

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 11, 2017**

The City Council of the City of New Braunfels, Texas, convened in Regular Session on September 11, 2017, at 6:00 p.m.

City Councilmembers present were:

Present: 7 - Mayor Barron Casteel, Councilmember George Green, Councilmember Justin Meadows, Councilmember Ron Reaves, Councilmember Chris Monceballez, 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, City Engineer Garry Ford, Finance Director Martie Simpson, Economic Development Manager Jeff Jewell, Human Resources Director Jared Werner, and River Operations Manager Amy Niles

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:08 p.m. Mayor Casteel gave the invocation and led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

Mayor Casteel proclaimed September as National Preparedness Month in New Braunfels.

PRESENTATIONS:

- A) Update on the New Braunfels Industrial Development Corporation's strategic priorities.

Mayor Casteel read the aforementioned caption.

Jeff Jewell presented the item.

Robert Camareno recognized Jeff Jewell for his years of service to the city. Michael Meek, Neal Linnartz, and Brian Cox also spoke in praise of Jeff Jewell.

1. MINUTES

- A) Discuss and consider approval of the minutes of the special City Council meetings of August 21, 22, and 24, and the regular City Council meeting of August 28, 2017.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to approve the item. Councilmember Green seconded the motion which passed unanimously.

2. CITIZENS' COMMUNICATIONS

No one spoke during Citizens' Communications.

3. CONSENT AGENDA

- A) Approval of the appointment of one individual to the Building Standards Commission for a term ending October 26, 2019.
- B) Approval of acquisition funds for purchasing right of way from Veramendi Partners, L.P., Parcel 91 on the Solms/Morningside/Reuckle Road Improvements Project.
- C) Approval of the City of New Braunfels FY 2016-17 third quarter investment report.
- D) Approval of a resolution recommended by the New Braunfels Industrial Development Corporation to provide up to \$114,661 to the Center for Entrepreneurship for operation of the Small Business Development Center in 2017-2018.
- E) Approval to authorize the City Manager to execute a Utility Cooperative Agreement with Green Valley Special Utility District (GVSUD) for the reimbursement water utility relocation costs necessitated by the Klein Road Reconstruction Project.
- F) Approval to authorize the City Manager to execute a Utility Cooperative Agreement with Guadalupe Valley Electric Cooperative (GVEC) for the reimbursement of utility relocation costs necessitated by the Klein Road Reconstruction Project.
- G) Approval of acquisition funds for purchasing Right of Way from Parcels 1, 2A, 2B, 35, 90 and 110 on the Solms/Morningside/Reuckle Road Improvements Project.

- H) Approval of the issuances of invitations for competitive sealed proposals on the Post Road, Klein Road, Solms Road/Morningside Drive, and Rueckle Road Projects since the City Council finds that this delivery method will provide the best value to the City.
- I) Approval of a resolution for the realignment of Watson Lane West, identified as a minor arterial in the City of New Braunfels Regional Transportation Plan, between FM 1102 and IH 35.
- J) Approval of the submission of the Humanities Texas Major Grants Community Project to Humanities Texas in the amount of \$10,000 to fund the New Braunfels Cemetery Adelsverein Unmarked Graves Memorial Project and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
- K) Approval of a contract with e-merge EMS to support the City's Emergency Medical Services Program with medical direction and pre-hospital provider services.
- L) Approval of the first reading of an ordinance amending Chapter 126-104 of the Code of Ordinances to conform to House Bill 62 adopted by the Texas Legislature in the 85th regular session that allows an operator of a motor vehicle to read, write, or send an electronic message on a wireless communication device while stopped, and provides affirmative defenses to prosecution.
- M) Approval of the first reading of an ordinance amending Section 114-92 of the City of New Braunfels Code of Ordinances to provide requirements for access near public highway-rail grade crossings.
- N) Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on Golf Course Road.
- O) Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking on both sides of Loop 337 from State Highway 46 to 1,320 feet east of the intersection with Oakwood Boulevard.
- P) Approval of the second and final reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article IV, Design Standards, Section 118-46 Streets.

- Q) Approval of the second and final reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article III, General Platting Procedures.
- R) Approval of the second and final reading of an ordinance regarding a proposed amendment to Section 2.2 of Ordinance No. 2016-77, a Type 1 Special Use Permit allowing a commercial tuber entrance and takeout in the "C-4" Resort Commercial District, being 0.2289 acres addressed at 444 East San Antonio Street, to allow the business a postponement of the requirement to comply with the Americans with Disabilities Act for its public/commercial river access point, until December 31, 2018, or until postponement is revoked by the Texas Department of Licensing and Regulation based on a formal complaint being filed, whichever occurs first.

Mayor Casteel read the aforementioned captions.

A motion was made by Councilmember Green, seconded by Councilmember Garcia, to approve the Consent Agenda. The motion passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A motion was made by Mayor Pro Tem Peters to move agenda item 4F ahead on the agenda. Councilmember Monceballez seconded the motion, which passed unanimously.

- F) Discuss and consider approval of the installation of speed humps on Gruene Road between Glenbrook Drive and Post Road.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Kevin Robles and Martin Robles spoke in favor of the item.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Garcia, that this item be approved. The motion passed via the following vote:

In Favor:

Mayor Casteel, Councilmember Green, Councilmember Meadows, Councilmember Monceballez, Mayor Pro Tem Peters, and Councilmember García

Opposed:

Councilmember Reaves

- A) Discuss and consider approval of the second and final reading of an ordinance of the City of New Braunfels adopting the FY 2017-18 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 2017-18 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

- B) Discuss and consider approval of a resolution of the City of New Braunfels ratifying the increase in revenue generated by the 2017 property tax rate included in the FY 2017-18 Annual Budget.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Councilmember Garcia moved to ratify the property tax revenue increase reflected in the FY 2017-18 Operating Budget and Plan of Municipal Services. Councilmember Meadows seconded the motion which passed unanimously via roll call vote.

- C) Discuss and consider approval of the second and final reading of an ordinance of the City of New Braunfels adopting the 2017 ad valorem tax rates.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Councilmember Garcia moved that the property tax rate for 2017 be reduced by the adoption of a total ad valorem property tax rate of \$.48822 which is effectively a 6.47 percent increase in the tax rate, with \$.19985 for debt service and \$.28837 for operations and maintenance. Mayor Pro Tem Peters seconded the motion which

passed unanimously via roll call vote.

- D) Discuss and consider approval of the first reading of an ordinance authorizing the number of positions in each classification in the New Braunfels Fire Department and New Braunfels Police Department pursuant to Local Government Code Chapter 143 as part of the annual budget process.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

Mayor Pro Tem Peters moved to approve the item. Councilmember Monceballez seconded the motion which passed unanimously.

- E) Discuss and consider providing direction to the City Manager on a plan to implement rules related to the disposable container and cooler size ordinance.

Mayor Casteel read the aforementioned caption.

Kristi Aday, Amy Niles, and Judy Young presented the item.

City Council directed staff to implement rules related to the disposable container and cooler size ordinance by November 1, 2017.

- G) Discuss and consider approval of the first reading of an ordinance amending portions of the Code of Ordinances, Section 126-354 Parking by Permit Only, regarding the administration of parking permits.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Meadows moved to approve the item with the addition of an appeal to the City Secretary for additional temporary permits. Mayor Pro Tem Peters seconded the motion which passed as follows:

In Favor:

Mayor Casteel, Councilmember Meadows, Councilmember Reaves, Councilmember Monceballez, Mayor Pro Tem Peters, and Councilmember García

Opposed:

Councilmember Green

<City Council took a break.>

- H) Discuss and consider possible action on the creation of a Bond Advisory Committee.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

No action was taken, however the item will be further discussed during the September 25 City Council meeting.

- I) Discuss and consider approval of a resolution authorizing the use of Eminent Domain Proceedings under Chapter 251 of the Texas Local Government Code and Section 2.03 of the City of New Braunfels Municipal Charter, on the following parcels as part of the Solms/Morningside/Rueckle Road Reconstruction Project:
- Parcel 7 described as 0.007 acres and 0.061 acres along with 10,044 Sq. Ft. of Temporary Construction Easement, being a portion of Lot 1A, Block 1, The Meadows of Morningside, Unit One, as recorded in Volume 14, Page 88 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.
- Parcel 8 described as 0.007 acres and 1,892 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 2, The Meadows of Morningside, Unit One, as recorded in Volume 14, Page 88 and 0.010 acres and 2,934 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 2, The Meadows of Morningside, Unit Two, as recorded in Volume 14, Page 117 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.
- Parcel 13 described as 0.007 acres and 823 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 12, The

Meadows of Morningside, Unit Five, as recorded in Volume 14, Page 130 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.

Parcel 24 described as 0.007 acres and 353 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 15, The Meadows of Morningside, Unit Five, as recorded in Volume 14, Page 130 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.

Parcel 25 described as 0.050 acres, being a portion of Lot 1A, Block 15, The Meadows of Morningside, Unit Six, as recorded in Volume 14, Page 206 of the Map and Plat Records of Comal County, Texas owned by Morningside (New Braunfels) Homeowner's Association, Inc., a Texas not-for-profit corporation.

Parcel 41 described as 0.025 acres, being a portion of Lot 915, Block 3, Highland Grove, Unit One, as recorded in Document Number 201306002020 of the Map and Plat Records of Comal County, Texas owned by Highland Grove Homeowners Association, Inc.

Mayor Casteel read the aforementioned caption.

Matt Eckmann presented the item.

Councilmember Monceballez moved that the City of New Braunfels approve the resolution authorizing the use of the power of eminent domain to acquire:

- Parcel 7 described as 0.007 acres and 0.061 acres along with 10,044 Sq. Ft. of Temporary Construction Easement, being a portion of Lot 1A, Block 1, The Meadows of Morningside, Unit One, as recorded in Volume 14, Page 88 of the Map and Plat Records of Comal County, Texas.**
- Parcel 8 described as 0.007 acres and 1,892 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 2, The Meadows of Morningside, Unit One, as recorded in Volume 14, Page 88 and 0.010 acres and 2,934 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 2, The Meadows of Morningside, Unit Two, as recorded in Volume 14, Page 117 of the Map and Plat Records of Comal County, Texas.**
- Parcel 13 described as 0.007 acres and 823 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 12, The Meadows of Morningside, Unit Five, as recorded in Volume 14, Page**

130 of the Map and Plat Records of Comal County, Texas.

- Parcel 24 described as 0.007 acres and 353 Sq. Ft of Temporary Construction Easement, being a portion of Lot 1A, Block 15, The Meadows of Morningside, Unit Five, as recorded in Volume 14, Page 130 of the Map and Plat Records of Comal County, Texas.

- Parcel 25 described as 0.050 acres, being a portion of Lot 1A, Block 15, The Meadows of Morningside, Unit Six, as recorded in Volume 14, Page 206 of the Map and Plat Records of Comal County, Texas. And all 5 parcels being owned by Morningside (New Braunfels) Homeowners Association, Inc. a Texas not-for-profit corporation.

To be acquired for the public uses of improving pedestrian safety and ADA accessibility by providing sidewalks on both side of the road; providing connectivity to multiple residential and commercial areas; and building road improvements to alleviate traffic congestion, as part of the Solms/Morningside/Rueckle Road Reconstruction Project.

The motion was seconded by Mayor Pro Tem Peters which passed via roll call vote:

In Favor: Mayor Casteel, Councilmember Meadows, Councilmember Reaves, Councilmember Monceballez, Mayor Pro Tem Peters, and Councilmember García

Opposed: Councilmember Green

Councilmember Meadows moved that the City of New Braunfels approve the resolution authorizing the use of the power of eminent domain to acquire:

- Parcel 41 described as 0.025 acres, being a portion of Lot 915, Block 3, Highland Grove, Unit One, as recorded in Document Number 201306002020 of the Map and Plat Records of Comal County, Texas owned by Highland Grove Homeowners Association, Inc.

To be acquired for the public uses of improving pedestrian safety and ADA accessibility by providing sidewalks on both side of the road; providing connectivity to multiple residential and commercial areas; and building road improvements to alleviate traffic congestion, as part of the Solms/Morningside/Rueckle Road Reconstruction Project.

The motion was seconded by Councilmember Reaves which passed via roll call vote:

In Favor: Mayor Casteel, Councilmember Meadows, Councilmember Reaves, Councilmember Monceballez, Mayor Pro Tem Peters, and Councilmember García

Opposed: Councilmember Green

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 and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:
 - acquisition of land for city facilities
 - public right-of-way

- B) Deliberate the appointment, evaluation, duties, or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 8:59 p.m. - 9:54 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 9:54 p.m.

Mayor Pro Tem Peters moved extend the Municipal Court Judge's contract and increase her salary to \$98,940 effective October 1, 2017. The motion was seconded by Councilmember Garcia which passed unanimously.

The meeting adjourned at 9:56 p.m.

Date Approved: September 25, 2017

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary