

City of Windcrest



AGENDA

SPECIAL CITY COUNCIL MEETING @ 9:00 A.M. November 15, 2023

CITY COUNCIL CHAMBERS @ 8601 MIDCROWN

SCCM @ 9:00 A.M.

NOTICE IS HEREBY GIVEN THAT THE CITY OF WINDCREST CITY COUNCIL WILL HOLD A SPECIAL CITY COUNCIL MEETING AT WINDCREST CITY HALL LOCATED AT 8601 MIDCROWN, WINDCREST, TEXAS ON THE 15th DAY OF NOVEMBER 2023, STARTING AT 9:00 A.M.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF NOVEMBER 15, 2023, AND TO RECONVENE THE MEETING ON THE FOLLOWING BUSINESS DAY, NOVEMBER 16, 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. 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. CANVASS

- a) City Council will review, discuss, and take action on Ordinance 2023-021(O), an ordinance canvassing the returns of the November 7, 2023 General Election, electing two (2) Councilpersons for Place 4, Place 5, and Mayor for a two-year term, and declaring the results of said election. [Dan Reese, Mayor]

VI. 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

VII. 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 November 15, 2023.

BY: Dusty Dehoyos
Dusty Dehoyos, Assistant City Secretary

ORDINANCE 2023-021(O)

**AN ORDINANCE CANVASSING THE RETURNS OF THE
ELECTION HELD ON THE 7TH DAY OF NOVEMBER, 2023, TO
ELECT TWO COUNCILPERSONS FOR PLACE 4, PLACE 5,
AND MAYOR FOR A TWO- YEAR TERM, AND DECLARING
THE RESULTS OF SAID ELECTION.**

WHEREAS, on the 7th day of November, 2023, an election was held in the City of Windcrest, Texas, to elect two (2) councilpersons to fill Places 4, 5, and the Mayor; and,

WHEREAS, the City Council has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding and making returns of said election; and,

WHEREAS, the election officers who held said election have duly made the returns of the result thereof, and said returns have been duly delivered to the City Council; and

WHEREAS, candidate for Mayor of the City of Windcrest was an unopposed candidate and declared elected; and,

WHEREAS, the following candidates received the number of votes set opposite their respective names, to-wit:

Council Place 4

	Total	Vote%	Election Day	Absentee	Early Voting
Marcus Yax	672	62.22%	205	16	451
Billy Gipson	408	37.78%	148	4	256
Total Votes	1,080	100%	353	20	707

Total Votes Cast: 1,080

Total Number of Counted Provisional Ballots: 0

Total Number of Uncounted Provisional Ballots: 0

Council Place 5

	Total	Vote%	Election Day	Absentee	Early Voting
Belinda Hill-Herbst	516	48.00%	172	8	336
Adam Astleford	559	52.00%	176	14	369
Total Votes	1,075	100%	348	22	705

Total Votes Cast: 1,075

Total Number of Counted Provisional Ballots: 0

Total Number of Uncounted Provisional Ballots: 0

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

1. The City Council officially finds and determines that said election was duly ordered; proper notice of said election was duly given; proper election officers were duly appointed prior to said election; said election was duly held; the City has complied with the Texas Election Code; due returns of the result of said election have been made and delivered; and the City Council has duly canvassed said returns, all in accordance with law and the ordinance calling the election; and
2. That the said MARCUS YAX for City Councilmember Place 4, ADAM ASTLEFORD for City Councilmember Place 5 and DAN REESE for Mayor were duly elected and hereby declared elected to serve in their respective positions for a two-year term commencing on November 15, 2023, and until their successors are duly elected and qualified.

DULY PASSED AND APPROVED, on the 15th day of November, 2023 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:

Michael McCann, City Attorney

Summary Results Report
Jt. Constitutional Amend, Gen, Special, Charter and
Bond Election
November 7, 2023

OFFICIAL RESULTS
Vote Center 255 of 255
Bexar County

For Council, Place 4 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Marcus Yax	672	62.22%	205	16	451
Billy Gipson	408	37.78%	148	4	256
Total Votes Cast	1,080	100.00%	353	20	707
Overvotes	0		0	0	0
Undervotes	80		30	4	46

For Council, Place 5 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Belinda Hill-Herbst	516	48.00%	172	8	336
Adam Astleford	559	52.00%	176	14	369
Total Votes Cast	1,075	100.00%	348	22	705
Overvotes	0		0	0	0
Undervotes	85		35	2	48

For Mayor City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Dan Reese	878	100.00%	290	19	569
Total Votes Cast	878	100.00%	290	19	569
Overvotes	0		0	0	0
Undervotes	282		93	5	184

Jaqueline F. Callan

Summary Results Report
Jt. Constitutional Amend, Gen, Special, Charter and
Bond Election
November 7, 2023

OFFICIAL RESULTS

Bexar County

4050 BS 5

Statistics

	TOTAL	Election Day	Absentee	Early Voting
Registered Voters - Total	1,653			
Ballots Cast - Total	359	132	7	220
Ballots Cast - Blank	0	0	0	0
Voter Turnout - Total	21.72%			

For Council, Place 4 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Marcus Yax	229	67.35%	79	7	143
Billy Gipson	111	32.65%	46	0	65
Total Votes Cast	340	100.00%	125	7	208
Overvotes	0		0	0	0
Undervotes	19		7	0	12

For Council, Place 5 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Belinda Hill-Herbst	140	42.17%	54	1	85
Adam Astleford	192	57.83%	66	6	120
Total Votes Cast	332	100.00%	120	7	205
Overvotes	0		0	0	0
Undervotes	27		12	0	15

For Mayor City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Dan Reese	282	100.00%	101	5	176
Total Votes Cast	282	100.00%	101	5	176
Overvotes	0		0	0	0
Undervotes	77		31	2	44

Summary Results Report
Jt. Constitutional Amend, Gen, Special, Charter and
Bond Election
November 7, 2023

OFFICIAL RESULTS

Bexar County

4051 BS 5

Statistics

	TOTAL	Election Day	Absentee	Early Voting
Registered Voters - Total	1,813			
Ballots Cast - Total	500	164	10	326
Ballots Cast - Blank	0	0	0	0
Voter Turnout - Total	27.58%			

For Council, Place 4 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Marcus Yax	277	60.61%	83	4	190
Billy Gipson	180	39.39%	64	2	114
Total Votes Cast	457	100.00%	147	6	304
Overvotes	0		0	0	0
Undervotes	43		17	4	22

For Council, Place 5 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Belinda Hill-Herbst	208	45.22%	72	3	133
Adam Astleford	252	54.78%	77	5	170
Total Votes Cast	460	100.00%	149	8	303
Overvotes	0		0	0	0
Undervotes	40		15	2	23

For Mayor City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Dan Reese	366	100.00%	122	7	237
Total Votes Cast	366	100.00%	122	7	237
Overvotes	0		0	0	0
Undervotes	134		42	3	89

Summary Results Report
Jt. Constitutional Amend, Gen, Special, Charter and
Bond Election
November 7, 2023

OFFICIAL RESULTS

Bexar County

4107 BS 5

Statistics

	TOTAL	Election Day	Absentee	Early Voting
Registered Voters - Total	1,193			
Ballots Cast - Total	301	87	7	207
Ballots Cast - Blank	0	0	0	0
Voter Turnout - Total	25.23%			

For Council, Place 4 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Marcus Yax	166	58.66%	43	5	118
Billy Gipson	117	41.34%	38	2	77
Total Votes Cast	283	100.00%	81	7	195
Overvotes	0		0	0	0
Undervotes	18		6	0	12

For Council, Place 5 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Belinda Hill-Herbst	168	59.36%	46	4	118
Adam Astleford	115	40.64%	33	3	79
Total Votes Cast	283	100.00%	79	7	197
Overvotes	0		0	0	0
Undervotes	18		8	0	10

For Mayor City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Dan Reese	230	100.00%	67	7	156
Total Votes Cast	230	100.00%	67	7	156
Overvotes	0		0	0	0
Undervotes	71		20	0	51

Summary Results Report
Jt. Constitutional Amend, Gen, Special, Charter and
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November 7, 2023

OFFICIAL RESULTS

Bexar County

4192 BS 5

Statistics

	TOTAL	Election Day	Absentee	Early Voting
Registered Voters - Total	0			
Ballots Cast - Total	0	0	0	0
Ballots Cast - Blank	0	0	0	0
Voter Turnout - Total	0.00%			

For Council, Place 4 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Marcus Yax	0		0	0	0
Billy Gipson	0		0	0	0
Total Votes Cast	0		0	0	0
Overvotes	0		0	0	0
Undervotes	0		0	0	0

For Council, Place 5 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Belinda Hill-Herbst	0		0	0	0
Adam Astleford	0		0	0	0
Total Votes Cast	0		0	0	0
Overvotes	0		0	0	0
Undervotes	0		0	0	0

For Mayor City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Dan Reese	0		0	0	0
Total Votes Cast	0		0	0	0
Overvotes	0		0	0	0
Undervotes	0		0	0	0

Summary Results Report
Jt. Constitutional Amend, Gen, Special, Charter and
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November 7, 2023

OFFICIAL RESULTS

Bexar County

4195 BS 5

Statistics

	TOTAL	Election Day	Absentee	Early Voting
Registered Voters - Total	2			
Ballots Cast - Total	0	0	0	0
Ballots Cast - Blank	0	0	0	0
Voter Turnout - Total	0.00%			

For Council, Place 4 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Marcus Yax	0		0	0	0
Billy Gipson	0		0	0	0
Total Votes Cast	0		0	0	0
Overvotes	0		0	0	0
Undervotes	0		0	0	0

For Council, Place 5 City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Belinda Hill-Herbst	0		0	0	0
Adam Astleford	0		0	0	0
Total Votes Cast	0		0	0	0
Overvotes	0		0	0	0
Undervotes	0		0	0	0

For Mayor City of Windcrest, Texas

Vote For 1

	TOTAL	VOTE %	Election Day	Absentee	Early Voting
Dan Reese	0		0	0	0
Total Votes Cast	0		0	0	0
Overvotes	0		0	0	0
Undervotes	0		0	0	0