

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, DECEMBER 11, 2017**

The City Council of the City of New Braunfels, Texas, met in Regular Session on December 11, 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, Assistant City Secretary Drew Lyons, Planning and Community Development Director Chris Looney, Plans Examiner Adriana McDonald, Park Ranger Assistant Superintendent William Curro, Urban Forester Jess Divin, Parks and Recreation Director Stacey Dicke, Real Estate Manager Matt Eckmann, River Operations Manager Amy Niles, Downtown Development Coordinator Amy McWhorter, and Public Works Director Greg Malatek.

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 Salute to the Texas Flag.

PRESENTATIONS:

A) Retiree Recognitions - Adriana McDonald & William Curro

Mayor Casteel read the aforementioned caption.

Adriana McDonald and William Curro were recognized for their retirement from the City of New Braunfels.

<Councilmember Green left the City Council meeting.>

B) Annual Economic Benchmarks Report.

Mayor Casteel read the aforementioned caption.

Michael Meek presented the item.

- C) Presentation and possible direction to staff regarding possible amendments to the City's Code of Ordinances regarding sidewalk cafes in Downtown.

Mayor Casteel read the aforementioned caption.

Amy McWhorter presented the item.

No action was taken.

- D) Presentation and possible direction to staff regarding the South Castell Avenue Visioning Plan survey results from the November 15 Public Input Meeting.

Mayor Casteel read the aforementioned caption.

Robert Camareno, Andrew Douglas, and Geoff Bley presented the item.

No action was taken.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of November 27, 2017, and the special City Council meetings of November 28, 2017, and December 4, 2017.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to approve the item. Councilmember Monceballez 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 cancellation of the second regular City Council meeting of December.
- B) Approval of contracts and contract renewals associated with the Edwards Aquifer Habitat Conservation Plan program. Authorize the City Manager to execute contracts and contract modifications for the following EAHCP projects: Old Channel Restoration, Aquatic Vegetation Restoration, Dissolved Oxygen Management and Gill Parasite Control with BIO-WEST, Inc.; Non-native Animal Species Control with SWCA; and Riparian Restoration (Old Channel) with EBR Enterprises.
- C) Approval of acquisition funds for purchasing Right of Way from Doris and Leonard Kraft, Parcel 19 on the Klein Road Improvements Project.
- E) Approval to provide Roadway Impact Fee funds to the Texas Department of Transportation for the construction of the Loop 337 and Hanz Drive traffic signal as part of the Loop 337 Improvement Project.
- F) Approval to submit the 2016 Community Development Block Grant Consolidated Annual Performance and Evaluation Report to the Department of Housing and Urban Development.
- G) Approval of a resolution authorizing the City Manager to enter into an Agreement with Richard J. Leidl, P.C. for federal legislative services on behalf of the City of New Braunfels.
- H) Approval of an annual contract with Clean Harbors Environmental Services, Inc. for the collection, management, and disposal of household hazardous waste accepted at City-sponsored events.

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 revising the school speed

zone at Lone Star Early Childhood Center.

- J) Approval of the first reading of an ordinance establishing a school speed zone on a portion of Klein Meadows for New Braunfels Middle School.
- K) Approval of the first reading of an ordinance amending Article VI Section 86-101 through 86-119 of the Code of Ordinances to change the date when used wristbands must be returned, clarify staff responsibilities, add a definition for holiday, and change the resident pass validity from one year to three years.
- L) Approval of the second and final reading of an ordinance regarding the proposed rezoning of Lot 1, Gruene Sunday Haus Addition addressed at 1950 Hunter Road, from "R-3" Multifamily District and "C-1" Local Business District to "C-4A" Resort Commercial District.
- M) Approval of the second and final reading of an ordinance revising Chapter 86-91 of the Code of Ordinances to amend fees at the Landa Park Golf Course.

Mayor Casteel read the aforementioned captions, except Item D which was pulled from the Consent Agenda for further discussion by Mayor Pro Tem Peters.

Councilmember Meadows moved to approve the Consent Agenda except item D. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

- D) Approval of a billboard sign lease agreement between the City of New Braunfels and Natural Bridge Caverns, Inc.

Mayor Casteel read the aforementioned caption.

Matt Eckmann presented the item.

Travis Wuest spoke in favor of the item.

Councilmember Monceballez moved to approve the item with the lease expiring August 1, 2025. Councilmember Garcia seconded the motion which passed 5-1, with Mayor Pro Tem Peters opposed.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the appointment of three individuals to the Landa Park Golf Course Advisory Board for terms ending December 31, 2020.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Reaves moved to appoint Rene Sasser, Rob Smith, and Patrick Hollis to the Landa Park Golf Course Advisory Board. Councilmember Garcia seconded the motion which passed unanimously.

- B) Discuss and reconsider a waiver from the sidewalk requirement for the replat of a portion of Lots 13, 14, 18, and 19, City Block 1015, Establishing Lots 18R and 19R, City Block 1015, that was previously voted on by the City Council on November 27, 2017.

Mayor Casteel read the aforementioned caption.

Mayor Pro Tem Peters moved to reconsider the item. Councilmember Reaves seconded the motion which passed unanimously.

Chris Looney presented the item.

Mayor Pro Tem Peters moved to approve the sidewalk waiver with no escrow required. Councilmember Garcia seconded the motion which passed unanimously.

<Councilmember Green returned to the City Council meeting.>

- C) Discuss and consider approval of the first reading of an ordinance amending Article V Section 86-7(d) of the Code of Ordinances to expand paid parking at Prince Solms Park to begin on May 1 and end on Labor Day, and to change the parking fee from \$10.00 to either \$15.00 or \$20.00.

Mayor Casteel read the aforementioned caption.

Amy Niles and Kristi Aday presented the item.

Mayor Pro Tem Peters moved to begin paid parking in Prince Solms Park on May 1, and increase the fee to \$20. Councilmember Reaves seconded the motion which passed 6-1 with Councilmember Green opposed.

- D) Discuss and consider approval of a resolution authorizing the City's intervention in proceedings at the Railroad Commission of Texas regarding CenterPoint Energy's proposed increase in rates filed on November 16, 2017; authorizing the City Manager to execute an agreement with Herrera Law & Associates, PLLC for representation in this rate increase application and intervention; and supporting the City's continued participation in the Alliance of CenterPoint Municipalities.

Mayor Casteel read the aforementioned caption.

Valeria Acevedo introduced the item. Albert Herrera presented the item.

Councilmember Meadows moved to approve the item. Councilmember Reaves seconded the motion which passed 5-2 with Councilmembers Green and Garcia opposed.

- E) Discuss and consider approval of a development agreement between the City of New Braunfels and Oak Run Property Owners' Association, Inc. for the abandonment of a portion of Timber Hollow Drive in the Oak Run Subdivision.

Mayor Casteel read the aforementioned caption.

Matt Eckmann presented the item.

Harry Bowers and Jim Collins spoke on the item.

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

- F) Discuss and consider approval of a resolution for the determination of right-of-way of E. Common Street, identified as a principal arterial in the City of New Braunfels Regional Transportation Plan, from the intersection with Loop 337 to 400 feet to the east.

Mayor Casteel read the aforementioned caption.

Greg Malatek presented the item.

Chris Van Heerde spoke in favor of the item.

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

<City Council took a break.>

- G) 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 B.

Mayor Casteel read the aforementioned caption.

Greg Malatek presented the item.

No one spoke during the public hearing.

Mayor Pro Tem Peters moved to approve the item. Councilmember Meadows seconded the motion which passed unanimously.

