

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JULY 24, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on July 24, 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, Assistant City Manager Bryan Woods, City Attorney Valeria Acevedo, City Secretary Patrick Aten, Assistant City Secretary Andrea Cunningham, Assistant Police Chief Joe Vargas, Public Works Director Greg Malatek, Watershed Program Manager Mark Enders, Finance Director Martie Simpson, Parks and Recreation Director Stacey Dicke, Planning and Community Development Director Christopher Looney, and Planner Matt Greene.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:04 p.m. Councilmember Reaves gave the invocation; and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

A) Dr. Fred B. Willard

Mayor Casteel recognized the achievement of Dr. Willard's 50 years of perfect attendance in the Rotary Club of New Braunfels.

PRESENTATIONS:

A) Retiree Recognition - Michael Garcia

Michael Garcia was recognized for his retirement from the New Braunfels Police Department.

B) Presentation on the Dry Comal Creek/Comal River Watershed Protection Plan.

Mark Enders gave a presentation on the Dry Comal Creek/Comal River Watershed Protection Plan.

Lynn Norvell spoke on the item.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of July 10, 2017, and the special City Council meeting of July 17, 2017.

Mayor Casteel read the aforementioned caption. A motion was made by Councilmember García, seconded by Mayor Pro Tem Peters, that this item be approved. The motion passed unanimously.

2. CITIZENS' COMMUNICATIONS

Bill Norvell spoke about the South Castell Master Plan. Wayne Rudolph spoke about the tax rate.

3. CONSENT AGENDA

- A) Approval of the Mayoral appointment of five individuals to the New Braunfels Partnership Committee for terms ending August 1, 2020.
- B) Approval of a lease agreement between the City of New Braunfels and West San Antonio 111, LLC. to provide public parking in Downtown New Braunfels.
- C) Approval of a resolution for the determination of right-of-way of S. Castell Avenue, identified as a Major Collector in the City of New Braunfels Regional Transportation Plan, between W. Coll Street and W. Mill Street.
- D) Approval of annual expenditures with Strategic Government Resources Inc. for FY 2016-17 in an amount not to exceed \$100,000.
- E) Approval of a contract with Alpha Testing and Terracon for materials testing and Lone Star Paving for construction on South Castell Avenue and Live Oak Avenue reconstruction.
- F) Approval of a contract with EIB Contractors for the construction and remodel of Fire Station #1 to include the base project as well as Additive Alternates 1, 2, 3, 4, and 5A.

- G) Approval of a contract with Petroleum Solutions, Inc. for the removal and disposal of three underground fuel storage tanks located at the New Braunfels Regional Airport.
- H) Approval of acquisition funds for purchasing Right of Way from NBL 300 Group, LTD, Parcel 35-2 on the Klein Road Improvements Project.
- I) Approval of acquisition funds for purchasing Right of Way from V L & Betty McCart, #1 Trust, Parcel 1 on the Klein Road Improvements Project.
- J) Approval of the first reading of an ordinance repealing portions of the Code of Ordinances, Chapter 138, Article I - Vehicles for Hire, to comply with new state legislation that regulates transportation network companies.
- K) Approval of the first reading of an ordinance to create school speed zones for Voss Farms Elementary and Veramendi Elementary.
- L) Approval of the second and final reading of an ordinance granting rehabilitation tax relief to the property addressed as 195 Jahn Street, a Local Historic Landmark known as the Brietzke Haus.
- M) Approval of the second and final reading of an ordinance regarding the proposed rezoning of approximately 74 acres comprising a 60.579 acre tract out of the A-20, A M Esnaurizar Survey, addressed at 1584 and 1568 Weltner Road, and the 13.421 acre Countryville Subdivision, from "APD" Agricultural/Pre-Development District and "R-1A-6.6" Single-Family District to Weltner Farms Planned Development District (WFPD).

Approval of the Consent Agenda

Mayor Casteel read the aforementioned captions with the exception of Item B which was pulled from consideration. A motion was made by Councilmember García, seconded by Mayor Pro Tem Peters, to approve the Consent Agenda. The motion passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of a grant application to the FY2018 Clean Water Act Section 319(h) Grant through the Texas Commission on Environmental Quality for \$1,415,300 to implement management

measures identified in the Dry Comal Creek/ Comal River Watershed Protection Plan and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.

Mayor Casteel read the aforementioned caption.

Mark Enders presented the item.

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

- B) Discuss and consider approval of the 2017 Community Development Block Grant One-Year Action Plan and Fair Housing Plan.

Mayor Casteel read the aforementioned caption.

Martie Simpson presented the item.

Harry Bowers and Eric Cooper spoke on the item.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember García, that this item be approved with the reallocation of \$5,000 from STEPS to the San Antonio Food Bank. The motion passed via the following vote:

In Favor:

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

Opposed:

Councilmember Green, Councilmember Meadows, and Councilmember Reaves

- C) Discuss and consider approval of the first reading of an ordinance modifying Chapter 86-4, Additional rules and regulations for control of parks and recreation areas and facilities, to restrict the possession of personal grills in city parks.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

A motion was made by Councilmember Monceballez, seconded by Mayor Pro Tem Peters, that this item be approved. Councilmember Monceballez further stated that he wants the City Attorney to work on an ordinance to regulate the use of barbecue grills within rights-of-way, sidewalks, and vehicles. The motion as presented passed via the following vote:

In Favor:

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

Opposed:

Councilmember Green

<City Council took a break.>

- D) Discuss and consider approval of a resolution authorizing an expenditure of up to \$125,000 to Boon Chapman, Ltd. for a project to create and retain 80 jobs.

Mayor Casteel read the aforementioned caption.

Micahel Meek presented the item.

Carrie Mabrito spoke regarding the item.

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

In Favor:

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

Opposed:

Councilmember Green, Councilmember Monceballez, and Councilmember García

- E) 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 F.

Mayor Casteel read the aforementioned caption.

Greg Malatek presented the item.

No one spoke during the public hearing.

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

- F) Public hearing and consideration of the first reading of an ordinance regarding a proposed amendment to the Parkridge Estates Planned Development District Concept Plan and related Development Standards on property comprising 49.52 acres located on the south side of W. County Line Road between North Ranch Estates Boulevard and Cornerstone Drive.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

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

- G) Public hearing and consideration of the first reading of an ordinance regarding a rezoning of approximately 25.98 acres consisting of Lot 4B, Moeller Subdivision, Unit 3, addressed as 381 W. Klein Road from "APD" Agricultural / Pre-Development District to "White Wing Enclave" Planned Development District, with a Concept Plan.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Alan Hoover spoke during the public hearing.

A motion was made by Councilmember Meadows, seconded by Councilmember Green, that this item be approved with Option 1 Concept Plan that includes the connection to White Wing Subdivision.

The motion passed unanimously.

- H) Discuss and consider possible action regarding a proposed new Downtown logo and tagline as recommended by the New Braunfels Downtown Board.

Mayor Casteel read the aforementioned caption.

Chris Looney, Amy McWhorter, and Ian Perez presented the item.

Deric Garza and Pat Butler spoke on the item.

A motion was made by Councilmember Monceballez, seconded by Councilmember Meadows, that this item be approved and the City take steps to protect the brand. The motion passed via the following vote:

In Favor:

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

Opposed:

Councilmember Green

- I) Discuss and consider a waiver from the requirement to construct sidewalks along Herbelin Road for the replat of Lots 1A and 1B, Herbelin Ranch Subdivision

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

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

- J) Discuss and consider a waiver from the requirement to construct sidewalks along FM 1101 and internal to the proposed Mesquite Business Park Subdivision.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Patrick Lynch spoke on the item.

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

K) Discuss and consider approval of a resolution naming an alternate to the Alamo Area Council of Governments (AACOG) Board of Directors.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Joe Lopez and Henry Ford spoke on the item.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Monceballez, that Councilmember Leah Garcia be named as the alternate. 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:

· Carowest Land, Ltd. v. Yantis Company and the City of New Braunfels (2010, 2015, and 2017 cases)

C) Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Attorney in accordance with Section 551.074 of the Texas Government Code.

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 9:30 p.m. to 10:17 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 10:17 p.m.

No vote or action was taken.

This regular meeting adjourned at 10:17 p.m.

Date Approved: August 14, 2017

BARRON CASTEEL, MAYOR

Attest:

PATRICK ATEN, CITY SECRETARY