



CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING



CITY HALL - COUNCIL CHAMBERS
550 LANDA STREET

MONDAY, SEPTEMBER 12, 2022 at 6:00 PM

Rusty Brockman, Mayor	Lawrence Spradley, Councilmember (District 4)
Andres Campos, Councilmember (District 1)	Jason E. Hurta, Councilmember (District 5)
Christopher Willis, Councilmember (District 2)	James Blakey, Councilmember (District 6)
Harry Bowers, Mayor Pro Tem (District 3)	Robert Camareno, City Manager

MISSION STATEMENT

The City of New Braunfels will add value to our community by planning for the future, providing quality services, encouraging community involvement and being responsive to those we serve.

AGENDA - AMENDED

CALL TO ORDER

CALL OF ROLL: CITY SECRETARY

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

INVOCATION: COUNCILMEMBER HURTA

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

PROCLAMATIONS:

- A) Hispanic Heritage Month. [22-1134](#)
- B) Fall Prevention Week [22-1137](#)
- C) Hunger Action Month [22-1176](#)

CITIZENS' COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. In the interest of protecting the City's network and data, we are not accepting flash drives or electronic files to be used during Citizens Communications. Please use hard copies or the overhead projector for any documents you would like Mayor/Council to view. There will be no City Council action at this time.

PRESENTATIONS:

- A) Presentation of the 2022 American Public Works [22-1027](#)
Association Texas Chapter Project of the Year (Less

than \$2 Million) honoring the Elizabeth Avenue Realignment and Parking Lot Improvement Project.

Garry Ford, Transportation and Capital Improvements Director

1. **MINUTES**

- A) Approval of the minutes for Regular Council Meeting [22-1133](#)
August 8, 2022 and August 22, 2022.

Gayle Wilkinson, City Secretary

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 settlement agreement between Carowest [22-1055](#)
Land, Ltd. ("Carowest") and the City related to four pending lawsuits: Cause No. C2010-1519D, Carowest Land, Ltd. v. YC Partners, Ltd. d/b/a Yantis Company and the City of New Braunfels, Cause No. C2014-0522A, YC Partners, Ltd. d/b/a Yantis Company v. The City of New Braunfels, Cause No. C2015-0304A, Carowest Land, Ltd. v. YC Partners, Ltd. d/b/a Yantis Company and the City of New Braunfels, and Cause No. C2017-0474A, Carowest Land, Ltd. v. YC Partners, Ltd. d/b/a Yantis Company and the City of New Braunfels; and authorizing the City Manager to execute the agreement and related documents.

Valeria M. Acevedo, City Attorney

- B) Approval of an expense for additional construction costs [22-1086](#)
associated with the previously approved Advanced Funding Agreement with the Texas Department of Transportation for the project development and construction of intersection improvements on Barbarosa Road at FM 1101.

Garry Ford, Transportation and Capital Improvements Director

- C) Approval of a resolution authorizing the City Manager to [22-1092](#)
enter an Interlocal Agreement with Comal County to

perform the duties of the City relating to collection of special assessments levied by the Solms Landing Public Improvement District (PID) under Chapter 372, Subchapter A, of the Texas Local Government Code (the PID Act).

Sandy Paulos, Director of Finance

- D) Approval of a contract with Presidio for Information Security testing, assessment and associated deliverables. [22-1112](#)

Tony Gonzalez, Director of Information Technology

- E) Approval of a resolution of the City Council of City of New Braunfels, approving a recommendation of the New Braunfels Economic Development Corporation to renew a contract with the Spark Small Business Center (SPARK) for a grant in an amount not to exceed \$210,000 to operate the SPARK Small Business Center; and declaring an effective date. [22-1120](#)

Jeff Jewell, Economic and Community Development Director

- F) Approval of a Resolution of the City Council approving a recommendation of the New Braunfels Economic Development Corporation to enter a Professional Services Agreement with Thinksmart Planning, Inc. in the amount of up to \$122,500 for the development of a master plan for the Comal County Fairgrounds; and declaring an effective date. [22-1172](#)

Jeff Jewell, Director, Economic and Community Development

- G) Approval of 2022-2023 Professional Services Agreement with the City of New Braunfels and the New Braunfels Economic Development Corporation. [22-1157](#)

Jeff Jewell, Director, Economic and Community Development

- H) Approval of a three-year professional services agreement between the New Braunfels Economic Development Corporation and the Greater New Braunfels Chamber of Commerce for an economic development program; and declaring an effective date. [22-1158](#)

Jonathan Packer, CEO, Greater New Braunfels Chamber of Commerce

- I) Approval of a purchase with Scranton Manufacturing Company, Inc. for one automated side load collection [22-1160](#)

vehicle for the Solid Waste and Recycling Division, and approval to declare the replaced unit as surplus.

Matthew Eckmann, Assistant Director of Public Works

- J) Approval of an interlocal cooperative purchasing agreement with National Cooperative Purchasing Alliance (NCPA) in accordance with the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code for goods and services. [22-1162](#)

Barbara Coleman, Purchasing Manager

- K) Approval of a contract with Yates Company, LLC for the installation of an HVAC Direct Digital Controls system at City Hall. [22-1170](#)

Matthew Eckmann, Assistant Director of Public Works

- L) Approval of an agreement with the McKenna Foundation for the purpose of providing up to \$500,000 from the City's American Rescue Plan Act funds for additional utility bill assistance programming. [22-1187](#)

Jared Werner, Assistant City Manager

Ordinances

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

- M) 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. [22-1148](#)

Becca Miars, Director of Human Resources

- N) Approval of the second and final reading of an ordinance regarding a proposed rezoning from "SND-1" Special Neighborhood District to "C-O" Commercial Office District with a Special Use Permit to allow short-term rental of a residential structure on approximately 8,080 square feet, Lots 6-7-S of New City Block 1064 of the Highway Addition Subdivision, addressed at 930 S. Castell Avenue. [22-1121](#)

Christopher J. Looney, AICP Planning and Development Services Director

- O) 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 residence in the [22-1122](#)

“C-1” Local Business District, Lot B South 70 feet of Lots 1 & 2 of City Block 5067, addressed at 262 N. Union Avenue.

Jean Drew, AICP, CNU-A, Planning & Development Services Assistant Director

- P) Approval of the second and final reading of an ordinance [22-1175](#) regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a residence in the “C-1” Local Business District, Lot A North 70’ of Lots 1 and 2 of City Block 5067, addressed at 296 N. Union Avenue.

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

- Q) Approval of the second and final reading of an ordinance [22-1124](#) regarding a proposed rezoning of approximately 59.83 acres out of the A M Esnaurizar Survey, Abstract No. 20, from “C-3 AH” Commercial District Airport Hazard Overlay and “APD AH” Agricultural Pre-Development District Airport Hazard Overlay to “MU-A AH” Low Intensity Mixed-Use District Airport Hazard Overlay, addressed at 1983 State Highway 46 South.

Christopher J. Looney, AICP, Planning and Development Services Director

3. **INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Discuss and consider approval of a resolution setting a public hearing to amend the water and wastewater impact fees. [22-922](#)

Dawn Schriewer, Chief Financial Officer

- B) Discuss and consider second and final reading of an ordinance adopting the 2022 ad valorem tax rates. [22-1025](#)

Jared Werner, Assistant City Manager

- C) Discuss and consider second and final reading of an ordinance adopting the FY 2023 Operating Budget and Plan of Municipal Services. [22-1024](#)

Jared Werner, Assistant City Manager

- D) Discuss and consider a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2022 property tax rate included in the FY 2023 Annual Budget. [22-1026](#)

Jared Werner, Assistant City Manager

- E) Discuss and consider the first reading of an ordinance to [22-1045](#) amend Section 126-346 of the Code of Ordinances of the City of New Braunfels to establish a no parking zone on the east side of N Academy Avenue between both intersections with Springs Nursery.
Garry Ford, Transportation and Capital Improvements Director
- F) Discuss and consider the first reading of an ordinance to [22-1083](#) create Section 136-153 to reduce the speed limit within the Park Ridge Estates subdivision.
Garry Ford, Transportation and Capital Improvements Director
- G) Discuss and consider the first reading of an ordinance to [22-1084](#) amend Section 126-369 to create a loading zone on Jester Ridge near Flintshire Drive.
Garry Ford, Transportation and Capital Improvements Director
- H) Discuss and consider the first reading of an ordinance to [22-1056](#) create Section 126-151 to set the speed limit on Morningside Drive between Schmidt Avenue and Solms Road.
Garry Ford, Transportation and Capital Improvements Director
- I) Discuss and consider the first reading of an ordinance to [22-1057](#) create Section 126-152 to set the speed limit on Alves Lane between SH 46 and Barbarosa Road.
Garry Ford, Transportation and Capital Improvements Director
- J) Public hearing and first reading of an ordinance [22-1125](#) amending the New Braunfels Code of Ordinances, Chapter 144, Zoning, by adding Section 5.29, Cemetery Application, and amending Appendix D, Fee Schedule.
Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director
- K) Discuss and consider the first reading of an ordinance to [22-1046](#) amend Section 126-346 of the Code of Ordinances of the City of New Braunfels to revise citation no parking zones to be tow-away zones.
Garry Ford, Transportation and Capital Improvements Director
- L) Discuss and consider the first reading of an ordinance to [22-1159](#) amend Section 126-346 of the Code of Ordinances of the City of New Braunfels to establish a no parking zone on Loop 337 Ramp between Loop 337 and Church Hill Drive.

Garry Ford, Transportation and Capital Improvements Director

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 pending/contemplated litigation, settlement [22-1155](#) 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:
- Cause No. 2022-0386D, City of New Braunfels, Texas vs. IN REM 420 BUS 35 N, New Braunfels, Texas 78130; and JIMON INC. D/B/A River Ranch RV Park Resort
 - Chapter 242 of the Texas Local Government Code and proposed replacement of the current Interlocal Agreement with Guadalupe County on subdivision development regulations.
- B) Deliberate Issues Regarding Economic Development [22-1135](#) Negotiations in accordance with Section 551.087 of the Texas Government Code.
- Project Locked
 - Project New

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

ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall.

Gayle Wilkinson, City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.