



AGENDA
CITY OF WINDCREST, TEXAS

SPECIAL CITY COUNCIL MEETING

June 3, 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 03rd DAY OF JUNE 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 JUNE 03, 2013 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, JUNE 04, 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. Presentations

1. City Council will receive a presentation from Katye Brought (Public Affairs / PR / Marketing / Event Specialist) and Robert Colunga (Government Relations / Business Development) regarding the 4th of July Parade and the Website and Phone App Launch Party, scheduled for **November 25, 2013 located at Rackspace International Headquarters in Windcrest.**

IV. 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".* *

None

V. Resolutions

1. City Council will review, discuss and may take action on Resolution No. 2013-439(R), a resolution requesting the City of San Antonio to approve a municipal boundary adjustment in accordance with Texas Local Government Code Section 43.031 transferring approximately less than one acre of land located in the City of San Antonio limits to the City limits of Windcrest, Texas. (Att. 1)
2. City Council will review, discuss and may take action on Resolution No. 2013-440(R), a resolution accepting the MLP Ventures for the performance of improvements at Windy Hollow Pond at Takas Park (IFB 12-13-006) and authorizing the City Manager to execute a contract for such work. (Att. 2) (Ref SPL P&R 05.29.13 http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1069 00:03:55)

VI. Discuss and Act

1. City Council will review and discuss appointing a person to the City Council to fill a vacancy.
2. City Council will review, discuss and may take action on appointing alternate members to the Board of Adjustment and selecting members for such. (REF: 03.18.13 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1040 01:50:40 & 05.13.13 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1064 01:15:46)

VII. Executive Session (Part 3)

1. City Council will convene into a closed session as authorized by Section 551.074(a)(1) of the Texas Government Code, as amended, to deliberate the employment, evaluation and duties of the following city officers....
 - City Manager / Investment Manager / Court Administrator / Treasurer – Rafael Castillo, Jr.

VIII. Open Session/Discuss and Act (Part 3)

1. City Council will discuss and may take action on the employment, evaluation and duties of the following city officers...
 - City Manager / Investment Manager / Court Administrator / Treasurer – Rafael Castillo, Jr.

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

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 June 3, 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 ____ June 3, 2013.

_____ Title: _____



RESOLUTION NO. 2013-439(R)

A RESOLUTION REQUESTING THE CITY OF SAN ANTONIO TO APPROVE A MUNICIPAL BOUNDARY ADJUSTMENT IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE SECTION 43.031 TRANSFERRING APPROXIMATELY LESS THAN ONE ACRE OF LAND LOCATED IN THE CITY OF SAN ANTONIO LIMITS TO THE CITY LIMITS OF WINDCREST, TEXAS.

WHEREAS, the City of San Antonio and the City of Windcrest, Texas are adjacent municipalities and share a common boundary of City limits at the location of the requested transfer; and

WHEREAS, Texas Local Government Code 43.031 authorizes mutually agreeable boundary changes of less than 1000 feet; and

WHEREAS, by this Resolution the Windcrest City Council requests that the San Antonio City Council transfer certain municipal boundaries along the city's shared boundary with the City of Windcrest as shown in Exhibit A; and

WHEREAS, the City of Windcrest City Council respectfully requests the transfer of boundary with the City of San Antonio to insure comprehensive municipal services to the area by the City of Windcrest.

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

That the Windcrest City Council requests transfer of approximately less than, one acre of land located along IH35 access road north from Walzem Road to slightly past Crestwind Drive from the City of San Antonio to the City of Windcrest as described and illustrated in Exhibit A, attached hereto and incorporated herein for all purposes.

PASSED AND APPROVED BY the City Council on the ____ day of _____, 2013.

Mayor

ATTEST:

Kelly Rodriguez, City Secretary

APPROVED AS TO FORM:

City Attorney



City Council Agenda Item Report

June 3, 2013

Contact – Michael McAlear / Andrew Hunt
mmcalear@windcrest-tx.gov / ahunt@rkci.com

Resolution # 2013-440(R)

SUBJECT: Deliberation and possible action on resolutions to award contracts for the performance of Improvements at Windy Hollow Pond at Takas Park IFB 12-13-006 to MLP Ventures.

1. BACKGROUND/HISTORY

On March 29, 2013 the City of Windcrest released an IFB for the performance of Improvements at Windy Hollow Pond at Takas Park. The IFB was advertised for bids on April 1, 2013 and April 8, 2013 in the San Antonio Express. Ten firms were present for the Pre-Bid Conference held on April 15, 2013 at the City of Windcrest Civic Center. On April 25th, 2013 six sealed-bids were opened and publicly read aloud in the Council Chambers.

2. FINDINGS/CURRENT ACTIVITY

The bid documentation allowed for bidding on one base service and seven alternate services. After City Management applied bid alternate preferences, MLP Ventures had the low bid for the Base bid, Increase of Concrete Walk to 5' (Alt. No. 1,) and New Exterior Site Lighting (Alt. No. 6) at \$326,975.00. Three bids did not include qualifications statements, including the MLP Ventures bid. Contract execution will be contingent upon acceptance of qualifications statement. Lowest bid including qualifications statement was provided by CGC General Contractors at \$342,400.00

On May 29, 2013 at a special meeting of the Parks and Recreation Commission, the commission voted to recommend the acceptance of MLP's bid for the following options in the amount of \$330,022.00:

- BASE BID (\$279,798.00)
- INCREASE CONCRETE WALK WIDTH TO 5' (\$6,521.00)

- TREE PLANTINGS (\$3,047.00)
- NEW EXTERIOR SITE LIGHTING (\$40,656.00)

The Parks and Recreation Commission also recommended that the bid of CGC General Contractors in the amount of \$345,535.00 be accepted in the event that MLP Ventures' bid is determined to be ineligible after receipt of a qualifications statement for the following options:

- BASE BID (\$298,000.00)
- INCREASE CONCRETE WALK WIDTH TO 5' (\$7,500.00)
- TREE PLANTINGS (\$3,135.00)
- NEW EXTERIOR SITE LIGHTING (\$36,900.00)

3. FINANCIAL IMPACT -

\$200,000.00 to be funded from CPS CEID funding (\$50,000.00 received summer 2012, \$150,000.00 budgeted as Parks CIP this fiscal year). Remaining funds of \$150,500.00 to be funded from General Fund CIP fund balance (including engineering fees of \$23,525.00).

4. ACTION OPTIONS/RECOMMENDATION

Staff recommends the award of one of the following options:

Staff Recommendation

The award of Improvements at Windy Hollow Pond at Takas Park IFB 12-13-006 Base bid, Increase of Concrete Walk to 5' (Alt. No. 1) and New Exterior Site Lighting (Alt. No. 6) to MLP Ventures for \$326,975.00, pending acceptance of qualifications statement.

Parks and Recreation Commission Recommendation

The award of Improvements at Windy Hollow Pond at Takas Park IFB 12-13-006 Base bid, Increase of Concrete Walk to 5' (Alt. No. 1), Tree Plantings (Alt. No. 4) and New Exterior Site Lighting (Alt. No. 6) to MLP Ventures for \$330,022.00, pending acceptance of qualifications statement.

IFB 12-13-006 IMPROVEMENTS AT WINDY HOLLOW POND AT TAKAS PARK
 UNOFFICIAL BID TABULATION
 BID OPENING: APRIL 25, 2013 AT 2:00 P.M. CST

RESPONDANTS	CALENDER WEEKS FOR COMPLETION	BASE BID	ALT. NO. 1	ALT. NO. 2	ALT. NO. 3	ALT. NO. 4	ALT. NO. 5	ALT NO. 6	ALT. NO. 7
CGC GENERAL CONTRACTORS	SPECIFIED	\$ 298,000.00	\$ 7,500.00	\$ 3,690.00	\$ 4,600.00	\$ 3,135.00	NO BID	\$ 36,900.00	\$ 6,100.00
GRATR LANDSCAPING	21	\$ 293,800.00	\$ 6,500.00	\$ 8,000.00	\$ 18,000.00	\$ 8,500.00	\$ 10,000.00	\$ 106,000.00	\$ 10,000.00
ASC PAVING	90	\$ 379,000.00	\$ 3,060.00	\$ 2,375.00	\$ 6,000.00	\$ 3,260.00	\$ 8,000.00	\$ 58,000.00	\$ 6,500.00
TECHE CONTRACTS, LLC	NR	NR	NR	NR	NR	NR	NR	NR	NR
MLP VENTURES	13	\$ 279,798.00	\$ 6,521.00	NO BID	NO BID	\$ 3,047.00	NO BID	\$ 40,656.00	NO BID
JERDON ENTERPRISES	13	\$ 326,800.00	\$ 5,100.00	\$ 4,800.00	\$ 5,700.00	\$ 3,000.00	\$ 8,000.00	\$ 35,000.00	\$ 5,800.00
BID TAB KEY									
BASE BID									
ALT. NO. 1	INCREASE CONCRETE WALK WIDTH TO 5'								
ALT. NO. 2	EXPOSED AGGREGATE FINISH ON CONCRETE WALK 4' WIDTH								
ALT. NO. 3	EXPOSED AGGREGATE FINISH ON CONCRETE WALK 5' WIDTH								
ALT. NO. 4	TREE PLANTINGS								
ALT. NO. 5	INITIAL WATER-FILL OF POND								
ALT NO. 6	NEW EXTERIOR SITE LIGHTING								
ALT. NO. 7	EXTENDED LANDSCAPE MAINTENANCE PERIOD								

NR= NON-RESPONSIVE



RESOLUTION NO. 2013-440(R)

**A RESOLUTION ACCEPTING THE MLP VENTURES FOR
THE PERFORMANCE OF IMPROVEMENTS AT WINDY
HOLLOW POND AT TAKAS PARK (IFB 12-13-006) AND
AUTHORIZING THE CITY MANAGER TO EXECUTE A
CONTRACT FOR SUCH WORK.**

WHEREAS, on March 29, 2013 the City of Windcrest released a Invitation for Bids for the performance of Improvements at Windy Hollow Pond at Takas Park IFB 12-13-006, and advertised notices for such bids on April 1, 2013 and April 8, 2013 in the City of Windcrest's Newspaper of Record; and

WHEREAS, on April 25th, 2013 in the City Council Chambers six sealed bids from prospective contractors were opened, publicly read aloud, and reviewed. MLP Ventures was the low bidder for the Base Bid, Increase of Concrete Walk to 5' (Alt. No. 1), Tree Plantings (Alt. No. 4) and New Exterior Site Lighting (Alt. No. 6) to MLP Ventures for Three Hundred and Twenty-Two Thousand and Zero Cents (\$330,022.00).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS, that the City Council of the City of Windcrest hereby accepts the bid of MLP Ventures in the amount of Three Hundred and Twenty-Two Thousand Dollars and Zero Cents (\$330,022.00) for the performance of Improvements at Windy Hollow Pond at Takas Park IFB (12-13-006) Base Bid, Increase of Concrete Walk to 5' (Alt. No. 1), Tree Plantings (Alt. No. 4) and New Exterior Site Lighting (Alt. No. 6). The City Manager is instructed to provide notice of award to the contractor and negotiate and execute a contract for such work pending staff acceptance of contractor's statement of qualifications.

PASSED AND APPROVED ON THIS THE ____ DAY OF JUNE, 2013.

Alan E. Baxter, Mayor

ATTEST

Kelly Rodriguez, City Secretary

APPROVED AS TO FORM

Michael Brenan, City Attorney