

**WACO CITY COUNCIL MEETING  
TUESDAY, APRIL 1, 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-153** Presentation regarding the conceptual plans for renovations at Cameron Park East and construction of trails in thirteen neighborhood parks. 3:30p.m.
  
- B. **WS-154** Discussion concerning creating and making other changes to various positions in the Waco Fire Department. 4:15p.m.
  
- C. **WS-155** Discussion concerning ordinance changes addressing storm water regulation of construction sites within the City of Waco. 4:30p.m.
  
- D. **WS-156** 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-157** 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. **PRO-158** Proclaim: April 7 – 13, 2008 as “Public Health Week”
2. **PRO-159** Proclaim: April 13 – 15, 2008 as “Autism Awareness Week”
3. **MIN-160** Work/Business Session – Tuesday, March 18, 2008

**PUBLIC HEARINGS**

4. **PH-161** Consider approval of an ordinance to amend the Project/Financing Plan for Reinvestment Zone Number One for Tax Increment Financing to expend up to \$907,327.00 on public improvements for the following projects: **1)** up to \$252,345.00 over a two-year period to Staybridge Suites to relocate a sewer line, install gas and water meters, landscaping, sidewalks, and lighting along the 700 block of South 5<sup>th</sup> and 6<sup>th</sup> Streets; **2)** up to \$73,875.00 to Austin Ave. Retail & Loft Condominiums for brickwork repair, painting, window and door repair and replacement, new awning, and electrical for awning at 705-707 Austin Ave.; **3)** up to \$506,107.00 over a two-year period to Cameron Park Zoo for public improvements to expand the zoo by approximately four acres and provide extensive site work, paving, boardwalks, fencing, playground equipment, rest stations, landscaping, irrigation, and lighting for its Asian Forest Expansion; and **4)** up to \$75,000.00 for a Downtown Façade Improvement Program/Matching Grant Fund (within TIF boundaries) to fund \$1 to \$1 matching grants of \$15,000.00 - \$25,000.00 for façade restoration and renovation of various buildings in TIF Zone 1. - **FIRST READING**

5. **PH-162** Conduct a public hearing to consider an ordinance establishing Reinvestment Zone Number Fifty-nine (59) for Industrial Tax Abatement on certain real property located at 2701 Texas Central Parkway Waco, Texas, 76710 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 1CC-Waco TX, LLC for Industrial Tax Abatement on real property located at 2701 Texas Central Parkway Waco, Texas as to exempt from taxation a percentage of the taxable value of real 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**

**MOTION ON ORDINANCE**

6. **PH-163** Conduct a public hearing to consider an ordinance to abandon an alley from Prose Avenue southeast to Coty Avenue and between South 11<sup>th</sup> Street and South 12<sup>th</sup> Street, 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**

Hearing of any visitor concerning City business.

**CONSENT AGENDA**

- Consider consent agenda.

Agenda Numbers RES -164 through RES-178 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

7.     **RES-164**   Consider approval of a resolution authorizing the City Manager to purchase Heavy Machinery and/or Equipment currently authorized to be replaced on the 2007/2008 CIP Fleet Services Rolling Stock Replacement List from Ritchie Brothers public auction(s) in an amount not to exceed \$250,000.00.
  
8.     **RES-165**   Consider approval of a resolution awarding a contract to Knife River Corp – South, Waco, Texas, lowest and best responsible bidder, for the Concrete Work and Sanitary Sewer Rehabilitation Project in an amount not to exceed \$309,987.72, and authorizing the City Manager to execute all documents necessary to complete this transaction.
  
9.     **RES-166**   Consider approval of a resolution authorizing the award of a contract to JNB Construction, Ltd., Waco, Texas, lowest and best responsible bidder, for water improvements by Breckenridge, L.P., for 3<sup>rd</sup> Street Village Addition, in an amount not to exceed \$49,692.00 and authorizing the City Manager to execute a contract with Breckenridge, L.P., for partial refund of such improvements on a timely basis, in an amount not to exceed \$34,192.00.
  
10.    **RES-167**   Consider approval of a resolution awarding a contract to Whitney Underground Utilities, Inc., Valley Mills, Texas, lowest and best responsible bidder, for Regional Emergency Services Training Center Water and Wastewater Improvements project in an amount not to exceed \$149,503.75 and authorizing the City Manager to execute all documents necessary to complete this transaction.
  
11.    **RES-168**   Consider approval of a resolution awarding a contract for digital copies for a term of three years (with two one year renewal options) to IKON Office Solutions and authorizing the City Manager to execute all required documents and to expend during FY2007-08 under said contract an amount not to exceed \$65,000.00.

## **AGREEMENTS/CONTRACTS**

- 12. RES-169** Consider approval of a resolution authorizing the City Manager to execute a Cooperative Agreement between the City of Waco and the U.S. Army Corps of Engineers, Fort Worth District, for law enforcement services in an amount not to exceed \$62,265.00 at the Lake Waco parks during the period of April 4, 2008 through September 7, 2008 and authorizing the City Manager to furnish additional information and documentation as is deemed necessary for implementation of said program.
- 13. RES-170** Consider approval of a resolution authorizing the City Manager (1) to execute a contract with World Energy Solutions, Inc. (with a term of five years) to provide the services of a reverse auction in the process of securing a retail electric provider (REP) for the City of Waco and (2) to execute an agreement with the REP selected by the City of Waco for the purchase of electric energy.
- 14. RES-171** Consider approval of a resolution authorizing the City Manager to execute a professional services contract with PBS&J of Austin, Texas to provide archaeological services on the grounds of the Texas Ranger Hall of Fame and Museum in an amount not to exceed \$280,000.00.
- 15. RES-172** Consider approval of a resolution authorizing the City Manager to negotiate and execute an agreement with the Cameron Park Zoological and Botanical Society, Inc. concerning the funding in the total amount of \$1,060,665.00 for the construction of animal exhibits in the Asian Forest expansion for Cameron Park Zoo.

## **CHANGE ORDERS / AMENDMENTS / CANCELLATIONS**

- 16. RES-173** Consider approval of a resolution authorizing the City Manager to execute an amendment to the Interlocal Cooperation Agreement between the City of Waco and McLennan County concerning expansion projects at Cameron Park Zoo.
- 17. RES-174** Consider approval of a resolution authorizing the City Manager to execute an amendment to the contract between the City of Waco and CWA Construction, Inc. to establish the Guaranteed Maximum Price for the Asian Forest Exhibit for the Cameron Park Zoo at \$3,252,617.00, so that the total cost of the contract with CWA Construction, Inc. will not exceed \$3,270,117.00.

## **BOARDS / COMMISSIONS**

- 18. RES-175** Consider approval of a resolution authorizing the creation of the Cameron Park Centennial Celebration Committee and the appointment of Kay Olson and Tom Charlton as Co-Chairs of the committee.

## **WATER / SEWER**

- 19. RES-176** Consider approval of a resolution authorizing the City Manager to execute a 12 month (April 1, 2008 to March 31, 2009) contract for the right to divert raw water from Lake Waco so that no more than the specified amount may be diverted for irrigation as follows: **1)** Ridgewood Country Club (300 ac ft or 97,755,300 gal); **2)** Roane Lacy, Jr. (3 ac ft or 977,553 gal); **3)** Rick Sheldon (3 ac ft or 977,553 gal); **4)** Bob and Erin Davis (16 ac ft or 5,213,616 gal); **5)** Brown Bark I (250 ac ft or 81,462,750 gal); **6)** Reagan M. Ramsower (6 ac ft or 1,955,106 gal); **7)** Lanny Peavey (8 ac ft or 2,606,808 gal); and **8)** HOT Golf, Inc. (200 ac ft or 65,170,200 gal), for a monthly administrative fee of \$25.00 per month and a fee of \$100.00 per contract acre feet (ac ft) of raw water, or as established in the City of Waco Fee Schedule.

## **GRANTS / SUPPORT**

- 20. RES-177** Consider a resolution authorizing the City Manager to apply for an Indoor Recreation Facility Grant through the Texas Parks and Wildlife Department for the purpose of renovating South Waco Recreation Center and to authorize the City Manager to accept said grant and execute any documents in connection with the grant, in an amount not to exceed \$750,000.00.

## **ELECTIONS**

- 21. RES-178** Consider approval of a resolution designating election officials, establishing a rate of pay and other matters related to the May 10, 2008 General Election.

## ORDINANCES

22. **ORD-179** Consider approval of an ordinance amending Section 18-76(a) of the Code of Ordinances of the City of Waco, Texas to create a Fire Prevention Captain classified position and to establish the authorized strength for such position at one (1), to create a Fire Prevention Specialist classified position and to establish the authorized strength for such position at one (1), to list the Fire Training Captain position as created by Ordinance No. 2005-722, to decrease the number of Fire Prevention Lieutenants from five (5) to three (3), to reflect the authorized strength for the various positions in the Waco Fire Department as approved by Ordinance No. 2007-025 except as shown above, and to authorize the City Manager to execute an Memorandum of Understanding with the Waco Professional Fire Fighters Association, Local 478 in connection therewith. – **EMERGENCY READING**
23. **ORD-180** Consider approval of an ordinance to rezone from PUD to R-1B property located at 3416 and 3420 S. 3<sup>rd</sup> Street and described as a portion of Lots 1 and 2, Block 1, Gaines Place Addition. (Case #Z-08-9 – Breckenridge Properties) - **FIRST READING**
24. **ORD-181** Consider approval of an ordinance amending Section 26 of the Code of Ordinances of the City of Waco, McLennan County, Texas by adding Article VIII requiring contractors, homebuilders and property owners to establish and implement Storm Water Pollution Prevention Plans for construction activities in order to eliminate soil erosion from construction activities in accordance with the TCEQ (Texas Commission on Environmental Quality) and EPA (Environmental Protection Agency) Storm Water Construction Regulations. **FIRST READING**
25. **ORD-182** Consider approval of 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. **SECOND READING**

26. **ORD-183** Consider 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. **SECOND READING**
27. **ORD-184** Consider 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.) **SECOND READING**
28. **ORD-185** Consider 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) **SECOND READING**
29. **ORD-186** Consider 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) **SECOND READING**
30. **ORD-187** Consider 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) **SECOND READING**
31. **ORD-188** Consider 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., and Lot B3, known as 1511 Arra St.; 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) **SECOND READING**

## COUNCIL REPORTS

- 32. CR-189** Appointments to various Boards and Commissions subject to meeting qualifications.

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