

City of New Braunfels, Texas

City Hall – Council Chambers

Regular City Council Meeting Minutes

Monday, February 22, 2021

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) – Present

James Blakey (District 6) – Present

Item 4B has been pulled from consideration.

Item 3H has been pulled from consideration.

The meeting was called to order by Mayor Brockman at 6:00 via Zoom with the assistance of Mayor Pro-Tem Meadows. Councilmember Hurta gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS

A) George Washington Day Proclamation.

Mayor Pro-Tem Meadows presented the proclamation.

PRESENTATIONS:

A) Presentation and update from New Braunfels Utilities.

Mayor Pro-Tem Meadows read the aforementioned caption.

Ian Taylor presented this item along with Dawn Hubbard, Ryan Kelso, and Dawn Schriewer.

The following individuals spoke on this item: Timothy Davis, Piper Olson, Chris DeLaCruz, and Les Shephard.

No action was taken.

- B) Presentation of the proposed FY 2021 Street Maintenance Plan and possible action by City Council.

Mayor Pro-Tem Meadows read the aforementioned caption.

Greg Malatek presented the item.

Councilmember Hines moved to approve the FY 2021 Street Maintenance Plan. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

- C) Presentation on proposed amendments to Chapter 66 Historic Preservation for the protection and preservation of trees within historic districts and historic properties.

Mayor Pro-Tem Meadows read the aforementioned caption.

Christopher Looney presented the item.

No action was taken.

- D) Presentation on proposed amendments to Chapter 6, Animals, related to tethering, keeping of rabbits, and general standards of pet care, as recommended by the Animal Services Advisory Board.

Mayor Pro-Tem Meadows read the aforementioned caption.

Christopher Looney presented the item.

No action was taken.

- E) Presentation and discussion regarding the City of New Braunfels Boards and Commissions.

Mayor Pro-Tem Meadows read the aforementioned caption.

Jordan Matney presented the item.

Jim Holster and Timothy Davis spoke on the item.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the special City Council meeting of January 15, 2021 and regular City Council Meeting of January 25, 2021.

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Mayor Pro-Tem Meadows read the aforementioned caption.

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

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.

Jim Holster and Timothy Davis spoke during Citizen's Communication.

Mayor Pro-Tem Meadows recessed for a break at 8:16 p.m. and reconvened at 8:26 p.m.

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 contract with Sequel Data Systems Incorporated, in the amount of \$147,924 for the purchase of a video archiving network.
- B) Approval of a contract with GIS, Inc in the amount of \$40,500 for the implementation of a new credit card processor, Card Connect, to be used with the Cityworks software application.
- C) Approval of a contract modification for MAC, Inc for final close-out of the MPO City Wide Sidewalk Project and the appropriate budget amendment.
- D) Approval of the Final Addendum to the Development Agreement for Roadway Impact Fee Offsets between the City of New Braunfels and Milestone Crest Investments, LTD authorizing payment of excess costs of constructing Pahmeyer Road within the Silos Subdivision and authorizing the city manager to execute the agreement.
- E) Approval of a lease agreement between the City of New Braunfels and Cellco Partnership d/b/a Verizon Wireless for the installation and operation of Small Cell equipment on the property described as 105.821 acres out of the JM Veramendi Survey No. 1, Abstract No. 2, addressed as 115 Elizabeth Ave, New

Braunfels, Comal County, Texas.

- F) Approval of an expenditure of up to \$95,000 and authorization for the City Manager to execute all necessary agreements for the acquisition of a 2.836-acre easement and 2.034-acre temporary construction easement located in the J.S.Johnson Survey No. 47, Abstract No.190 and Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas on behalf of the Guadalupe Blanco River Authority.
- G) Approval of a contract amendment with Arcadis U.S., Inc for professional services associated with implementation of the Dry Comal Creek and Comal River Watershed Protection Plan.
- H) Approval of a contract with Ultimate Roof Systems for modular office building for roof repairs at the New Braunfels Public Library and roof replacement at Fire Station 1 and the appropriate budget amendment.

Item 3 H has been pulled from consideration.

Mayor Brockman read the aforementioned captions A through G.

Councilmember Bowers moved to approve the consent agenda items A through G. Councilmember Blakey seconded the motion which passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Approval of the Mayoral appointment of one individual to the New Braunfels Housing Authority Board of Commissioners for a term ending January 22, 2023.

Mayor Brockman read the aforementioned caption.

Mayor Brockman presented this item.

The following spoke on the item: Molly Bursey, Timothy Davis, Shari Bennett, John Kennedy, Heather Olson, Lauren Alaniz, Ty Fullerton, Isaac Hayes, Collette Nies, Kristi Simmons, Steve Ceh, Robert Wolf, John Porter, Wayne Bennett, Amy Parks, Jim Holster, Jennifer Johnson, and Laurie Shrink.

No action was taken.

- B) Discuss and consider approval of a Letter of Intent with New Braunfels Utilities for the installation of standalone solar powered generation projects at a series of distributed generation solar sites owned or controlled by the City on the terms and conditions specified in the letter.

Item 4B has been pulled from consideration.

- C) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 14.608 acres out of the H. Foster Survey No. 34, Abstract No.154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, from “M-1” Light Industrial District to “MU-B” High Intensity Mixed Use District.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Councilmember Hines moved to approve the item.

Councilmember Hurta seconded the motion which was approved unanimously via roll call.

- D) Public hearing and first reading of an ordinance to designate the property currently addressed as 210 South Castell Avenue as a historic landmark to be known as the Producer’s Co-Op.

Mayor Brockman read the aforementioned caption.

Caleb Gasparek presented this item.

Councilmember Hoyt moved to approve the item.

Councilmember Hurta seconded the motion which was approved unanimously via roll call.

- E) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from “APD” Agricultural/Pre-Development District to “R-1A-4” District. Single-Family Small Lot Residential and “R3-H” Multifamily High Density.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

The following spoke on the item: Brenda Dunn, Andrew Hand, Donald Featherston, Adam Bartling, Alicia Cook, James Ingall, and James Ray.

Councilmember Hines moved to approve the item.

Councilmember Hoyt seconded the motion which failed

5–2 via roll call vote with Councilmember Blakey,

Councilmember Hurta, Councilmember Hoyt, Councilmember

Bowers, Mayor Pro-Tem Meadows in opposition.

- F) Discuss and consider a request for a waiver to Section 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction along FM 2722 for the Preserve at Elm Creek Subdivision.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Councilmember Hines moved to approve the item.

Mayor Pro-Tem Meadows seconded the motion which passed 6-1 via roll call vote with Councilmember Bowers in opposition.

- G) Discussion and possible direction to staff regarding the implementation of mid-year compensation adjustments.

Mayor Brockman read the aforementioned caption.

Robert Camareno presented the item.

Councilmember Hoyt moved to approve the item.

Councilmember Hines seconded the motion which was approved unanimously via roll call.

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:
- J3 Company construction contract for Klein Rd. reconstruction project
- B) 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:
- Discuss legal action regarding possible restrictions on further development of property commonly known as 413 Gruene Rd, New Braunfels 78130, Texas, for use as Disaster Recovery Center for NBU; the property is also described as 2.693 acre tract of land, situated in the Henry Foster Survey, Abstract No 154, Comal County, Texas, conveyed to the City of New Braunfels, recorded in

Mayor Brockman read the aforementioned caption and recessed into executive session at 10:57 p.m.

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.

Mayor Brockman reconvened from executive session at 11:47.

Councilmember Hines made the motion: I move that the City of New Braunfels authorize litigation for a declaratory judgement action to Determine whether certain language in the deed conveying to the City Of New Braunfels the property commonly known as 413 Gruene Rd., New Braunfels, Texas 78130, constitutes a restrictive covenant, and the use of the power of eminent domain, in the alternative only, to condemn the restrictive covenant if necessary. The Property being also described as:

- **2.693 acre tract of land, situated in the Henry Foster Survey, Abstract No 154, Comal County, Texas, conveyed to the City Of New Braunfels, recorded in Volume 192, Page 543, Deed Records, Comal County, Texas.**

Such action to construct, utilize, and maintain a disaster recovery center, to advance and achieve the public use of servicing the people of New Braunfels and surrounding areas during a disaster. Councilmember Hoyt seconded the motion which passed unanimously via roll call.

7. ADJOURNMENT

Mayor Brockman adjourned the meeting at 11:50 p.m.

Rusty Brockman, Mayor

Caitlin Krobot, City Secretary

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