

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
AUGUST 28, 2008
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 28th day of August, 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 Tom Martin, Mayor Pro Tem Jim Gilbreath, Council Member Paul R. Beane, Council Member Linda DeLeon, Council Member Todd R. Klein, Council Member John Leonard, Council Member Floyd Price

Absent: No One

1. CITIZEN COMMENTS

1.1. Catherine Bridges will appear before City Council to discuss methane gas problems in her neighborhood.

Catherine Bridges appeared before Council to voice her concerns regarding the methane gas problems in her neighborhood.

Other citizens who appeared before Council to voice their concerns regarding the methane gas problems in their neighborhood were: Becki Laurent and Karen Watson.

Tom Adams, Deputy City Manager, gave comments and answered questions from Council.

Mayor Martin stated for the record "Ms. Bridges has turned in an informal petition with a number of signatures". Copies will be furnished to Council.

Council Member Klein stated for the record "If you went out there and personally inspected it yourself I think that is above and beyond and I appreciate Tom Adams for doing that".

1.2. Alice Lozada will appear before City Council to discuss the Wayside Horns for the Guadalupe Neighborhood.

Alice Lozada appeared before Council to voice her concerns regarding the Wayside Horns for the Guadalupe neighborhood.

Mayor Martin asked LeeAnn Dumbauld, City Manager, to look into the liability issues, and to possibly refer this issue to the Citizens Traffic Commission.

1.3. Maurice Williams and Donnell Hooper will appear before City Council to discuss street paving improvements in East and North Lubbock.

Maurice Williams appeared before Council to voice his concerns regarding changing the time of public hearings to the evenings to allow more of the working citizens to attend the hearings. He also discussed paving improvements of eleven (11) streets in East and North Lubbock.

Donnell Hooper did not appear.

- Chad Reed appeared before Council to voice his concerns regarding the janitorial contracts.
- Mikel Ward appeared before Council to voice her concerns regarding the downtown redevelopment.

2. EXECUTIVE SESSION was considered following Item 6.3.

3. PRESENTATIONS AND PROCLAMATIONS were considered following Council reconvening at 9:05 a.m.

4. MINUTES were considered following Item 3.4.

5. CONSENT AGENDA was considered following Item 4.1.

6. REGULAR AGENDA

Items 6.1, 6.2, 6.3 and 6.4 were taken out of order and addressed during the Citizen Comment period of the meeting

6.1. Public Hearing 7:30 a.m. - Finance : Hold a public hearing on the proposed FY 2008-09 Operating Budget and Capital Program.

Mayor Martin opened the public hearing at 8:05 a.m. Mikel Ward and Dick Hudgens appeared to address the proposed FY 2008-09 Operating Budget and Capital Program. Mayor Martin closed the hearing at 8:13 a.m.

A public hearing concerning the FY 2008-09 Operating Budget and Capital Program has been posted and notice has been published as required by state law to allow citizens an opportunity to comment.

The proposed budget is on file with the City Secretary's Office as required by state law, and was filed on July 22, 2008.

The proposed budget complies with all legal requirements and the mandatory notice has been published.

Staff recommends approval.

6.2. Public Hearing 7:30 a.m. - Finance : Hold a public hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 3.30% (percentage by which the proposed tax rate exceeds the effective tax rate calculated under Chapter 26, Tax Code).

Mayor Martin opened the public hearing at 8:13 a.m. Mikel Ward appeared to address the proposed tax rate. Mayor Martin closed the hearing at 8:16 a.m.

On July 22, 2008, the City Council approved a resolution of a proposed tax rate of 45.505 cents per \$100 valuation. On August 12, 2008, the City Council held the first of two public hearings. The public hearings are required by state law to allow taxpayers an opportunity to comment on the proposed tax rate.

A property tax rate of \$0.45505 per \$100 valuation is proposed. The tax rate is distributed as follows:

General Fund Maintenance and Operations	\$0.33405
Interest and Sinking Fund Service	\$0.09100
Economic Development	\$0.03000

FISCAL IMPACT

The tax rate is scheduled to be adopted at the September 11, 2008, City Council Meeting. The fiscal impact of that decision is unknown until the tax rate is chosen and adopted.

Staff recommends approval.

6.3 This item was moved and considered following item 6.4.

6.4. Tax Levy Ordinance 1st Reading - Finance : Ordinance No. 2008-O0078 setting the tax rate and levying a tax upon all property subject to taxation within the City of Lubbock for the year 2008.

This is the first reading of the ordinance adopting and levying the tax rate for FY 2008-09. The budget ordinance must be considered prior to the ordinance adopting the levying of a tax rate. The ordinance will be placed on the Thursday, September 11, 2008, City Council agenda for the second reading and adoption of the tax rate.

This ordinance incorporates the tax rate as proposed by City Council. The property tax rate is proposed to remain at the same rate as the previous year at \$0.45505 per \$100 valuation. The tax rate is distributed as follows:

General Fund Maintenance & Operations	\$0.33405
Interest and Sinking Fund	0.09100
Economic Development	0.03000

FISCAL IMPACT

The tax rate is scheduled to be adopted at the City Council Meeting on September 11, 2008.

Staff recommends approval.

Motion was made by Council Member Leonard, seconded by Council Member Beane to pass Ordinance No. 2008-O0078, that property taxes be increased by the adoption of the tax rate of .44640, that is actually reducing the advertised rate of .45505, and that is applying the \$894,367 additional revenue to pay down the tax rate. Motion carried: 5 Ayes, 2 Nays. Council Member DeLeon and Council Member Price voting Nay.

6.3. Budget Adoption Ordinance 1st Reading - Finance : Ordinance No. 2008-O0077 adopting the FY 2008-09 Operating Budget and Capital Program.

This is the first reading of the ordinance adopting the City's FY 2008-09 Operating Budget and Capital Program. The budget ordinance must be considered prior to the ordinance on the tax rate.

This ordinance incorporates the operating and capital budgets that have been proposed by the City Manager. The property tax rate in the proposed budget is \$0.45505 per \$100 valuation. A balanced budget must be approved by the City Council.

The ordinance will be placed on the Thursday, September 11, 2008, City Council agenda for the second reading and adoption of the budget.

FISCAL IMPACT

Impact outlined in FY 2008-09 Proposed Budget.

Staff recommends approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Ordinance No. 2008-O0077 as recommended by staff but with deleting \$894,367 to reduce tax rate. Motion carried: 5 Ayes, 2 Nays. Council Member DeLeon and Council Member Price voted nay.

8:20 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. (Museums, Parks and Recreation, Right-of-Way)
- 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, Right-of-Way)
- 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 deliberate, vote and take final action on electric rates of Lubbock Power and Light
 - 2.4.3 to discuss and deliberate a competitive matter regarding the strategies, goals, funding and strategic purpose of the City of Lubbock's relationship with and membership in the West Texas Municipal Power Agency.
- 2.5. Hold an Executive Session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Building Board of Appeals, Junked Vehicle Compliance Board, Mental Health-Mental Retardation Board of Trustees, and the Permit and License Appeal Board.

9:05 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

Present: Mayor Tom Martin; Mayor Pro Tem Jim Gilbreath; Council Member Paul R. Beane; Council Member Linda DeLeon; Council Member Todd R. Klein; Council Member John Leonard; Council Member Floyd Price; LeeAnn Dumbauld, City Manager; Rebecca Garza, City Secretary and Don Vandiver, City Attorney

Absent: No One

Mayor Martin reconvened the meeting at 9:05 A. M.

