

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JULY 13, 2020**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on July 13, 2020, at 6:00 p.m.

City Councilmembers present were:

Present: 7 – Mayor Rusty Brockman, Councilmember Shane Hines, Mayor Pro Tem Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Councilmember Jason Hurta, and Councilmember James Blakey

The meeting was called to order by Mayor Brockman via Zoom at 6:06 p.m. Councilmember Bowers gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) River Rescue

Mayor Brockman recognized Therren Beettner, Christopher Bowling and Nate Koehne for their heroic actions on the Guadalupe River.

PRESENTATIONS:

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

Mayor Brockman read the aforementioned caption.

Robert Camareno presented the item. No action was taken.

B) Notice of July 22nd Zoom Meeting for Public Outreach to the FY 2020-20201 Street Maintenance Plan.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item. No action was taken.

C) Presentation of proposed amendments to the Code of Ordinances, Ch. 2, Section 2-5, relating to political activities of employees, and Section 2-7(d) and (e), relating to political activities and social media guidelines for City Council.

Mayor Brockman read the aforementioned caption.

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Val Acevedo and Sheila Gladstone presented the item. No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of June 29, 2020.

Mayor Brockman read the aforementioned caption.

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

2. **IN-PERSON CITIZENS' COMMUNICATIONS HAS BEEN TEMPORARILY SUSPENDED**

Citizens may email their comments to citizencomments@nbtexas.org or call 830-221-4299 and leave a voicemail. Comments will be distributed to the City Council.

Citizen Comments were distributed to 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 an expenditure with Play & Park Structures of Southern Texas for playground resurfacing and repairs at Landa and Fischer Park for \$105,396 utilizing a Buyboard contract.
- B) Approval of annual routine recurring expenditures for FY 2019-20 in accordance with City Charter Section 9.17, and the appropriate budget amendment.
- C) Approval to issue a professional services agreement with Sunland Group, Inc. to review select permit applications for commercial building plan compliance with the adopted building, mechanical, electrical, and plumbing codes and the appropriate budget amendment.
- D) Approval of a change order to D & M Owens on the Hinman Island Restroom Project.

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

Mayor Brockman read the aforementioned captions.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) 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 K.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item.

Larry Blinder spoke during the public hearing.

Councilmember Hines moved to approve the item. Councilmember Hoyt seconded the motion which was approved unanimously via roll call vote.

- B) Discuss and consider a resolution requesting financial assistance from the Texas Water Development Board in an amount not to exceed \$70,000,000 to provide costs related to the Sam C. McKenzie, Jr. Water Reclamation Facility Expansion and resolving other matters incident and related there to.

- C) Discuss and consider a resolution requesting financial assistance from the Texas Water Development Board in an amount not to exceed \$40,000,000 to provide costs related to the Surface Water Treatment Plan Expansion and resolving other matters incident and related there to.

Mayor Brockman read the aforementioned captions.

John Warren presented the items.

Councilmember Hines moved to approve the items. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

- D) Discuss and consider authorizing (i) the transfer of approximately 35.452 acres of real property located at 355 FM 306, New Braunfels, Texas (the "Service Center"), from New Braunfels Utilities to the City of New Braunfels; (ii) the leaseback of the Service Center from the City of New Braunfels to New Braunfels Utilities; (iii) execution of any

and all documents necessary to transfer and leaseback the Service Center; and (iv) other matters in connections therewith.

Mayor Brockman read the aforementioned caption.

Robert Camareno and Jared Werner presented the item.

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

E) Discuss and consider approval of a resolution authorizing proceeding with the issuance of Certificates of Obligation; Directing Publication of Notice of Intention to Issue Certificates of Obligation; and other related matters.

Mayor Brockman read the aforementioned caption.

Jared Werner presented the item.

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

F) Public hearing and possible direction to staff regarding the U.S. Department of Housing and Urban Development Community Development Block Grant 2020-2024 Consolidated Plan, Citizen Participation Plan, Fair Housing Plan, and Annual Action Plan, including funding recommendations for Program Year 2020.

Mayor Brockman read the aforementioned caption.

Jennifer Gates presented the item.

Alice Jewell, Mario Obledo, Crystal Moore, Jared Werner, Robert Camareno and Marc Hamilton spoke during the public hearing.

Councilmember Hines moved to approve the item on the condition of fully funding the Comal County Habitat for Humanity's Home Repair Program and the Comal County Senior Citizens Foundation's Minor Home Repair Program from the \$75,000 allocated to the City of New Braunfels' Parks and Recreation Department's Market Plaza Renovation Project. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

G) Public hearing and first reading of an ordinance amending Chapter 144, Zoning Section 5.21, General Provisions and Exceptions; use, height and area regulations, to include Screen Enclosure standards.

Mayor Brockman read the aforementioned caption.

Stacy Snell presented the item.

No one spoke during the public hearing.

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

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, specifically:
 - Aviation Academy of America, Inc. d/b/a VT-AAA
- B) Deliverate pending/contemplated litigation, settlement offer, 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:
 - Texas General Land Office

Mayor Brockman read the aforementioned captions.

City Council recessed into Executive Session from 8:48 p.m. – 9:35 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 9:35 p.m. No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Date Approved: July 27, 2020

Rusty Brockman, Mayor

Attest:

Andrew A. Lyons III, Assistant City Secretary