

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
February 23, 2023

The City of Helotes City Council met for a regular meeting on Thursday, February 23, 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. Rob Viera, Executive Pastor, 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.

Harry Patteson, Johnathan McCord, Carol Brown, Eric Thompson, Hannah Green, Chris Saldivar, and Kenneth Menn voiced concerns about Beverly Hills Subdivision being a thoroughfare for the new Davis Ranch Subdivision. The shared complaints were unsafe driving, but most importantly, the roads in Beverly Hills are not designed for increased traffic, as is evidenced by the potholes and road edge deterioration that is now occurring.

CONSENT AGENDA: All items marked with an asterisk (*) on the consent agenda were voted on by one motion. Motion was made by Council Member Merchant, second by Council Member Sones, to approve items 3 and 4 on the consent agenda. Motion to approve carried unanimously.

3.* Approval of the minutes of the Regular Meeting dated February 9, 2023. (Staff)

4.* Approval of cancelling the City Council Regular Meeting scheduled on April 27, 2023, due to the City Hall Council Chamber Room being used as an early voting center for the May 6, 2023 Election. (Staff)

MAYOR'S REPORT:

5. Updates on the following:

- **The Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Award received on the City's FYE 2021 Audit;**
- **City park improvements; and**
- **Update of roadway improvements on Bandera Road (State Highway 16).**

Mayor Whitehead proudly announced the City received its second Certificate of Achievement for Excellence in Financial Reporting Award on the Fiscal Year Ending (FYE) 2021 Financial Audit (municipal operating period October 1, 2020 – September 30, 2021). This award is issued by the Government Finance Officers Association (GFOA) and is the highest form of recognition in governmental accounting and financial reporting. Mayor Whitehead acknowledged Taby Durr, Finance Director, and Staff for their commitment. Next, Mayor Whitehead highlighted the new amenities at the Helotes Fitness Park & Disc Golf Course, including playground equipment, water drinking fountains with pet fountains, and fencing. The public restrooms at both city parks are being finalized and will open soon. The last update was on the Bandera Road (SH 16) improvement project by the Texas Department of Transportation (TxDOT). The City does not have jurisdiction over this state project; however, after a phone conversation with the project's Chief Engineer, the expected completion date was moved up about six months from Summer 2024 to December 2023.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 6. Discussion of and action on a request by SignTek Inc. for approval of variances to Municipal Code of Ordinances Chapter 66 Signs, Section 66-51 Commercial Signs: Projecting, Wall and Hanging, or In or On Windows, authorizing a third wall sign for PNC Bank, located at 12590 Bandera Road, Helotes, Texas 78023, and identified as BCAD Property ID No. 1273907. (Applicant)**

(Note: On February 7, 2023, the Planning & Zoning Commission unanimously recommended the denial of variances for a third wall sign at PNC Bank. The Commission did not find justification for a third wall sign, as the business already has two visible wall signs and a prominently placed monument sign.)

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

Council supported the recommendation of the Planning & Zoning Commission, agreeing that there was no justification for a third wall sign.

Motion to deny the variances for a third wall sign at PNC Bank carried unanimously.

Mayor Whitehead read the caption below and adjourned into closed session at 7:26 p.m.

CLOSED SESSION:

7. **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 7:51 p.m. and announced no action had been taken in closed session.

ITEMS FOR INDIVIDUAL CONSIDERATION:

8. **Discussion of and action on amending Municipal Code of Ordinances Chapter 86 *Traffic and Vehicles*, Article I *In General*, by adding Section 86-9 *No Thru Vehicles* to regulate increased traffic in the Beverly Hills Subdivision, whereby said increased traffic is creating a safety hazard and the streets in the Beverly Hills Subdivision are not designed for such traffic. (Staff)**

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

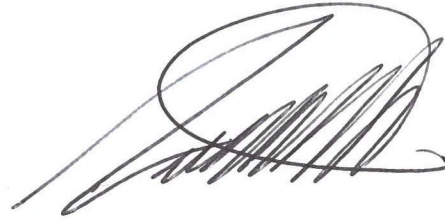
Mayor Whitehead introduced this item, stating the Davis Ranch Subdivision traffic impact analysis submitted to Bexar County far exceeds what was expected. The increased traffic in the Beverly Hills Subdivision is causing damage to the streets and creating safety issues. At this point, an emergency access gate does not seem like a viable option (per Bexar County). In looking at all other legal options, there is very little that the City can do; however, there is one thing. The City can adopt a no thru traffic ordinance to deter vehicle traffic in Beverly Hills.

Frank Garza, City Attorney, explained this type of no thru traffic ordinance was implemented by the City of Hill Country Village when there was a massive traffic increase from the US 281 roadway construction. Folks were using Hill Country Village to drive thru to avoid the US 281 traffic and then get back on Bitters Road. Texas Transportation Code Section 311.002 gives the city ultimate authority to control its traffic on streets, alleys, public grounds, and highways. As a result of the increased traffic caused by the new subdivision (Davis Ranch) and the lack of response to remedy the situation, the City of Helotes has the authority to limit the amount of traffic thru city streets in Beverly Hills. The Council agreed this ordinance wasn't the ideal scenario, but in the meantime, this is what the City can do. Before closing the discussion, Mayor Whitehead asked for clarification on the penalty fine. City Attorney Garza stated if the violation is appealed through the court system, the Municipal Court Judge has the authority to set the final fine; however, it can not exceed the state cap of \$500.00. If the Council wishes, a minimum fine can be set, clarifying a range for the Judge. Council agreed to revise the penalty language to a minimum fine of \$250.00, not to exceed \$500.00.

Motion to approve this item, with the noted penalty revision of no less than \$250.00, not to exceed \$500.00, carried unanimously.

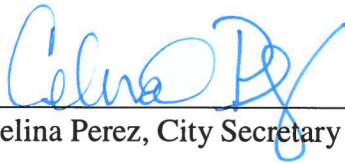
Adjourn.

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 8:04 p.m.



Rich Whitehead, Mayor

ATTEST:



Celina Perez, City Secretary

