

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL

The City of Helotes City Council met for a regular meeting Thursday, March 10, 2016 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.

Council

Present: Thomas A. Schoolcraft, Mayor
Paul Friedrichs, Mayor Pro Tem
Edward Villanueva
Alex Blue
Bert Buys
Cynthia Massey

Staff Present: Rick Schroder, City Administrator
Grace Tamez, City Secretary

1. Call to Order.

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

PUBLIC HEARINGS:

- 2. Public hearing to give all interested persons the right to appear and be heard on a request by Gabriel Rodriguez for a change in Municipal Code of Ordinances Chapter 98 Zoning, Section 98-72 Old Town Helotes Special District (OTHSD), Subsection (c) Use Regulations to allow Medical Offices within the Mixed-Use and Service Villages.**

Mayor Schoolcraft opened the public hearing at 7:02 p.m. Gabriel Rodriguez, applicant, spoke on this item and answered questions. Mayor Schoolcraft closed the public hearing at 7:10 p.m.

- 3. Public hearing to give all interested persons the right to appear and be heard on a request for a change in Municipal Code of Ordinances Chapter 98 Zoning, Section 98-72 Old Town Helotes Special District (OTHSD), Subsection (c) Use Regulations to allow Outdoor Food Truck Park and Bar Facilities within the Mixed-Use and Service Villages.**

Mayor Schoolcraft opened the public hearing at 7:10 p.m. No one signed up to speak on this item. Mayor Schoolcraft closed the public hearing at 7:10 p.m.

- 4. Public hearing to give all interested persons the right to appear and be heard on a request by Slim Texas, L.L.C. for a Specific City Council Approved Use Permit for a Restaurant with Drive-Thru (Alcoholic Beverages Incidental to Food Sales) facility, pursuant to Municipal Code of Ordinances Chapter 98 Zoning, Section 98-69 Overlay District (B3-OD), on property zoned B3-OD and located at Tuscany**

Place, Helotes, Texas 78023, more particularly described as CB 4477G (Helotes Professional Park), Blk 2, Lots 1-15.

Mayor Schoolcraft opened the public hearing at 7:11 p.m. No one signed up to speak on this item. Mayor Schoolcraft closed the public hearing at 7:11 p.m.

OPEN SESSION:

5. Citizens to be Heard.

No one signed up to speak on this item.

CONSENT AGENDA: All items marked with an asterisk (**) on the consent agenda were voted on at the beginning of the meeting. Motion was made by Council Member Buys, second by Mayor Pro Tem Friedrichs, to approve items 6, 7, 8a, 8b, 9, 10, 11, 13, and 14b on the consent agenda. Motion to approve carried unanimously.

6. Approval of the minutes of the Regular Meeting dated February 11, 2016. (Staff)**

7. Approval of the Fiscal Year Ending (FYE) 2016 City of Helotes Revenue and Expense and Encumbrance Reports dated March 2, 2016. (Staff)**

8a. Approval of Ordinance No. 585 of the City Council of the City of Helotes, Texas declaring unopposed candidates in the May 7, 2016 General Election for the office of Council Member Place 1, Council Member Place 2, and Council Member Place 4 as elected; declaring that the General Election is cancelled; repealing all ordinances or parts of ordinances in conflict therewith; providing a severability clause; and providing for an effective date. (Staff)**

8b. *Aprobación de Ordenanza Núm. 585 del Consejo Municipal de la Ciudad de Helotes, Texas declarando electos a los candidatos únicos en la Elección General del 7 de Mayo de 2016 en las posiciones de Miembro del Consejo Lugar 1, Miembro del Consejo Lugar 2, y Miembro del Consejo Lugar 4; declarando que se cancelará la Elección General; revocando todas las ordenanzas o piezas de ordenanzas en conflicto; estipulando una cláusula de separabilidad; y estipulando una fecha de vigencia. (Personal)***

9. Approval of a final plat, pursuant to Municipal Code of Ordinances Chapter 78 Subdivisions, Article II Subdivision Regulations, Division 2 Plat Procedures, for approximately 4.844 acres of land located, generally, on Iron Horse Way near its intersection with Antonio Drive, Helotes, Texas 78023, establishing the Iron Horse Townhomes Subdivision, CB 4483, Lots 1-12, of the Official Public Records of Bexar County, Texas. (Applicant)**

10. Approval of a Storm Water Management Plan and associated Fee-in-Lieu of Detention, pursuant to Chapter 34 Environment, Article IV Stormwater Detention and Drainage of the Municipal Code of Ordinances, for Honey Care Properties,**

L.L.C. for property located at 12445 F.M. 1560 N, Helotes, Texas 78023, more particularly described as CB 4481B BLK 3 LOT 263 per Plat 7900/201, Lot 263 has been used 04481-203-2630. (Applicant)

- 11.** Approval of Calendar Year 2015 Racial Profile Report for the City of Helotes Police Department. (Staff)**
- 12. Approval of a Resolution of the City Council of the City of Helotes, Texas approving an Agreement to Contribute Right of Way Funds (Fixed Price) in the amount of one hundred twenty six thousand two hundred four dollars and thirty-seven cents (\$126,204.37), with the conveyance of 0.7572 acres of City-owned real property in lieu of the aforementioned monetary payment, between the State of Texas, acting through the Texas Department of Transportation, and the City of Helotes for the municipal portion of costs associated with acquiring necessary rights of way and the adjustment of utilities for highway improvements to F.M. 1560 from F.M. 1560 to S.H. 16 (Bandera Rd.); authorizing Mayor Thomas A. Schoolcraft to execute said Agreement on behalf of the City Council of the City of Helotes; authorizing the City Administrator to transfer the recorded deed with insurable title to the State for said property; providing for severability; incorporating recitals; and setting an effective date. (Staff)**

This item was discussed after item #15.

Motion was made by Mayor Pro Tem Friedrichs, second by Council Member Buys, to discuss and act on this item as written.

Mayor Schoolcraft explained that the appraisal of the City-owned real property exceeded the projected fixed price the City owes for the street improvements. TxDOT will not allow the City to bank the excess amount for future City street projects. Rather than transfer property ownership to TxDOT, the City can sell the property to them and bank the excess amount in a City account. .

Motion to amend was made by Mayor Pro Tem Friedrichs, second by Council Member Buys, to approve the agreement to contribute right-of-way funds, not convey ownership of the property, and authorize the Mayor to negotiate and execute a sales contract with TxDOT for the sale of the City-owned real property. Motion to approve carried unanimously.

- 13.** Approval of a request by Slim Texas, L.L.C. for a Specific City Council Approved Use Permit for a Restaurant with Drive-Thru (Alcoholic Beverages Incidental to Food Sales) facility, pursuant to Municipal Code of Ordinances Chapter 98 Zoning, Section 98-69 Overlay District (B3-OD), on property zoned B3-OD and located at Tuscany Place, Helotes, Texas 78023, more particularly described as CB 4477G (Helotes Professional Park), Blk 2, Lots 1-15. (Applicant)**
- 14a. Approval of a request by Ken Dempsey for creative signage, pursuant to Municipal Code of Ordinances Chapter 98 Zoning, Section 98-72 Old Town Helotes Special District (OTHSD), Subsection (g) Sign Regulations, for the Shops at Old Town**

Helotes, Inc. located at 14743 E. Bandera Rd., Helotes, Texas 78023, more particularly described as CB 4524H (Helotes Old Town), Block 1, Lot 2. (Applicant)

This item was discussed after item #12.

Council Member Villanueva filed a conflict of interest affidavit with the City Secretary and refrained from discussion and voting on this item. Council Member Villanueva owns property in the Old Town Helotes area.

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

Speaking on this item was Ken Dempsey, applicant. The entire fence will be a sign. Concerns included the large size of the multi-tenant sign/fence, lack of written design standards or a master sign plan that would maintain the old-time look in the future, and lack of construction details.

Motion to amend was made by Council Member Massey, second by Council Member Blue, to approve the request with the following stipulations;

- Prior to beginning construction on the fence, the developer must submit the construction plans, details, and specifications to the City for review and approval. The original submittal must include the spaces allocated on the wall/fence for each business name, the font size and style, and the material to be used for the lettering.
- The fence was presented as a “backdrop” or structure to display wayfinding signage for each business at The Shops at Old Town.
- Each sign must be similar in appearance with no bright colors or logos and remain consistent with the rustic character of Old Town Helotes.

Motion to approve as amended carried; 4 Ayes, 0 Nays, 1 Abstain – Council Member Villanueva.

14b. Approval of Ordinance No. 586 of the City Council of the City of Helotes, Texas approving an Encroachment License Agreement for a fence and creative signage to be constructed on Municipal Right-of-Way for the Shops at Old Town Helotes located at 14743 E. Bandera Rd., Helotes, Texas 78023; authorizing Mayor Thomas A. Schoolcraft to execute said Agreement on behalf of the City Council of the City of Helotes; providing for severability; incorporating recitals; and setting an effective date. (Applicant)**

ITEMS FOR INDIVIDUAL CONSIDERATION:

15. Discussion of and action on a request by Gabriel Rodriguez for a change in Municipal Code of Ordinances Chapter 98 Zoning, Section 98-72 *Old Town Helotes Special District (OTHSD)*, Subsection (c) *Use Regulations* to allow Medical Offices within the Mixed-Use and Service Villages. (Applicant)

This item was heard after item # 14b.

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

On March 1, Planning and Zoning Commission recommended approved of this item with the stipulation that the definition of *Office, Medical* be amended to ensure that high volume medical offices will not be allowed in the OTHSD.

Motion to amend was made by Council Member Massey, second by Council Member Villanueva, to approve the use of Medical Offices in the OTHSD and amend Ordinance No. 587 to include the definition in Subsection (c) to read "Office Medical. A facility designed to provide office, clinic, surgical, or lab space for doctors, dentists, and similar professionals."

Motion to amend carried unanimously. Motion to approve as amended carried unanimously.

16. Discussion of and action on a request for a change in Municipal Code of Ordinances Chapter 98 Zoning, Section 98-72 Old Town Helotes Special District (OTHSD), Subsection (c) Use Regulations to allow Outdoor Food Truck Park and Bar Facilities within the Mixed-Use and Service Villages. (City Staff)

This item was discussed after item #14a.

Council Member Villanueva filed a conflict of interest affidavit with the City Secretary and refrained from discussion and voting on this item. Council Member Villanueva owns property in the Old Town Helotes area.

Motion was made by Council Member Massey, second by Mayor Pro Tem Friedrichs, to discuss and act on this item as written.

Discussion included lack of written rules for a food truck park, special events now include food trucks, and the location for food trucks whether scattered stand-alone trucks or all trucks in only one area. General consensus was that the trucks would be located in one area. Approval of this item would amend the schedule of uses and allow food trucks in all of the Old Town Helotes Special District.

Motion to approve carried; 4 Ayes, 0 Nays, 1 Abstain – Council Member Villanueva.

17. Discussion of and action on a request by Kyle Kuenemann for freestanding signage, including requisite variance request(s), pursuant to Municipal Code of Ordinances Chapter 66 Signs, for Diamond K Customs / Container Solutions TX.com located on N. F.M. 1560, San Antonio, Texas 78254, more particularly described as CB 4450 P-8D (15 AC). (Applicant)

Motion was made by Council Member Buys, second by Mayor Pro Tem Massey, to discuss and act on this item as written.

On March 1, Planning and Zoning Commission approved this item with stipulations to improve the existing non-conforming sign with exterior-grade material, repainting, landscaping, and

adding a monument base. Discussion included adding to an existing non-conforming sign and forcing the sign owner, who is not the applicant, to improve the existing non-conforming sign.

Motion to amend was made by Council Member Buys, second by Mayor Pro Tem Friedrichs, to approve the request for the sign with the stipulation that the existing and proposed sign be constructed of exterior-grade material with, if necessary, a sturdy substrate to prevent sagging and to repaint the existing metal poles.

Motion to approve as amended carried; 4 Ayes, 1 Nay – Council Member Blue, 0 Abstain.

- 18. Discussion of and action on a request by Alejandro Rivera for freestanding / pole and wall signage, including requisite variance request(s), pursuant to Municipal Code of Ordinances Chapter 66 Signs, for Lone Star Gun and Supply located at 11350 N. F.M. 1560, Helotes, Texas 78023, more particularly described as CB 4481 ABS 712 P-5D. (Applicant)**

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

On March 1, Planning and Zoning Commission recommended approval of a wall sign and stipulated that the pole sign and other wall signs be removed. Discussion included visibility and the definition of a wall sign.

Motion to amend was made by Council Member Villanueva, second by Council Member Buys, to approve one sign on the wall and to remove the pole sign and the other wall signs.

Motion to approve as amended carried unanimously.

- 19. Discussion on the City of Helotes logo. (City Staff)**

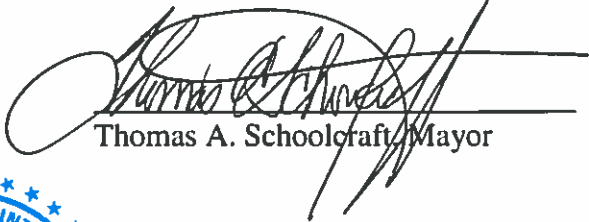
General consensus was to not change the logo. No action was taken on this item.

Adjourn.

With no more business to come before Council, Mayor Schoolcraft adjourned the meeting at 8:40 p.m.

ATTEST:


Grace Tamez, City Secretary


Thomas A. Schoolcraft, Mayor

