

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
January 12, 2023

The City of Helotes City Council met for a regular meeting on Thursday, January 12, 2023, 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: Celina Perez, City Secretary
Frank Garza, City Attorney

1. Call to Order.

Mayor Whitehead called the meeting to order at 7:03 p.m. Council Member Massey led the invocation. Mayor Whitehead led the pledges to the U.S. flag and to the Texas flag.

RECOGNITION:

2. Honoring the 20th Anniversary and celebrating the service of the Helotes Fire Department with presentations by the following:

- A. Proclamation presented by Mayor Whitehead in recognition of the 20th Anniversary of the Helotes Fire Department; and**
- B. Service Award presented by Fire Chief Moreland in recognition of Jack Quipp, the longest-serving firefighter at the City of Helotes.**

Mayor Whitehead presented a Proclamation to the Helotes Fire Department in recognition of their 20th Anniversary and presented an award to Captain Jack Quipp in recognition of 20 years of official municipal service at the Helotes Fire Department. Captain Quipp was pinned with a 20 year service badge by his wife.

PUBLIC HEARING:

3. Public Hearing to give all interested persons the right to appear and be heard on a request by Tim and Wanda Boller for a Specific Use Permit authorizing an existing drive-thru facility for HTeaO, a restaurant specializing in fresh-brewed iced tea, located at 12550 Bandera Road, Helotes, Texas 78023, on property zoned General Business District (B3) and identified as BCAD Property ID No. 1159533.

Mayor Whitehead opened the public hearing at 7:11 p.m. No one signed up to speak on this item. Mayor Whitehead closed the public hearing at 7:11 p.m.

OPEN SESSION:

4. Citizens to be Heard.

Tom Schoolcraft spoke on the Wal-Mart site lawsuit (*Balous Miller v. the City of Helotes*), citing it did not cost the City of Helotes 1.5 million dollars. Texas Municipal League (TML), the City's insurers, retained a local law firm to handle the case. In mid-February 2009, both parties reached a settlement agreement, whereby Mr. Miller received \$75,000.00 for attorney fees. The settlement amount was paid by TML. The City's cost was nominal for the time the City Attorneys spent coordinating with the other local law firm and TML to reach the final agreement. Tom concluded by saying there's no need to be afraid of getting involved in a lawsuit if you are doing what's right for the City.

CONSENT AGENDA (ITEM NOS. 5 - 6): 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 Merchant, to approve items 5 and 6 on the consent agenda. Motion to approve carried unanimously.

5.* Approval of the minutes of the Regular Meeting dated December 8, 2022. (Staff)

6.* Approval of the Fiscal Year Ending (FYE) 2023 City of Helotes Revenue and Expense, Balance Sheet, and Encumbrance Reports dated December 15, 2022. (Staff)

ITEMS FOR INDIVIDUAL CONSIDERATION:

7. Discussion of and action on a request by Tim and Wanda Boller for a Specific Use Permit authorizing an existing drive-thru facility for HTeaO, a restaurant specializing in fresh-brewed iced tea, located at 12550 Bandera Road, Helotes, Texas 78023, on property zoned General Business District (B3) and identified as BCAD Property ID No. 1159533. (Applicant)

(Note: On January 3, 2023, the Planning & Zoning Commission recommended approval of the Specific Use Permit authorizing the use of an existing drive-thru facility for HTeaO.)

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

Motion to approve the item as written carried unanimously.

8. Discussion of and action on a request by Titan Sign Company for approval of wall signage pursuant to Municipal Code of Ordinances Chapter 66 *Signs*, Section 66-51 *Commercial Signs: Projecting, Wall and Hanging, or In or On Windows*, including associated variances, for HTeaO, a restaurant specializing in fresh-brewed iced tea, located at 12550 Bandera Road, Helotes, Texas 78023, and identified as BCAD Property ID No. 1159533. (Applicant)

(Note: On December 13, 2022, the Planning & Zoning Commission recommended approval of a variance allowing three (3) HTeaO business name wall signs as depicted on the east, south, and west faces. The Commission did not support the tea product mural.)

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

The Council unanimously established they were not in support of the tea product mural and moved on to discuss the three (3) HTeaO business name wall signs (Signs A.1, A.2, and A.3). All were in agreement with Sign A.1 facing Christian Brothers and Sign A.2 facing Bandera Road, however, there was uncertainty among most with Sign A.3 on the drive thru lane. Staff mentioned that a second point of entry exists at the rear of the property that connects to the neighboring retail plaza and leads out to Hausman Road. In the end, most of Council believed Sign A.3 was unnecessary, as it was not visible from Hausman Road and obscured by trees along Bandera Road.

There being no further discussion, Mayor Whitehead stated this item had two parts and each would be acted on separately.

HTeaO business name wall signs:

Motion was made by Council Member Massey to approve the two (2) HTeaO business name wall signs as depicted on the east and south faces, identified as Sign A.1 facing Christian Brothers and Sign A.2 facing Bandera Road. Second by Council Member Sanders.

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

Tea product mural:

Motion was made by Council Member Massey to deny the tea product mural. Second by Council Member Sones.

Motion to deny carried unanimously.

- 9. Discussion of and action on a request by Edward Villanueva for approval of a variance pursuant to Municipal Code of Ordinances Chapter 98 Zoning, Section 98-72 Old Town Helotes Special District, subparagraph (g)(7) Creative Sign Review, authorizing the use of a roof-mounted sign for E. Villanueva & Associates, a new building addition located at 14237 Old Bandera Road, Helotes, Texas 78023, and identified as BCAD Prop. ID No. 242276. (Applicant)**

(Note: On December 13, 2022, the Planning & Zoning Commission recommended approval of a roof-mounted sign for E. Villanueva & Associates.)

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

Discussion included that the submittal was unclear and the correct sign proportions were missing. Council concluded that the applicant needed to provide clarifying information to show the following: 1.) a current photo of the roof-mounted sign for Owens Law Firm; 2.) an accurate depiction of the proposed roof-mounted sign for E. Villanueva & Associates, Audit Tax Law Accounting; 3.) the placement and light fixture to ensure it is dark-sky compliant; and 4.) the linear footage, starting after the new roof peak to the end of the new office building.

Council Member Sanders withdrew his original motion and motioned to postpone this item to a future meeting date so that the applicant could submit the clarifying information, as discussed by Council. Second by Council Member Merchant.

Motion to postpone carried unanimously.

10. Discussion of and information on bulk and brush collection and solid waste services provided by Republic Services to the City of Helotes. (Mayor)

Mayor Whitehead reported a few transitional issues on the solid waste services provided by Republic Services. The on-call bulk and brush pick-up remains in place; however, some residents have not been calling in. In these no-call instances, Republic Services went above and beyond and picked up the bulk and brush items. After discussions with Republic Services, we jointly concluded that their pick-up of no-call instances created confusion. The City will start enforcing that residents must contact Republic Services to have bulk and brush items picked up. Mayor Whitehead shared one last issue regarding additional pick-up fees on some residential bills. Bulk and brush pick-up is free during your designated collection week; however, if the customer service representative schedules a pick-up outside your collection week, that is an additional charge. This billing discrepancy was identified as a customer service issue and addressed with Republic Services.

Mayor Whitehead read the caption below and adjourned into closed session at 8:12 p.m.

CLOSED SESSION:

11. Closed Session in accordance with Texas Government Code §551.071 Consultations with City Attorney. 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:


- **§551.071 Consultations with City Attorney with respect to discussion on all legal options, including litigation on development matters related to Davis Ranch.**

Mayor Whitehead convened the meeting into open session at 8:57 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 8:57 p.m.

ATTEST:



Celina Perez, City Secretary





Rich Whitehead, Mayor