



ACTION AGENDA
WACO CITY COUNCIL WORK/BUSINESS SESSION
TUESDAY, NOVEMBER 3, 2009
WACO CONVENTION CENTER
100 WASHINGTON AVENUE

WORK SESSION

- | | | |
|---------------|---|-----------|
| 09-604 | Discussion concerning improvements to the Freedom Fountain. | Discussed |
| 09-605 | Council Requests for Scheduling of Future Agenda Items. | Discussed |

EXECUTIVE SESSION

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.

No Action Taken

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

MINUTES

- | | | |
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| 09-606 | Work/Business Session– October 20, 2009 | Approved |
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PUBLIC HEARINGS

- | | | |
|---------------|--|-----------------|
| 09-607 | Conduct a public hearing on Resolution 2009-607 authorizing an amendment to the 2007-2008 and 2008-2009 Consolidated Action Plans to provide for a \$250,000.00 grant to the Rapoport Academy to renovate Grant Hall. | Approved
6-0 |
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File No.	Description	Action
09-608	Conduct a public hearing on an ordinance :	
	<p>A. repealing Article IV, “Smoking Regulations,” to Chapter 16 of the Code of Ordinances of the City of Waco, McLennan County, TX, and adopting a new Article IV to prohibit smoking in public places and providing for an amortization period before certain portions of the ordinance become effective.</p>	<p>Failed 3-3</p>
	<p>B. amending various sections of Article IV, “Smoking Regulations,” to Chapter 16 of the Code of Ordinances of the City of Waco, McLennan County, Texas, by deleting word “the” in Sec. 16-121(3); adding establishments selling alcoholic beverages to provisions allowing for outdoor patios and applying 20 foot limitation to any entrance in Sec. 16-121(9); making the defense provided in Sec. 16-122 an affirmative defense; amending Sec. 16-123 to clarify fine amounts; allowing hotels and motels to designate up to 25% of their rooms as smoking; adding language to Sec. 16-125(3) to define retail tobacco stores; deleting current Sec. 16-125(5), (8), (9), and (11); amending Sec. 16-125(7) to add word “system” and make testing requirement annual; amending Sec. 16-125(10) to exempt only existing bars from the smoking prohibition; amending Sec. 16-126 to make the Waco-McLennan County Public Health District responsible for compliance with the smoking regulations and providing that a person observed smoking in violation of the article may be cited for the violation; deleting Sec. 28-128 related to the June 2003 date to comply with requirements to designate smoking areas; and providing that establishments wanting to take advantage of the provision in Sec. 16-125(7) because of deletions of certain sections have until December 1, 2010 to make the required structural changes.</p>	<p>Approved 5-1</p>
RESOLUTIONS / CONSENT AGENDA was approved 6-0.		
AGREEMENTS / CONTRACTS		
09-609	<p>Resolution 2009-609 ratifying the execution by the City Manager of a one (1) year extension to the existing agreement with Liberty Power Corporation for the purchase of electric energy.</p>	<p>Approved Consent</p>
09-610	<p>Resolution 2009-610 authorizing the City Manager to execute an agreement with Oncor Electric Delivery in an amount not exceeding \$68,382.38 for the installation of underground electric distribution facilities for new electric service to Knox Hall at the Ranger Hall of Fame and Museum.</p>	<p>Approved Consent</p>
09-611	<p>Resolution 2009-611 authorizing the City Manager to purchase a special use vehicle from The Armored Group, LLC of Ft. Worth, Texas under General Services Administration contract number GS-07F-9375S in an amount not to exceed \$175,000.00.</p>	<p>Approved Consent</p>

File No.	Description	Action
INTERLOCAL AGREEMENTS		
09-612	Resolution 2009-612 authorizing the City Manager to execute a renewal of an interlocal agreement with the Heart of Texas Council of Governments relating to the use, control, responsibility and payment for emergency notification service made available to the City of Waco by virtue of the contract between HOTCOG and Emergency Management Telecommunications, Inc. ("EMTEL").	Approved Consent
BIDS / PURCHASES		
09-613	Resolution 2009-613 authorizing the City Manager to purchase under a cooperative purchasing agreement managed by the Texas Local Government Purchasing Cooperative operating as the BuyBoard, two (2) 2010 Freightliner M2106 Truck Chassis w/Davis 10-12 yd Dump Body from Duncan Freightliner, Waco, TX in an amount not to exceed \$154,210.00 total.	Approved Consent
09-614	Resolution 2009-614 approving the purchase of water meters from a previously awarded thirty-six (36) month supply contract with Badger Meter, Inc., Milwaukee, Wisconsin, in an amount not to exceed \$100,000.00 during FY 2009-10 and authorizing the City Manager to execute all documents to complete this transaction.	Approved Consent
09-615	Resolution 2009-615 awarding bids for thirty-six (36) month supply contracts to: Pencco Inc., San Felipe, TX (Fluorosilicic Acid), Chameleon Industries Inc., Corsicana, TX (Liquid Ammonium Sulfate and Liquid Aluminum Sulfate and Polymer Blend), DPC Industries, Inc., Cleburne, TX (Sulfur Dioxide), Altivia Corporation, Houston, TX (Sodium Hydroxide 25% & 50% concentrations, Liquid Chlorine 1-ton & 150-lbs. cylinders) & authorizing the City Manager to make purchases from the awarded supply contracts in an annual amount not to exceed \$1,045,000.00 for the Water Treatment Plants and \$300,000.00 for the Waco Metropolitan Area Regional Sewer System for FY 09-10.	Approved Consent
09-616	Resolution 2009-616 awarding a contract to B & L Construction Co., Inc., Hillsboro, TX., lowest and best responsible bidder, for FM 434 Sanitary Sewer Extension project in an amount not to exceed \$295,602.00 and authorizing the City Manager to execute all documents necessary to complete this transaction.	Approved Consent
09-617	Resolution 2009-617 awarding a contract to CWA Construction of Waco, Texas, lowest and best responsible bidder, to construct a Landfill Maintenance Building, in an amount not to exceed \$688,657.00 & authorizing the City Manager to execute all documents necessary to complete the transaction.	Approved Consent

File No.	Description	Action
GRANTS / SUPPORT		
09-618	Resolution 2009-618 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 \$288,000.00 and authorizing the City Manager to execute any documents in connection therewith.	Approved Consent
ECONOMIC DEVELOPMENT		
09-619	Resolution 2009-619 authorizing the City Manager to execute a residential tax abatement agreement with Waco Community Development Corporation for Lot 29, Block 14 of the Fitzhugh and Damron Addition in the City of Waco, McLennan County, Texas, also known as 1208 N. 15 th Street, Waco, Texas.	Approved Consent
BUILDINGS/LAND/STREETS/PARKS		
09-620	Resolution 2009-620 granting an easement agreement to Atmos Gas to allow access to City property to construct and maintain a gas line under the Brazos River parallel to the Washington Avenue Bridge and authorizing the City Manager to execute all necessary documents to complete this transaction.	Approved Consent
CITY OPERATIONS		
09-621	Resolution 2009-621 revising the Sale of City Owned Property Policy to clarify the policy.	Removed from agenda
09-622	Resolution 2009-622 authorizing the City Manager to make payment to the Texas Municipal League Risk Pool for annual renewal of Liability and Property Coverage for a cost not to exceed \$827,156.00 in order to protect the assets of the City of Waco from October 1, 2009 through September 30, 2010.	Approved Consent
09-623	Resolution 2009-623 authorizing the City Manager to convert current residential alley garbage service to curbside garbage service.	Approved 5-1
ORDINANCES		
09-624	Ordinance 2009-624 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, & Tirey Road. (Case #Z-09-30 Robert & Amalia Villalovas) SECOND READING	Approved 6-0
COUNCIL REPORTS		
09-625	Appointments to various Boards and Commissions subject to meeting qualifications.	Approved 6-0
<u>BOARD NAME</u> Administrative Agency for the Joint Airport (McGregor)	<u>APPOINTEE</u> <u>Wiley Stem</u> (Recommended by Larry Groth to replace Joe Mayfield)	<u>REAPPOINTEE</u>

File No.	Description	Action
Animal Control Advisory Board	Albert Lopez (IV) (2010)	
Aviation Advisory Board		Timothy Welter (IV) (2011)
Building Standards Commission	Ashley Capellini (IV) (2010)	
Cottonwood Creek Golf Course Advisory Board	Nathan Embry (II) (2010)	Timothy Welter (IV) (2011)
Equal Employment Opportunity Advisory Committee	Mary Cisneros (II) (2011)	
Historic Landmark Preservation Commission	Megan Henderson (IV) (2011)	
Plan Commission (3 yrs)		Cecil McDowell (IV) (2012)
Recycling Advisory Committee	Donald Robertson WISD	Sharla Skains (IV) (2011)
Waco Convention & Visitors Bureau Advisory Board		Linda Williams (IV) (2011)
Waco Public Improvement District No. One Advisory Board	Lorraine Hoppenstein (2010)	
Waco Transit Advisory Board	Bruce Neatherlin (A-L) (2010) Jim Newkham (A-L) (2011)	Mary Davis (IV) (2011)
(All terms expire in 2011 unless otherwise noted.)		

All regular council meetings are broadcast live on the Waco City Cable Channel (WCCC 10 TV), and are typically rebroadcast nine times after each council meeting. Please check the schedule for viewing times. DVD video copies are available of meetings up to four months from the meeting date. DVD's may be ordered from the Municipal Information Department for \$5.00 at City Hall, 300 Austin Ave. Copies of audiotapes are available for purchase through the City Secretary's Office at a cost of \$1.50 each.

ADJOURNMENT – 7:32 P.M.

THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING IS NOVEMBER 17, 2009.

THE OFFICIAL MINUTES FOR THIS MEETING SHOULD BE AVAILABLE FOR INSPECTION BY NOVEMBER 18, 2009.

File No.	Description	Action
PATRICIA W. ERVIN, TRMC CITY SECRETARY trish@ci.waco.tx.us (254)750-5750		