

**WACO CITY COUNCIL MEETING
TUESDAY, FEBRUARY 19, 2008
3:00 P.M. and 6:00 P.M.
DECORDOVA ROOM / BOSQUE THEATRE
WACO CONVENTION CENTER**

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-081** Presentation of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2007. 3:20p.m.

- B. **WS-082** Presentation regarding the conceptual plans for renovations of the walls and open space areas at Lover's Leap, Emmons Cliff, and Circle Point in Cameron Park. 3:50p.m.

- C. **WS-083** Discussion of City of Waco Health Insurance Plan. 4:20p.m.

- D. **WS-084** Mayor's Report 4:45p.m.
 - A. Report and Discussion of Mayor's City Related Activities.
 - B. Report and Discussion of Councilmembers' City Related Activities.

- E. **WS-085** Council requests for scheduling of future Agenda Items. 4:55p.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

PROCLAMATIONS

1. **MIN-086** Work/Business Session – Tuesday, February 5, 2008

PUBLIC HEARINGS

2. **PH-087** Conduct a public hearing to consider approval of a resolution to disapprove until all platting requirements are met by the applicant the following subdivision plats, as recommended by the City Plan Commission: (1) Preliminary Plat of the Texas Central South Addition, Lots 6-11, Block 5, and Lots 1-15, Block 6; and (2) Final Plat of the Texas Central South Addition, Lot 1, Block 6.

PC RECOMMENDATION: 6-0 APPROVAL

STAFF RECOMMENDATION: APPROVAL

MOTION ON RESOLUTION

3. **PH-088** Conduct a public hearing to consider an ordinance which provides for the annexation of 186.181 acres of land located in the Carlos O' Campo Grant, Abstract No. 32, in McLennan County, Texas, and further located along Bagby Avenue just west of its intersection with Texas Central Parkway, and being contiguous to the City of Waco, Texas, and further located within Waco's Extraterritorial Jurisdiction. (Waco Industrial Foundation) **FIRST READING**

PC RECOMMENDATION: 6-0 APPROVAL

STAFF RECOMMENDATION: APPROVAL

MOTION ON ORDINANCE

4. **PH-089** Conduct a public hearing to consider an ordinance to rezone from R-2 to O-2 the property described as Bagby Addition, Block 17, Lots A12, 13 and 14-O, known as 1211 Daughtrey Avenue; Lot B, known as 1913 S. 12th Street; and Lot C, known as 1915 S. 12th Street; and Bagby Addition, Block 25, Lot D, known as 1211 Daughtrey Avenue, and Lot F, known as 1213 Daughtrey Avenue. (Case #Z-08-1 Thurman Gummelt, Ltd., and City of Waco) **FIRST READING**

PC RECOMMENDATION: 6-0 APPROVAL

STAFF RECOMMENDATION: APPROVAL

MOTION ON ORDINANCE

5. **PH-090** Conduct a public hearing to consider an ordinance to change the Comprehensive Plan land use designation from Commercial and Office to High Density Residential and to rezone from C-3 to O-2 the property described as Ross Addition, Block 49, Lot 17, known as 627 S. 11th Street; Lot 1, known as 629 S. 11th Street; Lot 2, known as 705 S. 11th Street; Lot 3, known as 709 S. 11th Street; Lot 4, known as 711 S. 11th Street; lots 6C and 7A, known as 1105 Ross Avenue; Lot 7B, known as 1109 Ross Avenue; and Lot 8, known as 1111 Ross Avenue. (Case #Z-08-2 - City of Waco) **FIRST READING**

PC RECOMMENDATION: 6-0 APPROVAL

STAFF RECOMMENDATION: APPROVAL

MOTION ON ORDINANCE

- Hearing of any visitor concerning City business.

CONSENT AGENDA

- Consider consent agenda.

Agenda Numbers RES- 091 through RES-104 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

6. **RES-091** Consider approval of a resolution authorizing the City Manager to execute a contract with Specialty Restoration of Texas, Inc., Waco, Texas, lowest and best responsible bidder, for exterior remodeling at the Texas Ranger Museum and Hall of Fame Complex in an amount not to exceed \$67,800.00.

7. **RES-092** Consider approval of a resolution authorizing the purchase of Excess Worker's Compensation Insurance for City of Waco employees and authorizing the City Manager to execute any necessary agreements for such insurance with Midwest Employers Casualty Company through Roach, Howard, Smith & Baron, Inc., the responsible offeror whose proposal is considered the most advantageous to the City, for a deposit premium in an amount not to exceed \$65,192.00.

8. **RES-093** Consider approval of a resolution authorizing the City Manager to purchase sewer root control services from Duke's Root Control, Inc., Syracuse, New York, under an existing cooperative purchasing agreement with the Buy Board, in an amount not to exceed \$80,000.00 in FY2007-08.

9. **RES-094** Consider approval of a resolution awarding a contract to Knife River Corp. South, Waco, Texas, lowest and best responsible bidder, for the Brazos River Walk Extension project in an amount not to exceed \$2,305,860.45 and authorizing the City Manager to execute all documents necessary to complete this transaction.

10. **RES-095** Consider approval of a resolution awarding a contract to JNB Construction, L.P., Waco, Texas, lowest and best responsible bidder, for the Utilities at Various Locations 2008-1 project in an amount not to exceed \$318,795.00 and authorizing the City Manager to execute all documents necessary to complete this transaction.

11. **RES-096** Consider approval of a resolution awarding a contract to S.J. Louis Construction of Texas, Ltd., Mansfield, Texas, lowest and best responsible bidder, for the Hillcrest 36" Water Transmission Main project in an amount not to exceed \$4,990,033.36 and authorizing the City Manager to execute all documents necessary to complete this transaction.

AGREEMENTS/CONTRACTS

12. **RES-097** Consider approval of a resolution to authorize the payment of an expense allowance for the Mayor and each Council Member in the amount of \$300 per month, beginning March 1, 2008.
13. **RES-098** Consider approval of a resolution to authorize the City Manager to negotiate and execute amendments to the contract between the City and McLennan County Junior College District (MCC) conveying property bounded in part by Zoo Park Drive, Monkey Run Road and Steinbeck Bend Road to MCC for the purpose of constructing a Regional Emergency Services Facility to increase the acreage to be conveyed to 41.791 acres, to include additional provisions concerning the relocation of easements and drainage and utility facilities on the property, to extend the closing date, and matters related thereto.
14. **RES-099** Consider approval of a resolution authorizing the City Manager to submit a Request for Physical Reconfiguration Funding in the amount of \$1,008,919.72 to the Federal Communications Commission's Transition Administrator (TA) and negotiate and execute a Frequency Reconfiguration Agreement (FRA) with Sprint Nextel Corporation or its subsidiary for the physical rebanding of the City of Waco 800 MHz Public Safety Radio System.

GRANTS / SUPPORT

15. **RES-100** Consider approval of a resolution authorizing the City Manager to submit a grant application to the Office of the Governor, Criminal Justice Division, in an amount not to exceed \$106,852.00 with a required City cash match of at least 35% (\$57,536.00) for a total of \$164,388.00 for the continuation of the Family Violence Unit of the Waco Police Department and authorizing the City Manager to accept the grant, execute any documents in connection therewith, and/or furnish additional information, documentation as may be deemed necessary for the implementation of said program, which will include the assurance that in the event of loss or misuse of Criminal Justice Division funds, the City shall reimburse said funds to the Criminal Justice Division.

ECONOMIC DEVELOPMENT

16. **RES-101** Consider approval of a resolution authorizing the City Manager to execute an agreement with Tractor Supply Co of Texas, L.P. (TSC) for Industrial Tax Abatement on real and personal property to be located in Waco's Enterprise Zone at 2801 Corporation Parkway, Waco, TX .76712.
17. **RES-102** Consider approval of a resolution authorizing the City Manager to execute a Program Project Agreement with Tractor Supply Co of Texas, L.P. \$150,000.00 through the Waco McLennan County Economic Development Corporation (\$75,000.00 of which will be provided by the City of Waco) in exchange for the creation of 44 full-time jobs and the construction of a 341,000 square-foot expansion to their existing distribution center located at 2801 Corporation Parkway, Waco, McLennan County, Texas.
18. **RES-103** Consider approval of a resolution authorizing the City Manager to execute a Program Project Agreement with Caterpillar Logistics Services, Inc., a wholly owned subsidiary of Caterpillar, in an amount not to exceed \$720,000.00 from the Waco McLennan County Economic Development Corporation (\$360,000.00 of which will be provided by the City of Waco) in exchange for the construction of a new 750,000 square-foot distribution facility and the creation of 141 new jobs in Waco, McLennan County, Texas.

BUILDINGS / LAND / STREETS/ PARKS

19. **RES-104** Consider approval of a resolution authorizing the City Manager to offer compensation for acquisition of and to execute a contract for the purchase of a 233.90 acre (more or less) tract of land out of the I. Galindo Survey, Abstract No. 16 in McLennan County, Texas, in an amount not to exceed \$680,868.00, and to execute all necessary documents necessary to acquire the property, or to have condemnation proceedings initiated on said property, if necessary.

ORDINANCES

20. **ORD-105** Consider approval of an ordinance approving a settlement agreement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the change to gas rates within the City of Waco. **SECOND READING**

21. **ORD-106** Consider approval of an ordinance to amend the Project/Financing Plan for Reinvestment Zone Number One for Tax Increment Financing to allow all unallocated current and future interest earned on the Downtown Entertainment District Bond to be used to further the Downtown Entertainment District project, to provide for the expenditure of the up to \$200,000.00 in tax increment funds to the Dr. Pepper Museum to assist in the renovation of the Jackson St. façade of the historic Kellum & Rotan building located at 318 S. 5th St, and to approve the expenditure of \$100,000.00 in tax increment funds to the Rapoport Academy's renovations for its math/science building located at Quinn Campus.- **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.

Leah Hayes, City Attorney