

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL

The City of Helotes City Council met for a regular meeting on Thursday, July 10, 2014 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
Cynthia Massey, Mayor Pro Tem
Edward Villanueva
Bert Buys
Alex Blue
Paul Friedrichs

Staff Present: Rick Schroder, City Administrator
Steve Peña, City Attorney
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. Mayor Schoolcraft welcomed Boy Scouts in attendance.

PUBLIC HEARING:

2. Public Hearing to give all interested persons the right to appear and be heard on a proposed Ordinance(s) of the City Council of the City of Helotes, Texas annexing the following streets, highways, and/or public rights-of-way:

- a) **An approximate 10 acre tract of land being a 1 (one) mile (more or less) portion of Farm to Market 1560 from a point approximately 358 feet south of the centerline of Hunter's Way right-of-way, south to a point 1 (one) mile south of the Corporate Limits of the City of Helotes, all out of the Manuel Martinez y Musquiz Survey No. 87, Abstract 467, Bexar County, Texas;**
- b) **An approximate 7 acre tract of land being that 3/4 mile (more or less) portion of Farm to Market 1560 from a point lying on the southeast right-of-way of said 1560, approximately 110 feet from the west corner of a called 5.000 acre tract, described by instrument recorded in Volume 13917, Pages 485-488 of the Official Public Records of Bexar County, Texas to the south right-of-way line of Shaenfield/Galm Road, out of the Manuel Martinez y Musquiz Survey No. 87, Abstract 467, Bexar County, Texas;**
- c) **An approximate 27 acre tract of land being that 1 (one) mile (more or less) portion of State Highway 16 from a point on the northerly line of the Corporate Limits of the City of Helotes to a point approximately 1 (one) mile**

- northwest of the Corporate Limits of the City of Helotes, out of the George W. Tindall Survey No. 283, Abstract 872, the Rafael Diaz Survey No. 229A, the J.A. Torris Survey No. 238.25, Abstract 768, and the John M. Ross Survey No. 228, Abstract 644, Bexar County, Texas;
- d) An approximate 25 acre tract of land being that 1 (one) mile (more or less) portion of State Highway 16 from Los Reyes Creek, at a point one mile past the current Corporate Limits of the City of Helotes, to a point approximately 2 (two) miles past the current Corporate Limits of the City of Helotes, out of the George W. Tindall Survey No. 283, Abstract 872, the John Hardburger Survey No. 282A, Abstract 363, the Frank Madla Survey No. 2, Abstract 1211, the Antonio Valdez Survey No. 222, Abstract 1124, and the Santos Blanca Survey No. 182.5, Abstract 882, Bexar County, Texas;
- e) An approximate 31 acre tract of land being that 1 (one) mile (more or less) portion of State Highway 16 from a point approximately 2 (two) miles past the current Corporate Limits of the City of Helotes, to a point approximately 3 (three) miles past the current Corporate Limits of the City of Helotes, out of the Frank Madla Survey No. 2, Abstract 1211, the Antonio Valdez Survey No. 222, Abstract 1124, the Natividad Dolson Survey, Abstract 842, the Robert V. Smith Survey, Abstract 1271, the Pedro Hernandez Survey No. 181.75, the M.A. Sharp Survey No. 8, Abstract 1143, and the Desidero Hernandez Survey No. 181.5, Abstract 361, Bexar County, Texas;
- f) An approximate 5½ acre tract of land being that 0.2 mile (more or less) portion of State Highway 16 from a point 3 (three) miles past the current Corporate Limits of the City of Helotes, to a point approximately 3.2 miles past the current Corporate Limits of the City of Helotes, out of the M.A. Sharp Survey No. 8, Abstract 1143, and the Desidero Hernandez Survey No. 181.5, Abstract 361, Bexar County, Texas;
- g) An approximate 11½ acre tract of land being that 1 (one) mile (more or less) portion of Braun Road from the intersection of the southeast right-of-way of Mustang Ranch, westerly to Farm to Market 1560, out of the Thomas S. Tatum Survey No. 219, Abstract 756, and the John P. Miller Survey 221 ½, Abstract 861, Bexar County, Texas;
- h) An approximate 3½ acre tract of land being that 0.4 mile (more or less) portion of Braun Road from the intersection of Leslie Road, as it departs in a northerly direction from said Braun Road, westerly to the intersection of the southeast right-of-way line of Mustang Ranch, out of the Thomas S. Tatum Survey No. 219, Abstract 756, Bexar County, Texas;
- i) An approximate 14½ acre tract of land being that 1 (one) mile (more or less) portion of Shaenfield Road from the east right-of-way line of the intersection of Farm to Market 1560, easterly to the centerline of a transmission line easement as it crosses said Shaenfield Road, out of the Candelorio Villanoeva Survey No. 80, Abstract 774, and the Manuel Martinez y Musquiz Survey No. 87, Abstract 467, Bexar County, Texas;
- j) An approximate 4 acre tract of land being that 0.4 mile (more or less) portion of Shaenfield Road from the centerline of a transmission line easement as it crosses said Shaenfield Road, east approximately 0.4 of a mile to a northwest

line of the Corporate Limits of the City of San Antonio, out of the Candelario Villanoeva Survey No. 80, Abstract 774, and the Manuel Martinez y Musquiz Survey No. 87, Abstract 467, Bexar County, Texas; and

- k) An approximate 9 acre tract of land being that approximate 1 (one) mile (more or less) portion of Galm Road from Farm to Market 1560 to Silver Bells Road, out of the Manuel Martinez y Musquiz Survey No. 87, Bexar County, Texas, Abstract 467.**

Mayor Schoolcraft opened the public hearing at 7:02 p.m. No one signed up to speak on this item. Mayor Schoolcraft closed the public hearing at 7:03 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 Council Member Friedrichs, second by Council Member Villanueva, to approve items 4, 5, and 6 on the consent agenda. Motion to approve carried unanimously.

- 4. Approval of the minutes of the regular meeting of June 26, 2014. (Staff)**
- 5. Approval of the City of Helotes Revenue and Expense Report dated July 2, 2014. (Staff)**
- 6. Approval of a request by Robert J. Mander, Jr. for the approval of a conceptual design plan for the renovation and enlargement of office space and restroom facilities, in compliance with the Americans with Disabilities Act, within Mander Automotive, pursuant to Chapter 98 Zoning, Section 98-72 Old Town Helotes Special District, for property located at 14297 Riggs Road, Helotes, Texas 78023, more particularly described as CB 4524F Blk 1, Lot 1 Mander Automotive Sub'd, including the following:**
- Site plan;**
 - Building design; and**
 - Lighting. (Applicant)**

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 7. Discussion of and action on a lease agreement between the City of Helotes, Texas and Bluff at Old Town Helotes, LLC for the lease of a public restroom facility and associated real property located at 14391 Riggs Road, Helotes, Texas 78023 and authorizing Mayor Thomas A. Schoolcraft to execute said lease agreement on behalf of the City Council of the City of Helotes, Texas. (Staff)**

Rick Schroder, City Administrator, gave a brief presentation. Mr. Schroder noted the agreement is for a shared “joint use” public restroom facility with associated ingress/egress for operation 365 days per year for a term of 5 (five) years. The five year term will commence when the restroom facility becomes operational. There are no renewal options.

Approval of the lease authorizes the City to strike, in its entirety, Section 12 *Special Provisions* and 22(E)(7) *Agreement of the Parties* and Exhibit A *Public Staircase*, of the Commercial Contract for Unimproved Property between the City and Kenneth and Mary Sue Dempsey for a 1.271 acre tract of land with a closing date June 19, 2018.

The restroom facilities will be constructed of painted cinder blocks and approval of the agreement also authorizes Mr. Dempsey to begin construction without approval of the building design, site plan, lighting, and signage from the Planning and Zoning Commission.

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

Motion to approve carried unanimously.

Mayor Schoolcraft adjourned the City Council meeting into a joint meeting with the City Council and the City of Helotes Economic Development Corporation Board at 7:19 p.m.

JOINT MEETING:

Council

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

EDC Board of Directors:

Present: Ardith Garner, President
Cynthia Massey
Bert Buys
Pat Wootton
Keith Muhlestein

Staff Present:

Rick Schroder, City Administrator
Steve Peña, City Attorney
Grace Tamez, City Secretary
Glenn Goolsby, EDC Specialist
Susan Wootton, City Treasurer

Mayor Schoolcraft and President Garner brought the joint meeting to order at 7:20 p.m.

8. Discussion of and action on debt instruments available to the City of Helotes and the City of Helotes Economic Development Corporation (EDC), the issuance thereof, an interlocal cooperative agreement between the City and EDC regarding the reimbursement of certain costs related to debt issuance, and requisite monies required to fund the following capital improvement projects:

- **S.H. 16 (Bandera Rd.) Water / Sewer Project;**
- **F.M. 1560 / Circle A Trail Realignment Project;**
- **Helotes Creek Linear Park Transportation Enhancement Project;**
- **F.M. 1560 – Helotes Creek Tributary A Bridge Crossing Project;**
- **S.H. 16 (Bandera Rd.) / Cedar Trail Culvert Enlargement Project; and**
- **Other capital improvement projects and equipment deemed necessary by the City Council and / or EDC Board of Directors.**

Rick Schroder, City Administrator and EDC Executive Director, presented a detailed description and associated costs on the noted projects.

- **Water/Sewer Project.** The 50% plan stage has been submitted to SAWS and is under review. The City's estimated cost, at 50% stage, is approximately \$4,130,178.00 while EDC would be responsible for the engineering cost of \$351,000.00. Reimbursement will come from impact fees on the water line project (100% reimbursement) and pro rata refunds for the sewer project (10 years only for reimbursement).

This project is intended to increase economic development activities along S.H. 16 and improve fire protection abilities.

- **F.M. 1560 / Circle A Trail Realignment Project.** Funding costs of approximately \$1.469 million would come from MPO Funds. The City would fund approximately \$400,000.00 for ROW acquisition and utility relocation.

This project would reduce traffic delay, reduce capacity restriction for northbound S.H. 16 traffic to westbound F.M. 1560, and maintain traffic flow from F.M. 1560 onto S.H. 16.

- **Helotes Creek Linear Park Transportation Enhancement Project.** TxDOT would fund the approximate \$1.25 million from STEP funding while EDC would fund contract administration fees for approximately \$395,486, engineering fees of approximately \$81,757, and 100% of cost overruns.

This project will link the existing surface transportation system and bicycle and pedestrian facilities to natural, open spaces within or near the Old Town Helotes District, while providing greater access to area attractions and improved facilities for pedestrians and bicyclists.

- F.M. 1560 – Helotes Creek Tributary A Bridge Crossing Project. TxDOT would fund an approximate \$1.5 million for engineering and construction with the City contributing a 20% match of \$300,000.

The project would increase the undersized drainage structure from a 2-year frequency event to a 100-year frequency storm event. This project would remove several homes in this area from the flood plain.

- S.H. 16 (Bandera Rd.) / Cedar Trail Culvert Enlargement Project. TxDOT would fund an approximate \$1.3 million in engineering and construction costs while the city would fund grading outside the ROW. The amount of cost for the City is unknown at this time.

This project would enlarge box culverts and reduce flooding hazards at this intersection. These improvements will function well with the French Creek Natural Waterway Conveyance improvements funded by Bexar County.

- Other capital improvement projects and equipment deemed necessary by the City Council and / or EDC Board of Directors. No other projects were discussed.

Mayor Schoolcraft adjourned the meeting at 8:09 p.m. for a 10 minute break.

Mayor Schoolcraft reconvened the joint meeting at 8:20 p.m.

Mr. Schroder reported the City annually pays debt of \$140,000 for the 2007 C of O that ends in 2017, \$440,000 for the 2007 C of O that ends in 2027, and EDC pays \$295,000 for the same 2007 C of O.

Ann Burger Entrekin, Managing Director from First Southwest, explained types of available debt instruments, meaning of terms, and rates.

Mayor Schoolcraft requested the EDC Board deliberate first. President Garner asked for a discussion or a motion.

Motion was made by Director Wootton, second by Director Muhlestein, to enter into an agreement with the City to accept responsibility to fund approximately \$477,243 for water/sewer project engineering overruns and for the Helotes Creek Linear Park project administration fees, engineering, and cost overruns as presented. Motion to approve carried unanimously.

Mayor Schoolcraft asked the City Council for a motion regarding the projects and for Council direction for Staff for a type of debt obligation. The type of debt obligation selected tonight is not binding.

Motion was made by Council Member Blue, second by Council Member Buys, to approve funding for all of the projects as presented, accept EDC funding responsibility as noted, and direct Staff and First Southwest to begin the process to issue tax exempt, callable, certificates of obligation in the amount of \$5.5 million. Motion to approve carried unanimously.

Mayor Schoolcraft and President Garner adjourned the joint meeting at 8:53 p.m.

Mayor Schoolcraft reconvened the City Council meeting at 8:54 p.m. and adjourned the meeting into closed session at 8:55 p.m. after reading the caption below.

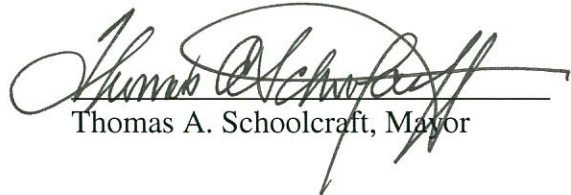
CLOSED SESSION:

9. **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.* and *the Texas Association of Builders Et. Al. vs. the City of Helotes Et. Al.*

Mayor Schoolcraft reconvened the meeting into open session at 9:31 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 9:32 p.m.


Thomas A. Schoolcraft, Mayor

ATTEST:


Grace Tamez, City Secretary

