

City of Windcrest



AGENDA CITY COUNCIL MEETING 6:00 PM NOVEMBER 4, 2024

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, NOVEMBER 4, 2024, STARTING AT 6:00 PM.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF MONDAY, NOVEMBER 4, 2024, AND TO RECONVENE THE MEETING ON THE FOLLOWING BUSINESS DAY, NOVEMBER 5, 2024, 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. CONSENT AGENDA

- a) City Council will review, discuss, and may act on an Ordinance amending Chapter 109 Signs Section 109-9 of the City of Windcrest Code of Ordinances. **(2nd Reading)** [Rafael Castillo, City Manager]
- b) City Council will review, discuss and may act on proposed amendments to Chapter 2: Section 2.7 adding restrictions on appointments to the Windcrest Economic Development Corporation. **(2nd Reading)** [Dan Reese, Mayor]
- c) City Council will review, discuss, and may act on an Ordinance regulating prolonged camping on vacant lots in residential neighborhoods to the City of Windcrest Code of Ordinances. **(2nd Reading)** [Rafael Castillo, City Manager]

VI. ORDINANCE

- a) City Council will review, discuss, and may act on an Ordinance approving the City of Windcrest legislative calendar for FY24/25. **(1st Reading)** [Rafael Castillo, City Manager]

VII. RESOLUTION

- a) City Council will review, discuss, and may act on a Resolution appointing a Vice-Chair to the Parks and Recreation Commission. [Rafael Castillo, City Manager]

VIII. DISCUSSION AND ACTION

- a) City Council will review, discuss, and may act on amending the City of Windcrest Code of Ordinance, Chapter 103 Building Code regarding accessory buildings. [Rafael Castillo, City Manager]

IX. 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.

X. 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.

XI. 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 4, 2024.

BY:



Rachel C. Dominguez, City Secretary

**AN ORDINANCE AMENDING THE WINDCREST CODE OF
ORDINANCES, CHAPTER 109 SIGNS SECTION 109-9
EASEMENT OR PUBLIC PROPERTY**

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

WHEREAS, the City Council desires to add the location identified in Exhibit A, off Crestway Dr. Road, as an additional temporary signage placement location;

WHEREAS, the City of Windcrest believes an amendment to the current code is necessary to avoid confusion and keep its ordinances uniform with each other and the old sign ordinance needs to be amended.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 109, Section 109-9 Easements or Public Property is amended as indicated with cross-through text being deletions and underlined text being additions and shall read as follows:

Sec. 109-9 Easement or public property.

No permanent or temporary sign shall be placed or installed over public easements or on public property of the city, except:

- (a) Traffic or other governmental signs necessary for the public health and safety.
- (b) Temporary signs may be placed on the median of Windway.
- (c) Temporary signs may be placed on the median of Eaglecrest between Bayou Bend and Balfour (specifically 751 feet from Bayou Bend to Balfour).
- (d) Temporary signs may be placed along Crestway Road as indicated in Exhibit A.

~~(d)~~(e) Temporary signs may be placed on city owned property adjacent to city owned polling places on election days in compliance with state election laws in the 50-foot area outside of the 100-foot electioneering free zone adjacent to the entry to polling places.

~~(e)~~(f) Temporary signs may be placed on public right-of-way extensions over the public right-of-way between the front property line of private real property and the curb of the street in front of such private real property and the side yard extension over the public right-of-way between the side property line of corner private real property and the curb of the street on the side of such private real property. The placement of

signs in the public right-of-way extensions authorized in this subsection shall require the express consent of the adjacent private real property owner.

DULY PASSED ON FIRST READING, on the 21st day of October, 2024 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 4th day of November, 2024 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 S. Henry, City Attorney



Midtown Cleaners

RESTRICTED

216.7 Ft

14.6 Ft

Restricted

Crestway Dr

Crestway Rd

Crestway Dr

Crestway Rd

Crestway Dr

Jim Seal Dr

Jim Seal Dr

Jim Seal Dr

608

6814

Layers

**AN ORDINANCE AMENDING THE WINDCREST CODE OF
ORDINANCES, CHAPTER 2 ADMINISTRATION ARTICLE
I SECTION 2-7 BY ADDING RESTRICTIONS ON
APPOINTMENTS TO THE WINDCREST ECONOMIC
DEVELOPMENT CORPORATION**

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

WHEREAS, the City of Windcrest has created an economic development corporation to operate within the City's jurisdiction; and

WHEREAS, the City Council for the City of Windcrest appoints members to the board of the Windcrest Economic Development Corporation, which is the entity's governing body; and

WHEREAS, state law allows the City Council to appoint up to three councilmembers to the board of the Windcrest Economic Development Corporation; and

WHEREAS, the City Council for the City of Windcrest finds it helps to avoid confusion, helps to avoid appearances of improper influence, helps avoid Open Meetings Act violations, and is a better operational choice for the City to self-restrict its appointments and prohibit the City Council from appointing sitting councilmembers to the board of the Windcrest Economic Development Corporation, and

WHEREAS, the City Council for the City of Windcrest finds such self-restriction to be for the benefit of the City and the public in general.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 2, Article I is hereby amended by adding Section 2-7 and placing restrictions on appointments to the Windcrest Economic Development Corporation as indicated with cross-through text being deletions and underlined text being additions and shall read as follows:

Sec. 2-7 Appointments and Restrictions on Appointments to the Windcrest Economic Development Corporation

- a) The City Council shall appoint members to the board of directors of the Windcrest Economic Development Corporation. Such appointments must comply with the bylaws and articles of incorporation of the Windcrest Economic Development Corporation and with state law.
- b) The City Council may not appoint a sitting council member to the board of directors of the Windcrest Economic Development Corporation. If a sitting board member is elected or appointed to the City Council such constitutes an automatic resignation from the

individual's position on the board of directors of the Windcrest Economic Development Corporation.

DULY PASSED ON FIRST READING, on the 21st day of October, 2024 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 _____, 2024 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 S. Henry, City Attorney

ORDINANCE NO. 2024-____(O)

**AN ORDINANCE OF THE CITY OF WINDCREST, TEXAS
PROHIBITING CAMPING WITHIN THE CITY LIMITS ON
VACANT LOTS; AND 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, Texas desires to ensure the continued health and safety of its residents by managing the use of vacant places with the City; and

WHEREAS, the City finds that managing the use of vacant spaces within the City supports the economic development of the City and the public safety; 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, a violation of this ordinance would be a class C misdemeanor offense punishable by a fine not exceeding \$500.00 (five-hundred dollars); 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 the Code of Ordinances of the City of Windcrest, Texas is hereby amended by adding ARTICLE X, Section 24-240 to Chapter 24, which shall read as follows:

ARTICLE X – CAMPING

Section 24-240.

(a) In this section:

- (1) “camp” or “camping” means to reside in a place with shelter.
- (2) “shelter” includes a tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of temporary, or semipermanent shelter other than clothing, or any handheld device, designed to protect a person from the weather condition that threatens personal health and safety.

- (b) A person commits an offense if the person camps in a vacant lot or yard.
- (c) Camping is prohibited on public property except as may be specifically authorized by the City Manager.
- (d) The following activities constitute prima facie evidence of camping on a vacant lot, but are not the exclusive means of establishing camping activity:
 - (1) Cooking;
 - (2) Making a fire or fire pit;
 - (3) Storing or use of camping equipment including but not limited to tents, sleeping bags, portable grills, or other equipment customarily used for camping activities;
 - (4) Digging;
 - (5) Sleeping.

III. 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.

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 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. EFFECTIVE DATE

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

DULY PASSED ON FIRST READING, on the 21st day of October, 2024 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 _____, 2024 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 _____

**AN ORDINANCE OF THE CITY OF WINDCREST
AMENDING THE LEGISLATIVE CALENDAR FOR
FISCAL YEAR 2024/2025.**

WHEREAS, the City of Windcrest City Council regularly meets on the 1st and 3rd Monday of every month at 6:00pm per the City Charter; and

WHEREAS, the City Council recognizes three (3) regular City Council meetings fall on Federal and City observed holidays; and

WHEREAS, the City Council recognizes the need for City staff to prepare for Fiscal Year 2025/2026 budget presentations and Council budget retreat/workshop in March 2025; and

WHEREAS, the City Council finds it is in the best interest of the citizens and good governance to set and adopt this legislative calendar for the upcoming 2024/2025 fiscal year to give notice to the citizens and the community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that the City of Windcrest City Council legislative calendar for Fiscal Year 2023/2024, be amended as outlined in “Exhibit A.”

This Ordinance shall become effective immediately upon its passage.

DULY PASSED ON FIRST READING, on the 4th day of November, 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.

DULY PASSED ON SECOND READING, 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 C. Dominguez City Secretary

APPROVED:

Ryan S. Henry, City Attorney

Proposed City Council Legislative Calendar

October 1, 2024 – September 30, 2025

Monday, October 7, 2024 @ 6PM	
Monday, October 21, 2024 @ 6PM	Department Heads Reports @ 5 PM
Monday, November 4, 2024 @ 6PM	
Monday, November 18, 2024 @ 6PM	Department Heads Reports @ 5 PM Canvass of November 5, 2024 General Election
Monday, December 2, 2024 @ 6PM	
Monday, December 16, 2024 @ 6PM	Department Heads Reports @ 5 PM
Monday, January 6, 2025 @ 6PM	
Monday, February 3, 2025 @ 6PM	
Monday, March 3, 2025 @ 6PM	
Monday, March 17, 2025 @ 6PM	Department Heads Reports @ 5 PM
Monday, April 7, 2025 @ 6PM	
Monday, April 21, 2025 @ 6PM	Department Heads Reports @ 5 PM
Monday, May 5, 2025 @ 6PM	
Monday, May 19, 2025 @ 6PM	Department Heads Reports @ 5 PM
Monday, July 7, 2025 @ 6PM	
Monday, July 21, 2025 @ 6PM	Department Heads Reports @ 5 PM
Monday, August 4, 2025 @ 6PM	
Monday, August 18, 2025 @ 6PM	Department Heads Reports @ 5 PM
Monday, September 15, 2025 @ 6PM	Adoption of FY 25/26 Budget & Tax Rate

TARGET FY 25/26 BUDGET CALENDAR

- **MARCH: PRIORITIES GOAL SETTING RETREAT W/ CITY COUNCIL FOR FY 25/26**
Monday, March 10, 2025 Day Time Retreat
 - Council to identify budget priorities for City Staff bring back with proposed funding for FY25/26 budget.
 - Council to identify initiatives priorities to fund for FY25/26
- **JUNE: City Manager & Department Head FY25/26 Budget Development for July Budget Workshops – No CC Meetings**
- **JULY 16,17, AND 18 (IF NEEDED): BUDGET WORK SESSIONS W/ CITY COUNCIL & DEPARTMENT HEADS FOR FY25/26**

CANCELED CITY COUNCIL MEETINGS - CITY OBSERVED HOLIDAYS

- January 20, 2025 City observed holiday: Martin Luther King Day
- February 17, 2025 City observed holiday: Presidents' Day
- September 1, 2025 City observed holiday: Labor Day

RESOLUTION

**A RESOLUTION TO APPOINT A PARKS AND
RECREATION COMMISSION 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 need to appoint a new Vice Chairperson to ensure a facilitator will be available for set meetings and run the meetings in an orderly manner, when the current Chairperson is absent;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS hereby appoints _____ 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 4th day of October, 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 C. Dominguez, City Secretary

APPROVED:

Ryan S. Henry, City Attorney