

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
SEPTEMBER 25, 2008
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 25th day of September, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:31 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 John Leonard, Council Member Floyd Price

Absent: Council Member Todd R. Klein (arrived at 7:32 A.M.)

1. CITIZEN COMMENTS

There were no citizens to express comments to Council.

7:31 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, Street, Water Utility)**
- 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. (North Overton, 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.**
- 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 Permit and License Appeal Board and Structural Standards Commission.**

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.

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1. Invocation by Pastor Bracken Christian, Family Harvest 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. The Heart of Lubbock Neighborhood Association will recognize Dian Taylor, City of Lubbock Codes Department, for her cooperation with the Neighborhood Association.

Greg Bruce (representative for Heart of Lubbock Neighborhood Association) presented Dian Taylor with a special recognition for her cooperation with the Neighborhood Association.

Council Member Todd Klein stated: "Thank you Dian for going above & beyond".

3.4. The Texas Police Chiefs Association will recognize retired Lubbock Police Chief J.T. Alley as the only surviving founding member of the Texas Police Chiefs Association.

Police Chief J.T. Alley appeared before Council to accept special recognition and a commemorative badge for being the only surviving founding member of the Texas Police Chiefs Association.

Council Members expressed their kind thoughts and words.

Police Chief J.T. Alley made comments and thanked the Council for recognizing him.

3.5. Board Recognitions:

Permit and License Appeal Board:
Christopher Clary
Terry Hines

Citizens Traffic Commission:
Ron Bales – not present
Hadley Edgar

Lubbock Water Advisory Commission:
Zach Brady - not present
Bruce Maunder

Appointments Advisory Board:
Bruce Satterfield
Richard Whittenburg

Junked Vehicle Compliance Board:
Phil Crowder - not present

Building Board of Appeals:
Pat Ham - not present

4. MINUTES

4.1. Approval of Minutes from Prior Meetings:

Regular City Council Meeting, August 28, 2008

Emergency City Council Meeting, August 29, 2008

Emergency City Council Meeting, September 8, 2008

Motion was made by Council Member DeLeon, seconded by Council Member Leonard to approve the minutes of Regular City Council Meeting, August 28, 2008; Emergency City Council Meeting, August 29, 2008; and Emergency City Council Meeting, September 8, 2008; as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5. CONSENT AGENDA

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Items 5.2-5.7, 5.9-5.12, 5.14-5.18, 5.20-5.25) on consent agenda as recommended by staff. Motion carried 7 Ayes, 0 Nays.

5.2. Contract Resolution - Finance : Resolution No. 2008-R0360 authorizing the City Manager or her designee to purchase workers' compensation coverage from Texas Municipal League Intergovernmental Risk Pool.

The City has workers' compensation exposure for all City employees and is required by the Texas Labor Code to provide workers' compensation benefits to all municipal employees. The City also extends workers' compensation benefits to volunteers to limit liability exposure. Workers' compensation provides medical care and lost wages, regardless of cause of loss.

The City currently purchases workers' compensation coverage from the Texas Municipal League Intergovernmental Risk Pool (TML-IRP) on a guaranteed cost program for claims handling and claims payments. The City has purchased workers' compensation coverage from TML-IRP since April 15, 1999. The current year risk pool membership contribution for workers' compensation coverage is \$1,979,150.

To ensure that the purchase of coverage for workers' compensation provides the best value to the City, cost of coverage has been compared to the cost of being self-insured with traditional insurance. The cost of traditional self insurance can be estimated with the use of an actuarial study on the City's projected ultimate limited loss for FY 2008-09, which projects that loss to be \$1,807,378 on a present value basis. In addition to the loss projection, costs for an excess policy premium and claims handling costs must be also added. The City's broker of record obtained two quotes for excess insurance coverage. Midwest Employers Casualty submitted a quote with a \$500,000 self-insured retention per claim and a premium of \$164,448. Safety National Casualty Corporation submitted a quote with a \$400,000 self-insured retention per claim and a premium of \$249,198. Therefore, the projected loss amount

totaling \$1,807,378, the lowest excess policy premium quote totaling \$164,448, and the projected claims handling costs totaling \$181,500 provide a total projected cost for traditional self-insurance in the amount of \$2,153,326.

TML-IRP's contribution quote for FY 2008-09 is \$2,033,465. This guaranteed cost coverage pays from dollar one and includes claims handling costs. The risk pool membership contribution of \$2,033,465 is \$54,315, or 2.74 percent more than the FY 2007-08 contribution, yet it is \$119,861, or 5.57 percent lower than projections for traditional self-insured status. The increase over the current premium is related to increased payroll costs.

FISCAL IMPACT

Funds are available in the Adopted FY 2008-09 Operating Budget.

Insurance consultant, Doug Sanford, recommends approval of the resolution to purchase coverage from TML Intergovernmental Risk Pool for workers' compensation coverage. The cost of coverage is \$119,861 less than the estimate for self insurance.

5.3. Contract Resolution - Finance : Resolution No. 2008-R0361 authorizing the City Manager or her designee to purchase property insurance coverage from Allianz Global Corporate and Specialty.

The City purchases property insurance for its structures, contents and equipment. The current year premium is \$525,083. The coverage includes, but is not limited to:

- Special Form Property Policy (formerly known as All Risk): covers direct physical loss up to \$300 million. The estimate of total value on all City structures, contents and equipment is in excess of \$862 million. The likelihood of a total loss is remote, therefore, \$300 million in coverage is recommended.
- Flood and earthquake coverage: coverage is limited to \$25 million.
- All property and contents, excluding mobile equipment and vehicles: covered at replacement cost.
- Mobile equipment and vehicles: covered at actual cash value.

There are multiple carriers that presently provide this insurance coverage as these companies provide multiple tiers of coverage up to \$300 million. The current carriers include:

- Lexington Insurance Company (an AIG Company) - This company provides the primary coverage on the first \$25 million in claims.
- Westchester Surplus Lines Insurance Company and Commonwealth Insurance Company – These companies equally share the next \$20 million in excess coverage over the first \$25 million.
- RSUI Indemnity Company – This company provides the remaining \$255 million in insurance coverage, to round out the total coverage of \$300 million.

Of the current carriers, none have a margin clause with the exception of RSUI. A margin clause is a nonstandard commercial property insurance provision stating that the most the insured can collect for a loss at a given location is a specified percentage of the values reported for that location on the insured's statement of values. RSUI has a 110 percent margin clause. In the event of a loss in excess of \$45 million, RSUI will review the loss payments by the underlying carriers. If the loss payment meets or exceeds 110% of the limit shown on the Statement of Values, RSUI will have no additional liability at those locations, even if the Replacement Cost exceeds the 110% amount. Thus, even though an excess policy has been placed, that does not mean RSUI must respond for a loss exceeding \$45 million. The City may find itself retaining far more of the loss than contemplated due to the existence of the Margin Clause.

The City's broker of record marketed the City's property policy and received two quotes. The incumbents, Lexington Insurance Company (an AIG company), Westchester Surplus Lines Insurance Company, Commonwealth Insurance Company and RSUI Indemnity Company, offered the same terms as previously offered for a premium of \$366,839, a substantial decrease of \$198,244 from the FY 2007-08 premium.

Allianz Global Corporate and Specialty offered similar terms, with no margin clause, for a premium of \$406,043, a substantial decrease of \$119,040 from FY 2007-08 premium.

FISCAL IMPACT

Funds are available in the Adopted FY 2008-09 Operating Budget. A policy premium of \$406,043 is \$119,040, or 22.67 percent, less than the FY 2007-08 premium.

Due to the current financial crisis, that has focused on the financial stability of AIG, and due to a favorable bid by Allianz Global Corporate and Specialty, the Allianz quote is the recommended quote by the City's insurance consultant, Doug Sanford. The consultant recommends approval of the resolution to authorize the purchase of property insurance coverage from Allianz Global Corporate and Specialty.

- 5.4. Contract Resolution - Finance : Resolution No. 2008-R0362 authorizing the City Manager or her designee to purchase inland marine insurance from Travelers Lloyds Insurance Company, crime insurance coverage from Great American Insurance Company, pipeline liability insurance coverage from the Chubb Group, and airport directors and officers' insurance coverage from the Texas Municipal League – Intergovernmental Risk Pool.**

Inland marine coverage insures direct physical loss for special class coverages such as fine arts and sound and broadcasting equipment at stated values. The City's current inland marine insurance includes \$3,548,614 in coverage with a deductible of \$2,500 and a policy premium of \$8,295. The City's broker of

record received a renewal quote from Travelers Lloyds Insurance Company for \$7,880. The policy premium of \$7,880 is \$415, or 5.00 percent, less than the FY 2007-08 premium.

Crime coverage insures the loss of monies and securities from employee dishonesty, forgery or alteration, theft, disappearance, destruction, computer fraud, and funds transfer fraud. The City's current crime insurance is provided by Great American Insurance Company and includes \$1.5 million in coverage with a deductible of \$50,000 and a policy premium of \$7,081. The City's broker of record received a renewal quote from Great American Insurance Company at the same premium, coverage and deductible levels.

Pipeline liability coverage protects the City in case of an explosion of the City's gas pipeline. The City's current pipeline liability insurance coverage is provided by Chubb Group and includes \$2 million in coverage with a deductible of \$2,500 and a policy premium of \$5,150. The City's broker of record received a renewal quote from Chubb Group at the same premium, coverage, and deductible levels.

Airport directors and officers coverage is similar to the Public Entity Management policy for the Council, boards, and commissions. Airport functions are specifically excluded under the City's excess liability coverage. The City's current airport directors and officers coverage is provided by Texas Municipal League – Intergovernmental Risk Pool and includes \$10 million in coverage with a deductible of \$7,500 and a policy premium of \$8,920. The City received a renewal quote from Texas Municipal League – Intergovernmental Risk Pool for the same coverage and deductible and a reduced premium of \$8,289. The lower policy premium is \$631, or 7.07 percent, less than the FY 2007-08 premium.

None of the above policies were marketed to other carriers this year due to the small size of the policies and the limited market.

FISCAL IMPACT

Funds are available in the Adopted FY 2008-09 Operating Budget.

Insurance consultant, Doug Sanford, recommends approval of the resolution to authorize the purchase of inland marine insurance coverage from Travelers Lloyds Insurance Company, crime insurance coverage from Great American Insurance Company, pipeline liability insurance coverage from Chubb Group, and airport directors and officers' insurance coverage from Texas Municipal League – Intergovernmental Risk Pool.

5.5. Contract Resolution - Finance : Resolution No. 2008-R0363 authorizing the City Manager or her designee to purchase excess liability insurance coverage from OneBeacon Insurance.

Package excess liability insurance covers the following:

- General liability – insurance for an insured when negligent acts and or omissions result in bodily injury and/or property damage on the premises of a

business, when someone is injured as a result of using the product manufactured or distributed by a business or when someone is injured in the general operation of the business, other than an employee.

- Auto liability – insurance if an insured is legally liable for bodily injury or property damage caused by an automobile
- Employment practices liability – insurance that provides protection in the event of legal actions resulting from charges of harassment, discrimination, wrongful termination of employment, defamation, and invasion of privacy.
- Employee benefits liability – insurance for an error or omission in the administration of an employee benefit program, such as failure to advise employees of benefits programs
- Law enforcement liability – insurance for police officers for false arrest, excessive force and invasion of privacy unless intentionally committed.
- Public officials errors and omissions liability – insurance for the liability exposure faced by public officials from wrongful acts such as actual or alleged errors, omissions, misstatements, negligence or breach of duty in their capacity as a public official or employee of the public entity.

The City purchases package excess liability insurance other than airport and pipeline liability for all operations. Coverage for airport and pipeline liability is covered in other policies.

The current carrier is Travelers and the annual premium is \$355,480 for \$10 million in coverage with a \$500,000 self-insured retention (deductible) per claim, with the exception of only \$1 million in coverage for employment practices liability insurance.

The City's broker of record received three quotes:

- The incumbent, Travelers, submitted a quote of \$272,149 for \$10 million of coverage including employment practices liability, which had previously been limited to \$1 million.
- Southern Risk Specialists submitted a quote of \$317,559 for \$10 million of coverage, in addition to including \$250,000 crisis response coverage and \$50,000 crisis management loss limit for a total \$300,000 coverage for each crisis event. The Southern Risk Specialists also includes an accidental death and dismemberment endorsement for \$50,000 per covered person when covered person is on City premises. A covered person can be either an employee or a patron.
- OneBeacon Insurance submitted a quote of \$284,444 for \$1 million of underlying coverage with a \$9 million umbrella per occurrence and an excess \$9 million for an aggregate \$18 million in coverage.

The City's insurance consultant recommends the purchase of OneBeacon package excess liability coverage due to the higher level of benefits in the following areas:

- Increased limits – in addition to the \$1 million primary policy and a \$9 million umbrella policy, making \$10 million coverage per occurrence available, there is an added \$9 million excess policy for aggregate coverage of \$18 million.
- Employment practices liability retroactive date back to September 10, 1999 – A retroactive date is used on claims made policies resulting in incidents that take place prior to the current policy term. Renewal claims made policies usually have the retroactive date of the first policy issued to the insured when this is not done there is a potential gap in coverage. The incumbent carrier is only offering a retroactive date on this coverage to October 1, 2008 even though they have been on the policy since 2001.
- No self insured retention on the umbrella policy – Like the incumbent, OneBeacon offers a primary \$1 million policy with a \$9 million umbrella. The incumbent has a \$10,000 self insured retention, per occurrence, when reaching the umbrella, where OneBeacon has no self insured retention on the umbrella.

FISCAL IMPACT

Funds are available in the Adopted FY 2008-09 Operating Budget. A policy premium of \$284,444 is \$71,036, or 19.98 percent, less than the FY 2007-08 premiums.

Insurance consultant, Doug Sanford, recommends approval of the resolution to authorize the purchase of excess liability insurance coverage from OneBeacon Insurance.

5.6. Contract Resolution - Finance : Resolution No. 2008-R0364 authorizing the City Manager to purchase boiler and machinery insurance coverage from Zurich American Insurance Company.

The City's current boiler and machinery insurance is provided by Zurich American Insurance Company with \$50 million in coverage with a policy premium of \$494,501. Deductibles with this policy range from \$25,000 to \$500,000 based upon the schedule. Boiler and machinery insurance provides coverage for the mechanical failure or damage of generating equipment, boilers, heating, ventilating, and air conditioning equipment, pumps and other mechanical equipment, excluding wear and tear.

The City's broker of record received a renewal quote from Zurich American Insurance Company for a premium of \$478,495 with reduced deductibles on the transformers from \$2.00 per kilo volt amperes (KVA) (\$50,000 minimum) to \$1.50 per KVA (\$25,000 minimum) and no change in coverage. The City's broker of record marketed the line of coverage to Travelers and Allianz, who inspected the generation facilities but declined to quote.

Zurich American Insurance Company offers replacement cost coverage on all generating equipment with the exception of equipment that is more than 25 years old and that has not been overhauled during the last seven years. In

addition, Zurich American Insurance Company provides loss prevention services that include state inspections for all City owned boilers, infrared thermographic testing, oil analysis, and Doble testing on electric generating and distribution equipment.

A policy premium of \$478,495 is \$16,006, or 3.24 percent, less than the FY 2007-08 premium.

FISCAL IMPACT

Funds are available in the Adopted FY 2008-09 Operating Budget.

STAFF SUBMITTING/RECOMMENDATION

Andy Burcham, Chief Financial Officer

Insurance Consultant, Doug Sanford, recommends approval of the resolution to purchase coverage from Zurich American Insurance Coverage for boiler and machinery insurance.

5.7. Contract Resolution - Finance : Resolution No. 2008-R0365 authorizing the City Manager to purchase airport and non-owned aircraft liability insurance coverage from Ace Property and Casualty Insurance Company.

The City purchases airport and non-owned aircraft liability insurance separately from its other liability insurance program, which specifically excludes aircraft.

The current policy is with Ace Property and Casualty Insurance Company and provides \$50 million in coverage for airport liability insurance and \$50 million in coverage for non-owned aircraft liability insurance. Airport liability insurance covers liability claims the City is legally obligated to pay for bodily injury and property damage resulting from airport operations. Non-owned aircraft liability insurance covers liability claims that the City is legally obligated to pay for bodily injury and property damage resulting from the occupancy or operation of a non-owned aircraft. This includes any allegations of civil rights violations for airport police boarding a commercial or private aircraft. There is no deductible with either policy.

Current policy premiums are \$33,745 and \$10,990 respectively for a total premium of \$44,735.

The City's broker of record received three quotes this year. In addition, the broker of record was able to combine the two policies with no reduction in coverage. AIG Aviation submitted a quote for \$59,543. Phoenix Aviation Managers as managers for Old Republic Insurance Company submitted a quote for \$54,895. The incumbent, Ace Property and Casualty Insurance Company submitted a renewal quote maintaining the same coverage on one combined policy for \$41,250.

A policy premium of \$41,250 is \$3,485, or 7.79 percent, less than the FY 2007-08 premium.

FISCAL IMPACT

Funds are available in the Adopted FY 2008-09 Operating Budget.

Insurance Consultant, Doug Sanford, recommends approval of the resolution to purchase coverage from Ace Property and Casualty Insurance Coverage for airport and non-owned aircraft liability insurance.

5.9. Ordinance Amendment 2nd Reading – Water Utility : Ordinance No. 2008-O0074 Consider an ordinance amending Chapter 28 of the Code of Ordinances of the City of Lubbock, Texas, respecting the description of the City Water System; respecting maintenance and compliance with the law related to the construction, operation, and maintenance of public water systems; providing a savings clause; providing a penalty clause; and providing for publication.

On August 12, 2008, the City Council approved the first reading of the ordinance. The Texas Commission on Environmental Quality (TCEQ) identified an issue that the City must address in order to maintain and assign water quality responsibility for the City water system and for private water systems within the City's service area and water supply contract area. The TCEQ refers to the area of concern as "sanitary control."

On August 27, 2008, the ordinance was presented to the Model Codes Board for their recommendations. The ordinance was modified at their recommendation to clarify the systems that are a public water supply system defined by the State of Texas.

The City provides water to the customer's meter. In certain instances, such as mobile home parks, the primary customer develops with non-City meters a water system for their customers. The system delivers water to individual lots or units within the development.

The proposed ordinance allows developers and owners to submit their proposed system to the City for approval under the condition that their system meets City specifications and provides necessary easements. If a developer or owner does not submit their proposed system to the City, or if the City does not approve of the system, the system remains the responsibility of the developer and owner. New developers and owners are required to enter into a contract for the water quality responsibility before water is provided.

The responsible party pays for and provides water quality testing in accordance with state regulations.

Staff and Water Commission recommend approval.

5.10. Contract Resolution - Water Utility : Resolution Nos. 2008-R0366 and 2008-R0367 authorizing the Mayor to execute two contracts for the

purchase of liquid aluminum sulfate and polymer blend for the Water Treatment Plant, BID 08-076-MA.

The Water Treatment Plant uses an aluminum sulfate and polymer blend as a coagulant in the water treatment process. The liquid aluminum sulfate and polymer blend is added to untreated water in the treatment process to aid in the removal of suspended particles. The specialized product is important to ensure compliance with the Texas Commission on Environmental Quality (TCEQ) rules and regulations and ensures the production and delivery of safe water. The Water Treatment Plan uses 840 tons of liquid aluminum sulfate and polymer blend annually.

Bids were received from the following companies:

| | |
|---|---------------|
| Chameleon Industries of Mesquite, Texas | \$314 per ton |
| Altivia Corporation of Houston, Texas | \$315 per ton |

The contracts establish firm pricing for aluminum sulfate and polymer blend for a period of three years with an option to adjust pricing every four months based on CPI index.

The contracts are for the purchase of liquid aluminum sulfate and polymer blend on an as-needed basis and is awarded by unit price. The total amount of the award is \$264,600 and is estimated based on estimated quantities. Actual expenditures may be more or less depending on actual needs. The unit price will not change and expenditures will not exceed appropriated funds.

FISCAL IMPACT

Funding is available in the Adopted FY 2008-09 Water Fund Operating Budget.

Staff recommends contract award to Chameleon Industries as primary supplier and to Altivia Corporation as secondary supplier.

5.11. Contract Resolution - Water Utility : Resolution No. 2008-R0368 authorizing the Mayor to execute a professional services agreement with Parkhill, Smith & Cooper for engineering, design, surveying, and right-of-way acquisition services associated with the Lake Alan Henry water transmission piping and ancillary structures.

The Lake Alan Henry infrastructure project includes three engineering contracts with Parkhill, Smith & Cooper (PSC) for final design of the water treatment plant, raw water pipeline and pump stations, and the treated water transmission lines. The water treatment plant design contract was approved in April 2008. The raw water pipeline and pump stations design contract was approved in June 2008.

The professional services agreement authorizes the final design of the transmission pipelines transporting treated water from the new Lake Alan Henry water treatment plant to Pump Station No. 8, Pump Station No. 10, and Pump Station No. 14 (Southwest Pump Station). The agreement includes

right-of-way acquisition services and field engineering services associated with the project. Hugo Reed will perform surveying and right-of-way acquisition services as a subconsultant to PSC. Transmission line construction is estimated to begin August 2010. The term of the contract is through December 31, 2012.

FISCAL IMPACT

\$18,775,000 is appropriated, including FY 2008-09 funding, in Capital Improvement Project 92068, Lake Alan Henry Pipeline Final Design, with \$3,711,000 available for this purpose.

The Water Advisory Commission and staff recommend approval.

5.12. Contract Resolution - Water Utility : Resolution No. 2008-R0369 authorizing the Mayor to execute a professional services agreement with Red Oak Consulting for water and sewer utility rate proposals, plans, and modeling.

The City is developing water and sewer infrastructure with some significant capital projects. The \$43 million in improvements to the Southeast Water Reclamation Plant approved in 2008 is the largest capital project in Lubbock's history. The Lake Alan Henry water supply project with an estimated cost of \$240 million will be Lubbock's largest capital project and should be completed by the end of 2012.

In order to finance the capital projects, it is essential to plan for and implement rates that will generate sufficient revenue to finance the debt service. The \$90,470 agreement with Red Oak Consulting will help the City with the following items: (1) Update financial data in the rate model with 08-09 Budget information and future budget projections, (2) Modify the current model for financial data entry to follow the City's budget organization and information for ease of data entry, (3) Update customer use information to provide information on water use and patterns by customer class; (4) Develop alternative rate structures for consideration for consideration by policy makers; (5) Design proposed rates and rate structures for the next five years based upon budget projections; and (6) Provide staff training in use of the rate model. A plan for rate increases and a study of their impact on water utility customers and will help the City and customers prepare for and adjust to the proposed increases.

Red Oak will help develop water and wastewater rates for the five-year study period. The financial plan and rate design scenarios will reflect the impact of the Lake Alan Henry (LAH) Project and the Southwest Water Reclamation Plant Project during the five-year study period. Red Oak will prepare a technical memorandum summarizing the cost of service results, recommended rate structure and rates, and financial impacts of the LAH project and present the summary to the Lubbock Water Advisory Commission and the City Council. The 2009 rates will be prepared for approval by the Lubbock Water

Advisory Commission in January 2009 and by the City Council in March 2009.

Water is essential for Lubbock's future. Having an adequate water supply and working towards the recycling of reuse water must be addressed so that Lubbock has an adequate supply for customer use and continued growth.

The term of the agreement is through October 1, 2009.

FISCAL IMPACT

\$90,470 is appropriated in the Adopted FY 2008-09 Water Utility Operating Budget for this purpose.

The Lubbock Water Advisory Commission and City staff recommend approval of the contract for rate proposal, planning and modeling services as proposed.

- 5.14. Contract Resolution - Solid Waste : Resolution Nos. 2008-R0370 and 2008-R0371 authorizing the Mayor to execute contracts with Fuqua Enterprises, Inc., and Caprock Welding Supply, Inc., for metal slant side loading trash containers, BID 08-079-FO.**

The contracts are for the purchase of metal trash containers with plastic bottoms. The Solid Waste Department is transitioning to metal trash containers with plastic bottoms because metal bottoms rust and bottom-out earlier than plastic. The cost of replacing plastic bottoms is lower than the cost of replacing metal bottoms.

Staff recommends contract award to Fuqua Enterprises for two-cubic and three-cubic yard side loader trash containers, and to Caprock Welding & Supply for four-cubic yard side loader trash containers. Roll-offs USA did not bid plastic bottoms and does not meet specifications. A bid tabulation is provided.

The contracts are for the purchase of trash containers on an as-needed basis and are awarded by unit price. The total amount of the award is estimated based on estimated quantities. Actual expenditures may be more or less depending on actual needs. The unit price will not change and expenditures will not exceed appropriated funds.

FISCAL IMPACT

Funds are available in the Adopted FY 2007-08 Solid Waste Residential Collection Operating Budget.

Staff recommends contract award to the low bidders meeting specifications, Fuqua Enterprises of Rio Vista, Texas, for \$84,515 and Caprock Welding & Supply of Wolfforth, Texas, for \$12,300.

- 5.15. Ordinance 1st Reading - Right-of-Way : Ordinance No. 2008-O0084 abandoning and closing two portions of an utility easement located in Tract A, South Plains Addition, 6002 Slide Road.**

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.

Lubbock Power & Light and other utility companies are in agreement with the easement closure. The easement is not needed by LP&L.

FISCAL IMPACT

No fiscal impact.

Staff recommends approval.

- 5.16. Street Use License Resolution - Right-of-Way : Resolution No. 2008-R0372 authorizing the Mayor to execute a street use license with Rolling Frito-Lay Sales, LP, to use a portion of a dedicated street for an underground communication and electrical cable, 1001 East 74th Street.**

Frito-Lay has requested a street use license to install an underground communication and electrical cable across King Avenue just north of East 74th Street in order to connect to their facilities on the east side of King Avenue. The charge for this license is \$250 payable in advance for the first 5-year term and each successive 5-year term not to exceed 20 years.

The City verified with all underground utility providers in the area and are in agreement with the license.

FISCAL IMPACT

Revenue to the General Fund of \$50 per year.

Staff recommends approval.

- 5.17. Dedication Deed Resolution - Right-of-Way : Resolution No. 2008-R0373 authorizing the Mayor to execute a Dedicatory Certificate in connection with the platting by the City of Tract A, LP&L Northwest Substation Addition, to the City of Lubbock, Lubbock County, 4408 Ursuline Street.**

The resolution authorizes the Mayor to execute a dedicatory certificate for the platting of City owned property to be known as Tract "A", LP&L Northwest Substation Addition. This land was acquired in June 2007 from Northwest Passage Joint Venture for an LP&L substation site in Northwest Lubbock. Area being platted is 3.751 acres. The Right-of-Way Department initiated the plat for LP&L and it has been approved by the Planning and Zoning Commission.

FISCAL IMPACT

No fiscal impact.

Staff recommends approval.

5.18. Contract Resolution - Airport : Resolution No. 2008-R0374 authorizing the Mayor to execute a contract with R.L. Building Maintenance for carpet and floor cleaning services at Lubbock Preston Smith International Airport, BID 08-080-FO.

The bid establishes annual pricing for cleaning carpet and floors in the airport passenger terminal. The contract term is for a period of one year with the option to renew for two one-year terms.

The following companies submitted bids:

| | |
|--|----------|
| R. L. Building Maintenance, Inc. of Lubbock, Texas | \$32,400 |
| Industrial Maintenance & Supply of Lubbock, Texas | \$45,560 |

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

FISCAL IMPACT

Funds are available in the Adopted FY 2008-09 Airport Fund Operating Budget.

The Airport Board and staff recommend bid award to the low bidder, R.L. Building Maintenance of Lubbock, Texas, for \$32,400.

5.20. Ordinance 2nd 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 approved camping activity.

On September 11, 2008, the City Council approved the first reading of the ordinance. 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 midnight.

FISCAL IMPACT

No fiscal impact.

Staff recommends approval.

5.21. Contract Amendment Resolution - Community Development : Resolution No. 2008-R0375 authorizing the Mayor to execute an

amendment to a Community Development Funding contract with the North and East Lubbock Community Development Corporation to extend the Down Payment and Closing Cost Assistance Program.

On January 10, 2007, the Community Development and Services Board (CDSB) voted to recommend funding for the Down Payment and Closing Cost Assistance Program. On April 12, 2007, the City Council approved funding for the contract.

The North and East Lubbock Community Development Corporation is the recipient of the funds and uses the funds for the Down Payment and Closing Cost Assistance Program. To qualify for assistance, the family or individual must be first time home buyers and must have a low-to-moderate income.

Terms of the current contract are April 12, 2007, through September 30, 2008.

The contract amendment extends the timeframe of the contract through September 30, 2010, to cover any additional time period during which the grantee remains in control of CDBG funds or other assets, including program income.

FISCAL IMPACT

Funds used are from the CDBG Program. The maximum amount to be allocated to the project is \$100,000.

Staff recommends approval.

5.22. Contract Amendment Resolution - Community Development : Resolution No. 2008-R0376 authorizing the Mayor to execute an amendment to the Community Development Funding Agreement with the Community Housing Resource Board to extend the Lease/Purchase XII Program.

On, May 3, 2006, the Community Development and Services Board (CDSB) voted to recommend funding for the Lease/Purchase XII Program contract at the Board's regularly scheduled meeting. On June 8, 2006, City Council approved funding for the contract.

The Community Housing Resource Board is the recipient of the funds and uses the funds for the Lease/Purchase XII Program. The program allows for the purchase and renovation of existing homes. Once renovated, the units are then leased to a first-time homebuyer for a period of time until the individual or family is ready to take on the responsibilities of homeownership. To qualify for assistance, the family or individual must be of low-to-moderate income.

Terms of the current contract are October 1, 2006, through September 30, 2008. The amendment extends the services of the grantee and extends the time of performance through September 30, 2009, to cover any additional time period during which the Grantee remains in control of HOME funds or other assets, including program income.

FISCAL IMPACT

Funds used are from the HOME Program. The maximum amount to be allocated to the project is \$176,741.

Staff recommends approval.

5.23. Contract Resolution - Fleet Services : Resolution No. 2008-R0377 authorizing the Mayor to execute a purchase order contract with The Armored Group, LLC, for one rapid deployment van, BID 08-077-MA.

The \$53,750 purchase order contract is for the purchase of a 2008 Ford E-450, V10 gas chassis, rapid deployment vehicle (RDV) used for SWAT activity by the Police Department.

The Police SWAT team has 21 members, and the new RDV makes it possible for the team to travel to the incident in one vehicle. Currently, multiple vehicles are used to caravan to the incident site. The current deployment vehicle is worn out from years of use, and does not offer the deployment adaptability that the RDV can provide the SWAT team.

The following companies submitted proposals:

| | |
|--|----------|
| Brown Specialty Vehicles of Lawrence, KS | \$44,314 |
| (does not meet specifications) | |
| The Armored Group of Fort Worth, TX | \$54,500 |

The Armored Group submitted a Best and Final Offer of \$53,750, and the Best and Final Offer from Brown Specialty Vehicles remained \$44,314.

The City's specifications include a full doorway between the driver's compartment and the entry to the team area inside the van to allow for a safe, fast, and sufficient size ingress and egress route for the driver to exit the driver's position, or for a SWAT team member to enter the driver's position. This is very important in the event the van comes under fire during a high risk operation. The driver would need to quickly move to the team area inside the van, or a fully equipped SWAT team member wearing heavy vests, drop leg holsters, and helmets would need to move into the driver's compartment of the truck to rescue the downed driver.

After several discussions with Brown Specialty Vehicles, the low bidder confirmed that they will not cut out the roof of the cab to allow the specified "full height aero cap bulkhead with a 26-inch sliding locking door". Brown Specialty Vehicles indicated that their vehicle will meet all other City specifications.

The Armor Group vehicle is designed with a full doorway from the driver's compartment of the truck to the team area inside the van. The doorway space is needed for SWAT personnel to be able to enter the driver's compartment from inside the van to either drive or rescue team members in case of injury during hazardous operations.

The van from The Armor Group is inconspicuous and adapted for use in a covert environment. When the SWAT team is travelling to and from performing search warrants, the vehicle must blend in with other vehicles on the road and in the neighborhood. There are numerous work trucks on the road that are similar to The Armor Group van and the RDV is inconspicuous in neighborhoods where a carpenter, plumber, or electrician might be working.

The Armor Group has been building similar vehicles for five years for SWAT teams within Texas and the United States.

FISCAL IMPACT

Funds were authorized on May 8, 2008 for the Adopted FY 2007-08 Master Lease Program. The annual payment is included in the Adopted FY 2008-09 Operating Budget of the appropriate fund.

Staff recommends bid award to the lowest bidder meeting specifications, The Armored Group of Fort Worth, Texas, for \$53,750.

5.24. Contract Resolution - Fleet Services : Resolution Nos. 2008-R0378 2008-R0379 and 2008-R0380 authorizing the Mayor to execute one purchase order contract with Lubbock Truck Sales, Shamrock Chevrolet and Scoggin Dickey Chevrolet-Buick pickups and cabs and chassis, BID 08-061-MA.

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

One ¾-ton pickup, extended cab, 4x4 long bed, for Lake Alan Henry. The pickup is used to move large and heavy equipment around the Lake Alan Henry John T. Montford Dam area. The 4x4 is necessary to navigate the rough terrain around the dam site.

One ½-ton pickup, standard cab, 4x2, with 8 eight foot cargo box, for Water Engineering. The pickup is used to move large and heavy equipment around the Lake Alan Henry John T. Montford Dam area. The 4x4 is necessary to navigate the rough terrain around the dam site.

Two ¾-ton pickups, standard cab, 4x4, for Water Meter and Customer Service. The pickup was down-sized from a 1-ton to a ¾-ton. A utility bed with a mounted 1,500 pound crane will be installed on the truck, which will be equipped with 2,000 pounds of brass and cast iron water meter repair parts.

One ¾-ton pickup, extended cab, 4x2 long bed, for Equipment Maintenance. The larger ¾-ton pickup with sufficient horse power is required to pull trailers, backhoes, and water pumps.

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One ¾-ton pickup, extended cab, 4x2 short bed, for Pipeline Maintenance. The larger ¾-ton pickup with sufficient horse power is required to pull trailers, backhoes, and water pumps.

One 28,000 GVWR cab & chassis, extended cab, 4x2, for Pipeline Maintenance. The larger cab & chassis with sufficient horse power is required to pull trailers, backhoes, and water pumps.

One 18,000 GVWR low profile cab & chassis for Pipeline Maintenance. The larger cab & chassis with sufficient horse power is required to pull trailers, backhoes, and water pumps.

One ¾-ton cab & chassis, extended cab, 4x4, single rear wheel, for Pumping & Control. The vehicle will be fitted with a heavy duty service bed to store and transport equipment for emergency repairs and to perform maintenance at the Water Treatment Plant, pump stations, water storage facilities, lift stations, and the Bailey County Well Field. The service bed contains a mounted crane, welding machine, air compressor, and various specialty tools resulting in a heavily loaded vehicle.

One 1-ton pickup, extended cab, 4x4, with dual rear tires, for Water Production. The 1-ton 4x4 pickup with dual rear tires is necessary to transverse extremely sandy roads throughout the Bailey County Well Field to perform necessary repairs and maintenance.

Three 1-ton cab & chassis, standard cab, 4x4, single rear wheels, for Land Application. The larger vehicle with heavier suspension and drive train is required to transport equipment and perform work at the Land Application Farm. Trucks tow trailers and are used to carry parts, supplies, tools, fuel tanks, air compressors. Lighter and smaller vehicles were operated at the Farm several years ago. Increased maintenance costs resulted because the smaller vehicles were under-powered and could not operate efficiently with the constant heavy loads.

One 1-ton cab & chassis, standard cab, 4x2, dual rear wheels, for Land Application. The larger vehicle with heavier suspension and drive train is required to transport equipment and perform work at the Land Application Farm. Trucks tow trailers and are used to carry parts, supplies, tools, fuel tanks, air compressors. Lighter and smaller vehicles were operated at the Farm several years ago. Increased maintenance costs resulted because the smaller vehicles were under-powered and could not operate efficiently with the constant heavy loads.

One ¾-ton pickup, standard cab, long bed, 4x4, for Sampling & Monitoring. The vehicle is used at the Land Application Site to monitor and collect samples and is subject to off-road muddy conditions. The truck hauls a sampling rig weighing 6,000 pounds.

One ¾-ton Pickup, extended cab, long bed, 4x2, for Alley Maintenance. The pickup was down-sized from a 1-ton vehicle to a ¾-ton vehicle. The large

bed with a large load carrying and towing capacity is necessary to haul fuel, material, barricades, and sand bags.

Two ½-ton pickup, extended cab, 4x4, for Storm Sewer Maintenance & Lake Alan Henry. The truck for Storm Sewer Maintenance requires a large load capacity to haul sand bags, barricades, arrow boards, auxiliary fuel tank, and equipment. The larger truck performs better in snow, ice, and rain. The truck for Lake Alan Henry is a severe duty vehicle and will be used for law enforcement. Smaller vehicles do not have the capacity required for law enforcement personnel to transport prisoners to jail. The vehicle is used to tow vehicles with attached boats out of the lake and up the boat ramp. The larger pickup provides additional ground clearance to respond to citizens stranded or injured in rough terrain.

A bid tabulation is provided.

FISCAL IMPACT

The purchase of these vehicles was authorized on April 10, 2008, for the Adopted FY 2007-08 Master Lease Program.

Staff recommends bid award to the low bidders meeting specifications, Shamrock Chevrolet of Lubbock, Texas, for \$346,525; Lubbock Truck Sales of Lubbock, Texas, for \$150,744; and Scoggin Dickey Chevrolet-Buick of Lubbock, Texas, for \$47,178.

5.25. Contract Resolution - Information Technology : Resolution No. 2008-R0381 authorizing the Mayor to execute a purchase order contract with Lubbock Audio Visual for City Council Chambers and Committee Room 103 audio equipment, BID 08-081-FO.

The contract is for the purchase of audio equipment for City Council Chambers, Committee Room 103, and the audio visual room located between City Council Chambers and Committee Room 103. Equipment includes microphones, speakers, wiring, audio mixers, audio amplifiers, and other necessary audio components. Much of the equipment being replaced was installed in 1985.

The new system provides audio for meetings held in City Council Chambers and Committee Room 103, and provides equipment for recording meetings when necessary.

Proposals were received from the following companies:

| | |
|--|----------|
| Lubbock Audio Visual of Lubbock, TX | \$40,269 |
| Entertainment Systems Producers of Bedford, TX | \$61,011 |

The audio replacement is part of an upgrade plan for the City News Channel (CNC-2) to prepare for the digital television conversion. Staff is working to upgrade CNC-2 to serial digital (SD) components. SD components provide a

digital signal path that improves CNC-2 picture and signal quality over the current analog signal without the exorbitant cost of full-scale digital components. The SD component upgrade allows better integration with future products as analog components become less available.

Since the decision was made in 2006 to use SD components, the City appropriated \$238,500 to purchase equipment for CNC-2. In January 2007, the City spent \$149,593 for cameras for City Council Chambers and Committee Room 103, and a switcher, video monitors, and recorders for the CNC-2 control room. The new equipment replaced some components that had been in use since 1988.

The remaining funds were appropriated in July 2008 and include audio for City Council Chambers and Committee Room 103, a playback server, editing equipment, and audio/video monitoring equipment for CNC-2.

Although the following items are not required for the February 17, 2009, digital television deadline, they will be needed to complete the City News Channel digital upgrade:

| | |
|--------------------------------------|-----------|
| Character Generator at approximately | \$24,000 |
| Studio Cameras at approximately | \$80,000 |
| Field Cameras at approximately | \$100,000 |

FISCAL IMPACT

Funds are available in the Adopted FY 2007-08 Public Information Technology Operating Budget.

Staff recommends contract award to the low bidder, Lubbock Audio Visual of Lubbock, Texas, for \$40,269.

6. REGULAR AGENDA

Note: Regular Agenda items and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (5.1.1-5.1.4, 5.1, 5.8, 5.13, 5.19, 6.3-6.6, 6.1-6.2, 6.7-6.10)

- 5.1.1 Resolution No. 2008-R0382 authorizing the City Manager to execute a Technical Assistance Negotiated Grant Agreement with the Texas State Library and Archives Commission to fund one full-time technical advisor for public libraries in the West Texas Library System service region.**

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0382 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 5.1.2 Resolution No. 2008-R0383 authorizing the City Manager to execute an Interlibrary Loan Center Grant Agreement with the Texas State Library and Archives Commission to fund two full-time positions for the Interlibrary Loan Center.**

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0383 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1.3 Resolution No. 2008-R0384 authorizing the City Manager to execute a Library System Grant Agreement with the Texas State Library and Archives Commission to fund three full-time positions for the West Texas Library System.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-R0384 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.1.4 Resolution No. 2008-R0385 authorizing the City Manager to execute a grant agreement for a state administered and federally financed Comprehensive STEP Program combining the Driving While Intoxicated STEP Program and the SPEED STEP Program.

LeeAnn Dumbauld, City Manager, 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-R0385 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member DeLeon recused.

5.1. Budget Amendment Ordinance 2nd Reading - Finance : Ordinance No. 2008-O0083 Consider budget ordinance Amendment No. 15 amending the Adopted FY 2007-08 Budget respecting the Grant Fund, General Capital Projects Fund, LP&L Fund, Solid Waste Fund, and the Capital Improvement Program.

On September 11, 2008, the City Council approved the first reading of the ordinance which included items 5.1.1 through 5.1.5. Items 5.1.6 and 5.1.7 have been added to the second reading of this ordinance.

5.1.1. 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 Lubbock Public Library serves as the headquarters for the Technical Assistance Negotiated Grant Program. 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 assistance to area libraries.

The program is fully funded by the State of Texas and the City has no responsibility or obligation in the event that funds are not appropriated or provided. The Texas State Library and Archives commission contracts with the City for housing staff and the implementation of service program components.

The term of the grant is through August 31, 2009. The City has received this grant each year since 2000.

5.1.2. 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.

As the Major Resource Center for the West Texas Library System, the Lubbock Public Library serves as the headquarters for the Interlibrary Loan (ILL) Grant Program. The ILL Center locates and requests materials for all public libraries, community college libraries, and special libraries within the 29-county area served by the West Texas Library System. The grant funds two full-time employees.

The program is fully funded by the State of Texas, and the City has no responsibility or obligation in the event that funds are not appropriated or provided. The Texas State Library and Archives Commission contracts with the City for housing staff and the implementation service program components.

The term of the grant is through August 31, 2009. The City has received this grant each year since 1974.

5.1.3. 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 (WTLS) is a state funded grant program designed to improve library services in a 29-county area, offering consulting services and continuing education. WTLS is one of ten systems established under the Library Systems Act of 1969. The program is administered by the Texas State Library and Archives Commission and comprises various elements designed to improve and expand the service programs of member libraries. The grant encourages the establishment of public libraries in communities that do not have library service. At the end of State of Texas FY 2008, 34 libraries qualified for membership. As of September 1, 1974, the Lubbock Public Library was designated as the Major Resource Center headquarters for the WTLS program. The grant funds three full-time positions and twenty-five percent of one full-time technical support analyst position.

The program is fully funded by the State of Texas, and the City has no responsibility or obligation in the event that funds are not appropriated. The Texas State Library and Archives commission contracts with the City for housing of staff and implementation of the service program components.

The term of the grant is through August 31, 2009. The City has received this grant each year since 1974.

5.1.4. 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.

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 Adopted Operating Budget.

The grant program utilizes off-duty law enforcement personnel working overtime to detect and arrest alcohol and drug impaired drivers and to detect non-compliance of designated speed limits within targeted areas of Lubbock. Productivity measures and overtime expenditures are maintained separately for each grant.

The enforcement program will be conducted during FY 2008-09. Awards for this grant have been set beginning October 1, 2008.

5.1.5. 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, Burlington Northern Santa Fe Railway interconnection, and a maintenance agreement.

Federal regulations clearly allow for the use of wayside horns by municipalities.

The Texas Tort Claims Act provides protection to the City in that the City is immune from tort liability for the absence, condition or malfunction of a warning device unless the City fails to correct the malfunction after receiving actual notice of the defect. In other words, the City would not lose its immunity unless it was aware of the defect and did not respond to correct it in a reasonable time. While the City has this protection under the Tort Claims Act, it will be important to review the documents and agreements entered into as part of this process.

The wayside horns will be mounted on existing poles located within the ROW of the railroad. A permit from the railroad is required in order to mount the horns on the poles. The permit is a potentially determinative document that needs to be reviewed in order to ascertain liability issues for the City.

It is anticipated that the City will be responsible for maintenance of the horns and the maintenance function will be contracted out to a contractor. The agreement between the City and the contractor will be an important one in which the liability issue can be addressed. It would be in the best interest of the City to negotiate a contract that provides for indemnification and a transfer of liability to the contractor in addition to requiring proper insurance and venue.

5.1.6. Amend the Operating Budget and Capital Improvement Program 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.

FISCAL IMPACT

Included in item summary.

Staff recommends approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Ordinance No. 2008-00083 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.8. Appointment Resolution - City Manager : Resolution No. 2008-R0386 confirming the City Manager's appointment of Dr. Juan Munoz to the Civil Service Commission.

Dr. Munoz has been a faculty member at Texas Tech University since fall 2004. He was appointed an Associate Professor in the Department of Curriculum and Instruction for the College of Education. Dr. Munoz holds several leadership roles at Texas Tech University. Since moving to Lubbock, Dr. Munoz has been actively serving the community. He is currently on the Board of Directors with the Lubbock Boys & Girls Club, the South Plains Boys Scouts, and Texas Diversity Council. He is a member of the Texas Lyceum and was a commissioner for the City of Lubbock Housing Authority.

Civil Service Commission members ratify rules and standards applicable to classified civil service positions in the Fire and Police Departments and the enforcement and effect of the Civil Service statutes. Members are appointed by the City Manager pursuant to Texas Local Government Code 143.006 and ratified by the governing body.

The term of the appointment is three years, and meetings are held monthly or as needed. Three members of the Commission are required by law and the Director of the Commission is Vickie Bennett. Dr. Munoz's term will begin October 25, 2008.

FISCAL IMPACT

No fiscal impact.

Staff recommends approval.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2008-0386 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.13. Contract Amendment Resolution - Public Works : Resolution No. 2008-R0387 authorizing the Mayor to execute Amendment No. 6 to the contract with Hugo Reed and Associates, Inc., for engineering services for the Glenna Goodacre Boulevard Project in Overton Park.

Hugo Reed and Associates (HRA) performs engineering services related to street improvements and certain amenities within the rights-of-way of the Overton Park Project. The original December 8, 2003, contract with HRA includes the design of Glenna Goodacre Boulevard (GGB) from University Avenue to Avenue U, 6th Street from University Avenue to Avenue X, Avenue X from 6th Street to 10th Street, certain right-of-way amenities,

schematics and an overall Overton Park parking study. The original contract amount is \$277,089.

Amendment No. 1 to the contract, dated August 26, 2004, included the design of 6th Street from Avenue X to Avenue V and Avenue V from Marsha Sharp Freeway to GGB, and certain right-of-way amenities. The professional service fee for Amendment No. 1 is \$165,915.

Amendment No. 2, dated November 4, 2004, included design and construction services for public lighting and University Avenue curb and gutter reconstruction adjacent to the City Bank tract. The professional service fee for Amendment No. 2 is \$7,500.

Amendment No. 3, dated November 7, 2005, included surveys and design, plan preparation, estimates, right-of-way surveys and parcel documents, along with storm sewer design, for the Wal-Mart streets, and residential streets within Overton Park. The professional service fee for Amendment No. 3 is \$406,306.

Amendment No. 4, dated March 5, 2007, changed the scope of work described in Amendment No. 3. These changes were due to the need to prioritize some of the street improvements differently than originally planned. The changes included the additions of Avenue T from 7th Street to GGB, Avenue S from 7th Street to GGB, Avenue R from 7th Street to GGB, and certain curb and gutter on the north side of GGB from Avenue R to Avenue S. Amendment No. 4 included the deletions of 10th Street from Avenue U to Avenue S, Avenue T from 9th Street to 10th Street, and certain storm sewer work at the intersection of Avenue S and 10th Street. The contract amount did not change.

Amendment No. 5, dated September 13, 2007, authorized the design of paving and drainage improvements on portions of GGB, Avenue T, 10th Street, and Avenue X. It also authorizes the design of public amenities on portions of GGB, Avenue U, Avenue T, and Avenue X. The professional service fee for Amendment No. 5 is \$623,800.

Amendment No. 6 authorizes street and drainage improvement design services on Mac Davis Lane from Avenue X to Avenue V, Avenue V from Marsha Sharp Freeway to GGB, GGB from Avenue U to Avenue Q, 10th Street from Avenue U to Avenue S, Avenue T from GGB to 9th Street, Avenue T from alley south of 10th Street to Main Street, and on Avenue S from GGB to Main Street.

Amendment No. 6 will also authorize amenity design services on GGB medians from Avenue U to Avenue Q, South Side of GGB from Avenue U to Avenue S, West Side of Avenue S from GGB to alley south of 10th Street, West Side of Avenue X from Mac Davis Lane to Marsha Sharp Freeway, and on Other Miscellaneous Design Elements.

Amendment No. 6 authorizes a lump sum payment of \$141,613 for basic services and \$6,300 for reimbursable expenses for the above described design work. The amendment authorizes payments, based on actual work performed,

for construction phase services, construction staking, and surveying in the amount of \$67,430. The total “not to exceed” amount is \$215,343. The total “not to exceed” amount for the original contract plus the six contract amendments is \$1,695,953.

On December 31, 2010, the contract with HRA expires. Authorization of additional work above the “not to exceed” total amount of \$1,695,953, or extension of the term of the agreement, will require future City Council approval.

FISCAL IMPACT

Amendment No. 6 of the Hugo Reed contract provides engineering and design services for three capital projects in the North Overton TIF. \$2,544,805 is appropriated in Capital Improvement Project 92149, Capstone; \$2,480,780 is appropriated in Capital Improvement Project 92107, Glenna Goodacre Boulevard East; and \$1,226,452 is appropriated in Capital Improvement Project 91060, Tract 3; \$215,343 is available for this purpose.

Staff recommends approval.

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

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2008-0387 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.19. Grant Contract Resolution - Citibus : Resolution No. 2008-R0388 authorizing the Mayor to execute a Regional Coordination Planning Project Grant Agreement with the Texas Department of Transportation for public transportation planning.

Texas Department of Transportation (TxDOT) is allocating \$60,000 of public transportation funds to the City to be used for continuation funding for the Regional Coordination Plan. TxDOT has made funds available for continuation of regional coordination planning efforts, and each region in the state will be awarded \$60,000 to support regional planning. Recipients of the funds are not required to provide a local match for these funds.

Citibus is the lead agency for the South Plains Region. The work that will be conducted with the new funding includes the following:

- Consolidate maintenance and purchasing functions across the region.
- Provide efficient provision of services and standardization of documentation through the use of technology.
- Allow members of the general public additional opportunities to participate in the regional planning process.
- Seek additional funding to meet the demonstrated needs in the region.

- Seek additional participation of health and human services agencies. The contract becomes effective when fully executed by both parties or on September 1, 2008, whichever is later.

The contract terminates on August 31, 2009.

FISCAL IMPACT

No local match is required. Acceptance of the grant results in no cost to the City.

Citibus recommends approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2008-R0388 as recommended by staff. Motion carried: 6 Ayes, 0 Nays. Council Member DeLeon recused.

- 6.1. This item was moved and considered following Item 6.6.**
- 6.2. This item was moved and considered following Item 6.1.**
- 6.3. Ordinance 1st Reading - Planning : Ordinance No. 2008-O0085 annexing an area south of Farm to Market Road 1585 between Indiana Avenue and Quaker Avenue.**

The owner of the property requested the annexation of the property by petition. On August 12, 2008, City Council conducted a public hearing to consider the merits of annexation of the named area, and passed a resolution instructing staff to prepare an ordinance for the action. The proposed ordinance and an aerial photo/map of the area are provided. No comments other than those from the applicant and staff were presented during the public discussion. As a petition annexation, no service plan is required and no fiscal commitments are made on the part of the City with the exception of the extension of "soft" services (police, fire, general fund services). The half section to be annexed is vacant and currently is farmed.

FISCAL IMPACT

Cost of General Fund (soft services, Fire, Police, Road Maintenance, Animal Services, etc.) or as needed. No dollar figure is available.

Staff recommends approval.

Randy Henson gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass Ordinance No. 2008-O0085 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.4. Resolution - Planning : Resolution No. 2008-R0389 authorizing the preparation of an annexation process for the land area between 660-feet south of the center line of Frankford Avenue, 660-feet south of the center line of Farm to Market 1585, 55-feet west of the center line of Alcove, all south of the existing city limits south of 114th Street.**

During a previous City Council Work Session regarding areas with potential for annexation, the City Council requested that staff proceed with statutory requirements for three areas. The resolution reflects the "south" area, and the resolution is the normal process to officially start the process. The proposed public hearings for this annexation are October 14, 2008, and October 23, 2008. The calendar requires a November 20, 2008, first reading of an ordinance. A service plan has been prepared and is available for the public to review. Approximately 150 parcel owners are being notified. Staff supports the approval of the resolution.

FISCAL IMPACT

No fiscal impact.

Staff recommends approval.

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

Mayor Martin read resolution due to one change:

Consider a resolution authorizing the preparation of an annexation process for the land area between 660-feet east of the center line of Frankford Avenue, 660-feet south of the center line of Farm to Market 1585, 55-feet west of the center line of Alcove, all south of the existing city limits south of 114th Street. The change was on line 3, changing from 660-feet east to 660-feet south.

First public hearing October 14, 2008.

Motion was made by Council Member Leonard, seconded by Council Member DeLeon to pass Resolution No. 2008-R0389 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.5. Storm Water Fee Resolution - Finance : Resolution No. 2008-R0390 adopting an amended schedule of drainage charges to accommodate improvements to be made to the City's drainage system.

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.

At the September 11, 2008 City Council Meeting, the Council directed the City Manager to compute a new storm water fee based on charging the school districts, City and County the storm water fee. The County has 50 meters, Lubbock Independent School District (ISD) has 154 meters, Frenship ISD has 15 meters, Cooper ISD has 4 meters, and the City has 417 meters. The residential rate can be reduced 7 cents, from \$6.00 to \$5.93 and the commercial rate can be reduced 47 cents, from \$39.83 to \$39.36 due to additional revenues received from the County and school districts.

The City's 417 meters equate to an annual cost of \$196,953. In order for the City to pay itself for this cost, the residential and commercial rates incorporate revenues sufficient to cover this cost.

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 increased expenses.

Staff recommends approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Resolution No. 2008-R0390 as presented at the last meeting except adding that in future budgets the City Manager include the other entities. Motion failed: 1 Aye, 6 Nays. Council Member Leonard voted aye.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to pass Resolution No. 2008-R0390 using original charges, as presented at the last meeting. Motion carried: 4 Ayes, 3 Nays. Council Member Beane, Council Member DeLeon and Council Member Leonard voted nay.

6.6. Contract Resolution – Water Utility : Resolution No. 2008-R0391 authorizing the Mayor to execute a unit price contract with Utility Contractors of America for the construction of the 34th Street Major Water Line Replacement Project, BID 08-725-DD.

The project involves abandoning the existing water main along 34th Street and installing from Quaker Avenue to Avenue A six miles of large diameter water line, appurtenant valves, and fire hydrants; connecting the water line to existing water services; and replacing one-fifth mile of small diameter cast iron pipe.

Water quality and pressure characteristics should significantly improve and maintenance and repair costs associated with line breakages should decrease.

Bids were received from the following companies:

| | |
|---|-------------|
| Utility Contractors of America of Wolfforth, Texas | \$4,977,034 |
| North Texas Contracting of Keller, Texas | \$7,089,840 |
| S.J. Louis Construction of Texas, of Mansfield, Texas | \$7,203,540 |

Time for substantial completion is 300 calendar days, and time for final completion is an additional 60 calendar days. Liquidated damages are \$1,000 per day in excess of 300 days until substantial completion and \$500 per day in excess of 60 days until final completion.

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

FISCAL IMPACT

\$10,972,319 is appropriated in Capital Improvement Project 90273, Major Water Line Replacement - 34th Street, with \$4,977,034 available for this purpose.

Staff and the Lubbock Water Advisory Commission recommend contract award to the low bidder, Utility Contractors of America of Wolfforth, Texas, for \$4,977,034.

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

Motion was made by Council Member DeLeon, seconded by Council Member Klein to pass Resolution No. 2008-R0391 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.7. This item was moved and considered following Item 6.2.**
- 6.8. This item was moved and considered following Item 6.7.**
- 6.9. This item was moved and considered following Item 6.8.**
- 6.10. This item was moved and considered following Item 6.9.**

10:02 A.M. CITY COUNCIL RECESSED

10:12 A.M. CITY COUNCIL REGULAR MEETING RECONVENED

City Council Chambers

- 6.1. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-O0086, Zone Case No. 2011-D (50th Street and Ironton Avenue) Hold a public hearing to consider request of Burl W. Masters (for Marketplace Community Development Corp.) for a zoning change from Light Manufacturing (M-1) to High Density Apartment (A-2) for apartments on 11.992 acres of unplatted land out of Block AK, Section 37, and to consider an ordinance.**

Mayor Martin opened the public hearing at 10:13 a.m. Burl Masters appeared before Council to speak in favor of Zone Case No. 2011-D. No one appeared in opposition. Mayor Martin closed the hearing at 10:14 a.m.

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

The request is to rezone a portion of a larger redevelopment area from an industrial zone to an apartment zone. This parcel is "behind" the major

redevelopment of Canyon West on the corner of Spur 327 and Milwaukee Avenue.

Adjacent land use is vacant in all directions. An existing church is located toward Milwaukee Avenue to the west. This parcel is at the southwest corner of what will eventually be Ironton as it leaves Santa Fe Industrial Park and the former right of way of the Whiteface cut-off railroad tracks that have been removed.

With regard to the Comprehensive Land Use Plan, this area was targeted in the mid-80's as an expansion of the industrial park to the north. Because of market conditions and the location of adjacent rail tracks, the area never matured. Now, the development of the Canyon West, the church, the Frenship School to the northwest have all combined to illustrate a non-industrial eventual use of the entire area.

The Hodges Company has yet to develop plans for the north end of Canyon West. The Hodges Company's conjecture is that the area will be best suited for urban density housing, which will blend well with the proposal in the zone case.

In terms of policy, the parcel will develop under standard High Density Apartment (A-2) guidelines when the project is proposed for permit.

The project should have little impact on the thoroughfare system. The owner will have some private negotiations with adjacent landowners during the platting process, but ultimately the apartments will have good access and not create traffic through any residential area.

FISCAL IMPACT

No fiscal impact.

Staff and the Planning and Zoning Commission recommend approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Ordinance No. 2008-00086 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.2. Public Hearing 10:00 a.m. - Planning : Ordinance No. 2008-00087, Zone Case No. 2984-G (37th Street and Norwich Avenue) Hold a public hearing to consider request of John A. Sellers for a zoning change from Single Family (R-1) Specific Use to High Density Apartment (A-2) for skilled nursing facility on 5.681 acres of unplatted land out of Block AK, Section 48, and to consider an ordinance.

Mayor Martin opened the public hearing at 10:15 a.m. No one appeared in favor or opposition. Mayor Martin closed the hearing at 10:16 a.m.

The applicant is progressing with one of the planned phases of Raider Ranch, a planned retirement community. The proposal within this request is an area where a skilled nursing home will be developed as one of the elements of "full service" to the residents that become a part of the senior community.

Adjacent land uses:

N - proposed residential

S - a group of the cottages at Raider Ranch

E - a mini storage site under development

W - proposed residential

The addition of the skilled nursing facility has been a part of the overall master plan of Raider Ranch since the inception of the project. Development has not been as quick as originally anticipated, but this will round out the proposed set of services to residents of the subdivision. As a form of residential development, and limited to nursing or personal care (not apartments) the project will meet Comprehensive Land Use Plan policies. The project will be constructed to meet High Density Apartment (A-2) development standards when the applicant or future owner gets to the platting and permit stage.

The project should have no impact on the thoroughfare system and a very low impact on the circulation system within the subdivision.

Staff recommends the case with the following condition:

The parcel shall be A-2 limited to convalescent, nursing, geriatric or personal care facilities.

FISCAL IMPACT

No fiscal impact.

Staff and the Planning and Zoning Commission recommend approval.

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

Council Member Price stated for the record:

“I truly am in agreement with seniors having a facility special for them. Those facilities really care for those seniors.” “That is a needed product this time and age because seniors are living longer than they used to. This will take the pressure away from the siblings and relatives that live far away. This will be an asset to Lubbock.”

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to pass Ordinance No. 2008-00087 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

- 6.7. Contract Resolution - Civic Facilities : Consider a resolution authorizing the Mayor to execute an agreement with the Tech Hockey Club to use the City Bank Coliseum for the presentation of college hockey games and other activities.**

The agreement outlines the terms and conditions for use of the City Bank Coliseum by the Tech Hockey Club for the purpose of providing ice hockey games and activities. Term of the agreement is for one season, from October 1, 2008, through February 28, 2009. The Tech Hockey Club will pay a season rent of \$40,000 for use of the facility to host college ice hockey games, practices, and other events promoted by the Tech Hockey Club.

The Tech Hockey Club will pay LP&L directly for electric utilities required for operating and maintaining the ice during the term of the agreement.

FISCAL IMPACT

The annual season rent is set at \$40,000 per year. This is included in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

Freddy Chavez, Director of Civic Center; Scott Snider, Assistant City Manager, and Paul Fioroni, General Manager/Head Coach gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass resolution as recommended by staff. Motion failed: 2 Ayes, 5 Nays. Council Member Beane, Council Member Leonard, Mayor Martin, Mayor Pro Tem Gilbreath, and Council Member Klein voted nay.

6.8. Resolution Calling for a Public Hearing - LP&L : Resolution No. 2008-R0392, 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 of the Code of Ordinances of the City of Lubbock as recommended by the Electric Utility Board of the City of Lubbock.

On September 16, 2008, the Electric Utility Board recommended amendments to the existing ordinance governing the disbursement of net revenues of Lubbock Power & Light (LP&L). The suggested changes are red-lined in the agenda backup document.

The Electric Utility Board, in accordance with Section 2-485(a) of Chapter 2, Article XVIII of the Code of Ordinances, is responsible for recommending amendments to this particular chapter of the Code of Ordinances. In order to formally incorporate the amendments recommended by the Board, the City Council must first call a public hearing and publish notification in the Lubbock Avalanche-Journal of the proposed ordinance amendments. The notice of the public hearing must be published at least 30 days before the date of the public hearing and at least once a week for three consecutive weeks with the date of the last publication occurring not less than one week or more than two weeks before the date of the public hearing. The hearing is conducted on November 6, 2008 assuming that the public hearing will be conducted at the next available Council meeting after 30 days has passed.

FISCAL IMPACT

There is no fiscal impact for FY 2007-08 or FY 2008-09. For FY 2009-10, LP&L shall transfer to the City a fee equivalent to a franchise fee (FFE) and payment in lieu of taxes in one of the following ways:

(1) The lesser of 5% of the gross revenue generated from all retail electric sales (the "GRR") or 50% of the change in net assets (as stated in the Statement of Revenues, Expenses and Changes in Fund Net Assets in the latest Comprehensive Annual Financial Report ("CAFR") adding back any FFE transfer), once the General Reserve reaches \$50 million; or

(2) In the event the General Reserve is less than \$50 million, then the lesser of 50% of the change in net assets (as stated in the Statement of Revenues, Expenses and Changes in Fund Net Assets in the latest CAFR adding back any FFE transfer) or in accordance with the following formula:

[(actual reserve level divided by \$50 million) multiplied times 5%]
multiplied times the gross revenue generated from all retail electric sales.
This formula can also be expressed as follows: $FFE = [(actual\ reserve / \$50\ million) \times 0.05] \times GRR$

Lubbock Power & Light and the Electric Utility Board recommend approval.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to pass Resolution No. 2008-R0392 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

6.9. Minuted Action - City Council : Consider an appointment of a committee to review the operations of, and make recommendations for possible restructuring of, the City Attorney's Office.

Consider an appointment of a committee to review the operations of, and make recommendations for possible restructuring of, the City Attorney's Office.

Mayor Martin presented the following slate for appointments to the review committee:

Judge J.Q. Warnick, Chairman

Hadley Edgar

Bill Tucker

Dean Walter Huffman

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Klein to approve the appointment of Judge Warnick, Mr. Edgar, Mr. Tucker and Mr. Huffman to the committee to review the City Attorney's Office. Motion carried: 7 Ayes, 0 Nays.

6.10. Board Appointments - City Secretary : Consider five appointments to the Airport Board; one appointment to the Hi Plains Diversified Energy Corporation Board, a Local Government Corporation; four appointments to Market Lubbock, Inc.; four appointments to the Model

Codes & Construction Advisory Board; one appointment to the Permit & License Appeal Board; and one appointment to the Structural Standards Commission.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to appoint Greg Garrison, Bill Young, Mark Piercy and to reappoint John Bowen and Bill Tarbox to the Airport Board. Motion carried: 7 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath nominated Charlie Hamilton and Council Member Leonard nominated Scott Collier for the High Plains Energy Corporation Board. Motion was made by Council Member Price to close the nominations. Motion carried: 7 Ayes, 0 Nays.

Votes were taken for each, as follows:

Charlie Hamilton – 3 Ayes (Mayor Pro Tem Gilbreath, Council Member DeLeon, and Council Member Price)

Scott Collier – 4 Ayes (Mayor Martin, Council Member Beane, Council Member Klein, and Council Member Leonard)

Mayor Pro Tem Gilbreath nominated Curtis Griffith, Van May, Velma Medina, and Tony Whitehead, seconded by Council Member Price for reappointment to the Market Lubbock, Inc. Board. Council Member Klein nominated Bryce Foster for the Market Lubbock, Inc. Board. Mayor Martin asked Mr. Klein which position he was nominating Mr. Foster for. Mr. Klein said he would defer to the Mayor.

Votes were taken for each, as follows:

Curtis Griffith – 7 Ayes (Mayor Martin, Mayor Pro Tem Gilbreath, Council Member Beane, Council Member DeLeon, Council Member Klein, Council Member Leonard and Council Member Price)

Van May – 5 Ayes (Mayor Martin, Mayor Pro Tem Gilbreath, Council Member Beane, Council Member DeLeon, and Council Member Price)

Velma Medina – 6 Ayes (Mayor Martin, Mayor Pro Tem Gilbreath, Council Member DeLeon, Council Member Klein, Council Member Leonard, and Council Member Price)

Tony Whitehead – 4 Ayes (Mayor Martin, Mayor Pro Tem Gilbreath, Council Member DeLeon, and Council Member Leonard)

Bryce Foster – 4 Ayes (Council Member Beane, Council Member Klein, Council Member Leonard and Council Member Price) – Mayor Martin stated Council Member Leonard voted for Mr. Whitehead making Mr. Foster's vote 3 ayes.

Mayor Martin declared that Curtis Griffith, Van May, Velma Medina, and Tony Whitehead were reappointed to Market Lubbock, Inc. Board of Directors.

Regular City Council Meeting
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Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard to reappoint Joe McKay, and to appoint Tom Mandry, Nathan Agnew and Truett Craft to the Model Codes & Construction Advisory Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to appoint Dereesa Purtell to the Permit and License Appeal Board Board. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to appoint James Valles to the Structural Standards Commission. Motion carried: 7 Ayes, 0 Nays.

10:58 A. M. COUNCIL ADJOURNED

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