

**WACO CITY COUNCIL MEETING
TUESDAY, APRIL 15, 2008
3:00 P.M. and 6:00 P.M.
WATER OFFICE TRAINING ROOM
425 FRANKLIN AVE.**

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**

- | | | | |
|-----------|--|--|----------|
| | | | 3:00p.m. |
| • | Review of Business Session Agenda | | |
| A. | WS-190 | Presentation regarding the conceptual plans for renovations in Cameron Park. | 3:30p.m. |
| B. | WS-191 | Discussion of the 2 nd Quarter 2007-08 Financials. | 4:30p.m. |
| C. | WS-192 | Mayor's Report
A. Report and Discussion of Mayor's City Related Activities.
B. Report and Discussion of Councilmembers' City Related Activities. | 4:40p.m. |
| D. | WS-193 | Council requests for scheduling of future Agenda Items. | 4:50p.m. |

**EXECUTIVE SESSION
WATER OFFICE TRAINING 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
WATER OFFICE TRAINING ROOM
6:00 p.m.**

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. **PRO-194** Proclaim: April 2008 as "Parkinson's Awareness Month"
2. **MIN-195** Work/Business Session – Tuesday, April 1, 2008

PUBLIC HEARINGS

3. **PH-196** Conduct a public hearing on a resolution to grant a special permit to Jonya and David Williams for a catering facility in an O-2 District on property located at 2500 Austin Avenue and described as Lots 8, 9, and A10, Block 46, Glenwood Addition. (Case #Z-08-6 - Jonya and David Williams)

PC RECOMMENDATION: 9-0 APPROVAL

STAFF RECOMMENDATION: APPROVAL

MOTION ON RESOLUTION

4. **PH-197** Conduct a public hearing on 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) Final Plat of the Cougar Ridge Addition, Part II, Phase II; and (2) Preliminary Plat of the Saddle Creek Addition-PUD, Phases 1-4.

PC RECOMMENDATION: 9-0 APPROVAL

STAFF RECOMMENDATION: APPROVAL

MOTION ON RESOLUTION

5. **PH-198** Conduct a public hearing on an ordinance to abandon a portion of right-of-way along Old Fish Pond Road just east of its intersection with State Highway 6, in the City of Waco, McLennan County, Texas. **FIRST READING**

PC RECOMMENDATION: 9-0 APPROVAL

STAFF RECOMMENDATION: APPROVAL

MOTION ON ORDINANCE

6. **PH-199** Conduct a public hearing to consider an ordinance amending the City of Waco Zoning Ordinance by amending Secs. 28-133 and 28-134 for the purpose of clarifying time period restrictions for filing new applications after disapproval or withdrawal. **FIRST READING**

PC RECOMMENDATION: 9-0 APPROVAL

STAFF RECOMMENDATION: APPROVAL

MOTION ON ORDINANCE

7. **PH-200** Conduct a public hearing on an ordinance to change the Comprehensive Plan land use designation from High Density Residential to Commercial and Office and to rezone from R-2 to C-2 the property described as Lot A6, Block 1, Baylor Addition, known as 1522 Speight Avenue, and Lot A7, Block 1, Baylor Addition, known as 1524 Speight Avenue. (Case #Z-08-10 - Jeffrey Paul)
FIRST READING

PC RECOMMENDATION: 8-0 APPROVAL

STAFF RECOMMENDATION: APPROVAL

MOTION ON ORDINANCE

8. **PH-201** Conduct a public hearing to consider an ordinance re-establishing standards of care for City of Waco youth programs. **FIRST READING**

MOTION ON ORDINANCE

Hearing of any visitor concerning City business.

CONSENT AGENDA

- Consider consent agenda.

Agenda Numbers RES -202 through RES- 215 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

- 9. RES-202** Consider approval of a resolution authorizing the award of a contract to Whitney Underground Utilities, Inc., Valley Mills, Texas, lowest and best responsible bidder, for water improvements by 3210, LLC, for Ponte Vista Addition in an amount not to exceed \$38,081.50 and authorizing the City Manager to execute a contract with 3210, L, for partial refund of such improvements on a timely basis, with the contract for improvements being in an amount not to exceed \$33,381.50.
- 10. RES-203** Consider approval of a resolution authorizing the award of a contract to Knife River Corp – South, Waco, Texas, lowest and best responsible bidder, for water improvements by Branch Family Properties, Ltd., for The Oaks at Ridgewood – Water Improvements, in an amount not to exceed \$163,528.90 and the authorizing the City Manager to execute a contract with Branch Family Properties, Ltd., for partial refund of such improvements on a timely basis, in an amount not to exceed \$137,201.62.

AGREEMENTS/CONTRACTS

11. **RES-204** Consider a resolution authorizing the City Manager to execute a residential tax abatement agreement with Waco Community Development Corporation (Waco CDC), for the property located at 726 N. 13th Street, Waco, Texas.
12. **RES-205** Consider a resolution authorizing the City Manager to execute residential tax abatement agreements with Edanbra Development, L.C., for the properties located at 2217 Autumn Woods and 2316 Los Arboles, Waco, Texas.
13. **RES-206** Consider approval of a resolution authorizing the City Manager to renew the current agreement with Holmes Murphy & Associates, Dallas, Texas, for an additional one-year period for the purpose of providing benefit consulting services in an amount not to exceed \$40,000.00.
14. **RES-207** Consider approval of a resolution authorizing the City Manager to execute Scheduled Airline Use and Lease Agreement with American Eagle Airlines for the operation of commercial airline service at Waco Regional Airport for the term of March 21, 2008 to March 20, 2011.
15. **RES-208** Consider approval of a resolution authorizing the City Manager to expressly approve a sublease on the Waco Regional Airport between lessee Waco Gun Club and sublessees with R. Detlefsen and E. Jackson for the purpose of growing crops on designated land within the Waco Gun Club leasehold.

COUNCIL APPOINTMENTS

16. **RES-209** Consider approval of a resolution reappointing John Roberts as Judge of the Municipal Court for a two (2) year term effective June 1, 2008, through May 31, 2010, or until a successor is appointed, as required by the City of Waco Home Rule Charter.

BUDGET / CERTIFICATES OF OBLIGATION / BONDS

17. **RES-210** Consider approval of a resolution amending the Capital Improvements Programs for the City of Waco Fiscal Years 2007-2008, and 1997-1998.
18. **RES-211** Consider approval of a resolution amending the Fiscal Year 2007-08 operating budget for the General Fund, Solid Waste Fund, and Transit Fund and to approve a resolution amending the Fiscal Year 2007-08 operating budget fee schedule for the Solid Waste Fund.

GRANTS / SUPPORT

19. **RES-212** Consider approval of a resolution authorizing the City Manager to apply for a National Recreational Trail Fund grant through the Texas Parks and Wildlife Department for the purpose of Cameron Park trail improvements 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 \$200,000.00.
20. **RES-213** Consider approval of a resolution authorizing the City Manager to execute the Governor's Division of Emergency Management Sub-recipient Agreement for the Homeland Security Grant Program in order to receive a grant in the amount of \$291,000.00 and authorizing the City Manager to execute any documents in connection therewith.
21. **RES-214** Consider approval of a resolution that (1) approves actions of Wells Fargo Bank, N.A., as Trustee of the Badger Foundation, to modify the governing instrument of the Trust Agreement (a) to provide 5% payout of its thirty six month moving average of market value and (b) to modify the existing fee structure, and (2) authorizes the City Manager to execute any and all necessary documents to effect such change.

ECONOMIC DEVELOPMENT

22. **RES-215** Consider approval of a resolution authorizing the City Manager to execute an Industrial Business Grant agreement with Allergan, Inc. for real and personal property located in the State Enterprise Zone at 8301 Mars Drive, Waco, McLennan County, Texas.

ORDINANCES

23. **ORD-216** Consider an ordinance to rezone from PUD to R-1B property located at 3416 and 3420 S. 3rd Street and described as a portion of Lots 1 and 2, Block 1, Gaines Place Addition. (Case #Z-08-9 -Breckenridge Properties) **SECOND READING**
24. **ORD-217** Consider an ordinance to abandon an alley from Prose Avenue southeast to Coty Avenue, in the City of Waco, McLennan County, Texas. **SECOND READING**
25. **ORD-218** 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 (SWPPP) 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. **SECOND READING**
26. **ORD-219** 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 5th and 6th 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. - **SECOND READING**

27. **ORD-220** Consider approval of 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. **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