

MINUTES  
REGULAR MEETING  
HELOTES CITY COUNCIL

The City of Helotes City Council met for a regular meeting Thursday, April 13, 2017 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: Thomas A. Schoolcraft, Mayor  
Alex Blue, Mayor Pro Tem  
Edward Villanueva  
Bert Buys  
Cynthia Massey  
Paul Friedrichs

Staff Present: Rick Schroder, City Administrator  
Frank Garza, City Attorney  
Walton Daugherty, Fire Chief  
Grace Tamez, City Secretary

**1. Call to Order.**

Mayor Schoolcraft called the meeting to order at 7:00 p.m. Council Member Buys 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 City Staff to amend the Municipal Code of Ordinances Chapter 98 Zoning, Article I In General, Section 98-73 Purpose to exempt the City and its activities from the Municipal zoning regulations.**

Mayor Schoolcraft opened the public hearing at 7:03 p.m. Speaking against this item were Carol Brown, Judy Mauldin, Steven Tietzo, and Gina Luna. Mayor Schoolcraft closed the public hearing at 7:15 p.m.

**3. Public Hearing to give all interested persons the right to appear and be heard on an Ordinance of the City Council of the City of Helotes, Texas continuing a curfew for minors under seventeen (17) years of age and over nine (9) years of age; prohibiting minors from being in any public place between the hours of midnight and 6:00 a.m.; providing for a triennial review of the Ordinance, in compliance with Municipal Code of Ordinances Chapter 58 Offenses and Miscellaneous Provisions, Article III Minors, Division I Curfew, Section 58-36 Triennial Review; providing for enforcement; adopting a savings clause, a repealer clause, and a penalty clause; and adopting an effective date.**

Mayor Schoolcraft opened the public hearing at 7:15 p.m. No one signed up to speak on this item. Mayor Schoolcraft closed the public hearing at 7:16 p.m.

Mayor Schoolcraft requested suspension of the rules to move item #16 for discussion and action at this time for the convenience of the citizens in the audience. Council Members voiced no objection. Item #15 was discussed after item #3.

OPEN SESSION:

**4. Citizens to be Heard.**

David Scepanski complimented Council for making Helotes a nice place to live.

UNFINISHED BUSINESS:

**5. Discussion of and action on a request by Newleaf Homes, L.L.C. for residential subdivision entry signage, pursuant to Municipal Code of Ordinances Chapter 66 Signs, Section 66-43 Residential Subdivision Entry Signs, for Bricewood Subdivision, generally located at the intersection of Galm Rd. and Bricewood Park, more particularly described as BCAD Property ID No. 1231539. (Applicant)**

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

Discussion included definition of a tower versus definition of a sign, lack of ordinances addressing a stand-alone monument, previous presentation to Planning and Zoning Commission and City Council as a sign, and lack of obtaining a permit.

Frank Garza, City Attorney, noted, after reviewing this item and the Code, the sign in front of the subdivision complies with City code but the City has no regulations for a separate monument not attached to a sign. Mr. Garza explained that this monument issue would be hard to defend in court.

Council consensus was that, after the City Attorney's opinion, the Council had no option but to approve.

Motion to approve carried unanimously.

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 Friedrichs, second by Council Member Villanueva, to approve items 6, 7, 8, 9, 10, 11, and 12 on the consent agenda. Motion to approve carried unanimously.

**4.\*\* Approval of the minutes of the Regular Meeting dated March 23, 2017. (Staff)**

**7.\*\* Approval of the City of Helotes Revenue and Expense and Encumbrance Reports dated April 4, 2017. (Staff)**

- 8.\*\* Approval of a final plat, pursuant to Municipal Code of Ordinances Chapter 78 *Subdivisions*, establishing the Bandera Oaks Subdivision, a 13.888 acre tract of land, establishing Lot 3, Lot 4, Lot 5, Lot 6, and Lot 901, Block 2, being all of a 8.694 acre tract of land conveyed to White Turkey Creek, Ltd. of record in Volume 13442, Page 1449 of the Official Public Records of Bexar County, Texas and a 5.199 acre tract of land conveyed to White Turkey Creek, Ltd. of record in Volume 13482, Page 121 of the Official Public Records of Bexar County, Texas. (Applicant)

(Note: Item Nos. 8 – 10 pertain to three (3) abutting tracts of land adjacent to westbound S.H. 16 (Bandera Rd.) between Hausman Rd. and Cedar Trail with addresses 12522, 12492, and 12440 Bandera Rd., Helotes, TX 78023)

- 9.\*\* Approval of a request for a variance to the provisions of Municipal Code of Ordinances Chapter 78 *Subdivisions*, Article I *In General*, Section 78-3 *Dedication of Right-of-Way by Subdividers* and Section 78-136(c) *Lots* requiring, respectively, dedication of right-of-way along State Highways by subdividers and a minimum lot frontage width of sixty (60) feet for Lot 901 within the Bandera Oaks Subdivision, a 13.888 acre tract of land, establishing Lot 3, Lot 4, Lot 5, Lot 6, and Lot 901, Block 2, being all of a 8.694 acre tract of land conveyed to White Turkey Creek, Ltd. of record in Volume 13442, Page 1449 of the Official Public Records of Bexar County, Texas and a 5.199 acre tract of land conveyed to White Turkey Creek, Ltd. of record in Volume 13482, Page 121 of the Official Public Records of Bexar County, Texas. (Applicant)

- 10.\*\* Approval of a Storm Water Management Plan, pursuant to Municipal Code of Ordinances Chapter 34 *Environment*, Article IV *Stormwater Detention and Drainage*, for Bandera Oaks Subdivision, a 13.888 acre tract of land, establishing Lot 3, Lot 4, Lot 5, Lot 6, and Lot 901, Block 2, being all of a 8.694 acre tract of land conveyed to White Turkey Creek, Ltd. of record in Volume 13442, Page 1449 of the Official Public Records of Bexar County, Texas and a 5.199 acre tract of land conveyed to White Turkey Creek, Ltd. of record in Volume 13482, Page 121 of the Official Public Records of Bexar County, Texas. (Applicant)

- 11.\*\* Approval of a final amending plat, pursuant to Municipal Code of Ordinances Chapter 78 *Subdivisions*, Section 78-75 *Amending a Plat*, amending the Grothues Estates – I Subdivision by establishing Lots 3A & 4A out of the Grothues Estates Subdivision, being 9.9915 acres of land, Grothues Estates Subdivision, as recorded in Volume 8700, Page 92, Deed and Plat Records of Bexar County, Texas. (Applicant)

(Note: Item No. 11 pertains to tracts of land adjacent to southbound F.M. 1560 located, generally, near the intersection of Paynes Gray and F.M. 1560, Helotes, TX 78023)

- 12.\*\* Approval of a Traffic Impact Analysis, pursuant to Municipal Code of Ordinances Chapter 78 *Subdivisions*, Article II *Subdivision Regulations*, Division I *Generally*, Section 78-39 *San Antonio Unified Development Code Adopted; Amendments*, for TrueVine Braun Subdivision located, generally, near the intersection of Braun Rd. and Texas Star, more particularly described as BCAD Property ID No. 748648. (Applicant)

(Note: Item No. 12 pertains to one (1) tract of land adjacent to westbound Braun Rd. between Texas Star and Kobort Canyon, San Antonio, TX 78254)

ITEMS FOR INDIVIDUAL CONSIDERATION:

**13. Presentation by Armstrong, Vaughan, & Associates, P.C. and discussion of and action on the Fiscal Year Ending 2016 Audits for the City of Helotes and the City of Helotes Economic Development Corporation. (Auditor)**

Kim Roach, C.P.A. with Fraser, Armstrong, Vaughan, & Associates, presented a brief overview of the audit. The City maintained a 4.5-month reserve and received a clean audit score due to the good financial position.

Motion was made by Council Member Massey, second by Council Member Friedrichs, to accept the audit as presented.

Motion to approve carried unanimously.

**14. Discussion of and action on a request for a variance to the platted ten foot (10') rear yard setback line, pursuant to Ordinance No. 560, a Chapter 380 Economic Development and Annexation Agreement, and Chapter 78 Subdivisions, Article II Subdivision Regulations, Division 5 Administration and Enforcement, Section 78-162 Variances by Council, for 9806 and 9807 Bricewood Cove, Helotes, Texas 78023, more particularly described as BCAD Property ID Nos. 1231518 and 1231515, respectively. (Applicant)**

(Note: Item No. 14 pertains to two (2) residential lots located within the Bricewood Subdivision adjacent to westbound Galm Rd. located, generally, near the intersection of Oakwood Park and Galm Rd., San Antonio, TX 78254)

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

Speaking on this item was Rick Schroder, City Administrator. Mr. Schroder noted that the 380 Agreement included annexation and planning of the development with the platting process establishing the setback lines. Amending the PUD does not go to BOA because Council amended the PUD process.

Fred Ghavidel, developer, stated that building work follows a process that cannot be stopped for inspections. The encroachments will not affect the neighbors on these two lots because the back yards do not back up to neighbors. The number of homes planned in the subdivision has increased to 588 homes.

Frank Garza, City Attorney, said that the agreement must be amended if changes are made, such as, increasing the number of homes.

Bruce Bealor and B.J. Bealor, City Building Officials, gave a brief overview. Building Officials attempt to cooperate with the builders to keep the building process moving. The contractor was told about the encroachment issue at the 9806 home during the plumbing rough in. The contractor replied that the issue would be corrected but it was not and they continued to build the home.

The form survey at 9807 showed the encroachment. The inspector's request to correct the encroachment was ignored at the 9806 home. The Building Official refused to inspect anything else until the encroachment was corrected. The contractor did not make the corrections and continued to build the home without other inspections.

Mayor Schoolcraft reminded Council that a yes vote would approve the request while a no vote would deny it.

Motion to approve failed: 0 Ayes; 5 Nays – Council Member Villanueva, Mayor Pro Tem Blue, Council Member Buys, Council Member Massey, and Council Member Friedrichs; 0 Abstentions.

The next item was discussed after item #3.

- 15. Discussion of and action on an Ordinance of the City Council of the City of Helotes, Texas amending Municipal Code of Ordinances Chapter 98 Zoning, Article I *In General*, Section 98-3 *Purpose* by exempting the City and its activities from Municipal zoning regulations; 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 Buys, second by Mayor Pro Tem Blue, to discuss and act on this item as written.

The Planning and Zoning Commission voted to deny this item at their meeting on April 4, 2017. P&Z also suggested that the ordinance pertain only to this one specific lot. The amended ordinance with P&Z's recommendation was included in the packet.

The City's intent was to lease vacant property from Tom and Janice Potter, improve the lot, and use it to store public works materials and equipment. Impounded vehicles are no longer being stored in the municipal complex parking lot. Council consensus was not to exempt City Council from the zoning ordinances.

Motion to approve failed: 0 Ayes; 5 Nays – Council Member Villanueva, Mayor Pro Tem Blue, Council Member Buys, Council Member Massey, and Council Member Friedrichs; 0 Abstentions.

- 16. Discussion of and action on the misuse of the City Logo and Fire and Police Department Logos / Insignia and employees on Political Campaign Internet Site and other campaign literature. (Councilmembers Massey and Buys)**

Frank Garza, City Attorney, announced that a Bexar County Court Judge granted a temporary restraining order that prohibits discussion of most of the topics on this agenda item. The City Attorney will handle this issue.

Mayor Schoolcraft pulled this item of the agenda.

Mayor Schoolcraft adjourned the meeting into closed session at 8:31 p.m. after reading the caption below.

**17. 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 Gerald (“Jerry”) Arredondo v. City of Helotes, Texas and Board of Adjustment of the City of Helotes, Texas.**

Mayor Schoolcraft convened the meeting into open session at 9:18 p.m. and announced that no action had been taken in closed session.


**18. Discussion of and action on matters discussed in Closed Session, in accordance with Texas Government Code §551.071 Consultations with Attorney, regarding Gerald (“Jerry”) Arredondo v. City of Helotes, Texas and Board of Adjustment of the City of Helotes, Texas. (Staff)**

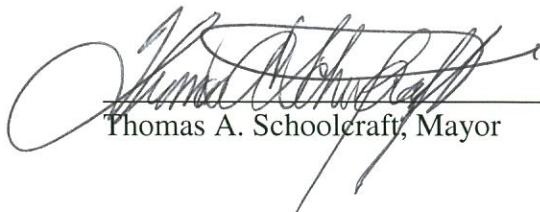
Mayor Schoolcraft pulled this item from the agenda.

**Adjourn.**

With no more business to come before Council, Mayor Schoolcraft adjourned the meeting at 9:19 p.m.

ATTEST:

  
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Grace Tamez, City Secretary

  
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Thomas A. Schoolcraft, Mayor

