

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, OCTOBER 12, 2020**

The City Council of The City of New Braunfels, Texas, met in a Regular Session on October 12, 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 6:02 p.m. Mayor Pro Tem Meadows gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Living Legends

Mayor Brockman proclaimed Fred Fey, Jimmy Owens, and Mitch Sacco to be living legends.

B) Chamber Week

Mayor Brockman proclaimed the week of October 19 - 23, 2020, as Chamber of Commerce Week.

C) Chiropractic Health Month

Mayor Brockman proclaimed October 2020 as Chiropractic Health Month.

D) Domestic Violence Awareness Month

Mayor Brockman proclaimed October 2020 as Domestic Violence Awareness Month.

PRESENTATIONS:

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- 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) Update on the Dry Comal Creek and Comal River Watershed Protection Plan implementation effort.

Mayor Brockman read the aforementioned caption.

Mark Enders presented the item and showed a Public Service Announcement video on the importance of not feeding wildlife.

Mayor Pro Tem Meadows requested the number of complaints received by the City about residents feeding deer.

No action was taken.

- C) Presentation, discussion and direction to staff regarding the use of the City of New Braunfels allocation of CARES act funds.

Mayor Brockman read the aforementioned caption.

Jared Werner and Jeff Jewell presented the item.

Mayor Pro Tem Meadows moved to approve the expenditure plan as presented for the use of the City's CARES act funding allocation. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of September 28, 2020.

Mayor Brockman read the aforementioned caption.

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

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vote.

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.

Jim Holster spoke on the Veteran's Memorial location and New Braunfels Housing Authority.

George Green spoke on the Veteran's Memorial location.

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 recommended by the City of New Braunfels Economic Development Corporation approving a project expenditure of up to \$1,500,000 for the construction and realignment of Elizabeth Avenue from Landa Park Drive to approximately Hinman Island Drive in Landa Park, an eligible project expenditure and approving the issuance of an invitation for competitive sealed proposals for the construction; and declaring an effective date
- B) Approval of a contract with Dean Word company, Ltd for construction of Lakeview Blvd. Street and Sidewalk Project and authority for the City Manager to approved change orders up to a fifteen percent contingency, and approval of a contract amendment with HMT Engineering for additional services, including construction administration, and approval of a purchase order with Terracon to provide materials testing services, as part of the 2019 Bond Citywide Street Project.
- C) Approval of an amendment to the Purchasing Policy allowing for the receipt of bids and proposal through electronic transmission, and the

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City Council to adopt rules to ensure the identification, security, and confidentiality of such bids and proposals and to ensure that such bids and proposals remain effectively unopened until the proper time, as required by Section 252.0415 of the Texas Local Government Code.

- D) Approval of the issuance of an invitation for competitive sealed proposals on the Westside Library Project as part of 2019 Bond Program since the City Council finds that this delivery method will provide the best value to the City.
- E) Approval to authorize the City Manager to negotiate and execute an agreement with McKenna Foundation for the administration of the COVID-19 Nonprofit Business Interruption Grant Program.
- F) Approval to authorize the City Manager to execute an Interlocal Agreement between the City of New Braunfels and the City of San Marcos, City of Seguin and Texas State University for Mutual Aid with Information Technology Service in response to emergencies.

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 first reading of an ordinance to amend the City of New Braunfels Code of Ordinances, Sections 126-367 and 126-369 to amend the existing freight loading zone on West San Antonio Street.
- H) Approval of the first reading of an ordinance to combine a portion of Parking by Permit Area J with Parking by Permit Area B and combine Parking by Permit Area F and a portion of Parking by Permit Area J into existing Parking by Permit Area C.
- I) Approval of the second and final 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.

Mayor Brockman read the aforementioned captions.

Councilmember Bowers moved to approve the Consent Agenda.

Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

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- A) Discuss and consider the confirmation of the City Manager's appointment of the Interim Police Chief of the New Braunfels Police Department.

Mayor Brockman read the aforementioned caption.

Robert Camareno nominated Keith Lane to be the Interim Police Chief for the New Braunfels Police Department.

Mayor Pro Tem Meadows moved to approve Keith Lane as the Interim Police Chief. Councilmember Bowers seconded the motion which passed unanimously.

- B) Administration of the Oath of Office to the Interim Police Chief of the New Braunfels Police Department.

Mayor Brockman read the aforementioned caption.

Mayor Brockman administered the Oath of Office to Keith Lane.

- C) Discuss and consider the appointment of three individuals to the Building Standards Commission for terms ending October 26, 2022.

Mayor Brockman read the aforementioned caption.

Drew Lyons presented the item.

Councilmember Hines moved to approve Mary Ann Carter, Andres Campos-Delgado, and April Rodgers to the Building Standards Commission for terms ending October 26, 2022. Mayor Pro Tem Meadows seconded the motion which passed unanimously via roll call vote.

- D) Discuss and consider approval of the second and final reading of an ordinance regarding a 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.

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

- E) Discuss and consider approval of the second and final reading of an ordinance regarding a 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.

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

- F) Discuss and consider approval of the second and final reading of an ordinance regarding a 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.

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

- G) Public Hearing and Approval of the First Reading of an Ordinance (i) Amending Chapter 130, Article IV, Section 130-167 of the Code Of Ordinances of the City of New Braunfels Relating to Water Rates and Charges for Fiscal Year 2021; and (ii) Providing for Automatic Upward Adjustments of Water Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

Mayor Brockman read the aforementioned caption.

Ian Taylor gave a presentation for Items 4G, 4H, and 4I.

No one spoke during the public hearing.

Mayor Pro Tem Meadows complimented and thanked NBU for the way they have been conducting business and operating.

Councilmember Bowers commented that NBU is charging the maximum amount of impact fees for new development allowed by the State.

Councilmember Hurta thanked NBU for the work they have done.

Mayor Brockman thanked NBU for educating residents and the work they have done.

Councilmember Hines moved to approve the item.

Councilmember Blakey seconded the motion which passed unanimously via roll call vote.

- H) Public Hearing and Approval of the First Reading of an Ordinance (i) Amending Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels Relating to Sewer Rates and Charges for Fiscal Year 2021; and (ii) Providing for Automatic Upward Adjustments of Sewer Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

Mayor Brockman read the aforementioned caption.

No one spoke during the public hearing.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Blakey seconded the motion which passed unanimously via roll call vote.

- I) Public Hearing and Approval of the First Reading of an Ordinance Amending Chapter 130, Article III, Sections 130-56 and 130-57, Code Of Ordinances of the City of New Braunfels, Texas, Providing for Upward Adjustment of Electric Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023

Mayor Brockman read the aforementioned caption.

No one spoke during the public hearing.

Mayor Pro Tem Meadows moved to approve the item. Councilmember

Bowers 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 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:
- TMLIRP Claim No. LB123354; Crawford, C.

Mayor Brockman read the aforementioned caption.

Executive Session Item B was pulled from the agenda and not discussed.

City Council recessed into Executive Session from 8:30 p.m. to 9:01 p.m. No 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 9:02 p.m.

No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 9:02 p.m.

Date Approved: October 26, 2020

Rusty Brockman, Mayor

Attest:

Andrew A. Lyons III, Assistant City Secretary