



**AGENDA
CITY OF WINDCREST, TEXAS**

SPECIAL CITY COUNCIL MEETING

February 11, 2014

**Special City Council Meeting
08:45 A.M.**

NOTICE IS HEREBY GIVEN THAT A SPECIAL WINDCREST CITY COUNCIL MEETING WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 11th DAY OF FEBRUARY 2014 STARTING AT 08:45 A.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE COUNCIL MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF FEBRUARY 11, 2014 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, FEBRUARY 12, 2014 AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

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 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 and Announcement

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. Resolutions

1. City Council will review, discuss and may take action on Resolution No. 2014-484(R), a resolution cancelling the award of a contract to D. Plata Construction Co., LLC for the Windcrest Roadway CIP package #2. (Att. 1)
2. City Council will review, discuss and may take action on Resolution No. 2014-485(R), a resolution awarding a contract to RL Jones for the Windcrest Roadway CIP package #2. (Att. 2)

IV. Discuss and Act

1. City Council will review and discuss a possible Ordinance amending Chapter 23 of the Code of Ordinances of the City of Windcrest, Texas to revise Section 23.1401 (d) relating to the area of CC uses within large tracts of land. (Att. 3)

V. General Announcements & Future Agenda Items Requested

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.

VI. Adjournment

The City Council reserves the right to retire into executive session whenever it is considered necessary and legally justified under the Texas Government Code, Subchapter D, Sections 551.071 et. seq. including, but not limited to, consultation with attorney, real property, prospective gifts, personnel matters, exclusion of witness, security devices, and economic development matters.

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 February 11, 2014.

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 Kelly Rodriguez, 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 ____ February, 2014.

_____ Title: _____



RESOLUTION NO. 2014-484 (R)

**A RESOLUTION CANCELLING THE NOTICE OF AWARD OF A
CONTRACT TO D. PLATA CONSTRUCTION CO., LLC FOR THE
WINDCREST ROADWAY CIP PACKAGE #2**

WHEREAS, Resolution No. 2014-473(R) was adopted on January 6, 2014 by the City Council of the City of Windcrest, Texas which accepted the bid of D. Plata Construction Co., LLC for the Windcrest Roadway CIP Package #2; and

WHEREAS, D. Plata Construction Co., LLC is unable to comply with certain requirements of the bid specifications for such project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Windcrest, Texas, that the notice of award issued to D. Plata Construction Co., LLC for the Windcrest Roadway CIP package #2 is hereby cancelled for cause because of the failure of D. Plata Construction Co., LLC to comply with certain requirements of the bid specifications for such project. The City Manager shall provide notice of this action to D. Plata Construction Co., LLC and shall seek payment of the bid bond submitted by D. Plata Construction Co., LLC and any other action the City Manager deems appropriate for the failure of D. Plata Construction Co., LLC to comply with the bid specifications for the project.

PASSED AND APPROVED this the _____ day of _____, 2014.

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY



RESOLUTION NO. 2014-485(R)

**A RESOLUTION ACCEPTING THE BID OF RL JONES FOR THE
WINDCREST ROADWAY CIP PACKAGE #2**

WHEREAS, Resolution No. 2014-473(R) was adopted on January 6, 2014 by the City Council of the City of Windcrest, Texas which accepted the bid of D. Plata Construction Co., LLC for the Windcrest Roadway CIP Package #2; and

WHEREAS, D. Plata Construction Co., LLC was unable to comply with certain requirements of the bid specifications for such project; and

WHEREAS, the city has cancelled the notice of award to D. Plata Construction Co., LLC for the Windcrest Roadway CIP Package #2 and elects to accept the bid of RL Jones which was the second lowest bidder for the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Windcrest, Texas, that the City of Windcrest hereby accepts the bid of RL Jones for the Windcrest Roadway CIP Package #2 for the bid amount of \$1,203,122.95, and the City Manager is authorized to negotiate and execute all documents necessary to implement this resolution.

PASSED AND APPROVED this the _____ day of _____, 2014.

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

February 3, 2014

VIA E-MAIL

Mayor Alan Baxter
City of Windcrest
8601 Midcrown Drive
Windcrest, Texas 78239

RE: "B-3" Zoning District Revisions

Dear Mayor Baxter:

On behalf of our client, Stratford Land, I want to thank you and the Windcrest City Council for your recent approval of the new "B-3" Business zoning district ordinance ("Ordinance"). As you are aware, Stratford Land is the owner of approximately 111 acres along IH-35 and Eisenhower Road. The purpose of this letter is to ask for your assistance in clarifying the Ordinance.

The "B-3" zoning district could be a valuable tool for the City of Windcrest ("City") in facilitating the development of the currently undeveloped frontage along IH-35 and Eisenhower Road. However, a provision in the Ordinance will need a minor modification to make this an effective land use tool.

We are requesting that the City clarify the Ordinance by revising Section 23.1401(d), which relates to the maximum area of City Council approved uses ("CC Uses"). The Ordinance as adopted provides that "CC" uses located within a tract of 40 acres or larger are restricted to 0-25 acres for such activities."

We ask that this be revised as follows "CC" uses are limited to 65% of the gross area of the conceptual land use plan." We would ask that this be brought forward for consideration by City Council at the earliest possible date. Time is of the essence in clarifying the Ordinance.

If you have any questions regarding this matter, please do not hesitate to contact me at your convenience at (210) 448-9980, or via email at rob@kk-lawfirm.com.

Sincerely,

By: 
Rob Killen

ORDINANCE NO. 2014-____ (O)

AN ORDINANCE AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF WINDCREST, TEXAS TO REVISE SECTION 23.1401 (d) RELATING TO THE AREA OF CC USES WITHIN LARGE TRACTS OF LAND

WHEREAS, the City of Windcrest desires to revise its newly adopted “B-3” Business District zoning category relating to the area of CC uses within large tracts of land; and

WHEREAS, these regulations are established for the purposes of promoting health and the general welfare; and

WHEREAS, the Planning and Zoning Commission, after a public meeting was held by it on February __, 2014, recommended that Chapter 23 of the City Code of the City of Windcrest be amended by the City Council of the City of Windcrest; and,

WHEREAS, the City Council at a public meeting held by it on February __, 2014 received said recommendation from the Planning and Zoning Commission and, after considering said recommendation and hearing the proponents and opponents to said recommendation, is of the opinion that such amendment be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 23, Section 23.1401 (d) of the Code of Ordinances be amended to read as follows:

“(d) “CC” uses located within a tract of 40 acres or larger are limited to 65% of the gross area of the conceptual land use plan.”

That, in the event any provision of this Ordinance is held to be invalid, it is the intention of the City Council that this Ordinance be of no force and effect whatsoever. That, this Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED, on the ____ day of February, 2014 at a regular meeting of the City Council of the City of Windcrest, Texas which meeting was held in compliance with the Open Meetings Act, Tex. Gov’t Code, §551.001, et.seq. at which meeting a quorum was present and voting.

Alan Baxter, Mayor

ATTEST:

Kelly Rodriguez, City Secretary

APPROVED:

Michael S. Brenan, City Attorney