

**AGENDA
CITY OF WINDCREST, TEXAS
SPECIAL CITY COUNCIL MEETING**

April 2, 2012

**7:00 P.M.
Special City Council Meeting**

NOTICE IS HEREBY GIVEN THAT A SPECIAL WINDCREST CITY COUNCIL MEETING WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 2nd DAY OF APRIL, 2012 STARTING AT 7:00 P.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE COUNCIL MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

IT IS ANTICIPATED THAT MEMBERS OF OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY ATTEND THE MEETING IN NUMBERS THAT MAY CONSTITUTE A QUORUM OF SUCH OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES, SO THAT NOTICE IS HEREBY GIVEN THAT THE MEETING IS ALSO A MEETING OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE. THE MEMBERS OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY PARTICIPATE IN DISCUSSIONS WHICH OCCUR AT THE MEETING, BUT NO ACTION WILL BE TAKEN BY THE OTHER BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE.

Ordinance No. 618 (09/20/10), Repealing Ordinance No. 593

At all City Council, City Commission or City Board meetings, the agenda shall include a "citizens to be heard" item. It is suggested that Citizens wishing to speak during this item sign in on the sign up roster prior to the meeting. During "citizens to be heard" comments, each individual may speak on an agenda item or any other matter affecting the city. In addition to the "citizens to be heard" portion of meetings, a person may make comments on agenda items prior to the vote on the agenda item. A member of the public will have a total of six (6) minutes to be heard during a City Council, City Commission or City Board Meeting. This does not include any responses from the body. The six (6) minutes time limit authorized herein may not be transferred to another speaker in whole or in part. The presiding Officer or his/her designee will assign a Time Keeper to each meeting. The Time Keeper will maintain strict compliance of the six (6) minute rule, stopping speakers who exceed the allotted time. As authorized by Section 551.042 of the Texas Government Code, the Presiding Officer may direct a City Official to make: a statement of specific factual information in response to an inquiry made by a member of the public or of the City Council, or; a recitation of existing policy in response to an inquiry made by a member of the public or the City Council. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Any question posed by a Citizen, Council Member, Board Member or Commission Member for which an answer is not available at a meeting shall be answered by a member of the staff or Presiding Officer at the next regular meeting of the Body, if an answer is reasonably available and prudent. If the information is sensitive, staff will seek advice from the City Attorney.

REQUEST ALL PAGERS AND CELL PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL. CITIZENS ARE ASKED TO REFRAIN FROM TALKING DURING COUNCIL PROCEEDINGS.

Meeting Chair: please remind each participant in your meeting that they must speak into a microphone; the recording is the Official Minutes of your meeting and all who speak must be recorded. All guest speakers and citizens to be heard must speak from podium. Please interrupt speakers during meeting if you recognize that they are not speaking into microphone and have them do so.

I. Call to Order, Pledge of Allegiance & Invocation

II. Citizens to be Heard on Subsequent and Non-Subsequent Agenda Items

1. A member of the public will have three (3) minutes to discuss non-subsequent agenda items.
2. A member of the public will have six (6) minutes to discuss subsequent agenda items.
3. City Council may discuss and respond to current and past agendas on subsequent and non-subsequent agenda items by citizens to be heard.

III. Presentations

1. Mayor Baxter will recognize and present a Certificate and Windcrest Flag to Alyndra Fleuret, who held a lemonade stand sale to raise money for cancer.

IV. Ordinances **"In conjunction with the first reading of an ordinance, a motion should be made to either "reject the proposed ordinance" or "to forward the proposed ordinance to a subsequent City Council meeting for final adoption at its second reading".**

None

V. Resolutions

None

VI. Discuss and Act

1. City Council will discuss and may take action regarding the Public Works Department Head position to include, but not limited to selecting committee members and committee selection criteria or guides.
2. City Council will discuss and may take action to form a committee to review City Code, Chapter 12 Health and Sanitation, Section 12.802.2 Duty of the City Administrator; Section 12.803, Notice of Violation; Section 12.804, Authority for Abatement and Lien; and Section 12.805, Unsanitary Conditions, but not limited to. (Att. 1)
3. City Council will receive an update regarding the Bexar County Water Control Improvement District #10 Agreement and may take any necessary action.

VII. General Announcement and Future Agenda Items

Per Ordinance No. 618, repealing Ordinance No. 593; Section 9: Every agenda shall include an item entry granting a member the opportunity to propose an item for consideration of future agendas for Regular or Special Meetings. Any member may request the inclusion of such items at any meeting.

VIII. Adjournment

Agenda Notice

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two hours prior to the meeting on April 2, 2012.

By: Heather Weidenbach City Secretary

In compliance with the Americans With Disabilities Act, the City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. The City of Windcrest will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Heather Weidenbach, City Secretary, at 210-655-0022 ext. 2150 or Fax 210-655-8776.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ April, 2012.

Title: _____

HEALTH AND SANITATION

5. Garbage Carriers. Any vehicle or container used in the transportation of garbage, human excreta, or other organic material which is defective and allows leakage or spilling of contents.

6. Breeding of Mosquitos. Any collection of water in which mosquitos are breeding within the limits of the City of Windcrest.

7. Harboring of rats. Any place or condition harboring rats in the City of Windcrest.

8. Ectoparasites in motels/hotels. The presence of ectoparasites (bedbugs,lice mites,etc) suspected to be carriers of disease in a place where sleeping accommodations are offered to the public.

Sec. 12.802 ABATEMENT
12.802.1 COMPLIANCE

The owner, lessee, occupant, or any other person in charge of any premises located within the City of Windcrest in or on which there is a nuisance shall, as soon as its presence comes to his knowledge, proceed at once and continue to abate the said nuisance. Failure of the owner, lessee, occupant or any other person in charge of any premises located within the City of Windcrest who fails to abate and continue to abate any of said nuisances shall be subject to the remedies provided in Section 12.803.2 hereinafter, or the remedies provided in Section 12.806 hereinafter, or both, at the discretion of the City. (Ord. No. 232, 8/13/90)

Sec. 12.802.2 DUTY OF THE CITY ADMINISTRATOR

Whenever the City Administrator of the City of Windcrest learns of any nuisance as defined in this Subchapter, written notice of such nuisance shall be sent to the owner of such property, notifying the owner of the existence of such nuisance and directing him to immediately abate such nuisance. Said notice shall also state that in default of abatement of such nuisance within ten (10) days of notice to do so, the City may at once cause the same to be done and charge the cost and expense to the owner of such property and fix the lien therefore on such property as provided by this Subchapter.

Sec. 12.803 NOTICE OF VIOLATION

This notice required by Section 12.803.2 shall be given: 1)personally to the owner in writing; or 2)by letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located: or 3)if personal service cannot be obtained: (A)by publication at least once: (B)by posting notice on or near the front door of each building on the property to which the violation relates; or (C)by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings. If the United States Postal Service returns a mailed notice as "refuse" or "unclaimed", the validity of the notice is not affected, and the notice is considered as delivered. (Ord. No. 232, 8/13/90)

Sec. 12.804 AUTHORITY FOR ABATEMENT AND LIEN

In the event the owner refuses or fails to abate such nuisance within seven (7) days after notice to do so, the City may do such work or cause same to be done, and assess the cost thereof against the lot upon which such expense is incurred. If the work is done by the City following the procedure

HEALTH AND SANITATION

outlined in this Section, the City Administrator or City Official designated by the City Administrator, shall make out and certify a statement of the cost of doing such work, the character of such work was done (if known), and shall file such statement with the Bexar County Clerk. Thereupon, the City shall have a lien on such lot for the amount expended by the City, together with interest at the rate of ten percent (10%) per annum from the date of the payment of such expense by the City. Such lien shall be inferior only to tax liens and liens for street improvements. (Ord. No. 86, 4/13/70)

Sec. 12.805

UNSANITARY CONDITIONS

It shall be unlawful for any owner, lessee, occupant, or any person in charge of any premises occupied or used for residential, business or pleasure purposes in the City of Windcrest, Texas, to allow the same to be kept in an unsanitary condition.

1. Public Area Waste. No kitchen waste, laundry waste, or sewage shall be allowed to accumulate, discharge, or flow into any public place, gutter, street, or highway.

2. Well Water Pollution. No waste products, offal, polluting material, spent chemicals, liquors, brines, or other waste of any kind shall be stored, deposited, or disposed of in any manner as may cause the pollution of the surrounding land or the contamination of the well waters to the extent of endangering the public health.

3. Unsightly and Unsanitary Premises. All premises shall be kept free of filth, carrion, rubbish, brush and any other objectionable, unsightly or unsanitary matter of any kind. (Ord. No. 253, 4/13/92)

4. Abandoned or Vacated Property. No person shall permit any vacant or abandoned property owned or controlled by him to be or remain in such a condition as will afford the creation of a nuisance or other conditions prejudicial to the public health.

5. Weeds, Grass and Other Vegetation. All lots and premises zoned R-1 and /or R-2 shall be kept free of weeds, grass and other vegetation, except trees and shrubbery, in excess of 10" including 15' of any public right-of-way adjacent or contiguous to said lots or premises. All developed lots and premises zoned O-1, B-1 and/or B-2 shall be kept free of weeds, grass and other vegetation, except trees and shrubbery, in excess of 10", including 15' of any public right-of-way adjacent or contiguous to said lots or premises. All undeveloped lots and premises zoned O-1, B-1 and/or B-2 shall be kept free of weeds, grass and other vegetation, except trees and shrubbery, in excess of 18", including 15' of any public right-of-way adjacent or contiguous to said lots or premises. (Ord. No. 253, 4/13/92)

A violation of the above mentioned requirements and/or prohibitions is specifically declared to be a nuisance dangerous to the public health.

Subchapt. 12.900

LITTERING

Sec. 12.901

DEFINITION

The term "litter", as used in this Subchapter, shall mean:

(A) decayable waste from a public or private establishment, residence, or restaurant, including animal and vegetable waste material from a market