

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, AUGUST 28, 2017**

The City Council of the City of New Braunfels, Texas, convened in a Regular Session on August 28, 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, City Attorney Valeria Acevedo, Assistant City Manager Kristi Aday, Assistant City Manager Bryan Woods, City Secretary Patrick Aten, Parks and Recreation Director Stacey Dicke, Planning and Community Development Director Chris Looney, and City Engineer Garry Ford.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:03 p.m. Mayor Pro Tem Peters gave the invocation, and Mayor Casteel led the Pledge of Allegiance and the Salute to the Texas Flag.

PROCLAMATIONS:

A) National Payroll Week

Mayor Casteel proclaimed September 4-8, 2017, as National Payroll Week.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of August 14, 2017, and the special City Council meetings of August 14, 15, and 16, 2017.

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

2. CITIZENS' COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

No one spoke during Citizen's Communications.

3. CONSENT AGENDA

- A) Approval of a Memorandum of Understanding with New Braunfels Utilities for the joint solicitation and administration of roadway and utilities projects.
- B) Approval of a resolution authorizing the submission of a grant application to the Rifle-Resistant Body Armor Grant Program through the Criminal Justice Division of the Office of the Governor for \$4,499.70 to purchase eligible body armor and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
- C) Approval and ratification of the submission of the Helping Heroes Grant to the Flint Hills Resources and Koch Pipeline Company in the amount of \$4,078 to purchase MultiRAE Lite gas monitors and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant, if awarded.
- D) Approval of the submission of the Edward Byrne Memorial Justice Assistance Grant Program application to the US Department of Justice, Bureau of Justice Assistance for \$12,939, to purchase two pole cameras and authorizing the City Manager to accept funds and to execute all contract documents associated with grant, if awarded.
- E) Authorization to enter into a contract with Host Compliance, LLC, for short term rental compliance monitoring and associated services.
- F) Approval of a contract with E-Z Bel Construction and Raba Kistner Consultants for construction on Landa Street.
- G) Approval of acquisition funds for purchasing Right of Way from Milestone Crest Investments, LTD, Parcels 36, 37, and 38 on the Klein Road Improvements Project.
- H) Approval of acquisition funds for purchasing Right of Way from Select Stop 2 Holding, LLC, Parcel 35-3 on the Klein Road Improvements Project.
- I) Approval of acquisition funds for purchasing Right of Way from Laubach Partners, LLC, Parcel 16 on the Klein Road Improvements Project.

- J) Approval of an ordinance regarding the ratification and continuation of the Emergency Declaration of Local Disaster for the City of New Braunfels, Texas, ordered August 25, 2017.

Mayor Casteel read the aforementioned captions. A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Reaves, 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 Landa Park Master Plan.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

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

- B) Public hearing and first reading of an ordinance regarding a proposed amendment to Section 2.2 of Ordinance No. 2016-77, a Type 1 Special Use Permit allowing a commercial tuber entrance and takeout in the "C-4" Resort Commercial District, to allow a two year postponement to the requirement for the business to comply with Federal Law ADA requirements for a public/commercial river access point on 0.2289 acres addressed at 444 East San Antonio Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Charlotte Weston spoke during the public hearing.

A motion was made by Mayor Pro Tem Peters, seconded by Councilmember Green, that this item be approved with a condition that the postponement to the requirement for the business to comply with Federal Law ADA requirements for the public/commercial river access point is granted until December 31, 2018, or until the postponement is revoked by the Texas Department of Licensing and Regulation based on a formal complaint being filed, whichever comes first. The motion passed unanimously.

- C) Discuss and consider approval of the first reading of an ordinance granting the extension of rehabilitation tax relief for a second five year period to the property addressed as 193 W. San Antonio Street, a Local Historic Landmark known as the Jacob Schmidt Building.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

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

- D) Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards for property addressed at 1287 Gruene Road.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

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

- E) Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards and articulation requirements for a proposed diesel mechanic shop addressed at 556 Danken Lane in the "C-3" Commercial District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Wes Studdard spoke in favor of the item.

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

In Favor:

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

Opposed:

Councilmember Green

Recused:

Councilmember García

- F) Discuss and consider approval of the second and final reading of an ordinance amending Ordinance 75-10 of the City of New Braunfels Code of Ordinances to prohibit through truck traffic on California Boulevard and Lakeview Boulevard.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

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

In Favor:

Mayor Casteel, Councilmember Green, Councilmember Meadows, Councilmember Reaves, Councilmember Monceballez, and Councilmember García

Opposed:

Mayor Pro Tem Peters

- G) Discuss and consider 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 an all-way stop at the intersection of Gruene Road and Gruene Lake Drive (private street) and a private driveway.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Jerry Ford spoke in favor of the item.

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

In Favor:

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

Opposed:

Councilmember Green, and Councilmember Meadows

- H) Discuss and consider approval of a Development Agreement and Settlement and Release Agreement authorizing offsets against roadway impact fees for The Silos Subdivision, and authorizing the City Manager to execute the agreements.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

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

- I) Discuss and consider approval of the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article III, General Platting Procedures.

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

- J) Discuss and consider approval of the first reading of an ordinance amending the City of New Braunfels Code of Ordinances, Chapter 118, Platting, Article IV, Design Standards, Section 118-46 Streets.

Mayor Casteel read the aforementioned caption. A motion was made by Councilmember Reaves, seconded by Councilmember Monceballez, that this item be approved. The motion passed unanimously.

- K) Discuss and consider approval of proposed amendments to the City of New Braunfels Drainage and Erosion Control Design Manual.

Mayor Casteel read the aforementioned caption. A motion was made by Councilmember Reaves, seconded by Councilmember Green, that this item be approved. The motion passed unanimously.

5. EXECUTIVE SESSIONS

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- 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
 - Carowest Land, Ltd. v. Yantis Company and the City of New Braunfels, (2010, 2015, and 2017 cases)
 - Yantis Company vs. City of New Braunfels, et. al. (2014 case)
 - Condemnation of parcels related to Solms/Morningside/Rueckle Road Improvement Project.
- B) Deliberate the appointment, evaluation, duties, discipline, or removal of the Municipal Court Judge in accordance with Section 551.074 of the Texas Government Code.

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 7:06 p.m. to 8:10 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 in Open Session at 8:10 p.m.

No vote or action was taken.

The meeting adjourned at 8:10 p.m.

Date Approved: September 11, 2017

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary