

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
January 26, 2023

The City of Helotes City Council met for a regular meeting on Thursday, January 26, 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: Marian Mendoza, City Administrator
Celina Perez, City Secretary
Frank Garza, City Attorney

1. Call to Order.

Mayor Whitehead called the meeting to order at 7:00 p.m. Commander Willis Gray, American Legion Post 309, led the invocation. Mayor Whitehead led the pledges to the U.S. flag and to the Texas flag.

OPEN SESSION:

2. Citizens to be Heard.

No one signed up to speak.

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 Massey, second by Council Member Sanders, 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 January 12, 2023. (Staff)**
- 4.* Approval of the Quarterly Investment Reports for the City of Helotes and the City of Helotes Economic Development Corporation (EDC) for the quarter ending December 2022. (Staff)**
- 5.* Approval of an Ordinance of the City Council of the City of Helotes, Texas calling for a General Election to be held on Saturday, May 6, 2023, for the purpose of electing a Mayor, one (1) Council Member Place 3, and one (1) Council Member Place 5; providing for early voting and for notice of the Election; making provisions for the conduct of the Election; authorizing the Mayor to negotiate and execute a Contract for Election Services with Bexar County, Texas; and resolving other matters related to such election. (Staff)**

MAYOR'S REPORT:

6. Updates on the following:

- Downloadable bulk and brush pick-up schedules on the City website homepage;
- Blood Drive in partnership with University Health on Tuesday, February 21, 2023, from 11:00 a.m. to 3:00 p.m. at Helotes City Hall;
- State of the City presented by the Helotes Area Chamber of Commerce on Thursday, February 23, 2023, from 11:30 a.m. to 1:00 p.m. at Floore's Country Store; and
- Clarification of details surrounding the Wal-Mart site lawsuit (*Balous Miller v. the City of Helotes 2005-2009*).

Mayor Whitehead announced the bulk and brush pick-up schedules were available for download on the City website. The collection schedules list bulk item pick-up during odd months and brush pick-up during even months. Residents must call Republic Services to schedule a pick-up at least one week before their designated subdivision/area collection day. Items will not be picked up for residents that do not call Republic Services. Next, the Blood Drive will be held on Tuesday, February 21, from 11:00 a.m. to 3:00 p.m. at Helotes City Hall. Sign-up information is on the City website. The State of the City will be held on Thursday, February 23, from 11:30 a.m. to 1:00 p.m. at Floore's Country Store. Tickets are available for purchase on the Helotes Area Chamber of Commerce website. Finally, Mayor Whitehead provided some clarification on the Wal-Mart site lawsuit. The current City Attorney (Frank Garza) was not here during the lawsuit period 2005-2009; however, the firm and a different attorney were. The current City Attorney was assigned in 2012 to Helotes. In the Walmart case, the then City Council blocked the appropriate use of land, which led to a suit for damages by Balous Miller. The Texas Municipal League (the City's insurer) will cover, for the most part, claims against the City unless the claims involve charges of conspiracy and a few other rare cases. In this particular case, the individual Council Members could have been found personally liable. In the end, a \$75,000.00 settlement was paid for by the Texas Municipal League. Mayor Whitehead concluded by saying the intent of this update was to ensure the City does what is right through law (property rights) and not chance a settlement from doing something that is wrong.

OLD BUSINESS:

7. 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)

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

Discussion included that the revised photos submitted by the applicant provided the clarifying information previously requested by City Council.

Motion to approve the item as presented carried unanimously.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 8. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas approving Amendment No. 1 to the program guidelines for the City of Helotes Economic Development Corporation (HEDC) Retailer and Commercial Tenant Improvement Incentive Grant Program for FYE 2023. (HEDC Board of Directors)**

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 Glenn Goolsby, HEDC Executive Director. On December 8, 2022, the City Council approved the Community Arts Grant Program for FYE 2023. Since its approval, the HEDC Staff denied multiple applications due to improvements starting before the HEDC Board of Directors considered the grant request. The proposed amendment will change the grant program guidelines by authorizing the HEDC Executive Director to issue a letter certifying the applicant has met the minimum grant eligibility criteria and may begin work before receiving approval from the HEDC Board of Directors. The application acceptance by the HEDC Executive Director does not 1.) guarantee grant approval by the HEDC Board of Directors and 2.) the applicant bears all risk by commencing work before receiving grant approval.

Council Member Massey pointed out a few grammatical corrections. In the proposed language, the word “meet” should be “met” and in the last sentence, the wording “bears all risk” would read better if changed to “assumes all risk” for the expenses incurred.

Motion to approve the item with the above noted grammatical corrections carried unanimously.

- 9. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas approving Amendment No. 1 to the First Tranche Disbursement of the American Rescue Plan Act, a federal stimulus bill to aid public health and economic recovery from the novel coronavirus (COVID-19) pandemic; repealing Resolution No. 22-001; and authorizing the allocation of \$250,000.00 from Category No. 5 *Invest in Broadband Infrastructure* to Category No. 6 *Revenue Loss* to:**

- A. Purchase two (2) patrol vehicles for the Helotes Police Department; and**
- B. Purchase a new integrated emergency response system to include Computer Aided Dispatch (CAD) software, Report Management System (RMS) software, and a Ticketing Writing System for the Helotes Police Department. (Staff)**

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

Marian Mendoza, City Administrator, reported Staff initially thought it would cost \$250,000.00 to bring a dedicated fiber line to the municipal complex. After meeting with Spectrum, they realized that a fiber line exists on the west side of Bandera Road. The installation cost would be minimal (approximately \$7,000.00), however, the City can enter into a three (3) year agreement with DIR (Texas Department of Information Resources) and there will be no cost for installation. The City is in the midst of this project and a dedicated fiber line to the municipal complex is expected in February – March 2023.

Motion to approve the item as written carried unanimously.

- 10. Discussion of and action on accepting a petition by Michael and Kathryn Arena for the voluntary annexation of approximately 4.719 acres of real property on F.M. 1560, near its intersection with Braun Road, all of which is currently located within the City of Helotes Extraterritorial Jurisdiction and outlining steps required to complete such annexation if approved by City Council. (Staff)**

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

Frank Garza, City Attorney, clarified that approval of this item allows for Staff to commence the annexation proceedings. Annexation would be contingent upon holding public hearings and approval of a written agreement that outlines the development of the property. If the City and the applicant can not settle upon negotiated agreement terms, the applicant would withdraw the petition for annexation.

Motion to approve the item as written carried unanimously.

Mayor Whitehead read the caption below and adjourned into closed session at 7:44 p.m.

CLOSED SESSION:


- 11. 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 performance, evaluation, duties, discipline of a city employee.**

Mayor Whitehead convened the meeting into open session at 8:20 p.m. and announced no action had been taken in closed session.

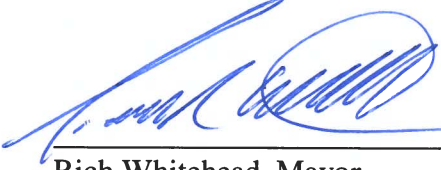
Adjourn.

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 8:20 p.m.

ATTEST:



Celina Perez, City Secretary



Rich Whitehead, Mayor

