

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
June 24, 2021

The City of Helotes City Council met for a regular meeting Thursday, June 24, 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
Linda Salazar
Matthew McCrossen
Cynthia Massey
Matthew Merchant

Absent: Craig Sanders

Staff Present: Marian Mendoza, City Administrator
Celina Perez, City Secretary
Michael Gallardo, Development Services Coordinator
Frank Garza, City Attorney

1. Call to Order.

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

OPEN SESSION:

2. Citizens to be Heard.

No one signed up to speak on this item.

MAYOR'S REPORT:

3. Updates on the following: (Mayor Whitehead)

- **Installation of visitor parking signs in front of City Hall;**
- **Maintenance of Texas Department of Transportation (TxDOT) medians in the city limits, along S.H. 16 (Bandera Rd.);**
- **Recognition of Dr. Manuel Quiñones for donating new exercise equipment to the Helotes Fire Department;**
- **Designation of Council Member Matthew Merchant as the Ad HOC Public Safety Liaison;**
- **CPS power outage on Thursday, June 17, affecting customers outside the city limits, along S.H. 16 (Bandera Rd.), near the intersection of S.H. 211; and**
- **Reminder of the Helotes Independence Day Celebration & Fireworks event on Saturday, July 3 at the Helotes Festival Fairgrounds.**

Mayor Whitehead reported on the aforementioned items. The one reserved parking space sign in front of City Hall has been removed and six designated visitor parking space signs have been installed. The City arranged with TxDOT to mow the medians along Bandera Road. TxDOT mows the medians every 4 months and Public Works will begin mowing in between, to increase visual appeal on Bandera Road. Council Member Merchant will serve as the Ad HOC Public Safety Liaison and work with police and fire on emergency medical care issues and develop health-related programs. Lastly, there was a string of power outages on June 17 that affected areas further North of the Helotes city limits, by Government Canyon. Mayor Whitehead thanked CPS for quickly dispatching ground crews and for setting up a cooling/charging mobile unit at the Helotes Fire Department.

ITEMS FOR INDIVIDUAL CONSIDERATION:

4. Discussion of and action on the minutes of the Regular Meeting dated June 10, 2021. (Staff)

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

Council Member Massey suggested a wording choice on Item No. 11 - Mayor's Report. On the Ethics Commission update, the suggestion is changing "that they are a recommending body" to "that it should be considered an advisory body".

Motion to approve the item, with noted wording choice, carried unanimously by those present.

5. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas amending a Joint Use Agreement between Kenneth and Mary Sue Dempsey and the City of Helotes, for the setup, production, and teardown of the *MarketPlace at Old Town Helotes* on property located at 14391 Riggs Road, Helotes, Texas 78023, otherwise known as the Bluffs at Old Town Helotes; and authorizing the Mayor to negotiate and execute said Agreement. (Staff)

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

The amended Agreement will remove *Jazz a'Round Old Town Helotes* (this is event is no longer being held) and will identify the *MarketPlace at Old Town Helotes* as the sole municipal event to be held on said property, on the first Saturday of every month. The proposed changes remove golf cart use and include the use of the public restrooms, storage building, and stage. The property owners shall provide a band and/or a musician for the stage. The City will not need to rent portable restrooms and instead pay a monthly fee of \$1,000.00 for use of the property and equipment for *MarketPlace*. The Agreement will start on July 1, 2021, for a primary term of three years, from the start date.

Motion to approve carried unanimously by those present.

6. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas approving a New Construction Site Option and Ground Lease Agreement between Crown Castle Towers 06-2, LLC and the City of Helotes for the installation of a second cellular tower and enclosure adjacent to an existing cellular tower and enclosure located on the Municipal Complex; and authorizing the Mayor to negotiate and execute said Agreement. (Staff)

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

On August 9, 2018, Council passed Ordinance No. 2018-19, approving a New Construction Site Lease Term Sheet for the installation of a second cellular tower and enclosure adjacent to the existing cellular tower and enclosure located on the Municipal Complex. The Term Sheet set forth proposed conditions, however, a formal Ground Lease Agreement was never executed. Crown Castle is ready to move forward with a formal Ground Lease Agreement. The second cellular tower will be stealth in design and appear as a flag pole that will display the Texas flag. Illumination on the Texas flag will be comparable to existing illumination on the USA flag. The site area of the second cellular tower will measure 1,600 square feet, or 40'x40'. Access to the second tower will be through an existing easement from the Municipal Complex parking lot. The Agreement's primary term is for five years. The Agreement also addresses rent and lease fees due to the City.

Council Member McCrossen requested a provision be added to the Agreement, requiring the tenant to lower the Texas flag within 12 hours of receiving official governmental notice. The Council was amenable to including this provision in the Agreement.

Motion to amend was made by Council Member McCrossen to approve the item, contingent on adding language to read when the governor orders the Texas flag to fly at half-staff, that the tenant lower said flag within 12 hours of the ordered time. Second by Council Member Salazar.

Amended motion carried unanimously by those present.

7. Discussion of and direction 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)

Discussion included the draft ordinance presented identifies the Ethics Commission as an advisory body to Council and establishes the process for receiving, reviewing, and determining ethical complaints. Council Member Massey suggested keeping each Council Member appoint one member, but that the Mayor appoints two members. All appointments would still be subject to the approval by a majority vote of Council. Frank Garza, City Attorney, suggested adding a subparagraph under Section 2-65 *Financial Disclosure*, requiring existing officers to file a sworn financial disclosure annually. Mayor Whitehead stated the ordinance, with noted suggestions, would be brought back at a future meeting date for action.

8. 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)

Discussion included narrowing down location, requiring property owners written permission, requiring public restroom facilities, narrowing down hours of operation, establishing waste discharge and fire related regulations, requiring a health permit, and requiring a mobile food establishment permit fee to operate in the City.

Council's direction to Staff was to allow food trucks in Old Town Helotes, at Home Owners Association (HOA) Amenity Centers, or attached to a Special Events Permit. Suggested hours of operation were Sunday through Saturday 6 a.m. to 11 p.m. Suggested mobile food establishment permit fees to operate in the City were \$300.00 for an annual permit and \$100.00 for a quarterly permit. Lastly, Staff was directed to include a penalty fee amount, as authorized by the State. Mayor Whitehead stated a draft ordinance, to include the above noted direction, would be brought back at a future meeting date for action.

Adjourn

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 8:27 p.m.



Rich Whitehead, Mayor

ATTEST:



Celina Perez, City Secretary