

**MINUTES - FINAL
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, MAY 23, 2022**

AGENDA

CALL TO ORDER

Mayor Brockman called the meeting to order at 6:00 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 8 - Mayor Rusty Brockman, Councilmember Shane Hines, Councilmember Christopher Willis, Mayor Pro Tem Harry Bowers, Councilmember Lawrence Spradley, Councilmember Jason Hurta, Councilmember James E. Blakey, and Mayor Pro Tem Justin Meadows

REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.

INVOCATION: COUNCILMEMBER SPRADLEY

Councilmember Spradley provided Invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Brockman led the Pledge of Allegiance and the Salute to the Texas Flag.

ANNUAL ELECTION ACTIONS

- A) Complete and issue Certificate of Election to the Councilmember - elect Christopher Willis for District 2.

Mayor Brockman read the aforementioned item.

Gayle Wilkinson presented this item.

- B) Administer the oath of office to District 2 Councilmember-elect Christopher Willis.

Mayor Brockman read the aforementioned item.

Austin Lawler administered the Oath of Office to Christopher Willis as District Two Councilmember of New Braunfels, Texas.

Councilmember Willis made additional comments.

Councilmember Willis is included in the Roll Call for votes on Items listed on this Agenda.

- C) Presentation and recognition of the public service rendered by Mayor Pro Tem Justin Meadows as District Two Councilmember.

Councilmember Hines read the aforementioned Item.

Mayor Brockman presented this item.

Justin Meadows made additional comments.

Council made additional comments.

- D) Discuss and consider the election of a Mayor Pro Tem.

Councilmember Hines read the aforementioned item.

Councilmember Hines moved to elect Councilmember Bowers as Mayor Pro Tem. Councilmember Hurta seconded the motion, which passed unanimously with Councilmember Bowers abstaining.

PROCLAMATIONS:

- A) Community Action Month 2022

Mayor Brockman read the proclamation.

- B) Mental Health Awareness

Mayor Brockman read the proclamation.

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.

The following individuals spoke at this time: David Warmke, Audrea Gibson, Gerald Dickey, Julie Struntsh, Carla Cheatham, Chase Cochran, Cordell Bunch and Jim Holster.

PRESENTATIONS:

- A) Presentation of pedestrian safety pilot improvements in downtown New Braunfels

Mayor Brockman read the aforementioned item.

Jeff Jewell presented this item.

The following individual spoke at this time: David Warmke

- B) Presentation and update on the progress of design and construction of Fire Station #7 and Fire Training Facility.

Mayor Brockman read the aforementioned item.

Garry Ford presented this item.

The following individuals spoke at this time: David Warmke and Ryan Garcia.

1. MINUTES

- A) Approval of the minutes for Special Council Meeting May 2, 2022, Executive Session May 9, 2022, Regular Session May 9, 2022, and Special Council Meeting May 16, 2022

Mayor Brockman read the aforementioned item

Mayor Pro Tem Bowers moved to approve this item. Councilmember Hurta seconded the motion, which passed unanimously.

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.

Councilmember Spradley asked to pull Consent Item C to Individual Items.

Resolutions & Action Items

- A) Approval of an agreement between the City of New Braunfels and Comal County regarding election services for the June 18, 2022, runoff election for City Councilmember - District One, and authorizing the City Manager to execute the agreement.
- B) Approval of District 2 Councilmember's appointment of Brian Blevins to the Ethics Commission for a term ending May 29, 2025.
- D) Approval to authorize the City Manager to sign a development agreement between the City of New Braunfels and HK Porter LLC, as a condition of Resolution 2021-R74, the consent to the creation of Comal County Municipal Utility District No. 4.

- E) Approval of design contracts for preliminary design for capital projects under consideration for the proposed 2023 Bond.
- F) Approval of a resolution designating the investment officers for the City of New Braunfels.
- G) Approval of the sale of a 2020 HUD Manufactured Home located at 333 E. Klingemann Street to New Braunfels Utilities.
- H) Approval to renew the following annual contracts, as allowed for by their contract language: Road Construction Materials, Pavement Marking Services, Recycling Program.
- I) Approval of a professional services contract amendment with Vickrey & Associates for the final design of Alligator Creek Trail (west) located at the 46-acre greenbelt along Alligator Creek and authorization for City Manager to execute contract modifications up to the contingency.
- J) Approval of a purchase with Library Interiors of Texas for library furniture for Westside Community Center addition and to authorization for the City Manager to execute any change orders up to the contingency amount.
- K) Approval of an amendment to a 2011 development agreement with Dorthlin R. Wilson and Leroy E. Wilson regarding an approximate 179-acre tract located off Coyote Run within the ETJ, by reducing the total acreage.
- L) Approval of a purchase with Chastang Enterprises-Houston, LLC for six automated side load collection vehicles for the Solid Waste and Recycling Division, and approval to declare the replaced units as surplus.
- M) Approval of a contract with EDC Moving Systems for the relocation of the New Braunfels Police 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.)

- N) Approval of the second and final reading of an ordinance amending Section 138-93 entitled Fees for Service, of the Code of Ordinances of the City of New Braunfels, to adjust fees for services provided by the New Braunfels Fire Department Emergency Medical Services (EMS)

Division.

- O) Approval of the second and final reading of an ordinance to amend Section 126-346 of the Code of Ordinances of the City of New Braunfels, to establish a no parking zone on Divine Way at the intersection with S. Walnut Ave.
- P) Approval of the second and final reading of an ordinance to amend Section 126-159 of the Code of Ordinances of the City of New Braunfels to install a "No U-turn" sign at the intersection of W County Line Road and Chartwell Entry.

Approval of the Consent Agenda

Mayor Brockman read the aforementioned Consent Agenda Items A-B and D-P.

Councilmember Spradley moved to approve Consent Agenda Items A-B and D-P. Councilmember Hines seconded the motion which passed unanimously.

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- C) Approval of a contract with Enterprise Fleet Management to facilitate the lease purchase of 30 police ready vehicles, and to declare their replacements as surplus.

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DEPARTMENT: Police Department

Mayor Brockman read the aforementioned item.

Keith Lane presented this item.

Councilmember Hines moved to approve this item. Mayor Pro Tem Bowers seconded the motion, which passed unanimously.

Mayor Brockman took recess at 7:51 p.m.

Mayor Brockman reconvened at 8:05 p.m.

- A) Discuss and consider a resolution to consent to the creation of the Flying W Municipal Utility District (MUD) within the City's Extraterritorial Jurisdiction (ETJ) in Comal County, consisting of approximately 362 acres situated on the west side of FM 1102, north of Havenwood at Hunters Crossing Subdivision, Units 1 and 2 and south of Unit 3, across from the intersection of Watson Lane West, and consider authorizing the City Manager to approve a development agreement between the City of New Braunfels and Aguilas Robles, LLC and MJD Endeavors, LLC related to the City's consent to the creation of the Flying W MUD.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

Applicant Jeffrey McKinney provided additional information

Tony Korbit provided additional information.

Josh Majors provided additional information.

Councilmember Hines moved to postpone this item to June 13th City Council Meeting. Mayor Pro Tem Bowers seconded the motion, which passed unanimously.

- B) Discuss and consider a resolution to consent to the creation of the Comal County Municipal Utility District (MUD) No. 3 within the City's ETJ in Comal County, consisting of approximately 637.72 acres located on the west side of FM 306, north of River Oaks Drive, across from the intersection of Hoffman Lane and FM 306 and approval to authorize the City Manager to approve a development agreement between the City of New Braunfels and 306 Properties, LP related to the City's consent to the creation Comal County Municipal Utility District No. 3.

Mayor Brockman read the aforementioned item.

Jean Drew presented this item.

Mayor Pro Tem Bowers moved to approve this item with staff recommendations. Councilmember Spradley seconded the motion, which passed unanimously.

- C) Public hearing and first reading of an ordinance regarding a proposed rezoning from “R-2” Single and Two-Family District to “R-3L” Multifamily Low-Density District with a Special Use Permit to allow a one-family dwelling on approximately 1.7 acres, addressed at 586 Granada Drive.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

Applicant, Mark Sacco, provided additional information.

Councilmember Hurta moved to approve this item. Councilmember Hines seconded the motion, which passed unanimously.

- D) Public hearing and first reading of an ordinance regarding a proposed rezoning from “M-2” Heavy Industrial District to “C-O” Commercial Office District with a Special Use Permit to allow short term rental of a residential structure on 0.22 acres out of the A.M. Esnaurizar Survey No. 1, Abstract No. 1, Milltown Lots, Comal County, addressed at 569 Wright Avenue.

Mayor Brockman read the aforementioned item.

Jean Drew presented this item.

The following individual spoke to this item: Timothy Davis

Councilmember Hurta moved to approve this item. Councilmember Spradley seconded the motion, which passed unanimously.

- E) 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-3” Commercial District addressed at 455 Beaty Street.

Mayor Brockman read the aforementioned item.

Jean Drew presented this item.

Councilmember Hines moved to approve this item with staff recommendations. Councilmember Hurta seconded the motion, which passed unanimously.

- F) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 11.269 acres from "C-3" Commercial District and "R-2" Single-family and Two-family District to "MU-B" High Intensity Mixed-Use District, out of the John Thompson Survey No. 21, Abstract No. 608, New Braunfels, Comal County, Texas addressed at 3119 IH 35 S, New Braunfels, TX 78130.

Mayor Brockman read the aforementioned item.

Christopher Looney presented this item.

Applicant, Ashley Fearman, provided additional information.

Kevin White provided additional information.

The following individual spoke at this time: Timothy Davis

Councilmember Hines moved to approve this item. Motion failed for a lack of second.

ADJOURNMENT

Mayor Brockman adjourned at 10:04 p.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY