

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
NOVEMBER 21, 2006
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 21st day of November, 2006, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

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

Absent: Council Member Gary O. Boren

1. CITIZEN COMMENTS

There were two citizens to express comments to Council. They were:

- Randall Merriott addressed Council regarding Item 6.3 and the proposed changes to the irrigation ordinance. His main concern was the language and the interpretation of “significant” water run-off.

Mayor Miller was informed by City Attorney Anita Burgess that Item 6.3 could be discussed during Citizens Comments.

At this time, motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to discuss Item 6.3.

Discussion was had. Council Member Leonard elaborated on the Water Commission’s opinion. Tom Adams, Deputy City Manager/Water Utilities Director, gave comments and answered questions from Council. Anita Burgess, City Attorney, asked Council to table this item until after Executive Session.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price, to table Item 6.3 until regular session. Motion carried: 6 Ayes, 0 Nays.

- Mike Buxkemper, co-owner of Water Master Irrigation Supply, also addressed Council regarding Item 6.3 on today’s agenda. He was concerned about the language and defining what “significant” water run-off means.

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; competitive matters of the public power utility, and information from the records of an individual applicant for a benefit from the City's self-funded health plan as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."

7:47 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION City Council Conference Room

All council members were present, except Council Member Boren.

- 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, Risk Management, 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 (Business Development, Parks and Recreation, 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) 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.**
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.0785, to discuss records or information from the records of an individual applicant for a benefit from the City's self-funded health plan (Risk Management).**

Regular City Council Meeting
November 21, 2006

9:38 A.M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers

Present: Mayor David A. Miller; Mayor Pro Tem Jim Gilbreath; 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: Council Member Gary O. Boren

Mayor Miller reconvened the meeting at 9:38 a.m.

3. PROCLAMATIONS AND PRESENTATIONS

Note: Items are listed in the order they were considered.

3.1. Invocation by Chaplain Tom World, Salvation Army.

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.

3.6. Board Recognition for newly appointed members of Model Codes & Construction Advisory Board:

Chris Carpenter
Timothy Conrad
Art Cuevas – unable to attend
Scott Fanning – unable to attend
Bill Maloy – unable to attend
Tom Mandry – unable to attend
Joe McKay
George McMahan
Jimmy Pharr
Joseph Rapier
Cyril Reasoner
Rudi Rushing – unable to attend

3.3. Mayor David Miller and representatives from Southwest Airlines will award plane tickets to the winners of the "Home for the Holidays" contest.

Mayor Miller invited John Beplay from Southwest Airlines to join him and present plane tickets to Fern Berger and Jose Zapata, winners of the "Home for the Holidays" contest. Ms. Berger and Mr. Zapata thanked the Mayor and Southwest Airlines.

3.4. Special recognition celebrating "Be a Santa to a Senior Season" through the 2006 holidays.

Tracy Baugh joined Mayor Miller while he presented special recognition to celebrate "Be a Santa to a Senior" season through the 2006 holidays. Home

Instead Senior Care and other outreach programs have a shared belief that our senior adults should not be alone or forgotten during the holidays. Home Instead Senior Care also partners with these groups in a combined effort each year for a community service project entitled, "Be a Santa to a Senior". Mayor Miller encouraged all citizens to join in this opportunity to make the holidays joyful for seniors.

3.5. Proclamation declaring Thanksgiving Day, November 23, 2006, as "Lights on for Our Troops" Day.

Mayor Miller read a proclamation that declared Thanksgiving Day, November 23, 2006, as "Lights on for Our Troops" Day. He asked all citizens to join in showing support by shining their porch light from 5:30 p.m. on November 22, 2006 through 7:00 a.m. on November 24, 2006.

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, October 26, 2006

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to approve the minutes of the Regular City Council Meeting of October 26, 2006 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1-5.3, 5.5-5.7, 5.9-5.15, 5.17-5.20)

Motion was made by Council Member Leonard, seconded by Council Member Price to approve Items (5.1-5.3, 5.5-5.7, 5.9-5.15, 5.17-5.20) on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.1. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2006-O0116 Consider an ordinance abandoning and closing a portion of a 20-foot underground utility and garbage service easement located at 6305 82nd Street and further described as Section 28, Block AK, Lubbock County, Texas.

ITEM SUMMARY

This ordinance, passed on first reading at the City Council meeting held on November 9, 2006, abandons and closes a portion of a 20-foot underground utility and garbage service easement in Section 28, Block AK. The easement is located on the south side of 82nd Street just south and east of Betenbough's office. This easement was dedicated with the Betenbough Addition II Tract A plat and is no longer needed. All utility companies are in agreement with this closure.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the second reading of this ordinance.

5.2. Public Improvement District Assessment Ordinance 2nd Reading - Business Development: Ordinance No. 2006-O0117 Consider an

ordinance reviewing the service plan and the classifications for the methods of assessing special benefits for the services and improvements of property in the North Overton Public Improvement District; approving, adopting, and filing with the City Secretary the Assessment Roll; and closing the hearing and levying assessments based on the Service Plan for the cost of certain services and/or improvements to be provided in the District during 2007.

Each year the City of Lubbock is required to review classifications for the methods of assessing; approve, adopt and file the assessment roll with the City Secretary; and levy the assessment for the North Overton Public Improvement District (PID).

A Public Hearing, which allowed property owners in the District to speak in favor of or in opposition to the assessment rate pursuant to Chapter 372 of the Texas Local Government Code, was held on November 9, 2006. The proposed assessment rate for 2007 is \$0.15 per \$100 of valuation through year 2010, decreasing to \$0.10 per \$100 of valuation in 2011. All property zoned commercial and high-density residential under the City of Lubbock Zoning Ordinance will be assessed for 2007. All single-family and duplex-zoned property will be assessed on a block-by-block basis as public improvements to be maintained by PID funds are completed. Staff is anticipating assessments on single-family and duplex-zoned properties in 2007. The Service Plan is provided.

From 2005 to 2006, the number of property owners in the Public Improvement District increased from 19 to 40 and the total assessed value of these properties increased from \$107.5 million to \$145 million.

FISCAL IMPACT

The revenue will be placed in a separate North Overton Public Improvement District (PID) Fund. The funds raised by the assessment will be used to provide security service, landscape maintenance, street and pedestrian lighting and maintenance on projects in the District, as well as cover a portion of the costs of administering the PID. The estimated revenue from the assessment for FY 2006-07 is \$213,188.

Staff recommended approval of the second reading of this ordinance.

- 5.3. Public Improvement District Assessment Ordinance 2nd Reading - Business Development: Ordinance No. 2006-O0118 Consider an ordinance reviewing the service plan and the assessment plan for special benefits for the services and improvements of property in the North Point Public Improvement District; approving, adopting, and filing with the City Secretary the Assessment Roll; and closing the hearing and levying assessments based on the Revised Service Plan for the cost of certain services and/or improvements to be provided in the District during 2007.**

The City is required each year to review classifications for the methods of assessing; approve, adopt and file the assessment roll with the City Secretary; and levy the assessment for the North Point Public Improvement District.

A public hearing was held on November 9, 2006, to allow property owners in the District to speak in favor of or in opposition to the assessment rate pursuant to Chapter 372 of the Texas Local Government Code. The proposed amendment to the Service Plan includes the addition of the electric cost of lighting at the neighborhood entrances. This addition will not change the assessment rate. The proposed assessment rate for 2007 is \$0.14 per \$100 of assessed value through year 2010, decreasing to \$0.04 per \$100 of assessed value in 2011. All property will be assessed for 2007.

From 2005 to 2006, the number of property owners increased from 113 to 189 and the total assessed value for these properties increased from \$10 million to \$27.1 million.

FISCAL IMPACT

The revenues will go into a separate North Point Public Improvement District (PID) Fund. The funds raised by the assessment in the District will be used to provide maintenance on the commons areas on North Slide Road and adjacent right-of-way, creating and maintaining a green space located under a utility easement, and enhancing and maintaining amenities in the entry stations on North Slide, as well as a portion of the costs of administering the PID. The total estimated revenue for FY 2006-07 is \$37,188.

Staff recommended approval of the second reading of this ordinance.

- 5.4. This item was moved from consent agenda to regular agenda and considered following Item 5.20.**
- 5.5. Interlocal Agreement Resolution - Emergency Management: Resolution No. 2006-R0552 authorizing the Mayor to execute an interlocal agreement with the Lubbock Chapter of the American Red Cross to provide disaster relief services.**

The Red Cross is an identified resource and valued partner in maximizing the community's response in feeding, sheltering and meeting the emergency needs of those affected by disaster. The City's responsibility is to protect the public health, safety and welfare of its citizens. Should Lubbock require mass care sheltering for citizens affected by a disaster or if Lubbock is activated as a hurricane shelter hub by the state, the City will maintain administrative control of the facilities utilized and the services provided. The City assumes responsibility for planning, organizing, directing and controlling every aspect of the shelter and the relief services provided. Should such emergencies arise, the Red Cross will furnish services as an independent contractor. These services include basic level disaster services training, blankets, cots, comfort kits, meals and other related supplies for use in the operations of the shelter.

This agreement pertains to mass care sheltering utilizing large facilities for evacuees numbering in the hundreds. Under this agreement, the City

maintains administrative control and the Red Cross provides support for shelter management and operations.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

5.6. Transfer of Surplus Property Resolution - Purchasing and Contract Management: Resolution No. 2006-R0553 authorizing the transfer of surplus computer hardware to Goodwill Industries of Lubbock.

The Purchasing and Contract Management Department is responsible for the disposition of all City-owned surplus and salvage property. City Council may authorize the transfer of such property to other governmental agencies and to charitable and civic organizations located in the City, provided that the property is used to perform a function for the benefit of Lubbock residents.

This item involves the transfer of surplus computer hardware to Goodwill Industries of Lubbock as these surplus items become available. Goodwill Industries will reassemble the surplus computer components at their 715 28th Street facility to provide Lubbock citizens with disabilities the opportunity to obtain their General Education Development degree and to gain computer skills. The computer hardware and components will also help provide Lubbock senior citizens with basic computer skills classes and Lubbock citizens released from correctional facilities with training on reassembling computer components.

FISCAL IMPACT

No fiscal impact anticipated.

Staff recommended approval of this resolution.

5.7. Transfer of Surplus Property Resolution - Purchasing and Contract Management: Resolution No. 2006-R0554 authorizing the transfer of surplus furniture to the Women's Protective Services of Lubbock.

The Purchasing and Contract Management Department is responsible for the disposition of all City-owned surplus and salvage property. City Council may authorize the transfer of such property to other governmental agencies and to charitable and civic organizations located in the City, provided that the property is used to perform a function for the benefit of Lubbock residents.

This item involves the transfer of surplus furniture used by the evacuees of Hurricane Katrina to the Women's Protective Services of Lubbock. Women's Protective Services will use this furniture to replace damaged and broken furniture in Lubbock shelters for battered women and children. The Federal Emergency Management Agency has reimbursed the City for the cost of the furniture.

FISCAL IMPACT

No fiscal impact anticipated.

Staff recommended approval of this resolution.

- 5.8. Employee Benefit Plan Changes Resolution - Health Benefits: Consider a resolution authorizing the Mayor to execute an Employee Benefit Plan with Blue Cross Blue Shield of Texas, for changes to the employee benefit plan, and related documents.**

This item was deleted.

- 5.9. Utility and Access Agreement Resolution - Right-of-Way: Resolution No. 2006-R0555 authorizing the Mayor to execute a utility and access agreement for 5710 58th Street between Larry K. Hay, Dennis R. Brink, Diana J. Brink and Lubbock Power & Light.**

Larry K. Hay, owner of Wild West Harley Davidson located at 5702 58th Street (Lot 7 Westac Addition), has a 6-foot by 6-foot switching enclosure easement utilized by Lubbock Power and Light and located in the northwest corner of said lot. Mr. Hay is also the owner of Lot 23 Westac Addition to the north of the easement and plans to make improvements to this property. Mr. Hay's improvements will prohibit access to the switching enclosure. In order for Lubbock Power and Light to service the switching enclosure easement, a new utility and access agreement between Dennis R. and Diana J. Brink and the City is needed. Dennis R. and Diana J. Brink own the property to the west and north (Lot 10 & 11-A Westac Addition) of the switching enclosure easement. This utility and access agreement allows Lubbock Power and Light to enter the Brink property to service the switching enclosure easement located on Lot 7, Westac Addition. Travis Turner with Lubbock Power and Light and Matt Wade with the legal department are in agreement with this utility and access agreement.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

- 5.10. Tax Abatement Notice of Intent Resolution - Business Development: Resolution No. 2006-R0556 giving Notice of Intent to enter into a tax abatement agreement with SemMaterials, LP to expand their existing facility at 1611 Marshall Street.**

The City of Lubbock has received an application for industrial tax abatement from SemMaterials, LP. This business has an existing facility at 1611 Marshall Street and has bought two additional parcels of land adjacent to the existing property to enable them to expand their facility. One of the adjacent parcels was recently purchased from the City, which puts it back on the tax roll. The site is located in the Lubbock 2000 North Enterprise Zone.

The project meets the Industrial Tax Abatement Policy and Guidelines minimum investment of \$500,000 in real property improvements for an existing company. Total investment in the project will be approximately \$3.6 million in real property improvements and \$8.8 million in machinery and equipment. Fifteen new jobs will be created with this expansion.

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 recommended a five-year declining scale tax abatement.

FISCAL IMPACT

Over the five year period, the estimated loss of revenue to the City through this tax abatement will be \$172,753.

Staff recommended approval of this resolution.

5.11. Industrial Tax Abatement Agreement Amendment Resolution - Business Development: Resolution No. 2006-R0557 authorizing the Mayor to execute an amendment to the property description in an industrial tax abatement agreement with BeMove, Ltd. and Module Truck Systems, Inc.

An amendment is required to the property description in the BeMove, LTD and Module Truck Systems (MTS) tax abatement agreement because a portion of the land that was included in the MTS agreement has been sold to Teinert Metals, Inc. to build their new structure. MTS has agreed to the amendment.

An amendment to an existing tax abatement agreement requires the City to follow the same procedure that was used in the execution of the original contract. The City Council approved the Notice of Intent at their City Council meeting held on November 9, 2006.

FISCAL IMPACT

The amendment of the legal description in this tax abatement contract will not change the fiscal impact.

Staff recommended approval of this resolution.

5.12. Industrial Tax Abatement Agreement Amendment Resolution - Business Development: Resolution No. 2006-R0558 authorizing the Mayor to execute an amendment to the property description in an industrial tax abatement agreement with BeMove, Ltd. and Vertical Turbine Specialists.

An amendment is required to the property description in BeMove, Ltd. and Vertical Turbine Specialists (VTS) tax abatement agreement because a portion of the land that was included in the VTS agreement has been sold to Teinert Metals, Inc. to build their new structure. VTS has agreed to the amendment.

An amendment to an existing tax abatement agreement requires the City to follow the same procedure that was used in the execution of the original contract. The City Council approved the Notice of Intent at their City Council meeting held on November 9, 2006.

FISCAL IMPACT

The amendment of the legal description in this tax abatement contract will not change the fiscal impact.

Staff recommended approval of this resolution.

5.13. Industrial Tax Abatement Agreement Resolution - Business Development: Resolution No. 2006-R0559 authorizing the Mayor to execute an industrial tax abatement agreement with Teinert Metals, Inc. for the construction of a new facility in the Lubbock 2000 South Enterprise Zone.

The City of Lubbock has received an application for industrial tax abatement from Teinert Metals, Inc. Teinert Metals has purchased a portion of the land located on the west and south side of the former Eagle Picher property from BeMove, Ltd. to construct a new facility. The site is located in the Lubbock 2000 South Enterprise Zone.

The project meets the Industrial Tax Abatement Policy and Guidelines minimum investment for an existing company of \$500,000 in real property improvements. Total investment in the project will be approximately \$1.6 million (\$100,000 in new personal property and \$1.5 million in real property improvements). No new jobs will be created with the project.

Teinert Metals, Inc. is an existing company with 16 employees at their plant located in the former Eagle Picher facility.

An amendment will be required to the property description in both the Vertical Turbine Specialists and Module Truck Systems tax abatement agreements because all of the property owned by BeMove, Ltd., including the land with no structures, was included in their agreements. Both companies have agreed to the amendments. The contract amendment for these companies is also on this agenda.

The City Council approved the Notice of Intent on the November 9, 2006 City Council meeting. Staff is recommending a five-year declining scale tax abatement.

FISCAL IMPACT

Over the five year period, the estimated loss of revenue to the City through this tax abatement will be \$22,176.

Staff recommended approval of this resolution.

5.14. Contract Resolution - Traffic: Resolution No. 2006-R0560 authorizing the Mayor to execute an interlocal agreement with the Texas Department of Transportation for a fiber network interconnection to share fiber optic networks.

A fiber optic network (FON) interconnection is necessary for the Freeway Traffic Management System currently under design by Texas Department of Transportation (TxDOT). The Freeway Traffic Management System is partially funded by the City under existing capital project 90379, Signal System Communications Phase 1-ITS. This agreement will allow TxDOT to use the City's existing FON along South Loop 289 and West Loop 289, and continuing back to Traffic Management Center in Municipal Square. This agreement will also allow the City to use TxDOT's FON that will be constructed in conjunction with the Marsha Sharp Freeway and expansion of the West Loop from Slide Road to North Quaker Avenue.

When complete, the FON system will provide better signal timing, improved safety along these routes, improved emergency response, and improved traffic management for special events. The system will give the Police Department and Fire Department access to the new traffic management cameras that will be installed on South and West Loop 289 as well as on the Marsha Sharp Freeway. This access will improve the quality and timeliness of incident responses. It will also extend FON to most of the LP&L substations not currently served by FON communications.

This agreement has been approved by the LP&L Board at its meeting held on November 14, 2006.

FISCAL IMPACT

Through this partnership, the City and TxDOT will save an estimated \$1 million.

Staff recommended approval of this resolution.

5.15. Contract Resolution - Finance: Resolution No. 2006-R0561 authorizing the Mayor to execute a contract with Collectech Diversified for financial collection services, RFP 06-059-MA.

This contract provides for a collection agency to collect funds for checks that have been returned because of non-sufficient funds from individuals and to collect funds from companies with overdue accounts. Departments served by this agency include Paving, Civic Center/Auditorium-Coliseum, Accounting, Water Utilities, Community Development, and Lubbock Power & Light.

At the November 14, 2006 LP&L board meeting, the board approved Collectech Diversified as the collection service for the utilities billing office.

The following companies submitted proposals in response to the Request for Proposals (RFP) and were ranked as follows:

Collectech Diversified, Inc. of Lubbock, TX	1240
Credit Systems International of Forth Worth, TX	770
National Recovery Agency of Harrisburg, PA	640
American Municipal Services of Carrollton, TX	400

Five local businesses were notified of the RFP.

FISCAL IMPACT

Collectech Diversified proposes an account collection fee based on a percentage of revenue recovered as follows:

Lubbock Power & Light - 23 percent. LP&L has a current volume of approximately 520 overdue accounts per month with an average of \$185 per account. The recovery rate for electric utility accounts is much lower, making recovery more difficult.

Water and Sewer - 10 percent. The current volume is approximately 120 overdue accounts per month with an average of \$383 per account.

Civic Center/Auditorium/Coliseum - 10 percent. The collection of accounts is mainly for overdue rent accounts.

Community Development - 10 percent. Home Improvement and Mortgage Loans rate for collection services on overdue accounts owed to Urban Renewal Agency or Lubbock Housing Finance Corporation and City of Lubbock will be 10 percent. The current volume consists of 90 delinquent loans per month with an average of \$100 per account.

Paving - 9 percent. The current volume is approximately 500 accounts averaging \$600 per account. These types of collections are more of a billing service and require less effort.

The rate for collecting on checks with insufficient funds will be \$20 per check and the City imposes a \$30 service charge per check.

Staff recommended contract award to Collectech Diversified of Lubbock, Texas.

- 5.16. This item was moved from consent agenda to regular agenda and considered following Item 5.21.**
- 5.17. Contract Resolution - Parks and Recreation: Resolution No. 2006-R0562 authorizing the Mayor to execute a contract with the South Plains Association of Governments for a pass-through grant from the Texas Department on Aging and Disability Services to provide hot meals, transportation, and recreational and social activities for Lubbock senior citizens.**

The City has contracted with the South Plains Association of Governments (SPAG) for the past 27 years to provide services for the senior citizen population. SPAG serves as the pass through agency for federal funds from the Texas Department on Aging and Disability Services (TDADS). The Senior Program provides hot meals, transportation, and recreational and social

activities for citizens 60 years of age or older. Meals are supplied by ARAMARK Educational Services, Inc. under the current meal service contract. The FY 2006-07 agreement with SPAG provides reimbursement for meals and transportation.

Staff anticipates serving approximately 46,994 meals and providing approximately 7,410 units of transportation. The reimbursement rates from SPAG are as follows:

Congregate Meals - approximately 23,402 eligible units at \$5.01 per unit for a total of \$117,244.

Transportation – 2,202 eligible units at \$4.72 for a total of \$10,393.

The total revenue to the City of Lubbock from the SPAG contract is:

Congregate Meals	\$117,244
Transportation	10,393
Total	\$127,637

Monetary donations are accepted from individuals who use meal and transportation services. The recommended donation is two dollars per meal for those 60 years of age and over. Those under the age of 60 are required to pay \$4 per meal. The recommended donation for transportation is \$1 per trip.

FISCAL IMPACT

This contract will provide \$127,637 for senior citizen meal service, transportation and administration costs. The required match, \$12,612, will be through the in-kind contribution of personnel.

Staff recommended approval of this resolution.

5.18. Contract Resolution - Animal Services: Resolution No. 2006-R0563 authorizing the Mayor to execute a contract with Multiple Option, Inc. for animal services software, RFP 06-052-RW.

Grant dollars have been identified from the Metropolitan Medical Response System (MMRS) disaster management contract to update laptop computers and software for Lubbock Animal Services (LAS). This funding enables the City to modernize animal services software to enhance field and animal shelter operations. The current software is Petwhere and was donated to the City. The Information Technology staff has managed to keep the system operational as Petwhere's technical support has not existed for many years. Animal Services does not recommend converting the existing database, but would like it to remain operational for a few years as a stand alone unit for historical information.

In March 2006, Animal Services created a software user workgroup to help identify current and future software needs for LAS. The recommendations of that committee were used to develop a Request for Proposal (RFP).

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The City received six responses to the RFP:

Citizen Centric Solutions
Ft. Worth, Texas 761161

Shelter Buddy
Australia
www.shelterbuddy.com

Multiple Options, Inc.
Providence, RI. 02940-9507
Honolulu, HI. 96823-3518
www.multiop.com

Island Business Group
Center Moriches, NY 11934
www.islandbusinessgroup.com
info@islandbusinessgroup.com

HLP, Inc.
Chameleon Software Products
Huntington Beach, CA 92649
www.petharbor.com
sales@chameleonbeach.com

Visibility Corporation
Wilmington, MA. 01887
<http://services.visibility.com>

A demonstration of Multi Options Inc. was arranged after the initial scoring. The User Group agreed that Multi Options satisfied the criteria and requirements of LAS. Staff recommended awarding this contract to Multi Options Inc. at \$38,949.

FISCAL IMPACT

The cost of the software is \$38,949 and annual maintenance costs are \$3,689 beginning in FY 2007-08.

The funding for this software is provided through the Metropolitan Medical Response System Grant through the Department of Homeland Security, which is administered by the Governor's Division of Emergency Management.

Staff recommended contract award to Multiple Options, Inc. of Providence, Rhode Island for \$38,949.

5.19. Contract Resolution - Aviation: Resolution No. 2006-R0564 authorizing the Mayor to execute a purchase order contract with Stewart & Stevenson for a 150 kW generator and associated transfer switch for Lubbock Preston Smith International Airport.

The emergency purchase of a new emergency generator in the airport passenger terminal building is necessary because the existing unit has failed. The new generator will be a natural gas fired 150 kW generator and associated transfer switch.

Emergency generators are necessary to support the 24/7 operation of the terminal during periods of commercial power interruption. Indications during a routine airport maintenance check, noted that the existing generator had suffered internal damage. These indicators were later confirmed by service technicians. Because the generator had reached its useful life and repair parts are becoming difficult to locate, repair of the unit was not considered a viable option.

Three quotes were obtained for this purchase:

Waukesha-Pearce Ind., Odessa TX	\$25,778
Stewart & Stevenson, Lubbock TX	26,108
Warren Caterpillar, Lubbock TX	32,075

Waukesha-Pearce Ind. (WPI) provided the low quote, but their service technicians are based out of Odessa, and WPI charges the City per diem for service work. The next lowest quote is from Stewart & Stevenson, whose service personnel are based in Lubbock. Stewart & Stevenson can provide the type of quick response needed for a critical piece of emergency equipment and their delivery time is also very favorable. Staff recommendation is for the purchase of the 150 kW generator and transfer switch from Stewart & Stevenson.

FISCAL IMPACT

Airport operating account funds will pay for this project. A total of \$142,118 has been appropriated in account 4615.8221, from which this purchase will be funded.

Staff recommended purchase order contract to Stewart & Stevenson of Lubbock, Texas for \$26,108.

5.20. Contract Resolution - Water Utilities: Resolution No. 2006-R0565 authorizing the Mayor to execute contract with A-1 American Fence for the construction of 19,091 feet of barbed wire fence at Lake Alan Henry, RFP 06-713-DD.

This project involves the construction of 19,091 feet of five-strand barbed wire fence at the Wildlife Mitigation Area at Lake Alan Henry (LAH). The proposed fence will help divide the Wildlife Mitigation Area into manageable grazing areas. Grassland maintenance within the Wildlife Mitigation Area is a requirement of the permit for the construction of Lake Alan Henry. This

project will create two of the five proposed grazing areas. The alternate to grazing is burning the grass, which staff does not recommend.

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 have not had an interest in participating on the basis of low bid and gives the City the ability to bring the project 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 proposed contract amount (50%), resume and references (15%), list of potential items that could reduce the cost of work (5%), insurance claims and litigation history (5%), proposed construction time (10%), list of subcontractors (10%), and construction phasing options which may shorten construction time without increasing proposed contract amount (5%). The following general contractors submitted proposals and were evaluated using and ranked in relation to the published selection criteria:

A-1 American Fence, of Orange, Texas proposed a project cost of \$279,131 with time for completion of 60 days and scored 96 points.

Basic Industries of Midland, Texas proposed a project cost of \$635,536 with time for completion of 115 days and scored 60 points.

Commercial Fence Company of Pasadena, Texas proposed a project cost of \$338,771 with time for completion of 120 days and scored 54 points.

Texas Local Government Code Section 271.116(f) requires the City to select the offeror that offers the best value based on the published selection criteria and on its ranking evaluation. In determining the 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.

Discussions with A-1 American Fence included recommended modifications to the scope of work and cost savings associated with those modifications. The length of fence was reduced from 35,233 feet 19,091 feet, the quantity of cattle guards was reduced from 8 to 2, and the number of gates was reduced

from 13 to 5. Consequently, the proposed project cost was reduced from \$279,131 to \$135,147.

The Lubbock Water Advisory Commission approved the recommendation of this item at their meeting on November 8, 2006.

FISCAL IMPACT

Capital Improvement Project 90276, Lake Alan Henry Fencing had a total appropriation of \$161,000. \$135,183 is available for this contract.

Staff recommended contract award to A-1 American Fence of Orange, Texas for \$135,147.

- 5.21. This item was moved from consent agenda to regular agenda and considered following Item 5.4.**
- 5.22. This item was moved from consent agenda to regular agenda and considered following Item 6.5 (Summary Item 1-2).**
- 5.23. This item was moved from consent agenda to regular agenda and considered following Item 5.22.**

6. REGULAR AGENDA

Note: Regular Agenda items, and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (Items 5.4, 5.21, 5.16, 6.1, 6.2, 6.4, 6.5 (Item Summary 1-2), 5.22-5.23, 6.5 (Item Summary 3), 6.3).

- 5.4. Interlocal License Agreement Resolution - Environmental Compliance: Resolution No. 2006-R0566 authorizing the Mayor to execute an Interlocal License Agreement with Texas Commission on Environmental Quality permitting the use of a small portion of Civic Center property to conduct air monitoring activities.**

The quality of air in Lubbock has been monitored by the Texas Commission on Environmental Quality (TCEQ) and predecessor agencies for approximately 26 years. During that time, specialized air sampling equipment has been located on the roof of the former Fire Administration Building, but the current occupant (Lubbock Regional Arts Center) has launched a major structural renovation and has other plans for the building's roof. To ensure continuity of data, TCEQ desires to locate the sampling equipment within the vicinity of the original long-term site. A suitable location has been identified at the unused grass area north of the Civic Center physical plant north of Mac Davis Lane. The proposed license agreement is for a small 20-foot by 20-foot site located between the small parking lot across the street and north of the Civic Center. Staff has confirmed that this use of the property will have no adverse effect on any Civic Center functions. The site will include several pieces of air sampling equipment and will be surrounded by a chain link fence. TCEQ will be responsible for underground telephone and electric service lines, and payment of utilities. TCEQ is amenable and will accept responsibility for any required cosmetic treatment at the site that would not

impede airflow. The initial term of the agreement is for five years, with an option to renew for a second five-year term. Data generated at the site will be available to the City and will have local and state-wide benefit.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

Dan Dennison, Environmental Compliance Manager, 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-R0566 as recommended by staff.

Motion carried: 6 Ayes, 0 Nays.

5.21. Contract Resolution - Risk Management: Resolution No. 2006-R0567 authorizing the Mayor to execute a contract with Covenant Medical Group and Covenant Medical Systems, Inc. for on-site medical services for employees and dependants, RFQ 06-081-MA.

This contract is for on-site medical services for employees, dependants, and retirees who are enrolled in the City's healthcare plan. The contract period is for one year with an option to renew annually for up to two additional one-year terms.

Proposals were solicited for the purpose of selecting a qualified firm to provide free on-site medical services to employees and dependents in the areas of primary care, communications of educational and wellness programs, health risk assessments, prescriptions services, and coordination of medical information with the City's Health Administrator for disease and case management. The City's medical group has approximately 2,400 subscribers, including active and retired employees. The total number of lives is approximately 5,000.

Evaluation criteria published in the Request for Qualifications (RFQ) included firm qualifications and experience (10%); technical qualifications (10%); partner, supervisor and staff qualifications and experience (10%); specific approach and methodology (40%); and pricing (25%).

Respondents to the RFQ were ranked as follows:

Covenant Medical Group	93 points
Care Here	80 points
Free First Care (incumbent)	78 points

All respondents have similar service approaches and methodologies and are qualified to provide the services desired by the City. Consequently, the deciding factor in making the recommendation was pricing.

FISCAL IMPACT

The budgeted cost of the clinic for FY 2006-07 is \$750,000. The estimated cost under using the recommended contractor is \$450,000. All charges for the on-site clinic are paid from the Self-Insurance Health Fund.

Staff recommended contract award to Covenant Medical Group of Lubbock, Texas.

Leisa Hutcheson, Risk Management Coordinator, gave comments and answered questions from Council. Mayor Miller asked that there be, written into the contract, the guarantee of choice of other providers for City employees. This means that when a referral is given, either to a hospital or to another healthcare provider, the employee is given the choice of other providers that are outside the Covenant Medical Group (CMG) or the Covenant Health Systems (CHS) Network.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2006-R0567 with an amendment to include the language of a guarantee of choice of other providers for City employees. Motion carried: 6 Ayes, 0 Nays.

5.16. Contract Resolution - Facilities Management: Resolution No. 2006-R0568 authorizing the Mayor to execute a contract with TIBH Industries, Inc. and Marion Moss Enterprises for interior plant maintenance at City Hall, Mahon Library, Civic Center, and the Lubbock Preston Smith International Airport.

Under this contract, Marion Moss Enterprises of Lubbock, Texas will provide a complete plant maintenance system and schedule for interior plants at the Municipal Building, Mahon Library, Civic Center and the Lubbock Preston Smith International Airport. The scope of work includes watering, cleaning, insecticide and pesticide control, and any necessary plant replacement. This contract is through TIBH Industries, Inc. and the Texas State Use Works Wonders Program. The term of the contract is for three years with an option to renew annually for up to two additional one-year periods.

In 1978, the Texas State Use Works Wonders Program (Program) was implemented by TIBH Industries, Inc. to increase employment and wages, and ultimately enhance the lives of Texans with disabilities. This initiative resulted from the efforts of the Texas Legislature, who created the Program under Chapter 122 of the Human Resources Code. The Governor of the State of Texas appoints the Texas Council, which contains representatives from 150 Community Rehabilitation Programs, political subdivisions, private citizens, and selected agencies. The Council determines a fair market price for goods and services produced through the Program. Although political subdivisions are bound by law to get competitive bids, this restriction is waived when purchases are made through TIBH Industries.

Benefits of the program for the City include:

- Quality products and services.
- Competitive price.

For Texans with disabilities, benefits include:

- Vocational rehabilitation.
- Promotion of self-sufficiency.
- Encouragement of efforts to de-institutionalize people with disabilities.
- Training, Employment and Wages.

For the taxpayer, benefits include:

- Reduction in cost of care for Texans with disabilities.
- Savings of tax dollars.
- Increased tax base.
- Stimulation of growth to local economy.

TIBH provides employment through the Program for Texans with blindness and other disabilities. Texans with disabilities employed through TIBH are able to work within their communities. With their wages, these workers purchase food, clothing, and other items from the community and some become self-sufficient enough to live alone. Consequently tax money is freed for use elsewhere. TIBH markets excellent products and services of these exceptional Texans and serves as the interface between vocational rehabilitation centers and the purchasing systems of the state, cities, school districts, counties, and all other political subdivisions.

FISCAL IMPACT

The annual cost of services is \$9,426.77 and will be funded through the Facilities Management operating budget.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2006-R0568 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Miller recused himself.

- 6.1. Annexation Ordinance 2nd Reading - Planning: Ordinance No. 2006-O0119 Consider an ordinance on the annexation of land described generally as located from one-half mile south of 98th Street, east of Avenue P, to approximately 500 feet east of the Tahoka Highway, two sides of which are adjacent to the existing corporate limits of the City of Lubbock, Texas.**

The City Council conducted the first required reading of the annexation ordinance for this area on November 9, 2006. The City Council has conducted the required two public hearings. The ordinance, map, and service plan are provided.

FISCAL IMPACT

No capital expense is recommended in the proposed service plan as the area fits the definition under 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 within current operating budgets.

The staff recommended annexation of the entire area described on the map as Exhibit A in the proposed service plan.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass on second and final reading Ordinance No. 2006-O0119 as recommended by staff. Motion carried: 5 Ayes, 1 Nay. Council Member Price voted Nay.

6.2. Annexation Ordinance 1st Reading - Planning: Ordinance No. 2006-O0121 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.

On September 13, 2006, City Council instructed 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 Council then conducted two public hearings. During both public hearings, several individuals owning property in the north portion of the area appeared in opposition to the proposal. The map illustrated in the backup materials shows an area surrounded in red as the parcel requested for annexation by Mr. Betenbough. The area bounded by green represents the area recommended by the Planning staff that creates a boundary consistent with annexation policy as noted within the Comprehensive Land Use Plan (that annexation should not create “pockets” on the perimeter of the City). Presented in backup are an ordinance, map, and service plan.

FISCAL IMPACT

No capital expense is recommended in the 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 within current operating budgets.

The staff recommended annexation of the entire area noted as Exhibit A within the proposed service plan.

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

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on first reading Ordinance No. 2006-O0121 as recommended by staff.

Mayor Pro Tem Gilbreath felt that the citizens who made a case against annexation for their properties made a pretty good case; therefore, he proposed a friendly amendment to carve out the 119.6 acres and not annex it. The friendly amendment was not accepted by Council Member DeLeon.

Motion was made by Mayor Pro Tem Gilbreath to amend the motion on the floor to carve out the 119.6 acres and not annex it. This motion died, due to lack of a second.

Motion on the floor by Council Member DeLeon, seconded by Council Member Jones to pass on first reading Ordinance No. 2006-O0121 as recommended by staff carried: 6 Ayes, 0 Nays.

6.3. This item was considered following Item 6.5, Item Summary 3.

6.4. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2006-O0120 Consider budget ordinance Amendment No. 2 amending the FY 2006-07 budget respecting the General Fund, Grant Fund, Hotel/Motel Tax Fund, Lake Alan Henry Fund, Cemetery Fund, and Capital Improvement Program.

1. Accept and appropriate a \$127,637 South Plains Association of Governments pass-through grant from the Texas Department on Aging and Disability Services and appropriate \$65,000 of anticipated program revenues, for a total grant program budget of \$192,637. This grant will provide hot meals, transportation, recreational, and social activities for Lubbock senior citizens. The estimated revenues will be increased accordingly. The required in-kind match of \$12,612 is included in the Adopted FY 2006-07 Parks and Recreation operating budget.
2. Appropriate \$103,325 of Lake Alan Henry (LAH) Fund Balance to the LAH fund for capital and training costs associated with the LAH Dive Team. Capital costs include the purchase of a dive boat, side scan sonar, nitrox tanks, regulators, and escape air bottles. Training costs include personnel expenses for training and certification.
3. Establish a new Capital Improvement Project entitled "Seal Coat Program" and transfer \$770,000 to the new project from Capital Improvement Project #8522, Brick Street Reconstruction to the new project. These funds will be used for the City's annual seal coat program.
4. Amend Capital Improvement Project #91074 within the North Overton TIF entitled "North Overton Tax Increment Finance (TIF) Public Facilities" by appropriating \$4.1 million of certificate of obligation bonds increasing the total project appropriation to \$8.4 million for the conference center and related public improvements located adjacent to the new hotel planned for construction in 2007-2008. The source of repayment for these bonds will initially come from hotel/motel funds generated from this specific hotel, and from TIF increment tax revenues once the TIF is fully established.

5. Amend Capital Improvement Project #91048 entitled "City Hall Heating, Ventilation, Air Conditioning (HVAC) Renovations" by appropriating \$120,000 of General Fund Balance to make the total project appropriation \$1,254,673. The increase is necessary to cover unanticipated asbestos remediation, additional web-based controls and a 10% project contingency for additional asbestos remediation costs.
6. Create the Cemetery Fund and appropriate expenditures, estimate revenues, and authorize positions in the Cemetery Fund as outlined in attachment "A". To authorize a \$259,187 transfer from General Fund to the Cemetery Fund and to reduce General Fund revenues and expenses accordingly. Authorize other necessary accounting entries in the General Fund to transfer related assets and liabilities to the Cemetery Fund.
7. Create Capital Improvement Project #92003 entitled "Project Site Archeology" by appropriating \$50,000 for archeological services at Fiesta Plaza and Mackenzie Amphitheater. The project costs will be funded from \$30,000 of unallocated 2001 General Obligation Bond proceeds and \$20,000 of unallocated 2003 General Obligation Bond proceeds.
8. Appropriate \$175,000 of Hotel/Motel Tax Fund Balance to Civic Lubbock, Inc. for the administration of the 2007 Lubbock Music Festival.

FISCAL IMPACT

Included in Item Summary.

Staff recommended approval of the second reading of this ordinance.

Andy Burcham, Director of Fiscal Policy and Strategic Planning, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on Items 1-7 of second and final reading Ordinance No. 2006-O0120 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to pass on Item 8 of second and final reading Ordinance No. 2006-O0120 as recommended by staff. Motion carried: 5 Ayes, 0 Nays. Council Member Jones recused herself.

6.5. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2006-O0122 Amendment No. 3 amending the FY 2006-07 budget respecting the General Fund, Grant Fund, and LP&L Fund.

1. Appropriate \$80,000 of General Fund fund balance and authorize two additional full-time auditor positions to address the need within the organization for the ongoing evaluation of business processes, compliance and internal controls. These positions have been continually requested by the City's Audit Committee. The requested appropriation will fund the new positions for 8 months of the fiscal year, with an estimated hire date of February 1, 2007.

2. Accept and appropriate a \$50,000 grant from the Governor's Division of Emergency Management for the 2005 Buffer Zone Protection Program to aid in the preparedness efforts of local law enforcement.
- ◆ 3. Amend the operating budget and staffing in the LP&L Fund. Specific information regarding these projects is competitive information protected under Chapter 552.133 of the Texas Government Code.

FISCAL IMPACT

Included in backup information.

Staff recommended approval of the first reading of this ordinance.

City Manager Lee Ann Dumbauld gave comments and answered questions from Council.

Jim Brunjes, member and former Chairman of the Audit Committee, gave comments, answered questions from Council, and elaborated on the Audit Committee's recommendation of staffing needs for the Internal Audit department. Mr. Brunjes confirmed that the Audit Committee is completely independent of City management and reports directly to the Council, which represents the citizens.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Items 1-2 on first reading Ordinance No. 2006-O0122 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- ◆ Note: Summary Item 3 was tabled and was addressed following Item 5.23.

10:45 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

12:22 P.M. CITY COUNCIL RECONVENED

5.22. Contract Resolution - Risk Management: Resolution No. 2006-R0569 authorizing the Mayor to execute a contract with Benefit Plan Audit Services for medical claims audit, RFQ 06-079-MA.

Proposals were solicited for the purpose of selecting a qualified firm to audit the City's medical claims. The purpose of the audit is to determine the accuracy of claims processing according to the master plan document and the depth of discount on claims for basic services, outpatient services, and inpatient services. The main focus of the audit will be on inpatient and outpatient claims or any other service provided by contract. The claim audit will include a review of the claims and a report of the depth of discount on the claims.

The evaluation criteria used to score and rank the respondents to the RFQ included firm qualifications and experience (10%); partner, supervisory, staff qualifications and experience (10%); thorough knowledge of medical claims audits (10%); similar engagements with other government entities (5%); timetable to complete the audit (5%); equal opportunity (5%); sample audit report (5%); specific audit approach (25%); and fee (25%).

Responses to the RFQ were ranked as follows:

Benefit Plan Audit of Los Angeles, CA	99 points
Public Consulting Group of Boston, MA	88 points
Segal Company of Temple AZ	79 points
Benefit Partners of Dallas, TX	68 points
Healthcare Data Management, Inc. of Wayne PA	68 points

At the November 13, 2006 Audit Committee Meeting, the Audit Committee reviewed the proposals and concurred with the recommendation of the Review Committee. At that time, the Audit Committee requested the audit to be supervised through the City Attorney's Office. The City Manager and Chief Financial Officer concur and are recommending the audit be supervised by the City Attorney's Office.

FISCAL IMPACT

The cost of the claims audit is \$36,390. All charges for the audit will be funded through the Self-Insurance Health Fund.

Staff and Audit Committee recommended contract award to Benefit Plan Audit Services of Los Angeles, California.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2006-R0569 as recommended by staff. Motion carried: 4 Ayes, 0 Nays. Council Members Jones and Price were away from the dais.

5.23. Minuted Action - Health Benefits: Consider a request by a City of Lubbock employee for an exception to the City Employee Benefit Plan and take appropriate action.

A City of Lubbock employee has requested an exception to the predetermination by American Administrative Group that certain treatment is not covered under the City's Employee Benefit Plan. Staff is requesting Council's determination of making an exception to the Employee Benefit Plan.

FISCAL IMPACT

The financial impact will be approximately \$20,000 for the cost of the treatment. This cost will also impact the individual and aggregate stop loss of the City. Funds are available in the Self-Insurance Health Fund.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to use Maxor as the provider for the prescription drug needed, and approve two (2) cycles of four (4) treatments at a maximum total cost of \$20,000. Motion carried: 5 Ayes, 0 Nays. Council Member Price was away from the dais.

At this time, Item 6.5, Summary Item 3, was considered.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to remove Item 6.3 from the table. Motion carried: 4 Ayes, 0 Nays. Council Members Jones and Price were away from the dais.

6.5. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2006-00122 Amendment No. 3 amending the FY 2006-07 budget respecting the General Fund, Grant Fund, and LP&L Fund.

1. Appropriate \$80,000 of General Fund fund balance and authorize two additional full-time auditor positions to address the need within the organization for the ongoing evaluation of business processes, compliance and internal controls. These positions have been continually requested by the City's Audit Committee. The requested appropriation will fund the new positions for 8 months of the fiscal year, with an estimated hire date of February 1, 2007.
2. Accept and appropriate a \$50,000 grant from the Governor's Division of Emergency Management for the 2005 Buffer Zone Protection Program to aid in the preparedness efforts of local law enforcement.
3. Amend the operating budget and staffing in the LP&L Fund. Specific information regarding these projects is competitive information protected under Chapter 552.133 of the Texas Government Code.

FISCAL IMPACT

Included in backup information.

Staff recommended approval of the first reading of this ordinance.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass Summary Item 3 of first reading Ordinance No. 2006-00122 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Members Price and Jones were away from the dais.

6.3. Ordinance Amendment 1st Reading - Water Utilities: Ordinance No. 2006-00123 amending Chapter 28 of the Code of Ordinances to provide consistency with the Water Use Management Plan by updating Sections 28-44 and 28-45, Operation of Irrigation Systems or Devices.

The purpose of these changes is to provide consistency with the Water Use Management Plan recently adopted by the City Council by updating Sections 28-44 and 28-45, Operation of Irrigation Systems or Devices. This ordinance is referenced in the Water Use Management Plan as a supporting document. Other changes are designed to assist staff in promoting the proper installation of irrigation systems. Systems that are installed properly have less run-off. Some of the additions to the ordinance include the following:

Required inspection by City of new irrigation systems.

Sprinkler heads be located 4" from curbs, sidewalks, fencing, buildings, etc.

Sprinkler systems must be designed to spray only on pervious surfaces or landscaped areas.

Irrigation systems must have a master valve.

The proposed ordinance has been approved by the Lubbock Water Advisory Commission.

FISCAL IMPACT

There is no direct fiscal impact.

Staff recommended approval of the first reading of this ordinance.

Mayor Miller stated that, because there is continued concern about the definition of “significant”, Council Member Leonard agreed to come back with additional language that would not only amend this ordinance with two readings, as required by our City Charter, but also two other ordinances that are related to water. This would give the public a much more specific definition of run-off and what significant means.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0123 as recommended by staff. Motion carried: 4 Ayes, 0 Nays.

Council Members Price and Jones were away from the dais.

* Council Member Price seconded the motion, but was away from the dais at the time of the vote.

7. WORK SESSION

7.1. American Institute of Architects: The local chapter of the American Institute of Architects (AIA) will present their initiatives to the City Council for AIA 150, the sesquicentennial anniversary of the founding of the AIA.

Brian Griggs of Parkhill, Smith & Cooper, Inc. gave a presentation by the American Institute of Architects (AIA) local chapter of their initiatives for AIA 150, the sesquicentennial anniversary of the founding of the AIA. He stated that the purpose of today’s presentation was to bring the AIA blueprint for America to Lubbock. The AIA is an organization operating, both nationwide and worldwide, which has three purposes. One is to serve the architectural profession/professionals here in the United States and abroad. Secondly, it advances the architectural profession through advocacy in the programs at all levels of government. Third point, and what is the organization’s most idealistic goal, is to improve the built environment, both here in the United States and abroad, through architectural design. Mr. Griggs was accompanied by Theresa Drewell, who is the Texas Society of Architects Director for the Lubbock Chapter, and she is also the Vice-Chancellor for Facilities, Planning, and Construction at Texas Tech University.

7.2. North and East Lubbock Community Development Corporation: North and East Lubbock Community Development Corporation Quarterly Update.

Jim Reid, Interim Director, North and East Lubbock Community Development Corporation, presented Council with a quarterly update and talked about the future plans of the organization. Mr. Reid explained that his role as Interim Director is three-fold: 1) to keep the projects moving, 2) to help the Board find a very strong individual for Executive Director; 3) and to lay out a strategic plan for the years 2007-2010. This is so there is a framework for going forward that the Board and Council would be comfortable with. He updated Council on areas of housing development, housing counseling, commercial economic development, and micro-lending. There have been eleven (11) lots sold in Kings Dominion on North MLK Blvd., which is the first housing subdivision in east Lubbock since 1954. Housing counseling is offered to buyers of the lots to prepare individuals for the responsibility of home ownership. Parkway Place, adjacent to the Patterson Library, is an upcoming site for commercial development. The City provided micro-loan funds to the CDC through a Community Development Block Grant program with assistance from the Small Business Development Center. An additional search was launched for an Executive Director. Mr. Reid then answered questions from Council.

7.3. 80th Texas Legislative Session: Review City of Lubbock legislative priorities for the 80th Texas Legislative Session.

Mayor Miller informed the public of what has gone on up to this point with the Legislature. He stated that the five key areas that should be addressed, or at least monitored by City Council and by city government are water, public safety, transportation, wind as an alternative for energy, and home rule authority. The Mayor informed all that February 26-27, 2007 will be Panhandle South Plains Day in Austin. Amarillo and Lubbock are teaming up with all the area cities and have events in Austin to show the unity and solidarity of West Texas.

Dixon Platt, Council Chief of Staff, gave a presentation on the City of Lubbock legislative priorities for the 80th Texas Legislative Session. Some of the proposed positions for the 80th Texas Legislature include initiating legislation; supporting legislation which might be introduced by other entities; endorse and support legislation introduced by other organizations; oppose legislation that will possibly be introduced that would have negative implications for the City of Lubbock; monitor and closely follow legislation and regulation issues of interest. City Manager Lee Ann Dumbauld gave comments regarding legislation on municipal bonds. Platt also answered questions from Council.

1:58 P. M. COUNCIL ADJOURNED

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