

**WACO CITY COUNCIL MEETING  
TUESDAY, JANUARY 8, 2008  
3:00 P.M. and 6:00 P.M.  
DECORDOVA ROOM / BOSQUE THEATRE  
WACO CONVENTION CENTER**

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We would like to WELCOME each of you to the meeting today.  
Persons with disabilities who plan to attend this meeting and who may need auxiliary aides or services should contact Patricia W. Ervin, City Secretary, at (254) 750-5750 at least twenty-four (24) hours before this meeting so that appropriate arrangements can be made.

The Waco City Council may convene into an Executive Session at anytime during the course of the meeting to discuss appropriate items. Times indicated are estimated.

**WORK SESSION**

**Est.  
Time**

● **Review of Business Session Agenda**

3:00p.m.

**A. WS-001** Discussion concerning Brazos River Corridor and Downtown Development.

3:30p.m.

**B. WS-002** Mayor's Report  
A. Report and Discussion of Mayor's City Related Activities.  
B. Report and Discussion of Councilmembers' City Related Activities.

4:15p.m.

**C. WS-003** Council requests for scheduling of future Agenda Items.

4:30p.m.

**EXECUTIVE SESSION  
DECORDOVA ROOM**

5:00p.m.

Notice is hereby given that the City Council will go into Executive Session in accordance with the following provisions of the Tax Code: Sec. 321.3022 to receive information or question employees or third parties regarding information received from the comptroller relating to sales taxes; and the Government Code: Sec. 551.071(1)(A) pending or contemplated litigation; 551.071(1)(B) a settlement offer; Sec. 551.071(2) an attorney-client privilege/relationship; Sec. 551.072 the purchase, exchange, lease, or value of real property; Sec. 551.073 a gift and/or donation; 551.074(a)(1) the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a city officer or employee including City Council Members, the City Manager, City Secretary, City Attorney, and Municipal Judge; Sec. 551.074 (a)(2) to hear a complaint or charge against a city officer or employee; and Sec. 551.076 the deployment or specific occasions for implementation of security personnel or devices; 551.087(1) to discuss commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City of Waco with which the City is conducting economic development negotiations; Sec. 551.087(2) to discuss the offer of a financial or other incentive to a business prospect that the City seeks to have locate, stay, or expand in or near the City of Waco; Sec. 551.088 to discuss a test item or information related to a test item.

**The City Council may go into Executive Session on any item listed on the Agenda in accordance with Chapter 551 of the Government Code.**

**BUSINESS SESSION  
BOSQUE THEATRE  
6:00 p.m.**

**PLEDGE OF ALLEGIANCE**

1. **MIN-004** Work/Business Session – Tuesday, December 18, 2007

**PROCLAMATIONS**

2. **PRO-005** Proclaim: January 21, 2008 as “DR. MARTIN LUTHER KING, JR. DAY”

**PUBLIC HEARINGS**

3. **PH-006** Conduct a public hearing concerning Emelia Salazar, relative of City of Waco employee, Johnny Salazar, who has applied for a Special New Construction loan in an amount not to exceed \$10,000 for the purchase of a home located at 1410 North 4<sup>th</sup> Street, Waco, Texas, funded by the U.S. Department of Housing and Urban Development HOME Investment Partnership Program.  
  
No council action required.
4. **PH-007** Conduct a public hearing on housing and priority non-housing community development needs within the City of Waco.  
  
No council action required.
5. **PH-008** Conduct a public hearing to receive comments on the 2006-2007 Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development.  
  
No council action required.

6. **PH-009** Consider approval of a resolution to approve a request for a variance to the Waco Subdivision Ordinance for the requirement of a round cul-de-sac for the plat entitled "Final Plat of the Brenda Harris Addition, Lots 1-4, Block 1, to the City of Waco, McLennan County, Texas."

**PC RECOMMENDATION: 9-0 DISAPPROVAL**

**STAFF RECOMMENDATION: DISAPPROVAL**

**MOTION ON RESOLUTION**

7. **PH-010** Conduct a public hearing to consider a resolution to disapprove until all platting requirements are met by the applicant the following subdivision plat, as recommended by the City Plan Commission: (1) Preliminary Plat of the Buchta Addition, Lots 1-4, Block 1.

**PC RECOMMENDATION: DISAPPROVAL UNTIL ALL PLATTING REQUIREMENTS ARE MET**

**STAFF RECOMMENDATION: DISAPPROVAL UNTIL ALL PLATTING REQUIREMENTS ARE MET**

**MOTION ON RESOLUTION**

8. **PH-011** Conduct a public hearing to consider a resolution adopting an amendment to the Fiscal Years 2004-2005, 2005-2006, 2006-2007, and 2007-2008 Consolidated Annual Action Plans decreasing the CDBG and HOME funding for the City of Waco's Rehabilitation/Reconstruction Program in an amount not to exceed \$775,235.00 and funding the Heart of Texas Community Health Center, Inc., d/b/a Family Health Center, in an amount not to exceed \$248,675.00; additional funding to Compassion Ministries in an amount not to exceed \$177,600.00; additional funding to My Brothers Keeper in an amount not to exceed \$48,960.00; additional funding to Waco Habitat for Humanity in an amount not to exceed \$75,000.00; additional funding to Waco Community Development Corporation in an amount not to exceed \$75,000.00; and additional funding to Neighborhood Housing Services Inc., d/b/a NeighborWorks, in an amount not to exceed \$150,000.00, for a total amount not to exceed \$775,235.00.

**MOTION ON RESOLUTION**

9. **PH-012** Conduct a public hearing to consider an ordinance to abandon an alley from McKeen Street south to an existing alley and between Dallas Street and Nathaniel McCoy Street (formerly, Archer Street), in the City of Waco, McLennan County, Texas. **FIRST READING**

**PC RECOMMENDATION: 9-0 APPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**MOTION ON ORDINANCE**

- Hearing of any visitor concerning City business.

**CONSENT AGENDA**

- Consider consent agenda.

Agenda Numbers RES-013 through RES-033 require no formal public hearing and are subject to being approved in a single motion. However, any City Council Member or the City Manager may remove an item from the Consent Agenda to allow discussion and voting on the item individually.

## RESOLUTIONS

### BIDS/PURCHASES

10. **RES-013** Consider approval of a resolution awarding a contract to H & B Contractors Inc., Waco, Texas, lowest and best responsible bidder, for the DAF Site Entrance Road, Bridge, Drainage Channel and Fencing project in an amount not to exceed \$1,193,337.70 and authorizing the City Manager to execute all documents necessary to complete this transaction.
  
11. **RES-014** Consider approval of a resolution awarding a material supply contract for 36 months to Paradigm Traffic Systems, Inc., Fort Worth, Texas, lowest responsible bidder, for Traffic Signal Hardware, and authorizing the City Manager to make purchases in an amount not exceeding \$55,373.00 during FY 2007-08.
  
12. **RES-015** Consider approval of a resolution authorizing the purchase of a replacement material bucket elevator from Thomas Conveyor Company, Burleson, Texas for the WMARSS Treatment Plant in an amount not to exceed \$68,127.00 and authorizing the City Manager to execute all documents necessary to complete this transaction.

### AGREEMENTS/CONTRACTS

13. **RES-016** Consider approval of a resolution authorizing the City Manager to execute an amendment to the contract with McDonald Transit Associates, Inc., Fort Worth, Texas for management services for the operation of Waco Transit, to provide that the management services fee for the period from December 30, 2007 through December 29, 2008 shall be \$143,760.00, for the period from December 30, 2008 through December 29, 2009 shall be \$148,800.00, for the period from December 30, 2009 through December 29, 2010 shall be \$154,080.00, and for the period from December 30, 2010 through March 29, 2011 shall be \$38,520.

14. **RES-017** Consider approval of a resolution authorizing the City Manager to execute assignment and assumption agreements with Waco Landfill Associates, LLC and Cromeco, Inc., that allow Eagle Renewable Energy Group, LLC to assume responsibility for the leases for the operation of a landfill gas collection system, use of compression site, and construction and operation of generating facility at Landfill 948-A, and the sale of landfill gas to Masterfoods, USA and to execute any other documents necessary to complete these assignments.

### **BUILDINGS/LAND/STREETS/PARKS**

15. **RES-018** Consider approval of a resolution to sell as is city property held in trust and located at 505 Brook and described as Lot A6, Block 120, Scott Subdivision, for \$505.00 to adjoining property owner John A. Montez.
16. **RES-019** Consider approval of a resolution awarding a contract to M.B. Home Construction Service, Inc., Georgetown, Texas, lowest and best responsible bidder, to complete construction of playground area at Pecan Bottoms in Cameron Park in an amount not to exceed \$117,800.00, and authorizing the City Manager to execute all documents necessary to complete this transaction.

### **GRANTS/SUPPORT**

17. **RES-020** Consider approval of a resolution authorizing the City Manager to accept additional state operating assistance grant funds from the Texas Department of Transportation for the operation of Waco Transit in an amount not to exceed \$133,893.00 and to execute any documents necessary in connection therewith.

### **ARCHITECTS/ENGINEERS/SURVEYORS**

18. **RES-021** Consider approval of a resolution authorizing the City Manager to enter into a professional services contract with BRW Architects, Inc., of College Station, Texas for architectural design services, including final design, engineering plans, and all applicable consulting fees for the construction of two Fire Stations (TSTC & East Waco) in an amount not to exceed \$555,235.00.

- 19. RES-022** Consider approval of a resolution authorizing the City Manager to enter into a professional services contract with Leo A Daly Company for architectural design services, including final design, engineering plans, and all applicable consulting fees for the complete renovation of the Central Library in an amount not to exceed \$567,730.00.

### **BUDGET/CERTIFICATES OF OBLIGATION/BONDS**

- 20. RES-023** Consider approval of a resolution approving (1) the Preliminary Official Statement for the issuance of the City's Combination Tax and Revenue Certificates of Obligation, Series 2008, in an amount not to exceed \$15,000,000.00, and (2) approving the selection of The Bank of New York Trust Company, NA, Dallas, Texas as the paying agent/registrar.
- 21. RES-024** Consider approval of a resolution naming authorized representatives of the City of Waco who may direct the investment of funds into the Texas Local Government Investment Pool ("TexPool"), a public funds investment pool, in accordance with the City's Investment Policy.

### **BOARDS/COMMISSIONS**

- 22. RES-025** Consider approval of the re-appointment of Andreia Foster to the Firefighter's and Police Officer's Civil Service Commission.

### **ECONOMIC DEVELOPMENT**

- 23. RES-026** Consider approval of a resolution authorizing the City Manager to execute residential tax abatement agreements with Edanbra Development, L.C., for the properties located at 2308 Kendrick and 2340 Los Arboles, Waco, Texas.

### **HOUSING/HOMES**

- 24. RES-027** Consider approval of a resolution authorizing the City Manager to extend a contract with J-Quad, Inc., Dallas, Texas, for the purpose of completing the comprehensive citywide housing study.

25. **RES-028** Consider approval of a resolution approving an amendment to the New/Acquisition Loan Program allowing low to moderate income homebuyers, by family size, in the Pecan Valley Subdivision, increases in down payment assistance from \$18,000.00 to \$25,000.00 in forgivable loans.
26. **RES-029** Consider approval of a resolution authorizing an amendment to the rehabilitation/reconstruction loan program that would allow the City of Waco loan committee, with the City Manager's approval, to increase a loan to individual borrowers, and funded by Housing and Urban Development funds, in an amount not to exceed 25% of the original approval loan amount to individual borrowers, based on a borrower's financial circumstances.

## **WATER/SEWER**

27. **RES-030** Consider approval of a resolution authorizing the award of a contract to K & S Backhoe Services, Inc., Gatesville, Texas, lowest and best responsible bidder, for water improvements by Brenner Investments, for Oxford Park PUD, in an amount not to exceed \$60,997.99 and the City Manager is hereby authorized to execute a contract with Brenner Investments, for partial refund of such improvements on a timely basis, with the contract being in an amount not to exceed \$44,006.61.
28. **RES-031** Consider approval of a resolution authorizing the award of a contract to K & S Backhoe Services, Inc., Gatesville, Texas, lowest and best responsible bidder, for water improvements by Breckenridge, L.P., for Aspen Heights East Addition, in an amount not to exceed \$86,191.34 and the City Manager is hereby authorized to execute a contract with Breckenridge, L.P., for partial refund of such improvements on a timely basis, with the contract being in an amount not to exceed \$50,051.36.

## **VEHICLES/EQUIPMENT**

29. **RES-032** Consider approval of a resolution authorizing the City Manager to purchase under a cooperative purchasing agreement managed by the Texas Local Government Purchasing Cooperative operating as the Housing-Galveston Area Council Cooperative Purchasing Program (HGAC):
- (a) Two (2) 2008 Mack MRU613 Truck Chassis from Dallas Mack, Dallas, TX through HGAC in an amount of \$211,210.00 total; and
  - (b) Two (2) Galbreath Roll-off Hoist bodies from B & C Body Co., Dallas, TX through HGAC in an amount of \$64,351.00 total.

## **INTERLOCAL AGREEMENTS**

30. **RES-033** Consider approval of a resolution renewing an Interlocal Agreement for Cooperative Purchasing for On-line Recruiting with the North Central Texas Council of Governments in an annual amount not to exceed \$480.00, and authorizing the City Manager to execute any documents necessary in connection therewith.

## **ORDINANCES**

31. **ORD-034** Consider approval of an ordinance deleting Section 1-17 "Authority of Mayor and Councilmembers to receive remuneration" in Chapter 1 "General Provisions" of the Code of Ordinances of the City of Waco, Texas. **FIRST READING**
32. **ORD-035** Consider approval of an ordinance to rezone from O-2 to O-3 the property described as Tinsley Subdivision, Block 4, Lots 3 & A4, known as 1408 Austin Avenue; and Lots B4 & A5, known as 1410 Austin Avenue; and to rezone from C-3 to O-3 the property described as Tinsley Subdivision, Block 4, Lots B5 & C5, known as 1412 Austin Avenue; and Lot D5, known as 1422 Austin Avenue; Farm Lot 23, Block 149, Lots 1 & A2, known as 1422 Austin Avenue; Lot B2, known as 1426 Austin Avenue; and Lot 3, known as 1430 Austin Avenue; Farm Lot 23, Block 1, Lot 1, known as 1500 Austin Avenue. (Case #Z-07-57 Bobbie Pearson and City of Waco) **SECOND READING**
33. **ORD-036** Consider approval of an ordinance to abandon an alley between Webster Avenue and Jackson Avenue and between S. 3rd Street and S. 4th Street, in the City of Waco, McLennan County, Texas. **SECOND READING**
34. **ORD-037** Consider approval of an ordinance amending the City of Waco Zoning Ordinance to remove the restriction of not more than one single-family dwelling on one lot in multi-family zoning districts. **SECOND READING**

## **COUNCIL REPORTS**

City Manager's Report.

- A. Reports on City and Community upcoming activities.
- B. Reports on City and City employee honors and awards.
- C. Follow up reports on City Council requested information.

- Council Committees' Activities
- City Council and Staff Announcements.

**It is the opinion of the City Attorney's Office that this meeting is being held and conducted in accordance with Chapter 551 of the Texas Government Code.**

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John T. Patterson, Acting City Attorney