

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
December 12, 2024

The City of Helotes City Council met for a regular meeting on Thursday, December 12, 2024, 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
Matthew Merchant
Sabrina McGowan

Staff Present: Henry Hayes, Interim City Administrator
Celina Perez, City Secretary
Michael McCann, City Attorney
Michael Gallardo, DS Coordinator
Justin Vincent, Public Works Operations Supervisor
Corey Vullo, Public Works Director

1. Call to Order.

Mayor Whitehead called the meeting to order at 7:00 p.m. Mayor Whitehead led the invocation, and the pledges to the U.S. flag and the Texas flag.

OPEN SESSION:

2. Citizens to be Heard.

Cynthia Massey supported the proposed changes to the EDC Bylaws, commending Council Members Sanders and Sones for submitting the item (Agenda Item No. 12), and the appointment of Council Members Sones and McGowan to the EDC Board (Agenda Item No. 14). Regarding the proposed amendments to the animal ordinance (Agenda Item No. 9), she was informed by Public Works that the reason for mandating microchipping was to unite stray animals with their owners. The existing pet licensing requirement did not work to that effect and mandatory microchipping would be just as ineffective and difficult to enforce. Although in favor of removing the existing pet licensing requirement for dogs and cats, she was not in favor of mandatory microchipping. If the City believes that microchipping would be helpful for the Animal Control Department, then a more effective way to introduce this concept would be to have the City's Public Relations Department put out monthly notices about the advocacy of microchipping pets to Helotes residents

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 Cato, to approve Items 3 through 5 on the consent agenda. Motion to approve carried unanimously.

- 3.* Approval of the minutes of the Regular Meeting dated November 14, 2024. (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 September 2024. (Staff)**
- 5.* Approval of an Ordinance of the City Council of the City of Helotes, Texas, authorizing Amendment No. 5 for certain budget amendments pertaining to the adopted Fiscal Year Ending (FYE) 2024 Budget. (Staff)**

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 6. Discussion of and action on accepting a petition by CSW Shaenfield LP for the voluntary annexation of approximately 6.714 acres of real property identified as BCAD Property Tax ID No. 236169 on F.M. 1560, near its intersection with Shaenfield Road, all of which is located in the City of Helotes Extraterritorial Jurisdiction (ETJ); and outlining the steps required to complete such annexation if said petition is approved by the City Council. (Staff)**

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

Motion to accept the petition for voluntary annexation carried unanimously.

- 7. Discussion of and action on a request by Baseline Development Companies, LLC for approval of a conceptual design plan establishing the site idea for Sherwin Williams located on Hausman Road, near its intersection with Bandera Road (SH 16), identified as BCAD Property ID No. 1328216, and including the following:**
 - a) Site plan;**
 - b) General building concept;**
 - c) Exterior lighting;**
 - d) Signage - 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**
 - e) Signage - One (1) monument sign pursuant to Municipal Code of Ordinances Chapter 66 Signs, Section 66-49 *Commercial Signs: Single Business Use (Monument Type)*. (Applicant)**

(Note: On December 3, 2024, the Planning & Zoning Commission recommended approval of the conceptual design plan for Sherwin Williams.)

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.

8. Discussion of and action on a request by Darron Phillips for approval of signage and associated variances for Breaching Technologies Incorporated (BTI), a provider of breaching tools and equipment located at 17317 Bandera Road, Helotes, Texas 78023, and identified as BCAD Property ID No. 248409, and including the following:

- a) Sign A – Door frame business marker pursuant to Municipal Code of Ordinances Chapter 66 *Signs*, Section 66-52 *Miscellaneous Signs*, subparagraph (g)(4) *Creative Sign Review*; and**
- b) Sign B – Business fence markers pursuant to Municipal Code of Ordinances Chapter 66 *Signs*, Section 66-52 *Miscellaneous Signs*, subparagraph (g)(4) *Creative Sign Review*. (Applicant)**

(Note: On December 3, 2024, the Planning & Zoning Commission recommended approval of variances for two business markers through the *Creative Sign Review Process* for Breaching Technologies Incorporated (BTI).

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

Michael Gallardo, DS Coordinator, spoke on this item. The business is in the Extra-Territorial Jurisdiction (ETJ) and provides breaching products to the military, law enforcement, firefighters, and other first responders. One business marker is above the frame of breaching doors used for training, and the second business marker is on the fence entering the property. Both markers display the business name BTI. Code does not have a sign classification for business markers, so the Applicant applied for variances through the *Creative Sign Review* process. Council Member Sanders and McGowan's comment to Staff was to work on an amendment to add business markers to the Code.

Motion to approve the variances as written carried unanimously.

9. Second and final reading, and action on an Ordinance of the City Council of the City of Helotes, Texas, amending Municipal Code of Ordinances Chapter 14 *Animals* by revising portions of Article I *In General*, Article II *Animal Care*, Article III *Vocational Education Programs*, Article IV *Dogs and Cats*, Article V *Commercial Animal Establishments*, and Article VI *Special Provisions* to conform with state law, promote clarity, remove requirements for pet licenses, add requirements for microchipping, and amending commercial animal establishments permits. (Staff)

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

Justin Vincent, PW Operations Supervisor, spoke on this item. Upon intake of an animal (stray or owned), State law requires animal control to check for a microchip. The main goal of requiring microchipping is to return animals to their owners, whether it's in Helotes or another jurisdiction. Since the State requires animal control to check for a microchip, Public Works supports adding the microchipping requirement into Code.

After discussion, some Council Members formed a new opinion and supported removing the section for mandatory microchipping. Although they believed microchipping is the best way to reunite owners with their pets, it would be difficult to enforce. Instead of having microchipping legislation, it would be better to have public service announcements on the city's social media.

Amended motion made by Council Member Merchant to approve this item, removing the section for mandatory microchipping, and any associated language that requires microchipping. Second by Council Member Sanders.

Amended motion to approve carried: 3 Ayes - Council Member Merchant, Council Member Sanders, and Council Member McGowan; 2 Nays - Council Member Sones and Council Member Cato.

10. Second and final reading, and action on an Ordinance of the City Council of the City of Helotes, Texas, amending the FYE 2025 Municipal Fee Schedule to set an annual permit fee for operating a commercial animal establishment per Municipal Code of Ordinances Chapter 14 *Animals*, Article V *Commercial Animal Establishments*. (Staff)

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

Justin Vincent, PW Operations Supervisor, informed the Council that when the FYE 2025 Budget was approved (on September 26, 2024) the fee schedule contained a penalty fee for not having a pet microchipped. Due to the previous action (on Agenda Item No. 9) of removing mandatory microchipping, this penalty fee would need to be removed.

Amended motion made by Council Member Sanders to approve this item, removing *Penalties (d)(3) Not having your pet microchipped* under Section B *Animal Control*. Second by Council Member Merchant.

Amended motion to approve carried unanimously.

11. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, awarding a Subscription Based Health Care Services Contract to Alamo City Urgent Care, the sole respondent, for specialized urgent and emergency care services on a subscription plan for a primary term of one (1) year, with an option to extend for two (2) additional one year terms; and authorizing the City Administrator to negotiate and execute a Contract for said services. (Staff)

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

Mayor Whitehead reported this healthcare subscription service began about three years ago (December 1, 2021) to decrease the City's insurance claims. The City pays a low monthly cost for full-time employees to receive urgent/emergency care services at a flat rate. The current contract is nearing expiration, and a new contract is needed.

Motion to approve carried unanimously.

12. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, approving Amendment No. 4 to the City of Helotes Economic Development Corporation (HEDC) Bylaws. (Council Members Sanders and Sones)

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

Council Member Sanders explained in 2022, the City Council approved changes to the HEDC Bylaws, which removed regular oversight by the Mayor/Council (Resolution No. 22-009). The HEDC Board of Directors are doing a fantastic job; however, changing roles and responsibilities has made it difficult for them to stay focused on their primary job to robust the City's economy. This amendment reverts several of the changes back to their original state. Council Member Sones reiterated the HEDC exists to drive business, and this amendment is important because it's the Council's responsibility to make decisions on policy that are best long-term for the City.

The detailed changes for record are:

- Article Two, Section 2.1 *Powers, Number, and Terms of Office* - Changed authority to nominate HEDC Board of Directors to lie solely with the Mayor.
- Article Three, Section 3.6.1 *Executive Director* renumbered to Section 3.7 - Changed the nomination of the Executive Director to rest solely with the Mayor and changed appointment/termination to rest solely with the City Council. Wording has also changed so the City Council can terminate the Executive Director with or without cause.
- Article Three, Section 3.8 *Conflict of Interest* renumbered to 3.9 - Added restriction that prevents the Executive Director and Board of Director(s) from serving on any Chamber of Commerce board and inserted if a Corporation member is aware of a conflict of interest, they must bring that to the attention of the board.

Council Member Merchant expressed frustration with the changes and believed the HEDC needs autonomy.

Council Member McGowan requested clarity on whether the HEDC Executive Director is a City employee. Michael McCann, City Attorney, clarified that the Executive Director is an employee of the HEDC, not the City.

There being no further discussion, Mayor Whitehead called for a vote on the changes to the HEDC Bylaws, as detailed for record.

Motion to approve carried: 4 Ayes - Council Member Sanders, Council Member Sones, Council Member Cato, and Council Member McGowan; 1 Nay - Council Member Merchant.

13. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, approving Amendment No. 4 to the City of Helotes Economic Development Corporation (HEDC) Articles of Incorporation. (Mayor Whitehead)

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

The detailed changes for record are:

- Article Nine *Address* - Updated registered agent Rick Schroder, City Administrator, to Celina Perez, City Secretary; and
- Article Ten *Board of Directors* - Added language that up to two (2) Council Members can serve on the HEDC Board of Directors.

Michael McCann, City Attorney, advised State law allows up to (3) Council Members to sit on a Type B EDC. Mayor Whitehead stated limiting the amount to two (2) Council Members prevents the issue of quorum. The goal of this change is to help the Board have full membership.

There being no further discussion, Mayor Whitehead called for a vote on the changes to the HEDC Articles, as detailed for record.

Motion to approve carried: 4 Ayes - Council Member Sanders, Council Member Sones, Council Member Cato, and Council Member McGowan; 1 Abstain - Council Member Merchant.

14. Discussion of and action on approving the following nominees to fill vacancies on the City of Helotes Economic Development Corporation (HEDC) Board of Directors, pursuant to Amendment No. 4 of the HEDC Bylaws, Article Two *Board of Directors*, Section 2.1 (b) and (d); and for said nominees to serve the remainder of the term expiring September 30, 2025:

- **Place One: Jen Sones; and**
- **Place Three: Sabrina McGowan. (Mayor Whitehead)**

Mayor Whitehead explained the City will continue to seek qualified candidates to serve on the HEDC Board of Directors; however, in the interim, he is nominating Council Member Sones and McGowan to serve as Place One and Place Three, respectively. Michael McCann, City Attorney, added that the Council Members can vote on HEDC matters that will go to City Council. Regarding conflict of interest, that's on a case-by-case basis.

Council Member Sones commented that this role is not long-term. Council Member McGowan echoed the same, stating this is a temporary role and wants to provide support to the HEDC.

Council Member Merchant stated Item No. 12, and this item appear to be power moves.

There being no further discussion, Mayor Whitehead called for a vote on each nominee.

Motion was made by Council Member Cato, second by Council Member Sanders, to approve the appointment of Jen Sones to Place One on the HEDC Board of Directors.

Motion to approve carried: 3 Ayes - Council Member Sanders, Council Member Cato, and Council Member McGowan; 1 Nay - Council Member Merchant; 1 Abstain – Council Member Sones.

Motion was made by Council Member Cato, second by Council Member Sanders, to approve the appointment of Sabrina McGowan to Place Three on the HEDC Board of Directors.

Motion to approve carried: 3 Ayes - Council Member Sanders, Council Member Cato, and Council Member Sones; 1 Nay - Council Member Merchant; 1 Abstain – Council Member McGowan.

STAFF REPORT:

15. Presentation by Corey Vullo, Public Works Director, on the City of Helotes Municipal Separate Storm Sewer System (Ms4) for Fiscal Year Ending 2024. (Staff)

Corey Vullo, Public Works Operations Supervisor, presented an overview of the city's Municipal Separate Storm Sewer System (Ms4) program for Fiscal Year Ending 2024. The presentation included the Stormwater Management Plan (SWMP) and the Best Management Practices (BMPs) that are being done to eliminate the discharge of pollutants into the city's storm sewer system.

There being no other comments, Mayor Whitehead read the caption below and adjourned into closed session at 8:38 p.m.

CLOSED SESSION:

16. Closed Session in accordance with Texas Government Code §551.071 *Consultations with Attorney*, §551.074 *Personnel Matters*, and §551.087 *Deliberation Regarding Economic Development Negotiations*. 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:

- **§551.087 *Deliberation Regarding Economic Development Negotiations* to discuss financial or other incentive information from a commercial prospect that wishes to locate, stay, or expand in the city.**
- **§551.071 *Consultations with City Attorney* seeking advice on pending Internal Revenue Service (IRS) obligations.**
- **§551.071 *Consultations with Attorney* and §551.074 *Personnel Matters* to discuss contract terms for the position of Interim City Administrator.**
- **§551.071 *Consultations with Attorney* and §551.074 *Personnel Matters* to discuss the negotiated contract terms of the preferred candidate for the position of City Administrator.**

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:

17. Discussion of and action on matters discussed in Closed Session regarding pending Internal Revenue Service (IRS) obligations. (City Council)

Motion was made by Council Member Sanders to ratify direction given to the City Administrator to complete and obtain documentation from the Internal Revenue Service (IRS) that all obligations are satisfied. Second by Council Member Sones.

Motion to approve carried unanimously.

18. Discussion of and action on matters discussed in Closed Session regarding the position of Interim City Administrator; authorizing the Mayor and City Attorney to negotiate and execute a contract per the terms discussed in Closed Session. (City Council)

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

Motion to approve the item as written carried unanimously.

19. Discussion of and action on matters discussed in Closed Session regarding the preferred candidate for the position of City Administrator; authorizing the Mayor and City Attorney to negotiate and execute a contract per the terms discussed in Closed Session. (City Council)

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.

Adjourn.

With no more business to come before the City Council, Mayor Whitehead adjourned the meeting at 9:11 p.m.


Rich Whitehead, Mayor

ATTEST:


Celina Perez, City Secretary

