

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
May 26, 2022

The City of Helotes City Council met for a regular meeting on Thursday, May 26, 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
Jen Sones
Matthew McCrossen
Cynthia Massey
Matthew Merchant

Staff Present: Marian Mendoza, City Administrator
Celina Perez, City Secretary
Frank Garza, City Attorney
Joshua Mair, Public Works Director

1. Call to Order.

Mayor Whitehead called the meeting to order at 7:00 p.m. Associate Pastor Austin Binkley, Helotes Independent Baptist Church, led the invocation. Mayor Whitehead led the pledge to the U.S. flag and the Texas flag.

CEREMONIAL:

2. Oath of Office administered by presiding Helotes Municipal Court Judge Mario Trevino to the following:

- **Council Place 1 – Craig Sanders;**
- **Council Place 2 – Jen Sones; and**
- **Council Place 4 – Cynthia Massey.**

Mayor Whitehead welcomed presiding Helotes Municipal Court Judge Mario Trevino. Judge Trevino proceeded with administering the ceremonial Oath of Office. (Note - Mayor Whitehead administered the official Oath of Office to Craig Sanders, Jen Sones, and Cynthia Massey on May 17, 2022.)

OPEN SESSION:

3. Citizens to be Heard.

Megan Merchant spoke on the painful school shooting at Robb Elementary in Uvalde, Texas. Megan implored Council, as the city's local representatives, to support the Safer Schools Act (H.R.2717) by contacting state representatives. She further asked Council to urge the Northside Independent School District Board to impose stricter security regulations, increase avenues of direct communication to local law enforcement offices, and give teachers/administrators more training.

CONSENT AGENDA (ITEM NOS. 4 - 5): All items marked with an asterisk (*) on the consent agenda were voted on by one motion. Motion was made by Council Member Massey, second by Council Member Sanders, to approve items 4 and 5 on the consent agenda. Motion to approve carried unanimously.

- 4.* Approval of the minutes of the Regular Meeting dated May 12, 2022, and of the Special Meeting dated May 17, 2022. (Staff)**
- 5.* Approval of a Fireworks Display Permit pursuant to Municipal Code of Ordinances Chapter 38 *Fire Prevention and Protection*, Article V *Fireworks*, Section 38-53 *Permit*, for the City of Helotes Independence Day Celebration & Fireworks Spectacular located at the Helotes Festival Grounds, 12210 Leslie Road, on Sunday, July 3, 2022; and authorizing the Mayor to execute a Facility Use Agreement for said event. (Staff)**

MAYOR'S REPORT:

- 6. Updates on the following: (Mayor)**
 - **First ever *Helotes Music Nights* held at City Hall on Friday, May 20, 2022;**
 - **Announcement of summer hours for *MarketPlace at Old Town Helotes* during the months of June, July, and August 2022; and**
 - **Invitation to Bid for an HVAC & Purification Project at City Hall and the Fire Station.**

Mayor Whitehead reported the first *Helotes Music Nights* event was held on Friday, May 20 under the pavilion at Helotes City Hall. This event series showcases the Helotes Area Community Band. The second music night event will be held on Friday, June 17. Next, due to the heat, *MarketPlace at Old Town Helotes* will take place from 9:00 a.m. to 3:00 p.m. during the months of June through August 2022. Lastly, bids are being accepted for an HVAC & Purification Project at City Hall and the Fire Station (Information on this Invitation to Bid can be found on the City website).

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 7. Discussion of and action on a request by Marksmen General Contractors for approval of two (2) variances to Municipal Code of Ordinances Chapter 66 *Signs*, Section 66-49 *Commercial Signs: Single-Business Use Monument Type*, authorizing size and height allowances on a monument sign for Bexar County Emergency Service District (ESD) No. 7 Fire and Rescue, Station 115, located at 11615 Galm Road, San Antonio, Texas 78254, and identified as BCAD Property ID No. 1258890. (Applicant)**

(Note: On May 10, 2022, the Planning & Zoning Commission recommended denial (5-1 vote) on a request for variances on size and height for a monument sign for Bexar County ESD No. 7.)

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

Discussion included the brick monument sign, with an LED screen, was erected without a permit. As a result, the City issued a stop-work order. The contractor continued to work on the monument sign and installed signage letters and a logo plaque. Thereafter, the contractor submitted a sign permit application and variance application. The variance requests are for: 1.) *Size* - Allow a sign size of 120 square feet (size exceeds Code by 36 square feet), and 2.) *Height* – Allow a sign height of 10 feet (height exceeds Code by 2 feet).

Frank Garza, City Attorney, pointed out that the LED screen is allowed by City code through the provision that it only be used to display official notifications, such as to inform the public of a no burning notice or to announce an upcoming public CPR class. Frank went on to say the County Attorney assumed the ESD, a governmental entity, was exempt from permitting.

The Council echoed frustration regarding the contractor not following the permitting process. After some debate, most of the Council took into account the incorrect legal advice given by the County Attorney. Furthermore, most of the Council had no objection to the overall appearance of the as-built monument sign. Finally, the Council confirmed administration would assess all applicable penalty fees to the contractor for performing work without a permit and continuing work after a stop-work order.

There being no further discussion, Mayor Whitehead called the question.

Motion to approve the two variances as written in Item No. 7 carried: 4 Ayes – Council Member Massey, Council Member Sanders, Council Member Sones, and Council Member McCrossen; 1 Nay – Council Member Merchant.

8. Discussion of and action on a request by Birvek Retail 2 LLC for approval of a variance to Municipal Code of Ordinances Chapter 94 *Vegetation*, Section 94-24 *General Requirements*, subparagraph (b)(1)(c) *Screening of Parking Lot*, authorizing an exception to the minimum planting requirements for Helotes Crossing Retail Center, a commercial development located at 12423 Bandera Road, Helotes, Texas 78023, and identified as BCAD Prop. ID No. 239951. (Applicant)

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

Discussion included Texas Department of Transportation (TxDOT) removed the natural trees in front of Helotes Crossing Retail Center, as part of the State Highway 16 expansion project. With the trees removed, the retail center does not meet the minimum planting requirements for screening a parking lot. The TxDOT survey provided to the applicant shows the right-of-way land acquisition to the existing sidewalk in front of the retail center. Based off the survey, Joshua Mair, City Arborist, determined it would be difficult for the applicant to meet the planting requirements for screening the parking lot.

Motion to approve the variance as written in Item No. 8 carried unanimously.

9. Discussion of and action on appointing the following Council Members to serve as a liaison to each of the listed municipal boards:

- **Council Member Sanders - Economic Development Corporation;**
- **Council Member Merchant - Board of Adjustment; and**
- **Council Member Sones - Planning & Zoning Commission. (Mayor)**

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

Motion to approve the item as written carried unanimously.

Mayor Whitehead read the caption below and adjourned into closed session at 7:45 p.m.

CLOSED SESSION:

10. 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* - To deliberate the selection of Mayor Pro Tem from the City of Helotes City Council for the term May 2022 to May 2023.**

Mayor Whitehead convened the meeting into open session at 7:54 p.m. and announced no action had been taken in closed session.

ITEMS FOR INDIVIDUAL CONSIDERATION:

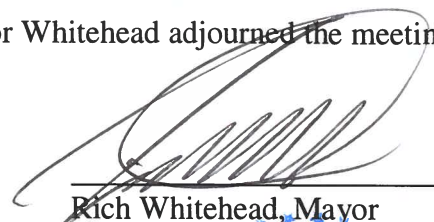
11. Discussion of and action on the selection of a Mayor Pro Tem from the City of Helotes City Council for the term May 2022 to May 2023. (City Council)

Motion was made by Council Member McCrossen to nominate Council Member Massey as Mayor Pro Tem for the term May 2022 to May 2023. Second by Council Member Merchant.

Motion to approve carried unanimously.


Adjourn

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 7:56 p.m.



Rich Whitehead, Mayor

ATTEST:



Celina Perez, City Secretary

