

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 28, 2020**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on September 28, 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 at 6:06 p.m. Councilmember Blakey gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Hispanic Heritage Month

Mayor Brockman proclaimed September 15 through October 15, 2020, as Hispanic Heritage Month.

B) Hunger Action Month

Mayor Brockman proclaimed that the month of September as Hunger Action Month.

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) Presentation and direction to staff regarding an upcoming bond refunding opportunity and capital equipment financing strategy

Mayor Brockman read the aforementioned caption.

Monday, September 28, 2020 New Braunfels City Council Regular Meeting

Jared Werner presented the item.

Council directed staff to move forward with pursuing a rating update.

- C) Presentation and discussion of Workforce Housing Advisory Committee progress, goals and strategies

Mayor Brockman read the aforementioned caption.

Jeff Jewell and Brian Cox presented the item. No action was taken.

- D) A presentation and discussion on the Mayor's Diversity and Inclusion Committee

Mayor Brockman read the aforementioned caption.

Mayor Brockman spoke on the progress and accomplishments the Mayor's Diversity and Inclusion Committee has done to date. He also spoke about the future goals of the Committee.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the Special Council Meeting on September 10, 2020, and the Regular Council Meeting of September 14, 2020.

Mayor Brockman read the aforementioned caption.

Councilmember Hurta moved to approve the item. Councilmember Hines 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 Brockman read the aforementioned caption.

Monday, September 28, 2020 New Braunfels City Council Regular Meeting

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 a Memorandum of Understanding between the City and New Braunfels Utilities for the Construction of a Stormwater Treatment Basin at the NBU Well Yard at the Headwaters at the Comal facility
- B) Approval of a contract with Target Solutions Learning, LLC for Software to support training, scheduling, and inventory modules for Fire Department personnel at a cost of \$33,344.
- C) Approval to issue professional services agreements with Bureau Veritas, Safebuilt Texas, and Sunland Group, Inc., to review select permit applications for commercial building plan compliance with the adopted building, mechanical, electrical, and plumbing codes.
- D) Approval of a Change Order to D&S Concrete Contractors for the Oak Run Subdivision Sidewalk Improvements Project as part of the 2019 Bond Citywide Streets Program.
- E) Approval of a Microsoft Enterprise Agreement for citywide software licenses.
- F) Approval of annual routine recurring expenditures for FY 2021 in accordance with City Charter Section 9.17.
- H) Approval of the appointment of one individual to the Construction Board of Appeals for a term ending February 24, 2023.
- I) Approval of the appointment of one alternate member to the Zoning Board of Adjustment for a term ending May 31, 2021.
- K) Approval of a resolution authorizing the City Manager to approve the disbursement of a grant payment in the amount of \$10,000 to Precinct 3

Monday, September 28, 2020 New Braunfels City Council Regular Meeting

LLC, d.b.a Water 2 Wine, a business located within the corporate limits of the City of New Braunfels, via the City's COVID-19 Small

Business Resource Grant that are consistent with the general statement of purpose of the City's Chapter 380 Economic Development Program Policies and Procedures.

- L) Approval of a first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Ch. 2, Sections 2-1 to 2-4 by removing references relating to employees.

Ordinances

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

- M) Approval of the second and final reading of an ordinance repealing and reenacting Chapter 130, Article V, Division 4, of the Code of Ordinances as it relates to wastewater pretreatment requirements.
- N) Approval of the second and final reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.

Mayor Brockman read the aforementioned captions, except for items G and J.

Item G was pulled from the agenda and Item J was read separately at the request of a citizen.

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

- J) Approval of the issuance of an invitation for competitive sealed proposals on the Police Department and Veterans Memorial Project as part of 2019 Bond Program since the City Council finds that this delivery method will provide the best value to the City.

Mayor Brockman read the aforementioned caption.

Wayne Rudolph spoke against the selected location for the Veterans Memorial Project at the Monday, September 28, 2020 New Braunfels City Council Regular Meeting

new Police Station and recommended a South Castell Avenue location.

Councilmember Hoyt spoke on the possibility of tabling this item to another council meeting to consider all possibilities for the location of the Veterans Memorial Project.

Councilmember Hines spoke on how he thought the new Police Department was a great location for the Veterans Memorial Project, and on how the voters already approved the location of the project, asking Val Acevedo, the City Attorney, for guidance.

Val Acevedo spoke on how any changes to the Veterans Memorial Project would require back to the Bond Committee to review the wording of the ballot proposition before any changes could be made.

Mayor Pro Tem Meadows spoke on the history of the item and why the item should be approved as written.

Councilmember Hines moved to approve the item. Mayor Pro Tem Meadows seconded the motion which passed 6-1 with Councilmember Hoyt opposed.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of a resolution of the City Council of the City of New Braunfels, Texas providing no objection to the submission of an application for Low Income Housing Tax Credits to the Texas Department of Housing and Community Affairs for the proposed Oak Creek Multifamily Housing Project located at the southwest corner of Oak Creek Way and South IH-35 Frontage Road; approving findings related to the Application; imposing conditions for such non-objection and declaring an effective date.

Mayor Brockman read the aforementioned caption.

Jeff Jewell and Jake Brown presented the item.

Michael Harrington and Chris Looney spoke on the item.

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

Council recessed from 7:56 p.m. to 8:09 p.m.

**Councilmember Hurta moved to read Item 4F out of order.
Councilmember Bowers seconded the motion which passed
unanimously.**

- F) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family District on Lot 6R, City Block 5007, addressed at 522 Cross River Street.

Mayor Brockman read the aforementioned caption.

Chris Looney presented the item.

Nancy and Clark Goodin spoke on the item.

Councilmember Bowers moved to approve the item. Councilmember Hurta seconded the motion which passed 6-1 with Councilmember Hoyt opposing.

- B) Discuss and consider approval of the appointment of three individuals to the Library Advisory Board for terms ending September 26, 2023.

Mayor Brockman read the aforementioned caption.

Drew Lyons presented the item.

Councilmember Hines moved to approve Kristen Fain, Amy Stone, and Deborah Wigington to the Library Advisory Board for terms ending September 26, 2023. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- C) Discuss and consider approval of the appointment of three individuals to the Parks and Recreation Advisory Board for terms ending October 13, 2023.

Mayor Brockman read the aforementioned caption.

Drew Lyons presented the item.

Councilmember Hines moved to approve Bryan Feltner, Katie Preston,

Monday, September 28, 2020 New Braunfels City Council Regular Meeting

and Jason Vreeland. Councilmember Hurta 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-1” Local Business District addressed at 430 Landa Street.

Mayor Brockman read the aforementioned caption.

Chris Looney presented the item.

Ken Brucks spoke on the item.

Councilmember Hines moved to approve the item with staff recommendations. Councilmember Bowers seconded the motion which passed 6-1 with Councilmember Hoyt opposing.

- E) 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-2 Central Business District, addressed at 212 E. Zink St.

Mayor Brockman read the aforementioned caption.

Chris Looney presented the item.

William Golemon spoke on the item.

Mayor Pro Tem Meadows moved to approve the item with staff recommendations. Councilmember Bowers seconded the motion which passed 6-1 with Councilmember Hoyt opposing.

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 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

Monday, September 28, 2020 New Braunfels City Council Regular Meeting

Texas Government Code, specifically:

- TMLIRP Claim No. LB123354; Crawford, C.
- B) Deliberate the appointment, evaluation, duties, discipline, or removal of the City Attorney and other personnel in accordance with Section 551.074 of the Texas Government Code.
- C) Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
- General Land Office/Southstar

Mayor Brockman read the aforementioned captions.

City Council recessed into Executive Session from 8:39 p.m. - 11:19 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 11:19 p.m. No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 11:19 p.m.

Date Approved: October 12, 2020

Rusty Brockman, Mayor

Attest:

Andrew A. Lyons III, Assistant City Secretary