

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
December 4, 2008
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 4th day of December, 2008, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

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

Present: Mayor Tom Martin, Mayor Pro Tem Jim Gilbreath, Council Member Paul R. Beane, Council Member Linda DeLeon, Council Member John Leonard, Council Member Floyd Price, and Council Member Todd Klein

Absent: No one

1. CITIZEN COMMENTS

- Clif Burnett appeared before Council to comment on the City Budget, City Payroll and Animal Services.

7:34 A.M. City Council recessed into Executive Session.

2. EXECUTIVE SESSION

- 2.1. Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A.) Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney. (Self-Insurance, Museums, Parks and Recreation, Right-of-Way, Utility Regulatory Matters)**
- 2.2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property. (Business Development, Right-of-Way)**
- 2.3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary) and take appropriate action.**

- 2.4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities):**

2.4.1 to deliberate, vote and take final action on electric rates of Lubbock Power and Light

2.4.2 to 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 Structural Standards Commission.**

9:02 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 John Leonard; Council Member Floyd Price; Council Member Todd Klein; LeeAnn Dumbauld, City Manager; Rebecca Garza, City Secretary; and Don Vandiver, City Attorney

Absent: No one

Mayor Martin reconvened the meeting at 9:02 A.M.

3. PROCLAMATIONS AND PRESENTATIONS

3.1. Invocation by Reverend Dr. Baron Eliason of the Westminster Presbyterian Church

3.2. Pledges of Allegiance

Pledges of Allegiance were given in unison by those in the City Council Chambers to the United States flag and the Texas flag.

3.3. Presentation by John Levacy of the December 20, 2008, Cowboy Christmas Ball, a fundraiser for the American Cancer Society to benefit Hope Lodge.

Regular City Council Meeting
December 4, 2008

John Levacy gave a presentation regarding the Cowboy Christmas Ball. He informed those in attendance that funds raised from the Ball will benefit the Hope Lodge. The Cowboy Christmas Ball is scheduled for December 20, 2008, 6:30 p.m. at the Civic Center.

3.4. Presentation of a special recognition to the Water Utility Department for receiving the Texas Commission on Environmental Quality Award for having outstanding operations of wastewater treatment facilities.

Mayor Martin presented Aubrey Spear, Director of Water Utilities and his staff with a special recognition for receiving the Texas Commission on Environmental Quality Award.

4. MINUTES

4.1. Approval of Prior Meeting Minutes :

Regular City Council Meeting, November 6, 2008

This item was continued to the next Regular City Council Meeting.

Note: Consent Agenda and Regular Agenda items were addressed by the Council in the following order:

- 6.5; 5.8; 5.9; 5.11-5.13; 5.15-5.24; 5.1.1-5.1.4; 5.1; 5.2-5.4; 5.10; 6.3; 6.1; 6.2; 5.5; 5.6; 5.14; 6.4; 5.7; and 6.6.

6. REGULAR AGENDA

6.5. Ordinance 1st Reading - Municipal Court : Ordinance No. 2008-O0106 authorizing a collection fee to be added to fines and or fees when turned over to private attorneys for collection.

It is proposed that the City adopt an ordinance that will impose a 30% collection fee to all Municipal Court fines that are turned over to a private attorney for collection.

The collection fee is added to existing fine/fee balances. As is the current practice, State court costs will be paid first. After State court costs are paid, any additional sums collected will be prorated between the City and the collection firm.

FISCAL IMPACT

The collection fee has no impact on revenues to the City. The fee is added onto the existing balance of unpaid fines/court costs. The fee will be remitted to the collection agency.

Robert A. Doty, Municipal Court Presiding Judge recommends approval.

Jim Collins, with Perdue Brandon Fielder Collins & Motts L.L.P., gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Leonard, to approve Ordinance No. 2008-00106 as recommend by Judge Robert Doty. 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 5.8; 5.9; 5.11-5.13; 5.15-5.24 on the Consent Agenda as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.8. Ordinance 2nd Reading - Planning : Ordinance No. 2008-00101, Zone Case No. 1345-B (North of 82nd Street and West of Interstate 27). Consider request of Bobby McQueen (for Susser Holdings Corporation and Glen Robertson) for zoning change from Local Retail District (C-2) to General Retail District (C-3) on Lot 102 Winniewood Addition and a 0.75 acre tract of unplatted land out of Section 5, Block E.

On November 20, 2008, the City Council approved the first reading of the ordinance. The applicant is requesting that a combination of Local Retail District (C-2) and General Retail District (C-3) at the northwest corner of Interstate-27 and 82nd Street be combined to a common C-3.

Adjacent land uses:

N – zoned C-3, former convenience store

S – single family across 82nd

E – Tahoka Highway (Interstate-27 ends at the middle of the bridge over 82nd Street)

W – duplex lot and a portion of a single family lot

The request is consistent with the Comprehensive Land Use Plan as a portion of the 10-acre allotment for commercial at major intersection corners. An existing convenience store at the location was built when such stores were permitted in the C-2 District. It is the plan of the owner of the store to reconstruct or rehabilitate the facility.

New construction will adhere to C-3 zoning requirements. The applicants will not be dealing with a split zoning situation for their ownership.

FISCAL IMPACT

None.

Staff and the Planning and Zoning Commission recommend approval.

5.9. Ordinance 2nd Reading - Planning : Ordinance No. 2008-00102, Zone Case No. 3113 (4803 Elgin Avenue). Consider request of Celeste Patterson (for Firstmar Realtors) for zoning change from Single-Family District (R-1) to Garden Office District (GO) with vehicle access through the required screening fence on the North 60 feet of Lot 10, Block 26, Modern Manors Addition.

Regular City Council Meeting
December 4, 2008

On November 20, 2008, the City Council approved the first reading of the ordinance. The applicant owns rental units in Lubbock and is requesting the designation of Garden Office (GO) converting a residence to an office for their administrative operation.

Adjacent land uses:

N – single family

S – commercial, a drive through car wash with the cars headed directly toward the parcel requested for a zone change.

E – single family

W – single family

As a buffer district, the proposal for GO District is within the boundaries of the Comprehensive Land Use Plan policy for buffering. The parcel is currently constructed as a residence, but a drive-through car wash is directly to the south – not exactly the best example of compatibility for a home next door compared with a business next door. Staff understands the neighbor to the north of the proposed conversion is in favor. As an office, there will be few employees and possibly more traffic from renters, but the traffic will be dispersed during the day and renters will have direct access to 50th Street and will not disturb the neighborhood.

In terms of zoning policy, the applicant has asked that a drive opening be allowed in the required screening fence along the alley because the home has five feet of setback on each side with no room to access the backyard from the front street. One adjacent owner objected to access to the alley for fear that someone could cut through to the street to the east, or to 50th Street. Staff's opinion is that the possibility is not a real threat, and a condition is proposed that will not allow a connection from Elgin Avenue to the backyard.

In a recent zone case, staff did not support an opening in a fence on 19th Street for a drive-thru restaurant. However, there is a difference between a drive-thru restaurant and an office where only employees will come and go two times each day to park their cars. In this instance, the circumstances applicable to the particular location seem to support the opening. Only three parking spaces will be located in the backyard.

The amount of traffic to the home for delivering rent will increase the volume of traffic normally associated with a residence. Access to 50th Street discourages taking a back route through the neighborhood unless the person lives in the area. Paved pads in the front of the home and parking spaces in the backyard should satisfy the number of spaces required at the 1:200 ratio.

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

1. A drive access (with a maximum width of 24 feet) from the alley to the backyard parking shall be allowed.

2. Installation of a regulation single family fence shall be required on the north side including step down to the front property line.
3. No access to the rear yard be allowed from Elgin Avenue.

FISCAL IMPACT

None.

Staff and the Planning and Zoning Commission recommend approval.

5.11. Ordinance 2nd Reading - Right-of-Way : Ordinance No. 2008-00098, abandoning and closing a two-foot underground street light cable easement in Lot 49, Orchard Park Addition, 10808 Norwood Avenue.

On November 20, 2008, the City Council approved the first reading of the ordinance. The right-of-way ordinance abandons and closes a two-foot underground street light cable easement located along the west side of Lot 49 Orchard Park. The proponent owns lots 48 and 49 and will be building over the lot line. Lubbock Power & Light is in agreement with the easement closure.

FISCAL IMPACT

None.

Staff recommends approval.

5.12. Ordinance 1st Reading - Right-of-Way : Ordinance No. 2008-00107, abandoning and closing three underground utility, pedestal, and meter easements located in lots 2, 3, and 4, Castellina Addition, 4501 19th Street.

The ordinance abandons and closes three underground utility, pedestal, and meter easements located south of 19th Street and west of Raleigh Avenue. The easements are being closed for new development on the lots and are no longer needed for easement purposes and for public use. Lubbock Power & Light and other utility companies are in agreement with the closures.

FISCAL IMPACT

None.

Staff recommends approval.

5.13. Ordinance 2nd Reading - Traffic Engineering : Ordinance No. 2008-00097, establishing the population of the City of Lubbock by ordinance so that city limits signage may be altered on State Highways by the Texas Department of Transportation to reflect the current population figure for Lubbock, Texas.

On November 20, 2008, the City Council approved the first reading of the ordinance. The Texas State Data Center has officially released the most recent population estimate for the City. For the Texas Department of Transportation to

indicate Lubbock's current population on all applicable state highway signage, the population must be adopted by the City Council.

The ordinance establishes Lubbock's population at 218,327 and directs that the population be shown on all applicable state highway signage.

Estimates of the Total Population of Counties and Places in Texas for July 1, 2007, and January 1, 2008, produced by the Texas State Data Center, is available in the City Secretary's Office.

FISCAL IMPACT

Funding is available in the Adopted FY 2008-09 Traffic Engineering Operating Budget.

Staff recommends approval.

5.15. Contract Resolution - Traffic Engineering : Resolution No. 2008-R0469 authorizing the Mayor to execute a purchase order contract with Allstates Coatings Company for traffic marking paint.

The Traffic Engineering Department uses water based traffic paint for marking yellow and white lines on pavement to provide important information to drivers. Traffic paint is used to maintain striping in travel lanes, crosswalks, and stop bars.

The \$27,210 purchase from Allstates Coatings Company of Gladewater, Texas, is through the Texas Procurement and Support Services (TPASS) Texas Department of Transportation Blanket Master Requisition No. 60117-7-25945-B, Purchase Order No. 486. TPASS administers a cooperative purchasing program created by legislation in 1979 in accordance with Sections 271.081-271.083 Local Government Code, V.T.C.A., Section 2155.202 and 2175.001(1) of the Texas Government Code, Title 10, Subtitle D. This legislation provides the legal authority for local governments to participate in the TPASS program and provides State of Texas volume purchasing power to local governments.

FISCAL IMPACT

Funding of \$27,210 is appropriated in the Adopted FY 2008-09 Traffic Operations Operating Budget.

Staff recommends approval.

5.16. Contract Resolution - Public Works : Resolution No. 2008-R0470 authorizing the Mayor to execute a professional engineering services contract with Parkhill, Smith & Cooper, Inc., for the design of Ash Avenue from Farm to Market Road 1294 to Utah Street, RFQ 08-735-BM.

The contract includes detailed design, plans, specifications, and estimates for the construction of Ash Avenue from Farm to Market Road (FM) 1294 to Utah Street. Ash Avenue is shown on the Master Thoroughfare Plan as a type T-2 thoroughfare. However, with Ash Avenue's proximity to Interstate-27, staff is

Regular City Council Meeting
December 4, 2008

recommending that Ash Avenue be a 46-foot collector street. When complete, the street will be an 8-inch reinforced concrete section. The design will include the roadway, railroad crossing signals as necessary, any necessary drainage features, and illumination. A review of the horizontal alignment will be performed to improve the access and turning movements at the intersection of FM 1294. The consultant will perform a subsurface utility investigation, work with utility companies to resolve any potential utility conflicts, perform a geotechnical investigation, and design a traffic control plan for construction.

Architectural, engineering, and land surveying service providers are prohibited from submitting competitive bids or cost proposals. Texas Government Code Chapter 2254.004 requires that the City select the most highly qualified provider of services on the basis of demonstrated competence and qualifications and then attempt to negotiate with that provider a contract at a fair and reasonable price.

The following engineering firms submitted statements of qualifications and are ranked as follows:

Parkhill, Smith & Cooper of Lubbock, TX	444
Freese & Nichols of Lubbock, TX	427
HDR Engineering of Austin, TX	421
Wilson and Company of Fort Worth, TX	387
Mactec of Lubbock, TX	374
Dannenbaum Engineering of Dallas, TX	367
Nathan D. Maier Consulting Engineers of Dallas, TX	348
Enprotec/Hibbs & Todd of Abilene, TX	345
BWR of Dallas, TX	338
Oller Engineering of Lubbock, TX	304
Craig Wallace Construction of Lubbock, TX	205

Qualifications were evaluated based on criteria published in the Request for Qualifications (RFQ):

- Project Team Organization and Qualifications (30%)
- Past Project Experience (30%)
- Project Approach (35%)
- Overall Responsiveness to the RFQ (5%)

A selection committee evaluated and scored statements of qualifications. Parkhill, Smith & Cooper and their team of subconsultants have the most knowledge of the project and have designed numerous projects for the Lubbock Railport Development. Their team's extensive knowledge of Railport issues associated with the project will be beneficial to the design of the project.

The Parkhill, Smith & Cooper team includes:

Robert Smith Surveying of Lubbock, TX
So-Deep of San Antonio, TX
Terra Testing of Lubbock, TX

The contract will not exceed \$394,039. The cost of basic services is \$357,044 and the not-to-exceed amount for hourly fees is \$36,995. The total equals 8% of the estimated cost of construction. The number of hours tasked to perform each item was reviewed by staff and is believed to be within the professional engineering scope necessary to complete the project. The proposed timeline for completion of the project is 11 months.

FISCAL IMPACT

\$5.6 million is appropriated in Capital Improvement Project 92157, Ash Avenue - FM 1294 to CR5800, with \$394,039 available for this purpose.

Staff recommends approval.

5.17. Contract Resolution - Public Works : Resolution No. 2008-R0471 authorizing the Mayor to execute a professional engineering services contract with Parkhill, Smith & Cooper, Inc., for the design of Milwaukee Avenue from 100th Street to Farm to Market Road 1585 (130th Street), RFQ 08-733-BM.

The contract includes detailed design, plans, specifications, and estimates for the construction of Milwaukee Avenue from 100th Street to Farm to Market Road 1585. Milwaukee Avenue is shown on the Master Thoroughfare Plan as a type T-2 thoroughfare and, when complete, will be an eight-inch reinforced concrete section consisting of six travel lanes and a continuous left turn lane. The design will include the roadway, extension of water and sewer, any necessary drainage features, illumination, and traffic signals. The consultant will perform a subsurface utility investigation, work with utility companies to resolve any potential utility conflicts, perform a geotechnical investigation, and design a traffic control plan for construction.

Architectural, engineering, and land surveying service providers are prohibited from submitting competitive bids or cost proposals. Texas Government Code Chapter 2254.004 requires that the City select the most highly qualified provider of services on the basis of demonstrated competence and qualifications and then attempt to negotiate with that provider a contract at a fair and reasonable price.

The following engineering firms submitted statements of qualifications and are ranked as follows:

Parkhill, Smith & Cooper of Lubbock, TX	454*
Kimley-Horn and Associates of Irving, TX	446*

Regular City Council Meeting
December 4, 2008

HDR Engineering of Austin, TX	395
Dannenbaum Engineering of Dallas, TX	383
Mactec of Lubbock, TX	374
Wilson and Company of Fort Worth, TX	367
Nathan D. Maier Consulting Engineers of Dallas, TX	361
Edminster, Hinshaw, Russ & Associates of Houston, TX	349
BWR of Dallas, TX	344
Enprotec of Lubbock, TX	344
Oller Engineering of Lubbock, TX	289
Craig Wallace Construction of Lubbock, TX	158

- * Firms receiving the highest scores based on their written proposals were selected for interviews. The scores were then adjusted based on the interviews.

Qualifications were evaluated based on criteria published in the Request for Qualifications (RFQ):

Project Team Organization and Qualifications (30%)

Past Project Experience (30%)

Project Approach (35%)

Overall Responsiveness to the RFQ (5%)

A selection committee evaluated and scored statements of qualifications and selected the two firms with the highest scores for interviews. Parkhill, Smith & Cooper and their team of subconsultants have the most knowledge of the project and have designed numerous projects and developments surrounding the corridors. Their team's extensive knowledge of drainage issues associated with the project will be beneficial to the design of the project.

The Parkhill, Smith & Cooper team includes:

Hugo Reed and Associates of Lubbock, Texas

Grimes and Associates of Lubbock, Texas

So-Deep of San Antonio, Texas

PaveTex Engineering and Testing of Lubbock, Texas

The not-to-exceed \$745,481 contract amount equals 7% of the estimated cost of construction. The number of hours tasked to perform each item was reviewed by staff and is believed to be within the professional engineering scope necessary to complete the project. The proposed timeline for completion of the project is 12 months.

FISCAL IMPACT

\$1.5 million is appropriated in Capital Improvement Project 92159, Milwaukee Avenue 100th to FM 1585, with \$745,481 available for this purpose.

Staff recommends approval.

5.18. Contract Resolution - Solid Waste : Resolution No. 2008-R0472 authorizing the Mayor to execute a construction contract with L.D. Kemp for the Closure of Cell IV Landfill No. 69 Project, BID 08-740-DD.

The project involves the construction of an alternate final cover soil cap for the Cell IV at Landfill No. 69 Project. Closure of a cell is required by the Texas Commission for Environmental Quality when a landfill cell has reached capacity. The state has had the request for an alternate final cover system under review for the past five years while weather data was collected. Proposals are ranked as follows:

L.D. Kemp Excavating of Haltom City, TX	\$733,403	517
Kirkland Construction of Rye, CO	\$1,355,475	334
Allen Butler Construction of Lubbock, TX	\$1,676,835	263
Lone Star Dirt & Paving of Lubbock, TX	\$1,997,370	225
West Texas Paving of Lubbock, TX	\$1,836,000	211

Time for completion is 270 calendar days and liquidated damages are \$500 per day.

The bid is awarded by unit price. The total amount of the award is estimated and actual expenditures may be more or less depending on actual needs. The price per unit will not change.

Seventeen local businesses were notified of the Invitation to Bid.

L.D. Kemp Excavating has performed several projects for the Solid Waste Department in a professional and responsible manner. Past projects were completed within budget, with minimal change orders, and on schedule.

FISCAL IMPACT

\$2,575,700 is appropriated in Capital Improvement Project 9976, Closure of Cell IV Landfill No. 69, with \$733,403 available for this purpose.

Staff recommends approval.

5.19. Contract Resolution - Community Development : Resolution No. 2008-R0473 authorizing the Mayor to execute a contract with the Community Housing Resource Board from the HOME Investment Partnership Program for operations associated with the administration of programs.

Regular City Council Meeting
December 4, 2008

Grantee: Community Housing Resource Board

Program: Community Housing Development Organization Operations

Funding Source: 2008-09 Home Partnership Grant

Use of Funds: Funds are used for operations associated with the administration of programs offered by the Community Housing Resource Board.

Amount: \$50,000

Match and Return of Investment: Not required for Community Housing Development Organization Operations.

Terms: October 1, 2008, through September 30, 2011

Comments: On June 26, 2008, funding was approved by the City Council.

FISCAL IMPACT

Funds are used from the HOME Investment Partnership Program. Amount allocated to the project is \$50,000. Appropriation approved in the Adopted FY 2008-09 Community Development Operating Budget.

Staff recommends approval.

5.20. Contract Resolution - Community Development : Resolution No. 2008-R0474 authorizing the Mayor to execute a contract with the Community Housing Resource Board from the HOME Investment Partnership Program to purchase and rehabilitation houses for lease purchase to low-to-moderate income families.

Grantee: Community Housing Resource Board

Program: Lease/Purchase XIV Program

Funding Source: 2008-09 HOME Partnership Grant

Use of Funds: Funds are used to purchase and rehabilitation houses for lease purchase to low-to-moderate income families.

Amount: \$169,807

Match: Not required for HOME set-a-side funds or Community Housing Development Organizations.

Return of Investment: Grantee has the option of reinvesting program funds back into the Lease Purchase Program or can repay 25% of the grant amount used for the completion of the project.

Terms: October 1, 2008, through September 30, 2011

Comments: On June 26, 2008, funding was approved by the City Council.

FISCAL IMPACT

Funds are used from the HOME Investment Partnership Program. Amount allocated to the project is \$169,807. Appropriation approved in the Adopted FY 2008-09 Community Development Operating Budget.

Staff recommends approval.

5.21. Contract Resolution - Community Development : Resolution No. 2008-R0475 authorizing the Mayor to execute a contract with the Lubbock Habitat for Humanity from the HOME Investment Partnership Program for the construction of two new homes.

Grantee: Lubbock Habitat for Humanity

Program: Building Houses Building Hope Program

Funding Source: 2008-09 HOME Partnership Grant

Use of Funds: Funds are used for the construction of two new homes.

Amount: \$90,000

Match: 25% with eligible match to be reported to the U.S. Department of Housing and Urban Development as HOME match funds to further affordable housing.

Return of Investment: Grantee has the option of reinvesting program funds back into the Building Houses Building Hope Program or can repay 25% of the grant amount used for the completion of the program as outlined in the Citizens' Guide.

Terms: October 1, 2008, through September 30, 2011

Comments: On June 26, 2008, funding was approved by the City Council.

FISCAL IMPACT

Funds are used from the HOME Investment Partnership Program. Amount allocated to the project is \$90,000. Appropriation is approved in the Adopted FY 2008-09 Community Development Operating Budget.

Staff recommends approval.

5.22. Contract Resolution - Facilities : Resolution No. 2008-R0476 authorizing the Mayor to execute a lump sum contract with Lydick-Hooks Roofing Company to repair and or replace roof tiles at the Buddy Holly Center, RFP 08-741-DD.

The project involves the repair and or replacement of damaged roof tiles at the Buddy Holly Center. Many tiles have been damaged and are in need of replacement to prevent water from damaging the interior of the facility. The replacement tiles have been approved by the Historical Design Commission.

Bids were obtained using the competitive sealed proposal procedure prescribed by Texas Local Government Code, Section 271.116. Using the competitive sealed proposal procedure helps local governments attract contractors who otherwise may not have an interest in participating on the basis of low bid and it gives the City the ability to bring the project in within the budget with the contractor who offers the best value. In determining best value, the City is not restricted to considering price alone, but may consider any other factor stated in the selection criteria. The bidding method is compared to the competitive sealed bid method that limits the City to basing contract award on the lowest bid, which may be over budget requiring the City to budget additional funds or re-bid the project after modifying the plans and specifications.

Selection criteria published in the Request for Proposal include price, 70%; contractor qualifications, 20%; safety record, 5%; and construction time, 5%. Bid proposals are ranked as follows:

Lydick-Hooks Roofing Company of Lubbock, TX	\$ 78,951	480 Points
Parsons Commercial Roofing of Waco, TX	138,115	320 Points
JR's Landscaping & Sprinkler of Lubbock, TX	130,000	318 Points

Time for completion is 120 consecutive calendar days and liquidated damages are \$250 per day.

Twenty-four local businesses were notified of the Invitation to Bid.

FISCAL IMPACT

\$900,000 is appropriated in Capital Improvement Project 92144, Buddy Holly Center, with \$78,951 available for this purpose.

Staff recommends approval.

5.23. Contract Resolution - Fleet Services : Resolution No. 2008-R0477 authorizing the Mayor to execute a purchase order contract with Frontier Dodge for the Waste Water Collection Department one cargo van , BID 08-088-FO.

The purchase order contract is for one diesel engine cargo van with a high roof for the Waste Water Collection Department. The department uses the vehicle for storing and transporting emergency equipment used for confined space entries and other emergency situations requiring a tripod, a man-winch, a free fall winch, two 3000PSI compressed air units, and a manhole blower.

The only bid received is from Frontier Dodge of Lubbock, Texas, for \$49,913.

FISCAL IMPACT

The replacement vehicle was included in the Adopted FY 2007-08 Master Lease Program. The annual payment is appropriated in the FY 2008-09 Waste Water Collection Operating Budget.

Staff recommends approval.

5.24. Contract Resolution - Police : Resolution No. 2008-R0478 authorizing the Mayor to execute a contract with the United States Department of Justice for participation in the Federal Equitable Sharing Program for sharing federally forfeited cash, property, and proceeds with participating law enforcement agencies.

The Federal Equitable Sharing Agreement sets forth the requirements for participation in the Federal Equitable Sharing Program and restrictions for use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participation law enforcement agencies. The City agrees that it will be bound by the statutes and guidelines that regulate shared assets and the requirement set forth for participation in the Federal Equitable Sharing Program.

Receipt of the signed Equitable Sharing Agreement and Certification is a prerequisite to receiving equitably shared cash, property, or proceeds.

FISCAL IMPACT

Federally forfeited cash, property and proceeds are shared with the Lubbock Police Department.

Staff recommends approval.

6. REGULAR AGENDA (CONTINUED)

Note: Regular Agenda Items, Consent Agenda Items and Work Session Items moved to Regular Agenda, are listed in the order they were addressed (5.1.1-5.1.4; 5.1; 5.2-5.4; 5.10; 6.3; 6.1; 6.2; 5.5; 5.6; 5.14; 6.4; 5.7; 7.1; and 6.6).

5.1. Budget Amendment Ordinance 2nd Reading - Finance : Ordinance No. 2008-O0099, Amendment No. 2, amending the FY 2008-09 Budget respecting the Grant Fund, General Fund, and the Central Business District Tax Increment Finance Special Revenue Fund.

On November 20, 2008, the City Council approved the first reading of the ordinance.

5.1.1. Accept and appropriate \$17,850 from the Lubbock Emergency Communication District Public Safety Answering Points Grant for the Lubbock Police Communications Center, reduce the Police Communications operating budget by \$1,983, and transfer \$1,983 from the General Fund to the Grant Fund for the City's required ten percent match. The three-part grant funds the following:

- a) Automatic Vehicle Locator, Traffic Management, and Weather Monitors
- The Automatic Vehicle Locator monitor is a vital resource used to assist Dispatchers and Officers by facilitating a quicker dispatch/response time to a specific incident. The traffic management and weather monitors will be used by the Police Department to view traffic on Lubbock freeways via eight live video cameras.

Regular City Council Meeting
December 4, 2008

Total Project Cost	\$7,848
Grant amount	7,063
City ten percent match	785

- b) Six Ergonomic Chairs - Comfortable, functioning chairs are a necessity when operating a 24 hour, seven day a week communications center. Telecommunicators sit for extended periods of time, which can trigger problematic stressors.

Total Project Cost	\$5,350
Grant amount	4,815
City ten percent match	535

- c) Laptop Computers/Training Evaluation Software - Expectation's Evaluation Software will be installed on five laptop computers allowing the training process of Public Safety Dispatchers to be streamlined. The software will make it easier to track employee progress and spot potential problem areas through computerized evaluation reports provided daily, weekly, monthly, and annually.

Total Project Cost	\$6,635
Grant amount	5,972
City ten percent match	663

- 5.1.2. Accept and appropriate \$14,754 from the Lubbock Emergency Communication District Public Safety Answering Points (PSAP) Grant Program for the Lubbock Fire Communications Center, reduce the Fire Communications operating budget by \$1,639, and transfer \$1,639 from the General Fund to the grant Fund for the City's required ten percent match. The grant will allow the purchase of the following items:

- One complete computer system setup
- Two license fees for Tiburon CAD software
- One display clock
- One PowerPhone complete set of Police/Fire/Medical guides
- Two computer cards
- Two ethernet cables
- One television set
- One laptop computer

- 5.1.3. Accept and appropriate \$142,547 from the South Plains Association of Governments (SPAG) for the Area Agency on Aging (AAA) Direct Purchase of Services Program and appropriate \$101,436 of anticipated program revenues, for a \$243,983 grant program budget. The AAA Direct Purchase of Services program is a pass-through grant from the

Regular City Council Meeting
December 4, 2008

Texas Department on Aging and Disability Services (TDADS). The required in-kind match of \$14,255 is included in the Adopted FY 2008-09 Parks and Recreation Operating Budget.

SPAG administers funding received from the TDADS for the AAA Direct Purchase of Services Program. This program purchases senior meals or transportation units from service providers in SPAG's 15-county district for services provided to area senior citizens.

The City has contracted with SPAG for the AAA Direct Purchase of Services Program for the past 29 years providing services for senior citizens through the City's five Senior Program locations. The Senior Program provides Lubbock citizens 60 years of age or older with hot meals, transportation, and recreation and social activities. Meals are currently supplied by ARAMARK Educational Services, Inc., and are scheduled to be re-bid by April 3, 2009. The FY 2008-09 agreement with SPAG provides reimbursement for meals and transportation service units.

The funding process begins in July with a bidder's conference for the senior sites in SPAG's 15-county area. Applications are due in early August. SPAG receives notification in early September from TDADS indicating estimated funding for the coming year. SPAG staff determine how much funding each site will receive by reviewing prior year averages and funding, plus the amount SPAG has been awarded for the new year. For FY 2008-09, SPAG received an approximate ten percent increase in the TDADS funding, which SPAG has divided among each of the sites in the program. Funding for each site was finalized after approval from the SPAG Board in mid-October. The City was notified of award amounts in late October.

Reimbursements for the program are made on a monthly basis. Senior sites compile their client information and number of services units (meals or trips) monthly. After month end, the sites forward their information to SPAG electronically and by paper copy. SPAG verifies the information and then loads it into the TDADS system electronically. SPAG then requests the funding from TDADS. Upon receipt of the funds from TDADS, SPAG generates a check for each program site. Staff anticipates serving approximately 50,739 meals and approximately 7,459 units of transportation.

The total estimated revenue to the City of Lubbock from the SPAG contract and program income utilized to operate this program is:

Grant-Congregate Meals	\$130,015
Grant-Transportation	12,532
Program Income FY 2008-09	58,425
Program Income from Previous Years	43,011
Total	243,983

Monetary donations are accepted from individuals who utilize meal and transportation services. The recommended donation is \$3 per meal for those 60

years of age and over. Those under age 60 are required to pay \$5 per meal. The recommended donation for transportation is \$1 per one-way trip.

- 5.1.4. Accept and appropriate \$35,589 from the Texas State Library and Archives Commission for the Loan Star Libraries Program. The grant provides funds to maintain, improve, and enhance local library services and provides Texas residents access to, and services from, participating public libraries. The grant funds library materials, one part-time Reference Librarian, and one part-time Library Aide III.

The 80th Texas State Legislature appropriated \$4.5 million for the FY 2008-09 biennium for the Loan Star Libraries program. The grant provides grants-in-aid to public libraries of the Texas State Library System. The Lubbock Public Library is receiving \$35,589 in State FY 2009. This is the eighth year the City has received Loan Star Libraries Grant funds.

The direct aid program (13 TAC Sec. 2.160) provides incentives for local communities to extend public library service without charge to Texans residing outside each library's local legal service area; improves library services statewide; and improves access to public library resources for Texans.

Due to geographical factors, the Lubbock Public Library has never instituted a non-resident fee, and has provided reciprocal borrowing status to persons living in the 29-county area covered by the West Texas Library System. With these provisions, the Lubbock Library is eligible to receive full funding under the direct aid program.

- 5.1.5. Appropriate \$515,500 of the Central Business District Tax Increment Finance Special Revenue Fund balance for the Downtown Revitalization Master Developer Consultant Agreement. \$265,500 will be budgeted for consulting services. Completion of specific tasks as set forth in the consultant agreement will be billed on a monthly basis at a rate of \$29,500 for nine months of the fiscal year. Fifty percent of reimbursable expenses under the agreement, or \$250,000, is included in the amendment. Reimbursable expenses include copying of drawings, specifications, reports, cost estimates reproductions, plots, and other copy expenses; postage, handling, and delivery of documents prepared in connection with the services of the Master Developer Consultant; cost of authorized out-of-town travel and subsistence for Master Developer Consultant; cost of professional services contracted through third parties for land planning, schematic design, environmental assessments, utility relocation assessments, and other professional services; and other similar direct project-related expenditures. Direct personnel expenses such as salaries, employee benefits, and insurance are not reimbursable expenses.

FISCAL IMPACT

Included in item summary.

Staff recommends approval.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Ordinance No. 2008-O099, which includes Item #5.1 and sub-items 5.1.1-5.1.5, as recommended by staff; however sub-item 5.1.5 was addressed separately. Motion carried: 7 Ayes, 0 Nays.

Motion was made by Council Member Price, seconded by Council Member DeLeon to approve the appropriation of \$515,500 of the Central Business District Tax Increment Finance Special Revenue Fund balance for the Downtown Revitalization Master Developer Consultant Agreement (sub-item 5.1.5). Motion carried: 5 Ayes, 2 Nays. Council Member Beane and Council Member Klein voted nay.

5.1.1 Resolution No. 2008-R0479 accepting the Lubbock Emergency Communication District Public Safety Answering Points Grant to fund equipment for the Lubbock Police Communications Center.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Resolution No. 2008-0479 as recommend by staff. Motion carried: 7 Ayes, 0 Nays.

5.1.2 Resolution No. 2008-R0480 accepting the Lubbock Emergency Communication District Public Safety Answering Points Grant to fund equipment for the Lubbock Fire Communications Center.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Resolution No. 2008-R0480 as recommend by staff. Motion carried: 7 Ayes, 0 Nays.

5.1.3 Resolution No. 2008-R0481 authorizing the Mayor to execute a grant contract with the South Plains Association of Governments, related to pass-through funds from the Texas Department on Aging and Disability Services for the Area Agency on Aging Direct Purchase of Services Program, to provide meals and transportation services for the City of Lubbock's Senior Citizens Program.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Resolution No. 2008-R0481 as recommend by staff. Motion carried: 7 Ayes, 0 Nays.

5.1.4 Resolution No. 2008-R0482 authorizing the Mayor to execute a grant agreement with the Texas State Library and Archives Commission to fund maintenance, improvements, and enhancements of local library services.

Motion was made by Council Member Price, seconded by Council Member Klein to approve Resolution No. 2008-R0482 as recommend by staff. Motion carried: 7 Ayes, 0 Nays.

5.2. Budget Amendment Ordinance 2nd Reading - Finance : Ordinance No. 2008-O0105, Amendment No. 3, amending the Adopted FY 2008-09 Budget respecting the City of Lubbock Organization Chart.

On November 20, 2008, the City Council approved the first reading of the ordinance by changing the reporting structure of the Animal Services Department, moving it under the Deputy City Manager. The revised organization chart is attached to the ordinance as Exhibit A.

The change in reporting structure of the Animal Services Department will require amendments to the following sections of the Code of Ordinances:

4-1 Definitions

4-8 Abatement and imminent threat; search warrants

4-24 Animal assistance program

4-26 Standards for animal establishments

4-32 Complaint about a dangerous animal

The amendments to the Code of Ordinances will be placed on a future City Council Agenda.

FISCAL IMPACT

None.

Staff recommends approval.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Ordinance No. 2008-00105 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Member Beane and Council Member Leonard voted nay.

5.3. Budget Amendment Ordinance 1st Reading - Finance : Ordinance No. 2008-00108 authorizing the establishment of a second appointed position as Deputy Fire Chief of the City of Lubbock Fire Department pursuant to Section 143.014, Local Government Code; and amending the FY 2008-09 Budget for municipal purposes with respect to the Fire Department manning table (sworn job grade summary).

The ordinance authorizes the establishment of a second appointed position as Deputy Fire Chief of the City of Lubbock Fire Department pursuant to Section 143.014, Local Government Code (Code). The Fire Department currently has more than 300 certified fire fighters. Upon approval by the City Council, the Fire Chief may appoint two persons to the classification immediately below that of department head pursuant to the Code. The Fire Department currently has only one person appointed to the classification immediately below that of department head.

FISCAL IMPACT

None.

Staff recommends approval.

Fire Chief Rhea Cooper and Kevin Overstreet, Emergency Management Coordinator, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Mayor Pro Tem Gilbreath to approve Ordinance No. 2008-O0108 as recommended by staff. Motion carried: 4 Ayes, 3 Nays. Council Member DeLeon, Council Member Price and Council Member Klein voted nay.

5.4. Resolution - Finance : Resolution No. 2008-0483 approving the Lubbock Central Appraisal District proposal to acquire real property, to construct and renovate buildings and other improvements, and to convey real property owned.

The Lubbock Central Appraisal District (LCAD) has been planning and projecting future needs in several areas of operation, including the LCAD facility. Crowded conditions at the existing facility and increasing population growth in Lubbock have prompted LCAD to submit a proposal to renovate an existing facility.

LCAD's existing facility is approximately 18,749 square feet with 117 parking spaces. The acquisition of the facility recommended in the proposal will expand LCAD's space to 33,420 square feet with 193 parking spaces.

Appraisal districts are required by law to go through a unique process that requires the board of directors of the appraisal district to propose a property transaction, which requires approval by three-fourths of the voting taxing units. LCAD then notifies the presiding officer of each governing body entitled to vote on the proposal by delivering a copy of the board's resolution, together with information showing the costs of other available alternatives to the proposal. On or before the 30th day after the date the presiding officer receives notice of the proposal, the governing body of the taxing unit may approve or disapprove the proposal. If the governing body fails to act on or before the 30th day, or fails to file its resolution with the chief appraiser on or before the 10th day after the 30th day, the proposal is treated as if it were disapproved by the governing body.

LCAD is not asking that the City of Lubbock approve the construction of the new building alternative in the last section of the proposal. The attached proposal has been provided solely to satisfy the statutory requirement of providing alternatives. LCAD is asking the City to approve the purchase and renovation of an existing facility.

FISCAL IMPACT

The proposal does not impact the City's allocation of LCAD's budget until the first quarterly payment of the 2010 budget, which is due December 31, 2009. Any payments due before December 31, 2009, will be made by the appraisal district from reserves. Projected financing options and annual debt service estimates are provided.

The financing options include estimates for 10, 12, 15, and 20 year terms and interest rates of 5.50%, 5.75%, 6.00%, and 6.25%. The actual impact to the City for each of the scenarios is provided in backup titled "Projected Financing Options and Annual Debt Service Estimates".

Staff recommends approval.

Bobby McQueen and Greg Jones, members of the Central Appraisal District Board, gave comments and answered questions from Council.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member Price to approve Resolution No. 2008-R0483. Motion carried: 5 Ayes, 2 Nays. Council Member Beane and Council Member Leonard voted nay.

5.10. Ordinance 2nd Reading - Business Development : Ordinance No. 2008-00100 approving the Third Amended Central Business District Tax Increment Finance Reinvestment Zone Project Plan and Finance Plan as adopted by the Board of Directors of the Central Business District Tax Increment Financing Reinvestment Zone.

On November 20, 2008, the City Council approved the first reading of the ordinance. On December 3, 2001, the City Council created the Central Business District Tax Increment Finance (CBD TIF) Reinvestment Zone and appointed the CBD TIF Board. The Board of the CBD TIF adopted the Third Amended Finance Plan and Project Plan at their November 11, 2008, meeting and has submitted these plans to the City Council for approval.

The total project cost did not change in the Project Plan and Finance Plan. An additional category was added and funding for other categories were reduced. The changes to the plans are as follows:

- Gateway/Entranceway development and improvement was reduced by \$1 million.
- Organizational and Professional service costs including planning, architectural, and environmental studies necessary to implement the plan were added with funding of \$2.27 million.
- Participation in development of a "Mercado/public Plaza" and/or "Farmer's Market" was reduced by \$300,000.
- Participation in development of a rail terminal and related facilities category was deleted, a reduction of \$300,000.
- Development of public parking was reduced by \$500,000.
- Planning for and participation in development (construction or renovation) of a visitor center was deleted, a reduction of \$300,000.
- Infrastructure and utilities in connection with new construction and renovation projects was increased by \$130,000.

The Finance Plan shows an estimated new value of \$91.8 million. The Project Plan illustrates public improvements totaling \$10.4 million. Copies of the Third Amended Finance Plan and Project Plan are provided.

FISCAL IMPACT

Anticipated public improvements of \$10.4 million will be funded from incremental tax revenues collected by the CBD TIF Reinvestment Zone.

Staff and the Central Business Tax Increment Finance Board recommend approval.

Robert Taylor, Chair of the Central Business District TIF Reinvestment Zone; Delbert McDougal, McDougal Companies; Jim Cummings, Co-Chair of the Downtown Revitalization Committee; Rob Allison, Development Services Assistant City Manager; and Cheryl Brock, Business Research Specialist gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Ordinance No. 2008-00100 as recommended by staff and the Central Business District TIF Board. Motion carried: 5 Ayes, 2 Nays. Council Member Beane and Council Member Klein voted nay.

6.3. Contract Resolution - Business Development : Resolution No. 2008-R0484 authorizing the Mayor to execute an agreement with McDougal Company, L.C., for master developer and consultant services to oversee and implement the Downtown Revitalization Action Plan.

On February 5, 2008, the Downtown Redevelopment Commission (DRC) presented the Downtown Revitalization Action Plan to the community. On February 14, 2008, the City Council adopted the plan.

On August 28, 2008, the City Council approved a resolution, recommended by the DRC and the Central Business District Tax Increment Reinvestment Zone Board (CBD TIF), directing the staff to begin negotiating a Master Developer/Consultant Agreement with the McDougal Land Company, L.C. This agreement is with McDougal Land Company, L.C. to provide services as the Master Developer and Consultant for the purpose of implementing the Downtown Revitalization Action Plan. The proposed contract is provided in backup and identifies the responsibilities of the City and the Master Developer/Consultant.

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

The Downtown Revitalization Action Plan is available in the Business Development office.

FISCAL IMPACT

Funding for the project is from the CBD TIF Reinvestment Zone.

Staff recommends approval.

Robert Taylor, Chair of the Central Business District TIF Reinvestment Zone; Delbert McDougal, McDougal Companies; Jim Cummings, Co-Chair of the Downtown Revitalization Committee; Rob Allison, Development Services Assistant City Manager; and Cheryl Brock, Business Research Specialist gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Resolution No. 2008-R0484 as recommended by staff. Motion carried: 5 Ayes, 2 Nays. Council Member Beane and Council Member Klein voted nay.

10:15 A.M. CITY COUNCIL RECESSED.

10:30 A.M. CITY COUNCIL RECONVENED.

6.1. Public Hearing 10:00 a.m. - Business Development : Hold a public hearing to consider an ordinance to levy the assessment for the North Point Public Improvement District, the boundary between Erskine Avenue and Ursuline Avenue, and North Quaker Avenue to east of Frankford Avenue.

Mayor Martin opened the public hearing at 10:34 a.m. No one appeared in favor of the ordinance. Candace Tickle and Lori Johnson spoke in opposition of the ordinance. Mayor Martin closed the public hearing at 10:38 a.m.

The public hearing provides an opportunity for property owners in the North Point Public Improvement District (PID) to speak in favor of or opposition to the assessment to be levied in the North Point PID. The City is required to hold a public hearing annually to levy the assessment. A notice of the Public Hearing was published in the Lubbock Avalanche Journal and notices were mailed to property owners on November 21, 2008, as required by statute.

FISCAL IMPACT

None.

Staff recommends approval.

Rob Allison, Development Services Assistant City Manager; and Cheryl Brock, Business Research Specialist, gave comments and answered questions from Council.

Mayor Pro Tem Gilbreath requested staff to draft a proposal for creating a committee composed of residents and developers in North Point.

6.2. Ordinance 1st Reading - Business Development : Ordinance No. 2008-00109 reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the North Point Public Improvement District; approving, adopting, and filing with the City Secretary the Assessment Roll; closing the hearing and levying assessments based on the revised Service Plan for the cost of certain services and/or improvements to be provided in the District during 2009.

The North Point Public Improvement District (PID) was created to maintain the common areas on North Slide and adjacent right of way, building and maintaining a hike and bike trail located under a utility easement, repair and replacement of amenities, electric costs for entryway lighting, and enhancing and maintaining amenities in the entry stations on North Slide Road all in accordance with the Act. The District is to supplement and enhance services within the District, but not replace or supplant existing City services provided within the District. The District is located wholly within the City of Lubbock, Texas. The North Point Public Improvement District (PID) generally covers the area between Erskine and Ursuline, and between North Quaker to a line east of Frankford. This area is approximately 543 acres.

Each year, the City is required to:

1. Review classifications for the methods of assessing special benefits for the services and improvements of property in the North Point Public Improvement District (PID);
2. Approve, adopt and file with the City Secretary the assessment roll; and
3. Levy the assessment for the PID. The ordinance is preceded by a public hearing allowing property owners in the District an opportunity to speak in favor of or in opposition to the assessment rate, pursuant to Chapter 372, Texas Local Government Code. The proposed assessment rate for 2009 is \$0.14 per \$100 of valuation through year 2013, decreasing to \$0.08 per \$100 of valuation in 2014. The assessment rate proposed for 2009 is the same as the 2008 rate. All property will be assessed for 2009.

The development in the North Point PID is slower than originally projected, therefore the Service Plan was revised to reflect the change in projected investment. The slower rate of development also impacts the assessment rate over the long term. In the revised Service Plan attached to the ordinance, the annual assessment rate is changed as follows:

- \$0.14 per \$100 valuation extended through 2013
- Beginning 2014, the assessment rate will be \$0.08 per \$100 valuation

City Council is required to review the Service Plan annually and adopt an ordinance setting the assessment rate for the PID. The revised Service Plan is provided.

FISCAL IMPACT

The assessments will be placed in a separate North Point PID Fund. Funds raised by the assessment in the District will provide maintenance on the common areas on North Slide Road and adjacent right-of-way, repair and replacement of amenities, a green space located under a utility easement, amenities in the entry stations on North Slide Road, and a portion of the cost of administering the PID. The estimated total assessment that will be collected for 2008 is \$67,446 (97% collection).

Staff recommends approval.

Motion was made by Mayor Pro Tem Gilbreath, seconded by Council Member DeLeon to approve Ordinance No. 2008-00109 as recommended by staff. Motion carried: 7 Ayes, 0 Nays.

5.5. Contract Resolution - Human Resources : Consider a resolution authorizing the Mayor to execute a contract with the Lubbock Avalanche-Journal for advertising services.

No action was taken.

The one-year contract provides classified advertising in the Lubbock Avalanche-Journal for the City's employment opportunities.

The term of the contract is for a one-year period beginning December 1, 2008. The Avalanche-Journal will publish a minimum of one recruitment advertisement in each Sunday's classified section. The full-color advertisements are four columns by eight-inches are priced at the black-and-white rate. Access to lubbockonline.com, USXpress online, and Yahoo! Hot Jobs online is included in the contract. Advertising is billed at the rate of \$1,539 per week.

The contract allows the City to take advantage of a discounted per column inch rate not realized under a general classified purchase. The contract will not be affected by the Avalanche Journal's annual March rate increase.

FISCAL IMPACT

\$1,539 per week, or \$80,000 for the contract year. Funds are appropriated in the Adopted FY 2008-09 Operating Budget.

Staff recommends approval.

Andy Burcham, Chief Financial Officer and Vickie Bennett, Director of Human Resources gave comments and answered questions from Council.

Mayor Martin directed staff to create a resolution for the Council to consider that would be non-exclusive and work with the City's advertising agency. He also requested that more advertising is placed in the minority newspapers.

Council Member Leonard directed staff to give the Council more advance notice of resolutions that must come before Council for their consideration.

Council Member Price directed staff to have the Human Resources Department make the choice of where to advertise for available positions with the City.

There was Council consensus to have Ms. Dumbauld look at a comprehensive package with the advertising agency.

5.6. Annexation Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0104 authorizing the annexation of the land area (or portions thereof) between 660-feet east of the center line of Frankford Avenue, 660-feet south of the center line of Farm to Market Road 1585, 55-feet west of the center line of Alcove Avenue, all south of the existing city limits south of 114th Street.

On November 20, 2008, the City Council approved the first reading of the ordinance. During Work Session discussion and during two public hearings, the City Council is considering the area to be annexed within the boundaries stated in the agenda caption. During the public hearings, numerous residents of the area spoke and presented petitions from many of the landowners in the area requesting that the City Council not annex the area, or consider excluding portions of the area that are developed, and only annex undeveloped property. Staff was directed to discuss different possibilities with the residents. A PowerPoint presentation illustrates the original proposition and a proposal discussed at the second public hearing (the resident's second choice) as well as another proposal that expands on the undeveloped areas only to ensure governance of right-of-way when possible.

FISCAL IMPACT

The extension of "soft services" (police, fire, animal control, codes, street maintenance, etc.) will be extended within 60 days of the completion of the ordinance. With the relatively few residents on developed area within the three square miles, no fiscal impact estimates have been made. The service of paved streets, water, and sewer are outlined in the service plan attached to the ordinance.

Staff recommends approval.

Mr. Stark, a resident of the annexed addition, and Randy Henson, Director of Planning, gave comments and answered questions from Council.

Motion was made by Council Member Leonard, seconded by Council Member Beane to approve Ordinance No. 2008-O0104 as recommended by staff. Motion carried: 4 Ayes, 3 Nays. Council Member DeLeon, Council Member Price and Council Member Klein voted nay.

5.14. Contract Resolution - Traffic Engineering : Resolution No. 2008-R0485 authorizing the Mayor to execute a purchase order contract with Paradigm Traffic Systems for traffic controllers for use at signalized intersections.

The purchase order contract is for 11 Econolite Model No. 2070 traffic controllers from Paradigm Traffic Systems for use at signalized intersections. One controller will be used for the intersection at Slide Road and Erskine Street once the traffic signal is installed. The remaining controllers will replace Model No. 170 traffic controllers at existing intersections and will provide more flexibility for signalized intersection phasing. The purchase includes controllers, ethernet ports, and the proprietary Oasis firmware license.

The Model No. 2070 traffic controller manufactured by Econolite is the only known product compatible with Econolite equipment used by the City. Paradigm Traffic Systems of Fort Worth, Texas, is the sole qualified and authorized dealer for Econolite's proprietary products in West Texas. Consequently, this is a sole source procurement exempt from competitive bidding pursuant to Texas Local Government Code 252.022(a)(7)(A).

FISCAL IMPACT

\$52,800 is appropriated in several accounts:

Traffic Engineering's Adopted FY 2008-2009 Operating Budget	\$4,800
Capital Project 9296 (Computer System Design)	\$4,800
Capital Project 91102 (Slide Road: Loop 289 to Erskine Avenue)	\$4,800
Capital Project 92172 (Traffic Signals/Controllers)	\$38,400

Staff recommends approval.

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

Motion was made by Council Member Leonard, seconded by Council Member Beane to approve Resolution No. 2008-R0485. Motion carried: 5 Ayes, 0 Nays. Mayor Martin and Council Member Price were away from the dais.

6.4. Resolution - Water Utility : Resolution 2008-R0486 authorizing the Mayor to set forth the City's intent to participate in the Canadian River Municipal Water Authorities 2009 Revenue Bond Conjunctive Use Groundwater Supply Project.

The Canadian River Municipal Water Authority (CRMWA) has asked that Lubbock and other member cities (including Amarillo, Brownfield, Borger, Lamesa, Levelland, Pampa, Plainview, O'Donnell, Slaton, and Tahoka) participate in CRMWA's 2009 Revenue Bond project to further develop groundwater resources. The resolution allows the City to declare its intent to participate in the project. Formal contracts will come later once all the details are worked out.

CRMWA, with the support and participation of member cities, began using groundwater from Roberts County in 2002 to supplement water supplies from Lake Meredith. Previous to that time, Lake Meredith was CRMWA's sole

Regular City Council Meeting
December 4, 2008

source of water. Without the development of this alternative source of water, CRMWA's member cities would have faced severe water shortages and emergency rationing of water supplies.

The first phase of the Roberts County Well Field, John C. Williams Well Field, cost \$85 million and included the purchase of 42,000 acres of groundwater and the development of well field infrastructure. The City has an interest in CRMWA water supply capacities of 37.058 percent, consequently the City's portion of the expenses totaled \$31 million and offered an initial groundwater supply of 16,000 acre-feet (AF) annually.

In 2005 and 2006, CRMWA began to expand the well field from 42,000 acres to 265,999 acres. CRMWA issued revenue bonds totaling \$100 million with \$75 million set aside for the purchase of additional water rights and with \$25 million set aside for the development of well field infrastructure. The City's portion of the project is estimated at \$37 million. The project will:

- enable CRMWA to comply with the Panhandle Groundwater Conservation District regulations for limiting pumping,
- provide 15 million AF of water for CRMWA cities that should last for 100 years for member cities if the 54-inch pipeline remains the sole transmission line and restriction for use of groundwater, and
- increase annual groundwater supply for Lubbock to 21,000 AF.

In 2009, CRMWA plans on an additional revenue bond project supplementing the 2005 and 2006 project so that the ground water transmission lines and number of developed wells do not create a bottleneck in the system, and so that the groundwater project will be able to deliver the maximum amount of water through the 58-inch groundwater transmission line of 69,000 AF. Lubbock's 37.058 percent interest in the CRMWA project will increase Lubbock's groundwater allocation to 26,000 AF annually once the project is complete. Lubbock's share of the cost for this portion of the project is \$8 million.

The City's total cost for the Roberts County Wellfield will total \$76 million once each of the four debt issuances for the project are added together. CRMWA's total cost for the project will be about \$206 million.

Approval of the resolution will indicate the City's intent to do the following:

- Select Option 1a - The City expresses its intent to participate in the issuance of Contract Revenue Bonds, Series 2009 (Conjunctive Use Groundwater Supply Project) for Project Construction Costs, exclusive of Financing Costs, not to exceed \$21.1 million, with a total cost not to exceed \$21.6 million including Financing Costs.
- Select Option 2b - The City expresses its intent to participate at its current level of participation and will assume any additional amount that becomes available.
- Select Option 3a - The City expresses its intent to finance its participation solely through the Authority's revenue bonds.

FISCAL IMPACT

Adoption of the resolution does not bind the City to any financial commitments. It does set forth the City's intent to participate. Contract documents will follow at a future date committing the City to participate in the project.

The project cost is represented by CRMWA to be \$21.6 million of which the City will pay its 37.058 percent interest in the project, or \$8 million. While market conditions make any projection uncertain at this time, annual payments to CRMWA for debt service is estimated at \$650,844 annually until the debt is retired. These funds will be budgeted beginning in the FY 2009-10 Operating Budget.

The project is not included in the model for future budget and capital needs, so approval of the resolution will have an impact on previous rate increase projections.

Staff and the Lubbock Water Advisory Commission recommend approval.

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

Motion was made by Council Member Leonard, seconded by Council Member Price to approve Resolution No. 2008-R0486. Motion carried: 7 Ayes, 0 Nays.

5.7. Ordinance 2nd Reading - Planning : Ordinance No. 2008-O0103 Amending the Zoning Code as related to definitions and appropriate zoning districts regarding sales for off-premises consumption of alcohol.

On November 20, 2008, the City Council approved the first reading of the ordinance. After the November 2006 annexation of the strip and the subsequent reality that package sales of alcohol are now allowed in part of the City, the Planning Department began discussing future changes to the zoning code. Recent discussions by members of the business community about the possibility of expanding those sales to other parts of the City prompted the City Council to instruct staff to work with the Planning and Zoning Commission to study and make recommendations of potential zoning for the sale of alcoholic beverages intended for off-premise consumption.

During their work session and public hearing, the Planning and Zoning Commission confirmed that it is important that their recommendations for the sale of alcohol intended for off-premise consumption be based on compatible land use and the zoning code.

The Planning and Zoning Commission indicated that amendments allowing the sale of alcoholic beverages for off-premise consumption should fit within the current zoning code, graduating from the lighter commercial zoning districts to the heavier zoning districts in a fair and equitable manner.

In preparing this proposal, staff researched the original 1941 and 1955 zoning ordinances. Both of the ordinances listed places where beer and intoxicating

Regular City Council Meeting
December 4, 2008

liquors are sold for off-premise consumption, as permitted uses in what would become the Heavy Commercial (C-4) zoning district. The Planning and Zoning Commission agreed with these earlier ordinances and recommends that a full size package store should be limited to the heavier zoning districts of Central Business District, General (CB-3), Depot District (CB-4), Commercial District (C-4), Interstate Highway Commercial District (IHC), and Industrial District Park (IDP). However, due to the influence and negative impact of drive-thru service on adjacent areas, as well as increasing the potential of selling to minors, the Planning and Zoning Commission is of the opinion that package stores with drive-up windows or other types of drive-thru service should be limited to the manufacturing zoned areas of Light Manufacturing District (M-1), Heavy Manufacturing District (M-2), and Interstate Highway Industrial District (IHI), and that no drive-thru service be allowed in the commercial districts because of on-site congestion and the potential close proximity to residential property.

The Planning and Zoning Commission's recommendation allows the sale of alcohol as an incidental use, limited to no more than 25% of the floor area, in grocery stores and drug stores that are already permitted in the Neighborhood Service District (C-1), Commercial Apartment District (CA), Restricted Local Retail District (C-2A), Local Retail District (C-2), and General Retail District (C-3) zoning districts, while not allowing accessory pass-out windows or drive-thru service. After discussions with the Texas Alcoholic Beverage Commission, it is the opinion of the staff that due to the restrictions on days and hours of operation for stores that sell distilled spirits, the majority of the grocery stores and drug stores that sell alcohol as an incidental use will sell only beer and wine.

The Planning and Zoning Commission recommendation allows small package stores, approximately the size of a convenience store, in the C-3 zoning district, again not allowing accessory pass-out windows or drive-thru service. This will accommodate small package stores in shopping centers and other free standing buildings located in the C-3 zoned areas.

During the first reading of the ordinance, the City Council modified the Planning and Zoning Commissions recommendation by eliminating drive thru service in all zoning districts. The City Council also voted to modify the wording found in the original proposal from "automobile" to "motor vehicle".

Section 29-3 Definitions:

In the definition section of the code, Section 29-3, the Planning and Zoning Commission is recommending a number of clean-up items by removing the word "mixed" from several definitions. The word "mixed" is a hold-over from the wording of the original liquor-by-the-drink election.

Zoning Code does not have a definition for package store. Therefore, the Planning and Zoning Commission is proposing a definition that defines a package store as a place where alcoholic beverages are sold for off-premise consumption as the primary business activity.

The Planning and Zoning Commission saw the need to change the definition of incidental use. The Planning and Zoning Commission is proposing that an incidental use not occupy more than 25% of the floor area of the primary use. This change to the definition is important to give establishments a firm measure as to what is primary and what is secondary. This change to the definition section will limit a 3,000 square foot grocery store to no more than 750 square feet of total floor area dedicated to alcohol sales.

Section 29-14 CA Commercial-Apartment District

The Commercial-Apartment District (CA) currently allows grocery stores with not over 3,000 square feet of total floor area and it allows drug stores. The Planning and Zoning Commission recommends that the sale of beer and wine for off-premise consumption be permitted as an incidental use in grocery stores and drug stores already permitted in this district, with no accessory pass-out windows and/or delivery to customers in their motor vehicle.

Section 29-15 C-1 Neighborhood Service District

The Neighborhood Service District (C-1) currently allows grocery stores with not over 3,000 square feet of total floor area. However, this district does not allow drug stores. The Planning and Zoning Commission recommends that the sale of beer and wine for off-premise consumption be permitted as an incidental use in these already permitted grocery stores, with no accessory pass-out windows and/or delivery to customers in their motor vehicle.

Section 29-16 C-2A Restricted Local Retail District, Section 29-19 CB-1 West Broadway District, Section 29-19.1 CB-2 Central Business District, Broadway/13th/Main,

The Restricted Local Retail District (C-2A) West Broadway District (CB-1), and Central Business District, Broadway/13th/Main (CB-2) districts allow grocery stores with not over 3,000 square feet of total floor area and they allow drug stores. The Planning and Zoning Commission recommends that the sale of alcoholic beverages for off-premise consumption be permitted as an incidental use in these already permitted grocery stores and drug stores, with no accessory pass-out windows and/or delivery to customers in their motor vehicles.

Section 29-17 C-2 Local Retail District

The Local Retail District (C-2) allows drug stores and allows grocery stores with over 3,000 square feet, but not over 35,000 square feet, of total floor area. The Planning and Zoning Commission recommends that the sale of alcoholic beverages for off-premise consumption be permitted as an incidental use in these already permitted grocery stores and drug stores, with no accessory pass-out windows and/or delivery to customers in their motor vehicles.

Section 29-18 C-3 General Retail District

The General Retail District (C-3) allows drug stores and allows grocery stores of any size, including the big box super stores. The Planning and Zoning Commission recommends that the sale of alcoholic beverages for off-premise

consumption be permitted as an incidental use in these already permitted grocery stores and drug stores, with no accessory pass-out windows and/or delivery to customers in their motor vehicles.

The Planning and Zoning Commission recommends that on a limited basis, the General Retail District (C-3) be the first district that a package store selling alcoholic beverages as the primary use be allowed. The Planning and Zoning Commission's recommendation is to allow package stores in the General Retail District (C-3) that are limited to not over 3,000 square feet of total floor area, with no accessory pass-out windows and/or delivery to customers in their motor vehicles.

Section 29-19.2 CB-3 Central Business District, General, Section 29-19.3 CB-4 Depot District, Section 29-20 C-4 Commercial District, Section 29-21 IDP Industrial Park [District], Section 29-23.2 IHC Interstate Highway Commercial District, Section 29-22 M-1 Light Manufacturing District, Section 29-23 M-2 Heavy Manufacturing District, Section 29-23.3 IHI Interstate Highway Industrial District

By virtue of the General Retail District (C-3), the Central Business District, General (CB-3), Depot District (CB-4), Commercial District (C-4), Industrial Park [District] (IDP), Interstate Highway Commercial District (IHC), Light Manufacturing District (M-1), Heavy Manufacturing District (M-2), and Interstate Highway Industrial District (IHI) districts allow grocery stores and drug stores. By listing the sale of alcoholic beverages for off-premise consumption as an incidental use in the General Retail District (C-3) already permitted grocery stores and drug stores, the same use will be allowed in the Central Business District (CB-3), Depot District (CB-4), Commercial District (C-4), Industrial Park [District] (IDP), Interstate Highway Commercial District (IHC), Light Manufacturing District (M-1), Heavy Manufacturing District (M-2), and Interstate Highway Industrial District (IHI) districts. The same conditions prohibiting accessory pass-out windows and/or delivery to customers in their motor vehicle will remain in effect.

Like the 1941 and 1955 zoning codes, the Planning and Zoning Commission is recommending that package stores, without size limitations, first be permitted in the heavier commercial and manufacturing districts of Central Business District, General (CB-3), Depot District (CB-4), Commercial District (C-4), Industrial Park [District] (IDP), Interstate Highway Commercial District (IHC), Light manufacturing District (M-1), Heavy Manufacturing District (M-2), and Interstate Highway Industrial District (IHI). However, the Planning and Zoning Commission recommends that accessory pass-out windows and/or delivery to customers in their motor vehicles not be allowed. With modifications by the City Council, the same prohibition of drive thru service will be in affect for the M-1, M-2 and IHI districts.

Section 29-30 Enforcement and administration

Regular City Council Meeting
December 4, 2008

Currently, the zoning code requires a zoning certificate for only a mixed alcoholic beverage permit. This is a hold-over from the original liquor-by-the-drink election.

The Planning and Zoning Commission recommends a modification to the code that will require a zoning certificate for all Texas Alcoholic Beverage Commission permits, including package stores.

With a 7-0 vote, the Planning and Zoning Commission submits a set of recommendations for the sale of alcoholic beverages intended for off-premise consumption that fit within the current zoning code and is graduated from the lighter commercial zoning districts to the heavier zoning districts in a fair and equitable manner.

FISCAL IMPACT

If the upcoming petition is successful, a positive increase in sales tax and permitting fees is expected to occur. No estimates have been created.

Staff and the Planning and Zoning Commission recommend approval.

Bill Boon, Senior Planner, gave comments and answered questions from Council.

Motion was made by Council Member Klein, seconded by Council Member Leonard to approve Ordinance No. 2008-O109 reflecting the changes made by Council during the first reading; changing the word automobile to motor vehicle and removing drive thru service from all zoning districts. Motion carried: 7 Ayes, 0 Nays.

11:40 A.M. CITY COUNCIL RECESSED.

1:00 P.M. CITY COUNCIL RECOVERED.

7. WORK SESSION/BUSINESS AGENDA

7.1. Texas Public Officials Workshop, Governor's Division of Emergency Management training required by Section 418.005, Texas Government Code. Colleen O'Neal, Regional Liaison Officer (3 hours)

Section 418.005, Texas Government Code, requires appointed public officers to complete a course of training provided or approved by the Governor's Division of Emergency Management of not less than three hours regarding the responsibilities of state and local governments not later than the 180th day after the date the person:

1. takes the oath of office, if the person is required to take an oath of office to assume the person's duties as an appointed public officer; or
2. otherwise assumes responsibilities as an appointed public officer, if the person is not required to take an oath of office to assume the person's duties.

Regular City Council Meeting
December 4, 2008

FISCAL IMPACT

None.

Colleen O'Neal, Regional Liaison Officer and David Solis, Regional Liaison Officer Field Operations with the Texas Department of Public Safety presented "Preparing Texas Today for Tomorrow's Challenges;" a Texas Public Officials Workshop as required by the Governor's Division of Emergency Management to the City Council.

The Workshop agenda was comprised of the following 6 Units:

- Unit 1: What is Emergency Management?
- Unit 2: The Need for Emergency Management in Texas
- Unit 3: Executive Orders
- Unit 4: Organization of Emergency Management in Texas
- Unit 5: Comprehensive Emergency Management
- Unit 6: Texas Capabilities

Officer O'Neal and Officer Solis discussed various topics with Council covering Units 1-4.

1:45 P.M. CITY COUNCIL RECESSED.

1:57 P.M. CITY COUNCIL RECONVENED.

7. WORK SESSION/BUSINESS AGENDA (CONTINUED)

7.1. Continued

Officer Solis introduced Mike Isabel, Emergency Management Coordinator from Garza County. Council watched a documentary on the tornado disaster that struck Greensburg, Kansas in May 2007. Officer Solis had Council perform an exercise.

Officer O'Neal and Officer Solis discussed various topics with Council covering Unit 5.

2:48 P.M. CITY COUNCIL RECESSED.

2:57 P.M. CITY COUNCIL RECONVENED.

7. WORK SESSION/BUSINESS AGENDA (CONTINUED)

7.1. Continued

Officer Solis concluded the Workshop by covering topics from Unit 6.

Regular City Council Meeting
December 4, 2008

Mayor Martin expressed his concern with the Emergency Operations Center and its inadequacies to deal with the magnitude of the disasters that Lubbock presently deals with. City Council consensus to direct the City Manager to bring back to Council other possible locations for a new Emergency Operations Center to consider for next year's fiscal budget.

6. REGULAR AGENDA (CONTINUED)

6.6. Board Appointments - City Secretary : Consider one appointment to the Structural Standards Commission.

Consider one appointment to the Structural Standards Commission.

FISCAL IMPACT

None.

Staff recommends approval.

Motion was made by Council Member Price, seconded by Mayor Pro Tem Gilbreath to move Arden Hawkins from "Alternate" to "Member;" and to appoint David Tate as an "Alternate" to the Structural Standards Commission.
Motion carried: 7 Ayes, 0 Nays.

3:07 P.M. CITY COUNCIL ADJORNED.

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