

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
SEPTEMBER 11, 2008
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 11th day of September, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:36 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. Linda DeLeon will appear before City Council to discuss the FY 2008-09 Proposed Budget.

Linda DeLeon, Council Member, appeared before the Council to address City employee raises, Gateway funds, and the increase in bus fares in the FY 2008-09 proposed budget.

- Brad Brandt, Kleen Tech President, appeared before Council to voice his concerns regarding the janitorial contract.
- Dick Hudgens appeared before Council to voice his concerns regarding the tax increase relative to per capita income increases.
- Donna McMillan appeared before Council to ask the City to reconsider claims due to power outage.

7:47 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, Museums, Parks and Recreation, Water Utility, and General Report on Current Litigation)**
- 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, Water Utility)**
- 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.**

9:00 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 9:00 A. M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Reverend Theresa Martin, Cumberland Presbyterian Church

3.2. Pledges 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 15 - October 15, 2008, as Hispanic Heritage Month.

Christy Martinez accepted special recognition commemorating September 15 – October 15, 2008, as Hispanic Heritage Month, and gave comments.

Other citizens who appeared before Council to promote Hispanic Heritage Month are: Amanda Salazar, Alicia Montes, Rachel Flores, Melissa Garcia, Robert Narvaiz, Carman Vige, Dr. Maria Rivas, Grace Quintana-Garza, Frank Garcia, and Frank Gutierrez

3.4. Presentation of a special recognition commemorating September 2008 as National Preparedness Month.

Chief Ray Cooper, Chief Dale Holton, Kevin Overstreet, and Renee Witherspoon appeared before Council to accept special recognition commemorating September 2008 as national Preparedness Month.

Chief Ray Cooper gave an update on the hurricane.

Renee Witherspoon, Environmental Compliance, gave comments and invited citizens of Lubbock to attend the Emergency Preparedness, for faith based communities, at Calvary Baptist on October 10, 2008.

3.5. Presentation of a special recognition commemorating September 11, 2008, as First Responders' Day.

Greg Jones, Executive Vice President of American State Bank accepted special recognition commemorating September 11, 2008, as First Responders' Day and gave comments.

4. MINUTES

4.1. Approval of Minutes of Prior Meetings:

Regular City Council Meeting, August 12, 2008

Special City Council Meeting, August 19, 2008

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve the minutes of August 12, 2008 Regular City

Council Meeting and August 19, 2008 Special City Council Meeting as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Council Member Beane, seconded by Council Member Klein to approve Items 5.1, 5.4-5.6, 5.8-5.13, 5.15, 5.16, 5.18, 5.20-5.22 on consent agenda as recommended by staff. Motion carried 7 Ayes, 0 Nays.

5.1. Budget Amendment Ordinance 2nd Reading - Finance : Ordinance No. 2008-O0080 Consider budget ordinance Amendment No. 14 amending the Adopted FY 2007-08 Budget respecting the Grant Fund, Information Technology Fund, Print Shop/Warehouse Fund, General Fund, LP&L Fund, and the Hotel/Motel Tax Fund.

On August 28, 2008, the City Council approved the first reading of the ordinance.

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. In February 2008, the City Council approved the original \$364,445 grant award. The grant funds sub-recipient programs and City programs to assist low-income persons and families with self-sufficiency activities and information and referral. The grant pays for programs and administration costs. 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. In February 2008, the City Council approved the original \$548,309 award amount. 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 programs and administration costs. Period of performance is January 1, 2008, through December 31, 2008. The 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. In June 2008, the City Council approved the original \$94,514 award amount. 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 programs and administration costs. Period of performance is April 1, 2008, through March 31, 2009. The 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. In June 2008, the City

Council approved the original \$72,383 award amount. 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 programs and administration costs. Period of performance is April 1, 2008, through March 31, 2009. The 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. As of September 30, 2007, the General Fund unrestricted fund balance totaled \$18,954,068, which was 18.49% of operating revenues. 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 transfer of \$2,047,472 brings the September 30, 2007, figure to \$21,001,540, or 20.49% of operating revenues. It is estimated that for September 30, 2008, the fund balance will be slightly less than policy levels as growth in operating revenues will increase the reserve level requirements.

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.

- 5.2 This item was moved from consent agenda to regular agenda and considered following Item 5.22.**
- 5.3 This item was moved from consent agenda to regular agenda and considered following Item 5.2.**
- 5.4. Ordinance 2nd Reading - Business Development : Ordinance No. 2008-O0079 Consider a Supplemental Ordinance supplementing Ordinance 2007-O0058 regarding assessments levied on property within Vintage Township Public Improvement District to provide public improvements for the district.**

On August 28, 2008, the City Council approved the first reading of the ordinance. 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 pre-payments, 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. Bonds are not payable from City funds.

Staff recommends approval.

- 5.5. Contract Resolution – Water Utility : Resolution No. 2008-R0337 authorizing the Mayor to execute Change Order No. 1 to the contract with Eagle Contracting L.P. for Southeast Water Reclamation Plant Improvements.**

ITEM SUMMARY

The \$29,583 change order is related to the contract for improvements at the Southeast Water Reclamation Plant and involves two cost increases and one cost decrease. The change order involves piping modifications required to route new return activated sludge (RAS) piping over existing clarifier influent piping. The existing piping field location did not match the piping location on the construction documents. The cost to complete the changes is \$12,695 and the work adds seven calendar days to the contract.

A temporary RAS piping modification is proposed to alleviate the need to modify the RAS meter vault. The meter vault location was in conflict with the existing RAS piping. The cost to complete the change is \$25,000.

The number of construction joints is reduced for the new Biological Nutrient Removal No. 3 basin. The modification will maintain the overall integrity of the design and reduce the contract amount by \$8,112.

The net increase of Change Order No. 1 is \$29,583 and increases the contract amount by 0.07% to \$43,549,583.

FISCAL IMPACT

\$55 million is appropriated in Capital Improvement Project 92126, Southeast Water Reclamation Plant Improvements, with \$29,583 available for this purpose.

Staff recommends approval.

On August 21, 2008, the Lubbock Water Advisory Commission approved the recommendation.

5.6. Contract Resolution - Street : Resolution Nos. 2008-R0338 and 2008-R0339 authorizing the Mayor to execute contracts with Armor Asphalt, Inc., and Ergon Asphalt & Emulsions, Inc., for asphalt materials, BID 08-074-MA.

The contracts establish annual pricing for the purchase of asphalt materials used by the Street Department for street maintenance and street repair.

Bids were received from Armor Asphalt of Lubbock, Texas, and Ergon Asphalt & Emulsions of Austin, Texas. A bid tabulation is provided. No bids were received on Items 2 and 4, and will not be needed by the Street Department during the term of the contract.

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

FISCAL IMPACT

Funding is available in the Adopted FY 2007-08 and the Proposed FY 2008-09 Street Department Operating Budget.

Staff recommends contract award to the lowest bidders, Armor Asphalt of Lubbock, Texas, for Items 1,3, and 5 through 10; and Ergon Asphalt & Emulsions of Austin, Texas, for Items 11 and 12 shown on the bid tabulation. Staff recommends contract award to the second low bidder, Armor Asphalt of Lubbock, Texas, as the secondary supplier for Item 11.

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

5.8. Ordinance 1st Reading - Parks and Recreation : Ordinance No. 2008-O0082 amending Chapter 19 of the Code of Ordinances to provide for the review and approval by the City Manager, or his/her designee, of requests to engage in certain activities in public parks and to create a conforming exception to the curfew established therein for an approved camping activity.

The ordinance amends Chapter 19, Sections 19-1 and 19-4 of the Code of Ordinances, entitled "Parks and Recreation." The amendment of Section 19-1(5) allows the City Manager, or his/her designee, to approve areas for

camping. The Parks and Recreation Department receives several requests each year for overnight camping activities in municipal parks. Such requests have been from scouting troops and small groups providing overnight security for special events. The amendment of Section 19-4 allows persons authorized by the City Manager, pursuant to Section 19-1(5), to enter or remain on the premises of municipal parks after the park curfew of 12:00 a.m.

FISCAL IMPACT

No fiscal impact.

Staff recommends approval.

5.9. Contract Resolution - Health : Resolution No. 2008-R0340 authorizing the Mayor to execute a purchase order contract with Getinge USA, Inc., for a steam sterilizer, BID 08-073-FO.

This equipment replaces a steam sterilizer for which parts are no longer available. The price for the steam sterilizer includes a two-year warranty.

The \$65,755 contract is for the purchase of a vacuum and gravity microcomputer controlled steam sterilizer. This equipment allows the Health Department Laboratory to render biological media and biohazardous waste sterile, and to sterilize media prepared for use in the Milk and Dairy Lab, Water Lab, and Microbiology section. Hazardous waste is from the Laboratory, Health Department Sexually Transmitted Disease and Surveillance Clinics, Animal Services, and the Police and Fire Departments. The Food and Drug Administration and Clinical Laboratory Improvement Amendments milk and dairy regulations require the use of steam sterilizers.

Bids were received from the following companies:

Steris Corporation of Mentor, OH	\$57,358
Geneva Scientific of Williams Bay, WI	\$63,935
Getinge USA of Rochester, NY	\$65,755

The Getinge Steam Sterilizer is the only product that meets the bid specification requiring that the chamber be made of 316 Ti, a stainless steel mixture including titanium. 316 Ti is 25 times more corrosion resistant than 316 stainless steel material. The laboratory biohazard waste contains a mixture of materials, including corrosives, that require the chamber to be constructed with 316 Ti material.

FISCAL IMPACT

Funding is available in the FY 2006-07 and FY 2007-08 Milk & Dairy Grant. There is no impact to the General Fund.

Staff recommends contract award to the lowest bidder meeting specifications, Getinge USA of Rochester, New York.

5.10. Grant Contract Resolution - Health : Resolution No. 2008-R0341 authorizing the Mayor to execute Contract No. 2008-028186-001 CPS-

Bioterrorism Preparedness LAB with the Texas Department of State Health Services (DSHS) supporting the FY 2009 Center for Disease Control and Prevention (CDC) Cooperative Agreement Work Plan for Public Health Emergency Preparedness.

The \$230,000 grant contract with the Texas DSHS supports the FY 2009 CDC Cooperative Agreement Work Plan for Public Health Emergency Preparedness for a 67 county area. The grant is designed to upgrade and integrate state and local public health jurisdictions' preparedness for response to bioterrorism, outbreaks of infectious disease, and other public health threats and emergencies. The grant also funds the DSHS Assistant Secretary for Preparedness and Response Hospital Preparedness Program to enhance the ability of hospitals and health care systems to prepare for and respond to bioterrorism and other public health emergencies. For the 67 counties, the Lubbock Health Department shall:

- maintain a confirmatory bioterrorism testing laboratory with a staff trained and proficient in CDCs Laboratory Response Network (LRN) biothreat protocols;
- test samples from identified service area for biothreat agents and toxins;
- test food samples for pathogenic microbes;
- maintain extensive collaboration with all hospitals located in the identified service area,
- plan for response activities for biothreats;
- maintain extensive collaboration with local law enforcement, hazardous material and other emergency responders;
- present laboratory-oriented training to hospitals and reference laboratories in the identified service area on the LRN sentinel protocols; and
- provide other obligations as outlined in the contract.

The contract period is from August 1, 2008, through July 31, 2009.

The program assists Lubbock's efforts in developing laboratory-specific bioterrorism preparedness plans that address selected focus areas and required critical capabilities. The focus areas or major outcomes being addressed in FY 2008-09 include hazards planning, information collection and threat recognition, laboratory testing, emergency response communications, economic and community recovery, and linking hospital laboratory programs and local health department's efforts to respond during public health emergencies.

Major goals include:

- Increase the use and development of interventions known to prevent human illness from chemical, biological, radiological agents, and naturally occurring health threats;

- Decrease the time needed to classify health events as terrorism or naturally occurring in partnership with other agencies;
- Decrease the time needed to detect and report chemical, biological, and radiological agents in tissue, food, or environmental samples that cause threats to the public's health;
- Decrease the time needed to provide countermeasures and health guidance to those affected by threats to the public's health;
- Decrease the time needed to restore health services and environmental safety to pre-event levels; and
- Decrease the time need to implement recommendations from after-action reports following threats to the public's health.

FISCAL IMPACT

There is no impact to the General Fund. The amount of funds received from the grant is \$230,000 and was appropriated on August 19, 2008. Payment and reimbursement methods are specified in the program attachments.

Staff recommends approval.

- 5.11. Grant Contract Resolution - Health : Resolution No. 2008-R0342 authorizing the Mayor to execute a contract with the Texas Department of State Health Services (DSHS) for Milk and Dairy Products Services (DSHS Document No. 2009-028481)for performing laboratory analysis of milk and dairy samples.**

The \$74,009 grant contract for Milk and Dairy Products Services with the Texas DSHS reimburses the Lubbock Health Department Regional Laboratory for performing laboratory analysis of milk and dairy samples in order to protect public health.

Pursuant to Health and Safety Code, Chapter 1001, laboratory analysis are performed at a specified rate per test depending on the type of analysis performed. The lab performs more than 10,500 tests on more than 2,100 samples each year. The milk and dairy testing program maintains proficiency in laboratory methods that are used to respond to food-borne disease outbreaks. The activities are directly related to public safety to help ensure a safe food supply.

The term of the contract is September 1, 2008, through August 31, 2009.

FISCAL IMPACT

No fiscal impact to the General Fund. The amount of funds received from the grant is \$74,009 and was appropriated on August 19, 2008.

Staff recommends approval.

- 5.12. Grant Contract Resolution - Health : Resolution No. 2008-R0343 authorizing the Mayor to execute a contract with the Texas Department of State Health Services (DSHS) for vital statistics services (DSHS**

Document No. 2009-028778-001) for online computer services in support of vital records programs.

The new grant contract with the Texas DSHS provides online computer services in support of vital records programs. The Lubbock Health Department is allowed to search DSHS databases, and thereby locate, date and issue Certifications of Vital Records to authorized individuals requesting such data.

The certifications are in a format formally approved by DSHS. The Health Department acquires the necessary data processing equipment, communications, hardware or software, and purchases “bank note” paper as specified by DSHS. The Health Department is required to maintain an inventory and account for each document produced on “bank note” paper, including voided documents.

The City reimburses DSHS \$1.83 for each Certification of Vital Record printed as a result of searches of the database. The Lubbock Health Department charges the same base search fee for a birth certificate as does the DSHS with additional fees only being charged as authorized by Texas Health and Safety Code 191. The search fee for the Health Department is currently \$9 per record search. The maximum total cost for a vital record is set by the state at \$23 for each birth certificate and \$21 for each death certificate. Under the current grant, the City charges the maximum approved amount for birth certificates and for the first death certificate issued.

The term of the agreement is September 1, 2008, through August 31, 2010.

FISCAL IMPACT

The revenues and the expenditures for vital statistic services are appropriated in the Adopted FY 2007-08 Budget and in the Proposed FY 2008-09 Budget. The actual expenditures are determined by the number of certificates printed as a result of searches of the database.

Staff recommend approval.

5.13. Grant Contract Amendment Resolution - Community Development : Resolution No. 2008-R0344 authorizing the Mayor to execute a contract amendment with the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program to fund energy assistance programs.

On February 28, 2008, City Council approved the original \$390,302 grant contract with the Texas Department of Housing and Community Affairs for the Comprehensive Energy Assistance Program to fund energy assistance programs.

The Texas Department of Housing and Community Affairs increased the City’s allocation \$158,007, which the City Council appropriated on June 26, 2008, and \$56,608, which the City Council appropriated on August 28, 2008. The contract amendment amount is \$214,615.

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

FISCAL IMPACT

State grant funds are from the Comprehensive Energy Assistance Program. The maximum amount to be allocated to the grant is \$604,917.

Staff recommends approval.

- 5.14. This item was moved from consent agenda to regular agenda and considered following Item 5.7.**

- 5.15. Grant Contract Amendment Resolution - Community Development : Resolution No. 2008-R0345 authorizing the Mayor to execute a contract amendment with the Texas Department of Housing and Community Affairs for the Low-Income Home Energy Assistance Program to weatherize homes and make them energy efficient.**

On May 28, 2008, the City Council approved the original \$94,514 grant contract with the Texas Department of Housing and Community Affairs for the Low-Income Home Energy Assistance Program to weatherize homes and make them energy efficient.

The Texas Department of Housing and Community Affairs increased the City's allocation \$10,529, which the City Council appropriated on August 28, 2008.

The period for performance is April 1, 2008, through March 31, 2009.

FISCAL IMPACT

State grant funds are from the Low-Income Home Energy Assistance Program. The maximum amount to be allocated to the grant is \$105,043.

Staff recommends approval.

- 5.16. Grant Contract Amendment Resolution - Community Development : Resolution No. 2008-R0346 authorizing the Mayor to execute a contract amendment with the Texas Department of Housing and Community Affairs for the Department of Energy Program to weatherize homes and make them energy efficient.**

On May 08, 2008, the City Council approved the original \$72,383 grant contract with the Texas Department of Housing and Community Affairs for the Department of Energy Program to weatherize homes and make them energy efficient.

The Texas Department of Housing and Community Affairs increased the City's allocation \$7,502, which the City Council appropriated on August 28, 2008.

The period for performance is April 1, 2008, through March 31, 2009.

FISCAL IMPACT

State grant funds from the Low-Income Home Energy Assistance Program. The maximum amount to be allocated to the grant is \$79,885.

Staff recommends approval.

- 5.17. This item was moved from consent agenda to regular agenda and considered following Item 5.14.**
- 5.18. Contract Resolution - Information Technology : Resolution No. 2008-R0347 authorizing the Mayor to execute a contract with ADT Security Services, Inc., for installation of security cameras at City facilities.**

The contract is for the purchase and installation of security cameras at the following locations:

Buddy Holly Center

Central Warehouse

Sanitation

Municipal Hill Fuel Site

Southside Fueling Sites/Recycling

Each facility has a unique need for security cameras. Some areas require cameras for internal security such as the Central Warehouse where high resale items such as copper are stored. Security cameras at other facilities will be used to record activity and equipment used at the fueling sites.

The equipment is available for purchase from ADT Security Services for \$68,343 through the Texas Multiple Awards Schedule (TXMAS) contract TXMAS-6-840130. The TXMAS program adapts existing competitively awarded federal government contracts to the procurement needs of the State of Texas and local governments. As the responsible federal entity, the General Services Administration's (GSA) Federal Supply Service awards Federal Supply Schedule contracts by competitive procurement procedures for more than 50 schedules covering multiple commodities and services. The prices reflected on GSA schedule contracts are the most favored customer prices and the maximum price allowable in the GSA contract. To be considered for the TXMAS Program, an existing contract must be awarded by the federal government or other governmental entity using a competitive process and adaptable to the laws of the State of Texas (Texas Government Code Title 10, Subtitle D, Sections 2155.062, 2155.502, 2155.504).

FISCAL IMPACT

Funding is appropriated in the Solid Waste Fund and the Information Technology Fund.

Staff recommends approval.

- 5.19. This item was moved from consent agenda to regular agenda and considered following Item 5.17.**

5.20. Contract Resolution - Police : Resolution No. 2008-R0348 authorizing the Mayor to execute a purchase order contract with Sirchie Finger Print Laboratories for upgrade to Police Department surveillance van equipment.

The \$27,652 contract is for the purchase of upgrades to electronic surveillance equipment and an air conditioning unit in the Lubbock Police Department surveillance van. The van is necessary for covert surveillance in investigating a variety of crimes in Lubbock, most notably the sale and distribution of illegal narcotics.

The periscope and air conditioner have become inoperable and the VHS video system is outdated. Recordings are difficult to view, hear, and copy. Upgrading the system to a digital recording system enhances recording, viewing, audio, and copying capabilities.

A detailed list of the upgrades, repairs and related charges are listed in the price quotation from Sirchie Finger Print Laboratories. Sirchie is the only provider for the upgrade. Consequently, this is a sole source procurement exempt from competitive bidding pursuant to Texas Local Government Code 252.022(a)(7)(A).

FISCAL IMPACT

Funds are available from awarded seized funds. Funding is available in the Adopted FY 2007-08 Police Awarded Trust Operating Budget.

Staff recommends approval.

5.21. Contract Resolution - Police : Resolution No. 2008-R0349 authorizing the Mayor to execute an agreement with the United States Department of Justice, Drug Enforcement Administration, to participate in a Drug Task Force.

Trafficking in narcotics and dangerous drugs in the Lubbock area has a substantial and detrimental effect on the health and general welfare of Lubbock Citizens. Participation with the United States Department of Justice for a task force helps combat the problem.

The Lubbock Resident Office Task Force of the Lubbock Police Department (LPD) will perform the following activities and duties:

- a. disrupt the illicit drug traffic in the Lubbock area by immobilizing targeted violators and trafficking organizations;
- b. gather and report intelligence data relating to trafficking in narcotics and dangerous drugs; and
- c. conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the Task Force's activities will result in effective prosecution before the courts of the United States and the State of Texas.

To accomplish the objectives of the Lubbock Resident Office Task Force, the LPD agrees to detail four experienced officers to the Task Force for a period of not less than two years. During this period of assignment, the LPD officers will be under the direct supervision and control of DEA supervisory personnel assigned to the Task Force.

To accomplish the objectives of the Lubbock Resident Office Task Force, DEA will assign five Special Agents to the Task Force. DEA will provide necessary funds and equipment to support the activities of the DEA Special Agents and officers assigned to the Task Force. This support will include:

- office space,
- office supplies,
- travel funds,
- funds for the purchase of evidence and information,
- investigative equipment,
- training,
- and other support items.

The term of the agreement is through September 30, 2009.

FISCAL IMPACT

During the period of assignment to the Lubbock Resident Office Task Force, the LPD will remain responsible for establishing the salary and benefits, including overtime, of the officers assigned to the Task Force, and for making all payments due them. DEA will, subject to availability of funds, reimburse the LPD for overtime payments made by it to four officers assigned to the Lubbock Resident Office Task Force for overtime, up to a sum equivalent to 25 percent of the salary of a GS-12, step 1, (RUS) Federal employee (currently \$16,328.75), per officer.

Funding has been appropriated in the Adopted FY 2007-08 and the Proposed FY 2008-09 Police Investigations Operating Budget. The reimbursement funding is included as revenue in the Adopted FY 2007-08 and Proposed FY 2008-09 General Fund Operating Budget.

Staff recommends approval.

5.22. Resolution - City Secretary : Resolution No. 2008-R0350 for Sexton Enterprises dba Yellow Cab, to increase the rate charged for "waiting time for cab service", and to take appropriate action.

The request from Sexton Enterprises is an amendment to their previous rate increase approved by City Council on May 22, 2008.

Steve Sexton submitted a letter stating that the company inadvertently omitted the charge for "waiting time for cab service" in the May request. Prior to May 2008, Sexton's rate for "waiting time" was set at \$0.35 per minute. With the

May request, this rate was left out. Sexton Enterprises said their intent was to increase the rate from \$0.35 per minute to \$35 per hour.

Waiting Time Fare prior to May 22, 2008: \$0.35 per minute

Proposed Waiting Time Fare (inadvertently omitted from the May 22, 2008, request): \$35 per hour

If City Council determines that there is a question as to the reasonableness of the rate increase request, and does not accept the request, City Council will set a public hearing date on the matter. At the public hearing, the permit holder (Mr. Sexton) would be required to show cause why such rates are not unreasonable. If, at the conclusion of the public hearing, City Council determines that the rates are not justified, City Council shall, by resolution, establish reasonable rates for Yellow Cab.

FISCAL IMPACT

No fiscal impact.

Staff recommends approval.

6. REGULAR AGENDA

Note: Regular Agenda items and Consent Agenda items moved to Regular Agenda are listed in the order they were addressed (5.2, 5.3, 5.7, 5.14, 5.17, 5.19, 6.7, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.8)

5.2. Budget Amendment Ordinance 1st Reading - Finance : Ordinance No. 2008-O0083 Amendment No. 15 amending the Adopted FY 2007-08 Budget respecting the Grant Fund, North Overton Public Improvement District Special Revenue Fund, General Capital Projects Fund, and the Capital Improvement Program.

1. Accept and appropriate \$80,000 from the Texas State Library and Archives Commission for the Texas Assistance Negotiated Grant Program for the West Texas Library System. The grant funds seventy-five percent of one full-time technical advisor position for the member libraries of the West Texas Library System. The advisor provides training and technological consulting. Since 2000, the City has received this grant.

2. Accept and appropriate \$114,836 from the Texas State Library and Archives Commission for the Interlibrary Loan Center Grant Program for the West Texas Library System. The Interlibrary Loan Center locates and requests materials for public libraries, community college libraries, and special libraries within the West Texas Library System. The grant funds two full-time positions. Since 1974, the City has received this grant.

3. Accept and appropriate \$300,000 from the Texas State Library and Archives Commission for the Library System Operation Grant Program for the West Texas Library System. The West Texas Library system is designed to improve library service programs in a 29-county area, offering consulting services and continuing education. The grant funds three full-time positions

and twenty-five percent of one full-time technical support analyst position. Since 1974, the City has received the grant each year.

4. Accept and appropriate \$99,644 from the Texas Department of Transportation for the Comprehensive STEP Program. The program combines the Driving While Intoxicated STEP Program and the SPEED STEP Program. This is a grant program utilizing off-duty personnel working overtime to detect and arrest alcohol and drug impaired drivers within targeted areas of the City. Additionally the program utilizes off-duty personnel working overtime to detect non-compliance of designated speed limits within targeted areas of the City. The total program amount is \$199,288 with 50 percent of expenditures funded by the General Fund. The General Fund matching funds are included in the FY 2008-09 Proposed Operating Budget.

5. Establish a Capital Improvement Project and appropriate \$150,000 from the General Capital Projects Fund balance for the purchase and installation of a Wayside Horn at Avenue P in the Guadalupe Neighborhood. The project includes horn equipment, construction and installation, BNSF interconnection, and maintenance agreement.

FISCAL IMPACT

Included in item summary.

Staff recommends approval.

LeeAnn Dumbauld, City Manager; Don Vandiver, City Attorney; and Marsha Reed, Director of Public Works, gave comments and answered questions.

Motion was made by Council Member DeLeon, seconded by Council Member Klein to pass Ordinance No. 2008-O0083 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.3. Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0081 Zone Case No. 3109 (south of 114th Street at Juneau Avenue) Consider a 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.

On August 28, 2008, the City Council approved the first reading of the ordinance. 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 DeLeon to pass Ordinance No. 2008-O0081 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.7. Contract Resolution - Citibus : Resolution No. 2008-R0351 authorizing the Mayor to execute a contract with The Thomas Agency for marketing services, RFP 2008.2.

The marketing services contract includes:

- A. Work in conjunction with Citibus staff to determine the best and most appropriate marketing strategy for Citibus each fiscal year.
- B. Conduct marketing campaigns as directed by Citibus within established budgets
- C. Contract for the placement of all required and approved advertisements with appropriate media.
- D. Prepare and provide all production work necessary for such advertisements.
- E. Provide detailed and itemized accounting of Contractor's services, in writing, at the end of each month during the term of this Contract.
- F. Obtain approval of all work from the Citibus staff members designated by the Citibus General Manager.

The term of the contract is October 1, 2008, through September 30, 2013.

The Thomas Agency was the only advertising agency that submitted a proposal. The Thomas Agency is a full-service advertising, design, and public relations firm that has been in business in Lubbock for 20 years.

On August 14, 2008, the proposal was reviewed by the Lubbock Public Transit Advisory Board. The Board voted unanimously to recommend contract award to The Thomas Agency.

FISCAL IMPACT

\$50,000 is appropriated in the Proposed FY 2008-09 Operating Budget.

The Lubbock Public Transit Advisory Board and staff recommend approval.

Michael Mangum, Citibus, gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2008-R0351 as recommended by staff. Motion carried: 4 Ayes, 3 Nays. Mayor Martin, Council Member Beane, and Council Member Leonard voted Nay.

5.14. Grant Contract Amendment Resolution - Community Development : Resolution No. 2008-R0352 authorizing the Mayor to execute a contract amendment with the Texas Department of Housing and Community Affairs for the Community Services Block Grant to provide assistance to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient.

On February 28, 2008, City Council approved the original \$364,445 grant contract with the Texas Department of Housing and Community Affairs for the Community Services Block Grant to provide assistance to reduce poverty, revitalize low-income communities, and empower low-income families and individuals to become self-sufficient.

The Texas Department of Housing and Community Affairs increased the City's allocation \$24,815, which the City Council appropriated on August 28, 2008.

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

FISCAL IMPACT

State grant funds are from the Community Services Block Grant. The maximum amount to be allocated to the grant is \$389,260.

Staff recommends approval.

Bill Howerton, Community Development Director, gave comments and answered questions.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0352 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.17. Contract Resolution - Telecommunications : Consider a resolution authorizing the Mayor to execute a contract with AT&T for an interactive voice response system for Municipal Court.

THIS ITEM FAILED.

The contract is for the purchase of hardware, software, and first-year maintenance support for an interactive voice response (IVR) system. IVR

technology allows a computer to detect voice and touch tones on a normal telephone call. The IVR system can respond with pre-recorded or dynamically generated audio to assist and direct callers on how to proceed.

The technology allows Municipal Court ticket holders to automatically receive information such as payment amounts and payment due dates. The technology increases efficiency of the daily operation of the Municipal Court by allowing callers to receive information quickly without being placed on hold for a Municipal Court representative.

Municipal Court receives more than 380 calls per day and 8,000 calls per month. The IVR directs the information-only calls to automation. Citizens needing additional assistance can select to speak directly with a Municipal Court representative.

The \$119,003 purchase from AT&T is through the Texas Department of Information Resources (DIR) Contract DIR-SDD-232. The purchase price includes \$117,503 for hardware, software, and first-year maintenance support and \$1,500 for travel expenses. Texas Local Government Code Chapter 271.083 authorizes local governments to acquire hardware, software, and other Information Technology products through the DIR program. Pursuant to Texas Government Code Chapter 791.025, purchases from DIR contracts meet competitive bid requirements.

FISCAL IMPACT

Funds are available in the Adopted FY 2007-08 Municipal Court Special Revenue Fund.

Staff recommends approval.

Leslie Cox, Director of Telecom & Fleet Operations; LeeAnn Dumbauld, City Manager; and Mark Yearwood, Assistant City Manager, gave comments and answered questions.

Motion was made by Council Member Price, seconded by Council Member Klein to approve a contract with AT&T for an interactive voice response system for Municipal Court as recommended by staff. Motion failed: 1 Aye, 5 Nays. Mayor Martin, Mayor Pro Tem Gilbreath, Council Member Beane, Council Member Klein, and Council Member Leonard voted Nay. Council Member Deleon recused.

- 5.19. Resolution - Police : Resolution No. 2008-R0353 authorizing the Mayor to execute a Memorandum of Understanding with the Texas Department of Public Safety for participation in the Texas Data Exchange Project for exchanging criminal justice data with participating law enforcement agencies.**

The Memorandum of Understanding with the Texas Department of Public Safety allows the Police Department to participate in the Texas Data Exchange (TDEx) project. The Texas Department of Public Safety operates the TDEx system as a repository of criminal justice incident data and other

criminal justice data. Participating agencies may submit criminal justice incident data and other criminal justice data to the TDEx repository, where it can be shared with other participating agencies. Reciprocally, participating agencies can receive the same type of data from other participating agencies. The system is deemed sensitive but free of classified National Security Information.

The Lubbock Police Department benefits by exchanging with participating law enforcement agencies crucial criminal justice data on arrests and known offenders. Being able to exchange the data allows the Police Department to be better informed about recent area arrests, fugitives known to frequent the Lubbock area, when sex offenders move to Lubbock, and other information critical to the department. The knowledge increases the department's awareness of fugitives and potential threats, and can help improve the protection of Lubbock citizens. Participating agencies will be better informed about fugitives, arrests, and other criminal justice incident data from the Lubbock area.

FISCAL IMPACT

No fiscal impact. Funds are provided by the Texas Department of Public Safety.

Staff recommends approval.

Chief Dale Holton, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2008-R0353 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.1 This item was moved and considered following Item 6.7.**
- 6.2 This item was moved and considered following Item 6.1.**
- 6.3 This item was moved and considered following Item 6.2.**
- 6.4 This item was moved and considered following Item 6.3.**
- 6.5 This item was moved and considered following Item 6.4.**
- 6.6 This item was moved and considered following Item 6.5.**
- 6.7. Contract Resolution - Facilities Management : Resolution No. 2008-R0354 authorizing the Mayor to execute a contract for custodial services, BID 08-053-MA.**

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.

During the August 28, 2008, City Council meeting, Agenda Item 5.17 included discussion of proposals for custodial services from Kleen-Tech Services of Denver, Colorado, and Platinum Janitorial Services of Lubbock, Texas. Peeples Professional Cleaning Service of Canyon, Texas, submitted a

Regular City Council Meeting
September 11, 2008

proposal and was deemed non-responsive after the City failed to receive requested additional information and a best and final offer. The agenda item was postponed for negotiations with the bidders to continue and to allow Platinum an opportunity to revise language in Platinum's proposal prohibiting the City from soliciting or hiring Platinum employees. Staff was instructed to bring both contracts back to a future City Council meeting.

Mr. Ray Peebles requested that Peebles Professional Cleaning Service be given the same opportunity to submit a best and final offer. Texas Local Government Code §252.042(b) provides that discussions "may be conducted with offerors who submit proposals and who are determined to be reasonably qualified for the award of the contract." In addition, the statute requires, and it is the City's standard business practice, that Requests for Proposals offerors "be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. To obtain the best and final offers, revisions may be permitted after submission and before the award of contract." Consequently, staff requested best and final offers from each of the three offerors.

On Wednesday, September 3, 2008, staff provided each of the three offerors a tour of City Hall, Municipal Square, Health Department, Mahon Library, and Lubbock Business Center ensuring that each bidder is familiar with the scope of work and contract expectations currently performed by Kleen-Tech.

A Best and Final Offer (BAFO) was received from each of the three firms:

Platinum Janitorial Services of Lubbock, Texas \$69,513 per month

The BAFO is \$210 higher than the previous offer.

Peebles Professional Cleaning Service of Canyon, Texas \$69,858 per month

The BAFO is \$123 lower than the previous offer.

Kleen-Tech Services of Denver, Colorado \$74,504 per month

The BAFO is \$5,452 lower than the previous offer.

Best and Final Offers and references of Platinum, Peebles, and Kleen-Tech are provided.

FISCAL IMPACT

Funding is appropriated in the Adopted FY 2007-08 Facilities Management Operating Budget and included in the Proposed FY 2008-09 Facilities Management Operating Budget.

Staff recommends contract award to the lowest bidder, Platinum Janitorial Services of Lubbock, Texas, for \$834,156.

Mark Yearwood, Assistant City Manager; Victor Kilman, Director of Purchasing and Contract Management; LeeAnn Dumbauld, City Manager; and Don Vandiver, City Attorney, gave comments and answered questions.

Motion was made by Council Member Price, seconded by Council Member Klein to pass Resolution No. 2008-R0354 accepting the bid of Platinum

Janitorial Services of Lubbock. Motion failed: 2 Ayes, 5 Nays. Mayor Martin, Mayor Pro Tem Gilbreath, Council Member Beane, Council Member, DeLeon, and Council Member Leonard voted Nay.

Motion was made by Mayor Pro Tem Gilbreath to pass Resolution No. 2008-R0354 accepting the bid of Peeples Professional Cleaning Services of Canyon, Texas, but motion died for lack of second.

Motion was made by Council Member Beane, seconded by Council Member Leonard to pass Resolution No. 2008-R0354 accepting the bid of Kleen Tech services of Denver, the company that is presently contracted with the City of Lubbock. Motion carried: 6 Ayes, 1 Nay. Council Member Price voted Nay.

6.8 This item was moved and considered following Item 6.6.

6.1. Public Hearing 10:00 a.m. - Stormwater Utility Rate Increase : Hold a public hearing to consider a rate increase to be charged by the Storm Water Utility.

Mayor Martin opened the public hearing at 10:06 a.m. Charles Shue appeared before Council to speak against the stormwater utility rate increase. No one appeared to speak in favor. Mayor Martin closed the hearing at 10:15 a.m.

Andy Burcham, Chief Financial Officer; LeeAnn Dumbauld, City Manager; and Marsha Reed, Director of Public Works, gave comments and answered questions.

Notice of the public hearing was published in the legal notices section of the Lubbock Avalanche-Journal on three occasions: Monday, August 4th, Monday, August 18th & Tuesday, September 2nd.

For FY 2008-09 the proposed monthly storm water fee is \$6.00 for residential customers and \$39.83 for commercial customers, representing an increase of \$1.01 per month for residential and \$6.71 per month for commercial.

The rate increases are necessary to cover increased debt service payments totaling \$2.09 million related to the South Central and South Lubbock Drainage Projects and for pay-as-you-go funding for four capital projects in the capital program totaling \$0.9 million.

FISCAL IMPACT

The rate increase is necessary to cover the increased expenses.

10:21 A.M. CITY COUNCIL RECESSED

10:34 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

6.2. Storm Water Fee Resolution - Finance : Consider a resolution adopting a Storm Water Utility fee increase.

This item was CONTINUED to next Council Meeting

For FY 2008-09 the proposed monthly storm water fee is \$6.00 for residential customers and \$39.83 for commercial customers, representing an increase of \$1.01 per month for residential and \$6.71 per month for commercial.

The rate increases are necessary to cover increased debt service payments totaling \$2.09 million related to the South Central and South Lubbock Drainage Projects and for pay-as-you-go funding for four capital projects in the capital program totaling \$0.9 million.

FISCAL IMPACT

The rate increase is necessary to cover the increased expenses.

Staff recommends approval.

Don Vandiver, City Attorney; LeeAnn Dumbauld, City Manager; Andy Burcham, Chief Financial Officer; and Mike Keenum, Storm Water Engineer, gave comments and answered questions from Council.

Mayor Martin requested Don Vandiver, City Attorney, find out if government is legally exempt from the storm water fee.

Mayor Pro Tem Gilbreath requested a report that shows a net effect on each of the entities.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to **continue** to the September 25, 2008 Council Meeting with instructions for staff to recalculate after striking the exemptions, unless state mandated. Motion carried: 6 Ayes, 1 Nay. Council Member DeLeon voted Nay.

6.3. Budget Adoption Ordinance 2nd Reading - Finance : Ordinance No. 2008-O0077 Consider an ordinance adopting the FY 2008-09 Operating Budget and Capital Program.

On August 28, 2008, the City Council approved the first reading of the ordinance. This is the second 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.

Changes to the City Manager's FY 2008-09 Proposed Operating Budget and Capital Program are identified in Section 2 of the ordinance. The ordinance incorporates a balanced budget with the property tax rate set at \$0.4464 per \$100 valuation.

FISCAL IMPACT

Impact outlined in the Proposed FY 2008-09 Operating Budget.

Staff recommends approval.

Andy Burcham, Chief Financial Officer, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Ordinance No. 2008-O0077, as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Member DeLeon and Council Member Price voted Nay.

6.4. Tax Levy Ordinance 2nd Reading - Finance : Ordinance No. 2008-O0078 Consider an ordinance setting the tax rate and levying a tax upon all property subject to taxation within the City of Lubbock for the year 2008.

On August 28, 2008, the City Council approved 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.

This ordinance incorporates the property tax rate as proposed by City Council at \$0.44640 per \$100 valuation. The tax rate is distributed as follows:

General Fund Maintenance and Operations	\$0.32540
Interest and Sinking Fund	0.09100
Economic Development	0.03000

FISCAL IMPACT

The tax rate generates an estimated \$36,340,746 of revenue in the General Fund, \$3,350,284 in the Economic Development Special Revenue Fund, and \$10,162,527 in the Interest and Sinking Fund (Debt Service Fund).

Staff recommends approval.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass Ordinance No. 2008-O0078 stating that property taxes be increased by the adoption of a tax rate of \$0.44640, as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Member DeLeon and Council Member Price voted Nay.

6.5. Property Tax Resolution - Finance : Resolution No. 2008-R0355 ratifying the adoption of a FY 2008-09 budget that raises more property tax revenue than was generated in the previous year.

H.B. 3195 brings truth-in-taxation disclosure concepts into the budget process. Any budget to be enacted after September 1, 2007, that raises more property tax revenue than was generated the previous year requires two votes by the City Council:

- (a) one vote to adopt the budget; and
- (b) a separate vote to "ratify" the property tax revenue increase reflected in the budget.

This resolution addresses (b) as required by H.B. 3195.

FISCAL IMPACT

The FY 2008-09 Operating Budget and Capital Program raises more total property taxes than last year's budget by \$2,487,429, or 5.20%, and of that amount \$1,767,155 is tax revenue to be raised from new property added to the roll this year.

Staff recommends approval.

Andy Burcham, Chief Financial Officer, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2008-R0355, as recommended by staff. Motion carried: 6 Ayes, 1 Nay. Council Member Price voted Nay.

6.6. Civic Lubbock, Inc. FY 2008-09 Budget Acceptance Resolution No. 2008-R0356 Community Services : Consider a resolution accepting the Civic Lubbock, Inc. FY 2008-09 budget.

On September 21, 2005, the City entered into a license agreement with Civic Lubbock, Inc. for all food, beverage, and other concession sales at the CityBank Auditorium and Coliseum, Lubbock Memorial Civic Center, Buddy Holly Center, Silent Wings Museum, and other designated municipal facilities as mutually determined by the City and Civic Lubbock, Inc.

The term of the license agreement is for eight years and includes a provision that requires Civic Lubbock, Inc. to prepare and submit to the City a budget for the upcoming fiscal year. The provision requires that the budget be prepared on forms satisfactory to the City and that Civic Lubbock, Inc. present the budget to the City Council before the beginning of each fiscal year.

On August 25, 2008, the Civic Lubbock, Inc. Board approved the budget for FY 2008-09.

FISCAL IMPACT

The budget is balanced for FY 2008-09 with no transfer necessary from the City of Lubbock Operating Budget.

Staff recommends approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to pass Resolution No. 2008-R0356 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.8. Board Appointments - City Secretary : Declare an appointment by the Mayor to the Lubbock Fire Pension Fund Board of Trustees.

Declare an appointment by the Mayor to the Lubbock Fire Pension Fund Board of Trustees.

Mayor Martin appointed Steve Exter to the Lubbock Fire Pension Fund Board of Trustees.

11:12 A.M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION

City Council Conference Room

12:45 P.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

7. WORK SESSION

7.1 This item was moved and considered following Item 7.3.

7.2. Presentation by the Planning Department of the elements, background and benefits of a 2010 Complete Count Committee. (Randy Henson, Director of Planning)

Presentation by the Planning Department of the elements, background and benefits of a 2010 Complete Count Committee.

Randy Henson, Director of Planning, stated the information we receive from 2010 census is important to Lubbock. The data that comes out of the census is good for 10 years. Lubbock receives benefits from the count.

David Buckberry, Planner, gave a presentation concerning the 2010 Census. He stated the census applications are used for: redistricting, funding distribution, academic research, needs assessment and business site location. Lubbock is very vulnerable to an undercount. Lubbock has a high minority (estimated over 40%), it is a mobile community, and has a young population. City Council's role is to appoint a complete count committee, recommend and approve committee funding. The committee should consist of a strong chairperson, large committee and a diverse membership. Council's role is voluntary. The total recommended funding for the census is \$65,000 with \$40,000 budgeted in FY09-10.

Andy Burcham, Chief Financial Officer, stated there is \$14,000 in the budget for FY2008-09.

LeeAnn Dumbauld, City Manager, stated money that is encumbered by September 30 will move forward to the FY08-09 fiscal year.

Tom Adams, Deputy City Manager, stated these projections serve as a base line for the State's efforts to determine what our water needs are. If the count is not accurate and is low, it could affect our state assistance for water funding needs.

Nancy Haney, Executive Director of Health, stated block grants are set according to population. If the population goes up they could receive more funds.

7.3. Committee Appointment - Planning : Discuss the creation of and appointments to a 2010 Complete Count Committee, and take appropriate action.

NO ACTION WAS TAKEN

A Complete Count Committee is a team of community leaders appointed by the highest elected official of a jurisdiction for the purpose of developing and implementing a 2010 Census Awareness campaign. A Complete Count Committee is charged with influencing every member of the jurisdiction to complete the 2010 Census questionnaire in a timely and accurate manner. The members will lead their community in the promotion of the 2010 Census awareness campaign from now through October 2010.

Census results are used in redistricting, allocation of Federal and State funding, needs assessments, academic research and business site location determination. Lubbock needs to ensure that groups that have been historically undercounted such as renters and minority populations are informed about the Census and encouraged to participate by completing and returning their Census forms. The Complete Count Committee needs to be large to provide for inclusion of representatives of our diverse community and to have adequate people to actively participate in numerous community and special interest events.

FISCAL IMPACT

At the discretion of the City Council the potential allocation to the committee would be \$40,000 for FY 2009-10.

Staff recommends approval.

Mayor Martin requested LeeAnn Dumbauld, City Manager, to contact school superintendents of the three or four school districts that have students within the City of Lubbock and Judge Head. Mayor Martin asked Ms. Dumbauld to get it in writing if they are interested in participating and willing to split the cost equally among all government entities. If they are interested they would get an equal amount of appointees also.

NO ACTION

1:26 P.M. CITY COUNCIL RECESSED

1:35 P.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

7.4 This item was moved and considered following Item 7.1.

7.1. 2009 Legislative Agenda, Robert Floyd and Jay Stewart with the firm Hance Scarborough.

2009 Legislative Agenda, Robert Floyd and Jay Stewart with the firm Hance Scarborough.

Robert Floyd and Jay Stewart with the firm Hance Scarborough appeared before Council to discuss the 2009 legislative agenda for the City of Lubbock. Mr. Floyd stated the following key issues in the 2009 session:

Regular City Council Meeting
September 11, 2008

1. Money
2. Transportation
3. Insurance
4. Margins Tax
5. Education
6. Higher Education

Other Issues

1. Electric power

LeeAnn Dumbauld, City Manager, stated Lubbock proposed ten legislative initiatives. Robert Floyd and Jay Stewart from Hance Scarborough gave comments on each item.

- Central Business District TIF Extension – Extend termination from 2021 to 2031

Ms. Dumbauld stated in the Central Business District we use tax increment financing to jump start public improvements in that district and we are paying for it with the growth development of that district. The current TIF is scheduled to expire in 2021. We currently receive about half a million dollars a year. It is important to do public improvements in order to schedule the debt financing over a 20-year period for the downtown redevelopment plan.

Mr. Floyd stated this item is a local issue that we can deal with through the offices of the delegation. This is a bill that could pass.

Council consensus this item should be at the top of the legislative agenda.

- Definition of Junked Vehicle – Propose legislation to amend the Transportation Code to allow a governing body to define legislation.

Ms. Dumbauld stated this item is a change in definition of the junked vehicle in the last legislative session. They made a small change and Council does not agree with it. It is in conflict with the City code. Junked Vehicles is one of the areas we receive the most complaints.

Mr. Floyd stated we would work with the Texas Municipal League determining what or if anything can be done. This is a nuisance problem in every town and city in Texas. This is something we could amend the transportation code and it could come under an amendment of the Sunset Legislation.

Council consensus this item should be at the top of the legislative agenda.

- Appointment of Municipal Court Judge – Look at appointed vs. elected.

Mr. Vandiver, City Attorney, stated the City of Lubbock elects its Municipal Court Judge. Lubbock would like to change back to an appointed Judge. This would be amending a subsection of 30.00044(b) of the government code.

Mr. Floyd stated this would be a local bill and not controversial.

Council consensus to pursue this item.

- Completion Funds for Marsha Sharp Freeway

Ms. Dumbauld stated the State of Texas has been in a short-fall. This has jeopardized the completion of phase 4 of the Marsha Sharp Freeway. We are asking the legislature to use proposition 12 bonds in order to complete the project. This could cost \$60 - \$70 million.

Mr. Floyd stated this falls into the category in which we need to be proactive and make sure Lubbock gets its fair share of funding.

- Expungement Provisions

Ms. Dumbauld stated the police department spends a lot of time dealing with “minor in possession”, “minor in consumption” and “noise” violations. Many arrests and citations have been issued. There has been an effort by the Municipal Court Judge to dismiss these.

Mr. Vandiver stated that the Municipal Court judge and prosecutors would like to suggest that the very limited expungement provisions be broadened to include deferred adjudication or dismissal in it. They would like the local courts to have more authority to allow them to expunge in cases where justice would be better served by expunging some of these past troubles.

Jay Steward stated he has looked at these statues in the past and it is a very limited area. This is a state bill and would have a state wide effect. It would go through the full process to the Senate. He thinks this would be a difficult process. He suggests filing it as a stand alone bill to try to keep the debate on positive aspects.

Council stated they are still interested, but will monitor it at this time.

- Expand TMRS Allowed Investments to include equities

Ms. Dumbauld stated this is an item we would like to monitor, not initiate. We are going to be increasing our contribution from the employer’s side into TMRS over the next 8 years. This has occurred primarily because of TMRS’ investment strategy.

Mr. Floyd stated they will monitor very closely. They will follow the Texas Municipal League.

- Public Transportation

Ms. Dumbauld stated John Wilson from Citibus has made several suggestions related to funding. Once Lubbock went over 200,000 population we lost approximately \$1 million in federal funds for public transportation. We ask that he receive assistance in the legislative meeting.

Mr. Floyd stated Lubbock has always received a lack of funding in the public transportation area. He stated this is good timing with this

legislature, and suggested we work with Senator Duncan and Representative Isett.

Council agrees on this item.

- Limits on Diversion of Gasoline Taxes

Ms. Dumbauld stated they would like to monitor this item. DPS receives 13% and Texas Department of Transportation receives 59% of the gasoline tax, and we would like to monitor to make sure this doesn't see further erosion due to the infrastructure needs.

Mr. Floyd stated the Governor, Lieutenant Governor, and Speaker are in agreement on removing the DPS diversion. This is a very controversial issue. This will be caught up in the political debate to limit the diversion. There is still bonding authority to be used for the transportation system. The leadership is in agreement in terms to re-instate some of the diversion back to TXDOT.

- Tuition Waiver for Law Enforcement Officers

Ms. Dumbauld stated this item was brought to us by Lane McClanahan from the Lubbock Police Officers Association. They would like to coordinate higher education opportunities for law enforcement officers with our local colleges and universities. Currently, with Texas Tech, there are seven participants receiving \$700 from the scholarship program; it is generous, but we would like to see more. We would like the State to support full scholarships for peace officers that attend State supported higher education facilities.

Mr. Floyd stated they agree this is a positive program. This issue could be picked up by Law Enforcement Associations. This is one that should be addressed. He feels we should take the lead on this.

- Additional Funding for Loan Star Libraries

Ms. Dumbauld stated this is an item that the Texas State Library and Archives Commission requested additional funding related to the Lone Star Grant program. She stated Lubbock assists throughout the County. If additional funding is provided then the City's equivalent amount could grow to \$60,000.

Mr. Floyd stated Ms. Laura Bush might be able to assist the Texas State Libraries by testifying to the legislature.

7.4. Committee Appointment - City Council : Discuss the creation of and appointments to a study committee to consider the organization of the City Attorney's Office, and take appropriate action.

Discuss the creation of and appointments to a study committee to consider the organization of the City Attorney's Office, and take appropriate action.

Regular City Council Meeting
September 11, 2008

Mayor Martin stated our City Attorney resigned and there has been interest of members of the Council to take a look at the current model of the Attorneys office. There have been different ideas among the public and Council, such as, 1) continuing the model we have now (10-12 full time attorneys, paralegals, secretaries and also contract work out to law firms)” 2) contract all municipal attorney work out; or 3) somewhere between. Council discussed creating a committee that would look at the operation and structure of the City Attorney’s office and make recommendations to City Council. The committee would consist of 3-5 people such as retired jurist, retired private practice attorneys, and retired law school professors.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to authorize the Mayor to select 3-5 people to serve on a study committee that would make recommendations as to what might best serve the City, as we move forward, before we hire a new City Attorney. The Council will approve or deny the Mayor’s selection. Motion carried: 7 Ayes, 0 Nays.

3:20 P. M. COUNCIL ADJOURNED

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