

**MINUTES - FINAL  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, SEPTEMBER 12, 2022**

**AGENDA - AMENDED**

**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 Andres Campos, Councilmember Christopher Willis, Mayor Pro Tem 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 HURTA**

Councilmember Hurta 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) Hispanic Heritage Month.  
**Mayor Brockman read the Proclamation.**
  
- B) Fall Prevention Week  
**Mayor Brockman read the Proclamation.**
  
- C) Hunger Action Month  
**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. 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.

**The following individuals spoke at this time: David Warmke, Jim Monday, September 12, 2022 New Braunfels City Council Regular Meeting**

Holster, Laura Buske, Easton Smith, Chase Cochran, Stormy Magiera, Shannon Graham, and Trish Hebert.

**PRESENTATIONS:**

A) Presentation of the 2022 American Public Works Association Texas Chapter Project of the Year (Less than \$2 Million) honoring the Elizabeth Avenue Realignment and Parking Lot Improvement Project.

**Mayor Brockman read the aforementioned item.**

**Garry Ford presented this item.**

**1. MINUTES**

A) Approval of the minutes for Regular Council Meeting August 8, 2022 and August 22, 2022.

**Mayor Brockman read the aforementioned item.**

**Mayor Pro Tem 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 settlement agreement between Carowest 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.

**Susie Pratt asked to pull Consent Item 2-A to Individual Items for consideration.**

- B) Approval of an expense for additional construction costs 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.
- C) Approval of a resolution authorizing the City Manager to 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).
- D) Approval of a contract with Presidio for Information Security testing, assessment and associated deliverables.
- 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.
- 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.
- G) Approval of 2022-2023 Professional Services Agreement with the City of New Braunfels and the New Braunfels Economic Development Corporation.
- 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.

**Councilmember Spradley asked to pull Consent Item 2-H to Individual Items for consideration.**

- I) Approval of a purchase with Scranton Manufacturing Company, Inc. for one automated side load collection vehicle for the Solid Waste and Recycling Division, and approval to declare the replaced unit as surplus.

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

**Jim Holster asked to pull Consent Item 2-L to Individual Items for consideration**

*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.
- 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.
- 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 "C-1" Local Business District, Lot B South 70 feet of Lots 1 & 2 of City Block 5067, addressed at 262 N. Union Avenue.
- P) 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 "C-1" Local Business District, Lot A North 70' of Lots 1 and 2 of City Block 5067, addressed at 296 N. Union Avenue.

- Q) Approval of the second and final reading of an ordinance 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.

### **Approval of the Consent Agenda**

**Mayor Brockman read the aforementioned Consent Agenda Items B-G, and I-K.**

**Councilmember Hurta moved to approve Consent Agenda Items B-G, and I-K. Mayor Pro Tem Bowers seconded the motion, which passed unanimously.**

### **3. INDIVIDUAL ITEMS FOR CONSIDERATION**

2-A Approval of a settlement agreement between Carowest 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.

**Mayor Brockman read the aforementioned item.**

**Valeria Acevedo presented this item.**

**The following individual spoke at this time: Susie Pratt**

**Councilmember Willis moved to approve the item. Councilmember Spradley seconded the item which passed unanimously.**

2-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.

**Mayor Brockman read the aforementioned item.**

**Jonathan Packer presented this item and answered questions from Council.**

**Councilmember Spradley moved to postpone this item to September 26, 2022 City Council Meeting. Councilmember Willis seconded the motion, which passed unanimously.**

2-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.

**Mayor Brockman read the aforementioned item.**

**Jared Werner presented this item and answered questions from Council.**

**Alice Jewell made additional comments.**

**The following individuals spoke at this time: Jim Holster, Mario Obledo, Susie Pratt, Jeff Bock, and Timothy Davis.**

**Councilmember Spradley moved to approve the item. Councilmember Willis seconded the item which passed unanimously.**

**Mayor Brockman took a recess at 8:06 p.m.**

**Mayor Brockman reconvened at 8:22 p.m.**

A) Discuss and consider approval of a resolution setting a public hearing to amend the water and wastewater impact fees.

**Mayor Brockman read the aforementioned item.**

**Dawn Schriewer made preliminary remarks and introduced Stephanie Neises.**

**Stephanie Neises presented this item and answered questions from Council.**

**The following individual spoke at this time: Davis Warmke**

**Ian Taylor answered citizen's questions.**

**Councilmember Hurta moved to approve the item. Mayor Pro Tem Bowers seconded the item, which passed unanimously.**

B) Discuss and consider second and final reading of an ordinance adopting the 2022 ad valorem tax rates.

**Mayor Brockman read the aforementioned item.**

**Jared Werner presented this item and answered questions from Council.**

**The following individual spoke at this time: Timothy Davis**

**Mayor Pro Tem Bowers moved that the property tax rate for tax year 2022 be decreased by the adoptions of a total ad valorem property tax rate of .413935 per \$100 of assessed taxable valuation, which is effectively an 5.9% increase in the tax rate, with .208935 for debt service and .205000 cents for operations and maintenance. Councilmember Campos seconded the item, which passed unanimously.**

C) Discuss and consider second and final reading of an ordinance adopting the FY 2023 Operating Budget and Plan of Municipal Services.

**Mayor Brockman read the aforementioned item.**

**Jared Werner presented this item.**

**Councilmember Hurta moved to adopt the FY 2023 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order. Councilmember Spradley seconded the motion, which passed unanimously.**

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.

**Mayor Brockman read the aforementioned item.**

**Jared Werner presented this item.**

**Councilmember Spradley moved to ratify the property tax revenue increase reflected in the FY 2023 Operating Budget and Plan of Municipal Services. Councilmember Hurta seconded the motion,**

**which passed unanimously.**

- E) 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 the east side of N Academy Avenue between both intersections with Springs Nursery.

**Mayor Brockman read the aforementioned item.**

**Garry Ford presented this item.**

**The following individual spoke at this time: Julie King.**

**Councilmember Hurta moved to approve the item. Councilmember Campos seconded the item, which passed unanimously.**

- F) Discuss and consider the first reading of an ordinance to create Section 136-153 to reduce the speed limit within the Park Ridge Estates subdivision.

**Mayor Brockman read the aforementioned item.**

**Garry Ford presented this item.**

**Applicant requested postponement for the September 26, 2022 City Council Meeting.**

**Councilmember Willis moved to postpone this item to September 26, 2022 City Council Meeting. Mayor Pro Tem Bowers seconded the item, which passed unanimously.**

- G) Discuss and consider the first reading of an ordinance to amend Section 126-369 to create a loading zone on Jester Ridge near Flintshire Drive.

**Mayor Brockman read the aforementioned item.**

**Garry Ford presented this item.**

**Applicant requested postponement for the September 26, 2022 City Council Meeting.**

**Councilmember Willis moved to postpone this item to September 26, 2022 City Council Meeting. Mayor Pro Tem Bowers seconded the item, which passed unanimously.**



H) Discuss and consider the first reading of an ordinance to create Section 126-151 to set the speed limit on Morningside Drive between Schmidt Avenue and Solms Road.

**Mayor Brockman read the aforementioned item.**

**Garry Ford presented this item and answered questions from Council.**

**Councilmember Hurta moved to approve the item. Councilmember Blakey seconded the item, which passed unanimously.**

I) Discuss and consider the first reading of an ordinance to create Section 126-152 to set the speed limit on Alves Lane between SH 46 and Barbarosa Road.

**Mayor Brockman read the aforementioned item.**

**Garry Ford presented this item and answered questions from Council.**

**Councilmember Spradley moved to approve the item. Mayor Pro Tem Bowers seconded the item, which passed unanimously.**

J) Public hearing and first reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 144, Zoning, by adding Section 5.29, Cemetery Application, and amending Appendix D, Fee Schedule.

**Mayor Brockman read the aforementioned item.**

**Jean Drew presented this item and answered questions from Council.**

**Councilmember Willis moved to approve the item. Councilmember Spradley seconded the item, 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 revise citation no parking zones to be tow-away zones.

**Mayor Brockman read the aforementioned item.**

**Garry Ford presented this item and answered questions from Council.**

**Councilmember Hurta moved to approve the item. Mayor Pro Tem Bowers seconded the item, which passed unanimously.**

- L) 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 Loop 337 Ramp between Loop 337 and Church Hill Drive.

**Mayor Brockman read the aforementioned item.**

**Garry Ford presented this item.**

**Staff requested to postpone this item indefinitely.**

**The following individual spoke on this item: Timothy Davis**

**Mayor Pro Tem Bowers moved to postpone indefinitely on this item. Councilmember Willis 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 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:
- 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 Negotiations in accordance with Section 551.087 of the Texas Government Code.
- Project Locked
  - Project New

**Mayor Brockman read Executive Session Item B**

**Mayor Brockman recessed into Executive Session at 9:52 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 10:12 p.m.

No action to be taken.

ADJOURNMENT

Mayor Brockman adjourned at 10:12 p.m.

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

Attest:

\_\_\_\_\_  
GAYLE WILKINSON, CITY SECRETARY