

**WACO CITY COUNCIL MEETING  
TUESDAY, OCTOBER 20, 2009  
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-560** Presentation concerning Second Annual Education Summit. 3:30p.m.
  
- B. **WS-561** Discussion continues concerning Proposed Smoking Ordinance. 3:50p.m.
  
- C. **WS-562** Discussion concerning Freedom Fountain. 4:30p.m.
  
- D. **WS-563** Council Requests for Scheduling of Future Agenda Items. 4:50p.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-564** Proclaim: October 20, 2009 as "German American Partnership Program Day"

**MINUTES**

2. **MIN-565** Work/Business Session– October 6, 2009

**PUBLIC HEARINGS**

3. **PH-566** Conduct a public hearing on the disclosure of the family relationship between Pablo and Lilly Olivarez, applicants for a Reconstruction Loan in an amount not to exceed \$94,960.00 plus closing costs, and a City Employee, Marcus Davilla, for the reconstruction of a home located at 2522 Summer Street, Waco, Texas, funded by the U. S. Department of Housing and Urban Development HOME Investment Partnership Program (HOME) and Community Development Block Grant (CDBG).
4. **PH-567** Conduct a public hearing on an ordinance to rezone from R-1B to M-2 the property described as a 1.319 acre tract, more or less, out of the Tomas De La Vega Grant, bounded by Concord Road, Williams Drive, and Tirey Road. (Case #Z-09-30 Robert and Amalia Villalovas) **FIRST READING**

**PC RECOMMENDATION: 9 – 0 APPROVAL**

**STAFF RECOMMENDATION: APPROVAL**

**MOTION ON ORDINANCE**

5. **PH-568** 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 Sendero Springs Addition, Phase Four.

**PC RECOMMENDATION: 9- 0 DISAPPROVAL UNTIL ALL PLATTING REQUIREMENTS ARE MET**

**STAFF RECOMMENDATION: DISAPPROVAL**

- Hearing of any visitor concerning City business.

### **CONSENT AGENDA**

- Consider consent agenda.

Agenda Numbers RES-569 through RES-600 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**

#### **HOUSING / HOMES**

6. **RES-569** Consider approval of a resolution approving the assignment of residential tax abatement rights and benefits of Waco Community Development Corporation to Seth A. Miller and Sarah L. Miller for property located at 727 N. 15<sup>th</sup> Street, Lot 23, Block 234, of the Reynolds Addition in the City of Waco.
7. **RES-570** Consider approval of a resolution approving the assignment of residential tax abatement rights and benefits of Edanbra Development Corporation to Thomas Archibald and Shante Barrett for property located at 2301 Los Arboles, Lot 22, Block 2, of the Woods on Kendrick Lane Addition in the City of Waco.

## **AGREEMENTS / CONTRACTS**

8.     **RES-571**   Consider approval of a resolution authorizing the expenditure of an amount not to exceed \$1,162,611.68 during FY 2009-2010 for services under a contract for engineering and planning services as an Aviation General Consultant for the Waco Regional Airport for Reynolds, Smith and Hills (RS&H) of Houston, Texas.
  
9.     **RES-572**   Consider approval of a resolution authorizing the City Manager to execute a licensing agreement on behalf of the Texas Ranger Hall of Fame and Museum with Capo Organics, LLC dba ChefEase of Woodway, Texas, for the sale and distribution of food products, cooking accessories, cooking educational materials, and apparel associated with such food products.
  
10.    **RES-573**   Consider approval of a resolution authorizing the City Manager to execute and ratify the subcontracts for non-emergency transportation services based on a per trip rate with Central Texas Senior Ministry in Falls, Hill, and McLennan Counties, Bosque County Senior Services in Bosque County, Freestone County Senior Services in Freestone County, and Limestone County Senior Services Project in Limestone County and execute any future contracts in accord with the extension periods provided by the Texas Department of Transportation.
  
11.    **RES-574**   Consider approval of a resolution authorizing payment under an existing digital copier contract to IKON Office Solutions for copier rental and supplies in an amount not to exceed \$236,868.00 for Fiscal Year 2009-2010.
  
12.    **RES-575**   Consider approval of a resolution authorizing payment under an existing software contract to SunGard Public Sector (formerly SunGard HTE), Lake Mary, Florida, for annual software maintenance in an amount not to exceed \$176,515.00 for Fiscal Year 2009-2010.
  
13.    **RES-576**   Consider approval of a resolution authorizing payments under an existing installment contract to IBM Corporation, Dallas, Texas, for iSeries upgrade charges in an amount not to exceed \$65,826.48 for Fiscal Year 2009-2010.

14. **RES-577** Consider approval of a resolution authorizing the lease of computers from Dell Financial Services L.L.C. in conjunction with Dell Marketing, L.P. in an amount not to exceed \$396,569.00 for Fiscal Year 2009-2010; and authorizing the City Manager to execute all documents in connection therewith.
15. **RES-578** Consider approval of a resolution authorizing the City Manager to execute an amendment to the annual maintenance agreement with Tiburon Inc. for the City's primary Police Department software to provide for payment for services in the upcoming one-year maintenance period in an amount not to exceed \$74,642.00.
16. **RES-579** Consider approval of a resolution authorizing the City Manager to purchase (2) 29' Passport Aero Elite – Chevrolet Duramax 20 passenger buses under an existing cooperative purchasing agreement with the Houston Galveston Area Council of Government (HGAC) in an amount not to exceed \$364,000.00.
17. **RES-580** Consider approval of a resolution authorizing a Professional Services Agreement for concession sales and naming rights at the Riverbend Baseball/Softball Complex with Dubl-R Concessions and Catering Inc. ("DCCI"); and further authorizing the City Manager to execute any documents in connection to complete this transaction.
18. **RES-581** Consider approval of a resolution authorizing the City Manager to amend the professional services contract with SCS Engineers for engineering work, including groundwater monitoring and compliance assistance at Landfill 948-A, to increase the contract in an amount of \$76,000.00 bringing the total not to exceed contract amount to \$176,000.00; and authorizing the City Manager to execute all documents necessary to complete the transaction.
19. **RES-582** Consider approval of a resolution authorizing the City Manager to purchase Blue Recycling, Gray Garbage, Green Yard Waste Carts, and Apartment Recycling Bins from Rehrig Pacific Company, under an existing cooperative purchasing agreement with Houston-Galveston Area Council of Government (HGAC), and the Buy Board in an amount not to exceed \$264,000.00.

20. **RES-583** Consider approval of a resolution authorizing the City Manager to purchase 3, 4, 6, 8, and 10 yard steel and plastic frontload, sideload, and rearload dumpsters, under an existing cooperative purchasing agreement with Houston-Galveston Area Council of Government (HGAC), and the Buy Board in an amount not to exceed \$75,000.00.
21. **RES-584** Consider approval of a resolution ratifying the execution by the City Manager of an agreement between Spherion Staffing Services and the City of Waco for the employment of temporary staff for the Waco-McLennan County Public Health District Public Health Preparedness Program during the 2009-10 Fiscal Year in an amount not to exceed \$92,030.00.

## **ECONOMIC DEVELOPMENT**

22. **RES-585** Consider approval of a resolution authorizing a loan to FreeFlight Acquisition Corporation through the Waco McLennan County Economic Development Corporation for the retention of 42 employees within the City of Waco over a seven year period in an amount not to exceed \$700,000.00 (up to \$350,000.00 of which will be provided by the City of Waco); and authorizing the City Manager to execute all documents necessary to complete this transaction.

## **BIDS / PURCHASES**

23. **RES-586** Consider approval of a resolution awarding a bid to Barsh Company, Texas, lowest and best responsible bidder, for the complete construction and renovation of South Waco Community Center in an amount not to exceed \$2,050,200.00; and authorizing the City Manager to complete all documents necessary to complete this transaction.
24. **RES-587** Consider approval of a resolution awarding a contract to Roth Construction, Victoria, Texas, lowest and best responsible bidder, for construction and renovation services at the Waco Convention Center in an amount not to exceed \$12,895,018.00; and authorizing the City Manager to execute all documents necessary to complete this transaction.

25. **RES-588** Consider approval of a resolution authorizing Waco Transit to continue participation in the Texas Municipal League Intergovernmental Risk Pool for the purchase of automobile, comprehensive physical damage, general liability, and worker's compensation insurance for FY2009-2010, in an amount not to exceed \$200,309.85.
26. **RES-589** Consider approval of a resolution authorizing the award of a contract to JNB Construction, Ltd., of Waco, Texas, lowest and best responsible bidder, for water improvements by Panther Point, Inc., in The Renaissance Addition, Phase 4, in an amount not to exceed \$37,505.00; and authorizing the City Manager to execute a Water Improvement Refund Contract with Panther Point, Inc., in an amount not to exceed \$26,755.00.

## **GRANTS / SUPPORT**

27. **RES-590** Consider approval of a resolution authorizing the Waco Regional Airport to adopt a Disadvantaged Business Enterprises (DBE) Program goal of 5.87% for all projects completed with fiscal year 2010 grant funds under the Federal Department of Transportation (DOT) Airport Improvement Program (AIP), to meet the requirements of 49 Code of Federal Regulations Part 26, Participation By Disadvantaged Business Enterprises In Department Of Transportation Financial Assistance Programs.
28. **RES-591** Consider approval of a resolution ratifying the submission by the City Manager of Passenger Facility Charge (PFC) Application #4 to the Federal Aviation Administration (FAA) for the intent of beginning PFC collections totaling \$790,163.00 and authorizing the City Manager to execute any documents in connection therewith, and/or furnish additional information/documentation as may be deemed necessary for the implementation of said program.
29. **RES-592** Consider approval of a resolution authorizing the City Manager to accept a Federal Section 5307 grant from the Federal Transit Administration in an amount not to exceed \$2,278,660.00.
30. **RES-593** Consider approval of a resolution authorizing the City Manager to accept a State operating assistance grant from the Texas Department of Transportation in an amount not to exceed \$401,624.00.

31. **RES-594** Consider approval of a resolution authorizing the City Manager to accept Section 5310 grant funds from the Texas Department of Transportation for preventive maintenance of the Waco Transit fleet to support the day-to-day operations of Waco Transit in an amount not to exceed \$118,750.00.
32. **RES-595** Consider approval of a resolution authorizing the City Manager to submit an application to the Texas Comptroller of Public Accounts for a grant under the Transportation Energy Efficiency Traffic Signal Synchronization or Replacement Stimulus Grant Program in an amount not to exceed \$40,000.00 and to negotiate and execute an agreement with the comptroller for the retiming and resynchronization of the Bosque Boulevard Signal System upon award of a grant.
33. **RES-596** Consider approval of a resolution authorizing the City Manager to execute an amendment to the agreement between Texas Department of State Health Services and the City of Waco for the Waco-McLennan County Public Health District Public Health Preparedness Program during the 2009-10 Fiscal Year to increase the funding by \$54,102.00; and to authorize the City Manager to execute all future amendments to this grant and to submit any documents/information required by the grant.

## **CHANGE ORDER**

34. **RES-597** Consider approval of a resolution accepting Change Order No.7 from Knife River, Inc., Waco, Texas, for the Brazos Riverwalk Project in the amount of \$197,904.90; and authorizing the City Manager to execute all documents necessary to complete this transaction.
35. **RES-598** Consider approval of a resolution authorizing Change Order Number One with Roth Construction, Victoria, Texas, to add additional construction specifications to the Waco Convention Center Renovation & Expansion project in an amount not to exceed \$2,334,118.64 bringing the total contract amount to \$15,229,136.64; and authorizing the City Manager to execute all documents necessary to complete this transaction.

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

36. **RES-599** Consider approval of a resolution authorizing the City Manager to issue a competitive sealed proposal procedure for bank depository services.
37. **RES-600** Consider approval of a resolution to approve the budget of funds forfeited under state law and any matters related thereto.

## **ORDINANCES**

38. **ORD-601** Consider approval of an ordinance amending Sections 18-66 and 18-67, in Chapter 18, Personnel, Article III, Division 1, of the Code of Ordinances of the City of Waco, authorizing the City Manager to adopt and execute a Collective Bargaining Agreement with Local 478 of the International Association of Fire Fighters governing the wages, benefits, working conditions, and operation of the City of Waco Fire Department through September 30, 2011, and repealing all ordinances or parts of ordinances in conflict with the provisions of said ordinance.  
**EMERGENCY**
39. **ORD-602** Consider approval of an ordinance adopting various 2009 International Codes relating to construction standards and the 2008 National Electrical Codes by amending Sections 6-26 through 6-32 of Article II of Chapter 6, "Building and Building Regulations," and Sections 10-20, 10-21 and 10-24 of Article II of Chapter 10, "Fire Prevention and Protection" of the Code of Ordinances of the City of Waco, Texas. **SECOND READING**
40. **ORD-603** Consider approval of an ordinance updating the Project/Financing Plan for Reinvestment Zone Number One for Tax Increment Financing to provide for the expenditure of TIF funds for the following public improvement projects:  
1] up to \$150,176.00 to the City of Waco Parks and Recreation Department (City of Waco) for Brazos River clean up; and  
2] up to \$300,108.00 to TexasFirmHoldings, LLC (Beard, Kultgen, Brophy, Bostwick, Dickson & Squires, LLC) for renovations at 220 S. 4<sup>th</sup> St.;  
**SECOND READING**

## **CITY MANAGER REPORTS**

### **. Master Plan Update**

**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