



**AGENDA
CITY OF WINDCREST, TEXAS**

SPECIAL CITY COUNCIL MEETING

December 02, 2013

**Special City Council Meeting
6:00 P.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 2ND DAY OF DECEMBER 2013 STARTING AT 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.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF DECEMBER 2, 2013 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, DECEMBER 3, 2013 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 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 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. Public Hearing

1. City Council will hold a public hearing to consider continuation of the City's Election to be eligible to participate in tax abatements and its intent to designate a reinvestment zone for Windsor Park Mall and to provide certain tax abatements in the City and adopting guidelines and criteria governing tax abatement agreements by the City.

IV. Presentations

1. City Council will receive a presentation from Melanie Cawthon with Reaching Maximum Independence regarding Fiesta Especial 2014.

V. 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".* *

1. City Council will review, discuss and may take action on Ordinance No. 2013-704(O), an ordinance canvassing the returns and declaring the results of an election to reauthorize a sales and use tax under the provisions of the Texas Tax Code to continue providing revenue to maintain and repair municipal streets; and other matters in connection therewith. (Second Reading) (11.18.13 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1145 01:31:44) (Att. 1)
2. City Council will review, discuss and may take action on Ordinance No. 2013-705(O), an ordinance canvassing the returns of the election held on the 5th day of November, 2013, to elect a Mayor and two Aldermen for places 4 and 5 for a two-year term, and declaring the results of said election. (Second Reading) (11.18.13 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1145 01:33:55) (Att. 2)

VI. Resolutions

1. City Council will review, discuss and may take action on Resolution No. 2013-471(R), a resolution by the City Council of the City of Windcrest, Texas, continuing the establishment of the City's election to be eligible to participate in tax abatements and its intent to designate a reinvestment zone for Windsor Park Mall and to provide certain tax abatements in the City; adopting guidelines and criteria governing tax abatement agreements by the City; calling for a public hearing and other matters in connection therewith. (Att. 3)

VII. Swearing in of Mayor and Councilmembers

1. The reappointed Mayor Alan E. Baxter and Councilmembers James McFall and John Gretz will be sworn in.

VIII. Discuss and Act

1. City Council will review, discuss and may take action on the formation of a Citizen Ordinance Committee. (11.18.13 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1145 01:50:49)
2. City Council will review, discuss and may take action on the Council Meeting dates for January and February. (Att. 4)

IX. 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.

X. Adjournment

XI. Reception for Mayor Alan E. Baxter, Councilmen James McFall & John Gretz

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 December 2, 2013.

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.

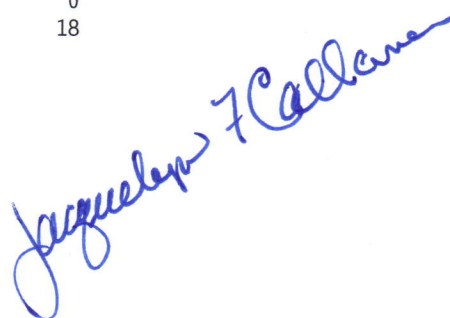
I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ December, 2013.

____ Title: _____

Run Date: 11/06/13 10:12 AM

Report EL45A Page 001

	TOTAL VOTES	%	EARLY VOTE	ELECTION DAY
CITY OF WINDCREST Mayor				
VOTE FOR 1				
(WITH 5 OF 5 PRECINCTS COUNTED)				
Alan E. Baxter	1,024	60.24	796	228
Mark Perry	676	39.76	529	147
Over Votes	1		1	0
Under Votes	21		17	4
CITY OF WINDCREST Place 4				
VOTE FOR 1				
(WITH 5 OF 5 PRECINCTS COUNTED)				
James M. McFall	877	100.00	688	189
Over Votes	0		0	0
Under Votes	845		655	190
CITY OF WINDCREST Place 5				
VOTE FOR 1				
(WITH 5 OF 5 PRECINCTS COUNTED)				
John Gretz	941	57.34	731	210
Dennis Allen	700	42.66	551	149
Over Votes	0		0	0
Under Votes	81		61	20
City of Windcrest Special Election				
VOTE FOR 1				
(WITH 5 OF 5 PRECINCTS COUNTED)				
FOR	1,452	89.03	1,146	306
AGAINST	179	10.97	124	55
Over Votes	0		0	0
Under Votes	91		73	18

A handwritten signature in blue ink, reading "Jacquelyn Callaway", is written diagonally across the bottom right portion of the page.

NUMBERED KEY CANVASS

RUN DATE:11/06/13 10:11 AM

BEXAR COUNTY, TEXAS
Amend. Joint, Genl, Spec & Bond
NOVEMBER 5, 2013

(EARLY VOTE)

REPORT-EL52

PAGE 0001

CITY OF WINDCREST Mayor

VOTE FOR 1

01 = Alan E. Baxter

02 = Mark Perry

VOTES PERCENT

VOTES PERCENT

796 60.08

529 39.92

03 = OVER VOTES

04 = UNDER VOTES

1

17

	01	02	03	04
4050	207	182	0	6
4051	349	245	1	9
4107	240	102	0	2
4192	0	0	0	0
4195	0	0	0	0

NUMBERED KEY CANVASS

RUN DATE:11/06/13 10:11 AM

BEXAR COUNTY, TEXAS
Amend, Joint, Genrl, Spec & Bond
NOVEMBER 5, 2013

(EARLY VOTE)

REPORT-EL52 PAGE 0002

CITY OF WINDCREST Place 4

VOTES PERCENT

VOTES PERCENT

VOTE FOR 1

01 = James M. McFall

02 = OVER VOTES

688 100.00

0

03 = UNDER VOTES

655

	01	02	03
4050	195	0	200
4051	318	0	286
4107	175	0	169
4192	0	0	0
4195	0	0	0

NUMBERED KEY CANVASS

RUN DATE:11/06/13 10:11 AM

BEXAR COUNTY, TEXAS
Amend, Joint, Genl, Spec & Bond
NOVEMBER 5, 2013

(EARLY VOTE)

REPORT-EL52

PAGE 0003

CITY OF WINDCREST Place 5

VOTES PERCENT

VOTES PERCENT

VOTE FOR 1

01 = John Gretz

02 = Dennis Allen

731 57.02

551 42.98

03 = OVER VOTES

04 = UNDER VOTES

0

61

	01	02	03	04
4050	188	195	0	12
4051	322	249	0	33
4107	221	107	0	16
4192	0	0	0	0
4195	0	0	0	0

NUMBERED KEY CANVASS

RUN DATE:11/06/13 10:11 AM

BEXAR COUNTY, TEXAS
Amend, Joint, Genrl, Spec & Bond
NOVEMBER 5, 2013

(EARLY VOTE)

REPORT-EL52 PAGE 0004

City of Windcrest Special Election

VOTES PERCENT

VOTES PERCENT

VOTE FOR 1

01 = FOR

02 = AGAINST

1,146 90.24
124 9.76

03 = OVER VOTES
04 = UNDER VOTES

0
73

	01	02	03	04
4050	336	38	0	21
4051	514	55	0	35
4107	296	31	0	17
4192	0	0	0	0
4195	0	0	0	0

NUMBERED KEY CANVASS

RUN DATE:11/06/13 10:11 AM

BEXAR COUNTY, TEXAS
Amend. Joint, Genl. Spec & Bond
NOVEMBER 5, 2013

(ELECTION DAY)

REPORT-EL52

PAGE 0001

CITY OF WINDCREST Mayor
VOTE FOR 1

VOTES PERCENT

VOTES PERCENT

01 = Alan E. Baxter
02 = Mark Perry

228 60.80
147 39.20

03 = OVER VOTES
04 = UNDER VOTES

0
4

	01	02	03	04
4050	70	48	0	2
4051	97	67	0	2
4107	61	32	0	0
4192	0	0	0	0
4195	0	0	0	0

NUMBERED KEY CANVASS

RUN DATE:11/06/13 10:11 AM

BEXAR COUNTY, TEXAS
Amend, Joint, Genrl, Spec & Bond
NOVEMBER 5, 2013

(ELECTION DAY)

REPORT-EL52

PAGE 0002

CITY OF WINDCREST Place 4

VOTES PERCENT

VOTES PERCENT

VOTE FOR 1

01 = James M. McFall

02 = OVER VOTES

189 100.00

0

03 = UNDER VOTES

190

	01	02	03
4050	49	0	71
4051	95	0	71
4107	45	0	48
4192	0	0	0
4195	0	0	0

NUMBERED KEY CANVASS
RUN DATE:11/06/13 10:11 AM

BEXAR COUNTY, TEXAS
Amend, Joint, Genl, Spec & Bond
NOVEMBER 5, 2013

(ELECTION DAY)
REPORT-EL52 PAGE 0003

		VOTES		PERCENT			VOTES	PERCENT
CITY OF WINDCREST Place 5								
VOTE FOR 1								
01 = John Gretz		210	58.50	03 = OVER VOTES		0		
02 = Dennis Allen		149	41.50	04 = UNDER VOTES		20		

		01	02	03	04			

4050		67	46	0	7			
4051		93	71	0	2			
4107		50	32	0	11			
4192		0	0	0	0			
4195		0	0	0	0			

NUMBERED KEY CANVASS

RUN DATE:11/06/13 10:11 AM

BEXAR COUNTY, TEXAS
Amend, Joint, Genrl, Spec & Bond
NOVEMBER 5, 2013

(ELECTION DAY)

REPORT-EL52

PAGE 0004

City of Windcrest Special Election

VOTES PERCENT

VOTES PERCENT

VOTE FOR 1

01 = FOR

02 = AGAINST

306 84.76

55 15.24

03 = OVER VOTES

04 = UNDER VOTES

0

18

	01	02	03	04
4050	93	22	0	5
4051	138	19	0	9
4107	75	14	0	4
4192	0	0	0	0
4195	0	0	0	0

NUMBERED KEY CANVASS
RUN DATE:11/06/13 10:12 AM

BEXAR COUNTY, TEXAS
Amend. Joint, Genl. Spec & Bond
NOVEMBER 5, 2013

Unofficial Results
REPORT-EL52 PAGE 0001

		VOTES		PERCENT			VOTES	PERCENT
CITY OF WINDCREST Mayor								
VOTE FOR 1								
01 = Alan E. Baxter		1,024		60.24	03 = OVER VOTES		1	
02 = Mark Perry		676		39.76	04 = UNDER VOTES		21	
		01	02	03	04			
4050		277	230	0	8			
4051		446	312	1	11			
4107		301	134	0	2			
4192		0	0	0	0			
4195		0	0	0	0			

NUMBERED KEY CANVASS

RUN DATE:11/06/13 10:12 AM

BEXAR COUNTY, TEXAS
Amend, Joint, Genrl, Spec & Bond
NOVEMBER 5, 2013

Unofficial Results

REPORT-EL52 PAGE 0002

CITY OF WINDCREST Place 4

VOTES PERCENT

VOTES PERCENT

VOTE FOR 1

01 = James M. McFall

02 = OVER VOTES

877 100.00

0

03 = UNDER VOTES

845

01 02 03

4050

244 0 271

4051

413 0 357

4107

220 0 217

4192

0 0 0

4195

0 0 0

NUMBERED KEY CANVASS

RUN DATE:11/06/13 10:12 AM

BEXAR COUNTY, TEXAS
Amend, Joint, Genl, Spec & Bond
NOVEMBER 5, 2013

Unofficial Results

REPORT-EL52

PAGE 0003

CITY OF WINDCREST Place 5

VOTE FOR 1

01 = John Gretz

02 = Dennis Allen

VOTES PERCENT

VOTES PERCENT

941 57.34
700 42.66

03 = OVER VOTES
04 = UNDER VOTES

0
81

	01	02	03	04
4050	255	241	0	19
4051	415	320	0	35
4107	271	139	0	27
4192	0	0	0	0
4195	0	0	0	0

NUMBERED KEY CANVASS

RUN DATE:11/06/13 10:12 AM

BEXAR COUNTY, TEXAS
Amend. Joint, Genrl. Spec & Bond
NOVEMBER 5, 2013

Unofficial Results

REPORT-EL52

PAGE 0004

City of Windcrest Special Election

VOTES PERCENT

VOTES PERCENT

VOTE FOR 1

01 = FOR

02 = AGAINST

1,452 89.03
179 10.97

03 = OVER VOTES
04 = UNDER VOTES

0
91

	01	02	03	04
4050	429	60	0	26
4051	652	74	0	44
4107	371	45	0	21
4192	0	0	0	0
4195	0	0	0	0

4050
4051
4107
4192
4195



ORDINANCE NO. 2013-704(O)

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF AN ELECTION TO REAUTHORIZE A SALES AND USE TAX UNDER THE PROVISIONS OF THE TEXAS TAX CODE TO CONTINUE PROVIDING REVENUE TO MAINTAIN AND REPAIR MUNICIPAL STREETS; AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, on the 30th day of July, 2013, the City Council (the *City Council*) of the City of Windcrest, Texas (the *City*) ordered an election to be held on November 5, 2013, for the purpose of determining whether the resident, qualified electors of the City would reauthorize the levy of a municipal sales and use tax as permitted by the provisions of Chapter 327, as amended, Texas Tax Code to continue providing revenue for the maintenance and repair of municipal streets; and

WHEREAS, the City Council has reviewed and investigated all matters pertaining to this election, including the ordering, notices, election officers, holding, and returns thereof; and

WHEREAS, the City Council hereby canvasses the returns of this election, at which there were submitted to all resident, qualified electors of the City for their action thereupon, the following proposition:

PROPOSITION

“THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF WINDCREST, TEXAS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS.”; and

WHEREAS, the City Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to this City Council by the judges and clerks holding and conducting the election; the poll lists and the official election returns showing separately the votes cast in the election; and

WHEREAS, from these returns, this City Council hereby finds that the following votes were cast in the election by voters who were resident, qualified electors of the City:

	<u>FOR</u>	<u>AGAINST</u>
Early Votes	1,146	124
Election Day Votes	306	55
 TOTAL	 1,452	 179

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

SECTION 1. The City Council of the City officially finds, determines, and declares that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish language, that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all resident, qualified electors of the City were permitted to vote at the election, that due returns of the results of the election have been made and delivered, and that the City Council of the City has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America and the ordinance calling the election.

SECTION 2. A majority of the resident, qualified electors of the City of Windcrest, Texas, voting in the election, having voted for the reauthorization of a municipal sales and use tax as permitted by the provisions of Chapter 327, as amended, Texas Tax Code as provided in the measure, the City Council hereby determines that the measure carried at the election, that the election was duly called, proper notice given, and that the election was held in all aspects in conformity with the law, and that the City Council is hereby accordingly reauthorized to levy the municipal sales and use tax in accordance with the authority granted in the measure and with law.

SECTION 3. The City Council finds and determines that the sales tax proposition was approved by the following number of votes: 1,452

SECTION 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 5. All ordinances or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict, and the provisions of this ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 6. This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7. If any provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this ordinance would have been enacted without such invalid provision.

SECTION 8. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9. This ordinance shall be in force and effect from and after its final passage.

PASSED and APPROVED this _____ day of November, 2013.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney



ORDINANCE NO. 2013-705(O)

AN ORDINANCE CANVASSING THE RETURNS OF THE ELECTION HELD ON THE 5TH DAY OF NOVEMBER, 2013, TO ELECT A MAYOR AND TWO ALDERMEN FOR PLACES 4 AND 5 FOR A TWO-YEAR TERM, AND DECLARING THE RESULTS OF SAID ELECTION.

WHEREAS, on the 5th day of November, 2013, an election was held in the City of Windcrest, Texas, to elect a Mayor and two Aldermen to fill Places 4 and 5; and

WHEREAS, the City Council has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding and making returns of said election; and

WHEREAS, the election officers who held said election have duly made the returns of the result thereof, and said returns have been duly delivered to the City Council; and

WHEREAS, the following candidates received the number of votes set opposite their respective names, to-wit:

Mayor

ALAN E. BAXTER	1,024
MARK PERY	676

Alderman, Place 4

JAMES M. MCFALL	877
-----------------	-----

Alderman, Place 5

JOHN GRETZ	941
DENNIS ALLEN	700

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
WINDCREST, TEXAS:

1. The City Council officially finds and determines that said election was duly ordered; proper notice of said election was duly given; proper election officers were duly appointed prior to said election; said election was duly held; the City has complied with the Texas Election Code; due turns of the result of said election have been made and delivered; and the City Council has duly canvassed said returns, all in accordance with law and the Ordinance calling the election; and

2. That the said ALAN E. BAXTER for Mayor, JAMES M. MCFALL for Alderman Place 4 and JOHN GRETZ for Alderman Place 5 were duly elected and hereby declared elected to serve in their respective positions for a two year term commencing on November 18, 2013, and until their successors are duly elected and qualified.

PASSED AND APPROVED this _____ day of November, 2013.

MAYOR

ATTEST:

CITY SECRETARY

APPROVED:

CITY ATTORNEY



RESOLUTION NO. 2013-471(R)

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS, CONTINUING THE ESTABLISHMENT OF THE CITY'S ELECTION TO BE ELIGIBLE TO PARTICIPATE IN TAX ABATEMENTS AND ITS INTENT TO DESIGNATE A REINVESTMENT ZONE FOR WINDSOR PARK MALL AND TO PROVIDE CERTAIN TAX ABATEMENTS IN THE CITY; ADOPTING GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT AGREEMENTS BY THE CITY; CALLING FOR A PUBLIC HEARING AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, Chapter 312 of the Texas Tax Code (the "Tax Code") authorizes the City of Windcrest, Texas (the "City") to enter into an ad valorem tax abatement agreement and designate a reinvestment zone within taxing jurisdiction or extraterritorial jurisdiction of the City; and

WHEREAS, Section 312.002(a) of the Texas Tax Code provides that the City may not enter into a tax abatement agreement under Chapter 312 and may not designate an area as a reinvestment zone unless the city Council of the City (the "Council") has established guidelines and criteria governing tax abatement agreements by the City and a resolution stating that the City elects to become eligible to participate in tax abatement; and

WHEREAS, the City has previously entered into that certain Walzem Road Redevelopment Project Master Economic Incentives Agreement dated August 2, 2007 as Amended in which the City agreed to consider a tax abatement for the Windsor Park Mall property to be redeveloped by Rackspace US, Inc. ("Rackspace"); and

WHEREAS, the Windsor Park Mall property and Rackspace's lease thereof are currently exempt from property taxes and the contemplated tax abatement would not have any economic effect on the City unless such exemption is lost; and

WHEREAS, Rackspace has submitted an application to the City requesting a continuance of the tax abatement and the City contends to consider the request after conducting a public hearing at its special City Council meeting on December 2, 2013; and

WHEREAS, the guidelines and criteria adopted under Section 312.002 are effective for two years from the date adopted; and

WHEREAS, the adoption of the guidelines and criteria by the City does not: (1) limit the discretion of the City to decide whether to enter into a specific tax abatement agreement; (2) limit the discretion of the City to delegate to its employees the authority to determine whether or not the City should consider a particular application or request for tax abatement; or (3) create any property, contract, or other legal right in any person to have the City consider or grant a specific application or request for tax abatement; and

WHEREAS, the Council hereby finds and determines the adoption of this Resolution is in the best interest of the citizens of the City; **NOW, THEREFORE**,

BE IT RESOLVED BYT EH CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS THAT:

SECTION 1. The City intends to consider providing tax abatements within the taxing jurisdiction or extraterritorial jurisdiction of the City and elects to become eligible to participate in tax abatements.

SECTION 2. The City Council hereby adopts the Tax Phase-In Guidelines for the City of Windcrest attached herein as Exhibit A (the "Guidelines and Criteria").

SECTION 3. The Council hereby calls a public hearing to be conducted at 6:00 o'clock P.M. on December 02, 2013 during the Council's regularly scheduled meeting at the Windcrest City Hall, 8601 Midcrown, Windcrest, Texas 78239 to consider the designation of a reinvestment zone for the Windsor Park Mall property and the granting of the contemplated tax abatement to Rackspace.

SECTION 4. The officers of the City are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

SECTION 5. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 6. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 7. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 8. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 9. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter

of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 10. This Resolution shall be in force and effect from and after the date of its adoption, and it is so resolved.

PASSED AND APPROVED, this the _____ day of _____, 2013.

ALAN BAXTER, Mayor

ATTEST:

KELLY RODRIGUEZ, City Secretary

APPROVED AS TO FORM:

MICHAEL S. BRENNAN, City Attorney

January 2014

~ January 2014 ~						
◀ Dec 2013						Feb 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 New Years Day City Offices Closed	2	3	4
5	6 SCCM	7	8	9	10	11
12	13	14	15	16	17	18
19	20 RCCM MLK DAY	21	22	23	24	25
26	27	28	29	30	31	Notes:

More Calendars from WinCalendar: [February](#), [March](#), [April](#)

February 2014

~ February 2014 ~						
◀ Jan 2014						Mar 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 SCCM	4	5	6	7	8
9	10	11	12	13	14 Valentine's Day	15
16	17 RCCM Presidents Day	18	19	20	21	22
23	24	25	26	27	28	Notes:

More Calendars from WinCalendar: [Mar 2014](#), [Apr 2014](#), [May 2014](#)