

MINUTES
REGULAR MEETING
HELOTES CITY COUNCIL

The City of Helotes City Council met for a regular meeting Thursday, May 10, 2018 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
Bert Buys, Mayor Pro Tem
Alex Blue
Cynthia Massey

Absent: Edward Villanueva
Paul Friedrichs

Staff Present: Rick Schroder, City Administrator
Celina Perez, City Secretary
Susan Darst, Assistant to City Administrator

1. Call to Order.

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

RECOGNITION:

2. Proclamation presented by Mayor Thomas A. Schoolcraft to the City of Helotes Police Department in recognition of Peace Officers Memorial Day and National Police Week dated May 13 - May 19, 2018.

Mayor Schoolcraft presented the proclamation to Warrant Officer / Bailiff Ramiro Villarreal and recognized the Police Department personnel.

3. Proclamation presented by Mayor Thomas A. Schoolcraft to the City of Helotes Public Works Department in recognition of National Public Works Week dated May 20 - May 26, 2018.

Mayor Schoolcraft presented the proclamation and recognized Public Works Supervisor Joshua Mair, Public Works Crew Leader Justin Vincent, and Public Works Assistants Marc McGraw, Timothy Miller, Jay Shipley, and Gonzalo Loera.

4. Proclamation presented by Mayor Thomas A. Schoolcraft to the City of Helotes Fire / EMS Department in recognition of National EMS Week dated May 20 - May 26, 2018.

Mayor Schoolcraft presented the proclamation to Fire Marshal Eddie Hayes and recognized the Fire Department personnel.

PUBLIC HEARING:

- 5. Public Hearing to give all interested persons the right to appear and be heard on a request from City Staff to amend Municipal Code of Ordinances Chapter 98 Zoning, Section 98-69 Overlay District (B3-OD) and the addition of regulations to the same Chapter regulating ornamental tower, cupola, dome, spire, and similar structural element heights that are not designed for occupancy.**

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 7:15 p.m.

OPEN SESSION:

- 6. Citizens to be Heard.**

No one signed up to speak on this item.

CONSENT AGENDA (ITEM NOS. 7 - 10): All items marked with an asterisk (**) on the consent agenda were voted on by one motion. Motion was made by Mayor Pro Tem Buys, second by Council Member Blue, to approve items 7, 8, 9 and 10 on the consent agenda. Motion to approve carried unanimously.

- 7.** Approval of the minutes of the Regular Meeting dated April 12, 2018. (Staff)**
- 8.** Approval of the City of Helotes Revenue and Expense, Balance Sheet, and Encumbrance Reports dated May 1, 2018. (Staff)**
- 9.** Approval of the City of Helotes and City of Helotes Economic Development Corporation Quarterly Investment Reports for the quarter ending March 30, 2018. (Staff)**
- 10.** Approval of an Ordinance of the City Council of the City of Helotes, Texas amending Municipal Code of Ordinances Chapter 74 Parks, Streets, Sidewalks and Other Public Places, Article I Parks and Recreation, Section 74-2 Parks by renaming the "Helotes Natural Area" to the "Helotes Fitness Park and Disc Golf Course" and designating the "Helotes City Park", "Helotes Fitness Park and Disc Golf Course", and the "Helotes Creek Linear Park" as the "Helotes Creek Linear Park System"; authorizing the City Administrator to take all necessary steps to implement the provisions of this Ordinance; incorporating recitals; providing for severability; and adopting an effective date. (Staff)**

ITEMS FOR INDIVIDUAL CONSIDERATION:

11. **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 by adding Section 98-11 Ornamental Towers and Similar Structural Elements in order to prescribe maximum heights for said structures and amending Section 98-69 Overlay District's (B3-OD) permitted and non-permitted uses; declaring a public purpose; authorizing the City Administrator to take all necessary steps to implement the provisions of this Ordinance; incorporating recitals; providing for severability; and adopting an effective date. (Staff)**

Motion was made by Mayor Tem Buys, second by Council Member Blue, to discuss and act on the amendments to Municipal Code of Ordinances Chapter 98 Zoning, by adding Section 98-11 *Ornamental Towers and Similar Structural Elements* in order to prescribe maximum heights for said structures.

Discussion included revisions to Subsection (c) to read that the maximum height of said structures shall not exceed "20 feet from average grade of the centerline of the adjacent road way in all Zoning Districts" and revisions to Subsection (d) to include "insignia and / or wording, if any" shall also require Architectural Review.

Council Member Blue expressed disagreement with the requested revision to Subsection (c), stating that the road way is built up, and this will alter the height requirement completely. The section, as presented, should remain as.

With there being no further discussion, Mayor Schoolcraft called for a vote.

Motion to amend was made by Mayor Pro Tem Buys, second by Council Member Blue, to approve the amendments to Municipal Code of Ordinances Chapter 98 Zoning, Section 98-11 *Ornamental Towers and Similar Structural Elements*, contingent that Staff inserts the revisions discussed to Subsection (c) and Subsection (d).

Motion to approve carried: 2 Ayes – Mayor Pro Tem Buys and Council Member Massey; 1 Nay – Council Member Blue.

Motion was made by Mayor Tem Buys, second by Council Member Blue, to discuss and act on the amendments to Municipal Code of Ordinances Chapter 98 Zoning, by amending Section 98-69 *Overlay District's (B3-OD)*, regarding permitted and non-permitted uses in the said district.

Motion to approve carried unanimously.

12. **Discussion of and direction on an Ordinance amending City of Helotes Code of Ordinances Chapters 34 Environment, 66 Signs, and 98 Zoning and providing for City Council review and action on commercial developments and single family residential subdivision developments' exterior lighting, signage, and conceptual**

designs; protecting the public health and promoting the public welfare of the City of Helotes by establishing rules and regulations regarding commercial development; providing for severability; repealing any other Code provisions, ordinances, parts of ordinances, and other provisions in conflict herewith; providing a penalty; and adopting an effective date. (Mayor Schoolcraft)

Mayor Schoolcraft provided background information on this item.

Currently, the Planning and Zoning Commission has final approval authority on all conceptual design plans, platting, exterior lighting, signage and zoning applications. As Helotes continues to experience a growth in projects, it has become apparent that City Council should play a more prominent role in the decision making process of each project. The proposed amendments to the Ordinance will enable the Commission to act in an advisory capacity and provide only recommendations, which will be forwarded to Council for final approval authority.

Discussion included that the Planning and Zoning Commission are an integral part of the City. Council agreed the proposed amendments to the Ordinance are a good move and will relieve the Commission from having to make difficult, final decisions.

Mayor Schoolcraft added that before the amendments are approved, this item will go before the Planning and Zoning Commission for their input and will require a Public Hearing by the Commission and Council.

13. Discussion of and action on a request by Debbie James for approval of a variance to Municipal Code of Ordinances Chapter 66 *Signs* authorizing banner signage for Cheetalish retail store located at 14837 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 358750. (Applicant)

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

On May 1, 2018 the Planning and Zoning Commission reviewed the variance request for five (5) banner signs on the front and side of the building for Cheetalish. The applicant cited that the signs are not banners and are exempted by Chapter 66 *Signs*, Section 66-21 *Exempted Signs*, Subparagraph (5) *Works of fine art which in no way identify or advertise a product or business*. The Commission took into consideration that the signs are constructed of a vinyl material, are intended to be permanent, and recommended disapproval of the request.

Discussion included debate over the interpretation of the signs.

Motion to amend was made by Mayor Pro Tem Buys, second by Council Member Massey, to approve the variance request for the five (5) signs on the front and side of the building for Cheetalish.

Motion to approve carried: 2 Ayes – Mayor Pro Tem Buys and Council Member Massey; 1 Nay – Council Member Blue.

- 14. Discussion of and action on a request by Darrell Palmer for approval of a variance to Municipal Code of Ordinances Chapter 66 Signs, Section 66-51 Commercial Signs: Projecting, Wall and Hanging, or in or on Windows authorizing hanging signage for Select Trucks and U-Haul Rentals located at 17135 Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 248418. (Applicant)**

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

On May 1, 2018 the Planning and Zoning Commission reviewed the variance request for a hanging sign for Select Trucks and U-Haul Rentals. The Commission cited that the sign is attached to a non-conforming pole, which is prohibited by Code, and recommended disapproval of the request. The Commission encouraged the applicant to work with City staff and the corporate sponsor U-Haul, to develop signage that meets Code.

Speaking on this item was Darrell Palmer, the applicant. Mr. Palmer stated the request to mount the sign on the pole, rather than the building, was due to the building being setback from the road way, making the building not visible.

Discussion included that the said property is located in the City's Extraterritorial Jurisdiction (ETJ) and most of Council agreed with the applicant having mounted the sign on the existing pole for visibility reasons.

Motion to amend was made by Mayor Pro Tem Buys, second by Council Member Massey, to approve the variance request for a hanging sign on the pole for Select Trucks and U-Haul Rentals.

Motion to approve carried: 2 Ayes – Mayor Pro Tem Buys and Council Member Massey; 1 Nay – Council Member Blue.

- 15. Discussion of and action on a request by Isaac Butler IV for approval of roof signage, pursuant to Municipal Code of Ordinances Chapter 98 Zoning, Section 98-72 Old Town Helotes Special District, Subparagraph (g)(7) Creative Sign Review, for Congelato! located at 14743 Old Bandera Road, Helotes, Texas 78023, more particularly described as BCAD Prop. ID No. 1154308. (Applicant)**

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

On May 1, 2018 the Planning and Zoning Commission reviewed the variance request for a roof sign for Congelato! The Commission believed that unique circumstances, such as the distance from the street and the lack of sufficient wall space justified the use of the Creative Sign Review process and recommended approval of the small roof sign, on the condition that the proposed lighting be full cut-off and night time sky friendly.

Motion to approve the Planning and Zoning Commission recommendation as presented carried unanimously.

- 16. Discussion of and action on a Resolution of the City Council of the City of Helotes, Texas canvassing the returns and declaring the results of the General Election held Saturday, May 5, 2018 for the purpose of electing a Council Member Place 1, a Council Member Place 2, and a Council Member Place 4 to the City Council. (Staff)**

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

James "Jim" Meadows is elected Council Member Place 1. Alex Blue and Cynthia Massey are declared elected.

Motion to approve carried unanimously.

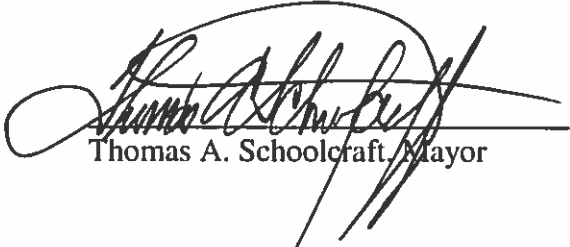
Adjourn

With no more business to come before Council, Mayor Schoolcraft adjourned the meeting at 8:18 pm.

ATTEST:



Celina Perez, City Secretary



Thomas A. Schoolcraft, Mayor