Mayor Martin stated the following:

The City Council will vote on the tax rate, the final vote, at the September 11, 2008, City Council meeting that will be held in the City Council Chambers beginning at 7:30 A.M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Pastor Marcus Murphy, Oakwood Baptist Church

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 commemorating September 1-7, 2008, as Western Heritage Week.

Mayor Martin presented a special recognition to Monica Hightower commemorating September 1-7, 2008, as Western Heritage Week. Monica Hightower accepted the recognition and gave pins to the Council. Allen Davis, father of the Cowboy Symposium, gave comments and invited the citizens of Lubbock to the event.

3.4. Presentation of a special recognition to the Southwest Little League Baseball Team.

Mayor Martin presented a special recognition to the Southwest Little League Baseball Team. Coach Shelby Stevens, Assistant Coach Ken Webster, Assistant Coach Kyle Gaylor and the baseball team, were present to accept the special recognition. Coach Shelby Stevens gave comments.

9:21 A.M. CITY COUNCIL RECESSED

9:28 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

4. MINUTES

4.1. Approval of Minutes of Prior Meetings: Regular City Council Meeting, July 22, 2008 Special City Council Meeting, July 24, 2008 Special City Council Meeting, August 4, 2008

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to approve the minutes of July 22, 2008 Regular City Council Meeting; July 24, 2008 Special City Council Meeting; and August 4, 2008 Special City Council Meeting; as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Items 5.2, 5.4-5.13, 5.15, 5.18, 5.19, 5.21-5.26 on consent agenda as recommended by staff. Motion carried 7 Ayes, 0 Nays.

5.1 This item was moved from consent agenda to regular agenda and considered following Item 5.26.

5.2. Contract Resolution - Finance : Resolution No. 2008-R0307 authorizing the Mayor to execute an agreement and engagement letter with BKD for an audit of the City's annual financial statements.

In 2005, the City Council requested statements of qualifications and price proposals from certified public accounting firms to provide professional auditing services. The services include the City's audit of annual financial statements, preparation of federal and state single audits, the Passenger Facilities Charge audit, and accompanying reports.

The contract term is for six years and includes audits for fiscal years ending September 30, 2005, through September 30, 2010. City Council, at the recommendation of the Audit Committee, selected BKD of Little Rock, Arkansas, to perform the audit services.

Each contract year, a letter of engagement is executed and includes terms of the engagement and the stipulated fees.

The Audit Committee accepted the engagement letter on August 11, 2008, for the FY 2007-08 audit.

FISCAL IMPACT

Fees for services include \$177,000 for the City of Lubbock, \$13,500 for Lubbock Power & Light, and \$15,000 for the audit firm's out-of-pocket expenses totaling \$205,500. Funds are appropriated in the Adopted FY 2008-09 Finance Department Operating Budget.

Staff recommends approval.

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

5.4. Resolution - Finance : Resolution No. 2008-R0308 authorizing the City Manager or her designated representative to determine which alternative method of purchasing, other than traditional competitive bidding, provides the best value for the City of Lubbock.

Prior to advertising for bids using a method of purchasing other than traditional competitive bidding, a City is required to determine the alternative purchasing method that provides the best value for the City and establish criteria to select among bidders. To expedite the performance of City business, the resolution delegates the authority to the City Manager, or her designated representative, and is consistent with state statute.

Alternative methods of purchasing for construction contracts include the following:

Competitive Sealed Proposals. The City selects a design professional to prepare the construction documents and provides or contracts for all inspection and testing services independent of the contractor. The City advertises its request for competitive sealed proposals, which includes the construction documents, certain project information, and selection criteria. The competitive sealed proposal process allows for considerations other than price in the selection of the construction contractor. Alternative criteria can include reputation, quality, past relationships with the governmental entity, and any other relevant criteria defined in the request for proposals. The parties may negotiate changes to scope and time and associated price change.

Construction Manager-Agent. The construction manager provides construction consultation services. The manager represents the City in a fiduciary capacity and may be required to provide certain services. The design professional who prepares the construction documents is generally barred from serving as the manager but is not barred from providing customary services. The City selects the most qualified candidate and attempts to negotiate a contract at a fair and reasonable price. The City retains the prime contractors and either the City or the construction manager is tasked with retaining required inspection and testing services.

Construction Manager-At-Risk (CMAR). The CMAR assumes the risk of construction as a general contractor and provides construction consulting services during and after the design phase. The CMAR is usually selected largely on experience and qualifications, with some consideration for the price of general conditions. The CMAR provides planning, estimating, scheduling and other consulting services to the City and architect during the design phase. When the design is near completion, the CMAR and the City negotiate a guaranteed maximum price and schedule. The CMAR retains the subcontractors and, under certain conditions, is permitted to perform the major elements of the work.

Job-Order Contracts. Job orders are awarded on the basis of pre-described and pre-priced tasks for recurring minor construction or repair. More than one job order contract may be awarded with each solicitation. Work on a job order may be a lump-sum contract or a unit-price contract.

Design-Build. A single contract is used for both design and construction services. Offerors are evaluated in two phases. First, the City evaluates and ranks each offerors proposal. Up to five offerors may qualify to submit additional information and an interview. Second, the City evaluates the submitted information and the results of any interviews. Following a ranking of each proposal, the firm offering the best value is selected. If a contract cannot be negotiated, the City ends negotiations and negotiates with the next ranked offeror. The process continues until a contract is reached or negotiations end. After the selection, the completed design is submitted for

review. The City may provide inspection and testing services or contract out such services.

The alternative method of purchasing goods and services is the competitive sealed proposal procedure. The competitive proposal procedure differs from the competitive bid procedure in that the City seeks a solution, not a bid meeting firm specifications for the lowest price. Therefore, the lowest price proposal does not guarantee an award recommendation. Proposals are evaluated based on criteria formulated around the most important features of a product or service, of which quality, testing, references, availability or capability, may be overriding factors, and price may not be determinative in the issuance of a contract or award.

FISCAL IMPACT

No fiscal impact.

Staff recommends approval.

5.5. Ordinance 2nd Reading - City Manager : Ordinance No. 2008-O0076 Consider an ordinance amending chapter 27-59 of the Lubbock Code of Ordinances to establish a process for setting rates for permit holders for taxicabs and limousines by tying said rate to rack prices for gasoline as set forth in the Oil Price Information Service Pad Report for Lubbock.

On August 19, 2008, the City Council approved the first reading of the ordinance. This ordinance establishes a process for setting rates for permit holders for taxicabs and limousines by tying said rate to rack prices for gasoline as set forth in the Oil Price Information Service Pad Report for Lubbock when the rack price average is \$3.00 or greater.

Texas Local Government Code Section 215.004(a), mandates that municipalities license, control and otherwise regulate taxicab and limousine transportation services by ordinance. Fuel cost is a major expense in operating taxicab and limousine services. Consequently, a significant increase in the price of gasoline has a detrimental financial impact on the taxicab and limousine industry. Because taxicab and limousine fares are established by ordinance, the taxicab and limousine industry is unable to compensate for the dramatic fuel price increases. It is therefore advisable to establish a fuel surcharge that serves to offset fuel price increases.

FISCAL IMPACT

No fiscal impact.

Staff recommends approval.

5.6. Contract Resolution - Community Development : Resolution No. 2008-R0309 authorizing the Mayor to execute a contract with BBC Research and Consulting for professional services with regard to the preparation of the City of Lubbock Consolidated Plan.

The U.S. Department of Housing and Urban Development (HUD) requires state and local governments to produce a five-year Consolidated Plan to receive funds from the Community Development Block Grant, the Emergency Shelter Grant, and the HOME Investment Partnerships Program. The plan serves as a strategic planning tool for the department's federal program activities through FY 2014.

The following firms submitted proposals:

BBC Research and Consulting of Denver, Colorado	\$30,900
J-Quad and Associates of Dallas, Texas	\$37,000

The \$30,900 contract with BBC Research and Consulting provides the following services pursuant to HUD guidelines and regulations:

1. Project initiation
2. Project coordination
3. Citizen participation plan
4. Community profile
5. Non-housing needs assessment
6. Housing and homeless needs assessment
7. Housing market analysis
8. Strategic plan and action plan development
9. Report production

FISCAL IMPACT

Funds are appropriated in the FY 2007-08 Adopted Operating Budget and included in the Proposed FY 2008-09 Operating Budget.

Staff recommends approval.

5.7. Contract Resolution - Health : Resolution No. 2008-R0310 authorizing the Mayor to execute a Memorandum of Agreement with Lubbock Regional Mental Health-Mental Retardation Center to assist the City in a behavioral health response to a disaster or emergency event.

The City of Lubbock/Lubbock County Emergency Management Plan and grant directives require the Health Department to plan and prepare for public health emergencies resulting from natural or man-made causes. Under the Texas Hurricane Evacuation and Shelter Plan, Lubbock may be activated as a medical special needs shelter hub. The level of services and care provided in medical special needs shelters are required to sustain the health and well-

being of individuals during the disaster and are not intended to provide acute and/or invasive care. During mass care sheltering, the Lubbock Regional Mental Health-Mental Retardation (LRMHMR) Center will coordinate recruitment, credentialing, and delivery of disaster behavioral health services to address incident specific stress reactions, health interventions, and crisis counseling.

Public health emergencies may necessitate large-scale immunizations as a control measure for an outbreak of communicable disease or mass prophylaxis against a bioterrorism agent. LRMHMR Center establishes a Closed Point of Dispensing (POD) site. The Health Department delivers federal Strategic National Stockpile (SNS) resources to LRMHMR Center, provide training on SNS functions and POD support. LRMHMR Center is responsible for physical security and integrity of the medical material, providing medication free-of-charge to staff and clientele, maintaining an inventory manifest list, and developing a dispensing plan.

All or portions of this document are confidential under Texas Government Code Chapter 418. To the maximum extent allowed by law, recipient agrees not to release the agreement outside the recipient agency without consulting the Health Department.

FISCAL IMPACT

No fiscal impact to the General Fund.

Staff recommends approval.

5.8. Grant Contract Resolution - Health : Resolution No. 2008-R0311 authorizing the Mayor to execute Contract 2009-028859 with Texas Department State of Health Services, program attachment 2009-028859-001 Immunization Branch-Locals to implement an immunization program for children, adolescents, and adults.

The \$198,485 grant provides funds for the City to implement an immunization program for children, adolescents, and adults with emphasis on accelerating interventions to improve the immunization coverage of children 2 years of age or younger (up to 35 months of age) using traditional and non-traditional systematic approaches designed to eliminate barriers, expand immunization education, and establish uniform policies.

The grant provides salary and fringe benefits for four full-time positions including a registered nurse, licensed vocational nurse, office assistant, and an outreach specialist. The City provides an immunization clinic with the fewest barriers to services. Activities include providing immunizations at the Health Department clinic; outreach activities for infants, children, and high-risk adults in homes, correctional facilities, day care centers, South Plains Mall, fire stations, health fairs, and senior citizen centers; and investigation and initiation of control measures for vaccine-preventable diseases. Educational activities are provided at every immunization event. In addition to the above mentioned events, immunization education is promoted at movie theaters; in

West Texas Hispanic News, Southwest Digest, Latino Lubbock, and Lubbock Home and Family Magazine; on billboards throughout Lubbock; on Animal Services trucks; and on pizza boxes delivered by Domino's and Pizza Hut.

Lubbock is responsible for implementing final approved work plans, including the 2008 Annual Plan and Strategy Implementation Plan(s) provided by Texas Department State of Health Services (DSHS) on July 31, 2008. A partial listing of the activities associated with the 2009 Objectives of the grant include:

- Developing a comprehensive plan to assure that immunization services and vaccines are available to medically underserved and/or under-immunized children and adults living in areas where coverage is low (pockets of need).
- Establish collaborations with community-based organizations and human service agencies to educate staff regarding immunization requirements and to promote best practices and to increase vaccination coverage levels for infants, children, adolescents, and adults.
- Actively educate public and private providers on vaccine recommendations, reporting of vaccine-preventable diseases, recordkeeping, the use of Vaccine Information Statements (VIS), the Texas Vaccine for Children (TVFC) program, and the ImmTrac registry.
- Investigate and document at least 95% of reportable suspected and confirmed vaccine-preventable disease cases within 30 days of notification.
- Implement a comprehensive Perinatal Hepatitis B program.
- Transition of 100% of TVFC providers to the Pharmacy Inventory Control System according to the schedule provided by DSHS program.
- Present ImmTrac information to providers, schools, and other community groups.
- Complete 100% of child-care facility and Head Start assessments assigned by DSHS. Complete 100% of public and private school assessments and retrospective and validation surveys assigned by DSHS.
- Complete 100% of immunization clinic policies required by DSHS.

The program fulfills the core missions of public health, which is surveillance and disease prevention. Without funding from the DSHS contract, local public health efforts could be impaired and the risk of illness in Lubbock citizens could increase.

FISCAL IMPACT

The total amount approved for the contract year is \$198,485 which is level funding compared to the previous contract year. The grant pays 100 percent of salaries and benefits for four employees. There is no fiscal impact to the General Fund.

Staff recommends approval.

5.9. Grant Contract Resolution - Health : Resolution No. 2008-R0312 authorizing the City Manager to execute DSHS Contract 2009-028369 with Texas Department of State Health Services, program attachment 2009-028369-001 Regional and Local Services Section-Local Public Health System, to provide funding to support and deliver essential public health services.

The \$108,204 grant provides funding under the Regional and Local Services Section (RLSS) / Local Public Health System (LPHS), commonly referred to as Triple 0 funds. The FY 2009 annual contract with the Department of State Health Services (DSHS), DSHS Document No. 2009-028369, provides financial assistance to improve or strengthen local public health infrastructure by developing objectives to address public health issues and utilize resources provided through the contract to conduct activities and services that provide or support the delivery of essential public health services. Programs assess, monitor, and evaluate the essential public health services, and develop strategies to improve the delivery of essential public health services to identified service areas. The contract begins on September 1, 2008, and ends August 31, 2009.

The attachment supports comprehensive public health services that are consistent with the Health Department Mission Statement. The attachment supports developing a functional and effective public health system with the specific goal of improving public health capacity to respond to both emerging and continuing public health threats. Grant objectives include sexually transmitted disease (STD) treatment and education, performing laboratory testing on samples collected, providing immunizations and education, providing education and treatment for notifiable conditions, and providing cancer awareness education and health fairs as time allows. The STD Program is designed to stop the spread of disease by tracking down the partners of those diagnosed with sexually transmitted diseases and either treating them or referring them to another clinic or physician.

The financial assistance provides 74 percent of salaries for four full-time City employees. Of the four employees, two work in the STD program, one works in the laboratory and one in Health Education.

FISCAL IMPACT

The total amount approved for the entire contract year is \$108,204, which is level funding compared to the previous contract year. The General Fund will contribute an estimated \$101,970 to the program for 26 percent of the salaries and 100 percent of the benefits for the four employees. The contribution to the grant is included in the Proposed FY 2008-09 Health Department Operating Budget.

Staff recommends approval.

5.10. Contract Resolution - Fire : Resolution No. 2008-R0313 authorizing the Mayor to execute a purchase order contract with Hall-Mark Fire Apparatus for one aerial ladder platform truck and two pumper trucks.

The purchase order contract is for equipment that replaces one frontline aerial ladder platform truck and two frontline pumpers scheduled for normal replacement that have approached the end of their service life and no longer meet the National Fire Protection Association (NFPA) Standard 1901 for Automotive Fire Apparatus.

The \$1,681,997 purchase is from Hall-Mark Fire Apparatus of Lewisville, Texas, through Houston-Galveston Area Council (H-GAC) contracts FS12-07 IA07 and FS12-07-IC03. H-GAC is a regional planning commission created under Acts of the 59th Legislature, Regular Session, 1965, recodified as Texas Local Government Code, Chapter 391. The H-GAC program was established pursuant to the Texas Interlocal Cooperation Act allowing governmental and qualifying non-profit entities to use the Act to obtain commonly needed products and services. H-GAC purchases conform to the requirements of Texas competitive bid statutes.

FISCAL IMPACT

The purchase of the equipment is authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the Proposed FY 2008-09 General Fund Operating Budget.

Staff recommends contract award to Hall-Mark Fire Apparatus of Lewisville, Texas, for \$1,679,997.

5.11. Contract Resolution - Fleet Services : Resolution No. 2008-R0314 authorizing the Mayor to execute a purchase order contract with Warren Cat for a track-type tractor dozer, BID 08-070-MA.

The contract is for the purchase of a Caterpillar D8T track-type dozer for the Solid Waste Department to use when working trash in the landfill and working daily dirt cover. The purchase price is \$562,525 with a guaranteed minimum repurchase option of \$260,000 after 5 years or 5,000 hours, whichever occurs first.

Continental Equipment of Lubbock, Texas, submitted a \$461,605 bid for a Komatsu dozer that does not meet specifications. The Komatsu final drive gear teeth are at near ground level. Operating the Komatsu dozer in a landfill causes metal debris to wrap around the drive permanently binding the track mechanism. Once this occurs, the drive assembly shears.

The Caterpillar final drive is 19 inches above ground level, reducing the possibility of picking up metal debris.

FISCAL IMPACT

The purchase of this equipment is authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the Proposed FY 2008-09 Solid Waste Operating Budget.

Staff recommends contract award to Warren Cat of Lubbock, Texas, for \$562,525.

5.12. Contract Resolution - Fleet Services : Resolution 2008-R0315 authorizing the Mayor to execute a purchase order contract with Dallas Dodge for passenger vehicles, BID 08-064-FO.

The resolution authorizes the purchase order contract for three passenger vehicles authorized in the Adopted FY 2007-08 Master Lease Program.

The \$56,335 purchase from Dallas Dodge of Dallas, Texas, is made through the Houston-Galveston Area Council (H-GAC,) Contract No. VEO3-06. H-GAC is a regional planning commission created under Acts of the 59th Legislature, Regular Session, 1965, recodified as Texas Local Government Code, Chapter 391. The H-GAC program was established pursuant to the Texas Interlocal Cooperation Act that allows governmental and qualifying non-profit entities to use the Act to obtain commonly needed products and services.

Shamrock Chevrolet of Lubbock, Texas, submitted an alternate \$78,275 bid for vehicles that did not meet specifications.

FISCAL IMPACT

The purchase of these vehicles is authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the Proposed FY 2008-09 General Fund Operating Budget.

Staff recommends approval.

5.13. Contract Resolution - Fleet Services : Resolution No. 2008-R0316 authorizing the Mayor to execute a purchase order contract with GT Distributors for lightbars and flashers used to outfit police patrol cars.

The purchase order contract is for lightbars and flashers used to outfit 51 police patrol and investigation vehicles. The items include:

Twenty-five lightbars: Whelen Liberty Cencom SA314P Package 48" (Patrol Crown Victoria)

One lightbar: Whelen Liberty Cencom SA314P Package 54" (Patrol K-9 Tahoe)

Fifty headlight flashers: Whelen SS (35 patrol, 15 Unmarked)

Fifty tail light flashers: Whelen (35 Patrol, 15 Unmarked)

Two headlight-tail light flasher: Whelen (Patrol K-9 Tahoe)

The purchase from GT Distributors of Austin, Texas, is made through the Texas Association of School Boards Local Government Purchasing Cooperative, Contract 284-08, using an electronic purchasing system, known as BuyBoard. The purchasing cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Government Code and used to obtain the benefits and efficiencies that can accrue to members of a

cooperative, to comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services.

FISCAL IMPACT

The \$51,524 purchase of this equipment is authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the Proposed FY 2008-09 General Fund Operating Budget.

Staff recommends approval.

5.14 This item was moved from consent agenda to regular agenda and considered following Item 5.3.

5.15. Contract Resolution - Fleet Services : Resolution Nos. 2008-R0317, 2008-R0318 and 2008-R0319 authorizing the Mayor to execute purchase order contracts with Heritage Equipment, Bee Equipment, and Associated Supply Company for heavy equipment, BID 08-051-MA.

The purchase order contracts involve the purchase of the following vehicles:

1. One two-wheel drive 125 HP tractor for Water Utilities
2. One four-wheel drive tractor backhoe with front-end loader for Water Utilities
3. Two two-wheel drive tractor backhoe with front-end loader for Water Utilities
4. One 9,000 LB forklift for Sewer Utilities
5. One articulating motor grader for Water Utilities
6. One 125 HP articulating motor grader for Solid Waste
7. One 80 HP motor grader for Solid Waste
8. One articulating loader for Solid Waste
9. One articulating loader for Stormwater

A bid tabulation is provided.

FISCAL IMPACT

The purchase of these vehicles is authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the Proposed FY 2008-09 Operating Budget of the appropriate fund.

Staff recommends bid award to the lowest bidders meeting specifications Heritage Equipment of Lubbock, Texas, for \$598,627; Associated Supply Co of Lubbock, Texas, for \$229,849; Bee Equipment Sales of Lubbock, Texas, for \$262,551.

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

5.17 This item was moved from consent agenda to regular agenda and considered following Item 5.16.

5.18. Ordinance 1st Reading - Business Development : Consider a Supplemental Ordinance supplementing Ordinance 2007-O0079 regarding assessments levied on property within Vintage Township Public Improvement District to provide public improvements for the district.

On June 26, 2007, the City Council adopted Ordinance 2007-O0058, which approved a Service and Assessment Plan and Assessment Roll for Vintage Township Public Improvement District (PID) and levied assessments on property within the PID. On April 24, 2008, the Vintage Township Public Facilities Corporation and the City Council authorized the issuance of PID bonds, payable from assessments on the property within the PID, to provide financing for public improvements within the PID. The PID statute and the assessment ordinance require the City Council to annually review and update the Service and Assessment Plan and the Assessment Roll. Since the PID assessments were levied on June 26, 2007, after a public hearing and public notice, it is not necessary to provide new notice or a public hearing relating to the Service Plan Update. As contemplated by the Assessment Ordinance, the Service Plan Update will conform the original Assessment Roll to the principal and interest payment schedule required for the bonds, thereby reducing the amounts listed on the original Assessment Roll. In addition, the Service Plan Update revises the Assessment Roll to reflect prepayments, property divisions and changes to the budget allocation for PID improvements that occur during the year, if any.

Exhibit A, Assessment Roll, is available in the Business Development Office.

FISCAL IMPACT

No fiscal impact as the bonds are not payable from City funds.

Staff recommends approval of this ordinance.

5.19. Resolution – Stormwater : Resolution No. 2008-R0320 approving a partial release of retainage to Utility Contractors of America on the South Lubbock Drainage Improvements Project – Package No. 1.

The South Lubbock Drainage Improvements Project - Package No. 1 is nearing completion and has been certified by Parkhill, Smith & Cooper (PSC) as substantially complete in accordance with the contract. The contractor, Utility Contractors of America, is requesting that the City release a portion of the retainage used to ensure project completion.

The contract states that the retainage will be released with the final payment. However, staff is waiting on vegetation to be re-established in the construction area before final payment can be processed.

PSC and staff recommend that \$100,000 be retained on the project and that the remaining retainage be paid to the contractor. PSC's recommendation

letter lists revegetation items as the only outstanding items to be completed. The remaining retainage will be released with the final payment upon final completion, final acceptance, and closeout of the project after all required vegetation is re-established.

FISCAL IMPACT

Contract Amount	\$30,704,059
Amount Earned To Date	30,403,779
Current Amount Retained (5%)	1,520,189
Recommended Retainage	100,000
Recommended Retainage to be Paid	1,462,423

\$100,000 is more than double the estimated cost to establish the required vegetation of the areas disturbed by construction. A memo from PSC listing the remaining vegetation items is provided.

Staff recommends approval.

- 5.20. This item was addressed in consent agenda but later reconsidered after item 5.17 and NO ACTION was taken.**
- 5.21. Contract Amendment Resolution - Right-of-Way : Resolution No. 2008-R0321 authorizing the Mayor to execute an amendment to the contract of sale between the City of Lubbock and B. R. Griffin and wife, Geneva Griffin, for the acquisition of Tract A, Whisperwood Addition to the City of Lubbock, for the widening of Slide Road in conjunction with the Northwest Passage Project, property located at 5202 4th Street.**

The contract amendment extends the closing date to October 31, 2008 for the acquisition of Tract A, Whisperwood Addition located at 5204 4th Street for widening Slide Road from 4th Street north to North Loop 289. The seller, B.R. Griffin, requests extending the closing date because the construction of his company's new office building is not completed. The widening of Slide Road is a Northwest Passage street improvement project to improve access, increase traffic flow, reduce traffic congestion, and promote growth and development in Northwest Lubbock. The purchase price of the property is \$1,929,235.

FISCAL IMPACT

The extension of the closing date does not have a cost associated. \$4,493,000 is appropriated in Capital Improvement Project 91103, Slide Road from 4th Street North to Loop 289, with \$1,929,235 available for this purpose.

Staff recommends approval.

5.22. Contract Resolution - Public Works : Resolution No. 2008-R0322 authorizing the Mayor to execute an agreement with Texas Tech University for part-time staffing of the Traffic Management Center.

Traffic Engineering operates the joint Traffic Management Center (TMC) Monday through Friday from 7:00 a.m. to 6:30 p.m. and during certain special events. The Texas Tech University (TTU) Civil Engineering Department supplies a Transportation Engineering graduate student for the part-time TMC operator position. The agreement benefits Texas Tech University with relevant training for graduate students, and benefits the City with staffing of the TMC in a "split-shift" scenario.

FISCAL IMPACT

The agreement provides part-time pay for actual time worked. Funds are included in the Proposed FY 2008-09 Traffic Engineering Operating Budget. Texas Department of Transportation reimburses the City for the cost. The graduate student is a TTU employee.

Staff recommends approval.

5.23. Contract Resolution - Streets : Resolution No. 2008-R0323 authorizing the Mayor to execute a unit price contract with West Texas Paving, Inc., for East 26th Street Paving and Drainage Improvements, BID 08-727-BM.

The contract involves the construction of paving and drainage improvements in the 26th Street public right-of-way between Oak Avenue and Martin Luther King Boulevard.

Bid proposals were evaluated based on price 60 percent, contractor qualifications 20 percent, safety record 10 percent, and construction time 10 percent. Proposals are ranked as follows:

West Texas Paving of Lubbock, TX	\$103,686	440 points
Zahn Paving of Lubbock, TX	\$134,951	380 points
Allen Butler Construction of Ransom Canyon, TX	\$169,795	323 points

Time for completion is 45 working days with liquidated damages of \$25 per day.

FISCAL IMPACT

\$615,121 is appropriated in Capital Improvement Project 91189, Strip Paving Unpaved Streets, with \$103,686 available for this purpose.

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.

Staff recommends contract award to the lowest bidder, West Texas Paving of Lubbock, Texas, for \$103,686.

5.24. Contract Resolution - Streets : Resolution No. 2008-R0324 authorizing the Mayor to execute a contract with R.E. Janes Gravel Company for sand, salt, and gravel, BID 08-075-MA.

The \$284,717 contract establishes annual pricing for sand, rock, and gravel used to repair and maintain City paved and unpaved streets and alleys. R.E. Janes Gravel Company of Slaton, Texas, is a regional supplier for the material and the only bidder. A bid tabulation is provided.

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

FISCAL IMPACT

\$505,935 is appropriated with \$284,717 available in the Adopted FY 2007-08 Street Department Operating Budget for this purpose.

Staff recommends approval.

5.25. Contract Resolution - Water Utility : Resolution No. 2008-R0325 authorizing the Mayor to execute an agreement with Meurer Research, Inc., for rental of pre-treatment equipment associated with the design of the Lake Alan Henry Water Treatment Plant.

The City engaged suppliers of microfiltration or ultra filtration membrane systems to participate in a pilot testing program conducted by the City. The principal objective of the pilot testing program is to determine the design and operating conditions for the membrane system that may be applied in the City's proposed 15 million gallon per day (mgd) expandable to 50 mgd water treatment plant of the Lake Alan Henry Water Supply Project. Membrane system performance in the pilot testing program will determine if the systems can meet the project's acceptance criteria and qualify to participate in the procurement process for the full-scale facility.

Three membrane system suppliers are participating in the test at Lake Alan Henry:

- Siemens Water Technologies of Shrewsbury, MA
- Pall Water Processing of East Hills, NY
- GE Zenon Environmental of Oakville, Ontario

Part of the pilot test process and piping is to have a pilot pre-treatment plant in operation prior to the membrane system testing. The pre-treatment plant will not be evaluated in the test, but is necessary to simulate operating conditions of the completed water treatment plant. Meurer Research Inc. provides rental of the pre-treatment equipment proposed in the final design of the water treatment plant. This rental agreement includes two pre-treatment plants at a cost of \$2,000 per unit per month. The \$64,000 contract includes delivery to Lake Alan Henry.

On August 21, 2008, the Lubbock Water Advisory Commission made an executive recommendation to approve the agreement.

FISCAL IMPACT

\$5 million is appropriated in Capital Improvement Project 92068, Lake Alan Henry Pipeline Final Design, with \$64,000 available for this purpose.

The Lubbock Water Advisory Commission and staff recommend approval.

- 5.26. Contract Resolution - Municipal Court : Resolution No. 2008-R0326 authorizing the Mayor to execute an interlocal agreement between City of Lubbock, Lubbock Independent School District, and Lubbock County for the Specialized Treatment and Rehabilitation Program addressing the needs of school children, ages 11-16, whom the Juvenile Justice Center and/or court have determined would benefit from placement in a program that combines education with a regimented discipline.**

Annual Interlocal Agreement to approve and fund the S.T.A.R. program for the next year. S.T.A.R. (Specialized Treatment and Rehabilitation program) provides regimented discipline and education to school children between the ages of 11-16 who demonstrate adverse behavior in school or commit Class C misdemeanor offenses. Children are referred to S.T.A.R. from Lubbock Independent School District (LISD), Lubbock Municipal Court, and Lubbock County Juvenile Courts. The City has participated in this venture for several years. It is an important piece of Municipal Court's escalating sentencing options for juvenile offenders.

FISCAL IMPACT

The City's portion of the S.T.A.R. program for FY 2008-09 is \$160,499. This amount is included in the Adopted FY 2008-09 Municipal Court Operating Budget.

Staff recommends approval.

6. REGULAR AGENDA (continued)

Note: Regular Agenda items and Consent Agenda items moved to Regular Agenda are listed in the order they were addressed (5.1, 5.3, 5.14, 5.16, 5.17, 5.20, 6.5, 6.8, 6.9, 6.10, 6.11, 6.6, 6.7)

- 5.1. Budget Amendment Ordinance 1st Reading - Finance : Ordinance No. 2008-O0080 Amendment No. 14 amending the Adopted FY 2007-08 Budget respecting the Grant Fund, Information Technology Fund, Print Shop/Warehouse Fund, General Fund, the LP&L Fund, and the Hotel/Motel Tax Fund.**

1. Accept and appropriate \$24,815 from the Texas Department of Housing and Community Affairs for the Community Services Block Grant increasing the total grant award to \$389,260. The original \$364,445 grant award was approved in February 2008, by the City Council. The grant funds sub-recipient programs and City programs to assist low-income persons and

families with Self-Sufficiency and Information and Referral. The grant pays for programmatic and administration of the funds. Period of performance is January 1, 2008, through December 31, 2008. This grant funds a portion of five full-time positions.

2. Accept and appropriate \$56,608 from the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program increasing the total grant to \$604,917. The original award amount of \$548,309 was approved in February 2008, by the City Council. The grant funds sub-recipient programs and City programs to assist low-income persons and families with energy assistance and energy efficiency. The grant pays for programmatic and administration of the funds. Period of performance is January 1, 2008, through December 31, 2008. This grant funds a portion of three full-time positions.

3. Accept and appropriate \$10,529 from the Texas Department of Housing and Community Affairs for the Low-Income Home Energy Assistance Program increasing the total grant award to \$105,043. The original award amount of \$94,514 was approved in June 2008, by the City Council. The grant funds City programs to assist low-income persons and families with weatherizing their homes and installing energy efficiency measures. The grant pays for programmatic and administration of the funds. Period of performance is April 1, 2008, through March 31, 2009. This grant funds a portion of four full-time positions.

4. Accept and appropriate \$7,502 from the Texas Department of Housing and Community Affairs for the Department of Energy weatherization assistance program increasing the total grant award to \$79,885. The original award amount of \$72,383 was approved in June 2008, by the City Council. The grant funds City programs to assist low-income persons and families with weatherizing their homes and installing energy efficiency measures. The grant pays for programmatic and administration of the funds. Period of performance is April 1, 2008, through March 31, 2009. This grant funds a portion of four full-time positions.

5 and 6. Transfer \$1,764,318 from the Information Technology Fund to the General Fund and transfer \$283,154 from the Print Shop/Warehouse Fund to the General Fund. The transfers represent the fund balance of the Information Technology Fund and Print Shop/Warehouse Fund, which is in excess of appropriable net asset policy levels. The City targets appropriable net assets in the Internal Service Funds in an amount equal to 8% of regular operating revenues. The transfer of these funds will increase the fund balance levels in the General Fund from 18.49%, or \$18,954,068, to 20.21%, or \$20,718,386. The City targets an unrestricted fund balance in an amount equal to at least 20% of regular General Fund operating revenues to meet unanticipated contingencies and fluctuations in revenue. The transfers meet the goal of the General Fund balance policy as of September 30, 2007. It is estimated that for September 30, 2008, the fund balance level of \$20,718,386 will be approximately 19.45% of budgeted General Fund revenues.

7. Amend the operating budget in the LP&L Fund. Specific information regarding these budgets is competitive information protected under Chapter 552.133 of the Texas Government Code. Detailed information will be provided in Executive Session.

8. Amend the Hotel Motel Tax Fund to change the "Public Facility Future Debt Service" allocation to "Restriction for Civic Centers Facilities Improvements." The allocation for "Public Facility Future Debt Service" is 17.58571%, which is estimated at \$640,944 for FY 2007-08.

FISCAL IMPACT

Included in item summary.

Staff recommends approval.

Andy Burcham, Chief Financial Officer; Mark Yearwood, Assistant City Manager; LeeAnn Dumbauld, City Manager; and Bill Howerton, Director of Community Development; gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Council Member Price to pass Ordinance No. 2008-O0080 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.3. Contract Amendment Resolution - Finance : Resolution No. 2008-R0327 authorizing the Mayor to execute a contract amendment with Wells Fargo Bank for bank depository services with a two-year renewal period.

On September 21, 2005, the City entered into a contract with Wells Fargo Bank for bank depository services. The term of the contract is three years with an option to renew annually for up to two additional one-year terms. To expedite the performance of City business, the Wells Fargo agrees to amend the original contract to provide for one two-year renewal period rather than two one-year renewal periods. The resolution authorizes a two-year extension of the contract through November 20, 2010.

FISCAL IMPACT

No fiscal impact. The term of the contract remains five years.

Staff recommends approval.

LeeAnn Dumbauld, City Manager; and Andy Burcham, Chief Financial Officer, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2008-R0327 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.14. Contract Resolution - Fleet Services : Resolution Nos. 2008-R0328, 2008-R0329 and 2008-R0330 authorizing the Mayor to execute one purchase order contract with Lubbock Truck Sales and two purchase order contracts with Bruckner Truck Sales for heavy duty truck cabs and chassis, BID 08-062-MA.

The purchase order contracts involve the purchase of the following vehicles:

1. Eighteen three-axle cabs and chassis for Solid Waste
2. One heavy duty single-axle cab and chassis for Solid Waste Collections
3. One heavy duty truck tractor with adjustable fifth wheel for Solid Waste
4. One conventional single-rate cab truck tractor with adjustable fifth wheel for Solid Waste
5. One conventional single-rate cab truck tractor with adjustable fifth wheel for Solid Waste
6. One roll-off container frame assembly and three-axle truck chassis for Solid Waste

A bid tabulation is provided.

FISCAL IMPACT

The purchase of these vehicles is authorized through the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the Proposed FY 2008-09 Solid Waste Operating Budget of the appropriate fund.

Staff recommends bid award to the low bidders meeting specifications, Lubbock Truck Sales of Lubbock, Texas, for \$1,424,288; and Bruckner Truck Sales of Lubbock, Texas, for \$475,124.

Leslie Cox, Director of Telecom & Fleet Operations, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Beane to pass Resolution Nos. 2008-R0328, 2008-R0329 and 2008-R0330 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.16. Contract Resolution - Fleet Services : Resolution No. 2008-R0331 authorizing the Mayor to execute a purchase order contract with Equipment Southwest for trash refuse bodies.

The purchase order contract is for 18 Pak Mor 29 cubic-yard compaction side loader trash refuse bodies for residential trash collection.

The \$1,386,555 purchase from Equipment Southwest of Irving, Texas, is made through the Texas Association of School Boards Local Government Purchasing Cooperative, Contract 280-07, using an electronic purchasing system, known as BuyBoard. The purchasing cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Government Code and used to obtain the benefits and efficiencies that can accrue to

members of a cooperative, to comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services.

FISCAL IMPACT

The purchase of the vehicles is authorized through the Adopted FY 2007-08 Master Lease Program. Funds are available in the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the Proposed FY 2008-09 Solid Waste Operating Budget.

Staff recommends contract award to Equipment Southwest of Irving, Texas, for \$1,386,555.

Leslie Cox, Director of Telecom & Fleet Operations, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Klein to pass Resolution No. 2008-R0331 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.17. Contract Resolution - Facilities Management : Consider a resolution authorizing the Mayor to execute a contract with Kleen-Tech Services Corporation to provide custodial services, BID 08-053-MA.

CONTINUED to next City Council Meeting.

The contract provides custodial cleaning services for 50 municipal buildings. The contract term is one year with an option to renew annually up to four additional one-year terms.

Proposals were received from the following firms:

Peoples Professional Cleaning Service of Canyon, Texas

Platinum Janitorial Services of Lubbock, Texas

Kleen-Tech Services of Denver, Colorado

Evaluation criteria published in the RFP included:

- a) Substantial successful experience in competing similar projects. (30%)
- b) Demonstrated knowledge and understanding of the project. (30%)
- c) Methods and operational procedures used in the daily operation (employee training programs, security procedures, loss and safety control, etc.) (15%)
- e) References of performance (15%)
- f) Pricing (10%)

The evaluation committee requested additional information and best and final offers from all three respondents.

Peoples Professional Cleaning Services of Canyon, Texas, was disqualified as non-responsive for failing to provide additional information the committee requested:

1. Details on current contract including number of buildings and square footage for each building.
2. Information on company policies, procedures, etc.
3. Information on policies and procedures on cleaning techniques, tools and processes required to make a substantial successful experience.
4. Information on the methodology and operational procedures used for cleaning as well as quality control and how it will be handled.
5. Information on company chain of command and complaint procedures.
6. Profit and lost statement for the past two years and current balance sheet marked "Confidential".

Platinum Janitorial Services of Lubbock, Texas, was disqualified because of the following:

- 1) Platinum reserves authority to employ any person. Specifications stipulate that the City reserves the right to review staff qualifications due to security concerns.
- 2) Platinum prohibits the City against soliciting or hiring employees of Platinum.
- 3) Platinum will furnish expendable supplies and bill the City for the cost. Specifications state that pricing shall include all cost for labor, materials, supervision and overhead.
- 4) Platinum included three day porters. Specifications require that six day porters are needed.
- 5) Platinum's response contradicted the specifications allowing a price increase only upon a federal minimum wage increase and subject to written verification of payroll audit increases from the Contractor's insurance carrier.

The committee requested clarification on these issues. The response from Platinum on Items 1 and 2 remained the same. The response to Item 3 was unsatisfactory. In response to Item 4, Platinum increased their proposal price \$6,000 per month for the six porters.

Kleen-Tech Services of Denver, Colorado, provided information requested and the best and final offer.

FISCAL IMPACT

The contract amount is \$959,472. Funding is appropriated in the Adopted FY 2007-08 and included in the Proposed FY 2008-09 Operating Budget.

Staff recommends contract award to Kleen-Tech Services of Denver, Colorado, for \$959,472.

Mark Yearwood, Assistant City Manager; Chad Reed, Platinum Owner; and Victor Kilman, Director of Purchasing and Contract Management; gave comments and answered questions from Council.

Mayor Martin requested staff to review the Kleen-Tech and the Platinum bids, and come back to Council.

CONTINUED to next City Council Meeting.

- 5.20. Ordinance 1st Reading – Right-of-Way : Consider an ordinance abandoning and closing two portions of an utility easement located in Tract A, South Plains Addition, 6002 Slide Road.**

NO ACTION

The right-of-way ordinance abandons and closes two portions of a utility easement located in Tract A, South Plains Addition, west of Slide Road and north of the Southwest Loop 289 access road. The easement was dedicated by plat in 1972, and a portion of the easement has been requested to be closed due to the construction of the Barnes & Noble Store on the east side of South Plains Mall. New easements will be dedicated as needed.

Utility companies are in agreement with the easement closure.

FISCAL IMPACT

No fiscal impact.

Staff recommends approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to reconsider item 5.20. Motion carried: 7 Ayes, 0 Nays.

After discussion, **NO ACTION** was taken on this item.

- 6.1 This item was previously considered following Item 1.3.**
- 6.2 This item was previously considered following Item 6.1.**
- 6.3 This item was previously considered following Item 6.4.**
- 6.4 This item was previously considered following Item 6.2.**
- 6.5. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0081 Zone Case No. 3109 (south of 114th Street at Juneau Avenue) Hold a public hearing to consider request of The Springs Fellowship for a zoning change from Transitional to Apartment-2 limited to church and church related uses on 3.26 acres of unplatted land out of Block A-K Section 20, and to consider an ordinance.**

Mayor Martin opened the public hearing at 10:04 a.m. Phil McClenden appeared before Council in favor of Zone Case No. 3109. No one appeared in opposition. Mayor Martin closed the hearing at 10:05 a.m.

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

The applicant is requesting a parcel located south of 114th Street and west of Iola Avenue to be zoned as a church tract.

Adjacent land uses:

N – vacant

S – vacant

E – vacant

W – a commercial use that is non-conforming

The request meets the policy for church location of the Comprehensive Land Use Plan in that church locations should be located adjacent to major thoroughfares to accommodate traffic and alleviate issues with adjacent residential within the interior of residential subdivisions. The parcel will be developed as a church within the Apartment-2 (A-2) zoning District guidelines.

The project will have little more than the expected impact on the thoroughfare system. 114th Street is a targeted thoroughfare and will be a five to seven lane street in the future.

Staff recommends the request with one condition:

1. The use be limited as A-2 to church and church related use.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to pass Resolution No. 2008-00081 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.6 This item was considered following Item 6.11.

6.7 This item was considered following Item 6.6.

6.8. Contract Resolution - City Secretary : Resolution No. 2008-R0332 authorizing the Mayor to execute a Memorandum of Understanding with Lubbock County to facilitate staffing for the 2008 General Election.

The Memorandum of Understanding (MOU) between the City of Lubbock and Lubbock County facilitates staffing for the 2008 General Election. On November 4, 2008, the Lubbock County Elections Department will administer the General Election. Due to the expected high turnout, and in anticipation of increased need for qualified elections staff, the City will use its best efforts to assign 200 City employees to work on election day.

City employees who intend to work for the General Election must attend a County election training class. Training will range from 2 hours to 6 ½ hours depending on the pre-existing skill level of a City employee and prior experience working an election. City employees will be compensated at their

usual and customary rate by the City for each hour of training attended and for each hour worked on election day. The County will compensate the City at the rate of \$8.00 for each hour of training attended by a City employee and \$10.00 for each hour worked by a City employee on election day.

FISCAL IMPACT

Funding is included in the Proposed FY 2008-09 Non-Departmental Operating Budget.

Rebecca Garza, City Secretary, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, but motion died for lack of second.

Motion was made by Mayor Pro Tem Jim Gilbreath to support the County, subject to the County reimbursing the City completely for our expenses including benefits, seconded by Council Member Leonard. Motion carried: 5 Ayes, 2 Nays. Council Member Beane and Council Member DeLeon voted Nay.

6.9. Board Appointments - City Secretary : Consider six appointments to the Appointments Advisory Board; six appointments to the Building Board of Appeals; two appointments to the Citizens Traffic Commission; one appointment to the Junked Vehicle Services Board; five appointments to the Lubbock Water Advisory Commission; three appointments to the Mental Health-Mental Retardation Board of Trustees; and four appointments to the Permit and License Appeals Board.

Consider six appointments to the Appointments Advisory Board; six appointments to the Building Board of Appeals; two appointments to the Citizens Traffic Commission; one appointment to the Junked Vehicle Services Board; five appointments to the Lubbock Water Advisory Commission; three appointments to the Mental Health-Mental Retardation Board of Trustees; and four appointments to the Permit and License Appeals Board.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to reappoint Sharon Bass, Duke Holmes, Steve Siege, Carla Moran and appoint Bruce Satterfield and Richard Whittenburg to the Appointments Advisory Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to reappoint George Carpenter, Frank Falbo, Ricardo Garcia, Lucy Gutierrez, Steve Hill and appoint Pat Ham to the Building Board of Appeals. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to appoint Ron Bales and Hadley Edgar to the Citizens Traffic Commission. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to appoint Phil Crowder to the Junked Vehicle Compliance Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to reappoint Bo Brown, and Jim Conkwright, and appoint Bruce Maunder, Zach Brady, and Susie Baker to the Lubbock Water Advisory Commission. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to reappoint Robert Kazee, Harvey Morton and Brian Shannon to the MHMR Board of Trustees. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to reappoint Bobby Drum, and appoint Christopher Clary, Howard Hines and Jane Tustin to the Permit and License Appeal Board. Motion carried: 7 Ayes, 0 Nays.

- 6.10. Resolution - LP&L : Consider a resolution, pursuant to Chapter 2, Article XVIII, Section 485 of the Code of Ordinances of the City of Lubbock, calling for a public hearing to amend certain sections of Chapter 2, Article XVIII, Section 485 of the Code of Ordinances of the City of Lubbock as recommended by the Electric Utility Board of the City of Lubbock.**

This item was deleted.

- 6.11. Contract Resolution - Citibus : Resolution No. 2008-R0333 authorizing the Mayor to execute a contract with McDonald Transit Associates, Inc., for management and advisory services for the City's public transit system.**

McDonald Transit Associates (McDonald) is the only firm who responded to the Request for Proposals for transit management services to operate and manage the City's public transit system. McDonald's proposal was reviewed by three members of City senior staff who recommend acceptance of McDonald's proposal.

The term is five years commencing October 1, 2008, with an option to renew for up to two additional five-year terms. Compensation for the initial five-year term is:

Year 1---\$15,100 per month, or \$181,200 annually

Year 2---\$15,625 per month, or \$187,500 annually

Year 3---\$16,170 per month, or \$194,040 annually

Year 4---\$16,815 per month, or \$201,780 annually

Year 5---\$17,485 per month, or \$209,820 annually

FISCAL IMPACT

Funds for the first year of the contract are available in the Citibus proposed FY 2008-09 budget, including additional funding authorized by the Texas Department of Transportation for FY 2008-09.

Staff recommends approval.

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to pass Resolution No. 2008-R0333 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

10:21 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

City Council Conference Room

1:31 P.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

- 6.6. Presentation 1:30 p.m. - Business Development : Presentation by the Downtown Redevelopment Commission and the Board of Directors of the Central Business District Tax Increment Reinvestment Zone (TIF) regarding the selection of a Master Developer/Consultant to oversee and implement the Downtown Revitalization Action Plan.**

Presentation by the Downtown Redevelopment Commission and the Board of Directors of the Central Business District Tax Increment Reinvestment Zone (TIF) regarding the selection of a Master Developer/Consultant to oversee and implement the Downtown Revitalization Action Plan.

FISCAL IMPACT

Funding for this project will come from the Central Business District Tax Increment Reinvestment Zone.

Staff recommends approval.

Jim Cummings, Co-Chair of the Downtown Redevelopment Study Committee, recommended the McDougal Companies to be the Master Developer of the Downtown Redevelopment. He stated the committee has raised over \$300,000 in 3 years. The downtown redevelopment study is a citizen driven process and will continue to be a long journey of the downtown redevelopment.

Robert Taylor, Board of Directors of the Central Business District Tax Implement Refinance Zone, stated he reviewed the presentation of the McDougal Companies for the downtown project. The Downtown TIF voted unanimously to recommend the McDougal Companies to be the Master Developer of the Downtown Redevelopment.

Delbert McDougal, McDougal Companies, gave a presentation of their vision of the downtown district. McDougal Companies is a Lubbock based developer who has extensive knowledge of Lubbock. They have received national recognition from the Overton Park Redevelopment. McDougal Companies has many resources: realtors, property management, staff support, and a partnership with High Plains Research. They will be working with three entities: Humphreys & Partners Architects, L.P., Garfield Traub Development, and PSC. This will be a long process and will take many years to complete this project. He stated they appreciate the opportunity to work with the City.

Randy Jordan, Chairman Elect of the Lubbock Chamber of Commerce, stated it was a consensus of the Board to support the plan as set forth by the Downtown Revitalization Committee. The Chamber of Commerce rated downtown revitalization and redevelopment as among the top 3 of the local priorities. They are in complete agreement that the City should proceed with the hiring of McDougal Companies as the Master Developer.

Rob Allison, Director of Business Development, gave comments and answered questions from Council.

6.7. Resolution - Business Development : Resolution No. 2008-R0334 accepting the recommendations of the Downtown Redevelopment Commission and the Board of Directors of the Central Business District Tax Increment Reinvestment Zone (TIF) that the City of Lubbock enter into an agreement with McDougal Land Company, L.C. to provide services as a Master Developer/Consultant to oversee and implement the Downtown Revitalization Action Plan, and instructing staff to begin negotiating such an agreement.

On February 5, 2008, the Downtown Redevelopment Commission (DRC) presented the Downtown Revitalization Action Plan to the Community. On February 14, 2008, the City Council adopted the plan. One recommendation in the Plan is for the City to contract with a Master Developer to provide services to implement the Action Plan.

The City solicited proposals for a Master Developer Consultant. After the City received only one response, McDougal Land Company the deadline was extended two weeks. At the end of the extension period, no new responses were received and the McDougal response was accepted and the evaluation process began.

Mr. McDougal made presentations to the DRC and the CBD TIF Board identifying his team members, describing the experience of the team, the qualifications of each team member, and issues regarding the redevelopment initiative. The DRC and the CBD TIF unanimously support and recommend McDougal Land Company be commissioned as the downtown Master Developer Consultant.

FISCAL IMPACT

Funding for this project will come from the Central Business District Tax Increment Reinvestment Zone.

Staff recommends approval.

Motion was made by Council Member Leonard “accepting the recommendations of the Board of the DRC, CDB TIF and the Chamber of Commerce and direct staff to enter into agreement with McDougal Company stacked as the master developer and consultant on our downtown redevelopment”, seconded by Council Member Price to pass Resolution No. 2008-R0334 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

2:25P. M. COUNCIL ADJOURNED

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