

City of New Braunfels, Texas

City Hall – Council Chambers Regular City Council Meeting Minutes Monday, April 26, 2021 6:00 p.m.

City Council

Rusty Brockman, Mayor- Present
Shane Hines, Councilmember (District 1) - Present
Justin Meadows, Mayor Pro Tem (District) - 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 6:03 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) Sexual Assault Awareness Month Proclamation

Mayor Brockman presented the proclamation.

- B) National Bike Month

Mayor Brockman presented the proclamation.

- C) Child Abuse Prevention and Awareness Month

Mayor Brockman presented the proclamation.

PRESENTATIONS:

- A) Presentation of an Arts and Humanities Award from the Texas Recreation and Park Society recognizing "Recipes for the Soul" Cookbook.

Mayor Brockman read the aforementioned caption.

Stacey Dicke presented this item.

- B) Presentation of a Planning Excellence Award from the Texas Recreation and Recreation and Park Society honoring the Dry Comal Creek Greenway Master Plan.

Mayor Brockman read the aforementioned caption.

Stacey Dicke presented this item.

1. MINUTES

- A) Discuss and consider approval of the minutes of the April 12, 2021 City Council Meeting.

Mayor Brockman read the aforementioned caption.

Councilmember Hurta moved to approve the item. Councilmember Blakey 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.

Linda Wolfe Freeb, George Green, Richard Zapata, and Jim Holster 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.

- A) Approval of the appointment of Mason Standley to the Landa Park Golf Course Advisory Board for a term ending December 31, 2022.
- B) Approval of a resolution consenting to the issuance of unlimited tax bonds by

Comal County Water Improvement District Number 1a (Veramendi), a water Improvement district located with the extraterritorial jurisdiction of the City.

- C) Approval to authorize the City Manager to execute an Interlocal Cooperative Purchasing Agreement with the City of Frisco in accordance with the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code for goods and services.
- D) Approval of a purchase with August Industries Inc. for three Bauer Unicus Breathing Air Compressor Systems (BACS) for Fire Stations 2, 3, and 7.
- E) Approval of a Change Order with Acme Bridge Co. for the relocation of an NBU waterline in conjunction with the reconstruction and realignment of Elizabeth Avenue from Landa Park Drive to approximately Hinman Island Drive.
- F) Approval to issue professional services agreement with K Friese & Associates For 3rd party review for engineering development permit reviews as needed by The Engineering Division of the Public Works Department.
- G) Approval of a Budget Amendment in the FY 2020 General Fund.
- H) Approval of the issuance of Competitive Sealed Proposals (CSP) for a storm-Water treatment basin adjacent to the Elizabeth Ave. Realignment project since The City Council finds that this delivery method will provide the best value to the City.

Ordinances

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

- I) Approval of the second and final 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.
- J) Approval of the second and final 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 northeastern corner of the intersection of Orion Drive and the Union Pacific Railroad tracks, from "AFD" Agricultural/Pre-Development District to "R-1A-4" Single-Family Small Lot Residential.

- K) Approval of the second and final 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.
- L) Approval of the second and final 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 captions.

Councilmember Bowers 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 the second and final 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" Agriculture/Pre-Development District to "ZH-A" Zero Lot Line Home District.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individual spoke on this item: James Ingalls

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

- B) Discuss and consider acceptance the FY 2020 Audit and Comprehensive Annual Financial Report performed by Belt Harris Pechacek, LLLP.

Mayor Brockman read the aforementioned caption.

Sandy Paulos presented this item.

The following individual spoke on this item: Wayne Rudolph

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

- C) Discuss and consider approval of the appointment of two individuals to the Airport Advisory Board for a term ending 05/12/2024.

Mayor Brockman read the aforementioned caption.

Caitlin Krobot presented this item.

The following individuals spoke on this item: Shannon Dowling, and Kurt Andersen-Vie.

Councilmember Hines moved to approve Kurt Andersen-Vie and Allen Dowling to the Airport Advisory Board for terms ending 05-12-2024. Councilmember Bowers seconded the motion which was unanimous via roll call vote.

- D) Discuss and consider approval of the appointment of one individual for a term ending 12-08-2023 to the River Advisory Committee.

Mayor Brockman read the aforementioned caption.

Caitlin Krobot presented this item.

Councilmember Hines moved to approve Andy Powell to the River Advisory Committee for a term ending 12-08-2023. Councilmember Hoyt seconded the motion which was unanimous via roll call vote.

- E) Discuss and consider approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$400,000 to Frantic Holdings, LLC for a project that will promote or develop new or expanded businesses by delivering high speed broadband infrastructure and services to commercial customers in downtown and other areas of New Braunfels, an eligible project expenditure; and declaring an effective date.

Mayor Brockman read the aforementioned caption.

Jeff Jewell presented this item.

The following individuals spoke on this item: Richard Zapata, Kevin Robles, Al Kofman, Timothy Davis, Jim Holster, Timtxiomarz Sankey, Michael Meek, William Rogers, and Patty Larson.

Councilmember Hines moved to approve the item. Councilmember Blakey seconded the motion which was unanimous via roll call vote.

Mayor Brockman took a break at 8:00 p.m. and reconvened at 8:10 p.m.

- F) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow multifamily residential use – up to 24 units per acre – in the “C-1A” Neighborhood Business District on approximately 10 acres out of the A.P. Fuquay Survey No. 35, Abstract No. 155, Comal County, Texas, located at the northwest corner of the intersection of E. Common Street and Old FM 306.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following Individuals spoke on this item: David Moran, and Timothy Davis.

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

- G) Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-2 Central Business District at 307 W. Bridge Street.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individuals spoke on this item: Jamie Carr, Mike Rust, Carolyn Glasgow, and Libby Rust.

No motion was made. Item dies for lack of motion.

- H) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 2.3 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from "M-2" Heavy Industrial District to "MU-A" Low intensity Mixed Use District.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individuals spoke on this item: Chris Crim, and Timothy Davis.

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

- I) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 4.3 acres out of the J.M. Veramendi Survey No. 1, Abstract 2, Comal County, Texas, located at the southeast corner of the intersection of Gruene Road and Ewelling Lane from "R-2" Single and Two-Family District to "C-O" Commercial Office District.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

The following individuals spoke on this item: Chris Crim, Ted Omohundro, Rahul Bose, and Will Shootz.

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

- J) Public hearing and first reading of an ordinance regarding a proposed rezoning to amend an existing Special Use Permit to allow an addition to a non-conforming single-family residence in the “M-1” Light Industrial District, addressed at 394 North Market Avenue.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this item.

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

- K) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 48 acres out of the O. Russell A-485 Survey 2, located in the 2200 block of FM 1102, from “M-1A” Light Industrial District to “MU-B” High Intensity Mixed Use District.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented this 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 Hoyt in opposition.

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 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)
- B) Deliberate issues regarding economic development negotiations in accordance with section 551.087 of the Texas Government Code.

- Project Reshore Icon

- C) 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 captions and recessed into Executive Session at 9:06 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 10:39 p.m.

No action was taken in Executive Session.

Under Executive Session 5. C

Mayor Pro-Tem Meadows moved to give a vote of confidence to Municipal Court Judge, Rose Zamora, continue her contract, and increase her salary to \$119,124.00 effective April 2, 2021. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.

Mayor Pro-Tem Meadows moved to give a vote of confidence to City Attorney, Val Acevedo, continue her contract, and increase her salary to \$177,514.00 effective April 2, 2021. Councilmember Hines seconded the motion which passed unanimously via roll call vote.

Mayor Pro-Tem Meadows moved to give a vote of confidence to the City Manager, Robert Camareno, continue his contract, and increase his salary to \$257,291.00 effective April 2, 2021. Councilmember Hurta seconded the motion which passed unanimously via roll call vote.

Mayor Brockman publicly thanked Mayor Pro-Tem Meadows for his work with Human Resources and Staff to help complete this part (Executive Session 5. C) of City business.

7. **ADJOURNMENT**

Mayor Brockman adjourned at 10:43 p.m.

Rusty Brockman, Mayor

Caitlin Krobot, City Secret