

**WACO CITY COUNCIL MEETING AGENDA
JULY 17, 2018
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

Alice Rodriguez – Mayor Pro Tem, District II

Andrea J. Barefield – Council Member, District I

John Kinnaird – Council Member, District III

Dillon Meek – Council Member, District IV

Jim Holmes – Council Member, District V

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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. WORK SESSION

1. **WS-2018-627** Report of the City Manager: a. Changes in the Council Agenda; b. Informal Report - Residential Tax Abatement Policy Updated Map Area Proposed 380 Grant for Renovation Projects; c. Organizational Updates and Recognition of Employee(s); d. Recent and Upcoming Community Events; e. Back-to-school mobile immunizations; f. TAAF Summer Track meet; g. New #8 Fire Engine placed in service; h. Cameron Park Zoo's 25th birthday; i. Little League Regional Softball and Baseball Tournaments; j. Participation of Mayor Deaver in the Children's Defense Fund Freedom Schools Program at Indian Spring Middle School; and k. Review of Business Session Agenda.
2. **WS-2018-628** Discussion of Planning Public Hearing Agenda Items.
3. **WS-2018-629** Discussion of new emergency medical service provider.
4. **WS-2018-630** Discussion of the budget calendar for the proposed Fiscal Year 2018-19 Operating Budget and Capital Improvements Program.
5. **WS-2018-631** Discussion of the Downtown Market Study prepared by Economic & Planning Systems, Inc.
6. **WS-2018-632** Council requests for scheduling of future agenda items.

III. 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): City of Waco v. Citizens to Save Lake Waco, Cause No. 10-17-00202-CV, pending in the Court of Appeals for the Tenth District of Texas;
2. Real Property (Texas Open Meetings Act Sec. 551.072);

3. Real Property (Texas Open Meetings Act Sec. 551.072): Potential, future landfill site(s);
4. Attorney Briefing (Texas Open Meetings Act Sec. 551.071), Economic Development (Texas Open Meetings Act Sec. 551.087), and Real Property (Texas Open Meetings Act Sec. 551.072): Brazos Riverfront Development a.k.a. Brazos Promenade; and
5. Economic Development (Texas Open Meetings Act Sec. 551.087);
6. Personnel (Texas Open Meetings Act Sec. 551.074):
 - a. City Secretary Esmeralda Hudson;
 - b. City Attorney Jennifer Richie;
 - c. City Manager Wiley Stem III; and
 - d. Municipal Judge Christopher Taylor.

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

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

V. PLEDGE OF ALLEGIANCE

VI. MINUTES

Minutes of Jul 03, 2018

VII. PROCLAMATIONS/PRESENTATIONS/SPECIAL RECOGNITION

1. **SPE-2018-633** Proclaiming July 17, 2018, as Damian Richardson Day.

VIII. PUBLIC HEARINGS

1. **PH-2018-634** Conduct a public hearing disclosing the family relationship of loan applicant Leandra Hernandez, daughter of City of Waco employee Edward Hernandez, who has applied for a forgivable loan of \$20,000.00 under the City of Waco Down Payment Assistance Program for part of the purchase price of a home located at 3625 Wingate Dr., Waco, Texas, 76706, to be funded by the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME). NO COUNCIL ACTION REQUIRED
2. **PH-2018-635** Conduct a public hearing to receive comments on the 2018-2019 Annual Action Plan prior to submission to the U.S. Department of Housing and Urban Development. NO COUNCIL ACTION REQUIRED

3. **PH-2018-636** Conduct a public hearing and consider a resolution amending the Consolidated Annual Action Plans for Program Years 2016-2017 and 2017-2018 in an amount not to exceed \$116,726.00 to be allocated for down payment assistance, in accordance with U.S. Department of Housing and Urban Development (HUD) regulations, and authorizing the City Manager to execute all documents necessary to complete this action.
4. **PH-2018-637** Conduct a public hearing and consider a resolution amending the Consolidated Annual Action Plans for Program Years 2014-2015, 2015-2016, 2016-2017 and 2017-2018 in an amount not to exceed \$82,732.00 to be allocated for public park improvements and roof repairs, in accordance with U.S. Department of Housing and Urban Development (HUD) regulations, and authorizing the City Manager to execute all documents necessary to complete this action.
5. **PH-2018-638** Conduct a public hearing and consider a resolution to disapprove until all platting requirements are met by the applicant the following subdivision plats, as recommended by the City Plan Commission: 1) Preliminary Plat of the Cornerstone Villas Addition, A PUD; 2) Final Plat of the Cornerstone Villas Addition, A PUD; 3) Final Plat of the Sunwest Village Addition, Part Ten; and 4) Final Plat of the Hidden Valley Addition, Lots 15-17, Block 7 - Replat.
6. **PH-2018-639** Conduct a public hearing and consider a resolution to grant a special permit to German Schmeier, LLC, for a Short Term Rental Type II in an R-1A District on the property described as Lot 1, Block 8, Country Club Estates Addition, known as 1517 Rambler Drive. (Case Z-18-29 German Schmeier, LLC)
7. **PH-2018-640** Conduct a public hearing and consider a resolution to grant a special permit to Yuri Anderson for a Short Term Rental Type II in an R-1B District on the property described as Lot 13, Block 22, Lake Air Estates Addition, known as 4900 Lake Hurst Drive. (Case Z-18-37 Yuri Anderson)
8. **PH-2018-641** Conduct a public hearing and consider a resolution to grant a special permit to Hogan Dedicated Services, LLC, for Auto Storage in an M-2 District on the property described as Lots 28 & 29, Block D, Crow Scales Addition, located in the 6500 Block of Depot Drive. (Case Z-18-38 Hogan Dedicated Services, LLC)
9. **PH-2018-642** Conduct a public hearing and consider a resolution to grant a special permit to First Central Credit Union for financial services providing goods or services directly to customers in motor vehicles outside of an enclosed structure in a C-2 District on the property described as 4.913 acres of land out of T.J. Chambers Grant, known as 4540 Bagby Avenue. (Case Z-18-40 RBDR, PLLC, Architects on behalf of First Central Credit Union)
10. **PH-2018-643** Conduct a public hearing and consider a resolution to grant a special permit to Just As I Am Ministries, Inc., for a Child Care Facility in R-2 and R-1B Districts on the property described as Lots 31B, 30, 29, 28, & 5, Block 1, Borden Addition, known as 1100, 1104, 1108, & 1112 Faulkner Lane and J. J. Flewellen Road. (Case Z-18-41 Just As I Am Ministries, Inc.)

11. **PH-2018-644** Conduct a public hearing and consider an ordinance amending Chapter 28-Zoning of the Code of Ordinances of the City of Waco for the purpose of adding new definitions for a smoke shop and for tobacco-related terms, determining the zoning districts in which a smoke shop will be permitted, and adding distance requirements for a smoke shop. FIRST READING
12. **PH-2018-645** Conduct a public hearing and consider an ordinance to rezone from M-2 to C-4 on property described as G. Barnard Addition, Block 2, Lots 1-6, 15, and B, known as 408 S. 10th Street, Lots 7 and A, known as 915 Webster Avenue, and G. Barnard Addition, Block 1, Lot A, known as 408 S. 9th Street, Lot 13, known as 416 S. 9th Street, Lot 12, known as 418 S. 9th Street, Lot 11, known as 416 S. 9th Street, Lot 10, known as 823 Webster Avenue, Lots 17, 18, 19A, and 19B, known as 816 Jackson Avenue, and Lots 20 and 21, known as 824 Jackson Avenue. (Case Z-18-33 Jerry Dyer, Elm Equity Inc., and Jonathan Humphries dba Diamante Development) FIRST READING
13. **PH-2018-646** Conduct a public hearing and consider an ordinance to rezone from C-2 to O-3 on property described as Lot 8, Block 2, Van Hall Addition, known as 2219 Washington Avenue. (Case Z-18-35 Matthew & Samantha Hardy dba Dolores Park Capital, LLC, Series 2219 Washington) FIRST READING
14. **PH-2018-647** Conduct a public hearing and consider an ordinance to abandon a portion of Bridge Street between Martin Luther King, Jr. Boulevard and Trice Avenue and described as a 30-foot strip (0.137 acres) being a part of Bridge Street, a city street having a 100-foot wide right-of-way as shown on the H&TCRR Addition plat recorded in Volume 121, Page 98 of the Deed Records of McLennan County, Texas. (ABD-18-2 101 Elm St., LLC) FIRST READING
15. **PH-2018-648** Conduct a public hearing and consider an ordinance to abandon approximately 1.412 acres consisting of all of S. 9th Street between the southeast line of Jackson Avenue and the northwest line of Webster Avenue, and a portion of Jackson Avenue between the northeast line of S. 10th Street, as extended, and a line part way along the northwest line of Block 1 of the George Barnard Subdivision to the City of Waco, McLennan County, Texas, as per plat recorded in Volume 48, Page 416 of the Deed Records of McLennan County, Texas. (ABD-18-3 Diamante Development and Elm Equity Inc.) FIRST READING
16. **PH-2018-649** Conduct a public hearing and consider an ordinance to abandon an easement for levee purposes only along Bridge Street between Martin Luther King, Jr. Boulevard and Trice Avenue, known as 117 Taylor Street and described as 0.551 acres in the Tomas De La Vega Survey, Abstract No. 43, McLennan County, Texas, and being all of that called tract of land described in a deed to Houston & Texas Central Railroad Company, as recorded in Volume 162, Page 505, of the Deed Records of McLennan County, Texas. (ABD-18-4 CP & Y) FIRST READING

IX. CONSENT AGENDA

Consider Consent Agenda.

Agenda Numbers RES-650 through RES-672 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.

X. RESOLUTIONS

1. **RES-2018-650** Consider a resolution setting a public hearing for August 21, 2018, at 6:00 p.m. to receive comments concerning the proposed Operating Budget and Capital Improvements Program for the City of Waco Fiscal Year 2018-19 and authorizing publication of notice of said public hearing.
2. **RES-2018-651** Consider a resolution ratifying an expenditure of \$57,034.67 and authorizing an additional expenditure of an amount not to exceed \$500,000.00 so that the total contract price does not exceed \$981,177.87 for legal services by the law firm of Lloyd Gosselink Rochelle & Townsend, P.C., in connection with the site selection and permitting of a new landfill and authorizing the City Manager to execute any documents in connection therewith.
3. **RES-2018-652** Consider a resolution authorizing a residential tax abatement agreement with Nathan Alleman and Karen Alleman for the property located at 702 N. 16th St., Waco, Texas, being further described as Lot 15, Block 98, J. B. Baker Addition to the City of Waco, McLennan County, Texas, and authorizing the City Manager to execute all documents necessary to complete this transaction.
4. **RES-2018-653** Consider a resolution authorizing the City Manager to execute a professional services agreement with Charlesworth Consulting, LLC, to provide outsourced risk management services for an initial term of fourteen (14) months with four additional twelve-month renewal options, authorizing the expenditure of funds under this agreement for Fiscal Year 2017-18 in an amount not to exceed \$16,000.00 and authorizing the City Manager to execute any other documents necessary in connection therewith.
5. **RES-2018-654** Consider a resolution awarding a contract to Midwest Employers Casualty Company to provide excess workers' compensation insurance coverage for a term of two years with three additional twelve-month renewal options, authorizing the expenditure of funds under this agreement for Fiscal Year 2017-18 in an amount not to exceed \$105,000.00, and authorizing the City Manager to execute any documents necessary in connection therewith.
6. **RES-2018-655** Consider a resolution ratifying the submission of a proposal to the National League of Cities for a CHAMPS (City Combating Hunger through Afterschool and Summer Meal Programs) grant supporting the Mayor's Child Hunger Initiative to increase afterschool and summer meals participation rates, in an amount totaling \$91,900.00 for the period of July 2018 through December 31, 2019, and authorizing the City Manager to execute any document in connection therewith and/or furnish additional information/documentation as is deemed necessary for implementation of said program and related matters.

7. **RES-2018-656** Consider a resolution authorizing the City Manager to submit a Texas Anti-Gang (TAG) program grant application to the Office of the Governor, Criminal Justice Division (CJD), in an amount not to exceed \$3,500,000.00 to establish a regional Anti-Gang coalition hosted by the Waco Police Department and authorizing the City Manager to execute all necessary documents for acceptance and administration of the grant, including any budget allotment adjustments to the grant during Fiscal Year 2018-19.
8. **RES-2018-657** Consider a resolution authorizing the purchase of 21 mobile data patrol computers and Lind Input Car Adaptors from GTS Technology Solutions under the State of Texas Department of Information Resources (DIR) contract TSO-2520 in an amount not to exceed \$73,565.00 and authorizing the City Manager to execute all documents necessary to complete this transaction.
9. **RES-2018-658** Consider a resolution rejecting all proposals for the Cameron Park Zoo Entrance Modifications received pursuant to Request for Proposals No. 2018-038.
10. **RES-2018-659** Consider a resolution awarding a contract to Quality W Contractors, LLC, lowest responsible bidder, for the Sidewalk Improvements 2018 at Various Locations project in an amount not to exceed \$153,387.40 and establishing a 10% construction contingency in the amount of \$15,338.74 for a total authorization amount not to exceed \$168,726.14 and authorizing the City Manager to execute all documents necessary to complete this transaction.
11. **RES-2018-660** Consider a resolution determining that a public necessity exists for the acquisition of perpetual right-of-way easements, perpetual drainage easements, perpetual sidewalk and pedestrian access, ingress and egress easements, perpetual water utility easements, and perpetual sewer utility easements, located on approximately twelve (12) separate tracts of real property, required for the expansion and widening of Speegleville Road from the Middle Bosque River to U.S. Highway 84, authorizing the City Manager to make official offers in an aggregate amount not to exceed \$189,000.00 to acquire the said easements, establishing certain procedures for acquisition, and authorizing the City Manager to execute all documents necessary to acquire the necessary easements needed for the project.
12. **RES-2018-661** Consider a resolution awarding a contract to B-Corp Utilities, Inc., lowest responsible bidder, for the Wastewater System Improvements FY 17/18 – Phase 13 project, which includes sanitary sewer at the intersection of 16th Street and Pine Avenue, sanitary sewer along Mann Street, and sanitary sewer at 21st Street and Colcord Avenue in an amount not to exceed \$294,330.18 and establishing a 15% construction contingency in the amount of \$44,149.53 for a total authorization amount not to exceed \$338,479.71 and authorizing the City Manager to execute all documents necessary to complete this transaction.

13. **RES-2018-662** Consider a resolution: (1) ratifying the award of an emergency contract with Sunbelt Rentals, Inc., for the emergency rental of a sewer pump for use at a sinkhole located at the intersection of Martin Luther King (MLK), Jr. Boulevard and Herring Avenue for the Waco Metropolitan Area Regional Sewerage System (WMARSS) in an amount not to exceed \$367,430.01; (2) authorizing the City Manager to spend an amount not to exceed \$300,241.76 as the City of Waco's cost share of this Project; and (3) authorizing the City Manager to execute all documents necessary to complete these transactions.
14. **RES-2018-663** Consider a resolution ratifying the award of an emergency contract to CSA Construction, Inc., for the replacement of structural supporting beams at the Mt. Carmel Water Treatment Plant in the amount of \$76,828.75 and authorizing the City Manager to execute all documents necessary to complete this transaction.
15. **RES-2018-664** Consider a resolution ratifying the award of an emergency contract to T. Morales Company Electric & Controls, Ltd., for the removal and replacement of miscellaneous electrical conduit and wiring to facilitate the emergency repair of multiple structural beams and a ceiling at the Mt. Carmel Water Treatment Plant in the amount of \$119,400.00 and authorizing the City Manager to execute all documents necessary to complete this transaction.
16. **RES-2018-665** Consider a resolution authorizing a contract for engineering services with CP&Y, Inc., Waco, Texas, for the Mt. Carmel Water Treatment Plant Improvements Project in an amount not to exceed \$310,760.00 and authorizing the City Manager to execute all documents necessary to complete this transaction.
17. **RES-2018-666** Consider a resolution authorizing (1)(a) the purchase of a call center interactive voice response (IVR) system and (b) a five-year maintenance agreement for said call center IVR system, both from Selectron Technologies, Inc., through a cooperative purchasing agreement with the General Services Administration (Contract Number GS-35F-0315X) in an amount not to exceed \$137,902.25 during Fiscal Year 2017-18; (2) a Master Services and Hosting Agreement with Selectron Technologies, Inc., for 90,000 customer calls to be accepted into the new IVR system in an amount not to exceed \$27,000.00 during Fiscal Year 2017-18; and (3) authorizing the City Manager to execute all documents necessary to complete these transactions.
18. **RES-2018-667** Consider a resolution authorizing an encroachment agreement with BellTex Assets III - Columbus, LLC, for the encroachment of a retaining wall and a fence in the alley, said encroachment being located adjacent to property described as Lot 20, Block 2 of the Van Hall Addition, known as 2200 Columbus Avenue (aka 213-221 N. 23rd Street), in the City of Waco, McLennan County, Texas, and authorizing the City Manager to execute all documents necessary to complete this transaction.

19. **RES-2018-668** Consider a resolution amending Resolution No. 2018-346 to correct the name of the property owner with whom an encroachment agreement was authorized (for the encroachment of an exit gate into the right-of-way of S. 8th Street, said encroachment being located adjacent to the property described as Lot 25, Block 1 of the Tinsley Addition, known as 715 Cleveland Avenue, in the City of Waco, McLennan County, Texas) from Tinsley Place, LLC, to BellTex Assets III-Tinsley, LLC, and authorizing the City Manager to execute all documents necessary to complete this transaction.
20. **RES-2018-669** Consider a resolution authorizing the City Manager to utilize the competitive sealed proposal procedure for the selection of a vendor to operate a bike share program in the City of Waco because this method provides the best value for the City of Waco.
21. **RES-2018-670** Consider a resolution authorizing the City Manager to negotiate and execute a Pre-development and Professional Services Agreement with Coopers Real Estate Investment Corp. (Developer) for the Developer to pay the City for professional services in connection with establishing one or more public improvement districts for certain tracts of land located along Val Verde Road in the City's extraterritorial jurisdiction.
22. **RES-2018-671** Consider a resolution authorizing the bid sale of the following tax foreclosed property located in Waco, Texas, to the following person in accordance with the City of Waco Policy: 1) 1513 Clay Ave., to Erek Rauu Stewart for the amount of \$7,191.00; and authorizing the City Manager to execute any documents necessary to complete this transaction.
23. **RES-2018-672** Consider a resolution authorizing the direct sale of the following tax foreclosed properties located in Waco, Texas, to the following persons in accordance with the City of Waco Policy: 1) 1025 Linn St., to Clara Mendez for the amount of \$1,536.00; 2) 1205 Preston St., and 714 E. James Ave., to Marjorie M. Smith for the amount of \$1,487.00; 3) 2504 N. 15A St., to Yours Truly Custom Homes, LLC, for the amount of \$2,904.00; 4) 500 Lenox St., to Kareem Brooks for the amount of \$830.00; and authorizing the City Manager to execute any documents necessary to complete these transactions.

XI. ORDINANCES

1. **ORD-2018-673** Consider an ordinance amending Article XII "Bicycles" in Chapter 25 "Traffic and Vehicles" of the Code of Ordinances of the City of Waco, Texas, by adding a new Section 25-299 concerning bike share activities in city right-of-way or on city-owned property and amending Section 25-297 to provide an exception to bicycle parking restrictions for bike share activities authorized by an agreement with the City; amending Section 25-54 of the Code of Ordinances of the City of Waco, Texas, concerning erecting, constructing, altering or repairing structures on or across public right-of-way; and amending Section 22-2 to prohibit the storing or selling of personal property on any street, sidewalk, alley, or other public property except as otherwise provided in the Code. **SECOND READING**

2. **ORD-2018-674** Consider an ordinance amending Subsection (5) of Section 13-358 of Article IX "Prohibited Activities and Outdoor Vending" in Division 1 "Offenses Related to Prohibited Activities" of the Code of Ordinances of the City of Waco, Texas, to correct the hours that a person commits an offense if the person solicits in the Waco Public Improvement District Number One. **SECOND READING**
3. **ORD-2018-675** Consider an ordinance amending the Project and Financing Plan for Reinvestment Zone Number One for Tax Increment Financing (TIF Zone One) to provide funding for 4 projects, as follows: 1) up to \$645,609.00 to the City of Waco, Public Works Department, to install new sidewalks, curb and gutter, street lamps, streetscape and a concrete alley on the 700 block of Elm Ave. (north side); 2) up to \$111,345.00 to Young Family Property Holdings, LLC, for façade rehabilitation and renovation of a building at 704 Elm Ave.; 3) up to \$87,225.00 to AAMB1375, LLC, for façade rehabilitation and renovation of a building at 720 Elm Ave.; and 4) up to \$416,229.00 (said amount including \$180,132.00 previously approved by City Council on December 2, 2014) to Waco Cultural Arts Fest d/b/a Cultural Arts of Waco for public improvements associated with Phase I of the installation of the Doris Miller Memorial in Bledsoe-Miller Park at 300 Martin Luther King, Jr., Blvd., with all projects being within TIF Zone One in Waco, McLennan County, Texas, and authorizing the City Manager to execute any documents in connection therewith. **SECOND READING**

XII. HEARING OF ANY VISITOR CONCERNING CITY BUSINESS

XIII. COUNCIL REPORTS

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

XIV.

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