

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
OCTOBER 25, 2007
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 25th day of October, 2007, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:35 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. Jessica Hallmark will appear to speak about the Alzheimer's Association Memory Walk.

Jessicca Hallmark appeared before Council to raise awareness in the Lubbock community, get citizens involved, and to invite everyone out to the Alzheimer's Association Memory Walk, held on Sunday, October 28, 2007, at Mackenzie Park. Ms. Hallmark also gave statistics on Alzheimer's disease.

1.2. Tavita Hernandez Dorow will appear to speak about Cesar E. Chavez Drive.

Tavita Hernandez Dorow appeared before Council to speak in favor of the proposed name change, and to request reconsideration of placing Cesar E. Chavez as an honorary street name on Canyon Lake Drive east of Broadway.

Other citizens who spoke in favor of the proposed name change were Christy Martinez, Louis Constancio, and Alice Lozada.

Citizens who spoke to Council in opposition of the proposed name change were Billie Russell, Mikel Ward, and David Haynes.

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."

**7:58 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 and reconvene in open session, as necessary, to declare client representatives. (Finance, Public Works, 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, Parks and Recreation, 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.**
- 2.5. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Electric Utility Board, the Planning and Zoning Commission, and West Texas Municipal Power Agency Board of Directors.**

**9:41 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 9:41 a.m.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Dr. Michael Passmore, First Christian 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. Presentation of a special recognition to Keep Lubbock Beautiful and to the City of Lubbock commemorating October 27, 2007, as "Make A Difference Day."

Mayor Miller presented special recognition to Keep Lubbock Beautiful and to the City of Lubbock to commemorate October 27, 2007 as "Make a Difference Day." Present to accept the special recognition were Bill Howerton, Director of Community Development; Kathleen Finley, Emergency Operations, Brooke Witcher, Special Events Coordinator; James Leatherwood and Flora Arellano, Keep Lubbock Beautiful Advisory Committee members. Representing Lubbock Independent School District were Principal Edwina Medrano and Vice-Principal Ofelia Mendez from Guadalupe and Jackson Elementary Schools.

3.4. Presentation of special recognition to members of the Lubbock Thundering Herd 14 and Under Minors Division baseball team for claiming the National Super Series Championship title.

Mayor Miller presented special recognition to the Lubbock Thundering Herd 14 and Under Minors Division baseball team. Team members present to accept the special recognition were Dilon Chancellor, John DeLeon, Christian DeLuna, Taylor Kirk, Casey Parkhill, Ryan Reagor, Antonio Reyes, Cade Simmons, Colton Simmons, Garrett Thornton, Brent Turner, Jordan Vestal, Caden Whitley, and Cody Brown. Coaches present were Jackie Jolly (sp?), Terry Kirk (sp?), and Jerry Simmons (sp?). All coaches gave comments.

3.5. Board Recognitions

Lubbock Housing Authority:

John Richardson

Citizens Photographic Traffic Signal Enforcement Committee:

L.V. Andrews (unable to attend)

Ken Corbin (unable to attend)

Richard Jollay

Larry Lowe (unable to attend)

Randy Sanders (unable to attend)

David Spears

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, September 27, 2007

Motion was made by Council Member Leonard, seconded by Council Member Jones to approve the minutes of the Regular City Council Meeting as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.2-5.9, 5.11-5.19, 5.24-5.26, 5.29)

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to approve Items 5.2-5.9, 5.11-5.19, 5.24-5.26, 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. Deferred Compensation Ordinance Amendment 1st Reading - Risk Management: Ordinance No. 2007-00109 an amendment to Ordinance No. 2005-0064 updating the Deferred Compensation Plan.

The City of Lubbock adopted a deferred compensation ordinance to allow full-time employees the opportunity to make contributions of pre-tax money to a retirement plan in addition to contributions to the Texas Municipal Retirement System. Money contributed to the deferred compensation plan is not matched by the City.

Changes to the ordinance are outlined in the redlined version provided in the agenda backup. These changes are necessary because the Internal Revenue Service issued new final Deferred Compensation Rules that will be effective January 1, 2008.

Primary changes to the Plan include replacing and clarifying the definitions of the following terms with language from the new regulations: Beneficiary, Deferred Compensation Catch-up Limitation, Dollar Limitation, Eligible Rollover Distribution, and Includable Compensation. In addition, the following definitions were added in accordance with the new regulations: Qualified Military Service and Underutilized Limitation. Clarifying language was added with regard to distribution of Pre-Retirement Death Benefits, and Section 8.02 was re-written to clarify the process for distribution under a Qualified Domestic Relations Order. Specific treasury regulations were incorporated under these sections: Required Distributions and Outgoing Transfers. Finally, due to reorganization within the City organization since the previous amendment, the Director of Risk Management replaced the Benefits Coordinator of Human Resources as Plan Administrator and was added to the Oversight Committee.

FISCAL IMPACT

Contributions are completely employee paid. There is no cost to the City.

No fiscal impact.

Staff recommended approval of the first reading of this ordinance.

- 5.3. Deferred Compensation Plan Resolution - Risk Management: Resolution No. 2007-R0481; Resolution No. 2007-R0482; Resolution No. 2007-R0483; Resolution No. 2007-R0484 approving MetLife Insurance Company of Connecticut, Security Benefit Corporation, ISC Group and Mid Atlantic Trust Company, and ING Life Insurance & Annuity Company to participate as 457 deferred compensation vendors in the City of Lubbock Deferred Compensation Plan, RFP 07-045-MA.**

The City currently offers deferred compensation plans on a voluntary basis and in accordance with Ordinance 2004-O0099 through ICMA Retirement Corporation and ING Life Insurance and Annuity Company. To improve employee voluntary benefits, the City solicited competitive sealed proposals for additional plans. Proposals were received from American International Group, Frost National Bank, Hartford Life Insurance Company, ING Life Insurance & Annuity Company (incumbent, but new plan), ISC Group and Mid Atlantic Trust Company, MetLife Insurance Company of Connecticut, and Security Benefit Corporation. The evaluation committee recommended adding MetLife Insurance Company of Connecticut, Security Benefit, and ISC Group and Mid Atlantic Trust Company to the list of current providers. The committee also recommended replacing the ING plan with the new plan to reduce fees for participating employees.

Proposals are available in the Risk Management Department.

FISCAL IMPACT

The deferred compensation program is fully funded by participating employees.

Staff recommended approval of these resolutions.

- 5.4. Contract Resolution - Risk Management: Resolution No. 2007-R0484 authorizing the Mayor to execute any applicable contracts, or City Manager as appropriate under Resolution No. 2005-R0065 to execute any applicable applications, routine documents, or forms necessary to facilitate providing insurance products for the City Employee Benefit Plan, with Standard Insurance Company for Group Life and Accidental Death and Dismemberment Insurance; Davis Vision, Inc., a wholly owned subsidiary of HM Life Insurance Company, for Vision Insurance; ING Employee Benefits for Long Term Disability Insurance; and ReliaStar Life Insurance Company, dba ING Employee Benefits, for Universal Life Insurance, Critical Illness Insurance, and Accident Insurance.**

The City solicited competitive sealed proposals for group life and accidental death and dismemberment insurance and for voluntary worksite benefits including vision insurance, long term disability insurance, universal life insurance, critical illness insurance, and accident insurance. Universal life

insurance, critical illness insurance, and accident insurance are new benefits available to full-time employees.

Group Life and Accidental Death and Dismemberment Insurance

The City provides a \$10,000 term life and accidental death and dismemberment insurance policy for all full time employees. Employees have the option to purchase additional life insurance for themselves and eligible dependents. Retirees are allowed to retain life insurance at their expense for themselves and eligible dependents. Standard Insurance Company has provided the group life insurance since December 1, 2004.

Standard Insurance Company is the current provider and was the only respondent to the RFP for Group Life and Accidental Death and Dismemberment Insurance. They offered the same rates that have not changed since December 1, 2004. The new proposal guarantees the same rates until December 31, 2010. This includes rates for \$10,000 term life policy provided by the City, employee contributory rates, and retiree rates effective January 1, 2008.

Vision Insurance

The City contracts with Fidelity Security Life Insurance Company to provide a discount vision program through their Coast to Coast 20/20 Select Vision Plan. This contract has been in place since December 1, 1999. Staff solicited proposals to provide a traditional insured approach to vision coverage. Such a plan provides specified reimbursement levels for vision care and corrective lenses, rather than simply discounts. The best plans provide small copayment requirements for routine vision care and regular lenses. Frames are covered at varying levels based on the retail price involved and allow employees to “buy-up” for more costly designer styles or to seek contact lenses in lieu of glasses.

Three companies proposed plans that meet the above criteria and were ranked as follows:

- Davis Vision, subsidiary of HM Life Insurance Company
- Vision Service Plan Insurance Company
- AIG American International Group

Davis Vision’s proposal provided the best combination of desired coverage and low premium. All three firms proposed solid in-network coverage with low copays and generous allowances for frames and contact lenses. The out-of-network benefits with Davis Vision are significantly better. The premium is more than 20% less than the other two companies, which is a reason for recommending the Davis Vision product.

Long Term Disability Insurance

The City offers two voluntary Long Term Disability Plans for full-time employees. LTD Benefits are 60% of salary after a 180-day waiting period, or 67% of salary after a 90-day waiting period. Employees have the option to choose the benefits that work best for their individual needs. The current

provider is ING Employee Benefits and the current contract expires December 31, 2007.

ING Employee Benefits was the only respondent to the RFP for Long Term Disability Insurance. Based on claims and reserve history, other companies declined to respond. Consequently, ING premiums will increase approximately 25%. Premiums are age-banded and based on salary. The increase to employees will vary between five cents to twenty-nine cents per \$100 of salary. For example, an employee age 35 with a 180-day waiting period and \$2,000 monthly salary currently pays \$4.20 monthly for the coverage. After the increase, the same employee will pay \$5.80 monthly. The new rates are guaranteed for two years.

Universal Life Insurance

The appeal of life insurance offered at the workplace centers around competitive pricing and more aggressive underwriting, which allows access to coverage for some who otherwise would be ineligible due to age and/or health reasons. Universal life is something of a hybrid between whole life and term life. Premiums are not locked in until retirement, but cash value does accrue. Consequently, this has become a popular voluntary life insurance product.

Four companies presented proposals and were ranked as follows:

- ING Employee Benefits
- Allstate Workplace Division
- Texas Life Insurance Company, division of Met Life
- Colonial Life and Accident

Many variables exist in life policies and direct comparison is challenging. There are two approaches to selling life insurance on an individual basis through payroll deduction. One is to base the coverage on a set weekly payroll amount, for example \$5.00. The amount of life insurance purchased corresponds to this deduction and reduces with advancing age. The other method is to allow employees to select the amount of life insurance with the premium calculated according to age and tobacco use. The recommendation is to set a weekly payroll amount of \$5.00, up to \$14.00. This coverage, due to its complexity, will only be offered during annual enrollment.

Critical Illness Insurance

Critical Illness policies continue to evolve and are becoming more relevant because traditional group health insurance provides less first-dollar coverage, and consumerism drives plan sponsors to craft financial incentives (and disincentives) that compel employees to make prudent choices in health care. The bottom line is that employees pay more out-of-pocket for care than they did ten years ago.

Many employees and their spouses appreciate the peace of mind that comes from knowing that when a serious medical event strikes, supplemental cash is available. Early on, coverage such as this often focused on cancer diagnoses

alone. Today, the best policies pay benefits for a variety of critical illnesses, including cancer.

Four companies proposed coverage and were ranked as follows:

- ReliaStar Life Insurance Company dba ING Employee Benefits
- Colonial Life & Accident
- Allstate Workplace Division
- AFLAC

The City's medical plan is better than average. Therefore, it was deemed less important to offer a critical illness plan with excessive coverage. Two coverage maximums were selected for comparative purposes - \$10,000 and \$25,000. The availability of coverage is also an important consideration. With specified minimum participation, both Colonial and ING offer guaranteed issue policies. Failing the participation minimum, a limited number of health questions are asked. AFLAC offered no guaranteed issue options, which caused staff to exclude them from consideration. Allstate offered the advantage of fully guaranteed issue coverage. The high premium that resulted stripped this plan of its relative value.

For comprehensiveness of coverage and competitive premium, Colonial and ING were extremely similar. Both companies have excellent reputations with their clients and present a sound enrollment strategy that would streamline process for the City's Payroll and Benefits departments. Staff recommended the City contract with ING Employee Benefits because of lower premiums for employees and the anticipation of meeting enrollment minimums in order to have a guaranteed issue for \$10,000 for lump sum benefits.

Accident Insurance

Accidents are random and virtually always catch people off guard. The financial, and emotional, impact can be overwhelming. Accident insurance can deliver a monetary benefit when it is needed and many employees desire this coverage.

By making this available through the Benefit Program, the City provides employees the opportunity to enroll in coverage that might otherwise be unavailable or unaffordable on an individual basis. This coverage can be specifically written to cover accidents unrelated to the job, or can be written on a 24-hour basis for on and off the job incidents.

Four companies proposed coverage and were ranked as follows:

- ReliaStar Life Insurance Company dba ING Employee Benefits
- Colonial Life & Accident (through two brokerage firms)
- AFLAC
- Allstate (a group, rather than an individual, policy was offered)

Allstate offered a group policy without the requested voluntary individual coverage format and left a number of injuries uncovered. It could not be

compared with the other three proposals and the cost was not competitive in light of the limited coverage.

AFLAC did not offer any version of guaranteed issue coverage and the premium was higher than Colonial and ING, which had many similarities in coverage provisions. Staff did not focus on the accidental death and disability portion of the policies since a stand-alone Accidental Death and Dismemberment policy has been in force for some time. The core benefit provisions were closely aligned and these two carriers ranked equally.

Service and enrollment capabilities of these two firms were equally sound. ING was the most price-competitive with premium from 17% to 20% below Colonial. ING offers three accident plans and it is recommended the City offer employees their Standard Plan, which is 24-hour coverage. The employee cost is \$14.99 monthly. Riders are available for spouse coverage for an additional \$4.80 monthly and child coverage for an additional \$12.82 monthly.

Employees pay 100% of the cost of voluntary worksite benefits. The recommendation of ING Employee Benefits for long term disability is due to ING being the only vendor offering coverage. However, the recommendation of ING Employee Benefits for universal life, critical illness, and accident insurance is based on lower premiums for coverage.

FISCAL IMPACT

The cost to the City is \$9.60 per employee per year and is budgeted in the health insurance cost center and self-insurance fund budget. There will be no increase in the annual cost per employee per year for three years. The cost may fluctuate based on the number of employees on the payroll each month. The cost for employee contributory life and retiree life will remain the same.

Employees pay the full cost of vision insurance, long term disability insurance, universal life insurance, critical illness insurance, and accident insurance. There will be no cost to the City for these benefits.

Staff recommended approval of this resolution.

5.5. Contract Resolution - Community Development: Resolution No. 2007-R0485 authorizing the Mayor to execute a contract with the U. S. Department of Housing and Urban Development from the Home Investment Partnerships Grant Program for operations, lease purchase, new construction, rehabilitation/reconstruction, direct delivery, and administration.

This is a renewal contract for the Home Investment Partnerships Grant (HOME) program from the U. S. Department of Housing and Urban Development. Funds are used for operations, lease purchase, new construction, rehabilitation, reconstruction, direct delivery, and administration expenses associated with the creation of affordable housing for low-income households.

On June 26, 2007, City Council voted and approved the use of the funds at the regularly scheduled meeting.

FISCAL IMPACT

There is no fiscal impact to the General Fund. Funds originate from the U. S. Department of Housing and Urban Development. The maximum to be allocated to the grant program is \$1,191,017.

Staff recommended approval of this resolution.

- 5.6. Contract Resolution - Community Development: Resolution No. 2007-R0486 authorizing the Mayor to execute a contract with the U. S. Department of Housing and Urban Development from the Community Development Block Grant Program for public service activities, non-public service activities, housing direct delivery, and administration.**

This is a renewal contract for the Community Development Block Grant from U. S. Department of Housing and Urban Development. Funds are used for public service activities, non-public service activities, housing direct delivery, and administration.

On June 26, 2007, City Council voted and approved the use of the funds at the regularly scheduled meeting.

FISCAL IMPACT

There is no fiscal impact to the General Fund. Funds originate from the U. S. Department of Housing and Urban Development. The maximum to be allocated to the grant program is \$2,364,737.

Staff recommended approval of this resolution.

- 5.7. Contract Resolution - Community Development: Resolution No. 2007-R0487 authorizing the Mayor to execute a contract with the U. S. Department of Housing and Urban Development from the Emergency Shelter Grant Program for shelter operations, homeless prevention, essential services, and Administration.**

This is a renewal contract for the Emergency Shelter Grant from the U. S. Department of Housing and Urban Development. Funds are used for shelter operations, homeless prevention, essential services, and administration.

On June 26, 2007, City Council voted and approved the use of the funds at the regularly scheduled meeting.

FISCAL IMPACT

There is no fiscal impact to the General Fund. Funds originate from the U. S. Department of Housing and Urban Development. The maximum to be allocated to the grant program is \$102,227.

Staff recommended approval of this resolution.

5.8. Contract Resolution - Community Development: Resolution No. 2007-R0488 authorizing the Mayor to execute a Community Development Funding Contract with the Lubbock Boys and Girls Club (Summer Day Camps) from the Community Development Block Grant Program to fund the Youth Summer Program to allow income eligible youth to participate in summer camps providing safe supervised activities at two boys and girls club branches (Optimist, Phea).

Grantee: Lubbock Boys and Girls Clubs
Program: Summer Day Camps
Funding Source: 2007-2008 Community Development Block Grant
Use of Funds: Funds are used to allow income eligible youth to participate in summer camps providing safe supervised activities at two boys and girls club branches (Optimist, Phea).
Amount: \$14,700
Match: 25%
Return of Investment: Not required for Community Development Public Service.
Terms: October 1, 2007, through September 30, 2008
Comments: On June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Community Development Block Grant. The maximum to be allocated to the project is \$14,700.

Staff recommended approval of this resolution.

5.9. Contract Resolution - Community Development: Resolution No. 2007-R0489 authorizing the Mayor to execute a Community Development Funding Contract with McDonald Transit Associates d.b.a. Citibus from the Community Development Block Grant to provide partial funding for Citibus' Paratransit Services for ADA certified low-to-moderate income passengers with regular fixed route services.

Grantee: McDonald Transit Associates dba Citibus.
Program: Paratransit Services
Funding Source: 2007-2008 Community Development Block Grant
Use of Funds: Provides partial funding for Citibus' Paratransit Service. The program provides Americans with Disabilities Act certified passengers of low-to-moderate income with regular fixed route services.
Amount: \$200,000
Match: 25%
Return of Investment: Not required for Community Development Public Service.
Terms: October 1, 2007, through September 30, 2008
Comments: On June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Community Development Block Grant. The maximum to be allocated to the project is \$200,000.

Staff recommended approval of this resolution.

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

5.11. Contract Resolution - Community Development: Resolution No. 2007-R0490 authorizing the Mayor to execute a Community Development Funding Contract with Young Women's Christian Association from the Community Development Block Grant Program for an educational and recreational program to provide educational and recreational activities for emotionally disturbed children and children who have severe behavior problems.

Grantee: YWCA
Program: Challenger-ED Program
Funding Source: 2007-2008 Community Development Block Grant
Use of Funds: Provides educational and recreational activities for emotionally disturbed children and children who have severe behavior problems.

Amount: \$18,780

Match: 25%

Return of Investment: Not required for Community Development Public Service.

Terms: October 1, 2007, through September 30, 2008

Comments: On, June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Community Development Block Grant. The maximum to be allocated to the project is \$18,780.

Staff recommended approval of this resolution.

5.12. Contract Resolution - Community Development: Resolution No. 2007-R0491 authorizing the Mayor to execute a Community Development Funding Contract with Young Women's Christian Association from the Community Development Block Grant (CDBG) Program to provide partial funding scholarships for child care and after school care for CDBG-eligible low-to-moderate income families so they can pursue work, school, or job training.

Grantee: YWCA
Program: Child Care Services
Funding Source: 2007-2008 Community Development Block Grant

Use of Funds: Provides partial scholarships for child care and after school care for CDBG-eligible low-to-moderate income families allowing parents to pursue work, school, or job training.
Amount: \$48,080
Match: 25%
Return of Investment: Not required for Community Development Public Service.
Terms: October 1, 2007, through September 30, 2008
Comments: On, June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Community Development Block Grant. The maximum to be allocated to the project is \$48,080.

Staff recommended approval of this resolution.

5.13. Contract Resolution - Community Development: Resolution No. 2007-R0492 authorizing the Mayor to execute a Community Development Funding Contract with the Community Housing Resource Board from the HOME Partnership Grant for operations and administration.

Grantee: Community Housing Resource Board
Program: Community Housing Development Organization Operations
Funding Source: 2007-2008 Home Partnership Grant
Use of Funds: Partially pays for operations associated with the administration of programs offered by the Community Housing Resource Board.
Amount: \$50,000
Match: 25 %
Return of Investment: Not required for Community Housing Development Organization Operations.
Terms: October 1, 2007, through September 30, 2010
Comments: On, June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Home Partnership Grant. The maximum to be allocated to the project is \$50,000.

Staff recommended approval of this resolution.

5.14. Contract Resolution - Community Development: Resolution No. 2007-R0493 authorizing the Mayor to execute a Community Development Funding Contract with the Community Housing Resource Board from the HOME Partnership Grant for a Lease/Purchase XIII Program to purchase and rehabilitate houses to be made available for lease purchase to low-to-moderate income families.

Grantee: Community Housing Resource Board
Program: Lease/Purchase XIII Program
Funding Source: 2007-2008 HOME Partnership Grant
Use of Funds: The funds will be used to purchase and rehabilitate houses to be made available for lease purchase to low-to-moderate income families.
Amount: \$174,886
Match: 25%
Return of Investment: Grantee has the option of reinvesting program funds back into the Lease Purchase Program or can repay 25% of the grant amount used for the completion of the project as outlined in the 2007 Citizens' Guide.
Terms: October 1, 2007, through September 30, 2010
Comments: On June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Home Partnership Grant. The maximum to be allocated to the project is \$174,886.

Staff recommended approval of this resolution.

5.15. Contract Resolution - Community Development: Resolution No. 2007-R0494 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 Program for new homes in Kings Dominion.

Grantee: North and East Lubbock Community Development Corporation
Program: Down Payment and Closing Cost
Funding Source: 2007-2008 HOME Partnership Grant
Use of Funds: Funds are used for down payment and closing cost on new homes in Kings Dominion.
Amount: \$50,000
Match: 25%
Return of Investment: Grantee has the option of reinvesting program funds back into the Down Payment Closing Cost Program or can repay 25% of the grant amount used for the completion of the program as outlined in the 2007 Citizens' Guide.
Terms: October 1, 2007, through September 30, 2009
Comments: On June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Home Partnership Grant. The maximum to be allocated to the project is \$50,000.

Staff recommended approval of this resolution.

5.16. Contract Resolution - Community Development: Resolution No. 2007-R0495 authorizing the Mayor to execute a Community Development Funding Contract with the Alcoholic Recovery Center from the Emergency Shelter Grant for facility operations.

Grantee: Alcoholic Recovery Center
Program: Operations
Funding Source: 2007-2008 Emergency Shelter Grant
Use of Funds: Provides assistance in the operation of the Emergency Shelter, specifically with the facility's utilities and telephone bill.
Amount: \$12,953
Match: 100%
Return of Investment: Not required for Emergency Shelter Grant
Terms: October 1, 2007, through September 30, 2008
Comments: On June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Emergency Shelter Grant. The maximum to be allocated to the project is \$12,953.

Staff recommended approval of this resolution.

5.17. Contract Resolution - Community Development: Resolution No. 2007-R0496 authorizing the Mayor to execute a Community Development Funding Contract with Family Promise of Lubbock from the Emergency Shelter Grant for facility operations of the center, which provides shelter for homeless families and their children.

Grantee: Family Promise
Program: Operations of the Family Promise Center
Funding Source: 2007-2008 Emergency Shelter Grant
Use of Funds: Funds daily operations of the Family Promise Center, which provides shelter for homeless families and their children.
Amount: \$12,948
Match: 100%
Return of Investment: Not required for Emergency Shelter Grant.
Terms: October 1, 2007, through September 30, 2008
Comments: On June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Emergency Shelter Grant. The maximum to be allocated to the project is \$12,948.

Staff recommended approval of this resolution.

5.18. Contract Resolution - Community Development: Resolution No. 2007-R0497 authorizing the Mayor to execute a Community Development Funding Contract with Vandelia Church of Christ from the Emergency Shelter Grant Program to provide utility and rent assistance to individuals and families who have experienced a sudden decrease in income in order to prevent a homeless situation.

Grantee: Vandelia Church of Christ
Program: Homeless Prevention
Funding Source: 2007-2008 Emergency Shelter Grant
Use of Funds: Provides utility and rent assistance to individuals and families who have experienced a sudden decrease in income in order to prevent a homeless situation.
Amount: \$9,711
Match: 100%
Return of Investment: Not required for Emergency Shelter Grant.
Terms: October 1, 2007, through September 30, 2008
Comments: On June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Emergency Shelter Grant. The maximum to be allocated to the project is \$9,711.

Staff recommended approval of this resolution.

5.19. Contract Resolution - Community Development: Resolution No. 2007-R0498 authorizing the Mayor to execute a Community Development Funding Contract with Women's Protective Services from the Emergency Shelter Grant Program to provide support services and referrals for the purpose of assisting women, children, and families of domestic violence to become and remain self-sufficient and free from violence.

Grantee: Women's Protective Services
Program: Essential Services
Funding Source: 2007-2008 Emergency Shelter Grant
Use of Funds: Provides support services and referrals to assist women, children, and families of domestic violence.
Amount: \$14,567
Match: 100%
Return of Investment: Not required for Emergency Shelter Grant.
Terms: October 1, 2007, through September 30, 2008
Comments: On June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Emergency Shelter Grant. The maximum to be allocated to the project is \$14,567.

Staff recommended approval of this resolution.

- 5.20. This item was moved from consent agenda to regular agenda and considered following Item 5.22.
- 5.21. This item was moved from consent agenda to regular agenda and considered following Item 6.5.
- 5.22. This item was moved from consent agenda to regular agenda and considered following Item 5.21.
- 5.23. This item was moved from consent agenda to regular agenda and considered following Item 5.20.
- 5.24. **Right-of-Way Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2007-O0107 abandoning and closing a 20-foot wide temporary utility easement and a 20-foot wide temporary garbage collection/public access easement located in tract 19, Overton Park Addition, easement closure located at 1707 7th Street.**

City Council considered the first reading of the ordinance on October 11, 2007. The ordinance abandons and closes a 20-foot wide temporary utility easement and 20-foot wide temporary garbage collection/public access easement located in Block 19, Overton Park Addition just south of 7th Street between Avenue Q and Avenue R. The easements are being closed for development purposes and a new public access easement will be dedicated to replace the one closed. All utility companies are in agreement with the easement closures.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

- 5.25. **Right-of-Way Ordinance 1st Reading – Right-of-Way: Ordinance No. 2007-O0110 abandoning and closing a portion of Frankford Avenue located in Section 5, Block E-2, Lubbock County, Texas, street closure located at 2605 Frankford Avenue.**

Ordinance No. 2006-O0033 previously adopted by City Council on the April 26, 2006, had an incorrect legal description of the street closure. This ordinance corrects the legal description.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of the first reading of this ordinance.

- 5.26. **Contract Resolution - Solid Waste: Resolution No. 2007-R0499 authorizing the Mayor to execute a contract for the installation of leachate collection tanks at the West Texas Regional Disposal Facility, RFP 07-729-DD.**

This project includes the installation of four 8,700 gallon leachate collection tanks and pumps for the West Texas Regional Disposal facility in Abernathy,

Texas. These tanks provide extra capacity for leachate (storm water that has been contaminated by contact with refuse) and aid in maintaining compliance levels for leachate established by the Texas Commission on Environmental Quality.

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

The following contractors submitted proposals and were evaluated and ranked as follows:

Texas Water and Soil of San Angelo, Texas proposed a project cost of \$219,565 with time for completion of 120 days and scored 479 points.

LD Kemp Excavating of Fort Worth, Texas proposed a project cost of \$328,480 with time for completion of 90 days and scored 409 points.

Stearns, Conrad, and Schmidt of Reston, West Virginia proposed a project cost of \$363,500 with time for completion of 105 days and scored 383 points.

Allen Dogget Construction of Lubbock, Texas proposed a project cost of \$307,860 with time for completion of 109 days and scored 369 points.

L Howard Construction of Abernathy, Texas proposed a project cost of \$300,498 with time for completion of 100 days and scored 360 points.

Time for completion of this project is 120 calendar days with liquidated damages of \$100 per day.

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 the 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. Evaluation factors published in the RFP included price 55%, contractor qualifications 25%, safety record 10%, and construction time 10%.

FISCAL IMPACT

\$979,767 is appropriated in Capital Project 92012, Leachate Storage Tanks. \$942,272 remains with \$356,667 available for this purpose.

Regular City Council Meeting
 October 25, 2007

Staff recommended contract award to Texas Soil and Water of San Angelo, Texas, for \$219,565.

- 5.27. This item was moved from consent agenda to regular agenda and considered following Item 5.23.**
- 5.28. This item was moved from consent agenda to regular agenda and considered following Item 5.27.**
- 5.29. Resolution - Citibus: Resolution No. 2007-R0500 modifying the Citibus fare and pass fee schedule with designated fare and pass fee increases effective November 5, 2007, and designated semester pass fee increases effective January 1, 2008.**

The last time Citibus raised fares was in 1996 when the base fare was increased from \$0.75 to \$1.00. During the recent budget process, City Council directed Citibus to implement a 25% fare increase with the intention of raising \$135,000 in additional revenues.

The proposed fare increases are as follows:

	Current fare	Proposed Increase
Fixed Route:		
Regular fixed route fare	\$1.00	1.25
Day Pass	2.00	2.50
Weekly Pass	10.00	12.50
Monthly Pass	35.00	43.75
Children	0.75	0.90
Citibus U, CitiKids, CitiSummer	30.00	37.50
Fixed route – Medicare, Seniors, Persons with Disabilities:		
Regular fixed route fare	0.50	0.60
Day Pass	1.00	1.25
Weekly Pass	5.00	6.25
Monthly Pass	17.50	21.85
Citibus U	15.00	18.75
CitiAccess:		
Within service area	2.00	2.50
Extended service area	8.00	10.00
Premium service area	12.00	15.00
	Will-call or same day	Prevailing fare
	Plus \$3.00	Plus \$3.00
Alternate locations	5.00	6.25
No-show	8.00	10.00

On Sunday, September 16, 2007, Citibus advertised public hearings in the Lubbock Avalanche Journal. In addition, notification of the public hearings was provided in the form of signs placed inside buses, signs affixed to doors

at the Downtown Transfer Plaza, and distribution of printed handouts. Information was provided in English and Spanish and published on the Citibus website. All printed material included Citibus contact information in the event citizens elected to submit written comments.

Public hearings were held at 5:30 p.m. on Monday, October 1, 2007, at the Downtown Transfer Plaza, and at 12:00 p.m. on Tuesday, October 2, 2007, in the Citibus conference room. Six people spoke at the public hearings, and Citibus received five written comments. Opinions regarding the fare increase ranged from support, provided service would not be cut, to opposition, due to the effect on the working poor and homeless and concerns about how the increase would affect CitiAccess passengers.

Fare increases for Citibus U, CitiKids, and CitiSummer passes are effective Tuesday, January 1, 2008. All other fare increases are effective Monday, November 5, 2007.

FISCAL IMPACT

\$135,000 in additional revenue during FY 2008. This was approved in the FY 2007-08 Adopted Budget.

Lubbock Public Transit Advisory Board and 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, 5.10, 6.1, 6.5, 5.21-5.22, 5.20, 5.23, 5.27-5.28, 6.2-6.4, 6.6-6.7).

5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2007-00108 Consider budget ordinance Amendment No. 1 amending the FY 2007-08 budget respecting the Grant Fund and Capital Improvement Program.

On October 11, 2007, City Council considered the first reading of the ordinance amendment.

1. Accept and appropriate \$108,204 from the Texas Department of State Health Services for the Regional and Local Services Section/Local Public Health System. The program provides financial assistance to improve or strengthen local public health infrastructure by developing objectives to address public health issues and utilize resources to conduct activities and services that provide or support the delivery of essential public health services.

The grant was not placed on a budget amendment last fiscal year due to a delay in the award letter being received from the State. On September 19, 2007, the City received the letter.

The grant provides funding for four full-time employees. The positions are authorized in the Adopted FY 2007-08 Operating Budget. The four positions

include a Registered Nurse and a Licensed Vocational Nurse in the Sexually Transmitted Disease Program; a Lab Technician in the laboratory; and a Licensed Vocational Nurse in the Health Education Program.

The grant period is through August 31, 2008.

2. Amend Capital Improvement Project 91074, "North Overton Tax Increment Finance Public Facilities," by appropriating a \$5 million grant from the Moody Foundation and \$1.5 million grant from the CH Foundation. It is anticipated that \$1.5 million will be funded annually until FY 2010-11 from the CH Foundation Grant.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

Motion was made by Council Member Price, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2007-O0108 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

- 5.10. Contract Resolution - Community Development: Resolution No. 2007-R0501 authorizing the Mayor to execute a Community Development Funding Contract with Communities in Schools on the South Plains for the Path to Expansion Program from the Community Development Block Grant Program for administrative personnel and promotion of the in-school prevention and intervention program to help at risk students with academics, behavior, and attendance.**

Grantee: Communities in Schools on the South Plains
Program: Path to Expansion
Funding Source: 2007-2008
Use of Funds: Funds administrative personnel and promotion of the year-round, in-school prevention and intervention program to help at-risk students with academics, behavior, and attendance.
Amount: \$11,830
Match: 25%
Return of Investment: Not required for Community Development Public Service.
Terms: October 1, 2007, through September 30, 2008
Comments: On June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Community Development Block Grant. The maximum to be allocated to the project is \$11,830.

Staff recommended approval of this resolution.

Bill Howerton, Director of Community Development, and Joe Rangel, Neighborhood Service Specialist, gave comments and answered questions from Council. Council Member Price requested that staff set up a meeting for him with the Director of Communities in Schools on the South Plains for the Path to Expansion Program to get questions answered.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2007-R0501 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.1. Public Hearing 10:00 a.m. - Finance: Hold a public hearing in accordance with Chapters 103 and 104 of the Gas Utility Regulatory Act regarding the proposed revised gas tariffs of Atmos Energy applicable within the corporate limits of the City of Lubbock.

Mayor Miller opened the public hearing at 10:05 a. m. Gary Gregory and Paul Raab appeared on behalf of Atmos Energy. Mrs. Cismaru (sp?), Billy K. Fowler, "Bud" Dycus, and Mikel Ward appeared to voice their concerns on the Atmos Energy proposition. Mayor Miller closed the hearing at 11:50 a. m.

Gary Gregory, representing Atmos Energy, gave a PowerPoint presentation on Atmos' Conservation and Customer Value Program. The conservation segment of the program includes direct contribution to the City's weatherization program, and conservation education and other programs (Energy Efficiency Expo). Gregory stated that the customers also benefit financially by using less natural gas. The customer value/consumer protection segment includes customers being protected from Atmos over-earning, a streamlined and low cost rate determination process, refunds of excess earnings, smaller incremental rate increases when justified, and more City oversight of Atmos' financial results and earnings. Mr. Gregory and Mr. Raab also answered questions from Council and concerned citizens.

Council Member DeLeon stated for the record that there is a house in the Arnett-Benson area for which Atmos funded the weatherization. Mr. Gregory added that there are two other houses in different Council districts that were weatherized through Atmos funding.

Jeff Yates, Chief Financial Officer; Lee Ann Dumbauld, City Manager; and Matt Wade, Assistant City Attorney, gave comments and answered questions from Council.

FISCAL IMPACT

No fiscal impact.

6.5. Street Renaming Ordinance 2nd Reading - City Council: Ordinance No. 2007-O0105 Amending Chapter 24 of the Code of Ordinances of the City of Lubbock with regard to changing the name of a portion of Canyon Lake Drive to Cesar E. Chavez Drive.

On October 11, 2007, City Council considered the first reading of the ordinance amendment. The amendment redesignates the following streets as Cesar E. Chavez Drive:

Section 1: Canyon Lake Drive from the intersection of the south access road of North Loop 289 generally southeast to the intersection of Rice Street, then generally south along Hillside Drive and North Boston to the intersection of Marshall Street, then along Canyon Lake Drive generally southeast across University Avenue to the intersection with North Avenue U.

Section 2: Canyon Lake Drive (also known as Park Road 18) and an unnamed park road from the intersection of 1st Street and North Avenue J around Atzlan Park and under Interstate 27 to Mackenzie Park, then through Mackenzie Park under Parkway Drive to East Broadway at the west (old) entrance to Mackenzie Park, such named road to include the portion in north Mackenzie Park to Prairie Dog Town and to the intersection of Municipal Drive.

The amendment also designates a section of unnamed park road leading to the Canyon Lakes Treatment Center as Canyon Lake Drive.

FISCAL IMPACT

The cost of new street signs is estimated to be \$3,400. The expense will be absorbed in the Traffic Engineering cost center budget.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass on second and final reading Ordinance No. 2007-00105 as recommended by staff. Motion carried: 4 Ayes, 3 Nays. Council Members Price, Leonard, and Klein voted Nay.

5.21. Contract Amendment Resolution - Water Utilities: Resolution No. 2007-R0502 authorizing the Mayor to execute a contract amendment with Carter & Burgess amending the professional services agreement for the Sewer Collection System Master Plan.

Carter & Burgess (C&B) is preparing a Master Plan for the City's wastewater collection system. An element of the master planning effort is the development of a computer model of the existing wastewater collection system. The model is used to evaluate existing sewer flows and project future sewer flows in the collection system. Information needed to develop the model includes:

1. Drawings of the sewer collection system, which includes the sewer main, manholes, lift station and the outfall at the Southeast Water Reclamation Plant.
2. The measured flows in the sewer collection system during dry weather, minor rainfall, and major rainfall events.
3. Population growth and projections. The City wastewater collection system is composed of 6 collection mains, the downtown area (including Texas Tech University) and approximately 120 major tributaries. C&B is

constructing the City model for all collection mains and tributaries greater than or equal to 10-inches in diameter. To produce meaningful results the model geometry accurately depicts the actual system layout. This is accomplished by building the model based on known system node data (manholes) and connecting pipeline sizes and slopes.

After reviewing record drawing of the sewer collection system, which is more than 100 years old, C&B noticed that it was created using multiple referenced points for ground elevation. These reference points include:

1. Using an assumed ground elevation of 100 feet
2. Using the United States Geological Services (USGS) elevation
3. Using the North American Datum developed in 1927
4. Using the North American Datum developed in 1983

C&B notified staff of the discrepancies and recommended a survey of 4,000 manhole locations and rim elevations as well as pipeline flow line elevations. The data would allow all manholes to be included in the wastewater collection system model. C&B contacted Hugo Reed & Associates and requested an estimate for the additional surveying. The initial cost estimate is approximately \$400,000. Staff requested an additional \$400,000 for the wastewater collection system master plan project in the FY 2007-08 Capital Improvement Project.

Staff has worked diligently to comply with C&B the past few months to complete the following:

1. Reviewed all relevant record drawings in an effort to reduce the number of manholes that need to be surveyed.
2. Identified the number of manholes with common referenced elevation.
3. Identified the connectivity of the sanitary sewer system.
4. Reviewed and approved plotted profiles by C&B of existing pipelines. Areas of data deficiencies and discrepancies were noted. Reasonable assumptions were utilized whenever practical to fill the data voids.

After several months of progress, the number of manholes needing to be surveyed was reduced by 80%. The cost of the additional surveying needed is approximately \$75,000 (reduced from \$400,000).

C&B informed staff that another vital component to the model is the measured sewer collection flow from a significant rainfall event. During the first 30 days of the project, C&B installed flow meters at strategic locations in the sanitary sewer collection system to measure the amount of flow. C&B was only able to measure sewer flows for days with no rain event. When Lubbock received rainfall, there was no impact on the sanitary sewer system. Without a significant rain event, the computer model was not able to show the amount of rainwater flowing directly into sewer collection system or ground water seeping into the sewer collection system. The cost to conduct additional flow monitoring is \$15,000. During the later part of spring 2007, there was an

unusual rain forecast for an entire week and C&B took advantage of that forecasted rain event to keep the project on schedule.

This \$90,000 amendment to the agreement includes survey work necessary to provide adequate GIS data for computer modeling, and additional flow monitoring to calibrate the computer model for rain events.

FISCAL IMPACT

\$1,500,000 is appropriated in Capital Project 8509, Sanitary Collection System Master Plan, \$771,325 is available for this contract.

Staff recommended approval of this resolution.

Tom Adams, Deputy City Manager/Water Utilities Director, 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-R0502 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.22. Contract Resolution - Water Utilities: Resolution No. 2007-R0503 authorizing the Mayor to execute a contract with Parkhill, Smith & Cooper for engineering field services associated with finalizing the Lake Alan Henry Pipeline Route and related infrastructure.

As part of the City's water supply planning efforts, the Lubbock Water Advisory Commission recommended that Lake Alan Henry serve as the next water supply for Lubbock. Staff was requested to advance the project along so that water is available within five years (by 2012). The present schedule will enable the City to complete all work necessary to meet this goal.

The need to meet this goal is underscored by the fact that Lake Meredith continues to reach record lows in its capacity, which are resulting in Canadian River Municipal Water Authority (CRMWA) reducing allocations to all the member cities. The reduction in water available from CRMWA is increasing the demand on the Bailey County Well Field, Lubbock's other primary source of water. Lake Alan Henry will provide Lubbock with about half of the annual water supply needs with a firm yield of 19,600 acre-feet. Using water from Lake Alan Henry will help meet the long term water supply needs of Lubbock and will mitigate water shortage issues associated with Lake Meredith.

In August 2006, City Council approved a contract with Parkhill, Smith and Cooper for the preliminary engineering services related to the development of plans for the Lake Alan Henry pipeline, pump stations, water treatment plant, and distribution supply lines necessary to bring water to Lubbock as part of the City's water supply. In May and September 2007, interim reports were completed with a final report scheduled for November 1, 2007.

A critical step to keep the project on schedule is to document and acquire the right-of-way and property necessary for the pipeline, pump stations, water treatment plant, and water distribution supply line necessary to complete the

project. This portion of the project is included in the engineering field services and land acquisition for the project infrastructure.

Work continues to progress on the engineering phase of the Lake Alan Henry pipeline and associated facilities. Phase 1 of the project included a review of five alternative pipeline routes. Route A-1 was selected and approved as the final route. This work is being completed as part of the preliminary engineering to be completed by November 1, 2007.

The contract with Parkhill, Smith & Cooper includes Phase 2 of the engineering phase, which consists of the final pipeline alignment selection, preparation of easement documents, aerial photogrammetric survey, topographic survey, and environmental permits. The scope of work includes final alignment on the ground, detailed environmental studies for permitting, aerial map books and alignment strip maps with easements and property boundaries, and assistance to the land acquisition agent in evaluating route requests or questions from landowners. Title work, abstract work, and easement documents for electric power lines are outside the scope of this contract. On additional contract for land acquisition services will be presented at a future City Council meeting after staff has solicited proposals for these services.

Final design and construction cannot be completed until the necessary right-of-way and property for the infrastructure is acquired. In order to keep the project on schedule, this contract for Phase 2 is necessary.

FISCAL IMPACT

\$5 million is appropriated in Capital Improvement Project 92068, Lake Alan Henry Pipeline Final Design, with \$1.316 million available for this contract.

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

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

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2007-R0503 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.20. Contract Resolution - Cemetery/Facilities Management: Resolution No. 2007-R0504 authorizing the Mayor to execute a contract to construct a new cemetery office at the City of Lubbock Cemetery, BID 07-726-DD.

The cemetery office is approximately 70 years old and is not compliant with the American's with Disabilities Act (ADA). The office does not meet current needs due to maintenance, environmental, and space requirements. The proposed new facility alleviates these conditions by providing space for private consultations with individuals and families, adequate room for visitors and staff, and a fire/weather safe vault for maintaining records and documents.

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

The following contractors submitted proposals and were evaluated and ranked as follows:

Teinert Commercial Building Services of Lubbock, Texas proposed a project cost of \$224,000 with time for completion of 140 days and scored 454 points.

WR Construction of Lubbock, Texas proposed a project cost of \$235,391 with time for completion of 180 days and scored 372 points.

Minnix Commercial Construction of Lubbock, Texas proposed a project cost of \$244,000 with time for completion of 180 days and scored 317 points.

Sunwest Construction of Lubbock, Texas proposed a project cost of \$288,489 with time for completion of 210 days and scored 296 points.

Danny Klein Construction of Lubbock, Texas proposed a project cost of \$324,322 with time for completion of 240 days and scored 252 points.

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 the 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. Evaluation factors published in the RFP included price 40%, contractor qualifications 30%, safety record 10%, and construction time 20%.

Discussions with Teinert Commercial Building Services included recommended modifications to the scope of work and cost savings associated with those modifications. Site demolition and tree removal were deleted; saw cutting, trenching, and backfilling all service lines were added in lieu of boring, an alternate door and sidelight were added, and use of aluminum windows was added. Consequently, the proposed project cost was reduced from \$224,000 to \$214,170.

FISCAL IMPACT

\$450,000 was appropriated in Capital Improvement Project 92071, Cemetery Business Office Building, which has a current remaining balance of \$306,950.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2007-R0504 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Council Member Klein recused himself.

5.23. Contract Resolution - Water Utilities: Resolution No. 2007-R0505 authorizing the Mayor to execute an agreement with Terry Crofoot for limited cattle grazing rights at the Lubbock Land Application Site.

To comply with the Texas Commission on Environmental Quality (TCEQ) Agreed Order for the Lubbock Land Application Site, the City will discontinue cattle grazing at the site. The reduction and eventual removal of grazing cattle from Lubbock Land Application Site will improve the efficiency of nitrogen uptake by the crops and removal of nitrogen from the Site system.

Notice was provided to Terry Crofoot canceling the agreement as of November 1. This agreement will enable Terry Crofoot an opportunity to gradually reduce the number of cattle at the site with half of the cattle removed by November 1 and the balance by the end of March 2008.

FISCAL IMPACT

The annual revenue from cattle grazing at the Lubbock Land Application Site is approximately \$135,000.

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

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2007-R0505 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.27. Contract of Sale Resolution - Right-of-Way: Resolution No. 2007-R0506 authorizing the Mayor to execute a contract of sale with Douglas Sanford and Kay Sanford for the acquisition of Tract C-1, Bryan Park Addition to the City of Lubbock for a new fire station site in south Lubbock, property located at 3309 63rd Street.

The contract of sale is for the acquisition of Tract C-1, Bryan Park Addition located at 3309 63rd Street, for a new fire station site. Purchase price based on 20,585.36 square foot at \$5.00 per square foot for a total of \$102,926.80.

FISCAL IMPACT

The Chief Financial Officer will provide a funding recommendation at the next City Council Meeting.

Staff recommended approval of this resolution.

City Manager Lee Ann Dumbauld, Chief Financial Officer Jeff Yates, and First Assistant City Attorney Richard Casner, 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-R0506 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.28. Contract of Sale Resolution - Right-of-Way: Resolution No. 2007-R0507 authorizing the Mayor to execute a contract of sale with Day & Co. for the acquisition of Tract D-1 and H-1, Bryan Park Addition to the City of Lubbock for a new fire station site in south Lubbock, property located at 3301 & 3305 63rd Street.

The contract of sale is for the acquisition of Tract D-1 and H-1, Bryan Park Addition located at 3301 & 3305 63rd Street, for a new fire station site. Purchase price based on 31,093.68 square foot at \$5.00 per square foot for a total of \$155,468.40.

FISCAL IMPACT

The Chief Financial Officer will provide a funding recommendation at the next City Council Meeting.

Staff recommended approval of this resolution.

City Manager Lee Ann Dumbauld, Chief Financial Officer Jeff Yates, and First Assistant City Attorney Richard Casner, 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-R0507 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

11:55 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

12:57 P. M. CITY COUNCIL RECONVENED

6.2. Contract Resolution - Community Development: Resolution No. 2007-R0508 authorizing the Mayor to execute a Community Development Funding Contract with WorkSource of the South Plains for the Direct Care Child Assistance Program from the Community Development Block Grant (CDBG) Program for child care for CDBG-eligible low-to-moderate income families seeking job training, employment, or education with funds used by Early Learning Centers, Catholic Family Services, and Christian Women's Job Corps.

Grantee: WorkSource of the South Plains
Program: Direct Child Care Assistance
Funding Source: 2007-2008 Community Development Block Grant
Use of Funds: Provides child care for CDBG-eligible low-to-moderate income families seeking job training, employment, or education. Funds will be used by Early Learning Centers,

Catholic Family Services, and Christian Women's Job Corps.

Amount: \$23,515

Match: 25%

Return of Investment: Not required for Community Development Public Service.

Terms: October 1, 2007, through September 30, 2008

Comments: On June 26, 2007, funding for the contract was approved by City Council.

FISCAL IMPACT

Funds are from the Community Development Block Grant. The maximum to be allocated to the project is \$23,515.

Staff recommended approval of this resolution.

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass Resolution No. 2007-R0508 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Miller and Council Member DeLeon recused themselves.

6.3. Endowment Fund Resolution - Museum: Resolution No. 2007-R0509 approving the transfer of \$46,000 from the Silent Wings Donation Fund to the Silent Wings Museum Foundation to be used as an endowment fund in support of the Silent Wings Museum.

Since the formation of the Silent Wings Museum, staff members have actively sought additional revenue streams for the museum. Staff requested donations from museum members, and grants from charitable foundations. Currently, the Silent Wings Museum has \$77,755 in a City of Lubbock donations account. The money is primarily from former glider pilots and their families as donations or bequests to the museum. At least one bequest recently requested that, if available, the money be put into an endowment fund to permanently help support the Museum.

The Silent Wings Museum Foundation, a 501C(3), was created by interested parties to provide financial support to the Silent Wings Museum. The foundation has actively sought donations and bequests from former glider pilots and their families in an effort to provide additional sources of revenue for the museum.

The Silent Wings Museum Foundation expressed an interest in creating a permanent endowment for the Silent Wings Museum. In 2006, the City of Lubbock received three donations for this purpose totaling \$46,000. Having this endowment will provide potential donors another avenue for supporting the museum. It will also reduce duplication of effort by having one organization raising funds for the Museum from donors and former glider pilots. As a non-profit organization and in accordance with their by-laws, it is reasonable that the Foundation take on this role on behalf of the Silent Wings Museum. Transferring \$46,000 from the City's donation account to the

Foundation will provide the seed money the Foundation needs to start the endowment. The endowment provides a long-term revenue source for the Museum. The remaining balance in the City's donation fund, \$31,755, will continue to be used to support short-term improvements to museum displays and programs.

FISCAL IMPACT

\$46,000 is available in the Silent Wings Museum Donation Fund for transfer, with \$31,755 remaining to support short-term improvements to museum displays and programs.

Staff recommended approval of this resolution.

Motion was made by Council Member Jones, seconded by Council Member Leonard to pass Resolution No. 2007-R0509 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.4. Contract Resolution - Information Technology: Resolution No. 2007-R0510 authorizing the Mayor to execute a contract for 110 wireless data cards and communication service plans for Lubbock Power & Light, Water Utilities, and Solid Waste asset management and work automation project, BID 07-078-FO.

A capital project was approved in the FY 2004-05 budget to purchase an automated Mapping/Facilities Management/Outage Management system for Lubbock Power & Light (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 were needed to provide field personnel with access to the work management component of the system. This contract is for the purchase of 100 laptop wireless data card devices and communication service plans for these laptop computers used to access job order information in the field.

Services include wireless channel bandwidth 2.x Ghz, orthogonal frequency division multiplexing modulation, 1.5 Mbps Internet download and 256 Kbps upload speed, data interfaces for a laptop card bus slot, external antenna, and service inside the city limits. Ten additional wireless data cards will be purchased for the Building Inspection wireless project.

Proposals were evaluated and scored based on Internet speed 40%, experience 20%, cost 30%, and local support 10%. The following firms submitted proposals for a two-year contract and were ranked as follows:

Annual Pricing

ClearWire Communications of Lubbock, Texas 85 points	
\$82,486 yr 1	\$65,987 yr 2
AT&T of Lubbock, Texas 50 points	
\$65,472	

Xanadoo of Lubbock, Texas 45 points
\$46,200

Raptor Controls of Carrollton, Texas 25 points
\$32,450

The wireless card and services from ClearWire Communications were tested and connected at speeds of 1.5Mbps while providing the necessary connection speeds for personnel in the field.

The proposal from AT&T with Internet speed of 400-700Kbps did not meet the mandatory specification for 1.0 Mbps minimum Internet speed. AT&T currently has service available with speeds of 70 Kbps to 135 Kbps (0.070 Mbps - 0.135 Mbps), known as EDGE or GSM. AT&T G3 technology should be available in March or April 2008. This technology offers speeds from 400 Kbps to 700 Kbps (0.4 Mbps - 0.7 Mbps) and is projected to be 10 times faster than AT&T's current service in Lubbock. This is a major upgrade in AT&T's network. However, the projected speed after the upgrade still does not meet the mandatory specifications.

The Information Technology Department tested the Xanadoo wireless card and services and the wireless devices connected below 100Kbps and had limited coverage with no service north of the airport.

The proposal from Raptor Controls did not meet the mandatory specification for local support and Raptor Controls does not have the necessary infrastructure in place to support the wireless device.

The total two year contract price for ClearWire is \$148,473. The total two year contract price for AT&T is \$130,944. The difference of \$17,529 includes \$16,499 for equipment and \$1,030 for service. Even though ClearWire is charging the City for the equipment, the speeds are approximately 11 times faster than AT&T's current service offering and twice as fast after AT&T deploys the G3 upgrade.

The RFP requirements stated that the minimum acceptable speed was 1 MB (1000 Kbps) or greater. Of the four vendors that responded to this RFP, ClearWire was the only vendor to meet the minimum speed requirement.

FISCAL IMPACT

Funds are available in the departments operating budget.

Staff recommended approval of this resolution.

Mark Yearwood, Assistant City Manager, 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-R0510 as recommended by staff. Motion carried: 7Ayes, 0 Nays.

6.5. This item was considered following Item 6.1 (earlier in the day).

6.6. Task Force Resolution - City Council: Resolution No. 2007-R0511 establishing the Lubbock Street Naming Task Force to review the City's ordinance regarding naming and renaming City streets and facilities.

The resolution creates a task force to review the existing ordinance for naming and renaming city streets and facilities. A minimum of two public meetings shall be held to solicit input. The task force shall present its recommendation to the City Council no later than 60 days after members are appointed.

The task force shall be composed of 13 members. The Mayor shall appoint one task force member who shall serve as chairperson. Council members from District 1 through 6 shall each appoint two task force members. Task force members shall be appointed at the next Council meeting.

The resolution also includes a 120-day moratorium on street and facility name changes.

FISCAL IMPACT

No fiscal impact.

Motion was made by Council Member Klein, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2007-R0511 as recommended by Council Member Klein.

Marsha Reed, Director of Public Works, gave comments and answered questions from Council. City Attorney Anita Burgess also gave comments and answered questions from Council.

After discussions on this item and suggestions from Mayor Miller, Council Member Price offered a friendly amendment to:

change the wording in the third (3rd) paragraph from “naming and renaming of City streets and facilities” to “naming and renaming of City assets”;

change the wording in #1a of the resolution from “City streets and facilities” to “City assets”;

change the number in #2g of the resolution from the Mayor appointing one member to the Mayor appointing three (3) members, one (1) of which shall serve as chairperson;

change the wording in #4 of the resolution from “appropriate method” to “naming or renaming of City assets”;

change in #5 of the resolution from sixty (60) days to ninety (90) days;

change in #7 of the resolution from “streets or facilities” to “assets”.

The friendly amendment was accepted by Council Member Klein and Mayor Pro Tem Gilbreath. Vote was taken and the motion carried: 7 Ayes, 0 Nays.

6.7. Resolution - City Council: Consider a resolution authorizing the creation of an informational marker on a perimeter street around Atzlan Park commemorating the area as the location of migrant labor camps.

This item failed.

The first migrant farm workers arrived on the South Plains in the 1930s to pick cotton. Their annual migration was part of a growing national agricultural trend in the post World War I era when migratory.

Estimates on the number of migrants participating in the South Plains cotton harvest range up to 150,000. In 1951, nearly 60,000 seasonal workers were employed in Lubbock and Crosby counties alone to harvest cotton. Many of the families lived in migrant camps similar to the ones that existed near the current Atzlan Park.

This resolution acknowledges this part of Lubbock's history and commemorates the location of migrant labor camps. It is proposed that the Parks Department be instructed to create an informational marker similar in size and design to the existing markers along Canyon Lake Drive on a perimeter street around Atzlan Park commemorating it as the location of migrant labor camps.

FISCAL IMPACT

The cost of the historical marker is estimated at \$5,000. Funding will come from the current Parks and Recreation budget.

Motion was made by Council Member Leonard, seconded by Council Member Klein to pass this resolution as recommended by staff.

Discussions were had on the historical marker commemorating migrant labor camps.

Motion was then made by Council Member Jones, seconded by Council Member Price to continue this item until the Lubbock Street Naming Task Force brings the item forward with recommended funding. First Assistant City Attorney Richard Casner informed Council that this item would have to be continued to a certain date or event. Council Members Jones and Price then withdrew the motion and second, so that the item could be voted on.

Vote was taken, and the motion failed: 3 Ayes, 4 Nays. Mayor Miller and Council Members DeLeon, Jones, and Price voted Nay.

6.8. Board Appointment - City Secretary: Consider five appointments to the Electric Utility Board, five appointments to the Planning & Zoning Commission, and one appointment to West Texas Municipal Power Agency Board of Directors.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to appoint Mike Davis, and reappoint W.R. Collier, John Owens, Loyd Rinehart, and Craig Wells to the Electric Utility Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to appoint Gary Zheng to the West Texas Municipal Power Agency Board of Directors. Motion carried: 7 Ayes, 0 Nays.

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Consensus from Council was to continue the Planning & Zoning Commission appointments to the next meeting.

6.9. Board Appointment - City Secretary: Declare an appointment by the Mayor to the Housing Authority Board of Directors - John Richardson.

All members of the Lubbock Housing Authority are appointed directly by the Mayor pursuant to Texas Housing Authority Law (Texas Local Government Code 392.0331), without confirmation from City Council. The Mayor has appointed John Richardson to the Lubbock Housing Authority Board of Directors.

FISCAL IMPACT

No fiscal impact.

No motion was needed on this item. Mayor Miller declared the appointment of John Richardson to the Housing Authority Board of Directors.

6.10. Board Appointment - City Secretary: Consider appointment of one member to the Citizens' Photographic Traffic Signal Enforcement Committee.

This was a District 1 appointment, and no motion was needed on this item. Council Member DeLeon appointed Alicia Alvarez to the Citizens' Photographic Traffic Signal Enforcement Committee.

1:35 P. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

2:08 P. M. COUNCIL ADJOURNED

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