

**MINUTES - FINAL
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, SEPTEMBER 26, 2022**

AGENDA

CALL TO ORDER

Mayor Pro Tem Bowers called the meeting to order at 6:02 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 6 - Councilmember Andres Campos, Councilmember Christopher Willis, Mayor Pro Tem Harry Bowers, Councilmember Lawrence Spradley, Councilmember Jason Hurta, and Councilmember James Blakey

Absent: 1 - Mayor Rusty Brockman

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

INVOCATION: COUNCILMEMBER BLAKEY

Councilmember Blakey provided Invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

Mayor Pro Tem Bowers led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

A) World Habitat Day

Mayor Pro Tem Bowers read the proclamation.

B) Leukodystrophy Awareness Month

Mayor Pro Tem Bowers read the proclamation.

C) Living Legends 2022

Mayor Pro Tem Bowers 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. In the interest of protecting the City's network and data, we are not accepting flash drives or electronic files to be used during Citizens Communications. Please use hard copies or the overhead projector for any documents you would like Mayor/Council to view. There will be no City Council action at this time.

The following individuals spoke at this time: David Warmke and Chase Cochran.

PRESENTATIONS:

- A) Presentation and possible direction regarding penalty fees for work without permits, and associated minor fee schedule updates.

Mayor Pro Tem Bowers read the aforementioned item.

KC Collins presented this item and answered questions from Council.

The following individuals spoke at this time: David Warmke and Chase Cochran.

1. MINUTES

- A) Approval of the minutes for Executive Council Meeting August 22, 2022, Special Council Meeting September 8, 2022, Executive Council Meeting September 12, 2022, and Regular Council Meeting September 12, 2022.

Mayor Pro Tem Bowers read the aforementioned Item.

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

Absent:

Mayor Brockman

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) Approval of a budget amendment within the FY 2022 Airport and Golf Fund
- B) Approval of an expenditure of up to \$150,000 for the acquisition of the necessary right-of-way from 2 parcels of land along Goodwin Lane between FM 306 and Conrads Road between Goodwin Lane and IH-35 as part of the Goodwin/Conrads Roadway Improvements Project and authorization for the City Manager to execute all necessary conveyance documents.
- C) Approval of and authorization for the City Manager to execute a lease agreement between the City of New Braunfels and Alamo Colleges District for a 27,454 square foot building on the Central Texas Technology Center Campus addressed at 2189 FM 758, Building B on the New Braunfels National Airport property.
- D) Approval of a purchase with Siddons-Martin Emergency Group, LLC for the purchase on three squad rescue trucks and one ladder truck for the New Braunfels Fire Department and a purchase with Rush Truck Center for one ambulance remount.
- E) Approval of an amendment to a contract for third-party development process services by reassigning the contract from Masterplan to Milrose Consultants.
- F) Approval for the purchase of vehicles and equipment from BlueBonnet Motors, Inc., Chastang Autocar, John Deere, Holt CAT, and Total Patcher and approval to declare the replaced units as surplus.

Ordinances

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

- G) 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 the east side of N Academy Avenue between both intersections with Springs Nursery.

Item G pulled to Individual Items by a citizen.

- H) 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 revise citation no parking zones to be tow-away zones.

- I) Approval of the second and final reading of an ordinance to create Section 126-151 to set the speed limit on Morningside Drive between Schmidt Avenue and Solms Road.
- J) Approval of the second and final reading of an ordinance to create Section 126-152 to set the speed limit on Alves Lane between SH 46 and Barbarosa Road.
- K) Approval of the second reading of an ordinance establishing the number of positions in each classification in the New Braunfels Fire Department and Police Department pursuant to Local Government Code, Chapter 143.

Approval of the Consent Agenda

Mayor Pro Tem Bowers read the aforementioned Consent Agenda Items A-F and H-K.

Councilmember Hurta moved to approve Consent Agenda Items A-F and H-K. Councilmember Blakey seconded the motion, which passed unanimously.

Absent:

Mayor Brockman

3. INDIVIDUAL ITEMS FOR CONSIDERATION

- 2.G) 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 the east side of N Academy Avenue between both intersections with Springs Nursery.

Mayor Pro Tem Bowers read the aforementioned item.

Garry Ford presented this item and answered questions from Council.

The following individuals spoke at this time: Randy Martin, Jessica Palmer, Shane Hines, Chase Cochran, and Ryan Beasley.

Councilmember Campos moved to postponed to November 14, 2022 City Council Meeting. Councilmember Willis seconded the motion, which passed unanimously.

Mayor Pro Tem Bowers recessed at 7:17 p.m.

Mayor Pro Tem Bowers reconvened at 7:28 p.m.

Absent:

Mayor Brockman

- A) Discuss and consider a three-year professional services agreement between the New Braunfels Economic Development Corporation and the Greater New Braunfels Chamber of Commerce for an economic development program; and declaring an effective date.

Mayor Pro Tem Bowers read the aforementioned item.

Jonathan Packer presented this item and answered questions from Council.

The following individuals spoke at this time: David Warmke, Bridgette Lawson, Victoria Hahn, and Carolina Kuhn.

Councilmember Spradley moved to approve the item. Councilmember Blakey seconded the item which passed unanimously.

Absent:

Mayor Brockman

- B) Public hearing and first reading of an ordinance regarding a requested rezoning of property, currently addressed at 1720 Hunter Road, from "R-2" Single-Family and Two-Family District to "C-1A" Neighborhood Commercial District with a Special Use Permit to allow the addition of coffee roasting and related warehousing with an existing coffee shop on approximately 0.85 of an acre out of Lot 12E, the Resubdivision plat of Lots 12A-12F, Block H, Cypress Rapids at Gruene Section 1.

Mayor Pro Tem Bowers read the aforementioned item.

Christopher Looney presented this item.

The property owner and applicant, Larry Lehr, made additional comments and answered questions from Council.

The business owner, Kelly Hall, presented additional information.

The following individuals spoke at this time: Brett Davis, Becky Jo Irish, Sharlene Bailey, Craig Hall, Brad Gililand, Robert Barnett, Larry Lehr, Sarah Howards, John Benson, Kristen Jameson, Dean Jameson and Aline Cone.

Councilmember Hurta moved for approval with staff recommendations. Councilmember Blakey seconded the motion, which failed due to super majority vote needed for this item.

Mayor Pro Tem Bowers recessed at 9:43 p.m.

Mayor Pro Tem Bowers reconvened at 9:55 p.m.

Opposed:

Councilmember Spradley

Absent:

Mayor Brockman

- C) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 0.9642 acres from “R-2” Single and Two-Family District to “C-1A” Neighborhood Commercial District, in the City Block 5054 Subdivision, Lot 7-8-9-10-11-12, addressed at 257 E. South Street.

Mayor Pro Tem Bowers read the aforementioned item.

Christopher Looney presented this item and answered questions from Council.

Applicant, Matthew Hoyt, made additional comments.

The following individuals spoke at this time: Chad Hunter and James Mahan.

Councilmember Hurta moved for approval as C1-A. Councilmember Campos seconded the motion, which passed unanimously.

At this time, Councilmember Spradley made a point of order to rescind his vote on item 3-B.

Mayor Pro Tem Bowers referred to City Attorney on the process of Roberts Rules of Order.

City Attorney, Valeria Acevedo, explained process of rescinding a vote and answered questions.

Councilmember Spradley made a motion to rescind his vote on Item

3-B, 22-1183. Councilmember Campos seconded the motion which passed unanimously.

Councilmember Campos moved to approve Item 3-B with staff recommendations. Councilmember Blakey seconded the motion, which passed unanimously.

Absent:

Mayor Brockman

D) Discuss and consider the first reading of an ordinance to create Section 136-153 to reduce the speed limit within the Park Ridge Estates subdivision.

Mayor Pro Tem Bowers read the aforementioned item.

Mayor Pro Tem Bowers made a point of order for clarification on previous action taken on item 3-B. Referencing all ordinances require two readings. This item will be put on the next agenda for a second reading.

Garry Ford presented this item.

The following individual spoke at this time: Victoria Hahn, Veronica Bradley, Ryan Beasley, Christian Wolff, Carolina Kuhn, Ryan Beasley, and Victoria Hahn,

The item died for a lack of motion.

E) Discuss and consider the first reading of an ordinance to amend Section 126-369 to create a loading zone on Jester Ridge near Flintshire Drive.

Mayor Pro Tem Bowers read the aforementioned item.

Garry Ford presented this item.

The following individual spoke at this time: Victoria Hahn.

The item died for a lack of motion.

- F) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 25.097 acres from “APD” Agricultural Predevelopment District to “MU-A” Mixed Use Low Intensity District, out of the R. Ximinez Survey, Abstract No. 347, addressed at 409 Franks Road.

Mayor Pro Tem Bowers read the aforementioned item.

Jean Drew presented this item.

The applicant, James Mahan, made additional comments.

Councilmember Campos moved to approve the item. Councilmember Hurta seconded the item which passed unanimously.

Absent:

Mayor Brockman

- G) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 0.573 acres from “M-1” Light Industrial District to “R-2A” Single-Family and Two-Family District, in the Starlight Terrace Subdivision, Unit 1, Block 1, Lot 9A, addressed at 1039 Seidel Street.

Mayor Pro Tem Bowers read the aforementioned item.

Jean Drew presented this item and answered questions from Council.

Applicant, Laura Hansen, made additional comments.

The following individual spoke at this time: Mark Lemons and Carolina Kuhn.

Councilmember Campos moved to approve the item. Councilmember Hurta seconded the item, which passed unanimously.

Absent:

Mayor Brockman

- H) Public hearing and approval of the second and final reading of an ordinance amending the New Braunfels Code of Ordinances, Chapter 144, Zoning, by adding Section 5.29, Cemetery Application, and amending Appendix D, Fee Schedule.

Mayor Pro Tem Bowers read the aforementioned item.

Jean Drew presented this item.

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

Absent:

Mayor Brockman

- I) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 0.24 acres from “M-1” Light Industrial District to “C-O” Commercial Office District with a Special Use Permit to allow short-term rental of a residence in the Starlight Terrace Subdivision, Unit 1, Block 1, Lot 7, addressed at 1031 Seidel Street.

Mayor Pro Tem Bowers read the aforementioned item.

Jean Drew presented this item.

The following individuals spoke at this time: Manual Lemma, Carolina Kuhn, and Mark Lemons.

Councilmember Campos moved for denial. Councilmember Willis seconded the motion, which passed unanimously.

Opposed:

Councilmember Hurta

Absent:

Mayor Brockman

- J) Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 0.21 acres to apply a Special Use Permit to allow short-term rental of a residence in the “C-3” Commercial District, in City Block 1072, Lot 15, addressed at 220 Perryman Street.

Mayor Pro Tem Bowers read the aforementioned item.

Christopher Looney presented this item.

The following individual spoke at this time: Bill Crawley.

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

Because of individuals returning back to Chambers in reference to the motion that was rescinded, Mayor Pro Tem Bowers made a point of order to ask City Attorney, Valeria Acevedo, to update citizens on the action taken on Item 3-B.

Absent:

Mayor Brockman

4. EXECUTIVE SESSIONS

In accordance with the Open Meetings Act, Texas Government Code, Ch. 551, the City Council may convene in a closed session to discuss any of the items listed below. Any final action or vote on any executive session item will be taken in open session.

- A) Deliberate the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.

Recessed into Executive Session at 11:37pm

Meeting went into Recess

Meeting Reconvened

- 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:

- Chapter 242 of the Texas Local Government Code and proposed replacement of the current Interlocal Agreement with Guadalupe County on subdivision development regulations.

- C) Deliberate Issues Regarding Economic Development Negotiations in accordance with Section 551.087 of the Texas Government Code.

- Project New

Mayor Pro Tem Bowers read the aforementioned Executive Session Item A.

Mayor Pro Tem Bowers recessed into Executive Session at 11:37 p.m.

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

Mayor Pro Tem Bowers reconvened into open session at 12:23 a.m.

No action taken at this time.

ADJOURNMENT

Mayor Pro Tem Bowers adjourned at 12:23 a.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY