

**MINUTES - DRAFT
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, MAY 9, 2022**

AGENDA

CALL TO ORDER

Mayor Brockman called the meeting to order at 6:00 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: COUNCILMEMBER BOWERS

Councilmember Bowers provided the Invocation.

**PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG - NEW
BRAUNFELS COLOR GUARD**

Mayor Brockman led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

A) Historic Preservation Month

Mayor Brockman read the proclamation.

B) Small Business Week and Small Business Person of the Year

Mayor Brockman read 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.

The following individuals spoke at this time: David Warmke, Cappy Felger Adams, Ed Wench, George Green, Easton Smith, Chase Cochran, Jim Holster, Jennifer Nieto, Lisa Jackson, Christopher Win, Kellie Stallings and Mario Obledo, Jr.

1. MINUTES

- A) Approval of the minutes for Executive Session April 25, 2022 and Regular Session April 25, 2022

Mayor Brockman read the aforementioned the item.

Councilmember Bowers moved to approve this item. Councilmember Hurta 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) Approval of a resolution of the City Council of the City of New Braunfels authorizing the City Manager to act on behalf of the City of New Braunfels in all matters related to application and pledging that the City of New Braunfels will comply with the grant requirements of the Texas Department of Transportation for reconstruction of the New Braunfels National Airport North Ramp.
- B) Approval of a contract with CourTex Construction Inc. for the purchase and installation of an outdoor sports court for basketball and pickle ball to be located at Timmerman Park.
- C) Approval of a purchase with Caldwell Country Chevrolet and Silsbee Ford for five light duty vehicles for the Police and Fire Department and approval of auxiliary purchases for upfitting of vehicles, also declaring replaced units as surplus as well as the appropriate budget amendment.
- D) Approval of a purchase from East Texas Mack Sales, LLC for a heavy equipment Grapple Truck for the Solid Waste Division and to declare the replaced vehicle as surplus.

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 regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a residential structure in the “C-1” Local Business District addressed at 534 Nowotny Lane.
- F) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short-term rental of a residential structure in the C-3 Commercial District addressed at 240 W Merriweather Street.
- G) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a duplex in the “R-3” Multifamily District, addressed at 1123 West Coll Street.
- H) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a duplex in the “C-2” General Business District, addressed at 123 S. Academy Avenue.

Approval of the Consent Agenda

Mayor Brockman read the aforementioned Consent Agenda Items A-H.

Councilmember Hurta moved to approve Consent Agenda Items A-H. Councilmember Spradley seconded the motion which passed unanimously.

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider the confirmation of the City Manager’s appointment of Ruy Lozano as Fire Chief of the New Braunfels Fire Department.

Mayor Brockman read the aforementioned item.

Robert Camareno presented this item and gave a brief history of the hiring process for Fire Chief.

Councilmember Hines moved to approve this item. Mayor Pro Tem Meadows seconded the motion which passed unanimously.

B) Administration of the Oath of Office to the Fire Chief of the New Braunfels Fire Department.

Mayor Brockman read the aforementioned Item

Judge Rose Zamora administered the Oath of Office to Ruy Lozano as the Fire Chief of New Braunfels, Texas.

HONORARY PIPES AND DRUMS

Honorary Pipes and Drums were played for Ruy Lozano's appointment as the New Braunfels Fire Chief.

Ruy Lozano made additional comments.

Councilmember Hurta made a request to move Item 3E up in the agenda.

Motion was made by Councilmember Hurta to move item #E up in the agenda after the Honorary Pipes and Drums performance. Councilmember Hines seconded the motion which passed unanimously.

C) Discuss and Consider Approval of a purchase with Twin State Trucks, Inc./dba Pliler International and Rush Truck Centers of Ohio for four ambulance chassis and box remounts for the New Braunfels Fire Department, to declare the replaced equipment as well as the appropriate budget amendment.

Mayor Brockman read the aforementioned item.

Matthew Bushnell presented this item.

Councilmember Spradley asked staff to investigate creating a special tax district to buy equipment needed.

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

D) Discuss and consider the first reading of an ordinance amending Section 138-93 entitled Fees for Service, of the Code of Ordinances of the City of New Braunfels, to adjust fees for services provided by the New Braunfels Fire Department Emergency Medical Services (EMS) Division.

Mayor Brockman read the aforementioned item.

Sandy Paulos presented this item.

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

E) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 19.96 acres of Ingram Acres Subdivision, Lot 2B, currently addressed at 1251 Sleepy Hollow Lane, from "R-2" Single-family and Two-family District to "C-4A" Resort Commercial District.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

Applicant, TJ Grosse, requested a second formal postponement for this item.

Mayor Pro Tem Meadows moved to postpone this item to the May 23, 2022 Council Meeting with the understanding there will not be another postponement. Councilmember Hines seconded the motion. Motion was not made until after the floor was opened for discussion about the postponement.

Mayor Brockman opened the floor up for discussion on the motion to postpone.

The following individuals spoke at this time for motion requesting postponement: Ross Rathgeber and Scott Retzioff,

The previous stated motion failed with a 2-5 vote with Councilmembers, Bowers, Spradley, Hurta, Blakey, and Mayor Brockman in opposition to postponement.

The following individuals spoke at this time for Public Hearing: Tj Grosse, Genevieve Rowland, Ross Rathgeber, Scott Retzioff, Charlotte Tingler, Ted Meadows, Jim Wanamaker, Gregg Greebon and Cappy Felger Adams.

Christopher Looney and applicant, TJ Grosse, made additional comments along with discussion with Council.

Applicant, TJ Grosse, asked to withdraw their zoning case.

No action was needed from Council.

Mayor Brockman took a recess at 8:45 p.m.

Mayor Brockman reconvened at 8:54 p.m.

F) Discuss and consider a resolution to consent to the creation of the Flying W Municipal Utility District (MUD) within the City's Extraterritorial Jurisdiction (ETJ) in Comal County, consisting of approximately 362 acres situated on the west side of FM 1102, north of Havenwood at Hunters Crossing Subdivision, Units 1 and 2 and south of Unit 3, across from the intersection of Watson Lane West, and consider authorizing the City Manager to approve a development agreement between the City of New Braunfels and Aguilas Robles, LLC and MJD Endeavors, LLC related to the City's consent to the creation of the Flying W MUD.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

Applicant, Jeff Mckinney, presented this item.

Frank Onion made comments.

Applicant, Josh Major, made additional comments.

Councilmember Hines moved to postpone this item to May 23, 2022 Meeting. Councilmember Bowers seconded the motion which passed unanimously.

G) Discuss and consider approval of a resolution of the City Council of the City of New Braunfels approving a recommendation of the New Braunfels Economic Development Corporation for a project expenditure of up to \$550,000 to Texas Tito's for an expansion project to promote business enterprises that create or retain primary jobs.

Mayor Brockman read the aforementioned item.

Jeff Jewell presented this item.

Councilmember Hurta moved to approve this items. Councilmember Blakey seconded the motion which passed unanimously.

H) Discuss and consider approval of capital projects to take forward to preliminary design for the proposed 2023 Bond.

Mayor Brockman read the aforementioned item.

Garry Ford presented this item.

The following individual spoke at this time: Wayne Rudolph

Councilmember Hurta moved to approve this items. Mayor Pro Tem Meadows seconded the motion which passed unanimously.

I) Discuss and consider the first reading of an ordinance and appointing the initial membership of the City of New Braunfels Tax Increment Reinvestment Zone Number Three (TIRZ Number Three) Board, establishing terms, and naming a chairperson.

Mayor Brockman read the aforementioned item.

Gayle Wilkinson presented this item.

Gayle Wilkinson presented to Council to consider recommendation by the Ad Hoc Committee for Places 1-5 for Downtown Property Owners: Nathan Manlove - term ending 05-31-2024, April Ryan - term ending 05-31-2023, Chad Nolte - term ending 05-31-2024, Timothy John Cronin - term ending 05-31-2023, and Atanacio Campos - term ending 05-31-2024.

The following individual spoke at this time: David Warmke.

Councilmember Hines moved to approve Places 1, 2, 3, 4, and 5 for TIRZ #3 -Downtown. Councilmember Bowers seconded the motion which passed unanimously.

Gayle Wilkinson presented to Council to consider Position 6 with a term ending 05/31/2023.

Councilmember Hines moved to approve Chris Snider for Position 6 with a term ending 05/31/2023. Councilmember Bowers seconded the motion which passed unanimously.

Gayle Wilkinson presented to Council to consider Position 7 with a term ending 05/31/2024.

Councilmember Hines moved to approve William Joe Turner for Position 7 with a term ending 05/31/2024. Councilmember Bowers seconded the motion which passed unanimously.

Gayle Wilkinson presented to Council to nominate a candidate for Chair for the TIRZ #3 Board.

Councilmember Hines moved to nominate Atanacio Campos for the Chair of TIRZ #3 Board. Councilmember Hurta seconded the motion which passed unanimously.

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

J) Discuss and consider a request to install a "No U-turn" sign at the intersection of W County Line Road and Chartwell Entry and W County Line Road and Dove Crossing.

Mayor Brockman read the aforementioned item.

Greg Malatek presented this item.

The applicant, Linda Schmidt, made additional comments on this item.

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

K) Discuss and consider the first reading of an ordinance to amend Section 126-346 of the Code of Ordinances of the City of New Braunfels, to establish a no parking zone on Divine Way at the intersection with S. Walnut Ave.

Mayor Brockman read the aforementioned item.

Garry Ford presented this item.

Councilmember Hines moved to approve this item. Mayor Pro-Tem Meadows seconded the motion which passed unanimously.

4. 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.

- A) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically
 - Surplus City Property

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

No action to be taken.

ADJOURNMENT

Mayor Brockman adjourned at 10:58 p.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY