

**DRAFT - MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, APRIL 10, 2023**

**AGENDA**

**CALL TO ORDER**

Mayor Brockman called the meeting to order at 5:59 p.m.

**CALL OF ROLL: CITY SECRETARY**

**Present:** 7 - Mayor Rusty Brockman, Councilmember Andres Campos, Councilmember Christopher Willis, Mayor Pro Tem Harry Bowers, Councilmember Lawrence Spradley, Councilmember Jason Hurta, and Councilmember James Blakey

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

**INVOCATION: COUNCILMEMBER BLAKEY**

Councilmember Blakey 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) National Animal Control Officer Appreciation Week  
Mayor Brockman read the aforementioned item.

Members of the New Braunfels Animal Welfare team accepted the proclamation.

Bryan Ruiz addressed Council.

B) Sexual Assault Awareness Month  
Mayor Brockman read the aforementioned item.

Members of the Comal County Crisis Center accepted 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. In the interest of protecting the City's network and data, the City is not accepting flash drives or electronic files for use during Citizens Communications. Please use hard copies, the overhead projector or access the City's online digital form to upload electronic files you would like the Mayor and Council to view. The digital form would need to be uploaded two (2) hours prior to the City Council meeting. A link to this form can be accessed on the City Secretary's website.

**Mayor Brockman read the aforementioned item.**

**The following individuals spoke at this time: David Warmke, Alexander Stringer, Martin Neely, Tim Davis, L. Shrank, Michael Plumeyer, Sherri M., Jim Holster, Cynthia Schlather, Steven Fikes.**

## **1. 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.*

**Mayor Brockman stated that Item 1-B was pulled by staff and Item 1-K was pulled by Councilmember Spradley.**

### *Resolutions & Action Items*

- A) Approval of the minutes of the regular meeting on March 27th, 2023, and the minutes of the special meetings on November 21, 2022, and April 3, 2023.
- B) Approval of the minutes of the executive session meeting on December 6, 2021.
- C) Approval of a resolution recommended by the New Braunfels Economic Development Corporation (NBEDC) approving a project expenditure of up to \$649,500 for a professional services agreement with Kimley-Horn and Associates, Inc. for engineering and final design of the Castell Avenue Phase 1- Drainage project; and authorizing the President to execute said agreement.
- D) Approval of a submission for a Substantial Amendment to the Program Year 2022 Annual Action Plan for the Community Development Block Grant provided by the U.S. Department of Housing and Urban Development.

- E) Approval of a resolution expressing support for Texas House Bill 4997 - adding a Texas State Technical College Campus, operating as a collective unit of one or more locations in Comal and Guadalupe County

#### *Ordinances*

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

- F) Approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow short-term rental of a residence in the “M-1” Light Industrial District, Lot F out of Lot 188, City Block 2007, addressed at 352 E Bridge Street.
- G) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 24.2 acres out of Abstract No. 777 of the Christian Pape Survey No. 831, and Abstract No. 531 of the Luis Salinas Survey No 458, from “APD” Agricultural/Pre-Development and “C-1” Local Business District to “C-4B” Resort Facilities District, addressed at 2385 State Highway 46 West.
- H) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 16.2 acres, Lot 4, Block 2, Rueckle Commercial Subdivision, from “PD” Heritage Park Planned Development District, “APD” Agricultural/Pre-Development District, and “MU-B” High Intensity Mixed Use District to “MU-B” High Intensity Mixed Use District, located approximately 800 feet southwest of 168 Rueckle Road.
- I) Approval of the second and final reading of an ordinance regarding the proposed revocation of a Type 2 Special Use Permit granted by Ordinance No. 2018-6 for Lots 8 and 9, Seidels Subdivision, addressed at 1133 South State Highway 46, to allow a commercial contractor’s office with outdoor storage in the “C-1A AH” Neighborhood Business Airport Hazard Overlay District.
- J) Approval of the second and final reading of an ordinance to amend Chapter 126, Article X, Golf Carts, Neighborhood Electric Vehicles and Other Types of Recreational Off-Highway Vehicles, including definitions, required equipment, prohibition of ATVs and sand rails on public streets in the interests of public safety, and penalties.
- K) Approval of the second and final reading of an ordinance amending

Chapter 2 of the Code of Ordinances of the City of New Braunfels, Texas, Section 2-39(b) to eliminate the need for citizens to provide their addresses when addressing the City Council during meetings and to change the time for a person to speak to three minutes.

#### Approval of the Consent Agenda

**Mayor Brockman read the aforementioned consent agenda except for Items 1-B and 1-K.**

**Councilmember Hurta motioned to approve the consent agenda items A, C-J. Mayor Pro Tem Bowers seconded the motion which passed unanimously.**

#### **2. INDIVIDUAL ITEMS FOR CONSIDERATION**

**Mayor Brockman requested to move Item E forward after the pulled consent agenda items 1-B and 1-K.**

**All councilmembers were in favor of moving Item E to the first item after items 1-B and 1-K.**

1-B) Approval of the minutes of the executive session meeting on December 6, 2021.

**Mayor Brockman read the aforementioned item.**

**Gayle Wilkinson presented the item to council.**

**Councilmember Willis and Campos abstained.**

**Councilmember Hurta motioned to approve this item. Mayor Pro Tem Bowers seconded this motion which passed.**

**Abstain:**

Councilmember Campos, and Councilmember Willis

1-K) Approval of the second and final reading of an ordinance amending Chapter 2 of the Code of Ordinances of the City of New Braunfels, Texas, Section 2-39(b) to eliminate the need for citizens to provide their addresses when addressing the City Council during meetings and to change the time for a person to speak to three minutes.

**Mayor Brockman read the aforementioned item.**

**Mayor Brockman presented this item to council.**

**Councilmember Spradley commented on the item and asked City Attorney Valeria Acevedo questions.**

**Councilmember Hurta asked Assistant City Secretary Matthew Schwarz questions regarding the City of Frisco.**

**The following individuals spoke at this time: Jim Holster, Tim Davis, Suzie Pratt, Nicole Lawson, Michael French, Kimberly Huntsman, Steven Fikes, David Warmke**

**Councilmember Blakey motioned to split the ordinance.**

**Councilmember Willis commented that his recommendation from the first reading was not included in the draft ordinance.**

**Mayor Brockman recommended to postpone the item.**

**Councilmember Blakey withdrew his motion.**

**Councilmember Campos motioned to approve the ordinance as amended by the following: requiring citizens to establish whether they are city residents, residents of the ETJ, or non-residents when introducing themselves at the podium and to deny the ordinance reducing the time limit to speak during citizen communications or public comment from 5 minutes to 3 minutes. Mayor Pro Tem Bowers seconded this motion which passed.**

**Mayor Brockman called a 5 minute break.**

**Opposed:**

**Mayor Brockman**

**E) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow Gas Sales at a Convenience Store in the "C-1A" Neighborhood Business District, Lot 1, Block 1, Quail Valley Commercial Tract A, addressed at 3270 Goodwin Lane.**

**Mayor Brockman read the aforementioned item.**

**Christopher Looney presented the item using a PowerPoint.**

**Applicant Shannon Mattingly addressed council and requested a**

**postponement.**

**Councilmember Willis motioned to postpone the item to April 24th. Councilmember Campos seconded this motion. The motion was not voted on at this time.**

**The following individuals spoke during this time: Ryan Garcia, Robert S., Sherrie Barbee, Jonathan Alorda, Darleen Griffin, Richard Jennings, Manny Cuellar, Amber Jankowski, Linda Joslin, Lynda Riquelme**

**Councilmember Willis voted Yea to postpone. All other Councilmembers and Mayor Brockman voted Nay.**

**Christopher Looney re-presented the item to council using a PowerPoint and indicated this item would require a supermajority.**

**Applicant Shannon Mattingly re-addressed council and presented to council using a PowerPoint.**

**Council directed questions towards Shannon Mattingly.**

**The following individuals spoke at this time: Robert S., Manny Cuellar, Kyle Jankowski, Richard Jennings, Linda Joslin, Sherrie Barbee, Nicole Lawson, Jonathan Alorda, Robert Madero, Ryan Garcia, Heather Young, Jamie Rosales, Darleen Griffin**

**Councilmember Spradley motioned to deny this item. Mayor Pro Tem Bowers seconded this motion which was passed unanimously.**

- A) Discuss and consider the second and final reading of an Ordinance Amending Chapter 130, Article III, Sections 130-56, 130-57, and 130-58 of the Code of Ordinances of the City of New Braunfels, Texas Adjusting Electric Rates and Charges for Fiscal Year 2024; Providing for Adjustments of Electric Rates and Charges for Fiscal Year 2025; Resolving Other Matters Incident and Related Hereto; and Repealing All Other Ordinances and Parts of Ordinances in Conflict Herewith; Containing a Savings Clause; and Providing an Effective Date.**

**Mayor Brockman read the aforementioned item.**

**Ian Taylor presented the item to council using a PowerPoint and answered questions.**

**The following individuals spoke at this time: L. Shrank, Suzie Pratt, Michael Plumeyer, Nicole Lawson, Ryan Garcia, Tim Davis, Kimberly Huntsman, Jim Holster**

**Ian Taylor addressed questions asked during public comment.**

**Councilmember Hurta motioned to approve this item. Councilmember Campos seconded this motion which passed unanimously.**

- B) Discuss and consider the second and final reading of an Ordinance Amending Chapter 130, Article IV, Section 130-167 of the Code Of Ordinances of the City of New Braunfels, Texas Relating to Water Rates Removing the Off Peak and Peak Season Monthly Charge Distinctions; Adjusting Volume Charges; Modifying Service Rate Classifications; Adjusting Water Rates and Charges for Fiscal Year 2024; Providing for Adjustments of Water Rates and Charges for Fiscal Year 2025; Resolving Other Matters Incident and Related Thereto; and Repealing All Other Ordinances and Parts of Ordinances in Conflict Herewith; Containing a Savings Clause; and Providing an Effective Date.

**Mayor Brockman read the aforementioned item.**

**Ian Taylor made himself available for questions.**

**The following individuals spoke at the time: Jonathan Alorda**

**Mayor Pro Tem Bowers motioned to approve this item. Councilmember Spradley seconded this motion which passed unanimously.**

- C) Discuss and consider the second and final reading of an Ordinance Amending Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels, Texas Adjusting Sewer Rates and Charges for Fiscal Year 2024; Providing for Adjustments of Sewer Rates and Charges for Fiscal Year 2025; Resolving Other Matters Incident and Related Thereto; Repealing All Other Ordinances and Parts of Ordinances in Conflict Herewith; Containing a Savings Clause; and Providing an Effective Date.

**Mayor Brockman read the aforementioned item.**

**Ian Taylor made himself available for any questions.**

**Councilmember Willis motioned to approve this item. Councilmember Hurta seconded this motion which passed unanimously.**

- D) Public Hearing and Approval of the First Reading of an Ordinance Amending Chapter 130, Article IV, Section 130-228, Code of Ordinances of the City of New Braunfels, Texas Relating to Drought Management Plan.

**Mayor Brockman read the aforementioned item.**

**David Hubbard presented the item to council using a PowerPoint and answered questions from council.**

**The following individuals spoke at this time: Alex Rodriguez, Jonathan Alorda**

**Mayor Pro Tem Bowers motioned to approve this item. Councilmember Willis seconded this motion which passed unanimously.**

- F) Public hearing and first reading of an ordinance regarding proposed amendments to the City's Code of Ordinances: amending several sections in Chapter 144 Zoning, Subsection 2.1 Changes and Zoning Amendments, Subsection 2.3 Nonconforming Uses and Structures, Subsections 3.3 and 3.4 Zoning Districts regarding Accessory Dwelling Units, Subsection 4.2 Land Use Matrix, Subsection 5.21 General provisions and exceptions; use, height and area regulations, and various clarifications and terminology updates.

**Mayor Brockman read the aforementioned item.**

**Christopher Looney presented the item to council using a PowerPoint and answered questions.**

**The following individuals spoke at this time: Francene Larrabee**

**Councilmember Spradley motioned to approve this item. Councilmember Hurta seconded this motion which passed unanimously.**

- G) Discuss and consider a resolution of the City Council of the City of New Braunfels, Texas, showing support for House Bill 2795 and Senate Bill 1071 in support of the I-35 and SH 130 Connector legislation.



**Mayor Brockman read the aforementioned item.**

**Mayor Brockman presented the item to council.**

**Councilmember Willis motioned to approve this item. Councilmember Spradley seconded this motion which passed unanimously.**

**3. EXECUTIVE SESSIONS**

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed below. Any final action or vote on any executive session item will be taken in open session.

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).

- A) 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:
  - Centerpoint Energy 2023 gas reliability infrastructure program filing with the Railroad Commission
  - Cause No. 5:21-cv-00007-XR; Clarence Crawford v. City of New Braunfels et al.
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically:
  - Former New Braunfels Police Department Facility at 1488 S. Seguin Ave.
  - Property located at 2602 FM 758

**The aforementioned items took place during executive session.**

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

## **ADJOURNMENT**

Mayor Brockman adjourned at 11:31p.m.

**By:** \_\_\_\_\_  
RUSTY BROCKMAN, MAYOR

**Attest:**

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GAYLE WILKINSON, CITY SECRETARY