

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JANUARY 14, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on January 14, 2019, at 6:00 p.m.

City Councilmembers present were:

Present: 6 - Mayor Barron Casteel, Councilmember Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

Absent: 1 - Councilmember Shane Hines

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

PROCLAMATIONS:

A) Mentoring Month

Mayor Pro Tem Peters proclaimed January 2019 as Mentoring Month.

B) Martin Luther King, Jr. Day

Mayor Pro Tem Peters proclaimed January 21, 2019, as Martin Luther King, Jr. Day.

C) 2018 Wassail Meister Champions

Mayor Pro Tem Peters proclaimed the winners of the 2018 Wassail Meister Competition.

PRESENTATIONS:

A) Retiree Recognition - Guadalupe Vasquez

Guadalupe Vasquez was recognized for his service to the City of New Braunfels.

B) Retiree Recognition - Darlene Michalski

Darlene Michalski was recognized for her service to the City of New

Braunfels.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of December 10, 2018, and the special meeting of December 13, 2018.

Mayor Pro Tem Peters read the aforementioned caption.

Councilmember Garcia moved to approve the item. Councilmember Hoyt seconded the item 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 Pro Tem Peters read the aforementioned caption.

Renee Saenz spoke.

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 Mayoral appointment of one individual as the Chair of the Reinvestment Zone No. 1 (TIRZ) Board of Directors and the New Braunfels Development Authority.
- B) Approval of the Mayoral appointment of two individuals to the New Braunfels Housing Authority Board of Commissioners for terms ending January 22, 2021.
- C) Approval of the appointment of three individuals to the Heritage Commission for terms ending March 11, 2022.
- D) Approval of the appointment of one individual to the Community Development Advisory Committee for a term ending December 13,

2021.

- E) Approval of the purchase of a 40 cubic yard compactor in the amount of \$27,675 from Wastequip Inc.
- F) Approval of a resolution in support of the Texas Recreation and Park Society Legislative Platform for the 86th Legislature.
- G) Approval of a resolution authorizing the City Manager to enter into an interlocal agreement with Comal County to provide Household Hazardous Waste Collection events for the City of New Braunfels and Comal County.
- H) Approval of the reassignment of a contract with ReCommunity Holdings, II to Republic Services.
- I) Approval of a resolution endorsing certain legislative changes to Texas law proposed by the Texas Chapter of the Solid Waste Association of North America.
- J) Approval of contracts associated with the Edwards Aquifer Habitat Conservation Plan program. Authorize the City Manager to execute contracts for Old Channel Aquatic Vegetation Restoration, Comal River/ Landa Lake Aquatic Vegetation Restoration, Dissolved Oxygen Management, Gill Parasite Control and Riparian Restoration with BIO-WEST, Inc; Non-Native Animal Species Control with Atlas Environmental; Riparian Restoration with EBR Enterprises; and Riparian Restoration with Environmental Survey Consulting.
- K) Approval of a resolution recommended by the New Braunfels Economic Development Corporation to provide up to \$140,000 to the Center for Entrepreneurship for operation of the Small Business Development Center in FY 2018-19.
- L) Approval of a budget amendment in the FY 2017-18 Debt Service Fund.
- M) Approval of the ratification of the submission of a grant application to the U.S. Department of Justice FY 2018 Bulletproof Vest Partnership program for \$30,780 and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant.

Ordinances

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

- N) Approval of the second and final reading of an ordinance amending the Code of Ordinances, Chapter 144, Zoning, Sections 4 and 5, regarding above-ground fuel storage tanks.
- O) Approval of the second and final reading of an ordinance amending Article V of Chapter 126 of the Code of Ordinances regarding bicycles.
- P) Approval of the first reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Oak Run Parkway.
- Q) Approval of the first reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Saur Lane and Barbarosa Road.
- R) Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking along a portion of East Nacogdoches Street.

Mayor Pro Tem Peters read the aforementioned captions.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the appointment of three individuals to the Arts Commission for terms ending January 31, 2022.

Mayor Pro Tem Peters read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Meadows moved to appoint Janet Allen, Carol Snider, and MaryEllen Gaubatz to the Arts Commission. Councilmember Bowers seconded the motion which passed unanimously.

- B) Public hearing and possible action on the creation of the Solms Landing/New Braunfels Co-Op Public Improvement District.

Mayor Pro Tem Peters read the aforementioned caption.

Jared Werner, Patrick Warren, and James Mahan presented the item.

Mayor Casteel arrived to the meeting.

No one spoke during the public hearing.

No action was taken.

C) Discuss and consider possible action on a resolution creating the Solms Landing/New Braunfels Co-Op Public Improvement District.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

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

Councilmember Bowers moved to take up item 4I and 4J out of order. Councilmember Meadows seconded the motion which passed unanimously.

I) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 0.96 acres consisting of Lots 8A and 8B, Block 15, Rivercrest Heights 5E and Lots 9 and 10, Block 15, Rivercrest Heights 6, from "R-1" Single-Family Residential District and "R-2A" Single-Family and Two-Family District to "C-O" Commercial Office District, addressed at 1265, 1267, 1269, 1271 and 1273 E. Common Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Molly Heynis, Bryan Johnson, Cathy Harwell, Piper Olsen, Grady Frank, and Dan Olveda spoke during the public hearing.

The item failed due to lack of a motion.

J) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 2.53 acres consisting of Lot 1A,

Block 1, Oak Grove Estates Subdivision Unit 2, located on the northeast corner of the intersection of FM 306 and Oak Knot Drive from “R-1” Single-Family District to “C-1B” General Business District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Thor Thornhill, Jason Leach, Dale Dibello, Paula New, Chad Brady, James Schilling, Floyd Ball, Tom Bench, Joyce Halstern, Dorothy Dietert, Steve Hall, and Gary Spitzer spoke during the public hearing.

The item failed due to lack of a motion.

- D) Discuss and consider approval of the first reading of an ordinance amending the Code of Ordinances Chapter 14 Building Regulations, Chapter 54 Fire Prevention and Protection; Emergency Medical Services, and Appendix D Fee Schedule.

Mayor Casteel read the aforementioned caption.

TJ Grossi presented the item.

Billy Craft and Arlon Hansmann spoke on the item.

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

- E) Discuss and consider approval of an amendment to the number of authorized Das Rec childcare positions in the FY 2018-19 Adopted Budget.

Mayor Casteel read the aforementioned caption.

Kristi Aday presented the item.

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

- F) 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-3” Commercial District addressed at

1464 Hillview Avenue.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Tracy Ford spoke during the public hearing.

Councilmember Bowers moved to approve the item with staff recommendations. Councilmember Garcia seconded the motion which passed 5-1, with Councilmember Hoyt opposed.

G) Public hearing and first reading of an ordinance regarding the proposed rezoning of 7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 and 5979 IH-35 South, from "APD" Agricultural/Pre-Development to "M-1A" Light Industrial District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

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

H) Public hearing and first reading of an ordinance regarding the 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 on approximately 0.55 acres, addressed at 118 S. Union Avenue.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Councilmember Hoyt recused from the item.

Tammy Gonzalez spoke during the public hearing.

Mayor Pro Tem Peters moved to approve the item with staff recommendations and with a maximum of 16 adults with one sleeping

area per room. Councilmember Garcia seconded the motion which passed unanimously, with Councilmember Hoyt recused.

- K) Discuss and consider a waiver from the requirement to construct sidewalks along East Zipp Road for the proposed Zipp Compound Subdivision.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to postpone the item to February 11. Councilmember Bowers seconded the motion which passed unanimously.

- L) Discuss and consider a waiver from the requirement to construct sidewalks along FM 1102 for the proposed Westridge Oaks Subdivision.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Councilmember Meadows moved to approve the item. Councilmember Bowers seconded the motion which passed 5-1, with Mayor Casteel opposed.

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 the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
- Property for city facilities
- B) 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:
- National Flight Services, Inc. Agreement

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 9:20 p.m. - 10:09 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.

The City Council reconvened into Open Session at 10:09 p.m.

Councilmember Hoyt moved to approve the Settlement Agreement, Assignment of Sublease, Assumption of Sublease, and Guaranty among the parties: Nation Flight Service Inc.; team Hunter Ltd.; New Braunfels Economic Development Corporation; and the City of New Braunfels on terms discussed in executive session. Councilmember Meadows seconded the motion which passed unanimously.

7. ADJOURNMENT

The meeting adjourned at 10:10 p.m.

Date Approved: January 28, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary