MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, AUGUST 27, 2018

The City Council of the City of New Braunfels, Texas, met in a Regular Session on August 27, 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, Library Director Gretchen Pruett, Emergency Management Coordinator Andrew Cardiel, Planning and Community Development Director Chris Looney, Assistant Planning and Community Development Director Stacy Snell, Solid Waste Manager Mike Mundell, Public Works Director Greg Malatek, Chief Financial Officer Jared Werner, Watershed Program Manager Mark Enders, and Historic Preservation Officer Amy McWhorter.

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:

A) National Payroll Week

Mayor Casteel proclaimed September 3-7, 2018, as National Payroll Week.

B) Library Card Sign-Up Month

Mayor Casteel proclaimed September 2018 as Library Card Sign-Up Month.

C) National Preparedness Month

Mayor Casteel proclaimed September 2018 as National Preparedness Month.

PRESENTATIONS:

A) Prince Solms Historical Marker

Patrick Aten introduced the item.

The Partnership Committee presented the historic plaque that will be installed in Germany at the grave of Prince Solms.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of August 13, 2018, and the special meetings of August 13, 14, 15, and 18, 2018.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to approve the minutes. Councilmember Hines 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.

Nancy Bower and Shana Corzine spoke about downtown parking.

Linda Taylor spoke about Kerlick Park.

Ronnie Baker spoke about ADA accessible parking.

Evan Stiles spoke about a pedestrian crosswalk on Union Avenue at San Antonio Street.

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 purchase of traffic signal radar detection equipment

from Twincrest Technologies in the amount of $58,900.

B) Approval of a resolution authorizing the City Manager to enter into an Interlocal Agreement with Comal County to provide Household Hazardous Waste Collection events for the City of New Braunfels and Comal County.

Ordinances

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

D) Approval of the first reading of an ordinance amending Chapter 106-Signs, to move the location of Subdivision Entry Signs from Sec. 106-10(b)(13) to Sec. 106-14(b)(8)- Permanent On-Premise Sign Regulations.

E) Approval of the second and final reading of an ordinance adopting the City of New Braunfels Comprehensive Plan: Envision New Braunfels.

Mayor Casteel read the aforementioned captions, except items B and C. Item B was pulled by staff and no action was taken. Item C was pulled by Mayor Pro Tem Peters for discussion.

Mayor Pro Tem Peters moved to approve the Consent Agenda. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

C) Approval of a modification to the number of authorized positions in the General Fund - Parks and Recreation Department to support the operation of a year round swim team at the Das Rec Community Recreation Center.

Mayor Casteel read the aforementioned caption.

Kristi Aday presented the item.

Councilmember Bowers moved to approve the item with the swim team development committee be comprised of one Landa Park Dolphins board member, one swim parent of a year round swimmer, someone with swim officiating or coaching experience (non-employee), Councilmember Harry Bowers, and a year-round swimmer. Councilmember Hines seconded the motion which passed unanimously.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A) Discuss and consider the approval of the first reading of an ordinance prohibiting the intentional feeding of wildlife within City Limits.

Mayor Casteel read the aforementioned caption.

Mark Enders presented the item.

Tim Lookingbill, Ken Wunderlich, Carol Deneke, Cathy Talcott, Josephine Fulgham, Randy Gathany, Tom Talcott, Ronnie Baker, and Lorri Heffley spoke on the item.

Councilmember Garcia moved to approve the item with the minimum fine set at $75 and the maximum fine set at $300. Councilmember Hines seconded the motion. Councilmember Hines moved to amend the motion to exclude deer feeders from the ordinance on properties with permits to hunt. Councilmember Garcia seconded the motion which passed 5-2 with Mayor Casteel and Councilmember Hoyt opposed. Councilmember Hoyt moved to amend the motion to set the maximum fine at $500. Councilmember Meadows seconded the motion which passed 4-3 with Mayor Casteel and Councilmembers Hines and Garcia opposed. The amended main motion passed 6-1 with Councilmember Garcia opposed.

<City Council took a break.>

B) Public hearing and first reading of an ordinance regarding the proposed zone change from “C-3” Commercial District to “MU-B” High Intensity Mixed Use District for Lot 2, Block 1, Executive Park, Unit 2, containing 1.53 acres, and addressed at 556 Danken Lane.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia recused herself from the item.

Chris Looney presented the item.

No one spoke during the public hearing.

Councilmember Meadows moved to approve the item.

Councilmember Bowers seconded the motion which passed unanimously (6-0).

C) Public hearing and first reading of an ordinance rezoning 0.953 acres out of the JM Veramendi A-20 Survey, addressed at 1671 State Highway 46 South, from "APD" Agricultural/Pre-Development and "C-1" Local Business Districts to "MU-B" High Intensity Mixed Use District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

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

D) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on approximately 0.32 acres, on property addressed at 612 E. Common Street.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Kathryn Welch spoke during the public hearing.

Mayor Pro Tem Peters moved to approve the item with a requirement that a concrete apron be constructed at the driveway from the pavement to the property line. Councilmember Hoyt seconded the motion which passed unanimously.

E) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to 8.33 acres to allow self-storage warehouses including an onsite manager's living quarters, outside boat and RV storage, and/or single story office buildings in the "APD" Agricultural/Pre-Development District and the proposed rezoning of one acre from "APD" Agricultural/Pre-Development District to "C-1B" General Business

District, addressed at 1938 FM 1044.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Michael Kramm, Cori Fey, Paul Williams, and John Seidel spoke on the item.

Councilmember Hines moved to approve the item with staff recommendations. Councilmember Meadows seconded the motion. Councilmember Bowers moved to amend the motion that the masonry wall be eight feet tall. Mayor Pro Tem Peters seconded the motion which passed unanimously. The amended main motion passed unanimously via roll call vote.

F) Public hearing and first reading of an ordinance designating 0.2475 acres out of City Block 4029, Lot 3, addressed as 941 Lee Street, as a Historic Landmark to be known as the Schulz-Johnson House.

Mayor Casteel read the aforementioned caption.

Amy McWhorter presented the item.

No one spoke during the public hearing.

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

G) Public hearing and first reading of an ordinance designating 0.124 acres out of City Block 4062, Lot 3, addressed as 546 South Academy Avenue, as a Historic Landmark to be known as the Bartels-Kelly House.

Mayor Casteel read the aforementioned caption.

Amy McWhorter presented the item.

No one spoke during the public hearing.

Mayor Pro Tem Peters moved to postpone the item to the October 8 City Council meeting. Councilmember Hoyt seconded the motion

which passed 6-1 with Councilmember Garcia opposed.

H) Discuss and consider approval to authorize the City Manager to enter into an agreement to amend the Waste Management of Texas Inc. Disposal Agreement for a term of five years with two three-year extensions upon mutual written agreement for the disposal of municipal solid waste.

Mayor Casteel read the aforementioned caption.

Mike Mundell presented the item.

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

I) Discuss and consider approval to authorize the City Manager to enter into a license agreement between the City of New Braunfels and Springfed Investments, LLC for encroachments in the public right-of-way at 290 South Castell Avenue.

Mayor Casteel read the aforementioned caption.

Greg Malatek presented the item.

Stephen Hanz spoke on the item.

Mayor Pro Tem Peters moved to postpone the item to the September 4 City Council meeting. Councilmember Hines seconded the motion which passed unanimously.

<City Council took a break.>

J) Discuss and consider approval to authorize the City Manager to enter into a license agreement between the City of New Braunfels and DM3 Ventures, LLC for encroachments in the public right-of-way at 748 West San Antonio Street.

Mayor Casteel read the aforementioned caption.

Greg Malatek presented the item.

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

K) Discuss and consider approval of an ordinance authorizing the issuance of City of New Braunfels, Texas Limited Tax Notes, Series 2018; prescribing the form of the note; levying an ad valorem tax to pay the note; awarding the sale thereof; and enacting other provisions relating thereto.

Mayor Casteel read the aforementioned caption.

Jared Werner and Mark McLiney presented the item.

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

L) Discuss and consider approval of an ordinance authorizing the issuance of City of New Braunfels, Texas General Obligation Bonds, Series 2018; authorizing the levy of an ad valorem tax in support of the bonds; approving an official statement, a paying agent/registrar agreement, and other matters relating to the issuance of the bonds.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

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

M) Discuss and consider approval of a resolution recommended by the New Braunfels Economic Development Corporation for a project expenditure of up to $500,000 to US Real Estate Limited Partnership I-35 Logistics, LLC, for construction of required or suitable infrastructure necessary to promote or develop new or expanded enterprises.

No action was taken.

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 issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:
· US Real Estate Limited Partnership I-35 Logistics, LLC (Stream Realty)

B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
· Property for City Facilities

C) 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 10:15 p.m. - 10:59 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 10:59 p.m.

No vote or action was taken.

7. ADJOURNMENT

The meeting adjourned at 11:00 p.m.

Date Approved: September 10, 2018

_____
Barron Casteel, Mayor

Attest:

_____
Patrick Aten, City Secretary