

**MINUTES - DRAFT
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, NOVEMBER 22, 2021**

AGENDA

CALL TO ORDER

Mayor Brockman called the meeting to order at 6:00 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 6 - Mayor Rusty Brockman, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Lawrence Spradley, Councilmember Jason Hurta, and Councilmember James E. Blakey

Absent: 1 - Councilmember Shane Hines

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) GIS Day Proclamation
Mayor Brockman read the proclamation.

B) National Hospice Month
Mayor Brockman read the proclamation.

CITIZENS' COMMUNICATIONS

The following individual spoke at this time: David Warmke

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.

1. MINUTES

A) Approval of the minutes for executive session November 8, 2021 and regular session November 8, 2021.

Mayor Brockman read the aforementioned item.

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

Absent:

Councilmember Hines

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 to authorize the City Manager to execute two Change Orders for the Fire Station #2 and Fire Station #3 projects associated with the previously approved contracts with Knight Security.
- B) Approval of a budget amendment for Guadalupe Appraisal District which will end the 2021 fiscal year with a budget surplus of approximately \$200,000.00 requesting any unspent budget funds to be transferred to the District's reserve fund for their Master Facility Plan.
- C) Approval of a ratification of the submission of an application to the National Recreation and Park Association's 2021 Niagara 'Perk Your Park' Contest; authorization for the City Manager to accept funds and execute all contract documents associated with the grant; and the appropriate budget amendment.
- D) Approval of a contract and authorizing the City Manager to execute a professional services agreement with the law firm of Resnick & Louis, P.C., to represent the City in litigation involving the North Tributary Project, and authorizing the retention of outside experts as needed.
- E) Approval of a ratification of the submission of a grant application to the U.S. Department of Justice FY 2021 Bulletproof Vest Partnership program; authorization for the City Manager to accept funds and execute all contract documents associated with the grant; and approval of a purchase with Angel Armor, LLC for bulletproof vests for the New Braunfels Police Department.
- F) Approval of contracts for oils, lubricants and disposal services with

Avery Oil Company and Midtex Oil, LP.

- G) Approval of a contract with Arcadis, U.S., Inc for professional services associated with the implementation of the Dry Comal Creek and Comal River Watershed Protection Plan.
- H) Approval of contracts to support the City's 2022 Edwards Aquifer Habitat Conservation Plan work plan and authorization for the City Manager to execute contracts with BIO-WEST, Inc, Atlas Environmental, EBR Enterprises, and Environmental Survey Consulting.
- I) Approval of a purchase with Chastang Enterprises-Houston, LLC for one automated side load collection vehicle for the Solid Waste Division, approval to declare the replaced unit as surplus, and the appropriate budget amendment in the FY 2022 Enterprise Maintenance and Equipment Replacement Fund.
- J) Approval of the purchase of furniture and equipment for the new Police Station with Staples and to declare the replaced furniture equipment as surplus.
- K) Approval of a budget amendment within the FY 2021 Golf Course Fund
- L) Approval of a waiver from Section 118-49(a) of the Subdivision Platting Ordinance to not require the construction of a 6-foot wide public sidewalk along the Interstate 35 Access Road adjacent to Lot 1, Block 1 of the proposed Herber Estates Subdivision.
- M) Approval of a professional services agreement with Studio Steinbomer Architecture & Interiors for facilities and space planning assessment services.
- N) Approval to authorize the City Manager to execute a development agreement with the Arroyo Verde Godwin, LP and a Memorandum of Understanding with the New Braunfels Parks Foundation allowing the Foundation to accept 15.03 acres of land to hold in trust for the City of New Braunfels for a future park.

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 first reading of an ordinance amending Ordinance No. 2021-55, authorizing the abandonment of 0.366 of an acre of public street right-of-way at the terminus of Tolle Street, by extending the deadline to execute a Deed Without Warranty by an additional 180 days.
- P) Approval of the first reading of an ordinance regarding a request for rehabilitation tax credit from the property owner of 123 S. Academy Ave., located within the Downtown Historic District.
- Q) Approval of the second and final reading of an ordinance amending the number of positions in the classification for Sergeant and Detective in the New Braunfels Police Department.

Approval of the Consent Agenda

Mayor Brockman read the aforementioned Consent Agenda items #A - #I and items K - Q. Item #J was pulled from consideration.

Councilmember Hurta moved to approve Consent Agenda items #A - #I and items K - Q. Councilmember Bowers seconded the motion which passed unanimously.

Absent:

Councilmember Hines

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Consider the appointment of 22 members to the Bond Advisory Committee

Mayor Brockman read the aforementioned item.

Caitlin Krobot presented this item.

Mayor ProTem Meadows moved to appoint Donald Duncan, Courtney Lyons-Garcia, and Robert Wolf to the 2023 Bond Advisory Committee. Councilmember Bowers seconded the motion which passed unanimously.

Mayor ProTem Meadows moved to appoint the following individuals to the 2023 Bond Advisory Board: Mayor Appt, West Studdard, District 1 Andres Campos-Delgado, District 2 Garry Montgomery, District 3 Larry Hammonds, District 4 Jerry Cone, District 5 Karlis Ercums, District 6 Stuart Hannsmann, Comal County Kevin Webb, Guadalupe County

Drew Engelke, NB Chamber of Commerce Jonathan Packer, Downtown Board Jenny Wilson, Library Advisory Board Amy Stone, Planning Commission Ron Reaves, Parks and Recreation Board Joe Turner, Traffic and Transportation Committee Gary Kirkham, NBU Board Wayne Peters, Workforce Housing Advisory Committee Stephen Brockman, and New Braunfels Economic Development Corporation Kathy Meurin. Councilmember Bowers seconded the motion which passed unanimously.

Absent:

Councilmember Hines

- B) Public hearing and consideration of the first reading of an ordinance to revise sections of the Code of Ordinances regarding the approval and/or appeals authority in: Chapter 144, Zoning, Section 5.1, Parking, loading, stacking and vehicular circulation, Section 5.22, Nonresidential and Multi-family Design Standards, Section 5.23, Temporary vending operations, and, Section 5.24, Temporary mobile storage units; Chapter 118, Subdivision Platting, Section 118-11, Waiver, Section 118-44, Blocks, and, Section 118-49, Sidewalks; and, amendments to Appendix D, Fee Schedule, Section A schedule of development fees.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

The following individual spoke to this item: David Warmke.

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

Absent:

Councilmember Hines

- C) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow 75 dwelling units where lot area allows a maximum of 64, through the conversion of existing hotel guestrooms into studio apartments in the "C-3 AH" Commercial District Airport Hazard Overlay, on Lots 3C and 3D, JM Subdivision, addressed at 1533 IH-35 North.

Mayor Brockman read the aforementioned item.

Jean Drew presented this item.

The following individual spoke to this item: Applicant - Don Norvell.

Mayor ProTem Meadows moved to approve the item. Councilmember Bowers seconded the item 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 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:
 - River floodway regulation and enforcement
- B) Deliberate issues regarding economic development negotiations in accordance with section 551.087 of the Texas Government Code.
 - Project Barro
 - Project Salero

Mayor Brockman read the aforementioned executive session items and adjourned back into executive session at 7:05 p.m.

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).

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

Mayor Brockman reconvened back into open session at 7:30 p.m.

No action taken at this time.

ADJOURNMENT

Mayor Brockman adjourned at 7:30 p.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

CAITLIN KROBOT, CITY SECRETARY