

**AGENDA
CITY OF WINDCREST, TEXAS
SPECIAL CITY COUNCIL MEETING
MARCH 30, 2010
10:00 a.m.**

NOTICE IS HEREBY GIVEN THAT A SPECIAL CITY COUNCIL MEETING OF THE CITY OF WINDCREST WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 30TH DAY OF MARCH, 2010 AT 10:00 A.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.

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

II. Action Items

1. City Council will review, discuss and take action to approve the FY 08/09 Audit Reports, as presented by the City Auditor at the March 15, 2010 regular City Council meeting. (City Council Members please bring Audit Reports provided to you at March 15, 2010 meeting)
2. City Council will review, discuss and take action on awarding a contract for solid waste and recycling services for the City of Windcrest commencing on April 29, 2010 and authorize the City Manager and City Attorney to finalize the franchise agreement for signature. (Att.1)
3. City Council will review, discuss and take action to establish procedures for the City Charter review advisory committee, to include the number of members to be recalled from the former eligible Charter Commission members and to designate Donna F. Ridenour as Chair and Don Myles as Vice Chair and other matters in connection therewith.

4. City Council will review, discuss and take action to approve the appointment of Assistant City Manager Lori Harris as Acting City Manager in accordance with section 5.02.4 of the City Charter and to establish compensation for interim responsibilities and other matters in connection therewith.
5. City Council will review, discuss and take action to approve an agreement with Ronnie Cain to serve as a management consultant to the City for an indefinite period of time.
6. City Council will review, discuss and take action to approve a Resolution Amending Authorized Representatives empowered to delegate to TexPool a public funds investment pool the authority to invest funds and to act as custodian of investment funds.(Att. 2)

VI. Executive Session (if necessary)

1. City Council may recess the special session and reconvene into executive session on the following:
 - a. Pursuant to §551.071(2) of the Texas Government Code to seek the advice of its attorneys on legal matters related to the following personnel employment relationships with the City, regarding: Ronnie Cain and Lori Harris.
 - b. Pursuant to §551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, of the above specifically listed officers and/or employees of the City. The officers/employees listed above have been notified by copy of this agenda that they may request a public hearing and that if such is requested, that portion of this executive session shall be held as an action item when the special city council meeting resumes.
 - c. Pursuant to §551.071 (2) of the Texas Government Code - CONSULTATION WITH ATTORNEY; CLOSED MEETING to seek its attorneys' advice on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with the Texas Open Meeting Act related to the legal interpretation of the City Charter and Charter Amendment process applying Texas and Federal Law.

VII. Adjournment

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 March 30, 2010.

By:  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 Tracy Freimarck, 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 ____ of March, 2010.

Title: _____

This Agenda has been reviewed and approved by City Council's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Local Government Code §551.144(c) and the meeting is conducted by all participants in reliance on this opinion.



March 19, 2010

Mr. Charles Lackey, Director of Public Works
City of Windcrest
8601 Midcrown
Windcrest, TX 78239

RE: Clarification of Municipal Solid Waste Collection, Residential, Residential Recycling and Commercial Services to the City of Windcrest, Texas. Submitted to the City of Windcrest on January 26, 2010

The Bexar Waste residential rate will be \$15.15 per month upon the City's contractual exclusive verification to Bexar Waste.

This rate includes:

- Two (2) weekly trash pick ups
- One (1) weekly recyclable materials pick ups and delivery of materials to a San Antonio recycling facility.
- Small dead animal pick up as needed on residential City streets. (i.e. Road-kill)
- Missed pickups as reported by residents or City Staff will be handled within one (1) hour of notification to Bexar Waste on the same day.
- Property damages as reported by residents, City Staff or Bexar Waste employees will be addressed on the same day of the occurrence and repaired properly within the shortest time possible to the satisfaction of the property owner. (This pertains to Commercial properties as well.)
- Oil Spills - Bexar Waste provides assurance that we will provide services safely in Windcrest in new or nearly new trucks. In the event of any type of accidental oil spill on streets and roadways caused by Bexar Waste within the subdivision during our collection, we will respond quickly (within 30 to 60 minutes) as reported by our personnel, a Board Member, or resident. ***Our procedure is to apply a reliable oil absorbent "kitty-litter" type material to the spill area or areas and sweep the material over all stained areas. After several hours, or the next morning, the absorbent material is swept up by our personnel and disposed of properly. In the event that stain marks still remain, we contract a 3rd party power-wash cleaning service to wash the affected areas with pressure, water and a soap solution***
- Holidays – The only holidays observed by Bexar Waste will be limited to Thanksgiving Day, Christmas Day, and New Years Day.
- Bexar Waste provides assurance that we will not enter Windcrest prior to 7:00am and complete residential collection routes no later than 6:00pm, year round.
- Commercial collection routes will not begin prior to 7:00am and will be completed no later than 7:00pm year round.



CITY OF WINDCREST SCHEDULE A RATES AND INFORMATION

In the event that Bexar Waste is the successful proponent in your fine community, our residential rate (including curbside recycling with 18 gallon recycling bin) will be \$15.15 per home per month effective upon the City's contractual exclusive verification to Bexar Waste.

Rate Adjustments – Our rates are guaranteed for a minimum of one year at a time. We do believe that rates should be considered as any 12 month period is approaching the final months, particularly now in this violent economy that we are facing. We use the Consumer Price Index (CPI) for the past 12 month period to determine the percentage of change nation-wide, if any, during this period. *In addition, we may find that we are forced to address out of our control measures where exorbitant rates are placed upon our operations.* These would be operational costs that primarily include landfills, fuel, petroleum related products, equipment or any unusual mandated governmental requirements. Rate adjustments, if needed, would have a cap of 5% annually and would require Bexar Waste documentation and discussion with the City Council. Any rate adjustments would then require the approval of the City Council.

At this time, Bexar Waste is seeking and requesting a 5 year contract with an option for an additional 5 year term upon negotiation and approval of both parties.

Bexar Waste has done a complete survey of all areas of the City of Windcrest.

Commercial rates will remain at your current rates with the exception of roll-offs compactors, which will be lesser than current rates. Commercial customers will be offered the use of 96 gallon (contractor owned) roll away carts at no extra charge.

In addition, our survey revealed that at least 3 outside waste haulers (other than Republic/Allied Waste/BFI) had dumpsters placed and are operating within the corporate limits of Windcrest.

Again, we thank you for your interest in Bexar Waste and we look forward to a long-standing relationship with the City of Windcrest. We would be most proud to be your solid waste services provider.

City of Windcrest

Additional Services

Containers at City-owned Facilities will be provided and serviced at No Charge to the City.

A full-time 30 cubic yard roll-off container will be provided and serviced at the Public Works yard at **No Charge** to the City. Additional roll-offs will also be provided seasonally as needed per the City's request at NO charge.

Full-time 96 gallon waste wheelers serviced twice weekly will be provided as requested for City-owned facilities at **No Charge** to the City.

Temporary containers, roll-off, front load, or 96 gallon waste wheelers will be provided as requested by the City at **No Charge** to the City. This would include City-sponsored events, special events, or emergencies.

- Each Spring and Fall Bexar Waste will provide roll-off containers as needed and a two (2) day manned weekend cleanup for Windcrest residents only (ID and proof of residence required) at **no cost** to the City or to the residents. Spring and Fall clean up activities apply strictly to residents disposing of household waste from their own private homes. **These activities do not apply to commercial waste disposal, commercial property clean up, large property clean up, lot or acreage clean up, or land clearing. Commercial tree trimmers are not eligible for this service.* Time, dates, and location of this event will be determined by the City.**

**This cleanup will be for manageable tree limbs, (width and height must fit properly in containers) shrubs and brush trimmings, general household and yard rubbish, wood, metal, bulky household waste, furniture, white goods including washers, dryers, hot water heaters and (refrigerant appliances – which must have Freon and Freon tanks removed and accompanied by a Freon removal certificate from an authorized handler).*

- **Curbside Collection** will also be provided during the clean-up dates for materials placed at curbside by residents at **No Charge**.
- **Household Haz-Mat Collection** - Bexar Waste will contract with a 3rd party to provide this service during the Spring and Fall Cleanup. The only cost to the City will be the charge from the 3rd party provider and disposal. The types of wastes to be handled are as follows:

HAZARDOUS ITEMS and TIRES may be dropped off **ONLY** on the weekends designated by the City and in conjunction with the Spring and Fall clean-ups.

Tires are limited to four (4) per household. (No commercial use tires are accepted)



Additional Services (cont.)

Hazardous acceptable waste includes but is not limited to:

1. Insecticides, pesticides, herbicides, fertilizers, chemicals, cleaning and bleach products, swimming pool cleaners and chemicals, enamel and latex paints in cans and aerosol dispensers, varnish and stains, paint thinners and removers, acetone, etc.
2. Car and regular pick-up size truck tires are considered hazardous but acceptable, with some restrictions.
3. Tires on rims, or wheels, commercial vehicle tires, tractor tires, and heavy equipment tires **WILL NOT** be accepted at no charge; a market rate is applicable.
4. Automotive hazardous waste such as used oil, filters and batteries will be accepted..
5. Empty propane tanks up to seven (7) gallons – VALVE MUST BE ENTIRELY REMOVED
6. Mercury **WILL NOT** be accepted.
7. Refrigerators, freezers, air conditioners without Freon tank/compressor – NO CHARGE.

With Freon tank/compressor - \$25.00 fee at time of drop-off or pick-up.

Household Haz-Mat days will be 4 days annually during Spring (2) and Fall (2) clean-up dates. Each day will be for an eight (8) hour period. The cost of each two(2)-day Household Haz-Mat event will not exceed \$2,500.00 per event. This cost is included in our residential monthly rate.

Respectfully,

Henry Gutierrez
Owner/Operator

Bexar Waste		
Category	Frequency	Bexar Waste 04/10 Proposed Charges to City
Residential		\$ 15.15
Commercial		
2CY	1/wk	\$ 51.97
	2/wk	\$ 95.16
	3/wk	\$ 138.33
	4/wk	\$ 181.49
	5/wk	\$ 224.57
	6/wk	\$ 267.84
3CY	1/wk	\$ 57.02
	2/wk	\$ 104.41
	3/wk	\$ 151.77
	4/wk	\$ 199.12
	5/wk	\$ 246.47
	6/wk	\$ 293.81
4CY	1/wk	\$ 62.12
	2/wk	\$ 113.67
	3/wk	\$ 165.19
	4/wk	\$ 216.75
	5/wk	\$ 268.27
	6/wk	\$ 319.82
6CY	1/wk	\$ 85.80
	2/wk	\$ 151.73
	3/wk	\$ 217.82
	4/wk	\$ 269.57
	5/wk	\$ 315.70
	6/wk	\$ 389.36

Category	Frequency	Bexar Wa 04/10 Prop Charges to
8CY	1/wk	\$ 101.74
	2/wk	\$ 172.84
	3/wk	\$ 241.81
	4/wk	\$ 299.56
	5/wk	\$ 382.81
	6/wk	\$ 459.90
40CY Compactor	Container/Mo.	\$ 175.00
	Compactor and Container	\$ 595.00
	Haul 20 CY	\$ 255.00
Hand pick-up for Churches	1/wk w/96gal	\$ 18.50
	2/wk "cart"	\$ 31.40
	Charge on call	\$ 27.50



RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES

WHEREAS, City of Winderest Location 77124
(Participant Name & Location Number)

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ Texpool Prime"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and
- C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name Lori Harris Title Assistant City Manager / HR Director
Signature [Signature] Phone Number 210-655-0022 x2310

ORIGINALS REQUIRED

TEX - REP

2. Name Tracy Freimanek Title City Secretary
 Signature Tracy Freimanek Phone Number 210-655-0022 x 2150
 3. Name Daniel Reese Title Fire Chief
 Signature Daniel Reese Phone Number 210-655-0022 x 2180
 4. Name Jill Clarida Title Assistant Finance Officer
 Signature Jill Clarida Phone Number 210-655-0022 x 2140

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name Loni Harris, Acting City Manager
 Email lharris@windcrest-tx.gov Fax Number 210-655-8776

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name Betsy Mills Title Finance Officer

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the _____ day _____, 20 ____.

NAME OF PARTICIPANT: _____

BY: _____

Signature _____

Richard E. Bruns

Printed Name _____

Mayor

Title _____

ATTEST: _____

Signature _____

Tracy Freimanek

Printed Name _____

City Secretary

Title _____

This document supersedes all prior Authorized Representative designations.

ORIGINALS REQUIRED

TEX – REP

TexPool Participant Services • Federated Investors Inc
 1001 Texas Ave., Suite 1400 • Houston, TX 77002 • www.texpool.com • 1-866-839-7665

10/08

ATT. 2a