

**MINUTES - FINAL
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JANUARY 10, 2022**

AGENDA - AMENDED AGENDA 01-05-2022

CALL TO ORDER

Mayor Brockman called the meeting to order at 6:06 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: MAYOR BROCKMAN

Mayor Brockman 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.

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.

The following individuals spoke at this time: David Warmke, Valin Woodward, David Wormkey, and Nicole Johnson.

PRESENTATIONS:

A) Presentation and discussion of 2021 Economic Benchmarks
Mayor Brockman read the aforementioned item.

Holly Covington presented this item.

1. MINUTES

A) Approval of the minutes for executive session December 13, 2021, and the regular session December 13, 2021
Mayor Brockman read the aforementioned item.

Councilmember Hurta moved to approve the item. Councilmember Bowers 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) Reappointment of Brad T. Bechtol to the Watershed Advisory Committee for an unexpired term ending May 31, 2024.
- B) Approval for contract reassignment with MuniRevs, Inc d/b/a LodgingRevs to GovOS, Inc.
- C) Approval of a resolution recommended by the New Braunfels Economic Development Corporation authorizing an expenditure of up to \$300,000 to TaskUs, Inc. for a project to promote or develop new or expanded business enterprises that create or retain primary jobs.
- D) Approval of a purchase with John Wright and Associates for license plate reader cameras the Police Department.
- E) Approval for the submission of an application to the Department of Homeland Security's (DHS) Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program for the purchase of an ambulance, and authorization for the City Manager to accept funds and execute all contract documents associated with the grant if awarded.
- F) Approval for a purchase through Siddons-Martin Emergency Group, LLC for a replacement built to New Braunfels Fire Department specifications fire engine built by Pierce Manufacturing and to declare the existing engine #04404 as surplus.
- G) Approval of a purchase with Sterling McCall Ford for two ambulance chassis and box remounts, and Stryker Sales Corporation for two power load stretchers for the New Braunfels Fire Department and to declare the replaced equipment as surplus.
- H) Approval to renew the following annual contracts, as allowed for by their contract language: Traffic Signal Maintenance Services,

Collection of Household Hazardous Waste, Firefighter Physical Exams, Financial Advisory Services and Bond Counsel Services.

- I) Approval for a purchase through Waukesha Pearce for four generators at various city locations, to declare the existing equipment surplus and approval of the appropriate budget amendment.

Ordinances

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

- J) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 28.868 acres from “M-2” Heavy Industrial District to “MU-B” High Intensity Mixed-Use District, consisting of approximately: a 14-acre tract of land, a 12-acre tract of land; a 0.74-acre tract of land out of the A.M. Esnaurizar Eleven League Grant, Survey No. 1, Abstract No. 1, Comal County, Texas; Lots 1-9, Block 1, Milltown Subdivision; Lots 1, 2, 5 and 6, Block 2, Milltown Subdivision; and, Lot 1, River Mill Power House and Dam Subdivision. The approximately 29 acres is addressed as or located at 601 Rusk St., 555 Porter St., 477 E. Faust St., the northeast corner of Rusk St. and Church Hill Dr., east side of Porter St. between Rusk St. and Consolidated, the southwest corner of Porter St. and Consolidated, and the northeast corner of Porter St. and McKenna Avenue.
- K) Approval of the second and final reading of an ordinance adopting a new Reapportionment Plan thereby revising city council member district boundaries in response to the 2020 Census.

Approval of the Consent Agenda

Mayor Brockman read the aforementioned Consent agenda.

Councilmember Hurta moved to approve Consent agenda. Councilmember Spradley seconded the motion which passed unanimously.

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Appointment of one individual to the Building Standards Commission for an unexpired term ending November 30, 2022.

Mayor Brockman read the aforementioned item.

Gayle Wilkinson presented this item.

Councilmember Hines moved to appoint Stephen Nishimuta to the Building Standards Commission for the unexpired term ending November 30, 2022. Councilmember Bowers seconded the motion which passed unanimously.

- B) Appointment of one individual to the Community Development Advisory Committee for an unexpired term ending November 30, 2022.

Mayor Brockman read the aforementioned item.

Gayle Wilkinson presented the item

Councilmember Hines moved to appoint Patrick Lynch to the Community Development Advisory Committee for the unexpired term ending November 30, 2022.

- C) Approval of the Heritage Commission recommendations for allocating grant awards from hotel occupancy tax to various heritage organizations of the City and authorizing the City Manager to execute contracts with the organizations for the purpose of disbursement and use of funding.

Mayor Brockman read the aforementioned item.

Gayle Wilkinson presented this item.

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

- D) Approval of the Arts Commission recommendations for allocating grant awards from hotel occupancy tax (HOT) to various arts organizations of the City and authorizing the City Manager to execute contracts with the aforementioned organizations for the purpose of disbursement and use of funding.

Mayor Brockman read the aforementioned item.

Gayle Wilkinson presented this item.

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

- E) Approval of a resolution, to enter into an agreement, with the Greater New Braunfels Chamber of Commerce, Inc. for digital campaigns supporting the Heritage Hotel Occupancy Tax grant recipients.

Mayor Brockman read the aforementioned item.

Gayle Wilkinson presented this item.

Councilmember Hines recused himself from this vote with a filed affidavit.

Councilmember Bowers moved to approve the item. Mayor ProTem Meadows seconded the motion which passed 6-0.

Recused:

Councilmember Hines

F) Approval of the FY 2022 Street Maintenance Plan

Mayor Brockman read the aforementioned item.

Greg Maltek presented this item.

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

G) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 27.4 acres, addressed at 2725, 2753 and 2793 Goodwin Lane, from “M-1A” Light Industrial District and “APD” Agricultural/Pre-Development District to “C-1A” Neighborhood Business District with a Special Use Permit to allow the development of multiple dwelling units in a townhouse style configuration.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

The following individuals spoke to this item: Steve Drenner, Don Featherstone, Suzanne Lynn, Mike Nielson, Timothy Davis, and Lee Edwards.

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

Mayor Brockman took a break beginning at 7:33 p.m.

Mayor reconvened at 7:44 p.m.

- H) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 2.3 acres out of the Henry Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "R-1A-6.6" Single Family District.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

The following individuals spoke to this item: Bill Ball, Travis Culpepper, and Seth Reichenser.

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

- I) Public hearing and first reading of an ordinance regarding the proposed abandonment of an approximately 4,976 square-foot (0.114 of an acre) portion of unimproved remaining right-of-way, abutting the northern terminus of Elizabeth Avenue.

Mayor Brockman read the aforementioned item

Christopher Looney presented this item.

The following individuals spoke to this item: Steve Taylor and Pat Wiggins.

Councilmember Bowers moved to approve the item. Councilmember Hurta 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 appointment, evaluation, duties, discipline, or removal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.
- B) 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:

- Carowest Land, Ltd. v. Yantis Company and City of New Braunfels (all cases, including appeal)
- Yantis Company v. City of New Braunfels et. al. (2014 case)

C) Deliberate the appointment and employment of an Assistant City Attorney/Prosecutor in accordance with Section 551.074 of the Texas Government Code.

D) Deliberate issues regarding economic development negotiations in accordance with section 551.087 of the Texas Government Code.

- Brauntex Performing Arts Theatre Association
- NBU Headwaters at the Comal Project

Mayor Brockman read 4 A of the executive session items and adjourned back into executive session at 8:05 p.m.

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

Mayor Brockman reconvened into open session at 8:39. p.m.

No action taken at this time.

ADJOURNMENT

Mayor Brockman adjourned at 8:39 p.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

GAYLE WILKINSON, INTERIM CITY SECRETARY