City of Lubbock, Texas
Regular City Council Meeting
Thursday, May 9, 2013

Glen C. Robertson, Mayor
Karen Gibson, Mayor Pro Tem, District 5
Victor Hernandez, Councilman, District 1
Floyd Price, Councilman, District 2
Todd R. Klein, Councilman, District 3
Jim Gerlt, Councilman, District 4
Latrelle Joy, Councilwoman, District 6

Lee Ann Dumbauld, City Manager
Sam Medina, City Attorney
Rebecca Garza, City Secretary

http://www.mylubbock.us

City Council Chambers, 1625 13th Street, Lubbock, Texas

City of Lubbock City Council Meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at 775-2061 or write to Post Office Box 2000, Lubbock, Texas 79457 at least 48 hours in advance of the meeting.

Note: On occasion the City Council may consider agenda items out of order.

3:00 p.m. -- City Council convenes in open session, and recesses into executive session to consider items 1. through 1.3.6.

6:15 p.m. -- City Council reconvenes in open session to consider items 2. through 7.1.

1. **Executive Session**

1. 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.

1. 1. 1. Omni Building located at 1208 14th Street.

1. 1. 2. Discuss and hear complaints made by the City Manager against Councilman Victor Hernandez, District 1.

1. 1. 3. Discuss the City Manager's actions in connection with employee complaints made against Councilman Victor Hernandez, District 1.

1. 1. 4. Discuss the City Manager's job performance and employment status.

1. 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.

1. 2. 1. Omni Building located at 1208 14th Street.

1. 2. 2. Police Department Headquarters.

1. 3. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters and take appropriate action.

1. 3. 1. City Attorney

1. 3. 2. City Manager

1. 3. 3. City Secretary

1. 3. 4. Discuss and hear complaints made by the City Manager against Councilman Victor Hernandez, District 1.

1. 3. 5. Discuss the City Manager's actions in connection with employee complaints made against Councilman Victor Hernandez, District 1.

1. 3. 6. Discuss the City Manager's job performance and employment status.

2. **Proclamations and Presentations**

2. 1. Invocation by Pastor David Haynes, Christ Temple Church of God in Christ.

2. 2. Pledges of Allegiance.

2. 3. Presentation of a special recognition for Stamp Out Hunger Food Drive on Saturday, May 11, 2013.

2. 4. Presentation of a special recognition for National Travel and Tourism Week, May 4 - 12, 2013.

2. 5. Presentation of a special recognition for the Ride of Silence on May 15, 2013.

2. 6. Presentation of a special recognition for World Elder Abuse Awareness Day.

2. 7. Presentation of a special recognition for the month of May as, Exercise is Medicine.

2. 8. Presentation of a special recognition for the Guadalupe Neighborhood Association & Community Partners.

3. **Citizen Comments - Any citizen wishing to appear before any regular meeting of the City Council shall advise the City Manager's office of that fact no later than seven calendar days before the meeting at which the citizen wishes to appear. Any citizen wishing to so appear shall inform the City Manager's office, in writing, of the subject of the appearance. The subject matter shall be sufficiently detailed as to inform the City Council and the public of its nature. Such notice shall contain the name and address of the requestor. The appearance of any citizen giving such notice to the City Manager's office shall take precedence in addressing the City Council during the Citizen Comments period. Any citizen failing to advise the City Manager's office of his/her wish to appear before the City Council as hereinabove set forth shall, time permitting, be permitted to address the City Council after those having given notice. In accordance with the Texas Open Meetings Act, the City Council may not take action on public matters during Citizen Comments.**

4. **Minutes**

4. 1. April 11, 2013 Regular City Council Meeting
April 16, 2013 Special City Council Meeting (personnel matters)

5. **Consent Agenda - Items considered to be routine and enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.**

5. 1. **Budget Ordinance Amendment 2nd Reading - Finance:** Consider Ordinance 2012-O0042 Budget Amendment 22 respecting the grant fund to accept and appropriate additional funding from the Texas Department of Transportation (TxDOT) for the Selective Traffic Enforcement Program (STEP) Click It or Ticket Grant.

5. 1. 1. **Contract Resolution - Police**: Consider a resolution authorizing the Mayor to execute for and on behalf of the City a $14,773 state administered, federally funded, grant agreement for the Click It Or Ticket Selective Traffic Enforcement Program.

5. 2. **Budget Ordinance Amendment 1st Reading** - Consider Budget Amendment 21, amending the FY 2012-13 budget for municipal purposes respecting the capital program in the Lubbock Power and Light (LP&L) fund per recommendation by the Electric Utility Board on March 19, 2013, to amend Capital Improvement Project (CIP) 92269, FY 2011-12 Distribution Transformers; amend CIP 9395, GIS System Improvements; amend CIP 92294, GT3 Major Overhaul and Controls; amend CIP 92292, CK2 Boiler Feed Pumps Overhaul; amend CIP 92302, CK2 Main Steam Blocking Valve; amend CIP 92303, CK Cems Replacement; amend CIP 92306, Power Plant Safety Improvements.

5. 3. **Budget Ordinance Amendment 1st Reading -** Consider Budget Amendment 23 amending the FY 2012-13 budget for municipal purposes respecting the operating budget for Market Lubbock, Inc. (MLI) - Lubbock Convention and Visitors Bureau (Visit Lubbock) and MLI - Lubbock Sports Authority.

5. 4. **Contract Resolution – Public Works - Water Resources:** Consider a resolution authorizing the Mayor to execute a contract 11307 with Lubbock Reese Redevelopment Authority (LRRA) for the purchase of water from the City's potable water system.

5. 5. **Ordinance 2nd Reading - Planning**: Zone Case 1875-X. Ordinance 2013-O0043. Consider a request of Hugo Reed and Associates, Inc. (for CMH, Inc.) for a zoning change to amend the conditions of Ordinance 6614 on 52.4 acres of unplatted land out of Block AK, Section 43 (6801 19th Street).

5. 6. **Ordinance 2nd Reading - Planning**: Zone Case 2508-J. Ordinance 2013-O0044. Consider a request of AMD Engineering, LLC (for Lubbock Land Company, LLC) for a zoning change from R-1 Specific Use to R-1 Specific Use for townhomes on 12.33 acres of unplatted land out of Block E-2, Section 19 (south of 111th Street and west of Flint Avenue).

5. 7. **Ordinance 2nd Reading - Planning**: Zone Case 3018-B. Ordinance 2013-O0045. Consider a request of McCanton Woods for a zoning change from A-3 Specific Use to C-2 Specific Use for a sports grill and bar on the west 226 feet of tract 5B (southeast corner of Mac Davis Lane and Avenue X).

5. 8. **Ordinance 2nd Reading - Planning**: Zone Case 3047-F. Ordinance 2013-O0046. Consider a request of Hugo Reed and Associates, Inc. (for Stellar Development Company) for a zoning change from CB-3 Specific Use to C-3 on 16.714 acres of unplatted land out of Block E-2, Section 23 (south of 114th Street and west of Quaker Avenue).

5. 9. **Ordinance 2nd Reading - Planning**: Zone Case 3204. Ordinance 2013-O0047. Consider a request of AMD Engineering, LLC (for Sam Burke) for a zoning change from T to IHC on 2.405 acres of unplatted land out of Block AK, Section 30 (north of 82nd Street and west of Pontiac Avenue).

5. 10. **Ordinance 2nd Reading - Planning**: Zone Case 3205. Ordinance 2013-O0048. Consider a request of John Smothers (for TT Iron Horse #1, LTD) for a zoning change from T to IHC for a garden center on 11.07 acres of unplatted land out of Block AK, Section 20 (11706 Frankford Avenue).

5. 11. **Resolution - Health Services:** Consider a resolution authorizing and directing the Mayor to enter into contract 11323 with StarCare Specialty Health System to utilize funds from the 1115 Transformation Waiver Program to allow StarCare to open a new indigent adult dental clinic in Lubbock.

6. **Regular Agenda**

6. 1. **Resolution - Lubbock Power and Light**: Consider an order and resolution amending the current rate and tariff structure of Lubbock Power & Light, the City of Lubbock's municipally owned electric utility, as originally passed via Resolution No. 2007-R0227 (as amended) applicable to all rate classes except Rate 16U, to be effective June 1, 2013 or at such other time deemed appropriate by the City Council.

6. 2. **Resolution - Council members Floyd Price and Victor Hernandez**: Consider a resolution replacing the Low-to-Moderate Income Neighborhood Infrastructure Program, by establishing the North and East Lubbock Neighborhood and Infrastructure Program Fund and providing the source of funding from all City mineral interests that were previously included in General Fund revenues.

6. 3. **Resolution - Council members Todd Klein and Latrelle Joy**: Consider a resolution authorizing the creation of the Oil & Gas Citizen Advisory Committee to study various methods of exploration, development, and production of oil and gas in the City, and make recommendations to the City Council for any necessary amendments to the current ordinance.

6. 3. 1. **Board Appointments - City Secretary**: Consider nine appointments to the Oil and Gas Citizen Advisory Committee.

6. 4. **Resolution - Council members Todd Klein and Floyd Price:** Consider a resolution to authorize the Mayor to establish a City of Lubbock-Lubbock County Enforcement Facilities Task Force of five members to be appointed to study the matters set forth herein, including the potential for shared services and office space, and a jail or holding facility for the use in processing arrestees in the downtown area of the City, in addition to other related matters as it deems appropriate.

6. 5. **Resolution - Economic Development:** Consider a resolution approving the Amended and Restated Bylaws of Lubbock Economic Development Alliance, Inc.

6. 6. Discuss, hear, and take action regarding complaints made by the City Manager against Councilman Victor Hernandez, District 1.

6. 7. Discuss, hear, and take action regarding the City Manager's action in connection with employee complaints made against Councilman Victor Hernandez, District 1.

6. 8. Consider and take action with respect to options available to the City of Lubbock in connection with the employment of the City Manager, including without limitation, disciplinary action, up to and including termination, or exercising the City's options pursuant to a Severance Agreement made with the City Manager dated on or about September 21, 2005.

7. **Work Session/Business Agenda - Items for presentations and discussions on such issues that may require more in-depth consideration of the City Council than Regular Agenda items. Action may be taken on a Work Session/Business Agenda item posting if the item indicates to the public the action to be taken.**

7. 1. **Councilman Victor Hernandez**: Discussion concerning the formation of a bond committee with regard to the number of members, timeline for an election, completion of the committee's work, and the committee's recommendations to City Council. Consider having the proposed date of the election for the bond election to be at the same time as the upcoming May 2014 municipal elections.

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
April 11, 2013
3:00 P. M.

The City Council of the City of Lubbock, Texas met in regular session on the 11th of April, 2013, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 3:00 p. m.

3:00 P.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present: Mayor Glen C. Robertson; Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; Council Member Victor Hernandez; Council Member Latrelle Joy; Council Member Todd R. Klein; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

Absent: Council Member Floyd Price

Note: City Council addressed agenda items in the following order:

- *Executive Session, 2.1-2.5; Citizen Comments (3.1 Sign-ups); 4.1; 5.1; 5.3; 5.5-5.12; 5.2; 5.4; 6.1-6.5; 6.6; 6.8-6.11; and 7.1.*
- *Item 6.2 was postponed indefinitely.*
- *Item 6.7 was deleted.*
- *Item 7.2 was postponed to the May 1, 2013 Regular City Council Meeting.*

1. Executive Session

The meeting was called into a closed session at 3:00 p.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into a public session at 6:15 p.m.

1. 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.

1. 1. 1. Omni Building located at 1208 14th Street.

1. 1. 2. Concerning the bylaws and the articles of incorporation of Lubbock Economic Development Alliance (LEDA) and Market Lubbock Development corporation and the proposed amendments thereof.

1. 1. 3. Discuss and hear complaints made by the City Manager against Councilman Victor Hernandez, District 1, including the possibility of retaining the services of a professional consultant for assistance in the completion thereof.

1. 1. 4. Discuss the City Manager's actions in connection with employee complaints made against Councilman Victor Hernandez, District 1, including the possibility of retaining the services of a professional consultant for assistance in the completion thereof.

1. 1. 5. Discuss the City Manager's employment status, including the possibility of retaining the services of a professional consultant for assistance in the completion thereof.

1. 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.

1. 2. 1. Omni Building located at 1208 14th Street.

1. 2. 2. Potential locations for Godeke Library.

1. 3. Hold an executive session in accordance with Vernon's Texas Codes Annotated (V.T.C.A.) Government Code, Section 551.087, to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; and to deliberate the offer of a financial or other incentive to a business prospect described hereinabove.

1. 3. 1. Presentation from LEDA.

1. 4. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074, to discuss personnel matters and take appropriate action.

1. 4. 1. City Attorney

1. 4. 2. City Manager

1. 4. 3. City Secretary

1. 4. 4. Discuss and hear complaints made by the City Manager against Councilman Victor Hernandez, District 1, including the possibility of retaining the services of a professional consultant for assistance in the completion thereof.

1. 4. 5. Discuss the City Manager's actions in connection with employee complaints made against Councilman Victor Hernandez, District 1, including the possibility of retaining the services of a professional consultant for assistance in the completion thereof.

1. 4. 6. Discuss the City Manager's employment status, including the possibility of retaining the services of a professional consultant for assistance in the completion thereof.

6:15 P.M. CITY COUNCIL RECONVENED
Council Chambers

2. Proclamations and Presentations

2. 1. Invocation by Reverend Scott Campbell, Grace Presbyterian Church.

Reverend Scott Campbell did not appear. Deacon Ralph Rosiles, Holy Spirit Catholic Church, led the invocation.

2. 2. Pledges of Allegiance.

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

2. 3. National Public Safety Telecommunications Week - April 14-20, 2013.

Council Member Jim Gerlt presented special recognition commemorating the week of April 14-20, 2013, as National Public Safety Telecommunications Week. Christy Hennsley, Communication Center Manager, appeared to accept the special recognition.

2. 4. Presentation of special recognition commemorating April as Sexual Assault Awareness Month and the Walk a Mile in Her Shoes event on April 13, 2013.

Council Member Jim Gerlt presented special recognition commemorating the month of April as Sexual Assault Awareness Month and the Walk a Mile in Her Shoes event on April 13, 2013. Leslie Timmons, with the Rape Crisis Center, appeared to accept the recognition.

2. 5. Presentation of a special recognition to Link Ministries for the First Annual High Cotton Affair benefiting Tent City.

Council Member Latrelle Joy presented a special recognition to Link Ministires for the First Annual High Cotton Affair benefiting Tent City. Cristy Whitlock, Texas Tech Rawls College of Business student, and others appeared to accept the recognition. Ms. Whitlock gave comments on how the money will be used and information on the upcoming event.

3. Citizen Comments - Any citizen wishing to appear before any regular meeting of the City Council shall advise the City Manager's office of that fact no later than seven calendar days before the meeting at which the citizen wishes to appear. Any citizen wishing to so appear shall inform the City Manager's office, in writing, of the subject of the appearance. The subject matter shall be sufficiently detailed as to inform the City Council and the public of its nature. Such notice shall contain the name and address of the requestor. The appearance of any citizen giving such notice to the City Manager's office shall take precedence in addressing the City Council during the Citizen Comments period. Any citizen failing to advise the City Manager's office of his/her wish to appear before the City Council as hereinabove set forth shall, time permitting, be permitted to address the City Council after those having given notice. In accordance with the Texas Open Meetings Act, the City Council may not take action on public matters during Citizen Comments.

3. 1. Sign-ups:

- Ysidro Gutierrez and Armando Gonzales appeared before Council to express their support for Lee Ann Dumbauld, City Manager.
- Debbie Bartholomew appeared before Council to discuss issues regarding her deceased mother.
- Bill Curnow appeared before Council to discuss ethics in regard to recent personnel matters.

4. Minutes

4. 1. February 19, 2013 Special City Council Meeting (EUB)
March 14, 2013 Regular City Council Meeting
March 18, 2013 Special City Council Meeting (Fire Station 18 Ribbon Cutting)

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gerlt to approve the February 19, 2013 Special City Council Meeting (EUB) minutes; the March 14, 2013 Regular City Council Meeting minutes; and the March 18, 2013 Special City Council Meeting (Fire Station 18 Ribbon Cutting) minutes.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

5. Consent Agenda - Items considered to be routine and enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to approve items 5.1-5.1.2, 5.3, and 5.5-5.12.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

5. 1. Budget Ordinance Amendment 2nd Reading - Finance: Ordinance No. 2013-O0033, Amendment 18, amending the adopted FY 2012-13 Budget respecting the Grant Fund to accept and appropriate additional funding from the Texas Department of State Health Services (DSHS) for the Regional and Local Services Section/Local Public Health System (RLSS/LPHS) Grant; respecting the Capital Program to establish Capital Improvement Project 8583, Milwaukee Bridges: Marsha Sharp Freeway and Spur 327; providing for filing; and providing for a savings clause.

5. 1. 1. Resolution - Community Services : Resolution No. 2013-R0110 authorizing the City Manager to execute on behalf of the City, amendment to program attachment 003 to contract 2013-041470 increasing the contract by $20,559 due to restoration of Local Public Health System (LPHS) block grant funds. The categorical budget increased as follows: Personnel $12,180 and Fringe Benefits $8,379. All other terms and conditions of the contract remain in full force and effect.

5. 1. 2. Resolution - Traffic Engineering : Resolution No. 2013-R0111 authorizing the Mayor to execute contract 11264 an inter-local agreement CSJ 0380-01-081 with Texas Department of Transportation (TxDOT) for the City to furnish and install traffic signal equipment as part of the US 62/82 at Milwaukee Avenue project.

5. 2. Budget Ordinance Amendment 1st Reading - Finance: Ordinance No. 2013-O0038, Amendment 20, amending the adopted FY 2012-13 Budget respecting the grant fund to accept and appropriate additional funding from the Texas Department of Housing and Community Affairs (TDHCA) for the Community Services Block Grant (CSBG); and to accept and appropriate funding from the Texas Department of Transportation (TxDOT) for the Section 5311(F) Federal Intercity Bus Grant; providing for filing; and providing for a savings clause.

Motion by Council Member Todd R. Klein, seconded by Council Member Jim Gerlt to approve Ordinance No. 2013-O0038.

Vote: 5 - 0 Motion carried

Other: Council Member Victor Hernandez (RECUSE)
Council Member Floyd Price (ABSENT)

5. 3. Ordinance 2nd Reading – Right-of-Way : Ordinance No. 2013-O0034 abandoning and closing a portion of 66th Street east of Milwaukee Avenue.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Victor Hernandez to approve Ordiance No. 2013-O0018.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

5. 4. **Contract Resolution - Public Works** : Resolution No. 2013-R0118 authorizing the Mayor to execute contract 11227 with Pavement Restoration Inc,. for asphalt payment rejuvenation.

Keith Smith, Chief Operating Officer, gave comments and answered questions from Council.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Victor Hernandez to approve Resolution No. 2013-R0118.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

5. 5. **Contract Resolution - Public Works Wastewater** : Resolution No. 2013-R0112 authorizing the Mayor to execute contract 11140 with STP Well Service, LLC., of Petersburg, Texas, for well maintenance and repair services for the Lubbock and Hancock Land Application Sites, BID 13-11140-DG.

5. 6. **Contract Resolution - Public Works Wastewater Utility** : Resolution No.'s 2013-R0113 and 2013-R0113A authorizing the Mayor to execute contract 11176 with Circle R Lawn & Sprinkler and contract 11176-1 with Jerry Weaver Farms for hay harvesting services at the Lubbock Land Application Site (LLAS), BID 13-11176-DG.

5. 7. **Contract Resolution - Public Works Wastewater Utility:** Resolution No. 2013-R0114 authorizing the Mayor to execute a contract 11127 with Massey Irrigation, Inc., for a wireless irrigation management system for the Lubbock Land Application Site (LLAS) and Hancock Land Application Site (HLAS), RFP 13-11127-TL.

5. 8. **Contract Resolution – Public Works Engineering:** Resolution No. 2013-R0015 authorizing the Mayor to execute contract 11218 with Turfmaster Irrigation & Landscaping, Inc., for construction of the FM 1585 water line extension from Milwaukee to Iola Avenue BID 13-11218-DG.

5. 9. **Contract Resolution – Sewer Utilities** : Resolution No. 2013-R0116 authorizing the Mayor to execute contract 11259 with Kimley Horn and Associates(KHA), Inc. for providing professional engineering services associated with the South Sanitary Sewer System Extension Phase II.

5. 10. **Ordinance 2nd Reading - Planning** : Ordinance No. 2013-O0036, Zone Case 3203A - request of Todd Leake for a zoning change from T to M-1 limited to the wholesale of trees and shrubs and a holding yard on 3.4 acres of unplatted land out of Block E-2, Section 21 (north of 125th Street between Indiana Avenue and Flint Avenue).

5. 11. **Ordinance 2nd Reading - Planning** : Ordinance 2013-0037, Zone Case 2224-E - request of Quattro Lubbock, LLC for a zoning change from C-2A Specific Use to C-2 on Tract D-2-A, Western Meadows Addition (5605 Slide Road).

5. 12. **Resolution - Cemetery** : Resolution No. 2013-R0117 authorizing the Mayor to formally re-name the African-American Babyland sections of the Cemetery including Carver Heights Babyland to Vivian T. Cooke Memorial Babyland.

6. **Regular Agenda**

6. 1. **Resolution - Planning** : Resolution No. 2013-R0119 approving and granting a variance from the applicable 300-foot minimum distance provisions of City of Lubbock Ordinance 2009-O0060 at the location of 1619 University Avenue, for an off-premise alcoholic beverage permit.

Andrew Paxton, Interim Director of Planning, gave comments and answered questions from Council.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to approve Resolution No. 2013-R0119.

Vote: 5 - 1 Motion carried

NAY: Council Member Jim Gerlt

Other: Council Member Floyd Price (ABSENT)

6. 2. **Contract Resolution - Parks and Recreation** : Consider a resolution authorizing the Mayor to execute contract 11142 with Turfmaster Irrigation and Landscaping Inc., for irrigation system upgrades at Jack Stevens Park, BID 13-11142-TL.

Scott Snider, Assistant City Manager, gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to postpone this item indefinitely.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

6. 3. **Ordinance 1st Reading - Finance:** Ordinance No. 2013-O0039 providing for the issuance of City of Lubbock, Texas, General Obligation Refunding and Improvement Bonds, Series 2013, and City of Lubbock, Texas, General Obligation Refunding Bonds, Taxable Series 2013, levying a tax in payment thereof; providing for the award of the sale thereof in accordance with specified parameters; approving the official statement; approving execution of a purchase contract and escrow agreement; and enacting other provisions relating thereto.

Pam Moon, Director of Finance, gave a presentation and answered questions from Council. Lee Ann Dumbauld, City Manager; and Jerry Kyle, Bond Counsel - Andrews Kurth, LLP, with gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2013-O0039.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

6. 4. **Ordinance 1st Reading - Finance:** Ordinance No. 2013-O0040 providing for the issuance of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2013; levying a tax and pledging surplus waterworks system revenues in payment thereof; providing for the award of the sale thereof in accordance with specified parameters; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.

Pam Moon, Director of Finance, gave a presentation and answered questions from Council. Lee Ann Dumbauld, City Manager; and Jerry Kyle, Bond Counsel - Andrews Kurth, LLP, with gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2013-O0040.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

6. 5. **Ordinance 1st Reading - Finance:** Ordinance No. 2013-O0041 providing for the issuance of City of Lubbock, Texas, Electric Light and Power System Revenue Refunding and Improvement Bonds, Series 2013; providing for the award of the sale thereof in accordance with specified parameters; approving the official statement; approving execution of a purchase contract and escrow agreement; and enacting other provisions relating thereto.

Pam Moon, Director of Finance, gave a presentation and answered questions from Council. Lee Ann Dumbauld, City Manager; and Jerry Kyle, Bond Counsel - Andrews Kurth, LLP, with gave comments and answered questions from Council.

Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson to approve Ordinance No. 2013-O0041.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

6. 6. **Board Appointments - City Secretary:** Consider five appointments to the Board of Health.

Board of Health: Motion by Council Member Todd R. Klein, seconded by Mayor Pro Tem Karen Gibson, to reappoint Dr. Brian Carr, Dr. Naidu Chekuru, Dr. Wayne Culp, Dr. Anne Epstein, and Ollie Thomas.

Vote: 6 - 0 Motion carried
Other: Council Member Floyd Price (ABSENT)

6. 7. **Resolution - City Council:** Consider a resolution affirming that except in emergency circumstances, or where there is an urgent public necessity where a meeting of the Lubbock City Council has been called pursuant to applicable state law, or unless waived by a majority vote of the City Council, City Council shall consider no contract, agreement, or other such instrument unless it shall be presented in completed form, subject to amendment by City Council consistent with City Council policy and procedure, not later than seventy-two hours prior to the meeting at which the item is posted for consideration.

This item was deleted.

6. 8. **Resolution - City Council:** Resolution No. 2013-R0120 directing the Library Board to provide Council with recommendations pertaining to the types and levels of future services provided by the Lubbock Public Library System.

Motion by Council Member Todd R. Klein, seconded by Council Member Victor Hernandez to approve Resolution No. 2013-R0120.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

6. 9. Discuss, hear, and take action regarding complaints made by the City Manager against Councilman Victor Hernandez, District 1, including the possibility of retaining the services of a professional consultant for assistance in the completion thereof.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to direct the City Attorney to hire outside legal counsel.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

6. 10. Discuss, hear, and take action regarding the City Manager's actions in connection with employee complaints made against Councilman Victor Hernandez, District 1, including the possibility of retaining the services of a professional consultant for assistance in the completion thereof.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to direct the City Attorney to hire outside legal counsel.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

6. 11. Consider and take action with respect to options available to the City of Lubbock in connection with the employment of the City Manager, including without limitation, disciplinary action, or exercising the City's options pursuant to a Severance Agreement made with the City Manager dated on or about September 21, 2005, including the possibility of retaining the services of a professional consultant for assistance in the completion thereof.

This item was divided into two motions.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to direct the City Attorney to hire outside legal counsel.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

Motion by Council Member Latrelle Joy, seconded by Council Member Todd R. Klein to immediately place Lee Ann Dumbauld, City Manager, on Administrative Leave with pay until further notice.

Vote: 3 - 3 Failed

NAY: Mayor Glen C. Robertson
Mayor Pro Tem Karen Gibson
Council Member Jim Gerlt

Other: Council Member Floyd Price (ABSENT)

7. Work Session/Business Agenda - Items for presentations and discussions on such issues that may require more in-depth consideration of the City Council than Regular Agenda items. Action may be taken on a Work Session/Business Agenda item posting if the item indicates to the public the action to be taken.

7. 1. Discussion and direction from the City Council on the FY 2013-14 Budget.

Cheryl Brock, Budget Director, gave a presentation on the FY 2013-14 Budget and answered questions from Council. Lee Ann Dumbauld, City Manager; and Pam Moon, Director of Finance, gave comments and answered questions from Council.

Each of the Council Members present at the meeting discussed and gave the City Manager direction on certain issues.

7. 2. Discussion regarding the September 30, 2012, Comprehensive Annual Financial Report and BKD's management letter.

Motion by Council Member Victor Hernandez, seconded by Council Member Todd R. Klein to postpone this item to the May 1, 2013 Regular City Council Meeting.

Vote: 6 - 0 Motion carried

Other: Council Member Floyd Price (ABSENT)

8:24 P.M. CITY COUNCIL ADJOURNED

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

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GLEN C. ROBERTSON, MAYOR

ATTEST:

_____

Rebecca Garza, City Secretary

CITY OF LUBBOCK
SPECIAL CITY COUNCIL MEETING
April 16, 2013
3:00 P. M.

The City Council of the City of Lubbock, Texas met in special session on the 16th of April, 2013, in City Council Chambers, City Hall, 1625 13th Street, Lubbock, Texas at 3:00 p. m.

3:00 P.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present: Mayor Glen C. Robertson; Mayor Pro Tem Karen Gibson; Council Member Jim Gerlt; Council Member Victor Hernandez; Council Member Latrelle Joy; Council Member Todd R. Klein; Council Member Floyd Price; City Manager Lee Ann Dumbauld; City Secretary Rebecca Garza; City Attorney Sam Medina

Note: City Council addressed agenda items in the following order:

- *Executive Session; 2.1-2.3*

1. Executive Session

The meeting was called into a closed session at 3:00 p.m. under the provisions of Section 551, Texas Government Code. The meeting was called back into a public session at 5:05 p.m.

1. 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.

1. 1. 1. Discuss and hear complaints made by the City Manager against Councilman Victor Hernandez, District 1.

1. 1. 2. Discuss the City Manager's actions in connection with employee complaints made against Councilman Victor Hernandez, District 1.

1. 1. 3. Discuss the City Manager's employment status.

1. 2. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074, to discuss personnel matters and take appropriate action.

1. 2. 1. City Manager

1. 2. 2. Discuss and hear complaints made by the City Manager against Councilman Victor Hernandez, District 1.

1. 2. 3. Discuss the City Manager's actions in connection with employee complaints made against Councilman Victor Hernandez, District 1.

1. 2. 4. Discuss the City Manager's employment status.

2. Regular Agenda

2. 1. Discuss, hear, and take action regarding complaints made by the City Manager against Councilman Victor Hernandez, District 1.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to move that the City Council direct Mr. Tom Riney, special attorney for the City of Lubbock, to enter into discussions with Mr. Jim Hund, attorney for Ms. Dumbauld, regarding all matters posted on today's agenda, including a discussion as to all available options concerning both parties, and promptly report back to the Council the result of those discussions.

Vote: 7 - 0 Motion carried

2. 2. Discuss, hear, and take action regarding the City Manager's action in connection with employee complaints made against Councilman Victor Hernandez, District 1.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to move that the City Council direct Mr. Tom Riney, special attorney for the City of Lubbock, to enter into discussions with Mr. Jim Hund, attorney for Ms. Dumbauld, regarding all matters posted on today's agenda, including a discussion as to all available options concerning both parties, and promptly report back to the Council the result of those discussions.

Vote: 7 - 0 Motion carried

2. 3. Consider and take action with respect to options available to the City of Lubbock in connection with the employment of the City Manager, including without limitation, disciplinary action, or exercising the City's options pursuant to a Severance Agreement made with the City Manager dated on or about September 21, 2005.

Motion by Mayor Pro Tem Karen Gibson, seconded by Council Member Todd R. Klein to move that the City Council direct Mr. Tom Riney, special attorney for the City of Lubbock, to enter into discussions with Mr. Jim Hund, attorney for Ms. Dumbauld, regarding all matters posted on today's agenda, including a discussion as to all available options concerning both parties, and promptly report back to the Council the result of those discussions.

Vote: 7 - 0 Motion carried

5:06 P.M. CITY COUNCIL ADJOURNED

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

_____

GLEN C. ROBERTSON, MAYOR

ATTEST:

_____

Rebecca Garza, City Secretary

Regular City Council Meeting **5. 1.**

Meeting Date: 05/09/2013

Information

Agenda Item

Budget Ordinance Amendment 2nd Reading - Finance: Consider Ordinance 2012-O0042 Budget Amendment 22 respecting the grant fund to accept and appropriate additional funding from the Texas Department of Transportation (TxDOT) for the Selective Traffic Enforcement Program (STEP) Click It or Ticket Grant.

Item Summary

On May 1, 2013, the City Council approved the first reading of the ordinance.

I. Accept and appropriate $14,773 from TxDOT for the STEP Click It or Ticket Grant.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Cheryl Brock, Executive Director of Budget

Attachments

Ordinance - Budget Amendment 22

Grant Detail Sheet - STEP Click It or Ticket

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2012-13 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE GRANT FUND TO ACCEPT AND APPROPRIATE ADDITIONAL FUNDING FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) CLICK IT OR TICKET GRANT; PROVIDING FOR FILING; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Section 102.010 of the Local Government Code of the State of Texas authorizes the City Council to make changes in the budget for municipal purposes; and

WHEREAS, in accordance with the City Budget Ordinance the City Council shall approve all transfers between funds and departments; and

WHEREAS, the City Council deems it advisable to change the FY 2012-13 Budget for municipal purposes and reallocate funds as follows; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby approves changes to the City of Lubbock Budget FY 2012-13 (Budget Amendment #22) for municipal purposes, as follows:

I. Accept and appropriate $14,773 from TxDOT for the STEP-Click It or Ticket Grant.

SECTION 2. THAT a copy of the changes made to the City of Lubbock Budget pursuant to this Ordinance shall be filed with the City Secretary and County Clerk of Lubbock as required by law.

SECTION 3. THAT should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

AND IT IS SO ORDERED

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:

_____
Cheryl Brock
Executive Director of Budget

APPROVED AS TO FORM:

_____
Amy Sims
Assistant City Attorney

ccdocs/BudgetFY1213.Amend22.ord
April 25, 2013

City of Lubbock, TX
Grant Award
New Grant - Budget Detail
May 1, 2013

Administrative Information

City Assigned Grant Number	TBA
Grant Name	Selective Traffic Enforcement Program (STEP) -Click It or Ticket
Grant Effective Date	5/21/2013-6/22/2013
Grant Provider/Agency	Texas Department of Transportation
Grant Award Amount	$ 14,773

Budget Information

Grant Appropriation Detail	**Cost**
Overtime	$ 14,773
Total Appropriation	$ 14,773

Regular City Council Meeting **5. 1. 1.**

Meeting Date: 05/09/2013

Information

Agenda Item

Contract Resolution - Police: Consider a resolution authorizing the Mayor to execute for and on behalf of the City a $14,773 state administered, federally funded, grant agreement for the Click It Or Ticket Selective Traffic Enforcement Program.

Item Summary

The Click It Or Ticket Selective Traffic Enforcement Program emphasizes seat belt and child restraint compliance as an effort to reduce death and serious bodily injury resulting from traffic collisions.

The grant's general terms and conditions are available in the City Secretary's office.

Fiscal Impact

This enforcement program will be conducted during FY 2012-13. The grant award of $14,773 is for the specified period, beginning May 1, 2013, and ending June 22, 2013, following approval of the City Council.

Staff/Board Recommending

Roger Ellis, Chief of Police

Attachments

Resolution - Click it or Ticket

Agreement - Click it or Ticket It

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock a $14,773.22 Grant Agreement for the Click It or Ticket Selective Traffic Enforcement Program, by and between the City of Lubbock and the Texas Department of Transportation, and related documents. Said Grant Agreement is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Roger Ellis, Chief of Police

APPROVED AS TO FORM:

_____
Chad Weaver, Assistant City Attorney

vw:ccdocs/RES.Grant-Click It or Ticket
April 24, 2013

Texas Traffic Safety eGrants

Fiscal Year 2013

Organization Name: City of Lubbock - Police Department

Legal Name: City of Lubbock

Payee Identification Number: 17560005906000

Project Title:

ID: 2013-Lubbock PD-CIOT-00019

Period: 05/01/2013 to 06/22/2013

TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

THIS AGREEMENT IS MADE BY and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the Department and the, **City of Lubbock** hereinafter called the Subgrantee, and becomes effective then fully executed by both parties. For the purpose of this agreement, the Subgrantee is designated as a(n) **Local Government**.

AUTHORITY: Texas Transportation Code, Chapter 723, the Traffic Safety Act of 1967, and the Highway Safety Performance Plan for the Fiscal Year 2013.

Name of the Federal Agency: National Highway Traffic Safety Administration

CFDA Number: **20.600**

CFDA Title: **State and Community Highway Safety Grant Program**

Funding Source: Section **402**

DUNS: **05-821-38**

Project Title:**STEP - Click It Or Ticket**

To increase occupant restraint use in all passenger vehicles and trucks by conducting an intense occupant protection enforcement and public information and education effort during the Enforcement period.

Grant Period: This Grant becomes effective on **05/01/2013** or on the date of final signature of both parties, whichever is later, and ends on **06/22/2013** unless terminated or otherwise modified.

Total Awarded: **$14,773.22**

Amount Eligible for Reimbursement: **$14,773.22**

Match Amount: **$0**

TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT

The signatory of the Subgrantee hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this agreement and that she/he has full and complete authority to enter into this agreement on behalf of the organization.

THE SUBGRANTEE	THE STATE OF TEXAS
City of Lubbock	Executed for the Executive Director and Approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out orders, established policies or work programs approved and authorized by the Texas Transportation Commission
By: _____ [Authorized Signature]	By: _____ [District Engineer Texas Department of Transportation]
_____ [Name]	_____ [Name]
_____ [Title]	_____ [Title]
Date: _____	Date: _____
Under the authority of Ordinance or Resolution Number (for local government): (If Applicable) _____ [Resolution Number]	By: _____ Director, Traffic OperationsDivision Texas Department of Transportation (Not required for local project grants under $100,000.00) Date: _____

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO FORM:

_____
Assistant City Attorney

APPROVED AS TO FORM:

_____
Roger Ellis, Chief of Police

Regular City Council Meeting **5. 2.**

Meeting Date: 05/09/2013

Information

Agenda Item

Budget Ordinance Amendment 1st Reading - Consider Budget Amendment 21, amending the FY 2012-13 budget for municipal purposes respecting the capital program in the Lubbock Power and Light (LP&L) fund per recommendation by the Electric Utility Board on March 19, 2013, to amend Capital Improvement Project (CIP) 92269, FY 2011-12 Distribution Transformers; amend CIP 9395, GIS System Improvements; amend CIP 92294, GT3 Major Overhaul and Controls; amend CIP 92292, CK2 Boiler Feed Pumps Overhaul; amend CIP 92302, CK2 Main Steam Blocking Valve; amend CIP 92303, CK Cems Replacement; amend CIP 92306, Power Plant Safety Improvements.

Item Summary

I. Amend Capital Improvement Project 92269, FY 2011-12 Distribution Transformers, by decreasing the funding by $960,693, from $4,000,000 to $3,039,307, and close the project; amend Capital Improvement Project 9395, GIS System Improvements, by increasing the appropriation by $960,693, from $1,433,313 to $2,394,006, for the upgrade of the GE Design Manager software package, the GE PowerOn software package, and the Virynet software package.

II. Amend Capital Improvement Project 92294, GT3 Major Overhaul and Controls, by decreasing the funding by $760,000, from $850,000 to $90,000; amend Capital Improvement Project 92292, CK2 Boiler Feed Pumps Overhaul, by increasing the appropriation by $50,000, from $100,000 to $150,000; amend Capital Improvement Project 92302, CK2 Main Steam Blocking Valve, by increasing the appropriation by $150,000, from $100,000 to $250,000; amend Capital Improvement Project 92303, CK CEMS Replacement, by increasing the appropriation $450,000, from $150,000 to $600,000; and amend Capital Improvement Project 92306, Power Plant Safety Improvements, by increasing the appropriation by $110,000, from $350,000 to $460,000.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

Gary Zheng, CEO, Lubbock Power and Light

Attachments

Budget Amendment 21 - LP&L

LP&L Resolution

Amendment Detail

Amendment Detail II

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2012-13 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE CAPITAL PROGRAM IN THE LUBBOCK POWER AND LIGHT (LP&L) FUND PER RECOMMENDATION BY THE ELECTRIC UTILITY BOARD ON MARCH 19, 2013, TO AMEND CAPITAL IMPROVEMENT PROJECT (CIP) 92269, FISCAL YEAR 2011-12 DISTRIBUTION TRANSFORMERS; AMEND CIP 9395, GIS SYSTEM IMPROVEMENTS; AMEND CIP 92294, GT3 MAJOR OVERHAUL AND CONTROLS; AMEND CIP 92292, CK2 BOILER FEED PUMPS OVERHAUL; AMEND CIP 92302, CK2 MAIN STEAM BLOCKING VALVE; AMEND CIP 92303, CK CEMS REPLACEMENT; AMEND CIP 92306, POWER PLANT SAFETY IMPROVEMENTS; PROVIDING FOR FILING; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Section 102.010 of the Local Government Code of the State of Texas authorizes the City Council to make changes in the budget for municipal purposes; and

WHEREAS, in accordance with the City Budget Ordinance the City Council shall approve all transfers between funds and departments; and

WHEREAS, the City Council deems it advisable to change the FY 2012-13 Budget for municipal purposes and reallocate funds as follows; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby approves changes to the City of Lubbock Budget FY 2012-13 (Budget Amendment #21) for municipal purposes, as follows:

I. Amend Capital Improvement Project 92269, FY 2011-12 Distribution Transformers, by decreasing the funding by $960,693, from $4,000,000 to $3,039,307, and close the project; amend Capital Improvement Project 9395, GIS System Improvements, by increasing the appropriation by $960,693, from $1,433,313 to $2,394,006, for the upgrade of the GE Design Manager software package, the GE PowerOn software package, and the Virynet software package.

II. Amend Capital Improvement Project 92294, GT3 Major Overhaul and Controls, by decreasing the funding by $760,000, from $850,000 to $90,000; amend Capital Improvement Project 92292, CK2 Boiler Feed Pumps Overhaul, by increasing the appropriation by $50,000, from $100,000 to $150,000; amend Capital Improvement Project 92302, CK2 Main Steam Blocking Valve, by increasing the appropriation by 150,000, from $100,000 to

$250,000; amend Capital Improvement Project 92303, CK CEMS Replacement, by increasing the appropriation $450,000, from $150,000 to $600,000; and amend Capital Improvement Project 92306, Power Plant Safety Improvements, by increasing the appropriation by $110,000, from $350,000 to $460,000.

SECTION 2. THAT a copy of the changes made to the City of Lubbock Budget pursuant to this Ordinance shall be filed with the City Secretary and County Clerk of Lubbock as required by law.

SECTION 3. THAT should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

AND IT IS SO ORDERED

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:

Dale Stapleton for Gary Zheng
Gary Zheng
Director of Electric Utilities

APPROVED AS TO FORM:

Laura D Pratt for: Amy Sims
Amy Sims
Assistant City Attorney

ccdocs/BudgetFY1213.Amend21.ord

RESOLUTION

WHEREAS, Lubbock Power & Light is the municipally owned public power utility of the City of Lubbock;

WHEREAS, the City of Lubbock has an important responsibility to its citizens to carefully budget and account for the financing and funding of Lubbock Power & Light, prudently manage Lubbock Power & Light's municipal finances, and plan for the adequate funding of services provided by Lubbock Power & Light;

WHEREAS, the purpose of the budget for Lubbock Power & Light is to achieve the goals outlined above and achieve a long-term stable and positive financial condition of Lubbock Power & Light by exercising integrity, prudence, responsible stewardship, and planning accountability;

WHEREAS, the Electric Utility Board is charged with approving an annual budget and submitting a budget and any amendments thereto for Lubbock Power & Light to the City Council pursuant to Division 12, Section 2.03.415(a) of the Code of Ordinances of the City of Lubbock; NOW THEREFORE:

BE IT RESOLVED BY THE ELECTRIC UTILITY BOARD OF THE CITY OF LUBBOCK:

THAT the Electric Utility Board request that the City Council amend the City of Lubbock's Budget for Lubbock Power & Light for fiscal year 2012-2013, such amendment being attached to this resolution and incorporated herein as though set forth fully herein, and, as amended, Lubbock Power & Light's budget shall be adopted as the part of the official City of Lubbock Budget for fiscal year 2012-2013.

Passed by the Electric Utility Board this 19th day of March, 2013.

Gail Kring

Gail Kring, Chairman

ATTEST:

Robert Musselman

Robert Musselman, Board Secretary

APPROVED AS TO CONTENT:

Gary Zheng
Director of Electric Utilities

APPROVED AS TO FORM:

Matthew L. Wade
General Counsel – LP&L

Lubbock Power & Light
Electric Utility Board

Agenda Item Summary
Budget Amendment
FY 2012-13

Meeting Date: March 19, 2013

Summary:

Amend FY 2012-13 CIP Funding for projects 9395, 92269, 92294, 92292, 92302, 92303, and 92306.

Background/Fiscal Impact:

1) CIP # 92269 – FY 2011-12 Distribution Transformer: The FY 2011-12 appropriation for this project was approved for $4,000,000, funded with cash. The project is complete and has a remaining balance of $960,693.

   Staff is recommending the transfer of $960,693 from this project to CIP # 9395 – GIS System Improvements. The requested transfer of funds is to upgrade the GE Design Manager software package, the GE PowerOn software package, and the Viryanet software package.

   a.) CIP #9395 – GIS System Improvements: The total appropriation to date is $1,433,313, with $266,313 funded with bonds and $1,167,000 funded with cash.

   The total proposed appropriation would be $2,394,006. $266,313 funded with bonds and $2,127,693 funded with cash.

The transfer of unused cash funding from CIP 92269 to CIP 9395 will have no impact on the FY 2012-13 budget.

Lubbock Power & Light
Electric Utility Board

Agenda Item Summary
Budget Amendment
FY 2012-13

Meeting Date: March 19, 2013

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2) CIP # 92294 – GT3 Major Overhaul and Controls: The FY 2012-13 appropriation for this project was approved for $850,000, to be funded with bonds. The project has been delayed and possibly canceled because the original equipment manufacturer is currently performing an end-of-life study.

Staff is recommending the transfer of $760,000 from this project to the following:

$ 50,000 to CIP # 92292 – CK2 Boiler Feed Pumps Overhaul
$150,000 to CIP # 92302 – CK2 Main Steam Blocking Valve
$450,000 to CIP # 92303 – CK CEMS Replacement
$110,000 to CIP # 92306 – Power Plant Safety Improvements.

a) CIP # 92292 – CK2 Boiler Feed Pumps Overhaul: The FY 2012-13 appropriation for this project was approved for $100,000, to be funded with bonds. The total proposed appropriation would be $150,000. $150,000 to be funded with bonds.

The initial costs were estimated at $97,000. The final estimate is $135,000. Staff is requesting the transfer to cover the additional costs associated with the overhaul.

b) CIP # 92302 – CK2 Main Steam Blocking Valve: The FY 2012-13 appropriation for this project was approved for $100,000, to be funded with cash. The total proposed appropriation would be $250,000. $100,000 to be funded with cash and $150,000 to be funded with bonds.

The initial costs were estimated at $100,000. The cost of the valve was $103,000, not including installation. Installation of the valve is very complex and will require four welders four days to complete the work. Staff is requesting the transfer to cover the additional costs associated with the installation of the valve.

Lubbock Power & Light
Electric Utility Board

Agenda Item Summary
Budget Amendment
FY 2012-13

Meeting Date: March 19, 2013

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c) CIP # 92303 – CK CEMS Replacement: The FY 2012-13 appropriation for this project was approved for $150,000, to be funded with bonds. The total proposed appropriation would be $600,000. $600,000 to be funded with bonds.

The initial costs were estimated at $150,000. An RFP was requested and the bids received by staff ranged from $400,000 to $600,000.

The initial budget was for a single Continuous Emissions Monitoring System (CEMS); however, separate systems for CK1 and CK2 are required based on the current technology being obsolete. A stand-alone predictive system is also being considered to provide redundancy for the system. Staff is requesting the transfer to cover the cost associated with the separate system upgrade.

d) CIP # 92306 – Power Plant Safety Improvements: The FY 2012-13 appropriation for this project was approved for $350,000, to be funded with cash. The total proposed appropriation would be $460,000. $350,000 to be funded with cash and $110,000 to be funded with bonds.

The funds are requested to construct additional catwalks at Brandon Station.

The transfer of appropriated bond funding between projects will have no cash impact on the FY 2012-13 approved budget.

Recommendation:

Staff recommends Board approval of the attached budget amendment.

Lubbock Power & Light
Electric Utility Board

Agenda Item Summary
Budget Amendment
FY 2012-13

Meeting Date: March 19, 2013

CIP:

1.) CIP Budget Amendment:

CIP #	Approved Budget	Change in Funding	Total Project
92269 - FY 2011-12 Distribution Transformers	$ 4,000,000	(960,693)	3,039,307
9395 - GIS System Improvements	1,433,313	960,693	2,394,006
92294 - GT3 Major Overhaul and Controls	850,000	(760,000)	90,000
92292 - CK2 Boiler Feed Pumps Overhaul	100,000	50,000	150,000
92302 - CK2 Main Steam Blocking Valve	100,000	150,000	250,000
92303 - CK CEMS Replacemet	150,000	450,000	600,000
92306 - Power Plant Safety Improvements	350,000	110,000	460,000
Total	**$ 6,983,313**	-	**6,983,313**

Total CIP Budget:

FY 2012-13	Approved Budget	Change in Funding	Proposed Budget
Cash Funding	$ 4,874,000	-	4,874,000
Bond Funding	14,020,000	-	14,020,000
Total Funding	**$ 18,894,000**	-	**18,894,000**

Lubbock Power & Light Budget - Proposed Amendment 03/19/2013
FY 2012-2013

	Approved 2012-2013	Proposed 2012-2013	Variance $	Variance %
Electric Operating Revenue				
General Consumers Metered	$ 173,663,097	$ 173,663,097	$ -	0.00%
Municipal Metered	$ 7,344,679	$ 7,344,679	$ -	0.00%
Street Light Electricity Contra Account	$ (1,493,876)	$ (1,493,876)	$ -	0.00%
Off System Sales	$ 11,026,560	$ 11,026,560	$ -	0.00%
Customer Rebates & Refunds	$ -	$ -	$ -	
Total Electric Operating Revenue	**$ 190,540,460**	**$ 190,540,460**	**$ -**	**0.00%**
Power Cost				
Purchased Power	127,474,287	$ 127,474,287	$ -	0.00%
Natural Gas	$ 650,000	$ 650,000	$ -	0.00%
Total Power Cost	**$ 128,124,287**	**$ 128,124,287**	**$ -**	**0.00%**
Gross Profit Before Other Operating Items	**$ 62,416,173**	**$ 62,416,173**	**$ -**	**0.00%**
Other Revenue				
Interest On Investments	$ 95,004	$ 95,004	$ -	0.00%
Building Space Rentals	$ 219,120	$ 219,120	$ -	0.00%
Pole Rentals	$ 241,146	$ 241,146	$ -	0.00%
Fees & Charges	$ 3,740,249	$ 3,740,249	$ -	0.00%
Outside Work Orders (Underground Fee)	$ 475,040	$ 475,040	$ -	0.00%
Miscellaneous Revenue	$ 437,254	$ 437,254	$ -	0.00%
Total Other Revenue	**$ 5,207,813**	**$ 5,207,813**	**$ -**	**0.00%**
Operating Budget				
Electric Administration (7111)	**$ 2,547,112**	**$ 2,547,112**	**$ -**	**0.00%**
Electric Regulatory Compliance (7112)	**$ 807,614**	**$ 807,614**	**$ -**	**0.00%**
Electric Community Affairs (7211)	**$ 650,975**	**$ 650,975**	**$ -**	**0.00%**
Electric Production Operations (7311)	$ 7,165,099	$ 7,165,099	$ -	0.00%
Electric Production Maintenance (7313)	$ 4,895,267	$ 4,895,267	$ -	0.00%
Electric Production Total	**$ 12,060,366**	**$ 12,060,366**	**$ -**	**0.00%**
Electric Distribution Engineering (7411)	$ 1,553,112	$ 1,553,112	$ -	0.00%
Electric Distribution Underground Lines (7412)	$ 3,065,512	$ 3,065,512	$ -	0.00%
Electric Distribution Overhead Lines (7413)	$ 3,125,717	$ 3,125,717	$ -	0.00%
Electric Distribution Operations (7414)	$ 862,839	$ 862,839	$ -	0.00%
Electric Customer Service (7415)	$ 3,869,100	$ 3,869,100	$ -	0.00%
Electric Substations (7417)	$ 1,854,934	$ 1,854,934	$ -	0.00%
Electric Meter Shop (7419)	$ 844,966	$ 844,966	$ -	0.00%
Street Light O&M	$ (1,119,492)	$ (1,119,492)	$ -	0.00%

Lubbock Power & Light Budget - Proposed Amendment 03/19/2013
FY 2012-2013

	Approved 2012-2013	Proposed 2012-2013	Variance $	Variance %
Electric Distribution Total	**$ 14,056,688**	**$ 14,056,688**	**$ -**	**0.00%**
Field Services (7511)	$ 3,364,574	$ 3,364,574	$ -	0.00%
Banner/CIS (7512)	$ 1,288,991	$ 1,288,991	$ -	0.00%
Customer Service (7513)	$ 2,815,457	$ 2,815,457	$ -	0.00%
Customer Care (7514)	$ 1,877,771	$ 1,877,771	$ -	0.00%
Business Office Total	**$ 9,346,793**	**$ 9,346,793**	**$ -**	**0.00%**
Reimbursements From Other Utilities	**$ (5,043,158)**	**$ (5,043,158)**	**$ -**	0.00%
Total Operating Budget	**$ 34,426,390**	**$ 34,426,390**	**$ -**	**0.00%**
Other Expenses				
Indirect Cost Allocation	$ 1,024,610	$ 1,024,610	$ -	0.00%
Uncollectible Accounts	$ 1,082,762	$ 1,082,762	$ -	0.00%
Street Lighting (O&M)	$ 1,119,492	$ 1,119,492	$ -	0.00%
Miscellaneous Expense (Revenue)	$ -	$ -	$ -	
Total Other Expenses	**$ 3,226,864**	**$ 3,226,864**	**$ -**	**0.00%**
Profit (Loss) From Operations	**$ 29,970,732**	**$ 29,970,732**	**$ -**	**0.00%**
Debt and Lease Payments				
Debt Service Principal Payment	$ 16,701,725	$ 16,701,725	$ -	0.00%
Debt Service Interest Payment	$ 5,832,470	$ 5,832,470	$ -	0.00%
Total Debt Service Payment	**$ 22,534,195**	**$ 22,534,195**	**$ -**	**0.00%**
Master Lease - Principal Payment	$ 180,722	$ 180,722	$ -	0.00%
Master Lease - Interest Payment	$ 4,108	$ 4,108	$ -	0.00%
Master Lease Total	**$ 184,830**	**$ 184,830**	**$ -**	**0.00%**
Total Debt Service Payments	**$ 22,719,025**	**$ 22,719,025**	**$ -**	**0.00%**
Cash Flow Before Capital Expenditures	**$ 7,251,707**	**$ 7,251,707**	**$ -**	**0.00%**
Capital Expenditures				
Elec Fac/Sys Improvements (Capital From Cash)	$ 4,874,000	$ 4,874,000	$ -	0.00%
Total Capital Expenditures From Cash	**$ 4,874,000**	**$ 4,874,000**	**$ -**	**0.00%**
Cash Flow After Capital Expenditures	**$ 2,377,707**	**$ 2,377,707**	**$ -**	**0.00%**

Lubbock Power & Light Budget - Proposed Amendment 03/19/2013
FY 2012-2013

	Approved 2012-2013	Proposed 2012-2013	Variance $	Variance %
Transfers				
Transfer Out - General Fund (FFE)	$ 8,975,695	$ 8,975,695	$ -	0.00%
Transfer Out - General Fund (FFE True Up)	$ -	$ -	$ -	
Transfer Out - General Fund (PILOT)	$ 1,795,079	$ 1,795,079	$ -	0.00%
Total Transfers	**$ 10,770,774**	**$ 10,770,774**	**$ -**	**0.00%**
Cash Flow After Transfers	**$ (8,393,067)**	**$ (8,393,067)**	**$ -**	**0.00%**
Non Cash Operating Expenses				
Depreciation	$ 20,000,000	$ 20,000,000	$ -	0.00%
Arena Amortization	$ 133,332	$ 133,332	$ -	0.00%
Disposition of Assets	$ 125,309	$ 125,309	$ -	0.00%
Benefit Accruals	$ 1,575,000	$ 1,575,000	$ -	0.00%
Total Non Cash Operating Expense	**$ 21,833,641**	**$ 21,833,641**	**$ -**	**0.00%**
Change In Net Assets (GAAP Net Income)	**$ (8,470,261)**	**$ (8,470,261)**	**$ -**	**0.00%**
Change In Cash	**$ (8,393,067)**	**$ (8,393,067)**	**$ -**	**0.00%**

Capital Expenditure Summary	Approved	Proposed	Variance $	Variance %
Elec Fac/Sys Improvements (Capital From Cash)	$ 4,874,000	$ 4,874,000	$ -	0.00%
Elec Fac/Sys Improvements (Capital From Bonds	$ 14,020,000	$ 14,020,000	$ -	0.00%
Elec Fac/Sys Improvements (Funding From Othe	$ -	$ -	$ -	
Total Capital Expenditures	**$ 18,894,000**	**$ 18,894,000**	**$ -**	**0.00%**

Lubbock Power and Light
Electric Capital Projects
FY 2012-13

Account	Project	Appropriated Prior to FY 2012-13 Appropriated Cash to Date	Appropriated Bonds to Date	Appropriated To Date	Approved 2012-2013	Proposed 2012-2013	Unappropriated Planning Years 2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Proposed Total	Funding Source Cash	Bonds	Total
8544	Re Skin Chalker Building	$ 145,000	$ -	$ 145,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 145,000	$ -	$ 145,000
8560	BDN HMI Software Replacement	$ 30,000	$ -	$ 30,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 30,000	$ -	$ 30,000
8562	Laptop Computer Replacement	$ 370,000	$ -	$ 370,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 370,000	$ -	$ 370,000
9395	GIS System Improvements	$ 1,167,000	$ 266,313	$ 1,433,313	$ -	$ 960,693	$ -	$ -	$ -	$ -	$ -	$ 960,693	$ 2,127,693	$ 266,313	$ 2,394,006
90261	Southeast Substation	$ -	$ 4,219,000	$ 4,219,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,219,000	$ 4,219,000
90370	Rerouting Software	$ 115,000	$ -	$ 115,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 115,000	$ -	$ 115,000
92082	Substation Transformer Replacement	$ 125,000	$ 500,000	$ 625,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 125,000	$ 500,000	$ 625,000
92141	Substation Relay Upgrade	$ 305,000	$ -	$ 305,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 305,000	$ -	$ 305,000
92162	Info System Migration/Telephone Technology	$ 1,623,622	$ -	$ 1,623,622	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,623,622	$ -	$ 1,623,622
92167	LBC Various Renovations	$ 650,000	$ -	$ 650,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 650,000	$ -	$ 650,000
92197	Tie Line Transformer Replacement	$ 6,500,000	$ -	$ 6,500,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 6,500,000	$ -	$ 6,500,000
92198	Chalker Sub Transformer Replacement	$ 1,400,000	$ -	$ 1,400,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,400,000	$ -	$ 1,400,000
92202	Rail Port Distribution Line	$ 450,000	$ -	$ 450,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 450,000	$ -	$ 450,000
92204	URD Equipment Storage Building	$ 250,000	$ -	$ 250,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 250,000	$ -	$ 250,000
92233	Service Distribution	$ 600,000	$ -	$ 600,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 600,000	$ -	$ 600,000
92239	Substation and Distribution Line Integration	$ 500,000	$ -	$ 500,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 500,000	$ -	$ 500,000
92241	Vehicle Purchase	$ 1,598,000	$ -	$ 1,598,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,598,000	$ -	$ 1,598,000
92242	Massengale Welding Shop Replacement	$ 50,000	$ -	$ 50,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 50,000	$ -	$ 50,000
92261	DAS Map	$ 100,000	$ -	$ 100,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 100,000	$ -	$ 100,000
92267	FY 2011012 Overhead Distribution	$ 3,000,000	$ -	$ 3,000,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,000,000	$ -	$ 3,000,000
92268	FY 2011012 Underground Distribution	$ 3,000,000	$ -	$ 3,000,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,000,000	$ -	$ 3,000,000
92269	FY 2011012 Distribution Transformers	$ 4,000,000	$ -	$ 4,000,000	$ -	$ (960,693)	$ -	$ -	$ -	$ -	$ -	$ (960,693)	$ 3,039,307	$ -	$ 3,039,307
92270	FY 2011-12 Service Distribution	$ 400,000	$ -	$ 400,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 400,000	$ -	$ 400,000
92272	Vicksburg Transformer No. 1 Repair	$ 800,000	$ -	$ 800,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 800,000	$ -	$ 800,000
92273	Substation Land Acquisition	$ 65,000	$ -	$ 65,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 65,000	$ -	$ 65,000
92276	FY 2011-12 Vehicle Replacement	$ 1,655,000	$ -	$ 1,655,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,655,000	$ -	$ 1,655,000
8573	CK Abestos Abatement	$ 100,000	$ -	$ 100,000	$ 250,000	$ -	$ 250,000	$ -	$ -	$ -	$ -	$ 500,000	$ 350,000	$ -	$ 350,000
8578	CK 2 Boiler Refurbishment	$ -	$ -	$ -	$ 500,000	$ -	$ 500,000	$ 500,000	$ 500,000	$ 500,000	$ -	$ 2,500,000	$ 500,000	$ -	$ 500,000
8580	Gas Line Inspection/Integrity Test	$ -	$ -	$ -	$ 850,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 850,000	$ 850,000	$ -	$ 850,000
8581	CK/MGL Gas Turbine Stack Painting	$ -	$ -	$ -	$ 50,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 50,000	$ 50,000	$ -	$ 50,000
8582	CK Bldg/Piping Asbestos Abatement/Insulation	$ -	$ -	$ -	$ 200,000	$ -	$ 250,000	$ 250,000	$ -	$ -	$ -	$ 700,000	$ 200,000	$ -	$ 200,000
90311	Fiber Option Communications	$ 698,000	$ -	$ 698,000	$ 22,000	$ -	$ 22,000	$ -	$ -	$ -	$ -	$ 44,000	$ 720,000	$ -	$ 720,000
90367	MGL CW Line Coating	$ 400,000	$ 300,000	$ 700,000	$ 200,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 200,000	$ 600,000	$ 300,000	$ 900,000
92081	LM2500 Overhaul	$ -	$ -	$ -	$ -	$ -	$ 3,500,000	$ -	$ -	$ -	$ -	$ 3,500,000	$ -	$ -	$ -
92083	LM6000 Major Overhaul	$ 3,700,000	$ -	$ 3,700,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,500,000	$ 2,500,000	$ 3,700,000	$ -	$ 3,700,000
92203	High Line Truck Parking	$ 225,000	$ -	$ 225,000	$ 50,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 50,000	$ 275,000	$ -	$ 275,000
92282	Downtown Redevelopment Underground	$ 425,000	$ -	$ 425,000	$ 290,000	$ -	$ 280,000	$ 290,000	$ -	$ -	$ -	$ 860,000	$ 425,000	$ 290,000	$ 715,000
92283	MGL 6 & 7 Cooling Tower Replacement	$ 1,750,000	$ -	$ 1,750,000	$ 4,180,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,180,000	$ 1,750,000	$ 4,180,000	$ 5,930,000
92291	CK Station - Additional MCC	$ -	$ -	$ -	$ 300,000	$ -	$ 300,000	$ -	$ -	$ -	$ -	$ 600,000	$ -	$ 300,000	$ 300,000
92292	CK 2 Boiler Feed Pumps Overhaul	$ -	$ -	$ -	$ 100,000	$ 50,000	$ -	$ -	$ -	$ -	$ -	$ 150,000	$ -	$ 150,000	$ 150,000
92293	CK 1 Hydrogen Cooler Replacement	$ -	$ -	$ -	$ 90,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 90,000	$ 90,000	$ -	$ 90,000
92294	GT3 Major Overhaul and Controls	$ -	$ -	$ -	$ 850,000	$ (760,000)	$ 850,000	$ 850,000	$ -	$ -	$ -	$ 1,790,000	$ -	$ 90,000	$ 90,000
92295	Critical Valve Overhauls	$ -	$ -	$ -	$ 150,000	$ -	$ 150,000	$ 150,000	$ 150,000	$ 150,000	$ 150,000	$ 900,000	$ -	$ 150,000	$ 150,000
92296	CK Startup Transformer Refurbishment	$ -	$ -	$ -	$ 200,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 200,000	$ -	$ 200,000	$ 200,000
92297	Vehicles	$ -	$ -	$ -	$ 1,307,000	$ -	$ 1,400,000	$ 1,400,000	$ 1,400,000	$ 1,400,000	$ 1,400,000	$ 8,307,000	$ 1,307,000	$ -	$ 1,307,000
92298	Underground Distribution	$ -	$ -	$ -	$ 2,100,000	$ -	$ 2,100,000	$ 2,100,000	$ 2,100,000	$ 2,100,000	$ 2,100,000	$ 12,600,000	$ -	$ 2,100,000	$ 2,100,000
92299	Overhead Distribution	$ -	$ -	$ -	$ 1,200,000	$ -	$ 1,200,000	$ 1,200,000	$ 1,200,000	$ 1,200,000	$ 1,200,000	$ 7,200,000	$ -	$ 1,200,000	$ 1,200,000
92300	Distribution Transformers	$ -	$ -	$ -	$ 2,300,000	$ -	$ 2,300,000	$ 2,300,000	$ 2,300,000	$ 2,300,000	$ 2,300,000	$ 13,800,000	$ -	$ 2,300,000	$ 2,300,000
92301	Service Distribution	$ -	$ -	$ -	$ 400,000	$ -	$ 400,000	$ 400,000	$ 400,000	$ 400,000	$ 400,000	$ 2,400,000	$ 400,000	$ -	$ 400,000
92302	CK 2 Main Steam Blocking Valve	$ -	$ -	$ -	$ 100,000	$ 150,000	$ -	$ -	$ -	$ -	$ -	$ 250,000	$ 100,000	$ 150,000	$ 250,000
92303	CK CEMS Replacement	$ -	$ -	$ -	$ 150,000	$ 450,000	$ -	$ -	$ -	$ -	$ -	$ 600,000	$ -	$ 600,000	$ 600,000
92304	MGL Security Improvements	$ -	$ -	$ -	$ 175,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 175,000	$ 175,000	$ -	$ 175,000
92305	CK 2 Boiler Controls Replacement	$ -	$ -	$ -	$ 550,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 550,000	$ -	$ 550,000	$ 550,000
92306	Power Plant Safety Improvements	$ -	$ -	$ -	$ 350,000	$ 110,000	$ -	$ -	$ -	$ -	$ -	$ 460,000	$ 350,000	$ 110,000	$ 460,000
92314	CK 1 CW Line Coating	$ -	$ -	$ -	$ 200,000	$ -	$ 200,000	$ 200,000	$ -	$ -	$ -	$ 600,000	$ 200,000	$ -	$ 200,000
92315	INovah Cashiering System Migration	$ -	$ -	$ -	$ 35,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 35,000	$ 35,000	$ -	$ 35,000
92316	CK 1 Pump House Roof Modification	$ -	$ -	$ -	$ 95,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 95,000	$ 95,000	$ -	$ 95,000
92317	CK 2 Cooling Tower Mechanical Refurbishment	$ -	$ -	$ -	$ 150,000	$ -	$ -	$ -	$ -	$ 750,000	$ -	$ 900,000	$ -	$ 150,000	$ 150,000
92319	230 kV Transmission Loop (HY to MW)	$ -	$ -	$ -	$ 1,000,000	$ -	$ 2,300,000	$ 13,000,000	$ 5,500,000	$ -	$ -	$ 21,800,000	$ -	$ 1,000,000	$ 1,000,000
92320	Substation Breaker Replacements	$ -	$ -	$ -	$ 500,000	$ -	$ 2,000,000	$ -	$ -	$ -	$ -	$ 2,500,000	$ -	$ 500,000	$ 500,000
2011066	MGL Boiler Feed Pumps Overhaul	$ -	$ -	$ -	$ -	$ -	$ -	$ 750,000	$ -	$ -	$ -	$ 750,000	$ -	$ -	$ -
2012057	CK Video/Intercom Replacement	$ -	$ -	$ -	$ -	$ -	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000	$ -	$ -	$ -
2012062	MGL Video/Intercom Installation	$ -	$ -	$ -	$ -	$ -	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000	$ -	$ -	$ -
Future	69 kV Transmission Line (NE to BD)	$ -	$ -	$ -	$ -	$ -	$ 400,000	$ -	$ -	$ -	$ -	$ 400,000	$ -	$ -	$ -
Future	69 kV Transmission Line Rebuild	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,000,000	$ -	$ -	$ -	$ 1,000,000	$ -	$ -	$ -
Future	69 kV Transmission Line Reconductoring	$ -	$ -	$ -	$ -	$ -	$ 2,812,000	$ -	$ -	$ -	$ -	$ 2,812,000	$ -	$ -	$ -
Future	Automated Meter Reading	$ -	$ -	$ -	$ -	$ -	$ 15,000,000	$ 5,000,000	$ -	$ -	$ -	$ 20,000,000	$ -	$ -	$ -
Future	BD Boiler Feed Pump Overhaul	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 300,000	$ 300,000	$ -	$ -	$ -

Lubbock Power and Light
Electric Capital Projects
FY 2012-13

Account	Project	Appropriated Prior to FY 2012-13 Appropriated Cash to Date	Appropriated Bonds to Date	Appropriated To Date	Approved 2012-2013	Proposed 2012-2013	Unappropriated Planning Years 2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Proposed Total	Funding Source Cash	Bonds	Total
Future	BD Piping Re-Insulation	$ -	$ -	$ -	$ -	$ -	$ -	$ 250,000	$ -	$ -	$ 350,000	$ 600,000	$ -	$ -	$ -
Future	BD RO System Upgrade	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ -	$ 250,000	$ 600,000	$ -	$ -	$ -
Future	BD Security Gate Replacement	$ -	$ -	$ -	$ -	$ -	$ 55,000	$ -	$ 350,000	$ -	$ 250,000	$ 655,000	$ -	$ -	$ -
Future	CK 1 Boiler Refurbishment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 500,000	$ 500,000	$ 500,000	$ 1,500,000	$ -	$ -	$ -
Future	CK 1 Condenser Refurbishment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 750,000	$ 650,000	$ -	$ 1,400,000	$ -	$ -	$ -
Future	CK 1 Cooling Tower Replacement	$ -	$ -	$ -	$ -	$ -	$ -	$ 2,500,000	$ -	$ -	$ -	$ 2,500,000	$ -	$ -	$ -
Future	CK 1 Generator Overhaul	$ -	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ -	$ -	$ -	$ 350,000	$ -	$ -	$ -
Future	CK 2 Condenser Refurbishment	$ -	$ -	$ -	$ -	$ -	$ 500,000	$ 750,000	$ -	$ -	$ -	$ 1,250,000	$ -	$ -	$ -
Future	CK 2 Turbine/Generator Overhaul	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ -	$ -	$ -	$ 850,000	$ 1,200,000	$ -	$ -	$ -
Future	CK Air Washers	$ -	$ -	$ -	$ -	$ -	$ -	$ 300,000	$ 300,000	$ -	$ -	$ 600,000	$ -	$ -	$ -
Future	CK Automatic Generator Control	$ -	$ -	$ -	$ -	$ -	$ 650,000	$ 650,000	$ -	$ -	$ -	$ 1,300,000	$ -	$ -	$ -
Future	CK Boiler Feed Pump Repairs	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 500,000	$ -	$ 500,000	$ -	$ -	$ -
Future	CK Circulating Water Pump Overhauls	$ -	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ -	$ -	$ -	$ 350,000	$ -	$ -	$ -
Future	CK Flash Tank Replacements	$ -	$ -	$ -	$ -	$ -	$ 125,000	$ -	$ -	$ -	$ 350,000	$ 475,000	$ -	$ -	$ -
Future	CK Gantry Crane Replacement	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ 350,000	$ -	$ -	$ -
Future	CK GT Filter House Additions	$ -	$ -	$ -	$ -	$ -	$ 200,000	$ 200,000	$ 300,000	$ -	$ -	$ 700,000	$ -	$ -	$ -
Future	CK GT1 Cooling Tower Replacement	$ -	$ -	$ -	$ -	$ -	$ 600,000	$ -	$ -	$ -	$ -	$ 600,000	$ -	$ -	$ -
Future	CK GT2 Controls Upgrade	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 850,000	$ -	$ -	$ 850,000	$ -	$ -	$ -
Future	CK GT2 Turbine/Generator Overhaul	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 850,000	$ 850,000	$ -	$ -	$ -
Future	CK Perimeter Lighting	$ -	$ -	$ -	$ -	$ -	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000	$ -	$ -	$ -
Future	CK Turbine Building Repairs	$ -	$ -	$ -	$ -	$ -	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000	$ -	$ -	$ -
Future	CK Water Treatment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,500,000	$ 2,500,000	$ 3,000,000	$ 7,000,000	$ -	$ -	$ -
Future	MGL 6 Boiler Refurbishments	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ 350,000	$ -	$ -	$ -	$ 700,000	$ -	$ -	$ -
Future	MGL 6 Condenser Refurbishments	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ 350,000	$ -	$ -	$ -	$ 700,000	$ -	$ -	$ -
Future	MGL 6 Turbine/Generator Overhaul	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 800,000	$ 800,000	$ 800,000	$ 2,400,000	$ -	$ -	$ -
Future	MGL 7 Boiler Refurbishment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ 350,000	$ -	$ 700,000	$ -	$ -	$ -
Future	MGL 7 Condenser Refurbishment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ 350,000	$ -	$ 700,000	$ -	$ -	$ -
Future	MGL 7 Turbine/Generator Overhaul	$ -	$ -	$ -	$ -	$ -	$ 800,000	$ 800,000	$ 800,000	$ 800,000	$ -	$ 3,200,000	$ -	$ -	$ -
Future	MGL 8 Controls Upgrade	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 500,000	$ 500,000	$ 500,000	$ 1,500,000	$ -	$ -	$ -
Future	MGL Air Washers	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 250,000	$ 300,000	$ -	$ 550,000	$ -	$ -	$ -
Future	MGL Automatic Generator Control	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 650,000	$ 650,000	$ -	$ 1,300,000	$ -	$ -	$ -
Future	MGL CEMS Replacement	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 400,000	$ -	$ -	$ 400,000	$ -	$ -	$ -
Future	MGL Circulating Water Pump Repairs	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 750,000	$ 750,000	$ -	$ 1,500,000	$ -	$ -	$ -
Future	MGL MCC Upgrade	$ -	$ -	$ -	$ -	$ -	$ -	$ 250,000	$ 250,000	$ -	$ -	$ 500,000	$ -	$ -	$ -
Future	MGL Piping Re-Insulation	$ -	$ -	$ -	$ -	$ -	$ -	$ 250,000	$ -	$ -	$ -	$ 250,000	$ -	$ -	$ -
Future	MGL RO System Upgrade	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 550,000	$ -	$ 550,000	$ -	$ -	$ -
Future	MGL Turbine Re-Insulation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 150,000	$ -	$ -	$ 150,000	$ -	$ -	$ -
Future	North Substation (New)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,500,000	$ -	$ -	$ 4,500,000	$ -	$ -	$ -
Future	Oliver Substation Transformer Capacity Upgrade	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,250,000	$ -	$ -	$ 1,250,000	$ -	$ -	$ -
Future	Plant Emergency Power Upgrades	$ -	$ -	$ -	$ -	$ -	$ 500,000	$ 500,000	$ -	$ -	$ -	$ 1,000,000	$ -	$ -	$ -
Future	Plant Exterior Tank/Structure Painting	$ -	$ -	$ -	$ -	$ -	$ 100,000	$ 50,000	$ 150,000	$ -	$ -	$ 300,000	$ -	$ -	$ -
Future	Plant Freeze Protection/Added Structures	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ -	$ 200,000	$ 550,000	$ -	$ -	$ -
Future	Plant Hand Rail, Platform, Catwalk Upgrades	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ 350,000	$ -	$ -	$ 350,000	$ 1,050,000	$ -	$ -	$ -
Future	Plant Structure Additions/Upgrades	$ -	$ -	$ -	$ -	$ -	$ 350,000	$ -	$ -	$ 350,000	$ -	$ 700,000	$ -	$ -	$ -
Future	Miscellaneous Future Projects	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Future	North Loop Transmission Upgrade	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 9,000,000	$ 8,600,000	$ 17,600,000	$ -	$ -	$ -
Future	Future Generation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 192,405,182	$ 85,513,414	$ 149,648,475	$ 427,567,070	$ -	$ -	$ -
	Total Projects Budget	**$ 36,196,622**	**$ 5,285,313**	**$ 41,481,935**	**$ 18,894,000**	**$ -**	**$ 41,894,000**	**$ 37,640,000**	**$ 222,355,182**	**$ 112,863,414**	**$ 177,198,475**	**$ 610,845,070**	**$ 41,070,622**	**$ 19,305,313**	**$60,375,935**
													68.02%	31.98%	100.00%

Sources of Funding	Appropriated Cash to Date	Appropriated Bonds to Date	Appropriated To Date	Approved 2012-2013	Proposed 2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Total
Cash	$ 36,196,622	$ -	$ 36,196,622	$ 4,874,000	$ 4,874,000	$ 20,947,000	$ 18,820,000	$ 29,950,000	$ 27,350,000	$ 27,550,000	$ 129,491,000
Bonds	$ -	$ 5,285,313	$ 5,285,313	$ 14,020,000	$ 14,020,000	$ 20,947,000	$ 18,820,000	$ 192,405,182	$ 85,513,414	$ 149,648,475	$ 481,354,070
Funding From Others	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Additional Funding Needed	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Funding	**$ 36,196,622**	**$ 5,285,313**	**$ 41,481,935**	**$ 18,894,000**	**$ 18,894,000**	**$ 41,894,000**	**$ 37,640,000**	**$ 222,355,182**	**$ 112,863,414**	**$ 177,198,475**	**$ 610,845,070**
Less Funding From Other Sources	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**						
Net CIP + Vehicles for LP&L	**$ 36,196,622**	**$ 5,285,313**	**$ 41,481,935**	**$ 18,894,000**	**$ 18,894,000**						

Capital Project
Project Cost Detail
Budget Amendments
May 9, 2013

Capital Project Number:	92269
Capital Project Name:	FY 2011-12 Distribution Transformers
Capital Project Number:	9395
Capital Project Name:	GIS System Improvements

	92269	9395	Total
Current Appropriation Amount	$ 4,000,000	1,433,313	5,433,313
Proposed Amendment	(960,693)	960,693	-
Total Proposed Appropriation	$ 3,039,307	2,394,006	5,433,313

Capital Project
Project Cost Detail
Budget Amendments
May 9, 2013

Capital Project Number:	92294
Capital Project Name:	GT3 Major Overhaul and Controls
Capital Project Number:	92292
Capital Project Name:	CK2 Boiler Feed Pumps Overhaul
Capital Project Number:	92302
Capital Project Name:	CK2 Main Steam Blocking Valve
Capital Project Number:	92303
Capital Project Name:	CK CEMS Replacement
Capital Project Number:	92306
Capital Project Name:	Power Plant Safety Improvements

	92294	92292	92302	92303	92306	Total
Current Appropriation Amount	$ 850,000	100,000	100,000	150,000	350,000	1,550,000
Proposed Amendment	(760,000)	50,000	150,000	450,000	110,000	-
Total Proposed Appropriation	$ 90,000	150,000	250,000	600,000	460,000	1,550,000

Regular City Council Meeting **5. 3.**

Meeting Date: 05/09/2013

Information

Agenda Item

Budget Ordinance Amendment 1st Reading - Consider Budget Amendment 23 amending the FY 2012-13 budget for municipal purposes respecting the operating budget for Market Lubbock, Inc. (MLI) - Lubbock Convention and Visitors Bureau (Visit Lubbock) and MLI - Lubbock Sports Authority.

Item Summary

I. Amend the Market Lubbock, Inc. – Visit Lubbock, Inc., Component Unit FY 2012-13 operating budget by increasing appropriation by $276,439, from $2,231,141 to $2,507,580. The amendment is due to the change in Fund Balance that was adjusted following the FY 2011-12 audit, true up amounts, and changes in line item expense accounts to reflect the increased revenue and refocus the expenditures toward marketing and promotions. The amendments to expense budgets were primarily increases in marketing and promotions, maintenance and operations, and grants to Lubbock Sports Authority.

II. Amend the Market Lubbock, Inc. – Lubbock Sports Authority Component Unit FY 2012-13 operating budget by $193,681, from $828,347 to $1,022,028. The amendment is due to the change in Fund Balance that was adjusted following the FY 2011-12 audit, true up amounts, and changes in line item expense accounts to reflect the increased revenue. The amendments to expense budgets were primarily increases in marketing and promotions, maintenance and operations, and sports servicing. There is strong growth in the sports market and the increase in servicing funds will allow Lubbock Sports Authority to compete for new events and keep returning events.

Fiscal Impact

Included in Item Summary.

Staff/Board Recommending

John Osborne, CEO, Lubbock Economic Development Alliance, Inc.

Attachments

Budget Amendment 23

Exhibit A

Visit Lubbock Revised budget

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FY 2012-13 BUDGET FOR MUNICIPAL PURPOSES RESPECTING THE OPERATING BUDGET FOR MARKET LUBBOCK, INC. (MLI) – LUBBOCK CONVENTION AND VISITORS BUREAU (VISIT LUBBOCK) AND MLI – LUBBOCK SPORTS AUTHORITY; PROVIDING FOR FILING; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, Section 102.010 of the Local Government Code of the State of Texas authorizes the City Council to make changes in the budget for municipal purposes; and

WHEREAS, in accordance with the City Budget Ordinance the City Council shall approve all transfers between funds and departments; and

WHEREAS, the City Council deems it advisable to change the FY 2012-13 Budget for municipal purposes and reallocate funds as follows; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby approves changes to the City of Lubbock Budget FY 2012-13 (Budget Amendment #23) for municipal purposes, as follows:

1. Approve the amendments to the Adopted FY 2012-13 Operating Budget for Market Lubbock, Inc. (MLI) – Lubbock Convention and Visitors Bureau, as illustrated in Exhibit A.

2. Approve the amendments to the Adopted FY 2012-13 Operating Budget for MLI – Lubbock Sports Authority, as illustrated by Exhibit A.

SECTION 2. THAT a copy of the changes made to the City of Lubbock Budget pursuant to this Ordinance shall be filed with the City Secretary and County Clerk of Lubbock as required by law.

SECTION 3. THAT should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

AND IT IS SO ORDERED

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza
City Secretary

APPROVED AS TO CONTENT:

_____
Cheryl Brock
Executive Director of Budget

APPROVED AS TO FORM:

_____
Amy Sims
Assistant City Attorney

ccdocs/BudgetFY1213.Amend23.ord

City of Lubbock, TX
Fiscal Policy Department
Market Lubbock Inc. - Convention and Visitors Bureau
Proposed FY 2012-13 Budget Revision

FUNDING SOURCES	Approved Budget FY 2012-13	Proposed Revised FY 2012-13	Change from Approved
Interest Earnings	$ 4,250	4,250	-
Hotel/Motel Tax	1,963,856	1,963,856	-
Hotel/Motel Tax True-Up	-	308,436	308,436
Sale of Promotional Items	4,500	4,500	-
Advertising Income	38,000	38,000	-
Grant from Lubbock Sports Authority	-	-	-
Other Income	-	-	-
Total Revenue Sources	2,010,606	2,319,042	308,436
Utilization of Net Assets	220,535	188,538	(31,997)
TOTAL FUNDING SOURCES	2,231,141	2,507,580	276,439
EXPENSES			
Compensation	746,610	746,610	-
Benefits	145,460	145,460	-
Marketing & Promotions	762,530	931,500	168,970
Maintenance & Operations	202,003	207,953	5,950
Professional Services	101,575	101,575	-
Capital Outlay	8,925	8,925	-
Special Projects	-	-	-
Incentives	131,000	131,000	-
Grant to Lubbock Sports Authority	133,038	234,557	101,519
TOTAL EXPENSES	$ 2,231,141	2,507,580	276,439

City of Lubbock, TX
Fiscal Policy Department
Market Lubbock Inc. - Lubbock Sports Authority
Proposed FY 2012-13 Budget Revision

FUNDING SOURCES	Approved Budget FY 2012-13	Proposed Revised FY 2012-13	Change from Approved
Interest Earnings	$ 1,130	1,130	-
Hotel/Motel Tax	622,761	622,761	-
Hotel/Motel Tax True-Up	-	97,808	97,808
Event Revenue	32,500	32,500	-
Grant fromVisit Lubbock	133,038	234,557	101,519
Total Revenue Sources	789,429	988,756	199,327
Utilization of Net Assets	38,918	33,272	(5,646)
TOTAL FUNDING SOURCES	828,347	1,022,028	193,681
EXPENSES			
Compensation	172,100	172,100	-
Benefits	32,730	32,730	-
Marketing & Promotions	143,370	171,000	27,630
Maintenance & Operations	35,647	36,698	1,051
Professional Services	17,925	17,925	-
Capital Outlay	1,575	1,575	-
Servicing	425,000	590,000	165,000
Grant to Visit Lubbock	-	-	-
TOTAL EXPENSES	$ 828,347	1,022,028	193,681

Visit Lubbock
Convention and Visitors Bureau and Lubbock Sports
Proposed Budget
Fiscal Year 2012-2013

	Approved Budget FY2012-13	Approved CVB FY2012-13	Approved Sports FY2012-13	Proposed Revised Budget FY2012-13		Proposed Revised CVB FY2012-13	Proposed Revised Sports FY2012-13
REVENUES							
Hotel/Motel Tax Revenue	$ 2,586,617	1,963,856	622,761	$ 2,586,617		1,963,856	622,761
HOT True-Up - CVB/LSA	-	0	0	406,244	1	308,436	97,808
Investment Income	5,380	4,250	1,130	5,380		4,250	1,130
Sale of Promotional Items	4,500	4,500		4,500		4,500	
Advertising Income	38,000	38,000		38,000		38,000	
Event Revenue	32,500		32,500	32,500			32,500
Total Revenue Sources	2,666,997	2,010,606	656,391	3,073,241		2,319,042	754,199
Utilization of Net Assets	259,453	220,535	38,918	221,810	2	188,538	33,272
Grant between entities	-	(133,038)	133,038	-		(234,557)	234,557
TOTAL REVENUES	$ 2,926,450	$ 2,098,103	$ 828,347	$ 3,295,051		$ 2,273,023	$ 1,022,028
EXPENSES							
Compensation	$ 918,710	746,610	172,100	$ 918,710		746,610	172,100
Employee Benefits	178,190	145,460	32,730	178,190		145,460	32,730
Maintenance & Operations	237,650	202,003	35,647	244,651	3	207,953	36,698
Professional Services	119,500	101,575	17,925	119,500		101,575	17,925
Capital Asset Purchase	10,500	8,925	1,575	10,500		8,925	1,575
Marketing & Promotions	905,900	762,530	143,370	1,102,500	4	931,500	171,000
Incentives	131,000	131,000	0	131,000		131,000	0
Sports Servicing	425,000	0	425,000	590,000	5	0	590,000
TOTAL EXPENSE	$ 2,926,450	$ 2,098,103	$ 828,347	$ 3,295,051		$ 2,273,023	$ 1,022,028

Visit Lubbock

Schedule of Explanation for Selected Accounts
Proposed Revised Budget
Fiscal Year 2012-2013

	Approved 2012-2013	Proposed Revised 2012-2013	Difference	Explanation
REVENUES				
1 Hotel Occupancy Tax				Fiscal Year 2012 True-up - Received in November 2012
CVB True-Up	0	308,435	308,435	
Sports True-Up	0	97,808	97,808	
Totals	0	406,243	406,243	
2 Utilization of Net Assets	259,453	221,810	(37,643)	True-up received in November allowed for the reduction of the use of Net Assets. We were able to keep cash reserves at 6 months, as required by Board policy.
EXPENSES				
3 Maintenance & Operations	237,650	244,651	7,001	Staff identified new markets and associations with the potential to lead to additional conventions and events. By joining these professional organizations, VL will have the opportunity to bring more business to Lubbock.
4 Marketing & Promotions	905,900	1,102,500	196,600	True-up funds will allow VL to restore marketing that was cut over the last 5 years because of budget constraints. The increase in funds will allow for the development of a new interactive website that will integrate social media, allow for customized micro-sites and online booking applications. The additional funds will also allow staff to pursue newly identified markets that fit into the strengths of Lubbock to allow for the opportunity to gain more business and to take advantage of additional training and networking opportunities to build their contact list to bring more events and conventions to Lubbock.
5 Sports Servicing	425,000	590,000	165,000	There is strong growth in the sports market and the increase in servicing funds will allow us to compete for new events and keep returning events. Additionally, funding from the Texas Events Trust Fund has been increasingly difficult to obtain as qualifying expenses are being cut.

Regular City Council Meeting **5. 4.**

Meeting Date: 05/09/2013

Information

Agenda Item

Contract Resolution – Public Works - Water Resources: Consider a resolution authorizing the Mayor to execute a contract 11307 with Lubbock Reese Redevelopment Authority (LRRA) for the purchase of water from the City's potable water system.

Item Summary

On May 22, 2003, the City entered into a 10-year contract with the LRRA to supply potable water from the City's water system. The original contract provided that LRRA would pay the same commercial water rates as other entities within the city limits, as may be amended from time to time. The City has historically supplied water to LRRA to help facilitate the redevelopment and renovation of the former Reese Air Force Base. Section 22.03.091 of the City's Code of Ordinances permits the sale of wholesale water outside the city limits to federal, state, local entities including political subdivisions, such as LRRA.

The contract being considered is based on an Interlocal Wholesale Water Sales Contract template recommended in February 2013, by the Lubbock Water Advisory Commission. This contract updates the terms and conditions of the existing contract and allows the LRRA to continue to purchase Lubbock's water for five more years. The contract limits the water that can be purchased to 90 million gallons each year. In addition, LRRA must enact water conservation and/or drought restrictions that are at least as stringent as the City's restrictions.

Wholesale customers are required by ordinance to pay wholesale water rates adopted by the City Council in Section 22.03.085(6) of the City's Code of Ordinances. This contract includes a provision that LRRA will pay the standard wholesale water rates unless the City Council amends the ordinance to include a special water rate for LRRA. Wholesale customers pay 50% more for their water than commercial customers within the city limits, since Lubbock citizens have paid for expensive water supply projects necessary to continue meeting Lubbock's water demand.

Fiscal Impact

In the prior fiscal year, LRRA paid $111,566 for water supplied by the City.

Staff/Board Recommending

R. Keith Smith, P.E., Chief Operating Officer

Attachments

Resolution - Interlocal Wholesale Water Sales

Contract - Interlocal Wholesale Water Contract

Exhibit A - Interlocal Wholesale Water Contract

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock an Interlocal Wholesale Water Sales Contract between the City of Lubbock and Lubbock Reese Redevelopment Authority, and any other related documents. Said Contract is attached hereto and incorporated in this Resolution as if fully set forth herein and shall be included in the minutes of the Council.

Passed by the City Council this _____ day of _____, 2013.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
R. Keith Smith, P.E.
Chief Operating Officer

_____
Aubrey A. Spear, P.E.
Director of Water Resources

APPROVED AS TO FORM:

_____
Laura Pratt, Assistant City Attorney

INTERLOCAL WHOLESALE WATER SALES CONTRACT

STATE OF TEXAS §

COUNTY OF LUBBOCK §

This Contract is made by and between the CITY OF LUBBOCK, a home rule municipal corporation located in Lubbock County, acting by and through its Mayor as authorized by specific action of its City Council; and the LUBBOCK REESE REDEVLOPMENT AUTHORITY (herein called "Consumer/User"), a political subdivision of the State of Texas, acting by and through its Board of Directors..

WITNESSETH

WHEREAS, the Consumer/User is an independent and locally governed political subdivision of the State of Texas located adjacent to the city limits west of the City of Lubbock;

WHEREAS, there is considerable commercial, research, construction, and education activity between both these communities due the close proximity;

WHEREAS, the City of Lubbock has historically supplied certain volumes of potable water as a provision of the redevelopment and renovation of the former Reese Air Force Base, and there is a continued need for the City of Lubbock to supply certain volumes of water;

WHEREAS, Section 22.03.091 of the Code of Ordinances of the City of Lubbock permits the sale of wholesale water outside of its municipal boundaries to federal, state, or local governments pursuant to appropriate intergovernmental contracts;

WHEREAS, the City of Lubbock is amenable to providing said wholesale water, subject to the conditions precedent and upon the terms and conditions of this Contract, to the Consumer/User; and

WHEREAS, the Government Code authorizes certain intergovernmental cooperation contracts.

NOW THEREFORE, for and in consideration of the mutual Contracts, covenants, obligations, and benefits herein expressed, the City of Lubbock and Consumer/User contract and agree as follows:

ARTICLE I
PROVISIONS OF WATER

1.1 TERMS, PROVISIONS, AND CONSIDERATIONS

The City of Lubbock agrees to sell and convey wholesale water to LUBBOCK REESE REDEVELOPMENT AUTHORITY ("Consumer/User") outside the City of Lubbock, subject to the conditions precedent and under and pursuant to the terms, provisions, and conditions of this Contract.

ARTICLE II
CONDITIONS OF SALE OF WHOLESALE WATER

2.1 QUALITY AND TREATMENT

The City of Lubbock shall supply potable water of similar quality that the City of Lubbock distributes to the residents of Lubbock, Texas treated by disinfectants and other such treatment as may in the future be directed by appropriate regulatory agencies and meeting the applicable primary drinking water standards of the Texas Commission on Environmental Quality and other local, State, and Federal government agencies at the point of delivery, as hereinafter defined, during the term of this Contract or any renewal or extension thereof. The City of Lubbock may at its sole discretion, furnish this supply out of surface water, groundwater, potable reclaimed water, or any combination of same.

THE CITY OF LUBBOCK MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESSED, STATUTORY, OR IMPLIED, INCLUDING WITHOUT LIMITATION, AS TO THE DESCRIPTION, VALUE, QUALITY, PHYSICAL CONDITION, MERCHANTIBILITY, OR FITNESS FOR PURPOSE OF THE WATER SUBJECT TO THIS CONTRACT EXCEPT AS EXPRESSLY SET FORTH ABOVE.

2.2 QUANTITY

The City of Lubbock shall supply and deliver a total maximum amount of **90 million gallons** of wholesale water per any three hundred sixty-five (365) day period of time beginning October 1 of each year, based upon the historical usage of the Consumer/User. The peak maximum usage per twenty-four (24) hour period of time shall be **500,000 gallons**. Based on this calculation, the City of Lubbock shall supply a set quantity to the Consumer/User at the point of delivery as shown in Exhibit A. All water quantities delivered shall be measured at the point of delivery.

All water quantities delivered shall be measured by a metering device as specified by the City of Lubbock at the sole cost to the Consumer/User located in an area reasonably accessible by the City of Lubbock at all times. If the metering device is to include remote monitoring equipment, the Consumer/User shall bear the sole cost of this additional equipment. Installation of this metering device shall be the responsibility of the City of Lubbock with all cost and expense of such installation reimbursed by the Consumer/User.

Such metering device may include and manage: (1) control of rate of flow; (2) measure the instantaneous flow of gallons per day; (3) measure peak hourly flow during the day of maximum flow in gallons per twenty-four hour period; (4) measure the cumulative volume of water taken; and (5) control changes in the rate of flow. At the City of Lubbock's discretion, the metering device may be remotely monitored and documented as to usage of Consumer/User. Deliveries shall be contingent upon facilities necessary or convenient for the City of Lubbock to deliver water to the Consumer/User from existing water conveyance system to the point of delivery.

Maximum hourly flow for any one (1) hour period shall not exceed **350 gallons per minute.**

2.3 POINT OF DELIVERY AND TITLE

Water provided to Consumer/User shall be delivered to one or more of the points of delivery described in Exhibit "A". Title to water passing through the flow meter shall become the property of the Consumer/User at the outlet side of the meter. Consumer/User shall be responsible for the water, for all purposes and intents, from and after title passage to the Consumer/User.

CONSUMER/USER SHALL AGREE, TO THE FULLEST EXTENT PERMITTED BY LAW, TO INDEMNIFY, SAVE, AND HOLD THE CITY OF LUBBOCK HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS, LOSSES, AND CAUSES OF ACTION, WHICH MAY BE ASSERTED BY ANYONE RELATED TO THE TRANSPORTATION AND DELIVERY OF SAID WATER WHILE TITLE REMAINS IN THE CONSUMER/USER.

2.4 METERING DEVICE, CALIBRATION, AND READING

The City of Lubbock shall provide the maintenance of the necessary point of delivery metering device for properly measuring the quantity of water delivered to the Consumer/User. Calibration of such metering device shall be done on a reasonable time schedule, but not less frequently than once every twelve (12) months, or more frequently than once every three (3) months. A meter registering not more than three percent (3%) accuracy above or below the test result shall be deemed to be accurate or non-material.

The previous reading of any meter disclosed by test to be inaccurate beyond the acceptable range of plus or minus three percent (3%) shall be corrected in accordance with the percentage of inaccuracy found by such tests for a period extending back one-half (1/2) of the time elapsed since the last calibration date but, in no event, further back than a period of six (6) months. If the meter is out of service or out of repair so that the amount of water delivered cannot be ascertained or computed from reading thereof, the water delivered during the period such meter is out-of-service or out-of-repair shall be estimated upon the basis the best available data and information. The meter register shall be read by the City of Lubbock at least once a month. All metering equipment, valves, and other appurtenances associated with the metering device and installation shall be and remain the property of the City of Lubbock.

2.5 BILLING PROCEDURE

A monthly statement of the amount of water determined to be delivered to the Consumer/User through the meter at the point of delivery during the preceding month shall be mailed to:

Executive Director
Lubbock Reese Redevelopment Authority
9801 Reese Blvd., Suite 200
Lubbock, Texas 79416

All statements for water delivered shall be due and payable from current revenues available to Consumer/User on or before twenty-eight (28) days after issuance of said statement. A late payment charge of ten percent (10%) per annum shall be charged for failure to pay the current due amount within twenty-eight (28) days after issuance of the statement. If payment is not received by the City of Lubbock within thirty-five (35) days after the date of issuance of the statement, the statement shall be deemed delinquent. The City of Lubbock shall notify the Consumer/User in writing when any such payment shall become delinquent, and if such delinquency is not removed within forty-two (42) days after the date of issuance of the statement, the City of Lubbock may, at its discretion, cease deliveries of water to the Consumer/User under the terms specified in this Contract.

After water has ceased to be supplied, the City of Lubbock may, at its sole discretion, notify the Consumer/User of its intention to declare the wholesale water supply contract forfeited and null and void. Upon such notice, the Consumer/User shall have thirty (30) days to pay all delinquent charges, late fees, and reconnect charges, in order to reinstate wholesale water services prior to final action by the City of Lubbock declaring the Contract forfeited and null and void. Upon a declaration by the City of Lubbock that the Contract is forfeited and null and void, all connections providing the capability to deliver water shall be removed by the City of Lubbock.

2.6 AREA OF SERVICE

Use of water purchased under this Contract shall be restricted to the following service area:

(a) The areas of land described in Texas Special District Local Laws Code, Section 3501.002(a);

(b) The two existing residential structures and the single restaurant facility as depicted in Exhibit "A," attached hereto. For the purposes hereof, the "single restaurant facility" shall include the kitchen, service areas, dining spaces located in the area depicted in Exhibit "A," known as "Cagle Steakhouse." No other locations or customers on the lands presently owned and operated by John Cagle or the John Cagle family may be served.

No other customer, geographic area or premises, of any kind or nature, shall be served by the

Consumer/User, directly or indirectly, with water purchased subject to the right of the Consumer/User to resell water within its defined service area.

2.7 TERM OF CONTRACT

The term of this Contract shall be a period of five (5) years commencing on May 9, 2013, and ending on October 1, 2018.

In the event of continued and mutual interest of the terms of this Contract, a new contract shall be negotiated, developed, approved, and executed for the period after October 1, 2018. However, in the event that a new contract is not or cannot be agreed upon, there shall be no further discharge or responsibilities of the City of Lubbock and the Consumer/User.

ARTICLE III
CONDITIONS OF RECEIVING SERVICE

3.1 CONSUMER/USER FACILITIES

Consumer/User agrees and understands that it will install and maintain, at its sole expense, all facilities necessary for receiving, operating and distributing water into its water system from and after the Point of Delivery and that the City of Lubbock shall be under no obligation whatsoever to bear any of said expenses aforementioned. Consumer/User shall not alter, modify, or change the metering device under any circumstances.

3.2 RATES AND PAYMENT

Consumer/User shall pay to the City of Lubbock, in a timely manner, those charges for water provided to Consumer/User pursuant to the terms of this Contract.

The base monthly rate for the meter installed at the point of delivery shall be equal to the rate established by the City Council of the City of Lubbock (City of Lubbock) for meter of equal size as set forth in Section 22.03.084 of Code of Ordinances of the City of Lubbock, as may be amended from time to time. The volume rate charged for water provided shall be equal to the rate established by the City Council of the City of Lubbock charged to wholesale customers as set forth in Section 22.03.085 of the Code of Ordinances of the City of Lubbock, as may be amended from time to time, including the current volume rate multiplier of 1.5 or any other specific volume rate multiplier as may be approved by the City Council of the City of Lubbock for wholesale customers, including the Lubbock Reese Redevelopment Authority.

All expenses on the Consumer/User side of the point of delivery shall be the sole expense of Consumer/User.

The rates contained in this Contract are negotiated rates that are considered by each party to be fair, just, and reasonable. The Consumer/User will waive any right it may have to appeal any decision

affecting the amount paid for water pursuant to this Contract to the TCEQ or any other state agency that has, or may later obtain, jurisdiction over the rates charged by the City of Lubbock.

In the event any user fee is imposed on the delivery, taking, sale, use, or consumption of the water received by the Consumer/User from the City of Lubbock, the amount of the user fee allocable to the Consumer/User shall be borne by the Consumer/User. When and if the City of Lubbock shall be required to pay, collect or remit any user fee on water received by the Consumer/User, then the user fee that is not included in the rates under this Contract will be added to the charges otherwise payable and shall be the responsibility of the Consumer/User.

3.3 SANITARY CONTROL

A Reduced Pressure Zone (RPZ) prevention device or air gap shall be maintained at all times by the Consumer/User at the point of delivery (i.e., between the two (2) systems). Where applicable, all costs associated with the installation and maintenance of this backflow prevention device shall be the sole responsibility of the Consumer/User. The plans of such RPZ prevention device or air gap shall be approved in writing by the City of Lubbock and any and all regulatory agencies with appropriate jurisdiction, including the Texas Commission of Environmental Quality. At no time shall a by-pass be installed on or around the backflow prevention device.

Consumer/User may allow service by direct pressure, if available, from the City of Lubbock's line to the point of delivery. However, the City of Lubbock is under no obligation to provide water at any pressure above and over pressures necessary to deliver the quantities of water described in Section 2.2, above.

The Consumer/User shall permit personnel of the City of Lubbock's staff to enter upon the property of the Consumer/User for the purpose of inspecting any and all facilities of both parties relating to and regarding necessary sanitary control. Should the City of Lubbock have reasonable grounds to believe that any condition exists which might result in contamination of the City of Lubbock's water supply or jeopardize any of their certifications with the Texas Commission on Environmental Quality and/or any other federal, state, or local regulatory permits or certifications, then the City of Lubbock shall notify the Consumer/User. The Consumer/User shall immediately correct such condition.

In the event the Consumer/User fails to correct such condition then the City of Lubbock may, at its sole discretion, either correct the condition, at the Consumer/User's expense, and include the cost of materials and labor in subsequent billing statements or cease delivering water until such condition is corrected to the satisfaction of the City of Lubbock.

In the event the City of Lubbock determines that contamination of its water supply actually exists, the City of Lubbock shall have the absolute right to discontinue service to the Consumer/User until such time as said contamination has been eliminated by the Consumer/User. Nothing herein shall be construed to impose upon the City of Lubbock the duty and obligation to make any inspection or to regulate the quality of water beyond the point of delivery to the Consumer/User, and the

Consumer/User shall be solely responsible for the operation, maintenance, regulation, employment and prudent management of all facilities beyond the point of delivery and the use and delivery of water herein to the citizens of the Consumer/User.

The Consumer/User water system operators should be aware that any water received from the City of Lubbock will contain chloramines disinfectant. As such, the Consumer/User should adjust their disinfection system operations and monitoring for chloramines accordingly. Since 1983, the City of Lubbock has utilized chloramines as its water system disinfectant. This practice is common for larger cities in Texas and throughout the United States. The use of chloramines reduces the levels of disinfection byproducts (DBPs) in the system, while still providing protection from waterborne disease. If these chloramines are passed on to the water customers of the Consumer/User, the Consumer/User should notify them of the following:

> *Chloramines can cause problems to persons dependent on dialysis machines. A condition known as hemolytic anemia can occur if the disinfectant is not completely removed from the water that is used for the dialysate. Consequently, the pretreatment scheme used for dialysis units must include some means, such as a charcoal filter, for removing the chloramines. Medical facilities should also determine if additional precautions are required for other medical equipment.*
>
> *Chloraminated water may be toxic to fish. Fish tank owners, must make sure that the chemicals or filters used are designed for use in water that has been treated with chloramines. The type of filter used for fish tanks may also need to be changed.*

3.4 INSURANCE REQUIREMENT FOR BACKFLOW PREVENTION DEVICE

Consumer/User shall procure and maintain until all of their obligations have been discharged, insurance against claims for injury to persons or damage to property which may arise from or in connection with the backflow prevention device described in Section 3.3, above.

The insurance requirements herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The City of Lubbock in no way warrants that the minimum limits contained herein are sufficient to protect the Consumer/User from liabilities that might arise under this Contract. Consumer/User is free to purchase additional insurance as may be determined necessary.

Consumer/User shall provide coverage with limits of liability not less than those stated below:

Commercial General Liability
Contract shall include bodily injury, property damage and broad form contractual liability coverage.

General Aggregate	$2,000,000
Products – Completed Operations Aggregate	$1,000,000
Each Occurrence	$1,000,000

The Contract shall be endorsed to include the City of Lubbock as an additional insured with respect to liability arising out of the backflow prevention device connection and delivery of water supply under the provisions of this Contract. Consumer/User shall furnish the City of Lubbock with certificates of insurance as required by this Contract. The certificates for each insurance Contract are to be signed by a person authorized by that insurer to bind coverage on its behalf.

3.5 WATER CONSERVATION

In the event the City of Lubbock must implement its Water Conservation and/or Drought Contingency Plan for its system, then the Consumer/User shall receive the same water allotment under such plan as any other customer of similar size and water needs served by the City of Lubbock.

The Consumer/User shall adopt, develop, implement, and maintain water conservation and drought contingency plans, programs, and rules incorporating loss-reduction measures and management practices, techniques, and technologies. These water conservation and drought contingency plans, programs, and rules shall be at least as promotional of conservation as the plans, programs, and rules as developed and adopted by the City of Lubbock as determined by the City Council of the City of Lubbock. Such plans shall be designed to reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, and increase the recycling and reuse of water in a manner that at a minimum reflects the plans, programs, and rules as developed and adopted by the City of Lubbock. The Consumer/User will at all times practice due diligence and monitoring of water for beneficial use. The Consumer/User will establish and enforce its water conservation and drought contingency plan, program, and rules, and the Consumer/User will make annual reports on its enforcement efforts to the City of Lubbock.

The Consumer/User shall develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30, Chapter 288, of the Texas Administrative Code, and any successor regulations thereto. In case of a shortage of water resulting from drought, the water to be distributed shall be divided in a fair manner among all customers as determined by the City Council of the City of Lubbock in accordance with state laws and regulations.

The City of Lubbock's obligations under this Contract shall be subject to water conservation plans and drought contingency plans adopted by the Lubbock City Council or required or approved by the Texas Commission on Environmental Quality, or any other or additional federal, state, or local regulatory district or entity with power to require or approve water conservation and drought contingency plans.

ARTICLE IV
DEFAULTS AND REMEDIES

4.1 NOTICE OF DEFAULT

In the event of that either the City of Lubbock or the Consumer/User should breach, fail to comply with or violate any term or provision of a wholesale water supply contract under the terms of this Contract ("Default"), the other party shall promptly notify, with specificity as to the alleged Default, the other respective party of the Default. Except as otherwise provided by this Contract, upon receiving such notice, the defaulting party shall have thirty (30) days to cure the Default. Unless this Contract provides otherwise, in the event said Default is not cured within the time period described above, with respect to the Consumer/User as the defaulting party, then the City of Lubbock may pursue any and all remedies provided by law, equity, contract or otherwise, including without limitation, declaring this Contract terminated and null and void. Unless this Contract provides otherwise, in the event said Default is not cured within the time period described above, with respect to the City of Lubbock as the defaulting part, then Consumer/User may as its sole and exclusive remedy, either seek specific performance of the terms of this Contract or declare the Contract terminated and null and void.

ARTICLE V
MUTUAL CONDITIONS

5.1 FAILURE TO DELIVER

The City of Lubbock does not warrant that the services and deliveries provided for under this Contract will be free from, and the City of Lubbock is excused from performing hereunder in the event and for the period of, an interruption or stoppage caused by maintenance, repair, substitution, renewal, replacement, or improvement of any of the equipment involved in furnishing of any such services or deliveries of water or caused by floods, drought, alterations, strikes, lockouts, blackouts, shortages of equipment or material, labor controversies, accidents, or acts of God, the elements, or any other event of "force majeure" or cause beyond the reasonable control of the City of Lubbock. In the event of a shortage of water, or if distribution of water by the City of Lubbock to the Consumer/User is deemed inappropriate by any regulatory agency or law, the supply of water to the Consumer/User under this Contract shall be reduced or ceased as deemed necessary by the City of Lubbock to protect the interests of its citizens and/or comply with all rules and regulations of any regulatory agency having jurisdiction over the operation of the City of Lubbock's facilities.

5.2 NO ASSIGNMENT

All promises, undertakings, Contracts, covenants and contracts herein contained by or on behalf of either the City of Lubbock or the Consumer/User shall bind the successors and permitted assigns of either party, whether so expressed or not; but neither the City of Lubbock nor the Consumer/User shall have the right to assign under this Contract, without the written consent of the other party.

5.3 ENTIRETY AND AMENDMENTS

It is expressly stipulated that the City of Lubbock and the City of Lubbock's agents have made no representations, warranties, or promises with respect to the delivery of water and all other matters contained in this Contract, except as herein expressly set forth, and this Contract supersedes all prior Contracts and understandings, if any, relating to the subject matter hereof.

This Contract may only be amended by an instrument in writing executed by the duly authorized representative of the party against whom the amendment is sought to be enforced.

5.4 WAIVER

No failure on the part of the City of Lubbock at any time to require the performance by the Consumer/User of any portion of this Contract shall in any way affect the City of Lubbock's right to enforce such provision or any other provision. Nor shall any waiver by the City of Lubbock of any provision hereof be taken or held to be a waiver of any other provision hereof or any other breach hereof. No rights under this Contract may be waived except by written amendment executed and authorized by the governing bodies of the parties. No officer or agent of the City of Lubbock or the Consumer/User is authorized to waive or modify any provision of this Contract.

5.5 REGULATORY AGENCIES

This Contract is subject to all applicable federal, state, and local laws and any applicable ordinances, rules, orders and regulations of any local, state, or federal governmental authority, having or asserting jurisdiction. However, nothing contained in this Contract shall be construed as a waiver by any party to the Contract of any right to question or contest any law, order, rule or regulation which may affect the terms and conditions of the Contract in any forum having jurisdiction, and the Consumer/User and the City of Lubbock each agree to make a good faith effort to support proposed laws and regulations which would be consistent with the performance of this Contract in accordance with its terms. The Consumer/User represents and warrants to the City of Lubbock that it has obtained and will maintain during the term of its wholesale water supply contract all necessary permits and consents to supply water to the Consumer/User.

5.6 HEADINGS

All heading in this Contract have been inserted for convenient reference only and shall not in any manner be construed as modifying, amending, or affecting in any way the express terms, provisions, and intent hereof.

5.7 LIABILITY AND HOLD HARMLESS

CONSUMER/USER SHALL INDEMNIFY, TO THE FULLEST EXTENT PERMITTED BY LAW, AND HOLD HARMLESS AND RELEASE THE CITY OF LUBBOCK FROM AND AGAINST ANY AND ALL CLAIMS, ACTIONS, LOSSES, DAMAGES OR LIABILITIES, OF

ANY KIND OR NATURE, WHICH ARISE DIRECTLY OR INDIRECTLY, OR ARE RELATED TO, IN ANY WAY, MANNER, OR FORM, THE ACTIVITIES CONTEMPLATED HEREUNDER OR OMISSION OF SUCH ACTIVITIES, INCLUDING WITHOUT LIMITATION, SUCH LOSSES, DAMAGES. CLAIMS OR LIABILITIES ARISING FROM OR RELATED TO, IN ANY WAY, MANNER, OR FORM, THE NEGLIGENCE OR FAULT OF THE CITY OF LUBBOCK, ITS RESPECTIVE OFFICERS, EMPLOYEES, ELECTED OFFICIALS, AGENTS AND/OR DESIGNEES.

5.8 REPORTING BY USER FOR ADDITIONAL SOURCE/SUPPLY CAPACITY

Each October 1 of every year, the Consumer/User shall provide to the City of Lubbock a written and documented report of new water rights being negotiated and or purchased, new water wells drilled from previous annual report, formal water planning for future needs, and any other actions formally approved by the Board of Directors of the Consumer/User to balance water use, conservation, population growth, and total current water supply from all sources.

At the discretion of the City of Lubbock, the Consumer/User may be required to also verbally present such annual report to the City of Lubbock's representatives within ninety (90) days of the annual written report. The written report shall be sent to the authorized representative of the City of Lubbock in Article V Section 5.11 of this Contract no later than October 1 of each year.

5.9 NOTICE

All notices, payments and communication required or allowed by this Contract, unless otherwise provided herein, shall be in writing and be given either (i) in person or by telephonic facsimile; or (ii) by depositing the notice in the United States mail, postpaid and certified, with return receipt requested, and addressed to the party to be notified. Notice, as herein provided, shall be conclusively deemed to have been provided (i) in the event of delivery in person or by telephonic facsimile, when it is actually received; or (ii) in the event of certified mail, as described above, three (3) days after the notice is deposited in the mail, certified mail, return receipt requested. For the purposes of the notice, the addresses and parties is set forth immediately below.

LUBBOCK REESE REDEVELOPMENT AUTHORITY
ATTN: Executive Director
9801 Reese Blvd., Ste 200
Lubbock, Texas 79416
(806) 885-6003

THE CITY OF LUBBOCK
ATTN: Director of Water Resources
P.O. BOX 2000
LUBBOCK, TEXAS 79457
FACSIMILE (806) 775-3027

Either party may change its address by giving written notice of the change to the other party at

least fifteen (15) days before the change becomes effective.

5.10 AUTHORITY

Consumer/User represents and warrants to the City of Lubbock that it is a political subdivision of the State of Texas and is authorized to enter into a contract under the terms of this Contract and perform each and every term and provision of said Contract, and will continue to be duly authorized to so perform during the term hereof.

5.11 PARTIAL INVALIDITY

In the event one or more of the provisions contained in this Contract shall be invalid, illegal, or unenforceable in any respect under any law, rule or regulation, the validity, legality, and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

5.12 CURRENT REVENUES

Each party paying for performance under this Contract shall make all payments from current revenues available to the paying party.

The parties understand and acknowledge that the funding of this Contract is contained in each party's annual budget and is subject to the approval of each party in each fiscal year. The parties further agree that should the governing body of either the City of Lubbock or the Consumer/User fail to approve a budget which includes sufficient funds for the continuance of this Contract, or should fail to certify funds for any reason, then and upon the occurrence of such event, this Contract shall terminate as to that party, and the party shall then have no further obligation to the other party. When the funds budgeted or certified during any fiscal year by a party to discharge its obligations under this Contract are expended, any other party's sole and exclusive remedy shall be to terminate this Contract.

5.13 EFFECTIVE DATE

This Contract shall be effective and binding between the parties hereto as of the date of execution by the City of Lubbock.

5.14 VENUE AND APPLICABLE LAW

THIS CONTRACT IS SUBJECT TO ALL PRESENT AND FUTURE VALID LAWS, ORDERS, RULES AND ORDINANCES AND/OR REGULATIONS OF THE UNITED STATES OF AMERICA; THE STATE OF TEXAS, THE CITY OF LUBBOCK, THE CONSUMER/USER, AND ANY OTHER REGULATORY BODY HAVING JURISDICTION. THIS CONTRACT SHALL BE CONSTRUED AND GOVERNED ACCORDING TO THE LAWS OF THE STATE OF TEXAS. THE SOLE VENUE FOR ANY ACTION, CONTROVERSY, DISPUTE OR CLAIM ARISING UNDER THIS

CONTRACT SHALL BE IN A COURT OF APPROPRIATE JURISDICTION IN LUBBOCK COUNTY, TEXAS EXCLUSIVELY.

5.15 NON-ARBITRATION/RIGHTS AND REMEDIES RESERVED:

The City of Lubbock reserves the right to exercise any right or remedy available to it by law, contract, equity, or otherwise, including without limitation, the right to seek any and all forms of relief in a court of competent jurisdiction. Further, the City of Lubbock shall not be subject to any arbitration process prior to exercising its unrestricted right to seek judicial remedy. The remedies set forth herein are cumulative and not exclusive, and may be exercised concurrently. To the extent of any conflict between this provision and another provision in, or related to, this Contract, the former shall control.

5.16 PUBLIC INFORMATION

This Contract is public information. To the extent, if any, that any provision of this Contract is in conflict with Tex. Gov't. Code Ann. Chapter 552 et seq., as amended (the "Texas Public Information Act") the same shall be of no force and effect.

5.17 NO THIRD-PARTY BENEFICIARIES

This Contract is entered solely by and between, and may be enforced only by and among the Parties. Except as set forth above, this Contract shall not be deemed to create any rights in or obligations to any third parties.

5.18 NO PERSONAL LIABILITY

Nothing in this Contract is construed as creating any personal liability on the part of any employee, officer or agent of any public body that may be a party to this Contract.

5.19 NO JOINT ENTERPRISE

This Contract is not intended to, and shall not be construed to create any joint enterprise between or among the parties.

5.20 SOVEREIGN IMMUNITY ACKNOWLEDGED AND RETAINED

THE PARTIES EXPRESSLY ACKNOWLEDGE AND AGREE THAT NO PROVISION OF THIS CONTRACT IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER BY ANY PARTY OF ANY IMMUNITIES FROM SUIT OR LIABILITY THAT A PARTY MAY HAVE BY OPERATION OF LAW. THE PARTIES RETAIN ALL GOVERNMENTAL IMMUNITIES.

Signed this the ___ day of _____, 2013.

CITY OF LUBBOCK

BY:

_____

Glen C. Robertson, Mayor

ATTEST:

_____

Rebecca Garza, City Secretary

LUBBOCK REESE REDEVELOPMENT AUTHORITY

BY:

_____

Bill Miller, Executive Director

ATTEST:

_____

APPROVED AS TO CONTENT:

R. Keith Smith, P.E., Chief Operating Officer

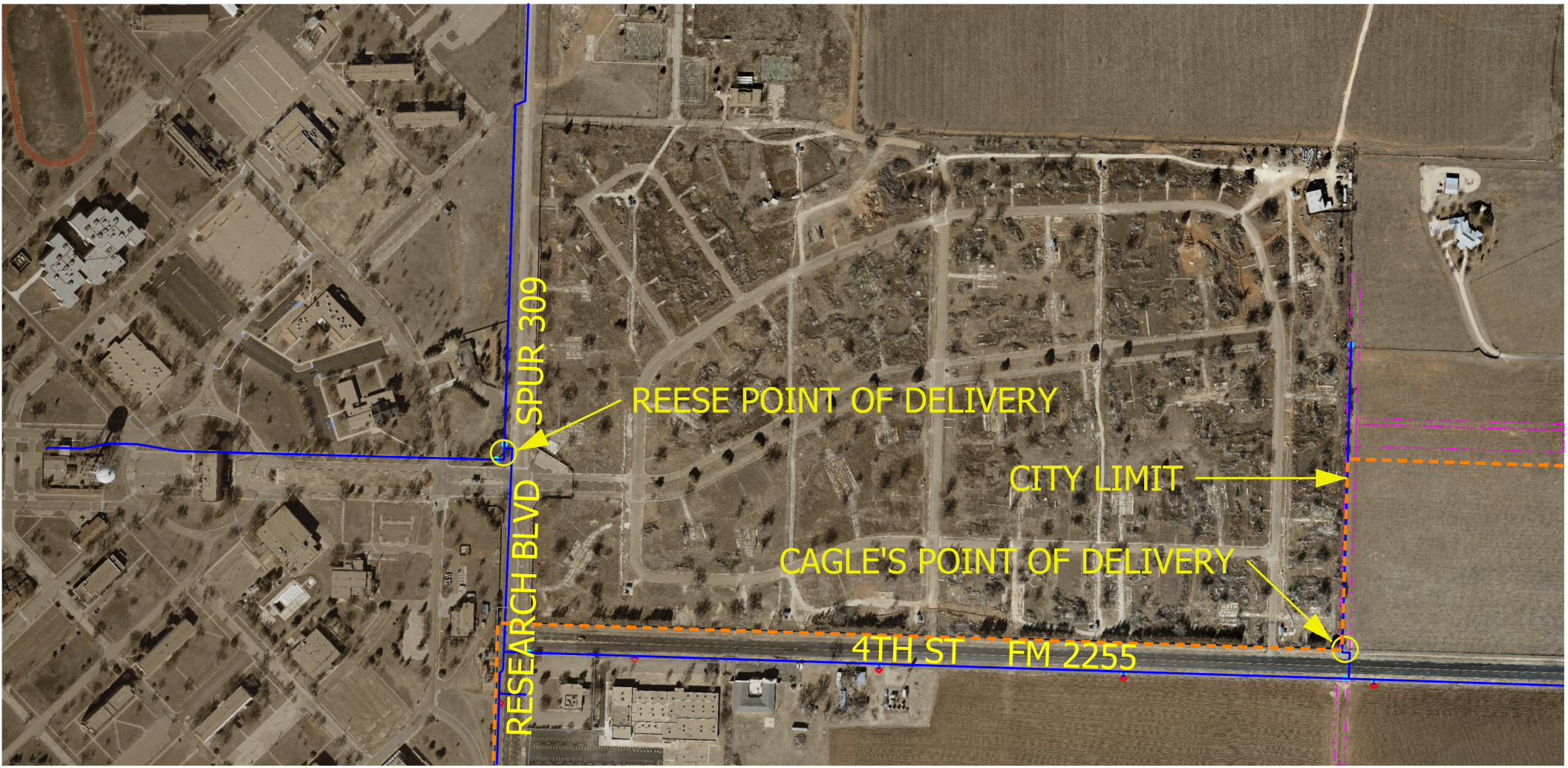
Aubrey A. Spear, P.E., Director of Water Resources

APPROVED AS TO FORM:

Laura Pratt, Assistant City Attorney

Exhibit A

Interlocal Wholesale Water Contract
Between City of Lubbock and Reese Redevelopment Authority



Regular City Council Meeting **5. 5.**

Meeting Date: 05/09/2013

Information

Agenda Item

Ordinance 2nd Reading - Planning: Zone Case 1875-X. Ordinance 2013-O0043. Consider a request of Hugo Reed and Associates, Inc. (for CMH, Inc.) for a zoning change to amend the conditions of Ordinance 6614 on 52.4 acres of unplatted land out of Block AK, Section 43 (6801 19th Street).

Item Summary

On May 1, 2013, the City Council approved the first reading of the ordinance.

Zoning Request:
From R-1 Specific Use to R-1 Specific Use to amend the conditions of the previous ordinance.

Proposed Land Use:
The proponent is requesting to add a small retail use near the center of an existing mobile home park. The existing building is currently used as a clubhouse and community center for the park. The proposed grocery or convenience store, will primarily serve the tenants of the mobile home park.

Adjacent Land Uses:
N – Commercial – zoned C-4 Commercial District
S – Residential – zoned AM Apartment Medical
E – Residential – zoned R-1 Specific Use for mobile home park single family
W – Vacant residential – zoned R-1 Single Family

Planning and Zoning Commission (P&Z) Public Hearing Notes from April 4, 2013:
No one spoke in favor of or opposition to the request.

Impact on the Comprehensive Land Use Plan (CLUP):
There is no impact on the CLUP.

P&Z Recommendation with a unanimous vote following proposed condition:
1. That a grocery store, according to the C-2 standards, is allowed and is limited to the existing location of the community center.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager
P&Z Commission

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NUMBER 6614 TO ADD CONDITIONS TO THE R-1, SPECIFIC USE ZONING ON 52.4 ACRES OF UNPLATTED LAND OUT OF BLOCK AK, SECTON 43 LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT Ordinance No. 6614 is hereby amended, by adding a new Section 1(a), to read as follows:

> That a grocery store, according to the C-2 standards, is allowed and is limited to the existing location of the community center.

SECTION 2. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable as provided by Section 1.01.004 of the Code of Ordinances of the City of Lubbock, Texas.

SECTION 3. THAT should any paragraph, section, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

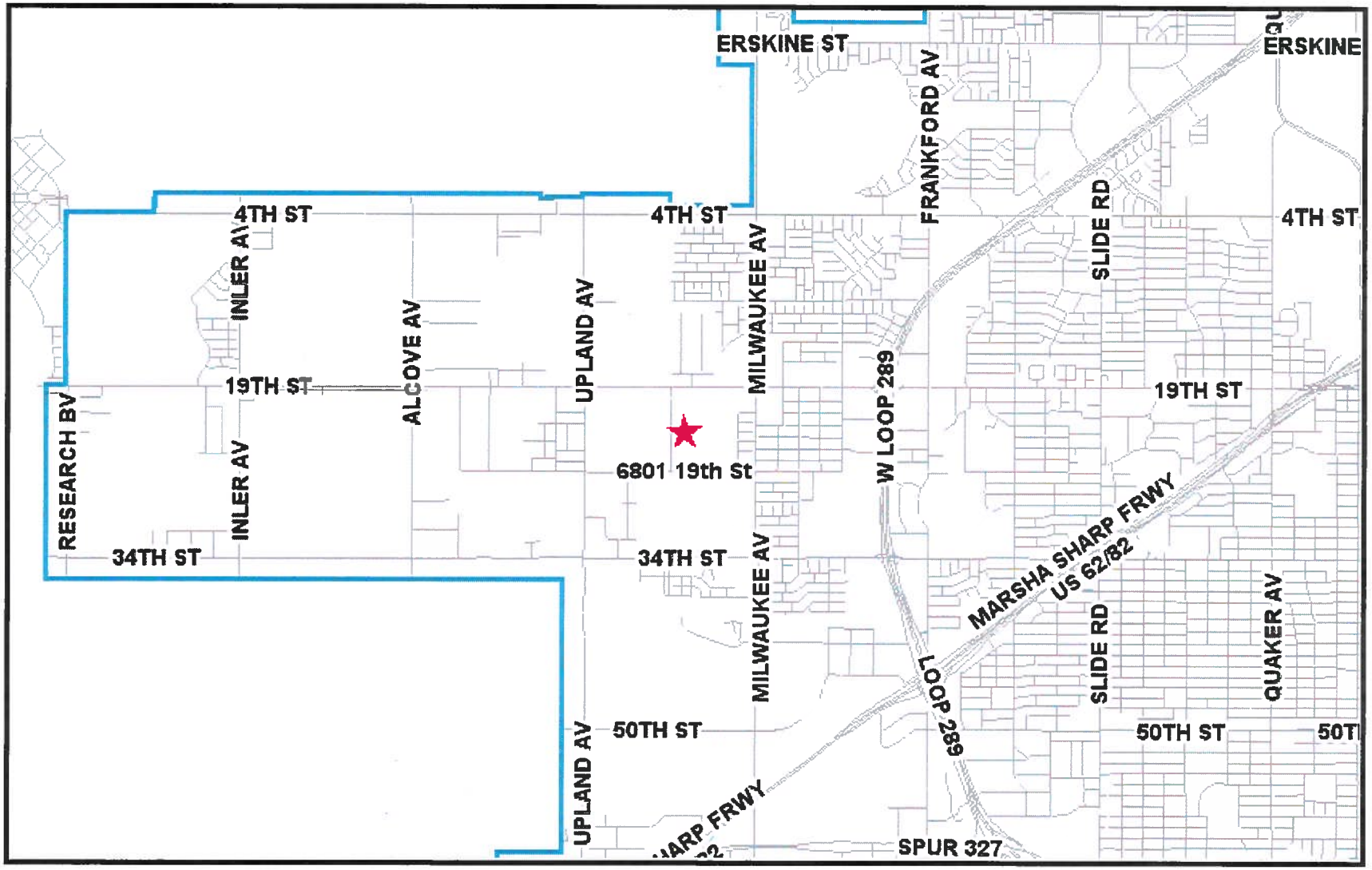
APPROVED AS TO CONTENT:

_____
Andrew Paxton, Interim Director of Planning

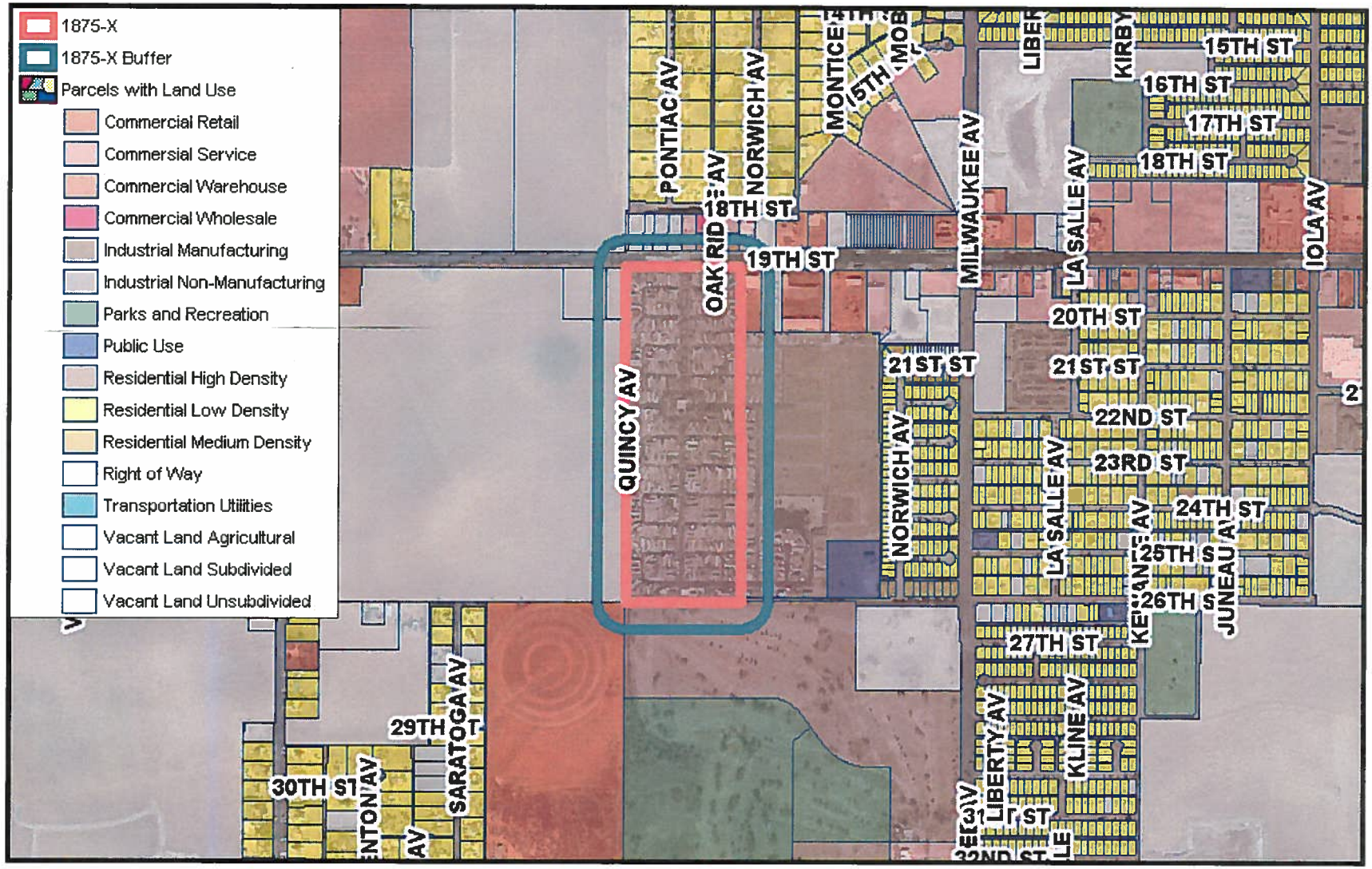
APPROVED AS TO FORM:

_____
Chad Weaver, Assistant City Attorney

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April 4, 2013

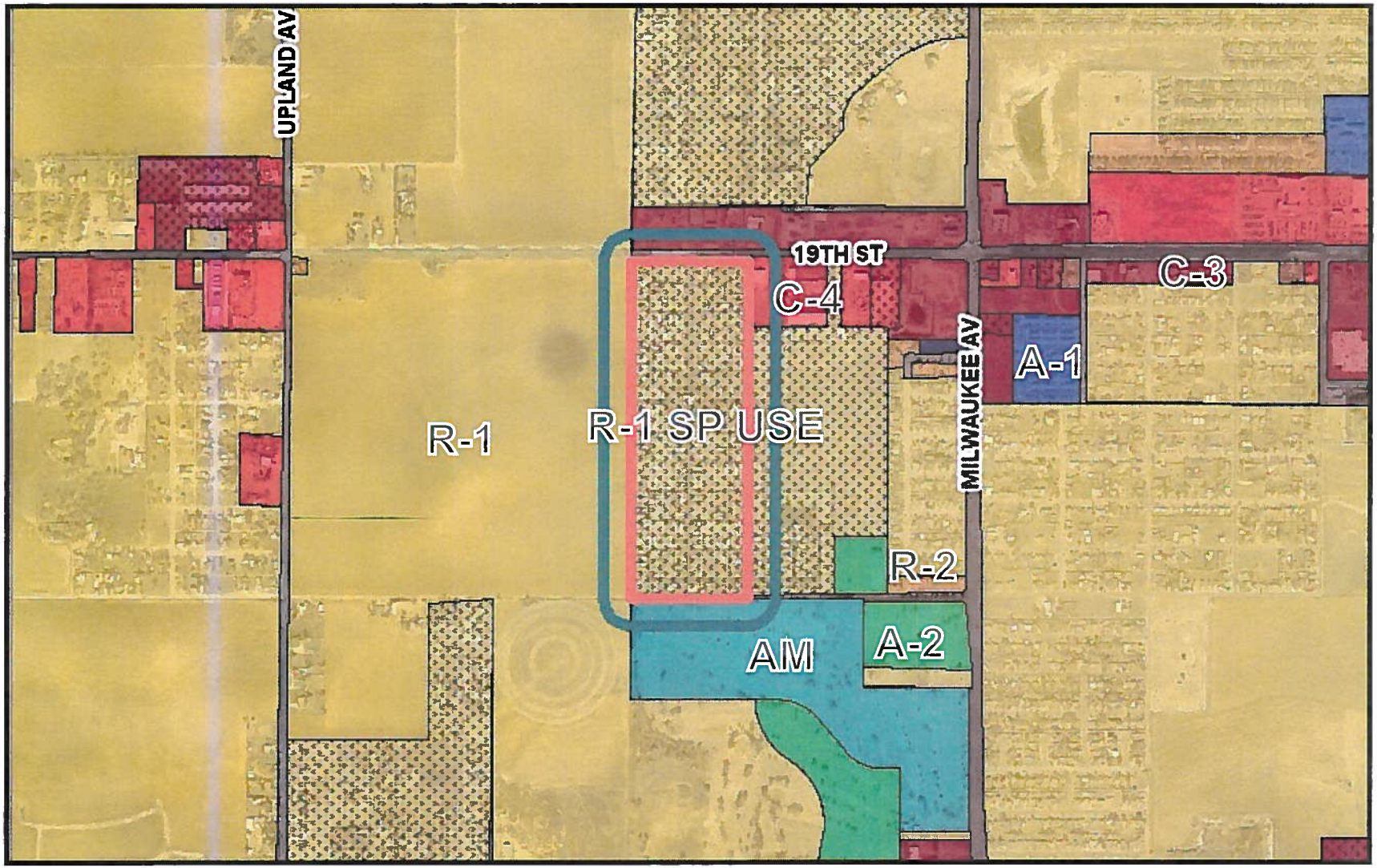


P.Z.C. Case 1875-X



P.Z.C. Case 1875-X

Request of Hugo Reed and Associates, Inc. (for CMH, Inc.) for a zoning change to amend the conditions of Ordinance 6614, 6801 19th Street



P.Z.C. Case 1875-X Zoning

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print)
Hugo Reed and Associates, Inc.
1601 Avenue N
Street/Post Office Box
Lubbock, Texas 79401
City State Zip
(806) 763-5642
Telephone

For
CMH, Inc.
6801 19th Street
Street/Post Office Box
Lubbock, Texas 79407
City State Zip
806-792-4673
Telephone

Location or Address: 19th Street and Quincy Avenue

Legal Description:* See Metes and Bounds Description from previous zone case (attached)

Existing Land Use: Mobile Home Park

Existing Zoning: R-1 Specific Use

Acreage or Square Footage of Property: 52.4 acres

Zoning Requested: Amendment to R-1 Specific Use to include convenience store.

Proposed Development: Convenience store with beer and wine sales.

If property is not subdivided, will preliminary plat be submitted? Yes _____ No X

Terry Holeman
Applicant's Signature

March 11, 2013
Date

Filing Fee: $631 (CMH #5843)
($475.00 for the first acre; $3.00 for each additional acre; $165 for non-profit)

***There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.**

Receipt 17719 Ck # 5843

For City Use Only M+B Map 46

Zone Case No.: 1575-X **Agenda No.:** 7

Request for zoning change from: — **To:** —

Ammend the conditions of ordinance 6614

52.4 acres of unplatted land out of block A-t section 43

on Lot(s): — **Block(s):** —

Subdivision: — **Address:** 19th St and Quincy Ave

KJ:pr

ORDINANCE NO. 6614

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1695 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK SO AS TO MAKE THE FOLLOWING CHANGE: ZONE CASE NO. 1875: CHANGE A TRACT OF LAND OUT OF SECTIC 43, BLOCK A-K, CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS, FROM AN "R-1" ZONING DISTRICT TO A "SPECIFIC USE, MOBILE HOME PARK"; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, after receiving the recommendations of the Planning and Zoning Commission and after due notice and public hearing and all matters having been done and performed as required by Section 14-A of Zoning Ordinance No. 1695 of the City of Lubbock, (said Ordinance being an Appendix to the Lubbock City Code) relating to Specific Use permits, the City Council finds that due to changed conditions, it would be expedient and in the interest of the public health, morals and general welfare to authorize the granting of a Specific Use Permit as hereinafter set forth, NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the Director of Planning of the City of Lubbock is authorized to issue a Specific Use Permit to the Applicant in Zone Case No. 1875 in accordance with the recommendations and conditions imposed by the Planning and Zoning Commission, on file with the office of the Director of Planning, and the City Council which are hereby adopted and incorporated herein by reference for all purposes, provided said Applicant agrees to be bound by the terms of the Specific Use Permit, the granting of which is hereby made subject to compliance to all provisions of Zoning Ordinance No. 1695 an Ordinance of the City of Lubbock, includir particularly but not limited to, Section 14-A of Zoning Ordinance No. 1695 within twenty-four(24) months of the effective date of this Ordinance, the City Secretary-Treasurer shall be and is hereby authorized and instructed, upon written notice fr the Director of Planning that Applicant has not complied with the provisions, condi tions and terms imposed by this Ordinance, to note Applicant's failure to comply on the margin of the Minutes of the City Council opposite entry of this Ordinance, and the authorization to issue such Specific Use Permit is hereby revoked; and the Director of Planning in such event is directed to remove from the Zoning Map the legend indicating such limited use. The Specific Use authorized by this Ordinance is for Mobile Home Park, under provisions of Section 14-A.1-19, of the Zoning Ordinance on the property below described:

ZONE CASE NO. 1894:

Change a tract of land out of Section 43, Block A-K, City of Lubbock, Lubbock County, Texas, from an "R-1" Zoning District to a "Specific Use, Mobile Home Park"; further described by metes and bounds to wit:

FROM the Point of Beginning the NE corner of the NE 1/4 of Section 43, Block AK, bear S 89° 59' E 2638.87 feet and North 0° 00' 30" West 65 feet;

KJ:pr

THENCE South 2575.8 feet;

THENCE East 885.53 feet;

THENCE North 2575.8 feet;

THENCE West 885.53 feet to PLACE OF BEGINNING.

SECTION 2. THAT from and after passage and effective date of this Ordinance, said lots, tracts and parcels of land described in Section 1 hereof shall be changed to the zoning district indicated and the Official Map is amended in accordance herewith.

SECTION 3. THAT should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the Council on first reading this 25 day of APRIL, 1973
Passed by the Council on second reading this 10 day of MAY, 1973

Morris W. Turner

MORRIS W. TURNER, MAYOR

ATTEST:

Lavenia Lowe

Lavenia Lowe, City Secretary-Treasurer

APPROVED AS TO FORM:

Fred O. Senter, Jr., City Attorney

APPROVED:

Van McVay, Administrator

COUNCIL RCDY. 23
ZONING
BUILDING INSP.
FIRE MAP
CARDS
SEPIA

ZONE CASE 1894

CHANGE R-1 TO SP USE

MOBILE HOME PARK

SCALE 1"-300'

N

R-1

R-1

R-1

R-1

19TH STREET

885.53'

65'

65'

150'

QUINCY AVENUE

257.00'

150'

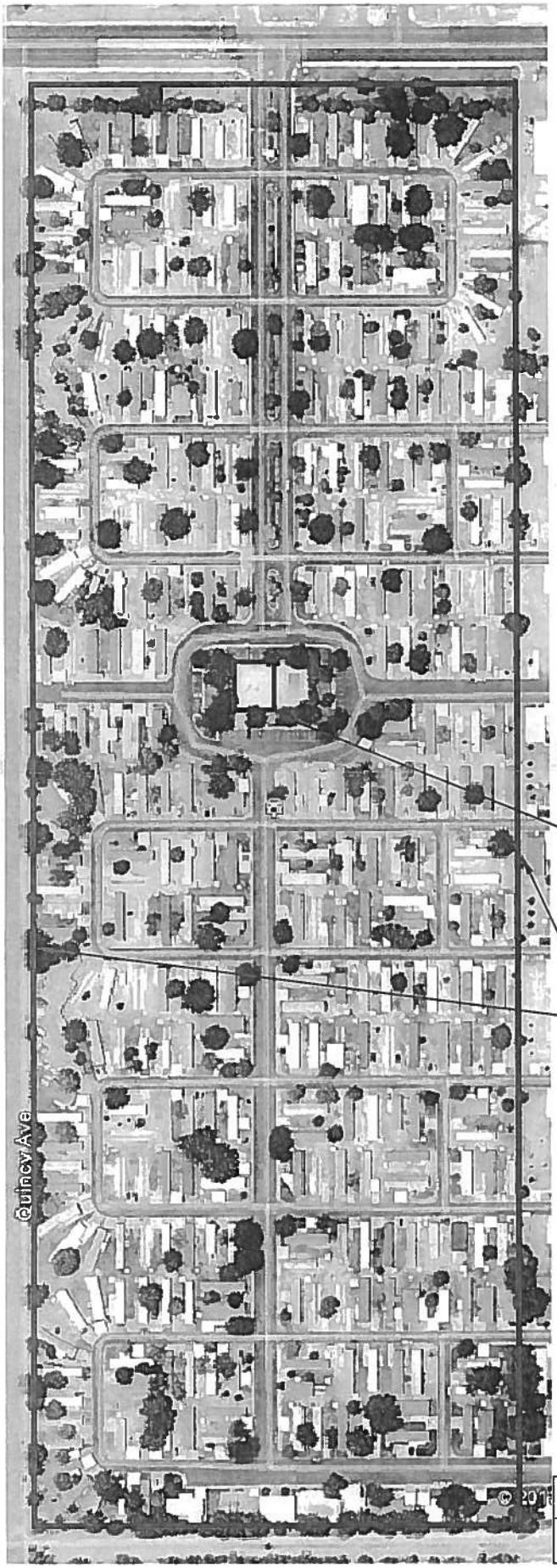
SEC AK BLK 43

OAKRIDGE

STATE OF TEXAS ROW

280' 280.03' 280.06' 280.10' 280.13' 265.19' 265.23' 280.2 280.3 235'

104' 110' 110' 110' 110' 94.99 60' 135.01' 125' 160'



PROPOSED
CONVENIENCE
STORE

ZONE CASE 1894
R-1 SPECIFIC USE

SITE PLAN

NORTH

Not to Scale

HUGO REED AND ASSOCIATES, INC.
LAND SURVEYORS
CIVIL ENGINEERS
TEXAS LICENSED SURVEYING FIRM 100676-00
TEXAS REGISTERED ENGINEERING FIRM F-795
1601 AVENUE N
LUBBOCK, TEXAS 79401
PHONE 806 / 763-5642
FAX 806 / 763-3891

7

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

3/31/13

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX, 79457, or fax to (806) 775-2100.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 775-2120.

Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: **P&Z Case No.: 1875-X**

In Favor of ✓

Opposed ____

RECEIVED
APR 01 REC'D
PLANNING DEPARTMENT

Reasons and/or Comments:

Print Name MILT VAUGHN

Signature: Milt Vaughn

Address: VAUGHN STORAGE SYSTEMS CO (at)

Address of Property Owned: 6704 - W. 19th - 79407
(ACROSS THE STREET AT THE LIGHT!)

Zone Case Number: 1875-X 61031
VAUGHN MILTON D
PO BOX 16384

LUBBOCK TX 79490-6384

Regular City Council Meeting **5. 6.**

Meeting Date: 05/09/2013

Information

Agenda Item

Ordinance 2nd Reading - Planning: Zone Case 2508-J. Ordinance 2013-O0044. Consider a request of AMD Engineering, LLC (for Lubbock Land Company, LLC) for a zoning change from R-1 Specific Use to R-1 Specific Use for townhomes on 12.33 acres of unplatted land out of Block E-2, Section 19 (south of 111th Street and west of Flint Avenue).

Item Summary

On May 1, 2013, the City Council approved the first reading of the ordinance.

Zoning Request:
R-1 specific use for townhomes.

Proposed Land Use:
The proposed land use is for a townhome development.

Adjacent Land Uses:
N – Commercial – zoned R-2 Specific Use
S – Commercial – zoned Interstate Highway Industrial
E – Residential – zoned R-1 residential single family
W – Apartments – zoned A-1 apartments

Planning and Zoning Commission Public Hearing Notes from April 4, 2013:
There were two letters in opposition of the request citing there were too many rentals. A gentleman attended the meeting stating that he was concerned, but not in favor of or against the proposal.

Impact on the Comprehensive Land Use Plan (CLUP):
Background: The previous case requested a change to R-2 for duplexes, which was denied, although it met the standards of the CLUP.

The development and rezoning is consistent with the CLUP. R-1 is the lowest density zoning for any district, although townhomes would require a minimum 3,500 sq. ft. lot, versus the standard 5,000 sq. ft. lot for single family homes. Staff believes this development should be an asset for the surrounding areas acting as a buffer for the single family to the east and from the apartments to the west.

P&Z Recommendation:
The P&Z recommended the request with a unanimous vote.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager
P&Z Commission

Attachments

Ordinance - Zone Case 2508-J

Zone Case 2508-J

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 2508-J;** A ZONING CHANGE FROM **R-1 SPECIFIC USE** TO **R-1 SPECIFIC USE** FOR **TOWNHOMES**, ON **12.33 ACRES OF UNPLATTED LAND OUT OF BLOCK E-2, SECTION 19,** LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 2508-J

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **R-1 Specific Use** to **R-1 Specific Use** for **townhomes** on **12.33 acres of unplatted land out of Block E-2, Section 19,** City of Lubbock, Lubbock County, Texas, located at **south of 111th Street and west of Flint Avenue,** and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SECTION 2. THAT the granting of this specific use zoning is hereby made subject to compliance with all provisions of Zoning Ordinance No. 7084, as amended, including particularly, but not limited to, Section 40.03.3102 of the Codified Zoning Ordinance, which provides that a Building Permit shall be applied for and secured within thirty (30) months of the effective date of the zone change or all undeveloped property shall automatically revert back to the previous zoning classification, which in this case is the **R-1 Specific Use** zone district; and if such reversion occurs, the Director of Planning is directed to remove from the Zoning Map the legend indicating such specific use. The Specific Use authorized by this Ordinance is permitted under provision of Section 40.03.3101-40.03.3103 of Codified Zoning Ordinance No. 7084 on the property described as **south of 111th Street and west of Flint Avenue**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars ($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Andrew Paxton, Interim Director of Planning

APPROVED AS TO FORM:

Chad Weaver
Assistant City Attorney

vw/CityAtt/Chad/Zones/ZC2508-J
April 4, 2013

Rezone to R-1, Specific Use

METES AND BOUNDS DESCRIPTION of a 12.33 acre tract of land located in Section 19, Block E-2, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point in which bears S 89°56'55" E approximately 1,093.60 feet and North approximately 386.96 feet from the Southwest corner of Section 19, Block E-2, Lubbock County, Texas;

THENCE N 0°0'19" W an approximate distance of 676 feet;

THENCE East an approximate distance of 785 feet;

THENCE South an approximate distance of 308.32 feet;

THENCE along the arc of a curve to the left having a radius of 868.00 feet, a central angle of 10°54'03", a chord distance of 164.89 feet (chord bears S 5°27'01" E), and an arc distance of 165.14 feet;

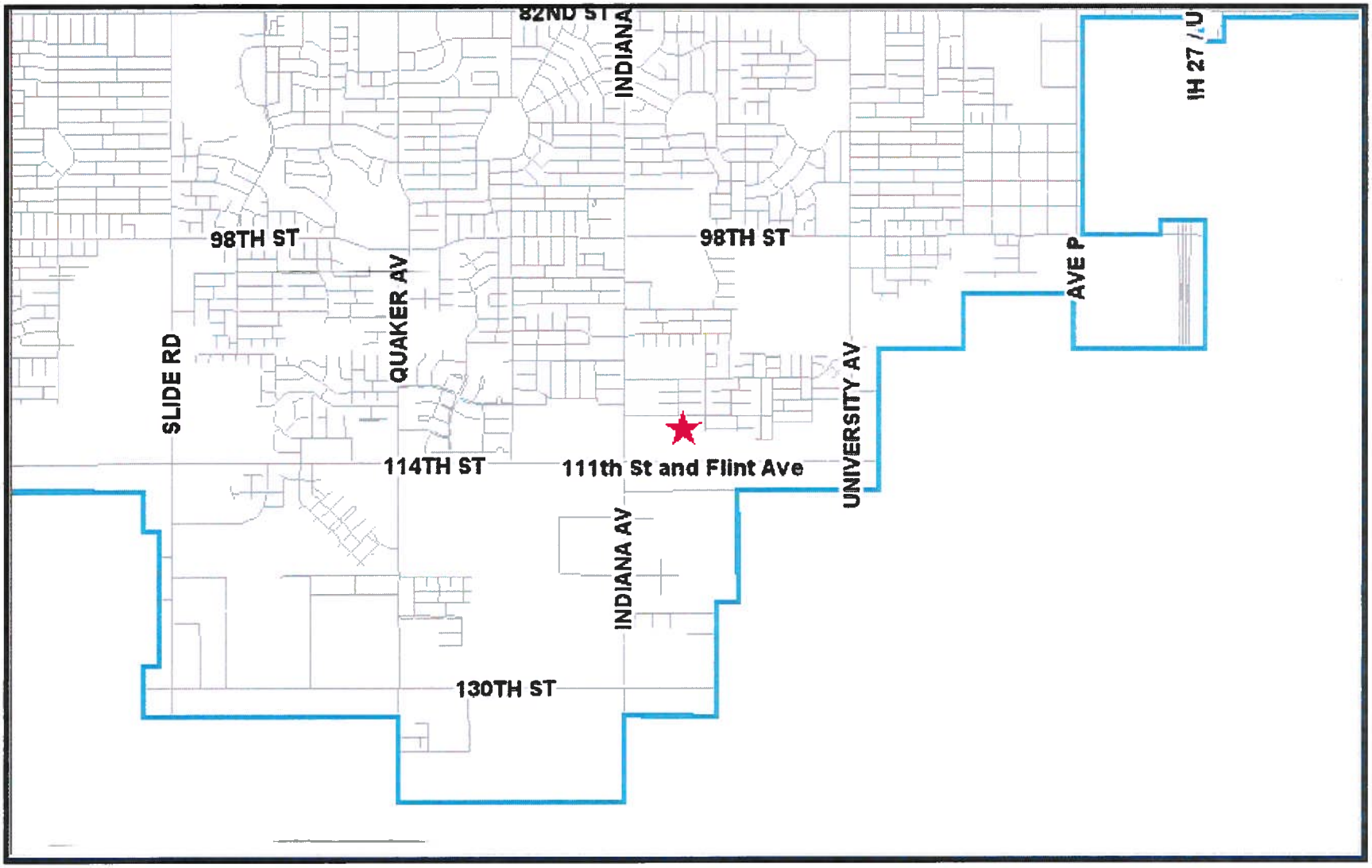
THENCE along the arc of a curve to the right having a radius of 1022.00 feet, a central angle of 10°54'03", a chord distance of 194.15 feet (chord bears S 5°27'01" E), and an arc distance of 194.44 feet;

THENCE South an approximate distance of 10.27 feet;

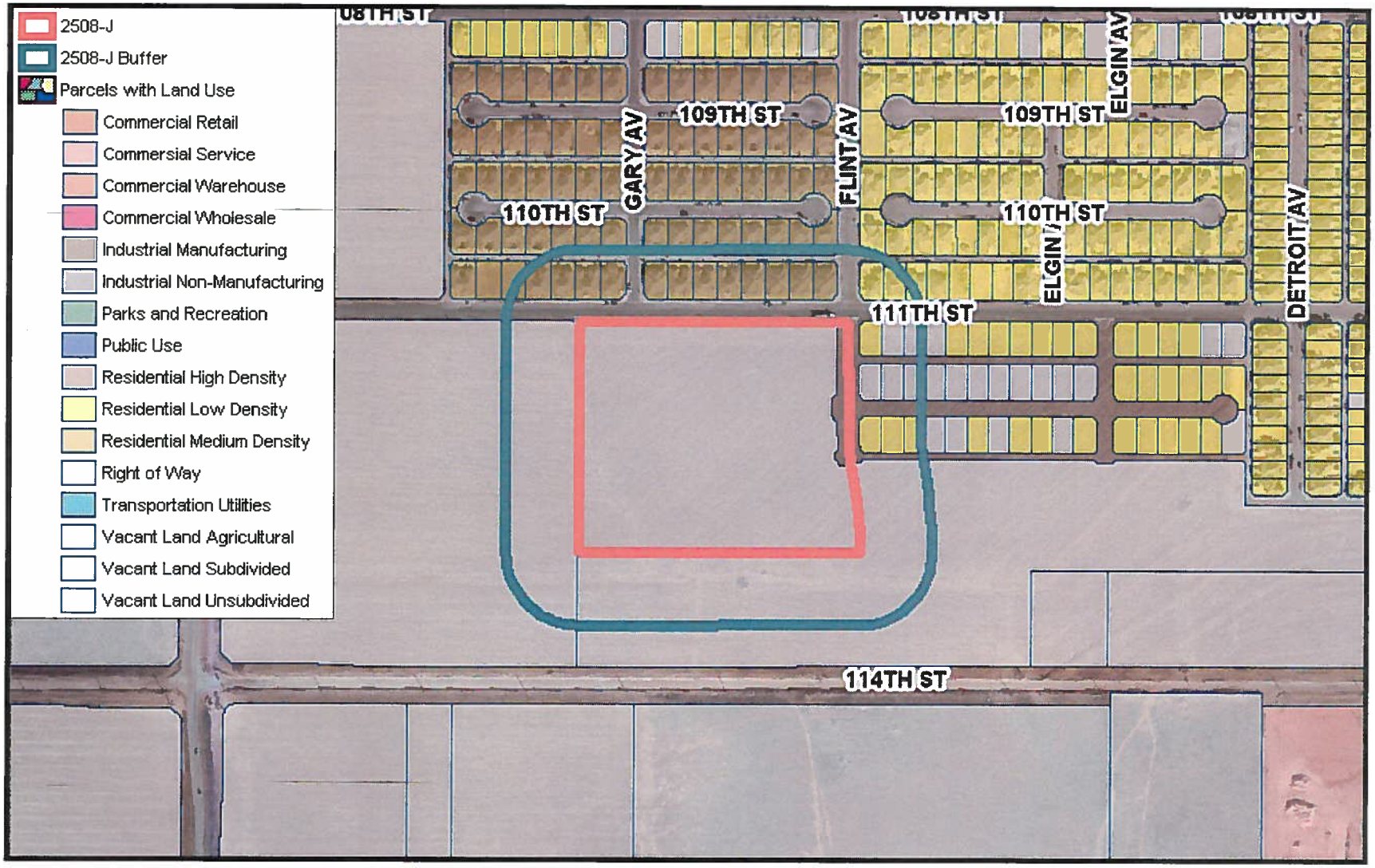
THENCE West an approximate distance of 819.04 feet to the Point of Beginning and containing approximately 12.33 acres, including any Right of Way.

PREPARED FOR ZONE CHANGE REQUEST ONLY; DOES NOT REPRESENT A SURVEY.

Prepared for: Lubbock Land Company
March 20, 2013

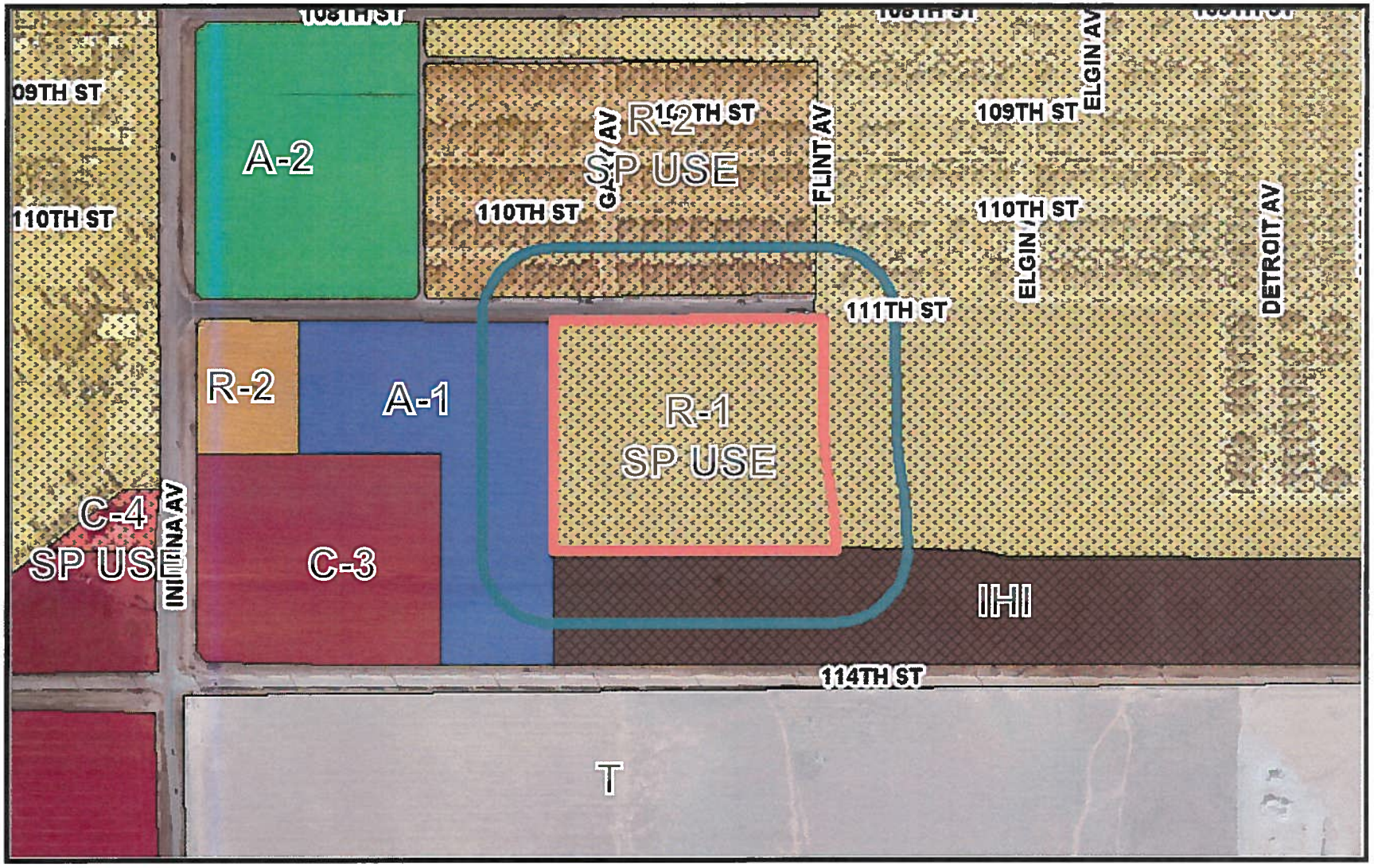


P.Z.C. Case 2508-J



P.Z.C. Case 2508-J

Request of AMD Engineering, LLC (for Lubbock Land Company, LLC) for a zoning change from R-1 Specific Use to R-1 Specific Use for townhomes, south of 111th Street and west of Flint Avenue



P.Z.C. Case 2508-J Zoning

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) **AMD Engineering, LLC**

2807 74th Street, Ste. 8
Street/Post Office Box

Lubbock | TX | 79423
City | State | Zip

(806) 771-5976
Telephone

For Lubbock Land Company, LLC

4808 Knoxville, Suite A
Street/Post Office Box

Lubbock | TX | 79413
City | State | Zip

(806) 798-0098
Telephone

Location or Address: Gary Avenue and 112th Street

Legal Description:* See Attached

Existing Land Use: Agricultural **Existing Zoning:** R-1 Specific Use

Acreage or Square Footage of Property: 12.33 acres

Zoning Requested: R-1 Specific Use for Townhomes

Proposed Development: Townhome development

If property is not subdivided, will preliminary plat be submitted? Yes _____ No x

Applicant's Signature

March 5, 2013
Date

Filing Fee: $511
($475.00 for the first acre; $3.00 for each additional acre)

*There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.

CHECK: 1310
REC: 17712

For City Use Only

MB map 40

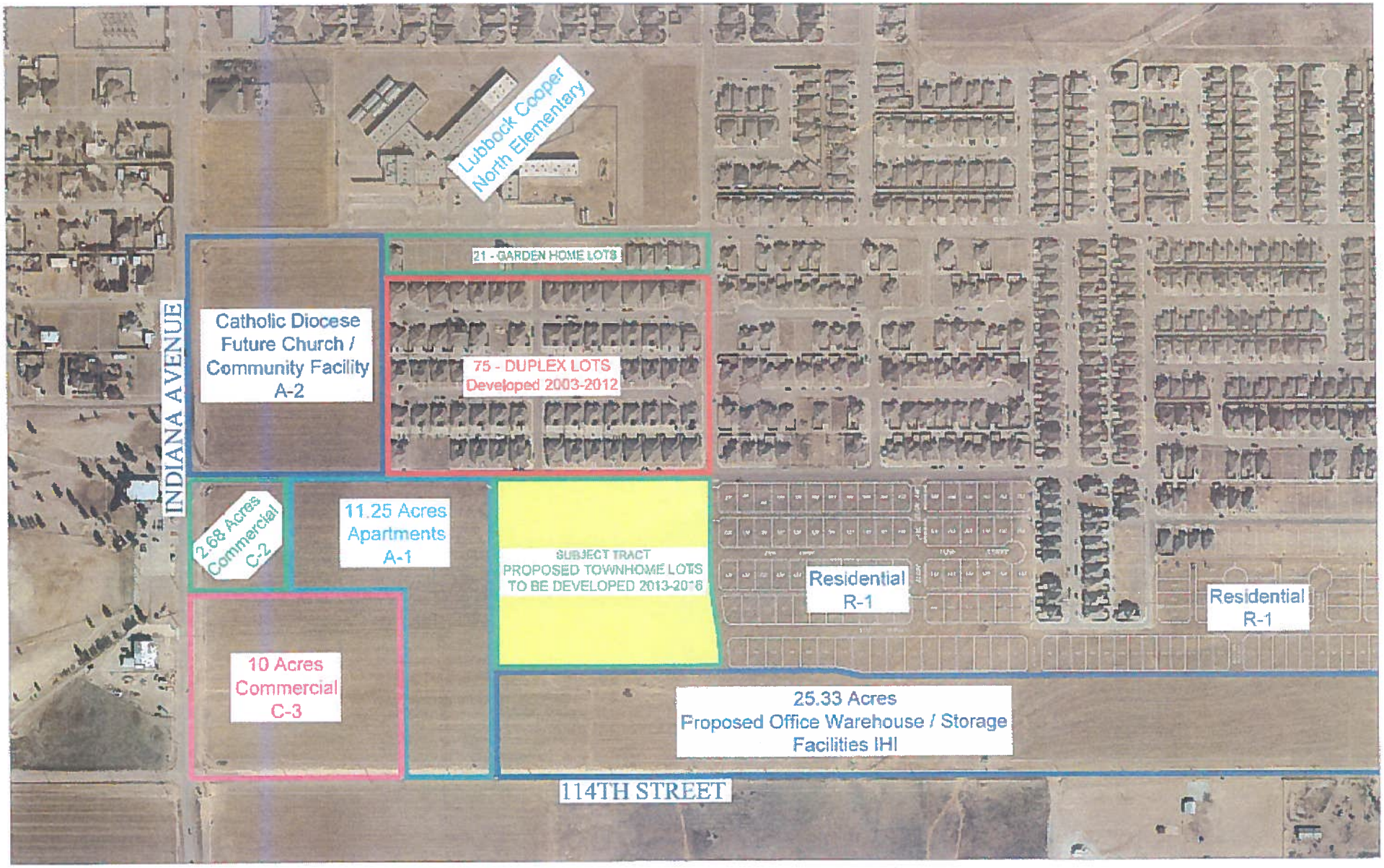
Zone Case No.: 2508-J **Agenda No.:** 2

Request for zoning change from: R-1 SP USE **To:** R-1 SP USE

on 12.33 acres of unplatted land out of Block E-2 section 19

on Lot(s) _____, **Block(s)** _____,

_____ **Addition** **(Address:** Gary Ave and 112th St).


Lubbock Cooper
North Elementary
21 - GARDEN HOME LOTS
Catholic Diocese
Future Church /
Community Facility
A-2
75 - DUPLEX LOTS
Developed 2003-2012
INDIANA AVENUE
2.68 Acres
Commercial
C-2
11.25 Acres
Apartments
A-1
SUBJECT TRACT
PROPOSED TOWNHOME LOTS
TO BE DEVELOPED 2013-2016
Residential
R-1
Residential
R-1
10 Acres
Commercial
C-3
25.33 Acres
Proposed Office Warehouse / Storage
Facilities IHI
114TH STREET

Regular City Council Meeting **5. 7.**

Meeting Date: 05/09/2013

Information

Agenda Item

Ordinance 2nd Reading - Planning: Zone Case 3018-B. Ordinance 2013-O0045. Consider a request of McCanton Woods for a zoning change from A-3 Specific Use to C-2 Specific Use for a sports grill and bar on the west 226 feet of tract 5B (southeast corner of Mac Davis Lane and Avenue X).

Item Summary

On May 1, 2013, the City Council approved the first reading of the ordinance.

Zoning Request:
C-2 Specific Use for a sports grill and bar.

Proposed Land Use:
The proposed land use is to construct a new freestanding building for a sports grill and bar (Nick's).

Adjacent Land Uses:
N – Commercial – zoned CB-3 (Overton hotel and Conference Center).
S – Commercial mix – zoned A-3 Specific Use for apartments.
E – Commercial mix – zoned CB-2 (apartments with commercial).
W – Commercial – zoned A-3 Specific Use for apartments.

Planning and Zoning Commission (P&Z) Public Hearing Notes from April 4, 2013:
No one spoke in favor of or opposition to the request.

During the hearing, the question of sufficient parking was considered and staff informed the P&Z that parking would be sufficient and contained on-site.

Impact on the Comprehensive Land Use Plan (CLUP):
The proposed change would be a minor change to the CLUP, but is consistent with the redevelopment plan for North Overton.

There is a combination of high density apartments (residential) and commercial uses throughout the area. A restaurant at this location, should enhance the area, and make more amenities available to residents of the area. The addition of amenities in such proximity promotes pedestrian activity and limits the use of motor vehicles.

P&Z Commission Recommendation:
The Planning Commission recommended the request with a unanimous vote.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager
P&Z Commission

Attachments

Ordinance - Zone Case 3018-B

Zone Case 3018-B

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3018-B;** A ZONING CHANGE FROM **A-3 SPECIFIC USE** TO **C-2 SPECIFIC USE** FOR **A SPORTS GRILL AND BAR**, ON **THE WEST 226 FEET OF TRACT 5B,** LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, the 1986 Comprehensive Land Use Plan as amended is a guide to help the Lubbock Planning and Zoning Commission and City Council determine the physical development of the community; however, planning is a continuous process and change is inevitable; and

WHEREAS, the Lubbock Planning and Zoning Commission and City Council recognize that the zone change is a minor deviation from the 1986 Comprehensive Land Use Plan as amended, which protects public and private commitments that have been previously based on the Plan; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 3018-B

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **A-3 Specific Use** to **C-2 Specific Use** for

a **sports grill and bar** on **the west 226 feet of Tract 5B,** City of Lubbock, Lubbock County, Texas, located at **southeast corner of Mac Davis Lane and Avenue X,** and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SECTION 2. THAT the granting of this specific use zoning is hereby made subject to compliance with all provisions of Zoning Ordinance No. 7084, as amended, including particularly, but not limited to, Section 40.03.3102 of the Codified Zoning Ordinance, which provides that a Building Permit shall be applied for and secured within thirty (30) months of the effective date of the zone change or all undeveloped property shall automatically revert back to the previous zoning classification, which in this case is the **A-3 Specific Use** zone district; and if such reversion occurs, the Director of Planning is directed to remove from the Zoning Map the legend indicating such specific use. The Specific Use authorized by this Ordinance is permitted under provision of Section 40.03.3101-40.03.3103 of Codified Zoning Ordinance No. 7084 on the property described as **southeast corner of Mac Davis Lane and Avenue X**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars ($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

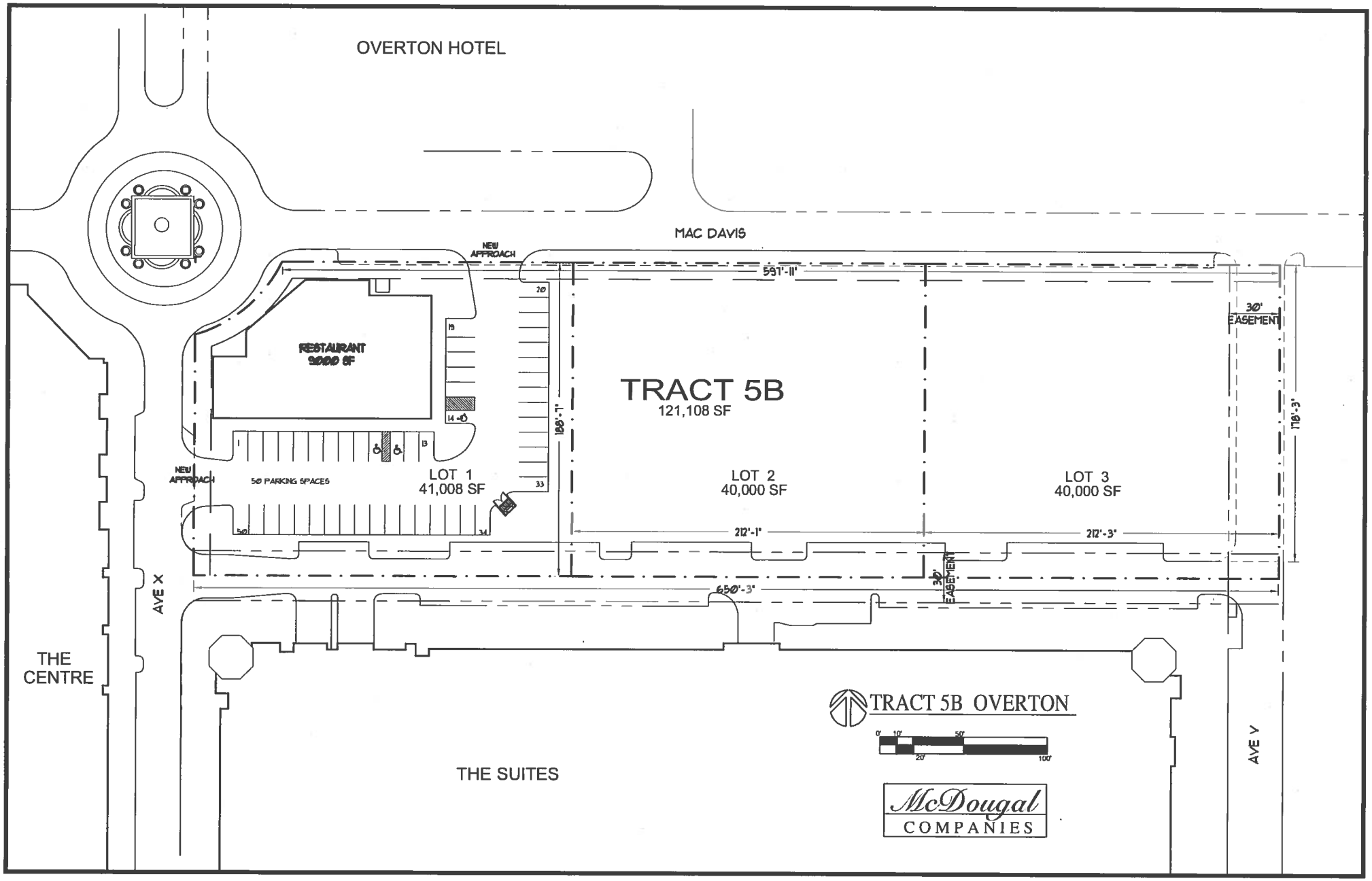
Andrew Paxton, Interim Director of Planning

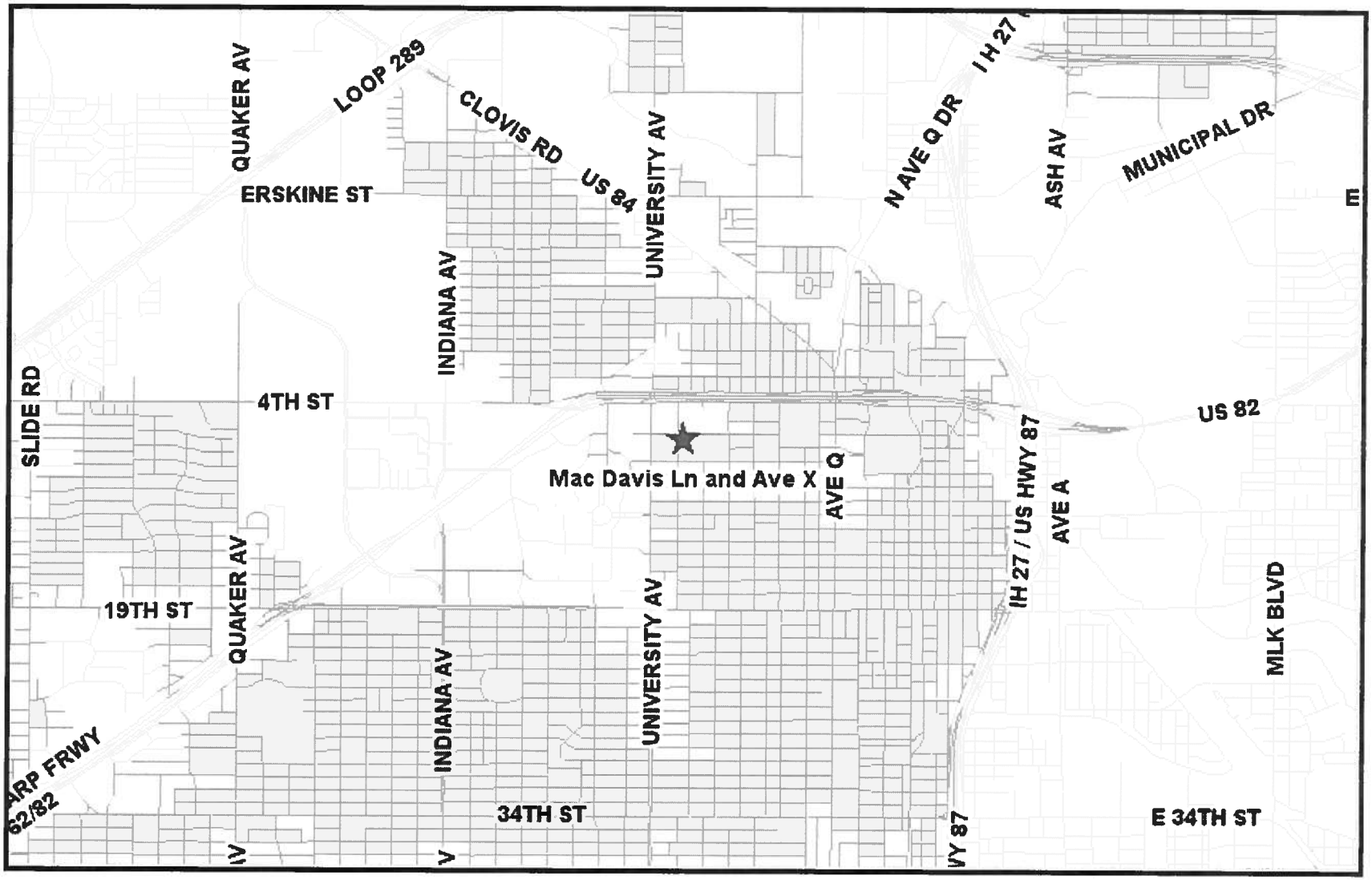
APPROVED AS TO FORM:

Chad Weaver
Assistant City Attorney

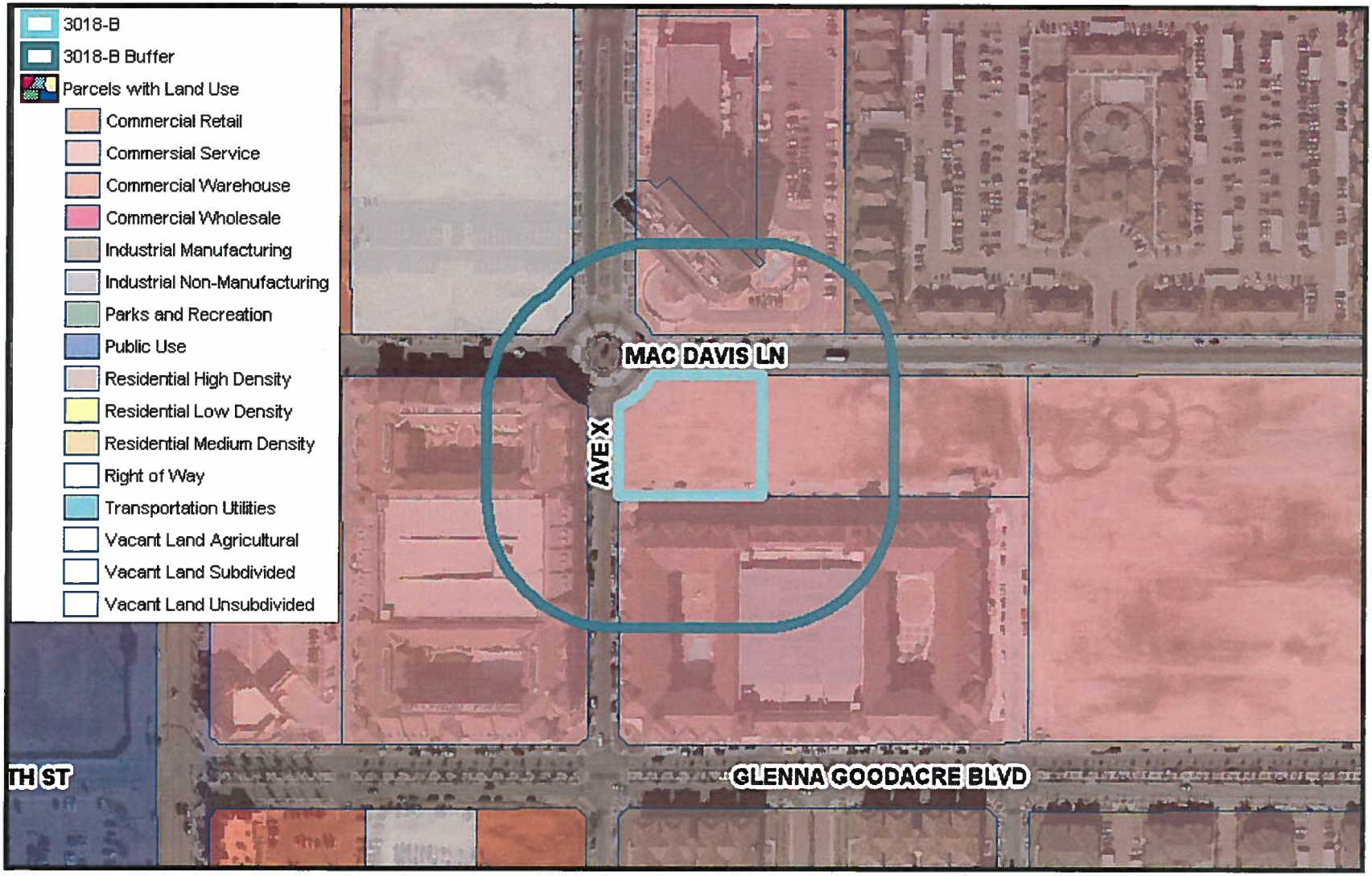
vw/CityAtt/Chad/Zones/ZC3018-B
April 4, 2013

EXHIBIT "A"


OVERTON HOTEL
MAC DAVIS
NEW APPROACH
591'-11"
RESTAURANT
9000 SF
TRACT 5B
121,108 SF
LOT 1
41,008 SF
LOT 2
40,000 SF
LOT 3
40,000 SF
50 PARKING SPACES
NEW APPROACH
188'-7"
212'-1"
212'-3"
650'-3"
30' EASEMENT
30' EASEMENT
118'-3"
AVE X
AVE V
THE CENTRE
THE SUITES
TRACT 5B OVERTON
McDougal COMPANIES

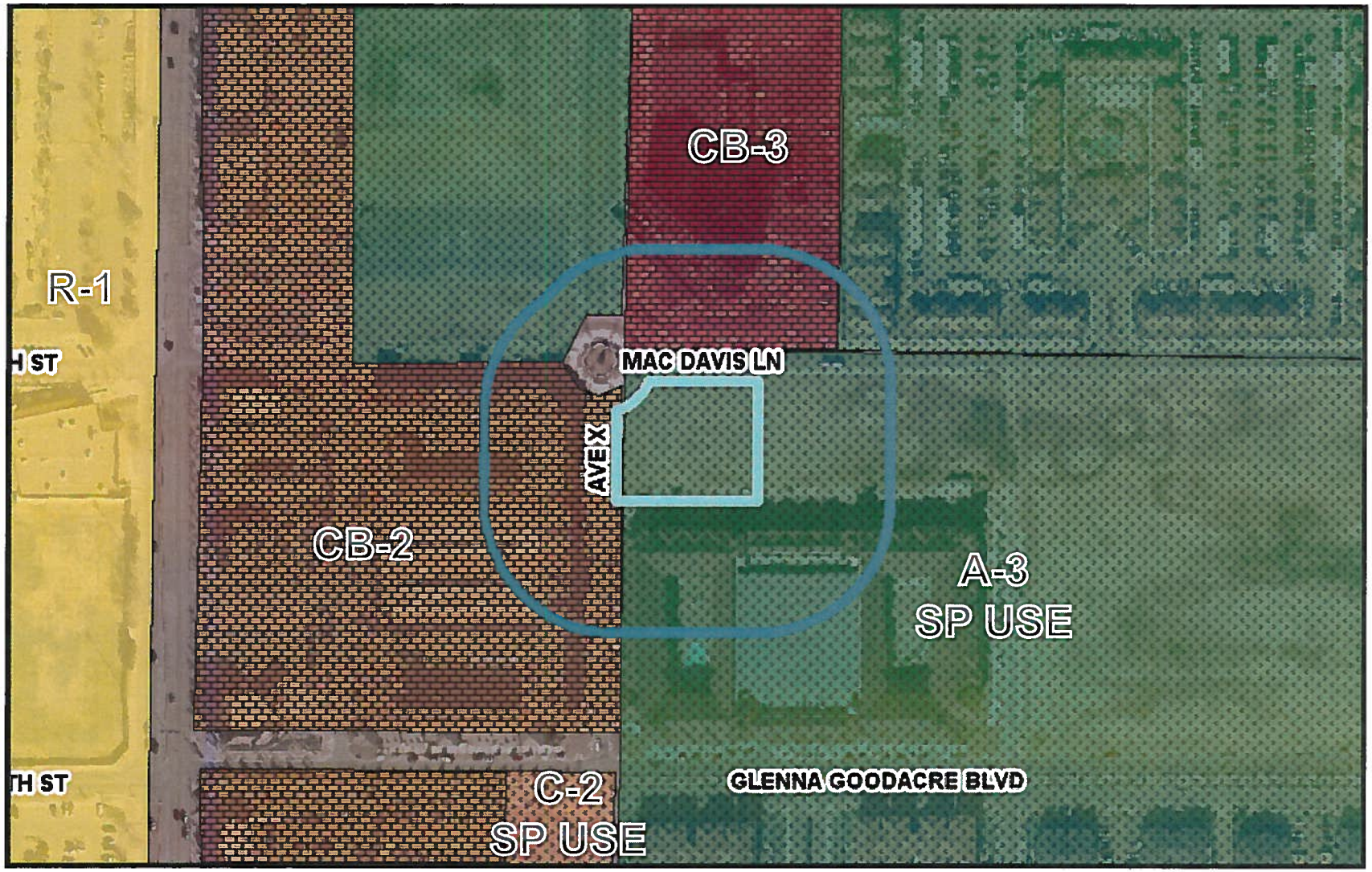


P.Z.C. Case 3018-B



P.Z.C. Case 3018-B

Request of McCanton Woods for a zoning change from A-3 Specific Use to C-2 Specific Use for a sports grill and bar, southeast corner of Mac Davis Lane and Avenue X



P.Z.C. Case 3018-B Zoning

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) McCanton Woods

5001 W. Loop 289
Street/Post Office Box

LBB TX 79414
City State Zip

(806) 739-5902
Telephone

For _____

Street/Post Office Box

City State Zip

( )
Telephone

Location or Address: Western 41,008' of Tract 5B

Legal Description:* _____

Existing Land Use: VACANT (A3 Spec. Use) **Existing Zoning:** A-3 SPEC USE

Acreage or Square Footage of Property: 41,008

Zoning Requested: _____

Proposed Development: Sport's ~~Bar~~ Grill + Bar

If property is not subdivided, will preliminary plat be submitted? Yes _____ No _____

Applicant's Signature

2/12/13
Date

Filing Fee: 475.00
($475.00 for the first acre; $3.00 for each additional acre; $165 for Non-Profit)

***There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.**

rec: 17 649

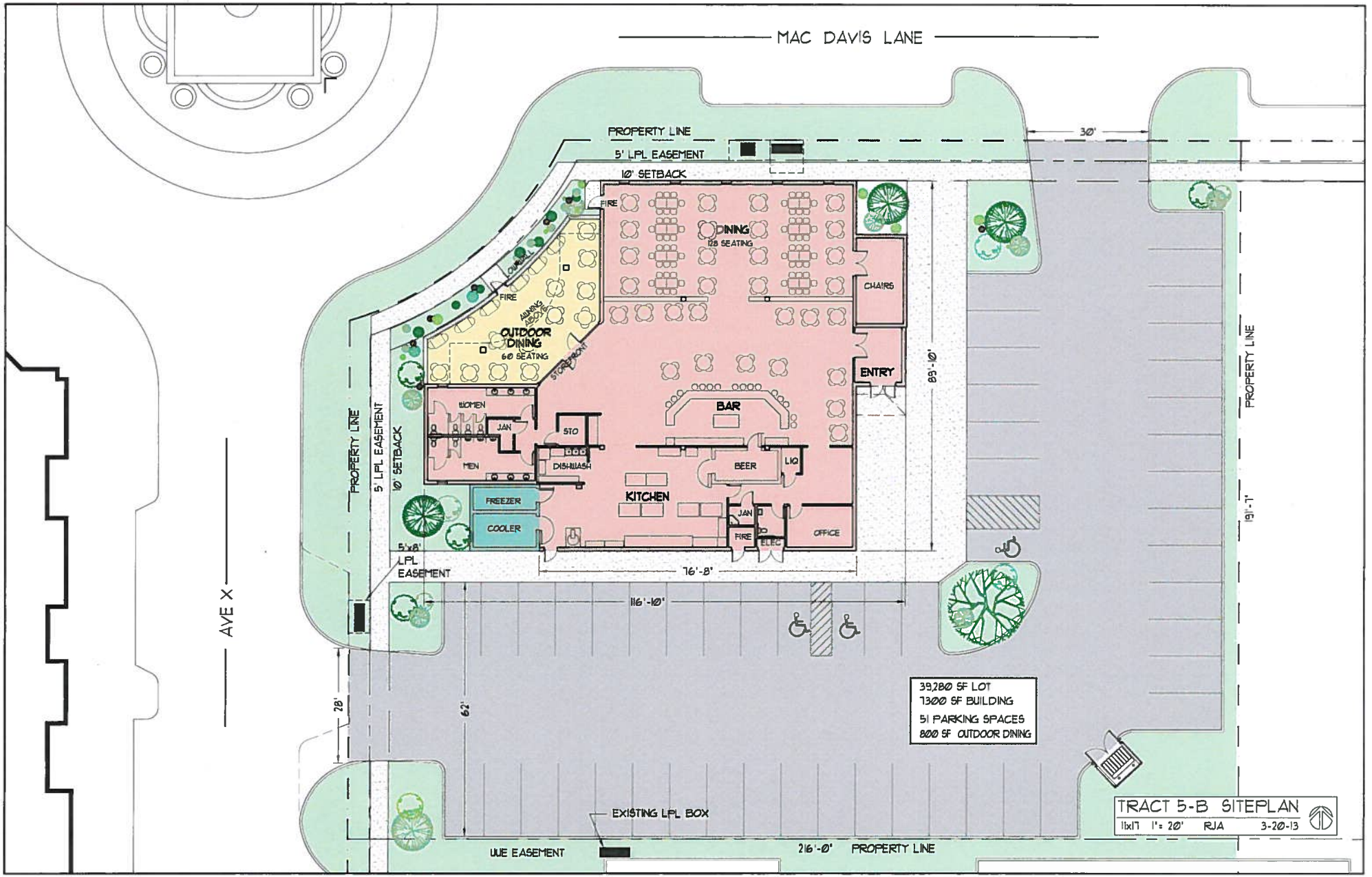
For City Use Only

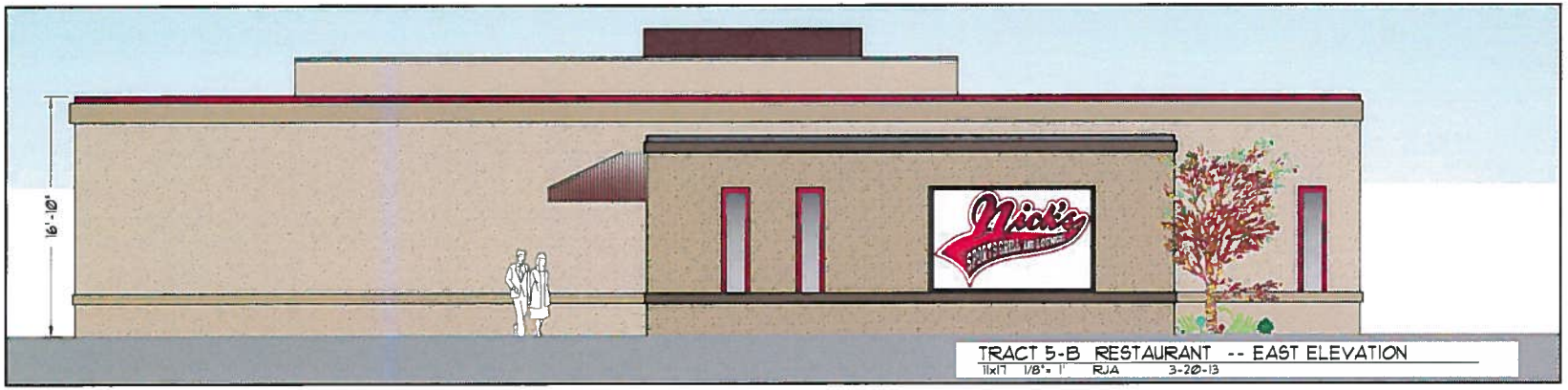
Zone Case No.: 3018-B **Agenda No.:** 2

Request for zoning change from: A-3 SPEC USE **To:** C-2 SPEC USE

on Lot(s): West 226' of Tract 5B **Block(s):** _____

Subdivision: _____ **Address:** _____

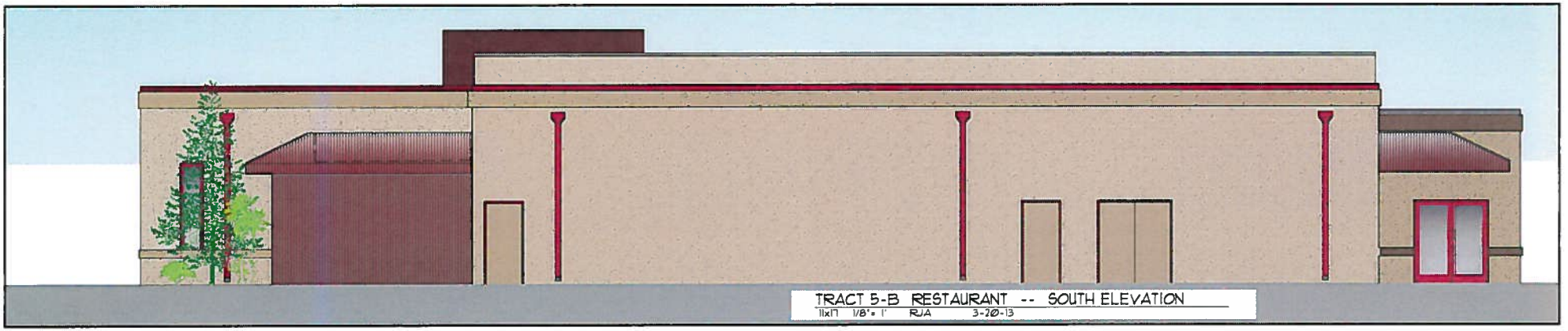

MAC DAVIS LANE
PROPERTY LINE
5' LPL EASEMENT
10' SETBACK
30'
FIRE
DINING
128 SEATING
CHAIRS
ENTRY
OUTDOOR DINING
60 SEATING
AWNING ABOVE
STOREFRONT
WOMEN
JAN
STO
MEN
DISHWASH
BAR
BEER
LIQ
KITCHEN
FREEZER
COOLER
JAN
FIRE
ELEC
OFFICE
89'-10'
76'-8"
116'-10"
5'x8'
LPL EASEMENT
AVE X
28'
62'
191'-7"
39,280 SF LOT
7300 SF BUILDING
51 PARKING SPACES
800 SF OUTDOOR DINING
EXISTING LPL BOX
UUE EASEMENT
216'-0"
TRACT 5-B SITEPLAN
11x17 1"= 20' RJA 3-20-13



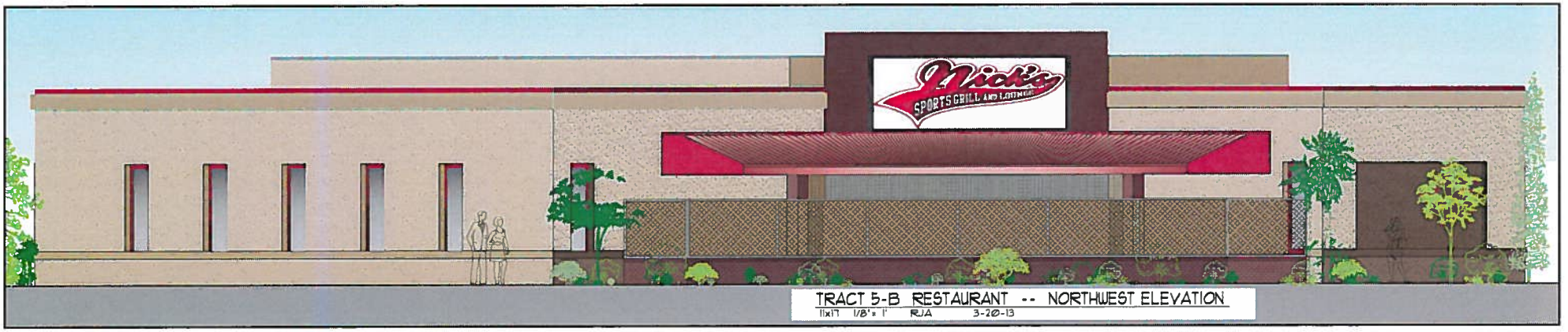
TRACT 5-B RESTAURANT -- EAST ELEVATION
11x17 1/8" = 1' RJA 3-20-13

McDougal
CONSTRUCTION

RESTAURANT DEVELOPMENT
TRACT 5-B OVERTON
AVE X AT MAC DAVIS



TRACT 5-B RESTAURANT -- SOUTH ELEVATION
11x17 1/8" = 1' RJA 3-20-13



TRACT 5-B RESTAURANT -- NORTHWEST ELEVATION
11x17 1/8" = 1' RJA 3-20-13

Regular City Council Meeting **5. 8.**

Meeting Date: 05/09/2013

Information

Agenda Item

Ordinance 2nd Reading - Planning: Zone Case 3047-F. Ordinance 2013-O0046. Consider a request of Hugo Reed and Associates, Inc. (for Stellar Development Company) for a zoning change from CB-3 Specific Use to C-3 on 16.714 acres of unplatted land out of Block E-2, Section 23 (south of 114th Street and west of Quaker Avenue).

Item Summary

On May 1, 2013, the City Council approved the first reading of the ordinance.

Zoning Request:
From CB-3 Specific Use to C-3

Proposed Land Use:
The request is to change to the standard C-3 General Retail zoning from a specific use zone case that was originally planned as a commercial extension of Vintage Township.

Adjacent Land Uses:
N – Commercial – zoned C-3 General Retail
S – Commercial – zoned CB-2 Specific Use
E – Residential – zoned T Transitional
W – Commercial – zoned CB-2 Specific Use

Planning and Zoning Commission (P&Z) Public Hearing Notes from April 4, 2013:
No one spoke in favor of or opposition to the request.

Impact on the Comprehensive Land Use Plan (CLUP):
Although the CLUP standard for a commercial tract at the corner of two thoroughfares is recommended as 10 acres, the previous zone case made adjustments to allow for a larger parcel for commercial. This is due to the drainage path between two playa lakes to the southwest of the parcel. The drainage path and remaining CB-2 Specific Use zoned area will serve as a buffer to the existing Vintage Township neighborhood.

P&Z Recommendation:
The P&Z recommended the request with a unanimous vote.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager
P&Z Commission

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3047-F;** A ZONING CHANGE FROM **CB-3 SPECIFIC USE** TO **C-3**, ON **16.714 ACRES OF UNPLATTED LAND OUT OF BLOCK E-2, SECTION 23,** LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 3047-F

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **CB-3** Specific Use to **C-3** on **16.714 acres of unplatted land out of Block E-2, Section 23,** City of Lubbock, Lubbock County, Texas, located at **south of 114th Street and west of Quaker Avenue,** and being further described as follows:

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SECTION 2. THAT the granting of this specific use zoning is hereby made subject to compliance with all provisions of Zoning Ordinance No. 7084, as amended, including particularly, but not limited to, Section 40.03.3102 of the Codified Zoning Ordinance, which provides that a Building Permit shall be applied for and secured within thirty (30) months of the effective date of the zone change or all undeveloped property shall automatically revert back to the previous zoning classification, which in this case is the **CB-3 Specific Use** zone district; and if such reversion occurs, the Director of Planning is directed to remove from the Zoning Map the legend indicating such specific use. The Specific Use authorized by this Ordinance is permitted under provision of Section 40.03.3101-40.03.3103 of Codified Zoning Ordinance No. 7084 on the property described as **south of 114th Street and west of Quaker Avenue**, City of Lubbock, Lubbock County, Texas.

SECTION 3. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars ($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 4. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

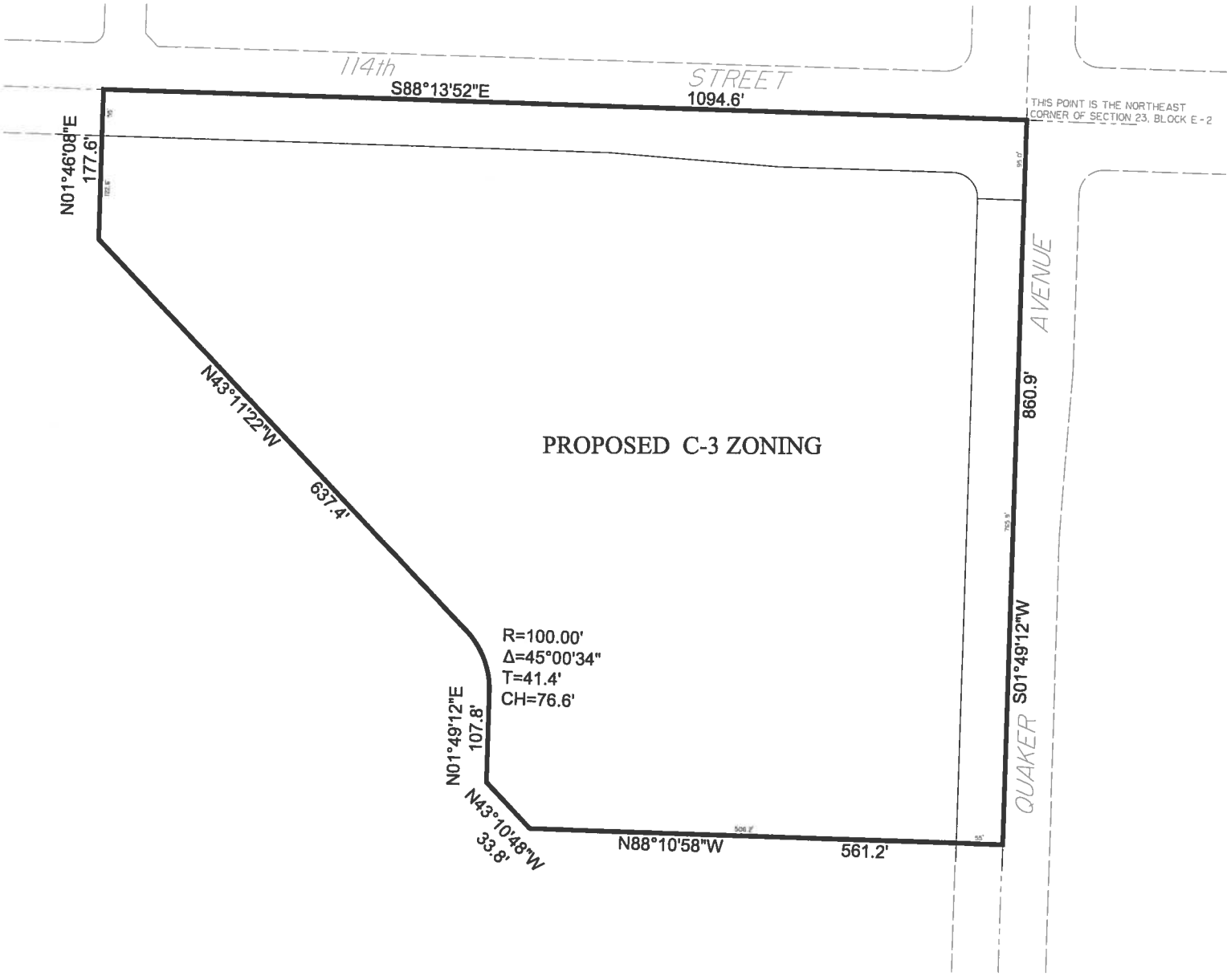
APPROVED AS TO CONTENT:

Andrew Paxton, Interim Director of Planning

APPROVED AS TO FORM:

Chad Weaver
Assistant City Attorney

vw/CityAtt/Chad/Zones/ZC3047-F
April 4, 2013



March 11, 2013

Section 22, Block E-2

ZONE CHANGE REQUEST GRAPHIC

NORTH

Not to Scale

HUGO REED AND ASSOCIATES, INC.
LAND SURVEYORS
CIVIL ENGINEERS
TEXAS LICENSED SURVEYING FIRM 100676-00
TEXAS REGISTERED ENGINEERING FIRM F-760
1601 AVENUE N
LUBBOCK, TEXAS 79401
PHONE: 806 / 763-5642
FAX: 806 / 763-3891

HUGO REED AND ASSOCIATES, INC.
1601 AVENUE N / LUBBOCK, TEXAS 79401 / 806/763-5642 / FAX 806/763-3891
TEXAS REGISTERED ENGINEERING FIRM F-760
TEXAS LICENSED SURVEYING FIRM 100676-00

LAND SURVEYORS
CIVIL ENGINEERS

Proposed C-3 Zoning

METES AND BOUNDS DESCRIPTION of a 16.714 acre tract of land located in Section 23, Block E-2, Lubbock County, Texas, being further described as follows:

BEGINNING at a point for the Northeast corner of this tract, same being the Northeast corner of Section 23, Block E-2, Lubbock County, Texas;

THENCE S. 01°49'12" W., along the East line of said Section 23, an approximate distance of 860.9 feet to a point for a corner of this tract;

THENCE N. 88°10'58" W. an approximate distance of 561.2 feet to a point for the most Southerly Southwest corner of this tract;

THENCE N. 43°10'48" W. an approximate distance of 33.8 feet to a point for the most Westerly Southwest corner of this tract;

THENCE N. 01°49'12" E. an approximate distance of 107.8 to a point of curvature;

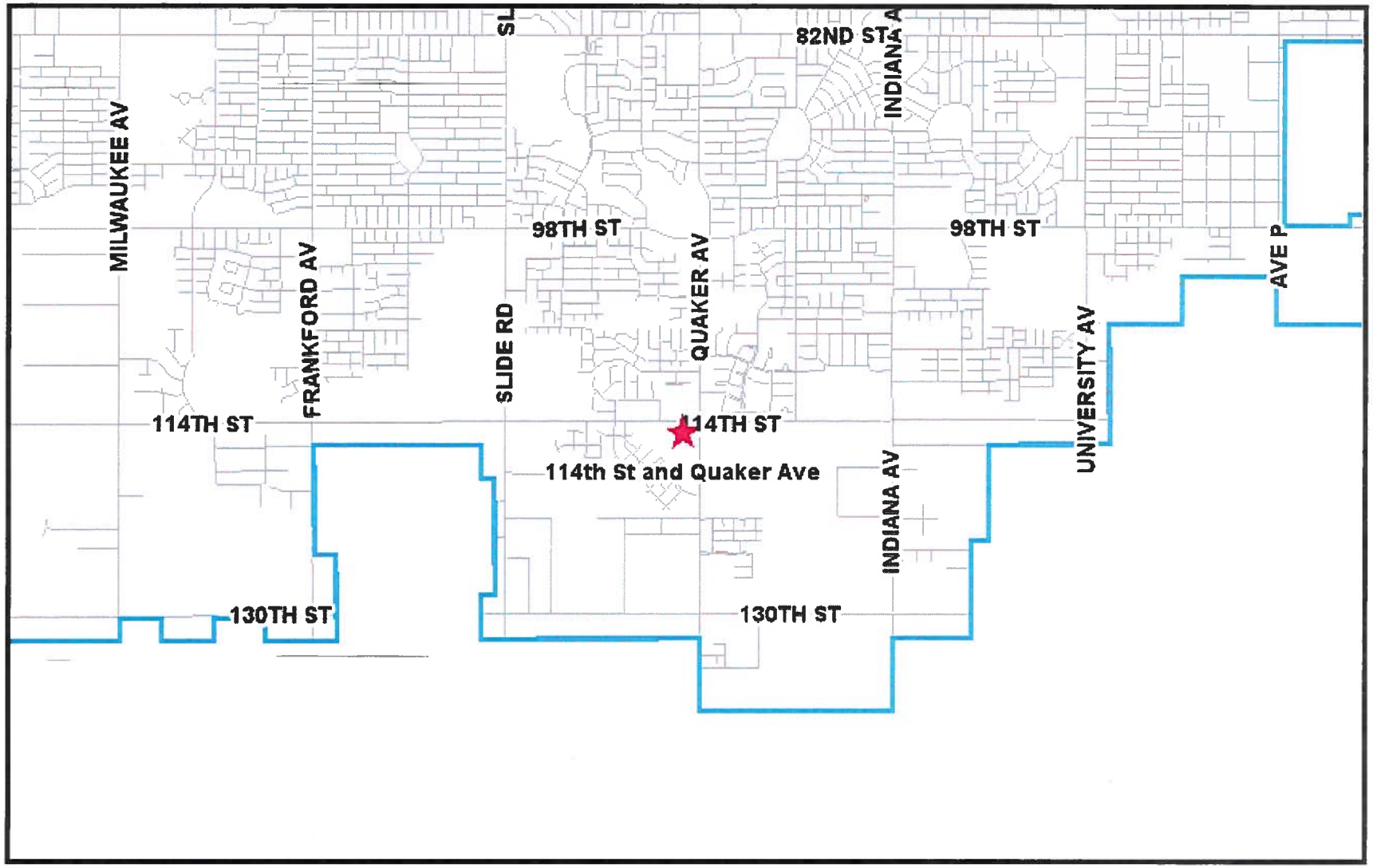
THENCE Northwesterly around a curve to the left, said curve having a radius of 100 feet, a central angle of 45°00'34", tangent lengths of 41.4 feet and a approximate chord distance of 76.6 feet to a point of tangency;

THENCE N. 43°11'22" W. an approximate distance of 637.4 feet to a point for the most Westerly Northwest corner of this tract;

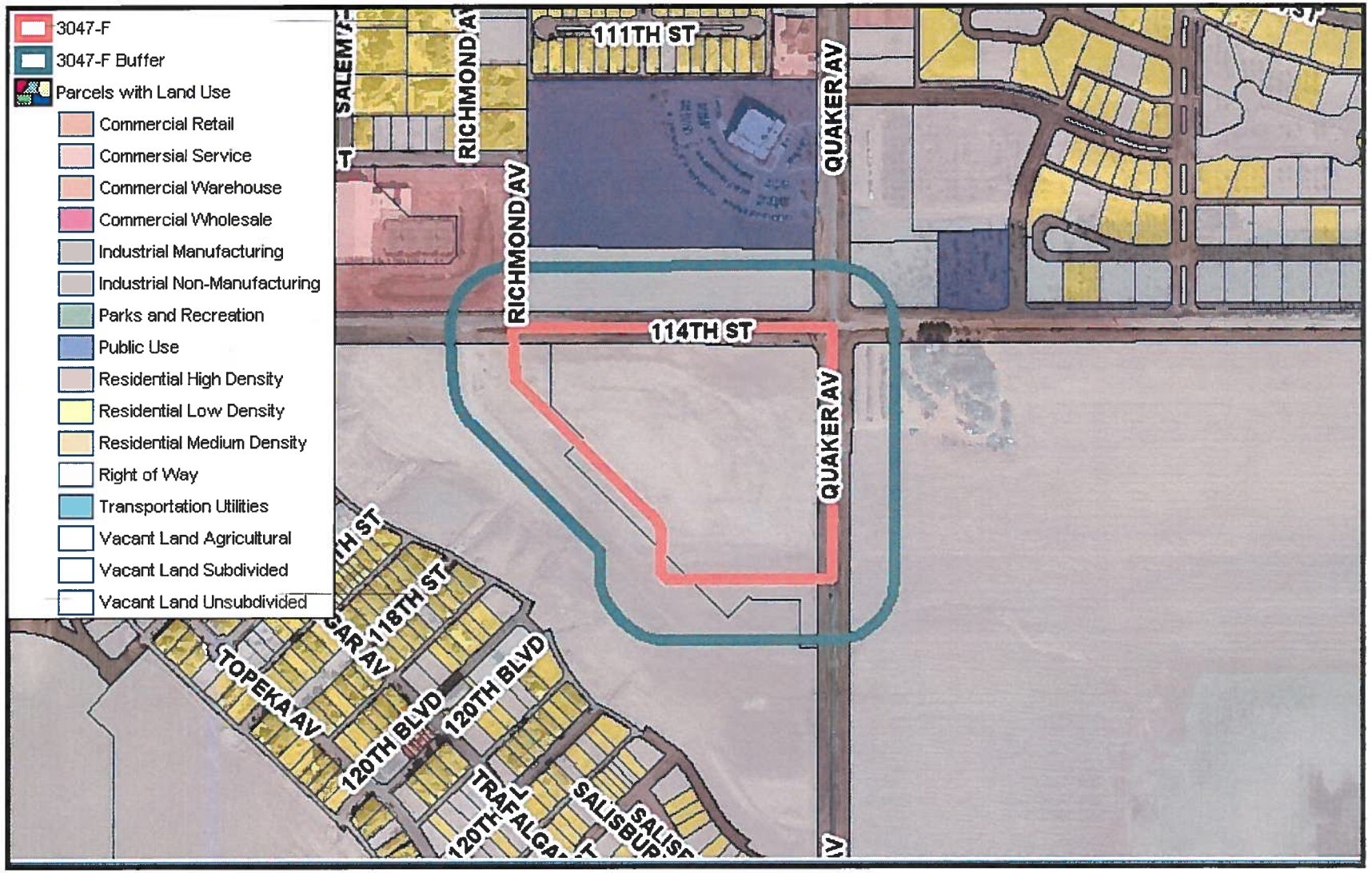
THENCE N. 01°46'08" W., an approximate distance of 177.6 feet to a point in the North line of said Section 23, Block E-2, for the Northwest corner of this tract;

THENCE S. 88°13'52" E., along the North line of said Section 23, Block E-2, an approximate distance of 1094.6 feet to the Point of Beginning.

PREPARED FOR ZONE CHANGE DESCRIPTION PURPOSES ONLY

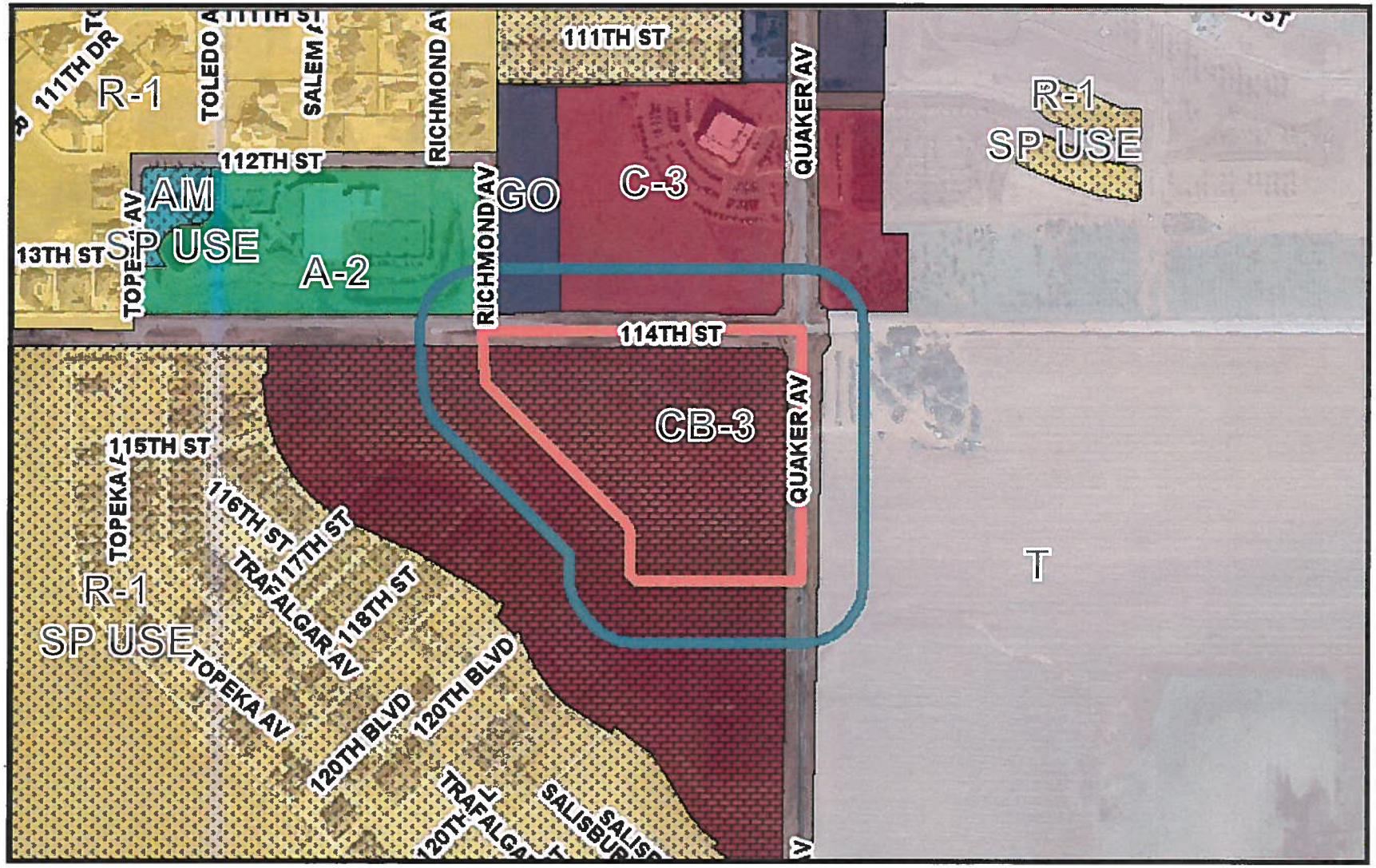


P.Z.C. Case 3047-F



P.Z.C. Case 3047-F

Request of Hugo Reed and Associates, Inc. (for Stellar Development Company) for a zoning change from CB-3 Specific Use to C-3, south of 114th Street and west of Quaker Avenue



P.Z.C. Case 3047-F Zoning

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print)
Hugo Reed and Associates, Inc.
1601 Avenue N
Street/Post Office Box
Lubbock, Texas 79401
City State Zip
(806) 763-5642
Telephone

For
Stellar Development Company
4604 91st Street
Street/Post Office Box
Lubbock, Texas 79424
City State Zip
806-283-0501
Telephone

Location or Address: 114th Street and Quaker Avenue

Legal Description:* See Metes and Bounds Description Attached

Existing Land Use: Vacant

Existing Zoning: CB-3

Acreage or Square Footage of Property: 16.7 acres

Zoning Requested: C-3

Proposed Development: Unspecified Retail

If property is not subdivided, will preliminary plat be submitted? Yes _____ No X

Terry Holeman
Applicant's Signature

March 11, 2013
Date

***There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.**

Filing Fee: $523 (Lewis #1430)
($475.00 for the first acre; $3.00 for each additional acre; $165 for non-profit)

Received 17718 ck# 1430 **For City Use Only** M+B Map 41

Zone Case No.: 3207

Agenda No.: 6

Request for zoning change from: CB-3 SRec Use **To:** C-3

16.714 acres of unplatted land out of Block E-2 Section 23

on Lot(s): —

Block(s): —

Subdivision: —

Address: Quaker Ave and 114th St

Regular City Council Meeting **5. 9.**

Meeting Date: 05/09/2013

Information

Agenda Item

Ordinance 2nd Reading - Planning: Zone Case 3204. Ordinance 2013-O0047. Consider a request of AMD Engineering, LLC (for Sam Burke) for a zoning change from T to IHC on 2.405 acres of unplatted land out of Block AK, Section 30 (north of 82nd Street and west of Pontiac Avenue).

Item Summary

On May 1, 2013, the City Council approved the first reading of the ordinance.

Zoning Request:
IHC (Interstate Highway Commercial) for automobile and recreational vehicle sales and service along with office warehouses in the rear of the property.

Proposed Land Use:
The proposed land use is to construct an automobile and recreational vehicle dealership on the south (front) of the property and a separate building to be used as rental to the north of the property (rear).

Adjacent Land Uses:
N – Commercial – zoned Transitional
S – Commercial/residential – zoned R-1 Specific Use & C-3
E – Commercial – zoned C-3
W – Commercial – zoned C-3 Specific Use

Planning and Zoning Commission (P&Z) Public Hearing Notes from April 4, 2013:
No one spoke in favor of or opposition to the request.

Impact on the Comprehensive Land Use Plan (CLUP):
Since the majority of this area along 82nd Street was developed commercial prior to being annexed into the City, it requires as much consistency as possible to keep the area uniform. The Planning Department has recommended that if a heavier commercial district is desired, the IHC district would be the most adequate, so that 82nd Street does not deteriorate.

The initial application was a request to C-4. Prior to the meeting, and after working with staff, the proponent felt that IHC was an adequate and sufficient change for their proposed development. The proposal was amended at the meeting for a change to IHC.

The proposed zoning is a minor change to the CLUP. Staff supports the change to IHC.

P&Z Commission Recommendation:
The Planning Commission recommended the request with a unanimous vote.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager
P&Z Commission

Attachments

Ordinance - Zone Case 3204

Zone Case 3204

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3204;** A ZONING CHANGE FROM **T** TO **IHC** ZONING DISTRICT ON **2.405 ACRES OF UNPLATED LAND OUT OF BLOCK AK, SECTION 30,** LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, the 1986 Comprehensive Land Use Plan as amended is a guide to help the Lubbock Planning and Zoning Commission and City Council determine the physical development of the community; however, planning is a continuous process and change is inevitable; and

WHEREAS, the Lubbock Planning and Zoning Commission and City Council recognize that the zone change is a minor deviation from the 1986 Comprehensive Land Use Plan as amended, which protects public and private commitments that have been previously based on the Plan; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 3204

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under the provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **T** to **IHC** zoning district on **2.405 acres**

of unplatted land out of Block AK, Section 30, City of Lubbock, Lubbock County, Texas, located at **north of 82nd Street and west of Pontiac Avenue.**

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SECTION 2. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars ($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Andrew Paxton, Interim Director of Planning

APPROVED AS TO FORM:

_____
Chad Weaver
Assistant City Attorney

vw/cityatt/Chad/ZoneCase/ZC3204
April 4, 2013

AMD ENGINEERING, LLC

Rezone to C-4

METES AND BOUNDS DESCRIPTION of a 2.405 acre tract of land located in Section 30, Block AK, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point in which bears North, a distance of 55.0 feet from the Southwest corner of the Southeast Quarter of Section 30, Block AK, Lubbock County, Texas;

THENCE North an approximate distance of 347 feet;

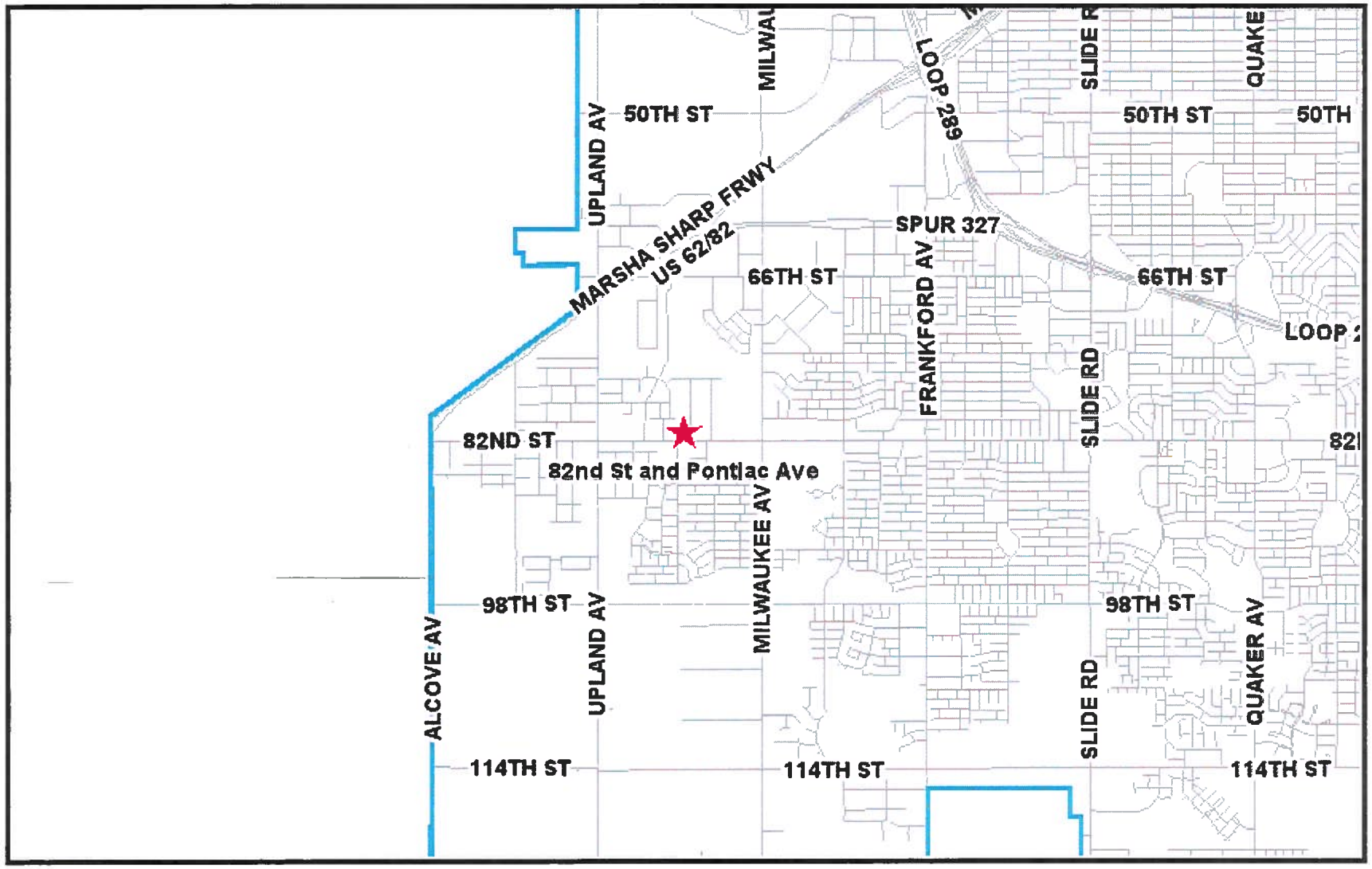
THENCE East an approximate distance of 302 feet;

THENCE South an approximate distance of 347 feet;

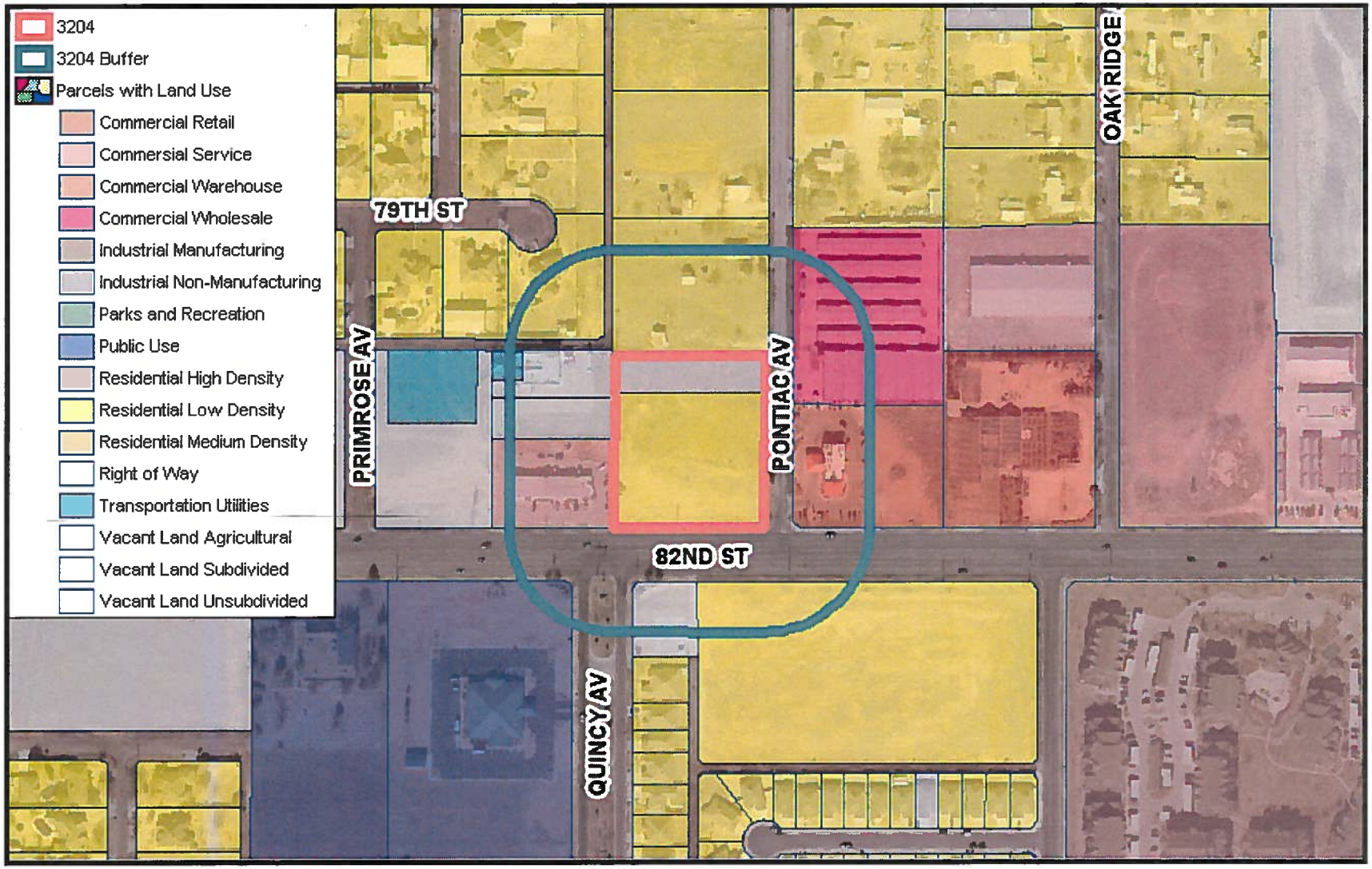
THENCE West an approximate distance of 302 feet to the Point of Beginning and containing approximately 2.405 acres.

PREPARED FOR ZONE CHANGE REQUEST ONLY; DOES NOT REPRESENT A SURVEY.

Prepared for: Sam Burke
March 4, 2013

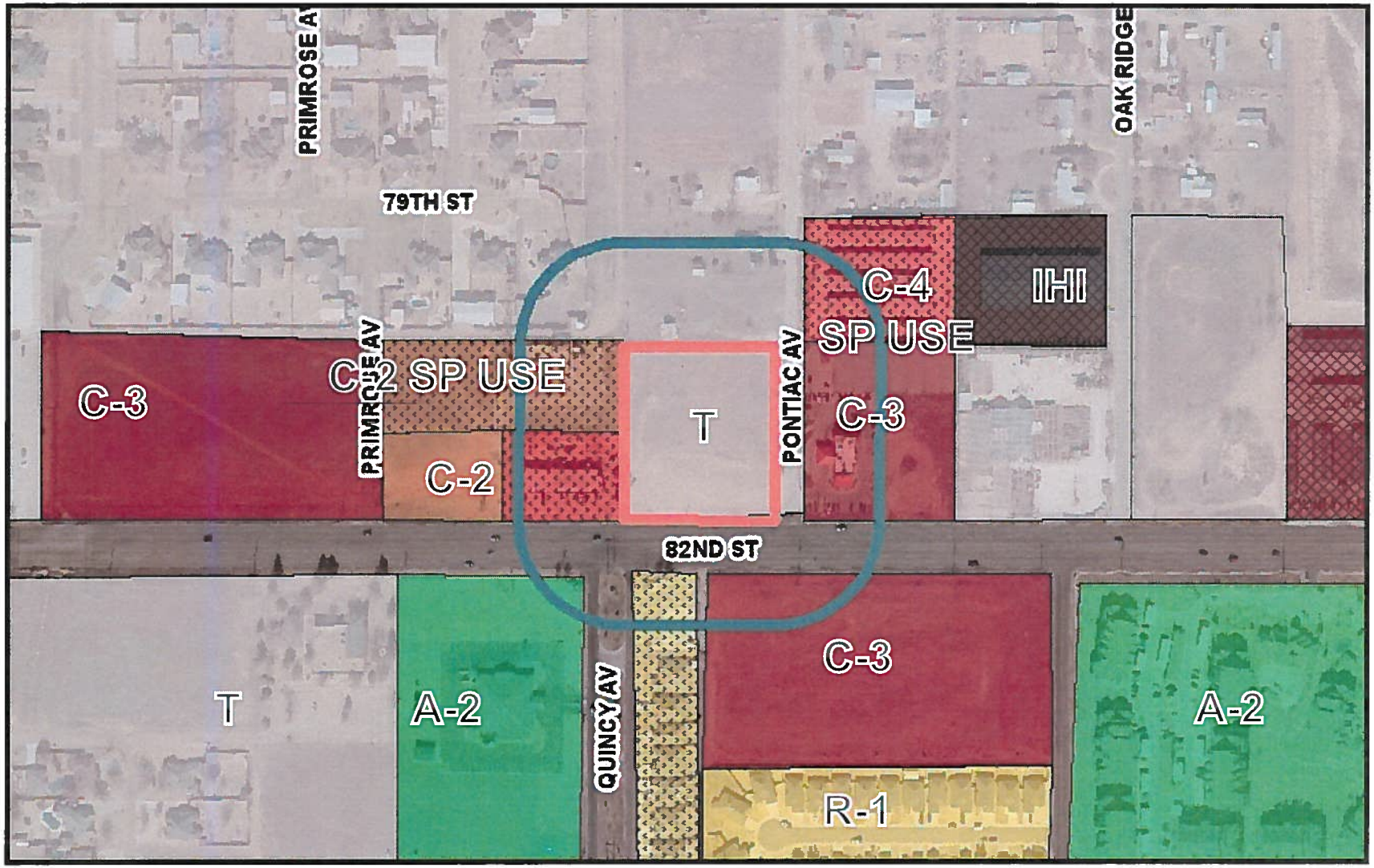


P.Z.C. Case 3204



P.Z.C. Case 3204

Request of AMD Engineering, LLC (for Sam Burke) for a zoning change from T to C-4, north of 82nd Street and west of Pontiac Avenue



P.Z.C. Case 3204 Zoning

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) **AMD Engineering, LLC**

2807 74th Street, Ste. 8
Street/Post Office Box

Lubbock | TX | 79423
City | State | Zip

(806) 771-5976
Telephone

For Sam Burke

4810 99th Street
Street/Post Office Box

Lubbock | TX | 79424
City | State | Zip

(806) 765-6858
Telephone

Location or Address: NW corner of 82nd Street and Pontiac Avenue

Legal Description:* See Attached

Existing Land Use: Agricultural **Existing Zoning:**

Acreage or Square Footage of Property: 2.405 acres

Zoning Requested: "C-4" Commercial District

Proposed Development: Automobile and recreational vehicle sales and service with outside display, offices, and rental spaces in the back side of the property for commercial uses allowed.

If property is not subdivided, will preliminary plat be submitted? **Yes** _____ **No** x

Applicant's Signature

March 5, 2013
Date

***There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.**

Filing Fee: $481
($475.00 for the first acre; $3.00 for each additional acre)

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receipt 17714 Ck# 6644 **For City Use Only** MLB Map 44

Zone Case No.: 3204 **Agenda No.:** 3

Request for zoning change from: T **To:** C-4

on 2.405 acres of unplatted land out of Block A1 section 30

on Lot(s) — , **Block(s)** — ,

— **Addition** **(Address:** 82nd St and Pontiac AV**).**

North of west of

Regular City Council Meeting **5. 10.**

Meeting Date: 05/09/2013

Information

Agenda Item

Ordinance 2nd Reading - Planning: Zone Case 3205. Ordinance 2013-O0048. Consider a request of John Smothers (for TT Iron Horse #1, LTD) for a zoning change from T to IHC for a garden center on 11.07 acres of unplatted land out of Block AK, Section 20 (11706 Frankford Avenue).

Item Summary

On May 1, 2013, the City Council approved the first reading of the ordinance.

Zoning Request:
IHC (Interstate Highway Commercial) for a nursery and garden center.

Proposed Land Use:
The proposed land use is for an existing nursery and garden center (TG Trees).

Adjacent Land Uses:
N – Residential – zoned T (residential Hays Estates)
S – Commercial/Residential – zoned T
E – Commercial – zoned T (Outside the city limits)
W – Residential – zoned T

Planning and Zoning Commission (P&Z) Public Hearing Notes from April 4, 2013:
No one spoke in favor of or opposition to the request.

Impact on the Comprehensive Land Use Plan (CLUP):
This property was developed prior to being annexed in 2008 and has been used as a nursery. To help keep the area uniform, the Planning Department has recommended that if a heavier commercial district is desired, the IHC district would be the most adequate so that Frankford Avenue does not deteriorate.

The initial application was a request to C-4. Prior to the meeting and after working with staff, the proponent felt that IHC was an adequate and sufficient change for their proposed development. The proposal was amended at the meeting for a change to IHC.

Staff supported the change to IHC.

The proposed zoning is a minor change to the CLUP.

P&Z Recommendation:
The P&Z recommended the request with a unanimous vote.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager
P&Z Commission

Attachments

Ordinance - Zone Case 3205

Zone Case 3205

ORDINANCE NO._____

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: **ZONE CASE NO. 3205;** A ZONING CHANGE FROM **T** TO **IHC** ZONING DISTRICT ON **11.07 ACRES OF UNPLATTED LAND OUT OF BLOCK AK, SECTOIN 20,** LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

WHEREAS, the 1986 Comprehensive Land Use Plan as amended is a guide to help the Lubbock Planning and Zoning Commission and City Council determine the physical development of the community; however, planning is a continuous process and change is inevitable; and

WHEREAS, the Lubbock Planning and Zoning Commission and City Council recognize that the zone change is a minor deviation from the 1986 Comprehensive Land Use Plan as amended, which protects public and private commitments that have been previously based on the Plan; and

WHEREAS, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

ZONE CASE NO. 3205

SECTION 1. THAT Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under the provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **T** to **IHC** zoning district on **11.07 acres**

of unplatted land out of Block AK, Section 20, City of Lubbock, Lubbock County, Texas, located at **11706 Frankford Avenue.**

METES AND BOUNDS DESCRIPTION: Attached as Exhibit "A".

SECTION 2. THAT violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars ($2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

SECTION 3. THAT should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary is hereby authorized to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Andrew Paxton, Interim Director of Planning

APPROVED AS TO FORM:

_____
Chad Weaver
Assistant City Attorney

vw/cityatt/Chad/ZoneCase/ZC3205
April 4, 2013

METES AND BOUNDS DESCRIPTION of a 11.07 acre tract of land located in the Northeast Quarter of Section 20, Block AK, Lubbock County, Texas, being further described as follows:

90.00' FROM
F SECTION 20.

BEGINNING at a railroad spike found in the East line of Section 20, Block AK which bears South a distance of 990.00 feet from the Northeast corner of Section 20, Block AK, Lubbock County, Texas;

THENCE South, along the East line of said Section, a distance of 509.90 feet to a railroad spike found at the Southeast corner of this tract and the Northeast corner of a 1.00 acre tract of land conveyed to B.J. Williams recorded in Volume 1953, Page 940, Deed Records of Lubbock County, Texas;

THENCE West, at 50.00 feet pass the West line of a right-of-way easement recorded in Volume 1334, Page 614, at 55.00 feet pass a 1/2" iron rod with cap set in reference, continuing for a total distance of 660.00 feet to a 1/2" iron rod with cap found in the North line of a 9.847 acre tract of land conveyed to Herb and Renne Waits recorded in Volume 6300, Page 306 Real Property Records of Lubbock County, Texas, at the Southwest corner of this tract;

THENCE North, along said 9.847 acre tract, a distance of 179.90 feet to a 1/2" iron pipe found at a corner of this tract and a corner of said 9.847 acre tract;

THENCE West, continuing along the North line said 9.847 acre tract, a distance of 198.10 feet to a 1/2" iron rod with cap found at a corner of this tract and a corner of said 9.847 acre tract;

THENCE North, continuing along said 9.847 acre tract, a distance of 30.02 feet to a 1/2" iron rod found at a corner of this tract and a corner of said 9.847 acre tract;

THENCE S. 89°57'50" W., continuing along said 9.847 acre tract, a distance of 268.10 feet to a 1/2" iron rod found at the Southeast corner of a 0.922 acre tract of land conveyed to Corey A. Brown recorded in Volume 8205, Page 188 Real Property Records of Lubbock County, Texas and a corner of this tract;

THENCE North along the East line of said 0.922 acre tract, a distance of 299.71 feet to a 1/2" iron rod found at the Northeast corner of said 0.922 acre tract and the South line of a 20 feet alley at the Northwest corner of this tract;

THENCE East, along the South line of said alley, 071.20 feet pass a 1/2" iron rod with cap set in reference, and at 1076.20 feet pass the West line of a right-of-way easement recorded in Volume 1334, Page 614, continuing for a total distance of 1126.20 feet to the Point of Beginning.

11180 CR 1800 S

CERTIFICATION TO: West Texas Title Co.
FOR: GF# 25712 ONLY

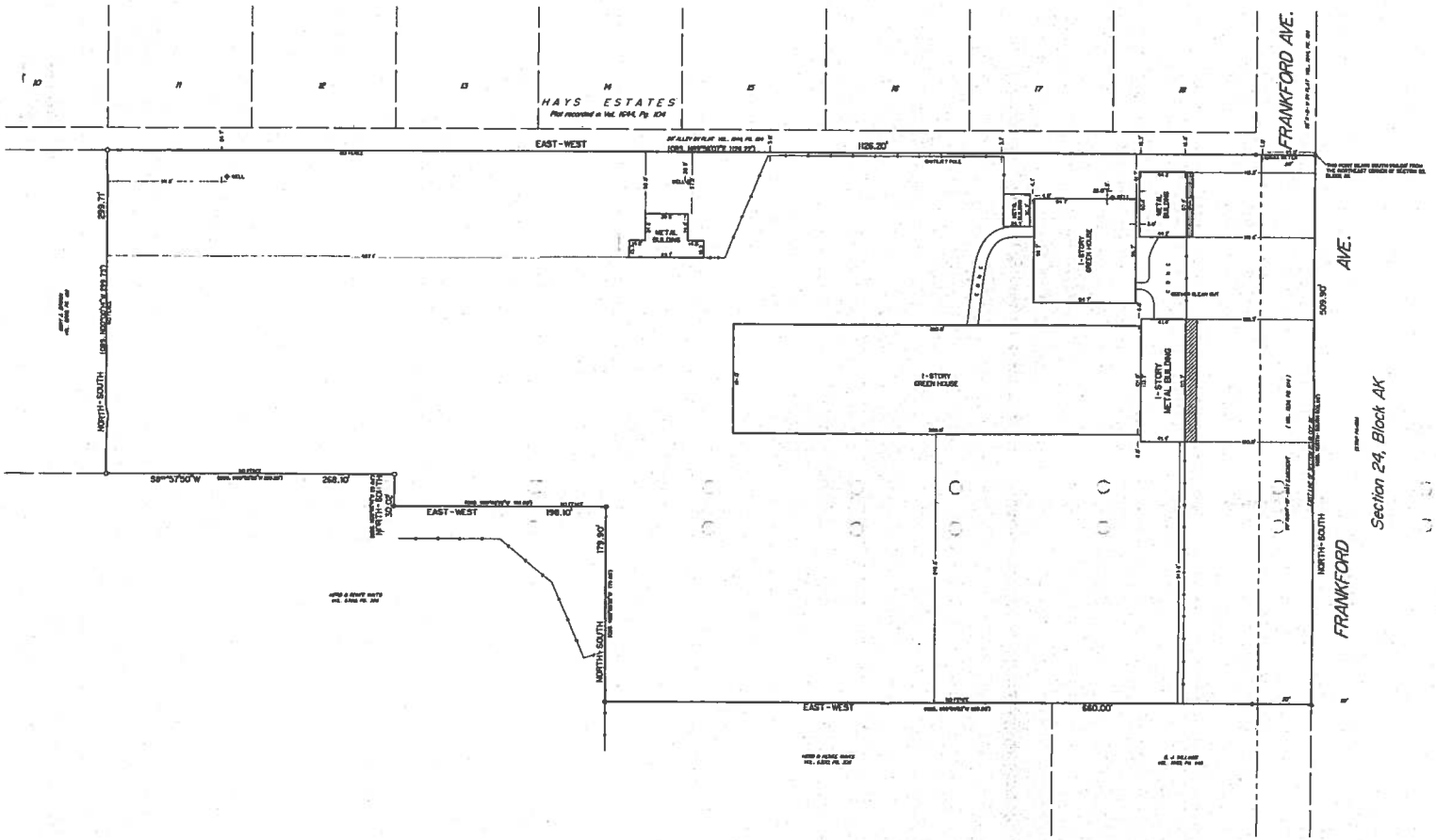
I, Daniel E. Martinez, Texas Registered Professional Land Surveyor No. 4515, do hereby certify that this survey was made on the ground and is in substantial compliance with Standard TREC Contract Form No. 20-6, a determination as to whether this property lies within a special flood hazard area was not made for this survey.
September 29, 2004
October 11, 2004: revised to correct spelling in metes and bounds.

Daniel E. Martinez
Registered Professional
Land Surveyor No. 4515

PLAT SHOWING PERIMETER AND IMPROVEMENT
SURVEY OF A 11.07 ACRE TRACT
OF LAND LOCATED IN THE NE/4 OF

SECTION 20, BLOCK AK

LUBBOCK COUNTY, TEXAS



METES AND BOUNDS DESCRIPTION of a 11.07 acre tract of land located in the Northeast Quarter of Section 20, Block AK, Lubbock County, Texas, being further described as follows:

BEGINNING at a railroad spike found in the East line of Section 20, Block AK which bears South a distance of 990.00 feet from the Northeast corner of Section 20, Block AK, Lubbock County, Texas;

THENCE South, along the East line of said Section, a distance of 509.90 feet to a railroad spike found at the Southeast corner of this tract and the Northeast corner of a 1.00 acre tract of land conveyed to R.J. Williams recorded in Volume 1953, Page 940, Deed Records of Lubbock County, Texas;

THENCE West, at 50.00 feet pass the West line of a right-of-way easement recorded in Volume 1334, Page 614, at 55.00 feet pass a 1/2" iron rod with cap set in reference, continuing for a total distance of 660.00 feet to a 1/2" iron rod with cap found in the North line of a 9.847 acre tract of land conveyed to Herb and Renne Weiss recorded in Volume 6300, Page 306 Real Property Records of Lubbock County, Texas, at the Southwest corner of this tract;

THENCE North, along said 9.847 acre tract, a distance of 179.90 feet to a 1/2" iron pipe found at a corner of this tract and a corner of said 9.847 acre tract;

THENCE West, continuing along the North line said 9.847 acre tract, a distance of 198.10 feet to a 1/2" iron rod with cap found at a corner of this tract and a corner of said 9.847 acre tract;

THENCE North, continuing along said 9.847 acre tract, a distance of 30.82 feet to a 1/2" iron rod found at a corner of this tract and a corner of said 9.847 acre tract;

THENCE S. 89°57'50" W., continuing along said 9.847 acre tract, a distance of 268.10 feet to a 1/2" iron rod found at the Southeast corner of a 0.922 acre tract of land conveyed to Casey A. Brown recorded in Volume 8205, Page 188 Real Property Records of Lubbock County, Texas and a corner of this tract;

THENCE North along the East line of said 0.922 acre tract, a distance of 299.71 feet to a 1/2" iron rod found at the Northeast corner of said 0.922 acre tract and the South line of a 20 foot alley at the Northwest corner of this tract;

THENCE East, along the South line of said alley, 871.20 feet pass a 1/2" iron rod with cap set in reference, and at 1076.20 feet pass the West line of a right-of-way easement recorded in Volume 1334, Page 614, continuing for a total distance of 1126.20 feet to the Point of Beginning.

11180 CR 1800 S

CERTIFICATION TO: West Texas Title Co.
FOR: GF# 25712 ONLY

I, Daniel E. Martinez, Texas Registered Professional Land Surveyor No. 4515, do hereby certify that this survey was made on the ground and is in substantial compliance with Standard TREC Contract Form No. 20-4, a determination as to whether this property lies within a special flood hazard area was not made for this survey.
September 29, 2004
October 11, 2004: revised to correct spelling in notes and bounds.

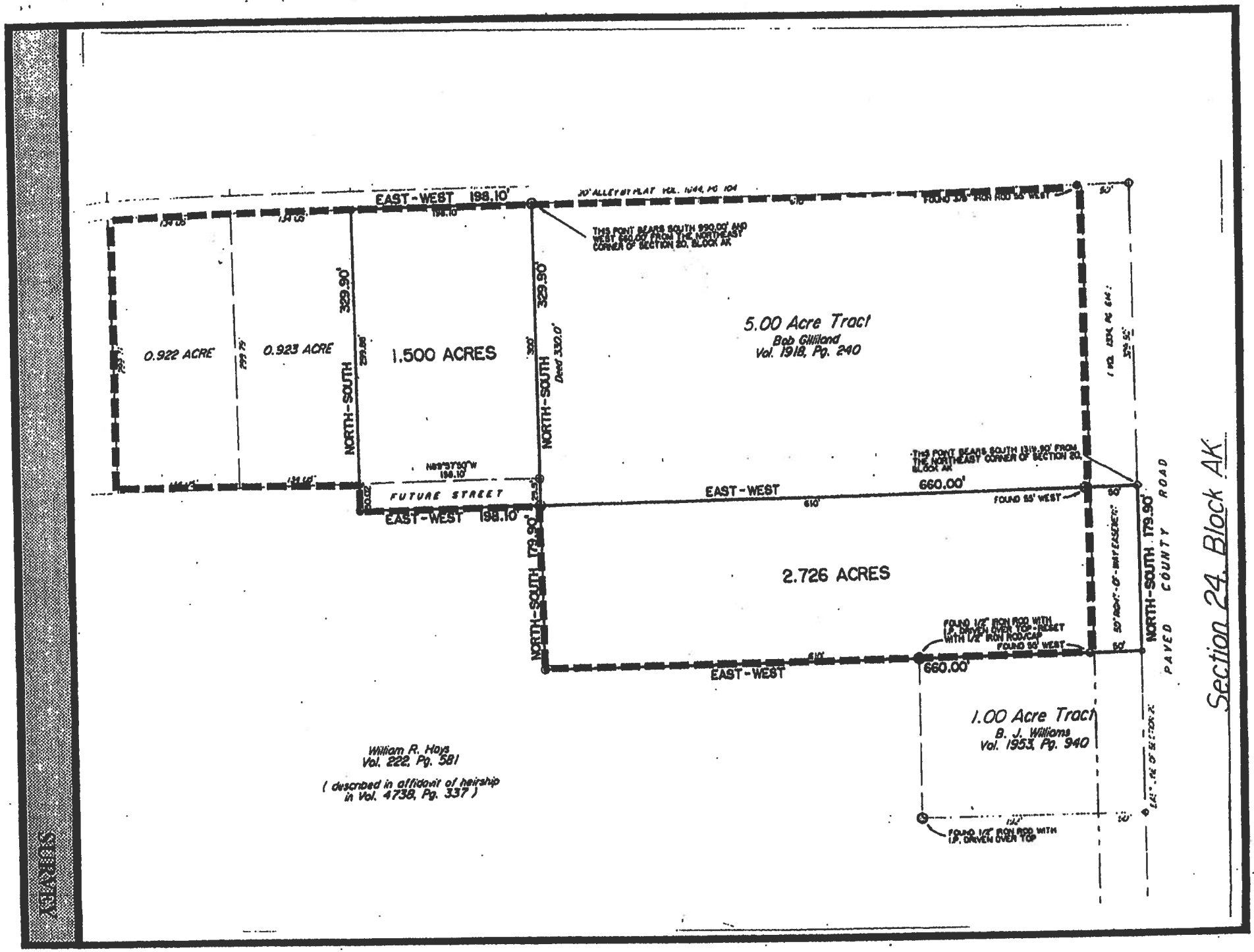
Daniel E Martinez

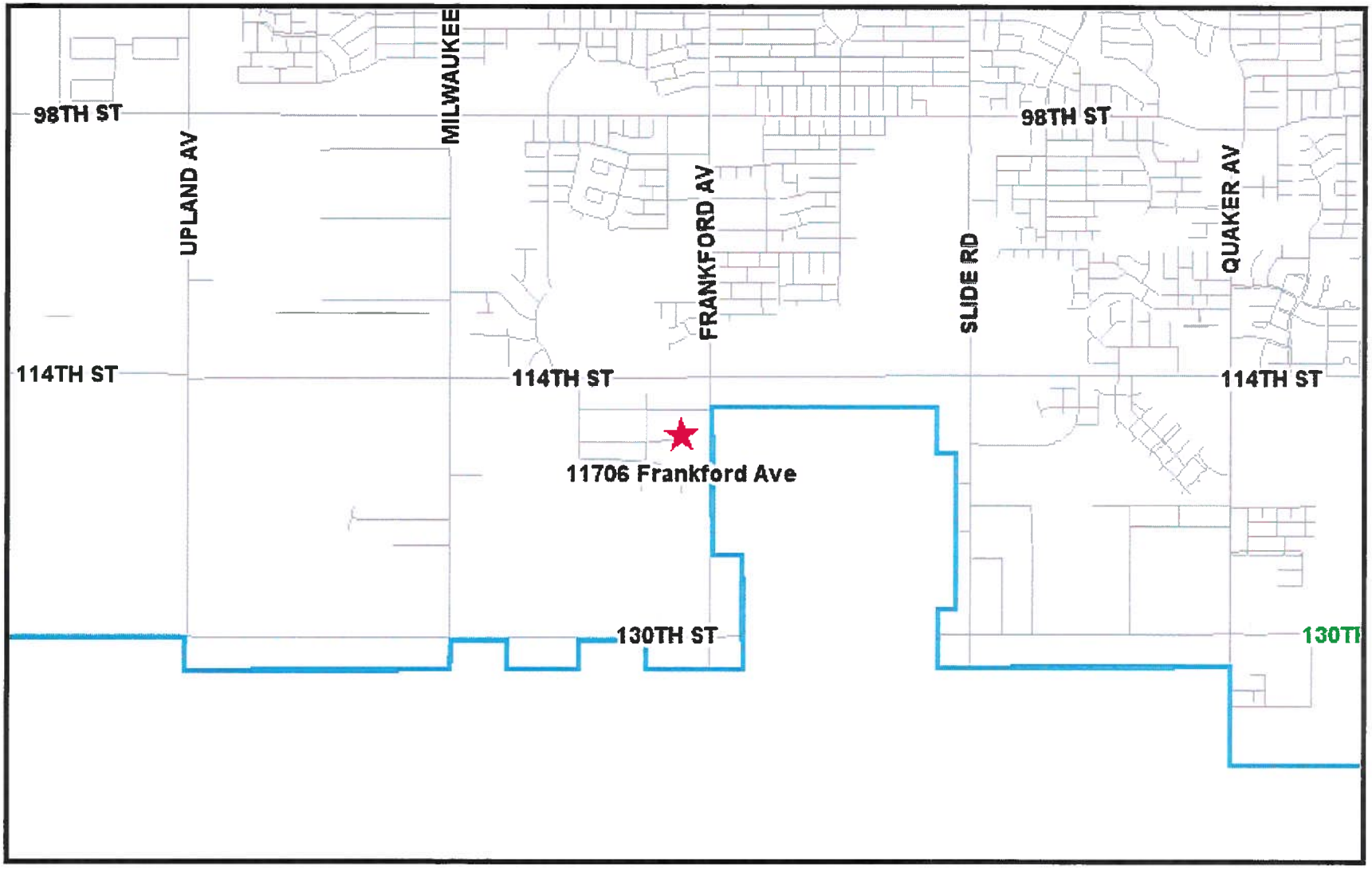
Daniel E. Martinez
Registered Professional
Land Surveyor No. 4515
State of Texas

SCALE: 1"=50'
CONTROL MONUMENTS AS FOUND & SHOWN
FENCES AS SHOWN.
o - SET 1/2" ROD w/CAP
o - FD. 1/2" ROD w/CAP
o - FD. 1/2" ROD
o - FD. 1/2" IRON PIPE
Δ - FOUND RAILROAD SPIKE
BEARING ARE RELATIVE TO THE EAST LINE OF SECTION 20, BLOCK AK BEING PREVIOUSLY RECORDED AS NORTH - SOUTH 243369/W.W.(V.S.)

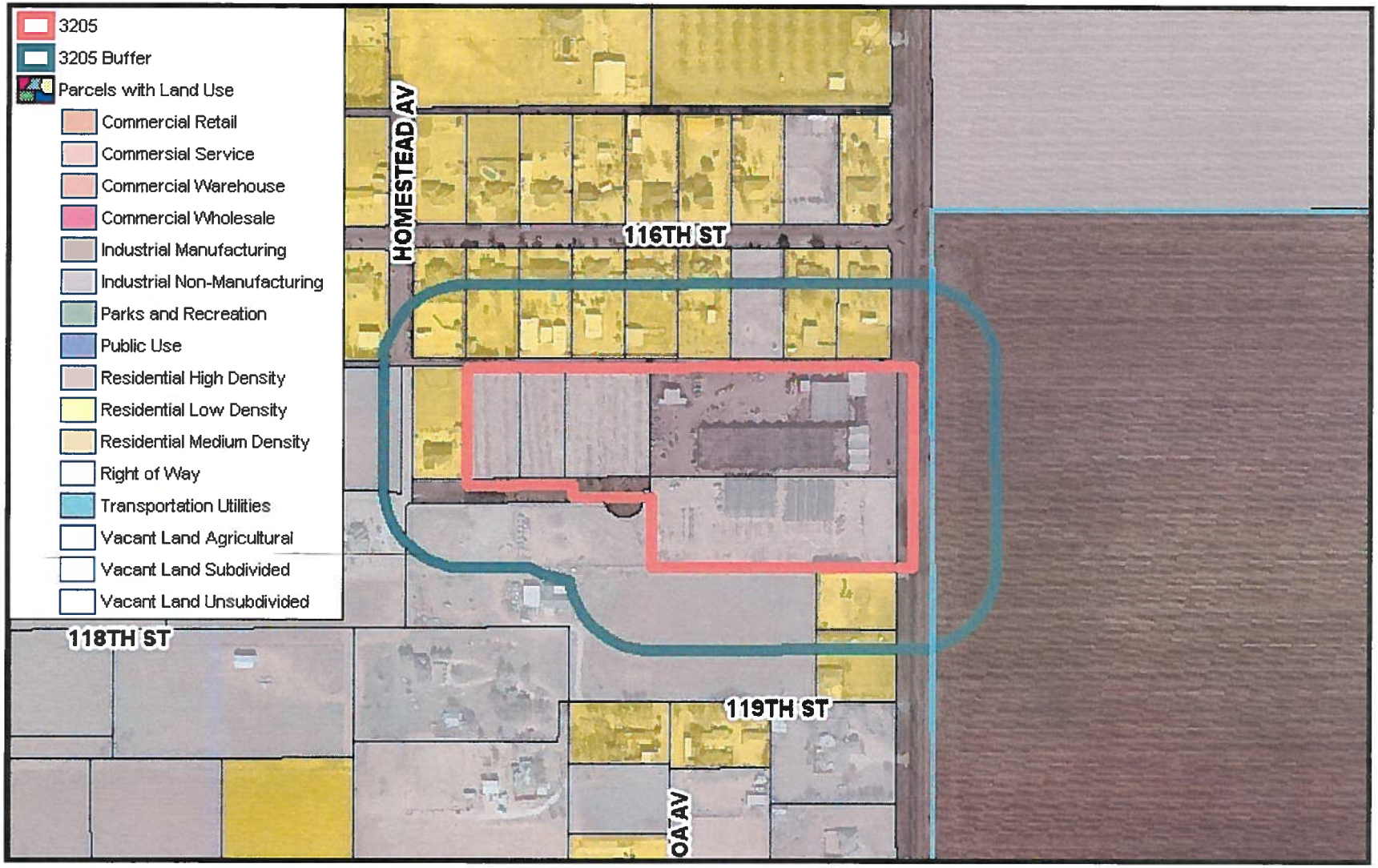
WARNING
This plat is invalid unless it bears an original signature across an embossed seal.

HUGO REED
AND ASSOCIATES, INC.


ABANDONED
EAST-WEST 198.10'
30' ALLEY BY PLAT VOL. 1044, PG 104
FOUND 5/8" IRON ROD 55' WEST
THIS POINT BEARS SOUTH 930.00' AND WEST 660.00' FROM THE NORTHEAST CORNER OF SECTION 20, BLOCK AK
0.922 ACRE
0.923 ACRE
1.500 ACRES
NORTH-SOUTH 329.90'
NORTH-SOUTH Deed 330.0'
5.00 Acre Tract
Bob Gilliland
Vol. 1918, Pg. 240
THIS POINT BEARS SOUTH 1319.90' FROM THE NORTHEAST CORNER OF SECTION 20, BLOCK AK
N89°37'50"W 198.10'
FUTURE STREET
EAST-WEST 198.10'
EAST-WEST
660.00'
FOUND 55' WEST
NORTH-SOUTH 179.90'
2.726 ACRES
FOUND 1/2" IRON ROD WITH I.P. DRIVEN OVER TOP - RESET WITH 1/2" IRON ROD/CAP
FOUND 50' WEST
EAST-WEST
660.00'
NORTH-SOUTH 179.90'
50' ROAD-OF-WAY EASEMENT
PAVED COUNTY ROAD
1.00 Acre Tract
B. J. Williams
Vol. 1953, Pg. 940
FOUND 1/2" IRON ROD WITH I.P. DRIVEN OVER TOP
William R. Hays
Vol. 222, Pg. 581
(described in affidavit of heirship in Vol. 4738, Pg. 337)
Section 24, Block AK

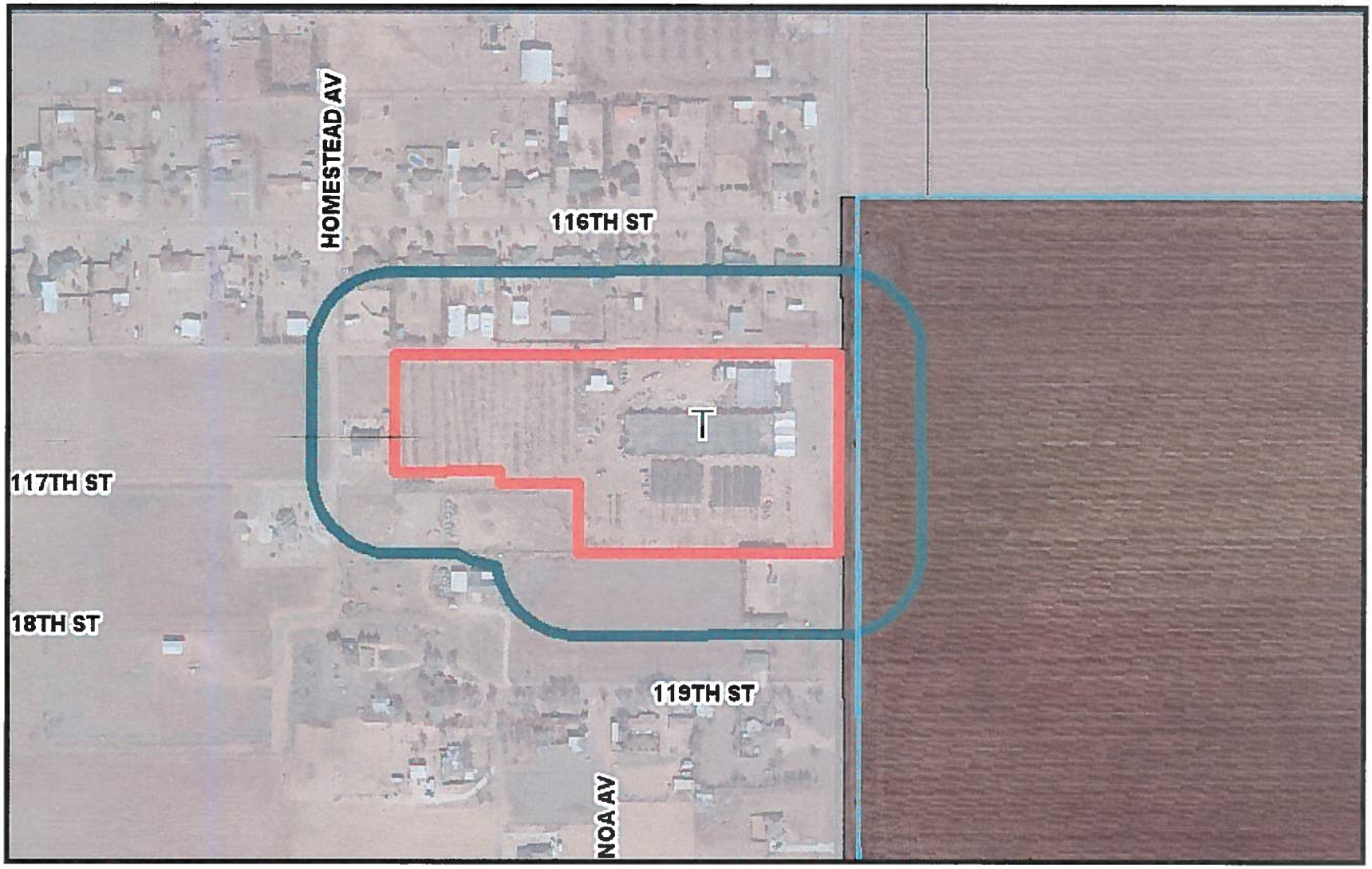


P.Z.C. Case 3205



P.Z.C. Case 3205

Request of John Smothers (for TT Iron Horse #1, LTD) for a zoning change from T to C-4 for a garden center, 11706 Frankford Avenue



P.Z.C. Case 3205 Zoning

APPLICATION FOR ZONE CHANGE

Lubbock Planning & Zoning Commission
PO Box 2000 / 1625 13th St
Lubbock, TX 79457

Applicant (Please Print) JOHN C. SMOTHERS

5820 112TH STREET
Street/Post Office Box

LUBBOCK, TX 79424
City State Zip

(806) 787-9519
Telephone

For TT IRON HORSE #1, LTD

11706 FRANKFORD AVENUE
Street/Post Office Box

LUBBOCK TX 79424
City State Zip

(806) 787-9519
Telephone

Location or Address: 11706 FRANKFORD AVENUE LUBBOCK, TX 79424

Legal Description:* ATTACHED

Existing Land Use: NURSERY AND GARDEN CENTER **Existing Zoning:** T

Acreage or Square Footage of Property: 11.07 ACRES

Zoning Requested: C-4

Proposed Development: SALE OF PROPERTY WITH PROPER ZONING FOR NURSERY AND GARDEN CENTER (SEE ATTACHED).

If property is not subdivided, will preliminary plat be submitted? Yes _____ No _____

John C Smothers
Applicant's Signature

3.08.13
Date

***There must be a separate legal description for each unplatted tract having different zoning. If the Planning & Zoning Commission or City Council amends a zone case as a condition for approval and if there is no appeal, an amended legal description must be received promptly or the zone case may be delayed.**

Filing Fee: $508.00
($475.00 for the first acre; $3.00 for each additional acre; $165 for Non-Profit)

receipt 17716 ck # 1008

For City Use Only

Mf 8 map 42

Zone Case No.: 3205 **Agenda No.:** 4

Request for zoning change from: T **To:** C-4

11.07 acres of unplatted land out of block Af section 20

on Lot(s): — **Block(s):** —

Subdivision: — **Address:** 11706 Frankford Ave

We purchased TG Trees in October 2004 with the intention of building a first class nursery and expanding the operations to include wholesale operations. Our exit plan was to sell the expanded operations after approximately 10 years.

The original improvements on the property were built in 1985 with additions built in 1998. The appraisal of the real property in April 2004 was $1,230,000.00. When we purchased the real property in 2004, the real property was used as collateral on loans to the SBA and First Bank & Trust in the amount of $1,100,000.00. We invested an additional $225,000 in remodeling the facilities. Today the real property is collateral securing loans to the SBA and First Bank & Trust in the amount of approximately $890,000.00.

In 2008 the City of Lubbock proposed to annex an area which included the real estate on which our nursery is located. We joined with our neighbors to oppose the annexation. At the City Council first reading, when the motion failed for lack of a second, we thought our efforts to defeat the proposed annexation had been successful. However, we learned the next day in the newspaper that we had been annexed. After we had left the chambers, the council was called back into session and the annexation was passed.

In November 2011 we listed the real property for sale with WestMark Commercial Realtors. In April 2012 the real property was appraised at a value of $1,601,000.00.

In August 2012, when our lender bank notified us that they would no longer continue our financing, we were forced to close the business and begin liquidation of assets. Today the proceeds from the sale of the real property will be used to retire all of the remaining notes in the amount of approximately $1,300,000.00.

Although we have not had a contract for the entire property to a single buyer, we have had one contract for a portion of the property and successful negotiations with another buyer for approximately one-third of the property and interest in the purchase of the remaining two thirds of the property. In all cases the buyers plan to make some improvements to the property but have been told that a permit would not be issued because of the continuing status of the T or transitional zoning. Additionally, we have been lead to believe that if a zoning change were made it would be to residential. In all cases the potential buyers would like to be certain they would be able to sell their real property in the future as a commercial use and, therefore, have backed out of the negotiations.

The great majority of the value of the real property is in the value of the improvements, which are special use for the operations of a nursery and garden center. The appraised value of the 11.07 acres, without the improvements, was $362,000.00. The zoning designated for the operation of a nursery and/or garden center is C-4. This is how the property has been used, improved and been a source of employment for the past 28 years. There are other businesses along this section of Frankford, although not yet annexed, that would fit into the category of C-4 commercial operations.

We have willing buyers who are reluctant because of their concern with the ability of their investment to be protected given the question of zoning. We are requesting that our real property be approved for a zoning designation of C-4, consistent with its use over the last 28 years, consistent with other commercial operations in the same area and consistent with the investment in the land and improvements. To not allow the change to the C-4 zoning designation would result in unreasonable financial hardship for the current owners and lien holders.

Respectfully submitted,

TT Iron Horse #1, Ltd.
John C. Smothers
Managing Partner

3205



H

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX, 79457, or fax to (806) 775-2100.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 775-2120. 775-2100

Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: **P&Z Case No.: 3205**

In Favor of ✓

Opposed ___

Reasons and/or Comments:

THE PREVIOUS BUSINESS, TG TREES NURSERY & GARDEN CENTER, WAS A POSITIVE INFLUENCE IN THE NEIGHBORHOOD. THEY WERE DILIGENT IN THEIR EFFORTS TO MAINTAIN THE SITE AND KEEP IT ATTRACTIVE AND CLEAN. WE STRONGLY SUPPORT AND ARE IN FAVOR OF THIS ZONE CHANGE, AND THE OPPORTUNITY FOR TG TREES TO OPERATE AGAIN.

THANK YOU.

Print Name NORRIS & DONNA STEVENS

Signature: Norris & Donna Stevens

Address: 5803 116TH ST., LUBBOCK

Address of Property Owned: 5803 & 5805 116TH ST., LUBBOCK

RECEIVED
APR 04 REC'D
PLANNING DEPARTMENT

Zone Case Number: 3205 90417
STEVENS, DONNA Q
5803 116TH ST

LUBBOCK TX 79424

4

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX, 79457, or fax to (806) 775-2100.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 775-2120.

Please check one of the following to indicate if you are in favor of, or oppose, the zone change requested by: **P&Z Case No.: 3205**

In Favor of ✓

Opposed ___

Reasons and/or Comments:

RECEIVED
APR 03 REC'D
PLANNING DEPARTMENT

Print Name Candace N. Swartz

Signature: [signature]

Address: 6001 116th

Address of Property Owned: 6001 116th

Zone Case Number: 3205 90432
~~WATKINS SADIE~~ & CANDACE N
JAYMIE B SWARTZ
6001 116TH ST

LUBBOCK TX 79424

4

The property owners identified below are "IN FAVOR OF" the zoning change requested by P&Z CASE 3205

Printed Name: CHRIS TEEPLE
Signature:
Address: 6041 PRIVATE Road 7320
Address of Property Owned:
6041 PRIVATE Road 7320
Lubbock, TX 79424

Printed Name: David Sauter
Signature: David Sauter
Address: 6014 - 116 St
Address of Property Owned:
6014 - 116th

Printed Name: Patrice Reese Bruce Reese
Signature: Patrice Reese Bruce W. Reese.
Address: 6007 116th Lubbock TX
Address of Property Owned:
6007 116th

Printed Name: David Ramsey
Signature: David Ramsey
Address: 5813 116th ST
Address of Property Owned:
5813 116th ST.

Printed Name: FRANCIS JARRETT
Signature: Francis P Jarrett
Address: 6015 116 TH ST.
Address of Property Owned: (JARRETT LIVING TRUST)
6015 116TH ST.

Printed Name: BLAKE HARDEGREE
Signature: Blake Hardegree
Address: 5818 116 TH ST.
Address of Property Owned:
5818 116TH ST.

4

The property owners identified below are "IN FAVOR OF" the zoning change requested by P&Z CASE 3205

"C-4"

Printed Name: Jerry W Phillips
Signature: Jerry Phillips
Address: 6011 - 116th ST
Address of Property Owned: 6011 - 116th Street

Printed Name: Colleen Phillips
Signature: Colleen Phillips
Address: 6011 116th St -
Address of Property Owned: 6011 116th St.
Lubbock Tx - 79424

Printed Name: Helen A Sisten
Signature: HELEN A. SISTEN
Address: 6012 - 116 ST.
Address of Property Owned: 6012 - 116 ST.

Printed Name: CALVIN and VIVIEN FORTENBERRY.
Signature: Calvin Fortenberry Vivien Fortenberry
Address: 6009 - 114th St.
Address of Property Owned: 6009 - 114th St
Lubbock, Tx 79424

Printed Name: WILLIAM C. ADDISON
Signature: William C. Addison
Address:
Address of Property Owned: 5801 - 116 ST

Printed Name: DON HAYS / DEBBIE HAYS
Signature: Don Hays Debbie Hays
Address: 11615 IOLA AVE LUBBOCK TX 79424
Address of Property Owned: 11615 IOLA AVE

4

The property owners identified below are "IN FAVOR OF" the zoning change requested by P&Z CASE 3205

Printed Name: JAMES TOWNSEND
Signature:
Address: 5811 116TH LUBBOCK, TX 79424
Address of Property Owned:
5811 116TH LUBBOCK, TX 79424

Printed Name:
Signature:
Address:
Address of Property Owned:

Printed Name:
Signature:
Address:
Address of Property Owned:

Printed Name:
Signature:
Address:
Address of Property Owned:

Printed Name:
Signature:
Address:
Address of Property Owned:

Printed Name:
Signature:
Address:
Address of Property Owned:

Regular City Council Meeting **5. 11.**

Meeting Date: 05/09/2013

Information

Agenda Item

Resolution - Health Services: Consider a resolution authorizing and directing the Mayor to enter into contract 11323 with StarCare Specialty Health System to utilize funds from the 1115 Transformation Waiver Program to allow StarCare to open a new indigent adult dental clinic in Lubbock.

Item Summary

In December 2011, Texas received federal approval of a 1115 Healthcare Transformation waiver that would allow for managed care expansion to additional areas of the state. New funds were made available because of an inadvertent loss to Texas when Medicaid Managed Care rolled out in March 2012. Under this waiver Health Departments were provided access to funding that was not available prior to the waiver. Under the 1115 Transformation Waiver, supplemental payment funding, managed care savings, and negotiated funding will go into a Delivery System Reform Incentive Payment (DSRIP) pool. The pool will be used to incentivize hospitals and other providers to transform their service delivery practices to improve quality, health status, patient experience, coordination, and cost-effectiveness.

Eligibility to get DSRIP payments required participation in a regional healthcare partnership. Within a partnership participants include governmental entities providing public funds known as Intergovernmental Transfers (IGT), Medicaid providers, and other stakeholders. Participants were required to develop a regional plan identifying partners, community needs, the proposed projects, and funding distribution. Each partnership must have one anchoring entity, which acts as a primary point of contact for the Health and Human Services Commission (HHSC) in the region and is responsible for seeking regional stakeholder engagement and coordinating development of a regional plan.

The following agencies established the Regional Healthcare Partnership 12 (RHP 12) and submitted a RHP Plan to expand services in Lubbock, Amarillo, and Potter counties: University Medical Center (UMC), the City of Lubbock and StarCare. UMC is the designated anchoring entity and acts as the primary point of contact for the Health and Human Services Commission (HHSC).

The entities enter into this agreement for the purpose of collaboration in the Texas Healthcare Transformation and Quality Improvement (1115 Transformaion Wavier) Program. The City's role in this project is to serve as the funding conduit. All program development and operations are managed by StarCare. StarCare's project plan provided that they establish a new dental clinic, targeting people who do not historically have access to or avail themselves of dental care. This will be done through a subcontract with the Larry Combest Wellness Center.

Fiscal Impact

The City will provide up front funding, $172,326 in year one. In turn, the Federal funding of $423,406 will be paid to the City. The City will reimburse itself for the $172,326 and the remaining $251,080 will flow into the StarCare program.

While the exact dates of receipt and exact amounts of funding are yet to be determined, good faith estimates are as follows:

DSRIP Year (DY)	Federal Portion of Funds	State Portion of Funds
1	$ 251,080	$ 172,326
2	1,371,959	984,549
3	1,581,843	1,135,167
4	1,681,787	1,206,888
5	1,819,434	1,305,668
Total	$6,455,023	$4,632,272

Exact dates and amounts will be given to the City and StarCare from RHP12. DY1 funds are expected to be paid in one lump sum; DY2-5 funds are expected to be paid quarterly or semi-annually.

Staff/Board Recommending

Scott Snider, Assistant City Manager
Rebecca Brawley, R.N., BSN Public Health Coordinator

Attachments

Resolution - StarCare Specialty Health System
Agreement - StarCare Specialty Health System

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, a 1115 Healthcare Transformation Services Agreement by and between the City of Lubbock and Lubbock Regional Mental Health Mental Retardation Center DBA StarCare Specialty Health System, and related documents. Said Agreement is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Scott Snider, Assistant City Manager
Community Services

APPROVED AS TO FORM:

_____
Chad Weaver, Assistant City Attorney

vw:ccdocs/RES.Agrmt-StarCare
May 2, 2013

StarCare Specialty Health System
1115 Healthcare Transformation Services Agreement
City of Lubbock

THIS AGREEMENT is entered into by and between the entities shown below:

Lubbock Regional Mental Health Mental Retardation Center
DBA StarCare Specialty Health System (StarCare)
P.O. Box 2828
Lubbock, Texas 79408-2828

City of Lubbock
P.O. Box 2000
Lubbock, Texas 79401

BACKGROUND:

In December 2011, Texas received federal approval of an 1115 Healthcare Transformation waiver that would allow for managed care expansion to additional areas of the state. Under the 1115 Transformation Waiver, supplemental payment funding, managed care savings, and negotiated funding will go into a Delivery System Reform Incentive Payment (DSRIP) pool to incentivize hospitals and other providers to transform their service delivery practices to improve quality, health status, patient experience, coordination, and cost-effectiveness.

Eligibility to get DSRIP payments required participation in a regional healthcare partnership. Within a partnership, participants include governmental entities providing public funds known as intergovernmental transfers (IGT), Medicaid providers and other stakeholders. Participants were required to develop a regional plan identifying partners, community needs, the proposed projects, and funding distribution. Each partnership must have one anchoring entity, which acts as a primary point of contact for the Health and Human Services Commission (HHSC) in the region and is responsible for seeking regional stakeholder engagement and coordinating development of a regional plan.

The following agencies established the Regional Healthcare Partnership 12 (RHP 12) and submitted a RHP Plan to expand services in Lubbock, Randall and Potter counties: University Medical Center (UMC), the City of Lubbock and StarCare. UMC is the designated anchoring entity and acts as the primary point of contact for the Health and Human Services Commission (HHSC).

The entities enter into this agreement FOR THE PURPOSE OF COLLABORATION in the Texas Healthcare Transformation and Quality Improvement (1115 Transformation Waiver) Program.

STATEMENT OF SERVICES TO BE PERFORMED:

The City of Lubbock Health Department in collaboration with StarCare will utilize funds received from the 1115 Transformation Waiver Program to open a new indigent dental clinic (Dental Project) in Lubbock, Texas. The goal of the Dental Project is to establish a new dental clinic, to provide routine and urgent dental services to people who would not otherwise receive them and to avoid exacerbation of health problems.

OBLIGATIONS OF THE CITY OF LUBBOCK

- The City of Lubbock is an Intergovernmental Transfer (IGT) Entity in the Regional Healthcare Partnership12 –University Medical Center (RHP 12) and as such will provide the state match for the 1115 Transformation Waiver in order to receive supplemental DSRIP payments from HHSC through the intergovernmental transfer process (See Exhibit B: DSRIP Pool - Funding Flow chart.)
- The City of Lubbock is also a Performing Provider in RHP 12 and agrees to perform as the fiscal agent and receive DSRIP funds from HHSC through electronic transfer.
- The City of Lubbock agrees to work collaboratively with StarCare for the duration of the 1115 Transformation Waiver to ensure compliance with the milestones, metrics and outcomes as outlined in the RHP 12 Plan submitted to HHSC, which is incorporated herein by reference. (See Exhibit C.)
- When DSRIP payments (inclusive of the Federal incentive payment and the City of Lubbock's IGT/match portion) are made to the City of Lubbock, the City of Lubbock will retain its IGT/match amount and send the Federal incentive payment to StarCare, in consideration of the obligations undertaken by StarCare (in accordance with the terms attached as Exhibit A.) The City of Lubbock agrees StarCare bears total financial burden or benefit associated with the Dental Project and is not entitled to any financial benefit therefrom.
- The City of Lubbock agrees to follow the schedule for funds submission/receipt as outlined in the HHSC 1115 Transformation Waiver Program Funding and Mechanics Protocol located at http://www.hhsc.state.tx.us/1115-docs/TX-DSRIP-Protocol-Approval.pdf which is incorporated herein, by this reference. At the time of this writing the IGT/Incentive Payment for DSRIP Year 1 is scheduled to be: IGT submission on May 14, 2013, with IGT return and Incentive Payment receipt approximately June 30, 2013. For DSRIP Years 2-5, the IGT/Incentive Payments are estimated to occur on a quarterly or semi-annual basis.

OBLIGATIONS OF STARCARE SPECIALTY HEALTH SYSTEM

- StarCare agrees to either provide directly or sub-contract for all aspects of the Dental Project, as outlined in the RHP 12 Plan. StarCare agrees that anywhere written in the RHP 12 Plan that the City of Lubbock Health Department *will provide, hire, train, etc.* it is assumed to mean that the City of Lubbock has engaged StarCare to *provide, hire, train, etc. either directly or through sub-contract.*
- StarCare agrees to accept the entire, Federal portion of funds received by the City of Lubbock for the Dental Project as payment in full for its obligations under this Letter of Agreement; StarCare agrees the City of Lubbock bears no additional financial burden for the Dental Project.
- Unless in the case of negligence or error on the part of the City of Lubbock, StarCare agrees it bears total financial burden or benefit associated with the Dental Project and will not seek to share any financial burden with the City of Lubbock.
- StarCare agrees to work collaboratively with the City of Lubbock for the duration of the 1115 Transformation Waiver to ensure compliance with the milestones, metrics and outcomes as outlined in the RHP 12 Plan submitted to HHSC, which is incorporated herein by reference.

THE UNDERSIGNED AGENCIES have read this Letter of Agreement and by signing agree to all the terms and provisions made between StarCare and the City of Lubbock as outlined.

TERM AND TERMINATION

This Agreement is effective **May 9, 2013** and is automatically renewable on a yearly basis upon mutual agreement and acceptable performance. Any amendments to the terms of the agreement will be made in writing and agreed upon by both agencies prior to implementation of changes.

Both agencies mutually agree that either agency may terminate this agreement with ninety (90) day written notice.

Each entity is a Governmental Entity and hereby understands that any liability arising from this Agreement shall be borne by the responsible entity. Each entity shall be responsible for its own defense and resolution of any claim against that entity.

THE UNDERSIGNED AGENCIES have read this Letter of Agreement and by signing agree to all the terms and provisions made between StarCare and the City of Lubbock as outlined.

StarCare Specialty Health System:

Cathy Pope Date
Chief Executive Officer

City of Lubbock:

Glen C. Robertson Date
Mayor

Approved as to Form:

Chad Weaver Date
Assistant City Attorney

Approved as to Content:

Scott Snider Date
Assistant City Manager

Attest:

Becky Garza Date
City Secretary

EXHIBIT A
FUNDS TRANSFER

1) The City of Lubbock agrees to transfer to StarCare the entire Federal portion of funds received from the 1115 Transformation Waiver/Dental Project. While the exact dates of receipt and exact amounts of funding are yet to be determined good faith estimates are as follows:

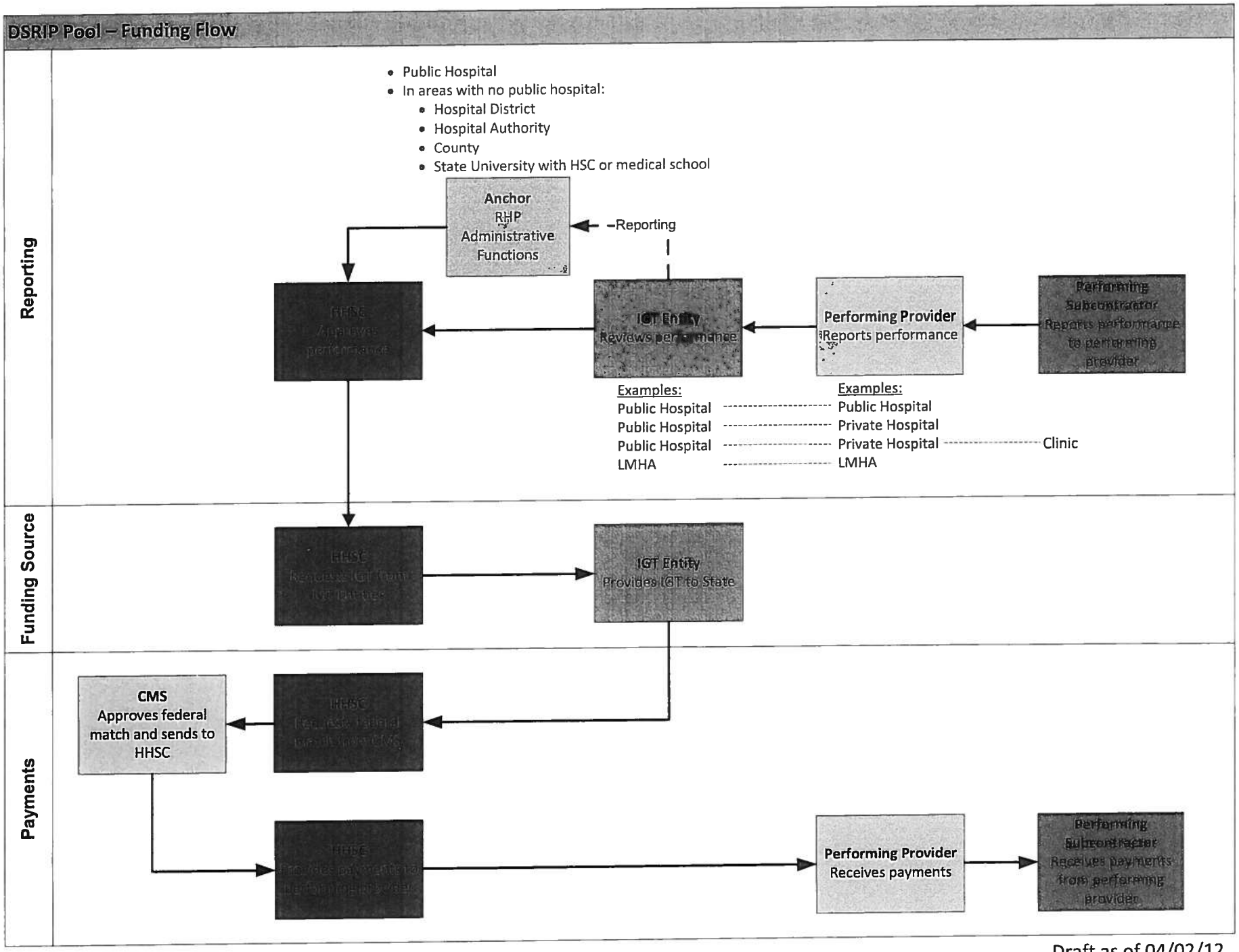
DSRIP Year (DY)	Federal Portion of Funds (to be transferred in full from the City of Lubbock to StarCare)	State Portion of Funds (to be used as IGT to draw down Federal Funds)
1	251,080	172,326
2	1,371,959	984,549
3	1,581,843	1,135,167
4	1,681,787	1,206,888
5	1,819,434	1,305,668
Total	**$6,455,023**	**$4,632,272**

Exact dates and amounts will be given to the City of Lubbock and StarCare from RHP12. DY1 funds are expected to be paid in one, lump sum; DY2-5 funds are expected to be paid quarterly or semi-annually.*

2) Upon receipt of funds, the City of Lubbock will transfer the Federal Portion, in full, electronically to StarCare. StarCare will ensure the City of Lubbock is given all information necessary to make the electronic funds transfer.

*NOTE: In the HHSC 1115 Transformation Waiver Program Funding and Payment Protocol, payment for partial milestone, metric and outcome achievement is possible. For example, if actual performance is 95% of planned performance, then only 95% of the IGT shown above will be needed to draw down 95% of the incentive payment. http://www.hhsc.state.tx.us/1115-docs/TX-DSRIP-Protocol-Approval.pdf

EXHIBIT B - DSRIP Pool - Funding Flow



Draft as of 04/02/12

EXHIBIT C
City of Lubbock Health Department - RHP 12 Plan

Project Option: 1.8.6 - The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours.
Performing Provider: City of Lubbock Health Department/135103304.1.1
Unique Project ID: 135103304.1.1

PROVIDER: The City of Lubbock, Texas is currently home to over 229,000 residents. The City of Lubbock Health Department's mission is to protect the health, safety and welfare of citizens through: 1. Preventing epidemics and the spread of disease; 2. Educating and empowering people to adopt health and responsible behaviors; 3. Promoting the quality and accessibility of health services; and 4. Developing new insights and innovative solutions to health problems.

INTERVENTIONS: The City of Lubbock Health Department will expand dental services, through the establishment of a new dental clinic.

NEED FOR THE PROJECT: The City of Lubbock selected this project because it directly addresses Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* The City of Lubbock does not currently operate a dental clinic; therefore, this will be a new endeavor.

TARGET POPULATION: The target population for this project includes people who don't historically have access to or avail themselves of dental care: people with mental illness, substance abuse issues, intellectual disabilities, people who are homeless, people struggling with the challenges of aging, veterans, people living in poverty, etc. Estimates are that 95% of the people served in this new clinic will be Medicaid funded or indigent.

CATEGORY 1 EXPECTED PATIENT BENEFITS: During DY3 the City of Lubbock will hire and train staff, develop all operational protocols and clinical guidelines and develop a baseline from which to calculate system improvements. The City of Lubbock hopes to provide at least 600 office visits during DY4 and to provide at least 750 office visits in DY5. Conceivably, over 350 people per year could be impacted by this project. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5.

CATEGORY 3 OUTCOMES: (IT – 7.7)The goal of this project is to decrease the number of older adults 65 years or older with urgent dental care needs by 10% from baseline in DY4 and 15% from baseline in DY5.

Project Option: 1.8.6 - The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours.
Performing Provider: City of Lubbock Health Department/135103304.1.1
Unique Project ID: 135103304.1.1

Project Description:

Dental health is a key component of overall health. Oral disease can lead to poor nutrition; serious systemic illnesses and conditions such as poor birth outcomes, diabetes and cardiovascular disease; and a diminished quality of life and life expectancy. Inadequate access to oral health services compounds other health issues. It can result in untreated dental disease that not only affects the mouth, but can also have physical, mental, economic and social consequences. Fortunately, many of the adverse effects associated with poor oral health can be prevented with quality regular dental care, both at home and professionally. Increasing, expanding and enhancing oral health services will improve health outcomes.

The Texas Dental Association (TDA) looked carefully at the economic, medical and social consequences of untreated oral disease in Texas. It reviewed the current systems of oral health care delivery, assessed payment structures, and studied the oral health status of Texans in general and analyzed the oral health disparities that exist in the state. Then TDA made specific and practical policy recommendations to expand access to oral health care in Texas, including: identifying a "dental home" for every citizen; creating new programs to encourage general dentists and specialists to practice in underserved areas and to treat underserved populations; developing a comprehensive oral health public awareness and education campaign; and expanding access to oral health services for older citizens.

This project focuses upon all of these state priorities by establishing a new dental clinic, targeting people who don't historically have access to or avail themselves of dental care: people with mental illness, substance abuse issues, intellectual disabilities, people who are homeless, people struggling with the challenges of aging, veterans, people living in poverty, etc. The City of Lubbock Health Department (City of Lubbock) does not have adequate resources to meet the demand for dental services in Lubbock, especially for populations with special needs. This project sets forth collaboration with the Local Mental Health Authority (StarCare Specialty Health System "StarCare") and a Federally Qualified Health Center (the Texas Tech School of Nursing's Federally Qualified Health Center, The Larry Combest Center for Health and Wellness "Combest") to obtain synergy, economies of scale and to increase access for preventative dental visits impacting the severity of going to the dentist as a last resort. This project will help divert patients from more expensive, less effective treatment of extreme dental procedures.

In the first stage of this project, the City of Lubbock will partner with StarCare and Combest to engage a Lubbock Oral Health Project Coordinator to conduct a city-wide needs assessment related to citizens of all ages, to perform a gap analysis and to develop a dental coalition of all providers of dental services to people with low income. In addition, the coalition will develop a Lubbock Oral Health Plan and begin implementation of the Lubbock Oral Health Program. Next, the City of Lubbock, StarCare and Combest will partner to open a new dental clinic, to include the development of policies and procedures and hiring and training staff. The initial plan is to co-locate with a new integrated physical and behavioral health clinic in StarCare's Psychiatric Emergency Service Center in order to improve access to marginalized populations. The City of Lubbock hopes to provide at least 600 office visits during DY4 and to provide at least 750 office visits in DY5. Conceivably, over 350 people per year could be impacted by this project. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5.

Goal of Project: The primary goals of this project are to: close gaps/disparities in access to dental care services and to enhance the quality of dental care provided.

Challenges: Challenges associated with the successful implementation of this project are: lack of qualified dental providers, patient transportation and low oral health literacy. The City of Lubbock will work with its project partners to develop and implement a comprehensive provider recruitment effort and public information campaign. The dental clinic will likely provide bus passes to patients to help address issues related to transportation.

5-Year Expected Outcome for Performing Provider and Patients: Performing Provider Perspective – improved healthcare infrastructure that better serves the Medicaid-funded and uninsured residents of our counties; coordinated care delivery system; improved efficiency and cost growth containment.

- Patient Perspective – high quality, patient-centered care; improved access to coordinated healthcare; improved health outcomes.

Relationship to Regional Goals: Commissioned by the Regional Healthcare Partnership (RHP), the West Texas Area Health Education Center conducted an assessment of the healthcare-related needs in Region 12. The resulting document ranked the needs in tiers, according to the availability of evidence documenting each need. Tier one included the two (2) most pressing needs in RHP 12: 1) a severe lack of primary care access including provider shortages, financial barriers, wait times, and length of time to get an appointment; and 2) a lack of mental health services including lack of available appointments, insurance coverage, and emergency room usage for mental health issues. Tier two identified other priority issues as: 1) uninsured and underinsured; 2) high incidence of obesity, diabetes, and heart disease; 3) need for specialty care; and 4) need for cancer screenings; and 5) insufficient maternal and prenatal care. The goals of Region 12 are to address as many identified community needs as possible, focusing on those identified as "critical" and "urgent," including increased access to care, increased prevention and early detection activities and quality/performance improvement.

This project is directly related to the Region 12 goals of increased access to care and increased prevention and early detection activities. This project will transform healthcare delivery from a disease-focused model of episodic care to a patient centered, coordinated delivery model that improves patient satisfaction and health outcomes, reduces unnecessary or duplicative services and builds on the accomplishments of our existing healthcare system.

Starting Point/Baseline: The City of Lubbock does not currently operate a dental clinic; therefore, the starting point/baseline for the number of people to be assisted is zero.

Reason/Rationale for Selecting Measure: *Poor oral health affects more than just the mouth. It can seriously compromise a person's general health, quality of life and life expectancy. Oral diseases can and do lead to systemic problems — damaging other parts of the body and resulting in the need for expensive emergency department visits, hospital stays and medications. The consequences of poor oral health, however, go far beyond damaging medical effects. Oral disease can also wreak economic havoc — keeping children out of school and adults home from work — not to mention lower productivity of workers in pain. Untreated oral diseases can also drive up health care costs in general. The good news is that with proper oral health care, both at home and in professional settings, many of the negative consequences associated with poor oral health can be prevented.*[1]

[1] http://www.buildingbetteroralhealth.org/media/TDA_full_report.pdf

The number of emergency-room visits for patients seeking dental treatment has increased, mostly because of problems that could have been prevented with regular dental visits, according to the Pew Center on the States. Most cases are in rural areas, which have a shortage of dentists. Nationwide, the number of ER dental visits increased 16 percent from 2006 to 2009, and the center suggests the trend is continuing. Visiting the ER for dental treatment can be 10 times more expensive than preventive care. Many visits involve the same patients seeking more care because emergency rooms aren't staffed by dentists. Doctors can offer pain relief, but not much more, and many patients can't afford follow-up treatment or can't find a dentist. "Emergency rooms are really the canary in the coal mine. If people are showing up in the ER for dental care, then we've got big holes in the delivery of care," said Shelly Gehshan, director of Pew's child-dentistry campaign. "It's just like pouring money down a hole." The Center analyzed information from 24 states, the Federal Agency for Healthcare Research and Quality and dental care studies. It found that in 2009, 56 percent of children with Medicaid didn't receive dental care, ER visits for dental care increased by almost 60 percent in South Carolina, and there were 55,000 dental-related ER visits in Tennessee hospitals. Part of the problem is that few dentists participate in Medicaid programs, The Associated Press reports. The center is working with states to develop dental hygienists training programs and train non-dentists to treat cavities and other uncomplicated procedures. More than 830,000 visits to emergency rooms nationwide in 2009 were for preventable dental problems. Dental disease is the No. 1 chronic childhood disease, sending more children in search of medical treatment than asthma. In a nation obsessed with high-tech medicine, people are not getting preventive care for something as simple as tooth decay. [2]

The following Project Option and Project Components were selected because they directly address Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.*

Project Option 1.8: Increase and expand services by increasing clinics, clinic hours, using satellite mobile clinics with an affiliated fixed-site dental clinic location, school-based/school-linked health centers or other approaches to increase oral health services to underserved populations. Project Component: 1.8.6 Establish a new dental clinic.

The City of Lubbock will conduct Continuous Quality Improvement (CQI) activities using methods such as rapid cycle improvement. Activities may include, but are not limited to, identifying project impacts, identifying "lessons learned," opportunities to scale all or part of the project to a broader patient population and identifying key challenges associated with expansion of the project, including special considerations for safety-net populations. Our RHP will encourage participation by all our partners in a Learning Collaborative that will meet annually to discuss local disparities in care and the ways they have successfully gathered relevant data and ultimately better served the populations in their projects. In addition to the face-to-face meeting, we will have an open forum on our website that will foster communication amongst our partners with related projects.

Unique Community Need ID#: CN13 There is a shortage of dental services and CN3 Poor insurance support or uninsured.

Milestones & Metrics: The milestones and metrics (1.8.6 – P-4, 4.1; P-10, 10.1; and I-14, 14.1) selected for this project directly address CN#13&3 outlined in the Region 12 Community Needs Assessment.

Related Category 3 Outcome Measure: OD-7 Oral Health; IT-7.7 Urgent Dental Care Needs in Older Adults: Proportion of older adults aged 65 and older with urgent dental care needs (standalone measure)

Reason/Rationale for Selection: According to the Region 12 Community Needs Assessment, there is a shortage of dental services and a high prevalence of people with poor insurance support or who are uninsured. According to the TDA, services for older Texans is a priority.

Explanation of how focusing on the outcomes will help improve the health of low-income populations: Establishment of a new dental clinic focusing services upon people who are under- or uninsured will directly help improve the health of low-income populations.

Relationship to Other Projects: This project relates to the City of Lubbock's Pass 2 project (135103304.1. 2 – expand access/hours in dental clinic) in that it is the foundation project that opens a new dental clinic. These projects are all related in that they are aimed to increasing access to needed health care in the most appropriate setting.

Relationship to Other Performing Providers' Projects in RHP & Plan for Learning Collaborative: This project relates to StarCare's Pass 1 and Pass 2 projects (084897001.1.1 and 084897001.1.2) - to open a Psychiatric Emergency Service Center and adolescent crisis respite unit – in that this clinic will be housed within the same facility. Our RHP will encourage participation by all our partners in a "learning collaborative" that will meet annually to discuss local disparities in care and the ways they have successfully gathered relevant data and ultimately better served the populations in their projects. In addition to the face-to-face meeting, we will have an open forum on our website that will foster communication amongst **Project Option:** 1.8.6 - The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours.

Performing Provider: City of Lubbock Health Department/135103304.1.1
Unique Project ID: 135103304.1.1

PROVIDER: The City of Lubbock, Texas is currently home to over 229,000 residents. The City of Lubbock Health Department's mission is to protect the health, safety and welfare of citizens through: 1. Preventing epidemics and the spread of disease; 2. Educating and empowering people to adopt health and responsible behaviors; 3. Promoting the quality and accessibility of health services; and 4. Developing new insights and innovative solutions to health problems.

INTERVENTIONS: The City of Lubbock Health Department will expand dental services, through the establishment of a new dental clinic.

NEED FOR THE PROJECT: The City of Lubbock selected this project because it directly addresses Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* The City of Lubbock does not currently operate a dental clinic; therefore, this will be a new endeavor.

[2] http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/A%20Costly%20Dental%20Destination(1).pdf

TARGET POPULATION: The target population for this project includes people who don't historically have access to or avail themselves of dental care: people with mental illness, substance abuse issues, intellectual disabilities, people who are homeless, people struggling with the challenges of aging, veterans, people living in poverty, etc. Estimates are that 95% of the people served in this new clinic will be Medicaid funded or indigent.

CATEGORY 1 EXPECTED PATIENT BENEFITS: During DY3 the City of Lubbock will hire and train staff, develop all operational protocols and clinical guidelines and develop a baseline from which to calculate system improvements. The City of Lubbock hopes to provide at least 600 office visits during DY4 and to provide at least 750 office visits in DY5. Conceivably, over 350 people per year could be impacted by this project. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5.

CATEGORY 3 OUTCOMES: (IT – 7.7)The goal of this project is to decrease the number of older adults 65 years or older with urgent dental care needs by 10% from baseline in DY4 and 15% from baseline in DY5.

Project Option: 1.8.6 - The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours.
Performing Provider: City of Lubbock Health Department/135103304.1.1
Unique Project ID: 135103304.1.1

Project Description:

Dental health is a key component of overall health. Oral disease can lead to poor nutrition; serious systemic illnesses and conditions such as poor birth outcomes, diabetes and cardiovascular disease; and a diminished quality of life and life expectancy. Inadequate access to oral health services compounds other health issues. It can result in untreated dental disease that not only affects the mouth, but can also have physical, mental, economic and social consequences. Fortunately, many of the adverse effects associated with poor oral health can be prevented with quality regular dental care, both at home and professionally. Increasing, expanding and enhancing oral health services will improve health outcomes.

The Texas Dental Association (TDA) looked carefully at the economic, medical and social consequences of untreated oral disease in Texas. It reviewed the current systems of oral health care delivery, assessed payment structures, and studied the oral health status of Texans in general and analyzed the oral health disparities that exist in the state. Then TDA made specific and practical policy recommendations to expand access to oral health care in Texas, including: identifying a "dental home" for every citizen; creating new programs to encourage general dentists and specialists to practice in underserved areas and to treat underserved populations; developing a comprehensive oral health public awareness and education campaign; and expanding access to oral health services for older citizens.

This project focuses upon all of these state priorities by establishing a new dental clinic, targeting people who don't historically have access to or avail themselves of dental care: people with mental illness, substance abuse issues, intellectual disabilities, people who are homeless, people struggling with the challenges of aging, veterans, people living in poverty, etc. The City of Lubbock Health Department (City of Lubbock) does not have adequate resources to meet the demand for dental services in Lubbock, especially for populations with special needs. This project sets forth collaboration with the Local Mental Health Authority (StarCare Specialty Health System "StarCare") and a Federally Qualified Health Center (the Texas Tech School of Nursing's Federally Qualified Health Center, The Larry Combest Center for Health and Wellness "Combest") to obtain synergy, economies of scale and to increase access for preventative dental visits impacting the severity of going to the dentist as a last resort. This project will help divert patients from more expensive, less effective treatment of extreme dental procedures.

In the first stage of this project, the City of Lubbock will partner with StarCare and Combest to engage a Lubbock Oral Health Project Coordinator to conduct a city-wide needs assessment related to citizens of all ages, to perform a gap analysis and to develop a dental coalition of all providers of dental services to people with low income. In addition, the coalition will develop a Lubbock Oral Health Plan and begin implementation of the Lubbock Oral Health Program. Next, the City of Lubbock, StarCare and Combest will partner to open a new dental clinic, to include the development of policies and procedures and hiring and training staff. The initial plan is to co-locate with a new integrated physical and behavioral health clinic in StarCare's Psychiatric Emergency Service Center in order to improve access to marginalized populations. The City of Lubbock hopes to provide at least 600 office visits during DY4 and to provide at least 750 office visits in DY5. Conceivably, over 350 people per year could be impacted by this project. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5.

Goal of Project: The primary goals of this project are to: close gaps/disparities in access to dental care services and to enhance the quality of dental care provided.

Challenges: Challenges associated with the successful implementation of this project are: lack of qualified dental providers, patient transportation and low oral health literacy. The City of Lubbock will work with its project partners to develop and implement a comprehensive provider recruitment effort and public information campaign. The dental clinic will likely provide bus passes to patients to help address issues related to transportation.

5-Year Expected Outcome for Performing Provider and Patients: Performing Provider Perspective – improved healthcare infrastructure that better serves the Medicaid-funded and uninsured residents of our counties; coordinated care delivery system; improved efficiency and cost growth containment.

- Patient Perspective – high quality, patient-centered care; improved access to coordinated healthcare; improved health outcomes.

Relationship to Regional Goals: Commissioned by the Regional Healthcare Partnership (RHP), the West Texas Area Health Education Center conducted an assessment of the healthcare-related needs in Region 12. The resulting document ranked the needs in tiers, according to the availability of evidence documenting each need. Tier one included the two (2) most pressing needs in RHP 12: 1) a severe lack of primary care access including provider shortages, financial barriers, wait times, and length of time to get an appointment; and 2) a lack of mental health services including lack of available appointments, insurance coverage, and emergency room usage for mental health issues. Tier two identified other priority issues as: 1) uninsured and underinsured; 2) high incidence of obesity, diabetes, and heart disease; 3) need for specialty care; and 4) need for cancer screenings; and 5) insufficient maternal and prenatal care. The goals of Region 12 are to address as many identified community needs as possible, focusing on those identified as "critical" and "urgent," including increased access to care, increased prevention and early detection activities and quality/performance improvement.

This project is directly related to the Region 12 goals of increased access to care and increased prevention and early detection activities. This project will transform healthcare delivery from a disease-focused model of episodic care to a patient centered, coordinated delivery model that improves patient satisfaction and health outcomes, reduces unnecessary or duplicative services and builds on the accomplishments of our existing healthcare system.

Starting Point/Baseline: The City of Lubbock does not currently operate a dental clinic; therefore, the starting point/baseline for the number of people to be assisted is zero.

Reason/Rationale for Selecting Measure: *Poor oral health affects more than just the mouth. It can seriously compromise a person's general health, quality of life and life expectancy. Oral diseases can and do lead to systemic problems — damaging other parts of the body and resulting in the need for expensive emergency department visits, hospital stays and medications. The consequences of poor oral health, however, go far beyond damaging medical effects. Oral disease can also wreak economic havoc — keeping children out of school and adults home from work — not to mention lower productivity of workers in pain. Untreated oral diseases can also drive up health care costs in general. The good news is that with proper oral health care, both at home and in professional settings, many of the negative consequences associated with poor oral health can be prevented.*[3]

[3] http://www.buildingbetteroralhealth.org/media/TDA_full_report.pdf

The number of emergency-room visits for patients seeking dental treatment has increased, mostly because of problems that could have been prevented with regular dental visits, according to the Pew Center on the States. Most cases are in rural areas, which have a shortage of dentists. Nationwide, the number of ER dental visits increased 16 percent from 2006 to 2009, and the center suggests the trend is continuing. Visiting the ER for dental treatment can be 10 times more expensive than preventive care. Many visits involve the same patients seeking more care because emergency rooms aren't staffed by dentists. Doctors can offer pain relief, but not much more, and many patients can't afford follow-up treatment or can't find a dentist. "Emergency rooms are really the canary in the coal mine. If people are showing up in the ER for dental care, then we've got big holes in the delivery of care," said Shelly Gehshan, director of Pew's child-dentistry campaign. "It's just like pouring money down a hole." The Center analyzed information from 24 states, the Federal Agency for Healthcare Research and Quality and dental care studies. It found that in 2009, 56 percent of children with Medicaid didn't receive dental care, ER visits for dental care increased by almost 60 percent in South Carolina, and there were 55,000 dental-related ER visits in Tennessee hospitals. Part of the problem is that few dentists participate in Medicaid programs, The Associated Press reports. The center is working with states to develop dental hygienists training programs and train non-dentists to treat cavities and other uncomplicated procedures. More than 830,000 visits to emergency rooms nationwide in 2009 were for preventable dental problems. Dental disease is the No. 1 chronic childhood disease, sending more children in search of medical treatment than asthma. In a nation obsessed with high-tech medicine, people are not getting preventive care for something as simple as tooth decay. [4]

The following Project Option and Project Components were selected because they directly address Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.*

Project Option 1.8: Increase and expand services by increasing clinics, clinic hours, using satellite mobile clinics with an affiliated fixed-site dental clinic location, school-based/school-linked health centers or other approaches to increase oral health services to underserved populations. Project Component: 1.8.6 Establish a new dental clinic.

The City of Lubbock will conduct Continuous Quality Improvement (CQI) activities using methods such as rapid cycle improvement. Activities may include, but are not limited to, identifying project impacts, identifying "lessons learned," opportunities to scale all or part of the project to a broader patient population and identifying key challenges associated with expansion of the project, including special considerations for safety-net populations. Our RHP will encourage participation by all our partners in a Learning Collaborative that will meet annually to discuss local disparities in care and the ways they have successfully gathered relevant data and ultimately better served the populations in their projects. In addition to the face-to-face meeting, we will have an open forum on our website that will foster communication amongst our partners with related projects.

Unique Community Need ID#: CN13 There is a shortage of dental services and CN3 Poor insurance support or uninsured.

Milestones & Metrics: The milestones and metrics (1.8.6 – P-4, 4.1; P-10, 10.1; and I-14, 14.1) selected for this project directly address CN#13&3 outlined in the Region 12 Community Needs Assessment.

Related Category 3 Outcome Measure: OD-7 Oral Health; IT-7.7 Urgent Dental Care Needs in Older Adults: Proportion of older adults aged 65 and older with urgent dental care needs (standalone measure)

Reason/Rationale for Selection: According to the Region 12 Community Needs Assessment, there is a shortage of dental services and a high prevalence of people with poor insurance support or who are uninsured. According to the TDA, services for older Texans is a priority.

Explanation of how focusing on the outcomes will help improve the health of low-income populations: Establishment of a new dental clinic focusing services upon people who are under- or uninsured will directly help improve the health of low-income populations.

Relationship to Other Projects: This project relates to the City of Lubbock's Pass 2 project (135103304.1. 2 – expand access/hours in dental clinic) in that it is the foundation project that opens a new dental clinic. These projects are all related in that they are aimed to increasing access to needed health care in the most appropriate setting.

Relationship to Other Performing Providers' Projects in RHP & Plan for Learning Collaborative: This project relates to StarCare's Pass 1 and Pass 2 projects (084897001.1.1 and 084897001.1.2) - to open a Psychiatric Emergency Service Center and adolescent crisis respite unit – in that this clinic will be housed within the same facility. Our RHP will encourage participation by all our partners in a "learning collaborative" that will meet annually to discuss local disparities in care and the ways they have successfully gathered relevant data and ultimately better served the populations in their projects. In addition to the face-to-face meeting, we will have an open forum on our website that will foster communication amongst our partners with related projects. **Project Valuation:**

Criteria	Narrative	Score
Achieves Waiver Goals Scale: 1 to 5 5 Greatest	This project is designed to achieve, to the greatest extent possible, the Texas Healthcare Transformation and Quality Improvement (1115 Waiver) goals of 1. Improved patient care experience; 2. Improved health; and 3. Reduced cost of healthcare, without compromised quality. In order to achieve alignment with this *triple aim,* the primary goal of this project is to ensure people receive coordinated, timely and site-appropriate healthcare services. The City of Lubbock hopes to address the healthcare disparity of unequal access for people with low-income. This project will transform healthcare delivery from a disease-focused model of episodic care to a patient centered, coordinated delivery model that improves patient satisfaction and health outcomes, reduces unnecessary or duplicative services and builds on the accomplishments of our existing healthcare system.	5
Addresses Community Need(s) Scale: 1 to 5 5 Greatest	Commissioned by the Regional Healthcare Partnership (RHP), the West Texas Area Health Education Center conducted an assessment of the healthcare-related needs in Region 12. The goals of Region 12 are to address as many identified community needs as possible, focusing on those identified as "critical" and "urgent," including increased access to care, increased prevention and early detection activities and quality/performance improvement. The following Project Option and Project Components were selected because they directly address Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* The lack of available appointments for people without money or insurance, results in the need to use emergency rooms for initial contact.	5

[4] http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/A%20Costly%20Dental%20Destination(1).pdf

Project Scope/Size Scale: 1 to 5 5 Greatest	The City of Lubbock hopes to provide at least 600 office visits during DY4 and to provide at least 750 office visits in DY5. Conceivably, over 350 people per year could be impacted by this project. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5. When considering the impact upon each person's care experience, his/her health and the reduced cost upon the community's healthcare delivery system, the scope and size of this project will be fairly great. This project will be managed by highly trained staff who specialize in linkage to the *right care in the right setting.*	**4**
Project Investment Scale: 1 to 5 5 Greatest	The City of Lubbock's investment in this project will be fairly significant. Staffing will include a Program Director, Dentist(s), Licensed Hygienists, Dentals Technicians, office personnel, etc. (Some administrative staff will be shared with StarCare and Combest In order to obtain economies of scale.) Other investments include physical space, furnishings and equipment, computer hardware/software, etc. As one might Imagine, dental equipment can be very expensive.	**4**

135103304.1.1	1.8.6	n/a	The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours.
City of Lubbock Health Department		135103304	
Related Category 3 Outcome Measure(s):	135103304.3.1	IT-7.7	Urgent Dental Care Need in Older Adults: Proportion of older adults aged 65 and older with urgent dental care needs

DY 2 (10/1/2012-9/30/2013)	*DY 3 (10/1/2013-9/30/2014)*	*DY 4 (10/1/2014-9/30/2015)*	*DY 5 (10/1/2015-9/30/2016)*
Milestone 1: [P-10]: Participate in face-to-face learning (i.e. meetings or seminars) at least twice per year with other providers and the RHP to promote collaborative learning around shared or similar projects. At each face-to-face meeting, all providers shall identify and agree upon several improvement (simple initiatives that all providers can do to "raise the floor" for performance.) Each participating provider should publicly commit to implementing these improvements. **Metric(s):** [P-10.1] Participate in semi-annual face-to-face meetings or seminars organized by the RHP. **Baseline/Goal:** Participate in face-to-face meetings **Data Source:** Documentation of semi-annual meetings, including meeting agendas, slides from presentations, and/or meeting notes. **Milestone 1 Estimated Incentive Payment:** $1,942,214	**Milestone 2:** [P-10]: Participate in face-to-face learning (i.e. meetings or seminars) at least twice per year with other providers and the RHP to promote collaborative learning around shared or similar projects. At each face-to-face meeting, all providers shall identify and agree upon several improvement (simple initiatives that all providers can do to "raise the floor" for performance.) Each participating provider should publicly commit to implementing these improvements. **Metric(s):** [P-10.1] Participate in semi-annual face-to-face meetings or seminars organized by the RHP. **Baseline/Goal:** Participate in face-to-face meetings **Data Source:** Documentation of semi-annual meetings, including meeting agendas, slides from presentations, and/or meeting notes. **Milestone 2 Estimated Incentive Payment:** $1,066,396 **Milestone 3:** [P-3] Increase Interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance rosters, power point presentations, sign in sheets, etc. **Milestone 3 Estimated Incentive Payment:** $1,066,395	**Milestone 4:** [P-4]: Establish additional/expand existing/relocate dental care clinics or space. **Metric(s):** [P-4.1] Number of additional clinics, expanded space, or existing available space used to capacity. **Baseline/Goal:** Add 1 new clinic **Data Source:** Tax ID# **Milestone 4 Estimated Incentive Payment:** $760,530 **Milestone 5:** [P-3] Increase Interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance rosters, power point presentations, sign in sheets, etc. **Milestone 5 Estimated Incentive Payment:** $760,530 **Milestone 6:** [I-14] Increase number of special population members that access dental services **Metric(s):** [I-14.1] 10% increase over baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Goal:** 10% increase over baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Data Source:** Claims, encounter and clinical record data	**Milestone 6:** [I-14] Increase number of special population members that access dental services **Metric(s):** [I-14.1] 15% increase from baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Baseline/Goal:** 10% increase over baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Data Source:** Claims, encounter and clinical record data **Milestone 6 Estimated Incentive Payment:** $1,102,218 **Milestone 7:** [P-3] Increase Interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance rosters, power point presentations, sign in sheets, etc. **Milestone 7 Estimated Incentive Payment:** $1,102,217

		Milestone 6 Estimated Incentive Payment: $760,530	
DY 2 Estimated Milestone Bundle Amount: $1,942,214	**DY 3 Estimated Milestone Bundle Amount:** $2,132,791	**DY4 Estimated Milestone Bundle Amount:** $2,281,590	**DY5 Estimated Milestone Bundle Amount:** $2,204,435
TOTAL ESTIMATED INCENTIVE PAYMENTS FOR 4-YEAR PERIOD (add milestone bundle amounts over Years 2-5): $8,561,029			

Project Option: 1.8.6 - The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours. **Performing Provider:** City of Lubbock Health Department/135103304
Unique Project ID: 135103304.1.2 – **"PASS 2"**

PROVIDER: The City of Lubbock, Texas is currently home to over 229,000 residents. The City of Lubbock Health Department's mission is to protect the health, safety and welfare of citizens through: 1. Preventing epidemics and the spread of disease; 2. Educating and empowering people to adopt health and responsible behaviors; 3. Promoting the quality and accessibility of health services; and 4. Developing new insights and innovative solutions to health problems.

INTERVENTIONSThe City of Lubbock Health Department will expand dental services, through the establishment of a new dental clinic.

NEED FOR THE PROJECT: The City of Lubbock selected this project because it directly addresses Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* The City of Lubbock does not currently operate a dental clinic; therefore, this will be a new endeavor.

TARGET POPULATION: The target population for this project includes people who don't historically have access to or avail themselves of dental care: people with mental illness, substance abuse issues, intellectual disabilities, people who are homeless, people struggling with the challenges of aging, veterans, people living in poverty, etc. Estimates are that 95% of the people served in this new clinic will be Medicaid funded or indigent.

CATEGORY 1 EXPECTED PATIENT BENEFITS: During DY3 the City of Lubbock will hire and train staff, develop all operational protocols and clinical guidelines and develop a baseline from which to calculate system improvements. With Pass 1 funding, the City of Lubbock plans to provide at least 600 office visits in DY4 and to provide at least 750 office visits in DY5, serving 350 people per year. Pass 2 funding will allow the City of Lubbock to provide an additional 250 office visits each year in DY4 and DY5, with capacity to serve 147 more people each year. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5.

CATEGORY 3 OUTCOMES: (IT – 7.7) The goal of this project is to decrease of older adults 65 years or olderwith urgent dental care needsby 10% from baseline in DY4 and 15% from baseline in DY5.

Project Option: 1.8.6 - The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours.
Performing Provider: City of Lubbock Health Department/135103304
Unique Project ID: 135103304.1.2 - **"PASS 2"**

Project Description: During Pass 2, the City of Lubbock will expand its Pass 1 project (which was to establish a new dental clinic) in two (2) ways: 1. Serve more people than possible with Pass 1 funding alone and 2. Expand dental clinic hours from those anticipated with Pass 1 funding.

Dental health is a key component of overall health. Oral disease can lead to poor nutrition; serious systemic illnesses and conditions such as poor birth outcomes, diabetes and cardiovascular disease; and a diminished quality of life and life expectancy. Inadequate access to oral health services compounds other health issues. It can result in untreated dental disease that not only affects the mouth, but can also have physical, mental, economic and social consequences. Fortunately, many of the adverse effects associated with poor oral health can be prevented with quality regular dental care, both at home and professionally. Increasing, expanding and enhancing oral health services will improve health outcomes.

The Texas Dental Association (TDA) looked carefully at the economic, medical and social consequences of untreated oral disease in Texas. It reviewed the current systems of oral health care delivery, assessed payment structures, and studied the oral health status of Texans in general and analyzed the oral health disparities that exist in the state. Then TDA made specific and practical policy recommendations to expand access to oral health care in Texas, including: identifying a "dental home" for every citizen; creating new programs to encourage general dentists and specialists to practice in underserved areas and to treat underserved populations; developing a comprehensive oral health public awareness and education campaign; and expanding access to oral health services for older citizens.

This project (in combination with the City of Lubbock's Pass 1 project) focuses upon all of these state priorities by establishing a new dental clinic, targeting people who don't historically have access to or avail themselves of dental care: people with mental illness, substance abuse issues, intellectual disabilities, people who are homeless, people struggling with the challenges of aging, veterans, people living in poverty, etc. The City of Lubbock Health Department (City of Lubbock) does not have adequate resources to meet the demand for dental services in Lubbock, especially for populations with special needs. This project sets forth collaboration with the Local Mental Health Authority (StarCare Specialty Health System "StarCare") and a Federally Qualified Health Center (the Texas Tech School of Nursing's Federally Qualified Health Center, The Larry Combest Center for Health and Wellness "Combest") to obtain synergy, economies of scale and to increase access for preventative dental visits impacting the severity of going to the dentist as a last resort. This project will help divert patients from more expensive, less effective treatment of extreme dental procedures.

The City of Lubbock plans to partner with StarCare and Combest to engage a Lubbock Oral Health Project Coordinator to conduct a city-wide needs assessment related to citizens of all ages, to perform a gap analysis and to develop a dental coalition of all providers of dental services to people with low income. In addition, the coalition will develop a Lubbock Oral Health Plan and begin implementation of the Lubbock Oral Health Program. Next, the City of Lubbock, StarCare and Combest will partner to open a new dental clinic, to include the development of policies and procedures and hiring and training staff. The initial plan is to co-locate with a new integrated physical and behavioral health clinic in StarCare's Psychiatric Emergency Service Center in order to improve access to marginalized populations. With Pass 1 funding, the City of Lubbock plans to provide at least 600 office visits in DY4 and to provide at least 750 office visits in DY5, serving 350 people per year. Pass 2 funding will allow the City of Lubbock to provide an additional 250 office visits each year in DY4 and DY5, with capacity to serve 147 more people each year. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5.

Goal of Project: The primary goals of this project are to: close gaps/disparities in access to dental care services and to enhance the quality of dental care provided.
Challenges: Challenges associated with the successful implementation of this project are: lack of qualified dental providers, patient transportation and low oral health literacy. The City of Lubbock will work with its project partners to develop and implement a comprehensive provider recruitment effort and public information campaign. The dental clinic will likely provide bus passes to patients to help address issues related to transportation.
5-Year Expected Outcome for Performing Provider and Patients: Performing Provider Perspective – improved healthcare infrastructure that better serves the Medicaid-funded and uninsured residents of our counties; coordinated care delivery system; improved efficiency and cost growth containment.

- Patient Perspective – high quality, patient-centered care; improved access to coordinated healthcare; improved health outcomes.

Relationship to Regional Goals: Commissioned by the Regional Healthcare Partnership (RHP), the West Texas Area Health Education Center conducted an assessment of the healthcare-related needs in Region 12. The resulting document ranked the needs in tiers, according to the availability of evidence documenting each need. Tier one included the two (2) most pressing needs in RHP 12: 1) a severe lack of primary care access including provider shortages, financial barriers, wait times, and length of time to get an appointment; and 2) a lack of mental health services including lack of available appointments, insurance coverage, and emergency room usage for mental health issues. Tier two identified other priority issues as: 1) uninsured and underinsured; 2) high incidence of obesity, diabetes, and heart disease; 3) need for specialty care; and 4) need for cancer screenings; and 5) insufficient maternal and prenatal care. The goals of Region 12 are to address as many identified community needs as possible, focusing on those identified as "critical" and "urgent," including increased access to care, increased prevention and early detection activities and quality/performance improvement.

This project is directly related to the Region 12 goals of increased access to care and increased prevention and early detection activities. This project will transform healthcare delivery from a disease-focused model of episodic care to a patient centered, coordinated delivery model that improves patient satisfaction and health outcomes, reduces unnecessary or duplicative services and builds on the accomplishments of our existing healthcare system.

Starting Point/Baseline: The City of Lubbock does not currently operate a dental clinic; therefore, the starting point/baseline for the number of people to be assisted is zero.

Reason/Rationale for Selecting Measure: *Poor oral health affects more than just the mouth. It can seriously compromise a person's general health, quality of life and life expectancy. Oral diseases can and do lead to systemic problems — damaging other parts of the body and resulting in the need for expensive emergency department visits, hospital stays and medications. The consequences of poor oral health, however, go far beyond damaging medical effects. Oral disease can also wreak economic havoc — keeping children out of school and adults home from work — not to mention lower productivity of workers in pain. Untreated oral diseases can also drive up health care costs in general. The good news is that with proper oral health care, both at home and in professional settings, many of the negative consequences associated with poor oral health can be prevented.*[5]

[5] http://www.buildingbetteroralhealth.org/media/TDA_full_report.pdf

The number of emergency-room visits for patients seeking dental treatment has increased, mostly because of problems that could have been prevented with regular dental visits, according to the Pew Center on the States. Most cases are in rural areas, which have a shortage of dentists. Nationwide, the number of ER dental visits increased 16 percent from 2006 to 2009, and the center suggests the trend is continuing. Visiting the ER for dental treatment can be 10 times more expensive than preventive care. Many visits involve the same patients seeking more care because emergency rooms aren't staffed by dentists. Doctors can offer pain relief, but not much more, and many patients can't afford follow-up treatment or can't find a dentist. "Emergency rooms are really the canary in the coal mine. If people are showing up in the ER for dental care, then we've got big holes in the delivery of care," said Shelly Gehshan, director of Pew's child-dentistry campaign. "It's just like pouring money down a hole." The Center analyzed information from 24 states, the Federal Agency for Healthcare Research and Quality and dental care studies. It found that in 2009, 56 percent of children with Medicaid didn't receive dental care, ER visits for dental care increased by almost 60 percent in South Carolina, and there were 55,000 dental-related ER visits in Tennessee hospitals. Part of the problem is that few dentists participate in Medicaid programs, The Associated Press reports. The center is working with states to develop dental hygienists training programs and train non-dentists to treat cavities and other uncomplicated procedures. More than 830,000 visits to emergency rooms nationwide in 2009 were for preventable dental problems. Dental disease is the No. 1 chronic childhood disease, sending more children in search of medical treatment than asthma. In a nation obsessed with high-tech medicine, people are not getting preventive care for something as simple as tooth decay. [6]

The following Project Option and Project Components were selected because they directly address Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.*

Project Option 1.8: Increase and expand services by increasing clinics, clinic hours, using satellite mobile clinics with an affiliated fixed-site dental clinic location, school-based/school-linked health centers or other approaches to increase oral health services to underserved populations. Project Component: 1.8.6 Expansion of dental clinic hours

The City of Lubbock will conduct Continuous Quality Improvement (CQI) activities using methods such as rapid cycle improvement. Activities may include, but are not limited to, identifying project impacts, identifying "lessons learned," opportunities to scale all or part of the project to a broader patient population and identifying key challenges associated with expansion of the project, including special considerations for safety-net populations. Our RHP will encourage participation by all our partners in a Learning Collaborative that will meet annually to discuss local disparities in care and the ways they have successfully gathered relevant data and ultimately better served the populations in their projects. In addition to the face-to-face meeting, we will have an open forum on our website that will foster communication amongst our partners with related projects.

Unique Community Need ID#: CN13 There is a shortage of dental services and CN3 Poor insurance support or uninsured.

Milestones & Metrics: The milestones and metrics (1.8.6 – P-4, 4.1; P-10, 10.1; and I-14, 14.1) selected for this project directly address CN#13&3 outlined in the Region 12 Community Needs Assessment.

Related Category 3 Outcome Measure: OD-7 Oral Health; IT-7.7 Urgent Dental Care Needs in Older Adults: Proportion of older adults aged 65 and older with urgent dental care needs (standalone measure)

Reason/Rationale for Selection: According to the Region 12 Community Needs Assessment, there is a shortage of dental services and a high prevalence of people with poor insurance support or who are uninsured. According to the TDA, services for older Texans is a priority.

Explanation of how focusing on the outcomes will help improve the health of low-income populations: Establishment of a new dental clinic focusing services upon people who are under- or uninsured will directly help improve the health of low-income populations.

Relationship to Other Projects: This project relates to the City of Lubbock's Pass 1 project (135103304.1. 1 – expand access/hours in dental clinic) in that it allows the new clinic to be open longer hours than possible with only Pass 1 funding. These projects are all related in that they are aimed to increasing access to needed health care in the most appropriate setting.
Relationship to Other Performing Providers' Projects in RHP & Plan for Learning Collaborative: This project relates to StarCare's Pass 1 and Pass 2 projects (084897001.1.1 and 084897001.1.2) - to open a Psychiatric Emergency Service Center and adolescent crisis respite unit – in that this clinic will be housed within the same facility. Our RHP will encourage participation by all our partners in a "learning collaborative" that will meet annually to discuss local disparities in care and the ways they have successfully gathered relevant data and ultimately better served the populations in their projects. In addition to the face-to-face meeting, we will have an open forum on our website that will foster communication amongst our partners with related projects.

Project Valuation:

Criteria	Narrative	Score
Achieves Waiver Goals Scale: 1 to 5 5 Greatest	This project is designed to achieve, to the greatest extent possible, the Texas Healthcare Transformation and Quality Improvement (1115 Waiver) goals of 1. Improved patient care experience; 2. Improved health; and 3. Reduced cost of healthcare, without compromised quality. In order to achieve alignment with this *triple aim,* the primary goal of this project is to ensure people receive coordinated, timely and site-appropriate healthcare services. The City of Lubbock hopes to address the healthcare disparity of unequal access for people with low-income. This project will transform healthcare delivery from a disease-focused model of episodic care to a patient centered, coordinated delivery model that improves patient satisfaction and health outcomes, reduces un- necessary or duplicative services and builds on the accomplishments of our existing healthcare system.	5
Addresses Community Need(s) Scale: 1 to 5 5 Greatest	Commissioned by the Regional Healthcare Partnership (RHP), the West Texas Area Health Education Center conducted an assessment of the healthcare-related needs in Region 12. The goals of Region 12 are to address as many identified community needs as possible, focusing on those identified as "critical" and "urgent," including increased access to care, increased prevention and early detection activities and quality/performance improvement. The following Project Option and Project Components were selected because they directly address Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* The lack of available appointments for people without money or insurance, results in the need to use emergency rooms for initial contact.	5

[6] http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/A%20Costly%20Dental%20Destination(1).pdf

Project Scope/Size Scale: 1 to 5 5 Greatest	With Pass 1 funding, the City of Lubbock plans to provide at least 600 office visits in DY4 and to provide at least 750 office visits in DY5, serving 350 people per year. Pass 2 funding will allow the City of Lubbock to provide an additional 250 office visits each year in DY4 and DY5, with capacity to serve 147 more people each year. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5. When considering the impact upon each person's care experience, his/her health and the reduced cost upon the community's healthcare delivery system, the scope and size of this project will be fairly great. This project will be managed by highly trained staff who specialize in linkage to the *right care in the right setting.*	**4**
Project Investment Scale: 1 to 5 5 Greatest	The City of Lubbock's investment in this project will be fairly significant. Staffing will include a Program Director, Dentist(s), Licensed Hygienists, Dentals Technicians, office personnel, etc. (Some administrative staff will be shared with StarCare and Combest in order to obtain economies of scale.) Other investments include physical space, furnishings and equipment, computer hardware/software, etc. As one might imagine, dental equipment can be very expensive.	**4**

135103304.1.2	**1.8.6**	**n/a**	**The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours.**
City of Lubbock Health Department		**135103304**	
Related Category 3 Outcome Measure(s):	**135103304.3.2**	**IT-7.7**	**Urgent Dental Care Need in Older Adults: Proportion of older adults aged 65 and older with urgent dental care needs**
DY 2 (10/1/2012-9/30/2013)	*DY 3 (10/1/2013-9/30/2014)*	*DY 4 (10/1/2014-9/30/2015)*	*DY 5 (10/1/2015-9/30/2016)*
Milestone 1: [P-10]: Participate in face-to-face learning (i.e. meetings or seminars) at least twice per year with other providers and the RHP to promote collaborative learning around shared or similar projects. At each face-to-face meeting, all providers shall identify and agree upon several improvement (simple initiatives that all providers can do to "raise the floor" for performance.) Each participating provider should publicly commit to implementing these improvements. **Metric(s):** [P-10.1] Participate in semi-annual face-to-face meetings or seminars organized by the RHP. **Baseline/Goal:** Participate in face-to-face meetings **Data Source:** Documentation of semi-annual meetings, including meeting agendas, slides from presentations, and/or meeting notes. **Milestone 1 Estimated Incentive Payment:** $297,150	**Milestone 2:** [P-10]: Participate in face-to-face learning (i.e. meetings or seminars) at least twice per year with other providers and the RHP to promote collaborative learning around shared or similar projects. At each face-to-face meeting, all providers shall identify and agree upon several improvement (simple initiatives that all providers can do to "raise the floor" for performance.) Each participating provider should publicly commit to implementing these improvements. **Metric(s):** [P-10.1] Participate in semi-annual face-to-face meetings or seminars organized by the RHP. **Baseline/Goal:** Participate in face-to-face meetings **Data Source:** Documentation of semi-annual meetings, including meeting agendas, slides from presentations, and/or meeting notes. **Milestone 2 Estimated Incentive Payment:** $156,186 **Milestone 3:** [P-3] Increase Interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly	**Milestone 4:** [P-4]: Establish additional/expand existing/relocate dental care clinics or space. **Metric(s):** [P-4.1] Number of additional clinics, expanded space, or existing available space used to capacity. **Baseline/Goal:** Add 1 new clinic **Data Source:** Tax ID# **Milestone 4 Estimated Incentive Payment:** $106,001 **Milestone 5:** [P-3] Increase Interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic	**Milestone 6:** [I-14] Increase number of special population members that access dental services **Metric(s):** [I-14.1] 15% increase from baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Baseline/Goal:** 10% increase over baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Data Source:** Claims, encounter and clinical record data **Milestone 6 Estimated Incentive Payment:** $147,698 **Milestone 7:** [P-3] Increase Interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and

	(4/year) grand rounds, In-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance rosters, power point presentations, sign in sheets, etc. **Milestone 3 Estimated Incentive Payment:** $156,185	diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance rosters, power point presentations, sign in sheets, etc. **Milestone 5 Estimated Incentive Payment:** $106,000 **Milestone 6:** [I-14] Increase number of special population members that access dental services **Metric(s):** [I-14.1] 10% increase over baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Goal:** 10% increase over baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Data Source:** Claims, encounter and clinical record data **Milestone 6 Estimated Incentive Payment:** $106,000	implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance rosters, power point presentations, sign in sheets, etc. **Milestone 7 Estimated Incentive Payment:** $147,698
DY 2 Estimated Milestone Bundle Amount: $297,150	**DY 3 Estimated Milestone Bundle Amount:** $312,371	**DY4 Estimated Milestone Bundle Amount:** $318,001	**DY5 Estimated Milestone Bundle Amount:** $295,396
TOTAL ESTIMATED INCENTIVE PAYMENTS FOR 4-YEAR PERIOD (add milestone bundle amounts over Years 2-5): $1,222,918			

our partners with related projects. **Project Valuation:**

Criteria	Narrative	Score
Achieves Waiver Goals Scale: 1 to 5 5 Greatest	This project is designed to achieve, to the greatest extent possible, the Texas Healthcare Transformation and Quality Improvement (1115 Waiver) goals of 1. Improved patient care experience; 2. Improved health; and 3. Reduced cost of healthcare, without compromised quality. In order to achieve alignment with this *triple aim,* the primary goal of this project is to ensure people receive coordinated, timely and site-appropriate healthcare services. The City of Lubbock hopes to address the healthcare disparity of unequal access for people with low-income. This project will transform healthcare delivery from a disease-focused model of episodic care to a patient centered, coordinated delivery model that improves patient satisfaction and health outcomes, reduces unnecessary or duplicative services and builds on the accomplishments of our existing healthcare system.	**5**
Addresses Community Need(s) Scale: 1 to 5 5 Greatest	Commissioned by the Regional Healthcare Partnership (RHP), the West Texas Area Health Education Center conducted an assessment of the healthcare-related needs in Region 12. The goals of Region 12 are to address as many identified community needs as possible, focusing on those identified as "critical" and "urgent," Including increased access to care, increased prevention and early detection activities and quality/performance improvement. The following Project Option and Project Components were selected because they directly address Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* The lack of available appointments for people without money or insurance, results in the need to use emergency rooms for initial contact.	**5**
Project Scope/Size Scale: 1 to 5 5 Greatest	The City of Lubbock hopes to provide at least 600 office visits during DY4 and to provide at least 750 office visits in DY5. Conceivably, over 350 people per year could be impacted by this project. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5. When considering the impact upon each person's care experience, his/her health and the reduced cost upon the community's healthcare delivery system, the scope and size of this project will be fairly great. This project will be managed by highly trained staff who specialize in linkage to the *right care in the right setting.*	**4**
Project Investment Scale: 1 to 5 5 Greatest	The City of Lubbock's investment in this project will be fairly significant. Staffing will include a Program Director, Dentist(s), Licensed Hygienists, Dentals Technicians, office personnel, etc. (Some administrative staff will be shared with StarCare and Combest in order to obtain economies of scale.) Other Investments include physical space, furnishings and equipment, computer hardware/software, etc. As one might imagine, dental equipment can be very expensive.	**4**

135103304.1.1	**1.8.6**	**n/a**	**The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours.**
City of Lubbock Health Department		**135103304**	
Related Category 3 Outcome Measure(s):	**13S103304.3.1**	**IT-7.7**	**Urgent Dental Care Need in Older Adults: Proportion of older adults aged 65 and older with urgent dental care needs**
DY 2 (10/1/2012-9/30/2013)	*DY 3 (10/1/2013-9/30/2014)*	*DY 4 (10/1/2014-9/30/2015)*	*DY 5 (10/1/2015-9/30/2016)*
Milestone 1: [P-10]: Participate in face-to-face learning (i.e. meetings or seminars) at least twice per year with other providers and the RHP to promote collaborative learning around shared or similar projects. At each face-to-face meeting, all providers shall identify and agree upon several improvement (simple initiatives that all providers can do to "raise the floor" for performance.) Each participating provider should publicly commit to implementing these improvements. **Metric(s):** [P-10.1] Participate in semi-annual face-to-face meetings or seminars organized by the RHP. **Baseline/Goal:** Participate in face-to-face meetings **Data Source:** Documentation of semi-annual meetings, including meeting agendas, slides from presentations, and/or meeting notes. **Milestone 1 Estimated Incentive Payment:** $1,942,214	**Milestone 2:** [P-10]: Participate in face-to-face learning (i.e. meetings or seminars) at least twice per year with other providers and the RHP to promote collaborative learning around shared or similar projects. At each face-to-face meeting, all providers shall identify and agree upon several improvement (simple initiatives that all providers can do to "raise the floor" for performance.) Each participating provider should publicly commit to implementing these improvements. **Metric(s):** [P-10.1] Participate in semi-annual face-to-face meetings or seminars organized by the RHP. **Baseline/Goal:** Participate in face-to-face meetings **Data Source:** Documentation of semi-annual meetings, including meeting agendas, slides from presentations, and/or meeting notes. **Milestone 2 Estimated Incentive Payment:** $1,066,396 **Milestone 3:** [P-3] Increase interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance rosters, power point presentations, sign in sheets, etc. **Milestone 3 Estimated Incentive Payment:** $1,066,395	**Milestone 4:** [P-4]: Establish additional/expand existing/relocate dental care clinics or space. **Metric(s):** [P-4.1] Number of additional clinics, expanded space, or existing available space used to capacity. **Baseline/Goal:** Add 1 new clinic **Data Source:** Tax ID# **Milestone 4 Estimated Incentive Payment:** $760,530 **Milestone 5:** [P-3] Increase interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance rosters, power point presentations, sign in sheets, etc. **Milestone 5 Estimated Incentive Payment:** $760,530 **Milestone 6:** [I-14] Increase number of special population members that access dental services **Metric(s):** [I-14.1] 10% increase over baseline in the	**Milestone 6:** [I-14] Increase number of special population members that access dental services **Metric(s):** [I-14.1] 15% increase from baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Baseline/Goal:** 10% increase over baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Data Source:** Claims, encounter and clinical record data **Milestone 6 Estimated Incentive Payment:** $1,102,218 **Milestone 7:** [P-3] Increase interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance

		number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Goal:** 10% increase over baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Data Source:** Claims, encounter and clinical record data **Milestone 6 Estimated Incentive Payment:** $760,530	rosters, power point presentations, sign in sheets, etc. **Milestone 7 Estimated Incentive Payment:** $1,102,217
DY 2 Estimated Milestone Bundle Amount: $1,942,214	**DY 3 Estimated Milestone Bundle Amount:** $2,132,791	**DY4 Estimated Milestone Bundle Amount:** $2,281,590	**DY5 Estimated Milestone Bundle Amount:** $2,204,435
TOTAL ESTIMATED INCENTIVE PAYMENTS FOR 4-YEAR PERIOD (add milestone bundle amounts over Years 2-5): $8,561,029			

Project Option: 1.8.6 - The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours. **Performing Provider:** City of Lubbock Health Department/135103304
Unique Project ID: 135103304.1.2 – "PASS 2"

PROVIDER: The City of Lubbock, Texas is currently home to over 229,000 residents. The City of Lubbock Health Department's mission is to protect the health, safety and welfare of citizens through: 1. Preventing epidemics and the spread of disease; 2. Educating and empowering people to adopt health and responsible behaviors; 3. Promoting the quality and accessibility of health services; and 4. Developing new insights and innovative solutions to health problems.

INTERVENTIONSThe City of Lubbock Health Department will expand dental services, through the establishment of a new dental clinic.

NEED FOR THE PROJECT: The City of Lubbock selected this project because it directly addresses Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* The City of Lubbock does not currently operate a dental clinic; therefore, this will be a new endeavor.

TARGET POPULATION: The target population for this project includes people who don't historically have access to or avail themselves of dental care: people with mental illness, substance abuse issues, intellectual disabilities, people who are homeless, people struggling with the challenges of aging, veterans, people living in poverty, etc. Estimates are that 95% of the people served in this new clinic will be Medicaid funded or indigent.

CATEGORY 1 EXPECTED PATIENT BENEFITS: During DY3 the City of Lubbock will hire and train staff, develop all operational protocols and clinical guidelines and develop a baseline from which to calculate system improvements. With Pass 1 funding, the City of Lubbock plans to provide at least 600 office visits in DY4 and to provide at least 750 office visits in DY5, serving 350 people per year. Pass 2 funding will allow the City of Lubbock to provide an additional 250 office visits each year in DY4 and DY5, with capacity to serve 147 more people each year. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5.

CATEGORY 3 OUTCOMES: (IT – 7.7) The goal of this project is to decrease of older adults 65 years or olderwith urgent dental care needsby 10% from baseline in DY4 and 15% from baseline in DY5.

Project Option: 1.8.6 - The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours.
Performing Provider: City of Lubbock Health Department/135103304
Unique Project ID: 135103304.1.2 - "PASS 2"

Project Description: During Pass 2, the City of Lubbock will expand its Pass 1 project (which was to establish a new dental clinic) in two (2) ways: 1. Serve more people than possible with Pass 1 funding alone and 2. Expand dental clinic hours from those anticipated with Pass 1 funding.

Dental health is a key component of overall health. Oral disease can lead to poor nutrition; serious systemic illnesses and conditions such as poor birth outcomes, diabetes and cardiovascular disease; and a diminished quality of life and life expectancy. Inadequate access to oral health services compounds other health issues. It can result in untreated dental disease that not only affects the mouth, but can also have physical, mental, economic and social consequences. Fortunately, many of the adverse effects associated with poor oral health can be prevented with quality regular dental care, both at home and professionally. Increasing, expanding and enhancing oral health services will improve health outcomes.

The Texas Dental Association (TDA) looked carefully at the economic, medical and social consequences of untreated oral disease in Texas. It reviewed the current systems of oral health care delivery, assessed payment structures, and studied the oral health status of Texans in general and analyzed the oral health disparities that exist in the state. Then TDA made specific and practical policy recommendations to expand access to oral health care in Texas, including: identifying a "dental home" for every citizen; creating new programs to encourage general dentists and specialists to practice in underserved areas and to treat underserved populations; developing a comprehensive oral health public awareness and education campaign; and expanding access to oral health services for older citizens.

This project (in combination with the City of Lubbock's Pass 1 project) focuses upon all of these state priorities by establishing a new dental clinic, targeting people who don't historically have access to or avail themselves of dental care: people with mental illness, substance abuse issues, intellectual disabilities, people who are homeless, people struggling with the challenges of aging, veterans, people living in poverty, etc. The City of Lubbock Health Department (City of Lubbock) does not have adequate resources to meet the demand for dental services in Lubbock, especially for populations with special needs. This project sets forth collaboration with the Local Mental Health Authority (StarCare Specialty Health System "StarCare") and a Federally Qualified Health Center (the Texas Tech School of Nursing's Federally Qualified Health Center, The Larry Combest Center for Health and Wellness "Combest") to obtain synergy, economies of scale and to increase access for preventative dental visits impacting the severity of going to the dentist as a last resort. This project will help divert patients from more expensive, less effective treatment of extreme dental procedures.

The City of Lubbock plans to partner with StarCare and Combest to engage a Lubbock Oral Health Project Coordinator to conduct a city-wide needs assessment related to citizens of all ages, to perform a gap analysis and to develop a dental coalition of all providers of dental services to people with low income. In addition, the coalition will develop a Lubbock Oral Health Plan and begin implementation of the Lubbock Oral Health Program. Next, the City of Lubbock, StarCare and Combest will partner to open a new dental clinic, to include the development of policies and procedures and hiring and training staff. The initial plan is to co-locate with a new integrated physical and behavioral health clinic in StarCare's Psychiatric Emergency Service Center in order to improve access to marginalized populations. With Pass 1 funding, the City of Lubbock plans to provide at least 600 office visits in DY4 and to provide at least 750 office visits in DY5, serving 350 people per year. Pass 2 funding will allow the City of Lubbock to provide an additional 250 office visits each year in DY4 and DY5, with capacity to serve 147 more people each year. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5.

Goal of Project: The primary goals of this project are to: close gaps/disparities in access to dental care services and to enhance the quality of dental care provided.
Challenges: Challenges associated with the successful implementation of this project are: lack of qualified dental providers, patient transportation and low oral health literacy. The City of Lubbock will work with its project partners to develop and implement a comprehensive provider recruitment effort and public information campaign. The dental clinic will likely provide bus passes to patients to help address issues related to transportation.
5-Year Expected Outcome for Performing Provider and Patients: Performing Provider Perspective – improved healthcare infrastructure that better serves the Medicaid-funded and uninsured residents of our counties; coordinated care delivery system; improved efficiency and cost growth containment.

- Patient Perspective – high quality, patient-centered care; improved access to coordinated healthcare; improved health outcomes.

Relationship to Regional Goals: Commissioned by the Regional Healthcare Partnership (RHP), the West Texas Area Health Education Center conducted an assessment of the healthcare-related needs in Region 12. The resulting document ranked the needs in tiers, according to the availability of evidence documenting each need. Tier one included the two (2) most pressing needs in RHP 12: 1) a severe lack of primary care access including provider shortages, financial barriers, wait times, and length of time to get an appointment; and 2) a lack of mental health services including lack of available appointments, insurance coverage, and emergency room usage for mental health issues. Tier two identified other priority issues as: 1) uninsured and underinsured; 2) high incidence of obesity, diabetes, and heart disease; 3) need for specialty care; and 4) need for cancer screenings; and 5) insufficient maternal and prenatal care. The goals of Region 12 are to address as many identified community needs as possible, focusing on those identified as "critical" and "urgent," including increased access to care, increased prevention and early detection activities and quality/performance improvement.

This project is directly related to the Region 12 goals of increased access to care and increased prevention and early detection activities. This project will transform healthcare delivery from a disease-focused model of episodic care to a patient centered, coordinated delivery model that improves patient satisfaction and health outcomes, reduces unnecessary or duplicative services and builds on the accomplishments of our existing healthcare system.

Starting Point/Baseline: The City of Lubbock does not currently operate a dental clinic; therefore, the starting point/baseline for the number of people to be assisted is zero.

Reason/Rationale for Selecting Measure: *Poor oral health affects more than just the mouth. It can seriously compromise a person's general health, quality of life and life expectancy. Oral diseases can and do lead to systemic problems — damaging other parts of the body and resulting in the need for expensive emergency department visits, hospital stays and medications. The consequences of poor oral health, however, go far beyond damaging medical effects. Oral disease can also wreak economic havoc — keeping children out of school and adults home from work — not to mention lower productivity of workers in pain. Untreated oral diseases can also drive up health care costs in general. The good news is that with proper oral health care, both at home and in professional settings, many of the negative consequences associated with poor oral health can be prevented.*[7]

[7] http://www.buildingbetteroralhealth.org/media/TDA_full_report.pdf

The number of emergency-room visits for patients seeking dental treatment has increased, mostly because of problems that could have been prevented with regular dental visits, according to the Pew Center on the States. Most cases are in rural areas, which have a shortage of dentists. Nationwide, the number of ER dental visits increased 16 percent from 2006 to 2009, and the center suggests the trend is continuing. Visiting the ER for dental treatment can be 10 times more expensive than preventive care. Many visits involve the same patients seeking more care because emergency rooms aren't staffed by dentists. Doctors can offer pain relief, but not much more, and many patients can't afford follow-up treatment or can't find a dentist. "Emergency rooms are really the canary in the coal mine. If people are showing up in the ER for dental care, then we've got big holes in the delivery of care," said Shelly Gehshan, director of Pew's child-dentistry campaign. "It's just like pouring money down a hole." The Center analyzed information from 24 states, the Federal Agency for Healthcare Research and Quality and dental care studies. It found that in 2009, 56 percent of children with Medicaid didn't receive dental care, ER visits for dental care increased by almost 60 percent in South Carolina, and there were 55,000 dental-related ER visits in Tennessee hospitals. Part of the problem is that few dentists participate in Medicaid programs, The Associated Press reports. The center is working with states to develop dental hygienists training programs and train non-dentists to treat cavities and other uncomplicated procedures. More than 830,000 visits to emergency rooms nationwide in 2009 were for preventable dental problems. Dental disease is the No. 1 chronic childhood disease, sending more children in search of medical treatment than asthma. In a nation obsessed with high-tech medicine, people are not getting preventive care for something as simple as tooth decay. [8]

The following Project Option and Project Components were selected because they directly address Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.*

Project Option 1.8: Increase and expand services by increasing clinics, clinic hours, using satellite mobile clinics with an affiliated fixed-site dental clinic location, school-based/school-linked health centers or other approaches to increase oral health services to underserved populations. Project Component: 1.8.6 Expansion of dental clinic hours

The City of Lubbock will conduct Continuous Quality Improvement (CQI) activities using methods such as rapid cycle improvement. Activities may include, but are not limited to, identifying project impacts, identifying "lessons learned," opportunities to scale all or part of the project to a broader patient population and identifying key challenges associated with expansion of the project, including special considerations for safety-net populations. Our RHP will encourage participation by all our partners in a Learning Collaborative that will meet annually to discuss local disparities in care and the ways they have successfully gathered relevant data and ultimately better served the populations in their projects. In addition to the face-to-face meeting, we will have an open forum on our website that will foster communication amongst our partners with related projects.

Unique Community Need ID#: CN13 There is a shortage of dental services and CN3 Poor insurance support or uninsured.

Milestones & Metrics: The milestones and metrics (1.8.6 – P-4, 4.1; P-10, 10.1; and I-14, 14.1) selected for this project directly address CN#13&3 outlined in the Region 12 Community Needs Assessment.

Related Category 3 Outcome Measure: OD-7 Oral Health; IT-7.7 Urgent Dental Care Needs in Older Adults: Proportion of older adults aged 65 and older with urgent dental care needs (standalone measure)

Reason/Rationale for Selection: According to the Region 12 Community Needs Assessment, there is a shortage of dental services and a high prevalence of people with poor insurance support or who are uninsured. According to the TDA, services for older Texans is a priority.

Explanation of how focusing on the outcomes will help improve the health of low-income populations: Establishment of a new dental clinic focusing services upon people who are under- or uninsured will directly help improve the health of low-income populations.

Relationship to Other Projects: This project relates to the City of Lubbock's Pass 1 project (135103304.1. 1 – expand access/hours in dental clinic) in that it allows the new clinic to be open longer hours than possible with only Pass 1 funding. These projects are all related in that they are aimed to increasing access to needed health care in the most appropriate setting.
Relationship to Other Performing Providers' Projects in RHP & Plan for Learning Collaborative: This project relates to StarCare's Pass 1 and Pass 2 projects (084897001.1.1 and 084897001.1.2) - to open a Psychiatric Emergency Service Center and adolescent crisis respite unit – in that this clinic will be housed within the same facility. Our RHP will encourage participation by all our partners in a "learning collaborative" that will meet annually to discuss local disparities in care and the ways they have successfully gathered relevant data and ultimately better served the populations in their projects. In addition to the face-to-face meeting, we will have an open forum on our website that will foster communication amongst our partners with related projects.

Project Valuation:

Criteria	Narrative	Score
Achieves Waiver Goals Scale: 1 to 5 5 Greatest	This project is designed to achieve, to the greatest extent possible, the Texas Healthcare Transformation and Quality Improvement (1115 Waiver) goals of 1. Improved patient care experience; 2. Improved health; and 3. Reduced cost of healthcare, without compromised quality. In order to achieve alignment with this *triple aim,* the primary goal of this project is to ensure people receive coordinated, timely and site-appropriate healthcare services. The City of Lubbock hopes to address the healthcare disparity of unequal access for people with low-income. This project will transform healthcare delivery from a disease-focused model of episodic care to a patient centered, coordinated delivery model that improves patient satisfaction and health outcomes, reduces un- necessary or duplicative services and builds on the accomplishments of our existing healthcare system.	5
Addresses Community Need(s) Scale: 1 to 5 5 Greatest	Commissioned by the Regional Healthcare Partnership (RHP), the West Texas Area Health Education Center conducted an assessment of the healthcare-related needs in Region 12. The goals of Region 12 are to address as many identified community needs as possible, focusing on those identified as "critical" and "urgent," including increased access to care, increased prevention and early detection activities and quality/performance improvement. The following Project Option and Project Components were selected because they directly address Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* The lack of available appointments for people without money or insurance, results in the need to use emergency rooms for initial contact.	5

[8] http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/A%20Costly%20Dental%20Destination(1).pdf

Project Scope/Size Scale: 1 to 5 5 Greatest	With Pass 1 funding, the City of Lubbock plans to provide at least 600 office visits in DY4 and to provide at least 750 office visits in DY5, serving 350 people per year. Pass 2 funding will allow the City of Lubbock to provide an additional 250 office visits each year in DY4 and DY5, with capacity to serve 147 more people each year. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5. When considering the impact upon each person's care experience, his/her health and the reduced cost upon the community's healthcare delivery system, the scope and size of this project will be fairly great. This project will be managed by highly trained staff who specialize in linkage to the *right care in the right setting.*	**4**
Project Investment Scale: 1 to 5 5 Greatest	The City of Lubbock's investment in this project will be fairly significant. Staffing will include a Program Director, Dentist(s), Licensed Hygienists, Dentals Technicians, office personnel, etc. (Some administrative staff will be shared with StarCare and Combest in order to obtain economies of scale.) Other investments include physical space, furnishings and equipment, computer hardware/software, etc. As one might imagine, dental equipment can be very expensive.	**4**

135103304.1.2	**1.8.6**	**n/a**	**The expansion of existing dental clinics, the establishment of additional dental clinics or the expansion of dental clinic hours.**
City of Lubbock Health Department		**135103304**	
Related Category 3 Outcome Measure(s):	**135103304.3.2**	**IT-7.7**	**Urgent Dental Care Need in Older Adults: Proportion of older adults aged 65 and older with urgent dental care needs**
DY 2 (10/1/2012-9/30/2013)	*DY 3 (10/1/2013-9/30/2014)*	*DY 4 (10/1/2014-9/30/2015)*	*DY 5 (10/1/2015-9/30/2016)*
Milestone 1: [P-10]: Participate in face-to-face learning (i.e. meetings or seminars) at least twice per year with other providers and the RHP to promote collaborative learning around shared or similar projects. At each face-to-face meeting, all providers shall identify and agree upon several improvement (simple initiatives that all providers can do to "raise the floor" for performance.) Each participating provider should publicly commit to implementing these improvements. **Metric(s):** [P-10.1] Participate in semi-annual face-to-face meetings or seminars organized by the RHP. **Baseline/Goal:** Participate in face-to-face meetings **Data Source:** Documentation of semi-annual meetings, including meeting agendas, slides from presentations, and/or meeting notes. **Milestone 1 Estimated Incentive Payment:** $297,150	**Milestone 2:** [P-10]: Participate in face-to-face learning (i.e. meetings or seminars) at least twice per year with other providers and the RHP to promote collaborative learning around shared or similar projects. At each face-to-face meeting, all providers shall identify and agree upon several improvement (simple initiatives that all providers can do to "raise the floor" for performance.) Each participating provider should publicly commit to implementing these improvements. **Metric(s):** [P-10.1] Participate in semi-annual face-to-face meetings or seminars organized by the RHP. **Baseline/Goal:** Participate in face-to-face meetings **Data Source:** Documentation of semi-annual meetings, including meeting agendas, slides from presentations, and/or meeting notes. **Milestone 2 Estimated Incentive Payment:** $156,186 **Milestone 3:** [P-3] Increase Interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly	**Milestone 4:** [P-4]: Establish additional/expand existing/relocate dental care clinics or space. **Metric(s):** [P-4.1] Number of additional clinics, expanded space, or existing available space used to capacity. **Baseline/Goal:** Add 1 new clinic **Data Source:** Tax ID# **Milestone 4 Estimated Incentive Payment:** $106,001 **Milestone 5:** [P-3] Increase Interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic	**Milestone 6:** [I-14] Increase number of special population members that access dental services **Metric(s):** [I-14.1] 15% increase from baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Baseline/Goal:** 10% increase over baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Data Source:** Claims, encounter and clinical record data **Milestone 6 Estimated Incentive Payment:** $147,698 **Milestone 7:** [P-3] Increase Interdisciplinary (IDT) training and education for dental and other health care providers to promote an ID Team approach to addressing oral health. **Metric(s):** [P3.1] City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and

	(4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance rosters, power point presentations, sign in sheets, etc. **Milestone 3 Estimated Incentive Payment:** $156,185	diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance rosters, power point presentations, sign in sheets, etc. **Milestone 5 Estimated Incentive Payment:** $106,000 **Milestone 6:** [I-14] Increase number of special population members that access dental services **Metric(s):** [I-14.1] 10% increase over baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Goal:** 10% increase over baseline in the number of children, special needs patients, pregnant women and/or the elderly accessing dental services. **Data Source:** Claims, encounter and clinical record data **Milestone 6 Estimated Incentive Payment:** $106,000	implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Goal:** City of Lubbock will hold quarterly (4/year) grand rounds, in-service trainings and continuing education that focus on oral health issues and implications as related to chronic diseases, such as diabetes and cardiovascular disease and pregnancy. **Data Source:** Attendance rosters, power point presentations, sign in sheets, etc. **Milestone 7 Estimated Incentive Payment:** $147,698
DY 2 Estimated Milestone Bundle Amount: $297,150	**DY 3 Estimated Milestone Bundle Amount:** $312,371	**DY4 Estimated Milestone Bundle Amount:** $318,001	**DY5 Estimated Milestone Bundle Amount:** $295,396
TOTAL ESTIMATED INCENTIVE PAYMENTS FOR 4-YEAR PERIOD (add milestone bundle amounts over Years 2-5): $1,222,918			

Outcome Measure Title: IT-7.7 Urgent Dental Care Needs in Older Adults
Performing Provider: City of Lubbock Health Department/135103304
Unique RHP Outcome ID: 135103304.3.1
Outcome Domain: OD-7 Oral Health

Outcome Measure Description:

IT-**7.7** - Urgent Dental Care Needs in Older Adults

In order to achieve the goals and desired outcomes of this project, the following Process Milestones and Outcome Improvement Targets were selected:

Process Milestones:

Year DY2:

Category 3 – P-1: Project planning – engage stakeholders, identify current capacity and needed resources, determine timeliness, and document implementation plans.
Data Source: Implementation plan

Year DY3:

Category 3 – P-2: Establish baseline rates
Data Source: Performing Provider Utilization Data, Emergency Department Data

Outcome Improvement Targets:

Year DY4:

IT – 7.7: Urgent dental care needs in older adults
Improvement Target: Decrease the number of older adults 65 years or older with urgent dental care needs by 10% from baseline
Data Source: EHR, claims

Year DY5:

IT – 7.7: Urgent dental care needs in older adults
Improvement Target: Decrease the number of older adults 65 years or older with urgent dental care needs by 15% from baseline
Data Source: EHR, claims

Rationale:

The above outcome measure, process milestones and outcome improvement targets were selected because they directly address Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* Establishment of a new dental clinic will allow people access to specialized interventions, in order to avoid exacerbation of health problems.

Outcome Measure Valuation:

Criteria	Narrative	Score
Achieves Waiver Goals Scale: 1 to 5 5 Greatest	This project is designed to achieve, to the greatest extent possible, the Texas Healthcare Transformation and Quality Improvement (1115 Waiver) goals of 1. Improved patient care experience; 2. Improved health; and 3. Reduced cost of healthcare, without compromised quality. In order to achieve alignment with this *triple aim,* the primary goal of this project is to ensure patients receive coordinated, timely and site-appropriate healthcare services. The City of Lubbock hopes to address the healthcare disparity of unequal access for people with low-income. This project will transform healthcare delivery from a disease-focused model of episodic care to a patient centered, coordinated delivery model that improves patient satisfaction and health outcomes, reduces unnecessary or duplicative services and builds on the accomplishments of our existing healthcare system.	**5**
Addresses Community Need(s) Scale: 1 to 5 5 Greatest	Commissioned by the Regional Healthcare Partnership (RHP), the West Texas Area Health Education Center conducted an assessment of the healthcare-related needs in Region 12. The goals of Region 12 are to address as many identified community needs as possible, focusing on those identified as "critical" and "urgent," including increased access to care, increased prevention and early detection activities and quality/performance improvement. The City of Lubbock's new dental clinic directly relates to the Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* Establishment of a new dental clinic will allow people access to specialized interventions, in order to avoid exacerbation of health problems.	**5**

Project Scope/Size Scale: 1 to 5 5 Greatest	During DY3 the City of Lubbock will hire and train staff, develop all operational protocols and clinical guidelines and develop a baseline from which to calculate system improvements. The City of Lubbock hopes to provide at least 600 office visits during DY4 and to provide at least 750 office visits in DY5. Conceivably, over 350 people per year could be impacted by this project. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5. In DY4, the City of Lubbock hopes to decrease the number of elderly adults with urgent care needs by 10% under baseline and to decrease 15% under baseline in DY5.When considering the impact upon each person's care experience, his/her health and the reduced cost upon the community's healthcare delivery system, the scope and size of this project will be fairly great. This project will be managed by highly trained staff who specialize in linkage to the *right care in the right setting.*	4
Project Investment Scale: 1 to 5 5 Greatest	The City of Lubbock's investment in this project will be fairly significant. Staffing will include a Program Director, Dentist(s), Licensed Hygienists, Dentals Technicians, office personnel, etc. (Some administrative staff will be shared with StarCare and Combest in order to obtain economies of scale.) Other investments include physical space, furnishings and equipment, computer hardware/software, etc. As one might imagine, dental equipment can be very expensive.	4

135103304.3.1	**3.IT-7.7**	**Urgent dental care needs in older adults**	
City of Lubbock, Health Department		**135103304**	
Related Category Project:	**135103304.1.1**		
Starting Point/Baseline:	**To be determined in DY3**		
DY 2 (10/1/2012-9/30/2013)	*DY 3 (10/1/2013-9/30/2014)*	*DY 4 (10/1/2014-9/30/2015)*	
Process Milestone 1: P-1 Project planning – engage stakeholders, identify current capacity and needed resources, determine timeliness and document implementation plans. **Data Source:** Implementation Plan **Process Milestone 1 Estimated Incentive Payment:** $102,222	**Process Milestone 2: P-2** Establish baseline rates **Data Source:** PP Utilization Data, Clinic Utilization Data **Process Milestone 2 Estimated Incentive Payment:** $236,977	**Outcome Improvement Target 1: IT7.7:** Urgent dental care needs in older adults **Improvement Target:** Decrease the number of older adults 65 years or older with urgent dental care needs by 10% from baseline **Data Source:** PP Utilization Data, Clinic Utilization Data **Estimated Outcome Improvement Target 1 Incentive Payment:** $253,510	**Outcome Improvement Target 2: IT7.7:** Urgent dental care needs in older adults **Improvement Target:** Decrease the number of older adults 65 years or older with urgent dental care needs by 15% from baseline **Data Source:** PP Utilization Data, Clinic Utilization Data **Estimated Outcome Improvement Target 2 Incentive Payment:** $551,109
DY 2 Estimated Outcome Amount: $102,222	***DY 3 Estimated Outcome Amount:*** $236,977	***DY 4 Estimated Outcome Amount:*** $253,510	***DY 5 Estimated Outcome Amount:*** $551,109
TOTAL ESTIMATED INCENTIVE PAYMENTS FOR 4-YEAR PERIOD: $1,143,817			

Outcome Measure Title: IT-7.7 Urgent Dental Care Needs in Older Adults
Performing Provider: City of Lubbock Health Department/135103304
Unique RHP Outcome ID: 135103304.3.2 "PASS 2"
Outcome Domain: OD-7 Oral Health

Outcome Measure Description:

IT-7.7 - Urgent Dental Care Needs in Older Adults

In order to achieve the goals and desired outcomes of this project, the following Process Milestones and Outcome Improvement Targets were selected:

Process Milestones:

Year DY2:

Category 3 – P-1: Project planning – engage stakeholders, identify current capacity and needed resources, determine timeliness, and document implementation plans.
Data Source: Implementation plan

Year DY3:

Category 3 – P-2: Establish baseline rates
Data Source: Performing Provider Utilization Data, Emergency Department Data

Outcome Improvement Targets:

Year DY4:

IT – 7.7: Urgent dental care needs in older adults
Improvement Target: Decrease the number of older adults 65 years or older with urgent dental care needs by 10% from baseline
Data Source: EHR, claims

Year DY5:

IT – 7.7: Urgent dental care needs in older adults
Improvement Target: Decrease the number of older adults 65 years or older with urgent dental care needs by 15% from baseline
Data Source: EHR, claims

Rationale:
The above outcome measure, process milestones and outcome improvement targets were selected because they directly address Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* Establishment of a new dental clinic will allow people access to specialized interventions, in order to avoid exacerbation of health problems.

Outcome Measure Valuation:

Criteria	Narrative	Score
Achieves Waiver Goals Scale: 1 to 5 5 Greatest	This project is designed to achieve, to the greatest extent possible, the Texas Healthcare Transformation and Quality Improvement (1115 Waiver) goals of 1. Improved patient care experience; 2. Improved health; and 3. Reduced cost of healthcare, without compromised quality. In order to achieve alignment with this *triple aim,* the primary goal of this project is to ensure patients receive coordinated, timely and site-appropriate healthcare services. The City of Lubbock hopes to address the healthcare disparity of unequal access for people with low-income. This project will transform healthcare delivery from a disease-focused model of episodic care to a patient centered, coordinated delivery model that improves patient satisfaction and health outcomes, reduces unnecessary or duplicative services and builds on the accomplishments of our existing healthcare system.	5
Addresses Community Need(s) Scale: 1 to 5 5 Greatest	Commissioned by the Regional Healthcare Partnership (RHP), the West Texas Area Health Education Center conducted an assessment of the healthcare-related needs in Region 12. The goals of Region 12 are to address as many identified community needs as possible, focusing on those identified as "critical" and "urgent," including increased access to care, increased prevention and early detection activities and quality/performance improvement. The City of Lubbock's new dental clinic directly relates to the Region 12 Community Needs Assessment ID# CN13 (Important Need): *There is a shortage of dental care;* and ID# CN3 (Urgent Need): *Poor insurance support or uninsured.* Establishment of a new dental clinic will allow people access to specialized interventions, in order to avoid exacerbation of health problems.	5
Project Scope/Size Scale: 1 to 5 5 Greatest	During DY3 the City of Lubbock will hire and train staff, develop all operational protocols and clinical guidelines and develop a baseline from which to calculate system improvements. With Pass 1 funding, the City of Lubbock plans to provide at least 600 office visits in DY4 and to provide at least 750 office visits in DY5, serving 350 people per year. Pass 2 funding will allow the City of Lubbock to provide an additional 250 office visits each year in DY4 and DY5, with capacity to serve 147 more people each year. The City of Lubbock will focus upon special needs patients, pregnant women and/or the elderly hoping for a 10% increase over baseline in DY4 and 15% over baseline in DY5. 10% increase over baseline in DY4 and 15% over baseline in DY5. In DY4, the City of Lubbock hopes to decrease the number of elderly adults with urgent care needs by 10% under baseline and to decrease 15% under baseline in DY5.When considering the impact upon each person's care experience, his/her health and the reduced cost upon the community's healthcare delivery system, the scope and size of this project will be fairly great. This project will be managed by highly trained staff who specialize in linkage to the *right care in the right setting.*	4
Project Investment Scale:	The City of Lubbock's investment in this project will be fairly significant. Staffing will include a Program Director, Dentist(s), Licensed Hygienists, Dentals Technicians, office personnel, etc. (Some administrative staff will be shared with StarCare and Combest in order to obtain economies of scale.) Other investments include physical space, furnishings and equipment, computer hardware/software, etc.	4

1 to 5 5 Greatest	As one might imagine, dental equipment can be very expensive.	

135103304.3.2	**3.IT-7.7**	**Urgent dental care needs in older adults**	
City of Lubbock, Health Department		**135103304**	
Related Category Project:	**135103304.1.2**		
Starting Point/Baseline:	**To be determined in DY3**		
DY 2 (10/1/2012-9/30/2013)	*DY 3 (10/1/2013-9/30/2014)*	*DY 4 (10/1/2014-9/30/2015)*	
Process Milestone 1: P-1 Project planning – engage stakeholders, identify current capacity and needed resources, determine timeliness and document implementation plans. **Data Source:** Implementation Plan **Process Milestone 1 Estimated Incentive Payment:** $15,639.47	**Process Milestone 2: P-2** Establish baseline rates **Data Source:** PP Utilization Data, Clinic Utilization Data **Milestone 2 Estimated 1 Incentive Payment:** $34,707.85	**Outcome Improvement Target 1:** **IT7.7:** Urgent dental care needs in older adults **Improvement Target:** Decrease the number of older adults 65 years or older with urgent dental care needs by 10% from baseline **Data Source:** PP Utilization Data, Clinic Utilization Data **Estimated Outcome Improvement Target 1 Incentive Payment:** $35,333.49	**Outcome Improvement Target 2:** **IT7.7:** Urgent dental care needs in older adults **Improvement Target:** Decrease the number of older adults 65 years or older with urgent dental care needs by 15% from baseline **Data Source:** PP Utilization Data, Clinic Utilization Data **Estimated Outcome Improvement Target 2 Incentive Payment:** $73,848.93
DY 2 Estimated Outcome Amount: $15,639	***DY 3 Estimated Outcome Amount:*** $34,708	***DY 4 Estimated Outcome Amount:*** $35,333	***DY 5 Estimated Outcome Amount:*** $73,849
TOTAL ESTIMATED INCENTIVE PAYMENTS FOR 4-YEAR PERIOD: $159,530			

Regular City Council Meeting **6. 1.**

Meeting Date: 05/09/2013

Information

Agenda Item

Resolution - Lubbock Power and Light: Consider an order and resolution amending the current rate and tariff structure of Lubbock Power & Light, the City of Lubbock's municipally owned electric utility, as originally passed via Resolution No. 2007-R0227 (as amended) applicable to all rate classes except Rate 16U, to be effective June 1, 2013 or at such other time deemed appropriate by the City Council.

Item Summary

SPS filed a retail rate increase in 2008 and implemented that increase on February 7, 2009. LP&L matched that increase on March 1, 2009.

LP&L created a new rate class for Guard Lights in October 2010 for SPS customers to continue using that rate. In April 2011, the Miscellaneous Charges section of the tariff was amended. There have not been any changes made to the rates for energy, demand, or wholesale fuel/power/transmission costs since March 1, 2009.

In November 2012, staff brought a recommendation to the Electric Utility Board (EUB) to enter into a contract with J. Stowe & Co./New Gen Strategies (J. Stowe) to develop a financial model, a cost of service model, and a rate model in order to develop rates for LP&L independent of SPS.

J. Stowe has worked with staff, the EUB, and the City Council since January to develop rates that will recover the operating costs, debt service requirements, and wholesale purchased power costs. Additionally, the proposed rates will ensure that LP&L's financial metrics meet the standards of the bond covenants.

LP&L reported a loss of $3.2 million at the close of FY 2011-12. In the Adopted FY 2012-13 Budget, LP&L is budgeted to use $8.3 million in appropriable net assets.

If the rate increase is not implemented, the J. Stowe financial model estimates that LP&L revenues will fall short of expenses by $17.7 million in FY 2013-14.

The Electric Rates original document be available in the City Secretary's office.

Recommendation:

Staff and the EUB recommend the system wide average rate increase of 9.7 percent as proposed by J. Stowe and Co.

Fiscal Impact

The rate increase will generate $17,424,000 in additional revenues. The 20 percent cap on the increase by rate class is the reason for the difference in the 17.7 million short in the financial model and the $17.4 million increase that will be generated by the rate increase.

Staff/Board Recommending

Electric Utility Board recommended at their April 30, 2013 meeting
Gary Zheng, Director of Electric Utilities

Attachments

Resolution - EUB Rate

Order & Resolution - LP&L

LP&L - Electric Rates redline

RESOLUTION

WHEREAS, Lubbock Power & Light is the municipally owned electric utility of the City of Lubbock; and

WHEREAS, the City of Lubbock has an important responsibility to its citizens to carefully budget and account for the financing and funding of Lubbock Power & Light, prudently manage Lubbock Power & Light's municipal finances, and plan for the adequate funding of services provided by Lubbock Power & Light; and

WHEREAS, the Electric Utility Board is charged with making recommendations regarding the rate and tariff structure of Lubbock Power & Light including any amendments thereto to the City Council pursuant to § 2.03.415 (a) of the Code of Ordinances of the City of Lubbock; and

WHEREAS, Article XII of the Lubbock City Charter and Section 22.02.072 (b) of the Code of Ordinances of the City of Lubbock authorizes rates to be charged for electric service furnished by the municipally owned electric utility of the city shall be determined by the city council of the City of Lubbock; and

WHEREAS, the current rate structure for residential, commercial, industrial and other retail customers of Lubbock Power & Light, as amended, was originally passed via Resolution No. 2007-R0227 on May 24, 2007; and

WHEREAS, the Lubbock Power & Light desires to change the rates and tariff structure for residential, commercial, industrial, and other retail customers of the City's municipally owned electric utility; and

WHEREAS, the Electric Utility Board believes that the current rate and tariff structure of Lubbock Power & Light should be changed to improve the efficiency and competitiveness of the City's municipally owned electric utility; NOW THEREFORE:

BE IT RESOLVED BY THE ELECTRIC UTILITY BOARD OF THE CITY OF LUBBOCK:

1. THAT the Electric Utility Board recommends to the City Council that the current rate structure of Lubbock Power & Light be amended in accordance with the terms and conditions contained in Attachment A which is attached to this resolution and incorporated herein as though set forth fully herein.

2. THAT while the recommended rate structure attached hereto will result in a system average increase of 9.7%, it is the recommendation of the Electric Utility that the average increase for any single rate class be no greater than 20%.

Passed by the Electric Utility Board this 30TH day of APRIL, 2013.

Gail Kring

Gail Kring, Chairman

ATTEST:

Robert Musselman, Board Secretary

APPROVED AS TO CONTENT:

Dale Stephens for Gary Zheng

Gary Zheng
Director of Electric Utilities

APPROVED AS TO FORM:

Matthew L. Wade

Matthew L. Wade
General Counsel – LP&L

ORDER AND RESOLUTION

WHEREAS, Lubbock Power & Light is the municipally owned electric utility of the City of Lubbock; and

WHEREAS, pursuant to §40.055 of the Texas Utility Code, Article XII of the Lubbock City Charter, and §22.02.072 (b) of the Code of Ordinances of the City of Lubbock authorizes rates to be charged for electric service furnished by the municipally owned electric utility of the city shall be determined by the city council of the City of Lubbock; and

WHEREAS, the current rate structure for residential, commercial, industrial and other retail customers of Lubbock Power & Light, was originally passed via Resolution No. 2007-R0227 on May 24, 2007 and has been amended since then; and

WHEREAS, the Electric Utility Board, pursuant to the Board's duties as outlined in the § 2.03.415 (a) of the Code of Ordinances of the City of Lubbock, has reviewed this rate structure and recommends to the City Council that the attached rate structure be adopted; and

WHEREAS, the City of Lubbock desires to adopt the attached electric rate and tariff structure which changes all of the rate classes of Lubbock Power & Light with the exception of Rate 16U; and

WHEREAS, the City Council has determined in an open meeting that the attached electric rate and tariff structure of Lubbock Power & Light should be adopted to improve the efficiency and competitiveness of the City's municipally owned electric utility; NOW THEREFORE:

BE IT ORDERED AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

1. THAT the attached electric rate and tariff structure of Lubbock Power & Light be adopted in accordance with the terms and conditions contained in Attachment A which is attached to this resolution and incorporated herein as though set forth fully herein.

2. THAT this electric rate and tariff structure changes all of the rate classes of Lubbock Power & Light with the exception of Rate 16U .

3. THAT the above outlined electric rate and tariff structure shall become effective _____.

Passed by the City Council this _____ day of _____ 2013.

_____
GLEN ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Dale Stephens for Gary Zheng
Gary Zheng, Director of Electric Utilities

APPROVED AS TO FORM:

Matthew L. Wade
Matthew L. Wade, General Counsel – LP&L



Electric Rates

Last Amended ~~April 1, 2011~~June 1, 2013

Rev: ~~10/29/2010~~06/01/2013

Lubbock Power & Light

Rate Schedule

Type of Service	Rate Class
General Terms and Conditions	
Residential Standard Service	**Rate 1**
Residential Electric Space Heating Service	**Rate 3**
Small General Service	**Rate 10**
Large School Service	**Rate 15**
Secondary General Service	**Rate 16**
Primary General Service	**Rate 16P**
Transmission General Service	**Rate 16T**
State University General Service	**Rate 16U**
Large Municipal Service	**Rate 17**
Street Lighting Service	**Rate 18**
General Religious Service	**Rate 19**
Small Municipal & School Service	**Rate 21**
Guard Light Service	
Flood Light Service	
Miscellaneous Service Charges	
Discount Factor	
Fuel/Power/Transmission Cost Adjustment/Recovery Factors	



GENERAL TERMS AND CONDITIONS

In order that all Customers may receive uniform, efficient, and adequate service, electric service will be supplied to and accepted by all Customers receiving service from the City of Lubbock's (the "City") municipally owned electric utility, Lubbock Power & Light in accordance with these Terms and Conditions including the attached Rate/Tariff schedule. For purposes of this rate/tariff structure, "Customer" shall mean any person, firm, corporation or other legal entity receiving electric service from Lubbock Power & Light. All references herein to either the City or Lubbock Power and Light shall be inclusive of the other.

1. Customer's Installation. Customer is responsible for installing and maintaining such protective devices as are recommended or required by the then current edition of the National Electrical Code or as may be necessary to protect Customer's equipment or process during abnormal service conditions or the failure of all or a part of the electric service provided by the Company. All wiring and other electrical equipment furnished by the Customer will be installed, operated, and maintained by the Customer at all times in conformity with good electrical practice and with the requirements of the constituted authorities and these Terms and Conditions. Customer is responsible for notifying LP&L of any change in the installation that might impact the applicable rate to be charged. If the change results in the Customer qualifying for a lower rate, the lower rate will be applied no earlier than the date notice is given to LP&L. If the change results in a higher rate, the higher rate will be applied as of the date of the change in installation.

2. Continuous Service. Lubbock Power & Light shall use reasonable diligence to provide continuous electric service but Lubbock Power & Light does not guarantee against irregularities, interruptions, or fluctuating wave form or frequency, it being understood that occasional irregularities, interruptions, and fluctuations are inevitable. Lubbock Power & Light shall not be liable for damages or injury, including but not limited to consequential or economic loss damages, occasioned by interruption, failure to commence delivery voltage, wave form or frequency fluctuation caused by an act of God or the public enemy, a breakdown of plant, lines or equipment, inevitable accidents, fire, explosion, strikes, riots, war, delay in receiving shipments of required materials, order of any court or judge granted in any bona fide adverse legal proceedings or action or any order by any commission or tribunal having jurisdiction**; OR, WITHOUT LIMITATION BY THE PRECEDING ENUMERATION, ANY OTHER ACT OR THING DUE TO CAUSES BEYOND LUBBOCK POWER & LIGHT'S CONTROL, TO THE NEGLIGENCE OF LUBBOCK POWER & LIGHT, ITS EMPLOYEES, OR CONTRACTORS,** except to the extent that the damages are occasioned by the gross negligence or willful misconduct of Lubbock Power & Light.

3. Intentional Interruption of Service. Lubbock Power & Light may, without notice and without liability to the Customer, interrupt service to the Customer when, in Lubbock Power & Light's sole judgment, the interruption of service:

   a. Will prevent or alleviate an emergency threatening to disrupt the operation of Lubbock Power & Light's system; or
   b. Will lessen or remove possible danger to life or property; or
   c. Will aid in the restoration of electric service; or
   d. Is required to make necessary repairs to or changes in Lubbock Power & Light's facilities.

   Lubbock Power & Light may, in the event of a national emergency or local disaster resulting in disruption of normal service, in the public interest, interrupt service to the Customer to provide necessary service to civil defense or other emergency service agencies on a temporary basis until normal service to the agencies can be restored.

4. Disclaimer of Warranties. **LUBBOCK POWER & LIGHT AND THE CITY MAKES NO WARRANTIES WHATSOEVER WITH REGARD TO THE PROVISION OF ANY SERVICE AND DISCLAIMS ANY AND ALL WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**

5. Discontinuance, Suspension and Refusal of Service. In addition to and in conjunction with any other federal, state or local law regarding discontinuance, suspension or refusal of utility service, Lubbock Power & Light may discontinue, suspend or refuse to supply electric service to any customer for the following reasons:

   a. Disconnection with notice. Lubbock Power & Light may disconnect electric utility service after proper notice for any of the following reasons:
      (i) failure to pay a bill for electric utility service or failure to comply with the terms of any agreed payment plan;
      (ii) failure to pay a deposit as required by the General Terms and Conditions of the Rate Schedule; or
      (iii) for any other reason whereby Lubbock Power & Light is legally entitled to disconnect electric utility service with notice.

   b. Disconnection without notice. Lubbock Power & Light may disconnect electric utility service without prior notice for any of the following reasons:
      (i) where a known dangerous condition exists for as long as the condition exists;
      (ii) where service is connected without authority by a person who has not made application for service;
      (iii) where service was reconnected without authority after termination for nonpayment;
      (iv) Failure to comply with the terms of any agreed payment plan where such plan provides for disconnection without further notice;
      (v) where there has been tampering with Lubbock Power & Light's equipment or evidence of theft of service; or

(vi) for any other reason whereby Lubbock Power & Light is legally entitled to disconnect electric utility service without notice.

6. Deposits. Lubbock Power & Light shall require a deposit from customers for electric service, in accordance with the following terms and conditions:

a. Lubbock Power & Light shall require a deposit from a prospective residential electric service customer in an amount equal to ONE HUNDRED THIRTY FIVE AND NO/100 DOLLARS ($135.00), except as provided herein.

b. Lubbock Power & Light shall require a deposit from a prospective commercial and/or industrial customer in an amount equal to ONE HUNDRED THIRTY FIVE AND NO/100 DOLLARS ($135.00) or ONE-SIXTH (1/6) of the reasonable and good-faith estimate of annual billings of the customer, whichever is greater, except as provided herein.

c. An applicant for residential electric service shall be exempt from the deposit requirement if any of the following conditions are met by the applicant:

i. the applicant produces, to the satisfaction of Lubbock Power & Light, the following information:

A. Proof that during the two years prior to applying for electric service from Lubbock Power & Light, the applicant was a customer of a utility providing electric service or one or more of the City of Lubbock utility services for at least twelve (12) consecutive months; and
B. While a customer, the applicant was not delinquent in paying for any utility service including City of Lubbock utility services on more than one occasion; and
C. While a customer, the applicant never had any of the services described in paragraphs A or B immediately above disconnected for nonpayment;

ii. the applicant demonstrates adequate and available credit, to the satisfaction of Lubbock Power & Light, by producing a letter of credit in the primary applicant's name from a utility providing electric service of whom the applicant was a customer; or

iii. the applicant is at least sixty-five (65) years of age and has no outstanding account balance with a utility for utility service including City of Lubbock utility services that accrued within the last two years.

iv. Subject to Section 6(c)(i)(B) and Section 6(c)(i)(C), an applicant has been determined to be a victim of family violence as defined in the Texas Family Code §71.004, by a family violence center as defined in Texas Human Resources Code §51.002, by treating medical personnel, by law enforcement personnel, by the Office of a Texas District Attorney or County Attorney, by the Office of the Attorney General, or by a grantee of

the Texas Equal Access to Justice Foundation. This determination shall be evidenced by submission of a certification letter developed by the Texas Council on Family Violence. The certification letter may be submitted directly to Lubbock Power & Light.

v. A customer who was exempted from the deposit requirement under this Section 6(c) may have the exemption withdrawn and a deposit applied to the account if the customer's service becomes disconnected for non-payment.

d. An applicant for non-residential service shall be exempt from the deposit requirement if the applicant produces, to the satisfaction of Lubbock Power & Light, the following information:

i. Proof that during the two years prior to applying for electric service from Lubbock Power & Light, the applicant was a customer of a utility providing electric service for at least twelve (12) consecutive months and is not currently delinquent in payment of any such utility service account; and

ii. While a customer, the applicant was not delinquent in paying for any utility service on more than one occasion; and

iii. While a customer, the applicant never had service disconnected for nonpayment.

iv. A customer who was exempted from the deposit requirement under this Section 6(d) may have the exemption withdrawn and a deposit applied to the account if the customer's service becomes disconnected for non-payment.

e. Lubbock Power & Light shall pay or credit simple interest on any deposits required and collected under this Section at an annual rate equal to the Three-month Treasury-Bill Rate (the "Published Rate") as published in the *Wall Street Journal* on the first business day in January of each year in which the deposit is maintained by Lubbock Power & Light, and in accordance with the following terms:

i. If a deposit is refunded within thirty (30) days of its receipt, no interest payment or credit shall be required.

ii. If a deposit is retained for thirty (30) days or longer, interest shall be prorated and paid or credited retroactively to the date of collection.

iii. Except as provided herein, the customer from whom a deposit has been collected, if elected by the customer and the customer notifies Lubbock Power & Light, shall be eligible for a refund of said deposit when the

customer has paid bills for service for twelve (12) consecutive residential billings or for twenty-four (24) consecutive commercial or industrial billings without having service disconnected for nonpayment of charges for such service, and without having more than one occasion on which a bill was delinquent, and when the customer is not delinquent in the payment of the current bill. Refunds to eligible customers shall be made promptly either in the form of a check payable to the customer or as a credit to the customer's bill, as determined by the sole discretion of Lubbock Power & Light. A customer who received a refund of their deposit may have the deposit requirement reapplied if the customer's service becomes disconnected for non-payment.

f. Lubbock Power & Light shall keep the following records for all deposits collected by Lubbock Power & Light pursuant to this Section:

   i. the name and address of each depositor;
   ii. the amount and date of the deposit; and
   iii. each transaction concerning the deposit.

g. Lubbock Power & Light shall issue a receipt of deposit to each applicant from whom a deposit is received, and shall provide means whereby a depositor eligible for a refund of deposit may establish a claim for said refund if the receipt shall have been lost by the depositor.

h. Any deposit not previously refunded to the customer or credited to the customer's account as provided herein shall be credited to the customer's final bill for service.

7. Right of Way. The customer shall provide, at no expense to Lubbock Power & Light, valid easements and rights-of-way, as required by Lubbock Power & Light for installation of an electric distribution system to provide electric utility service to the customer. Subject to and in conjunction with all other applicable federal, state and local laws and regulations, Lubbock Power & Light shall have the right to clear its distribution system and service connection of any interfering tree, shrub, or other obstruction and shall have the right to determine and maintain the amount of clearance it deems necessary in accordance with good utility practices and applicable law.

8. Access to Premises. Lubbock Power & Light or its authorized agents shall have access at all reasonable hours to the premises of the customer for the purpose of inspecting wiring and apparatus, removing or replacing Lubbock Power & Light's property, reading of meters and all other purposes incident to supplying of electric utility service.

9. Agreed Payment Plan. Lubbock Power & Light may allow a customer to pay an outstanding bill in installments. Any such agreed payment plan shall be subject to the following terms and conditions:

a. The customer may establish a payment plan by contacting Lubbock Power & Light in person, by telephone or by any other electronic communication approved by Lubbock Power & Light;

b. The agreed payment plan must be in writing;

c. The Director of Electric Utilities may include additional terms and conditions consistent with those outlined herein and with applicable policy and law.

The agreed payment plan may contain additional terms and conditions consistent with the Rate Schedule and applicable federal, state, and local law and regulations. In the event of a conflict between a written agreed payment plan and this Rate Schedule, the terms and conditions of this Rate Schedule shall control.

10. Right to Amend. This Rate Schedule may be amended or modified by Lubbock Power & Light through a written instrument duly executed by the City Council of the City of Lubbock without further notice provided to the customer, except as otherwise required by law.

11. Severability. If any portion of this Rate Schedule is held unenforceable by a court of competent jurisdiction, the remainder of this Rate Schedule shall not be affected and shall remain fully in force and enforceable.

12. Applicable Law. **The laws of the State of Texas shall govern the validity, performance and enforcement of this Rate Schedule and the venue for any legal proceedings shall be in Lubbock County, Texas.**

RESIDENTIAL STANDARD SERVICE

Rate 1

APPLICABLE:	To residential customers for electric service used for domestic purposes in private residences and separately metered individual apartments when all service is supplied at one point of delivery and measured through one meter, where facilities of adequate capacity and suitable voltage are adjacent to the premises to be served. Single-phase motors not to exceed 10 horsepower, individual capacity, may be served under this rate.	
TERRITORY:	Lubbock, Texas	
RATE:	Service Availability Charge:	$~~5.60~~6.50 per month
	Summer Energy Charge:	$0.0~~535550~~3244 per kWh
	~~Winter~~Non-Summer Energy Charge:	$0.0~~439302~~2244 per kWh
WINTER MONTHS:	The billing months of October through May	
SUMMER MONTHS:	The billing months of June through September	
FUEL / POWER / TRANSMISSION COST ADJUSTMENT FACTORS:	The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".	
~~**DISCOUNT FACTOR:**~~	~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor .~~	
FRANCHISE FEE EQUIVALENT:	The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.	

TAX: Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.

BUDGET BILLING: Budget billing is available upon request. Budget billing is a program that allows a customer to pay a specified amount each month instead of paying the actual billed amount. Customers must have a minimum of 12 months history at their current address to qualify for budget billing. Customers must have a zero balance at the time budget billing is implemented and must keep their accounts current to remain on budget billing.

TERMS OF PAYMENT: Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.

CHARACTER OF SERVICE: AC. 60 hertz. Single-phase 120/240 volts. Three-phase 240 volts where available on secondary.

TERMS & CONDITIONS: Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.

EFFECTIVE DATE: For all electric meters read by LP&L on or after ~~October 29, 2010~~June 1, 2013



RESIDENTIAL
ELECTRIC SPACE HEATING SERVICE

Rate 3

APPLICABLE: To residential customers for electric service with predominant electric space heating used for domestic purposes in private residences and separately metered individual apartments when all service is supplied at one point of delivery and measured through one meter, where facilities of adequate capacity and suitable voltage are adjacent to the premises to be served. Single-phase motors not to exceed 10 horsepower, individual capacity, may be served under this rate. Electric space heating includes permanently installed whole house space heating equipment in regular use, including heat pumps and electric resistance heating and excluding bathroom heaters.

TERRITORY: Lubbock, Texas

RATE: Service Availability Charge: $~~5.60~~6.50 per month

Summer Energy Charge: $0.0~~53550~~4230 per kWh
~~Winter~~Non-Summer Energy Charge: $0.0~~33470~~1230 per kWh

WINTER MONTHS: The billing months of October through May
SUMMER MONTHS: The billing months of June through September

FUEL / POWER / TRANSMISSION COST ADJUSTMENT FACTORS: The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".

~~**DISCOUNT FACTOR:**~~ ~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~

FRANCHISE FEE EQUIVALENT: The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.

TAX: Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.

BUDGET BILLING: Budget billing is available upon request. Budget billing is a program that allows a customer to pay a specified amount each month instead of paying the actual billed amount. Customers must have a minimum of 12 months history at their current address to qualify for budget billing. Customers must have a zero balance at the time budget billing is implemented and must keep their accounts current to remain on budget billing.

TERMS OF PAYMENT: Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.

CHARACTER OF SERVICE: AC. 60 hertz. Single-phase 120/240 volts. Three-phase 240 volts where available on secondary.

TERMS & CONDITIONS: Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.

EFFECTIVE DATE: For all electric meters read by LP&L on or after ~~October 29, 2010~~June 1, 2013

SMALL GENERAL SERVICE

Rate 10

APPLICABLE:

To commercial customers for electric service supplied at secondary voltage for commercial purposes when all service is supplied at one point of delivery and measured through one meter, where facilities of adequate capacity and suitable voltage are adjacent to the premises to be served, and whose load does not exceed 10 kW of demand in any month. Single-phase motors not to exceed 10 horsepower, individual capacity, may be served under this rate. Youth-oriented (18 years of age and younger) non-profit sports leagues utilizing electric service for sports field lighting at municipally owned outdoor facilities may be served under this rate regardless of demand. Meters in which the load exceeds 10 kW of demand in any month will be assigned to Rate 16 (Secondary General Service) and will not be eligible to be reassigned to Rate 10 until there have been 12 consecutive months where loads have not exceeded 10 kW of demand.

Not applicable to temporary, breakdown, standby, supplementary, resale or shared service.

TERRITORY: Lubbock, Texas

RATE:

Service Availability Charge:	$10.91 per month
~~Summer~~ Energy Charge:	$0.0~~44450~~1600 per kWh
~~Winter Energy Charge:~~	~~$0.035040 per kWh~~

~~**WINTER MONTHS:**~~ ~~The billing months of October through May~~

~~**SUMMER MONTHS:**~~ ~~The billing months of June through September~~

FUEL / POWER / TRANSMISSION COST ADJUSTMENT FACTORS: The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".

~~**DISCOUNT FACTOR:**~~ ~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~

FRANCHISE FEE EQUIVALENT:	The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.
TAX:	Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.
BUDGET BILLING:	Budget billing is available upon request to customers receiving the standard bill format (not available for master bills). Budget billing is a program that allows a customer to pay a specified amount each month instead of paying the actual billed amount. Customers must have a minimum of 12 months history at their current address to qualify for budget billing. Customers must have a zero balance at the time budget billing is implemented and must keep their accounts current to remain on budget billing.
TERMS OF PAYMENT:	Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.
CHARACTER OF SERVICE:	AC. 60 hertz. Single-phase 120/240 volts. Three-phase 240 volts where available on secondary.
TERMS & CONDITIONS:	Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.
EFFECTIVE DATE:	For all electric meters read by LP&L on or after ~~October 29, 2010~~June 1, 2013

LARGE SCHOOL SERVICE

Rate 15

APPLICABLE:

To all public and private school facilities supplied at secondary voltage for school purposes when all service is supplied at one point of delivery and measured through one meter, where facilities of adequate capacity and suitable voltage are adjacent to the premises to be served and whose load exceeds 10 kW of demand in any month. Meters on this rate with loads that drop to 10 kW of demand or below will be eligible to be reassigned to Rate 21 (Small Municipal and School Service) only after 12 consecutive months where loads have not exceeded 10 kW of demand.

Not applicable to temporary, breakdown, standby, supplementary, resale or shared service, or to service for which a specific rate schedule is provided.

TERRITORY: Lubbock, Texas

RATE:

	Service Availability Charge:	$~~24.70~~32.00 per month
	Energy Charge:	$0.00~~3840~~040 per kWh
	~~Summer~~ Demand Charge:	$4.65~~9.49~~ per kW
	~~Winter Demand Charge:~~	~~$7.12 per kW~~

~~**WINTER MONTHS:**~~ ~~The billing months of October through May~~
~~**SUMMER MONTHS:**~~ ~~The billing months of June through September~~

DEMAND:

Lubbock Power and Light will furnish at its expense the necessary metering equipment to measure the customer's kW demand for the 30-minute period of greatest use during the month. In the absence of a demand meter, the customer's demand will be billed using the monthly kilowatt-hours and an average load factor of 41.30 percent. In no month, shall the billing demand be greater than the kW value determined by dividing the kWh sales for the billing period by 80 hours.

FUEL / POWER / TRANSMISSION COST ADJUSTMENT FACTORS: The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".

~~**DISCOUNT FACTOR:**~~ ~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~

FRANCHISE FEE EQUIVALENT: The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.

TAX: Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.

POWER FACTOR: Applicable to customers on this rate schedule with a peak demand of 200 kW or greater. At all times, customer will maintain at Lubbock Power & Light's point of delivery, a power factor of not less than 90% lagging.

In the event a low voltage condition due to lagging power factor exists in a degree sufficient to impair Lubbock Power & Light's service, customer shall install suitable capacitors or other equipment necessary to raise the over-all power factor at the point of delivery to a satisfactory value. Where such power factor correction equipment is used, customer shall install a relay, switch or other regulating equipment for purposes of disconnecting or controlling the power factor correction equipment in order to prevent excessive voltage conditions on Lubbock Power & Light's system.

TERMS OF PAYMENT: Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.

CHARACTER OF SERVICE: AC. 60 hertz. Single-phase or three-phase, at one available standard voltage.

TERMS & CONDITIONS:	Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.
EFFECTIVE DATE:	For all electric meters read by LP&L on or after ~~October 29, 2010~~June 1, 2013

SECONDARY GENERAL SERVICE

Rate 16

APPLICABLE: To all commercial and industrial customers for electric service supplied at secondary voltage for commercial purposes when all service is supplied at one point of delivery and measured through one meter, where facilities of adequate capacity and suitable voltage are adjacent to the premises to be served and whose load exceeds 10 kW of demand in any month. Meters on this rate with loads that drop to 10 kW of demand or below will be eligible to be reassigned to Rate 10 (Small General Service) only after 12 consecutive months where loads have not exceeded 10 kW of demand.

Not applicable to temporary, breakdown, standby, supplementary, resale or shared service.

TERRITORY: Lubbock, Texas

RATE:

Service Availability Charge:	$~~18.57~~23.00 per month	
Energy Charge:	$0.00064~~3710~~ per kWh	
Summer Demand Charge:	$6.45~~12.01~~ per kW	
~~Winter~~ Non-Summer Demand Charge:	$~~9.02~~3.45 per kW	

WINTER MONTHS: The billing months of October through May
SUMMER MONTHS: The billing months of June through September

DEMAND: Lubbock Power and Light will furnish at its expense the necessary metering equipment to measure the customer's kW demand for the 30-minute period of greatest use during the month. In the absence of a demand meter, the customer's demand will be billed using the monthly kilowatt-hours and an average load factor of 57.01 percent. In no month, shall the billing demand be greater than the kW value determined by dividing the kWh sales for the billing period by 80 hours.

FUEL / POWER / TRANSMISSION COST ADJUSTMENT FACTORS: The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".

~~**DISCOUNT FACTOR:**~~ ~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~

FRANCHISE FEE EQUIVALENT: The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.

TAX: Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.

POWER FACTOR: Applicable to customers on this rate schedule with a peak demand of 200 kW or greater. At all times, customer will maintain at Lubbock Power & Light's point of delivery, a power factor of not less than 90% lagging.

In the event a low voltage condition due to lagging power factor exists in a degree sufficient to impair Lubbock Power & Light's service, customer shall install suitable capacitors or other equipment necessary to raise the over-all power factor at the point of delivery to a satisfactory value. Where such power factor correction equipment is used, customer shall install a relay, switch or other regulating equipment for purposes of disconnecting or controlling the power factor correction equipment in order to prevent excessive voltage conditions on Lubbock Power & Light's system.

TERMS OF PAYMENT: Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.

CHARACTER OF SERVICE: AC. 60 hertz. Single-phase or three-phase, at one available standard voltage.

TERMS & CONDITIONS: Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.

EFFECTIVE DATE: For all electric meters read by LP&L on or after ~~October 29, 2010~~June 1, 2013

PRIMARY GENERAL SERVICE

Rate 16P

APPLICABLE:	To all commercial and industrial customers for electric service supplied at primary voltage for commercial purposes when all service is supplied at one point of delivery and measured through one meter, where facilities of adequate capacity and suitable voltage are adjacent to the premises to be served. Not applicable to temporary, breakdown, standby, supplementary, resale or shared service.	
TERRITORY:	Lubbock, Texas	
RATE:	Service Availability Charge:	$~~104.30~~250.00 per month
	Energy Charge:	$0.00~~3530~~045 per kWh
	~~Summer~~ Demand Charge: ~~Winter Demand Charge:~~	$4.15~~10.72~~ per kW ~~$8.03 per kW~~
~~**WINTER MONTHS:**~~ ~~**SUMMER MONTHS:**~~	~~The billing months of October through May~~ ~~The billing months of June through September~~	
DEMAND:	Lubbock Power and Light will furnish at its expense the necessary metering equipment to measure the customer's kW demand for the 30-minute period of greatest use during the month. In the absence of a demand meter, the customer's demand will be billed using the monthly kilowatt-hours and an average load factor of 69.71 percent.	
LOSS ADJUSTMENT:	When metering is installed on the secondary (customer's) side of any voltage transformation made at less than available primary voltage at the point of service, the meter readings for billing purposes shall be increased to include all transformation losses.	
FUEL / POWER / COST ADJUSTMENT FACTORS:	The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".	

~~**DISCOUNT FACTOR:**~~	~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~
FRANCHISE FEE EQUIVALENT:	The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.
TAX:	Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.
POWER FACTOR:	Applicable to customers on this rate schedule with a peak demand of 200 kW or greater. At all times, customer will maintain at Lubbock Power & Light's point of delivery, a power factor of not less than 90% lagging. In the event a low voltage condition due to lagging power factor exists in a degree sufficient to impair Lubbock Power & Light's service, customer shall install suitable capacitors or other equipment necessary to raise the over-all power factor at the point of delivery to a satisfactory value. Where such power factor correction equipment is used, customer shall install a relay, switch or other regulating equipment for purposes of disconnecting or controlling the power factor correction equipment in order to prevent excessive voltage conditions on Lubbock Power & Light's system.
TERMS OF PAYMENT:	Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.
CHARACTER OF SERVICE:	AC. 60 hertz. Single-phase or three-phase at Lubbock Power & Light's available primary voltage.
TERMS & CONDITIONS:	Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.
EFFECTIVE DATE:	For all electric meters read by LP&L on or after ~~October 29, 2010~~June 1, 2013

TRANSMISSION GENERAL SERVICE

Rate 16T

APPLICABLE: To all commercial and industrial customers for electric service supplied at transmission voltage for commercial purposes when all service is supplied at one point of delivery and measured through one meter, where facilities of adequate capacity and suitable voltage are adjacent to the premises to be served.

Not applicable to temporary, breakdown, standby, supplementary, resale or shared service.

TERRITORY: Lubbock, Texas

RATE:

Service Availability Charge:	$1435.00 per month
Energy Charge:	$0.003030 per kWh
Summer Demand Charge:	$7.26 per kW
Winter Demand Charge:	$5.09 per kW

WINTER MONTHS: The billing months of October through May
SUMMER MONTHS: The billing months of June through September

DEMAND: Lubbock Power and Light will furnish at its expense the necessary metering equipment to measure the customer's kW demand for the 30-minute period of greatest use during the month.

Customer will be billed the greater of the actual demand or 70% of the highest demand established in the preceding eleven months.

LOSS ADJUSTMENT: When metering is installed on the secondary (customer's) side of the transformation at the point of service, the meter readings for billing purposes shall be increased to include all transformation losses.

FUEL / POWER / TRANSMISSION COST ADJUSTMENT FACTORS: The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".

~~**DISCOUNT FACTOR:**~~ ~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~

FRANCHISE FEE EQUIVALENT: The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.

TAX: Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.

POWER FACTOR: Applicable to customers on this rate schedule with a peak demand of 200 kW or greater. At all times, customer will maintain at Lubbock Power & Light's point of delivery, a power factor of not less than 90% lagging.

In the event a low voltage condition due to lagging power factor exists in a degree sufficient to impair Lubbock Power & Light's service, customer shall install suitable capacitors or other equipment necessary to raise the over-all power factor at the point of delivery to a satisfactory value. Where such power factor correction equipment is used, customer shall install a relay, switch or other regulating equipment for purposes of disconnecting or controlling the power factor correction equipment in order to prevent excessive voltage conditions on Lubbock Power & Light's system.

TERMS OF PAYMENT: Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.

CHARACTER OF SERVICE: AC. 60 hertz. Three-phase at Lubbock Power & Light's available transmission voltage of approximately 69 kV or above.

TERMS & CONDITIONS: Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.

EFFECTIVE DATE: For all electric meters read by LP&L on or after ~~October 29, 2010~~June 1, 2013

STATE UNIVERSITY GENERAL SERVICE

Rate 16U

APPLICABLE: To all State of Texas universities using more than 100,000,000 kWh per year where facilities of adequate capacity and suitable voltage are adjacent to the premises to be served.

Not applicable to temporary, breakdown, standby, supplementary, resale or shared service.

TERRITORY: Lubbock, Texas

RATE:

Service Availability Charge:	$0.00 per month
Demand Charge:	$0.00
Energy Charge:	$0.014000 per kWh

WHOLESALE POWER CHARGE: The charge per kilowatt-hour of the above rate shall be increased by an amount equal to LP&L's average cost of Wholesale Power for the month immediately preceding the current billing month for the customer as delivered to all LP&L customers including assumed system losses of 2%. The Wholesale Power Charge shall be calculated monthly by dividing (i) the amount of the Total Bill for Wholesale Power for the month immediately preceding the current billing month for the customer including any prior month adjustments by (ii) the kWh delivered to all LP&L customers in the month immediately preceding the current billing month for the customer. The kWh delivered to all LP&L customers shall be calculated by reducing by 2% the kWh delivered to LP&L's delivery points by SPS as shown on the Wholesale Power bill of the month immediately preceding the current billing month for the customer. This reduction is an adjustment to account for line losses occurring between LP&L's point(s) of interconnection with SPS and the delivery points of the customer.

TERMS OF PAYMENT:	Payment due 30 days after bill date or as otherwise required by state law. If the 30th day falls on a weekend or an official City of Lubbock recognized holiday, the due date will be extended until the next business day. A late charge of 1% or as authorized by state law, whichever is greater, will be added to all bills not paid by the due date.
CHARACTER OF SERVICE:	AC. 60 hertz. Single-phase or three-phase at Lubbock Power & Light's available secondary voltage.
TERMS & CONDITIONS:	Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.
EFFECTIVE DATE:	For all electric meters read by LP&L on or after ~~October 29, 2010~~June 1, 2013

LARGE MUNICIPAL

Rate 17

APPLICABLE: To all municipal facilities supplied at secondary voltage for municipal purposes when all service is supplied at one point of delivery and measured through one meter, where facilities of adequate capacity and suitable voltage are adjacent to the premises to be served and whose load exceeds 10 kW of demand in any month. Meters on this rate with loads that drop to 10 kW of demand or below will be eligible to be reassigned to Rate 21 (Small Municipal and School Service) only after 12 consecutive months where loads have not exceeded 10 kW of demand.

Not applicable to temporary, breakdown, standby, supplementary, resale or shared service, or to service for which a specific rate schedule is provided.

TERRITORY: Lubbock, Texas

RATE:

	Service Availability Charge:	$~~18.27~~40.00 per month
	Energy Charge:	$0.00054~~3510~~ per kWh
	~~Summer~~ Demand Charge:	$4.22~~8.36~~ per kW
	~~Winter Demand Charge:~~	~~$6.27 per kW~~

~~**WINTER MONTHS:**~~ ~~The billing months of October through May~~
~~**SUMMER MONTHS:**~~ ~~The billing months of June through September~~

DEMAND: Lubbock Power and Light will furnish at its expense the necessary metering equipment to measure the customer's kW demand for the 30-minute period of greatest use during the month. In the absence of a demand meter, the customer's demand will be billed using the monthly kilowatt-hours and an average load factor of 41.30 percent. In no month, shall the billing demand be greater than the kW value determined by dividing the kWh sales for the billing period by 80 hours.

FUEL / POWER / TRANSMISSION COST ADJUSTMENT FACTORS: The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".

~~**DISCOUNT FACTOR:**~~ ~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~

FRANCHISE FEE EQUIVALENT: The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.

TAX: Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.

POWER FACTOR: Applicable to customers on this rate schedule with a peak demand of 200 kW or greater. At all times, customer will maintain at Lubbock Power & Light's point of delivery, a power factor of not less than 90% lagging.

In the event a low voltage condition due to lagging power factor exists in a degree sufficient to impair Lubbock Power & Light's service, customer shall install suitable capacitors or other equipment necessary to raise the over-all power factor at the point of delivery to a satisfactory value. Where such power factor correction equipment is used, customer shall install a relay, switch or other regulating equipment for purposes of disconnecting or controlling the power factor correction equipment in order to prevent excessive voltage conditions on Lubbock Power & Light's system.

TERMS OF PAYMENT: Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.

CHARACTER OF SERVICE: AC. 60 hertz. Single-phase or three-phase, at one available standard voltage.

TERMS & CONDITIONS:	Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.
EFFECTIVE DATE:	For all electric meters read by LP&L on or after ~~October 29, 2010~~June 1, 2013



STREET LIGHTING SERVICE

Rate 18

APPLICABLE:	To municipal and State of Texas facilities for street lighting service where facilities of adequate capacity and suitable voltage are adjacent to the point of service.	
TERRITORY:	Lubbock, Texas	
RATE:	Service Availability Charge:	$0.00 per month
	Energy Charge:	$0.03850~~7894~~ per kWh
DETERMINATION OF ENERGY USE:	Energy use will be determined by applying the total rated wattage of each fixture, including the ballast, to the number of hours of operation in each month. Street light burning time will be from one-half after sunset to one-half hour before sunrise using National Weather Service official sunrise & sunset times for Lubbock, Texas.	
FUEL / POWER / TRANSMISSION COST ADJUSTMENT FACTORS:	The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".	
~~**DISCOUNT FACTOR:**~~	~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~	
FRANCHISE FEE EQUIVALENT:	The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.	
TAX:	Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.	

TERMS OF PAYMENT:	Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.
CHARACTER OF SERVICE:	AC. 60 hertz. Single-phase at available standard voltage at the point of service.
CONDITIONS OF SERVICE:	Customer will install, own, operate and maintain the street lighting system.
TERMS & CONDITIONS:	Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.
EFFECTIVE DATE:	~~October 29, 2010~~June 1, 2013

GENERAL RELIGIOUS SERVICE

Rate 19

APPLICABLE: To service provided exclusively to the primary structure used for worship services of any church or religious association. This rate is not available for any other structure owned and operated by a church or religious association that is not primarily used for worship services. This rate is not applicable to temporary breakdown, standby, supplementary, or to service for which a specific rate schedule is provided.

TERRITORY: Lubbock, Texas

RATE: Service Availability Charge: $~~8.00~~13.50 per month

Energy Charge:

~~First 1,000 kWh:~~	~~$0.037000 per kWh~~
~~Next 3,000 kWh:~~	~~$0.035000 per kWh~~
~~Next 7,000 kWh:~~	~~$0.033500 per kWh~~
~~All Additional kWh:~~	$0.01487~~22000~~ per kWh

FUEL / POWER / COST ADJUSTMENT FACTORS: The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".

~~**DISCOUNT FACTOR:**~~ ~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~

FRANCHISE FEE EQUIVALENT: The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.

TAX:	Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.
TERMS OF PAYMENT:	Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.
CHARACTER OF SERVICE:	AC. 60 hertz. Single-phase or three-phase, at one available standard voltage.
TERMS & CONDITIONS:	Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.
EFFECTIVE DATE:	For all electric meters read by LP&L on or after ~~October 29, 2010~~June 1, 2013



SMALL MUNICIPAL & SCHOOL SERVICE

Rate 21

APPLICABLE:	To municipal facilities and public and private schools for electric service supplied at secondary voltage for municipal and school purposes when all service is supplied at one point of delivery and measured through one meter, where facilities of adequate capacity and suitable voltage are adjacent to the premises to be served, and whose load does not exceed 10 kW of demand in any month. Single-phase motors not to exceed 10 horsepower, individual capacity, may be served under this rate. Meters in which the load exceeds 10 kW of demand in any month will be assigned to either Rate 15 (Large School Service) or Rate 17 (Large Municipal Service) as applicable and will not be eligible to be reassigned to Rate 21 until there have been 12 consecutive months where loads have not exceeded 10 kW of demand.	
TERRITORY:	Lubbock, Texas	
RATE:	Service Availability Charge:	$10.45 per month
	~~Summer~~ Energy Charge:	$0.0132029870 per kWh
	~~Winter Energy Charge:~~	~~$0.024580 per kWh~~
~~**WINTER MONTHS:**~~	~~The billing months of October through May~~	
~~**SUMMER MONTHS:**~~	~~The billing months of June through September~~	
FUEL / POWER / TRANSMISSION COST ADJUSTMENT FACTORS:	The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".	
~~**DISCOUNT FACTOR:**~~	~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~	

FRANCHISE FEE EQUIVALENT:	The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.
TAX:	Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.
TERMS OF PAYMENT:	Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.
CHARACTER OF SERVICE:	AC. 60 hertz. Single-phase or three-phase, at one available standard voltage.
TERMS & CONDITIONS:	Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.
EFFECTIVE DATE:	For all electric meters read by LP&L on or after ~~October 29, 2010~~June 1, 2013

GUARD LIGHT SERVICE

This rate is closed to new customers.

APPLICABLE:

For night outdoor guard lighting service where facilities of adequate capacity and suitable voltage are adjacent to the point of service. **This rate is closed to new customers and no new lights will be installed for existing customers**. Customers of a competing utility with existing guard light service will be allowed to transfer this service to LP&L but no new lights will be installed for transferring customers.

Mercury vapor lamps are no longer being manufactured or imported. Once the inventory of mercury vapor lamps is depleted, customers will be given the option of having the guard light removed or replaced with another type of light which may have a different rate.

TERRITORY:

Lubbock, Texas

RATE:

Each 150 Watt 15,000 lumen (nominal – actual rating may vary) high-pressure sodium fixture installed on an overhead bracket on a wood pole: $12.21 per month

Each 100 Watt 9,500 lumen (nominal – actual rating may vary) high-pressure sodium fixture installed on an overhead bracket on a wood pole: $8.29 per month

Each 150 Watt 7,000 lumen (nominal – actual rating may vary) mercury vapor fixture installed on an overhead bracket on a wood pole: $12.56 per month

Additional secondary line: For each additional 150 foot span of secondary line required beyond the first 150 feet: $2.66 per month.

DETERMINATION OF ENERGY USE:

15,000 lumen HPS fixture uses 56 kWh per month.
9,500 lumen HPS fixture uses 38 kWh per month.
7,000 lumen MV fixture uses 67 kWh per month.

FUEL / POWER / TRANSMISSION COST ADJUSTMENT FACTOR:	The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light "Fuel / Power / Transmission Cost Adjustment Factors".
~~**DISCOUNT FACTOR:**~~	~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~
FRANCHISE FEE EQUIVALENT:	The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.
TAX:	Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.
TERMS OF PAYMENT:	Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.
CHARACTER OF SERVICE:	AC. 60 hertz. Single-phase at available standard voltage at the point of service.
CONDITIONS OF SERVICE:	Lubbock Power & Light will construct, own, operate, and maintain on the customer's premises the requested number of lights. Lights will be photo-electrically controlled and mounted on a metal bracket installed on Lubbock Power & Light's service poles, a separate 30 foot wood pole, or installed on any suitable mounting device belonging to the customer. Lights will not be installed on any mounting device, which in the opinion of Lubbock Power & Light, is unsafe or not suitable for the purpose. One span of secondary line not exceeding 150 feet in length may be furnished under the above rate with each pole. Service requiring more than one span of secondary line per pole will be furnished provided the customer pays the listed rate for each additional span not exceeding 150 feet in length.
TERMS & CONDITIONS:	Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.

EFFECTIVE DATE: ~~October 29, 2010~~June 1, 2013

FLOOD LIGHT SERVICE

This rate is closed to new customers.

APPLICABLE: For night outdoor flood light service where facilities of adequate capacity and suitable voltage are adjacent to the premises to be served. **This rate is closed to new customers and no new lights will be installed for existing customers**. Customers of a competing utility with existing flood light service will be allowed to transfer this service to LP&L but no new lights will be installed for transferring customers.

TERRITORY: Lubbock, Texas

RATE: The charge per month shall be the sum of Rate sections A+B+C+D:

RATE A:
First Light Charge

Charge per light for the first light on each 30 foot wood pole with overhead service:

Lamp Wattage	Metal Halide	High Pressure Sodium
150	N/A	$18.00
175	$18.11	N/A
250	$19.41	$19.50
400	$20.20	$20.63
1,000	$30.90	$31.26

RATE B:
Additional Light Charge

Additional charge per month for each additional light per pole:

Lamp Wattage	Metal Halide	High Pressure Sodium
150	N/A	$6.97
175	$7.06	N/A
250	$8.06	$8.14
400	$8.73	$9.11
1,000	$18.24	$18.53

RATE C:
Additional Pole Charge

Additional charge per month per pole:

Pole Height	Overhead Wood Pole	Underground Wood Pole	Overhead Steel Pole	Underground Steel Pole
30’	$0.00	$3.03	$5.05	$8.09
35’	$1.49	$4.52	$6.54	$9.58
40’	$3.19	$6.23	$8.25	$11.28
45’	$4.51	$7.56	$9.57	$12.61
50’	$5.97	$9.01	N/A	N/A

RATE D:
Additional Service Span Charge

For each additional 150 foot span of secondary line required beyond the first 150 feet: $2.66 per month.

DETERMINATION OF ENERGY USE:

Lamp Wattage	Metal Halide Lumen	Metal Halide kWh	High Pressure Sodium Lumen	High Pressure Sodium kWh
150	N/A	N/A	16,000	56
175	14,000	62	N/A	N/A
250	20,500	97	27,500	97
400	36,000	136	50,000	159
1,000	110,000	359	140,000	350

FUEL / POWER / TRANSMISSION COST ADJUSTMENT FACTORS:

The charge per kilowatt-hour of the above rate shall be increased by the applicable recovery factor per kilowatt hour as provided in the current Lubbock Power and Light “Fuel / Power / Transmission Cost Adjustment Factors”.

~~**DISCOUNT FACTOR:**~~

~~The charge of the above rate may be reduced in accordance with the current Lubbock Power & Light Discount Factor.~~

FRANCHISE FEE EQUIVALENT:

The charge of the above rate may be increased (i) for competitive purposes, by an amount no greater than the equivalent franchise fee established by the City Council of the City of Lubbock for any competing electric utility; or (ii) by an amount equal to any franchise fee obligation applicable to Lubbock Power & Light as established by the City Council of the City of Lubbock.

TAX:

Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.

TERMS OF PAYMENT: Payment due on receipt. A late charge of 5% will be added to all bills not paid within 21 days after bill date. If the 21st day falls on a weekend or an official City of Lubbock recognized holiday, the late charge will not be applied until the next business day.

CHARACTER OF SERVICE: AC. 60 hertz. Single-phase. 120 or 240 volts.

CONDITIONS OF SERVICE: Lubbock Power & Light will construct, own, operate, and maintain on the customer's premises the required number of overhead flood lights. Lights will be photo-electrically controlled and mounted on LP&L poles of the type and size selected by the customer and available under the rate. One span of secondary line not exceeding 150 feet in length may be furnished under the above rate with each pole. Service requiring more than one span of secondary line per pole will be furnished provided the customer pays the listed rate for each additional span not exceeding 150 feet in length.

LP&L will not construct, own, or maintain underground lines on the customer's premises for flood light service. Construction for underground lines will be per the specifications of LP&L and will be arranged and paid for by the Customer. The Customer is responsible for any trenching and backfilling necessary for construction.

TERMS & CONDITIONS: Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.

EFFECTIVE DATE: ~~October 29, 2010~~June 1, 2013



MISCELLANEOUS SERVICE CHARGES

APPLICABLE:	The service charges listed below are applicable to all customers served by Lubbock Power & Light and are in addition to any other charges made under Lubbock Power & Light's tariff for electric service.
TERRITORY:	Lubbock, Texas
RETURNED CHECK CHARGE:	$30 as of 05/21/2007 but may be changed up to the maximum allowed by applicable law without further action by the City Council of the City of Lubbock. This charge is made when customer's check has been dishonored and returned to Lubbock Power & Light.
RECONNECT CHARGE:	$55.00 during business hours. $87.00 after business hours.$115.00 when cut at the pole during business hours. $150.00 when cut at the pole after business hours. This charge is made when customer requests reconnection of electric service after having been disconnected because of a delinquent account.
RESTORATION OF TAMPERED SERVICE CHARGE:	$200.00 each occurrence plus expense for damages plus recovery of lost sales that are based on historical data or average use for similarly situated customers. This charge is applied to any customer who has tampered with the meter installed on the customer's premises, or by any manner or means has prevented the total energy from being registered by the meter installed for such purposes.
METER TESTING CHARGE:	$50.00 if meter test is requested by customer. No charge to customer if meter test shows meter accuracy to be outside acceptable tolerances.

AGREED PAYMENT PLAN CHARGE:	$30.00 This charge is made when a customer requests and receives an agreed payment plan (payment arrangement) using the services of an LP&L Customer Service Representative. This charge will be waived for self-service agreed payment plans made via LP&L's automated phone system.
DUPLICATE BILL CHARGE:	$5.00 for each duplicate bill. This charge is made when a customer requests a copy of a previously received bill.
MISCELLANEOUS CHARGES:	At cost. This charge may be made for miscellaneous and non-routine services performed at the request of the customer but not covered specifically by any rate or fee. The charges will be the reasonable costs incurred for performing such services including but not limited to labor, materials, transportation, miscellaneous expenses and all applicable overheads for the service provided.
PULSE METERING EQUIPMENT INSTALLATION AND REPLACEMENT CHARGE:	At cost. These charges may be made when Customer requests access to pulses from the revenue meter. The charges will be the reasonable costs incurred for providing such service including but not limited to labor, materials, transportation, miscellaneous expenses and all applicable overheads for the service provided.
TERMS & CONDITIONS:	Service supplied under this rate is subject to the terms and conditions set forth in LP&L's General Terms and Conditions of the Rate Schedule as approved by the City Council of the City of Lubbock and on file with the City Secretary of the City of Lubbock.
TAX:	Billings under this schedule may be increased by an amount equal to the sum of the applicable federal, state and local taxes, fees, or charges levied, assessed and/or payable by Lubbock Power & Light for utility services rendered, or on the right or privilege or rendering the service, or on any object or event incidental to the rendition of the service.
EFFECTIVE DATE:	April 1, 2011



DISCOUNT FACTOR

APPLICABLE: To all customers within the applicable rate class

TERRITORY: Lubbock, Texas

DISCOUNT FACTOR: A discount of 0.25% will be applied to the following rates:

Residential Standard Service	Rate 1
Residential Space Heating Service	Rate 3
Small General Service	Rate 10
Large School Service	Rate 15
Large Municipal Service	Rate 17
Street Lighting Service	Rate 18
Small Municipal & School Service	Rate 21

The Electric Utility Board of Lubbock Power & Light may, without further action being taken by the City Council of the City of Lubbock, establish a discount not to exceed three percent (3%) of the total rate charged to each customer in the rate classes of Rate 16 – Secondary General Service, Rate 16P – Primary General Service, and Rate 16T – Transmission General Service, subject to the following terms and conditions:

The Electric Utility Board finds, by written resolution, that:

1. Such discount would be in the best financial interest of Lubbock Power & Light to offer the discount to a particular rate class or classes;
2. By giving a discount to a particular rate class or classes Lubbock Power & Light will likely achieve a competitive advantage over a competing electric utility serving within the certificated territory of Lubbock Power & Light and who provides the same or similar electric utility service; and
3. Outlines and discloses any and all other reasons and justifications in the resolution for giving the discount.

EFFECTIVE DATE: June 1, 2007

FUEL / POWER / TRANSMISSION

COST ADJUSTMENT FACTORS

APPLICABLE: To all rate classes except State University

TERRITORY: Lubbock, Texas

SECONDARY DISTRIBUTION FUEL COST ADJUSTMENT FACTOR: The Secondary Distribution Fuel Cost Adjustment factor (SFCA) will be determined in accordance with the following formula for retail customers when service is metered at secondary voltages of approximately 600 volts and below:

SFCA = (TGF + TWF +/- TA)/TES

TGF = Estimated total generation fuel costs, inclusive of all costs incurred by LP&L in procuring fuel, used for the month in LP&L's power plants to provide power to retail customers.

TWF = Estimated total of all wholesale purchased power fuel costs, including the cost of any wind energy in excess of the average cost of energy purchased, to be passed on to LP&L for the month to provide power to retail customers.

TA = Total adjustment for any under or over collected amounts, including interest, based on the secondary fuel cost adjustment factor from previous months.

TES = Estimated total energy sales in kWhs to retail customers.

PRIMARY DISTRIBUTION FUEL COST ADJUSTMENT FACTOR: The Primary Distribution Fuel Cost Adjustment factor (PFCA) will be determined in accordance with the following formula for retail customers when service is metered at primary voltages of approximately 12kV:

PFCA = 0.987440 x SFCA

TRANSMISSION FUEL COST ADJUSTMENT FACTOR: The Transmission Fuel Cost Adjustment factor (TFCA) will be determined in accordance with the following formula for retail customers when service is metered at transmission voltages of approximately 69kV:

TFCA = 0.941347 x SFCA

POWER COST RECOVERY FACTOR:

The Power Cost Recovery Factor (PCRF) will be determined in accordance with the following formula for retail customers in order to recover purchased power costs, including wind energy, cogeneration purchases, and similar costs incurred through any wholesale purchases, that are considered to be in excess of amounts recovered in the base rates. For customers on a non-demand rate, the resulting power cost adjustment factor may be combined with the appropriate fuel cost adjustment factor for billing purposes. For customers on a demand rate, the power cost adjustment factor will be a separate charge.

PCRF = ((TPP *DAF) +/- TA)/(TES or TDS)

TPP = Estimated total of all purchased power costs for the month in excess of amounts recovered in the base rates.

TA = Total adjustment for any under or over collected amounts, including interest, of the power cost recovery factor from previous months.

TES = Estimated total energy sales in kWhs to retail customers on a non-demand rate.

TDS = Estimated total demand sales in kW to retail customers on a demand rate.

DAF = Demand allocation factor for each rate class as shown:

Rate Class	Demand Allocation Factor
Residential	0.307514
Small General Service	0.028577
Commercial/Industrial	0.630790
Small Municipal & School	0.001137
Large Municipal & School	0.028265
Street Lighting	0.003716
Total	1.000000

~~**TRANSMISSION COST RECOVERY FACTOR:**~~

~~The Transmission Cost Recovery Factors will be determined in accordance with the following formula for retail customers in order to recover transmission costs that are considered to be in excess of amounts recovered in the base rates. For customers on a non-demand rate, the resulting transmission cost adjustment factor may be combined with the appropriate fuel cost adjustment factor for billing purposes. For customers on a demand rate, the transmission cost adjustment factor will be a separate charge.~~

~~TCRF = (RR * CCA)/BD~~

~~TCRF = Transmission cost recovery factor in dollars per billing unit.~~
~~RR = Transmission cost recovery revenue requirement.~~
~~CCA = Customer class allocation factor used to allocate transmission revenue requirements by rate class.~~
~~BD = Billing determinate for each rate class (kilowatt-hour, kilowatt, etc.)~~

~~**FUEL / POWER / TRANSMISSION COST ADJUSTMENT:**~~

~~For competitive purposes, without further action being taken by the City Council of the City of Lubbock, Lubbock Power & Light may adjust the total Fuel, Power, and Transmission Cost Adjustment Factors, so that the total adjustment is no greater than all applicable fuel, power, and transmission cost recovery factors charged by any electric utility certificated to serve within the certificated territory of Lubbock Power & Light and approved by the Public Utility Commission of the State of Texas. Such factors may include but not be limited to base fuel factors, surcharge factors, surcharge interest factors, refunds, power cost recovery factors, and transmission cost recovery factors.~~

~~**EFFECTIVE DATE:**~~

~~For all electric meters read by LP&L on or after October 29, 2010~~



PURCHASED POWER COST RECOVERY FACTOR:

The Purchased Power Cost Recovery Factor (PPRF) will include all costs of purchased power, network transmission and ancillary services costs incurred by LP&L in serving retail customers. Such costs will include but not be limited to wind energy, cogeneration purchases, and similar costs incurred through any wholesale purchases. The PPRF will consist of a demand and energy component. The demand component will include demand charges and other fixed cost components associated with purchased power, transmission and ancillary services. The energy component will include fuel and adjustments thereto, and variable operation and maintenance expenses associated with purchased power.

For customers on a non-demand rate, the resulting demand component will be combined with the energy component for billing purposes. For customers on a demand rate, the demand component will be a separate charge.

For customers served under the State University General Service Rate Tariff (16U) the calculation is as follows:

Purchased Power Recovery Factor – General University (PPRF-GU):

Defined Terms:

ATPP - Actual total monthly purchased power costs to retail customers for the applicable current month (current month means the month that corresponds to the purchased power costs)

ATEP - Actual total energy purchases in kWh for all retail customers for the current month

Calculation:

PPRF-GU = [((ATPP)/(ATEP*0.98))]

For customers serviced under all other Rate Tariffs the calculation is as follows:

Purchased Power Recovery - Energy Component (PPRF-E):

Defined Terms:

ATPPE – Actual total monthly purchased power costs to retail customers related to base energy, fuel, fuel adjustments and variable operation and maintenance costs and other similar charges for the applicable current month (current month means the month that corresponds to the purchased power costs)

ATEP - Actual total electricity purchased for the current month as contained in the monthly purchased power bills.

CMRE – Current month revenue collected from PPRF-E.
SMRE – Estimated revenue collected from PPRF-E from month subsequent to current month

EMAF – Energy Monthly Adjustment Factor – An adjustment factor for the purposes of truing-up energy related power costs when revenue associated with the calculated PPRF-E varies from actual costs. The EMAF will be reviewed and established monthly.

Calculation:

Primary Voltage Service
PPRF - E = ((ATPPE+EMAF)/(ATEP))*1.0409
Secondary Voltage Service
PPRF - E = ((ATPPE+EMAF)/(ATEP))*1.0630
Energy Monthly Adjustment Factor:
EMAF = [ATPPE-(CMRE/2 + SMRE/2)]

Purchased Power Recovery - Demand Component (PPRF-D):

Defined Terms:

ATPPD – Actual total monthly purchased power costs to retail customers related to production, transmission and ancillary services demand and other similar charges for the applicable current month (current month means the month that corresponds to the purchased power costs)

CMRD – Current month revenue collected from PPRF-D.
SMRD – Estimated revenue collected from PPRF-D from month subsequent to current month

DMAF – Demand Monthly Adjustment Factor – An adjustment factor for the purposes of truing-up demand related power costs when revenue associated with the calculated PPRF-D varies from actual costs. The DMAF will be reviewed and established monthly.

Calculation:

ATPPD will be assigned to each rate class as follows;

Class	Allocation Percentage (AP)
Residential	31.47%
Residential Electric Heat	17.25%
Small Commercial	1.86%
Large School	1.97%
Secondary Service	34.82%
Primary Service	3.23%
Large Municipal	2.60%
Flood Lighting	0.00%
Municipal Lighting	0.00%
General Religious	0.97%
Small School	0.01%
Small Municipal	0.28%

For each customer class a PPRF-D factor will be calculated as follows:

Class PPRF-D_{class} = ((ATPPD+ DMAF) * AP_{class})/ (current month billing units/2 + subsequent month estimated billing units/2)

a) Current month means the month that corresponds to the purchased power costs
b) Following month means the month immediately following the current month
c) Billing units may either be class billed demand or energy depending upon the customer class.

Demand Monthly Adjustment Factor:

DMAF = [ATPPD-(CMRD/2 + SMRD/2)]

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Regular City Council Meeting **6. 2.**

Meeting Date: 05/09/2013

Information

Agenda Item

Resolution - Council members Floyd Price and Victor Hernandez: Consider a resolution replacing the Low-to-Moderate Income Neighborhood Infrastructure Program, by establishing the North and East Lubbock Neighborhood and Infrastructure Program Fund and providing the source of funding from all City mineral interests that were previously included in General Fund revenues.

Item Summary

In November 2005, the City Council approved Resolution 2005-R0522 establishing a program to be called the Low-to-Moderate Income Neighborhood Infrastructure Program that provided funding for sidewalks, paving, park improvements, and grant matches to obtain additional funding for these improvements in low-to-moderate income neighborhoods in the City. The original funding source for the program was 50 percent of the mineral interest revenues received in the General Fund that exceeded the budgeted amount for mineral interests primarily located in the north and east portions of the City.

This resolution would amend the original Low-to-Moderate Income Neighborhood Infrastructure Program to provide additional funding to the program from all mineral interests collected by the City, which would otherwise be included in the City's General Fund. In order to better allocate these funds, this resolution would replace the Low-to-Moderate Income Neighborhood Program with the North and East Lubbock Neighborhood and Infrastructure Program Fund. As stated in the resolution, the North and East Lubbock Neighborhood and Infrastructure Program Fund shall be used to benefit City Council Districts 1 and 2. All revenues received from City mineral interests, that would normally be included in General Fund revenues, will instead be deposited in the North and East Lubbock Neighborhood and Infrastructure Program Fund beginning in Fiscal Year 2013-14. Twenty-five percent of the revenues shall be allocated to downtown redevelopment and neighborhood infrastructure projects as approved by the City Council. Seventy-five percent of the revenues shall be allocated by grant to the North and East Lubbock Community Development Corporation.

Because the income received from the City's mineral interests may fluctuate, depending upon market conditions, allocations of the funds will be determined after audited financials for each fiscal year, beginning with FY 2013-14. Once revenues are determined, based on the audited financials, a budget for the funds shall be prepared and submitted to the City Council for approval. If the budget is approved by the City Council, payments of the allocations will begin as soon thereafter as possible.

Fiscal Impact

Oil and gas royalties are a General Fund revenue. The following historic schedule of General Fund revenues from oil and gas royalties is shown in the table below. If oil and gas royalties revenue is diverted for a special purpose, there will be a required corresponding decrease in General Fund expenses.

Date	Actual
September 30, 2006	$727,243
September 30, 2007	589,931
September 30, 2008	1,089,152
September 30, 2009	576,887
September 30, 2010	726,842
September 30, 2011	1,063,965
September 30, 2012	1,127,994

Staff/Board Recommending

Councilman Victor Hernandez, District 1
Councilman Floyd Price, District 2

Attachments

Resolution - NELNIPF

RESOLUTION

WHEREAS, in November 2005, the City Council approved Resolution 2005-R0522 that established a program to be called the "Low-to-Moderate Income Neighborhood Infrastructure Program" that provided funding for sidewalks, paving, park improvements, and grant matches to obtain additional monies for these improvements in low-to-moderate income neighborhoods in the City of Lubbock; and

WHEREAS, the funding source for the original program was 50 percent of mineral interest revenues received in General Fund that exceeded the budgeted amount for mineral interests primarily located in the north and east portions of the City; and

WHEREAS, the City Council finds that it would further the public benefit and better serve the public health, safety, and welfare of the citizens of the City of Lubbock if the original Low-to-Moderate Income Neighborhood Infrastructure Program is amended to provide additional funding to the program from all mineral interests collected by the City of Lubbock, which would otherwise be included in the City's General Fund; and

WHEREAS, the City Council finds that it would further the public benefit and better serve the public health, safety, and welfare of the citizens of the City of Lubbock to replace the Low-to-Moderate Income Neighborhood Program with the "North and East Lubbock Neighborhood and Infrastructure Program Fund" and to provide a source of funding for downtown redevelopment, neighborhood and infrastructure projects, and other community development projects in the north and east portions of the City, beginning in Fiscal Year 2013-2014.

NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the City Council of the City of Lubbock, Texas does hereby amend the Low-to-Moderate Income Neighborhood Infrastructure Program as follows:

1. The City Manager of the City of Lubbock is hereby instructed to establish the "North and East Lubbock Neighborhood and Infrastructure Program Fund," which will replace the previous "Low-to-Moderate Income Neighborhood Infrastructure Program"; and
2. The North and East Lubbock Neighborhood and Infrastructure Program Fund shall be used to benefit Lubbock City Council Districts 1 and 2; and
3. Ninety (90) percent of all revenues received from City of Lubbock mineral interests that would normally be included in General Fund revenues shall be deposited into the North and East Lubbock Neighborhood and Infrastructure Program Fund beginning in Fiscal Year 2013-2014, and the remaining ten (10) percent of these revenues shall be deposited into the General Fund; and
4. Twenty-five (25) percent of the revenues shall be allocated to downtown redevelopment and neighborhood infrastructure projects, which shall fund various downtown redevelopment, neighborhood and infrastructure projects as approved by the City Council, and seventy-five (75) percent of the revenues shall be

allocated by grant to the North and East Lubbock Community Development Corporation; and

5. Because the income received from the City's Mineral Interests may fluctuate, depending upon market conditions, allocations of the funds will be determined after audited financials for each fiscal year, beginning with Fiscal Year 2013-2014, are received. Once revenues are determined, based on the audited financials, a budget for the funds shall be prepared and submitted to the City Council for approval. If the budget is approved by the City Council, payments of the allocations will begin as soon thereafter as possible.
6. The Mayor shall be authorized and directed to execute any and all documents that may be deemed necessary to effectuate the purposes of the Resolution.

Passed by the City Council this _____ day of _____, 2013.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza,
City Secretary

APPROVED AS TO CONTENT:

_____
Victor Hernandez,
District #1 Councilman

_____
Floyd Pride,
District #2 Councilman

APPROVED AS TO FORM:

_____
Laura Pratt, Assistant City Attorney

Regular City Council Meeting **6. 3.**

Meeting Date: 05/09/2013

Information

Agenda Item

Resolution - Council members Todd Klein and Latrelle Joy: Consider a resolution authorizing the creation of the Oil & Gas Citizen Advisory Committee to study various methods of exploration, development, and production of oil and gas in the City, and make recommendations to the City Council for any necessary amendments to the current ordinance.

Item Summary

The Oil & Gas Citizen Advisory Committee will be comprised of nine members: one petroleum engineer, one member of the Lubbock Water Advisory Commission, one oil and gas industry operator, one member of the Board of Health, and five members at-large. The Committee shall be appointed within thirty days from the date of the adoption of this resolution, and report back to the City Council within forty-five days.

Fiscal Impact

None.

Staff/Board Recommending

Todd R. Klein, Councilman, District 1
Latrelle Joy, Councilwoman, District 6

Attachments

Resolution - Oil and Gas Drilling

RESOLUTION

WHEREAS, on October 22, 1959, the City Council of the City of Lubbock, Texas, adopted Ordinance Number 2939 creating Chapter 19A Oil and Gas Drilling, a cumulative chapter for all other ordinances regulating oil and gas drilling within the city limits of the City of Lubbock, Texas; and

WHEREAS, on May 28, 1982, the City Council of the City of Lubbock, Texas, made substantial changes to the original Chapter 19A through its enactment of Ordinance Number 8327; and

WHEREAS, the City Council of the City of Lubbock, Texas, made minor amendments to these provisions through Ordinance Number 8632 on July 12, 1984, Ordinance Number 9170 on February 15, 1988, and Ordinance Number 2004-O0055 on May 25, 2004; and

WHEREAS, the State of Texas, through its primary oil and gas regulatory agency, the Railroad Commission, has issued numerous state permits under its statutes, regulations, and codes for the exploration, drilling, and production of oil and gas within the city limits; likewise, the City of Lubbock has also issued local permits under its ordinances for the exploration, drilling, and production of oil and gas within the city limits; and

WHEREAS, the oil and gas industry has recently grown at an increased rate in the State of Texas due to new technological developments and advancements in methods within the oil and gas industry, including recent methods of hydraulic fracturing and horizontal drilling; and

WHEREAS, the exploration, development, and production of oil and gas in the City of Lubbock, Texas, is an activity which necessitates reasonable regulation to ensure that all property owners, mineral, and otherwise, have the right to peaceably enjoy their property and its benefits and revenues; and

WHEREAS, recognizing the need to remain vigilant and proactive in determining and establishing reasonable and uniform limitations, safeguards, and regulations, for present and future operations related to the exploring, drilling, developing, producing, and transporting, and storing of oil and gas within the City of Lubbock, Texas, the City Council of the City of Lubbock, in order to protect the health, safety, and general welfare of the public, wishes to minimize the potential impact to the property and mineral rights owners, to protect the quality of the environment, and to encourage the orderly production of available mineral resources; and

WHEREAS, further understanding the value of citizen input into this determination, the City Council of the City of Lubbock desires to establish a citizen advisory committee to study the current methods of exploration, development, and

production oil and gas and to deliberate, identify, and communicate to the City Council a comprehensive analysis of the necessary regulatory amendments to the current oil and gas ordinance and the permitting process as a recommendation to the City Council in response thereto. NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby creates an Oil and Gas Citizen Advisory Committee that shall be comprised of nine (9) members, of which shall include one (1) Petroleum Engineer, one (1) member of the Lubbock Water Advisory Commission, one (1) Oil and Gas Industry Operator, one (1) member of the Board of Health, and five (5) members appointed from the community at-large. The chairperson of the committee shall be selected and named by the City Council. All appointments to the committee shall be made no later than thirty (30) days from the date of the adoption hereof.

SECTION 2. THAT the Oil and Gas Citizen Advisory Committee shall study and report back to the City Council of the City of Lubbock, within forty-five (45) days, a thorough analysis of the current methods of exploration, development, and production oil and gas, including methods of hydraulic fracturing and horizontal drilling, within the City of Lubbock, Texas, and further make detailed recommendations to the City Council of the necessary regulatory amendments to the current oil and gas ordinance and the permitting process in response to the analysis.

Passed by the City Council this _____ day of _____, 2013.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Todd Klein,
District #3 Councilman

_____
Latrelle Joy,
District #6 Councilwoman

APPROVED AS TO FORM:

Laura Pratt, Assistant City Attorney

Resolution - Oil and Gas Citizen Advisory Committee

Regular City Council Meeting **6. 3. 1.**

Meeting Date: 05/09/2013

Information

Agenda Item

Board Appointments - City Secretary: Consider nine appointments to the Oil and Gas Citizen Advisory Committee.

Item Summary

Consider nine appointments to the Oil and Gas Citizen Advisory Committee.

Fiscal Impact

None.

Staff/Board Recommending

Rebecca Garza, City Secretary

Regular City Council Meeting **6. 4.**

Meeting Date: 05/09/2013

Information

Agenda Item

Resolution - Council members Todd Klein and Floyd Price: Consider a resolution to authorize the Mayor to establish a City of Lubbock-Lubbock County Enforcement Facilities Task Force of five members to be appointed to study the matters set forth herein, including the potential for shared services and office space, and a jail or holding facility for the use in processing arrestees in the downtown area of the City, in addition to other related matters as it deems appropriate.

Item Summary

That one member of the Task Force shall be the Lubbock Chief of Police, one member of the Task Force shall be the Lubbock County Sheriff, and the remaining three members shall be appointed by the City Council from the residents of the City, at large. The Task Force shall report back to the City Council its findings and recommendations within six months of the date of this resolution.

Fiscal Impact

None.

Staff/Board Recommending

Councilman Todd Klein, District 3
Councilman Floyd Price, District 2

Attachments

Resolution - Law Enforcement Task Force

RESOLUTION

WHEREAS, the City of Lubbock and Lubbock County share several common interests and goals with respect to law enforcement; and

WHEREAS, the City Council desires that a thorough, collaborative study and analysis be undertaken to identify services provided by the law enforcement departments of both City of Lubbock and Lubbock County that, to the extent possible, might be shared or otherwise coordinated in the interest of overall efficiency and fiscal economy; and

WHEREAS, the City Council of the City of Lubbock desires more specifically to explore the feasibility of sharing administrative office space between the Lubbock Police Department and the Lubbock County Sheriff's office, and further the construction or location, in existing available space, a jail or holding facility for arrestee intake within the downtown area of the City of Lubbock; and

WHEREAS, the City Council desires that a task force be appointed, of appropriate membership, to discuss and study the matter, and promptly report its findings and recommendations back to the City Council.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT a City of Lubbock-Lubbock County Law Enforcement Facilities Task Force (the "Task Force") of five (5) members be appointed to study the matters set forth herein, including the potential for shared services and office space, and a jail or holding facility for the use in processing arrestees in the downtown area of the City of Lubbock, in addition to other related matters as it deems appropriate.

THAT one (1) member of the Task Force shall be the Lubbock Chief of Police, one (1) member of the Task Force shall be the Lubbock County Sheriff, and the remaining three (3) members shall be appointed by the City Council from the residents of the City of Lubbock, at large.

THAT the Task Force shall report back to the City Council its findings and recommendations within six (6) months of the date of this Resolution.

Passed by the City Council this _____ day of _____, 2013.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Todd Klein, City Councilman, District 3

Floyd Price, City Councilman, District 2

SIGN HERE

ms/City County Joint Law Enforcement Study.Res
04.25.2013

Regular City Council Meeting **6. 5.**

Meeting Date: 05/09/2013

Information

Agenda Item

Resolution - Economic Development: Consider a resolution approving the Amended and Restated Bylaws of Lubbock Economic Development Alliance, Inc.

Item Summary

None.

Fiscal Impact

None.

Staff/Board Recommending

Quincy White, Assistant City Manager

Attachments

Resolution - Restated Bylaws of LEDA

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the City Council of the City of Lubbock does hereby approve the Amended and Restated Bylaws of Lubbock Economic Development Alliance, Inc. to establish a procedure of reporting to the City Council, and of approval by the City Council of incentives and expenditures for economic development as set forth in Exhibit A attached hereto and incorporated herein by reference.

Passed by the City Council on _____.

_____
GLEN C. ROBERTSON, MAYOR

ATTEST:

_____
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

_____
Quincy White, Assistant City Manager

APPROVED AS TO FORM:

_____
Chad Weaver, Assistant City Attorney

vw:ccdocs/RES.Amend & Restate-LEDA Bylaws
May 1, 2013

AMENDED AND RESTATED BYLAWS OF LUBBOCK ECONOMIC DEVELOPMENT ALLIANCE, INC.

ARTICLE I

PURPOSE AND DUTIES

Section 1. Purpose. Lubbock Economic Development Alliance, Inc. (the "Corporation") is incorporated for the purposes set forth in Article Four of its Articles of Incorporation, and in accordance with the Development Corporation Act of 1979, as amended, Tex. Loc. Gov't Code, Chapter 501~~Article 5190.6, Tex. Rev. Civ. Stats., Ann.~~ (the "Act"), and other applicable laws.

Section 2. Duties. In the fulfillment of its corporate purpose, the Corporation shall be governed by Section 4A of the Act, and shall have all of the powers set forth and conferred in its Articles of Incorporation, in the Act, in the Texas Non-Profit Corporation Act, as amended, Article 1396.101 et. seq. Tex.Rev.Civ.Stats. (the "Texas Non-Profit Corporation Act"), and in other applicable law, subject to the limitations prescribed therein and in these Bylaws and Articles of Incorporation.

ARTICLE II

BOARD OF DIRECTORS

Section 1. Powers, Number and Term of Office

(a) The affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") and, subject to the restrictions imposed by law, by the Articles of Incorporation, by the Texas Non-Profit Corporation Act, and by these Bylaws. The Board shall exercise all of the powers of the Corporation.

(b) The Board shall consist of seven (7) Directors, each of whom shall be appointed by the City Council (the "City Council") of the City of Lubbock, Texas. Directors shall meet the following qualifications:

(1) The candidate for appointment has served or is serving as the Chief Executive officer of a company; or

(2) The candidate for appointment has served or is serving in a position of executive management of a company; or

(3) The candidate for appointment is serving or has served the community in a professional capacity; or

(4) The candidate for appointment shall have experience equivalent to any of the above qualifications.

In considering each candidate for appointment, the governing body shall consider and give thought to each candidate's experiences, background, accomplishments and educational background.

(c) The directors constituting the first Board shall be those directors named in the Articles of Incorporation. Three (3) members of the first Board shall serve terms of two (2) years, and two members of the first Board shall serve terms of three (3) years. The respective terms of the initial Board shall be determined by the Articles of Incorporation. Thereafter, each successor member of the Board shall be appointed and shall serve for three (3) years or until his or her successor is appointed as hereinafter provided.

(d) No member of the Board shall serve more than two (2) terms, which two (2) terms must be consecutive. All directors of the Corporation must reside in Lubbock County at the time of their appointment and throughout their term as director. Any additional Board members shall have staggered three (3) year terms as established by the existing Board of Directors.

(e) Any director may be removed from office by the City Council at will, by the affirmative vote of four (4) City Council Members.

(f) The City Council or their designees, the City Manager or his designee, and the City Attorney or his designee, may attend all meetings of the Board of Directors or Committees,

provided, however, that they may not attend executive meetings, if the Corporation can demonstrate that such attendance would waive the attorney/client privilege protection of the Corporation's information. These representatives shall not have the power to vote in the meetings they attend. Their attendance shall be for the purpose of ensuring that information about the meetings is accurately communicated to the City Council and to satisfy the City Council obligation to control the powers of the Corporation.

(g) Regular attendance of the Board meetings is required of all members. The following number of absences may constitute the need for replacement of a member: three (3) consecutive absences, or attendance reflecting absences constituting 50% of the meetings over a twelve (12) month period. In the event replacement is indicated, the member will be counseled by the Chairman of the Board or the CEO. Unless the Chairman of the Board or the CEO get a commitment from the absentee director to remedy their attendance at Board meetings, and such is shown by the directors better attendance at such meetings, the Chairman of the Board or the CEO shall submit in writing to the City Secretary the fact that there is a need to replace the Board member in question.

(h) Any vacancy occurring among Directors of the Board shall be filled by appointment by the City Council.

Section 2. **Meetings.** The Board shall meet at least quarterly in the offices of the Corporation or at such other places within the City as the Board may from time to time designate. All meetings of the Board shall provide notice thereof as provided and set forth in the Texas Open Meetings Act, as amended, Section 551.001 et. seq. Texas Government Code (the "Texas Open Meetings Act"). Any member of the Board may request that an item be placed on the agenda by delivering the same in writing to the secretary of the Board no later than ten (10)

days prior to the date of the Board meeting. The Chairman of the Board shall set regular meeting dates and times at the beginning of his/her term.

The annual meeting of the Board of Directors shall be the Board meeting for the fourth (4^{th}) quarter meeting of the Board.

Notice of any meeting of the Board shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. The notice shall contain information regarding the particular time, date, and location of the meeting and agenda to be considered. All meetings of the Board shall be conducted in accordance with the Texas Open Meetings Act.

All meetings of the Board shall be held in the City of Lubbock, Texas.

Section 3. Quorum. Directors must be present in order to vote at any meeting. A majority of the directors shall constitute a quorum for the conduct of the official business of the Corporation. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law.

Section 4. Conduct of Business.

(a) At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with rules of procedure as from time to time prescribed by the Board.

(b) The Chairman of the Board of Directors shall preside at all meetings of the Board of Directors of the Corporation. The Chairman shall direct the Chief Executive Officer ("CEO") of the Corporation, in the performance of the duties of the CEO as directed by the Board of Directors. The Chairman may execute any deeds, mortgages, bonds, contracts, or other instruments that the Board of Directors have authorized to be executed. However, the Chairman

may not execute instruments on behalf of the Corporation, if this power is expressly delegated to another officer or agent of the Corporation by the Board of Directors, the Bylaws, or statute. The chairman shall perform other duties prescribed by the Board of Directors and all duties incident to the office of chairman.

(c) When the Chairman of the Board of Directors is absent, is unable to act, or refuses to act, the Vice Chairman shall perform the duties of the Chairman. When the Vice Chairman acts in place of the Chairman, the Vice Chairman shall have all the powers of and be subject to all the restrictions upon the Chairman. A Vice Chairman shall perform other duties as assigned by the Chairman or Board of Directors.

(d) The Secretary of the Corporation shall act as secretary of all meetings of the Board, but in the absence of the Secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 5. **Committees of the Board.** The Board may appoint advisory committees to provide advice and counsel to the Board. Such committees may not exercise any authority of the Board. Such committees may include individuals who are not members of the Board, and no more than three (3) current members of the Board.

Each member of a committee shall continue as such until his or her successor on the committee is appointed, unless the committee shall be sooner terminated or unless such member has ceased to serve on the Board of Directors or such member has been removed from such committee. Any committee member may be removed from committee membership by the Chairman, with Board approval, whenever in their judgment the best interests of the Corporation would be served by such removal.

Section 6. **Board's Relationship With Administrative Departments of the City.** Any request for services made to the administrative department of the City shall be made by the Board or its designee, or the CEO, in writing to the City Manager. The City Manager may approve such requests for assistance from the Board, or the CEO, when he finds such requested services are within the budget parameters previously approved by the City Council. The City Manager must also find that the requested services are available within the administrative departments of the City and that the Board, or the CEO, has agreed to reimburse the administrative department's budget for the costs of such services so provided.

Section 7. **Compensation of Directors.** Directors shall not receive any salary or compensation for their services as directors. However, they shall be reimbursed for their actual and reasonable expenses incurred in the performance of their duties hereinunder.

Section 8. **Open Records Act.** The Board of Directors is subject to the Texas Open Records Act, as amended, Section 552.001 et. seq. Texas Government Code (the "Texas Open Records Act").

Section 9. **Annual Economic Development Activity Report.** The Corporation shall present to the City Council a report of all economic development activity conducted by the Corporation on an annual basis. The City Council, upon its request, may specify the scope, breadth and depth of the information to the provided by the Corporation in such a report.

Section 10. Quarterly Reporting. In addition to the annual economic development report, the Corporation shall report to the City Council, at a minimum, on a quarterly basis. A briefing and list of all active prospects shall be provided to the City Council in executive session to the extent allowed by the Texas Open Meetings Act, Chapter 552 of the Texas Government Code. The briefing shall include all potential prospects, without specific identity, but identifying

the industry, potential location, and number of jobs ~~and potential dollar incentive to be paid~~. In addition, the Corporation shall address its consideration of the impact on any local business from the providing of an incentive to any prospect. The City Council, in its sole discretion, may direct the Corporation to report to the City Council on a more frequent basis than quarterly.

ARTICLE III

OFFICERS

Section 1. Titles and Term of Office.

(a) The officers of the Corporation shall be a Chief Executive Officer, President, a first Vice President, a second Vice President, a Secretary and a Treasurer, and such other officers as the Board shall elect or appoint at each annual meeting of the Corporation. One person may hold more than one office, except that the President shall not hold the office of Secretary. Terms of offices of officers shall not exceed three (3) years. If there be no term of an officer exceeding one (1) year, such officer shall be elected or appointed annually by the Board.

(b) Officers shall be subject to removal from office at any time by a vote of a majority of the entire Board, unless otherwise governed by the terms of any agreement concerning their employment by the Corporation.

(c) A vacancy in the office of any officer shall be filled by a vote of a majority of the directors.

Section 2. Powers and Duties of the Chief Executive Officer. The CEO shall be the Chief Executive Officer of the Corporation. The CEO shall supervise and control all of the business and affairs of the Corporation. The CEO shall execute any deeds, mortgages, bonds, contracts, or other instruments that the Board of Directors have authorized to be executed. However, the CEO may not execute instruments on behalf of the Corporation, if this power is

expressly delegated to another officer or agent of the Corporation by the Board of Directs, the Bylaws, or statute, including the Act. The CEO shall coordinate all staffing for all positions, including professional positions of employees of the Corporation as directed with the advice and consent of the Board of Directors. The CEO shall perform other duties prescribed by the Board of Directors and all duties incident to the office of Chief Executive Officer.

Section 3. **Powers and Duties of the President.** The President shall assist the CEO of the Corporation, and, subject to the paramount authority of the Board, the President shall be in general charge of the properties and affairs of the Corporation. The President shall report to the CEO.

Section 4. **First Vice President.** The first Vice President shall have such powers and duties as may be prescribed by the Board and shall exercise the powers of the President during that officer's absence or inability to act. Any action taken by the first Vice President, in the performance of the duties of the President, shall be conclusive evidence of the absence or inability to act of the President at the time such action was taken.

Section 5. **Second Vice President.** The second Vice President shall have such powers and duties as may be prescribed by the Board and shall exercise the powers of the first Vice President during that officer's absence or inability to act. Any action taken by the second Vice President in the performance of the duties of the President or first Vice President shall be conclusive evidence of the absence or inability to act of the President or first Vice President at the time such action was taken.

Section 6. **Treasurer.** The Treasurer shall have the responsibility to see to the handling, custody, and security of all funds and securities of the Corporation in accordance with these Bylaws. When necessary or proper, the Treasurer may endorse and sign, on behalf of the

Corporation, for collection or issuance, checks, notes and other obligations in or drawn upon such bank or banks or depositories as shall be designated by the Board consistent with these Bylaws. The Treasurer shall see to the entry in the books of the Corporation full and accurate accounts of all monies received and paid out on account of the Corporation. The Treasurer shall, at the expense of the corporation, give such bond for the faithful discharge of his duties in such form and amount as the Board or the Council may require.

The Board may appoint an assistant Treasurer, who shall have all the powers and duties as may be prescribed by the Board, and shall be able to exercise all of the powers of the Treasurer.

Section 7. **Secretary.** The Secretary shall keep the minutes of all meetings of the Board in books provided for that purpose, shall give and serve all notices, may sign with the president in the name of the Corporation, and/or attest the signature thereto, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation, shall have charge of the corporate books, records, documents and instruments, except the books of account and financial records and securities, and such other books and papers as the Board may direct, all of which shall, at all reasonable times, be open to public inspection, upon application at the office of the Corporation, during business hours, and shall in general perform all duties incident to the office of Secretary, subject to the control of the Board.

The Board may appoint an assistant Secretary, who shall have all the powers and duties as may be prescribed by the Board, and shall be able to exercise all of the powers of the Secretary.

Section 8. **Officers.** The officers of the Corporation may be named from among the members of the Board. The Treasurer, assistant Treasurer or any assistant Secretaries may, at the option of the Board, be employees of the City.

Section 9. **Compensation.** Officers who are members of the Board shall not receive any salary or compensation for their services, except that they shall be reimbursed for the actual expenses incurred in the performance of their duties hereunder. Other officers may be compensated as directed by the Board.

Section 10. **Other Employees.** The Corporation may employ full or part-time employees to carry out the programs of the Corporation. These employees shall perform those duties as are assigned to them by the Board and/or the CEO. The employees may be dismissed or terminated by the Board and/or the CEO.

Section 11. **Contracts for Services.** The intent of the Corporation is to keep the number of full-time employees of the Corporation to a minimum. The Corporation may contract for service whenever possible instead of employing individuals on a full-time basis. The Corporation may contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assit the Board in the performance of its duties. However, no such contract shall ever be approved or entered into which seeks or attempts to divest the Board of Directors of its discretion and policymaking functions in discharging the duties herein above set forth.

ARTICLE IV

FUNCTIONAL CORPORATE DUTIES AND REQUUIREMENTS

Section 1. **General Development Plan.**

(a) The Board shall research, develop, prepare, and submit to the City Council for its approval, an economic development plan for the City, which shall include proposed methods and the expected costs of implementation. The plan shall include both short-term and long-term goals for the economic development of the City, proposed methods for the reduction of unemployment and underemployment, and the promotion of employment, through the expansion and development of a sound economic base for the City.

(b) The Board shall review and update the plan each year, prior to submission of the annual budget to the City Council.

Section 2. Annual Corporate Budget. At least sixty (60) days prior to the commencement of each fiscal year of the Corporation, the Board shall adopt a proposed budget of expected revenues and proposed expenditures for the ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until the same has been approved by resolution of the City Council.

The Board may make expenditures within the total budget amount approved by the City Council so long as such expenditures 1) do not increase the total budget amount previously approved by the City Council, and 2) do not increase any single fund or budget classification by more than ten (10) percent.

Section 3. Books, Records, Audits.

(a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, corporate funds, activities, and affairs.

(b) At the request of the Corporation and with the approval of City Council, the books, records, accounts, and financial statements of the Corporation may be maintained for the

Corporation by the accountant, staff and personnel of the City. In such event, the Corporation shall pay to the City reasonable compensation for such services only.

(c) The Corporation shall cause its books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent, auditing and accounting firm selected by the Corporation and approved by the City Council. Such audit shall be at the expense of the Corporation and shall be a certified audit.

Section 4. Deposit and Investment of Corporate Funds.

(a) All proceeds from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their issuance.

(b) All other monies of the Corporation shall be deposited, secured and/or invested in the manner provided for the deposit, security and/or investment of the public funds of the City. The Board shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds therefrom for use by and for the purposes of the Corporation, upon the signature of its Treasurer and such other persons as the Board shall designate. The Corporation will ensure that the investment of such funds and accounts shall be performed in accordance with the Texas Public Funds Investment Act, as amended, Section 2256.001 et. seq. Texas Government Code (the "Texas Public Funds Investment Act").

(c) At the request of the Corporation and with the approval of the City Council, the monies of the Corporation may be deposited, secured and/or invested for the Corporation by the accountant, staff and personnel of the City. In such event, the Corporation shall pay to the City reasonable compensation for such services only.

Section 5. Expenditures of Corporate Money.

(a) The monies of the Corporation, including sales and use taxes collected, pursuant to Section 4A of the Act, monies derived from the repayment of loans, rents received from the lease or use of property, the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of obligations, may be expended by the Corporation for any of the purposes authorized by the Act, and applicable income tax law, subject to the following limitations:

(i) Expenditures from the proceeds of obligations shall be identified and described in the orders, resolutions, indentures, or other agreements submitted to and approved by the City Council, prior to the sale and delivery of the Obligations to the purchasers thereof required by Section 6 of this Article;

(ii) Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of monies derived from sources other than the proceeds of Obligations, may be used for the purposes of financing or otherwise providing one or more "Projects," as defined in the Act. The specific expenditures shall be described in a resolution or order of the Board and shall be made only after the approval thereof by the City Council by a resolution. The Corporation, at the time the City Council considers the resolution, shall provide to the City Council, the identity of the entity receiving an incentive, the number of jobs to be generated, the amount of the incentive and the ~~financial~~economic impact on the Lubbock economy and any other information requested by the City Council in regard to the proposed expenditure. If approved, the resolution shall satisfy the requirement of Section 501.073 of the Texas Local Government Code requiring approval of the project expenditure by the governing body;

(iii) No bonds may be issued by the Corporation and no Project may be financed with bond proceeds or other revenues of the Corporation, unless such bonds or Projects are first approved by the Council; and

(iv) All other proposed expenditures shall be made in accordance with and shall be set forth in the annual budget required by Section 2 of this Article.

Section 6. Issuance of Obligations. No Obligations, including refunding Obligations, shall be sold and delivered by the Corporation, unless the City Council shall approve such Obligations by action taken no more than sixty (60) days prior to the date of sale of the Obligations.

Section 7. Uncommitted and Unexpended Funds. Any uncommitted or unexpended funds remaining at the end of a fiscal year shall be retained by the Corporation and considered a part of the Corporation's fund balance. Such funds may be expended by the Corporation in the future for any purpose allowed under these Bylaws and the laws governing the Corporation.

ARTICLE V

MISCELLANEOUS PROVISIONS

Section 1. Principal Office.

(a) The principal office and the registered office of the Corporation shall be the registered office of the Corporation specified in the Articles of Incorporation.

(b) The Corporation shall have and shall continually designate a qualified registered agent at its registered office, as required by the Act.

Section 2. Fiscal Year. The fiscal year of the Corporation shall be the same as the same fiscal year of the City.

Section 3. **Seal.** The seal of the Corporation shall be as determined by the Board.

Section 4. **Resignations.** Any Director or Officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the CEO, President or Secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 5. **Approval or Advice and Consent of City Council.** To the extent that these Bylaws refer to any approval by the City or refer to advice and consent by the City Council, such advice and consent shall be evidenced by a certified copy of a resolution, order or motion duly adopted by the City Council.

Section 6. **Services of City Staff and Officers.** Subject to the paramount authority of the City Council under the Charter of the City, the Corporation shall have the right to utilize the services of the City Manager, the City Secretary, and the staff and employees of the Finance Department of the City, provided (i) that the Corporation shall pay reasonable compensation to the City for such services, and (ii) the performance of such services does not materially interfere with the other duties of such personnel of the City.

Section 7. **Indemnification of Directors, Officers and Employees.**

(a) As provided in the Act and the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act, as amended, Texas Civil Practices and Remedies Code, Section 101.001 et. seq. (the "Texas Tort Claims Act"), a governmental unit and its actions are governmental functions.

(b) The Corporation shall indemnify each and every member of the Board, its officers, and its employees, and each member of the City Council and each employee of the City,

to the fullest extent permitted by law, against any and all liability or expense, including attorneys fees, incurred by any of such persons by reason of any actions or omissions that may arise out of the functions and activities of the Corporation. To the extent not in conflict with the Act, the Texas Non-Profit Corporation Act, the Texas Tort Claims Act, the Articles of Incorporation of the Corporation, and these Bylaws, such indemnification shall be governed by the following, to-wit:

(i) the Corporation shall indemnify a director, officer, committee member, employee, or agent of the Corporation who was, is, or may be named defendant or respondent in any proceeding as a result of his or her actions or omissions within the scope of his or her official capacity in the Corporation. For the purposes of this Section, an agent includes one who is or was serving at the request of the Corporation as a director, officer, partner, venture, proprietor, trustee, partnership, joint venture, sole proprietorship, trust, employee benefit plan, or other enterprise. However, the Corporation shall indemnify a person only if he or she acted in good faith and reasonably believed that the conduct was in the Corporation's best interest. In a case of criminal proceeding, the person may be indemnified only if he or she had no reasonable cause to believe that the conduct was unlawful. The Corporation shall not indemnify a person who is found liable to the Corporation or is found liable to another on the basis of improperly receiving a personal benefit. A person is conclusively considered to have been found liable in relation to any claim, issue, or matter, if the person has been adjudged liable by a court of competent jurisdiction and all appeals have been exhausted.

(ii) The Corporation shall pay or reimburse expenses incurred by a director, officer, committee member, employee, or agent of the Corporation, in connection with

the person's appearance as a witness or other participation in a proceeding involving or affecting the Corporation when the person is not a named defendant or respondent in the proceeding.

(iii) The Corporation shall pay or reimburse expenses incurred by a director, officer, committee member, employee, or agent of the Corporation, in connection with the person's appearance as a witness or other participation in a proceeding involving or affecting the Corporation when the person is not a named defendant or respondent in the proceeding.

(iv) In addition to the situations otherwise described in this paragraph, the Corporation may indemnify a director, officer, committee member, employee, or agent of the Corporation to the extent permitted by law. However, the Corporation shall not indemnify any person in any situation in which indemnification is prohibited by the terms of Paragraph (i) above.

(v) Before the final disposition of a proceeding, the Corporation may pay indemnification expenses permitted by the Bylaws and authorized by the Corporation. However, the Corporation shall not pay indemnification expenses to a person before the final disposition of a proceeding if: the person is a named defendant or respondent in a proceeding brought by the Corporation, or the person is alleged to have improperly received a personal benefit or committed other willful or intentional misconduct.

(vi) If the Corporation indemnifies a person under the Bylaws, the person may be indemnified against judgment, penalties, including excise and similar taxes, fines, settlements, and reasonable expenses (including attorney's fees) actually incurred in connection with the proceeding. However, if the proceeding was brought by or on behalf

of the Corporation, the indemnification is limited to reasonable expenses actually incurred by the person in connection with the proceeding.

(vii) Before the Corporation may pay any indemnification expenses (including attorney's fees), the Corporation shall specifically determine that indemnification is permissible, authorized indemnification, and determine that expenses to be reimbursed are reasonable, except as provided in Paragraph (ix) below. The Corporation may make these determinations and decisions by any one of the following procedures:

(a) Majority vote of a quorum consisting of directors who, at the time of the vote, are not named defendants or respondents in the proceeding.

(b) If such a quorum cannot be obtained by a majority vote of a committee of the Board of Directors, designated to act in the matter by a majority vote of all directors, consisting solely of two (2) or more directors, who at the time of the vote are not named defendants or respondents in the proceeding.

(c) Determination by special legal counsel selected by the Board of Directors by vote as provided in Paragraph (a) or (b) above, or if such a quorum cannot be obtained and such a committee cannot be established by a majority vote of all directors.

(viii) The Corporation shall authorize indemnification and determine that expenses to be reimbursed are reasonable in the same manner that it determines whether indemnification is permissible. If the determination that indemnification is permissible is made by special legal counsel, authorization of indemnification and determination of reasonableness of expenses shall be made in the manner specified by Paragraph (vii)(c)

above, governing the selection of special legal counsel. A provision contained in the Articles of Incorporation, the Bylaws, or a Resolution of the Board of Directors that requires the indemnification permitted above, constitutes sufficient authorization of indemnification even though the provision may not have been adopted or authorized in the same manner as the determination that indemnification is permissible.

(ix) The Corporation shall pay indemnification expenses before final disposition of a proceeding only after the Corporation determines that the facts then known would not preclude indemnification and the Corporation receives a written affirmation and undertaking from the person to be indemnified. The determination that the facts then known to those making the determination would not preclude indemnification and authorization of payment shall be made in the same manner as a determination that indemnification is permissible under Paragraph (vii) above. The person's written affirmation shall state that he or she has met the standard of conduct necessary for indemnification under the Bylaws. The written undertaking shall provide for repayment of the amount paid or reimbursed by the Corporation, if it is ultimately determined that the person has not met the requirements for indemnification. The undertaking shall be an unlimited general obligation of the person, but it need not be secured and it may be accepted without reference to financial ability to make repayment.

ARTICLE VI

EFFECTIVE DATE, AMENDMENTS

Section 1. **Effective Date.** These Bylaws shall become effective upon the occurrence of the following events:

(1) the approval of these Bylaws by the City Council; and

(2) the adoption of these Bylaws by the Board.

Section 2. **Amendments to Articles of Incorporation and Bylaws.** The Articles of Incorporation of the Corporation and these Bylaws may be amended only in the manner provided in the Articles of Incorporation and the Act.

ARTICLE VII

DISSOLUTION

On petition of the requisite percentage of registered voters of the City of Lubbock, in compliance with the Act, requesting an election on the dissolution of the Corporation, the City Council shall order an election on the issue. The election must be conducted according to the applicable provisions of the Election Code. The ballot for the election shall be printed to provide for voting for or against the proposition:

> "Dissolution of Lubbock Economic Development Alliance, Inc.." If a majority of voters voting on the issue approve the dissolution, the Corporation shall continue operations only as necessary to pay the principal of and interest on its bonds and to meet obligations incurred before the date of the election and, to the extent practicable, dispose of its assets and apply the proceeds to satisfy these obligations. When the last of the obligations is satisfied, any remaining assets of the Corporation shall be transferred to the City, and the Corporation will be dissolved.

The City Council may call an election at any time to allow the citizens to decide whether to dissolve the Corporation and stop the collection of the sales and use tax approved, pursuant to the Act.

ARTICLE VIII

RECAPTURE OF INCENTIVES PROVIDED

Where applicable and in compliance and in conformity with the Development Corporation Act of 1979, as amended (the "Act"), each recipient of financial assistance or costs advanced or paid toward a recipient's project shall provide the Corporation with representations as to the purpose for which incentives are requested and projections regarding the creation or retention of primary jobs as defined in the Act. The manner and method of recapture or repayment by recipient as to any unfulfilled representation regarding the project or creation or retention of primary jobs or other representation remaining unfulfilled due to termination or abandonment of the project shall also be specifically set forth when required by the Act.

ARTICLE IX

SPECIFIC TERMS OF AGREEMENTS

Where applicable and in compliance and in conformity with the Development Corporation Act of 1979, as amended (the "Act"), the Corporation shall require each recipient of any financial incentives from the Corporation to enter into a written contract or Performance Agreement or other arrangement sufficient to insure that the funds advanced are used for the intended and authorized purposes in furtherance of a permissible Section 4A project. Any such contract, Performance Agreement, or other arrangement must, at a minimum, contain the provisions as required by the terms of the Act as of the date of execution.

Adopted by the Board of Directors on the 18th~~23~~rd-day of March ~~June~~, 201~~304~~.

Regular City Council Meeting **6. 6.**

Meeting Date: 05/09/2013

Information

Agenda Item

Discuss, hear, and take action regarding complaints made by the City Manager against Councilman Victor Hernandez, District 1.

Item Summary

Fiscal Impact

Staff/Board Recommending

Regular City Council Meeting **6. 7.**

Meeting Date: 05/09/2013

Information

Agenda Item

Discuss, hear, and take action regarding the City Manager's action in connection with employee complaints made against Councilman Victor Hernandez, District 1.

Item Summary

Fiscal Impact

Staff/Board Recommending

Regular City Council Meeting **6. 8.**

Meeting Date: 05/09/2013

Information

Agenda Item

Consider and take action with respect to options available to the City of Lubbock in connection with the employment of the City Manager, including without limitation, disciplinary action, up to and including termination, or exercising the City's options pursuant to a Severance Agreement made with the City Manager dated on or about September 21, 2005.

Item Summary

Fiscal Impact

Staff/Board Recommending

Regular City Council Meeting **7. 1.**

Meeting Date: 05/09/2013

Information

Agenda Item

Councilman Victor Hernandez: Discussion concerning the formation of a bond committee with regard to the number of members, timeline for an election, completion of the committee's work, and the committee's recommendations to City Council. Consider having the proposed date of the election for the bond election to be at the same time as the upcoming May 2014 municipal elections.

Item Summary

None.

Fiscal Impact

None.

Staff/Board Recommending

Victor Hernandez, Councilman, District 1