

**CITY OF LUBBOCK  
SPECIAL CITY COUNCIL MEETING  
MARCH 19, 2007  
8:00 A. M.**

The City Council of the City of Lubbock, Texas met in special session on the 19th day of March, 2007, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 8:00 A. M.

**8:00 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. 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 as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."

**8:01 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**  
City Council Conference Room

All council members were present.

1.1. 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 (Solid Waste, Stormwater).

**10:01 A.M. CITY COUNCIL REGULAR MEETING RECONVENED**  
City Council Chambers

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

**Absent:** No one

Mayor Miller reconvened the meeting at 10:01 a.m.

## **2. REGULAR AGENDA**

**Note: Regular Agenda items are listed in the order they were addressed (2.2, 2.1).**

### **2.2. Contract Resolution - Fleet Services: Resolution No. 2007-R0098 authorizing the Mayor to execute a purchase agreement for 55 marked police patrol sedans, BID 07-025-MA.**

This bid is for the purchase of 55 police patrol sedans with manufacturer's extended warranty coverage for five years and 70,000 miles with a zero deductible. These vehicles are authorized in the FY 2006-07 Master Lease.

McKinney Dodge of McKinney, Texas submitted the two lowest bids, which includes a Dodge Charger LXDH48 Police Pursuit sedan. The lowest bid of \$20,407 per vehicle includes a V-6 3.5 liter engine, which is an exception to City specifications and does not meet the City's requirement. The second lowest bid of \$21,325 per vehicle includes a 5.7 liter Hemi engine that exceeds the City's requirement.

Pursuant to Texas Local Government Code 252.043, Award of Contract:

- (a) If the competitive sealed bidding requirement applies to the contract for goods or services, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.
- (b) In determining the best value for the municipality, the municipality may consider:
  - (1) the purchase price;
  - (2) the reputation of the bidder and of the bidder's goods or services;
  - (3) the quality of the bidder's goods or services;
  - (4) the extent to which the goods or services meet the municipality's needs;
  - (5) the bidder's past relationship with the municipality;
  - (6) the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
  - (7) the total long-term cost to the municipality to acquire the bidder's goods or services; and
  - (8) any relevant criteria specifically listed in the request for bids or proposals.
- (c) Before awarding a contract under this section, a municipality must indicate in the bid specifications and requirements that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

Special City Council Meeting  
March 19, 2007

The bids for the Dodge Charger LXDH48 Police Pursuit sedan do not provide the best value to the City because this vehicle does not fit the City's needs and does not provide the lowest long term cost to the City. The Dodge Charger LXDH48 Police Pursuit sedan is not suitable for use as a regular police patrol unit for the City of Lubbock Police Department. The interior space of this vehicle is similar to the Chevrolet Impala with low driver visibility and limited prisoner space. In addition, this vehicle will require an additional expenditure of approximately \$111,760 to purchase prisoner shields and light bars for the majority of the new patrol sedans. The Police Department plans to reuse current equipment to keep the purchase within the approved FY 2006-07 Master Lease budget. The current equipment will not fit in the Dodge Charger LXDH48 Police Pursuit sedan.

Carlsbad Auto Company dba/Pollard Friendly Ford of Lubbock, Texas submitted the third lowest bid of \$21,806 per vehicle for a Ford Crown Victoria P71 Police Interceptor sedan. The warranty included in the bid does not meet specifications because it does not include the following coverage:

Transmission - Kickdown Linkage, Release Hubs and Bearings, Transmission Linkage

Front Suspension - Load Leveler Suspension System, Springs, Tie Rods

Electrical - Charge and Volt Gauges, Clock (Electric), Distributor Housing and Shaft, Ignition Coil, Ignition Lock, Ignition Module (Electric), Mirrors (Electrical Only – Not Glass Damage or Breakage), Temperature Gauge

Air Conditioning and Heating - Heater Control Cables, Instrument Panel Registers and Air Ducts

High-Tech - Anti-theft Alarm (Factory-Installed), Fuel Mixer (Alternative), In-Dash Navigation System (Factory Installed), Instrument Cluster (Clock, Audio and Visual Equipment), Sensor (Alcohol), Windshield, Insta-Clear (Electric Only-Not Glass Damage or Breakage)

Emissions - All items

Ford Audio - All items

Safety - All items

Planet Ford 6 of Houston, Texas submitted the fourth lowest bid of \$23,027 per vehicle for a Ford Crown Victoria Police Interceptor sedan meeting the City's specifications.

Gene Messer Ford of Lubbock, Texas submitted the fifth lowest bid of \$23,380 per vehicle and Philpott Motors, Ltd of Nederland, Texas submitted the sixth lowest bid of \$23,635. Each of these two bids included a Ford Crown Victoria Police Interceptor sedan meeting the City's specifications.

Pursuant to Texas Local Government Code 271.905(b), in purchasing under this title any real property, personal property that is not affixed to real property, or services, if a municipality receives one or more competitive

sealed bids from a bidder whose principal place of business is in the municipality and whose bid is within 5% of the lowest bid price received by the municipality from a bidder who is not a resident of the municipality, the municipality may enter into a contract with: (1)the lowest bidder; or (2)the bidder whose principal place of business is in the municipality if the governing body of the municipality determines, in writing, that the local bidder offers the municipality the best combination of contract price and additional economic development opportunities for the municipality created by the contract award, including the employment of residents of the municipality and increased tax revenues to the municipality.

This section does not prohibit a municipality from rejecting all bids and does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153.

In order to receive consideration of the location of the bidder's principal place of business for bid award, bidders are required to submit an Affidavit of Eligibility. The \$23,380 bid from Gene Messer Ford of Lubbock, Texas is within 5% (\$353 or 1.5%) of the low bid from a non-resident bidder and Gene Messer Ford included an Affidavit of Eligibility (provided in backup).

#### **FISCAL IMPACT**

On January 25, 2007, City Council approved the purchase of 55 marked police vehicles as part of the FY 2006-07 Master Lease Program. The purchase price will be \$1,285,900, with the annual payment of \$290,000 being made from the General Fund.

Staff recommends bid award to Planet Ford 6 of Houston, Texas as the lowest bidder providing the best value for the City of Lubbock. It is staff's opinion that Gene Messer Ford of Lubbock, Texas meets the statutory requirement for consideration of location of a bidder's principal place of business and is within 5% of the bid from Plant Ford 6.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0098 as recommended by staff.

Mayor Pro Tem Gilbreath offered a friendly amendment "to award the bid to Gene Messer Ford of Lubbock, due to the fact that the bid offers the City of Lubbock the best combination of contract price and additional economic development opportunities for the local government, created by the contract award, including the employment residence in Lubbock, and increased tax revenues to the city of Lubbock." The amendment was accepted by Council Members DeLeon and Price, who made the motion and second.

Claude Jones, Police Chief, gave comments and answered questions from Council.

Council Member Price stated, for the record, he wanted to go with the local vendor because the other vendor is located in Houston, Texas, and Gene Messer Ford of Lubbock is local, there would be better communication,

on-site maintenance, would have access to the automobiles, and it would save the City a lot of money.

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

Vote was then taken on the amended motion, which carried: 7 Ayes, 0 Nays.

**2.1. Settlement Agreement Resolution - Solid Waste: Consider a resolution authorizing the Mayor to sign a settlement agreement with Terry Ellerbrook in cause number 2006-534715 and/or tendering the City's deductible under its policy of insurance to its carrier, St. Paul/Traveler's Companies, Inc., for purpose of resolution of said case.**

Consider a resolution authorizing the Mayor to sign a settlement agreement with Terry Ellerbrook in cause number 2006-534715 and/or tendering the City's deductible under its policy of insurance to its carrier, St. Paul/Traveler's Companies, Inc., for purpose of resolution of said case

**FISCAL IMPACT**

Included in the settlement agreement.

Motion was made by Council Member Boren, seconded by Council Member Leonard to pass this item.

Motion was then made by Council Member Jones, seconded by Council Member Price to continue this item until depositions from Council members are taken.

Bob Craig, Attorney for the City of Lubbock, gave comments and answered questions from Council.

Vote was then taken on the motion to continue. Motion carried: 4 Ayes, 3 Nays. Mayor Pro Tem Gilbreath and Council Members Boren and Leonard voted Nay.

**10:18 P. M. COUNCIL ADJOURNED**

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