

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 9, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on September 9, 2019, at 6:00 p.m.

City Councilmembers present were:

Present: 7 - Mayor Barron Casteel, Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:03 p.m. Mayor Casteel gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Hispanic Heritage Month

Mayor Casteel proclaimed September 15 through October 15 as Hispanic Heritage Month.

B) Hunger Action Month

Mayor Casteel proclaimed September 2019 as Hunger Action Month.

C) National Preparedness Month

Mayor Casteel proclaimed September 2019 as Preparedness Month.

D) Sons of the American Legion Day

Mayor Casteel proclaimed September 15 as Sons of the American Legion Day.

PRESENTATIONS:

A) Presentation, discussion, and approval of a resolution requesting financial assistance from the State of Texas by and through the Governor and the legislature to the Guadalupe-Blanco River Authority for the costs of repair, reconstruction, and maintenance of critical infrastructure located at Lake Dunlap, Lake McQueeney, Lake Placid, Meadow Lake, Lake Gonzales, and Lake Wood.

Mayor Casteel read the aforementioned caption.

Jay Harmon spoke on the item.

Councilmember Hoyt moved to approve the item. Councilmember Garcia seconded the motion which passed unanimously.

B) Presentation regarding the Solms Landing Public Improvement District and associated financing plan.

Mayor Casteel read the aforementioned caption.

Jared Werner, Bart Fowler, and Mark McLiney presented the item.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of August 26, 2019, and the special meetings of August 22 and September 3, 2019.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to approve the item. Mayor Pro Tem Peters seconded the motion which passed unanimously.

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.

No one spoke.

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 the appointment of two individuals to the Building Standards Commission for terms ending October 26, 2021.

B) Approval of an annual contract with Landscape Commander LLC to

provide landscape maintenance services at designated City facilities, parks and roadway medians, on an as-needed basis.

- C) Approval for the City Manager to enter into an Agreement for Release of Liability for Fire Department training activities with BHGE Oil and Gas Company for the use of their property at 1150 Schwab Road.
- D) Approval of the grant contract for the Routine Airport Maintenance Program through the Texas Department of Transportation in the amount of up to \$50,000 for eligible maintenance expenses; and authorizing the City Manager to accept funds and to execute all contract documents associated with grant.

Ordinances

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

- E) Approval of the second and final reading of an ordinance creating a temporary San Antonio Street Bridge Safety Zone that will prohibit river and pedestrian traffic upstream, under, and downstream of the bridge, during TxDOT construction; authorizing the City Manager to determine date such activities are safe to resume; establishing up to a \$500.00 fine; and repealing Section 86-17 of the Code of Ordinances, entitled Gruene Road River Bridge Water Safety Zone; and providing an effective date.
- F) Approval of the second and final reading of an ordinance regarding the proposed rezoning of 39.241 acres, consisting of Lot 2, AD2 Subdivision and approximately 34 acres out of the A-485 O Russell Survey 1, located in the 3900 and 4000 blocks of IH-35 North, from “M-1” Light Industrial and “APD” Agricultural/Pre-Development Districts to “M-1A” Light Industrial District.
- G) Approval of the second and final reading of an ordinance regarding the proposed rezoning of Lot 1, Block 1, AD2 Subdivision, addressed at 4001 IH-35 North, from “M-1” Light Industrial and “APD” Agricultural/Pre-Development Districts to “M-1A” Light Industrial District.

Mayor Casteel read the aforementioned captions.

**Councilmember Garcia moved to approve the Consent Agenda.
Councilmember Bowers seconded the motion which passed**

unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider a request for a conditional sign permit for QuikTrip 4040 to allow a pole sign to exceed the adopted height and sign face area standards, addressed at 2017 FM 1102.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

David Wanders spoke on the item.

Councilmember Meadows moved to approve the item with staff recommendations. Councilmember Hoyt seconded the motion which passed 4-3 with Councilmember Hines Councilmember Bowers, and Mayor Casteel opposed.

<City Council took a break.>

- B) Discuss and consider approval of the second and final reading of an ordinance adopting the FY 2019-20 Operating Budget and Plan of Municipal Services.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

Councilmember Meadows moved to adopt the FY 2019-20 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order. Mayor Pro Tem Peters seconded the motion which passed unanimously via roll call vote.

- D) Discuss and consider approval of a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2019 property tax rate included in the FY 2019-20 Annual Budget.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

Councilmember Hoyt moved to ratify the property tax revenue

increase reflected in the FY 2019-20 Operating Budget and Plan of Municipal Services. Mayor Pro Tem Peters seconded the motion which passed unanimously via roll call vote.

- C) Discuss and consider approval of the second and final reading of an ordinance adopting the 2019 ad valorem tax rates.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

Bob Wolf spoke on the item.

Councilmember Bowers moved that the property tax rate for tax year 2019 remain unchanged by the adoption of a total ad valorem property tax rate of .48822 per \$100 of assessed valuation, which is effectively a 7.8% increase in the tax rate, with .214498 for debt service and .273722 cents for operations and maintenance. Councilmember Hines seconded the motion which passed unanimously via roll call vote.

- E) Discuss and consider 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.

Mayor Casteel read the aforementioned caption.

Nokihomis Willis presented the item.

Mayor Pro Tem Peters moved to approve the item. Councilmember Garcia seconded the motion which passed unanimously.

- F) Discuss and consider approval of the first reading of an ordinance increasing certification and education pay for Fire Officers possessing certain Texas Commission on Fire Protection and Police Officers possessing certain Texas Commission on Law Enforcement Standards and Education pursuant to Local Government Code, Chapter 143.

Mayor Casteel read the aforementioned caption.

Nokihomis Willis presented the item.

Councilmember Garcia moved to approve the item. Mayor Pro Tem Peters seconded the motion which passed unanimously.

- G) Discuss and consider approval of an ordinance authorizing the issuance of the City of New Braunfels, Texas Combination Tax and Revenue Certificates of Obligation, Series 2019; levying an ad valorem tax and pledging certain surplus revenues in support of the certificates; approving an official statement, a paying agent/registrar agreement and other agreements relating to the sale and issuance of the certificates; and ordaining other matters relating to the issuance of the certificates.

Mayor Casteel read the aforementioned caption.

Jared Werner and Andrew Friedman presented the item.

Mayor Pro Tem Peters moved to approve the item. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

- H) Discuss and consider approval of an ordinance authorizing the issuance of City of New Braunfels, Texas General Obligation Bonds, Series 2019; authorizing the levy of an ad valorem tax in support of the bonds; approving an official statement, a paying agent/registrar agreement, and other documents related to the issuance of the bonds.

Mayor Casteel read the aforementioned caption.

Jared Werner and Andrew Friedman presented the item.

Mayor Pro Tem Peters moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- I) Discuss and consider approval of the appointment of one individual to the Airport Advisory Board for a term ending May 12, 2022.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Hines moved to approve the appointment of Michael

Fogerty to the Airport Advisory Board. Councilmember Meadows seconded the motion which passed unanimously.

- J) Discuss and consider approval of the appointment of three individuals to the Library Advisory Board for two terms ending September 26, 2022, and one term ending September 26, 2021.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Hoyt moved to approve the appointment of Carol Bissett and Connie Born to terms ending in 2022 and Kay Cartwright to a term ending in 2021 to the Library Advisory Board. Councilmember Bowers seconded the motion which passed unanimously.

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, including but not limited to:
- Project Rethread
 - Project Nautilus
 - Project 2x4
 - Project Maintenance
- B) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning 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:
- Meet and Confer negotiations with New Braunfels Professional Fire Fighters Association
- C) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 8:21 p.m. - 10:02 p.m.

No vote or action was taken.

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.**

The City Council reconvened into Open Session at 10:02 p.m.

No vote or action was taken.

- 7. ADJOURNMENT**

The meeting adjourned a 10:02 p.m.

Date Approved: September 23, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary