

**WACO CITY COUNCIL MEETING AGENDA
JUNE 20, 2017
3:00 P.M. AND 6:00 P.M.
WACO CONVENTION CENTER BOSQUE THEATER
100 WASHINGTON AVENUE, WACO, TX 76701**



CITY OF WACO

Kyle Deaver - Mayor

Jim Holmes – Mayor Pro Tem, District V

Vacant – Council Member, District I

Alice Rodriguez – Council Member, District II

John Kinnaird – Council Member, District III

Dillon Meek – Council Member, District IV

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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 Esmeralda Hudson, 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.

I. CALL TO ORDER

II. OATH OF OFFICE

Oath of Office for City Council District I administered by Esmeralda Hudson, City Secretary.

III. PRESENTATIONS AND COMMENTS

Comments, statements and presentations by Council Members re: District I Appointment.

IV. WORK SESSION

1. **WS-2017-561** Report of the City Manager: a. Changes in the Council Agenda; b. Organizational Updates and Recognition of Employee(s); c. Recent and Upcoming Community Events; and d. Review of Business Session Agenda.
2. **WS-2017-562** Discussion of Planning Public Hearing Agenda Items.
3. **WS-2017-563** Discussion of Draft Siting Study for New Landfill.
4. **WS-2017-564** Discussion of the funding of projects and activities with 2017-2018 federal funding from US Department of Housing and Urban Development through Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) program funds.
5. **WS-2017-565** Council requests for scheduling of future agenda items.

V. EXECUTIVE SESSION - DECORDOVA ROOM

Notice is hereby given that the City Council will go into Executive Session in accordance with the following provisions:

1. Attorney Briefing (Texas Open Meetings Act Sec. 551.071): Citizens to Save Lake Waco v. City of Waco, Cause No. 2017-290-5, pending in the 414th Judicial District Court;

2. Real Property (Texas Open Meetings Act Sec. 551.072); and
3. Economic Development (Texas Open Meetings Act Sec. 551.087).

The City Council may go into Executive Session on any item listed on the Agenda in accordance with Chapter 551 of the Government Code.

VI. BUSINESS SESSION 6:00 P.M. BOSQUE THEATER

VII. PLEDGE OF ALLEGIANCE

VIII. MINUTES

Minutes of Jun 06, 2017

Minutes of Jun 13, 2017

IX. PROCLAMATIONS/PRESENTATIONS/SPECIAL RECOGNITION

X. PUBLIC HEARINGS

1. **PH-2017-566** Conduct a public hearing and consider 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 Baylor Addition, Lots 19 & 20, Block 13 – Replat, 2) Final Plat of the Bluebonnet Lane Addition, Lots 3 & 4, Block B – Replat, 3) Final Plat of the R. W. Johnson Addition, Lots 3 & 4, Block 1 – Replat, 4) Final Plat of the Galanis Addition, Lots 2 & 3, Block 1 – Replat, 5) Final Plat of the Washington Addition, Lots 1 & 2, Block 1 – Replat, 6) Preliminary Plat of the Westbrook Addition, 7) Preliminary Plat of the Texas Central Addition, Lots 35-37, Block 1, and 8) Final Plat of the Foxborough Addition, Phase VII.
2. **PH-2017-567** Conduct a public hearing and consider a resolution to grant a special permit to Eco-Site, LLC, for a Wireless Communication Tower (monopole antenna structure) in a C-3 District on the property described as Lot 14A, Block 73, Farwell Heights Addition, known as 1711 Mitchell Avenue. (Case Z-17-15 Eco-Site, LLC)
3. **PH-2017-568** Conduct a public hearing and consider a resolution to grant a special permit to Eco-Site, LLC, for a Wireless Communication Tower (monopole antenna structure) in a C-3 District on the property described as Lot A, Block M, Westminster Addition, known as 415 Lake Air Drive. (Case Z-17-16 Eco-Site, LLC)
4. **PH-2017-569** Conduct a public hearing and consider a resolution to grant a special permit to Mary U Parks Five, LLC, for restaurants, retail sales or personal, automobile or financial services providing goods or services directly to customers in motor vehicles outside of an enclosed structure adjacent to a lot used for residential purposes or a R zoning district, in a C-2 District on the property described as Lot 1, Block 1, Tinsley Place IV Addition, known as 921 S. 9th Street and 922-1006 S. 10th Street. (Case Z-17-45 Sterling Thompson on behalf of Mary U Parks Five, LLC)

5. **PH-2017-570** Conduct a public hearing and consider a resolution to grant a special permit to Joe and Nancy Gatlin for a Bed and Breakfast Homestay Establishment in an R-1B District on the property described as Lot E, Block A, A.L. Jones Addition, known as 1700 Morrow Avenue. (Case Z-17-17 Joe & Nancy Gatlin)
6. **PH-2017-571** Conduct a public hearing and consider a resolution to grant a special permit to Marla K. Hendricks for a Temporary Residential Rental Unit in an R-2 District on the property described as Lot 1, Block 48, Glenwood Addition, known as 2525 Washington Avenue. (Case Z-17-46 Marla K. Hendricks)
7. **PH-2017-572** Conduct a public hearing and consider a resolution to grant a special permit to Steven and Angela Abernathy and Aida and Carlos Millan for a Temporary Residential Rental Unit in an R-1B District on the property described as Lots 11 and 12, Block 16, Highland Addition, known as 3101 Ethel Avenue. (Case Z-17-48 Aida Millan)
8. **PH-2017-573** Conduct a public hearing and consider a resolution to grant a special permit to Travis and Kristina Baucom for a Temporary Residential Rental Unit in an O-3 District on the property described as Lot 5, Block F, Farm Lot 31, known as 2104 Columbus Avenue. (Case Z-17-49 Travis & Kristina Baucom)
9. **PH-2017-574** Conduct a public hearing and consider a resolution to grant a special permit to Jason M. Milam for a Temporary Residential Rental Unit in an R-1B District on the property described as Lot A15, Block 1, Karem Park Addition, known as 3024 Novice Road. (Case Z-17-51 Jason M. Milam)
10. **PH-2017-575** Conduct a public hearing and consider a resolution to grant a special permit to Evelyn M. Cook for a Temporary Residential Rental Unit in an R-1B District on the property described as Lot 10, Block 5, Polo Park Addition, known as 10128 Polo Park Circle. (Case Z-17-52 Evelyn M. Cook)
11. **PH-2017-576** Conduct a public hearing and consider a resolution to grant a special permit to David T. Ridley III for a Temporary Residential Rental Unit in an R-1B District on the property described as Lot 5, Block A, Westbury Hills Addition, known as 5718 Shadywood Drive. (Case Z-17-31 David T. Ridley III)
12. **PH-2017-577** Conduct a public hearing and consider an ordinance designating as a historic landmark property described as Lots A and B, Block 1, Alico Center Addition, known as 425 Austin Avenue. (Case H-17-2 American-Amicable Life Insurance Company of Texas [ALICO]) FIRST READING
13. **PH-2017-578** Conduct a public hearing and consider an ordinance designating as a historic landmark property described as Lots A and C, Block 36, Original Taylor & Beall Addition, known as 600 S. 2nd Street. (Case H-17-3 2nd and Clay, LLC) FIRST READING
14. **PH-2017-579** Conduct a public hearing and consider an ordinance to change the land use designation from Urban Residential to Mixed Use Flex on property described as Lot 1, Block 1, Riddle Addition, known as 905 Clifton Street. (Case Z-17-40 Maurice Allen) FIRST READING

15. **PH-2017-580** Conduct a public hearing and consider an ordinance to rezone from R-1B to O-3 on properties described as (1) 12.0 acres of land, more or less, and being the west one-half of the 24 acres of land contained in Blocks 5 & 6 of the Joshua M. Blake Subdivision on the Joseph French Headrights Survey, according to a map or plat thereof recorded in Volume 194, Pages 8 and 9, of the McLennan County, Texas Deed and Map Records and being a part of the property conveyed to Cassie Freidsam by P. R. Wooldridge by deed dated March 3, 1921, and recorded in Volume 325, Page 498, of the McLennan County Deed Records, save and except a 2 acre tract of land conveyed to Vicente M. Casarez by deed recorded in Volume 1423, Page 753, of the Deed Records of McLennan County, Texas; (2) 0.590 acres of land being out of the J. French Survey, being part of that same tract of land conveyed to E. F. Ashleman, as recorded in Volume 807, Page 51 of the McLennan County Deed Records; and (3) a 2.197 acre tract of land in the City of Waco, McLennan County, Texas out of the J. French Survey, Abstract No. 14, and being a part of that called 2.00 acres of land described in a deed to Vicente M. Casarez as recorded in Volume 1423, Page 753, of the Deed Records of McLennan County, Texas, and being part of that tract of land described in a deed to Vicente M. Casarez and wife, Lola Casarez, as recorded in Volume 900, Page 488, of the Deed Records of McLennan County, Texas, located at the southeast corner of the intersection of Garden Drive and S. University Parks Drive. (Case Z-17-42 Welch Brothers, LLC, Texas KJ Investments, LLC & Robert L. Welch) FIRST READING
16. **PH-2017-581** Conduct a public hearing and consider an ordinance to rezone from C-3 to O-3 on property described as Lot B, Block 36, Glenwood Addition, known as 111-115 N. 25th Street. (Case Z-17-43 Linda A. Williams) FIRST READING
17. **PH-2017-582** Conduct a public hearing and consider an ordinance to rezone from R-2 to O-3 on property described as Lots 6 and 7, Block 92, Farwell Heights Addition, known as 1618 and 1628 Lyle Avenue. (Case Z-17-44 Central Alcoholic Foundation) FIRST READING
18. **PH-2017-583** Conduct a public hearing and consider an ordinance to abandon Walnut Street right-of-way described as 0.169 acres in the Tomas De La Vega Survey, Abstract 43, in the City of Waco, McLennan County, Texas, located in the L. Lazarus Resubdivision of a 43.4 acre tract out of the Kirkpatrick Addition according to the plat thereof recorded in Volume 275, Page 141, of the Deed Records of McLennan County, Texas, located between Block 46 and the remainder of Block 61 of said Resubdivision, and lying between the east right-of-way line of East 11th Street (60' wide) and the west right-of-way line of U.S. Highway No. 81 according to the Texas Highway Department Right-Of-Way Map, Projects UI-614(10) & UI-UG1(11), approved February 26, 1959, and the northwest margin of Old Marlin Road (no formal dedication found). (ABD-17-2 Baylor University) FIRST READING
19. **PH-2017-584** Conduct a public hearing and consider an ordinance to abandon a portion of an alley described as a 0.115 acre tract of land in the City of Waco, McLennan County, Texas, being part of a 20 foot alley located in Block 11 of the Renick's Addition to the City of Waco, McLennan County, Texas, as per plat recorded in Volume 28, Page 502, of the Deed Records of McLennan County, Texas. (ABD-17-4 Paige Gutacker) FIRST READING

20. **PH-2017-585** Conduct a public hearing and consider an ordinance to abandon an utility easement located on property described as 146 square feet or 0.003 acres of land situated in the Sanford Rice Survey, Abstract No. 753, City of Waco, McLennan County, Texas, and being part of Lot 16, Block R of Amended Plat of the Richland Hills Addition, Part Seven, an addition to the City of Waco, McLennan County, Texas, according to the plat thereof recorded in Document No. 2002020358, Deed Records, McLennan County Texas, known as 6001 West Waco Drive. (ABD-17-5 Tory Freed) FIRST READING

XI. RESOLUTIONS

1. **RES-2017-586** Consider a resolution awarding a contract for wastewater TV inspection services to the lowest responsible bidder, to be determined (between Ace Pipe Cleaning, Inc. and RedZone Robotics, Inc.) by the casting of lots, in an amount not to exceed \$156,512.50, and authorizing the City Manager to execute all documents necessary to complete this transaction.
2. **RES-2017-587** Consider a resolution authorizing the acquisition, including the use of the power of eminent domain, if such becomes necessary to (1)(a) acquire a perpetual water and/or sewer pipeline easement in, on, over, under, along, through, and across a 0.402 acre tract of land and (b) acquire a temporary construction and access easement in, on, over, under, along, through, and across a 1.004 acre tract of land, said tracts being located in the T. J. Chambers Grant, Abstract No. 7, McLennan County, Texas, and being a portion of that called 25 acre tract of land described in a deed to Michael D. Ashley, as recorded in Volume 1779, Page 214, of the Deed Records of McLennan County, Texas, (D.R.M.C.T.), said acquisitions being for wastewater and/or water system pipeline(s) and related appurtenances and facilities needed for the extension of the municipal wastewater and water systems, including the system improvement of wastewater lines from the Transfer Lift Station to the Waco Metropolitan Area Regional Sewerage System (WMARSS) Central Wastewater Treatment Plant, and (2) authorizing the City Manager to execute all related documents.
3. **RES-2017-588** Consider a resolution authorizing the acquisition, including the use of the power of eminent domain, if such becomes necessary to (1)(a) acquire a perpetual water and/or sewer pipeline easement in, on, over, under, along, through, and across a 0.202 acre tract of land, and (b) acquire a temporary construction and access easement in, on, over, under, along, through, and across a 0.571 acre tract of land, said tracts being located in the Joseph French Survey, Abstract No. 14, McLennan County, Texas, and being a portion of that called 15 acre tract of land described in a deed to Donna Gayle Azbell, as recorded in MCC No. 2006024062, of the Official Public Records of McLennan County, Texas, (O.P.R.M.C.T.), said acquisitions being for wastewater and/or water system pipeline(s) and related appurtenances and facilities needed for the extension of the municipal wastewater and water systems, including the system improvement of wastewater lines from the Transfer Lift Station to the Waco Metropolitan Regional Sewerage System (WMARSS) Central Wastewater Treatment Plant, (2) authorizing the City Manager to execute all related documents.

4. **RES-2017-589** Consider a resolution (1) authorizing the acquisition, including the use of the power of eminent domain, if such becomes necessary to (a) acquire a perpetual water and/or sewer pipeline easement in, on, over, under, along, through, and across a tract of land not to exceed 1.720 acres, and (b) acquire a temporary construction and access easement in, on, over, under, along, through, and across a tract of land not to exceed 1.117 acres, said tracts being located in the T. J. Chambers Grant, Abstract No. 7, McLennan County, Texas, and being out of a called 73.708 acre tract of land described in a deed to Helen Marie Taylor, as recorded in MCC No. 2014019394, 2014019395, and 2014026456 of the Official Public Records of McLennan County, Texas, (O.P.R.M.C.T.), said acquisitions being for wastewater and/or water system pipeline(s) and related appurtenances and facilities needed for the extension of the municipal wastewater and water systems, including the system improvement of wastewater lines from the Transfer Lift Station to the Waco Metropolitan Area Regional Sewerage System (WMARSS) Central Wastewater Treatment Plant; (2) authorizing the City Manager to spend an amount not to exceed \$69,000.00 for the acquisition of these easements; (3) authorizing the City Manager to spend an amount not to exceed \$52,000.00, as the City of Waco's share of the acquisition of these easements; and (4) authorizing the City Manager to execute all related documents.

XII. CONSENT AGENDA

Consider Consent Agenda.

Agenda Numbers RES-590 through RES-610 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.

XIII. RESOLUTIONS

1. **RES-2017-590** Consider a resolution authorizing continued participation in the Atmos Cities Steering Committee ("ACSC") and the payment of 2 cents per capita (\$2,647.12) as the City of Waco's assessment for participation in ACSC.
2. **RES-2017-591** Consider a resolution approving the First Amended and Restated Rosemound Management Agreement between the City of Waco and Waco Rosemound Cemetery Association for management of operations at Rosemound Cemetery and authorizing the City Manager to execute all documents necessary to complete this transaction.
3. **RES-2017-592** Consider a resolution authorizing a contract with Alliance-Texas Engineering Co., d/b/a Alliance Transportation Group, Inc., to produce a Transit Need Study for McLennan County in an amount not to exceed \$165,000.00, and authorizing the City Manager to execute all documents necessary to complete this transaction.
4. **RES-2017-593** Consider a resolution adopting an amended policy to govern City of Waco Investments.

5. **RES-2017-594** Consider a resolution authorizing the City Manager to execute a two-year contract for investment management services with Patterson Capital Management, d/b/a Patterson & Associates (Austin, TX) for fees not to exceed \$64,000.00.
6. **RES-2017-595** Consider a resolution approving a contract with Claire McFerran d/b/a McFerran Computer Service, in an amount not to exceed \$94,731.25, for computer programming services in Fiscal Year 2016-2017, and authorizing the City Manager to execute any documents necessary to complete this transaction.
7. **RES-2017-596** Consider a resolution approving the purchase of two 2017 Chevrolet Express vans from Caldwell Country Chevrolet, Caldwell, TX, under a cooperative purchasing agreement with Tarrant County in an amount not to exceed \$57,840.00 and authorizing the City Manager to execute all documents necessary to complete this transaction.
8. **RES-2017-597** Consider a resolution awarding a contract for Police Parking Garage Lighting Replacement to Nemmer Electric, Inc., the responsible offeror with the most advantageous proposal, in an amount not to exceed \$257,664.00, and establishing an 11% contingency in the amount of \$28,343.00, for a total authorization amount not to exceed \$286,007.00, and authorizing the City Manager to execute all documents necessary to complete the transaction.
9. **RES-2017-598** Consider a resolution authorizing the Library Director to submit an application to the Universal Service Fund for Schools and Libraries funding reimbursement program ("the E-Rate Program") for funding the telecommunications needs of the Waco-McLennan County Library, accepting such funding if awarded, and authorizing the City Manager to execute agreements with telecommunications service providers through the Program as well as any other documents necessary to complete the transaction.
10. **RES-2017-599** Consider a resolution authorizing an application for a sub-grant award of an estimated amount of \$14,000.00 from the Texas State Library and Archives Commission for the reimbursement of interlibrary loan operations and authorizing the City Manager to execute all documents necessary for the acceptance and administration of the grant, including any grant allotment adjustments and increases, and to provide any required information.
11. **RES-2017-600** Consider a resolution authorizing the expenditure of available funds from the Municipal Court Technology Fund by the City of Waco Municipal Court for the following purchase: specialized contract computer programming, in an amount not to exceed \$15,000.00, and authorizing the City Manager to execute all documents necessary to complete this transaction.
12. **RES-2017-601** Consider a resolution amending the Fiscal Year 2016-17 operating budget fee schedule for the Health Services Fund.
13. **RES-2017-602** Consider a resolution amending Resolution No. 2017-438 to correct the name of the vendor approved for the purchase of one SCE Champion Left Hand side load 36-yard body for commercial collection from Equipment Southwest to Southwestern Equipment Co.

14. **RES-2017-603** Consider a resolution authorizing an Infrastructure Cost Sharing Agreement with WBW Land Investments, LP (“WBW”) regarding the design and construction of Ritchie Road Improvements adjacent to Park Meadows Addition which requires the City to complete the Ritchie Road Improvements from Panther Way to W. Warren Road and WBW to pay the City \$303,262.00 as its share of the cost of said improvements, and authorizing the City Manager to execute all documents necessary to complete this transaction.
15. **RES-2017-604** Consider a resolution approving Change Order No. 3 to the contract with Oldcastle Materials Texas, Inc. (formerly known as APAC-Texas, Inc.), for the Milling, Overlay and Chip Seal 2016 project to increase the contract amount by \$105,009.75, so that the revised total contract amount does not exceed \$4,921,160.88, and authorizing the City Manager to execute all documents necessary to complete this transaction.
16. **RES-2017-605** Consider a resolution awarding a contract to Quality W Contractors, LLC, lowest responsible bidder, for the Wastewater System Improvements FY 16/17 – Phase II 26th and McFerrin Sanitary Sewer project, in an amount not to exceed \$128,973.00 and establishing a 10% construction contingency in the amount of \$12,897.30, for a total authorization amount not to exceed \$141,870.30, and authorizing the City Manager to execute all documents necessary to complete this transaction.
17. **RES-2017-606** Consider a resolution awarding a contract for construction services to Whitestone Civil Construction, LLC, lowest responsible bidder, for the Wastewater System Improvements - FY16/17, Phase 1, in an amount not to exceed \$444,660.00, and authorizing the City Manager to execute all documents necessary to complete this transaction.
18. **RES-2017-607** Consider a resolution awarding a contract for construction services to Quality W Contractors, LLC, d/b/a Quality Contractors, lowest responsible bidder, for the Wastewater Systems Improvements - FY 16/17, Phase 3, in an amount not to exceed \$329,922.00, and authorizing the City Manager to execute all documents necessary to complete this transaction.
19. **RES-2017-608** Consider a resolution rejecting all proposals received in response to Request for Proposals 2016-017 for outsourcing line locate services.
20. **RES-2017-609** Consider a resolution awarding a contract to McCreary & Associates, Inc., for engineering services for Waco Metropolitan Area Regional Sewerage System (WMARSS) - FY 16/17, Phase 1, in an amount not to exceed \$517,800.00, and authorizing the City Manager to execute all documents necessary to complete this transaction.
21. **RES-2017-610** Consider a resolution authorizing a contract for engineering services for the Waco Metropolitan Area Regional Sewerage System (WMARSS) Central Plant Improvements - FY 16/17, Phase 2 with HDR, Inc., in an amount not to exceed \$761,800.00, and authorizing the City Manager to execute all documents necessary to complete this transaction.

XIV. ORDINANCES

1. **ORD-2017-611** Consider an ordinance amending and renaming Division 3 “Department of Leisure Services” of Article II “Administration” and amending Sections 17-5, 17-6, and 17-121 in Chapter 17 “Parks And Recreation” of the Code of Ordinances of the City of Waco to modernize language and conform with current practices. FIRST READING
2. **ORD-2017-612** Consider an ordinance amending and renaming Division 2 “Personnel Department” of Article II “Administration” in Chapter 18 “Personnel” of the Code of Ordinances of the City of Waco to modernize language and conform with current practices. FIRST READING
3. **ORD-2017-613** Consider an ordinance deleting Section 2-87 requiring a bond by the City Secretary and Article II “Human Relations Commission” and Article III “Office of Community Development” in Chapter 12 “Human Relations” of the Code of Ordinances of the City of Waco. SECOND READING
4. **ORD-2017-614** Consider an ordinance amending the Project and Financing Plan for Reinvestment Zone Number One for Tax Increment Financing (TIF Zone One) to amend the contract for the Franklin Place, Phase II, project by extending the completion date to March 31, 2019, and increasing the anticipated appraised value to \$13,500,000.00; to provide up to \$956,200.00 to the City of Waco for streetscape and safety improvements on Elm Avenue from University Parks Dr., to Garrison St., all in TIF Zone One in Waco, McLennan County, Texas; and, authorizing the City Manager to execute any documents necessary in connection therewith. SECOND READING
5. **ORD-2017-615** Consider an ordinance to change the land use designation from Urban Residential to Mixed Use Flex and to rezone from R-2 to O-1 on property described as Lots 13 & 14, Block 8, Prather's Anita Park Addition, known as 1400 and 1401 Connor Avenue. (Case Z-17-41 Ruby Marstaller) SECOND READING

XV. HEARING OF ANY VISITOR CONCERNING CITY BUSINESS

XVI. COUNCIL REPORTS

- Council Member Reports on Committees and Boards and Commissions
Liaison Visits

XVII.

It is the opinion of the City Attorney's Office that this agenda complies with the requirements of Chapter 551 of the Texas Government Code.

Jennifer Richie, City Attorney