

**WACO CITY COUNCIL MEETING  
TUESDAY, FEBRUARY 7, 2012  
2:00 P.M. and 6:00 P.M.  
BOSQUE THEATER  
WACO CONVENTION CENTER  
100 Washington Avenue  
Waco, Texas**

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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** 2:00p.m.
  
- A. WS-050** Presentation of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2011 2:30p.m.
  
- B. WS-051** Discussion of youth sports programs and use of City owned facilities 3:00p.m.
  
- C. WS-052** Discussion of the 1<sup>st</sup> Quarter 2011-12 Financials 3:30p.m.
  
- D. WS-053** Council Requests for Scheduling of Future Agenda Items 3:45p.m.

**EXECUTIVE SESSION  
DECORDOVA ROOM**

**Est. Time  
4:00p.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 THEATER  
6:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**MINUTES**

1. **MIN-054** Work/Business Session – January 17, 2012

**PUBLIC HEARINGS**

2. **PH-055** Conduct a public hearing to assess housing and priority non-housing community development needs within the City of Waco.

**NO ACTION REQUIRED BY COUNCIL**

3. **PH-056** Conduct a public hearing on an ordinance to change the Comprehensive Plan land use designation from High Density Residential to Medium Density Residential and to rezone from R-3E to C-2 and R-3C on property described as Lot 1, Block 13, Dewey Addition, known as 1201 N. 9<sup>th</sup> Street; Lot 1, Block 4, Dewey Addition, known as 1401 N. 9<sup>th</sup> Street; and Lot 1, Block 2, Dewey Addition known as 1500 N. 10<sup>th</sup> Street. (Case #Z-12-2 – Bury & Partners)

**FIRST READING**

**PC RECOMMENDATION: 8 – 0 APPROVED**

**STAFF RECOMMENDATION: APPROVAL**

**MOTION ON ORDINANCE**

- Hearing of any visitor concerning City business.

## CONSENT AGENDA

- Consider consent agenda.

Agenda Numbers RES-057 through RES-069 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

### AGREEMENTS/CONTRACTS

4. **RES-057** Consider approval of a resolution authorizing change orders #3 through #8 with John W. Erwin Construction, Waco, Texas, for construction modifications to the Central Library Renovations project in an amount not to exceed \$240,970.00 bringing the total contract amount to \$4,359,152.00; and authorizing the City Manager to execute all documents necessary to complete this transaction.
5. **RES-058** Consider approval of a resolution authorizing a contract for design services with The Wallace Group, Waco, Texas, for the design of the China Spring - Airport Transmission Mains project in an amount not to exceed \$317,977.00; and authorizing the City Manager to execute all documents necessary to complete the transaction.
6. **RES-059** Consider approval of a resolution authorizing a one year agreement with Blackridge of Austin, Texas to advocate and represent the City of Waco with the state legislature and state agencies in an amount not to exceed \$120,000.00; and authorizing the City Manager to negotiate and execute said agreement.

### BIDS/PURCHASES

7. **RES-060** Consider approval of a resolution authorizing the City Manager to utilize the competitive sealed proposal procedure to secure the services of a contractor for the installation of a line stop and plug of the 66" raw water line at the raw water pump station because this method provides the best value for the City of Waco.

8.     **RES-061**   Consider approval of a resolution awarding a contract to Environmental Industrial Services Group (EISG), Houston, Texas, lowest responsible bidder, for construction of MSW-948A Phase V-B Liner Construction Project in an amount not to exceed \$1,042,170; and authorizing the City Manager to execute all documents necessary to complete this transaction.
9.     **RES-062**   Consider approval of a resolution awarding a contract to Mooney Construction, Austin, TX, lowest responsible bidder, for the 916 South 16<sup>th</sup> Street Sewer project in an amount not to exceed \$57,670.00; and authorizing the City Manager to execute all documents necessary to complete this transaction.
10.    **RES-063**   Consider approval of a resolution awarding a contract to Barnett Contracting, Inc., Waco, TX, lowest responsible bidder, for the Pascal Court Water and Sewer project in an amount not to exceed \$248,676.00; and authorizing the City Manager to execute all documents necessary to complete this transaction.
11.    **RES-064**   Consider approval of a resolution authorizing the award of a contract to W & B Contractors, LLC, of Killeen, Texas, lowest responsible bidder, for water improvements by a private developer, W & B Development, Ltd., for Sendero Springs Addition, Phase Five, in an amount not to exceed \$333,367.20; and authorizing the City Manager to execute a contract with W & B Development, Ltd., for partial refund of such improvements on a timely basis, in an amount not to exceed \$288,873.00.

## **GRANTS/SUPPORT**

12.    **RES-065**   Consider approval of a resolution authorizing the City Manager to apply for a grant from the Texas Department of Transportation in an amount not to exceed \$90,000.00 for the FY 2013 Comprehensive Selective Traffic Enforcement Program (STEP) and to authorize the City Manager to accept and execute the grant, and to furnish additional information and documentation as deemed necessary for implementation of said program, and matters pertaining.

## **CITY OPERATIONS**

13.    **RES-066**   Consider approval of a resolution (a) amending the Fiscal Year 2011-12 operating budget for the General Fund, Street Reconstruction Fund, Water Fund, Wastewater Fund, WMARSS Fund, and Solid Waste Fund, and (b) amending the Fiscal Year 2011-12 operating budget fee schedule for the Health Fund.

14. **RES-067** Consider approval of a resolution amending the Capital Improvement Programs for the City of Waco Fiscal Years 2007-2008 and 2006-2007.
15. **RES-068** Consider approval of a resolution authorizing the sale of tax foreclosed property located at 600 Lottie St. by private sale in accordance with the City of Waco Sale of City-Owned Property Policy to Carla and Norman Sam for a total amount of \$1,100.00; and authorizing the City Manager to execute all documents necessary to complete this transaction.

## **ELECTIONS**

16. **RES-069** Consider approval of a resolution ordering a General Election in and throughout the City of Waco on Saturday, May 12, 2012, at which time there shall be submitted to the duly qualified resident electors of the said City the election of Council Members for Mayor (at-large), District I, and District III; designating polling locations; authorizing the City Manager to execute joint election agreements with the Waco Independent School District (WISD) and the Bosqueville Independent School District (BISD); and providing for other matters relating to the general election, in an amount not to exceed \$75,098.00.

Se solicita que se adopte un acuerdo que ordene unas elecciones generales a lo largo de y en la ciudad de Waco el sábado, 12 de mayo de 2012, fecha en la cual se presentará a los residentes electores que cumplan todos los requisitos de tal ciudad la elección de los miembros del ayuntamiento para la elección del alcalde en general, el Distrito I y el Distrito III, y el nombramiento de los centros designados para la votación; se le dará autorización al Gerente Municipal a ejecutar acuerdos para elecciones conjuntas con el Distrito Escolar Waco Independiente de Waco(WISD) y el Distrito Escolar Independiente de Bosqueville(BISD); y para proporcionar otros asuntos relacionados con las elecciones generales con una cantidad que no exceda \$75,098.00.

## **ORDINANCES**

17. **ORD-070** Consider approval of an ordinance to surrender the City of Waco's jurisdiction over the Application For A Rate/Tariff Change filed by Aqua Texas with the City of Waco in December 2011 to the Texas Commission on Environmental Quality. **EMERGENCY**

18. **ORD-071** Consider approval of an ordinance accepting determination by Texas Department of Transportation (TxDOT) that improvements to Interstate 35 (I 35) require the use or taking of certain park land, accepting an offer from the TxDOT in an amount of \$1,798,882.00 (a) for the acquisition of fee title to 0.336 acres and of additional area for temporary construction easements and easements in Lake Brazos and (b) for the damage to remainder for denial of access in connection with the construction of frontage road bridges for I 35 across Lake Brazos and authorizing the City Manager to execute necessary conveyance and acceptance documents. **EMERGENCY**

### **COUNCIL REPORTS AND ANNOUNCEMENTS**

19. **CR-072** Consider approval of the City Council representation to various boards, commissions, and committees.
- Committee Reports from Council Members.

**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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John T. Patterson, Acting City Attorney