

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
July 22, 2021

The City of Helotes City Council met for a regular meeting on Thursday, July 22, 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
Frank Garza, City Attorney

1. Call to Order.

Mayor Whitehead called the meeting to order at 7:00 p.m. Pastor Enrique Juarez, Iglesia Bautista Fe Victoriosa (Victorious Faith Baptist Church), 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)

- **Recap of the Helotes Independence Day Celebration & Fireworks event held on Saturday, July 3, 2021, at the Helotes Festival Fairgrounds;**
- **Follow up on ordinance amendment revising building permit time limitation from 9 months to 12 months;**
- **Update on Mayor & Council nominations to the Ethics Commission; and**
- **Clarification on the status of mobile food establishments in the City.**

Mayor Whitehead reported on the aforementioned items. The Helotes Independence Day event held on Saturday, July 3, was a great success, with roughly 4,000 people in attendance at the Helotes Festival Fairgrounds. On July 8, Council adopted amendments to the building permit ordinance, changing the permit time limitation from 9 months to 12 months. Current permit holders

under the 9 month expiration term still need to follow this time limit, however, if additional time is needed, the permit holder can request a permit extension. Development Services can grant an extension of up to 3 months at no cost. This would make the permit valid for 12 months. On July 8, Council also adopted the ethics ordinance, establishing the Ethics Commission as an advisory body. Commission nominees by the Mayor and Council will be a future agenda action item. Lastly, Mayor Whitehead clarified that under the current regulations, Home Owner Associations (HOA's) can have food trucks, so long as a special event permit is obtained. Meanwhile, Staff is working on an ordinance that will create clear regulations for food trucks in the City.

ITEMS FOR INDIVIDUAL CONSIDERATION:

4. Discussion of and action on the minutes of the Regular Meeting dated July 8, 2021. (Staff)

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

Motion to approve carried unanimously by those present.

5. Discussion of and action on a request by Tammy Pointon for approval of a variance to Municipal Code of Ordinances Chapter 66 Signs, authorizing the use of a custom wooden LED light bulb sign as a Creative Sign through Section 98-72 Old Town Helotes Special District, subparagraph (7) Creative Sign Review for Helotes Country Club located at 14687 Old Bandera Road, Helotes, Texas 78023, and identified as BCAD Property ID No. 2934711. (Applicant)

(Note: On July 6, 2021 the Planning & Zoning Commission recommended approval of the above variance, authorizing a custom wooden LED light bulb sign as a creative sign for the beer garden space at the Helotes Country Club.)

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

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 an Animal Care Services Agreement between the City of Helotes and De Zavala – Shavano Veterinary Clinic for a primary term of one (1) year commencing on September 1, 2021 and terminating on August 31, 2022; and authorizing the Mayor to negotiate and execute said Agreement. (Staff)

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

Motion to approve carried unanimously by those present.

7. **Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas ordering a Special Election to be held on Tuesday, November 2, 2021, on a proposition to increase the City's general purpose sales and use tax rate from 1.00% to 1.25%, as imposed under sections 321.101(a) and 321.103(a) of the Texas Tax Code; and authorizing the Mayor to execute a Memorandum of Understanding (MOU) to serve as a planning document for the preparation and implementation of a Joint Agreement for election services with Bexar County, Texas. (Staff)**

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

Chapter 321 of the Texas Tax Code provides that a municipality may hold an election on a proposition to increase the total sales and use tax rate to a maximum tax rate of 8.25%. The current, total sales and use tax rate in the City of Helotes is 8.00% and breaks down as follows: 6.25% State of Texas; 0.50% City of Helotes Economic Development Corporation (HEDC); 1.00% City of Helotes General Purpose; and 0.25% City of Helotes Street Maintenance. The proposed ordinance, if adopted, would allow for the City to hold a special election allowing qualified voters of the City to vote for or against the increase of the City's General Purpose sales tax rate portion from 1.00% to 1.25%. This would bring the total sales tax rate in the City to the allowable, max sales tax rate of 8.25%.

Council shared the same disposition on this item, however, after discussion, it was prudent for the City to financially plan for the future. Moreover, Helotes residents do shop in neighboring cities where the sales tax rate is at 8.25%, and has been for some time. Mayor Whitehead reminded Council that approving the special election does not guarantee the adoption of the sales tax rate increase. It will be up to the registered voters of the City. He also stressed this is not a special use sales tax; it is a small, sales tax increase on shopping. With that in mind, Council Member Massey added it is important for the City to provide the voters with factual information on the purpose of this special election. There being no further discussion, Mayor Whitehead called the question.

Motion to approve carried unanimously by those present.

Mayor Whitehead read the caption below and adjourned into closed session at 7:38 p.m.

CLOSED SESSION:

8. **Closed Session in accordance with Texas Government Code §551.071 *Consultations with City Attorney* and §551.072 *Deliberation Regarding Real Property*. 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 City Attorney* and §551.072 *Deliberation Regarding Real Property* - To discuss Balcones Water Supply offer to purchase easement over 58.43-acre tract of land owned by City of Helotes; and**
 - **§551.072 *Deliberation Regarding Real Property* - To deliberate the purchase of real property, as proposed by the City of Helotes Economic Development Corporation, for future development purposes.**

Mayor Whitehead convened the meeting into open session at 8:48 p.m. and announced no action had been taken in closed session.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 9. Discussion of and possible action on Balcones Water Supply offer to purchase easement over 58.43-acre tract of land owned by City of Helotes. (City Council)**

No action was taken on Item No. 9.

- 10. Discussion of and possible action on authorizing the City of Helotes Economic Development Corporation Executive Director to engage the services required for the possible acquisition of real estate for future development purposes. (City Council)**

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

Motion to approve carried unanimously by those present.

City Attorney Frank Garza noted, if the EDC is successful in the acquisition of the above real estate, any final documents will need to come back to Council for approval in open session.

Adjourn

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 8:50 p.m.



Rich Whitehead, Mayor

ATTEST:



Celina Perez, City Secretary

