

**MINUTES - FINAL  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, JANUARY 24, 2022**

**AGENDA**

**CALL TO ORDER**

Mayor Brockman called the meeting to order at 6:03 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 HINES**

Councilmember Hines 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.

**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, Lori Shrank, Nichole Lawson, David Gonzales, Dick Hillyer, Timothy Davis, David Edwards, Suzanne Lynn, Robert Rowley, Kellie Stallings, and Marissa.**

**1. MINUTES**

A) Approval of the minutes for executive session January 10, 2022, regular session January 10, 2022, and special session January 5, 2022.

**Mayor Brockman read the aforementioned item.**

**Councilmember Hurta moved to approve the item. Councilmember Bowers 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 the purchase of furniture and equipment for the new Police Station with Core Office Interiors and to declare the replaced furniture equipment as surplus.
- B) Adoption of the Second Amendment to the Chapter 380 Agreement between the City of New Braunfels and HD Supply Facilities Maintenance, Ltd.
- C) Approval of a resolution and the submission of an application to the Texas Parks & Wildlife Department, 2022 Recreational Trail Grant Program for the provision of funding for the Alligator Creek project, and authorization for the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
- D) Approval of a resolution to approve the Guadalupe Appraisal District (G.A.D.) facility parking lot expansion.
- E) Approval of a resolution of the City Council of the City of New Braunfels, Texas, renewing and amending the Meet and Confer Agreement between the City and the New Braunfels Professional Fire Fighters Association, Local 3845 of the International Association of Fire Fighters, for a term ending on September 30, 2023.
- F) Approval of a resolution; a ratification for the submission of an application for funding offered by the Texas Department of Transportation, Texas Traffic Safety Program's Selective Traffic Enforcement Program - Comprehensive FY 2023 grant; and authorization for the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
- G) Approval of a resolution; a ratification for the submission of an application for funding offered by the Texas Department of Transportation, Texas Traffic Safety Program's Selective Traffic

Enforcement Program - Commercial Motor Vehicle FY 2023 grant; authorization for the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

- H) Approval of a contract modification with Trihydro Corporation for engineering and design services for Klein Road repairs and approval of an issuance of an invitation for competitive sealed proposal as the procurement method for construction repairs.
- I) Approval of and authorization for the City Manager to execute a Utility Cooperative Agreement with Green Valley Special Utility District (GVSUD) to reimburse water utility relocation costs required with the Klein Road Phase II Project.
- J) Approval of and authorization for the City Manager to execute a Utility Cooperative Agreement with Guadalupe Valley Electric Cooperative (GVEC) to reimburse electric utility relocation costs required with the Klein Road Phase II Project.
- K) Approval of a purchase with FunAbounds for playground equipment and installation at Fischer Park.
- L) Approval of a professional services contract with RPS for traffic impact analysis review support.
- M) Approval of a contract with Frost Bank for banking services.
- N) Approval of a contract with Fischer Construction Company for Mission Hill Park Improvements, a contract modification with Parkhill | Schrickel Rollins for bidding and construction administration services, a task order with Terracon, Inc. for materials testing services, authorization for the City Manager execute any change orders up to the contingency amounts and approval of the appropriate budget amendment.
- O) Approval of professional services contracts with Kimley-Horn and Associates, Inc., Pape-Dawson Engineers, Inc., and WSP USA for on-call third-party traffic engineering services.

#### *Ordinances*

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

- P) Approval of first reading of an ordinance amending Chapter 86 “Parks and Recreation,” Article III “Landa Park Golf Course Advisory Board”

and approving by-laws for the Board.

- Q) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 2.3 acres out of the Henry Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "R-1A-6.6" Single Family District.
- S) Approval of the second and final reading of an ordinance to restrict parking on both sides of Independence Drive west of Oak Run Parkway from Oak Run Parkway to the end of Independence Drive.
- T) Approval of the first reading of an ordinance amending Chapter 138 Article VI of the City of New Braunfels Code of Ordinances to modify the Water Recreation Shuttle permit renewal process and move the application process from the City Secretary's Office to the River Operations Division.
- U) Approval of the first reading of an ordinance ordering a Regular Election to be held in the City of New Braunfels on May 7, 2022, for Regular City Officers; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.
- V) Approval of the first reading of an ordinance amending Chapter 86 Articles V and VI of the City of New Braunfels Code of Ordinances to clarify the definition of a Holiday and River Outfitter, and current operational practices with river management fee wristbands and reporting.

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

**Timothy Davis asked for Consent Agenda item R to be pulled from the Consent Agenda.**

**Mayor Brockman read the aforementioned Consent Agenda items A-Q and S-T.**

**Councilmember Hines moved to approve Consent Agenda items A-Q and S-T. Councilmember Bowers seconded the motion which passed unanimously.**

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

- R) Approval of the second and final reading of an ordinance regarding the proposed abandonment of an approximately 4,976 square-foot (0.114 of an acre) portion of unimproved remaining right-of-way, abutting the northern terminus of Elizabeth Avenue.

**Mayor Brockman read the aforementioned item.**

**Christopher Looney presented this item.**

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

**Mayor ProTem Meadows moved to approve the item with staff recommendations. Councilmember Hines seconded the motion which passed unanimously.**

**Mayor Brockman took a break at 7:09 p.m.**

**Mayor Brockman reconvened at 7:21 p.m.**

- A) Appointment of one individual to the Community Development Advisory Committee for an unexpired term ending November 30, 2022.

**Mayor Brockman read the aforementioned item.**

**Gayle Wilkinson presented this item.**

**Councilmember Hines moved to appoint Pamela Quigley to the unexpired term on the Community Development Advisory Committee ending November 30, 2022. Councilmember Bowers seconded the motion which passed unanimously.**

- B) Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 27.4 acres, addressed at 2725, 2753 and 2793 Goodwin Lane, from "M-1A" Light Industrial District and "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District with a Special Use Permit to allow the development of multiple dwelling units in a townhouse style configuration.

**Mayor Brockman read the aforementioned item.**

**Christopher Looney presented this item.**

**The following individuals spoke to this item: Katrina Stevens, Nicole Lawson, Lisa D., David Gonzalez, Timothy Davis, Ryan Garcia, Lori Shrank, Tiffany Mendoza, Donald Featherston, Steve Drenner, Josh Neil, and Becca Bond.**

**Mayor ProTem Meadows moved to approve this item with staff recommendations. Councilmember Hines seconded the motion which passed unanimously.**

**Mayor Brockman took a break at 8:58 p.m.**

**Mayor Brockman reconvened at 9:11 p.m.**

- C) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 5.25 acres from "APD", Agriculture/Predevelopment to "MU-B", High Intensity Mixed Use, consisting of 0.25 of an acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road, and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road.

**Mayor Brockman read the aforementioned item.**

**Jean Drew presented this item.**

**The following individuals spoke to this item: Laura Newson, Ty Garrow, Vincent Schwab, Daniel Rickle, Helen Voigt, Robert Rowley, Susan McDaniel, Nathan Voigt**

**Councilmember Hines moved to postpone this item until the February 14, 2022 Council Meeting. Councilmember Bowers seconded the motion which passed unanimously.**

- D) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 0.5 of an acre to apply a Special Use Permit to allow 4 dwelling units where the zoning district allows a maximum of 2, in the "R-2 AH" Single-Family and Two-Family Airport Hazard Overlay District, on Lot 1 Baystone Subdivision, addressed at 222 Alves Lane.

**Mayor Brockman read the aforementioned item.**

**Christopher Looney presented this item.**

**The following individual spoke to this item: Wayne Wall**

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

- E) Public hearing and first reading of an ordinance regarding the proposed rezoning of 3 acres of the Comal County Joint Venture 2, Lot 2, Comal County, Texas, addressed at 4755 S IH 35 from "APD" Agricultural/Pre-Development District and "M-1" Light Industrial District to "M-1A" Light Industrial District.

**Mayor Brockman read the aforementioned item.**

**Christopher Looney presented this item.**

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

#### **4. 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.
- B) Deliberate the appointment, evaluation, duties, discipline, or removal of the City Manager in accordance with Section 551.074 of the Texas Government Code.

**Mayor Brockman read the aforementioned Executive Session items.**

**Mayor Brockman recessed into Executive Session at 10:05 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.**

**Mayor ProTem Meadows made a motion and a vote of confidence in favor of our City Attorney, Val Acevedo, by increasing her salary 4% to a total of \$184,614.56. Councilmember Hines seconded the motion which passed unanimously.**

**ADJOURNMENT**

Mayor Brockman adjourned the meeting at 10:13 p.m.

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

**Attest:**

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