

City of New Braunfels, Texas

City Hall – Council Chambers
Regular City Council Meeting Minutes
Monday, March 8, 2021
6:00 p.m.

City Council

Rusty Brockman, Mayor – Present
Shane Hines, Councilmember (District 1) – Present
Justin Meadows, Mayor Pro Tem (District 2) – Absent
Harry Bowers, Councilmember (District 3) – Present
Matthew E. Hoyt (District 4) – Present
Jason Hurta (District 5) – Present
James Blakey (District 6) – Present

The meeting was called to order by Mayor Brockman at 6:00 p.m. Councilmember Blakey gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PRESENTATIONS:

- A) Presentation, discussion, and possible direction to staff regarding whether to require the use of face coverings by the public while at city facilities, and whether to place a limit on the building occupancy of certain city facilities.

Mayor Brockman read the aforementioned caption.

Robert Camareno presented the item.

The following individuals spoke on the item: Timothy Davis, Dr. Madison L. Lowry, M.D., Dr. Emily Briggs, M.D., Sean Lomonaco, Dr. Judith Thompson M.D., and Jim Holster.

Councilmember Blakey moved to make a motion to protect the city staff and to continue with the mask wearing. Councilmember Hoyt seconded the motion. Councilmember Hoyt rescinded his second to Councilmember Blakey's original motion. Councilmember Blakey revised his motion to state he moved to make a motion to protect the city staff and to continue with the mask wearing and added a date of April 12th to revisit wearing masks which passed 4-2 via roll call vote with Councilmember Hurta and Councilmember Hines in opposition.

Councilmember Hines moved to go for 100% occupancy in all city facilities.

Councilmember Bowers seconded the motion which was approved unanimously via roll call vote.

- B) Presentation of “New Braunfels at Work” web application and dashboard.

Mayor Brockman read the aforementioned caption.

Jenna Vinson presented the web application and introduced Neil Rose who provided an overview of the item.

- C) Presentation and update on the 2013 Bond, 2019 Bond and other various ongoing Capital projects.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented this item.

1. MINUTES

- A) Discuss and consider approval of the minutes of the February 22, 2021 City Council meeting.

Mayor Brockman read the aforementioned caption.

Councilmember Hurta moved to approve the item. Councilmember Hines seconded the motion which was approved unanimously via roll call vote.

2. CITIZENS' COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

Rodrigo Amaya and Garrison Miller spoke during Citizen’s Communications.

3. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.

Resolutions & Action Items

- A) Approval of a resolution, ratification of the submission of an application for funding to purchase forensic data collection equipment utilizing a U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program grant for Program Year 2022, and authorization for the City Manager to

act on behalf of the City in all matters related to this grant.

- B) Approval of a contract with Ultimate Roof Systems for roof repairs at the New Braunfels Public Library and roof replacement at Fire Station 1 and the appropriate budget amendment.
- C) Approval of a contract modification to J3 Company as part of the 2013 Bond Klein Road Reconstruction project in the amount of \$108,291 for Change Order #9 and an additional \$75,000 for contingency that is needed for unforeseen conditions associated with the TXDOT FM1044 intersection alignment and the appropriate budget amendment.
- D) Approval of a resolution authorizing the City Manager to execute a deed accepting two acres of park property as prescribed in a development agreement with August Fields, LP.
- F) Approval to authorize the City Manager to execute a Memorandum of Understanding with the New Braunfels Parks Foundation allowing the Foundation to accept 46 acres of land to hold in trust for the City of New Braunfels for a future park.
- E) Approval of a resolution authorizing the City Manager to enter into an Agreement to Contribute Right-of-way Funds with the Texas Department of Transportation for highway improvements on FM 725 from Zipp Road to County Line Road.
- G) Approval to authorize the City Manager to enter into a five-year software maintenance contract with Presidio Networked Solutions Group in the amount of \$86,400 (\$17,280 annually) for the City's phone system utilizing a Texas Department of Information Resources contract
- H) Approval of the City of New Braunfels FY 2021 First Quarter Investment Report.
- I) Approval to authorize the City Manager to enter into a joint election agreement between the City of New Braunfels, the New Braunfels Independent School District, the Comal Independent School District, the City of Garden Ridge, and the City of Bulverde regarding the May 1, 2021 election.
- J) Approval to authorize the City Manager to enter into an agreement between the City of New Braunfels and Comal County regarding election services for the May 1, 2021 elections.
- K) Approval of an expenditure with Fun Abounds of Southern Texas for the purchase of a shade structure for the Fischer Park Archeology Dig for \$42,000 utilizing a Buyboard contract 529-19.
- L) Approval to authorize the City Manager to execute an amendment to the contract with the Law Offices of Ryan Henry, PLLC for legal representation in matters involving an administrative ADAA complaint, and for review and analysis of

related City policies and procedures.

- M) Approval of a contract amendment with Doucet and Associates for engineering design and bid support services for a stormwater treatment basin to be included as part of the Elizabeth Ave Realignment project.
- N) Approval to authorize the City Manager to execute an Interlocal Cooperative Purchasing Agreement with Michigan Collegiate Telecommunications Association in accordance with the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code and Chapter 271, Texas Local Government Code for telecommunication products and services.
- O) Approval to purchase a Commercial Paver for the City's Public Works Streets & Drainage Division staff, from Cooper Equipment Co. through a BuyBoard Cooperative contract and approval of the appropriate budget amendment.
- P) Approval of a resolution in support of Comal County urging the Texas Legislature to amend Section 502.402, Texas Transportation Code during the 87th legislative session.

Ordinances

(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)

- Q) First reading on an ordinance regarding a request from the Humane Society of New Braunfels Area (HSNBA) to waive development related fees for their new spay and neuter building.
- R) Approval of the second and final reading of an ordinance to designate the property currently addressed as 210 South Castell Avenue as a historic landmark to be known as the Producer's Co-Op.
- S) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 14.608 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, from "M-1" Light Industrial District to "MU-B" High Intensity Mixed Use District.

Item 3 – P was pulled for individual consideration.

Mayor Brockman read the aforementioned captions A through O and Q through S.

Councilmember Hurta moved to approve consent agenda items A – O and Q – S. Councilmember Hines seconded the motion which passed unanimously via roll call vote.

Mayor Brockman read the caption for item 3 – P.

Greg Malatek presented this item.

Councilmember Hines moved to approve the item. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

Mayor Brockman recessed for a break at 8:10 p.m. and returned into session at 8:22 p.m.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider an ordinance authorizing the issuance of short term obligations in the aggregate principal amount not to exceed \$100,000,000 to pay project costs for eligible projects for the City's utility systems, authorizing the execution of agreements to be entered into on connection therewith, approving and authorizing certain authorized officers and employees to act on behalf of the City and New Braunfels Utilities in the sale and delivery of such short term obligations and resolving other matters incident and related thereto and providing an effective date.

Mayor Brockman read the aforementioned caption.

Ian Taylor and Dawn Schriever presented this item.

Councilmember Hurta moved to approve the item. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- B) Discuss and consider approval of an ordinance regarding the ratification of a waiver of certain permit fees and solid waste management fees related to the 2021 winter storm.

Mayor Brockman read the aforementioned caption.

Robert Camareno and Christopher Looney presented this item.

Councilmember Hoyt moved to approve the item. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

- C) Discuss and consider approval of a construction contract with Stoddard Construction Management Inc., a materials testing contract with Raba Kistner, payment to New Braunfels Utilities (NBU) for water and sewer impact fees, a contract with Hill International for on-site Owner's Representative services and authorize the City Manager to execute any change orders up to the contingency amount as part of the 2019 Bond Westside Library Branch Project.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented this item.

Councilmember Hines moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- D) Discuss and consider the reconsideration of a proposed ordinance to rezone approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-1A-4” Single-Family Small Lot Residential and “R3-H” Multifamily High Density District.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

Councilmember Hurta moved to go forward with the re-consideration of this item. Councilmember Hines seconded the motion. The Mayor opened the floor for public comment.

The following individuals spoke on the item: James Ray, Donald Featherston, Debra Howell, Janet Cole, Alicia Cook, Bobby Cook, Andrew Hand, James Ingall, Kyle McClain, Bob Burleson, Lawrence Spradley, Richard Byrd, and Jon Barger.

At this point roll call was taken on the aforementioned motion which passed 4-2 with Councilmember Hoyt and Councilmember Bowers in opposition.

Councilmember Hines made a motion to postpone until our April 12, 2021 meeting. Councilmember Hoyt seconded the motion which passed with Councilmember Hoyt in opposition.

- E) Public hearing and first reading of proposed amendments to Chapter 6, Animals, related to tethering, keeping of rabbits, general standards of pet care, and penalties, as recommended by the Animal Services Advisory Board.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

Councilmember Hines made a motion to approve the item. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- F) Public hearing and first reading of an ordinance regarding a proposed amendment to Chapter 66 Historic Preservation for the protection and preservation of trees within historic districts and historic properties.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

Councilmember Hoyt made a motion to approve the item. Councilmember Hines seconded the motion which failed via roll call vote with Councilmember Bowers, Councilmember Hurta, Councilmember Blakey, and Mayor Brockman in opposition.

5. EXECUTIVE SESSIONS

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items: any final action or vote taken will be in public.

- A) Deliberate issues regarding economic development negotiations in accordance with section 551.087 of the Texas Government Code.
 - Project Broadband
 - Project Locked
 - CGT

- B) Deliberate the purchase, exchange, lease, or value of real estate in accordance with Section 551.072 of the Texas Government Code; and, Deliberate pending/contemplated litigation, settlement offers, and matters related to privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071 of the Texas Government Code, specifically
 - Tolle Street ROW Abandonment

Mayor Brockman read the aforementioned captions and recessed into Executive Session at 10:01 p.m.

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

6. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

Mayor Brockman reconvened into open session at 10:50 p.m.

No action was taken.

7. ADJOURNMENT

Mayor Brockman adjourned at 10:50 p.m.

Rusty Brockman, Mayor

Caitlin Krobot, City Secretary

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