

MINUTES  
REGULAR MEETING  
HELOTES CITY COUNCIL  
November 9, 2023

The City of Helotes City Council met for a regular meeting on Thursday, November 9, 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  
Rob Hunley, Police Chief  
Glenn Goolsby, HEDC Executive Director

**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.

Mayor Whitehead announced Captain Burgess had not arrived and requested to suspend the rules by moving Item No. 3 before Item No. 2. There being no objections, the order of the agenda items continued as follows.

PUBLIC PRESENTATION:

**3. Community presentation by San Antonio Water System (SAWS) on the ConnectH2O electronic water meter replacement program.**

Cecilia Velasquez, VP of Customer Experience and Strategic Initiatives, presented the key objectives of the ConnectH2O program and spoke on the new electronic water meter deployment (sick water meter replacement vs. proactive water meter replacement). Customers with H2O meter questions or issues can contact customer care and speak to a trained agent. The presentation will be available on the city website.

RECOGNITION:

2. **Honoring the career of Helotes Police Department Captain Anthony M. Burgess with presentations by the following:**
  - a) **Proclamation and retirement keepsake box presented by Mayor Whitehead recognizing 29 years of dedicated service to the Helotes community.**
  - b) **Retirement plaque and badge presented by Police Chief Hunley in appreciation of 29 years of service given to the Helotes Police Department.**

Mayor Whitehead and Police Chief Hunley presented Captain Burgess with the abovementioned items. Helotes Police Department colleagues brought forth additional retirement gifts. Captain Burgess thanked the City for allowing him to serve and expressed appreciation to the Police Chief, his colleagues, and his family. Captain Burgess received a standing ovation from the City Council and all those in attendance.

OPEN SESSION:

4. **Citizens to be Heard.**

No one signed up to speak.

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 5 through 7 on the consent agenda. Motion to approve carried unanimously.

- 5.\* **Approval of the minutes of the Regular Meeting dated October 12, 2023. (Staff)**
- 6.\* **Approval of the Quarterly Investment Reports for the City of Helotes and the City of Helotes Economic Development Corporation (HEDC) for the quarter ending September 2023. (Staff)**
- 7.\* **Approval of a Resolution of the City Council of the City of Helotes, Texas approving and certifying the Bexar County Tax Assessor-Collector's 2023 tax roll for the City of Helotes. (Staff)**

MAYOR'S REPORT:

8. **Updates on the following:**
  - **TxDOT improvements; and**
  - **Upcoming city events:**
    - **Veteran's Day Concert on Sunday, November 12, at 3 PM;**
    - **Lighting of the Lights on Friday, December 1, at 6 PM;**
    - **First Responders Breakfast with Santa on Saturday, December 9 at 9 AM; and**
    - **Hill Country Christmas Parade on Saturday, December 9 at 7:30 PM.**

Mayor Whitehead provided an update on the S.H. 16 (Bandera Road) improvement project by TxDOT. The expected completion date is still May 9, 2024. Lastly, Mayor Whitehead announced the abovementioned Veteran's Day and holiday events hosted by the City.

OLD BUSINESS:

9. **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)**

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

On August 1, 2023, the Planning & Zoning Commission considered this item under Chapter 66 Signs, Section 66-61 Nonconforming Signs. The Commission believed the change in shape from double-sided to v-shaped for Sign A (main post sign) did not qualify as maintenance and denied the item. On August 9, 2023, Waylon Wehmeyer, Owner of Burnin' Bush LLC (the "Applicant"), filed a letter of appeal. On August 24, 2023, the City Council denied the appeal. The Applicant contested the decision, stating that Development Services did not provide written notification of the meeting date. Development Services notified the Applicant verbally of the meeting date; however, after consulting with the City Attorney, the Applicant should have received written notice of the meeting date to allow the opportunity to plead the appeal. The item returned on the City Council Regular Meeting dated September 14, 2023, but the Applicant did not appear due to a schedule conflict. Thus, the item returned on this meeting date.

Speaking on this item was Waylon Wehmeyer, Owner of Burnin' Bush LLC (the "Applicant"). Mr. Wehmeyer insisted the v-shaped upgrade to Sign A (main post sign) and the erection of both signs were forcible maintenance due to the F.M. 1560 roadway expansion by TxDOT. Mr. Wehmeyer stated his business is in the ETJ and did not know that he needed to obtain a sign permit. He ranted for a lengthy period about being targeted by City Staff.

Mayor Whitehead informed the Applicant that he had received misinformation, and ultimately, it was his responsibility to inquire if a sign permit was necessary. The City Council held a few rounds of discussion, and in the end some Council Members were amenable to a new motion that would consider Sign A as a monument sign with several variances. Staff pointed out the nonconforming status of Sign A would be lost, if the City Council elected to consider it a monument sign. There being no further discussion, Mayor Whitehead stated the original motion was on the floor, and each part would be voted on separately.

Mayor Whitehead called the question on Item No. 9a (Sign A – Main Post Sign). Motion to approve the item as written failed unanimously.

Mayor Whitehead called the question on Item No. 9b (Sign B – Second Post Sign to remain as a non-conforming sign). Motion to approve carried: 4 Ayes – Council Member Sanders, Council Member Sones, Council Member Cato, and Council Member Merchant; 1 Nay – Council Member Massey.

Mayor Whitehead called the question on any new motions.

New motion made by Council Member Cato to consider Item No. 9a (Sign A - Main Post Sign) as a single business use monument sign that must include a rocked base starting from the bottom of the second sign panel and to allow several variances. The variances are on:

- Purpose (the second sign panel doesn't identify the single business name);
- Size (the sign surface area exceeds 84 s.f. and is 312 s.f.);
- Height (the sign is more than 8 ft. from average grade – the Applicant estimates 10 ft. from average grade); and
- Design (the sign is v-shaped).

New motion second by Council Member Sanders. New motion to approve carried: 4 Ayes – Council Member Sanders, Council Member Sones, Council Member Cato, and Council Member Merchant; 1 Nay – Council Member Massey.

#### ITEMS FOR INDIVIDUAL CONSIDERATION:

**10. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, casting the city's five (5) allotted votes on a candidate(s) to serve on the Bexar Appraisal District Board of Directors for a term of January 1 through December 31, 2024. (Staff)**

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

Mayor Whitehead called for the election of a candidate(s). Council Member elected to cast the City's (5) votes on Dave Gannon, nominated by Northside ISD. There being no further candidate submissions, Mayor Whitehead called the question.

Motion to approve the election of said candidate carried unanimously.

**11. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, authorizing the Helotes Economic Development Corporation (HEDC) to fund the purchase of playground equipment at the Helotes Municipal Complex Park in an amount not to exceed \$25,000.00, and establishing the funding is processed through an expense reimbursement method between the HEDC and the City. (HEDC)**

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.

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 enter into a General Contractor Services Contract with RJ Fite Construction for improvements to the Old Town Helotes Special District traffic circle, as part of the “Western Dance” art sculpture project, and approving a contract amount not to exceed \$35,000.00. (HEDC)**

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

Motion to approve the item as written carried unanimously.

Mayor Whitehead read the caption below and adjourned into closed session at 8:44 p.m.

**CLOSED SESSION:**

13. **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 related to an Emergency Solid Waste Management Service Contract between the City and Frontier Waste Solutions.**

Mayor Whitehead convened the meeting into open session at 9:09 p.m. and announced no action had been taken in closed session.

**ITEMS FOR INDIVIDUAL CONSIDERATION:**

14. **Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, executing a Solid Waste Management Service Contract between the City and Frontier Waste Solutions for the provision of providing municipal solid waste collection, disposal, and recycling exclusively to the City. (Staff)**

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

Mayor Whitehead reported that Republic Services decided to terminate the solid waste contract. Per the termination terms in the contract, services will continue till the end of February 2024. Due to this emergency situation and the nature of the services, State law allows the City to negotiate a new solid waste contract. When the City previously solicited proposals (*RFP-21-02 Solid Waste & Recycling Services*), Frontier Waste Solutions was a front runner, and the City reached out to negotiate a new solid waste management contract to begin March 1, 2024. The new contract will provide residential services at \$30.15 per month, which is close to the cost of adjustment that the City would’ve experienced with Republic Services. A benefit of the new contract is residents will no longer have to call in for bulk and brush removal, which will occur every other month (max of 12 cubic yards per month).

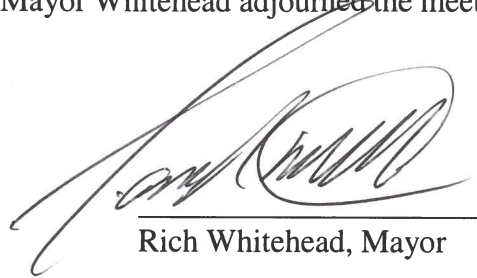
The City Council did pose a question to Frontier Waste Solutions regarding elderly residents that can not physically roll the recyclable cart to the curbside. Kirk Harrison, Municipal Services Manager, approached the podium and stated the garbage bin and recyclable bin are a 96 gallon cart. If it is hard physically for an elderly resident to place their garbage or recyclable bin at the curbside, the resident can apply to become a handicap residential unit. The driver will run up and collect the carts if the resident is verified to be handicapped.

There being no further questions, Mayor Whitehead called the question.

Motion to approve the item as written carried unanimously.

**Adjourn.**

With no more business to come before the City Council, Mayor Whitehead adjourned the meeting at 9:16 p.m.



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Rich Whitehead, Mayor

ATTEST:



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Celina Perez, City Secretary

