

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
APRIL 12, 2007
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 12th day of April, 2007, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

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

Absent: Council Member Gary O. Boren

1. CITIZEN COMMENTS

- 1.1. Lloyd Headrick, Real Estate Broker, will appear before the City Council to discuss the proposed ordinance amendment to Chapter 29 of the Code of Ordinances to permit 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.**

Lloyd Headrick, Real Estate Broker, appeared before Council to voice his concerns on the proposed ordinance amendment to Chapter 29 of the Code of Ordinances, as is pertains to apartment dwellings behind the main residence. Headrick commented that he is not necessarily against the proposed ordinance. If there are “outlawed” or “nonconforming” units, let them go through zoning and be made conforming. There also could be costly fines that would be levied against the units. Another thing Mr. Headrick wanted Council to look at, is what may happen when the person in the main house passes away or, for some reason, the lease is broken or there is a foreclosure. Mr. Headrick requested the opportunity to sit down with the Zoning Board and present the questions to try and find common ground. He then answered questions from Council.

- Citizens who addressed Council in support of the proposed ordinance were Greg Bruce, Dennis Gitz, James Mahan, Cyd Seideman, Tom Maher, Peter Laverty, Mary Vines, Marjorie Manning, and Darrell Vines.
- Other citizens who addressed Council in opposition of the proposed ordinance were Paul Garrett, Kendra Sutherland, and Ernestine Kelly. Mr. Garrett answered questions from Council.
- Coy Harris addressed Council regarding Item 6.2 on today’s agenda. He is not in support of renaming Canyon Lakes Drive and Park Road 18 to Cesar E. Chavez Drive.

- Todd Jordan addressed Council regarding the passing of Jay Lester, former Lubbock Firefighter, and to say “thank you” for the way the City responded and supported Lester’s family.

2. EXECUTIVE SESSION

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

8:07 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION City Council Conference Room

All council members were present, except Council Member Boren.

- 2.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Finance, Police, Right-of-Way, Solid Waste, Water Utilities).**
- 2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Civic Centers, Right-of-Way, Water Utilities).**
- 2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.**
- 2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
 - 2.4.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light;**
 - 2.4.2 to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light;**
 - 2.4.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

9:41 A.M. CITY COUNCIL REGULAR MEETING RECONVENED City Council Chambers

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

Absent: Council Member Gary O. Boren

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

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Paul Soderquist, Westminster Presbyterian Church.

3.2. Pledge of Allegiance to the Flags.

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

3.3. Special recognition commemorating the 100th annual meeting of the Texas Cotton Ginners' Association.

Mayor Miller presented special recognition to commemorate the 100th annual meeting of the Texas Cotton Ginners' Association. Joining Mayor Miller to accept the special recognition were Lee Tiller, President; Jim Bradford, Vice President; and David Wyatt, Secretary. Mr. Tiller gave comments.

3.4. Special recognition commemorating April 9-15, 2007, as Lubbock Architecture Week.

Mayor Miller presented special recognition to commemorate April 9-15, 2007 as Lubbock Architecture. Professor Jim White, President of the Lubbock Chapter of the American Institute for Architects, and Brian Griggs of Parkhill, Smith & Cooper, Inc. joined the Mayor to accept the special recognition. Professor White gave comments.

3.5. Statement of support for the National Guard and Reserve.

Mayor Miller read a statement of support for the National Guard and Reserve, which states, "We recognize the National Guard and Reserve as essential to the strength of our nation and the well being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve, serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the National Guard and Reserve in preserving our national security. Their members must have the cooperation of all American employers in encouraging employee participation in Guard and Reserve.

Therefore, we join other employers in pledging that:

1. Employment will not be denied because of service in the National Guard or Reserve;
2. Employee job and career opportunities will not be limited or reduced because of service in the Guard or Reserve;
3. Employees will be granted leaves of absence for military service in the National Guard or Reserve, consistent with existing laws without sacrifice of vacation; and
4. This agreement and its resultant policies will be made known throughout our organization.”

Robert Pfister, with the local chapter of the Employer Support of the Guard and Reserve (ESGR), gave comments.

3.6. Special recognition commemorating the week of April 8-14, 2007 as National Public Safety Telecommunications Week

Mayor Miller presented special recognition to commemorate the week of April 8-14, 2007 as National Public Safety Telecommunications Week. Christy Hennisley, Communications Manager; Lynn Smith, Deputy Fire Chief; and Renee Standifer with EMS, joined the Mayor as he presented the special recognition.

3.7. Reese Redevelopment Authority Board of Directors:

Linda Gaither (unable to attend)

Keep Lubbock Beautiful Advisory Committee:

Angela Clark (unable to attend)

Reta Hirsch

Karen Murfee

Animal Shelter Advisory Committee:

Dr. Carl Clary (unable to attend)

Board of Health:

Dr. Everardo Cobos

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, March 5, 2007; Special City Council Meeting, March 19, 2007.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of March 5, 2007 and the Special City Council Meeting of March 19, 2007 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA was considered following Item 5.7.

6. REGULAR AGENDA

- 6.3. Letter Agreement Resolution - City Council: Consider a resolution authorizing the Mayor to execute a Letter Agreement with Public Werks, Inc., for professional services related to the development and transmission of renewable energy resources from the South Plains.**

No action was taken on this item.

This is an agreement to partner with Public Werks, Inc. to help pay for professional services to assess and investigate the potential development of multiple sources of electric generation (including developing renewable electric generation) located in the Texas Panhandle and constructing the corresponding transmission facilities to meet the current demand for electric energy in the Electric Reliability Council of Texas (ERCOT) region. It will be necessary to hire the professional services of consultants, engineers and attorneys to provide the City of Lubbock and Public Werks with advice and consultation related to the development of these energy resources.

This Letter Agreement will expire on April 24, 2007, unless extended by the parties or unless another agreement is entered into by the parties.

FISCAL IMPACT

The City's payment for the professional services and this development is capped at \$100,000. A budget amendment will be brought forward at the next City Council meeting to appropriate the necessary City funding.

Mayor Pro Tem Gilbreath suggested that, because the final letter of agreement has not been reviewed by our legal staff, we go ahead with the presentation and consider a special meeting to take action on this item.

Steve McCullough, representative of Public Werks, Inc., gave a presentation on the development and transmission of renewable energy resources from the South Plains. McCullough then introduced Sunil Talati, P.E., who gave a presentation of basic information about the energy market. Mr. McCullough then answered questions from Council. John Crew with Public Werks, Inc. also answered questions from Council.

Council Member Leonard voiced his concerns regarding liability issues. John Crew said there would be no liability for the City of Lubbock.

Kay Trostle, with Smith & Trostle Law Firm, explained the process of going forward, which included how the selection of competitive wind energy zones or renewable energy zones will be selected, and whether there will be multiple systems coming into this area.

Consensus from Council was to take more time to go over the agreement and make a decision. Mayor Miller suggested deferring any action on this item today, and calling a special meeting to consider this item.

5.7. Ordinance Amendment 1st Reading - Planning: Ordinance No. 2007-O0034 amending 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.

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:

- 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, and Assistant City Attorney Linda Chamales gave comments and answered questions from Council.

Mayor Pro Tem Gilbreath suggested passing the ordinance on first reading, and that would give staff two weeks to clear up some of the misconceptions that citizens and realtors may have.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-00034 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5. **CONSENT AGENDA (Items 5.1-5.4, 5.6, 5.8, 5.12-5.16, 5.18-5.21, 5.24-5.27, 5.29-5.31)**

Motion was made by Council Member Jones, seconded by Council Member Leonard to approve Items 5.1-5.4, 5.6, 5.8, 5.12-5.16, 5.18-5.21, 5.24-5.27, 5.29-5.31 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.1. Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0027 Consider an ordinance abandoning 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 was read for the first time at the March 22, 2007, City Council meeting as a consent agenda item. 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 second reading of this ordinance.

5.2. Zone Case No. 1893-Y (6020 4th Street) Ordinance 2nd Reading - Zoning: Ordinance 2007-O0029 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, and to consider an ordinance.

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 1980s. 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 and recommended approval.

5.3. Zone Case No. 2126-H (5550 53rd Street) Ordinance 2nd Reading - Zoning: Ordinance No. 2007-O0030 Consider request of McDougal Construction L.C. for a zoning change from C-3 to A-1 on Tract C, Dominion Addition, and to consider an ordinance.

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.

- 5.4. Zone Case No. 3075 (Vicinity of 108th Street and Quaker Avenue intersection) Ordinance 2nd Reading - Zoning: Ordinance No. 2007-00031 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, and to consider an ordinance.**

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.

5.5. This item was moved from consent agenda to regular agenda and considered following Item 5.31.

5.6. Ordinance Amendment 1st Reading - City Secretary: Ordinance No. 2007-O0035 amending Chapter 8 of the Code of Ordinances by amending the location of the polling place for Voting Precinct 119.

The previous voting location for Precinct 119, is not available for use in the upcoming special election to fill a vacancy on the City Council. Another voting location has been found. The alternate proposed location is Homeplate Diner, 7615 University Avenue.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of the first reading of this ordinance.

5.7. This item was moved from consent agenda to regular agenda and considered following Item 6.3.

5.8. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2007-O0036 abandoning and closing a portion of a 20-foot alley located in Block 38, Overton Addition, alley closure located at 2001 Glenna Goodacre Boulevard.

This ordinance abandons and closes the north 12.5-foot of an east/west 20-foot alley located in Block 38 Overton Addition just south of Glenna Goodacre between Avenue T and Avenue U. The requestor is re-platting this block and in the process the alley is moving south and the requestor has already dedicated 12.5-foot off the north side of lots 13-24 for the new alley location. Since the requestor of this closure has dedicated the new alley there

will not be a charge for this closure. All utility companies are in agreement with this alley closure.

FISCAL IMPACT

No fiscal impact anticipated.

Staff recommended approval of the first reading of this ordinance.

- 5.9. This item was moved from consent agenda to regular agenda and considered following Item 5.5.**
- 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 5.10.**
- 5.12. Memorandum of Agreement Resolution - Aviation: Resolution No. 2007-R0131 authorizing the Mayor to execute a Memorandum of Agreement with the Department of Transportation Federal Aviation Administration (FAA), to cover required land sites and easements for existing navigational aid facilities operated by the FAA at the Lubbock Preston Smith International Airport.**

The airport has 22 land sites and easements for navigational aid facilities operated by the Federal Aviation Administration (FAA). These facilities operate under three separate no-cost land lease agreements. The Memorandum of Agreement (MOA) will include all facilities under one agreement. The term of the MOA will begin October 1, 2007, and end September 30, 2027.

FISCAL IMPACT

No fiscal impact is anticipated.

Airport Board and Airport Staff recommended approval of this resolution.

- 5.13. Temporary Overnight Camping Resolution - Parks and Recreation: Resolution No. 2007-R0132 authorizing a temporary overnight camping area in Kastman Park on Saturday, June 23, 2007, for Field Day to be held June 23-24, 2007, by the Lubbock Amateur Radio Club.**

Lubbock Amateur Radio Club is requesting permission to set up and operate an amateur radio station in Kastman Park on Saturday through Sunday afternoon, June 23-24, 2007. American Radio Relay League (ARRL) sponsors Field Day, an annual outing which for years has been held on the fourth full weekend in June. The purpose of Field Day is to contact as many stations as possible on most amateur bands and to learn how to operate in abnormal situations in less than optimal conditions. A premium is placed on developing skills to meet the challenges of emergency preparedness, as well as acquainting the general public with the capabilities of amateur radio.

Lubbock amateurs have participated in Field Day for several years. A tent, tables, antennas and equipment will be set up Saturday morning. Amateurs

will begin operating radios around noon on Saturday and operate continuously all Saturday night through Sunday afternoon. A small suitcase-sized motor-driven generator or solar cells and batteries are used for power. The generator and radios are very quiet and should not disturb neighbors.

The public is invited to attend, observe and operate amateur radios during this event. Amateurs contact a few hundred other amateur radio stations worldwide, exchange information and enter the exchange in a log that is submitted to ARRL. The exercise provides an opportunity to practice operating an effective amateur radio station under emergency conditions as one would operate in a weather-related or other type disaster such as Katrina, when cell phones and other radio communications are unusable. Approximately 25 participants will attend the event on Saturday afternoon with only a few people staying overnight.

FISCAL IMPACT

No fiscal impact is anticipated.

On March 27, 2007, the Parks and Recreation Advisory Board recommended approval of this request to City Council. Staff recommended approval.

5.14. Lubbock Centennial Corporation Articles of Incorporation and Bylaws Resolution - Centennial Committee: Resolution No. 2007-R0133 approving the Articles of Incorporation and the Bylaws of the Lubbock Centennial Committee.

The Lubbock Centennial Committee, created and appointed by the City Council in Resolution No. 2006-R0371, desires to incorporate as a Texas non-profit corporation for ease of operation. As a non-profit corporation, the group will be responsible for their own finances and will have the capacity to contract and be a more attractive grant recipient.

FISCAL IMPACT

The incorporation fee will be funded through the FY 2006-07 contribution to the Centennial Committee.

STAFF SUBMITTING/RECOMMENDATION

Lubbock Centennial Committee recommended approval.

5.15. Grant Agreement Resolution - Centennial Committee: Resolution No. 2007-R0134 authorizing the Mayor to execute for and on behalf of the City of Lubbock a Grant Agreement with the Lubbock Centennial Committee after incorporation as the Lubbock Centennial Corporation.

Budget Amendment Ordinance 2007-O0017 appropriated \$100,000 of the General Fund Balance for the purpose of supporting and implementing the recommendations of the City Council appointed Centennial Committee. This money is to be used for the purposes of planning, preparing and implementing the City of Lubbock's Centennial Celebration. Because the Committee is becoming a separate 501(c)3 Texas non-profit corporation, a grant agreement

is necessary to clarify the City's expectations as to how the funds will be used. The Agreement specifies that the funds will be maintained in a separate account and the Corporation will make quarterly reports to the City as to how these funds are used. This resolution authorizes the Mayor to sign the grant agreement after the Lubbock Centennial Committee is incorporated.

FISCAL IMPACT

On March 5, 2007, City Council appropriated \$100,000 of General Fund balance for this purpose.

The Lubbock Centennial Committee recommended approval of this resolution.

5.16. Contract Resolutions - Human Resources: Resolution No. 2007-R0135; Resolution No. 2007-R0136; Resolution No. 2007-R0137; Resolution No. 2007-R0138; authorizing the Mayor to execute contracts for Temporary Employment Services, RFP 06-083-MA.

The City utilizes approximately 30 to 40 technical/clerical temporary employees annually. Each technical/clerical temporary works from a few days to several weeks. The majority of temporary assignments range from two to six weeks in duration. The City also utilizes approximately 100 to 175 trades/labor temporaries annually. The majority of trades/labor temporaries are utilized during the summer months as seasonal workers, and work from about the middle of May through the middle of September.

Staff recommended that the City contract with two temporary employment agencies to service this contract for each of the following categories:

Clerical

Trades I (general laborers)

Trades II (skilled workers)

Proposals

Proposals were received from the following temporary agencies:

1. itsQuest
3845 50th Street
Lubbock, Texas 79413
2. SOS Staffing
7412 University
Lubbock, Texas 79423
3. Spherion
4601 50th Street
Lubbock, Texas 79414

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4. Labor Ready
1704 Broadway
Lubbock, Texas 79401
5. Command Center
2147 50th Street
Lubbock, Texas 79412
6. CareersUSA
6501 Congress Avenue
Boca Raton, Florida 33487
7. Kelly Services, Inc.
4601 50th Street
Lubbock, Texas 79414

Selection Committee Process

The following evaluation criteria was used:

Clerical

Hourly Rate (45%)

Testing Procedures (Skill Level, Physical Ability, Etc.) (25%)

Employee Replacement Assistance (15%)

Supply and Emergency Responses (10%)

Reference Checks on Vendor (5%)

Trades I and II

Hourly Rate (40%)

Testing Procedures (Skill Level, Physical Ability, Etc.) (20%)

Employee Replacement Assistant (20%)

Supply and Emergency Responses (10%)

CDL Checks (5%)

Reference Checks on Vendor (5%)

Site visits were conducted at the above mentioned companies in order to evaluate the respondents. CareersUSA refused to schedule a site visit and therefore was eliminated from the process. The respondents to the RFP ranked as follows:

CLERICAL	SCORE
itsQuest	100
SOS Staffing	79
Spherion	76

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Kelly Services	75
Command Center	59
TRADES I	SCORE
Spherion	100
Labor Ready	98
itsQuest	97
Command Center	55
TRADES II	SCORE
Spherion	100
Labor Ready	98
Command Center	63

FISCAL IMPACT

\$814,000 is appropriated throughout the Adopted FY 2006-07 within all funds.

Staff recommended contract award to itsQuest of Lubbock, Texas and SOS Staffing of Lubbock Texas to provide Clerical Temporary Employment Services.

Staff recommended contract award to Spherion of Lubbock, Texas and Labor Ready of Lubbock, Texas to provide Trades I and Trades II Temporary Employment Services.

5.17. This item was moved from consent agenda to regular agenda and considered following Item 5.11.

5.18. Contract Resolution - Cemetery: Resolution No. 2007-R0139 authorizing the Mayor to execute a contract for the security gates at the City of Lubbock Cemetery, RFP 07-709-BM.

After recent damage to the City of Lubbock Cemetery by vandals, Council directed staff to install security gates at the two entrances to the Cemetery. Proposals were solicited for the construction of two electrically operated security gates. Two proposals were received and opened on March 20, 2007:

Anderson Fence Company	\$27,579
Lubbock, Texas	
A-1 American Fence, Inc.	\$48,800
Orange, Texas	

Evaluation criteria published in the RFP included price (50%), superintendent's resume and references (10%), insurance claims and litigation (5%), construction time (10%), and subcontractors (10%), and phasing options (5%), and proposed cost reduction (10%). Proposals were ranked as follows:

Anderson Fence 410
A-1 American Fence 306

Both contractors have successfully performed similar fence and gate work for the City.

Time for completion is 21 working days for Anderson Fence Company, and 30 working days for A-1 American Fence. Liquidated damages for this project are \$25 per day.

FISCAL IMPACT

A total of \$250,000 is appropriated in Project Number 91213, Second Cemetery Entrance, with sufficient funding available for this purpose.

Staff recommended contract award to Anderson Fence Company of Lubbock, Texas for \$27,579.

5.19. Contract Resolution - Solid Waste: Resolution No. 2007-R0140 authorizing the Mayor to execute a contract for metal slant side loading refuse containers, BID 07-022-RW.

This bid establishes annual pricing for the purchase of metal slant side loading refuse containers used to service new residential and commercial solid waste customers and to replace containers damaged beyond repair.

For the past three years, Fuqua Enterprises has produced and delivered slant side loading containers for the Solid Waste Services Department. Staff is pleased with the service and quality of containers provided by Fuqua Enterprises.

FISCAL IMPACT

Funding for the purchase of new containers is included in the adopted FY 2006-07 Solid Waste operating budget.

Staff recommended bid award to the lowest bidder Fuqua Enterprises, Inc. of Cleburne, Texas for \$137,000.

5.20. Contract Resolution - Information Technology: Resolution No. 2007-R0141 authorizing the Mayor to execute a software license and service agreement with Accela Inc. for wireless inspection system software.

City Council approved a project for the Building Inspection Department in the FY 2005-06 Operating Budget to implement a wireless inspection system. The purpose of this system is to allow field inspectors to enter information while at the jobsite, and have the information immediately uploaded to the department's permitting system.

Accela Corporation, which owns the software used by the City's Building Inspection Department, has developed a product called Accela Wireless. This product integrates into the current system, and allows field personnel to accomplish the previously described activity. When implemented, this system

will increase efficiency by allowing staff to perform inspections, and then submit reports while in the field instead of having to return to submit reports at City Hall. It will increase customer service by allowing inspection results to be made available much faster.

FISCAL IMPACT

The software was included in the FY2005-06 Master Lease Program as part of the Building Inspection Department Strategic Plan. The \$8,998 annual payment will be funded through the annual Information Technology operating budget.

Staff recommended approval of this resolution.

5.21. Contract Resolution - Police: Resolution No. 2007-R0142 authorizing the Mayor to execute a purchase order contract with Tiburon for a site license 128-bit Mobile Data System Mobile Computer Encryption for the Police Department.

This purchase order contract is for the purchase of a site license for a 128-bit Mobile Encryption for the in-car Mobile Data Computers (MDCs), to be used in conjunction with the Computer Aided Dispatching (CAD) system. The Police Department's CAD system was originally purchased from and is currently maintained by Tiburon Inc. Currently, there is no encryption to protect the wireless transmissions of data between the police in-car MDCs and the CAD system. The Police Department requires Tiburon's 128-bit Mobile Encryption to be installed on the MDCs and CAD system to protect sensitive information being passed over wireless transmission, and to bring the agency into federal and state wireless transmission compliance.

FISCAL IMPACT

The project is funded through the previously appropriated 2005 Edward Byrne Memorial Justice Assistance Grant.

Staff recommended purchase order contract to Tiburon of Pleasanton, California for \$43,600.

5.22. This item was moved from consent agenda to regular agenda and considered following Item 5.17.

5.23. This item was moved from consent agenda to regular agenda and considered following Item 5.22.

5.24. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0143 authorizing the Mayor to execute a contract for meal services for senior citizen centers, BID 07-014-MA.

This contract provides meal services for the Senior Meal Program serving approximately 46,944 hot lunches annually to senior citizens of Lubbock. Meals are served five days each week at five locations. This program provides one-third of the recommended daily nutritional allowance for seniors age 60 and older. Monetary donations are accepted from those individuals who

utilize meal services. The recommended donation is two dollars per meal for those citizens age 60 and older. Those under age 60 are required to pay four dollars per meal.

Fifty-six local companies were notified of the Invitation to Bid and only ARAMARK Educational Services, Inc. responded.

FISCAL IMPACT

The Senior Meal Program is funded through a grant from the South Plains Association of Governments. \$182,244 is appropriated in Grant 84012 Program for Aging for this purpose.

Staff recommended contract award to ARAMARK Educational Services, Inc. for \$140,832.

5.25. Contract Resolution - Risk Management: Resolution No. 2007-R0144 authorizing the Mayor to execute an agreement for an Employee Assistance Program, RFP 07-019-RW.

