

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, FEBRUARY 13, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on February 13, 2017, at 6:00 p.m.

City Councilmembers present were:

Present: 7 - Mayor Barron Casteel, Councilmember George Green, Councilmember Justin Meadows, Councilmember Ron Reaves, Councilmember Chris Monceballez, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

City Staff present were:

City Manager Robert Camareno, Assistant City Manager Kristi Aday, City Attorney Valeria Acevedo, Prosecutor and Assistant City Attorney Nathan Brown, City Secretary Patrick Aten, Assistant City Secretary Andrea Cunningham, Development Manager Jeff Jewell, River Operations Manager Amy Niles, Police Chief Tom Wibert, City Engineer Garry Ford, Capital Programs Manager Bryan Woods, Watershed Coordinator Mark Enders, Finance Director Martie Simpson, Environmental Services Manager Bryan Ruiz, Planning and Community Development Director Christopher Looney, and Planner Benjamin Campbell.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:00 p.m. Councilmember Garcia gave the invocation; and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

Mayor Casteel proclaimed February 22, 2017 as President George Washington Day.

Mayor Casteel proclaimed the month of February 2017 as Black History Month.

PRESENTATIONS:

Jeff Jewell gave a presentation on utilizing Low Income Housing Tax Credits.

JES Holdings Development Manager John Guttman presented the Oak Creek Senior Village project.

NuRock Co. Vice President John Boyd presented on The Residences of New Braunfels project.

Valeria Acevedo gave a presentation regarding proposed amendments to Chapter 62, Article VII, Smoking in Public Places.

<City Council took a break.>

Tobacco Haus owner Mark Sewell, and American Heart Association Senior Local Policy Manager Jerry Saavedra spoke regarding the presentation.

Kristi Aday gave a presentation on the 2017 River Management Fee and the River Advisory Committee goals.

James Reno and Shane Wolf spoke regarding the presentation.

City Council gave staff the following direction: 1) For future river seasons, any changes to river activities or policies should be presented to the City Council for consideration no later than December prior to the river season year, which may require holding the River Activities Citizen Public Forum earlier in the year; 2) Review the policies and procedures by which the complimentary outfitter wristbands are disbursed and used; 3) Conduct an attendance audit of the River Advisory Committee; and 4) Review and bring to City Council a recommendation from the River Advisory Committee on camera installation at the last tuber's exit.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of January 23, 2017.

Mayor Casteel read the aforementioned caption.

A motion was made by Councilmember Green, seconded by Mayor Pro Tem Peters, that this item be approved. The motion passed unanimously.

2. CITIZENS' COMMUNICATIONS

San Antonio Food Bank Chief of Government & Public Affairs Mario Obledo, Jr. spoke regarding the construction of the New Braunfels Food Bank.

Cheryl Gilpin spoke regarding water.

3. CONSENT AGENDA

- A) Approval of the appointment of one individual to the Central Texas Technology Center Advisory Board for a term ending April 26, 2020.
- B) Approval of the appointment of one individual to the Watershed Advisory Committee for a term ending April 18, 2020.
- C) Approval for the City Manager to renew a three-year Small Government Enterprise License Agreement with Esri for geographic information system (GIS) software licenses and online GIS training.
- D) Approval of a resolution for a grant submission to the State Homeland Security Program from Office of the Governor - Homeland Security Grants Division for up to \$52,500 for the purchase of First Defender RM S1 Product Identification Equipment, and authorizing the City Manager to accept funds and execute all contract documents associated with the grant, if awarded.
- E) Approval of a resolution and submission of a grant application to the Office of the Governor - Criminal Justice Division, General Victim Assistance Direct Services Program grant in the amount of \$60,663.36 to request funding for one full-time Crime Victim Liaison position, and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
- F) Approval of a resolution and submission of a grant application to the Office of the Governor - Criminal Justice Division, Violence Against Women Formula Grant Program in the amount of \$107,444.49 to continue funding one full-time investigator position, and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
- G) Approval of an annual contract with Bluebonnet Motors, Inc, Grapevine DCJ, LLC and Griffith Ford Seguin, LLC for the purchase of vehicles on an as-needed basis for the city.
- H) Approval of several vehicles to be declared as surplus prior to being sold at auction and to an area law enforcement agency, as applicable.
- I) Approval to ratify the submission of a grant application to the Texas State Library and Archives Commission for the Libraries and Literacy Grant in the amount of \$4,000 to purchase library equipment and

authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

- J) Approval of a contract with NewGen Strategies and Solutions, LLC to perform a study of the feasibility of the City adding a permanent drop-off location for solid waste items such as household hazardous waste, electronics, bulky goods, and brush.
- K) Approval of acquisition funds in the amount of \$50,000 for purchasing right-of-way on the Live Oak Avenue/Katy Street Improvements Project.
- L) Approval of acquisition funds in the amount of \$750,000 for purchasing right-of-way and temporary construction easements on the Solms/Morningside/Rueckle Road Reconstruction Project.
- M) Approval of a Letter of Agreement for Construction Services with Enterprise Texas Pipeline LLC for adjustments to their natural gas transmission lines as required to accommodate the Alves Lane Improvements Project.
- N) Approval of an authorization for the City Manager to enter into an interlocal agreement between the City and Comal County for the use of a property located at 340 North Seguin Avenue as a construction staging area.
- O) Approval of a resolution providing Veramendi Development Company, LLC. with the City of New Braunfels' consent pursuant to the Development Agreement to create the following: WID 1A and WID 1B subdistricts, and the Comal Master Water Improvement District.
- P) Approval to amend a contract term with Frost Banking Investments for banking services.
- Q) Approval of the first reading of an ordinance for the proposed abandonment and sale of approximately 0.23 acres of street right-of-way at the terminus of Merriweather Street.
- R) Approval of the first reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install traffic control devices at Pahmeyer Road and Strawcove.
- S) Approval of the second and final reading of an ordinance amending Chapter 126 of the City of New Braunfels Code of Ordinances

regarding Traffic and Vehicles.

- T) Approval of the second and final reading of an ordinance regarding a requested rezoning to apply a Special Use Permit to allow short term rental of residential structures in the "C-1" Local Business District, on Lot G City Block 5085, addressed at 160 W. North Street.
- U) Approval of the second and final reading of an ordinance regarding amendments to the Code of Ordinances, Chapter 118 Platting, Section 46(x) Private Streets.
- V) Approval of the second and final reading of an ordinance regarding a rezoning to apply a Special Use Permit to allow short term rental of two residences and up to eight residential cabins in the "C-2" Central Business District on approximately 0.72 acres out of Lots 32 - 35, New City Block 2016, addressed at 468, 476, and 486 N. Market Avenue.
- W) Approval of the second and final reading of an ordinance regarding a requested rezoning to apply a Special Use Permit to allow a speech therapy clinic in the "R-2" Single and Two-family District, on Lot 10A Grandview Addition, addressed at 1208 N. Walnut Avenue.

Approval of the Consent Agenda

Mayor Casteel read the aforementioned captions. A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Monceballez, to approve the Consent Agenda. The motion passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to add a no parking zone on East Faust Street near the intersection with Comal Avenue and amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to install traffic control devices in the neighborhood of East Faust Street.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Meadows, that this item be approved with staff

recommendations. The motion passed unanimously.

- B) Discuss and consider approval of the first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Areas G and I.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

A motion was made by Councilmember Green, seconded by Mayor Pro Tem Peters, that this item be approved. The motion passed unanimously.

- C) Discuss and consider approval of a contract with Meyers Concrete for construction of Phases 1A, 1B, & 1C of the Downtown Sidewalk Improvements Project including an 18 percent contingency.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

A motion was made by Councilmember García, seconded by Councilmember Green, that this item be approved. The motion passed unanimously.

- D) Discuss and consider approval for an Advanced Funding Agreement with TxDOT to construct Phases 1A and 1B of the Downtown Sidewalk Improvements Project.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item.

A motion was made by Councilmember Green, seconded by Councilmember García, that this item be approved. The motion passed unanimously.

- E) Presentation, discussion, and approval of the City's 2017 Plan of Finance pertaining to the contemplated issuance of obligations to be designated as "City of New Braunfels, Texas General Obligation Bonds, Series 2017"; authorizing City staff and the City's financial advisors and bond counsel to proceed with the 2017 Plan of Finance.

Mayor Casteel read the aforementioned caption.

Martie Simpson presented the item.

SAMCO Managing Director Andrew Friedman spoke regarding the item.

A motion was made by Councilmember Green, seconded by Councilmember Reaves, that this item be approved. The motion passed unanimously.

- F) Discuss and consider approval for City staff to provide in-kind services to support a grant from the Interlocking Concrete Paver Institute to install permeable pavers at the Wurstfest grounds.

Mayor Casteel read the aforementioned caption.

Mark Enders presented the item.

Wurstfest President Eric Couch spoke regarding the item.

A motion was made by Councilmember García, seconded by Councilmember Green, that this item be approved. The motion passed unanimously.

- G) Discuss and consider approval of the second and final reading of an ordinance regarding a rezoning to apply a Special Use Permit to allow a mixed-use development including office, digital print shop, retail, music studio, and residential/bed and breakfast in the “C-3” Commercial and “R-2” Single-Family and Two-Family Districts on 0.66 acres, consisting of Lots 2, 3, 11, 12, and 13, New City Block 4048, addressed at 1260 S. Business 35.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

Carolyn Lehmann, Bill Newberry, and Jana Raley spoke regarding the item.

A motion was made by Mayor Pro Tem Peters, seconded by

Councilmember Reaves, that this item be approved with the condition that the approved uses listed under Building 1 and 2, for Building 1 read that a house "can" be used as a music studio that functions as a rehearsal space, a listening room, and a meeting space, with retail space. The motion passed via the following roll call vote:

In Favor:

Mayor Casteel, Councilmember Meadows, Councilmember Reaves, Councilmember Monceballez, Mayor Pro Tem Peters, and Councilmember García

Opposed:

Councilmember Green

- H) Public hearing and consideration of the first reading of an ordinance regarding the establishment of new fees for services provided or facilitated by the Planning and Community Development Department.

Mayor Casteel read the aforementioned caption.

Christopher Looney presented the item.

No one spoke during the public hearing.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Meadows, that this item be approved. The motion passed unanimously.

5. EXECUTIVE SESSIONS

- 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:
- Alta Towers, LLC v. City of New Braunfels and City of New Braunfels Zoning Board of Adjustment
- B) Deliberate and consider the purchase of, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code, including but not limited to:
- acquisition of land for city facilities

Mayor Casteel read the aforementioned captions.

The City Council recessed into Executive Session 9:59 a.m. - 10:34 p.m.

No vote or action was taken.

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

City Council reconvened into Open Session at 10:34 p.m.

No vote or action was taken.

This regular City Council meeting was adjourned at 10:35 p.m.

Date Approved: February 27, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY