

**SPECIAL CITY COUNCIL MEETING
CITY OF WINDCREST, TEXAS
October 4, 2010
CLOSED SESSION
6:00 PM
SPECIAL CITY COUNCIL AGENDA
7:00 PM**

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 4TH DAY OF OCTOBER, 2010 BEGINNING 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 OCTOBER 4, 2010 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, OCTOBER 5, 2010 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.

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 and Invocation

II. Closed Session

1. The City Council will convene into a closed meeting under the authority of Section 551.071 (1) & (2) of the Texas Government Code to consult the city's attorney to receive advice concerning pending litigation – Gigante Flea Mart vs. City of Windcrest, Ronnie Cain vs. City of Windcrest, and Jacqueline Wickware vs. Windcrest Police Department and to seek attorney's advice concerning 111 acres, Racker Road, and trade marking the City logo.
2. The City Council will convene into a closed meeting under the authority of Section 551.074 of the Texas Government Code to deliberate the duties of the Interim City Manager and Department Heads.

III. Citizens to be Heard

A member of the public will have a total of six (6) minutes to be heard.

IV. Presentation

1. City Council will receive a presentation from Charles Lackey, Director of Public Works regarding the cost of a new street sweeper.

V. Old Business

1. City Council will review, discuss and may take action on Ordinance No. 620, an ordinance repealing Ordinance No. 581 regarding attorney/client privilege. *The City Council will consider a motion to adopt Ordinance No. 623 at its first reading as authorized in Section 3.13 of the City Charter because one reading of the ordinance is sufficient for adequate consideration of the ordinance. (Att.1)*
2. City Council will review, discuss and may take on Ordinance No. 421B, an ordinance appointing city officials. *The City Council will consider a motion to adopt Ordinance No. 623 at its first reading as authorized in Section 3.13 of the City Charter because one reading of the ordinance is sufficient for adequate consideration of the ordinance. (Att. 2)*

VI. New Business

1. City Council will review, discuss and may appoint new members to the Windcrest Economic Development Corporation Board of Directors or may take other appropriate action.
2. City Council will discuss and may take action to extend the Windcrest Economic Development Corporation budget at FY 2009/2010 levels through November 30, 2010.
3. City Council will discuss and may take action to allow certain city employees and EDC employee(s) to receive a city cell phone.

4. City Council will discuss and may take action on certain street repairs as identified by the City Engineer and may approve payment for such repairs.
5. City Council will discuss and may approve the City Secretary as Acting City Manager during the absence of the Interim City Manager on October 8, 2010 as allowed under Section 5.02.04 of the City Charter.
6. City Council will discuss and consider amendments to Chapter 4 Code of Ordinances of the City of Windcrest. (Att. 3)
7. City Council will discuss and may consider taking action on a presentation by Charles Lackey, Director of Public Works, on the cost of a new street sweeper.

VII. 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.

VIII. 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 October 4, 2010.

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 by 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 October, 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.

ORDINANCE NO. 620

**AN ORDINANCE REPEALING ORDINANCE NO. 581, ENACTED ON
FEBRUARY 23, 2009, REGARDING ATTORNEY/CLIENT PRIVILEGE**

WHEREAS, the City Council has determined that state law is sufficient to protect attorney/client privileged information so that Ordinance No. 581 is not necessary.

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

That Ordinance No. 581, enacted on February 23, 2009, is hereby repealed.

PASSED and APPROVED this 4th day of October, 2010.

Richard Bruns, Mayor

ATTEST:

Heather Weidenbach, City Secretary

APPROVED AS TO FORM:

Michael S. Brenan, City Attorney

AH.1

ORDINANCE 421B

**AN ORDINANCE REPEALING ORDINANCE 421A AND ADOPTING ORDINANCE 421B
APPOINTING CITY OFFICIALS FOR THE CITY OF WINDCREST.**

WHEREAS, Ordinance #421a appointing city officials was adopted on July 30, 2003; and

WHEREAS, the term of office for certain city officials listed therein conflicts with state law and provisions of the Code of Ordinances; and

WHEREAS, it is the desire of the City Council to readopt: the ordinance appointing city officials for the City of Windcrest; and

WHEREAS, subject to the approval of the City Council, the Mayor has appointed the following officials, and the City Council is desirous of approving such appointments:

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

Section 1. _____ be, and is hereby appointed City Manager and Municipal Court Administrator.

Section 2. That Heather Weidenbach be, and is hereby appointed City Secretary.

Section 3. That Betsy Mills be, and is hereby appointed Municipal Finance Officer.

Section 4. That Herminio (Joe) Pabon be, and is hereby appointed Chief of Police.

Section 5. That Dan Reese be, and is hereby appointed Fire Chief.

Section 6. That Charles Lackey be, and is hereby appointed Director of Infrastructure.

Section 7. That David Cadena be, and is hereby appointed Director of Building Services and Code Compliance.

Section 7. That Viviana Jenkins be, and hereby appointed Municipal Court Clerk.

Section 5. That Steve Takas, Jr. be, and is hereby appointed Municipal Court Judge.

Section 6. That Johnny Thomas be, and is hereby appointed Alternate Municipal Court Judge.

Section 7. That John Hrcir be, and is hereby appointed Municipal Court Prosecutor.

Section 8. That Darrell Dullnig be, and is hereby appointed Alternate Municipal Court Prosecutor.

Section 9. That Mike Brennan be, and is hereby appointed City Attorney.

Section 10. That Don McRary & Associates, Inc. be, and is hereby appointed City Engineer.

Section 11. That Gary Davis be, and is hereby appointed Health Official and Food Inspector.

Section 12. That _____ be, and is hereby appointed Animal Hospital/City Veterinarian.

That each of the foregoing officials is appointed to serve for a term of office commencing on August 16, 2010 and expiring two years thereafter, or when their successors are appointed and qualified, provided that the term of office of any official for whom a contract of employment exists shall be governed; by that contract of employment. The positions first designated hereinabove for the named officials shall be the primary position for which the officials are appointed, and all following positions are merely additional duties associated with the first designated position. Compensation for the above named officials shall be determined by the city council, provided that such compensation shall be associated with the first designated position only and there shall be no additional compensation for the additional duties associated with the primary position.

PASSED AND APPROVED THIS 4TH DAY OF OCTOBER, 2010

RICHARD BRUNS, MAYOR

ATTEST:

HEATHER WEIDENBACH, CITY SECRETARY

APPROVED AS TO FORM:

MICHAEL S. BRENAN, CITY ATTORNEY

CHAPTER 4

BILLBOARDS AND SIGNS

SYNOPSIS

4.100	General Provisions
4.200	Definitions
4.300	General Requirements Pertaining to All Zoning Districts
4.400	Signs Authorized in the "B-1" and "B-2" Zoning Districts
4.500	Signs Authorized in the "O-1" Zoning District
4.600	Signs Authorized in the "R-2" Zoning District
4.700	Signs Authorized in the "R-1" Zoning District
4.800	Political Signs & Temporary Signs for Church & Non-Profit Organization Events
4.900	Requests for Waiver

Subchapt.	4.100	GENERAL PROVISIONS
Sec.	4.101	PURPOSE

The City recognizes that signs are necessary for visual communication for public convenience, and that businesses and other activities have the right to identify themselves by using signs which are incidental to the use on the premises where the signs are located. The City herein seeks to provide a reasonable balance between the right of a person to identify his or her business or activity, and the right of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location and construction of signs. Signs, other than political signs, must be located on the premises of the business advertised. This section will insure that signs are compatible with adjacent land uses and with the total visual environment of the community, in accordance with the City's comprehensive plan for zoning and land use. (Ord. No. 331, 11/16/98)

Sec. 4.102 PROCEDURES OUTLINE

The procedures outlined herein provide basic guidance for the orderly and effective regulation of signs within the corporate limits of the City of Windcrest, the requirements that must be satisfied before a building permit may be issued for the site, erection, construction, alteration, reconstruction, or enlargement of a sign, the minimum construction specifications for signs, and requirements for maintenance of signs.

Sec. 4.103 TEXAS HIGHWAY BEAUTIFICATION ADOPTED

The provisions of Chapter 391 of the Texas Transportation Code and the rules promulgated by the Highway Beautification Act thereunder in regard to the display of outdoor advertising are hereby adopted. (Ord. No. 101, 331; 7/10/72, 11/16/98)

Sec. 4.104 UNIFORM SIGN CODE ADOPTED

The International Sign Code published by the International Code Congress Inc. is hereby adopted as the Sign Code for the City of Windcrest, Texas. This Sign Code is incorporated herein by reference, and has been filed in the office of the City Secretary of the City of Windcrest for permanent record and inspection. If any provision(s) of the Uniform Sign Code adopted in this Subchapter conflicts with or contravenes any provision(s) of any Chapter of the City Code of Windcrest, Texas or any other City Ordinance, the provision(s) of this Code or City Ordinance shall prevail. (Ord. No. 602, 10/19/09)

Sec. 4.105 REGULATIONS

The City Council of the City of Windcrest hereby

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agrees to take such action as may be necessary to regulate the orderly and effective display of outdoor advertising within the corporate limits of the City of Windcrest in accordance with the applicable laws of the State of Texas and the United States of America. (Ord. No. 101, 7/10/72)

Sec. 4.106 PENALTY

Any person who willfully violates any provision of this Chapter or Chapter 391 of the Texas Transportation Code is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in Sec. 1.301 of this Code of Ordinances. Each day of such willful violation shall constitute a separate offense. (Ord. No. 101, 331 418; 7/10/72, 11/16/98, 3/17/03)

Subchapt. 4.200 DEFINITIONS

1. ALTERATION: Any change, addition or modification in construction or occupancy.

2. CONSTRUCTION: The building of a structure.

3. CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS): A sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including **LED** (light emitting diode) or digital sign, and which varies in intensity or color. A Changeable Electronic Variable Message sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

4. ERECTION: The raising and setting of a sign in an upright position.

5. FIN SIGN: A sign that is supported by a one story building of an open air business or by poles placed in the ground or partly by such pole or poles and partly by a building or structure.

6. FREE STANDING SIGN: A sign supported by one or more columns, poles or bars extended from the ground and which is not significantly supported by a building. The following types of free standing signs are permitted.

A. MONUMENT OR LOW PROFILE SIGNS: A sign attached to the ground by a permanent structure usually of masonry construction.

B. MULTI-TENANT SIGNS: A group of four or more business/professional establishments advertising on a single sign structure. Establishments must be under a common roof and/or could be identified as a shopping center, or shopping mall, multi-tenant or multi-story professional building.

C. POLE SIGNS: A sign wholly supported by a sign structure in the ground.

7. I-35 CORRIDOR: Property adjacent to and within one hundred feet (100') of the eastern boundary of I-35 in the City of Windcrest.

8. RECONSTRUCTION: The rebuilding of a previously existing structure.

9. SIGN: Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes including paint on the surface of a building.

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10. SIGN STRUCTURE: Any structure that supports or is capable of supporting a sign as defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.

11. SITING: The location or position of a sign on a structure or plat.

12. PROJECTING SIGN: Any sign other than a wall sign which projects from and is supported by a wall of a building or structure.

13. TEMPORARY SIGN: Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames intended to be displayed for a limited period of time.

14. WALL SIGN: Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

Subchapt. 4.300 GENERAL REQUIREMENTS PERTAINING TO ALL ZONING DISTRICTS

Sec. 4.301 BUILDING PERMITS FOR SIGNS

All business or church signs, whether permanent or temporary in nature require a permit. Generally, homeowner signs or political signs do not require a permit.

Sec. 4.302 APPLICATION AND APPROVAL OF BUILDING PERMITS FOR SIGNS

A. An application for a sign building permit will be completed by the applicant on a form provided by the Building Official. With this application the following will be attached:

(1) Two (2) copies of the plans and specifications. Specification data will be certified by a registered Texas Engineer for all new Pole, Multi-Tenant or signs which protrude significantly from buildings. Landscaping and irrigation shall be included in all Free Standing sign plans.

(2) A drawing to scale, showing all setbacks, easements and structures for siting of all ground mounted signs.

(3) A drawing or photograph showing the siting of the sign on a building.

(4) Evidence of property owner approval of the proposed sign.

(5) A final inspection is required within 10 days after the sign becomes operational. The permit holder will schedule this inspection with the City Permits and Inspection Office.

B. The Building Official will review all sign applications for compliance with applicable codes:

(1) Permit applications for signs that meet all requirements of Chapter 4 of the Windcrest City Code shall be reviewed and approved by the Building Official. (Ord. No. 602 10/19/09)

(2) Signs requiring a waiver of any portion of Chapter 4 of the Windcrest City Code after review by the Building Official shall be forwarded to City Council for review and action. (Ord No. 602 10/19/09)

Sec. 4.303 EASEMENTS OR PUBLIC PROPERTY

No sign of any type which is considered to be permanent shall be built over easements or on public property without proper written approval of the easement and/or property owner. (Ord. No. 58V, 3/8/76)

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Sec. 4.304 DEED RESTRICTIONS

It is not intended that the provisions for signs, contained herein, supersede existing deed restrictions which may prohibit the erection of signs. (Ord. No. 58V, 3/8/76)

Sec. 4.305 UTILITIES

Utilities (water and electricity) will be installed in areas as required for proper maintenance of landscaping. (Ord. No. 58V, 3/8/76)

Sec. 4.306 MAINTENANCE

Signs will be maintained in presentable (like new) condition. Responsibility for maintenance of signs and associated landscaping will be vested in the entity having jurisdiction of the premises on which the sign is located. Signs not maintained will be subject to the applicable provisions of Chapter 5, Section 5.1600. (Ord. No. 58V, 3/8/76)

Sec. 4.307 ILLUMINATED SIGNS

The use of changeable electronic variable message signs is prohibited in the city after May 19, 2008 except in the I-35 Corridor, and only if approved by the City Council. The use of flashing lights, moving lights, animated displays, moving videos or scrolling advertising is prohibited. (Ord. No. 585, 5/01/09)

Sec. 4.308 TEMPORARY SIGNS IN "B-1" & "B-2" ZONING DISTRICTS

A LEASE OR SALE OF PROPERTY: Permits may be issued, upon application, by the Building Official, for one sign not exceeding thirty-two (32) square feet in area and pertaining to the lease or sale of a building, premises, or lot, and not to exceed nine (9) months after the date of approval of the permit, for temporary use in B-1 and B-2 zoning districts of the City of Windcrest, provided the sign is immediately removed upon the lease or sale of such building, premises or lot. (Ord. No. 343, 2/21/00)

B CONSTRUCTION: Permits may be issued upon application, by the Building Official, for signs relating to significant business construction activities. Such signs shall be limited to thirty-two (32) square feet each in area and limited in subject to (1) the principle contractor for the construction, (2) the architect for the construction, and (3) the future business to be located on the construction site. The number of signs at each construction site shall be limited to one contractor sign, one architect sign and one identification sign for each business to be located on the site. Contractor and Architect signs shall be removed within one (1) week following final inspection approval. Business signs shall be removed upon installation of permanent signs.

C. NEW BUSINESS: A Temporary Sign Permit may be issued for a temporary sign announcing the opening of a newly established commercial activity. This permit is limited to one (1) per newly established commercial activity, and the sign shall be removed on or before the expiration of thirty (30) days after the issuance of the permit. This sign may not exceed thirty-two (32) square feet or a mobile sign of similar size as approved by the Building Official. Signs mounted on or attached to a motor vehicle and advertising a business located nearby are specifically prohibited unless subject vehicle is operational, properly registered, inspected and relocated at least every 24 hours. Should any of the provisions pertaining to temporary signs be violated, in addition to the penalties set out in Subchapter 23.600 of this Code, the City may remove and impound such sign upon three (3) days notice to the violator (and to the owner of the sign if they are different) and hold it for the reasonable storage and removal costs, to be levied against the violator. (Ord. No. 602 10/19/09)

D. SEASONAL SIGNS: Temporary sign permits may be

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issued for holiday or franchise activities. Generally such permits shall be limited to thirty (30) days per calendar quarter. (Ord. No. 331, 418; 11/16/98, 3/17/03)

E. INFLATABLE DEVICES: Inflatable Devices may be used as seasonal signs as long as the following additional provisions are complied with:

(1) The Inflatable Devices shall be spherical in shape or conforming to a logo, mascot, or product associated with the business, or conforming to recognized United States holidays; (Ord. No. 432, 2/23/04)

(2) An Inflatable Device shall not exceed a height of thirty (30) feet above the building to which it is anchored;

(3) The entity installing and maintaining the Inflatable Device shall provide proof of a minimum of \$300,000.00 liability insurance;

(4) Applications for the use of such Inflatable Devices shall be submitted to the Permits Office for review by the Building Official or City Manager for review and action; and

(5) Each permit approved shall be limited to thirty (30) days. (Ord. No. 343, 418; 2/21/00, 3/17/03)

F. RESTRICTIONS: The height of temporary signs, other than Inflatable Devices, from the ground to the top of sign shall not exceed eight feet (8'). Signs shall not be placed on right-of-ways or in areas that obstruct the view of motorists. Signs placed on corner lots shall not be placed in the triangular area formed by the street curb lines and a line connecting them at points twenty-five feet (25') from the intersection of the curb lines. (Ord. No. 343, 2/21/00)

Sec. 4.309 CITY GATEWAY SIGNS

A. City Gateway Signs are signs located in any zoning district of the city on property owned by the City of Windcrest within the I-35 Corridor which identify the City of Windcrest and display information sponsored by the City of Windcrest.

B. City Gateway Signs must comply with all regulations for electronic signs adopted by the Texas Department of Transportation. City Gateway Signs may not be placed closer than one thousand five hundred feet (1,500') apart.

C. City Gateway Signs may not exceed eighty feet (80') in height from ground level to the top of the sign and its structure and may not have a display surface in excess of fourteen feet (14') high and forty-eight feet (48') wide.

D. Each City Gateway Sign message shall be displayed for at least eight (8) seconds and a change of message shall be accomplished within two (2) seconds. Each change of message must occur simultaneously on the entire sign face. Each sign must contain a default mechanism that freezes the sign in one position if a malfunction occurs. A City Gateway Sign shall not display light of such intensity or brilliance to cause glare or otherwise impair vision of a driver or result in a nuisance to a driver. City Gateway Sign light intensity exceeding the following intensity levels (nits) constitute "excessive intensity or brilliance":

Color	Day Time	Night Time
Red only	3,500	1,125
Green	6,300	2,250
Amber	4,690	1,675
Full Color	6,500	1,000

A City Gateway Sign applicant shall provide written certification from its sign manufacturer that the light intensity has been factory pre-

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set not to exceed 6,500 nits and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the City Manager.

E. Any agreement with a City Gateway Sign operator for the installation of a City Gateway Sign shall contain provisions acceptable to the City Council for termination by the City, for indemnifying the city against any claims, liability, damages, injuries, deaths or other liabilities asserted against the city on account of damages approximately caused by the operator, and prohibiting the City Gateway Sign operator from discriminating against advertisements by businesses located within the City of Windcrest as to rates, terms and other conditions of advertising.

F. Subject to the freedom of speech provisions of the United States and Texas Constitutions, any City Gateway Sign operator shall reject advertising that is misleading, offensive, and in particular, the posting of obscene words or pictures.

G. City Gateway Signs shall display without charge messages sponsored by the City of Windcrest which advertise city or city related events or activities for reasonable intervals between the hours of 6:00 a.m. and midnight. The City of Windcrest, through appropriate personnel, may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed via City Gateway Signs. Upon notification, the sign operators shall display in appropriate sign rotations: Amber Alert emergency information or emergency information regarding terrorist attacks, or natural disasters. Emergency information messages are to remain in rotation according to the designated issuing agencies protocols.

H. If any City Gateway Sign operator is the owner or lessee of a billboard sign within the I- 35 Corridor in the City of Windcrest, one billboard sign for each new City Gateway Sign shall be removed.

I. The City Manager shall be responsible for the negotiation of any agreement for the installation of a City Gateway Sign and shall submit any proposed agreement for final approval to the City Council before issuing a building permit for a City Gateway Sign. Any City Gateway Sign operator shall provide all engineering needed to certify the safety and structural integrity of the sign and shall reimburse the city for the cost of reviewing the engineering report furnished to the city.

J. Any regulatory requirement of this section which is more stringent than a similar regulatory restriction of the state or federal government shall prevail over the regulatory restriction of the state or federal government, and any regulatory restriction in this section which is less stringent than a similar regulatory restriction of the state or federal government shall yield to the state or federal government restriction. (Ord. 585, 05/01/09)

Subchapter.	4.400	SIGNS AUTHORIZED IN THE "B-1" and "B-2" ZONING DISTRICTS
Sec.	4.401	GENERAL PROVISIONS

The provisions outlined herein detail the advertising signs which are authorized for use in the "B-1" and "B-2" Zoning Districts, the limitations upon the size, location, height, lighting, and appearance of authorized signs, and the construction specifications required for such signs.

Sec. 4.402 INDIVIDUAL BUSINESS SIGNS

Individual business establishments may submit Building Permit Applications in accordance with the provisions of this Chapter, Subchapter 4.400, Sec. 4.402; provided, however, all applications shall be considered in the light of the exposure now enjoyed by the premises of the applicant. (Ord. No. 58V, 03/08/76)

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Sec. 4.403 SIGNS ATTACHED TO BUILDINGS

One or more signs, when the same are permanently attached to a building and advertise only identity, services, articles, or products which are offered within the building to which such sign is attached, shall be permitted. (Illustrations of all proposed external advertising signs, drawn to scale as to size and placement, and with reasonable accurate detail, shall be submitted in duplicate with a request for a building permit.) (Ord. No. 58GG, 4/13/81)

Sec. 4.404 FREE STANDING SIGNS

A. SPECIFICATIONS: Pursuant to this Chapter, Subchapter 4.300, Sec. 4.302, applications for building permits for free standing signs shall be prepared by the applicant with two (2) copies of applicable plans and specifications. Upon the request of the City Inspector, plans and specifications shall be submitted to the Building Permit Officer, prepared by a Texas Registered Engineer, bearing his seal and a signature, prepared no more than thirty (30) days prior to the application for the permit and attesting that the plans and specifications were prepared in accordance with sound engineering principles, Uniform Sign Code of the ICBO, current practices, and state of the art. Free standing signs shall be designed and constructed in accordance with the following specifications.

1. Height and Width Specifications differ according to location

(a) Within the I-35 Corridor, the height and width of free standing signs is not restricted but will be limited to the need of the individual businesses and the compatibility of that need with the surrounding area. Height and width must be commensurate with each other, and meet or exceed the wind-load requirements established herein. (Ord. No. 331, 11/16/98)

(b) Outside the I-35 Corridor:

(1) Pole Signs: Permitted for businesses with limited visibility and not represented on a Multi-Tenant sign. Maximum height shall not exceed thirty-five (35) feet. Maximum width shall not exceed fifteen (15) feet.

(2) Monument Signs: Monument Signs of seven (7) feet or less in height and seventy (70) square feet or less in area are permitted for businesses with no other sign. (Ord. No. 331, 11/16/98)

(3) Multi-Tenant Signs: A group of business establishments may be permitted to erect, construct, or site a sign if they are under a common roof and/or collectively could be identified as a shopping center or shopping mall, multi-unit or multi-story professional building, without which singularly or collectively, their identity to the general public could be considered as non-existent or insignificant. There shall be a minimum of four (4) separate and distinct business enterprises in the unit to qualify for a Multi-tenant sign. (Ord. No. 58V, 3/8/76)

(a) Advertising Space: A maximum of forty-eight inches (48") in height and a maximum of seventy-two inches (72") in width may be allocated to each business entity which elects to be represented on the multi-tenant sign.

(b) General: The overall appearance of a multi-tenant sign shall reflect the motif of the center in which the advertisers are located. (Ord. No. 58V, 3/8/76) The address of the Center will be reflected on the area of sign assigned to the Center or Anchor Business. The sign shall include all addresses assigned to the Center. (Example: 5000-5024)

2. Foundation: The foundation shall be constructed so as to adequately support the structure above it, and the area at the base of the sign shall be landscaped and irrigated.

3. Ground Clearance: Pole signs and

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Multi-tenant signs shall have a minimum of nine feet (9') clearance between the bottom of the sign and the surrounding ground.

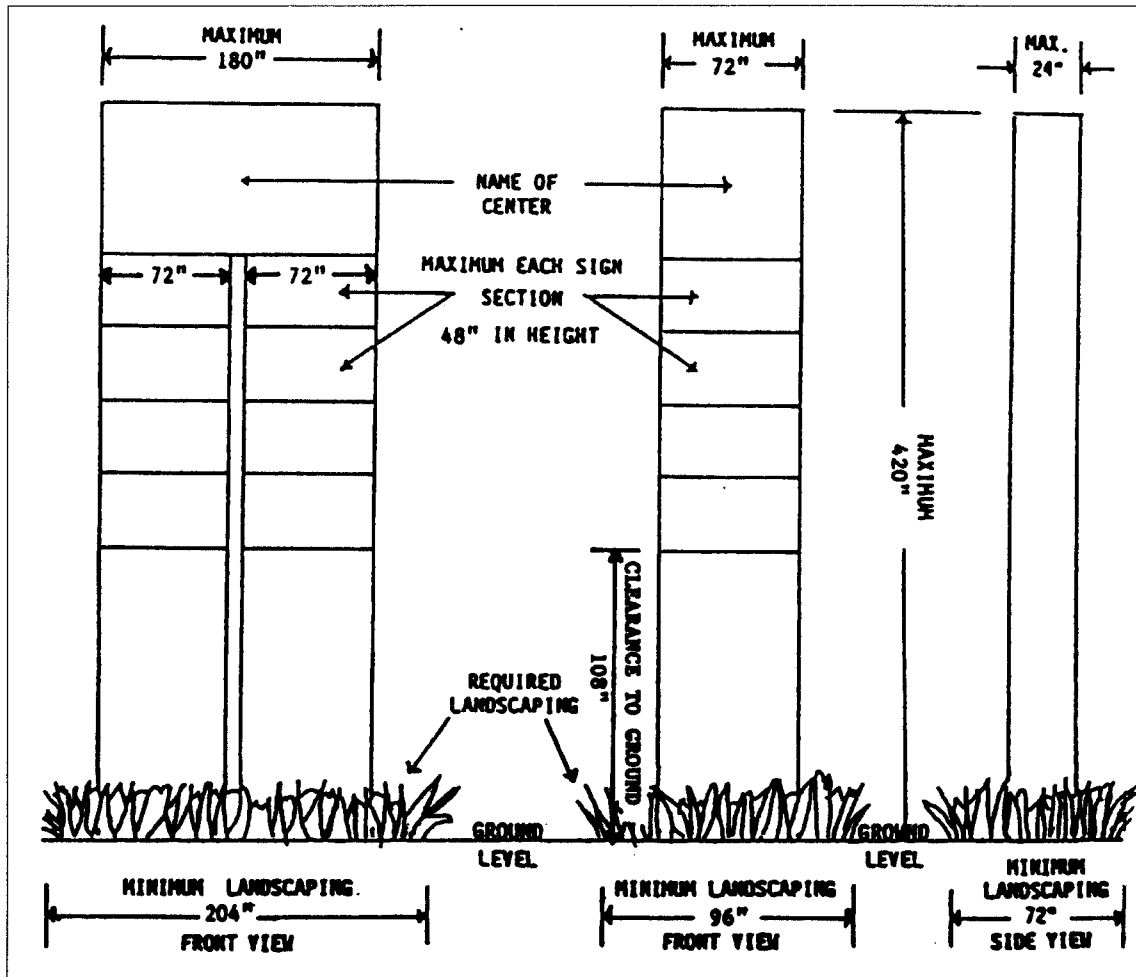
4. Lighting: Exterior or interior lights may be used to illuminate signs.

5. Wind-load: The sign and foundation shall be designed for a wind-load factor of one-hundred twenty (120) miles per hour or pounds per square foot as published by the Texas Department of Transportation.

B. POST CONSTRUCTION CERTIFICATION: Within ten (10) days after the installation of a free standing sign, the applicant shall submit to the Building Permit Officer a letter from an engineer and/or architect currently licensed/registered by the State of Texas, wherein he certifies that the sign was built substantially in accordance with the plans and specifications approved by the City.. (Ord. No. 418, 3/17/03)

C. SCHEMATIC ILLUSTRATION. In accordance with Subchapter 4.302, one (1) copy of a schematic rendering or illustration, made in the form illustrated in Section 4.404-6, shall be submitted with the building permit application for a free standing sign.

Sec. 4.404-6 MULTI-TENANT (GROUP OF BUSINESS ESTABLISHMENTS)



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Subchapt.	4.500	SIGNS AUTHORIZED IN THE "O-1" ZONING DISTRICT
Sec.	4.501	GENERAL PROVISIONS

The provisions outlined herein detail signs which are authorized for use in the "O-1" Zoning District and the limitations upon the size, content, and location for such signs.

Sec.	4.502	INDIVIDUAL PROFESSIONAL SIGNS
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The principal occupants of a professional office may submit a building permit application in accordance with the provisions of this Chapter, Subchapter 4.300, Sec. 4.302 provided, however, all applications shall be considered in the light of the exposure now enjoyed by the premises of the applicant.

Sec.	4.503	AUTHORIZED SIGNS
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1. One or more signs, each not exceeding sixteen (16) square feet, when the same are permanently attached to a wall and advertise only the name of the occupant and the occupant's profession, may be permitted.

2. Free Standing signs may be authorized.

Subchapt.	4.600	SIGNS AUTHORIZED IN THE "R-2" ZONING DISTRICT
Sec.	4.601	GENERAL PROVISIONS

The provisions outlined herein detail signs which are authorized for use in the "R-2" Zoning District and the limitations upon the size, content, and location for such signs.

Sec.	4.602	INDIVIDUAL ADVERTISING SIGNS
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The principal owner of an "R-2" Zoning District building or premises may submit a building permit application in accordance with the provisions of this Chapter, Subchapter 4.400, Sec. 4.402; provided, however, all applications shall be considered in the light of the exposure now enjoyed by the premises of the applicant.

Sec.	4.603	SIGNS - MULTIPLE FAMILY DWELLINGS
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One (1) sign, not exceeding sixteen (16) square feet, when the same is permanently attached to the wall and advertising the business name of the multiple family dwelling, may be authorized.

Subchapt.	4.700	SIGNS AUTHORIZED IN THE "R-1" ZONING DISTRICT
Sec.	4.701	GENERAL PROVISIONS

The provisions outlined herein detail signs which are authorized for use in the "R-1" Zoning District and the limitations upon the size, content, and location for such signs.

Sec.	4.702	ADVERTISING SIGNS
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A permit is not required for the owner of an R-1 residence to erect on subject property; for sale, for rent, garage sale, or safety sign, of four (4) square feet or less.

Sec.	4.703	CHURCH OR SCHOOL SIGNS
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A permit may be issued for a sign, not exceeding thirty-two (32) square feet, when the same is permanently attached to the wall, monument or low profile sign indicating the name of the church or school. (Ord. No. 418, 3/17/03)

BILLBOARDS AND SIGNS

Sec. 4.704 CITY BANNER POLES

Signs on City banner poles are restricted to City sponsored activities. Such signs shall be perforated over at least ten percent of their area to reduce wind resistance. Total area of banner signs will not exceed one hundred and sixty square feet in area, maximum width of forty feet and maximum height of four feet. Banners will have a minimum clearance of sixteen feet above the street. Banner signs will be secured at the top with metal rope and metal clips. Bottom panels may be secured with fiber or nylon rope. (Ord. No. 251, 11/11/91)

Subchapt. 4.800 POLITICAL SIGNS AND TEMPORARY SIGNS FOR CHURCH AND NON-PROFIT ORGANIZATION EVENTS

Sec. 4.801 TEMPORARY SIGNS FOR CHURCH AND NON-PROFIT ORGANIZATION EVENTS

Permits for temporary signs not exceeding thirty-two (32) square feet which comply with the requirements of this Chapter shall be issued without charge for church and non-profit organization events.

Sec. 4.802 POLITICAL SIGNS DEFINED

Political signs are signs which advocate or support one or more candidates for elective office, or causes, positions, beliefs or views.

Sec. 4.803 RESERVED (Ord. No. 602 10/19/09)

Sec. 4.804 TIME LIMITS FOR TEMPORARY SIGNS FOR CHURCHES AND NON-PROFIT ORGANIZATION EVENTS

Temporary signs for church and non-profit organization events may not be erected, used or installed more than forty-five (45) days preceding the date of the event to which the sign pertains and shall be removed no later than forty-eight (48) hours after the event to which the sign pertains.

Sec. 4.805 MOBILE SIGNS FOR CHURCHES AND NON-PROFIT ORGANIZATION EVENTS AND POLITICAL CAMPAIGNS

Mobile, portable or vehicular church, non-profit organization or political signs, except bumper stickers, are prohibited. Political signs that are transported from one location to another must be covered during transport so the message cannot be seen.

Sec. 4.806 RESERVED (Ord. No. 602 (10/19/09)

Sec. 4.807 PLACEMENT OF POLITICAL SIGNS AND CHURCH AND NON-PROFIT ORGANIZATION SIGNS ON PUBLIC PROPERTY

Political signs and temporary church and non-profit organization event signs may not be placed on public property owned or controlled by the City of Windcrest, except that such signs may be placed in the medians and public rights-of-way included in the following streets:

- (a) Crestway;
- (b) Windway;
- (c) Eaglecrest;
- (d) Midcrown;
- (e) Fourwinds;
- (f) and the public rights-of-way of the streets which intersect the above listed streets for a distance

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of twenty five (25) feet from the public right-of-way of the streets listed hereinabove.

Such signs must relate to a scheduled election of the City of Windcrest or an event held by a church or non-profit organization located within the City of Windcrest and may not be erected, used or installed more than forty-five (45) days preceding the commencement of early voting for the election or *forty-five (45) days preceding the church or non-profit organization event* to which the sign pertains and shall be removed no later than forty-eight (48) hours after the conclusion of the election or the event to which the sign pertains. Such signs may not exceed four (4) square feet in area and may not be placed in the public right-of-way or public easement adjacent to private real property. Such signs may not be illuminated or have any moving elements. (Ord. No. 602, 10/19/09)

Sec. 4.808 CONSENT OF PRIVATE PROPERTY OWNER REQUIRED FOR PLACEMENT OF POLITICAL SIGNS AND CHURCH AND NON-PROFIT ORGANIZATION SIGNS

Political signs and church and non-profit organization signs may not be located on private real property without the consent of the property owner. Such signs must be free standing. Such signs on private property may not larger than thirty six (36) square feet, no higher than eight (8) feet, have no moving elements or be illuminated. (Ord. No. 602 10/19/09)

Sec. 4.809 PUBLIC NUISANCE

All political signs and church or non-profit organization event signs placed or posted in violation of this Subchapter are hereby declared to be public nuisances. City employees are hereby directed and required to remove and store such signs at the City Maintenance Facility. Political candidates or committees, churches and non-profit organizations may claim removed signs any time prior to the date of the advertised function or election. Political signs and church or non-profit organization signs in a damaged or unsightly condition, or no longer standing, shall be removed and destroyed. (Ord. No. 432, 2/23/04)

Subchapt. 4.900 REQUESTS FOR WAIVER

Sec. 4.901 GENERAL PROVISIONS

A request for any waiver of the requirements set forth in this chapter shall be forwarded to City Council for review and action. (Ord. No. 418, 3/17/03)