

City of Windcrest



AGENDA **CITY COUNCIL MEETING @ 6 P.M.** **December 4, 2023**

CITY COUNCIL CHAMBERS @ 8601 MIDCROWN

CCM @ 6 P.M.

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 THE 4th DAY OF DECEMBER 2023, STARTING AT 6 P.M.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF DECEMBER 4, 2023, AND TO RECONVENE THE MEETING ON THE FOLLOWING BUSINESS DAY, DECEMBER 5, 2023, 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. CEREMONIAL – SWEARING IN OF NEWLY ELECTED MAYOR, CITY COUNCIL MEMBERS – PLACE 4 AND PLACE 5.

V. 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:

VI. ORDINANCE

- a) City Council will review, discuss, and may act on Ordinance 2023-022(O), an ordinance amending Chapter 103, Article III, Fence of the Windcrest Code of Ordinances. [Rafael Castillo, Jr., City Manager] 1st Reading
- b) City Council will review, discuss, and may act on Ordinance 2023-023(O), an ordinance amending Chapter 6, Animals of the Windcrest Code of Ordinances creating Article V, Animal Services Advisory Committee. [Adam Astleford, Councilmember Place 5] 1st Reading

VII. RESOLUTION

- a) City Council will review, discuss, and may act on Resolution 2023-552(R), a resolution electing a Mayor Pro Tempore. [Dan Reese, Mayor]
- b) City Council will review, discuss, and may act on Resolution 2023-553(R), a resolution appointing a Senior Judge, Presiding Judge, and an Alternate Judge to the City of Windcrest Municipal Court of Record in accordance of Chapter 20, Section 20-6 Judicial Positions. [Rafael Castillo, Jr., City Manager]

VIII. DISCUSSION AND ACTION

- a) City Council will review and take action on the recommendation from the Parks and Recreation Commission on the City of Windcrest 2024 Light-Up theme. [Rafael Castillo, Jr., City Manager]
- b) City Council will review, discuss, and may act on entering into an agreement with HdL Hotel Occupancy Tax Administration Service. [Rafael Castillo, Jr., City Manager]
- c) City Council will review, discuss, and may act on renewing a business application from Tokyo Express located at 5203 Walzem, 78239. [Rafael Castillo, Jr., City Manager]
- d) City Council will review, discuss, and may act on a recommendation from the City Manager on the Request for Proposal for the Animal Care/Boarding/Adoption Services contract. [Rafael Castillo, Jr., City Manager]
- e) City Council will review, discuss, and may act on the City of Windcrest Code of Ordinances as required by the 2023 Texas Legislature, 88th Legislature on the following [Rafael Castillo, Jr., City Manager]:
 - i. Amending Chapter 113, Confirming use Notification and Compensation (S.B. 929).
 - ii. Repealing Chapter 24, Offense and Miscellaneous Provisions, Article IV, Minors (H.B. 1819 – Juvenile Curfew).
 - iii. Reauthorization of Building Permit Fees (H.B. 1922).
 - iv. Amending Chapter 14, Food Regulation (S.B. 577).
- f) City Council will review, discuss, and may on the adoption of policies and procedures as required by the 2023 Texas Legislature, 88th Legislature on the following [Rafael Castillo,

Jr., City Manager]:

- i. Policy prohibiting the installation of use of and requiring the removal of TikTok (S.B. 1893)
 - ii. Policy prohibiting hair discrimination (H.B. 567).
 - iii. Policy implementing the designation and posting of a workplace violence hotline (H.B. 915).
- g) City Council will review, discuss, and receive an update on S.B. 943, Online Public Notice and H.B. 2626, Political Reporting – Election Code adoption. [Rafael Castillo, Jr., City Manager]

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:

- i. Pursuant to Govt. Code §551.087 for deliberation regarding economic development planning and §551.017 for consultation with attorney on the Master Economic Incentive Agreement and Rackspace property.
- ii. Pursuant to Govt. Code §551.071 (consultation with attorney) for deliberation and discussion on legal issues associated with potential litigation involving the City of Windcrest.
- iii. Pursuant to Govt Code §551.071 (consultation with attorney) for deliberation and discussion on the legal issues associated with business registrations, health inspections, and nuisances.

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 December 4, 2023.

BY: //§// Rachel C. Dominguez, City Secretary

ORDINANCE NO. 2023-022(O)

**AN ORDINANCE AMENDING CHAPTER 103, ARTICLE
III – FENCES OF THE WINDCREST CODE OF
ORDINANCES**

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

WHEREAS, the City of Windcrest has an interest in regulating structures within the city limits; and

WHEREAS, the City Council of the City of Windcrest finds it necessary to amend Chapter 103, Article III – Fences in order to update the City's fence permitting rules and that it is in the best interest of the public and the citizens of Windcrest to adopt these regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDREST, TEXAS that Chapter 103, Article III – Fences, of the Windcrest Code of Ordinances shall be amended as follows with underlined text being additions and struck through text being deletions and shall read as follows:

Chapter 103- Building and Building Regulations

Article III - Fences

Sec. 103-93. Definition.

As used in this article, the term "fence" means a permanent fence or wall constructed of chainlink metal, wood, brick, stone, or other similar material.

Sec. 103-94. Permit required.

(a) Applications for building permits for the alteration, repair, or reconstruction of permanently installed fences, when using the same material and placed in the same location, shall not be required, except for a ten-dollar fee for educational materials on proper fence repair under this section. Any resident or property owner repairing their fence shall sign an acknowledgement form attesting that they are not altering or reconstructing the fence in such a way that requires a permit and application under subsections (b) and (c).

(b) Permits are required for the erection, siting, and construction, of permanently installed new fences, and for the alteration, reconstruction, or enlargement of permanently installed existing fences.

(c) Applications for building permits required by this chapter for the erection, siting, and construction, of permanently installed new fences, or for the alteration, reconstruction, or enlargement of permanently installed existing fences, when using different material or when placed in a different location, shall contain the following:

- (1) A survey, drawn to scale, and in such form as may be prescribed by the city council, correctly showing the location and actual dimensions and location of the lot on which the fence is to be erected, sited, constructed, altered, reconstructed, or enlarged, the dimensions and location on the lot of the existing buildings;
- (2) Together with a true statement in writing, signed by the applicant that he will accept all responsibility and liability of any portion of the fence constructed on public property;
- (3) Survey pins shall be placed at the corners and angle points as set out in said survey; and
- (4) Furnishing such other information as said office may require in the enforcement of this article and this chapter.

Sec. 103-95. Dimensions (height regulations).

No fence, screen, wall, or combination thereof shall be erected, sited, constructed, altered, reconstructed, or enlarged to an overall height of more than ~~six~~ eight feet except that this restriction shall not apply to privacy fences or walls separating or enclosing garden homes or similar units having a side line building setback of less than ten feet.

II. CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Windcrest, except where the provisions of this Ordinance are in direct conflict with the provisions of such 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

That it is hereby declared to be the intention of the City Council of the City of Windcrest. 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.

IV. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

DULY PASSED ON FIRST READING, on the _____ day of _____, 2023 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.

DULY PASSED AND APPROVED, on the _____ day of _____, 2023 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 Dominguez, City Secretary

APPROVED:

Ryan Henry, City Attorney

ORDINANCE NO. 2023-023(O)

**AN ORDINANCE OF THE CITY OF WINDCREST, TEXAS,
AMENDING CHAPTER 6 – ANIMALS OF THE
WINDCREST CODE OF ORDINANCES BY CREATING
ARTICLE V – ANIMAL SERVICES ADVISORY
COMMITTEE**

WHEREAS, the City of Windcrest recognizes concerns pertaining to animal welfare being brought forth by City Council, City Administration, and citizens; and

WHEREAS, the City of Windcrest finds the creation of an Animal Services Advisory Committee is necessary to better assist the City with addressing animal welfare within the City, and its code, and to help facilitate responsible animal ownership within the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 6 of the Windcrest Code of Ordinances be amended by creating Article V-Animal Services Advisory Committee with strike-through text being deletions and underlined text being additions and shall read as follows:

Chapter 6 – Animals

Article V – Animal Services Advisory Committee

Sec. 6-160. Animal Services Advisory Committee Established.

- (a) Effective January 1, 2024, the animal services advisory committee is established with staggered terms.
- (b) The appointment for the positions of the established animal services advisory committee, effective January 1, 2024, shall be filled by City Council resolution.

Sec. 6-161. Composition.

- (a) The committee shall consist of seven members, five regular members and two alternates, appointed by the city council. The members shall serve staggered terms of two years. Initially, odd numbered places will be appointed for a two-year term and even numbered places will be appointed for a one-year term. At the expiration of the initial terms, all terms shall be for two years. Vacancies arising during unexpired terms shall be filled for the remainder of the unexpired terms in the same manner as original appointments are made. The mayor shall appoint the initial chair and vice chair of the committee for one-year terms, and thereafter, the city council, upon recommendation of the mayor, shall appoint the chair and vice chair. The office of chair and vice chair shall be for one-year terms and thereafter until a successor is appointed.

- (b) The committee must be composed of at least one municipal official and one citizen residing within the city limits of Windcrest. For the remaining members, licensed veterinarians, people whose duties include the daily operation of an animal shelter, and representatives from animal welfare organizations receive priority of appointment.

Sec. 6-162. Responsibilities.

- (a) Subject to approval of the city council, and in conjunction with city administration, the committee shall:
- (1) Periodically review the procedures regarding the care and maintenance of impounded animals and make recommendations for revisions thereof;
 - (2) Periodically review the city's animal ordinances and make recommendations for revisions thereof;
 - (3) Encourage responsible pet ownership by assisting with advising on an animal registration program and field enforcement services, as well as helping the city coordinate educational services, life safety services, and adoption and placement services; and
 - (4) Perform any other duties assigned by ordinance.

Sec. 6-163. Procedures.

Meetings of the committee shall follow the same rules of procedure followed by the city council at its meetings. The committee shall comply with the Texas Open Meetings Act. Public records of the meetings of the committee shall be prepared and maintained by the city secretary. The committee shall determine the frequency of dates, and times of its meetings, though must meet a minimum of three times per year. After each meeting, the committee shall have a representative report to the city council at their next meeting regarding any action taken or discussion had during the committee meeting.

II. CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Windcrest Code of Ordinances except where the provisions of this Ordinance are in direct conflict with the provisions of such existing Ordinance, in which event the conflicting provisions of such existing Ordinance are hereby repealed and this Ordinance controls.

III. SEVERABILITY

That it is hereby declared to be the intent of the City Council for the City of Windcrest 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 by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality 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 phrases, sentences, paragraphs, or sections.

**IV.
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**V.
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by state and local law.

**VI.
READINGS**

DULY PASSED ON FIRST READING, on the ____ day of _____, 2023 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.

DULY PASSED AND APPROVED, on the ____ day of _____, 2023 at a regular 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

Pending CC Approval

RESOLUTION 2023 - 552(R)

A RESOLUTION ELECTING A MAYOR PRO TEMPORE

WHEREAS, Section 3.11 of the Windcrest City Charter requires the election of a Mayor Pro Tempore; and

WHEREAS, the Windcrest City Council, in accordance with the City Charter, must elect one of its members as Mayor Pro Tempore.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that _____ is hereby elected as Mayor Pro Tempore of the City of Windcrest, by majority vote of a quorum present, said Mayor Pro Tempore will assume said office upon the passage of this resolution.

DULY PASSED AND APPROVED, on the 4th day of December, 2023 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

RESOLUTION 2022-553(R)

**A RESOLUTION TO APPOINT A SENIOR JUDGE,
PRESIDING JUDGE AND ALTERNATE JUDGE TO THE
CITY OF WINDCREST MUNICIPAL COURT OF RECORD**

WHEREAS, Article V, Section 5.07 of the Windcrest City Charter requires the Windcrest City Council to appoint one or more Municipal Judges to serve in the Municipal Court of Record of the City of Windcrest, Texas; and

WHEREAS, the Municipal Judges will serve the remaining term of a two (2) year term running concurrently with the term of the office of the Mayor.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that _____ is hereby appointed as the Senior Judge , _____ is hereby appointed as the Presiding Judge, and _____ is hereby appointed as the Alternate Judge of the Municipal Court of Record of the City of Windcrest, Texas and will assume said position upon the execution of the oath of office.

DULY PASSED AND APPROVED, on the 4th day of December, 2023 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



Request for Council Action

DEPARTMENT: City Manager

REQUESTOR: Rafael Castillo

DEPARTMENT HEAD: Rafael Castillo

IMPACTED DEPARTMENT/'S: (if applicable): Fund 16, Hotel/Motel Tax Fund

SUBJECT: HdL Hotel Occupancy Tax Administration Service (HOT)

BACKGROUND INFORMATION:

Since 2011 The Resource Professional group assumed full administration of the Hotel Occupancy Tax to include registering lodging providers as fiduciary collectors, receipting return and remittance of the Tax, and disbursed receipted funds to the Municipal Corporation; as well as regular reporting to the Municipal Corporation related to receipting and disbursement of funds. Such receipt and disbursement entailed the application and collection of late charges when such are occasioned (and disallowance of the vendor's discount, if such a discount is provided by the Municipal Corporation). This program also presumed and encompassed performance of all components of Group's Local Hotel Occupancy Tax Operation and Compliance Program on an on-going basis, as deemed needed or helpful to promote appropriate collection, and timely return and remittance of the Tax, and to assist the Municipal Corporation in anticipating for and otherwise comprehending this source of revenue.

ISSUE:

The Resource Professional group will discontinue their operation due to the owner passing. All services provided to the City of Windcrest will be discontinued as of 12/31/2023.

ALTERNATIVES:

- Not to approve HdL Hotel Occupancy Tax Administration Service (HOT)
- Approve HdL Hotel Occupancy Tax Administration Service (HOT)

FISCAL IMPACT:

Expenditure Line Item 16-500-050 - \$3,500.00 per year. If more details are needed, please refer to the attached contract.

RECOMMENDATION:

Staff recommends approving HdL Hotel Occupancy Tax Administration Service (HOT)

ORDINANCE NO. 2023-____(O)

AN ORDINANCE REPEALING CHAPTER 24, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE IV, MINORS, OF THE WINDCREST CODE OF ORDINANCES TO COMPLY WITH THE STATE OF TEXAS LEGISLATION PASSED UNDER H.B. 1819 - JUVENILE CURFEW

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

WHEREAS, the State of Texas Legislature meets every two years to update state laws; and

WHEREAS, the State of Texas Legislature in its 88th Legislative Session repealed city juvenile curfew ordinances except for purposes of emergency management effective September 1, 2023; and

WHEREAS, the City Council of the City of Windcrest finds it needs to repeal its juvenile curfew ordinance to comply with the requirements of H.B. 1819.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDREST, TEXAS that Chapter 24, Article IV of the Windcrest Code of Ordinances be repealed in its entirety to comply with the State of Texas Legislation passed under H.B. 1819 - Juvenile Curfew which prohibits cities from enforcing juvenile curfew. All other articles of the chapter remain in full force and effect.

II.

CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Windcrest, except where the provisions of this Ordinance are in direct conflict with the provisions of such 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

That it is hereby declared to be the intention of the City Council of the City of Windcrest. 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.

**IV.
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

DULY PASSED ON FIRST READING, on the _____ day of _____, 2023 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.

DULY PASSED AND APPROVED, on the _____ day of _____, 2024 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 Dominguez, City Secretary

APPROVED:

Ryan Henry, City Attorney

RESOLUTION NO. 2023- (R)

**A RESOLUTION OF THE CITY OF WINDCREST, TEXAS,
CITY COUNCIL ADOPTING A POLICY PROHIBITING
THE INSTALLATION OR USE OF TIKTOK ON CITY
DEVICES TO COMPLY WITH THE STATE OF TEXAS
LEGISLATION PASSED UNDER S.B. 1893 – TIK TOK BAN**

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

WHEREAS, the State of Texas Legislature meets every two years to update state laws; and

WHEREAS, the State of Texas Legislature in its 88th Legislative Session enacted S.B. 1893 - TIK TOK ban effective June 14, 2023; and

WHEREAS, the City Council of the City of Windcrest finds it needs to adopt a policy in accordance with S.B. 1893 – TikTok Ban to prohibit the installation or use of TikTok certain devices.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that the City of Windcrest adopts the policy attached hereto as Exhibit A as its TikTok Ban in compliance with S.B. 1893.

DULY PASSED AND APPROVED, on the _____ day of _____, 2024 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 Dominguez, City Secretary

APPROVED:

Ryan Henry, City Attorney

DRAFT

TikTok Policy

City employees are prohibited from downloading and/or using specific applications on electronic devices owned or leased by the City of Windcrest (“Windcrest Devices”). These applications include: TikTok or any successor application or service developed or provided by ByteDance Limited or any entity owned by ByteDance Limited; social media applications or services specified by proclamation of the governor under Section 620.005; and any applications or services identified by the Department of Information Resources and Department of Public Safety as posing a risk to the state. Any Windcrest Device that currently has any of these applications downloaded must immediately remove them. Notwithstanding the items above, installation and use of the listed specific applications may be used to the extent necessary for providing law enforcement or developing or implementing information security measures. If used for either of the aforementioned reasons, measures must be put into place that mitigate the risks posed to the state during the use of the application(s) and those measures must be documented. Any City employee found to be in violation of this policy shall be subject to reprimand.

City employees are also prohibited from utilizing any personal electronic devices to conduct any City business, if the personal device has any of the above-mentioned applications installed.

RESOLUTION NO. 2023- (R)

**A RESOLUTION OF THE CITY OF WINDCREST, TEXAS,
CITY COUNCIL ADOPTING A POLICY PROHIBITING
DISCRIMINATION BASED ON A PERSON'S HAIR
TEXTURE OR PROTECTIVE HAIR STYLE TO COMPLY
WITH THE STATE OF TEXAS LEGISLATION PASSED
UNDER H.B. 567 – HAIR DISCRIMINATION**

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

WHEREAS, the State of Texas Legislature meets every two years to update state laws; and

WHEREAS, the State of Texas Legislature in its 88th Legislative Session amended public hearing publication requirements effective September 1, 2023; and

WHEREAS, the City Council of the City of Windcrest finds it needs to adopt a policy in accordance with H.B. 567 – Hair Discrimination Based on Race

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that the City of Windcrest adopts a policy attached hereto as Exhibit A as its policy in accordance with H.B. 567.

DULY PASSED AND APPROVED, on the _____ day of _____, 202_ 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 Dominguez, City Secretary

APPROVED:

Ryan Henry, City Attorney

DRAFT