

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, FEBRUARY 27, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on February 27, 2017, at 6:07 p.m.

City Councilmembers present were:

Present: 6 - Councilmember George Green, Councilmember Justin Meadows, Councilmember Ron Reaves, Councilmember Chris Monceballez, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

Absent: 1 - Mayor Barron Casteel

City Staff present were:

Assistant City Manager Kristi Aday, City Attorney Valeria Acevedo, City Secretary Patrick Aten, Assistant City Secretary Andrea Cunningham, Library Director Gretchen Pruett, City Engineer Garry Ford, Finance Director Martie Simpson, Parks and Recreation Director Stacey Dicke, Planning and Community Development Director Christopher Looney, and Environmental Services Manager Bryan Ruiz.

The meeting was called to order by Mayor Pro Tem Peters in the New Braunfels City Hall Council Chambers at 6:07 p.m. Mayor Pro Tem Peters gave the invocation and led the Pledge of Allegiance and the Salute to the Texas Flag.

PRESENTATIONS:

Mayor Pro Tem Peters presented Library Director Gretchen Pruett with the 2016 Achievement of Library Excellence Award.

1. MINUTES

- A) Discuss and consider approval of the minutes of the special City Council meetings of February 3, and the regular City Council meeting of February 13, 2017.

Mayor Pro Tem Peters read the aforementioned caption.

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

unanimously.

2. CITIZENS' COMMUNICATIONS

Jim Waldman spoke regarding the Veramendi Development.

3. CONSENT AGENDA

- A) Approval of the Mayoral appointment of one individual as the Chair of the Watershed Advisory Committee for a term ending April 28, 2020.
- B) Approval of a resolution supporting an application to the Texas Department of Housing and Community Affairs for 2017 competitive nine percent housing tax credits for Residences at New Braunfels and providing a commitment of development funding; and authorizing the city manager to execute necessary agreements.
- C) Approval of a resolution supporting an application to the Texas Department of Housing and Community Affairs for 2017 competitive nine percent housing tax credits for Oak Creek Senior Village and providing a commitment of development funding; and authorizing the city manager to execute necessary agreements.
- D) Approval of the purchase of vehicles from Bluebonnet Motors, Inc., Griffith Ford Seguin, LLC, and Silsbee Ford; and to declare replacement units as surplus.
- E) Approval of the ratification of an annual expenditure with Strategic Government Resources Inc. for FY 2016-17.
- F) Approval of a resolution for inclusion of the New Braunfels Public Library in a grant application by the Bulverde Spring Branch Public Library to the Texas State Library and Archives Commission for a Library Cooperation Grant to purchase a mobile maker space and authorizing the City Manager to execute all contract documents associated with the grant, if awarded.
- G) Approval of the second and final 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.
- H) Approval of the second and final 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.

- J) Approval of the second and final reading of an ordinance regarding the establishment of new fees for services provided or facilitated by the Planning and Community Development Department.
- K) Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to create no parking zones on Floral Avenue and Rainy Creek.
- L) Approval of the second and final 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.

Approval of the Consent Agenda

Mayor Pro Tem Peters read the aforementioned captions with the exception of Item I, which was pulled for further discussion.

A motion was made by Councilmember Monceballez, seconded by Councilmember Green, to approve the Consent Agenda. The motion passed unanimously via roll call vote.

- I) Approval of the second and final 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 Pro Tem Peters read the aforementioned caption.

Garry Ford presented the item.

Paul Giffen and Jim Waldman spoke regarding the item.

A motion was made by Councilmember Monceballez, seconded by Councilmember Green, that this item be approved. The motion passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of a resolution in support of state legislation also known as “David’s Law” that combats cyber bullying anyone under the age of 18.

Mayor Pro Tem Peters read the aforementioned caption.

Councilmember Reaves presented the item.

Jennifer Tharp, Clayton Smaistrila, and Lilly Scott spoke regarding the item.

A motion was made by Councilmember Reaves, seconded by Mayor Pro Tem Peters, that this item be approved. The motion passed via the following vote:

In Favor:

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

Opposed:

Councilmember Green

- B) Discuss and consider approval of the appointment of one individual to the Library Advisory Board for a term ending September 26, 2019.**

Mayor Pro Tem Peters read the aforementioned caption.

Patrick Aten presented the item.

No majority was reached for a candidate, so a motion was made by Councilmember Meadows, seconded by Councilmember Reaves, that this item be postponed to the regular City Council meeting of March 13, 2017. The motion passed unanimously.

- C) Discuss and consider approval of the appointment of three individuals to the Building Standards Commission for terms ending October 26, 2018.**

Mayor Pro Tem Peters read the aforementioned caption.

Patrick Aten presented the item.

A motion was made by Councilmember Reaves, seconded by Councilmember Green, to approve the appointment of Mary Ann Carter (real estate professional), Shane Hines (home building professional), and Kevin Butschek (alternate) to the Building Standards

Commission for terms ending October 26, 2018. The motion passed unanimously.

- D) Discuss and consider approval of the appointment of one individual to the New Braunfels Housing Authority Board of Commissioners for a term ending January 22, 2019.

Mayor Pro Tem Peters read the aforementioned caption.

Patrick Aten presented the item.

A motion was made by Councilmember García, seconded by Councilmember Reaves, to appoint David Pfeuffer to the New Braunfels Housing Authority Board of Directors for a term ending January 22, 2019. The motion passed via the following vote:

In Favor:

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

Opposed:

Councilmember Green

- E) Discuss and consider approval of the first reading of an ordinance amending Chapter 62, Article VII - Smoking in Public Places, of the Code of Ordinances, by amending definitions, adding electronic smoking devices, prohibiting smoking in bars, private clubs and hotel/motel rooms; adding vape shops to exceptions; and prohibiting outdoor smoking within ten (10) feet of entrances, exits, operable windows and ventilation systems of places where smoking is prohibited.

Mayor Pro Tem Peters read the aforementioned caption.

Valeria Acevedo and Bryan Ruiz presented the item.

A motion was made by Councilmember Green, seconded by Councilmember Monceballez, that this item be approved.

A motion was made by Councilmember Meadows, seconded by Councilmember Reaves, that the main motion be amended by removing the outdoor distance requirement. The motion failed 3 to 3, with Mayor Pro Tem Peters, and Councilmembers Green and

Monceballez opposed.

Nancy Cronen, Joyce Yannuzzi, Charlie Gagen, Mark Sewell, Greg Gallagher, and Jerry Saavedra spoke regarding the amendment.

A motion was made by Councilmember Reaves, seconded by Councilmember García, that the main motion be amended to strike the prohibition of smoking in outdoor, open-air, drive-in movie theaters. The motion passed 4 to 2, with Councilmembers Green and Monceballez opposed.

Jerry Saavedra spoke regarding the amendment.

A motion was made by Councilmember Meadows, seconded by Councilmember Monceballez, to amend the main amended motion by reducing the outdoor distance requirement to five (5) feet. The motion passed 5 to 1, with Councilmember Green opposed.

The amended main motion passed via the following vote:

In Favor:

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

Opposed:

Councilmember Green, and Councilmember García

<City Council took a break.>

- F) Public hearing on proposed substantial amendments to the Community Development Block Grant Program Year 2016 One Year Action Plan and approval of a resolution to adopt the proposed substantial amendments.**

Mayor Pro Tem Peters read the aforementioned caption.

Martie Simpson, Gretchen Pruett, and CDBG Consultant Paula Harper presented the item.

No one spoke during the public hearing.

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

unanimously.

- G) Discuss and consider approval of a contract with Key Enterprises for the replacement of the gym flooring at the Westside Community Center.

Mayor Pro Tem Peters read the aforementioned caption.

Gretchen Pruett presented the item.

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

- H) Discuss and consider approval of contract with D&M Owens for construction of a walking trail at Haymarket Park and basketball court replacement at Jesse Garcia Park.

Mayor Pro Tem Peters read the aforementioned caption.

Stacey Dicke presented the item.

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

- I) Discuss and consider approval of a BuyBoard purchase with TF Harper & Associates for furnishings at Haymarket Park.

Mayor Pro Tem Peters read the aforementioned caption.

Stacey Dicke presented the item.

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

- J) Public hearing and consideration of the first reading of an ordinance regarding a proposed amendment to the "Highland Grove" Planned Development District Concept Plan and related Development Standards, on property comprising 228.68 acres located south and east of the intersection of Rueckle Road and Morningside Drive.

Mayor Pro Tem Peters read the aforementioned caption.

Christopher Looney presented the item.

No one spoke during the public hearing.

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

- K) Public hearing and first reading of an ordinance amending Section 126-354 of the City of New Braunfels Code of Ordinances to revise Parking by Permit Area A.**

Mayor Pro Tem Peters read the aforementioned caption.

Garry Ford presented the item.

No one spoke during the public hearing.

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

- L) Discussion and possible direction to staff on the 2017 River Management Fee.**

Mayor Pro Tem Peters read the aforementioned caption.

Kristi Aday presented the item.

John Mathis spoke regarding the item.

A motion was made by Councilmember García, seconded by Councilmember Monceballez, to direct staff to wait another year before making any changes to the River Management Fee, to hold the River Public Input Meeting earlier in the year, and to bring all changes regarding the River Management Fee for City Council consideration in November or December prior to the start of the season. The motion passed unanimously.

The City Council did not recess into Executive Session.

This regular City Council meeting adjourned at 8:28 p.m.

Date approved: March 13, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY