

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
JANUARY 24, 2008  
4:00 P. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 24th day of January, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 4:00 P. M.

**4:05 P.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. PROCLAMATIONS AND PRESENTATIONS**

**1.1. Invocation by Pastor Jeff McCreight, Overton Park Fellowship**

**1.2. 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.

**Note: Items 1.3 - 1.7 were considered following Regular Agenda Item 5.6.**

**5. REGULAR AGENDA**

**5.6. Resolution - Finance: Resolution No. 2008-R0044 authorizing the Mayor to execute an amendment to the Advance Funding Agreement with Texas Department of Transportation.**

On December 7, 2006, the City executed an Advance Funding Agreement with Texas Department of Transportation (TxDOT), which obligated the City to make a \$25 million contribution toward the construction of Phase 3B of the Marsha Sharp Freeway. Phase 3B includes the Salem Avenue to Chicago Avenue portion of the Freeway. The City made the first payment of \$12.5 million to TxDOT on January 19, 2007.

Due to recent negotiations with TxDOT, the City is no longer responsible for payment of the remaining \$12.5 million if approved by City Council.

**FISCAL IMPACT**

Future funding for approved Northwest Passage projects will be reduced in total as these funds can be reallocated to other Gateway Funds projects.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0044 as recommended by staff.

Wayne Havens, Superintendent of the Lubbock Independent School District, gave comments and answered questions from Council.

Motion was then made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to table this item to follow Proclamations and Presentations.

**Note: This item was taken off the table following Item 5.6.**

**1. PROCLAMATIONS AND PRESENTATIONS (continued)**

**1.3. Presentation of a proclamation declaring Sunday, February 3, 2008, as the beginning of a season of prayer.**

Mayor Miller presented a proclamation to declare Sunday, February 3, 2008 as the beginning of a season of prayer. Steve Doles, Executive Director of Pray Lubbock, and Judge Tom Head joined the Mayor during the presentation. Both also gave comments.

**1.4. Presentation of a special recognition to the Center for Cultural Interchange honoring its work to promote cultural understanding, academic development, and world peace.**

Mayor Miller presented special recognition to the Center for Cultural Interchange to honor its work promoting cultural understanding, academic development, and world peace. Holly Nichols and a group of international exchange students joined the Mayor for the presentation. Ms. Nichols gave comments.

**1.5. Presentation of special recognitions to Sean Durrett and Brittney Bennett honoring their selection as Miss Lubbock and Miss Centennial.**

Sean Durrett and Brittney Bennett joined Mayor Miller as he presented special recognition to them for being selected as Miss Lubbock and Miss Centennial, respectively.

**1.6. Presentation of a special recognition to Brian Bearden honoring his efforts to remove large debris and other hazardous materials from a local residence.**

Mayor Miller presented special recognition to Brian Bearden to honor his efforts in removing large debris and other hazardous material from a local residence.

**1.7. Board Recognition:**

**Animal Shelter Advisory Committee:**

**Lucile Redus**

**Jack Thompson** (unable to attend)

**2. CITIZEN COMMENTS**

- Clifton Burnett appeared before Council to voice his opinion on the red light camera issue, making suggestions on how to collect the fines that are incurred. He stated that he wanted the cameras up, but the process has to work to make citizens drive better.

**2.1. Terence Maroste will appear before the City Council to discuss red light cameras.**

Terence Maroste was not present.

**3. EXECUTIVE SESSION was considered following Item 5.6 being removed from the table.**

**4. CONSENT AGENDA (Items 4.1-4.2, 4.5-4.8, 4.10, 4.12-4.23, 4.26-4.27)**

Motion was made by Council Member Jones, seconded by Council Member DeLeon to approve Items 4.1-4.2, 4.5-4.8, 4.10, 4.12-4.23, 4.26-4.27 on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**4.1. Contract Amendment 1st Reading - Human Resources: Resolution No. 2008-R0024 authorizing the Mayor to execute an amendment to an interlocal agreement with North Central Texas Council of Governments for online job postings.**

The North Central Council of Governments Purchasing Cooperative agreement for on-line job postings on Monster.com was approved by City Council, Resolution 2007-R0358, on August 7, 2007.

Article 4 of the original contract provided for quarterly billings with payments due within 10 business days from the invoice date. The amendment removes the quarterly billing provision and job postings will now be invoiced as they are placed on Monster.com with payments due within 30 business days from the invoice date.

The amendment changes Article 7 of the contract adding a provision to automatically extend the contract from year to year unless either party gives notice of intent to terminate the agreement within 30 days before the end of the current term.

**FISCAL IMPACT**

The cost of each job posting varies depending on the duration and number of job postings. The typical 30-day posting costs \$190. Funds are budgeted in the Adopted FY 2007-08 departmental operating budgets.

Staff recommended approval of this resolution.

**4.2. Contract Resolution - Risk Management: Resolution No. 2008-R0025 authorizing the Mayor to execute a contract for a medical services clinic for City of Lubbock employees and their eligible dependents, RFP 08-006-MA.**

The contract is for medical services for City employees, eligible dependants, and retirees (Plan Members) enrolled in the City's Health Care Plan. The contract period is three years.

Proposals were solicited for the purpose of selecting a qualified medical facility to provide Plan Members with access to a medical services clinic in the areas of primary care, communications of educational and wellness programs, health risk assessments, and coordination of medical information with the City's Health Administrator for disease and case management including active and retired employees. The City's medical group has approximately 2,400 subscribers. The total number of participants is approximately 5,000.

Proposals were evaluated based on quality and completeness of submittal 5%, adequacy and qualifications of staff 10%, cost of services 15%, total experience with comparable clients 10%, ability to perform the work in a timely and professional manner 5%, staffing and service availability 10%, detailed scope of services available 15%, and method used for employees to schedule medical treatment and care 15%.

Proposers were ranked as follows:

		Cost
UMC Physician Network Services (PNC)	18.200 points	\$570,220
Care Here	16.245 points	\$988,200
Free First	15.105 points	\$610,404
Grace Clinic	14.280 points	\$1,242,000
TriSurrant	13.745 points	\$1,501,517
Healthcare Direct	11.285 points	\$0to 850,000

All firms proposed similar services and methodologies and are qualified to provide the required services desired. However, the start-up time frame varied from immediate operation to three months. University Medical Center Physicians Network (PNS) and Grace Clinic provided existing clinic locations that require no start-up time. Pricing among the firms varied between \$1.5 million and zero dollars. Healthcare Direct intended to seek third-party funding to underwrite the cost, but if the funding was not available, costs would be approximately \$850,000.

PNS will provide access to Plan Members age two years and above at three medical clinic locations as described below:

1. West Wind Primary Health Center. West Wind is located at 4th Street and Elkhart Avenue (Northwest location). West Wind Primary Health Center will offer a full range of primary health care services. These services will include, but are not limited to: chronic illness evaluation, treatment and management of diabetes, high cholesterol and asthma; acute conditions such as sore throats, strep throat, ear infection, headaches, fever, body aches, allergies, rashes, cough, sinus, stomach aches, strains, sprains, musculoskeletal problems, acute urinary complaints, general physical

examinations, injections and immunizations, minor surgical procedures such as sutures for laceration treatment, vaginal and breast exams, prostate exams, digital rectal exams ECG, urine pregnancy tests, and ordinary and routine care of the nature of a visit to a family practice doctor's office. All of these services will be directed by the health care provider as needed to provide the high quality health care. If the Plan Member needs care outside the scope of the services offered at West Wind, PNS will assist in obtaining an appointment for the Plan Member with an appropriate health care provider within the Plan Member's Health Plan Network. West Wind will be open Monday through Friday 8:00 AM until 8:00 PM, Saturday 9:00 AM until 6:00 PM, and Sunday 1:00 PM until 5:00 PM. If these hours change substantially, PNS will notify the City. Plan Members may obtain services on a walk-in or appointment basis.

2. The other two clinic locations are in the 82nd Street and Boston Avenue and 50th Street and Avenue Q United Supermarkets. These services will include, but are not limited to: chronic illness evaluation, treatment and management of diabetes, high cholesterol and asthma; acute conditions such as sore throats, strep throat, ear infection, headaches, fever, body aches, allergies, rashes, cough, sinus, stomach aches, strains, sprains, musculoskeletal problems, acute urinary complaints, general physical examinations, injections and immunizations, minor surgical procedures such as sutures for laceration treatment, vaginal and breast exams, prostate exams, digital rectal exams ECG, urine pregnancy tests, and ordinary and routine care of the nature of a visit to a family practice doctor's office. The Health Care Provider will determine if the Plan Member needs to be treated at a different location. If the Plan Member needs care outside the scope of the services offered at the clinic, PNS will assist in obtaining an appointment for the Plan Member with an appropriate health care provider within the Plan Member's Health Plan Network. The clinic will be open Monday through Friday 7:30 AM until 8:00 PM, Saturday 9:00 AM until 6:00 PM, and Sunday 1:00 PM until 5:00 PM. If these hours change substantially, PNS will notify the City. Plan Members may obtain services on a walk-in basis.

The availability of one or more medical clinics will provide convenience and greater access to quality health care for Plan Members at an efficient and affordable cost to the City. Under the City's Health Care Plan, the City's average cost per visit is \$86.36, and the employee pays a \$25 co-pay. The City's average cost per visit when Plan Members use a PNS medical services clinic is \$65.73 with no co-pay for the employee.

Chapter 252.049, Texas Local Government Code, Confidentiality of Information in Bids or Proposals states, "(a) Trade secrets and confidential information in competitive sealed bids are not open for public inspection. (b) If provided in a request for proposals, proposals shall be opened in a manner that avoids disclosure of the contents to competing offerors and keeps the proposals secret during negotiations. All proposals are open for public

inspection after the contract is awarded, but trade secrets and confidential information in the proposals are not open for public inspection.”

#### **FISCAL IMPACT**

The budgeted cost of the clinic for FY 2007-08 is \$1 million. The estimated cost using PNC is \$570,220. All charges for the on-site clinic are appropriated in the Self-Insurance Health Fund.

Staff recommended contract award to UMC Physicians Network Services of Lubbock, Texas, for \$570,220.

- 4.3. This item was moved from consent agenda to regular agenda and considered following Item 4.27.**
- 4.4. This item was moved from consent agenda to regular agenda and considered following Item 4.3.**
- 4.5. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2008-O0001 Consider budget ordinance Amendment No. 3 amending the FY 2007-08 budget respecting the Grant Fund, Central Business District Tax Increment Finance Fund, and Hotel/Motel Fund.**
  1. Accept and appropriate \$49,298 from the Lubbock Emergency Communications District for enhancement to the Emergency Communications System. The grant funds the purchase of consoles and flat panel monitors, allowing telecommunicators the option of standing or sitting during their shift. The consoles also free up space for two additional positions in the room. The grant requires a \$5,478 match that is budgeted in the adopted FY 2007-08 Police Department operating budget. Total cost of the console is \$54,776.
  2. Accept and appropriate \$247,703 from the United States Department of Justice 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) for the Lubbock County Joint Enforcement Initiative Program. The JAG program funds local government activities to prevent crime and improve the Criminal Justice System. The grant funds the purchase of radio/data infrastructure, software upgrades, records management system, automated vehicle locator transmitters, monitors, and video cards.
  3. Accept and appropriate \$6,993 of additional funding from Texas Department of Housing and Community Affairs for the Low Income Home Energy Assistance Program (LIHEAP). The total grant is \$117,710. The grant funds programs to assist low-income persons and families with weatherizing homes and installing energy efficiency measures. The additional funding will provide additional services. Six positions are partially funded through this grant as detailed in the grant budget detail backup.

4. Accept and appropriate \$15,325 of funding from Texas Department of Housing and Community Affairs for the Department of Energy Weatherization Assistance Program. The total grant is \$79,302. The grant funds programs to assist low-income persons and families with weatherizing homes and installing energy efficiency measures. The additional funding will provide direct services to the clients. Five positions are partially funded through this grant as detailed in the grant budget detail backup.
5. Accept and appropriate \$150,872 of funding from Texas Department of State Health Services for Community Preparedness Section - Bioterrorism Preparedness. The total grant is \$386,114. The program is designed to upgrade and integrate state and local public health jurisdictions' preparedness for and response to terrorism and other public health threats and emergencies. The grant budget detail provides additional detail concerning the budget of the additional funds. The grant originally funded six positions; however, one position has been eliminated. The remaining five positions are shown in the grant budget detail backup.
6. Accept and appropriate \$125,000 of funding from Texas Department of State Health Services for Community Preparedness Section - Bioterrorism Preparedness-Lab. The total grant is \$250,000. The program facilitates Lubbock's efforts in developing laboratory-specific bioterrorism preparedness plans that addresses selected focus areas and required critical capabilities. The grant budget detail provides additional detail concerning the appropriation of the additional funds. Three positions are funded through this grant as shown on the grant budget detail backup.
7. Appropriate and transfer \$50,000 from the Central Business District Tax Increment Financing (CBD TIF) Fund balance to the LP&L Fund for the relocation of power lines. The project allows the Pioneer Hotel redevelopment to move forward and encourages redevelopment of the entire downtown area. The CBD TIF Board of Directors approved the expenditure at the November 27, 2007, board meeting.

#### **FISCAL IMPACT**

Provided in item summary.

Staff recommended approval of the second reading of this ordinance.

#### **4.6. Budget Amendment Ordinance 1st Reading - Finance: Ordinance No. 2008-O0004 Amendment No. 4 amending the FY 2007-08 budget respecting the Grant Funds**

1. Accept and appropriate \$3,200 of additional funding from the Texas Department of State Health Services to help fund the laboratory analysis of milk and dairy products performed by the Lubbock Health Department Regional Laboratory. In September 2006, the initial grant funding was approved. During the contract period, additional samples were necessary.

To fund the analysis the appropriation of the additional funding is necessary. The total grant is \$45,200.

2. Accept and appropriate \$10,000 of funding from Texas Department of Transportation for Safe Routes to School (SRTS) for non-infrastructure projects. The City partners in the development of Lubbock's SRTS Plan with Lubbock Independent School District, Frenship Independent School District, Lubbock-Cooper Independent School District, Durham School Services, Metropolitan Planning Organization, and Lubbock Police Department. The \$3,200 participation of in-kind services is available in the adopted FY 2007-08 Traffic Engineering Operating Budget.

### **FISCAL IMPACT**

Included in item summary.

Staff recommended approval of the first reading of this ordinance.

- 4.7. Contract Resolution - Finance: Resolution No. 2008-R0026 approving, in concept, the draft Acquisition and Funding Agreement between the City of Lubbock and Vintage Land Company Ltd. and understanding that the final Agreement for their approval will have substantially the same form and content.**

The City Council approved a resolution establishing the Vintage Township Public Improvement District (PID) at the January 12, 2007, Council meeting, and on June 26, 2007, adopted ordinance approving the Service and Assessment Plan and Assessment Roll for the PID. It is anticipated that the sale of the PID bonds will be included on the February 14, 2008, City Council Agenda for approval.

The Underwriter for the proposed bonds, and Paul Stell, the developer of Vintage Township, have requested the City Council approve the draft Acquisition and Funding Agreement for the transaction prior to marketing and selling the bonds. The Acquisition and Funding Agreement is the contract between the City and the Developer which contains the provisions governing acquisition and construction of the PID improvements and the payment of such costs to the developer and contractors/vendors, as applicable, from the bond project fund. The Agreement requires that approval from the appropriate City departments is obtained prior to any payments for acquisition and construction of improvements from the bond project fund.

The final Agreement will be included with the bond documents for approval by the Council on the date the bonds are sold. Bonds will be issued by the City to the Vintage Township Public Facilities Corporation and the Vintage Township PFC backed by the payments it receives on the City's bonds.

The resolution approves the draft agreement in concept with an understanding that the final agreement will have substantially the same form and content. Approval of this item does not execute the agreement.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of this resolution.

**4.8. Ordinance - Business Development: Ordinance No. 2008-O0005 Amending Ordinance No. 2007-00058, which approved a Service and Assessment Plan and Assessment Roll for Vintage Township PID.**

City Council adopted Ordinance 2007-00058 on June 26, 2007, approving a Service and Assessment Plan and Assessment Roll for Vintage Township Public Improvement District (PID). The maps originally included in the Service and Assessment Plan contained an error, making it necessary to amend the ordinance to include corrected maps that conform to the Assessment Roll. In addition, the Attorney General has reviewed the transaction on a preliminary basis and has noted a correction to the text of the Service and Assessment Plan to clarify and conform with the PID statute.

The text to be changed includes:

1. Deleting Section VI(F)1.(b) that says a person who prepays an assessment must pay the interest through the call date.
2. Adding a sentence to the definition of "Annual Collection Costs" that clarifies that any over collection of costs will be applied to the next year's costs.

Due to the size of the Vintage PID Service and Assessment Plan, only Exhibits A and C are included with the ordinance in the backup for this item.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of the first reading of this ordinance.

**4.9. Notice of Intent Resolution - Business Development: Consider a resolution giving Notice of Intent to enter into a tax abatement agreement with Ozark Automotive Distributors.**

**This item was deleted.**

**4.10. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0002 Zone Case No. 3097 (North and South of 109th Street and East of Quaker Avenue) Hold a public hearing to consider request by AMD Engineering (for Frank Sorelle) for zoning change from T to GO on 7.451 acres of unplatted land out of Section 17, Block E2.**

This ordinance was approved at the January 10, 2008, City Council meeting. The request is to complete a row of tracts originally designed in the Orchard Park subdivision to provide garden office tracts along Quaker Avenue as a buffer to the interior residential.

Adjacent land uses:

- N – vacant - residential
- S – vacant - commercial
- E – residential
- W – mixed uses - public use, residential and garden office

As noted the case will complete the Garden Office zoning district from the half section line on the north that would normally be 107th Street to a line that will align with the alley south of 111th Street west across Quaker Avenue. The subdivision was originally designed with this row of Garden Office tracts; one has been zoned and is in the process of being constructed.

As Garden Office, the project meets the intent of the Comprehensive Land Use Plan – in that the district is considered a buffer versus true commercial. Notes below regarding curb cuts address the normal concern for too many curb cuts along any thoroughfare.

The concept of concentrating true commercial at the corners of major thoroughfares accomplishes the three major objectives that deserve review during zone cases of this nature:

1. The ten acres per corner, with a forty acre total per intersection allows a concentration of commercial enterprises with a common parking lot. Customers can shop various establishments and not have to travel from store to store in their car, creating a convenience for the consumer.
2. The aggregation of commercial at corners of major intersections provides a safe and practical reduction of vehicles entering and leaving the thoroughfare for the trip between stores, making the thoroughfare system safer and more efficient.
3. The amount of commercial provided with the forty acre policy satisfies, or at many locations, more than satisfies the need for commercial land. Residential use is the greatest consumer of land, and rooftops are critical to the success of the future commercial. When the City is too aggressive with zoning for commercial, the price of that land is increased – and often remains undeveloped or is sold at a loss to an unsuspecting buyer. Neither is a service to the public.

The example of non residential use of land between the mile grid (including churches, sub station for power, apartments and garden office) is not considered a breach to the “corner” concept so long as a proliferation of curb cuts does not occur that will disrupt the major thoroughfare.

This project meets the definition of “buffer” as noted within the comments regarding the Comprehensive Land Use Plan and meets zoning policies as long as the number of curb cuts is held in check to protect the thoroughfare system.

With two conditions approved by the Planning Commission, the provision of this row of Garden Office should not create any increased load on the thoroughfare system that the same amount of land would have if Orchard Park had been designed to extend to Quaker Avenue.

The staff supports the recommendation of the Planning Commission to the City Council with the two proposed conditions:

1. For each of the two parcels, a master curb cut plan is illustrated on a plat located in the file for the two parcels. A shared curb cut will occur splitting the lot line between each pair of the tentative number of lots. Fewer may occur as actual development proceeds.
2. A screening fence on the east side of the Garden Office tracts, stepped down at the entry street for visual purposes, shall be constructed with a brick base, brick columns and wood picket inserts. Gates are allowed to the alley for solid waste purposes. No vehicular access is allowed to the adjacent alley from any parcel.

#### **FISCAL IMPACT**

No fiscal impact.

The staff supports the recommendation of the Planning Commission.

- 4.11. This item was moved from consent agenda to regular agenda and considered following Item 4.4.**
- 4.12. Contract Resolution - Parks and Recreation: Resolution No. 2008-R0027 authorizing the Mayor to execute a unit price contract with Community Lawn Care for the application of pre-emergent liquid herbicide, post-emergent liquid herbicide, and liquid fertilizer at various parkland properties, BID 08-008-MA.**

The contract provides the application of pre-emergent and post-emergent liquid herbicides and liquid fertilizer on various parkland properties during 2008. Each application covers approximately 1,300 acres. The herbicide applications control and/or eradicate summer annual and perennial weeds. The fertilizer application improves turf health and appearance.

The first application includes a mixture of Simizine 4L pre-emergent liquid herbicide and liquid fertilizer applied from mid-February through the end of March. The second application includes a mixture of Strike 3 Ultra 2 post-emergent liquid herbicide and liquid fertilizer applied from mid-April through mid-May. The third application will include a mixture of Simizine 4L pre-emergent liquid herbicide and Strike 3 Ultra 2 post-emergent liquid herbicide applied from early September through mid-October.

This contract is awarded by unit price. The total amount of the award is estimated based on estimated quantities and actual expenditures may be more or less depending on actual needs. The price per unit will not change and expenditures will not exceed appropriated funds.

**FISCAL IMPACT**

Funding is appropriated in the Adopted FY 2007-08 Parks and Recreation Operating Budget, for this purpose.

Staff recommended bid award to the sole bidder, Community Lawn Care of Lubbock, Texas, for \$193,484.

**4.13. Resolution - Health: Resolution No. 2008-R0028 authorizing the Mayor to execute Amendment No. 001A to Program Attachment No. 001 of Contract 2008-022963-001 CPS-Bioterrorism Preparedness-LAB with the Texas Department of State Health Services.**

The amendment is necessary to increase funding from \$125,000 to \$250,000 due to addition of remaining FY 2008 funds and revisions to Statement of Work (SOW) and Workplans as per new CDC guidance. The first reading of the budget appropriation for this amendment was approved by Council on January 10, 2008. The original contract was passed on August 23, 2007, with Council Resolution 2007-R0390. The amendment has a retroactive effective date 100% of allocated funding is to be applied to the entire term of this Program Attachment.

This program assists Lubbock's efforts in developing laboratory-specific bioterrorism preparedness plans that addresses selected focus areas and the required critical capabilities. The focus areas or major outcomes being addressed in FY 2007-08 include all hazards planning, information collection and threat recognition, laboratory testing, emergency response communications, economic and community recovery and linking hospital laboratory programs local health department's efforts to respond during public health emergencies.

**FISCAL IMPACT**

The current total amount of \$250,000 is full funding under the contract. The contract covers salary (\$89,737) and benefits (\$41,451) for three existing full-time positions, training and travel (\$22,714), equipment (\$21,000), supplies (\$40,079), and other funds (\$35,019). A copy of the Project Period Public Health Emergency Preparedness Workplan for Laboratory Reference Networks (LRN) FY 2008 is attached. The contract period is from September 1, 2007, through July 31, 2008.

Staff recommended approval of this resolution.

**4.14. Resolution - Health: Resolution No. 2008-R0029 authorizing the Mayor to execute Amendment No. 001A to Contract No. 2008-022931-001 CPS-Bioterrorism Preparedness with the Texas Department of State Health Services.**

The Amendment is necessary to increase the funding from \$235,242 to \$386,114 due to addition of remaining FY 2008 funds and revisions to Statement of Work and Workplans as per new CDC guidance. This Amendment has a retroactive effective date because the Fiscal Year 2008

CDC Guidance and 100% of allocated funding is to be applied to the entire term of this Program Attachment.

The grant contract funds activities in support of FY2007 Centers for Disease Control and Prevention (CDC) Budget Period 8 continuation Public Health Preparedness and Emergency Response Cooperative Agreement designed to upgrade and integrate state and local public health jurisdictions' preparedness for and response to bioterrorism, outbreaks of infectious disease, and other public health threats and emergencies.

#### **FISCAL IMPACT**

The current total amount of \$386,114 is now full funding under this contract. The contract covers salary (\$168,018) and fringes (\$62,760) for five existing full time positions, provides funds for training and travel (\$19,940), equipment (\$17,600), supplies (\$32,107), contractual (\$2,200), and other funds (\$83,489). A copy of the Project Period Public Health Emergency Preparedness Workplan for Local Health Departments FY2007-08 is attached. The contract period is from September 1, 2007 thru July 31, 2008.

Staff recommended approval of this resolution.

**4.15. Memorandum of Agreement Resolution - Health: Resolution No. 2008-R0030 authorizing the Mayor to execute a Memorandum of Agreement with Community Health Center of Lubbock for a Point of Dispensing site to immunize large numbers of people in the event of a public health emergency.**

The Health Department is required to plan and prepare for public health emergencies which may result from natural or man-made causes. During such an emergency, it may be necessary to immunize large numbers of people in the area served by the Health Department. The City may do this through Point of Dispensing (POD) sites.

The agreement with Community Health Center of Lubbock (CHC) takes effect only if the State Commissioner of Health or the Lubbock Health Authority declares that large scale immunizations or treatment is necessary as a control measure for an outbreak of communicable disease or if mass prophylaxis against a bioterrorism agent or other infectious disease is required.

The Health Department will identify POD sites, deliver federal Strategic National Stockpile (SNS) resources to CHC, and provide training on SNS functions and overall POD management.

Throughout the agreement, CHC is responsible for the physical security and integrity of the medical material, providing the medical material free-of-charge to the organization's staff and clientele, reassembling all unused SNS medical material, maintaining an inventory manifest list, determining dispensing sites and developing a dispensing plan, and attending POD training.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of this resolution.

- 4.16. Contract Resolution - Water Utilities: Resolution No. 2008-R0031 authorizing the Mayor to execute a professional services contract with Agri-Waste Technology for modeling and reporting of water and nitrogen balances at the Land Application sites as required by the Texas Commission on Environmental Quality wastewater permit.**

In December 2001, the City entered into an agreement with Agri-Waste Technology (AWT) for professional services related to the Lubbock Land Application Site (LLAS) and the Hancock Land Application Site (HLAS). Services include implementing, updating, and operating on a day-to-day basis the water and nitrogen balance model for the LLAS and HLAS as required in the City's Texas Commission on Environmental Quality (TCEQ) wastewater permit. AWT provides consulting services for modeling and reporting of water and nitrogen balances at the Land Application sites as required by the TCEQ wastewater permit. Two previous contracts extended the services until January 2008. This contract expires on January 9, 2009. Compensation for services shall not exceed \$138,400.

The Lubbock Water Advisory Commission considered this item at their meeting on November 15, 2007.

**FISCAL IMPACT**

Funding is available in the Adopted FY 2007-08 Wastewater Fund operating budget.

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

- 4.17. Contract Resolution - Water Utilities: Resolution No. 2008-R0032 authorizing the Mayor to execute a contract with ARCADIS for environmental consulting services for the groundwater monitoring and remediation of the Land Application Sites.**

ARCADIS has been providing environmental consulting services to the City for many years as a subcontractor to Pardue & Associates, a legal consultant. The City desires to contract directly with ARCADIS in an effort to improve the flow of communication and reduce consulting costs. Basic services include groundwater monitoring data management as well as remediation progress reporting and modeling. These services will be provided for the Lubbock Land Application Site and the Hancock Land Application Site. City staff will perform the actual field work for the routine groundwater monitoring activities. It is anticipated that the cost for the basic scope of work will not exceed \$126,950. Additional services above and beyond the basic contract such as revisions to the current Remediation Plan may be required

during the fiscal year. Additional services will not exceed \$55,000. The contract will expire on January 1, 2009.

The Lubbock Water Advisory Commission considered this item at their meeting on December 13, 2007.

**FISCAL IMPACT**

Funding is available in the Adopted FY 2007-08 Wastewater Fund operating budget.

Staff recommended approval of this resolution.

**4.18. Contract Resolution - Water Utilities: Resolution No. 2008-R0033 authorizing the Mayor to execute a unit price contract with Acosta Drilling Company for public water supply wells for the Bailey County Well Field Improvements, RFP 07-733-BM.**

Due to extended drought periods during the past 20 years, production from wells in the Bailey County Sandhills Well Field has declined. Parkhill, Smith & Cooper (PSC) evaluated the feasibility and optimal placement of additional wells to restore the lost production capacity of the well field. PSC determined the quantity and optimal placement of additional wells to restore five million gallons per day of production capacity. This unit price contract is for drilling and completion of eight additional wells. It does not include construction associated with electric power service or the well water collection system. These items will be addressed in separate contracts.

Proposals were evaluated based on price 40%, contractor qualifications 40%, safety record questionnaire 10%, and construction time 10%.

The proposals were ranked as follows:

- |                                                                 |             |
|-----------------------------------------------------------------|-------------|
| 1. Acosta Drilling Company of Lamesa, Texas<br>441 points       | \$771,791   |
| 2. Hi Plains Drilling of Abernathy, Texas<br>426 points         | \$893,234   |
| 3. Wilson Drilling Company, Muleshoe, TX<br>419 points          | \$887,713   |
| 4. Layne Christensen Company of Chandler, Arizona<br>303 points | \$1,711,666 |

The lowest cost proposal submitted by Acosta Drilling Company meets the needs and requirements of the project and the construction time requirement of 120 days.

The contract is awarded by unit price. The total amount of the award is based on estimated quantities and actual expenditures may be more or less depending on actual needs. The price per unit will not change and expenditures will not exceed appropriated funds.

The Lubbock Water Advisory Commission considered this item at their meeting on January 18, 2008.

#### **FISCAL IMPACT**

\$2,898,820 was appropriated in Capital Improvement Project 91003, Bailey County Well Field Improvements. With the award of this contract \$1,445,440 of appropriation remains for upcoming project expenditures.

Staff recommended contract award to the lowest bidder, Acosta Drilling of Lamesa, Texas, for \$771,791.

**4.19. Contract Resolution - Water Utilities: Resolution No. 2008-R0034 authorizing the Mayor to execute a contract with Enprotec/Hibbs & Todd for technical peer review services of the engineering design for the Lake Alan Henry Water Treatment Plant, raw water pump stations, and related facilities, RFQ 07-736-BM.**

Work continues to progress with the planning and engineering for the Lake Alan Henry pipeline and water treatment infrastructure. On November 7, 2007, The final submittal of the preliminary engineering report for the Lake Alan Henry water transmission line, pump stations, water treatment facilities, and related facilities was received by the City.

Because of its size, the project has been divided into four major components:

- (1) raw water transmission pipeline,
- (2) pump stations at Lake Alan Henry and near the City of Post,
- (3) new water treatment plant; and
- (4) treated water supply line from the water treatment plant to the pump stations.

The Water Advisory Commission approved staff's recommendation to negotiate contracts with Parkhill, Smith & Cooper in association with Black & Veatch and Freese & Nichols for the engineering design of the Lake Alan Henry Infrastructure project. However, due to the size and complexity of the project, staff and the Water Advisory Commission desire to enter into a contract with a third-party technical peer reviewer to review design documents and to make recommendations for improvement. The contract expires on March 1, 2012.

Statements of qualifications were solicited from qualified firms. Enprotec, Hibbs & Todd with offices in Lubbock and Abilene, is recommended by the evaluation committee and approved by the Water Advisory Commission to perform the technical peer review services. The contract amount is not to exceed \$300,000.

Once the technical peer reviewer services are under contract, the reviewer will assist the City in negotiations with the engineering design team for the design of the water treatment plant and membrane pilot tests as well as the raw water pump stations.

The Lubbock Water Advisory Commission considered this item at their meeting on January 18, 2008.

#### **FISCAL IMPACT**

\$5 million was appropriated in Capital Improvement Project 92068, Lake Alan Henry Pipeline Final Design. With the award of this contract \$4,699,711 of appropriation remains for engineering and design.

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

**4.20. Contract Resolution – Water Utilities: Resolution No. 2008-0035 authorizing the Mayor to execute Change Order No. 4 to the contract with Brown McKee for the construction and installation of an automatic transfer switch for backup power supply.**

The project includes the construction and installation of an automatic transfer switch for the Southeast Water Reclamation Plant (SEWRP). The automatic transfer switch will allow an increase in the amperage rating throughout the SEWRP's power and backup power system.

On September 1, 1998, a power failure incident resulted in two million gallons of raw sewage released into the North Fork of the Double Mountain Fork of the Brazos River at the Southeast Water Reclamation Plant. That incident resulted in killing fish, thereby violating Texas Commission on Environmental Quality (TCEQ) rules and regulation. On February 19, 1999, TCEQ issued a Notice of Enforcement Action Order to the City that required the City to engage in a solution to prevent any further discharge of raw or inadequately treated sewage into the creek in an event of power failure. As a solution, the City has the option of providing a reliable alternate source of power using standby generators and or retention of inadequately treated wastewater. The City chose to provide the alternate power source option and implemented the necessary corrective actions.

A backup generator was purchased in 1999 to ensure that the SEWRP met Y2K needs and met the 1999 TCEQ Agreed Order. When the primary source of power has a failure event, the backup generator automatically engages and provides the power for the SEWRP. This automated action of switching from a primary source of power to a backup source of power requires an automatic transfer switch. The backup generator has been used at least once a year due to power failures. Increases in the effluent lift station power loads require a larger automatic transfer switch with an increase in the amperage ratings.

This \$93,095 change order increases the contract amount to \$2,420,234. A 145 days time extension will be necessary for the construction of this water main and the new contract completion date will be July 27, 2008.

The Lubbock Water Advisory Commission considered this item at their meeting on January 18, 2008.

**FISCAL IMPACT**

\$3,010,073 was appropriated in Capital Improvement Project 90359, Southeast Water Reclamation Headworks Pump Rehabilitation. After this contract award, \$41,426 is the remaining appropriation.

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

**4.21. Right-of-Way Ordinance 1st Reading - Right-of-Way: Ordinance No. 2008-O0006 abandoning and closing a 20-foot alley between Block 4 and Tract I, Westhaven Addition, located at 3315 2nd Place.**

The ordinance abandons and closes an east/west 20-foot wide alley located between Block 4 and Tract I, Westhaven Addition, south of 2nd Place and east of Indiana Avenue. The alley is for redevelopment purposes, but will remain an underground utility easement. The requestor owns both sides of the alley and all utility companies are in agreement with the closure. Since the requestor is not the original dedicator of the alley area being closed, there is a charge for the closure. The total area is 8,000 square feet. The Right-of-Way Department determined a value of \$0.97 per square foot based on adjacent property values. The total amount due to the City is \$3,880 based on an assessment of \$7,760 x 50% easement valuation.

**FISCAL IMPACT**

Additional \$3,880 of General Fund Revenue.

Staff recommended approval of the first reading of this ordinance.

**4.22. Contract Resolution - Public Works: Resolution No. 2008-R0036 authorizing the Mayor to execute a unit price contract for the 2008 Primary Seal Coat Project, BID 08-704-DD.**

The 2008 primary seal coat project consists of a two course seal coat with crushed rock, AC-5 asphalt, and striping. This will include all major thoroughfares and collectors designated for the 2008 seal coat as discussed with the City Council at a December 2007 meeting.

Bids included pricing for seal coat items and an option for the cost of striping. Bids were received from the following contractors:

Bid for seal coat without striping:

J.D. Ramming Paving of Cibolo, TX	\$3,937,144
Ronald R. Wagner and Company of Kendalia, TX	\$4,196,670

Bid for seal coat and striping:

J.D. Ramming Paving of Cibolo, TX	\$4,195,367
Ronald R. Wagner and Company of Kendalia, TX	\$4,447,366

The contract is awarded by unit price. The total amount of the award is estimated based on estimated quantities and actual expenditures may be more

or less depending on actual needs. The price per unit will not change and expenditures will not exceed appropriated funds.

Time for completion is 122 consecutive calendar days with liquidated damages of \$1,000 per day.

**FISCAL IMPACT**

\$12.6 million is appropriated in Capital Project 92125, Street Maintenance Program, with \$4,195,367 available for this contract.

Staff recommended contract award to the lowest bidder, J.D. Ramming Paving of Cibolo, Texas, for \$4,195,366.84.

**4.23. Contract Resolution – Public Works: Resolution No. 2008-R0037 authorizing the Mayor to execute a unit price contract for the 2008 Secondary Seal Coat Project, BID 08-705-DD.**

The 2008 secondary seal coat project consists of a single course seal coat with crushed rock, AC-5 asphalt, and striping. This will include all collectors and residential streets designated for the 2008 seal coat as discussed with the City Council at a December 2007 meeting.

Bids included pricing for seal coat items and an option for the cost of striping. Bids were received from the following contractors:

Bid for seal coat without striping:

J.D. Ramming Paving of Cibolo, TX	\$2,313,892
Ronald R. Wagner and Company of Kendaleia, TX	\$2,520,483
West Texas Paving of Lubbock, TX	\$3,350,948

Bid for seal coat and striping:

J.D. Ramming Paving of Cibolo, TX	\$2,365,271
Ronald R. Wagner and Company of Kendaleia, TX	\$2,569,491

The contract is awarded by unit price. The total amount of the award is estimated based on estimated quantities and actual expenditures may be more or less depending on actual needs. The price per unit will not change and expenditures will not exceed appropriated funds.

**FISCAL IMPACT**

\$12.6 million is appropriated in Capital Project 92125 Street Maintenance Program. With the award of this contract \$3,559,004 of appropriation remains for upcoming project expenditures.

Staff recommended contract award to the lowest bidder, J.D. Ramming Paving of Cibolo, Texas, for \$2,365,271.

- 4.24. **This item was moved from consent agenda to regular agenda and considered following Item 4.11.**
- 4.25. **This item was moved from consent agenda to regular agenda and considered following Item 4.24.**
- 4.26. **Election Ordinance 1st Reading - City Secretary: Ordinance No. 2008-O0007 ordering the City of Lubbock 2008 regular municipal election to be conducted on May 10, 2008; indicating those officers to be elected, providing for an accessible electronic voting system to be used, establishing polling places, appointing election judges, establishing hours for voting, adopting the sealed ballot box procedures, providing for early voting, directing the City Secretary to give notice of the regular municipal election of the City of Lubbock, and providing an effective date.**

The Lubbock City Council deems it to be in the best interest of the citizens of Lubbock to order a Regular City Election for the purpose of electing municipal officers. This election is to be held May 10, 2008, pursuant to the Texas Election Code, the Lubbock City Charter, and City ordinances.

Said election shall be for the purpose of electing the following officers of the City of Lubbock:

Mayor (At Large)	2 Year Term
Council Member, District 2	4 Year Term
Council Member, District 4	4 Year Term
Council Member, District 6	4 Year Term
Municipal Court Judge	4 Year Term

#### **FISCAL IMPACT**

Estimated cost of election is \$125,000. Funding is available in Adopted FY 2007-08 Non-Departmental Operating Budget.

Staff recommended approval of the first reading of this ordinance.

- 4.27. **Joint Election Resolution - City Secretary: Resolution No. 2008-0038 authorizing the May 10, 2008, General Election to be conducted as a joint election with Lubbock County or with such other eligible governmental units in Lubbock County and authorizing the Mayor to execute a contract for election services with Lubbock County and the other eligible governmental units for said joint election.**

Chapter 31, Subchapter D, of the Texas Election Code authorizes the governing body of a political subdivision to contract with a County for the County's election officer's services for election services in an election ordered by the political subdivision; and Chapter 271 of the Texas Election Code provides for joint elections when an election is required upon the same day by two or more political subdivisions occupying all or part of the same county.

The Lubbock City Council deems it to be in the best interests of the citizens of Lubbock to conduct a joint election with other eligible governmental units and to contract with Lubbock County for certain election services.

**FISCAL IMPACT**

Estimated cost of election is \$125,000. Funding is available in Adopted FY 2007-08 Non-Departmental Operating Budget.

Staff recommended approval of this resolution.

**5. REGULAR AGENDA (continued)**

**Note: Regular Agenda items, and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (4.3-4.4, 4.11, 4.24-4.25, 5.1-5.6).**

**4.3. Contract Resolution - Legislation: Resolution No. 2008-R0039 authorizing the Mayor to execute a contract with Hance Scarborough for legislative counseling services.**

Hance Scarborough specializes in providing governmental relations services in state legislative and administrative matters. The previous contract with this firm expired December 31, 2007. Under the terms of this contract the City agrees to pay \$5,000 per month for a term of one year. Hance Scarborough will focus its efforts on water and wastewater issues.

**FISCAL IMPACT**

Funding is available in the Adopted FY 2007-08 Water and Wastewater Operating Budgets.

Staff recommended approval of this resolution.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass Resolution No. 2008-R0039 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**4.4. Contract Resolution - Legislation: Resolution No. 2008-R0040 authorizing the Mayor to execute a contract with Meyers & Associates for legislative counseling services.**

Meyers & Associates specializes in providing governmental relations services in federal legislative and administrative matters. The previous contract with this firm expired December 31, 2007. Under the terms of the proposed contract, the fee is \$8,000 per month plus expenses not to exceed \$1,000. Meyers & Associates will focus its efforts on water and wastewater issues.

**FISCAL IMPACT**

Funding is available in the Adopted FY 2007-08 Water and Wastewater Operating Budgets.

Staff recommended approval of this resolution.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass Resolution No. 2008-R0040 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**4.11. Contract Resolution - Parks and Recreation: Resolution No. 2008-R0041 authorizing the Mayor to execute a contract for the design, manufacture, placement, and connection of a modular precast restroom and shower building in the Sam Wahl Recreational Area located at Lake Alan Henry in Garza County, BID 07-716-DD.**

The contract is for the design, manufacture, placement, and connection of a modular precast restroom and shower building in the Sam Wahl Recreational Area located at Lake Alan Henry in Garza County.

The following companies submitted proposals:

CXT of Spokane, WA (Manufacturing plant in Hillsboro, TX)	\$265,536
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Walcon of Wallis, TX	\$230,657
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The cost of the Walcon building is \$197 per square foot and the cost of the CXT building is \$191 per square foot.

The precast concrete building includes men's and women's accessible restrooms and showers. There are six toilets and three lavatories in the women's restroom and two toilets, four urinals, and three lavatories in the men's restroom. Water conserving, vandal resistant fixtures will be used. Hot water will be available at all lavatories and showers. The CTX building is concrete including the floor, walls, roof, and partitions. The appearance of the building meets the Sam Wahl Recreational Design Guidelines, including simulated "cedar shake" shingles, simulated lap and board siding, and simulated native stone facade around the base of the building.

The Walcon building does not meet Sam Wahl Recreation Area Design Guidelines and does not meet the minimum building size (51'-3" x 26'-2"). It does not offer colored concrete in roof panels, building walls, or screen panels. The Walcon building does not include installation of vandal resistant showerheads, electronic actuated water valves, and motion sensors on fans and shower lights. It does not meet the specified shower drying area, number of steel framed windows, and storage area.

Time for completion is 120 consecutive calendar days and liquidated damages are \$25 per day. Proposals for the restroom were opened on August 16, 2007, and pricing was good for 60 days. On October 16, 2007, CXT agreed to hold the price for the restroom building no later than January 31, 2008.

Water service will be supplied by the Lake Alan Henry Water District, pending the Raw Water Lease Agreement between the City of Lubbock and the Lake Alan Henry Water District. The delivered water will be treated to drinking water standards for use at the restroom.

In the event the Raw Water Lease Agreement is not approved, staff will recommend a pumping and water treatment system to withdraw and process water from Lake Alan Henry for the restroom.

**FISCAL IMPACT**

\$2,554,938 was appropriated in Capital Project 9492, Lake Alan Henry Recreation Area Improvements, with \$1,463,664 available for this purpose.

Staff recommended contract award to the lowest bidder meeting specifications, CXT of Spokane, Washington, for \$265,536.

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

Mayor Pro Tem Gilbreath and Council Member Leonard expressed that they think the bid is too high.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass Resolution No. 2008-R0041 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Mayor Pro Tem Gilbreath and Council Member Leonard voted Nay.

**4.24. Contract Resolution - Street Maintenance: Resolution No. 2008-R0042 authorizing the Mayor to execute a contract with HVJ Associates for pavement evaluation system engineering services, RFQ 08-703-BM.**

The Street Maintenance Plan includes the implementation of a Pavement Management System to evaluate asphalt, concrete, and brick paved streets and alleys. The contract is for professional engineering services to visually inspect approximately 1,100 centerline miles of paved streets (3,000 lane miles), approximately 60 centerline miles of unpaved streets, and all City maintained alleys or services include a computerized street inventory and current Pavement Condition Index rating for each street section, as well as an estimate of pavement rehabilitation and reconstruction needs. The project includes providing all necessary software, field data collection, and training to implement the new system.

The Pavement Management System will increase efficiency and provides the ability to track daily, weekly, monthly, and annual street maintenance services.

The following firms submitted proposals and are ranked as follows:

- HVJ Associates, Inc. - Houston, Texas; regional offices in Austin, Dallas, El Paso, and San Antonio. Specializing in geotechnical, construction materials, pavement, and traffic and transportation engineering.

- Applied Research Associates, Inc. - Albuquerque, New Mexico; additional offices throughout the United States and Canada. Specializing in pavement structure asset management, infrastructure management, pavement engineering, and vehicle-based data collection.
- IMS Infrastructure Management – Chandler, Arizona; additional offices in Rolling Meadows, Illinois, and Cambridge, Ontario. Specializing in automated pavement distress surveys, right of way asset surveys, and analysis of collected data.
- Transmap Corporation – Columbus, Ohio. Specializing in the implementation of comprehensive asset management systems, the efficient collection of roadway asset information, data integration, system implementation, training and data maintenance.
- Fugro Consultants, Inc. – Austin, Texas. Specializing in pavement management, design, research, and pavement materials, and testing.
- Dynatest Consulting, Inc. – College Station, Texas; additional offices in Ventura, California; Starke, Florida; and Westland, Michigan. Specializing in pavement management and pavement data collection.

The evaluation criteria included past project experience (30%), project approach (30%), organization and staff qualifications (30%), and overall responsiveness to the RFQ (10%).

The contract is not to exceed \$310,252 with \$80,000 being reimbursed by the Metropolitan Planning Organization.

#### **FISCAL IMPACT**

The Metropolitan Planning Organization approved \$80,000 on July 24, 2007, as part of its Unified Planning Work Program, Task 4.3, for the Pavement Management System to reimburse the City for the project.

\$12.6 million is available in Capital Project 92125, Street Maintenance Program, with \$230,252 available for this contract and \$80,000 to be funded by the Metropolitan Planning Organization.

Staff recommended contract award to the most highly qualified firm, HVJ Associates of Houston, Texas, for \$310,252.

Kevin Lair, Street Superintendent, and Victor Kilman, Director of Purchasing and Contract Management, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution No. 2008-R0042 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 4.25. Contract Resolution - Fleet: Resolution No. 2008-R0043 authorizing City Council to reject all bids for auto body repair and paint services, BID 08-001-MA.**

The bid establishes annual pricing for auto body repair and paint services used for City vehicles and equipment. Bids for parts are expressed as a percentage discount of the Mitchell's Crash Guide and bids for labor are an hourly rate. The City received bids from seven companies.

Based on visual inspection of the facilities and interviews, all bidders meet the criteria for paint booths, machinery requirements, inside storage within a secured area, experience, 24-hour estimates, and the ability to perform body repairs and paint services. However, almost one-third of the bidders did not meet the specification requiring free pickup and delivery of vehicles, including flat bedding when required.

Staff recommended City Council reject all bids. This item will be rebid using revised specifications, which shall include separate pricing for pickup and delivery of vehicles as an alternate. Staff will then conduct a cost analysis of towing services.

#### **FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of this resolution.

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

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0043 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.1. Public Hearing 4:00 p.m. - Planning: Ordinance No. 2008-O0008 ZONE CASE NO. 2807-B (10301 Slide Road) Hold a public hearing to consider request by AMD Engineering, LP (for Sam Burke) for zoning change from C-4 to C-4 Specific Use for a commercial laundry and dry cleaner with reduced front setback on 0.764 acres of unplatted land out of Section 16, Block E-2.**

Mayor Miller opened the public hearing at 5:15 p. m. No one appeared on behalf of Sam Burke. No one appeared in opposition. Mayor Miller closed the hearing at 5:16 p. m.

The request allows for amendment of an existing commercial-4 (C-4) ordinance along Slide Road that excluded a number of uses. The request removes one of the "strikes" from the current permitted use list to allow for a commercial laundry. In one building built to match the quality of construction that has begun in the area, the facility will be the headquarters offices for Master Cleaners, provide a laundry and dry cleaning drop off facility, and have the "plant" where outlying bundle stations will deliver laundry and dry cleaning for processing.

Adjacent land uses:

- N – commercial zoned
- S – commercial zoned
- E – commercial zoned
- W – vacant property

The Comprehensive Land Use Plan is not an issue in this request in that the property is already zoned C-4. At the time of zoning, the original applicant provided a list of uses to not be included – “commercial laundry” was one of those included on the list. Since the 1960’s and 1970’s when large steam laundry facilities were included in the C-4 district, the technology involved in the process has become much more regulated with regard to chemical use and the fact that boilers are much smaller and more efficient than the “old days”. In addition, Master Cleaners is going to incorporate the offices for their Lubbock operation in the structure, and the front will give the appearance of a typical bundle laundry drop off (which would be allowed at this location and in lesser zoning districts).

On the day of the hearing, several letters of opposition were placed in the file, it seems that the persons submitting those protests are unaware that the cleaners will occupy an out parcel adjacent to Slide Road and an approximate 140 foot parcel will remain between the new parcel and the alley adjacent to the residences. A copy of the proposed plat is in backup, the cleaners are proposing to build on Tract B.

The applicant will comply with zoning requirements when they design the facility. With Slide Road on the thoroughfare system, the impact of traffic from the facility should have no impact on the overall system. The Planning Commission is recommending that the use “commercial laundry” be added back as a permitted use that is not included in Ordinance 10049, that the zone case be styled as Specific Use to accommodate a minor setback encroachment of a canopy on the north side, tied to the illustrated parking and a condition limiting curb cuts on Slide Road (the current site plan illustrates no curb cuts – as the property is developed the applicant may find the need for one curb cut):

1. A permitted use will be “commercial laundry.”
2. Subject to negotiations with Texas Department of Transportation (TxDOT), the parcel shall have a maximum of one curb cut onto Slide Road. The best alternative would be that this parcel and the vacant parcel to the south share one curb cut, but that decision will be based on TxDOT guidelines.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2008-00008 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.2. Public Hearing 4:00 p.m. - Planning: Ordinance No. 2008-00009 ZONE CASE NO. 3099 Hold a public hearing to consider request by Hugo Reed and Associates, Inc. (for Subodh Patel) for zoning change from R-3 and C-4 to IHC on 1.5 acres of unplatted land out of Section 19, Block A (East of Avenue R between Marsha Sharp Freeway and 3rd Street).**

Mayor Miller opened the public hearing at 5:15 p. m. No one appeared on behalf of Subodh Patel. No one appeared in opposition. Mayor Miller closed the hearing at 5:16 p. m.

The request is to change a vacant half block on Avenue R between the new Marsha Sharp Freeway service road and 3rd Street that is zoned residential-3 (R-3) and the commercial half block adjoining Avenue Q between 3rd Street and the Marsha Sharp Service Road. This request represents the first zone case that conforms with the amended Comprehensive Land Use Plan for the area between University Avenue and Avenue Q, from the new service road to 3rd Street. The project will occupy the full block.

Adjacent land uses:

- N – commercial
- S – Freeway
- E – commercial
- W – partially vacant and single family, zoned R-3

As noted, the request is consistent with the recently adopted amendment to the Lubbock Comprehensive Land Use Plan in that full Zone Cases between Avenue Q and University Avenue will have a positive reception for rezoning if a full block or more is assembled from the service road north to 3rd Street. When developed, the new project will be consistent with the development guidelines of Interstate Commercial. The applicant has submitted a generic site plan to illustrate their intentions; the zone case will not adopt the site plan.

One item to clarify, the applicant may choose to place a screening fence on the west boundary; the Code does not require the fence. If a screening fence is constructed, the 25-foot vision cutoff shall be observed at Marsha Sharp and Avenue R as well as Avenue R and 3rd Street (including the solid waste compound at 3rd Street and Avenue R). The project will have no more than the expected impact on the thoroughfare system.

The Planning Commission recommended the request to the City Council with the following condition:

1. The applicant may choose to place a screening fence on the west boundary; the Code does not require the fence. If placement is chosen, the 25-foot vision cutoff shall be observed at Marsha Sharp and Avenue R as well as Avenue R and 3rd Street (including the solid waste compound at 3rd and Avenue R).

### **FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2008-O0009 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.3. Public Hearing 4:00 p.m. - Planning: Ordinance No. 2008-O0010 ZONE CASE NO. 3100 (4502 98th Street) Hold a public hearing to consider request by Hugo Reed and Associates, Inc. (for Cone Family Trust) for zoning change from R-1, T, and C-1 to C-3 on 4.3 acres of unplatted land out of Section 16, Block E-2.**

Mayor Miller opened the public hearing at 5:15 p. m. No one appeared on behalf of Cone Family Trust. No one appeared in opposition. Mayor Miller closed the hearing at 5:16 p. m.

The request is to zone a collection of single family (R-1) transitional (T), and commercial-1 (C-1) to commercial-3 (C-3) at 4502 98th Street, a parcel north of 98th Street and west of Quaker Avenue. The property has been reclaimed (or is eligible for reclamation) from the playa that originally encompassed all four corners of this intersection. The curve in 98th Street was designed to place all of the lake north of 98th Street.

Adjacent land uses:

- N – Lakeridge golf course
- S – commercial
- E – a parcel that is a part of the cut of the lake that allowed the United Supermarkets site to be filled to a level above the lake
- W – Lakeridge golf course maintenance barns

During the meeting, the advocate for the owner requested that the Planning and Zoning Commission approve C-2 zoning. C-3 was noted on the original application. The staff had expressed a concern for several C-3 uses since the parcel backs to the golf course and a row of town homes to the east.

As noted, the configuration of this parcel having been formed when 98th Street was “bowed” around the lake, creates this strip of land that is not useful for other than office of commercial development. Commercial development exists across the street to the south and no residential is affected.

The request is a minor amendment for the Comprehensive Land Use Plan, as the Plan was approved prior to the change for the street location. The current Plan maintains policy for the strip as “open space” as if it is part of the playa, but the ownership has never been part of the Lakeridge development. The

motion from the Planning Commission for approval includes the recommendation for a minor change to the Comprehensive Land Use Plan.

As in other thoroughfare locations for the last few years, staff is concerned about the number of curb cuts eventually requested. The Planning and Zoning Commission recommended this request to the City Council as C-2 with a condition:

1. Not more than two curb cuts shall be allowed the full length of the parcel.

#### **FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

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

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2008-00010 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.4. Public Hearing 4:00 p.m. - Planning: Ordinance No. 2008-00011 ZONE CASE NO. 3101 (5201 University Avenue) Hold a public hearing to consider request by David Fleming (for Rehab Properties LLC) for zoning change from R-1 to C-2 Specific Use for a shopping center with a reduced front setback on Lot 1-A, Freeway Addition.**

Mayor Miller opened the public hearing at 5:15 p. m. No one appeared on behalf of Rehab Properties LLC. No one appeared in opposition. Mayor Miller closed the hearing at 5:16 p. m.

The request is to rezone a lot currently zoned residential-2 (R-2) and occupied by a church building. The request is filed as Specific Use to accommodate a reduced setback on the south street (53rd Street) which is residential to the east. No adjacent commercial will be blocked from view by the reduced setback.

Adjacent land uses:

N – commercial

S – rest home

E – single family

W – University Avenue with single family west of the street

The application is in an area that does not meet the current Comprehensive Land Use Plan Policy for commercial. The area is illustrated as “public use” as the church existed when the Plan was first approved in 1975. Being along University Avenue just south of 50th Street, this zone request is not in an area of town that is designed in a format that accommodates the ten-acre per corner rule, the commercial lots face 50th Street, and single family primarily is south of the commercial to the east and west.

The former hospital south of this site, now a rest home, helps diminish the number of single family homes that would be affected to those just to the east. The applicant would be required to place a screening fence on the east property line if the request is approved.

The project should have little appreciable impact on the thoroughfare system since University Avenue is a large capacity street.

No opposition was expressed during the Commission hearing. The recommendation for approval by the Commission to the City Council includes C-2, and includes the fact that the request is a minor amendment to the Comprehensive Land Use Plan and a condition:

1. Tied to the proposed site plan with the reduced setback from 53rd Street.

The Planning and Zoning Commission recommended approval of this request.

### **FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2008-O0011 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.5. Public Hearing 4:00 p.m. - Planning: Ordinance No. 2008-O0012 ZONE CASE NO. 3102 (5514 34th Street) Hold a public hearing to consider request by Bellaire Baptist Church for zoning change from R-1 to A-2 (limited to church and church related uses) on .3695 acres of unplatted land out of Block E-2, Section 5, and on Lots B, C, and D, Greenlawn Addition.**

Mayor Miller opened the public hearing at 5:15 p. m. No one appeared on behalf of Bellaire Baptist Church. No one appeared in opposition. Mayor Miller closed the hearing at 5:16 p. m.

The applicant is Bellaire Baptist Church for a zone change from the existing residential-2 (R-2) to apartment-2 (A-2) limited to church and church related uses. The original church was constructed when churches were a permitted use in R-2. This change will allow the church to grow under A-2 development guidelines in the future without having a zone case or another Zoning Board of Adjustment case.

Adjacent land uses:

- N – City park
- S – residential and a nursing home
- E – residential
- W – City park and Lubbock Christian University vacant property

The church has occupied this property for many years and is in the planning stages of growth. The original church was built when church use was a

permitted use in R-1, and has now become nonconforming since the “church” permitted use was moved to A-2 in 1975.

The proposal is consistent with the Comprehensive Land Use Plan and zoning policy. The change in zoning will cause no additional impact on the thoroughfare system. The Planning Commission recommended this request to the City Council with a condition:

1. The zoning for this parcel is A-2 limited to church and church related uses.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass on first reading Ordinance No. 2008-O0012 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**Item 5.6 was removed from the table at this time.**

Motion was made by Council Member Jones, seconded by Council Member DeLeon to removed Item 5.6 from being tabled. Motion carried: 7 Ayes, 0 Nays.

**5.6. Resolution - Finance: Resolution No. 2008-R0044 authorizing the Mayor to execute an amendment to the Advance Funding Agreement with Texas Department of Transportation.**

On December 7, 2006, the City executed an Advance Funding Agreement with Texas Department of Transportation (TxDOT), which obligated the City to make a \$25 million contribution toward the construction of Phase 3B of the Marsha Sharp Freeway. Phase 3B includes the Salem Avenue to Chicago Avenue portion of the Freeway. The City made the first payment of \$12.5 million to TxDOT on January 19, 2007.

Due to recent negotiations with TxDOT, the City is no longer responsible for payment of the remaining \$12.5 million if approved by City Council.

**FISCAL IMPACT**

Future funding for approved Northwest Passage projects will be reduced in total as these funds can be reallocated to other Gateway Funds projects.

Staff recommended approval of this resolution.

Marsha Reed, Director of Public Works, gave a presentation to Council on the Northwest Passage, which included the results of the TxDOT negotiation. She also presented the proposed timeline for agreements, going out to bid, engineering and design, construction, and completion. Ms. Reed then answered questions from Council.

Randy Hopmann, Lubbock District Engineer with Texas Department of Transportation (TxDOT) gave comments and answered questions from Council.

Vote was then taken on the original motion made by Council Member DeLeon and seconded by Council Member Price to pass Resolution No. 2008-R0044 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5.7. This item was considered following Item 6.2 in Work Session.**

**3. 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; competitive matters of the public power utility; and amendments to contracts regarding bioterrorism preparedness, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law.”**

**5: 30 P. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION  
City Council Conference Room**

**All council members were present.**

- 3.1. 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. (Police, Stormwater, Water Utilities)**
- 3.2. 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. (Water Utilities)**
- 3.3. 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.**
- 3.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
  - 3.4.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light**
  - 3.4.2 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**
  - 3.4.3 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.**

**3.5. Hold an executive session in accordance with V.T.C.A. Government Code 418.183(f) to discuss amendments to Contracts No. 2008-022963 001A Bioterrorism Preparedness-Lab and No. 2008-0022931 001A CPS Bioterrorism Preparedness. (Health Department)**

**3.6. 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 Urban Design/Historic Preservation Commission, West Texas Municipal Power Agency Board of Directors, and the Zoning Board of Adjustment.**

**7:02 P.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 7:02 P. M.**

**6. WORK SESSION**

**6.1. 7:00 p.m. Presentation on results of the Boards and Commissions survey including information on terms, term limits, and sizes of boards.**

Becky Garza, City Secretary, gave a presentation to Council on the results of the Boards and Commissions survey, which included information on terms, term limits, and sizes of boards. She then answered questions from Council.

**6.2. Presentation on proposed projects for bond election.**

The following citizens appeared before Council to speak in favor of a bond election: Andrew Turner, Billy Babcock, Rodney Roberts, Larry Lindsey, Larry Burks, Kevin Watson, Bob Crockett, and Dr. Peter Ho.

Roger Settler and Clifton Burnett appeared before Council to speak against a bond election.

Juan Castro appeared before Council to speak about other areas of Lubbock, specifically north Lubbock, needing improvements.

**5.7. Board Appointments - City Secretary: Consider seven appointments to Urban Design/Historic Preservation Commission, one appointment to West Texas Municipal Power Agency Board of Directors, and four appointments to Zoning Board of Adjustment.**

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to appoint Brett Houk and David Chapa, and reappoint Donald Dyal, Jason Hodges, James Loden, Winn Sikes, and Clifton Ellis to the Urban Design/Historic Preservation Commission. Motion carried: 7 Ayes, 0 Nays.

Regular City Council Meeting  
January 24, 2008

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

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem to appoint Jose Valenciano to member position and Daniel Sanchez to alternate, and reappoint Darrell Hill and Maggie Trejo to the Zoning Board of Adjustment. Motion carried: 7 Ayes, 0 Nays.

**7:45 P. M. COUNCIL ADJOURNED**

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