

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
August 24, 2023

The City of Helotes City Council met for a regular meeting on Thursday, August 24, 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
Dave Cato
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. Pastor Joshua Kelly, Helotes Independent Baptist Church, 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.

Jeff Felty supported amending the city ordinance to allow fowl and small animals on a residential lot (no lot size requirement) for approved agricultural education projects. (Agenda Item No. 10).

Brian Planto voiced concerns about trash cans placed behind his vehicle by Republic Services. He explained his neighborhood, Helotes Crossing Subdivision, has limited area for trash can placement and has not received a resolution by Republic Services.

John Brouse, Vice-Commander of the American Legion Post No. 309, thanked the City for all the prayers and “get well” wishes sent to Commander Knowles Atchison, who was hospitalized and is now undergoing rehabilitation.

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 Merchant to approve items 3 through 5 on the consent agenda. Motion to approve carried unanimously.

3.* Approval of City Council Meeting minutes to include the following:

- a. Budget Workshop dated July 19, 2023;
- b. Regular Meeting dated July 27, 2023; and
- c. Special Meeting dated August 3, 2023. (Staff)

- 4.* **Approval of the Quarterly Investment Reports for the City of Helotes and the City of Helotes Economic Development Corporation (HEDC) for the quarter ending June 2023. (Staff)**
- 5.* **Approval of the Fiscal Year Ending (FYE) 2023 City of Helotes Revenue and Expense, Balance Sheet, and Encumbrance Reports dated August 2, 2023. (Staff)**

MAYOR'S REPORT:

6. **Updates on the following:**
 - **TxDOT improvements;**
 - **Regular hours for *MarketPlace at Old Town Helotes* resume September 2023; and**
 - **Helotes Music & Movie Night on September 15, 2023.**

Mayor Whitehead provided an update on the S.H. 16 (Bandera Road) improvement project by TxDOT. Contactors are finishing the right turn lane on Leslie Road to southbound Bandera Road and are working on the right turn lane on Bandera Road to Leslie Road (by Bill Miller). Next, the summer schedule for *MarketPlace at Old Town Helotes* ended. The regular market schedule (10 AM – 5 PM) resumes in September. Finally, the community was invited to Helotes Music & Movie Night on Friday, September 15, at 7 PM. The featured movie is *Super Mario Bros*.

7. **Discussion of and action on an appeal filed by Waylon Wehmeyer on the Planning and Zoning Commission denial of two (2) nonconforming signs relocated due to the F.M. 1560 roadway expansion by the Texas Department of Transportation (TxDOT); considering a final determination under Municipal Code of Ordinances Chapter 66 Signs, Section 66-61 Nonconforming Signs for Burnin' Bush LLC, located in the City's Extra-territorial Jurisdiction (ETJ) at 10020 N F.M. 1560, Helotes, Texas 78023, identified as BCAD Property ID No. 1183539, and including the following:**
 - a. **Sign A - Main post sign at the entrance that identifies the business name (shape changed from double-sided to v-shaped); and**
 - b. **Sign B - Second post sign along F.M. 1560, approximately 327 feet South from the entrance, that advertises the business type (shape remained double-sided). (Applicant)**

(Note: On August 1, 2023, the Planning & Zoning Commission denied the signage request for Burnin' Bush. The Commission majority believed such alterations did not qualify under routine maintenance for a nonconforming sign.)

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

The City Council understood the F.M. 1560 roadway expansion required the business to relocate their signs; however, the applicant took the liberty of changing the main post sign from two-legged to v-shaped. The City Council believed such changes did not qualify as routine maintenance for a nonconforming sign. Routine maintenance is defined in Code as *Restoration* and means "the routine maintenance and painting of existing, approved signs that do not change the approved design and color in any way".

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

Mayor Whitehead called the question on Item No. 7a (Sign A – Main post sign). Motion to deny the item as written carried unanimously.

Mayor Whitehead called the question on Item No. 7b (Sign B – Second post sign). Motion to deny the item as written carried unanimously.

8. Discussion of and action on a request by Kenneth Dempsey for approval of a conceptual design plan establishing the site idea for Old Town Helotes Family Food Park located at 14769 Old Bandera Road, Helotes, Texas 78023, identified as BCAD Prop. ID No. 242067, and including the following:

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

(Note: On August 1, 2023, the Planning & Zoning Commission approved the conceptual design plan for Old Town Helotes Family Food Park.)

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

Motion to approve the item as written carried unanimously.

9. Discussion of and action on a final plat pursuant to Municipal Code of Ordinances Chapter 78 Subdivisions, establishing Bricewood Subdivision Unit-5, being a 27.79-acre tract of land comprised of 13.59 acres recorded in Volume 6591, Page 259, and 14.20 acres recorded in Volume 5757, Page 1303, of the Official Public Records of Bexar County, Texas. (Applicant)

(Note: On July 19, 2022, the Planning & Zoning Commission approved the preliminary plat for Bricewood Subdivision Unit-5. Before advancing to Council for final approval, the applicant had to satisfy detention calculations.)

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

Motion to approve the item as written carried unanimously.

10. Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas amending Municipal Code of Ordinances Chapter 14 *Animals*, Article III *Vocational Education Programs*, by updating the keeping requirements for fowl and small animals for approved 4-H and Future Farmers of America (FFA) projects. (Staff)

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

The proposed amendment will exempt lot size requirements for a single-family residential home for approved agricultural education projects of small caged animals such as baby chickens and rabbits during the months of August to January. The amendment will be under Chapter 14 *Animals*, Article III *Vocational Education Programs*, renumbered subparagraph (b). Discussion also included the language about residential deed restrictions in subparagraph (a) needing clarification. Frank Garza, City Attorney, suggested rewording the language from “will be allowed in any zoning district except where residential deed restrictions disallow such uses” to “will be allowed in any zoning district; however, a residential deed restriction may disallow such use”.

Motion to amend was made by Council Member Sanders, second by Council Member Sones, to approve this item and include the rewording of language in subparagraph (a) to “will be allowed in any zoning district; however, a residential deed restriction may disallow such use”.

Amended motion to approve carried unanimously.

11. Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas amending Municipal Code of Ordinances Chapter 86 *Traffic and Vehicles*, Article II *Vehicle Operation*, Section 86-16 *Stop Signs*, by adding a new stop sign designation on Old Bandera Road, where it transitions to Dent Lane, near the State Highway 16 crossover. (Staff)

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

The proposed amendment will add a new stop sign facing drivers approaching Dent Lane (leaving El Chaparral Restaurant), where it intersects with the State Highway 16 crossover and transitions to Old Bandera Road.

Motion to approve the item as written carried unanimously.

12. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas authorizing the City of Helotes Economic Development Corporation (HEDC) to award funding from the FYE 2023 Retailer and Commercial Tenant Improvement Incentive Grant Program to Playa Bowls SA, a new superfruit bowl specialty shop located at 9708 Business Parkway, Suite 102, Helotes, Texas 78023; and approving a grant amount not to exceed \$20,000.00. (HEDC Board of Directors)

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

Motion to approve the item as written carried unanimously.

13. Discussion of and action on approving the following nominees to the City of Helotes Economic Development Corporation (HEDC) Board of Directors pursuant to Amendment No. 3 of the HEDC Bylaws, Article Two *Board of Directors*, Section 2.1 (e) and (f); and for said nominees to serve a two (2) year term beginning on October 1, 2023, and expiring on September 30, 2025:

- **Place One: Melissa Benavides;**
- **Place Three: John Kodosky;**
- **Place Five: Jeff Felty; and**
- **Place Seven: Joel Lutz. (HEDC Board of Directors)**

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

Motion to approve the item as written carried unanimously.

14. Presentation of and discussion on the proposed FYE 2024 City of Helotes Economic Development Corporation (HEDC) Operating Budget. (HEDC Board of Directors)

Glenn Goolsby, HEDC Executive Director, presented the proposed FYE 2024 City of Helotes Economic Development Corporation (HEDC) Operating Budget. The primary source that funds the HEDC is sales tax revenue. The HEDC receives a one-half percent (.50%) from the local sales and use tax in the City. In the proposed budget, a revenue amount of \$3,200,000.000 is projected to be collected from sales tax. Of this revenue amount, approximately \$1,500,000.00 will be remitted in a Chapter 380 Agreement. Glenn spoke about the program funding details for the Tenant Improvement Grant, development of the Visitor and Business Center, the Arts Grant, and the Target Business Incentive. It was noted that the proposed budget contained a new expense account, *Park & Playground Equipment*. The City requested that the HEDC consider “quality of life” projects. It includes updates to the playground equipment at the City Hall Park and a small dog park area at the Disc Golf and Fitness Park. Currently, a funding amount is not identified in the new expense account. The HEDC Board will discuss the request and hopefully, an amount will be inserted. In closing, the budget proposes a revenue total of \$3,206,200.00 and an expenditure total of \$2,388,544.00. Notice of the proposed use of the HEDC funds and the draft FYE 2024 Operating Budget document are on the HEDC website for public viewing.

15. Presentation of and discussion on the proposed FYE 2024 Municipal Fee Schedule.

Staff presented the FYE 2024 Municipal Fee Schedule. Proposed changes are in Section B *Animal Control* – increasing fees associated with De-Zavala Shavano Vet Clinic; Section C1 *Building* – increasing the reinspection fee from \$65.00 to \$75.00; and Section C4 *Zoning* – adding fees for a Zoning Verification Letter and Pre-Development Meeting.

16. Update of and discussion on the proposed FYE 2024 Municipal Operating Budget. (Mayor and Staff)

Marian Mendoza, City Administrator, reported updates in the FYE 2024 Budget. The increase in citation issuance has impacted the Municipal Court. The revised budget document given to the City Council at this meeting reflects the addition of a third court clerk and operating costs. The City Council understood the need of the Municipal Court department.

Mayor Whitehead read the caption below and adjourned into closed session at 8:34 p.m.

CLOSED SESSION:

17. **Closed Session in accordance with Texas Government Code §551.071 *Consultations with 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 Attorney* to discuss terms and options related to the Solid Waste and Recycling Services Contract between the City and BFI Waste Services of Texas, LP (“Republic”).**

Mayor Whitehead convened the meeting into open session at 9:10 p.m. and announced no action had been taken in closed session.

ITEMS FOR INDIVIDUAL CONSIDERATION:

18. **Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, setting the modification of rates in the Solid Waste and Recycling Services Contract between the City and BFI Waste Services of Texas, LP (“Republic”), per the terms in Resolution No. 22-035 *Assignment of Contract, Section 24.2 Fuel Cost Adjustment*. (Contractor)**

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

The City Council consensus was that the residents were not receiving premium service from Republic. Concerns included challenges with the on-call brush reservation system, delayed pick-up of brush, and frustration with customer service representatives.


Speaking on this item was Tom Armstrong, Republic Services Municipal Manager. The contract was designed by C-6 and inherited by Republic when they purchased C-6. The on-call brush collection system is complicated and will not work for Helotes. On the customer service side, Republic made a change. There are no longer locally based customer service representatives in San Antonio. The call centers are outside Texas, making it a difficult transition. Ultimately, Tom stated a brush collection schedule (no calling in) needs to be considered and apologized for the shortcomings.

Motion to deny the item as written carried unanimously.

Adjourn.

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 9:32 p.m.

ATTEST:



Celina Perez, City Secretary



Rich Whitehead, Mayor

