.**
- 5.9. This item was moved from consent agenda to regular agenda and considered following Item 5.8.**
- 5.10. Resolution Amendment - City Manager's Office: Resolution No. 2006-R0515 authorizing the Mayor to provide a change to the number of members on the Audit Committee.**

The Audit Committee recommended that the number of committee members be reduced from six to five.

FISCAL IMPACT

There is no fiscal impact.

- 5.11. Resolution Amendment - Water Utilities: Resolution No. 2006-R0516 amending Resolution 2003-R0285 to provide for a quorum of four members for the Lubbock Water Advisory Commission.**

The Lubbock Water Advisory Commission was established by resolution on July 24, 2003. Resolution 2003-R2085 provided for nine Water Commission members and a quorum of five members.

The Water Commission has recommended that their quorum be changed from five members to four. The Commission is advisory in nature and it has proven difficult to always have five Water Commission members present at every meeting due to conflicts with other scheduled meetings and activities. Four of the Water Commission members are almost always able to attend the scheduled meetings. Allowing the quorum to be changed to four members will enable the Commission to meet and to make recommendations at almost all scheduled meetings.

All Water Commissioners will still have the opportunity to provide comment on the agenda materials provided to them prior to their meeting. Water Commission members also meet in committee from time to time to prepare agenda items for consideration by the full Water Commission.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Water Advisory Commission.

5.12. Contract Resolution - Water Utilities: Resolution No. 2006-R0517 authorizing the Mayor to execute a professional services agreement with Waters Executive Recruitment to assist with the recruitment and selection process of the Assistant Water Utility Director position.

Several years ago, the City assigned the Chief Water Utility Engineer the responsibility for water supply planning to focus professional resources on the water supply planning issue by designating a key staff member to work on the issue. When the position became vacant in March, 2006, the City advertised the opening under the job title, Water Planning Engineer. No applications were received.

In order to attract qualified applicants who have the skills, abilities, and knowledge needed for the position, the Lubbock Water Advisory Committee recommended that staff advertise the position as "Assistant Water Utility Director". This will serve two major purposes. First, it will attract the caliber of applicant that the City needs to help oversee water planning efforts; and second, it will provide an option for succession planning. Both issues are significant when considering the number and the significance of the water projects and issues now facing the City.

It is also recommended that the City contract with Waters Executive Recruitment, and work through Chris Hartung of that firm, to assist with the recruitment and selection process. The contract for these professional services is provided.

FISCAL IMPACT

The contract amount is \$18,500 plus related expenses. The currently vacant position was approved in Adopted FY 2006-07 Operating Budget. The search costs will be funded through vacancy savings.

Staff supports the recommendation of the Lubbock Water Advisory Commission.

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

5.14. Contract Resolution - Water Utilities: Consider a resolution authorizing the Mayor to execute a contract with Universal Utility Services for particle counter units at the Water Treatment Plant, RFP 06-722-DD.

This item was rescinded.

This item was first passed as part of consent agenda, later reconsidered after Item 6.3 and was rescinded.

5.15. Contract Resolution - Fire Department: Resolution No. 2006-R0518 authorizing the Mayor to execute a contract with the Mesa Fire Department of Mesa, Arizona to use the Lubbock Fire Department Airport Rescue Fire Fighter Training Facility for training purposes.

Federal Aviation Regulation 139 requires all firefighters assigned to airport fire protection duties to have an annual hot drill. The hot drill consists of extinguishing aircraft fires by both handline and apparatus application of extinguishing agent. The Mesa Arizona Fire Department desires to contract with the City to use the City's existing Airport Rescue Fire Fighter (ARFF) Training facility.

FISCAL IMPACT

Revenue of \$350 per student. The Mesa Fire Department is expected to train approximately 28 firefighters over a three day period generating gross revenues of approximately \$9,800. The net revenue adjusted for fuel, chemical agent, and personnel costs will be used to offset the cost of training Lubbock ARFF firefighters and will assist with the maintenance of the ARFF training facility. These funds are set aside in a donations account specifically for this purpose.

Staff recommended approval of this resolution.

5.16. Contract Resolution - Facilities Management: Resolution No. 2006-R0519 authorizing the Mayor to execute a contract with Bruce Thornton Air Conditioning Inc. for HVAC replacement at Hodges Community Center, RFP 06-719-DD.

This project is for the replacement of the existing HVAC systems at Hodges Community Center. The existing HVAC systems at Hodges Community Center have outlived their useful and efficient lives. Current repairs have been very inefficient. This project includes the removal of two existing systems and the installation of five new units. One unit will cool the meeting room, one will cool the mechanical room, and the third unit will cool the clubrooms and bathrooms. Two smaller units will be installed in each office. This will allow for better control and allow more efficient operation of the HVAC systems at the Center. Proposals were received from the following firms:

Bruce Thornton Air Conditioning, Inc. of Lubbock, TX (254 points \$62,478)

J.D.'s Heating, Air Conditioning, & Plumbing Inc. of Lubbock, TX (211 points \$75,942)

Pharr & Company of Lubbock, TX (202 points \$89,405)

Time for completion is 90 consecutive calendar days with liquidated damages of \$250 per day. Ninety-one local businesses were notified of the Request for Proposal.

FISCAL IMPACT

A total of \$150,000 was appropriated with \$100,000 available in Capital Improvement Project 8521, Community Center Renovations.

Staff recommended contract award to the highest ranked and lowest cost contractor, Bruce Thornton Air Conditioning, Inc. of Lubbock, Texas for \$62,478.

- 5.17. This item was moved from consent agenda to regular agenda and considered following Item 5.13.**
- 5.18. This item was moved from consent agenda to regular agenda and considered following Item 5.17.**
- 5.19. This item was moved from consent agenda to regular agenda and considered following Item 5.18.**
- 5.20. Contract Amendment Resolution - Storm Water: Resolution No. 2006-R0520 authorizing the Mayor to execute Change Order No. 2 to the contract with Utility Contractors of America, Ltd for additional services in association with the South Lubbock Drainage Improvements Project – Phase I Main Trunk Line.**

Construction of the South Lubbock Drainage Improvements Project began in January 2005 after contract award to Utility Contractors of America, Ltd in September 2004. The contractor has been working diligently on the project and is currently ahead of the proposed construction schedule.

Since design plans were submitted and construction started, there has been substantial new development along the pipeline route on 98th Street. Of particular interest are the areas west of Quaker Avenue and the areas between University Avenue and Avenue P.

Since the summer of 2005, many of the tracts located along the southwest corner of the intersection of 98th Street and Quaker have been platted. At least three businesses have recently opened on the south side of 98th Street and west of Quaker Avenue with 98th Street as the only access. Two more businesses may open by the end of October 2006. The original design through this route required that all of 98th Street between Vicksburg Avenue and Quaker Avenue would be shut down for a period of time while the pipeline crossed virtually all the lanes around the curved roadway of 98th Street. It was going to be an inconvenience but nothing more since there were no businesses

located along that portion of 98th Street. In order to provide access to the businesses, staff has worked with Parkhill, Smith & Cooper, Inc. and Utility Contractor's of America, Ltd, to design a realignment of the pipeline. Several options were discussed, and the best alternative for the realignment will require additional tunneling in order to provide the access required, maintain safe working areas, clear all existing utilities, and allow traffic to continue along 98th Street for the duration of construction.

In June 2006, City Council approved the annexation of the portion of land south of 98th Street in the vicinity of Avenue P at the request of a developer. Phase I of the Stonebridge Development is now underway in this area. One lateral of the South Lubbock Drainage Project has always been planned to go south into Playa Lake #84, but this project was originally expected to be several years from now. With this recent annexation and development, staff considered the best way to get this lateral line in the ground and whether or not the project should be put out to bid or possibly added to the existing project by change order. Since the contractor still has work to do in this area with a lateral line stub towards this lake, staff approached Utility Contractor's of America, Ltd about the possibility of a change order to their current contract to also add this work.

There are several reasons why these two issues are recommended:

Realignment from Vicksburg Avenue to Quaker Avenue

The new businesses and citizens will be severely impacted by the complete closure of 98th Street between Vicksburg Avenue and Quaker Avenue.

It has always been staff's attempt to provide at least one entrance to a business during construction projects and this realignment is required for that to happen.

Additional Lateral to Lake #84

The Contractor is already mobilized for the additional inlet structure and will not require additional mobilization costs if bid out separately. Material costs continue to be on the rise, so the likelihood of getting a better price by bidding out the additional structure later is not very realistic. There is only one structure and a minimal amount of pipe involved on this lateral line. The type of work and costs associated with these huge drainage structures would require special consideration if put out to bid.

The existing contract amount for Phase I – Main Trunk Line is \$27,092,637. A unit price change order for this work was negotiated between staff and Utility Contractor's of America increasing the contract \$655,180 for a new contract amount of \$27,747,817. Staff believes that this price is in line with current engineering estimates for this lateral line and realignment.

FISCAL IMPACT

The funding for the South Lubbock Drainage Project is as follows:

Total Budget:	\$49,605,000
Total Appropriated to Date:	46,655,000
Contracted to Date:	
Engineering Design	2,950,067
TxDOT University to Indiana Const.	1,296,598
RPR Contract for TxDOT Portion	137,854
UCA Phase I – Main Trunk Line	25,699,455
Change Order #1 Lake 84-A Lateral	1,393,181
RPR Contract for Main Trunk Line	1,997,282
Subtotal	33,474,437
Construction of Slide to Frankford:	8,077,000
Total Obligated to Date:	41,551,437
Available for Laterals to Date:	5,103,562
Change Order #2:	
Lake 84 Lateral	438,532
Realignment West of Quaker	216,648
CO #2 Subtotal	655,180
Balance of Authorized Funds:	4,448,382
Balance of Total Budget:	\$7,398,382

This change will minimize the cost of future required maintenance.

Staff recommended approval of this resolution.

Mayor Pro Tem Gilbreath recused himself.

6. REGULAR AGENDA

Note: Regular Agenda items, and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (Items 5.5, 5.8, 5.9, 6.1-6.3, 5.14, 5.13, 5.17-5.19, 5.2, 6.5-6.7).

5.5. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2006-O0112 abandoning and closing a temporary drainage easement located in Section 35, Block AK, Lubbock County, Texas, easement located at 6501 Spur 327.

This ordinance abandons and closes a 2.275 acre tract of temporary drainage easement in Section 35, Block AK, which is located west of Milwaukee Avenue and south of Spur 327. This easement was dedicated by separate

instrument in volume 9805, page 143, Deed Records of the County Clerks Office in conjunction with the construction of Milwaukee Avenue from Spur 327 to 66th Street. New drainage easements will be dedicated as needed when the property is platted.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the first reading of this ordinance.

Dave Booher, Right-of-Way Agent, and Marsha Reed, Assistant City Engineer, 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-O0112 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.8. Property Offer Resolution - Right-of-Way: Resolution No. 2006-R0521 authorizing the Right-of-Way Department to make an offer to David Crockett, Jr., Emily Norris, Doris Lee Vest Fletcher, Nettie J. Edwards, Mary Sue Cauley, Martha King, Dornell Edwards, and Carolyn Cade for residential lots in the Phyllis Wheatley Addition to the City of Lubbock, properties located south of East 34th Street, north of East 37th Street, and east of Martin Luther King, Jr. Boulevard.

