

City of Windcrest



AGENDA

CITY COUNCIL MEETING SEPTEMBER 28, 2020

CITY COUNCIL CHAMBERS @ 8601 MIDCROWN

6:00 P.M.

NOTICE IS HEREBY GIVEN THAT A CITY OF WINDCREST SPECIAL CITY COUNCIL MEETING AND PUBLIC HEARINGS, WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 28TH DAY OF SEPTEMBER 2020, STARTING AT 6 P.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE COUNCIL MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF SEPTEMBER 28TH, 2020, AND TO RECONVENE THE MEETING ON TUESDAY, SEPTEMBER 29TH, 2020, 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.**
 - a) Citizens may address the City Council on topics not on the agenda for no more than three (3) minutes.
 - b) Citizens shall also have the opportunity to address the City Council during consideration of posted agenda items for no more than six (6) minutes.
 - c) A maximum of six (6) members of the public will be permitted in the City Council Chambers at a time. All attendees will be required to be screened for present signs of COVID-19 prior to entering City Hall.
 - d) Four (4) hours prior to the meeting, an email to the city secretary at citysecretary@windcrest-tx.gov is required to be added to the attendee list ensuring proper physical distance seating inside and outside City Council Chambers.
 - e) An email statement may be sent to the City Secretary @ citysecretary@windcrest-tx.gov to be read into the meeting to City Council. Statements will be provided to Council and available to the public not in attendance after the meeting.
 - f) 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. ORDINANCE

- a) City Council will review, discuss, and take action on Ordinance 2020-031, an ordinance adopting Article IV of Chapter 26 of the City of Windcrest's Code of Ordinances, regulating the planting of trees, shrubs, beautification projects on public property. [Joan Pedrotti, Mayor Pro Tem, City Councilmember Place 4] **1st reading**

VI. RESOLUTION

- a) City Council will review, discuss, and take action on Resolution 2020-543, a resolution updating the names of authorized representatives of the City of Windcrest to approve banking transactions at Frost Bank. [Rafael Castillo, Jr., City Manager]
- b) City Council will review, discuss, and take action on a resolution amending the names of authorized representatives of the City of Windcrest to approve financial transactions at TexPool/TexPool Prime. [Rafael Castillo, Jr., City Manager]

VII. DISCUSSION AND ACTION

- a) City Council will review, discuss, and may take action on the Windcrest Economic Development Corporation lease agreement at 8940 Fourwinds. [Rafael Castillo, Jr., City Manager]
- b) City Council will review, discuss, and may take action developing an administrative mechanism requiring the posting of documents related to public meetings of any City Committee, Board or Commission agenda. [Cindy Strzelecki, City Councilmember Place 2]
- c) City Council will review and discuss an amendment to Chapter 109, Section 109-12 – Illuminated Signs. [Dan Reese, Mayor]
- d) City Council will review, discuss, and may take action on the proposed 2021 City Council meeting calendar. [Rafael Castillo, Jr., City Manager]

VIII. CITY MANAGERS REPORT

IX. 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.

X. 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); 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.

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 September 28, 2020.

By: _____

Rachel C. Dominguez, City Secretary

ORDINANCE NO. 2020-031(O)

AN ORDINANCE TO REGULATE THE PLANTING OF TREES, SHRUBS, BEAUTIFICATION PROJECTS ON PUBLIC PROPERTY BY ADOPTING ARTICLE IV OF CHAPTER 26 OF THE CITY OF WINDCREST'S CODE OF ORDINANCES

WHEREAS, the City Council of Windcrest has determined a need to address and regulate the planting of trees, shrubs, and beautification projects including dedicated projects on city property, right of ways, and areas designated as parks or greenspace within the City; and

WHEREAS, the City Council desires that the City's appearance remain well kept, healthy, and safe for public use; and

WHEREAS, the City Council has determined that it is in the best interest to regulate or approve all projects occurring on City property, including planting of trees and shrubs, landscaping, alterations for the overall attractiveness of the property, air quality, safety, and aesthetic of the City; and

WHEREAS, the City Council finds that unauthorized planting or projects may be detrimental to the City's appearance and the safety of citizens, in certain right of ways or city owned property; and

WHEREAS, the City Council finds that well-meaning citizens, in the past, have planted or landscaped on City property without consent and negatively impacted the property; and

WHEREAS, the City Council finds amendments to its Code of Ordinances is necessary to address this issue and to ensure public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Article IV of Chapter 26 of the Windcrest Code of Ordinances is hereby adopted, and the below listed article and sections of Chapter 26 shall read as follows:

Article IV – Citizen Modification of Certain Public Property

Sec. 26-50 – Purpose

All public property owned, leased, or otherwise controlled by the City of Windcrest should be properly maintained and kept in good order. While the City welcomes donations and volunteer time to improve public lands, uncoordinated and unpermitted attempts at improving City property by citizens can cause damage to property, injuries, and violations of state and federal requirements. The purpose of this article is to provide a procedure for citizens to donate and volunteer to help improve public property, without causing unintended consequences.

Sec. 26-51 – Prohibition

No person may perform any of the following actions in violation of this article:

- 1) Plant vegetations, including but not limited to plants, shrubs, trees, vines, and flowers, on any city owned or controlled land without submitting a request to the designated city official or the city manager, and obtaining permission to perform the planting.
- 2) Landscape any city owned or controlled land without submitting a request to the designated city official or the city manager and obtaining permission to perform.
- 3) Structurally or materially alter any city owned or controlled land without submitting a request to the designated city official or the city manager and obtaining permission to perform such alteration.

Sec. 26-52 – Process for Permission

- 1) Any person wishing to request permission to perform any of the actions listed in §26-51 must fill out an application, submit to the city secretary's office and request approval from the designated official or city manager.
- 2) The application must be on a form approved by the city manager's office and contain, at a minimum:
 - a. Applicant's name, address, phone number, and contact information;
 - b. Identification of the property the applicant desires to be approved to alter or improve;
 - c. List the alterations or improvements desired, including specific names of plants, products, locations, etc.;
 - d. List the costs the applicant anticipates expending to perform the improvement and;
 - e. List any anticipated maintenance obligations which will become the responsibility of the city after the alterations or improvements are made.
 - f. All reasons and justifications the applicant believes the improvements are needed or will benefit the citizens of Windcrest.
- 3) An applicant must submit an application fee as listed in the City's master fee schedule.
- 4) The city manager may designate a person to review applications for certain types of property or areas and may delegate the ability to approve or deny applications. Absent a designation by the city manager, the city manager's office serves as the default approval and denial authority for permits.
- 5) The city manager may create any additional procedures and rules for the application and approval process which, in the city manager's sole discretion, are needed to administer this application process, including any criteria for approval or denial.

- 6) If an application is denied, the applicant can file an appeal to the city council for reconsideration by submitting a written request to appeal within ten (10) business days to the city secretary's office. The city council shall consider the appeal within a reasonable time period, given all circumstances affecting the city and the application.

Sec. 26-53 – Enforcement

- 1) Any person who violates a provision of this article shall be guilty of a misdemeanor and subject to the general penalty provisions in §1-5 of the Windcrest Code of Ordinances.
- 2) Any person who violates a provision of this article may also be subject to administrative penalties of no more than \$1,000 a day for each day a violation continues.
- 3) The city may enforce this article through any means permitted under the law, including criminal and civil enforcement. Such enforcement may be brought in any court of competent jurisdiction.

Sec. 26-54 – City Beautification Projects

- 1) Any person wishing for the city to perform alterations or improvements to city owned or controlled property may submit a request for a beautification project to the city secretary's office.
- 2) The application must be on a form approved by the city manager's office and contain, at a minimum:
 - a. Applicant's name, address, phone number, and contact information;
 - b. Identification of the property the applicant desires to be altered or improved;
 - c. A list of the alterations or improvements desired, including any specific names of plants, products, locations, etc.;
 - d. List any anticipated maintenance obligations which will become the responsibility of the city after the alterations or improvements are made;
 - e. List any anticipated costs for the improvements;
 - f. All reasons and justifications the applicant believes the improvements are needed or will benefit the citizens of Windcrest.
- 3) An applicant for a beautification project must pay a fee as listed in the city's master fee schedule.
- 4) Only property owned or controlled by the city qualifies for a beautification project.
- 5) The city manager's office is the authority for approval and denial of any beautification projects.

- 6) The city manager's office may adopt reasonable procedures and policies for evaluating and approving or denying a request. The city manager's determination is final.
- 7) Criteria for evaluating a request should include:
 - a. The impact of approving the request on city operations;
 - b. The location subject to the request and intensity of use by the public;
 - c. The available resources of the city at the time of the request;
 - d. The cost of the request;
 - e. The impact of approving the request on improving the beauty and environment of the city;
 - f. Any other criteria which, in the city manager's sole discretion, are needed to administer this request process.
- 8) If a request is denied, the requestor is permitted to submit the same request to the city council for consideration. However, the submission is not an appeal and is a discretionary request for council consideration.¹

Sec. 26-55– Exclusions

This article does not apply to the following:

- 1) A contractor hired or retained by the city to perform certain improvements, including but not limited to alterations, landscaping, planting, or watering, on city owned or controlled property.
- 2) A city employee when performing the duties assigned by the city, and include making alterations, landscaping, planting, or watering, on city owned or controlled property.
- 3) Any alterations, modifications, or improvements to city owned or controlled roadways, highways, streets, alleyways, or sidewalks when acting pursuant to an authorized governmental entity.²
- 4) Planting or landscaping on a city easement which is located on private property zoned residential and such planting or landscaping is performed or authorized by the property owner or occupier.

¹ Official Comment: The application process for an improvement is for when a citizen intends to donate time or resources to improve city property and simply needs permission to make the improvements. The beautification request process is for when a citizen wants the city to expend taxpayer funds to improve property. As a result, the beautification process does not qualify for an appeal process.

² Official Comment: This is meant to address situations where CPS, SAWS, and other utilities or governmental entities other than the City have a lawful right to make changes to the rights-of-way within the city.

- 5) Any alterations, modifications, or improvements to city owned or controlled property where the city manager has otherwise given express authority for a designated person or persons to make the alterations, modifications, or improvements.

**I.
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 Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**II.
SEVERABILITY**

That it is hereby declared to be the intent 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 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.

**III.
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.

**IV.
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by state and local law. As an amendment to the City's Code of Ordinances, this ordinance is effective immediately upon passage. The criminal penalties are effective upon the proper publication requirements being accomplished under state law.

**THE ADOPTION OF ARTICLE IV, CHAPTER 26 AND ITS SECTIONS ARE TO
BE CONSTRUED CONSISTENT WITH THE WINDCREST CODE OF ORDINANCES.**

DULY PASSED ON FIRST READING, on the _____ day of _____, 2020 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 _____, 2020 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

Application for Citizen Alteration and/ or Improvements to City Property

Please PRINT or TYPE all information requested on this form

PART A Applicant/ Authorized Agent Information

Full Printed Name: _____
LAST FIRST M.I. (optional)

Home Address: _____
NUMBER STREET CITY ZIP

Alternate Address: _____
NUMBER STREET CITY ZIP

Contact Phone Number: _____
(PRIMARY) (SECONDARY)

Contact Email Address: _____

Site Information

Site Address: _____
NUMBER STREET CITY ZIP

*To assist in identifying the site location, please attach a map indicating the area(s) that you wish to alter and/ or improve

PART B DESCRIPTION OF CITIZEN ALTERATIONS AND/ OR IMPROVEMENTS REQUESTED

Alteration or Improvement Requested

Expected Costs of Alteration(s) and/ or Improvement(s)

Expected Maintenance and Costs

Name and type of Vegetation

Reason and Justification for the alterations and/ or improvements requested

Date Submitted

Signature of Applicant

Upon completion of this application, submit to the City Secretary with any attachments to:

Office of the City Secretary
City of Windcrest
8601 Midcrown Drive
Windcrest, TX 78239

City of Windcrest Use Only

Project No.: _____

Total Fees: _____

Payment Method: _____

Submittal Date: _____

Approved by: _____

Approved: _____ Denied: _____ Date: _____

List any restrictions if approved:

Windcrest Beautification Application

Please PRINT or TYPE all information requested on this form

PART A Applicant/ Authorized Agent Information

Full Printed Name: _____
LAST FIRST M.I. (optional)

Home Address: _____
NUMBER STREET CITY ZIP

Alternate Address: _____
NUMBER STREET CITY ZIP

Contact Phone Number: _____
(PRIMARY) (SECONDARY)

Contact Email Address: _____

Site Information

Site Address: _____
NUMBER STREET CITY ZIP

*To assist in identifying the site location, please attach a map indicating the area(s) that you wish to alter and/ or improve

PART B DESCRIPTION OF ALTERATIONS AND/ OR IMPROVEMENTS REQUESTED

Alteration or Improvement Requested

Expected Costs of Alteration(s) and/ or Improvement(s)

Expected Maintenance and Costs

Name and type of vegetation

Reason and Justification for the alterations and/ or improvements requested

Date Submitted

Signature of Applicant

Upon completion of this application, submit to the City Secretary with any attachments to:

Office of the City Secretary
City of Windcrest
8601 Midcrown Drive
Windcrest, TX 78239

City of Windcrest Use Only

Project No.: _____

Total Fees: _____

Payment Method: _____

Submittal Date: _____

Approved by: _____

Approved: _____ Denied: _____ Date: _____

List any restrictions if approved:

City Manager or Designee
Criteria for approving requests made under Article IV
(Office Use Only)

- ☐ Cost associated with maintenance will not exceed the budgeted amount for maintenance of city property
- ☐ Vegetation identified in the request are native species requiring minimal maintenance and upkeep
- ☐ The requested alteration(s) and/or improvement(s) to city property will not increase the burden of the City beyond current capabilities.
- ☐ Maintenance that may be required will not increase for maintaining current city property
- ☐ The requested alteration(s) and/or improvement(s) do not pose safety concerns to the identified location
- ☐ No easement(s) or right-of -way(s) will be obstructed, impeded, or injured in the identified location by the requested alteration(s) and/or (improvement(s).
- ☐ The requested alteration(s) and/or improvement(s) will improve the beauty and environment of the identified location to an extent that justifies the costs that will be incurred by the City for the maintenance of such alteration(s) and/or improvement(s).

☐ Notes: _____

RESOLUTION NUMBER 2020-543(R)

A RESOLUTION UPDATING THE NAMES OF AUTHORIZED REPRESENTATIVES OF THE CITY OF WINDCREST TO APPROVE BANKING TRANSACTIONS AT FROST BANK

WHEREAS, it is necessary to update the names of city personnel authorized to conduct banking transactions at Frost Bank.

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

1. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the City, and are each hereby authorized to transmit funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary to handle bank transactions for the City of Windcrest.

Account Name	Account Number
General Fund Checking Account	XXX-XXXX
Municipal Court Building Security Fund	XXX-XXXX
2019 Series B	XXX-XXXX
Police Education & Training Fund	XXX-XXXX
Asset Forfeiture Seizure Fund State	XXX-XXXX
Municipal Court Technology Fund	XXX-XXXX
Garbage Fund Savings	XXX-XXXX
School Crossing Guard Fund Savings	XXX-XXXX
Asset Forfeiture Seizure Fund Federal	XXX-XXXX
Police Donation Fund Savings	XXX-XXXX
Garbage Fund Checking	XXX-XXXX
Hotel Motel Tax Fund	XXX-XXXX
General Fund Savings	XXX-XXXX
Windcrest Crime Control and Prevention Fund	XXX-XXXX
2019 Series A	XXX-XXXX
Street Fund	XXX-XXXX

2. That an Authorized Representative of the City may be deleted by a written instrument signed by all remaining Authorized Representatives when such Authorized Representative no longer requires access to the City's accounts.

3. That the City may by Amending Resolution add or delete Authorized Representatives.

4. Any other name not listed on this resolution should be removed as an authorized representative.

List the Authorized Representatives of the City.

1. Rafael Castillo Jr. City Manager
Name Title

Signature

2. Donald Hakala Municipal Finance Officer
Name Title

Signature

3. Rachel Dominguez City Secretary
Name Title

Signature

4. Daniel Reese Mayor
Name Title

Signature

5. Joan Pedrotti Mayor Pro Tem
Name Title

Signature

This Resolution shall continue in full force and effect until amended or revoked by the City, and until the Bank receives a copy of any such amendment or revocation.

DULY PASSED AND APPROVED, on the 28 day of September, 2020 at a regular meeting of the City Council of the City of Windcrest, Texas, which meeting was held in compliance with the Open Meetings Act, Tex. Gov't. Code, §551.001, et. seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

Dan Reese, Mayor

ATTEST:

Rachel C. Dominguez, City Secretary

APPROVED:

Ryan Henry, City Attorney

Sec. 109-12. - Illuminated signs.

The use of changeable electronic variable message signs is prohibited in the city after May 19, 2008 except in the I-35 Corridor, and only if approved by the city council. The use of flashing lights, moving lights, animated displays, moving videos or scrolling advertising is prohibited.

(Code 1986, § 4.303; Ord. No. 585, 5-1-2009)

Sec. 109-14. - City gateway signs.

- (a) City gateway signs are signs located in any zoning district of the city on property owned by the city within the I-35 Corridor which identify the city and display information sponsored by the city.
- (b) City gateway signs must comply with all regulations for electronic signs adopted by the Texas Department of Transportation. City gateway signs may not be placed closer than 1,500 feet apart.
- (c) City gateway signs may not exceed 80 feet in height from ground level to the top of the sign and its structure and may not have a display surface in excess of 14 feet high and 48 feet wide.
- (d) Each city gateway sign message shall be displayed for at least eight seconds and a change of message shall be accomplished within two seconds. Each change of message must occur simultaneously on the entire sign face. Each sign must contain a default mechanism that freezes the sign in one position if a malfunction occurs. A city gateway sign shall not display light of such intensity or brilliance to cause glare or otherwise impair the vision of a driver or result in a nuisance to a driver. City gateway sign light intensity exceeding the following intensity levels (nits) constitute excessive intensity or brilliance:

Color	Day Time	Night Time
Red only	3,500	1,125
Green	6,300	2,250
Amber	4,690	1,675
Full Color	6,500	1,000

A city gateway sign applicant shall provide written certification from its sign manufacturer that the light intensity has been factory pre-set not to exceed 6,500 nits and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the city manager.

- (e) Any agreement with a city gateway sign operator for the installation of a city gateway sign shall contain provisions acceptable to the city council for termination by the city, for indemnifying the city against any claims, liability, damages, injuries, deaths or other liabilities asserted against the city on account of damages approximately caused by the operator, and prohibiting the city gateway sign operator from discriminating against advertisements by businesses located within the city as to rates, terms and other conditions of advertising.

- (f) Subject to the freedom of speech provisions of the United States and Texas Constitutions, any city gateway sign operator shall reject advertising that is misleading, offensive, and in particular, the posting of obscene words or pictures.
- (g) City gateway signs shall display without charge messages sponsored by the city which advertise city or city-related events or activities for reasonable intervals between the hours of 6:00 a.m. and 12:00 midnight. The city, through appropriate personnel, may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed via city gateway signs. Upon notification, the sign operators shall display in appropriate sign rotations: Amber Alert emergency information or emergency information regarding terrorist attacks, or natural disasters. Emergency information messages are to remain in rotation according to the designated issuing agency's protocols.
- (h) If any city gateway sign operator is the owner or lessee of a billboard sign within the I- 35 corridor in the city, one billboard sign for each new city gateway sign shall be removed.
- (i) The city manager shall be responsible for the negotiation of any agreement for the installation of a city gateway sign and shall submit any proposed agreement for final approval to the city council before issuing a building permit for a city gateway sign. Any city gateway sign operator shall provide all engineering needed to certify the safety and structural integrity of the sign and shall reimburse the city for the cost of reviewing the engineering report furnished to the city.
- (j) Any regulatory requirement of this section which is more stringent than a similar regulatory restriction of the state or federal government shall prevail over the regulatory restriction of the state or federal government, and any regulatory restriction in this section which is less stringent than a similar regulatory restriction of the state or federal government shall yield to the state or federal government restriction.

(Code 1986, § 4.309; Ord. No. 585, 5-1-2009)