

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, MARCH 23, 2020**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on March 23, 2020, 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 6:07 p.m. Councilmember Meadows gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PRESENTATIONS:

A) Update from the City Manager on the City's Response to COVID-19

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of March 9, 2020.

Mayor Casteel read the aforementioned caption.

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

2. **IN-PERSON CITIZENS' COMMUNICATIONS IS TEMPORARILY SUSPENDED**

Citizens may email their comments to citizencomments@nbtexas.org or call 221-4299 and leave a voicemail. Comments will be distributed to the City Council.

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 a resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various improvements from the proceeds of the tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date and the appropriate budget amendment.
- B) Approval of a contract with Dodson House Moving/Gator Inc. for the demolition/ abatement of a building located at 1614 North IH-35 for a project cost of \$36,677.00 as part of the 2019 Bond Program.
- C) Approval of contracts with the Drenner Group, PC and Bickerstaff Heath Delgado Acosta LLC, for legal services, and MIG, Inc. for planning services related to the development of land in Comal County Water Improvement District No. 3 located in the City's Extraterritorial Jurisdiction.
- D) Approval of an amendment to the authorized position listing for Das Rec.
- E) Approval of a resolution consenting to the issuance of unlimited tax bonds by Comal County Water Improvement District Number 1a, a water improvement district located with the extraterritorial jurisdiction of the City.
- F) Approval of a resolution of the City of New Braunfels consenting to the addition of certain land into Comal County Master Water Improvement District (Veramendi).
- G) Approval of a resolution of the City of New Braunfels consenting to the addition of certain land into Comal County Water Improvement District Number 1B (Veramendi).
- I) Approval of the First Amendment between the City of New Braunfels and Cemex to include additional properties in the Industrial District

Agreement.

Ordinances

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

- J) Approval of the second and final reading of an ordinance regarding the proposed rezoning of Lot 2 Block A, Tri City Subdivision, addressed at 451 FM 306, from "M-1" Light Industrial to "MU-B" High Intensity Mixed Use District.
- K) Approval of the second and final reading of an ordinance establishing the MP-1 (Main Plaza-1) Overlay District, and the proposed rezoning of approximately 1.274 acres consisting of Lots 36, 40, 41, and 42, City Block 1005, situated on the northeast corner of Main Plaza and currently addressed as 236 Main Plaza, from C-2, HO (General Business Downtown Historic) District to C-2, HO, MP-1 (General Business, Downtown Historic, Main Plaza-1 Overlay) District.
- L) Approval of the first reading of an ordinance to amend the existing freight loading zones on Castell Avenue.

Mayor Casteel read the aforementioned captions.

Councilmember Bowers moved to approve the Consent Agenda, except item H. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

- H) Approval of contract with Jerdon Enterprises for construction of the Comal CemeteryGuadalupe Riverbank Stabilization Project; authority for the City Manager to approve any changes up the contingency amount for necessary project expenditures; a contract with Raba Kistner Consultants for materials testing services; and a task order with Freese & Nichols for additional design work.

Mayor Casteel read the aforementioned caption.

Jennifer Cain presented the item.

Brad Bechtol spoke on the item. Mayor Pro Tem Peters moved to approve the item. Councilmember Garcia seconded the motion which passed unanimously.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

Councilmember Meadows moved to take up items 4E and 4F out of order. Councilmember Garcia seconded the motion which passed unanimously.

- E) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 49 acres out of the William H. Pate Survey No. 22, A-259, addressed at 2272 FM 1044, from "APD" Agricultural/Pre-Development to "ZH-A" Zero Lot Line Home District.

Mayor Casteel read the aforementioned caption.

Councilmember Meadows moved to postpone the item to April 13. Councilmember Garcia seconded the motion which passed unanimously.

- F) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 80.16 acres out of the A.M Esnaurizar Eleven League Grant, Abstract No. 20, located southeast of the 700 block of Saengerhalle Road, from "APD" Agricultural/Pre-Development District to "ZH-A" Zero Lot Line Home District.

Mayor Casteel read the aforementioned caption.

Councilmember Meadows moved to postpone the item to April 13. Councilmember Hines seconded the motion which passed unanimously.

- A) Discuss and consider approval of an ordinance regarding the ratification and continuation of the Emergency Declaration of Local Disaster for the City of New Braunfels, Texas, ordered March 17, 2020.

Mayor Casteel read the aforementioned caption.

Mayor Casteel presented the item.

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

- B) Discuss and consider approval of an ordinance adopting emergency measures that establishes limitations on social gatherings, restricts certain activities at food establishments, and requires the closure of certain business due to the Coronavirus pandemic, and other related emergency measures.

Mayor Casteel read the aforementioned caption.

Mayor Casteel presented the item.

Mayor Pro Tem Peters moved to approve the item with the termination by order of the Mayor or further action by the City Council. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- C) Discuss and consider acceptance of the FY 2018-19 Audit and Comprehensive Annual Financial Report performed by Belt Harris Pechacek, LLLP.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

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

- D) 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 dwelling in the "C-3" Commercial District on Lot 7 and the eastern 10 feet of Lot 8, City Block 1049, currently addressed at 191 East Faust Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Jay Dudley spoke during the public hearing.

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

- G) Public hearing and first reading of an ordinance amending Chapter 144, Zoning, Section 3.4 Zoning districts and regulations for property zoned subsequent to June 22, 1987, and Section 4.2, Land Use Matrix, with the creation of an additional zoning district, R-1A-5.5, Single Family Residential 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 amending Chapter 144, Zoning, Section 3.4 Zoning districts and regulations for property zoned subsequent to June 22, 1987, and Section 4.2, Land Use Matrix, with the creation of an additional zoning district, R-1A-4, Small Lot Single Family Residential District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

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

- I) Public hearing and first reading of an ordinance amending Chapter 144, Zoning, to establish Section 3.8-8, Wurstfest Special District; and the proposed rezoning of approximately 16 acres from M-2, Heavy Industrial, and R-2, Single Family and Two-Family District to Wurstfest Special District (WSD), located on the north side of Landa Street and extending along Landa Park Drive to Elizabeth Avenue, and currently addressed as 120 and 176 Landa Street, 192, 164, 180, and 178 Landa Park Drive, and 124 Elizabeth Avenue.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

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

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 offers, and matters related to 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:
- Project TxGLO
 - J3 Company Contract for Klein Road Project

Mayor Casteel read the aforementioned caption.

City Council recessed into Executive Session from 7:48 p.m. - 7:59 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 8:00 p.m. No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Date Approved: April 13, 2020

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary