

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JANUARY 23, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on January 23, 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, Assistant City Manager Kristi Aday, City Attorney Valeria Acevedo, City Secretary Patrick Aten, Assistant City Secretary Andrea Cunningham, Planning and Community Development Director Christopher Looney, Planner Matt Greene, Police Chief Tom Wibert, and City Engineer Garry Ford.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:01 p.m. Councilmember Reaves gave the invocation; and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

Mayor Casteel recognized and congratulated outgoing CEO Paul DiFonzo in her retirement from New Braunfels Utilities.

Mayor Casteel proclaimed the month of February as Teen Dating Violence Awareness Month.

Mayor Casteel proclaimed the month of January as National Mentoring Month.

Mayor Casteel recognized the life and achievements of Agnes Emilie Wilde Lehmann Buhl.

PRESENTATIONS:

Christopher Looney gave a presentation on the establishment of new fees for development related services.

1. MINUTES

- A) Discuss and consider approval of the minutes of the special and regular City Council meetings of January 9, 2017.

Mayor Casteel read the aforementioned caption.

A motion was made by Councilmember García, seconded by Councilmember Green, that this item be approved. The motion passed unanimously.

2. CITIZENS' COMMUNICATIONS

No one spoke during Citizens' Communications.

3. CONSENT AGENDA

- A) Approval of the authorization for the City Manager to enter into an interlocal agreement between the City and Comal County for the use of personal protection equipment by the New Braunfels Fire Department.
- B) Approval of the submission of a joint grant application to Smart Growth America for technical assistance for the development of Complete Streets policies and authorizing the City Manager to accept award and execute all contract documents associated with the grant if awarded.
- C) Approval of a resolution ordering a Regular Election to be held in the City of New Braunfels on May 6, 2017, 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.
- D) Approval to authorize the City Manager to enter into joint election agreements between the City of New Braunfels and the New Braunfels Independent School District and the Comal Independent School District.
- E) Approval of an annual contract with Texas Pristine Rivers, Inc. to perform litter and floating vegetation removal services from riparian zones.
- F) Approval of the second reading of an ordinance amending Chapter 110 of the Code of Ordinances relating to Solid Waste commercial

rates and proposed operational changes.

- G) Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to amend the existing no parking zone on Common Street from Loop 337 to Union Avenue.
- H) Approval of the second and final reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install traffic control devices in the Mistletoe Avenue area, in the East Zink Street area, in the Cypress Rapids Drive area, in the East Tanglewood Drive area, and on Mayberry Mill at Nicholas Cove.
- I) Approval of the second and final reading of an ordinance amending Section 126-136 (e) of the City of New Braunfels Code of Ordinances to amend the school speed zone times on Common Street and Hanz Drive at Cross Lutheran School.
- J) Approval of the second and final reading of an ordinance regarding a rezoning request to apply a Special Use Permit to allow the bulk storage of up to 4,000 gallons of gasoline in an aboveground tank on 8.36 acres, Lot 1, Block A, VBM New Braunfels Subdivision, addressed at 2077 IH 35 North.
- K) Approval of the second and final reading of an ordinance regarding proposed revisions to Chapter 144, Zoning, Section 5.23, Temporary Vending Operations.

Approval of the Consent Agenda

Mayor Casteel read the aforementioned captions, and announced that Item L has been pulled for further discussion. A motion was made by Councilmember Green, seconded by Councilmember Meadows, to approve the Consent Agenda. The motion passed unanimously via roll call vote.

- L) Approval of the second and final reading of an ordinance amending the Code of Ordinances, Chapter 138, Article V. - Vehicle Storage Facilities and Towing of Vehicles by amending the wrecker rotation list system for incident management tows.

Mayor Casteel read the aforementioned caption.

Tom Wibert presented the item.

A motion was made by Councilmember Reaves, seconded by

Councilmember Green, to amend the last sentence of Section 138-126(c) to read "No tow trucks shall be affixed with blue emergency or warning lights facing to the front of the truck." The motion to amend passed unanimously.

A motion was made by Councilmember Reaves, seconded by Councilmember Meadows, to approve the amended item. The motion passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A) Discuss and consider approval of the first reading of an ordinance amending Chapter 126 of the Code of Ordinances regarding Traffic and Vehicles.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember García, that this item be approved. The motion passed unanimously.

B) Discuss and consider the second and final reading of an ordinance regarding a requested rezoning to apply a Special Use Permit to allow a reduction in the masonry requirement, a waiver of the residential tree buffer, and an increase in sign height and area for an office/warehouse development in the "C-3" Commercial District, on Lot 1, Block 1, Kayden 2 Subdivision, addressed at 1965 Post Road.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Russell Kyse spoke during the public hearing.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember García, that this item be approved with staff recommendations; and with the condition that the wainscoting on the sign and the buildings be four feet in height, and that the only building numbers allowed are those attached to the building walls facing Post Road as represented in the applicants renderings. The motion passed

via the following roll call vote:

In Favor:

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

Opposed:

Councilmember Green

- C) Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan and the second and final reading of an ordinance regarding a rezoning to apply a Special Use Permit to restrict the maximum height and to eliminate allowed uses in the "MU-Ar82" Low Intensity Mixed Use District on approximately 10 acres located on the west side of the 1900 block of Independence Drive (Property A) and to restrict the maximum height and to allow up to 240 residential units in the "C-1Br81" General Business District on approximately 13.6 acres located east of the intersection of Oak Run Parkway and Independence Drive (Property B).

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

No one spoke during the public hearing.

A motion was made by Councilmember Reaves, seconded by Councilmember Meadows, that this item be approved. The motion passed unanimously via roll call vote.

- D) Public hearing and consideration of the first reading of an ordinance regarding amendments to the Code of Ordinances, Chapter 118 Platting, Section 46(x) Private Streets.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

No one spoke during the public hearing.

A motion was made by Councilmember Monceballez, seconded by Mayor Pro Tem Peters, that this item be approved. The motion passed

unanimously.

- E) Public hearing and consideration of the first reading of an ordinance regarding a rezoning to apply a Special Use Permit to allow a mixed-use development including office, digital print shop, retail, music studio, and residential/bed and breakfast in the “C-3” Commercial and “R-2” Single-Family and Two-Family Districts on 0.66 acres, consisting of Lots 2, 3, 11, 12, and 13, New City Block 4048, addressed at 1260 S. Business 35.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Barbara Newberry, Carolyn Lehmann, and Phillip Newberry spoke during the public hearing.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Reaves, that this item be approved with staff recommendations, that Exhibits B and C be a condition of the SUP, and that Exhibit B have the additional restrictions:

Revise #1 as follows: The listening room, rehearsal room and recording studio (building 1) will have appropriate sound-proofing. Music will be limited to acoustic music only, and all music will be kept within sound levels and hours to not disturb neighbors.

Revise #7, bullet 6 as follows: Building 8: This house will be moved onto the property and be used as a long term residential rental (minimum of 30 days); or as a bed and breakfast, with a resident manager required on site.

Add #12: The driveways onto the property from Coll St. and Business 35 shall be paved with concrete or asphalt from the street for five feet onto the property or to the right-of-way line.

The motion passed via the following vote:

In Favor:

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

Opposed:

Councilmember Green

<City Council too a break.>

- F) Public hearing and consideration of the first reading of an ordinance regarding a requested rezoning to apply a Special Use Permit to allow a speech therapy clinic in the “R-2” Single and Two-family District, on Lot 10A Grandview Addition, addressed at 1208 N. Walnut Avenue.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

No one spoke during the public hearing.

A motion was made by Councilmember Reaves, seconded by Councilmember Meadows, that this item be approved with staff recommendations. The motion passed unanimously.

- G) Public hearing and consideration of the first reading of an ordinance regarding a requested rezoning to apply a Special Use Permit to allow short term rental of residential structures in the “C-1” Local Business District, on Lot G City Block 5085, addressed at 160 W. North Street.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Amanda Ransom spoke during the public hearing.

A motion was made by Councilmember Monceballez, seconded by Councilmember García, that this item be approved with staff recommendations. The motion passed unanimously.

- H) Public hearing and consideration of the first reading of an ordinance regarding a rezoning to apply a Special Use Permit to allow short term rental of two residences and up to eight residential cabins in the “C-2” Central Business District on approximately 0.72 acres out of Lots 32 - 35, New City Block 2016, addressed at 468, 476, and 486 N. Market Avenue.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Travis Batey spoke during the public hearing.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember García, that this item be approved with staff recommendations. The motion passed unanimously.

- I) Public hearing and consideration of a first reading of an ordinance regarding a rezoning request to apply a Special Use Permit to allow the short term rental of a single family dwelling in the "C-2" Central Business District, addressed at 662 Comal Avenue.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Stacey Scott, Galyn Lacewell, Brenda Champman, Lynn Norvell, Bill Norvell, Amber Riedel, Tom Hovestadt, and James Lacewell spoke during the public hearing.

A motion was made by Councilmember Green, seconded by Councilmember Monceballez, that this item be approved. The motion failed via the following roll call vote:

In Favor:

Councilmember Green

Opposed:

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

- J) Discuss and consider possible direction to City staff to bring forward for Planning Commission recommendation and City Council consideration potential code amendments and rezoning along Comal Avenue.

Mayor Casteel read the aforementioned caption.

Mayor Pro Tem Peters introduced the item, and Christopher Looney

presented the item.

Tom Hovestadt spoke regarding the item.

City Council directed staff to examine types of commercial zoning on the west side of Comal Avenue between 178 Comal Avenue and the railroad tracks near East Nacogdoches Street.

No action was taken.

5. EXECUTIVE SESSIONS

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 conservation easement
- acquisition of land for city facilities

Mayor Casteel read the aforementioned caption.

The City Council recessed into Executive Session from 10:33 p.m. - 11:07 p.m.

No action or vote 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 11:07 p.m.

No vote or action was taken.

This regular City Council meeting adjourned at 11:08 p.m.

Date Approved: February 13, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY