

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 14, 2020**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on September 14, 2020, at 6:00 p.m.

City Councilmembers present were:

Present: 7 – Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Councilmember Jason Hurta, and Councilmember James Blakey

The meeting was called to order by Mayor Brockman at 6:00 p.m. Councilmember Hurta gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PRESENTATIONS:

A) Update from the City Manager on the City’s Response to COVID-19

Mayor Brockman read the aforementioned caption.

Robert Camareno presented the item. No action was taken.

B) Presentation from NBU on the Construction of the North Kuehler Interceptor Project.

Mayor Brockman read the aforementioned caption.

Ian Taylor introduced the item. Ryan Kelso and Erin Mills presented the item. No action was taken.

C) Presentation on transportation projects and the New Braunfels transit study.

Mayor Brockman read the aforementioned caption.

Garry Ford presented the item. No action was taken.

D) Presentation and possible direction to staff to examine, research and bring forward any recommended improvements to the rules for truck stops in New Braunfels Code of Ordinances.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Council directed staff to study other trends nationally and bring back a data-driven recommendation.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of August 24, 2020.

Mayor Brockman read the aforementioned caption.

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

2. CITIZENS' COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.

Mayor Brockman read the aforementioned caption.

No one spoke.

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 a resolution accepting a donation to the City of New Braunfels Public Library from the Estate of Ida Aprilla Hokanson.
- B) Approval of a professional services agreement with HMT, Inc. to complete engineering services on Waterway Lane connecting Gruene Road and Common Street.
- C) Approval of the City of New Braunfels FY 2020 Third Quarter Investment Report.

- D) Approval of and authorization for the City Manager to execute a Lease of Agreement between the City Of New Braunfels and Hill Country Kart Club for 9.119 acres of land out of the JM Veramendi Survey No. 1, A-2, Comal County, Texas, addressed as 3838 Loop 337.
- E) Approval of the issuance of an invitation for competitive sealed proposals for construction of a stormwater treatment basin at the Headwaters at the Comal since the City Council finds that this delivery method will provide the best value to the City.
- F) Approval of a resolution of the City Council of the City of New Braunfels, Texas, approving a recommendation of the New Braunfels Economic Development Corporation to enter into a professional services contract with the Greater New Braunfels Chamber of Commerce, Inc. for a two (2) year period beginning October 1, 2020; and declaring an effective date.
- G) Approval of the first reading of an ordinance repealing and reenacting Chapter 130, Article V, Division 4, of the Code of Ordinances as it relates to waste water pretreatment requirements.
- H) Approval of an annual contract with Landscape Commander LLC to provide landscape maintenance services for undeveloped flood properties and ROW, on an as-needed basis.
- I) Approval of a contract with Heidi Abraham PLLC to support the City's Emergency Medical Services Program with EMS medical direction and pre-hospital provider services, for the New Braunfels Fire Department.
- J) Approval of annual contracts with D & D Contractors, Intermountain Slurry Seal Inc., Concrete Enterprise, D & M Owens Inc., Fischer Construction Inc., Fuquay Inc., Lone Star Paving, MAC Inc., and Viking Construction Inc. to provide road construction work, on an as-needed basis, for the City of New Braunfels.
- K) Approval to renew a service agreement with Westnet, Inc. for onsite maintenance, repair and technical support for the City's fire stations alerting system.
- L) Approval of a resolution authorizing the City Manager to execute a lease contract with TCF National Bank for the EZ-Go Textron Fleet Management GPS systems for the new golf cart fleet at the Landa Park Golf Course.
- M) Approval of an authorization for the City Manager to execute various Sanitary Sewer and Temporary Construction Easements with New Braunfels Utilities pertaining to the 30" and 33" North Kuehler Interceptor Project.

- N) 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.

Ordinances

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

- O) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 12.3 acres (10.7 acres out of A-608 SUR-21 J. Thompson and 1.6 acre portion out of Lot 1R Schleicher Estates) currently addressed at 2919 Morningside Drive, east of the Vista Hills 2 Subdivision at the terminus of both Vista Parkways, from "R-1" Single-Family District to "R-1A-5.5" Single-Family Residential District (maximum of 4 acres) and "R-1A-4" Single-Family Small Lot Residential District (maximum of 8.5 acres).

Mayor Brockman read the aforementioned captions.

Councilmember Bowers moved to approve the Consent Agenda. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the second and final reading of an ordinance adopting the FY 2021 Operating Budget and Plan of Municipal Services.

Mayor Brockman read the aforementioned caption.

Jared Werner presented the item. No one spoke during the public hearing.

Councilmember Hurta moved to adopt the FY 2021 Operating Budget and Plan of Municipal Services including the Budget Order and attachments included in that order. Councilmember Hoyt seconded the motion which was approved unanimously via roll call vote.

- B) Discuss and consider approval of the second and final reading of an ordinance adopting the 2020 ad valorem tax rates.

Mayor Brockman read the aforementioned caption.

Jared Werner presented the item. No one spoke during the public hearing.

Councilmember Bowers moved that the property tax rate for tax year 2020 be decreased by the adoption of a total ad valorem property tax rate of 0.483194 per \$100 of assessed taxable valuation, which is effectively an 8.1% increase in the tax rate, with 0.227956 for debt service and 0.255238 cents for operations and maintenance. Councilmember Hurta seconded the motion which was approved 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 2020 property tax rate included in the FY 2021 Annual Budget.

Mayor Brockman read the aforementioned caption.

Jared Werner presented the item. No one spoke during the public hearing.

Councilmember Hoyt moved to ratify the property tax revenue increase reflected in the FY 2021 Operating Budget and Plan on Municipal Services. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- D) Discuss and consider approval of an ordinance authorizing the issuance of City of New Braunfels, Texas General Obligation Bonds, Series 2020; authorizing the levy of an ad valorem tax in support of the bonds; approving an official statement, a paying agent/registrar agreement, and other documents related to the issuance of the bonds.

Mayor Brockman read the aforementioned caption.

Jared Werner introduced the item. Mark McLiney presented the item. No one spoke during the public hearing.

Councilmember Hurta moved to approve the item. Councilmember Blakey seconded the motion which passed unanimously via roll call vote.

- E) Discuss and consider approval of an ordinance authorizing the issuance of the City of New Braunfels, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020; levying an ad valorem tax and pledging certain surplus revenues in support of the certificates; approving an official statement, a paying agent/registrar agreement and other agreements relating to the sale and issuance of the certificates; and ordaining other matters relating to the issuance of the certificates.

Mayor Brockman read the aforementioned caption.

Jared Werner introduced the item with Item D. Mark McLiney presented the item with Item D. No one spoke during the public hearing.

Councilmember Bowers moved to approve the item. Mayor Pro Tem Meadows seconded the motion which passed unanimously via roll call vote.

- F) Discuss and consider the 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.

Mayor Brockman read the aforementioned caption.

Becca Miears presented the item. No one spoke during the public hearing.

Councilmember Hurta moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- G) Discuss and consider approval of a contract with Seidel Construction, LLC for the construction of Fire Stations #2 and #3 as part of the 2019 Bond Program, including contingency in the amount of \$11,382,783 and approval for the City Manager to authorize expenditures up to the contingency amount.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented the item. No one spoke during the public hearing.

Councilmember Hoyt moved to approve the item. Councilmember Hines seconded the motion which passed unanimously via roll call vote.

- H) Discuss and consider approval of a resolution regarding a request from Comal County Habitat for Humanity, Inc. to expand their existing approved fee waivers (building permits and roadway impact) to include all land development fees (platting, zoning, and park land dedication and development) for all of their future development projects within the City of New Braunfels.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item. No one spoke during the public hearing.

Councilmember Hines moved to approve the item. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

- I) Discuss and consider approval of an ordinance to temporarily allow a portion of required onside parking for restaurants to be used for establishing or expanding outdoor dining areas, or placement of associated temporary food trucks/trailers, in

order to facilitate economic opportunities for the local restaurant industry in the wake of the Covid-19 pandemic; and declaring an emergency.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item. No one spoke during the public hearing.

Mayor Pro Tem Meadows expressed concern this ordinance would favor certain businesses and not others. Council directed staff to provide monthly updates if approved.

Councilmember Blakey moved to approve the item as written. Councilmember Hines seconded the motion which passed unanimously via roll call vote.

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 appointment, evaluation, duties, discipline, or removal of the City Attorney in accordance with Section 551.074 of the Texas Government Code:

Mayor Brockman read the aforementioned caption.

City Council recessed into Executive Session from 7:54 p.m. – 8:18 p.m.

No vote or action was taken.

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

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 8:18 p.m. No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 8:18 p.m.

Date Approved: September 28, 2020

Rusty Brockman, Mayor

Attest:

Andrew A. Lyons III, Assistant City Secretary