

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

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

City Councilmembers present were:

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

Absent: 1 - Councilmember Chris Monceballez

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, Assistant City Secretary Drew Lyons, Assistant Fire Chief Patrick O'Connell, Watershed Program Manager Mark Enders, Golf Manager Chad Donegan, Parks and Recreation Director Stacey Dicke, Public Works Director Greg Malatek, and Planning and Community Development Director Chris Looney.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:01 p.m. Councilmember Garcia gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

Mayor Casteel proclaimed November 16, 2017, as World Pancreatic Cancer Day.

Mayor Casteel proclaimed November 2017 as Hospice Month.

PRESENTATIONS:

A) Hurricane Harvey response

Mayor Casteel read the aforementioned caption.

Patrick O'Connell presented information about the City's response to Hurricane Harvey.

B) Presentation and possible action regarding repairs, options, and strategies for the New Braunfels Police Department building and New Braunfels Regional Airport facilities.

Mayor Casteel read the aforementioned caption.

Bryan Woods presented the item and recommended Option B. No action was taken.

C) Update on the Dry Comal Creek/ Comal River Watershed Protection Plan and associated bacteria monitoring plan.

Mayor Casteel read the aforementioned caption.

Mark Enders presented the item.

D) Presentation and direction on proposed fee adjustments for Landa Park Golf Course at Comal Springs.

Mayor Casteel read the aforementioned caption.

Chad Donegan presented the item. No action was taken.

E) Presentation and action regarding a logo for the Das Rec, New Braunfels Recreation Center.

Mayor Casteel read the aforementioned caption.

Stacey Dicke introduced the item. Nathan Manlove presented the item.

City Council expressed interest in Option 1.

1. MINUTES

A) Discuss and consider approval of the minutes of the special City Council meeting of October 16, 2017, and the regular City Council meeting of October 23, 2017.

Mayor Casteel read the aforementioned caption.

Councilmember Green moved to approve the item. Councilmember Garcia seconded the motion which 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.

Mayor Casteel read the aforementioned caption.

No one spoke.

3. 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.

Resolutions & Action Items

- A) Approval of the appointment of one individual to the Building Standards Commission for a term ending October 26, 2019.
- B) Approval of an annual contract with ESO Solutions, Inc. for the provision of software for patient reporting services on behalf of the New Braunfels Fire Department, Emergency Medical Services program.
- C) Approval of the renewal of annual contracts for the following services: administrative support for Community Development Block Grants, ambulance billing and related professional services, fleet fuel services, and litter and floating vegetation removal services.
- D) Approval of the purchase of a front load garbage collection vehicle from Chastang's Bayou City Autocar and BTE Body Company Inc., through the BuyBoard and HGAC contracts.
- E) Approval of the purchase of vehicles from Bluebonnet Motors, Inc., Griffith Ford Seguin, LLC, and Caldwell County Chevrolet; and to declare replaced units as surplus.
- F) Approval of the purchase and installation of equipment for Police vehicles from GT Distributors, Inc., Applied Concepts, Inc. d/b/a Stalker Radar, Enforcement Video, LLC (WatchGuard), and the Lower Colorado River Authority via multiple cooperative contracts.
- G) Approval of an annual expenditure to Procore Technologies, Inc for Enterprise Construction software subscription FY 2017-18.
- H) Approval of the FY 2018 Street Improvement Plan.

Ordinances

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

- I) Approval of the first reading of an ordinance to revise the school speed zones at Carl Schurz Elementary School, New Braunfels High School

Ninth Grade Center, and Saints Peter and Paul Catholic School.

- J) Approval of the second and final reading of an ordinance amending Code of Ordinances Chapter 126 by creating Section 126-356, prohibiting parking in spaces and areas located on private property, designated for exclusive use by vehicles that display proper placard or license plates and are used for transporting persons with disabilities, and authorizing towing enforcement.

Mayor Casteel read the aforementioned caption.

Councilmember Green moved to approve the item. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

Executive Session

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.

B. 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)

Without objection, Mayor Casteel read the above caption out of order.

City Council recessed into Executive Session from 7:10 p.m. until 7:38 p.m.

No vote or action was taken.

City Council reconvened into Open Session at 7:38 p.m.

No vote or action was taken.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

Monday, November 13, 2017 New Braunfels City Council Regular Meeting

- A) Discuss and consider approval of the appointment of three individuals to the Community Development Advisory Committee for terms ending December 13, 2020.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Reaves moved to appoint Harry Bowers, John Goodwin and Marc Hamilton. Councilmember Meadows seconded the motion which passed unanimously.

- B) Discuss and consider approval of the appointment of three individuals to the River Advisory Committee for terms ending December 8, 2020.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Reaves moved to appoint Dick Hillyer, Darren Hill, and Matthew Hoyt. Councilmember Green seconded the motion which passed unanimously.

- C) Discuss and consider approval of the appointment of members to the Bond Advisory Committee.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Mayor Pro Tem Peters moved to appoint Jennifer Hillyer, Dick Hillyer, Kathy Nichols, Jack Shanafelt, and Scott Haag to the Bond Advisory Committee. Councilmember Garcia seconded the motion which passed unanimously.

Mayor Pro Tem Peters moved to appoint Joe Castilleja and Alice Jewell to the Bond Advisory Committee as at-large members. Councilmember Reaves seconded the motion which passed unanimously.

The City Council opted to wait until the December 11 City Council

meeting to appoint the final member of the Bond Advisory Committee.

- D) Discuss and consider approval of a resolution to cast 456 votes toward the election of a member of the Comal Appraisal District Board of Directors.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Green moved to allocate the City's votes evenly among the applicants. Mayor Pro Tem Peters seconded the motion which passed unanimously.

- E) Discuss and consider approval of a resolution to cast 102 votes toward the election of a member of the Guadalupe Appraisal District Board of Directors.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Mayor Pro Tem Peters moved to allocate the City's votes evenly among the applicants. Councilmember Garcia seconded the motion which passed unanimously.

- F) Discuss and consider approval of the installation of speed humps on Quail Ridge between Roadrunner Avenue and West Klein Road.

Mayor Casteel read the aforementioned caption.

Greg Malatek presented th item.

Councilmember Reaves moved to deny the item. Councilmember Meadows seconded the motion which passed unanimously.

- G) Discuss and consider approval of a resolution for the determination of right-of-way, alignment and access of the Major Collector in the City of New Braunfels Regional Transportation Plan located between S. Solms Road, Morningside Drive, the extension of W. County Line Road and Green Valley Road.

Mayor Casteel read the aforementioned caption.

Greg Malatek presented the item.

Councilmember Green moved to approve the item. Councilmember Garcia seconded the motion which passed unanimously.

- H) Discuss and consider a request for a conditional sign permit for a pole sign at the future New Braunfels Emergency Room 24-7 facility addressed at 3221 Commercial Circle.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Donna Campbell, Tom Vo, Mike Ash, LaFawn Thompson, and Marsha Kovar spoke in favor of the motion.

Councilmember Reaves moved to approve the item with staff recommendations. Councilmember Green seconded the motion. Mayor Pro Tem Peters moved to amend the item with a 50 foot tall sign. Councilmember Garcia seconded the motion to amend which failed 4-2, with Councilmembers Green, Meadows, Reaves, and Mayor Casteel opposed. Mayor Casteel moved to amend the item with a 65 foot tall sign and only one directional sign. Also, if the business becomes something other than an emergency medical clinic, the 65 foot tall sign would be reduced to a 40 foot tall sign. Mayor Pro Tem Peters seconded the motion to amend which passed 5-1 with Councilmember Reaves opposed.

The amended main motion passed unanimously.

- I) Discuss and consider an appeal of the Non-Residential and Multifamily Design Standards for property addressed at 744 IH 35 North.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Councilmember Garcia moved to deny the item. Mayor Pro Tem Peters seconded the motion which passed unanimously.

- J) Discuss and consider possible direction to staff to bring forward for Planning Commission recommendation and City Council consideration

amendments to the Zoning Ordinance, Chapter 144 of the Code of Ordinances, regarding Special Use Permits.

Mayor Casteel read the aforementioned caption.

City Council gave direction to improve the ordinances regarding special use permits, and eventually take possible changes to the Planning Commission and City Council.

- K) Discuss and consider possible direction to staff to bring forward for Planning Commission recommendation and City Council consideration amendments to the Zoning Ordinance, Chapter 144 of the Code of Ordinances, regarding changes to the “C-1A” Neighborhood Business District.

Mayor Casteel read the aforementioned caption.

City Council gave direction to improve the ordinances regarding neighborhood business districts, and eventually take possible changes to the Planning Commission and City Council.

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 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
- B) 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)
 - Stop the Ordinances Please, et. al. v. City of New Braunfels

- Collection action

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

Mayor Casteel read the aforementioned captions except Item B.

The City Council recessed into Executive Session from 9:05 p.m. - 10:18 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 10:18 p.m.

Mayor Pro Tem Peters moved to amend the City Manager's contract for a salary of \$200,000 effective November 13, 2017. Councilmember Reaves seconded the motion which passed unanimously.

The City Council meeting adjourned at 10:18 p.m.

Date Approved: November 27, 2017

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary