

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
FEBRUARY 22, 2007
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 22nd day of February, 2007, 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 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

- Wes Benton appeared to discuss the Sexually-Oriented Business ordinance as it relates to the incident at Jake's Sports Bar and his opposition to how the City handled the situation.
- Bryan Dunn addressed Council regarding a system failure in our city and in its law enforcement system regarding the Jake's Sport Bar issue.
- Chris Gonzales, owner of South Beach Club, addressed Council regarding the lack of opportunity to ask questions at Council Member DeLeon's Town Hall meeting. He also spoke on the issues of his club being torn down, making open records requests and getting no response.
- Roy Borchardt, retired County Commission of Hale County, stated that he was present in support of one of the agenda items. He did not state which agenda item it was.

At this time, Item 6.12 was moved from regular agenda and considered.

6.12. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2007-O0017 Amendment No. 8 amending the FY 2006-07 budget respecting the General Fund.

The Centennial Committee has requested \$100,000 as "seed money" to begin preparation to celebrate the City's Centennial.

FISCAL IMPACT

The \$100,000 appropriation will come from General Fund Balance.

Linda Gaither, Centennial Committee Chairman, gave comments and answered questions from Council. Ms. Gaither recognized members of the

committee that were present. She also invited Morris Wilkes, Vice-Chair of the committee, to join her while she gave comments.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass on first reading Ordinance No. 2006-O0017 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

CITIZENS COMMENTS (continued)

1.1. Representatives of Redflex Traffic System, Inc. will appear to discuss their proposal to provide red light camera enforcement systems and services.

Mark Etzbach, Regional Sales Director of Redflex Traffic System, Inc. presented his proposal to Council.

1.2. Representatives of American Traffic Systems, Inc. will appear to discuss their proposal to provide red light camera enforcement systems and services.

Grady Terrell, representative of American Traffic Systems, Inc., stated that he didn't have any comments. He also stated that he delivered to the City Attorney a response by ATS to some of the allegations of matters that have been brought before Council, and would like to see Council approve the contract.

At this time, Item 6.15 was moved from regular agenda and considered.

6.15. Contract Resolution - Traffic: Resolution No. 2007-R0063 Consider the proposals for an automated red light camera enforcement program, RFP 06-089-RW, and consider authorizing the Mayor to execute a contract for same, or take other appropriate action as directed by Council.

On December 19, 2006, City Council determined that an automated red light camera enforcement program is an effective deterrent to disregarding red light signals in the City and enacted an automated red light camera enforcement ordinance to regulate traffic by means of traffic control devices for the protection of the health, life, and property of Lubbock citizens (Ordinance 2006-O0131). U.S. Department of Transportation and Texas Transportation Institute statistics indicate that fatal automobile accidents at intersections with traffic signals increased by 13 percent between 1993 and 2003 and that the number of persons killed or injured as a result of red-light running accidents in Texas increased 79 percent between 1975 and 1999. Certain intersections within the City are subject to a high proportion of drivers disregarding red light indications based on information supplied by the Citizens Traffic Commission and the City's Traffic Engineering Department.

When a motor vehicle facing a steady red indication for its direction of travel proceeds into the intersection regardless of the signal, such action endangers the occupants of that vehicle, the occupants of other vehicles and pedestrians, and such action further interferes with the traffic flow through the intersection

and increases the number of accidents to which public safety personnel must respond at the expense of the City taxpayers.

The City solicited proposals to furnish, deliver, install, maintain, upgrade, operate, and repair a city-wide digital automated red light enforcement program operating 24 hours a day, 7 days a week, 365 days a year. The purpose of the program is to provide safety on public streets by the enforcement of red light violations.

The City Council directed staff to enter into contract negotiations with American Traffic Solutions, Inc., after reviewing the evaluation criteria and determining that the proposal by American Traffic Solutions, Inc., will provide the citizens of Lubbock with a better program including the fact that they will deliver more value and cost benefit to the City. The evaluation criteria included back office performance and overall customer services including financial reports and tracking (15%); overall cost of the program (25%); technology and hardware performance and conformance to technical specifications (15%); experience and success on current and past projects, ratio of violations to citations issue, and ratio of citations issued to citations collected (10%); project termination plan including any costs to the City (10%), and implementation plan (including timeline), good faith effort plan, and public information plan (25%).

Staff has worked with American Traffic Solutions, Inc., to negotiate a contract that includes all items requested in RFP 06-089-RW and is in the best interest of the citizens. Staff has also worked diligently to make sure the contract included all items that have been of major concern to the City Council. Those items are as follows:

No penalty for termination – The vendor to shall remove all of their equipment free of charge if there are changes to current legislation at the federal, state, and local level. See page 9, paragraph 6.1 of the contract.

The City's need to retain absolute control of the traffic signals – The vendor shall not open traffic signal controller boxes without a representative of city Traffic Engineering Department present, nor shall the vendor make any signal time adjustments. See page 26, paragraph 2.7.14.

No minimums or quotas – No quotas of violations shall be allowed. See page 1, paragraph 4, and page 16, paragraph 11.24.

Use of photos or video for anything other than their intended purpose – All data, photo images, and video shall become the property of the City of Lubbock and shall not be sold or used for any purpose other than City of Lubbock purposes. See page 1, paragraph 5, and page 17, paragraph 11.25.

Disposal of records associated with the red light photo enforcement program – The data, photo images, and video shall be disposed of in accordance with policies and procedures established pursuant to Chapter 203, Texas Local Government Code. See page 17, paragraph 11.25. The Texas Local Government Code does not currently address data collected from the red light

enforcement programs around the state. The City Secretary is working with the Texas Libraries and Archives Commission to set up record control schedules.

Public relations do be done up front and to be ongoing throughout the life of the program – The RFP included an extensive public relations campaign and the details are listed in the contract. The Vendor included several items in their proposal as well. See page 20, note to paragraph 1.2.19 at the bottom of the page.

Set cost per camera – The cost is based on a flat fee per approach. The fixed fee will be at the rate of \$4,750 per approach per month discounted to \$4,250 per approach per month for a period of one year for each camera installed during the first year of the contract. The detailed cost breakdown is shown on page 31, Exhibit C.

Payment to vendor even if the program reduces violations to zero – A “Cost Neutrality” provision that states the maximum the City will ever pay the vendor shall not exceed the revenues generated by the program. See page 31, Exhibit C.

Option to move camera at no charge to the City – The contract states, that upon mutual agreement between both parties and at no charge to the City, any equipment installed at approaches that are no longer a safety problem may be relocated to intersections experiencing safety problems. See page 19, paragraph 1.2.17.

The contract term is for five years after the date of installation with an option to extend the term for one additional consecutive five-year period. The contract requires the vendor to have the first six approaches operational within 75 days after contract signing and a notice-to-proceed has been issued. The contract requires American Traffic Solutions, Inc., to open and maintain a local customer service office for walk-in payment of fines and a local mailing address in the Lubbock metropolitan area to accept payment by mail.

The contract includes all necessary services, excluding police review and approval, adjudication hearing officer and location, municipal court judge appeal, and media public service announcement play cost. The number of cameras will be determined by the City. Cameras will be installed at 12 designated intersection approaches initially, with up to 24 intersection approaches allowed by the contract. All locations will be reviewed and approved by the Citizens Traffic Commission, Traffic Engineering Department, and the Lubbock Police Department before the installation date of the Red Light Photo Enforcement Program.

FISCAL IMPACT

The City will be invoiced \$4,750 per month for each designated intersection approach that is operational at the end of the warning period. That cost is reduced to \$4,250 for a one-year time period for each camera installed within the first year of the contract. The City's obligation to pay the monthly amount

will be limited to those revenues generated by the program, collected by American Traffic Solutions, Inc., and received by the City.

If there is insufficient revenue in any month to pay the monthly invoice, the deficit in payment to the contractor will be carried to the next month and so forth for the life of the contract.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to reject all proposals and not award a contract for the red light cameras, and to direct staff to go back and revisit the signal timing of twelve (12) intersections for red light cameras and complete the certification and have verified by TxDOT, and go back out for new proposals or bids no later than March 30, 2007 and to amend Resolution No. 2006-R0063.

Council Member Boren stated he had a moratorium request on Item 6.14 to do the same thing that this amendment would do. Discussions were had on the red light issue and timing of the lights.

Marsha Reed, Assistant City Engineer, gave a presentation and answered questions from Council. Claude Jones, Police Chief, gave comments and answered questions from Council.

Mayor Miller asked Council Member Jones if she would considered amending her motion by (1) that the twelve intersections be certified and verified by TxDOT, but in addition over the next sixty days that all intersections in Lubbock would be re-timed, recertified, and verified; (2) that Chief Jones be directed to communicate to his officers that they will strictly enforce red light running; and (3) the Citizens Traffic Commission would come back within that same March 30, 2007 time frame, reaffirming or reversing their recommendation to the Council. Council Member Jones implied that it had already been stated that we have directed staff within the next sixty days to look at all intersections, and it is the direction that staff is already going.

After further discussions, Council Member Boren called for the question. Council Member Jones restated her motion, exactly as she had stated it before.

Vote was taken and motion carried: 4 Ayes, 3 Nays. Mayor Pro Tem Gilbreath and Council Members Boren and Leonard voted Nay.

CITIZENS COMMENTS (continued)

1.3. Representatives of Sexton Enterprises, Inc., d/b/a Yellow Cab Company, will appear to discuss their bid for CitiAccess Ambulatory Services.

John Sims, attorney for Sexton Enterprises, Inc., d/b/a Yellow Cab Company, gave comments regarding the bid process in regards to Citibus being the broker of TxDOT trips that they are being reimbursed for. He then answered questions from Council. His comments were in reference to Item 6.8.

2. EXECUTIVE SESSION

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

**9:00 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room**

All council members were present.

- 2.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Cemetery, Citibus, Civic Services, Finance, Police, Solid Waste, Stormwater, Traffic Engineering, Water Utilities).**
- 2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Civic Services, Police, 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 551.074(a)(1), to discuss personnel matters regarding responsibilities, and/or appointments to the Building Board of Appeals, the Structural Standards Commission, the Urban Design/Historic Preservation Commission, and the Urban Renewal/Neighborhood Redevelopment Commission.**
- 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.**

Regular City Council Meeting
February 22, 2007

9:41 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; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: Council Member Floyd Price

Mayor Miller reconvened the meeting at 9:41 a.m.

3. PROCLAMATIONS AND PRESENTATIONS

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

3.2. Invocation by Pastor Bill Couch, Lakeridge United Methodist Church.

3.1. 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. Board Recognition:

Appointments Advisory Board:

Duke Holmes (unable to attend)

Structural Standards Commission:

Richard Obenhaus

Urban Design/Historic Preservation Commission:

Evelyn Davis

Zoning Board of Adjustment:

Billie Caviel

Glen Robertson (unable to attend)

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, January 25, 2007 and Special City Council Meeting, January 29, 2007.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to approve the minutes of the Regular City Council Meeting of January 25, 2007 and the Special City Council Meeting of January 29, 2007 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Price was absent.

At this time, Item 6.4 was moved from regular agenda and considered.

6.4. Interlocal Agreement - City Secretary's Office: Resolution No. 2007-R0064 authorizing the Mayor to execute an Interlocal Agreement with Texas Tech University for purposes of a training program for board and commission service.

In an effort to create more opportunity for all segments of our population to serve on boards and commissions, Councilman Gary Boren met with various groups of citizens in the community during the past year.

The opportunity for a boards and commissions training project was presented by Texas Tech University. This training program is intended to create a larger pool of residents who have the skills and basic knowledge to serve on boards and commissions.

Texas Tech University Center for Public Service has created the program. All materials to be created or utilized by the university for purposes of the project will be reviewed and approved by the City. The project is of mutual interest and benefit to the City and to Texas Tech University.

FISCAL IMPACT

The estimated cost of \$2,400 is included in the Adopted FY 2006-07 Operating Budget.

Staff recommended approval of this resolution.

Motion was made by Council Member Boren, seconded by Council Member DeLeon to pass Resolution No. 2006-R0064 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Price was absent.

5. CONSENT AGENDA (Items 5.1-5.11, 5.13-5.21)

Motion was made by Council Member Jones, seconded by Council Member DeLeon to approve Items 5.1-5.11, 5.13-5.21 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Price was absent.

5.1. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0002 Consider an ordinance abandoning and closing a 696.90 square foot street remnant cul-de-sac being a portion of 70th Street, street remnant cal-de-sac located at 1001 70th Street.

This ordinance was read for the first time at the January 12, 2007, City Council meeting. This ordinance abandons and closes a 696.90 square foot street remnant cul-de-sac, being a portion of 70th Street right-of-way, that was never closed when 70th Street was constructed. This tract of land is being platted, so this street remnant cul-de-sac needs to be closed. Since the requestor of this closure is not the original dedicator of the street area being closed, there will be a charge for the closure. The total street area being closed

is 696.90 square feet. The Right-of-Way Department has determined a value of \$1.10 per square foot, based on adjacent property land values, for the cost of closing the area. The total cost of the street closure will be \$766.59. The Street Engineering Department, Texas Department of Transportation, and all utility companies are in agreement with closing this street.

FISCAL IMPACT

Estimated additional General Fund revenue of \$766.59

Staff recommended approval of the second reading of this ordinance.

5.2. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0014 Consider an ordinance abandoning and closing a 10-foot alley located in Section 11 Block S, adjacent to Lot 1 Loop Industrial Addition, alley closure located at 7825 Peach Avenue.

This ordinance was read for the first time at the February 6, 2007, City Council meeting. This ordinance abandons and closes a 10-foot alley in Section 11, Block S, adjacent to Lot 1 Loop Industrial Addition, which is located just north of U.S. 84/Slaton Highway and west of Southeast Drive. This tract of land is being re-platted into three tracts and this alley is no longer needed. Since the requestor of this closure is not the original dedicator of the alley area being closed, there will be a charge for the alley closure. The total alley area being closed is 9,060.48 square feet. In the re-plat, the owner is dedicating 29,324 square feet of street right-of-way. Therefore, there will not be a charge for the alley closure. All utility companies are in agreement with closing this alley.

FISCAL IMPACT

No fiscal impact is anticipated.

The Right-of-Way Department recommended the approval of the 2nd reading of this alley closure.

5.3. Zone Case No. 515-E (3664 50th Street) Ordinance 2nd Reading - Zoning: Ordinance No. 2007-O0015 Consider request of Kathy Rodriguez (for Presto Hail Lifters) for a zoning change from C-4 to C-4 with amended conditions to ordinance 9827 to allow rental of recreational vehicles on Tract 3 of Lot 204 Murryhill Addition (the south 150 feet of the west 150 feet of Lot 204 Murryhill Addition), and to consider ordinance.

The existing ordinance on this tract allows for all C-3 uses and one C-4 use with two conditions:

- That it be limited to trailer/truck rentals and all unconditionally permitted C-3 uses (C-3 was the zoning at the time of the request)
- That there shall be no more than two rental units parked between the front of the building and the adjacent streets, and the units shall be parked

outside of the vision triangle (the balance of any units on the lot are to be parked behind the building).

Since the December meeting when this case was continued, staff reported additional information to the Planning Commission that may help both the applicant and the adjacent owners. Mr. Hogan, owner of property north (on Memphis Avenue) of the former service station, objects to the heavier land use and parking the rental RV units between the building and Memphis Avenue. He contends that the units will block the view of his property from 50th Street. If an entire row of units extend to the property line between the building and Memphis Avenue, he is correct. The current building has an approximate 58-foot setback from Memphis Avenue, which is greater than the required 43-foot commercial foot setback for any building from an adjacent street. The applicant rents the 30–35 foot self propelled units, and they are as tall as the buildings in the area. One of the proposed conditions proposed below will speak to this issue.

Staff recommended that in lieu of amending the current zoning by adding RV sales, the Commission recommendation to the Council could be to substitute the proposed use and eliminate the rental trailer sales while keeping the current base C-3 district. The trailer rental business was visually more detrimental to the property and vicinity than having only one unit RV parked immediately adjacent to the building on the Memphis Avenue side, with any others parked behind the building behind the Memphis Avenue building line.

One irony of the case is that if the owner of the hail dent business drove the unit to work as a mode of transportation, she could park where the unit is proposed to be parked for rent, and even have a “for sale” sign in the window versus the “rent me” sign that is in the window of one of the RV units now. A letter detailing the objectives of the applicant is provided.

Adjacent land uses include:

- N – Commercial
- S – Commercial
- E – Commercial
- W – Commercial

The request, as an amendment to an existing C-4 parcel with the one permitted C-4 use and all permitted C-3 uses, is not a clear deviation from the Comprehensive Land Use Plan since the original case “broke the ice” with regard to C-4 on a non-regional or state designated street. Amendment for the proposed use and elimination of the trailer rental portion of current permitted use should be primarily discussed with regard to compatibility to the adjacent neighbors. The Planning Commission members expressed concern with regard to “C-4 creep” that the yet to be adopted inner city study recommended against if such rezoning initiates a downward spiral of land uses and increases deterioration in the area. On both 34th Street and 50th Street, there will be future increased pressure for heavier uses – and staff is of the opinion that it

will be “look” of any heavier uses versus the actual zoning that will stabilize, destabilize, or otherwise impact the inner portions of our community.

The applicants have requested to have two to four RV units on the pavement between the building and Memphis Avenue, with the balance of any machines stored on the lot to be in the back of the building. The Planning Commission recommendation to the Council will allow only one unit between the building and Memphis Avenue.

The Planning Commission recommended the case for approval with the following conditions:

1. The use of the parcel for trailer rental as assigned in Ordinance 9827 is rescinded.
2. One “for rent” RV may be parked on the Memphis Avenue side of the business. It will be parked as close to the building as practical. The “rent me” or “for rent” sign in the window of the vehicle does not constitute a “code” sign so long as it is in one of the windows of the RV.
3. Any additional RV units for rent shall be stored in the back of the building, behind the building line (58 feet) on the Memphis Avenue side.
4. An amended site plan is included in file Zone Case 515-E.
5. The amended zoning shall continue the existing C-3 permitted uses.
6. The applicant shall propose a landscape plan for consideration and approval by the Council during the second hearing.
7. The existing storage building on the east side of the business shall be removed.

FISCAL IMPACT

No fiscal impact is anticipated.

With the potential to enhance the landscaping on the lot, and the exchange of this C-4 use in lieu of a less desirable use (the rental of U-Haul type trailers approved several years ago), as well as attempting to keep 50th Street occupied and productive versus vacant, staff supports the recommendations of the Planning Commission and recommended approval.

5.4. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2007-O0016 Consider budget ordinance Amendment No. 7 amending the FY 2006-07 budget respecting the General Fund and Grant Fund.

1. Accept and appropriate a grant from Texas Department of Housing and Community Affairs for the Southwestern Public Service Low-Income Program. Funding will be received in the amount of \$28,804. The grant will fund programs to assist low-income persons and families with weatherizing their homes and installing energy efficiency measures. The grant pays for both programmatic and administration of the funds. The contract will expire December 31, 2007.

2. Authorize one additional grant-funded position in the Health Department. An amendment to the contract with the Texas Department of State Health Services approved at the January 25, 2007, City Council Meeting provided additional funds to implement innovative immunization promotion strategies and funded one full-time "ImmTrac/PICS Outreach Specialist". This position will increase vaccination coverage levels among children ages 19 through 35 months of age in the Lubbock service area, transition 100% of enrolled Texas Vaccine for Children providers to the Pharmacy Inventory Control System, and present ImmTrac information to providers, schools, and other community groups. The amount provided through the contract for this position is \$60,221, which covers salary, benefits, travel, and other associated expenses. There will be no financial impact on the General Fund related to this position.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

- 5.5. **Quitclaim Deed Resolution - Right-of-Way: Resolution No. 2007-R0065 authorizing the Mayor to execute a quitclaim deed to Jarvis Metals Recycling, Inc. for an alley closure located in Section 11 Block S adjacent to Lot 1, Loop Industrial Addition property located at 7825 Peach Avenue.**

The second reading of Ordinance No. 2007-O0014 abandons and closes a 9,060.48 square foot alley just north of U.S 84/Slaton Highway and west of Southeast Drive is being considered on the City Council agenda today. This resolution authorizes the Mayor to sign a quitclaim deed that conveys this alley area to Jarvis Metals Recycling, Inc.

FISCAL IMPACT

No fiscal impact is anticipated.

The Right-of-Way Department recommended the approval of this Quitclaim Deed with Jarvis Metals Recycling, Inc.

- 5.6. **Monitor Well Permit Resolution - Right-of-Way: Resolution No. 2007-R0066 authorizing the Mayor to execute a monitor well permit with E-Z Mart Stores, Inc. for a street right-of-way monitor well located at 4120 18th Street.**

This monitor well permit will allow E-Z Mart Stores, Inc. to drill a ground water monitor well in the north street right-of-way of 18th Street just east of Orlando Avenue. The adjacent property owner, Verna Cook, has provided 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 4202 19th Street, had an underground fuel tank that was leaking and TNRCC has requested that E-Z Mart go off site with another monitor well, in addition to what they have already drilled on their property. This permit is for

20 years, payable every 5 years in advance. All utilities are in agreement and the City will receive \$100 per year for this monitor well location.

FISCAL IMPACT

Estimated General Fund revenue of \$500 every 5 years (\$100 annually paid in advance for 5 years) for the life of the permit.

Staff recommended approval of this resolution.

- 5.7. Lease Agreement Resolution - Right-of-Way: Resolution No. 2007-R0067 authorizing the Mayor to execute an assignment and assumption of a lease agreement between City of Lubbock, Trancas Capital, LLC (Assignor) and CNL Income FEC Lubbock, LLC (Assignee) for a customer parking area located at 5110 29th Drive.**

On April 28, 2005, the City of Lubbock executed a ground lease with Trancas Capital, LLC for the purpose of a customer parking area for Putt-Putt Golf and Games on City owned property located at 5110 29th Drive (Water Reservoir No. 7). Trancas Capital has sold their fee owned properties as well as their leasehold interests which they have with the City to a multi-billion dollar Real Estate Investment Trust called CNL Income FEC Lubbock, LLC. Trancas Capital has simultaneously leased their leasehold interest back from CNL under a long-term lease and has subleased to Zuma Holdings LLC, which is the current tenant on the property. Our legal department and Bruce Blalack with the Water Treatment Plant are in agreement with this assignment. The City will receive \$125 per month for this lease.

FISCAL IMPACT

Estimated General Fund revenue of \$1,500 annually.

Staff recommended approval of this resolution.

- 5.8. Deed Notice Resolution - Environmental Compliance: Resolution No. 2007-R0068 authorizing the Mayor to execute a deed notice restricting the use of the former Police Firing Range property located at 402 Municipal Drive (Section 80, portion of Block A, Municipal Hill Addition to the City of Lubbock).**

As directed by the Texas Commission on Environmental Quality (TCEQ) in 2005, the City remediated lead contaminated soil at the former Police Firing Range, located at 402 Municipal Drive. The TCEQ has established two levels for environmental remediation: residential level and commercial/industrial level. The City chose to remediate the old firing range to the commercial/industrial level because it is less expensive, and because it is not anticipated that the property will ever be used for residential purposes. As a result of cleaning the property to the lesser standard, the TCEQ requires that a restriction be placed in title records prohibiting the property from being used for residential purposes.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

5.9. Developer Agreement Resolution - Business Development: Resolution No. 2007-R0069 authorizing the Mayor to execute an agreement with Ulofts Lubbock, LLC, regarding the funding of public improvements in Phase One, Bond Issue Four, Project 2103 of the Project Plan for the North Overton Tax Increment Finance Reinvestment Zone.

Pursuant to the contract, the City agrees to dedicate and pledge the use of revenue in the Tax Increment Fund to participate in the cost of the public improvements for Phase One, Bond Issue Four, Project 2103 of the Project Plan as recommended by the Board of Directors of the North Overton Tax Increment Finance Reinvestment Zone (TIRZ). This agreement delineates the division of funding for the public improvements as represented in Exhibit D, TIRZ participation, and Exhibit E, Developer participation. The total amount of tax increment financing for public improvements for this tract shown in Exhibit D is \$234,762. Ulofts Lubbock LLC is investing approximately \$9 million in renovating the facility.

FISCAL IMPACT

\$234,762 was budgeted in Capital Project 92103, Ulofts, with \$234,762 available for this project. The annual debt payment for these bonds will be made from the North Overton Tax Increment Reinvestment Zone.

Staff recommended approval of this resolution.

5.10. Contract Resolution - Information Technology: Resolution No. 2007-R0070 authorizing the Mayor to execute a purchase agreement with Hewlett-Packard Computer Corporation for server and storage hardware for the LP&L/Water Utilities/Solid Waste asset management and work automation project.

A capital project was approved in the FY 2004-05 Budget to purchase an Automated Mapping/Facilities Management/Outage Management system for LP&L, Water Utilities, and Solid Waste. The contract for utility software and implementation for this project was awarded to GE Energy in 2006 (Resolution No. 2006-R0199).

During the hardware analysis phase of the project, it was determined that several servers would be required to run this system. Information Technology staff worked with GE staff and the project's steering committee to consolidate several physical servers into a single server utilizing virtualization technology. An additional server is also required to run the graphics component of the software.

A large amount of disk space is required, and Information Technology recommended a Storage Area Network of 6 Terabytes of available space.

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

This equipment will be purchased from Hewlett Packard of Atlanta, Georgia through the State of Texas Department of Information Resources Contract DIR-SDD-223.

FISCAL IMPACT

\$2.1 million was appropriated in Capital Improvement Project 91118, AM/FM Automated Mapping, with \$230,822 available for this purpose. The purchase price includes installation and a 3-year warranty.

Staff recommended approval of this resolution.

- 5.11. Contract Resolution - Facilities Management: Resolution No. 2007-R0071 authorizing the Mayor to execute a lease agreement with Bill Clement for warehouse storage space.**

This Lease Agreement with Bill Clement will provide warehouse storage space. The initial term of this lease is 12 months and is renewable for up to four additional one-year terms.

FISCAL IMPACT

The cost of the lease is \$1,330 per month and includes payment of utilities. Funding is included in the Adopted FY 2006-07 Operating Budget.

Staff recommended approval of this resolution.

- 5.12. Contract Resolution - Airport: Consider a resolution authorizing the Mayor to execute a Certificated Passenger Airline Operating Agreement and Terminal Building Lease with American Eagle Airlines, Inc.**

This item was deleted.

- 5.13. Contract Resolution - Airport: Resolution No. 2007-R0072 authorizing the Mayor to execute a contract with Avis Rent A Car System, LLC for rental car services concession at Lubbock Preston Smith International Airport, RFP 06-090-MA.**

The term of this rental car services contract will begin March 1, 2007, and end September 30, 2011. The contract includes monthly rental of office and counter areas at the rate of \$16.05 per square foot per year. Other rentals include the following: Service facility ground rent at the rate of \$.1472 per square foot per year; Ready and Return Parking spaces at the rate of \$12 per space each month; Concession Fee, which includes a minimum annual guarantee or 10% of the annual gross revenue, whichever is greater.

Avis Rent A Car System, LLC agreement will include the following:

- Counter Space: 368.28 sq. ft. = \$5,910.89 annually
- Service Facility: 32,940 sq. ft = \$4,848.77 annually
- Ready Spaces: 39 spaces = \$5,616 annually
- Four Year Total Minimum Annual Guarantee: \$873,000.

FISCAL IMPACT

The new agreement includes a \$5,911 annual lease payment for the rental/ticket counter office space. The service facility rate was not increased, but does continue to have an annual Consumer Price Index adjustment. The Ready and Return parking lot spaces rate remained the same for the new contract period.

Airport Board and Airport staff recommended approval of this resolution.

5.14. Contract Resolution - Airport: Resolution No. 2007-R0073 authorizing the Mayor to execute a contract with Enterprise Rent-A-Car Company of Texas for a rental car services concession at Lubbock Preston Smith International Airport, RFP 06-090-MA.

The term of this rental car services contract will begin March 1, 2007, and end September 30, 2011. The contract includes monthly rental of office and counter areas at the rate of \$16.05 per square foot per year. Other rentals include the following: Service facility ground rent at the rate of \$.1472 per square foot per year; Ready and Return Parking spaces at the rate of \$12 per space each month; Concession Fee, which includes a minimum annual guarantee or 10% of the annual gross revenue, whichever is greater.

Enterprise Rent-A-Car Company of Texas agreement will include the following:

- Counter Space: 353.43 sq. ft. = \$5,672.55 annually
- Service Facility: 20,000 sq. ft = \$2,944 annually
- Ready Spaces: 20 spaces = \$2,880 annually
- Four Year Total Minimum Annual Guarantee: \$452,500.

FISCAL IMPACT

The new agreement includes a \$5,673 annual lease payment for the rental/ticket counter office space. The service facility rate was not increased, but does continue to have an annual Consumer Price Index adjustment. The Ready and Return parking lot spaces rate remained the same for the new contract period.

Airport Board and Airport staff recommended approval of this resolution.

5.15. Contract Resolution - Airport: Resolution No. 2007-R0074 authorizing the Mayor to execute a contract with The Hertz Corporation for a rental car services concession at Lubbock Preston Smith International Airport, RFP 06-090-MA.

The term of this rental car services contract will begin March 1, 2007, and end September 30, 2011. The contract includes monthly rental of office and

counter areas at the rate of \$16.05 per square foot per year. Other rentals include the following: Service facility ground rent at the rate of \$.1472 per square foot per year; Ready and Return Parking spaces at \$12 per space each month; Concession Fee which includes a minimum annual guarantee or 10% of the annual gross revenue, whichever is greater.

The Hertz Corporation agreement will include the following:

- Counter Space: 340.47 sq. ft. = \$5,464.54 annually
- Service Facility: 25,000 sq. ft = \$3,680 annually
- Ready Spaces: 40 spaces = \$5,760 annually
- Four Year Total Minimum Annual Guarantee: \$916,000.

FISCAL IMPACT

Revenues from Hertz under this contract will increase \$5,464.54 compared to the previous contract with the addition of the office/counter space rental. The total minimum annual guarantee for the term of the contract is \$424,100 more than the previous contract. The service facility rate was not increased, but does continue to have an annual Consumer Price Index adjustment. The Ready and Return parking lot spaces rate remained the same for the new contract period.

Airport Board and Airport staff recommended approval of this resolution.

5.16. Contract Resolution - Airport: Resolution No. 2007-R0075 authorizing the Mayor to execute a contract with Currey Enterprises, Inc. d/b/a Budget Rent a Car for a rental car services concession at Lubbock Preston Smith International Airport, RFP 06-090-MA.

The term of this rental car services contract will begin March 1, 2007, and end September 30, 2011. The contract includes monthly rental of office and counter areas at the rate of \$16.05 per square foot per year. Other rentals include the following: Service facility ground rent at the rate of \$.1472 per square foot per year; Ready and Return Parking spaces at the rate of \$12 per space each month; Concession Fee, which includes a minimum annual guarantee or 10% of the annual gross revenue, whichever is greater.

Currey Enterprises, Inc. d/b/a Budget Rent a Car agreement will include the following:

- Counter Space: 366.52 sq. ft. = \$5,882.65 annually
- Service Facility: 19,980 sq. ft = \$2,941.06 annually
- Ready Spaces: 12 spaces = \$1,728.00 annually
- Four Year Total Minimum Annual Guarantee: \$280,000.

FISCAL IMPACT

The new agreement includes a \$5,888 annual lease payment for the rental/ticket counter office space. The service facility rate was not increased, but does continue to have an annual Consumer Price Index adjustment. The Ready and Return parking lot spaces rate remained the same for the new contract period.

Airport Board and Airport staff recommended approval of this resolution.

5.17. Contract Resolution - Airport: Resolution No. 2007-R0076 authorizing the Mayor to execute a contract with Alamo Rental (US) Inc. for rental car services concession at Lubbock Preston Smith International Airport, RFP 06-090-MA.

The term of this rental car services contract will begin March 1, 2007, and end September 30, 2011. The contract includes monthly rental of office and counter areas at the rate of \$16.05 per square foot per year. Other rentals include the following: Service facility ground rent at the rate of \$.1472 per square foot per year; Ready and Return Parking spaces at \$12 per space each month; Concession Fee, which includes a minimum annual guarantee or 10% of the annual gross revenue, whichever is greater.

Under the prior agreement, the Airport had one contract with Vanguard operating Alamo/National as one company. During this Request for Proposals, the airport chose not to allow dual branding. Alamo and National will operate two ticket counter areas and utilize one service facility.

Alamo Rental (US) Inc. agreement will include the following:

- Counter Space: 370.54 sq. ft. = \$5,947.17 annually
- Service Facility: 25,000 sq. ft = \$3,680 annually
- Ready Spaces: 22 spaces = \$3,168 annually
- Four Year Total Minimum Annual Guarantee: \$502,053.

FISCAL IMPACT

Alamo's separate proposal for this contract is \$502,053 for the term of the agreement. The new agreement includes a \$5,947 annual lease payment for the rental/ticket counter office space. The service facility rate was not increased, but does continue to have an annual Consumer Price Index adjustment. The Ready and Return parking lot spaces rate remained the same for the new contract period.

Airport Board and Airport staff recommended approval of this resolution.

5.18. Contract Resolution - Airport: Resolution No. 2007-R0077 authorizing the Mayor to execute a contract with National Rental (US) Inc. for rental car services concession at Lubbock Preston Smith International Airport, RFP 06-090-MA.

The term of this rental car services contract will begin March 1, 2007, and end September 30, 2011. The contract includes monthly rental of office and counter areas at the rate of \$16.05 per square foot per year. Other rentals include the following: Service facility ground rent at the rate of \$.1472 per square foot per year; Ready and Return Parking spaces at the rate of \$12 per space each month; Concession Fee, which includes the minimum annual guarantee or 10% of the annual gross revenue, whichever is greater.

Under the prior agreement, the Airport had one contract with Vanguard operating Alamo/National as one company. During this Request for Proposals,

the airport chose not to allow dual branding. Alamo and National will operate two ticket counter areas and utilize one service facility.

National Rental (US) Inc. agreement will include the following:

- Counter Space: 376.20 square feet = \$6,038.01 annually
- Service Facility: Share with Alamo Rental (US) Inc.
- Ready Spaces: 21 spaces = \$3,024 annually
- Four Year Total Minimum Annual Guarantee: \$481,134.

FISCAL IMPACT

The total minimum annual guarantee total for the previous contract under the two brands of Alamo/National was \$381,024. The new agreement includes a \$6,038 annual lease payment for the rental/ticket counter office space. National's separate proposal for this contract is \$481,134 for the term of the agreement. The Ready and Return parking lot spaces rate remained the same for the new contract period.

Airport Board and Airport staff recommended approval of this resolution.

5.19. Contract Resolution - Community Development: Resolution No. 2007-R0078 authorizing the Mayor to execute a contract with Texas Department of Housing and Community Affairs for the Southwestern Public Service Low-Income Program to weatherize homes and make them more energy efficient.

This grant will fund weatherization of homes for low-income persons. Repairs include sealing, caulking of windows and doors, air infiltration and insulation. Priority will be given to elderly, persons with disabilities, households with young children under six years of age. Priority will also be given to households with a high energy burden and households with high energy consumption.

The source for this contract is a pass through grant from Texas Department of Housing and Community Affairs (TDHCA) in the amount of \$28,804.

The contract is an electronic signature contract. The period for performance of this contract is January 1, 2007, through December 31, 2007.

FISCAL IMPACT

The maximum amount to be allocated from the state Southwestern Public Service Low-Income Program for this local program is \$60,000.

Staff recommended approval of this resolution.

5.20. Contract Amendment Resolution - Water Utilities: Resolution No. 2007-R0079 authorizing the Mayor to execute Change Order No. 1 to the contract with Utility Contractors of America for Marsha Sharp Freeway Utility Relocation Phase IIIB near Slide Road

This item is for Change Order No. 1 of the Marsha Sharp Freeway Phase IIIB Water Utility Relocation near Slide Road. Utility Contractors of America

(UCA) will provide tapping and hydra-stopping equipment necessary to isolate water lines for this project. Staff has identified several broken water valves in the distribution system that are required to isolate the construction area. The inserta-valve and hydra stops will be installed in lieu of repairing the valves associated with this contract. These valves are scheduled to be abandoned with the relocation. UCA will be providing a service to isolate the construction area while the pipeline maintenance crews can continue to work on other important projects throughout the City.

Change Order No. 1 is \$170,000 and the new contract amount will be \$2,425,400.

FISCAL IMPACT

A total of \$9,275,000 was appropriated and \$2,928,288 is available in Capital Improvement Project 9742, Water Lines Ahead of Marsha Sharp Freeway, for this purpose.

Staff recommended approval of this resolution.

- 5.21. Agreement Resolution - Fleet Services: Resolution No. 2007-R0080 authorizing the Mayor to execute on behalf of the City of Lubbock, as evidencing the consent of the City of Lubbock, an Assignment and Assumption Agreement by and between Benton Oil Company and Eddins-Walcher Company for gasoline and diesel fuel automated services.**

City Council awarded Benton Oil Company of Lubbock, Texas a gasoline and diesel fuel automated services agreement on January 12, 2007, for a term of one-year with an option to renew for up to two additional one-year periods. The cost of fuel is the daily rack price plus \$0.10. The rack price is the price paid at the point where tanker trucks load their fuel from a distribution terminal's loading rack.

Under this agreement, unattended fueling sites are provided at Flint Avenue and Clovis Highway, 50th Street and Frankford Avenue, 37th Street and Avenue A, and 83rd Street and Hudson Avenue. These fueling sites provide the City with the convenience of purchasing fuel for City vehicles using vendor issued fueling cards. In addition to being accessible in each part of the City, this method of purchasing fuel helps the City control fuel expenditures and costs by eliminating problems associated with the manual tracking of fuel expenses. Using unattended fueling sites also allows the City to identify drivers, vehicles, and purchases along with online reporting, detailed itemization of purchases, vehicle tracking and driver data.

Benton Oil Company desires to assign the agreement to Eddins-Walcher of Odessa, Texas. Eddins-Walcher is part of United Fuel & Energy family of companies headquartered in Midland, Texas. United Fuel & Energy is Benton Oil Company's new supply partner and is one of the largest distributors of gasoline, diesel, propane and lubricant products in the southwestern and south central United States with over 115 unattended fueling sites. The company

will provide additional unattended fueling sites at 34th Street and Avenue A, and at the Chisum Travel Center at 2611 East Slaton Road. Pursuant to the agreement, the City must consent to the assignment of the agreement from Benton Oil Company to Eddins-Walcher.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

9:50 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

11:50 A.M. CITY COUNCIL RECONVENED

6. REGULAR AGENDA

Note: Regular Agenda items and Consent Agenda items moved to Regular Agenda are listed in the order they were addressed (Items 6.8, 6.1-6.3, 6.5-6.7, 6.9-6.11, 6.13)

6.8. Contract Resolution - Citibus: Consider a resolution authorizing and directing Citibus to execute a contract for CitiAccess Ambulatory Services, BID 2007-1.

After discussion, this item was tabled, and later was continued to March 5, 2007.

Citibus issued an Invitation to Bid for CitiAccess ambulatory services Medicaid and CitiAccess to seek a way to provide more cost-efficient trips for ambulatory passengers.

Bidders were asked to provide four trip costs:

- Within the Lubbock city limits, scheduled in advance (Bid Item 1).
- Within the Lubbock city limits, scheduled on the same day that service was requested (Bid Item 1).
- With either origin or destination outside of the Lubbock city limits, but within Lubbock county, scheduled in advance (Bid Item 2).
- With either origin or destination outside of the Lubbock city limits, but within Lubbock county, scheduled on the same day that service was requested (Bid Item 2).

The bid document did not guarantee a number of trips that would be given to the selected bidder. In addition, the bid document did not guarantee any revenue amount to the selected bidder.

The following bids were received and compared with Citibus' cost to provide the service:

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	Bid Item 1 Scheduled		Bid Item 2 Scheduled	
	in Advance	on Same Day	in Advance	on Same Day
Caprock Community Action	\$12.00	\$18.00	\$15.00	\$20.00
Citibus*	\$19.00	\$19.00	\$22.00	\$22.00
Sexton Enterprises	\$22.94	\$22.94	Did not bid	Did not bid
South Plains Community Action	\$28.00	\$31.00	\$28.00	\$31.00

* Bid Item 1 is based on actual costs, October-December 2006; Bid Item 2 is estimated.

Since June 26, 2006, Caprock Community Action has been providing Medicaid trips as a subcontractor to Citibus at the rate of \$12 per trip for trips that have origins and destinations in the same county. Citibus feels confident that their bid on this procurement is a good bid and that they can provide the services as outlined in the bid documents for the price they have submitted.

Should the contract, for whatever reason, not be awarded to Caprock Community Action, Citibus is able to provide the services at a lower cost than the bid that was submitted by the second-lowest bidder.

Citibus would like to call attention to the following provision in the Invitation to Bidders:

ANTI-LOBBYING PROVISION

17.1 DURING THE PERIOD BETWEEN THE BID CLOSE DATE AND THE CONTRACT AWARD, BIDDERS, INCLUDING THEIR AGENTS AND REPRESENTATIVES, SHALL NOT DIRECTLY DISCUSS OR PROMOTE THEIR BID WITH ANY MEMBER OF THE LUBBOCK CITY COUNCIL, CITY STAFF, CITIBUS STAFF, OR MEMBERS OF THE LUBBOCK PUBLIC TRANSIT ADVISORY BOARD EXCEPT IN THE COURSE OF CITY-SPONSORED INQUIRIES, BRIEFINGS, INTERVIEWS, OR PRESENTATIONS, UNLESS REQUESTED BY THE CITY OF LUBBOCK/CITIBUS.

17.2 This provision is not meant to preclude bidders from discussing other matters with City Council members, City staff, Citibus staff, or members of the Lubbock Public Transit Advisory Board. This policy is intended to create a level playing field for all potential bidders, assure that contract decisions are made in public, and to protect the integrity of the bid process. Violation of this provision may result in rejection of the bidder's bid.

If a contract is awarded as a result of this bid, Citibus will give the current Medicaid subcontractors 180 days written notice to terminate existing

agreements. This is in accordance with Section 15 of the Medicaid Request for Proposal, the provisions of which are incorporated into Citibus' formal agreement with the Texas Department of Transportation.

Officials from the Texas Department of Transportation have assured Citibus that subcontracting to a rural transportation provider does not violate any state policies, procedures, or guidelines.

Attached is a letter from Claudia Cowley, executive director of Caprock Community Action Association, Inc., outlining her agency's ability to provide services within Lubbock County.

This information was presented to the Lubbock Public Transit Advisory Board at their January 24, 2007, meeting.

FISCAL IMPACT

Contract award to the lowest bidder will result in a savings of approximately \$181,000 during the first year of the contract.

Citibus and the Lubbock Public Transit Advisory Board recommended approval of this resolution.

John Wilson, Director of Citibus, gave comments and answered questions from Council regarding the comments made by John Sims, the attorney for Sexton Enterprises, Inc. that were given during Citizens Comments.

City Attorney Anita Burgess gave comments, answered questions from Council, and addressed the bid process with respect to the lowest responsible bidder and the legalities surrounding this issue.

Jim Sexton and his son Steve Sexton, owners of Sexton Enterprises, Inc., gave comments and answered questions from Council.

Serena Stevenson, with Caprock Community Action, gave comments and answered questions from Council regarding the length of time passengers are on the bus.

First Assistant City Attorney Richard Casner explained to Council the process of having a change order to a contract.

Motion was made by Council Member Boren, seconded by Council Member Price to table this item until after Executive Session. Motion carried: 7 Ayes, 0 Nays.

This item was taken off the table and discussed again following item 6.1.

- 6.1. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0018 Zone Case No. 3074 (north of FM 1294 and east of old US 87): Hold a public hearing to consider request of Parkhill, Smith and Cooper (for Lubbock Economic Development Alliance) for a zoning change from T to M-2 on 301.648 acres of unplatted land located in the west half of Section 38, Block D.**

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Mayor Miller opened the public hearing at 12:55 p.m. No one appeared on behalf of Lubbock Economic Development Alliance. No one appeared in opposition. Mayor Miller closed the hearing at 12:56 p.m.

This zoning change will provide proper zoning for the development of a 300-acre industrial area owned by the Lubbock Economic Development Alliance (LEDA) north of the Lubbock/Preston Smith International Airport.

Adjacent land uses:

N – vacant

S – Texas A and M University Experiment Station farm land

E – vacant

W – several business locations and homes, outside the city limits

The property was acquired by the City to provide for rail spurs recently brought into the Airport for enhancement of future and existing businesses and needed for rail service by both airfield and non-airfield operations. In a previous transaction between the City and LEDA, LEDA is now the owner of the property and is requesting M-2 zoning for the purpose of having land to offer for industrial development.

Since the recent annexation, the Comprehensive Land Use Plan has not been amended for this parcel. It was annexed as transitional until the proper future land use status is determined and made a part of the Plan. All of the land within the vicinity of the Airport inside the City is designated as “industrial” because of the influence of the Airport. Residential and airfield/industrial uses are not considered as compatible adjacent land uses. That fact has been recognized on all of the Land Use Plans adopted by the City Council since 1975. The same land use concept applies to this parcel and staff recommended that the Planning Commission include the “industrial” designation as a minor amendment for the Comprehensive Land Use Plan in a motion should the zone case be referred to the Council for approval.

Several property owners north of the annexed area who are not residents of either the City of Lubbock or the City of New Deal, but residents of a “no man’s land” in between the two cities in the vicinity of a junk yard, the Interstate and an active railroad, attended the meeting. The individuals did not express any real opposition to the proposal, but did have questions about what was going to be located there. LEDA officials visited with the group after the meeting. The staff is not aware of the outcome of those discussions.

As noted, the area is consistent with the need for industrial designation and the request is consistent with zoning policy. The parcel is adjacent to an FM Highway and is also within 100 yards of I-27, so development of the parcel as industrial should have little impact on the thoroughfare system.

The Planning Commission recommended the request with the addition of amendment of the Comprehensive Land Use Plan to designate the area as “industrial”.

FISCAL IMPACT

No fiscal impact is anticipated.

The staff supports the recommendation of the Planning Commission and recommended approval.

Motion was made by Council Member Boren, seconded by Council Member Price to pass on first reading Ordinance No. 2006-O0018 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

12:56 P.M. CITY COUNCIL RECESSES TO EXECUTIVE SESSION

3:05 P.M. CITY COUNCIL RECONVENED

Council Member Leonard was absent.

At this time, Item 6.8 was removed from the table.

Motion was made by Council Member Boren, seconded by Mayor Pro Tem Gilbreath to remove Item 6.8 from the table. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

After further discussions on Item 6.8, motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to continue this item until the March 5, 2007 Regular City Council Meeting. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

6.2. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2007-O0019 abandoning and closing a portion of a 20-foot utility easement located in Lot 1-A, Block 8, McLarty's Circle View Addition; a 17.5-foot underground utility easement located in Tract 1, Niraj Investments LLC Addition; a sewer line easement located in Lot 1-A, Block 8, McLarty's Circle View Addition; a portion of Caprock Drive located in Section 2, Block E, Lubbock County, Texas; a portion of 65th Street located in Section 2, Block E, Lubbock County, Texas and an alley located in Section 2, Block E, Lubbock County Texas, closures located at 6510 I-27.

This ordinance abandons and closes a 20-foot utility easement located in Lot 1-A, Block 8, McLarty's Circle View Addition; a 17.5-foot underground utility easement located in Tract 1 Niraj Investments LLC Addition; a sewer line easement located in Lot 1-A, Block 8, McLarty's Circle View Addition; a portion of Caprock Drive located in Section 2, Block E, Lubbock County, Texas; a portion of 65th Street located in Section 2, Block E, Lubbock County, Texas and an alley located in Section 2, Block E, Lubbock County Texas. These closures are located north of 66th Street and west of I-27. The orientation of Caprock Drive is a remnant of the street pattern that used the old "circle" as a hub. These closures will allow new development in this area.

Since the requestor of this closure is not the original dedicator of the areas being closed, there will be a charge for the closure. The total street and alley areas being closed is 44,553.17 square feet. The Right-of-Way Department has determined a value of \$2 per square foot from adjacent property land values for the street and alley areas being closed with a total value of \$89,106.34. The requestor is dedicating right-of-way for Avenue J in the re-plat for a total of 11,509 square feet, creating a credit of \$23,018 (11,509 square foot x \$2 per square foot = \$23,018). The requestor is also dedicating an underground utility easement for a total of 8,245.20 square feet x \$2 x 50% for easement value for a total credit of \$8,245.20. Therefore, the amount due the City is \$57,843.14. All utility companies are in agreement with these closures.

FISCAL IMPACT

Additional estimated General Fund revenue of \$57,843.

Staff recommended approval with the following condition:

A quitclaim for Caprock Drive and 65th Street shall not be recorded and the current street shall not be closed on the ground until Avenue J has been dedicated, paved, and tentative approval of construction by Streets Engineering is complete.

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

Motion was made by Council Member Price, seconded by Council Member Jones to pass on first reading Ordinance No. 2006-O0019 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

6.3. Ordinance Amendment 2nd Reading - Water Utilities: Ordinance No. 2007-O0010 Consider an ordinance amending Sections 28-52 and 28-53, Chapter 28 of the Code of Ordinances, by revising water rates.

A cost of service study was completed recently for both the water and sewer services in order to establish the appropriate rates to reflect the cost of providing these services. In addition to the cost of service analysis, the study also proposed a change to the Average Winter Consumption increasing block rate to encourage greater water conservation. This change was originally recommended by a committee of citizens that were given the responsibility to review the City's water and sewer rates and make recommendations. This study was completed, along with necessary software modifications, and results were provided to the Lubbock Water Advisory Commission on November 16, 2006.

The recommended rates are revenue neutral. Increases in rates for budgetary purposes are considered with the annual budget. The changes proposed here are revenue neutral and reflect cost of service changes only.

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Prior to 1990, the City had a decreasing block rate. This means that as a customer used more water, the rate per 1,000 gallons dropped for the additional use. In 1991 the City adopted a uniform water rate. Under this plan, the rate per 1,000 gallons used remains unchanged. It is now proposed that the City adopt an increasing block rate plan in order to encourage greater conservation. Under this plan, the rate per 1,000 gallons will increase for the additional use. The specific increasing block rate plan proposed is called the AWC or Average Winter Consumption plan.

Under the AWC plan, the volume of water included in Block 1 for residential use is determined differently for each customer based on the amount of water used by that customer in September, October, November, December, January and February. The volume that can be used in Block 2 for residential customers is 40,000 gallons. Block 3 would be for use over and above Block 1 and Block 2 use.

For commercial, multifamily and public entities, the volume allowed under Block 1 is again determined by the customer's average winter consumption. Block 2, however is not set on a specific amount like residential. The Block 2 volume for these customers is set at 50% of the AWC (the total of Block 1 and Block 2 volumes is 150% of the AWC). Block 3 again would be for use over and above the Block 1 and Block 2 volumes.

For irrigation service, there is no Block 1 volume. Single family residential irrigation service would have a Block 2 volume of 40,000 gallons, while non residential service would have a Block 2 based initially upon the average use by meter size. Eventually the Block 2 volume for non residential irrigation would be based on the surface area of the landscaped area. This alternative will be labor intensive and will take some time to implement.

Under the proposed rates, the monthly base charge would decrease for almost all customers. The amount of decrease depends on whether the option is taken to lower the Block 3 rate or not by about \$1. The block rates proposed would be uniform for almost all customers as follows on a per 1,000 gallon basis as follows:

- Block 1 - \$2.09
- Block 2 - \$2.61
- Block 3 - \$4.57

The current uniform rate for residential customers is \$2.03 per 1,000 gallons of water used. Previous multi family rates were \$1.73 per 1,000 gallons while Commercial, Public, and Municipal rates were at \$1.88 per 1,000 gallons. All customers will receive a savings on the monthly base charge, but the cost per 1,000 gallons will increase to encourage greater conservation. Again, for the City, the recommended changes are revenue neutral.

Below are two schedules that show the impact on the monthly base fee if the Block 3 rate is lowered from \$4.57 down to \$3.61.

Meter Size	Monthly Water Base Charge	
	Low Block 3	High Block 3
Three-quarter inch (3/4") meter	\$7.66	\$6.81
One inch (1") meter	\$12.79	\$11.37
One and a half inch (1.5") meter	\$25.51	\$22.68
Two inch (2") meter	\$40.83	\$36.30
Three inch (3") meter	\$81.73	\$72.66
Four inch (4") meter	\$127.69	\$113.52
Six inch (6") meter	\$255.31	\$226.98
Eight inch (8") meter	\$408.51	\$363.18
Ten inch (10") meter	\$587.29	\$522.12

The plan and rates presented reflect changes considered by the City Council after hearing from citizens and customers. The increase in the number of AWC months increases the volume of block one for residential and business users. The increase in volume for block 2 residential from 25,000 to 40,000 gallons provides more water for irrigation during summer months. The lower Block 3 rate would be more user friendly as the increasing block rate structure is adopted, and provide a strong water conservation message while not being overly punitive. The rate can be amended at a later date as necessary.

The ordinance also provides for administrative and appeal review of the rates and charges as outlined by the ordinance. This allows for corrections to be made and also for the resolution of contested amounts of use in accordance with the ordinance considered for approval by the City Council.

FISCAL IMPACT

This is not a rate increase. The recommendation is revenue neutral for the City. There are no proposed increases or decreases in revenues for the Water Fund as a result of this recommended change in water rates.

The Lubbock Water Advisory Commission recommended the changes discussed above. They were not able to review the changes in the rates that result, but they did recommend the changes to Council. City staff members also recommended that the City move to the increasing block rate structure as presented, and this would include: (1) adding September and October to the AWC month average for Block 1 volumes; (2) changing the residential Block 2 volume from 25,000 to 40,000 gallons; and (3) reducing the Block 3 rate down to \$3.61 instead of \$4.57.

Two ordinances are included for your review. Both ordinances include changes #1 and #2 above. Ordinance A includes change #3 above to reduce the Block 3 rate to \$3.61 per 1,000 gallons. Ordinance B leaves the Block #3 rate at \$4.57 per 1,000 gallons.

Tom Adams, Deputy City Secretary/Water Utilities Director, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass on second and final reading Ordinance No. 2007-O0010, Ordinance A, as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

City Attorney Anita Burgess advised Council to reconsider the last motion so that the start date for schools can be included in the motion.

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

Council Member Leonard was absent.

Motion was then made by Mayor Pro Tem Gilbreath, seconded by Council Member Boren to pass on second and final reading Ordinance No. 2007-O0010, Ordinance A, with a start date of April 1, 2007, but an October 1, 2007 start date for schools. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

3:24 P.M. MAYOR'S STATEMENT

Mayor Miller made a statement regarding the incident that took place at Jake's Sports Bar. He read a letter from Matt Powell, District Attorney for Lubbock County, dated February 22, 2007 and delivered to Police Chief Claude Jones. It states, "Dear Chief, after an extensive review of the cases presented and the applicable local and state laws, it is the decision of this office to reject the cases involving the Chippendale dancers in the interest of justice. It is my opinion that the officers had probable cause to make the arrests and were justified in doing so. However, it is my opinion that justice would be better served in pursuing a Class C misdemeanor charge in Lubbock Municipal Court if you choose to do so. My biggest frustration with this whole situation is with the owner of Jake's. It appears to me that he was warned time after time about the repercussions of having this performance and, for whatever reason, chose to ignore them. I think he shares a great deal of the blame for all that has happened. Finally, nothing has deterred my belief that Lubbock is blessed with a very capable and professional law enforcement presence in the Lubbock Police Department. If you have any questions, please don't hesitate to call me." The letter was signed "Matthew D. Powell, Criminal District Attorney, Lubbock County, Texas.

Mayor Miller went on to say that he as been asked on behalf of the Council, including Councilman Leonard, who had to dismiss himself because he was feeling ill, to thank District Attorney Powell for his prompt action to concur with his findings and to reiterate that this Council supports our Lubbock Police Department, including the action that was taken last Friday night. Council also believes that there was probable cause, and praises the officers that were on the scene, as well as their leader, Chief Jones, in the decisions that were made last Friday night. Council has discussed this matter with City

Attorney Anita Burgess, as it relates to her pursuing the Class C misdemeanor, which is her call as the legal representative of the City. The Mayor asked Ms. Burgess to discuss this matter.

Anita Burgess, City Attorney, stated "I have consulted at length with the Police Chief and thought this matter through, as did the District Attorney, and it is her decision that this matter will not be pursued through the Municipal Court. I would also add my thoughts on the department, as I said in an e-mail to the Chief yesterday, you are wonderful, your whole department is wonderful, and thank you for everything you do every day."

6.4. This item was moved from regular agenda and considered following Item 4.1.

6.5. Airport Master Plan Resolution - Airport: Resolution No. 2007-R0081 authorizing the Mayor to approve and adopt the Master Plan for Lubbock Preston Smith International Airport prepared by Barnard Dunkelberg & Company, Inc. and Parkhill Smith and Cooper, Inc. et al, as the official airport development guide.

In order for the Lubbock Preston Smith International Airport to receive funding from the Federal Aviation Administration (FAA) grant program, it must maintain an up-to-date Master Plan. The Master Plan is filed with the FAA and is the document from which all grant funding emanates. Further, grant assurances stipulate that the plan shall have public input and shall be endorsed by the local legislative body.

The Master Plan update for Lubbock Preston Smith International Airport (LBB) was guided by a fifteen member working group consisting of two City Council members, airline personnel, members of the general aviation community, airport staff, Airport Advisory Board members, and City staff members. The working group met four times during the eighteen month process and two public hearings were held to receive input. The working group collectively agreed the projects listed in the Master Plan are necessary when funding becomes available.

The goals of the Master Plan are to ensure that LBB can accommodate future aviation demand, is not significantly constrained by its environment, and has minimal adverse effects on its surroundings. In order to meet these goals, significant projects will need to be completed over the next 20 years at LBB. However, before any project listed in the Master Plan is recommended, funding sources will be identified.

FISCAL IMPACT

The cost to prepare this Master Plan was \$500,000. It was funded 90% by an Airport Improvement Program Grant and 10% by Passenger Facility Charges revenue.

The Airport Board and staff recommended approval of this resolution.

James Loomis, Assistant City Manager, and John Hamilton with Parkhill, Smith, and Cooper, Inc., et al, gave comments and answered questions from Council. Mayor Miller asked Loomis to get with Chief of Staff, Dixon Platt, to discuss the Master Plan on cable Channel 2 for the citizens.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2006-R0081 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

6.6. Reallocation of Unspent CDBG, HOME, and HOPE 3 Funds - Community Development: Resolution No. 2007-R0082 to approve recommendations of the Community Development and Service Board (CDSB) for the reallocation of unspent funds from the Community Development Block Grant (CDBG), HOPE 3 Program and HOME Investment Partnership Program (HOME).

On January 10, 2007, the Community Development Services Board (CDSB) met to discuss the reallocation of unspent funds. CDSB voted to approve the funding recommendations described below. The City Council then held a public hearing to give the citizens of Lubbock the opportunity to voice their opinions on the proposed projects. The public hearing was held on February 6, 2007.

Agency	Project	Amount
CDBG Funds:		
N & E Lubbock CDC	Down Payment and Closing Cost	\$ 100,000
City of Lubbock	108 Loan Payment	65,000
City of Lubbock	Emergency Repair	100,000
City of Lubbock	Residential Rehab-HOME	<u>20,000</u>
Total CDBG		285,000
HOPE 3 Funds:		
City of Lubbock	New Construction	<u>\$ 240,000</u>
Total HOPE 3		240,000
HOME Funds:		
Community Housing Resource Board	Handicapped Accessible Housing	<u>\$ 100,000</u>
Total HOME		100,000
Grand Total		\$625,000

FISCAL IMPACT

Projects are funded from the Community Development Block Grant, HOPE 3 Program and Home Investment Partnership Program. The maximum to be allocated to these projects is \$625,000. The HOPE 3 funds will satisfy the federal matching requirement for the HOME Program.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0082 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.7. Reallocation of Unspent CDBG Funds - Community Development: Resolution No. 2007-R0083 to approve recommendations of the Community Development and Service Board (CDSB) for the reallocation of unspent funds from the Community Development Block Grant (CDBG).

On January 10, 2007, the Community Development Services Board (CDSB) met to discuss the reallocation of unspent funds. CDSB voted to approve the funding recommendations described below. The City Council then held a public hearing to give the citizens of Lubbock the opportunity to voice their opinions on the proposed projects. The public hearing was held on February 6, 2007.

Agency	Project	Amount
CDBG Funds:		
Boys and Girls Club	Phea Branch-Facility Renovation	\$25,000
Boys and Girls Club	Optimist Branch-Facility Renovation	<u>90,000</u>
Total CDBG		\$115,000

FISCAL IMPACT

Projects are funded from the Community Development Block Grant. The maximum to be allocated to these projects is \$115,000.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass Resolution No. 2006-R0083 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.9. Contract Resolution - Transportation: Resolution No. 2007-R0084 authorizing the Mayor to execute a Municipal Maintenance Agreement with the Texas Department of Transportation for sharing of maintenance responsibilities of State highways located within the city limits of the City of Lubbock.

The Texas Department of Transportation (TxDOT) has requested that the City execute an updated Municipal Maintenance Agreement. The existing agreement has been in place since 1968. This agreement establishes maintenance responsibilities of the City and TxDOT on the State's Highway System within the corporate limits of Lubbock.

The Municipal Maintenance Agreement was drafted by TxDOT and has been modified for Lubbock.

The agreement includes a number of operational and maintenance issues on the State's Highway System including: maintenance of the traveled surface and the foundation beneath (TxDOT will maintain all paving on the State system), traffic regulations, traffic signs, highway lighting, traffic control devices, sidewalks and ramps, driveway permits, right-of-way encroachments, right-of-way mowing and litter pickup, street sweeping, and snow and ice control. Specific responsibilities of the Municipal Maintenance Agreement are described in Exhibits A and B and in Appendices I through IX.

It is a requirement of the Texas Department of Transportation that the most current Municipal Maintenance Agreement be executed before any red light photo enforcement cameras are placed at intersections that involve the State Highway System. An amendment specifically regarding the red light photo enforcement cameras will be forthcoming provided the City Council approves this agreement.

FISCAL IMPACT

The primary fiscal impact will involve mowing of the additional right-of way, street sweeping, litter pickup, and snow and ice control. The estimated additional annual costs for these maintenance activities are as follows:

Mowing	- \$ 1,500 assuming 9 cycles
Street Sweeping	- 45,000 assuming 12 cycles
Litter Pickup	- 15,000 assuming 4 cycles
Salt during Icy Conditions	- 20,000 assuming 4 events
Total	- \$ 81,500

City staff will use the requirements in the Code of Ordinances regarding the maintenance of any property where the Code requires the adjacent property owner to maintain these areas. In those instances where there are no Code requirements and the City does not already perform the required maintenance activity, the Departments responsible for that activity will prioritize the maintenance of the state highways as part of their day-to-day operation. Litter pickup can be coordinated with the Keep Lubbock Beautiful litter pickup efforts when feasible.

Staff recommended approval of this resolution.

James Loomis, Assistant City Manager; Marsha Reed, Assistant City Engineer; Ted Moore with TxDOT; Lee Ann Dumbauld, City Manager; and Jeff Yates, Chief Financial Officer, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2006-R0084 as recommended by staff. Motion carried: 5 Ayes, 1 Nay. Council Member Boren voted Nay.

Council Member Leonard was absent.

6.10. Contract Resolution - Public Works: Resolution No. 2007-R0085 authorizing the Mayor to execute a contract for the 2007 Primary Streets Maintenance Program, RFP 07-705-BM.

The annual Street Maintenance Program for primary streets consists of various types of patching, concrete repair/replacement (curb and gutter, valley gutters), single course, and/or two-course seal coat treatment.

Proposals were evaluated using the criteria published in the Request for Proposal as required by local Government Code 252.04(a). The evaluation criteria included price (55%); resume and references of proposed job superintendent (10%); list of potential items from proposer that could reduce the cost of work, but result in the same end product (5%); insurance claims and litigation during the last three years (5%); construction time (15%); and list of subcontractors (10%).

The RFP for this project included a base bid for emulsion and crushed gravel and an alternate bid for better materials that included latex asphalt with crushed stone. The alternate bid is for the better materials that have been discussed with the City Council during previous Work Session presentations and is similar to the seal coat operation that the Texas Department of Transportation uses.

Two proposals were ranked as follows:

Lone Star Dirt & Paving
Total points - 455
Base bid - \$944,748.54
Alternate bid - \$1,198,558.04

West Texas Paving, Inc.
Total points - 411
Base bid - \$1,065,948.60
Alternate bid - \$1,358,361.40

The streets to be sealed with this contract are shown on Attachment A and include 34 lane miles of the total primary street system city wide of 455 lane miles or roughly 7.5%. This is a unit cost contract with a scheduled time for completion of 180 consecutive days and liquidated damages of \$500 per day.

FISCAL IMPACT

A total of \$1,078,396 is available in the Adopted FY 2006-07 Public Works Operating Budget for Street System Improvements and \$770,000 in Capital Improvement Project 92101, Seal Coat Program for a total of \$1,848,396. With the award of this contract, the remaining balance would be \$649,838.

Staff recommended contract award to Lone Star Dirt & Paving of Lubbock, Texas, for the alternate bid \$1,198,558.04.

Marsha Reed, Assistant City Engineer, gave a presentation and answered questions from Council. Kevin Lair, Streets Superintendent, also gave comments and answered questions.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2006-R0085 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

6.11. Contract Resolution - Public Works: Resolution No. 2007-R0086 authorizing the Mayor to execute a contract for the 2007 Secondary Streets Maintenance Program, RFP-07-706-BM.

The annual Street Maintenance Program for the secondary streets consists of various types of patching, concrete repair/replacement (curb & gutter, valley gutters), single course, and/or two-course seal coat treatment.

Proposals were evaluated using the criteria published in the Request for Proposal as required by local Government Code 252.04(a). The evaluation criteria included price (55%); resume and references of proposed job superintendent (10%); list of potential items from proposer that could reduce the cost of work, but result in the same end product (5%); insurance claims and litigation during the last three years (5%); construction time (15%); and list of subcontractors (10%).

The RFP for this project included a base bid for emulsion and crushed gravel and an alternate bid for better materials that included latex asphalt with crushed stone. The alternate bid is for the better materials that have been discussed with the City Council during previous work session presentations and is similar to the seal coat operation that the Texas Department of Transportation uses.

The only proposal received was scored as follows:

Lone Star Dirt & Paving
Total points - 460
Base bid - \$820,644.69
Alternate bid - \$1,103,928.24

The base bid for the proposal submitted was \$170,806.73 more than the existing funding. Lone Star Dirt and Paving proposed a two course seal for \$2.16 per square yard and a single course for \$1.08 per square yard. After careful consideration of the cost per square yard, staff evaluated the cost of performing the secondary program in-house with City street maintenance crews. It is estimated that City Street Department personnel can apply a two course seal for an estimated \$1.50 per square yard and the single course for an estimated \$0.80 per square yard. Since there was not enough overall maintenance funding to fund the annual in-house seal coat that is typically performed, in addition to these two contracts, City Street Department personnel could concentrate their efforts on this secondary streets program and should be able to complete all the planned work within the existing

budget. The streets that are indicated for annual maintenance need to be sealed this year and not delayed until next year if possible.

The secondary streets scheduled to be sealed are shown on attachment A and include 39 lane miles of the total city wide secondary street network of 2,311 lane miles, or roughly 1.7%.

FISCAL IMPACT

After award of the Primary Streets Maintenance Program, \$649,838 of appropriation remains in Capital Improvement Project 92101, Seal Coat Program for this purpose.

Staff recommended that the City Council reject the bid from Lone Star Dirt & Paving of Lubbock, Texas, and direct the City Street Department to perform the Secondary Maintenance Program in-house.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass Resolution No. 2006-R0086 as recommended by staff.

Marsha Reed, Assistant City Engineer, gave comments a presentation and then answered questions from Council. She then explained to Council why staff is requesting to reject the bid from Lone Start Dirt & Paving.

Council Member Jones then withdrew her motion, with Council Member DeLeon withdrawing her second.

Motion was then made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2006-R0086 by rejecting all bids and taking the project in-house. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

6.12. This item was moved from regular agenda and considered during Citizens Comments.

6.13. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2007-O0020 Amendment No. 9 amending the FY 2006-07 budget respecting the LP&L Fund and Water Fund.

1. Amend the operating budget in the LP&L Fund. Specific information regarding these projects is competitive information protected under Chapter 552.133 of the Texas Government Code.
2. Amend Capital Improvement Project 91210, Water Main Extension South by appropriating \$232,320 of additional revenue from the Lubbock Cooper Independent School District. The total appropriation for this project will be \$882,320. The additional funding will pay for the equivalent pipeline size of a six-inch line to Lubbock Cooper Independent School District. Under the contract approved on June 26, 2006 (Resolution No. 2006-R0308), the increased pipeline size will be paid by the City.

FISCAL IMPACT

Included in backup information and item summary.

Staff recommended approval of the first reading of this ordinance.

Jeff Yates, Chief Financial Officer, 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-O0020 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

- 6.14. Moratorium Resolution - City Council: Consider a resolution placing a temporary moratorium on the installation of an automated red light camera system within the municipal boundaries of the City of Lubbock until the Citizens Traffic Commission has reviewed and made their recommendation and after additional information has been gathered.**

No action was taken on this item.

- 6.15. This item was moved from regular agenda and considered during Citizens Comments.**

- 6.16. Board Appointments - City Secretary's Office: Consider one appointment to Building Board of Appeals, one appointment to Structural Standards Commission, one appointment to Urban Design/Historic Preservation Commission, five appointments to Urban Renewal/ Neighborhood Redevelopment Commission, seven appointments to Community Development and Services Board, and three appointments to North Overton Tax Increment Financing Reinvestment Zone Board of Directors.**

Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint Ricardo Garcia to the Building Board of Appeals. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint Thomas Harris, III to the Structural Standards Commission. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint Tamra Walter to the Urban Design/Historic Preservation Commission. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

Regular City Council Meeting
February 22, 2007

Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint Edith Roe, Cory Dulin, Steven Bustos, and Denette Sweeney, and to reappoint Stewart Townsen to the Urban Renewal/ Neighborhood Redevelopment Commission. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

Motion was made by Council Member DeLeon, seconded by Council Member Price to appoint Valeria Joiner, Russell Harris, and Billie Russell, and to reappoint Emma Jackson, Jody Jenkins, Randy Laycock, and Mary Strong to the Community Development and Services Board. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

Motion was made by Council Member DeLeon, seconded by Council Member Price to reappoint Stephen Krier, Stan Mayfield, and Don Rushing to the North Overton Tax Increment Financing Reinvestment Zone Board of Directors. Motion carried: 6 Ayes, 0 Nays.

Council Member Leonard was absent.

4:05 P. M. COUNCIL ADJOURNED

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