

**MINUTES  
OF THE NEW BRAUNFELS CITY COUNCIL  
REGULAR MEETING OF MONDAY, OCTOBER 8, 2018**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on October 8, 2018, at 6:00 p.m.

City Councilmembers present were:

**Present:** 7 - Mayor Barron Casteel, Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:06 p.m. Mayor Pro Tem Peters gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

**PROCLAMATIONS:**

A) Chamber of Commerce Week

**Mayor Casteel proclaimed October 15-19, 2018 as Chamber of Commerce Week.**

B) Community Planning Month

**Mayor Casteel proclaimed October 2018 as Community Planning Month.**

C) Domestic Violence Awareness Month

**Mayor Casteel proclaimed October 2018 as Domestic Violence Awareness Month.**

**PRESENTATIONS:**

A) Presentation on Public Improvement District Guidelines and Implementation

**Mayor Casteel read the aforementioned caption.**

**Robert Camareno, Bart Fowler, and Mark McLiney presented the item.**

B) Presentation on the establishment of a Mayor's Fitness Council

**Mayor Casteel read the aforementioned caption.**

**Kristi Aday and Micaeli Smith presented the item.**

**Nancy Pappas spoke in favor of the item.**

**1. MINUTES**

- A) Discuss and consider approval of the minutes of the regular City Council meeting of September 24, 2018.

**Mayor Casteel read the aforementioned caption.**

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

**2. 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.

**Mayor Casteel read the aforementioned caption.**

**David Warmke spoke about Das Rec.**

**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 the appointment of two individuals to the Parks and Recreation Advisory Board for terms ending October 13, 2021.
- B) Approval of the expenditure of Solid Waste and Recycling funds in the amount of \$31,110 for the engine repair of unit 1096 utilizing Womack Diesel Services.
- C) Approval of City Wide Pedestrian Improvements Project, through award from the Alamo Area Metropolitan Organization, to authorize the City Manager to enter into a professional services design contract with

CobbFendley.

### *Ordinances*

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

- D) Approval of the first reading of an ordinance amending Chapter 86, Article I, Section 86-7, and Chapter 126, Article IV, Division 6 of the Code of Ordinances for through trucks and hazardous cargo routes.
- E) Approval of the second and final reading of an ordinance regarding the proposed rezoning of 1 acre out of the L. Salinas Survey-458, Abstract 531, Comal County, Texas, addressed at 318 FM 1863, from "APD" Agricultural/Pre-Development District to "C-1A" Neighborhood Business District.
- F) Approval of the second and final reading an ordinance regarding the proposed rezoning to apply a Special Use permit to allow short-term rental of a single-family residence in the "R-3" Multifamily District addressed at 274 N. Liberty Avenue.
- G) Approval of the second and final reading of an ordinance amending Ordinance 2011-93, specifically Section IV, by eliminating assignment pay for Criminal Investigator-Detective assignment within the Police Department.
- H) Approval of the second and final reading of an ordinance authorizing the assignment pay for Support Services assignments within the Fire Department.

**Mayor Casteel read the aforementioned captions.**

**Councilmember Hoyt moved to approve the Consent Agenda. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.**

#### **4. INDIVIDUAL ITEMS FOR CONSIDERATION**

- A) Public hearing and first reading of an ordinance designating 0.124 acres out of City Block 4062, Lot 3, addressed as 546 South Academy Avenue, as a Historic Landmark to be known as the Bartels-Kelly House.

**Mayor Casteel read the aforementioned caption.**

**Amy McWhorter presented the item.**

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

- B) Discuss and consider approval to authorize the City Manager to enter into professional services contracts with KFW Engineers, CEC Engineers, and Moeller and Associates to complete the Preliminary Design Reports (PER) for three roadway projects as part of the proposed 2019 Bond Program.

**Mayor Casteel read the aforementioned caption.**

**Jennifer Cain presented the item.**

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

- C) Discuss and consider approval to authorize the City Manager to enter into a license agreement between the City of New Braunfels and Muckenfuss Properties, LLC for encroachments in the public right-of-way at 295 E. San Antonio Street.

**Mayor Casteel read the aforementioned caption.**

**Greg Malatek presented the item.**

**Patrick Winn spoke on the item.**

**Councilmember Meadows moved to approve the item. Councilmember Hines seconded the motion. Mayor Pro Tem Peters moved to amend the item to limit the extension to three feet. Councilmember Hoyt seconded the motion which failed 3-4, with Councilmembers Hines, Meadows, Bowers, and Mayor Casteel opposed.**

**The main motion passed 5-2, with Councilmembers Hoyt and Garcia opposed.**

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:
- Stop the Ordinances Please, et. al. v. City of New Braunfels

**Mayor Casteel read the aforementioned caption.**

**City Council recessed into Executive Session from 7:46 p.m. - 8:09 p.m.**

**No vote or action was taken.**

City Council reconvened into Open Session at 8:09 p.m. No vote or action was taken.

- D) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single family residence in the "C-1" Local Business District addressed at 132 East North Street.

**Mayor Casteel read the aforementioned caption.**

**Chris Looney presented the item.**

**Chris Snider and Karen Boyd spoke during the public hearing.**

**Councilmember Hines moved to approve the item with staff recommendations and the addition of a concrete apron. Councilmember Meadows seconded the motion. Mayor Pro Tem Peters moved to amend the motion that the Special Use Permit will remain with the property as long as Chris Snider continues to own the property next door. Councilmember Hoyt seconded the motion which failed 2-5, with Councilmembers Hines, Meadows, Bowers, and Mayor Casteel opposed.**

**The main motion passed 4-3, with Councilmember Hoyt, Mayor Pro**

**Tem Peters, and Mayor Casteel opposed.**

- E) Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 40.9 acres out of the A M Esnaurizar Survey, Abstract 20, located on the northwest corner of the intersection of State Highway 46 South and Saengerhalle Road from "APD" Agricultural/Pre-Development District and "R-2" Single-Family and Two-Family District to "C-1B" General Business District and "ZH-A" Zero Lot Line Home District.

**Mayor Casteel read the aforementioned caption.**

**Chris Looney presented the item.**

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

- F) Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow short-term rental of a single-family residence in the "C-3" Commercial District addressed at 730 S. Mesquite Avenue.

**Mayor Casteel read the aforementioned caption.**

**Chris Looney presented the item.**

**Councilmember Hines moved to approve the item. Councilmember Bowers seconded the motion. Mayor Pro Tem Peters moved to amend the motion by adding the condition that only the suite be rented and as long as the applicant is the owner of the property. Councilmember Garcia seconded the motion which passed 5-2 with Councilmember Hoyt and Mayor Casteel opposed. The amended main motion passed 6-1, with Councilmember Hoyt opposed, via roll call vote.**

- G) Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards, Articulation and Exterior Building Material requirements for a proposed office/warehouse development in the "C-1B" General Business District at 1913 Post Road.

**Mayor Casteel read the aforementioned caption.**

**Chris Looney presented the item.**

**Councilmember Hines moved to postpone the item to October 22. Councilmember Garcia seconded the motion which passed unanimously.**

- H) Discuss and consider approval of the first reading of an ordinance amending the Code of Ordinances, Chapter 126, Section 126-368(m), Water Recreation Zones; Time Limits, to expand the no loading or unloading of water-oriented recreation equipment zone to E. Mather Street and S. Washington Avenue.

**Mayor Casteel read the aforementioned caption.**

**Amy Niles presented the item.**

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

- I) Discuss and consider approval of the first reading of an ordinance amending the Code of Ordinances Chapter 138, Article VI-Water Recreation Shuttle Services, Sections 138-167 to 138-170, to clarify the need of a certificate of occupancy to utilize public river entrances and exits, remove the requirement of a shuttle poster, and create a limit to the number of Comal and Guadalupe River Shuttle Permits that are available.

**Mayor Casteel read the aforementioned caption.**

**Amy Niles presented the item.**

**Councilmember Hoyt abstained from the item.**

**Mayor Pro Tem Peters moved to approve the item. Councilmember Bowers seconded the motion which passed 6-0-1, with Councilmember Hoyt abstained.**

## **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.

- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
  - Property for city facilities
- C) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager in accordance with Section 551.074 of the Texas Government Code.

**Mayor Casteel read the aforementioned captions.**

**City Council recessed into Executive Session from 8:58 p.m. - 9:38 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 9:39 p.m.**

**No vote or action was taken.**

**7. ADJOURNMENT**

**The meeting adjourned at 9:39 p.m.**

Date Approved: October 22, 2018

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Barron Casteel, Mayor

Attest:

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Patrick Aten, City Secretary

