



AGENDA
CITY OF WINDCREST, TEXAS

**REGULAR CITY COUNCIL MEETING
ACTION TAKEN**

May 2, 2016
Executive Session
6:30 P.M.
Regular City Council Meeting /
Public Hearing
7:00 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=1689

I. Executive Session (6:30 p.m.)

City Council will convene into a closed meeting as authorized by Section 551.071 (1)(A) of the Texas Government Code to consult with its attorneys regarding pending litigation- Ex Parte Forestt R. Cain. Parties include Windcrest Police Department, FBI, National Crime Information Center, Texas Department of Public Safety, San Antonio Police Department, Bexar County Sheriff's Office, Bexar County District Attorney, Bexar County District Clerk, Bexar County Clerk, Lexis Nexis, et al. *CCM Jim Shelton requested.*

II. Open Session

City Council will convene into an open session to discuss and possibly take action regarding pending litigation- Ex Parte Forestt R. Cain.

MAYOR BAXTER READ A STATEMENT

III. 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.

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".**

City Council will review, discuss and may take action on amending Ordinance No. 2016-743(O), an ordinance amending Chapter 24, Offenses and Miscellaneous provisions, Article IV, Minors, by repealing existing Article IV and adopting a new article IV. Rafael Castillo, Jr., City Manager and Police Chief Al Ballew requested (Att. 2)
First Reading

APPROVED ON FIRST READING 5 FOR / 0 AGAINST

V. 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. 2016-742(O), an ordinance amending Chapter 109, Signs, Section 109-3, Purpose, Section 109-8, Building Permits for Signs, Section 109-9, Easements or Public Property, and Section 109-19, Political Signs and Temporary Signs for church and nonprofit organization events, by repealing references and authorization for political and temporary signs on public property Mayor Baxter and CCM Shelton requested (Ref: 03.07.16 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1664 // 03.21.16 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1676 // 04.04.16 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1678) (Att. 3)

Second Reading

APPROVED 5 FOR / 0 AGAINST

2. City Council will review, discuss and may take action on Ordinance No. 2016-618C(O) an ordinance amending Ordinance No. 2016-618B(O) enacted on February 1, 2016 by limiting the time available for "presentations" during a meeting agenda. CCM Wright requested (03.21.16 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1676 // 04.04.16 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1678) (Att. 4) **Second Reading**

APPROVED 3 FOR / 2 AGAINST

3. City Council will review, discuss and may take action on amending Ordinance No. 2016-618D(O), an ordinance amending Ordinance No. 2016-618B(O) enacted on February 1, 2016 by changing the commencement time of regular city council meetings to 6:30 p.m. *Mayor Baxter and CCM Shelton requested* (03.21.16 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1676 // 04.04.16 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1678) (Att. 5) *Second Reading*
APPROVED 5 FOR / 0 AGAINST
WILL BEGIN ON 06.06.16 AT THE NEXT RCCM
4. City Council will review, discuss and may take action on Ordinance No. 2016-744(O), an ordinance regulating the use of city property during early voting periods and on election day during official elections at Takas Park. *CCM Matt Vandenberg requested* (RCCM 02.22.16 http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1662) *First Reading* (Att. 6)
APPROVED 3 FOR / 2 AGAINST

VI. Resolutions

1. City Council will review, discuss and may take action on Resolution No. 2016-580(R), a resolution approving the purchase of playstructures, swings, a tube slide, playground mulch and other playground equipment for the Winnbrook Estates Park from Heartland Park & Recreation, LLC and authorizing the City Manager to negotiate and execute a contract for such purchases. *Rafael Castillo, Jr., City Manager requested.* (Att. 7)
APPROVED 5 FOR / 0 AGAINST
2. City Council will review, discuss and may take action on Resolution No 2016-581(R), a resolution designating the start time of Regular City Council meetings. *Mayor Baxter and CCM Shelton requested* (03.21.16 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1676 // 04.04.16 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1678) (Att. 8)
APPROVED 5 FOR / 0 AGAINST

VII. Discuss & Act

1. City Council will review, discuss, and may take action on scheduling interviews with the Municipal Finance Officer applicants. *CCM Jim Shelton and CCM Gerd Jacobi requested* (03.21.16 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1676 // 04.04.16 RCCM http://windcresttx.granicus.com/MediaPlayer.php?view_id=8&clip_id=1678)
A SCCM IS SCHEDULED FOR MAY 12TH AT 6 P.M. TO CONDUCT INTERVIEWS.

2. City Council will review, discuss and may take action on Ordinance 592 relating to the city newsletter. *CCM Pam Dodson requested (Att.)*

MOVE FORWARD TO NEXT MEETING WITH AN AMMENDMENT TO ORDINANCE 592



**AGENDA
CITY OF WINDCREST, TEXAS**

REGULAR CITY COUNCIL MEETING

May 2, 2016

**Executive Session
6:30 P.M.**

**Regular City Council Meeting /
Public Hearing**

7:00 P.M.

NOTICE IS HEREBY GIVEN THAT A REGULAR WINDCREST CITY COUNCIL MEETING WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 2nd DAY OF MAY 2016 STARTING AT 6:30 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 2, 2016 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, MAY 3, 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. Executive Session (6:30 p.m.)

City Council will convene into a closed meeting as authorized by Section 551.071 (1)(A) of the Texas Government Code to consult with its attorneys regarding pending litigation- Ex Parte Forestt R. Cain. Parties include Windcrest Police Department, FBI, National Crime Information Center, Texas Department of Public Safety, San Antonio Police Department, Bexar County Sheriff's Office, Bexar County District Attorney, Bexar County District Clerk, Bexar County Clerk, Lexis Nexis, et al. *CCM Jim Shelton requested.*

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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.

V. Public Hearing (7:00) P.M.

City Council will conduct a public hearing on an ordinance amending Chapter 24, Offenses and Miscellaneous Provisions, Article IV, Minors, by repealing the existing teen curfew code and adopting a new teen curfew code. (Att. 1)

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First Reading

VII. Presentation

James McFall with Northeast Bridge Builders will give an update regarding the status of the organization. Mayor Alan E. Baxter requested

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2. City Council will review, discuss and may take action on Ordinance 592 relating to the city newsletter. CCM Pam Dodson requested (Att. 9)

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

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 May 2, 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 ____ May, 2016.

____ Title: _____



ORDINANCE NO. 2016-743(O)

AN ORDINANCE AMENDING CHAPTER 24, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE IV, MINORS, BY REPEALING EXISTING ARTICLE IV AND ADOPTING A NEW ARTICLE IV

WHEREAS, THE City Council has previously enacted teenage curfews of various scope and duration; and

WHEREAS, the City Council, after a public hearing was held by it on May 2, 2016, determined that it would be in the public interest to repeal the existing teenage curfew and replace it with the new teenage curfew; and

WHEREAS, the City Council is of the opinion that the health, safety, morals, convenience and general welfare of the city would be enhanced by adoption of the following Article IV of Chapter 24.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Article IV of Chapter 24 of the Code of Ordinances is hereby repealed and a new Article IV is hereby adopted as follows:

“ARTICLE IV. - MINORS

Sec. 24-89. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Emergency includes, but is not limited to, fire, natural disaster, an automobile accident, or obtaining immediate medical care for another person.

Minor means any person under 17 years of age.

Parent means a person who is the natural or adoptive parent of a person. As used herein, the term "parent" also includes a court appointed guardian or other person 18 years of age or older authorized by a court order to have the care and custody of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartments, houses, office buildings, transport facilities and shops.

Sec. 24-90. - Offenses.

- (a) It shall be unlawful for any minor to purposefully remain, walk, run, stand, drive, or ride about in or upon any public place in the city between the hours of 12:00 midnight and 6:00 a.m.
- (b) It shall be unlawful for any minor to purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the city between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday while school is in session.
- (c) It shall be unlawful for the parent having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in subsections (a) and (b) of this section.

Sec. 24-91. - Defenses.

It is a defense to prosecution under section 24-90 that:

- (1) The minor was accompanied by his parent;
- (2) The minor was on an emergency errand;
- (3) The minor was attending a school, government sponsored, or religious activity or was going to or coming from a school, religious or government sponsored activity without detour or stop;
- (4) The minor was engaged in a lawful employment activity or was going directly to or was coming directly from a lawful employment without detour or stop;
- (5) The minor was on the sidewalk of the place where such minor resided or on the sidewalk of a place where the minor has permission from his parent to be or on the sidewalk of a next-door neighbor not communicating an objection to the police officer;
- (6) The minor was upon an errand directed by his parent;
- (7) The minor was in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through the curfew area is the most direct route;
- (8) The minor was exercising rights protected by the United States or Texas Constitution;
- (9) The minor is married or the minor has his disabilities of minority removed pursuant to V.T.C.A., Family Code ch. 31.

Sec. 24-92. - Penalties.

- (a) Any minor violating the provisions of this article shall be guilty of a Class C misdemeanor as defined in the Texas Penal Code and shall be dealt with in accordance with the provisions of V.T.C.A., Family Code title 3.
- (b) A parent of a minor violating this article shall be punished as provided in section 1-5.

State Law reference— Periodic review of curfew ordinances required, V.T.C.A., Local Government Code §370.002.

THAT, this Ordinance shall become effective five (5) days after publication of its caption.

PASSED and APPROVED this ____ day of _____, 2016.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney



ORDINANCE NO. 2016-742(O)

AN ORDINANCE AMENDING CHAPTER 109, SIGNS, SECTION 109-3, PURPOSE, SECTION 109-8, BUILDING PERMITS FOR SIGNS, SECTION 109-9, EASEMENTS OR PUBLIC PROPERTY, AND SECTION 109-19, POLITICAL SIGNS AND TEMPORARY SIGNS FOR CHURCH AND NONPROFIT ORGANIZATION EVENTS, BY REPEALING REFERENCES AND AUTHORIZATION FOR POLITICAL AND TEMPORARY SIGNS ON PUBLIC PROPERTY

WHEREAS, the City Council of the City of Windcrest has determined that the placement of signs on public easements and public property of the city should be prohibited, except (1) for traffic or other governmental signs necessary for the public health and safety, (2) that temporary signs may be placed on the medians of certain streets and in the public right-of-way extensions of residential front yard and side yard locations, and (3) that temporary signs may be placed on city owned property adjacent to city owned polling places on election days in compliance with state election laws in the fifty (50) foot area outside of the one-hundred (100) foot electioneering free zone adjacent to the entry to polling places.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 109, Signs, Section 109-3, Purpose, is amended by modifying the third sentence thereof to read as follows:

“Signs must be located on the premises of the business advertised.”

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 109, Signs, Section 109-8, Building Permits for Signs, is amended by modifying subsection (a) as follows:

“(a) All business, institutional and directional signs, whether permanent or temporary in nature, require a permit. Generally homeowner signs or political signs on private property do not require a permit.”

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 109, Signs, Section 109-9, Easements or Public Property, of the Code of Ordinances is amended by modifying the wording of said section to read as follows:

2016-742(O)

“No permanent or temporary sign shall be placed or installed over public easements or on public property of the city, except:

- (a) traffic or other governmental signs necessary for the public health and safety.
- (b) temporary signs may be placed on the median of Windway.
- (c) temporary signs may be placed on the median of Eaglecrest between Bayou Bend and Balfour (specifically _____ feet from _____ to _____).
- (d) temporary signs may be placed on city owned property adjacent to city owned polling places on election days in compliance with state election laws in the fifty (50) foot area outside of the one-hundred (100) foot electioneering free zone adjacent to the entry to polling places.
- (e) temporary signs may be placed on public right-of-way extensions over the public right-of-way between the front property line of private real property and the curb of the street in front of such private real property and the side yard extension over the public right-of-way between the side property line of corner private real property and the curb of the street on the side of such private real property. The placement of signs in the public right-of-way extensions authorized in this subsection shall require the express consent of the adjacent private real property owner.”

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 109, Signs, Section 109-19, Political signs and temporary signs for church and nonprofit organization events, is amended by repealing regulations pertaining to political, church and nonprofit organization events on public property, so that Section 109-19 of the Code of Ordinances shall read as follows:

“Sec. 109-19.- Political signs on private property.

- (a) *Political signs defined.* Political signs are signs which advocate or support one or more candidates for elective office, or causes, positions, beliefs or views.
- (b) Political signs with an effective area less the thirty-six (36) feet, less than eight (8) feet in height and with no moving elements or illuminations may be located on private real property with the consent of the private property owner. Such signs shall not require a permit or payment of a fee. Political signs with an effective area of greater than thirty-six (36) feet, more than eight (8) feet in height and with moving elements may not be located on private real property, except that a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political, is permitted.”

This Ordinance shall become effective five (5) days after its publication.

PASSED AND APPROVED, on the ____ day of _____, 2016 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.

2016-742(O)

Alan Baxter, Mayor

ATTEST:

Kelly Rodriguez, City Secretary

APPROVED:

Michael S. Brennan, City Attorney



ORDINANCE NO. 2016-618C(O)

AN ORDINANCE AMENDING ORDINANCE NO. 2016-618B(O)
ENACTED ON FEBRUARY 1, 2016 BY LIMITING THE TIME
AVAILABLE FOR "PRESENTATIONS" DURING A MEETING
AGENDA

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Ordinance 2016-618B(O) is amended by adding the following paragraph after the second paragraph of Section 7 relating to agendas:

"Presentations included in meeting agendas shall be limited in duration to fifteen (15) minutes, which may be extended for an additional fifteen (15) minutes by the vote of the City Council. An agenda shall include the required time limit as part of the heading of the presentation portion of the agenda."

This ordinance shall be effective upon its adoption and the City Secretary shall cause a copy of it to be made available on the city website.

PASSED and APPROVED this ____ day of _____, 2016.

ALAN E. BAXTER, MAYOR

ATTEST:

KELLY RODRIGUEZ, CITY SECRETARY

APPROVED AS TO FORM:

MICHAEL S. BRENNAN, CITY ATTORNEY



ORDINANCE NO. 2016-618D(O)

AN ORDINANCE AMENDING ORDINANCE NO. 2016-618B(O) ENACTED ON FEBRUARY 1, 2016 BY CHANGING THE COMMENCEMENT TIME OF REGULAR CITY COUNCIL MEETINGS TO 6:30 PM

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Ordinance 2016-618B(O) is amended by revising the first sentence of the first paragraph of Section 1 to provide for a starting time for Regular City Council Meetings of 6:30 pm. The reference to 7:00 pm as a starting time for Regular City Council Meetings in the second paragraph of Section 1 of Ordinance No. 2016-618B(O) is changed to 6:30 pm.

This ordinance shall be effective upon its adoption and the City Secretary shall cause a copy of it to be made available on the city website.

PASSED and APPROVED this 18th day of April, 2016.

ALAN E. BAXTER, MAYOR

ATTEST:

KELLY RODRIGUEZ, CITY SECRETARY

APPROVED AS TO FORM:

MICHAEL S. BRENAN, CITY ATTORNEY

TO: Mayor Baxter, Members of the City Council, and the City Manager

FROM: City Council Member Matt Vandenberg

DATE: April 28, 2016

RE: Proposed Ordinance 2016-744(O)

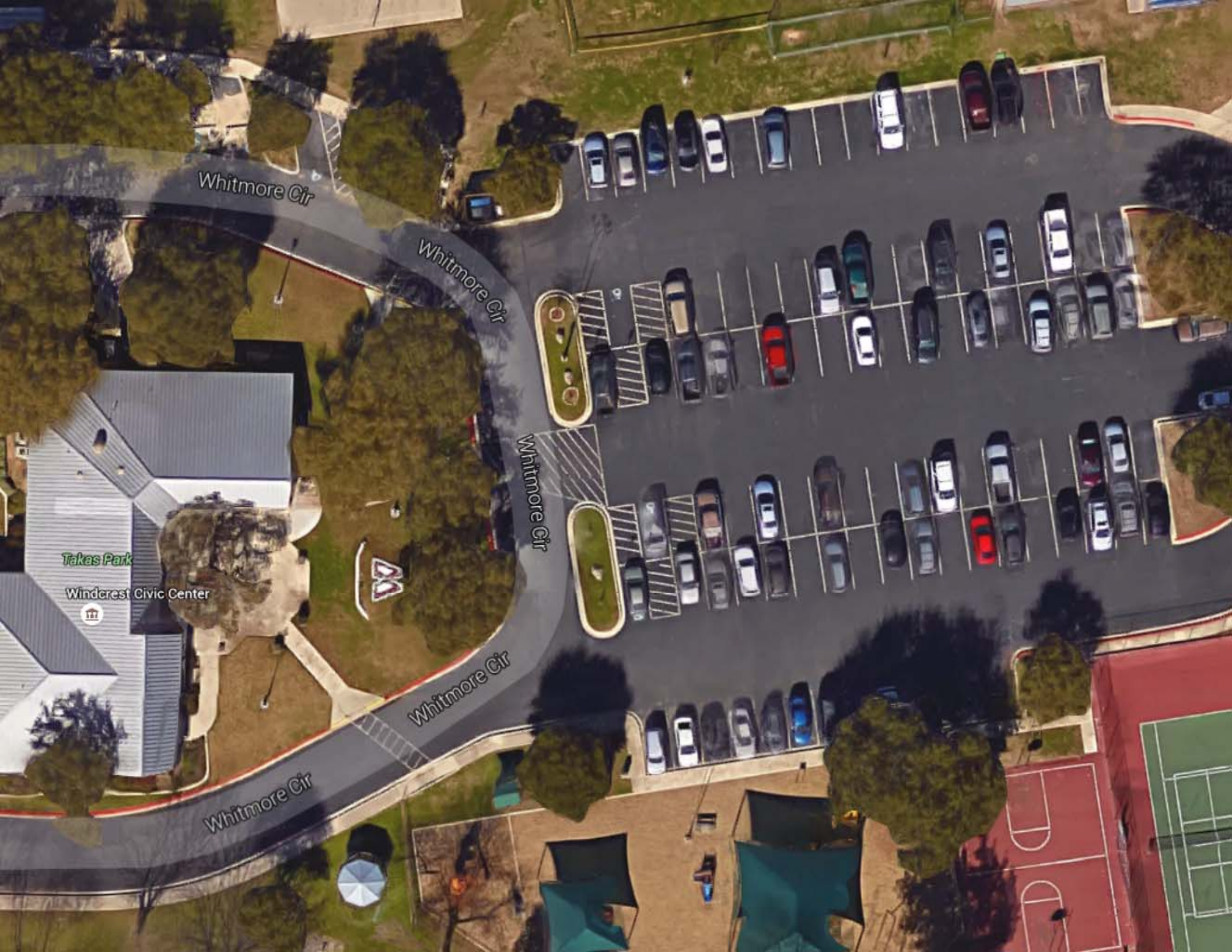
Background: The Proposed Ordinance creates a buffer zone in which tents, tables, and other items cannot be placed during elections held at city property. This idea was first discussed at the Regular City Council Meeting held on February 22, 2016 and was also the subject an article in the March newsletter. The ordinance is a response to some residents' complaints that they avoided voting in Windcrest because the tents and other structures placed by the campaigns made it an intimidating environment. It also responds to the problems arising when campaign tents and vehicles affiliated with campaign tents attempting to either shield or block the campaign tents often occupied all of the parking spots closest to the voting site during elections.

Summary of Proposed Ordinance: Using language similar to that existing in state law that creates a 100-foot buffer zone for electioneering activity, the proposed ordinance would establish a 300-foot buffer zone where tents, chairs, tables and other obstructions could not be placed during an election while polls are open. It provides affirmative defenses for individuals who remove prohibited structures when asked to do so by police, provided that they are not again placed in the 300-foot buffer zone during the same election. The ordinance does not place any restrictions on the use of the parking lot outside of the 300-foot buffer zone.

Public Outreach/Comment: In response to the above-referenced meeting and newsletter article, I received comments from numerous residents. The overwhelming majority supported efforts to improve access to close parking spots and to provide a space where those who wanted to come and vote without walking through campaign headquarters could do so. One resident expressed concern about the ability of campaign volunteers and candidates to stand all day long, and for this reason the proposed ordinance does not establish an outright ban on tents or chairs in the Takas Park parking lot; instead, it merely pushes them back. In response to concerns raised at the city council meeting, the ordinance also does not regulate any speech or electioneering taking place within the 300-foot buffer zone and is instead limited only to the placement of tents and other obstructions.

Community Benefit: This ordinance will benefit the community by creating an environment more inviting to Windcrest residents with mobility concerns that will now be able to park closer to the polling site. It also will foster a space for political discourse that does not require voters to walk between competing candidates' camps or encourage sometimes confrontational activities to secure the "most favorable" spot for campaign tents.

Fiscal Impact: None. However, implementation and enforcement will be easier if at the beginning of an election a city employee or peace officer marks the edge of the 300 foot buffer zone on the east side of the Takas Park parking lot. This task would likely require a single hour or less to complete; consequently, any fiscal impact is negligible.





ORDINANCE NO. 2016-744(O)

**AN ORDINANCE REGULATING THE USE OF CITY PROPERTY DURING
EARLY VOTING PERIODS AND ON ELECTION DAY DURING OFFICIAL
ELECTIONS AT TAKAS PARK**

WHEREAS, the City Council of the City of Windcrest desires to encourage residents to exercise their Constitutional right to vote and be actively involved in municipal elections; and

WHEREAS, the City Council of the City of Windcrest recognizes that some individuals who would otherwise participate in municipal elections may be deterred by certain electioneering activities near the polling place located at Takas Park; and

WHEREAS the Texas Election Code authorizes the City of Windcrest to enact reasonable regulations concerning the manner of electioneering at polling sites during elections (*see* Texas Election Code Section 61.003(a-1).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that the following regulations are hereby adopted relating to the use of certain public spaces during early voting periods and on election day during official elections at Takas Park:

1. Definitions

“100 Foot Zone” refers to the space regulated in Texas Election Code Section 61.001 *et seq.*

“300 Foot Zone” refers to the space within 300 feet of an outside door through which a voter may enter the building in which a polling place is located. It is understood to be an extension by 200 feet of the “100 Foot Zone” but does not extend beyond the parking lot of the Windcrest Civic Center / Takas Park area.

“Impediment” refers to any object, including but not limited to a chair or stool, that when placed in a parking spot prevents the use of that parking spot for the parking of a vehicle. Impediment specifically does not refer to a motor vehicle or bicycle.

“Official Election” refers any election in which votes are being cast for candidates or measures in federal, state, county or municipal elections.

“Structure” refers to any building, tent, canopy, portable building, enclosed area, vessel, vehicle, or enclosed area.

“Voting Hours” refers to those times when polls are open for voting in an Official Election, whether during early voting or on Election Day.

2. No Placement or Construction of Structures Within the 300 Feet Zone

It shall be unlawful for any person to erect any Structure within the 300 Foot Zone during Voting Hours of an Official Election.

It shall further be unlawful for any person to place any Impediment in any parking spot or other space within the 300 Foot during Voting Hours of an Official Election

3. Affirmative Defenses

It shall be an affirmative defense to prosecution of an offense under this Ordinance if:

- (1) An individual in violation of Section 2 removes the prohibited Structure or Impediment upon request by a law enforcement official; and
- (2) The Structure or Impediment in violation of Section 2 is not erected or placed again within the 300 Foot Zone during the same Official Election; and
- (3) The individual asserting the affirmative defense has not been previously cited for violation of this Ordinance.

4. Penalty

A person convicted of an offense under this division shall be punished by a fine of up to \$300.00 and/or fifteen hours of community service.

PASSED AND APPROVED, on the ____day of May, 2016 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.

Alan Baxter, Mayor

ATTEST:

Kelly Rodriguez, City Secretary

APPROVED:

Michael S. Brenan, City Attorney



City Council Agenda Item Report

Contact – Natalia Witmer / Rafael Castillo Jr.

nwitmer@windcrest-tx.gov / rcastillo@windcrest-tx.gov

SUBJECT: DELIBERATION AND POSSIBLE ACTION ON A RESOLUTION APPROVING THE PURCHASE OF PLAYSTRUCTURES, SWINGS, A TUBE SLIDE, PLAYGROUND MULCH AND OTHER PLAYGROUND EQUIPMENT FOR THE WINNBROOK ESTATES PARK FROM HEARTLAND PARK & RECREATION, LLC AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR SUCH PURCHASES

1. BACKGROUND/HISTORY

This purchase would enhance the health, safety and welfare of the citizens of the City of Windcrest for the City to purchase playstructures, swings, a tube slide, playground mulch and other playground equipment for the Winnbrook Estates Park from Heartland Park & Recreation, LLC.

2. FINDINGS/CURRENT ACTIVITY

City of Windcrest has determined that this procurement is necessary to ensure that we are providing the most safe environment for our younger citizens. Heartland Park & Recreation, LLC is a TIPS vendor. All contracts through the TIPS program have been awarded under the Competitive Bid Process [https://www.tips-usa.com/assets/documents/docs/letters/Competitive Bid Process.pdf](https://www.tips-usa.com/assets/documents/docs/letters/Competitive_Bid_Process.pdf)

3. FINANCIAL IMPACT - PHASE 2 AND 3 WERE BUDGETED IN FY 15-16 BUDGET. 01-506-800, 01-506-810 - \$56,717.00.

4. ACTION OPTIONS/RECOMMENDATION

Staff and Parks and Recreation Board recommend to take action on Resolution to purchase playstructures, swings, a tube slide, playground mulch and other playground equipment for the Winn Brook Estates Park from Heartland Park & Recreation, LLC. WinnBrook Estates HMO is also supportive of this project.

SCANNED

PI2-20160062217-5

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE

DEED
(WITHOUT WARRANTY)

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

KNOW ALL PERSONS BY THESE PRESENTS:

Date: 4-4-16, 2016

Grantor: WINN BROOK ESTATES HOMEOWNERS ASSOCIATION,
a Texas nonprofit corporation

Grantor's Mailing Address: 300 Sonterra Blvd., Ste. 250
San Antonio, Bexar County, Texas 78258

Grantee: THE CITY OF WINDCREST, TEXAS

Grantee's Mailing Address: 8601 Midcrown
San Antonio, Bexar County, Texas 78239

Consideration: Good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged

Property (including any improvements): See Exhibit A attached hereto and incorporated herein for all purposes

Reservations from and Exceptions to Conveyance and Warranty: This conveyance is made subject to any and all conditions, covenants, restrictions, easements, exceptions, reservations, conveyances, rights-of-way, and outstanding mineral and royalty interests, if any, of record in the Official Public Records of Real Property of Bexar County, Texas, to the extent the same are valid and subsisting and affect the Property, and any zoning laws and/or ordinances of municipal or other governmental authorities.

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, hereby BARGAINS, SELLS, AND CONVEYS unto the Grantee all of Grantor's right, title and interest in and to the Property, TO HAVE AND TO HOLD it unto Grantee, and Grantee's heirs, successors, and assigns forever, together with all and singular, the

rights and appurtenances thereto in anywise belonging, without express or implied warranty. All warranties that might arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded from this conveyance.

Grantor and Grantee agree that Grantee and Grantee's successors and assigns shall forever be restricted to use the Property for the purposes listed on the plats for the Property, as applicable, and for no other purpose.

Grantor and Grantee agree that ad valorem taxes on the Property for the calendar year 2016, and all successive years, are hereby assumed by Grantee.

As a material part of the consideration for this Deed Without Warranty, GRANTOR AND GRANTEE AGREE THAT GRANTEE IS TAKING THE PROPERTY WITH ANY AND ALL LATENT AND PATENT DEFECTS AND THAT THERE IS NO WARRANTY BY GRANTOR THAT THE PROPERTY IS FIT FOR A PARTICULAR PURPOSE. GRANTEE ACKNOWLEDGES THAT IT IS NOT RELYING UPON ANY REPRESENTATION, STATEMENT OR OTHER ASSERTION WITH RESPECT TO THE PROPERTY CONDITION, BUT IS RELYING UPON ITS OWN EXAMINATION OF THE PROPERTY. GRANTEE TAKES THE PROPERTY UNDER THE EXPRESS UNDERSTANDING THAT THERE ARE NO WARRANTIES. TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, THIS DEED IS MADE AND ACCEPTED WITHOUT RECOURSE ON GRANTOR, AND WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND (WHETHER EXPRESS, IMPLIED, OR STATUTORY) BY GRANTOR. GRANTOR IS CONVEYING THE PROPERTY COVERED BY THIS DEED WITHOUT WARRANTY ON AN "AS IS, WHERE IS" BASIS, WITH ALL FAULTS, AND WITHOUT REPRESENTATION OR WARRANTY (ALL OF WHICH GRANTOR DISCLAIMS).

[SIGNATURES ON FOLLOWING PAGES]

EXECUTED AND EFFECTIVE as of the date first set forth above.

GRANTOR:

WINN BROOK ESTATES HOMEOWNERS ASSOCIATION,
a Texas nonprofit corporation

By: [Signature]
Name: GARY A. CALLISON
Title: PRESIDENT WINN BROOK ESTATES

STATE OF TEXAS §
 §
COUNTY OF Brewer §

BEFORE ME, the undersigned authority, on this day personally appeared GARY A. CALLISON, President of WINN BROOK ESTATES HOMEOWNERS ASSOCIATION, a Texas nonprofit corporation, known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed and in the capacity therein expressed.

Given under my hand and seal of office, this 4th day of April, 2016.



[Signature]
Notary Public, in and for the State of Texas

AGREED AND ACCEPTED as of the date first set forth above.

GRANTEE:

THE CITY OF WINDCREST, TEXAS

By: [Signature]

Name: Rafael Castillo Jr.

Title: Windcrest City Manager

STATE OF TEXAS

§

COUNTY OF Brewer

§

§

BEFORE ME, the undersigned authority, on this day personally appeared Rafael Castillo Jr., City Manager of THE CITY OF WINDCREST, TEXAS, known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed and in the capacity therein expressed.

Given under my hand and seal of office, this 4th day of April, 2016.



[Signature]
Notary Public, in and for the State of Texas

After recording, please return to:

Pulman, Cappuccio, Pullen, Benson & Jones, LLP

Attn.: Buck Benson

2161 NW Military Hwy., Ste. 400

San Antonio, Texas 78213

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Lot 60, Block 2, Winn Brook Estates Subdivision, Unit 1, a subdivision of the City of Windcrest, Bexar County, Texas according to map or plat thereof recorded in Volume 9562, Page 54-56 of the Official Public Records of Real Property of Bexar County, Texas

Lot 11, Block 4, Winn Brook Estates Subdivision, Unit 1, a subdivision of the City of Windcrest, Bexar County, Texas according to map or plat thereof recorded in Volume 9562, Page 54-56 of the Official Public Records of Real Property of Bexar County, Texas

Lot 9, Block 2, Winn Brook Estates Subdivision, Unit 2, a subdivision of the City of Windcrest, Bexar County, Texas according to map or plat thereof recorded in Volume 9569, Page 209 of the Official Public Records of Real Property of Bexar County, Texas

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

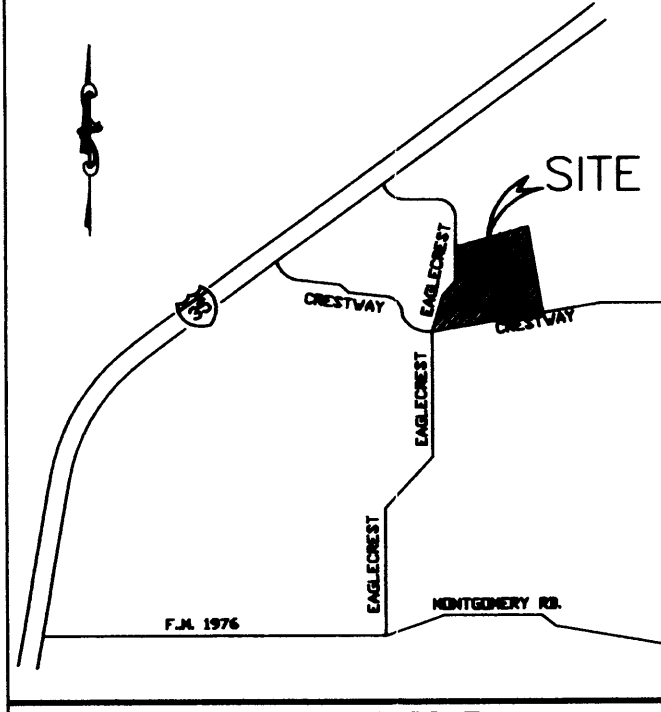
APR 05 2016



Gerard C. Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20160062217 Fees: \$42.00
04/05/2016 4:31PM # Pages 5
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK

Book: 9562
Page: 54
File: 20040174163
11:40 AM
C:\Users\jvinal\My Documents\Projects\2004\2004_11_40_00 PM. entrcw.
HP DesignerJet 1050C by HP



LOCATION MAP
(SCALE: N.T.S.)

Scale: 1" = 100'

CURVE DATA TABLE

NO.	RADIUS	LENGTH	TANGENT	CHORD	CH BEARING	DELTA
C1	968.34'	325.73'	164.42'	324.20'	N10°51'38"E	19°16'24"
C2	838.34'	3.82'	1.91'	3.82'	N20°37'40"E	00°15'38"
C3	1270.34'	15.14'	7.57'	15.14'	N20°25'00"E	00°40'58"
C4	1445.34'	66.57'	33.29'	66.56'	N18°34'05"E	02°38'20"
C5	125.00'	5.00'	2.50'	5.00'	S11°47'40"E	02°17'33"
C6	15.00'	24.10'	15.55'	21.59'	S29°00'49"E	92°03'59"
C7	15.00'	22.96'	14.41'	20.78'	N61°06'28"E	87°41'29"
C8	838.34'	47.34'	23.68'	47.33'	N18°52'47"E	03°14'07"
C9	1320.34'	15.74'	7.87'	15.74'	S20°25'00"W	00°40'58"
C10	788.34'	44.82'	22.41'	44.81'	S19°07'46"W	03°15'26"
C11	15.00'	24.23'	15.68'	21.68'	S28°46'22"E	92°32'51"
C12	75.00'	36.55'	18.64'	36.18'	S89°00'21"E	27°55'06"
C13	15.00'	23.56'	15.00'	21.21'	N32°02'06"E	90°00'00"
C14	175.00'	5.05'	2.53'	5.05'	N12°08'16"W	01°39'17"
C15	125.00'	0.05'	0.03'	0.05'	S12°57'10"E	00°01'28"
C16	15.00'	23.56'	15.00'	21.21'	S57°57'54"E	90°00'00"
C17	15.00'	23.56'	15.00'	21.21'	N32°02'06"E	90°00'00"
C18	15.00'	23.56'	15.00'	21.21'	S57°57'54"E	90°00'00"
C19	15.00'	23.56'	15.00'	21.21'	N32°02'06"E	90°00'00"
C20	15.00'	23.56'	15.00'	21.21'	N57°57'54"W	90°00'00"
C21	15.00'	23.56'	15.00'	21.21'	S32°02'06"W	90°00'00"
C22	15.00'	28.15'	20.47'	24.20'	N49°12'15"W	107°31'19"
C23	5.00'	3.78'	1.99'	3.69'	S55°21'51"W	43°20'30"
C24	50.00'	169.48'	401.27'	99.23'	N49°12'15"W	194°12'19"
C25	5.00'	3.78'	1.99'	3.69'	N26°13'40"E	43°20'30"
C26	5.00'	3.78'	1.99'	3.69'	N17°06'50"W	43°20'30"
C27	50.00'	138.89'	271.92'	98.35'	N40°47'45"E	159°09'42"
C28	5.00'	3.78'	1.99'	3.69'	S81°17'39"E	43°20'30"
C29	15.00'	18.97'	10.99'	17.73'	N40°47'45"E	72°28'41"
C30	15.00'	23.56'	15.00'	21.21'	S57°57'54"E	90°00'00"
C31	15.00'	23.56'	15.00'	21.21'	N32°02'06"E	90°00'00"
C32	15.00'	28.02'	20.28'	24.12'	N66°28'57"W	107°02'06"
C33	5.00'	4.97'	2.71'	4.77'	N31°31'40"E	56°56'39"
C34	50.00'	192.79'	134.00'	93.69'	N66°28'57"W	220°55'35"
C35	5.00'	4.97'	2.71'	4.77'	S15°30'28"W	56°56'39"
C36	5.00'	3.78'	1.99'	3.69'	S34°38'09"E	43°20'30"
C37	50.00'	154.19'	99.96'	99.96'	S32°02'06"W	176°41'01"
C38	5.00'	3.78'	1.99'	3.69'	N81°17'39"W	43°20'30"
C39	15.00'	23.56'	15.00'	21.21'	S32°02'06"W	90°00'00"
C40	15.00'	23.56'	15.00'	21.21'	N57°57'54"W	90°00'00"
C41	125.00'	60.91'	31.07'	60.31'	N89°00'21"W	27°55'06"
C42	15.00'	24.28'	21.71'	15.00'	S58°34'54"W	92°44'35"

NOTES

- NO PORTION OF SUBJECT PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, ZONE A, 100 YEAR FLOOD BOUNDARY AS DEFINED BY FLOOD INSURANCE RATE MAP BEAR COUNTY COMMUNITY PANEL NUMBER 4802800313 E, EFFECTIVE DATE, FEBRUARY 16, 1996 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- ELEVATIONS ARE BASED ON U.S.G.S. DATUM
- BEARING SOURCE: (N 80°00'00" E) DEED RECORDED IN VOLUME 9881, PAGE 1356
- 1/2" IRON PINS SET AT ALL CORNERS
- ALL OF THIS SUBDIVISION IS IN THE CITY LIMITS.
- THIS PLAT HEREBY DEDICATES LOT 80, BLK. 2 AND LOT 11, BLK. 4 TO THE CITY FOR PARKS, DRAINAGE AND OPEN SPACE.
- ALL HOUSES ON MULTIPLE STREET RIGHT OF WAYS ARE TO FRONT ON THE NARROWEST STREET FRONTAGE LOT LINE.

ALL UTILITY EASEMENTS ARE FOR THE CONSTRUCTION, MAINTENANCE (INCLUDING BUT NOT LIMITED TO REMOVAL OF TREES AND OTHER OBSTRUCTIONS), READING OF METERS, AND REPAIR OF ALL OVERHEAD AND UNDERGROUND UTILITIES.

THE CITY OF SAN ANTONIO AS A PART OF ITS ELECTRIC AND GAS SYSTEM (CITY PUBLIC SERVICE BOARD) IS HEREBY DEDICATED THE EASEMENTS AND RIGHT OF WAY FOR ELECTRIC AND GAS DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT", "GAS EASEMENT", "ANCHOR EASEMENT" SERVICE EASEMENT", "OVERHANG EASEMENT", "UTILITY EASEMENT", AND "TRANSFORMER EASEMENT", FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING POLES, HANGING OR BURYING WIRE, CABLES, CONDUITS, PIPELINES OR TRANSFORMERS, EACH WITH ITS NECESSARY APPURTENANCES TOGETHER WITH THE RIGHT TO INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LAND, THE RIGHT TO RELOCATE SAID FACILITIES WITHIN SAID EASEMENT AND RIGHT OF WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF SAID LINES OR APPURTENANCES THEREON. IT IS AGREED AND UNDERSTOOD THAT NO BUILDINGS, CONCRETE SLABS OR WALLS WILL BE PLACED WITHIN SAID EASEMENT AREAS.

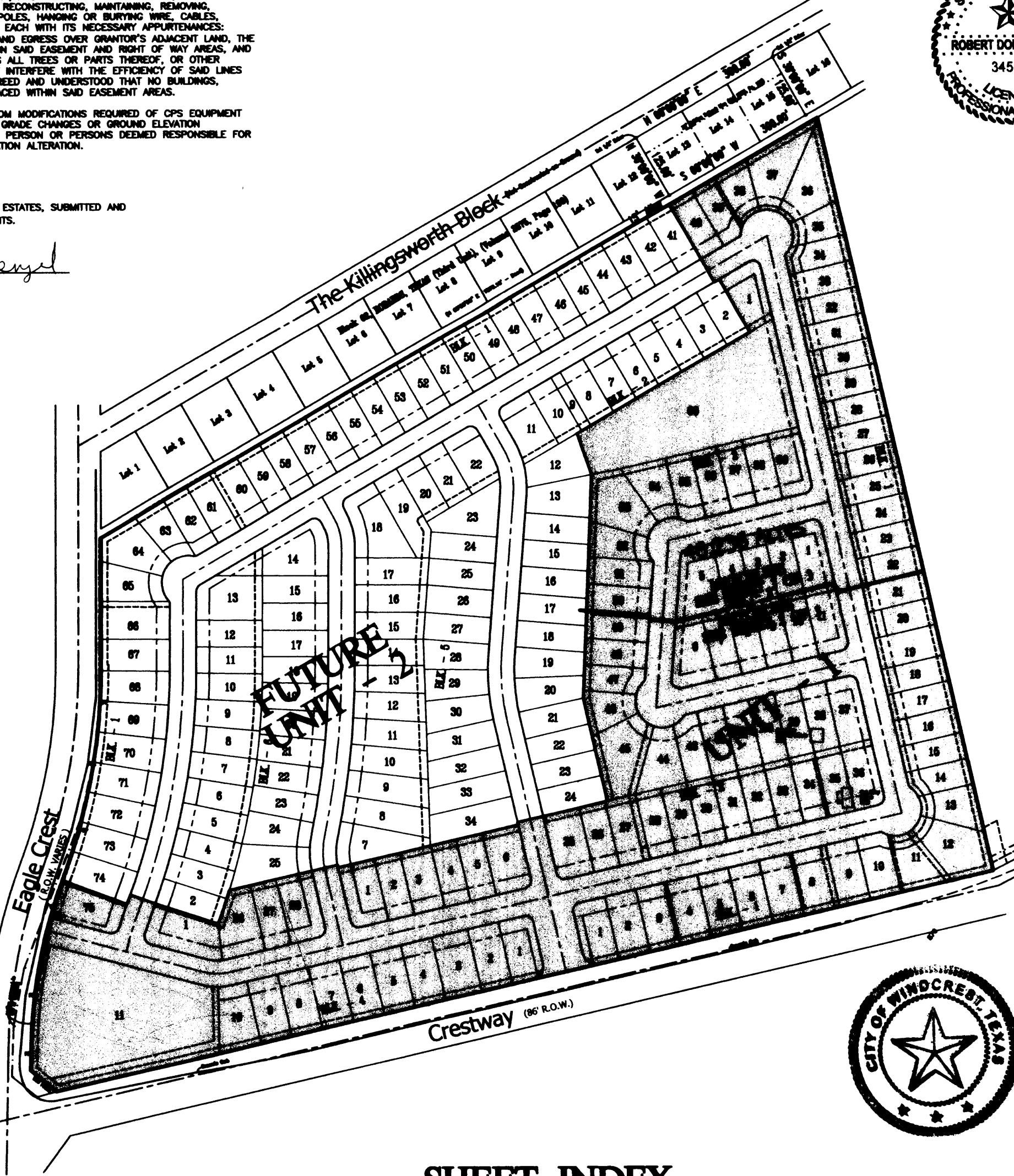
ANY GPS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF GPS EQUIPMENT LOCATED WITHIN SAID EASEMENT DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATION.

THIS SUBDIVISION PLAT OF WINN BROOK ESTATES, SUBMITTED AND APPROVED BY WCID # 10, FOR EASEMENTS.

Richard P. Frey
AGENT FOR WCID # 10

SUBDIVISION PLAT OF
WINN BROOK ESTATES SUBDIVISION
UNIT - 1

BEING 25.535 ACRES OUT OF THE J.A. SCOTT SURVEY NUMBER 323 AND THE WILLIAM WINFORD SURVEY NUMBER 328, CITY OF WINDCREST, BEAR COUNTY, TEXAS, VOLUME 6411, PAGE 854 AND VOLUME 7217, PAGE 773, DEED RECORDS BEAR COUNTY, TEXAS.
(112 TOTAL LOTS IN 6 BLOCKS)



SHEET INDEX



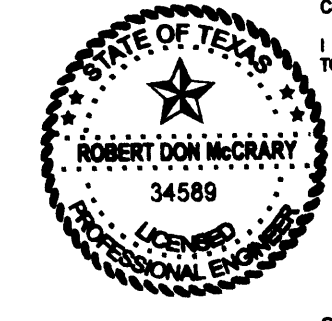
STATE OF TEXAS
COUNTY OF BEAR

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

Don McCrary
REGISTERED PUBLIC SURVEYOR
EXPIRES: DECEMBER 31, 2004

SWORN TO AND SUBSCRIBED BEFORE ME THIS 28th DAY OF June, A.D. 2004

Amy Lynn Stafford
AMY LYNN STAFFORD
MY COMMISSION EXPIRES
MARCH 29, 2006
NOTARY PUBLIC, BEAR COUNTY, TEXAS



STATE OF TEXAS
COUNTY OF BEAR

I HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT.

Don McCrary
REGISTERED PROFESSIONAL ENGINEER
EXPIRES: DECEMBER 31, 2004

SWORN TO AND SUBSCRIBED BEFORE ME THIS 28th DAY OF June, A.D. 2004

Amy Lynn Stafford
AMY LYNN STAFFORD
MY COMMISSION EXPIRES
MARCH 29, 2006
NOTARY PUBLIC, BEAR COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF BEAR

THE OWNER OF THE LAND SHOWN ON THIS PLAT, AND WHOSE NAME IS SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE CITY OF WINDCREST, TEXAS, FOR THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINAGE EASEMENTS, AND THE WATER AND SEWER LINES IN ALL OF THE AFORESAID PUBLIC PLACES AND ALL OTHER PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

St. James J. Pico
OWNER
Integrated Asset Mgmt, Inc
for *Cefano Homes*
DULY AUTHORIZED AGENT

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED *St. James J. Pico*, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 20th DAY OF July, A.D. 2004

Nelanie A. Butler
NOTARY PUBLIC
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BEAR

EDWIN R. FORD
REGISTERED PROFESSIONAL ENGINEER
38928

Edwin R. Ford
CITY ENGINEER

STATE OF TEXAS
COUNTY OF BEAR

THIS PLAT OF WINN BROOK ESTATES SUBD. UNIT-1 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.

DATED THIS 04 DAY OF July, A.D. 2004

BY: *Janet Leandorff* MAYOR

BY: *Janet Leandorff* SECRETARY

STATE OF TEXAS
COUNTY OF BEAR

I, *Gerry Rickhoff*, COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE, ON THE 28th DAY OF July, A.D. 2004, AT 1:30 P.M., AND DULY RECORDED THE 28th DAY OF Aug, A.D. 2004, IN THE RECORDS OF DEEDS AND PLATS OF SAID COUNTY, IN BOOK VOLUME 9562, ON PAGE 54.

IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS 28th DAY OF Aug, A.D. 2004.

COUNTY CLERK,
BEAR COUNTY, TEXAS

BY: *Susan Sepulveda*

Don McCrary & Associates, Inc.
ENGINEERS & SURVEYORS
325 BRESPOUT
SAN ANTONIO, TEXAS 78216-2602
(210)349-2651

OWNER:
INTERGRADED ASSET MANAGEMENT, INC.
11202 DISCO DRIVE
SAN ANTONIO, TEXAS 78216

DATE: SEPT. 2003 JOB. NO.: 03051



4845 US Highway 271 North, Pittsburg, Texas 75686

TIPS COMPETITIVE BID PROCESS

The Interlocal Purchasing System (TIPS) is a National Cooperative Purchasing Program for use by schools, colleges, universities, cities, counties, non-profits and other government entities. Membership is available in all 50 states. Region 8 Education Service Center, located in Pittsburg, Texas is the lead agency for the cooperative. The Education Service Centers were established by the Texas Legislature by Chapter 8 of the Texas Education Code: <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.8.htm> The bidding statute for the lead agency is Chapter 44.031 of the Texas Education Code: <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.44.htm>

TIPS competitively bids and awards all vendor contracts.

All proposals are posted on the web at www.tips-usa.com/rfp.cfm and www.RFPDB.com. The proposals are advertised locally in the Pittsburg Gazette (Pittsburg, Texas), The Advocate (Baton Rouge, LA) and in the USA Today (National Publication). The advertising affidavit, along with the corresponding proposal documents, can be accessed on the TIPS website from any vendor profile.

Proposals are posted for a minimum of 21 days, and scored by a Review Committee. The scoring process utilizes a seven-category rubric: Price – 30%; Reputation – 10%; Quality of Goods – 10%; Meet Criteria – 15%; Past Relationship – 15%; Long-Term Cost – 10%; Delivery Time – 10%. Vendors must score 80% on the scoring rubric. Bid tabulations can be provided upon request.

Recommendations for Multiple Vendor Contract Awards are made to the Region 8 Board of Directors for approval at regular scheduled monthly meetings. Vendor Contracts are awarded for 12 months and may be renewed for an additional two (2) year term. (Except for these two categories: Trades, Labor and Materials; and General Services – these categories are only an annual contract.)

For legal questions contact:

Powell & Leon, LLP
Austin, Texas
Rick Powell
rpowell@powell-leon.com
(512) 494-1177

For additional information please contact:

Kim Thompson, TIPS Office Manager at kim.thompson@tips-usa.com or (866) 839-8477.
David Mabe, General Manager at david.mabe@tips-usa.com or (903) 243-4759.
Jeff Shokrian, Business Development Manager at jeff.shokrian@tips-usa.com or (832) 752-5978
Blenda McNatt, TIPS Director at blenda.mcnatt@tips-usa.com or (903) 575-2621.

The Interlocal Purchasing System

"Specializing in the Management of High Quality Cooperative Procurement Solutions
to Reduce Costs and Mitigate Risks!"



Vendor Report

28 April 2016

HEARTLAND
PLAY & RECREATION

Heartland Park & Recreation

www.heartlandplay.com



EMAIL PURCHASE ORDER TO: TIPSPO@TIPS-USA.COM
ATTACH PO AS A PDF - ONLY ONE PO PER EMAIL
PO MUST REFERENCE TIPS CONTRACT NUMBER

PRIMARY CONTACT

SECONDARY CONTACT

PRIMARY CONTACT David Barnes
POSITION Business Development
PHONE (866) 388-1365
FAX (430) 201-2034
MOBILE (405) 795-4149
EMAIL david@heartlandplay.com

Mike Spencer
COO
(903) 297-6624
(430) 201-2034
(903) 736-6352
mike@heartlandplay.com

PAYMENT TO

TIPS CONTACT

ADDRESS PO Box 505
CITY White Oak
STATE TX
ZIP 75693

NAME Kim Thompson
PHONE (866) 413-6574
FAX (866) 749-6674
MOBILE (903) 243-4759
EMAIL tips@tips-usa.com

FEDERAL FUNDS No
COMPLIANT

DISADVANTAGED/MINORITY/WOMAN
BUSINESS ENTERPRISE

No HUB No

SERVING STATES AR | KS | LA | MO | NM | OK | TX

AWARDED CONTRACTS

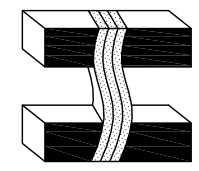
Contract No 2112113 Outdoor Management from 11/21/2013 to
11/21/2016 || Contract No 3112113 Scoreboards from 11/21/2013 to
11/21/2016 || Contract No 7111915 Playground & Exercise Equipment
from 11/19/2015 to 11/22/2018



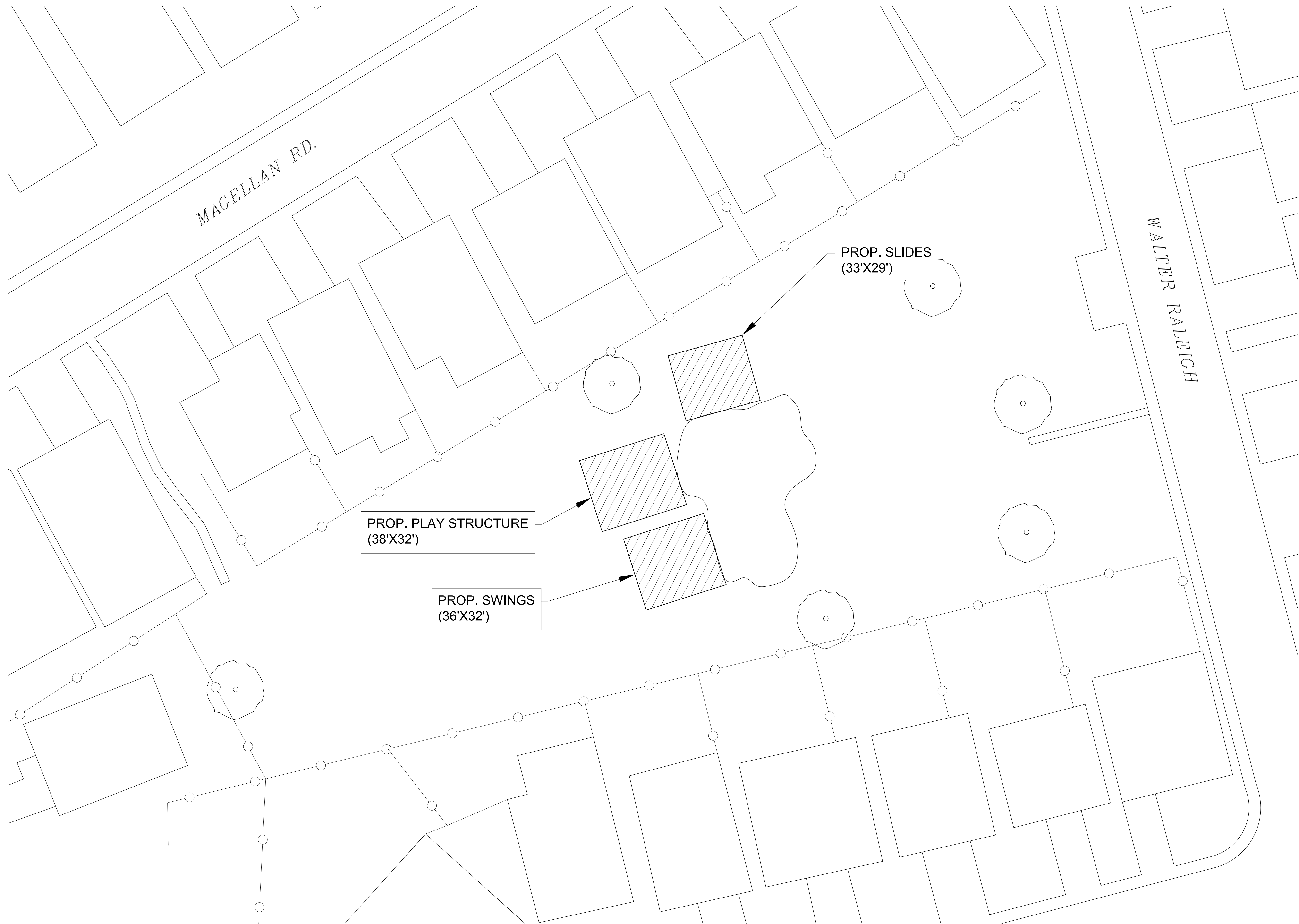
PROPOSED
PARK

HEARTLAND PARK & REC
WINN BROOK PARK PHASE II
WINNCREST, TEXAS

HAYES ENGINEERING, INC.
Texas Registered Engineering Firm F-1465
2126 Alpine St. Longview, TX 75601-3401
Tel.: (903) 758-2010 • Fax: (903) 758-2099

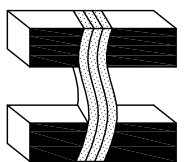


DRAWN BY : J.T.S.
CHECKED BY :
DATE : MAR. 2016
SCALE : 1"=20'
JOB NO. : WINNCREST



PROPOSED
PARK

HEARTLAND PARK & REC
WINN BROOK PARK PHASE II
WINDCREST, TEXAS

**HAYES ENGINEERING, INC.**
Texas Registered Engineering Firm F-1465
2126 Alpine St. Longview, TX 75601-3401
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DRAWN BY : J.T.S.
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DATE : MAR. 2016
SCALE : 1"=20'
JOB NO. : WINNCREST

HEARTLAND

Park & Recreation, LLC



www.HeartlandPlay.com

Date: April 28, 2016

Bill To:

City of Windcrest

Installation Address:

Winn Brook Estates Park

Kyle Spencer

Central/South Texas Sales

College Station, Texas

979-220-4469

Kyle@HeartlandPlay.com

HEARTLAND Park & Recreation Corporate Office

P.O. Box 505, White Oak, TX 75693-0505

1-866-388-1365

Mike@HeartlandPlay.com

Project Contact: Rafael Castillo

Phone: _____

Email: rcastillo@windcrest-tx.gov

Billing Contact: Natalia Witmer

Phone: _____

Email: nwitmer@windcrest-tx.gov

Qty.	Item #	Description/Colors/Mounting/Etc...	Unit Price	Freight	Extended Amount
					\$ -
1		2-12 Playcraft Playstructure	\$ 18,333.00		\$ 18,333.00
25	38*32	Playground Borders	\$ 33.00		\$ 825.00
45		Playground Mulch	\$ 40.00		\$ 1,800.00
					\$ -
1		2 Bay Swing Set	\$ 1,904.00		\$ 1,904.00
26	44*32	Playground Borders	\$ 33.00		\$ 858.00
50		Playground Mulch	\$ 40.00		\$ 2,000.00
1		ADA Ramp	\$ 698.00		\$ 698.00
					\$ -
1		10' Tall Spiral Tube Slide	\$ 11,906.00		\$ 11,906.00
23	33*29	Playground Borders	\$ 33.00		\$ 759.00
35		Playground Mulch	\$ 40.00		\$ 1,400.00
					\$ -
				\$ 3,350.00	\$ 3,350.00
					\$ -
1		TIPS Discount	\$ (1,100.00)		\$ (1,100.00)
50% deposit due (if applicable):			\$ 28,358.50	Subtotal \$ 42,733.00	
Purchase Order Number:				Install \$ 13,984.00	
Order Approved By (signature): _____				Tax \$ -	
Date: _____				Total \$56,717.00	

Quote is valid for 30 days on all equipment and install. Quote is valid for 10 days on all freight. Quote excludes site preparation. The customer is responsible for locating all underground phone & utility lines 72 hours prior to the installation date by calling Dig Test at (800) 245-4545. By initialing, customer acknowledges that any damage done as a result of not locating these lines will be the customers liability. (Initial) _____

Without installation, customer is responsible for arranging for the off-loading of equipment & check-in. If during installation, large rocks or concrete are found additional costs for removal will occur. Additional expenses must be approved by both parties. All customers are required to pay local and state taxes. If a customer has tax exempt status, Heartland Playgrounds must retain a copy of 501(C)(3) or other proof of tax exempt status.

WINDCREST TOP VIEW

ADA ACCESSIBILITY GUIDELINE - ADAAG CONFORMANCE

ELEVATED	ACCESSIBLE	RAMP ACCESSIBLE	GROUND	TYPES
1	1/1	0	0/0	0/0

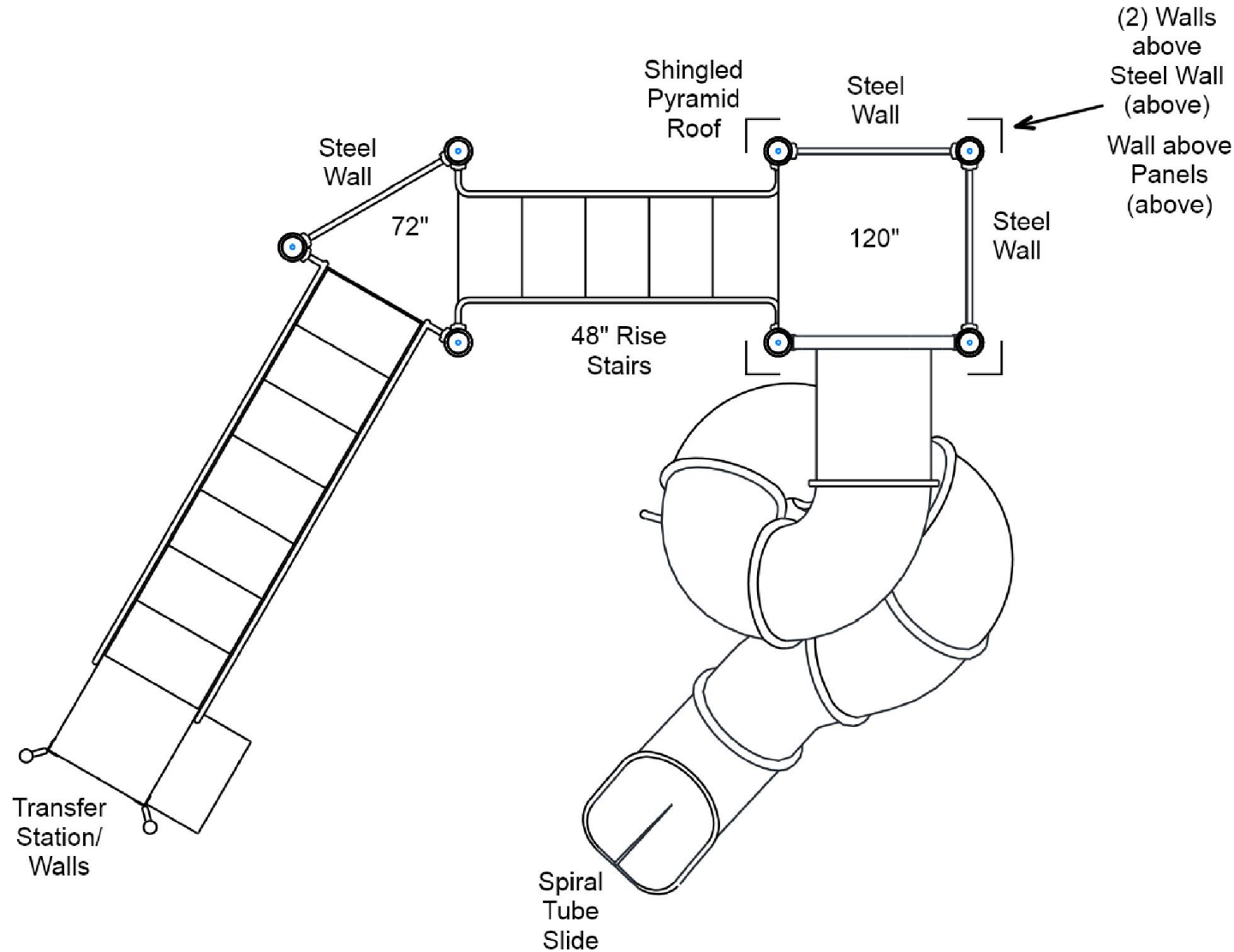
R5

FOR KIDS
AGES
5-12

GENERAL NOTES:

This conceptual plan is based on information provided prior to construction. Detailed site information, including the following, should be obtained, evaluated, and utilized in the final project design. Exact site dimensions, topography, existing utilities, soil conditions and drainage solutions.

WARNING: Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC'S Handbook For Public Playground Safety, Section 4: Surfacing.



STRUCTURE#: R50338A9A

PROJECT#: HLP1654DD2A-2

DATE: 4/6/2016 | DRAWN BY: AMS

MIN. USE ZONE: 31' x 28'

PLAYCRAFT REP:

Heartland Park and Recreation,



WINDCREST
SITE PLAN

ADA ACCESSIBILITY GUIDELINE - ADAAG CONFORMANCE

ELEVATED	ACCESSIBLE	RAMP ACCESSIBLE	GROUND	TYPES
1	1/1	0	0/0	0/0

R5

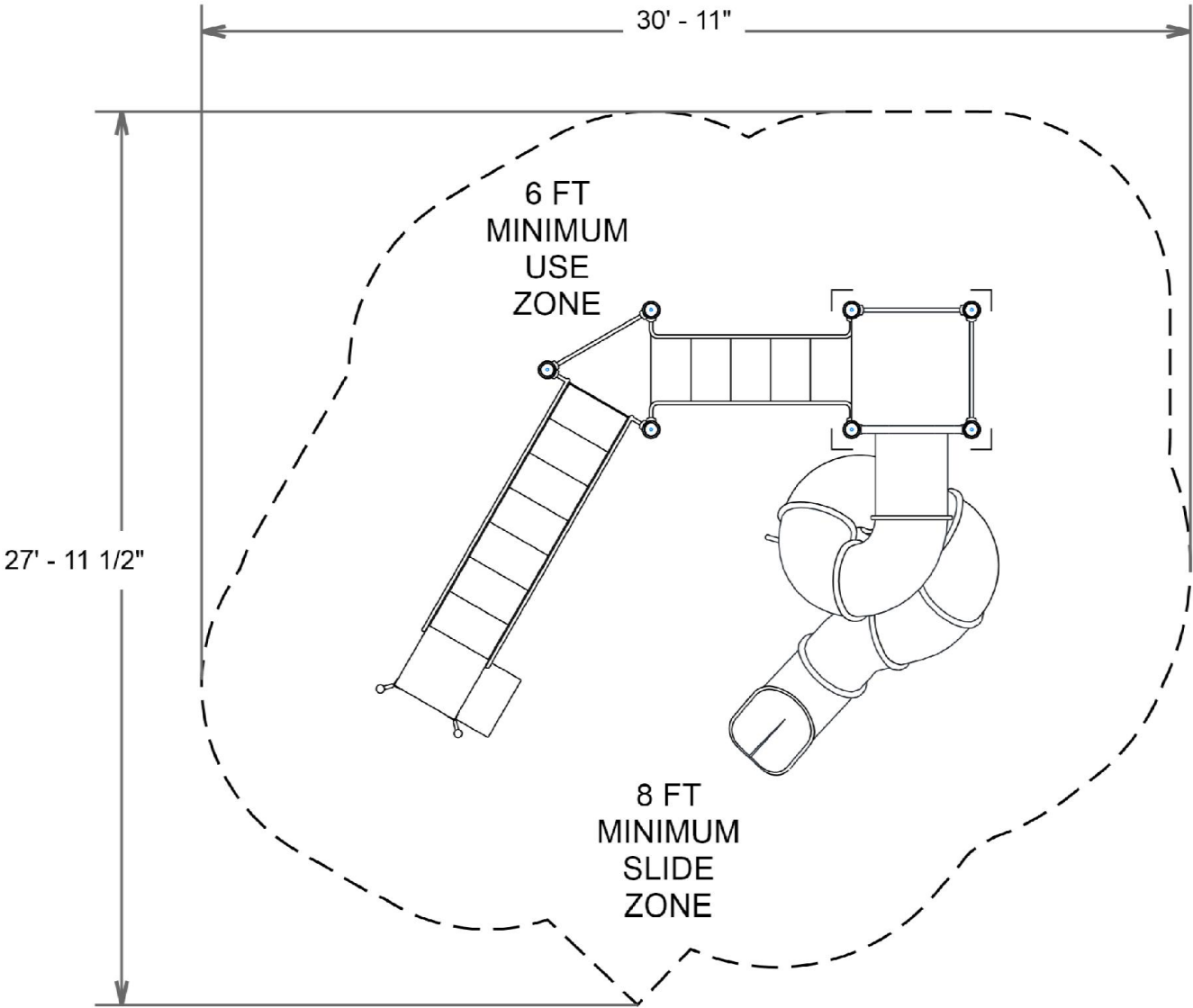
FOR KIDS
AGES
5-12

GENERAL NOTES:

This Preliminary Site Plan is based on measurements that were provided in the initial planning phase. All dimensions must be verified prior to the submission of a purchase order. Krauss Craft, Inc. will not be held responsible for any discrepancies between actual dimensions and dimensions submitted in the planning phase.

The Minimum Use Zone for a play structure is based on the product design at the time of proposal. Components and structure designs may be subject to change which may affect dimensions. Therefore, before preparing the site, we strongly recommend obtaining final drawings from the factory (available after the order is placed and included in the Assembly Manual).

WARNING: Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC'S Handbook For Public Playground Safety, Section 4: Surfacing.



PROJECT#: HLP1654DD2A-2
DATE: 4/6/2016 | DRAWN BY: AMS

MIN. USE ZONE: 31' x 28'

PLAYCRAFT REP:
Heartland Park and Recreation,



WINDCREST
SW VIEW

R5

FOR KIDS
AGES
5-12



STRUCTURE#: R50338A9A
PROJECT#: HLP1654DD2A-2
DATE: 4/6/2016 | DRAWN BY: AMS

WINDCREST
SE VIEW

R5

FOR KIDS
AGES
5-12



STRUCTURE#: R50338A9A
PROJECT#: HLP1654DD2A-2
DATE: 4/6/2016 | DRAWN BY: AMS

WINDCREST
NE VIEW

R5

FOR KIDS
AGES
5-12



STRUCTURE#: R50338A9A
PROJECT#: HLP1654DD2A-2
DATE: 4/6/2016 | DRAWN BY: AMS

WINDCREST
NW VIEW

R5

FOR KIDS
AGES
5-12



STRUCTURE#: R50338A9A
PROJECT#: HLP1654DD2A-2
DATE: 4/6/2016 | DRAWN BY: AMS



Bill of Materials

WINDCREST
Heartland Park and Recreation

Project# HLP1654DD2A-2
4/6/2016

Item	Description	Quantity
R50338A9A		
HS-1004-R	Collars	26
GF-7002	Dome Cap, R5	3
S-1013-R5-13ft	Post, 13ft R5	1
S-1014-R5-14ft	Post, 14ft R5	2
S-1020-R5-20ft	Post, 20ft R5	4
S-1101-R5	Square Deck	1
S-1102-R5	Tri-Deck	1
S-1206-48R5	ADA Stairs, 48in Rise w/ Walls	1
S-1209-60-R5	Transfer Station, 72in-R (W)	1
S-1301-R5	Wall, Steel 36in (Standard)	3
S-1301-RSP-3475R5	Steel Wall (Above Wall, Double Bar)	2
S-1301-RSSP-3175R5	Steel Wall (Above Panel, Double Bar)	1
S-1707-10SPRR5	Slide, Tube 120in (Spiral, Right)	1
S-1807-R5	Roof, Square Pyramid (Shingled)	1
HS-1007-R5	Extra Hardware	2



SW VIEW

R35

FOR KIDS
AGES
5-12



STRUCTURE#: CC309A

PROJECT#:

DATE: 4/12/2016 | DRAWN BY: AMS

PLAYCRAFT REP:

Heartland Playgrounds, LLC

NE VIEW

R35

FOR KIDS
AGES
5-12



STRUCTURE#: CC309A

PROJECT#:

DATE: 4/12/2016 | DRAWN BY: AMS

PLAYCRAFT REP:

Heartland Playgrounds, LLC



RESOLUTION NUMBER 2016-580(R)

**A RESOLUTION APPROVING THE PURCHASE OF
PLAYSTRUCTURES, SWINGS, A TUBE SLIDE, PLAYGROUND
MULCH AND OTHER PLAYGROUND EQUIPMENT FOR THE
WINNBROOK ESTATES PARK FROM HEARTLAND PARK &
RECREATION, LLC AND AUTHORIZING THE CITY
MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT
FOR SUCH PURCHASES**

WHEREAS, it would enhance the health, safety and welfare of the citizens of the City of Windcrest for the City to purchase playstructures, swings, a tube slide, playground mulch and other playground equipment for the Winnbrook Estates Park from Heartland Park & Recreation, LLC.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Windcrest, Texas, that:

1. The purchase of playstructures, swings, a tube slide, playground mulch and other playground equipment for the Winnbrook Estates Park from Heartland Park & Recreation, LLC in an amount not to exceed \$56,717.00 is hereby approved.
2. The City Manager is authorized to negotiate and execute a contract for such purchases on behalf of the city.

DULY PASSED AND APPROVED, on the 2nd day of May, 2016 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.

Alan Baxter, Mayor

ATTEST:

Kelly Rodriguez, City Secretary

APPROVED AS TO FORM:

Michael S. Brenan, City Attorney



RESOLUTION NO. 2016-581(R)

A RESOLUTION DESIGNATING THE START TIME OF
REGULAR CITY COUNCIL MEETINGS

WHEREAS, Section 3.10 of the City Charter requires the City Council to prescribe the schedule for Regular City Council Meetings by resolution; and

WHEREAS, Ordinance 2016-618B(O) prescribed the schedule for Regular City Council Meetings and it is necessary to also enact a resolution for such purpose as required by the City Charter.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Regular City Council Meetings shall be held on the first and third Mondays of each month at 6:30 pm in the City Council Chambers.

This resolution shall be effective upon its adoption and the City Secretary shall cause a copy of it to be made available on the city website.

PASSED and APPROVED this _____ day of _____, 2016.

ALAN E. BAXTER, MAYOR

ATTEST:

KELLY RODRIGUEZ, CITY SECRETARY

APPROVED AS TO FORM:

MICHAEL S. BRENAN, CITY ATTORNEY

ORDINANCE NO. 592

AN ORDINANCE REPEALING ORDINANCE 436 AND ADOPTING NEW PROCEDURES RELATING TO THE CITY NEWSLETTER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Ordinance No. 436 passed and adopted on April 19, 2004 is hereby repealed.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that the following procedures shall govern publication of the City newsletter:

1. The City Manager is responsible for publishing the city newsletter.
2. In addition to the Mayor, other members of the City Council may write articles for inclusion in the city newsletter provided that such articles are presented to the City Manager or his designee by the City Manager's deadline for article inclusion.
3. Articles from any source, including the Mayor, Council Members or others, shall not indulge in personalities, use offensive language, question motives of the Mayor or other members of the City Council, or staff, or indulge in advocacy of political positions or candidates. The intent of the newsletter will be to inform the public of actions, activities and events of interest to the citizens of Windcrest.
4. In accordance with the City Charter, the City Attorney shall review the content of all articles prepared for publication to assure compliance with applicable laws concerning the use of public resources.
5. The city newsletter will be published monthly electronically on the city's web-site, with courtesy copies available at city hall. A fee based subscription service, covering the costs of duplication, handling and postage may be required.
6. Commercial and political advertising will be prohibited. Windcrest schools, churches and civic groups may submit articles announcing special community events.
7. A community calendar will be published in each newsletter issue announcing city, civic, school and church event dates and times. It will be the responsibility of each group to submit their information by the publication deadline.

PASSED and APPROVED this 20th day of July, 2009.

Richard Bruns, Mayor

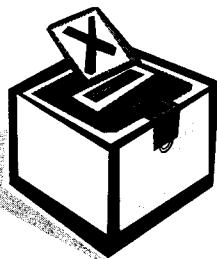
ATTEST:

Tracy Freimarck, City Secretary

APPROVED AS TO FORM:

Michael S. Brennan, City Attorney

From the City Secretary's Office



The City of Windcrest will be holding a General Election on May 8, 2010 for Council Place 1, Council Place 2 and Council Place 3. **Early Voting** for this election will take place at Takas Park Civic Center beginning April 26th and will run through May 4th. Below is a schedule for Early Voting:

April 26, 2010 through April 30, 2010.....8:00am to 6:00pm
May 1, 2010.....10:00am to 6:00pm
May 2, 2010.....12:00pm to 6:00pm
May 3, 2010 through May 4, 2010.....8:00am to 8:00pm

Election Day is May 8, 2010 from 7:00am to 7:00pm. Voting on **Election Day** will be conducted at Windcrest Elementary, 465 Faircrest.

If you have any questions regarding Voter's Registration, Ballot by Mail or any other issues related to the May election and/or voting, please contact Bexar County Elections Office at 335-VOTE (8683).

Windcrest

Garden Club

April Field Trip

We will have a special event in April as we visit the Yturri-Edmunds Mill House and Mission Concepcion for our spring field trip. We will meet at the Windcrest Civic Center at 9:00 a.m. on Monday, April 5th, where we will have a brief business meeting and then carpool to the Yturri-Edmunds Mill House. Please make plans to attend as it promises to be a very interesting trip!

Upcoming Events

Board Meeting

Monday, April 26th, 10:00 a.m.
Celeste Cook, hostess
634 Candlegio

Installation Luncheon

Monday, May 3rd, 11:00 a.m.
Pompeii Italian Grill
16109 Nacogdoches Rd.

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An Allianz annuity can help.**

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- Protect your principal from market fluctuations
- Take advantage of potential growth from indexed interest
- Benefit from tax deferral

Allianz fixed index annuities also offer guaranteed minimum interest rates, the option for lifetime income, and more! Annuities are subject to surrender charges, which could result in a loss of principal and credited interest if the contract is surrendered prematurely. Guarantees are backed by the financial strength and claims-paying ability of Allianz Life Insurance Company of North America.

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Jason Vera

Agent #433210367

PO Box 592793

San Antonio, TX 78259

210-338-9892

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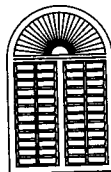
CR1071

Product availability and features may vary by state.

(R-3/2009)

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Formerly Wallpaper Outlet



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Blinds,
Shutters,
& Shades**

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1 block south of
Thousand Oaks/Starlight Terrace

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Free Phone Estimates

Family Owned & Operated
Windcrest Residents Since 1985

Grace's Boutique



Women's clothing,
shoes, purses,
jewelry, and plus
sizes available

210.650.5044

8209 Roughrider, #100B
Windcrest, TX

www.gracesboutique.webs.com

From the City Secretary's Office

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Stormwater Management

Stormwater runoff is generated when precipitation from rain and snowmelt events flows over land or solid surfaces and does not get into the ground. As the runoff flows over the land or hard surfaces (paved streets, parking lots, and building rooftops), it accumulates debris, chemicals, sediment or other pollutants that could adversely affect water quality if the runoff is discharged untreated. The primary method to control stormwater discharges is the use of best management practices. Do not let oil, antifreeze, or transmission fluid from your automobile leak onto the street. Do not let excess fertilizer, pesticides, or herbicides run into the street or green space. These best practices will better assure quality water.

Women's Club

14 April Appreciation Luncheon at the Windcrest Civic Center 11:00 a.m. - 2:00 p.m.

The Officers and Board Members want to thank all our members who worked so hard this year to make the Women's Club so successful by honoring them with this luncheon. We would like for you to join us and also show your appreciation for all they do.

Please mark your calendar and make plans to attend. Reservations are required. Please call Hazel Freeman at 655-3919.

28 April "The Fun and Trials of Writing a Book" presented by Barbara Morse 10 a.m. - Noon at the Windcrest Civic Center.

Barbara a long time Windcrest resident and a member of the Windcrest Women's Club for many years will be our guest speaker. She will share with us "The Fun and Trials of Writing a book". Her first book "Things your Mama Meant to Teach you, But Never Got Around To" came out in October of 2009.

Barbara graduated from Trinity University with a BA degree and is a certified classroom teacher for Elementary Ed and for High School German and Spanish. She is currently a substitute teacher for NEISD and teaches cooking classes every Thursday at FEAST, a home school co-op. Her hobbies are gardening, cooking, traveling, reading and singing.

Mark your calendar and maybe you might like to try your hand at writing a book.

Upcoming Events

26 May - Installation of New Officers and Luncheon at Randolph AFB Officer's Club, 11:30 - 2:00 p.m., RESERVATIONS REQUIRED.

