

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
SEPTEMBER 13, 2007
7:30 A. M.**

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

**7:34 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 Todd R. Klein, Council Member John Leonard, Council Member Floyd Price

Absent: No one

1. CITIZEN COMMENTS

1.1. Bo Harris will appear to speak about funding for Citibus.

“Bo” Harris appeared before Council to ask that the fares for CitiAccess not increase.

1.2. Nicolas Garza will appear to speak about Canyon Lake Drive.

Ashley Quirino appeared before Council, on behalf of Nicolas Garza, to share her opinion on the proposed name change of Canyon Lake Drive.

- Citizens who appeared to speak about funding for Citibus were Alan Read, Lane Powell, Abraham Chavez, and Marie Lopez.
- Christy Martinez appeared to speak about the magazine that she owns, which gives Lubbock news from a Latino perspective. This month the magazine showcases the history and the contributions that Mexican Americans have made to the City of Lubbock. Ms. Martinez also shared her concerns for the proposed name change of Canyon Lake Drive to Cesar E. Chavez Drive.
- Nick Wilson, representing the Lubbock Professional Firefighters Association, appeared before Council to present a plan that will achieve the goal of recruiting and retaining the most highly qualified individuals in the state of Texas, so that the high standards of the Lubbock Fire Department will never be compromised, in five years. He urged City Council to implement the first phase of the plan in this budget.
- Isaac Garnett and Thomas Harris appeared to speak in favor of funding for the North and East Lubbock Community Development Corporation.

- Lane McClanahan of the Lubbock Police Department appeared to address departmental concerns, and to thank Council for their understanding and what is being done for the department.

So that there could be open discussions City Attorney Anita Burgess suggested to Mayor Miller that Item 6.6, the budget adoption ordinance, should be pulled up. Mayor Miller pulled the item up and discussions were had. Mr. McClanahan answered questions from Council.

2. EXECUTIVE SESSION

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

8:25 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION City Council Conference Room

All council members were present.

- 2.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Finance, Stormwater, Transportation, Water Utilities).**
- 2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Business Development, Fire, 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, Municipal Court Judge) 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.**

Regular City Council Meeting
September 13, 2007

9:51 A.M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers

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

Absent: No one

Mayor Miller reconvened the meeting at 9:51 a. m.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Pledge of Allegiance to the Flags

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

3.2. Invocation by Pastor Jim Brewer, South Plains Church of Christ

3.3. Presentation of a special recognition commemorating September 2007 as Hispanic Heritage Month.

Mayor Miller invited Council Member DeLeon to join him as he presented special recognition commemorating September 2007 as Hispanic Heritage Month in Lubbock. Present to receive special recognition were Christy Martinez, Tavita Dorow, Robert Narvaiz, and other Hispanic civic and community leaders. Mr. Narvaiz gave comments. A song was rendered, and invitation was extended for all citizens to join in the festivities of Fiesta del Llano.

3.4. Presentation of a special recognition commemorating September 2007 as National Preparedness Month.

Mayor Miller presented special recognition commemorating September 2007 as National Preparedness Month. Present to accept special recognition were Kevin Overstreet, Fire Chief Rhea Cooper, and Police Chief Claude Jones of the City of Lubbock. Present, representing South Plains Association of Governments was County Commissioner Ysidro Gutierrez, John Miller, Pauline Wilson, and Rosalyn Martinez. Judge Tom Head introduced "Wally Wise Guy", who helps educate the public on emergency preparedness.

3.5. Board Appointment Recognition:

Alicia Alvarez - Appointments Advisory Board (unable to attend)

Vivian Solis - Permit & License Appeal Board (unable to attend)

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, August 9, 2007; Emergency City Council Meeting, August 18, 2007

Motion was made by Council Member Jones, seconded by Mayor Pro Tem Gilbreath to approve the minutes of the Regular City Council Meeting of August 9, 2007 and the Emergency City Council Meeting of August 18, 2007 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.2-5.6, 5.8, 5.10, 5.13, 5.15-5.19, 5.21, 5.23-5.29)

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Items 5.2-5.6, 5.8, 5.10, 5.13, 5.15-5.19, 5.21, 5.23-5.29 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1. This item was moved from consent agenda to regular agenda and considered following Item 5.29.

5.2. Ordinance Amendment 2nd Reading - Zoning: Ordinance No. 2007-O0089 Zone Case No. 2383-C (4801 Erskine Street) Request of Randy Egenbacher (for North Loop Properties) for zoning change from AM to C-2A on 2.72 acres out of Tract G, Physician's Surgicenter of Lubbock Addition.

City Council held a public hearing and considered the first reading of the ordinance amendment on August 23, 2007. The applicant is requesting that a portion of the area zoned as Apartment Medical (AM) adjacent to Erskine Street between North Utica and North Vale be rezoned Commercial 2-A (C2-A) to provide light commercial services to the medical area.

Adjacent land uses:

N Residential
S Zoned AM
E Zoned AM
W Zoned AM

The request is not entirely consistent with the current Comprehensive Land Use Plan for the area because there is a large presence of medical and apartment zoning within the 200 acre triangle, and the current plan illustrates commercial at Slide Road and Erskine Street and along Loop 289 frontage. The Planning Commission recommendation to City Council contains language that indicates the case represents a minor change to the Comprehensive Land Use Plan amendment adopted as the "master plan" for the area. No citizens appeared at the meeting.

The applicant notes an interest of the developing medical community to have a small area of light commercial on Erskine Street in the immediate vicinity to provide retail to serve the adjacent medical related development. The primary issue for the request is the existence of residential across Erskine Street to the

north. Erskine Street is in the process of being developed as a full thoroughfare and the two residential lots across Erskine Street.

The applicant has requested to be tied to a proposed site plan, with the ability to make minor building location adjustments as actual plans are developed for the strip center. With the deep 103-foot parking on the front, and AM on three sides, there should be no perceptible land use disruption to the area that the current AM zoning would not cause. The important factor is the areas to the south, east and west are zoned AM and not residential.

With the proposed two curb cuts on Erskine Street, one primary in the center and smaller drive on the west end, the impact on traffic should be minimal. The center will have a curb return onto North Utica Avenue for customers to get back into the medical area or to get to Erskine Street at a controlled intersection.

Staff supports the recommendation of the Planning Commission subject to the following condition:

1. Tied to the proposed site plan with the ability to adjust building locations in a very minor manner as the final plans are drawn.

FISCAL IMPACT

No fiscal impact.

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

5.3. Ordinance Amendment 2nd Reading - Zoning: Ordinance No. 2007-00090 Zone Case No. 3018-A (north of Glenna Goodacre Boulevard and east of Avenue X) Request by McDougal Construction (for McCanton Woods LC) for zoning change to amend the conditions and site plan from Ordinance No. 2004-00111 on Proposed Tract 5A, Overton Park Addition..

City Council held a public hearing and considered the first reading of the ordinance amendment on August 23, 2007. The existing site (Tract 5, Overton Park) is zoned Apartment (A-3) Specific Use for an apartment project different from the proposed project. With the Specific Use Permit, the zoning is tied to a site plan. The proposed site plan for Tract 5A needs to be changed for the new project and a future zone case will be requested to adjust the proposed land use on what will be replatted as Tract 5B. The objective of the structure is to mirror the style, materials, and architecture of the current Centre on University without the commercial component. All of the use will be multi-family (apartments).

Adjacent land uses:

- N Vacant, zoned A-3 Specific Use
- S Vacant
- E Vacant
- W Commercial

The project meets the amended Comprehensive Land Use Plan for the Overton North rehabilitation and zoning policy.

The Planning Commission recommended the case subject to the following conditions:

1. A decrease in setback from 15 feet to 10 feet on 6th and 8th Streets and to 14 feet on Avenue X.
2. The proposed site plan.
3. The proposed trash enclosures shall be within a solid enclosure on three sides
4. The roofs shall be a tile product compatible with other projects in Overton and the walls adjacent to 6th Street, Avenue X, and 8th Street shall be either stucco or masonry - exclusive of hardyplank.
5. The fence on 6th and 8th Streets adjacent to the parking lots shall be masonry or a combination of masonry columns and wrought iron.
6. A fence, the materials shall be chosen by the developer, shall be located on the east line.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

5.4. Alley Closure Ordinance 2nd Reading – Right-of-Way: Ordinance No. 2007-O0088 Abandoning and closing a 20-foot alley in Block 226, Original Town of Lubbock, located at 1302 19th Street.

City Council considered the first reading of the ordinance, on August 23, 2007. The ordinance abandons and closes a 20-foot wide north and south alley in Block 226, Original Town of Lubbock, located north of 19th Street and west of Avenue L. David Alderson owns the entire block except the southwest corner owned by Advanced Electronics. All utility companies and the property owners are in agreement with the alley closure. The alley area will be used for parking. Since the requestor of the closure is not the original dedicator of the alley, there will be a charge for the closure. The total area of the alley being closed is 6,120 square feet and will remain as an access and underground utility easement. The Right-of-Way Department has determined a value of \$2 per square foot based on adjacent property land values.

The total amount due to the City is \$6,120 based on an assessment of \$12,240 x 50% easement valuation.

FISCAL IMPACT

\$6,120 revenue.

Staff recommended approval of the second reading of this ordinance.

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

City Council considered the first reading of the ordinance on March 22, 2007. A delay between first reading and second reading was due to changing of the engineering firm for the project. The ordinance abandons and closes all drainage, utility, garbage collection, and guy wire easements located just west of Martin Luther King, Jr. Boulevard and south of East 24th Street in the Coronado Addition Tract A. The closures allow the Lubbock Housing Authority (LA) Development to build a new apartment complex in the south half of Tract A. Tract A is being re-platted into Park Meadows Villas, Tract A-1 and B-1 with new easements dedicated to meet all utility companies requests. After the second phase, the Green Fair will be replaced by new Lubbock Housing Authority management through a third party. The preliminary plat has been approved.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

- 5.6. Easement Resolution - Right-of-Way: Resolution No. 2007-R0409 authorizing the Mayor to execute a 40-foot easement between the City of Lubbock and Texas A&M University System, located at 1502 East FM 1294.**

A 40-foot easement is needed to provide water and sanitary sewer service to the Rail Port Area. A pump station and ground storage tank with a sanitary lift station are proposed to service the Rail Port Industrial Area north of Lubbock Preston Smith International Airport.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

- 5.7. This item was moved from consent agenda to regular agenda and considered following Item 5.1.**

- 5.8. Street Use License Resolution - Right-of-Way: Resolution No. 2007-R0410 authorizing the Mayor to execute a street use license with EarthGrains Baking Companies, to use a portion of Avenue J right-of-way for a loading ramp, located at 2201 Avenue J.**

The license was originally issued to Rainbow Baking Company on November 13, 1986, for a loading ramp located in the parkway of Avenue J just north of 23rd Street. The Rainbow Baking Company changed its name to EarthGrains

Baking Companies and has requested to renew the license for an additional 20 years. The minimum payment for this license is \$50 per year, payable in five-year increments in advance. All utility companies and the Street Department are in agreement with the license.

FISCAL IMPACT

\$50 annual revenue.

Staff recommended approval of this resolution.

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

5.10. Contract Amendment Resolution - Public Works Engineering: Resolution No. 2007-R0411 authorizing the Mayor to execute Amendment No. 5 to the contract with Hugo Reed and Associates for engineering services on the Glenna Goodacre Boulevard Project in Overton Park.

Hugo Reed and Associates (HRA) was selected to perform engineering services related to street improvements and certain amenities within the rights-of-way of the Overton Park project.

The original contract with HRA dated December 8, 2003, included the design of Glenna Goodacre Boulevard (GGB) from University Avenue to Avenue U; 6th Street from University Avenue to Avenue X; Avenue X from 6th Street to 10th Street; certain right-of-way amenities; schematics; and an Overton Park parking study. The original contract amount was \$277,089.

Amendment No. 1 to the engineering services contract, dated August 26, 2004, added the design of 6th Street from Avenue X to Avenue V; Avenue V from Marsha Sharp Freeway to GGB; and certain right-of-way amenities. Amendment No. 1 was in the amount of \$165,915.

Amendment No. 2, dated November 4, 2004, added design and construction services for public lighting, and University Avenue curb and gutter reconstruction adjacent to the City Bank tract. Amendment No. 2 was in the amount of \$7,500.

Amendment No. 3, dated November 7, 2005, included surveys and design, plan preparation, estimates, right-of-way surveys and parcel documents, and storm sewer design. Amendment No. 3 was in the amount of \$406,306.

Amendment No. 4, dated March 5, 2007, changed the scope of work that was previously described in Amendment No. 3. The changes were due to the need to prioritize street improvements differently. Hugo Reed & Associates agreed to the changes in scope of work. The changes included the additions of Avenue T from 7th Street to GGB; Avenue S from 7th Street to GGB; Avenue R from 7th Street to GGB; and certain curb and gutter on the north side of GGB from Avenue R to Avenue S.

Amendment No. 4 also included the deletions of 10th Street from Avenue U to Avenue S; Avenue T from 9th Street to 10th Street; and certain storm sewer work at the intersection of Avenue S and 10th Street.

The contract amount was not changed with Amendment No. 4. The total “not to exceed” engineering services contract amount to date is \$856,810. Approximately \$8.3 million of paving, drainage, and public amenity improvements have been constructed, or are currently under construction, pursuant to the design contract and amendments.

Amendment No. 5 authorizes HRA to begin work on design services for the following:

Design of Paving and Drainage Improvements on:

GGB from Avenue U to Avenue Q
Avenue T from GGB to 9th Street
Avenue T from 9th Street to Main Street
10th Street from Avenue U to Avenue T
Avenue X from Marsha Sharp Freeway to Mac Davis Lane

Design of public amenities on:

GGB median from Avenue U to Avenue Q
North side of GGB adjacent to Ramirez Elementary
East side of Avenue U at Ramirez Elementary
West side of Avenue T at Ramirez Elementary
North side of GGB at Tract 20, Overton Park
North side of GGB at Tract 18, Overton Park
Avenue X median from Marsha Sharp Freeway to Mac Davis Lane

Amendment No. 5 authorizes a \$454,800 lump sum payment to HRA for Basic Services and \$18,500 for Reimbursable Expenses for the above described design work. The amendment also authorizes payment of \$150,500 based on actual work performed for Construction Phase Services, and Construction Staking and Surveying. The amendment adds work in a “Not to Exceed” amount of \$623,800. The total “Not to Exceed” amount for the original contract and all five amendments is \$1,480,610.

The contract will expire on December 31, 2009 and additional engineering services or extension of time will require City Council approval.

FISCAL IMPACT

Funding for the engineering services in Overton Park comes from the North Overton Tax Increment Finance Fund. Amendment No. 5 is for engineering services on the above listed improvements proposed for Overton Park, both streets and amenities. The maximum not-to-exceed amount of this amendment is \$623,800 which is appropriated and available in Capital Projects 91060 Tract 3; 91063 Tract 7; 91070 Single Family; 92107 GGB East; 92113 Tract 20; 91061 Tract 5; and 91062 Tract 6.

Staff recommended approval of this resolution.

- 5.11. This item was moved from consent agenda to regular agenda and considered following Item 5.9.**
- 5.12. This item was moved from consent agenda to regular agenda and considered following Item 5.11.**
- 5.13. Contract Resolution - Airport: Resolution No. 2007-R0412 authorizing the Mayor to execute a lease agreement with the Federal Aviation Administration for the Transportation Security Administration.**

The Transportation Security Administration (TSA) provides security for airlines by screening passengers and luggage. This item is a lease renewal of their office and breakroom area. TSA is planning to add a storage area in the basement and this lease agreement includes the right of first refusal on the additional 390-square-feet of storage space in the basement. TSA will lease 1,766 square feet at \$20 per square foot per year until October 2007. At that time, the rate will increase to \$21 per square foot per year. The rate will increase each October along with the airline space rental rate.

FISCAL IMPACT

\$36,627 annually or \$8,971 more than the previous lease.

Airport Board and staff recommended approval of this resolution.

- 5.14. This item was moved from consent agenda to regular agenda and considered following Item 5.12.**
- 5.15. Contract Resolution - Traffic Engineering: Resolution No. 2007-R0413 authorizing the Mayor to execute Supplemental Agreement No. 4 to the Agreement Type R executed August 11, 1994, by and between the City of Lubbock and the Texas Department of Transportation for the installation and reimbursement for the operation of traffic signals on state highways within the City of Lubbock.**

The amendment modifies the agreement with Texas Department of Transportation (TxDOT) to add, change or remove traffic signals at the intersections of:

- 1) U.S. Highway 87 (Tahoka Highway) and 98th Street (signal added);
- 2) West Loop 289 frontage roads (northbound and southbound) and 50th Street (signal added);
- 3) Marsha Sharp Freeway (U.S. Highway 62-82) and West Loop 289 northbound frontage road (signal added);
- 4) Marsha Sharp Freeway (U.S. Highway 62-82) and West Loop 289 southbound frontage road (signal added);
- 5) Southeast Loop 289 (Slaton Highway, U.S. Highway 84) and Martin Luther King, Jr. Boulevard (changing from a Type IV to a Type III signal);

- 6) Interstate 27 frontage roads and Regis Street (FM 2641) (flasher removed); and
- 7) West Loop 289 frontage roads with Brownfield Highway (U.S. Highway 62-82) (signal added)

FISCAL IMPACT

The amendment increases revenue by \$5,220 annually for a total of \$62,040.

Staff recommended approval of this resolution.

5.16. Grant Agreement Resolution - Police: Resolution No. 2007-R0414 authorizing the Mayor to execute a Grant Agreement for a state administered and federally financed Comprehensive STEP Program, which combines the Driving While Intoxicated STEP Program and the SPEED STEP Program.

The is a grant program utilizing off-duty personnel working overtime to detect and arrest alcohol and drug impaired drivers within targeted areas of the City.

Additionally, the program utilizes off-duty personnel working overtime to detect non-compliance of designated speed limits within targeted areas of the City.

In the past, Texas Department of Transportation (TxDOT) mandated one grant application for the Driving While Intoxicated STEP Program, and a separate grant for the federally financed SPEED STEP Program. TXDOT now requests that both grants be combined into one, with productivity measures and overtime expenditures maintained separately for each.

FISCAL IMPACT

This enforcement program will be conducted during FY 2007-08. Awards for this grant have been set beginning October 1, 2007. The projected expenditure for this grant is \$199,978, and will be administered from October 1, 2007, through September 30, 2008. TXDOT will reimburse 50% of the expenditures.

Staff recommended approval of this resolution.

5.17. Grant Agreement Resolution - Police: Resolution No. 2007-R0415 authorizing the Mayor to execute an agreement with the United States Department of Justice for the 2007 Edward Byrne Memorial Justice Assistance Grant.

The \$247,703 United States Department of Justice's 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) funds the Lubbock County Joint Enforcement Initiative Program.

The JAG Program funds local government activities to prevent and control crime and improve the Criminal Justice System. The City and Lubbock County are both eligible to receive funding through the grant and have committed to a Joint Enforcement Initiative Program. The City of Lubbock

Police Department manages the grant which will fund radio and data communications infrastructure upgrades, public safety software, and technology purchases.

FISCAL IMPACT

No fiscal impact on the General Fund.

Staff recommended approval of this resolution.

5.18. Contract Resolution - Police: Resolution No. 2007-R0416 authorizing the Mayor to execute an agreement with Texas Tech University Health Sciences Center for medical examinations of children who are alleged victims of sexual assault.

The agreement with Texas Tech University Health Sciences Center provides medical examinations of children who are alleged victims of sexual assault.

Sexual assault allegations of children require medical examinations by a physician or a sexual assault nurse examiner. The Texas Code of Criminal Procedures mandates that the requesting law enforcement agency pay all costs of the examination. Texas Tech University Health Sciences Center's Child Advocacy Research and Education Center is the locally recognized provider for these services.

FISCAL IMPACT

The City will pay \$450 per referred case. \$49,500 is proposed in the FY 2007-08 budget to pay for the services. The Texas Attorney General's Office reimburses the City for the expenditures.

Staff recommended approval of this resolution.

5.19. Contract Resolution - Fire: Resolution No. 2007-R0417 authorizing the Mayor to execute a purchase order contract for the acquisition of thermal imagers, BID 07-076-FO.

This bid is for the purchase of five thermal imaging cameras. The Lubbock Fire Department established a replacement program for thermal image cameras approved for purchase in the 2006-07 Master Lease.

Bids were received from the following companies:

Casco Industries of Shreveport, LA	\$44,150
GT Distributors of Austin, TX	\$56,953

Thermal imagers are used by firefighters and emergency response personnel for search and rescue operations, and other response applications. The equipment replaces obsolete units currently in service and improves rescue efforts with updated technology, ergonomic design, and compatibility with today's firefighting gear.

FISCAL IMPACT

\$54,000 was appropriated in the Master Lease and is available in General Fund account 100.9220.10214 - Fire Equipment 2007, for this purpose.

Staff recommended purchase from Casco Industries of Shreveport, Louisiana for \$44,150.

5.20. This item was moved from consent agenda to regular agenda and considered following Item 5.14.

5.21. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0418 authorizing the Mayor to execute an agreement with South Plains Electric Cooperative to provide electric service to the Lubbock Youth Sports Complex.

Construction of the Lubbock Youth Sports Complex, Phase I, is underway at F.M. 1585 and Milwaukee Avenue. The agreement provides electrical service to each of the meter locations within Phase I. South Plains Electric Coop (SPEC) will install the infrastructure as required to provide electrical service. In accordance with SPEC's standard policy concerning extension of service to previously unserved areas within its area of certification, SPEC requires a "Contribution in Aid of Construction" to offset the cost of infrastructure to be furnished and installed by SPEC.

The "Contribution in Aid of Construction" with respect to the infrastructure for the site is \$81,101. If the City elects to pay in full, in advance of construction, the cost is \$79,971. The total cost of the infrastructure is \$162,203 and SPEC is paying 50% of the costs.

LP&L does not provide electrical service in the area of the Youth Sports Complex. The infrastructure cost for LP&L to provide service is \$311,880. An estimate was performed for the electrical service cost for consumption for an average season on all sixteen fields. The LP&L estimate was \$20,007 and the SPEC estimate was \$21,749.

FISCAL IMPACT

Funding is available for electrical service to the Lubbock Youth Sports Complex.

Staff recommended approval of this resolution.

5.22. This item was moved from consent agenda to regular agenda and considered following Item 5.20.

5.23. Contract Resolution - Water Utilities: Resolution No. 2007-R0419 authorizing the Mayor to execute a contract for Bailey County Well Field water transmission main testing, RFP 06-723-BM.

This contract with Black & Veatch for the Bailey County Water Transmission Main Testing involves a three phase approach:

- Phase 1 – Material Integrity Analysis and Report.
- Phase 2 – Condition Assessment (field) validation.
- Phase 3 – Mitigation Plan

The contract is for the services to be provided in the First Phase – Material Integrity Analysis and Report. The First Phase is intended to conduct

hydraulic, surge, corrosion, stress, and structural analyses of the Bailey County Well Field and Water Transmission Main. The analyses shall include the Bailey County well field and transmission main terminating at the Low Head B Reservoir. At the completion of the project, a report will identify sections of the well field piping and transmission main that may require field testing to validate pipe integrity. Black and Veatch will make a presentation to the Lubbock Water Advisory Committee explaining its findings.

FISCAL IMPACT

The Material Integrity Analysis and Report contract is for \$286,300. A total of \$600,000 was appropriated and is in Capital Project No. 92055.30000.

Staff recommended approval of this resolution.

5.24. Contract Resolution - Water Utilities: Resolution No. 2007-R0420 authorizing the Mayor to execute a purchase order contract with BW Services for refurbishment of the mechanical bar screen at the Southeast Water Reclamation Plant.

The headworks located at the Southeast Water Reclamation Plant (SEWRP) consist of a lift station, mechanical bar screens, and grit removal system. The mechanical bar screen removes rags and large debris that enter with the raw wastewater. The process protects infrastructure and the ability to pump water to additional treatment facilities. The SEWRP has two mechanical bar screens that are used daily to remove material. During high rainfalls and high influent flow into the plant, both of the screens are needed. One of the screen's rake and drive track recently failed. Without both bar screens there is a potential for raw wastewater to backup and flow into the Blackwater Draw east of the SEWRP creating potential risk to the health and safety of the public.

Staff, working in conjunction with Black and Veatch, have evaluated and redesigned the headworks facility to provide a more efficient and effective facility. The design includes fine screen mechanical bar screens and a refurbished mechanical bar screen to use when other equipment is down for maintenance or repairs.

This agenda item is for an emergency purchase to refurbish and overhaul the mechanical bar screen due to failure at the headworks at the SEWRP. The refurbishment is being done with Vulcan parts, which is the manufacturer of the equipment. Vulcan's representative, BW Services of Wichita Falls, Texas, is providing the service.

FISCAL IMPACT

A total of \$850,000 was appropriated in Capital Improvement Project No. 91042 (SEWRP Replacement System and Facilities) with \$58,000 available for this purpose.

Staff recommended refurbishment of the mechanical bar screen for \$58,000.

5.25. Contract Amendment Resolution - Water Utilities: Resolution No. 2007-R0421 authorizing the Mayor to execute Change Order No. 4 with Utility Contractors of America.

This project involves the relocation of the two primary discharge mains from Pump Station 7, which delivers water to the southwestern part of Lubbock. Water production from the pump station had to use an alternate discharge main to meet the demands of the service area. This severely constricted the capability of the pump station to meet the water consumption demands of the service area. An emergency situation arose that warranted the issuance of a water use restriction at a higher stage. The restriction caused concern about whether the system could supply sufficient water for fire fighting if a major fire event were to occur in the service area. Water restrictions also caused a major impact on some Lubbock businesses. City staff directed Utility Contractors of America (UCA) to complete this project ahead of the contracted schedule using all available means.

The Change Order No. 4 covers the expenses incurred by UCA in order to complete the project in a timely fashion. The Change Order also includes materials and labor to redesign the pipeline to avoid conflicts with a fiber optic duct bank, indicated as abandoned on original plans. The expenses included performance of work utilizing two additional groups of construction crews outside the normal contracted work hours, contracting additional services from welders to complete the project ahead of schedule, and utilizing additional fittings and appurtenances.

FISCAL IMPACT

The following recommendation is for Change Order No. 4 for a total of \$111,101. The percent of value for this change order is 4.93% of the total contract amount. The Change Order brings the new contract total to \$2,553,237. A total of \$10,173,416 was appropriated and \$395,112 is available in Capital Improvement Project No. 9742.30000 (Water Lines Ahead of Marsha Sharp Freeway).

Staff recommended the approval of the Resolution to amend the contract with UCA to a new contract amount of \$2,553,237.

5.26. Contract Resolution - Radio Shop: Resolution No. 2007-R0422 authorizing the Mayor to execute a contract for 800MHz radio equipment and parts, RFP 07-070-MA.

The City has purchased and installed an enhanced digital access communications system (EDACS) provided by Ericsson now known as M/A-COM. This system provides the critical public safety and public service communications needs for Lubbock and the surrounding area. EDACS equipment for these systems falls under M/A-COM intellectual property rights and the proprietary protocols represent a patent, copyright, or secret process and are, therefore, currently only available from the manufacturer, M/A-COM. Dailey-Wells Communications is the only authorized M/A-COM

dealer assigned to provide sales and support to the City of Lubbock. The contract establishes annual pricing for radios, radio channels, and other equipment and parts to support the City's 800MHz radio system.

The City will pay the manufacturer's standard retail price less a 25% discount for system network equipment, repeaters, console equipment, and user terminal equipment.

FISCAL IMPACT

The City spends approximately \$500,000 annually for radio equipment. The contract sets the discount price for purchase of different types of equipment.

Staff recommended approval of this resolution.

5.27. Contract Resolution - Fleet: Resolution No. 2007-R0423 authorizing the Mayor to execute a purchase order contract for Fire Department mid-size vehicles, BID 07-071-MA.

The bid involves the purchase of vehicles for use by the Fire Department:

2 Utility Vehicles, Compact, Five Passenger, Four door, 4x2, Spec 202-FD to be used by the Fire Marshall's office:

Scoggin-Dickey Chevrolet-Buick of Lubbock, Texas \$60,158

1 Mid-Size Cargo Window Van, Spec. 409-FD to be used by the Storekeeper for transporting of supplies between stations:

Shamrock Chevrolet of Lubbock, Texas Not Quoted as Specified

Scoggin-Dickey Chevrolet-Buick of Lubbock, Texas \$18,848

Gene Messer Ford of Lubbock, Texas \$20,120

1 Mid-Size Crew Cab Pick-Up, Spec. 343-FD to be used by the Maintenance Shop:

Scoggin-Dickey Chevrolet-Buick of Lubbock, Texas \$19,249

Shamrock Chevrolet of Lubbock, Texas \$20,019

The purchase of the mid-size vehicles instead of the larger vehicles resulted in a savings of \$9,038. The majority of the savings is reflected with the cost of the utility vehicles and van.

FISCAL IMPACT

The vehicles were approved as part of the FY 2006-07 Master Lease Program.

Staff recommended bid award to Scoggin-Dickey Chevrolet-Buick of Lubbock, Texas, for \$98,255.

5.28. Purchase Resolution - Information Technology: Resolution No. 2007-R0424 authorizing the Mayor to execute a purchase order contract with Hewlett-Packard Computer Corporation for laptop computers for the LP&L/Water Utilities/Solid Waste asset management and work automation project.

A capital project was approved in the FY 2004-05 Budget to purchase an Automated Mapping/Facilities Management/Outage Management system for LP&L, Water Utilities, and Solid Waste. The contract for utility software and implementation for the project was awarded to GE Energy in 2006 (Resolution

No. 2006-R0199).

During the hardware analysis phase of the project, it was determined that 100 laptop computers would be needed to provide field personnel with access to the work management component of the system.

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

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

FISCAL IMPACT

\$2.1 million was appropriated in Capital Improvement Project No. 91118, AM/FM

Automated Mapping, with \$143,700 available for this purpose. The purchase price includes a 3-year warranty.

Staff recommended approval of this resolution.

5.29. Contract Resolution - Information Technology: Resolution No. 2007-R0425 authorizing the Mayor to execute an Enterprise Agreement with Microsoft Corporation to provide licenses and Software Assurance for Microsoft products.

The City originally enrolled in Microsoft's Enterprise Agreement in 2001, providing licenses and software assurance for the desktop operating system and for the Office business applications for all of the City's workstations. In this renewal, there are additional licenses for workstations that have been added to the City's computer inventory, as well as a component - Sharepoint - that will allow a more consistent development of the City's website. Visio Professional and MSDN (Microsoft Developers Network) are used in

Information Technology to document the network environment, and to aid in application development efforts.

FISCAL IMPACT

Because the agreement is a renewal, the City has received a significant discount for the licenses. The annual cost of the agreement is \$189,718, and is being purchased from the State of Texas Department of Information Resources contract DIR-VPC-03-011.

Funding for the agreement is available in Information Technology's operating budget.

Staff recommended approval of this resolution.

6. REGULAR AGENDA

Note: Regular Agenda items, and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (5.1, 5.7, 5.9, 5.11-5.12, 5.14, 5.20, 5.22, 6.1-6.14).

5.1. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2007-O0093 Amendment No. 18 amending the FY 2006-07 budget respecting the Grant Fund, General Fund, Hotel Occupancy Tax Fund, and Capital Improvement Program.

1. Accept and appropriate a \$198,485 grant from Texas Department of State Health Services for an immunization program for children, adolescents, and adults. The program places special emphasis on improving immunization coverage of children two years of age or younger. The grant provides funding for a Registered Nurse, Licensed Vocational Nurse, Office Assistant, and an ImmTrac/PICS Outreach Specialist. The grant period is through August 31, 2008.
2. Authorize one additional full-time position in the Library as part of the Library System Operation Grant for the West Texas Library System. A grant part-time position has been changed to a full-time funded position. The City has received this grant from the Texas State Library and Archives Commission since 1974.
3. Amend Capital Improvement Project #8528, Texas Tech Signals, by appropriating \$43,282 to be reimbursed by Texas Tech University. This will install signalization at 5th Street and Texas Tech Parkway.
4. Amend Capital Improvement Project #91213, Second Cemetery Entrance, by transferring \$250,000 to Capital Improvement Project #92071, Cemetery Business Office Building. This will combine both cemetery projects into a single project.
5. Appropriate \$60,000 to Visit Lubbock from the Hotel Occupancy Tax Fund Balance for Depot District development activities.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the first reading of this ordinance.

Jere Hart, Traffic Engineer, and Rob Allison, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0093 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.7. Alley Use License Resolution - Right-of-Way: Resolution No. 2007-R0426 authorizing the Mayor to execute an alley use license with Magical Notions, Jazz to use a portion of a dedicated alley for a private sanitary sewer line and grease interceptor located at 3703 C 19th Street.

On July 12, 2007, City Council passed an alley use license for Jazz Restaurant to install a grease interceptor in the alley just west of Louisville Avenue and south of 19th Street. Jazz Restaurant has requested another license for a sanitary sewer line in the same area. The license combines both areas into one license and cancels the original license. The charge for the license is \$88.20 per year, in five-year increments in advance.

All utility companies are in agreement with this license.

FISCAL IMPACT

\$88 annual revenue.

Staff recommended approval of this resolution.

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass Resolution No. 2007-R0426 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

5.9. Contract Amendment Resolution - Public Works Engineering: Resolution No. 2007-R0427 authorizing the Mayor to execute Contract Amendment No. 3 with HNTB Corporation for engineering services on the Northwest Passage Project.

The contract amendment involves additional engineering services to complete the plans, specifications, and estimates (PS&E) for Erskine Street from Frankford Avenue to Salem Avenue and Slide Road from North Loop 289 to Erskine Street paving and drainage improvements.

The original agreement include advance planning of the Northwest Passage project. Tasks included public involvement, route studies, preparation of design schematics, environmental assessments, and preparation of preliminary estimates. Advance planning included all of the proposed individual projects making up the Northwest Passage project, including:

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- Erskine Street from Frankford Avenue to Salem Avenue
- Slide Road from North Loop 289 to Erskine Street
- Slide Road from 4th Street to North Loop 289
- Slide Road from Erskine Street to Clovis Hwy. (U.S. 84)
- Loop 289 from SW of 4th Street to NE of Quaker Avenue
- Loop 289 interchange at 4th Street
- Loop 289 interchange at Quaker Avenue and Erskine Street
- New grade separation at Slide Road and North Loop 289

Amendment No. 1 provided additional services for the advance planning and authorized detailed engineering for PS&E on Erskine Street from Frankford Avenue to Salem Avenue and on Slide Road from North Loop 289 to Erskine Street.

Amendment No. 2 provided a time extension (due to the review time required by the Texas Department of Transportation and Federal Highway Administration) for the advance planning.

Amendment No. 3 provides for additional services needed to complete PS&E for Erskine Street and Slide Road engineering services authorized by Amendment No. 1.

Due to drainage issues, the scope of work has expanded from the original negotiated work tasks. The drainage issues included subsurface drainage storm sewers, surface drainage problems, and playa lake design concerns. Compensation is requested by HNTB corporation for the following services:

Subsurface Utility Engineering (SUE) Investigations: The work will be performed by a subconsultant, Gorrondona and Associates. The SUE was not originally in the scope for design work. However, the need to increase the size of the storm sewer has evolved during the design process, and HNTB recommended that the SUE be performed. There are many potential conflicts with water, sanitary sewer, and other underground utilities related to the design location and depth of the proposed storm sewer. Even though there is no guarantee that all possible underground conflicts can be identified, the SUE will reduce the risk of having conflicts which could result in delays and potential claims from a contractor once construction has commenced. The Texas Department of Transportation (TxDOT) recently utilized the services of the subconsultant to perform a SUE on Phase 3B of the Marsha Sharp Freeway and was satisfied with the results of the investigation.

Updated Utility Location & Relocation Mapping and Plans: Based on the results of the SUE investigation, the consultant will provide updated utility layout sheets. Prior to paving, the consultant will work with the Water Utilities Engineering Department to incorporate new location and relocation plans for water and sanitary sewer lines into the construction plans. The water and sanitary sewer lines will be bid as part of the paving construction project.

Design Surveys for Roadway Design: Additional surveying required to obtain floor elevations of adjacent structures to Erskine Street that were not included in the original scope of work.

Surveys for Right-of-Way (ROW)/ Map & Deed Preparation: At the property owner's request, the alignment of the storm sewer outfall line into Playa Lake No. 51, located on the NE corner of Loop 289 and Quaker Avenue, was revised for development purposes, thus creating additional storm sewer and construction easement surveys, parcel map, and deed preparation requirements that were not included in the original scope of work. Also, at the property owner's request at Playa Lake No. 47, located at North Loop 289 and Slide Road, the cut and fill for Slide Road will include fill on the uphill side of Slide Road so that earth moving equipment will not have to cross the newly constructed portion of Slide Road. The fill operation is consistent with other City projects constructed through playa lakes, but was not anticipated when the original scope of work was negotiated. This resulted in additional surveying map and deed preparation for the cut area of the playa lake, and the fill easement area obtained from the property owner. An additional drainage easement for the design of Slide Road, not identified during the original scope of the project, will require additional surveying, parcel map, and deed preparation.

Drainage: (1) The Erskine Street/Frankford Avenue intersection was identified as an existing drainage problem, with the intent of reconstructing the intersection with concrete paving and correcting the current drainage problems. However, when the original engineering agreement was negotiated, it was not known that a significant amount of design and construction work would be required northward on Frankford Avenue (FM 2528). The additional proposed scope of work includes analyzing the ability to re-grade the existing ditches northward on Frankford Avenue approximately one half mile and preparing plans for construction. Contingent on TxDOT approval. The grading could result in deeper ditches with steeper slopes which may exceed TxDOT standards. If TxDOT does not approve the re-grading, existing plans will have to be modified to remove the intersection reconstruction.

Drainage: (2) PS&E for the proposed box culvert northward from Erskine Street along the Loop 289 frontage road is beyond the original scope of work. Upon analysis, it was determined a larger storm sewer box would be required, and the outfall would need to extend to Playa Lake No. 51.

Traffic Control: With the additional length of storm sewer, additional traffic control plans are required for construction along and crossing the frontage road and Quaker Avenue.

Project Management/Quality Assurance: The engineer estimates three additional months of work to complete project meetings, progress meetings, reports, internal meetings, sub-consultant coordination, communication with the City, and quality assurance measures on the expanded work items.

Task S-1 PS&E Modifications to Eliminate Frankford Avenue Intersection with Erskine Street Reconstruction: If it is determined that the intersection will not be reconstructed, Modified Amendment No. 3 will be authorized to delete the intersection reconstruction and modify several portions of the plans sheets, including Index, Typical Sections, Demolition, Traffic Control, Layout Sheets, Plan & Profile Sheets, Intersection Detail and Grading Sheets, Utility, Illumination, Signing and Marking, Quantities and Estimate Sheets, and others.

FISCAL IMPACT

Amendment No. 3 compensation is \$171,281, for a total lump sum compensation for PS&E services for Erskine Street and Slide Road of \$1,419,561. Should Modified Amendment No. 3 be authorized, compensation will be \$191,727, for a total lump sum compensation of \$1,440,007 for PS&E services.

In the current Capital Project for Erskine (Project No. 91101), there is \$10.5 million budgeted, with \$9,373,752 currently available. In the Slide Road Capital Project (Project No. 91102), there is \$4,437,500 budgeted, with \$4,071,617 currently available.

Staff recommended approval of this resolution.

Marsha Reed, Assistant City Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2007-R0427 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.11. Flood Hazard Area Ordinance 1st Reading – Public Works Engineering: Ordinance No. 2007-O0094 amending Article II, Chapter 21 of the Code of Ordinances, with regard to Flood Hazard Areas within the City of Lubbock.

The Federal Emergency Management Agency (FEMA) is issuing updated Flood Insurance Rate Maps (FIRMs) for Lubbock County effective September 28, 2007. The maps are used as part of the City's participation in the National Flood Insurance Program (NFIP).

FEMA performed the FIRM update at its expense and generated a Digital Flood Insurance Rate Map (DFIRM) for Lubbock County. FEMA has an ongoing program to generate DFIRMs nation-wide. DFIRM allows anyone to access and view maps online.

The City must revise certain portions of its Flood Damage Prevention Ordinance to incorporate the new map date, elevation datum utilized, and reference the new State NFIP Coordinating Agency, and Texas Water Development Board.

The update does not reflect any changes that may result from the City's current Flood Study underway for the South Central Drainage Project or the overflow routes through the Arnett Benson and downtown areas.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the first reading of this ordinance.

Marsha Reed, Assistant City Engineer, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Leonard to pass on first reading Ordinance No. 2007-O0094 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.12. Contract Resolution - Citibus: Resolution No. 2007-R0428 authorizing the Mayor to execute a contract with Texas Department of Transportation (TxDOT) for operating assistance, Contract No. 51805F7056.

Texas Department of Transportation (TxDOT) is allocating \$450,031 from Section 5307 public transportation grant funds to the City for operating assistance for Citibus in FY 2008.

The contract is effective from September 1, 2007, or when fully executed by both parties, and shall terminate on August 31, 2008.

FISCAL IMPACT

\$750,000 is budgeted in the State Operating Assistance Transit Revenue Fund for this purpose. Should the additional \$299,969 not be made available to Citibus by TxDOT, Citibus' budget short fall will increase by this amount.

Staff recommended approval of this resolution.

John Wilson, Director of Citibus, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass Resolution No. 2007-R0428 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.14. Contract Resolution - Traffic Engineering: Resolution No. 2007-R0429 authorizing the Mayor to execute Supplement Agreement 2 with Texas Tech University for installation and maintenance of traffic signals on the Texas Tech University campus.

The resolution modifies the existing agreement approved by City Council on November 4, 2004, Resolution No. 2004-RO553 (TECH Contract No. 05-0417), to add certain construction responsibilities and maintenance of a new traffic signal at Texas Tech Parkway and 5th Street on the Texas Tech University campus.

FISCAL IMPACT

The new construction expenses to the City will be reimbursed by Texas Tech. The estimated maximum cost for the City's portion of the construction is \$43,282, which will be added to Capital Project NO. 8528 (Texas Tech Signals) in a separate budget amendment. Annual maintenance will be increased \$2,120 for revenue account 100.7615 for FY 2007-08.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Jones to pass Resolution No. 2007-R0429 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.20. Contract Resolution - Parks and Recreation: Resolution No. 2007-R0430 authorizing the Mayor to execute a contract for construction of the Southwest Little League Baseball Complex, RFP 07-728-DD.

The project is the first phase in the development of a three-plex designed Little League Baseball Field at Maxey Park to be used by Southwest Little League. Construction will include two baseball fields, irrigation, two press boxes, a concession stand, lighting, fencing, and ADA accessible parking. This will establish a tournament grade facility.

The fields will increase the quality of life by providing physical activities, especially for children. A modern Little League Baseball facility will contribute to community appearance.

The project was approved by Ordinance No. 2006-00008 January 31, 2006, and funded FY 2006 Certificates of Obligation. The complex will be located on 27th Street and Nashville Avenue. The facilities are slated to open during the 2008 ball season.

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

Selection criteria used in this RFP includes 30% price, 40% contractor qualifications, statement of qualifications, resume and references of job superintendent, 10%, safety record questionnaire and 20% construction time. The following general contractors submitted proposals and were evaluated and ranked in relation to the published selection criteria as follows:

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- W.R. Construction of Lubbock, Texas proposed a project cost of \$1,999,394 for the base bid and additive option of \$394,247 with the time for completion of 180 days and scored 467.
- Craig Wallace Construction of Lubbock, Texas proposed a project cost of \$2,030,909 for the base bid and additive option of \$358,885 with the time for completion of 180 days and scored 408.
- Robinson Landscape & Construction of Snyder, Texas proposed a project cost of \$2,760,000 million for the base bid and additive option of \$600,000 with the time for completion of 180 days and scored 315.

The base bid for the project includes: demolition of entire site, earthwork and grading, site work, buildings, concrete work, fencing, and irrigation. The site will be made accessible to all facilities. The add-in option of the third baseball field is not being considered.

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

The bid package included an option for a third 165-foot dimensioned baseball field with earthwork and grading, site work, press box, concrete work and fencing complete. The contractor's proposal for the additional field was \$394,247 with a construction time of 180 days. An additional \$112,517 will be needed for the Sports Lighting Package purchased through the BuyBoard for a total of \$506,764 for the completed field. This option is more than the approved budget.

Time for completion of this project is 180 consecutive calendar days and liquidated damages are \$500 per day.

The project components below will be provided by the City of Lubbock:

Install sports lighting, conduit and wiring, Cooperative Purchasing BuyBoard, \$177,473.

FISCAL IMPACT

\$2.5 million was appropriated for the construction of the Little League Baseball Complex, Southwest Little League, with \$2,324,319 available in Project No. 91208.

Staff recommended contract award to WR Construction of Lubbock, Texas, for \$1,999,394.

Drew Anderson, Southwest Little League Board Member, 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-R0430 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.22. Minor Water Extension Resolution - Water Utilities: Resolution No. 2007-R0431 authorizing the approval of a minor water extension for health and safety purposes under Section 28-163 of the City Code.

In January 2006, Ms. Rosas of 2103 Wausau Avenue petitioned the Water Utilities Department to construct a water distribution line to her residence. Ms. Rosas's home, along with two other residences (2101 & 2105 Wausau Avenue), received notice that the nearby property owner who was providing well water to their homes was discontinuing water service. Well water service was terminated in August 2006. Since the residents are south of the Hanna Addition, a 500 foot water distribution line will need to be constructed from 19th Street to this area.

It took seven months for Ms. Rosas to provide the information necessary to process the application for service. By July 11, 2006, the Community Development (CD) Department had completed the work necessary to qualify Ms. Rosas for assistance and the Water Utilities Department had prepared the water pro rata contract information for the line extension. When the City informed Ms. Rosas the amount that she would need to pay for the deposit and for the pro rata charge for the line extension, she indicated that she could not afford to pay. The City assisted Ms. Rosas in evaluating the feasibility of installing a domestic water well on her property. However, concerns about groundwater quality and the inadequate size of her property prevented this alternative.

Upon careful review of this unusual situation as well as considering the length of time that Ms. Rosas has been without water, staff considers this situation a health and safety issue. Ms. Rosas is hand carrying water from a nearby residence. She then boils the water before using it. In addition, fire protection may not be adequate in this area.

Based on the site specific circumstances, staff recommended that the City pay for the extension to Ms. Rosas' property, and that Ms. Rosa pay for the pro rata for the width of her property according to Section 28-163. The water distribution line could also serve two other residences. Each of the residences will be responsible for the pro-rata charges along the front footage of their property, but would not pay for the installation of the entire water distribution line.

FISCAL IMPACT

\$16,670 includes the construction of the 500-foot water line from 19th Street along Wausau Avenue to the affected properties. Funding is available from the pro rata account.

Staff recommended approval of this resolution.

Tom Adams, Deputy City Manager/Water Utilities Director, and Bill Howerton, Director of Community Development, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Council Member Gilbreath to pass Resolution No. 2007-R0431 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.1. Public Hearing 10:00 A.M. - Police: Resolution No. 2007-R0432 Conduct a public hearing to review the City of Lubbock juvenile curfew ordinance and consider a resolution to continue, abolish or modify the juvenile curfew program.

Mayor Miller opened the public hearing at 10:30 a. m. No one appeared in favor or in opposition to the City of Lubbock juvenile curfew. Mayor Miller closed the hearing at 10:30 a. m.

The resolution authorizes the renewal of City Ordinance Chapter 18 Article II Division 3 Section 18-46 thru 18-54, Juveniles' Curfew. City Council adopted the Juvenile Curfew ordinance in 1995. Since its adoption, the ordinance has helped the Lubbock Police Department increase public safety by enforcing a nightly curfew on juveniles to control loitering, criminal mischief, vandalism, and other offenses associated with juvenile offenders. Texas Government Code 370.002 requires all municipalities with such ordinances review and re-approve the ordinance every three years. It is City Council's option to abolish, continue, or modify the ordinance in its current form.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2007-R0432 to continue the juvenile curfew program. Motion carried: 7 Ayes, 0 Nays.

6.2. Noise Ordinance 1st Reading - Police: Ordinance No. 2007-O0095 amending Chapter 18 of the Code of Ordinances with regard to permits of variance concerning noise levels within the City of Lubbock.

The ordinance removes the requirement for City Council to conduct a public hearing for a variance of more than 24 hours. A fee of \$25 shall be charged for a single-day permit of variance and a fee of \$50 shall be charged for a variance involving more than one day.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the first reading of this ordinance.

City Secretary Becky Garza gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member Price to pass on first reading Ordinance No. 2007-O0095 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.3. Contract Resolution - Fire: Resolution No. 2007-R0433 authorizing the Mayor to execute an engineering services contract with Parkhill, Smith & Cooper for Fire Station No. 16.

Due to growth patterns within the City and response times from surrounding areas, a new fire station is required in the vicinity of 114th Street and Quaker Avenue. Vintage Township is donating land in the subdivision for the construction of the fire station.

Parkhill, Smith & Cooper (PSC) of Lubbock, Texas, was selected as the design firm to handle the architectural and engineering services for this project. PSC will implement the design work from previous fire stations designed by PSC, reducing costs and the required design time.

FISCAL IMPACT

The operational cost of staffing and operating the fire station is included in the Proposed FY 2007-08 Operating Budget. The \$156,550 design cost is budgeted in Capital Project No. 91181 (New Fire Station No. 16). Of the \$1.95 million total appropriation, \$350,000 is budgeted for design; \$100,000 for furnishings; and \$1.5 million for construction.

Staff recommended approval of this resolution.

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

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass Resolution No. 2007-R0433 and the amend the effective date of the contract to September 13, 2007. Motion carried: 7 Ayes, 0 Nays.

6.4. Contract Resolution - Fire: Resolution No. 2007-R0434 authorizing the Mayor to execute an engineering services contract with Parkhill, Smith & Cooper for Fire Station No. 17.

Due to growth patterns within the City and response times from surrounding areas, a new fire station is required in southwest Lubbock.

Parkhill, Smith & Cooper (PSC) of Lubbock, Texas, was selected as the design firm to handle the architectural and engineering services for this project. PSC will implement the design work from previous fire stations designed by PSC reducing costs and the required design time.

FISCAL IMPACT

The operational cost of staffing and operating the fire station is included in the Proposed FY 2007-08 Operating Budget. The \$181,425 design cost is budgeted in Capital Project No. 91181, (New Fire Station No. 17).

Staff recommended approval of this resolution.

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

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass Resolution No. 2007-R0434 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.5. Board Appointments - City Secretary: Consider seven appointments to the Citizen's Photographic Traffic Signal Enforcement Committee.

This item was continued to the next City Council meeting of September 27, 2007.

6.6. Budget Adoption Ordinance 2nd Reading - Finance: Ordinance No. 2007-O0091 Consider an ordinance adopting the FY 2007-08 Operating Budget and Capital Program.

The ordinance incorporates the operating and capital budgets that were proposed by the City Manager and amended in the first reading by the City Council. The property tax rate has been proposed at \$0.45505 per \$100 valuation. Agenda Item 6.7 is for the approval of the property tax rate of \$0.45505 per \$100 valuation.

FISCAL IMPACT

Impact outlined in FY 2007-08 Proposed Budget, as amended by City Council on August 30, 2007.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass on second and final reading Ordinance No. 2007-O0091 with the following changes to the City Manager's proposed budget:

In the General Fund, increase revenue by \$1 million for a fee equivalent to a franchise fee payment from Lubbock Power & Light.

In the General Fund, reduce revenue by \$722,644 due to a reduction of the property tax rate from 46.199 cents per \$100 valuation to 45.505 cents per \$100 valuation.

In the General Fund, reduce expenditures by \$918,611 as Follows:

1. Savings of \$300,000 in terminal pay expenditures and reserves.
2. Savings of \$468,611 in citywide departmental efficiencies.
3. Savings of \$150,000 for expenses related to lobbying efforts.

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In the General Fund, increase expenditures by \$1,181,367 as follows:

1. \$517,366 for a 3% cost of living adjustment to all full-time and permanent part-time City employees.
2. \$324,299 for a Fire Civil Service pay plan adjustment, effective April 1, 2008.
3. \$239,702 for police Department certification pay, effective April 1, 2008.
4. \$100,000 for North & East Lubbock Community Development Corporation funding.

In the General Fund, reduce transfers out in the amount of \$420,000 as follows:

1. Reduce the transfer to the Capital Projects Fund for the City Hall Interior Renovations project by \$170,000.
2. Eliminate the \$250,000 transfer to the Capital projects Fund for the 5th & Avenue J remediation project, and transfer \$125,000 from Solid Waste and \$125,000 from LP&L.

In the General Fund, increase transfers out by \$434,600 as follows:

1. Transfer \$409,600 to Citibus to maintain current service levels.
2. Transfer \$25,000 to Citibus for the construction of bus shelters.

In the Capital Projects Fund, reduce revenues by \$170,000 for the City Hall Interior Renovations project and reduce expenditures in this project from \$235,000 to \$65,000.

In the Transit Fund, increase revenues by \$569,600 as follows:

1. Increase Citibus rider fares and bus passes by 25%, for a total increase of \$135,000.
2. Increase funding for the construction of bus shelters in the amount of \$25,000.
3. Increase City operating assistance by \$409,600 to maintain current service levels.

In the Transit Fund, increase expenditures by \$569,600 as follows:

1. Increase operating expenditures by \$544,600 to maintain current service levels.
2. Increase operating expenditures by \$25,000 to construct bus shelters.

In the Electric Fund, increase operating expenses by \$1 million for a fee equivalent to a franchise payment to the General Fund.

In the Electric Fund, reduce appropriation in the Capital Expenditure Program by \$2,320,000 as further revised by the City Council in Executive Session relating to competitive matters of the City's electric utility, LP&L.

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Amend Section 18 to state that, "The Municipal Court Judge's salary will be set at \$108,456.84.

After discussions were had, Council Member Jones offered a friendly amendment to increase the tax rate by 0.1296 cents per \$100 valuation to fully fund Citibus. Mayor Pro Tem Gilbreath did not accept the friendly amendment.

Motion was then made by Council Member Jones, seconded by Council Member DeLeon to amend the amendment to the budget adoption ordinance by increasing the property tax rate by 0.1296 cents per \$100 valuation, from \$0.45505 to \$0.45634. Motion failed: 3 Ayes, 4 Nays. Mayor Miller, Mayor Pro Tem Gilbreath, and Council Members Leonard and Klein voted Nay.

Further discussions were had regarding the FY2007-08 budget. Council Member Jones suggested deleting Judge Robert Doty's salary increase from the budget so that the Citibus fares would not have to be increased. Council Member Klein was in favor of that suggestion.

Motion was then made by Council Member Klein, seconded by Council Member Jones to amend the amendment to the budget adoption ordinance by deleting Municipal Court Judge Robert Doty's salary increase from the budget, so that Citibus fares would not have to increase. Motion failed: 2 Ayes, 5 Nays. Mayor Miller, Mayor Pro Tem Gilbreath, and Council Members DeLeon, Price, and Leonard voted Nay.

John Wilson, Director of Citibus; Andy Burcham, Director of Fiscal Policy and Strategic Planning; and Randy Truesdell, Parks and Recreation Manager, gave comments and answered questions from Council.

Vote was then taken on the original motion to adopt the second reading of Ordinance No. 2007-00091 with amendment as initially stated by Mayor Pro Tem Gilbreath. Motion carried: 4 Ayes, 3 Nays. Council Members DeLeon, Jones, and Price voted Nay.

6.7. Tax Levy Ordinance 2nd Reading - Finance: Ordinance No. 2007-O0092 Consider an ordinance setting the tax rate and levying a tax upon all property subject to taxation within the City of Lubbock for the year 2007.

This is the second reading of the ordinance adopting and levying the tax rate for FY 2007-08.

This ordinance incorporates the tax rate as proposed by City Council on August 30, 2007.

A property tax rate decrease is proposed. A decrease of \$0.00694 is proposed decreasing the property tax from \$0.46199 to \$0.45505 per \$100 valuation. The tax rate is distributed as follows:

General Fund Maintenance and Operation	\$0.35380
Debt Service	
\$0.07125	
Economic Development	
\$0.03000	

FISCAL IMPACT

The approval of this ordinance will adopt the rate of \$0.45505 per \$100 valuation. The proposed tax rate will reduce the City Manager's proposed FY 2007-08 Operating Budget by \$722,644.

Staff recommended approval of the second reading of this ordinance.

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

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass on second and final reading Ordinance No. 2007-O0092, to reduce the current year's tax rate from 46.19 cents to the Lubbock Truth in Taxation rate, which includes that property taxes be increased by the adoption of a tax rate of 45.505 cents. Motion carried: 4 Ayes, 3 Nays. Council Members DeLeon, Jones, and Price voted Nay.

6.8. Property Tax Resolution - Finance: Resolution No. 2007-R0435 ratifying the adoption of a FY 2007-08 budget that will raise more property tax revenue than was generated in the previous year.

H.B. 3195 was recently approved by the Texas Legislature and brings truth-in-taxation disclosure concepts into the budget process. Any budget to be enacted after September 1, 2007, that raises more property tax revenue than was generated the previous year requires two votes by the City Council:

- (a) one vote to adopt the budget; and
- (b) a separate vote to "ratify" the property tax revenue increase reflected in the budget.

This resolution addresses (b) as required by H.B. 3195.

FISCAL IMPACT

The FY 2007-08 Operating Budget and Capital Program raises more total property taxes than last year's budget by \$2,947,562 or 6.56%, and of that amount \$1,431,481 is tax revenue to be raised from new property added to the roll this year.

Staff recommended approval of this resolution.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2007-R0435 as recommended by staff. Motion carried: 4 Ayes, 3 Nays. Council Members DeLeon, Jones, and Price voted Nay.

6.9. Warranty Deed – Business Development: Resolution No. 2007-R0436 accepting a Warranty Deed from 1859 Management Partners for that portion of Tract 7, Overton Park, City of Lubbock, Texas, upon which the conference center will be located.

1859 Management Partners has executed a Warranty Deed granting the land to the City for the conference center on Tract 7 in Overton Park.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

Rob Allison, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0436 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

6.10. Contract Resolution - Business Development: Resolution No. 2007-R0437 authorizing the Mayor to execute a design-build agreement with Garfield Traub Development and Turner Lee Lewis to design and construct an upscale conference center adjacent to a separately-owned upscale hotel located on Tract 7, Overton Park.

The agreement is with Garfield Traub Development and Turner Lee Lewis to design and build an upscale conference center consistent with the Master Development Agreement approved by City Council on February 24, 2006, and amended on May 11, 2006, and January 12, 2007.

Garfield Traub Development administered the process to select a Design Build Contractor. Turner Lee Lewis was selected as the recommended contractor.

The agreement will be provided prior to the City Council meeting.

FISCAL IMPACT

The construction of the conference center will be paid with bonds and grant funds budgeted in Capital Project 91074. The maximum participation by the City is \$11.4 million.

Staff recommended approval of this resolution.

Rob Allison, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0437 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

6.11. Contract Resolution - Business Development: Resolution No. 2007-R0438 authorizing the Mayor to execute an agreement with 1859 Management Partners for a parking facilities lease on the property located on Tract 7, Overton Park Addition, City of Lubbock.

1859 Management Partners is constructing a hotel/conference center on Tract 7 (Avenue X and Mac Davis Lane) in Overton Park. The City owns the land under the public conference center. The land adjacent to the center is owned by 1859 Management Partners. The agreement allows the City to lease the parking spaces (leased premises) needed to service the conference center. In addition, the agreement allows the City to sublease the premises to 1859 Management Partners.

The terms have been reviewed by staff and Bond Counsel and meet the form, content, and intent of the Master Development Agreement.

The agreement will be provided prior to the City Council Meeting.

FISCAL IMPACT

The agreement is for 40 years with a lease rate of \$1 per year, or \$40 for the term of the lease.

Staff recommended approval of this resolution.

Rob Allison, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0438 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

6.12. Contract Resolution - Business Development: Resolution No. 2007-R0439 authorizing the Mayor to execute a city facilities lease agreement with 1859 Management Partners to lease the land and the conference center to be located on Tract 7, Overton Park Addition, to 1859 Management Partners in accordance with Section 4.2.3 of the Master Development Agreement.

In Section 4.2.3 of the Master Development Agreement (MDA) approved by City Council on February 24, 2006, the City agreed to contract with a private management company to manage and operate the City owned conference center. The agreement with 1859 Management Partners for management of the conference center conforms to the MDA. The fixed rent is \$40 for a term of 40 years. Other rental rates are described in the agreement as represented in the amended MDA dated January 12, 2007. Other elements in the agreement include, but are not limited to, operational and maintenance requirements, use of land and improvements, asset and renewal reserve accounts, and insurance.

The contract terms were reviewed by staff and Bond Counsel and meet the form, content, and intent of the MDA.

The agreement will be provided prior to the City Council Meeting.

FISCAL IMPACT

The agreement is for 40 years with a lease rate of \$1 per year, or \$40 for the term of the lease. In addition, other rent sources and a portion of the hotel occupancy tax generated by the hotel in Overton Park will be used toward servicing the debt for the construction of the conference center.

Staff recommended approval of this resolution.

Rob Allison, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0439 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

6.13. Contract Resolution - Business Development: Resolution No. 2007-R0440 authorizing the Mayor to execute a non-disturbance and attornment agreement with PlainsCapital Bank and 1859 Management Partners.

The City of Lubbock (Lessee) will have a Parking Facilities Lease (Lease) with 1859 Management Partners to serve the parking requirements for the Conference Center. PlainsCapital Bank (Lender) is financing the loan to 1859 Management Partners (Landlord) for the construction of the hotel located on Tract 7 in Overton Park. The agreement assures the Lessee that, if the Lender should foreclose the Security Documents, the Lender agrees to recognize the leasehold estate and rights of the Lessee under the Lease with the same force and to assume and be bound to the Lessee to perform the obligations of the Landlord under the Lease. With this agreement, the Lender agrees that the City's possession of the premises shall not be disturbed in any way as a result of a foreclosure and that the City does not subordinate the Lease or any of the City's rights to the lien of the Security Documents.

The terms have been reviewed by staff and Bond Counsel and meet the form, content, and intent of the Master Development Agreement.

The agreement will be provided prior to the City Council meeting.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

Rob Allison, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0440 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

6.14. Contract Resolution - Business Development: Resolution No. 2007-R0441 authorizing the Mayor to execute an agreement with PlainsCapital Bank to consent to leasehold mortgage and assignment of properties owned by 1859 Management Partners located on Tract 7, Overton Park.

The agreement consents to the Mortgage and Assignment of 1859 Management Partners leasehold interest. The City shall have no obligations or liabilities under the terms of the mortgage and/or assignment. In the case of foreclosure, PlainsCapital Bank shall be bound to the City for all terms, covenants, and conditions of the agreement for the balance of the term.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

Rob Allison, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0441 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

11:51 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

1:25 P. M. COUNCIL ADJOURNED

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