The City is in the initial stages of acquiring properties as they become available for the purpose of economic development in the Phyllis Wheatley Addition. This addition is located south of the City of Lubbock Cemetery, east of Martin Luther King, Jr. Boulevard, north of East 37th Street, and bounded on the east by the City's Wastewater Treatment Plant. This area has been vacant for almost 20 years. By acquiring these properties, the City can create a positive development for this area in the future. This resolution authorizes the Right-of-Way Department to make an offer to David Crockett, Jr. for Lot 4, Block 6; Emily Norris for Lot 11 Block 1; Doris Lee Vest Fletcher for Lot 6, Block 13; Nettie J. Edwards, Mary Sue Cauley, Martha King, Dornell Edwards, and Carolyn Cade for Lots 1, 2, 3, Block 13 and Lot 6, Block 12, all in the Phyllis Wheatley Addition. Shaw Wofford appraised these lots for a value of \$500 each, which is the City's offer to the above named owners for each lot.

FISCAL IMPACT

\$194,183 is available for these purchases in Capital Improvement Project 90396, Economic Development Acquisition of Property.

Staff recommended approval of this resolution.

Rob Allison, Executive Director of Business Development, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass Resolution No. 2006-R0521 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.9. Paving Improvements Resolution - Public Works: Resolution No. 2006-R0522 directing staff to cause the construction of paving improvements due to a request from the Lubbock Independent School District for the City to complete the full width paving of Avenue P from South Loop 289 to 82nd Street.

LISD is currently building a new elementary school on the east side of Avenue P between 79th Street and 81st Street. Although there is continuous paving on this section of Avenue P between Loop 289 and 82nd Street, the paving is not full width. Some sections of Avenue P are paved half width. The attached map identifies the unpaved portions of the street.

LISD is concerned that when the school opens, the additional traffic on Avenue P will create congestion and safety problems. Therefore, LISD is requesting that the City fund and construct all unpaved portions of Avenue P to provide for the full width paving from South Loop 289 to 82nd Street before the opening of the elementary school in the Fall of 2007. This request is not in accordance with the city's paving policy, which requires the developer to provide for paving at the time of platting.

Three of the four unpaved half width portions of Avenue P are adjacent to unplatted tracts of land. At the time these tracts are platted and developed, the developer would normally be required to dedicate the right-of-way and construct the paving improvements at his expense on Avenue P at that time. However, there is no guarantee or schedule for when these unplatted tracts of land may be developed.

One portion of half width street that has not been paved is adjacent to lots that have been platted. These are two lots of Winniewood Addition that were platted prior to annexation and the requirement of the developer to provide for paving improvements at the time of platting.

FISCAL IMPACT

The estimated cost to construct the half width paving along those portions of Avenue P that are still unpaved is \$107,000. The source of funds for this paving is an existing capital project for "Strip Paving Unpaved Streets", Project Number 91189. There is currently \$314,746 remaining in this capital project.

The above estimate does not include any cost to acquire any of the three parcels of land needed for the right-of-way in order to construct these portions of Avenue P. At this point, it is assumed the landowners would voluntarily dedicate the right-of-way needed to construct Avenue P full width at no cost to the City. The landowners have not yet been contacted. Another option would be to remove the existing paving and construct the entire street full-width at a cost of approximately \$500,000. Sections of the existing paving are

deteriorated, and increased traffic may result in premature failures of those locations.

With the construction of this elementary school adjacent to a partially completed collector street, the staff is concerned about safety and traffic congestion issues that were raised by LISD. With this in mind, staff would support paving the remaining portions of Avenue P full width. If Council directs staff to move forward with this paving, the landowners will be contacted about dedicating the needed right-of-way necessary to complete the full width paving project.

Larry Hertel, City Engineer, gave comments and answered questions from Council. Hertel will contact the property owners and report back to Council in two weeks with information on the right-of-way acquisition issues.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass Resolution No. 2006-R0522 with an amendment to make the resolution contingent upon donation of the land for right-of-way. Motion carried: 7 Ayes, 0 Nays.

6.1. Public Hearing 10:00 a.m. - Planning: Conduct a public hearing on the annexation of land described generally as east of Indiana Avenue, south of 116th Street, to 660 feet south of F.M. 1585, two sides of which are adjacent to the existing corporate limits of the City of Lubbock, Texas.

Mayor Miller opened the public hearing at 10:05 a.m. No one appeared to speak in favor of the annexation. Ray Dunn, Tully Kerr, Byron Cowling, Greg Reynolds, and Jill Clevenger appeared in opposition. Mayor Miller closed the hearing at 10:27 a.m.

On September 13, 2006, City Council directed the Planning Department to initiate the process of annexation of an area generally located east of Indiana Avenue, south of 116th Street, to 660 feet south of F.M. 1585. The map provided in backup (Exhibit A) shows an area bounded by red as the parcel of land requested for annexation by Mr. Betenbough. The area bounded by green represents the area recommended by Planning Department staff as creating a boundary consistent with annexation policy as noted within the Comprehensive Land Use Plan - this annexation should not create "pockets" on the perimeter of the City.

A map of the proposed annexation (Exhibit A), an explanation of the annexation process, and a list of general questions and answers regarding annexation are provided.

FISCAL IMPACT

No capital expense is recommended in proposed service plan because the area fits the definition in State law allowing annexation to provide services "as in like areas" of the rest of the City. Operational expenses (soft services – police, fire, etc.) will be absorbed by various departments' current operating budget.

Staff recommended annexation.

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

6.2. Public Hearing 10:00 a.m. - Planning: Ordinance No. 2006-O0113 Zone Case No. 1335-A (715 E. 73rd Street): Hold a public hearing to consider request of AMD Engineering, LP for Nix Electric Company, Inc. for a zoning change from R-1 to M-1 on Lots 23-25, Del Prado.

Mayor Miller opened the public hearing at 10:28 a.m. No one appeared on behalf of Nix Electric Company. No one appeared in opposition. Mayor Miller closed the hearing at 10:28 a.m.

The request will relocate an existing alley and rezone three residential lots facing 73rd Street to M-1. The three lots will be joined with the parcel on the South Loop where Mr. Nix has operated Nix Electric on the South Loop for many years. That parcel is zoned M-1.

Adjacent land use:

N – industrial

S – residential

E – industrial zoning

W – residential

The proposal is not in concert with current Comprehensive Land Use Plan policies because this area was developed prior to adoption of the 1975 Plan. This row of seven residential lots back up to commercial and industrial use to the north (on Loop 289), and M-1 zoning comes all the way to 73rd Street just to the east.

To alleviate any of the fears with regard to the use of the land for the remaining residential neighbors, Mr. Nix has agreed to three conditions that will benefit their peace and quiet. The conditions are supported by the staff.

Planning Commission recommended the request subject to the following conditions:

1. The applicant will replat the three lots and relocate the alley to divert to the south on the west end of the redeveloped lots.
2. The applicant shall install a screening fence with 15 feet of front setback along 73rd Street and along the west property boundary adjacent to the new alley.
3. No access to the industrial facility will be allowed from the front of the three lots requested for rezoning. One access point shall be allowed for an employee parking lot.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Boren to pass on first reading Ordinance No. 2006-O0113 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.3. Public Hearing 10:00 a.m. - Planning: Ordinance No. 2006-O0114 Zone Case No. 2995-C (east and west of Milwaukee Avenue, south of 66th Street and north of 82nd Street): Hold a public hearing to consider request of Burl W. Masters for George McMahan for a zoning change from R-1 Specific Use and A-2 to C-3, C-2, and R-1 Specific Use on 32.9 acres of unplatted land out of Section 29 and Section 30, Block AK.

Mayor Miller opened the public hearing at 10:28 a.m. No one appeared on behalf of George McMahan. No one appeared in opposition. Mayor Miller closed the hearing at 10:28 a.m.

The request is a reformatting of zoning along Milwaukee Avenue between 66th Street and 82nd Street, with the proposed subdivision "Bacon Crest" being developed by the same person on both sides. Adjacent land uses remain substantially vacant in all directions. Portions of the residential development and commercial development along 82nd Street have started.

The proposition is divided into six areas:

Area 1.

An area north of existing C-3 along Milwaukee Avenue and the corner of 82nd Street is requested as C-2. It is across from the proposed Area 5 which will be C-3, if approved. To the west of Area 1 is land dedicated to a large drainage facility. Conditions will be discussed below.

Area 2.

Area 2 is a small triangular portion south of Area 3, south of 66th Street on Milwaukee Avenue, and is requested as C-2. The dynamics of design and the shape of the area are proving to make it development of the parcel as residential difficult. The parcel will be north of an area proposed as either a park or a drainage facility (not shown on the area graphic). Conditions will be discussed below.

Area 3.

Just north of Area 2, the requested zoning is C-3. This will fit the current zoning to the north which is also C-3, with conditions. Conditions will be discussed below.

Area 4.

The parcel east of Area 5 (which is requested as C-3) will revert to residential zoning with a Specific Use Permit regarding setback for a cul de sac originating on 79th Street. The developer is choosing not to have a buffer other than the alley for this new residential area.

Area 5.

The parcel to the west of Area 4, noted above is proposed as strip C-3 commercial. Conditions will be discussed below.

Area 6.

The City purchased a parcel west of Area 6 from the developer. This parcel will be used by Water Utilities to develop a pump station, which is currently under construction. The requested zoning is C-3, conditions will be discussed.

As noted in the original zone case along this portion of Milwaukee Avenue, the areas requested for commercial zoning do not conform to the policies of the Comprehensive Land Use Plan. The commercial facilities along 82nd Street to the west that staff inherited in the 2000 annexation also do not conform to the Comprehensive Land Use Plan. The dynamics are different in this immediate area, because of the design of drainage facilities and the installation of Milwaukee Avenue as a new thoroughfare before development of the area.

Taking from Zone Case 2995 series of requests, the Planning Commission recommended the request with the following conditions:

For Area 4:

1. Front setback shall be a minimum of fifteen feet, except that any front entry garage shall have a minimum setback of twenty feet.
2. Side setback on corner lots shall be a minimum of five feet.
3. A five-foot minimum setback shall be allowed on cul de sac lots with the exception that any front entry garage must meet a twenty foot setback.

For Areas 1-3 and 5-6:

1. For each of the areas zoned commercially, a traffic access plan (curb cuts) shall be approved by the Planning Commission prior to a construction permit being issued.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff supports the recommendation of the Planning Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Boren to pass on first reading Ordinance No. 2006-O0114 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Budget Amendment Ordinance 1st Reading - Finance: Consider Budget Ordinance Amendment No. 2 amending the FY 2006-07 budget respecting the LP&L Fund.

This item was deleted.

5.14. Contract Resolution - Water Utilities: Consider a resolution authorizing the Mayor to execute a contract with Universal Utility Services for particle counter units at the Water Treatment Plant, RFP 06-722-DD.

This item was rescinded.

This item was first considered in consent agenda and reconsidered in regular agenda.

Proposals were solicited for a contractor to furnish and install particle counter units at the Water Treatment Plant that are necessary to monitor the number and sizes of suspended water particles passing through the treatment process and are a valuable tool for early warning of possible breakthrough in the filters. By continuously monitoring particle sizes, operational changes may be made in a timely manner to minimize or eliminate particle sizes related to Cryptosporidium and Giardia. The existing units are several years old and repair parts have become obsolete. Continuous on line monitoring of the water quality is an essential tool that allow operations staff to make necessary adjustments of chemical dosages or treatment practices to produce quality water for the citizens of Lubbock and other communities.

Two proposals were received and were ranked as follows:

Universal Utilities Services - LLC of Amarillo, TX	297 points	\$149,067
Prime Controls of Lewisville, TX	257 points	\$249,000

Time for completion of this project is 90 consecutive calendar days with liquidated damages of \$25 per day.

FISCAL IMPACT

\$150,000 is available for this contract in Capital Improvement Project 91010, WTP Particle Counter.

Staff recommended contract award to Universal Utility Services of Amarillo, Texas for \$149,067.

This item was first passed in consent agenda. Then, motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to reconsider this item in regular agenda. Motion carried: 7 Ayes, 0 Nays.

Victor Kilman, Director of General Services, told Council that the contractor withdrew their proposal. After their attorney looked at the terms of conditions, it was decided that the contract could not be honored. The project will be re-bid.

Motion was then made by Council Member Price, seconded by Council Member Leonard to rescind this resolution. Motion carried: 7 Ayes, 0 Nays.

5.13. Contract Resolution - Water Utilities: Resolution No. 2006-R0523 authorizing the Mayor to execute a contract with Wilson Drilling Company for Bailey County Sandhills Well Field test holes, RFP 06-724-BM.

During the past 20 years, due to extended drought periods resulting in water table declines, production from existing wells in the Bailey County Sandhills Well field has declined. Parkhill, Smith and Cooper, Inc. (PSC) was recently hired to evaluate the feasibility and optimal placement of additional wells to restore the lost capacity of the well field. PSC determined the need for the test holes and prepared specifications for drilling and completing the test holes. The information obtained from these test holes will be used in the design and construction of additional public water supply wells.

Time for completion of this project is 45 consecutive calendar days with liquidated damages of \$25 per day.

Three drilling companies submitted proposals and were ranked as follows:

- | | | | |
|-----------------------------|---------------|------------|----------|
| 1. Wilson Drilling Company | Muleshoe, TX | 96.33 pts. | \$55,541 |
| 2. Hi Plains Drilling, Inc. | Abernathy, TX | 85.33 pts. | \$59,322 |
| 3. LT Drilling Company | Sunray, TX | 66.00 pts. | \$78,150 |

An evaluation/selection committee was formed to review and rate the proposals submitted by the firms listed above.

The evaluation criteria in the RFP included 1) 60% price, 2) 5% resume and references of proposed job superintendent, 3) 5% list of potential items from proposer that could reduce the cost of work but result in the same end product, 4) 5% insurance claims and litigation during the last three years, 5) 15% construction time, 6) 5% list of subcontractors, and 7) 5% contractor phasing options which may shorten construction time or minimize disruptions to City operations without increasing proposal amount.

The selection committee determined that the proposal by Wilson Drilling Company best meets the needs and requirements of the project. This proposal contained both the lowest price and the shortest construction time at \$55,541 and 28 days respectively. These are within the budget of \$60,000 and 45 days construction time estimated for this project.

FISCAL IMPACT

\$2,179,000 available for this contract in Capital Improvement Project 91003, Additional Sandhills Wells.

Staff recommended contract award to the highest ranked and lowest cost contractor Wilson Drilling Company of Muleshoe, Texas, for \$55,541.16.

Tom Adams, Deputy City Manager/Water Utilities Director, 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-R0523 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.17. Contract Resolution - Business Development: Resolution No. 2006-R0524 authorizing the Mayor to execute a commercial tax abatement agreement with Vendville, LLC.**

The City has received an application for commercial tax abatement from Vendville, LLC (Red Chair). They have purchased land located at 1419 Buddy Holly Avenue and formally owned by Lubbock County. Vendville plans to renovate an existing building on the property which is located in the Lubbock 2000 South Enterprise Zone.

The project meets the Commercial Tax Abatement Policy and Guidelines minimum investment of \$100,000 in real property improvements for an existing company. Total investment in the project will be approximately \$575,516. Six to eight new jobs will be created with the project. Red Chair is an existing company with six to eight employees at the current location.

The location is within the boundaries of the Central Business District (CBD) TIF. Therefore, so the agreement must also be approved by the (CBD) TIF Board. The CBD TIF Board considered and approved the agreement at their October 3, 2006, Board Meeting.

Staff is recommending a five-year declining scale tax abatement. The City Council approved the Notice of Intent for this agreement on October 13, 2006.

FISCAL IMPACT

The estimated total amount of the City tax abatement will be \$7,714 over five years.

Staff recommended approval of this resolution.

Rob Allison, Executive Director of Business Development, and Cheryl Brock, Business Research Specialist, 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-R0524 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.18. Contract Resolution - Finance: Resolution No. 2006-R0525 authorizing the Mayor to execute an agreement for financial advisory services, RFP 06-069-MA.

The City's contract with First Southwest Company was terminated on July 25, 2006. Consequently the City solicited proposals from firms that perform financial advisory services. Eight financial advisory firms submitted proposals for these services:

- Coastal Securities – a Houston-based regional securities firm. The firm was founded in 1991 as a broker-dealer focusing on fixed income securities and has provided financial advisory services to Texas issuers since its inception.
- Estrada Hinojosa & Company, Inc. – established in 1990. The firm specializes in public finance with particular strength in municipal financial advisory and municipal underwriting services.

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- First Southwest Company – founded in 1946 in Dallas, Texas. The primary focus of the firm continues to be delivery and execution of financial advisory and underwriting services to state and local governmental entities.
- M. E. Allison & Co., Inc. – founded in 1946. The oldest privately owned investment banking firm in Texas. The firm operates primarily in the field of municipal finance as financial advisors and underwriters.
- Public Financial Management – founded in 1975. PFM provides financial advisory services as well as assistance to municipalities in long-range planning, budgeting, and general business practices. The staff representing this firm is located in Austin, Texas.
- RBC Capital Markets – originally Dain Rauscher Incorporated. RBC Capital Markets was formed in 2001 when the Royal Bank of Canada (RBC) acquired Dain Rauscher. RBC Capital Markets is an international financial services firm and one of the largest fixed income investment banks in the United States. The staff representing this firm is located in Houston, Texas.
- SAMCO Capital Markets, Inc. – SAMCO is a Texas headquartered regional firm that was founded in Austin in 1986. SAMCO is an investment banking, broker/dealer firm that is a privately held corporation owned primarily by its employees.
- Southwest Securities – founded and based in Dallas, Texas. Southwest Securities is the largest publicly held full service securities firm based in Texas that is a member of the New York Stock Exchange.

A selection committee evaluated and ranked the proposals using the evaluation criteria published in the RFP: 1) the firm's experience in performing work as described in "Scope of Work", 2) the experience and qualification of the firm's staff who will be actively involved in the performance of this contract, 3) extensive municipal experience, and 4) price. Overall, RBC Capital Markets received the highest score of 418. The second highest score was earned by Southwest Securities at 387 followed by Coastal Securities at 322, M.E. Allison at 307, Estrada Hinojosa at 306, The PFM Group at 292, SAMCO at 289 and First Southwest Company at 271.

The selection committee's recommendation is pending oral presentations of the two highest ranked firms. The committee's recommendation and the proposed contract will be provided before this item is considered.

FISCAL IMPACT

The fiscal impact will be based on proposed bond issues.

Jeff Yates, Chief Financial Officer; Lee Ann Dumbauld, City Manager; and Mark Nitcholas, Director of RBC Dain Rauscher Inc., 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-R0525 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.19. Contract Amendment Resolution - Public Works: Resolution No. 2006-R0526 authorizing the Mayor to execute Change Order No. 7 to the contract with Granite Construction Company for the Milwaukee Avenue Paving from 34th Street to 92nd Street Project.

The paving of Milwaukee Avenue from 34th Street to 92nd Street improvement project is being constructed by Granite Construction Company. Change Order No. 7 will add work to be performed, provide final quantity adjustments for the work already completed, accept and release retainage of work completed, and will establish the beginning date for the warranty period.

Original Contract	\$17,316,933
Change Order No. 1 (7/14/05)	(212,840)
Change Order No. 2 (10/27/05)	416,200
Change Order No. 3 (12/15/05)	147,269
Change Order No. 4 (3/8/06)	74,367
Change Order No. 5 (3/23/06)	492,736
Change Order No. 6 (8/10/06)	88,339
This Change Order No. 7	(228,923)

New Contract Amount \$18,094,079

Change Order No. 1 deleted some items from the construction contract in cooperation with the contractor.

Change Order No. 2 added utility ditch backfill remediation on Milwaukee Avenue from 92nd Street south to 98th Street, and on 98th Street from Milwaukee Avenue east to Juneau Avenue.

Change Order No. 3 added five different items of work:

- (1) A change to use anti-corrosive material for the risers on 72" diameter manholes. This change was requested by the City Water Utilities Division. The change results in a deduction of the existing contract bid item of \$7,920 and an increase in cost of the new bid item for the anti-corrosive material of \$12,420, for a net contract increase of \$4,500 for this work.
- (2) The addition of work zone pavement markings that was not included in the original contract. These temporary pavement markings will be needed from 34th Street to 43rd Street where traffic will be maintained on Milwaukee Avenue for the school located at 43rd Street. These pavement markings are estimated to cost \$1,409.
- (3) Irrigation sleeves installed in the median between Brownfield Highway and Spur 327. In cooperation and coordination with Texas Parks and Wildlife Department and the City Parks Department, it was determined that a median be constructed in this portion of Milwaukee Avenue

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crossing McAlister Park with an area for live planting material. These sleeves were added to the contractor's work to provide water lines for irrigation to these planting areas in the median. This cost is estimated at \$5,840.

- (4) Lowering the water line below planned elevation immediately north of 82nd Street. After the original design of the water line was completed, it was discovered there were some three or four utilities in direct conflict with the proposed water line to be constructed along Milwaukee Avenue. Included in the utility conflicts were a high pressure gas line and fiber optic cables. A decision was made to lower the water line in order to miss all the existing utilities. The additional work required to achieve the depth needed will cost \$28,519.
- (5) Asphalt stabilized base (black base) between the bottom of the concrete paving and the top of culverts with less than two feet of cover. There was design concern regarding the stability and waterproofing of dirt backfill in the shallow depth area of the cover over the culverts. There are six culverts, and all six culverts have shallow cover. This asphalt stabilized base over the culverts is estimated to cost \$107,000.

Change Order No. 4 was a change for five different items of work:

- (1) Remove loop detectors resulting in a decrease in the contract amount of \$24,000.
- (2) Add advance detection cameras for traffic signal timing and detection of traffic at an increased cost of \$12,000.
- (3) Reduced cost due to a change in the testing requirements consistent with what was approved in Change Order No. 2. Reduction of \$19,647.
- (4) Add concrete paving for two right turn flares for driveways into the new Wal-Mart store located at the southeast corner of 82nd Street and Milwaukee Avenue. Wal-Mart will reimburse the City the cost to construct these two right turn lanes. This paving will increase the cost of the contract by \$38,161.
- (5) Add additional paving to provide dual left-turn lanes on US 62/82 for east and west bound traffic to make left turns onto Milwaukee Avenue. This additional work will increase the contract by \$67,853.

Change Order No. 5 was for constructing additional paving extending the concrete paving of Milwaukee Avenue south from 92nd Street to 94th Street including the extension of a 20-inch water line ahead of the paving at of a cost of \$494,995.

Change Order No. 6 was involved for the following items of work:

- (1) Seed additional areas of the right-of-way in the amount of \$6,959.
- (2) Add seeding in the drainage channels and McAlister Park area disturbed by construction that was not in the original contract at a cost of \$71,440.

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- (3) Remove silt and clean out the culvert under 82nd Street west of Milwaukee Avenue at a cost of \$6,370.
- (4) Repair four residential sprinkler systems encountered during construction on the west side of Milwaukee south of 82nd Street in the amount of \$3,570.

