



**ACTION AGENDA**  
**WACO CITY COUNCIL WORK/BUSINESS SESSION**  
**TUESDAY, AUGUST 18, 2009**  
**WACO CONVENTION CENTER**  
**100 WASHINGTON AVENUE**

**WORK SESSION**

- |               |  |           |
|---------------|--|-----------|
| <b>09-420</b> | Discussion concerning Smoking Ordinance                | Discussed |
| <b>09-421</b> | Presentation concerning the function of Internal Audit | Discussed |
| <b>09-422</b> | Discussion concerning the proposed Council Retreat     | Discussed |
| <b>09-423</b> | Council requests for scheduling of future Agenda Items | Discussed |

**EXECUTIVE SESSION**

No Action Taken

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**

**MINUTES**

- |               |   |                                   |
|---------------|---|-----------------------------------|
| <b>09-424</b> | Special Work Session – Monday, July 27, 2009    | Approved as Presented             |
| <b>09-425</b> | Work/Business Session – Tuesday, August 4, 2009 | Approved with Correction on Pg. 1 |

File No.	Description	Action
<b>PUBLIC HEARINGS</b>		
<b>09-426</b>	Public hearing on the proposed tax rate of 0.786232 (per \$100 valuation) for the City of Waco Fiscal Year 2009-10, which is scheduled to be presented to the Waco City Council for approval on Tuesday, September 1, 2009, at 6:00 p.m. in the Bosque Theatre of the Waco Convention Center, 100 Washington Ave., Waco, Texas. <b>NO ACTION REQUIRED</b>	No Action Required
<b>09-427</b>	Public Hearing and consider <b>Resolution 2009-427</b> to adopt and approve the City of Waco Operating Budget & the Capital Improvements Program (CIP Plan) for Fiscal Year 2009-10: (a) To ratify the property tax revenue increase reflected in budget; (b) To approve portion of Operating Budget to provide funding to Cen-Tex Hispanic Chamber; (c) To approve portion of Operating Budget to provide funding to Cen-Tex African American Chamber; (d) To approve remainder of Operating Budget and Capital Improvement Program for Fiscal Year 2009-10 (including fee schedules); and (e) To authorize the City Manager to expend budgeted funds for employee salaries and benefits, temporary employment services, regulatory permit fees, utility services for City facilities and operations, approved refund contracts, bank fees, debt service, bond payments, investment fees, and collection fees, and to remit fees and taxes collected for the state to the state.	Approved  (a) 6-0 (b) 4-0 (c) 5-0 (d) 6-0 (e) 6-0
<b>09-428</b>	Public hearing on <b>Resolution 2009-428</b> to grant a Special Permit to Educators Credit Union for drive-thru lanes for a financial institution in an O-3 District on property described as 0.918 acres, more or less, out of the John Tucker Survey, Abstract No. 41, and being a portion of 2600 Lake Shore Drive (Case #Z-09-22 – Educators Credit Union)	Approved 6-0
<b>09-429</b>	Public hearing on <b>Resolution 2009-429</b> to grant the renewal of a Special Permit to Cross Cultural Experiences Inc. dba Mission Waco for a shelter in a C-5 District on property described as Lots 10 and B11, Block 7, Tinsley Subdivision, known as 1217 Mary. (Case #Z-09-24 – Cross Culture Experiences, Inc. dba Mission Waco)	Approved 6-0
<b>09-430</b>	Public hearing on <b>Resolution 2009-430</b> to disapprove until all platting requirements are met by the applicants the following subdivision plats, as recommended by the City Plan Commission: (1) Preliminary Plat of the Lake Shore Business Row Addition, Lots 1-2, Block 1; (2) Final Plat of the Lake Shore Business Row Addition, Lot 1, Block 1; and (3) Final Plat of the Willow Bend Addition, Part IV.	Approved 6-0
<b>09-431</b>	Public hearing on an <b>ordinance</b> to change the Comprehensive Plan land use designation from High Quality, Very Light Industrial to High Density Residential and to rezone from M-2 to O-2 the property	Approved 6-0

File No.	Description	Action
	described as Lot 3, Block 4, Texas Central South Addition, located on the south side of Corporation Parkway. (Case #Z-09-20 Waco Industrial Foundation) <b>FIRST READING</b>	
<b>09-432</b>	Public hearing on an <b>ordinance</b> to rezone from Planned Unit Development (PUD) to O-3 and/or O-1 the property described as Lot 1, Block 1, Cougar Ridge Addition, located at the southwest corner of China Spring Road and Cougar Ridge Parkway. (Case #Z-09-23 MKTF Properties LLC) <b>FIRST READING</b>	Approved Lot 1 as O-3 and Lots 2, 3, & 4 as O-1 (6-0 vote)
<b>CONSENT AGENDA approved 6-0.</b>		
<b>RESOLUTIONS</b>		
<b>09-433</b>	<b>Resolution 2009-433</b> authorizing additional compensation for two easements on the Waco Drive Water Line Realignment Project in the amount of \$600.00 for a total compensation of \$1,945.00.	Approved Consent
<b>09-434</b>	<b>Resolution 2009-434</b> authorizing additional compensation for an easement on the Waco Drive Water Realignment Project in the amount of \$520.00 for a total compensation of \$1,000.00.	Approved Consent
<b>09-435</b>	<b>Resolution 2009-435</b> authorizing the City Manager to offer compensation for right of way acquisition on the Panther Way Street Reconstruction Project in a total compensation offer amount not to exceed \$354,535.00, to execute all documents necessary to acquire the easements needed for the Project, or to proceed with condemnation if necessary.	Approved Consent
<b>09-436</b>	<b>Resolution 2009-436</b> authorizing the City Manager to renew a Memorandum of Agreement with Heart O’Texas Youth Football Inc. to provide youth football leagues at the Lake Air Football Fields for a three (3) year term beginning on September 1, 2009 and ending on August 31, 2012.	Approved Consent
<b>09-437</b>	<b>Resolution 2009-437</b> awarding a contract to Jaynes, Reitmeier, Boyd & Therrell, P.C., Waco, Texas, to perform annual audit for the City of Waco for FY2009-2010 with an option to renew the contract for up to four additional years and authorizing the Mayor to execute a contract to perform the annual audit for fiscal year 2009-2010 for the amount of \$55,000.00.	Approved Consent
<b>09-438</b>	<b>Resolution 2009-438</b> awarding an asbestos abatement contract to BAD Company, Austin, Texas, lowest and best responsible bidder, for asbestos abatement at the Waco Convention Center in an amount not to exceed \$68,000.00 and authorizing the City Manager to execute any documents in connection therewith.	Approved Consent

File No.	Description	Action
09-439	<b>Resolution 2009-439</b> authorizing the City Manager to execute an Amendment to the Waco-McLennan County Public Health District Cooperative Agreement for the Term of October 1, 2009 to September 30, 2014, between the City of Waco and other members of the Waco-McLennan County Public Health District and authorizing the City to participate as a Funding Member.	Approved Consent
09-440	<b>Resolution 2009-440</b> amending Resolution No. 07-839 which authorized the City Manager to execute a contract with Andy Horn for partial refund of water improvements by Andy Horn, for Central Professional Park Addition in an amount not to exceed \$165,852.76, to correctly identify the contracting entity as AKH Properties, LLC.	Approved Consent
09-441	<b>Resolution 2009-441</b> authorizing the City Manager to execute an Agreement for Law Enforcement Services between the City of Waco & the Midway Independent School District (MISD) to provide the assignment of 2 Police Officers to the high school within MISD for a period of one year.	Approved Consent
09-442	<b>Resolution 2009-442</b> approving the assignment of residential tax abatement rights & benefits of Edanbra Development, LC to James David Clendening for property located at 2308 Kendrick Lane, Lot 3, Block 2, of the Woods on Kendrick Lane Addition in the City of Waco.	Approved Consent
09-443	<b>Resolution 2009-443</b> authorizing Change Order #2 to the contract with CWA Construction for the Asian Forest Expansion Project, to reduce the contract by \$56,802.77, so that the total contract amount will not exceed \$3,308,314.23 and authorizing the City Manager to execute any documents necessary in connection therewith.	Approved Consent
09-444	<b>Resolution 2009-444</b> authorizing the City Manager to execute a Change Order with Barsh Company, Inc., Waco, Texas, to add utility improvements to the Cameron Park Renovations Phase One Project, in the amount of \$37,582.00 thereby bringing the total contract amount to \$4,144,199.00.	Approved Consent
09-445	<b>Resolution 2009-445</b> authorizing an amendment to an existing Industrial Business Grant Agreement with Caterpillar Work Tools Inc. to change the term of the agreement from January 1, 2008 – December 31, 2012 to January 1, 2009 – December 31, 2013, and to change the deadline for hiring 34 new full-time employees from December 31, 2009 to December 31, 2011, and authorizing the City Manager to execute the necessary documents in connection therewith.	Approved Consent
09-446	<b>Resolution 2009-446</b> authorizing an amendment to an existing Industrial Business Grant Agreement with The Coca-Cola Company to change the term of the agreement from January 1, 2009 – December 31, 2015 to January 1, 2010 – December 31, 2016, and authorizing the City Manager to execute the necessary documents in connection therewith.	Approved Consent

File No.	Description	Action
<b>09-447</b>	<b>Resolution 2009-447</b> authorizing an amendment to an existing Industrial Tax Abatement Agreement with Caterpillar Logistics Services, Inc. to change the term of the agreement for personal property improvements from January 1, 2009 – December 31, 2015 to January 1, 2010 – December 31, 2016, and authorizing the City Manager to execute the necessary documents in connection therewith.	Approved Consent
<b>09-448</b>	<b>Ordinance 2009-448</b> establishing administrative departments and divisions of the City of Waco, Texas. <b>EMERGENCY READING</b>	Approved 6-0
<b>09-449</b>	<b>Ordinance 2009-449</b> approving a negotiated resolution with Atmos Energy Corp., formerly TXU Gas Company, regarding the Atmos Rate Review Mechanism filing and adopting tariffs reflecting rate adjustments consistent with the settlement. <b>SECOND READING</b>	Approved 6-0
<b>09-450</b>	<b>Ordinance 2009-450</b> to change the Comprehensive Plan land use designation from High Density Residential to Commercial and Office and to rezone from R-3E to O-3 the property described as a 0.918 acre tract out of the John Tucker Survey, Abstract No. 41, being a portion of 2600 Lake Shore Drive. (Case #Z-09-21 Educators Credit Union) <b>SECOND READING</b>	Approved 6-0

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 – 6: 52 P.M.**

NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING – SEPTEMBER 1, 2009

THE OFFICIAL MINUTES FOR THIS MEETING SHOULD BE AVAILABLE FOR INSPECTION BY SEPTEMBER 2, 2009.

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