

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JUNE 25, 2018**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on June 25, 2018, at 6:00 p.m.

City Councilmembers present were:

Present: 7 - Mayor Barron Casteel, Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, 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, Police Chief Tom Wibert, Grants Coordinator Robin Shellard, Planning and Community Development Director Chris Looney, Planning and Community Development Assistant Director Stacy Snell, and Parks and Recreation Director Stacey Dicke.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:02 p.m. Mayor Casteel gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

PRESENTATIONS:

A) Police Department Online Reporting

Mayor Casteel read the aforementioned caption.

Tom Wibert gave the presentation.

1. MINUTES

A) Discuss and consider approval of the minutes of the special City Council meeting of June 5, 2018, and the regular City Council meeting of June 11, 2018.

Mayor Casteel read the aforementioned caption.

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

2. CITIZENS' COMMUNICATIONS

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

Mayor Casteel read the aforementioned caption.

Ronald Savage spoke about roads.

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 a resolution amending authorized City representatives to perform activities associated with the City's investment accounts in TexPool.
- B) Approval of a change order for E-Z Bel Construction on the Landa Street Project as part of the 2013 Bond Citywide Streets Program.
- C) Approval of a contract with UnitedHealthcare for healthcare administrative services for the City's self-funded medical, prescription, and vision employee benefit plans; and a contract with Cigna Dental Health of Texas, Inc. for the City's fully-insured dental employee benefit plan.
- D) Approval of the acceptance of the semiannual report from the Water and Wastewater Impact Fee Advisory Committee for the period of July 1, 2017 to December 31, 2017.

Mayor Casteel read the aforementioned captions except item B.

Item B was pulled from the agenda and no action was taken.

Councilmember Garcia moved to approve the Consent Agenda, except item B. Councilmember Hines seconded the motion which passed unanimously.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider possible scenarios for preliminary project analysis related to the Proposed 2019 Bond Projects and approval of the associated design and cost estimating firm contracts as well as direction on the selection of professional design services for any additional projects.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Jeff Rhodes, Ken Heebner, Ron Savage, Susie Waters, and John Davis spoke on the item.

Councilmember Meadows moved to approve Scenario A. Mayor Pro Tem Peters seconded the motion.

Councilmember Garcia moved to amend the motion to include moving forward with a PER for the components of an all abilities park on the existing site or perhaps another site. Councilmember Hines seconded the motion to amend which passed unanimously. The amended main motion passed unanimously.

- B) Public hearing on the draft Community Development Block Grant (CDBG) Annual Action Plan and funding recommendations for Program Year 2018.

Mayor Casteel read the aforementioned caption.

Robin Shellard presented the item.

Mario Obledo and Tricia Schneider spoke during the public hearing.

- H) Discuss and consider approval of a contract with the law firm of Terrill & Waldrop for legal services in Stop the Ordinances Please, et al. v. City of New Braunfels, Texas.

Mayor Pro Tem Peters moved to take item H out of order. Councilmember Garcia seconded the motion which passed unanimously.

Mayor Casteel read the aforementioned caption.

Valeria Acevedo presented the item.

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

- C) Public hearing and consideration of the first reading of an ordinance regarding the request for rezoning to apply a Special Use Permit to allow a mini storage facility with an on-site caretaker's residence in the "C-1B" General Business District on 1.43 acres, Lot 1, Block 1, Sam's Place Subdivision, addressed at 1705 S. Walnut Avenue.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Chris Van Heerde spoke in favor of the item.

Devlon Hogue spoke against the item during the public hearing.

Councilmember Meadows moved to approve the item with staff recommendations and the following conditions:

- 1. In addition to Building A, all exterior building facades must meet the City's minimum masonry requirements including the bottom 4 feet of masonry wainscoting.**
- 2. A minimum 5-foot rear setback.**
- 3. No masonry wall required on the rear property line.**
- 4. The property is limited to one monument sign with a maximum area of 32 square feet per sign face, a maximum height of 6 feet and a minimum setback of 6 feet with the following additional requirements:**
 - a. Signage shall be in compliance with Chapter 106, Signs, of the City of New Braunfels Code of Ordinances. The most restrictive rule prevails.**
 - b. Illumination of monument signage shall be restricted to internal illumination where only the lettering or the logo is illuminated. Logos where more than 50% of the image is white or light in color shall be restricted to 25% of the sign face.**
 - c. Flashing or chasing lights are prohibited.**
 - d. Electronic message boards are prohibited.**
 - e. There shall be no wall signs allowed (signs attached to the buildings).**
 - f. Temporary A-Frame or T-Frame sign must be stored indoors when**

business is closed.

g. All other forms of temporary signage are prohibited including, but not limited to, banners, streamers, pennants, yard flags and inflatable signs.

5. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 40 feet apart along the County Line Memorial Trail.

6. Lighting for the County Line Memorial Trail is required subject to review and approval of the proposed fixtures for compliance with the City's lighting standards. Lighting along the rear of boundary of the property is not required, but may be provided with the same standards.

7. Shade trees from the Approved Plant List (Chapter 144, Appendix A) a minimum of 3 inches in diameter (dbh) are planted no more than 25 feet apart between Buildings B, C & H and the northern property boundary.

8. All required landscaping must be irrigated with an automatic underground system.

9. Parkland Dedication and Development Fees are required prior to the issuance of a building permit.

10. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

Councilmember Hoyt seconded the motion which passed 6-1, with Councilmember Garcia opposed.

D) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow multifamily (three residential units) on one lot in the "R-2" Single and Two-family District at 509 W. Mill Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Tom Tumlinson spoke during the public hearing.

Councilmember Hines moved to approve the item with staff recommendations including a maximum of five vehicles. Councilmember Garcia seconded the motion which passed unanimously.

- E) Public hearing and consideration of the first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-3" Commercial District, on Lot 8, City Block 1073, addressed at 123 W. Merriweather Street.

Mayor Casteel read the aforementioned caption.

Judy Dickerson, Joe Sierra, and Michael Quadlander spoke during the public hearing.

Councilmember Hines moved to approve the item with staff recommendations.

The item failed due to no second to the motion.

- F) Discuss and consider approval of a Fee Assistance Program policy for Das Rec, New Braunfels Recreation Center.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

Councilmember Hines moved to approve the item with staff recommendations. Councilmember Meadows seconded the item which passed unanimously.

- G) Discuss and consider approval of the sale price and sale for lots at the Comal Cemetery.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

Councilmember Meadows moved to approve the item. Councilmember Hoyt seconded the motion which 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:
- Stop the Ordinances Please, et. al. v. City of New Braunfels
 - Floating Vegetation Management

Mayor Casteel read the aforementioned caption before item 4C.

The City Council recessed into Executive Session from 8:17 p.m. - 9:25 p.m.

City Council reconvened into Open Session at 9:25 p.m.

No vote or action was taken.

- 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 caption.

The City Council recessed into Executive Session from 11:05 p.m. - 11:13 p.m.

No vote or action was taken.

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

- 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 11:13 p.m.

No vote or action was taken.

7. **ADJOURNMENT**

The meeting adjourned at 11:13 p.m.

Date Approved: July 9, 2018

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary