

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL
November 14, 2024

The City of Helotes City Council met for a regular meeting on Thursday, November 14, 2024, 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
Jen Sones
Dave Cato
Sabrina McGowan

Absent: Rich Whitehead, Mayor
Matthew Merchant

Staff Present: Henry Hayes, Interim City Administrator
Celina Perez, City Secretary
Marian Mendoza, City Administrator
Frank Garza, City Attorney
Justin Vincent, Public Works Operations Supervisor
Scott Moreland, Fire Chief
Glenn Goolsby, EDC Executive Director

1. Call to Order.

Mayor Pro Tem Sanders called the meeting to order at 7:00 p.m. Council Member Sones led the invocation. Mayor Pro Tem Sanders led the pledges to the U.S. flag and the Texas flag.

RECOGNITION:

2. Proclamation presented by Mayor Whitehead to the Daniel B. Persyn Memorial Veteran of Foreign Wars (VFW) Post 7108 marking the 125th anniversary of the VFW. (Requester)

Mayor Pro Tem Sanders called for the VFW Post 7108 to receive the Proclamation; however, they were not in attendance.

OPEN SESSION:

3. Citizens to be Heard.

Mahesh “Nathan” Visvanathan introduced himself and invited the community to the Helotes Diwali event (Festival of Lights) being held at the Helotes Festival Grounds on Saturday, November 16.

CONSENT AGENDA: All items marked with an asterisk (*) on the consent agenda were voted on by one motion. Motion was made by Council Member Cato, second by Council Member Sones, to approve Items 4 through 7 on the consent agenda. Motion to approve carried unanimously by those present.

- 4.* Approval of the minutes of the Regular Meeting dated October 10, 2024, and the Special Meeting dated October 29, 2024. (Staff)**
- 5.* Approval of an Ordinance of the City Council of the City of Helotes, Texas, repealing in its entirety Municipal Code of Ordinances Chapter 58, Article III *Minors*, Division I *Curfew* due to Texas House Bill 1819 (H.B. 1819), a state law that prohibits local governments from imposing curfews on people under 18 years of age. (Staff)**
- 6.* Approval of a Resolution of the City Council of the City of Helotes, Texas, approving and certifying the Bexar County Tax Assessor-Collector's 2024 tax roll for the City of Helotes. (Staff)**
- 7.* Approval of a Resolution of the City Council of the City of Helotes, Texas, implementing a City policy prohibiting the use of the video-sharing application Tik-Tok and similar applications on any device owned or leased by a governmental entity as required by Texas Senate Bill 1893 (S.B. 1893). (Staff)**

MAYOR'S REPORT:

- 8. Updates on the following:**
 - **City of Helotes named a Certified Texas Scenic City, Bronze Scenic City designation for 2024 – 2029, through the commitment of Helotes Public Works;**
 - **TxDOT improvements; and**
 - **Upcoming City hosted events:**
 - **Veterans Day Concert on Sunday, November 10, from 3 - 5 PM;**
 - **Lighting of the Lights on Friday, December 6, from 6 - 7:30 PM;**
 - **First Responders Breakfast with Santa on Saturday, December 14 from 9 - 11 AM; and**
 - **Christmas Parade on Saturday, December 14 from 7:30 – 8:30 PM.**

Mayor Pro Tem Sanders provided background information on the organization Scenic Texas, the criteria for obtaining a Scenic City designation, and then presented the Bronze Award to Public Works. Next, Mayor Pro Tem Sanders reported the TxDOT improvements on SH 16 were, for the most part, done. Lastly, Mayor Pro Tem Sanders spoke about the Veteran's Day event being a huge success and announced the upcoming holiday events the City hosts.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 9. First reading and discussion on an Ordinance of the City Council of the City of Helotes, Texas, amending Municipal Code of Ordinances Chapter 14 *Animals* by revising portions of Article I *In General*, Article II *Animal Care*, Article III *Vocational Education Programs*, Article IV *Dogs and Cats*, Article V *Commercial Animal Establishments*, and Article VI *Special Provisions* to conform with state law, promote clarity, remove requirements for pet licenses, add requirements for microchipping, and remove commercial animal establishments permits. (Staff)**

Mayor Pro Tem Sanders opened discussion on the item.

Justin Vincent, PW Operations Supervisor, spoke on this item. The objective was to update Article IV *Dogs and Cats* due to the City Council's direction to eliminate the requirement for citizens to register their pets and instead enforce micro-chipping; however, Public Works decided to review the Chapter in its entirety and bring the City Code up to date. Henry Hayes, Interim CA, pointed out a clerical correction which should read "...amending commercial animal establishments permits" instead of "...remove commercial animal establishments permits".

Council Member McGowan touched upon one minor gender-neutral correction in the Ordinance document, page 2, definition for *Owner*. Overall, the City Council supported the amendments and thanked Public Works.

- 10. First reading and discussion on an Ordinance of the City Council of the City of Helotes, Texas, amending the FYE 2025 Municipal Fee Schedule to set an annual permit fee for operating a commercial animal establishment per Municipal Code of Ordinances Chapter 14 *Animals*, Article V *Commercial Animal Establishments*. (Staff)**

Mayor Pro Tem Sanders opened discussion on the item.

Justin Vincent, PW Operations Supervisor, spoke on this item. Presently, the license to operate a Commercial Animal Establishment is under Section C5 *Food and Beverage Fees*, and the license fee is determined by the number of employees at the establishment. This amendment would reclassify the license under Section B *Animal Control* and set an annual flat rate license fee of \$75.00.

The City Council had no questions.

- 11. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, casting the city's six (6) allotted votes on a candidate(s) to serve on the Bexar Appraisal District Board of Directors for a term of January 1 through December 31, 2025. (Staff)**

Motion was made by Council Member McGowan to cast the city's six (6) allotted votes for the candidate Dave Gannon. Second by Council Member Sanders.

Motion to approve carried unanimously by those present.

12. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, approving the updated Bexar County Multijurisdictional Hazard Mitigation Plan, version 2022, to implement revised mitigation strategies and remain eligible for hazard mitigation grant funding offered by the Federal Emergency Management Agency (FEMA). (Staff)

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

Scott Moreland, Fire Chief, spoke on this item. Federal Emergency Management Agency (FEMA) requires communities to update their hazard mitigation plan every five (5) years to be eligible for pre- and post-disaster federal mitigation funding administered through the Bexar County Office of Emergency Management (BCOEM).

Motion to approve the item as written carried unanimously by those present.

13. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas, authorizing the City of Helotes Economic Development Corporation (HEDC) and KENS5 to enter into a Broadcast Media Agreement to promote tourism and events in the City of Helotes for a duration of six months at a contract amount of \$24,000.00; utilizing the HEDC FYE 2025 Budget to fund 50% of the contract amount; and requesting for the City of Helotes to utilize the *Hotel Occupancy Tax Revenue (HOT)* to fund the other 50% of the contract amount. (HEDC Board of Directors)

Motion was made by Council Member Cato, second by Council Member McGowan, to discuss and act on this item as written. Council Member Sones recused herself (conflict of interest).

Henry Hayes, Interim CA, read the state requirements for using Hotel Occupancy Tax (HOT) Revenue. The City must follow a “two-part test” to spend hotel tax revenues legally. Part 1 is every expenditure must put “heads in beds”, meaning it must attract overnight tourists to the City’s hotels and motels. Part 2 is every expenditure must also fit into one of the following nine statutorily authorized categories: (1) convention and visitor centers; (2) convention registration; (3) advertising the city; (4) promotion of the arts; (5) historical restoration and preservation; (6) sporting events in a county under one million in population; (7) enhancing or upgrading existing sports facilities or sports fields (only in certain cities); (8) tourist transportation systems; and (9) signage directing the public to sights and attractions that are visited frequently by hotel guests in the city.

Glenn Goolsby, EDC Executive Director, stated the EDC had worked with KENS5 previously and they reached out to EDC with this marketing proposal. Brook Blanco, KENS5 Sales Manager, spoke about the KENS5 broadcast coverage area and digital components.

The City Council discussion included that the EDC reduced funding to the City by \$15,000 to promote city events on their own, yet the EDC was asking the City to share the cost of this item. Moreover, the Council believed this item did not meet Part 1 of the hotel tax expenditure requirement of putting “heads in beds” since the KENS5 broadcast area doesn’t have statewide reach.

Motion was made by Council Member Cato to withdraw the original motion. Second by Council Member McGowan.

Mayor Pro Tem Sanders called for a new motion.

Motion was made by Council Member McGowan to authorize the City of Helotes Economic Development Corporation (HEDC) and KENS5 to enter into a Broadcast Media Agreement to promote tourism and events in the City of Helotes for a duration of six months at a contract amount of \$24,000.00; however, the EDC would have to use their FYE 2025 Budget to fund 100% of the contract amount. Second by Council Member Cato.

Motion to approve the item as written carried unanimously by those present.

- 14. Discussion of and action on the nomination of Sammy Robles to fill the vacancy of Place Three on the City of Helotes Economic Development Corporation (HEDC) Board of Directors, pursuant to Amendment No. 3 of the HEDC Bylaws, Article Two *Board of Directors*, Section 2.1 (c) and (e); and for said nominee to serve the remainder of the term expiring September 30, 2025. (HEDC Board of Directors)**

Mayor Pro Tem Sanders announced the candidate withdrew.

STAFF REPORT:

- 15. Presentation by Glenn Goolsby, Executive Director of the Helotes Economic Development Corporation (HEDC), on the 4th Quarter Activity for Fiscal Year Ending 2024. (HEDC Board of Directors)**

Glenn Goolsby, EDC Executive Director, announced when the report was drafted, the EDC had not moved into the Business & Visitor Center. Since then, the EDC has moved in, the Center is 60% leased, and the revenue stream coming in is almost \$2,500 per month. The City Council had no questions on the EDC activity report for the period July – September 2024 and thanked Glenn for the report.

There being no other comments, Mayor Pro Tem Sanders read the caption below and adjourned into closed session at 7:45 p.m.

CLOSED SESSION:

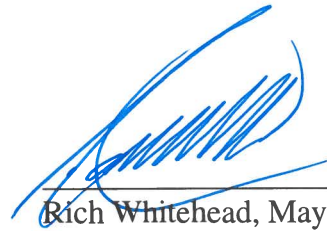
- 16. Closed Session in accordance with Texas Government Code §551.071 *Consultations with City Attorney*, §551.074 *Personnel Matters*, and §551.087 *Deliberation Regarding Economic Development Negotiations*. In addition to the matters listed below, any matter scheduled for Open Session may be discussed in Closed Session, as appropriate and authorized by law:**
 - **§551.071 *Consultations with City Attorney* seeking advice on pending Internal Revenue Service (IRS) obligations.**
 - **§551.071 *Consultations with City Attorney* and §551.074 *Personnel Matters* related to the duties of the City Administrator.**

- **§551.087 *Deliberation Regarding Economic Development Negotiations* to discuss financial or other incentive information from a commercial prospect that wishes to locate, stay, or expand in the city.**

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

Adjourn.

With no more business to come before the City Council, Mayor Pro Tem Sanders adjourned the meeting at 8:36 p.m.



Rich Whitehead, Mayor

ATTEST:



Celina Perez, City Secretary



CITY OF HELOTES CODE OF ETHICS ORDINANCE
CONFLICT OF INTEREST AFFIDAVIT

Council / Board / Commission: City Council

Meeting Date: 11/14/24 Agenda Item #: 13

STATE OF TEXAS §

COUNTY OF BEXAR §

This Affidavit is filed in accordance with the City of Helotes Ethics Ordinance and Texas Local Government Code Chapter 171. The applicable Ordinance may be obtained on the City of Helotes website.

I, Jenifer Jones, member of the Helotes City Council, Place 2
(Office Held), hereby make this affidavit in accordance with the City of Helotes Ethics Ordinance, and the provisions of Chapter 171 of the Texas Local Government Code, and state the following:

A. BUSINESS ENTITY

Name of Entity: Kens5

I and / or person(s) related to me have a **substantial interest** in a business entity that would be affected by the outcome of the Agenda Item listed above. A business entity is defined as a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, a nonprofit, or any other entity recognized by law. The nature of the interest is:

___ Owns 10 percent or more of the voting stock or shares of the business entity;

___ Owns either 10 percent or more of \$15,000.00 or more of the fair market value of the business entity;

___ Receives funds from the business entity that exceed 10 percent of the person's gross income for the preceding year; or

✓ Other: my small business at Helotes Market Daxs would benefit from Kens5 promotion of the event.

B. REAL PROPERTY

___ I and/or person(s) related to me, have an **interest in real property** that has a fair market value of \$2,500.00 or more, and it is reasonably foreseeable that the action presently pending will have a special economic effect on the value of the property, distinguishable from the effect on the public.

Upon filing of this affidavit with the recording secretary and/or the City Secretary, I affirm that I will abstain from all participation, discussion, and voting involving the matter identified in the above-referenced Agenda Item.

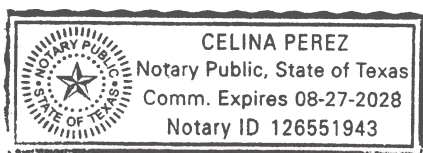
Signature: Jenifer Jones

Date: 10/18/24

BEFORE ME, the undersigned authority, on this day personally appeared the above-named person who on oath stated that the facts hereinabove stated are true to the best of his/her knowledge or belief.

SWORN TO AND SUBSCRIBED before me on this 18 day of Oct., 2024.

(notary seal)



Olivia D. [Signature]
Notary Public in the State of Texas