The seeding is necessary to comply with Texas Commission on Environmental Quality (TCEQ) storm water requirements to establish vegetative cover in disturbed areas due to construction activities. Cleaning the culvert and repair of the residential sprinkler systems were at the request of the City.

This Change Order No. 7 will change the contract as follows:

- (1) Remediation of a settled utility ditch under the Milwaukee Avenue paving on the north side of the 66th Street intersection adding a lump sum cost of \$141,062 to the contract.
- (2) Adjusting final project quantities for all items that have been constructed. The final adjustment to the final quantities results in a reduction of the contract price of \$369,985.
- (3) The contractor has requested final payment for all work completed and release of retainage. This change order will accept all work, with the exception of establishing vegetation and the work included in Number (1) above, and release of retainage in the amount of \$862,856. \$33,138 will continue to be retained for the vegetation yet to be established on the project.
- (4) With the work being accepted on all items except revegetation and Number (1) above, the beginning date of the warranty period on all other work is established as the date of this Change Order, October 26, 2006.

FISCAL IMPACT

The 2005-06 Capital Projects Budget has a budget for this project of \$20,500,000.

Construction Contract (including this Change Order)	\$18,094,079
Engineering Agreements to Date:	1,663,708
Total Estimated Project Cost To Date	<hr/> \$19,757,787
Less Wal-Mart Participation (C.O. #4)	(38,161)*
Less Betenbough Prepaid & Additional Participation	(41,688)
Less Day Estates Participation	(44,234)
Total Estimated Project Funding Need to Date	<hr/> \$19,633,704

Remaining Available Funding	\$20,500,000 (19,633,704)
	<hr/>
	\$ 866,296

* Wal-Mart's check to the City was \$44,185 that included additional costs for engineering by Parkhill, Smith & Cooper.

This Change Order reduces the total contract by \$228,923 due to the reduction of \$369,985 with the project quantity final adjustments, and the increased cost of \$141,062 due to the utility ditch remediation work.

Staff recommended approval of this resolution.

Larry Hertel, City Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2006-R0526 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.2. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2006-O0109 Consider Budget Ordinance Amendment No. 1 amending the FY 2006-07 budget respecting the General Fund, Grant Fund, and Capital Improvement Program.

This item was first discussed following Item 5.20.

1. Establish a new Capital Improvement Project known as "Marsha Sharp Freeway Phase 3B - Contribution" for the City's \$25 million participation in Phase 3B of the Marsha Sharp Freeway. This project will expedite the completion of Phase 3B of the Marsha Sharp Freeway by providing Texas Department of Transportation (TxDOT) the necessary remaining funds. The City's contribution will be funded using Certificates of Obligation to be repaid with franchise fees through the Gateway Fund. Without this contribution, TxDOT anticipates that the Marsha Sharp Freeway will not be completed until 2026. The City's contribution will allow the project to be completed 12 years earlier than anticipated and will allow economic development to accelerate, which in turn will lead to growth in the City's tax base. An advance funding agreement with TxDOT will be brought to the Council to solidify the details regarding this contribution at the first council meeting in November.
2. Establish a new Capital Improvement Project within the North Overton TIF entitled "River Smith's Area Improvements" and transfer \$55,095 from Capital Improvement Project 91065, Wal-Mart. These funds will be used for landscaping in the parkway behind River Smith's Restaurant. A developer agreement will be provided to City Council at the second reading of the budget ordinance to solidify the details regarding this project.

3. Authorize one additional FTE in the Health Department. A full time Pet Adoption Clerk position will replace two part-time customer service representatives at the Animal Shelter. The expense for this position was included in the FY 2006-07 Operating Budget.
4. Accept and appropriate a \$503,454 grant through the Governor's Division of Emergency Management Homeland Security Grant Program for the purchase of EOC equipment, radio interoperability, and other related homeland security items.
5. Accept and appropriate a \$20,476 grant from the Texas State Library and Archives Commission. This grant funds multimedia materials, part-time Librarian I for reference duties at the main library, and part-time Library Aide I for shelving duties at branch library.

FISCAL IMPACT

Included in Item Summary.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2006-O0109 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.5. Contract Resolution - Business Development: Resolution No. 2006-R0527 authorizing the Mayor to execute a notice of intent to other taxing jurisdictions to enter into a tax abatement agreement with Quaker Medical Center, LLC.

The City has received an application for commercial tax abatement from Quaker Medical Center, LLC who has purchased a 6.66-acre tract of land east of Quaker Avenue and north of Loop 289. Quaker Medical Center is a new company that plans to construct a 70-bed inpatient/outpatient physical medicine, rehabilitation, and psychiatric hospital and a 30-bed long-term acute care hospital on the property located in the Lubbock 2000 North Enterprise Zone.

The project meets the Commercial Tax Abatement Policy and Guidelines minimum investment of \$100,000 in real property improvements for an existing company. Total investment in the project will be approximately \$17 million. The project will eventually create 120 new jobs, 75% of which will be professional and management staff.

In order to contract with a company for tax abatement, the municipality must first deliver a notice of intent to enter into a tax abatement agreement to the other taxing jurisdictions. This action fulfills that requirement.

Staff is recommending a five-year declining scale tax abatement.

FISCAL IMPACT

Over the five year period, the estimated City tax abatement is \$235,615.

Staff recommended approval of this resolution.

Cheryl Brock, Business Research Specialist, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R527 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.6. Contract Resolution - Parks: Resolution No. 2006-R0528 authorizing the Mayor to execute a contract with Hunter Construction Company for the MLK Little League Baseball Complex, RFP 06-725-BM.

This project involves the first phase of developing a tournament grade four-plex Little League baseball field. Phase 1 includes two baseball fields, irrigation, two press boxes, one concession stand, lighting, fencing, and ADA accessible parking. This project will make the existing fields available for practice facilities.

These fields will increase the quality of life by providing physical activities, especially for children, and will contribute to the continuing development of east Lubbock. A modern Little League Baseball facility will contribute to community appearance, create recreational opportunities in an underserved area, and will result in a better distribution of baseball facilities throughout Lubbock.

This project was approved in the 2004 General Obligation Bond Election and the complex will be located on East 19th Street and Aspen Avenue. The facilities are scheduled to open during the 2007 baseball season.

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 provides staff with the ability to bring the project in within budget with the contractor who offers the best value. This is compared to a competitive sealed bid procedure that limits the City to basing contract award on the lowest bid, which may be over budget requiring staff to either search for additional funds or start the bid process all over.

Selection criteria used in this RFP includes cost 40%, resume and references of job superintendent 15%, cost saving suggestions 15%, insurance/litigation 5%, construction time 10%, subcontractors 10% and phasing options 5%. The following general contractors submitted proposals and were evaluated and ranked in relation to the published selection criteria as follows:

- Hunter Construction Company of Lubbock, Texas proposed a project cost of \$1,939,237 with time for completion of 160 days - 267 points.

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- Landscapes Unlimited, LLC. of Lincoln, Nebraska proposed a project cost of \$2,356,945 with time for completion of 160 days - 241 points.

Construction includes demolition of entire site, earthwork and grading, site work, buildings, concrete work, fencing and irrigation.

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, the following scope modifications and price reductions associated with the modifications were discussed and approved:

1. Install 6" caliche in lieu of 4" Type D with 6" caliche. \$103,325
2. Delete all sports lighting and all underground piping. \$218,678
3. Delete site water lines. \$29,160
4. Delete site sewer lines. \$30,716
5. Delete 2 lavatory carriers. \$110
6. Delete 2 urinal carriers. \$110
7. Change water closets from wall to floor mount. \$720
8. Change all outfield fences from 8' to 6'. \$3,563
9. Delete 6"PVC north loop main, replace 6" riser I-20's rotor heads with 4"riser heads, add 4500' wire to relocate the controller for future expansion, and add 3" PVC sub main for irrigation. \$5,800
10. Change Subcontractor for Infield surfacing labor and materials. \$11,052
11. Reduction in earthwork per revised drawing 10/14/06. \$39,765

Time for completion of this project is 160 consecutive calendar days and liquidated damages are \$500 per day.

The City will provide the following work:

- Install parking lot asphalt. \$21,000
- Install sports lighting, conduit, and wiring. \$151,652
- Replace overhead electrical service with underground service. \$17,842
- Install water and sewer service, Water Utilities contract, \$45,000.

FISCAL IMPACT

\$1,813,405 available for this contract in Capital Improvement Project Number 90374, MLK Little League Complex 05.

Staff recommended contract award to Hunter Construction Company of Lubbock, Texas for \$1,496,238.

Scott Snider, Assistant City Manager; Jeff Yates, Chief Financial Officer; Randy Truesdell, Manager of Parks and Recreation; and Lee Ann Dumbauld, City Manager, all gave comments and answered question.

Discussion was had on a third field for the MLK Little League Baseball Field and some of the specifics for the complex. City Manager Dumbauld stated that a budget amendment will be brought back to Council at a later date for the third field. Council directed staff to meet with a league representative to determine if the third field is needed.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2006-R0528 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.7. Board Appointments - City Secretary: Consider one appointment to the Model Codes and Construction Advisory Board, and two appointments to the Reese Redevelopment Authority Board of Directors.

The appointment to the Model Codes and Construction Advisory Board is for the "Developer" position. The two appointments to the Reese Redevelopment Authority Board of Directors are to replace the positions previously held by Suzanne Wilson and Connie Wharton.

Motion was made by Council Member Leonard, seconded by Council Member Jones to appoint George McMahan to the Model Codes and construction Advisory Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Leonard, seconded by Council Member Jones to appoint Greg Garland and Gary Andrews to the Reese Redevelopment Authority Board of Directors. Motion carried: 7 Ayes, 0 Nays.

11:25 A.M. CITY COUNCIL RECESSED

11:35 A.M. CITY COUNCIL RECONVENED

7. WORK SESSION

7.1. This item was considered following Item 7.3.

7.2. This item was considered following Item 7.1.

7.3. Hotel/Motel Tax - Lubbock Economic Development Alliance: Presentation on the attributes and benefits of a Visitors Center. Gary Lawrence, CEO of Lubbock Economic Development Alliance

Gary Lawrence, CEO of Lubbock Economic Development Alliance, gave comments and an overview of the Lubbock Economic Development Alliance and its role. He then introduced Marcy Jarrett, Executive Director of the Visitors Center, who gave a presentation on the attributes, benefits, and what the industry standards are of the Visitors Center. She then answered questions from Council.

7.1. Municipal Court Operations - Municipal Court: Discussion regarding operations of Municipal Court, present and future. Presiding Municipal Court Judge, Robert A. Doty

Robert A. Doty, Presiding Judge at Municipal Court, gave a presentation of Municipal Court operations and future plans and activities the Court. Judge Doty commented on the status of the Court, including remote locations and some of the technology advances that are in progress. He then answered questions from Council.

7.2. Brick Street Removal and Repair Plan - Public Works: Presentation of the brick street removal and repair plan. Marsha Reed, P.E., Assistant City Engineer

Marsha Reed, Assistant City Engineer, gave a presentation on the plan for removing and repairing the brick streets. Her presentation included the proposed brick streets to be preserved, plan for repair and construction, and the current funding allocation. She then answered questions from Council. Mayor Miller directed staff to come back with one of the recommendations from the Downtown Redevelopment Commission, and that is to adjust the budget for the \$770,000 from brick street repair and roll it into this year's budget for seal-coating.

1:30 P. M. COUNCIL ADJOURNED

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