

**FINAL - MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, FEBRUARY 13, 2023**

AGENDA

CALL TO ORDER

Mayor Brockman called the meeting to order at 6:02 p.m.

CALL OF ROLL: CITY SECRETARY

Present: 7 - Mayor Rusty Brockman, Councilmember Andres Campos, Councilmember Christopher Willis, Mayor Pro Tem Harry Bowers, Councilmember Lawrence Spradley, Councilmember Jason Hurta, and Councilmember James Blakey

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

INVOCATION: COUNCILMEMBER HURTA

Councilmember Hurta provided the invocation.

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

A) Black History Month

Mayor Brockman read the proclamation.

B) President George Washington Day

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. 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 Jim Holster.

1. **MINUTES**

- A) Minutes for the January 23rd, 2023 regular and executive sessions and minutes for the January 30th, 2023 special session.

Mayor Brockman read the aforementioned item.

Councilmember Hurta motioned to approve the item. Mayor Pro Tem Bower 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.

Resolutions & Action Items

- A) Approval of annual routine recurring expenditures for FY 2023 in accordance with City Charter Section 9.17.
- B) Approval of Atanacio Campos as chair, an annual appointment, to the Tax Increment Reinvestment Zone #3 Board
- C) Approval of a resolution recommended by the New Braunfels Economic Development Corporation (NBEDC) approving a project expenditure of up to \$162,812 for a professional services agreement with Freese and Nichols, Inc. for engineering and design of the Last Tuber's Exit; and authorizing the President to execute said agreement.
- D) Approval of a resolution in support of the submission of an application to the 2023 Competitive Housing Tax Credit Program through the Texas Department of Housing and Community Affairs by Eden Heights Senior Housing Limited Partnership; and providing a minimum of \$500.00 of funding assistance to the Development.

Ordinances

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

- E) Approval of the first and final reading of an ordinance ordering a Regular Election to be held in the City of New Braunfels on May 6, 2023, for Regular City Officers; and establishing an Early Voting

Location and Polling Places for this Election; and making provisions for the conduct of the Election.

- F) Approval of the first reading of an ordinance to amend Section 126-346 of the Code of Ordinances of the City of New Braunfels to remove or revise existing no parking zones to promote a clear, concise, and effective no parking ordinance.
- G) Approval of the first reading of an ordinance to amend Section 126-368 of the Code of Ordinances of the City of New Braunfels to revise the date and time of the water recreation loading zone in Prince Solms Park.
- H) Approval of the first reading of an ordinance to amend Section 126-346 and Section 126-354 of the Code of Ordinance of the City of New Braunfels to remove or revise existing parking restrictions to address ordinance overlaps.
- I) Approval of the first reading of an ordinance to amend Chapter 6, Animals, of the City of New Braunfels Code of Ordinances to modify the Animal Services Advisory Board.
- J) Approval of the second and final reading of an ordinance to amend Section 126-346 of the Code of Ordinance of the City of New Braunfels to establish a no parking zone on N. Academy Avenue near the intersection with N. Walnut Avenue.
- K) 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 residences in the "C-3" Commercial District, being the north 75 feet of Lots 8 and 9, New City Block 1058, Kuehler Addition Subdivision, addressed at 1170 Kuehler Avenue.
- L) 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 a residence in the "C-3" Commercial District, being Lot 2 and a portion of Lot 3, New City Block 1055, Kuehler Addition Subdivision, addressed at 320 East Faust Street.

Approval of the Consent Agenda

Mayor Brockman stated staff pulled item 2-B for individual consideration.

Mayor Brockman read the aforementioned consent items A, C-L.

Councilmember Hurta motioned to approve the consent agenda with the exception of item 2-B. Mayor Pro Tem Bowers seconded the motion which was passed unanimously.

3. INDIVIDUAL ITEMS FOR CONSIDERATION

Staff pulled consent item 2-B for individual consideration.

2-B) Approval of Atanacio Campos as chair, an annual appointment, to the Tax Increment Reinvestment Zone #3 Board

This item was pulled from Consent Agenda by Mayor Brockman.

Councilmember Campos recused himself from this item.

Mayor Brockman read the aforementioned item.

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

Recused:

Councilmember Campos

A) Discuss and Consider Approval of a Resolution of the City Council of the City of New Braunfels ordering a special election to be held in the City of New Braunfels, Texas, on May 6, 2023, for a bond election, and establishing early voting locations and polling places for this election; making provisions for the conduct of the election; and resolving other matters related to such election.

Mayor Brockman read the aforementioned item.

Robert Camareno presented the item.

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

B) Discuss and Consider Approval of a contract with Alliance Transportation Group for professional services in development of the Transit Development Plan.

Mayor Brockman read the aforementioned item.

Garry Ford presented the item providing a powerpoint and answered questions from council.

The following individuals spoke at this time: David Warmke.

Councilmember Hurta motioned to approve the item. Councilmember Blakey seconded the motion which was passed unanimously.

- C) Discuss and consider approval of a resolution supporting funding recommendations for the City's SLFRF-ARPA non-profit grant program, utilizing a portion of the allocation of funding received by the City of New Braunfels from the U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program, a part of the American Rescue Plan Act (ARPA); and authorization for the City Manager to act on behalf of the City in all matters related to the grant program.

Mayor Brockman recused himself from the aforementioned item.

Mayor Pro Tem Bowers read the aforementioned item.

Jared Werner presented the item providing a powerpoint and answered questions from council.

The following individuals spoke at this time: Jim Holster, Timothy Davis, Loraine Shrank, Crystal Moore.

Councilmember Spradley motioned to approve the item. Councilmember Willis seconded the motion which was passed unanimously.

Mayor Pro Tem Bowers called a five minute break.

Recused:

Mayor Brockman

- D) Discuss and consider approval of a resolution authorizing a project expenditure recommended by the New Braunfels Economic Corporation of up to \$1,000,000.00 to Texas State Technical College; and authorizing the President to execute the agreement

Mayor Brockman read the aforementioned item.

Jeff Jewell presented the item.

The following individuals spoke at this time: David Warmke.

Mayor Pro Tem Bowers motioned to approve the item. Councilmember Spradley seconded the motion which was passed unanimously.

- E) Discuss and consider the first 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 in front of 2043 Spur Street.

Mayor Brockman read the aforementioned item.

Garry Ford presented the item providing a powerpoint and answered questions from council.

Councilmember Campos motioned to approve the item based on the Traffic and Transportation board recommendations. Councilmember Blakey seconded the motion which was passed unanimously.

- F) Public Hearing and the first reading of an Ordinance of the City Council of the City of New Braunfels, Texas Approving the Change of Boundaries of Reinvestment Zone Number One, City of New Braunfels, Texas; Approving an Amendment to the Project Plan and Reinvestment Zone Financing Plan for the Reinvestment Zone Number One, City of New Braunfels, Texas; Approving and Executing an Amendment to the Tax Increment Participation Interlocal Agreement and an Amendment to the Phase II Tax Increment Participation Interlocal Agreement; and Other Matters in Connection Therewith.

Mayor Brockman read the aforementioned item.

Jared Werner presented the item providing a powerpoint and answered questions from council.

The following individuals spoke at this time: David Warmke, Loraine Shrank.

Councilmember Spradley motioned to approve the item. Mayor Pro Tem Bowers seconded the motion which was passed unanimously.

- G) Public hearing and first reading of an ordinance to amend the City's Code of Ordinances Chapter 144 (Zoning) Section 1.4 Definitions, Section 2.2 Zoning Board of Adjustment, Sections 3.3 and 3.4 Zoning Districts, Article 5 Development Standards, and Appendix D Fee Schedule, to clarify current practices, update terms, streamline processes, relocate some sections, make certain sections consistent

with state statute, create new sections, remove barriers to innovation, facilitate flexibility, and address identified issues ahead of the Land Development Ordinance project.

Mayor Brockman read the aforementioned item.

Chris Looney presented the item providing a powerpoint and answered questions from council.

The following individuals spoke at this time: Timothy Davis.

Councilmember Hurta motioned to approve the item. Councilmember Spradley seconded the motion which was passed unanimously.

H) Public hearing and first reading of an ordinance to amend the City's Code of Ordinances by relocating Chapter 144 Section 5.10(c) Special Events to a new Chapter 91, with minor edits, to streamline processes, facilitate flexibility, and address identified issues ahead of the Land Development Ordinance project.

Mayor Brockman read the aforementioned item.

Chris Looney presented the item providing a powerpoint and answered questions from council.

Councilmember Hurta motioned to approve the item. Mayor Pro Tem Bowers seconded the motion which was passed unanimously.

I) Discuss and consider the first reading of an ordinance to amend the City's Code of Ordinances Chapter 62 (Health and Sanitation) Section 62-211 Parking House Cars, to clarify current practices, update terms, streamline processes, facilitate flexibility, and address identified issues ahead of the Land Development Ordinance project.

Mayor Brockman read the aforementioned item.

Chris Looney presented the item providing a powerpoint and answered questions from council.

The following individuals spoke at this time: Loraine Shrank, Timothy Davis.

Councilmember Campos motioned to approve the item. Councilmember Willis seconded the motion which was passed unanimously.

- J) Public hearing and first reading of an ordinance to amend the City's Code of Ordinances Chapter 118 (Subdivision Platting) Section 11 Waiver, and Section 58 Fee Schedule, to clarify current practices, streamline processes, relocate some sections, facilitate flexibility, and address identified issues ahead of the Land Development Ordinance project.

Mayor Brockman read the aforementioned item.

Chris Looney presented the item providing a powerpoint and answered questions from council.

Councilmember Hurta motioned to approve the item. Mayor Pro Tem Bowers seconded the motion which was passed unanimously.

- K) Discuss and consider the first reading of an ordinance to amend the City's Code of Ordinances Chapter 106 (Signs) Section 12 Sign Lighting Standards, to modernize standards for internally illuminated signs to reduce glare, sky glow, and light trespass, facilitate flexibility, and address identified issues ahead of the Land Development Ordinance project.

Mayor Brockman read the aforementioned item.

Chris Looney presented the item providing a powerpoint and answered questions from council.

Councilmember Hurta motioned to approve the item. Councilmember Spradley seconded the motion which was passed unanimously.

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.

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).

- A) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code,

specifically

- S. Krueger Avenue Properties
- 1530 South Seguin Ave.

The aforementioned items took place during the executive session prior to the regular council meeting.

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

ADJOURNMENT

Mayor Brockman adjourned at 8:56p.m.

By: _____
RUSTY BROCKMAN, MAYOR

Attest:

GAYLE WILKINSON, CITY SECRETARY