

City of New Braunfels, Texas

City Hall - Council Chambers

Minutes

Monday, December 14, 2020

6:00 PM

City Council

Rusty Brockman, Mayor - Present

Shane Hines, Councilmember (District 1) - Present

Justin Meadows, Mayor Pro Tem (District 2) - Present

Harry Bowers, Councilmember (District 3) - Present

Matthew E. Hoyt (District 4) - Present

Jason E. Hurta (District 5) - Absent

James Blakey (District 6) – Present, attended via Zoom

The meeting was called to order by Mayor Brockman at 6:00 p.m. Mayor Brockman gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

- A) NBCA Volleyball 2020 TAPPS State Champions
Mayor Brockman presented the Proclamation.

PRESENTATIONS:

1. Update from the City Manager on the City's Response to COVID-19
Mayor Brockman read the aforementioned caption.

City Manager, Robert Camareno, presented the item.

No action was taken

- B) Annual Economic Benchmarks Report
Mayor Brockman read the aforementioned caption.

Michael Meek of the Greater New Braunfels Chamber of Commerce presented the item.

No action was taken.

- C) Presentation and possible direction to staff on development of Mission

Hill Park, Phase 1A.

Mayor Brockman read the aforementioned caption.

Stacey Dicke presented the item.

Ron Reaves spoke on the item.

Council directed staff to move forward. No action was taken.

- D) Presentation and possible direction to staff to amend the existing golf cart and neighborhood electric vehicles ordinance to include off-highway vehicles.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item.

Scott Chapman and Mark Sheffield spoke on the item.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of November 23, 2020.

Mayor Brockman read the aforementioned caption.

Councilmember Hines moved to approve the item. Councilmember Bowers seconded the motion.

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.

No comments were made.

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 First Amendment to the Economic Development Agreement between the City of New Braunfels and Continental Automotive Systems, Inc.
- B) Approval of a contract with Acme Bridge Co. for the construction and realignment of Elizabeth Avenue from Landa Park Drive to approximately Hinman Island Drive in Landa Park, a contract modification with Hicks & Co. for archeological monitoring services of the construction, a task order with Raba Kistner, Inc. for materials testing services and authorization for the City Manager execute any change orders up to the contingency amounts
- C) Approval of, and authorization for, the City Manager to execute a Letter of Understanding and any subsequent conveyance documents between Union Pacific Railroad Company and the City of New Braunfels for the purchase of a portion of right-of-way along Landa Street between Live Oak Avenue and Wald Road which currently encroaches on Union Pacific right-of-way and the appropriate budget amendment.
- D) Approval of a contract with Sterling McCall Ford for the purchase of an ambulance to be housed at Fire Station #1 and declaring the inoperable replacement ambulance surplus.
- E) Approval of contracts related to the Edwards Aquifer Habitat Conservation Plan program and authorizing the city manager to execute the following: Old Channel Aquatic Vegetation Restoration, Comal River/ Landa Lake Aquatic Vegetation Restoration, Dissolved Oxygen Management, Gill Parasite Control and Riparian Restoration with BIO-WEST, Inc; Non-Native Animal Species Control with Atlas Environmental; Riparian Restoration with EBR Enterprises; and Riparian Restoration with Environmental Survey Consulting.
- F) Approval of contracts with Hill International, Inc. for onsite Owner's Representative services associated with the construction of Fire Stations #2 & #3 as part of the 2019 Bond Program.
- G) Approval of annual routine recurring expenditures for FY 2021 in accordance with City Charter Section 9.17.

- H) Approval of a budget amendment in the 2020 Capital Improvement Projects Fund.
- I) Approval of the appointment of three individuals to the Community Development Advisory Committee for terms ending December 13, 2023.
- J) Approval of the appointment of one individual to the Watershed Advisory Committee for a term ending April 18, 2023.
- K) Approval of the appointment of two individuals to the River Advisory Committee for terms ending December 8, 2023.
- L) Approval of the appointment of three individuals to the Landa Park Golf Course Advisory Board for terms ending December 31, 2023.
- M) Approval for the submission of the Community Development Block Grant Program's Consolidated Annual Performance and Evaluation Report for Program Year 2019 to the U.S. Department of Housing and Urban Development.
- N) Approval of a contract renewal with Fire Recovery USA, LLC for billing and collection services for the Fire Department.

Ordinances

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

- O) Approval of the second and final reading of an ordinance amending the Code of Ordinances Chapter 86-4 Additional Rules and Regulations for Control of Parks and Recreation Areas and Facilities regarding skate park rules.
- P) Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to modify the area of Parking by Permit Area H.
- Q) Approval of the second and final reading of an ordinance for a proposed Special Use Permit to allow a High Intensity Elderly Housing and Assisted Living Facility within Veramendi on approximately 11.2 acres of land located east of the intersection of Borchers Blvd. and Bennett Ave.
- R) Approval of the second and final reading of an ordinance regarding a

proposed rezoning of approximately 2.071 acres addressed at 2932 & 2910 IH 35 S from “C-3” Commercial District and “R-2” Single-Family and Two-Family District to “MU-A” Low-Intensity Mixed Use District.

- S) Approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 118 Subdivision Platting, Section 46 Streets, regarding temporary turnarounds.
- T) Approval of the second and final reading of an ordinance amending the Code of Ordinances Chapter 86-66 regarding membership of the Landa Park Golf Course Advisory Board.

Mayor Brockman read the aforementioned captions.

Councilmember Hines moved to approve the Consent Agenda.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of a construction contract with Joeris General Contractors, a materials testing contract with Terracon, payment to New Braunfels Utilities (NBU) for water and sewer impact fees and authorize the City Manager to execute any change orders up to the contingency amount as part of the 2019 Bond Police Department and Veterans Memorial Project.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented the item.

Penny Farias spoke on the item during the Public Hearing.

Councilmember Hines moved to approve the item. Councilmember Bowers seconded the motion which passed 4-2 with Councilmember Hoyt and Councilmember Blakey opposing via roll call vote.

- B) Discuss and consider approval of a contract with Lower Colorado River Authority (LCRA) for the construction of a new radio tower, shelter, other items necessary for dispatch consoles, and authorize the City Manager to execute any change orders up to the full contingency amount as part of the 2019 Bond Police Department and Veteran’s Memorial Project.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented the item.

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

- C) Discuss and consider approval of contract with Hill International, Inc. for onsite Owner's Representative services associated with the construction of the Police Department and Veteran's Memorial Project as part of the 2019 Bond Program.

Mayor Brockman read the aforementioned caption.

Jennifer Cain presented the item.

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

Council took a short break

- D) Consideration of the second and final reading of an ordinance amending Chapter 126, Division 2 of the City of New Braunfels Code of Ordinances for parking restrictions on Loma Vista Street between South Heynis and Becker Street.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item.

George Green spoke on the item during the Public Hearing.

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

- E) Public hearing and first reading of an ordinance to amend Section 126-346 to establish no parking zones on E San Antonio Street at Comal Avenue and S Gilbert Avenue.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item.

No one spoke during the Public Hearing.

Councilmember Blakey moved to approve the item. Councilmember

Bowers seconded the motion which passed unanimously via roll call vote.

- F) Discuss and consider approval of a first reading of an ordinance establishing a credit card processing reimbursement fee for the use of credit and debit cards as a form of payment for fees, fines, court costs and other charges; repealing all ordinances in conflict, containing a savings clause; and declaring an effective date.

Mayor Brockman read the aforementioned caption

Jared Werner presented the item.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Bowers seconded the motion which passed with a 5-0 vote with Councilmember Hoyt abstaining.

- G) Discuss and consider a request for a conditional sign permit for The Pillars Christian Learning Center to allow an additional freestanding sign within the Freiheit Village Development, addressed at 2144 Gabriels Place

Mayor Brockman read the aforementioned caption.

Stacy Snell presented the item.

Casey Brewer spoke on the item.

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

- H) Consideration 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 currently addressed at 436 N. Union Avenue.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Rex Ledbetter spoke on the item.

Mayor Pro Tem Meadows moved to approve the item with the exception to allow non-conforming parking. Councilmember Hines

seconded the motion which passed 4-2 with Councilmember Hoyt and Councilmember Blakey in opposition.

- I) Consideration of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 144, Zoning, Section 1.4 Definitions, Section 4.2 Land Use Matrix, and establishing Section 5.28 Truck Stops.

Mayor Brockman read the aforementioned caption.

Maddison O'Kelley presented the item.

Amy Guzman, Ashley Murphy, and Lee Lewis spoke on the item.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Hines seconded the motion which passed 5-1 with Councilmember Hoyt in opposition.

- J) Public hearing and first reading of an ordinance regarding a proposed amendment to an existing Special Use Permit for an animal shelter to allow an additional building and parking lot for the purpose of spaying and neutering dogs and cats at 3353 Morningside Drive.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

No one spoke during the Public Hearing.

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

- K) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow a single family residential use in the "M-1" Light Industrial District on 0.22 acres out of Lots 240 and 241 NCB 2014, addressed at 394 N. Market Avenue.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

No one spoke during the Public Hearing.

Councilmember Hoyt moved to approve the item. Councilmember

Hines seconded the motion which pass 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, including but not limited to:
 - General Land Office/Southstar
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code; and, 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
 - ROW Encroachment and Billboards
- C) 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:
 - Carowest Land, Ltd. v. Yantis Company and City of New Braunfels (all cases, including appeal)
 - Yantis Company v. City of New Braunfels et. al. (2014 case)

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).

Mayor Brockman read the aforementioned caption.

City Council recessed into Executive Session from 9:16 p.m. to 10:52 p.m.

No vote or action was taken.

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 10:53 p.m.

No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 10:53 p.m.

Date Approved: January 11, 2020

Rusty Brockman, Mayor

Attest:

Caitlin Krobot, City Secretary