

City of Windcrest



AGENDA SPECIAL CITY COUNCIL MEETING @ 6 P.M. NOVEMBER 8, 2023

CITY COUNCIL CHAMBERS @ 8601 MIDCROWN

SCCM @ 6 P.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 8th DAY OF NOVEMBER 2023, STARTING AT 6 P.M.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF NOVEMBER 8, 2023, AND TO RECONVENE THE MEETING ON THE FOLLOWING BUSINESS DAY, NOVEMBER 9, 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
SPECIAL COUNCIL MEETING:**

V. RESOLUTION

- a) The City Council will review, discuss, and may take action on Resolution 2023-547(R) approving authorization of the WEDC mixed use commercial, business, industrial, & retail development project with Industrial Commercial Properties, LLC (“ICP”). [Rafael Castillo Jr., City Manager] 2ND Reading

VI. 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 §551.087 (economic development) and §551.071 (consultation with attorney) for deliberation and discussion on the legal issues associated with the Master Economic Incentive Agreement and Rackspace property.

VII. 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.

VIII. 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.

IX. 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*

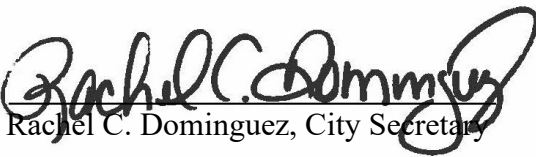
on this opinion.

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 8, 2023.

BY:


Rachel C. Dominguez, City Secretary

RESOLUTION 2023-547(R)

**A RESOLUTION OF THE CITY OF WINDCREST, TEXAS,
CITY COUNCIL AUTHORIZING WINDCREST
ECONOMIC DEVELOPMENT CORPORATION (“WEDC”)
THE INDUSTRIAL COMMERCIAL PROPERTIES MIXED
USE COMMERCIAL, BUSINESS, INDUSTRIAL & RETAIL
DEVELOPMENT PROJECT.**

WHEREAS, the City Council for the City of Windcrest determines that it is in the best interests of the citizens of the City of Windcrest to plan and facilitate a transition of ownership and business operations from the property currently occupied by Rackspace to Industrial Commercial Properties, LLC (“ICP”); and

WHEREAS, the Windcrest Economic Development Corporation (“WEDC”) authorizes the use of WEDC funds for the Industrial Commercial Properties Mixed Use Commercial, Business, Industrial & Retail Development Project (hereinafter “ICP Project”) is a proper and valid use of WEDC funds; and

WHEREAS, the Windcrest City Council approves the project in its current form for the WEDC to spend said funds; and

WHEREAS, the Windcrest City Council authorizes the ICP Project, which shall be the same or substantially similar to the draft MEIA regarding the project, which has been provided to the City Council for consideration. While ICP and the City of Windcrest and the Windcrest Economic Development Corporation may agree to such other or additional terms as needed to help ensure the success of the Project, ICP agrees to the essential terms of the draft Master Economic Incentive Agreement (“MEIA”); and

WHEREAS, the Windcrest City Council approves the ICP Project, but notes the final MEIA must be submitted to the City Council for final approval. The WEDC may proceed forward with final discussions on the ICP project before submitting the final MEIA to the City Council for consideration and approval; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that the City Council of the City Windcrest authorizes both City funds and the Windcrest Economic Development Corporation funds to be contributed towards the Industrial Commercial Properties, LLC Project in its current form. The City Manager is authorized to execute such documents as are required to fulfill the intent of this resolution .

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 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 Dominguez, City Secretary

APPROVED:

Ryan S. Henry, City Attorney