

**WACO CITY COUNCIL MEETING  
TUESDAY, MARCH 18, 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.

<b>WORK SESSION</b>		<b>Est. Time</b>
● <b>Review of Business Session Agenda</b>		3:00p.m.
<b>A.</b>	<b>WS-124</b> Discussion concerning the proposed funding recommendations for FY 2008/2009 Community Development Block Grant Program (CDBG) and HOME Investment Partnership (HOME) funds which will be part of the 2008/2009 Annual Action Plan.	3:30p.m.
<b>B.</b>	<b>WS-125</b> Proposed Asian Forest Exhibit at Cameron Park.	3:50p.m.
<b>C.</b>	<b>WS-126</b> City of Waco Environmental Initiatives.	4:20p.m.
<b>D.</b>	<b>WS-127</b> Mayor's Report A. Report and Discussion of Mayor's City Related Activities. B. Report and Discussion of Councilmembers' City Related Activities.	4:45p.m.
<b>E.</b>	<b>WS-128</b> 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-129** Work/Business Session – Tuesday, March 4, 2008

**PUBLIC HEARINGS**

2. **PH-130** Conduct a public hearing concerning Marcus Davilla, a City of Waco employee who applied for an Employee Down Payment Assistance loan in an amount not to exceed \$25,000.00 for the purchase of a home located at 2805 Colcord Ave., Waco, Texas, funded by the U.S. Department of Housing and Urban Development HOME Investment Partnership Program.

**NO COUNCIL ACTION REQUIRED**

3. **PH-131** Conduct a public hearing on 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) Final Plat of the Falcon Pointe Addition, Phase Two.

**PC RECOMMENDATION: 9-0 APPROVE TO DISAPPROVE**

**STAFF RECOMMENDATION: APPROVE TO DISAPPROVE**

**MOTION ON RESOLUTION**

4. **PH-132** Conduct a public hearing on a resolution for an amendment to the Final PUD Plan and to rezone from PUD to R-1B, property located at 3416 and 3420 S. 3rd Street and described as Lots 1 and 2, Block 1, Gaines Place Addition. (Case #Z-08-9 - Breckenridge Properties)

**PC RECOMMENDATION: 9-0 APPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**MOTION ON RESOLUTION**

5. **PH-133** Conduct a public hearing on an ordinance to abandon an alley from Prose Avenue southeast to Coty Avenue, in the City of Waco, McLennan County, Texas. **FIRST READING**

**PC RECOMMENDATION: 6-3 DISAPPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**3/4THS VOTE OF COUNCIL REQUIRED TO APPROVE**

**MOTION ON ORDINANCE**

6. **PH-134** Conduct a public hearing on an ordinance to abandon a portion of right-of-way along Washington Avenue from N. 3<sup>rd</sup> Street to N. 4<sup>th</sup> Street, in the City of Waco, McLennan County, Texas. **FIRST READING**

**PC RECOMMENDATION: 9-0 APPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**MOTION ON ORDINANCE**

7. **PH-135** Conduct a public hearing on an ordinance to change the Comprehensive Plan land use designation from High Quality Very Light Industrial to Low Density Residential and to rezone from R-1B to R-3B the property described as a 1.826 acre tract out of the T.J. Chambers Grant, known as 1420 Gurley Lane and a 9.237 acre tract out of the T.J. Chambers Grant, known as 1460 Gurley Lane. (Case #Z-08-3 - Costa Esmeralda, Ltd.) **FIRST READING**

**PC RECOMMENDATION: 8-0 APPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**MOTION ON ORDINANCE**

8. **PH-136** Conduct a public hearing on an ordinance to change the Comprehensive Plan land use designation from Public/Semi-Public to Commercial and Office and to rezone from R-1B to C-2 the property described as a 4.7 acre tract out of the J.W. Stevens Survey, Abstract No. 784, known as 3501 N. 19<sup>th</sup> Street. (Case #Z-08-4 - Kane, LP) **FIRST READING**

**PC RECOMMENDATION: 8-1 APPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**MOTION ON ORDINANCE**

9. **PH-137** Conduct a public hearing on an ordinance to change the Comprehensive Plan land use designation from Service Commercial to Commercial and Office and to rezone from C-2 to C-3 the property described as a 3.289 acre tract out of the T.J. Chambers Grant, known as 2825 S. Jack Kultgen Expressway. (IH 35). (Case #Z-08-7 - Matajo, LP) **FIRST READING**

**PC RECOMMENDATION: 9-0 APPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**MOTION ON ORDINANCE**

10. **PH-138** Conduct a public hearing on an ordinance to rezone from R-1B to O-2 the property described as Lots 8, 9, and A10, Block 46, Glenwood Addition, known as 2500 Austin Avenue and Lots B10 and A11, Block 46, Glenwood Addition, known as 2508 Austin Avenue. (Case #Z-08-5 Jonya & David Williams and Brooke & Freeland Ackley) **FIRST READING**

**PC RECOMMENDATION: 9-0 APPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**MOTION ON ORDINANCE**

- 11. PH-139** Conduct a public hearing on an ordinance to rezone from C-3 to R-2 the property described as Hubert Tract, Block C, Lots A19 and A21, known as 401 Hatton St., and Lots A23 and A25, known as 409 Hatton St.; Witt Addition, Block 12, Lot 1, known as 413 Hatton St., Lot 2, known as 415 Hatton St., Lot B3, known as 1511 Arra St., and Lot C4, known as 412 Hillsboro Dr.; Block 5, Lot B16, known as 516 Walker St., Lots A16, A17, and B18, known as 504 Walker St., Lot B17, known as 502 Walker St., Lot C18, known as 500 Walker St.; Block 8, Lot 19, known as 1609 Witt St., Lot 8, known as 523 Walker St., Lot 9, known as 525 Walker St., Lot A, known as 512 Hillsboro Dr., Lots A4, A5, and A6, known as 519 Walker St., Lot A7, known as 521 Walker St., and Lot B, known as 516 Hillsboro Dr. (Case #Z-08-8 City of Waco) **FIRST READING**

**PC RECOMMENDATION: 9-0 APPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**MOTION ON ORDINANCE**

- 12. PH-140** Conduct a public hearing on an ordinance establishing Reinvestment Zone Number Fifty-eight (58) for Industrial Tax Abatement on certain real property located in the 6900-7000 block of Bagby Ave., Waco, Texas (aka Lot 1, Block 6, Texas Central South) as provided by the Property Redevelopment and Tax Abatement Act; setting the boundaries of the Zone; establishing the number of years for the Zone; authorizing the City Manager to execute an agreement with Caterpillar Logistics Services, Inc. for Industrial Tax Abatement on real property located in the 6900-7000 block of Bagby Ave., Waco, Texas to exempt from taxation a percentage of the taxable value of real and personal property in order to encourage investment and development; providing a savings clause; and finding and determining that the meeting at which this ordinance is passed is open to the public as required by law. - **FIRST READING**

Hearing of any visitor concerning City business.

## CONSENT AGENDA

- Consider consent agenda.

Agenda Numbers RES - 141 through RES- 152 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

### BUDGET /CERTIFICATES OF OBLIGATION / BONDS

13. **RES-141** Consider approval of a resolution approving the issuance of a tax exempt note to be issued by the Oglesby Cultural Facilities Corporation in an aggregate maximum principal amount of \$6,000,000.00 part of which will finance construction of an approximately 65,000 square foot building to be located at 1700 S. New Road, Waco, Texas to be used for administrative headquarters, learning center, retail outlet, warehouse and production facility for Heart of Texas Goodwill Industries, Inc. ("Goodwill").
14. **RES-142** Consider approval of a resolution approving the issuance of bonds by the Waco Education Finance Corporation to refund certain outstanding bonds previously issued by the Waco Education Finance Corporation for the benefit of Baylor University pursuant to Chapter 53 of the Texas Education Code.

### AGREEMENTS/CONTRACTS

15. **RES-143** Consider approval of a resolution authorizing the City Manager to enter into a forty (40)-year lease agreement beginning in April 2008 for use of approximately 1.1 acre of land, with the option of renewal for another forty (40)-years with Texas State Technical Institute (TSTC) for the future construction of a fire station.

## **WATER / SEWER**

16. **RES-144** Consider approval of a resolution to amend the contract with Cooper and Horn Development Corp., for the partial refund for construction of water improvements in Hidden Valley Addition, Part 11 in an amount not to exceed \$5,440.00 and to authorize the City Manager to execute said amended contract with Cooper and Horn Development Corp., for a partial refund of water improvements in Hidden Valley Addition, Part 11 on a timely basis in a total amount not to exceed \$122,043.88.

## **GRANTS / SUPPORT**

17. **RES-145** Consider approval of a resolution ratifying the City Manager's submittal of an application for a grant from the Texas Alcoholic Beverage Commission (TABC) for a continuation grant to enforce underage drinking laws and prevent youth access to and illegal use of alcohol, in an amount not to exceed \$75,000.00 and authorizing the City Manager to accept the grant and execute any and all documents necessary for implementation of the program and matters related thereto.

## **HOUSING/HOMES**

18. **RES-146** Consider a resolution approving funding of projects and activities with FY 2008/2009 Community Development Block Grant (CDBG) and HOME Investment Partnership program funds.
19. **RES-147** Consider a resolution authorizing the release for public comment a proposed amendment to the Fiscal Years 2006-2007 and 2007-2008 Consolidated Annual Action Plans in an amount not to exceed \$168,700.00.
20. **RES-148** Consider a resolution authorizing the Texas Housing Foundation to exercise its powers within the territorial boundaries of the City of Waco in accordance with state law and further authorizing the City Manager to negotiate and execute a cooperation agreement and all necessary documents between the City of Waco and the Texas Housing Foundation for the purpose of allowing the Foundation to provide housing for lower income residents in the territorial boundaries of the City of Waco by its operation and management of the Costa Esmeralda project.

## **INTERLOCAL AGREEMENTS**

- 21. RES-149** Consider approval of a resolution authorizing the City Manager to enter into an Interlocal Agreement with McLennan County, Texas for the purpose of promoting economic development via mutually beneficial Industrial Business Grants and designating the City as administrator for any cooperative Industrial Business Grant projects for which the City and the County are cooperatively providing funding.
- 22. RES-150** Consider approval of a resolution authorizing the City Manager to execute an interlocal agreement with the Cities of Hewitt, Robinson, Lorena, and Woodway for the purpose of conducting the 2008 Household Hazardous Waste Collection Event.
- 23. RES-151** Consider approval of a resolution authorizing the City Manager to renew a contract with Philip Reclamation Services, Houston, TX for the collection, transportation, and disposal of household hazardous waste in an amount not to exceed \$82,000.00.

## **ECONOMIC DEVELOPMENT**

- 24. RES-152** Consider approval of a resolution authorizing the City Manager to execute an amendment to the Waco McLennan County Economic Development Corporation Program Project Agreement entered into with Caterpillar Logistic Services, Inc. (RES 2007-089) to allow an extension of the current contract completion date for real and personal property improvements located at 600 General Parkway, Waco, Texas from June 2007 to June 2008 and to change job descriptions and corresponding pay-grades for the forty (40) full-time jobs to be created at its 600 General Parkway Facility.

## 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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Leah Hayes, City Attorney