

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL

The City of Helotes City Council met for a regular meeting on Thursday, January 22, 2015 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
Edward Villanueva
Alex Blue
Bert Buys
Paul Friedrichs

Absent: Cynthia Massey, Mayor Pro Tem

Staff Present: Rick Schroder, City Administrator
Steve Peña, City Attorney
Grace Tamez, City Secretary

Mayor Schoolcraft introduced Dwayne Robinson, Constituent Services Director for the Office of County Judge Nelson Wolff before the meeting began. Mr. Robinson briefly explained Judge Wolff's plan to meet with area city leaders.

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.

OPEN SESSION:

2. 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 Council Member Blue, to approve items 3, 4, 5, 6, 7, 8, 9, and 10 on the consent agenda. Motion to approve carried unanimously.

3. Approval of the minutes of the meeting dated January 8, 2014. (Staff)**

4. Approval of the FYE 2015 City of Helotes Revenue and Expense Report dated January 14, 2015. (Staff)**

5. Approval of Ordinance No. 554 of the City Council of the City of Helotes, Texas calling for a General Election to be held on Saturday, May 9, 2015 for the purpose of electing a Mayor, one (1) Council Member Place 3, and one (1) Council Member Place 5; 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 incident and related to such Election. (Staff)

- Cont.** *Aprobación de Ordenanza Núm. 554 de la Ciudad de Helotes ordenando y proveyendo aviso de una Elección General llevándose a cabo el Sábado, 9 de Mayo de 2015 para el propósito de elegir a un Alcalde, un (1) Concejel Lugar 3, y un (1) Concejel Lugar 5; previendo votación adelantada y para aviso de la elección; haciendo provisiones para el conducto de la elección; autorizando al Alcalde a ejecutar un Contrato para Servicios de Elección con el Condado de Bexar, Texas; y resolver otros asuntos incidentes y relacionados a tal elección. (Personal)*
- 6.**** Approval of Ordinance No. 555 of the City Council of the City of Helotes, Texas adding Article VI *Vehicle Impoundment* to Chapter 86 *Traffic and Vehicles* of the Municipal Code of Ordinances to codify and amend Ordinance No. 397; authorizing the Mayor to take all necessary steps to implement the provisions of this Ordinance; providing a penalty; incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinance, and other provisions in conflict herewith; requiring publication; and setting an effective date. (Staff)
- 7.**** Approval of Ordinance No. 556 of the City Council of the City of Helotes, Texas amending Ordinance No. 390, a professional services contract between LNV, Inc. and the City of Helotes for professional services as City Engineer; specifying services and associated fees; incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; and adopting an effective date. (Staff)
- 8.**** Approval of Ordinance No. 557 of the City Council of the City of Helotes, Texas approving the terms of a professional services contract between Rene C. Piña and the City of Helotes for professional services as City Arborist; specifying services and associated fees; incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; and adopting an effective date. (Staff)
- 9.**** Approval of Ordinance No. 558 of the City Council of the City of Helotes, Texas amending Ordinance No. 485, a professional services contract between Susan Wootton and the City of Helotes, for employment as a City Treasurer; specifying services and associated fees; incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; and adopting an effective date. (Staff)
- 10.**** Approval of Ordinance No. 559 of the City Council of the City of Helotes, Texas amending Ordinance No. 499, a professional services contract between Bruce C. Bealor and the City of Helotes, for employment as a City Building Official; specifying services and associated fees; incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; and adopting an effective date. (Staff)

ITEMS FOR INDIVIDUAL CONSIDERATION:

11. Presentation by John Almarez of *www.360zone.com* and discussion of Google 360 Tours completed for area businesses, under the direction of the City of Helotes Economic Development Corporation, including:

- **Google 360 Tour examples;**
- **Google 360 Tour benefits to businesses;**
- **Number of Google 360 Tours completed; and**
- **Associated Google 360 Tour costs. (Staff)**

John Almarez discussed the Google 360 Tours available for business promotion on the web that allows the public to search and view the subject businesses. Although Mr. Almarez was contractually obligated to place 58 businesses on Google, he actually placed 73 businesses on Google at a substantial savings to the EDC. Moreover, he gave the EDC 1,600 images of the area businesses. The EDC provided this service at no cost to the local businesses.

12. Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas amending Chapter 78 *Subdivisions, Appendix C Maintenance Bond* of the Municipal Code of Ordinances by extending the maintenance / warranty period from one (1) year after construction completion to the completion of all public and private improvements originally contemplated within any commercial or residential subdivision development; authorizing the City Administrator to take all necessary steps to implement the provisions of this Ordinance; incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; and setting an effective date. (Staff)

The intent of this ordinance is to amend language to the existing maintenance bond ordinance to extend the term for return of the bond until after the subdivision is completely developed.

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

Council proposed amending wording in the ordinance for clarification. The amended ordinance will be reviewed by the City Attorney.

Motion to amend was made by Council Member Buys, second by Council Member Friedrichs, to postpone this item until February 12, 2015.

Motion to approve as amended carried unanimously.

13. Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas approving a Chapter 380 Economic Development Agreement between the City of Helotes, the City of Helotes Economic Development Corporation (EDC), and Walgreen Co. for property and sales tax grants for the construction of a Walgreens Pharmacy / Health / Wellness Facility on one (1) parcel of land located near the intersection of S.H. 16 (Bandera Rd.) and F.M. 1560 N. (Hausman Rd.) and,

currently, described as CB 4477 Blk 1, Lot 3 (3.0 AC) & CB 4525 P-23B (.5673 AC); placing for consideration and adoption on the subsequent EDC meeting agenda the aforementioned Economic Development Agreement; authorizing the City Administrator to take all necessary steps to implement the provisions of this Ordinance; incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; and setting an effective date. (Staff)

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

Speaking on this item were Leslie Hobson, Senior Manager, Indirect Tax representing Walgreens, Fermin Parra, Walgreens District Manager, and Broni Femath, Walgreens Community Manager. Walgreens is proposing to invest approximately \$4.5 million on a new store to be located on Hausman and Bandera on the Compass Bank location. Walgreens will lease the space for 10 years.

Concerns included the high sales projections, the saturation of existing pharmacies, including another Walgreens, within close proximity, and the infrastructure or other benefits to be provided to the City, if any.

Motion to approve failed; 1 Aye, 3 Nays – Council Member Villanueva, Council Member Blue, Council Member Friedrichs, 0 Abstain.

- 14. Discussion of and action on a Community Development Block Grant application to be submitted to the Bexar County Community Resources Department for the installation of a four (4) foot ADA-compliant concrete sidewalk along the Northbound lanes of Leslie Rd. from, generally, Casa Helotes Senior Center (12070 Leslie Rd.) to Broadway Bank (12589 Bandera Rd.) to improve senior citizen pedestrian circulation in the City of Helotes' major commercial corridor where no sidewalk currently exists. (Staff)**

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

Rick Schroder, City Administrator, explained the application process. The City is requesting \$109,801.28 and contributing \$13, 725.16 to build an ADA compliant sidewalk on the subject location for a total cost projected at \$123,526.44. The Casa Helotes Board of Directors submitted a resolution in support of this project. Approval of this item authorizes submittal of the grant application as presented.

Motion to approve carried unanimously.

Mayor Schoolcraft adjourned the meeting into closed session at 8:00 p.m. after reading the caption below.

CLOSED SESSION:

- 15. 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.***
 - **§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.***

Mayor Schoolcraft reconvened the meeting into open session at 8:53 p.m. and announced that no action had been taken in closed session.

- 16. Discussion of and action on Ordinance No. 560 of the City Council of the City of Helotes, Texas (the “City”) approving a Chapter 380 Economic Development and Annexation Agreement between the City and 4GB-1, LLC and New Leaf Homes, LLC (collectively, the “Developer”) for the purpose of setting forth the terms and obligations between the City and the Developer with respect to the development and annexation of approximately 122.286 acres of real property (the “Development”); setting out the regulations required by the City for the Development to ensure the orderly growth and protection of public health, safety, and welfare; authorizing Mayor Thomas A. Schoolcraft to execute said Development and Annexation Agreement on behalf of the City Council; authorizing the City Administrator to take all necessary steps to implement the provisions of this Ordinance; incorporating recitals; providing for severability; repealing any other Code provisions, ordinances, or parts of ordinances, and other provisions in conflict herewith; and adopting an effective date. (Staff)**

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

The developer is proposing to build approximately 548 single-family homes on the subject properties over a five to seven year period and the 380 agreement is intended to provide regulated and controlled development. The agreement provides for reimbursement to the developer in the total amount of \$3.5 million or for a maximum duration of 25 years, whichever occurs first. The City and the developer have also agreed on a fixed building permit fee for each home. The developer has submitted petitions requesting annexation of the subject properties.

Motion to approve carried unanimously.

Pursuant to Texas Local Government Code section 43.028, Mayor Schoolcraft certified that the City received affidavits to annex 4 parcels of property as described in agenda items 17 through 20. The first parcel –item 17 -consists of approximately 20.076 acres and the second parcel-item 18- consists of approximately 34.31 acres. Both of these parcels are adjacent and

contiguous to the Helotes City limits. The third parcel – item 19 - consisting of approximately 34.33 acres will subsequently be adjacent and contiguous to the Helotes City limits upon annexation of the 2nd parcel. The fourth parcel – item 20 -consisting of approximately 33.57 acres subsequently will be adjacent and contiguous to the Helotes City limits upon annexation of the third parcel. The 4 parcels are sparsely occupied or vacant and are located in the City’s ETJ. The owners of these areas have petitioned for annexation of these parcels of real property.

Mayor Schoolcraft noted that adopting the proposed annexation calendar will approve setting two public hearings, on February 26 and March 12, and will direct Staff to begin the annexation process, to complete the Municipal Service Plan, to amend the draft ordinances, and to place the ordinances on the April 9 City Council agenda.

17. **Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas providing for the extension of the Helotes City Limits by the annexation of an approximate 20.076 acre tract of land, adjacent and contiguous to the Helotes City Limit, being the same real property as described by Deed recorded in Volume 4990, Page 715, Real Property Records of Bexar County, Texas out of the M.M. Musquiz Survey No. 80, Abstract No. 467, County Block East ½ 4450, Bexar County, Texas; granting to all inhabitants of said property all of the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulation of the City; incorporating recitals; authorizing the City Administrator to take all necessary steps to implement the provisions of this Ordinance; providing for severability; repealing all ordinances in conflict herewith; setting an effective date; and approving a Municipal Service Plan for such area. (Staff)**

Motion was made by Council Member Blue, second by Council Member Friedrichs, to approve the proposed annexation calendar as presented.

Motion to approve carried unanimously.

18. **Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas providing for the extension of the Helotes City Limits by the annexation of an approximate 34.31 acre tract of land, being out of the called 99.70 acre tract of land, as described in Deed recorded in Volume 15836, Page 906 of the Deed Records of Bexar County, Texas; granting to all inhabitants of said property all of the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulation of the City; incorporating recitals; authorizing the City Administrator to take all necessary steps to implement the provisions of this Ordinance; providing for severability; repealing all ordinances in conflict herewith; setting an effective date; and approving a Municipal Service Plan for such area. (Staff)**

Motion was made by Council Member Blue, second by Council Member Villanueva, to approve the proposed annexation calendar as presented.

Motion to approve carried unanimously.

19. **Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas providing for the extension of the Helotes City Limits by the annexation of an**

approximate 34.33 acre tract of land, being out of the called 99.70 acre tract of land, as described in Deed recorded in Volume 15836, Page 906 of the Deed Records of Bexar County, Texas; granting to all inhabitants of said property all of the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulation of the City; incorporating recitals; authorizing the City Administrator to take all necessary steps to implement the provisions of this Ordinance; providing for severability; repealing all ordinances in conflict herewith; setting an effective date; and approving a Municipal Service Plan for such area. (Staff)

Motion was made by Council Member Blue, second by Council Member Villanueva, to approve the proposed annexation calendar as presented.

Motion to approve carried unanimously.

20. **Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas providing for the extension of the Helotes City Limits by the annexation of an approximate 33.57 acre tract of land, being out of the called 99.70 acre tract of land, as described in Deed recorded in Volume 15836, Page 906 of the Deed Records of Bexar County, Texas; granting to all inhabitants of said property all of the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulation of the City; incorporating recitals; authorizing the City Administrator to take all necessary steps to implement the provisions of this Ordinance; providing for severability; repealing all ordinances in conflict herewith; setting an effective date; and approving a Municipal Service Plan for such area. (Staff)**

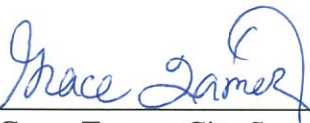
Motion was made by Council Member Blue, second by Council Member Friedrichs, to approve the proposed annexation calendar as presented.

Motion to approve carried unanimously.

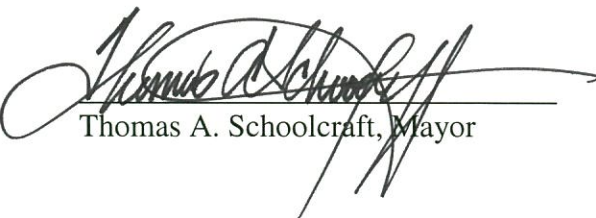
Adjourn.

With no more business to come before Council, Mayor Schoolcraft adjourned the meeting at 9:12 p.m.

ATTEST:



Grace Tamez, City Secretary



Thomas A. Schoolcraft, Mayor

