

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 10, 2018**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on September 10, 2018, 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

City staff present were: City Manager Robert Camareno, City Attorney Valeria Acevedo, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, City Secretary Patrick Aten, Assistant City Secretary Drew Lyons, City Engineer Garry Ford, Planning and Community Development Director Chris Looney, Assistant Planning and Community Development Director Stacy Snell, Watershed Program Manager Mark Enders, and Economic Development Manager Victor Garza.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:05 p.m. Councilmember Hines gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Circle Arts Theatre 50th Anniversary

Mayor Casteel recognized the 50th Anniversary of the Circle Arts Theatre.

B) Community Wildfire Protection Plan

Mayor Casteel issued a proclamation encouraging the development of a Community Wildfire Protection Plan.

C) Hunger Action Month

Mayor Casteel proclaimed September 2018 as Hunger Action Month.

PRESENTATIONS:

A) Presentation, discussion, and possible direction to staff regarding proposed amendments to Section 126-354 of the Code of Ordinances regarding Parking by Permit.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of August 27, 2018, and the special meetings of August 20, and August 23, 2018.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to approve the item. Councilmember Hoyt 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.

Mayor Casteel read the aforementioned caption.

Susan Raine spoke about downtown parking.

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 one individual to the Historic Landmark Commission for a term ending April 7, 2020.
- B) Approval of the City of New Braunfels FY 2017-18 Third Quarter Investment Report.
- C) Approval to authorize the City Manager to enter into a development agreement between the City of New Braunfels and Laubach Partners,

LLC for traffic mitigation improvements to the Laubach Subdivision as part of the Klein Road Reconstruction Project.

- 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.
- E) Approval of a contract with Capital Excavation for roadway and drainage construction services; authority for the City Manager to approve any changes up the contingency amount for project expenditures; a contract with Raba Kistner Consultants for materials testing services; and approval for additional design and ROW services with Pawelek & Moy for the Live Oak/Katy Street Improvements Project as part of the 2013 Bond Program.

Ordinances

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

- G) Approval of the first reading of an ordinance annexing approximately 154 acres of land on the southeast corner of the intersection of FM 1044 and Klein Road, including the adjacent Klein Road right-of-way, adjacent to the existing city limits.
- H) 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.
- I) Approval of the second and final reading of an ordinance rezoning 0.953 acres out of the JM Veramendi A-20 Survey, addressed at 1671 State Highway 46 South, from "APD" Agricultural/Pre-Development and "C-1" Local Business Districts to "MU-B" High Intensity Mixed Use District.
- J) Approval of the second and final reading of an ordinance designating 0.2475 acres out of City Block 4029, Lot 3, addressed as 941 Lee Street, as a Historic Landmark to be known as the Schulz-Johnson House.
- K) Approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow a bed and

breakfast in the "R-2" Single-Family and Two-Family District on approximately 0.32 acres, on property addressed at 612 E. Common Street.

- L) Approval of the second and final reading of an ordinance amending Chapter 106 - Signs, to move the location of Subdivision Entry Signs from Sec. 106-10(b)(13) to Sec. 106-14(b)(8) Permanent On-Premise Sign Regulations.

Mayor Casteel read the aforementioned Consent Agenda captions, except item F.

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

- F) Approval to authorize the City Manager to sign an acceptance letter for a change in the regulatory floodplain onto a City-owned property associated with the Wurstfest Expansion Project located at 178 Landa Park Drive.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the second and final reading of an ordinance prohibiting the intentional feeding of wildlife within city limits.

Mayor Casteel read the aforementioned caption.

Mark Enders presented the item.

Marilyn McDonald, Dorothy Duke, Willie Mae Coffman, Regina Norwand, Tim Lookingbill, Josephine Fulgham, Mary Whitehead, Allen Wagers, and Dawson Pickett spoke on the item.

Councilmember Meadows moved to approve the item along with the prohibition of feeding any wildlife within any city park or city property,

and prohibit the feeding of deer within the city limits. Mayor Pro Tem Peters seconded the motion. Councilmember Hines moved to amend the motion to the original ordinance as presented. Councilmember Garcia seconded the motion to amend which passed 5-2 with Councilmember Meadows and Mayor Casteel opposed.

The amended main motion passed unanimously via roll call vote.

- B) Discuss and consider approval of the second and final reading of an ordinance adopting the FY 2018-19 Operating Budget and Plan of Municipal Services.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Mayor Pro Tem Peters moved to adopt the FY 2018-19 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- C) Discuss and consider approval of a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2018 property tax rate included in the FY 2018-19 Annual Budget.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Councilmember Bowers moved to ratify the property tax revenue increase reflected in the FY 2018-19 Operating Budget and Plan of Municipal Services. Councilmember Meadows seconded the motion which passed unanimously via roll call vote.

- D) Discuss and consider approval of the second and final reading of an ordinance adopting the 2018 ad valorem tax rates.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Councilmember Hoyt moved that the property tax rate for tax year

2018 remain unchanged by the adoption of a total ad valorem property tax rate of .48822 per \$100 of assessed taxable valuation, which is effectively a 6.0% increase in the tax rate, with .20985 for debt service and .27837 for operations and maintenance. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

Councilmember Hines moved to take item 4I out of order. Mayor Pro Tem Peters seconded the motion which passed unanimously.

- I) Discuss and consider approval of a resolution recommended by the New Braunfels Economic Development Corporation for a \$550,000 incentive agreement with Calendar Holdings LLC for the creation of 66 primary jobs.

Mayor Casteel read the aforementioned caption.

Victor Garza presented the item.

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

<City Council took a break.>

- E) Discuss and consider approval of the second and final reading of an ordinance regarding the proposed zone change from "C-3" Commercial District to "MU-B" High Intensity Mixed Use District for Lot 2, Block 1, Executive Park, Unit 2, containing 1.53 acres, and addressed at 556 Danken Lane.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia recused from the item.

Chris Looney presented the item.

Mayor Pro Tem Peters moved to approve the item. Councilmember Meadows seconded the motion which passed unanimously (6-0) via roll call vote.

- F) Public hearing and consideration of a resolution amending the future land use plan, and the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to 8.33 acres to allow self-storage warehouses including an onsite manager's

living quarters, outside boat and RV storage, and/or single story office buildings in the “APD” Agricultural/Pre-Development District and the proposed rezoning of one acre from “APD” Agricultural/Pre-Development District to “C-1B” General Business District, addressed at 1938 FM 1044.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Michael Kramm and Paul Williams spoke during the public hearing.

Councilmember Hines moved to approve the item. Councilmember Meadows seconded the motion. Councilmember Bowers moved to amend the motion to define masonry by excluding any hardiplank material. Councilmember Hoyt seconded the motion which passed unanimously. Councilmember Hines moved to amend the motion that the fence be allowed to be built on the property line described as N 87, 43’ 27”, E 177.60’. Councilmember Meadows seconded the motion which passed unanimously.

The amended main motion passed unanimously via roll call vote.

- G) Discuss and consider approval of design contracts for the proposed 2019 Bond Citywide Street Projects.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

Councilmember Bowers moved to approve the item with the addition of funding for design and engineering of sidewalk gaps along Oak Glen and Timber Hollow to Oak Run Middle School. Councilmember Hoyt seconded the motion which passed unanimously.

- H) Discuss and consider approval of a resolution designating the Mayor Pro Tem as the official responsible for working with City Council and staff in the implementation, maintenance, and coordination of the annual evaluations of the city manager, city attorney, and municipal court judge.

Mayor Casteel read the aforementioned caption and introduced the

item.

Councilmember Meadows moved to approve the item. 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 the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
 - Property for City Facilities
- B) Deliberate the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.
- 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 9:22 p.m. - 10:52 p.m.

No vote or action was taken.

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

City Council reconvened into Open Session at 10:52 p.m.

Mayor Pro Tem Peters moved to give a vote of confidence to the Municipal Court Judge, extend her contract in compliance with Section 2 of the Employment Agreement dated September 13, 2013, and increase her salary to \$103,890 effective October 1, 2018. Councilmember Garcia seconded the motion which passed unanimously.

7. **ADJOURNMENT**

The meeting adjourned at 10:53 p.m.

Date Approved: September 24, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary