

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
MARCH 13, 2008  
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 13th day of March, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

**7:33 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**

There were no citizens to express comments to Council.

**At this time, Council considered Item 4.5.**

**4.5. Resolution - Finance: Resolution No. 2008-R0083 accepting the City of Lubbock Comprehensive Annual Financial Report for fiscal year ended September 30, 2007.**

Each year, the Finance Department prepares a Comprehensive Annual Financial Report (CAFR) designed to provide the City Council, citizens, representatives of financial institutions, and others with detailed information concerning the financial condition and performance of the City of Lubbock. As a significant component of the preparation of the CAFR, an independent audit of the City's general-purpose financial statements and notes is completed.

Kevin Kemp, partner of BKD, LLP will be available to discuss the results of the audit and address any questions. A final opinion will be presented with the final printed copy of the CAFR. The Audit Committee has reviewed the CAFR.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of this resolution.

Jeff Yates, Chief Financial Officer, introduced David Coleman, Auditor with BKD, LLP, who then gave comments on the City of Lubbock's Comprehensive Annual Financial Report. Coleman stated that BKD, LLP issued an unqualified opinion. This means, in the opinion of BKD, LLP, the

financial statements were materially correct. Coleman also stated that staff was great to work with. He answered questions from Council. City Manager Lee Ann Dumbauld also gave comments.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2008-R0083 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

## **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.”**

### **7:39 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION City Council Conference Room**

**All council members were present.**

- 2.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney. (Finance, 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. (Solid Waste, 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.**

Regular City Council Meeting  
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**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 Pastor Jim Brown, Monterey Baptist 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 the City of Lubbock Water Conservation and Education Department for being recognized by the Texas Association of Partners in Education for their efforts to promote water conservation in the South Plains.**

Mayor Miller presented special recognition to the City of Lubbock Water Conservation and Education Department for being recognized by the Texas Association of Partners in Education for efforts made to promote water conservation in the South Plains. Present to receive the special recognition was Sandra Offutt, Kelli Van Winkle, and Marcus Reed of the Water Conservation and Education Department. Ms. Offutt gave comments.

**3.4. Presentation of a special recognition to Herminia Martinez and Gloria Gutierrez of the Copper Rawlings Senior Center for their public service and hospitality toward citizens.**

Mayor Miller presented special recognition to Herminia Martinez and Gloria Gutierrez of the Copper Rawlings Senior Center for their public service and for being hospitable toward citizens. Ms. Martinez gave comments.

**3.5. Presentation of a special recognition to commemorate 2008 as Colon Cancer Prevention and Awareness Year.**

Mayor Miller presented special recognition to commemorate 2008 as Colon Cancer Prevention and Awareness Year. Present to accept the special recognition was Davor Vugrin, M.D. Joining Dr. Vugrin were Michelle Hunter, Health Education Coordinator, and Carol Lain, LVN/Health Educator, both with the City of Lubbock Health Department. Dr. Vugrin and Ms. Hunter gave comments.

**Note: Items 4.17 and 4.18 were moved from Consent Agenda and addressed at this time.**

- 4.17. Resolution - Right-of-Way: Resolution No. 2008-R0084 authorizing the Right-of-Way Department to make an offer to I.C.N.P Investments for a 0.096 acre tract of land out of Lot 1, Block 133, Overton Addition to the City of Lubbock for the widening of Avenue X, located at 2401 4th Street.**

The City is in the process of acquiring right-of-way to widen Avenue X south of Marsha Sharp Freeway. The property is in the North Overton Tax Increment Finance District. The resolution authorizes the Right-of-Way Department to make an offer to I.C.N.P. Investments, a Texas corporation, for a 0.096 acre tract of land out of Lot 1, Block 133, Overton Addition. The \$225,200 offer is the value appraised by Tommy Cantrell, Member Appraisal Institute.

**FISCAL IMPACT**

\$1,397,190 is appropriated in Capital Improvement Project 91063, Tract 7, with \$225,200 available for this purpose.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to pass Resolution No. 2008-R0084 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

- 4.18. Resolution - Right-of-Way: Resolution No. 2008-R0085 authorizing the Right-of-Way Department to make an offer to ISHVARPREMI Foundation for a 0.053 acre easement tract of land out of Lot 12, Block 124, Overton Addition to the City of Lubbock for the widening of Avenue X, located at 2323 4th Street.**

The City is in the process of acquiring right-of-way to widen Avenue X south of Marsha Sharp Freeway. The property is in the North Overton Tax Increment Finance District. The resolution authorizes the Right-of-Way Department to make an offer to ISHVARPREMI Foundation for a 0.053 acre easement tract of land out of Lot 12, Block 124, Overton. The \$103,400 offer is the value appraised by Tommy Cantrell, Member Appraisal Institute.

**FISCAL IMPACT**

\$1,397,190 is appropriated in Capital Improvement Project 91063, Tract 7, with \$103,400 available for this purpose.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to pass Resolution No. 2008-R0085 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

**4. CONSENT AGENDA (Items 4.1, 4.3, 4.6-4.16, 4.19-4.22, 4.25-4.26)**

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve (Items 4.1, 4.3, 4.6-4.16, 4.19-4.22, 4.25-4.26) on consent agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**4.1. Budget Ordinance Amendment 2nd Reading - Finance: Ordinance No. 2008-O0020 Consider budget ordinance Amendment No. 6 amending the FY 2007-08 budget respecting the Grant Fund, Abandoned Vehicle Fund, General Fund, Information Technology Fund, and Capital Improvement Program.**

The first reading of the ordinance was approved at the February 28, 2008, City Council meeting.

1. Accept and appropriate \$162,398 from the Department of Homeland Security for powered and mechanical extrication tools and equipment used in rescue operations. The equipment includes six new Jaws of Life units, four medium pressure rescue air bags, and one low pressure rescue air cushion system. The total cost of the equipment is \$202,998. Eighty percent, or \$162,398, is funded by the federal government on a reimbursement schedule as items are procured. The remaining twenty percent match, or \$40,600, is funded through the Adopted FY 2007-08 Fire Department operating budget.
2. Appropriate \$300,000 of Abandoned Vehicle fund balance for construction of a Simunitions training building. The building, located at the firing range, is used for tactical training by SWAT; in-service training for veteran officers; and building searches, tactical entries, forced entries, safety issues while using stairways, and force-on-force training for new recruits. The building design allows officers to use tools for entries without structural damage. Force-on-force training trains officers in shoot/don't shoot scenarios where they use Simunition training cartridges, similar to paint balls.
3. Amend the Fire Fighter Pay Scale as outlined in Exhibit A. On July 10, 2006, City Council approved a resolution stating a goal to place the Lubbock Fire Department within the top ten fire departments in Texas for pay, compensation, and benefits/retirement. On April 1, 2007, all sworn fire fighters received a 2% pay increase. During the FY 2007-08 operating budget discussions, it was determined that implementation would take five years. The FY 2007-08 Adopted Budget includes a 3% pay increase and approval of \$324,229 pay increase for April 1, 2008, implementation of year one of a new pay structure. In Spring 2007, staff was directed to work with the Fire Fighters Association to determine a pay structure. After considerable discussion, an agreement was reached on the definition of "top ten" and on base salary numbers. The pay plan in Exhibit A reflects the agreed upon first year of the five-year plan.

4. Authorize two additional full-time equivalent Switchboard Operations, Switchboard Operators. The additional positions allow for implementation of a 311 Call Center to act as the single point of contact for requesting non-emergency City services. The call center mission is to provide access to City services and information at the highest levels of customer service. The additional cost of these positions is funded through the Adopted FY 2007-08 Information Technology operating budget.
5. Amend Capital Improvement Project 91216, Terminal Improvement Project by increasing the appropriation from \$5,086,513 to \$5,307,100. Funding is as follows: \$1,923,591 of Airport Improvement Program grant, \$418,100 of 2007 Certificates of Obligation, \$958,244 of Passenger Facility Charge (PFC), and \$2,007,165 of 5-year Certificates of Obligation. Revenues from future PFCs are used to pay the annual debt service.
6. Amend Capital Improvement Project 91109, Roadway & Signage Improvement Project, by increasing the appropriation from \$2,125,000 to \$5,633,370. Funding is as follows: \$141,286 of PFC pay-as-you-go, and \$5,492,084 of 7-year Certificates of Obligation. Revenues from future PFCs are used to pay the annual debt service.
7. Amend Capital Improvement Project 92022, Airfield Drainage & Safety Mitigation, by increasing the appropriation from \$1,940,000 to \$2,134,000. Funding is as follows: \$2,134,000 of 5-year Certificates of Obligation. Revenues from future PFCs funds the annual debt service.
8. Amend Capital Improvement Project 91110, Replace Flight Information Display System, by appropriating \$233,975 and increasing the appropriation from \$225,000 to \$458,975. Project is funded with PFC funds.

#### **FISCAL IMPACT**

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

- 4.3. Reimbursement Resolution - Finance: Resolution No. 2008-R0086 expressing intent to finance expenditures to be incurred to fund the acquisition, construction, reconstruction, or renovation of Lubbock Preston Smith International Airport improvements including roadway, signage, terminal, and airfield drainage improvements and safety mitigation.**

The City intends to issue bonds in spring 2008 to fund various airport projects as approved at the February 28, 2008, City Council meeting. These projects are identified on Exhibit A.

For authorized construction projects, there will be design and engineering costs incurred ahead of the receipt of bond proceeds. The City must declare its

intent to reimburse bond-funded construction costs that are incurred prior to the bond issuance making the costs eligible for reimbursement.

#### **FISCAL IMPACT**

This resolution allows reimbursement of authorized costs incurred in advance of the bond issuance. The total amount of airport projects to be funded by certificates of obligation is \$9,633,249. The annual debt service is funded through passenger facility charges (PFCs).

Staff recommended approval of this resolution.

#### **4.6. Contract Resolution - Business Development: Resolution No. 2008-R0087 authorizing the Mayor to execute an industrial tax abatement agreement with Ozark Automotive Distributors, Inc.**

The City received an application for industrial tax abatement from Ozark Automotive Distributors (Ozark), who plans to build a new facility in the Lubbock Business Park at 408 East Yucca Lane. The site is located in the Lubbock 2000 North Enterprise Zone.

The project meets the Industrial Tax Abatement Policy and Guidelines minimum investment of \$1 million for new company real property improvements. Total investment in the project is \$12.9 million for real property improvements and \$7.5 million for personal property. Ozark plans to create 225 jobs no later than June 2010. The new jobs will have an estimated annual payroll of \$6.1 million, excluding benefits, and an estimated annual payroll of \$8.3 million, including benefits.

The Notice of Intent was approved at the February 28, 2008, City Council meeting.

Staff is recommending a 10-year declining scale tax abatement.

#### **FISCAL IMPACT**

The estimated tax abatement is \$510,566.

Staff recommended approval of this resolution.

#### **4.7. Contract Resolution - Business Development: Resolution No. 2008-R0088 authorizing the Mayor to execute an assignment to transfer and assign to Chaparral Investments, the tax abatement agreement dated June 29, 2004, and amended on July 21, 2004, between the City of Lubbock, Chisum Travel Center, Ltd., and Z8 Properties, Ltd, which was assigned to Bolton Oil Company, Ltd., on June 24, 2007.**

On July 31, 2007, Bolton Oil Company sold Chisum Travel Center to Chaparral Investments. To retain the facility's tax abatement, the tax abatement agreement must be assigned to the new owner.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of this resolution.

**4.8. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0022 Zone Case No. 2895-C (6211 82nd Street) Consider an ordinance for zoning change from A-2 limited to church and church related uses, to C-3 on Tract A-1-B, Monterey Church of Christ Addition.**

The first reading of the ordinance was approved at the February 28, 2008, City Council meeting. The parcel is a portion of the original zone case and is for land that was in contract to the Monterey Church of Christ, and which leaves this strip designated Apartment-2 (A-2) limited to church and church related between the church and adjacent commercial property. The area is too small for another church.

Adjacent land uses:

- N – commercial, across 82nd Street
- S – existing vacant remnant of this A-2 limited to church parcel
- E – Monterey Church of Christ
- W – commercial

Commercial-3 (C-3) is the dominant zoning district on all of the adjacent commercial. If approved, the proposed ordinance recommended by the Planning and Zoning Commission includes the recommendation for a minor amendment to the Comprehensive Land Use Plan. The installation of the Wal-Mart and accompanying retail has significantly altered the current plan on this corner, and an amendment for this case appears reasonable.

Staff requested a condition on curb returns to reduce congestion on 82nd Street. Otherwise, the development should not impact the overall thoroughfare system.

The Planning and Zoning Commission recommended approval of the request with a minor amendment statement to the Comprehensive Land Use Plan with the following condition:

1. The tract shall be limited to one curb return on 82nd Street.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

**4.9. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0023 Zone Case No. 2995-E (6602 82nd Street) Consider an ordinance for zoning change from C-3 and T to IHC on 5.3 acres of unplatted land out of Section 30, Block AK.**

The first reading of the ordinance was approved at the February 28, 2008, City Council meeting. The applicant has an interested car dealership (a second

location of an existing dealership in Lubbock) for this parcel west of Milwaukee Avenue, which requires either Commercial-4 (C-4) or Interstate Highway Commercial (IHC) zoning.

Adjacent land uses:

- N – a playa
- S – partially apartment developed, partly commercially yet to be developed
- E – commercial
- W – commercial

Being isolated by the lake and adjacent commercial development, staff asked the owner to consider requesting IHC limited to a car dealership and all permitted Commercial-3 (C-3) uses. This vicinity has no other zoning heavier than C-3, and while the car dealership may be a good fit for the parcel, there are a number of heavier uses in IHC that would not be compatible with the current and future planned development in the area.

The commercial project is compatible with the Comprehensive Land Use Plan adopted for this area. The parcel is zoned C-3 currently with a limitation of three curb cuts. That limitation will be repeated in recommendations of the Planning and Zoning Commission.

The project meets the guidelines of the IHC Zoning District, and should have no more than the expected impact on the thoroughfare system. If developed as one car dealership, the total traffic impact will be significantly less than a strip shopping center.

The Planning and Zoning Commission recommended approval of the request with two conditions:

1. The Interstate Zoning District shall be limited to one car dealership and all permitted C-3 uses.
2. The entire parcel shall remain tied to three curb returns as previously approved by the Planning and Zoning Commission in a review included in the current zoning on the parcel.

#### **FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

- 4.10. Ordinance 2nd Reading - Planning: Ordinance No. 2008-00024 Zone Case No. 3048-C (between Main Street to Glenna Goodacre Boulevard from Avenue U to Avenue S) Consider an ordinance for zoning change from R-1 Specific Use, R-2, and A-2 to A-2 Specific Use for multifamily housing and townhome units on Block 28, 29, 38, 39 and the north half (Lots 1 - 12) of Block 27 and 40 and 30 feet of the adjacent dedicated street right-of-way on the entire perimeter and the 20-foot alley to the south of Blocks 27 and 40.**

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The first reading of the ordinance was approved at the February 28, 2008, City Council meeting. The concept presented by Capstone Development Corporation is novel to Lubbock. Capstone is a company that specializes in apartment complex development catering to student populations at large universities. Their portfolio includes various types of properties from gated "compound" communities to 18-story structures in a downtown setting. In this case, to be in concert with the Residential Design Guidelines for Overton Park and to maintain the current street configuration, the arrangement of the units has been designed to follow the existing streets and to face the street with structures that will have a varied appearance and design. The facility will occupy four-and-one-half City blocks in the southeast corner of the area being redeveloped in North Overton. Parking will be located in the interior of each block where there are normally backyards and alleys in single family developments. The objective of Capstone is to construct an apartment complex project, but achieve a mix of structure size and designs such that the outward appearance is similar to a residential neighborhood. The request is structured as Apartment-2 (A-2) with a Specific Use Permit since several "lodge" room units are three stories, which require A-2, and the proposed roof pitch makes the structures a few feet taller than allowed in A-2. The central office and activities center is also taller than 40 feet, but will be in the very center of the project.

As some background, staff scanned three land use plans for comparison of the growth of an idea. In 1975, staff, Planning and Zoning Commission, and City Council fostered an "A-2 Policy" for the Overton North area, a decision that in hindsight was ill-fated because it was an entire half square mile with no "plan." The result was deterioration of the remaining housing units and the introduction of random apartment complex communities varying from four to one hundred units.

The benefit of the current redevelopment is a "bigger picture" look has been involved from the start and no zoning has occurred at random. The three studies/reviewed by the Commission include:

1. A study and recommended land use proposal made in 1986 entitled "Overton North – 2005" was presented to City Council after an extensive planning project funded by downtown businesses and produced by the late Dr. George Peng, a professor in the Texas Tech University Architecture Department. Dr. Peng has an extensive background in urban development. He proposed a subdivision with much greater density than normal in Lubbock for the Overton North area.
2. The Comprehensive Land Use Plan was amended in 1986 stemming from the results of the Peng Plan. As redevelopment has progressed, the proposal of the 1986 Peng Plan and plan amendment are remarkably similar to how the subdivision is taking shape.
3. The current plan amendment does not illustrate the changes that have been made, such as Wal-Mart and several other projects, has been established.

This original site plan has been amended by zoning projects as minor amendments as the redevelopment unfolds.

The use of contrasting these three plans is to illustrate how “thinking big” and daring to step out can come to fruition. The current Interstate 27 and cross town freeway under construction are similar examples.

Adjacent Land Use:

- N – vacant, targeted for residential
- S – townhomes along Main Street
- E – mixed single and multi family uses
- W – targeted as single family

As noted, the proposal is not consistent with the Comprehensive Land Use Plan as amended for the redevelopment of Overton North. These four and one half blocks are noted as single family residential on the current Plan and are currently zoned with the Residential Design Guidelines for Overton Park attached as a part of the ordinance.

The motion for approval by the Planning and Zoning Commission includes the fact that the rezoning is preceded with a minor change to the Comprehensive Land Use Plan. As in a number of zone cases in the last two years, when the current Land Use Plan was adopted for the redevelopment of North Overton, it was made clear that Plan would need to remain fluid as development potentials materialized.

The developer, applicant, and staff have discussed the proposed zone change at length. Designed with the structures facing the street and meeting the Overton Park Residential Guidelines (a design booklet with very specific exterior design guidelines adopted for the residential portion of the redevelopment area) will maintain most of the single family “look” of this area originally destined for single family, but the residents will be primarily students. Proximity to the Texas Tech University campus is what is driving this proposal. Because the “look” closely resembles single family from the street, the developer is convinced the proposed project will not negatively affect the sale of the remaining adjacent lots zoned for single family.

Because of the location of this subdivision adjacent to Texas Tech University, and the fact that much of the area was developed with older apartment complex units and homes with rear units, the impact of the entire redevelopment will not create as much change to the overall traffic issue in the area as it would if located in a more traditional subdivision elsewhere in Lubbock. With redevelopment, traffic will be congested. Traffic patterns and parking have long been congested in this area and the redevelopment will not dramatically change that fact. Now that the area is leveled, one tends to forget the density and number of units (approximately 1,700 apartment units and many multi-tenanted lots) in the project site prior to starting the redevelopment. New development west of Avenue U and the Wal-Mart area has provided a level of parking that meets the Zoning Code, while many of the

former multi-family and multi-unit lots did not. This project meets off-street parking requirements while maintaining an appearance that should fit into the overall fabric of the subdivision. The Planning and Zoning Commission recommended approval of the request, including a minor change to the Comprehensive Land Use Plan with the following:

Adherence to A-2 development standards with exceptions noted below as well as the design and materials and review process contained in the Overton Park Residential Design Guidelines with following conditions and amendments:

1. The Overton Park Residential Design Guidelines are adopted within this ordinance with the following amendments:
  - a. The front porches may be 6 feet 8 inches deep versus the 8 feet outlined in the Overton Park Residential Design Guidelines.
  - b. The mix of structures shall be arranged such that no three story buildings face Glenna Goodacre Boulevard. Otherwise, the developer may arrange the building mix that best suits the available square footage on each block face. The rear style of each structure shall be as designed by the developer.
  - c. The townhome structures shall be constructed in a different style than “bungalow” since that style is not acceptable in row housing.
  - d. Propose an approved style other than “bungalow” for units that have a second story porch.
  - e. Structures including porches shall maintain a minimum of 12 feet of front setback and 5 feet side street setback, and the corner structures will be designed to meet the 25-foot vision triangle.
  - f. No sheet materials will be allowed unless finished as box and strip construction. Vertical 16-inch or less box and strip style “smart side” will be allowed. No masonite panels or shiplap materials will be allowed.
  - g. As noted in the Overton Park Residential Design Guidelines, exterior window shutters are permitted only in the Colonial Revival style.
  - h. For horizontal lap siding, the reveal may not be greater than seven inches.
  - i. Roof slopes may be increased to as much as 14 in 12 versus the maximum of 6 in 12 in the Craftsman Bungalow portion of the Overton Park Residential Design Guidelines. The developer is working on a number of the unit designs to have less roof pitch in some of the structures.
  - j. Standing seam metal shall be allowed on porches, all main roof forms will have composite shingle roofs.
2. A screening fence shall not be required on any portion of the perimeter of the 4 1/2 block development.

3. Total height from slab on several of the three-story structures and the clubhouse may be 56 feet tall with a 70-foot cupola versus the development standard of a 40-foot maximum in A-2. (The tall roof pitch noted in i. above is causing the increased height. No usable floor space is created by the increased height).

Examples of structure types, not all diagrams/elevations included in backup.

#### **FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

**4.11. Ordinance 2nd Reading - Planning: Ordinance No. 2008-O0025 Zone Case No. 3103 (10108 Quaker Avenue) Consider an ordinance for zoning change from T to C-2 on 4.16 acres of unplatted land out of Section 16, Block E-2.**

The applicant is requesting Commercial-2 (C-2) zoning on an area that is a portion of the former plant nursery south of 98th Street on the west side of Quaker Avenue.

Adjacent land uses:

- N – commercial
- S – zoned Transitional, destined for commercial
- E – commercial across Quaker Avenue
- W – residential

The parcel is within an area considered proposed as commercial within the policies of the Comprehensive Land Use Plan. This particular intersection is impacted by the curves in 98th Street and Quaker Avenue to place all of a playa on the northwest corner (in the Lakeridge Golf Course) and the fact that the land in the vicinity of this parcel has for years been used as commercial prior to annexation.

When developed the parcel will meet C-2 development standards.

With the southwest corner of this intersection fractured into multiple parcels and particularly with the project being on the curve on Quaker Avenue, staff proposed that the Commission consider limiting the parcel to two curb returns, and that the Commission be aware that the owner is working on making each of the two curb returns a shared drive for the parcels to the north and south. If the owner is successful, the overall number of driveway returns will be reduced. The traffic generated by the project should have no more than the anticipated impact on the thoroughfare system.

The Planning and Zoning Commission recommended the request with one condition:

1. The tract shall be limited to two curb returns on Quaker Avenue.

#### **FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

- 4.12. Resolution - Community Development: Resolution No. 2008-R0089 approving the price and conditions of sale by the Urban Renewal Agency of a vacant lot located at 501 Coronado Drive, designated as Parcel 157600-17-70 and legally described as Lot 7, Block 17, Coronado Addition to the City of Lubbock, Lubbock County, Texas.**

This item is for the routine sale of a residential irregular shaped vacant lot by the Urban Renewal Agency. The sale is to Mary M. Cage for \$75 to enlarge her adjoining vacant lot at 2617 Elm Avenue for the future development of a single-family residence.

On February 19, 2008, the Urban Renewal Board of Commissioners approved the proposed sale.

**FISCAL IMPACT**

The sale will put the property into private ownership, back on the tax roles, and eliminate the City's weed mowing expense.

Staff recommended approval of this resolution.

- 4.13. Ordinance 2nd Reading - Right-of-Way: Ordinance No. 2008-O0021 Consider an ordinance abandoning and closing a portion of a 40-foot drainage easement located in Lot 2, CMR Industrial Park Addition to the City of Lubbock, easement closure located at 1001 East 74th Street.**

The first reading of the ordinance was approved at the February 28, 2008, City Council meeting. The ordinance abandons and closes a portion of a 40-foot drainage easement located in Lot 2, CMR Industrial Park Addition, located north of East 74th Street and west of King Avenue. The owner of the property is requesting to build over a portion of the east-west 40-foot drainage easement. In the new drainage analysis some of the flow will be diverted to the north (via new paved alley) and the remainder of the drainage flow will continue to the east. The Street Drainage and Storm Water Management Engineering Departments are in agreement with the drainage easement closure.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of the second reading of this ordinance.

- 4.14. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2008-O0026 abandoning and closing three 10-foot underground utility easements, a 12.5-foot underground utility easement and a portion of a 15-foot utility easement located in Tract I, Westhaven Addition and lots 17-19, Block 9, Westhaven Addition, easement located at 221 Indiana Avenue.**

The ordinance abandons and closes three 10-foot underground utility easements, a 12.5-foot underground utility easement and a portion of a 15-foot utility easement located just east of Indiana Avenue and north of 4th Street. The easements are no longer needed due to the redevelopment of the area. All utility companies are in agreement with the easement closures.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of the first reading of this ordinance.

**4.15. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2008-O0027 abandoning and closing two 25-foot drainage easements located in Blocks 10 and 11, Burlington Industrial No. 2 Addition to the City of Lubbock, easements located at 711 East 42nd Street.**

The ordinance abandons and closes two 25-foot drainage easements located in Blocks 10 and 11 Burlington Industrial No. 2 Addition located east of Globe Avenue and north and south of East 42nd Street. The closure is due to new development across the easements. These easements were dedicated by separate instrument in the 1950s for a storm sewer line that was never constructed and is no longer needed. The Storm Water Management Department is in agreement with the drainage easement closure.

**FISCAL IMPACT**

No fiscal impact.

Staff recommended approval of the first reading of this ordinance.

**4.16. Ordinance 1st Reading – Right-of-Way: Ordinance No. 2008-O0028 abandoning and closing two 32.5-foot alleys located in Blocks 38 and 29, Overton Addition, two 20-foot alleys located in Blocks 39 and 28, Overton Addition, and Avenue T between 9th and 10th Street and Avenue T between the south right-of-way line of 10th Street and the north right-of-way line of the east-west alley south of 10th Street in the Overton Addition, and repealing ordinance No. 2007-O0036.**

The ordinance abandons and closes two 32.5-foot alleys located in Blocks 38, 29, Overton Addition; two 20-foot alleys located in Blocks 39, 28, Overton Addition; Avenue T between the south right-of-way line of 9th Street and the north right-of-way line of 10th Street; and Avenue T between the south right-of-way line of 10th Street and the north right-of-way line of the east-west alley south of 10th Street.

The ordinance repeals ordinance No. 2007-O0036 due to the revised project description. The closures are between Glenna Goodacre Boulevard and Main Street and east of Avenue U and west of Avenue S. The closures are due to the re-development of the area by Capstone Development Corporation. All utility companies are in agreement with the closures.

Since the requestor of the closures is not the original dedicator, there will be a charge for the closure. The total alley area being closed is 63,000 square feet. The Right-of-Way Department has determined a value of \$1 per square foot, or \$63,000. In the re-plat, the requestor is dedicating 48,000 square feet of new alleys, which will remain an underground utility easement for a credit of \$24,000. The total amount due the City for the alley closure is \$63,000 less a \$24,000 credit, or \$39,000.

The total street area being closed is 20,750 square feet valued at \$1 per square foot, or \$20,750.

#### **FISCAL IMPACT**

Together the street and alley closure will generate \$59,750 of revenue to the General fund.

The Right-of-Way Department recommended the approval of the first reading of these alley and street closures.

#### **4.19. Contract Amendment Resolution - Storm Water: Resolution No. 2008-R0090 authorizing the Mayor to execute Amendment No. 1 to the professional services contract with HDR Engineering for Mose Hood and Stumpy Hamilton Drainage Project.**

On August 23, 2006, a professional services contract was awarded to HDR Engineering for the Mose Hood Park and Stumpy Hamilton Park Drainage Project. Mose Hood Park is located at Avenue Q and 26th Street and Stumpy Hamilton Park is located at Avenue W and 23rd Street. The \$32,220 contract includes preliminary design and survey phases to investigate the project feasibility and alternatives. The study considered the technical possibility of enclosing the existing open channels while allowing the two facilities to continue acting as detention basins. This possibility was considered to reduce the maintenance hazard and health issues. Stagnate water between the trash and leaves becomes a breeding ground for mosquitoes. Citizen complaints of trash, odor, and standing water require constant cleaning of the channels. This causes a maintenance intensive operation that could be significantly reduced by enclosing the open channels.

Two separate alternatives with cost estimates and calculations are presented in the Preliminary Design Technical Memorandum. The first alternative involves concrete box sections and appropriate fill material to match existing grades. The estimated cost for Alternative 1 is approximately \$700,000. The second alternative involves smaller pipe sections and appropriate fill material to match existing grades. The estimated cost for Alternative 2 is approximately \$300,000. Both alternatives should have a negligible impact on the Federal Emergency Management Administration (FEMA) floodplain.

Staff recommended proceeding with the design of Alternative 2. The \$79,587 contract amendment will authorize HDR Engineering to provide final design services for Alternative 2 and appropriate documentation for submittal to FEMA regarding floodplain impacts.

The design portion of this contract will take nine months.

**FISCAL IMPACT**

\$650,000 is appropriated in Capital Improvement Project 92024, Mose Hood and Stumpy Hamilton Drainage Project, with \$79,587 available for this purpose.

Staff recommended approval of this resolution.

**4.20. Contract Resolution - Citibus: Resolution No. 2008-R0091 authorizing the Mayor to execute a contract with MWM Architects for design services for the Citibus Bus Parking Yard Expansion.**

The \$40,180 contract with MWM Architects is for design services for Phase II of Citibus' parking lot project. The project began in 1999 with the construction of employee parking and an enclosed bus yard, located across the street from the Citibus Administrative and Maintenance facility.

Phase II of the parking lot project provides added security. The Federal Transit Administration has increased security requirements for transit systems across the country. Phase II includes enclosing the entire parking lot and adding other security enhancements to increase security and provide additional space for Citibus vehicles. The future closure of 8th Street between Texas Avenue and Buddy Holly Avenue will allow additional security of the Citibus facility and bus yard by ensuring that only authorized personnel have access to the bus yard. The closure of 8th Street between Texas Avenue and Buddy Holly Avenue will be considered at a future City Council meeting.

**FISCAL IMPACT**

Funds are appropriated in the FY 2006 Section 5309 Discretionary Earmark. Citibus will use Transportation Development Credits from the Texas Department of Transportation for the local match. Transportation Development Credits will enable this project to be funded without funding from the City.

Staff recommended approval of this resolution.

**4.21. Contract Resolution - Water Utilities: Resolution No. 2008-R0092 authorizing the Mayor to execute a unit price contract for powerline maintenance and inspection services for the Bailey County Water Wellfield, BID 08-021-MA.**

The unit price contract provides powerline maintenance and inspection services for the Bailey County Wellfield. The unit price contract is for the services of an electrical powerline service company to provide maintenance and rehabilitation of the City's electrical power poles, associated equipment, and chemical treatments. The City's wellfield electrical system is comprised of approximately 1,807 power poles. The contract provides for emergency repair work on an "as needed" basis. The contract term is for two years with the option to renew for one additional two-year term.

The following companies submitted competitive sealed bid:

Complete Power Pole Inspection of Montrose, Colorado

South-Win, Inc. of Nevada, Texas

Complete Power Pole Inspections (CPPI) is the low bidder and has successfully performed this service under a previous contract.

#### **FISCAL IMPACT**

\$2,898,820 is appropriated in Capital Improvement Project 91003, Bailey County Wellfield Improvements, with \$472,753 available for this purpose. This contract is awarded by unit price. The total amount of the award is estimated based on estimated quantities, and actual expenditures may, depending on actual needs, be more or less. The price per unit will not change and expenditures will not exceed appropriated funds.

Staff recommended contract award to Complete Power Pole Inspections of Montrose, Colorado.

**4.22. Contract Resolution - Water Utilities: Resolution No. 2008-R0093 authorizing the Mayor to execute a unit price contract for emergency generator maintenance and repair services for Water Utilities, BID 08-022-MA.**

The contract is for the maintenance and repair of emergency generators used by the Water and Wastewater Departments. The contract is for a two-year period with the option to renew annually for up to two one-year terms.

Warren Cat of Lubbock, Texas, submitted the only bid for this contract and the City has had previous experience with this company on similar projects.

#### **FISCAL IMPACT**

\$81,200 is appropriated in the Adopted FY 2007-08 Water and Wastewater Operating Budgets. The contract is awarded by unit price. The total amount of the award is estimated based on estimated quantities and actual expenditures may, depending on actual needs, be more or less. The price per unit will not change and expenditures will not exceed appropriated funds.

Staff recommended contract award to the sole bidder, Warren Cat of Lubbock, Texas, for \$70,799.

**4.25. Contract Resolution - Police: Resolution No. 2008-R0094 authorizing the Mayor to execute an agreement with Tiburon for the MSS/Ti Message Switch and Reformat Program upgrade.**

The Lubbock Police Department, together with Information Technology (IT), uses and maintains Tiburon's Records Management System (RMS). Both the Lubbock Police and Fire Departments use and maintain Tiburon's Computer Aided Dispatch (CAD) system. These systems "talk" to each other and permit data to be sent back-and-forth across the Police network of servers using a Tiburon "Message Switch." The system relays all Police and Fire data from

computer to computer, computer to in-car mobile data computer, and system information to the State of Texas interface (warrants, vehicles, etc.). The message switch is a vital part of the Tiburon system.

The current version, RMS Message Switch, must be upgraded to the latest version, the MSS/Ti Message Switch. The \$34,290 upgrade is required to connect to the State-mandated TCP/IP connection, which must be completed by all law enforcement agencies before September 2008. Secondly, the upgrade allows IT to move the switch from the RMS server to the City's independent server, increasing the disc space and decreasing RMS server wear. Third, the Police and Fire Department's CAD and RMS systems are being upgraded to Tiburon's most recent versions, and these upgrades require the MSS/Ti Message Switch to function correctly. Finally, the upgrade allows for faster data transfer, and for custom groups to receive important messages as needed. The upgrade improves public service by both Police and Fire Departments by using this tool in conjunction with the CAD and RMS systems.

The Tiburon MSS/Ti Message Switch is the only product that can be used with Tiburon equipment and software. There is not a third-party vendor authorized by Tiburon to provide support for this product. Tiburon is the sole qualified and authorized provider of extended support services. Consequently, this is a sole source procurement exempt from competitive bidding pursuant to Texas Local Government Code 252.022(a)(7)(A).

#### **FISCAL IMPACT**

\$34,290 is appropriated for this purpose in the 2007 Edward Byrne Memorial Justice Assistance Grant.

Staff recommended approval of this resolution.

**4.26. Contract Resolution - Police: Resolution No. 2008-R0095 authorizing the Mayor to execute an agreement with Tiburon for a Computer Aided Dispatch system upgrade.**

The Lubbock Police and Fire Departments, in conjunction with Information Technology (IT), use and maintain Tiburon's Computer Aided Dispatch (CAD) system. CAD is used to dispatch Police and Fire units to waiting calls, using automated software. CAD is an invaluable tool for both Communications Divisions and the public in dispatching units as quickly and accurately as possible.

The current version (2.1) is due for an upgrade to Tiburon's latest CAD version, Command CAD 2.3.1. The \$36,679 upgrade is required to keep Lubbock's CAD version current within two software upgrades. The upgrade enhances CAD's functionality for both agencies and has Tiburon's latest features, including unit recommendations based on location, recommended move-ups to keep Fire stations properly outfitted based on call load, updated screen grids for the computer screens in communications for easier reading of calls, automated "Be On The Look-Outs" that send attempt-to-locates and

Amber Alerts to all Police units in one step, and other of the latest enhancements to Tiburon's CAD. It is believed that these enhancements gives both Police and Fire Communications a better CAD product with which to dispatch calls, thus better serving the public.

The Tiburon Computer Aided Dispatch is the only product that can be used with Tiburon equipment and software to allow for proper functioning in productive use by the City and, under the Software License Agreement, is Tiburon Proprietary. There are no third-party vendors authorized by Tiburon to provide support for this product. Tiburon is the sole qualified and authorized provider of extended support services for its proprietary products. Consequently, this is a sole source procurement exempt from competitive bidding pursuant to Texas Local Government Code 252.022(a)(7)(A).

#### **FISCAL IMPACT**

\$36,679 is appropriated in the 2006 Edward Byrne Memorial Justice Assistance Grant for this purpose.

Staff recommended approval of this resolution.

**Note: Items 4.2, 4.4, and 4.23-4.24 were moved from Consent Agenda and addressed at this time.**

**4.2. Budget Ordinance Amendment 1st Reading - Finance: Ordinance No. 2008-O0029 Amendment No. 7 amending the FY 2007-08 budget respecting the Grant Fund, Water Fund, and Capital Improvement Program.**

1. Accept and appropriate \$4,000 from the Texas Department of Transportation for the Labor Day Impaired Driving Mobilization Incentive Project. The City will be reimbursed for the purchase of traffic safety equipment and/or training.
2. Accept and appropriate \$280,000 from the Department of Homeland Security for the Fire Department's Heavy Rescue Truck and loose rescue equipment. The total project is \$491,662. The remaining \$211,662 match is to be funded by the City and will be requested through the FY 2008-09 Operating Budget process.
3. Authorize one Water Utility Grant Manager full-time position and one Park Well and Related Facility Maintenance Worker full-time position in the Water Department.

The Grant Manager's estimated annual salary is \$55,000. The Grant Manager will assist with identifying grant and financial assistance opportunities, preparation of grant applications, record keeping and documentation for grants received, requesting grant funds, coordinating with the Accounting Department to maintain grant records and documentation, and coordinating with other water utility departments and other communities as necessary on related grant projects.

The Park Well and Related Facility Maintenance Worker's estimated annual salary is \$26,000. With the increase in the number of park wells that are now complete, there is a need for staff to maintain the wells, sand filters, and related equipment for 19 Parks that have been converted to ground water and another 16 are planned within the next two years. A total of 35 wells and related facilities now need to be maintained. That number of wells will almost double as the Park Well project continues to progress.

The cost of these positions will be funded through vacancy savings for the rest of the fiscal year.

4. Amend Capital Improvement Project 9146, 50th Street-Slide/Loop 289 by increasing the appropriation from \$10,967,000 to \$12,467,000. The additional funding is needed to cover the increased cost of right-of-way acquisition and for utility relocation of utility lines in private easements. The additional \$1.5 million will be funded through the issuance of FY 2008 Tax Supported Revenue Certificates of Obligation.

#### **FISCAL IMPACT**

Included in item summary.

Staff recommended approval of the first reading of this ordinance

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

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass on first reading Ordinance No. 2008-O0029 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

#### **4.4. Notice of Intent Resolution - Finance: Resolution No. 2008-R0096 authorizing publication of notices of intention to issue General Obligation Bonds and Tax and Waterworks System Surplus Revenue Certificates of Obligation.**

The resolution authorizes the publication of a notice of intent to issue certificates of obligation, and a notice of sale for general obligation bonds. Exhibit A provides a listing of projects to be financed using the certificates.

Certificates of Obligation: The proceeds from the sale of the Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2008 will be used for improvements in the following areas: Airport, Solid Waste, Storm Water, Wastewater, Water, City Facilities (Fire), Parks, Cultural Arts, Streets, Gateway Streets, North Overton Tax Increment Finance District, and Lubbock Power & Light. The total amount of the projects financed with certificates is not to exceed \$95 million.

General Obligation Bonds: The issuance of the General Obligation Bonds represents the fifth issuance of debt as approved in an election held on May 15, 2004. The amount of bonds approved through the election was \$30 million. The total of projects financed with these bonds is not to exceed \$3 million.

### **FISCAL IMPACT**

Annual debt service payments are budgeted through the annual operating budget process and are included in long-term financial planning and rate models. The annual payments in special revenue and enterprise funds, such as utilities, are made from the annual revenues of the respective funds and not the interest and sinking fund tax rate.

To proceed with the debt issuance process, staff recommended approval of this resolution.

Andy Burcham, Director of Fiscal Policy and Strategic Planning, and City Manager Lee Ann Dumbauld gave comments and answered questions from Council. Mayor Miller asked Mr. Burcham to change the date of the next City Council meeting shown in Exhibits "A" and "B" from March 23, 2008 to March 27, 2008.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0096 as recommended by staff, with changes made to Exhibits "A" and "B". Motion carried: 7 Ayes, 0 Nays.

**4.23. Contract Resolution - Water Utilities: Resolution No. 2008-R0097 authorizing the Mayor to execute a contract with Black & Veatch for developing a Service Level Agreement and Automated Meter Reading program strategy for the Water Utilities Department and Lubbock Power & Light.**

The Water Utilities Department and Lubbock Power & Light (LP&L) desire to enter into a joint agreement with Black & Veatch to perform business consulting evaluations. Water Utilities will participate with LP&L in two evaluations. The evaluations include:

1. The development of Service Level Agreements; and
2. The creation of an Automated Meter Reading (AMR) Business Case/Program Strategy.

#### Service Level Agreements Development

The evaluation will assist the City in establishing objectives for support services provided by LP&L. Deliverables include written model service level agreements. The final report will include the following:

1. Pricing mechanisms for the delivery of services;
2. Analysis of cost for providing support services at various levels;
3. Recommendations for the performance management process of services;
4. Recommendations for utility bill presentation/format; and
5. Evaluation of alternatives for overall cost reductions and service improvements.

#### Automated Meter Reading Evaluation

The evaluation will assist the City of Lubbock in establishing objectives for AMR technologies. Deliverables will include:

1. Identify current state and costs of Lubbock Water Utilities and LP&L for AMR projects;
2. Identify current AMR program strategy elements and business objectives;
3. Evaluation of various types of AMR technologies and how they impact business practices;
4. Recommendation of the best technology fit for the City of Lubbock Water Utilities; and
5. Presentation of steps needed to achieve the desired objectives and results.

#### **FISCAL IMPACT**

The contract amount is \$139,500 plus expenses not to exceed \$18,900.

\$3.2 million is appropriated in Capital Improvement Project 92127, Meter Replacement Program, with \$57,500 available for this purpose. The total contract amount is \$158,400, with the remainder of \$100,900 funded by LP&L.

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 DeLeon, seconded by Council Member Klein to pass Resolution No. 2008-R0097 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

#### **4.24. Contract Resolution - Water Utilities: Resolution No. 2008-R0098 authorizing the Mayor to execute a contract for land acquisition services associated with the Lake Alan Henry pipeline project, RFQ 07-734-BM.**

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 directed to expedite the project making water available from Lake Alan Henry by 2012. The present schedule will enable the City to complete all work necessary to meet this goal.

In August 2006, City Council approved a contract with Parkhill, Smith & Cooper (PSC) for the preliminary engineering services related to the development of plans for the Lake Alan Henry pipeline, pump stations, water treatment plant, and distributions supply lines necessary to transport the water to Lubbock. In November 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 completed. The project is now entering the final engineering design phase.

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

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portion of the project will be performed under a field engineering services contract and a land acquisition contract. The field engineering services contract with PSC has been approved by City Council.

In October 2007, staff initiated the Request for Qualifications (RFQ) process and solicited statements of qualifications for land acquisition services. Evaluation factors published in the Request for Qualifications (RFQ) included project team qualifications and organization, 30%; project related experience, 30%, preliminary proposal and approach, 30%, and overall responsiveness to the RFQ, 10%. The following firms submitted responses to the RFQ:

Coates Field Service of Oklahoma City, OK  
HDR Engineering of Pflugerville, TX  
Hugo Reed & Associates of Lubbock, TX  
James Daniels & Associates of Fort Worth, TX  
McDougal Realtors of Lubbock, TX  
Pinnacle Consulting Management Group of Oklahoma City, OK  
Smith Roberts Land Services of Oklahoma City, OK  
Terra Right of Way of Santa Fe, NM  
Tierra Realty Services of Abilene, TX  
Universal Field Services of Addison, TX

Staff used a two-step qualifications based selection process. Step one involved selecting up to three short-listed finalists based on qualifications and the preliminary proposal. Step two consisted of selecting one finalist following discussions with the short listed firms and developing a final scope of work with the selected consultant. The RFQ was terminated on November 30, 2007.

A contract was negotiated with McDougal Realtors to finalize a team of professionals with substantial skill and experience researching land titles, negotiating the acquisition of right-of-way, and addressing mineral interests and leases in the Lubbock, Lynn, and Garza County areas. The recommended team provides leadership and experience for the Lake Alan Henry project.

The \$1,552,100 land acquisition services contract includes developing comparative property appraisals, assisting the City with property pricing, preparing required access and transaction documents, reviewing titles, negotiating with landowners, coordinating contract closings, and consulting with the City regarding unforeseen land acquisition issues that may develop. As the land acquisition agent, McDougal Realtors will work closely with the City and the field engineering services provider.

Final design and construction cannot be completed until the necessary right-of-way and property for the infrastructure is acquired. To keep the Lake Alan Henry infrastructure project on schedule, a contract for land acquisitions services is necessary.

**FISCAL IMPACT**

\$3.75 million is appropriated in Capital Improvement Project 92067, Lake Alan Henry Pipeline ROW Acquisition, with \$1,552,100 available for this purpose.

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

Tom Adams, Deputy City Manager/Water Utilities Director, and Aubrey Spear, Assistant Director of Water Utilities, gave comments and answered questions from Council. The team put together to research land titles, negotiate the acquisition of right-of-way, and address mineral interests and leases consists of Marc McDougal, Terry Grantham and Dee Hart.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0098 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

**5. WORK SESSION**

**5.1. Presentation and discussion of the Texas Commission on Environmental Quality Storm Water permit (Marsha Reed, P.E., and Mike Keenum, P.E.,) 30 minutes.**

Marsha Reed, Director of Public Works, and Mike Keenum, Storm Water Engineer, gave a presentation and discussed the background on the stormwater permit. The presentation included the Clean Water Act of 1990, and comparison between the Environmental Protection Agency (EPA) permit and the Texas Commission on Environmental Quality (TCEQ) permit. The existing EPA permit is a nominal review of construction inspections with no enforcement. The TCEQ final permit is a requirement of the City to inspect and enforce TCEQ construction permits. The City has negotiated a favorable permit and, as of March 6, 2008, has 45 days to post Public Notice, and 180 days to comply with the new permit requirements. The stormwater ordinance is in the process of being drafted and should be on City Council agenda this summer, pending the issuance of the final TCEQ permit. Reed and Keenum answered questions from Council. City Attorney Anita Burgess also answered questions from Council. Mayor Miller asked staff to continue to work through with the private sector, as the new permit will impact businesses, such as the new mobile car washes.

**10:26 A. M. COUNCIL ADJOURNED**

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