

MINUTES  
REGULAR MEETING  
HELOTES CITY COUNCIL  
July 8, 2021

The City of Helotes City Council met for a regular meeting Thursday, July 8, 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: Craig Sanders, Mayor Pro Tem  
Linda Salazar  
Matthew McCrossen  
Matthew Merchant

Absent: Rich Whitehead, Mayor  
Cynthia Massey

Staff Present: Marian Mendoza, City Administrator  
Celina Perez, City Secretary

**1. Call to Order.**

Mayor Pro Tem Sanders called the meeting to order at 7:00 p.m. Pastor Joshua Kelly, Helotes Independent Baptist Church, led the invocation. Mayor Pro Tem Sanders led the pledge to the U.S. flag and the Texas flag.

After the Call to Order, Mayor Pro Tem Sanders advised Mayor Whitehead would not be present, and he would be chairing the meeting in his role as Mayor Pro Tem. Aside from chairing the meeting, the Mayor Pro Tem is still a Council Member, and can vote on agenda items.

**PUBLIC HEARING:**

- 2. Public Hearing to give all interested persons the right to appear and be heard on a request by Don's & Ben's for a Specific City Council Approved Use Permit to allow alcoholic beverage retail sales (no on-premises consumption) on property zoned Overlay District (B3-OD) located at 12510 Bandera Road, Suite 105, Helotes, Texas 78023, in the Helotes Point Retail Center, and identified as BCAD Property ID No. 1308637.**

Mayor Pro Tem Sanders opened the public hearing at 7:03 pm. No one signed up to speak. Mayor Pro Tem Sanders closed the public hearing at 7:04 pm.

**OPEN SESSION:**

**3. Citizens to be Heard.**

No one signed up to speak on this item.

CONSENT AGENDA (ITEM NOS. 4 - 5): 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 Merchant, to approve items 4 and 5 on the consent agenda. Motion to approve carried unanimously by those present.

- 4.\*\* Approval of the minutes of the Regular Meeting dated June 24, 2021. (Staff)**
- 5.\*\* Approval of the Fiscal Year Ending (FYE) 2021 City of Helotes Revenue and Expense, Balance Sheet, and Encumbrance Reports dated July 1, 2021. (Staff)**

OLD BUSINESS:

- 6. Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas repealing and adopting a revised Municipal Code of Ordinances Chapter 2 Administration, Article IV Ethics by identifying the Ethics Commission as an advisory body and incorporating more accurate provisions on the ethics complaint process. (Staff)**

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

On June 24, 2021, Staff presented a draft ethics ordinance to Council for direction. Council and the City Attorney provided suggested changes, and said changes were incorporated into the final ordinance. The changes include adding an annual financial disclosure requirement for current officials under Section 2-65 and clarifying appointment to the Ethics Commission under Section 2-66 (each Council Member shall appoint one member and the Mayor shall appoint two members).

Motion to approve carried unanimously by those present.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 7. Discussion of and action on a request by Don's & Ben's for a Specific City Council Approved Use Permit to allow alcoholic beverage retail sales (no on-premises consumption) on property zoned Overlay District (B3-OD) located at 12510 Bandera Road, Suite 105, Helotes, Texas 78023, in the Helotes Point Retail Center, and identified as BCAD Property ID No. 1308637. (Applicant)**

(Note: On July 6, 2021 the Planning & Zoning Commission recommended approval of the above Specific Use Permit for Don's & Ben's.)

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

Council Member Merchant expressed concerns, from a visual standpoint, regarding the proposed Don's and Ben's proximity to a pediatric clinic in the Helotes Point Retail Center plaza. Mayor Prom Tem Sanders noted there are no regulations in the Municipal Codes of Ordinances (Sections 98-6 and 98-69) that prevent Don's and Ben's from operating at the said location.

Motion to approve carried: 3 Ayes – Council Member Salazar, Council Member McCrossen, and Council Member Sanders; 1 Nay – Council Member Merchant.

8. **Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas amending Municipal Code of Ordinances Chapter 18 *Buildings and Building Regulations*, Article I *In General*, Section 18-2 *Building Permits*, Chapter 42 *Floods*, Article I *Flood Damage Prevention*, Division I *Design Criteria*, Section 42-8 *Compliance*, and Chapter 86 *Traffic and Vehicles*, Article VIII *Recreational Vehicles*, Section 86-134 *Construction Trailer* by changing the time limitation of a building permit to expire twelve (12) months from the date of issuance. (Staff)**

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

The proposed ordinance amendment will change the building permit time frame from nine months to twelve months. This change will give the applicant one full year to complete the project and decrease the number of permit extension requests received by the City.

Motion to approve carried unanimously by those present.

9. **Discussion of and direction on a Resolution of the City Council of the City of Helotes, Texas amending the City of Helotes Economic Development Corporation (HEDC) Bylaws by revising Article Two *Board of Directors*, Section 2.1 *Powers, Number, and Terms of Office* and Section 2.6 *Committees of the Board* to establish the candidate nomination process for serving as a Board Director on the HEDC. (Council Member McCrossen and Council Member Merchant)**

Council Member McCrossen explained, currently, the Mayor is the only one who recommends new candidates to the Helotes Economic Development Corporation (HEDC) and submits the same to City Council for approval. The proposed amendment to the HEDC Bylaws would transfer the selection process to the HEDC, acting through a nominations committee of no less than three (3) Board of Directors. The nominees would then be presented to Council for approval.

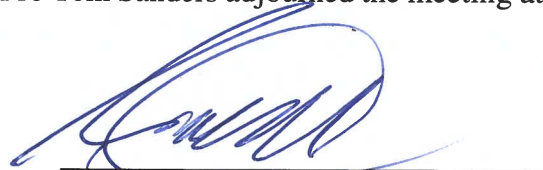
Council Member Massey submitted written suggestions on this item. In short, she does agree that it would be best to have a nomination process that is more democratic than the current HEDC Bylaws allow. Her suggestion would be to revert back to the way board members were nominated before the bylaws were changed, which was the HEDC Board President requests applications of interested individuals (usually with a resumé) and they are provided to the full HEDC Board via an agenda item for review/consideration at a meeting. Applicants are encouraged, but not required to attend the meeting, and be available for questioning by the Board. The applications can be evaluated by a ranking system established by the HEDC Director and Staff. Additionally, the HEDC Director, Assistant Director, and Mayor would also be allowed to rank the applications. That makes 10 people vetting the applications, but only the HEDC Board would have the final vote. Based on a majority vote of the Board, one nominee is submitted to City Council by the HEDC Board President for approval. In her opinion, it would be redundant to create a nomination committee of three (3) Board of Directors. Lastly, she noted, the City Council, under law, is directly responsible for the HEDC and its activities, and this language should not be removed from Section 2.1 *Powers, Number, and Terms of Office*.

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Mayor Pro Tem Sanders wrapped up discussion on this item by pointing out the general consensus was, the nomination authority should not lie solely with the Office of the Mayor. The Council Member sponsors of this item will continue further research and resubmit for a future meeting date.

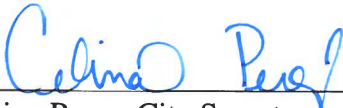
**Adjourn**

With no more business to come before Council, Mayor Pro Tem Sanders adjourned the meeting at 7:46 p.m.



Rich Whitehead, Mayor

ATTEST:



Celina Perez, City Secretary

