

**CITY OF LUBBOCK  
REGULAR CITY COUNCIL MEETING  
JULY 10, 2008  
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 10th day of July, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

**7:30 A.M. CITY COUNCIL CONVENED**  
City Council Chambers, 1625 13th Street, Lubbock, Texas

**Present:** Mayor Tom Martin, Council Member Paul R. Beane, Council Member Linda DeLeon, Council Member Todd R. Klein, Council Member John Leonard, Council Member Floyd Price,

**Absent:** Mayor Pro Tem Jim Gilbreath

**1. CITIZEN COMMENTS**

- David Hanes appeared before Council to speak about changing the time of the public hearings.
- Anthony Flunder appeared before Council to speak about changing the time of public hearings.
- Donnell Hooper appeared before the Council to speak about changing the time of public hearings and the needs of east Lubbock.

**7:39 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**City Council Conference Room**

**2. EXECUTIVE SESSION**

**Mayor Martin 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.”**

- 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, Regulatory-Electricity)**

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- 2.2. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property. (Business Development, Fire, Radio Shop, Streets, Water Utilities)**
- 2.3. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.**
- 2.4. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**
  - 2.4.1 **to deliberate, vote and take final action on electric rates of Lubbock Power and Light**
  - 2.4.2 **to discuss, vote and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light**
  - 2.4.3 **to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.**

**9:03 A.M. CITY COUNCIL REGULAR MEETING RECONVENED**  
**City Council Chambers**

**Present: Mayor Tom Martin; Council Member Paul R. Beane; Council Member Linda DeLeon; Council Member Todd R. Klein; Council Member Leonard; Council Member Floyd Price; Anita Burgess, City Attorney; Lee Ann Dumbauld, City Manager; and Rebecca Garza, City Secretary**

**Absent: Mayor Pro Tem Jim Gilbreath**

**Mayor Martin reconvened the meeting at 9:03 A. M.**

### **3. PROCLAMATIONS AND PRESENTATIONS**

- 3.1. **Invocation by Council Member Floyd Price.**
- 3.2. **Pledge of Allegiance**

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 family of Morris "Moe" Turner for his service to Lubbock.**

Mayor Martin presented special recognition to Mary Lou Turner, wife of former and deceased Mayor, Morris Turner, for his service to Lubbock.

Former Mayors Jack Strong and David Langston were present to honor Mr. Turner.

Andy Turner, son of Mayor Morris Turner, introduced the family and gave comments.

**3.4. Resolution - City Council : Resolution No. 2008-R0240 changing the name of the Lubbock Memorial Civic Center Banquet Hall to the Morris 'Moe' Turner Memorial Civic Center Banquet Hall in honor of Lubbock former Mayor Moe Turner.**

**FISCAL IMPACT**

No fiscal impact.

Motion was made by Council Member Klein, seconded by Council Member Leonard to pass Resolution No. 2008-R0240 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

**3.5. Board Recognitions:**

**Community Development and Services Board:**

**Julio Gonzales**

**Keep Lubbock Beautiful Advisory Committee:**

**Georgianna White**

**Structural Standards Commission:**

**Arden Hawkins**

**Water Board of Appeals:**

**Tristan Thoma**

**4. MINUTES**

**4.1. Approval of Prior Meeting Minutes:**

**Regular City Council Meeting, June 13, 2008**

Motion was made by Council Member Price, seconded by Council Member Klein to approve the minutes of June 13, 2008 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

**5. CONSENT AGENDA**

Motion was made by Council Member DeLeon, seconded by Council Member Klein to approve Items 5.1–5.10, 5.12 on consent agenda as recommended by staff. Item 5.11 was deleted. Motion carried 6 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath was absent.

**5.1. Budget Ordinance Amendment 2nd Reading - Finance : Ordinance No. 2008-O0060 Consider budget ordinance Amendment No. 11 amending the Adopted FY 2007-08 Budget respecting the Grant Fund, Information Technology Fund, and Fleet Maintenance Fund.**

On June 26, 2008, the City Council approved the first reading of the ordinance.

1. Amend the Comprehensive Energy Assistance Program grant contract with the Texas Department of Housing and Community Affairs by appropriating an additional \$158,007 for an energy assistance program.

The grant funds sub-recipient and city programs to assist low-income persons and families by providing energy assistance and energy efficiency. The grant pays for both programmatic and administration of the funds. The contract expires December 31, 2008.

2. Appropriate \$88,949 from the Information Technology Fund balance for the purchase of video equipment for Public Information.

Upgrade to automated playback server that allows City News Channel to improve image quality sent to Suddenlink. (\$13,525)

Audio equipment for City Council Chambers, Committee Room 103, and the Audio/Visual Room to improve audio for monitoring and recording. (\$32,043)

AVID editing system including software, software support, computer accessories, and video editing collaboration equipment for compiling and producing City News Channel video projects. (\$38,307)

On-air audio and video monitoring systems including speakers, audio meters, and video screens to visually measure and ensure consistent audio levels and quality image transmission between City News Channel and Suddenlink. (\$5,074)

3. Appropriate \$320,880 from the Information Technology Fund balance for a fuel management system.

A fueling system provides accountability for the fueling of municipal vehicles. The system includes a ring device attached to the fuel tank of each vehicle and a component attached to each fuel pump. Without the two devices, fuel cannot be accessed. The mileage of the vehicle is retrieved wirelessly as the vehicle enters the City's fuel site. Accurate mileage reading provides tracking reports used for preventive maintenance scheduling and miles per gallon measurements.

**FISCAL IMPACT**

Included in item summary.

Staff recommends approval.

**5.2. Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0061 Zone Case No. 1170-D (7006 University Avenue) Consider request of International BioResources, L.L.C. for zoning change from Commercial-2 use to Commercial-2 Specific Use for plasma center on a portion of Tract D, Caprock PT Addition.**

On June 26, 2008, the City Council approved the first reading of the ordinance. The applicant is requesting a plasma collection facility in the Poka Lambro Center at the northwest corner of Loop 289 and University Avenue. Several such businesses have been approved around the city. One encountered operational issue was with patrons who lingered outside when the facility first opened. A new owner of that facility added a larger waiting room, and to date there have been no complaints to the Planning Department.

Plasma collection facilities collect plasma from whole blood before returning the processed blood to the donor. The process is critical to the medical profession and patients using the plasma.

Adjacent land uses:

- N - single family residential behind the shopping center
- S – Loop 289 and the rest of the commercial center
- E – commercial, in the shopping center
- W – commercial

The request does not rise to the level of a Comprehensive Land Use Plan discussion, as the current Land Use Plan and shopping center are noted as commercial.

The primary deliberation for the request is zoning policy – whether the proposed use is a detriment to the immediate neighbors of the business. The industry has significantly improved their methods of operation and business practices. There is no opposition expressed in the written returns, and no one appeared at the Planning and Zoning Commission hearing.

The business should have no appreciable impact on the thoroughfare system.

The Planning and Zoning Commission recommend the request to City Council for approval.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

**5.3. Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0062 Zone Case No. 1339-A (2222 15th Street) Consider request of Cherif Amor, Phd., EDRA, AIMS for a zoning change from Commercial-1 to Apartment-2 for church and church related uses (student center) and all unconditionally permitted Commercial-1 uses on Lots 13 and 14, Block 74, Overton Addition.**

On June 26, 2008, the City Council approved the first reading of the ordinance. The request is to allow, with a Specific Use Permit, a student center catering to Muslim students primarily from Texas Tech University in a building that is a former Commercial-1 (C-1) grocery store whose construction probably predates zoning in Lubbock.

Adjacent land uses:

Adjacent land use is residential in all directions.

The parcel is not represented on the current Comprehensive Land Use Plan as either high density residential in contrast to the Methodist Wesley Center, the Baptist Student Union, and the Lutheran Center on 19th Street that are all in a high density residential district and in the immediate area, as well as the Christian Science reading room on Broadway Avenue that is zoned commercial. The parcel is zoned since C-1 and was a neighborhood oriented grocery store for many years. Service Food was a neighborhood fixture for many years.

As C-1 with the Specific Use Permit allowing the student center and church related uses, the project complies with zoning policies for C-1.

Since many of the students live in the area or on campus, parking should not be an issue on the site. An adequate number of spaces are located on the parcel.

The Planning and Zoning Commission, after a good discussion between the applicants and neighborhood residents, agreed with both groups that the zoning request be amended to Apartment-2 (A-2) limited to a student religious meeting facility. The change eliminates the C-1 uses which the neighborhood has feared would be mis-used by a future owner at some point since the structure has been empty for several years. With that change, the neighborhood representatives were in support of the facility, and welcomed the group to the Overton South area. The Planning and Zoning Commission recommendation is A-2 with two conditions:

1. Exterior loud speaker or functional minaret structures are not allowed.
2. A-2 limited to a student religious meeting facility.

Both sets of plans exhibit simply a very attractive new shell for the building, some new fencing, and an increased amount of landscaping.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

- 5.4. Ordinance 2nd Reading - Planning : Ordinance No. 2008-00063 and 2008-00064 Zone Case No. 1554-C Parcel A (4902 Boston Avenue) Consider request of Bobby McQueen (for Lone Star Ice) for a zoning change from Residential-3 to Commercial-3 limited to ice and water vending machine and all unconditionally permitted Commercial-2 uses on south 54 feet of north 285 feet of Block 18, Modern Manors Addition, and Parcel B (2702 50th Street) Zoning change from Commercial-2 to Commercial-3 (for McWhorter's LTD.) limited to a tire, battery, and accessory store and all unconditionally permitted Commercial-2 uses on Lot 1, Block 18, Modern Manors Addition.**

On June 26, 2008, the City Council approved the first reading of the ordinance. The case is divided into parcels A and B, each under separate ownership and proposed for separate uses.

Adjacent land use:

N – triplex and quadraplex construction, zoned Residential-3 (R-3)

S – commercial

E – commercial and residential

W – commercial and the back of some of the multifamily residences

Applicant A is requesting a change from R-3 to Commercial-3 (C-3) limited to a water and ice vending operation, with a fall back district to Commercial-2 (C-2) for the small north parcel. Applicant B is McWhorters Tire Sales and Service requesting zoning the main lot from C-2 and nonconforming to C-3 that allows the tire, battery, and accessory use and zoning a parking lot to the north from Apartment-3 (A-3) to C-3. The parking lot was never rezoned since parking is a permitted use in A-3. So, this is a “clean up” case for McWhorters.

The request is not out of line with the Comprehensive Land Use Plan since the commercial policy line is not a straight line east and west along the north side of 50th Street. The minor encroachment into the R-3 area should not create an issue and parcel A is not large enough to continue the apartment (tri and quadra plex units) complex project.

The proposal meets zoning policies when completed. McWhorters is already in compliance with C-3 standards.

The project should not create any appreciable increase in traffic. Boston Avenue is a designated collector.

The Planning and Zoning Commission recommends the request with the following conditions:

1. Parcel A shall be zoned C-3 limited to ice and water vending machine and all permitted C-2 uses.
2. Parcel B shall be zoned C-3 for a tire, battery, and accessory store (only one C-3 permitted use) and all permitted C-2 uses.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

**5.5. Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0065 Zone Case No. 1585-D (4101 17th Street) Consider request of Carillon, Inc., for a zoning change from Apartment-1 to Apartment-2 (for day nursery) on Lot 1, Block 6, Leftwich CC Addition.**

On June 26, 2008, the City Council approved the first reading of the ordinance. The applicant is requesting use of the existing Carillon complex clubhouse at the corner of 17th Street and Norfolk Avenue to be used as a facility for child day care. The day care facility is primarily for Carillon employees, and is open to the public.

Adjacent land uses:

- N – apartments, zoned Apartment-1 (A-1)
- S – garden or town homes, zoned A-1
- E – Carillon main campus
- W – duplex, zoned A-1

The quarter section from 18th Street to Greek Circle east of Quaker Avenue is designated as multi-family. The Comprehensive Land Use Plan does not differentiate between A-1 and Apartment-2 (A-2) (light or heavier apartments). In the area, every style of housing from single family to apartment complexes exists. A-2 is the first district where day care exists as a “right”.

Constructed as a clubhouse, the subject property must meet the requirements of parking and other codes. The applicant is responsible for contacting the Fire Marshall, Building Inspection, and the State of Texas in regard to their requirements.

The project creates in the area more traffic. With the predominance of apartments in the area and the Carillon campus, plus the fact that many of the vehicles will already be in the area with the owners going to work, the increase should not be noticeable.

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

1. The use of the structure shall be A-2 limited to a day care facility and all permitted A-1 uses.
2. A circle drive shall be constructed in front of the structure.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

**5.6. Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0066 Zone Case No. 3108 (1518 and 1520 East 15th Street) Consider request of Alvaro Macias (for Iglecia deJesueristo) for a zoning change from Residential-2 to Apartment-2 limited to church and church related uses on Lots 1 and 2 and the east 5 feet of Lot 3, Block 6, Whitehead Addition.**

On June 26, 2008, the City Council approved the first reading of the ordinance. The applicant is requesting Apartment-2 (A-2) zoning limited to church and church related uses.

Adjacent land use:

Single family residential in all directions.

The application meets the policy of the Comprehensive Land Use Plan in terms of churches being located adjacent to thoroughfares, thus not causing outside traffic through neighborhoods. Regarding zoning policy, the property will conform to A-2 development standards when constructed. The small church should not create any impact for the thoroughfare system since is adjacent to Martin Luther King Boulevard.

With the approval by the Planning and Zoning Commission, a waiver of the fencing that would otherwise be required for the adjacent residential to the south and west was approved. Most buildings of this type with screening fences invite vandalism, with a place to hide behind or tagging by vandals. The Planning and Zoning Commission recommends approval of the request subject to the following conditions:

1. The use shall be limited to church and church related uses.
2. A screening fence shall not be required on the southern and western perimeters.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

**5.7. Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0067 Consider an ordinance amending Chapter 29 of the Code of Ordinances to allow Café Supply Dealer, Fixtures (New) as a permitted use from the Commercial-4 District to the Commercial-2 District.**

On June 26, 2008, the City Council approved the first reading of the ordinance. The Planning Department worked with an out-of-town café supply and fixture business in opening a local storefront. The owner of the business requested that the Planning and Zoning Commission and the City Council consider a change of zoning district required for a café supply dealer that deals in new fixtures and supplies. The owner of the business is of the opinion that a business that deals in new café supplies and fixtures is similar to the Commercial-2 (C-2) requirement for a furniture store that deals in new furniture rather than the Commercial-4 (C-4) requirement for café supply dealers that handle fixtures.

The move to C-2 increases the potential number of locations significantly, including many areas along 34th Street. The motivating reasoning from staff's perspective is that by limiting the café supply dealers allowed in the C-2 district to those dealers that handle only new fixtures and keeping café supply dealer that handle used fixtures in areas zoned C-4, there should be no more impact than a furniture store that handles new furniture.

The Planning and Zoning Commission recommended approval of the ordinance that simply adds the use "Café Supply Dealer, Fixtures (New)" to the C-2 district.

**FISCAL IMPACT**

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

**5.8. Contract Amendment Resolution - Community Development : Resolution No. 2008-R0241 authorizing the Mayor to execute a contract amendment with Lutheran Social Services of the South to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program.**

Comprehensive Energy Assistance Program (CEAP) funds are used to provide direct support services and utility assistance through agencies who provide energy assistance as well as assistance to the elderly and disabled.

On February 13, 2008, funding for the contract was approved by the Community Development and Services Board (CDSB) during their regularly scheduled meeting. On February 28, 2008, City Council approved the contract at their council meeting. On February 14, 2008, \$151,036 from the CEAP was accepted and appropriated by City Council. In June 2008, the Texas Department of Housing and Community Affairs allocated additional CEAP funds. On June 11, 2008, the CDSB voted to recommend an additional \$74,500 from the CEAP to Lutheran Social Services of the South (LSSS) for

the components. City Council, on July 10, 2008, appropriated the additional funding for this program.

The period of performance is January 1, 2008, through December 31, 2008.

**FISCAL IMPACT**

Maximum amount to be allocated from the FY 2008 CEAP to LSSS is \$225,536.

Staff recommends approval.

- 5.9. Contract Amendment Resolution - Community Development : Resolution No. 2008-R0242 authorizing the Mayor to execute a contract amendment with LIFE Run Independent Living Centers to provide utility assistance to qualified low-income persons and families through the Comprehensive Energy Assistance Program.**

Comprehensive Energy Assistance Program (CEAP) funds are used to provide direct support services and utility assistance through agencies who provide energy assistance as well as assistance to the elderly and disabled.

On February 13, 2008, funding for the contract was approved by the Community Development and Services Board (CDSB) during their regularly scheduled meeting. On February 28, 2008, City Council approved the contract at their council meeting. On February 14, 2008, \$47,500 from the CEAP was accepted and appropriated by City Council. In June 2008, the Texas Department of Housing and Community Affairs allocated additional CEAP funds. On June 11, 2008, the CDSB voted to recommend an additional \$25,500 from the CEAP to LIFE Run Centers for the components. City Council, on July 10, 2008, appropriated the additional funding for this program.

The period of performance is January 1, 2008, through December 31, 2008.

**FISCAL IMPACT**

Maximum amount to be allocated from the FY 2008 CEAP to LIFE Run Centers is \$73,000.

Staff recommends approval.

- 5.10. Contract Resolution - Airport : Resolution No. 2008-R0243 authorizing the Mayor to execute a contract to Alpine Systems for the Upgrade Flight Information Display System Project, BID 08-720-DD.**

The existing Flight Information Display System (FIDS) at Lubbock Preston Smith International Airport is approximately eight years old. The system uses video and computer components with a lifespan of five years. Most display monitors have either failed or are not sufficiently legible to obtain flight information. The project upgrades the system to current technology with an improved user interface allowing airlines to enter flight data and with improved display monitors for better readability of the flight data. The

contract is for the replacement of computers, displays, cable, power supply, power conditioning, and associated equipment.

Bids were received from the following companies:

Lump sum pricing

Alpine Systems of Killington, VT	\$146,558
Infax of Duluth, GA	\$291,084
Com-Net of Miamisburg, OH	\$364,809

Time for substantial completion is 120 days with liquidated damages of \$800 per day. Final completion will be achieved within 30 calendar days after substantial completion.

The contract is awarded by unit price. The total amount of the award is based on estimated quantities; 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**

\$458,975 is appropriated in Capital Improvement Project 91110, Replace Flight Information Display System (FIDS), with \$146,558 available for this purpose.

The Airport Board and staff recommend award to the lowest bidder, Alpine Systems of Killington, Vermont, for \$146,558.

- 5.11. Resolution - Water Utilities : Consider a resolution authorizing the City Manager of the City of Lubbock, or her designee, to execute for and on behalf of the City of Lubbock, Texas, one or more License Agreements, in the form as attached hereto as Exhibit "A", related to access to lands for surveying and testing activities, by and between the City of Lubbock and landowners affected by the City of Lubbock's proposed water transmission pipeline contemplated to be located in Lubbock, Lynn and Garza Counties of the State of Texas .**

**THIS ITEM WAS DELETED**

- 5.12. Resolution - Municipal Court : Resolution No. 2008-R0244 authorizing the Mayor to execute a contract with Brazos Technology Corporation for (i) a software license agreement with handheld electronic ticket writers and (ii) a software maintenance agreement, RFP 08-024-MA.**

The contracts provide the Lubbock Police Department (LPD) Motors Division with 20 handheld electronic ticket writers. The devices decrease the number of handwritten citations. The new system increases efficiency and decreases data entry errors. Spare units are available to patrol officers working STEP grant programs and potentially to Parking Control, Codes Enforcement officers, Animal Control Services, or other City Code enforcement personnel.

Proposals are ranked as follows:

Brazos Technology of College Station, TX	442 points	\$114,430
APS of Deerfield Beach, FL	404 points	\$98,068
Cardinal Tracking, of Louisville, TX	343 points	\$125,290
3I Infotech of Edison, NJ	300 points	\$193,840
Thinkstream Inc. of Baton Rouge, LA	272 points	\$247,399
Checker Wireless of Richmond, BC Canada	31 points	\$327,473

Checker Wireless proposal does not meet the traffic solutions specifications.

The evaluation committee of two LPD motor officers, two Information Technology employees, and two municipal court employees recommend contract award to the second lowest cost proposal from Brazos. On a 500 point maximum scale, the Brazos proposal averaged 442 points per evaluator. The lowest cost proposal from APS averaged 404 points. Brazos was ranked first by four evaluators and second by the other two. APS was ranked first by two evaluators, second by two, and third by the remaining two. The LPD officers will use the system and ranked Brazos the highest. One of the remaining evaluators gave APS a perfect score, and ranked the other proposals much lower.

Brazos allowed the committee to use two units for a live demo after installing the machines and training the officers and court staff. References for Brazos included current users of the software, and they are highly impressed with Brazos and their installation and after-the-sale service.

#### **FISCAL IMPACT**

Funding is available in the FY 2007-08 Municipal Court Technology Operating Budget. There is no impact on the City's General Fund.

Staff recommends contract award to the highest ranked firm, Brazos Technology Corporation of College Station, Texas, for \$114,430.

#### **6. REGULAR AGENDA**

**Note: Regular Agenda items are listed in the order they were addressed (6.3-6.8,6.1-6.2)**

**6.1 This item was moved and considered following Item 6.8.**

**6.2 This item was moved and considered following Item 6.1.**

**6.3. Resolution - Finance : Resolution No. 2008-R0245 adding vehicles to be purchased as part of the City's Master Lease Program budgeted for the FY 2007-08 Operating Budget, amending Resolution No. 2008-R0114.**

Resolution No. 2008-R0114 (the "Original Resolution"), dated April 10, 2008, authorized and approved the equipment and property to be purchased as part of the FY 2007-08 City's Master Lease Program and included the

replacement and financing of ten Solid Waste Department side loader trucks for use in residential garbage collection.

The equipment and property described on Exhibit "A", is added to the property and equipment approved as part of the FY 2007-08 Master Lease Program, and the Original Resolution is amended to reflect such addition.

The resolution amends the list of equipment to add eight side loader trash collection trucks to implement a three-year replacement cycle in Solid Waste. The City currently uses side loader trucks for seven to eight years, resulting in repair costs that, in some cases, exceed the cost of a new truck. The recommendation to replace side loader trucks more often will reduce the repair expense for the vehicles because these vehicles come with a three-year warranty on the cab and chassis and a two-year warranty on the packer body. The warranties will cover the majority of repair costs. Furthermore, at the end of the three-year cycle, the three-year old truck will bring a higher price when sold at auction. For planning purposes, the estimated resale value is \$58,300.

Under the existing replacement cycle, the age of the trucks and the high incidence of breakdowns require the department to maintain a reserve fleet. The current fleet requires 51 trucks on the streets each day with 12 trucks in reserve. Once the three-year replacement cycle is fully implemented, the number of reserve trucks will be reduced, resulting in additional savings for the City.

Based on financing costs, anticipated resale value, and reduced repairs costs, it is projected that the three-year replacement cycle will result in no increased expenses to the department (see Exhibit B) although not quantified, additional savings are expected for fuel economy and a decrease in the reserve truck inventory.

The cost analysis and assumptions will be reevaluated at the end of the three-year cycle to ensure that the replacement cycle is effective and results in a realized cost savings.

There is a twelve to eighteen month delivery delay for these vehicles once ordered.

#### **FISCAL IMPACT**

The annual master lease payment will be appropriated, in the Solid Waste Fund, as part of the annual Operating Budget Process.

Staff recommends approval.

Motion was made by Council Member Leonard, seconded by Council Member DeLeon to pass Resolution 2008-R0245 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

#### **6.4. Interlocal Agreement - Street Engineering : Resolution No. 2008-R0246 authorizing the Mayor to execute an Interlocal Agreement with Texas Tech**

The Interlocal Agreement allows the City the right of access and use to land owned by Texas Tech University for the Erskine Street widening and construction project.

The City is required to:

(1) Pay Texas Tech University the sum of \$41,400 based on an appraisal performed by Tommy Cantrell for the City. Texas Tech University agrees with the appraised amount.

(2) Demolish an old building, formerly a calibration station, within the land needed for the Erskine Street widening and paving project. An asbestos abatement will be involved with the demolition of the building. At this time, the asbestos abatement and demolition is estimated at less than \$35,000. The Facilities Management Department is supervising the work needed for the demolition of the building.

Upon execution of this Agreement, Texas Tech University will issue the City a temporary construction right of access and use (Exhibit "C" to the Interlocal Agreement) to the property needed for the Erskine Street project. The temporary right of access will be needed for the City to perform the asbestos abatement and demolition of the building. The document allows LP&L to relocate an overhead power line to accommodate the new street construction project.

After the building is demolished, Texas Tech University will then submit the permanent right of access and use (Exhibit "D" to the Interlocal Agreement) to the City. The document grants permanent right of access for use of Erskine Street as a public street or roadway.

#### **FISCAL IMPACT**

The agreement with Texas Tech University requires a payment of \$41,400 for the right-of-way and stipulates that the City is responsible for asbestos abatement and demolition of the calibration station located within the area. The cost of the abatement and demolition is expected to be \$35,000.

\$17,097,200 is appropriated in Capital Improvement Project 91101, Erskine Street: Frankford Avenue to Salem Avenue, and \$5,205,000 was appropriated in Capital Improvement Project 91102, Slide Road: Loop 289 to Erskine Street, with \$76,400 (\$41,400 for ROW and \$35,000 for Demolition) available for this purpose.

Staff recommends approval.

Marsha Reed, Director of Public Works, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Klein to pass Resolution 2008-R0246 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

**6.5. Contract Resolution - Street Engineering : Resolution No. 2008-R0247 authorizing the Mayor to execute a unit price contract with Allen Butler Construction for the street paving improvements on Slide Road and Erskine Street Project (Northwest Passage Project), BID 08-721-BM.**

The contract is for the construction of street paving improvements, drainage improvements, and water line installation ahead of paving on Erskine Street from Frankford Avenue to Salem Avenue, and Slide Road from Loop 289 to Erskine Street.

The paving of the streets are in the current Capital Projects Budget. The streets are proposed to be 88 feet in width, a standard T-2 thoroughfare section in accordance with the Master Thoroughfare Plan, that provides three lanes of traffic in each direction plus a continuous left turn lane.

Bids were received on the project on June 18, 2008. The three bidders and their bids were:

Allen Butler Construction of Ransom Canyon, TX	\$18,578,778
Duininck Brothers of Roanoke, TX	\$19,139,176
Granite Construction of Watsonville, CA	\$19,869,519

The contract is awarded by unit price. The total amount of the award 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**

\$17,097,200 is appropriated in Capital Improvement Project 91101, Erskine Street: Frankford Avenue to Salem Avenue, and \$5,205,000 was appropriated in Capital Improvement Project 91102, Slide Road: Loop 289 to Erskine Street, with \$18,578,778 available for this purpose.

As part of the project budget for Capital Improvement Project 91102, Slide Road: Loop 289 to Erskine Street, the developer agreed to contribute \$1,030,214 toward the cost of paving. The developer has agreed to submit the payment, street dedication deeds, and drainage and construction easement documents on July 10, 2008, following City Council action to award the construction contract.

Staff recommends contract award to the lowest bidder, Allen Butler Construction of Ransom Canyon, Texas, for \$18,578,778.

Marsha Reed, Director of Public Works, gave comments and answered questions from Council.

Motion was made by Council Member Price, seconded by Council Member Klein to pass Resolution 2008-R0247 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

**6.6. Contract Resolution - Street Engineering : Resolution No. 2008-R0248 authorizing the Mayor to execute an agreement with Parkhill, Smith & Cooper, Inc., for construction phase services on the Erskine Street and Slide Road paving project (Northwest Passage Project), RFQ 04-093-VK.**

The agreement engages Parkhill, Smith & Cooper (PSC) to provide engineering services during the construction phase of the street paving, drainage improvements, and various other work associated with the Erskine Street and Slide Road paving project. The project includes Erskine Street from Frankford Avenue to Salem Avenue, and Slide Road from Loop 289 to Erskine Street.

On October 11, 2004, the City Council selected HNTB of Plano, Texas, for the preliminary engineering and preparation of the environmental document for the Northwest Passage project. PSC was part of HNTB's engineering team. On November 18, 2005, the City Council amended the engineering services agreement with HNTB to include the detailed engineering, including preparation of plans, specifications and estimates (PS&E) for the paving of Erskine Street and Slide Road.

For the construction phase, staff recommends an engineering services contract with PSC, and HNTB as a sub-consultant to PSC. Staff believes it is important for the resident firm to take the lead during construction. PSC's Resident Project Representatives (RPRs) during construction on this project are the same DPRs who worked on the South Central Drainage Project, the South Lubbock Drainage Project, and the 98th Street Paving Project from Slide Road to Frankford Avenue.

Services include:

- General administration of construction contract,
- Provide continuous RPR services,
- Participate in pre-construction conference,
- Periodic site visits (In addition to RPR services),
- Periodic construction materials testing, as spot checks of normal testing required by the contractor,
- Issue field orders based on clarification and interpretation of the specifications and plans,
- Prepare change orders and work change directives,
- Evaluate substitutes proposed by the contractor,
- Review and approve applications for payments to the contractor, and
- Provide record drawings upon completion.

Exhibit A-1 of the Agreement provides detail of the specific tasks under the agreement and the estimated man-hours to perform the tasks.

The engineering services agreement establishes a “not to exceed” \$1,172,151 fee for services, unless the City Council later amends the agreement to direct a change in scope of work or compensation. Compensation is based on an hourly rate per worker classification for work performed.

**FISCAL IMPACT**

\$17,097,200 is appropriated in Capital Improvement Project 91101, Erskine Street: Frankford Avenue to Salem Avenue, and \$5,205,000 was appropriated in Capital Improvement Project 91102, Slide Road: Loop 289 to Erskine Street, with \$1,172,151 available for this purpose.

Staff recommends approval.

Marsha Reed, Director of Public Works, gave comments and answered questions from Council.

Council Member Leonard requested more supervision on projects.

Marsha Reed stated Parkhill, Smith and Cooper is responsible for the onsite supervision on this project. The owner has the final say. Larger projects are contracted out because the City does not have the staff available.

Motion was made by Council Member Price, seconded by Council Member Klein to pass Resolution 2008-R0248 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

**6.7. Contract Resolution - Airport : Resolution No. 2008-R0249 authorizing the Mayor to execute a unit price contract with Utility Contractors of America for the Airfield Drainage and Safety Mitigation Improvements Project, BID 08-722-DD.**

At Lubbock Preston Smith International Airport, an area located north of Runway 8/26 across from Taxiway G retains storm water runoff in a basin. The basin is capable of holding a considerable volume of water. Currently, the only way for storm water to leave the basin is by way of evaporation. The water in the basin attracts wildlife which is a hazard to aircraft. The project improves the overall drainage of the area, which includes the access to the Air Traffic Control Tower, by installing a pump station and pipe conveyance system to allow removal of stored storm water from the basin. Excavation, storm sewer piping, pumping systems, and other associated work is involved in the project.

Bids were received from the following companies:

Utility Contractors of America of Wolfforth, TX	\$890,000
North Texas Contracting of Keller, TX	\$1,457,709
Deerwood Construction of Lubbock, TX	\$1,467,451
Red River Construction of Wylie, TX	\$1,915,161

Bid award for the agenda item is awarded by the unit price. Total amount of the award is estimated and actual expenditures may be more or less depending on actual needs. The price per unit will not change.

Time for substantial completion is 210 days with liquidated damages of \$1,000 per day.

#### **FISCAL IMPACT**

\$2,134,000 is appropriated in Capital Improvement Project 92022, Airfield Drainage and Safety Mitigation Improvements, with \$890,000 available for this purpose. Funding for the project is from Passenger Facility Charges.

The Airport Board and staff recommend contract award to the lowest bidder, Utility Contractors of America of Wolfforth, Texas, for \$890,000.

Motion was made by Council Member Leonard, seconded by Council Member Klein to pass Resolution 2008-R0249 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

- 6.8. Resolution - City Council : Resolution No. 2008-R0250 (a) directing the City Manager (i) to arrange for a study and examination of the City's Comprehensive Zoning Plan and Zoning Code regarding zoning districts wherein it would be proper and advisable to permit the sale of packaged alcoholic beverages; and (ii) in the event legalization of the sale of packaged alcoholic beverages within the City of Lubbock occurs, to present at the earliest practicable date, a zoning case to the Planning and Zoning Commission of the City of Lubbock requesting amendments to the City of Lubbock's Comprehensive Zoning Plan and Zoning Code to allow the sale of alcoholic beverages within the certain zones of the City of Lubbock; and (b) urging the Planning and Zoning Commission of the City of Lubbock to carefully consider all facts, circumstances, benefits and burdens that may be presented by the amendments to the City's Comprehensive Zoning Plan and Zoning Code requested by the City of Lubbock.**

The resolution (a) directs the City Manager (i) to arrange for a study and examination of the City's Comprehensive Zoning Plan and Zoning Code regarding zoning districts wherein it would be proper and advisable to permit the sale of packaged alcoholic beverages; and (ii) in the event legalization of the sale of packaged alcoholic beverages within the City of Lubbock occurs, to present at the earliest practicable date, a zoning case to the Planning and Zoning Commission of the City of Lubbock requesting amendments to the City's Comprehensive Zoning Plan and Zoning Code to allow the sale of alcoholic beverages within the certain zones of the City of Lubbock; and (b) urges the Planning and Zoning Commission to carefully consider all facts, circumstances, benefits and burdens that may be presented by the amendments to the Comprehensive Zoning Plan and Zoning Code requested by the City of Lubbock.

**FISCAL IMPACT**

No fiscal impact.

Motion was made by Council Member Klein, seconded by Council Member Leonard to pass Resolution 2008-R0250 as recommended by staff. Motion carried: 4 Ayes, 2 Nays. Council Member DeLeon and Council Member Price voted nay. Mayor Pro Tem Gilbreath was absent.

**9:59 A.M. CITY COUNCIL RECESSED**

**10:09 A.M. CITY COUNCIL RECONVENED**

**City Council Chambers**

- 6.1. Public Hearing 10:00 a.m. - City Manager : Hold a public hearing pursuant to Texas Utility Code Section 36.105 concerning Southwestern Public Service Company's Statement of Intent and Application for Authority to Change Rates.**

Mayor Martin opened the public hearing at 10:09 a.m. No one appeared in favor and no one appeared in opposition. Mayor Martin closed the hearing at 10:11 a.m.

Pursuant to Section 33.001 of the Texas Utilities Code, the City has exclusive original jurisdiction over the rates, operations, and services of an electric utility operating within the corporate limits of the City of Lubbock. SPS filed a Statement of Intent and Application of Southwestern Public Service Company for Authority to Change Rates (the "Application") on June 12, 2008. The public hearing is held concerning the Application pursuant to Texas Utilities Code §36.105.

**FISCAL IMPACT**

No fiscal impact.

- 6.2. Resolution - City Manager : Resolution 2008-R0251 and Order denying, approving or suspending Southwestern Public Service Company's Statement of Intent and Application for Authority to Change Rates pursuant to Texas Utility Code Chapter 36.**

Pursuant to Section 33.001 of the Texas Utilities Code, the City has exclusive original jurisdiction over the rates, operations, and services of an electric utility operating within the corporate limits of the City of Lubbock. SPS filed a Statement of Intent and Application of Southwestern Public Service Company for Authority to Change Rates (the "Application") on June 12, 2008.

Based on the information presented to the City Council, including but not limited to, the information contained in the Application and the request by SPS in its Application to deny their Application, the City Council, pursuant to the applicable provisions of the Texas Utilities Code, may deny, approve or suspend Southwestern Public Service Company's Statement of Intent and

Application for Authority to Change Rates pursuant to Texas Utility Code Chapter 36.

The 2008 Base Rate Increase Application is on file with the City Secretary's office.

**FISCAL IMPACT**

No fiscal impact.

Richard Casner, First Assistant City Attorney, gave comments and answered questions from Council.

Council Member Leonard commented, for the record, "the silliness of this, where Excel submits a rate case to the City with an application, but then also requests us to deny what they are asking for so that they can then go to the PUC as a consolidated case on all the cities . . . I wish there was something that could be done about that, but I know that is a state issue, legislative wise".

Motion was made by Council Member Price, seconded by Council Member DeLeon to pass Resolution 2008-R0251 denying the change in rates as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Mayor Pro Tem Gilbreath was absent.

**10:17 A.M. CITY COUNCIL RECESSED**

**10:32 A.M. CITY COUNCIL RECONVENED**  
**Committee Room**

**7. WORK SESSION**

**7.1. Annexation Priorities (Randy Henson, Director of Planning)**

Mayor Martin started the discussion by stating that the purpose of this session is to discuss potential areas for annexation and the process of annexation.

Randy Henson, Director of Planning, discussed the priorities of areas to be annexed. The Council Members agreed that the areas should be prioritized as follows:

1. South Lubbock - this area is close to meeting the 100 house count and development is moving south. Also, the Sports Complex is currently being built in this area.
2. North Lubbock - to protect the I-27 corridor, environmental issues, and square the annexation area. Mayor Martin stated this is an area that is a show place and we need to protect it.
3. West to Alcove from Marsha Sharp Freeway up to 34<sup>th</sup> Street - this is a growing area.

The following areas were discussed but will be prioritized at a later date, possibly including a bus tour of various perimeter areas:

1. North of Terra Estates II

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2. Southeast area

Anita Burgess, City Attorney, stated TCEQ currently has a lawsuit filed against the recycling center because it is not in compliance.

**11:36 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION**

**12:12 P. M. COUNCIL ADJOURNED**

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