

**MINUTES - DRAFT
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 27, 2021**

AGENDA

CALL TO ORDER

Mayor Brockman called the meeting to order at 6:00 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 7 - Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Lawrence Spradley, Councilmember Jason Hurta, and Councilmember James E. Blakey

REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.

INVOCATION: COUNCILMEMBER HINES

Councilmember Hines provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Brockman led the Pledge of Allegiance and the Salute to the Texas flag.

PROCLAMATIONS:

- A) Serve Spot and Big Serve
Mayor Brockman presented the proclamation.

- B) Living Legends of New Braunfels
Mayor Brockman presented the proclamation.

- C) First Responder and Health Care Worker Recognition
Mayor Brockman presented the proclamation.

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.

Mayor Brockman allowed the first individual to speak and then paused Citizens Communications to hear Presentation A. Mayor Brockman then returned to Citizens Communications.

The following individuals spoke at this time: Becky Bracewell, Susie Mitchell, Russell Hausenfluck, Easton Smith, Janet Madigan, Timothy Davis, Crista Lindsey, Denise Mills,

Shannon Graham, Ryan Garcia, and Brandi Steptoe.

PRESENTATIONS:

A) Presentation of Medal of Valor to Firefighter Tate Parker

Matthew Bushnell presented this award and gave moving remarks of Tate Parker's heroism.

B) Presentation and update on Development Services Fund and Process Improvements

Jordan Matney presented this item and answered questions from Council.

1. MINUTES

A) Consideration of the approval of the minutes for Special Budget Workshop on September 9, 2021, Special Redistricting Workshop on September 13, 2021, Executive Session on September 13, 2021, and General Session on September 13, 2021.

Councilmember Bowers moved to approve the item. Councilmember Hurta seconded the motion which passed unanimously.

2. 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. Citizens must be present to pull an item.

Resolutions & Action Items

A) A resolution of the City Council of the City of New Braunfels, Texas approving and adopting the Texas Term Sheet and authorizing the city manager to execute all related documents, including the Subdivision Settlement Participation and Release Forms.

B) Approval of a resolution for the determination of right-of-way of E. Common Street, identified as a Principal Arterial in the City of New Braunfels Regional Transportation Plan, between the intersections with Gruene Road and FM 306.

C) Approval of a purchase with Professional Turf Products, L.P. and Deere & Company for Parks and Recreation and Landa Park Golf Course maintenance equipment and to declare the existing equipment as surplus.

- D) Approval to renew the following annual contracts, as allowed for by their contract language: Road Construction Work and Employee Benefit Consulting Services.
- E) Approval of a purchase with Musco Sports Lighting, LLC to replace the lighting infrastructure for the Landa Park Sand Volleyball Courts
- F) Approval of a purchase with GTS Technology Solutions, Inc for networking equipment to support the Westside Community Center Library, Fire Station 7 and Fire Training facilities being constructed as part of the 2019 Bond Program and the Creekside TIRZ No. 1, and to authorize the City Manager to execute any change orders up to the contingency amount.
- G) Approval of a contract with Maintenance Management of San Marcos to perform cemetery maintenance services at the Comal and New Braunfels Cemeteries.
- H) Approval of a contract with Knight Security Systems for the purchase of video surveillance equipment, video management services and access controls equipment and service for the new buildings being constructed as part of the 2019 bond program and Fire Station #7 and Fire Training Center, and to authorize the City Manager to execute any change orders up to the contingency amount.
- I) Approval of annual contracts with Bakers Heavy Equipment Repair, LLC, Cesar's Bodywork and More LLC, Christian Brothers Automotive - New Braunfels, Kahlig Enterprises Inc. d/b/a Bluebonnet Motors and N & L Best Deal Tire & Service 1 LLC to provide vehicle parts and/or vehicle repair services on an as-needed basis by various City departments.
- K) Approval of a resolution of the City of New Braunfels, Texas, amending Resolution No. 2021-R-38 by extending the deadline for New Braunfels Utilities and Southstar at Mayfair, LP, Developer, to execute a Utility Agreement as a condition precedent to the creation of Comal County Water Improvement District No. 3, located in the City's Extraterritorial Jurisdiction.

- L) Approval of and authorization for the City Manager to execute a 0.604-acre Public Utility Easement between the City of New Braunfels and New Braunfels Utilities located on a 100.007 acre tract out of the A.M. Esnaurizar Survey, No. 1, Abstract No. 98, Comal County, Texas, located within the property boundary of the New Braunfels Regional Airport.

Ordinances

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

- M) Approval of the first reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.
- N) Approval of the first reading of an ordinance regarding the proposed abandonment of approximately 7,231 square feet (0.166 acres) of unimproved public right-of-way, located between Hill Avenue and the terminus of Garden Street.
- P) Approval of the second and final reading of an ordinance amending Section 126-346 of the City of New Braunfels Code of Ordinances to restrict parking on the east side of Hudson Lane from Hanz Drive to Bellesop Boulevard, on the west side of Hudson Lane from Hanz Drive to the intersection with the first alleyway, and on the north side of Bellesop Boulevard.
- Q) Approval of the second and final reading of an ordinance amending Section 126-346 of the City of New Braunfels Code of Ordinances to establish no parking zones in Prince Solms Park.
- R) Approval of the second and final reading of an ordinance amending Section 126-136 of the City of New Braunfels Code of Ordinances to extend the existing school zone on Avery Parkway.

Approval of the Consent Agenda

Mayor Brockman read the aforementioned Consent Agenda Items A-I, K-N, and P-R. Items J and O were pulled from Consent Agenda.

Councilmember Bowers moved to approve Consent Agenda Items A-I, K-N, and P-R. Councilmember Hines seconded the motion which passed unanimously.

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- J) Approval of the Development Agreement for Roadway Impact Fee Offsets between City and SA Kosta Brown, Ltd., developer of Creekside Farms Subdivision, authorizing payment of excess costs for construction of a section of Orion Drive and additional right of way, and to authorize the City Manager to execute the Development Agreement.

This item was pulled from the Consent Agenda.

Mayor Brockman read the aforementioned caption.

Garry Ford presented this item.

The following individuals spoke to this item: Timothy Davis and David Gonzalez.

Councilmember Spradley moved to approve the item. Mayor ProTem Meadows seconded the motion which passed unanimously.

- O) Approval of the second and final reading of an ordinance designating a geographic area within the City of New Braunfels as a reinvestment zone for tax increment financing purposes pursuant to Chapter 311 of the Texas Tax Code to be known as Tax Increment Reinvestment Zone Number Three (3), City of New Braunfels; describing the property parcels included in the zone; containing findings and provisions related to the creation of the zone; providing a date for the termination of the zone; providing that the zone take effect immediately upon passage of the ordinance; providing a severability clause; providing for publication; and declaring an effective date.

This item was pulled from Consent Agenda.

Mayor Brockman read the aforementioned caption.

Jeff Jewell presented this item.

The following individuals spoke to this item: Wayne Rudolph, Timothy Davis and Nathan Manlove.

Councilmember Hines moved to approve the item. Councilmember Hurta seconded the motion which passed unanimously.

Mayor Brockman took a break at 8:43 p.m.

Mayor Brocman returned into open session at 8:52 p.m.

A) Public Hearing on the proposed tax rate for the City of New Braunfels for tax year 2021

Mayor Brockman read the aforementioned caption.

Jared Werner presented this item.

The following individuals spoke to this item: Ryan Garcia and Timothy Davis

No action needed at this time.

B) Approval of the second and final reading of an ordinance adopting the FY 2022 Operating Budget and Plan of Municipal Services.

Mayor Brockman read the aforementioned caption.

Jared Werner presented this item.

Councilmember Bowers stated "I move to adopt the Fiscal Year 2022 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order." Councilmember Hurta seconded the motion which passed unanimously.

C) Approval of the second and final reading of an ordinance adopting the 2021 ad valorem tax rates.

Mayor Brockman read the aforementioned caption.

Jared Werner presented this item.

The following individuals spoke to this item:

Councilmember Spradley stated "I move that the property tax rate for tax year 2021 be decreased by the adoption of a total ad valorem property tax rate of .475376 per \$100 of assessed taxable valuation, which is effectively an 5.6% increase in the tax rate, with .227983 for debt service and .247393 cents for operations and maintenance."

Councilmember Hines seconded the motion which passed unanimously.

D) Approval of a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2021 property tax rate included in the FY 2022 Annual Budget.

Mayor Brockman read the aforementioned caption.

Jared Werner presented this item.

Councilmember Hurta stated "I move to ratify the property tax revenue increase reflected in the Fiscal Year 2022 Operating Budget and Plan of Municipal Services." Councilmember Spradley seconded the motion which passed unanimously.

E) Consideration of the creation of a redistricting committee

Mayor Brockman read the aforementioned caption.

Valeria Acevedo presented this item.

The consensus is to have a 10 member committee with seven being appointed by the councilmembers for their districts and three being at large. Applications will be required of the three at large.

Councilmember Hines moved to approve the redistricting committee with ten (10) members, seven being appointed and three at large. Councilmember Hurta seconded the motion which passed unanimously.

F) Public hearing and consideration of a variance request to allow a proposed business, addressed at 111 S. Union Avenue, to provide alcohol sales (wine and beer, off-premises consumption) within 300 feet of a children's daycare.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

Councilmember Hines moved to approve the item. Councilmember Hurta seconded the motion which passed unanimously.

G) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a variety of residential and non-residential development on approximately 49.5 acres out of

the A-103, Sarah Dewitt Survey, addressed at 614 & 720 W. Zipp Road from "R-1A-6.6" Single Family District to the following zoning districts with additional conditions: "R-1A-6.6" Single-Family, "R-1A-4" Single-Family Small Lot, "C-1A" Neighborhood Business and "C-1B" General Business.

Mayor Brockman read the aforementioned caption.

Chris Looney presented this item.

The following individuals spoke to this item: Caren Murch

Councilmember Hines moved to approve the item with applicant proposed conditions and not approving the 2nd story windows prohibition that was recommended by the Planning Commission. Mayor ProTem Meadows seconded the motion which passed unanimously.

H) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow residential use in the M-2 Heavy Industrial District and short term rental of a single-family residence on Lot 3 Milltown Extension 1, addressed at 757 Oasis Street.

Mayor Brockman read the aforementioned caption.

Chris Looney presented this item.

Councilmember Hines moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously.

I) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 7.6 acres out of the A. M. Esnaurizar A-1 Survey, addressed at 2100 IH-35 North, from "APD AH" Agricultural/Pre-Development, Airport Hazard Overlay District and "C-3 AH" Commercial, Airport Hazard Overlay District to "C-1B AH" General Business, Airport Hazard Overlay District.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

Mayor ProTem Meadows moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously.

- J) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-1” Local Business District, addressed at 1370 Church Hill Drive.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

Councilmember Hurta moved to approve the item. Councilmember Blakey seconded the motion which passed unanimously.

- K) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-3” Commercial District, addressed at 291 School Avenue.

Mayor Brockman read the aforementioned caption.

Jean Drew presented this item.

Councilmember Hines moved to approve the item with staff recommendations and conditions. Councilmember Bowers seconded the motion which passed unanimously.

4. 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 the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically
- Surplus City Property

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).

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

No action was taken at this time.

ADJOURNMENT

Mayor Brockman adjourned at 10:00 p.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

CAITLIN KROBOT, CITY SECRETARY