The City offers an Employee Assistance Program (EAP) to all full-time City employees and their immediate families. Texas Tech University Health Sciences Center (TTUHSC) has provided this service since June 1, 1995, and the current contract expires May 31, 2007. An EAP is designed to assist employees with problems such as depression, stress, alcohol, drugs, grief, and divorce to avoid declining job performance and absenteeism because of personal issues. This service also provides smoking cessation sessions and outpatient substance abuse assessment, treatment and follow-up for EAP-eligible employees of the City. The substance abuse assessment does not extend to family members and does not include medical detox services or drug testing/lab services. Medical detox services and drug testing/lab services are covered by the City's medical plan. Participants are allowed a maximum of eight free counseling sessions per year. In addition to these services and as requested by the City, TTUHSC provides staff orientation meetings, educational seminars and preventive services, supervisor/management training, a supervisory manual and training, departmental interventions, and promotional materials. Additionally, TTUHSC will provide financial counseling services through the Personal Financial Planning (PFP) program at Texas Tech University during the first year of this contract and may possibly be available in years two and three, provided the program continues.

The current annual cost to the City is \$19.92 per employee (\$1.66 per employee per month), or approximately \$38,246 annually. TTUHSC proposed an annual cost of \$18 per employee (\$1.50 per employee per month), or approximately \$34,560 annually. This cost is guaranteed through contract year three. Deer Oaks EAP Services, LLC proposed a cost of \$23.88 per employee per year (\$1.99 per employee per month for year one, or \$45,850 annually); \$24.60 per employee per year (\$2.05 per employee per month, or \$47,232 annually for year two), and \$25.32 per employee per year (\$2.11 per

employee per month, or \$48,614 annually for year three). The City employs 1,920 eligible full-time employees.

Proposals were solicited for the purpose of selecting a qualified firm to provide an Employee Assistance Program for the City's employees and members of their immediate families residing in their households. Evaluation criteria published in the Request for Proposal included qualifications and experience (20%), record of performance (20%), financial stability (20%), and fixed cost for scope of services delivered (40%).

Respondents to the RFP were ranked as follows:

Texas Tech University Health Sciences Center 14.4

Deer Oaks EAP Services, LLC 12.0

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

The new agreement with Texas Tech University Health Sciences Center, Department of Neuropsychiatry, Southwest Institute for Addictive Diseases is for one year with an option to renew annually for up to two additional one-year terms.

FISCAL IMPACT

Based on the number of employees, funding for the Employee Assistance Program is included in the adopted FY2006-07 departmental operating budgets.

Staff recommended contract award to Texas Tech University Health Sciences Center, Department of Neuropsychiatry, Southwest Institute for Addictive Diseases, of Lubbock, Texas.

5.26. Contract Resolution - Community Development: Resolution No. 2007-R0145 authorizing the Mayor to execute a Community Development Funding Contract with Lubbock Boys and Girls Club to provide assistance for renovation of the Optimist Branch.

The Community Development and Services Board voted to recommend funding for this project on January 10, 2007, at its regularly scheduled meeting. Funding for this contract was approved by City Council at the February 22 City Council meeting during the annual reallocation of unspent Federal Funds. The first reading of a budget amendment for this contract was approved by Council on March 5, 2007.

The Boys and Girls Club is the recipient of these funds and will use the funds for renovation of the Optimist Branch facility located at 3301 Cornell. The funds are from the 2005-2006 Community Development Block Grant reallocated funds.

The amount of funds for this contract is \$90,000. The Boys and Girls Club must provide a 25% match to the project. At the completion of the project, the

Boys and Girls Club will be subject to the 25% payback requirement. Grantee will have the option of paying back the 25% in one lump sum 30-days after completion of the project or in equal payments for up to ten years at 0% interest.

The terms of the contract is April 12, 2007, through September 30, 2008.

FISCAL IMPACT

The maximum amount to be allocated from the Community Development Block Grant for this program is \$90,000.

Staff recommended approval of a resolution.

5.27. Contract Resolution - Community Development: Resolution No. 2007-R0146 authorizing the Mayor to execute a Community Development Funding Contract with Lubbock Boys and Girls Club to provide assistance for renovation of the Phea Branch.

The Community Development and Services Board voted to recommend funding for this project on January 10, 2007, at its regularly scheduled meeting. Funding for this contract was approved by City Council at the February 22 City Council meeting during their annual reallocation of unspent Federal Funds. The first reading of a budget amendment for this contract was approved by Council on March 5, 2007.

The Boys and Girls Club is the recipient of these funds and will use the funds for renovation of the Phea Branch facility located at 1801 E 24th. The funds are from the 2005-2006 Community Development Block Grant reallocated funds.

The amount of funds for this contract is \$25,000. The Boys and Girls Club must provide a 25% match to the project. At the completion of the project, the Boys and Girls Club will be subject to the 25% payback requirement. Grantee will have the option of paying back the 25% in one lump sum 30-days after completion of the project or in equal payments for up to ten years at 0% interest.

The term of the contract is April 12, 2007, through September 30, 2008.

FISCAL IMPACT

The maximum amount to be allocated from the Community Development Block Grant for this program is \$25,000.

Staff recommended approval of this resolution.

5.28. This item was moved from consent agenda to regular agenda and considered following Item 5.23.

5.29. Contract Resolution - Community Development: Resolution No. 2007-R0147 authorizing the Mayor to execute a Community Development Funding Contract with North and East Lubbock Community Development Corporation for the Down Payment and Closing Cost Assistance Program.

The Community Development and Services Board voted to recommend funding for this project on January 10, 2007, at its regularly scheduled meeting. Funding for this contract was approved by City Council at the February 22 City Council meeting during their annual reallocation of unspent Federal Funds. The first reading of a budget amendment for this contract was approved by Council on March 5, 2007.

The North and East Lubbock Community Development Corporation is the recipient of these funds and will use the funds for down payment and closing cost assistance for first time home buyers in the King's Dominion housing development. The funds are from the 2005-2006 Community Development Block Grant reallocated funds.

The amount of funds for this contract is \$100,000. The North and East Lubbock Community Development Corporation must provide a 25% match to the project.

The term of the contract is April 12, 2007, through September 30, 2008.

FISCAL IMPACT

The maximum amount to be allocated from the Community Development Block Grant for this program is \$100,000.

Staff recommended approval of this resolution.

5.30. Contract Amendment Resolution - Aviation: Resolution No. 2007-R0148 authorizing the Mayor to execute an amendment to the lease agreement between the City of Lubbock and Abilene Aero, Inc. d/b/a Lubbock Aero for an additional area for customer parking.

Lubbock Aero has operated as a Fixed Base Operator on the west side of the Airport for approximately 16 years. Their current agreement was executed May 2002 for a term of 20 years. Lubbock Aero has requested that the lease be amended to include additional ground space for vehicle parking southwest of their new hangar building.

The total additional square footage is 15,931. The current rate is \$0.1472 per square foot per year and will include an annual Consumer Price Index (CPI) adjustment.

FISCAL IMPACT

Fiscal impact will be an additional \$2,345 annually (\$195 monthly) ground revenue to the Airport Fund.

Airport Board and Airport Staff recommended approval of this resolution.

5.31. Waiver of Allocation of Juvenile Accountability Block Grant Funds Resolution - City Council: Resolution No. 2007-R0149 authorizing the Mayor to execute for and on behalf of the City of Lubbock a Waiver of Allocation of Juvenile Accountability Block Grant Funds to Lubbock County.

The U. S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention provides the Juvenile Accountability Block Grant (JABG) to the Governor's Criminal Justice Division to assist in reducing juvenile offending through accountability-based programs focused on the juvenile offender. The City is eligible to apply for \$11,734.22 with a 10% cash match for the upcoming grant year. Lubbock County would like to apply for these funds, as it has in the past several years, for use at the Lubbock County Juvenile Justice Center. The City can waive its allocation and request that the funds be awarded to Lubbock County so that the funds will be awarded to the County, but will still benefit the City.

This resolution authorizes the Mayor to sign the Juvenile Accountability Block Grant Waiver of Funds Form.

FISCAL IMPACT

Lubbock County would be responsible for providing the 10% cash match.

6. REGULAR AGENDA (continued)

Note: Regular Agenda items, and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (5.5, 5.9-5.11, 5.17, 5.22-5.23, 5.28, 6.1, 6.4-6.7, 6.8, 6.9).

5.5. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2007-O0033 Consider budget ordinance Amendment No. 11 amending the FY 2006-07 budget respecting the Grant Fund, General 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 more than 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 involving seized assets. The appropriate court 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

3. Appropriate \$186,000 from General Fund fund balance for firefighter pay increases. In an effort to move the firefighters into the top ten paid departments in the State, a 2% pay increase is recommended. The pay increase will not attain the top-ten goal, but is the first phase of pay increases to achieve that goal. The pay increase is retroactive to April 1, 2007.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

Jeff Yates, Chief Financial Officer, and Claude Jones, Police Chief, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass on second and final reading Ordinance No. 2006-00033 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.9. Establish Endowment Resolution - Animal Services: Resolution No. 2007-R0150 authorizing the Mayor to execute an agreement to establish an endowment for the benefit of City of Lubbock Animal Services with the Lubbock Area Foundation, Inc., of Lubbock, Texas.

This agreement establishes an endowment between the Lubbock Area Foundation and Lubbock Animal Services as a participant in the Community Endowment Challenge. In December 2001, the Lubbock Area Foundation received a grant from the CH Foundation of Lubbock, Texas for the purpose of encouraging a tradition of endowment building for the benefit of nonprofit organizations in the South Plains area. This grant established the Community Endowment Challenge, which will provide matching grants to fund permanent endowments within the Lubbock Area Foundation.

Dr. Alice White contributed \$67,000 towards the \$100,000 goal to the Lubbock Area Foundation on January 18, 2007, for the purpose of creating a Lubbock Animal Services endowment. Dr. Alice White stated, "With great love for cats and dogs, with tremendous admiration for the Lubbock Animal Services and public health folks, and to say thank you to life for its continual blessings, I am honored to help jump-start an unrestricted endowment to benefit Lubbock Animal Services in perpetuity."

Raising an additional \$33,000 from private contributors to the full \$100,000 goal, the Community Endowment Challenge will match 50% (\$50,000 maximum) of those dollars, boosting the total endowment to \$150,000. The entire \$100,000 must be received by the Foundation by March 1, 2008, or Lubbock Animal Services will not receive the \$50,000 challenge grant. All assets of the Fund will remain with the Foundation in a permanent endowment for the benefit of Lubbock Animal Services.

Additions to the Fund may include additional property contributed by any source to the Foundation and designated for the Fund, and which the Foundation accepts; earnings and appreciation from Fund property; and if the requirements of the Community Endowment are met, the \$50,000 matching grant. The Fund is the Foundation's property and the Foundation has complete control over the Fund, and any income generated by the Fund. The Foundation shall use the Fund for the purposes of Lubbock Animal Services and distributions will be made to the City of Lubbock from the purposes of Animal Services programs.

FISCAL IMPACT

All funds will remain with the foundation, future allocations from the fund will benefit the animal shelter and the citizens of Lubbock.

Staff supports establishment of this endowment.

Scott Snider, Assistant City Manager; Kathy Stocco, representative of the Lubbock Area Foundation; Kevin Overstreet, Emergency Operations Center Director; and Lee Ann Dumbauld, City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2007-R0150 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.10. Interlocal Agreement Resolution - Health: Resolution No. 2007-R0151 authorizing the Mayor to execute Interlocal Agreements with Frenship ISD, New Deal ISD, Idalou ISD, Shallowater ISD, Lubbock-Cooper ISD, Slaton ISD, and Roosevelt ISD to exchange Automated External Defibrillator (AED) devices provided by the City Health Department for use of various ISD buildings for mass immunization and shelter in the event of a public health emergency.

Under the Metropolitan Medical Response System (MMRS) grant administered by the Texas Governor's Division of Emergency Management,

the City is required to plan and prepare for public health emergencies, which may result from natural or man-made causes. Interlocal Agreements with school districts allows for facility usage, especially high school/junior high school buildings including gymnasiums, for mass dispensing of medications in the event of bioterrorism or other health emergencies. These agreements help meet the requirements of the MMRS, Public Health Preparedness, and Pandemic Influenza grants.

During such an emergency, it may be necessary to immunize or to shelter large numbers of people in the area served by the Lubbock-Cooper, New Deal, Roosevelt, Idalou, Slaton, or Shallowater Independent School Districts and the Lubbock Health Department. An Interlocal Agreement with Lubbock ISD was approved by City Council on August 10, 2006, and permits the City to use LISD facilities during the period of an emergency.

The City and the various school districts in Lubbock County are committed to the health and safety of citizens, employees and others who use their facilities. In support of this commitment, the City will provide Automated External Defibrillator (AED) units at identified locations throughout the various independent school systems to make early defibrillation accessible to individuals who experience sudden cardiac arrest. The key to significantly improving cardiac arrest survival rates in adults lies in increasing the availability of AEDs. The AED units will be installed in school buildings identified for use as immunization clinics or shelters during emergencies declared by the Commissioner of Health or the local health authority. Portable AED units will also be provided to designated school personnel and be available during the emergency.

Obligations of the Health Department include:

1. Responsible for identifying locations for the mass immunization clinics.
2. Responsible for purchasing the AED units with pediatric key for use with children.

Frenship will receive three AEDs. Lubbock-Cooper, New Deal, Roosevelt, Idalou, Slaton, and Shallowater will receive two AEDs per district.

AED units cost approximately \$1,800 each.

Each school district shall be responsible for:

1. the installation, care and maintenance of the AED units, as prescribed by the manufacturer;
2. initial and on-going training for ISD personnel on AED usage; and
3. the future replacement of AED units, batteries, electrodes and other related accessories.

FISCAL IMPACT

The \$27,000 purchase of the AEDS will be funded from the previously appropriated Metropolitan Medical Response System grant for emergency preparedness.

Staff recommended approval of this resolution.

Scott Snider, Assistant City Manager, and Kevin Overstreet, Emergency Operations Center Director, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2007-R0151 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.11. Interlocal Agreement Resolution - Police: Resolution No. 2007-R0152 authorizing the Mayor to execute an Interlocal Agreement with the 413th Civil Affairs Battalion, Lubbock, Texas for use of the Lubbock Police Department Pistol and Rifle Range for law enforcement training.

This interlocal agreement between the City of Lubbock and the 413th Civil Affairs Battalion is for use of the Lubbock Police Department Firing Range located at 11602 West 19th Street.

This agreement allows members of the 413th Civil Affairs Battalion to enter the facility for training in law enforcement techniques.

The term of this agreement shall be for six years, beginning February 1, 2007.

FISCAL IMPACT

No fiscal impact is anticipated.

Staff recommended approval of this resolution.

Police Chief Claude Jones, and Deputy City Secretary Tommy Combs gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to pass Resolution No. 2007-R0152 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.17. Contract Resolution - Water Utilities: Resolution No. 2007-R0153 authorizing the Mayor to execute a contract with Utility Contractors of America for utility line relocations ahead of the Marsha Sharp Freeway, RFP-07-710-BM.

The scope of work for this project includes the construction of a new sewer line and a new water main along the Marsha Sharp Freeway.

The new sewer line construction will be a gravity system that begins at the intersection of Slide Road and 34th Street and continues southwest along 34th Street to Bangor Drive. It then continues south along Bangor Drive and ties to an existing ten-inch sanitary sewer line at a point approximately 1,250 feet

northeast of the intersection of Bangor Drive and Chicago Avenue on the north side of the Marsha Sharp Freeway.

The water main construction will be an eight-inch water main from a location just east of Belmont Street to a location approximately 550 feet southwest of Slide Road on the south side of the Marsha Sharp Freeway.

Existing utilities are in conflict with a sound wall that will be provided along the Marsha Sharp Freeway at Bangor Drive, piers that must be installed for a bridge at the 34th Street crossing for the Marsha Sharp Freeway, and the future storm sewer system that will be provided along the Marsha Sharp Freeway from Belmont Avenue to the southwest corner of the CVS pharmacy parcel. The price proposal from Utility Contractors of America for this work is \$1,091,389.

An \$84,450 option to lower a four-inch water line that crosses 34th Street near Bangor Drive was considered. This existing line will be in conflict with the future storm sewer for the Marsha Sharp Freeway. The Water Utilities Engineering Staff recommended using the department crews to complete this work in order to lower the cost impact on the project.

The evaluation committee used the basic evaluation methods prescribed by the City Purchasing Department.

The evaluation criteria published in the RFP included:

- 1) Price – 40%
- 2) Resume and References – 10%
- 3) Reduction of Cost Ideas – 10%
- 4) Insurance Claims and Litigation – 5%
- 5) Construction Time – 25%
- 6) List of Subcontractors – 5%
- 7) Construction Phasing – 5%

Utility Contractors of America was the only responded to the RFP. 119 potential offerors were notified and 5 potential offerors responded with “no-offer”.

FISCAL IMPACT

The recommended bid price is \$1,091,389 including a \$25,000 value engineering savings, for a \$1,066,389 recommended contract. A total of \$4,285,000 is appropriated in Capital Improvement Project 9754, Sewers Ahead of Freeway Construction, with \$1,066,389 available for this purpose.

Staff recommended contract award to Utility Contractors of America of Wolfforth, Texas for \$1,066,389.

Bruce MacNair, Public Works Contracting Officer, informed Council that Utility Contractors of America were the only company that submitted a proposal on this item. Every effort was made to acquire more bidders. Faxed responses came in from other companies saying they were too busy to bid on this item. Mr. MacNair informed Council Member DeLeon that he would check to see if the company in question was contacted or interested in the job. Deputy City Manager Tom Adams explained to Council that larger companies usually do not bid on jobs under \$10 million. Adams went on to say that the local or close-by companies are so busy with everything going on.

Mayor Miller stated that he would like to make sure that staff continues to advertise these proposals as heavily as reasonable, and not discourage out-of-town bidders.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2007-R0153 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused on this item.

5.22. Contract Resolution - Police: Resolution No. 2007-R0154 authorizing the Mayor to execute a purchase order contract with Mission Golf Cars for parking control vehicles to enforce parking laws within the City of Lubbock.

This is a sole source purchase of four Westward Industries GO-4 three-wheeled parking control vehicles that will be used by the Lubbock Police Department's Traffic Section. The three-wheeled vehicle has sliding doors on both sides of the vehicle and sits low to the ground. This makes the marking of tires with chalk sticks on parked vehicles more efficient for Parking Control officers. The vehicles are narrow and allow frequent stops in marked lanes without impacting the traffic flow.

Both the Jeep Liberty and Jeep Wrangler were tested as possible alternatives, but both proved to be impractical and caused several safety concerns for the Parking Control officers. Westward Industries is the only manufacturer of this vehicle and Mission Golf Cars of San Antonio is the only authorized dealer in Texas.

FISCAL IMPACT

The purchase of parking control vehicles is included in the approved FY2006-07 Master Lease Program, with the annual payments being made from the General Fund.

Staff recommended approval of this resolution.

Chief Financial Officer Jeff Yates, and Police Chief Claude Jones, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0154 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.23. Contract Resolution - Fire: Resolution No. 2007-R0155 authorizing the Mayor to execute a purchase order contract for a Self Contained Side Scan Sonar System for the Fire Department dive team at Lake Alan Henry, BID 07-023-FO.

This bid involves the purchase of side scan sonar equipment for the Fire Department dive team at Lake Alan Henry. By emitting sound frequencies in fan shaped pulses, acoustic reflections generate an image of the bottom floor of a body of water that can be used to detect debris and other hazardous obstructions. In recent events, drowning victims at Lake Alan Henry have been difficult to locate and recover because of poor visibility and underwater terrain. The side scan sonar technology will provide the dive team the ability to map and read lake bottoms resulting in enhanced diver safety and improved search and recovery efforts.

The bid from JW Fishers Mfg., Inc. does not meet the specification requirement to provide multiple day on-site training.

FISCAL IMPACT

On November 21, 2006, City Council appropriated \$77,600 in the Lake Alan Henry Fund for this purpose.

Staff recommended bid award to Marine Sonic Technology of White Marsh, Virginia for \$35,900.

Chief Financial Officer Jeff Yates, and Deputy Fire Chief Lynn Smith, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0155 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.28. Contract Resolution - Community Development: Resolution No. 2007-R0156 authorizing the Mayor to execute a Community Development Funding Contract with Community Housing Resource Board for the Handicapped Accessible Housing Program.

The Community Development and Services Board voted to recommend funding for this project on January 10, 2007, at its regularly scheduled meeting. Funding for this contract was approved by City Council at the February 22 City Council meeting during their annual reallocation of unspent Federal Funds. The first reading of a budget amendment for this contract was approved by Council on March 5, 2007.

The Community Housing Resource Board is the recipient of these funds and will use the funds for the construction of handicapped accessible duplexes. The funds are from the 2005-2006 Home Investment Partnership Program reallocated funds.

The amount of funds for this contract is \$100,000. The Community Housing Resource Board must provide a 25% match to the project.

The terms of the contract is April 12, 2007, through September 30, 2008.

FISCAL IMPACT

The maximum amount to be allocated from the Home Investment Partnership Program for this program is \$100,000.

Staff recommended approval of this resolution.

Bill Howerton, Director of Community Development, and Nancy Haney, Executive Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass Resolution No. 2007-R0156 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- 6.1. Support Resolution - City Council: Resolution No. 2007-R0157 supporting efforts to align Angelo State University with the Texas Tech University System and further support State Senator Robert Duncan, State Representative Drew Darby and the Coalition for ASU in their efforts to forge a tremendous educational partnership for both institutions and the communities of San Angelo and Lubbock.**

Consider a resolution supporting efforts to align Angelo State University with the Texas Tech University System and further support State Senator Robert Duncan, State Representative Drew Darby and the Coalition for ASU in their efforts to forge a tremendous educational partnership for both institutions and the communities of San Angelo and Lubbock.

FISCAL IMPACT

No fiscal impact is anticipated.

Mayor Miller read the proposed resolution.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2007-R0157 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- 6.2. Street Renaming Ordinance 1st Reading - Parks and Recreation: Consider an ordinance rededicating Canyon Lakes Drive and Park Road 18 to Cesar E. Chavez Drive.**

This item was deleted.

- 6.3. This item was considered following Item 4.1.**

- 6.4. Unanimous Stipulation Resolution - City Attorney: Resolution No. 2007-R0158 ratifying the Unanimous Stipulation of the Application of Southwestern Public Service Company for: (1) Authority to Change Rate; et. al. in SOAH Docket No. 473-06-2536; PUC Docket No. 32766."**

The City intervened last summer in the SPS retail rate case filed with the Public Utility Commission (PUC). During that intervention, the parties reached a settlement (called a stipulation) on March 26, 2007, that had to be

filed with the PUC for their approval on March 27, 2007. The key item that the City and the West Texas Municipal Power Agency (WTMPA), of which the City of Lubbock is the a member, were interested in retaining was "system average fuel cost" for the WTMPA wholesale power contract with SPS because that directly impacts the ratepayers of Lubbock Power & Light, the City's municipally owned electric utility. Several parties were challenging this assessment to the WTMPA contract, which, if they were successful, could have potentially caused a huge wholesale power expense to LP&L through WTMPA. However, WTMPA and the City were able to secure system average fuel cost in this stipulation for the remainder of the contract term between SPS and WTMPA (contract currently expires in 2019). The stipulation is still subject to the approval of the PUC.

The Unanimous Stipulation Exhibits are available in the City Secretary's Office for review.

FISCAL IMPACT

No fiscal impact is anticipated.

Due to the fact that the system average fuel cost for WTMPA's contract was kept intact, the City Attorney's Office recommended ratification of this Unanimous Stipulation.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0158 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.5. Settlement Agreement Resolution - City Attorney: Resolution No. 2007-R0159 approving the Settlement Agreement by and between the City of Lubbock and the owners of Village West Apartments related to the property acquisition for the West 50th Street widening project.

This is a settlement agreement for the acquisition of a portion of property (0.115 acres) currently owned by the Skibell family for Village West Apartments. The City of Lubbock needs this property for the widening of 50th Street from Slide Avenue to West Loop 289. The City Council previously authorized the acquisition of this property either through negotiation or, if necessary, through instituting eminent domain proceedings. After negotiating with the property owners, the City and the property owners were able to reach a settlement for the acquisition of the property and for damages to the remaining property in lieu of condemning the property through the City's eminent domain powers.

A copy of the settlement agreement shall be provided prior to the City Council meeting.

FISCAL IMPACT

The City is paying \$515,000 for the 0.115 acres and for damages to the remaining property due to the property acquisition for the widening of 50th Street from Slide Avenue to West Loop 289.

Matt Wade, Assistant City Attorney, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2007-R0159 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.6. Contract Resolution - Fire: Resolution No. 2007-R0160 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.

To help establish appropriate fire insurance premiums for residential and commercial properties, insurance companies need reliable, up-to-date information about a community's fire-protection services. Insurance Service Office (ISO) provides that information through the Public Protection Classification (PPC) program. ISO's PPC information plays an important part in the decisions insurers make affecting the availability and price of property insurance. In fact, virtually all U.S. insurance companies use PPC information in one or more of the following ways:

- to identify opportunities for writing new business
- to achieve a reasonable concentration of property risks
- to review loss experience in various rating territories
- to price policies, offer coverage, and establish deductibles for individual homes and businesses

Following are some general guidelines to help understand the benefits of improved PPC ratings for residents and businesses:

- PPC may affect availability and/or pricing for a variety of personal and commercial insurance coverages, including homeowners, mobile home, fine-arts floaters, and commercial property (including business interruption).
- Assuming all other factors are equal, the price of property insurance in a community with a good PPC is lower than in a community with a poor PPC.

ISO collects information on municipal fire-protection efforts in communities throughout the United States. In each of those communities, ISO analyzes the relevant data using our Fire Suppression Rating Schedule (FSRS). ISO then assign a Public Protection Classification from 1 to 10. Class 1 represents exemplary public protection, and Class 10 indicates that the area's fire-suppression program doesn't meet ISO's minimum criteria.

By classifying communities' ability to suppress fires, ISO helps the communities evaluate their public fire-protection services. The program provides an objective, nationwide standard that helps fire departments in planning and budgeting for facilities, equipment, and training. And by securing lower fire insurance premiums for communities with better public

protection, the PPC program provides incentives and rewards for those that choose to improve their firefighting services.

To determine a community's Public Protection Classification (PPC), ISO conducts a field survey. Expert ISO staff visit the community to observe and evaluate features of the fire-protection systems. Using a manual called the Fire Suppression Rating Schedule (FSRS), ISO objectively evaluates three major areas:

- Fire alarm and communications systems: A review of the fire alarm system accounts for 10% of the total classification. The review focuses on the community's facilities and support for handling and dispatching fire alarms.
- Fire department: A review of the fire department accounts for 50% of the total classification. ISO focuses on a fire department's first-alarm response and initial attack to minimize potential loss. Here, ISO reviews such items as engine companies, ladder or service companies, distribution of fire stations and fire companies, equipment carried on apparatus, pumping capacity, reserve apparatus, department personnel, and training.
- Water supply: A review of the water-supply system accounts for 40% of the total classification. ISO reviews the water supply a community uses to determine the adequacy for fire-suppression purposes. ISO also considers hydrant size, type, and installation, as well as the inspection frequency and condition of fire hydrants.

After completing the field survey, ISO analyzes the data and calculates a PPC.

Lubbock has an ISO Class 3 rating. Of all Texas municipalities, 8 have a Class 1 rating, 65 have a Class 2 rating, and 130 have a Class 3 rating. A list of Texas municipalities with a population over 170,000 is provided.

Mike Pietsch worked for ISO for over 27 years performing Public Protection Classifications of communities in Texas. Since that time, Mike Pietsch, P.E. Consulting Services has assisted more than 100 Texas communities with the ISO rating process and 60 resulted in improved ISO Public Protection Classifications. A list of these Texas communities is provided. Under this contract, Mike Pietsch will provide the City with mock ISO grading and suggest improvements to help secure an improved classification for Lubbock resulting in lower fire insurance premiums and better public protection for Lubbock homeowners and businesses. It will be the City's option to implement any of the recommended improvements.

This contract is for professional services and is exempt from competitive bidding pursuant to Texas Local Government Code 252.022(a)(4).

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.

Lynn Smith, Deputy Fire Chief; Lee Ann Dumbauld, City Manager; and Todd Jordan, Firefighter, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2007-R0160 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.7. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2007-O0037 Amendment No. 12 amending the FY 2006-07 budget respecting the Capital Improvement Program, Grant Fund, and Streets Capital Project Fund.

1. Establish a new Capital Improvement Project titled "Airport Industrial Area Water System Improvements" funded with a \$341,081 transfer from Capital Improvement Project #9195, "Airport Industrial Area Booster Station" and \$150,000 from Capital Improvement Project #91082, "Eastport Water Renovation". The total project appropriation will be \$491,081.

The project is for engineering services to design improvements to the Airport Industrial Area which includes the Airport and surrounding industrial and commercial areas. The proposed engineering services would prepare specifications or bid of the project to loop and increase the size of the water line in the area. The project would also locate Pump Station #13 in an area previously designated by Water Utility Engineering to serve the area, and would also serve future LEDA developments. The funds will be granted to LEDA, and LEDA will oversee the project for the improvements.

2. Appropriate \$129,225 of prepaid paving funds in the Streets Capital Project Fund for the City's participation in the cost of paving Slide Road from 1,500 feet north of Erskine Street north 1,200 feet to the alley north of Marshall Street. The developer is initiating the thoroughfare paving with the development of his subdivision, with \$164,910 of developer participation.
3. Accept and appropriate a \$24,716 grant from Texas Department of Transportation for the Click It or Ticket Selective Traffic Enforcement Program. This grant will fund off duty personnel working overtime to enforce non-compliance of seatbelt and child restraint usage within the City. The program will target a reduction in death and serious bodily injury resulting from traffic crashes.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the first reading of this ordinance.

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

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2007-00037 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.8. This item was moved from Regular Agenda to Work Session and considered following Item 7.3

6.9. This item was moved from Regular Agenda to Work Session and considered following Item 6.8.

11:50 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

1:17 P.M. CITY COUNCIL RECONVENED

City Attorney Anita Burgess was not present

7. WORK SESSION

7.1. Frenship Independent School District Master Plan Presentation: Presentation of Frenship Independent School District (FISD) Master Plan. John Thomas, FISD Superintendent.

John Thomas, FISD Superintendent, gave a presentation of Frenship Independent School District (FISD) Master Plan. He began by explaining the "Frenship ISD Wall of Honor: 2006-07 Student and Staff Achievements", which are things that the staff, students and teams have accomplished (athletically, vocationally, and academically) over the past 12 months. Thomas elaborated on Frenship's Fine Arts program. He said the Frenship community has been recognized three years in a row as one of the best 100 communities for music education in America. Three Frenship concert bands all received high honors at University Interscholastic League (UIL) competition, for the first time. Courses are being offered at Frenship High School where a student can get high school and college credit. The Master Facility Plan was approved on February 12, 2007. As part of the plan, the board approved to call for a bond election on May 12, 2007. There are 21,000 registered voters in the Frenship School District. Some of the high points of the Master Facility Plan include updating the demographic study, facility needs assessments, accommodating the student population, as well as the instructional programs that are required, growth trends, and elementary school needs. Thomas then answered questions from Council.

7.2. Strategic Water Planning Statement and 2007 Strategic Water Supply Plan Presentation - Water Utilities: Presentation of the Strategic Water Planning Statement and 2007 Strategic Water Supply Plan. Thomas L. Adams, Deputy City Manager/Water Utilities Director and members of the Lubbock Water Advisory Commission.

Tom Adams, Deputy City Manager/Water Utilities Director, gave a presentation of the Strategic Water Planning Statement and 2007 Strategic Water Supply Plan. Adams then answered questions from Council. See Item 6.8 for more information. Council thanked Mr. Adams and the Water

Advisory Commission for all the hard work that was put into the Strategic Water Plan.

- 7.3. Declaration of Intent Resolution with White River Municipal Water District for the City to consider acquiring Certificate of Adjudication No. 12-3711 for water rights in North Fork of Double Mountain Fork of Brazos River Presentation - Water Utilities: Presentation of the Declaration of Intent Resolution 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, and of Water Rights in the North Fork of the Double Mountain Fork of the Brazos River. Thomas L. Adams, Deputy City Manager/Water Utilities Director and members of the Lubbock Water Advisory Commission.**

Tom Adams, Deputy City Manager/Water Utilities Director, gave a presentation of the Declaration of Intent Resolution 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, and of Water Rights in the North Fork of the Double Mountain Fork of the Brazos River. Adams then answered questions from Council. See item 6.9 for more information. Council thanked Mr. Adams and the Water Advisory Commission for all the hard work that was put into the Strategic Water Plan.

6. REGULAR AGENDA (continued)

- 6.8. Strategic Water Planning Statement Resolution - Water Utilities: Resolution No. 2007-R0161 authorizing the Mayor to execute for and on behalf of the City of Lubbock, a Strategic Water Planning Statement and all related documents.**

The City of Lubbock has a goal to develop and approve a strategic water supply plan for the next 100 years. This goal is essential in order to ensure that the City has a sufficient supply of water.

To assist with that effort, staff developed a Water Supply Plan and Report in June 2005. This report indicates that Lubbock may need a new water supply by 2012 rather than 2050. Following the completion of that Plan, a Water Planning Statement was drafted and approved by the Lubbock Water Advisory Commission in September 2005 and by the City Council in October 2005. Following the adoption of the Water Planning Statement in 2005, staff worked with the Region O Water Planning Group to have the projects outlined in the City's Plan included in the Region O and state water plans.

Within six months of the adoption of the Water Planning Statement, the Lubbock Water Advisory Commission recommended that the Preliminary Engineering for Lake Alan Henry begin. The contract with Parkhill, Smith and Cooper for these services was approved by City Council on August 24, 2006. Lake Alan Henry infrastructure includes approximately 65 miles of raw

water transmission lines, two to three pump stations, a water treatment facility, and water distribution system improvement to connect to and distribute the new water source. The Water Commission and City Council expressed concern that the Lake Alan Henry Project move forward so that it can be completed by 2012, if necessary.

It is proposed that this statement be updated to reflect progress, information now available, and water supply alternatives now under consideration. This document is entitled a "Strategic Water Planning Statement". A copy is included for your consideration. The Strategic Water Planning Statement will not only help define the City's goals for a 100-year water supply, it will also serve as a guide for engineering services, water permit applications, and for project development and construction.

The Lubbock Water Advisory Commission recommended that water supplies from Lake Alan Henry need to be supplemented to help justify the expense of the infrastructure. Developed water that comes from the City's storm system, and the higher quality reclaimed water can be used as a source to supplement Lake Alan Henry. One of the next major steps in the planning process will be to select the option or options to supplement Lake Alan Henry. The Strategic Water Planning Statement identifies and begins the process of evaluating these options, which include the following:

1. Post Reservoir – capture and store developed water in the North Fork for use.
2. Canyon Lakes No. 7 and No. 8 - capture and store developed water in the North Fork for use.
3. Pipeline for South Fork Discharge – pump only reclaimed water to a tributary of the South Fork so it can be captured and stored for use in Lake Alan Henry.
4. Scalping Operation on the North Fork – capture some portion of developed water from the North Fork and pump it to Lake Alan Henry for storage.

Since some projects could take 20 years or more to develop, preliminary efforts need to begin in the near future on the option or options selected. Some due diligence steps may be in order to move the options forward since the supplement and water may be needed within the next 20 to 30 years. As an example, a Letter of Intent has been recommended by the Lubbock Water Advisory Commission for the City negotiate with the White River Municipal Water District for the Post Reservoir Permit. The City commits to taking complete due diligence during the negotiation process.

Long term alternatives are also identified. Planning for Canadian River Municipal Water Authority (CRMWA) is now underway and that may result in a CMRWA II project for member cities. Test projects involving the Dockum Aquifer are under consideration to treat brackish water for reuse. The

planning process needs to continue to explore new alternatives in order to ensure Lubbock has water for the current and future needs of a growing city.

FISCAL IMPACT

There are no immediate costs associated with the approval of the Strategic Water Planning Statement. However, follow up projects will be identified and presented for consideration that will have a cost as water plans are developed and carried out.

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

Motion was made by Council Member Leonard, seconded by Council Member Price to pass Resolution No. 2007-R0161 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.9. Declaration of Intent Resolution - Water Utilities: Resolution No. 2007-R0162 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 City staff continue to work on and to further 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 could 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, which proposed lake 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 initiate for the City of Lubbock negotiating with the White River Municipal Water District for this permit. As part of the City's practice of 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, would capture and/or store for use permitted flows, developed storm flows, developed reclaimed wastewater flows, developed groundwater flows, and any other potential flows that might be available. 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 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 would be prudent to supplement Lake Alan Henry water supply with water 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 decrease towards the 30,000 acre foot per year mark.

FISCAL IMPACT

Accepting the Declaration of Intent does not bind either the City of Lubbock or the White River Municipal Water District to any expenditures. The City will need to consider appropriating funds to ensure due diligence efforts are performed related to project feasibility, property issues, environmental and archeological issues, and water rights and permit issues. The Lubbock Water Advisory Commission has recommended that funding be approved for this purpose. 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.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2007-R0162 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

2:50 P. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

4:01 P. M. COUNCIL ADJOURNED

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