

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
September 14, 2023

The City of Helotes City Council met for a regular meeting on Thursday, September 14, 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. Council Member Sones led the invocation. Mayor Whitehead led the pledges to the U.S. flag and to the Texas flag.

PUBLIC HEARINGS (ITEM NOS. 2 – 4):

2. Public hearing to give all interested persons the right to appear and be heard on the proposed Tax Year 2023 ad valorem (property) tax rate.

Mayor Whitehead opened the public hearing at 7:02 p.m. No one signed up to speak on this item. Mayor Whitehead closed the public hearing at 7:02 p.m.

3. Public hearing to give all interested persons the right to appear and be heard on the proposed FYE 2024 City of Helotes Operating Budget, including, but not limited to, the General (Maintenance & Operations) Fund, Debt Service (Interest & Sinking) Fund, Capital Replacement Fund, Municipal Court Security and Technology Funds, Police Dept. Training and Education Fund, School Safety Fund, PEG (Public Access Channel) Fund, Police Department State Forfeiture Fund, Street Maintenance Fund, and Hotel Occupancy Tax (HOT) Fund.

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

- 4. Public hearing to give all interested persons the right to appear and be heard on the proposed FYE 2024 City of Helotes Economic Development Corporation (HEDC) Operating Budget, including, but not limited to, Maintenance & Operating Fund, Interest & Sinking Fund, and Capital Fund, to support the EDC's programs as defined by Texas Local Government Code Chapter 505 *Type B Corporations*.**

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

OPEN SESSION:

- 5. Citizens to be Heard.**

Kirk Harrison, Frontier Waste, introduced himself to the City Council.

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 6 through 9 on the consent agenda. Motion to approve carried unanimously.

- 6.* Approval of the minutes of the Regular Meeting dated August 24, 2023. (Staff)**
- 7.* Approval of cancelling the regular City Council Meeting on Thursday, October 26, 2023, due to City Hall Council Chambers being used as an early voting center for the November 7, 2023 Election. (Staff)**
- 8.* Approval of the Fiscal Year Ending (FYE) 2023 City of Helotes Revenue and Expense, Balance Sheet, and Encumbrance Reports dated September 5, 2023. (Staff)**
- 9.* Approval of a Resolution of the City Council of the City of Helotes, Texas, amending City of Helotes Personnel Policy and Procedures Manual Chapter 13 *Employee Safety and Accident Prevention*, Section 13.5 *Smoke-Free Workplace Policy*, by defining tobacco products and adding the use of tobacco products are prohibited in all City vehicles. (Staff)**

MAYOR'S REPORT:

- 10. Updates on the following:**
 - **TxDOT improvements;**
 - **Pet Wellness & Vaccination Clinic postponed to Sunday, September 24, 1 - 4 PM; and**
 - **YOLO, TX episode highlighting Helotes.**

Mayor Whitehead provided an update on the S.H. 16 (Bandera Road) improvement project by TxDOT. The project is about 52% complete and the expected completion date is May 9, 2024. Next, the Pet Wellness & Vaccination Clinic was postponed to Sunday, September 24, 2023, from 1-4 PM at Helotes City Hall. Lastly, the second YOLO, TX television feature on Helotes will air on October 7 and 8, 2023. Mayor Whitehead noted the first television feature was fantastic and received a lot of views (YOLO, TX television feature funded by the City and the HEDC).

OLD BUSINESS:

11. **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)**

Mayor Whitehead informed the City Council about pulling Item No. 11. The applicant had a schedule conflict and was unable to appear in person for the appeal. The item will come back at a future City Council meeting date.

ITEMS FOR INDIVIDUAL CONSIDERATION:

12. **Discussion of and action on a request by the Helotes Economic Development Corporation (HEDC) for approval of a sign reface under Municipal Code of Ordinances Chapter 98 Zoning, Section 98-72 Old Town Helotes Special District, subparagraph (g)(7) Creative Sign Review, to update the external facing of an existing sign that identifies the Old Town Helotes Special District located at 14392 Bandera Road, Helotes, Texas 78023, and on property identified as BCAD Property ID No. 242137. (Applicant)**

(Note: On September 5, 2023, the Planning & Zoning Commission recommended approval of a Creative Sign Review by the HEDC to reface the existing sign that identifies the Old Town Helotes Special District.)

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

The City Council appreciated the HEDC Board of Directors incorporating the Old Town Helotes text into the final design.

Motion to approve the item as submitted carried unanimously.

13. Discussion of and action on a request by Alamo Sign Solutions for the installation of signage at Chevron Xpress Lube, a new preventative auto care business in the City’s Extra-territorial Jurisdiction (ETJ), located at 10865 Shaenfield Road, San Antonio, Texas 78254, identified as BCAD Property ID No. 1134659, and including the following:

- a) Two (2) business name wall signs pursuant to Municipal Code of Ordinances Chapter 66 Signs, Section 66-51 Commercial Signs: Projecting, Wall and Hanging, or In or On Windows; and**
- b) Six (6) service bay wall signs with associated size and number variances pursuant to Municipal Code of Ordinances Chapter 66 Signs, Section 66-51 Commercial Signs: Projecting, Wall and Hanging, or In or On Windows. (Applicant)**

(Note: On September 5, 2023, the Planning & Zoning Commission recommended approval of Item No. 13a as submitted and Item No. 13b to include only four service bay wall signs. The four signs are the “Wait For Attendant” and “Exit Only” wall signs, as submitted, one “Oil Change” wall sign centered over the first set of bay doors, and one “Auto Care” wall sign centered over the second set of bay doors, each not to exceed 8 square feet.)

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

Speaking on this item were Iman Baki, local operator of the Chevron Xpress Lube, and Barb Nelson, Chevron Corporate Senior Marketing Manager. Mr. Baki explained the business is family owned and branded by Chevron; It is not a franchise. The sign model submitted has been implemented in more than 200 locations nationwide. The two “Oil Change” and two “Auto Care” wall signs over each bay door are for customer safety. Ms. Nelson reiterated the service bay wall signs are for safety and are not illuminated.

The City Council discussed Item No. 13b, the service bay wall signs, in detail. Although the buisnes has a Shaenfield Road address, the service bays are away from/don’t face Shaenfield Road, and the signs are visible once the customer enters the driveway to the business.

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. 13a, as written. The two business name signs are labeled Sign A-1 and A-2 in the submittal. Motion to approve this item as submitted carried unanimously.

Mayor Whitehead called the question on Item No. 13b, as written. The six service bay wall signs are labeled Signs B-1, B-2, B-3, B-4, B-5, and B-6 in the submittal. Motion to approved carried: 4 Ayes – Council Member Merchant, Sanders, Cato, and Massey; 1 Nay - Council Member Sones.

- 14. Discussion of and action on a request by RJ Fite Construction for approval of variances to Municipal Code of Ordinances Chapter 94 *Vegetation*, Section 94-24 *General Requirements*, subparagraph (b)(1)(a) *Parking Lot Shading* and subparagraph (b)(1)(c) *Screening of Parking Lot*, authorizing exceptions to the minimum planting requirements for The Legacy Retail Center, a commercial development located at 14108 Bandera Road, Helotes, Texas 78023, and identified as BCAD Property ID No. 1321866. (Applicant)**

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

Speaking on this item was Robert Fite, RJ Fite Construction. The former general contractor for the project installed islands with no water sleeves and large backflow prevention devices, which forced a change in the original approved landscaping plan. Lacey Oak Trees, a smaller oak tree variety, and Redbud Trees, will be planted instead to meet the intent of the parking lot shading requirement. Medium-sized Crepe Myrtle Trees, along with added landscape beds, will be planted instead to meet the intent of the parking lot screening requirement. Currently, there is no sprinkler system through the entire property. Phase 1 of the changed landscaping plan is to trench the property, including the courtyard and all islands, to install a sprinkler system.

The City Council acknowledged the challenges inherited by RJ Fite Construction and understood changes to the landscape plan were needed.

Motion to approve the variances on the landscape plan substitutions as submitted carried unanimously.

- 15. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, approving a Professional Services Contract between the City of Helotes and Ardurra Group, Inc., for the provisions of licensed engineering services and qualified support on public works construction projects; and authorizing the City Administrator to execute a contract for said professional services. (Staff)**

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

Motion to approve the item as submitted carried unanimously.

- 16. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, approving a Professional Services Contract between the City of Helotes and BB Inspections, LLC, to provide licensed building inspection services for commercial and residential developments; and authorizing the City Administrator to execute a contract for said professional services. (Staff)**

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

Motion to approve the item as submitted carried unanimously.

17. Update and discussion on the proposed FYE 2024 Municipal Fee Schedule. (Mayor and Staff)

Mayor Whitehead reported in Section C1 – *Building*, the Deck Permit fee was itemized. The proposed Deck Permit fee is \$100.00 (lighted decks require a separate electrical permit). The Patio/Patio Cover/Carport Cover/Flatwork Permit fee remains at \$425.00. The City Council supported the decreased Deck Permit fee.

Mayor Whitehead read the caption below and adjourned into closed session at 8:00 p.m.

CLOSED SESSION:

18. 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”); and**
- **§551.071 *Consultations with Attorney* to discuss the terms, options, and legal requirements to provide health benefits coverage.**

Mayor Whitehead convened the meeting into open session at 8:38 p.m. and announced no action had been taken in closed session.

ITEMS FOR INDIVIDUAL CONSIDERATION:

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

Discussion included the increased cost of health benefits coverage for a second year. In the FYE 2023 Budget, the City Council approved dependent medical coverage assistance at \$100 per/month to help offset the increased cost for the employee. The consensus of the City Council was to continue the dependent medical coverage assistance in the FYE 2024 Budget at \$200 per/month (paid by the City to the insurance company) or offer \$300 per/month (paid to the employee and is taxable) to those employees who decide to seek health benefits coverage elsewhere. The direction to Staff was to include the discussed medical coverage assistance rates in the FYE 2024 Budget.

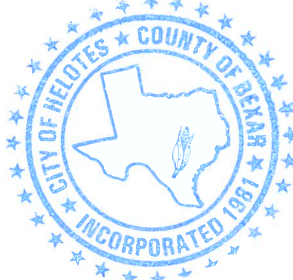
Adjourn.

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 8:45 p.m.

ATTEST:



Celina Perez, City Secretary





Rich Whitehead, Mayor