

# City of New Braunfels, Texas

550 LANDA STREET

## Minutes

Monday, August 9, 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*  
*Lawrence Spradley, 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 6:05 p.m. Mayor ProTem Meadows gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

### **PROCLAMATIONS:**

A) 2021 Childhood Cancer Awareness month

Mayor Brockman asked if anyone was present representing the aforementioned proclamation. No one was present to accept the proclamation. The proclamation was not read.

B) S'mores Day

Mayor Brockman asked if anyone was present representing the aforementioned proclamation. No one was present to accept the proclamation. The proclamation was not read.

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- C) Cat Osterman

**Mayor Brockman read the aforementioned proclamation and presented the proclamation to Cat Osterman. Mayor Brockman expressed the city's pride in Cat Osterman calling her a hometown hero, a Texas hero, and an American hero.**

## **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.

**There were no individuals who spoke at this time.**

## **PRESENTATIONS:**

- A) Presentation regarding the New Braunfels Public Library's inaugural Community Read

**Mayor Brockman read the aforementioned caption.**

**Gretchen Pruett presented this item.**

## **1. MINUTES**

- A) Discussion and or action to approve the minutes from the Executive Session July 26, 2021 and the General City Council meeting 07-26-2021.

**Mayor Brockman read the aforementioned caption.**

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

## **2. 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. Citizens must be present to pull an item.*

### *Resolutions & Action Items*

- A) Confirm the appointment of Paul Ericksen to the Civil Service Commission for a term ending August 10, 2024.
- B) Approval of a contract with Data Projections, Inc for audio-visual design, consulting, equipment and installation services, and authorize the City Manager to execute any

change orders up to the contingency amount to support new buildings being constructed as a part of the 2019 bond program.

- C) Approval of annual routine recurring expenditures for FY 2021 in accordance with City Charter Section 9.17.
- D) Approval of a contract with Avfuel Corporation to provide aviation fuel to the New Braunfels Regional Airport.
- E) Approval of a contract with All City Management Services, Inc. for school Crossing Guard services.
- F) Approval of a contract with Westnet, Inc. for the purchase of First-In Alerting Automated Voice Dispatch Systems for Fire Station 2, Fire Station 3, and Police Headquarters.
- G) Approval of the appointment of Tommy Carden and Jonathan Packer to the Workforce Housing Advisory Committee for unexpired terms ending November 11, 2022.

### *Ordinances*

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

- H) First reading of an ordinance amending Section 2-130 of the City of New Braunfels Code of Ordinances to align the city manager's expenditure authority with the City Charter, as amended in the May, 2021 election.
- I) First reading of an ordinance amending Section 2-56 of the City of New Braunfels Code of Ordinances to align all terms for city board and commissions to begin December 1 or June 1.
- J) Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 2.0 acres out of the Orilla Russell Survey No. 2, A-485 addressed at 696 Orion Drive, from "APD AH" Agricultural/Pre-Development, Airport Hazard Overlay District to "ZH-A AH" Zero Lot Line Home, Airport Hazard Overlay District.
- K) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 105 acres out of the A. M. Esnaurizar A-20 Survey, addressed at 1621 FM 758, from "APD AH" Agricultural/Pre-Development, Airport Hazard Overlay District to "ZH-A AH" Zero Lot Line, Airport Hazard Overlay District.

**Councilmember Bowers asked to have consent item E pulled for individual consideration.**

**Mayor Brockman read consent items A-D and F-K into record.**

**Councilmember Hines moved to approve consent items A-D and F-K. Councilmember Bowers seconded the motion which passed unanimously via roll call vote.**

### **3. INDIVIDUAL ITEMS FOR CONSIDERATION**

- E) Approval of a contract with All City Management Services, Inc. for school Crossing

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Guard services.

**Mayor Brockman read the aforementioned consent item 2- E.**

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

- A) Discuss and consider approval of a resolution authorizing the City's intervention through the Alliance of Centerpoint Municipalities in proceedings at the Railroad Commission of Texas related to the implementation of House Bill 1520.

**Mayor Brockman read the aforementioned caption.**

**Valeria Acevedo presented this item.**

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

- B) Discussion and approval of a resolution stating that the City elects to participate in property tax abatement pursuant to Chapter 312 of the Texas Tax Code and establish the City of New Braunfels' Tax Abatement Policy including guidelines and criteria relating to the abatement of taxes granted by the City.

**Mayor Brockman read the aforementioned caption.**

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

#### **4. 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:
- State Comptroller's rule amending the Texas Administrative Code, Section 3.334, relating to Local Sales and Use Taxes;
  - Rafael Marfil, et al. v. City of New Braunfels.
- 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

Mayor Brockman read Executive Session B. into record and recessed back into executive session at 6:42 p.m. continuing the unfinished executive session that proceeded the general city council meeting.

*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).*

**5. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

Mayor Brockman reconvened back into open session at 6:56 p.m.

No action was taken at this time.

**ADJOURNMENT**

Mayor Brockman adjourned at 6:56 p.m.