

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
February 24, 2022

The City of Helotes City Council met for a regular meeting on Thursday, February 24, 2022, at 7:00 p.m. in the City Hall Council Chamber, 12951 Bandera Road, Helotes, Texas. This was an open meeting, subject to the open meeting laws of the State of Texas.

Present: Rich Whitehead, Mayor
Craig Sanders
Linda Salazar
Matthew McCrossen
Cynthia Massey
Matthew Merchant

Staff Present: Marian Mendoza, City Administrator
Celina Perez, City Secretary
Frank Garza, City Attorney
Michael Gallardo, DS Coordinator
Joshua Mair, Public Works Director
April Newby, Human Resources

1. Call to Order.

Mayor Whitehead called the meeting to order at 7:00 p.m. Before the invocation, Mayor Whitehead had a few remarks. First, he expressed his heartfelt condolences on the passing of two San Antonio firefighters. Next, he mentioned the tragedies occurring to the people of Ukraine and asked to keep them in mind. Lastly, he addressed anti-Semitic propaganda found in Helotes and publicly denounced the propaganda and any act of hate.

Mayor Whitehead welcomed Rabbi Yoel Lax. Rabbi Lax led the invocation.

Mayor Whitehead led the pledge to the U.S. flag, and the pledge to the Texas flag.

OPEN SESSION:

2. Citizens to be Heard.

Robert Luedecke, Dennis Holloway, Alexandra Fontanes, Janine Primomo, and Judith Hurst spoke against the QuikTrip convenience store and automobile filling station being proposed at the intersection of Bandera and Scenic Loop Road. Reasons for opposition include concerns on tree conservation, traffic, stormwater run-off, noise pollution, and lighting.

Wayne Purcell and Jeff Felty spoke in favor of the proposed QuikTrip. Reasons for support include the subject property is zoned commercial and allows for this type of development, noise pollution has existed in the subject area for decades (live music from Floore's), the revised building and fuel canopy design show added rock to fit better within the Helotes area, and confidence in city planning to execute well-designed growth that still has a "country-feel".

CONSENT AGENDA (ITEM NOS. 3 - 5): All items marked with an asterisk (*) on the consent agenda were voted on by one motion. Motion was made by Council Member Sanders, second by Council Member Salazar, to approve items 3 through 5 on the consent agenda. Motion to approve carried unanimously.

- 3.* Approval of the minutes of the Regular Meeting dated February 10, 2022. (Staff)**
- 4.* Approval of a Resolution of the City Council of the City of Helotes, Texas authorizing the closure of portions of Old Bandera, Bandera (S.H. 16), Leslie, Signal Hill and Rainbow Ridge Roads during certain hours for the 55th Annual Helotes Cornyval Parade; approving a parade route parade; and approving notification to the Texas Department of Transportation (TxDOT). (Staff)**
- 5.* Acceptance of the resignation of David Cato from the City of Helotes Board of Adjustment, Place Four. (David Cato)**

MAYOR'S REPORT:

- 6. Updates on the following: (Mayor Whitehead)**
 - The Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Award received on the City's FYE 2020 Audit;**
 - Upcoming Open Meetings Act Training;**
 - Upcoming Request for Proposals (RFP) on Towing Services;**
 - Upcoming Request for Bids (RFB) on the construction of restrooms at the Helotes City Park and Helotes Fitness Park & Disc Golf Course; and**
 - Street Clean Up organized by Council Member Craig Sanders.**

Mayor Whitehead proudly announced the City received, for the first time, the GFOA Certificate of Achievement for Excellence in Financial Reporting Award. The City's Fiscal Year Ending (FYE) 2020 Financial Audit was judged by an impartial panel to meet the high standards of transparency and full disclosure. This certificate is the highest form of recognition in governmental accounting and financial reporting. Mayor Whitehead acknowledged Finance Director Taby Durr and Staff for their level of commitment. Mayor Whitehead went on to report Council will attend an Open Meetings Act Training in the future. Upcoming bids projects include an RFP on Towing Services and an RFB on public restrooms at the City Park and Fitness Park. Finally, Council Member Sanders was recognized for organizing a volunteer street clean up along Bandera Road, where almost ten, 42-gallon bags were filled up.

ITEMS FOR INDIVIDUAL CONSIDERATION:

7. **Discussion of and action on a request by QT South LLC, for approval of a conceptual design plan for QuikTrip No. 4022, a convenience store and automobile filling station, being proposed at the intersection of State Highway 16 (Bandera Road) and Scenic Loop Road, more generally described as BCAD Prop. ID No. 242050, and including the following:**

- a. **Site plan and building design;**
- b. **Exterior lighting; and**
- c. **Signage, with two variances on the wall sign part. (Applicant)**

(Note: On February 1, 2022, the Planning & Zoning Commission recommended disapproval of the above conceptual design plan for QuikTrip No. 4022.)

Motion was made by Council Member Massey, second by Council Member Merchant, to discuss and act on this item as written.

Speaking on this item was David Wanders, Real Estate Project Manager for QuikTrip. David provided a brief history on QuikTrip and pointed out the changes made to the monument sign and store design, since appearing before the Planning & Zoning Commission.

Council Member Massey kicked off discussion by stating the land in question has been zoned B-2 since the City's incorporation in 1982. Scenic Loop was zoned B-2 up to Marnoch Road, because at that time of incorporation, there were two business already there. The auto repair shop and the Helotes Echo, which was located in the Marnoch homestead. The Helotes Echo is long gone from the area, but the auto repair shop continues to operate, and now a legal transcription business that was built a few years ago. Bandera Road has long been a class one road, a designation in the Texas government code, whereas such roads are commercially zoned for the obvious reason of volume of people passing through. According to the City's zoning law, QuikTrip has the right to build on the subject property. Council Member Massey appreciated the efforts of the company to revise their plans, however, she touched on some concerns. According to the Texas Administrative Code, a double walled tank and piping system shall be installed for any underground storage tank system situated on the Edwards Aquifer contributing zone. Double walled tanks and piping systems are basically a tank inside of a tank or a pipe inside of a pipe. The void space between the inner and outer walls of the tank or pipe are there to contain any spillage from the primary tank or pipe. This space contains sensors that alarm in the event of contact with gasoline or diesel. If the system goes into alarm, it shuts down all pumps. Additionally, the tanks today are made of fiber glass. They do not rust, which is what caused leaks in the old steel barrel tanks of yesteryears. In fact, steel tanks are now outlawed in the United States by the EPA. Lastly, Council Member Massey had concerns on oil run-off mitigation and traffic impacts. She requested QT provide a response on the aforementioned concerns.

Council Member Sanders reiterated the City has to follow laws and ordinances. He kindly voiced two suggestions: utilizing iron rod fencing (if there will be fencing) and creating a place for the runners and cyclists of this area. To conclude, Council Member Sanders mentioned the proposed lighting not only meets city ordinance, it also meets the International Dark Sky Association, an association that was started by astronomers.

David confirmed there will be double walled underground storage tanks with a Warren Rodgers System that fully monitors the tanks. When it comes to run off, there is a “snout” that will separate pollutants from the water. Regarding traffic, TxDOT is requiring a more appropriate deceleration turn lane on Bandera Road.

Mayor Whitehead noted this is the first step in the development process. There are other final reviews that will need to be done. He addressed comments on endangered species, citing this was an issue years ago on the opposite corner, and not on this site. There being no further discussion, Mayor Whitehead called the question on each part of this item.

Item No. 7a - Motion was made by Council Member Massey, second by Council Member Merchant, to approve the site plan and building design as presented.

Motion to approve carried: 4 Ayes – Council Member Sanders, Council Member Mccrossen, Council Member Merchant, and Council Member Massey; 1 Nay – Council Member Salazar.

Item No. 7b - Motion was made by Council Member Massey, second by Council Member Merchant, to approve the exterior lighting as presented.

Motion to approve carried: 4 Ayes – Council Member Sanders, Council Member Mccrossen, Council Member Merchant, and Council Member Massey; 1 Nay – Council Member Salazar.

Item No. 7c - Motion was made by Council Member Massey, second by Council Member Merchant, to approve the signage as presented, specifically including the following:

- 1.) One monument sign, with service station price panels, along State Highway 16;
- 2.) Two button signs on the fuel canopy; and
- 3.) Wall signage, with two variances (size and number), to allow the QuikTrip Channel Letter Sign and two QT Button Signs on the front façade totaling a size of 100.2 s.f

Motion to approve carried: 4 Ayes – Council Member Sanders, Council Member Mccrossen, Council Member Merchant, and Council Member Massey; 1 Nay – Council Member Salazar.

8. Discussion of and action on the appointment of Todd Compton to the City of Helotes Board of Adjustment, Place Four, with a term expiring May 2023. (Mayor Whitehead)

Motion was made by Council Member Sanders, second by Council Member Merchant, to discuss and act on this item as written.

Todd Compton applied to fill the vacancy of BOA Member, Place Four, with a term expiring May 2023. The Place Four seat was held by David Cato, who resigned due to his appointment to the Planning & Zoning Commission.

Motion to approve carried unanimously.

9. Discussion of and action on the City of Helotes Street Maintenance Plan for Year 2022, including, but not limited to, publication of the associated bid documentation, award of contract to the lowest responsible bidder(s), and expenditure of funds from the dedicated Street Maintenance Fund. (Staff)

Motion was made by Council Member Merchant, second by Council Member Salazar, to discuss and act on this item as written.

Joshua Mair, Public Work Supervisor, presented a recap of the 2021 Street Maintenance Plan and the recommended activities for the 2022 Street Maintenance Plan. The 2022 recommended activities consist of microsurfacing, HA5 treatment, and thermoplastic road striping throughout the Iron Horse and Bricewood Subdivisions and mill/overlay on Leslie Road. Approval of this item includes the presented 2022 Street Maintenance Plan; the publication of bid documentation to be prepared by Staff; the award and execution of contracts to the lowest responsible bidder(s), as determined by Mayor and Staff; and the expense of budgeted funds from Account No. 14-510-5300 *Street Maintenance Expenditures* in an amount not to exceed \$700,000.00. The 2022 Street Maintenance Plan will come back to Council if the streets are updated, or if the expenditure amount exceeds \$700,000.00.

Motion to approve carried unanimously.

10. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas approving amendments to the City of Helotes Personnel Policy and Procedures Manual Chapter 12 *Employee Benefits* by revising certain subsections in Section 12.1 *Benefits* and Section 12.2 *Leaves* to reflect changes on certification and holiday pay eligibility. (Staff)

Motion was made by Council Member McCrossen, second by Council Member Sanders, to discuss and act on this item as written.

Speaking on this item was April Newby, Human Resources. The proposed amendments in Section 12.1 *Benefits*, subsection c *Certification Pay* will remove the stipulation that new hires must complete their original probationary period before receiving certification pay and add additional certifications that are relevant to the growing scope of work performed by Public Works. The proposed amendment in Section 12.2 *Leaves*, subsection b *Holiday Leave* will add a provision to address holiday pay. Employees that call in the day before or after a City approved holiday, will not receive holiday pay. Council Member Merchant suggested inserting language to accommodate for legitimate excuses, such as a death in the family. April advised language could be inserted.

Motion to amend was made by Council Member McCrossen, second by Council Member Sanders, to approve this item, contingent on adding language in Section 12.2 *Leaves*, subsection b *Holiday Leave*, whereas based on the validity of the call in, the Department Head or City Administrator can authorize holiday pay.

Amended motion to approve carried unanimously.

11. **Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas authorizing amendments to the FYE 2022 City of Helotes Municipal Budget Section *Personnel, Benefits, and Holiday Schedule*, subsection *Certification Pay Schedule* by revising the eligible certifications offered by Public Works. (Staff)**

Motion was made by Council Member Sanders, second by Council Member Merchant, to discuss and act on this item as written.

Speaking on this item was April Newby, Human Resources. This item will formally adopt the pay schedule of the additional Public Works certifications presented under Agenda Item No. 10. The additional certifications are Certified Auto CAD User, Certified Irrigation Repair Tech, Landscaping 101, and any Awarded AWPW Certification. Additionally, this amendment will increase the pay schedule for TDA Vector Control Certified Application from \$300.00 per year to \$600 per year. It was noted that certification pay is not cumulative and the maximum amount allowed is \$900.00 per year.

Motion to approve carried unanimously.

12. **Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas amending Municipal Code of Ordinances Chapter 86 *Traffic and Vehicles* by revising Article V *Parades and Public Gatherings* to update portions of the permitting process. (Staff)**

Motion was made by Council Member Salazar, second by Council Member Merchant, to discuss and act on this item as written.

The proposed amendment will incorporate a provision that enables Staff to have administrative oversight and not issue an event permit, if Staff finds that the said event conflicts with another proximate event or interferes with construction/maintenance work in the immediate vicinity. An example of this occurring in the past was an applicant wanting to have a run along Riggs/Old Bandera Road at the same time that Our Lady of Guadalupe Catholic Church was holding services. Further amendments include changing the application review time by Staff from 5 days to 15 days and removing that a copy of an approved permit be sent to each Council person.

Motion to approve carried unanimously.

13. **Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas approving the terms of a New Joint Use Agreement between the Bluffs at Old Town Helotes LLC., managing members Kenneth and Mary Sue Dempsey, and the City of Helotes, for the setup, production, and teardown of the *MarketPlace at Old Town Helotes* on property located at 14391 Riggs Road, Helotes, Texas 78023; and authorizing the Mayor to negotiate and execute said Agreement. (Staff)**

Motion was made by Council Member Massey, second by Council Member Merchant, to discuss and act on this item as written.

On January 13, 2022, Mayor Whitehead reported the amended Joint Use Agreement with Kenneth and Mary Sue Dempsey for the setup, production, and teardown of the *MarketPlace at Old Town Helotes* had not been signed by the Dempsey's. The amended agreement was approved by Council on June 24, 2021. Lack of execution prevented the City from issuing monthly payment of \$1,000.00 for use of the property. The amended agreement could not remain open and was revoked. The existing agreement, valid until May 2023, remained in place and allowed *MarketPlace* to continue. On February 2, 2022, the City received a 60-day written notice from the Dempsey's to terminate the existing agreement.

This item will establish a new, revised Joint Use Agreement. Provisions being proposed include the removal of *Jazz a'Round Old Town Helotes* (this is event is no longer being held); removal of golf cart usage; defining property use, to include public restrooms and a storage building; defining responsibilities of the property owner and the City; and paying the property owners a monthly use fee not to exceed \$1,500.00 for the City's production of *MarketPlace at Old Town Helotes*.

Motion to approve authorizing the Mayor to negotiate and execute a revised Joint Use Agreement between the City and the Dempsey's, with a use fee not to exceed \$1,500.00 per month, carried unanimously.

Mayor Whitehead read the caption below and adjourned into closed session at 9:37 p.m.

CLOSED SESSION:

14. Closed Session in accordance with Texas Government Code §551.074 *Personnel Matters*. In addition to the matters listed below, any matter scheduled for Open Session may be discussed in Closed Session, as appropriate and authorized by law:

- **§551.074 *Personnel Matters* - Discuss the appointment, qualifications, and duties of public officers on City of Helotes Municipal Boards & Commissions.**

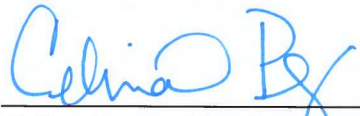
Mayor Whitehead convened the meeting into open session at 10:01 p.m. and announced no action had been taken in closed session.

Adjourn

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 10:01 p.m.


Rich Whitehead, Mayor

ATTEST:


Celina Perez, City Secretary

