

MINUTES  
REGULAR MEETING  
HELOTES CITY COUNCIL  
March 23, 2023

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

Absent: Matthew McCrossen  
Craig Sanders

Staff Present: Marian Mendoza, City Administrator  
Celina Perez, City Secretary  
Frank Garza, City Attorney

**1. Call to Order.**

Mayor Pro Tem Massey called the meeting to order at 7:00 p.m. and announced she would preside until Mayor Whitehead arrived from a previous engagement. Reverend Rudy Villarreal, Hometown Church, led the invocation. Mayor Pro Tem Massey led the pledges to the U.S. flag and to the Texas flag.

**PUBLIC HEARING:**

- 2. Second public hearing to give all interested persons the right to appear and be heard on the proposed voluntary annexation by Michael and Kathryn Arena for property located on FM 1560, near its intersection with Braun Rd, and described as 4.719 acres out of the JP Miller Survey, Abstract 861, and out of the MMV Muzquiz Survey, Abstract 467, in Bexar County, Texas, BCAD Property Tax ID No. 236993.**

Mayor Pro Tem Massey opened the public hearing at 7:03 p.m. No one signed up to speak on this item. Mayor Pro Tem Massey closed the public hearing at 7:03 p.m.

- 3. First public hearing to give all interested persons the right to appear and be heard on Municipal Code of Ordinances Chapter 58, Article III *Minors*, Division I *Curfew* to continue the juvenile curfew regulations for minors under seventeen (17) years of age and over ten (10) years of age; and providing for a triennial review of the ordinance.**

Mayor Pro Tem Massey opened the public hearing at 7:04 p.m. No one signed up to speak on this item. Mayor Pro Tem Massey closed the public hearing at 7:04 p.m.

OPEN SESSION:

**4. Citizens to be Heard.**

Tammy Pointon, Helotes County Club, voiced concerns about the sewage smell in Old Town Helotes. Tammy stated the Iron Horse Subdivision had taken precedence over Old Town Helotes and had their system updated. Lastly, she spoke about a new person hired at the City but did not know the person's position.

Mayor Whitehead arrived and presided over the meeting. Mayor Whitehead advised responses to speakers are limited to a statement of specific factual information. Regarding the sewage smell, it has not been dealt with in the Iron Horse Canyon Subdivision and is still an issue. This overall issue is part of a lift station project that is currently underway by San Antonio Water System (SAWS).

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 Massey, to approve item 5 on the consent agenda. Motion to approve carried unanimously by those present.

**5.\* Approval of the minutes of the Regular Meeting dated March 9, 2023. (Staff)**

ITEMS FOR INDIVIDUAL CONSIDERATION:

**6. Discussion of and action on a request by Marex Solutions, LLC for approval of a conceptual design plan, establishing the site idea for Leslie Business Park, a proposed multi-building commercial development in the Central Business Zoning District (B-4), located at 12042 Leslie Road, Helotes, Texas 78023, identified as BCAD Prop. ID No. 1378173, and including the following:**

- **Site plan;**
- **General building concept; and**
- **Exterior lighting. (Applicant)**

(Note: On March 7, 2023, the Planning & Zoning Commission recommended denial of the conceptual plan for Leslie Business Park.)

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

The Council discussed that a conceptual plan is a general idea. This commercial development entails the renovation of three existing buildings on the subject property. The project will still go through the required building reviews.

Motion to approve the item as presented carried unanimously by those present.

- 7. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, authorizing the City to enter into an Engineering Services Contract with Ardurra in the amount of \$199,804.00 to prepare the design and bid documents for drainage improvements on Circle A Trail and Parrigin Road. (Staff)**

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

Motion to approve this item as written carried unanimously by those present.

- 8. Discussion of and action on the Fiscal Year Ending (FYE) 2022 Comprehensive Annual Financial Report (CAFR) for the City of Helotes and the City of Helotes Economic Development Corporation. (Armstrong, Vaughan, & Associates, P.C., City Auditor)**

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

Kim Roach, CPA with Armstrong, Vaughan, & Associates, P.C., presented a financial report summary on the audit for fiscal year ended September 30, 2022. Kim reported on required audit communications and provided financial data on the general fund balance. It was pointed out that the FYE 2021 Audit was submitted to the Government Finance Officers Association (GFOA) and the City received its second Certificate of Achievement for Excellence in Financial Reporting Award. City management intends to submit the FYE 2022 Audit to the GFOA as well. Another highlight was the City's unreserved fund balance increase from about 5.6 months to 10.2 months, or a fund balance increase of \$1.3 million. Kim concluded by stating the audit received an unmodified opinion, which is the best opinion an audit can receive. An unmodified opinion states that the financial statements are presented fairly and in conformity with the Governmental Accounting Standards Board (GASB). There were also no findings/suggestions for improvement.

Motion to approve this item as written carried unanimously by those present.

- 9. Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas authorizing certain budget amendments pertaining to the adopted Fiscal Year Ending (FYE) 2023 Budget, including the following:**

- a) Budget Section *Personnel, Benefits, and Holiday Schedule*, subsection *Personnel and Adopted Comparison*;**
- b) Budget Section *General Fund*, subsection *Police*; and**
- c) Utilization of *Unreserved Fund Balance* for a new Public Works Storage Facility. (Staff)**

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

Motion to approve this item as written carried unanimously by those present.

- 10. Second and final reading, and action on an Ordinance of the City Council of the City of Helotes, Texas, providing for the extension of the Helotes municipal boundaries by voluntary annexation of an approximate 4.719 acre tract of land located on FM 1560, near its intersection with Braun Road, adjacent and contiguous to the Helotes city limit, being the same real property described out of the JP Miller Survey, Abstract 861, and out of the MMV Muzquiz Survey, Abstract 467, in the Official Public Records of Bexar County, Texas; and approving a Municipal Service Plan for said area. (Staff)**

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

Staff informed the Council that Texas Department of Transportation (TxDOT) contacted the City about right-of-way acquisition on the subject property. Due to the FM 1560 expansion, TxDOT acquired right-of-way, decreasing the property size to 4.5528 acres. The ordinance and subsequent development agreement in Agenda Item No. 11 will reflect the new acreage. Frank Garza, City Attorney, noted a decrease in property size is allowable during annexation proceedings, while an increase is not.

Motion to approve this item, with the decreased property size of 4.5528 acres, carried unanimously by those present.

- 11. Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas, approving a Development and Annexation Agreement between the City and Michael and Kathryn Arena to set forth terms and obligations with respect to the development and annexation of an approximate 4.719 acre tract of land located on FM 1560, near its intersection with Braun Road, adjacent and contiguous to the Helotes city limit, being the same real property described out of the JP Miller Survey, Abstract 861, and out of the MMV Muzquiz Survey, Abstract 467, in the Official Public Records of Bexar County, Texas. (Staff)**

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

Motion to approve this item, with the decreased property size of 4.5528 acres, carried unanimously by those present.

- 12. First reading and discussion on an Ordinance of the City Council of the City of Helotes, Texas, continuing Municipal Code of Ordinances Chapter 58, Article III *Minors*, Division I *Curfew* to keep the existing juvenile curfew regulations in effect for minors under seventeen (17) years of age and over ten (10) years of age; and providing for a triennial review of the Ordinance. (Staff)**

The Council was in favor of continuing the existing juvenile curfew regulations. Frank Garza, City Attorney, mentioned Texas House Bill 1819 filed by State Representative David Cook. If the bill passes, it would prohibit cities from adopting and enforcing a juvenile curfew.

Mayor Whitehead read the caption below and adjourned into closed session at 8:08 p.m.

CLOSED SESSION:

13. **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* with respect to the appointment, qualifications, and duties of public officers on the City of Helotes Municipal Boards.**

Mayor Whitehead convened the meeting into open session at 8:22 p.m. and announced no action had been taken in closed session.

ITEMS FOR INDIVIDUAL CONSIDERATION:

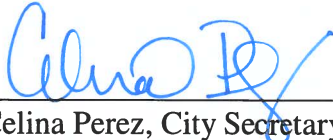
14. **First reading and discussion on an Ordinance of the City Council of the City of Helotes Texas, amending Municipal Code of Ordinances Chapter 2 *Administration*, Article V *Planning and Zoning Commission* by revising the membership composition and associated number requirement for quorum. (Staff)**

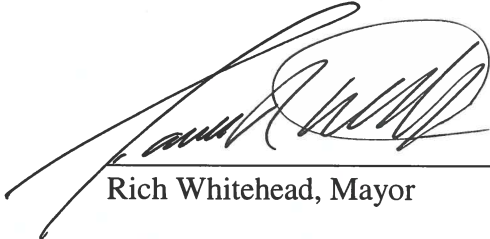
The Council was amenable to reducing the Planning and Zoning Commission membership composition from eight to five members. The change would decrease the quorum requirement to three members and ensure that the Commission can conduct meetings.

**Adjourn.**

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 8:24 p.m.

ATTEST:

  
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Celina Perez, City Secretary

  
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Rich Whitehead, Mayor

