

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF TUESDAY, MAY 28, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on May 28, 2019, at 6:00 p.m.

City Councilmembers present were:

Present: 6 - Mayor Barron Casteel, Councilmember Shane Hines, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

Absent: 1 - Councilmember Justin Meadows

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:16 p.m. Mayor Pro Tem Peters gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Bond Advisory Committee

Mayor Casteel presented proclamations to the Bond Advisory Committee and all those that helped pass the 2019 bond package.

B) Gun Violence Awareness Day

Mayor Casteel proclaimed June 7 as Gun Violence Awareness Day.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of May 13, 2019, and the special meeting of May 20, 2019.

Mayor Casteel read the aforementioned caption.

Mayor Pro Tem Peters moved to approve the minutes. Councilmember Bowers seconded the motion which passed unanimously.

2. CITY COUNCIL ACTIONS

A) Complete and issue Certificates of Election to the

Councilmembers-elect.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

- B) Administer oath of office to District 1 Councilmember-elect Shane Hines.

Mayor Casteel read the aforementioned caption.

District Court Judge Bruce Boyer administered the oath of office to Councilmember Shane Hines.

- C) Discuss and consider the election of a Mayor Pro Tem.

Mayor Casteel read the aforementioned caption.

Councilmember Bowers moved to appoint Wayne Peters as Mayor Pro Tem. Councilmember Hoyt seconded the motion which passed unanimously.

3. 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 Casteel read the aforementioned caption.

No one spoke.

4. 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 one individual to the Central Texas Technology Center Advisory Board for a term ending April 26, 2020.

- B) Approval of the appointment of one individual to the Airport Advisory Board for a term ending May 12, 2022.
- C) Approval of the appointment of one individual to the Downtown Board for a term ending May 31, 2022.
- D) Approval of a resolution naming a representative and an alternate to the Alamo Area Council of Governments Board of Directors.
- E) Approval of annual contracts for road construction materials with Brauntex Materials, Inc., Cemex, Century Asphalt, Ltd., Colorado Materials, Ltd., Ergon Asphalt, Green Dream International, and Lhoist North America.
- F) Approval of the purchase of a 2019 Transit Cargo Van from Bluebonnet Motors, Inc. as a replacement vehicle for Facility Maintenance and to declare the replaced vehicle as surplus.
- G) Approval of a contract with Kimley-Horn and Associates, Inc. for professional services to review and revise the City's current draft Street Design Guide and Roadway Construction Standard Details.
- H) Approval of annual routine recurring expenditures for FY 2018-19 in accordance with City Charter Section 9.17.
- I) Approval to authorize the City Manager to execute an Interlocal Agreement with the Harris County Department of Education - Choice Partners Cooperative in accordance with Texas Government Code 791, Texas Interlocal Cooperation Act.
- J) Approval of the renewal of a contract with PM AM Corporation to provide alarm management services for the Police Department.
- K) Approval for City Manager to execute a contract with Kimley-Horn and Associates for survey and due diligence of Kohlenberg Road Development Project on behalf of the New Braunfels Economic Development Corporation for \$35,675.
- L) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$4,000,000 for land acquisition of approximately 60 acres in the northwest part of Subdivision 13, Esnaurizar Eleven Grant, New Braunfels, Comal County, Texas, for an economic development project authorized by Local Government Code Chapters 501 and 505 as

amended.

- M) Approval of the proposed amendment to Veramendi, Sector Plan 1A, within the Comal County Water Improvement District #1, encompassing 273.37 acres out of the Juan Martin de Veramendi Survey No.2, Abstract 3, including property adjacent to and east of the Oak Run Subdivision.
- N) Approval of an expenditure of \$115,000 as required by the Texas Department of Transportation concerning the reconstruction of the upper structure of the San Antonio Street Bridge over the Comal River for the acquisition for a two-year timeframe of a 1.458 acre temporary construction easement out of a 26.048 acre property addressed as 370 W. Lincoln Street, owned by Liberty Partnership, LTD, and authorization for the City Manager to execute all necessary documents.
- O) Approval to submit a Notice of Intent and revised Storm Water Management Plan to Texas Commission on Environmental Quality for coverage under the reissued Small MS4 General Permit.

Ordinances

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

- P) Approval of the first reading of an ordinance amending Chapter 142 pertaining to methods of fishing and release of non-native aquatic species into any body of water within the city limits.
- Q) Approval of the second and final reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to authorize the rounding down the total of fees owed to the nearest whole dollar amount.
- R) Approval of the second and final reading of an ordinance granting rehabilitation tax relief for a five-year period to the property addressed as 575 S. Hill Avenue, a contributing resource in the Sophienburg Hill Historic District.
- S) Approval of the second and final reading of an ordinance granting rehabilitation tax relief for a five-year period to the property addressed as 564 S. Hill Avenue, a contributing resource in the Sophienburg Hill Historic District and a local Historic Landmark known as the Kopplin-Leitch House.

- T) Approval of the second and final reading of an ordinance amending the Code of Ordinances Section 86-97 Landa Park miniature golf and paddle boat fees.

Mayor Casteel read the aforementioned captions, except item C which was pulled from consideration.

Councilmember Hines moved to approve the Consent Agenda. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

5. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of a contract with Seidel Construction LLC for the renovation of Market Plaza Park and approval authority for the City Manager to approve any changes up to the contingency amount for project expenditures of \$124,682.

Mayor Casteel read the aforementioned caption.

Councilmember Hines stepped away from the dais.

Stacey Dicke presented the item.

Councilmember Garcia moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously (5-0).

Councilmember Hines returned to the dais.

- B) Discuss and consider approval of the first reading of an ordinance to install an all-way stop at the intersection of Oak Run Parkway and Westpointe Drive.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Jerry Everett, Rolf Schmitz, and Jerry Sonier spoke on the item.

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

- C) Presentation and discussion on the results and major conclusions of the 2019 New Braunfels Citizen Survey conducted by the National Research Center.

Mayor Casteel read the aforementioned caption.

Sheri Masterson introduced the item. Morgan Adams presented the item.

No action was taken.

- D) Presentation and update on floating aquatic vegetation management in the Comal River.

Mayor Casteel read the aforementioned caption.

Alan Stigall presented the item.

No action was taken.

<City Council took a break.>

- E) Presentation and possible action on the Airport Master Plan Update.

This item was pulled from consideration.

- F) Discuss and consider approval of the appointment of one individual to the Community Development Advisory Committee for a term ending December 13, 2020.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Bowers moved to appoint Robert Blythin. Councilmember Hoyt seconded the motion which passed unanimously.

- G) Discuss and consider approval of a roster of participant organizations for the Complete Count Committee to assist the U.S. Census Bureau with awareness and outreach for the 2020 Decennial Census.

Mayor Casteel read the aforementioned caption.

Sheri Masterson presented the item.

Rosalena Lopez spoke on the item and requested a youth representative on the committee.

Mayor Pro Tem Peters moved to approve the item with the additions of the Senior Citizens Foundation and a youth representative. Councilmember Hoyt seconded the motion which passed unanimously.

- H) Discuss and consider approval for the City Manager to execute a contract with Derek Howorth (or his LLC) for the management of the Das Rec Swim Team.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

Councilmember Bowers moved to postpone the item to June 3, 2019. Councilmember Hines seconded the motion which passed unanimously.

- I) Discuss and consider approval of a five-year renewal and amendment of the current agreement beginning October 1, 2019 until September 30, 2024, between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce Inc. concerning the use of Hotel Occupancy Tax.

This item was pulled from consideration.

- J) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "M-1" Light Industrial District at 343 E. Mill Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Evan Quiros spoke during the public hearing.

Mayor Pro Tem Peters moved to approve the item with a limit of six occupants. Councilmember Bowers seconded the motion which passed 5-1 with Councilmember Hoyt opposed.

- K) Public hearing and first reading of an ordinance regarding amendments to Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

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

- L) Public hearing and first reading of an ordinance regarding the proposed rezoning to amend a Special Use Permit to include a utility shed in the "C-2" Central Business District on Lot 32R, New City Block 2016, addressed at 468, 476, and 486 N. Market Avenue.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Matt Pusateri spoke during the public hearing.

Mayor Pro Tem Peters moved to approve the item with the stipulation that the applicant resolve the fence issue with his neighbor. Councilmember Bowers seconded the motion which passed unanimously.

- M) Discuss and reconsider approval of the second and final reading of an ordinance regarding the proposed amendment to the "Cotton Cottages" Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road.

Mayor Casteel read the aforementioned caption.

Councilmember Bowers moved to reconsider the item. Mayor Pro tem Peters seconded the motion which passed unanimously.

Stacy Snell presented the item.

Councilmember Bowers moved to approve the item with the revised site plan of six additional parking spaces. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

6. 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
 - Property for city facilities

The City Council did not recess into Executive Session.

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).

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

8. ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Date Approved: June 10, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary