

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, AUGUST 26, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on August 26, 2019, 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 6:04 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) Payroll Week

Mayor Casteel proclaimed September 1-7, 2019, as Payroll Week.

B) Steven Johnsons Syndrome Awareness Month

Mayor Casteel proclaimed August 2019 as Stevens Johnson Syndrome Awareness Month.

PRESENTATIONS:

A) Retiree Recognition - Diane Watson

Diane Watson was recognized for her contributions to the City.

B) Presentation and possible direction on proposed amendments to the Zoning Ordinance regarding parking or storage of oversized vehicles within residential zoning districts.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Fred Hanz spoke on the item.

No action was taken.

- C) Presentation and briefing to City Council on HB 3167, state-mandated changes to the platting process.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of August 12, 2019, and the special meetings of August 12, 13, 14, and 19, 2019.

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.

No one 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 Airport Master Plan Update.
- B) Approval of a contract modification to KSA Engineers, Inc. for the Airport Taxilane Extension project.

- C) Approval of a contract expenditure with BB Inspection Services for \$35,000 for on-call support for city inspections.
- D) Approval of a temporary road closure for the Comal County Fair Parade to be held on September 27, 2019.
- E) Approval of a resolution in support of the Comal County Historical Commission to obtain National Register of Historic Places designation for the property located at 500 Main Plaza, a local historic landmark known as the New Braunfels Main Plaza.
- F) Approval of annual routine recurring expenditures for FY 2018-19 in accordance with City Charter Section 9.17.

Ordinances

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

- G) Approval of the second and final reading of an ordinance amending Section 126-346 (f) of the City of New Braunfels Code of Ordinances to restrict parking in front of the NBU access gate on Hunter Road.
- H) Approval of the second and final reading of an ordinance amending Section 126-146 (a) and adding Section 126-147 of the City of New Braunfels Code of Ordinances to revise the school speed zones on FM 1101.
- I) Approval of the second and final reading of an ordinance regarding amendments to Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.
- J) Approval of the first reading of an ordinance creating a temporary San Antonio Street Bridge Safety Zone that will prohibit river and pedestrian traffic upstream, under, and downstream of the bridge, during TxDOT construction; authorizing the City Manager to determine date such activities are safe to resume; establishing up to a \$500.00 fine; and repealing Section 86-17 of the Code of Ordinances, entitled Gruene Road River Bridge Water Safety Zone; and providing an effective date.

Mayor Casteel read the aforementioned captions.

Councilmember Garcia moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the installation of speed humps or other traffic calming measures on Hanz Drive within the Cotton Crossing subdivision.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Glen Hendricks, Fred Hanz, Melinda Parkinson, and Ann Hunter spoke on the item.

No action was taken. City Council gave direction to staff to work with the neighborhood about the situation and bring the item back to City Council at a later date.

- B) Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area B.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Tony Hale spoke during the public hearing.

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

- C) Discuss and consider approval of the first reading of an ordinance to raise the speed limit on Walnut Avenue between Landa Street and Business IH-35 to 35 mph.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Sasha Velarde spoke on the item.

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

- D) Discuss and consider approval to authorize the City Manager to enter into a professional services contract with Pape-Dawson Engineers to complete the Preliminary Engineering Report for the FM 1863 Extension between State Highway 46 and the Veramendi Development.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

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

<City Council took a break.>

- E) Discuss and consider approval to authorize the City Manager to enter into a preliminary development agreement with Casina Creek Homes, LLC for the construction of Hanz Drive between River Terrace and Loop 337/State Highway 46.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

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

- F) Public hearing and first reading of an ordinance regarding the proposed rezoning of 39.241 acres, consisting of Lot 2, AD2 Subdivision and approximately 34 acres out of the A-485 O Russell Survey 1, located in the 3900 and 4000 blocks of IH-35 North, from "M-1" Light Industrial and "APD" Agricultural/Pre-Development Districts 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.

- G) Public hearing and first reading of an ordinance regarding the proposed rezoning of Lot 1, Block 1, AD2 Subdivision, addressed at 4001 IH-35 North, from "M-1" Light Industrial and "APD" Agricultural/Pre-Development Districts 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 Hines moved to approve the item. Councilmember Garcia seconded the motion which passed unanimously.

- H) Public hearing and first reading of an ordinance regarding the proposed rezoning of 3.92 acres out of the William H. Pate Survey No. 22, addressed at 2188 F.M. 1044, from "APD" Agricultural/Pre-Development District to "MU-B" High Intensity Mixed Use District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Debbie Williams spoke during the public hearing.

Councilmember Hoyt moved to approve the item. Councilmember Garcia seconded the motion which failed 5-2 due to lack of a super majority.

- I) Public hearing and first reading of an ordinance regarding the proposed rezoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from "APD" Agricultural/Pre-Development District to "C-1B" General

Business District.

This item was withdrawn by the applicant.

- J) Discussion and possible direction to staff regarding Chapter 90 of the Code of Ordinances concerning solicitation regulations.

Mayor Casteel read the aforementioned caption.

Councilmember Bowers presented the item.

City Council gave direction to staff to research the issue further into limiting commercial solicitation and come back to City Council at a later date.

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 issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
- Project Nautilus
 - Project 2x4
- 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 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:
- Korczyk vs. CONB, et al.
- D) Deliberate the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.

Mayor Casteel read the aforementioned captions.

City Council convened in Executive Session from 8:21 p.m. - 9:20 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.**

The City Council reconvened into Open Session at 9:20 p.m.

Councilmember Hoyt moved to approve the mediated settlement agreement in Cause No. C2018-1338A Richard Korczyk v. City of New Braunfels, and other defendants in accordance with the terms and conditions discussed in executive session with the City Attorney. Councilmember Meadows seconded the motion which passed unanimously.

7. **ADJOURNMENT**

The meeting adjourned at 9:21 p.m.

Date Approved: September 9, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary