



AGENDA
CITY OF WINDCREST, TEXAS

SPECIAL CITY COUNCIL MEETING

May 6, 2013

Special City Council Meeting
5:15 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 06th DAY OF MAY 2013 STARTING AT 5:15 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 MAY 06, 2013 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, MAY 07, 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 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. Executive Session

1. City Council will convene in a closed session as authorized by Section 551.071 (A) of the Texas Government Code to consult with the City Attorney and special counsel concerning dismissal of the City's Claims in Cause No. 2009-CI-15428 in the 408TH District Court of Bexar County, Texas with prejudice instead of without prejudice.

III. Open Session

IV. Resolutions

1. City Council will review, discuss and may take action on a resolution amending Resolution No. 2013-437(R) adopted on March 18, 2013 by authorizing dismissal of the City's Claims in Cause No. 2009-CI-15428 in the 408TH District Court of Bexar County, Texas with prejudice instead of without prejudice. (Att. 1)

V. 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.

VI. Special City Council Meeting

VII. Presentations

1. Mayor Alan Baxter will present Police Chief Al Ballew with a proclamation proclaiming May 16, 2013 as Windcrest Police Memorial Day and the week in which it falls in accordance with the designation of the United States Congress and the President of the United States. (Att. 2)

VIII. Ordinances **"In conjunction with the first reading of an ordinance, a motion should be made to either "reject the proposed ordinance" or "to forward the proposed ordinance to a subsequent City Council meeting for final adoption at its second reading". **

1. City Council will review, discuss and may take action on Ordinance No. 2013-689(O), an ordinance amending Chapter 4, Billboards and Signs, of the Code of Ordinances by repealing existing section 4.702 and adopting a new section 4.702 pertaining to small signs in R-1 Zoning Districts and transferring subchapter 15.300 garage sales from chapter 15 to a new chapter entitled "Garage Sales". **Second Reading** (Att. 3) (Ref: 01.28.13 RCCM
http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1019 04:31:01)
2. City Council will review, discuss and may take action on Ordinance No. 2013-691(O), an ordinance amending Ordinance 2012-676 which established a schedule of fees for various permits and services, by amending certain fees for Civic Center Uses and by eliminating fees for Notary Services. **Second Reading** (REF: 09.18.12 SCCM
http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=951 00:07:13 /
01.28.13 Joint RCCM & P&R:
http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1019 02:14:24 &
02.13.13 P&R: http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1025
00:59:11 / 04.01.13 SCCM
http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1048 00:11:07) (Att. 4)
3. City Council will review, discuss and may take action on Ordinance No. 2013-692(O) an ordinance approving and adopting an amendment to the budget of the City of Windcrest to reflect increased revenues of \$192,022.90, and approving and adopting an amendment to the City of Windcrest budget for the fiscal year beginning October 1, 2012 and ending on September 30, 2013 for the expenditure of \$56,158.15 for all departments, and adopting an amendment to the City of Windcrest budget of said fiscal year using \$44,693.90 from CIP fund balance for engineering services and electronic equipment in the council chambers; and establishing a savings clause and an effective date. **First Reading** (Att. 5)

IX. Resolutions

1. City Council will review, discuss and may take action on Resolution No. 2013-438(R), a resolution approving a new Windcrest Little League lease commencing January 1, 2014 and ending December 31, 2016 and authorizing the City Manager to execute said lease on behalf of the City. (Att. 6)

X. Discuss and Act

1. City Council will review, discuss and may take action authorizing the City Manager to approve a permit for relocation of the existing portable education facilities from their present location to a different location at the Windcrest Elementary School facility at 465 Faircrest, Windcrest, TX 78239. (Att. 7)
http://neisd.net/constr/bonds/projects/windcrest/aerial_photos/index.html
2. City Council will review, discuss and may take action on the recommendation of the Roadway CIP Committee to go out for bids for Package 1 of roadway improvements to the following areas or portions of the following streets...
 - A. Bronzeglo Drive
 - B. Richfield Street & Drive
 - C. Hidden Hollow
 - D. Brook Falls
 - E. Windgarden Circle
 - F. Zypher Drive
 - G. Meadow Grove
 - H. Weatherly Drive
 - I. Windsong
3. City Council will review, discuss and may take action on directing the City Manager to solicit qualifications to hire local professional services for “**quality review**” of Roadway CIP projects.
4. City Council will review, discuss and may take action on the Parkcrest Street Project.
5. City Council will review, discuss and may take action regarding the land which might be used for a City soccer field.
6. City Council will discuss and may take action on a sole source contract with Taser, International.
7. City Council will discuss and may take action on changing the date of the Regular City Council Meeting.

XI. 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.

XII. 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 May 6, 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 ____ May 6, 2013.

_____ Title: _____

RESOLUTION NO. 2013-437(R)

**A RESOLUTION AMENDING RESOLUTION NO. 2013-430 (R)
ADOPTED ON MARCH 18, 2013 BY AUTHORIZING DISMISSAL OF
THE CITY'S CLAIMS IN CAUSE NO. 2009-CI-15428 IN THE 408TH
DISTRICT COURT OF BEXAR COUNTY, TEXAS WITH PREJUDICE
INSTEAD OF WITHOUT PREJUDICE.**

WHEREAS, the City Council adopted Resolution No. 2013-430 (R) on March 18, 2013, which resolution approved a substantial recovery for the city and authorized settlement of various bankruptcy claims, mutual releases and dismissal of claims without prejudice in Cause No. 2009-CI-15428 in the 408th District Court of Bexar County, Texas, specifically including, but not limited to, fully and finally settling all claims related to Randy Pullman and his firm, Pulman, Cappuccio, Pullen, Benson & Jones, LLP; and

WHEREAS, since the adoption of the above referenced resolution, it was determined that in Cause No. 2009-CI-15428 in the 408th District Court of Bexar County, Texas, the dismissal needed to be with prejudice instead of without prejudice in order to obtain the full benefits to which the city is entitled.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Windcrest hereby determines that it would be in the best interest of the City to enter a mutual release and settlement agreement between the city and Pulman, Cappuccio, Pullen & Jones, LLP, its partners and employees, and dismiss with prejudice Cause No. 2009-CI-15428 in the 408th District Court of Bexar County, Texas, so that the attorneys for the city and the City Manager are authorized to execute all documents necessary and appropriate to effect such dismissal with prejudice.

PASSED AND APPROVED ON THIS THE ____ day of ____, 2013.

Alan E. Baxter, Mayor

ATTEST

Kelly Rodriguez, City Secretary

APPROVED AS TO FORM

Michael S. Brenan, City Attorney

**MAYOR'S PROCLAMATION
PEACE OFFICERS' MEMORIAL DAY
May 14, 2013**

WHEREAS, the Congress and President of the United States have designated May 15, 2013 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Windcrest Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Windcrest; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Windcrest Police Department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I, Mayor Alan Baxter, call upon all citizens of Windcrest and upon all patriotic, civil and educational organizations to observe the week of May 12 -18, 2013, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of Windcrest to observe Thursday, May 16, 2013, as the Windcrest Police Department Memorial Day in honor of those Windcrest Police Officers who, through their courageous deeds, have given their lives in the line of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Windcrest to be affixed.

DONE at the City of Windcrest this 6th day of May, 2013.

ORDINANCE NO. 2013-689(0)

AN ORDINANCE AMENDING CHAPTER 4, BILLBOARDS AND SIGNS, OF THE CODE OF ORDINANCES BY REPEALING EXISTING SECTION 4.702 AND ADOPTING A NEW SECTION 4.702 PERTAINING TO SMALL SIGNS IN R-1 ZONING DISTRICTS AND TRANSFERRING SUBCHAPTER 15.300 GARAGE SALES FROM CHAPTER 15 TO A NEW CHAPTER ENTITLED "GARAGE SALES".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 4, Billboards and Signs, is amended by repealing the current section 4.702 and adopting the following new section 4.702:

"Sec. 4.702 RESIDENTIAL ADVERTISING SIGNS

(a) Residential advertising signs are free standing signs which do not exceed four (4) square feet in area located on private property or public right-of-way between the front yard of the private property and the adjoining paved street in residentially zoned districts of the city. There shall not be more than one (1) residential advertising sign per residence unless the residence has two (2) street frontages, in which event one (1) sign may be placed on each street frontage. Such signs shall not obstruct the view of motorists on the street adjacent to the location of a residential advertising sign.

(b) "For sale", "for rent", "no trespassing" or "safety" residential advertising signs shall not require a city permit.

(c) Pet residential advertising signs shall include signs which communicate information about missing, lost or found pets or the availability of pets for adoption. Such signs are subject to the restrictions in subparagraph (a) above and may be posted for up to fourteen (14) continuous days. Such signs shall require a city permit (which will be issued without charge) upon application by the owner of the pet or the person who found the pet, and such permit may be renewed one time if needed. Each pet residential advertising permit shall authorize up to six (6) signs to be placed in locations on private property or the public right-of-way between the front yard of the private property and the adjoining street as approved by the owner of the private property. Each permit will include stickers to be attached to the authorized pet residential advertising signs. No more than two (2) pet residential advertising sign permits and associated renewals may be issued per residence per calendar year.

(d) Unauthorized residential advertising signs may be summarily removed by City of Windcrest employees. In addition, any person who violates this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Section 1.301 of this Code."

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Subchapter 15.300 Garage Sales is hereby removed from Chapter 15, Business Registration and Miscellaneous Taxes and Permits, and transferred to a new Chapter entitled "Garage Sales".

This ordinance shall take effect five (5) days after publication of its caption.

PASSED and APPROVED this ____ day of April, 2013.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney



City Council Agenda Item Report

April 1, 2013

Ordinance No. 2013-691(O)

Contact – Kelly Rodriguez

krodriguez@windcrest-tx.gov

SUBJECT: An ordinance amending Ordinance 2012-676 which established a schedule of fees for various permits and services by amending certain fees for Civic Center Uses and by eliminating fees for Notary Services

1. BACKGROUND/HISTORY

On September 18, 2012 the City of Windcrest City Council adopted Ordinance No. 2012-676 which established a schedule of fees for various permits and services

2. FINDINGS/CURRENT ACTIVITY

- The Parks and Recreation Commission reviewed the Non Resident Civic Center agreement and made a recommendation to council that the rental fees change to a flat rate of \$1500 for a four hour use. This will include FULL use of the facility as well as AV equipment, kitchen, and will have an attendant on site.
- After staff attended a training for Notary Publics it was discovered that the employees providing this customer service to non residents should be reporting the \$6.00 charge as income on their taxes. Since this is a service that the city provides and is put into the general fund staff feels it is best practice to eliminate the \$6.00 charge for non residents and make it NO CHARGE for everyone.

3. FINANCIAL IMPACT -

- **Civic Center Fees**

At this time NON RESIDENTS are charged \$420 for 4 hours. The approval of this Ordinance will increase city revenue \$700 per event when rented by a NON RESIDENT. Staff estimates rentals per month for the Civic Center by NON RESIDENTS to be at least 2 times per month giving the estimated increase of \$1400 per month.

- **Notary Fees**

Last year the City of Windcrest collected approximately \$318 from Notary Fees. Approval of this Ordinance will decrease City revenue approximately this much.

4. ACTION OPTIONS/RECOMMENDATION

Staff recommends to approve Ordinance No. 2013-691(O).



ORDINANCE NO. 2013-691(O)

AN ORDINANCE AMENDING ORDINANCE 2012-676 WHICH ESTABLISHED A SCHEDULE OF FEES FOR VARIOUS PERMITS AND SERVICES BY AMENDING CERTAIN FEES FOR CIVIC CENTER USES AND BY ELIMINATING FEES FOR NOTARY SERVICES

WHEREAS, Ordinance No. 2012-676 was adopted on or about September 18, 2012 which ordinance established a schedule of fees for various permits and services; and

WHEREAS, the city continuously reviews its fees to confirm the accuracy and appropriateness of such fees; and

WHEREAS, it is appropriate to increase certain fees for non-resident civic center uses and various other charges; and

WHEREAS, it would be appropriate to eliminate city charges for notary services.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Ordinance No. 2012-676 is amended so that the City of Windcrest Fee Schedule for Fiscal Year 2012-2013 is amended in the following particulars:

A. The current Non-Resident fees in the fee schedule are repealed and replaced with the following:

“Non-Resident Rate

A \$1,500.00 package rate (which shall be paid in advance) to include a \$300.00 deposit, 4 hours of facility use, kitchen use, audio system use (which consists of a 6 CD changer, 2 microphones and a projection screen), facility cleaning after the event and a city representative on site during the event. In addition to the foregoing, the prepayment shall also include payment for any additional hours of use at \$250.00 per hour.”

B. The security charge per hour shall be increased from \$25.00 per hour to \$35.00 per hour.

C. The current notary fees are repealed.

Any other ordinances or resolutions that establish fees in conflict with the above are hereby modified to be consistent with the fees established above.

This ordinance shall become effective upon its final adoption.

PASSED and APPROVED this __ day of April, 2013.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

WINDCREST CIVIC CENTER

Private Event rental Agreement

9310 Jim Seal Drive

Windcrest, Tx 78239

Civic Center Manager 210-655-0022/Civic Center Tech 210-382-6777

Thank You for considering the Windcrest Civic Center for your private event. We are committed to providing a premiere facility where a variety of functions can be held with great success. This beautiful facility has 6657 square feet of space that can be broken into two rooms for a variety of different functions. **Functions are limited to and may not exceed 196 people.** The Windcrest Civic Center is equipped with 24 - 60 inch-round tables, 10 six foot rectangular folding tables, 250 folding chairs, 9 Bistro tables with 2 chairs per table, a full service kitchen, an attached 1400 square foot covered pavilion, a state of the art sound system, (please see table of additional rental charges). You may call to set up a viewing of the facility Monday thru Friday 9:00 am to 3:00 pm. Planning any event is a daunting task if you are in need of further assistance please do not hesitate to contact Kelly Rodriguez, Civic Center Manager or Marlene Guel at 210-655-0022.

BOOKING

Any group booking an event must submit a building deposit for damage as well as a signed agreement for reservation of the facility for the selected date and time. All functions are considered tentative until such time as a building deposit and a signed agreement are secured by the City of Windcrest. Building deposit is ½ of the total rental amount.

INT _____

Non-Resident Rate

\$ 1500.00 package rate (300.00 of that being the deposit) includes 4hrs of the facility (250.00 per additional hr.) as well as use of the kitchen, **a City Representative on site during the event**, Audio system which consists of A 6 cd changer, 2 microphones, A projection screen, Cleaning the facility after the event.

INT _____

Cancellation

Any function that cancels will forfeit the deposit.

INT _____

Scheduling

All functions must end at 10pm Sunday thru Thursday and 12am(midnight) on Friday and Saturday all guests must leave at that time. If the function fails to end at the predetermined time the additional time will be deducted from the deposit. Clean up of the facility must be completed as soon as the function ends. There will be no extension of time unless approved prior to the beginning of the function by the Civic Center Manager. In the event the Lessee is running late, we ask that you please contact the City Representative at 210-382-6777.

INT _____

CLEANING REQUIREMENTS

1. Remove all items from the refrigerator.
2. Remove all decorations and personal items both inside and outside the building.
3. Place all garbage in the container provided by the city and located inside the kitchen.
4. The lessee will be responsible for removing any personal property from the Civic Center as soon as the function ends.

INT _____

REFUNDS

No refunds will be made for the use of the building for unused time. Refunds of deposits or any portion of the deposit will be mailed 30 days after the function.

INT _____

AGREEMENT OF RENTAL

Name: _____

Address: _____ City _____ State _____ Zip _____

Phone: _____ 2nd Phone _____ Email _____

Type of function: _____ Number of Guests _____

Date of Use: _____ Day of the Week _____ Hours of Event _____

Time to Open _____ Time to Lock up _____

I have read and understand all parts of this rental agreement. I agree to be the party responsible for the Windcrest Civic Center and pay all fines and fees associated with the use of the facility. I understand that my building deposit will be refunded to me upon completion of a favorable post-event walk through. I understand that I will receive my refund if the form of a check which will be mailed to the address above within 30 days. I agree to pay the rental sum of _____ By _____ or cancel my event by said date. The Lessee assumes the entire responsibility and liability for losses, damages, and claims arising out of damage to the Windcrest Civic Center's equipment and property and hold harmless to the Windcrest Civic Center, The City of Windcrest and its agents and employees from any and all such losses, damages and claims. In addition the Lessee assumes all responsibility for any and all personal injuries which may occur to any and all attendees of functions for which this agreement is being signed. I agree with all terms and conditions set forth in this document and will abide by all rules of use and vacating procedures.

Signature _____ Date _____

City Official Signature _____ Date _____

Security Fee \$ 35.00 Per hour.....

Facility Rate Package.....

TOTAL.....

Deposit.....

BALANCE.....

PAYMENT AND DEADLINE

Final payment for the lease of the building and the Police Officer must be received 30 days prior the function. If payment is not received thirty (30) days prior to the function, the function will be cancelled.

INT _____

Set up

A maximum of two (2) hours total will be allowed for set up before the function at no charge.

INT _____

SECURITY

For any function choosing to serve alcohol, the City of Windcrest requires a Windcrest Police Officer to be present from the beginning of the function through to clean up. The fee for one officer is \$ 35.00 per hour. **This fee must be paid 30 days prior to the function.** If alcohol is being served/consumed during the event to include opening of the facility for set up through clean up and a Windcrest Officer is not present at the fault of the Lessee, the full deposited will be forfeited.

YES _____ NO _____ INT _____

RULES OF USE

1. No tape, nails, staples or penetrating fasteners are to be used on walls, ceilings, or floors inside or outside of the building.
2. Confetti, ticker tape (shredded paper) is prohibited.
3. Throwing of rice is prohibited; birdseed is recommended as a substitute.
4. Any function consisting of predominantly individuals under the age of twenty one (21) must have one chaperone per twenty-five (25) minor guests.
5. No music, speakers or noise makers of any kind shall be used outside of the Windcrest Civic Center, and must be kept at a level and **doors must remain closed** so as not to disturb the surrounding area.
6. If beer is being served from a keg, the **keg must remain in the kitchen.**
7. No stackable chairs may be used in any area outside of the Civic Center.

The rules set forth for use of the Windcrest Civic Center are in place to insure that the facility remains in the best condition possible. Any attempt by anyone to circumvent the rules set forth could result in forfeiture of a portion or the entire deposit. Should infractions be deemed severe all of the deposit may be retained by the City of Windcrest. IN addition subsequent rentals of the facility shall be at the sole direction of the City of Windcrest and may require the presence of a Windcrest Police Officer. INT _____

DAMAGE

Lessee will be responsible for any and all damage occurring after the City of Windcrest has released responsibility of the Windcrest Civic Center to the Lessee.

1. A city official and the Lessee will complete a pre-event and a post-event walk through.
2. The post-event walk through is designed to make a final assessment of the condition of the facility as well as to sign off on a final disposition of the damage.

The Civic Center Technician will inspect the building prior responsibility back to the City. Should Lessee not be available for the final walk through the final assessment of the condition of the Civic Center will be at the sole opinion of the City official assigned to complete said walk through. Should it be found that damage to the Civic Center has occurred as a direct result of events transpiring at said function the entire deposit will be forfeited and additional fees assessed should replacement or refurbishment be required. INT _____



WINDCREST TEXAS

City Council Agenda Item Report

September 17, 2012

September 18, 2012

Contact – Sarah Mangham

smangham@windcrest-tx.gov

Ordinance #: 2012-676

SUBJECT: DELIBERATION AND POSSIBLE ACTION ON AN ORDINANCE SETTING FEES FOR VARIOUS CITY SERVICES AND CONSOLIDATING THOSE FEES FOR CONVENIENCE; AMENDING VARIOUS CITY ORDINANCES; AND CONTAINING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

1. BACKGROUND/HISTORY

EVERY YEAR THE COUNCIL COMPLETES A BUDGET FOR THE NEXT FISCAL YEAR TO PLAN AND BUDGET FOR THE FOLLOWING YEAR'S EXPENDITURES. AS PART OF THAT PROCESS THE CITY COUNCIL MUST ALSO ADOPT THE ANNUAL FEES.

2. FINDINGS/CURRENT ACTIVITY

The fee schedule was reviewed by Council on September 10th.

3. FINANCIAL IMPACT -

Fiscal Year 2012/13 Budget is a balanced budget.

4. ACTION OPTIONS/RECOMMENDATION

Staff recommends to take action on the Ordinance to adopt the Fiscal Year 2012/13 Fee Schedule.

ORDINANCE NO. 2012-676

AN ORDINANCE SETTING FEES FOR VARIOUS CITY SERVICES AND CONSOLIDATING THOSE FEES FOR CONVENIENCE; AMENDING VARIOUS CITY ORDINANCES; AND CONTAINING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Windcrest has adopted numerous ordinances that provide for various fees and charges that are subject to change from time to time; and

WHEREAS, the City has determined that it would be convenient to consolidate those fees in one ordinance that can be reviewed and amended as needed from time to time; and

WHEREAS, the City has adopted a budget for the upcoming fiscal year that incorporates the fees and charges specified herein; and

WHEREAS, the City has determined that the fees and charges specified herein are reasonable, necessary, fair and designed to fund the various activities to which they pertain; and

WHEREAS, the City has conducted a public hearing at which the fees imposed herein were made known to the public and the governing body; and

WHEREAS, the City has determined that the fees set forth herein will promote the health, safety, and welfare of the citizens of Windcrest; and

WHEREAS, this ordinance was adopted at a meeting of the Windcrest City Council held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council was present and voting;

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

SECTION 1. Rates Imposed.

The City hereby adopts the Fee Schedule attached as Exhibit "A" hereto and imposes the fees set forth therein upon the services, activities, events, materials, and supplies that are described therein. These rates shall be collected by the City in accordance with the various City ordinances that more particularly describe each of the fees.

SECTION 2. Ordinances Amended.

Each City ordinance that originally provided a fee, charge, or fine that is mentioned on Exhibit "A" is hereby amended as shown on Exhibit "A."

SECTION 3. Severability.

Should any portion or part of this ordinance be held for any reason invalid or unenforceable by a court of competent jurisdiction, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

SECTION 4. Effective Date.

This Ordinance shall be effective upon its passage.

PASSED AND APPROVED THE 18th day of September, 2012.

CITY OF WINDCREST, TEXAS

By: _____
Alan Baxter, Mayor

ATTEST:

Kelly Rodriguez, Assistant City Secretary

Fee Schedule

Fiscal Year 2012-13

Building and Building Code

Residential Remodels

Foundation	\$5.00
Driveways	\$5.00
Sidewalks	\$5.00
Re-roofs	\$5.00
Fences	\$5.00
Assessory Buildings	\$5.00
Other remodel not listed below	\$5.00

Building Permit Fees

\$500 or less of total value of construction	\$24
\$501 to \$2,000 of total value of construction	\$23.50 + \$3.05 for each hundred or fraction thereof over \$500.00
\$2,001 to \$25,000 of total value of construction	\$69.25 + \$14.00 for each thousand or fraction thereof over \$2,000.00
\$25,001 to \$50,000 of total value of construction	\$391.75 + \$10.10 for each thousand or fraction thereof over \$25,000.00
\$50,001 to \$100,000 of total value of construction	\$643.75 + \$7.00 for each thousand or fraction thereof over \$50,000.00
\$100,001 to \$500,000 of total value of construction	\$993.75 + \$5.60 for each thousand or fraction thereof over \$100,000.00
\$500,001 to \$1,000,000 of total value of construction	\$3,233.75 + \$4.75 for each thousand or fraction thereof over \$500,000.00
\$1,000,000 and higher of total value of construction	\$5,608.75 + \$3.65 for each thousand or fraction thereof over \$1,000,000.00
Re-Roof	\$50
Curb cuts	\$50
Certificate of Occupancy (Non-Refundable)	\$100
Variance Request	\$150
Moving Permit	\$100

Demolition Permit \$50.00 for the first 1,000 square fee + \$0.50 per square foot over 1,000 square feet
 Fee shall be equal to 1/2 of the building permit fee. Such plan checking fee is in addition to the permit fee.

Plan Checking Fee Where work for which a permit is required started or proceeds prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of the code in the execution of the work nor from any other penalties prescribed herein. A fee of \$100.00 shall be assessed for any proceeding with any work without having an

Non-Compliance Fee approved inspection at the required stage of construction.
 Re-Inspection Fee (for failed inspections) \$75.00 per failed inspection
 Failure to correct Code Violations \$100.00

Plumbing Permits

Plumbing Permits Base Fee	\$30.00 Plus
Water Softener	\$5.00
House Sewer	\$5.00
Water Heater	\$15.00
Gas Test	\$5.00 for one to four outlets + \$1.00 for each additional outlet.
Fuel tanks	\$25.00 for -0- to 1,000 gallons and \$35.00 for 1,001 and over gallons
Fixture or Trap Repair	\$5.00
New fixtures	\$10.00 each fixture
Water line	\$5.00
Grease Trap	\$30
Shower Pan	\$30
Vacuum Breakers	\$5.00 for up to five, \$2.00 each additional breaker over five
	\$1.00 per head \$5.00 for one to four outlets, inclusive, and \$1.00 for each additional
Irrigation/Sprinklers/Fire Sy unit.	
Water Piping	\$5.00
Fire Sprinkler System	\$1.50 per head

HVAC / Mechanical Permit Fee \$30.00 + \$10.00 for the first \$1,000 or fraction thereof, of valuation of the installation plus \$10.00 for each additional \$1,000 or fraction thereof.

Electrical Permit Fee - Base Fee

Swimming Pool	\$30.00 +
Temporary Meter Loop	\$45
First 20 fixtures	\$30
Signs	\$25.00 + \$.06 for each additional (includes receptacle, switch and outlets)
	\$30

Alarm Permits

3 or less False Alarms within perceeding 12 Months	\$0
4 or 5 False Alarms within perceeding 12 Months	\$50
6 or 7 False Alarms within perceeding 12 Months	\$75
8 or more False Alarms within perceeding 12 Months	\$100

City of Windcrest
Fee Schedule
Fiscal Year 2012-13

Attachment A

Garage Sale

Garage Sale Permit	\$10
Estate Sale Permit	\$25

Animal Control

Pet Tag -- Sterilized and Microchipped	Free
Pet Tag -- Sterilized	\$5
Pet Tag -- Not Sterilized	\$10
Duplicate Pet Tag	\$2
1st Time Dog is reclaimed	\$0 Warning and free ride home, 1 dog per address
2nd Time Dog is reclaimed	\$35
3rd Time Dog is reclaimed	\$75
4th Time Dog is reclaimed & subsequent times	\$200
The owner will also pay all boarding fees	
Dog(s) captured not having registered with the City an additional No proof of vaccination cost will be paid by owner	\$10

Other Fees & Citations:

Inadequate care and shelter	Citation
Improper animal transport	Citation
Animal cruelty	Citation
Dog off lease	Citation

Deposits

Rabies Vaccination:	\$50
Sterilization:	
Male Cat	\$75
Female Cat	\$90
Male Dog	\$75
Female Dog	\$90

Notary Fees

Protesting a bill or not for non-acceptance or non-payment, register & seal	\$4.00
Each notice of protest	\$1.00
Protesting in all other cases	\$4.00
Certificate and seal to a protest	\$4.00
Taking the acknowledgment or proof of any deed or other instrument in writing, for registration, including certificate and seal:	
(1) for the first signature	\$6.00
(2) for each additional signature	\$1.00
Administering an oath or affirmation with certificate and seal	\$6.00
All certificates under seal not otherwise provided for	\$6.00
Copies of all records, and papers in the Notary Public's Office, for each page	\$0.50
Taking the depositions of witnesses, for each 100 words	\$0.50
Swearing a witness to a deposition, certificate, seal, and other business connected with taking the deposition	\$6.00
All notarial acts not provide for	\$6.00

Charges for Public Information Request

Standard Paper Copy	\$0.10
Nonstandard Copy	
Diskette	\$1.00
Magnetic Tape	actual cost
Data Cartridge	actual cost
Tape Cartridge	actual cost
Rewritable CD	\$1.00
Non-Rewritable CD	\$1.00
Digital Video Disc	\$1.00
JAZ Drive	actual cost
Other Electronic Media	actual cost
VHS Video Cassette	\$2.50
Audio Cassette	\$1.00
Oversize Paper Copy (e.g. 11x17, greenbar, ect...)	\$0.50

City of Windcrest
Fee Schedule
Fiscal Year 2012-13

Attachment A

Swimming Pool Fees

Daily Fee	\$3.00
Resident:	
Single	\$60.00
Couple	\$90.00
Family	\$120.00
Swim Lessons 2week 1hour daily session	\$40.00
Non-Resident:	
Single	\$125.00
Couple	\$145.00
Family	\$170.00
Swim Lessons 2week 1hour daily session	\$50.00
Swim Team	
1 Participant in Family	\$86.00
Each additional member of the Family	\$76.00

Pool Parties

3 hours	
10-25 guests	\$100.00
Additional hours -(per Hour)	\$30.00
26-50 guests	\$125.00
Additional hours -(per Hour)	\$30.00
51-75 guests	\$197.50
Additional hours -(per Hour)	\$37.50
76-100 guests	\$245.00
Additional hours -(per Hour)	\$45.00

Camps, daycares, other type organizations

Per Person	\$2.00
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Civic Center Fees

Windcrest Resident:

Deposit	\$100 –Refundable after event
Rental	\$50 per hour minimum 4 hour rental
Cleaning	\$100.00
Sound System Deposit	\$100-Refundable after event
*Security	\$25 per hour
Optional Set Up Fee by Civic Center Tech	\$25 per hour (this can be deducted from deposit)

Non-Resident:

Deposit	\$200-Refundable after event
Rental	\$80 per hour minimum 4 hour rental
Cleaning	\$100.00
Sound System Deposit	\$100-Refundable after event
*Security	\$25 per hour
Optional Set Up Fee by Civic Center Tech	\$25 per hour (this can be deducted from deposit)

Schools and Churches receive the Windcrest Resident Rate

Civic Clubs

Usage Fee	\$25 per meeting
Usage Fee	\$50 for banquet/fundraiser event
No Cleaning Fee	No Cleaning Fee
*Security	\$25 per hour

*Security Fee is only paid when an event will be serving alcohol.

Vehicle Storage Fees

Small (size 8'x15')	\$120
Medium (size 10'x20')	\$180
Large (size 12'x33')	\$240
Large (size 12'x33') with Electricity	\$300
X-Large (size 12'x40')	\$312
X-Large (size 12'x40') with Electricity	\$372
Deposit	\$50



City Council Agenda Item Report

May 6, 2013

Contact –Sarah Mangham

smangham@windcrest-tx.gov

SUBJECT:

DELIBERATION AND POSSIBLE ACTION ON THE CITY COUNCIL AUTHORIZING AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE BUDGET OF THE WINDCREST CRIME CONTROL AND PREVENTION DISTRICT TO REFLECT INCREASED SALES TAX REVENUES OF \$90,000.00, AND APPROVING AND ADOPTING AN AMENDMENT TO THE CITY OF WINDCREST BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30 2013 FOR THE EXPENDITURE OF \$132,747.60 FOR PUBLIC SAFETY EQUIPMENT; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

1. BACKGROUND/HISTORY

Staff has reviewed the 1st and 2nd quarter revenue and expense reports with the City Council. As a result, this budget amendment is before you for approval.

2. FINDINGS/CURRENT ACTIVITY

There has been savings in some line items, and increased cost in others, in both revenues and expenditures.

3. FINANCIAL IMPACT -

Increase in revenue of 192,022.90

Increase in expenditures of \$56,158.15

Increase in CIP expenditures (funding from Reserve for CIP Fund Balance) of 44,693.90.

4. ACTION OPTIONS/RECOMMENDATION

Staff seeks approval of the budget amendment for the 1st and 2nd Quarter of this fiscal year.

BUDGET CODE: CB-Current Budget

FUND ACCOUNT				DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000367 -----										
01	4420	5/21/2013	1st exceeds budget			262.50	1,200.00-	0.00	1,655.00-	87.50
LIQUOR LICENSE FEES										
01	4115	5/21/2013	December exceeding			30,520.59	1,544,999.00-	0.00	1,691,844.07-	914,021.20-
SALES TAX										
01	4115	5/21/2013	January exceeding b			49,533.99	1,544,999.00-	0.00	1,691,844.07-	914,021.20-
SALES TAX										
01	4115	5/21/2013	February exceeding			22,206.22	1,544,999.00-	0.00	1,691,844.07-	914,021.20-
SALES TAX										
01	4115	5/21/2013	March exceeding bgt			44,584.27	1,544,999.00-	0.00	1,691,844.07-	914,021.20-
SALES TAX										
01	4420	5/21/2013	2nd qtr exceeding b			192.50	1,200.00-	0.00	1,655.00-	87.50
LIQUOR LICENSE FEES										
01	4310	5/21/2013	increase - 1/2 warr			21,350.00	427,000.00-	0.00	448,350.00-	195,998.14-
COURT FINES										
01	4409	5/21/2013	19% over budget @ m			23,372.83	122,857.00-	0.00	146,229.83-	55,426.08-
BUILDING PERMIT FEES										
Budget Adj. # 000368 -----										
01	501-440	5/21/2013				20,000.00-	20,000.00	0.00	0.00	0.00
ELECTION SUPPLIES										
01	501-020	5/21/2013				1,200.00	600.00	88.93	1,888.93	462.87
ADMIN. OVERTIME										
01	501-130	5/21/2013				800.00	2,700.00	1,500.00	5,000.00	118.56-
BONDS & TRAINING										
01	501-151	5/21/2013				6,025.60	32,000.00	0.00	38,025.60	10,050.60
Contract Svc - Inspections										
01	501-600	5/21/2013				1,600.00	800.00	0.00	2,400.00	380.77
OFFICE EQUIPMENT & MAINT										
Budget Adj. # 000369 -----										
01	502-022	5/21/2013				6,500.00	5,300.00	0.00	11,800.00	1,831.28
CIVILIAN OVERTIME										
01	502-025	5/21/2013				1,868.70-	32,295.00	0.00	30,426.30	1,271.87
STIPEND (CIVILIAN & POLICE)										

BUDGET CODE: CB-Current Budget

FUND ACCOUNT				DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000369 -----										
01	502-010	5/21/2013			5,846.16-	879,381.00	14,616.00-	858,918.84	445,927.50	
	POLICE SALARIES									
01	502-433	5/21/2013			31,500.00	0.00	0.00	43,500.00	43,500.00	
	PD IT SOFTWARE HARDWARE & SUPP									
01	502-433	5/21/2013			12,000.00	0.00	0.00	43,500.00	43,500.00	
	PD IT SOFTWARE HARDWARE & SUPP									
01	502-040	5/21/2013			870.00-	125,764.00	2,340.00-	122,554.00	73,717.37	
	HEALTH INSURANCE									
01	502-050	5/21/2013			1,454.86-	75,975.00	0.00	74,520.14	35,852.99	
	RETIREMENT									
01	502-030	5/21/2013			1,565.36-	72,255.00	0.00	70,689.64	23,298.28	
	SOCIAL SECURITY									
Budget Adj. # 000370 -----										
01	503-012	4/23/2013			50.35-	3,230.00	0.00	3,179.65	0.00	
	STIPEND									
01	503-603	4/23/2013			15,000.00	6,000.00	0.00	21,000.00	20,477.51	
	VEHICLE OUTSIDE MAINT. FIRE									
01	503-020	4/23/2013			50.35	900.00	0.00	950.35	373.06	
	FIRE OVERTIME									
Budget Adj. # 000371 -----										
01	504-630	4/23/2013			3,800.00	3,800.00	0.00	7,600.00	247.19	
	LEGAL ADVERTISING									
01	504-470	4/23/2013			8,381.00	30,000.00	0.00	38,381.00	30.03-	
	LIGHT UP									
01	504-040	4/23/2013			5,125.00	5,125.00	0.00	10,250.00	4,966.77	
	HEALTH INSURANCE									
Budget Adj. # 000372 -----										
01	506-250	4/23/2013			28,817.46-	85,000.00	0.00	56,182.54	43,305.46	
	CONTRACT MAINT.-GREEN BEL									
Budget Adj. # 000373 -----										

BUDGET CODE: CB-Current Budget

FUND ACCOUNT				DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000373 -----										
01	507-060	4/23/2013				3,531.00-	3,666.00	0.00	135.00	0.00
	WORKERS' COMPENSATION									
01	507-520	4/23/2013				3,000.00	12,000.00	0.00	15,000.00	6,255.76
	EQUIPMENT REPAIR									
Budget Adj. # 000374 -----										
01	508-012	4/23/2013				422.70-	6,782.00	0.00	6,359.30	0.00
	STIPEND									
01	508-130	4/23/2013				1,200.00	1,800.00	2,000.00	5,000.00	2,210.69
	BONDS & TRAINING									
Budget Adj. # 000375 -----										
01	511-060	4/23/2013				1,819.00-	3,589.00	1,500.00-	270.00	0.00
	WORKERS' COMPENSATION									
01	511-020	4/23/2013				5,500.00	4,800.00	1,500.00	11,800.00	1,500.38
	OVERTIME - CIVIC CENTER									
Budget Adj. # 000376 -----										
01	514-220	4/23/2013				9,600.00	12,000.00	0.00	21,600.00	10,521.00
	FOOD HEALTH OFFICER FEES									
01	514-410	4/23/2013				1,000.00	1,200.00	0.00	2,200.00	993.00
	RECORDS DESTRUCTION									
01	514-403	4/23/2013				6,575.00	0.00	0.00	6,575.00	2,990.00
	RECORDS MANAGEMENT									
01	514-403	4/23/2013				0.00	0.00	0.00	6,575.00	2,990.00
	RECORDS MANAGEMENT									
Budget Adj. # 000377 -----										
01	519-026	4/23/2013				126.00	0.00	0.00	126.00	107.54
	HAZARDOUS DUTY PAY									
Budget Adj. # 000378 -----										
01	520-010	4/23/2013				517.61-	95,544.00	1,020.00-	94,006.39	52,586.78
	FINANCE SALARIES									

PACKET: 00294-Budget Adjustment 1st&2nd QTR

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000378 -----							
01 520-030	4/23/2013		39.60-	6,391.00	0.00	6,351.40	2,716.53
FINANCE SOCIAL SECURITY							
01 520-012	4/23/2013		111.72-	3,876.00	0.00	3,764.28	0.00
STIPEND							
01 520-020	4/23/2013		111.72	0.00	576.00	687.72	316.89
FINANCE OVERTIME							
01 520-018	4/23/2013		4,000.00	0.00	0.00	4,000.00	0.00
FINANCE EDUCATION PAY							
01 520-060	4/23/2013		22.00-	381.00	0.00	359.00	0.00
WORKER'S COMPENSATION							
Budget Adj. # 000379 -----							
01 526-060	4/23/2013		2,135.00-	2,135.00	0.00	0.00	0.00
WORKER'S COMPENSATION							
01 526-100	4/23/2013		2,135.00	12,500.00	0.00	14,635.00	7,407.14
UTILITIES							
Budget Adj. # 000380 -----							
01 514-320	4/23/2013	FROM CIP FUND BALAN	20,000.00	20,000.00	0.00	40,000.00	14,131.69
ENGINEER / ARCHITECT							
01 515-800	4/23/2013	FROM CIP FUND BALAN	24,693.90	0.00	0.00	24,693.90	1,291.61-
CAPITAL EXPENSE							
TOTAL NO. ADJUSTMENTS--REVENUE:					8	192,022.90	
TOTAL NO. ADJUSTMENTS--EXPENSE:					41	100,852.05	
TOTAL IN PACKET--						292,874.95	

*** BUDGET DEFICIT WARNINGS ***

FUND ACCOUNT	NAME	BALANCE
01 501-130	BONDS & TRAINING	118.56-
01 504-470	LIGHT UP	30.03-
01 515-800	CAPITAL EXPENSE	1,291.61-

PACKET: 00294-Budget Adjustment 1st&2nd QTR

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000380							

TOTAL WARNINGS: 3

*** NO ERRORS ***

*** END OF REPORT ***

ORDINANCE NO. 2013-692(O)

AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE BUDGET OF THE CITY OF WINDCREST TO REFLECT INCREASED REVENUES OF \$192,022.90, AND APPROVING AND ADOPTING AN AMENDMENT TO THE CITY OF WINDCREST BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30 2013 FOR THE EXPENDITURE OF \$56,158.15 FOR ALL DEPARTMENTS, AND ADOPTING AN AMENDMENT TO THE CITY OF WINDCREST BUDGET FOR SAID FISCAL YEAR USING \$44,693.90 FROM CIP FUND BALANCE ON ENGINEERING SERVICES AND ELECTRONIC EQUIPMENT IN THE COUNCIL CHAMBERS; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend the City of Windcrest budget for the fiscal year October 1, 2012 to September 30, 2013 to reflect increased revenues of \$192,022.90; and

WHEREAS, the City Council desires to amend the operating budget of the municipal government of the City of Windcrest—for the fiscal year October 1, 2012 to September 30, 2013 to approve the expenditures of \$56,158.15 from the departments listed below; and,

Administration	- Decrease of	-\$10,374.40
Police –	Increase of	\$38,394.92
Fire -	Increase of	\$15,000.00
Special Services	Increase of	\$17,306.00
Parks & Rec	Decrease of	-\$28,817.46
Civic Center	Decrease of	-\$ 531.00
Court	Increase of	\$ 777.30
Civic Center	Increase of	\$ 3,681.00
Contract Services	Increase of	\$17,175.00
Code Enforcement	Decrease of	\$ 126.00
Finance Department	Increase of	\$ 3,420.79

WHEREAS, the City Council desires to amend the operating budget of the municipal government of the City of Windcrest—for the fiscal year October 1, 2012 to September 30, 2013 to approve expenditures of \$44,693.90 from the CIP Fund Balance, with a new fund balance Reserved for CIP \$519,938.10; and,

WHEREAS, said budget amendments have been submitted to the City Council by the City Manager, in accordance with the City's Fiscal and Budgetary Policy.

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

Section 1. That the City Council of the City of Windcrest does hereby ratify, approve and adopt the amendments to the budget considered for fiscal year of October 1, 2012 to September 30, 2013 as identified in Attachment "A" of this ordinance.

Section 2. That should any part, portion, or section of this ordinance be declared invalid or inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way affect the remaining portions, parts, or sections or parts of section of this ordinance, which provisions shall be, remain and continue to be in full force and effect.

Section 3. That this ordinance shall be effective upon passage.

PASSED AND APPROVED, on the ____ day of _____, 2013 at a regular 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.

CITY OF WINDCREST, TEXAS

Alan Baxter, Mayor

ATTEST:

Kelly Rodriguez, City Secretary

APPROVED:

Michael S. Brennan, City Attorney

WINDCREST LITTLE LEAGUE LEASE

WHEREAS, the WINDCREST LITTLE LEAGUE (hereinafter referred to as "WLL") has requested permission to use the Ball Field Complex owned by the CITY OF WINDCREST (hereinafter referred to as "CITY") in Takas Park, 9312 Jim Seal Drive, Windcrest, Texas for the years 2014-2016; and

WHEREAS, the CITY has determined that such use of the Ball Field Complex (which includes three fields with two dugouts per field, the area adjacent to the westernmost field Monday thru Friday from 5:00 P.M. to closing, a field house consisting of a concession area, storage area and restrooms, spectator areas and a batting and pitching cage) will be in the public interest and contributes to the general welfare of the community.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, for a good and valuable consideration, CITY and WLL agree as follows:

1. WLL is authorized to use the Ball Field Complex beginning January 1, 2014 and shall conclude use of the Ball Field Complex on December 31, 2016.
2. WLL has previously pledged \$10,000.00 in up front matching funds for the City of Windcrest Community Park Grant application in lieu of future annual user fees for the lease term.
3. CITY reserves the right to terminate WLL's use of the Ball Field complex if WLL fails to cure a material breach of this agreement within thirty (30) days after notice of the material breach from the City, or without cause at the end of any season. WLL shall indemnify CITY and shall hold and save CITY, its boards, officers and employees harmless from and against all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including attorney fees and cost of defense), proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury (including death), property damage, or other harm for which recovery of damages is sought that is found by a court of competent jurisdiction to be caused by the intentional or negligent act, error, or omission of WLL, any agent, officer, director, representative, employee, affiliate, or subcontractor of WLL, or their respective officers, agents, employees, directors, or representatives, while using the Ball Field Complex. This indemnity does not apply to any liability resulting from the negligence of CITY, its officers, employees, contractors or subcontractors. WLL shall promptly advise city in writing of any known claim or demand against WLL or CITY related to or arising out of WLL's use of the Ball Filed complex. WLL shall furnish and maintain a general liability insurance policy in the amount of \$1,000,000.00 protecting WLL and CITY against the liabilities referred to in this paragraph, and shall furnish a copy of such insurance or its renewals to CITY prior to the use of the Ball Field Complex.
5. CITY reserves the right to authorize use of the Ball Field Complex by other entities during the term of this agreement, so long as it does not interfere with the scheduled use

by WLL. WLL may not authorize the use of the Ball Field Complex by any other entity without the written consent of CITY. Such consent shall not be unreasonably withheld.

6. CITY grants permission to WLL to construct and dedicate a monument to Mike Coolbaugh (former WLL player) at the entryway to the Ball Field Complex. CITY reserves the right for architectural approval of the monument and its location, such approval not to be unreasonably withheld. WLL is authorized to solicit donations for the construction of the monument and surrounding brick area. All funds received will first go to the cost of erection and construction of the monument and surrounding area and all remaining funds shall be deposited into a Building Fund for the purpose of improvements to the Ball Field Complex.
7. WLL shall be solely responsible for repairs, including all costs related thereto, any damage to any part of the Ball Field Complex which occurs on account of the carelessness, negligence, vandalism or mischief from WLL patrons. CITY shall be responsible for repairs, including the costs thereof, for damages to any part of the Ball Field Complex which occurs due to the carelessness, negligence, vandalism or mischief of others. Repairs occasioned by normal wear and tear are not included in the obligation of WLL, but will be borne by CITY. CITY will also provide for the use and service of a trash dumpster for the Ball Field Complex, such cost to be borne by CITY.
8. WLL shall keep the Ball Field Complex neat, attractive and serviceable. WLL shall pay a penalty of \$50.00 per day that trash, debris and equipment are not removed from the Ball Field Complex. Upon demand by CITY, WLL representatives shall inspect the Ball Field Complex with representatives from CITY, to note any clean up deficiencies. If repeated clean up deficiencies occur, CITY may cancel the agreement upon thirty (30) days notice to WLL as set out herein.
9. WLL is authorized to place four storage containers on the Ball Field Complex at a location agreeable to CITY. WLL shall be solely responsible for maintenance and security of the containers to include painting in appropriate colors. WLL will insure the containers meet fire and safety requirements set by CITY. Additionally on expiration of the lease WLL shall be responsible for the removal of the containers.
10. CITY will provide the same level of park security which it provides to other park areas of CITY. Any additional security needed during the use of the Ball Field Complex by WLL shall be provided by WLL at its own expense.
11. Other than the repair or remodel of existing facilities, WLL shall not make any alterations or repairs to the Ball Field Complex without the written approval of CITY. WLL has made various proposals concerning upgrades to the Ball Field Complex which CITY has agreed to consider when funding is obtained, including but not limited to, the enlargement of the concession area and the restrooms, lights for the minor/major field and enclosure of the scorekeepers area. Upon securing the funds for 50% of the upgrades, WLL and CITY agree to work together to obtain additional funding, however no work shall begin until approved by CITY.

12. WLL shall complete its activities at the Ball Field Complex by 10:00 pm each day. Verification of the time shall be made by the Windcrest Police Department.
13. WLL is authorized to use the Takas Park Civic Center for the purpose of board meetings, registration, clinics, and other league functions at no additional cost. WLL will be bound and subject to all rules for use of the facility including a cleaning fee of \$25.00 per use if the facility is not left in a clean and orderly condition.
14. Attached and made a part of this agreement is a summary listing of other CITY and WLL duties and responsibilities.
15. Attached hereto is a copy of the Rules and Regulations pertaining to the use of Takas Park. The parties agree that CITY can amend these rules from time to time during the course of this lease without otherwise affecting this lease. The rules in force at any such time will be the Rules and Regulations CITY currently has in effect for the use of Takas Park.

WINDCREST LITTLE LEAGUE

CITY OF WINDCREST

By: _____
_____, President

By: _____
Rafael Castillo, City Manager

Date: April __, 2013

Date: April __, 2013

ATTEST:

Kelly Rodriguez, City Secretary

APPROVED AS TO FORM:

Michael S. Brennan, City Attorney



RESOLUTION NO. 2012-438(R)

A RESOLUTION APPROVING A NEW WINDCREST LITTLE LEAGUE LEASE COMMENCING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2016 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE ON BEHALF OF THE CITY

WHEREAS, the Windcrest Little League has leased the ball field complex owned by the City of Windcrest in Takas Park for many years; and

WHEREAS, it would be in the public interest of the youth and citizens of Windcrest to continue the little league use of such ball field complex by the Windcrest Little League.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that the attached Windcrest Little League Lease commencing January 1, 2014 and ending December 31, 2016 is hereby approved and the City Manager is authorized to execute such lease on behalf of the City.

PASSED AND APPROVED this ____ day of _____, 2013.

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY





SOUTHWEST VIEW



SOUTH VIEW