

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
January 27, 2022

The City of Helotes City Council met for a regular meeting on Thursday, January 27, 2022, 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 (via Zoom)
Linda Salazar
Matthew McCrossen
Cynthia Massey
Matthew Merchant

Staff Present: Marian Mendoza, City Administrator
Celina Perez, City Secretary
Michael Gallardo, DS Coordinator
Scott Moreland, Fire Chief
Glenn Goolsby, EDC Assistant Executive Director
Blaine Lopez, EDC Board of Directors President
Frank Garza, City Attorney

1. Call to Order.

Mayor Whitehead called the meeting to order at 7:00 p.m. Council Member Merchant 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.

CONSENT AGENDA (ITEM NOS. 3 - 5): All items marked with an asterisk (**) on the consent agenda were voted on by one motion. Motion was made by Council Member Massey, second by Council Member Salazar, 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 January 13, 2022. (Staff)

4.* Approval of the Quarterly Investment Reports for the City of Helotes and the City of Helotes Economic Development Corporation (EDC) for the quarter ending December 2021. (Staff)

- 5.* Approval of an Ordinance of the City Council of the City of Helotes, Texas calling for a General Election to be held on Saturday, May 7, 2022, for the purpose of electing one (1) Council Member Place 1, one (1) Council Member Place 2, and one (1) Council Member Place 4; providing for early voting and for notice of the Election; making provisions for the conduct of the Election; authorizing the Mayor to negotiate and execute a Contract for Election Services with Bexar County, Texas; and resolving other matters related to such election. (Staff)**

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 6. Discussion of and action on a request by Jacob and Kara Whittington for approval of a variance to Municipal Code of Ordinances Chapter 18 *Buildings and Building Regulations*, Section 18-12 (b) *International Building Code Adopted*, Subsection 312.2 *Access Control Gate Systems*, authorizing one (1) vehicular access gate to encroach on the required setback of twenty feet (20') from the front property line on a residential zoned lot located at 15285 Marin Hollow, Helotes, Texas 78023, and identified as BCAD Prop. ID No. 358763. (Applicant)**

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

The applicant constructed a fence and vehicle access gate without a building permit. The vehicle access gate fronts Marin Hollow and is setback approximately fifteen feet (15') from the front property line. The applicant cites an existing half-circle driveway interferes with the entrance and does not allow for the vehicle access gate to be setback twenty feet (20'), as required by Code. The requested variance would allow for the vehicle access gate to encroach on the front property line building setback by five (5') feet.

Council showed support of the variance, for the following reasons: 1) there would be no future road expansion on Marin Hollow; and 2) use of the vehicle access gate, as is, would not impede traffic on Marin Hollow. On a different matter, Council Members McCrossen, Merchant, and Sanders all echoed that it was important for applicants to follow the permitting process before any construction is done. It was noted that the applicant would be assessed a double permit fee for performing work without a permit.

Motion to approve the variance carried unanimously.

- 7. 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 II *Technical Codes*, and Chapter 38 *Fire Prevention and Protection*, Article III *Fire Code*, by adopting updated editions of the International Codes ("I-Codes") and National Electrical Code for building and fire standards applicable in the City of Helotes. (Staff)**

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

The proposed ordinance amendments will 1) bring the existing, adopted International Codes (“I-Codes”) to the 2021 edition; 2) bring the National Electrical Code to the 2020 edition; and 3) formally adopt the International Fuel Gas Code, International Energy Conversation Code, and International Mechanical Code, 2021 editions.

Motion to approve the item as written carried unanimously.

Mayor Whitehead read the caption below and adjourned into closed session at 7:14 p.m.

CLOSED SESSION:

- 8. 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* – Discuss the candidate qualifications for the position of City of Helotes Economic Development Corporation Executive Director.**

Mayor Whitehead convened the meeting into open session at 8:35 p.m. and announced no action had been taken in closed session.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 9. Discussion of and action on two (2) Resolutions of the City Council of the City of Helotes, Texas amending the City of Helotes Economic Development Corporation Bylaws and the Articles of Incorporation as follows:**
- a. **A Resolution authorizing Amendment No. 3 to the City of Helotes Economic Development Corporation Bylaws, Article Three *Officers and Corporate Officials* by revising Section 3.6 *Ex Officio Representative of the Board* and adding Section 3.6.1 *Executive Director*, to establish the City Administrator as an Ex Officio Representative of the EDC Board of Directors.**
 - b. **A Resolution authorizing an amendment to the City of Helotes Economic Development Corporation Articles of Incorporation, Article Ten *Board of Directors*, Subparagraph (d), by removing the City Administrator as Executive Director of the EDC. (City of Helotes EDC Board of Directors)**

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

Council Member Massey stated she had no issues in removing the City Administrator as the EDC Executive Director, however, after careful consideration, was not prepared to vote on this item as presented. Council Member Massey suggested to table this item, with the recommendation that Section 3.6.1 *Executive Director* of the EDC Bylaws be revised to the following:

- The Executive Director of the Corporation shall be appointed by the Board of Directors, with approval by the City Council, but shall not be a member of the Board of Directors. The Executive Director may be terminated by the Board of Directors, with approval by the City Council, or by the City Council, with cause; and
- The City Administrator will oversee the job performance and evaluation of the Executive Director.

Mayor Whitehead advised, discussion could ensue, without a second to Council Member Massey's motion to table this item. Council Member Sanders seconded. Discussion on the motion to table proceeded. Most of Council were not in favor of tabling and wished to discuss the item. There being no further discussion on the motion to table, Mayor Whitehead called the question.

Motion to table this item failed: 3 Nays – Council Member Salazar, Council Member McCrossen, and Council Member Merchant; 2 Ayes – Council Member Massey and Council Member Sanders.


Mayor Whitehead resumed discussion on this item. Council as a whole agreed on a fundamental point, which was to make the HEDC more autonomous. Majority of Council agreed with Council Member Massey's suggestions and believed in establishing proper provisions, that would last into the future. Council Member Salazar requested the list of qualifications for the HEDC Executive Director role and clarification on Council's ability to interview. Lastly, it was noted that the HEDC is funded by city tax dollars, therefore Council bears responsibility for the corporation. There being no further comments, Mayor Whitehead called the question.

Motion to approve Item Nos. 9a and 9b as written failed: 4 Nays – Council Member Massey, Council Member Sanders, Council Member Salazar, and Council Member Merchant; 1 Aye – Council Member McCrossen.

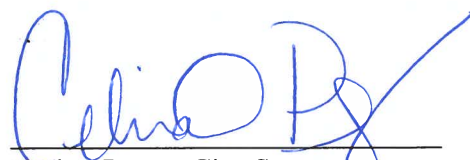
Frank Garza stated there had been sufficient direction given for the HEDC Board of Directors to consider and bring this item back to Council. The two pieces of information requested by Council Member Salazar are not to be included in the bylaws and will be an internal process.

Adjourn

With no more business to come before Council, Mayor Whitehead adjourned the meeting at 8:56 p.m.


Rich Whitehead, Mayor

ATTEST:


Celina Perez, City Secretary

