

City of New Braunfels, Texas

City Hall – Council Chambers Council Regular City Council Meeting Minutes

Monday, April 12, 2021

6:00 p.m.

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, Councilmember (District 4) – Present
Jason Hurta, Councilmember (District 5) – Present
James Blakey, Councilmember (District 6) – Present

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

PROCLAMATIONS:

A) Autism Awareness Month

Mayor Brockman presented the proclamation.

B) Outstanding Public Service Day

Mayor Brockman presented the proclamation.

PRESENTATIONS:

A) Retiree Recognition – Garrick Herbert

Chief Patrick O'Connell spoke to this item.

B) Retiree Recognition – Michael Ulbrich

Chief Patrick O'Connell spoke to this item.

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- C) Presentation from Comal County Water Improvement District No. 1A (Veramendi) representatives regarding summary of proposed issuance of bonds.

Mayor Brockman read the aforementioned caption.

Julie Peak presented this item.

1. MINUTES

- A) Discuss and consider approval of the minutes of the March 22, 2021 City Council meeting.

Mayor Brockman read the aforementioned caption.

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

George Green and Timothy Davis spoke during Citizen's Communications.

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 Mayoral appointment of one individual as the Chair of the Watershed Advisory Committee for a term ending April 18, 2023.

- B) Approval of the reappointment of two individuals to the Central Texas Technology Center Advisory Board for a term ending April 26, 2024.
- C) Approval to renew and amend the Interlocal Agreement with the Alamo Area Council of Governments for demand response transit services, authorizing the City Manager to execute all contract documents associated with this agreement, and approval of an expenditure in the amount of \$489,380.
- D) Approval of a resolution amending the broker/dealer list of the investment policy for the City of New Braunfels adding an additional local government investment pool - Texas FIT.
- E) Approval of a contract with Heat Safety Equipment LLC to provide annual Inspections and repairs to the New Braunfels Fire Department's Self-Contained Breathing Apparatus Equipment.
- F) Approval of a contract with Chain Electric Company for construction of a single Mode fiber optic infrastructure to connect seven (7) new City buildings and Authorization for the City Manager to execute any change orders up to the contingency amount.
- G) Approval of policy and procedures governing the leasing of city-owned T-Hangars at New Braunfels Regional Airport.
- H) Approval to authorize an expenditure to the Law Offices of Charles S. Frigerio, P.C. for legal representation in a personnel matter pursuant to a professional service agreement.
- I) Approval to renew the following annual contracts, as allowed for by their contract language: Fleet Services and Road Construction Materials.
- J) 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.

- K) Approval for issuance of a contract modification with Civil Engineering Consultants to continue survey work supporting the Union Pacific Rail-Road Landa Street property purchase.

Ordinances

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

- L) First reading of an ordinance regarding a request from the Sophienburg Memorial Association to waive development related fees for platting and Expansions to the Sophienburg Museum & Archives addressed at 401 West Coll Street.
- M) First reading of an ordinance amending Chapter 2 of the Code of Ordinances of the City of New Braunfels, Texas establishing the rules and order of business of the New Braunfels City Council.
- N) Approval of the second and final reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area G.
- O) Approval of the second and final reading of an ordinance to amend Section 126-186 to restrict through truck traffic on Lake Front Avenue between the IH 35 Frontage Road and Freiheit Road and Freiheit Road between Lake Front Avenue and SH 46.
- P) Approval of the second and final reading of an ordinance to amend Section 126-346 to establish a no parking zone on E. San Antonio Street at N. Gilbert Avenue.
- Q) Approval of the second and final reading of an ordinance regarding a proposed revision to the Town Creek Planned Development (TCPD) concept plan and development standards, on approximately 66 acres located at North Academy and North Walnut Avenues.

Mayor Brockman recused himself at 6:35 p.m. leaving Mayor Pro-Tem Meadows to preside over the consent agenda.

Mayor Pro-Tem Meadows read the aforementioned captions.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider possible direction to staff regarding whether to continue to require the use of face coverings by the public while at city facilities.

Mayor Brockman read the aforementioned caption.

Robert Camareno presented this item.

The following individual spoke on this item: Ron Feldman

Councilmember Blakey moved to approve the item to include maintaining the signage “Strongly encouraged”. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

- B) Discuss and consider approval of the installation of speed humps on River Acres Drive between 1255 River Acres Drive and Fair Lane.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented this item.

The following individuals spoke on this item: Megan Luchek, Matthew Eckmann, Timothy Davis, Kevin Robles, and Erica Becirovic.

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

- C) First reading of an ordinance regarding the creation of Child Safety Zones which would provide residency restrictions for Registered Sex Offenders residing within the city limits of New Braunfels.

Mayor Brockman read the aforementioned caption.

Mike Penshorn and Greg Walker presented this item.

Councilmember Bowers moved to approve the item.

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

- D) Public hearing, consideration, and possible action on a resolution approving an amendment to the Solms Landing Public Improvement District ("PID") that will adjust the amount of public improvements that are eligible for reimbursement, pursuant to Ch. 372 of the Texas Local Government Code.

Mayor Brockman read the aforementioned caption.

Jared Werner presented this item.

Councilmember Hurta moved to approve the item. Mayor Pro-Tem

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

- E) Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 19.963 acres out of the Sarah DeWitt Survey No. 48, Abstract No. 103, in Guadalupe County, Texas, located at the northeast corner of the intersection of FM 725 and East Klein Road, from "R-1" Single-Family District and "APD" Agricultural/Pre-Development District to "REAPD" River's Edge Apartments Planned Development District.

This item was withdrawn from consideration.

- F) Discuss and consider the second and final reading of an ordinance regarding a proposed rezoning to amend an existing Special Use Permit to allow for two -story townhomes on approximately 10 acres located on the west side of Independence Drive, approximately 1,300 feet north of the intersection of Independence Drive and Oak Run Parkway. 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 short term rental of two single-family residences in the "C-2" General Business District, addressed at 274 and 290 East Bridge Street.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individuals spoke on this item: Ron Reaves and Joe Turner.

Councilmember Bowers moved to approve the item with the following conditions: 1. The applicant's site plan submitted at this meeting is made a part of the final ordinance as an exhibit. 2. No direct vehicle access onto the Mission Hill Park property. 3. No HVAC equipment allowed on roofs. 4. A wrought-iron fence shall be erected along the property boundary with the Mission Hill Park property. 5. There shall be no second floor balconies facing the Mission Hill Park property. 6. Rear patios shall be covered. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

Mayor Brockman took a break at 7:56 p.m. and reconvened at 8:06 p.m.

- G) 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 short term rental of two single-family residences in the "C-2" General Business District addressed at 274 and 290 East Bridge Street.**

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

Councilmember Hurta moved to approve the item. Councilmember Hines seconded the motion which passed 6-1 via roll call vote with Councilmember Hoyt in opposition.

- H) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 21 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-3H" Multifamily High Density District.**

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individuals spoke on this item: James Ray, Richard Byrd, Donald Featherston, Medori McClain, Bobby Cook, James Ingalls, Bob Burleson, Kyle McClain, William Wehling, Lawrence Spradley, Andrew Hand, and Theodore Bartling.

Mayor Pro-Tem Meadows moved to approve the item with lower density (R-3L). Councilmember Hines seconded the motion which failed 4-3 vote with Councilmember Bowers, Councilmember Hoyt, Councilmember Hurta, and Mayor Brockman in opposition.

The following individuals spoke on this item: James Ray, and Richard Byrd.

Mayor Brockman moved to reconsider the original item. No second was made, the motion failed. No vote was taken.

The following individual spoke on this item: Donald Featherston

Mayor Brockman called for the question on a motion to reconsider the motion Mayor Pro-Tem Meadows made to approve the lower density multi-family (R-3L). Mayor Pro-Tem Meadows seconded the motion which passed 5-2 via roll call vote with Councilmember Bowers, and Councilmember Hoyt in opposition.

Mayor Pro-Tem Meadows moved to approve the item with lower density (R-3L). Councilmember Hines seconded the motion which failed 4-3 via roll call vote with Councilmember Bowers, Councilmember Hoyt, Councilmember Hurta, and Mayor Brockman opposed.

The following individuals spoke on this item: Kevin Robles, Donald Featherston, Bobby Cook, Timothy Davis, Andrew Hand, William Rogers, Dana Willett, John Barger, Juan Andres Lopez, Lawrence Spradley, Bobby Cook, Bob Burleson, and James Ray.

Councilmember Hines moved to approve the item with ZH-A zoning. Mayor Pro-Tem Meadows seconded the motion which passed 6-1 via roll call vote with Councilmember Bowers in opposition.

- I) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 47 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” Single-Family Small Lot Residential.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individual spoke on this item: Timothy Davis

Mayor Pro-Tem Meadows moved to approve the item. Councilmember Hines seconded the motion which was unanimous via roll call vote.

- J) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow outdoor music in the “C-1” Local Business District adjacent to residential use on approximately 1.2 acres consisting of Lot 5, Block 1, Rio Vista Addition, addressed at 1951 Gruene Road.

This item was withdrawn from consideration.

- K) Public hearing and consideration of a request for a Conditional Sign Permit for Tree of Life Church to allow for the modification of an existing legally nonconforming freestanding pole sign to include an electronic message sign cabinet in the ‘M-1’ Light Industrial District, addressed at 5513 IH 35 South.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individual spoke on this item: Pastor Don Duncan

Councilmember Hines moved to approve this item. Councilmember Hurta seconded the motion which was unanimous 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 the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code, specifically
 - NBPD Site
 - New Braunfels Regional Airport RPZ Land Acquisitions
- B) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager, City Attorney, and/or the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.

Mayor Brockman read the aforementioned caption and recessed into Executive Session at 10:56 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 into open session at 11:33 p.m.

No action was taken.

7. ADJOURNMENT

Mayor Brockman adjourned at 11:33 p.m.