

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

The City Council of the City of Lubbock, Texas met in regular session on the 22nd day of March, 2007, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A.M.

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

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

Absent: Mayor Pro Tem Jim Gilbreath and Council Member Gary O. Boren

1. CITIZEN COMMENTS

There were no citizens to express comments to Council.

2. EXECUTIVE SESSION

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

7:31 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room

All council members were present, except Mayor Pro Tem Jim Gilbreath and Council Member Gary O. Boren.

- 2.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Finance, 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 (Parks and Recreation, Visitors Center, Water Utilities).**
- 2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.**

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

**9:34 A.M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers**

Present: Mayor David A. Miller; Council Member Linda DeLeon; Council Member Phyllis Jones; Council Member John Leonard; Council Member Floyd Price; Lee Ann Dumbauld, City Manager; Richard Casner, First Assistant City Attorney; and Rebecca Garza, City Secretary

Absent: Mayor Pro Tem Jim Gilbreath and Council Member Gary O. Boren
Mayor Miller reconvened the meeting at 9:34 a.m.
City Attorney Anita Burgess arrived at 10:25 a.m.

3. PROCLAMATIONS AND PRESENTATIONS

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

- 3.1. **Invocation by Pastor Rodney Thomas, Broadway Church of Christ.**
- 3.2. **Pledge of Allegiance to the Flags.**

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

- 3.3. **Proclamation declaring March 2007 as Mental Retardation and Developmental Disabilities Awareness Month.**

Mayor Miller presented a proclamation declaring March 2007 as Mental Retardation and Developmental Disabilities Awareness Month. Stacy Bodenstedt, Director of Community Relations at Lubbock State School, along

with other representatives of the Lubbock State School, were present to accept the proclamation.

3.5. Proclamation declaring March 29-31, 2007, as ABC Pro Rodeo Days in Lubbock.

Mayor Miller presented a proclamation declaring March 29-31, 2007 as ABC Pro Rodeo Days in Lubbock. Mike Redeker, Chairman of the ABC Pro Rodeo, along with AMBUCS members Leslie Cox and Dee Beam, were present to accept the proclamation. Mr. Redeker gave comments.

3.6. Board Recognition

Market Lubbock Economic Development Corp. Board of Directors:

Rob Meyer

Building Board of Appeals:

Ricardo Garcia

Structural Standards Commission:

Thomas Harris III

Urban Design/Historic Preservation Commission:

Tamra Walter (unable to attend)

Urban Renewal/Neighborhood Redevelopment Commission:

Steven Bustos (unable to attend)

Cory Dulin (unable to attend)

Edith Roe (unable to attend)

Denette Sweeney (unable to attend)

Community Development & Services Board:

Valeria Joiner

Billie Russell

3.4. Special Recognition commemorating March 31, 2007 as Cesar E. Chavez Day.

Council Member DeLeon joined Mayor Miller as he presented special recognition to commemorate March 31, 2007 as Cesar E. Chavez Day. Christy Martinez-Garcia, Yvonne Gutierrez, Tavita Dorrow, and Carmela Wolfster were present to accept the special recognition. Ms. Martinez-Garcia and Ms. Dorrow gave comments.

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Special City Council Meeting, January 24, 2007; Regular City Council Meeting, February 22, 2007

Motion was made by Council Member Price, seconded by Council Member DeLeon to approve the minutes of the Special City Council Meeting of January 24, 2007, and the Regular City Council Meeting of February 22, 2007 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

5. CONSENT AGENDA was considered following Item 6.1.

6. REGULAR AGENDA

6.1. Request for Release of Extra Territorial Jurisdiction Authority - Planning: Resolution No. 2007-O0099 Consider a request by the Shallowater City Council to release the Extra Territorial Jurisdiction authority of the City of Lubbock (in the ETJ overlap area between Lubbock and Shallowater) for a two-acre tract out of Section 35, Block D-5, Lubbock County, Texas just south of the highway and west of the juncture of US 87 and Spur 388.

The request from the City of Shallowater is to release a two acre tract from the “overlap” Extra Territorial Jurisdiction (ETJ) area of both cities. Several months ago, City Council ceded approximately nine acres directly to the east of this parcel. This two acre parcel is located just south of the highway and west of the juncture of US 87 and Spur 388.

In September 2006, the City of Shallowater requested consideration to contract the “overlap” of Extra Territorial Jurisdiction between Lubbock and Shallowater as allowed by a state statute established in 1964. Since that time, Planning Department staff has been in communication with both Shallowater city officials and the Lubbock County Appraisal District to determine both the 1964 city limits and the current city limits of Shallowater. The information is needed to determine the land area that is eligible for discussion as being within the jurisdiction of both cities (or overlapped), and eligible for a contract to specify which City shall be the responsible group. The reason for establishment of the ETJ by the legislature is for all cities (the dimension depends on the population of the city) and has two main functions:

1. That a city may grow into the area with annexation. If the area is within the ETJ of another city, the annexation may not occur without agreement of the controlling city.
2. Review of plats is allowed in the ETJ of every city. The subdivision process greatly impacts the transportation, drainage and utility aspects of land use around the city, including the fact that the land may be annexed at some point. Thus, the legislature created the ability of city planning commissions or city councils to review plats within the subdivision regulations of the city to maintain compatibility should the area be annexed.

As of the beginning of March 2007, the process of establishing the original and current city limits of Shallowater is not complete. Records are missing and do not match, and are still being sorted out. Planning Department staff expects for the process to be finished within several months so a full agreement can be proposed to the City of Shallowater and the City of Lubbock City Councils.

The small parcel requested for release from the Lubbock ETJ will be included in the contract area proposed by Planning Department staff to be ceded to the City of Shallowater. Again, the parcel is a two-acre tract immediately west of the parcel released several months ago, and is a proposed location for a Peoples Bank (a letter of support is provided). The need for this agenda item prior to the entire contract is timing, because Peoples Bank would like to be annexed by Shallowater and assured of having city services before starting construction.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval. In the proposal for a contract between the two cities for ETJ jurisdiction, it has been noted this parcel will be included in that portion suggested for Wolfforth to control.

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

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to pass Resolution No. 2007-R0099 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1-5.8, 5.12-5.15, 5.19-5.21, 5.23-5.27)

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Items 5.1-5.8, 5.12-5.15, 5.19-5.21, 5.23-5.27 on consent agenda as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

5.1. Ordinance Amendment 2nd Reading - Health: Ordinance No. 2007-O0021 Consider an ordinance amending Chapter 12 of the Code of Ordinances of the City of Lubbock and adopting rules for on-site sewage facilities, providing a savings clause, providing a penalty clause, and providing for publication.

The Texas Commission on Environmental Quality has established rules for on-site sewage facilities to provide Texas citizens with adequate public health protection and to minimize environmental pollution.

The Texas Legislature enacted legislation, codified as Texas Health and Safety Code, Chapter 366, authorizing a local government to regulate the use of on-site sewage facilities in its jurisdiction in order to abate or prevent pollution or injury to public health resulting from the use of on-site sewage facilities.

In 1995, the City entered into an agreement with Lubbock County requiring Lubbock County Health and Environmental Inspector to enforce the above-mentioned rules for on-site sewage facilities within the incorporated limits of the City of Lubbock and Lubbock County. This amendment to Chapter 12 renews and formalizes this agreement in accordance with Texas Commission on Environmental Quality procedures.

The Rules, Title 30 Texas Administrative Code (TAC) Chapter 285.1-285.91 and TAC 30, referenced as Appendix I in the Ordinance, is available in the City Secretary's Office.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the second reading of this ordinance.

- 5.2. Ordinance Amendment 2nd Reading - Building Inspection: Ordinance No. 2007-O0024 Consider an ordinance amending Chapter 6 of the Code of Ordinances of the City of Lubbock, Texas, amending Article I, Section 6-25, providing for the administrative approval of certain building installations otherwise affected by a property boundary.**

This ordinance amendment will allow administrative approval of various building installations and uses normally prohibited because of proximity to, or encroachment upon, or across a property line. Where the adjacent lots are under common ownership and the anticipated hazards do not therefore exist, a recordable agreement to hold the property as one parcel will provide property owner relief while affording the necessary protections. This ordinance amendment will ratify a practice that has been successfully used for the past six years.

FISCAL IMPACT

No fiscal impact is anticipated. Recordation fees are the responsibility of the applicant.

The ordinance amendment is recommended by the Model Code and Construction Ordinance Advisory Board and staff recommended approval of the second reading of this ordinance.

- 5.3. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2007-O0025 Consider budget ordinance Amendment No. 10 amending the FY 2006-07 budget respecting the Grant Fund.**

Approve the reallocation of unspent funds from U. S. Department of Housing and Urban Development Community Development Block Grant, HOPE 3 Program, and HOME Investment Partnership Programs. The amount of funds to be reallocated is \$740,000. The unspent funds will be used for public facility projects and housing programs. Funds will be allocated in the following manner:

1. Reallocate previously appropriated funds of \$25,000 from FY 2005-06 Community Development Block Grant reallocation funds from Housing and Urban Development, for the renovation of Boys and Girls Club Phea Branch.
2. Reallocate previously appropriated funds of \$90,000 from FY 2005-06 Community Development Block Grant reallocation funds from Housing and Urban Development, for the renovation of Boys and Girls Club Optimist Branch.
3. Reallocate previously appropriated funds of \$100,000 from FY 2005-06 Community Development Block Grant reallocation funds from Housing and Urban Development, for the down payment and closing cost of North and East Lubbock Community Development Corporation.
4. Reallocate previously appropriated funds of \$65,000 from FY 2005-06 Community Development Block Grant reallocation funds from Housing and Urban Development, for the 108 Loan Payment of City of Lubbock Community Development.
5. Reallocate previously appropriated funds of \$100,000 from FY 2005-06 Community Development Block Grant reallocation funds from Housing and Urban Development, for the Emergency Repair Program of City of Lubbock Community Development.
6. Reallocate previously appropriated funds of \$20,000 from FY 2005-06 Community Development Block Grant reallocation funds from Housing and Urban Development, for the Residential Rehab HOME Project Cost of City of Lubbock Community Development.
7. Reallocate previously appropriated funds of \$240,000 from FY 2005-06 HOPE 3 reallocation funds from HOPE 3 repayment revolving funds, for the New Construction Program of City of Lubbock Community Development.
8. Reallocate previously appropriated funds of \$100,000 from FY 2005-06 HOME Investment Partnership Grant reallocation funds from Housing and Urban Development, for Handicapped Accessible Housing of Community Housing Resource Board.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

- 5.4. Municipal Settings Designation Ordinance 2nd Reading - Environmental Compliance: Ordinance No. 2007-O0026 Consider an ordinance prohibiting the potable use of groundwater beneath designated property located in the immediate vicinity of 5th Street and Avenue J (described as an 8.84 acre tract of land out of Section 1, Block O and Section 79, Block A) and placing specific restrictions on the non-potable use.**

The Texas Commission on Environmental Quality requires the placing of specific restrictions on property with contaminated groundwater if the benefits of Municipal Settings Designation (MSD) status are to be received. In fulfillment of application requirements for MSD status for property located in the vicinity of 5th Street and Avenue J, the proposed ordinance will prohibit the potable use of designated groundwater from beneath the property, and restrict the non-potable use of the specified groundwater to sampling and remediation purposes unless prior consent has been granted by the City for specific non-potable use.

FISCAL IMPACT

Approximately \$1 million in groundwater remediation expenses will be avoided provided Texas Commission on Environmental Quality approves the final application.

Staff recommended approval of the second reading of this ordinance.

5.5. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2007-O0027 and closing a 5-foot portion of a 20-foot sanitary sewer line easement located in Section 9, Block E, easement closure located at 2012 87th Street.

This ordinance abandons and closes a 5-foot portion of a 20-foot sanitary sewer line easement located just north of 87th Street and west of Avenue T. This easement was dedicated before lots 1-81 of South Brook Addition were platted. In the platting process of South Brook Addition, a 15-foot underground utility easement was dedicated in the same area of this sanitary sewer line easement. The developer is requesting to close the east and west 2.5-foot of this 20-foot sanitary sewer line easement that cross Lots 7, 8, 18, 19, 32, and 33 of the South Brook Addition. This closure is for building purposes. The Water Utilities Engineering Department is in agreement with this closure.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the first reading of this ordinance.

5.6. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2007-O0028 abandoning and closing a 56-foot and 50-foot drainage, utility and garbage collection easement; two 5-foot utility easements; a 16-foot utility easement; a 20-foot drainage channel; and four 2-foot by 30-foot guy wire easements located in Tract A Coronado Addition, located at 2807 Weber Drive.

This ordinance abandons and closes all drainage, utility, garbage collection, and guy wire easements, located just west of Martin Luther King, Jr. Boulevard and south of East 24th Street in the Coronado Addition Tract A. These closures will allow LH Development to build a new apartment complex on the south half of Tract A, which is being re-platting into Park Meadows

Villas, Tract A-1 and B-1. In the platting process there will be new easements dedicated to meet all utility company requests. After this second phase, the Lubbock Housing Authority will no longer operate any of what used to be called Green Fair. The preliminary plat has been approved.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the first reading of this ordinance.

- 5.7. Contract Assignment Resolution - Business Development: Resolution No. 2007-R0100 authorizing the Mayor to execute an assignment to transfer and assign to Quaker Medical, LP the tax abatement agreement dated November 9, 2006, between the City and Quaker Medical Center, LLC.**

The City has received a request from Quaker Medical Center, LLC to transfer to Quaker Medical, LP, the tax abatement agreement approved by City Council on November 9, 2006. The ownership of the property has been transferred to Quaker Medical Center, LP, and in order to retain the tax abatement on the new facility, the tax abatement agreement will need to be assigned to the new owner.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the assignment.

- 5.8. Contract Assignment Resolution - Business Development: Resolution No. 2007-R0101 authorizing the Mayor to execute an assignment to transfer and assign to Naples Lubbock Venture, LLC the tax abatement agreement dated December 16, 1999, between the City and U.S. Distribution Center, LLC, which was assigned to First Industrial Development Services, Inc. on March 5, 2007.**

On December 16, 1999, City Council approved a tax abatement agreement with U.S. Distribution Center for the construction of a distribution facility located in the South Enterprise Zone at 5801 Martin Luther King Jr. Boulevard. This is the facility United Supermarkets leases for their distribution center. United Supermarkets, as lessee, is the recipient of the benefit of the tax abatement.

In February 2006, U.S. Distribution Center sold the building to First Industrial Development Services, Inc. Then, in January 2007, First Industrial Development Services, Inc. sold the building to Naples Lubbock Venture. This assignment is a two-step process. The tax abatement contract was first assigned to First Industrial Development Services, Inc. on March 5, 2007. This is the second step of the process, which will assign the agreement from First Industrial to the new owner, Naples Lubbock Venture.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the contract.

- 5.9. **This item was moved from consent agenda to regular agenda and considered following Item 5.27.**
- 5.10. **This item was moved from consent agenda to regular agenda and considered following Item 5.9.**
- 5.11. **This item was moved from consent agenda to regular agenda and considered following Item 6.2.**
- 5.12. **Emergency Management Plan Resolution - Emergency Management: Resolution No. 2007-R0102 authorizing the Mayor to execute the updated City of Lubbock and County of Lubbock Emergency Management Plan Annexes.**

The State of Texas requires the City to make necessary updates as it relates to our Emergency Management and Homeland Security Plan. These updates are mandated by the Governor's Division of Emergency Management. A copy of the plan is available for review in the office of Emergency Management and Homeland Security.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

- 5.13. **Grant Application Resolution - Library: Resolution No. 2007-R0103 authorizing the Mayor to execute a grant application with the Texas State Library and Archives Commission for a Library System Operation Grant, providing library service programs for member libraries of the West Texas Library System.**

The West Texas Library System (WTLS) is a State funded grant program designed to improve library service programs in a 29-county area. WTLS is one of ten systems established under the Library Systems Act of 1969. The program is administered by the Texas State Library and Archives Commission and is comprised of various elements designed to improve and expand the services of libraries that are members of the system. At the end of State of Texas FY 2006, 34 libraries were qualified for membership. The Lubbock Public Library was designated as the Major Resource Center headquarters for the WTLS program as of September 1, 1974. The grant application requests funding for personnel (3.25 positions), fringe benefits, contractual expenses, supplies, travel, equipment, other direct charges, and indirect charges. This program is fully funded by the State of Texas, and the City has no responsibility or obligation in the event that funds are not appropriated. The Texas State Library and Archives Commission contracts with the City for housing of staff and implementation of the service program components.

FISCAL IMPACT

The \$347,972 requested in the grant application will provide for the full cost of the program as outlined in attached Appendix G, System Budget, System Plan of Service SFY 2008. A budget amendment to appropriate this grant will be brought forward at the time of award.

Staff recommended approval of this resolution.

5.14. Master Lease Resolution - Finance: Resolution No. 2007-R0104 approving list of property and equipment to be purchased as part of the Master Lease Program for FY 2006-07.

Master Lease payments were approved in the FY 2006-07 Operating Budget. The list of property and equipment shown on Exhibit "A" will be financed through the Master Lease agreement with Banc of America. The Master Lease Program allows the City to amortize the cost of property and equipment over the life of the property and equipment at a favorable interest rate.

This resolution will approve the list of property and equipment shown on Exhibit "A" and amends the original equipment list by changing the number of pumper trucks from four to two and adding one ladder truck. This change is at the request of the Lubbock Fire Department and has no material impact on the future lease payments.

FISCAL IMPACT

The lease payments are included in the Adopted FY 2006-07 Operating Budget.

Staff recommended approval of this resolution.

5.15. Contract Resolution - Police: Resolution No. 2007-R0105 authorizing the Mayor to execute an agreement with Wild West Harley-Davidson for the lease of police motorcycles.

This agreement involves the lease of 12 Harley-Davidson Road King Motorcycles used by the Lubbock Police Department to enforce traffic laws. The Lubbock Police Department has determined it is more cost efficient to lease police motorcycles than it is to purchase over a five-year period. Most repairs, other than routine maintenance, are covered under factory warranty. The Police Department has, for the last six years, leased motorcycles from Wild West Harley-Davidson, formerly Grave's Harley-Davidson of Lubbock. Wild West is the only Lubbock area provider of new Harley-Davidson motorcycles. Harley-Davidson is the only motorcycle manufacturer that offers a one-year lease program. Consequently, this is a sole source procurement exempt from competitive bidding pursuant to Texas Local Government Code Chapter 252.022(a)(7)(A). The agreement begins on the first day of the month after delivery of the new motorcycles.

FISCAL IMPACT

The annual \$47,376 lease payment is included in the adopted FY 2006-07 Police Department operating budget.

Staff recommended approval of this resolution.

- 5.16. This item was moved from consent agenda to regular agenda and considered following Item 5.11.**
- 5.17. This item was moved from consent agenda to regular agenda and considered following Item 5.16.**
- 5.18. This item was moved from consent agenda to regular agenda and considered following Item 5.17.**
- 5.19. Contract Resolution - Traffic: Resolution No. 2007-R0106 authorizing the Mayor to execute a contract for fiber optic testing equipment and training, RFP 07-018-RW.**

Fiber optic equipment and training will allow the Traffic Engineering Department to perform all fiber optic construction and testing within the department and to serve as a backup to LP&L for their fiber optic maintenance and construction. This equipment and training is part of two Capital Improvement Projects for Signal Communications Upgrade (ITS Phase 1 & 2) approved by City Council in the current Capital Improvement Program.

Evaluation factors published in the RFP included: overall cost of the equipment and services (30%); experience and success with current and past projects, and references (25%); technology and hardware performance, conformance to technical specifications, warranty of goods provided after-sale, and support and service (20%); training strategy, quality and thoroughness of classroom and hands-on training (15%); and implementation plan including delivery time and classroom training session plan (10%).

The proposal from JM Fiber Optics, Inc. of Chino, California for \$64,753.85 scored 1,279 points and the proposal from Graybar Electric Company Inc. of Amarillo, Texas for \$46,848.18 scored 140 points.

The lowest cost proposal did not include a critical piece of hardware and certified fiber optic installer training as required.

FISCAL IMPACT

A total of \$395,093 is appropriated (\$150,000 in Capital Improvement Project 90379, ITS-Phase 1 Signal Communications Upgrade, and 91100, ITS-Phase 2 Signal Communications Upgrade) with \$74,000 available for this purpose.

Staff recommended contract award to JM Fiber Optics, Inc. of Chino, California for \$64,753.85.

5.20. Contract Resolution - Water Utilities: Resolution No. 2007-R0107 authorizing the Mayor to execute a contract for power line maintenance and inspection in the Bailey County Water Wellfield, RFP 07-010-MA.

This contract is for the repair, maintenance, and inspection of the electrical power distribution system for the Bailey County Water Wellfield. The term of the contract is for a period of two years with an option to renew for one additional two-year term.

An evaluation committee evaluated proposals using the following criteria: experience with similar projects (20%), knowledge and understanding of the project (20%), representations regarding the proposer's qualifications and demonstrated design skills appropriate to the project (20%), capability to meet deadlines and project completion without major cost escalations or change orders (20%), record of past performance of previous work with the City and/or other client references (10%), and cost proposal (10%).

The proposal from Complete Power Pole Inspections (CPPI) of Montrose, Colorado ranked No. 1 and scored 1,210 points. The second ranked proposal from BSJ Power Services, Inc. of Port St. Lucie, Florida scored 817 points.

BSJ Power Services is based out of Florida and has no intent to establish a local office. CPPI is based out of Colorado. However, upon award of this contract, they have stated their intent to establish a local office in order to provide emergency services within 24 hours, as outlined in the specifications. Additionally, CPPI is a company with whom the City of Lubbock has had previous successful experience with other projects. No local vendors submitted a proposal.

FISCAL IMPACT

The contract amount of \$220,000 will be funded through the adopted FY 2006-07 Water Utility operating budget. Repairs will be ongoing during the next few months and repair costs will be billed on a weekly basis. Water Utilities will closely monitor all expenditures to ensure the budgeted amount is not exceeded.

Staff recommended contract award to Complete Power Pole Inspections, Inc. of Montrose, Colorado for \$220,000.

5.21. Contract Resolution - Water Utilities: Resolution No. 2007-R0108 authorizing the Mayor to execute a purchase order contract with Ashbrook Simon-Harley for the purchase of belt filter press wedge plates.

The Southeast Water Reclamation Plant uses four belt filter presses in the sludge handling process to dewater the sludge before it is sent to the landfill for final disposal. The wedge plates are part of each of the belt filter presses and are used to press the sludge on the belts to help remove water from the sludge. Through daily use, the current wedge plates have become worn and are in need of replacement.

Ashbrook Simon-Hartley is the manufacturer of the belt presses and their wedge plates are a proprietary item. Consequently, this is a sole source procurement exempt from competitive bidding pursuant to Texas Local Government Code 252.022(a)(7)(A). The replacement of the wedge plates ensures good solids handling practices and also ensures that the City meets state regulations and permit requirements.

FISCAL IMPACT

A total of \$850,000 was appropriated in Capital Improvement Project 91042, SEWRP Replacement System and Facilities with \$287,721 available for this purpose.

Staff recommended purchase from Ashbrook Simon-Hartley of Houston, Texas for \$37,240.

- 5.22. This item was moved from consent agenda to regular agenda and considered following Item 5.18.**
- 5.23. Contract Resolution - Information Technology: Resolution No. 2007-R0109 authorizing the Mayor to execute a purchase agreement with Dell Computer Corporation for the purchase of desktop computer hardware.**

A computer replacement initiative began during FY 2005-06 to allow the City to refresh its aging computer environment by replacing one-third of its desktop inventory each year. During the first year of the program, Information Technology replaced approximately 350 of the City's 1,100 desktop computers, and has received vendor quotes to replace another 361 computers this year.

Dell Computer Corporation has offered pricing for ultra-small form factor computers at \$832.03 each, small form factor computers at \$793.79 each, minitower computers at \$797.50 each, laptop computers at \$1648.10 each, docked laptop computers at \$1,785.44 each, and professional workstation computers at \$1,923 each.

State of Texas Department of Information Resources (DIR) 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 Dell Computer Corporation of Round Rock, Texas through the State of Texas Department of Information Resources Contract DIR-SDD-192.

FISCAL IMPACT

The cost for 275 desktops, 61 laptops, and 25 workstations is \$375,714, and includes a 3-year warranty on each computer.

Funding for this purchase is available in the Master Lease program, with annual payments paid out of the Information Technology Fund.

Staff recommended approval of this resolution.

5.24. Contract Resolutions - Purchasing: Resolution No. 2007-R0110; Resolution No. 2007-R0111 authorizing the Mayor to execute purchase contracts for office supplies – Annual Pricing, BID 07-001-MA.

This bid establishes annual pricing for a primary and secondary supplier to provide office supplies with next business day on-site delivery to City departments. The selling price will be calculated by taking the end price column from the most current quarterly United Stationers net pricer catalog and adding the bidder's "mark up" percentage to that figure.

Catalog items considered decorative, personal, unnecessary, or more costly than necessary to meet a legitimate City department need, will not be purchased.

Baker Office Products of Lubbock, Texas and Office Depot of Fort Worth, Texas submitted identical bids (1% Mark-up), which are the lowest bids.

Staff recommended bid award to Baker Office Products of Lubbock, Texas as the Primary Supplier and Office Depot as the Secondary Supplier in the event the Primary Supplier cannot supply.

Thirteen local vendors were notified of the Invitation to Bid. Three bidders have retail locations located in Lubbock.

FISCAL IMPACT

A total of \$839,808 was appropriated citywide in the adopted FY 2006-07 operating budget for office supplies. The estimated expenditure under this contract is \$260,000, but will be based on individual departmental expenditures.

Staff recommended bid award to Baker Office Products of Lubbock, Texas as the Primary Supplier and Office Depot of Fort Worth, Texas as the Secondary Supplier.

5.25. Contract Resolution - Solid Waste: Resolution No. 2007-R0112 authorizing the Mayor to execute a contract with South Plains Association of Governments for the 2007 Solid Waste Grant Programs.

House Bill 3072 mandates that the Texas Commission for Environmental Quality (TCEQ) return to local governments a portion of the State surcharge (\$1.25 per ton) collected on landfill tipping fees. The funds are apportioned to the Council of Governments based on a formula that includes, but is not limited to, population, need, and number of counties in the Council area. The Councils then conduct a competitive grant application process to address the needs of their specific region. This year, South Plains Association of Governments (SPAG) had \$175,000 available for pass-through

implementation projects. The SPAG Solid Waste Advisory Committee has agreed to limit each single-jurisdiction award to a maximum of \$58,000.

The City Solid Waste Department was awarded a \$38,940 grant. The grant funds are to purchase equipment to improve and expand recycling programs. The specific types of equipment to be purchased include:

Three 400-gallon antifreeze containers of \$11,624 to replace existing antifreeze collection and storage containers that are over 15 years old.

One aerosol can crusher at a cost of \$26,701 to collect and recycle aerosol cans. This machine captures the material from inside aerosol cans. The empty cans are then recycled as scrap metal. The contents of the can are disposed of in a more environmentally friendly method than land filling.

City Council approved the grant application at the November 9th, 2006, City Council meeting (Item 5.6 – Resolution No. 2006-R0530).

FISCAL IMPACT

This grant will enhance the current Solid Waste Recycling Program, which is included in the adopted FY 2006-07 Solid Waste operating budget.

Staff recommended approval of this resolution.

5.26. Contract Resolution - Airport: Resolution No. 2007-R0113 authorizing the Mayor to execute a contract with ThyssenKrup Elevator for elevator modernization at Lubbock Preston Smith International Airport.

The primary public use elevator in the airport terminal building is prone to operational breakdowns and is in need of an upgrade. This elevator serves all three levels of the terminal.

This contract will cover the modernization of one passenger elevator located at the Lubbock Preston Smith International Airport. Major components to be replaced are the power unit, microprocessor logic control, signal fixtures, door operator, and associated wiring.

This contract is with ThyssenKrup Elevator Corporation of Midland, Texas using Texas Cooperative Purchasing Network (TCPN) Contract No. 7595. TCPN is the Region 4 Education Service Center cooperative purchasing program, which offers contracts that have been established through open competition as prescribed by the laws of the State of Texas. Enabling statutes for TCPN can be found in the VTCA Government Code, Chapter 791 Interlocal Cooperation Act. TCPN is available for use by all public and private schools, colleges, universities, cities, counties, and other government entities in the State of Texas.

FISCAL IMPACT

The \$49,057 repair will be funded from the adopted FY 2006-07 Airport operating budget.

The Airport Board and staff recommended approval of this resolution.

5.27. Contract Resolution - Fire: Resolution No. 2007-R0114 authorizing the Mayor to execute a contract authorizing the Phoenix Fire Department to utilize the Lubbock Fire Department Airport Rescue Fire Fighter Training Facility.

As required by CFR-139, all firefighters assigned to airport fire protection duties are required to have an annual "hot drill". The "hot drill" consists of extinguishing aircraft fires by both handline and apparatus application of extinguishing agent. The Phoenix Fire Department desires to contract with the City of Lubbock to utilize the City's existing Airport Rescue Fire Fighter (ARFF) Training facility.

FISCAL IMPACT

This contract will generate revenue of \$340 per student. The Phoenix Fire Department is expected to train approximately 123 firefighters over a 28-day period, generating gross revenues of approximately \$41,820. The net revenues after expense will be used to train Lubbock ARFF firefighters and for the maintenance of the ARFF training facility. The funds received and expended for this program are managed through a donations account in which expenditures are limited to revenues.

Staff recommended approval of this resolution.

6. REGULAR AGENDA (continued)

Note: Regular Agenda items and Consent Agenda items moved to Regular Agenda are listed in the order they were addressed (5.9-5.10, 6.2, 5.11, 5.16-5.18, 5.22, 6.3-6.13).

6.1. This item was considered following Item 4.1.

5.9. Ratification Resolution - Business Development: Resolution No. 2007-R0115 authorizing the Mayor to execute a Ratification of the Assignment Agreement of Commercial Contract from Bobby McQueen to the City of Lubbock, assigning that certain Contract dated on or about December 19, 2006, by and between Chayn Mousa, as seller and Bobby McQueen, as buyer, contemplating the sale and purchase of Lots 13 through 24, Original Town, to the City of Lubbock, as set forth in the map, plat or dedication deed recorded in Volume 5, Page 386, Deed Records, Lubbock County, Texas located at 1802 Crickets Avenue.

For several years, City staff and Lubbock Convention and Visitors Bureau have supported the construction of a Visitors Center to provide information and services for travelers and citizens. A Visitors Center will promote Lubbock attractions and events.

This resolution is for the Ratification of the Assignment Agreement of Commercial Contract to purchase the property at 19th Street and Crickets Avenue for a Visitors Center. This location has several benefits, including location in the downtown area and exposure to and easy access from IH-27.

A copy of the Ratification of the Assignment Agreement of Commercial Contract is provided.

FISCAL IMPACT

City Council approved an item on the February 6, 2007, City Council Agenda for the purpose of appropriating funds for this project. The purchase price of \$960,000 will be funded through the issuance of Certificates of Obligation, with the estimated annual debt service of \$76,500 being funded through the Hotel/Motel Occupancy Tax proceeds.

Staff recommended approval of this resolution.

Rob Allison, Assistant City Manager, and Marcy Jarrett, Executive Director of the Convention and Visitors Bureau, gave comments and answered questions from Council. Mr. Allison stated that during the process of acquiring this property, eminent domain was never a factor. He went on to say that the funding that will be used to purchase this property, as well as build a Visitors Center, will be coming from the Hotel/Motel Tax.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0115 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

- 5.10. Ratification Resolution - Business Development: Resolution No. 2007-R0116 authorizing the Mayor to execute a Ratification of Agreement with BeGo Enterprises, LLC dba South Beach ("BeGo") related to the release of rights of BeGo in and to that certain real property described as Lots 13 through 24, Original Town, to the City of Lubbock, as set forth in the map, plat or dedication deed recorded in Volume 5, Page 386, Deed Records, Lubbock County, Texas located at 1802 Crickets Avenue.**

This resolution is for the ratification of the agreement between BeGo Enterprises and the City. The agreement contemplates, in the event BeGo does not exercise its preferential rights and purchases the below described real property, the release by BeGo of any and all interests and claims of BeGo and to the real property described as Lots 13 through 24, Original Town, to the City of Lubbock.

A copy of the Ratification of the agreement by and between BeGo Enterprises and the City is included in the backup.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0116 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

6.2. Public Hearing 10:00 a.m. - Public Works: Resolution No. 2007-R0117 Hold a public hearing, and consider a resolution approving the change of the street name of Hartford Avenue between 101st Street and 103rd Street from "Hartford Avenue" to "All Saints Way".

Mayor Miller opened the public hearing at 10:05 a. m. Larry Burt, board member at All Saints School, appeared on behalf of the street name change. No one appeared in opposition. Mayor Miller closed the hearing at 10:16 a. m.

Section 24-38 of the Code of Ordinances establishes a procedure by which the name of a street may be changed upon a recommendation of approval by the Planning and Zoning Commission to the City Council.

The proponents of this street name change are representatives of the All Saints School. The school is requesting the name change to commemorate 50 years of history and achievement as an educational institution in Lubbock.

This portion of Hartford Avenue is immediately west of the All Saints School campus. The school representatives have spoken with the owners of the properties west of Hartford Avenue, and they have no opposition to the name change.

A public hearing was held by the Planning and Zoning Commission on February 1, 2007 to consider this proposed street name change. A written notice to owners of all properties abutting this portion of Hartford Avenue was sent before the public hearing. There was no written opposition returned and there was no opposition presented at the public hearing.

The Planning and Zoning Commission voted unanimously to recommend the street name change.

A copy of the staff comments to the Planning and Zoning Commission are provided.

FISCAL IMPACT

The proponent has paid the appropriate application fee for the street name change. They will also pay the cost of replacing the street name markers. There are two street name markers costing \$75 each, for a total additional cost of \$150. Note: The cost of street name marker replacement in the memo to the Planning and Zoning Commission was incorrect.

The staff recommended approval.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass Resolution No. 2007-R0117 as recommended by staff. Motion carried: 4 Ayes, 1 Nay. Council Member Price voted Nay.

5.11. Declaration of Intent Resolution - Water Utilities: Consider a resolution authorizing the Mayor to sign a Declaration of Intent with the White River Municipal Water District for the City of Lubbock to consider acquiring Certificate of Adjudication No. 12-3711 for water rights in the North Fork of the Double Mountain Fork of the Brazos River.

The Lubbock Water Advisory Commission and staff continue to work on and develop plans for a 100-year water supply for the City of Lubbock and regional communities. The preliminary engineering for Lake Alan Henry is now underway as part of that effort since a new water source may be necessary as early as 2012.

The South Fork of the Double Mountain Fork of the Brazos River provides the watershed (source of water) for Lake Alan Henry. The Water Commission has recommended Lake Alan Henry as a viable water supply alternative, if that supply is supplemented from some other source. Since Lake Alan Henry receives water from the South Fork, the logical supplement would come from the North Fork where the City's developed waters are discharged. The City has a contract to model the flows and water availability in the North Fork, and this engineering and planning effort should be completed this year.

The necessary facilities to capture and store water on the North Fork might include reservoirs and/or a scalping operation. The Post Reservoir site on the North Fork is one logical alternative that has the benefit of already having a state water permit. Canyon Lake No. 7, where the proposed lake site is located adjacent to Lubbock, could serve as a water storage facility to help meet peak day demand if the Bailey County Well Field ceases to be a viable alternative. A permit is pending for Lake No. 7.

The White River Municipal Water District holds the permit for the Post Reservoir (Certificate of Adjudication No. 12-3711). The proposed Declaration of Intent is designed to open the door for the City of Lubbock to negotiate with the White River Municipal Water District for this permit. As part of the City's due diligence prior to acquiring the permit and related land, the City will need to evaluate the feasibility of developing these facilities and complete work on related water permits, land and mineral rights, environmental and archeological issues, etc. to determine the feasibility and desirability of the projects.

These facilities, or a scalping operation on the North Fork near Lake Alan Henry, will capture and/or store for use permitted flows, developed storm flows, developed reclaimed wastewater flows, developed groundwater flows, and any other potential flows. Early estimates indicate that the North Fork options could produce 30,000 acre feet annually from all of the above listed flows and still provide for the release of environmental flows.

The firm yield of Lake Alan Henry has already dropped from about 29,000 acre feet annually down to 22,500 acre feet. An additional drop is anticipated now that the volume of Lake Alan Henry has been determined to be about 18% less than that previously calculated. The amount of decrease is currently

being determined as part of the North Fork modeling project. As recommended by the Water Commission, it makes sense to supplement Lake Alan Henry water supply from the North Fork. The combined water available from both the North and South Forks could exceed 40,000 acre feet annually under this plan. CRMWA is designed to provide about 40,000 acre feet annually, but in recent years that amount has continued to drop towards the 30,000 acre foot per year mark.

FISCAL IMPACT

Accepting the Declaration of Intent does not bind either the City or the White River Municipal Water District to any expenditures. The City will need to consider appropriating funds for due diligence efforts related to project feasibility, property issues, environmental and archeological issues, and water right and permit issues. The Lubbock Water Advisory Commission has recommended that funding be approved for this purpose. A budget amendment for the associated cost of the due diligence efforts will be brought forward at a future date when more definitive cost estimates are available. These steps should be considered for both Lake No. 7 and the Post Reservoir.

The White River Municipal Water District will also take steps to keep the permit current.

The Lubbock Water Advisory Commission and staff recommended approval of this resolution.

Council Member Jones requested that this item be held until a public briefing with the Water Commission can take place concerning this item.

Motion was made by Council Member Leonard to approve this item, but the motion died for lack of a second.

First Assistant City Attorney, Richard Casner, advised Council that it would probably be best to entertain a motion to continue this item until the next regularly scheduled Council meeting, or to another date certain, or to indefinitely continue.

Motion was then made by Council Member Jones, seconded by Council Member Price to continue this item to the next regularly scheduled Council meeting.

Tom Adams, Deputy City Manager, gave comments and answered questions from Council.

Motion to continue carried: 4 Ayes, 1 Nay. Council Member Leonard voted Nay.

City Attorney Anita Burgess arrived.

- 5.16. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0118 authorizing the Mayor to execute a contract for turf maintenance, Groups 1A and 1B, BID 07-026-MA.**

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This contract involves turf maintenance of developed parkland, medians and various high profile City properties (libraries, Walk of Fame Plaza, City Bank Auditorium, etc.). A contract for this project was awarded by City Council on February 22, 2007, to Rampy Landscape of Lubbock Texas for \$325,816. Rampy Landscape could not secure a performance bond for the contract amount and withdrew their bid. Staff red-bid Group 1 as two smaller groups, Group 1A and Group 1B. Group 1A includes 257.19 acres and Group 1B includes 245.71 acres. Staff divided Group 1 into two smaller groups to allow bidders a better opportunity to acquire a performance bond. The bid included the following four options:

Option 1 – Bids with no payment and performance bond required.

Option 2 – Bids with payment and performance bond in the amount of 100% of the total contract price.

Option 3 – Bids with only performance bond in the amount of 100% of the total contract price.

Option 4 – Bids with only payment bond in the amount of 100% of the total contract price.

Two contractors submitted bids. Star Landscape Maintenance of Lubbock, Texas submitted bids as follows:

Option 1 Group 1A \$156,981

Option 1 Group 1B \$151,575

Option 2 Group 1A \$160,336

Option 2 Group 1B \$154,849

Option 3 Group 1A \$160,336

Option 3 Group 1B \$154,849

Option 4 Group 1A \$158,383

Option 4 Group 1B \$152,937

Rampy Landscape Maintenance of Lubbock, Texas submitted bids as follows:

Option 1 Group 1A \$179,419.50

Option 1 Group 1B \$167,629.85

Star Landscape Maintenance is the low bidder with total bids range from \$308,556 to 315,185, depending upon which option is chosen.

FISCAL IMPACT

A total of \$1,349,570 was appropriated in the adopted FY 2006-07 Parks and Recreation operating budget for mowing services.

Staff recommended bid award to the lowest bidder, Star Landscape Maintenance of Lubbock, Texas, for Option 1 Groups 1A and 1B for \$308,556.

Scott Snider, Assistant City Manager; Randy Truesdell, Parks and Recreation Manager; and Victor Kilman, Director of Purchasing and Contract Management, gave comments and answered questions from Council.

Council Member Leonard suggested awarding the bid without a performance bond, which is what staff recommended in Option 1.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2007-R0118 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

5.17. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0119 authorizing the Mayor to execute a contract for turf maintenance, Group 2A and Group 2B, BID 07-017-MA.

This contract involves turf maintenance of developed parkland. A contract for this project was considered by City Council on February 22, 2007. Staff recommended that City Council reject the bid for Group 2 and direct staff to re-bid turf maintenance for these properties because only one bid was submitted for Group 2 and the bid was more than a 100% price increase when compared to the 2002 contract.

The mowing area for Group 2 is 988 acres consisting generally of the large parks. Group 2 was divided into two groups, Group 2A and Group 2B. Group 2A includes 497 acres and Group 2B includes 491 acres. Dividing Group 2 into two smaller groups provided opportunities for additional mowing contractors to bid in order to receive more competitive pricing. Group 2 consists of 17 mowing cycles per year on the larger parks, generally 15 acres or more in size.

Three contractors submitted bids including West Texas Maintenance, Star Landscape Maintenance, and Southwest Design Group. West Texas Maintenance submitted a bid of \$197,965 for Group 2A and \$142,923.54 for Group 2B. Star Landscape submitted a bid of \$211,395 for Group 2A and 213,078.00 for Group 2B. Southwest Design did not submit a bid for Group 2A and submitted a bid of \$388,960 for Group 2B.

FISCAL IMPACT

A total of \$1,349,570 was appropriated in the adopted FY 2006-07 Parks and Recreation operating budget with \$340,889 available for this purpose.

Staff recommended contract award to the lowest bidder, West Texas Maintenance of Lubbock, Texas, for Groups 2A and 2B for \$340,888.54.

Scott Snider, Assistant City Manager; Randy Truesdell, Parks and Recreation Manager; and Victor Kilman, Director of Purchasing and Contract Management, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2007-R0119 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

5.18. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0120 authorizing the Mayor to execute a contract for turf maintenance, Group 5, BID 07-029-MA.

This bid is for turf maintenance at the City of Lubbock Cemetery. A contract for this project was awarded by City Council on February 22, 2007, to Rampy Landscape of Lubbock, Texas for \$145,000. Rampy Landscape could not secure a performance bond for the contract amount and withdrew their bid. The bid included the following four options:

Option 1 – Bids with no payment and performance bond required.

Option 2 – Bids with payment and performance bond in the amount of 100% of the total contract price.

Option 3 – Bids with only performance bond in the amount of 100% of the total contract price.

Option 4 – Bids with only payment bond in the amount of 100% of the total contract price.

FISCAL IMPACT

A total of \$145,000 was appropriated with \$135,000 available in the adopted FY 2006-07 Cemetery Fund for this purpose.

Staff recommended contract award to the lowest bidder. The bid for this item closes on Monday, March 19, 2007. A bid tabulation and recommendation for contract award will be provided after the bids have been opened.

Scott Snider, Assistant City Manager; Randy Truesdell, Parks and Recreation Manager; and Victor Kilman, Director of Purchasing and Contract Management, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2007-R0120 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

5.22. Contract Resolutions - Fleet Services: Resolution No. 2007-R0121; Resolution No. 2007-R0122 authorizing the Mayor to execute purchase agreements for tire acquisition, tire installation, and flat repair for municipal vehicles, BID 07-006-MA.

In the past, the City stored purchased tires at the Municipal Garage for installation on City vehicles as needed. During the last year, the Fleet Services Department installed more than 2,500 tires at a cost of approximately \$390,000.

This purchase agreement includes a provision for local tire dealers to supply and install the tires from their locations. The dealers are required to either have the tire type in stock or to be able to acquire it within 24 hours.

The quantity of tires published in the bid documents was estimated based on prior year usage.

Bids were received from Bill Williams Tire, McWhorter's, Southern Tire Mart, Wingfoot Commercial Tire System, Woody Tire Company, Inc., York Tire Company, Inc. All these dealers have store locations in Lubbock.

The tires were divided into eight groups. The group type of tire and the tire dealer with the lowest bid for each group are as follows:

Group 1 Passenger - Bill Williams Tire, \$49,600

Group 2 Light Truck - Bill Williams Tire, \$34,094

Group 3 Heavy Truck - Bill Williams Tire, \$237,886

Group 4 Trailer - Bill Williams Tire, \$1,802

Group 5 Mower Turf - Southern Tire Mart, \$671.45

Group 6 Industrial - Bill Williams Tire, \$1,223

Group 7 Construction, Earth Moving - Bill Williams Tire, \$27,136

Group 8 Farm Implement - Bill Williams Tire, \$9,368

Flat Repair is also included in the purchase agreement. The flat repair pricing provided by the successful bidders range from \$8 to \$75 depending on the tire group.

FISCAL IMPACT

The total bid, based on prior year estimates of tire need, is \$361,780 for all tire groups. The estimated savings from this change is \$8,220 citywide. The individual departmental cost will be based on maintenance requirements. These maintenance costs were included for each department in the adopted FY 2006-07 operating budget.

Staff recommended contract award to the bidder with the lowest bid for each tire group.

Mark Yearwood, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0121 and Resolution No. 2007-R0122 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

6.3. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0029 Zone Case No. 1893-Y (6020 4th Street): Hold a public hearing to consider request of Daniel Stanton (for Minnix Commercial, Inc.) for a zoning change from A-1 to C-3 on 5.34 acres of unplatted land out of Section 2, Block JS.

Mayor Miller opened the public hearing at 10:40 a. m. No one appeared on behalf of Minnix Commercial, Inc. No one appeared in opposition. Mayor Miller closed the hearing at 10:40 a. m.

The request is to change the zoning from multi-family (A-1) to C-3. The parcel to the east is already zoned C-3 and the parcel to the west is developed

as a senior living community. The applicant requested removal of the north 117 feet of the land, which will allow the continuance of a row of duplex units that is on the ground along 3rd Street to the east, and will help buffer the single family that is located to the north.

Adjacent land uses:

N – zoned A-1, partially vacant and partially constructed as duplex units

S – 4th Street, and single family south of 4th Street

E – zoned C-3, vacant

W – a gated senior living apartment complex

As noted, the request is for C-3 zoning. The request does not mesh with the current Comprehensive Land Use Plan as “strip commercial” not located at the intersection of two thoroughfares. In the recommendation for approval from the Planning Commission, if the request is approved by the City Council, the proposed ordinance includes wording that facilitates a minor change to the Comprehensive Land Use Plan.

This particular area has been difficult with regard to land uses and actual development based on the theory of the Comprehensive Land Use Plan, primarily because the square mile from 4th Street to 19th Street, Frankford Avenue to Milwaukee Avenue represents a failed Planned Unit Development (PUD) proposed in the early 1980's. In 1984, with the intense failure of development projects across the nation and Lubbock, combined with the Savings and Loans fiasco – the proposed Shadow Hills PUD was sold into parts to separate individuals that inhibited the probability for the area to develop under the original plan. Parts have been rezoned for single and multifamily development, the golf course is an operating public course, the four corners of the square mile are zoned as commercial per Plan policy, and the bulk of the land remains zoned under the original PUD - but the area has little chance to achieve the cohesiveness that would have occurred as a successful project. As an example, Lakeridge is the only other PUD in Lubbock and the style of development can be successful when brought to fruition under a common developer.

With regard to zoning policy, particularly since the applicant offered to remove the approximate north 117 feet from the commercial that will buffer the commercial request from the residential to the south with their own existing A-1, the zone case is not an unworkable situation. The applicant is in contract for the existing C-3 to the east and the additional land will make a more viable small shopping area potential.

Regarding impact on the thoroughfare system, the land is subject to TxDOT regulations for curb cuts, so the staff will not request a plan to be approved by the Planning Commission if the request is approved. The zoning should have little impact on the thoroughfare system.

The Planning Commission recommended approval of the request as amended.

FISCAL IMPACT

No fiscal impact is anticipated.

The staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Leonard, seconded by Council Member Price to pass on first reading Ordinance No. 2007-O0029 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

6.4. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0030 Zone Case No. 2126-H (5550 53rd Street): Hold a public hearing to consider request of McDougal Construction L.C. for a zoning change from C-3 to A-1 on Tract C, Dominion Addition.

Mayor Miller opened the public hearing at 10:40 a. m. No one appeared on behalf of McDougal Construction L.C. No one appeared in opposition. Mayor Miller closed the hearing at 10:40 a. m.

The applicant is requesting rezoning a commercial area to A-1 for expansion of the apartment complex known as The Dominion.

Adjacent land uses:

N – vacant, commercial

S – vacant

E – existing Phases I and II of The Dominion (apartments)

W – commercial

The request is reasonably consistent with the Comprehensive Land Use Plan. At one time, the Comprehensive Plan anticipated that a 53rd Drive would be developed and an overpass would be created with a curved street from 50th Street under Loop 289 at about 53rd Drive. The land adjacent to the proposed 53rd Drive was zoned from A-1 to commercial. With the expansion of 50th Street straight east and west as a thoroughfare and the new connection to Frankford under Loop 289, land use patterns in this area have been altered. Reversion to an apartment district will fit the original Comprehensive Plan in a better fashion than commercial, and commercial will not thrive on this parcel because of lack of thoroughfare frontage.

The request is consistent with zoning policy. The project should have no significant impact on the thorough system.

The Planning and Zoning Commission recommended approval of this request.

FISCAL IMPACT

No fiscal impact is anticipated.

The staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Leonard, seconded by Council Member Price to pass on first reading Ordinance No. 2007-O0030 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

6.5. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0031 Zone Case No. 3075 (in the vicinity of where 108th Street and Quaker Avenue would intersect): Hold a public hearing to consider request of Randy Eggenbacher (for Orchard Park) for a zoning change from "T" to Garden Office on a tract of land approximately 1,630 feet north of 114th Street and east of Quaker Avenue.

Mayor Miller opened the public hearing at 10:40 a. m. No one appeared on behalf of Orchard Park. No one appeared in opposition. Mayor Miller closed the hearing at 10:40 a. m.

The applicant is requesting Garden Office from the current "T" zoning attached to the land when it was annexed. Adjacent land use is vacant in all directions.

With regard to the Comprehensive Land Use Plan, discussion during adoption of the preliminary plat by the Planning Commission included caution that the circumstances were going to be created for strip commercial along Quaker Avenue if the Commission and Council did not hold firm on zone cases less restrictive than Garden Office (GO) zoning (C-2a, C-2, etc.). This request is for Garden Office as the developer indicated a willingness to use the "strips" of land adjacent to Quaker Avenue north and south of 109th Street away from the intersection at 114th Street and Quaker Avenue. This zone case will set an excellent basis for the balance of the land to be prone to the same district and not deteriorate to true commercial that is in conflict with the Comprehensive Land Use plan. The request represents a policy case since GO is considered a buffer.

With the one condition recommended below by the Planning Commission, the proposal should have little or no impact on the thoroughfare level status of Quaker Avenue (when it is constructed to five or seven lanes). The recommended condition for the parcel includes a limitation of curb cuts between the half section line to the north and this corner at the future 109th Street. The restriction for a total of three curb returns represents approximately how many streets could have been designed in this subdivision to intersect with Quaker Avenue if the land use were residential that "sides" to the thoroughfare. As noted in previous strip and corner commercial curb cut restrictions, the fewer "points of conflict" allow the thoroughfare to function more smoothly as well as the adjacent owners of land having adequate access. Not as a condition, but a wise move on the part of the developer, would be to dedicate a cross access agreement on the entire tract before any sales occur, and an attempt by the developer for businesses to create shared drives will allow all the future parcels to function with success and adequate access to Quaker Avenue.

The Planning Commission recommended this request with one condition:

1. Limit the north approximate 800 feet (from 109th Street to the north line of the plat) to a maximum of 3 curb cuts.

FISCAL IMPACT

No fiscal impact is anticipated.

Subject to the proposed condition, the Planning Staff recommended approval of the request.

Motion was made by Council Member Leonard, seconded by Council Member Price to pass Resolution No. 2007-R0031 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

6.6. Public Hearing 10:00 a.m. - Planning: Hold a public hearing on a proposed amendment to Chapter 29 of the Code of Ordinances, City of Lubbock, Texas, entitled "Zoning," by amending subsection (f) "Special Exception," by permitting as an accessory use to an owner occupied structure, the use of an existing secondary living unit in an "R-1" or "R-2" district.

Mayor Miller opened the public hearing at 10:44 a. m. No one appeared on behalf of the proposed ordinance. No one appeared in opposition. Mayor Miller closed the hearing at 10:44 a. m.

The proposed change will allow owner occupied properties with an existing secondary living unit in the "R-1" and "R-2" zoning districts to be approved by the Zoning Board of Adjustment as a conditional use. The secondary living unit must have been converted prior to November 20, 1980, but will not be required to have been occupied every year since 1980. The term secondary living unit may refer to an accessory building in the rear yard or the subdivision of the main house into two living units.

The proposed amendment to the zoning code will limit approval to:

- Properties where one of the living units on the parcel is owner occupied.

This is to encourage owner occupation of property in neighborhoods where an increase in rental property that is owned and managed by absentee landlords resulted in a greater number of nuisance and occupancy complaints. This ordinance will also help reduce the negative effect of properties with multiple rental units managed by absentee landlords.

- Locations where the accessory living unit was in existence prior to November 20, 1980, but not eligible for registration as a legal nonconforming "grandfathered" use.

This is to allow the legal occupation of existing secondary living units without the proliferation of new rental units.

- One primary living unit and one accessory living unit per development lot.

The proposed amendment to the zoning code will:

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- Provide for an approval by the ZBA for a secondary living unit be filed of record in the Lubbock County Deed Records. Any subsequent title search during a sale would acquaint a potential new owner of the condition, and hopefully prevent an absentee landlord from buying the property and finding out the conditional use after the sale.
- Approval of a secondary living unit by the ZBA will allow the special exception to be transferred with the sale of the property as long as all the conditions of the approval are adhered to, including the requirement that one of the living units be owner occupied.

The proposed amendment does not remove or diminish a person's right to go to the Zoning Board of Adjustment to register an existing property as a legal nonconforming use, but will be "customer friendly" to those properties that fail the test required by current code and increase the "pride of ownership" concept by having an owner on site.

The current City of Lubbock Code of Ordinances requires any conditional use to be subject to a public hearing and approval by the ZBA.

Before the public hearing, the request will be advertised in a local newspaper and a notice will be sent to the property owners within 200 feet of the proposed use informing them of the request. During the public hearing the Board will look at the following:

- Will the granting of the exception be injurious or other wise detrimental to the public health, safety, morals, and general welfare of the general public?
- Will the granting of the exception be substantially or permanently injurious to the property or improvements in such zone or neighborhood in which the property is located?
- Will the granting of the exception be in harmony with the general purpose and intent of the ordinance?
- How does the request fit the character and use of the surrounding buildings?
- What effect will the granting of the exception have on the traffic in the vicinity?

The proposed amendment has gained written support from the UNIT Neighborhood Association and LUNA (Lubbock United Neighborhood Association). The proposal has also gained verbal support from Billie Russell with the Dunbar Manhattan Height Association, Linda Hogan with the Overton South Neighborhood, and Greg Bruce with the Heart of Lubbock Neighborhood Association.

FISCAL IMPACT

No fiscal impact is anticipated.

Bill Boon, Planner, gave comments and answered questions from Council.

6.7. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2007-O0033 Amendment No. 11 amending the FY 2006-07 budget respecting the Grant Fund and Police Department Forfeited Funds.

1. Accept and appropriate a \$38,325 grant from South Plains Association of Governments. The grant funds will be used to purchase equipment to improve and expand recycling programs. The equipment includes three 400-gallon antifreeze containers, which will replace existing antifreeze collection and storage containers that are over 15 years old, and one aerosol can crusher for the collection of aerosol and recycling of aerosol cans.

City Council approved application for the grant at the November 9, 2006, City Council meeting (Item 5.6 – Resolution No. 2006-R0530).

2. Appropriate \$439,368 of Police Forfeited Funds for law enforcement purposes. Prior to the expenditure of forfeited funds, the Texas Code of Criminal Procedure requires the law enforcement agency to submit a budget for these funds to the City Council.

These funds will be used to purchase computer equipment, software, lab equipment, SWAT equipment, information and evidence, and for training and related expenses.

The funds are the result of special police investigations in which the Lubbock Police Department has seized assets during an investigation. The appropriate court then awards these assets to the Lubbock Police Department to be used for law enforcement activities pursuant to Texas Code of Criminal Procedure Article 59.06 (d).

The funds are appropriated as follows:

Special Investigative Fund	\$152,987
Confidential Informant Fund	52,446
Department of Treasury Asset Sharing	493
Department of Justice Asset Sharing	233,441
Total Forfeited Funds Budget	\$439,367

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the first reading of this ordinance.

Jeff Yates, Chief Financial Officer, and Thomas Esparza, Assistant Police Chief, gave comments and answered questions from Council.

Mayor Miller stated that, for future, consideration should be given to using police forfeited funds for drug enforcement.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0033 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

6.8. Contract Resolution - Fire: Consider a resolution authorizing the Mayor to execute a contract with Mike Pietsch, P.E. Consulting Services, Inc. to study the Insurance Service Office (ISO) Classification Rate for the purpose of lowering the City ISO Rate.

The Insurance Service Office (ISO) of Commercial Risk Services regularly performs surveys of all communities and fire districts. The ISO rating is one of the primary elements used by the insurance industry to develop premium rates for home and business. A lower ISO rating for the City means the amount of fire insurance citizens pay is less. Also, the ISO rating provides a reflection of standards that have been developed over many years from the study of "pertinent fire protection conditions and performance standards."

The Fire Suppression Rating Schedule (FSRS), an integral part of the ISO review, is adopted and used in all 50 states as an objective analysis of fire suppression features (extinguishing fire) in a municipality, measuring major differences between cities and recognizing the suppression potential of those cities to handle buildings once they are burning. The entire thrust is based on a relative scale of 1 through 10 (1 being the most efficient rating), the capabilities of a community to control these fires, and thus limit the resulting loss. The Fire Suppression Rating Schedule is intended to credit any system, equipment, apparatus or personnel level which is brought to bear on the suppression problem.

It would be a very lengthy process to list each of the individual points the ISO team looks at, but the highlights are described below. The review of the fire department, worth 50% of the total grading, concerns itself with the fire department's fire alarm response because of the importance of the initial attack to minimize potential loss. Items included in the review are existing engine and ladder companies, the distribution of fire stations and apparatus, equipment carried on the apparatus, pumping capacity, department manning levels and training. The water supply review, worth 40% of the total grading, considers the actual water supply that is available for fire suppression at representative locations throughout the city. Credit is allocated through the review and evaluation of three major features of the community's fire service: Fire Alarm Telecommunications, Fire Department, and Water Supply.

Fire Alarm Telecommunications:

The Lubbock Fire Department utilizes the Dispatch center located at the Fire Administration Complex. This is a facility that is dedicated to the dispatch of fire companies. In order for the ISO rating to drop (the lower the number that is awarded, the better) the dispatch center must meet or exceed the requirements. Taken into consideration are the numbers of telephone lines serving the center, the number of operators on duty and the number of circuits used to transmit an alarm. The review of the fire alarm system, worth 10% of the total grading, places emphasis on the performance of handling and dispatching fire alarms.

Fire Department:

* Pumpers (fire engines) - The number and equipment on the in-service pumpers is compared with the number of needed pumpers and a standard equipment list. The number of needed pumpers is dependent upon the needed fire flow, up to 3,500 gallons per minute., and the response distance. Stated simply: Each fire engine has a rating of how much water it can pump in one minute. The common pumps are: 750 gpm, 1,000 gpm, 1,250 gpm and 1,500 gpm. So if there were a building on fire that required 3,500 gpm of water, staff would need to have at least 3 fire engines on the scene pumping water. A combination of two 1,500 gpm engines and one 750 gpm engine would deliver 3,750 gpm of water to the fire. Keep in mind that each engine is required to have certain equipment on board. Fire flow is a calculation of the building size and height along with the amount of water pressure at the fire hydrant.

* Training - Trained personnel are vital for a competent fire suppression force. The training facilities and the use made of them; training at the fire station; training of officers, drivers and recruits; and pre-fire planning inspections are evaluated. Training is necessary for the firefighter to maintain a high skill level. All training that takes place must be recorded in the firefighters file. Training must also meet or exceed the requirements of the Texas Commission on Fire Protection standards.

* Distance - The locations of the fire stations are determined by the travel distance that an engine (pumper) and a truck (a larger fire engine that has a hydraulic ladder mounted on the top) have to travel to a fire. Pumpers are rated for travel distances up to 1.5 miles where trucks are rated for travel distances up to 2.5 miles. The difference being that the "pumper" is classified as a front line vehicle designed for fire suppression. The "truck" is designed as a support vehicle. It does have the capability of flowing water on a fire, but the main purpose is the rescue capabilities of the ladder. The City of Lubbock has four "trucks" and one "quint" (a quint is a combination vehicle that qualifies as a "pumper" and a "truck.") With these rated travel distances staff find that there are areas outside the 2.5 mile radius.

Water Supply:

One final area that is graded is the water supply system of the City. ISO looks at the type and condition of fire hydrants, the size of the supply line, and the amount of water at any given location. Every building has a need for fire protection. This protection is water. The specific amount is called "the required fire flow" and is calculated by the building size and the gallons per minute of water flowing from the closest fire hydrant. The completion of several capital improvements throughout the City has greatly improved the supply of water for fire protection. One of the improvements is the annexation in west Lubbock and the addition of hydrants in that area.

Achieving a lower ISO rating is a difficult task, which may take a few years to accomplish. Cooperation and commitment between all City entities is essential. As the ISO rating becomes lower, there is a noticeable reduction in

the amount of fire insurance premium the homeowner and business owner will pay. For the exact figure, one should contact their insurance agent and ask for a comparison based on ISO ratings. It is anticipated that citizens could receive an 8-1/2 % reduction in their insurance costs for residential brick construction when going from a Class 3 City to a Class 2 City. Aside from the reduction in the insurance premiums, the quest for lower ISO rating has produced a well rounded professional fire department. Fire suppression, code enforcement, public education, training and special teams all operate in the team mode and the results are beneficial to the residents of Lubbock both financially and from the services provided by the Fire Department.

Executive Summary:

Countrywide, there are almost 43,000 communities graded by ISO Commercial Risk Services, of which only 46 are rated as "Class 1." There are approximately 400 communities rated as "Class 2." Lubbock is currently rated as a Class 3 City. Going to a Class 2 City could mean up to an 8-1/2 % reduction in insurance premiums for the citizens.

This contract is for professional services and is exempt from competitive bidding pursuant to Texas Local Government Code 252.022(a)(4). Mike Pietsch , P E Consulting Services Inc. has helped many cities across the State of Texas reduce their ISO Classification.

FISCAL IMPACT

The \$36,000 contract amount is included in the adopted FY 2006-07 Fire Department operating budget.

Staff recommended approval of this resolution.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass this item as recommended by staff.

Discussion was had. Deputy Fire Chief Lynn Smith; Tony Privett, member of the Home Builders Association; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion was then made by Council Member Leonard, seconded by Council Member Price to continue this item until the April 12, 2007 Regular City Council Meeting. Motion carried: 5 Ayes, 0 Nays.

6.9. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0123 authorizing the Mayor to execute a contract for Miller Park improvements, RFP 07-708-BM.

Under this contract, the contractor will construct ADA accessible walks to all facilities, install picnic tables and bench seating areas, and install a complete irrigation system in Miller Park at 76th Street and Memphis Avenue. The upgrades at this park are in response to the second highest priority established in the Lubbock Comprehensive Parks, Recreation and Open Space Master Plan in the Five Year Action Plan. The Five Year Action Plan responds to the priorities established in the Needs Assessment for the City and individual

zones. The neighborhood associations adjacent to these parks support this project to renovate and/or improve the quality of park uses. This redevelopment was a high priority of the Parks, Recreation and Open Space Master Plan.

This project was proposed to provide accessible paths as navigable-surface access to all park amenities for disabled users. Currently, all new park projects are made individually accessible while only a few parks in the system have all of its amenities connected by a totally accessible circulation system. This project will provide substantial progress in regards to the City's efforts to comply with ADA requirements. Construction should be complete in six months.

Texas Local Government Code Section 252.043(d-1) provides that a contract for certain types of construction projects that require an expenditure of \$1.5 million or less may be awarded using the competitive sealed proposal procedure prescribed by Section 271.116 of the Texas Local Government Code. Using the competitive sealed proposal procedure is intended to help local governments attract contractors who otherwise may not have an interest in participating on the basis of low bid and gives us the ability to bring the project in within budget with the contractor who offers the best value. This is compared to a competitive sealed bid process that limits us to basing contract award on the lowest bid, which may be over budget requiring us either to search for additional funds or start the bid process all over.

Selection criteria used in this RFP includes relevant company information/experience and personnel 30%, potential savings 10%, insurance claims and litigation 5%, construction time 10%, list of subcontractors 15% and cost 30%. The following general contractors submitted proposals and were evaluated and ranked in relation to the published selection criteria as follows:

- Craig Wallace Construction, Inc. of Lubbock, Texas proposed a project cost of \$651,000 for the Base Bid and Option No. 2, time for completion of 160 days, and scored 404 points.
- Hub City Pavers, Inc. of Lubbock, Texas proposed a project cost of \$707,753 for the Base Bid and Option No. 2, time for completion of 160 days, and scored 387 points.
- Danny Klein Construction, Inc. of Lubbock, Texas proposed a project cost of \$757,914 for the Base Bid and Option No. 2, time for completion of 160 days, and scored 336 points.
- Minnix Commercial Partners, Inc. of Lubbock, Texas proposed a project cost of \$638,300 for the Base Bid and Option No. 2, time for completion of 160 days, and scored 327 points.

The respondent to the RFP with the lowest price did not receive the highest ranking by the evaluation committee. Criteria that affected their ranking included safety violations and previous experience with the company and job

superintendent. Previous jobs included the Burgess Rushing Tennis Center renovations, which was scheduled for 270 days to complete and took 918 days to complete. Slopes on the project did not pass ADA requirements and had to be reconstructed. The Carlisle Park renovation project was scheduled for 90 days to complete and the project was completed in 380 days.

The highest ranking proposal is from Craig Wallace Construction (CWC). CWC completed the Prairie Dog Town renovation project and is currently working with Water Utilities on the Irrigation Wells Phases I and II. CWC put together a team of subcontractors that have completed a project at Ribble Park that is similar to the Miller Park project. The Ribble Park project was completed on time and within budget.

The base bid for the project includes all demolition and removal of designated items; salvage playground equipment, water fountain, basketball goal and irrigation heads; removal, transportation, storage, and protection of designated items; site preparation, surveying and layout; earthwork and fine grading; concrete sidewalks, ramps, curbs and gutters; grills, water fountains, benches; riprap, caliche base and sand; irrigation system and controllers fully tested and operational, turf grass sod and hydro-mulched seed planted and established, limited turf maintenance and landscape rehabilitation work. Option No.1 involved lowering a portion of the concrete sidewalk one-inch and is not being considered. Option No. 2 includes removal and replacement of the concrete volleyball court and posts, removal and replacement of the basketball court, standard, backboard, rim and net and striping for both courts, which is being considered and reflected in the above pricing.

Texas Local Government Code Section 271.116(f) requires the City to select the offeror that offers the best value based on the published selection criteria and on its ranking evaluation. In determining best value, the City is not restricted to considering price alone, but may consider any other factor stated in the selection criteria. The City and its engineer or architect may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the City is unable to negotiate a contract with the selected offeror, the City must, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

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

FISCAL IMPACT

A total of \$926,000 was appropriated with \$720,307 available in Capital Improvement Project 91165, Miller Park Redevelopment, for this purpose.

Staff recommended contract award to Craig Wallace Construction, Inc. of Lubbock, Texas for \$651,000.

Scott Snider, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0123 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

6.10. Contract Resolution - Traffic: Resolution No. 2007-R0124 authorizing the Mayor to execute a contract for an automated red light camera enforcement program, BID 07-027-RW.

On December 19, 2006, City Council determined that an automated red light camera enforcement program is an effective deterrent to motorists disregarding red light signals in Lubbock and adopted 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 corporate limits of Lubbock 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 Lubbock taxpayers.

City staff solicited bids 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.

Staff has also worked diligently to ensure that the contract includes all items that have been of major concern to the City Council. Those items are as follows:

No penalty for termination – The Contractor 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 26, paragraph 6.1 of the contract.

The City's need to retain absolute control of the traffic signals – The Contractor shall not open traffic signal controller boxes without a representative of city Traffic Engineering Department present, nor shall the

Contractor make any signal time adjustments. See page 48, paragraphs 1.3 and 1.6.

No minimums or quotas – No quotas of violations shall be allowed. See page 18, paragraph 2, and page 33, paragraph 11.25.

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 18, paragraph 3, and page 33, paragraph 11.26.

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 33, paragraph 11.26. 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 contract includes an extensive public relations campaign. See page 35, note to paragraph 1.1.7 at the bottom of the page.

Set cost per camera – The cost is based on a flat fee per approach. The fixed fee is shown on the Bid Tabulation Analysis

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 Contractor shall not exceed the revenues generated by the program. See page 46, Exhibit C, paragraph 3.

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 35, paragraph 1.1.5.

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. Once the contract is approved, the first six approaches should be operational within 75 days after contract signing and a notice to proceed has been issued. The contract requires the Contractor 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 monthly for each designated intersection approach that is operational at the end of the warning period. The City's obligation to pay the monthly amount will be limited to those revenues generated by the program, collected by the Contractor, 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.

Staff recommended contract award to the lowest bidder. The bid for this item closes on Monday, March 19, 2007. A bid tabulation and recommendation for contract award will be provided after the bids have been opened.

Marsha Reed, Assistant City Engineer; Jere Hart, Traffic Engineer; Claude Jones, Police Chief; Randy Hopmann, P.E., Lubbock District Engineer for TxDOT; and David R. Miller, Chair of the Citizens Traffic Commission, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Price to pass Resolution No. 2007-R0124 as recommended by staff. Motion carried: 4 Ayes, 1 Nay. Council Member Leonard voted Nay.

6.11. Contract Amendment Resolution - Transportation: Resolution No. 2007-R0125 authorizing the Mayor to execute Amendment No. 1 to the Municipal Maintenance Agreement with the Texas Department of Transportation for the furnishing, operation, and maintenance of cameras on the state highway rights-of-way within the City of Lubbock.

The Staff has reviewed the high accident intersections and the intersections with the highest volumes and has recommended intersection approaches where staff believes using Red Light Photo Enforcement would improve the safety of the intersection. The intersection approaches recommended for Red Light Photo Enforcement have been reviewed and approved by the Citizens Traffic Commission at their meeting held October 17, 2006. (See Attached Map)

The approved intersection approaches include several that are located on the State highway system. In order to place Red Light Photo Enforcement cameras on the State highway system, the Texas Department of Transportation's Traffic Operations Division in Austin, Texas, is requiring that cities adopt an Amendment to the Municipal Maintenance Agreements specific to the installation of cameras on state owned traffic signals and facilities. Mr. Randy Hopmann, P.E., Lubbock District Engineer for TxDOT, is in full support of the amendment.

Exhibit A to the Amendment includes the recommended intersection approaches plus additional approaches that could be considered based on accident data and traffic volumes.

FISCAL IMPACT

No fiscal impact is anticipated.

Marsha Reed, Assistant City Engineer; Randy Hopmann, P.E., Lubbock District Engineer for TxDOT, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0125 as recommended by staff. Motion carried: 4 Ayes, 1 Nay. Council Member Leonard voted Nay.

6.12. Application of Bond Proceeds Resolution - City Secretary: Resolution No. 2007-R0126 approving the application of South Plains Housing Finance Corporation Single Family Mortgage Revenue Bond funds to property within the City of Lubbock for mortgage loans to first time homebuyers.

Lubbock Housing Finance Corporation and South Plains Housing Finance Corporation are selling Single Family Mortgage Revenue Bonds of approximately \$38 million. Approximately \$19 million of the proceeds are dedicated to be used within the City of Lubbock for mortgage loans to first time homebuyers.

This resolution will allow some of the remainder of the \$38 million to also be used within the City of Lubbock. By state statute, Chapter 394.005 of the code, the governing body of the City has to approve the application of these funds. Approval of this item does not create a conflict with Lubbock Housing Finance Corporation; it was requested by Shari Flynn, Director of Lubbock Housing Finance Corporation.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval.

Jeff Yates, Chief Financial Officer, and Shari Flynn, Director of Lubbock Housing Finance Corporation, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0126 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

6.13. Board Appointments - City Secretary: Consider one appointment to Reese Redevelopment Authority Board of Directors, three appointments to Animal Shelter Advisory Committee, three appointments to Board of Health, and seven appointments to Keep Lubbock Beautiful Advisory Committee.

Motion was made by Council Member Price, seconded by Council Member Jones to appoint Linda Gaither to the Reese Redevelopment Authority Board of Directors. Motion carried: 5 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Council Member Jones to reappoint Tommy Camden and Billy Moton, and appoint Carl Clary to the Animal Shelter Advisory Committee. Motion carried: 5 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Council Member Jones to reappoint Dr. Suzanne Beck and Dr. J.T. Hartman, and appoint Dr. Everado Cobos to the Board of Health. Motion carried: 5 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Council Member Jones to reappoint Flora Arellano, James Leatherwood, Penny Mason, and Clifton Wilkinson, and appoint Angela Clark, Reta Hirsch, and Karen Murfee to the Keep Lubbock Beautiful Advisory Committee. Motion carried: 5 Ayes, 0 Nays.

7. WORK SESSION

7.1. Ports-to-Plains Update: Ports-to-Plains Update. Michael Reeves, President, Ports-to-Plains and Randy Hopmann, District Engineer, Texas Department of Transportation.

Michael Reeves, President, Ports-to-Plains and Randy Hopmann, District Engineer, Texas Department of Transportation, gave a Ports-to-Plains update. Mr. Reeves said that this is a long-term project and the structure of the corridor that runs through Lubbock is completed. The Ports-to-Plains Coalition is a private, 501c non-profit organization that is comprised of about 90 cities, counties, Chambers of Commerce, and universities and colleges throughout the corridor. Tom Martin is the Vice-Chairman of the Board, representing the city of Lubbock. The whole concept of this organization originated with the Lubbock City Council. The four Departments of Transportation working with the Ports-to-Plains did a study that was completed a couple of years ago, and it was estimated that when the corridor is complete, it will generate 40,000 new jobs with an economic impact of better than \$4.5 billion. This will expand the tax base, and the economic impact and benefits out-weigh the cost of construction better than 3:1. The corridor itself is almost 1,500 miles long with all things considered. Overall, the estimated cost of construction for the corridor is \$2.8 billion. The biggest challenge of this project is the shortage in transportation funding. Reeves went on to elaborate on the routes of the corridor and connections with other corridors. There is a lot of opportunity for trade. Council Members praised Mr. Reeves for the work that he does and that is being done with the corridor.

12:15 P. M. COUNCIL ADJOURNED

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