- H) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning request to apply a Special Use Permit to allow a vehicle storage facility in the "C-3" Commercial District on 0.716 acres out of Subdivision No. 101 of the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, Guadalupe County, Texas, addressed at 2635 S. Highway 46.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Dan McCarthy, Jeremy Hernandez, DL Schraub, Art Partida, Serapio Herrera, and Matt Engel spoke during the public hearing.

Councilmember Green moved to approve the item with staff recommendations. Councilmember Monceballez seconded the motion which failed 1-4-2, with Councilmember Green voting in favor, Councilmembers Meadows, Reaves, Monceballez, and Garcia

opposed, and Mayor Pro Tem Peters and Mayor Casteel abstaining.

- I) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning request from "R-2" Single and Two-Family District to "C-1A" Neighborhood Business District with a Special Use Permit to allow a commercial contractor's office with outdoor storage on Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Highway 46.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Mark Stewart and Linda Wolfreid spoke during the public hearing.

Mark Stewart, applicant, requested the item be postponed to the January 8 City Council meeting.

Councilmember Monceballez moved to postpone the item to January 8, 2018. Councilmember Reaves seconded the motion which passed unanimously.

- J) Public hearing and consideration of a resolution amending the 2006 Future Land Use Plan and approval of the second and final reading of an ordinance amending Ordinance No. 2016-36, the "Avery Park" Planned Development District Detail Plan, by removing 5.57 acres (Lots 43 & 44, Block A, Avery Park, Unit 1) from the "Avery Park" Planned Development District (APPD) and rezone the 5.57 acres and 21.80 acres out of the Antonio M. Esnaurizar Survey, Abstract No. 20, Guadalupe County, Texas, from "APD" Agricultural Pre-development and "C-3" Commercial District to "Avery Park 13" Planned Development District (AP13PD), adopting a Concept Plan and associated Development Standards, located north of the intersection of Avery Park Drive and State Highway 46 South.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

Councilmember Green moved to approve the item. Councilmember

Meadows seconded the motion which passed unanimously via roll call vote.

- K) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning of 9.27 acres out of Lot 1, Block 1, Starlight Terrace, Unit 2, located within the Live Oak Mobile Home Community on Ashberry Avenue, from "M-1" Light Industrial District to "B-1B" Manufactured Home Park District.

This item was pulled from the agenda by the requestor. No action was taken.

- L) Discuss and consider a request for a conditional sign permit for an electronic message sign at Today's Smile, addressed at 1592 E. Common Street.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Daniel McCutcheon spoke in favor of the item.

Councilmember Monceballez moved to approve the item with staff recommendations with the sign being a static sign. Councilmember Reaves seconded the motion.

Mayor Pro Tem Peters moved to amend the motion to include staff recommendations with a smaller monument sign but without an electronic sign. Councilmember Green seconded the motion. The motion to amend failed 2-5 with Councilmembers Meadows, Reaves, Monceballez, Garcia, and Mayor Casteel opposed.

The original main motion passed 6-1 with Mayor Pro Tem Peters opposed.

- M) Discuss and consider a request for a conditional sign permit for subdivision entry signage for Wasser Ranch Subdivision, located on Goodwin Lane at the entrances of Pader and Wipper.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Bart Swider spoke on the item.

Councilmember Green moved to approve the item with the requirement that the Wasser Ranch Planned Development District will be amended to include the subdivision entry design. Councilmember Meadows seconded the motion which passed unanimously.

- N) Discuss and consider a request for an appeal of the Non-Residential and Multifamily Design Standards for a proposed drive-through bank addressed at 1292 Loop 337.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Andrew Staskavage spoke in favor of the item.

Mayor Pro Tem Peters moved to deny the item. Councilmember Green seconded the motion which passed 5-2, with Councilmember Meadows and Monceballez opposed.

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:
- National Flight Services, Inc.
- 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.

City Council recessed into Executive Session from 10:42 p.m. - 10:55 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 10:56 p.m.

No vote or action was taken.

The meeting adjourned at 10:56 p.m.

Date Approved: January 8, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary