

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, NOVEMBER 27, 2017**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on November 27, 2017, at 6:00 p.m.

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, Assistant City Secretary Drew Lyons, Parks and Recreation Director Stacey Dicke, Recreation Manager Robin Kunkel, River Operations Manager Amy Niles, Golf Manager Chad Donegan, Finance Director Martie Simpson, Planning and Community Development Director Chris Looney, Planning and Community Development Assistant Director Stacy Snell, Planner Matt Greene, and City Engineer Garry Ford.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:03 p.m. Councilmember Reaves gave the invocation; and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

A) Giving Tuesday 2017

Mayor Casteel proclaimed November 28, 2017, as Giving Tuesday.

PRESENTATIONS:

A) Presentation of Texas Amateur Athletic Federation local and regional Athletes of the Year.

Mayor Casteel read the aforementioned caption.

Robin Kunkel presented the TAA F awards to Kaylin Cass and Noah Barrera.

B) Presentation and possible direction to Staff regarding proposed amendments to Chapter 114 of the City's Code of Ordinances

regarding sidewalk cafes in the Downtown area.

This item was pulled from the agenda by Staff and not discussed.

- C) Presentation and possible direction to Staff regarding River Activities revenue enhancement options and process change recommendations.

Mayor Casteel read the aforementioned caption.

Kristi Aday and Amy Niles presented the item.

James Reno and Dick Hillyer spoke on the item.

City Council directed Staff to bring back ordinance revisions for the Prince Solms parking lot fee, beginning the season on May 1, and extending the resident river pass to three years.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of November 13, 2017.

Mayor Casteel read the aforementioned caption.

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

2. CITIZENS' COMMUNICATIONS

David Warmke, Norma Rangel, and Sarah McCutchen spoke during Citizens' Communications.

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 ratification of payment of certain budgeted routine annual expenditures that exceed \$25,000 for fiscal year 2016-17.

- B) Approval of a contract with Denbow Company Inc. for roadway and utility construction services, and authorizing the City Manager to approve any change order up to the seven percent contingency amount as well as all other necessary project expenditures on Post Road.
- C) Approval to execute a contract with SBV Architects for the design of repairs and upgrades at the Police Department for \$64,700.
- D) Approval of a contract with Debra Dockery Architects for the design of repairs at the New Braunfels Regional Airport for \$24,110.
- E) Approval of an addendum to a lease agreement between the City of New Braunfels and Air Methods Corporation.
- F) Approval of the Construction Manager at Risk project delivery method for the New Braunfels Police Department Repairs Project to provide the best value to the City.

Ordinances

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

- H) Approval of the second and final reading of an ordinance to revise the school speed zones at Carl Schurz Elementary School, New Braunfels High School Ninth Grade Center, and Saints Peter and Paul Catholic School.

Mayor Casteel read the aforementioned captions, except Item G which was pulled for further discussion.

Councilmember Green moved to approve the Consent Agenda, except Item G. Councilmember Garcia seconded the motion, which passed unanimously via roll call vote.

- G) Approval of a resolution nominating Cemex Construction Materials South, LLC for designation as an Enterprise Zone Project under the State of Texas Enterprise Zone Program.

Mayor Casteel read the aforementioned caption.

Kristi Aday introduced the item.

Reece MacDonald and Patrick Hoffmann presented the item.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A) Discuss and consider approval of the appointment of members to the Bond Advisory Committee.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to appoint Christine Gonzalez and Lori Archer to the Bond Advisory Committee. Councilmember Monceballez seconded the motion, which passed unanimously.

K) Discuss and consider approval of a resolution supporting a recommendation of City of New Braunfels transportation improvement projects for the Alamo Area Metropolitan Planning Organization's Surface Transportation Program - Metropolitan Mobility call for projects for the FY 2019-2022 Transportation Improvement Program.

Councilmember Reaves moved to take Item K out of order. Councilmember Meadows seconded the motion which passed unanimously.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

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

B) Discuss and consider approval of the first reading of an ordinance revising Chapter 86-91 of the Code of Ordinances to amend fees at the Landa Park Golf Course.

Mayor Casteel read the aforementioned caption.

Chad Donegan presented the item.

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

- C) Discuss and consider approval of the City of New Braunfels FY 2016-17 fourth quarter investment report.

Mayor Casteel read the aforementioned caption.

Martie Simpson presented the item.

Councilmember Reaves moved to approve the item. Councilmember Monceballez seconded the motion which passed unanimously.

<City Council took a break.>

- D) Public Hearing on the 2016 Community Development Block Grant Consolidated Annual Performance and Evaluation Report.

Mayor Casteel read the aforementioned caption.

Martie Simpson presented the item.

No one spoke during the public hearing.

No action was taken.

- E) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of Lots 1 and 2, Gruene Sunday Haus Addition addressed at 1170 Old FM 306 and 1950 Hunter Road, from "R-3" Multifamily District and "C-1" Local Business District to "C-4A" Resort Commercial District.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

During the public hearing, John Frankford, Kimberly Frendon, Paul Williams, John Crawford, and Anne Crawford spoke against the item; and Cecil Eager and Thor Thornhill spoke in favor of the item.

Councilmember Monceballez moved to approve the item with Planning Commission's recommendation. Councilmember Reaves seconded the motion which passed unanimously.

- F) Public hearing and consideration of the first reading of an ordinance

amending Ordinance No. 2016-36, the "Avery Park" Planned Development District Detail Plan, by removing 5.57 acres (Lots 43 & 44, Block A, Avery Park, Unit 1) from the "Avery Park" Planned Development District (APPD) and rezone the 5.57 acres and 21.80 acres out of the Antonio M. Esnaurizar Survey, Abstract No. 20, Guadalupe County, Texas, from "APD" Agricultural Pre-development and "C-3" Commercial District to "Avery Park 13" Planned Development District (AP13PD), adopting a Concept Plan and associated Development Standards, located north of the intersection of Avery Park Drive and State Highway 46 South.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Chris Van Heerde spoke during the public hearing.

Councilmember Meadows moved to approve the item with staff recommendations. Mayor Pro Tem Peters seconded the motion which passed unanimously.

- G) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of 9.27 acres out of Lot 1, Block 1, Starlight Terrace, Unit 2, located within the Live Oak Mobile Home Community on Ashberry Avenue, from "M-1" Light Industrial District to "B-1B" Manufactured Home Park District.

Mayor Casteel read the aforementioned caption.

This item was requested to be postponed by the applicant.

Councilmember Reaves moved to postpone the item to December 11, 2017. Councilmember Meadows seconded the motion which passed unanimously.

- H) Discuss and consider approval of a waiver from the sidewalk requirement for the replat of a portion of Lots 13, 14, 18, and 19, City Block 1015, Establishing Lots 18R and 19r, City Block 1015.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Councilmember Green moved to approve the waiver to not construct sidewalks adjacent to Hill Avenue and with the requirement to escrow the cost of construction of a four foot sidewalk adjacent to S. Academy Avenue. Mayor Pro Tem Peters seconded the motion which passed 5-2, with Councilmembers Meadows and Garcia opposed.

- I) Discuss and consider approval of a contract with TI-Zack Concrete, Inc for construction services; a contract with Raba Kistner Consultants for materials testing services; and authority for the City Manager to approve any changes up to 10 percent Owner and Contractor contingencies as well as other necessary project expenditures for the Westside Pedestrian Improvement project.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

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

- J) Discuss and consider approval of a contract with J3 Company, Inc for construction services; a contract with Raba Kistner Consultants for materials testing services; and authority for the City Manager to approve any changes up to seven percent Owner and Contractor contingencies, as well as other necessary project expenditures for the San Antonio Street Improvements project.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

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

- L) Discuss and consider possible direction to City staff regarding a City Councilmember travel policy.

Mayor Casteel read the aforementioned caption.

Mayor Pro Tem Wayne Peters introduced the item.

City Council's direction was for Staff to bring back a draft travel policy for City Council review at a future City Council meeting.

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 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:
 - Collection action
 - National Flight Services, Inc.
- B) 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
 - abandonment/exchange of public right-of-way

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 9:36 p.m. - 10:42 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 in open Session at 10:43 p.m.

No vote or action was taken.

The meeting adjourned at 10:43 p.m.

Date Approved: December 11, 2017

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary