

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

**MARCH 7, 2011**

**6:00 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 7TH DAY OF MARCH 2011 STARTING 6:00 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**

A member of the public will have three (3) minutes to discuss topics not listed on the agenda.

A member of the public will have six (6) minutes to discuss topics listed on the agenda.

**III. New Business**

1. City Council will review, discuss and may take action to adopt Resolution No. 327, a resolution approving Resolution No. 11-001 by the City of Windcrest Economic Development Corporation authorizing and approving a loan agreement between the City of Windcrest Economic Development Corporation and The Office of the Governor Economic Development and Tourism Division and related documents, authorizing the execution and delivery of the loan agreement, and other matters in connection therewith.
2. City Council will discuss and may take action on Racker Road.

**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 March 7, 2011.**

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 \_\_\_\_ March, 2011.**

\_\_\_\_\_  
Title: \_\_\_\_\_

**RESOLUTION NO. 327**

**RESOLUTION APPROVING A RESOLUTION  
BY CITY OF WINDCREST ECONOMIC DEVELOPMENT  
CORPORATION AUTHORIZING AND APPROVING  
A LOAN AGREEMENT BETWEEN THE  
CITY OF WINDCREST ECONOMIC DEVELOPMENT CORPORATION  
AND THE OFFICE OF THE GOVERNOR ECONOMIC  
DEVELOPMENT AND TOURISM DIVISION  
AND RELATED DOCUMENTS,  
AUTHORIZING THE EXECUTION AND DELIVERY  
OF THE LOAN AGREEMENT,  
AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City of Windcrest, Texas (the "City") created the CITY OF WINDCREST ECONOMIC DEVELOPMENT CORPORATION (the "Corporation") pursuant to Chapter 505 of the Development Corporation Act, Texas Local Government code, as amended (the "Act"), for the purpose of financing the costs of one or more projects within the meaning of the Act;

WHEREAS, the levy by the City of an economic development sales and use tax for the benefit of the Corporation under the Act was authorized by a majority of the qualified voters of the City voting at an election called and held for that purpose;

WHEREAS, the City has established and levied, and maintains and collects on behalf of the Corporation the economic development sales and use tax pursuant to the Act;

WHEREAS, on receipt of the proceeds of the economic development sales and use tax, the City delivers the proceeds to the Corporation to use in carrying out its functions;

WHEREAS, the Office of the Governor Economic Development and Tourism Division (the "Division") has developed the Texas Leverage Fund Program to enable industrial development corporations, such as the Corporation, to leverage the economic development sales and use tax receipts described above by providing an alternative source of easy to access capital with favorable terms;

WHEREAS, a **PROPOSED** form of the Loan Agreement between the Division and the Corporation (the "Loan Agreement") has been presented to the City for its limited approval, pursuant to which the Division will lend from the Texas Leverage Fund to the Corporation the amount of \$ \_\_\_\_\_, the proceeds of such loan to be used to for infrastructure repairs and thereby finance the costs of the Project;

WHEREAS, the Corporation submits to the City the Corporation's resolution authorizing and approving the Loan Agreement and related documents for the City's approval pursuant to Section 501.204(a) of the Act;

WHEREAS, Section 501.073 of the Act requires that the City approve all programs and expenditures of the Corporation; and

WHEREAS, it is deemed necessary and advisable that this Resolution be adopted;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST THAT:

Section 1. In accordance with the provisions of Section 501.204 of the Act, the Resolution Authorizing and Approving a Loan from the Office of the Governor Economic Development and Tourism Division, Authorizing the Execution and Delivery of the Loan Agreement and related documents, Authorizing the Pledge of Sales and Use Tax Receipts, and Other Matters in Connection Therewith, adopted by the Corporation on \_\_\_\_\_, 20\_\_\_\_, a copy of which is attached hereto as Exhibit A and made a part hereof for all purposes, is hereby specifically approved.

Section 2. The City Council hereby approves the Loan Agreement in substantially the form and substance presented to the City Council and the Mayor is hereby authorized and directed, for and on behalf of the City Council to execute the Loan Agreement for the limited purposes stated therein, and the City Secretary is authorized and directed, for and on behalf of the City Council to attest the Loan Agreement, and such officers are hereby authorized to deliver the Loan Agreement.

Section 3. In accordance with the provisions of Section 501.204 of the Act, the programs and expenditures of the Corporation authorized and contemplated by the Loan Agreement and related documents are hereby specifically approved.

Section 4. All action (not inconsistent with the provisions of this Resolution) heretofore taken by the City Council directed toward the Project shall be and the same hereby are, ratified, approved, and confirmed.

Section 5. The officers of the City Council are hereby authorized to take all action in conformity with the Act necessary or reasonably required to effectuate the loan evidenced by the Loan Agreement, and to consummate the transactions contemplated by the Loan Agreement and this Resolution, including, without limitation, the execution and delivery of any and all other instruments, certificates, documents, or papers necessary to carry out the intent and purposes of the Loan Agreement and this Resolution.

Section 6. This Resolution in no respect creates any liability of the City for repayment of the obligations created by the Loan Agreement.

Section 7. If any section, paragraph, clause, or provision of this Resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution. In case any obligation of the City authorized or established by this Resolution is held to be in violation of law as applied to any person or in any circumstance, such obligation shall be deemed to be the obligation of the City to the fullest extent permitted by law.

PASSED AND APPROVED this \_\_\_\_ of \_\_\_\_\_, 2011.

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ALAN E. BAXTER, Mayor Pro-Tem,  
City of Windcrest, Texas

ATTEST:

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HEATHER WEIDENBACH  
Windcrest City Secretary,  
City of Windcrest, Texas