



AGENDA
CITY OF WINDCREST, TEXAS

SPECIAL CITY COUNCIL MEETING

July 21, 2016

6:00 P.M.

UNOFFICIAL MINUTES

For official City of Windcrest minutes as set forth by Resolution 292, please refer to the video at http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1739

- I. **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".* *

City Council will review, discuss and may take action on Ordinance No. 2016-747(O), an ordinance ordering a Special Election for November 8, 2016 to vote upon the recall of City Council Member Kimberly Wright as required by Article 7 of the Windcrest City Charter. *(Second Reading) Mayor Baxter requested*

APPROVED 4/0

ABSTENTION 1



**AGENDA
CITY OF WINDCREST, TEXAS**

SPECIAL CITY COUNCIL MEETING

July 21, 2016

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 21st DAY OF JULY 2016 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 JULY 21, 2016 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, JULY 22, 2016 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.

REQUEST ALL PAGERS AND CELL PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL. CITIZENS ARE ASKED TO REFRAIN FROM TALKING DURING COUNCIL PROCEEDINGS.

Ordinance No. 2016-618B(O) establishes certain protocols for City Council meetings.

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", citizens may address the City Council on topics not on the agenda for no more than three (3) minutes. In addition to the foregoing, citizens shall also have the opportunity to address the City Council during consideration of posted agenda items for no more than six (6) minutes. Each citizen shall therefore have the opportunity to address the City Council for a total of nine (9) minutes. 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, a city official may make a statement of specific factual information in response to an inquiry made by a member of the public or a recitation of existing city policy. Any deliberation or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Any question posed by a Citizen, Council Member, Board Member or Commission Member for which an answer is not available at a meeting shall be answered by a member of the staff or Presiding Officer at the next regular meeting of the Body, if an answer is reasonably available and prudent. If the information is sensitive, staff will seek advice from the City Attorney.

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

1. Citizens may address the City Council on topics not on the agenda for no more than three (3) minutes.
2. In addition to the foregoing, citizens shall also have the opportunity to address the City Council during consideration of posted agenda items for no more than six (6) minutes.
3. A City Official may make a statement of specific factual information in response to an inquiry made by a member of the public, or a recitation of existing policy in response to an inquiry made by a member of the public.

III. 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".**

City Council will review, discuss and may take action on Ordinance No. 2016-747(O), an ordinance ordering a Special Election for November 8, 2016 to vote upon the recall of City Council Member Kimberly Wright as required by Article 7 of the Windcrest City Charter. *(Second Reading) Mayor Baxter requested*

IV. 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.

V. Adjournment

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

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two hours prior to the meeting on July 21, 2016.

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 ____ July, 2016.

____ Title: _____



ORDINANCE NO. 2016-747(O)

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS TO ORDER A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016 TO DETERMINE WHETHER CITY COUNCIL MEMBER KIMBERLY WRIGHT SHOULD BE RECALLED AS A MEMBER OF THE WINDCREST CITY COUNCIL AS PROVIDED IN ARTICLE VII OF THE WINDCREST HOME RULE CHARTER; MAKING PROVISIONS FOR THE CONDUCT OF SUCH SPECIAL ELECTION; AND RESOLVING OTHER MATTERS RELATED TO THE CONDUCT OF SUCH SPECIAL ELECTION

WHEREAS, a recall petition has been filed against City Council Member Kimberly Wright requesting the City Council to call a special election to consider her recall as a member of the city council as provided in Article VII in the Windcrest Home Rule Charter; and

WHEREAS, the recall petition was certified as compliant with the Windcrest Home Rule Charter and applicable state law as provided in Section 7.04.3 of said charter; and

WHEREAS, Section 7.04.4 of the Windcrest Home Rule Charter requires the city council to order a recall election at the next regular election date to determine whether Kimberly Wright should be recalled as a member of the Windcrest City Council.

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

SECTION 1. A special election shall be held on November 8, 2016, a uniform election date, in the City of WINDCREST, Texas, which date is not less than sixty-two (62) days from the date of the adoption of this ordinance, for the purpose of determining whether City Council Member Kimberly Wright should be recalled as a member of the City of Windcrest City Council, which ballot shall state as follows:

PROPOSITION 1

"SHALL KIMBERLY WRIGHT BE REMOVED FROM THE OFFICE OF CITY COUNCIL MEMBER BY RECALL?"

FOR REMOVAL
AGAINST REMOVAL

SECTION 2. The official ballots shall be prepared in accordance with the Texas Election Code, as amended, so as to permit electors to vote FOR REMOVAL or AGAINST REMOVAL the aforesaid propositions.

SECTION 3. Voting on election day and during early voting shall be done on Election Systems & Software, Inc. (ES&S) iVotronic Touch Screen Voting Unit with ballot tabulation performed by the Bexar County Elections Administrator. Voting by mail ballot and provisional voting shall be done by paper ballot.

SECTION 4. The polling place designated for Windcrest voting precincts 4050, 4051, 4107, 4192 and 4195 for voting in the November 8, 2016, special election shall be at Windcrest Civic Center, 9310 Jim Seal Drive, Windcrest, Texas. Such polling place shall be open on the election day from 7:00 a.m. to 7:00 p.m.

SECTION 5. The polling places for WINDCREST voting precincts 4050, 4051, 4107, 4192 and 4195 for early voting for the November 8, 2016 special election shall be determined by the Bexar County Elections Administrator, and the hours are currently scheduled as follows:

Monday, October 24, 2016 through Friday, October 28, 2016 - 8:00 a.m. to 6:00 p.m.

Saturday, October 29, 2016 – 8:00 a.m. to 8:00 p.m.

Sunday, October 30, 2016 – 12:00 noon to 6:00 p.m.

Monday, October 31, 2016 through Friday, November 4, 2016 – 8:00 a.m. to 8:00 p.m.

SECTION 6. Applications for ballots by mail shall be mailed to Jacquelyn F. Callanen, Bexar County Elections Administrator, at 203 W. Nueva, Suite 361, San Antonio, Texas 78207. Applications for ballots by mail must be received by the Early Voting Clerk no later than the close of business on the date required by the Texas Election Code.

SECTION 7. The City Council authorizes the City Manager, or his designee, to negotiate and enter into an election agreement or agreements with the Bexar County Elections Administrator in accordance with the provisions of the Texas Election Code, and to pay the charges for such election services. The City Manager may also enter into a contract for the conduct of a joint election with other governmental entities in Bexar County, Texas.

SECTION 8. Jacquelyn F. Callanen, Bexar County Elections Administrator, is designated as the election officer to conduct the special election on November 8, 2016, and early voting for said election.

SECTION 9. Notice of the November 8, 2016, special election shall be posted and

published in accordance with the Texas Election Code.

SECTION 10. 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.

SECTION 11. All ordinances and 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 ordained herein.

SECTION 12. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13. 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 14. 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 15. This Ordinance shall be in force and effect from and after its final passage, and it is so ordained.

SECTION 16. If less than a majority of the votes favor recall, Council Member Wright shall continue to serve. If a majority of the votes are cast in favor of recall, the city council shall declare her position vacant, and shall insure the filling of the vacancy in accordance with the charter.

PASSED AND APPROVED, on the 21st day of July, 2016 at a special meeting of the City Council of the City of WINDCREST, Texas which meeting was held in compliance with the Open Meetings Act, Tex. Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY