

**AGENDA
CITY OF WINDCREST, TEXAS
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 23, 2010
7:00 P.M.**

NOTICE IS HEREBY GIVEN THAT A SPECIAL CITY COUNCIL MEETING OF THE CITY OF WINDCREST WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 23RD DAY OF SEPTEMBER, 2010 AT 7:00 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 SEPTEMBER 23, 2010 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, SEPTEMBER 24, 2010 AT 7:00 P.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.

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. Old Business

1. City Council will review, discuss and may take action Ordinance 621, an ordinance repealing Ordinance 429 regarding Budget Policy. (Att.1)
The City Council will consider a motion to adopt Ordinance No. 596 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.

III. New Business

1. City Council will review, discuss and may take action to adopt the current tax rate for 2010-2011 Fiscal Year.
2. City Council will discuss and may take action to remove some or all of the current members of the City of Windcrest Economic Development Corporation Board of Directors, and may replace some or all such vacant positions with new directors.

3. City Council will consider and vote on the nominees for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees as per attached ballot. (Att. 2)

IV. 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 September 23, 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 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 September, 2010.

Title: _____

ORDINANCE 621

AN ORDINANCE REPEALING ORDINANCE 429 ENACTED ON SEPTEMBER 22, 2003,
ESTABLISHING A MUNICIPAL BUDGET POLICY AND PROCEDURE FOR THE CITY OF WINDCREST

THIS ORDINANCE _____AMENDS EXHIBIT A

WHEREAS, the City Council finds that amendments to the prior Municipal Budget Policy are in the best interest to the City and its citizens,

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

1. The Municipal Budget Policy and Procedure attached hereto and marked as "Exhibit A" be and is hereby amended and adopted.
2. Said Policy be made effective immediately and apply to the current fiscal and to all subsequent years.

PASSED AND APPROVED THIS the ____ day of September 2010.

Richard Bruns, Mayor

ATTEST

Heather Weidenbach

City Secretary

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Michael S. Brennan, City Attorney

AH. 1

EXHIBIT A

CITY OF WINDCREST BUDGET POLICY AND PROCEDURE

SECTION 1 FISCAL YEAR:

The fiscal year of the City shall begin on the first day of October and end on the last day of September.

SECTION 2 BUDGET PLANNING:

Each year prior to the submission of the draft budget to the ~~Mayor~~ City Council by the City ~~Administrator~~ Manager, a Budget Planning meeting will be held ~~with~~ by the City Council, . Appearing individually at this meeting will be the Department Heads, Staff and Commission and Board Representatives.

SECTION 3 SUBMISSION OF BUDGET:

On or before the first day of July of each year, the ~~City Administrator~~ Manager shall submit to the ~~Mayor~~ Council ~~for his submission to the Council,~~ and file with the City Secretary a budget for the ensuing fiscal year. ~~pursuant to the City Ordinance No 429.~~

SECTION 4 BUDGET MESSAGE:

The ~~Mayor and the City Administrator~~ Manager shall include a budget message as part of the annual budget which shall outline the proposed financial plan of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in programs, expenditures and revenues, summarize the City's debt position and include such other materials as the ~~Mayor Council and City Administrator~~ Manager deems desirable.

SECTION 5 BUDGET COMPOSITIONS:

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year. It shall be in such form as required by law and as the ~~Mayor~~ Council and the City ~~Administrator~~ Manager deems desirable or the Council may require. In organizing the budget the ~~Mayor~~ Council and City ~~Administrator~~ Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose of activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and

shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of at least 3 the preceding fiscal years. It shall indicate in separate sections:

1. Proposed expenditures for current operations during the ensuing fiscal year detailed by departments.
2. Proposed capital expenditures during the ensuing fiscal year detailed by departments, when practicable, and the proposed method of financing each such capital expenditures.
3. Anticipated, net surplus or deficit for the ensuing fiscal year detailed by departments, ~~when practicable, and the proposed method of financing each such capital expenditure.~~
4. The total of the proposed expenditures shall not exceed the total of estimated income.

SECTION 6 CAPITAL IMPROVEENTS PROGRAM:

The City ~~Administrator~~ Manager shall prepare and submit to the City Council a capital improvement program ~~from time to time at the time the budget is prepared. , either on his own initiative or when directed to do so by Council.~~

SECTION 6 CITY COUNCIL ACTIONS ON BUDGET:

1. Notice and Hearing – After the proposed budget is filed with the City Secretary, the City Council shall have published in one or more newspapers of general circulation in the City, a general summary of the budget and a notice stating:
 - a) The time and place where copies of the budget are available for inspection by the public.
 - b) The time and place, not less than fifteen days after such publication, for a public hearing before City Council on the budget.
2. Amendment Before Adoption – After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget before adoption it may add or decrease programs or amounts and may delete or decrease any programs or amount, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.
3. Adoption – The Council shall, by ordinance, adopt the budget on or before the date required by law. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations from the funds indicated and shall constitute a levy of the property tax therein proposed.

SECTION 7 AMENDMENTS AFTER ADOPTION:

1. BUDGET AMENDMENT -If at any time during the fiscal year it appears probable to the Mayor and/or the City ~~Administrator~~ Manager and/or the Finance Director that the total revenues available within any fund contained in the budget will be insufficient to meet the total fund appropriations, he/she shall report to City Council without delay, including the amount of anticipated fund deficit. No un-appropriated expense will be incurred or obligated without prior Council approval. The Council shall, by ordinance, amend the budget to increase estimated revenues or decrease appropriations within the fund by an amount equal to the anticipated deficit. If the City Council amends the original budget, it shall file a copy of its ordinance amending the budget with the municipal clerk, and the clerk shall attach the copy to the original budget.
2. Supplemental Appropriations – If, during the fiscal year, the ~~Mayor~~ Council and/or the City ~~Administrator~~ Manager certify that there are available for appropriation revenues in excess of those estimated in the budget, the City Council may, by ordinance, amend the budget and make supplemental appropriations for the year up to the amount of such excess.
3. EMERGENCY APPROPRIATIONS
To meet a public emergency affecting the life, health, property or the public peace, the City Council may, by ordinance, amend the budget and make emergency appropriations.
The City Council may authorize an emergency expenditure as an amendment to the original budget only in case of grave necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention. To the extent that there are no available un-appropriated revenues to meet such appropriations, the City Council may by such ordinance authorize the issuance of emergency notes, which may be renewed as necessary. If the City Council amends the original budget to meet an emergency, the governing body shall file a copy of its ordinance amending the budget with the municipal clerk, and the clerk shall attach the copy to the original budget.
4. Reduction of Appropriations – If at any time during the fiscal year it appears probable to the Mayor and/or the City ~~Administrator~~ Manager and/or the Finance Director that the total revenues available will be insufficient to meet the total amount appropriated, he/she shall report same to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The City Council shall then take such action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, amend the budget and reduce one or more appropriations.

5. Revision of Appropriations – At any time during the fiscal year the City ~~Administrator~~ ~~Manager and/or the Mayor~~ may transfer, without budget amendment, part or all of any unencumbered appropriation balance among line items or programs within a Department. ~~, within any city fund~~ Upon written request by the City ~~Administrator~~ ~~Manager, and/or the Mayor~~ the City Council may transfer, without budget amendment, part or all of any unencumbered appropriation balance within any City fund from one Department to another. For the purpose of this Section, “Department” is defined as a subdivision of a specific fund continued in the budget relating to specific function of the City and designed by a unique account code group within that fund. In this Section, “City Fund” is defined as a sum of money or other resource segregated for the purpose of carrying on a specific activity or attaining certain objectives in accordance with specific regulations, restrictions or limitations and constituting an independent fiscal and accounting entity. Each fund is a self balancing set of accounts. In every case of an authorized transfer a Budget Adjustment Form will be completed and retained by the Municipal Finance Officer as evidence of Budget Adjustment.
6. Limitations: Effective Date – No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance of the original appropriation. The supplemental and emergency appropriations and reductions or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

SECTION 8 LAPSE OF APPROPRIATION:

Every appropriation, except an appropriation for capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for capital expenditures shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation

SECTION 9 ADMINISTRATION OF BUDGET:

1. Department Programs and Allotments – At such time as the City ~~Administrator~~ Manager shall specify each Department shall submit revenues allotment requests for the ensuing fiscal year. The City ~~Administrator~~ Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. Every quarter after the adoption of the budget, there shall be a budget meeting held by the Council to determine the accuracy of the projected revenues and expenditures. If needed, the Council will amend the budget as necessary to continue to have a balanced budget with minimal use of the carryover fund. The Council will follow the guidelines on amending the budget. The City ~~Administrator~~ Manager, ~~and/or the Mayor~~ in consultation with the Council, may revise such allotments during the fiscal year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 7.

2. Payment and Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City ~~Administrator~~ Manager or Municipal Finance Officer first certifies that there is a sufficient encumbered balance in such allotments or appropriations and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable *Any authorization of payment or incurring of obligation in violation of the provisions of this policy shall be void. However, except where prohibited by law, nothing in this policy shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or in part by the issuance of bonds or prevent the making of any contract or lease providing for such payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

*Note: Severance Pay – Prior to severance pay being offered, sufficient funds to cover this expenditure shall be deposited, in full, to a restricted Reserve Account for that specific purposed only. The matter of awarding the severance shall come before the City Council for approval.

OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2010. Ballots received after September 30, 2010, cannot be counted. The ballot must be properly signed and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P. O. Box 149194, Austin, Texas 78714-9194.

The names of the officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees.

Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name. You can only vote for one candidate for each place.

PLACE 6

- ☐ **Peter Canney.** Mayor pro tem for Navasota (Region 14). Mr. Canney is serving his second term as a Councilmember and Mayor Pro Tem. He is a board member of the Grimes County Crimestoppers and the Board Treasurer of The Arts Council of Brazos Valley. He attended undergraduate school at Colorado State University to become a biologist and graduate school at Cornell University. After working as a scientist and a biotechnology recruiter, he formed his own recruiting and human resources consulting firm.
- ☐ **Mary Gauer.** (Incumbent). Ms. Gauer has served on the TML Intergovernmental Risk Pool Board of Trustees since 1998. She served as a member of the Harker Heights City Council from 1991 to 1998, and Mayor from 1998 to 2004. Ms. Gauer serves as an elected citizen member of the Executive Committee of the Central Texas COG. She is Past-President of the TML Association of Mayors, Councilmembers, and Commissioners, and of the Small Cities Advisory Council.
- ☐ **Sheyi I. Ipaye.** City Manager for the City of Forest Hill (Region 8). He formerly served as City Manager for Palestine, City Manager for Glenn Heights, Community Services Officer for Iberia Bank in New Orleans, and Community Development Officer and Manager for Community Investment for the Federal Home Loan Bank of Dallas. Mr. Spaye has a Bachelor's Degree in Government and Business and a Master's Degree in Urban Planning and Development.
- ☐ **Michael S. Nyren.** Risk Manager for Capital Metropolitan Transportation Authority in Austin for 15 years (Region 10). Mr. Nyren has 28 years of experience in insurance, safety, and risk management, and currently holds an All Lines Texas Adjuster's License. He has earned the Insurance Institute of America's designation of Associate in Risk Management (ARM) and Associate in Risk Management for Public Entities (ARM-P). Mr. Nyren serves on the board of the Risk and Insurance Management Society, Central Texas Chapter.
- ☐ **Frank Seffrood.** Councilmember for City of Copperas Cove (Region 9). Mr. Seffrood has served as a Copperas Cove councilmember since July, 2008, and was elected Mayor Pro Tem in July, 2009. He retired from the U.S. Army in 1979 with 22 years of service. He holds a B.S. degree in Information Systems and taught in the Computer Science Department of Central Texas College for five years. He recently retired from the U.S. Postal Service where he was employed since 1986.

WRITE IN CANDIDATE:

PLACE 7

- ☐ **Kevin Caddell.** (Incumbent). Mayor for the City of Dalhart (Region 2). Mr. Caddell served as a Dalhart City Councilmember for 10 years, and as Mayor since 2005. Served on the Panhandle Regional Planning Commission Board. Past President of TML Region 2 and incoming Regional Director for TML Region 2. Graduate of Texas Tech University. Owns and operates Furniture Fashions, a retail furniture and appliance outlet in Dalhart, and has other real estate and farming interests in the Dalhart area.
- ☐ **Kevin Carruth.** City Manager for Paris (Region 15). Mr. Carruth has 20 years of experience in local government and has served as City Manager for Brownwood, Daingerfield, Hillsboro, and Prosper. He also served as Senior Program Analyst and Emergency Management Coordinator for Harris County Housing and Community Development Agency and as an elected official on the Board of Directors for Fort Bend M.U.D. #41. He is an ICMA Credentialed Manager and active in the Texas City Management Association.
- ☐ **John Mitchiner.** Board of Directors of Galveston County W.C.I.D. #1 (Region 14) since 2004. Mr. Mitchiner served as Mayor for Dickinson from 1994 to 1999, as President for the Galveston County Mayors and Councilmen Assoc., as a Director for the North Galveston County Chamber of Commerce, and as President of the Mainland Association of Life Underwriters. He is a member of the Association of Water Board Directors – Texas, a member of Texas EquuSearch, and a Board Member of the Bay Area Harbour Playhouse.
- ☐ **Lawanna Williams.** Assistant Finance Director for Kilgore (Region 15). Ms. Williams has been employed by Kilgore since September of 1987. Prior to 1987, Ms. Williams worked six years in the banking industry. Member of the East Texas Municipal Clerks Association, the Government Finance Officers Association of Texas, and the East Texas City Management Association. Serves as secretary/treasurer of the Outreach Community Development Corp. and is a member and past President of the Kilgore Oilpatch Kiwanis Club.

WRITE IN CANDIDATE:

PLACE 8

☐ **Larry Melton** (Incumbent). Mayor for Odessa (Region 4) since 2001. Mr. Melton also served three years as a councilmember. He is the Chief Executive Officer of a regional public accounting firm, Johnson, Miller and Company, where he is responsible for all administrative and human resources areas of the firm. Previously, Mr. Melton was in the banking business for approximately 30 years. He is active in the United Way of Odessa and Odessa Chamber of Commerce. In 1993, he was honored as Odessa's outstanding citizen.

☐ **Gilbert Perales**. Deputy City Manager for the City of Arlington (Region 8). From 1978 to 1980, Mr. Perales worked in the San Antonio City Manager's Office and in the Department of Economic Development. From 1980 to 1985, he served as City Manager for the City of Carrizo Springs. From 1985 to 2001, Mr. Perales worked for the City of Dallas as Assistant to the City Manager and, later, as Assistant Director in the Department of Convention and Events Services. From 2001 to 2007, he was Assistant City Manager for Irving.

WRITE IN CANDIDATE:

PLACE 9

☐ **Andres Garza**. (Incumbent). City Manager for the City of Wharton (Region 14). Mr. Garza has served on the TML Intergovernmental Risk Pool Board of Trustees since 1984, serving as chairman from 1994-1996. He has served as Wharton City Manager since 1994. Mr. Garza has been in public service for over 33 years of which 30 have been as a City Manager. He serves on the TML Small City's Advisory Council, has a BBA degree from Southwest Texas State University, and is a member of TCMA and ICMA.

WRITE IN CANDIDATE:

BALLOT MUST BE SIGNED TO BE COUNTED

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness by hand, this _____ day of _____, 2010.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed name of Political Entity