

City of Windcrest



AGENDA CITY COUNCIL MEETING - AMENDED AGENDA 6:00 PM JULY 7, 2025

CITY COUNCIL CHAMBERS - 8601 MIDCROWN

CCM @ 6 PM

NOTICE IS HEREBY GIVEN THAT THE CITY OF WINDCREST CITY COUNCIL WILL HOLD A REGULAR CITY COUNCIL MEETING AT WINDCREST CITY HALL LOCATED AT 8601 MIDCROWN, WINDCREST, TEXAS ON MONDAY, JULY 7, 2025, STARTING AT 6:00 PM.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF MONDAY, JULY 7, 2025, AND TO RECONVENE THE MEETING ON THE FOLLOWING BUSINESS DAY, TUESDAY, JULY 8, 2025, AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. In compliance with Americans with Disabilities Act, the City of Windcrest will provide reasonable accommodations for persons attending the meeting. To better serve you, requests should be received 48 hours prior to the meeting. Please contact the City Secretary's Office, at 210-655-0022 ext. 2150 or Fax 210-655-8776, or 711 Texas Relay.

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE AND INVOCATION

IV. CITIZENS TO BE HEARD/CITIZEN PARTICIPATION

- Citizens may address the City Council on topics not on the agenda for no more than three (3) minutes.
- Citizens shall also have the opportunity to address the City Council during consideration of posted agenda items for no more than six (6) minutes.
- 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.

THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR COUNCIL MEETING:

V. PRESENTATION

- a) Presentation from Texas Mutual for a dividend refund to the City of Windcrest.

VI. CONSENT AGENDA

- a) City Council will review, discuss, and may act on an ordinance amending Chapter 113 of the City of Windcrest Code of Ordinances Division 9 non-conforming and deleted uses in the City of Windcrest. **2nd Reading** [Natalia Witmer, Interim City Manager/Municipal Finance Officer]
- b) City Council will review, discuss, and may act on a resolution ratifying the appointment of David Ellis as Chief of Police for the City of Windcrest Police Department. [Natalia Witmer, Interim City Manager/Municipal Finance Officer]
- c) City Council will review, discuss, and may act on a resolution approving a professional services agreement with MRB Group, Engineering, Architecture, Surveying, D.P.C. for comprehensive master plan consulting services. [Natalia Witmer, Interim City Manager/Municipal Finance Officer]
- d) City Council will review, discuss, and may take action on a resolution memorializing the appointment of a chair and vice-chair to the Parks and Recreation Commission. [Natalia Witmer, Interim City Manager/Municipal Finance Officer]

VII. ORDINANCE

- a) City Council will review, discuss and may take action on an ordinance amending the Windcrest Code of Ordinances to include regulations of Network Nodes and use of the City's right of way. **1st Reading** [Natalia Witmer, Interim City Manager/Municipal Finance Officer]
- b) City Council will review, discuss, and may act on an ordinance creating a standing Scoring and Evaluation Committee. **1st Reading** [Natalia Witmer, Interim City Manager/Municipal Finance Officer]

VIII. DISCUSSION AND ACTION

- a) City Council will review, discuss, and may act on next steps for RFQ 2024-2025-005 Audit Services submissions. [Natalia Witmer, Interim City Manager/Municipal Finance Officer]
- b) City Council will review, discuss, and may take action on next steps for RFQ 2024-2025-006 - City Attorney submissions. [Natalia Witmer, Interim City Manager/Municipal Finance Officer]
- c) City Council will review, discuss, and may act on an agreement with Palladium USA to satisfy the rough proportionality requirements of development along Crestway Drive and potential solutions for connected sidewalks. [Natalia Witmer, Interim City Manager/Municipal Finance Officer]
- d) City Council will review, discuss, and may act on a licensing agreement with Kenjoh Outdoor, LLC. [Dan Reese, Mayor]

- e) City Council will review, discuss, and may act on amending Chapter 2, Article 4 - Parliamentary Procedures for Public Meetings, of the Windcrest Code of Ordinances. [Cindy Strzelecki, Council Member Place 2/Mayor Pro Tem]

IX. EXECUTIVE SESSION

The City Council of the City of Windcrest reserves the right to adjourn into executive session at any time during course of the meeting to discuss any matter listed below:

- a) Pursuant to Govt. Code §551.074 (personnel matters) for deliberation and discussion regarding personnel matters to deliberate the duties, responsibilities, evaluation, employment status and request from City Manager.
- b) Pursuant to Govt. Code §551.071 (consultation with attorney) deliberation regarding existing litigation against the City of Windcrest including but not limited to *Chad Mowell v. City of Windcrest Board of Adjustment and City of Windcrest*, *Jimmie Cole v. City of Windcrest*, *City of Windcrest v. Ken Paxton, Attorney General of Texas and Requestor, as Intervenor and Counsel for Frank Archuleta*, *COSA v. Windcrest*, *Frank Archuleta v. Dan Reese, et al*, *Patricia L. Brown v. Karen Nelson*, as well as litigation filed by the City of Windcrest.
- c) Pursuant to Code §551.072 (real property) and §551.073 (dedications) and §552.071 (consultation with attorney) regarding an agreement with Palladium USA to satisfy the rough proportionality requirements of development along Crestway Drive and resolving anticipated litigation related to a connected sidewalk.
- d) Pursuant to Govt. Code §551.071 (consultation with attorney) deliberation regarding ongoing civil abatements.

X. CITY MANAGER'S REPORT

Any oral report provided by the city manager will be informational only and not for council action. The city manager may provide updates on community and upcoming city events, the status of the operation of individual departments, any unusual activity from any specific department which has occurred since the posting of the agenda, or to provide potential topics of discussion which may appear on a future agenda.

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

DECORUM REQUIRED: Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

ACTION BY COUNCIL AUTHORIZED: The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code § 551.072 (Deliberations

about Real Property); § 551.073 (Deliberations about Gifts & Donations); § 551.076 (Deliberations about Security Devices); §551.087 (Economic Development); §551.074 (Personnel Matters) and, § 551.071 to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The attorney may appear in person or appear in executive session by conference call in accordance with applicable state law.

EXECUTIVE SESSIONS APPROVED BY CITY ATTORNEY: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

ATTENDANCE BY OTHER ELECTED OR APPOINTED OFFICIALS: 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.

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 (72) hours prior to the meeting on July 7, 2025.

BY:

A handwritten signature in black ink, reading "Rachel C. Dominguez". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Rachel C. Dominguez, City Secretary

ORDINANCE

AN ORDINANCE OF THE CITY OF WINDCREST, TEXAS AMENDING CITY OF WINDCREST CODE OF ORDINANCES, CHAPTER 113, DIVISION 9 – NON-CONFORMING AND DELETED USES; AND PROVIDING FOR FINDINGS OF FACT, A CUMULATIVE CLAUSE, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Windcrest is a home-rule municipality located within Bexar County, Texas; and

WHEREAS, the City of Windcrest, as a home rule municipality, derives its powers exclusively from its home rule charter and the Texas Constitution and is limited in authority only by express provisions of the Texas Constitution and Texas statutes; and

WHEREAS, Texas Legislature Senate Bill 929 which amends Texas Local Government Code by adding § 211.019 that passed September 1, 2024, and alters the procedures for nonconforming uses under the City’s zoning regulations; and

WHEREAS, the City Council of the City of Windcrest believes it is appropriate to amend Chapter 113, Division 9 – non-conforming and deleted uses to align with the state law process; and

WHEREAS, the City Council of the City of Windcrest finds and determines that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code;

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

I.

ENACTMENT

Chapter 113 Zoning, Planning and Zoning Comision, Board of Adjustment, article III Districts, General Zoning, Code of Ordinances, City of Windcrest, Texas is amended as set forth below, with insertions indicated by underlines (e.g. underlines) and deletions indicated by strikethroughs (e.g. ~~strikethroughs~~):

DIVISION 9. - NON-CONFORMING AND DELETED USES

Sec. 113-285. - Non-conforming use of buildings.

- (a) Continuation of non-conforming use.

Except as otherwise provided in this section, the nonconforming use of a building existing at the time this chapter becomes effective may be continued, and the use of a nonconforming building may be changed to another use of the same or more restricted classification. Where such use is changed to a more restricted classification, it shall not thereafter be changed back to a use of a less restricted classification.

(b) Vacancy or cessation of non-conforming use.

A non-conforming building which is or may hereafter become vacant and which shall remain unoccupied, or its non-conforming use ceases for a continuous period of ~~one (1) year~~ six month(s) uninterrupted period, shall not thereafter be occupied except by a use which conforms to regulations of the district in which it is located.

(c) Maintenance, enlargement, extension, reconstruction or alteration.

A non-conforming building must be maintained or kept in good repair except as otherwise provided in this section. No existing, non-conforming building may be enlarged, extended, reconstructed, or altered unless its use is changed to a use permitted in the district in which such building is located. However, the enlargement, extension, reconstruction or alteration of a non-conforming building is permitted when required by court decision, state law or ordinance.

(d) Relocation or damage to non-conforming use.

A non-conforming building shall not be moved in whole or in part to any other location on the lot unless every portion of such building is made to conform to all the regulations of the district in which it is located. However, a non-conforming building which is damaged by fire, the public enemy, vandalism, earthquake, explosion, flood, wind, or other calamity or act of God, wherein the extent of fifty percent (50%) or more of its reasonable value is diminished may not be restored except in conformity with the regulations of the district in which it is located.

Sec. 113-286. - Deleted uses.

(a) Deleted use of land and buildings.

The use of land or a building may continue in such previously permitted use for a reasonable period of time to allow the owner or lessee, as appropriate, to recover its existing investment, as of the date the use is deleted, all under such terms and conditions as the city council may determine from time to time. However, in no event shall deleted use be permitted to continue following a cessation of such use for a continuous period of ~~three (3)~~ six (6) months unless extended by city council.

(b) Maintenance, enlargement, reconstruction or remodeling.

Until terminated as provided in this Code, a deleted-use building must be maintained and kept in good repair and may be: enlarged, reconstructed or remodeled under such terms and conditions as the city council may require, provided such enlargement, reconstruction or

remodeling is part of a city, state, regional and/or nationwide modernization or remodeling program of the deleted-use building owner or lessee.

(c) Termination of nonconforming or deleted use.

~~The city, upon reasonable notice to the owner and lessee, if any, of a deleted use building and/or land, may schedule a public hearing, the purpose of which is to set a future date by which such previously deleted use must be terminated. Upon the affirmative vote of a majority of the council to terminate such deleted use, such deleted use will cease effective the date set in the council's action.~~

1. Notwithstanding any other provision of this article, the city council may order, by resolution, the termination of a nonconforming or deleted use, after a public hearing. No nonconforming or deleted use may exist in perpetuity and must have a designated termination date as established by the city council.
2. Not later than the 10th calendar day after the date the city passes a resolution ordering the termination of a nonconforming or deleted use, the city shall give written notice of the resolution to each owner or lessee of the property, as indicated by the most recently approved municipal tax roll, who is required to stop a nonconforming use of the property under the resolution.
3. The owner or lessee of a property that is subject to a resolution to stop a nonconforming or deleted use shall, not later than the 30th calendar day after the date the city provides notice of the resolution, respond in writing to the city indicating either acceptance of the termination of use or contesting the termination of use. If no written response is received, the city may consider the owner and lessee to have accepted the termination.
4. If a termination is contested, the written response must include, at a minimum:
 - a. the grounds for contesting the termination,
 - b. the correct and full mailing and physical address, email address, and phone number for the owner or lessee contesting the termination,
 - c. any supporting documents supporting the contest, and
 - d. any supporting documents establishing a value of the use or property, both before the use became nonconforming or deleted and after.
5. For property where the nonconforming or deleted use being terminated constitutes a business activity, in the event an owner or lessee of a property contests the termination of use, the owner or lessee must inform the city in its written response whether:
 - a. the owner or lessee seeks a time period for the continued use of the property in a nonconforming or deleted manner necessary to recover the investment into the property for the nonconforming or deleted use; or
 - b. the owner or lessee seeks the difference in market value of the property created because of the termination of the nonconforming or deleted use.
6. For property where a nonconforming or deleted use constitutes a business activity, and the termination is contested, the owner or lessee must also provide:

- a. the costs incurred by the owner or lessee of the property that are directly attributable to ceasing the nonconforming use of the property, including expenses related to demolition, relocation, termination of a lease, or discharge of a mortgage; and
 - b. a specific amount equal to the greater of the diminution in the market value of the property, computed by subtracting the current market value of the property after the imposition of a requirement to stop the nonconforming use of the property from:
 - i. the market value of the property on the day before the date the notice was given of the resolution; or
 - ii. the market value of the property on the day before the resolution is passed by the city council.
7. In the event an owner or lessee of a property contests the termination of use for property where the nonconforming or deleted use does not constitute a business activity the owner or lessee must inform the city in its written response the harm caused the owner or lessee due to the termination of the nonconforming or deleted use.
8. For an owner or lessee subject to a termination resolution, such person(s) who either accepts the termination or is provided payment under this section, shall stop the nonconforming or deleted use not later than the 10th calendar day after the acceptance or payment.
9. If more than one person seeks a payment under this section the city shall apportion the payment between each person based on the market value of the person's interest in the property.
10. When an owner or lessee is provided a defined time period to continue the nonconforming or deleted use in order to recover their investment under this section, such person(s) must stop the nonconforming use immediately upon the continued termination date.
11. A person entitled to a remedy under this section may appeal a determination of either the payment amount or defined time period for investment recoupment to the board of adjustment not later than the 20th day after the date the determination is made by resolution.
12. The city or a person aggrieved by the final decision of the board of adjustment exercising authority under this section, may seek judicial review of the decision by filing suit and following the procedures outlined in the Texas Local Government Code §211.011 regarding appealing from the board of adjustment. However, while suit is pending, it is governed by the Texas Local Government Code §211.019.

II.

FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

III. CUMULATIVE CLAUSE

This Ordinance is cumulative of all provisions of the Code of Ordinances of the City of Windcrest, except to the extent the provisions of this Ordinance are in direct conflict with the provisions of any other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

III. SEVERABILITY

The City Council of the City of Windcrest intends that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinance, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

IV. EFFECTIVE DATE

This Ordinance is effective as of the date of adoption on second reading.

DULY PASSED ON FIRST READING, on the 19th day of May, 2025, at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting. June

DULY PASSED AND APPROVED, on the 7th day of June, 2025 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS:

Dan Reese, Mayor

ATTEST:

Rachel Dominguez, City Secretary

APPROVED:

Ryan Henry, City Attorney

RESOLUTION
A RESOLUTION TO RATIFY THE APPOINT OF A NEW
POLICE CHIEF

WHEREAS, Section 5.04 of the Windcrest City Charter requires the Windcrest City Council to appoint a Police Chief; and

WHEREAS, the position of Police Chief was vacated in December 2025, temporarily filled by City Council appointment of an interim Chief of Police, and the Windcrest City Council must appoint an individual to fill said vacancy; and,

WHEREAS, on June 17, 2025, the City of Windcrest City Council at the special city council meeting appointed a Chief of Police.

NOW THEREFORE, BE IT RATIFIED AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that DAVID L. ELLIS, is hereby appointed as the Chief of Police of the City of Windcrest and assumed said position upon the execution of the oath of office.

DULY PASSED AND APPROVED, on the 7th day of July, 2025 at a special meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

Dan Reese, Mayor

ATTEST:

Rachel C. Dominguez, City Secretary

APPROVED:

Ryan S. Henry, City Attorney

RESOLUTION

A RESOLUTION OF THE CITY OF WINDCREST, TEXAS, CITY COUNCIL APPROVING A CONTRACT WITH MRB GROUP, ENGINEERING, ARCHITECTURE, SURVEYING, D.P.C TO PROVIDE THE CITY WITH COMPREHENSIVE MASTER PLAN CONSULTING SERVICES

WHEREAS, the city desires to hire an MRB Group to assist with the city comprehensive plan; and

WHEREAS, the City posted a Request for Qualifications ("RFQ") to receive proposals to select a reputable and qualified firm; and

WHEREAS, MRB Group submitted a proposal in response to the RFQ; and

WHEREAS, the City Council of the City of Windcrest desires to award the contract to MRB Group, and such contract being in the form attached as Exhibit A; and

WHEREAS, the City Council of the City of Windcrest believes that the hiring of MRB Group, is in the best interest of the City of Windcrest to assist with the city comprehensive plan; and

WHEREAS, the City Council of the City of Windcrest finds and determines that the meeting at which this Resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code;

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

- 1. Findings.** The foregoing recitals are incorporated into this resolution by reference as findings of fact as if expressly set forth herein.
- 2. Authorization.** The City Manager is authorized to execute the contract attached to this resolution on behalf of the City of Windcrest, Texas.

3. Effective Date. This resolution takes effect immediately upon its adoption.

DULY PASSED AND APPROVED, on the 7th day of July, 2025, at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

Dan Reese, Mayor

ATTEST:

Rachel C. Dominguez, TRMC
City Secretary

APPROVED:

Ryan S. Henry, City Attorney

RESOLUTION

A RESOLUTION TO APPOINT A PARKS AND RECREATION COMMISSION CHAIRPERSON AND VICE CHAIRPERSON IN ACCORDANCE WITH CHAPTER 26, SECTION 26-22.

WHEREAS, Section 26-22 of the City of Windcrest Code of Ordinances authorizes the Windcrest City Council to appoint the Chairperson and Vice Chairperson of the City of Windcrest Parks and Recreation Commission; and

WHEREAS, the City Council acknowledges the importance of the appointments will ensure a facilitator will be available for set meetings and run the meetings in an orderly manner;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS hereby appoints LAMAR LAWSON as Chairperson and MONICA BAIETT as Vice-Chairperson to the City of Windcrest Parks and Recreation Commission as follows who shall assume the positions upon the passage of this resolution:

DULY PASSED AND APPROVED, on the 7th day of July, 2025 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

Dan Reese, Mayor

ATTEST:

Rachel C. Dominguez, City Secretary

APPROVED:

Ryan S. Henry, City Attorney

ORDINANCE

AN ORDINANCE OF THE CITY OF WINDCREST, TEXAS ADOPTING PROVISIONS RELATED TO THE PLACEMENT OF WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY; ADOPTING A DESIGN MANUAL; AND PROVIDING FOR FINDINGS OF FACT, A CUMULATIVE CLAUSE, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Windcrest is a home-rule municipality located within Bexar County, Texas; and

WHEREAS, the State of Texas has delegated to Texas municipalities the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities; and

WHEREAS, Chapter 284 of the Texas Local Government Code allows certain wireless network providers to install in the public rights-of-way their wireless facilities, described and defined in Section 284.002 of the Code as “Micro Network Nodes,” “Network Nodes,” and “Node Support Poles,” and

WHEREAS, the City Council of the City of Windcrest wishes to adopt an ordinance establishing policies and procedures for placement of wireless facilities in public rights-of-way; and

WHEREAS, as expressly allowed by Section 284.108 of the Texas Local Government Code and pursuant to its police power authority reserved in Section 284.301 of the Texas Local Government Code, the City desires to enact a *City of Windcrest, Texas, Design Manual* in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications network providers to assist such companies in the timely, efficient, safe, and aesthetically pleasing installation of technologically competitive equipment; and

WHEREAS, the City Council of the City of Windcrest finds and determines that the adoption of this Ordinance promotes the health, safety, and welfare of the public; and

WHEREAS, the City Council of the City of Windcrest finds and determines that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code;

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

**I.
FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**II.
APPROVING DESIGN MANUAL**

The City Council approves the *Design Manual by the City of Windcrest, Texas for the Installation of Network Nodes and Node Support Poles*, attached as Exhibit A.

**III.
ENACTMENT**

The Code of Ordinances of the City of Windcrest, Texas is amended to add Chapter 28, Article VI, reading as follows:

ARTICLE VI. – WIRELESS FACILITIES IN THE PUBLIC RIGHT OF WAY

Sec. 28-178. – Purpose and Policy.

The purpose of this Article is to establish policies and procedures for the placement of wireless facilities in the public right-of-way in compliance with Chapter 284, Texas Local Government Code. In enacting this Article, the City is establishing uniform standards to address issues presented by wireless facilities, including without limitation, ensuring that wireless facilities do not adversely affect:

- (1) use of streets, sidewalks, alleys, parkways, and other public ways and places;
- (2) vehicular and pedestrian traffic;
- (3) the operation of facilities lawfully located in public right-of-way or public property;
- (4) the ability of the City to protect the environment, including the prevention of damage to trees; and
- (5) the character of residential and historic areas, and City parks, in which wireless facilities may be installed.

Sec. 28-179. – Definitions.

All terms used in this Article, not specifically defined herein, have the meaning provided in Chapter 284 of the Texas Local Government Code. The following words, terms, and phrases,

when used in this Article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates a different meaning:

Applicant means any person that submits an application.

Application means a request submitted by a person for a permit to place, maintain, or cause to be placed or maintained wireless facilities in the public right-of-way.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Camouflage measures means actions taken to ensure that wireless facilities are covered, blended, painted, disguised, or otherwise concealed such that the wireless facilities blend into the surrounding environment or supporting area and are visually unobtrusive. Camouflage measures include, without limitation, hiding wireless facilities beneath a façade, blending wireless facilities with surrounding area design, painting wireless facilities to match the supporting area, or disguising wireless facilities with artificial tree branches.

Code means the Code of Ordinances of the City of Windcrest, Texas and all other ordinances of the City of Windcrest, Texas as the same may be revised, recodified, amended, restated, reorganized, or otherwise modified from time to time.

Collocate and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

Decorative pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to the Code.

Macro tower means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Section 284.103, Texas Local Government Code, and that supports or is capable of supporting antennas.

Micro network node means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Municipally owned utility pole means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Texas Utilities Code, and located in a public right-of-way.

Municipal park means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term includes: equipment associated with wireless communications; a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation. The term does not include: an electric generator; a pole; or a macro tower.

Network provider means a wireless service provider or a person that does not provide wireless services and that is not an electrical utility but builds or installs on behalf of a wireless service provider network nodes, node support poles, transport facilities, or any structure that supports or is capable of supporting a network node.

Node support pole means a pole installed by a network provider for the primary purpose of supporting a network node.

Permit means a written authorization for the use of the public right-of-way or collocation on a service pole issued by the City.

Pole means a service pole, municipally owned utility pole, node support pole, or utility pole.

Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

- (A) a private easement;
- (B) the airwaves above a public right-of-way with regard to wireless telecommunications; or
- (C) a park road that is not formally dedicated or otherwise designated by the City as a public right-of-way.

Public right-of-way rate means an annual rental charge paid by a network provider to a municipality related to the construction, maintenance, or operation of network nodes within a public right-of-way in the municipality.

Service pole means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;

- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by the City and supporting only network nodes.

Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

Utility pole means a pole that provides:

- (A) electric distribution with a voltage rating of no more than 24.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Section 51.002, Texas Utilities Code.

Wireless facility means and includes a network node, a node support pole, a transport facility, and related ground equipment.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

Wireless service provider means a person that provides wireless service to the public.

Sec. 28-180. – Use of the Public Right of Way

- (a) It shall be unlawful for any person to place, construct, modify, maintain, operate, relocate, or remove wireless facilities, or cause the same, in the public right-of-way unless the person has:
 - (1) obtained a permit to place, construct, modify, maintain, operate, relocate, or remove wireless facilities in the public right-of-way; or
 - (2) an agreement with the City to place, construct, modify, maintain, operate, relocate, or remove wireless facilities in the public right-of-way.
- (b) It shall be unlawful for any person to collocate a network node on a service pole without first entering into an agreement with the City and then paying of a fee of \$20.00 per year per service pole.

Sec. 28-181. – Permits; Applications

- (a) *Forms.* All permits and permit applications shall be on forms provided by the City.

- (b) *Applications.* The permit application shall be made by the network provider or its duly authorized representative. The applicant shall designate portions of its application materials that it reasonably believes contain proprietary, trade secrets, or confidential information by clearly marking each page of such materials accordingly. The application shall be submitted with the following information:
- (1) Construction and engineering drawings and information sufficient to confirm that construction will be consistent with the Code, the City's design manual, Chapter 284, Texas Local Government Code, and all other applicable laws;
 - (2) A certificate that network node complies with applicable regulations of the Federal Communications Commission;
 - (3) Certification that the proposed network node will be placed into active commercial service by or for a network provider not later than the 60th day after the date that the construction and final testing of the network node is completed; and
 - (4) A fee of \$500 for up to five network nodes addressed in the same application; \$250 for each additional node in the same application; and a fee of \$1000 for each node support poles.
- (c) *Consolidated Applications.* An applicant may file a consolidated permit application for not more than 30 network nodes and receive permits for such network nodes.
- (d) *Routine Maintenance and Replacement.*
- (1) *Permit not required.* A permit shall not be required for: routine maintenance or removal of wireless facilities that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; replacing or upgrading a network node or pole with a node or pole that is substantially similar in size or smaller and that does not require installation, placement, maintenance, operation, or replacement of micro network nodes that are strung on cables between existing poles or node support poles, in compliance with the National Electric Safety Code. Whether or not replacement or upgrade is "substantially similar" shall be determined in accordance with Texas Local Government Code §§ 284.157(b) and (c).
 - (2) *Notice.* A person shall provide written notice to the City Manager no less than fourteen (14) days prior to conducting any activities under subsection (1) immediately above this subsection. Such written notice shall contain the following information:
 - (A) Date work is set to commence;

- (B) Description of the work;
 - (C) Name and contact information for the company conducting the work in the public right-of-way, including a designated point of contact; and
 - (D) The written approval of the owner of any pole that will be replaced.
- (3) *Limitation on Exemption.* Notwithstanding subsection (d)(1) above:
- (A) A network provider may replace a pole only with the approval of the pole's owner; and
 - (B) The size limitations prescribed by Texas Local Government Code § 284.003 shall not be exceeded without the approval of the City pursuant to Texas Local Government Code § 284.109.

Sec. 28-182. – Action on Applications

- (a) *Administrative completeness; Notice.* The City shall determine whether an application is administratively complete and notify the applicant of such determination. If an application is not complete, the City shall specifically identify the missing information in the notice sent to the applicant under this subsection. The City shall send the notice to the applicant not later than:
 - (1) 30 days after the date the City receives an application for a network node or node support pole.
 - (2) 10 days after the date the City receives an application for a transport facility.
- (b) *Approval or Denial.* The City shall make its final decision to approve or deny a complete application no later than:
 - (1) 21 days after receipt of a complete application for a transport facility;
 - (2) 60 days after receipt of a complete application for a network node; and
 - (3) 150 days after receipt of a completed application for a node support pole.
- (c) *Notice of Denial.* If the City denies a complete application, the City shall document the bases for the denial, including the specific applicable Code provisions or other rules, regulations, or law on which the denial was based. The City shall send such documents to the applicant via electronic mail on or before the date the City denies the application.
- (d) *Cure.* Not later than the 30th day after the date the City denies the application, the applicant may cure the deficiencies identified in the denial documentation and resubmit the application without paying an additional application fee, other than a fee for actual

costs incurred by the City. Notwithstanding anything to the contrary, the City shall approve or deny the revised completed application after a denial not later than the 90th day after the date the City receives the completed revised application. If the revised application only revises deficiencies cited in the denial documentation, then the City's review of the revised application is limited to the deficiencies cited in the denial documentation.

Sec. 28-183. – Installation

- (a) *Timing.* A network provider shall begin the installation for which a permit is granted not later than six months after final approval and shall diligently pursue the installation to completion. Provided, however, the City may place a longer time limit on completion or grant reasonable extensions of time as requested by the network provider.
- (b) *Compliance.* Installation of wireless facilities shall comply with:
 - (1) The applicable application and permit and any agreement with the City pertaining to such installation;
 - (2) All City ordinances and regulations, including but not limited to this Article and the City's design manual;
 - (3) All applicable local, state, and federal rules, regulations, and laws, including but not limited to the size limitations in Texas Local Government Code § 284.003.
- (c) *General construction and maintenance.* A network provider shall construct and maintain wireless facilities in a manner that does not:
 - (1) obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
 - (2) obstruct the legal use of a public right-of-way by other utility providers;
 - (3) violate applicable codes;
 - (4) violate or conflict with the City's public right-of-way design specifications; or
 - (5) violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

Sec. 28-184. – Installation in Specified Areas

- (a) *Municipal Parks.* In addition to any area that the City may designate as a municipal park from time to time, the following areas are designated as municipal parks:

- (1) The park known locally as Takas Park, located at 9310 Jim Seal Drive, Windcrest, Texas 78239.
 - (2) The park known locally as Autumn Sunset Park, located at Eagle Crest Boulevard and Windrock Drive, Windcrest, Texas 78239.
 - (3) The park known locally as Brook Falls Park, located at 6309 Windrock Drive, Windcrest, Texas 78239.
- (b) *Parks and Residential Areas.* A network provider shall not install a new node support pole in a public right-of-way without the discretionary, nondiscriminatory, written consent of the City Manager if the public right-of-way is located in a municipal park or is adjacent to a street or thoroughfare that is: (1) not more than 50 feet wide; and (2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions. A network provider shall comply with private deed restrictions and other private restrictions when installing a wireless facility in municipal parks and residential areas.
- (c) *Undergrounding Provisions.* A network provider shall comply with all undergrounding requirements, including but not limited to all applicable provisions of this Code, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval. This requirement or restriction shall not be interpreted to prohibit a network provider from replacing an existing structure.
- (d) *Zoning.* A network provider seeking to construct, replace, or modify a pole or node in the public right-of-way that exceeds the height or size limits contained in this section, shall be subject to applicable zoning requirements.
- (e) *Decorative Poles.* No appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, shall be placed on any streetlight pole specially designed and placed for aesthetic purposes.

Sec. 28-185. – Removal

- (a) *With Notice.* Unless agreed upon otherwise, within 30 days following written notice from the City, a network provider shall remove any wireless facility within the public right-of-way whenever the City has determined that: (1) such removal, relocation, change, or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way; (2) any wireless facility violates this Article or any other ordinance, law, rule or other regulation; (3) a wireless facility is abandoned.

- (b) *Penalty; Removal by City.* If a network provider fails to take any action required by this section within the 30-day time limit in subsection (a), above, then the network provider shall be guilty of a misdemeanor for each day that the wireless facility remains in the public right-of-way. Additionally, the City may take such action at the sole cost and expense of the network provider and without any liability to the network provider. Within 30 days of receiving an invoice from the City for work performed by the City under this subsection, a network provider shall reimburse the City's costs and expenses associated with the removal of its wireless facility, including but not limited to all administrative and legal expenses, attorney fees, engineering fees, equipment fees, and any and all other costs incurred by the City. The remedies provided in this subsection are cumulative, and the filing of a criminal case or the removal of wireless facilities by the City shall not constitute an election of remedies.
- (c) *Emergency Removal or Relocation of Facilities.* The City retains the right and privilege to disconnect or move any network node located within the public right-of-way of the City, as the City may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the network provider and allow the network provider an opportunity to move its own facilities prior to the City disconnecting or removing a facility and shall notify the network provider after disconnecting or removing a network node or node support pole.
- (d) *Abandonment of Facilities.* If a network provider abandons a wireless facility, then the network provider shall notify the City within 30 days of such abandonment. Such network provider shall remove such abandoned facility within 30 days of such abandonment.

Sec. 28-186. – Public Right-of-Way Rate

- (a) *Annual Rate.* A network provider shall pay to the City an amount of \$250 annually per node in the public right-of-way. Such annual rate shall be paid in full prior to the installation of any network node within the public right-of-way; shall be due in full on January 31 of each year following installation of any network node; and shall not be prorated.
- (b) *Transport Facility Rate.* A network provider shall pay to the City a monthly public right-of-way rate in an amount equal to \$28.00 multiplied by the number of such network provider's network nodes in the public right-of-way for which the installed transport facilities provide backhaul unless or until the time the network provider's payment of fees to the City under Chapter 283 and 66, Texas Local Government Code, exceeds its monthly aggregate per-node compensation to the City under this subsection. Each payment due under this subsection shall be paid prior to installation of any transport facility; shall be payable on the 1st day of each month following installation; and shall

not be prorated. A network provider may choose to pay the public right-of-way rate under this paragraph in a single annual payment on January 31 of each year following installation of a transport facility.

- (c) *Cease Payment.* A network provider may cease paying the City's compensation for use of the public right-of-way following removal of such network provider's wireless facilities and notification to the City of such removal. No amounts paid to the City by any network provider under this Article shall be refunded under any circumstances.

Sec. 28-187. – Notice Requirements

- (a) *City Notices.* The City shall be deemed to have complied with all requirements for notices and correspondences under this Article if the City sends the notice or correspondence in writing to either the email address or physical address stated in the relevant application filed by a network provider, or as updated by such network provider as required by this Article. For notice or correspondence sent by email, such notice or correspondence shall be deemed sent and received on the date that the City sends such email. For notice or correspondence sent by physical mail, such notice or correspondence shall be deemed to have been received by the network provider on the third day after the deposit of such notice or correspondence with the United States Postal Service properly addressed and with proper postage.
- (b) *Network Provider Notices.* All notices or correspondence to be sent by a network provider shall be provided to the City via certified mail, return receipt requested to City of Windcrest, attn: City Manager, 8601 Midcrown Drive, Windcrest, Texas 78239, or such other address as may be designated by the City Manager from time to time and as reflected in the application and permit forms. Such notices or correspondence shall be deemed received by the City on the date of actual receipt.

IV. CUMULATIVE CLAUSE

This Ordinance is cumulative of all provisions of the City of Windcrest, except to the extent the provisions of this Ordinance are in direct conflict with the provisions of any other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

V. SEVERABILITY

The City Council of the City of Windcrest intends that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity

shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

**VI.
EFFECTIVE DATE**

This Ordinance is effective as of the date of adoption on second reading.

DULY PASSED ON FIRST READING, on the _____ day of _____, 2025 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting.

DULY PASSED AND APPROVED, on the _____ day of _____, 2025 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

Dan Reese, Mayor

ATTEST:

Rachel Dominguez, City Secretary

APPROVED:

Ryan Henry, City Attorney

ORDINANCE NO. 2025-____(O)

AN ORDINANCE OF THE CITY OF WINDCREST, TEXAS AMENDING CHAPTER 2, ARTICLE 1, CITY OF WINDCREST CODE OF ORDINANCES, TO CREATE SECTION 2-7, ESTABLISHING A REQUEST FOR PROPOSAL/QUALIFICATIONS SCORING AND EVALUATION COMMITTEE; AND PROVIDING FOR FINDINGS OF FACT, A CUMULATIVE CLAUSE, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Windcrest is a home-rule municipality located within Bexar County, Texas; and

WHEREAS, the City of Windcrest, as a home rule municipality, derives its powers exclusively from its home rule charter and is limited in authority only by express provisions of the Texas Constitution and the State statutes; and

WHEREAS, the City Council of the City of Windcrest desires to amend Chapter 2, Article 1 of the Code of Ordinances of the City of Windcrest to create Section 2-7 to establish a Request for Proposal/Qualifications Scoring and Evaluation Committee; and

WHEREAS, the City is concerned for consistency in the process of scoring and evaluating Requests for Proposals (“RFPs”) and Requests for Qualifications (“RFQs”); and

WHEREAS, the City Council wishes to establish a standing committee for the purpose of scoring and evaluating RFPs and RFQs for the sake of consistency; and

WHEREAS, the City Council of the City of Windcrest finds and determines that the adoption of this Ordinance promotes the health, safety, and welfare of the public;

WHEREAS, the City Council of the City of Windcrest finds and determines that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code;

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

**I.
ENACTMENT**

Chapter 2, Article 1, Code of Ordinances, City of Windcrest, Texas is amended as set forth below, with insertions indicated by underlines (e.g. underlines) and deletions indicated by

strikethroughs (e.g. ~~strikethroughs~~) and shall read as follows:

Sec. 2-7. – Scoring and Evaluation Committee.

- (a) A standing committee shall be established for the purpose of scoring and evaluating requests for qualifications (“RFQs”) or requests for proposals (“RFPs”).
- (b) The committee shall consist of:

 - (1) the City Manager;
 - (2) the Municipal Finance Officer;
 - (3) the Mayor;
 - (4) a Department Head selected by the City Manager;
 - (5) a non-department head employee from a department different than the appointed department head to the committee, selected by the City Manager; and
 - (6) a citizen of Windcrest, selected by the City Manager.
- (c) The committee members, except for the City Manager, Municipal Finance Officer, and Mayor, shall be appointed for a term of two years.
- (c) The City Manager shall act as chair for the committee and shall be responsible for the orderly conduct of the meetings.
- (d) The City Manager shall appoint a non-committee employee as the secretary for the committee. Said secretary shall be responsible for the keeping of the minutes of the meetings and for preserving any documentation that results from the meetings, the operation, or business of the committee. All documents must be stored and maintained by the City.
- (e) The committee shall not be required to follow the Texas Open Meetings Act for its meetings as it is advisory only; however, the committee shall hold its meetings at City Hall unless otherwise required by the City Manager.
- (f) The committee shall have the authority and responsibility to review and score all submitted responses by bidders to any RFP or RFQ submitted to the city. In reviewing and scoring all RFQ and RFP responses, the committee shall:

1. utilize the scoring rubric or matrix required by the posted RFQ or RFP as adopted by the City Council;
2. meet at City Hall to perform the scoring;
3. keep all score sheets filled out by individual committee members;
4. review and evaluate any RFQ or RFP which does not have a scoring rubric or matrix incorporated into the posted RFQ or RFP;
5. have the power to bring in subject matter experts for RFQ/RFP being considered in order to facilitate a better understanding of the submission being considered. Such authority is subject to the spending authority of the City Manager¹
6. consider reports from any affected departments of the City in scoring and evaluating such RFQs/RFPs; and
7. provide the scoring results and any recommendations to the City Council for consideration.

II. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

III. CUMULATIVE CLAUSE

This Ordinance is cumulative of all provisions of the Code of Ordinances of the City of Windcrest, except to the extent the provisions of this Ordinance are in direct conflict with the provisions of any other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

III. SEVERABILITY

The City Council of the City of Windcrest intends that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity

¹ Official Comment: The committee may bring in subject matter experts to explain certain aspects of the RFQ or RFP in discussion. For example, if the City were to put out an RFQ for engineering services on a certain development project, the committee could bring in the City Engineer to explain the finer aspects of the RFQ.

shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinance, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

**IV.
EFFECTIVE DATE**

This Ordinance is effective as of the date of adoption on second reading.

DULY PASSED ON FIRST READING, on the 7th day of July, 2025, at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting.

DULY PASSED AND APPROVED, on the ____ day of ____, 2025 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS:

Dan Reese, Mayor

ATTEST:

Rachel Dominguez, City Secretary

APPROVED:

Ryan Henry, City Attorney