

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL

The City of Helotes City Council met for a regular meeting on Thursday, November 14, 2013 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
Bert Buys, Mayor Pro Tem
Edward Villanueva
Alex Blue
Cynthia Massey
Paul Friedrichs

Staff Present: Rick Schroder, City Administrator
Frank Garza, City Attorney
Grace Tamez, City Secretary

1. Call to Order.

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

PUBLIC HEARING:

2. Public hearing to give all interested persons the right to appear and be heard on a request from James “Buddy” and Jeanne Cook for a specific City Council use permit for a flea market on properties located at 16023 and 16097 E. Bandera Road (S.H. 16) and zoned Office and Professional District (B-1), properties more particularly described as CB 4554 P-16 ABS 646 and CB 4554 P-16B ABS 646, respectively. (Staff)

Mayor Schoolcraft referenced the rules of order and procedure from the “Handbook for Mayors and Councilmembers” (TML, 2013). Mayor Schoolcraft explained to the audience that the purpose of a public hearing is to present evidence on both sides of the issue and that City Council is elected to serve all the citizens. He also clarified that this item is not a re-zoning issue.

Mayor Schoolcraft opened the public hearing at 7:08 p.m. The Mayor called the speakers listed below to the podium in the following order; opposed, support, opposed, support, etcetera.

Speaking in opposition to the request were Connie Ehler, Joe Reiter, Walt Kocal, Bill Jennings, Patrick Ernst, Wayne Stacey, and Mario Rios.

Speaking favor of the request were James Bartz, Nancy Smith, Susan Libby, Bobby Smith, Karen Savana (in support with rules), and Boyce Elliott.

Mayor Schoolcraft closed the public hearing at 7:46 p.m.

OPEN SESSION:

3. 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 Councilmember Villanueva, second by Councilmember Friedrichs, to approve items 4, 5, 6, 7, 8, and 9 on the consent agenda. Motion to approve carried unanimously.

4. Approval of the minutes of the regular meeting of October 24, 2013. (Staff)**

5. Approval of the Quarterly Investment Reports for the City of Helotes and the City of Helotes Economic Development Corporation for the quarters ending June 30, 2013 and September 30, 2013. (Staff)**

6. Approval of the following interdepartmental budget adjustments closing out Fiscal Year Ending (FYE) 2013 Municipal Budget(s):**

- \$2,600.00 from 01-580-5101 *Salaries* to 01-510-5206 *City Attorney*;
- \$3,400.00 from 01-580-5101 *Salaries* to 01-530-5221 *Municipal Court Prosecutor*; and
- \$750.00 from 01-580-5101 *Salaries* to 01-550-5520 *Parks and Recreation*.
(Staff)

7. Approval of the FYE 2014 Revenue and Expense Report dated November 5, 2013. (Staff)**

8. Approval of the cancellation of the following regular City Council meeting dates in observance of Thanksgiving and Christmas holiday breaks:**

- November 28, 2013
- December 26, 2013
(Staff)

9. Approval of a Resolution of the City Council of the City of Helotes, Texas casting the City's allotted votes for Rick A. Schroder for election to the Bexar Appraisal District Board of Directors for a two-year term from January 1, 2014 through December 31, 2015; authorizing the City Administrator to take all necessary steps to implement the provisions of this Resolution; incorporating recitals; providing for severability; and adopting an effective date. (Staff)**

ITEMS FOR INDIVIDUAL CONSIDERATION:

10. **Discussion of and action on a request from James “Buddy” and Jeanne Cook for a specific City Council use permit for a flea market on properties located at 16023 and 16097 E. Bandera Road (S.H. 16) and zoned Office and Professional District (B-1), properties more particularly described as CB 4554 P-16 ABS 646 and CB 4554 P-16B ABS 646, respectively. (Staff)**

At the regular meeting on November 7, 2013, the Planning and Zoning Commission recommended that City Council not approve this request.

Speaking on this item were James Cook and Bryan Cook, owner and manager, respectively, of “The Trading Post”. Mr. James Cook explained that “The Trading Post” would operate like the City’s MarketPlace event and would not operate on the first weekend of the month. Mr. James Cook has submitted a letter to the City acknowledging that the requested Specific-Use-Permit will be tied to the current owner and will not transfer if the subject property is sold to a third party. Mr. Cook stated that items offered for sale by the vendors will be quality items. The event will operate 3 to 4 days, Friday through Monday.

Concerns included: lack of City oversight for this type of event on private property; lack of a Code definition for “flea market,” “special event” or “open market”; lack of clear understanding for days of operation; conflicting information regarding the sale of used items (garage sale type of event); lack of long term planning for the property; possibility of permanent buildings (as typically seen in flea markets); and lack of detail in Mr. Cook’s letter of intent.

Mr. Cook applied for, and received, a one-year special event permit. Mr. Cook was opposed to the suggestion that he wait until the special event permit expires before seeking a special-use-permit.

Council consensus was to clarify the letter of intent with a detailed agreement to include specific terms and to place this item on a later Council meeting agenda. Council also expressed appreciation to the audience for their participation.

Motion was made by Councilmember Friedrichs, second by Councilmember Villanueva, to postpone this item to December 12, 2013.

Motion to approve carried unanimously.

11. **Discussion of and action on a request by the Shops at Old Town Helotes, Inc. for the approval of a conceptual design plan for a mixed-use development located at 14743 E. Bandera Road, more particularly described as CB 4524H (Helotes Old Town), Block 1, Lot 2, including the following:**
 - **Site plan;**
 - **Building design;**
 - **Lighting; and**

- **A reduction in the number of required parking spaces, pursuant to Section 98-72 Old Town Helotes Special District, (f) Parking Regulations, (6) Reduction for Access to Public Parking of the Municipal Code of Ordinances.**
(Staff)

Speaking on this item was Ken Dempsey, proponent.

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

Motion to approve carried unanimously.

12. Discussion of and action on a request by the Gardens at Old Town Helotes, LLC for the approval of a conceptual design plan for a special event dressing room located at 14769 E. Bandera Road, more particularly described as CB 4524 P-19A ABS 645, including the following:

- **Site plan; and**
 - **Building design.**
- (Staff)

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

Motion to approve carried unanimously.

13. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas approving the submittal and form of a funding application for the Surface Transportation Program – Metropolitan Mobility (STP-MM) program offered through the San Antonio-Bexar County Metropolitan Planning Organization (MPO) for major road, street, highway, bicycle, pedestrian, and public transportation projects within the San Antonio-Bexar County Metropolitan Area and requiring a minimum 20% local match. (Staff)

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

Motion to approve carried unanimously.

Mayor Schoolcraft adjourned the meeting into closed session at 9:00 p.m. after reading the caption below.

CLOSED SESSION:

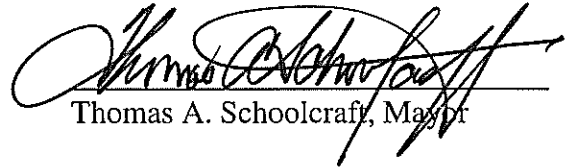
14. Closed Session in accordance with Texas Government Code §551.071 *Consultations with Attorney*. In addition to the matter listed below, any matter scheduled for Open Session may be discussed in Closed Session, as appropriate and authorized by law:

- **§551.071 *Consultations with Attorney* regarding *Continental Homes of Texas L.P. vs. the City of Helotes*.**

Mayor Schoolcraft reconvened the meeting into open session at 9:29 p.m. and announced that no action had been taken in closed session.

Adjourn.

With no more business to come before Council, Mayor Schoolcraft adjourned the meeting at 9:30 p.m.


Thomas A. Schoolcraft, Mayor

ATTEST:


Grace Tamez, City Secretary

