



**AGENDA  
REGULAR MEETING  
HELOTES CITY COUNCIL  
June 9, 2016  
7:00 p.m.**

The City of Helotes City Council will meet for a Regular Meeting on Thursday, June 9, 2016 at 7:00 p.m. in the City Hall Council Chamber, 12951 Bandera Road, Helotes, Texas 78023. This is an open meeting, subject to the open meeting laws of the State of Texas.

1. Call to Order.
  - Invocation.
  - Pledge of Allegiance.

**OPEN SESSION:**

2. Citizens to be Heard. *The City Council cannot discuss any presented issue, nor may any action be taken on any issue at this time (Attorney General Opinion JC-0169). The Council will accept comments from citizens of the City of Helotes only. Comments are limited to three (3) minutes, and this time is not transferable. Each person may only speak once. No profanity or threats will be tolerated.*

**CONSENT AGENDA (ITEM NOS. 3 - 5):**

*All Consent Agenda items listed below are considered routine by City Staff and are intended to be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember requests it, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.*

3. Approval of the minutes of the Regular Meeting dated May 12, 2016. (Staff)
4. Ratification of two (2) interdepartmental budget adjustments transferring \$11,127.00 from General Fund 01-510-5231 *Building Inspector* to 01-545-5230 *Street Improvements* and \$15,559.00 from General Fund 01-540-5227 *Plat Filings* to 01-545-5233 *Drainage Improvements*. (Staff)
5. Approval of the City of Helotes Revenue and Expense and Encumbrance Reports dated June 6, 2016. (Staff)

**NOTICE OF ASSISTANCE AT THE PUBLIC MEETING**

The City of Helotes City Hall is wheelchair accessible, and accessible parking spaces are available. In compliance with the Americans with Disabilities Act, the City of Helotes will provide reasonable accommodations for persons attending the meeting. To better serve you, requests should be received forty-eight (48) hours prior to the meeting. Please contact the City Secretary's Office at 210.695.5911 or by facsimile at 210.695.2123.

*Adjourn into Closed Session.*

**CLOSED SESSION:**

6. Closed Session in accordance with Texas Government Code §551.071 *Consultations with Attorney*. 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 Attorney* regarding Continental Homes of Texas L.P. vs. the City of Helotes Et. Al.;
  - §551.071 *Consultations with Attorney* regarding Texas Association of Builders Et. Al. vs. the City of Helotes Et. Al.; and
  - §551.071 *Consultations with Attorney* regarding Ashton San Antonio Residential, LLC; Pulte Homes of Texas, LP; MHI Central Texas, LLC; and Weekley Homes, LLC vs. the City of Helotes, Et. Al. (Staff)

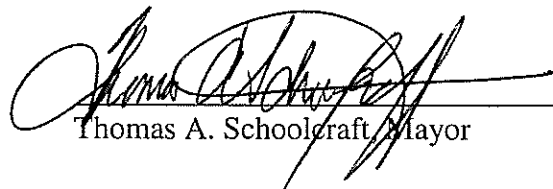
*Adjourn into Open Session.*

**ITEMS FOR INDIVIDUAL CONSIDERATION:**

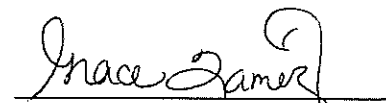
7. Discussion of and action on matters discussed in Closed Session regarding Continental Homes of Texas L.P. vs. the City of Helotes Et. Al.; Texas Association of Builders Et. Al. vs. the City of Helotes Et. Al.; and Ashton San Antonio Residential, LLC; Pulte Homes of Texas, LP; MHI Central Texas, LLC; and Weekley Homes, LLC vs. the City of Helotes, Et. Al. (Staff)

*Adjourn meeting.*

*The City Council of the City of Helotes reserves the right to adjourn into Closed Session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultations with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).*

  
Thomas A. Schoolcraft, Mayor

I certify that this Agenda was posted on June 3, 2016 at 2:00 a.m. (p.m.)

  
Grace Tamez, City Secretary

MINUTES  
REGULAR MEETING  
HELOTES CITY COUNCIL

The City of Helotes City Council met for a regular meeting Thursday, May 12, 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

Before calling the meeting to order, Mayor Schoolcraft administered the Oath of Office and presented Certificates of Election to Edward "Ed" Villanueva, Council Member Place 1; Alex Blue, Council Member Place 2; and Cynthia Massey, Council Member Place 4. These candidates were unopposed and declared elected at the Council meeting on March 10, 2016.

**1. Call to Order.**

Mayor Schoolcraft called the meeting to order at 7:00 p.m. Council Member Cynthia Massey led the invocation. Mayor Schoolcraft led the pledge to the U.S. flag and the Texas flag. Mayor Schoolcraft welcomed Boy Scouts from Troop-484.

RECOGNITION:

**2. Proclamation presented by Mayor Thomas A. Schoolcraft to the City of Helotes Public Works Department in support of National Public Works Week dated May 15 - 21, 2016. (Mayor Schoolcraft)**

Mayor Schoolcraft presented the proclamation to Joshua Mair, Public Works Supervisor.

PUBLIC HEARING:

**3. Public Hearing to give all interested persons the right to appear and be heard on amendments to the *Office, Medical* definition contained within the Code of Ordinances Chapter 98 Zoning, Section 98-72 Old Town Helotes Special District, Subsection (c)(4) Use Definitions.**

The Planning and Zoning Commission held a public hearing on amendments to the *Office, Medical* definition for the Old Town Helotes Special District (OTHSD) on May 3, 2016. No individuals spoke for or against the issue. Generally, the proposed amendments clarify that

medical offices located within the OTHSD must be non-emergent facilities designed and constructed in accordance with *The Old Town Helotes Plan*.

Mayor Schoolcraft opened the public hearing at 7:08 p.m. No one signed up to speak on this item. Mayor Schoolcraft closed the public hearing at 7:08 p.m.

OPEN SESSION:

**4. 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 5, 6, and 7 on the consent agenda. Motion to approve carried unanimously.

**5.\*\* Approval of the minutes of the Regular Meeting dated April 28, 2016. (Staff)**

**6.\*\* Approval of the Fiscal Year Ending (FYE) 2016 City of Helotes Revenue and Expense and Encumbrance Reports dated May 5, 2016. (Staff)**

**7.\*\* Approval of a City of Helotes Public Fireworks Display, pursuant to Chapter 38 Fire Prevention and Protection, Article V. Fireworks, Section 38-53 Permit of the Municipal Code of Ordinances, for the Independence Day Concert and Fireworks Spectacular located within the Municipal Complex and on the Sandra Day O'Connor High School grounds on Saturday, July 2, 2016 beginning at 6:30 p.m. (Staff)**

The Municipal Code of Ordinances requires City Council approval of any public fireworks display within the corporate limits of the City. The City of Helotes will host an annual event entitled *Independence Day Concert and Fireworks Spectacular* on Saturday, July 2, 2016. Fireworks will be fired during the event on Sandra Day O'Connor High School grounds by a State and Local licensed, permitted fireworks production company.

ITEMS FOR INDIVIDUAL CONSIDERATION:

**8. Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas amending the *Office, Medical* definition contained within the Code of Ordinances Chapter 98 Zoning, Section 98-72 *Old Town Helotes Special District*, Subsection (c)(4) *Use Definitions*; declaring compliance with Municipal zoning regulations, the City Master Plan, State Law, and public notice and hearing requirements; incorporating recitals; repealing ordinances or parts of ordinances in conflict herewith; providing for severability; and declaring an effective date. (Staff)**

The proposed Ordinance amends the *Office, Medical* definition contained within the Code of Ordinances Chapter 98 Zoning, Section 98-72 *Old Town Helotes Special District*, Subsection

(c)(4) *Use Definitions* by clarifying that medical offices located within the OTHSD must be non-emergent facilities designed and constructed in accordance with *The Old Town Helotes Plan.*)

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

Motion to approve carried unanimously.

9. **Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas approving an Encroachment License Agreement designating five (5) public parking spaces within the Old Town Helotes Special District as “Reserved for Elf Industries Patrons Only” and authorizing the placement of associated parking signage encroaching onto Municipal Right-of-Way located adjacent to 14546 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)**

The applicant requests five (5) dedicated parking spaces in front of Elf Industries, Inc. (Elf Hardware and associated tenants) along Old Bandera Road. Municipal dedication of public rights-of-way and erection of associated signage requires City Council approval through the adoption of an ordinance and the execution of an Encroachment License Agreement. The applicant proposes to reimburse the City for any and all costs associated with the erection of appropriate signage.

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 Special District.

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

Byron Faust, applicant, answered questions. Concerns included reserving public parking for a private business, reserving parking for other business owners, and reserving parking on a 24/7 basis.

Motion was made by Council Member Buys, second by Council Member Massey, to amend the motion and designate five public parking spaces for Elf Industries from Tuesday through Friday from 8:30 a.m. to 5:30 p.m. and on Saturday from 8:30 a.m. to 4:00 p.m.

The motion to approve as amended resulted in a tied vote. Before voting, Mayor Schoolcraft noted that he supports local businesses and that the public parking improvements in OTH were paid with public funds.

Motion to approve as amended failed; 2 Ayes, 3 Nays -- Council Member Blue, Council Member Massey, and Mayor Schoolcraft; 1 Abstain - Council Member Villanueva.

The request for an encroachment license agreement is denied.

Mayor Schoolcraft adjourned the meeting into closed session at 7:33 p.m. after reading the caption below.

**CLOSED SESSION:**

**10. 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* on the selection of a Mayor Pro Tempore for the City Council of the City of Helotes, Texas.**

Mayor Schoolcraft convened the meeting into open session at 7:35 p.m. and announced that no action had been taken in closed session.

**ITEMS FOR INDIVIDUAL CONSIDERATION:**

**11. Discussion of and action on the selection of a Mayor Pro Tempore for the City Council of the City of Helotes, Texas. (City Council)**

Motion was made by Council Member Buys, second by Council Member Villanueva, to nominate Council Member Blue for Mayor Pro Tem.

Mayor Schoolcraft asked for other nominations. No other nominations were made.

Motion to approve the nomination carried unanimously.

***Adjourn.***

With no more business to come before Council, Mayor Schoolcraft adjourned the meeting at 7:38 p.m.

ATTEST:

\_\_\_\_\_  
Thomas A. Schoolcraft, Mayor

\_\_\_\_\_  
Grace Tamez, City Secretary