

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
May 27, 2021

The City of Helotes City Council met for a regular meeting Thursday, May 27, 2021 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
Linda Salazar
Matthew McCrossen
Cynthia Massey
Matthew Merchant

Staff Present: Marian Mendoza, City Administrator
Celina Perez, City Secretary
Scott Moreland, Fire Chief
Frank Garza, City Attorney

1. Call to Order.

Mayor Whitehead called the meeting to order at 7:00 p.m. Pastor Ruben Aguillon of Embassy Church led the invocation. Mayor Whitehead led the pledge to the U.S. flag and the Texas flag.

RECOGNITION:

2. Awards presented by the Robert F. McDermott American Legion Post 309 (Helotes) to the following City of Helotes Fire/EMS nominees for The American Legion Department of Texas Firefighter and Paramedic of the Year Award for 2020. (Council Member Sanders and Council Member Salazar):

- **Quinton Rose – Firefighter of the Year Award; and**
- **Jennifer Harris – Paramedic of the Year Award.**

The Robert F. McDermott American Legion Post 309 presented the aforementioned awards.

OPEN SESSION:

3. Citizens to be Heard.

Shawna Misiong, Helotes Park Estates, submitted written comments via email to the City Secretary, stating she is against getting rid of the daily siren testing at noon, in favor of establishing food truck regulations, and in favor of establishing short term rental regulations, so long as they are kept to a minimum within the neighborhoods.

Lena Campos, Bobby J's Old Fashioned Hamburgers, spoke in opposition of allowing food trucks in the city limits, citing concerns on health code regulations, disposal of grease and water waste, increased traffic, and loss of revenue for the existing restaurants. Lena requested if food trucks are allowed in the city limits, that the regulations be well thought out and structured.

Tammy Pointon, Helotes Country Club, spoke in favor of allowing food trucks in the city limits, if the property owner has the property size to handle a food truck. Additionally, Tammy stated she supports discontinuing the daily siren testing at noon, brought up concerns on roll off dumpster pricing by C6 Disposal, and mentioned concerns on the SAWS sewer smell in Old Town Helotes, which is especially bad between 6:00 p.m. – 8:00 p.m.

Howard Benavides, Eagle Ford Graphics, spoke against the daily siren testing at noon, citing its a health hazard and nuisance.

CONSENT AGENDA (ITEM NOS. 4 - 7): All items marked with an asterisk (**) on the consent agenda were voted on by one motion. Motion was made by Council Member Salazar, second by Council Member Sanders, to approve items 4 through 7 on the consent agenda. Motion to approve carried unanimously.

- 4.** Approval of the minutes of the Special Meeting dated May 10, 2021 and of the Regular Meeting dated May 13, 2021. (Staff)**
- 5.** Approval of a Fireworks Display Permit pursuant to Municipal Code of Ordinances Chapter 38 *Fire Prevention and Protection*, Article V *Fireworks*, Section 38-53 *Permit*, for the City of Helotes Independence Day Celebration & Fireworks Spectacular located at the Helotes Festival Grounds (12210 Leslie Road) on Saturday, July 3, 2021 beginning at 6:00 p.m.; and authorizing the Mayor to execute a Facility Use Agreement for said event. (Staff)**
- 6.** Acceptance of the resignation of Alan Holmes from the City of Helotes Board of Adjustment, Place One, and from the City of Helotes Economic Development Corporation Board of Directors, Place One. (Board Member/Director Holmes)**
- 7.** Approval of the appointment of Allison Higgins to the City of Helotes Board of Adjustment, Place One, with a term expiring May 2021.**

MAYOR’S REPORT:

- 8. Updates on the following (Mayor Whitehead):**
 - **July 2021 MarketPlace at Old Town Helotes;**
 - **Using SeeClickFix Helotes to report non-emergency issues;**
 - **Regional Emergency Alert Network (REAN / “Reverse 911”) Registration;**
 - **Announcement of new hire Michael Gallardo, Development Services Coordinator;**
 - **Methods of public communication; and**
 - **Upcoming Ad HOC Committees: HOA Representation and Local Business Owners.**

Mayor Whitehead gave updates on the aforementioned items. Starting July 2021, MarketPlace at Old Town Helotes will be open at full capacity.

ITEMS FOR INDIVIDUAL CONSIDERATION:

9. **Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas approving a Bank Depository Services Agreement between the City of Helotes and Frost Bank, the sole respondent, for primary banking services for a three (3) year period commencing on June 1, 2021 and terminating on May 31, 2024, with an option to extend for two (2) additional 12-month periods under the same terms and conditions; and authorizing the Mayor to negotiate and execute an agreement for said services. (Staff)**

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

Motion to approve carried unanimously.

10. **Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas amending the City of Helotes Emergency Management Plan Annex A *Warning*, by revising Section V *Concept of Operations*, Subsection D *Dissemination of Warnings to the Public* and Appendix 2 *General Warning Point Procedures*, Subsection D *Testing and Exercising the Warning System* as authorized by Ordinance No. 66, establishing the City Emergency Management Program. (Staff)**

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

The proposed, major revision to the City's Emergency Management Plan will change the testing procedures for the outdoor warning system. The revision changes daily testing at noon to monthly testing, occurring on the second Saturday of each month at noon.

Discussion included the purpose of having the outdoor warning siren. Majority of Council were in favor of keeping the outdoor warning siren active and changing the testing to monthly.

Motion to approve carried: 4 Ayes – Council Member Sanders, Council Member Mccrossen, Council Member Merchant, and Council Member Massey; 1 Nay – Council Member Salazar.

11. **Discussion of and direction on an Ordinance of the City Council of the City of Helotes, Texas amending Municipal Code of Ordinances Chapter 46 *Health and Sanitation*, Article II *Food Establishments*, for the purpose of establishing requirements and guidelines on the operation of Mobile Food Establishments within the corporate limits of the City of Helotes. (Staff)**

Frank Garza, City Attorney, advised the city can not restrict the type of a food that a mobile food establishment wishes to sell. The ordinance has to be content neutral and has to be based on regulations that apply to all. For example, the ordinance can regulate location and require property owner approval.

The Council was amenable to allowing mobile food establishments within the city, so long as proper regulations are in place, such as location designation, proper waste disposal, required health inspections, required restroom facilities, and associated permit costs. Direction to Staff was to continue further research of this item and to consider having a pilot program.

12. Discussion of and direction on an Ordinance of the City Council of the City of Helotes, Texas amending Municipal Code of Ordinances Chapter 98 Zoning, by creating Article XIV Short Term Rentals, to establish regulations on the use of privately owned dwellings as Short Term Rentals (STR's) and to ensure the collection and payment of the Hotel Occupancy Tax to the City of Helotes. (Staff)

Marian Mendoza, City Administrator, informed Council that the city currently has 28 properties, or 114 bedroom units, listed as short term rentals.

Discussion included one or two properties within the city that are renting out their homes where loud parties are occurring and such noise is disturbing the surrounding neighbors. Frank Garza, City Attorney, stated the city's best approach is to come up with regulations to control activities at a short term rental. Council was in favor of establishing regulations on short term rentals. Direction to Staff was to continue further research of this item and look into establishing a separate ordinance that addresses noise.

STAFF REPORT:

13. Update on the future schedule of City of Helotes Movie Night's. (Staff)

Marian Mendoza, City Administrator, recapped the cancelation of Movie Night on Friday, May 21 due to ground conditions created by excessive rain. The next Movie Night will occur on Friday, June 18. The event dates of Friday, July 16 and Friday, August 20 will be canceled due to heat and the Helotes Area Community Band being unavailable in August. Due to the heat, Staff is proposing to extend Movie Night into the cooler, fall season, with a throwback movie on Friday, September 17 and a fun Halloween theme movie on Friday, October 15 or 22. Staff noticed the number of people that attend Movie Night has decreased and plans to reevaluate this event.

Mayor Whitehead read the caption below and pulled the third bullet point item from the agenda, deliberating the appointment of public officers on the City of Helotes Ethics Commission. Mayor Whitehead adjourned the meeting into closed session at 8:14 pm.

CLOSED SESSION:

14. Closed Session in accordance with Texas Government Code §551.074 *Personnel Matters*. 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:

- **§551.074 *Personnel Matters* - To deliberate the selection of Mayor Pro Tem from the City of Helotes City Council for the term May 2021 to May 2022.**
- **§551.074 *Personnel Matters* - To deliberate the appointment of public officers on the City of Helotes Economic Development Corporation Board of Directors.**

- **§551.074 Personnel Matters - To deliberate the appointment of public officers on the City of Helotes Ethics Commission.**

Mayor Whitehead convened the meeting into open session at 8:37 pm and announced that no action had been taken in closed session.

ITEMS FOR INDIVIDUAL CONSIDERATION:

15. Discussion of and action on the selection of a Mayor Pro Tem from the City of Helotes City Council for the term May 2021 to May 2022. (City Council)

Motion was made by Council Member Massey to nominate Council Member Sanders as Mayor Pro Tem for the term May 2021 to May 2022. The motion was seconded by Council Member McCrossen.

Motion to approve carried unanimously.

16. Discussion of and action on the appointment of public officers on the City of Helotes Economic Development Corporation Board of Directors. (City Council)

Motion was made by Council Member McCrossen, second by Council Member Salazar, to discuss and act on this item.

Mayor Whitehead nominated Melissa Benavides to fill the vacancy of Place One on the City of Helotes Economic Development Corporation Board of Directors.

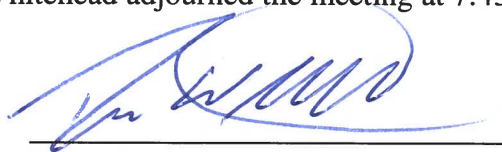
Motion to approve the nomination carried unanimously.

17. Discussion of and action on the appointment of public officers on the City of Helotes Ethics Commission. (City Council)

This item was pulled from the agenda as indicated by Mayor Whitehead prior to adjourning into closed session.

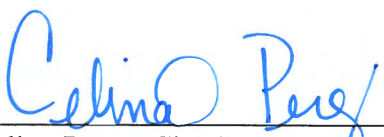
Adjourn

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 7:43 p.m.



Rich Whitehead, Mayor

ATTEST:



Celina Perez, City Secretary