

MINUTES  
REGULAR MEETING  
HELOTES CITY COUNCIL  
May 11, 2023

The City of Helotes City Council met for a regular meeting on Thursday, May 11, 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

Absent: Matthew Merchant

Staff Present: Celina Perez, City Secretary

**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.

RECOGNITION:

**2. Proclamation presented by the Mayor to Helotes Public Works in recognition of National Public Works Week occurring May 21 - 27, 2023.**

Mayor Whitehead presented the proclamation to the Helotes Public Works team and recognized the department.

**3. Proclamation presented by the Mayor to Helotes Fire/EMS in recognition of National EMS Week occurring May 21 - 27, 2023.**

Mayor Whitehead presented the proclamation to the Helotes Fire/EMS team and recognized the department.

OPEN SESSION:

**4. Citizens to be Heard.**

Stuart Birnbaum, Annette Birnbaum, Emory Bluhm, and Lisa Pack voiced opposition on the proposed Guajolote Ranch Waste Water Treatment Plant (WWTP) located at the Scenic Loop Road and Babcock Road intersection (Agenda Item No. 9). The speakers urged City Council to express opposition to the treatment plant. Shared reasons for opposition include the inadequate cleaning standards for effluent, the high failure rate of water treatment plants, disruption to the natural habitat of the Helotes Creek, flooding, and overall environmental protection concerns.

CONSENT AGENDA: 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 Sones, to approve items 5 through 7 on the consent agenda. Motion to approve carried unanimously by those present.

- 5.\* **Approval of the minutes of the Regular Meeting dated April 13, 2023. (Staff)**
- 6.\* **Approval of the Fiscal Year Ending (FYE) 2023 City of Helotes Revenue and Expense, Balance Sheet, and Encumbrance Reports dated May 3, 2023. (Staff)**
- 7.\* **Approval of the Quarterly Investment Reports for the City of Helotes and the City of Helotes Economic Development Corporation (HEDC) for the quarter ending March 2023. (Staff)**

MAYOR'S REPORT:

8. **Updates on the following:**
  - **Wrap-up of the 56<sup>th</sup> Annual Cornyval Parade; and**
  - **Save the Date: Household Hazardous Waste event on June 17, 2023.**

Mayor Whitehead reported the 56<sup>th</sup> Annual Cornyval Parade held on Saturday, May 6, 2023 was a fantastic event and acknowledged Texas Department of Transportation (TxDOT) for clearing equipment and construction debris on the southbound lanes of S.H. 16 (Bandera Road). Next, the save the date was announced for the Household Hazardous Waste collection event for Helotes residents. It will take place on Saturday, June 17, 2023, (tentatively) from 8 a.m. to 12 p.m. The official details of the event will be posted on social media.

Before concluding, Mayor Whitehead invited Fire Chief Scott Moreland to provide an update on the S.H. 16 (Bandera Road) improvement project by TxDOT. Fire Chief Moreland reported the project is 257 days away from its end date – this places completion in the first week of May 2024. TxDOT encountered setbacks due to the amount/thickness of limestone that had to be cut and most recently, the removal and remediation of asbestos pipes.

ITEMS FOR INDIVIDUAL CONSIDERATION:

9. **Discussion of and information on the Texas Commission on Environmental Quality (TCEQ) Public Meeting held on May 9, 2023, regarding the application of a water quality permit to operate the Guajolote Ranch Waste Water Treatment Plant (WWTP) located at the Scenic Loop Road and Babcock Road intersection in Grey Forest. (Mayor Pro Tem Massey)**

Mayor Whitehead prefaced discussion by stating the city does not have jurisdiction on this item, however, it does affect the city. Mayor Pro Tem Massey attended the above noted public meeting and will provide a summary.

Mayor Pro Tem Massey reported more than 280 people attended the public meeting and the overwhelming public consensus was that the water quality permit should be denied. The City of Grey Forest, represented by Mayor Pro Tem Geri Poss, presented a resolution opposing the permit. The proposed treatment plant, although located 1.75 miles west-southwest of the intersection of Babcock Road and Scenic Loop Road, will discharge “treated domestic wastewater at an annual average flow not to exceed 1,000,000 gallons per day” and, according to the permit paperwork, would be “discharged via pipe to Helotes Creek, thence to impounded Helotes Creek, then to Helotes Creek, thence to Culebra Creek, then to Lower Leon Creek in Segment No. 1906 of the San Antonio River Basin.” Helotes Creek is 14 miles long; nevertheless, TCEQ personnel were only required to examine the creek bed up to 2.5 miles from the discharge point to ascertain whether the creek can contain the extra water that will be flowing from the treatment plant. The creek must have banks and cliffs, essentially be a waterway that will channel water so that adjacent homes/properties will not be flooded, otherwise a permit cannot be given. Mayor Pro Tem Massey informed the City Council that in the Old Town Helotes area, especially along the west side of the bridge, and along the creek tributary at Antonio Drive, there are no cliffs and banks. The extra running water from the treatment plant, coupled with a heavy rainfall, will cause severe flooding in these areas. Mayor Pro Tem Massey stated that only examining a small portion of the creek near the discharge point was not doing due diligence. If the treated wastewater is going to flow down the length of Helotes Creek, then those properties downstream need to be taken into consideration. During the question-and-answer session, TCEQ staff said that they cannot take future flooding into consideration when making decisions on such permits. In other words, they can only go with what is going on now. Mayor Pro Tem Massey went on to say that once Lennar Homes scrapes 1,160 acres of trees and foliage from the hills and builds 2,900 homes, Helotes Creek will be deluged with water, and flooding in places that have never flooded will be the inevitable outcome. Other reasons given to deny the permit were: exceedance of recommended pollutants in the water (though treated), the lack of enforcement by TCEQ (treatment plants are often not made to pay fines), and the Helotes Creek watershed is within the contributing and recharge zone of the San Antonio segment of the Edwards Aquifer. Mayor Pro Tem Massey finished with, according to TECQ, Lennar has met all the agency’s legal requirements and they see no grounds to block the treatment plant. Comments and questions will be compiled and answered within 60 days. Three full-time commissioners appointed by the governor establish TCEQ. They make the final determinations on contested permitting and enforcement matters. They are Jon Niermann, Emily Lindley, and Bobby Janecka. The Greater Edwards Aquifer Alliance (GEAA) has requested a contested hearing.

After hearing Mayor Pro Tem Massey’s summary, the City Council agreed that this permit would negatively impact Helotes. The City Council directed Staff to draft a resolution expressing opposition of this permit and place the resolution on the next meeting agenda.

Before adjourning, Mayor Whitehead recognized Council Member McCrossen for his public service to the city.

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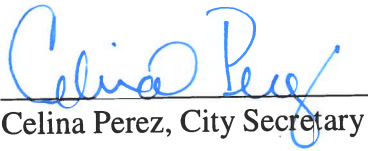
**Adjourn.**

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 8:00 p.m.



Rich Whitehead, Mayor

ATTEST:



Celina Perez, City Secretary

